



**General Assembly  
Human Rights Council  
29<sup>th</sup> session**

**Item 2 - Annual report of the United Nations High Commissioner for Human Rights and reports  
of the Office of the High Commissioner and the Secretary-General**

**Oral update**

**General debate**

I thank you Mr. President,

Mr. High-Commissioner,

The American Association of Jurists welcomed the announcement you made at last session of the Council regarding sending a “technical mission” to Western Sahara.

Some days later after your announcement, we were disconcerted by the declaration made by the Kingdom of Morocco during the General debate on Item 8, which seemed to be more, in substance and form, a right to reply to a previous declaration of a group of States that addressed the fundamental question of the right to self-determination.

Regardless of the expressions made by the Kingdom of Morocco, it is key to keep in mind the juridical aspects related to the situation in Western Sahara.

First: since 1963 Western Sahara is listed in the list of non self-governing territories of the Special Committee on Decolonization.

Second: as clearly stated in 2002 by the former Under-Secretary-General for Legal Affairs, Mr. Hans Correll, the “Madrid Agreement” of 1975 did not transfer sovereignty over Western Sahara to, nor did it confer the status of Administering Power upon the Kingdom of Morocco.

Third: since no State is recognized as Administering Power of Western Sahara, the United Nations has a primary responsibility for the respect of international law in the territory, including Human Rights and International Humanitarian Law.

Fourth: in relation to Western Sahara, the Kingdom of Morocco can only be considered as the *de facto* Occupying Power who under International Humanitarian Law may be accountable of war crimes, such as forced disappearances, torture, extrajudicial killings and transfer of civilian population into the occupied territory.

In this context of colonial occupation, we call upon you, Mr. High-Commissioner, to preserve the core values of the United Nations and to reaffirm the independence of your Office:

1) by ensuring the respect of fundamental freedoms and rights of the Sahrawi People, including by developing a technical cooperation with the Sahrawi National Commission for Human Rights and its members organizations and;

2) by disclosing the findings of the “technical mission” in your comments during your next update at the 30th session of the Council.

I thank you Mr. President.

**15<sup>th</sup> June 2015**