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Madrid, June 1 (RHC)-- Spain's High Court on Tuesday turned down a request for Western Sahara independence leader Brahim Ghali to be taken into custody, saying the plaintiffs in a war crimes case against him had failed to provide evidence he had committed any crime.

The Polisario Front leader, who has been hospitalised in the Spanish city of Logrono for more than a month, appeared remotely before the court in Madrid. He and other Polisario Front leaders are accused by human rights groups and Western Sahara individuals of genocide, murder, terrorism, torture and disappearances, a court document said. He denies any wrongdoing.

“The prosecution report has not provided elements of evidence supporting the existence of reasons to believe he is responsible of any crime,” a court document said.

Ghali’s presence in Spain has triggered a diplomatic crisis between Madrid and Rabat. His Algeria-backed Polisario Front is fighting for the independence of Western Sahara, which was a Spanish colony until the mid-1970s, when it was annexed by Morocco. It has since been illegally considered by Morocco as part of its territory.

The Spanish government says the 71-year-old rebel leader was allowed treatment in Spain as a humanitarian gesture after falling seriously ill with COVID-19. But the move angered Morocco and led Rabat to relax border controls which allowed thousands of migrants and refugees to enter Spain’s North African enclave of Ceuta last month.

Shortly after Tuesday’s court decision, Spanish government spokeswoman Maria Jesus Montero said she expected diplomatic relations with Morocco to return to normal in the coming hours. But despite her optimism, the decision not to detain Ghali was likely to anger Morocco.

Rabat has withdrawn its ambassador to Madrid and says it will not fill the position if Ghali leaves Spain under what it calls "the same cloak of secrecy used for his arrival" and without answering the allegations he committed crimes.

Prosecution lawyer Mariana Delmas said she had sought preventive measures against Ghali to stop him from leaving the country. However, the court said it did not consider him a flight risk.

Ghali’s lawyer Manuel Olle said his client, who travels on an Algerian diplomatic passport, will stay in Spain until the case is resolved. He was asking the court to drop the case, he said. Montero said the Spanish government expected Ghali to return to where he came from once his health improves.

In a further development on Tuesday, Spain’s air navigation authority ENAIRE said air traffic controllers had denied access to Spanish airspace to a plane heading from Algiers to Logrono on instructions from the Spanish military. Montero said she was not aware of any plane.

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