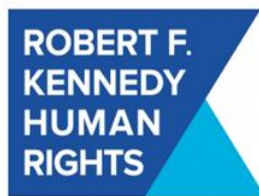


# Observations and Topics to be Included in the List of Issues

On the Occasion of the Human Rights Committee's 2016 Review of the Kingdom of Morocco's Implementation of the International Covenant on Civil and Political Rights

Submitted on December 18, 2015 by:

Robert F. Kennedy Human Rights  
Collective of Sahrawi Human Rights Defenders  
Sahrawi Association of Victims of Grave Violations of Human Rights Committed by Morocco  
Action by Christians for the Abolition of Torture-France  
Bureau des Droits de l'Homme au Sahara Occidental  
Fondation Danielle Mitterrand/France Libertés  
French Association of Friendship and Solidarity with African Peoples  
AdalaUK



## Signatories of this Report

**Robert F. Kennedy Human Rights** is a non-governmental organization based in Washington, D.C. Founded in 1968 as a living memorial, it strives to achieve Robert F. Kennedy's vision of a more just and peaceful world. Robert F. Kennedy Human Rights' core programs focus on the power of the individual, providing sustained advocacy, litigation, and capacity-building support to grassroots leaders to advance social justice movements around the globe.

The **Collective of Sahrawi Human Rights Defenders** (CODESA) is a grassroots, non-governmental organization based in El-Aaiun/Western Sahara, whose registration has been denied by the Moroccan authorities. Its members are former disappeared persons and political prisoners. CODESA's objectives are: documenting the violations and attacks to human rights in the Western Sahara territories occupied by Morocco; disseminate and promote the culture of human rights principles and values; contribute to the construction of a modern civil society that believes in peace and peaceful non-violent resistance; and defending the legal and inalienable right of the Sahrawi people to self-determination, as recognized by international law.

The **Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the State of Morocco** (ASVDH) is a non-governmental organization based in El-Aaiún which defends the interests of victims of forced disappearances and all victims of grave violations of human rights. Its mission is to defend the rights of victims and their beneficiaries, to promote a culture of universal human rights, to lead the youth in a non-violent struggle to assert their rights, and to provide psychological support to individuals, especially women, who have been "disappeared."

**ACAT-France (Action by Christians for the Abolition of Torture-France)** is a Christian non-governmental organization for the defense of human rights based in Paris, which was created in 1974 as a non-profit organization. Basing its advocacy on international law, ACAT-France fights against torture, the death penalty, and for the protection of victims, by means of its network of 39,000 members and supporters.

**Fondation Danielle Mitterrand/France Libertés:** Created by Danielle Mitterrand in 1986, France Libertés is a non-profit foundation that has consultative status with the Economic and Social Council (ECOSOC) of the United Nations. France Libertés' mission is to defend human rights and the common good, and in particular the fundamental right of everyone to access to water. The Fondation Danielle Mitterrand contributes to building a more interdependent world.

The **Bureau des Droits de l'Homme au Sahara Occidental** (BIRDHSO) is an international non-governmental organization based in Geneva. Its work focuses principally on the various UN human rights mechanisms in order to draw their attention to human rights violations in Western Sahara, including the special procedures, the treaty bodies, the Human Rights Council, and the High Commissioner for Human Rights.

**French Association of Friendship and Solidarity with African Peoples (AFASPA)** is a French anti-colonial organization that is independent of governments and parties in France and in Africa. It was founded in 1972, is based in Bagnolet and has regional committees. Its purpose is to inform French public opinion about African realities, support the independence

struggles of African peoples and denounce violations of human and peoples' rights. As such, it has dispatched observers to the trials of Sahrawi activists before Moroccan courts.

**AdalaUK** is a British organization that aims to raise awareness of the conflict and of human rights violations in Western Sahara. We work with a number of Saharawi human rights activists who are based in the occupied territories of Western Sahara and in Morocco. Adala UK gives the Saharawi human rights movement a unified voice at an international level, predominantly by organising and participating in speaker events and by sending letters and petitions to the appropriate decision makers and authorities.

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## A. Introduction

The above-listed non-governmental organizations and associations submit this report to guide the pre-session Working Group in its preparation of the list of issues to be examined during the Committee's review of the Kingdom of Morocco's implementation of the International Covenant on Civil and Political Rights (ICCPR) in the non-self-governing territory of Western Sahara. We hereby submit a condensed summary of the facts relating to the violations of the following rights enshrined in the ICCPR: the right to self-determination (Article 1); the right to life (Article 6); the prohibition on torture (Article 7); the right to be protected from arbitrary detention (Article 9); the right to dignity (Article 10); the right to freedom of movement (Article 12); the right to a fair and public hearing and an appeal (Article 14); the right to privacy (Article 17); the rights to freedom of expression and peaceful assembly (Articles 19 and 21); and the right to freedom of association (Article 22).

This Committee and the International Court of Justice have already found that States Parties' obligations under the ICCPR extend to all of the territories and populations that are effectively under their control.<sup>1</sup> As the *de facto* Occupying Power in a non-self-governing territory, it is clear that the Kingdom of Morocco must respect and implement the rights protected by the ICCPR in Western Sahara. Nevertheless, the NGOs and associations listed above wish to emphasize that, under international law, the Kingdom of Morocco has no legitimate sovereignty over Western Sahara.<sup>2</sup>

## B. Observations Regarding Violations of the ICCPR in Western Sahara

### 1. Article 1

#### a. Article 1, para. 1: The Right to Self-Determination.

*Art. 1, para. 1: All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.*

From a legal perspective, it is settled that the Sahrawi people are entitled to determine their own political future through a referendum on self-determination. The United Nations General Assembly, the International Court of Justice and the Organization of African Unity have all recognized that Morocco cannot exercise sovereignty over the non-self-governing territory of Western Sahara and have called for a referendum to be organized in order for the Sahrawi

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<sup>1</sup> See International Court of Justice, Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004, ¶ 111 (July 9, 2004) (“[T]he International Covenant on Civil and Political Rights is applicable in respect of acts done by a State in the exercise of its jurisdiction outside its own territory.”); Human Rights Committee, Concluding Observations of the Human Rights Committee: Israel, 21 August 2003, CCPR/CO/78/1SR, ¶ 11 (noting that “the provisions of the Covenant apply to the benefit of the population of the Occupied Territories, for all conduct by the State party’s authorities or agents in those territories that affect the enjoyment of rights enshrined in the Covenant and fall within the ambit of State responsibility of Israel under the principles of public international law”).

<sup>2</sup> International Court of Justice, Advisory Opinion on Western Sahara (Oct. 16, 1975), <http://www.icj-cij.org/docket/files/61/6197.pdf>. No state or intergovernmental institution has recognized Morocco as a sovereign power over Western Sahara.

people to pronounce itself on its political status.<sup>3</sup> Additionally, as noted by the European Union General Court in a very recent decision, “neither the UN nor any other international body has granted the Kingdom of Morocco a mandate to administer this territory.”<sup>4</sup>

In 2004, following its review of the Kingdom of Morocco’s fifth periodic report, the Committee stated that it “remains concerned about the lack of progress on the question of the realization of the right to self-determination for the people of Western Sahara.”<sup>5</sup> Despite the Committee’s exhortation more than ten years ago to allow the people of Western Sahara “to enjoy fully the rights recognized by the Covenant,”<sup>6</sup> the Kingdom of Morocco is unwilling to resolve the question of self-determination in conformity with binding principles of international law. In a report submitted to the Committee on Economic, Social and Cultural Rights (CESCR) in 2014, the Kingdom of Morocco claimed that it would grant Western Sahara a degree of autonomy through the “Moroccan Extended Autonomy Initiative.” According to the state report, the autonomy status will be decided by the population through a referendum.<sup>7</sup> This proposal does not specify who will be consulted or when, and fails to clarify whether the Sahrawi people will also be given an opportunity to choose independence over regional autonomy. Morocco’s proposal, therefore, violates the principle of self-determination, which recognizes the right of a non-sovereign people to choose their political regime.

Furthermore, the proposed solution demonstrates that Morocco refuses to consider the option of independence for the people of Western Sahara. This refusal was publicly expressed in King Mohammed VI’s speech of November 6<sup>th</sup> 2014 on the occasion of the 39<sup>th</sup> anniversary of the Green March, in which he stated that, “Morocco will remain in its Sahara, and the Sahara will remain in its Morocco until the end of time.” He then added that “Moroccan sovereignty in the whole of its territory is unalterable, inalienable and nonnegotiable.”<sup>8</sup> This year again, at a speech to mark the 40<sup>th</sup> anniversary of the Green March, King Mohammed VI said that the autonomy initiative “is the most Morocco can offer... Those who are waiting for any other concession on Morocco’s part are deceiving themselves....”<sup>9</sup> Presenting independence as an option for the people of Western Sahara would not be a “concession” on the part of Morocco, as mischaracterized by King Mohammed VI; it is what the law of non-self-governing territories requires in order for the people of the territory to realize their right to self-determination.

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<sup>3</sup> International Court of Justice, Advisory Opinion on Western Sahara, 16 October 1975, <http://www.icj-cij.org/docket/files/61/6197.pdf>; U.N. General Assembly, Question of Spanish Sahara, Resolution 3458, A/RES/3458 (XXX), 2435th Plenary Meeting, 10 December 1975; The Assembly of Heads of State and Government of the Organization of African Unity, meeting in its Eighteenth Ordinary Session in Nairobi, Kenya, from 24 to 27 June 1981, Resolution on Western Sahara, AHR/Res. 103 (XVIII) (24 to 27 June, 1981).

<sup>4</sup> Action for Annulment *Frente Polisario v Council*, Case T-512/12, Para. 233, European Union General Court, December 10, 2015, available at <http://curia.europa.eu/juris/document/document.jsf?text=&docid=172870&pageIndex=0&doclang=FR&mode=lst&dir=&occ=first&part=1&cid=227279>.

<sup>5</sup> Human Rights Committee, 82nd session, Concluding Observations of the Human Rights Committee: Morocco, 1 December 2004, CCPR/CO/82/MAR, ¶ 8.

<sup>6</sup> *Id.*

<sup>7</sup> Committee on Economic, Social and Cultural Rights, Fourth periodic report of the state of Morocco, 24 March 2014, E/C.12/MAR/4, §26.

<sup>8</sup> Speech of King Mohammed VI, 6 November 2014, available in French: <http://www.bladi.net/discours-roi-mohammed-6-jeudi-6-novembre.40587.html>.

<sup>9</sup> Reuters, On 40th Anniversary of Green March, King Mohammed VI Lauds Autonomy Plan, Pledges to Turn Western Sahara Into African Hub, November 7, 2015, available at <http://www.reuters.com/article/idUSnMKWQd90Qa+1e2+MKW20151107#yaYSIsSTcUUZSwD0.99>

The CESCR recognized the inadequacy of Morocco's proposal in its 2015 Concluding Observations, where it stated: "While taking note of the Moroccan Extended Autonomy Initiative, the Committee reiterates its concern about the failure to find a solution to the issue of the right to self-determination of the Non-Self-Governing Territory of Western Sahara."<sup>10</sup> Consequently, the CESCR called upon Morocco to:

Strengthen its efforts, under the auspices of the United Nations, to find a solution to the issue of the right to self-determination for Western Sahara, as established in article 1 of the Covenant, which recognizes the right of all peoples to freely determine their political status and freely pursue their economic, social and cultural development. The Committee recalls that States parties to the Covenant are obligated to promote the realization of the right of self-determination in Non-Self-Governing Territories and to respect that right, in conformity with the provisions of the Charter of the United Nations.<sup>11</sup>

Yet Morocco has prevented the United Nations from taking steps to resolve the conflict, blocking the Special Representative of the Secretary General and the Head of MINURSO, Kim Bolduc, from entering the territory for months after her appointment.<sup>12</sup> Ambassador Christopher Ross, the Secretary General's Personal Envoy, has also been at times prevented from entering the region.<sup>13</sup>

**In light of the above facts, we recommend that the Committee ask the Kingdom of Morocco to:**

- Provide clear and precise information on the process by which the right to self-determination of the Sahrawi people will be implemented, and in particular:
  - o The concrete measures that will be implemented to hold a referendum on self-determination, including a schedule for the referendum.

**b. Article 1, para. 2 : The Right to Freely Dispose of Natural Resources**

*Art. 1, para. 2: All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.*

The General Assembly has emphasized that the exploitation and pillaging of natural resources in colonial or non-self-governing territories by foreign economic interests compromises the integrity and the prosperity of these territories, and that "any administering Power that deprives the colonial peoples of Non-Self-Governing Territories of the exercise of their legitimate rights over their natural resources, or subordinates the rights and interests of those peoples to foreign economic and financial interests, violates the solemn obligations it has

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<sup>10</sup> Committee on Economic, Social and Cultural Rights, Concluding Observations on the Fourth Periodic Report of Morocco, 22 October 2015, E/C.12/MAR/CO/4, ¶ 5.

<sup>11</sup> *Id.*, ¶ 6.

