

Foreign journalists who visit the camps these days are generally free to move about the camps without minders or being visibly monitored. However, in at least one incident, Polisario authorities confronted journalists working on a story that would have brought them unwelcome coverage and, in effect, forced them to leave.

Australian filmmakers Dan Fallshaw and Violeta Ayala had come to the camps in April 2007 to film a documentary on Sahrawis separated for a generation by the Berm (see Historical Background section, above). On this visit, they encountered aspects of slavery that continued to be practiced in the camps against members of the dark-skinned minority. They had been filming scenes and interviews to support their findings when, on May 2, Polisario officials confronted and detained them. According to Ayala, the Polisario officials asked them to surrender their film footage in exchange for their release. Fallshaw and Ayala refused. After negotiations in the presence of UN officials, the Polisario released them later the same day. Although the Polisario did not expel Fallshaw and Ayala from the camps, the pair left the camps anyway, judging that it would have been too hazardous for them to continue their investigation.<sup>269</sup> The Polisario denied ever detaining the filmmakers.<sup>270</sup>

## Places of Detention

According to Justice Minister Hamada Selma, at present there are four places of detention in the Tindouf camps: a men's prison near Rabouni camp, a women's prison near Smara camp, a center for juvenile offenders, and a facility for housing women who have had children out-of-wedlock, near the old National Hospital, outside of Smara camp.

The Polisario denies that there are any other places of detention besides these facilities and the holding cells located in police stations. Some facilities that were used in the past as prisons, such as edh-Dhahibiya and er-Rachid, are no longer prisons, Selma said. Edh-Dhahibiya was closed around the beginning of 2007.

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<sup>269</sup> Email communication from Violeta Ayala to Human Rights Watch, April 14, 2008. See Reporters Without Borders, "Polisario Front briefly detains two Australian filmmakers at refugee camp," press release, May 9, 2007, [www.rsf.org/article.php3?id\\_article=22046](http://www.rsf.org/article.php3?id_article=22046) (accessed December 6, 2008).

<sup>270</sup> For the Polisario's version of the incident involving Fallshaw and Ayala, see "The Case against 'Born in Captivity,'" a brochure issued by the SADR Ministry of Culture in 2008.

There are persistent allegations that the Polisario operates secret places of detention. With respect to the period we examined – 2006 to the present – no one we interviewed, including Sahrawis who had recently worked in the Polisario security forces before resettling in the Moroccan-controlled Western Sahara, claimed to have information about unacknowledged places of detention or of prisoners being held in secret. However, more than one said that the Polisario did operate such facilities in the past.

Minister Selma invited Human Rights Watch on November 10 to visit any of the detention facilities we wished to see. We asked to visit the men's prison and went there that evening. The prison is located in a walled compound about one-half hour's drive from Rabouni camp. Officials allowed us to walk around freely in the prison and to interview prisoners at will. The prison director told us that, at the time of our visit, the facility held 21 civilian prisoners and three military prisoners. Most of the inmates lived in two group cells. A few lived in two-man cells.

The very small population of the facility made it unlikely that, even in the private, one-on-one interviews we conducted, inmates felt that they could criticize to us the prison administration or the authorities without their identities becoming known. For this reason, while welcoming the Polisario's willingness to let us tour the prison, we cannot consider our visit to have been thorough.

The prison director told us that all of the inmates had been sentenced for common crimes. The longest sentence was fifteen years, imposed for a homicide committed in the course of a robbery. We met one prisoner who was serving a five-month sentence for auto theft. He had been caught red-handed and confessed to the deed, he said, and had no complaints about the process or his punishment. None of the several prisoners we interviewed stated that any of their fellow prisoners was being held for anything other than common criminal offenses.

Our informal visit to the prison did not permit a careful evaluation of the material conditions. We were nonetheless concerned by the wing of punishment cells, which were unfit for human habitation, even if inmates are permitted to leave them for extended periods each day.

