



تجمع المدافعين الصحراويين عن حقوق الإنسان
COLLECTIF DES DEFENSEURS SAHRAOUI DES DROITS HUMAINS
COLECTIVO DE DEFENSORES SAHRAUIS DE LOS DERECHOS HUMANOS
THE COLLECTIVE OF SAHARAWI HUMAN RIGHTS DEFENDERS

The Collective of Saharawi Human Rights Defenders

The founding congress

Al-Aaiun / Occupied Western Sahara

Statement

The founding congress of the Collective of Sahrawi Human Rights Defenders

CODESA

Held under the slogan **"For a Sahrawi human rights movement: For the masses, militant, united, renovated and continuous"**

On: 25th September 2020, in El-Aaiun / Western Sahara

The founding congress of the Collective of Sahrawi Human Rights Defenders, CODESA was held in El Aaiun / Occupied Western Sahara on 25 September 2020, named after the martyrs of political detention in Moroccan prisons, Martyr "Hasana Taleb Buya El-Wali" and Martyr "Ibrahim Mohamed Saika", under the slogan: "the Saharawi human rights movement: for the masses, militant, united, renovated and continuous,". The congress was attended by numerous delegates, observers and guests of honor, driven by a firm conviction and a strong desire to promote and advance human rights in a resolute manner . The congress underscored the critical need to consider international humanitarian law as the foundational framework for the debate around the legal status of the occupied territory of Western Sahara as well as the international community mandatory legal obligations and responsibilities in general, and in particular, Spanish colonialism and the Moroccan occupation, based on:

- The Hague 1907 Convention (Law of Military Occupation), notably its Articles 42 to 56.
- The Fourth Geneva Convention Relative to the Protection of Civilians, notably its Articles 27 to 34 and 47 to 78.
- Some provisions of the First Additional Protocol to the four Geneva Conventions issued on August 12, 1949.
- The UN Security Council Resolution No. 380 issued on November 06, 1975.
- The UN General Assembly Resolution No. 34/37 of November 21, 1979.
- The UN General Assembly Resolution 35/19 of November 11, 1980. As a fundamental legal basis that addresses war crimes, crimes against humanity and a range of gross violations of human rights by the Spanish colonial power before its withdrawal from Western Sahara, as well as by the Moroccan occupation since its invasion and occupation of Western Sahara on October 31, 1975.

From this standpoint emanates the slogan of the founding congress of the Collective of Sahrawi human rights defenders, CODESA, as an independent Sahrawi human rights organization with a progressive identity. CODESA commits to embody the struggle of the popular masses with a renewed and open vision, with a firm belief in the struggle alongside the rest of the of the Sahrawi human rights movement components in favor of a civil society that believes in democracy, the universality of human rights and seeks the realization of the aspirations of the Sahrawi people.

This founding conference is being held in exceptional circumstances, the main feature of which is the continued and systematic crimes against humanity and gross violations of human rights committed by the Moroccan occupying power against Sahrawi civilians, amid absolute international silence. At a time when the



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world is witnessing serious setbacks affecting the human rights system, especially the right of peoples to self-determination, after the rise of chauvinistic trends hostile to human rights and the rise of the populist and extremist right wing regimes in many capitalist countries, amongst them are powerful states that dominate the decision-making structures within the institutions of the international system.

The founding conference of the Collective of Sahrawi human rights defenders, CODESA wishes to congratulate:

- ✓ The Saharawi popular movement heading to the illegal border crossing of Guerguarat located between Western Sahara and Mauritania, and declare complete and unconditional solidarity with the peaceful and legitimate protests at this border crossing that contribute in prolonging the Moroccan occupation and increase the plunder of the Saharawi people's natural resources.
- ✓ The preparatory committee for all the efforts made within the framework of CODESA continuity and organizational struggle through the preparation and supervision of documents presented to the conference.
- ✓ All its militants, for their adherence to their principles and their contributions to ensuring continuity, enriching the debate and updating the documents submitted to the conference.
- ✓ Local, Maghreb and international democratic and popular bodies that supported the struggle and organizational continuity of the Collective of Sahrawi Human Rights Defenders (CODESA).

After deciding on the legitimacy of the conference and the legal quorum reached as well as studying and debating the entirety of the documents submitted to it, the conference adopted the reports and elected its structures, in accordance with its internal norms and procedures, taking into account women and youth representation.

The congress noted:

1 / At the international level:

The human rights system suffers from dangerous setbacks due to the conflict of interests among the most powerful capitalist countries and multinational companies, coupled with what the so-called war on terrorism have added as a smokescreen to the commission of gross violations of human rights. In addition, the global arena is marred by the decline of the role of the United Nations and the failure of its agencies to uphold international legality in Western Sahara and to guarantee the Sahrawi people their right to self-determination in accordance with the United Nations Charter.

1. Expresses its unwavering solidarity and support to all peoples' struggles and protest movements calling for just and legitimate rights, considering that the peoples' liberation and democratic struggle is part of the global liberation movement against imperialist domination.
2. Emphasizes its rejection of all forms of normalization with the Zionist entity, and its absolute support to the Palestinian people's struggle for their right to self-determination and the establishment of their independent state.