<sup>12</sup> See e.g., Global Post, *U.N. Security Council Analyzes Diplomatic Breakdown in Western Sahara*, Oct. 28, 2014, available at <http://www.globalpost.com/dispatch/news/agencia-efe/141028/un-security-council-analyzes-diplomatic-breakdown-western-sahara>.

<sup>13</sup> *Id.*

assumed under the Charter of the United Nations.”<sup>14</sup> Under international law, administering powers must respect two conditions for the exploitation of natural resources in a non-self-governing territory: first, the resources must be exploited for the benefit of the peoples in the territory; and second, the resources must be exploited in their name or in consultation with their representatives.<sup>15</sup> The latter condition requires that the population—or its legitimate representatives—be consulted *prior* to such exploitation.

These principles are not respected in the occupied territories of Western Sahara. The transfer of the Moroccan population to the non-self-governing territory of Western Sahara is an aggravating factor in the exploitation of the territory’s resources, as well as a violation of the Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War.<sup>16</sup>

**In light of the above facts, we recommend that the Committee request that the Kingdom of Morocco:**

- Provide information on the concrete measures the State party has taken to ensure the Sahrawi people consent to the exploitation of natural resources in the occupied territory of Western Sahara, with particular regard to:
  - o Exploitation and export of phosphates;
  - o Negotiation of fisheries agreements;
  - o Authorization of oil exploration, exploitation, or extraction, including any of these activities in the territorial waters of Western Sahara;
  - o Exploitation and irrigation of lands to grow fruits and vegetables, and in particular tomatoes.
- Provide precise and detailed information on how the benefits from the exploitation of these resources are shared with the Sahrawi population.
  - o Describe efforts undertaken to ensure that products exported from Western Sahara are labeled accurately as products of Western Sahara.

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<sup>14</sup> U.N. General Assembly Res. 48/46, Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination, 22 March 1994, §2, 48 U.N. GAOR Supp. (No. 49) at 124; U.N. General Assembly Res. 49/40, Activities of foreign economic and other interests which impede the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Territories under colonial domination, 30 January 1994, §2.

<sup>15</sup> Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, Legal Counsel Hans Corell, addressed to the President of the Security Council, S/2002/161, §24 “*The recent State practice, though limited, is illustrative of an opinio juris on the part of both administering Powers and third States: where resource exploitation activities are concluded in Non-Self-Governing Territories for the benefit of the peoples of these territories, on their behalf, or in consultation with their representatives, they are considered compatible with the Charter obligations of the administering Power, and in conformity with the General Assembly resolutions and the principle of “permanent sovereignty over natural resources” enshrined therein*”; see also §9 (“*Members of the United Nations who assumed responsibilities for the administration of these territories have whereby recognized the principle that the interest of the inhabitants of these territories are paramount, and have accepted as a sacred trust the obligation to promote to the utmost the well-being of the inhabitants of these territories.*”) The Legal Service of the European Parliament has also noted that “*compliance with international law requires that economic activities related to the natural resources of a Non-Self-Governing Territory are carried out for the benefits of the people of such Territory, and in accordance with their wishes.*” Legal Opinion of the Legal Service of the European Parliament, 13 July 2009.

<sup>16</sup> Fourth Geneva Convention relative to the Protection of Civilian Persons in Time of War, 12 August 1949, art. 49.

## **2. Articles 6 and 9: The Right to Life and the Right to be Free from Arbitrary Detention.**

*Article 6, para. 1: Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.*

*Article 9: para. 1: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.*

*para. 2. Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him.*

*para. 3. Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. It shall not be the general rule that persons awaiting trial shall be detained in custody, but release may be subject to guarantees to appear for trial, at any other stage of the judicial proceedings, and, should occasion arise, for execution of the judgement.*

*para. 4. Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.*

*para. 5. Anyone who has been the victim of unlawful arrest or detention shall have an enforceable right to compensation.*

Over the last few decades, hundreds of people from Western Sahara have been subjected to enforced disappearances in violation of Articles 6 and 9. This Committee has made clear that State parties have an obligation to provide “specific and relevant information concerning the steps taken” to establish the fate and whereabouts of missing persons and to locate their mortal remains.<sup>17</sup> While the Kingdom of Morocco has made limited progress in identifying the fate of some Sahrawi victims,<sup>18</sup> credible estimates are that as many as 500 Sahrawis remain missing, with little or no information as to their whereabouts.<sup>19</sup> For many of these

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<sup>17</sup> *Ičić v. Bosnia and Herzegovina*, Communication No. 2028/2011, CCPR/C/113/D/2028/2011 (2015), ¶ 9.6.

<sup>18</sup> See Carlos Martín Beristain and Francisco Etxeberria Gabilondolo, *MEHERIS: A Possibility of Hope: Mass graves and the First Sahrawi Disappeared Who have been Identified (Summary)* 5 (Sept 2013), [http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris\\_SUMMARY\\_\(Ingles\\_Frances\\_arabe\).pdf?1378901544](http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris_SUMMARY_(Ingles_Frances_arabe).pdf?1378901544) (noting that Morocco had provided “fragmented, limited and partial information” regarding the fate and whereabouts of 207 of these victims in a report issued by the Human Rights Advisory Council (HRAC) in December 2010); see also Human Rights Council, *Rep. of the Working Grp. On Enforced or Involuntary Disappearances*, ¶45, U.N. Doc. A/HRC/13/31/Add.1 (February 9, 2010), [http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-31-Add1\\_fr.pdf](http://www2.ohchr.org/english/bodies/hrcouncil/docs/13session/A-HRC-13-31-Add1_fr.pdf) (noting complaints that the Equity and Reconciliation Commission had failed to fully investigate cases of enforced disappearance in Western Sahara, and observing that the ERC had cancelled its only public meeting scheduled to take place in Western Sahara). For an overview of the work of the Equity and Reconciliation Commission, whose mandate was to investigate forced disappearances and arbitrary detentions in Morocco between 1956 and 1999, see HUMAN RIGHTS WATCH, *HONORING PAST VICTIMS DURING AN UNCERTAIN PRESENT* (November 2005), <https://www.hrw.org/sites/default/files/reports/morocco1105wcover.pdf>.

<sup>19</sup> Human rights organizations and governmental bodies have released differing estimates of the number of Sahrawis who remain missing. See, e.g., EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK, *EMHRN MISSION REPORT: THE HUMAN RIGHTS SITUATION IN MOROCCO AND THE WESTERN SAHARA* 26 (2015) (noting that “[s]everal NGOs have put the number of missing persons whose fate is still unknown at 551”); Carlos Martín Beristain and Francisco Etxeberria Gabilondolo, *MEHERIS: A Possibility of Hope: Mass graves and the First Sahrawi Disappeared Who have been Identified (Summary)* 5 (Sept 2013),



victims, the Kingdom of Morocco has failed to conduct an adequate investigation regarding their fate, contrary to its obligations under this Covenant<sup>20</sup> as well as Article 3 of the International Convention for the Protection of all Persons from Enforced Disappearances.<sup>21</sup> It has likewise failed to punish the perpetrators of enforced disappearances.<sup>22</sup>

In February 2013, a shepherd found human remains scattered over the sands in the area of Fedret Leguiaa. A forensic investigation confirmed the existence of two mass graves containing the remains of several Sahrawis who had been “disappeared” in 1976.<sup>23</sup> A published report on the investigation illustrates the inadequacy of Morocco’s response to the cases of missing Sahrawis:

The report of the Equity and Reconciliation Commission (Instance Équité et Réconciliation - IER, 2006) does not provide information on this case. No members from that institution interviewed relatives of these victims who were in the Tindouf camps. Of the eight arrested people who have gone missing and who are included in this case of the Fadret Leguiaa graves, the aforementioned list from the Moroccan CCHR, published online in 2010, provides some data on four of them. About the rest no information is provided, although they were arrested on the same day and in the same place.<sup>24</sup>

Since this Committee last reviewed the Kingdom of Morocco’s implementation of the Covenant, several Sahrawis have been subjected to forced disappearances. They include Ahmed Sallami, who disappeared in the context of the Gdeim Izik camp dismantlement, and Mohamed Krimo, who disappeared shortly after a conflict between Sahrawis and Moroccan settlers in Dakhla in 2011. In December 2005, 15 young Sahrawis disappeared during an attempt to illegally immigrate to the Canary Islands. Their families alleged that they were

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[http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris\\_SUMMARY\\_\(Ingles\\_Frances\\_arabe\).pdf?1378901544](http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris_SUMMARY_(Ingles_Frances_arabe).pdf?1378901544) (noting there are “over 400” Sahrawi victims of enforced disappearance); African Comm. on Human & Peoples’ Rights, *Report of the Fact-Finding Mission to the Sahrawi Arab Democratic Republic*, ¶¶35-36 (Sept. 24-28, 2012), [http://www.achpr.org/files/sessions/12th-ec/mission-reports/promotion\\_mission-2012/mission\\_report\\_sahrawi\\_cpta\\_eng.pdf.pdf](http://www.achpr.org/files/sessions/12th-ec/mission-reports/promotion_mission-2012/mission_report_sahrawi_cpta_eng.pdf.pdf) (noting that while Sahrawi witnesses claimed there were at least 500 remaining victims of enforced disappearance, the Moroccan National Human Rights Commission had only recognized 352 such cases); HUMAN RIGHTS WATCH, HONORING PAST VICTIMS DURING AN UNCERTAIN PRESENT 42 (November 2005), <https://www.hrw.org/sites/default/files/reports/morocco1105wcover.pdf> (noting that the former President of Equity and Reconciliation Commission estimates the numbers of missing or “disappeared” Sahrawis to be much lower than estimates provided by NGOs).

<sup>20</sup> See Human Rights Committee, General Comment 31, Nature of the General Legal Obligation on States Parties to the Covenant, U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), ¶ 18.

<sup>21</sup> International Convention for the Protection of All Persons from Enforced Disappearance art. 6, Dec. 20, 2006, 2761 U.N.T.S. 3.; See also Carlos Martín Beristain and Francisco Etxeberria Gabilondolo, *MEHERIS: A Possibility of Hope: Mass graves and the First Sahrawi Disappeared Who Have Been Identified (Summary)* 7 (Sept 2013),

[http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris\\_SUMMARY\\_\(Ingles\\_Frances\\_arabe\).pdf?1378901544](http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris_SUMMARY_(Ingles_Frances_arabe).pdf?1378901544).

<sup>22</sup> International Convention for the Protection of All Persons from Enforced Disappearance art. 6, Dec. 20, 2006, 2761 U.N.T.S. 3.

<sup>23</sup> Carlos Martín Beristain and Francisco Etxeberria Gabilondolo, *MEHERIS: A possibility of hope: Mass graves and Mass graves and the First Sahrawi Disappeared Who Have Been Identified (Summary)* 11-13 (Sept 2013), [http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris\\_SUMMARY\\_\(Ingles\\_Frances\\_arabe\).pdf?1378901544](http://publicaciones.hegoa.ehu.es/assets/pdf2s/298/Meheris_SUMMARY_(Ingles_Frances_arabe).pdf?1378901544). Also, in February 2015, ASVDH contacted the Moroccan National Human Rights Council regarding the discovery of human remains near El Aaiún.

<sup>24</sup> *Id.* at 10. According to ASVDH, the IER has only processed 20 cases of Sahrawis who have been disappeared.

arrested by the Moroccan police and Royal Navy.<sup>25</sup> According to a report submitted to the UN Working Group on Enforced or Involuntary Disappearances, the 15 Sahrawis were all participants in the 2005 Intifada who were seeking to publicize human rights violations in Western Sahara. Their families have sought information from the Moroccan authorities as to their whereabouts to no avail.<sup>26</sup>

In 2011, the Kingdom of Morocco amended its Constitution to prohibit enforced disappearances,<sup>27</sup> but it has not yet made enforced disappearances a crime under the Penal Code.<sup>28</sup> Moreover, the Constitution fails to incorporate the definition of enforced disappearance provided in Article 2 of the International Convention for the Protection of all Persons from Enforced Disappearance.<sup>29</sup>

**In light of the above, we recommend that the Committee request that the Kingdom of Morocco:**

- Provide data on reported cases of enforced disappearances in Western Sahara from 2004 to present. For each reported case, include (1) the name of the disappeared; (2) the efforts made by Morocco to investigate the circumstances surrounding the disappearance; (3) the status of any prosecution of the perpetrators; and (4) the nature and amount of compensation provided to the victims and/or their next of kin.
- Provide data on the number of enforced disappearances in Western Sahara from 1991 to present, disaggregated by year. How many complaints of enforced disappearances have been filed with the authorities? How many cases have been investigated? In how many cases has the Kingdom of Morocco determined that the authorities were responsible for an enforced disappearance? In how many cases have those responsible been prosecuted? In how many cases were criminal sanctions imposed and what were

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<sup>25</sup> Working Group on Enforced or Involuntary Disappearances, Report on Enforced or Involuntary Disappearances, Case No. 10002788, 13 January 2010 (on file with authors).

