

WITH LAWYERS
IN 23 COUNTRIES

ELDH

European Association of Lawyers
for Democracy & Human Rights

FIFTY YEARS UNDER OCCUPATION

Human Rights Violations,
Settler-Colonial Transformation, and the
Absence of International Monitoring
in Western Sahara



Published July 2026

Fifty Years Under Occupation

Human Rights Violations, Settler-Colonial Transformation, and the Absence of International Monitoring in Western Sahara

Report information

This report has been prepared within the framework of a fact-finding mission conducted under the auspices of the European Association of Lawyers for Democracy and World Human Rights (ELDH).

The mission was conducted with the participation of Urko Aiertza, Ryan Bestford, Dr. Bettina Gräf, Prof. Manfred O. Hinz, Sara Krämer, Emma Lehibib, Ellen O'Neill, Thomas Schmidt, and Şerife Ceren Uysal.

The present report was drafted by Urko Aiertza and Şerife Ceren Uysal, drawing on the testimonies, information, and materials gathered in the course of the mission. Prof. Manfred O. Hinz prepared a dedicated analytical report annexed to the present report.

Published July 2026

List of Abbreviations

AU	—	African Union
CAT	—	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	—	Convention on the Elimination of All Forms of Discrimination against Women
CJEU	—	Court of Justice of the European Union
CODESA	—	Collective of Sahrawi Human Rights Defenders
CRC	—	Convention on the Rights of the Child
ELDH	—	European Association of Lawyers for Democracy and World Human Rights
EU	—	European Union
HRW	—	Human Rights Watch
ICC	—	International Criminal Court
ICCPR	—	International Covenant on Civil and Political Rights
ICESCR	—	International Covenant on Economic, Social and Cultural Rights
ICJ	—	International Court of Justice
ICRC	—	International Committee of the Red Cross
IHL	—	International Humanitarian Law
ISHR	—	International Service for Human Rights
MINURSO	—	United Nations Mission for the Referendum in Western Sahara
NOVACT	—	International Institute for Nonviolent Action
OAU	—	Organization of African Unity
OECD	—	Organisation for Economic Co-operation and Development
OHCHR	—	Office of the United Nations High Commissioner for Human Rights
RFK Human Rights	—	Robert F. Kennedy Human Rights
RSF	—	Reporters Without Borders
UN	—	United Nations
UNGA	—	United Nations General Assembly
UNGPs	—	United Nations Guiding Principles on Business and Human Rights
UNSC	—	United Nations Security Council
WGAD	—	United Nations Working Group on Arbitrary Detention
WSRW	—	Western Sahara Resource Watch

Table of Contents

List of Abbreviations	i
Table of Contents	ii
1 Introduction	1
2 Methodology	2
2.1 Purpose of the fact-finding mission	2
2.2 Interviews conducted	3
2.3 Visit to the Sahrawi refugee camps in Tindouf, Algeria	4
2.4 Ethical considerations	5
2.5 Standard of assessment	6
2.6 Limitations	6
3 Background	7
3.1 Political and legal context	7
3.1.1 Status of Western Sahara	7
3.1.2 Sahrawi liberation struggle under Spanish colonial rule	8
3.1.3 Moroccan administration of the territory	8
3.1.4 The ceasefire, MINURSO and the unimplemented referendum	9
3.2 Applicable legal framework	10
3.3 Political process and diplomatic developments	14
4 Human rights situation in Western Sahara	17
4.1 Historical context of repression	17
4.1.1 Repression after 1975	17
4.1.2 The 2005 Sahrawi Intifada	18
4.1.3 Gdeim Izik: mass mobilisation, dismantlement and prosecutions	18
4.1.4 From overt violence to pervasive control	19
4.1.5 Continuity and transformation of repression	20
4.2 Enforced disappearances, unlawful killings and impunity	20
4.2.1 Historical patterns of enforced disappearance	20
4.2.2 Recent disappearance-type practices and secret detention	21
4.2.3 Unlawful killings and the case of Said Dambar	22
4.2.4 Families, forensic obstruction and the denial of truth	23
4.2.5 Legal assessment: right to life, enforced disappearance and the duty to investigate	23
4.3 Political prisoners and prison conditions	24
4.3.1 Arrest, prosecution and criminalisation of Sahrawi activism	24
4.3.2 Torture, forced confessions and fair trial concerns	25
4.3.3 Prison conditions, medical neglect and hunger strikes	27
4.3.4 Distance from families and punitive transfers	27
4.3.5 Legal assessment: political prisoners and international law	28
4.4 Fair trial violations and judicial repression	29
4.4.1 Lack of judicial guarantees and access to counsel	30
4.4.2 Military courts and politically motivated prosecutions	30
4.4.3 Use of torture-based evidence	31
4.4.4 Concluding assessment	32

4.5	Situation of Sahrawi lawyers and legal defence	32
4.6	Repression of civil society and human rights defenders	34
4.6.1	Restrictions on associations	34
4.6.2	Harassment, intimidation and smear campaigns	35
4.6.3	Restrictions on international monitoring	36
4.7	Freedom of expression, media and digital space	37
4.7.1	Freedom of expression	37
4.7.2	Media repression	38
4.7.3	Digital surveillance and online harassment	38
4.8	Freedom of movement	39
4.9	Structural discrimination, demographic transformation and settler-colonial dynamics	40
4.9.1	Economic and social discrimination	40
4.9.2	Settlement policies and demographic engineering	41
4.9.3	Education and cultural suppression	42
4.9.4	Allegations concerning drug circulation near schools and youth vulnerability	42
4.10	Natural resources and economic exploitation	43
4.10.1	Phosphates	43
4.10.2	Fisheries	44
4.10.3	Sand, renewable energy, agriculture and tourism	44
4.10.4	Employment, inequality and demographic transformation	45
4.10.5	Consent, self-determination and legal assessment	45
4.11	Women and children	46
4.11.1	Sexual violence and gender-based violence	47
4.11.2	Harassment of women human rights defenders	48
4.11.3	Impact on children	48
5	Patterns of violations and legal implications	49
5.1	From individual violations to a system of control	50
5.1.1	Historical violence, impunity and denial of truth	50
5.1.2	Criminalisation of Sahrawi political expression	50
5.1.3	Detention, torture, coerced confessions and judicial repression	51
5.1.4	Suppression of civil society, media, legal defence and monitoring	51
5.1.5	Structural discrimination, demographic transformation and resource exploitation	52
5.1.6	Gendered and intergenerational impacts	52
5.1.7	Interrelationship of violations	53
5.2	Legal implications under international law	53
5.2.1	International human rights law	53
5.2.2	Self-determination and decolonisation	54
5.2.3	International humanitarian law and occupation law	54
5.2.4	International criminal law	55
5.3	Institutional accountability gap	55
5.4	Concluding observations on patterns	55
6	Conclusions and recommendations	56
6.1	Conclusions	56
6.2	Recommendations	57

6.2.1	To the Parties, the United Nations Secretary-General, the Personal Envoy, and Members of the Security Council	57
6.2.2	To the Kingdom of Morocco	58
6.2.3	To the Polisario Front	59
6.2.4	To the United Nations	60
6.2.5	To the African Union	61
6.2.6	To the European Union and Other Economic Partners	61
6.2.7	To Spain	61
6.2.8	To Other States	61
6.2.9	To International Organisations, Financial Institutions, Corporations, Human Rights Organisations and Civil Society	62
6.3	Final Observation	62

Annex: Western Sahara: Observations on the Living Conditions in the Sahrawi Refugee Camps and in the Liberated Areas **64**

Western Sahara



The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

1. Introduction

This report has been prepared within the framework of a fact-finding mission¹ conducted under the auspices of the European Association of Lawyers for Democracy and World Human Rights (ELDH)².

ELDH is an international network of lawyers' organisations and individual jurists from across Europe and beyond. Its work is grounded in the protection of human rights, the rule of law, access to justice, and the independence of the legal profession. In line with this mandate, ELDH conducts trial observations³, fact-finding missions⁴, legal analyses, and advocacy activities in situations where serious concerns arise regarding the protection of fundamental rights. The present mission forms part of these efforts, focusing on the human rights situation in Western Sahara.

Western Sahara remains one of the longest unresolved decolonisation situations on the agenda of the United Nations⁵. Although the United Nations Mission for the Referendum in Western Sahara (MINURSO) was established in 1991, the referendum on self-determination envisaged in the UN Settlement Plan has not taken place⁶. Over the decades, the unresolved status of the territory has generated continued political uncertainty and has been accompanied by persistent allegations of human rights violations affecting the Sahrawi population.

Against this background, the fact-finding mission sought to document and assess allegations of human rights violations in Western Sahara, with particular attention to arbitrary detention, politically motivated prosecutions, fair trial violations, torture and ill-treatment, restrictions on fundamental freedoms, structural discrimination, demographic transformation, natural resource exploitation, and the treatment of human rights defenders, journalists, lawyers, women, children, and families of victims⁷.

The report is primarily based on testimonies collected from victims, former detainees, families of victims, lawyers, human rights defenders, journalists, and representatives of civil society organisations. It is also informed by the mission's engagement with Sahrawi refugee communities and by publicly available materials, including United Nations documents, judicial decisions, reports of international and regional human rights organisations, and other relevant legal sources.

Given the significant restrictions affecting independent access to Western Sahara, the mission paid particular attention to the consistency of testimonies, the recurrence of patterns

¹The fact-finding mission was conducted with the participation of Urko Aiertza, Ryan Bestford, Dr. Bettina Gräf, Prof. Manfred O. Hinz, Sara Krämer, Emma Lehib, Ellen O'Neill, Thomas Schmidt, and Şerife Ceren Uysal. Prof. Manfred O. Hinz also participated in the mission's visit to the Sahrawi refugee camps in Tindouf, Algeria, and prepared a dedicated analytical report annexed to the present report. The present report was drafted by Urko Aiertza and Şerife Ceren Uysal, drawing on the testimonies, information, and materials gathered in the course of the mission.

²European Association of Lawyers for Democracy and World Human Rights (ELDH), [Statute](#).

³ELDH, [Guide on Trial Observation](#), 2013; ELDH, [Engaged Trial Observation](#), 2026.

⁴See, for example, ELDH and Others, [Report: Black Robes, Red Targets: Report of the Caravana Filipina Fact-Finding Mission on Extrajudicial Killings and Other Serious Human Rights Violations against Legal Professionals in the Philippines](#), mission conducted 4–14 June 2024, published 2025; ELDH, [The Crisis of the Human Rights Framework of the Belfast / Good Friday Agreement – Still Relevant](#), [Report of the NI Fact-Finding Mission](#), 2023; ELDH, [“Independent legal mission on the Peace Process in Turkey – post-mission report,”](#) 5 June 2026.

⁵United Nations, [“Non-Self-Governing Territories,”](#) The United Nations and Decolonization.

⁶United Nations Mission for the Referendum in Western Sahara (MINURSO), [“About MINURSO”](#); MINURSO, [“Background”](#) stating that the referendum “has never been held”.

⁷See Amnesty International, [“Human Rights in Morocco and Western Sahara”](#); Human Rights Watch, [World Report 2025: Morocco and Western Sahara](#).

across different sources, and the available external documentation⁸. The findings presented in this report should therefore be read in light of these methodological limitations and the broader absence of a permanent international human rights monitoring mechanism in the territory.

The purpose of this report is not to determine individual criminal responsibility, but to identify patterns of alleged violations and assess their implications under international law, including international human rights law, international humanitarian law, the law governing self-determination and decolonisation, and, where relevant, international criminal law.

A central concern running throughout this report is the absence of an effective international human rights monitoring mechanism in Western Sahara. In particular, the absence of a human rights mandate within MINURSO creates a significant protection gap and limits independent documentation of alleged violations⁹.

Through this report, ELDH seeks to contribute to international awareness, legal analysis, and informed advocacy concerning the situation in Western Sahara. The report aims to support efforts to strengthen monitoring, ensure accountability, protect victims and human rights defenders, and advance the realisation of the Sahrawi people's right to self-determination in accordance with international law.

2. Methodology

2.1. Purpose of the fact-finding mission

The primary purpose of this fact-finding mission was to document alleged human rights violations in Western Sahara and to contribute to the legal assessment of these allegations under international law. The mission sought, in particular, to examine the scope, nature, and patterns of reported violations affecting the Sahrawi population.

In addition to documenting individual incidents, the mission aimed to assess whether the information gathered indicates broader patterns of conduct relevant under international human rights law, international humanitarian law, the law governing self-determination and decolonisation, and, where appropriate, international criminal law. The mission also considered whether certain reported practices may raise concerns relating to serious violations of international law, including conduct that may warrant further examination under the framework of crimes under international law.

In this context, the main objectives of the mission were:

- > to document alleged human rights violations affecting the Sahrawi population in Western Sahara;
- > to collect testimonies from victims, former detainees, families of victims, civil society actors, human rights defenders, journalists, lawyers, and other relevant witnesses;

⁸See, among recent examples, Dispatch Risk, "European Parliamentarians Denied Entry to Western Sahara," 26 February 2025; Politico, "Moroccan authorities expel EU lawmakers trying to enter Western Sahara," 20 February 2025; Human Rights for Western Sahara, "Morocco Prevents Human Rights Delegation from Investigating Western Sahara Violations," 13 January 2026; Sahara Press Service, "Ban on international observers entering occupied Western Sahara clear sign of human rights violations," 13 July 2025.

⁹United Nations Mission for the Referendum in Western Sahara (MINURSO), "Mandate".

- > to assess the reported violations in light of applicable international legal standards;
- > to identify recurring patterns and consider whether the information gathered indicates broader or systematic forms of abuse;
- > to contribute to international awareness, legal analysis, monitoring, and accountability efforts concerning the situation in Western Sahara.

The mission sought, wherever possible, to obtain information from a broad range of sources. However, restrictions on access to the territory and limitations affecting independent monitoring significantly constrained the ability to engage with all relevant stakeholders. The mission therefore assessed the information collected in light of publicly available reports, judicial decisions, United Nations documentation, and reports of international and regional human rights organisations.

The information gathered during the mission was analysed through comparison between testimonies from multiple sources and, whenever possible, through cross-checking against external documentation.

2.2. Interviews conducted

As part of the mission, a total of six online sessions were held on 14–15 February 2026, 21–22 February 2026, and 28 February–1 March 2026. The mission conducted interviews with a range of civil society organisations, human rights defenders, victims, former detainees, families of victims, journalists, and legal professionals in order to gather information and testimonies concerning the human rights situation in Western Sahara.

Organisations and individuals interviewed included, in particular¹⁰:

- > Committee of Families of Imprisoned Sahrawi Students;
- > Sahrawi Observatory for Women and Children;
- > Moroccan Association for Human Rights, Laayoune Branch;
- > Équipe Média (Sahrawi Media Team);
- > representatives of CODESA;
- > victims of enforced disappearance;
- > families of victims of unlawful killings;
- > former political prisoners;
- > human rights lawyers and activists.

During the interviews, participants provided detailed testimonies based on their personal experiences, professional work, family histories, and observations. These testimonies addressed, in particular:

¹⁰For security and confidentiality reasons, the full list of interviewees and certain identifying details are not published. Relevant information is retained confidentially by the mission, subject to consent, protection considerations, and the “do no harm” principle.

- > arbitrary arrests and politically motivated prosecutions;
- > allegations of torture and ill-treatment;
- > enforced disappearances and unresolved cases of missing persons;
- > restrictions on freedom of expression, association, assembly, and movement;
- > discrimination and socio-economic marginalisation;
- > harassment, intimidation, and stigmatisation of human rights defenders, journalists, lawyers, and families of victims;
- > the impact of repression on women, children, and Sahrawi civil society.

The testimonies collected were analysed through comparison with information obtained from other sources whenever possible, including publicly available reports, legal materials, and documentation produced by international and regional human rights organisations.

2.3. Visit to the Sahrawi refugee camps in Tindouf, Algeria

As part of the mission, a visit was conducted to the Sahrawi refugee camps located in the Tindouf region of Algeria. During this visit, meetings were held with refugees, local representatives, and institutions involved in the administration of the camps. The mission also documented testimonies relating to alleged violations in Western Sahara and to the consequences of prolonged displacement for Sahrawi refugees.

Observations made during the visit indicate that life in the camps is characterised by a complex condition described by several interviewees as an “abnormal normality”: the co-existence of functioning institutions, community-led governance structures, and social organisation with prolonged displacement, political uncertainty, and dependency on humanitarian assistance. While basic administrative, educational, health, and community structures exist, they operate under conditions shaped by limited resources, protracted exile, and the absence of a durable political resolution.

The information gathered during the visit suggests that the situation in the camps cannot be understood solely as a humanitarian issue. It must also be assessed in light of the unresolved status of Western Sahara and the continued inability of the Sahrawi people to exercise their right to self-determination. In this sense, the long-term displacement of Sahrawi populations may be understood not only as a consequence of conflict, but also as a structural condition linked to the absence of a political solution.

Interviewees emphasised that, despite strong community organisation and significant efforts toward self-administration, the camps remain highly dependent on external support. Testimonies and supporting documentation indicate that reductions in international funding have had a direct impact on essential sectors such as food security, health services, education, and infrastructure, thereby affecting the overall living conditions of the population¹¹.

At the same time, the visit revealed the resilience of Sahrawi refugee communities and the development of systems of governance and social organisation aimed at ensuring basic rights and services under difficult conditions. Women, in particular, were reported to play

¹¹United Nations Algeria, [Sahrawi Refugee Response Plan 2024–2025](#), January 2024–December 2025.

a central role in the administration of daily life in the camps, reflecting a strong tradition of community participation and social resilience.

However, interviewees consistently stressed that these efforts take place within a broader context of protracted displacement. The prolonged nature of life in the camps has had significant social, economic, and psychological consequences, including dependency on aid, limited livelihood opportunities, intergenerational impacts, and the normalisation of an exceptional condition of exile.

A recurring concern raised during the mission was the continued separation of families between Western Sahara and the refugee camps. Interviewees described significant obstacles to maintaining contact, including restrictions on movement, financial constraints, and administrative barriers. This separation was described as having serious humanitarian consequences and as affecting family unity, social cohesion, and intergenerational memory.

Overall, the findings suggest that the conditions observed in the camps reflect both the resilience of the Sahrawi population and the structural constraints imposed by prolonged displacement. In legal and political terms, this situation raises broader questions regarding the consequences of the unresolved status of Western Sahara and the continued inability of the Sahrawi people to determine freely their political future.

As part of the mission, Prof. Manfred O. Hinz participated under the mandate of ELDH, contributing his long-standing expertise and experience on Western Sahara. In this context, he prepared a dedicated analytical report based on his field observations in the Sahrawi refugee camps and the liberated areas.

While this report forms an integral part of the present fact-finding mission and has informed its findings, it is presented in full as an annex to this report, given its comprehensive and partly autonomous analytical structure¹².

2.4. Ethical considerations

All interviews conducted during the mission were carried out in accordance with fundamental ethical principles applicable to human rights documentation and fact-finding work.

In particular:

- > the safety and protection of interviewees were treated as a primary concern;
- > participation in interviews was entirely voluntary;
- > confidentiality measures were implemented where disclosure of identities could expose individuals to risks;
- > the mission sought to minimise any potential risk of harm or reprisals against participants who shared their testimonies.

Many interviewees, including human rights defenders, former detainees, and family members of victims, had themselves been directly affected by human rights violations. For this

¹²Prof. Manfred O. Hinz, "Western Sahara: Observations on the Living Conditions in the Sahrawi Refugee Camps and in the Liberated Areas," analytical report prepared within the framework of the ELDH Fact-Finding Mission on Western Sahara, March 2026, annexed to the present report.

reason, the mission paid particular attention to the risk of retraumatisation during interviews and conducted all discussions in accordance with the “do no harm” principle. The mission sought to ensure that the process of documentation did not expose participants to further harm, pressure, or unnecessary repetition of traumatic experiences.

2.5. Standard of assessment

The mission did not exercise judicial functions and was not in a position to determine individual criminal responsibility. The findings of this report are based on information assessed according to standards commonly applied in international human rights fact-finding missions.

Information was considered reliable where it was corroborated by multiple sources, supported by documentary material, or consistent with broader patterns identified through the mission’s research and comparison with external sources.

The mission assessed whether there were reasonable grounds to believe that the reported events occurred and whether the information gathered revealed patterns relevant under international law. This standard does not amount to a judicial finding and should not be read as a determination of individual criminal liability. Rather, it provides a basis for identifying credible allegations, recurring patterns, and issues requiring further independent investigation and monitoring.

2.6. Limitations

The work of the mission was conducted under several important constraints.

In particular:

- > the limited — and in many cases almost impossible — access of international observers to Western Sahara¹³;
- > administrative, practical, and security-related obstacles to documenting human rights violations;
- > the difficulty of independently verifying certain incidents due to restrictions on access, fear of reprisals, and the absence of regular international monitoring;
- > the absence of an independent and permanent international human rights monitoring mechanism in the territory.

The mission did not conduct in-person interviews inside occupied Western Sahara. This was not only a practical consequence of the severe restrictions affecting international access to the territory, but also a safeguarding decision informed by the preferences and security concerns of Sahrawi interlocutors. Several potential interlocutors live under conditions of heavy surveillance, intimidation, and risk of reprisals. In this context, visible contact with an international fact-finding mission could have exposed victims, families, lawyers, journalists, and human rights defenders to additional pressure or harm. The mission therefore considered that protected online interviews, confidential handling of

¹³See sources cited above, fn. 8.

identifying information, and reliance on corroborating external documentation were the most appropriate means of proceeding in accordance with the “do no harm” principle.

Western Sahara presents a distinctive situation among United Nations peacekeeping contexts, as MINURSO’s mandate focuses on the ceasefire, security situation, and support for the political process, but does not include an explicit mandate to monitor and report publicly on human rights¹⁴. This creates a significant gap in independent documentation and international oversight of alleged violations.

Despite these limitations, the mission sought to gather information from the widest possible range of sources available to it and to assess that information through comparison, corroboration, and cross-checking wherever possible. The limitations identified above should therefore be understood not as diminishing the relevance of the findings, but as illustrating the broader need for sustained, independent, and adequately resourced international human rights monitoring in Western Sahara.

3. Background

3.1. Political and legal context

3.1.1. Status of Western Sahara

Western Sahara is recognised under international law as a Non-Self-Governing Territory whose process of decolonisation remains incomplete. The territory has been included in the list of Non-Self-Governing Territories maintained by the United Nations since 1963¹⁵. This status is linked to Article 73 of the UN Charter, which sets out the responsibilities of administering powers in relation to territories whose peoples have not yet attained a full measure of self-government¹⁶.

The right of the people of Western Sahara to self-determination is well established under international law. United Nations General Assembly Resolution 1514 (XV) of 1960, the Declaration on the Granting of Independence to Colonial Countries and Peoples, affirmed the right of colonial peoples to self-determination and independence¹⁷. The modalities through which a Non-Self-Governing Territory may attain a full measure of self-government were further clarified in General Assembly Resolution 1541 (XV) of 1960, including independence, free association, or integration with an independent state, provided that the outcome reflects the freely expressed will of the people concerned¹⁸.

The legal status of Western Sahara was authoritatively addressed by the International Court of Justice in its 1975 Advisory Opinion on Western Sahara. The Court concluded that, although certain legal ties existed between some tribes of the territory and neighbouring states, these ties did not amount to territorial sovereignty. In particular, the Court found

¹⁴United Nations Mission for the Referendum in Western Sahara (MINURSO), “Mandate”; [United Nations Security Council, Resolution 2797 \(2025\)](#), UN Doc. S/RES/2797 (2025), 31 October 2025.

¹⁵United Nations, “[Western Sahara](#),” The United Nations and Decolonization.

¹⁶Charter of the United Nations, [Chapter XI, Article 73](#).

¹⁷United Nations General Assembly, Resolution 1514 (XV), Declaration on the Granting of Independence to Colonial Countries and Peoples, 14 December 1960, [UN Doc. A/RES/1514\(XV\)](#).

¹⁸United Nations General Assembly, Resolution 1541 (XV), Principles which should guide Members in determining whether or not an obligation exists to transmit the information called for under Article 73e of the Charter, 15 December 1960, [UN Doc. A/RES/1541\(XV\)](#).

that the materials before it “did not establish any tie of territorial sovereignty” between Western Sahara and Morocco or Mauritania. The Court further affirmed that the principle of self-determination must be applied through the “free and genuine expression” of the will of the people of the territory¹⁹.

3.1.2. Sahrawi liberation struggle under Spanish colonial rule

Spain colonised Western Sahara in the late nineteenth century and administered the territory as Spanish Sahara until 1975. During the final phase of Spanish colonial rule, Sahrawi political mobilisation intensified in the context of the broader decolonisation movement across Africa. One of the earliest expressions of this mobilisation emerged under the leadership of Mohamed Sidi Brahim Basiri, a Sahrawi nationalist figure who advocated independence and organised peaceful demonstrations²⁰.

In June 1970, Spanish authorities violently suppressed demonstrations in El-Aaiún during what became known as the Zemla intifada²¹. Basiri was subsequently arrested and disappeared while in Spanish custody; his fate remains unresolved²². His disappearance is widely regarded as one of the earliest emblematic cases of enforced disappearance in Western Sahara.

In 1973, the Sahrawi national liberation movement took organised form with the creation of the Frente Popular para la Liberación de Saguía el-Hamra y Río de Oro, commonly known as the Polisario Front²³. The Polisario Front initiated an armed struggle against Spanish colonial rule with the stated objective of securing the independence of Western Sahara.

The United Nations General Assembly later referred to the Polisario Front as “the representative of the people of Western Sahara” in Resolution 34/37 of 1979 and recommended its full participation in efforts to reach a just, lasting, and definitive political solution²⁴.

3.1.3. Moroccan administration of the territory

In November 1975, shortly after the International Court of Justice delivered its Advisory Opinion on Western Sahara, Morocco organised the Green March, during which approximately 350,000 Moroccan civilians crossed into Western Sahara in order to press Morocco’s claim to the territory²⁵. The Green March took place during the final phase of Spanish withdrawal and against the background of competing claims by Morocco, Mauritania, and the Sahrawi people.

