1. Western Sahara, WHRDs and the emblematic case of Aminatou Haidar

General context

The conflict in Western Sahara is one of the longest running and most forgotten in the world. Known as Africa’s last colony, Western Sahara is part of the UN list of Non-Self-Governing Territories pending decolonisation, and has been occupied by Morocco since 1975, after Spain pulled out and relinquished its claim as a colonial power over the territory. All United Nations resolutions, and international law in general, endorse the exercise of the right to self-determination of the Sahrawi people. This right is defended by the African Union, of which the Sahrawi Arab Democratic Republic (SADR) is a founding member.

For more than forty years now, the territory of Western Sahara has been disputed between Morocco and the Polisario Front, a national independence movement fighting for the self-determination for the Sahrawi people, and is recognised by the AU as the legitimate government in exile. Under its leadership, the Sahrawi people have been conducting an armed resistance struggle, until 1991, when the United Nations brokered a truce.

A UN-supervised referendum on the independence of Western Sahara was promised in the same year, but it was aborted by Morocco. The MINURSO, the UN peacekeeping mission that was mandated to organise the referendum, has remained in the territory ever since, while Morocco built a 2,700 km-long, sand dangerous wall with landmines, dividing the Sahrawi land and population into two parts: 80 percent controlled by Morocco, the remaining 20 percent liberated and managed by the Polisario Front.

To date, the situation in the territory remains a humanitarian crisis with systematic, gross human rights violations and breaches of international humanitarian law being committed as direct consequence of the prolonged illegal military occupation. Morocco has, as the Occupying Power, the de facto control both over most of the territory and the people living on the occupied land, who are deprived of their civil, political, economic, social and cultural rights. In Western Sahara, political and solidarity demonstrations are systematically prohibited or hampered, including by violent crackdowns by police forces, while torture remains a common practice. Moreover, the region is economically, culturally and environmentally neglected, and individual and public freedoms are hampered by draconian police control. Moroccan authorities obstruct the work of local human rights organisations, including by blocking their legal registration.

Saharawi human rights defenders, men and women, are targeted by both State and non-State actors, with the lack of effective preventive and protection measures. On the one hand, the available international mechanisms lack the necessary comprehensiveness and effectiveness to ensure the safety of Saharawi human rights defenders; on the other hand, the available regional and local mechanisms lack the necessary independence and impartiality in order to ensure safety for Saharawi human rights defenders.
It is clear that the current human rights monitoring mechanisms in place for the safety of Saharawi human rights defenders, and the people of Western Sahara, are not adequate nor efficient, as they do not provide security or accountability. MINURSO is the only UN Peacekeeping mission without a human rights monitoring mandate. Claims of grave human rights violations are not investigated, and perpetrators are not being prosecuted. In the occupied territories, impunity remains the norm.

The recent developments in the region are particularly worrying and had a disastrous effect on the already difficult situation for human rights defenders in the territory. The UN-sponsored process of negotiations between Morocco and the Polisario Front on the question of self-determination remained stalled following the resignation, in May 2019, of the Special Envoy of the UN Secretary-General Horst Kohler.

Furthermore, Friday, November 13, 2020, Moroccan forces attacked Sahrawi civilians in Guerguerat, close to the border with Mauritania in southwestern Western Sahara. Sahrawi civilians were protesting peacefully against the passage that Morocco illegally built in the buffer zone where neither Moroccan nor Polisario Military Forces are allowed a presence in accordance with the ceasefire agreement of 1991. The passage is a violation of the terms of the ceasefire agreement and contributes to transport illegally plundered resources from Western Sahara. The Moroccan attack is the latest in a string of provocations and repeated plunder of Western Sahara’s natural resources. The representatives of Western Sahara, the Polisario Front, declared that the ceasefire agreement is no longer valid due to Moroccan violations and returned to the armed conflict, and launched strikes against Moroccan positions along the 2700 km wall.

Since Morocco violated the ceasefire agreement, it has ramped up crackdown on human rights defenders, including members of the recently founded Sahrawi Organ Against the Occupation (ISACOM - in Spanish abbreviation) in occupied zones.

Severe restrictions on freedom of movement and attack on civilians have been on the rise ever since. Intimidation and detention of civilians, including minors, as well as intercepting bystanders, searching their pockets and cell phones, and beating them are common practices.