<sup>26</sup> *Id.*

<sup>27</sup> Jefri J. Ruchti, trans., Draft text of the Constitution adopted at the Referendum of 1 July 2011 (HeinOnline World Constitutions Illustrated library 2011) [http://www.constitutionnet.org/files/morocco\\_eng.pdf](http://www.constitutionnet.org/files/morocco_eng.pdf). Article 23 provides, in pertinent part: “No one may be arrested, detained, prosecuted or condemned outside of the cases and forms provided by the law. Arbitrary or secret detention and forced disappearance are crimes of the greatest gravity and expose their authors to the most severe punishments. Any detained person has the right to be informed immediately, in a fashion which is comprehensible to him, of the reasons [motifs] of his detention and of his rights, including that of remaining silent. He must benefit, as well, from juridical assistance and of the possibility of communication with his relations, in accordance with the law.” See also REP. OF THE WORKING GRP. ON ENFORCED OR INVOLUNTARY DISAPPEARANCES: *Addendum Follow-up rep. to the recommendations made by the Working Group, Missions to El Salvador and Morocco*, U.N. Doc. A/HRC/22/45/Add.3 (Mar 1, 2013)

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.45.Add.3\\_EFS.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.45.Add.3_EFS.pdf)

<sup>28</sup> REP. OF THE WORKING GRP. ON ENFORCED OR INVOLUNTARY DISAPPEARANCES: *Addendum Follow-up rep. to the recommendations made by the Working Group, Missions to El Salvador and Morocco*, ¶ 18 U.N. Doc. A/HRC/22/45/Add.3 (Mar 1, 2013),

[http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.45.Add.3\\_EFS.pdf](http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A.HRC.22.45.Add.3_EFS.pdf)

<sup>29</sup> Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, Dec. 20, 2006, 2761 U.N.T.S. 3, provides:

*enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.*

the sanctions? In how many cases have victims or their next of kin been compensated? What is the average amount of compensation?

### **3. Articles 7 and 10 para.1: Torture; Cruel, Inhuman or Degrading Treatment; and the Right to Dignity**

*Article 7, para. 1: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. In particular, no one shall be subjected without his free consent to medical or scientific experimentation.*

*Article 10, para. 1: All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.*

Under Article 7 of the Covenant, states parties must not only prohibit torture and inhumane treatment, but must investigate allegations of torture, prevent the introduction of evidence obtained through torture, punish the perpetrators, and provide redress for victims within the general spirit of Article 2(3). The Kingdom of Morocco has failed to comply with these international obligations.

Since the Committee last reviewed Morocco's implementation of the Covenant, human rights organizations have reported that hundreds of Sahrawis have been subjected to police torture.<sup>30</sup> Reports of torture have continued unabated since Morocco ratified the Optional Protocol to the Convention Against Torture in 2014.<sup>31</sup> Over the last two years alone, human rights organizations have documented dozens of cases in which Sahrawi detainees were tortured by the police.<sup>32</sup> A number of Sahrawi prisoners have died in suspicious circumstances during this same time frame,<sup>33</sup> including Abdul Baqi, who reportedly died in 2014 as a result of severe torture in a prison in El Aaiún.<sup>34</sup> The Kingdom of Morocco has failed to investigate the cause of these deaths and has failed to prosecute the perpetrators.

The Moroccan Code of Criminal procedure declares inadmissible any confession obtained through torture under Article 293.<sup>35</sup> The existence of such provisions seems to have very little

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<sup>30</sup> Juan E. Méndez (Special Rapporteur on torture), *Rapport du Rapporteur Special sur la torture et autres peines ou traitements cruels, inhumains ou dégradants*, U.N. Doc. A/HRC/22/53/Add.2, (Feb 28, 2013); Joanna Christian Allan & Hamza Lakhal, *Acting with Impunity: Morocco's Human Rights Violations in Western Sahara and the Silence of the International Community*, Norwegian Students' and Academics Int'l Assistance Fund 7 (April 2015). <https://saih.no/assets/docs/Acting-With-Impunity-Western-Sahara-report.pdf>.

<sup>31</sup> Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec 18, 2002, 2375 U.N.T.S. 237; Amnesty Int'l, *Shadow of Impunity: Torture in Morocco and Western Sahara*, 6-7, AI Index MDE 29/001/2015 (May 18, 2015); Joanna Christian Allan & Hamza Lakhal, *Acting with Impunity: Morocco's Human Rights Violations in Western Sahara and the Silence of the International Community*, Norwegian Students' and Academics Int'l Assistance Fund 18 (April 2015). <https://saih.no/assets/docs/Acting-With-Impunity-Western-Sahara-report.pdf>.

<sup>32</sup> Joanna Christian Allan & Hamza Lakhal, *Acting with Impunity: Morocco's Human Rights Violations in Western Sahara and the Silence of the International Community*, Norwegian Students' and Academics Int'l Assistance Fund 18 (April 2015), <https://saih.no/assets/docs/Acting-With-Impunity-Western-Sahara-report.pdf>

<sup>33</sup> *Id.* Local NGOs report that 53-71 Sahrawis have died in Moroccan detention as a result of torture between 1975 and 2013. U.S. DEP'T OF STATE, WESTERN SAHARA 2013 HUMAN RIGHTS Report 2 (2014). <http://www.state.gov/j/drl/rls/hrrpt/2013/nea/220383.htm>.

<sup>34</sup> Joanna Christian Allan & Hamza Lakhal, *Acting with Impunity: Morocco's Human Rights Violations in Western Sahara and the Silence of the International Community*, Norwegian Students' and Academics Int'l Assistance Fund 18 (April 2015). <https://saih.no/assets/docs/Acting-With-Impunity-Western-Sahara-report.pdf>.

<sup>35</sup> Juan E. Méndez (Special Rapporteur on Torture), *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Morocco*, ¶ 27 U.N. Doc. A/HRC/22/53/Add.2 (Feb. 28, 2013).

effect on judges or prosecutors. In August 2014, the UN Working Group on Arbitrary Detention reported that torture and ill-treatment are commonly used to extract confessions of guilt in criminal cases involving Sahrawi detainees.<sup>36</sup> Sahrawis involved in demonstrations or associated with promotion of the right to self-determination are typical targets of security forces. In February 2013, the Special Rapporteur on Torture found that “torture and ill-treatment were used to extract confessions and that protestors were subjected to excessive use of force by Moroccan law-enforcement officials. The testimonies received indicate that members of the Sahrawi population are specifically, but not exclusively, victims of such violations.”<sup>37</sup>

Although Articles 74(8) and 135(5) of the Code of Criminal Procedure require courts to initiate investigations or order immediate independent medical examinations into allegations of confessions obtained by torture, judges rarely do so.<sup>38</sup> Statistics from the Government indicate that only 33 medical examinations were ordered in 2011 and 21 in 2010.<sup>39</sup> When a court does order a medical examination pursuant to a complaint of torture, the complaint is rarely upheld. Medical examinations are typically carried out in the presence of police or authority figures who intimidate the medical expert and the victim.<sup>40</sup>

The cases of Sahrawi detainees prosecuted in connection with demonstrations at the Gdeim Izik tent camp illustrate the inadequacy of Morocco’s response to police torture. In court, several detainees explained that they had been forced to sign (or fingerprint) statements that they had not read. Several described treatment amounting to torture. For example, Naâma Asfari stated that he was deprived of sleep for seven nights, forced to remain in a crouched position for extended periods, blindfolded, stripped, beaten, and deprived of food and water while in detention.<sup>41</sup> Mohammed Bachir Bouteguizna stated that he was beaten, suspended by his hands, stripped naked, urinated on by officials and that a police baton was inserted into his anal cavity. Taki Elmachdoufi testified that he was tortured for five days before being presented before a Magistrate. He was deprived of food and water and doused with urine. Another detainee, Brahim Ismail, also reported being stripped naked, threatened with rape and beaten repeatedly till he was rendered unconscious. Mohamed El Ayoubi and Abdallah Lekhafouni testified that they were raped by officials after their arrest.<sup>42</sup> The military tribunal failed to investigate the detainees’ claims and “refus[ed] to order medical examinations in

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<sup>36</sup> Report of the Working Group on *Arbitrary Detention Addendum: Mission to Morocco*, ¶30, U.N. Doc. A/HRC/27/48/Add.5, (Aug 4, 2014), [http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A-HRC-27-48-Add5\\_en.doc](http://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session27/Documents/A-HRC-27-48-Add5_en.doc).

<sup>37</sup> Juan E. Méndez (Special Rapporteur on Torture), *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment on his mission to Morocco*, ¶ 62, U.N. Doc. A/HRC/22/53/Add.2 (Feb. 28, 2013)

<sup>38</sup> *Id.* at ¶ 27.

<sup>39</sup> Juan E. Méndez (Special Rapporteur on torture), *Rapport du Rapporteur Spécial sur la torture et autres peines ou traitements cruels, inhumains ou dégradants*, ¶ 33, U.N. Doc. A/HRC/22/53/Add.2, (Feb 28, 2013).

<sup>40</sup> Amnesty Int’l, *Shadow of Impunity: Torture in Morocco and Western Sahara* 8, AI Index MDE 29/001/2015 (May 18, 2015).

<sup>41</sup> Joelle Toutain, Tribunal Militaire du 8 au 17 Février, Mission d’observation, Procès de 24 détenus Sahraouis de Gdeim Izik, ASSOCIATION DES AMIS DE LA REPUBLIQUE ARABE SAHAROUIE (2013); Comité Contre la Torture, La Décision Adoptée par le Comité dans sa Cinquante-Quatrième Session 20 Avril - 15 Mai 2015, CAT/C/54/D/606/2014 (finding Naama Asfari’s complaints of torture levelled against Morocco to be admissible and requesting that Morocco respond to the allegations of torture).

<sup>42</sup> Toutain, *supra* note 41.

relation to the allegations of rape raised by several of the defendants.”<sup>43</sup> The tribunal ultimately relied on their “confessions” to convict them.

Apart from prohibiting torture, the Kingdom of Morocco must also hold those committing torture accountable for their acts. Government reports obtained by the Special Rapporteur on Torture show that investigations of some 220 officials were opened during 2009-2012.<sup>44</sup> The Special Rapporteur noted that many officials have not been prosecuted and those that have were either acquitted or sentenced to minimal penalties for assault rather than torture.<sup>45</sup>

Far from investigating allegations of torture and sanctioning those responsible, the Kingdom of Morocco intimidates victims who file complaints by subjecting them to criminal prosecutions. For example, Naâma Asfari, a Sahrawi human rights defender, is being prosecuted for “defamation, outrage to public officials, use of fraudulent means in order to provoke false testimony, [and] public slander.” These charges are intended to punish him for having filed a complaint in France and before the UN Torture Committee in February 2014, in relation to the torture and inhuman treatment he suffered after his arrest the night the Gdeim Izik camp was dismantled in November 2010.

Finally, prison conditions for Sahrawi detainees violate Articles 7 and 10 of the covenant. In February 2013, the Special Rapporteur on Torture reported that he had received “credible testimonies relating to torture and ill-treatment in the Prison of Laayoune, including rape, severe beating and isolation up to several weeks, particularly of inmates accused of participating in pro-independence activities.”<sup>46</sup> The Special Rapporteur also observed “extreme overcrowding, which had a negative impact on the level of hygiene, quality of nutrition, access to health care and general health of the inmates. In addition, he received reports about denial of health care.”<sup>47</sup>

**In light of the above, we recommend that the Committee request that the Kingdom of Morocco:**

- Provide data regarding the number of torture complaints filed with any authority by Sahrawi detainees since 2004, disaggregated by year. How many complaints of torture have been filed with the authorities? How many cases have been investigated? In how many cases has the Kingdom of Morocco determined that the authorities committed torture? In how many cases have those responsible been prosecuted? What were the sentences, if any? In how many cases have victims or their next of kin been compensated? What is the average amount of compensation?
- Explain the basis for charges filed against Naâma Asfari for defamation and slander.

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<sup>43</sup> Juan E. Méndez (Special Rapporteur on torture), *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment Addendum: Mission to Morocco*, ¶ 66, HRC A/HRC/22/53/Add.2, (Feb 28, 2013).

<sup>44</sup> *Id.*, ¶ 28.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.* ¶ 66.