Soon thereafter, Spain, Morocco, and Mauritania signed the Declaration of Principles on

¹⁹International Court of Justice, Western Sahara, *Advisory Opinion*, I.C.J. Reports 1975, p. 12, 16 October 1975, paras. 55 and 162.

²⁰Maria J. Stephan and Jacob Mundy, “A Battlefield Transformed: From Guerilla Resistance to Mass Nonviolent Struggle in the Western Sahara,” *Journal of Military and Strategic Studies*, Vol. 8, No. 3, Spring 2006.

²¹Stephan and Mundy, “A Battlefield Transformed.”

²²Stephen Zunes and Jacob Mundy, *Western Sahara: War, Nationalism, and Conflict Irresolution*, Syracuse University Press, 2010, pp. 101–102; see also Stephan and Mundy, “A Battlefield Transformed.”

²³Stephan and Mundy, “A Battlefield Transformed”; Minority Rights Group International, *World Directory of Minorities and Indigenous Peoples - Morocco: Saharawis*, 2008.

²⁴United Nations General Assembly, Resolution 34/37, *Question of Western Sahara*, 21 November 1979, UN Doc. A/RES/34/37.

²⁵Anna Theofilopoulou, *The United Nations and Western Sahara: A Never-ending Affair*, United States Institute of Peace, Special Report No. 166, July 2006.

Western Sahara, commonly known as the Madrid Accords²⁶. The Accords provided for the transfer of administrative authority, but they did not transfer sovereignty over Western Sahara, nor did they alter the territory's status as a Non-Self-Governing Territory.

This legal position was later clarified by the United Nations Under-Secretary-General for Legal Affairs, Hans Corell, in a 2002 legal opinion addressed to the President of the Security Council. Corell stated that the Madrid Agreement "did not transfer sovereignty over the Territory" and did not confer upon any of the signatories the status of administering Power. He further confirmed that the transfer of administrative authority to Morocco and Mauritania did not affect the international status of Western Sahara as a Non-Self-Governing Territory²⁷.

Morocco currently exercises effective control over most of Western Sahara. However, this effective control has not altered the international legal status of the territory, which remains listed by the United Nations as a Non-Self-Governing Territory awaiting decolonisation²⁸.

3.1.4. The ceasefire, MINURSO and the unimplemented referendum

Following years of armed conflict, Morocco and the Polisario Front accepted United Nations and Organization of African Unity settlement proposals aimed at enabling a ceasefire and the holding of a referendum on self-determination. In 1991, the United Nations Security Council adopted Resolution 690, establishing the United Nations Mission for the Referendum in Western Sahara (MINURSO). The mission was created to support the implementation of the Settlement Plan, including the organisation and supervision of a referendum through which the people of Western Sahara would exercise their right to self-determination²⁹.

The ceasefire entered into effect in September 1991, and the referendum was initially expected to take place in January 1992. However, due to persistent disagreements between the parties, particularly concerning the implementation of the referendum process, the vote was never held³⁰. As a result, MINURSO has remained³⁰ deployed for more than three decades without the central political objective of the Settlement Plan being implemented.

The continued absence of the referendum has had significant legal and political consequences. It has prolonged the unresolved status of Western Sahara as a Non-Self-Governing Territory and contributed to a situation in which Morocco exercises effective control over most of the territory without the United Nations recognising Moroccan sovereignty over it.

Although MINURSO remains present in Western Sahara, its mandate is limited. It monitors military activities and developments related to the ceasefire and supports the political process, but it does not include an explicit mandate to monitor, investigate, and publicly report on human rights violations³¹. This absence of a human rights monitoring mandate

²⁶Declaration of Principles on Western Sahara by Spain, Morocco and Mauritania, Madrid, 14 November 1975, United Nations Treaty Series, Vol. 988, No. 14450.

²⁷Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, addressed to the President of the Security Council, UN Doc. S/2002/161, 12 February 2002, para. 6.

²⁸United Nations, "Western Sahara," The United Nations and Decolonization, cited above, fn. 15.

²⁹United Nations Security Council, Resolution 690 (1991), 29 April 1991, UN Doc. S/RES/690(1991); United Nations Mission for the Referendum in Western Sahara (MINURSO), "Mandate."

³⁰United Nations Mission for the Referendum in Western Sahara (MINURSO), "Background"; MINURSO, "History."

³¹MINURSO, "Mandate," cited above, fn. 9; United Nations Security Council, Resolution 2797 (2025), cited above, fn. 14.

is a central concern of the present report and constitutes a significant protection gap for the Sahrawi population.

3.2. Applicable legal framework

The situation in Western Sahara engages several interrelated branches of international law, including the law of self-determination and decolonisation, international human rights law, international humanitarian law, the law of occupation, and, where relevant, international criminal law.

For the purposes of this report, the term “Sahrawi people” refers to the people of Western Sahara as the holder of the right to self-determination under United Nations practice and international law. The term is used in light of Article 1 of the United Nations Charter, General Assembly Resolutions 1514 (XV) and 1541 (XV), common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, and the International Court of Justice’s 1975 Advisory Opinion on Western Sahara.

International human rights law applies to all individuals within the jurisdiction or effective control of a State, regardless of the contested or unresolved status of the territory. Morocco is a State Party to major international human rights treaties, including the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention against Torture, and the Convention on the Rights of the Child.

The right to self-determination is a core principle of international law. It is recognised in Articles 1(2) and 55 of the United Nations Charter and in common Article 1 of the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights³². In the specific context of Western Sahara, the United Nations General Assembly reaffirmed the Sahrawi people’s right to self-determination in Resolution 34/37 (1979) and Resolution 35/19 (1980). Resolution 35/19 further used the language of occupation in relation to Morocco’s presence in the territory and called for the termination of that occupation³³.

The International Court of Justice has recognised that the right of peoples to self-determination has an erga omnes character, meaning that it is owed to the international community as a whole³⁴. This principle is of particular relevance in the case of Western Sahara, whose decolonisation process remains incomplete and whose people have not yet been able to exercise their right to determine freely their political status.

A further regional framework is provided by the African human rights system. In *Bernard Anbataayela Mornah v. Republic of Benin and Others*, the African Court on Human and Peoples’ Rights examined an application arising from Morocco’s readmission to the African Union in 2017³⁵. The application was brought by Bernard Anbataayela Mornah, a Ghana-

³²Charter of the United Nations, [Articles 1\(2\)](#) and [55](#); International Covenant on Civil and Political Rights, common [Article 1](#); International Covenant on Economic, Social and Cultural Rights, common [Article 1](#).

³³United Nations General Assembly, [Resolution 34/37](#), Question of Western Sahara, 21 November 1979, UN Doc. A/RES/34/37, cited above, fn. 24; United Nations General Assembly, [Resolution 35/19](#), Question of Western Sahara, 11 November 1980, UN Doc. A/RES/35/19.

³⁴International Court of Justice, *East Timor (Portugal v. Australia)*, [Judgment](#), I.C.J. Reports 1995, p. 90, para. 29.

³⁵African Court on Human and Peoples’ Rights, *Bernard Anbataayela Mornah v. Republic of Benin and Others*, Application No. 028/2018, [Judgment](#), 22 September 2022.

ian national and political figure, against Benin, Burkina Faso, Côte d'Ivoire, Ghana, Mali, Malawi, Tanzania and Tunisia. The case was not brought against Morocco itself. Rather, the applicant argued that the respondent States had failed, individually and collectively, to oppose or condition Morocco's readmission³⁶ to the African Union despite Morocco's continued occupation of Western Sahara and the unresolved status of the Sahrawi people's right to self-determination³⁷.

The proceedings were significant because they placed Western Sahara directly before the principal judicial body of the African human rights system. The Sahrawi Arab Democratic Republic and Mauritius intervened in the proceedings, while the Pan African Lawyers Union participated as *amicus curiae*. Morocco was notified of the proceedings as an African Union Member State but did not seek to intervene³⁸.

The Court framed the case primarily through Article 20 of the African Charter on Human and Peoples' Rights, which guarantees all peoples the "unquestionable and inalienable right to self-determination"³⁹. The Court emphasised the particular importance of self-determination in the African Charter system, noting that the Charter links self-determination to the existence and survival of peoples and reflects Africa's historical experience of colonialism, apartheid, military occupation, foreign domination and other forms of oppression⁴⁰. In this respect, the judgment is important because it situates the Sahrawi people's right to self-determination not only within the United Nations decolonisation framework, but also within the regional African human rights order.

The Court made several findings of particular relevance to Western Sahara. It considered that the application was essentially linked to the right of the Sahrawi people to self-determination and to their right to obtain assistance in their struggle for freedom from foreign occupation. It further treated the other alleged violations, including those concerning natural resources, development, peace and non-discrimination, as flowing from the alleged denial of self-determination and the occupation of the territory. The Court also noted that both the United Nations and the African Union recognise the situation of Western Sahara as one of occupation and incomplete decolonisation⁴¹.

Most importantly, the Court stated that the "continued occupation of the SADR by Morocco is incompatible with the right to self-determination" of the Sahrawi people under Article 20 of the African Charter⁴². This finding reinforces the view that the occupation of Western Sahara is not only a matter of territorial status or diplomatic dispute, but also a continuing human rights issue affecting the collective rights of the Sahrawi people.

At the same time, the limits of the judgment should be clearly recognised. The Court did not find the respondent States responsible for violating the Sahrawi people's right to self-determination. It reasoned that Morocco's admission to the African Union was ultimately a decision of the African Union Assembly, which has a legal personality distinct from that of

³⁶Morocco withdrew from the Organization of African Unity in 1984 in protest after the Sahrawi Arab Democratic Republic had been admitted to the organisation in the early 1980s. Morocco formally requested to join the African Union, the successor to the OAU, on 22 September 2016 and was admitted on 31 January 2017. See African Court on Human and Peoples' Rights, *Mornah v. Benin and Others*, cited above, fn. 35, para. 312.

³⁷African Court on Human and Peoples' Rights, *Mornah v. Benin and Others*, cited above, fn. 35, paras. 1–2, 8–14, 17 and 40.

³⁸*Ibid.*, paras. 7 and 23–38; see also Pan African Lawyers Union, "African Court on Human & Peoples' Rights delivers judgment on case against Morocco's occupation of SADR," 3 October 2022.

³⁹African Charter on Human and Peoples' Rights, Article 20(1).

⁴⁰African Court on Human and Peoples' Rights, *Mornah v. Benin and Others*, cited above, fn. 35, paras. 289–299.

⁴¹*Ibid.*, paras. 285–286 and 300–302.

⁴²*Ibid.*, para. 303.

individual Member States. It also held that the act of voting for Morocco's admission could not, in itself, be treated as recognition of Morocco's occupation or as giving legitimacy to the resulting violations of the right to self-determination. The Court further found that there was insufficient evidence of attribution or causal link between the conduct of the respondent States and the human rights violations alleged to result directly from Morocco's occupation⁴³.

The judgment is therefore both important and limited. Its operative conclusion was one of non-violation by the respondent States. However, the Court nevertheless reiterated that all State parties to the African Charter and Protocol, as well as all Member States of the African Union, have responsibilities under international law to find a permanent solution to the occupation, to ensure the enjoyment of the Sahrawi people's inalienable right to self-determination, and to refrain from conduct that would recognise the occupation as lawful or impede the exercise of that right⁴⁴. Critical commentary has accordingly described the judgment as significant for affirming the regional and erga omnes dimensions of the Sahrawi people's right to self-determination, while also noting the Court's cautious approach to attributing responsibility to individual African Union Member States⁴⁵.

For the purposes of this report, the Mornah judgment is significant for three reasons. First, it confirms that the question of Western Sahara is also a matter of African human rights law and not only of United Nations practice or European jurisprudence. Secondly, it affirms that the Sahrawi people's right to self-determination is protected under Article 20 of the African Charter as a collective right of peoples. Thirdly, despite its cautious approach to State responsibility, the judgment strengthens the legal framework of non-recognition, non-assistance and continued responsibility of African Union Member States in relation to the occupation and the unfinished decolonisation of Western Sahara.

The Court of Justice of the European Union has also addressed the legal status of Western Sahara in a series of landmark judgments concerning EU-Morocco agreements. In *Council v Front Polisario*, the Court held that Western Sahara has a status that is "separate and distinct" from that of Morocco and that EU-Morocco agreements could not be interpreted as applying to Western Sahara in the absence of a clear intention to do so in accordance with international law. This principle was further developed in *Western Sahara Campaign UK*, where the Court held that the EU-Morocco Fisheries Agreement was valid only insofar as it was not applicable to Western Sahara and its adjacent waters⁴⁶.

The same approach was reaffirmed by the General Court of the European Union in 2021, which annulled Council decisions approving agreements applicable to Western Sahara on the ground that the consent of the people of Western Sahara had not been secured⁴⁷. On 4 October 2024, the Court of Justice dismissed the appeals brought by the Commission and the Council and confirmed that the 2019 EU-Morocco trade and fisheries arrangements

⁴³Ibid., paras. 314–322.

⁴⁴Ibid., para. 323.

⁴⁵See, for example, Victor Kattan, "Western Sahara before the African Court of Human and Peoples' Rights: Is there a 'brother's keeper' obligation for the Member States of the African Union?", *EJIL: Talk!*, 13 October 2022; Obiora Chinedu Izuora, "Case discussion of *Mornah v Benin and 7 Others*: is the African Court on Human and Peoples' Rights prevented from implementing the right of self-determination?", *African Human Rights Yearbook*, 2024.

⁴⁶Court of Justice of the European Union, *Council v Front Polisario*, Case C-104/16 P, [Judgment](#) of 21 December 2016; Court of Justice of the European Union, *Western Sahara Campaign UK*, Case C-266/16, [Judgment](#) of 27 February 2018.

⁴⁷General Court of the European Union, *Front Polisario v Council*, Case T-279/19, [Judgment](#) of 29 September 2021; General Court of the European Union, *Front Polisario v Council*, Joined Cases T-344/19 and T-356/19, [Judgment](#) of 29 September 2021; see also Court of Justice of the European Union, [Press Release No 166/21](#), 29 September 2021.

applicable to Western Sahara had been concluded without the consent of the people of Western Sahara, in breach of the principles of self-determination and the relative effect of treaties⁴⁸. These judgments reinforce the principle that Western Sahara is not part of Morocco and that the people of Western Sahara must be treated as the holder of the right to self-determination in relation to the territory and its natural resources.

Spain's historical and legal role also remains relevant to the unresolved status of Western Sahara. The United Nations has never recognised a transfer of sovereignty over Western Sahara through the Madrid Accords, and the decolonisation process envisaged under Article 73 of the UN Charter has not been completed. The 2002 legal opinion of the United Nations Legal Counsel, Hans Corell, confirmed that the Madrid Agreement did not transfer sovereignty over Western Sahara and did not confer upon any of the signatories the status of administering Power⁴⁹. While the precise legal consequences of Spain's continuing responsibilities remain the subject of legal debate, the central point for the purposes of this report is that the Madrid Accords did not extinguish the international status of Western Sahara as a Non-Self-Governing Territory.

The applicability of the law of occupation is also relevant to the legal assessment of the situation. Under international humanitarian law, occupation exists where a territory is placed under the authority of a foreign power and that power exercises effective control without acquiring sovereignty. The principal rules governing occupation are set out in the 1907 Hague Regulations and the Fourth Geneva Convention of 1949. These rules require an occupying power to administer the territory for the benefit of the protected population, to respect existing laws and institutions unless absolutely prevented, and to refrain from transferring parts of its own civilian population into the occupied territory⁵⁰.

The legal characterisation of Morocco's presence in Western Sahara is contested. Morocco rejects the characterisation of its presence as an occupation. However, given that Morocco exercises effective control over most of Western Sahara without internationally recognised sovereignty, a significant body of legal analysis treats the law of occupation as a relevant framework for assessing Morocco's obligations in the territory⁵¹. This report adopts the view that the law of occupation provides an important legal framework for assessing the rights and obligations arising from Morocco's effective control over the territory, without purporting to replace the need for a final judicial determination of all contested issues.

The issue of natural resources must also be assessed in light of the right to self-determination and the permanent sovereignty of peoples over their natural resources. In his 2002 legal opinion, Hans Corell concluded that further exploration and exploitation of mineral resources in Western Sahara would be contrary to the principles applicable to Non-Self-Governing Territories if conducted in disregard of the interests and wishes of the people of Western Sahara⁵². This principle is particularly relevant to economic activities af-

⁴⁸Court of Justice of the European Union, *Commission and Council v Front Polisario*, Joined Cases C-778/21 P and C-798/21 P, Judgment of 4 October 2024; Court of Justice of the European Union, *Commission and Council v Front Polisario*, Joined Cases C-779/21 P and C-799/21 P, Judgment of 4 October 2024; see also Court of Justice of the European Union, [Press Release No 170/24](#), 4 October 2024.

⁴⁹Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, cited above, fn. 27, para. 6.

⁵⁰Hague Regulations Respecting the Laws and Customs of War on Land, 1907, [Articles 42](#) and [43](#); Geneva Convention Relative to the Protection of Civilian Persons in Time of War, 12 August 1949, [Article 49](#).

⁵¹See, for example, ICRC, "[Occupation](#)"; Jaume Ferrer Lloret, "[Morocco, Occupying Power of Western Sahara: Some Notes about Spain's Foreign Legal Policy, the Role of the Spanish Doctrine and the Rule of Law in International Relations](#)," *Spanish Yearbook of International Law*, Vol. 26, 2022, pp. 197–246.

⁵²Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, cited above, fn. 27,

fecting phosphates, fisheries, agriculture, renewable energy, and other resources linked to the territory.

International criminal law may also be relevant to the assessment of certain alleged patterns of conduct. The Rome Statute of the International Criminal Court criminalises, among other acts, serious violations committed in the context of armed conflict and occupation, including the direct or indirect transfer by an occupying power of parts of its own civilian population into the territory it occupies. It also criminalises certain acts, including imprisonment, persecution, deportation or forcible transfer, torture, and other inhumane acts, when committed as part of a widespread or systematic attack directed against a civilian population⁵³. Any references in this report to international crimes are made solely for analytical purposes and do not constitute determinations of individual criminal responsibility.

Morocco signed the Rome Statute in 2000 but has not ratified it and is therefore not a State Party. This means that the International Criminal Court does not automatically have jurisdiction over Moroccan nationals or territory solely on the basis of Morocco's signature. However, the Rome Statute remains relevant as a codification of international criminal law standards, and ICC jurisdiction may be triggered under the conditions set out in Articles 12 and 13 of the Statute, including through territorial or personal jurisdiction linked to a State Party, acceptance of jurisdiction under Article 12(3), or a referral by the United Nations Security Council⁵⁴.

For the purposes of this report, the absence of internationally recognised Moroccan sovereignty, the continued status of Western Sahara as a Non-Self-Governing Territory, and Morocco's effective control over most of the territory make the law of occupation an essential framework for assessing the situation. References in this report to "occupation," "occupied territory," or "occupying power" are used in this legal and analytical sense, consistently with the unresolved status of the territory and the Sahrawi people's right to self-determination.

3.3. Political process and diplomatic developments

Despite the establishment of MINURSO and the entry into force of the ceasefire, the referendum process remained blocked for decades. Disputes between the parties, particularly over voter identification and the modalities of the referendum, prevented the implementation of the Settlement Plan.

In 1997, negotiations mediated by United Nations envoy James Baker resulted in the Houston Agreements, which sought to revive the Settlement Plan by addressing questions relating to voter identification, the conduct of the referendum, and political freedoms necessary for the process. However, the process remained blocked, and Baker subsequently proposed alternative political frameworks⁵⁵.

The first Baker Plan, presented in 2001, proposed a form of autonomy for Western Sahara

paras. 24–25.

⁵³Rome Statute of the International Criminal Court, Articles 7 and 8(2)(b)(viii).

⁵⁴Rome Statute of the International Criminal Court, cited above, fn. 53, Articles 12 and 13; United Nations Treaty Collection, Rome Statute of the International Criminal Court, [status of ratifications](#).

⁵⁵Report of the Secretary-General on the situation concerning Western Sahara, [UN Doc. S/1997/742](#), 24 September 1997; Report of the Secretary-General on the situation concerning Western Sahara, [UN Doc. S/1997/882](#), 13 November 1997.

under Moroccan sovereignty. The Polisario Front rejected the proposal on the ground that it did not provide a genuine option for independence⁵⁶. In 2003, the second Baker Plan attempted to bridge the positions of the parties by proposing a transitional period of autonomy followed by a referendum that included independence as an option. The United Nations Security Council endorsed the plan in Resolution 1495 (2003)⁵⁷. The plan followed earlier United Nations efforts to identify eligible voters and revive the referendum process, while expanding the electorate in a manner that would have allowed participation by persons who had settled in the territory under Moroccan control. The Polisario Front ultimately accepted the plan, although this entailed significant concessions from the perspective of the original referendum framework. Morocco, however, rejected the plan, in particular because it did not accept a referendum in which independence would appear as one of the options⁵⁸. The collapse of Baker II is therefore significant not as a simple failure of mutual agreement, but as a moment in which a United Nations-backed proposal containing a transitional period of autonomy followed by a referendum that included independence as an option was accepted by the Polisario Front and rejected by Morocco. The initiative eventually collapsed, followed by Baker's resignation as United Nations envoy in 2004⁵⁹.

The diplomatic stalemate was further complicated by the breakdown of the ceasefire in November 2020 in the Guerguerat area, following tensions and clashes between Moroccan forces and the Polisario Front. This marked the resumption of hostilities after nearly three decades of relative ceasefire and further demonstrated the fragility of the political process⁶⁰.

Since then, the United Nations Security Council has continued to renew MINURSO's mandate while calling for a political solution. The most recent Security Council resolution, Resolution 2797 (2025), extended MINURSO's mandate until 31 October 2026 and called upon the parties to engage in negotiations with a view to achieving a mutually acceptable political solution providing for the self-determination of the people of Western Sahara⁶¹.

Resolution 2797 (2025) also illustrates a significant contemporary legal and political dilemma. By calling for negotiations "taking as basis" Morocco's autonomy proposal and by recognising that "genuine autonomy could represent a most feasible outcome," the Security Council moved closer than in previous resolutions to privileging an autonomy-based framework linked to Moroccan sovereignty⁶². This shift is deeply problematic in the context of an unfinished and long-blocked decolonisation process. It risks transforming the Sahrawi people's right to self-determination from a right to determine freely the political status of the territory into a narrower process of negotiating the terms of autonomy under

⁵⁶Report of the Secretary-General on the situation concerning Western Sahara, UN Doc. S/2001/613, 20 June 2001; Theofilopoulou, *The United Nations and Western Sahara: A Never-ending Affair*, cited above, fn. 25.

⁵⁷Peace Plan for Self-Determination of the People of Western Sahara, UN Doc. S/2003/565, Annex II, 23 May 2003; United Nations Security Council, Resolution 1495 (2003), 31 July 2003, UN Doc. S/RES/1495(2003).

⁵⁸Theofilopoulou, *The United Nations and Western Sahara: A Never-ending Affair*, cited above, fn. 25, pp. 11–12 and 16–18; Security Council Report, "Western Sahara (MINURSO), January 2006 Monthly Forecast," 22 December 2005.

⁵⁹Letter dated 11 June 2004 from the Secretary-General addressed to the President of the Security Council, UN Doc. S/2004/492.

⁶⁰Report of the Secretary-General on the situation concerning Western Sahara, UN Doc. S/2021/843, 1 October 2021; Security Council Report, "Western Sahara," Monthly Forecast, October 2021.

⁶¹United Nations Security Council, Resolution 2797 (2025), 31 October 2025, UN Doc. S/RES/2797(2025).

⁶²United Nations Security Council, Resolution 2797 (2025), UN Doc. S/RES/2797 (2025), 31 October 2025; see also Security Council Report, "Western Sahara: Vote on a Draft Resolution Renewing MINURSO's Mandate," 31 October 2025; Kushtrim Istrefi, "The Security Council and the Western Sahara: Between Self-Determination and Implicit Recognition of Moroccan Sovereignty," EJIL: Talk!, 4 November 2025.

the authority of the occupying or effectively controlling power.

Such language cannot alter the international legal status of Western Sahara, extinguish the Sahrawi people's right to self-determination, or validate Morocco's claim to sovereignty over the territory. Nor can a Security Council resolution be read as replacing the requirement of a free and genuine expression of the will of the people of Western Sahara. Any interpretation of Resolution 2797 must therefore remain subject to the continuing status of Western Sahara as a Non-Self-Governing Territory, the principles of self-determination and decolonisation, and the obligations of non-recognition and non-assistance arising from the absence of internationally recognised Moroccan sovereignty.

Current United Nations mediation is conducted by the Secretary-General's Personal Envoy for Western Sahara, Staffan de Mistura, who was appointed in 2021. His work has included consultations with Morocco, the Polisario Front, Algeria, and Mauritania, as well as briefings to the Security Council and efforts to revive a negotiating process⁶³.

Parallel diplomatic developments have also affected the political context. In December 2020, the United States recognised Moroccan sovereignty over Western Sahara in connection with the Morocco-Israel normalisation agreement. Subsequent United States administrations have continued to support Morocco's autonomy proposal while also referring to the United Nations-led political process⁶⁴.

The 2020 United States recognition of Moroccan sovereignty over Western Sahara was not a neutral diplomatic development. It represented a harmful unilateral intervention into an unfinished decolonisation process and subordinated the Sahrawi people's right to self-determination to a transactional geopolitical arrangement. Although such recognition cannot alter the international legal status of Western Sahara, extinguish the Sahrawi people's right to self-determination, or substitute for the free and genuine expression of the will of the people of the territory, it risks producing a powerful normalising effect. By treating Moroccan sovereignty, or autonomy under Moroccan sovereignty, as the practical starting point for diplomacy, the recognition shifted the focus away from decolonisation and self-determination and toward the consolidation of an existing situation of effective control.

From the perspective of this report, this shift is deeply problematic. It rewards the prolonged non-implementation of the referendum, weakens the normative force of the Sahrawi people's right to self-determination, and reduces a question of international legal status to one of geopolitical compromise. It also risks encouraging third states and international actors to treat the unresolved status of Western Sahara as a matter to be managed through political accommodation rather than resolved through a genuine act of self-determination. In this sense, unilateral recognition and autonomy-centred diplomacy contribute to the entrenchment of Morocco's effective control and to the further marginalisation of the Sahrawi people as the rights-holder under international law.

