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## SILENCE IN THE FACE OF CRUELTY: MOROCCAN DRONE MASSACRES IN WESTERN SAHARA

**Introduction:** Western Sahara<sup>1</sup> was colonised by Spain as its administering power. Chapter XI UN Charter defines Non-Self- Governing Territories as "territories whose peoples have not yet attained a full measure of self-government, including Western Sahara<sup>2</sup>". But an independence movement also began in Western Sahara itself, with the creation in 1973 of the Polisario Front, which



from then on waged a guerrilla war against Spain. And in November 1975, Spain 'ceded' the territory to Morocco and Mauritania in a bizarre agreement.

Mauritania subsequently withdrew, with Morocco extending the area under its control<sup>3</sup>.

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<sup>1</sup> This territory of almost 270,000 square kilometres lies on the western edge of the Sahara Desert, and stretches along some 1,000 kilometres of Atlantic coastline. It borders Morocco to the north, Algeria to the east and Mauritania to the south and southeast

<sup>2</sup> Non-Self-Governing Territories <https://www.un.org/dppa/decolonization/es/nsgt>

<sup>3</sup> Western Sahara: a living conflict in a forgotten area <https://www.es.amnesty.org/en-que-estamos/blog/historia/articulo/sahara-occidental-un-conflicto-vivo-in-a-forgotten-area/>

After a war that lasted 16 years, in 1988 the Moroccan authorities and the Polisario Front agreed on the so-called Settlement Plan, approved by the UN in 1991. It agreed to hold a referendum in which the Saharawi population would choose between the



*Moroccan border wall in occupied territory*

independence or integration in Morocco.

In order to carry out this agreement, MINURSO (United Nations Mission for the Referendum in Western Sahara) was created to supervise the ceasefire and implement a referendum, which has since been postponed due to the Moroccan government's refusal to hold it<sup>4</sup>.

The territory is divided by several stretches of military walls, constituting between them the longest in the world and the one that has separated the people the most, in fact, the eastern part of the wall is controlled by the Saharawi army, while the western part is controlled by Morocco.



For more than thirty years, the Saharawi people had to wait for the United Nations to take seriously the magnitude of the problem and the possible consequences. Thirty years of waiting and uncertainty.

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<sup>4</sup> Ibid

In these three decades where neither peace has reigned nor war has broken out, it was broken when Morocco carried out on Friday 13 November 2020 a military attack in the region of El Guerguerat<sup>5</sup> , in the southwest of Western Sahara, where Saharawi civilians were peacefully demonstrating<sup>6</sup> . The attack, according to the Saharawis, constituted a violation of the ceasefire agreement reached in 1991.

Following this attack, the Polisario Front considers the ceasefire with Morocco broken and declares a state of war, Polisario Front Secretary General Brahim Ghali issued a decree to end the ceasefire commitment signed in 1991, which could pave the way for a military confrontation between the two sides in Western Sahara<sup>7</sup> .

### **NEW ESCALATION, NEW VICTIM PROFILE**

Tensions between the two sides have been renewed: drones - the weapon of choice - are the new protagonists, along with state-of-the-art weapons. In this study we will analyse the effects of the Moroccan army's use of drones on civilian casualties.

A drone is defined as a land, naval or aeronautical vehicle that is remotely or automatically controlled. In fact, its range of possibilities includes aerial drones, but also land and marine drones. Any vehicle can be droned as long as there is no human being on board<sup>8</sup> .

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<sup>5</sup> <https://es.wikipedia.org/wiki/Guerguerat>

<sup>6</sup> Western Sahara : agression militaire marocaine à El Guerguerat <https://www.algerie-eco.com/2020/11/13/sahara-occidental-agression-militaire-marocaine-a-el-guerguerat/>

<sup>7</sup> The Polisario Front considers the ceasefire with Morocco broken and declares a state of war <https://elpais.com/internacional/2020-11-14/el-frente-polisario-considera-roto-el-alto-el-fuego-y-declara-el-estado-de-guerra-con-marruecos.html#>.

<sup>8</sup> the fashionable weapon: impact of the use of in international relations and contemporary international law //efaidnbmnnibpcajpcglclefindmkaj/https://www.icip.cat/wp-content/uploads/2020/11/ICIP\_RESEARCH-4\_WEB\_compressed.pdf

Drones are certainly not a completely new phenomenon in the context of armed conflict. There is a history of drones for surveillance purposes in both World War I and World War II, which were adapted for combat tasks after the Vietnam War. It was with the NATO campaign in Kosovo (1999) that "they began to think about the usefulness of attaching a missile to the UAV, which led to the creation of the Predator drone, armed with Hellfire missiles". Later, with the attacks of 11 September 2001 and the ensuing fight against terrorism, the first armed drones flew over Afghanistan (2001) and Iraq (2003)<sup>9</sup>.

