

**Geneva Support Group for the Protection and Promotion
of Human Rights in Western Sahara**

www.genevaforwesternsahara.org

Contribution to the preparation of a report on

**“Impact of thematic reports presented by the
Special Rapporteur on Torture”**

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INTRODUCTION

The 299 members of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara thank the Special Rapporteur for the thematic reports submitted to the Human Rights Council and the UN General Assembly since the beginning of his tenure.

The undersigning organisations intend to focus in particular on the situation prevailing in the occupied Non-Self-Governing Territory of Western Sahara.

On 26 February 1976, Spain informed the UN Secretary-General that as of that date it had terminated its presence in Western Sahara and relinquished its responsibilities over the Territory, without fulfilling its mandate as administering Power.

Since then, Western Sahara became and still is today the only NSGT that has not an internationally recognized administering Power.

Meanwhile, the Kingdom of Morocco invaded Western Sahara at the end of October 1975, and engaged in a war with the Polisario Front, which was already fighting for independence, against the Spanish colonial Power.

Since then, Western Sahara became and still is today the only NSGT that is under illegal¹ military occupation².

Nowadays, the Office of the High-Commissioner for Human Rights and the International Committee of the Red Cross do not have free access neither to the victims living in the occupied Western Sahara nor to the political / conscience prisoners detained on the soil of the Kingdom of Morocco.

I. Extra-custodial use of force

The issue of extra-custodial use of force is highly relevant in the occupied Non-Self-Governing Territory of Western Sahara.

For years, any pacific assembly of Saharawi people calling for the organisation of the referendum of self-determination is systematically disrupted by the Moroccan occupying forces (police and army). Women in particular are publicly humiliated in those occasions.

Saharawi human rights defenders sometimes are taken in common cars by policemen in plain clothes and driven outside the town, interrogated, humiliated, beaten and left alone dozens of kilometres away from town.

Private workshops on human rights, organized in private houses by Saharawi human rights defenders, are systematically forbidden or interrupted by the Moroccan occupying forces, which violently disperse those present.

¹ A/HRC/38/NGO/24

² UN Security Council resolution 380 (6 Nov. 1975) and UN General Assembly resolution 34/37 (21 Nov. 1979)

Extra-custodial use of force in the occupied Non-Self-Governing Territory of Western Sahara may emerge in the form of threats about possible loss of work, social benefits or access to or pursuit of higher education, which causes a permanent state of stress, sometimes conducive to depression.

The very pertinent recommendations offered by the Special Rapporteur in its report have had no impact at all in the occupied Non-Self-Governing Territory of Western Sahara, simply because the extra-custodial use of force is part of the occupying Power's policy towards Saharawi human rights defenders.

III. Reaffirming and strengthening the prohibition of torture and other cruel, inhuman or degrading treatment or punishment

The section entitled "National implementation" in the report presented by the Special Rapporteur at the 73rd session of the UN General Assembly is particularly relevant in the occupied Non-Self-Governing Territory of Western Sahara.

While the Kingdom of Morocco has formally forbidden the use of torture in law and has adopted a mechanism of prevention, many Saharawi human rights defenders have been sentenced to heavy terms of detention only on the basis of confessions obtained under torture.

Nowadays, in the context of the resumed armed conflict and of the anti Covid-19 measures adopted by the Kingdom of Morocco, acts of torture and other cruel, inhuman or degrading treatment or punishment have dramatically increased in the occupied Non-Self-Governing Territory of Western Sahara.

Human rights defenders are isolated, under *de facto* house arrests, beaten, sexually assaulted, potentially poisoned with chemical substances.

None of the well developed recommendations made by the Special Rapporteur in its report have had a positive impact in the occupied Non-Self-Governing Territory of Western Sahara.

The Occupying administration (police and judiciary) refuse to accept or to investigate into complaints of Saharawi human rights defenders. On the contrary, when a Saharawi human rights defender try to introduce a complaint, he may face new acts of torture and other cruel, inhuman or degrading treatment.

Acting in contradiction with the Committee against Torture's decision concerning Ennaâma Asfari³, the occupying Power has isolated him, reduced his number and time of phone calls with his wife, who is still forbidden to visit him.

