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Western Sahara: Systematic harassment of Sahrawi human rights defenders and organisations

During the recent months, human rights defenders from Western Sahara have been increasingly targeted by the Moroccan security forces. On 14 May 2019, **Zin Al Abidin Bounaaj** was sentenced to two months in prison on a fabricated charge of possession of drugs. The 21-years-old human rights defender was previously detained for three days by the Moroccan authorities for participating in protests in the city of El Ayoun in Western Sahara.

Another Sahrawi human rights defender, **Ali Salem Boujama**, was sentenced to 7 months in prison and fined \$103, as well as an additional \$517.26 to be paid to the police officer he is accused of beating. The sentence was based on fabricated charges of committing violence against a policeman and drug possession, and is perceived by the local human rights defenders as reprisal for Ali Salem Boujama's human rights activities in Western Sahara.

The **Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State** (ASVDH) is an independent human rights organisation operating in Western Sahara. The organisation was denied registration by the Moroccan authorities since its foundation in 2005 until 2015. As the only registered organisation in Western Sahara, ASVDH has been blocked from operating since 11 May 2019.

On 9 May 2019, the Moroccan security forces surrounded the premises of ASVDH and blocked the delivery of new equipment, brought by the organisation's staff for the purpose of holding conferences during the month of Ramadan. On 11 May 2019, the security forces surrounded the building again and a group of intelligence agents in plain clothes stopped all staff from entering. Further, ASVDH staff members noticed that the authorities had intentionally broken the electricity meter in the office of the organisation.

On 13 May 2019, ASVDH staff members filed an official complaint to the prosecutor's office in El Ayoun, Western Sahara, but no receipt confirming the submission of the complaint was given to them.

On 4 December 2018, **Naziha El Khalidi**, Sahrawi woman human rights defender and member of Equip Media, a media outlet documenting human rights violations committed by the Moroccan authorities against the Sahrawi people, was detained by the Moroccan Police for four hours for interrogation. At the time, Naziha El Khalidi was filming the police blockade on one of the streets in the centre of El Ayoun, where a peaceful protest was planned. The woman human rights defender was live-streaming a video on social media,

showing the Moroccan police and military blocking the street. She was then surrounded by police officers who started beating her, detained her and took her phone. The woman human rights defender was released after 4 hours of arbitrary detention, however, the police did not return the confiscated phone to her.

On 6 March 2019, Naziha El Khalidi received a summons to attend a hearing at the Court of First Instance of El Ayoun on 18 March 2019, related to a charge of “claiming a title/position protected by the law”, based on Article 381 of the Moroccan Penal Code. The charge is linked to her work documenting human rights violations perpetrated by the Moroccan authorities.

Naziha El Khalidi did not appear before the court and following a request by her lawyer, the hearing was adjourned to 20 May 2019. The woman human rights defender can face a sentence of between three months and two years in prison.

This case forms part of a wave of harassment following the orders by the Moroccan intelligence to arrest anyone filming the police, as in the past, videos showing the Moroccan authorities using violence against peaceful protesters in Western Sahara have gone viral on social media.

In April 2018, in its resolution 2414, the United Nations Security Council reaffirmed its full support for the intention of the Secretary-General and his Personal Envoy to relaunch the negotiating process with a new dynamic and a new spirit with the aim of reaching a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter of the United Nations¹.

Front Line Defenders expresses concern about the ongoing harassment against human rights defenders and organisations in Western Sahara, which is believed to be solely motivated by their peaceful and legitimate work in defence of human rights, as well as the exercise of their right to freedom of expression and the right to self-determination.

Front Line Defenders urges the authorities in Morocco to:

1. Immediately drop all charges against the Sahrawi human rights defenders as it is believed that they are solely motivated by their legitimate and peaceful work in defence of human rights;
2. Cease the blockade on the operation of the Sahrawi Association of Victims of Grave Violations of Human Rights Committed by the Moroccan State (ASVDH);
3. Cease targeting human rights defenders and organisations in Western Sahara and guarantee in all circumstances that they are able to carry out their legitimate human

¹ <https://dppa.un.org/en/mission/personal-envoy-western-sahara>

rights activities without fear of reprisals and free of all restrictions, including judicial harassment.

Front Line Defenders respectfully reminds you that the United Nations Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, adopted by consensus by the UN General Assembly on 9 December 1998, recognises the legitimacy of the activities of human rights defenders, their right to freedom of association and to carry out their activities without fear of reprisals. We would particularly draw attention to Article 6 (c): *“Everyone has the right, individually and in association with others: (c) To study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters”*, and to Article 12 (2): *“The State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the present declaration.”*

Please inform us of any actions that may be taken with regard to the above case.

Yours sincerely,



Andrew Anderson

Executive Director