



# General Assembly

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## Human Rights Council

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Agenda item 2

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, 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, December Twelfth Movement International Secretariat, Freehearts Africa Reach Out Foundation, Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, Habitat International Coalition, International Association Against Torture, International Association of Democratic Lawyers (IADL), International Fellowship of Reconciliation, Paz y Cooperación, Plataforma Mulheres em Acção, Right Livelihood Award Foundation, World Barua Organization (WBO), non-governmental organizations in special consultative status, Indian Council of South America (CISA), International Educational Development, Inc., Liberation, Mouvement contre le racismisme 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.

[27 May 2021]

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



## **Western Sahara: human rights defenders at high risk in the context of the resumed conflict**

The 285 member organizations of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara share the views expressed in this statement. Spanish and French versions of the statement are available on the Group's website <sup>1</sup>

### **BACKGROUND**

Western Sahara was under Spanish colonial rule from 1884.

In December 1963<sup>2</sup>, the General Assembly added Western Sahara to the list of the Non-Self-Governing Territories, pending decolonisation, to which resolution 1514 (XV) on the Granting of Independence to Colonial Countries and Peoples applies.

Since Spain withdrew from the Territory in February 1976, Western Sahara became the only Non-Self-Governing-Territory that has not an internationally recognized Administering Power. It is also the only Non-Self-Governing-Territory under illegal military occupation by a third country, the Kingdom of Morocco, which has also illegally annexed the majority of Western Sahara while the International Court of Justice <sup>3</sup>, the European Union Court of Justice <sup>4</sup> and other judicial bodies have unambiguously ruled that the Kingdom of Morocco has no legal ties of sovereignty over Western Sahara.

Throughout the years Western Sahara has witnessed an extraordinary demographic engineering process, to the extent that the indigenous population has now been massively outnumbered by the occupier-sponsored mass migration of settlers. This policy contravenes Article 49 of the Fourth Geneva Conventions and is considered as a crime against humanity.

While the Polisario Front and the Kingdom of Morocco agreed on the establishment of the UN Mission for the Referendum in Western Sahara in 1991 (MINURSO), which should have organized the referendum by the end of 1992, the Kingdom of Morocco has spared no efforts to impede the organisation of such referendum.

On 13 November 2020, the Kingdom of Morocco broke the 1991 ceasefire, by entering the Guerguerat buffer zone with heavy military vehicles in order to spread out a three weeks Saharawi civilian pacific manifestation and to secure the illegal exportation of Saharawi natural resources.

The lack of condemnation by the UN Secretary General and by the UN Security Council, as well as the MINURSO personnel's attitude, which seems to have sided with the occupier, rather than protecting the victims (the Saharawi people), support the Occupying Power in its colonial adventure.

The occupation policy put in place by the Kingdom of Morocco in Western Sahara to secure the exploitation of its natural resources is the source of systematic and serious violations of all fundamental human rights and of the International Humanitarian Law norms, which enjoy unacceptable impunity.

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<sup>1</sup> [www.genevaforwesternsahara.org](http://www.genevaforwesternsahara.org).

<sup>2</sup> UNGA Resolution 1956 (XVIII).

<sup>3</sup> Western Sahara, Advisory Opinion, I.C.J. Reports 1975.

<sup>4</sup> <http://curia.europa.eu/jcms/upload/docs/application/pdf/2016-12/cp160146en.pdf>.

## **HARASSMENT, TORTURE, SEXUAL VIOLENCE ON HUMAN RIGHTS DEFENDERS**

Prior the breaking of the ceasefire, the Moroccan occupying forces started a campaign against Saharawi journalists and human rights defenders, notably the members of the Saharawi Organ against Moroccan Occupation (ISACOM).

In the past 6 months, more than 720 incidents have been recorded.

While for many years now the Occupied Western Sahara is strictly closed to international scrutiny, including to the Office of the High-Commissioner for Human Rights, the systematic campaign of harassment and terror against nonviolent Saharawi activists is attempting to shut down protests in Western Sahara and silence the voice of the Sahrawi people.

On 8 May, Moroccan police officers arbitrarily attacked the Saharawi human rights defender Hassanna Abba while walking home from visiting his brother. They insulted him and hit him in the head, feet and hands before leaving him in street in a state of shock.

Such arbitrary violence was also documented against Saharawi activists Hammad Hammad on 9 May, when police attacked him while he was visiting a colleague. Moroccan agents dragged him from the house, beat and insulted him and informed him that he could not visit anyone or receive any visits without police permission.

