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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, Asociacion Cubana de las Naciones Unidas (Cuban United Nations Association), 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, Centro de Estudios Sobre la Juventud, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, International Association of Democratic Lawyers (IADL), Paz y Cooperación, World Barua Organization (WBO), International Fellowship of Reconciliation, non-governmental organizations in special consultative status, Habitat International Coalition, Indian Council of South America (CISA), International Educational Development, Inc., Liberation, Mouvement contre le racisme 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.

[20 August 2019]

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



Western Sahara: the Human Rights and humanitarian crisis of the Sahrawi people need the assistance of the Office of the High-Commissioner for Human Rights

Background

In 1963, the UN General Assembly approved¹ the report presented by the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples and thereafter included Western Sahara in the list of Non Self-Governing Territories paving the way for the People originating from the Territory to freely exercise their inalienable Right to Self-determination.

In 1973, the General Assembly² reaffirmed the legitimacy of the struggle of colonial people and expressed its full solidarity with the people of the Sahara under Spanish administration.

On 16 October 1975, the International Court of Justice released its Advisory Opinion³ determining that the materials and information presented to the Court do not establish any tie of territorial sovereignty between the territory of Western Sahara and Morocco. The very same day, King Hassan II of Morocco announced the launching of a March in order “to recover the integrity of the Kingdom’s territory”, thus disregarding the conclusions of the ICJ.

On 6 November 1975, the Moroccan army opened the way to the Moroccan population for the occupation of Western Sahara, the UN Security Council adopted by consensus resolution 380, which noted with grave concern the deterioration of the situation in Western Sahara, deplored the holding of the march and called upon «Morocco immediately to withdraw from the Territory of Western Sahara all the participants in the march».

In November 1979, taking note of the decision of Mauritania to withdraw its forces from Western Sahara, the UN General Assembly⁴ reaffirmed the inalienable right of the people of Western Sahara to self-determination and independence, deplored the aggravation of the situation resulting from the continued occupation of Western Sahara by Morocco and the extension of that occupation to the territory evacuated by Mauritania, urged Morocco to terminate the occupation of the Territory of Western Sahara and recognized the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Polisario Front) as the representative of the people of Western Sahara.

Twenty years after Mohamed VI has succeeded his father Hassan II, the illegal occupation and annexation of the majority of the Non Self-Governing Territory of Western Sahara continues.

Last 29 July, at the celebration of the twentieth anniversary of his accession to the throne, when referring to the frozen conflict in Western Sahara, King Mohammed VI declared that “Morocco is also clear in terms of its fundamental convictions: the way to achieve the desired settlement can be none other than through Moroccan full sovereignty and within the framework of the autonomy initiative.”⁵ This kind of affirmation seriously questions the good faith in which Morocco is engaged in the negotiations under the auspices of the United Nations.

¹ UN General Assembly resolution 1956 (XVIII).

² UN General Assembly resolution 3162 (XXVIII).

³ Western Sahara, Advisory Opinion, I.C.J. Reports 1975.

⁴ UN General Assembly resolution 34/37.

⁵ <http://www.maroc.ma/en/royal-speeches/hm-king-delivers-speech-nation-occasion-throne-day-full-text>.

Violations of the International Humanitarian Law and the humanitarian crisis

Since Morocco invaded and continues to illegally occupy the Non Self-Governing Territory of Western Sahara with a heavy military presence and further considering the declaration deposited on 23 June 2015⁶ by the Polisario Front in conformity with art. 96.3 of Additional Protocol I, International Humanitarian Law fully applies to Western Sahara.

Consequently, the Sahrawi people originating from the Non Self-Governing Territory have to be considered as “protected persons”, in accordance with article 4 of the Fourth Geneva Convention.

The longstanding Morocco’s illegal military occupation of Western Sahara has led to a number of serious and continuous violations of the Fourth Geneva Convention of 1949.

