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**Promotion and protection of all human rights,
civil, political, economic, social and cultural rights,
including the right to development**

Written statement* submitted by the World Federation of Democratic Youth (WFDY), a non-governmental organization in general consultative status

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

[10 May 2013]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Violations of the right to freedom of peaceful assembly and association in the non-self-governing territory of Western Sahara

The World Federation of Democratic Youth (WFDY), an international NGO with a General status with the UN ECOSOC, is deeply concerned about the Kingdom of Morocco's systematic violation of freedom of assembly and association in Western Sahara, a Non-Self-Governing territory still in the UN decolonization list.

The Moroccan constitution states that all human rights are universally recognized, including the right to freedom of association and assembly which must be respected and upheld according to the Moroccan law. Truth be told, the authorities do not respect this engagement, and tend impose a great number of restrictions on the right of the Moroccan and Saharawi peoples to constitute association and to organize peaceful demonstrations. The majority of demonstrations and sit-ins organized by Moroccan or Saharawi demonstrators to protest against the violation of human rights or to demand social, civil, political or economical rights are usually dispersed with excessive use of force, and usually end up in blood. Demonstrators are often ill-treated by police, beaten, arrested, tortured, and in many cases brought before courts to be tried as criminals or participants to "unauthorized demonstrations" or as "members of illegal organizations" or even "members of criminal groups".

The legal status of Western Sahara and the Moroccan presence in the territory:

As a matter of international law, the Moroccan invasion and occupation of Western Sahara since October 31st 1975 doesn't change anything in the juridical political status of the territory, which remains to this date a *de jure* colony of Spain and a Non-Self-Governing Territory under the authority of UN Article 73 and all relevant laws pertaining to colonial territories and peoples. Morocco, not even listed by the UN as an administering power in Western Sahara, has moreover been referred to in General Assembly's Resolution 34-37 of 21 November 1979 as an "occupying force", when the General Assembly deeply 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 recently evacuated by Mauritania."

Nevertheless, Morocco "de facto" occupation and administration of the territory makes him accountable for the situation of the human rights in this territory, and requires from him a clear commitment to the respect and protection of all civil, political, economic, social and cultural rights of the people of Western Sahara... The last UN Security Council's resolution was clear in this respect when it: "Encourages the parties to continue in their respective efforts to enhance the promotion and protection of human rights in Western Sahara and the Tindouf refugee camps,"

Saharawi associations denied right to legal registration

Despite the Kingdom of Morocco's statements and engagements under the UN international mechanisms, Moroccan authorities keep hindering the exercise of right to self-determination and independence by the people of Western Sahara as clearly postulated in the UN General Assembly's resolutions 1514 and 1541, and as well as a hundred Security Council's resolutions adopted since 1975 to this date, violating on top of it, an important number of civil, political, social, economic and cultural rights in its colony. Violations which are widely denounced and documented by imminent international organizations such as HRW, Amnesty International, RFK Foundation, Front Line, Cairo Institute for Human

Rights Studies, France Libertes, Freedom House, MRAP, ISMUN, American Association of Jurists, International Association of Democratic Jurists and many others.

One of the main rights violated is the right to the freedom of assembly and association, specifically denied to Saharawi associations and groups of activists who work on the monitoring and defense of human rights or criticize the persistence of the Moroccan occupation of their land.

The main examples of this violation are two Saharawi organizations, "l'Association Sahraouie des victimes de graves violations commises par l'Etat Marocain" (ASVDH), and "le Collectif des défenseurs sahraouis des droits de l'homme" (CODESA). Both organizations are unable to work efficiently because they are still denied legal registration, and their members considered by the Moroccan authorities as outlaws, criminals and traitors.

ASVDH complied with all legal procedures in Moroccan courts to obtain its registration. In 2007 it succeeded to get a clear-cut rule from the Moroccan administrative court allowing it to operate as a legal association under the Moroccan law, but the Moroccan authorities refuses to let the members of the association work, targeting them periodically, arresting some of them and putting them in jail under different pretexts, and even judging some of them in a military court (the case of some members of ASVDH tried among 25 Saharawi human rights defenders and civil society actors before a Moroccan military court last February 2013).

