

Joint Statement

Occupied Western Sahara

Moroccan Court of Cassation urged to reverse Agadir Bar Association's arbitrary denial of the right of Sahrawi human rights defender Mhamed Hali to practice law

The undersigned organizations are concerned over the situation of Sahrawi human rights defender M'hamed Hali, who has been arbitrarily deprived of his right to practice as a lawyer in the Moroccan judicial system due to opinions expressed in support of the right to self-determination for the people of Western Sahara.

Following the Agadir Bar Association's decision in February of 2020 to deny Mhamed Hali's membership application and the human rights defenders subsequent appeal in 2021, the case sat before the Moroccan Court of Cassation for three years, an unusually long wait. The case was suddenly reactivated in May 2024 and a hearing has now been scheduled in front of the Moroccan Court of Cassation for 27 June 2024.

[Mhamed Hali](#) is a member of the human rights monitoring organisations the League for the Protection of Sahrawi Political Prisoners (LPPS) and the Sahrawi Association of Victims of Grave Human Rights Violations committed by the Moroccan State (ASVDH), both of which have denounced serious human rights violations in the region, testifying before the United Nations and the European Parliament. There are reasonable grounds to believe Mhamed Hali's human rights work and his outspoken support for the right to self-determination are the main reasons why he is now being barred from practicing as a lawyer.

In October of 2019, Mhamed Hali applied to the Agadir Bar Association for membership. Although he met all the legal criteria required to practice as a lawyer in Moroccan courts, the human rights defender was surprised to learn in February of 2020 that the Agadir Bar Association had rejected his application.

The Bar Association's decision was based on a report provided by the Moroccan intelligence services, which stated that "*the concerned candidate is well known for his separatist and anti-territorial integrity attitudes*". Based on this report, the Bar Association concluded that Mhamed Hali "*has violated the obligation of respecting the territorial integrity of the Kingdom, a pillar of the nation's principles*" and also "*defended the separatist claims by words and actions through declarations, actions, statements, practices and clear positions*". Despite meeting all legal requirements for admission, including not having a criminal record nor being the subject of investigations, the Bar Association concluded that the human rights defender was unfit to practice as a lawyer, in direct contradiction of the Moroccan Law No 28.08's Articles 5 and 11.

This decision amounts to discriminatory treatment towards Mhamed Hali in violation of his right to freedom of expression and deprives him of the right of access to practicing law based on subjective political considerations. The decision also sets a dangerous precedent for the independence of lawyers in Morocco generally, and for Sahrawi lawyers in particular, which will therefore affect the right to defence for Sahrawi individuals, in particular Sahrawi human rights defenders.

The former Special Rapporteur on the Independence of Judges and Lawyers, Diego Garcia, and the Special Rapporteur on Freedom of Opinion and Expression, Irene Khan, have already expressed their deep concern to the Government of Morocco over Mhamed's arbitrary deprivation of a license ([AI MAR 3/ 2022, 4 Octobre 2022, Case Mhamed Hali](#)). While referring to the denial of the license directly related to opinions expressed, the UN experts stated that the case constitutes a serious violation of international standards relating to the free and independent practice of the legal profession. *“According to these standards, states must put in place all appropriate measures to ensure that lawyers are able to perform all their professional functions without intimidation, hindrance, harassment or undue interference. Lawyers, like other citizens, have the right to freedom of expression, belief, association and assembly”*, the UN experts urged.

The refusal to grant Mhamed Hali admission to the Agadir Bar Association in Morocco on the basis of his political views fits into Morocco's systematic pattern of persecution of Sahrawi human rights defenders, including lawyers, as documented by the UN Human Rights Mechanisms. In a [joint statement](#) of 2021, UN experts decried *“the systematic and relentless targeting of human rights defenders in retaliation for exercising their rights to freedom of association and expression to promote human rights in Western Sahara”*. They urged Morocco to *“stop targeting human rights defenders and journalists standing up for human rights issues related to Western Sahara, and allow them to work without reprisals”* with the UN expert on human rights defenders decrying in a [public press release](#) that reports received *“amount to violations of international human rights law and standards and fly in the face of the Moroccan Government's commitment to the UN system as a whole.”*

We urge Morocco to ensure that Mhamed Hali is granted the right to a fair trial and that his right to freedom of expression is respected. We underscore that lawyers, as other citizens, are entitled to the right to freedom of expression, belief, association and assembly.

We also urge Morocco to put an end to its crackdown on civil society, particularly Sahrawi human rights defenders in the occupied territory, including Sahrawi jurists and lawyers, and to ensure they are able to conduct their human rights work without risk of reprisals and judicial harassment.

As recommended by the Independent Expert on international solidarity ([A/HRC/56/57](#)) *“States should eliminate the criminalization of international solidarity expressions and symbols and calls for accountability for violations of public international law norms, such as calls for peace, self-determination or decolonization [...]”*, referring to the case of Western Sahara.

With this call, we also invite other organizations concerned with the safety of human rights defenders, jurists and lawyers to take urgent action prior to the hearing of 27 June 2024.

Signatures:

- 1) Front Line Defenders
- 2) International Bar Association Human Rights Institute
- 3) International Service for Human Rights
- 4) Lawyers 4 Lawyers
- 5) NOVACT