We received contradictory information about the maximum period of time prisoners could be reassigned to a punishment cell: One source said 20 days, another said 30. At the time of our visit, two men were confined in the punishment wing. Its cells measured approximately 1.5 meters wide by 2 meters long. The walls were moist and crumbling.

The occupant of one of these cells whom we met was visibly in poor health. He declined a request for an interview, and we could not determine whether he was there as a punishment or to isolate him from the healthy inmates. In either case, the UN Standard Minimum Rules for the Treatment of Prisoners states in Rule 10, “All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.” Also relevant is Rule 22.2: “Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals.”<sup>271</sup>

Justice Minister Selma told us that at the time of our visit there were six inmates in the women’s prison and none in the juvenile facility or in the center for holding unmarried women who had given birth or were pregnant. We did not visit any of these facilities.

However, Human Rights Watch received disturbing and contradictory information from the justice minister regarding the facility for unmarried mothers. In a meeting on November 10, 2007, Selma said the purpose of the facility was to protect these women and their children from so-called “crimes of honor.” He mentioned by way of example the case of a camp resident who had killed her out-of-wedlock child to fend off social pressure.

Selma said that a judge could confine a woman in this center without her consent if the judge determined her to be at risk. She could be released, the minister said, if

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<sup>271</sup> Standard Minimum Rules for the Treatment of Prisoners, adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977, [www.unhcr.ch/html/menu3/b/h\\_comp34.htm](http://www.unhcr.ch/html/menu3/b/h_comp34.htm) (accessed November 17, 2008).

she resolved her problem with her family, got married, or relocated to a different camp.

In a letter to SADR President Mohamed Abdelaziz, we asked the legal basis for the detention of women with out-of-wedlock children; what safeguards were in place to ensure that women and children in “protective” detention would not remain in custody indefinitely; under what circumstances women could leave the center voluntarily; and whether any persons had been prosecuted for threatening to harm unmarried female relatives who became pregnant.

Justice Minister Selma responded to our inquiry. He stated that the women in this facility, known as the Center for Maternity Assistance, are in fact prisoners serving sentences for the offense of adultery, pursuant to the SADR Penal Code.<sup>272</sup> “Generally,” he noted, “the rate at which these cases occur is between three and five per year.”

Selma wrote that the center “attends to the physical and emotional health of the woman and the health of her child, both before and after birth, and protects both of them from possible revenge attacks.”<sup>273</sup> The minister did not clarify whether authorities had prosecuted anyone for threatening to attack a woman in this situation.

On May 14, 2008, Human Rights Watch asked the Polisario to clarify whether the women housed in the Center for Maternity Assistance were all convicted prisoners serving finite terms imposed by courts of law, or included women detained preventively, either without a criminal conviction or after the completion of their sentences. Minister Selma replied without clarifying the matter:

Sahrawi law specifies that there can be no crime or punishment without a legal text and this is what makes it hard, from a legal perspective, to order any detention without a law that provides for it,

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<sup>272</sup> Article 170 of the code states, “Adultery is punishable with a one to five-year prison sentence. The same sentence is applicable to pregnant women.”

<sup>273</sup> See Appendix 6 of this report.

even if the detention is in an establishment whose foremost purpose is protection and rehabilitation .... The institution that is responsible for this kind of women [is] more social than punitive in character. As such, the judiciary imposes verdicts that are limited to a time period long enough to address the legal, psychological and social aspects of the phenomenon, to protect the mother and child, and to reintegrate the person in question into society.<sup>274</sup>

Hoping to receive a clear-cut answer, Human Rights Watch wrote back with a single question: “Are some of the women who are in this facility there "protectively" – either without having been tried and convicted of an offense, or after the expiration of a court-imposed prison term but because they are deemed to still need protection?”