**Sahrawi Women Human Rights Defenders**

Saharawi women have contributed vigorously to the struggle of the Sahrawi people for freedom and self-determination and play a prominent role in the independence movement. They have been, and still are, at the forefront of demonstrations against the Moroccan occupation and, for the past decades, their struggle has been carried out in the form of a peaceful protest movement. They regularly brave Moroccan police repression and arrest in order to call international attention to the human rights crisis inside the territory, often risking their safety to raise awareness about the occupation and the systematic human rights violations taking place against Sahrawi people.
Sahrawi female activists attribute this to a combination of the Sahrawi population’s moderate interpretation of Islam and the freedom derived from their nomadic roots. In fact, the role of women can be partially attributed to the Sahrawis’ nomadic background: while men travelled, women controlled household finances and ran the community. That legacy was consolidated in the refugee camps in Algeria, home to the Polisario Front and an estimated 165,000 Sahrawis who fled during the 16-year war with Morocco. To date, women are responsible for much of the administration of the camps.

However, Sahrawi women human rights defenders were not spared brutality and human rights violations from the Moroccan occupation forces, and have paid a high price for their role in the struggle. In the occupied Western Sahara, Sahrawi women activists who peacefully protest occupation in the streets are attacked and brutally beaten by the Moroccan police. They have no way to express their opinion, or to demand their basic right to self-determination, and if they do, they are, in several cases, arrested, tortured and undergo unfair trials.

Moroccan authorities continuously intimidate, harass and arrest women activists in order to prevent them to carry out their peaceful activism and human rights work in safe circumstances.

**Emblematic case: WHRD Aminatou Haidar**

- **Story of her activism**

Ms. Aminatou Haidar, born 1966, is a prominent woman human rights defender from Western Sahara who has been campaigning for over 30 years for the self-determination of the Sahrawi people and the respect of their fundamental rights. The entirety of her activism has occurred within the context of the illegal occupation of the territory of Western Sahara by the Kingdom of Morocco. During her peaceful activism, she has been a victim of enforced disappearance, she was detained without charges, beaten and tortured by Moroccan authorities. In 1987, she was arbitrarily arrested along with 400 demonstrators one day before the organisation of a peaceful demonstration which was planned on the occasion of the visit of a UNOAU commission. She was thrown into a secret prison without anyone knowing her whereabouts until 1991, when she was released. After her release in 1991 she has still been suffering from surveillance and prosecution by the Moroccan police. The Moroccan authorities refused to return her passport, which had been confiscated since her detention. Only in 2005 she was able to have it back thanks to the intervention of the US State department.

In March 2005, because she decided to organise an event to celebrate the International Women’s Day, Haidar was expelled from her job. Three months later she was beaten and assaulted in the street, and after receiving first aid, she was arrested from the emergency room of the hospital in El Ayoun. After three days of investigation and questioning about her activism and her relations with other Sahrawi activists and international NGOs, she was brought before a judge with a false accusation report, which was not signed by her and had
nothing to do with her confession. On the basis of these falsified accusations, she was sentenced to seven months imprisonment. Haidar suffers from health problems related to the years of imprisonment and the torture she suffered.

After her release from prison in 2006, Haidar was invited by the Spanish Commission for Refugees (CEAR) to be awarded the Juan María Bandrés Prize. She made the most of her time abroad and for six months she travelled across several countries to raise awareness on the human rights situation in the occupied territories of Western Sahara. In particular, she visited the United States of America, South Africa and several other European countries. Since then, she has never stopped to carry out activities abroad to shed light on the suffering of her people. In addition, she has won several international awards in recognition of her peaceful work, including the Silver Rose Award before the European Parliament, Robert F Kennedy Human Rights Award before the US Congress, and Civil Courage Prize at the American John Train Foundation.

In November 2009, upon her return from New York, Haidar was detained at El Ayoun Airport, where she was interrogated for hours. She was then interrogated a second time in the presence of the Moroccan King’s Prosecutor and the Police Prefect. After 24 hours of arbitrary detention, Moroccan authorities revoked her passport and put her on a Spanish plane to Lanzarote, in the Canary Islands, against her will and with the absolute complicity of the Spanish government.

Upon arrival, Haidar refused to leave the airport, protesting against her illegal expulsion and decrying the Spanish complicity in the neglect of her rights. She began a 32-day hunger strike demanding to return to her country, where her whole family resides. She was able to attract international attention and thanks to international solidarity Haidar was able to return to Western Sahara and hug her two children Hayat and Mohamed.

After her release from prison in 2006 she has been regularly intimidated by Moroccan authorities. In November 2012 she was beaten and threatened with a knife by the police on her way home from a meeting with the former Personal Envoy of the UN Secretary-General on Western Sahara, Mr Christopher Ross, in El Ayoun. In April 2015, Moroccan police attacked Haidar’s home with rocks as she hosted a meeting with UN representatives.