³ CAT/C/59/D/606/2014

VI. Psychological Torture

First and foremost, the longstanding illegal occupation of the Non-Self-Governing Territory of Western Sahara by the Kingdom of Morocco and its persistent refusal to let the UN organize a free and democratic referendum of self-determination has resulted in a situation that the UN High Commissioner for Refugees defines as one of the most protracted refugee situations in the world.

The historical and sociological consequences on the thousands Saharawi refugees have devastating effects on the social structure of the Saharawi people and, by reflection, on the psyche of each Saharawi refugee. The new generations, grew up with a sentiment of frustration, resignation and uselessness which has to be considered as a form of "Psychological torture" simply because it is impossible for these people to project themselves into the future and to design a life course.

As mentioned before, Saharawi human rights defenders have to face daily harassment, threat and insults from the occupying forces. Some of them are under *de facto* house arrests for months now, without any charge being put on them.

The isolation of the Saharawi political prisoners, their transfer to prisons far away thousands of kilometres from their families, the restriction imposed on communication with the outside world are severely psychologically affecting many of them.

The recently disclosed system of surveillance, called Pegasus, to which Saharawi human rights defenders, their relatives and lawyers, even abroad, have been victims of, is also creating a high level of psychological stress and anxiety, with physical effects, on many of them.

None of the recommendations put forward by the Special Rapporteur have been implemented by the Occupying Power, which use psychological torture as a tool of its illegal occupation.

VIII. Effectiveness of the cooperation of States with the mandate holder on official communications and requests for country visits

When it comes to issues related to the illegal occupation of the Non-Self-Governing Territory of Western Sahara, the Kingdom of Morocco's constant policy towards UN human rights mechanisms is to firmly reject all allegations, recommendations, conclusions or decisions.

The members of the Geneva Support Group for the Protection and Promotion of Human Rights in Western Sahara, in recalling that a Non-Self-Governing Territory has a distinct and separate status, they recognize the responsibility of the Occupying Power for the systematic and serious violations of human rights it commits in the occupied Non-Self-Governing Territory of Western Sahara and invite the Special Rapporteur to address to the Kingdom of Morocco two separate requests for a visit: one covering the territory of the Kingdom of Morocco and the other the Non-Self-Governing Territory of Western Sahara.

SIGNATORIES (299 NGOs)