The Justice Minister’s chef de cabinet, Mahfouz Lahsane, replied ambiguously, “All women who are presently in the Center for Maternity Assistance are there for their own protection and will leave once the reasons why they were entered the establishment no longer obtain.”<sup>275</sup>

Human Rights Watch does not know the conditions that prevail at the Center for Maternity Assistance. We nevertheless have concerns about the facility, whether its inmates are serving judicially imposed sentences or are confined simply for their supposed protection.

First, we oppose laws criminalizing consensual sex between adults as an infringement on the right to privacy, and urge the repeal of such statutes. No man or woman belongs in prison for such consensual acts. With respect to women at risk of “honor crimes” because of their putative sexual activity, the state has an obligation to protect them, whether or not they have been convicted of an offense. A state-run shelter for women who choose to reside in it may afford a useful means of protection, provided that each woman is free to leave. To confine a woman in such a facility who was not convicted, or who has already completed her sentence, violates her right not

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<sup>274</sup> Email communication from Justice Minister Hamada Selma to Human Rights Watch, May 17, 2008.

<sup>275</sup> Email communication from Mahfouz Lahsane to Human Rights Watch, May 24, 2008.

to be arbitrarily detained. We are concerned that the treatment of women at this facility may resemble the practices followed by other governments in the region that detain women without a trial and against their will, ostensibly for their own protection, because they are suspected of having committed “moral offenses.”<sup>276</sup> Rather than detaining potential victims of “honor crimes,” Polisario authorities should protect women and girls from violence, treat victims of violence, and ensure that those who perpetrate or threaten violence are punished. UNHCR has noted that women and girls who are victims, or face the risk, of sexual and gender-based violence should be interviewed, counseled and treated by social and community workers trained “to identify and provide remedies,” and that, rather than detention, authorities should “provide emergency relocation, if necessary, for refugee women who may be particularly exposed to abuse.”<sup>277</sup>

## Allegations of Slavery

One of the most firmly established laws in international human rights is the prohibition of slavery. When systematic or widespread, acts of slavery can constitute crimes against humanity, as reflected in the work of international criminal tribunals and the 1998 statute of the International Criminal Court.

In 2007 two Australian documentary filmmakers who had been filming in the camps stated that they had found evidence that dark-skinned refugees in the camps were victims of ongoing, traditional practices of slavery (see above, section on Freedom of Information, Expression, Assembly, and Association). Polisario officials emphasized that although Sahrawi tribes had practiced slavery in the past,<sup>278</sup> the Polisario has been committed to eradicating it. President Abdelaziz told Human Rights Watch, “If

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<sup>276</sup> In Libya, for example, women and girls suspected of transgressing moral codes are detained in “social rehabilitation” centers that are portrayed as “protective” homes but are de facto prisons, where inmates may be detained indefinitely, and where many reported abuse by guards. See Human Rights Watch, *Libya: A Threat to Society? Arbitrary Detention of Women and Girls for “Social Rehabilitation*, February 2006, [www.hrw.org/en/reports/2006/02/27/libya-threat-society-o](http://www.hrw.org/en/reports/2006/02/27/libya-threat-society-o).

<sup>277</sup> UNHCR, “Guidelines on the Protection of Refugee Women,” July 1991, para. 49 “Help for the Abused,” [www.unhcr.org/publ/PUBL/3d4f915e4.pdf](http://www.unhcr.org/publ/PUBL/3d4f915e4.pdf) (accessed December 7, 2008). See also UNHCR, “Agenda for Protection,” “Goal 6: Meeting the Protection Needs of Refugee Women and Refugee Children,” [www.unhcr.org/pubs/agenda\\_protection/en/agenda\\_for\\_protection\\_en.pdf](http://www.unhcr.org/pubs/agenda_protection/en/agenda_for_protection_en.pdf) (accessed December 7, 2008).