Despite successive diplomatic initiatives, the positions of the parties remain fundamentally divergent. The referendum on self-determination envisaged in the 1991 Settlement

⁶³United Nations Secretary-General, "Mr. Staffan de Mistura of Italy – Personal Envoy for Western Sahara," 6 October 2021; Office of the Personal Envoy of the Secretary-General for Western Sahara, "Staffan de Mistura."

⁶⁴White House, "Proclamation on Recognizing the Sovereignty of the Kingdom of Morocco over the Western Sahara," 10 December 2020; United States Department of State, *Joint Declaration of the Kingdom of Morocco, the United States of America, and the State of Israel*, 22 December 2020; United States Department of State, "Secretary Rubio's Meeting with Moroccan Foreign Minister Bourita," 8 April 2025.

Plan has not been implemented, and Western Sahara remains in a prolonged state of legal and political limbo. This continuing impasse lies at the core of the human rights concerns examined in this report, as the absence of a political solution, the lack of international human rights monitoring, and the consolidation of effective control over the territory together create conditions in which alleged violations may persist without adequate scrutiny or accountability.

4. Human rights situation in Western Sahara

The testimonies collected during the mission indicate that the human rights situation in Western Sahara cannot be understood as a series of isolated incidents. Rather, the accounts received point to a long-standing and evolving pattern of repression affecting the Sahrawi population in the context of the unresolved status of the territory, Morocco's effective control, and the continued denial of the Sahrawi people's right to self-determination.

Interviewees consistently emphasised that the violations described in this report have historical depth and structural character. Participants referred to different periods of repression in order to explain both the continuity of violations and the transformation of methods of control over time. According to these testimonies, earlier periods were marked by more direct and visible forms of repression, including enforced disappearances, arbitrary detention, and physical violence. More recent periods appear to involve a broader combination of police surveillance, judicial harassment, restrictions on freedom of expression and association, administrative pressure, economic marginalisation, and digital monitoring.

The mission therefore assesses the human rights situation in Western Sahara not only through individual incidents, but also through recurring patterns. These patterns affect political activists, human rights defenders, journalists, former detainees, families of victims, students, women, children, and Sahrawi communities more broadly. They also show how repression is linked to the political question of self-determination: many of the reported violations appear to target individuals or groups because of their real or perceived support for Sahrawi rights, independence, or criticism of Moroccan control over the territory.

4.1. Historical context of repression

4.1.1. Repression after 1975

According to testimonies, the period following Morocco's takeover of most of Western Sahara in 1975 was marked by severe forms of repression. Interviewees described widespread fear, arbitrary detention, enforced disappearances, and the targeting of individuals perceived as supporting Sahrawi self-determination⁶⁵. This period was repeatedly presented as foundational to the collective memory of Sahrawi communities.

Participants described repression during the early years as direct, highly visible, and often directed not only at political actors but also at families and communities associated with

⁶⁵Amnesty International, *Morocco/Western Sahara: Human Rights Violations in Western Sahara*, 17 April 1996; Amnesty International, *Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up*, 6 January 2010.

Sahrawi mobilisation. Several testimonies referred to the disappearance of relatives, prolonged uncertainty regarding the fate of victims, and the lasting psychological and social consequences of not knowing whether disappeared family members were alive or dead.

The legacy of this period continues to shape the human rights situation today. Interviewees stressed that many cases remain unresolved, that families have not received full truth or accountability, and that the absence of effective remedies has transmitted trauma across generations. The unresolved fate of disappeared persons was therefore described not only as a past violation, but also as a continuing harm affecting families and communities.

4.1.2. The 2005 Sahrawi Intifada

Interviewees referred to the 2005 Sahrawi Intifada as a key moment of renewed public mobilisation. According to testimonies, this period was characterised by demonstrations, public expressions of Sahrawi identity, and demands for political rights, including the right to self-determination.

Participants described the response of the authorities as involving arrests, violence against protesters, intimidation, and restrictions on freedom of expression⁶⁶. Several testimonies linked this period to the emergence of a new generation of Sahrawi activists who became more visible in public spaces, including students, women, human rights defenders, and civil society actors.

The 2005 protests were therefore described as both a moment of resistance and a moment of intensified repression. They demonstrated that, despite the legacy of earlier violence, Sahrawi political mobilisation had not disappeared. At the same time, they revealed the extent to which public expression of Sahrawi self-determination claims remained subject to police and judicial control.

4.1.3. Gdeim Izik: mass mobilisation, dismantlement and prosecutions

The Gdeim Izik protest camp, established in October 2010 approximately 14 kilometres outside Laayoune, was repeatedly described by interviewees as a turning point in the contemporary history of Western Sahara. Participants emphasised that the camp represented one of the most significant collective mobilisations in the territory in recent decades and that it continues to shape Sahrawi understandings of repression, criminalisation, and political resistance⁶⁷.

According to testimonies collected during the mission, the camp initially emerged in response to longstanding socio-economic grievances, including unemployment, discrimination, inadequate access to housing, and the exclusion of Sahrawis from economic opportunities linked to the territory's natural resources. Interviewees emphasised that the movement began as a largely peaceful social protest centred on demands for dignity, equality, and improved living conditions.

As the camp expanded, it evolved into a broader expression of collective Sahrawi identity and political aspiration. Participants described it as a space in which socio-economic de-

⁶⁶Amnesty International, [Sahrawi human rights defenders under attack](#), 24 November 2005.

⁶⁷Mission interviews with former participants in the Gdeim Izik camp, Sahrawi civil society representatives, former detainees, and human rights defenders, February–March 2026, on file with the mission.

mands became increasingly intertwined with concerns relating to self-determination, political representation, and opposition to structural discrimination. One interviewee who participated directly in the camp described negotiations between representatives of the protest movement and Moroccan authorities, including senior officials. According to this testimony, the authorities sought to address individual grievances through selective concessions while declining to engage with the broader collective demands raised by camp residents⁶⁸.

The dismantlement of the camp on 8 November 2010 and the subsequent prosecutions were described by interviewees as marking a shift toward more structured forms of repression. Participants referred to mass arrests, allegations of torture and ill-treatment, reliance on contested confessions, and high-profile prosecutions of Sahrawi activists⁶⁹. The Gdeim Izik proceedings were repeatedly cited as emblematic of the use of criminal justice mechanisms against individuals associated with Sahrawi mobilisation.

For many interviewees, Gdeim Izik therefore represents more than a singular historical event. It remains a key reference point for understanding the relationship between social protest, Sahrawi political expression, state response, and long-term judicial consequences. The continued symbolic significance of the Gdeim Izik cases lies in the way they connect several patterns examined later in this report: criminalisation of activism, torture allegations, fair trial concerns, restrictions on defence rights, and the broader repression of collective mobilisation.

4.1.4. From overt violence to pervasive control

Several interviewees highlighted a further transformation in patterns of repression in the period surrounding and following the 2017 Gdeim Izik appeal proceedings. According to testimonies, repression did not disappear but became more systematic, diffuse, and embedded in everyday life.

Participants referred to increased surveillance, restrictions on movement, pressure on human rights defenders, obstacles to civil society activity, and the use of legal and administrative mechanisms to target activists⁷⁰. They also described the growing use of digital monitoring, online harassment, smear campaigns, and intimidation against individuals who document violations or advocate for Sahrawi self-determination.

This evolution was described as a shift from episodic repression to a more pervasive system of control. Interviewees emphasised that, although methods have changed, the underlying objective remains the same: to restrict political expression related to self-determination, discourage collective mobilisation, and marginalise Sahrawi voices within the territory.

⁶⁸Mission interview with a former participant in the Gdeim Izik camp, February–March 2026, on file with the mission.

⁶⁹Mission interviews with former detainees, Sahrawi lawyers, human rights defenders, and families of political prisoners, February–March 2026, on file with the mission; Amnesty International, *Morocco/Western Sahara: Rights Trampled: Protests, Violence and Repression in Western Sahara*, 20 December 2010; Human Rights Watch and Amnesty International, “*Western Sahara: Long-Term Prisoners Await Justice*,” 8 November 2022.

⁷⁰Human Rights Watch, *World Report 2026: Morocco and Western Sahara*; Amnesty International, “*Human Rights in Morocco and Western Sahara*,” cited above, fn. 7.

4.1.5. Continuity and transformation of repression

The material gathered during the mission suggests that repression in Western Sahara has evolved over time rather than diminished. Earlier periods were marked by widespread enforced disappearances, arbitrary detention, and direct forms of violence. More recent practices appear to rely increasingly on a combination of legal, administrative, economic, digital, and security mechanisms.

Despite these changes in method, interviewees consistently emphasised the continuity of the underlying objective: the control of political expression related to self-determination and the marginalisation of Sahrawi voices. This continuity is central to the findings of the mission.

The violations examined in this report should therefore be understood as part of an evolving but persistent pattern of repression with deep historical roots. This pattern is inseparable from the unresolved legal status of Western Sahara, the absence of a genuine act of self-determination, and the lack of an independent international human rights monitoring mechanism in the territory.

The following section therefore turns to one of the gravest and most enduring manifestations of this broader pattern: enforced disappearances, unlawful killings, and the continuing denial of truth and accountability. The testimonies collected during the mission indicate that these violations are not only part of the historical record of repression in Western Sahara, but continue to shape family life, collective memory, demands for justice, and the present human rights situation in the territory.

4.2. Enforced disappearances, unlawful killings and impunity

Testimonies collected during the mission indicate that enforced disappearances and alleged unlawful killings remain among the most enduring and traumatic features of the human rights situation in Western Sahara. Interviewees referred both to disappearances dating back to the period following Morocco's takeover of the territory in 1975 and to more recent cases involving suspected abduction, secret detention, prolonged incommunicado custody, or deaths in circumstances that remain contested and insufficiently investigated⁷¹.

Participants emphasised that these violations are not merely historical. They continue to shape Sahrawi collective memory, family life, intergenerational trauma, and demands for truth and justice. Several interviewees stated that almost every Sahrawi family has been affected, directly or indirectly, by disappearance, secret detention, unresolved deaths, or the continuing absence of reliable information concerning the fate of relatives.

4.2.1. Historical patterns of enforced disappearance

Interviewees described the late 1970s and 1980s as the most severe period of disappearance-related repression in Western Sahara. According to testimony presented

⁷¹Mission interviews with families of disappeared persons, former detainees, Sahrawi human rights defenders, civil society representatives, and families of victims of unlawful killings, February–March 2026, on file with the mission; Amnesty International, *Morocco/Western Sahara: Human Rights Violations in Western Sahara*, cited above, fn. 65; Amnesty International, *Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up*, cited above, fn. 65.

during the mission, hundreds of Sahrawis were disappeared, including women and young people, while many families continue to lack reliable information concerning the fate, burial place, or remains of their relatives.

These disappearances were described not as isolated events, but as part of a systematic method of repression directed at Sahrawi communities during the consolidation of Moroccan control over the territory. Former detainees described secret detention, repeated transfers between hidden places of detention, prolonged detention without contact with families, and years of uncertainty about survival or death⁷².

Participants indicated that many disappearance cases remain unresolved. Families often lack reliable official confirmation regarding the fate of their relatives, and access to burial places, remains, or forensic truth remains heavily restricted. The committee representing families of victims reported that it had identified a number of confirmed dead and continues to seek the location and identification of others, including through DNA analysis conducted abroad. According to its testimony, requests for cooperation addressed to Moroccan authorities have gone unanswered, while access to known or suspected grave sites has been denied⁷³.

Although Moroccan authorities have previously established mechanisms such as the Equity and Reconciliation Commission, interviewees repeatedly stated that these processes did not provide full truth, accountability, or effective remedy for Sahrawi victims. Some families reportedly received compensation, but testimony suggests that payments were often insufficient, unevenly distributed, and not accompanied by full disclosure of the circumstances of disappearance, the location of remains, or the identity of those responsible⁷⁴.

As a result, enforced disappearance remains not only an unresolved legacy of earlier phases of repression, but also a continuing source of grief, mistrust, and political trauma within Sahrawi society.

4.2.2. Recent disappearance-type practices and secret detention

In addition to historical disappearances, the mission received testimony concerning more recent cases involving abduction, secret detention, delayed notification of custody, and prolonged uncertainty regarding the whereabouts of detainees.

One frequently cited example is the case of Mohamed Jabri, who was reportedly held in secret detention for approximately six months in the Temara detention centre after refusing to cooperate with Moroccan intelligence services, before later being accused of involvement in a terrorist cell. Interviewees referred to this case as an illustration of how enforced-disappearance-type practices may continue in updated form, even if not always under the same patterns as during earlier decades⁷⁵.

⁷²Mission interviews with former detainees, families of disappeared persons, and Sahrawi human rights defenders, February–March 2026, on file with the mission; International Center for Transitional Justice, *Transitional Justice in Morocco: A Progress Report*, November 2005.

⁷³Mission interviews with representatives of families of disappeared persons and victims, February–March 2026, on file with the mission; Amnesty International, *Morocco/Western Sahara: New revelations on Sahrawi disappearance cases highlight truth and justice deficit*, 12 September 2013.

⁷⁴Amnesty International, *Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up*, cited above, fn. 65; mission interviews with families of disappeared persons and Sahrawi human rights defenders, February–March 2026, on file with the mission.

⁷⁵Mission interviews with Sahrawi human rights defenders and former detainees, February–March 2026, on file with the

The mission also heard testimony concerning the disappearance of Habib Arhrichi, a businessman involved in the fish trade, who vanished after leaving his shop several years ago. According to his brother's account, the family later found his car near the coast, surveillance footage captured multiple vehicles, one suspect was reportedly detained and then released, and another associated individual was later killed; yet the brother's fate remains unknown and the authorities claim to have no sufficient evidence. This testimony highlights how unresolved disappearances continue to generate fear, protest, and mistrust in the police and judicial authorities⁷⁶.

Interviewees emphasised that more recent disappearance-type practices or secret detention produce a particularly intense psychological effect because they revive memories of earlier decades of disappearance and clandestine imprisonment. In this sense, recent cases are experienced not as isolated anomalies, but as continuations, albeit in altered form, of older methods of repression.

4.2.3. Unlawful killings and the case of Said Dambar

Testimonies collected during the mission also raised serious concerns regarding alleged unlawful or extrajudicial killings in Western Sahara. Interviewees described cases in which Sahrawi demonstrators, activists, or civilians were reportedly killed during security operations or in circumstances that remain contested and insufficiently investigated.

One of the most frequently cited examples during the mission concerns the killing of Said Dambar, which continues to be invoked by activists and families as a symbol of unresolved injustice. During the mission, a family member provided detailed testimony regarding the circumstances surrounding his death. According to this account, Said Dambar, aged 26, was shot and killed in December 2010 during a period of heightened tension following protests in Western Sahara. Witnesses reportedly stated that he had participated in peaceful demonstrations critical of Moroccan policies in the territory⁷⁷.

According to the family testimony, Moroccan authorities initially informed relatives that Dambar had been shot and taken to hospital. The family later learned that he had died after being struck by two bullets, one reportedly entering through the forehead and another through the chest. Interviewees stated that Moroccan authorities subsequently advanced a different explanation, claiming that the death had resulted from an accidental discharge while a police officer was cleaning his firearm in an apartment. The family strongly rejected this account, maintaining that Dambar had been shot in the street and that the official version was part of an effort to conceal the true circumstances of his death.

The testimony also indicated that the authorities failed to conduct a credible and transparent investigation and that family efforts to challenge the official account were obstructed. Interviewees further alleged that the family was offered financial compensation and other benefits in circumstances they perceived as an attempt to discourage continued public demands for justice.

The Dambar case remains significant not only because of the alleged unlawful killing itself,

mission; Amnesty International, [Italy: Sahrawi human rights defender Mohamed Jabri in Italy to seek international protection](#), 7 September 2022; United Nations Working Group on Arbitrary Detention, Opinion No. 19/2013 (Morocco), concerning Mohamed Jabri, [UN Doc. A/HRC/WGAD/2013/19](#) 4 January 2014.

⁷⁶Mission interview with family member of Habib Arhrichi, February-March 2026, on file with the mission.

⁷⁷Mission interview with family member of Said Dambar, February-March 2026, on file with the mission; Robert F. Kennedy Center for Justice and Human Rights, [Western Sahara: Preliminary Observations, 3 September 2012](#)

but because it illustrates how contested official narratives, lack of independent forensic review, and pressure on relatives may combine to produce long-term impunity⁷⁸.

4.2.4. Families, forensic obstruction and the denial of truth

Testimonies collected during the mission indicate that families of disappeared persons and victims of unlawful killings often face continued harassment, intimidation, and obstruction after the original violation. Relatives who seek truth, accountability, independent autopsies, access to remains, or the location of burial sites may be subjected to surveillance, pressure, social consequences, or attempts to contain public demands for justice.

Several participants referred to recurring practices such as denial of access to graves or remains, obstruction of DNA testing, refusal to permit independent forensic examination, rapid or controlled burial procedures, and pressure on families to accept official narratives or compensation schemes. In this sense, disappearances and unlawful killings were not described as isolated violations, but as events embedded in a broader structure of denial and controlled silence⁷⁹.

The sister of Said Dambar described how her public efforts to seek justice for her brother exposed her to repeated violence and pressure from security forces. According to her testimony, she was beaten during demonstrations, arrested, and mistreated because she refused to abandon demands for accountability. Other families similarly described the pursuit of truth as a process that itself generated reprisals, fear, and further harm.

These practices may compound the original violation and intensify the suffering of relatives. They also contribute to a broader perception that the state response to disappearances and unlawful deaths is structured not around truth and accountability, but around containment, intimidation, and closure without justice.

4.2.5. Legal assessment: right to life, enforced disappearance and the duty to investigate

International human rights law imposes strict obligations in relation to enforced disappearance and potentially unlawful deaths. Enforced disappearance violates multiple rights, including the rights to liberty and security, recognition as a person before the law, protection from torture or ill-treatment, and, where the fate of the person remains unknown or death is involved, the right to life. International standards require prompt, effective, independent, impartial, and transparent investigation, as well as the search for disappeared persons, the identification and return of remains, and effective remedies for victims and families⁸⁰.

Similarly, allegations of unlawful killing require an effective investigation capable of establishing the circumstances of death, identifying those responsible, preserving and examining forensic evidence, and ensuring accountability. Where families are denied access to

⁷⁸Mission interview with family member of Said Dambar, February–March 2026, on file with the mission.

⁷⁹Mission interviews with families of disappeared persons, families of victims of unlawful killings, and Sahrawi human rights defenders, February–March 2026, on file with the mission; Amnesty International, *Morocco/Western Sahara: New revelations on Sahrawi disappearance cases highlight truth and justice deficit*, cited above, fn. 73.

⁸⁰International Convention for the Protection of All Persons from Enforced Disappearance, Articles 1, 2, 12 and 24; International Covenant on Civil and Political Rights, Articles 6, 7, 9 and 16, cited above, fn. 32; United Nations Office of the High Commissioner for Human Rights, *Minnesota Protocol on the Investigation of Potentially Unlawful Death*, 2016.

autopsies, forensic information, burial sites, or credible explanations, the violation may continue through the denial of truth and remedy.

The testimonies indicate that unresolved disappearances and unlawful killings contribute to a wider climate of fear and mistrust within Sahrawi communities. The absence of transparent investigation, effective remedy, and independent accountability mechanisms may further reinforce the perception that serious violations remain insufficiently addressed.

Where such practices occur repeatedly and disproportionately affect an identifiable civilian population, they may also raise broader concerns under international law, including in relation to patterns of serious human rights violations and the possible cumulative significance of enforced disappearance, unlawful killing, persecution, and institutionalised impunity⁸¹.

4.3. Political prisoners and prison conditions

This section addresses testimonies concerning the arrest, prosecution, imprisonment, and detention conditions of Sahrawi activists and other persons perceived as supporting Sahrawi self-determination. It focuses on the use of criminal proceedings against political expression, the targeting of student activism, allegations of torture and forced confessions, prison conditions, hunger strikes, transfers to distant prisons, and the continuing significance of the Gdeim Izik cases.

4.3.1. Arrest, prosecution and criminalisation of Sahrawi activism

Testimonies collected during the mission indicate that Sahrawi activists are frequently targeted for arrest, prosecution, and imprisonment in connection with activities linked to the exercise of the right to self-determination. Interviewees consistently described a pattern in which participation in peaceful protests, public advocacy, student organising, commemorative activities, and other forms of political expression are treated by the authorities as criminal conduct⁸².

According to testimonies, arrests often follow demonstrations, public expressions of opinion, campus mobilisation, or activities commemorating victims and political prisoners. Charges were described as commonly being framed under broadly worded offences such as disturbing public order, assaulting public officials, or similar public-order accusations. Interviewees stated that these prosecutions appear designed not only to punish particular individuals but also to deter broader political organisation within Sahrawi communities.

The mission received specific information concerning groups of detained Sahrawis, including student prisoners and the Gdeim Izik group, but was not in a position to establish a verified and comprehensive total number of all Sahrawis currently detained on politically motivated charges. The external documentation reviewed by the mission similarly tends to document specific groups, named cases, or sentence categories rather than a single independently verified aggregate figure. For this reason, the report refers to documented categories and illustrative cases rather than presenting a single aggregate figure.

⁸¹Rome Statute of the International Criminal Court, cited above, fn. 53, Article 7.

⁸²Human Rights Watch, *World Report 2026: Morocco and Western Sahara*, cited above, fn. 70; Amnesty International, "Human Rights in Morocco and Western Sahara," cited above, fn. 7.

Student activism was repeatedly identified as a particularly targeted field of repression. Representatives of the Committee of Families of Imprisoned Sahrawi Students stated that 34 Sahrawi students are currently imprisoned in 10 different prisons in Morocco, having been transferred out of Western Sahara. According to these testimonies, after 2016 student activism in support of self-determination became a specific focus of repression. Universities were described as important spaces for Sahrawi political mobilisation, and student activists were allegedly subjected to surveillance, arrest, inhuman detention conditions, torture during the investigative phase, and pressure to sign fabricated accusations⁸³.

Interviewees stated that sentences imposed on Sahrawi students range from eight months to thirty years, and that some students were held for prolonged periods without effective access to a judge or meaningful judicial guarantees. One case repeatedly referred to during the mission was that of El Hussein El Bachir Ibrahim, described as a student activist who had sought refuge in Spain before being returned to Morocco and later sentenced to twelve years' imprisonment⁸⁴. Interviewees also referred to the killing of Abdel Rahim Badri⁸⁵, a Sahrawi student activist who died after being attacked at or near Ibn Zohr University in Agadir in May 2018, describing the case as an example of the degree of hostility and violence surrounding Sahrawi political activism in academic spaces.

The targeting of student prisoners was described as extending beyond the detainees themselves. Families reported surveillance, intimidation during commemorative activities, restrictions on employment, and interference with their ability to maintain contact with imprisoned relatives.

These accounts suggest that the prosecution of Sahrawi activists, including students and young organisers, functions as a mechanism of deterrence. It appears to target not only individual acts of expression, but also the social spaces in which Sahrawi political identity, memory, and demands for self-determination are reproduced.

4.3.2. Torture, forced confessions and fair trial concerns

Numerous interviewees reported allegations of torture and ill-treatment during arrest, interrogation, transfer, or pre-trial detention. According to testimonies, these practices are frequently used to obtain confessions or statements later relied upon in criminal proceedings.

Reported methods included severe beatings, blindfolding, suspension in stress positions, exposure to hot and cold water, threats, prolonged humiliation, sexual violence, and psychological coercion. Several interviewees stated that detainees were forced to sign documents without being permitted to read them or while under severe physical and psychological pressure⁸⁶.

⁸³Mission interview with representatives of the Committee of Families of Imprisoned Sahrawi Students, February–March 2026, on file with the mission.

⁸⁴Mission interview with representatives of the Committee of Families of Imprisoned Sahrawi Students, February–March 2026, on file with the mission; United Nations Working Group on Arbitrary Detention, Opinion No. 63/2024 (Morocco and Spain), concerning El Hussein El Bachir Ibrahim, UN Doc. A/HRC/WGAD/2024/63, 26 February 2025.

⁸⁵Western Sahara Resource Watch, “Saharawi activists call for investigation of student leader’s death,” 19 May 2020; Norwegian Support Committee for Western Sahara, [Personal stories of a group of Saharawi students held in Moroccan prisons](#), 10 June 2020.

⁸⁶Mission interviews with former detainees and Sahrawi human rights defenders, February–March 2026, on file with the mission.

The testimony of former prisoner Deich Daff⁸⁷ is particularly significant in this regard. He described being arrested after the events linked to Gdeim Izik, beaten so severely that blood came from his ear, stripped, raped, and tortured by members of the army, police, and gendarmerie. He further stated that when brought before the investigative judge he was again blindfolded, tied with plastic restraints, and forced to confess under torture, while being denied access to the contents of the report attributed to him.

Testimony from former detainees also described repeated torture in earlier periods of detention, including electric shocks, forced immersion of the head in dirty water, beatings with sticks and metal objects, and prolonged denial of food, hygiene, and medical care. While some of these testimonies relate to earlier decades, they remain relevant in demonstrating the continuity of coercive methods and the longstanding role of torture within the broader repressive apparatus.

The Gdeim Izik protest camp, established near Laayoune in 2010, remains one of the most important reference points for understanding political imprisonment in Western Sahara. Following the dismantling of the camp, dozens of Sahrawi activists were arrested and prosecuted, and many were sentenced to lengthy prison terms after proceedings that attracted sustained international criticism. Human rights concerns raised in relation to the Gdeim Izik cases included allegations of torture, reliance on contested confessions, and the trial of civilians before military courts⁸⁸.

Interviewees emphasised that these proceedings continue to shape Sahrawi perceptions of the criminal justice system and remain emblematic of the political use of prosecution in the territory. The testimony of Deich Daff was repeatedly presented as illustrative of this pattern: arrest in the aftermath of the camp events, torture and rape during detention, forced confession, denial of access to the report attributed to him, and an initial sentence of 25 years' imprisonment, later reduced before his release after seven years.

