



General Assembly

Distr.: General
21 August 2023

English only

Human Rights Council

Fifty-third session

19 June–14 July 2023

Agenda item 2

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

Written statement* submitted by Mouvement contre le racisme et pour l'amitié entre les peuples, a non- governmental organization 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.

[25 May 2023]

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



Western Sahara Deserves a Positive Action from the Office of the High Commissioner for Human Rights and a Special Attention from the Human Rights Council

Introduction

Western Sahara, a Spanish colony from 1886 to 1975, is pending decolonisation under international law since it was included in the list of Non-Self-Governing Territories (resolution 1956-XVIII) by the UN General Assembly (UNGA), in accordance with UNGA resolution 1514 (XV), entitled “Declaration on the Granting of Independence to Colonial Countries and Peoples”.

Western Sahara has been under the Moroccan occupation since 31 October 1975, when the king Hassan II ordered the Moroccan Royal Army to open the way for the “Green march” to which some hundreds Moroccan civilians entered the Non-Self-Governing Territory of Western Sahara.

Policies implemented by the Moroccan occupying authorities in the Non-Self-Governing Territory of Western Sahara against Saharawis advocating for the free exercise of the right to self-determination, as enshrined in UN General Assembly resolution 1514 (XV), are conducive to systematic violations of all fundamental human rights of the Saharawi people, including the right to self-determination and the right to development.

Although Morocco ratified the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in 1979, the Saharawi people living in the Non-Self-Governing Territory of Western Sahara or on the Moroccan soil are subjected to arbitrary arrests, arbitrary detention and torture.

The Violations of the Right to Freedom of Association

Despite the Moroccan authorities continue to express their commitment to freedoms of association, of assembly and protection of human rights defenders; Saharawi activists are victim of harassment and acts of violence from the Moroccan security forces, both in the street and at home or in the premises of their associations.

In this regard, since 2007 the Organization of the Collective of Sahrawi Human Rights Defenders in Western Sahara (CODESA_SO) has not been allowed to organize training sessions and create Sahrawi human rights defenders group, because it adopts documents advocating for the right of the Sahrawi people to self-determination and for its denunciation of crimes committed by the occupying Power in the Non-Self-Governing Territory of Western Sahara.

On 25th October 2020, CODESASO held its constitutive meeting at the home of the Sahrawi human rights defender Ali Salem Tamek.

In the following days, the Moroccan occupying forces started a campaign targeting the members of the Executive Bureau of CODESASO: Babouziid Mohamed Said Lebihi President of the organization was banned from working and expelled from the port of the occupied city of Dakhla.

Although the Moroccan occupying authority has accredited the Saharawi Association of Victims of Grave Human Rights violations (ASVDH), after many years of pressure from international NGO's, they subsequently besieged the association's headquarters preventing its members to organize any activities and imposing restrictions on a group of its members.

On 5th March 2022, Moroccan security forces denied the access to the headquarters to CODESA_SO's members, when the ASVDH's General Assembly was to be held in order, inter alia, to renew the Executive Bureau.

The Association of the unemployed Saharawis established in March 2002 in the occupied city of El-Aayun is not allowed to carry out its activities after the arrest and trial of some of its members.

The Violations of the Right to Peaceful Assembly

In the Non-Self-Governing Territory of Western Sahara, as well as in the Moroccan universities, Saharawis are banned from demonstrating peacefully demanding the free exercise of the fundamental right to self-determination and the guarantee of its economic, social and cultural rights. Moroccan security forces maintain restrictions on specific places where peaceful sit-ins may take place.

This ban is extended to include, for instance, commemorations of the international days adopted by the United Nations General Assembly and peaceful sit-ins in solidarity with the Sahrawi political prisoners.

Arbitrary Detention and Torture

Saharawi activists, human rights defenders and journalists are victims of arbitrary arrests and torture.

In its recent jurisprudence, the UN Working Group on Arbitrary Detention (WGAD) has determined that Saharawis are detained because being Saharawi and because of their political opinion about the occupation of their land by Morocco.