Following the re-establishment of diplomatic relations with Israel, the latter has become one of Morocco's most important suppliers of military equipment and technology, including attack, surveillance and reconnaissance drones, and even suicide drones. For the acquisition of these innovative devices, Morocco is counting on the traditional financial support of Arab monarchies, which are reportedly covering the costs of these purchases.

This pioneering and cutting-edge technology has only fuelled the conflict with the Polisario Front, and the most dangerous thing is to transfer and clone the Middle East problem to the countries of North Africa and on Europe's doorstep. It is not for nothing that Algeria warned of the "serious risks of potentially dangerous regional drifts".<sup>10</sup>

Following the introduction of drones by Morocco in a new escalation, the Saharawi Mine Action Coordination Office (SMACO) acknowledges that it cannot rely on fully comprehensive data, given the difficulty of accessing information, the diversity of sources, and the fact that the data is not available from all sources.

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<sup>9</sup> the fashionable weapon: impact of the use of in international relations and contemporary international law [https://www.icip.cat/wp-content/uploads/2020/11/ICIP\\_RESEARCH-4\\_WEB\\_compressed.pdf](https://www.icip.cat/wp-content/uploads/2020/11/ICIP_RESEARCH-4_WEB_compressed.pdf)

<sup>10</sup> <https://www.rfi.fr/fr/afrique/20220413-l-alg%C3%A9rie-accuse-le-maroc-d-assassinats-cibl%C3%A9s-apr%C3%A8s-a-drone-attack-au-western-sahara>

to the sites of the events for security reasons. Even so, it has done basic research to identify the effects of these weapons on the civilian population.

An exploration of the circumstances in time and place of these aggressions clearly shows that Morocco has extended the operational geographic space of its military drones beyond military targets. Judging by the facts, it has not taken into account either spatial or temporal restrictions. There can be no doubt that these attacks constitute an open violation of basic human rights and of the UN Charter.

And according to international law experts, the objective of a conflict is not the systematic elimination of the adversary, but "the subjugation of the enemy as quickly as possible and with the minimum expenditure of human life and resources". For its part, the principle of humanity prohibits "weapons, projectiles, materials and methods of warfare of a nature to cause superfluous injury or unnecessary suffering".<sup>11</sup>

### **1. WHERE AND WHEN THE ATTACKS TOOK PLACE**

As we have already mentioned, the Saharawi population is separated from north to south and from west to east into two zones. On one side of the wall, those resisting in Moroccan-occupied territory survive in a situation of social exclusion and institutional violence. Protests and symbols of self-determination are heavily repressed, their citizens are often tortured and justice is conspicuous by its absence. The other group of the Saharawi population lives in refugee camps on Algerian territory, in some of the most inhospitable deserts in the world, deprived of even returning to their own territory. These camps are run by the Saharawi government, and they live thanks to humanitarian aid.

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<sup>11</sup> Felipe Gómez Isa. Armed attacks with drones in international law

Needless to say, drones have a great potential to fly over very different and distant areas as they can move quickly over desert, rugged or uneven terrain with real-time broadcasting of high quality images thanks to the devices they have such as cameras, sensors, infrared and satellites as they can discriminate with a high degree of accuracy between military targets and civilian population.

One of the limits is the prohibition of weapons and methods of warfare "which cause superfluous injury or unnecessary suffering". The other limit refers to the prohibition of weapons whose use is indiscriminate in nature, i.e. they are not capable of being "directed against a specific military objective<sup>12</sup>".

