



WILPF report side event:
Western Sahara refugees
12th Human Rights Council

Introduction:

WILPF co-sponsored an event during the 12th Human Rights Council Session to draw attention to human rights violations in the Western Sahara. The Western Sahara is an area south of Morocco made up largely of desert and has been on the United Nations list of non-self-governing territories since the 1960s when it was a Spanish colony. Since a United Nations-sponsored ceasefire agreement in 1991, most of the territory has been controlled by Morocco, and the remainder by the Polisario/SADR, backed by Algeria.

▪ Mr. Abba El Hassain [*Secretary General, Union of Sahara Jurists*]

The speaker recalled that Western Sahara is a country and now part of Morocco since 1979, when the Spanish colonizers left. The speaker emphasized that Morocco is not even the administrative power in the Western Sahara. The Western Sahara people want self-determination. The current status quo results in a dire situation for its inhabitants. There is a risk of increased instability and conflict due to the current situation of suppression and lack of civil rights for its inhabitants. Autonomy is not a solution. International legality should be obeyed for the settlement plan for Western Sahara, but political will is needed. What solution could be more legitimate than the decision based on the democratic will of the Western Sahara people?

▪ Mr. Patrick Herzig [*Jurist, Swiss League for Human Rights*]

The speaker visited Western Sahara at the end of 2007. He focused on the application of Moroccan law to the Western Sahara region, because the Moroccan regime does not take responsibility. He recalled recurring cases of death penalties which were performed without sufficient judicial decision. He has seen the harsh enforcement of Moroccan law in a territory which does not belong to Morocco. He was invited by Western Sahara human rights defenders to ensure that the human rights violations occurring there could be made public. In his first visit he was open about his reasons for visiting the region and was allowed access by Moroccan authorities.

The speaker said that the obligations under the Convention against Torture should be upheld by the Moroccan authorities in their domestic law enforcement in Western Sahara. Morocco says that it has the right to enforce its law. The speaker explained that this domestic law contains measures to ensure that there is no misuse of force by Moroccan police officers. This part of Moroccan domestic law is clearly not being enforced in the Western Sahara region. Mr. Herzig was present at three trials in which young individuals were charged for putting fire to a police vehicle during a pacifist protest. According to the speaker there was no proof that the public attorney based its decision on correct witnesses. The decision was based on reports by the police officers who arrested the two children, aged 10 and 12 years old. The young individuals under charge denied their confessions during the

trial, explaining that they had made these confessions under torture. It was not a fair trial and there was an incredible list of charges which was drawn up. Judges, lawyers and the prosecutors convened multiple times without the presence of the victims.

The speaker believed that torture did occur, that the father of the two children was bribed and that the judge was not impartial in deciding on the matter and in fact redefined the crime for which the two individuals were accused of. Amnesty International reported that in Western Sahara people are harassed and do not have sufficient access to justice. Further, they reported that certain alleged cases of torture were not taken up.

- Mme. Karen Parker [*International Educational Development*]

The speaker painted the geopolitical and legal picture: until the legal situation is normalized in the Western Sahara there will be an ongoing amount of conflicts coming forth out of the area. In 1976 Spain wanted to know which flag should go up when the Spanish flag came down. The territory was seen as an 'empty land'. The International Court of Justice did not have a right to make a claim over the inhabitants of the territory now known as the Western Sahara. The first action taken by Ronald Reagan was to increase military aid to Morocco to support them in their ambitions of annexing the territory of Western Sahara. The fact that the USA was funding Morocco against the ICJ's decision and against the Western Sahara was known to only a highly placed group of elites within the American establishment.

Western Saharans fled the area from the Moroccan army and moved to refugee camps in Algeria, where in most cases they are still residing. The government of Morocco is trying to eliminate the influence of Saharans by taking them off the voting lists for referenda and by sending Moroccans into Western Sahara in a policy of ethnic delusion as part of an attempt to ensure that the referendum will not result in an outcry for independence. The African Union considers the Western Sahara as a full member.

The speaker reminded the audience of the number of countries which tried to eliminate the agenda item of "self-determination issues" as part of the transition from the Human Rights Commission to the Human Rights Council in order to cover up internal problems. Mme. Parker pleaded to remember the history of the Western Sahara: lives, judicial processes, people's livelihoods at stake and the right for Western Saharans to self-determination.