

Critique of *Stolen*

**A report on the questionable methods and unethical practices
from pre to post production used in the making of *Stolen* a
documentary directed by Violeta Ayala and Dan Fallshaw and
produced by Tom Zubrycki**

**The Australia Western Sahara Association
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www.awsa.org.au

This critique was produced with the voluntary labour of Australians with an interest in and knowledge of Western Sahara. No Polisario or Moroccan money was used in its production.

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Second Edition

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Foreword

In The Sydney Morning Herald and The Age of 22 July 2009, Jose Ramos-Horta, President of East Timor, addressed the controversy surrounding the documentary film *Stolen*.

"I have followed closely the question of Western Sahara for decades. In our years of struggle for independence, strong friendship and solidarity grew between the Timorese and the Saharawis. I have met many Saharawis and visited the Saharawi refugee camps and liberated areas twice. I did not see any form of slavery in those camps. Rather, what I know of the Saharawis is that they are enlightened and committed to their cause of freedom.

As we are learning in East Timor, freedom demands responsibility. The ability to use democracy's openness can never be an excuse for shoddy views or irresponsible behaviour. Being nominally free to commit acts of injustice, artistic or otherwise, is not a reason to do so.

As a friend of the Saharawis, I ask all Australians to take the time to understand the issues surrounding Western Sahara. I implore all to search for the truth with vigilance and commitment, lest lies become manifest and the vested interests of certain powers be allowed free rein in the marketplaces of ideas and power."

The Australia Western Sahara Association (AWSA) has prepared this critique to assist Australians to understand the issues and to assess the allegations in the film *Stolen* directed by Violeta Ayala and Dan Fallshaw and produced by Tom Zubrycki.

Like Jose Ramos Horta, AWSA believes that the claims of slavery within the Saharawi refugee camps near Tindouf in south west Algeria are false. We are persuaded by the United Nations High Commission for Refugees, which has had a continuous presence in the refugee camps since they began in 1975, who say that they have never observed slavery or had any case brought to their notice. Members of AWSA who have visited the camps also bear witness to this.

So that filmgoers can form their own opinion, AWSA has analysed the film in some detail, identifying where there are misrepresentations, false impressions and mistranslations.

We have had the advantage of Saharawi speakers of the particular dialect of Arabic, Hassaniya contributing their expertise in the examination of dialogue, subtitles and voice over additions. In many cases the differences are crucial, in others changes are more subtle, such as those designed to build up a picture of Fetim as the person who does all the hard domestic labour as would a slave.

AWSA offers this analysis of *Stolen* in defence of the dignity of the Saharawi people and to encourage support by Australia for self-determination for Western Sahara. Saharawi families like Fetim's have been separated for over 30 years. They live in harsh conditions in refugee camps or under occupation by Morocco. The United Nations has passed over 100 resolutions calling for self-determination of the Saharawi people, but the agreed referendum continues to be blocked.

Unfortunately, *Stolen* does not help Australians understand, or care about, any of this.

Lyn Allison ~ President of AWSA

Summary

The film purports to be a sensational expose of current slavery in the Saharawi refugee camps in Algeria. These allegations are presented with a propaganda-like combination of mis-translation, distortion, selective editing, blurring of facts and complete contempt for many international authorities such as the United Nations, Human Rights Watch and Amnesty International.

There are many serious issues related to this documentary film: concerns relating to the historical and current truth; copyrights; unethical conduct towards people appearing in the film who state they were betrayed or lied to by the film makers; consent and individual rights.

The directors of *Stolen* spent 6 weeks in the Saharawi refugee camps during the following periods: 13-27 September 2006; 14-28 January 2007 and 17 April to 2 May 2007. Four of these weeks were spent with Fetim Sellami's family who are the subject of the film. The producer of the film has never visited the Saharawi refugee camps.

Here are some of the serious factual problems identified with the film as shown at Sydney Film Festival on 11 June 2009:

- Inaccurate or invented sub-titles
 - Distorted scenes with invented sub-titles
 - – *eg Fetim is shown (through subtitles) as if she is looking for Deido's shoes but in fact she is going to get mint and tea trays for her guests.*
 - Fabricated scenes or set-ups, e.g Fetim told us Violeta asked her to visit her friend because her child has been in a car accident. When she gets to Jueda's house the child is fine, but she is made to listen to some racist talk. At this point she realises it's a set-up and leaves.
 - Some people were paid to make statements they later retracted, see:
<http://www.abc.net.au/news/video/2009/06/15/2598994.htm>
<http://media.smh.com.au/entertainment/red-carpet/sahara-slavery-fiercely-denied-582354.html>
 - "Events" have been fabricated – *e g the melodramatic filming at night accompanying the voice-over: "suddenly we were surrounded by police". The film-makers were found at 5pm in daylight.*
 - A Moroccan connection – It is part of the storyline that the Moroccans rescued the tapes that the directors left in the camps and smuggled them out of Mauritania in a diplomatic bag. In return they have to go to New York to do publicity "for Morocco's political gain". Since then Violeta and Dan have been to New York several times, most recently in April 2009, to discredit the Western Sahara Independence Movement at times when the peace process was under discussion in the UN.
 - Use of copyright material without permission.
 - Use of interviews without consent and signed releases.
 - Misuse of an interview with Ursula Aboubacar an UNHCR official (see online article: <http://newmatilda.com/2009/06/26/slave-story>)
 - Misuse of the US-based translator's certificate (Appendix A).
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Background on Western Sahara: the camps and the occupied territory

The Saharawi people of North West Africa have been fighting an independence struggle (very similar to East Timor's) against Morocco which invaded Western Sahara (formally Spanish Sahara) in 1975 following Spain's withdrawal from its colony. Morocco continues to illegally occupy the territory.

At the time of the invasion by Morocco from the north and Mauritania from the south at least half of the Saharawi population fled into Algeria. Almost every Saharawi family left members behind in what became known as the occupied territory.

The Saharawi refugees built camps in the Algerian desert near Tindouf where 165,000 refugees have lived for the thirty four years since the invasion. The camps are administered by the Saharawi Republic, a government-in-exile, with the assistance of United Nations High Commission for Refugees, the World Food Program, the European Union and many non-government aid organisations.

The Polisario Front is the Saharawi independence movement which was established on 10 May 1973 to seek independence for Western Sahara from Spain. In its first main platform (program of national action) adopted on 31 August 1974 it called for the abolition of all forms of racism and the equality of all Saharawis.

The Polisario Front formed the Saharawi Republic (SADR) on 27 February 1976 and continues to be the main avenue for the struggle for independence for the Saharawi people. It is the recognised representative of the Saharawi people in the UN peace negotiations.

The SADR constitution states that "All citizens are equal before the law." The constitution protects personal liberty. It is "prohibited to violate the sanctity of individual rights or harm his or her honor or to introduce the practice of torture or any physical or moral violence or breach of dignity...Every citizen has the right to defend their rights before the competent judicial authorities."

The Saharawi people are descendents of the Berber nomads, Arabs from Yemen and black Africans. However, today distinctions are not made about cultural backgrounds and everyone identifies as Saharawi. The film-makers use the term "Arab" to describe the fair coloured Saharawis. This is wrong. Saharawis don't ever call themselves by the term "Arab". In fact, nowadays it is impossible to know the background of people because of intermarriage.

Before the Spanish arrived in Western Sahara, the area was inhabited by a group of tribes who were known as the *ahel es-Sahel*: people of the littoral or Atlantic Sahara, now known as Saharawis. They had their own system of government called the *ait arbain* or 'The Council of Forty'. The Council would usually meet to discuss the affairs of the population and in times of war or crisis. The Council organised the Saharawis' resistance to Spanish, French and Portuguese attempts to occupy their land and succeeded in keeping colonial powers out of the territory from 1500 to 1934. In 1934, the French and Spanish combined forces to pacify the Saharawi resistance and colonise the territory.

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The Saharawis see themselves as a nation separate and distinct from neighbouring peoples in what is now North Western Africa. Traditionally, they lived as nomads. The arid terrain has moulded their distinctive culture. They speak a dialect of Arabic called Hassaniya, which is unlike the Tashelhit dialect spoken by the Berbers of Morocco.

The Saharawis connection with land is very strong. In such a harsh environment, the difference between life and death hinges on how well a person knows the sources of water, the location of an oasis and how to navigate in a sand storm or pitch black night. Knowledge of the tracks and land is passed on from generation to generation.

Every hill, well, mountain, stream and river has a local name. Digging wells and maintaining them, having tombs of ancestors and living in certain areas for a long period of time are important in claiming ownership of land. Hassaniya poetry about the land is regularly recited and songs about the land bring tears to the eyes of people as they are reminded of the days before occupation.

Production timeline for *Stolen*

Stolen was shot in 2006 - 2007 in the Saharawi refugee camps in Algeria. Some scenes were also shot in Mauritania, the occupied territory of Western Sahara, New York, Paris and Geneva.

The initial concept was presented to Kamal Fadel by the directors in 2006 as the *Wall of Shame* and was to be about families separated by the conflict. The proposal was to follow one of the family reunions organised by the United Nations High Commission for Refugees between family members living in the occupied territory and those in the camps. This would be the first time in thirty years that these family members had seen each other.

In early 2007 the original producers left the project and Tom Zubrycki came on board as producer. His production company JOTZ Productions received a grant from the Film Finance Corporation, now Screen Australia. In December 2007 Screen Australia gave \$231,000 towards the film. Added to earlier grants, this brought the total to over \$300,000.

Kamal Fadel arranged for the film makers to visit the camps in September 2006 and to be introduced to three Saharawi women who were expecting a family reunion visit. Fetim Sellami was one of these. She was expecting to meet her mother Embarka and her sister, Fatma who remained in Western Sahara when Fetim fled with Deido who she happened to be with that day. Fetim was 3 years old at the time and Deido became her adoptive mother in the camps.

Deido left her own three year old daughter behind during the chaos of the invasion. She has not been reunited with her daughter. The filmmakers know this but left it out of the film. Family separation is not unique as every Saharawi family was affected by the abrupt invasion and occupation of Western Sahara in 1975.

Ayala and Fallshaw first spent time filming in the camps from 3-27 September 2006. For their second visit to the camps from 14-28 January 2007 they continued to use the first working title: *The Wall of Shame*.