Still, despite this cutting-edge technology, it is pertinent to recall in this context that the following can be testified from the tracking of attacks perpetrated by Moroccan drones against civilians:

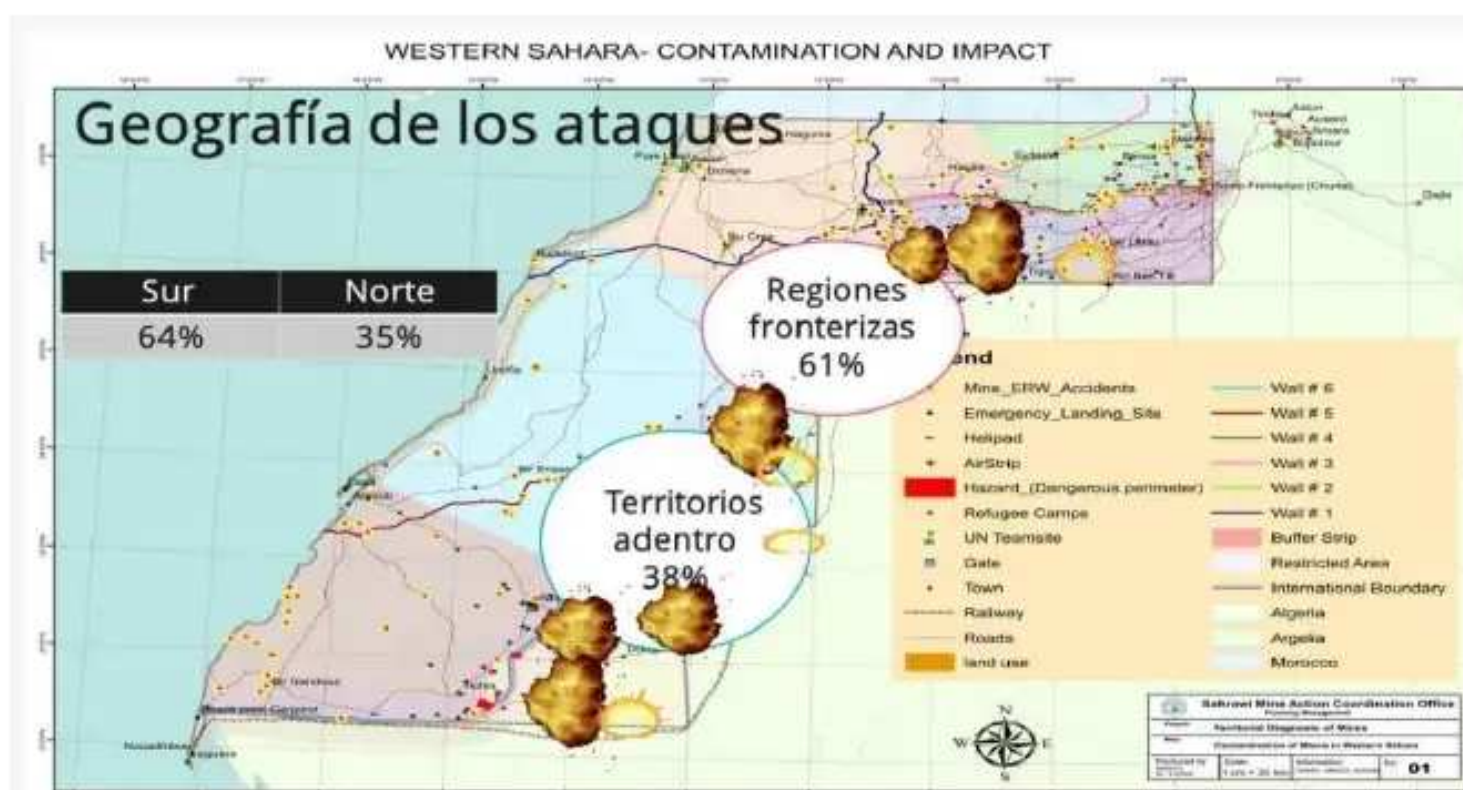
- All these attacks took place in desert terrain, open, arid and without vegetation where it is very easy to check even the colours of the cars and even the belongings and means of the victims to distinguish between military and civilian targets.
- These attacks took place in areas several or even twenty kilometres from the Moroccan wall.
- It is also obvious that these civilians do not constitute any threat to the Moroccan army, nor are they close to the site of military clashes. It is not for nothing that 65% of the attacks took place right on the international border lines.

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<sup>12</sup> Felipe Gómez Isa. Armed attacks with drones in international law



- And as we said in the previous report<sup>13</sup> , these attacks took place in areas where the Saharawi army did not operate, which meant that many victims were left for hours and days without anyone providing them with the necessary aid and evacuation services. In the case of Embarek Sbai and his friend, killed in Imrikli, they spent more than 17 days without receiving a dignified burial. Friends and relatives of victims are afraid to venture out for fear of being hit by Moroccan drones, as in the case of the young Deidih Mahmud Hueibita who was attacked alone when he tried to help some recently killed victims on 24 November 2022 in the Mauritanian-Saharawi border region of Ahfir.