Although many persons convicted in relation to Gdeim Izik have now completed their sentences or been released, interviewees stressed that the cases retain strong symbolic force and continue to contribute to a climate of fear among activists.

Under international law, the use of evidence obtained through torture is strictly prohibited. Article 15 of the Convention against Torture prohibits reliance on statements obtained through torture, except against a person accused of torture; Article 7 of the ICCPR prohibits torture and cruel, inhuman or degrading treatment; and Article 14 of the ICCPR guarantees the right to a fair trial⁸⁹. The allegations documented during the mission therefore raise concerns not only regarding the prohibition of torture itself, but also regarding the integrity of criminal proceedings and the admissibility of evidence used in political cases.

⁸⁷ Front Line Defenders, "Testimony of Deich Daff," 26 June 2025; CODESA, T moignage de Deich Daff, June 2025.

⁸⁸ Amnesty International, Morocco/Western Sahara: Rights Trampled: Protests, Violence and Repression in Western Sahara, cited above, fn. 69; Human Rights Watch, "Morocco: Tainted Trial of Sahrawi Civilians," 1 April 2013; Human Rights Watch and Amnesty International, "Western Sahara: Long-Term Prisoners Await Justice," cited above, fn. 69; United Nations Office of the High Commissioner for Human Rights, "Morocco: Gdeim Izik cases reveal torture, coerced confessions, and failure to investigate, UN committee finds," 20 May 2026.

⁸⁹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 15; International Covenant on Civil and Political Rights, cited above, fn. 32, Articles 7 and 14.

4.3.3. Prison conditions, medical neglect and hunger strikes

Information provided by interviewees suggests that detention conditions for Sahrawi prisoners raise serious human rights concerns. Testimonies referred to extreme overcrowding, limited food, inadequate access to clean water, poor hygiene, insufficient light and outdoor exercise, and delayed or denied medical care.

One interviewee reported being held in a room with 100 to 120 detainees, with lawyer access effectively limited to court appearances. Other testimonies described cells so small and degrading that detainees were kept without shoes on gravel floors, or in cells measuring only approximately 2 by 2 metres. Former detainees also described food that was undercooked or unidentifiable, insect-infested cells, lack of basic sanitation, and chronic exposure to illness⁹⁰.

Participants repeatedly emphasised that Sahrawi detainees are often treated more harshly than Moroccan prisoners. Testimonies described discriminatory treatment by prison personnel and, in some cases, violence by other prisoners against Sahrawi detainees.

Medical neglect emerged as one of the most serious recurring concerns. Several interviewees described situations in which prisoners received medical attention only after hunger strikes or when their conditions had become critical. The family of Hassana El Wali reported that he died in prison as a result of medical negligence during a hunger strike, a case that powerfully illustrates the potentially fatal consequences of inadequate prison healthcare⁹¹.

Testimonies indicate that hunger strikes have become one of the primary means by which Sahrawi political prisoners attempt to protest detention conditions and secure basic rights. Interviewees described hunger strikes as a measure of last resort, typically undertaken in response to deteriorating prison conditions, denial of medical treatment, restrictions on family visits, and arbitrary disciplinary sanctions.

The mission received multiple testimonies referring to prolonged hunger strikes. One former prisoner reportedly undertook a 45-day hunger strike without obtaining his demands, while another detainee carried out a 64-day hunger strike, losing half of his body weight while demanding the right to continue his studies, receive family visits, and obtain medical care. These accounts suggest that prisoners may be driven to life-threatening forms of protest in order to secure rights that should be guaranteed as a matter of basic prison administration⁹².

These accounts indicate detention conditions that may amount to inhuman or degrading treatment, particularly when considered alongside allegations of torture, prolonged isolation from families, medical neglect, and denial of effective remedies.

4.3.4. Distance from families and punitive transfers

One of the most frequently raised concerns during the mission relates to the transfer of Sahrawi prisoners to detention facilities located hundreds of kilometres away from West-

⁹⁰Mission interviews with former detainees and families of Sahrawi prisoners, February–March 2026, on file with the mission.

⁹¹Middle East Eye, “Torture and death: a political prisoner’s story in Western Sahara,” 13 February 2015; Robert F. Kennedy Human Rights, *Western Sahara: Human Rights Violations*, 1 July 2015.

⁹²Mission interviews with former detainees and families of Sahrawi prisoners, February–March 2026, on file with the mission.

ern Sahara, often in northern Morocco. Interviewees referred to distances of approximately 400 to 800 kilometres, making regular family visits exceptionally difficult or impossible due to cost, travel time, age, illness, and administrative restrictions.

Families reported that visits are often severely limited in duration and that prison transfers are used in ways that isolate detainees from their communities. In the case of student prisoners, some families reported that visits may last no more than ten minutes, while others described repeated transfer practices that appeared designed to undermine sustained family contact.

The humanitarian consequences of these practices are particularly severe for elderly parents, spouses, and children. Interviewees also suggested that these transfers function not merely as administrative measures but as tools of pressure and isolation. In this respect, the effects of imprisonment are extended well beyond the detainee to the family unit itself.

From a legal perspective, such practices raise serious concerns under the principle of the individuality of punishment. Criminal punishment should apply only to the person found responsible for an offence and should not, directly or indirectly, be extended to family members or other third parties. Where prison placement and visitation practices systematically deprive detainees of meaningful family contact, the punitive effects of detention may in practice spread to relatives, creating a form of collective burden incompatible with this principle.

These practices also raise concerns under the Mandela Rules, which emphasise that prisoners should, as far as possible, be held close to their homes or places of social reintegration and should be allowed regular contact with their families⁹³.

4.3.5. Legal assessment: political prisoners and international law

Although the term “political prisoner” is not expressly defined in a single binding treaty, it is widely used to describe individuals deprived of their liberty for reasons linked to their political opinions, public expression, or peaceful political activity. For the purposes of this report, the term is used in this analytical sense. In the Western Sahara context, the testimonies collected during the mission raise serious concerns that a significant number of arrests and prosecutions may fall within this category.

Several international norms are directly relevant. Article 9 of the ICCPR prohibits arbitrary arrest and detention; Articles 19 and 21 protect freedom of expression and peaceful assembly; Article 7 prohibits torture and cruel, inhuman or degrading treatment; and Article 14 guarantees the right to a fair trial. The Convention against Torture establishes the absolute prohibition of torture and ill-treatment, while the Mandela Rules set minimum standards for prison conditions, healthcare, and contact with the outside world⁹⁴.

The practices described during the mission, including arbitrary arrest, the criminalisation of peaceful activism, torture, forced confessions, prolonged detention in degrading conditions, and transfer to distant prisons, raise serious questions regarding Morocco’s compliance with these standards in Western Sahara.

⁹³United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Rules 58 and 59.

⁹⁴International Covenant on Civil and Political Rights, Articles 7, 9, 14, 19 and 21; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, cited above, fn. 89; United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), cited above, fn. 93.

In addition, the cumulative pattern described by interviewees may warrant scrutiny under international criminal law. Under Article 7 of the Rome Statute, crimes against humanity include imprisonment or severe deprivation of liberty in violation of fundamental rules of international law, torture, persecution on political grounds, and other inhumane acts intentionally causing great suffering when committed as part of a widespread or systematic attack directed against a civilian population⁹⁵.

The mission does not purport to make final determinations regarding individual criminal responsibility. Nevertheless, the testimonies gathered suggest that the detention-related violations described in this section may not be isolated incidents, but elements of a broader pattern of repression directed at Sahrawi activists, students, and human rights defenders.

Given the status of Western Sahara as a territory subject to an unfinished process of decolonisation and given Morocco's effective control over most of the territory, some of these practices may also engage international humanitarian law and, in certain circumstances, raise questions relevant to the law of occupation and the classification of serious violations.

These allegations underscore the need for independent international investigation and effective monitoring of detention, prison conditions, and political prosecutions in Western Sahara.

4.4. Fair trial violations and judicial repression

Testimonies collected during the mission raise serious concerns regarding the fairness of judicial proceedings involving Sahrawi activists, students, and other political defendants in Western Sahara and Morocco. Interviewees described procedural irregularities affecting the investigative, prosecutorial, and trial phases of criminal cases, including prolonged detention before trial, barriers to legal representation, restrictions on confidential communication with counsel, reliance on contested confessions, and judicial indifference to allegations of torture⁹⁶.

The information gathered suggests that individuals prosecuted in connection with activities related to Sahrawi self-determination may face substantial obstacles in exercising their right to a fair trial. These concerns are heightened by repeated testimonies indicating that proceedings perceived by Sahrawi communities as political are often formally framed as ordinary criminal prosecutions, thereby obscuring their political context while preserving the appearance of ordinary law enforcement.

International human rights law establishes clear standards in this regard. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to a fair and public hearing by a competent, independent and impartial tribunal established by law, as well as the right to adequate time and facilities for the preparation of one's defence⁹⁷. The testimonies documented during the mission raise serious questions as to whether these guarantees are consistently respected in cases involving Sahrawi political activists, student prisoners, and other dissenting voices.

⁹⁵Rome Statute of the International Criminal Court, cited above, fn. 53, Article 7.

⁹⁶Mission interviews with Sahrawi activists, student families, former detainees, lawyers, and human rights defenders, February–March 2026, on file with the mission.

⁹⁷International Covenant on Civil and Political Rights, Article 14, cited above, fn. 32.

4.4.1. Lack of judicial guarantees and access to counsel

Several interviewees reported that Sahrawi activists and student detainees may be held for extended periods during the investigative phase before their cases are meaningfully heard by a court. Testimonies suggested that prolonged detention before trial can create acute vulnerability, especially where detainees are held in coercive environments and denied early, effective, and confidential access to counsel⁹⁸.

Participants also described repeated difficulties in obtaining access to lawyers during the first stages of arrest, interrogation, and pre-trial detention. In some cases, interviewees stated that lawyers were only able to see detainees at a late stage of the proceedings or under conditions that severely restricted meaningful defence preparation. One recurring concern was that some detainees were effectively left without practical legal protection during the phase in which statements were taken and case files assembled.

A further issue repeatedly raised during the mission concerns the lack of confidentiality of communications between lawyers and their clients. Several interviewees stated that meetings with lawyers took place in the presence of prison or security personnel, or in conditions where communication could be monitored. According to the testimony of lawyers and families, this undermines legal privilege and prevents detainees from freely disclosing torture, coercion, or defence strategy⁹⁹.

These conditions may significantly impair the ability of defendants to prepare an effective defence and are incompatible with basic fair trial guarantees, including the right to communicate confidentially with counsel and to have adequate facilities to challenge the prosecution's case.

4.4.2. Military courts and politically motivated prosecutions

The mission also received testimony regarding the use of military courts in politically sensitive cases involving Sahrawi civilians. Interviewees repeatedly referred to the Gdeim Izik proceedings as the most prominent example of this practice. According to these testimonies, civilians were prosecuted before a military tribunal in Rabat in proceedings widely criticised for their lack of fairness and their reliance on confessions allegedly obtained through torture¹⁰⁰.

International human rights bodies have repeatedly stated that the trial of civilians before military courts should be exceptional, strictly necessary, and surrounded by stringent safeguards, if permitted at all¹⁰¹. The testimonies gathered during the mission suggest that, in the Western Sahara context, recourse to military jurisdiction has instead been perceived as part of the broader political management of dissent.

Several interviewees further suggested that prosecutions involving Sahrawi activists frequently carry a strong political dimension even when formally pursued under ordinary

⁹⁸Mission interviews with Sahrawi activists, student families, former detainees, lawyers, and human rights defenders, February–March 2026, on file with the mission.

⁹⁹Mission interviews with Sahrawi lawyers, student families, former detainees, and human rights defenders, February–March 2026, on file with the mission; [United Nations Basic Principles on the Role of Lawyers](#), Principles 8 and 22.

¹⁰⁰Human Rights Watch, "Morocco: Tainted Trial of Sahrawi Civilians," cited above, fn. 88; United Nations Office of the High Commissioner for Human Rights, "Morocco: Gdeim Izik cases reveal torture, coerced confessions, and failure to investigate, UN committee finds," cited above, fn. 88.

¹⁰¹Human Rights Committee, [General Comment No. 32](#), Article 14: Right to equality before courts and tribunals and to a fair trial, UN Doc. CCPR/C/GC/32, 23 August 2007, para. 22; African Commission on Human and Peoples' Rights, [Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa](#), 2003, Principle L.

criminal law. Charges such as assault on public officials, participation in disorder, public-order offences, or even drug-related accusations were described as tools through which political activity is depoliticised and recoded as ordinary criminality. According to lawyers interviewed during the mission, this approach allows authorities to avoid recognising the political character of Sahrawi activism while still imposing severe criminal sanctions¹⁰².

This pattern raises concerns not only regarding judicial independence and impartiality, but also regarding equality before the law and the prohibition on using criminal proceedings as instruments for suppressing protected expression and political dissent.

4.4.3. Use of torture-based evidence

A further major concern raised during the mission relates to the repeated use of contested confessions in criminal proceedings, including statements allegedly obtained through torture, rape, threats, or other forms of coercion. Interviewees consistently reported that detainees were pressured to sign police statements without being allowed to read them or while blindfolded, beaten, humiliated, or otherwise subjected to severe abuse¹⁰³.

The testimony of former detainee Deich Daff is particularly illustrative. He stated that after being tortured following his arrest, he was brought before an investigating judge while still bearing visible signs of abuse, informed the judge that he had been tortured and forced to sign papers he had not read, and yet received no effective judicial protection. According to his account, the judge neither ensured a meaningful investigation into the torture allegations nor prevented the continued use of the contested statements in the proceedings¹⁰⁴.

Similar concerns were raised in the testimonies of student families and lawyers, who stated that many Sahrawi defendants later retract confessions on the grounds that they were obtained under torture, but that these allegations are not effectively examined. Interviewees reported that requests for medical expertise or forensic documentation are often ignored, and that judges or prosecutors may simply record that no signs of torture were observed even where lawyers report visible marks or where detainees complain of abuse¹⁰⁵.

International law establishes clear safeguards in this regard. Article 15 of the Convention against Torture prohibits the use of statements made as a result of torture in legal proceedings, except against a person accused of torture. More broadly, fair trial standards require courts to investigate credible torture allegations promptly, independently, and effectively, and to exclude evidence obtained through coercion¹⁰⁶.

The testimonies gathered during the mission suggest that these safeguards are frequently not implemented in cases involving Sahrawi defendants. Where courts rely on contested confessions without ordering independent medical examinations, excluding tainted evi-

¹⁰²Mission interviews with Sahrawi lawyers, former detainees, student families, and human rights defenders, February–March 2026, on file with the mission.

¹⁰³Mission interviews with former detainees, lawyers, student families, and Sahrawi human rights defenders, February–March 2026, on file with the mission.

¹⁰⁴Front Line Defenders, “Testimony of Deich Daff,” cited above, fn. 87; CODESA, *Témoignage de Deich Daff*, cited above, fn. 87.

¹⁰⁵Mission interviews with student families, Sahrawi lawyers, former detainees, and human rights defenders, February–March 2026, on file with the mission.

¹⁰⁶Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Article 15, cited above, fn. 89; Human Rights Committee, General Comment No. 32, cited above, fn. 101, para. 41.

dence, or scrutinising the conditions under which statements were obtained, the integrity of the judicial process is fundamentally compromised.

4.4.4. Concluding assessment

The issues described above raise broader concerns regarding due process and judicial protection in cases involving Sahrawi political defendants. The mission received consistent testimony suggesting that fair trial violations are not confined to one procedural stage, but may affect the entire continuum of criminal proceedings, from arrest and interrogation to charging, trial, appeal, and detention after conviction.

In this sense, the alleged deficiencies identified in this section should not be viewed merely as technical procedural shortcomings. Rather, they may form part of a broader pattern in which the criminal process itself is used to manage, punish, and discredit Sahrawi political expression.

4.5. Situation of Sahrawi lawyers and legal defence

Testimonies collected during the mission indicate that Sahrawi lawyers, and lawyers working on politically sensitive Western Sahara cases, operate in a highly constrained environment in which formal legal guarantees coexist with informal pressure, political suspicion, reputational risk, and structural obstacles. Interviewees emphasised that legal professionals engaging with cases concerning self-determination, political prisoners, torture allegations, enforced disappearances, restrictions on civil liberties, or conditions in the refugee camps may face heightened scrutiny and professional pressure¹⁰⁷.

Several participants stressed that the role of lawyers in Western Sahara extends beyond ordinary legal representation. In practice, lawyers frequently serve as intermediaries between detainees, families, civil society organisations, international observers, and human rights mechanisms. As a result, legal professionals involved in politically sensitive cases may be exposed to forms of pressure that go beyond ordinary professional challenges.

One recurring concern raised during the mission relates to restrictions on lawyers' freedom of expression and public advocacy. According to testimonies, public statements by lawyers concerning the human rights situation in Western Sahara, the treatment of political prisoners, allegations of torture, or detention conditions may be viewed as politically disloyal or contrary to national interests. Interviewees reported that lawyers who speak publicly on such matters may become subject to surveillance, public stigmatisation, smear campaigns, or other forms of indirect pressure. In this context, the expression of professional legal opinion may itself become politically sensitive, creating a chilling effect on public advocacy and legal debate¹⁰⁸.

A further concern relates to the stigmatisation of lawyers who represent Sahrawi activists and political detainees. According to testimonies, lawyers involved in such cases may be portrayed as "separatists," "traitors," or persons acting against national interests. Participants stated that the professional activities of lawyers are at times conflated with the

¹⁰⁷ Mission interviews with Sahrawi lawyers, human rights defenders, former detainees, families of political prisoners, and civil society representatives, February–March 2026, on file with the mission.

¹⁰⁸ Mission interviews with Sahrawi lawyers, journalists, human rights defenders, and civil society representatives, February–March 2026, on file with the mission; Amnesty International, "Human Rights in Morocco and Western Sahara," cited above, fn. 7.

political positions attributed to their clients. This blurring of the distinction between legal representation and political affiliation may discourage lawyers from accepting sensitive cases and may contribute to the isolation of those who do¹⁰⁹.

Interviewees also highlighted the absence of a genuinely independent collective space for Sahrawi lawyers to organise around issues specific to Western Sahara. Although lawyers formally belong to professional bar associations, participants stated that there is no effective possibility for Sahrawi legal professionals to establish an autonomous platform dedicated to the defence of political prisoners, documentation of torture allegations, judicial reform, or the protection of human rights defenders. This limitation was described as weakening professional solidarity and reducing the capacity of lawyers to respond collectively to recurring patterns of abuse.

Several interviewees reported obstacles affecting the relationship between lawyers and their clients. According to these testimonies, access to detainees may be delayed or restricted, particularly during the initial stages of detention and interrogation, when the risk of coercion or ill-treatment is often greatest. Concerns were also raised regarding the confidentiality of lawyer-client communications. Participants emphasised that effective legal representation requires confidential consultation and adequate time to prepare a defence, both of which may be compromised in politically sensitive cases¹¹⁰.

The mission also received testimony regarding practical obstacles that directly undermine the effectiveness of legal defence. Interviewees reported that even where detainees display visible signs of physical abuse or allege torture, requests by defence lawyers for independent medical examinations are frequently ignored, delayed, or rendered ineffective. In some instances, authorities reportedly conclude that no evidence of abuse exists without conducting a meaningful forensic assessment. Such practices may significantly weaken the ability of lawyers to challenge the admissibility of contested confessions, substantiate allegations of torture, or seek accountability for abuses committed during detention¹¹¹.

Participants further emphasised that the broader prosecutorial framework itself may restrict the scope of legal defence. According to testimonies, Sahrawi activists are frequently prosecuted under ordinary criminal law provisions, including public-order offences or other non-political charges, rather than being recognised as defendants in cases involving the exercise of fundamental rights. Interviewees argued that this approach obscures the broader political and human rights dimensions of the cases and limits the ability of defence lawyers to situate their arguments within the framework of international human rights law.

The difficulties described by interviewees must also be understood in light of international standards governing the legal profession. The United Nations Basic Principles on the Role of Lawyers provide that lawyers must be able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference. The Principles further affirm that lawyers must not be identified with their clients or their clients' causes

¹⁰⁹ Mission interviews with Sahrawi lawyers, former detainees, families of political prisoners, and human rights defenders, February–March 2026, on file with the mission; Front Line Defenders, “Moroccan Court of Cassation urged to reverse Agadir Bar Association’s arbitrary denial of registration to Sahrawi human rights defender,” 14 June 2024.

¹¹⁰ Mission interviews, February–March 2026, on file with the mission; United Nations Basic Principles on the Role of Lawyers, cited above, fn. 99, Principles 8 and 22.

¹¹¹ Mission interviews, February–March 2026, on file with the mission; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, cited above, fn. 89, Articles 12, 13 and 15.

as a result of discharging their professional duties¹¹².

These factors indicate that Sahrawi lawyers operate in an environment where professional activity, public expression, and political sensitivity are closely intertwined. The combination of reputational pressure, limitations on collective organisation, obstacles to confidential legal representation, and procedural barriers may significantly affect both the independence of lawyers and their capacity to provide effective legal assistance.

In this sense, the situation of Sahrawi lawyers reflects broader structural constraints affecting the administration of justice in Western Sahara. Restrictions affecting legal professionals do not merely impact individual practitioners or individual cases. They may also undermine the effective protection of fair trial rights, weaken safeguards against torture and arbitrary detention, reduce access to effective remedies, and limit the capacity of the justice system to ensure accountability for human rights violations. As a result, the independence and security of lawyers emerge as an important indicator of the broader state of the rule of law in the territory.

4.6. Repression of civil society and human rights defenders

Testimonies collected during the mission indicate that Sahrawi civil society organisations and human rights defenders operate in an environment marked by administrative obstruction, surveillance, stigmatisation, and severe restrictions on public action. Interviewees consistently described a shrinking civic space in which organisations engaged in human rights documentation, social mobilisation, support for victims' families, or advocacy related to self-determination face barriers not only in their formal establishment, but also in their day-to-day ability to function¹¹³.

These restrictions affect organisational registration, access to premises, funding, public visibility, meetings, and communication with international actors. The practices described during the mission suggest that repression of civil society in Western Sahara is not limited to isolated incidents, but may amount to a broader pattern of civic-space control designed to prevent independent organisation, documentation, and mobilisation.

International human rights law recognises the central role of civil society and human rights defenders in the protection of fundamental rights. The UN Declaration on Human Rights Defenders affirms the right of individuals and groups to promote and strive for the protection and realisation of human rights at the national and international levels. The rights to freedom of expression, peaceful assembly, and association are also protected under the International Covenant on Civil and Political Rights¹¹⁴. The testimonies collected during the mission raise serious concerns that this protected space is subject to substantial limitations in Western Sahara.

4.6.1. Restrictions on associations

Testimonies collected during the mission indicate that civil society organisations in Western Sahara face significant legal and administrative obstacles when attempting to estab-

¹¹²United Nations Basic Principles on the Role of Lawyers, cited above, fn. 99, Principles 16 and 18.

¹¹³Mission interviews, February–March 2026, on file with the mission.

¹¹⁴United Nations General Assembly, Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, [UN Doc. A/RES/53/144](#), 8 March 1999; International Covenant on Civil and Political Rights, cited above, fn. 32, Articles 19, 21 and 22.

lish and maintain associations. Several interviewees reported that authorities frequently refuse to process, acknowledge, or complete registration requests submitted by human rights groups and other civic organisations.

According to these testimonies, Moroccan association law is formally based on a declaration system, under which associations should acquire legal status after depositing the required documents. In practice, however, authorities may refuse to issue the registration receipt necessary for legal operation, thereby transforming what is nominally a declaration-based system into a de facto authorisation regime¹¹⁵.

Interviewees stated that the absence of registration has serious practical consequences. Organisations unable to obtain legal recognition cannot open bank accounts, rent premises in their own name, receive financial support, or organise activities through ordinary institutional channels. As a result, some groups reported being forced to operate informally, including from the homes of their members, because authorities refused to authorise an official headquarters.

The committee representing families of the disappeared, for example, described itself as having operated for years without official recognition and without a permanent headquarters, while continuing to seek a place from which it could carry out its work effectively. This account is consistent with other testimonies indicating that the inability to secure lawful premises is not incidental but part of a broader environment of obstruction¹¹⁶.

Interviewees also reported that restrictions extend beyond registration to the actual use of space. Human rights groups and civic associations were said to face denial of access to public halls and pressure on private venues, including hotels and conference spaces, not to host their meetings or events even where they were willing to pay. According to testimony from Moroccan human rights defenders working on Western Sahara, this contraction of public space has become especially pronounced since around 2014, with organisations no longer able to conduct ordinary groundwork or introduce themselves to new members in the way they once could.

Participants further indicated that funding channels are also affected. Donors and partners were reportedly pressured to withdraw or cut support, while organisations found themselves deprived of the formal legal and logistical tools necessary to receive outside assistance. These measures suggest substantial and systematic interference with the exercise of freedom of association in Western Sahara¹¹⁷.

4.6.2. Harassment, intimidation and smear campaigns

In addition to administrative obstruction, several interviewees reported patterns of harassment, intimidation, and public defamation directed at Sahrawi human rights defenders and activists. Participants described an environment in which individuals engaged in documenting abuses, supporting prisoners' families, or advocating for Sahrawi rights may be subjected to surveillance, repeated questioning, job-related pressure, and reputational attacks¹¹⁸.

¹¹⁵Human Rights Watch, *Freedom to Create Associations: A Declarative Regime in Name Only*, 7 October 2009; Human Rights Watch, "Morocco/Western Sahara: Rights Group Legalized," 24 August 2015.

¹¹⁶Mission interviews, February–March 2026, on file with the mission.

¹¹⁷Mission interviews, February–March 2026, on file with the mission; International Covenant on Civil and Political Rights, cited above, fn. 32, Article 22.

¹¹⁸Mission interviews, February–March 2026, on file with the mission.

A recurring theme in the testimonies concerns what interviewees described as a “defamation press”: media outlets or media campaigns used to discredit Sahrawi activists and organisations by portraying them as disloyal to Morocco, hostile to national unity, or linked to foreign actors. These narratives were said to be particularly common when organisations speak publicly about self-determination, political prisoners, or international law.