<sup>278</sup> According to Tony Hodges, slavery existed but there were few slaves in traditional Saharawi society. “At the top [of Saharawi society] were free qabael [tribes], known either as ahel mdafa ... or shorfa .... At the bottom of the social scale were castes of craftsmen (maalemin) and bards (iggawen), who were attached to qabael of free or tributary status, and finally the slaves (abid) and freed-yet-dependent haratin .... Together, the ahel mdafa and the shorfa constituted the overwhelming majority of Saharawis .... There were very few ...haratin and abid.” Tony Hodges, “The Western Sahara File,” *Third World Quarterly*, vol. 6, January 1984, p. 77.

you find any evidence of slavery, bring it to our attention.” Justice Minister Hamada Selma said, “Since the beginning of the revolution, we have completely forbidden slavery. Not merely through legislation, but through a campaign of consciousness-raising and investigation. Since 1976, not a single case involving slavery has been brought before the institutions of the Justice Ministry.” He added that you will find white and black families linked to one another through the relationship of “*nasib*,” [kinsmanship] but “this cannot be equated with slavery.”<sup>279</sup>

While visiting the camps, Human Rights Watch interviewed approximately eight black-skinned Sahrawis about the issue of slavery, in the 27 February camp and El-Ayoun camp. Their testimony was consistent and can be summarized as follows: Black-skinned Sahrawis constitute a small minority of the population in the camps. Some members of that minority are “owned” by “white” persons or families. An “owner” previously enjoyed broad rights, de facto, over the “slave,” but today, those “rights” are limited largely to one realm: the “owner’s” ability to grant or withhold consent for a “slave” woman’s marriage, a consent without which a religious judge (*qadi*) will decline to perform the marriage. As one Sahrawi put it, “I don’t really know if I’m a slave or free until my daughter tries to get married.” A male “slave,” on the other hand, faces no such constraint when he wishes to marry.

Slavery negates the victim’s very legal personality. It is defined as “the status or condition of a person over whom any or all the powers attaching to the right of ownership are exercised.”<sup>280</sup> It thus includes the practice whereby an “owner” can prevent a woman from marrying.

### *Allegations of Slavery as it Affects Marriage*

Our several black informants characterized the persistence of slavery as it relates to the marriage of women as a vestige of past practices that survived in spite of the Polisario’s opposition to slavery, and that is related to practices that persist in Mauritania, a neighboring country with cultural and ethnic links to the Sahrawis.

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<sup>279</sup> Human Rights Watch interview with Justice Minister Hamada Selma, Rabouni camp, November 13, 2007.

<sup>280</sup> The definition is found in Article 1(1) of Slavery, Servitude, Forced Labour and Similar Institutions and Practices Convention of 1926 (Slavery Convention of 1926), 60 L.N.T.S. 253, entered into force March 9, 1927.

Salem Ahmed Embarek, a 31-year-old resident of 27 February camp, said,

If you're a slave, you can't give your daughter in marriage. If you want to marry her to another slave, the owner might disagree .... The owner doesn't have to write his consent but has to be at the wedding for a girl. He must give her away in marriage as if she were his own daughter.

Salem continued,

We're not afraid of the government [hearing that we talked to Human Rights Watch about slavery] because they agree with us – they want to suppress this practice [slavery] .... We asked the president to fix the issue of marriage .... The president said he hadn't heard of this problem, but that he would address it.<sup>281</sup>

One woman, Halima Abbi Bilal, told Human Rights Watch that she and her three sisters had moved to the refugee camps from Western Sahara with their owner in 1978, and that at that time the Polisario successfully pressured the owner to stop forcing the sisters to provide unpaid domestic labor.<sup>282</sup> “Since that time, we have all worked for ourselves.” Yet one of Halima's three daughters, N'keltoum Mahmoud, said that her family's “owner” had, since October 2006, refused to give his consent to her marriage to a neighbor's son. Halima said:

The owner said, “If your daughter is going to marry [... we] had to give him a son to go work with him as a shepherd.” We said “no,” and he said, “Then none of your daughters can marry.”.... This sort of thing used to happen all the time but not anymore, that's why it's not right that he's doing it to us!