ACAT Nyonsais-Baronnies, Acció Solidària amb el Sàhara, Acción Solidaria Aragonesa (ASA), African Hungarian Unión, African Law Foundation (AFRILAW), Afrika Netzwerk Bremen e.V., Agrupación Chilena de Ex Presos políticos, Alliance de l'Europe centrale et orientale de solidarité avec le peuple Sahraoui, Amigos por un Sahara Libre, ARCI Città Visibili, A.R.S.P.S. - Rio de Oro, Asociación ALOUDA de Amigos del pueblo saharauí de Altoaragón, Asociación Amal Centro Andalucía, Asociación Amal Nanclares, **Asociación Americana de Juristas (AAJ)***, Asociación Amigos del Pueblo Saharauí del Campo de Gibraltar (FANDAS), Asociación Amigos del Pueblo Saharauí de Toledo, Asociación de Amigos y Amigas de la R.A.S.D. de Álava, Asociación de Amistad con el Pueblo Saharauí de Albacete, Asociación de Amistad con el Pueblo Saharauí de Sevilla, Asociación de Apoyo al Pueblo Saharauí de Jaén, Asociación ARDI HURRA, Asociación Asturiana de Solidaridad con el Pueblo Saharauí, Asociación Awlad El Mezna Murcia, Asociación Baha Malaga, Asociación Banat Saguia y Wad Dahab, Asociación Canaria de Amistad con el Pueblo Saharauí (ACAPS), Asociación Canaria de Solidaridad con el Pueblo Saharauí, Asociación Chilena de Amistad con la República Árabe Saharauí Democrática, Asociación Colombiana de Amistad con el Pueblo Saharauí, Asociación de la Comunidad Saharauí en Argón (ACSA), Asociación Concordia Tenerife, Asociación Convsol Amurrio, Asociación Cultural Peruano Saharauí, Asociación de Discapacitados Saharauís, Asociación Doctora Beituha, Asociación Ecuatoriana de Amistad con el Pueblo Saharauí (AEAPS), Asociación Enour, **Asociación Española para el Derecho Internacional de los Derechos Humanos (AEDIDH)***, Asociación de Familiares de Presos y Desaparecidos Saharauís (AFAPREDESA), Asociación por la Justicia y los Derechos Humanos, Asociación de Médicos Saharauí en España, Asociación Mexicana de Amistad con la República Árabe Saharauí A.C. (AMARAS), Asociación Navarra de Amigos y Amigas de la R.A.S.D. (ANARASD), Asociación Navarra de Amigos y Amigas del Sahara (ANAS), Asociación Panameña Solidaria con la Causa saharauí (APASOCASA), Asociación Pro Derechos Humanos de España (APDHE), Asociación Profesional de Abogados Saharauís en España (APRASE), Asociación por la Protección de los Presos Saharauí en las Cárceles Marroquí, Asociación Rimal Sáhara-Tormes, Asociación Riojana de Amigos de la R.A.S.D., Asociación Sahara Euskadi Vitoria, Asociación Sahara Gasteiz Vitoria, Asociación Sahara Ihsan, Asociación Saharauí contra la Tortura, Asociación Saharauí de Control de los Recursos naturales y la Protección del Medio Ambiente, Asociación Saharauí para la Protección de los Derechos Humanos y los Recursos naturales, Asociación Saharauí para la Protección y Difusión del Patrimonio cultural Saharauí, Asociación de Saharauís en Alicante, Asociación de Saharauís en Ávila, Asociación de Saharauís en Bal, Asociación de Saharauís en Fuerteventura, Asociación de Saharauís en Grenada, Asociación de Saharauís en Jerez de la Frontera, Asociación de Saharauís en Lebrija, Asociación de Saharauís en Tenerife, Asociación de Saharauís en Valdepeñas, Asociación Sidemu Mojtar Estepona, Asociación Tawasol Lluidio, Asociación Um Draiga de Zaragoza, Asociación Venezolana de Solidaridad con el Sáhara (ASOVESSA), Asociación de Víctimas de Minas (ASAVIM), Asociación de Zamur Valencia, Associação Amigos e Solidaridade ao Povo Saharauí (ASAHARA), Associació d'Amics del Poble Sahrauí de les Iles Balears, Association des Amis de la RASD (France), Association de la Communauté Sahraouie en France, Association pour la Conservation de l'Environnement, Association Culture Sahara, Association culturelle Sahraouie en France, Association des Femmes Sahraouies en France, Association Française d'Amitié et de Solidarité avec les Peuples d'Afrique (AFASPA), Association of Humanitarian Lawyers, **Association Mauritanienne pour la Promotion du Droit***, **Association Mauritanienne pour la Transparence et le Développement – ATED***, Association for the Monitoring of Resources and for the Protection of the Environment in Western Sahara (AMRPENWS), **Association Nationale des Echanges entre Jeunes (ANEJ)***, Association pour un Référendum libre et régulier au Sahara occidental (ARSO), Association Sahara Matinba Bruxelles, Association Sahraouie des Victimes des Violations Graves des Droits de l'Homme Commises par l'Etat Marocain (ASVDH), Association des Sahraouis en Belgique, Association des Sahraouis de Bordeaux, Association des Sahraouis du Centre de la France, Association des Sahraouis de Les Mureaux, Association des Sahraouis de Mantes-la-Jolie, Association des Sahraouis de Montauban, Association des Sahraouis de Perigueux, Association de Solidarité avec le Peuple Sahraoui (ASPS), Association de la Vie Maghrébine pour la