Despite the enormous psychological and physical suffering to which she has been subjected, she has continued to tirelessly fight for justice and the rights of her people.

Haidar currently resides in El-Ayoun with her husband and her two children. She continues her non-violent activism in an extremely challenging environment, where there is no possibility to demonstrate, there is no freedom of expression, and any actions in favour of self-determination lead to arbitrary detention and mistreatments, including torture.

- Recent episodes of harassment

In December 2019, Haidar received the Right Livelihood Award in Stockholm “for her steadfast nonviolent action, despite imprisonment and torture, in pursuit of justice and self-
determination for the people of Western Sahara”. Upon her return to Western Sahara following the trip celebrating the reception of the Award in Zurich, Berlin, Stockholm, and Geneva, she suffered further reprisals from the Moroccan authorities.

On 2 January 2020, the Moroccan police prevented representatives of Sahrawi NGOs from celebrating her. This happened as she met with UN representatives in Geneva, including former Deputy High Commissioner Kate Gilmore, on November 29, 2019. During the following days, in an attempt to further intimidate her, the Moroccan police force maintained a siege on Haidar’s residence, as well as the whole neighborhood.

A few days later, on 11 January 2020, Haidar was attacked once again by Moroccan police officers while she was trying to attend a meeting with her fellow woman human rights defender Djimi El-Ghalia. She reported that while she was leaving her house to reach the meeting location, police officers verbally insulted her and her children, pushed her to the ground, and punched her in the chest and neck, as a consequence of which Haidar has suffered serious damage to her knee. On the same day, other activists also report having been violently beaten.

Most recently, on September 20, 2020, alarmed by the deterioration of the human rights situation in Western Sahara, Ms Haidar announced the establishment of ISACOM, the Sahrawi organ against the Moroccan occupation, an NGO with the aim of, among others, “committing to defend the Sahrawi people’s rights to freedom, independence and dignity through legitimate non-violent means”. Since then, Moroccan press and social media sites have launched a smear campaign against Haidar, claiming that they are establishing a separatist body that poses a serious threat to social peace, and in some cases inciting violence against them and calling for their detention.

On September 29, 2020, the Moroccan Prosecutor’s Office in El-Ayoun opened a judicial investigation against ISACOM on the basis that it “threatens national integrity” and it announced that “adequate” measures will be taken to preserve public order, as well as legal sanctions appropriate to the crime of attacking the territorial integrity of Morocco. None of ISACOM members have been summoned for interrogation yet, but this could happen anytime and it comes with a significant risk of arrest and detention.

At the time of writing, Haidar and other members of ISACOM are subject to constant police surveillance. For more than two months, Moroccan occupation forces have been preventing them to leave their residences without being followed and monitored. According to information provided by Haidar, also her daughter has been followed an intimidated by the police, and on October 10, her son Mohamed has been arrested for two hours and later released after having been forced to sign a paper that he was not allowed to read. On November 12, Mohamed was again mistreated and insulted by the police officers who were surveilling his mother. It is important to mention that since he was a child, Mohamed has
been affected enormously by this situation, particularly when he was at school, and still suffers from psychiatric problems.

The aforementioned actions undertaken by the Moroccan authorities amount to the latest form of reprisals for Haidar’s human rights activism, as an attempt to intimidate her and discourage her from pursuing her advocacy work. In this regard, we wish to reiterate that these retaliations take place within the context of a pattern of serious and systematic violations of the rights of Sahrawi people, including the rights to self-determination and independence. Activists and human rights defenders suffer daily from the Moroccan repression by being subjected to torture, cruel and degrading treatment, arbitrary detention, unfair trials, expulsion from work, forced deportation to Moroccan cities, and defamation by Moroccan press, among others. Furthermore, the access of international observers to the occupied territories of Western Sahara is regularly denied, which prevents the international community to be informed about the occurrences in the territory.

**Previous UN action on Haidar’s case**

Communications on Ms Haidar’s case were previously issued, namely MAR 6/2005, MAR 5/2009, and S/2013/220, where Ms. Haidar reported being beaten by security forces in November 2012 following a meeting with the former Personal Envoy of the Secretary-General on Western Sahara.

In the 2020 annual report on intimidation and reprisals for cooperation with the UN in the field of human rights (A/HRC/45/36), released on 8 September 2020, the UN Secretary-General Antonio Guterres raised the case of Haidar highlighting the threats, physical attacks and online stigmatisation that she has suffered in connection with her ongoing engagement with the UN.