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مجلس حقوق الإنسان

الدورة الثانية والأربعون

٩-٢٧ أيلول/سبتمبر ٢٠١٩

البند ٢ من جدول الأعمال

التقرير السنوي لمفوضية الأمم المتحدة السامية لحقوق
الإنسان وتقارير المفوضية السامية والأمين العام

مذكرة شفوية مؤرخة ٢٥ أيلول/سبتمبر ٢٠١٩ موجهة من البعثة الدائمة لجنوب أفريقيا لدى مكتب الأمم المتحدة في جنيف إلى رئيس مجلس حقوق الإنسان ومفوضية الأمم المتحدة السامية لحقوق الإنسان

تهدي البعثة الدائمة لجمهورية جنوب أفريقيا لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا تحياتها إلى رئيس مجلس حقوق الإنسان ومفوضية الأمم المتحدة السامية لحقوق الإنسان، وتشرف بأن توجه انتباههما إلى الرسالة المرفقة الموجهة من جبهة البوليساريو بشأن تنفيذ مجلس حقوق الإنسان القرار ١٦٠/٧٣ الصادر عن الجمعية العامة المتعلق بالإعمال العالمي لحق الشعوب في تقرير المصير (انظر المرفق).

وتتشرف البعثة الدائمة لجمهورية جنوب أفريقيا بأن تطلب إصدار هذه المذكرة الشفوية ومرفقها* باعتبارها وثيقة من وثائق مجلس حقوق الإنسان وتعميمهما على جميع الدول الأعضاء في المجلس في إطار البند ٢ من جدول الأعمال.

* استُنسخ المرفق كما ورد، وباللغة التي قُدم بها فقط.



Annex to the note verbale dated 25 September 2019 from the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the President of the Human Rights Council and the Office of the United Nations High Commissioner for Human Rights

A Spanish protectorate since 1884, Spanish Sahara was included in 1963 in the list of Non-Self-Governing Territories under Chapter XI of the Charter (A/5514, annex III). Since then, UN General Assembly Resolution 1514 (XV), which contains the “Declaration on the Granting Independence to Colonial Countries and Peoples”, fully applies to Western Sahara.

On 6 November 1975, the very same day the Kingdom of Morocco invaded Western Sahara, the UN Security Council, in adopting Resolution 380, deplored the holding of the march and called upon Morocco to immediately withdraw all the participants in the march from the Territory of Western Sahara.

On 21 November 1979, the UN General Assembly, in adopting Resolution 34/37, reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence, and urged Morocco to terminate the occupation of the Territory of Western Sahara.

The Moroccan occupation’s war (1975-1990) has killed and wounded thousands of Sahrawis, while about 165,000 people were forced to flee to neighbouring refugee camps around Tindouf (Algeria); hundreds of Sahrawis have disappeared. Since then, and even in recent times, mass graves have been discovered in the territory of Western Sahara. In the meantime, the Kingdom of Morocco constructed a 2,700 km. long sand wall (called the Berm) from north to south, which is still guarded by 120,000 soldiers to control and exploit the economically viable part of Western Sahara (fisheries, mines, etc.). Landmines, still operational, were laid along the wall.

The longstanding Moroccan occupation of Western Sahara has led to a number of gross violations of human rights as well as serious and continuous violations of the Fourth Geneva Convention of 1949, some of which may amount to war crimes, crimes against humanity and cultural genocide.

As stressed by Brahim Ghali, the Secretary-General of the Frente Polisario, in a recent letter to the Security Council (S/2019/746) “For over 40 years, our people have endured the dire consequences of Moroccan illegal occupation of our land. The fundamental right of our people to self-determination has been denied, and the basic human rights of our fellow women, men and children are being systematically violated in the Sahrawi occupied Territories.”

MINURSO¹ was established in 1991 with the mandate of holding a referendum on self-determination for the people of Western Sahara.

Although at that time King Hassan II consented to the holding of a referendum with a view to enabling the indigenous population of the Territory to exercise freely its right to self-determination and independence, the Kingdom of Morocco has spared no effort to postpone indefinitely the holding of the referendum and to perpetuate the illegal military occupation of the Non-Self-Governing Territory.

In adopting the resolution on the “Universal Realization of the Right of Peoples to Self-Determination”², the UN General Assembly declared its firm opposition to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and requested the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation.

¹ United Nations Mission for the Referendum in Western Sahara.

² Last one A/RES/73/160.

The Frente Polisario urges the Human Rights Council to implement UNGA Resolution 73/160 by holding a Panel discussion on “The violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation”.

The Frente Polisario, in recalling that Western Sahara is the only Non-Self-Governing Territory that does not have an internationally-recognised Administering Power, and the only Territory that is under illegal foreign military occupation, and also recalling the responsibility of the United Nations towards the people of Western Sahara, requests to have the right to participate to such Panel discussion.

I would be most grateful if you would bring the present letter to the attention of the members of the Human Rights Council.

Geneva, 25 September 2019

Ms. Omeima **Abdeslam**

Representative of the Frente Polisario to the United Nations
and other international organisations in Geneva