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During the third visit from 17 April to 2 May 2007 the family reunion took place and Fetim spent five days arranged by the UNHCR with her mother and sister before they returned to El Ayoun in occupied Western Sahara. On the last night of the visit the film-makers unexpectedly left Fetim's place without saying good bye.

Events at the end of the filming in the refugee camps are difficult to understand, especially the claims by the film-makers that they were arrested, detained and threatened with having their film tapes confiscated. Here is what actually happened:

- 30 April 2007: The filmmakers depart at night without warning from Fetim's house.
- 1 May 2007: (morning in the camps / late evening in Sydney): They contact Tom Zubrycki who contacts Kamal Fadel to confirm they are safe. Kamal Fadel contacts the camps to organise a search for the missing filmmakers.
- 1 May 2007: 5pm, the filmmakers are eventually found at the residence of a Cuban medical team.
- 1 May 2007: 10pm they leave with the United Nations observers attending the debriefing.
- 2-3 May 2007: They spend two nights at a hotel in Tindouf waiting for a flight to Algiers which only takes place 3 times a week.
- 4 May 2007: The filmmakers leave Tindouf for Algiers and from there to Paris.
- 5 May 2007: Moroccan news agency publishes a news report about the "detention" of Violeta Ayala and Dan Fallshaw.
- 7 May 2007: The film-makers release a statement from Paris giving details of what happened: <http://www.ww4report.com/node/3786> (Appendix B)

After the third visit, the title was changed to *Born in Captivity* and finally to *Stolen* for the film's premiere at the Sydney International Film Festival on 11 June 2009.

Reactions to *Stolen*

As neither the film-makers, nor Screen Australia took action following the withdrawal of consent to be in the film by its chief character, Fetim Sellami, the Australia Western Sahara Association and the Sahrawi Independence Movement decided to invite her to the premiere of the film at Sydney Film Festival on 11 June 2009. Here she denounced the film and denied she is a slave both during the Q&A at the screening and to the press (see media coverage at the end of the report). The video of her withdrawal of consent which the film-makers appended to the film for the premiere in Sydney has been removed due to copyright issues with its filmmaker, Carlos Gonzales.

The latest version of *Stolen* that was screened in the Melbourne Film Festival on 30 July 2009 included a disclaimer from Screen Australia, the main funding body stating that Screen Australia and the Australian Government do not share the views expressed in the film. This is an unusual step for Screen Australia to take and reinforces the widespread concern about the inaccuracy of the film.

Public criticism of the film has come from a wide variety of people involved in the production of the film, researchers and aid workers in the camps, and long-term observers of the Western Sahara issue.

The most prominent critic of the film is Nobel Peace Prize Winner and President of East Timor, Jose Ramos-Horta who has spoken public against the slavery allegations raised in *Stolen* (8.5 and Appendix C). He has pointed out, as have many others involved in the issue, that the Western Sahara camps receive many thousands of visitors a year. The UN and UNHCR have a significant presence there, as have many international aid organisations. In fact, the Saharawi people rely on the support of UNHCR, the World Food Organisation, the European Union and NGOs for daily supplies of food and water. Europe is only three hours flight away and delegations constantly visit the camps. Yet, none of these organisations who have been involved in the camps for over thirty years have found any evidence of the 20,000 black slaves that these two inexperienced Australian filmmakers claim live there.

The UN High Commissioner for Refugees has put in writing strong criticism of the way the film has misrepresented UNHCR. This letter also dismisses the slavery claims (Appendix D). Several researchers and aid workers have sent letters to Screen Australian and the Federal Arts Minister calling for action to be taken against the false and damaging claims in the film (Appendix E).

An accredited Hassaniya translator based in the USA, Oumar Sy, provided certified corrections for the film's subtitles. This translator found extensive errors in the translations and questioned the ability of the original translator who was not a native Hassaniya speaker to adequately understand the language. These corrections were not made but the filmmakers still claim the film's final translation has been certified. Oumar Sy has spoken out against the film to protect his professional reputation (Appendix A). This is one of many examples of the filmmakers undermining and misusing the professional standing of people they have co-opted into the production.

Questionable Methods and Unethical Practices

6.1 Retractions and payment for statements

Since the film-makers' last visit to the camps several of the key participants have retracted statements they made in the film, as well as the main subject of the film, Fetim Sellami.

American film-maker, Carlos Gonzales observed what was happening while he was filming for Violeta and Dan during their second visit. Concerned about the unprofessional methods used in the making of *Stolen*, he later returned to the camps to collect evidence from some of the participants in the film, as well as others who were around at the time, and wanted to go on record repudiating the allegations of slavery. This included the young men who went to Mauritania, whose testimonies were so important to the slavery argument, who told Gonzales that they received 4000 euros (7000 AUD) from two Moroccan agents for their statements. These statements can be viewed at: <http://www.abc.net.au/7.30/content/2009/s2598994.htm> and <http://media.smh.com.au/entertainment/red-carpet/sahara-slavery-fiercely-denied-582354.html>

Payment is denied by the film-makers who say they gave "t shirts and things like that" to Matala and his friends when they came to Mauritania and some money to return. But there is evidence they were also given a car.

6.2 Lack of release forms and standard documentation

Screen Australia say there are no release forms for this film. A number of the Saharawis in the film specifically stated they did not give informed consent.

The UNHCR Deputy Director interviewed for the film had expected to be shown her interview before giving permission, but this did not happen as promised. She wrote "Despite my written request to you for my formal clearance to use my voice or face in your documentary in the Tindouf camps you went ahead without my clearance... The release form you gave me for signature is still with me."

6.3 Manipulation in the filming process

Fetim's reunion with her mother was a very special occasion.

The Australian filmmakers who were staying at Fetim's family house manipulated the occasion to create tension and drama for filming. The film-makers provided money to buy a camel for the big occasion and this gave them the ability to control the celebrations surrounding the event.

They told Fetim that she should only invite Saharawis of black colour and that the family of Deido (her adoptive mother) should not participate in the celebration.

They also used Fetim's teenage children in a way that upset the family, including offering their son a playstation if he denounced the Polisario. Baba Hussein, Fetim's husband wrote to Tom Zubrycki requesting that the children be left out of the film (Appendix F). Fetim and Baba's son was not included, but their daughter Leil is a central character.

Other examples of manipulative and unethical behaviour on the part of the film-makers can be found in the scene by scene analysis.

6.4 Mistranslated subtitles and voiceover text

Much of the film is translated through subtitles and narration from the local dialect Hassaniya to English. These are often wrong and misleading and have been used to project the premise of the film, that Fetim is a slave. These mistranslations are rigorously documented in the scene by scene analysis as they appear in the film.

A very clear example was given in the ABC's 7.30 Report where a subtitle to a conversation with Fetim's family living in occupied El Ayoun says "Deido is Fetim's master". The independent translator sought by the 7.30 Report from Al Jazeera provided the translation: "Violeta is tracking the history of Fatim. Frankly she thinks Deido owns her. Not true. Fatim told me that someone came to her and told her that she (Deido) has kidnapped her. She didn't kidnap her."

Oumar Sy, the US translator the filmmakers quoted as having certified the film has recently written to the producer saying he had been approached by the filmmakers to verify that the translations were accurate. After watching the film, he informed them "of the wrong translation...and that the person who has made those translations from Hassaniya to English has a very poor knowledge of Hassaniya." He provided them with corrections but these were never incorporated into the film (Letter from Oumar Sy: Appendix A).

The filmmakers have made minor changes to some translations since the premiere screening. They claimed that the translations were closely analysed by a native Hassaniya speaker who is

accredited by the National Accreditation Authority for Translators and Interpreters (NAATI). However, NAATI has informed AWSA that they do not have an accredited Hassaniya translator. The new translator wishes to remain anonymous.

6.5 Misrepresentation

Events throughout the film are misrepresented to support the claim of slavery. For example, a conversation about slavery between Violeta, Leil and Fetim over the meal table, and another one in the tent, comes across as depicting the current situation. However, they understood they were explaining how things used to be in the past.

The filmmakers selectively quote from the Human Rights Watch report using passages taken out of context to imply that references to “vestiges” of historical slavery practices confirm that actual slavery still exists. Further reading reveals that “vestiges” of past practices take the form of traditional rules for getting permission to marry. These traditional practices are outlawed in the camps and can be legally challenged and over-turned. Given the extent of traditional marriage practices around the world, this can hardly be equated with slavery. The report, which also examines the situation in the occupied territory of Western Sahara, is scathing about Morocco’s human rights record. The Saharawi administration supports HRW’s call for the UN to establish a human rights monitoring program in both the camps and the occupied territory (Appendix G). However, Morocco has refused. (The Human Rights Watch report can be found at - <http://www.hrw.org/en/reports/2008/12/19/human-rights-western-sahara-and-tindouf-refugee-camps-0>)

The filmmakers also extensively edited and misrepresented the views of a senior UNHCR official. Deputy Director, Ursula Aboubacar has refuted the fact that she or the UNHCR agreed that slavery existed in the camps (Appendix D). She, too, complained that the film-makers confused regional traditional practices existing in neighbouring countries such as Mauritania with the existence of slavery in the Western Sahara refugee camps. Her correspondence to the filmmakers made it clear she felt that they were trying to manipulate comments to fit their storyline about slavery (<http://newmatilda.com/2009/06/26/slave-story>).

6.6 Fictitious events

Sections of the film are dramatic re-enactments which do not in any way reflect the actual event. This includes the alleged night-time arrest and detention of the film-makers by the Polisario. Further details of this example can be found in the scene by scene analysis below.

6.7 Moroccan involvement

In the film, Ayala and Fallshaw meet a Moroccan in Paris. They claim to decide to speak to him because he says he can help get their tapes back. It is part of the narrative of the film that the film-makers go to New York to give a press conference “for Morocco’s political advantage”, as part of an arrangement with Morocco in exchange for the Moroccan government helping them get tapes out of Mauritania in the Moroccan Embassy’s diplomatic bag.

In the film the press conference does not take place. But a press conference in New York was held a few months later (Appendix H) – in October 2007 through the Together Foundation, a Moroccan front organisation (http://www.togetherworld.org/press_releaseDV.html).

The film-makers have been back to New York at least three times since for the same purpose, most recently in April 2009, when they met the new UN special envoy for Western Sahara to lobby about the alleged slavery. Questions have been raised about whether extra funds for the

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film were provided by Morocco. They have admitted that their flights to New York were paid for by Morocco.

