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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by Réseau Africain pour le Développement, la Gouvernance et les Droits Humains (RADHEG), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

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* Issued as received, in the language of submission only.



Refugee Camps Run by Armed Groups: What Is the Role of the International Human Rights Mechanisms

Introduction:

In recent years, the eruption of several highly violent armed conflicts has led to unprecedented waves of displaced persons and refugees, resulting in extremely challenging situations that the international community struggles to manage. While the plight of refugees and displaced persons in Europe is often mitigated by the presence of active and independent human rights defenders and political actors with mechanisms to hold their governments accountable to their international human rights and international law commitments, the situation in other continents is markedly different. Refugees in these regions suffer from extreme vulnerability, confined to camps under the control of violent armed groups, where the principles of human rights and international law are flagrantly disregarded.

The situation in refugee camps in Africa underscores the urgent need for the international community to pay greater attention to the suffering of refugees outside Europe and to the imperative to strengthen international mechanisms for protecting human rights and ensuring that all refugees, regardless of their location, receive the protection and support they need. The international community must take decisive action to address these issues, ensuring that the principles of human rights and international law are upheld universally.

Background

The Tindouf refugee camps, located in southwestern Algeria, often presented as hosting exclusively Sahrawis from Western Sahara, shelters a significant number of individuals from other nationalities, including Mauritians, Algerians, Malians, and other groups who have been deported by the host country, Algeria, and the Frente Polisario. One critical aspect of this manipulation is the steadfast refusal by the Frente Polisario and Algeria to permit a comprehensive and transparent census of the camp populations. This refusal stems from a deliberate attempt to conceal the true numbers and identities of those living in the camps, including the civilians forcibly deported there.

By preventing a census, the Frente Polisario and Algeria maintain a façade that supports their political objectives while continuing to manipulate the humanitarian assistance directed towards the camps, and this lack of transparency further exacerbates the vulnerabilities of the camp inhabitants and complicates efforts to address their human rights and humanitarian needs.

Algeria has failed to meet its international human rights obligations, specifically in protecting the rights of refugees on its territory. International human rights law mandates that state parties must protect and promote human rights within their territories. However, and as has been stressed by the UN Human Rights Committee in 2018, Algeria's de facto devolution of jurisdictional authority to the Frente Polisario, which militarizes the Tindouf refugee camps, represents a significant breach of these obligations.

Responsibility of International Mechanisms:

The international community, through its various human rights mechanisms, holds a responsibility to intervene when state parties fail to protect human rights. The involvement of armed groups in managing the Tindouf refugee camps violates multiple provisions of international law, including the Geneva Conventions and the UNHCR mandate. The failure to address these violations undermines the credibility and effectiveness of the international human rights instruments.

The Geneva Conventions outline the protections afforded to civilians, including refugees. The UNHCR has a mandate to protect refugees and seek durable solutions to their plight. However, the current situation in these camps demonstrates how the host country as well as the Frente Polisario undermine the existing UNHCR measures to provide this protection.

Reports from reputable organizations, such as France Liberté and Human Rights Watch, have documented severe abuses in the Tindouf refugee camps, including extrajudicial killings and arbitrary detention. France Liberté has reported instances of extrajudicial killings in the camps, highlighting the lack of accountability and justice for the victims. The Human Rights Watch report titled "Off the Radar" has documented cases of arbitrary detention, torture, and other forms of ill-treatment by the Frente Polisario, underscoring the importance of state accountability in protecting human rights within its territory.

Fadel Breika, a Sahrawi activist, exemplifies the courage of those who have broken the silence to report abuses. His case, which involves arbitrary detention and torture, has been brought to international attention, exposing the grim realities within the camps. The secret detention centers operated by the Frente Polisario highlight the severe human rights violations occurring away from international scrutiny.

Breika's case is not an isolated incident but part of a broader pattern of abuses perpetrated by the Frente Polisario. His detention and torture were documented and reported to international human rights mechanisms, shedding light on the dire conditions faced by refugees in the camps. This case serves as a stark reminder of the urgent need for effective protection and accountability mechanisms.

Challenges Faced by Human Rights Defenders

Despite these revelations, human rights defenders in the camps continue to face significant challenges. The UN's perceived inaction, including the lack of response to appeals for visits to the camps, has led to disillusionment among the refugee community. Special Rapporteurs visiting Algeria missed crucial opportunities to address the refugees' plight, leading to feelings of abandonment and frustration.

Human rights defenders in the camps risk their lives to document and report abuses. However, their efforts are often met with indifference from international mechanisms. The lack of response from the UN and other international bodies to their appeals for visits and investigations further exacerbates their sense of isolation and vulnerability. This perceived neglect undermines the credibility of international human rights mechanisms and diminishes the hope for justice and protection among the refugees.

The Sahrawi human rights defenders have placed great hope in the United Nations' mechanisms, particularly the visits by Special Rapporteurs. These visits are seen as crucial opportunities for the international community to recognize and address the severe human rights violations occurring in the camps. However, the repeated failure of these Rapporteurs to extend their visits to the camps has led to a deep sense of frustration and betrayal among the refugee community:

1. **Missed Opportunities for Accountability:** The visits of UN Special Rapporteurs to Algeria are seen as critical junctures where international scrutiny could be applied to the conditions in the Tindouf refugee camps. Each time a Special Rapporteur visits Algeria without addressing the situation in the camps, it is perceived as a missed opportunity to hold the responsible parties accountable. This neglect suggests a lack of commitment to the comprehensive protection of human rights within the country.
2. **Perceived Indifference and Abandonment:** The repeated inaction of the Special Rapporteurs is perceived as indifference to the plight of the camps populations. Human rights defenders in the camps feel abandoned by the very international mechanisms that are supposed to protect them. This perceived indifference undermines the credibility of the UN's human rights apparatus and demoralizes those who have risked their lives to bring these issues to light.
3. **Impact on Trust in International Mechanisms:** The lack of response from Special Rapporteurs erodes the trust that refugees and human rights defenders have in international human rights mechanisms. When their calls for visits and investigations go unanswered, it sends a message that their suffering is not important enough to warrant attention. This lack of trust can have long-term detrimental effects on the willingness of victims to engage with international bodies.

4. **Reinforcement of Impunity:** The absence of international oversight allows the perpetrators of human rights abuses to operate with impunity. The failure of Special Rapporteurs to visit the camps and report on the conditions there reinforces the sense that the international community is turning a blind eye to these violations. This impunity emboldens the perpetrators and perpetuates the cycle of abuse.

Conclusion and Recommendations

The neglect by UN Special Rapporteurs to visit the Tindouf refugee camps and address the severe human rights violations therein is a glaring oversight that demands immediate rectification. The international human rights mechanisms must take decisive action to address these abuses and restore the trust of the Sahrawis in the UN system. Specific recommendations include:

1. **Mandatory Visits to Refugee Camps:** UN Special Rapporteurs visiting Algeria should make it mandatory to include visits to the Tindouf refugee camps in their itinerary. This would ensure direct engagement with the victims and a firsthand assessment of the conditions.
2. **Transparent Reporting and Follow-Up:** Special Rapporteurs should provide transparent and detailed reports on their findings, including specific recommendations for action.
3. **Increased International Pressure:** The international community should increase pressure on Algeria to facilitate unhindered access to the camps for UN Special Rapporteurs and other international observers.

The international community must act decisively to address these human rights violations and protect the camps population. Failure to do so will not only perpetuate their suffering but also undermine the integrity of international human rights law. The suffering of the Sahrawi on the Algerian territory is a test of the international community's commitment to upholding human rights and ensuring justice for the most vulnerable.
