

**NGOs Geneva Support Group for the Protection and Promotion
of Human Rights in Western Sahara
(NGOs-GSGPPHRWS)**

Open Letter to the UN Secretary General

Bir Lehlu / Geneva, 5th November 2020

Excellency,

The NGOs Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara (251 member-organisations) took note of your last report to the UN Security Council on the "Situation in Western Sahara"¹.

On reading the document, the overall impression that emerges is that the Kingdom of Morocco is making every effort to develop the Territory and to facilitate the solution of the conflict, while the Polisario Front poses many problems preventing the completion of a process initiated in 1963 by the General Assembly with the adoption of resolution 1956 which recognised Western Sahara as a Non-Self-Governing Territory.

This approach, which departs dangerously from the principles of international law in encouraging an attitude devoid of good faith on the part of a Power wishing to satisfy its expansionist ambitions, which the International Court of Justice has ruled illegitimate, strongly affects the decisions taken by the UN Security Council's members, which once more, at a great majority, have granted "business as usual" in Western Sahara (S/RES/2548).

Here again, the NGOs Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara deems necessary to recall that:

- a) the recognition of Western Sahara as Non Self-Governing Territory implies the application of resolution 1514 (XV) and in particular "the principle of self-determination through the free and genuine expression of the will of the people of the Territory"²;
- b) since 27 February 1976, Western Sahara is the only Non Self-Governing Territory that has not an internationally recognized Administering Power, which implies that the United Nations has a primary responsibility for the protection and promotion of the fundamental rights of the people of this Territory and in particular its inalienable right to self-determination and independence;

¹ S/2020/938

² Western Sahara, Advisory Opinion, I.C.J. Reports 1975, p.12 (par. 162)

- c) following the adoption of the 1975 Advisory Opinion by the International Court of Justice, neither a single State, nor any international organisation have recognized the Kingdom of Morocco's sovereignty over Western Sahara; consequently, the only status that can be conferred on the presence of the Kingdom of Morocco in Western Sahara since November 1975 is that of an Occupying Power;
- d) since the Kingdom of Morocco illegally invaded, occupied and subsequently illegally annexed a great portion of the Non Self-Governing Territory of Western Sahara, International Humanitarian Law fully apply in the Territory;
- e) the Occupying Power has to be held accountable for the systematic and serious human rights violations and abuses, as well as for the serious breaches to International Humanitarian Law, including the systematic use of torture, the continuing colonisation of the Territory and the illegal plundering of the Saharawi natural resources;
- f) the repeated declarations of the highest representatives of the Kingdom of Morocco, including those of the King himself³, suggesting that no solution providing for the independence of the Territory can be accepted seriously question the good faith of the Occupying Power in the negotiations and explain why MINURSO cannot complete its primary mission, the organisation of a referendum on self-determination for the Saharawi people.

Since the Polisario Front agreed on the Peace Plan in late '80s, the Saharawi people decided to continue the struggle for their inalienable right to self-determination and independence through peaceful actions.

Next 8th November, the Saharawi people will celebrate the 10th anniversary of the peaceful popular movement of Gdeim Izik in which thousands of Saharawis took part and that tragically ended with the violent intervention of the Moroccan occupation forces. Several Saharawi human rights defenders are serving heavy prison sentences as a result of notoriously unfair legal proceedings, based solely on confessions extracted under torture. All these prisoners of opinion should be released immediately.

While the Committee Against Torture found that one of them, Ennaâma Asfari (condemned to 25 years imprisonment) was victim of torture and urged the Kingdom of Morocco to provide him with fair and adequate compensation, the Moroccan authorities have contested the Committee's decision and have not implemented its recommendations yet.

In this day a group of Saharawi is blocking the illegal breach of Guerguerat protesting against the continuing illegal plundering of the Saharawi natural resources.

In the Occupied Territory, the Saharawi human rights defenders, including the members of the recently created "Saharawi Organ against Moroccan Occupation" (ISACOM), among them Aminatou Haidar (2019 Alternative Nobel Peace Prize), are facing the harassment and the violence of the Moroccan security forces.

³ UNSG report to the UN General Assembly (A/75/367), para. 10: King Mohammed VI of Morocco further said that the 2007 autonomy proposal of Morocco was "the only way forward towards a settlement guaranteeing full respect for the Kingdom's national unity and territorial integrity".