Footage from the film was used to make a propaganda film to suit Moroccan interests which was entitled “Apartheid in the Desert”. This was shown in New York, Washington and Geneva to discredit the Western Sahara Independence Movement during sensitive peace negotiations or when the UN had Western Sahara on their agenda.

Footage was also used to make a flagrant “shockumentary” on Moroccan television regarding allegations of slavery in the camps mixing in illustrations of 17th or 18th century women slaves with metal masks on their faces: http://www.youtube.com/watch?v=bWRKpgkY_aY

Both these films were released before *Stolen*. The filmmakers claim the footage was stolen from them during the production of their film.

A scene by scene analysis of the film

7.1 Main Characters

Fetim – a kindergarten teacher and mother of four who lives in 27 February Camp.

Leil – Fetim’s 15 year old daughter who lives in the camps with her mother and two young sisters (Leil’s brother lives in Spain as does Fetim’s husband Baba Hussein who works as an engineer. Baba Hussein tells us that he was interviewed for the film but the film -makers chose not to mention him at all and to imply that Fetim was a “single unmarried” slave.)

Deido – Fetim’s adoptive mother in the camps.

Embarka – Fetim’s biological mother who remained in Western Sahara with Fetim’s sister, Fatma. She travels as part of the UNHCR family reunion program to the camps to see Fetim.

Fatma – Fetim’s sister who lives in the occupied territory with her mother and also participated in the family reunion visit.

Matala – Fetim’s cousin who lives in the camps. He is a young man who is often hanging out with his friends. They all travel together to Mauritania to meet with the film-makers and record statements.

The Moroccan – Reda Taoujini runs the ASM (Association le Sahara Marocain) which tries to legitimize Morocco’s annexation of two thirds of Western Sahara. He first appears in Paris, then in Nouakchott, Mauritania, and later in New York.

7.2 Context for the scene by scene analysis

Following is a scene by scene annotation of *Stolen* identifying inaccuracies, misrepresentations, mistranslations, deceptive editing, fictitious scenes and unethical film-making practices. Each entry is marked against the time-code of the film.

This is a scene by scene account of the film as it was when it premiered at the Sydney Film Festival on 11 June 2009. When *Stolen* screened in the Melbourne Film Festival on 30 July 2009, the filmmakers had made some changes to the film in response to public criticism including points raised in the first edition of this critique.

Changes to *Stolen* as it was screened in Melbourne include the omission of Fetim Sallemi's statement filmed by Carlos Gonzales which the filmmakers did not have permission to use. In its place was footage of Fetim Sallemi, her husband, Baba Hussein, and Kamal Fadel at the premiere in Sydney.

Some changes have been made to the subtitles however on the whole the film's translation remains extremely inaccurate and misleading. The filmmakers have also inserted a scene which makes the extraordinary claim that not only is there 20,000 black slaves in the refugee camps of 165,000, but there are also 50,000 Polisario militia whose purpose is to suppress anyone who speaks out against slavery. A disclaimer from Screen Australia stating that the film does not represent the views of the Australian Government appeared at the end of the version that was screened in Melbourne.

7.3 Analysis against the film's time-code

06.10: misrepresentation

Violeta and Fetim meet with the UN about the family visit. Much is made of the fact that Fetim is not on the list. This is irrelevant as Fetim's mother is registered in El Ayoun and the family visit goes ahead as planned.

09.26: mistranslation and misrepresentation

The film shows Fetim doing domestic work for Deido (her adopted-mother) as evidence of "slavery."

Fetim explained during her visit to Melbourne that the goats are hers not Deido's. In fact from the conversation in the film it appears that it was Deido who was going to feed the goats! The subtitles say:

Film translation

Deido: Here take this it's for my goats. This is all for the animals, you understand?
Fetim: Did you give me the same food yesterday?
Deido: Yes. What time is it?
Fetim: Three o'clock
Deido: That's all, that food is good enough.

Correct translation

Deido: I've got the food for the goats. It's better if you put it in a dry dish.
Fetim: Should I take her [the child] to the woman? (Deido was baby-sitting Fetim's baby daughter).

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Deido: You mean to the foreigner? Will she baby-sit her?
Fetim: Yes.
Deido: Are they only two?
Fetim: Three [goats].
Deido: That is fine, but put it in a dry dish.

12.55: Mistranslation and deceptive editing

Violeta, Leil and Fetim are eating and having a conversation.

Film translation

Leil: Are you and my grandmother still slaves?
Fetim: Don't ask.
Leil: What was it like for your mother?
Fetim: I was young. Didn't you already tell them the truth about slaves?
Leil: Then what should I tell her?
Fetim: When we were young the Arabs always beat us.

Correct translation:

Leil: She said someone told her that you were beaten when you were young
Fetim: What is this? ... All the children when young get beaten.
(Cut)
Leil: What do I tell her?
Fetim: Tell her that they get beaten.
(Cut)
Fetim: Now you put yourself in a dilemma. Then, say slaves when young always get beaten.
Leil: [in Spanish translating Fetim for Violeta] Yes, I also say that.

13.56: mistranslation and manipulation

The film depicts the following scene as an attempt by Deido to cover up the issue of slavery.

Deido is actually talking about spending money on celebrations for the reunion. She wants to spend her own money but Leil is saying she doesn't need to because Violeta has offered to pay. However, the film-makers' offer is causing tension within the family.

Film translation

Deido: What have you been telling them?
Leil: You talk to them.
Deido: They will believe you
Leil: What do you want me to tell them?
Deido: Tell them you always listen to me. And there is no difference between us blacks and white.

Correct translation

Deido: Tell her I am happy. It's a big day. I'm spending money wisely.
Leil: I didn't tell her anything special, we were just talking, What do I tell her?
Leil: But you'll spend all your money. What do I tell her?
Deido: What did she say? When you spend your money...

16.10 – mistranslated subtitles

Matala and his friend are chatting in the back of the truck as they drive around to buy a camel

Film translation

Matala's friend: She is looking at you. Hey Matala! Maybe she prefers you to her man.

Matala: I don't think so.

Matala's friend: Shame on you ...you can't get this girl.

Matala: She's just filming.

Matala's friend: Yeh...sure.

Correct translation

Matala's friend: This man [Dan] really loves filming. He is concentrating on you.

Matala: He is listening to what you're saying.

Matala's friend: Come on, as if he can understand me.

Matala: But he's recording. And he will translate what you're saying.

Matala's friend: Let him translate it. What's the problem of me saying that he's watching you.

18.10: Misrepresentation and manipulative methods

Hamadoune and Leil wait in the car while Matala goes off to find a camel. Hamadoune who appears not to speak fluent Spanish because Leil is translating for him, suddenly says in fluent Spanish the words that are used to publicise the film, "slavery man to man is the saddest thing in the world." Hamadoune and Leil giggle as they continue to talk about a very serious subject which seems an unlikely topic to be discussing while buying a camel for a big celebration.

23.59: Mistranslation and misrepresentation

Embarka is about to arrive. The subtitles suggest that rather than allow her to welcome her mother, Deido orders Fetim to find her shoes.

Film translation

Deido: Where are my shoes? Fetim, did you find my shoes?

Fetim: They are over there.

Correct translation

Deido: Have we got mint [for tea]? Have you given mint to of the women [who are making tea]. Do we have two tea-trays or three?

Fetim: It's over there.

24.29: Misrepresentation

We are told by the narration that Matala is not allowed to kill the camel as that is "an honour reserved for an Arab". This is not factually correct.

What happened is that Matala told Deido that he has never killed anything before. This is not unusual because in Sahrawi society, it is the older experienced men who slaughter animals.

Deido wanted to make sure that either someone with experience kills the camel or if Matala insisted, someone older should go with the young men to show them how to do it. During the scene, one of Matala's friends tells Deido that Violeta says she owns the camel and that she insists that Matala kills it.

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The translation of what Matala and his friends were saying is incorrect.

Film translation

Young man 1: Let's go leave them here.

Young man 2: Are you coming with us.

Correct translation

Young man 1: Are you going to carry the foreigners on your backs?

Young man 2: The foreigners don't need you. Come get away from these foreigners.

25.13: Manipulative film-making

A distressing and gruesome slaughter of the camel is filmed. Its neck is slit and blood drains onto the sand.

The scene contributes to the depiction of Saharawi people as brutal and savage with the implication being that they were easily capable of slavery. It is an emotional technique designed to whip up anti-Arab sentiments as Bob Ellis discussed in his article Robbed of the Truth (8.3 / <http://www.abc.net.au/unleashed/stories/s2598993.htm>)

26.24: Misrepresentation

The film-makers say that Deido invited only her family and friends, not including her male cousin, Matala. This is misleading. As is customary, everyone was invited. However, that particular celebration was only for women.

27.18: Manipulative film-making methods

Fetim's friend Jueda talks about everyone in the camps having a black or a white heart and that Fetim has a white heart.

The conversation was setup by the film-makers. Fetim was asked by Violeta to visit her friend saying Jueda's daughter had been in a car accident. When she got there, Jueda and her daughter were perfectly fine. Fetim says that as soon as she realised it was a set-up, she got up and left.

After Fetim has left Jueda says, "She does what Deido tells her."

33.02: Mistranslation and misrepresentation

Deido and a woman chatting. The narration informs us that the woman is the wife of a Polisario official. No name is given of the wife or the husband. The woman's face is not shown on camera.

Film translation

Woman: Why are they always filming?

Deido: It doesn't matter.

Woman: Be careful what you say.

Deido: They know everything but they can't do anything.

Correct translation

It is customary in the camps that if a family receives visitors from the occupied territory, people bring money and gifts to give to the family and the guests. The woman appears to be trying to give some money to Deido.

Deido: Take it back. I don't want it. Give it to her [Embarka]. I will not take a penny. I swear. I won't take it.

The other woman is inaudible.

40.11 - implausible story

The film-makers say that Matala has told them to be careful of the tapes as the Polisario want to take them. So they decide to hide them in the desert surrounding the 27 February Camp.

Cate Lewis has been to this camp several times. As the ground is rock hard in that area she asked the film-makers how they did this. They could not explain how they dug a hole in the hard ground or agree with each other's account of the event (Appendix I). It is also questionable that tapes could have survived the searing heat of the desert for several weeks. In the film they state the temperature in one day reached 45 degrees Celsius.

