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**Racism, racial discrimination, xenophobia and related
forms of intolerance, follow-up to and implementation
of the Durban Declaration and Programme of Action**

Written statement submitted by Maloca Internationale, 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.

[28 May 2025]

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



Arbitrary Detention and Systematic Repression in Western Sahara: The Case of Al-Hussein El Bachir Ibrahim and Beyond

Here we present the case of Al-Hussein El Bachir Ibrahim, a Sahrawi student and peaceful advocate for the right to self-determination, who was forcibly returned from Spain in 2019 and subsequently sentenced to 12 years in prison after being tortured and denied a fair trial. His detention has recently been declared arbitrary by the UN Working Group on Arbitrary Detention (Opinion No. 63/2024).

1. The Case of Al-Hussein El Bachir Ibrahim: Transnational Complicity and the Criminalization of Sahrawi Dissent

The case of Al-Hussein El Bachir Ibrahim, a Sahrawi student and human rights defender, illustrates the intersection of transnational complicity, arbitrary detention, and systemic repression under Morocco's continued occupation of Western Sahara.

In January 2019, Mr. Ibrahim sought international protection in Spain after years of targeted harassment in Morocco due to his involvement in student activism and his vocal support for the Sahrawi people's right to self-determination. Despite formally initiating an asylum request, he was forcibly returned to Morocco, without any assessment of his protection needs, in violation of the principle of non-refoulement enshrined in international refugee law.

Upon arrival in Morocco, Mr. Ibrahim was immediately arrested and subjected to prolonged interrogation without legal representation. He was reportedly tortured and coerced into signing confessions that would later be used to convict him. In a trial that lacked transparency and basic due process guarantees, he was sentenced to 12 years in prison.

In its Opinion No. 63/2024, the UN Working Group on Arbitrary Detention found that Mr. Ibrahim's detention falls under Category I and III, confirming that his deprivation of liberty constitutes a violation of Articles 9, 14, 19, 21, and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a State Party. Moreover, the use of confessions obtained under torture long condemned by the Committee Against Torture continues to undermine the integrity of Morocco's justice system and exposes it to sustained international scrutiny.

Mr. Ibrahim's case is not an isolated incident but rather a continuation of a broader punitive policy targeting Sahrawi student activists and youth human rights defenders. He was associated with members of the "Sahrawi student group", whose detention the same Working Group previously declared arbitrary in its 2019 Opinion No. 67/2019. Both cases highlight a systematic pattern of Moroccan authorities arresting and prosecuting Sahrawi youth on politically motivated charges, often relying on torture-tainted confessions and trials that fall short of international standards.

His name has also appeared in multiple communications from UN Special Procedures, including those issued jointly by the Special Rapporteur on the situation of human rights defenders and other mandates in 2020 and 2023, and he has been featured in successive thematic reports by Mary Lawlor, the UN Special Rapporteur on the situation of human rights defenders, most notably in the 2021 General Assembly report (A/76/143) and again in the 2024 report to the Human Rights Council (A/HRC/58/53), which addressed the plight of defenders working in isolated and militarized areas.

Now in his sixth year of detention, Mr. Ibrahim remains imprisoned under harsh conditions, far from his family and community. His case exemplifies the human cost of international silence, the fragility of legal protection mechanisms for Sahrawi civilians, and the urgent need for structural accountability in the administration of justice in Morocco and Western Sahara.

2. A Broader Pattern of Structural Repression in Western Sahara

The case of Al-Hussein El Bachir Ibrahim is not an anomaly but rather emblematic of a broader, entrenched pattern of structural repression in the occupied territory of Western Sahara, where Morocco systematically violates the civil, political, economic, and cultural rights of the Sahrawi people. This repression operates within an environment of total impunity, where the absence of independent oversight allows for institutionalized abuses to persist unchecked.

Since the 1991 ceasefire, the Moroccan authorities have maintained a regime of tight security control, in which any expression of dissent—especially support for the Sahrawi people’s right to self-determination—is met with swift and often violent retaliation. Peaceful protesters, journalists, women human rights defenders, students, and cultural activists are routinely subjected to arbitrary arrest, incommunicado detention, intimidation, surveillance, and judicial harassment.