The Working Group on Arbitrary Detention is regularly seized by complaints submitted by Saharawi human rights defenders, journalists and students who, according to the said Working Group are targeted because of their public activity for the implementation of their people's inalienable right to self-determination and independence. The Kingdom of Morocco should be strongly urged to respect and comply with the opinions and decisions of the various UN human rights mechanisms.

While the Kingdom of Morocco has ratified the International Convention for the Protection of All Persons from Enforced Disappearance in May 2013, it has yet to present its first periodic report. Hundreds of Saharawi families are still waiting to know the whereabouts of their loved ones so that they can mourn them.

The Kingdom of Morocco is the only African country that has not ratified the African Charter on Human and Peoples' Rights.

Your Call to Action for Human Rights, launched last February at the opening of the 43rd session of the UN Human Rights Council, was a breath of hope for numerous victims around the world, including the Saharawi people: *"Human rights are about the dignity and worth of the human person"*; *"Human rights are our ultimate tool to help societies grow in freedom"*.

You shared with everyone your personal experience; that of a young man who grew up under a dictatorship and who *"saw the dictatorship oppress not only its own citizens, but also people under colonial rule in Africa"*.

Excellency,

Today, Western Sahara is the last colony in Africa. A colonial situation that continues thanks to an illegal occupation supported, on the one hand by a strong military presence and a severe repression of the Saharawi civil society and, on the other hand, thanks to a political patronage from two former colonial powers: France, the former colonial power of Morocco, and Spain, the former colonial power of Western Sahara.

You rightly said that human rights *"must never be a vehicle for double standards"*. You stressed that Your *"Call to Action is to the UN family itself"*, which has *"to fully mobilize the diverse capacities of the United Nations"*. You have acknowledged that *"People across the world want to know we are on their side"*.

The Saharawi people desperately need to see that the United Nations are on their side!

Excellency,

The 251 undersigning organizations, respectfully, but solemnly, call upon you:

a) to speak out, identifying both violations and violators in the Occupied Western Sahara;

the presence of a single paragraph in your report illustrating the serious and systematic violations of human rights and norms of International Humanitarian Law by the Occupying Power is an insult to the Saharawi people and to the victims in particular;

- b) to fully exercise your moral and hierarchical authority within the UN family, calling for the implementation of General Assembly resolutions on “Support to Non-Self-Governing Territories by the specialized agencies and international institutions associated with the United Nations”;**

in expressing our satisfaction to hear that You will strengthen the already close collaboration between Your office and the Office of the High Commissioner for Human Rights, we urge You to invite the OHCHR to enhance cooperation with the legal representative of the people of Western Sahara, the Polisario Front, by submitting a technical cooperation and capacity building program;

- c) to fully exercise the responsibility of the United Nations towards the people of Western Sahara reaffirmed in General Assembly resolution on the “Question of Western Sahara”;**

recalling that Western Sahara is the only Non self-Governing Territory that has not a recognized Administering Power, we expect You to submit an annual comprehensive report including statistical and other information of a technical nature relating to economic, social and educational conditions in Western Sahara, which should also illustrate the extent of the plundering of the Sahrawi natural resources by the Occupying Power and international companies;

- d) to assume your personal responsibility for the fulfilment of MINURSO's core mandate: the organisation of a referendum for self-determination of the people of Western Sahara, who can freely choose between integration with Morocco and independence;**

the absence of a Personal Envoy for more than a year now only reinforces the illegal position of the Occupying Power;

recalling the decisive role that the government you were leading in your country played in the process leading to the organisation of the referendum in Timor Leste, we urge You to personally assume the role of facilitator between the Kingdom of Morocco and the Polisario Front.

As you stressed in presenting the Call to Action for Human Rights, *“Success must be measured by the yardstick of meaningful change in people’s lives.”*

Yours sincerely.

