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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 122 of the Rules of Procedure

on Western Sahara: the case of Aminatou Haidar

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on behalf of the GUE/NGL Group

European Parliament resolution on Western Sahara: the case of Aminatou Haidar

The European Parliament,

- having regard to the Euro-Mediterranean Agreement establishing an association between the European Communities and the Member States on the one part, and the Kingdom of Morocco on the other part, and especially its Article 2,

- having regard to the International Covenant on Civil and Political Rights of the United Nations, signed both by Spain and the Kingdom of Morocco, of which Article 12.4 establishes that "no one shall be arbitrarily deprived of the right to enter his/her own country",

- having regard to the Swedish Presidency Declaration of 11 December 2009, which "calls upon the Moroccan authorities to fulfil their international human rights obligations and to cooperate with the Spanish authorities so that a positive solution may be reached",

- having regard to United Nations resolutions 1754, 1783, 1813 as well as all previous UN resolutions with reference to the conflict of Western Sahara as it is a subject of decolonisation the solution of which must be based in the exercise of the right to self-determination by the Saharawi people,

- having regard to the Declaration of the UN General Assembly of 9 December 1998 on the right of individuals, groups and institutions to promote and protect universally recognised human rights and fundamental freedoms,

- having regard to the report of its Ad hoc Delegation of March 2009, especially its recommendations on the respect and observance of human rights in the Western Sahara,

- having regard to the reports of Amnesty International, Human Rights Watch and the World Organisation Against Torture, as well as the report of the UN High Commissioner for Human Rights, that confirm serious attempts against human rights in Western Sahara perpetrated by Morocco,

- having regard to Rule 122(5) of its Rules of Procedure,

A. whereas Aminatou Haidar, Saharawi defender of human rights, upon her return from the United States where she received the Civil Courage Award, was expelled from El Aaiun airport (Western Sahara) by the Moroccan authorities that confiscated her passport and forced her onto a plane to Spain against her will;

B. whereas Aminatou Haidar was candidate to the Sakharov Prize of the European Parliament and awarded, among other awards, with the Robert F. Kennedy Human Rights Award in 2008, the Civil Courage of Human Rights Award of the Train Foundation in 2009;

C. whereas Aminatou Haidar has been on hunger strike since 16 November 2009 at Lanzarote's airport (Spain);

D. whereas seven Saharawi human rights defenders were detained upon their return to Saharawi refugee camps, and are pending to be judged in Morocco by a military court, confronting rulings of death penalties;

E. whereas tens of Saharawi opinion prisoners are currently in Moroccan jails;

1. Demands the Kingdom of Morocco to permit, without any further delay, the immediate return of Aminatou Haidar to Western Sahara, in accordance with Article 12.4 of the International Covenant on Civil and Political Rights of the United Nations, and to return her passport, which was illegally confiscated at El Aaiun airport by the Moroccan authorities;

2. Demands the Kingdom of Morocco to safeguard her physical integrity and to respect her right to return to her home and family;

3. Denounces that Aminatou Haidar is victim of an illegal, inhuman and cruel act against International Law and international conventions on the right to the freedom of movement and expression;

4. Asks the Spanish authorities to urgently put into practice as many measures as needed for the return of Aminatou Haidar to Western Sahara, as well as to give her any kind of assistance and collaboration in order to recover her legitimate rights;

5. Demands the Commission and the Council to freeze the Association Agreement between the EU and the Kingdom of Morocco and to paralyze the Advanced Status until the Kingdom of Morocco fulfils the international legislation, in particular, the UN resolutions with reference to the celebration of a referendum of self-determination in the Western Sahara, as unfinished process which will put an end to the occupation by Morocco;

6. Demands the Spanish Presidency of the EU to urgently guarantee that Aminatou Haidar returns home and to take all the needed measures in order that Morocco fulfils all the UN resolutions and celebrates the self-determination referendum in Western Sahara;

7. Asks the Commission and the Council to pressure the Kingdom of Morocco to liberate the seven Saharawi activists of human rights, political prisoners Ali Salem Tamek, Ahmed Alnasiri, Brahim Dahane, Yahdih Ettarouzi, Saleh Labihi, Dakja Lashgar and Rachid Sghir, in virtue of Article 19 of the International Covenant on Civil and Political Rights;

8. Denounces the arbitrary persecution and repression against the innocent civil population in Morocco and requires the Kingdom of Morocco to end these actions;

9. Demands the Kingdom of Morocco to permit free access and free movement in Western Sahara to independent observers, to the press and to the humanitarian organisations;

10. Supports without reservations the recommendation of its Ad hoc Delegation in which it is asked that UN include in its mandate in Western Sahara the follow-up, in situ and without obstacles, of the situation of human rights, in order to detect and identify the activities that do

not respect human rights;

11. Demands the Commission to follow-up the situation of human rights in Western Sahara and to regularly send information missions on the area, in virtue of Article 2 of the Association Agreement EU-Morocco;

12. Denounces the open legal processes against Saharawi activists and urges the Commission to follow them closely;

13. Asks the Conference of Presidents to authorise sending a delegation to Western Sahara in order to observe in situ the situation of human rights;

14. Instructs its President to forward this resolution to the Council, the Commission, to the Member States, the General Secretariat of United Nations, to the President of the African Union, to the Kingdom of Morocco and the Polisario Front.