<sup>47</sup> *Id.*



#### 4. Article 12: The Right to Freedom of Movement

*Article 12, para. 1: Everyone lawfully within the territory of a State shall, within that territory, have the right to liberty of movement and freedom to choose his residence.*

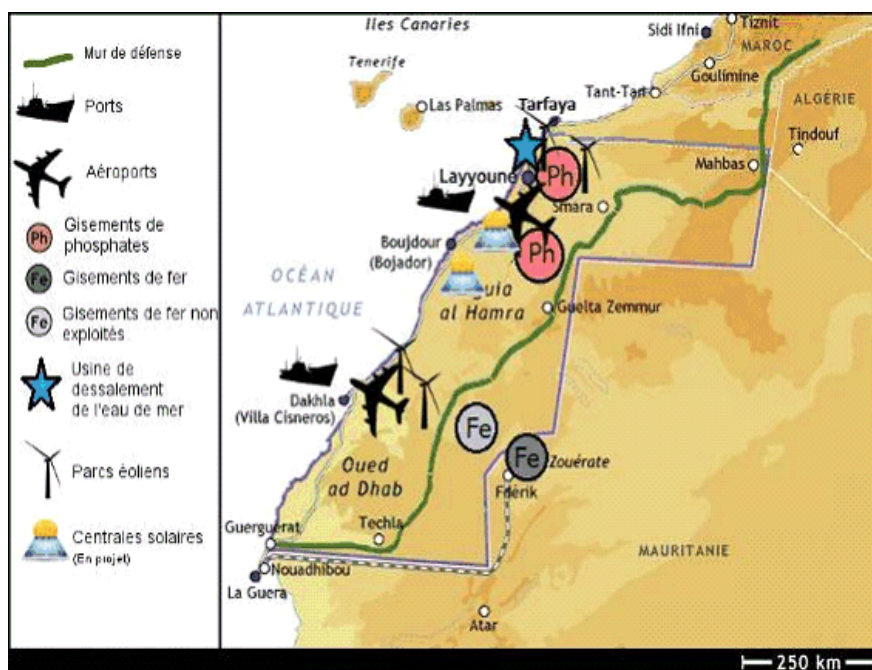
*Article 12, para. 2: Everyone shall be free to leave any country, including his own.*

*Article 12, para. 3: The above-mentioned rights shall not be subject to any restrictions except those which are provided by law, are necessary to protect national security, public order (ordre public), public health or morals or the rights and freedoms of others, and are consistent with the other rights recognized in the present Covenant.*

*Article 12, para. 4: No one shall be arbitrarily deprived of the right to enter his own country.*

##### a. The Moroccan-constructed wall separates the Sahrawi people from their land and divides families

In Western Sahara, natural resources are principally found in the enclave occupied by the Kingdom of Morocco, which is located between the coast and the Moroccan wall (see map below). Over 1,500 miles long, the “Great Wall” of Morocco is the longest operational military barrier in the world, allowing the Kingdom of Morocco to control 80 percent of Western Sahara. The wall is topped with barbed wire, monitored by sophisticated electronic movement detection devices and guarded by Moroccan soldiers.<sup>48</sup> Despite a demining program, Moroccan authorities registered no less than 2,171 accidents due to mines and other explosive remnants between 1975 and 2008.<sup>49</sup> Every year more individuals are wounded and killed.<sup>50</sup> According to observers, there are no crossing points allowing the Sahrawi population to cross from one side of the wall to the other.



<sup>48</sup> Stephen Zunes and Jacob Mundy, *Western Sahara: War, Nationalism, and Conflict Irresolution* (2010), pp. 21-23.

<sup>49</sup> Report of the Secretary-General on the situation concerning Western Sahara, 14 April 2008, S/2008/251, §27.

<sup>50</sup> Report of the Secretary-General on the situation concerning Western Sahara, 8 April 2013, S/2013/220, §54.

In its Advisory Opinion of July 9, 2004<sup>51</sup> on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*, the International Court of Justice concluded that the construction of a similar wall violated the right to freedom of movement under Article 12. The Court specified that the fewer the crossing points and the more limited the opening hours, the more severe the rights violations.<sup>52</sup>

The effects of the construction of the wall in Western Sahara are arguably even more destructive since, unlike in the Palestinian case, the wall has no crossing points at all. A large part of the Sahrawi population to the east of the wall is thus deprived of any possible access to work opportunities west of the wall and to natural resources on occupied lands.<sup>53</sup> The wall built by Morocco therefore does not give the Sahrawi people in the Tindouf refugee camps any physical access to its resources, notably phosphate deposits, fisheries and cultivable lands. Moreover, the mines located east of the wall prevent the refugee camp population from freely exploiting its resources and livestock.<sup>54</sup>

The Committee should follow the example of the International Court of Justice and recommend that Morocco “dismantle forthwith the structure therein situated, and to repeal or render ineffective forthwith all legislative and regulatory acts relating thereto.”<sup>55</sup>

**b. The Kingdom of Morocco routinely restricts the movement of Sahrawi human rights defenders from entering or leaving the country and moving freely within its borders**

The Kingdom of Morocco also routinely prevents Sahrawi human rights defenders from entering and leaving the country or moving freely within its borders. For example, in April 2015, Moroccan authorities prevented El Aaiún-based human rights defender Mbarka Alina Baali from attending the World Social Forum in Tunisia.<sup>56</sup> In November 2014, they prevented

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<sup>51</sup> International Court of Justice, *Legal Consequences of the construction of a wall in the occupied Palestinian territory*, Advisory Opinion, 9 July 2004, §134: “*To sum up, the Court is of the opinion that the construction of the wall and its associated régime impede the liberty of movement of the inhabitants of the occupied Palestinian Territory (with the exception of Israeli citizens and those assimilated thereto) as guaranteed under Article 12, paragraph 1, of the International Covenant on Civil and Political Rights. They also impede the exercise by the persons concerned of the right to work, to health, to education and to an adequate standard of living as proclaimed in the International Covenant on Economic, Social and Cultural Rights and in the United Nations Convention on the Rights of the Child.*”

<sup>52</sup> *Id.*, §133: “*They are aggravated by the fact that the access gates are few in number in certain sectors and opening hours appear to be restricted and unpredictably applied.*”

<sup>53</sup> *Id.*, §133: The Special Rapporteur on the Right to Food of the United Nations Commission on Human Rights states that construction of the wall “*cuts off Palestinians from their agricultural lands, wells and means of subsistence.*”

<sup>54</sup> Report of the Secretary General on the situation concerning Western Sahara, 10 April 2014, S/2014/258, §43: “*Widespread contamination caused by landmines and explosive remnants of war throughout Western Sahara continues to endanger the lives of the local, nomadic and refugee populations, along with MINURSO military observers and logistical teams. East of the berm, two civilians were injured in a mine accident. In addition, Frente Polisario reported a significant loss of livestock to mines, especially in the buffer strip. The Royal Moroccan Army reported 12 accidents, in which 1 person was killed, 18 were injured and 1 was unharmed, west of the berm. MINURSO, through its Mine Action Coordination Centre, continues to strive to reduce the threat and impact of landmines and explosive remnants of war and to improve cooperation on mine action initiatives with both parties.*”

<sup>55</sup> International Court of Justice, *Legal Consequences of the construction of a wall in the occupied Palestinian territory*, Advisory Opinion, 9 July 2004, §163.

<sup>56</sup> Email correspondence with a reliable and informed source requesting anonymity for security reasons, Nov. 9, 2015 [hereinafter *Nov. 9 Reliable Source Correspondence*].

her from traveling to France to attend La Fête de l'Humanité.<sup>57</sup> Moroccan authorities barred Nasiri Hamadi, a Sahrawi activist from Smara, from attending an event abroad in 2015 as well.<sup>58</sup> Both Mbarka and Nasiri are members of the board of ASVDH and are regularly barred from leaving the country because of their activities as activists. Investigative journalists suspected of sympathizing with the Sahrawi cause have also been prevented from leaving the country.<sup>59</sup> Rafto Prize-winner Daddach Sidi Mohamed has been detained by Moroccan border police numerous times in the last several years.<sup>60</sup> And on April 27, 2015, Moroccan police in El Aaiún accosted Sidi Ahmed Messka, President of the human rights NGO Adala UK, and told him he would be arrested if he failed to leave El Aaiún immediately.<sup>61</sup> These unjustified restrictions are not limited to individuals; on January 15, 2013, Moroccan authorities in Rabat prevented eighteen ASVDH activists from attending an international meeting of human rights defenders.<sup>62</sup>

These restrictions have gone as far as confiscation of passports and expulsion to a foreign country.<sup>63</sup> Most notably, on November 14, 2009, Moroccan authorities confiscated the passport of CODESA President Aminatou Haidar on her way to El Aaiún from the United States because she refused to declare her nationality as “Moroccan.” They expelled her to Spanish territory, and only after a month-long hunger strike and an international outcry did Morocco permit her return.<sup>64</sup> These incidents demonstrate Morocco’s clear disregard for its citizens’ right to freedom of movement.

**In light of the above facts, we recommend that the Committee ask the Kingdom of Morocco to:**

- Explain the measures that the State Party intends to take to dismantle the wall dividing the territory of Western Sahara. Provide specific information regarding:
  - o The check points allowing inhabitants of the territory to pass through the wall;
  - o The number of land mines around the wall, the mine-clearing program put in place and the concrete objectives for mine-clearing in the future;
  - o The number of injuries and deaths caused by the land mines around the wall since August, 1980, when construction of the wall began, disaggregated by year;

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<sup>57</sup> *Id.*

<sup>58</sup> *Id.*

<sup>59</sup> Aida Alami, *Moroccan Government Cracks Down on Journalists and Activists*, N.Y. TIMES (Oct. 11, 2015), [http://www.nytimes.com/2015/10/12/world/africa/moroccan-government-cracks-down-on-journalists-and-activists.html?ref=africa&\\_r=2](http://www.nytimes.com/2015/10/12/world/africa/moroccan-government-cracks-down-on-journalists-and-activists.html?ref=africa&_r=2); Nov. 9 *Reliable Source Correspondence*, *supra* note 56.

<sup>60</sup> Nov. 9 *Reliable Source Correspondence*, *supra* note 56.

<sup>61</sup> Interview with Sidi Ahmed Messka, President of Adala UK, Nov. 23, 2015.

<sup>62</sup> *Communiqué de l'Association Sahraouie Des Victimes des Violations Graves des Droits de l'Homme Commises par l'Etat du Maroc*, SAHARADOC (Jan. 22, 2013), <https://saharadoc.wordpress.com/2013/01/22/communique-de-lassociation-sahraouie-des-victimes-des-violations-graves-des-droits-de-lhomme-commises-par-letat-du-maroc/>.

<sup>63</sup> See ASS’N OF FRIENDS OF THE SADR OF ALAVA, THE HUMAN RIGHTS SITUATION IN OCCUPIED TERRITORIES OF WESTERN SAHARA 3 (Jan. 2008), <http://www.fmyv.es/ci/in/HR/6.pdf> (describing the case of El Mami Amar Salem, a Sahrawi whom Moroccan security forces stripped of his identity papers and sent to Mauritania).

<sup>64</sup> See, e.g., *Morocco: Reverse Expulsion of Sahrawi Activist*, HUMAN RIGHTS WATCH (Nov. 19, 2009), <https://www.hrw.org/news/2009/11/19/morocco-reverse-expulsion-sahrawi-activist>; *Kennedy urges Morocco: Allow Return of Illegally Expelled Saharawi Rights Defender, Aminatou Haidar*, RFK CENTER (Nov. 24, 2009); *Statements for US and International Officials in Support of the Return of Aminatou Haidar*, RFK CENTER (Dec. 11, 2009); *RFK Center Applauds Return of Aminatou Haidar to Western Sahara*, RFK CENTER (Dec. 18, 2009).



- The existence of a system to compensate victims and their families for such injuries and deaths.
- Provide data on cases of Sahrawis denied entry into or exit from Morocco and Western Sahara from 2004 to the present, disaggregated by year and date. For each case, include:
- The names of those denied passage;
  - The reason they were denied entry into or exit from the country
  - The efforts made by Morocco to investigate the circumstances surrounding the restriction on movement
  - Disciplinary proceedings brought against public officials for violating freedom of movement and the sanctions adopted,
  - The status of any compensation for those denied freedom of movement

## 5. Article 14: Right to a fair and public hearing

*Article 14, para. 1: All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law . . . .*

*Article 14, para. 3: In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:*

*(b) To have adequate time and facilities for the preparation of his defense and to communicate with counsel of his own choosing;*

*(c) To be tried without undue delay;*

*(g) Not to be compelled to testify against himself or to confess guilt.*

The Kingdom of Morocco has violated the due process rights established by Article 14 of the ICCPR, most notably in its detention and prosecution of individuals connected with the 2010 demonstration at Gdeim Izik.

In October 2010, somewhere between 6,500 and 28,000 Sahrawis erected a tent camp at Gdeim Izik, a town on the outskirts of El Aaiún, to protest violations of their human rights—most notably, their rights to self-determination under Article 1 of the Covenant.<sup>65</sup> On November 8, 2010, Moroccan security forces moved to dismantle the tent camp, setting off violent confrontations that resulted in the deaths of eleven security officers and at least two civilians.<sup>66</sup>

More than 300 Sahrawis were arrested when the camp was dismantled. Most were tortured in police stations in El Aaiún.<sup>67</sup> More than half of the detainees were released after a relatively

<sup>65</sup> Human Rights Watch at the time placed the number at approximately 6,500. See Western Sahara: Beatings, Abuse by Security Forces, HUMAN RIGHTS WATCH (Nov. 26, 2010), <https://www.hrw.org/news/2010/11/26/western-sahara-beatings-abuse-moroccan-security-forces>. However, those on the ground have consistently placed the size of the camp at somewhere between 20,000 and 28,000 people.