*(Geography of the attacks – 61% Frontier regions / 38% inside territories)*

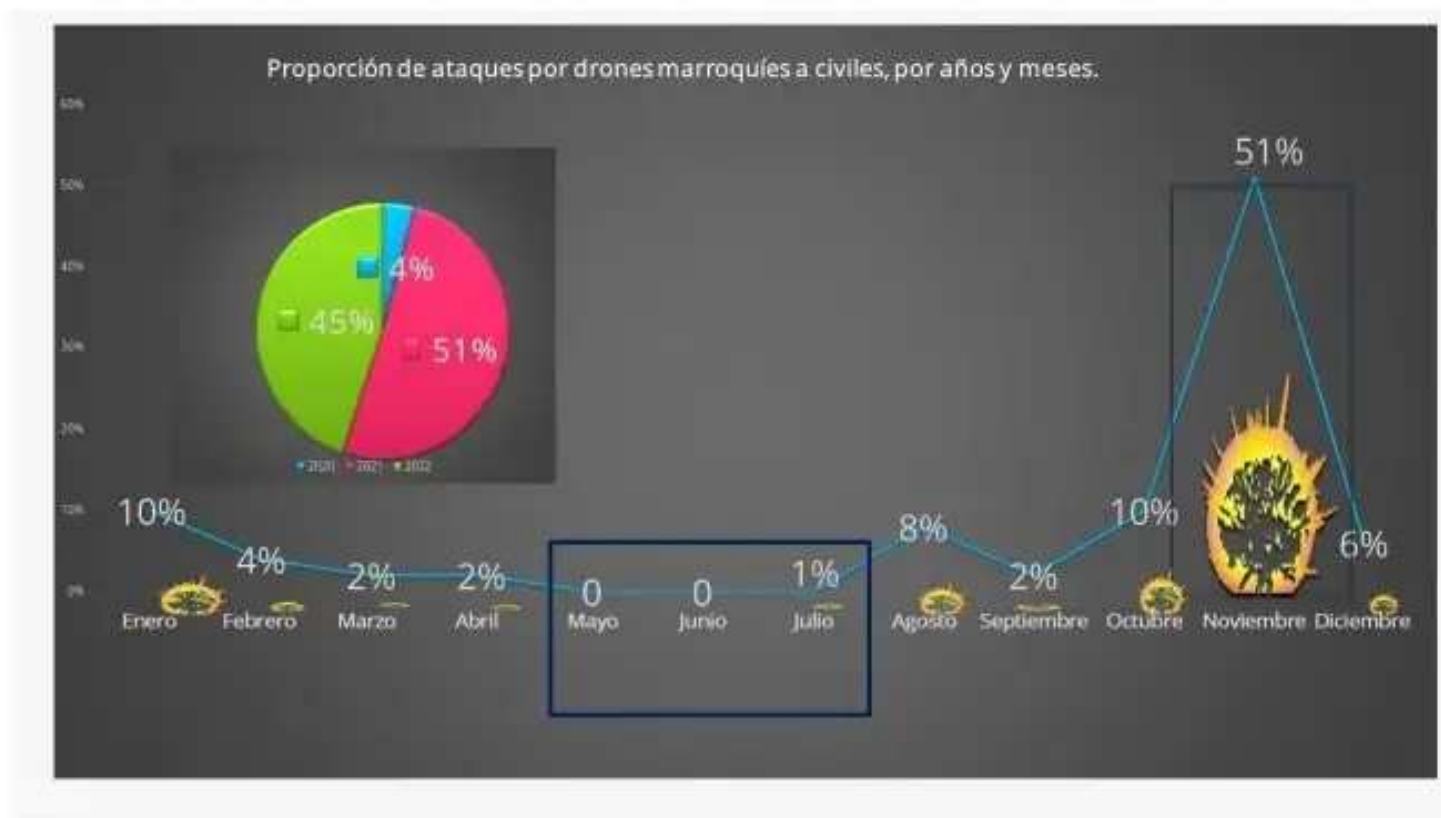
These aggressions and attacks provoked a massive flight of the indigenous people to safer areas, according to the Saharawi government around 30 to 40,000 people were living continuously or discontinuously in the liberated territories<sup>14</sup> . These groups of people formed in small communities in the localities of Tifariti, Mheriz, Agueinit, Miyec and Bir lehlu have been forced to leave their homes because of these indiscriminate attacks or to settle in Algerian territory, while others that have been forced to leave their homes because of these attacks have fled to Mauritanian territory.