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Perigueux, Association de Solidarité avec le Peuple Sahraoui (ASPS), Association de la Vie Maghrébine pour la Solidarité et le Développement (AVMSD), Associazione bambini senza confini, Associazione Jaima Sahrawi per una soluzione giusta e non violenta nel Sahara Occ., Associazione Nazionale di Solidarietà con il Popolo Saharai, Australia Western Sahara Association, Bentili Media Center, Bremer Informationszentrum für Menschenrechte und Entwicklung (biz), Bureau International pour le Respect des Droits Humains au Sahara occidental (BIRDHSO), Campaña Saharai para la sensibilización sobre el peligro de Minas (SCBL), Cantabria por el Sáhara, Central Unitaria de Trabajadores de Chile, Centro Brasileiro de Solidaridad con los Pueblos y Lucha por la Paz, CEBRAPAZ, Centro de Documentación en Derechos Humanos "Segundo Montes Mozo S.J." (CSMM), Centro Saharai por la Salvaguardia de la Memoria, Colectivo Saharai en Estepona, Colectivo Saharai en Gipuzkoa, Colectivo Saharai en Jaén, Colectivo Saharai en Lanzarote, Comisión Ecuménica de Derechos Humanos de Ecuador (CEDHU), Comisión General Justicia y Paz, Comisión Media Independientes, Comisión Nacional de los Derechos Humanos de la República Dominicana (CNDH-RD), Comisión Nacional Saharai por los Derechos Humanos (CONASADH), Comitato "Selma2.0"-odv, Comité d'Action et de Réflexion pour l'Avenir du Sahara Occidental, Comité de Amistad con el pueblo Saharai – Argentina, Comité de Apoyo por el Plano de Paz y la Protección de los Recursos Naturales en el Sáhara Occidental, Comité Belge de soutien au Peuple Sahraoui, Comité de Defensa del Derecho de Autodeterminación (CODAPSO), Comité de Familiares de los 15 Jóvenes Secuestrados, Comité de Familiares de Mártires y Desaparecidos, Comité de Familiares de los Presos Políticos Saharais, Comité de Jumelage et d'Echange Internationaux / Gonfreville l'Orcher, Comité de Protección de los Defensores Saharais – Freedom Sun, Comité de Protección de los Recursos Naturales, Comité Saharai de Defensa de Derechos Humanos (Glaimim), Comité Saharai de Defensa de Derechos Humanos (Smara), Comité Saharai de Defensa de Derechos Humanos (Zag), Comité Saharai por el Monitoreo de los Derechos Humanos (Assa), Comité de Solidaridad Oscar Romero, Comité Suisse de soutien au Peuple Sahraoui, Comité de Victimas de Agdaz y Magouna, Comunidad Saharai en Aragón, Comunidad Saharai en Asturias, Comunidad Saharai en Balmaseda, Comunidad Saharai en Cantabria, Comunidad Saharai en Castilla y León, Comunidad Saharai en Castilla la Mancha, Comunidad Saharai en Catalunya, Comunidad Saharai en Cordoba, Comunidad Saharai en Jerez y Cadiz, Comunidad Saharai en La Rioja, Comunidad Saharai en Las Palmas, Comunidad Saharai en Madrid, Comunidad Saharai en Murcia, Comunidad Saharai en Navarra, Coordinadora Estatal de Asociaciones Solidarias con el Sáhara (CEAS – Sáhara), Coordinadora de Gdeim Izik para un Movimiento Pacífico, Coordinadora de los Graduados Saharais Desempleados, Coordinadora d'Organizacions No-Governamentals de Cooperació al Desenvolupament (CONGDIB), Coordinadora de las ONGs en Aaiún, Coordinadora Saharai de Derechos Humanos de Tantan, Der Elefant e.V., Diaspora Saharai en Bizkaia Disabi, Emmaus Åland, Emmaus Stockholm, Equipe Média, European Association of Lawyers for Democracy and World Human Rights (ELDH), Federació ACAPS de Catalunya, Federació d'Associacions de Solidaritat amb el Poble Sahrauí del País Valencià, Federación Andaluza de Asociaciones Solidarias con el Sahara (FANDAS), Federación de Asociaciones de Amigos del Pueblo Saharai de Extremadura (FEDESAEX), Federación de la Comunidad de Madrid de Asociaciones Solidarias con el Sahara (FEMAS Sahara), Federación Deportistas Saharais en España, Federación Estatal de Instituciones Solidarias con el Pueblo Saharai (FEDISSAH), Fédération sportive des Sahraouis en France, Fondation Frantz Fanon, Forum Futuro de la Mujer Saharai, Freiheit für die Westsahara e.V., Fundación Constituyente XXI, Fundación Mundubat, Fundación Sahara Libre-Venezuela, Fundación Sahara occidental, **Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social (Fundalatin)**, Giuristi Democratici, Global Aktion - People & Planet before profit, Groupe Non Violence Active (NOVA SAHARA OCCIDENTAL), Grupo