<sup>66</sup> See Western Sahara: Beatings, Abuse by Security Forces, HUMAN RIGHTS WATCH (Nov. 26, 2010), <https://www.hrw.org/news/2010/11/26/western-sahara-beatings-abuse-moroccan-security-forces>.

<sup>67</sup> *Id.*; Amnesty International, “Rights Trampled : Protests, Violence and Repression in Western Sahara”, December 2010, available at <https://www.amnesty.org/download/Documents/40000/mde290192010en.pdf>; ASVDH, « Rapport sur le campement de Gdeim Izik et les évènements qui ont suivi son

short detention, but 168 were sent to the “black prison” and were not released for several months. For this group of people, it unclear whether criminal charges brought against them have ever been closed officially; in theory those charges could be reactivated at any time. If this is the case, such a delay would violate the “undue delay” provisions of Article 14(3)(c). Multiple UN bodies have expressed their concern with regards to torture and inhuman treatment inflicted in the context of those events.<sup>68</sup>

Detainees reported that the police beat them, threw urine at them and threatened them with rape. Others were blindfolded and forced to remain crouched for extended periods of time. Two stated that they were raped in custody.<sup>69</sup> Human Rights Watch subsequently reported that several of the detainees had severe bruising and wounds suggesting they were beaten in custody.<sup>70</sup>

Twenty-five detainees were subsequently prosecuted before a military tribunal. Human rights monitors reported that the defendants were not provided lawyers during their pre-trial interrogation,<sup>71</sup> where they were forced to confess under torture. At trial, the prosecution failed to produce eyewitness testimony or physical evidence linking the defendants—many of whom were well-respected human rights activists—to acts of violence.<sup>72</sup> Trial began only in February 2013, twenty-seven months after the camp was dismantled and more than 15 months after the close of the investigation. This undue delay was all the more prejudicial to the defendants who were detained until trial. On February 17, 2013, a Moroccan military court sentenced twenty-three of the detained Saharawi activists to prison. Nine received life sentences and fourteen received terms between 20 and 30 years. Two were sentenced to time served and released.<sup>73</sup>

*Article 14 para. 5: Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.*

All twenty-five detainees from the Gdeim Izik protests were tried before a military tribunal in Morocco. In its General Comment 32, this Committee stated that trials of civilians by military courts should be “exceptional, i.e. limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where...the regular civilian courts are unable to undertake the trials.”<sup>74</sup> The Kingdom of Morocco has failed to provide sufficient justification as to why the Gdeim Izik defendants could not be tried by a civilian court.

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démantèlement » (January 2011), available at <https://saharadoc.wordpress.com/2011/01/08/rapport-de-lasvdh-sur-le-campement-de-gdeim-izik/>.

<sup>68</sup> Report of the Secretary-General on the situation concerning Western Sahara, 8 April 2013, S/2013/220; Méndez (Special Rapporteur on Torture), *supra* note 30; Report of the Committee against Torture, Final observations, 21 December 2011.

<sup>69</sup> Toutain, *supra* n. 41.

<sup>70</sup> See Western Sahara: Beatings, Abuse by Security Forces, *supra* note 65.

<sup>71</sup> See Micheal Ellman, Procès “Gdaim Izik”, Tribunal Militaire Permanent Rabat-MAROC, Rapport d’observation (Oct. 2012– Février 2013), at 6.

<sup>72</sup> *Id.*; EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK (2012–2013); Gdeim Izik: The Trial, WESTERN SAHARA RESOURCE WATCH (Feb 21, 2014, 21:09 PM) <http://wsrw.org/a131x2834>. Aside from the coerced confessions, the primary evidence against the defendants was a video of the Gdeim Izik demonstrations in which none of the defendants could be identified; Morocco: Tainted Trials of Saharawi Civilians, HUMAN RIGHTS WATCH (Apr. 01, 2013), <http://www.hrw.org/news/2013/04/01/morocco-tainted-trial-saharawi-civilians>.

<sup>73</sup> See Morocco: Tainted Trials of Saharawi Civilians, *supra* note 72.

<sup>74</sup> Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007).

The trial of the Gdeim Izik defendants before a military tribunal also limits their right to appeal, in violation of Article 14. Whereas defendants convicted by Moroccan civilian courts have the right to appeal issues of fact before the Court of Appeal, military court verdicts may only be appealed to the Court of Cassation, which reviews issues of procedure, jurisdiction, abuse of power and application of law, but does not review the facts.<sup>75</sup> In General Comment 32, this Committee noted that an appeal “that is limited to the formal or legal aspects of the conviction without any consideration whatsoever of the facts is not sufficient under the Covenant.”<sup>76</sup>

On March 14, 2014, Morocco adopted new legislation providing that civilians shall no longer be tried before military courts.<sup>77</sup> The bill limits the jurisdiction of military courts to military offences and offences committed in the time of war.<sup>78</sup> As of the writing of this report, the benefits of this reform have not been extended to all of the Sahrawi detainees prosecuted in connection with the protests at Gdeim Izik, and it is not clear whether the legislation will be applied retroactively. It is also unclear whether the law is being applied to ongoing cases. Mbarek Daoudi, a former soldier but current civilian, was charged and tried before a military court in March 2015 on trumped up weapons charges.<sup>79</sup>

**In light of the above, we recommend that the Committee request that the Kingdom of Morocco:**

- For each prisoner arrested in relation to Gdeim Izik, specify whether there is pending proceedings against him/her, and the stage at which such proceedings stands;
- Provide details as to whether medical examinations were carried out for all prisoners arrested in relation to Gdeim Izik who complained of torture. Provide information on the number of prisoners allowed to have an independent medical evaluation.
- Provide information on what benefit, if any, the new military justice reform bill will have for individuals detained or convicted in connection with the events at Gdeim Izik.
- Provide information on whether a new fair trial in the civilian courts will be conducted to review the issues of fact raised in the trials of the twenty-five Gdeim Izik detainees.

## **6. Article 17: Right to Privacy**

*Article 17, para. 1: No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.*

*Article 17, para. 2: Everyone has the right to the protection of the law against such interference or attacks.*

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<sup>75</sup> Morocco: Tainted Trials of Saharawi Civilians, HUMAN RIGHTS WATCH (Apr. 01, 2013), <http://www.hrw.org/news/2013/04/01/morocco-tainted-trial-sahrawi-civilians>

<sup>76</sup> Human Rights Committee, General Comment No. 32, Article 14: Right to equality before courts and tribunals and to a fair trial, U.N. Doc. CCPR/C/GC/32 (2007).

<sup>77</sup> Statement by Mr Driss El Yazami CNDH Chairman, KINGDOM OF MOROCCO HUMAN RIGHTS COUNCIL, (Mar. 14, 2014).

<sup>78</sup> *Id.*

<sup>79</sup> See, Frontline Defenders, *Mbarek Daoudi Sentenced to Five Years' Imprisonment*, December 8, 2015, available at <https://www.frontlinedefenders.org/node/30221>.

Both Article 17 of the Covenant and the Constitution of the Kingdom of Morocco guarantee the inviolability of domicile and secrecy of correspondence.<sup>80</sup> Despite this, Morocco consistently violates the right to privacy of Sahrawi human rights activists by subjecting them to surveillance and unjustified searches.<sup>81</sup> Moroccan authorities reportedly use the country's communication companies to monitor phone calls and internet usage.<sup>82</sup> This is accomplished through contracts with companies such as Hacking Team, FinFisher, and Amesys, which provide software to create back doors in computers, monitor people's web usage and access their webcams.<sup>83</sup> A state-sponsored group called the Hawks of Moroccan Sahara also often hacks into Sahrawi activists' online accounts to subject them to further surveillance.<sup>84</sup>

These intrusions are not limited to cyberspace. In February 2013, the Special Rapporteur on Torture reported that "Moroccan police forces regularly raid private homes of alleged or known supporters of the independence of Western Sahara, in procedures that include beating and ill-treatment of the inhabitants."<sup>85</sup> Activist groups such as CODESA report that their meetings are subject to surveillance by Moroccan security forces.<sup>86</sup> Those forces also conduct surveillance in and around schools, targeting students who support the right to self-determination under Article 1 of the Covenant.<sup>87</sup> All of these programs create considerable fear and intimidation.

**In light of the above facts, we recommend that the Committee request that the Kingdom of Morocco:**

- Provide data on surveillance programs in Morocco that target or have been used to target Sahrawi activists from 2004 to the present.
- Provide the names of any specific groups, individuals, or communities that security forces have targeted with surveillance measures.
- Provide criteria employed to determine whether a subject is targeted for surveillance.
- Provide the number of complaints to any authority about these surveillance programs that the Kingdom of Morocco has received.
- Provide the number of how many of those complaints have been investigated, and in how many the Kingdom of Morocco has determined that such surveillance was misapplied or overbroad.
  - o Provide the number of those responsible for such breaches who have been prosecuted or disciplined.

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<sup>80</sup> DUSTUR AL-MAMLAKAH AL-MAGHRIBIYAH [CONSTITUTION] July 1, 2011, art. 24 (Moro.).

<sup>81</sup> See generally, e.g., PRIVACY INT'L, THEIR EYES ON ME: STORIES OF SURVEILLANCE IN MOROCCO (Apr. 7, 2015), [https://www.privacyinternational.org/sites/default/files/Their%20Eyes%20on%20Me%20-%20English\\_0.pdf](https://www.privacyinternational.org/sites/default/files/Their%20Eyes%20on%20Me%20-%20English_0.pdf).

<sup>82</sup> Nov. 9 Reliable Source Correspondence, *supra* note 56. Police have played back recorded calls during their interrogations of activists to obtain confessions. *Id.*

<sup>83</sup> Nov. 9 Reliable Source Correspondence, *supra* note 56; see also Bill Marczak, *Research on Hacking Team and Finfisher highlighted in Motherboard*, CITIZENLAB (Nov. 17, 2015), <https://citizenlab.org/2015/11/research-on-hacking-team-and-finfisher-highlighted-in-motherboard/>.

<sup>84</sup> Nov. 9 Reliable Source Correspondence, *supra* note 56.

<sup>85</sup> Méndez (Special Rapporteur on Torture), *supra* note 30, ¶ 64.

<sup>86</sup> EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK, *supra* note 19.

<sup>87</sup> Interview with a reliable and informed source requesting anonymity for security reasons, Apr. 17, 2015 [hereinafter *April 17 Reliable Source Interview*].

## 7. Articles 19 and 21: Right to Freedom of Expression and Right to Peacefully Assemble

*Article 19, para. 1: Everyone shall have the right to hold opinions without interference.*

*Article 19, para. 2: Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.*

*Article 19, para. 3: . . . [Restrictions] shall only be such as are provided by law and are necessary:*

*(a) For respect of the rights or reputations of others;*

*(b) For the protection of national security or of public order (ordre public), or of public health or morals.*

*Article 21: The right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.*

Since this Committee last reviewed Morocco's compliance with the Covenant, the Kingdom has systematically repressed all public demonstrations in support of the rights set forth in Article 1 of the Covenant: namely, the right to self-determination and the right of a people to control their natural resources.<sup>88</sup> CODESA reported that Moroccan security forces had repressed 177 peaceful demonstrations through excessive force in 2014 alone.<sup>89</sup> Authorities are slow to respond to these complaints or to allow affected parties to track their status.<sup>90</sup> In February 2013, the Special Rapporteur on Torture indicated that he had received "numerous complaints indicating a pattern of excessive use of force in repressing demonstrations and in arresting protestors or persons suspected of participating in demonstrations calling for self-determination of the Sahrawi population."<sup>91</sup> This pattern includes Moroccan police officers' siege on Aminatou Haidar's home during an April 2015 meeting with representatives of the UN High Commissioner on Human Rights.<sup>92</sup> After breaking up demonstrations, authorities typically sweep the streets, invade homes, and "hunt down" activists and Sahrawi journalists and bloggers.<sup>93</sup>

Morocco further violates the right of the Sahrawi people to free expression by employing media blackouts and mass censorship. Authorities control print media and block websites to

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<sup>88</sup> See generally ROBERT F. KENNEDY HUMAN RIGHTS CENTER, WESTERN SAHARA: HUMAN RIGHTS VIOLATIONS REPORTED BETWEEN JANUARY 1, 2015 AND JUNE 30, 2015, 9-14 (2015), [http://rfkcenter.org/media/filer\\_public/b9/be/b9bed235-e905-4674-8aeb-bfe33697ee20/western\\_sahara\\_human\\_rights\\_report\\_for\\_january\\_-\\_june\\_2015.pdf](http://rfkcenter.org/media/filer_public/b9/be/b9bed235-e905-4674-8aeb-bfe33697ee20/western_sahara_human_rights_report_for_january_-_june_2015.pdf); see also ALEXIS ARIEFF, CONG. RESEARCH SERV., WESTERN SAHARA 9 (Oct. 8, 2014), <https://www.fas.org/sgp/crs/row/RS20962.pdf> ("Moroccan security forces reportedly use disproportionate force to break up periodic protests by Sahrawis.").