40.22 - fictitious scene

The film-makers claim that when they returned to Fetim's house the Head of Security and the Head of Protocol were there. They claim they were afraid so left. They think the Polisario might confiscate their tapes, so decide to bury the tapes in the desert. Then, as they are making their way through the desert at night, they claim they are suddenly surrounded by police and arrested. They then claim they are detained for several hours and that the Polisario threatened to confiscate their tapes.

What actually happened was that the film-makers left Fetim's house at approximately 9pm. They phoned their producer Tom Zubrycki in Australia, who in turn contacted Kamal Fadel, the Polisario representative in Australia. In response to Zubrycki's concern for their safety, Fadel immediately contacted the camps.

Officials in the camps then spent eight hours looking for them. They were eventually found by the Head of Protocol, Brahim Mokhtar, inside the quarters of a Cuban medical team where they had spent the night. It was 5pm in the afternoon and still light. There was one other person with Brahim.

Because of the concern their disappearance had raised, Brahim Mokhtar asked an independent witness to attend the debriefing. Two members of the UN mission, MINURSO agreed to be present at the meeting. The film-makers were asked to remain in his office until the UN officers arrived. A discussion took place and the film-makers asked to be taken from the camps to Tindouf by the MINURSO members.

This sequence of events is corroborated by emails from Tom Zubrycki and film-makers press release (Appendix B) in which they state, "After negotiations with the Polisario, we were allowed to leave with the UN officers. At all times the Polisario looked after us and afforded us every courtesy."

41.56: misrepresentation

The film-makers claim that they are stuck in Tindouf and can't leave because the Polisario want their tapes, but they give no evidence. Tindouf is in Algeria and not part of the camps. There are only three flights a week and the filmmakers were simply waiting in a hotel for their flight, which they caught.

42.58: misrepresentation and manipulative techniques

Violeta is talking on the phone to Leil. Leil is obviously very distressed. The film implies that this is because Violeta has exposed slavery and Leil and her family are now in trouble. But rather she is upset because everyone has been worried and searching the camps for the film-makers. The subtitles suggest it's the films the police are looking for, not the film-makers. Leil says – “in trying to do good, you did bad.”

Leil is a young and impressionable girl. This conversation demonstrates the stress she has experienced by being involved in the making of the film. Using a child in this way in most films would be considered inappropriate and a form of exploitation.

45.48 – Moroccan involvement

In Paris, Dan's voiceover tells us that they have been receiving calls from a Moroccan. Eventually they decide to meet him in case he can help them get to Mauritania to recover their tapes. They secretly record his offer.

48.30 – manipulation, payment for statements

The filmmakers meet up with several young men in Mauritania, who come allegedly to record their statements again in case the tapes are not recovered. The filmmakers film statements about slavery in the camps. Note that some of this footage is the same as that which they claim was *Stolen* in Morocco and ended up on YouTube.

These men have now retracted their statements, saying they were directed by the film-makers to say they were slaves. Their statements (filmed by independent film-maker Carlos Gonzalez can be viewed at <http://media.smh.com.au/sahara-slavery-fiercely-denied-582354.html> in which they say they were given money by the film-makers and by Moroccan officials.

The film-makers have acknowledged they paid for them to travel to and from Mauritania.

48.49 – misrepresentation

The filmmakers present a “liberation from slavery” card to prove the existence of slavery in the Saharawi camps. However, no mention is made of the fact that the card has been issued by another country, Mauritania and has nothing do to with the camps.

55.54 – Moroccan involvement

The Moroccan suddenly appears in Mauritania. He offers to send their tapes out of Mauritania in a diplomatic bag. Ayala and Fallshaw agree to fly with him to New York to do a press conference. The film-makers have acknowledged that their airfares to New York were paid by the Moroccan.

59.33 – Moroccan involvement and misrepresentation

The film-makers arrive in New York and meet up with the Moroccan to hold the press conference however they say the press conference doesn't take place. They then travel to Casablanca where they are given their tapes by the Moroccan. We are not told that a press conference does take place 3 months later.

59.44 – manipulated interview

The film-makers interview Deputy Director of the Africa and Middle East division of UNHCR, Ursula Aboubacar about UNHCR's position on slavery in the camps. The film-makers interrupt on several occasions making assertions about slavery in the camps and the interview is heavily

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edited. The transcript is attached (Appendix F).

Aboubacar stated in an email to the film-makers and released to the media that her interview was cut, manipulated and did not accurately represent the views of UNHCR. She also stated that the film-makers became aggressive when she refused to confirm the existence of slavery in the camps and that she did not sign a release form and was not shown the final film for approval despite her written requests. The High Commissioner for Refugees has also expressed similar concerns in writing (Appendix D).

1.03.01 – mistranslated subtitles

Embarka and Fatma are back in the occupied territory. Violeta is talking to them.

Film translation

Violeta: Why did Fetim go with Deido [Fetim's adopted mother]?
Fatma: Deido always wanted Fetim. And from there to the camps. There was nothing unusual about Deido taking Fetim. Deido is her master. And obviously controls her.

Correct translation:

Fatma: Deido was visiting and Fetim left with her. When the March took place [the 1975 "Green March" invasion], they were in Hagounia. They went from there to the Front [camps]. And we stayed here because of the March.

Fatma then speaks to her family members:

Bottom line, she is tracking the story of Fetim. Frankly, she thinks Deido owns her.

Embarka: Not true.

Fatma: Fetim told me that someone told her [Violeta] that Deido kidnapped Fetim. But she did not kidnap her.

1.09.48 – misrepresentation

Leil writes in the sand "We Want Peace and Freedom." This refers to the struggle for Independence but in the context of the film appears to refer to liberation from slavery.

1.11.37 – copyright material used without permission

The version of the film that was screened in Sydney included the interview of Fetim filmed by Carlos Gonzales where she criticises the film and the film-makers' actions. The film-makers had sourced the material from the internet and did not seek permission from Gonzales to use it in their film. It has since been removed from *Stolen*. See:

<http://media.smh.com.au/entertainment/red-carpet/sahara-slavery-fiercely-denied-582354.html>

The film ends with a selective quote taken out of context from the Human Rights Watch report.

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Bitter dispute over Stolen documentary, Matt Peacock, 7.30 Report, ABC TV, 15 June 2009

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<http://www.abc.net.au/news/video/2009/06/15/2598994.htm>

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Reel drama more fiction than fact or lost in translation? Louise Schwartzkoff, Sydney Morning Herald, 13 July 2009,

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8.2 *I am not a slave, documentary subject tells Sydney Film Festival*

Damien Murphy and Louise Schwartzkoff
Sydney Morning Herald, June 12 2009



"I am free to move at will" ... Faitim Salam says she was tricked into taking part in the film.
Photo: Steven Siewert

FAITIM SALAM says she is not a slave. Last night she walked into the Sydney Film Festival's sold-out film about her, *Stolen*, to defend her freedom.

Days ago she set out from a refugee camp in Western Sahara, where she has lived for 35 years, to fly to Sydney and confront the two Australian filmmakers she says have trivialised the diaspora of her people and traduced her reputation.

Wearing traditional clothes used to combat 55-degree temperatures in her flat, dry homeland, she cut an elegant line through the swathe of cineastes who had turned up, perhaps lured by pre-screening publicity that slavery continues 202 years after its official abolition.

Stolen includes interviews with refugees who say Arabs enslave refugee camp residents and take away their children.

"I am not a slave," Ms Salam told the *Herald* through an interpreter.

"I am free to move at will. Am I not in Australia? Is my husband not here? We are not slaves."

She said the Bondi writer-directors Violeta Ayala and Dan Fallshaw had tricked her into taking part with false claims about what they wished to portray and had paid camp refugees to lie about slaves.

"The people who made the film came to us and said they wanted to make a documentary about the impact on families. Instead, they sensationalised it for easy publicity," she said.

"I fed them, took them in, then they fled without even saying goodbye."

Ms Salam and her husband, Baba Hussein, flew into Sydney yesterday to face down the filmmakers.

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She said their fares had been paid by the rebel group the Sahrawi Polisario Front, which runs the camps, concerned that the film had been fostered by a Moroccan Government wishing to denigrate refugees whose lands it had invaded.

She and her husband appeared with members of the Australia Western Sahara Association at the George Street cinema last night and made public statements during a question-and-answer session with the filmmakers at the end of the movie.

She told the audience she was not a slave. He said "My wife, my children and I are free and I can go wherever I want.'. One audience member shouted that he was being politically manipulated, others cheered the filmmakers.

The film has become a cause celebre among Sydney left-wingers. The former Legislative Council president Meredith Burgmann has provided an inner-city "safe house" for interviews, and the gadfly Bob Ellis has been ringing around the media to drum up coverage.

About 160,000 people live in desert refugee camps since Spain's abandonment of its Saharan colony in 1975.

Screen Australia gave \$251,000 towards the film. It was produced by Tom Zubrycki, a documentary filmmaker with a fine history of works about the dispossessed. His wife, Julia Overton, is a new investments development manager at Screen Australia.

Zubrycki said: "The Polisario have been very good at organising their supporters here ... They would like this to go away but all the filmmakers want to do is alert the world to what is going on."

Ms Salam, 38, was taken as a three-year-old to her refugee camp, where she is now a teacher. She has four children with her husband, a Cuban-trained engineer who works in a Madrid factory.

Ayala and Fallshaw stood by their slavery claims, denied paying refugees and said Ms Faitim had been forced to denounce the film by the Polisario.

"I talked to her mother and her brother on the phone last night," Ayala said. "They said that she didn't want to leave the camp and she didn't want to leave her children. When they call her now, she is really scared to talk."

The festival chief executive, Mark Sarfaty, said screening *Stolen* was appropriate: "It is not unusual for contentious documentaries to be at odds with the desires of their subjects, and it's not the festival's job to act as an adjudicator or censor."

The writer-directors have a habit of becoming the story. Publicity for their 2006 film - *In Between The Oil And The Deep Blue Sea*, which was set in neighbouring Mauritania - said they became lost in the desert and were rescued by a goat herder.

In *Stolen* the pair run into more trouble. "The filmmakers uncover an awful truth that precipitates their dramatic exit from the region and much skulduggery," *Stolen's* publicity spiel says. It is "a tale of discovery that turns into a political thriller".

