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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Joint written statement* submitted by American Association of Jurists, Asociación Española para el Derecho Internacional de los Derechos Humanos AEDIDH, Association Mauritanienne pour la promotion du droit, Association mauritanienne pour la transparence et le développement, Association Nationale des Echanges Entre Jeunes, December Twelfth Movement International Secretariat, Freehearts Africa Reach Out Foundation, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, Habitat International Coalition, International Association Against Torture, International Association of Democratic Lawyers (IADL), International Fellowship of Reconciliation, Paz y Cooperación, Plataforma Mulheres em Acção, Right Livelihood Award Foundation, World Barua Organization (WBO), non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., Liberation, Mouvement contre le racismisme et pour l'amitié entre les peuples, World Peace Council, non-governmental organizations on the roster

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

[28 January 2021]

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



Western Sahara: human rights defenders, journalists and political prisoners at risk

The 267 member organizations of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara share the views expressed in this statement. Spanish and French versions of the statement are available on the Group's website.¹

Background

Since 1963 Western Sahara is considered by the United Nations (UN) General Assembly (GA) as a Non Self-Governing Territory.² Accordingly, resolution 1514 (XV) - Declaration on the Granting of Independence to Colonial Countries and Peoples - applies to Western Sahara.

In 1966, the UN General Assembly³ requested Spain to determine at the earliest possible date, in conformity with the aspirations of the indigenous people of Spanish Sahara, the procedures for the holding of a referendum under United Nations auspices.

In its 1975 Advisory opinion⁴, the International Court of Justice unambiguously stated that "the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco... Thus the Court has not found legal ties of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory."

In November 1975, the Kingdom of Morocco invaded Western Sahara. This led to a war that was frozen in 1991 with the agreement between the Kingdom of Morocco and the Polisario Front for a Settlement Plan and the subsequent creation of the UN Mission for the Referendum in Western Sahara.⁵

This Mission remains the only peacekeeping operation mandated to enforce a very fundamental peoples' right: the right to self-determination.

On 26 February 1976, Spain informed the Secretary-General that it had terminated its presence in the Territory of Western Sahara and considered itself thenceforth exempt from any responsibility of any international nature in connection with the administration of the Territory.

Since then, Western Sahara is the only Non Self-Governing Territory that has not an internationally recognized administering Power and the only being under foreign illegal military occupation.

During three decades the Kingdom of Morocco has spared no efforts to impede the organization of a referendum of self-determination in Western Sahara.

Current situation of human rights defenders and journalists

On 13 November 2020, after three weeks of pacific manifestation of a group of civilian Saharawi in the demilitarized buffer-zone of Guerguerat, calling for the end of the occupation of the Territory and the illegal plundering of the natural resources, the Kingdom of Morocco decided to respond militarily in order to scatter the protesters, thus breaking the cease-fire in force since 1991.

¹ www.genevaforwesternsahara.org.

² Resolution 1956 (XVIII).

³ Resolution 2229 (XXI).

⁴ Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p. 12.

⁵ UN Security Council resolution 690.

In the following days, the Moroccan security forces reinforced repressive measures against the Sahrawi population, in particular against human rights defenders and journalists.

The members of the “Saharawi Organ against Moroccan Occupation” (ISACOM), including Aminatou Haidar⁶ and Djimi El Ghali, who were already victims of enforced disappearance at the end of the 1980s, and who use to interact with the UN human rights mechanism, were victim of a smear campaign since the creation of the organization in September 2020.

Furthermore, the Moroccan occupying authorities instructed its judicial authority to issue a notice on 29 September 2020 signed by the General Prosecutor in the occupied city of El Aaiún. The General Prosecutor promised to open a legal investigation against all participants of the founding meeting of the Organ, claiming that they were undermining the Kingdom’s territorial integrity.

Several ISACOM’s members are presently under a de facto house arrest, their houses being constantly besieged and monitored by both official and plain-clothed police.

Mr. Hasana Douihi (ISACOM member) was prevented from leaving occupied city of Bojdor to visit his family in El Aaiún. His wife, Mina Baali, was severely beaten at the entrance of her house.

On 10 November 2020, Moroccan security forces dressed in plain clothes while using an official police vehicle kidnapped Aali Asadouni and Nourdeen Alarkobi (members of the organization “Group for the renunciation of Moroccan Nationality”) were physically and psychologically tortured and then discarded in miserable state just outside the occupied city of El Aaiún.