Halima told Human Rights Watch that when she complained to *qadi's* (judges) at the neighborhood and district levels in her camp (El-Ayoun), and at the court of first instance in a neighboring refugee camp (Aouserd), they all told her that the matter

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<sup>281</sup> Human Rights Watch interview with Salem Ahmed Embarek, February 27 camp, November 12, 2007.

<sup>282</sup> Human Rights Watch interview with Halima Abbi Bilal, El-Ayoun camp, November 13, 2007.

was in the hands of the owner. She said that she delivered a letter of complaint to the Ministry of Justice on December 10, 2006, but that officials had failed to respond.

At the time that Halima talked to us, her daughter had still not married. Halima said that although she could ask an Algerian judge in the city of Tindouf to conduct the marriage ceremony, the marriage would not be recognized in the Sahrawi camps.

The Polisario minister of justice, Hamada Selma, told Human Rights Watch that his ministry had been informed of no cases of persons being forced to marry or prevented from marrying by their owners. He added, however, that “marriage here is subject to the Maliki *madhhab* [school of Islamic jurisprudence], which requires that any *bikr* [unmarried virgin woman] – black or white – who is to marry requires the permission of the *wali al-amr* [guardian].”<sup>283</sup>

Human Rights Watch submitted to Polisario authorities an account of N’Keltoum’s case (see Appendix 3) and received the following explanation:

Questioning the local *qadi* and reviewing the relevant records he keeps proved that this woman had not contacted the *qadi* or asked him to marry her daughter to anybody....

The employee (the manager of Justice and Religious Issues in El-Ayoune province) whom the woman contacted is an administrative and not a judicial official and is not authorized to consider such cases. He told her that she had to contact her “master,” and if there is a dispute, she should refer the matter to the court.

The woman did not contact the Aouerd family court and filed no lawsuit in this regard....

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<sup>283</sup> Human Rights Watch interview with Justice Minister Hamada Selma, Rabouni camp, November 13, 2007.

Building on the above findings, the Ministry has decided to suspend the responsibilities of the above-mentioned manager because of the ... mistakes he committed....

[T]he governor of El-Ayoun Province, who had not known about the case, called Ms. Halima and told her she had the right to marry her daughter whenever she wanted and that the district *qadi* was ready to marry her to whomever she liked. Halima declared that all barriers blocking the marriage of her daughter have been removed and that she was planning to proceed with the marriage...<sup>284</sup>

Reached by telephone on May 27, 2008, Halima confirmed that since she informed Human Rights Watch in November 2007 of the obstacles to her daughter's marriage, authorities had intervened in the case and lifted all administrative obstacles. She said that governor of El-Ayoun and Polisario Front directorate member M'hamed Khadad had both paid her visits.

### *Manumission Papers*

Several camp residents told Human Rights Watch of a process whereby "owners" could free their slaves by drawing up and signing a document to that effect, and that these documents needed, further, to be stamped or otherwise authorized by officials in the camps. Almost none of the persons we interviewed, however, said they had actually seen such documents. Halima Abbi Bilal told us:

A family I know from Aouserd camp got this paper, stamped by the *qadi*. You need the stamp to say it's official and authentic in case someone later claims you as his property. First the "owner" and the *qadi* of the *daira* [district] sign it; then the *qadi* of the *wilaya* [province] stamps it.<sup>285</sup>

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<sup>284</sup> See Appendix 4.

<sup>285</sup> Human Rights Watch interview with Halima Abbi Bilal, El-Ayoun camp, November 13, 2007.