<sup>13</sup> Moroccan drone attacks against civilians, a crime unpunished [https://smaco-  
ws.com/en/2022/09/07/moroccan-drone-attacks-against-civilians-a-crime-unpunished/](https://smaco-<br/>ws.com/en/2022/09/07/moroccan-drone-attacks-against-civilians-a-crime-unpunished/)<sup>14</sup> East of the Wall (EoB)



This exodus is the result of violence against them through Moroccan drone attacks, which have generated, as in other villages, a sense of terror among men, women and children, giving rise to anxiety and post-traumatic stress phenomena among the population.

The impact of the use of drones on the civilian population is not only limited to the people who are directly affected by the physical and socio-economic consequences of an attack, but the life and daily life of entire populations will be greatly conditioned by the constant overflight of these aircraft and the fear of an attack at any moment<sup>15</sup>. On the ground, this explains why many families have moved to Mauritanian territory just a few kilometres from the Saharawi border, where, according to witnesses, they often observe Moroccan drone overflights.



During 2020, 2021 and 2022, the average attack rate is 4%, 45%, and 51% respectively. The months with the highest number of attacks is November with 51%, while the lowest rate was recorded in the summer months.

<sup>15</sup> Felipe GÓMEZ ISA. ARMED ATTACKS WITH DRONES IN INTERNATIONAL LAW.

## 2. WHICH GROUPS OF PEOPLE ARE MOST VULNERABLE?

The most important requirement for a person to be considered as directly participating in hostilities is that there be a link (belligerent nexus) between the activities carried out by a particular person or group of persons and the conduct of hostilities .

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An analysis of the nature of these groups and their respective profiles shows that the attacks have not followed "suspicious patterns of behaviour", nor has it been possible to establish any relationship or link between these groups and the Saharawi military. The data would be much more alarming if we were to compare and imagine the population density in square kilometres.



*(Herders / Nomads / Traders / Gold Diggers / Travelers)*

Based on statistical analyses of the profile and activities of the victims of drone strikes, we can confirm that the most vulnerable groups are: travellers, nomads, gold diggers, traders and herders or cattle herders.

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<sup>16</sup> Ibid.

But through these targeted attacks, other objectives beyond the military were being pursued, such as trying to negatively influence the flow of transport and trade between neighbouring countries, intimidating, terrorising and panicking innocent civilians.

### 3. DISTRIBUTION OF VICTIMS BY AGE GROUP AND BY NATIONALITY

Knowing that drones are equipped with high technology in target detection, satellite connection, sensors, infrared technology, cameras, etc. this allows you to detect any type of target, regardless of its nature, at any time of day or night in its area of action.

SMACO has surveyed a total of 61 drone strikes on civilians, which have left at least 80 people of different nationalities dead or injured.

The age range of victims according to gender shows that 98.7% of victims are male, compared to 1.2% female. 96.1% are adults, while 3.8% are adolescents. Of the overall total of victims, more than 94% are under 40 years of age.



*(Saharawi / Mauritians / Algerians / other nationalities)*

Throughout these two years and two months of war, the percentage of those affected has varied by country, according to the regions attacked and the seasons of the year. For example, until 9 April 2021, when the bulk of the attacks were centred in the north, 60% of the fatalities were Saharawi, while 14.5% were Saharawi.

Mauritanians, 8.3% Algerians and 17.1% are people whose nationality has not been identified (some of them in a state of decomposition, others burnt or without documentation).

For example, after a dozen Moroccan drone attacks in the south of Western Sahara accounted for 64% of the total number of attacks, the Mauritanian death toll rose to 46%, an increase of 32% in the last six months of 2022 compared to the last report (April 2022).

According to various sources, Mauritanian citizens were killed in the south of Western Sahara, mainly in Gleibat Elfula, Miyec, Agzumal and Tagzumalet, Zgula, Agueinit, Grair lebiar, Gleib elbura, Imricli, Ahfir, Twezerfat, Zaazaiat, Laruait and other regions.

The overall number of dead and wounded are: Saharawis, 45% dead and 38% wounded; while 43% of Mauritanians are wounded compared to 54% dead. Algerians account for 4% and unidentified persons for 12%.