2 / At the continental level:

Denounces the Moroccan state's accession to the African Union in 2017 and its ratification of the constitutive act of this continental body, despite the SADR being a founding member of the African Union. The AU has repeatedly expressed its deep concern about the human rights situation in the occupied part of Western



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Sahara and condemned the failure to complete the decolonization of the last colony in Africa, in reference to Morocco's occupation of Western Sahara.

3 / At the regional level:

The inability of the Maghreb Union to achieving economic, social and cultural integration due to the Moroccan occupation constitutes the only obstacle hindering the way to building the Great Maghreb - the Maghreb of the peoples.

4 / At the local level:

1. Sahrawi civilians continue to carry out peaceful protests demanding their right to self-determination, independence and sovereignty over their natural resources, despite the policy of systematic repression and torture practiced by the Moroccan occupying power. The congress denounces the clear policy of the occupier to fill the occupied cities of Western Sahara with thousands of Moroccan settlers, hence changing the territorial demographics, which is considered a crime according to international legal norms.
2. International human rights organizations and parliamentarians, trade unions and media outlets are prevented from entering or expelled from the occupied Western Sahara, reinforcing the situation of military, police and media siege.
3. The Moroccan state continues to prosecute human rights defenders, bloggers, media professionals and political prisoners with fabricated charges, and to suppress Sahrawi civilian demonstrators' right to freedom of expression and peaceful demonstration.

Taking into consideration that from the perspective of international law, the Sahrawi people has not yet exercised its right to self-determination, and Western Sahara is classified as a decolonization case since 1966 by the Fourth Committee of the United Nations General Assembly among 17 other territories around the world.

The CODESA founding congress confirms:

Firstly, at the level of the Spanish state as the administering power of Western Sahara:

1. The Spanish state is legally and politically responsible for ending occupation in Western Sahara, and should be held accountable for war crimes, crimes against humanity and gross violations of human rights that the Sahrawi people are exposed to.
 - a. The colonial power in Western Sahara since 1884 was preparing a referendum in 1974 at the request of the United Nations, but to the surprise of the international community, Spain illegally withdrew from the territory, and signed the Madrid Agreements that divided Western Sahara between Morocco and Mauritania.
 - b. Based on international humanitarian law, Spain as the administering power of Western Sahara does not possess the sovereignty or the right to hand over or to surrender the administration of the territory without the consent of the Sahrawi people.





2. The need to clarify the fate or whereabouts of the Sahrawi historical leader of the Zemla uprising, Sidi Ibrahim Basiri, who was kidnapped on June 18, 1970.
3. The release of the Sahrawi student and political prisoner Hussain al-Bashir Ibrahim Amaadur, who has been sentenced by the Moroccan occupying administration to 12 years in prison, as Spain bears legal responsibility for the crime of extraditing him on December 19, 2019 to Morocco after submitting his application for political asylum in Spanish territory.

Secondly, at the level of the Moroccan occupier state:

1. Comply with United Nations resolutions and international legality by expeditiously implementing the UN-AU peace plan, by organizing the referendum in Western Sahara and respecting its results.
2. Apply the provisions of Article 73 of the United Nations Charter and respect the sovereignty of the Sahrawi people over their natural resources.
3. To reveal the whole truth behind the killing of the two Saharawi martyrs of political detention in Moroccan prisons, Martyr "Hasana Taleb Buya El-Wali" and Martyr "Ibrahim Mohamed Saika", and all martyrs died in secret detention centres and the martyrs of the peaceful protests.
4. Release all Sahrawi and Moroccan political prisoners and shed light on the fate of the Sahrawi abductees - unaccounted for and the Sahrawi prisoners of war.

Thirdly, at the international level:

The United Nations should take responsibility for:

1. Putting pressure on the Spanish state, as the administering power of Western Sahara, to assume its historical and legal responsibilities in the decolonization of the territory.
2. Putting pressure on the Moroccan occupying state to comply with international humanitarian law, in particular the 1907 Hague Convention (Law of Occupation) and the four Geneva Conventions, with the aim of guaranteeing the Sahrawi people's right to self-determination.
3. Protecting Sahrawi civilians, and working to implement the requirements and provisions of Article 73 of the United Nations Charter regarding the peoples of the territories who have not exercised their right to self-determination through the establishment of an international mechanism to monitor and report on the situation and protection of human rights in Western Sahara. The United Nations Mission for the Organization of the Referendum (MINURSO) is operating in the territory since 1991, without assuming its role to protect Sahrawi civilians from crimes against humanity committed by the Moroccan occupying state.
4. Establishing a fund under the supervision of the United Nations to guarantee the permanent sovereignty of the Saharawi people over the natural resources of Western Sahara and to benefit from them, in accordance with General Assembly Resolution 1803 (XVII) of December 14, 1992.
5. Condemning and ensuring the accountability of the Moroccan occupying state as the party blocking the holding of the referendum in Western Sahara.
6. Seeking the dispatching of the Office of the High Commissioner for Human Rights and the Special Rapporteurs of the United Nations to Western Sahara on an ongoing basis within the framework of implementing international humanitarian law and in line with the legal status of the occupied Western Sahara, while activating all relevant recommendations.





