

July 29, 2021
MEDIA RELEASE

INTERNATIONAL LEGAL TEAM FOR WESTERN SAHARA POLITICAL PRISONER SULTANA KHAYA FILES PETITION WITH UN WORKING GROUP ON ARBITRARY DETENTION

Washington, D.C. and Boujdour, Western Sahara — The international legal team for Sahrawi activist and political prisoner Sultana Khaya today filed a petition with the United Nations Working Group on Arbitrary Detention, requesting that it investigate the ongoing detention of Khaya and conclude that she is being held arbitrarily and in violation of Morocco’s obligations under international law. The legal team is led by international human rights lawyers Stephanie Herrmann, Tone Sørffonn Moe, Mads Andenæs, and Jared Genser. In addition, CNN just published an [oped](#) by Sultana entitled “I’ve Been Raped, Beaten, and Held Under House Arrest for Fighting for My Sahrawi People.”

Sultana Khaya has been detained under *de facto* house arrest without any legal justification since Moroccan security forces surrounded her home on November 19, 2020. For the past eight months, Sultana and her family have suffered greatly under the brutality of the Moroccan military forces, which have conducted illegal raids, physically and sexually assaulted Sultana and her family, denied them medical treatment for their injuries, cut off electricity to their home, and doused their house in toxic substances. Despite this horrific abuse, Khaya continues to peacefully protest by waving the flag of Western Sahara from her rooftop every day.

In commenting on the submission to the Working Group, Herrmann said: “I am honored to represent Sultana Khaya, who has been an unrelenting defender of the Sahrawi people’s right to self-determination. She has endured unspeakable violence at the hands of the Moroccan government but rises every day hoping that her people will one day live in dignity and liberty. We will work tirelessly to expose the abuses of the Moroccan government and to ensure that Sultana and the Sahrawi people can choose the free and peaceful future for which they have fought for decades.”

Tone Sørffonn Moe echoed these comments, adding, “Morocco’s brutal treatment of Sultana Khaya demonstrates just how intimidated they are by her fearless activism – and how much her activism resonates with the Sahrawi people.”

The Moroccan government has brought no charges against Khaya to justify her detention. The security forces that have blockaded her home have presented no warrants. There has been only verbal confirmation of her *de facto* house arrest from police commissioner Hakim Amer, who threatens Khaya with arrest and torture should she leave her home. The arbitrary house arrest of Khaya and her family is one example in a larger program of oppression by the Moroccan government to silence Sahrawi activists advocating for Western Saharan independence.

Currently, Sultana Khaya is the president of the League for the Defense of Human Rights and against the Plunder of Natural Resources in Boujdour. She also belongs to ISACOM, a Sahrawi human rights organization that advocates for Western Saharan independence from Morocco. Because of her activism, she has been targeted by the Moroccan government for many years. In 2007, Khaya lost her eye after being beaten by police at a protest in support of an independence referendum.

Sultana Khaya's case has been publicized by Human Rights Watch, Amnesty International, Frontline Defenders, and Democracy Now!, among others. She has been featured in a documentary called *Life is Waiting: Referendum and Resistance in Western Sahara*, and interviewed for Democracy Now!'s documentary *Four Days in Western Sahara: Africa's Last Colony*. During her house arrest, she participated virtually in a Nonviolence International webinar in which Palestinians and Sahrawis shared their experiences of nonviolent resistance to occupation.

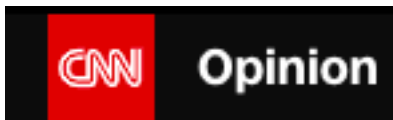
The UN Working Group on Arbitrary Detention is an independent and impartial body consisting of five members appointed by the UN Human Rights Council. The members are currently from Australia, Latvia, Zambia, Ecuador, and Malaysia. The Working Group has the authority to investigate and issue legal opinions about alleged cases of deprivation of liberty imposed arbitrarily.

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I've Been Raped, Beaten and Held Under House Arrest for Fighting for My Sahrawi People

Opinion by Sultana Sidibrahim Khaya

Editor's Note: Sultana Sidibrahim Khaya is the President of the Sahrawi Association for the Defense of Human Rights and the Protection of Natural Resources. The opinions expressed here are her own. Read [more opinion](#) at CNN.

(CNN) Earlier this month, the Biden administration [reaffirmed](#) the United States' recognition of Morocco's sovereignty over Western Sahara, a disputed region on the northwest coast of Africa. The United Nations calls Western Sahara a "[non-self-governing](#)

[territory](#)"; I call it home. My home is under occupation and my people, the Sahrawis, are under attack, and the US position on Western Sahara legitimizes this occupation and will be used as license for further attacks. I know this because I have lived it.