8.3 Robbed of truth?

Bob Ellis, ABC Unleashed, 16 June 2009

<http://www.abc.net.au/unleashed/stories/s2598993.htm>

In *Stolen* a camel is chosen, dragged bellowing toward a truck, seen travelling many miles with a quirky expression on its likeable, nose-wriggling face, then later by moonlight, shrieking and hooting, its throat cut, gushes its blood towards Mecca in accordance with the provisions of the Law. After this we see dancing and ululating veiled black women at a reunion party in which the camel, drained of its blood, is roasted and eaten in the first such feast in the village in 30 years.

This sequence was made possible by Violeta Ayala, the co-director, giving the hungry villagers the price of the camel, something they otherwise could never have afforded, and suggesting they enact for the cameras this ugly, disturbing, highly cinematic ritual.

Why do we see this? The film is supposedly about the persistence of slavery in the refugee camps of the Saharawi people in sand-swept Algeria. Why show this? We do not usually see headless, flapping, blood-spurting turkeys before Thanksgiving dinners in Hollywood films. Why do this? Why show it? Why cause it to happen, as the director in her narration admits she did?

I got into a loud fight with her and her co-director, saw in video interviews what the film's subjects thought of it, interviewed one of them myself (with, admittedly the help of a Polizari lawyer, Kamal Fadel, who is also the attache for East Timor), and became pretty depressed that this film exists, and has been premiered, and I'll tell you why.

It's because we see and are told almost nothing of this culture that slaughters a camel once in 30 years and practises, allegedly, slavery. We do not know how they feed themselves or school themselves, what creed they practise, what church or mosque they attend, how their economy works, who they marry, how many spouses they have, what age they marry, if girls can choose their spouse, how often they pray, how their economy works, what sort of health care they get (good, I later learned, and totally free), if they can vote in elections, if they are semi-fascist or semi-communist or communitarian, and so on.

We are not even told that the central character, Fetim, has a husband, Baba, who works in Spain, has an engineering degree from Cuba and sends her money from Spain. She is presented as a single mother and (it is rumoured) a slave.

Baba and Fetim attended the film's world premiere and showed their passports to the audience and said the whole family holiday frequently together in Spain unharassed by the Polizario, and how can this be?

Slaves with passports? What is this? Slaves flying Qantas and staying unpoliced with Meredith Burgmann, the former President of the Legislative Assembly of New South Wales, in Glebe?

"There's no reason slaves can't fly overseas", said Dan Fallshaw, the co-auteur. "Slavery is a state of mind."

"Slavery can be mental", Violeta Ayala said. "I never said Fetim is a slave", Dan said. "Other people in the film do."

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A slave with a husband travelling Qantas and lodged with an eminent Labor politician? "I never said she was a slave", Dan said. "The film shows us the facts. The audience can make up its mind."

But no-one is shown shackled in the film. No-one is shown being spoken to harshly. No-one is shown being humiliated in any way. The only person (and he is treated as a person) who is humiliated in the film is the camel, whom the directors paid the villagers to humiliate and murder in front of the camera.

Murder is my word; I withdraw it; murder is unfair.

Why did they do this? Was it to show they were bad people, capable of not only ritually killing a camel but even, possibly, slavery?

In the Nazi film *The Eternal Jew* laughing rabbis cut a cow's throat and the blood gushes copiously and they laugh some more - gaily, wickedly, unpleasantly. Is this the same propaganda trick? I doubt it.

The young Bondi couple that made this film seem too naïve, too unprepared for the great world for that.

For if indeed the people they show on screen are slaves, they have endangered their lives - by showing their faces and alleging they collude in a monstrous illegality that could see their owners gaoled or incite them persecutors into honour-killing them for letting it out.

If they are not slaves they will have brought shame on their community with this blood-libel, this heinous falsehood and their community will shun them hereafter. Or am I wrong?

But the on-screen Saharawi are saying in interview after interview that they did not say this, they did not say they were slaves, and their words were manipulated or falsified. And their words in the film are being deciphered by a man from Al-Jazeera and a man from the UN to see if they match the subtitles.

If the spoken and printed word do not conform (one apparently says not 'Fetim is a slave' but 'Violeta wants us to say Fetim is a slave'), a lot of slander will have occurred, and the publishers of it, whoever they are, will be liable, I imagine, for a good deal of negotiated retribution. And so will the forgers of the subtitles, whoever they are.

Will Dan and Violeta go to jail? Probably not. Should they? I'm not sure.

If they had made a film saying cannibalism persisted in certain Maori encampments in New Zealand, and this published rumour was false, they would have committed (I think) no less grave a crime. And I'm not sure any apology would have allayed it.

There may be other explanations for what has thus far occurred at this Sydney Film Festival (the organisers refused to screen Fetim's friends' and allies' 15-minute rebuttal though they had 30 hours before the festival finished to check it out and do so), a film about slavery in which no slavery is seen.

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But none of them will recover, I fear, the \$230,000 or so (which could I imagine buy back a whole lot of slaves) of government money spent thus far on this ill-informed, ill-evidenced and arguably addled rumination.

Or am I wrong?

8.4 Reel drama more fiction than fact or lost in translation?

Questions persist over the veracity of a slavery film, writes Louise Schwartzkoff
Sydney Morning Herald, 13 July 2009

THE disputed documentary *Stolen* is full of mistranslations and incorrect subtitles, a translator who worked on the film, Oumar Sy, says.

The Bondi filmmakers, Violeta Ayala and Dan Fallshaw, claim slavery exists in Western Saharan refugee camps.

Controversy surrounded a screening of the film at last month's Sydney Film Festival, when one of the main subjects, Faitim Salam, left the refugees camps at Tindouf in Algeria to protest against the documentary's claims.

Ayala and Fallshaw stood by the film, saying it had been verified by three separate translators including Sy, who works as a Hassaniya Arabic to English translator for the United States Immigration Court.

Sy went through the film with the documentary makers in February, pointing out several mistakes in their subtitles.

He said Ayala and Fallshaw wrote down his corrections and promised to alter the subtitles. They arranged to meet for a screening of the final cut, but cancelled the appointment.

"They told me they would send a copy of the film for me to check, but they didn't," Sy says from New York. "They didn't respect their commitment to me. I was surprised and disappointed."

He saw the final version of the film for the first time last week and was shocked at its inaccuracy. "There is still a lot of work to do on the film," he says. "The translation I put on paper was correct. I went through [the film] minute by minute, but a lot of the mistakes have not been changed."

In one scene Salam's mother and sister appear to confirm that she is a slave to her white foster mother. More recent translations show they are discussing Ayala, who they say has misunderstood the family relationships.

Another problem was that some of the film's dialogue was in a local dialect that Sy could not understand. "If you don't live locally, you cannot understand what they say," he says.

In an email to Sy on Thursday, seen by the Herald, Ayala and Fallshaw accused the translator of "negligence".

They say he failed to tell them his concerns about the translations and has damaged the film's credibility. In a statement, they suggested Sy's comments were part of an ongoing campaign by the organisation that runs the refugee camps, the Polisario Front, to undermine the film.

"If he had concerns, there were many opportunities to clarify these for us at the time," the filmmakers say in the statement. "We asked him if he was sure all the translations were correct; he signed a letter to say this."

They say only a small amount of dialogue was in question and most of the talk about slavery was in Spanish. "There are millions of Spanish speakers who will be able to hear for themselves key conversations about slavery used in the film."

A translator from Australia's National Accreditation Authority for Translators and Interpreters will check the film before its next screening at the Melbourne International Film Festival on July 31.

8.5 Timor's link to a Saharan struggle

The Sydney Morning Herald

Wednesday, July 22, 2009 smh.com.au

Timor's link to a Saharan struggle



JOSE RAMOS-HORTA

As I visit Australia again, to attend this week's opening of the Melbourne International Film Festival, I have been confronted by the outcry over the film *Stolen*, which will screen at the festival and which represents, in microcosm, the importance of truth in the struggle for justice. The film, which makes claims of widespread slavery in the Western Saharan refugee camps, represents many of the ugly realities of this central dynamic. It is a scenario I know only too well.

I have followed closely the question of Western Sahara for decades. In our years of struggle for independence, strong friendship and solidarity grew between the Timorese and the Saharawis. I have met many Saharawis and visited the Saharawi refugee camps and liberated areas twice. I did not see any form of slavery in those camps. Rather, what I know of the Saharawis is that they are enlightened and committed to their cause of freedom.

The situation of Western Sahara is perhaps not well known to Australians. For East Timorese, there are ties which make a mutual understanding easier to find. Both East Timor and Western Sahara were colonised by Iberian powers – Portugal and Spain, respectively; both have been identified by the United Nations as being ready for decolonisation; both were invaded, post-European withdrawal, by regional powers in 1975;

both peoples have been subjected to widespread human rights abuses; and both have been caught up in global political trends not of their making.

But East Timor and Western Sahara have also diverged. We achieved independence in 1999, and the Western Saharans have not. This is inexplicable: before our independence we actually had less formal international backing, were less regionally recognised and were more internally divided than the Saharawis.

The other important difference between our histories is that East Timor is predominantly Christian, while the Saharawis are Muslims. As a result of this, Western Sahara has been erroneously cast as a hotbed of Islamic terrorism and as a potential base for al-Qaeda. This form of knee-jerk racism has ensured that Western Sahara's illegal occupier, Morocco, has been able to play the security card and has gained enough traction to deconstruct the UN's formal decolonisation agendas which served us so well.

Stolen emerges as a stark example of the implications of this reality. It is easy to cast societies seen through the lens of bigotry as backward and to manufacture spurious storylines to suit a certain need when the politics of the moment encourage it.

In the situation that Western Sahara finds itself now, and in which East Timor faced before independence, is one which tilts in favour of those who represent the status quo. Both Indonesia and Morocco were or are able to manufacture a range of reasons to deny these peoples a free and fair act of self-determination.

Australia's role in freeing the East Timorese from the yoke of Indonesian rule was, and is, central. I know from my many dealings with many Australians that this country promotes

the very highest standards in human rights and democracy. I have no reason to change that view.

I also know that truth is a highly traded commodity in the market of decolonisation politics. The prevailing state interests of the ruling power of the day – Indonesia then, Morocco now – will always bend truth to suit the political imperatives of the day. The uneven balance of resources, as well as the ability to obtain better access to geopolitical power structures, further benefit the coloniser.

As we are learning in East Timor, freedom demands responsibility. The ability to use democracy's openness can never be an excuse for shoddy views or irresponsible behaviour. Being nominally free to commit acts of injustice, artistic or otherwise, is not a reason to do so.

