



General Assembly

Distr.: General
1 March 2024

English only

Human Rights Council

Fifty-fifth session

26 February–5 April 2024

Agenda item 3

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

Written statement* submitted by Right Livelihood Award Foundation, a non-governmental organization in special consultative status

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

[2 February 2024]

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



Violations of the Fundamental Rights of Human Rights Defenders in Western Sahara

Background

Since 1963, Western Sahara has been identified by the UN General Assembly as a Non-Self-Governing Territory, as per resolution 1514 (XV). In 1966, Spain was thus urged by the UN to arrange a referendum in line with the aspirations of the indigenous peoples of the “Spanish Sahara”.

While Spain formally withdrew from Western Sahara in 1976, Morocco illegally invaded the territory in 1975, leading to a war that would last until 1991, when the UN Mission for the Referendum in Western Sahara (MINURSO) was created. To this day, Western Sahara remains the sole Non-Self-Governing Territory without an internationally recognised administering power and subjected to foreign illegal military occupation. While MINURSO was tasked with ensuring that the right to self-determination of the Sahrawi people is respected, Morocco has so far impeded a referendum.

Under the continuing, illegal occupation by Morocco, the Sahrawi people is subjected to systemic human rights violations: from violent repression of dissent to the illegal use of natural resources. Yet, MINURSO remains deprived of any Human Rights mandate, and the occupying power does not allow any international observer in the occupied territories, thus restricting any form of monitoring and accountability.

Current Situation of Saharawi Human Rights Defenders

Anyone expressing peaceful dissent in Western Sahara, is likely to endure severe violations of civil and political rights, including repression from Moroccan authorities, facing police surveillance, smear campaigns, and house arrests. Peaceful demonstrations are systematically hindered by street blockades, and activists encounter harsh repression from police and paramilitaries. This statement explores the extensive violations to which Sahrawi human rights defenders are subjected, in particular the members of the Instancia Saharawi contra la Ocupación Marroquí (ISACOM). Defenders are often subjected to arbitrary house arrests, detention, intimidation, dissuasion, torture, and other forms of reprisals for advocating the Sahrawi people’s right to self-determination..

Furthermore, Moroccan authorities severely affect the economic, social, and cultural rights of human rights defenders. Punitive actions, like job dismissal, salary freezes, and deportations, are routinely used to target human rights defenders and their families, including in education and the world of work.

According to the report “El Derecho a Resistir” by ISACOM, for recurring rights violations, Moroccan police officers are identified as primary perpetrators (99% of incidents), often acting individually (66%) or in collaboration with other forces (34%). Impunity is evident, as 64% of victims can identify officers involved in rights violations but impartial, independent investigations are never performed.

Violation of the Right to Physical and Mental Integrity

In Western Sahara, Morocco consistently violates its international human rights obligations regarding to the Sahrawi activists face simultaneous physical and psychological violence. Women defenders, especially Aminatou Haidar, Mina Baali, and others, undergo heightened harassment since ISACOM’s establishment, escalating further after November 13, 2020, when Morocco broke the long-standing ceasefire and resumed the conflict.

Violence includes physical aggression with military batons and iron instruments as well as sexual violence against women activists, leading to severe physical and psychological consequences. Moroccan forces employ threats and intimidation, including against activists' families, through sieges, surveillance, and nighttime attacks, aiming at discouraging activism and fostering an environment of fear and coercion in the entire Sahrawi community.

Arbitrary Detention

Sahrawi defenders are routinely subjected to arbitrary arrests by Moroccan authorities while exercising their fundamental rights to peaceful protest and freedom of expression. They are often charged with false accusations of committing crimes carrying severe penalties. These charges are employed as a tactic to deter defenders from documenting violations by Moroccan security agents against demonstrators on public streets.

The abovementioned ISACOM report showed how 52 documented instances of arbitrary arrests against human rights defenders in the occupied territories, from late 2020 to 2022, involved the use of violence and ill-treatment by the police, accompanied by a denial of access to necessary medical care during the detention period. The defenders faced the fabrication of common law charges, supported by falsified records, which were singularly accepted by the Moroccan judiciary as the sole evidence.

