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United Nations body asks immediate release of Saharawi student activists

A Call for Urgent Action

In November 2018, a group of students from Western Sahara – the so-called “Student Group” or the “Group of El Wali” – submitted a complaint of arbitrary detention to the United Nations Working Group on Arbitrary Detention.¹

The decision was made public by the United Nations Working Group on Arbitrary Detention on 31 March 2020. The opinion calls for the immediate release of the currently imprisoned students. Find the opinion [here](#).²

The background for the arrest of the Student Group was their student activism in university cities of Morocco; and their continued struggle for the right to self-determination for the people of Western Sahara. Five of the members of the Student Group³ remain imprisoned.

Urgent action is needed to ensure the immediate release of the detained Saharawi students.

It should be recalled that in view of the COVID-19 crisis, the UN High Commissioner for Human Rights, Michelle Bachelet Jeria, last week stressed that “*Now, more than ever, governments should release every person detained without sufficient legal basis, including political prisoners and others detained simply for expressing critical or dissenting views*”.⁴

¹ The complaint submitted relates to 14 out of 15 members of the Student Group. The case of the 14 applicants is highlighted in this report, on the basis of the decision rendered by the United Nations Working Group on Arbitrary Detention. It is however emphasized that the “Student Group” originally consisted of 15 Saharawi students and two Moroccan students. The conclusions drawn in the opinion by the United Nations Working Group on Arbitrary Detention similarly applies to the case of the 15th Saharawi student (Wafi Al Wakari) and the two young Moroccan students, arrested in response to their student activism.

² The decision is made public here: https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session86/A_HRC_WGAD_2019_67_AdvanceEditedVersion.pdf

³ With reference to five members of the «Student Group» we include Mr. Al-Hussein Al-Bashir Ibrahim (Moroccan name Lahoucine Amaadour), a young Saharawi student arrested and arbitrarily detained in January 2019; on charges closely related to the case of the so-called “Student Group”, wherein Hussein was charged and condemned to imprisonment of 12 years for the act of inciting the “Student Group” to use violence leading to the death of a young Moroccan. The reason for the arrest of Hussein is the exact same as the reason for the arrest of the «Student Group».

⁴ United Nations High Commissioner for Human Rights, Michelle Bachelet Jeria, Press Release, dated 26 March 2020, <https://www.unmultimedia.org/tv/unifeed/asset/2542/2542017/>

The Student Group & Opinion No. 67/2019 of The United Nations Working Group On Arbitrary Detention

The case of the Student Group was treated in Opinion No. 67/2019 of the United Nations Working Group on Arbitrary Detention, rendered during the 86th session of the Working Group. The opinion rendered by the Working Group relates to a total of 14 applicants and was made public on 31 March 2020.

The Working Group found that the detention of the Student Group was and is arbitrary, breaching Articles 9, 10, 19, 23 of the Universal Declaration on Human Rights, and Articles 1, 2, 3, 7, 9, 14, 18, 19, 26 and 27 of the International Convention on Civil and Political rights; falling under Category 1, 2, 3 and 5 of the Working Methods of the Working Group:

- *Category 1:* The Working Group cited the circumstances around the students' arrest, holding that the arrest was illegal, breaching Article 9 of the International Convention on Civil and Political Right.
- *Category 2:* The Working Group held that the students were arrested and detained in response to their student activism and their opinions relating to the right to self-determination for the people of Western Sahara. The Working Group therefore held that the students were arrested in response to having expressed an opinion protected by Article 19 of the Covenant on Civil and Political Rights, rendering the arrest and detention of the students illegal. The Working Group referred the case to the Special Rapporteur on Freedom of Expression.
- *Category 3:* Since the students were arrested in response to their political opinions, the Working Group held that no criminal proceedings should have followed. However, since the students were in fact subjected to criminal proceedings, the Working Group responded to the allegations raised in the complaint submitted. The Working Group noted that the students were, upon arrest, subjected to torture and forced to sign confessions that were later used as criminal evidence. The Working Group held that allegations of torture were raised in all proceedings, but that the judge and the King Prosecutor failed to uphold their duties, leaving the principle of the right to a fair trial irrevocably compromised; and referred the case to the Special Rapporteur on Torture. The Working Group further noted that the students did not have legal counsel at the time of arrest; that the defence was not able to submit evidence; that the students themselves and their lawyers were repeatedly interrupted; and that allegations of torture and request for medical examination were not responded to; which left the principle of the right to defence breached. The Working Group further noted that observers wishing to attend the proceedings were denied access, in breach of the principle of a public hearing.
- *Category 5:* In its reasoning, the Working Group referred to previous decisions rendered, wherein the Working Group held that the detention of Saharawis advocating in favour of the right to self-determination constitutes racial discrimination. The Working Group noted that the case of the Student Group has a historical background, wherein one Saharawi was attacked, and one Moroccan was killed. The Working Group noted that the police had opened an investigation into the death of the Moroccan, but that the state had taken no actions to investigate the attack on the Saharawi student. The Working Group held that the reason for the arrest of the Student Group is their activism in favour of the right to self-determination for

