



ELDH European Association of Lawyers for Democracy & World Human Rights

EJDM Europäische Vereinigung von Juristinnen & Juristen für Demokratie und Menschenrechte in der Welt

EJDH Asociación Europea de los Juristas por la Democracia y los Derechos Humanos en el Mundo

EJDH Association Européenne des Juristes pour la Démocratie & les Droits de l'Homme

EGDU Associazione Europea delle Giuriste e dei Giuristi per la Democrazia e i diritti dell'Uomo nel Mondo

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LEGAL STATEMENT ON THE ONGOING HUNGER STRIKE OF THE GDEIM IZIK SAHRAWI CIVILIAN PRISONERS

For the attention of the Moroccan authorities, United Nations mechanisms, the International Committee of the Red Cross, the European Union and other competent institutions

3 October 2026

I. Immediate situation

On 23 September 2026, nine Sahrawi civilian prisoners belonging to the Gdeim Izik group announced an open-ended hunger strike. Their principal demand is their transfer to prisons in Western Sahara. They have also called for implementation of findings and recommendations adopted by United Nations mechanisms, adequate medical care, respect for family and legal contacts, protection against reprisals, and effective international monitoring and humanitarian access.

The hunger strike must be considered in the context of a longstanding and internationally documented record concerning the Gdeim Izik prisoners. United Nations mechanisms have repeatedly addressed allegations and findings concerning torture and ill-treatment, forced confessions, detention conditions, solitary confinement, inadequate medical care and severe restrictions on family contact.

The United Nations Working Group on Arbitrary Detention, in **Opinion A/HRC/WGAD/2023/23**, concluded that the deprivation of liberty of 18 members of the Gdeim Izik group was arbitrary and called for their immediate release, appropriate redress and compensation, and an independent investigation. The Opinion also documented dispersion among prisons, prolonged solitary confinement, serious obstacles to family visits and previous hunger strikes connected with detention conditions and demands for transfer to Western Sahara.

The Committee against Torture has likewise repeatedly examined individual cases concerning members of the group and has addressed torture, ill-treatment, detention conditions, investigations, medical care, reprisals and family contact. In several cases, the Committee specifically called for prisoners to be held in prisons closer to their families.

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II. International legal framework

Morocco is bound by the **Convention against Torture (CAT)**. The Convention requires effective measures to prevent torture and other cruel, inhuman or degrading treatment and requires prompt and impartial investigation where there are reasonable grounds to believe that torture has occurred. The protection of prisoners against reprisals and the provision of effective remedies and redress are likewise central obligations under the Convention.

The existing findings concerning members of the Gdeim Izik group therefore require more than a general expression of concern. They require concrete measures addressing the conditions and treatment which have repeatedly been brought before international human-rights mechanisms.

The prisoners' demand for transfer to Western Sahara also raises a distinct issue under international humanitarian law. Western Sahara remains a United Nations Non-Self-Governing Territory, and its status is governed by the continuing international legal framework concerning decolonisation and self-determination. The **International Court of Justice's 1975 Advisory Opinion** confirmed that the materials before it did not establish a territorial sovereignty relationship capable of affecting the application of the principle of self-determination.

Article 76 of the Fourth Geneva Convention, insofar as its provisions are applicable to the situation, provides important protection concerning the place of detention of protected persons in occupied territory. The ICRC Commentary confirms the territorial principle governing detention under that provision. The prisoners' demand for transfer to Western Sahara should therefore be addressed as a substantive international-law issue and not merely as a matter of family convenience.

The demand is further supported by the **United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)**. Rule 59 provides that prisoners should, *to the extent possible*, be allocated to prisons close to their homes or places of social rehabilitation. Rule 58 protects regular communication and visits with family and friends, while Rule 106 requires special attention to maintaining and improving appropriate relations between prisoners and their families. ([UNODC](#))

These standards are particularly relevant where prisoners are detained more than 1,000 kilometres from their families and where such geographical separation substantially impairs regular family visits. The international standards therefore require the authorities to give genuine and individualised consideration to the location of detention and to the preservation of meaningful family contact.

III. ELDH demands

We call upon the Moroccan authorities and the competent international institutions to take the following immediate measures:

1. Protect life and health.

Ensure the immediate physical safety of every hunger striker and provide independent, adequate and ethically appropriate medical care. No medical intervention should be used as a means of coercion or punishment.

2. Prevent reprisals and ill-treatment.

Ensure that participation in the hunger strike or complaints concerning detention conditions does not result in intimidation, retaliation, solitary confinement or any other punitive measure.

3. Implement the findings of United Nations mechanisms.

Provide concrete information on the implementation of the relevant decisions and recommendations of the Committee against Torture and the Working Group on Arbitrary Detention, including measures concerning investigation, redress, detention conditions, medical care, family contact and protection against reprisals.

4. Transfer prisoners to Western Sahara and ensure proximity to their families.

Urgently review and implement the prisoners' demand for transfer to appropriate prisons in Western Sahara. This demand is supported by Article 76 of the Fourth Geneva Convention, insofar as applicable, by **Nelson Mandela Rules 58, 59 and 106**, and by the repeated findings of the Committee against Torture concerning detention far from prisoners' families.

In particular, Rule 59 establishes the international standard that prisoners should, to the extent possible, be detained close to their homes or places of social rehabilitation. Where prisoners are nevertheless detained far from their families, the authorities must ensure effective measures to counterbalance the resulting disadvantages to family contact. ([UNODC](#))

5. Guarantee family, legal and independent medical contact.

Ensure regular and meaningful access to family members, lawyers and independent medical professionals and end conditions of detention that make such contact practically ineffective.

6. Ensure ICRC access.

The International Committee of the Red Cross should be granted access to the prisoners concerned, including private interviews, access to relevant detention facilities, assessment of health and detention conditions and appropriate follow-up visits, within its humanitarian mandate.

7. Strengthen independent international monitoring.

The United Nations should strengthen independent documentation and reporting concerning the human-rights situation in Western Sahara. In any consideration of the future mandate of MINURSO, the establishment or strengthening of effective independent human-rights monitoring and reporting should be addressed.

8. Ensure European follow-up.

The European Union, the European External Action Service and the European Parliament should urgently raise the situation with the Moroccan authorities, seek concrete information concerning implementation of the relevant UN findings and use available diplomatic and parliamentary channels to promote the prisoners' protection and humanitarian access.

IV. Conclusion

The present hunger strike is the latest manifestation of a longstanding and internationally documented situation involving arbitrary detention, allegations and findings concerning torture and ill-treatment, detention conditions, medical care, family separation and the continued detention of Sahrawi prisoners far from their families.

The appropriate international response must therefore go beyond monitoring the immediate medical consequences of the hunger strike. It must address the underlying legal and humanitarian issues and ensure that existing international findings are translated into concrete protection.

We call for immediate protection of the prisoners' health and dignity; an end to reprisals and prolonged solitary confinement; effective family, legal and medical contact; implementation of the findings of United Nations mechanisms; ICRC humanitarian access; and the urgent transfer of the prisoners to appropriate places of detention in Western Sahara, in accordance with the applicable international legal framework and the Nelson Mandela Rules.

The international record concerning the Gdeim Izik prisoners is already extensive. What is required now is **effective implementation, independent monitoring and concrete protection.**