Independent Sahrawi organizations are denied legal registration, public demonstrations in favor of self-determination are forcibly dispersed, and activists face travel bans, house raids, and threats against family members. Those who document or speak publicly about violations—whether to international media, UN mechanisms, or human rights organizations—often become targets of reprisals.

Sahrawi women defenders in particular face gender-specific violence. Prominent activists like Sultana Khaya and her family have endured house arrests, physical assaults, and sexual violence allegedly carried out by security forces. Despite repeated communications from UN Special Procedures, including the Special Rapporteur on violence against women and the Special Rapporteur on human rights defenders, no effective investigations have been conducted and no perpetrators have been held accountable.

Dozens of Sahrawi political prisoners, such as those from the Gdeim Izik group, remain incarcerated under harsh conditions. Many report being subjected to torture, solitary confinement, denial of medical care, and limited family visits. The UN Committee Against Torture has issued multiple rulings affirming the use of torture in these cases and calling for redress, which Morocco has failed to implement.

Compounding the gravity of these abuses is the near-total information blackout imposed by Moroccan authorities. International observers, journalists, fact-finding missions, and even United Nations human rights staff have been consistently denied access to the territory. The Office of the High Commissioner for Human Rights (OHCHR) has not been permitted to conduct a technical mission to Western Sahara since 2015, despite repeated requests and mounting documentation of violations.

In this vacuum, Sahrawi defenders and civil society actors serve as the only reliable sources of information about conditions in the occupied territory. Their role is critical—but it comes at immense personal cost. As repeatedly noted by the UN Secretary-General and Special Procedures, Morocco continues to engage in systematic reprisals against those who cooperate with the UN system, in violation of Human Rights Council Resolution 12/2.

The cumulative effect of these policies is the construction of a deliberate architecture of repression, designed to criminalize dissent, fracture civil society, and isolate the Sahrawi population from international attention. This is not merely a series of individual abuses but a coherent strategy of silencing that seeks to render the Sahrawi people invisible in the global human rights discourse.

3. International Legal Responsibilities: From Occupation to Complicity

The human rights crisis in Western Sahara, including the arbitrary detention of defenders such as Al-Hussein El Bachir Ibrahim, must be understood within its international legal context: that of an unresolved colonial situation subject to the rules of international humanitarian law, international human rights law, and the UN Charter’s decolonization framework.

Under the Convention and customary international humanitarian law, Morocco must refrain from transferring its own population into the territory, altering its institutions, or detaining civilians for exercising their civil or political rights. Yet, Morocco systematically violates these norms by criminalizing peaceful Sahrawi activism, operating secret detention facilities, and using its judiciary as an instrument of political control.

In the case of Al-Hussein El Bachir Ibrahim, the UN Working Group on Arbitrary Detention confirmed that his deprivation of liberty constitutes a violation of Articles 9, 14, 19, 21, and 26 of the International Covenant on Civil and Political Rights (ICCPR), to which Morocco is a State Party. Moreover, the use of confessions obtained under torture—long condemned by the Committee Against Torture—continues to undermine the integrity of Morocco's justice system and exposes it to sustained international scrutiny.

On the other hand, and although the UN WGAD did not find the detention in Spain arbitrary, Spain's decision in 2019 to forcibly return Mr. Ibrahim to Morocco, despite his pending asylum claim, constitutes a breach of the principle of non-refoulement, codified in Article 33 of the 1951 Refugee Convention and reaffirmed in the jurisprudence of international and regional human rights bodies.

By failing to assess the risks he faced and forcibly returning him to the very State he was fleeing, Spain contributed directly to the chain of events that led to Mr. Ibrahim's torture and prolonged arbitrary detention. This act of extraterritorial complicity must be addressed through institutional review, public acknowledgment, and reforms to Spain's asylum procedures concerning Sahrawi applicants.

The broader international community also bears responsibility. Decades of geopolitical inertia, selective diplomacy, and a failure to enforce international law have enabled the continuation of occupation and repression. UN peacekeeping mandates such as MINURSO remain uniquely devoid of a human rights monitoring component, and despite frequent reports from the Secretary-General expressing concern over reprisals and restrictions, no structural accountability mechanism has been put in place.

We recommend to the Human Rights Council Request the High Commissioner for Human Rights to resume technical missions to the territory and provide regular updates to the Council on access, violations, and patterns of reprisals.