Interviewees indicated that such stigmatisation serves several functions at once: it weakens public credibility, isolates defenders socially, deters potential supporters, and frames ordinary human rights work as a threat to the state. Human rights defenders and families of prisoners also described surveillance and intimidation linked to commemorative activities and anniversary events, including the blocking of homes and pressure on relatives.

The mission also received testimony that harassment may carry concrete socio-economic consequences. Members of civic committees and rights defenders described dismissals from employment, barriers to work, displacement, and ongoing fear of surveillance linked to their public activities. The cumulative effect of these measures is not merely individual distress, but the production of a climate of fear and stigmatisation that narrows the space for collective action. This pattern suggests that harassment, intimidation, and smear campaigns function as a parallel mechanism of repression complementing formal administrative restrictions. They not only target individual defenders, but also reduce the wider community’s willingness to engage in public rights-based activity.

4.6.3. Restrictions on international monitoring

Testimonies collected during the mission also highlighted significant barriers affecting international monitoring of the human rights situation in Western Sahara. Interviewees repeatedly stated that international observers, journalists, researchers, lawyers, parliamentarians, and representatives of non-governmental organisations encounter obstacles when attempting to access the territory or conduct independent monitoring activities¹¹⁹.

According to these accounts, foreign visitors seeking to document human rights conditions or meet with local activists may be denied entry, prevented from moving freely, or obstructed in their efforts to gather information. Interviewees described this restriction on access as a structural feature of the situation, not merely an occasional practice.

Human rights defenders emphasised that the limited presence of outside observers has direct consequences for documentation and accountability. In the absence of regular international monitoring, local actors may have fewer opportunities to transmit evidence, testimonies, or urgent concerns to international audiences. This in turn contributes to a broader deficit of transparency surrounding developments in the territory.

The mission’s interview record is consistent with reporting by international human rights organisations describing restrictions on access to Western Sahara for observers and independent monitors. The testimonies and available external reporting suggest that limitations on international monitoring remain a central obstacle to the independent verification of alleged human rights violations¹²⁰.

¹¹⁹ Mission interviews, February–March 2026, on file with the mission.

¹²⁰ Amnesty International, *Morocco and Western Sahara: UN must monitor human rights in Western Sahara and the Sahrawi refugee camps in Tindouf*, 22 October 2020; Amnesty International, *Morocco/Western Sahara: UN must monitor human rights in Western Sahara and Sahrawi refugee camps*, 26 April 2019; Human Rights Watch, “UN/Western Sahara: Give Peacekeepers a Human Rights Mandate,” 17 April 2013.

4.7. Freedom of expression, media and digital space

Testimonies collected during the mission indicate that fundamental freedoms in Western Sahara are subject to severe and overlapping restrictions. Interviewees described a context in which speech supporting self-determination, independent journalism, public advocacy, online documentation, and communication with international actors may trigger surveillance, intimidation, arrest, prosecution, or professional retaliation¹²¹.

The testimonies point to a broader system of control in which restrictions on expression, media activity, and digital communication limit the public visibility of Sahrawi identity, dissent, and rights-based advocacy.

International human rights law protects the rights to freedom of opinion and expression, including the freedom to seek, receive, and impart information and ideas of all kinds. These guarantees are particularly important in contexts involving political speech, human rights documentation, journalism, and public debate on matters of collective status and self-determination¹²².

4.7.1. Freedom of expression

Interviewees consistently reported that speech or public expression in support of Sahrawi self-determination is treated by the authorities as politically suspect and, in some cases, criminal. Participants described a “red line” around public discussion of Western Sahara, under which criticism of Morocco’s claim to the territory, advocacy for a referendum, or denunciation of resource exploitation may expose individuals to arrest, prosecution, surveillance, or other forms of retaliation¹²³.

Several interviewees further stated that this repression extends into educational environments, where children and young people may be exposed to pressure to adopt official Moroccan narratives while being denied meaningful space for the expression of Sahrawi identity. Testimonies referred to the teaching of Moroccan national symbols, the marginalisation of Sahrawi language and culture, and the presence of security forces or securitised authority in school settings. These issues are addressed more fully below in the sections on structural discrimination and children, but they are also relevant here because they show how restrictions on expression may begin at an early age.

One particularly striking testimony is that of Kentaouia Babit, who stated that she was arrested as a schoolchild in 1999 after expressing support for the right to self-determination and writing slogans on walls. According to her account, although she was a minor, she was separated from her mother during police questioning, compelled to answer incriminating questions, photographed at the site of the slogans, held for a prolonged period in police custody, and later transferred to Casablanca without parental notification. This testimony illustrates the extent to which political expression may be criminalised even where the speaker is a child¹²⁴.

These accounts suggest that the right to freedom of expression in Western Sahara is

¹²¹ Mission interviews, February–March 2026, on file with the mission.

¹²² International Covenant on Civil and Political Rights, Article 19, cited above, fn. 32; Human Rights Committee, General Comment No. 34, Article 19: Freedoms of opinion and expression, [UN Doc. CCPR/C/GC/34](#), 12 September 2011.

¹²³ Mission interviews, February–March 2026, on file with the mission.

¹²⁴ Mission interview with Kentaouia Babit, February–March 2026, on file with the mission.

severely constrained, particularly where speech touches on the political status of the territory, Sahrawi identity, resource exploitation, or demands for accountability.

4.7.2. Media repression

The mission received extensive testimony indicating that independent Sahrawi media work is heavily constrained and, in practice, frequently criminalised. Interviewees from the *Équipe Média*, established in 2009, stated that independent reporting in the occupied territory is treated as a threat by the authorities and that journalists documenting demonstrations, abuses, or political mobilisation are regularly targeted¹²⁵.

Participants explained that cameras and equipment are confiscated, journalists are harassed or arrested, and media work is often conducted clandestinely in order to break what they described as a “media blockade” around the territory. The mission heard testimony regarding the arrest of media figures linked to reporting on demonstrations and political activism, including the case of Mohamed Jarby, who was reportedly arrested for covering peaceful protests, initially sentenced to two months, later exposed to a much heavier sentence, and eventually released after years in detention.

The testimony also referred to the continued imprisonment of one of the founders of the media collective in connection with his reporting activities, with his family allegedly unable to visit him because of prison distance and restrictions. Other journalists and media-linked activists were similarly described as having faced arrest or prosecution because their journalistic work was treated as political subversion¹²⁶.

Repression also extends to Sahrawis working inside state-linked media institutions. The testimony of journalist Mohamed Radi Ellili is particularly important in this respect. He stated that he worked for Moroccan television for approximately fourteen years, held a prominent on-air position, and was later dismissed following years of harassment. According to his account, the dismissal was politically motivated, connected in part to his professional work and his identity as a Sahrawi occupying a visible position in Moroccan public broadcasting. He further stated that he was denied an effective disciplinary process and was subjected to humiliating treatment, stigmatisation, and unsuccessful litigation after his dismissal¹²⁷.

These testimonies indicate that media repression in Western Sahara takes multiple forms: the criminalisation of independent Sahrawi reporting, the confiscation of equipment, custodial punishment for journalists, and professional exclusion of Sahrawis who depart from the official narrative.

4.7.3. Digital surveillance and online harassment

Several interviewees reported that digital surveillance and online harassment have become central tools for controlling Sahrawi advocacy and independent information-sharing. Media groups stated that their official webpages and social media platforms had been targeted over extended periods, including hacking attempts, disruptions, and repeated

¹²⁵ Mission interview with representatives of the *Équipe Média*, February–March 2026, on file with the mission; Reporters Without Borders, [Western Sahara: a desert for journalists](#), 11 June 2019.

¹²⁶ Mission interview with representatives of the *Équipe Média* and families of imprisoned Sahrawi media activists, February–March 2026, on file with the mission.

Mission interview with Mohamed Radi Ellili, February–March 2026, on file with the mission.

efforts to delete or disable content documenting abuses¹²⁸.

Representatives of the Équipe Média reported that their official online presence had been targeted for several years and that hacking attempts had come from multiple sources, including actors they associated with Morocco or with states allied to Morocco. The mission was not in a position to independently attribute all such attacks. However, interviewees consistently viewed them as efforts to erase archives of human rights documentation, intimidate those involved in independent media work, and prevent the circulation of evidence outside the territory.

Digital repression was also described as operating through coordinated defamation and stigmatisation. Interviewees referred to the role of online and semi-official media platforms in portraying activists, journalists, and lawyers as “traitors,” “separatists,” or foreign agents. This digital stigmatisation overlaps with broader smear campaigns described elsewhere in the report and contributes to social isolation, reputational harm, and fear.

Lawyers, journalists, and activists also described being under constant surveillance in both physical and digital settings, including when meeting clients, communicating with foreign actors, or documenting violations. These accounts point to control over the digital sphere as an increasingly important component of the repression of Sahrawi expression and documentation work.

4.8. Freedom of movement

Testimonies collected during the mission indicate that Sahrawis face serious restrictions on freedom of movement, particularly in relation to travel between Western Sahara and the refugee camps in Tindouf, family visits, prison visits, and contact with international actors. These restrictions do not appear to operate only through formal bans or checkpoints, but also through surveillance, administrative pressure, socio-economic retaliation, and selective obstruction¹²⁹.

Interviewees reported that Sahrawis who travel to the refugee camps in Tindouf may face surveillance, questioning, administrative retaliation, or socio-economic consequences upon return. According to lawyers interviewed during the mission, such travel may lead to consequences including the withdrawal of social support or obstacles to professional registration. These accounts suggest that movement is controlled not only physically, but also through indirect administrative and economic pressure¹³⁰.

Interviewees also repeatedly emphasised that prison transfer practices impose a severe burden on movement and family life. Sahrawi prisoners are often transferred to detention facilities located hundreds of kilometres away from Western Sahara, making family visits difficult or impossible. As discussed above, such transfers may isolate detainees from their communities and extend the punitive effects of imprisonment to families, particularly elderly parents, spouses, and children¹³¹.

¹²⁸ Mission interviews with Sahrawi journalists, media activists, lawyers, and human rights defenders, February–March 2026, on file with the mission; Reporters Without Borders, [Western Sahara: a desert for journalists](#), cited above, fn. 125.

¹²⁹ Mission interviews, February–March 2026, on file with the mission; International Covenant on Civil and Political Rights, cited above, fn. 32, Article 12.

¹³⁰ Mission interviews, February–March 2026, on file with the mission; Amnesty International, [Morocco/Western Sahara: Sahrawi activists targeted for Tindouf visit](#), 13 October 2009.

¹³¹ Mission interviews, February–March 2026, on file with the mission; United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), cited above, fn. 93, Rules 58 and 59.

The mission also received testimony regarding restrictions on the movement of relatives and foreign supporters. One example repeatedly raised by interviewees concerns Claude Mangin-Asfari, the wife of imprisoned Sahrawi activist Enaâma Asfari, who has reportedly been prevented from entering the territory or visiting him for prolonged periods. Such restrictions obstruct family contact and reinforce the isolation of Sahrawi prisoners from external support networks¹³².

Finally, interviewees described restrictions on the movement of international observers, journalists, researchers, lawyers, and foreign parliamentarians attempting to enter Western Sahara or meet local activists. While these restrictions are addressed more fully above in relation to international monitoring, they are also relevant to freedom of movement because they contribute to the physical and informational isolation of the territory from external scrutiny¹³³.

4.9. Structural discrimination, demographic transformation and settler-colonial dynamics

Testimonies collected during the mission indicate that Sahrawis are subject to structural forms of discrimination affecting multiple aspects of social, economic, educational, and cultural life in Western Sahara. Interviewees repeatedly described unequal treatment not as a series of isolated incidents, but as a broader pattern shaping access to employment, housing, education, public services, social benefits, and social mobility¹³⁴.

According to these testimonies, structural discrimination is closely linked to the political context of occupation, demographic transformation, and the marginalisation of Sahrawi identity. It therefore cannot be understood solely as ordinary socio-economic inequality. Rather, it must be assessed in light of broader dynamics of exclusion, settlement, resource allocation, and control over the territory.

The mission considers that these patterns should also be understood in relation to settler-colonial dynamics. In the context of Western Sahara, demographic transformation does not appear only as a social or economic consequence of prolonged occupation. It also functions as a method through which control over the territory is consolidated, the Sahrawi people are progressively marginalised within their own land, and the material conditions for the exercise of self-determination are weakened. The term is used in this report as an analytical description of the relationship between occupation, settlement, structural discrimination, resource allocation, and political domination, while the relevant legal consequences are assessed primarily through the frameworks of self-determination, decolonisation, occupation law, and Article 49 of the Fourth Geneva Convention.

4.9.1. Economic and social discrimination

Several interviewees reported that Sahrawis face significant obstacles in accessing stable employment opportunities in Western Sahara. Public sector jobs, which remain one of the

¹³²Mission interviews, February–March 2026, [redacted]; International Service for Human Rights, [#EndReprisals](#), “Human rights defender’s story: Enaâma Asfari,” 28 April 2023.

¹³³Mission interviews, February–March 2026, on file with the mission; see also sources cited above, fn. 8 and fn. 120.

¹³⁴Mission interviews, February–March 2026, on file with the mission; Equal Rights Trust, [“Torture and Discrimination in Western Sahara,”](#) The Equal Rights Review, Vol. 4, 2009; NOVACT, [“Working, Why? Labor Rights and Occupation in Western Sahara,”](#) 31 March 2023.

most important sources of stable income, were described as disproportionately benefiting Moroccan nationals and persons perceived as aligned with the authorities.

Participants also described discrimination in sectors linked to natural resources, infrastructure, and state-supported economic activity. Sahrawis were said to face barriers to recruitment, promotion, and access to secure positions in these fields, while Moroccan settlers or persons connected to the administration often receive preferential treatment¹³⁵.

Interviewees further referred to discrimination in housing and access to social benefits. Moroccan settlers were described as receiving preferential access to housing allocation, public employment, and economic support programmes, while many Sahrawis experience poverty, insecurity, and exclusion. This pattern was described not merely as unequal distribution, but as a system that actively widens the socio-economic gap between settlers and the Sahrawi population.

The pattern described above suggests that socio-economic discrimination functions as a mechanism of marginalisation. It affects not only individual livelihoods, but also the ability of Sahrawi communities to maintain social stability, participate in public life, and remain materially rooted in their own territory.

4.9.2. Settlement policies and demographic engineering

A number of interviewees described policies that they believe encourage the settlement of Moroccan nationals in Western Sahara and gradually alter the demographic composition of the territory. According to these testimonies, Moroccan citizens relocating to the territory may benefit from employment opportunities, housing support, salary incentives, and other forms of assistance that facilitate long-term settlement¹³⁶.

Participants indicated that these settlement dynamics are linked to broader patterns of political and economic control. Moroccan settlers were described as benefiting from preferential access to public sector jobs, housing, infrastructure, and economic opportunity, while Sahrawis face structural disadvantage in the same fields. Interviewees emphasised that these practices are experienced not simply as economic inequality, but as part of a longer-term transformation of the territory in which the Sahrawi population is politically, socially, and economically marginalised within its own land.

The testimonies received by the mission point to a pattern that can be described as settler-colonial in character. This pattern is not limited to the physical movement of Moroccan settlers into Western Sahara. It also includes the gradual restructuring of land, housing, employment, infrastructure, public services, education, and access to natural resources in ways that consolidate Moroccan control and marginalise the Sahrawi people as the people of the territory. In this sense, settlement policies and demographic engineering should not be understood as secondary or incidental aspects of the occupation. They are central to the long-term transformation of the territory and to the weakening of the social, economic, and political conditions under which the Sahrawi people could freely exercise their right to self-determination.

¹³⁵ Mission interviews, February–March 2026, on file with the mission; Equal Rights Trust, “Torture and Discrimination in Western Sahara,” cited above, fn. 134; NOVACT, Working, Why? Labor Rights and Occupation in Western Sahara, cited above, fn. 134.

¹³⁶ Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “Farming in the occupied desert,” 14 April 2022.

From the standpoint of international law, these allegations raise significant concerns. Western Sahara remains a Non-Self-Governing Territory subject to an unfinished process of decolonisation, while Morocco exercises effective control over most of the territory without internationally recognised sovereignty. Under the law of occupation, particularly Article 49(6) of the Fourth Geneva Convention, an occupying power is prohibited from transferring parts of its own civilian population into the territory it occupies¹³⁷.

Where settlement policies are accompanied by structural discrimination against the local population and by the reallocation of resources, employment, and housing in favour of settlers, they may also raise broader concerns under international criminal law, including in relation to persecution or other inhumane acts if committed as part of a wider pattern of domination and exclusion¹³⁸.

4.9.3. Education and cultural suppression

Interviewees described education as one of the clearest sites in which structural discrimination and cultural suppression converge. Several participants stated that Western Sahara lacks adequate higher education opportunities, requiring Sahrawi students who wish to pursue university education to move to Morocco. This creates financial burdens, social dislocation, and exposure to environments in which students may face political pressure, discrimination, and surveillance¹³⁹.

Interviewees also reported that school curricula and school life promote Moroccan national narratives while leaving little or no room for Sahrawi history, identity, or culture. Children were described as being pressured to adopt Moroccan customs, symbols, and linguistic forms, while traditional Sahrawi clothing, language, and cultural markers are marginalised or discouraged.

Representatives working on women's and children's rights emphasised that the impact is not only educational but psychological. According to their testimony, children's identity and sense of belonging are affected by cultural and linguistic suppression, producing long-term effects on self-perception, emotional security, and social cohesion.

These testimonies suggest that the education system in Western Sahara may function not merely as a public service, but also as a site of assimilation pressure and identity control. In this respect, education forms part of the broader pattern of structural discrimination described in this section.

4.9.4. Allegations concerning drug circulation near schools and youth vulnerability

Several interviewees raised serious concerns regarding the circulation of drugs in areas surrounding schools and in Sahrawi neighbourhoods. According to these testimonies, the spread of drugs disproportionately affects Sahrawi youth and is perceived locally as both a social crisis and a form of indirect repression¹⁴⁰.

Representatives working on youth and children's issues stated that school environments are affected by drug availability, while support structures for addiction treatment, men-

¹³⁷United Nations, "Western Sahara," *The United Nations and Decolonization*, cited above, fn. 15; Geneva [Convention Relative to the Protection of Civilian Persons in Time of War](#), cited above, fn. 50, Article 49.

¹³⁸Rome Statute of the International Criminal Court, cited above, fn. 53, Article 7 and Article 8(2)(b)(viii).

¹³⁹Mission interviews, February–March 2026, on file with the mission.

¹⁴⁰Mission interviews, February–March 2026, on file with the mission.

tal health care, and psychosocial assistance are minimal or absent. They described the lack of rehabilitation and support services as worsening the vulnerability of children and adolescents already growing up under conditions of militarisation, identity suppression, discrimination, and political stress.

Other interviewees connected widespread drug use to broader patterns of marginalisation, unemployment, lack of opportunity, and social despair among Sahrawi youth. The mission was not in a position to independently verify the full extent, sources, or organisation of the alleged drug circulation. However, the consistency with which these concerns arose across interviews indicates that the issue is perceived by local actors as an urgent component of the broader social environment affecting younger generations.

Irrespective of the precise causes and channels of drug circulation, the allegations raise serious child-protection concerns, particularly in light of the limited availability of prevention, treatment, rehabilitation, and psychosocial support services¹⁴¹.

4.10. Natural resources and economic exploitation

Testimonies collected during the mission indicate that the exploitation of natural resources in Western Sahara is perceived by many Sahrawi interviewees not merely as an economic issue, but as a central dimension of the broader system of control exercised over the territory. Participants repeatedly described a situation in which extraction, commercialisation, export, and infrastructure development take place without the consent of the Sahrawi people and primarily benefit Moroccan authorities, state-linked economic actors, external commercial partners, and settlers¹⁴².

Interviewees emphasised that the natural wealth of Western Sahara, including phosphates, fisheries, renewable energy potential, sand, agriculture, and tourism, has become structurally embedded in the economic organisation of the territory. According to testimonies, resource exploitation is closely linked to the consolidation of administrative and territorial control and to socio-economic dynamics that contribute to the marginalisation of the Sahrawi population.

4.10.1. Phosphates

Several participants referred in particular to the Boucraa phosphate mine near Laayoune as one of the clearest examples of resource extraction in the territory. Phosphate was described as a strategic commodity of global agricultural importance and a key input in international industrial supply chains.

Interviewees reported that production data, contractual arrangements, and revenue distribution remain opaque, making it difficult to independently assess the scale of extraction and the destination of proceeds. The mine was repeatedly described as emblematic of how natural resources are integrated into broader political and economic structures associated with territorial governance¹⁴³.

¹⁴¹Convention on the Rights of the Child, Articles 24, 33 and 39.

¹⁴²Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “[The resource curse](#),” 9 November 2021.

¹⁴³Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “[Record low number of importers of Western Sahara phosphates](#),” 29 May 2026; Western Sahara Resource Watch, “[The conflict phosphates - four decades of plunder](#),” 29 May 2026.

The significance of Boucraa is not limited to the economic value of phosphate itself. For interviewees, the continued extraction and export of phosphate from Western Sahara without the consent of the Sahrawi people illustrates how a non-renewable resource of the territory may be depleted while the people of the territory remain excluded from decision-making and from meaningful benefit.

4.10.2. Fisheries

The fisheries sector was also consistently identified as a major site of resource exploitation. Interviewees described the waters off Western Sahara as rich in marine resources, while emphasising that Sahrawis derive limited benefit from large-scale fishing activity.

Participants stated that fish caught in waters adjacent to Western Sahara may be processed, exported, or labelled through Moroccan or third-country commercial channels. These accounts described a marked disparity between large-scale industrial exploitation and the socio-economic conditions of Sahrawi communities, both in the territory and in the refugee camps¹⁴⁴.

Fisheries are particularly significant because they have repeatedly been at the centre of international legal controversy. EU-Morocco fisheries arrangements and their application to Western Sahara have been scrutinised by the Court of Justice of the European Union, which has reaffirmed that Western Sahara has a separate and distinct status and that the people of Western Sahara must be treated as a third party whose consent is required for agreements affecting the territory¹⁴⁵.

4.10.3. Sand, renewable energy, agriculture and tourism

Interviewees also raised concerns regarding the extraction of sand from Western Sahara, including exports to the Canary Islands, and associated environmental impacts such as coastal erosion. These allegations were described as part of a broader pattern in which the territory's physical resources are used for external economic purposes without adequate transparency or consent¹⁴⁶.

Renewable energy projects, including wind and solar installations, were described by several interviewees as presenting a dual narrative. While formally framed as sustainable development initiatives, they were perceived by local actors as contributing to the consolidation of territorial control, the powering of resource-extraction industries, and the normalisation of economic activities in a disputed and non-self-governing territory¹⁴⁷.

Agricultural production, particularly large-scale export-oriented farming in the Dakhla region, was also highlighted. Interviewees stated that a significant share of this production is exported, while local Sahrawi communities remain economically marginalised. Tourism

¹⁴⁴ Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “[One of the richest coastlines in the world](#),” 11 May 2026.

¹⁴⁵ Court of Justice of the European Union, *Commission and Council v Front Polisario*, Joined Cases C-779/21 P and C-799/21 P, Judgment of 4 October 2024, cited above, fn. 48; Court of Justice of the European Union, *Western Sahara Campaign UK*, Case C-266/16, Judgment of 27 February 2018, cited above, fn. 46.

¹⁴⁶ Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “[New report: massive sand export from Western Sahara to the Canaries](#),” 12 June 2025.

¹⁴⁷ Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, [Greenwashing Occupation: How Morocco's renewable energy projects in occupied Western Sahara prolong the conflict over the last colony in Africa](#), 2025.

development in Dakhla was similarly described as both economically exclusionary and politically symbolic, reinforcing territorial claims through infrastructure development, branding strategies, and spatial transformation¹⁴⁸.

4.10.4. Employment, inequality and demographic transformation

As discussed above in relation to structural discrimination and demographic transformation, interviewees repeatedly linked access to employment and economic opportunity to broader patterns of territorial control. In the natural resource sectors specifically, including phosphates, fisheries, energy, agriculture, and tourism, several testimonies indicated that employment opportunities are disproportionately allocated to Moroccan settlers or individuals perceived as aligned with the administration.

Some interviewees also reported the use of economic incentives, including salary differentials, housing support, and relocation benefits, to encourage migration into the territory. According to these accounts, such policies contribute to demographic change and reinforce long-term socio-economic transformation. In this sense, resource exploitation was not described merely as extraction, but as part of a wider process through which economic opportunity, settlement, and territorial control become mutually reinforcing¹⁴⁹.

These accounts are consistent with the broader patterns of structural discrimination and demographic transformation described above. They suggest that natural resource sectors may operate not only as sources of revenue, but also as instruments through which social hierarchy and political control are reproduced.

4.10.5. Consent, self-determination and legal assessment

A central concern expressed by interviewees was the absence of consent of the Sahrawi people. Participants consistently emphasised that natural resource exploitation is carried out without their free, prior, and genuine consent. From a legal perspective, these allegations engage the principle of permanent sovereignty over natural resources in Non-Self-Governing Territories, the right of peoples to self-determination, and the requirement that economic activities in such territories respect the interests and wishes of the people of the territory¹⁵⁰.

This legal assessment is reinforced by the distinct status of Western Sahara under international law. The International Court of Justice confirmed in 1975 that the people of Western Sahara are entitled to self-determination. The 2002 legal opinion of the United Nations Legal Counsel further stated that resource activities in Western Sahara would be contrary to the principles applicable to Non-Self-Governing Territories if conducted in disregard of the interests and wishes of the people of the territory¹⁵¹.

The jurisprudence of the Court of Justice of the European Union has also repeatedly confirmed that Western Sahara is separate and distinct from Morocco and that the people

¹⁴⁸ Mission interviews, February–March 2026, on file with the mission; Western Sahara Resource Watch, “Farming in the occupied desert,” cited above, fn. 136.

¹⁴⁹ Mission interviews, February–March 2026, on file with the mission; Equal Rights Trust, “Torture and Discrimination in Western Sahara,” cited above, fn. 134; NOVACT, Working, Why? Labor Rights and Occupation in Western Sahara, cited above, fn. 134.