In particular, it is to be highlighted the violations of Articles 31 and 32 (prohibition of coercion, corporal punishment, torture, degrading and inhuman treatments); Article 33 (prohibition of collective penalties, intimidation, pillage, reprisals); Article 49 (prohibition of deportations, transfers, evacuations); Article 53 (prohibition of destruction of real or personal property belonging, individually or collectively, to private persons); and Article 76 (on the treatment of detainees). Some of these violations may amount to war crimes, crimes against humanity and cultural genocide.

Furthermore, the conflict in Western Sahara has pushed thousands of Sahrawis to seek refuge in the neighbouring Algeria. Many of them fled with their children; some of them are still alive and their children grew up in the refugee camps and they also had children. In its March 2018 Report,⁷ the UN High Commissioner for Refugees estimates that 173’600 Sahrawis survive in the refugee camps in the desert, some of them for more than 40 years, thanks to the Algerian and the international support.

According to a June 2019 World Food Programme’s Executive Board document⁸, this prolonged and forgotten refugee crisis is the second longest-lasting in the world and the camps are in an arid region, characterized by extreme temperatures and very low rainfall, and livelihood and economic opportunities are limited.

Children are particularly affected by basic food that leads to nutrient deficiencies and limited access to higher education.

The Human Rights crisis

As stressed by the members of the 2006 Office of the High-Commissioner for Human Rights (OHCHR) Mission to Western Sahara and the Refugee camps in Tindouf in their Report,⁹ almost all human rights violations and concerns with regard to the people of Western Sahara stem from the non-implementation of the right to self-determination.

In his last report to the UN Security Council¹⁰, the UN Secretary General stressed that “gaps in reporting on the situation of human rights in Western Sahara persist owing to the lack of access of OHCHR to the Territory.”

International observers also are denied access to the Non Self-Governing Territory: in particular after the dismantlement of the protest camp of Gdeim Izik in 2010, dozens of foreign parliamentarians, lawyers, jurists, human right defenders, and journalists have been denied access to or deported from Western Sahara.

⁶ https://www.dfae.admin.ch/dam/eda/fr/documents/aussenpolitik/voelkerrecht/geneve/150626-GENEVE_en.pdf.

⁷ Sahrawi Refugees in Tindouf, Algeria: Total In-Camp Population, March 2018.

⁸ WFP/EB.A/2019/8-B/1.

⁹ <http://www.arso.org/OHCHRrep2006en.pdf>.

¹⁰ S/2019/282.

Sahrawi journalists¹¹ trying to inform the international public opinion about the human rights situation in Western Sahara are systematically harassed, arrested, prosecuted and imprisoned.

In its recent Opinion¹² concerning Ndor Laaroussi, the Working Group on Arbitrary Detention (WGAD) found that his detention constituted a violation of Articles 1, 2, 14, 19, 26 and 27 of the International Covenant on Human Rights. civil and political rights. The WGAD underscored that Laaroussi had been subjected to political prosecution in response to and as reprisal for his work as a Saharawi journalist.

In his report¹³ to the Human Rights Council, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment stressed that he “reports indicate that Moroccan police forces regularly raid private homes of alleged or known supporters of the independence of Western Sahara, in procedures that include beating and ill-treatment of the inhabitants.”

Several cases are pending in front of the Committee against Torture, including the one of Naâma Asfari, whose wife was, once more, denied entry into the Moroccan territory last 8 July when she went to visit her husband.

While the occupying Power, Morocco, spurs no efforts to delay the holding of the referendum of self-determination and continues to illegally plunder the natural resources of the Non Self-Governing Territory without the free, prior and informed consent of the recognized representative of the people of Western Sahara, it also restricts access to health facilities and to work to the Sahrawi people.¹⁴

Morocco also systematically deny the right to freedom of peaceful assembly and association and the right to freedom of opinion and expression of the Sahrawis advocating for the implementation of resolution 1514 (XV)¹⁵.

Last 19 July, while hundreds of Sahrawis were celebrating in the streets of El Aayun the Algerian victory of the football African Nations Cup and chanted slogans to promote the independence of Western Sahara, the Moroccan security forces violently repressed the peaceful manifestation and finally a 24 years young woman was hit by two police vehicles and died.