<sup>89</sup> CODESA, 2014 REPORT 3.

<sup>90</sup> See, e.g., U.S. DEP'T OF STATE, *supra* note 33.

<sup>91</sup> Méndez, *supra* note 30, at ¶ 63.

<sup>92</sup> ROBERT F. KENNEDY HUMAN RIGHTS CENTER, *supra* note 88, at 12.

<sup>93</sup> ADALA UK, VISIT REPORT: OCCUPIED WESTERN SAHARA & MOROCCO, CITIES OF LAAYOUNE, AGADIR AND RABAT 27TH OCTOBER - 7TH NOVEMBER 2014, 10 (2014), <https://adala.uk.files.wordpress.com/2014/04/visit-report-by-member-of-adala-uk-to-the-occupied-territories.pdf>; see also ASVDH Statement, ASVDH (May 12, 2013), <http://www.asvdh.net/asvdh-statement-3/> (providing names and dates of Sahrawi activists affected by these raids).

ban any messages advocating self-determination for Western Sahara.<sup>94</sup> They also attempt to discredit journalists by spreading rumors about their personal life, accusing them of belonging to terrorist organizations,<sup>95</sup> and intimidating them through selective prosecution.<sup>96</sup> Alternatively, it will sue journalist activists for defamation.<sup>97</sup> Those who videotape protests and report for websites are often the first victims of repression.<sup>98</sup> For example, authorities have harassed or threatened to arrest several members of Equipe Media, the Sahrawi information agency, RASDTV, and the Moroccan Association of Investigative Journalism. Other demonstrators have been detained, tortured, and convicted of trumped-up offenses.<sup>99</sup> Morocco has fined or sentenced people for criticizing the government, whether by producing online videos or politically charged songs.<sup>100</sup> It has also detained and beaten people for flying Western Saharan flags or wearing clothing considered to symbolize opposition to Morocco.<sup>101</sup>

The Kingdom of Morocco's violent dismantling of the Gdeim Izik resistance camp in November 2010 is another example of its intolerance for any dissent from its illegal occupation of Western Sahara.<sup>102</sup> Finally, the Moroccan government consistently persecutes human rights defenders who attempt to rally such groups or put on peaceful demonstrations.<sup>103</sup> By bringing spurious charges of "undermin[ing] internal security" and preventing exit from the country for some of these individuals,<sup>104</sup> Morocco simultaneously violates freedom of expression and movement.

**In light of the above facts, we recommend that the Committee request that the Kingdom of Morocco:**

- For each of the demonstrations listed in Annex A to this document, explain why the protestors were dispersed. Also indicate whether there were any complaints of excessive force filed in conjunction with the suppression of each demonstration.
- Provide numbers, disaggregated by year, on the number of complaints of harassment, threats, suppression of peaceful demonstrations, and police mistreatment of Sahrawi

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<sup>94</sup> OFFICE OF THE UN HIGH COMM'R FOR HUMAN RIGHTS, REPORT OF THE OHCHR MISSION TO WESTERN SAHARA AND THE REFUGEE CAMPS IN TINDOUF 9 (Sept. 8, 2006), <http://www.arso.org/OHCHRrep2006en.pdf>.

<sup>95</sup> Interview with Sidi Ahmed Messka, President of Adala UK, November 23, 2015.

<sup>96</sup> U.S. DEP'T OF STATE, *supra* note 33, at 9; *see also* Aida Alami, *supra* note 59.

<sup>97</sup> *See* Aida Alami, *supra* note 59.

<sup>98</sup> EURO-MEDITERRANEAN HUMAN RIGHTS NETWORK, *supra* note 19.

<sup>99</sup> *See* Karlos Zurutuza, *Breaking the Media Blackout in Western Sahara*, INTER PRESS SERV. (Aug. 23, 2015), <http://www.ipsnews.net/2015/08/breaking-the-media-blackout-in-western-sahara/>; *Sahrawi Media Activist Mohamed Mayara Exposed to Harassment and Provocation*, SAHARA PRESS SERV. (Sept. 13, 2015, 10:59 AM), <http://www.spsrasd.info/en/content/sahrawi-media-activist-mohamed-mayara-exposed-harassment-and-provocation>; *see also* Aida Alami, *supra* note 59.

<sup>100</sup> *See Annual Report: Morocco/Western Sahara 2013*, AMNESTY INT'L (May 23, 2013), <http://www.amnestyusa.org/research/reports/annual-report-moroccowestern-sahara-2013?page=show>.

<sup>101</sup> *See* ROBERT F. KENNEDY HUMAN RIGHTS CENTER, WESTERN SAHARA: HUMAN RIGHTS VIOLATIONS REPORTED BETWEEN MARCH 1, 2014 AND DECEMBER 31, 2014, 4 (2014), [http://fr.birdhso.org/images/upload/EN\\_rfk\\_report\\_2014.pdf](http://fr.birdhso.org/images/upload/EN_rfk_report_2014.pdf).

<sup>102</sup> *See, e.g., Morocco: Free or Retry 21 Sahrawis Jailed 5 Years Ago*, HUMAN RIGHTS WATCH (Nov. 5, 2015), <https://www.hrw.org/news/2015/11/05/morocco-free-or-retry-21-sahrawis-jailed-5-years-ago>; *Annual Report: Morocco/Western Sahara 2013*, *supra* note 100 ("Police . . . injured dozens of people who demonstrated in Laayoune on 13 January in support of 23 Sahrawi prisoners.").

<sup>103</sup> *See, e.g., Ahmed Sbaai*, WESTERN SAHARA RESOURCE WATCH (Feb. 15, 2014, 11:11 AM), <http://wsrw.org/ma131x2810>; *Morocco: Sentencing of human rights defender Ennaama Asfari and expulsion from Morocco of 4 international observers of his trial*, FRONT LINE DEFENDERS (Apr. 2008), <https://www.frontlinedefenders.org/node/1420>.

<sup>104</sup> *See Morocco: Drop Charges Against Activists*, HUMAN RIGHTS WATCH (Nov. 8, 2015), <https://www.hrw.org/news/2015/11/08/morocco-drop-charges-against-activists>.

activists received since 2004 by the Kingdom of Morocco and/or the National Human Rights Commission.

- Describe efforts the Kingdom of Morocco has made to investigate these complaints and compensate those who have been the victims of excessive use of force by the police or security forces.

## 8. Article 22: Freedom of Association

*Article 22, para. 1: Everyone shall have the right to freedom of association with others...*

*Article 22, para. 2. No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others...*

Article 2 of the Moroccan law regulating freedom of association provides that all “associations of persons can freely form without authorization subject to the provisions of article 5.”<sup>105</sup> There are no provisions in the Moroccan Constitution limiting freedom of association in relation to independence claims. However, Article 3 of the law of associations prohibits “associations that have an objective that is illegal, contrary to good morals or that aims to undermine the Islamic religion, *the integrity of national territory, or the monarchical regime, or that calls for discrimination.*”<sup>106</sup>

The Kingdom of Morocco has repeatedly violated the right to freedom of association under Article 22 by refusing to accord legal status to Sahrawi nongovernmental organizations (NGOs) that advocate for the right to self-determination.<sup>107</sup> Robert F. Kennedy Human Rights has extensively reported on the lack of legal recognition for CODESA (Collective of Sahrawi Human Rights Defenders).<sup>108</sup> Other NGOs that have sought official recognition to no avail include the Saharawi Observatory for Women and Children, Saharawi League for the Protection of Natural Resources in Western Sahara, Association for the Monitoring of Natural Resources and for the Protection of the Environment in Western Sahara, and the Organization of the Natives of Saguia el-Hamra and Rio de Oro.<sup>109</sup>

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<sup>105</sup> Dahir 1-58-376 of November 15, 1958, relating to the right of association, as amended by Law 75.00 (2002) and Law 36.04 (2006) [https://www.imolin.org/doc/amlid/Morocco/Morocco\\_Dahir\\_no\\_1-58-376\\_reglementant\\_le\\_droit\\_dassociation\\_1958.pdf](https://www.imolin.org/doc/amlid/Morocco/Morocco_Dahir_no_1-58-376_reglementant_le_droit_dassociation_1958.pdf) (in French). Article 5, translated: “Every association must be declared before the head of the administrative authority in the district where the headquarters of the association are located [...]. When the declaration meets all the conditions listed in the paragraph below, the final acknowledgment must be delivered within a maximum of 60 days, failing which the association may conduct its activities as they are defined in its constitutive status.”

<sup>106</sup> *Id.*, at art. 3 (emphasis added).

<sup>107</sup> See, e.g., *World Report 2015: Morocco/Western Sahara*, HUMAN RIGHTS WATCH, <https://www.hrw.org/world-report/2015/country-chapters/morocco/western-sahara> (last visited Nov. 20, 2015); HUMAN RIGHTS WATCH, *FREEDOM TO CREATE ASSOCIATIONS: A DECLARATIVE REGIME IN NAME ONLY* 4–5 (2009), <http://www.hrw.org/sites/default/files/reports/morocco1009webwcover.pdf>; OFFICE OF THE UN HIGH COMM’R FOR HUMAN RIGHTS, *supra* note 94, at 10–11.

<sup>108</sup> See, e.g., Robert F. Kennedy Human Rights, *The Moroccan Government Continues Systematic Violations against the Sahrawi People: Reported human rights violations, September 2013-February 2014* 3 (2014); Robert F. Kennedy Human Rights, *Nowhere to Turn: The Consequences of the Failure to Monitor Human Rights Violations in Western Sahara and Tindouf Refugee Camps* 26 (2013), available at <http://www.saharamarathon.org/wp-content/uploads/2013/04/NowhereToTurnLoRes.pdf>.

<sup>109</sup> *Nov. 9 Reliable Source Correspondence*, *supra* note 56. In many cases, organizations have attempted to file the necessary paperwork, but Moroccan officials have either refused to accept it or to provide an official receipt acknowledging the filing. *Morocco/Western Sahara: Rights Group Legalized*, HUMAN RIGHTS WATCH (Aug. 24, 2015), <https://www.hrw.org/news/2015/08/24/morocco/western-sahara-rights-group-legalized>.



Only the Sahrawi Association of Victims of Grave Violations of Human Rights (ASVDH) has received a receipt indicating that its organizational paperwork was properly filed.<sup>110</sup> Still, ASVDH applied for legal recognition a decade ago, and for nine of those years Morocco ignored an Agadir administrative court's ruling that the authorities had illegally prevented the group's registration.<sup>111</sup> Despite having finally receipt their receipt of recognition, ASVDH reports that they continue to face harassment for their activities.

Such resistance has discouraged many more groups from even filing paperwork.<sup>112</sup> For that reason, two pro-Sahrawi media organizations must risk their safety by working unregistered: the Sahrawi Center for Media and Communication and Equipe Media.<sup>113</sup>

**In light of the above facts, we recommend that the Committee request that the Kingdom of Morocco:**

- Explain why local authorities have refused to accept the paperwork that would grant CODESA legal status.
- Provide information on other organizations whose registration papers have not been accepted. Provide the number of complaints of barred or excessively delayed legal paperwork from such organizations the authorities have received. For each case, include:
  - o The names of those organizations
  - o The efforts the Kingdom of Morocco has made to investigate the circumstances surrounding any delays by local authorities in providing official receipts for paperwork that has been submitted.
- Explain what the legal consequences are for organizations who have not been able to obtain official recognition.
- Provide the number of organizations that have been accorded legal status that promote the right of the Western Saharan people to form an independent state.

## D. Conclusion

We urge the Committee to incorporate our observations into the list of issues that will be presented to Morocco in March 2016. Before the October 2016 session, we will present an alternative report which will deal in greater depth with all the above-mentioned subjects.

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<sup>110</sup> *Morocco/Western Sahara: Rights Group Legalized*, *supra* note 109 (“[T]he ASVDH had received no notification of . . . objections and is now presumably definitively registered. Authorities should now deliver the group’s final receipt . . .”).

<sup>111</sup> *Id.*; *Nov. 9 Reliable Source Correspondence*, *supra* note 56.

<sup>112</sup> This include CODAPSO, Forum for the Future of the Saharawi Woman, Saharawi Committee for the Elimination of Torture, Freedom Sun Organization, and the Saharawi Committee for the Support of the UN Peace Plan and for the Protection of the Natural Resources. *Nov. 9 Reliable Source Correspondence*, *supra* note 56.

<sup>113</sup> *Nov. 9 Reliable Source Correspondence*, *supra* note 56.



