



Public letter –

July 9, 2012

Her Excellency Navanethem Pillay  
High Commissioner for Human Rights  
Office of the United Nations High Commissioner for Human Rights (OHCHR)  
Palais des Nations  
CH-1211 Geneva 10, Switzerland

Sent via Fax: (41) 22-917-9011

Your Excellency:

In light of the recent draft report issued by the Universal Periodic Review (UPR) Working Group on Morocco, the Robert F. Kennedy Center for Justice and Human Rights (RFK Center), Aminatou Haidar, 2008 Robert F. Kennedy Human Rights Award Laureate and President of the Collective of Sahrawi Human Rights Defenders (CODESA), the Boston University Asylum & Human Rights Program, the Norwegian Support Committee for Western Sahara, the Fahamu Refugee Programme, the US-Western Sahara Foundation, and the Cairo Institute for Human Rights Studies wish to raise concerns regarding the consistency of the draft report with the oral review. Organization representatives traveled to Geneva as part of an international coalition of human rights organizations to attend the UPR session on Morocco and to draw attention to the ongoing human rights violations in Western Sahara.

During the session, many U.N member delegations expressed concerns or recommendations regarding Western Sahara and the Sahrawi people. However, it has come to our attention that several of the references made to Western Sahara have been omitted entirely by the Working Group from the report, for instance:

1. **Sweden** recommended that Morocco take immediate steps to implement the new Constitution's provision that international human rights are to be fully respected, including press freedom, freedom of expression, assembly and association. The Swedish delegate explicitly stated that this should include views on the situation in Western Sahara. The draft report has omitted this reference.

2. **United States** expressed concern that Morocco has failed to register civil society organizations advocating on behalf of minority populations, including Sahrawis. The draft report retains this concern, but does not refer to the Sahrawis by name.
3. **Denmark** expressed regret that UN-led negotiations to find a peaceful solution to the status of Western Sahara remain stalled, and that peaceful demonstrations continue to be subjected to attacks, and protestors arbitrarily detained or physically assaulted. It also asked the government of Morocco what measures were being taken to protect the safety of peaceful protestors and respect human rights in Western Sahara. The Working Group failed to include the references to the negotiations and the protests, and Denmark's question to Morocco.
4. **Costa Rica** recommended that Morocco accept the establishment of a human rights component in the United Nations Mission for the Referendum in Western Sahara (MINURSO). This recommendation was omitted from the report.
5. **Ireland** noted that it would welcome the inclusion of a broader human rights monitoring mechanism in the mandate of MINURSO. This reference to MINURSO was omitted from the report.

While some references to the issue of the Western Sahara occupation were retained in the draft report, others were completely removed or stripped of their significance. The omission of the references made by delegations to the human rights violations in Morocco-controlled Western Sahara against the Sahrawi people prevents the international community from being fully informed of the serious challenges facing the Sahrawi people. -The coalition requests that your office kindly include in the report a more comprehensive summary that includes the concerns and recommendations put forth by the delegations present at the UPR. We have enclosed here a detailed summary of the statements of the delegations to the UPR as they were delivered and how they currently appear in the draft report We believe that a more comprehensive report is critical in order to convey to the international community the importance of acting urgently to put an end to the serious violations of human rights taking place in occupied Western Sahara.

We thank you for your attention to this matter. Please do not hesitate to contact the RFK Center's advocacy director, Marselha Gonçalves Margerin, by email at [gmargerin@rfkcenter.org](mailto:gmargerin@rfkcenter.org) or by telephone at (202) 463-7575 Ext. 224.

Sincerely,



Santiago Canton  
Director, Partners for Human Rights  
Robert F. Kennedy Center for Justice and Human Rights

(Enclosure)

### Sweden:

Text Accurately Reflecting Delegation Statements:

Paragraph 129.80. Take immediate steps to implement the new Constitution's provision that international human rights are to be fully respected, including press freedom, freedom of expression, assembly and association, **including views on the situation of and in Western Sahara (Sweden);**

Current Text of the UPR Draft Report:

Paragraph 129.80. Take immediate steps to implement the new Constitution's provision that international human rights are to be fully respected, including press freedom, freedom of expression, assembly and association (Sweden);

### United States:

Text Accurately Reflecting Delegation Statements:

Paragraph 39. United States of America expressed concern about arrests of journalists, bloggers and artists, allegations of police brutality against peaceful demonstrators and the torture of detainees by the security forces, and failure to register civil society organizations advocating on behalf of minority populations, **including Sahrawis.** The United States of America made recommendations.

Current Text of the UPR Draft Report:

Paragraph 39. United States of America expressed concern about arrests of journalists, bloggers and artists, allegations of police brutality against peaceful demonstrators and the torture of detainees by the security forces, and failure to register civil society organizations advocating on behalf of minority populations. The United States of America made recommendations.

### Denmark:

Text Accurately Reflecting Delegation Statements:

Paragraph 65. Denmark noted the excessive use of force to disperse peaceful demonstrations. It noted the arrest of journalists and bloggers. It regretted the arbitrary detention and attack of protesters and noted the persistence of legal and practical gender-based discrimination. **Denmark expressed regret that UN-led negotiations to find a peaceful solution to the status of Western Sahara remain stalled, and that peaceful demonstrations continue to be subjected to attacks and protestors arbitrarily detained or physically assaulted. It asked the government of Morocco what measures are being taken to protect the safety of peaceful protestors and respect human rights in Western Sahara.** Denmark made recommendations.

Current Text of the UPR Draft Report:

Paragraph 65. Denmark noted the excessive use of force to disperse peaceful demonstrations. It noted the arrest of journalists and bloggers. It regretted the arbitrary detention and attack of protesters and noted the persistence of legal and practical gender-based discrimination. Denmark made recommendations.

### **Costa Rica:**

Text Accurately Reflecting Delegation Statements:

Paragraph 132.1. Accept the establishment of a permanent human rights component in the United Nations Mission for the Referendum in Western Sahara (MINURSO), being the only peacekeeping mission not having this component (Uruguay, **Costa Rica**).

Current Text of the UPR Draft Report:

The report fails to include Costa Rica's request that Morocco consider the incorporation of a human rights component to MINURSO.

### **Ireland:**

Text Accurately Reflecting Delegation Statements:

Paragraph 88. Ireland noted that the Family Code stipulated that the legal age of marriage was 18 and welcomed the changes in the Constitution regarding gender equality. It highlighted Morocco's commitment to provide unimpeded access to all Special Procedures but remained concerned about the human rights situation in Western Sahara. **It noted that it would welcome the inclusion of a broader human rights monitoring mechanism in the mandate of the UN Peacekeeping mission in Western Sahara.** Ireland made recommendations.

Current Text of the UPR Draft Report:

Paragraph 88. Ireland noted that the Family Code stipulated that the legal age of marriage was 18 and welcomed the changes in the Constitution regarding gender equality. It highlighted Morocco's commitment to provide unimpeded access to all Special Procedures but remained concerned about the human rights situation in Western Sahara. Ireland made recommendations.