

Human Rights Violations Committed by the Kingdom of Morocco in Western Sahara

Overview

Despite not having any legitimate sovereignty over Western Sahara, the Kingdom of Morocco has been the de facto occupying power since 1975. As such, Morocco is required to comply with its human rights obligations and international humanitarian law.

Yet, systematic human rights abuses and police brutality have been part of a pattern of repression targeting any Sahrawis, especially activists. Despite prior UPR recommendations calling on Morocco to improve accountability for cases of torture and to allow

individuals to fully exercise their rights to freedom of expression, assembly, and association, authorities have continued to target Sahrawis and prevent them from exercising the aforementioned rights.

This factsheet summarizes our findings and suggests recommendations to improve the protection of fundamental rights under the occupied territory of Western Sahara, ahead of the 41st session of the UPR. Our original submission also includes a non-exhaustive list of recent cases of abuse.

Freedom of Movement

Source of the obligation

ICCPR, Art. 12

Current situation:

- Moroccan authorities have arbitrarily imposed restrictions and limitations on freedom of movement on Sahrawis wanting to leave Western Sahara, to move to other cities within the territory, or even move within the same city.
- **Physical attacks, threats and intimidation, and arbitrary arrests** are routinely used to impede free movement of Sahrawis, especially activists and human rights defenders.

Freedom of Expression

Source of the obligation

ICCPR Art. 19 and 21

Current situation:

- Anyone expressing views in support of self-determination is subjected to violent repression.
- International observers and journalists are not allowed access to the territory, thus **heavily restricting freedom of information**.
- Saharawi journalists are forced to operate underground due to threats and reprisals for their work. **Kidnapping attempts and arbitrary arrests of journalists have been documented**.

Freedom of Assembly

Source of the obligation

ICCPR Art. 21

Current situation:

- Permission to hold public gatherings is regularly denied in Western Sahara.
- The Moroccan police prohibit and/or violently repress peaceful demonstrations in favor of self-determination.
- Since 2020, COVID-related measures have also been instrumentalized to harass, intimidate, and detain Sahrawi human rights defenders.

Freedom of Association

Source of the obligation

ICCPR Art. 22

Current situation:

- **Registration:** There is only one registered NGO in Western Sahara, although its operations have been impeded since 2019. **The authorities try to hamper the work of any Sahrawi NGO.** In 2020, 9 days after ISACOM's creation, the Prosecutor of the Court of Appeal in El Aaiún opened a judicial investigation against it. To date, it is still undergoing.
- **Harassment and smear campaigns:** Security forces repeatedly target human rights defenders and activists with smear campaigns and harassment in retaliation for their work. restricting freedom of information.

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Freedom of Association (cont.)

Current situation:

- **Surveillance:** Authorities have engaged in physical and digital surveillance. Digital forensic groups confirmed that Sahrawi activists, including Aminatou Haidar, and diplomats' devices have been recently infected with Pegasus spyware.
- **Limitations of associations with foreign activists:** Moroccan authorities have continuously refused entry or deported individuals entering Western Sahara that aim to meet with Sahrawi human rights defenders.

Torture and cruel, inhuman treatment and violations of physical and psychological integrity

Source of the obligation

ICCPR Art. 7, CAT Art. 1(1) and 2(1), IV Geneva Convention Art. 32

Current situation:

- Despite legislative changes, the Moroccan authorities have **continued to engage in acts of torture** against Sahrawi human rights defenders, journalists, political prisoners and other civil society activists.
- Between 2020 and 2021, two cases of torture against children were also reported.
- Since the beginning of her arbitrary house arrest in November 2020, activist Sultana Khaya was sexually assaulted multiple times by Moroccan authorities, who also injected her with an unknown substance and forced her to inhale toxic material.
- In November 2021, the UN Committee against Torture found that Morocco violated numerous CAT provisions in the case of former Sahrawi political prisoner Omar N'dour.

Implications on economic, social & cultural rights

All of the violations outlined above have an impact on the enjoyment of economic, social and cultural rights of the Saharawis, including discrimination at school or in the world of work. ISACOM reports cases of members who were expelled from work or transferred to other cities due to their human rights activities.

Suggested Recommendations for Morocco

- Ensure that Sahrawi human rights defenders and journalists are able to carry out their peaceful work without fear of intimidation and reprisals, both offline and online, and guarantee their physical and psychological integrity.
- End arbitrary house arrests and detentions against Sahrawi human rights defenders, and release detainees.
- Develop and implement credible measures to ensure a safe and enabling civic space in Western Sahara.
- End the prosecution of individuals detained solely for exercising their rights to freedom of expression, peaceful assembly, and association, including those advocating for the Sahrawi people's right to self-determination.
- Ensure that the Sahrawi people are able to travel freely in the occupied territories, as well as to leave or return to Western Sahara, without any impediments to their freedom of movement.
- Promptly conduct full, impartial, and independent investigations into all allegations of torture and other ill-treatment and prosecute those responsible.
- Take effective measures to ensure that the rights to freedom of expression, peaceful assembly, and association in Western Sahara are respected in all circumstances.
- Fully and impartially investigate events in which peaceful demonstrations were violently repressed.
- Remove obstacles and impediments for non-governmental organizations attempting to form or register, including those defending the Sahrawi people's right to self-determination.
- Allow access for individuals and groups to enter Western Sahara, to meet with Sahrawi human rights groups and activists, and to report on the human rights situation in the territory.
- Accept the establishment of a human rights component in the United National Mission for Referendum in Western Sahara (MINURSO).
- Enable the people of Western Sahara to exercise their right to self-determination through a democratic referendum.
- Fully cooperate with the Secretary-General and OHCHR on the human rights situation in Western Sahara.