

To: the Agadir Bar Association

Amsterdam, 26 June 2024

*Re: Refusal of admission to the Agadir Bar Association for M'Hamed Hali*

Dear Maître Mohamed Amine Bizoulal, dear colleague,

The undersigned Bar Associations express their concerns regarding the refusal of admission to the bar for Sahrawi human rights defender M'hamed Hali, due to his expressed support for the right to self-determination for the people of Western Sahara.

According to the information we received from the Dutch Lawyers for Lawyers Foundation, Mr. Hali is a member of the human rights monitoring organization Sahrawi Association of Victims of Grave Human Rights Violations committed by the Moroccan State (ASVDH), which denounces serious human rights violations in the region, appearing before the United Nations and the European Parliament. In October 2019, Mr. Hali sought admission to the Agadir Bar Association to become a registered lawyer. Although he met all the legal criteria required to practice as a lawyer before Moroccan courts, including not having a criminal record nor being the subject of investigations, the Agadir Bar Association rejected his application in February 2021, a direct contradiction of Moroccan Law No 28.08's Articles 5 and 11.

The Agadir Bar Association based its decision 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". The Bar Association concluded that Mr. Hali "has violated the obligation of respecting the territorial integrity of the Kingdom, a pillar of the nation's principles" and "defended the separatist claims by words and actions through declarations, actions, statements, practices and clear positions". This decision can be found to constitute discriminatory treatment towards Mr. Hali, violating his right to freedom of expression and arbitrarily depriving him of the right of access to the legal profession.

Following the Agadir Bar Association's decision in February 2020, and Mr. Hali's 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 scheduled in front of the Moroccan Court of Cassation for 27 June 2024. The above-mentioned bar associations express deep concerns as to the dangerous precedent this decision could set for the independence of lawyers in Morocco generally, and for Sahrawi lawyers in particular. Such concerns were previously shared by the former Special Rapporteur on the Independence of Judges and Lawyers, Mr. Diego Garcia, and the Special Rapporteur on Freedom of Expression and Association, Mrs. Irene Khan.<sup>1</sup>

We would like to draw your attention to article 10, 11 and 23 of the United Nations Basic Principles on the Role of Lawyers<sup>2</sup>, which state:

'(...) professional associations of lawyers (...) 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.'

'In countries where there exist groups, communities or regions whose needs for legal services are not met (...) professional associations of lawyers (...) should take special measures to provide opportunities for candidates from these groups to enter the legal profession.'

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<sup>1</sup> AL MAR 3/2022, 4 October 2022, Case M'hamed Hali, retrieved from: [AL MAR \(3.2022\) \(ohchr.org\)](https://www.ohchr.org/en/indicators/AL-MAR-3-2022).

<sup>2</sup> The UN Basic Principles on the Role of Lawyers provide a concise description of international norms relating to the key aspects of the right to independent counsel. The Basic Principles were unanimously adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders in Havana, Cuba on 7 September 1990. Subsequently, the UN General Assembly "welcomed" the Basic Principles in their 'Human rights in the administration of justice' resolution, which was adopted without a vote on 18 December 1990 in both the session of the Third Committee and the plenary session of the General Assembly.

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And 'lawyers like other citizens are entitled to freedom of expression, belief, association and assembly (...) without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.'

Based on the information provided by Lawyers for Lawyers, the undersigned bar associations urge colleagues from the Agadir Bar Association to refrain from withholding access to the profession based on discriminatory grounds and in violation of the right to freedom of expression.

Thank you for your attention to this important matter.

Yours sincerely,

**The Amsterdam Bar Association**

**The Council of Bars and Law Societies of Europe (CCBE)**

**The Gelderland Bar Association**

**The Groningen Bar Association**

**The Limburg Bar Association**

**The Noord-Holland Bar Association**

**The Rotterdam Bar Association**