**Annex A**  
**List of Demonstrations Repressed by the Government of Morocco**  
**January 2014 - May 2015**

**2014**

**January 12, El Aaiun:** Moroccan police forcefully dispersed peaceful demonstrations calling for a human rights monitoring mechanism to be added to the MINURSO mandate. Police reportedly injured forty people and raided several individuals' homes.<sup>1</sup>

**January 15, El Aaiun:** Police again repressed the continued demonstrations with brutality and force, resulting in dozens of injuries.<sup>2</sup>

**January 27, Smara:** Moroccan police forcefully repressed peaceful demonstrations calling for Sahrawi self-determination and for a human rights monitoring mechanism to be added to the MINURSO mandate. Moroccan forces "chased the demonstrators in the nearby alleys and streets."<sup>3</sup>

**February 16, El Aaiun:** Moroccan forces brutally repressed a demonstration calling for the MINURSO human rights monitoring mandate in the territory, injuring seventy Sahrawis. "[D]emonstrators were also severely beaten and some homes were raided."<sup>4</sup>

**March 8, Mahtalah District:** Moroccan authorities prevented a peaceful vigil scheduled to be held in a public square for International Women's Day. They shut down streets to prevent the gathering and raided the homes of some of the organizers involved.<sup>5</sup>

**March 14, El Marsa:** Nine Sahrawi fishermen were detained and questioned for six hours following a peaceful protest; the fishermen were threatened with increased punishment for future protest involvement after finally being released in the evening. The fishermen had gathered to peacefully demonstrate against Morocco's social and economic exclusion of Sahrawis and what they consider ongoing exploitation of Western Sahara's territorial waters.<sup>6</sup>

**March 16, El Aaiun, Smara, Boujdour, and Dakhla; university campus of Settat:** Moroccan forces violently attacked peaceful demonstrations in numerous cities. The protests called for expanding the prerogatives of MINURSO to include the monitoring of human rights in Western Sahara. Over eighty were allegedly injured, and several homes were raided in the process.<sup>7</sup> At Settat, Moroccan authorities attacked Sahrawi students with batons and pointed

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<sup>1</sup> <http://allafrica.com/stories/201401130161.html>; <http://www.spsrasd.info/en/content/more-40-injured-demonstration-occupied-el-aaiun>.

<sup>2</sup> <http://www.wshrw.org/en/protesta-pacifica-a-favor-de-que-la-minurso-supervise-los-derechos-humanos-reprimida-por-marruecos-2/>; <http://www.spsrasd.info/en/content/dozen-saharawis-injured-occupied-el-aaiun>.

<sup>3</sup> <http://www.spsrasd.info/en/content/peaceful-demonstration-demanding-human-rights-monitoring-occupied-smara>.

<sup>4</sup> <http://www.spsrasd.info/en/content/moroccan-forces-intervene-brutally-leaving-dozens-injured-el-aaiun-occupied-city-initial-tol>.

<sup>5</sup> Día internacional de la mujer: la mujer saharauí reprimida y privada de su derecho a la manifestación pacífica, [http://www.codesaso.com/es/index.php?option=com\\_content&view=article&id=162:dia-internacional-de-la-mujer-la-saharauí-reprimida-y-privada-de-su-derecho-a-la-manifestacion-pacifica&catid=53:actividades-de-la-asamblea&Itemid=4](http://www.codesaso.com/es/index.php?option=com_content&view=article&id=162:dia-internacional-de-la-mujer-la-saharauí-reprimida-y-privada-de-su-derecho-a-la-manifestacion-pacifica&catid=53:actividades-de-la-asamblea&Itemid=4).

<sup>6</sup> 9 detained, threats of jail if demonstrating against EU fisheries, <http://www.wsrw.org/a105x2859>.

<sup>7</sup> Morocco: Peaceful Demonstrations 'Violently' Repressed in Occupied Territories of Western Sahara, <http://allafrica.com/stories/201403171844.html>; Another day of Saharawi ongoing protests for independence and

weapons, leaving several wounded. Eyewitnesses suggested the students were “victims of verbal and physical abuse by officers.”<sup>8</sup>

**April 2, El Aaiun:** Moroccan forces dispersed a peaceful demonstration between Sharif Radi Street and Mulay Ali Sharif Street, injuring at least ten Sahrawi protesters calling for self-determination and independence.<sup>9</sup>

**April 15, El Aaiun:** Moroccan authorities and police dressed in uniform and plain clothes violently dispersed a protest for self-determination and independence.<sup>10</sup> At least two Sahrawi citizens, Kalthoum Ndour and Hammadi Jhabaid, were beaten by authorities.<sup>11</sup>

**April 23, Smara:** Mettou Abdallahi Naffaa, a Sahrawi woman, was beaten by Moroccan authorities after participating in a peaceful demonstration.<sup>12</sup>

**May 2-3, Dakhla and El Aaiun:** Moroccan police violently dispersed two pro-independence demonstrations as a UN human rights delegation visited the region. The police said about fifteen people were injured in the process.<sup>13</sup>

**May 15, El Aaiun:** Moroccan police violently dispersed a peaceful demonstration with the use of batons and stones. The protest called for the expansion of the mandate of MINURSO to include human rights monitoring and the release of Sahrawi political prisoners in Moroccan prisons.<sup>14</sup> A number of demonstrators, along with three journalists, were injured by police involvement.<sup>15</sup>

**May 20, El Aaiun:** Police beat and sexually assaulted a 51-year-old Sahrawi woman, Sokaina Yaia, as she participated in a protest for the social, political, and economic rights of the Sahrawi people.<sup>16</sup>

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MINURSO’s mandate to monitor human rights, <http://www.wshrw.org/en/nuevo-dia-de-protestas-saharais-en-favor-de-la-independencia-y-del-mandato-de-minurso-en-derechos-humanos/>.

<sup>8</sup> Western Sahara: Moroccan Attack Against Saharawi Students - Several Injured, <http://allafrica.com/stories/201403171671.html>.

<sup>9</sup> <http://www.spsrasd.info/en/content/tens-saharawis-injured-moroccan-forces-intervention>.

<sup>10</sup> President deplores “violent attack” against Saharawis in occupied El Aaiun, <http://www.spsrasd.info/en/content/president-deplores-%E2%80%9Cviolent-attack%E2%80%9D-against-saharawis-occupied-el-aaiun>.

<sup>11</sup> As reported by Aminatou Haidar, CODESA.; “La víctima saharai Kaltoum Ndour acusa a elementos de la policía marroquí de tortura y a la administración del hospital de negligencia y falta de asistencia médica a una persona grave y en peligro,” [http://www.codesaso.com/es/index.php?option=com\\_content&view=article&id=183:la-victima-saharai-kaltoum-ndour-acusa-a-elementos-de-la-policia-marroqui-de-tortura-y-a-la-administracion-del-hospital-de-negligencia-y-falta-de-asistencia-medica-a-una-persona-grave-y-en-peligro&catid=65:testimonios-&Itemid=5](http://www.codesaso.com/es/index.php?option=com_content&view=article&id=183:la-victima-saharai-kaltoum-ndour-acusa-a-elementos-de-la-policia-marroqui-de-tortura-y-a-la-administracion-del-hospital-de-negligencia-y-falta-de-asistencia-medica-a-una-persona-grave-y-en-peligro&catid=65:testimonios-&Itemid=5).

<sup>12</sup> Vidéo d’une femme battue à Smara, <http://diasporasaharai.blogspot.com/2014/04/video-dune-femme-battue-smara-23042014.html>.

<sup>13</sup> Demonstrations dispersed during UN visit to Western Sahara, <http://www.middleeasteye.net/news/demonstrations-dispersed-during-un-visit-western-sahara-19316882#sthash.3qpeoJIN.dpuf>.

<sup>14</sup> Moroccan security forces ‘violently’ disperse peaceful demonstration in occupied El Aaiun, <http://www.spsrasd.info/en/content/moroccan-security-forces-%E2%80%98violently%E2%80%99-disperse-peaceful-demonstration-occupied-el-aaiun>.

<sup>15</sup> Western Sahara Analysis May 2014, <http://www.sandblast-arts.org/newsletter-may-2014-western-sahara-campaign-uk/>.

<sup>16</sup> <http://adalauk.org/2014/05/20/51-yearoldsokainayaiainjured-at-thehands-of-themoroccanpolice/>

**May 22, Smara:** Moroccan police violently dispersed a hundred people protesting against the occupation of Western Sahara, the plundering of natural resources, and the detention of Saharawi political prisoners.<sup>17</sup>

**June 7, El Aaiun:** Moroccan forces violently dispersed a peaceful demonstration demanding the release of Saharawi political prisoners.<sup>18</sup>

**June 16, El Aaiun:** Moroccan forces injured dozens of protestors following a peaceful demonstration. The demonstrators demanded a human rights mechanism be included under the prerogatives of MINURSO and that all Saharawi political prisoners be released. The protestors were hit with stones, beaten with sticks and batons, kicked, slapped, and verbally abused.<sup>19</sup>

**September 16, El Aaiun:** Moroccan forces violently intervened in a peaceful protest organized by Saharawi activists for the International Day of Democracy. Numerous injuries were reported.<sup>20</sup>

**September 17, Boujdour:** Moroccan forces surrounded a protest and violently prevented other protesters from joining in. The demonstration called for the release of Saharawi political prisoners, the extension of the MINURSO mandate, and the right of the Saharawi people to self-determination.<sup>21</sup>

**September 24, Smara:** Moroccan police broke up a sit-in organized to demand the Saharawi people enjoy access to Western Sahara's natural resources. Police forces injured and humiliated some protesters in the process.<sup>22</sup>

**September 29, Dakhla:** Moroccan forces dispersed demonstrations taking place after the death of political prisoner Hasena Elwali Aleya by using tear gas on the protesters. At least sixteen were injured.<sup>23</sup>

**December 27, El Aaiun:** Moroccan authorities prevented a group of Saharawi mothers from organizing a peaceful demonstration in front of the Court of Appeals to demand clarification of their abducted sons' fate.<sup>24</sup>

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<sup>17</sup> Another Saharawi peaceful demonstration attacked by the Moroccan police, <http://www.wshrw.org/en/otra-manifestacion-saharawi-pacifica-atacada-por-la-policia-marroqui/>.

<sup>18</sup> Repression of peaceful demonstration leaves casualties in occupied El Aaiun, <http://www.spsrasd.info/en/content/repression-peaceful-demonstration-leaves-casualties-occupied-el-aaiun>.

<sup>19</sup> Dozens injured following peaceful demonstration in occupied El Aaiun, <http://www.spsrasd.info/en/content/dozens-injured-following-peaceful-demonstration-occupied-el-aaiun>.

<sup>20</sup> Western Sahara: Moroccan Occupying Forces Intervene Aggressively Against Saharawi Protesters, <http://allafrica.com/stories/201409161701.html>.

<sup>21</sup> Western Sahara: Occupied Boujdour - Peaceful Protest Banned By Moroccan Forces, <http://allafrica.com/stories/201409171227.html>.

<sup>22</sup> Western Sahara: Moroccan Police Break Up Sit-in in Occupied Smara, <http://allafrica.com/stories/201409251039.html>.

<sup>23</sup> Occupied city of Dakhla under siege following death of Saharawi political prisoner Hasena Elwali, <http://www.spsrasd.info/en/content/occupied-city-dakhla-under-siege-following-death-saharawi-political-prisoner-hasena-elwali>.

<sup>24</sup> Moroccan authorities prevent peaceful pause in occupied city of El Aaiun, <http://www.spsrasd.info/en/content/moroccan-authorities-prevent-peaceful-pause-occupied-city-el-aaiun>.

## 2015

**January 2, Dakhla:** Moroccan forces repressed a peaceful protest by chasing protesters and arresting four. The protesters had raised the Western Sahara flag and demanded self-determination and independence for the Sahrawi people.<sup>25</sup>

**January 4, Dakhla:** Moroccan forces further repressed the peaceful demonstrations by Sahrawis protesting the exploitation of natural resources and demanding better socioeconomic conditions.<sup>26</sup>

**January 5, El Aaiun:** Moroccan occupying authorities violently intervened in a peaceful sit-in organized by a group of unemployed Sahrawi graduates. The graduates were demanding the right to work, the right to gather and organize peaceful demonstrations, and to benefit from all natural resources of Western Sahara.<sup>27</sup>

**January 10, El Aaiun:** Moroccan police physically and verbally abused several Sahrawi women holding a peaceful demonstration. The police wore both uniforms and plain clothes and used sticks, punching and kicking the protestors.<sup>28</sup>

**January 18, El Aaiun:** Moroccan forces prevented several Sahrawis, including Abdelhay Toubali and Ali Saadouni, from carrying out a peaceful march.<sup>29</sup>

**January 20, Smara:** Moroccan police violently repressed a protest by Sahrawis calling for independence. The police raided the homes of the protesters and beat the inhabitants.<sup>30</sup>

**January 25, El Aaiun:** Moroccan security forces attacked a peaceful protest in front of the Moroccan Workers' Union requesting equal employment for Sahrawis.<sup>31</sup>

**January 28 or January 31:** During the filming of an interview with two former political prisoners who had participated in the Gdiem Izik protests, approximately twenty Moroccan police cars surrounded the home where the interview was taking place. The home belonged to Fatimatou Dahouar, a Sahrawi independence activist who had previously been forcibly

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<sup>25</sup> Sahara Press Service, Peaceful demonstration in occupied city of Dakhla demanding self-determination of Sahrawi people, <http://www.spsrasd.info/en/content/peaceful-demonstration-occupied-city-dakhla-demanding-self-determination-sahrawi-people>.