¹⁵⁰ United Nations General Assembly, [Resolution 1803 \(XVII\)](#), Permanent Sovereignty over Natural Resources, 14 December 1962, UN Doc. A/RES/1803(XVII); Charter of the United Nations, Article 73, cited above, fn. 16.

¹⁵¹ International Court of Justice, Western Sahara, Advisory Opinion, cited above, fn. 19; Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, cited above, fn. 27.

of Western Sahara must be treated as a third party in relation to agreements affecting the territory. In its 2024 judgments concerning EU-Morocco trade and fisheries arrangements, the Court reaffirmed that the consent of the people of Western Sahara is required and cannot be replaced by consultations that do not amount to such consent¹⁵².

Where Western Sahara is assessed through the framework of occupation law, natural resource exploitation also raises concerns under international humanitarian law. An occupying power may not acquire sovereign rights over occupied territory and must administer the territory for the benefit of the protected population. Resource exploitation that contributes to permanent economic transformation, settlement, or the consolidation of control may therefore raise additional concerns under the law of occupation¹⁵³.

When read alongside applicable international law and the CJEU jurisprudence, the testimonies gathered during the mission raise serious concerns regarding the conditions under which natural resources are being exploited in Western Sahara. These concerns relate not only to economic distribution, but to the absence of consent, the distinct legal status of the territory, the marginalisation of the Sahrawi people, and the use of economic development as a mechanism of political normalisation.

4.11. Women and children

Testimonies collected during the mission indicate that women and children in Western Sahara are particularly affected by the broader environment of repression described in previous sections of this report. Interviewees described patterns of gender-based violence, targeted harassment of women activists, and structural pressures affecting children growing up in a context marked by militarisation, surveillance, discrimination, cultural suppression, and political conflict¹⁵⁴.

Participants repeatedly emphasised that women play a central role in Sahrawi civil society, family resilience, prisoner support networks, and human rights activism. For that very reason, they may be exposed to forms of intimidation and violence that are both political and gendered in character. Children, in turn, were described as growing up under conditions that affect identity, psychological well-being, education, family life, and social development.

International human rights law requires special protection against gender-based violence, discrimination, and violence against children. These obligations are particularly relevant where women and children are affected not only as individual victims, but also as members of families and communities targeted because of their association with Sahrawi identity, activism, or self-determination claims¹⁵⁵.

¹⁵²Court of Justice of the European Union, *Commission and Council v Front Polisario*, Joined Cases C-778/21 P and C-798/21 P, Judgment of 4 October 2024, cited above, fn. 48; Court of Justice of the European Union, *Commission and Council v Front Polisario*, Joined Cases C-779/21 P and C-799/21 P, Judgment of 4 October 2024, cited above, fn. 48.

¹⁵³Hague Regulations Respecting the Laws and Customs of War on Land, cited above, fn. 50, Articles 43 and 55; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, cited above, fn. 50, Article 49.

¹⁵⁴Mission interviews, February–March 2026, on file with the mission.

¹⁵⁵Convention on the Elimination of All Forms of Discrimination against Women, Articles 1, 2 and 5; Committee on the Elimination of Discrimination against Women, [General Recommendation No. 35](#) on gender-based violence against women, updating General Recommendation No. 19, [UN Doc. CEDAW/C/GC/35, 26 July 2017](#); Convention on the Rights of the Child, cited above, fn. 141.

4.11.1. Sexual violence and gender-based violence

Several interviewees reported allegations of sexual violence and other forms of gender-based abuse committed in the context of security operations targeting Sahrawi activists and their families. Participants emphasised that women are often specifically targeted not only because they are politically active, but also because sexual violence and gendered humiliation can be used to punish, silence, and stigmatise entire families and communities.

The most detailed and widely discussed testimony in this regard concerns the case of Sultana Khaya and her family in Boujdour. According to the accounts provided during the mission, Khaya's family home was subjected to repeated raids and prolonged siege following her return to Western Sahara from Spain in November 2019. Interviewees stated that during one of the early attacks, Khaya was stopped at a checkpoint and the family home was raided the same night; during that raid, her elderly mother reportedly sustained a fractured vertebra.

Testimonies further described a prolonged siege of the family home between 2020 and 2022, during which Moroccan security forces allegedly surrounded the residence, repeatedly entered the house, and subjected the family to harassment, surveillance, and violent assault. According to these accounts, Sultana Khaya and her sister were allegedly raped during a forced entry, while family members were present in the house. Interviewees further indicated that raids were accompanied by the destruction of property, confiscation of belongings, and the use of unidentified substances inside the home¹⁵⁶.

Participants also stated that Khaya was reportedly injected with unidentified substances on multiple occasions and later required medical treatment after leaving the territory in 2022. According to the testimonies gathered during the mission, the family attempted to document these incidents through video and social media despite the risks involved, and the house was eventually left seriously damaged and effectively uninhabitable.

The Khaya case is particularly significant because it illustrates the possible use of sexual violence not as an isolated abuse but as a method of intimidation against a woman human rights defender and those around her. Interviewees emphasised that such violence may have a silencing function, especially in a context where many women fear reporting sexual violations because of stigma, fear of reprisals, and lack of effective protection.

The mission also received broader testimony indicating that women who are detained, abducted, or otherwise targeted by security forces may be exposed to gender-specific humiliation and denial of dignity. Former Sahrawi women detainees described being held while menstruating without access to basic hygiene, denied medical care, exposed to degrading conditions, and subjected to trauma with long-lasting consequences. Although some of these testimonies relate to earlier decades of repression, they remain important in demonstrating the continuity of gendered violence within the broader system of abuse¹⁵⁷.

¹⁵⁶ Mission interviews with Sahrawi women human rights defenders and civil society representatives, February–March 2026, on file with the mission; Amnesty International, *Morocco and Western Sahara: Investigate violations against raped activist*, 6 April 2022; Front Line Defenders, “*Woman human rights defender Sultana Khaya attacked in her home*,” 12 November 2021; Human Rights Watch, “*Western Sahara: Harassment of Independence Activist*,” 5 March 2021.

¹⁵⁷ Mission interviews with former Sahrawi women detainees and women's rights advocates, February–March 2026, on file with the mission.

4.11.2. Harassment of women human rights defenders

The testimonies collected during the mission indicate that women human rights defenders in Western Sahara may face targeted harassment because of their activism. Interviewees described a pattern in which women who speak publicly about abuses, participate in protests, document violations, support prisoners' families, or engage with journalists are subjected to surveillance, intimidation, and physical violence¹⁵⁸.

Representatives working specifically on women's and children's rights emphasised that women are "fundamental to the community" and are therefore singled out by the authorities. According to this testimony, women who provide evidence of violations or attempt to raise awareness may face reprisals not only against themselves, but also against their livelihoods, relatives, and family life.

The case of the Khaya family is one prominent example of this dynamic, but it was not the only one. The mission also heard testimony from women activists who stated that they are often followed, beaten during demonstrations, prevented from filming events, and taken away from visible public areas in order to be assaulted outside the range of cameras. One woman activist described repeated physical attacks whenever she was identified at protests and stated that she no longer feels safe because harassment is constant.

The mission also received testimony concerning an incident in which a woman activist attempting to document abuses was struck in the face by a police officer and lost a tooth. This type of testimony is consistent with broader accounts indicating that women activists are targeted not only for their participation in protests, but also for their role as witnesses and documenters of state violence¹⁵⁹.

These patterns create additional barriers to women's public participation. Interviewees emphasised that women who speak publicly about sexual violence or politically sensitive abuses may face especially intense reprisals, since the authorities exploit both political vulnerability and gendered stigma. These accounts indicate that harassment of women human rights defenders in Western Sahara is both systematic and gender-specific in its methods and effects.

4.11.3. Impact on children

Testimonies gathered during the mission raise serious concerns regarding the conditions affecting children growing up in Western Sahara. Interviewees described a childhood environment shaped by militarisation, discrimination at school, cultural suppression, political fear, family separation, and lack of adequate psychological and social support¹⁶⁰.

Representatives of the Sahrawi Observatory for Women and Children stated that military and security presence is constant around schools and that children are pressured to adopt Moroccan customs and linguistic forms while Sahrawi identity is marginalised. According to this testimony, children are discriminated against in school, prevented from wearing traditional clothing, compelled to use Moroccan vocabulary rather than Sahrawi forms of expression, and taught in institutions where Sahrawi teachers are a minority.

¹⁵⁸ Mission interviews, February–March 2026, on file with the mission; United Nations Office of the High Commissioner for Human Rights, "Morocco: UN human rights expert decries 'clampdown' on human rights defenders," 1 July 2021.

¹⁵⁹ Mission interviews, February–March 2026, on file with the mission.

¹⁶⁰ Mission interviews, February–March 2026, on file with the mission; Convention on the Rights of the Child, cited above, fn. 141.

Interviewees also emphasised the psychological impact of growing up between two conflicting realities: the Sahrawi identity maintained within the family and the dominant national narrative imposed in public institutions. This tension was described as affecting self-perception, emotional security, and the ability of children to express their identity openly.

The testimony of Kentaouia Babit illustrates how political repression can affect children directly. According to her account, she was arrested in June 1999 while in primary school, after expressing support for self-determination and writing slogans on walls. She stated that she was separated from her mother during police questioning, compelled to admit to accusations, photographed at the site of the slogans, and eventually transferred to Casablanca without her parents being informed, despite being a minor. This account demonstrates that children are not merely indirect victims of repression, but may themselves become direct targets of political policing¹⁶¹.

Several interviewees also raised concerns regarding drug circulation in areas around schools and in Sahrawi neighbourhoods. As noted above, the mission was not in a position to independently verify the full extent, sources, or organisation of these allegations. However, representatives working on children's issues described drug use and trafficking as a growing social threat affecting youth and linked it to the broader vulnerability of children living under conditions of repression and exclusion. According to these testimonies, treatment options are extremely limited, with little or no access to addiction treatment, child mental-health services, rehabilitation, or psychosocial care¹⁶².

Participants further described children affected by repression and family separation as having very limited access to psychosocial support. This is especially significant in a context where children may grow up surrounded by stories of imprisonment, disappearance, police violence, and family fragmentation.

The information gathered indicates that the impact of repression on children in Western Sahara is not confined to isolated incidents of abuse. Rather, it appears to be embedded in the daily social environment through schooling, policing, cultural suppression, family separation, and the absence of adequate support systems.

5. Patterns of violations and legal implications

The testimonies and information collected during the mission reveal a set of recurring and interconnected patterns affecting the Sahrawi population in Western Sahara. The violations described in the preceding chapter do not appear as isolated incidents. Rather, they point to a wider system in which political dissent is restricted, accountability is weakened, civic space is narrowed, and the exercise of fundamental rights is constrained in the context of the unresolved status of the territory and the continuing denial of the Sahrawi people's right to self-determination¹⁶³.

This chapter identifies the principal patterns emerging from the mission's findings and

¹⁶¹ Mission interview with Kentaouia Babit, cited above, fn. 124.

¹⁶² Mission interviews with representatives of the Sahrawi Observatory for Women and Children, youth representatives, families, and civil society representatives, February–March 2026, on file with the mission; Convention on the Rights of the Child, cited above, fn. 141, Articles 24, 33 and 39.

¹⁶³ Mission interviews, February–March 2026, on file with the mission; see also findings set out in Chapter 4 above.

assesses their legal implications under international human rights law, international humanitarian law, the law governing self-determination and decolonisation, and, where relevant, international criminal law. It does not repeat the factual findings set out above, but draws together the recurring dynamics that connect them.

5.1. From individual violations to a system of control

A central conclusion arising from the mission is that the violations described in this report are mutually reinforcing. Detention-related abuses cannot be separated from fair trial violations. Restrictions on civil society are linked to restrictions on media, legal defence, and international monitoring. Structural discrimination is closely connected to demographic transformation and resource exploitation. Gendered violence and the impact on children are not isolated issues, but reflect the way broader patterns of repression affect families, communities, and future generations.

The following patterns are therefore best understood not as separate categories, but as interconnected elements of a broader system of political, social, legal, and economic control.

5.1.1. Historical violence, impunity and denial of truth

The mission received consistent testimony indicating that enforced disappearances, unlawful killings, secret detention, and unresolved cases of missing persons remain central to Sahrawi collective memory and to the present human rights situation. These violations are not only historical. Their effects continue through the absence of full truth, the denial of forensic information, the lack of effective investigation, and the continuing suffering of families¹⁶⁴.

The persistence of unresolved disappearance and unlawful killing cases contributes to a climate of fear and mistrust. Families seeking truth and accountability may themselves face surveillance, intimidation, pressure to accept official narratives, or obstacles to accessing remains, burial sites, or independent forensic examination. In this sense, impunity functions not merely as the absence of punishment, but as an ongoing condition that prolongs the original violation and reinforces the vulnerability of affected communities.

5.1.2. Criminalisation of Sahrawi political expression

A recurring pattern identified throughout the mission is the criminalisation of political expression related to self-determination. Interviewees consistently reported that participation in peaceful protests, student organising, public advocacy, commemorative activities, media work, online expression, or support for Sahrawi rights may expose individuals to arrest, prosecution, surveillance, professional retaliation, or other forms of pressure¹⁶⁵.

In many cases, conduct perceived by Sahrawi communities as political expression is formally reframed as ordinary criminality. Charges such as public-order offences, assault on

¹⁶⁴Mission interviews, February–March 2026, on file with the mission; Amnesty International, Morocco/Western Sahara: Human Rights Violations in Western Sahara, cited above, fn. 65; Amnesty International, Morocco/Western Sahara: Broken Promises: The Equity and Reconciliation Commission and its Follow-up, cited above, fn. 65; International Convention for the Protection of All Persons from Enforced Disappearance, cited above, fn. 80.

¹⁶⁵Mission interviews, February–March 2026, on file with the mission; Human Rights Watch, World Report 2026: Morocco and Western Sahara, cited above, fn. 70; Amnesty International, “Human Rights in Morocco and Western Sahara,” cited above, fn. 7.

public officials, participation in disorder, or other non-political accusations may be used in ways that obscure the political context of the underlying conduct. This framing allows the criminal justice system to operate as a mechanism of deterrence while preserving the appearance of ordinary law enforcement.

This pattern is particularly significant in a Non-Self-Governing Territory where political expression concerning self-determination is directly linked to the legal status of the territory and to the collective rights of the Sahrawi people. The suppression of such expression therefore raises concerns not only under individual rights guarantees, but also in relation to the broader decolonisation framework.

5.1.3. Detention, torture, coerced confessions and judicial repression

The mission identified repeated allegations of arbitrary arrest, torture and ill-treatment, coerced confessions, prolonged detention, poor prison conditions, medical neglect, hunger strikes, punitive transfers, and restrictions on family contact. These allegations appear closely connected to the use of criminal proceedings against Sahrawi activists, students, journalists, and other persons associated with self-determination advocacy¹⁶⁶.

A particularly serious pattern concerns the relationship between torture allegations and judicial proceedings. Interviewees repeatedly stated that detainees were forced to sign documents they could not read or did not understand, and that statements allegedly obtained through torture or coercion were later relied upon in criminal cases. Defence requests for independent medical examinations were reportedly ignored, delayed, or rendered ineffective. Courts were also described as placing significant weight on police records and contested confessions despite allegations of abuse.

These practices, if established, would undermine not only the prohibition of torture but also the integrity of the criminal process as a whole. Where torture-based evidence is admitted or not effectively excluded, the violation extends beyond the treatment of the individual detainee and affects the fairness and legitimacy of the judicial system.

5.1.4. Suppression of civil society, media, legal defence and monitoring

Another major pattern concerns the restriction of the actors most capable of documenting violations and seeking accountability. Sahrawi civil society organisations, human rights defenders, journalists, lawyers, victims' groups, and families of prisoners were all described as operating under conditions of surveillance, administrative obstruction, stigmatisation, harassment, or professional pressure¹⁶⁷.

These restrictions take different forms: denial or obstruction of association registration, limits on access to premises and public spaces, pressure on donors or venues, confiscation of media equipment, criminalisation of independent reporting, smear campaigns against

¹⁶⁶ Mission interviews, February–March 2026, on file with the mission; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, cited above, fn. 89; Human Rights Watch and Amnesty International, "Western Sahara: Long-Term Prisoners Await Justice," cited above, fn. 69; United Nations Office of the High Commissioner for Human Rights, "Morocco: Gdeim Izik cases reveal torture, coerced confessions, and failure to investigate, UN committee finds," cited above, fn. 88.

¹⁶⁷ Mission interviews, February–March 2026, on file with the mission; United Nations Basic Principles on the Role of Lawyers, cited above, fn. 99; United Nations General Assembly, Declaration on Human Rights Defenders, cited above, fn. 114; Reporters Without Borders, Western Sahara: a desert for journalists, cited above, fn. 125; Amnesty International, Morocco and Western Sahara: UN must monitor human rights in Western Sahara and the Sahrawi refugee camps in Tindouf, cited above, fn. 120.

activists and lawyers, and restrictions on access to detainees or confidential communication with clients. International observers, journalists, lawyers, researchers, and parliamentarians may also face obstacles when attempting to enter Western Sahara or meet local actors.

These practices restrict not only individual freedoms, but also the infrastructure of accountability. They reduce the ability of local actors to document abuses, communicate with international mechanisms, preserve evidence, support victims, and challenge official narratives. The pressure placed on lawyers is especially significant because it affects the practical availability of legal defence and weakens safeguards against torture, arbitrary detention, and unfair trial proceedings.

5.1.5. Structural discrimination, demographic transformation and resource exploitation

The mission also identified recurring allegations of structural discrimination affecting employment, housing, education, public services, social benefits, and access to economic opportunities. Interviewees described these inequalities not merely as ordinary socio-economic disparities, but as part of a broader structure through which Sahrawis are marginalised within their own territory¹⁶⁸.

This pattern is closely linked to allegations concerning settlement policies and demographic transformation. Interviewees reported that Moroccan settlers or persons aligned with the administration may benefit from employment opportunities, housing support, salary incentives, infrastructure, and access to public resources in ways that alter the social, economic, and political composition of the territory.

Natural resource exploitation forms part of the same pattern. Phosphates, fisheries, renewable energy, sand, agriculture, and tourism were repeatedly described as sectors from which Sahrawis derive limited benefit, despite the centrality of these resources to the territory. Interviewees consistently emphasised the absence of the consent of the Sahrawi people and linked resource exploitation to the consolidation of effective control, economic exclusion, and political normalisation.

Read together, structural discrimination, demographic transformation, settlement incentives, and resource exploitation point to a settler-colonial pattern of control. These practices do not merely accompany the occupation; they help make it durable. By reshaping the demographic, economic, institutional, and spatial conditions of the territory, they risk entrenching Moroccan control while weakening the Sahrawi people's ability to remain socially, economically, and politically rooted in their own land. In this respect, demographic engineering and resource exploitation are not peripheral to the denial of self-determination. They are among the mechanisms through which that denial is reproduced over time.

5.1.6. Gendered and intergenerational impacts

The mission's findings further indicate that women and children experience the broader system of repression in specific and intensified ways. Women human rights defenders

¹⁶⁸Mission interviews, February–March 2026, on file with the mission; Equal Rights Trust, "Torture and Discrimination in Western Sahara," cited above, fn. 134; NOVACT, *Working, Why? Labor Rights and Occupation in Western Sahara*, cited above, fn. 134; Western Sahara Resource Watch, "Farming in the occupied desert," cited above, fn. 136; Western Sahara Resource Watch, "The conflict phosphates — four decades of plunder," cited above, fn. 143.

may be targeted not only because of their activism, but also through gendered forms of humiliation, intimidation, sexual violence, and stigmatisation. The use or threat of gender-based violence may have a silencing function, affecting not only individual women but also families and communities¹⁶⁹.

Children are affected through school environments, cultural suppression, discrimination, family separation, exposure to political fear, and the absence of adequate psychosocial support. Testimonies concerning children indicate that repression is not limited to direct police or judicial measures, but may be embedded in education, identity formation, family life, and the social conditions in which younger generations grow up.

These gendered and intergenerational impacts show that the patterns documented in this report extend beyond individual victims. They affect the social fabric of Sahrawi communities, the transmission of identity, the ability of families to remain connected, and the psychological security of future generations.

5.1.7. Interrelationship of violations

A notable feature of the testimonies collected during the mission is the extent to which different violations appear to reinforce one another. Restrictions on expression and association limit the ability of civil society to document abuses. Weak judicial safeguards reduce accountability for torture and arbitrary detention. Pressure on lawyers weakens access to defence and effective remedies. Restrictions on movement and international access limit scrutiny. Structural discrimination, demographic transformation, and resource exploitation reinforce social exclusion and political marginalisation.

As a result, the patterns identified during the mission should not be understood as separate phenomena. They appear to operate as mutually reinforcing elements of a broader system affecting the enjoyment of civil, political, economic, social, and cultural rights by the Sahrawi population.

5.2. Legal implications under international law

The patterns identified above raise serious concerns under multiple branches of international law. These include international human rights law, the law of self-determination and decolonisation, international humanitarian law, the law of occupation, and, where relevant, international criminal law.

5.2.1. International human rights law

The practices described in the testimonies may engage a wide range of rights protected under international human rights law, including the prohibition of arbitrary arrest and detention, the prohibition of torture and ill-treatment, the right to a fair trial, freedom of expression, peaceful assembly, freedom of association, freedom of movement, the rights of women and children, and the right to an effective remedy¹⁷⁰.

¹⁶⁹Mission interviews, February–March 2026, on file with the mission; Convention on the Elimination of All Forms of Discrimination against Women, cited above, fn. 155; Convention on the Rights of the Child, cited above, fn. 141; Amnesty International, Morocco and Western Sahara: Investigate violations against raped activist, cited above, fn. 156.

¹⁷⁰International Covenant on Civil and Political Rights, cited above, fn. 32, Articles 2(3), 7, 9, 12, 14, 19, 21 and 22; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, cited above, fn. 89; Convention on the Elimination of All Forms of Discrimination against Women, cited above, fn. 155; Convention on the Rights of the Child, cited above, fn. 141.

The recurring nature of the allegations raises concern that these rights may be subject to significant and repeated restrictions in Western Sahara, particularly where individuals or groups are associated with self-determination advocacy, human rights documentation, independent journalism, legal defence, or support for political prisoners.

The absence of effective investigations into torture allegations, unlawful killings, disappearances, and reprisals further raises concerns regarding the duty to provide an effective remedy. Where serious allegations are not independently investigated, victims and families are denied not only accountability, but also truth, recognition, and protection against recurrence.

5.2.2. Self-determination and decolonisation

The patterns documented during the mission must also be assessed in light of the right of the Sahrawi people to self-determination. Western Sahara remains a Non-Self-Governing Territory whose decolonisation process has not been completed. In this context, restrictions on pro-self-determination expression, political mobilisation, civil society activity, demographic transformation, and natural resource exploitation cannot be viewed solely as individual human rights issues. They also raise questions concerning the collective rights of the Sahrawi people¹⁷¹.

The suppression of political expression concerning the status of the territory directly affects the conditions under which the people of Western Sahara may freely express their will. Similarly, demographic transformation and economic exploitation may affect the political, social, and material context in which self-determination is to be exercised. The absence of consent in relation to natural resource activities is therefore not merely an economic concern, but a self-determination concern.

5.2.3. International humanitarian law and occupation law

Given Morocco's effective control over most of Western Sahara without internationally recognised sovereignty, the law of occupation remains an important legal framework for assessing the situation. Under this framework, an occupying power must administer the territory for the benefit of the protected population, respect applicable legal protections, and refrain from measures that permanently alter the territory or transfer parts of its own civilian population into the occupied territory¹⁷².

Several patterns documented in this report may therefore raise concerns under international humanitarian law, including transfer of prisoners far from their homes, treatment of detainees, settlement policies, demographic transformation, and resource exploitation. These concerns are particularly significant where practices appear to contribute to long-term consolidation of control rather than temporary administration for the benefit of the protected population.

¹⁷¹Charter of the United Nations, Articles 1(2) and 55, cited above, fn. 32; Charter of the United Nations, Article 73, cited above, fn. 16; United Nations General Assembly, Resolution 1514 (XV), cited above, fn. 17; United Nations General Assembly, Resolution 1541 (XV), cited above, fn. 18; International Court of Justice, *Western Sahara*, Advisory Opinion, cited above, fn. 19; Court of Justice of the European Union, *Commission and Council v Front Polisario*, Judgments of 4 October 2024, cited above, fn. 48; Letter dated 29 January 2002 from the Under-Secretary-General for Legal Affairs, the Legal Counsel, cited above, fn. 27.

¹⁷²Hague Regulations Respecting the Laws and Customs of War on Land, cited above, fn. 50, Articles 42, 43 and 55; Geneva Convention Relative to the Protection of Civilian Persons in Time of War, cited above, fn. 50, Article 49.

5.2.4. International criminal law

The mission does not purport to determine whether the legal threshold for crimes against humanity or war crimes has been met, nor does it make findings concerning individual criminal responsibility. Such determinations require detailed investigation, corroboration of evidence, and assessment by competent judicial bodies.

Nevertheless, the consistency and recurrence of testimonies may warrant further examination under international criminal law. In particular, allegations concerning imprisonment or severe deprivation of liberty, torture, persecution on political grounds, enforced disappearance, and other serious deprivations of fundamental rights may be relevant if committed as part of a widespread or systematic attack directed against a civilian population¹⁷³.

In the context of a territory assessed through the framework of occupation law, allegations concerning settlement policies, transfer of population, and resource exploitation may also raise questions relevant to the classification of serious violations under international humanitarian law and international criminal law, depending on the facts established and the legal characterisation adopted.

5.3. Institutional accountability gap

The patterns described above are compounded by a serious institutional accountability gap. Interviewees repeatedly emphasised that restrictions on civil society, barriers to legal defence, limits on international access, and the absence of effective domestic accountability mechanisms reinforce one another. These factors are further intensified by the absence of a human rights monitoring mandate within MINURSO¹⁷⁴.

Western Sahara remains a situation in which a United Nations peacekeeping mission operates without a dedicated mandate to monitor and report publicly on human rights conditions. This gap has practical consequences. It limits independent documentation, reduces international scrutiny, increases the burden on local activists and victims' families, and contributes to the persistence of impunity.