One Sahrawi man showed Human Rights Watch a one-page document that he said his family's "owner" had decided to write in order to free his slaves. The handwritten document was entitled "freeing of a slave," (*tahrir er-raqaba*). It bore the date of June 13, 2007 and an ink stamp reading, "Court of First Instance, Aouserd [camp]." (See Appendix 8.) The document states that the "owner," Mohamed Salem M'hamed Hilal, frees two women, Mbarka Hamma M'hamed and Mas'ouda Hamma M'hamed, and their children. The document appears to bear signatures over stamps that read "President of the Court" and "SADR, Ministry of Justice and Religious Affairs, Court of First Instance of Aouserd, Office of the Registrar (*Maslahat Kitaba edh-Dhabe*)." The man bearing this document explained:

[My family's owner] decided to sign this because he's old and wants to free my family before he dies. Not much has changed as a result, only that my daughters can now get married needing only my permission. This document names my wife, her sister, and their daughters. It frees two families<sup>286</sup>

Polisario officials denied that any judges or other public servants would take part in drafting or authenticating manumission documents such as this one. Justice Minister Selma told us that since slavery was illegal under SADR law, a document that implicitly recognized slavery, if only to nullify it in a particular case, had no legal value, and therefore no judge or other public servant would have taken part in drafting or authenticating a manumission document.

When Human Rights Watch showed the minister a copy of the above-mentioned document appearing to bear the ink stamp of the Aouserd court, he called it an obvious forgery. He produced an example of official stationery that bore a Ministry of Justice watermark, seal, and number, and that, he said, is the only type of stationery on which official acts could be recorded.

Asked if he could explain the alleged forgery, Minister Selma replied, "These documents are remnants from the past." he said, "People who had slaves, and

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<sup>286</sup> Human Rights Watch interview, February 27 camp, November 12, 2007. Human Rights Watch neglected to record the man's name.

wanted to do something formal to show that they had freed them, drew up such a document, maybe with the help of some *shuyoukh* (community elders).”<sup>287</sup>

A black Sahrawi who identified himself as a public official but speaking in his personal capacity told us:

The courts would not deal with such cases, because they’re between the family and the ‘owned’ person. It’s Islamic law: To free an ‘owned’ person, you just need to bring two witnesses. There are ceremonies for freeing slaves. They happen not in court but under a tent, between families. Elders are brought in, and they sign the document.<sup>288</sup>

Human Rights Watch is not in a position to determine the source or authenticity of the manumission document. One possibility is that it is neither a forgery nor a fully official document of the court, but that a local *qadi* had a hand in its preparation. A foreign scholar living in the camps told Human Rights Watch that the majority of neighborhood-level *qadi*’s were not full-fledged public employees but rather part of a traditional justice system.<sup>289</sup>

In any event, the manumission document in question closely resembles ones that have been issued in Mauritania. The issue bears further study.

### *The Case of “Saltana”*

A custody battle in a court in Spain drew attention to the issue of slavery in the Tindouf camps. The dispute involved the fate of a black Sahrawi girl known by her first name of Saltana, who, like thousands of other Sahrawi children from the Tindouf camps, spent a summer vacationing with a host family in Spain. The host family then asked a court to grant them custody of Saltana on various grounds, including that Saltana is enslaved by the family with whom she lives in the camps and does not wish to return to a life of slavery.

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<sup>287</sup> Human Rights Watch interview with Hamada Selma, Rabouni camp, November 13, 2007.

<sup>288</sup> Human Rights Watch interview with Salek ech-Cheikh Omar, El-Ayoun camp, November 13, 2007.

<sup>289</sup> Email communication to Human Rights Watch, February 18, 2008. The scholar asked to remain anonymous.

Both the Polisario and Saltana's biological mother contested this version of events, and asked the Spanish courts to order Saltana's return to the refugee camps, where the biological mother now lives.