Western Sahara, constituting racial discrimination, breaching Article 1, 2 and 27 of the International Convention on Civil and Political Rights.

On this basis, the Working Group called on the Government of Morocco to take the necessary measures to remedy the situation of Brahim Moussayih, Mustapha Burgaa, Hamza Errami, Salek Baber, Mohamed Rguibi, Elkantawi Elbeur, Ali Charki, Aomar Ajna, Nasser Amenkour, Ahmed Baalli, Aziz El Ouahidi, Mohammed Dadda, Omar Baihna and Abdelmoula El Hafidi (i.e. the members of the Student Group) and make it compatible with applicable international standards, including those set out in the Universal Declaration of Human Rights and the Covenant International Civil and Political Rights.

The Working Group further ordered the immediate release of the imprisoned students, i.e. Elkantawi Elbeur, Aziz El Ouahidi, Mohammed Dadda and Abdelmoula El Hafidi. The Moroccan Government has not taken any actions to implement the decision of the Working Group, and the students remain arbitrarily detained. As Al-Hussein Al-Bashir Ibrahim is facing close to identical charges in response to his student activism and his support for the right to self-determination; the same reasoning applies.

The Arbitrarily Detained Students



Elkantawi Elbeur

Used to study at the University in Marrakesh in Morocco; and was active in the Saharawi student movement. Elkantawi was arrested in January 2016 together with the other members of the Student Group. Elkantawi was sentenced to 10 years in prison, and is currently held in Bouzarkarn, close to the city of Guelmim.

Abdelmoula El Hafidi

Used to study at the Faculty of Law, at the University of Marrakech. El Hafidi is a human rights activist associated with the association for the protection of Saharawi political prisoners in Moroccan jails, and a student activist in the student movement in Marrakech. He was arrested in April 2016, sentenced to 10 years in prison. He is currently held in Ait Melloul prison, close to the city of Agadir.



Mohammed Dadda

Used to study at University of Marrakech, and was active in the Saharawi student movement. Dadda was arrested in February 2016, and was later sentenced to 10 years in prison. He is currently held in Ait Melloul prison, close to the city of Agadir.



Aziz El Ouahidi

Used to study at the Ibn Abi Zahr University in Agadir, and was active in the student movement in Agadir. He was arrested in February 2016, later sentenced to 10 years in prison. He is currently held in the prison of Bouzarkarn, close to the city of Guelmim.



Al-Hussein Al-Bashir Ibrahim

Arrested January 2019 after having been handed over by the Spanish authorities to the Moroccan authorities without having his asylum application treated. Charged with the act of having incited the Student Group into using violence leading to death. He was sentenced to 12 years in prison; and his appeal is scheduled to commence 22 April 2020. He is currently held in the prison of Ait Melloul, close to the city of Agadir.

Actions Needed

It is fundamental that the following message is communicated to the Government of Morocco:

- I. Ensure that Elkantawi Elbeur, Aziz El Ouahidi, Mohammed Dadda, Abdelmoula El Hafidi and Al-Hussein Al-Bashir Ibrahim is - based on the recent decision rendered by the Working Group on Arbitrary Detention - immediately released from prison;
- II. Ensure that all other Saharawi political prisoners imprisoned in response to their exercise of their fundamental right of freedom of opinion and expression, as enshrined in Article 19 of the International Covenant on Civil and Political Rights, and on the basis of having shown their support for the right to self-determination for the people of Western Sahara, in violation of Article 1, 3 and 27 of the International Convention on Civil and Political Rights, is immediately released from prison.

The need for immediate release is particularly acute in view of the current COVID-19 crisis.

Government bodies in Morocco to contact:

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**This report is prepared by
the Norwegian Support Committee for Western Sahara**

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