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7. Pressing for an end to the military, police and media blockade of the occupied Western Sahara, making the territory accessible to delegations, foreign observers and all international human rights and humanitarian organizations.
8. Calling on the International Committee of the Red Cross to assume its responsibilities as one of the mechanisms of international humanitarian law:
 - a. The ICRC should open an office in the occupied part of Western Sahara.
 - b. Should contribute to determine the fate of the kidnapped persons and prisoners, hold visits and track the conditions of Sahrawi prisoners of conscience in Moroccan prisons, according to:
 - I. The Geneva Conventions and their Additional Protocols.
 - II. Articles 09 and 126 of the Third Geneva Convention.
 - III. Articles 10 and 134 of the Fourth Geneva Convention.
 - IV. Article 81 of the First Additional Protocol.
 - V. Articles 05/02 / d and 05/03 / d of the statute of the International Committee of the Red Cross.
9. Continuing to implement confidence-building exchange measures by reopening the family visits program between the refugee camps and the occupied cities of Western Sahara under the supervision of the United Nations High Commissioner for Refugees to alleviate the human suffering experienced by the Sahrawis.
10. Continuing the humanitarian support for Sahrawi refugees and putting an end to their human tragedy by expeditiously holding the referendum on self-determination.
11. Exercising pressure on Morocco to dismantle the military wall, surrounded by millions of landmines, which divides the Sahrawi people into two parts.
12. Holding the United Nations responsible for continuous plunder and theft of the natural resources, and for the non-closing of the illegal border crossing of "El Guerguerat" located between the territories of Western Sahara and Mauritania.
13. Putting pressure on the Moroccan regime to remove all landmines located in different parts of Western Sahara and neighbouring areas and to determine their location, in order to preserve the safety of people and their property, and to preserve the natural and animal wealth from extinction.

Fourthly, at the European Union level:

1. We appreciate the rulings issued by the European Court of Justice regarding the agreements concluded by the European Union and the Kingdom of Morocco, that illegally included parts of the territory, territorial waters and airspace of Western Sahara. And at the same time, we appeal to the European Court of Justice to show more clarity and block the ongoing attempts to circumvent its decisions.
2. Exclude Western Sahara from all agreements concluded with Morocco, including the illegal fisheries agreement and the illegal trade and agricultural exchange agreement concluded between Morocco and the European Union, which include the territory of Western Sahara, and to stop participating with the Moroccan occupying power in the depletion and plunder of the natural resources of Western Sahara. These resources belong to the Sahrawi people as it was confirmed by the European Court of Justice in its latest decision No. T-108/14 of 27 February and 19 July 2018, considering Western Sahara a separate territory from Morocco and confirming that Morocco has no sovereignty over the territory.



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3. Stop attempts to bypass the will of the Sahrawi people with regard to the exploitation of the natural resources of the territory, and refrain from threatening the territorial integrity of Western Sahara and the unity of the Sahrawi people by adopting selective and double-standard measures in dealing with the territory and people of Western Sahara who are west of the berm and the territory and people of Western Sahara located to the east of the berm.
4. Put pressure on the Spanish state to assume its legal and political responsibility in completing the decolonization of Western Sahara, as Spain is the administering power of this territory, in accordance with international humanitarian law.
5. Deploy a fact-finding mission to Western Sahara to monitor and report on the human rights situation in the occupied Western Sahara, and to activate the recommendations of the European Parliament committees that visited the territory, especially those related to the release of Sahrawi political prisoners and respect for human rights in Western Sahara. In addition to dealing with the human rights situation in Western Sahara in isolation from the situation in Morocco in line with the norms of international law and relevant European laws.
6. Actively participate in guaranteeing the Sahrawi people their legitimate right to self-determination and respect for the sovereignty over their natural resources.

Fifthly, at the level of the African Union:

1. Contribute to guaranteeing the Sahrawi people to exercise their right to self-determination through a free and fair referendum to decolonize the last African colony, through a strong and firm position at the level of the United Nations to implement the international legality in Western Sahara, and to protect civilians from the systematic oppression and torture practiced against them by the Moroccan security forces.
2. Put pressure on the group of African member states that opened consulates in the occupied part of Western Sahara, in a blatant violation of the legal status of the territory, so as to withdraw these consulates, hence complying with the AU Constitutive Act and the UN resolutions on Western Sahara.
3. Exercise pressure on the Moroccan occupying state to implement the African Union decision regarding the visit of an AU delegation representing the African Commission on Human and Peoples' Rights to report on the human rights situation in Western Sahara. And to allow the envoy of the African Union to visit the occupied territories of Western Sahara.

In the Occupied Al-Aaiun / Western Sahara

25th September 2020

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