



AMNESTY INTERNATIONAL PUBLIC STATEMENT

10 October 2018

MDE 29/9225/2018

MOROCCO/WESTERN SAHARA: UN MUST MONITOR HUMAN RIGHTS IN WESTERN SAHARA AND SAHRAWI REFUGEE CAMPS

Independent, impartial, comprehensive and sustained human rights monitoring must be a central element of the UN's future presence in Western Sahara and Sahrawi refugee camps, Amnesty International said today, calling on the UN Security Council to strengthen the UN Mission for the Referendum in Western Sahara (MINURSO) by adding human rights monitoring and reporting to its mandate.

The UN Security Council is due to vote on extending the mandate of MINURSO on 29 October. It is the only modern UN peacekeeping mission without a human rights mandate. Human rights abuses have been committed by both sides - the Moroccan authorities and pro-independence movement the Polisario Front - in the more than 40-year dispute over the territory.

LACK OF AN INDEPENDENT MECHANISM TO MONITOR HUMAN RIGHTS

The Moroccan authorities which *de facto* administer the territory west of the berm – a 2700 km sand wall separating the Moroccan and Polisario-controlled areas of Western Sahara – have claimed that the Moroccan National Council of Human Rights (CNDH) plays a role in protecting human rights in the territory. The Council has two regional commissions, the first covering Smara, Boujdour, Laâyoune and Terfay (the latter of which is not in Western Sahara) and the second covering Aousserd and Dakhla-Oued Eddahab. Since 2011, all UN Security Council resolutions on the renewal of MINURSO have briefly mentioned the CNDH in their preambles.

The fact that the CNDH's president and at least nine of its 27 members are appointed by the King of Morocco is a threat to its independence and impartiality. What is urgently needed is a fully independent and impartial mechanism within the UN peacekeeping mission, with the mandate and resources to effectively and consistently monitor human rights abuses in both Western Sahara and the Tindouf camps.

CONTINUOUS RESTRICTIONS ON FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY WEST OF THE BERM

Over the past year, Amnesty International has continued to document human rights violations in Western Sahara, including arbitrary restrictions on peaceful assembly and freedom of expression and arbitrary and abusive force against protesters and activists supporting self-determination for Western Sahara.

From 28 June to 1 July, Horst Köhler, the UN special envoy for Western Sahara visited the region, holding meetings in Laayoune, Smara and Dakhla to push for the resumption of negotiations between the parties. During his visit, peaceful protests by pro self-determination activists were violently dispersed by Moroccan security forces.

In a video of events on 28 June assessed by Amnesty International, at least 12 Moroccan police officers are seen violently dispersing a peaceful protest in Laayoune on the day of the visit by Horst Köhler. The video shows about 30 protesters holding flags and chanting slogans calling for self-determination being dispersed by police officers who push at least two women to the ground. The video also shows a Western Sahara flag being taken by force by police from another woman's hand while another's veil is taken off and at least two men are beaten. According to the president of the Sahrawi Association of Victims of Grave Human Rights (ASVDH), one ASVDH member covering the protests filed a complaint after she was beaten. Her camera was taken away by security forces and never returned.

Unnecessary force by police is seen in another video from September 2018, in which peaceful protesters in Western Sahara opposing the EU-Morocco fishery deal are seen being violently dispersed.

In his report to the Security Council in April 2017, UN Secretary-General Antonio Guterres mentioned that several Saharawi human rights groups continued to experience difficulties in carrying out their activities, as the Government of Morocco rejected their applications for registration and therefore legal recognition. As of October 2018, only ASVDH has been granted recognition.

Intense surveillance, sometimes amounting to harassment, by the Moroccan authorities of Saharan human rights defenders also remains of serious concern. Sahrawi activist Mohamed Dihani told Amnesty International that since he was

released from prison in June 2015, he has been under close surveillance whenever he leaves his house. He has also faced administrative restrictions, receiving his passport a year and a half after his initial application. US journalists working for Democracy Now! have also recently documented the heavy surveillance they were subjected to by Moroccan authorities during a 2016 visit.

Restrictions continue to be imposed on those wanting to enter Western Sahara to provide support to those affected by human rights violations. On 13 February, French human rights lawyers Ingrid Metton and Olfa Ouled were expelled from Morocco upon their arrival at the Casablanca airport. They planned a visit to prisoners whom they had represented, who were convicted in connection with deadly clashes that followed the forcible dismantlement of a protest camp in Gdeim Izik, Western Sahara in 2010.

AN OPAQUE SITUATION IN THE TINDOUF CAMPS ADMINSTRATED BY THE POLISARIO FRONT

Sustained UN human rights monitoring is also needed in the Tindouf camps, where access to information regarding the human rights situation on the ground is limited, leaving residents at risk of abuse and lacking avenues for accountability. There have been credible reports of unrest among young residents frustrated at the slow progress towards a resolution of the more than 40-year-old dispute. The Polisario Front has failed to take any steps to hold to account those responsible for past human rights abuses committed in camps under its control.

RESTRICTIONS ON MINURSO

MINURSO was established in 1991 to operate in the territory annexed by Morocco in 1975 and Sahrawi refugee camps in Tindouf, in south-western Algeria. Its mandate since then has remained the monitoring of a ceasefire between the Moroccan armed forces and the Polisario Front, and the implementation of a referendum to determine Western Sahara's final status.

In March 2016, the Moroccan authorities forced the UN to withdraw dozens of civilian staff and close a military liaison office for the MINURSO mission after then-UN Secretary General Ban Ki-moon referred to Morocco's "occupation" of Western Sahara during a visit to the Tindouf camps. By December of the same year, MINURSO returned to its full functionality.