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Tema 2 de la agenda

**Informe anual del Alto Comisionado de las Naciones Unidas
para los Derechos Humanos e informes de la Oficina del
Alto Comisionado y del Secretario General**

Nota verbal de fecha 13 de junio de 2019 dirigida a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos por la Misión Permanente de Sudáfrica ante la Oficina de las Naciones Unidas en Ginebra

La Misión Permanente de la República de Sudáfrica ante la Oficina de las Naciones Unidas en Ginebra y otras organizaciones internacionales con sede en Suiza saluda atentamente a la Oficina del Alto Comisionado de las Naciones Unidas para los Derechos Humanos y tiene el honor de señalar a su atención la correspondencia adjunta del Frente POLISARIO relativa a las actividades de la Oficina del Alto Comisionado en el Territorio No Autónomo del Sáhara Occidental (véase el anexo).

La Misión Permanente de la República de Sudáfrica tiene el honor de solicitar que la presente nota verbal y su anexo* se publiquen como documento del Consejo de Derechos Humanos y se distribuyan a todos los miembros del Consejo en relación con el tema 2 de la agenda.

* Se reproduce como se recibió, en el idioma en que se presentó únicamente.



Annex to the note verbale dated 13 June 2019 from the Permanent Mission of South Africa to the United Nations Office at Geneva addressed to the Office of the United Nations High Commissioner for Human Rights

For the attention of the High Commissioner for Human Rights

The Frente Polisario deeply regrets that in April 2019, the former Personal Envoy of the Secretary-General for Western Sahara, Prof. Horst Köhler, could not gain the consensual support of the members of the UN Security Council in including the monitoring of the human rights situation in MINURSO's mandate due to the opposition of France.

I wish to recall that while the Security Council reiterates its encouragement to the parties to enhance cooperation with the Office of the United Nations High Commissioner for Human Rights (OHCHR), including through facilitating visits to the region, the Secretary-General noted in his last report (S/2019/282) that gaps in reporting on the situation of human rights in Western Sahara persist owing to the lack of access of OHCHR to the Occupied Territory.

Permit me to underscore here that the Frente Polisario, recognized by the UN General Assembly as the legal representative of the people of Western Sahara (A/RES/34/37), has repeatedly declared its readiness to enhance cooperation with OHCHR, in accordance with the principles and purposes of the UN Charter and the relevant UN General Assembly resolution, adopted annually by consensus, namely the resolution on the "Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples by the specialized agencies and the international institutions associated with the United Nations" (A/RES/73/105).

It is in this spirit that the Frente Polisario respectfully requests you to urgently resume the Technical Mission initiated by your Office in 2015, at least east of the Berm and in the refugee camps, and deeply regrets the difficulties posed by the Occupying Power for the Mission to regularly visit the Occupied Territory of Western Sahara.

The Frente Polisario takes this opportunity to extend an open invitation to all Special Procedures and interested members of the Treaty Bodies to visit the part of the Non Self-Governing Territory it administers and the Sahrawi refugee camps. At the same time, the Frente Polisario firmly denounces the illegality of the activities deployed by the Moroccan National Human Rights Institution in the part of the Non Self-Governing Territory the Kingdom of Morocco illegally occupies and has annexed.

The Frente Polisario strongly condemns the European Union's political institutions that circumvent and undermine the judgements and rulings of the European Court of Justice and violate the international principles of non-recognition of, and non-cooperation in an Occupied or Annexed Territory, thereby prolonging the illegal military occupation of the Non Self-Governing Territory of Western Sahara by the Kingdom of Morocco.

The Frente Polisario recalls that MINURSO is the only UN Peace Mission entrusted with the mandate to implement a fundamental Human Right: the right to self-determination.

The Frente Polisario also recalls that the members of the OHCHR Mission to Western Sahara and the refugee camps (15–23 May and 19 June 2006) stressed that almost all human rights violations and concerns with regard to the people of Western Sahara stem from the non-implementation of the right to self-determination.

Indeed, Human Rights violations, as well as violations of the Fourth Geneva Convention, in the Occupied Territory of Western Sahara are systematic and directly linked to the illegal military occupation of the Non Self-Governing Territory.

The Frente Polisario looks forward to the implementation and development of independent and credible measures to ensure full respect for human rights in the Non Self-Governing Territory of Western Sahara.

I would be most grateful if you would bring the present letter to the attention of the members of the Human Rights Council.

Geneva, 13 June 2019
Ms. Omeima Abdeslam
Representative of the Frente Polisario to the United Nations
and other international organisations in Geneva