Several victims are killed instantly in these attacks, and those who survive after the impact spend hours and hours without anyone arriving at their location, often dying due to lack of rescue and evacuation.

The lucky ones are transferred to the medical centre in the nearest Mauritanian town of Zouerate for treatment"<sup>17</sup> .

The Algerian nationals were not safe either, three were killed and their two trucks burned in early November 2021 while they were making the "Nouakchott-Ouargla" connection 14 km from the Saharawi town of Bir lehlu.

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<sup>17</sup> <http://www.zoueratemediainfo/node/4225>

Interestingly, after killing three Algerian nationals on 1 November 2021, Morocco killed five Mauritians again just a year later in the regions of Agzamal and Tagzumalet<sup>18</sup> .

These attacks have been suffered by citizens of neighbouring countries, causing dozens of victims among the dead, wounded and displaced. They have also provoked hatred, resentment and rancour among the inhabitants of the areas towards Morocco. These attacks on Saharawi, Mauritanian and Algerian citizens have generated strong criticism and concern from various sectors of the political spectrum in these countries.

In a press release, the Algerian Presidency described this assassination as cowardly and barbaric "enunciating several factors that point to the Moroccan occupation forces in Western Sahara for having committed, with sophisticated weaponry, this cowardly assassination"<sup>19</sup> , denouncing "belligerent practices that resemble repetitive acts of state terrorism and take on the characteristics of extrajudicial executions".

These aggressions were also denounced by the Mauritanian government spokesman, Nani Ould Cherouqa, who confirmed his government's dissatisfaction over the death of Mauritanian citizens in a Moroccan drone bombing inside Western Saharan lands<sup>20</sup> .

While drones are not a prohibited weapon under international humanitarian law due to their indiscriminate nature, their use in armed conflict must at all times be governed by the principles of distinction, proportionality, military necessity and humanity<sup>21</sup> .

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<sup>18</sup> <https://alakhbar.info/?q=node/43833>

<sup>19</sup> <https://www.aps.dz/algerie/130452-assassinat-de-trois-algeriens-la-frappe-marocaine-par-drone-etait-premeditee>

<sup>20</sup> <https://www.zahraainfo.com/node/30657>

<sup>21</sup> Felipe GÓMEZ ISA. ARMED ATTACKS WITH DRONES IN INTERNATIONAL LAW.

#### 4. WHAT ARE THE MOST DANGEROUS ACTIVITIES

Virtually any person or vehicle crossing or inside Saharawi territory is targeted by Moroccan army drones.



(Activities – most dangerous causes : Gold Digging 50% / Travelling 30% / Other activities – infrastructures 19%)

But thanks to an exhaustive analysis of the most dangerous and potentially lethal activities, we have been able to find out from the database that, according to the database, the most punished are the gold diggers by 50%, these include direct attacks on excavation sites, as well as travel to and from these points. Attacks on travellers on different locations and routes accounted for 30%; and 19% involved different activities and infrastructures<sup>22</sup>.

#### 5. MATERIAL LOSSES

To this day, no final assessment has been made of the effects of these attacks on civilian property and other facilities and infrastructure of a beneficial nature to the civilian population.

<sup>22</sup> They have attacked a hospital, several private homes, water wells, and family tents, as well as dozens of camels



However, more than 51 vehicles and cars of different specifications were destroyed. 84% are 4x4 cars of the brands Toyota, Nissan and Land Rover. 9.8% are trucks, while 3.9% are tankers for the provision of drinking water for families, communities and nomads. 29% of these cars were destroyed in 2021, against almost 62% destroyed in 2022. The vast majority of the cars, 51%, are Saharawis, while 35% are Mauritians.



*(Destroyed Vehicles and transport means - Trucks 5 / 4x4 cars 44 / Water Tankers 2 / Property and infrastructures ?)*

It is clear from this data that the number of cars destroyed is inversely proportional to the number of victims, for the reason that most of the Mauritanian victims were gold diggers and travelled in groups, while the Saharawis were often in small groups and travellers.

In addition to these material losses, the Moroccan army continues with its dirty tactics targeting the livelihoods of the Saharawis and the livelihoods of several Saharawi families residing in the liberated territories. Several herds of camel carcasses, the result of a bombardment by the Moroccan army, were seen in different parts of the desert.<sup>23</sup> Food and drink are extracted from the camels, as well as a small income to subsist in the middle of the desert. These exterminations leave dozens of families without the most basic resources to survive.

