



EJDM Europäische Vereinigung von Juristinnen und Juristen für Demokratie und Menschenrechte in der Welt e.V.

ELDH European Association of Lawyers for Democracy and World Human Rights

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie et les Droits de l'Homme dans le Monde

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i Diritti dell'Uomo nel Mondo

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ELDH Statement for the Right to Self-Determination of the Sahrawi People

Last September the ELDH Secretary General, Thomas Schmidt, visited the refugee camps of the Sahrawi People in South-West Algeria, near Tindouf. He had extensive discussions with the families of Sahrawi people who had been detained and subjected to forced "disappearance" in the zone occupied by Morocco. He also spoke to the Sahrawi Human Rights association AFAPREDESA, to members of the exiled Government, and to the exiled Constitutional Council.

For the last 35 years around 160.000 Sahrawi people in the refugee camps, as well as several hundred thousand Sahrawi in the part of Western Sahara occupied by Morocco, have been denied by Morocco the exercise of their right to self-determination. They are entitled in international law to a referendum that would give them the possibility to vote for the independence of Western Sahara. The Kingdom of Morocco has ignored numerous resolutions of the UN Security Council, as well as the Advisory Opinion of the International Court of Justice of 1975. The Court held that it had not "found legal ties [to Morocco or Mauretania] of such a nature as might affect the application of resolution 1514 (XV) in the decolonization of Western Sahara and, in particular, of the principle of self-determination through the free and genuine expression of the will of the peoples of the Territory." (para 162, Opinion of 16 October 1975). Morocco's actions are therefore unlawful in international law.

Morocco uses the passage of time to create "facts on the ground", in particular to settle Moroccan citizens in the occupied zone in Western Sahara and to exploit the natural resources of Western Sahara. Even the European Union has – in spite of the protest of the Swedish Government – repeatedly concluded fisheries partnership agreements with Morocco, which allow access to the fishing fields in coastal waters of Western Sahara. These agreements violate international law.

The Sahrawi people in the part of Western Sahara which is occupied by Morocco are the victims of severe oppression in exercising their right to free and peaceful expression of their views, in particular their opinions concerning the future of Western Sahara and its independence.

The latest example is that of the human rights defender Aminatou Haidar, a Sahrawi woman, who lives in the occupied zone and who has a Moroccan passport. On 13 November 2009, on her return to El-Aaiún after she had been awarded the Robert F. Kennedy Civil Courage Prize, which is awarded every year "for steadfast resistance to evil at great personal risk", she was arrested and her passport was taken away. The reason given was that in the Moroccan landing card she had given her home as "Western Sahara" rather than "Moroccan Sahara". After one night at the airport she was expelled to Spain, where she has been on hunger strike since 15th November 2009.

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In another case seven human rights activists who live in the occupied zone were arrested in October 2009 in Casablanca after visiting their families in the refugee camps. They have now been charged with treason, and will be tried before a Moroccan military tribunal.

These are just a few examples of human rights violations in the part of Western Sahara occupied by Morocco.

The ELDH demands from the Moroccan Government

- The recognition of the right to self-determination of the Sahrawi people, including the right to decide upon independence for Western Sahara, and respect for and compliance with the resolutions of the UN Security Council concerning Western Sahara
- To end all human rights violations in the part of Western Sahara, occupied by Morocco and to respect the international treaties which it has ratified
- To return Aminatou Haidar's passport and identity card, and allow her to return to Western Sahara immediately and unconditionally
- To ensure that Aminatou Haidar's access to her bank account is not blocked by the security forces

ELDH will also continue to support the right of peoples to self determination, as well as the protection of human rights in other territories, such as the Basque Country, Ireland, Kurdistan or Palestine.

This may include further visits to the refugee camps, to the part of Western Sahara, occupied by Morocco, and the observation of so called legal proceedings against Sahrawi people before the Moroccan courts. All colleagues who wish to participate in such activities are requested to notify their interest to project-western-sahara@eldh.eu .

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