CODESA on its side wasn't even allowed to organize its constituting assembly in 2007 despite the fact that it met all the needed legal requirements. All Saharawi human rights defenders and activists who oppose the Moroccan occupation or denounce the Moroccan violations are automatically considered by the Moroccan authorities as "Polisario Front's agents" and are considered traitors, as made clear by King Mohammed VI in a public speech made on October 9, 2009, the anniversary of the 1975 Green March: "One is either a patriot or a traitor. There is no halfway...."

There are some 20 other committees and groups that defend different human rights, especially children rights, natural resources, prisoners and disappeared, unemployed graduates and other victims of human rights violations. All these groups are denied the right to register and they have to work de facto, and are always under threat of arrest, intimidation harassment and imprisonment. They are also unable to seek, receive and use human, financial or material resources from domestic, foreign or international sources.

Freedom of assembly:

The Saharawi civil society is very active in protesting against the violation of Saharawi people's right in the occupied zones of Western Sahara. Since the beginning of this year for example daily demonstrations are organized by Saharawi actors in the occupied cities of Western Sahara: El Aaiun, Smara, Boujdour, Dakhla but also in the south of Morocco in cities such as Assa, Zag, Gulmim, and Tantan and many other villages in that region. All demonstrations, with very few exceptions, were repressed by Moroccan police and army, hundreds Saharawi citizens, including children and elderly were injured, ill-treated and many arrested and imprisoned. The most visible ones occurred during visits of foreign delegations or international observers and actors, such as demonstrations organized during the visit of the UN Secretary General's Personal Envoy to Western Sahara, Christopher Ross, who visited the territory twice in the last 6 months and in both occasions the Moroccan police and army violently repressed demonstrators including imminent human rights defenders such as Mrs. Aminatou Haidar, RFK Foundation Award winner.

This April and May, thousands of Saharawi citizens demonstrated in different cities under Moroccan occupation to protest against the UN Security Council's failure to include the

monitoring and protection of human rights in its last resolution on Western Sahara. The Moroccan authorities didn't only repressed the demonstrators injuring more than 190 persons in one single demonstration according to CODESA and other Saharawi organizations in the ground, but also used new terror tactics to dissuade the citizens from protesting. The Moroccan agents, in civilian clothing, were seen and recorded by demonstrators and by a group of international journalists while attacking demonstrators, beating them, and sometimes even using knives, swords, sticks, cars, and stones, raid and ransack homes, and keep families, schools kids and women under daily harassment and verbal and physical intimidation.

The Moroccan authorities always argue that the demonstrators do not have the authorization to organize the assemblies, yet, even when the organizers of such demonstrations demand authorization they are simply denied them. The authorities also argue that all protests jeopardize public order and security, while there are proofs that in many cases the Moroccan agents in civilian clothing provoke the demonstrators, especially the youth, exercising verbal and physical violence against them to incite them to confrontation then accusing them of violence. Lately, observers noted that some agents wear Saharawi clothes and mingle with the demonstrators to start the violence, and strangely pose before Moroccan police cameras to take photos that are used later by authorities as photos of "Saharawi violent demonstrators".

Recommendations:

Western Sahara is still a Non-Self-Governing territory and it is the duty of the UN and all members States to make sure that the rights of its people are respected and enforced, especially their inalienable right to self-determination and independence. Morocco, as a de facto occupying force, must cooperate with the international community to enable the people of the territory to exercise this right by cooperating with all UN mechanisms to allow them to monitor and protect all human rights in this colony, including the right to self-determination and the right of the people of Western Sahara to full property and control over their natural resources.

Our organization recommends to the UN Council for Human Rights to:

- To seriously consider investigating the human rights situation in this colony. It is unacceptable that Western Sahara still lacks an official UN human rights permanent monitoring and reporting mechanisms while it is still on the UN list of decolonization and under its authority.
- To recommend the UN Security Council to reconsider extending the UN Mission in Western Sahara, MINURSO, as the easiest and most practical way to monitor the situation on a daily basis.
- To call on Morocco to immediately release all Saharawi activists and human rights defenders in prison and to drop all charges unjustly put on them.
- To advice Morocco to facilitate the registration and operation of all Saharawi organizations and making sure their activities are not hindered.
- To advice Morocco to allow Saharawi peaceful demonstrations, to abstain from provoking activists, as well as stop intimidating and harassing them.