<sup>23</sup> <https://www.ecsaharawi.com/2020/11/el-ejercito-marroqui-apunta-los-medios.html>

## **6. THE PRINCIPLES OF DISTINCTION, PROPORTIONALITY, MILITARY NECESSITY AND HUMANE NECESSITY**

The proportionality of an attack depends on the military significance of the target. As stated in Article 51(5)(b) of Protocol I Additional to the Geneva Conventions, they are considered indiscriminate attacks and are therefore prohibited.

SMACO has had access to information on two cases, one military and one civilian, in which these principles have not been respected.

The first is the case of young Deidih Mahmud Hueibita who was killed when he was hit by a rocket from a drone on 24 November 2022 in the Mauritanian-Saharawi border region of Ahfir.

The other case, the only military case we have dealt with in this study, is to testify to this disproportionality, and it is the case of the young Jatra Buchraia, who according to his companion, another soldier, Ahmed Salem Brahim Mohamed, who was driving the car, said that "we were attacked east of Tmeimchet Agzumal, on 25 November, at about 13.20 h., we were hit by the first rocket, the impact threw me out of the car, it stayed several metres away, and when it stopped my companion came to help me, he tried in vain to carry me, he was thrown out of the car, We were hit by the first rocket, the impact threw me out of the car, it kept going for several metres, and when it stopped my passenger came to help me, he tried in vain to carry me, he was hit by another rocket directly and I only saw a cloud of smoke and several pieces of his body

hit me like shrapnel. Another gold prospectors' car following the survivor saw the first explosion, came to the rescue and was shot down, killing the occupants<sup>24</sup>.

## **7. HAS USED THERMOBARIC MUNITIONS AGAINST CIVILIANS?**

The Bayraktar TB2 drone's munitions are the MAM family of air-to-ground missiles capable of striking targets at a range of up to 8 to 14 km. In addition, they can employ a variety of



replaceable fragmentation, thermobaric or tandem cumulative ammunition types<sup>25</sup>.

<sup>24</sup> Statement by survivor Ahmed Salem Brahim Mohamed, 12/01/2023.

<sup>25</sup> [https://root-nation.com/es/articles-es/equipamiento-militar-es/es-resena-uav-bayraktar-tb2-que-beast\\_class/#Bayraktar\\_TB2\\_combat\\_equipment](https://root-nation.com/es/articles-es/equipamiento-militar-es/es-resena-uav-bayraktar-tb2-que-beast_class/#Bayraktar_TB2_combat_equipment)

The appearance of charred bodies in attacks in some areas, and especially north of Tagzumalet with severe burns that have caused the instant death of at least five gold panners, while others were seriously injured. This shows that they are being attacked by unconventional munitions. It is not excluded that these munitions are from thermobaric weapons.

