

URGENT ACTION

SAHRAWI ACTIVIST ABUSED UNDER HOUSE ARREST

Sahrawi woman activist Sultana Khaya, and several members of her family, have been held under a de facto house arrest for months in their home in Boujdour, Western Sahara. The authorities have yet to present any charges against her. Security service agents are regularly stationed in front of their home, preventing the family from leaving the house and people, including relatives, from visiting them. On numerous occasions, Sultana Khaya and her family have been physically attacked by police when they tried to leave their home, resulting in serious injuries to Sultana Khaya and her sister. The authorities must immediately lift the arbitrary house arrest of Sultana Khaya and her family.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Head of Government of the Kingdom of Morocco
Mr. Saad Eddine el Othmani
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Rabat, Morocco
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Your Excellency,

*I am writing to express my grave concern about the arbitrary house arrest of Sahrawi activist **Sultana Khaya**, and several members of her family, including her sister Waraa Khaya.*

Since 19 November 2020, security forces agents- in both uniform and plain-clothes- have been stationed outside the Khaya family house. On numerous occasions, when Sultana Khaya or other members of the family tried to go out, walking just a few meters from the house, security forces confronted them and pushed them violently back inside. The security forces often blocked their supporters from entering their street, sometimes using arbitrary and abusive force. Relatives were allowed only on a few limited occasions to bring food and medical supplies to Sultana Khaya's family home. Security forces have severely assaulted Sultana Khaya, members of her family and their visitors. On one occasion in February 2021, her sister, Waraa Khaya said that, when realising that they were not filmed anymore, four security forces beat her by throwing her against a big iron door. The assaults left Sultana Khaya and Waraa Khaya with wounds and bruises all over their bodies.

From the start of her house arrest, the authorities have failed to present Sultana with an arrest warrant or a court order, or to inform her of the reason for her arrest. She was only told verbally, by the head of the police forces in Boujdour, that she was forbidden from leaving her house.

This unlawful detention is part of a wider crackdown by the Moroccan authorities on Sahrawi activists and critical voices within Western Sahara, which escalated following clashes between Morocco and the Polisario Front in November 2020. Sultana Khaya is known for her vocal peaceful activism in favour of Sahrawi self-determination. Her and her family's prolonged house arrest amounts to arbitrary detention, as it imposes an undue restriction on their rights to freedom of movement and association.

In light of the above, I urge you to end the arbitrary house arrest against Sultana Khaya and her family and respect their right to freedom of movement, expression and association. I urge you to put an end to the assaults that Sultana Khaya and her family are subjected to, open an investigation into the security forces' arbitrary and abusive force against her and her family, and provide them with adequate reparation for the violation of their right to liberty and other harm suffered.

Yours sincerely,

ADDITIONAL INFORMATION

Sultana Khaya is the president of an organization called the '*League for the Defense of Human Rights and against Plunder of Natural Resources*' and is known for her vocal activism in defence of the right of self-determination for the Sahrawi people.

In a call with Amnesty International on 8 March, Sultana Khaya lamented spending international women's day- on 8 March- "suffering under siege". Since 19 November 2020, Sultana Khaya and her family's movements are restricted to the confines of their own house. Videos, reviewed by Amnesty International and filmed by Sultana Khaya and her sister Waraa Khaya on various days since 19 November 2020, show security forces in uniforms and civilian clothes standing in front of the house, and at times police vans parked outside. Sultana Khaya has not been allowed to walk further than to the corner of her house before being forcefully carried back to the house by police officers by her hands and legs. A video filmed on 17 February, shows police officers in plainclothes dragging Waraa Khaya and forcing her inside the house, repeatedly slamming the door shut and banging on it.

Under international human rights law, house arrest is considered as a form of detention and requires certain safeguards to be considered lawful. According to the UN Human Rights Committee's General Comment 35 on Article 9 of the International Covenant on Civil and Political Rights liberty-depriving measures, including house arrest, must not be arbitrary and must be carried out with respect for the rule of law and allow a meaningful and prompt judicial review of detention. Deprivation of liberty, including in the form of house arrest, is arbitrary when it results from the exercise of human rights, including the rights to freedom of expression, association and peaceful assembly.

Western Sahara is the subject of a territorial dispute between Morocco, which annexed the territory in 1975 and claims sovereignty over it, and the Polisario Front, which calls for an independent state in the territory and has set up a self-proclaimed government-in-exile in the refugee camps in Tindouf, southwestern of Algeria. A UN settlement in 1991, which ended fighting between Morocco and the Polisario Front, called for a referendum to be put to the people of Western Sahara to exercise their right to self-determination by choosing independence or integration into Morocco. The referendum has not been held amid ongoing disputes about the process of identifying who may vote in the referendum.

In recent years, access to Western Sahara has grown increasingly difficult for external monitors as the human rights situation has continued to deteriorate. In 2020, Moroccan authorities prevented at least nine lawyers, activists and politicians from access to Western Sahara. Journalists have also been denied access which makes the struggle of human rights activists widely uncovered. The UN Security Council has been ignoring calls by Amnesty International and others to add a human rights component to the United Nations Mission for the Referendum in Western Sahara (MINURSO), which would allow for monitoring and reporting on human rights abuses, as is done by the vast majority of comparable UN missions around the world.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, French, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 13 May 2021

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: [Sultana Khaya] (she/her)