<sup>26</sup> Por Un Sahara Libre, La población saharauí en Dajla ocupada, se manifiesta contra el expolio marroquí de los recursos naturales y denuncian exportaciones ilegales de pescado en mal estado a Alemania y Francia, <http://porunsaharalibre.org/2015/01/la-poblacion-saharai-en-dajla-ocupada-se-manifiesta-contra-el-expolio-marroqui-de-los-recursos-naturales-y-denuncian-exportaciones-ilegales-de-pescado-en-mal-estado-a-alemania-y-francia/>.

<sup>27</sup> Sahara Press Service, Moroccan occupying authorities “violently” intervene against peaceful sit-in of unemployed Sahrawis, <http://www.spsrasd.info/en/content/moroccan-occupying-authorities-“violently”-intervene-against-peaceful-sit-unemployed-saharaw>.

<sup>28</sup> Sahara Press Service, Sahrawi women banned from their right to peaceful protest in occupied El Aaiun, <http://www.spsrasd.info/en/content/sahrawi-women-banned-their-right-peaceful-protest-occupied-el-aiun>.

<sup>29</sup> Por Un Sahara Libre, La policía marroquí impide una marcha pacífica y reprime activistas saharauis de derechos humanos en El Aaiún ocupado, <http://porunsaharalibre.org/2015/01/la-policia-marroqui-impide-una-marcha-pacifica-y-reprime-activistas-saharauis-de-derechos-humanos-en-el-aiun-ocupado/>.

<sup>30</sup> Por Un Sahara Libre, Los militares marroquíes arremeten contra manifestantes saharauis en la ciudad ocupada Smara, <http://porunsaharalibre.org/2015/01/los-militares-marroquies-arremeten-contra-manifestantes-saharauis-en-la-ciudad-ocupada-smara/>.

<sup>31</sup> Front Line Defenders, Morocco/Western Sahara – Human rights defender Babit El Kori assaulted, <https://www.frontlinedefenders.org/node/28008#.VNA3iO8wBH9.twitter>

disappeared in a Moroccan secret detention center. He had invited the journalists to use his home as the set of the interview. When Hayat El Khaldi, the journalist conducting the interview, and Mohamed Mayara and Zayou Abdelrehmane, the former political prisoners being interviewed, left the home, the officers began insulting them and spitting on their car. One high-ranking officer, Banbrahim Brahim, reportedly threatened Mohamed Mayara by saying that he would kidnap him and his family and lock them in a secret detention center, just as they had with his father. Mohamed Mayara's father was disappeared in 1976 and died in detention in 1977. Another journalist who attended the interview, Mamine Hashimi, head of technical services at Equipe Média, was attacked by the police officers when he left the house a few minutes later. He suffered injuries that required medical attention. Two other journalists who had attended the interview, Leili Hamoud and Zerouali Mohamed Saleh, were forced to remain in the home until after midnight, when the police had left.<sup>32</sup>

**February 3, El Aaiun:** Moroccan security forces blocked a peaceful demonstration by Sahrawi women in support of Sahrawi political prisoners, recognition of Sahrawis' right to self-determination, and sharing in the benefits of the exploitation of their natural resources.<sup>33</sup>

**February 8, El Aaiun:** Moroccan forces in uniform and plain clothes repressed a peaceful demonstration supporting Sahrawi political prisoners and condemning the systematic suppression of Sahrawi people. The security forces used stones and sticks to disperse the demonstrators.<sup>34</sup>

**February 9, El Aaiun:** Moroccan police brutally intervened against a demonstration organized by the family of Mohamed Lamine Haidala following his death. Six people were injured, including four girls related to Haidala, a young man, and Ali Saadouni.<sup>35</sup>

**February 15, Smara:** Moroccan occupation forces violently attacked Sahrawi demonstrators who participated in a peaceful sit-in in solidarity with political prisoners, chanting slogans demanding self-determination. At least two were hospitalized.<sup>36</sup>

**February 16, El Aaiun:** A group of local NGOs convened a peaceful demonstration to express solidarity with the family of Mohamed Lamine Haidala. Police rapidly put down the demonstration, with a number of streets blocked and filled with officers. Police used water cannons to disperse protesters.<sup>37</sup>

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<sup>32</sup> Por un Sahara Libre, Nueva agresión de las fuerzas de ocupación marroquíes a periodistas saharauis, <http://porunsaharalibre.org/2015/01/nueva-agresion-de-las-fuerzas-de-ocupacion-marroquies-a-periodistas-saharauis/>.

<sup>33</sup> Sahara Press Service, Moroccan occupying authorities ban peaceful protests in El Aaiun, <http://www.spsrasd.info/en/content/moroccan-occupying-authorities-ban-peaceful-protests-el-aaiun>.

<sup>34</sup> Sahara Press Service, Repression of peaceful demonstration in occupied city of El Aaiun, <http://www.spsrasd.info/en/content/repression-peaceful-demonstration-occupied-city-el-aaiun>; Sahara Press Service, Moroccan occupation forces still violate human rights, <http://www.spsrasd.info/en/content/moroccan-occupation-forces-still-violate-human-rights>.

<sup>35</sup> Western Sahara Human Rights watch, Another Saharawi killed by Morocco in a continued and silent genocide against the Saharawis, <http://www.wshrw.org/en/otro-saharawi-asesinado-por-marruecos-en-un-continuo-y-silencioso-genocidio-contra-los-saharauis/>.

<sup>36</sup> Sahara Press Service, Sahrawi demonstrators attacked in occupied Smara, <http://www.spsrasd.info/en/content/sahrawi-demonstrators-attacked-occupied-smara>.

<sup>37</sup> Por un Sahara Libre, Las fuerzas de ocupación marroquíes reprimen manifestación en El Aaiún ocupado, <http://porunsaharalibre.org/2015/02/las-fuerzas-de-ocupacion-marroquies-reprimen-manifestacion-en-el-aaiun-ocupado/#more-3182>.

**February 23, Smara:** Security forces attacked dozens of Sahrawi protestors with stones as they participated in a peaceful demonstration demanding the right of self-determination for the Sahrawi people.<sup>38</sup>

**March 14, El Aaiun:** Moroccan forces brutally repressed a peaceful demonstration organized by unemployed Sahrawis, who demanded their right to work, live in peace, and realize self-determination through a free and fair referendum. The violence left fifteen demonstrators injured.<sup>39</sup>

**March 18, Dajla:** Moroccan forces repressed a peaceful demonstration protesting Moroccan occupation in Western Sahara. The protestors chanted slogans calling for the right to self-determination for the Sahrawi people and protested the Moroccan autonomy plan. Forces arrested two Sahrawi demonstrators, Sidi Ould Amar and Al-Wali Ould Sidi Salem.<sup>40</sup>

**April 14:** Following a forceful repression of a demonstration calling for an independent UN human rights monitoring mechanism in Western Sahara, the Moroccan police attacked the home of human rights defender Aminatou Haidar.<sup>41</sup> Ms. Haidar was hosting United Nations representatives from the Office of the High Commissioner for Human Rights at her home to discuss human rights abuses in Western Sahara when the meeting came under attack by state authorities. Moroccan police and auxiliary forces reportedly threw rocks and other items at Ms. Haidar's home, causing significant damage. According to eyewitness reports, one of Ms. Haidar's companions was struck and injured when a rock smashed through Ms. Haidar's window. Ms. Haidar, her CODESA colleagues, and the UN delegation were trapped inside during the siege, which lasted for over two hours. A UN vehicle and a car belonging to a CODESA member were also reportedly damaged by Moroccan police. The attack appears to have occurred in relation to the forceful suppression of a peaceful protest in Ms. Haidar's neighborhood. After being attacked by Moroccan authorities, some protestors fled to Ms. Haidar's building and were pursued by police and auxiliary forces. When those who took refuge in Ms. Haidar's home left in the company of the UN representatives, they were filmed by plain-clothed Moroccan police. Police reportedly continued to attack the homes of Sahrawi residents throughout the evening. Members of Ms. Haidar's family who were not home during the initial attack were unable to return home until the following morning due to safety concerns. By the time the violence had subsided, dozens of protestors had reported injuries.<sup>42</sup>

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<sup>38</sup> Sahara Press Service, Peaceful demonstration in occupied Smara demanding Sahrawi people's self-determination, <http://www.spsrasd.info/en/content/peaceful-demonstration-occupied-smara-demanding-saharawi-people's-self-determination>.

<sup>39</sup> Sahara Press Service, Moroccan occupation forces repress peaceful demonstration of unemployed Sahrawis, <http://www.spsrasd.info/en/content/moroccan-occupation-forces-repress-peaceful-demonstration-unemployed-sahrawis>.

<sup>40</sup> Sahara Press Service, Moroccan occupying forces crack down on peaceful vigil in occupied Dajla, <http://www.spsrasd.info/en/content/moroccan-occupying-forces-crack-down-peaceful-vigil-occupied-dajla>.

<sup>41</sup> Robert F. Kennedy Human Rights, Home of Robert F. Kennedy Human Rights Award Laureate Aminatou Haidar is attacked; disturbing reports of police brutality against peaceful protestors in Western Sahara, <http://rfkcenter.org/home-of-robert-f-kennedy-human-rights-award-laureate-aminatou-haidar-is-attacked-disturbing-reports-of-police-brutality-against-peaceful-protesters-in-western-sahara-2>; Front Line Defenders, Western Sahara – Home of human rights defender Aminatou Haidar attacked, <https://www.frontlinedefenders.org/node/28580>.

<sup>42</sup> Robert F. Kennedy Human Rights, Home of Robert F. Kennedy Human Rights Award Laureate Aminatou Haidar is attacked; disturbing reports of police brutality against peaceful protestors in Western Sahara, <http://rfkcenter.org/home-of-robert-f-kennedy-human-rights-award-laureate-aminatou-haidar-is-attacked-disturbing-reports-of-police-brutality-against-peaceful-protesters-in-western-sahara-2>.

**April 15, El Aaiun:** Moroccan occupying forces violently intervened in a demonstration of Sahrawi people calling for the establishment of a MINURSO mechanism to observe and protect human rights in Western Sahara. The violence left at least forty people injured.<sup>43</sup>

**April 16, El Aaiun:** Moroccan security forces repressed a peaceful demonstration in El organized by unemployed Sahrawis, following the visit of staff from the Office of the UN High Commissioner for Human Rights. They had called on the international community to pressure Morocco to respect the human rights of Sahrawi people, including human dignity and employment.<sup>44</sup>

**April 17, Smara:** Moroccan police brutally attacked several Sahrawi protestors who were engaged in a peaceful demonstration demanding self-determination and independence for the Sahrawi people, and expressing solidarity with Sahrawi political prisoners.<sup>45</sup>

**April 30, Al-Kayz:** Moroccan occupying forces violently attacked two Sahrawi human rights activists, Fatma Bouasriya and Hamma Mbarek, while they held a peaceful sit-in.<sup>46</sup>

**May 3, El Aaiun:** Moroccan occupation forces brutally intervened in a peaceful demonstration organized by a group of unemployed Sahrawi graduates who chanted slogans demanding their rights to employment guaranteed under international law. The demonstration was organized for the World Day of Workers.<sup>47</sup>

**May 5, El Aaiun:** Moroccan security forces intervened in demonstrations by Sahrawis protesting the UN Security Council Resolution on Western Sahara and demanding an immediate end to Moroccan occupation. The protesters also called for the right of the Sahrawi people to freedom, self-determination, and the release of Sahrawi political prisoners.<sup>48</sup>

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<sup>43</sup> Sahara Press Service, At least 40 people injured in Moroccan violent crackdown on Sahrawi demonstrators, <http://www.spsrasd.info/en/content/least-40-people-injured-moroccan-violent-crackdown-Sahrawi-demonstrators>.

<sup>44</sup> Sahara Press Service, Moroccan occupation forces repress peaceful demonstration of unemployed Sahrawis, <http://www.spsrasd.info/en/content/moroccan-occupation-forces-repress-peaceful-demonstration-unemployed-Sahrawis>.

<sup>45</sup> Sahara Press Service, Brutal attack leaves several casualties in Smara occupied city, <http://www.spsrasd.info/en/content/brutal-attack-leaves-several-casualties-smara-occupied-city>.

<sup>46</sup> Sahara Press Service, Moroccan forces intervene violently against Sahrawi citizens in occupied Smara, <http://www.spsrasd.info/en/content/moroccan-forces-intervene-violently-against-Sahrawi-citizens-occupied-smara>.

<sup>47</sup> Sahara Press Service, Peaceful demonstration of unemployed Sahrawis repressed in occupied El Aaiun, <http://www.spsrasd.info/en/content/peaceful-demonstration-unemployed-Sahrawis-repressed-occupied-el-aaiun>.

<sup>48</sup> Sahara Press Service, Demonstrations in occupied Western Sahara in protest of recent UN resolution, <http://www.spsrasd.info/en/content/demonstrations-occupied-western-sahara-protest-recent-un-resolution>.