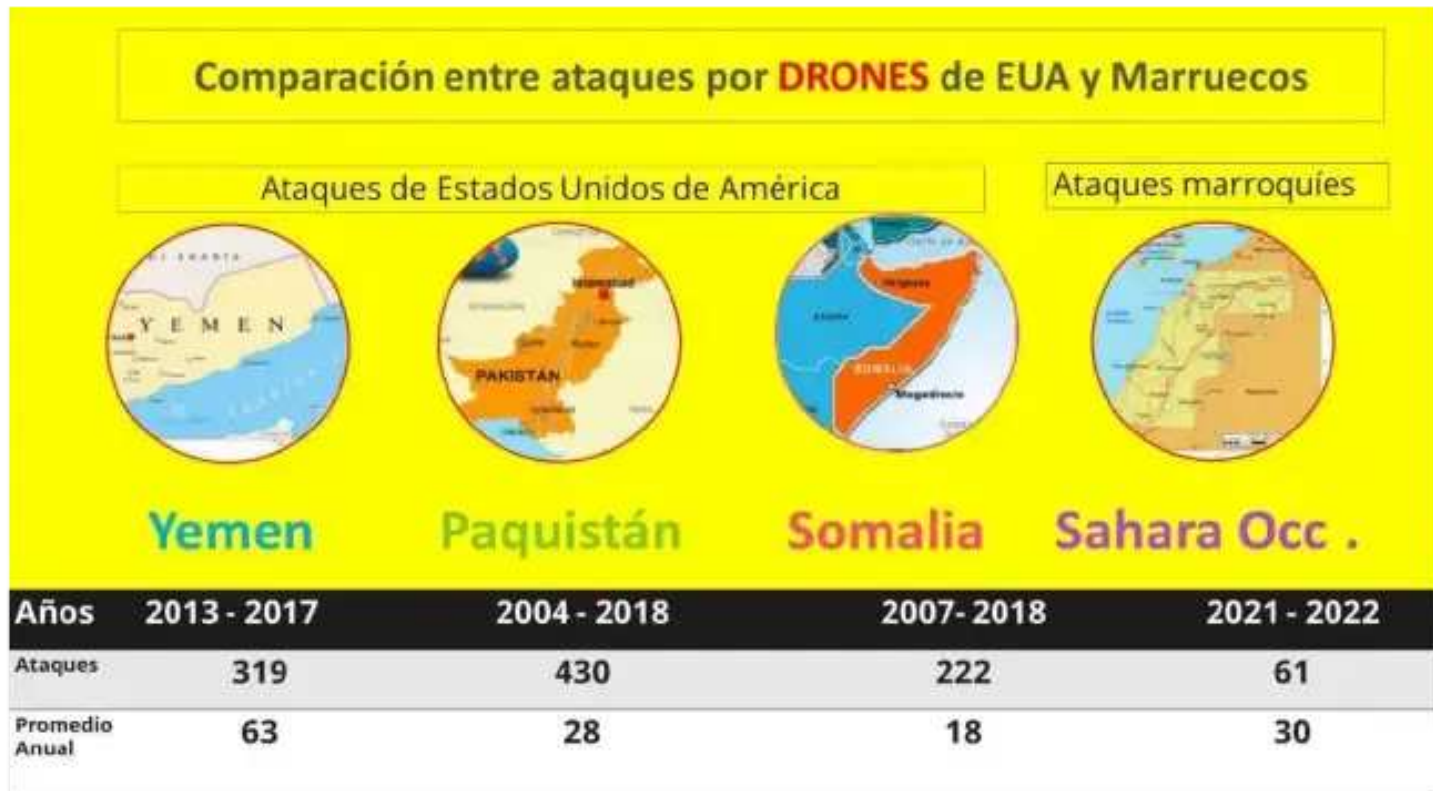


These munitions are a subclass of volumetric weapons, consisting of a fuel tank and two separate explosive charges. When launched, the first charge detonates and disperses the fuel particles, while the second charge ignites the dispersed fuel and oxygen in the air, creating a blast wave of extreme pressure and heat<sup>26</sup>.



<sup>26</sup> <https://www.rtve.es/noticias/20220304/bombas-racimo-termobaricas/2301928.shtml>

## 8. COMPARISONS



The Bureau of Investigative Journalism<sup>27</sup> said that between 2010 and 2020, it tracked and investigated US drone strikes and other covert actions in Pakistan, Afghanistan, Yemen and Somalia.

As can be seen in the graph, among the three countries attacked by the United States of America, only Yemen exceeds the number of attacks perpetrated by Morocco in Western Sahara. And if we were to add up the annual average of these attacks over 32 years between these four countries, we would find that 40% of them were directed against civilians in Western Sahara, in just two years.

<sup>27</sup><https://www.thebureauinvestigates.com/projects/drone-war>



## CONCLUSIONS AND FACTORS TO CONSIDER

A first aspect to be analysed is the nature and extent of the drone attacks, i.e. whether these attacks can be considered to have crossed the threshold required to qualify as an "armed attack", as required by the UN Charter, which opens the door to legitimate self-defence<sup>28</sup>, since no link or nexus between these civilians and the Saharawi army military has been established.



If the protection of the victims of international armed conflicts is covered by Protocol I Additional to the Geneva Conventions of 1949, how can one justify the absence and intervention - in situ - of major institutions such as the International Red Cross and the disinterest, neglect and abandonment of institutions and NGOs such as Human Rights Watch and Amnesty International, which should be monitoring and following up these crimes, only strengthen Moroccan intransigence to continue committing these violations with total impunity.

<sup>28</sup> Felipe GÓMEZ ISA. ARMED ATTACKS WITH DRONES IN INTERNATIONAL LAW.

What is strange and shocking is that Morocco has never acknowledged either officially or unofficially attacking these civilians, nor has it ever expressed its condolences to the families of the victims, let alone any reparation process, and refuses even an official apology to the victims' countries.

More info: [www.smaco-ws.com](http://www.smaco-ws.com)

Chahid Elhafed Buyema, Rabouni, 22 January 2023