As a friend of the Saharawis, I ask all Australians to take the time to understand the issues surrounding Western Sahara. I implore all to search for the truth with vigilance and commitment, lest lies become manifest and the vested interests of certain powers be allowed free reign in the marketplaces of ideas and power.

The world must support the independence of Western Sahara as a bridge between the Maghreb and the rest of Africa and as an enlightened Muslim nation bringing the Islamic world and the western democracies closer.

The Government and the people of Western Sahara deserve at least that much. As for East Timor, the worldwide support of the people, quite apart from governments and world organisations, has been, and remains significant. Those connections count and the value of ensuring truth and fiction remain separate is vital.

Jose Ramos-Horta is President of East Timor.

Appendix

Appendix A

Correspondence from Oumar Sy to Tom Zubrycki

From: oumar sy [<mailto:oumarsy411@yahoo.com>]
Sent: Friday, 10 July 2009 8:38 AM
To: tzub@ozemail.com
Cc: dan@unitednotionsfilm.com ; v@unitednotionsfilm.com
Subject: About *STOLEN*
To Mr. Tom Zubrycki
Producer of documentary-film entitled *STOLEN*

To Ms. Violeta Ayala and Mr. Daniel Fallshaw
Filmmakers

To Whom It May Concern:

I, OUMAR SY, citizen of Mauritania and United States permanent resident, would like to declare the following:

1. Early February 2009, I was contacted through a phone call, by Ms. Violeta Ayala and Mr. Dan Fallshaw for translation verification.

They received me in Manhattan (New York) and they told me that they have a film or documentary in which there are interviews with people who spoke Hassaniya, a dialect derived from Arabic mostly spoken in Mauritania and Western Sahara. They wanted me to verify that the translations made in the film from Hassaniya into English are correct and accurate. I agreed to help.

2. While watching the film, I realized that parts of the translation was not correct nor accurate, while there are some other parts expressed in a kind of Hassaniya which I could not understand because it probably reflects the influence of local dialects spoken in the region where the interviews were made, the Saharawi refugee camps in Tindouf, Algeria.

I informed Mss Ayala and Mr. Fallshaw of the wrong translation. I told them that the person who has made those translations from Hassaniya into English has very poor knowledge of Hassaniya.

They told me that the person is from Mauritania and his name is Pape Seye or Pape Faye.

3. They asked me to correct the wrong translation and I agreed to do it.

4. Step by step and minute by minute, stopping and replaying the film, I made the right translation which they were writing down on paper. They asked me to certify that the translation I made which they wrote down was accurate and truthful, which I did under the understanding that all my translations will be incorporated into the final version of the film.

5. They committed themselves to rectify the wrong translation and make the necessary change and then come to my house in Brooklyn (New York) to verify that my translation was indeed corrected into the film. We agreed to meet one Sunday afternoon around 12:30 PM.

However, 15 minutes before our appointment time, they called me to cancel it, due to prior commitments they had. When I asked them how I can know that the translations were correctly done they told me that they will send me a copy of the film.

6. Since that day, I never heard from them. I regretted that they did not keep their word and respect the commitment they made to me.

7. Recently, by the last week of June 2009, they called me, e-mailed me and sent me by mail the film asking me to review some parts of the film, which -they said- "are source of problems".

9. Therefore, I would like to reaffirm that I did not certify that the translations, from Hassaniya into English of the final version of the film called "*Stolen*" directed by Ms. Violeta Ayala and Mr. Dan Fallshaw and the produced by Mr. Tom Zubrycki, are correct.

However, I did certify that the corrections I made which they wrote down on paper were correct.

New York, July 9, 2009

Oumar Sy

Appendix B

Press release issued by Daniel Fallshaw and Violeta Ayala

Paris, 7 May, 2007

We have been working on a documentary film focusing on the life of one family living in the Saharawi refugee camps in the Tindouf region of Western Algeria. The film deals with the separation of Fetim from her mother, separated 31 years ago as a three year old when Morocco invaded Western Sahara. Embarka Fetim's mother who lives in the occupied territories of Western Sahara flew for the first time to the refugee camps in Algeria on 27th April with the UN mission that reunites Saharawi families for 5 days. This trip was our third to the Polisario run camps since September 2006.

We have been working closely with the Polisario who had until recently been extremely helpful and supportive as they are with the many aid organisations and other media that visit the camps.

Toward the very end of our most recent stay in the camps difficulties began to arise between ourselves and the Polisario, after the discovery of a missing tape. The Polisario began to believe we were straying from the focus of our film, that of family separation and giving too much attention to Fetim's black extended family and friends.

On our second last day we arrived back at Fetim's home for the farewell dinner of her mother and found the head of Protocol and 3 other Polisario officials there, the situation was extremely tense. We decided to spend the night somewhere else.

The following day at around 5pm we were picked up by Polisario officials and were held for a total of 5 hours. After which we had a long discussion with the head of protocol together with the head of security, there were two UN officers present to observe. After the discussion we requested to the UN officers to be removed from the camps. After negotiations with the Polisario, we were allowed to leave with the UN officers. At all times the Polisario looked after us and afforded us every courtesy.

We never discussed with the media any of our activities within the camps. This moment in time is extremely important for the independence of Western Sahara. Something we support and have been fighting for the past 12 months. Any information and material we gathered while in the camps has been and will continue to be treated with the utmost respect. We care for and respect Fetim's family a great deal, they opened their lives and home and hearts to us as we did for them.

Violeta Ayala, Documentary Director, *The Wall of Shame*

Appendix C

Jose Ramos-Horta, Melbourne, 23 July 2009

In response to a question about Stolen and allegations of slavery in the Western Sahara refugee camps.

I have to say I was in the camps and I am not naïve - I am always a very curious person. You go to East Timor and you will see me walking into the back alleys of buildings, visiting people while they were cooking in the kitchen. And wherever I am, I am always curious about human beings and at the Sahara camp I went visiting people in tents and talked with so many people.

I do not know the number of international NGOs that over the years have operated in the camps – numerous – far more than ever in East Timor. The number of European parliamentarians visiting the camps and internationally, the Red Cross, always had free access to the Saharawi camps. UNHCR – all areas that you can think of, all these years – no one ever heard of it.

Because this is the first time I heard of it [slavery] in the camps. It is totally an absurdity and made up, I guarantee you.

And if there is one liberation movement that I know.... over the years, many of us like Fretilin in the past, even the ANC, we have been embarrassed by some of the things that we did. The Polisario is one of the most genuine liberation movements and very humanitarian. I never heard of brainwashing by the Polisario. You don't see much propaganda material by the Polisario.

It is not an authoritarian, centrally controlled movement - very liberal, very open. I know from my feelings - I am not stupid, not a genius - but I know when someone is deceiving me. I know how to ask questions and I would never, never turn a blind eye if I knew of any abuses in the Saharawi camps because I would be an accomplice by supporting a movement that I knew was committing these barbarities, so it is totally unheard of.

My experience being there – the experience of the UNHCR, International Red Cross, numerous NGOs, European parliamentarians, US Congressmen – was that no one was ever spoke about slavery.”

Appendix D

Letter from Mr. António Guterres UN High Commissioner for Refugees to Mr. Mohamed Abdelaziz, Polisario Secretary General

NATIONS UNIES
LE HAUT COMMISSAIRE
POUR LES RÉFUGIÉS



UNITED NATIONS
THE HIGH COMMISSIONER
FOR REFUGEES

Cover Photo 2000
1211 Geneva 2
Swiss

Le 22 juin 2009

Monsieur le Secrétaire général,

Je voudrais vous remercier de votre lettre datée du 15 juin 2009 et saisir cette occasion pour réitérer ma profonde gratitude devant les liens de coopération noués entre les autorités du POLISARIO et mon Office.

Nous regrettons que dans le film de Violeta Ayala et Dan Fallshaw, les commentaires d'un responsable du HCR aient été présentés hors de leur contexte. Dans l'interview intégrale, longue de 90 minutes environ, avec Mme Aboubacar, Directrice adjointe du Bureau pour le Moyen-Orient et l'Afrique du Nord, cette dernière a réitéré avec force que si certaines pratiques résiduelles d'esclavage pouvaient encore prévaloir dans la sous-région de l'Afrique de l'Ouest, elle n'avait pas connaissance de telles pratiques dans les camps de réfugiés de Tindouf.

Le HCR n'a pas visionné ce film avant sa sortie et n'en a pas non plus approuvé le contenu ou les conclusions. Le film ne reproduit pas fidèlement les opinions du HCR.

Comme vous le savez, le HCR a établi depuis longtemps une présence dans les camps de réfugiés de Tindouf. Il ne dispose pas d'informations selon lesquelles des pratiques proches de l'esclavage auraient lieu dans les camps. De fait, aucune occurrence de cette pratique n'a été portée à l'attention du HCR. Si tel avait été le cas, vous pouvez être assuré que le HCR en aurait fait mention aux autorités compétentes.

J'espère que ces éclaircissements répondront comme il convient à vos préoccupations.

Je me réjouis par avance de l'occasion de discuter plus avant de cette question avec vous au cours de ma prochaine visite dans la région.

Veuillez agréer, Monsieur le Secrétaire général, les assurances de ma très haute considération.

António Guterres

Son Excellence
Monsieur Mohamed Abdelaziz
Secrétaire général du POLISARIO

English Translation

United Nations
The High Commissioner for Refugees
Case Postale 2500
1211 Genève 2
Suisse
22 June 2009

To His Excellency Mr. Mohamed Abdelaziz,

Secretary-General of the POLISARIO

Mr. Secretary-General,

I would like to thank you for your letter dated 15 June 2009, and to take this opportunity to reiterate my deep gratitude for the ties of cooperation established between the authorities of the POLISARIO and my Office.

We regret that in the film of Violeta Ayala and Dan Fallshaw, the comments of an official of the HCR have been presented out of their context. In the complete interview, of about 90 minutes long, with Mrs. Aboubacar, Deputy Director of the Middle East and North Africa Bureau, the latter reiterated strongly that if certain residual practices of slavery could still prevail in the sub-region of West Africa, she had no knowledge of such practices in the refugee camps of Tindouf.

The HCR has not seen the film before its release, and has not approved its content or conclusions either. The film does not reproduce faithfully the opinions of the HCR.

