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Western Sahara/Morocco: the Moroccan Court of Cassation upheld a judgment depriving human rights defender Mhamed Hali from his right to join the Agadir Bar Association

On 27 June 2024, the Moroccan Court of Cassation upheld the judgment depriving human rights defender **Mhamed Hali** from his right to join the Bar Association, which was previously issued by Agadir Bar Association. This decision came as a result of Mhamed Hali's opinions in support of the right to self-determination for the people of Western Sahara.

[Mhamed Hali](#) is a dedicated human rights defender and a member of the Sahrawi Association of Victims of Grave Human Rights Violations committed by the Moroccan State (ASVDH). He holds a doctorate in international humanitarian law and currently serves as the Secretary General for the Association for the Protection of Saharan Prisoners in Moroccan Prisons (LPPS).

In October 2019, Mhamed Hali applied for membership in the Agadir Bar Association after fulfilling all requirements in accordance with Moroccan law No. 28.08, which governs admissibility to the bar. However, on 13 February 2020, the Agadir Bar rejected his application based on an investigation conducted under Article 11 of law No. 28.08, which examines the ethical conduct of an applicant. The investigation concluded that *"he is not a person fit to practice because he is a member of an organization (ASVDH) that denies Moroccan sovereignty over Western Sahara"* and that *"the concerned candidate is well known for his separatist and anti-territorial integrity attitudes"*.

However, Mhamed Hali has fulfilled all legal conditions to join the Bar Association, as regulated by Law No. 28.08. The human rights defender has passed the aptitude test for access to the Agadir Bar, has no criminal record, and holds Moroccan nationality, in line with the requirements set out in Article 5 of Law No. 28.08. The only basis for the refusal was the outcome of the investigation examining the ethical conduct of an applicant.

According to this decision, the human rights defender has being arbitrary deprived from his right of access to practicing law for discriminatory grounds against his political opinions and affiliations. Article 10 of the UN Basic Principles on the Role of Lawyers states that *"Governments, professional associations of lawyers and educational institutions shall ensure that there is no discrimination against a person with respect to entry into or continued practice within the legal profession on the grounds of race, colour, sex, ethnic origin, religion, political or other opinion, national or social origin, property, birth, economic or other status, except that a requirement, that a lawyer must be a national of the country concerned, shall not be considered discriminatory"*.

The case of Mhamed Hali should be seen in conjunction with the systematic targeting and persecution of Sahrawi human rights defenders by Moroccan authorities. The UN Working Group on Arbitrary Detention has concluded that this systematic persecution of Sahrawis constitutes racial discrimination, breaches the equality of human rights, and aims to silence advocacy in favour of the right to self-determination.

Front Line Defenders is seriously concerned about the deprivation of the human rights defender Mhamed Hali of his right to practice as a lawyer in the Moroccan judicial system due to his opinions on the right to self-determination for the people of Western Sahara. Front Line Defenders believes that he is being targeted for his legitimate and peaceful work to protect and promote human rights.

Front Line Defenders urges the authorities in Morocco to:

1. Unconditionally reverse the decision of Moroccan Court of Cassation;
2. Accept Mhamed Hali's application for membership in the Agadir Bar Association;
3. Put an end to the crackdown on civil society, particularly Sahrawi human rights defenders in the occupied territory;
4. Guarantee in all circumstances that all human rights defenders in Western Sahara can carry out their human rights activities without fear of reprisals and free of all restrictions, in line with Morocco international human rights obligations and commitments.

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