The situation of Saharawi human rights defender Sultana Khaya and her family, including the mother (84 years old) and the kids (the youngest being 2 years old), is particularly extreme. Since 19 of November 2020, Khaya and some of her family members have been held under arbitrary house arrest and subjected to severe physical and psychological violence.

On 10 and 12 May, the situation escalated when dozens of hooded agents broke into the Khaya home before dawn, as the family slept. In the first raid they rampaged through the home and arrested Babuizid Mohammed Saaed Labhi (President of the Collective of the Saharawi Human Rights Defenders – CODESA), Salek Baber and Khaled Boufraya who were living there to support the family. Moroccan agents beat two family members, destroyed furniture and other objects and stole documents, money, computers and other valuables. As of today (27 May 2021), Moroccan police prevents family members to spend the night with Khaya and her young sister Luara. The defamation campaign has also escalated. Police stole Sultana's phone once again and released online audios of private conversations with her psychologist and niece, discussing details of the rape. This is a similar sexual shaming tactic to that used against journalist Nazha El-Khalidi, designed to destroy their reputation and credibility within the Sahrawi community. The sister Luara has also received worrying threats of kidnapping, leaving her to no longer step outside the house.

The three above mentioned human rights defenders (Babuizid Mohammed Saaed Labhi, Salek Baber and Khaled Boufraya) were subsequently tortured for hours, driven to a remote part of the desert and dumped there, many kilometres from Boujdour and El Aaiún.

In the second raid of 12 May, the police raiding the home raped Sultana and Luara with sticks and poles, assaulted their brother and poured a foul-smelling, noxious liquid all over the house, furniture and clothes making the home almost uninhabitable.

Prominent Saharawi activist Mina Baali, a founding member of ISACOM, has also been under house arrest since the 8 May. On the 9 May, after a peaceful rooftop, over 50 masked Moroccan agents raided her home, tortured her and a friend, destroyed belongings and stole electronic equipment, money and food, and shut off the electricity.

In a related incident and due to her support to Mina Baali, Saharawi journalist Salha Boutinguiza also had her family home raided by the Moroccan forces, who sabotaged the electricity meter and cut off energy to the house.

Lahcen Dalil, member of ISACOM, was assaulted when he went to visit Mina Baali after the first raid. About ten Moroccan police officers entered the house and tortured Dalil

before they took him to the outskirts of the city of El Aaiun, where they continued to torture him. After hours, they left him lying barefoot and he was forced to walk back to the city.

Two other ISACOM members, Laaroussi Taglabout and Ambairkat Abdelkrem, were also beaten by around 40 agents on 10 May when they tried to visit Mina Baali's house.

Also on 10 May, Moroccan agents physically assaulted and sexually harassed ISACOM member and prominent Saharawi activist Elghalia Djimi when she was attempting to visit Mina Baali.

## **CURRENT SITUATION OF SAHARAWI POLITICAL PRISONERS**

Most of the Saharawi political prisoners, including the members of the Gdeim Izik group, are detained on the Kingdom of Morocco's soil, in violation of Article 76 of the Fourth Geneva Convention.

Acts of torture and other cruel, inhuman or degrading treatment or punishment occur on a daily basis to Saharawi political prisoners in the Moroccan detention centres: contact with prisoners affected by Covid-19, solitary confinement, lack of access to medicines and health care, poor food, confiscation of personal belongings, limited contact with family members (including for Ennaàma Asfari, victim of torture <sup>5</sup>).

In recent times, the Working Group on Arbitrary Detention has issued a number of Opinions concerning Saharawi human rights defenders, stressing that their detention is directly linked to their political activities in favour of the free exercise of the right of self-determination of the Saharawi people and therefore that their detention violates international law.

## **RECOMMENDATIONS**

The 285 member organizations of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara call upon:

- all High Contracting Parties to ensure that the Kingdom of Morocco respects the norms of the International Humanitarian Law, including the Fourth Geneva Convention, in Western Sahara;
- the UN High Commissioner for Human Rights to urgently dispatch an observation mission to the Non Self-Governing Territory of Western Sahara occupied by the Kingdom of Morocco and report to the 48th session of the Human Rights Council on the human rights situation and
- the UN Human Rights Council to held a debate on the situation in Western Sahara and to consider the creation of the mandate of Special Rapporteur on the situation of Human Rights in the Occupied Non Self-Governing Territory of Western Sahara.

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<sup>5</sup> CAT/C/59/D/606/2014.