As you are aware, the HCR has established for a long time a presence in the refugee camps of Tindouf. It does not have any information that practices similar to slavery have taken place in the camps. In fact, no occurrence of this practice has been brought to the attention of the HCR. Had that been the case, I can assure you that the HCR would have raised the matter with the authorities concerned.

I will be delighted to have the chance to discuss further this matter with you during my next visit to the region.

Please accept, Mr. Secretary-General, the assurances of my highest consideration.

(Signed) António Guterres

APPENDIX E

Letters from aid workers and researchers in the camps

27th July 2009

To the Honorable Peter Garrett

Dear Mr. Garrett,

I was recently informed of the film concerning the existence of slavery in the Saharawi refugee camps. Quite frankly, I was deeply disturbed and feel that the accusation of slavery is outrageous.

I have been working and living in the camps for several months of each year since 2005, coordinating an English language program, primarily in the 27th of February camp. My fellow teachers and I have lived with families and developed many friendships over our years of work there. I have never witnessed anything even remotely resembling slavery or forced labor. The camps were established in an egalitarian manner, maintaining the system of extended family ties. By their very nature, refugee camps in the Sahara desert involve a challenging lifestyle of hard work - everyone in the family is expected to contribute to the workload.

I actually spoke with the researchers for the film when they were visiting the camps and stated emphatically that I thought they were on the wrong track.

The Saharawi people have already suffered great injustices and hardships. This film can do great damage to their cause. I hope that you will consider the stronger evidence of those of us who have lived among this gentle and hospitable people. Please feel free to contact me if you would like additional information.

Yours truly,

Marcia Woodward
Director,
Saharawi English Program
27th of February Camp

Dr. Ruth Harley
CEO - Screen Australia
Level 4, 150 William Street
Woolloomooloo NSW 2011

Trinity College
Cambridge
CB2 1TQ
United Kingdom

29th July 2009

Dear Dr Harley,

I have recently read reports in the Australian press about the controversy surrounding the film "Stolen", co-directed by Violeta Ayala and Dan Fallshaw, and shown at the 2009 Sydney Film Festival. I am deeply concerned by the allegations reported to be made in this film, specifically

the claim that the institution of slavery continues to operate in the refugee camps for refugees from Western Sahara, located near Tindouf, Algeria.

I am fortunate to have spent 20 months between January 2007 and January 2009 in the camps undertaking language training and research for my PhD at the department of Social Anthropology at the University of Cambridge. By October 2007, I was able to speak and understand Hassaniya, the dialect of Arabic spoken by the Saharawi, fluently. During the course of my time in the camps, I lived with four different families in three different camps, and conversed and interacted with a wide range of people amongst camp residents without the need of a translator. The government of the camps, Polisario, did not place any restrictions on the people with whom I was able to meet and converse. I believe that I have direct and reliable experience of the social relations which characterise life for camps residents.

I never learned of or observed any evidence of the contemporary exploitation of owned, unfree labour in the camps, nor did I learn of or observe any evidence that owned, unfree labour has been exploited at any time since the formation of the camps under the leadership of Polisario, following the annexation of Western Sahara by Morocco and Mauritania in 1975.

Those who are familiar with the history of the region will know that historically, the category of owned, unfree labour did exist in the area now known as Western Sahara (as was also been the case in other parts of Africa and the Arab Muslim world), and in the case of contemporary Western Sahara its practice is reported to have continued beyond slavery's abolition in Western countries. Whilst in operation, slavery there, as in any society, allowed the exploitation of some members of society in ways that are against the principles of the respect for human rights. As such, the practice must be seen as condemnable. The Polisario banned the exploitation of owned, unfree labour at its Third General Congress, August 26th-31st 1976.

Saharawi refugees who had been ex-slaves and ex-slave owners continue to live in the camps, and in many cases continue to lead lives joined by close social ties of friendship, neighbourliness, and feelings of mutual commitment and obligation that are often talked of, on both sides, in terms of kinship. As is the case with friends, neighbours, real and fictive kin of all kinds in the camps, those joined by these ties help each other out in relationships of mutual exchange, both on a daily basis and on special occasions, such as weddings and the naming ceremonies for a new child.

Of a historical past in which owned, unfree labour was an important part of the labour economy, what remains in the camps is a social imprint of relations that historically bound some persons and groups in that manner. As in any post-slavery society, the historical presence of slavery leaves a social legacy which remains beyond the operation of the institution itself. Whilst the Saharawi in the camps are often proud of some aspects of that social legacy – the mutual feelings of fictive kinship and shared responsibilities that ex-slaves and ex-slave owners often feel – there are, just as is the case in other post-slavery societies, aspects of that social legacy which are of concern to the Saharawi themselves. For example, under the historical rules for the practice of owned, unfree labour, it was forbidden for an owned man to marry a free woman. Marriages between any adult Saharawi and any other adult Saharawi (or indeed any non-Saharawi adult) are of course now permitted, but some people in the camps still find the idea of marriages that break any of the wide-ranging historical prohibitions, whether related to historical ownership of labour or not, disconcerting. The phenomenon of social vestiges of historical systems of exploitation and discrimination is found in any post-slavery, post-settler, post-colonized or post-colonizing society: the refugee camps are no different, and to expect them to

34 Critique of *Stolen*

have broken off with a historical system of unfree labour without any social vestiges raises doubts as to the objectivity with which that society is being appraised. Nevertheless, I stress that any social vestiges, both those of which the Saharawi are proud and those which they find problematic, are very different from the continuation of the exploitation of owned, unfree labour. I know of no evidence that owned, unfree labour is or has been exploited in the refugee camps for Saharawi refugees.

In sum, I am deeply saddened that by all reports, the film “Stolen” has failed to give a representation of the society in question that can be recognised either by its members (and indeed the film’s protagonists, some of whom have requested that they be removed from the film) or by those observers – aid workers, film makers, researchers, journalists, teachers and visitors, whose comments I have read in the press – who have far more nuanced experience there than the co-directors. I am both saddened, and angered because of the serious nature of these allegations.

Given the opposition from the film’s own protagonists to their representation, the public concern from outside observers familiar with the camps, and the statement of the film’s translator, Oumar Sy, that his corrections to the translation have been ignored, I strongly recommend that Screen Australia take appropriate action to support a thorough investigation into the integrity of the film’s allegations.

It is my earnest hope that those who are genuinely interested in the promotion of human rights seek out reliable evidence on which to base their commendable efforts to further the protection of human rights where that work is sorely need. Many thanks in advance for the attention of Screen Australia to the serious issues raised in the case of the allegations of the film “Stolen”.

Yours sincerely,

Alice Wilson

23rd July 2009

Honorable Minister Peter Garrett,

My name is Tim Kustus, and I have worked with the U.S. House of Representatives, the U.S. Department of State, and the International Crisis Group. I have recently returned from a two and a half month stay in the Saharawi refugee camps outside of Tindouf, Algeria, where I worked as an independent journalist and researcher.

I am writing today to address the issue of slavery in the Saharawi refugee camps, which, as you known, has become the subject of much international attention in recent weeks because of the documentary produced by a few Australian filmmakers. Allegedly, the documentary – entitled *Stolen* – misquotes the main character (Fetim) and misconstrues her words in order to paint an unfair picture of the presence of slavery within Saharawi society. Since I have not seen the film, I cannot attest to its accuracy. But after several months living in four of the five camps outside of Tindouf, I consider it my duty to offer my perspective on the idea of slavery in the camps and in Saharawi society.

In a Human Rights Watch report published in December of 2008, a considerable amount of space was dedicated to addressing the possibility of slavery existing in the Polisario-controlled camps. Though I had been to the camps for the first time earlier that year and seen no such practices, I was still disappointed by the possibility of such customs being a part of the Saharawi society, which is one of the freest and most open I have witnessed. As I believe that slavery and subsequent centuries of racism is the greatest scourge ever to infect my own country, I decided to actively investigate the issue during my second visit to Tindouf.

One of the first things I did upon arrival was to attend a celebration for a group of Saharawis who had arrived from the Western Sahara proper. During the party, women and children of all ages, races, and families sat together, side-by-side. Though this was not enough to completely discredit the possibility of slavery, I was impressed by the equality that appeared to exist at this celebration, as black women and children sat, laughed, drank (milk, of course), and danced with light-skinned women and children. Weeks later, after a day of horrendous rainfall, the young Saharawis that I was living with spent several days reconstructing sand-brick houses with their volunteer youth group. The first house they worked on was that of a black family—in this case, the lighter-skinned Saharawis of Arab descent were serving those of African Berber descent.

These were just two of the experiences that began to discredit the idea of any kind of racism, let alone slavery, in the camps. And I saw many more. When it was time to feed the goats, both black and white Saharawis carried pails to the goat pens. When it was time to collect the monthly food deliveries from the World Food Program, both black and white women dragged sacks of flour and rice through the streets to their homes. When it was time for school, both black and white children sat side by side and received the same attention. In a refugee camp, there are no slaves or masters. All are equal, regardless of religion, race, gender, or tribe, especially in Saharawi culture.

Throughout my time with the Saharawis, I talked with a number of people – including both blacks and Polisario leaders – about the problem of racism. From those conversations, I was able to answer two questions. First, has slavery ever existed in Saharawi society? The answer is, unfortunately, yes. However, we should not jump to conclusions. First, because most modern societies have had periods of human enslavement in their cultures at some point in history, and second, because Saharawi slavery—as is true for many other Arab countries—was not as ugly of an institution as slavery in the United States, for example. While slaves were clearly denied some basic rights and personal freedoms, enslavement was more comparable to indentured servitude in the early days of the U.S.—an economic understanding between families, rather than forced labor and physical abuse.

Secondly, does slavery exist in the camps today? The answer appears to be, thankfully, no. Hamada Selma, the Saharawis' Minister of Justice, admitted to me personally that even up until the 1970s, when the Polisario Front liberation movement was founded, there were still economic relationships between families and individuals. When the Front was formed, its principal goal was and always has been the liberation of the Western Sahara. But a secondary and no less important goal has been the sensitization of the Saharawis for life in a modern democracy. A part of this goal has included an intense focus on equality—both political, social, gender-based, and racial. The leadership of the Polisario has concentrated on the eradication of all forms of slavery, racism, and prejudice, and to be honest, the effects of those efforts are quite noticeable.