All details can be found in the following documents: A/HRC/WGAD/2017/11 concerning the case of Salah Eddin Bassir, A/HRC/WGAD/2018/31 concerning the case of Mohamed Al-Bambari, A/HRC/WGAD/2018/60 concerning the case of Mbarek Daoudi, A/HRC/WGAD/2019/23 concerning the case of Laaroussi Ndor, A/HRC/WGAD/2019/67 concerning the case of a group of 14 students (Brahim Moussayih, Mustapha Burgaa, Hamza Errami, Salek Baber, Mohamed Rguibi, Elkantawi Elbeur, Ali Charki, Aomar Ajna, Nasser Amenkour, Ahmed Baalli, Aziz El Ouahidi, Mohammed Dadda, Omar Baihna y Abdelmoula El Hafidi), A/HRC/WGAD/2020/52 concerning the case of Ali Salem Bujmaa (known as Ali Saadouni), A/HRC/WGAD/2020/68 concerning the case of journalist Walid El Batal, A/HRC/WGAD/2021/46 concerning the case of Mohamed Elhafed Iazza and A/HRC/WGAD/2022/50 concerning the case of Sultana Khaya and Luara Khaya who were under house arrest from 19 November 2020 until 31 May 2022 while no charges were brought against them, during this period they were subjected to harassment, violence, threats of rape, rape and torture.

In December 2022, the Human Rights Observatory of the Government of La Rioja decided to award Sultana Khaya with the Human Rights Award of La Rioja, in recognition of her peaceful resistance and defence of the rights of the Saharawi people in the territory of Western Sahara.

The UN Committee Against Torture has also had to deal in recent years with complaints lodged by Saharawi activists and human rights defenders. The Committee has consistently concluded that the complainants were victims of torture from the Moroccan security forces.

All details can be found in the following documents: CAT/C/59/D/606/2014 concerning the case of Ennaâma Asfari, CAT/C/72/D/650/2015 concerning the case of Omar N'Dour, CAT/C/72/D/871/2018 concerning the case of Sidi Abdallah Abbahah and CAT/C/72/D/923/2019 concerning the case of M.B.,

Conclusion and Recommendations

The long standing and continuing illegal military occupation of the Non-Self-Governing Territory of Western Sahara by Morocco is the source of systematic, serious and continuing breaches of International Humanitarian Law and violations of human rights.

Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) recalls that at the World Humanitarian Summit (Istanbul, 23-24 May 2016), the Office of the High Commissioner for Human Rights (OHCHR) committed itself, inter alia, to speak out and systematically condemn serious violations of international humanitarian law and serious

violations and abuses of international human rights law and to take concrete steps to ensure accountability of perpetrators when these acts amount to crimes under international law.

The OHCHR also committed itself to monitor and report on the impact of armed conflict on humanitarian and health care workers and facilities, as well as on other human rights defenders in view of ensuring the enjoyment of human rights, as part of its overall reporting on violations of international humanitarian law.

Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) calls on the High Commissioner for Human Rights to ensure that the commitments made by the Office at the World Humanitarian Summit are implemented when dealing with the situation in the Non-Self-Governing Territory of Western Sahara

Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) also calls on the Human Rights Council to give special attention to violations of human rights, especially the right to self-determination, resulting from the Moroccan military intervention and illegal occupation of the Non-Self-Governing Territory of Western Sahara, in accordance with OP5 of UNGA resolution 77/207 (15/12/2022), entitled "Universal realization of the right of peoples to self-determination".

Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP) urges Morocco to:

1/ fully complies with its international commitments and obligations with regard to the International Humanitarian Law, notably the Fourth Geneva Convention (1949), in the Non-Self-Governing Territory of Western Sahara;

2/ implement all provisions of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights in the Non-Self-Governing Territory of Western Sahara;

3/ release all Saharawi activists, human rights defenders and journalists arbitrarily detained because of their activities in defence of the fundamental right to self-determination, as enshrined in UN General Assembly resolution 1514 (XV).