Saltana came to Murcia, Spain at the age of eight or nine to spend the summer of 2002 with Rosa Maria Sanchez and her family. Sanchez petitioned a Spanish court successfully to allow the girl to stay on for needed medical care. Later, Sanchez claims to have discovered, through conversations with Saltana and a trip that Sanchez made to Tindouf, that in the camps Saltana lived as a slave with a white family and that the mother in this family, Guevara el-Bardi, is not Saltana's biological parent.<sup>290</sup> Sanchez added the allegation of slavery to her legal arguments in favor of allowing Saltana to remain in Spain.

Human Rights Watch did not interview Saltana. *El País* daily spoke with her, in the company of Sanchez, after Saltana had resided in Spain for six years. According to the Spanish daily, Saltana said that when she arrived in the Tindouf camps to live with the el-Bardi family:

I was told what I had to do: rise very early and do household chores, while the other children in the family attended school. For this reason, I do not want to return to Tindouf. The Sahara is not my country, and I would not return there. They would mistreat me like before, and I would go back to being a slave to this family.<sup>291</sup>

The Polisario provided an entirely different account of Saltana's life. It stated that Saltana was born in 1994 and grew up in the Mauritanian city of Zouérat with her biological mother, Knana Salek. In 2001, according to the Polisario, Knana Salek asked a visitor from the Tindouf camps, Guevara el-Bardi, to take Saltana with her back to the camps so that she could attend school there. Saltana lived with the el-Bardi family during the 2001-2002 academic year while attending elementary school. In the summer, she departed for the summer-in-Spain program.

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<sup>290</sup> Human Rights Watch telephone interview with Rosa Maria Sanchez, January 16, 2008.

<sup>291</sup> Tono Calleja, "Saltana no quiere ser esclava," *El País*, March 12, 2007, [www.elpais.com/articulo/sociedad/Saltana/quiere/ser/esclava/elpepusoc/20070312elpepusoc\\_3/Tes](http://www.elpais.com/articulo/sociedad/Saltana/quiere/ser/esclava/elpepusoc/20070312elpepusoc_3/Tes), (accessed April 24, 2008).

The Polisario argued that the host family in Spain used false claims of slavery in their legal battle to keep Saltana with them:

[Saltana] lived in the camps only for [some] months with [Guevara] el-Bardi and was enrolled and actually studying at school, which is why she could take part, like her classmates, in the summer vacation program in Spain. Had slavery been the purpose of bringing her from Zouérat, would Saltana have enrolled in school? Would she have benefited from the summer vacation in Spain ... if she had been enslaved? How and where did the Sanchez family come to know Saltana? Was she sent to them in chains?<sup>292</sup>

Rosa Maria Sanchez, when asked why a Sahrawi family would let their nine-year-old “slave” travel to Europe to summer with a Spanish family, answered that she did not know but said they had apparently sent her to Spain with a list of household products to purchase and bring back, including a solar panel and a pressure cooker.<sup>293</sup>

SOS Esclaves, the respected Mauritanian nongovernmental organization, visited Knana Salek, Saltana’s biological mother, and investigated the case. It concluded that Knana Salek’s family has no blood relationship with the el-Bardi family. While Salek did not confirm that she and her children were enslaved by the el-Bardi family, she said that her grandmother had raised Guevara el-Bardi. SOS Esclaves reported that the mother had sent Saltana to live in the Tindouf camps in order to attend school there, after Saltana had been expelled from school in Zouérat for performing poorly. SOS was careful to say they had no proof of slavery in this case but said the facts were consistent with either slavery or with trafficking in child labor. They stressed that slavery as it is practiced today does not preclude an owner permitting her “slave” to summer abroad.<sup>294</sup>

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<sup>292</sup> See Appendix 4.

<sup>293</sup> Human Rights Watch telephone interview with Rosa Maria Sanchez, January 16, 2008.

<sup>294</sup> Human Rights Watch telephone interview with Boubacar Messaoud, president of SOS Esclaves, April 24, 2008. See also SOS Esclaves’ two-page report on the case, signed by Messaoud and dated July 16, 2004.