In speaking with a black Saharawi friend who was born in Mauritania and who teaches English at a school in the camps, I asked him if people treated him differently. “You mean because I am from Mauritania?” he responded. “Well, some people think it strange and they say I came here for the money...” “No,” I interrupted him, “I mean because you’re black.” “Why would people treat me differently because I’m black?” he asked, perplexed. I left the question there.

The Saharawis are some of the fairest and most equal people I have ever met. In my two and a half months outside of Tindouf, I lived in four of the five camps, and talked with hundreds of people. Even with explicit questions, I never once became aware of any vestiges of slavery among the Saharawis. True, a form of slavery—one not based on subjugation or the idea that one race of people was subhuman, but rather on economic and historical ties—did once exist among the Saharawis, as it did in many other countries, including my own. But since the 1970s, painstaking efforts have been undertaken to eradicate racism in all of its forms.

As I said above, I have not seen the documentary, so I cannot attest to its accuracy. If the filmmakers did falsely translate and misrepresent the words of Fetim, that is a serious offense, and should be severely punished. Slavery simply does not exist in Saharawi culture today. Furthermore, the Saharawis have been oppressed by the Moroccans and abandoned by the international community for over three decades, so instead of having to spend our time disproving questionably-produced documentaries about social practices that are no longer in existence, it would be a much better use of all of our time to focus our efforts on ensuring that the Saharawis are given their UN-backed right to self-determination, a goal we can all agree is a noble one.

Thank you very much for your time and consideration, and I hope that your government and the people of Australia can make an educated decision concerning the issues presented in this documentary and join the Saharawis in their fight for independence.

Sincerely,

Tim Kustus

APPENDIX F

Letter sent by Baba Hussein (husband of Fetim and father of Leil) to Tom Zubrycki

"Los barrios, Cádiz, Spain,

4 May 2007

Attention: Tom Zubrycki, Producer

The Wall of Shame

I, Baba Hussein, over the age of majority, a Saharawi refugee in the Saharawi Refugee Camps in Tinduf, holder of Algerian passport: 0907554,

I STATE that the Australian journalists of your production company have used my family and my house for purposes that are far from the ones for which they asked us in the beginning. Despite our situation lacking in material resources, we have at all times tried to show our hospitable customs characteristic of our nomadic and communal culture. We have never forgotten that we are in a situation of cease-fire and that our people are constantly on the alert maintaining the dignity of resistance. This situation has been disrupted owing to the intervention of your journalists who, acting as judges and owners of the absolute truth, have taken an attitude of reality show manipulating our lives and our relationships. Unsatisfied with realising these recordings in the desert, they also moved to Spain, where my son and I are at the moment, in order to carry out their work falsifying his situation and involving some Spanish families in their recordings. The harm caused is enormous given that we owe a great part of our lives to the solidarity network that we have established amongst all in order to sustain our struggle.

Therefore,

I DEMAND that no information may be used under any circumstances or in any format particularly if it affects in any way my children who, being minors, should be protected everywhere in the world, and for that we will use all the legal measures at our disposal.

I also DEMAND a clear explanation for the true intentions that have led to this situation because the false promises, which we readily believed, made us open up our jaima (tent) and our hearts. However finding out the truth made us close them forever and see that racism, xenophobia and humiliation have been brought together in this case by your journalists who, whilst considering us inferior, looked for ways to capture and diffuse this.

I look forward to your reply.

Yours sincerely,

Baba Hussein

APPENDIX G

Saharawi Position on Human Rights Monitoring

Independent Diplomat Communiqué 5 May 2009

Human rights in Western Sahara - one step closer In an important development last week, the UN Security Council - in Resolution 1871

<<http://dotm1.net/1772382/567398807/12523097/861185/10688/0/t2.aspx>> - for the first time recognized "the human dimension" of the long-standing dispute over Western Sahara between Morocco and the Frente POLISARIO, the elected leadership of the indigenous population of Western Sahara. Independent Diplomat has provided diplomatic advice and practical assistance to the Frente POLISARIO since 2006, helping the Saharawi people in their 30-year-long struggle to secure a free referendum on the establishment of an independent state in Western Sahara, as required by international law.

The POLISARIO worked behind the scenes at the UN in New York to push Council delegations to mandate the UN's Mission in Western Sahara (MINURSO) to monitor human rights. Such a capacity has been recommended by the UN High Commissioner for Human Rights, Amnesty International, Human Rights Watch and an ad-hoc delegation of the European Parliament, which visited the region in late January 2009. MINURSO is the only contemporary UN peacekeeping mission in the world which lacks a mandate to monitor human rights in its area of operation.

With support from non-permanent Council members Costa Rica and Uganda, the POLISARIO worked successfully to isolate France as the only delegation opposed to expanding the Mission's mandate to include a human rights monitoring capacity. France's blocking tactics were reported worldwide, including in the French daily *Le Monde* - see here <<http://dotm1.net/1772383/567398807/12523097/861185/10688/0/t2.aspx>> . While not yet secured, this year's resolution provides a sound basis for seeking human rights protections for the Saharawi population in the future.

Independent Diplomat advises governments and political groups in three continents and has five offices in key diplomatic centres. To learn more about our work, please click here <<http://dotm1.net/1774845/567398807/12523097/861185/10688/0/t2.aspx>> .

Appendix H

Violeta Ayala and Dan Fallshaw Press Conference in New York

<http://www.togetherworld.org/news.htm>

Polisario Tindouf Refugee Camps, Institutionalized widespread slavery 10-16-2007

Violeta Ayala and Daniel Fallshaw, two independent Australian journalists and documentarists have revealed last Thursday October 12, 2007, in New York that slavery *was a widespread institutionalized practice in the more than 35 years old Sahrawi refugee camps* of the Tindouf region.

The camps were established, at the end of a 15 years long war with Morocco, on a portion of the extreme south of the Algerian Saharan territory controlled by the Frente Polisario, to ensure visibility and some kind of refugees status to the Sahrawi nomadic population that would have otherwise continued to wander in the desert, following the customary grazing paths for their herds. Violeta Ayala, speaking to a large group of media and press representatives *at UN headquarters* underlined how widespread was the slavery reality in those camps of misery. *her and her partner had uncovered this terrible reality during one of their many trips to the area, this time to shoot a film on the “exchange of family visits” programme of the UN refugees organization by which a handful of families visit their relatives on both sides of the Moroccan wall of defence separating them. It is then, explains Violeta, that they became the witnesses of open manifestations of the slavery practices, confirming the large scale of this phenomenon practiced for decades by “white” Sahrawis, the masters, over their black fellow refugees. “How could such an unimaginable situation happen in these camps, exclaimed Violeta Ayala, and how could a so-called “liberation movement” as the Polisario claim, support and protect such a phenomenon?” The prevalent skepticism of the attending journalists transpired through their many questions and interrogations, to which Ayala and Fallshaw responded by showing a 3 minutes trailers where black slaves themselves relate their condition and denounce the yoke of slavery they are constrained in. The slaves explain clearly that they do not have any rights, are not allowed to possess anything or to decide on their own fate. They are simply considered as the property of their masters and are part of the “furniture”. But, pursues Violeta Ayala, “the worst of all, slavery is regulated and protected by the law. It goes beyond social and cultural customs”. The two Australian journalists, sponsored by the US based Together Foundation that organized this press conference in collaboration with the UN Correspondents Association, informed their audience that they were preparing a feature documentary on the subject to be showed in mid-2008 in various festivals. Meanwhile they intend to address the UN High Commissioner for Human Rights at Geneva with their sponsors. Earlier this year, in May, Repoters without Borders had reported that Violeta Ayala and Daniel Fallshaw had been detained by the Polisario Front Security Forces and under the pretext that they “were looking into the fate of the black Sahrawi population”. They had been freed thanks to the voluntary intervention of two Russian UN Peacekeepers. Eventually, the Australian government intervened and arranged for them to return safely, as the journalists explained.*

[our emphasis]

Appendix I

Statement by Cate Lewis regarding the tapes being hidden in the desert

The film-makers claim they were threatened with having their tapes confiscated and say they decided to bury them in the desert. I have been to that part of the camps on three occasions. The ground is very hard and stony. So I asked the film-makers how they went about digging a hole.

Dan replied “that’s a strange question” and after some thought “well, there is a way to make a hole in hard ground”.

He then told Violeta “I have been asked how we buried the tapes in the desert.”

She said, gesturing, “Ah, there’s no problem the sand is soft.”

I said “Not near 27 February School camp. It’s hard there.”

She responded saying, “Have you been?”

I replied, “Yes, three times.”

She turned away to talk to others, not wishing to continue the conversation.

The question is how could the film survive in the desert in a flimsy plastic bag and not be covered in sand or damaged by 45 degree heat.

Whether the ground was impossibly hard or soft shifting sand (which the film-makers were unable to agree on) from my knowledge of the area, I would be surprised if it was possible to bury anything for that amount of time and be able to successfully retrieve it.

If, as the film suggests, the Polisario were watching them, they would have seen where they went. If they missed that moment, but were so keen to confiscate the tapes, experienced local trackers could have found the place. In the film, they are depicted as being picked up by the Polisario in the desert at night after having buried the film.

Cate wrote to Brahim Mokhtar, head of Protocol during the third visit to ask for his version of this story. About being threatened with having their tapes confiscated he said : “I can say ... that they have never been molested or threatened by any Saharawi at any moment...”

They were never asked to hand over the tapes before leaving the camps or Tindouf and we could have done that very easily but it was not in our traditions to do so.”

Appendix J

The synopsis of Violeta Ayala and Dan Fallshaw previous film. Note the similar sensationalist storyline.

<http://www.roninfilms.com.au/feature/764.html>

BETWEEN THE OIL AND THE DEEP BLUE SEA

Set in Mauritania this story follows the investigations of a respected Mauritanian and world renowned mathematician, Dr Yahya Hamidoune. The Professor, as he became known, introduces us to many Mauritians, from government Ministers through to local people earning less than \$1 a day, in his campaign against an Australian company whom he sees as exploiting his country and his people.

Mauritania is presently governed by a transitional military junta. A coup in August 2005 saw the previous president Taya deposed and Colonel Vall replace him.

The story takes *many twists and turns* as the filmmakers follow the Professor on his mission. *They are the first independent foreign filmmakers to visit Mauritania in 28 years. During the investigation, the Professor receives a death threat. In the course of the story, they get lost in the desert under suspicious circumstances without water, running out of petrol and are rescued by a nomadic goat herder. They have their plane tickets Stolen and are under continual surveillance.* [our emphasis]