

URGENT ACTION

SAHRAWI ACTIVIST AT RISK OF FURTHER ASSAULT

Sahrawi woman activist Sultana Khaya and her family have been held under de facto house arrest for over six months in their home in Boujdour, Western Sahara. The authorities have yet to present any charges against her. On 12 May, dozens of masked members of the security forces raided Sultana Khaya's house, assaulted and attempted to rape her, and raped her sister. The authorities must immediately ensure that Sultana Khaya and her family are protected from further assaults, lift the house arrest, and open an urgent investigation into the incidents of rape and assault.

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

Head of Government of the Kingdom of Morocco

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Your Excellency,

*I am writing to express deep concern about the continuous threats to the safety of Sahrawi activist **Sultana Khaya**, and several members of her family. Sultana Khaya and her family have been under arbitrary house arrest since 19 November 2020, enduring the daily presence of security forces in front of their house, a ban on movement even for few metres away from their house, house raids and physical assaults.*

In the last month there has been a serious escalation of the crackdown on Sultana Khaya's freedom of movement and physical security: on 10 May, security forces raided her house at 5 am, cuffed her sisters arms and legs, stole valuables including Sultana Khaya's phone and computer. Sultana Khaya told Amnesty International that on the eve of the Muslim celebration of Eid-al-Fitr, on 12 May, dozens of masked members of the security forces entered her house again from the roof. They dragged her on the floor, twisted her arms and tied them behind her back, beat her and tried to rape her with batons. Sultana Khaya said that her sister was also attacked and some of the masked men raped her by forcing a baton between her legs and beat her. She said that security forces had also broke windows and spilled a foul-smelling substance on the house floor, purposefully making the house uninhabitable. Prior to this raid, security forces forcibly removed the electricity meter leaving Sultana Khaya and her family with no electricity in an apparent attempt to further isolate the family from the outside world.

From the start of her house arrest, the authorities have failed to present Sultana Khaya 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. Her and her family's prolonged house arrest amounts to arbitrary detention, and it imposes arbitrary restrictions on their rights to freedom of movement and association.

In light of the above, I urge you to immediately end the arbitrary house arrest against Sultana Khaya and her family and respect their right to freedom of movement, expression and association. I further 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, including the report of rape and attempted rape, and provide them with adequate reparation for the violations of human rights to which they have been subjected.

Yours sincerely,

ADDITIONAL INFORMATION

On the morning of 10 May, when security forces raided Sultana Khaya's home, they arrested three activists -- Babouزيد Mohammed Saaed Labhi, president of the Collective of the Saharawi Human Rights Defenders (CODESA), Salek Baber and Khaled Boufraya- who had managed to sneak past the security forces stationed outside the house weeks earlier to support Sultana Khaya and her family because they felt under threat. After arresting the activists that day, security forces tortured them for several hours and then dumped them in a remote area in the desert,

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. Her and her family's 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. A growing number of Sahrawi activists have been subjected to targeted attacks in the past months by the security forces away from the attention of international media.

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: 21 JULY 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)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde29/3815/2021/en/>