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MOROCCO/WESTERN SAHARA INVESTIGATE VIOLATIONS AGAINST RAPED ACTIVIST

Sultana Khaya, an activist for Sahrawis' right to self-determination and her family have been under a de facto house arrest since November 2020. Security forces surrounding their home repeatedly and violently forced Sultana Khaya and her sister Luaara back inside their house when they attempt to leave. Security forces have also broken into their homes on several occasions, physically assaulting and raping the sisters. On 16 March, a group of American activists successfully accessed Sultana Khaya's house but refrained from disclosing details of the visit for security reasons. While conditions of the house arrest were recently eased, police presence around Sultana Khaya's house have not been completely lifted.

On 16 March, a group of at least four American activists from 'Unarmed Civilian Protection' and 'Human Rights Action Center', two international non-profit organizations working to promote human rights and peace building worldwide, managed to visit the home of Sultana Khaya, a peaceful activist for Sahrawi self-determination who has been arbitrarily confined to her home in Boujdour, Morocco, since November 2020.

Since then, security forces have decreased their presence outside Sultana Khaya's house but have reportedly increased their presence in the peripheries of her neighbourhood. Between 17 and 20 March, neighbours, activists and family members were able to access Sultana Khaya's house and stand in solidarity with her despite the presence of security agents in the neighbourhood. This soon changed as security forces in plain clothes began assaulting and harassing women as they left Sultana Khaya's house. On 21 March, at least five women were stopped on their way out of Sultana Khaya's house; they were pushed around by security agents in plain clothes. A woman activist told Amnesty International that security forces beat her and snatched her phone as she left Sultana Khaya's house on 21 March. She said that the security agents insulted her and refused to give her back her phone. Sultana Khaya's sister Luaara Khaya, who together with another sister and their mother, is also being held in the same house under de facto house arrest, has been able to leave the house to run errands on several occasions since 16 March and on 5 April, she was able to go to a local administration to renew her passport and came back into the house without being stopped. Sultana Khaya's mother was able to leave her house and go to Laayoune for medical treatment of shoulder and muscles injuries resulting from police violence.

Write to the Prime Minister urging him to:

- ensure a prompt, thorough, independent, impartial, transparent and effective investigation into the security forces' abusive force and attacks against Sultana Khaya and her family, including the report of rape and sexual assault

- ensure that those suspected of responsibility are brought to justice in fair trials
- ensure that Sultana Khaya and her family are provided with access to justice and effective remedies, including adequate compensation, and guarantee of non-repetition for the violations of human rights to which they have been subjected
- immediately announce an end the arbitrary house arrest against Sultana Khaya and grant safe and free access to her domicile for all who wish to visit her, including Sahrawis

Write to:

Prime Minister of the Kingdom of Morocco

Mr. Aziz Akhannouch

Palais Royal- Touarga

Rabat, Morocco

Fax: 011 212537771010

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Salutation: Your Excellency:

And Copy:

Her Excellency Souriya Otmani

Ambassador

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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 defense of the right of self-determination for the Sahrawi people. She is also a member of the Sahrawi Organ against Moroccan Repression (ISACOM). The unlawful detention of Sultana Khaya and her family 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 year by the security forces, away from the attention of international media.

On 10 May 2021, Security forces raided Sultana Khaya's home, cuffed her sister's arms and legs and stole valuables, including Sultana Khaya's phone and computer, after she started a campaign called "my flag on my rooftop" #منزلي_فوق_علمي. They also arrested and tortured three activists who were there to support her and her family. Two days later, on 12 May 2021, dozens of masked members of the security forces raided Sultana Khaya's house, assaulted and attempted to rape her, and raped her sister. Security forces have previously removed the electricity meter to leave Sultana Khaya and her family with no electricity. 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.

In February 2022, the Moroccan National Council for Human Rights declared having visited Khaya's house and the latter's refusal to meet with them. This declaration was followed by a denial by Sultana Khaya that the delegation visited her or communicated with her. In her statement Khaya affirms that "the CNDH is part of the security system in Western Sahara. It serves the occupation agenda and not human rights".

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 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, south-west Algeria. A UN settlement in 1991, which ended fighting between Morocco and the Polisario Front, called for a referendum for people of Western Sahara to choose independence or integration into Morocco. The referendum has not yet been held. In recent years, access to Western Sahara has grown increasingly difficult for external monitors as the human rights situation deteriorates. In 2020, Moroccan authorities prevented at least nine lawyers, activists, politicians and journalists from accessing Western Sahara. The UN Security Council has ignored 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.