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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Pasqualina Napoletano, Ana Maria Gomes, Iratxe García Pérez and Karin Scheele

on behalf of the PSE Group

on human rights in Western Sahara

European Parliament resolution on human rights in Western Sahara

The European Parliament,

- having regard to its previous resolutions on Western Sahara, and in particular its Annual Report (2004) on Human Rights in the World,
 - having regard to UN Security Council Resolution 1495 (2003), on the right of the Sahrawi people to free determination based on agreement between the parties, adopted on 11 October 2005 by the UN General Assembly,
 - having regard to Rule 115 of its Rules of Procedure,
1. Welcomes the appointment by the UN Secretary-General of his Personal Envoy to Western Sahara, in the person of Ambassador Van Valsum, and the designation of Mr Francisco Bastagali as Special Representative responsible for the UN Mission for the referendum in Western Sahara (Minurso), which should help to re-activate the peace process in Western Sahara;
 2. Supports a just and definitive solution to the conflict in Western Sahara, based on the rule of law and on international law, and the relevant resolutions of the UN Security Council, particularly Resolution 1495 of 11 October 2005 adopted by the UN General Assembly;
 3. Calls on the Kingdom of Morocco and the Polisario Front, the neighbouring states and the European Union to cooperate fully with the United Nations with a view to completing the process of decolonisation of Western Sahara;
 4. Calls on the European Union to actively support the UN's efforts in calling for the preservation of the natural resources of Western Sahara as a non-autonomous territory, the subject of a decolonisation process as stipulated in the legal opinion (2002) by the UN's Deputy Secretary-General for Legal Affairs, Mr Hans Correl, and for a peaceful settlement of the conflict;
 5. Welcomes the release of all the Moroccan prisoners of war by the Polisario Front; is concerned, however, at reports of human rights violations in Western Sahara, including violations of freedom of speech and freedom of movement;
 6. Welcomes the efforts by Morocco to remedy the plight of persons who were the victims of human rights violations, and in particular the establishment of an Equity and Reconciliation Commission;
 7. Calls on the Moroccan authorities to immediately release the human rights supporters, Mrs Aminattou Haidar, Mr Ali Salem Tamek and 35 other Sahrawi political prisoners, and to shed light on the fate of more than 500 missing Sahrawis, of whom 43 have been discovered in communal graves close to the places where they were detained by the Moroccan authorities;

8. Is concerned at reports from Amnesty International and the World Organisation Against Torture (OMCT), referring to serious human rights violations against the Sahrawi civilian population since 21 May 2005; takes the view that the instigators of these inhumane practices should not benefit from impunity;
9. Recognises, however, the progress represented by the ban on torture, the compensation of victims and the draft law of December 2004 making torture a criminal offence; notes that there is a moratorium on the death penalty in Morocco and calls on the Moroccan authorities to abolish the death penalty;
10. Calls for the protection of the Sahrawi population, respect for their fundamental rights, including freedom of expression and freedom of movement, in accordance with the Universal Declaration of Human Rights and the international treaties and conventions on human rights;
11. Intends to inform the Moroccan authorities and the Polisario Front leaders of its decision to send a delegation to the Sahara in January 2006, and expects the delegation to be able to go there as soon as possible and carry out its mission with impartiality and without hindrance;
12. Instructs its President to forward this resolution to the Council and Commission, the governments and parliaments of the Member States, the Government of Morocco, the Polisario Front and the UN Secretary-General.