The accountability deficit is therefore not merely an external or diplomatic problem. It forms part of the broader pattern through which violations remain insufficiently investigated, underreported, and insufficiently remedied. In a context where local civil society actors, journalists, lawyers, and families themselves face pressure, the absence of independent international monitoring has direct protection consequences.

5.4. Concluding observations on patterns

The mission's findings indicate that the human rights situation in Western Sahara is characterised by recurring and interconnected patterns of repression, exclusion, and control. These patterns affect individual victims, families, civil society organisations, journalists, lawyers, women, children, and Sahrawi communities more broadly.

¹⁷³Rome Statute of the International Criminal Court, cited above, fn. 53, Article 7 and Article 8(2)(b)(viii).

¹⁷⁴United Nations Mission for the Referendum in Western Sahara (MINURSO), "Mandate," cited above, fn. 9; United Nations Security Council, Resolution 2797 (2025), cited above, fn. 14; Amnesty International, Morocco and Western Sahara: UN must monitor human rights in Western Sahara and the Sahrawi refugee camps in Tindouf, cited above, fn. 120; Human Rights Watch, "UN/Western Sahara: Give Peacekeepers a Human Rights Mandate," cited above, fn. 120.

The violations documented in this report should therefore not be understood only as discrete breaches of individual rights. They must also be assessed in relation to the unresolved status of Western Sahara, the absence of a genuine act of self-determination, Morocco's effective control over most of the territory, demographic transformation, economic exploitation, and the lack of independent international monitoring.

While the present report does not make final determinations regarding individual criminal responsibility or the legal characterisation of every allegation received, the consistency, repetition, and interrelationship of the patterns identified suggest serious and persistent human rights concerns requiring sustained international attention. The information gathered during the mission underscores the need for independent investigation, effective monitoring, protection of victims and human rights defenders, and accountability efforts consistent with international human rights law, international humanitarian law, and the principles governing the decolonisation of Non-Self-Governing Territories.

6. Conclusions and recommendations

6.1. Conclusions

This fact-finding mission has documented serious and persistent human rights concerns affecting the Sahrawi population in Western Sahara. The testimonies collected during the mission, when assessed together with available external documentation and applicable international legal standards, indicate recurring violations linked to political repression, detention, torture and ill-treatment, fair trial concerns, restrictions on civil society and media, structural discrimination, demographic transformation, natural resource exploitation, and the absence of effective accountability.

The mission's findings show that these concerns cannot be adequately understood as isolated human rights incidents. They arise in the specific context of an unresolved decolonisation process, Morocco's effective control over most of Western Sahara without internationally recognised sovereignty, and the continued inability of the Sahrawi people to exercise freely and genuinely their right to self-determination. The human rights situation in the territory is therefore inseparable from the broader legal and political status of Western Sahara.

A central conclusion of the mission is that the absence of independent and permanent international human rights monitoring has direct protection consequences. The lack of a human rights mandate within MINURSO, combined with restrictions on access to the territory, pressure on civil society, and limited domestic accountability, creates an environment in which violations may remain under-documented, insufficiently scrutinised, and inadequately remedied.

The mission is particularly concerned by the cumulative effect of impunity. Allegations concerning enforced disappearances, unlawful killings, torture, coerced confessions, arbitrary detention, and reprisals against human rights defenders, journalists, lawyers, women activists, and families of victims require prompt, independent, impartial, and effective investigation. Without accountability, violations are not only repeated; they also continue to shape collective memory, family life, political participation, and public trust in justice mechanisms.

The findings also demonstrate that questions of structural discrimination, demographic transformation, settler-colonial control, and natural resource exploitation are not separate from the human rights situation. They affect the material conditions in which the Sahrawi people live, the ability of Sahrawi communities to remain socially and economically rooted in the territory, and the conditions under which self-determination is to be exercised. Respect for permanent sovereignty over natural resources is therefore closely connected to the broader question of decolonisation and the rights of the people of Western Sahara.

This report does not make final determinations regarding individual criminal responsibility or the legal characterisation of every allegation received. However, the consistency, recurrence, and seriousness of the information gathered indicate the need for sustained international attention, independent investigation, enhanced monitoring, protection of victims and human rights defenders, and accountability measures consistent with international human rights law, international humanitarian law, and the principles governing Non-Self-Governing Territories.

A durable and just resolution of the question of Western Sahara requires more than the prevention of future violations. It requires meaningful progress toward truth, accountability, decolonisation, respect for the Sahrawi people's permanent sovereignty over their natural resources, and the effective realisation of their right to self-determination under international law.

6.2. Recommendations

The following recommendations are grounded in applicable principles and obligations under international human rights law, international humanitarian law, international criminal law, and the law governing self-determination and decolonisation. They are addressed to relevant duty-bearers and are intended to contribute to the protection of fundamental rights, the advancement of accountability, and the realisation of the Sahrawi people's right to self-determination.

6.2.1. To the Parties, the United Nations Secretary-General, the Personal Envoy, and Members of the Security Council

The Mission considers that respect for human rights and international humanitarian law should not be treated as matters to be addressed only after the conclusion of a political settlement. Rather, they constitute essential foundations for building trust, reducing tensions, protecting affected populations, and creating conditions conducive to meaningful negotiations and a durable peace.

The Secretary-General, his Personal Envoy, members of the Security Council, and the parties to the conflict should ensure that human rights and humanitarian concerns are systematically integrated into the United Nations-led political process. Discussions concerning political prisoners, freedom of expression and association, protection of civilians, humanitarian access, independent monitoring, and the participation of civil society should form a regular part of efforts to advance negotiations.

The Mission further encourages the parties, under United Nations auspices and without prejudice to their respective positions concerning the final status of the Territory, to explore the development of a Human Rights and Humanitarian Confidence-Building Frame-

work. Such a framework could establish practical commitments relating to fundamental freedoms, treatment of detainees, protection of civilians, family contacts, humanitarian access, participation of civil society, and responsible governance of natural resources.

The Personal Envoy should maintain regular engagement with Sahrawi human rights defenders, lawyers, journalists, women's organisations, youth representatives, victims' groups, and other independent civil society actors, including those residing in occupied Western Sahara. The Mission further encourages the Personal Envoy and his team to receive briefings from independent human rights organisations and legal experts concerning the issues documented in this report.

The Mission believes that meaningful progress in the protection of human rights can serve as an important confidence-building measure and contribute directly to creating conditions more favourable to a peaceful, just, and lasting settlement consistent with international law and the right of the Sahrawi people to self-determination.

The authors of this report stand ready to provide a detailed briefing to the Personal Envoy and his team concerning the report's findings and recommendations and encourage similar briefings with interested members of the Security Council, including the United States in its role as penholder on Western Sahara.

6.2.2. To the Kingdom of Morocco

The Mission recognises the importance of Morocco's participation in efforts aimed at achieving a negotiated solution to the conflict. At the same time, the Mission considers that significant improvements in the human rights situation can and should be achieved without waiting for a final political agreement.

Morocco should immediately release all individuals detained solely for the peaceful exercise of their rights to freedom of expression, association, assembly, or advocacy concerning self-determination. Convictions resulting from proceedings that failed to comply with international fair trial standards should be subject to independent judicial review and effective remedies.

The authorities should ensure prompt, impartial, and effective investigations into allegations of torture, ill-treatment, sexual violence, enforced disappearance, and unlawful killings, and should hold those responsible accountable in accordance with international standards.

Morocco should guarantee freedom of expression, association, peaceful assembly, and political participation and cease practices that result in intimidation, harassment, surveillance, or reprisals against journalists, lawyers, trade unionists, human rights defenders, and civil society organisations. Sahrawi organisations should be able to operate freely and communicate with international actors without undue interference.

The Mission further urges Morocco to grant regular and unrestricted access to Western Sahara for United Nations mechanisms, international human rights organisations, parliamentarians, lawyers, journalists, and independent observers.

Without prejudice to the final status of the Territory, Morocco should undertake concrete rights-based confidence-building measures, including the release of political prisoners, facilitation of independent monitoring, recognition of civil society organisations, and meaningful participation of Sahrawis in decisions affecting their social, cultural, economic, and

environmental interests. Such measures would contribute not only to compliance with international obligations but also to the creation of a more constructive environment for political dialogue.

Morocco should adopt effective measures to eliminate discrimination affecting Sahrawis and refrain from policies that may alter the demographic composition of the Territory in a manner that prejudices the exercise of the right to self-determination.

The Mission further recommends that Morocco ensure that all activities involving the exploration, exploitation, commercialisation, or export of natural resources from Western Sahara fully comply with international law, including the principle of permanent sovereignty over natural resources and the requirement to respect the wishes and interests of the Sahrawi people.

In light of the resumption of armed hostilities in Western Sahara, Morocco should ensure full compliance with its obligations under international humanitarian law. Military operations must at all times respect the principles of distinction, proportionality, precaution, and military necessity. Particular care should be taken to protect civilians and civilian objects from the effects of hostilities and to avoid attacks that may cause excessive incidental civilian harm.

Morocco should investigate promptly, independently, and effectively any allegations of violations of international humanitarian law, including attacks affecting civilians or civilian infrastructure, and ensure accountability where violations are established. The authorities should facilitate access for impartial humanitarian actors where required and cooperate with international mechanisms mandated to monitor compliance with international law.

Morocco should publicly reaffirm its commitment to respecting international humanitarian law and take all feasible measures to minimise the humanitarian consequences of the conflict for the civilian population of Western Sahara.

Finally, Morocco should engage constructively and in good faith in efforts aimed at achieving a peaceful solution that fully respects and facilitates the realisation of the Sahrawi people's right to self-determination.

6.2.3. To the Polisario Front

As a principal party to the conflict and to the United Nations-led political process, the Polisario Front also has an important role to play in promoting respect for human rights, strengthening confidence-building efforts, and contributing to conditions favourable to a peaceful settlement.

The Polisario Front should continue to engage constructively in the political process and support efforts to integrate human rights and humanitarian protections into negotiations. It should actively participate in discussions aimed at developing practical confidence-building measures capable of improving the daily lives of Sahrawis while broader political negotiations continue.

As a party to the armed conflict, the Polisario Front should conduct all military operations in accordance with applicable rules of international humanitarian law. It should ensure respect for the principles of distinction, proportionality, precaution, and humane treatment and refrain from attacks directed against civilians or civilian objects.

The Polisario Front should adopt and enforce clear operational instructions and training measures aimed at ensuring compliance with international humanitarian law by all forces operating under its authority.

The Polisario Front should continue to cooperate with international humanitarian organisations and relevant United Nations mechanisms and facilitate humanitarian access where required.

The Mission encourages the Polisario Front to continue strengthening protections for freedom of expression, association, peaceful assembly, and political participation within the refugee camps and areas under its administration.

The Polisario Front should further strengthen governance, accountability, and transparency mechanisms and continue facilitating access for relevant United Nations mechanisms, humanitarian organisations, and independent observers.

6.2.4. To the United Nations

The Mission considers that the United Nations has a central responsibility not only in facilitating a political solution but also in ensuring that human rights and humanitarian concerns are adequately addressed throughout the process.

The Security Council should ensure that MINURSO possesses sufficient capacity to monitor and report on developments affecting civilians in the context of renewed hostilities, including alleged violations of international humanitarian law. The Secretary-General should include systematic reporting on the humanitarian consequences of the conflict and compliance with international humanitarian law in his regular reports to the Security Council.

The United Nations should encourage all parties to adopt confidence-building measures aimed at reducing civilian harm, improving communication channels, and creating conditions conducive to a return to meaningful political dialogue.

The Security Council should expand the mandate of MINURSO to include a permanent, independent, and adequately resourced human rights monitoring and reporting mechanism. Such a mechanism should be empowered to conduct field visits, engage with victims and civil society organisations, receive complaints, monitor compliance with international human rights and humanitarian law, and issue regular public reports.

The Mission notes that MINURSO remains one of the few contemporary United Nations peace operations without a dedicated human rights mandate. Addressing this protection gap should be regarded as a priority.

The Secretary-General and the Security Council should ensure that human rights developments, humanitarian concerns, and confidence-building measures are addressed systematically in reports and deliberations concerning Western Sahara.

The Office of the High Commissioner for Human Rights should be granted regular and unrestricted access to the Territory and should conduct periodic monitoring missions accompanied by public reporting. United Nations Special Procedures and Treaty Bodies should intensify their engagement through country visits, communications, thematic investigations, and follow-up to recommendations.

The Human Rights Council should consider the establishment of an independent investigative mechanism or other appropriate accountability mechanism capable of documenting

serious violations and preserving evidence for future accountability processes.

The United Nations should continue to intensify efforts to facilitate a negotiated and peaceful resolution of the conflict in a manner that fully respects and enables the exercise of the Sahrawi people's right to self-determination.

6.2.5. To the African Union

The African Union and its Member States should continue to uphold the principles contained in the Constitutive Act of the African Union concerning self-determination, decolonisation, territorial integrity, and the prohibition of acquisition of territory by force.

The Peace and Security Council should maintain active engagement with the situation in Western Sahara and support initiatives aimed at promoting human rights, confidence-building, dialogue, and peaceful conflict resolution consistent with international law.

6.2.6. To the European Union and Other Economic Partners

The European Union and its Member States should ensure full compliance with international law and the jurisprudence of the Court of Justice of the European Union concerning Western Sahara. Agreements affecting the Territory should respect its separate and distinct status and the requirement that the consent of the Sahrawi people be obtained.

The Mission further recommends that the European Union and other States or entities engaged in economic activities relating to Western Sahara facilitate dialogue with representatives of the Sahrawi people, including the Polisario Front, concerning environmental protection, sustainable development, resource governance, transparency, and benefit-sharing arrangements.

Human rights benchmarks should form an integral part of relations with Morocco. Progress concerning fundamental freedoms, prevention of torture, judicial independence, and cooperation with international monitoring mechanisms should be regularly assessed.

The European Parliament and national parliaments should continue to exercise democratic oversight through hearings, fact-finding missions, and engagement with affected communities and civil society organisations.

6.2.7. To Spain

Spain should acknowledge and fulfil its responsibilities under international law in relation to the decolonisation of Western Sahara and should actively support efforts aimed at achieving a peaceful, lawful, and lasting solution consistent with the Sahrawi people's right to self-determination.

Spain should further support initiatives that strengthen human rights protection, confidence-building, accountability, and compliance with international law within the framework of the United Nations-led process.

6.2.8. To Other States

All States should ensure that their political, economic, military, security, and commercial engagement relating to Western Sahara complies fully with international law, including obligations arising from the right to self-determination and the law of State responsibility.

States should refrain from actions that could imply recognition of sovereignty claims over Western Sahara contrary to international law and should ensure compliance with the principles of non-recognition and non-assistance.

States should also support efforts aimed at strengthening human rights monitoring, accountability, humanitarian protection, and confidence-building measures capable of contributing to a peaceful settlement.

Members of the Security Council should ensure that human rights concerns remain an integral component of Council deliberations concerning Western Sahara.

6.2.9. To International Organisations, Financial Institutions, Corporations, Human Rights Organisations and Civil Society

International organisations, financial institutions, development agencies, and corporations operating in or in relation to Western Sahara should ensure full compliance with international law, including the right of the Sahrawi people to self-determination and permanent sovereignty over natural resources.

Corporations should implement enhanced human rights and environmental due diligence procedures consistent with international standards and should refrain from activities that risk contributing to violations of international law or undermining the rights of the Sahrawi people.

International legal organisations, bar associations, academic institutions, and human rights organisations should continue supporting Sahrawi lawyers, journalists, trade unionists, victims' groups, and human rights defenders.

Civil society organisations should continue advocating for independent monitoring, accountability, environmental protection, and the realisation of the Sahrawi people's right to self-determination.

6.3. Final Observation

The Mission considers that the protection of human rights, accountability for violations, respect for international humanitarian law, permanent sovereignty over natural resources, and the realisation of the Sahrawi people's right to self-determination are mutually reinforcing and inseparable elements of a just and lasting solution.

Progress in human rights protection should not be postponed until the achievement of a final political settlement. Meaningful improvements in the enjoyment of fundamental rights and freedoms can help build trust, reduce tensions, strengthen confidence between the parties, and create conditions more conducive to successful negotiations.

A durable and just resolution requires a shift from the management of the status quo toward truth, accountability, decolonisation, and the full implementation of the rights of the people of Western Sahara under international law.

The Mission therefore encourages all parties, the United Nations, regional organisations, States, international institutions, corporations, and civil society actors to pursue a rights-based approach to peacebuilding in which human rights, accountability, participation, humanitarian protection, and self-determination are recognised as essential foundations of any peaceful, just, and durable resolution of the question of Western Sahara.

The Mission hopes that this report will contribute to international awareness, principled legal analysis, and concrete efforts to strengthen monitoring, protection, accountability, dialogue, negotiation, and the realisation of the Sahrawi people's right to self-determination.

ANNEX

Western Sahara: Observations on the Living Conditions in the Sahrawi Refugee Camps and in the Liberated Areas

Tindouf Refugee Camps, Algeria



Annex: Western Sahara: Observations on the Living Conditions in the Sahrawi Refugee Camps and in the Liberated Areas

Manfred O. Hinz

Introduction

1. The following observations are based on information collected during three visits to the refugee camps of the Sahrawi in Southern Algeria. The first of the mentioned visit took place in December 2024, the second in April 2025 and the third in February 2026.
2. The visit in February 2026, which was a visit of the parliament of the Free Hanseatic City of Bremen (Bürger-schaft), Germany, on invitation of the President of the Sahrawi National Council and in which the author of this report was part of, allowed for special questions in preparation of this report.
3. Reference is, therefore, to the meeting with a presentative of the President of the Sahrawi National Council / Parliament (Mr Hamma Salama); the Sahrawi Red Crescent (Mr. Yahia Bouhubeni); MINURSO (United Nations Mission for the Referendum in Western Sahara, in French: Mission des Nations Unies pour l'Organisation d'un Référendum au Sahara Occidental); the Government of the Sahrawi Arab Democratic Republic, the Minister of Interior (Mr Brahim Bachir Beila); the local office of UNHCR (United Nations High Commissioner for Refugees); the UNMS (Unión Nacional de Mujeres Saharais – Ms. Chaaba Seini); SAMCO (Sahrawi Mine Action Coordination Office); the Sahrawi National Committee / Commission for Human Rights (Mr Sidia Abailil); and AFAPREDESA (Asociación de Familiares de Presos y Desparecidos Saharais – Mr Abdeslam Aomar Lahsen).
4. The received oral information was amended by documents made available to the rapporteur. Particular reference is here to two documents, the Sahrawi Refugee Response Plan 2024 – 2025 and the Sahrawi Refugee Response Plan 2026 – 2027.¹ Both documents support the oral information and are, therefore, important points of reference in the following observations.²

Objective and structure of the observations

5. Inquiries on the Western Sahara related situation of human rights, focus mainly on what is happening in the parts Western Sahara which is occupied by Morocco. However, the situation of human rights is also of concern with respect to the people living in the refugee camps in Southern Algeria and the eastern strip of Western Sahara, the liberated zone under the control and authority of the Sahrawi.
6. The situation of human rights in the camps and the liberated part of Western Sahara can be looked at from two perspectives. The first takes note of rights the refugees have towards the day to day administration of their lives by the authority in place, the organs of the Sahrawi Arab Democratic Republic (SADR), established on 27 February 1976. The second perspective concentrates on possible general violations of human rights that are caused by the fact that the people were forced to live in refugee camps.
7. This second perspective will be in the centre of the observations in this report.
8. As far as the first perspective is concerned, the rapporteur refers to the recently publication “Western Sahara – State and colony”. This publication shows the process of constitutionalization of the Saharawi state, which developed important mechanisms for the implementation of the rule of law and the protection of human rights. The latest was the constitutional confirmation of the Sahrawi National Human Rights Committee. The so far legally existing Committee achieved constitutional recognition in the Constitution of 2023, the constitution in force. Whether the National Human Rights Committee will be transformed into a Constitutional Court is under discussion.³
9. The just mentioned publication “Western Sahara – State and colony” uses the term “abnormal normality”⁴ to characterize the living conditions in the refugee camps. The life in the camps is normal in the sense that the people are human beings for whom security, nutrition, housing etc. are social and political values and rights. These rights are affected by the abnormal circumstances in which the people live - and: in which they were not forced to live if they were given the opportunity to exercise their right to self-determination. Exercising the right to self- determination would mean to opt for the vote according to which Western Sahara would become (integrated or autonomous) part of Morocco or achieving independence.⁵ Whatever the result of the referendum would be, it would end the life in the camps.

10. In other words: The abnormal normality of the life in the refugee camps can legally be assessed as consequence of the denial of the right to self-determination – a right of special prominence in the human rights architecture of the United Nations⁶ - and, thus, as indirect violations of the right to self-determination. These violation could even be the ground for successful claims for compensation.⁷

11. The emphasis on the right to self-determination is not meant to deny the right of the refugees that are given by other international human rights instruments: the right in accordance with the Convention relating to the Status of refugees of 1951, ratified by Algeria on 21 April 1963, and rights, e.g. under the Universal Declaration of Human Rights.

12. For the exploration of the said legally relevant consequences of the denial of the right to self-determination, the following sub-chapters will: forward some basic facts on the situation of the camps and the liberated areas; and describe sectors of concern in organizing the survival.

13. The final sub-chapter will summarize the findings and lead to some recommendations by representatives of the Sahrawi people.

Basic facts on the situation of the camps and the liberated areas

14. The legal situation of Western Sahara, including the refugee camps, is unique as Western Sahara is still a colony and as such listed in the list of self-governing territories in terms of article 73 of the Charta of the United Nations.⁸

15. Western Sahara is, as already noted, a state. The SADR is recognized by many states,⁹ founding member of the African Union and party to many international agreements.¹⁰

16. When we talk of Western Sahara, we talk of territories under different regimes, the territory where the refugees live. i.e. the camps in Southern Algeria, the territory of Western Sahara not occupied by Morocco (i.e. the liberated territory east of the berm that divides Western Sahara into the bigger part of the country occupied by Morocco and the part under control of the POLISARIO Front) and the territory occupied by Morocco.¹¹

17. The SADR is fully sovereign when looking at the liberated area, has limited sovereignty with respect to the territory on which the camps of the refugees are located, has no sovereignty over the occupied part of Western Sahara.¹²

18. The refugees from Western Sahara are settled in five camps close to the Algerian town of Tindouf in an area that covers about 6 000 square kilometers. The camps, called wilāyāt (provinces)¹³, are named after towns in Western Sahara: El Aaiún, Auserd; Dakhla, Smāra and Būjādūr. In addition to the major camps two smaller camps exist, the camp “February 27” with a boarding school for women and the camp “Rabouni” with the main offices of the administration of the SADR.

19. The wilāyāt (provinces) of the refugee settlement are divided in dawā’ir¹⁴ (districts) and bāladiyāt¹⁵ (municipalities)¹⁶, each with specific administrative structures and obligations.

20. There is not much known about the political and social administration in the liberated zone. There are settlement centres, such as Tifariti or Bir Lehlou, which have been referred to as the capitals of the SADR. However, the liberated area is unsecure, recently in particular because of attacks by Moroccan drones.¹⁷

21. The agencies of the United Nations occupied with the Sahrawi refugee camps assume the number of the refugees to be 173 600. The number given by officials of the SADR is at least 200 000.¹⁸ 45% of the people are under the age of 49; 51% are women and girls.¹⁹

22. According to a report by SMACO (Sahrawi Mine Action Coordination Office), the liberated territory may host 30 to 40 000 people of whom a number may have fled into the refugee camps or to Mauretania after the drones’ attacks by Morocco.²⁰

23. The number of people living in the occupied part of Western Sahara is estimated at over 600 000 of whom two thirds are Moroccans.²¹

24. Although contact between the Sahrawis, respectively the people in the liberated territory is difficult, it is policy to give weight to the voice of the people in the occupied part of Western Sahara when important political decisions are on the agenda. Representatives from the occupied Western Sahara are, e.g. called to participate in the congress of the POLISARIO Front, which is held every third year.²²

25. The abnormal normality of life in the camps allows limited income generating activities. There are small shops that sell basic goods, there are workshops for repair of the daily needed items, there is a taxi service facilitating the communication between the wilāyāt.²³

26. The Sahrawi refugee response plan. Solidarity in action 2026 – 2027 notes:²⁴ The camps are largely self-organised, with the Sahrawi refugee community managing basic services sustaining camp life. Women play

a particularly significant role in both service delivery and camp management, rooted in a strong tradition of women-led activities. Community solidarity and active refugee engagement demonstrate a deep commitment to self-reliance and create a unique protection environment.

27. Nevertheless, the survival in the camps very much depended and still depends on assistance from outside. Again in the words of Sahrawi refugee response plan:²⁵ [...] despite the refugees' own efforts and the generous support of the host government, the situation in the camps remains precarious. Without additional funding, core functions [...] risk collapse, and essential maintenance for critical services may not be sustained.

28. There was and is aid by the host government of Algeria: It was Algeria that paved the roads that connect the camps. It is Algeria that provides electricity and internet networks. Algeria assists the supply of water and assisted with food when the international support was not available. Algeria also offers opportunities for secondary and higher education.²⁶

29. The Sahrawi Refugee Response Plan for 2024 – 2025 calculated the need of the Sahrawi refugees with an amount of US\$ 214,401,591 "to ensure food stability, and a reliable water supply as well as to address the nutritional requirements of people living in camps."²⁷

30. The Response Plan for 2026 – 2027 results in an amount of only US\$ 177,746,418.²⁸

31. Looking at the parts coming from the agencies of the United Nations, the budget in the Response Plan for 2024 – 2025 has these figures: United Nations High Commissioner for Refugees US\$ 74,454,171 United Nations International Children's Emergency Fund 13,583,886 World Food Programme 80,154,162 World Health Organization 1,350,000

32. The budget of the Response Plan 2026 – 2027 shows this (reduced) picture: United Nations High Commissioner for Refugees US\$ 51,227,038 United Nations International Children's Emergency Fund 20,080,038 World Food Programme 66,292,146 World Health Organization 252,000

Sectors of concern in organizing the survival

33. In accordance with the Sahrawi Refugee Response Plan for 2026 – 2027, one can distinguish eight sectors of concern in the organization of survival in the camps:²⁹ The sector of Protection; Food security; Nutrition; Health; Education; Livelihoods and resilience; Wash; and Shelter energy and non-food-items.