por la renuncia de la Nacionalidad Marroquí, [Habitat International Coalition](#), Housing and Land Rights Network, Human & Environment e.V., Ibsar Al Khair Association for the Disabled in Western Sahara, [Indian Council of South America \(CISA\)](#), [International Association of Democratic Lawyers \(IADL\)](#), [International Educational Development, Inc.](#), [International Fellowship of Reconciliation \(IFOR\)](#), International Platform of Jurists for East Timor, [Liberation](#), Liga de Abogacia Saharaui en España, Liga de Defensa de los Presos Políticos Saharaui, Liga de Estudiantes Saharaui en España, Liga de Medicos Saharaui en España, Liga de Mujeres Saharaui en España, Liga Nacional dos Direitos Humanos, Liga de Periodistas Saharaui en España, Liga Saharaui de defensa de Derechos Humanos y Protección de RW-Bojador, Ligue des Jeunes et des Etudiants Sahraouis en France, Ligue pour la Protection des Prisonniers Sahraouis dans les prisons marocaines (LPPS), [Mouvement contre le racisme et pour l'amitié entre les peuples \(MRAP\)](#), National Television Team, Nigerian Movement for the Liberation of Western Sahara, Norwegian Support Committee for Western Sahara, Observatoire des Médias Sahraouis pour documenter les violations des droits de l'homme, Observatorio Aragonés para el Sáhara Occidental, Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental (OAPSO), Observatorio Saharaui por el Niño y la Mujer, Observatorio Saharaui de Protección del Niño, Observatorio Saharaui de Recursos Naturales, 1514 Oltre il muro, Organización Contra la Tortura en Dakhla, Organización Saharaui por la Defensa de las libertades y la dignidad, Pallasos en Rebeldía y Festiclown, [Paz y Cooperación](#), Plataforma de Organizaciones Chile Mejor Sin TLC, Por un Sahara Libre, Proyecto Audiovisual: La Saharaui Colombiana, [Right Livelihood Foundation](#), Saharaui Unterstützungsverein Wien, Saharawi Advocacy Campaign, Saharawi Association for Persons with Disabilities in Western Sahara, Saharawi Association in the USA (SAUSA), Saharawi Campaign against the Plunder (SCAP), Saharawi Center for Media and Communication, Saharawi Media Team, Saharawi Voice, Sahrawis förening i Sverige, Salma e.V., Sandblast Arts, Schweizerisches Unterstützungs Komitee für die Sahraouis Bern, Sindacato Español Comisiones Obreas (CCOO), Solidariedade Galega col Pobo Saharaui (SOGAPS), Stichting Zelfbeschikking West-Sahara, Tayuch Amurio, The Icelandic Western Sahara Association, The Norwegian organization for justice and development, The Swedish Western Sahara Committee, TIRIS - Associazione di Solidarietà con il Popolo Saharawi, Unión de Asociaciones Solidarias con el Sáhara de Castilla y León, Union des Ingénieurs Sahraouis, Unión de Juristas Saharaui (UJS), Unión Nacional de Abogados Saharaui, Unión Nacional de Estudiantes de Saguia El Hamra y Rio de Oro (UESARIO), Unión Nacional de la Juventud de Saguia El Hamra y Rio de Oro (UJSARIO), Unión Nacional de Mujeres Saharaui (UNMS), Unión Nacional de Trabajadores de Saguia El Hamra y Rio de Oro (UGTSARIO), Unión de Periodistas y Escritores Saharaui (UPES), US Western Sahara Foundation, VZW de Vereniging van de Sahrawi Gemeenschap in Belgie, Werken Rojo - Medio de comunicación digital, Western Sahara Resource Watch España (WSRW España), Western Sahara Times, [World Barua Organization \(WBO\)](#), [World Peace Council](#).

[NGOs enjoying UN-ECOSOC status](#)