OHCHR responsibility

At the World Humanitarian Summit (Istanbul, 23-24 May 2016), the OHCHR committed itself, *inter alia*, to.¹⁶

- 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;
- 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;

¹¹ Working with Equipe Media, Nushatta or independently.

¹² A/HRC/WGAD/2019/23 - Whilst noting the systematic practice of discrimination against Saharawis, the Working Group concluded that Laaroussi had been arrested, tortured, and detained in response to his political opinions in support for the right to self-determination, constituting discrimination, breaching the equality of human rights.

¹³ A/HRC/22/53/Add.2.

¹⁴ https://issuu.com/saharaaskea/docs/agapinthewall_englishreport/50.

¹⁵ Declaration on the Granting of Independence to Colonial Countries and Peoples.

¹⁶ <https://www.agendaforhumanity.org/stakeholders/commitments/232>.

In adopting resolution 73/105,¹⁷ the UN General Assembly “urges those specialized agencies and other organizations of the United Nations system that have not yet provided assistance to Non-Self-Governing Territories to do so as soon as possible”.

Recommendations

The 204 undersigning organisations call upon the Un High-Commissioner for Human Rights to:

- implement the commitments made by the OHCHR at the World Humanitarian Summit;
- resume the Technical missions to Western Sahara and the Saharawi refugee camps;
- implement a programme of technical cooperation and capacity building with the representative of the people of Western Sahara, the Polisario Front.

Acción Solidaria Aragonesa (ASA), Adala UK, African Law Foundation (AFRILAW), Agrupación Chilena de Ex Presos políticos, Arabako SEAD en Lagunen Elkartea, Asociación de Amigos y Amigas de la R.A.S.D. de Álava, Amal Nanclares, Asociación Amal Centro Andalucía, ARCI Città Visibili, A.R.S.P.S. - Rio de Or, Asociación Amigos del Pueblo Saharaui del Campo de Gibraltar (FANDAS), Asociación Amigos del Pueblo Saharaui de Toledo, Asociación de Amistad con el Pueblo Saharaui de Albacete, Asociación ARDI HURRA, Asociación Asturiana de Solidaridad con el Pueblo Saharaui, Asociación Canaria de Amistad con el Pueblo Saharaui (ACAPS), Asociación Chilena de Amistad con la República Árabe Saharaui Democrática, Asociación de la Comunidad Saharaui en Argon (ACSA), Asociación Cultural Peruano Saharaui, Asociación de Discapacitados Saharais, Asociación Ecuatoriana de Amistad con el Pueblo Saharaui (AEAPS), Asociación de Familiares de Presos y Desaparecidos Saharais (AFAPREDESA), Asociación por la Justicia y los Derechos Humanos, Asociación de Médicos Saharaui en España, Asociación Navarra de Amigos y Amigas de la R.A.S.D. (ANARASD), Asociación Navarra de Amigos y Amigas del Sahara (ANAS), Asociación Pro Derechos Humanos de España (APDHE), Asociación Profesional de Abogados Saharais en España (APRASE), Asociación por la Protección de los Presos Saharaui en las Cárceles Marroquí, Asociación Riojana de Amigos de la R.A.S.D., Asociación Saharaui de Control de los Recursos naturales y la Protección del Medio Ambiente, Asociación Saharaui para la Protección y Difusión del Patrimonio cultural Saharaui, Asociación Saharaui contra la Tortura, Asociación de Saharais en Alicante, Asociación de Saharais en Ávila, Asociación de Saharais en Bal, Asociación de Saharais en Fuerteventura, Asociación de Saharais en Jerez de la Frontera, Asociación de Saharais en Lebrija, Asociación de Saharais en Navarra, Asociación de Saharais en Tenerife, Asociación de Saharais en Valdepeñas, Asociación Um Draiga de Zaragoza, Asociación Venezolana de Solidaridad con el Sáhara (ASOVESSA), Asociación de Víctimas de Minas (ASAVIM), Asociación de Zamur, Associació d'Amics del Poble Sahrauí de les Iles Balears, Association des Amis de la RASD (France), Association de la Communauté Sahraouie en France, Association Culture Sahara, Association culturelle Franco-Sahraouie, Association des Femmes Sahraouies en France, Association of Humanitarian Lawyers, Association for the Monitoring of Resources and for the Protection of the Environment in Western Sahara (AMRPENWS), Association pour un Référendum libre et régulier au Sahara occidental (ARSO), Association Sahraouie des Victimes des Violations Graves des Droits de l'Homme Commises par l'Etat Marocain (ASVDH), Association des Sahraouis de Bordeaux, Association de la vie maghrébine pour la solidarité et le développement (AVMSD), Associazione bambini senza confini, Associazione Jaima Sahrawi per una