34. The eight sectors are defined, as follows:³⁰ The sector of protection "aims to safeguard the rights, dignity, and well-being [...] through community-led and inclusive protection systems". The sector of food security "aims to ensure sustained access to diverse and nutritionally adequate food [...]". There is a special focus on food "for the most vulnerable households". The sector of nutrition aims "to improve the alarming nutritional status of [...] particularly children under five and women of reproductive age". The sector of health "aims to strengthen the community-led health system to ensure equitable and continuous access to quality healthcare [...] with a strong focus on maternal, newborn, and child health". The sector of education "aims to build an inclusive, resilient, and community-driven education system that enable all [...] children to access and continue quality education in safe and supportive environments". The sector of livelihoods and resilience "aims to advance [...] self-reliance by expanding inclusive and innovative livelihood opportunities – particularly for the youth". The sector "wash" aims to ensure access to safe water and improve hygiene and sanitation [...]. The sector will focus on increasing the average water supply to meet humanitarian standards, ensuring women's access to essential hygiene items, and reducing uncontrolled waste dumping." The sector of shelter, energy and non-food-items "aims to secure dignified living conditions by ensuring reliable access to essential household items, adequate shelters, and year-round cooking gas".

35. It was stated by all Sahrawi in charge of the administration of external aid³¹ that the reduction of funds by the relevant bodies of the United Nations had seriously affected the sectors listed and continues to do so. 31 So in particular by the representative of the Sahrawi Red Crescent and the representative of the local office of

36. The Resident Coordinator of the United Nations to Algeria stated in the report on the (first) Sahrawi Refugee Response Plan, the plan for 2024 – 2025, that the plan³² has undoubtedly improved the coherence and the visibility of the efforts of the 28 actors responding to the needs of the Sahrawi refugees and provided an important advocacy tool. However, the response plan has not been sufficiently funded so far to significantly reduce food insecurity, tackle malnutrition or ensure school enrolment of all children of age.

37. The report continues by saying: Despite the systematic efforts of the government of Algeria to compensate the 30% reduction in food rations imposed by the funding shortage, 90 % of households have had to either reduce meal portions, or skip meals, sell essential assets or take on debt. The coverage for moderate acute malnutrition management in 2024 was only 74.5%, below the humanitarian standard of 90%, requiring enhanced efforts in this area. Extreme weather conditions also contributed to the deterioration of living conditions. Despite an immediate and effective response by the Sahrawi authorities and their Algerian hosts, the

September 2024 floods in Dakhla severely damaged essential infrastructure, particularly in the education and health sectors.

38. The Sahrawi Refugee Response Plan for 2025 – 2026 gives details about the problematic situation in the eight stated sectors.

39. As far as the sector of protection is concerned, it is stated that the administration of justice and the office for registration of personal data, the Sahrawi Identification Centre, suffer from the lack of funding.³³ Legal assistance and birth registration services need reinforcement, detention conditions must be improved, and judicial staff need improved training and resources, including basic supplies.

40. Food security: With reference to the World Food Programme, the Refugee Response Plan holds:³⁴ “[...] 64% of Sahrawi refugees were moderately or severely food insecure, while 34% were marginally food secure, and less than 2% were food secure”.

41. On nutrition the Refugee Response Plan notes:³⁵ Preliminary findings from the 2025 Standardized Expanded Nutrition Survey (SENS) reveal a deeply alarming deterioration in nutrition outcomes. Global Acute Malnutrition (GAM) among children aged 6–59 months has surged to 13.6%, up from 10.7% in 2022, while stunting now affects 30.7% of children, compared to 28.8% previously. Anaemia levels remain alarmingly high, impacting 68.8% of women of reproductive age and 65.3% of children under five, a sharp increase from 53.5% and 54.2% in 2022 respectively. Only one in ten children receives a minimally acceptable diet, and nearly half of all women of reproductive age lack basic dietary diversity. Meanwhile, overweight and obesity, affecting one-third of women of reproductive age in 2022, highlight the rising triple burden of malnutrition – undernutrition, micronutrient deficiency, and overweight – further compounding the crisis. Immediate nutrition interventions are urgently required to address acute deficiencies and ensure adequate, diversified diets for children and women of reproductive age.

42. With respect to health, we read the following:³⁶ Health infrastructure is also degraded, with nearly half of community health centres requiring urgent rehabilitation. Chronic shortages of essential medicines and medical supplies further disrupt service continuity, while insufficient financial capacity limits the delivery of key public health programmes, including sexual and reproductive health, child health and immunisation, non-communicable disease management, and mental health services. These systemic weaknesses contribute to persistently poor health outcomes: neonatal mortality has risen from 19 to 27 per 1,000 live births, maternal mortality remains at 134 deaths per 100,000 live births, and antenatal care coverage is low, with only 9% of women completing the recommended four visits. Malnutrition and anaemia continue to affect both mothers and children, compounding health risks and undermining resilience.

43. Education: About 40 000 children receive education in pre-primary, primary and lower secondary facilities. Enrolment decreased from 39,544 in 2021 to 36,261 in 2024 after an increased transfer of children to Algerian schools.³⁷ Learning conditions in camp schools have strong potential for improvement, offering a clear pathway to enhancing both the efficiency and effectiveness of the education system. Creating more spacious learning environments – beyond the current class sizes of 50–60 learners – and expanding water, sanitation, and hygiene (WASH) and recreational facilities will further support children’s well-being and make school an even more welcoming place. There are also promising opportunities to strengthen learning outcomes by reducing the 23% repetition rate, increasing success in the primary education exit exam (currently 46%), and lowering dropout rates (3–4%).

44. To livelihoods and resilience, the Refugee Response Plan focuses on the need to improve entrepreneurship and self-employment, which are constrained “by limited access to finance, inadequate vocational and business skills. The climate conditions (extreme temperatures, sandstorms, periodic floods) have a serious impact on the situation of this sector.

45. Further the Plan notes:³⁸ Promoting climate-smart agricultural initiatives is essential. These interventions not only contribute to improving refugees’ food security and nutrition outcomes but also create livelihood opportunities by linking agricultural production to market needs. However, agricultural activities remain seriously constrained by the limited availability of water, which is primarily reserved for personal consumption. To be effective, these initiatives should be implemented in close collaboration with the WASH sector and aligned with integrated water resources management.

46. The Plan concludes: Overall, the situation underscores the urgent need for a coordinated, cross-sectoral approach that expands youth engagement, promotes climate-resilient and green livelihoods, and fosters inclusive economic participation. Such efforts are critical to reducing long-term dependency on humanitarian assistance and advancing self-reliance and resilience among Sahrawi refugees.

47. It is noteworthy here that the Sahrawi government launched a climate plan in 2021. The Minister of Environment and Water Resources of SADR explained the need to become part of the international efforts to protect

the climate:³⁹ We have no time to waste. Our iNDC [indicative Nationally Determined Contribution] identifies actions that can be taken under the current circumstances, and actions that can be taken once the UN-demanded decolonisation process is complete. Above all, it highlights our need to be able to access climate finance and participate in climate governance mechanisms including negotiations, in line with principles of climate justice set out in the Paris Agreement. We ask for full participation in UNFCCC [United Nations Framework Convention on Climate Change] processes, including the submission of formal NDCs, whose development should be supported through the same financial and technical assistance mechanisms that are open to other vulnerable developing countries.

48. That the supply with water is a crucial problem was stated by all Sahrawi officials dealing with water. The Refugee Response Plan summarizes the situation with water with the following words:⁴⁰ In the camps, deep aquifers remain the only available water source. Water is extracted from 19 boreholes across three main aquifers, producing over 4,100 m³ per day, still leaving a 373 m³/day shortfall to meet minimum humanitarian standards. Due to high salinity, water undergoes treatment through three reverse osmosis plants with a combined capacity of 265 m³ per hour, followed by chlorination. Storage capacity currently includes 27 reservoirs totalling 7,060 m³, with an additional 1,200 m³ required. The water network reaches 68% of the population through 401 km of pipelines and 3,247 tap stands; however, approximately 145 km of extensions are still needed, leaving 32% of the population dependent on water trucking. On average, water supply stands at 19 liters per person per day, below humanitarian standards.

49. The chapter on water concludes with remarks on waste management:⁴¹ Solid waste management also remains a serious concern. Currently, 35% of household waste is disposed of in 21 uncontrolled landfills covering over 107 hectares, creating significant environmental and public health risks. Strengthening waste collection, recycling, and safe disposal systems is urgently required to safeguard both human health and the natural environment, and to move forward a more sustainable and climate-resilient WASH system.

50. On shelter, energy and non-food items, the Refugee Plan takes note of the fact that over 1 300 families are in need of tents. There is also a critical shortage of cooking gas.⁴² Current funding will only allow for gas distribution for the first half of 2025, sharply increasing the risk of malnutrition and further eroding resilience. The ageing trucking fleet used for distributing gas and other essential commodities compounds this problem, as it is increasingly unreliable and inefficient.

51. For each of the sector and in reference to the stated deficits, the Refugee Response Plan developed concrete activities. Refer to the annexure to this report where the list of activities is reproduced.

52. As already said above, not much is known about the situation the liberated territories. However, the Refugee Response Plan has this to say:⁴³ Beyond the camps, in areas east of the Berm in Western Sahara, where many camp residents originate and may one day return, contamination from explosive ordnance continues to pose a serious threat, particularly for children. Partners such as the Sahrawi Mine Action Coordination Office (SMACO) play a vital role, in mitigating these preventable risks but require increased resources to strengthen clearance, risk education, and survivor assistance efforts.

53. The SMACO report of 2024 states in its introduction:⁴⁴ This report deals exclusively with 73 Moroccan drone attacks against civilians that have occurred during the years 2021, 2022, and 2023 in the liberated territories of Western Sahara to the east of the berm. 160 civilian victims have been recorded, including 80 fatalities of different nationalities: Western Sahara, Algeria, and Mauritania.

54. The SMACO report links the increased drones-supported hostilities to the changed international situation caused by the United States of America.⁴⁵ The announcement by the United States of America on December 10, 2020, regarding the agreement between Israel and Morocco for mutual recognition and establishment of diplomatic relations, served to benefit both Israel and Morocco in bolstering their respective occupations in Palestine and Western Sahara. This included the recognition of their territorial claims by the United States, something the Kingdom of Morocco had been desperately seeking.

55. Resulting from this,⁴⁶ Israel has become one of the most significant suppliers of military equipment and technology to Morocco, including sophisticated Israeli drones. Morocco acquired various types of drones from Israel, including surveillance and reconnaissance drones, as well as multi-purpose and even "suicide" drones. Additionally, Turkish drones and American unmanned aerial vehicles (UAVs) have also been observed in use. This sophisticated and cutting-edge technology only exacerbates and intensifies the conflict with the Polisario Front. Morocco's acquisition of this technology was only possible with the traditional financial support of some Arab kingdoms covering the expenses of such purchases. In 2020, Morocco received a batch of planes from the United Arab Emirates Wing Lolong 1, forming the core of the first armed squadron of 6 drones of the Royal Air Forces. These drones were used during the Guerguerat crisis with the Polisario Front. On September 17, 2021, Morocco received its first batch of Turkish drones "Bayraktar TB2." In November 2021,

at least 19 civilians were killed by drone bombings. The victims were of Sahrawi, Algerian, and Mauritanian nationalities.

56. Apart from the ongoing attacks by drones, the liberated territory is still dangerous to people moving there because of landmines. SMACO and UNMAS (United Nations Mine Action Service) have removed mines without fully clearing the area.

57. Many mines are concentrated along the sand berm that divides the part of Western Sahara occupied by Morocco from the liberated territory.

58. UNMAS operates as part of MINURSO. Its work was suspended when the ceasefire agreement between the Kingdom of Morocco and the POLISARIO Front ended in November 2020, but could continued after an agreement was reached.⁴⁷

59. The report summarizes the work of UNMAS since its establishment of its programme in 2008, as follows:⁴⁸ UNMAS released approximately 150 million square meters of hazardous land, including 43 of 67 known mine-fields and 508 of 541 cluster munition strike areas; verified more than 50,000 km of routes as safe for UN military observer patrols and humanitarian movement; rendered over 30,000 Mines & Explosive Ordnance items safe; reached 80,000 local and nomadic people with life-saving Explosive Ordnance Risk Education, and 2,176 MINURSO personnel briefed on explosive hazards, ensuring they can operate safely and effectively in contaminated environments; supported 48 survivors and 400 dependents, addressing the needs of a region where over 1,000 mine victims have been recorded East of the Berm.

60. UNMAS is primarily funded by the United Nations with an annual budget of approximately US\$ 3 million.

61. Human rights violation in the part of Western Sahara occupied by Morocco are observed in the camps by the Sahrawi National Human Rights Committee. AFAPREDESA is especially concerned with Sahrawis who have disappeared in the occupied part of Western Sahara.

62. The President of AFAPREDESA explained in an interview why AFAPREDA was founded: AFAPREDESA was born on August of 1989 due to the discovery of clandestine centers in Morocco⁴⁹ and the occupied territory in Western Sahara where many missing Sahrawis were confined living under terrible conditions. A guard who worked in one of these clandestine centers anonymously sent a letter to some missing Sahrawi's families. It caused a great impact among the population and opened a door to hope because folks from Western Sahara would have the possibility to finally know the destiny of their missing relatives. These families decided to join efforts by founding AFAPREDESA, that basically focuses on investigating and finding missing Sahrawis and condemning this situation internationally.

63. As to the situation of missed persons, this was said: Actually we have a list of around 400 missing Sahrawis. After some pressure, Morocco has admitted that 43 of these 400 missing citizens have died and the rest live in different refugee camps or even in other countries. We are investigating the causes of these 43 deaths and the veracity of the others' destiny because the information provided by the Moroccan authorities is vague and unclear. In the other side, we are not sure about the reality of these numbers because the kidnapping methods used by the Moroccan authorities nowadays are very different from the past. Many Sahrawis are kidnapped on the streets or during demonstrations, tortured and released a few days or even hours later. Many of these cases are not even reported because Sahrawi population gets terrified and doesn't know how to report the situation properly or who is the most competent organisation that can help them to do that.

Summary and recommendations by representatives of the Sahrawi people

64. 50 years have passed since the Sahrawis were forced to flee their home country, 50 years have passed since the Sahrawis were forced to survive in the Sahara dessert. They survived despite all kind of pressure: local pressure leading to many deficits in the organization of their survival, international pressure from the occupier of their homeland and the states which have been in support of Morocco.

65. 50 years have passed since the Sahrawis established the SADR. For 50 years, the Sahrawis have uttered their voices and called for the exercise of their right to self-determination.

66. The call for the exercise the right to self-determination was addressed to the United Nations, to all members of the international community, the main actors in Europe, the European Union and its member states.

67. The violations of human rights in the part of Western Sahara occupied by Morocco and the fact that the United Nations are permanently present in Western Sahara on the basis of mandate that does not include the monitoring of human rights led the repeated call to the Security Council to amend the mandate of the mission of the United Nations accordingly. The Sahrawi National Commission for Human Rights⁵⁰ expressed this call already in its report of 2018 in the following way:⁵¹ The Saharawi Authorities have consistently urged the UN

Security Council to establish a Human Rights component with the United Nations Mission for the Referendum in Western Sahara (MINURSO) to protect, monitor and report on the Human Rights situation of the Saharan people as long as the conflict persists. In particular, it stressed that the permanent and objective Human Rights monitoring can be accomplished only through [...] MINURSO, which would allow rapid response to situation on the ground and facilitate reporting directly to [the] United Nations members and the Security Council [...].

68. The call for self-determination was accompanied by calls for matters related to this right, but having weight on their own. Reference be here only to the conclusions and recommendations of which conclude the quoted report on drones by SMACO:⁵² A. Stakeholders must demand that Morocco immediately cease killing civilians, whether with drones or artillery and comply with the norms of international human rights law and international humanitarian law in future military operations B. Establish an effective national mechanism to monitor and track Moroccan drone attacks, create a database documenting these attacks, and work to provide healthcare, psychological, and economic support to the victims and their families. C. Relevant international organizations, including the International Committee of the Red Cross (ICRC), should conduct rapid, independent, impartial, comprehensive, and transparent investigations into all credible allegations of civilian casualties in aerial attacks and other military operations in Sahrawi territory, as well as take measures to facilitate the evacuation of victims and provide them with necessary assistance.; D. Demand that the United Nations Mission for the Referendum in Western Sahara conduct thorough, rapid, and immediate investigations and proactively seek to speak with eyewitnesses, survivors, and victims' families, despite restrictions and difficulties; E. Incite Morocco to acknowledge these crimes and fully respect the norms of international humanitarian law when planning and executing military actions and attacks, including reconsidering target selection criteria, as stipulated by some organizations. F. Hold the Spanish government accountable for allowing Moroccan drones to fly in airspace controlled by the Spanish state, resulting in the killing of unarmed civilians in territory controlled by the Polisario Front.⁵³

69. The decisions of the European Court of Justice of 4 October 2024 were important decisions in favour of the POLISARIO Front.⁵⁴ However, the negotiations between the European Union and the Kingdom of Morocco following the decisions of the European Court of Justice led to an agreement which circumvented the main messages of the decisions of the court and, again, are not in line with the right to self-determination, which includes the right to determination over the natural resources of the non-self-governing territory.⁵⁵

70. It is, therefore, that the POLISARIO Front again approached the European Court of Justice (General Court) against the latest trade agreement signed between the European Union and the Kingdom of Morocco, and entered into force "provisionally" on 3 October 2025.

71. The Special Adviser to the President of the SADR in charge of Natural Resources and Related Legal Issues, reiterated⁵⁶ that this agreement constitutes a clear violation of the historic rulings of the Court of Justice of the European Union issued on 4 October 2024 through "circumventing" the principle and condition of obtaining the consent of the Sahrawi people concerned with the right to self-determination, a requirement affirmed by the Court of Justice of the European Union since its landmark decision in December 2016 and all subsequent rulings. He further stressed that the agreement also clearly violates the principle that "Western Sahara and the Kingdom of Morocco are two distinct and separate territories," and that Morocco has no sovereignty of any kind over the territory, by adopting in the new agreement the "territorial and administrative division" used by the Moroccan occupying authorities instead of the country of origin Western Sahara and its internationally recognized code, which is different from that of Morocco. He recalled that the European Commission and Morocco "negotiated the latest trade agreement not only behind the back of the Sahrawi people and their sole and legitimate representative, the Polisario Front, but also behind the back of the European Parliament—something that angered the latter and nearly led to the rejection of the product-labeling provision on 26 November.

Bremen, March 2026

Endnotes

1. The two plans are electronically accessible: UN Algeria (2024): Sahrawi Refugee Response Plan (SRRP) 2024 – 2025, at: <https://algeria.un.org/sites/default/files/2024-01/SRRP%20-%20English.pdf> and: UN Algeria (2026): Sahrawi Refugee Response Plan. Solidarity in Action 2026 – 2027, at: <https://algeria.un.org/sites/default/files/2025-11/Sahrawi%20Refugee%20Response%20Plan%202026%20-%202027%20v.%20site%20web.pdf> (Accessed: 1 March 2026). – The Refugee Response Plan 2024 – 2025 was obviously generated by the agencies of the United Nations present in this country, as it is indicated for the subsequent plan. The Refugee Response Plan 2026 – 2027 notes UN Algeria Agencies (UNHCR, WFP, UNICEF and WHO) as the producers of this plan. Therefore, the following refers to the first plan as UN Algeria (2025) and to the second as UN Algeria (2026).plan. Therefore, the following refers to the first plan as UN Algeria (2025) and to the second as UN Algeria (2026).
2. The submission by AFAPREDESA (Gdeim Izik: 15 years of torture and resistance – We demand justice and freedom for the Sharawi political prisoners! of 17 February 2026 submitted to the mentioned delegation from the parliament of Bremen focuses on human rights violations that happened in Western Sahara.
3. Cf.: Hinz, M. O.; Aly, A. M. S.; Lehib, E. (2026): Western Sahara – State and colony. Wien Zürich: LIT Verlag and oral information of February 2026 from the Sahrawi National Human Rights Committee. – As all African states with the exception of the Kingdom of Morocco, the SADR signed and ratified the African Charter on Human and People's Rights.
4. Ibid.: 85.
5. Opening the referendum for these three options has always been the position of the POLISARIO Front while for Morocco (and its so-called autonomy plan) the vote for independence would not be an option to vote for. (Cf. on this: Hinz; Aly; Lehib 2026: 25ff.; 34ff.
6. This report is not the place to submit extensive arguments on this. It may be sufficient to note the two covenants on human rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, which both state in their article 1: "All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development."
7. Cf. here: International Court of Justice, Legal consequences arising from the policies and practices of Israel in the occupied Palestinian territory, including East Jerusalem, Advisory Opinion of 19 July 2024.
8. See: www.un.org/en/events/nonselfgoverning.shtml. (Accessed: 1 August 202).
9. See the list in: Hinz; Aly; Lehib (2026): 271ff.. – Non-recognition by the UN and members of the international community does not affect the quality of a political entity that meets the criteria of state. A state not internationally fully recognized has (albeit limited) rights and duties in terms of international law.
10. See the list: Ibid.: 275ff. – Additionally, it should be taken note of the fact that the POISARIO Front submitted, in accordance with Art. 96 (3) of the Additional Protocol I of 949 to the Geneva Conventions and the Protocol of 1977, its unilateral declaration to apply the Geneva Conventions and the Additional Protocol I in its armed conflict with Morocco on 23 June 2025. See: Notification by Switzerland to the Governments of the States parties to the Geneva Conventions of 12 August 1949 for the Protection of War Victims of 26 June 2015 (242.512.0 – GEN 4/15).
11. A fourth leg of the SADR is the Sahrawi diaspora comprising of many politically active Sahrawis who are living in many parts of the world. See on this: Lourenço, I (2024): Unwavering resolve: The Sahrawi diaspora and the fight for self-determination. Centro de Investigación de la Universidad de Tifariti, at: <https://doi.org/10.21747/3078-431Xtifa7>. (Accessed: 12 March 2026).
12. See on this: Hinz; Aly; Lehib (2026): 46ff. – Wilson (Wilson, M. 2016: Sovereignty in exile: Saharan liberation movement governs, Philadelphia: University of Pennsylvania Press: 12) uses the term "domestic sovereignty" to determine the situation in the camps of refugees.
13. Sing. is wilāya.
14. Sing. is dā'ira.
15. Sing. is bāladiyah.
16. Article 16 of the Constitution of 2023. See: Hinz; Aly; Lehib (2026): Ibid.: 104.
17. To this see: below.
18. UN Algeria (2026): Ibid.: 7 and Hinz; Aly; Lehib (2026): Ibid.: 21.
19. UN Algeria (2026): Ibid.
20. SMACO (2024): Annual report of 2024, at: www.smaco-ws.com. (Accessed: 5 March 2026): 16.
21. Cf.: Western Sahara: Provinces and urban places – population statistics, maps, charts, weather and web information (n.d.), at: <https://citypopulation.de/en/westernsahara>. (Accessed: 12 March 2026).
22. Cf.: Hinz; Aly; Lehib (2026): Ibid.; 46ff.
23. Personal observations. See also: Tavakoli, J (2015): Zwischen Zelten und Häuser, Die Bedeutung der materiellen Ressourcen für den Wandel von Identitätskonzepten sahrauischer Flüchtlinge in Algerien. Berlin: regiospectra.

24. UN Algeria (2026): Ibid.: 12.
25. Ibid.: 12.
26. Ibid.: 13.
27. UN Algeria (2024): Ibid.: 31.
28. UN Algeria (2026): Ibid.: 37.
29. Ibid.: 9.
30. Ibid. UNHCR.
31. Resident Coordinator (2025): Sahrawi refugee response plan one year report 2024, at: <https://reliefweb.int/report/algeria/sahrawi-refugees-response-plan-one-year-report-2024> (Accessed: 12 March 2026).
32. UN Algeria (2026): Ibid.: 17.
33. Ibid.: 19.
34. Ibid.: 21.
35. Ibid.: 23.
36. Ibid.: 25.
37. Ibid.: 27.
38. Western Sahara Resource Watch (2021): Saharawi government launches climate plan, at: <https://wsrw.org/en/news/saharawi-government-launches-climate-plan> (Accessed: 12 March 2026).
39. UN Algeria (2026): Ibid.: 29.
40. Ibid.
41. Ibid.: 31.
42. Ibid.: 17,
43. SMACO (2024): Ibid: 3.
44. Ibid.: 7.
45. Ibid.
46. See here: UNMAS (2026); Territory of Western Sahara, at: <https://www.unmas.org/en/territory-western-sahara>. (Accessed: 15 March 2026)
47. Ibid.: 2. – The formalities of the text of the original quote were slightly adopted to meet the style of presentation of this report; the bold printing was removed.
48. Emmaus (n. d.): More than 400 Sahrawis are missing, at: <https://artikel2.se/more-than-400-Sahrawis-are-missing>. (Accessed: 13 March 2026).
49. The predecessor of the National Human Rights Committee / Commission confirmed in articles 144 and 145 of the Constitution of 2023.
50. Saharawi National Commission for Human Rights (2018): Report – Activities to promote and protect human rights in the Saharawi Republic. N. P.
51. SMACO (2024) Ibid: 20.
52. Spain is still in authority of the airspace over Western Sahara.
53. Cf, on this: Hinz; Aly; Lehib (2026): Ibid.: 71ff.
54. Cf.: Hinz, M. O. (2026): Renegotiated: Trade between the European Union and the Kingdom of Morocco, paper submitted to the German solidarity association “Freiheit für die Westsahara”, on file with the author.
55. Sahara Press Service of 13 March 2026, at: <https://www.sprasd.info/en/2026/01/01/13667.html#> (Accessed: 15 March 2026).



FIFTY YEARS UNDER OCCUPATION

**Human Rights Violations, Settler-Colonial Transformation,
and the Absence of International Monitoring in Western Sahara**

This report was prepared within the framework of a fact-finding mission conducted under the auspices of the European Association of Lawyers for Democracy and World Human Rights (ELDH).

Published July 2026