Violation of the Right to Peaceful Assembly

Despite international protection, Morocco severely restricts peaceful assemblies among the Sahrawi population. State agents actively impede Saharawi activists from freely demonstrating by pre-emptively besieging planned demonstration sites and blocking access during scheduled times for these peaceful gatherings. Therefore, there is reason to conclude that a pervasive suppression of the right to peaceful assembly and expression of Saharawi people in the region is playing.

Violation of the Right to Freedom of Association

Moroccan authorities systematically deny the Saharawi people's right to form associations, having authorised only one Saharawi civil society organisation: the Saharawi Association of Victims of Serious Human Rights Violations Committed by the Moroccan State (ASVDH), which received official status in 2015. In 2022, ASVDH lost its legal status as a human rights organisation, yet its members continue their work as defenders, facing ongoing repression and reprisals by Moroccan authorities. On September 20, 2020, in occupied El Aaiún, human rights defenders established ISACOM, led by Saharawi human rights defender Aminatou Haidar. As mentioned above, since its creation, ISACOM members, especially the Executive Bureau, have been direct targets of civil and political rights violations by Moroccan authorities, including surveillance, harassment, house arrest, defamation, expulsion from work, and deprivation of the right to work in a safe environment. In response, human rights defenders established ISACOM to protect Saharawi rights, triggering a threatening investigation by the Moroccan prosecutor, accusing members of "harming territorial integrity" and facing potential imprisonment.

Smear Campaigns and Violations of the Right to Privacy

The Moroccan authorities persistently breach international obligations in safeguarding the rights of defenders advocating for the self-determination of the Saharawi people. State agents systematically harass and impede activists in occupied Western Sahara, utilising strategies like media campaigns to incite hatred, violence, and discrimination against the Saharawi people.

The Moroccan administration retaliated against the families of Sahrawi defenders, including by blocking access to education scholarships and public transport vouchers. These reprisals, aim to coerce Sahrawi defenders to leave their homeland through economic pressure.

Morocco also systematically breaches the right to privacy of activists, by subjecting them to extreme surveillance and privacy violations, and false narratives propagated on social media. A notable victim of such reprisals is activist Aminatou Haidar, the president of ISACOM, who is subjected to recurrent smear campaigns and whose phone was infected with the Pegasus spyware in 2021.

Violation of the Right to Freedom of Movement

There are extensive violations of the Sahrawi population's right to freedom of movement, including arbitrary house arrests, where activists' homes are surrounded and closely monitored for months, disrupting normal life. ISACOM Member and activist Saultana Khayya, for instance, endured an 18-month arbitrary house arrest during which she was subjected to harassment, physical assaults, sexual violence, and denial of a car.

Defenders also face restrictions on movement to participate in peaceful demonstrations, Saharawi youth congresses, association assemblies, or to commemorate significant international dates reflecting Saharawi rights.

Recommendations

In light of the pervasive human rights violations targeting Sahrawi human rights defenders and all those advocating for the Sahrawi's right to self-determination, Right Livelihood calls on the Human Rights Council to:

1. Urgently dispatch an observation mission to Western Sahara;
2. Recommend the Security Council to include a human rights component within MINURSO's mandate, to ensure adequate monitoring of Human Rights violations;
3. Address the situation of human rights in the Non-Self-Governing Territory of Western Sahara and promptly urge Morocco to:
 - a) Ensure that Sahrawi human rights defenders are able to carry out their peaceful work without fear of intimidation and reprisals, both offline and online, and guarantee their physical and psychological integrity;
 - b) End arbitrary house arrests and detentions of Sahrawi human rights defenders, and release all those arbitrary detained and convicted on trumped up charges;
 - c) Take effective measures to ensure that the rights to freedom of expression, peaceful assembly, and association in Western Sahara are respected in all circumstances;
 - d) Fully and impartially investigate all allegations of human rights violations committed in Western Sahara;
 - e) Take effective measures to ensure that Sahrawi human rights defenders are able to carry out their peaceful activities throughout Western Sahara and across borders putting an end to undue restrictions of their freedom of movement;
 - f) Allow access to all international observers without any restrictions, including the UN Special Procedures;
 - g) Enable the people of Western Sahara to exercise their right to self-determination through a democratic referendum;
4. Consider the appointment of a Special Rapporteur on the situation of Human Rights in Western Sahara.