¹⁷ Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations / December 2018).

soluzione giusta e non violenta nel Sahara Occ., Associazione Nazionale di Solidarietà con il Popolo Saharai, Bentili Media Center, Bureau International pour le Respect des Droits Humains au Sahara occidental (BIRDHSO), Campaña Saharai para la sensibilización sobre el peligro de Minas (SCBL), Cantabria por el Sáhara, Central Unitaria de Trabajadores de Chile, Centro Brasileiro de Solidaridad con los Pueblos y Lucha por la Paz, CEBRAPAZ, Centro de Documentación en Derechos Humanos “Segundo Montes Mozo S.J.” (CSMM), Centro Saharai por la Salvaguardia de la Memoria, Colectivo Saharai de Defensores de Derechos Humanos (CODESA), Colectivo Saharai en Estepona, Colectivo Saharai en Gipuzkoa, Colectivo Saharai en Jaén, Colectivo Saharai en Lanzarote, Comisión Ecueménica de Derechos Humanos de Ecuador (CEDHU), Comisión General Justicia y Paz, Comisión Media Independientes, Comisión Nacional de los Derechos Humanos de la República Dominicana (CNDH-RD), Comisión Nacional Saharai por los Derechos Humanos (CONASADH), Comité d’Action et de Réflexion pour l’Avenir du Sahara Occidental, Comité de Apoyo por el Plano de Paz y la Protección de los Recursos Naturales en el Sáhara Occidental, Comité de Defensa del Derecho de Autodeterminación (CODAPSO), Comité de Familiares de los 15 Jóvenes Secuestrados, Comité de Familiares de Mártires y Desaparecidos, Comité de Familiares de los Presos Políticos Saharais, Comité de Jumelage et d’Echange Internationaux / Gonfreville l’Orcher, Comité de Protección de los Defensores Saharais – Freedom Sun, Comité de Protección de los Recursos Naturales, Comité Saharai de Defensa de Derechos Humanos (Glaimim), Comité Saharai de Defensa de Derechos Humanos (Smara), Comité Saharai de Defensa de Derechos Humanos (Zag), Comité Saharai por el Monitoreo de los Derechos Humanos (Assa), Comité de Solidaridad Oscar Romero, Comité Suisse de soutien au Peuple Sahraoui, Comité de Victimas de Agdaz y Magouna, Comunidad Saharai en Aragón, Comunidad Saharai en Castilla y León, Comunidad Saharai en Castilla la Mancha, Comunidad Saharai en Catalunya, Comunidad Saharai en Grenada, Comunidad Saharai en Las Palmas, Comunidad Saharai en Murcia, Coordinadora Estatal de Asociaciones Solidarias con el Sáhara (CEAS – Sáhara), Coordinadora de Gdeim Izik para un Movimiento Pacífico, Coordinadora de los Graduados Saharais Desempleados, Coordinadora d’Organizacions No-Governmentals de Cooperació al Desenvolupament (CONGDIB), Coordinadora de las ONGs en Aaiún, Coordinadora Saharai de Derechos Humanos de Tantan, DISABI Bizkaia, Emmaus Åland, Emmaus Stockholm, Equipe Média, Federació ACAPS de Catalunya, Federació d’Associacions de Solidaritat amb el Poble Sahrauí del País Valencià, Federación Andaluza de Asociaciones Solidarias con el Sahara (FANDAS), Federación de Asociaciones de Amigos del Pueblo Saharai de Extremadura (FEDESAEX), Federación de la Comunidad de Madrid de Asociaciones Solidarias con el Sahara (FEMAS Sahara), Federación Estatal de Instituciones Solidarias con el Pueblo Saharai (FEDISSAH), Fondation Frantz Fanon, Forum Futuro de la Mujer Saharai, Freiheit für die Westsahara e.V., Fundación Constituyente XXI, Fundación Mundubat, Fundación Sahara Libre-Venezuela, Fundación Sahara occidental, Giuristi Democratici, Global Aktion - People & Planet before profit, Groupe Non Violence Active (NOVA SAHARA OCCIDENTAL), Grupo por la renuncia de la Nacionalidad Marroquí, Housing and Land Rights Network, Ibsar Al Khair Association for the Disabled in Western Sahara, Liga de Defensa de los Presos Políticos Saharai, Liga de Deportistas Saharais en España, Liga de Estudiantes Saharais en España, Liga Nacional dos Direitos Humanos, Liga de Periodistas Saharais en España, Liga Saharai de defensa de Derechos Humanos y Protección de RW-Bojador, Ligue des Jeunes et des Etudiants Sahraouis en France, Ligue pour la Protection des Prisonniers Sahraouis dans les prisons marocaines (LPPS), National Television Team, Norwegian Support Committee for Western Sahara, Observatoire des Médias Sahraouis pour documenter les violations des droits de l’homme, Observatorio Aragonés para el Sáhara Occidental, Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental (OAPSO), Observatorio Saharai por el Niño y la Mujer, Observatorio Saharai de Protección del Niño, Observatorio Saharai de Recursos Naturales, 1514 Oltre il muro, Organización Contra la Tortura en Dakhla, Organización Saharai por la Defensa de las libertades y la dignidad, Pallasos en Rebeldía y Festiclown, Plataforma de Organizaciones Chile Mejor Sin TLC, Por un Sahara Libre, Sahara Euskadi Vitoria, Sahara Gasteiz Vitoria, Saharawi Advocacy Campaign, Saharawi Association for Persons with Disabilities in Western Sahara, Saharawi Association in the USA (SAUSA), Saharawi Campaign against the Plunder (SCAP), Saharawi Center for Media and Communication,