Since the breaking of the ceasefire on 13 November, several houses of Saharawi human rights defenders have been raided, including the homes of Ms. Galli Barka Ajna, Ms. Fatimatu Dahuar, Mr. Ahmed Fadel Elkarkar (who was arrested along with his son Ahmed Habadi Fadel), Mr. Jatri Ould Belamch, Mr. Mulay Ould Asmaili (where his son Ayub was beaten), Mr. Mohamed Ajnafr, Mr. Mojahid Ali Buya Mayara, Mr. Ali Ould Zainedin, Mr. Malainin Haddi (singer), Nazha El Khalidi and Ahmed Ettanji (journalists).

Human rights defender Jamila Haissen Mojahid’s was injured after Moroccan security forces throw stones at the home of human rights defender Ali Salem Tamek.

On 19 November 2020, Ms. Sultana Khaya (ISACOM member) was detained in the occupied Bojdor; she was beaten, abused, striped of her clothes and belongings. Members of her family were also attacked and intimidated, including her mother Matu Embairik who was hospitalized after a head injury. Sultana’s sister Mrs. Elwaara Khaya was also hit in the head and the back. Subsequently, occupying authorities besieged the family home and prevented anyone to visit from visiting the family.

On 09 December 2020, the court of El Aaiún pronounced sentences amounting to 10 months in prison against three young Sahrawis (Nasrallah El Gareh, Ahmed Habaddi Al Gargar and Ali Oudan) arrested in the context of peaceful demonstrations organized after the violation of the ceasefire.

On 15 December 2020, the Moroccan occupation forces arrested Youssef Mohamed Ali Bougharioun (aged 24) following an arrest warrant, which date of issue, source and the charges against him were not specified.

Current situation of Saharawi political prisoners

On 19 November 2020, the cells of members of the Gdeim Izik group: Al-Bashir Allali Potangiza, Hussein Boujemaa Al-Mahjoub Al-Zawy, Ahmed Al-Bashbar Ahmed Al-

⁶ Ms. Aminatou Haidar, who received the Robert F. Kennedy Human Rights Award in 2009 and the Livelihood Right Award (alternative Peace Nobel Prize) in 2019, met the UN High Commissioner for Human Rights in November 2019.

Sebaei, Enna Abdi Moussa, Enama Abdi Moussa Dieu le Wali Ahmed Lakhfouni, detained in Kenitra prison were completely ransacked, the prisoners were threatened with reprisals and deportation to secret prisons.

On 04 December 2020, Mohamed Saleh Dada, militant for the independence of Western Sahara from Smara, was transferred from Loudaya prison to Ait Melloul prison, where he was humiliated, stripped of his clothes and directly placed in solitary confinement.

The family of Lbachir al Aabd al Mehdar Khada, detained in Tiflet 2 prison, reported that, on 01 December 2020, their son had been subjected to reprisals and harassment and various forms of psychological torture and degrading treatments. In the morning of 14 December 2020, they searched his cell, confiscated his books and he was subjected again to degrading treatments.

On the same day, the director of the prison, together with a group of employees, raided Haddi Mohamed Lamine's cell (Gdeim Izik group) when he was in the prison yard: his belongings were ransacked or confiscated, including his sheets and blankets.

In Ait Melloul prison, Sayed Ahmed Faraji Majid (Gdeim Izik group), whose state of health has greatly deteriorated, appealed to the International Committee of the Red Cross in order to obtain adequate medical follow-up, while the family of Ibrahim Sidahmed Daddy Al Ismaili (Gdeim Izik group) deplores the fact that his son cannot access the necessary care, despite the deterioration of his health. Similarly, Mohamed Hassanna Ahmed Salem Bourial (Gdiem Izik group) complained that he cannot access to adequate medical care while suffering multiple diseases.

Ennaàma Asfari (Gdeim Izik group), victim of torture⁷, detained in Kenitra prison has been limited to 5 minutes of telephone calls to his family members, including his wife Claude Mangin (French citizen) who is still banned from entering the territory of the Kingdom of Morocco.

In recent times, the Working Group on Arbitrary Detention has issued a number of Opinions concerning Saharawi activists, stressing that their detention is directly linked to their political activities in favor of the free exercise of the right of self-determination of the Saharawi people and therefore that their detention violates international law.

Recommendations

The 267 member organizations of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara call upon the UN High Commissioner for Human Rights:

- To urgently dispatch an observation mission to the Non Self-Governing Territory of Western Sahara occupied by the Kingdom of Morocco and report to the 48th session of the Human Rights Council on the human rights situation and
- To offer a specific technical cooperation and capacity building programme to the recognized representative of the Saharawi people, the Polisario Front⁸, in compliance with UNGA resolution 75/104 (OP8).

⁷ CAT/C/59/D/606/2014.

⁸ Resolution 34/37 (21/11/1979).