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

Coalition*, Haldane Society of Socialist Lawyers, Housing and Land Rights Network, Human & Environment e.V., Human Rights Defenders Solidarity Network Uganda, Hungarian Solidarity Committee with Western Sahara, Hungarian Universal Peace Federation, Ibsar Al Khair Association for the Disabled in Western Sahara, Indian Council of South America (CISA)*, International Association Against Torture (IAAT-AICT)*, International Association of Democratic Lawyers (IADL)*, International Educational Development, Inc.*, International Fellowship of Reconciliation (IFOR)*, International Platform of Jurists for East Timor, Kabara Lagdaf, LESTIFTA - Amigos del Pueblo Saharaui de Teruel, Liberation*, Liga Argentina por los Derechos Humanos, Liga de Abogacia Saharaui en España, Liga de Defensa de los Presos Políticos Saharaui, Liga de Estudiantes Saharaui en España, Liga de Médicos Saharaui en España, Liga de Mujeres Saharaui en España, Liga Nacional dos Direitos Humanos, Liga de Periodistas Saharaui en España, Liga Saharaui de defensa de Derechos Humanos y Protección de RW-Bojador, Ligue des Jeunes et des Etudiants Sahraouis en France, Ligue pour la Protection des Prisonniers Sahraouis dans les prisons marocaines (LPPS), MAKSRA - Asociación de Amigos del Pueblo Saharaui de Segovia, Mouvement contre le racisme et pour l'amitié entre les peuples (MRAP)*, Movimiento Valenciano de Ayuda al Pueblo Saharaui, National Association of Democratic Lawyers (NADEL), National Lawyers Guild (U.S.), National Television Team, Neon Metin Media, Nigerian Movement for the Liberation of Western Sahara, Nomad SHRC, Norwegian Support Committee for Western Sahara, Observatoire des Médias Sahraouis pour documenter les violations des droits de l'homme, Observatorio Aragonés para el Sáhara Occidental, Observatorio Asturiano de Derechos Humanos para el Sáhara Occidental (OAPSO), Observatorio Saharaui por el Niño y la Mujer, Observatorio Saharaui de Protección del Niño, Observatorio Saharaui de Recursos Naturales, 1514 Oltre il muro, Organización Contra la Tortura en Dakhla, Organización Saharaui por la Defensa de las libertades y la dignidad, Pallasos en Rebeldía y Festiclown, Partido Humanista Peruano, Paz y Cooperación*, Plataforma de Mulheres em Acção*, Plataforma de Organizaciones Chile Mejor Sin TLC, Polish Solidarity Committee with Western Sahara, Por un Sahara Libre, Proyecto Audiovisual: La Saharaui Colombiana, Resistencia Nacional Estudiante de Timor-Leste (RENETIL), Right Livelihood Foundation*, Saharaui Unterstützungsverein Wien, Saharawi Advocacy Campaign, Sahrauische Diaspora in Deutschland, Saharawi Association for Persons with Disabilities in Western Sahara, Saharawi Association in the USA (SAUSA), Saharawi Campaign against the Plunder (SCAP), Saharawi Center for Media and Communication, Saharawi Media Team, Saharawi Voice, Sahrawis förening i Sverige, Salma e.V., Sandblast Arts, Schweizerisches Unterstützungskomitee für die Sahraouis Bern, Sindicato Español Comisiones Obreras (CCOO), Slovenian Solidarity Committee with Western Sahara, Society for Threatened Peoples*, Solidariedade Galega col Pobo Saharaui (SOGAPS), Stichting Zelfbeschikking West-Sahara, Tayuch Amurio, terre des homme schweiz, The Collective of Saharawi Human Rights Defenders in Western Sahara (CODESA), The Icelandic Western Sahara Association, The Norwegian organization for justice and development, The Swedish Western Sahara Committee, TIRIS - Associazione di Solidarietà con il Popolo Saharawi, Uganda Solidarity Movement with Western Sahara, Ukrainian Association of Democratic Lawyers, UNAFRAID art publication; Unión de Asociaciones Solidarias con el Sáhara de Castilla y León, Union des Ingénieurs Sahraouis, Unión de Juristas Saharaui (UJS), Unión Nacional de Abogados Saharaui, Unión Nacional de Estudiantes de Saguia El Hamra y Rio de Oro (UESARIO), Unión Nacional de la Juventud de Saguia El Hamra y Rio de Oro (UJSARIO), Unión Nacional de Mujeres Saharaui (UNMS), Unión Nacional de Trabajadores de Saguia El Hamra y Rio de Oro (UGTSARIO), Unión de Periodistas y Escritores Saharaui (UPES), US Western Sahara Foundation, VZW de Vereniging van de Sahrawi Gemeenschap in België, Werken Rojo - Medio de comunicación digital, Western Sahara Resource Watch España (WSRW España), Western Sahara Times, World Barua Organization (WBO)*, World Peace Council*, ZEOK e.V. – Zentrum für europäische und orientalische Kultur from Leipzig.

* NGOs enjoying UN-ECOSOC status