Saharawi Media Team, Saharawi Voice, Sandblast, Schweizerische Unterstützungskomitee für die Sahraouis, Sindicato Español Comisiones Obreras (CCOO), Solidariedade Galega col Pobo Saharawi (SOGAPS), Stichting Zelfbeschikking West-Sahara, Tayuch Amurio, Tawasol Lluidio, The Australian Western Sahara Association, The Icelandic Western Sahara Association, The Swedish Western Sahara Committee, TIRIS - Associazione di Solidarietà con il Popolo Saharawi, Unión de Asociaciones Solidarias con el Sáhara de Castilla y León, Union des Ingénieurs Sahraouis, Unión de Juristas Saharauis (UJS), Unión Nacional de Abogados Saharauis, Unión Nacional de Estudiantes de Saguia El Hamra y Rio de Oro (UESARIO), Unión Nacional de la Juventud de Saguia El Hamra y Rio de Oro (UJSARIO), Unión Nacional de Mujeres Saharauis (UNMS), Unión Nacional de Trabajadores de Saguia El Hamra y Rio de Oro (UGTSARIO), Unión de Periodistas y Escritores Saharauis (UPES), US Western Sahara Foundation, VZW de Vereniging van de Sahrawi Gemeenschap in België, Werken Rojo - Medio de comunicación digital, Western Sahara Resource Watch España (WSRW España), Western Sahara Times NGO(s) without consultative status, also share the views expressed in this statement.