

ACHPR/Res.282 (LV) 2014 : Resolution on the situation in the Sahrawi Arab Democratic Republic

The African Commission on Human and Peoples' Rights (the Commission) meeting at its 55th Ordinary Session held from 28 April 2014 in Luanda, Angola:

Recalling its mandate to promote and protect human and peoples' rights in Africa under the African Charter on Human and Peoples' Rights (the African Charter) ;

Recalling further the African Charter in its Article 20 paragraph 1 which stipulates that: "*All peoples shall have the right to existence. They shall have the unquestionable and inalienable right to self-determination. They shall freely determine their political status and shall pursue their economic and social development according to the policy they have freely chosen.*";

Recalling its Resolution ACHPR/Res.45 (XXVII) 00 on Western Sahara adopted at its 27th Ordinary Session held from 23 October to 6 November 2000, in Cotonou, Benin;

Considering its conclusions and recommendations made in its report on the fact- finding mission conducted in the Sahrawi Arab Democratic Republic (SADR) adopted by the Executive Council of the African Union at its meeting from 24 to 25 January 2013 in Addis Ababa, Ethiopia;

Commending the report of the United Nations Secretary General S/2014/258 published on 10 April 2014 on the situation in the Western Sahara, which emphasizes on the importance of the right to self-determination of the Sahrawi people;

Recalling the relevant United Nations Resolutions which recognize the status of Non-Self-Governing Territories in Western Sahara, making them the subject of decolonization;

Noting the adoption of Resolution 2152 by the United Nations Security Council on 29 April 2014, renewing the mandate of the United Nations Mission for the Referendum in Western Sahara (MINURSO);

Further Noting and Commending the submission and consideration of the Periodic Report of the SADR pursuant to Article 62 of the African Charter;

Concerned by the persistence of acts of human rights abuses in the occupied territory of the SADR which take the form of a crackdown on peaceful demonstration, arrests, arbitrary detentions, enforced disappearances, acts of torture, inhuman and degrading treatment of Sahrawi prisoners and failure to respect the right to a fair trial;

Deeply concerned by the violence to which Sahrawi women and youth fall victim in the occupied territories, particularly regarding the excessive use of force to disperse demonstrators;

Deploring the growing number of Sahrawi victims of anti-personnel mines, the spread of which prevents freedom of movement across Western Sahara and continues to endanger the lives of the local population;

Denouncing the exploitation of natural resources by Morocco and some other members of the international community in the occupied parts of the territory and its territorial waters in violation of the principles of international law applicable to activities concerning natural resources of Non Self-Governing Territories ;

Observing the vulnerable socio-economic situation in which the refugees have lived for the past thirty-nine years in the camps near Tindouf (Algeria);

The Commission :

Condemns the widespread human rights abuses perpetrated against the Sahrawi people in the occupied territories;

Urges the parties to the conflict to continue the negotiations in order to achieve a just, political, lasting and mutually-acceptable solution, leading to self-determination for the people of Western Sahara;

Invites the International Community to establish an international human rights monitoring mechanism in the occupied territories;

Calls on the competent authorities to guarantee the respect of the inalienable right of the Sahrawi people concerning the natural resources in the occupied territories;

Urges the parties to continue to cooperate with the United Nations High Commission for Refugees in the implementation of the updated Action Plan on the confidence- building measures adopted in January 2012;

Further calls for the return of the humanitarian agencies to the refugee camps to strengthen the protection and assistance to the refugees;

Calls on the States to offer their good offices to clear the mines from the areas where anti-personnel mines have been laid as they represent a continuing source of danger for the population; and

Decides to be seized of the matter.

Adopted at the 55th Ordinary Session of the African Commission on Human and Peoples' Rights in Luanda, Angola, 28 April to 12 May 2014