As an outspoken advocate for self-determination in Western Sahara, I have long been a target for the occupying Moroccan government. I have been beaten, tortured, and abducted by Moroccan police while engaged in peaceful protests; after a particularly violent assault in 2007, I [lost my right eye](#).

Because I refuse to be silenced, Morocco stepped up its efforts against me late last year. On November 19, while driving to my home in Boujdour, I was stopped at a police and military

checkpoint. The authorities forced me into a police car and took me to a nearby police station, where I was interrogated, sexually assaulted, and told to go home and not to speak to anyone. I arrived home soon thereafter to find it surrounded by 21 police vehicles and numerous officers, who physically pushed me into the house. I have been forcibly confined to the house ever since.

My *de facto* house arrest, which is now in its ninth month, has absolutely no legal basis -- I have never been shown a court order authorizing my detention or informed of any criminal charges against me.

The Moroccan government [has told](#) Amnesty International that I'm not under house arrest and denied a statement [by the UN Special Rapporteur](#) on the situation of Human Rights Defenders that included details of the assaults, [saying](#) that the rapporteur's statement "interferes with the ongoing debates in the framework of the 47th Session of the Human Rights Council" and "do not fit at all with the framework of dialogue and mutual respect" it expected at the UN. Meanwhile, the occupying Moroccan forces appear determined to not just detain me unlawfully, but to harass, torture, and perhaps even kill me.

Moroccan police, military, and other security agents maintain a constant presence outside the house and prevent anyone from leaving or coming in, even to bring food. They cut the electricity in mid-April. Police throw a toxic, foul-smelling liquid into the house on a near-daily basis, making it difficult to breathe. They frequently (and explicitly) threaten to kill me.

Moroccan authorities have also repeatedly raided the home and [brutally assaulted](#) me, my sister, my brother, and [my mother](#). In May, during one such raid, Moroccan agents raped my sister and I -- in a barbaric message, they penetrated my sister using the broomstick that we use to wave the Western Sahara flag. Despite all this, I continue to wave the Western Sahara flag from my rooftop every day -- an act of resistance that may end up costing me my life.

Unfortunately, my story is just one of many. Morocco's [repression](#) of the Sahrawi people, and [Sahrawi human rights defenders](#) in particular, is well documented.

The [Sahrawis](#) have [struggled](#) under Moroccan occupation since 1975, and this repression

will continue until the occupation is ended. And while the United Nations Security Council [supports](#) giving the people of Western Sahara the chance to determine their own future through a referendum, Morocco has refused to allow the referendum to take place, depriving us of the chance to exercise our right to self-determination.

My situation is desperate. On Wednesday, my international legal team [submitted my case](#) to the U.N. Working Group on Arbitrary Detention, urging it to find I am being detained illegally and to demand my immediate release. However, in order to secure justice for me and the Sahrawi people, I also need help from the US.

First, the Biden administration should immediately acknowledge Morocco's occupation for what it is -- an occupation -- and stop recognizing Morocco's sovereignty over Western Sahara. This recognition -- originally announced by President Donald Trump [via tweet](#) in December 2020 -- runs contrary to decades of [established US policy](#) on Western Sahara.

When President Biden took over, we who are fighting for self-determination hoped that he might fix this. However, as recently as July 1, the State Department [reiterated](#) that there is no change in the administration's policy. The Biden administration has claimed that human rights are central to its foreign policy -- this is difficult to believe while it sides with Morocco in its occupation of Western Sahara and its repression of the Sahrawi people.

Second, as part of its [reengagement](#) with the United Nations Human Rights Council, the US should press forcefully for a referendum on self-determination in Western Sahara. The U.N. General Assembly [reaffirmed](#) the right to self-determination of the people of Western Sahara as far back as 1966, when it was still referred to as "Spanish Sahara," and the U.N. Security Council unanimously established a mission to coordinate a referendum on self-determination for the people of Western Sahara [in 1991](#).

The US, for its part, has consistently voted [in favor](#) of Security Council resolutions seeking a referendum on self-determination. Since President Biden has advocated for a return to a rule-based international order, the US should take the lead to ensure that the long-promised referendum is finally held and the results are honored.

And third, the U.S. should make the protection of human rights in occupied Western Sahara and self-determination for the Sahrawi people key issues in its bilateral relationship with Morocco. For example, [the readout](#) from a recent call between US Secretary of State Antony Blinken and Moroccan Foreign Minister Nasser Bourita shows that while Blinken encouraged Morocco to reaffirm its commitment to human rights, the readout omitted any mention of Western Sahara or the right of its people to self-determination.

For any productive change to occur, Morocco needs to know that its powerful allies care about both.

I cannot find the words to describe the endless suffering that I personally, and the Sahrawi

people more generally, have endured under this violent occupation. But we remain strong, our will unshaken, and we will persevere with our peaceful resistance.