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MOROCCO/WESTERN SAHARA: LIFT ARBITRARY RESTRICTIONS ON MOVEMENT AND LIBERTY OF SAHRAWI ACTIVIST

Moroccan authorities should lift the de facto house arrest and surveillance arbitrarily imposed since November 2020 on Sultana Khaya, a pro-independence Sahrawi activist, and other members of her family, Amnesty International said today. They should conduct a thorough and impartial investigation into the beatings and assault by members of the security forces against her and her sister Waraa Khaya.

In a letter sent to Amnesty International on 19 March 2021, the Moroccan government denied that Sultana Khaya and her family are under house arrest in their home in Boujdour or under any restriction of movement, claiming that "several videos show her moving freely on the street and shouting."

However, footage reviewed by Amnesty International filmed on various days since November 2020 shows security forces, both in plainclothes and/or uniforms, stationed in front of her house, preventing visitors from accessing it or pushing them back. According to Sultana Khaya's testimony and videos which Amnesty International reviewed, security forces violently confronted Khaya and other members of her family on several occasions when they tried to walk just a few meters out of the house.

Amnesty International has launched an urgent action calling for the lifting of Sultana Khaya's house arrest.

Under international standards, house arrests are considered as a form of detention and warrant certain safeguards to be considered lawful. Article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Morocco has ratified, states that "everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law."

The UN Working Group on Arbitrary Detention (WGAD) has found that "house arrest may be compared to deprivation of liberty provided that it is carried out in closed premises which the person is not allowed to leave." In a 2011 case concerning Chinese journalist Liu Xia, the WGAD ruled that she had been arbitrarily deprived of her liberty when, after visiting her husband in prison, the police brought her back to her apartment and stood in front of the gate to the compound, warning journalists and visitors away. Liu Xia was not allowed to leave the compound, except for short, approved trips, under police escort. Visitors were prevented from visiting and her means of communication were cut off. Similarly, in Opinion No. 8/1992, the Working Group found that the house arrest of Aung San Suu Kyi "who is restricted to her family home, which she cannot leave due to the constant presence of an armed guard, is a deprivation of liberty equivalent to detention."

In their letter to Amnesty International, the Moroccan authorities said that on 16 February 2021, the Royal prosecutor in Laayoune appeals court opened an investigation into the circumstances of an incident of security services' assault on both Sultana and Waraa Khaya, which happened on 13 February.

While a positive step, Amnesty International reiterates its call to conduct a thorough and impartial investigation into allegations of assault and mistreatment at the hand of the security services in Boujdour. Such an investigation should include interviews with witnesses as well as the analysis of relevant video and photo evidence. The organization is also urging authorities to publicly disclose the investigation's findings.