



# General Assembly

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## Human Rights Council

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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 the Federacion de Asociaciones de Defensa y Promocion de los Derechos Humanos, 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.

[30 May 2016]

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

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## **WESTERN SAHARA: THE LEGITIMATE CALL FOR INDEPENDENCE IS SILENCED**

### **Background**

Western Sahara is included in the list of Non Self-Governing Territories since 1963. Therefore the Sahrawi People is entitled to exercise its inalienable right to self-determination and independence.

In its Advisory opinion of 1975, the International Court of Justice (ICJ) concluded by affirming that «the Court's conclusion is that the materials and information presented to it do not establish any tie of territorial sovereignty between the territory of Western Sahara and the Kingdom of Morocco...»

On 6 November 1975, the Kingdom of Morocco invaded the Spanish Sahara (Green March); an act that the Security Council condemned the very same day with the adoption of resolution 380. The Security Council called upon Morocco immediately to withdraw from the Territory all the participants in the march.

On 26 February 1976, Spain informed the Secretary-General that as of that date it had terminated its presence in Western Sahara and relinquished its responsibilities over the Territory. Western Sahara became the only Non-Self-Governing Territory listed 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 that has not an international recognized Administering Power.

Subsequently, the UN General Assembly condemned the occupation of the Territory by the Kingdom of Morocco (UNGA resolutions 34/37 and 35/19) and urged Morocco to terminate the occupation. The General Assembly, in recalling systematically the precedent resolution on the “Question of Western Sahara”, when adopting a new resolution, has preserved the continuity of the legal status of the Kingdom of Morocco, as the Occupying Power, in the Non Self-Governing Territory of Western Sahara.

Mid-March 2016, when The UN Secretary-General made a reference to the situation of occupation of the Non Self-Governing Territory of Western Sahara during his trip in the region, the Moroccan authorities decided unilaterally to expel the great majority of the civilian and political component of the United Nations Mission for the Referendum in Western Sahara (MINURSO).

On 29<sup>th</sup> April 2016, for the first time since the creation of the MINURSO in 1991, one third of the Security Council did not vote in favour of the resolution renewing the mandate of the Mission for one year; thus expressing openly their disapproval of the conduct of the Kingdom of Morocco.

### **The limitations imposed by the Kingdom of Morocco to the freedom of opinion and expression**

The freedom of expression in the Kingdom of Morocco, as well as in the Non Self-Governing Territory of Western Sahara illegally occupied, is severely restricted when one touch to three subjects: the religion, the political, financial or economic behaviour of the King and the legal status of the Non Self-Governing Territory of Western Sahara.

In fact, even though Western Sahara is considered by the UN as Non Self-Governing Territory, even though the Kingdom of Morocco is engaged in a process of negotiation with the Polisario Front under the auspices of the Secretary-General and in full disregard of the 1975 ICJ's Advisory opinion, King Mohamed VI seizes no occasion to reaffirm that Western Sahara belong to his Kingdom.

Therefore, either in the Kingdom of Morocco or in the occupied Non Self-Governing Territory of Western Sahara, anyone who raises the issue of the internationally recognised legal status of the Territory is subject to arrest and occasionally to torture, is accused of undermining State security and integrity and brought before Courts.

### **Freedom of the press**

Self-censorship is widely practiced by Moroccan journalists; the very few journalists who dared to raise questions about or to challenge the official doctrine of the Moroccan authorities on Western Sahara have been sentenced to administrative sanctions, heavy fines and / or imprisonment.

Several Moroccan journalists have decided to leave the country and seek refuge abroad. Among them, Mr. Ali Lmrabet, who was forbidden to practice his profession in Morocco from 2005 to 2015, Mr. Aboubakr Jamaï and Mr. Ahmed Benchemsi (fellow at Stanford University's Center on Democracy).

Moroccan authorities strictly monitor the Sahrawi journalists who want to practice freely their profession in the Western Sahara.

In March 2014, Ahmed Ettanji (President of Équipe Média) and Mahfoud Dahou (Saharawi journalist) were on their way to Spain as they were invited to participate to an international conference. At the airport of Casablanca, both of them were subjected to interrogation by a police team led by Ben Brahim Brahim Pasha, who asked the details of their program while delivering insults, slapping and spitting. Members of the Information Services (RG) and of the Directorate General of Territorial Surveillance (DST), present during the interrogation, beat the two journalists with punches and kicks.

In January 2015, Hayat El Khaldi (journalist at the Sahrawi RASD-TV) invited Mohamed Mayara (Saharawi journalist) and Zayou Abdelrahmane (former political prisoner) to record a program on the 2015 perspective of the peaceful struggle of the Sahrawi people for Independence; two technicians were also present. While the journalist was interviewing the two guests, a great number of policemen, accompanied by officers of the intelligence surrounded the place. Mr. Mamine Hashimi (Head of the technical service) was beaten when leaving the place a few minutes later and policemen stole his mobile phone. After receiving medical care, he filed a complaint with the local attorney.

Foreign journalists wishing to investigate and to prepare reportage on Western Sahara or simply wishing to assist to peaceful manifestations are often deported to Morocco or to their country of origin.

In July 2014, Mr. Gareth Brown, a German journalist working with the Daily Mirror who was visiting Western Sahara, was caught at his hotel along with another journalist, Mr. Rico Grimm by some policemen, after having met with Sahrawi political activists. The policemen sequestered their passports and put them in a long-distance taxi that brought them to Marrakech. Eventually they were able to retrieve their passports when they arrived at destination.

In the morning of 6 May 2016, two Polish journalists, Mrs. Anna Olczak and Mr. Dominik Sipinski arrived in El Aaiun (Western Sahara) and went to visit some Sahrawi friends at the house of one of them. Just one hour after they arrived in the house, dozens of policemen surrounded the building, entered into the house and asked to check the passports of the two journalists, which were subsequently arrested and brought in a police station outside the town, where they were interrogated for about two hours. They were told that a special authorization is needed in order to meet with people in El Aaiun, but nobody could specify which the legal basis of such rule was. Eventually, while being arrested and deported without being informed of the reasons or legal basis on which the decision was based.

Eventually, the two journalists were placed in a long-distance taxi with three unknown men, and taken to Ajt Melloul, near Agadir, about 700 kilometers north of El Aaiun where they arrived just before midnight. An unmarked car with two officers on board remained parked in front of the hotel until the morning.

Since the beginning of 2016, almost a hundred foreigners have been deported from Western Sahara by the Moroccan authorities, most of the time without a proper legal justification.

### **Conclusion and Recommendation**

The freedom of opinion and expression is systematically and severely violated by the Moroccan authorities both, in the Kingdom of Morocco and in the Non Self-Governing Territory of Western Sahara, when addressing the internationally recognized status of Western Sahara. Therefore, the right to seek, collect and impart information is also systematically and severely violated by the Moroccan authorities.

This fact not only allows anyone to challenge the good faith with which the Kingdom of Morocco takes part in negotiations under the auspices of the UN Secretary-General, but it undermines the ability of the Sahrawi population originating in the territory to forge a free and informed opinion on the fundamental question of the exercise of the right to self-determination and independence.

We call on the Special Rapporteur on Freedom of opinion and expression to pay a particular attention to the violations of the freedom of opinion and expression and of the right to seek, collect and impart information in the Non Self-

Governing Territory of Western Sahara; for this purpose, we encourage the Special Rapporteur to engage in a meaningful dialogue with the Sahrawi National Commission of Human Rights (CONASADH).

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