

Urgent Appeal to the Special Rapporteur on the Rights of Women in Africa, the Chairperson of the African Commission on Human and Peoples' Rights and the Chairperson of the African Committee of Experts on the Rights and Welfare of the Child

Sexual Violence Against Women and Girls in Libya

This Urgent Appeal is sent to express our concern about allegations of mass rape in Libya and to request you, in your capacities as Special Rapporteur on the Rights of Women in Africa, Chairperson of the African Commission and Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, to take this matter to the Libyan government and call upon them to comply with their duty to investigate alleged incidents of sexual violence, to protect women and girls, and to prevent the further commission of such acts during the current conflict.

There are alarming reports of rape and other forms of sexual violence perpetrated against women and girls by all sides to the conflict, including in transit camps. As the UN Special Representative on Sexual Violence in Conflict, Margot Wallström, said in a 20 April 2011 statement: “As fighting escalates in Misrata and other parts of Libya, there is an urgent need to focus on the prevention of sexual violence.”¹ On 16 May 2011, the Office of the Prosecutor of the International Criminal Court stated that the top priority for its continued investigations is “the allegations of rapes committed in Libya. There will be no impunity for gender crimes committed in Libya.”²

On 26 March 2011, the international community was dramatically alerted to allegations of rape committed by government forces when Ms. Iman al-Obeidi, a Libyan woman from Benghazi, entered the Rixos Hotel in Tripoli, Libya. She told a group of foreign journalists that she had been tortured and gang raped by fifteen members of the government forces. She alleged that other women were still detained and had also been raped by government forces.³

¹ Statement by Special Representative of the Secretary-General on Sexual Violence in Conflict Margot Wallström, “Concern Over Sexual Violence in Libya” (20 April 2011), http://www.stoprapenow.org/uploads/files/Statement_by_Special_Representative_of_the_Secretary.pdf [hereinafter “Wallström Statement”].

² Office of the Prosecutor at the International Criminal Court, “Statement ICC Prosecutor Press Conference on Libya 16 May 2011” (16 May 2011), <http://www.icc-cpi.int/menus/icc/structure%20of%20the%20court/office%20of%20the%20prosecutor/reports%20and%20statements/statement/statement%20icc%20prosecutor%20press%20conference%20on%20libya%2016%20may%202011?lan=en-GB>.

³ Ms. al-Obeidi has described her rape and torture in a number of media interviews. See, e.g., Nic Robertson, “Interview with Eman al-Obeidi,” CNN (7 April 2011), <http://edition.cnn.com/video/#/video/world/2011/04/07/robertson.libya.obeidy.intv.cnn?iref=allsearch> [hereinafter “Robertson Interview”]; Anderson Cooper, “Interview with Eman al-Obeidi,” CNN, Part 1 (5 April 2011), <http://edition.cnn.com/video/#/video/world/2011/04/05/ac.woman.talks.pt1.cnn?iref=allsearch> [hereinafter “Cooper Interview 1”]; Anderson Cooper, “Interview with Eman al-Obeidi,” CNN,

On 14 April 2011, Margot Wallström said in her briefing to the UN Security Council that: “Reports from transit camps on the Libya-Tunisia border, from surgeons, doctors and international media representatives, suggest that it is not plausible to consider her [Iman al-Obeidi’s] case an isolated incident.”⁴ According to the UK NGO, Save the Children, children “have witnessed horrendous scenes. Some said they saw their fathers murdered and mothers raped.”⁵ Children themselves have also allegedly become targets of sexual violence. Libyan families told Save the Children that “children as young as eight had been sexually assaulted - sometimes in front of their families.”⁶

Sexual violence against women, rape specifically, is frequently used as a weapon of war. Over the last two decades, international war crimes tribunals have repeatedly recognized various forms of sexual violence as war crimes or – when committed on a widespread or systematic basis – as crimes against humanity. Because of the grave and damaging impact on its victims, rape has been recognised as a form of torture. When it is said to have occurred, the State has a duty to investigate the allegations in compliance with its international obligations and to afford victims with a remedy and reparations, including taking the appropriate measures to end ongoing abuses and prevent recurrence. These obligations are set out in international conventions ratified by Libya including the African Charter on Human and Peoples’ Rights and the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa. In order to comply with such obligations, the State must ensure that investigations are independent, thorough and effective. An effective investigation must be capable of determining whether criminal wrongdoing has occurred and, if so, identify the person(s) responsible.⁷

In the case of Ms. al-Obeidi there has been no official investigation into allegations of rape. Instead, Ms. al-Obeidi’s account at the Rixos Hotel was interrupted by security forces who took her from the hotel and detained her for three days.⁸ Since her release, Ms. al-Obeidi has been prevented from seeking justice in Libyan courts: the Public Prosecutor has refused to meet with her and no effective official investigations have taken place.⁹ Ms. al-Obeidi claims that the government knows where other women are being held and abused by Gaddafi militiamen, and that neighbours have confirmed the

Part 2 (5 April 2011),

<http://edition.cnn.com/video/#/video/world/2011/04/05/ac.woman.talks.pt2.cnn?iref=allsearch> [hereinafter “Cooper Interview 2”].

⁴ United Nations Radio, “Concern over rape and sexual violence in Libya” (14 April 2011), <http://www.unmultimedia.org/radio/english/detail/119850.html>. See also, Wallström Statement.

⁵ Save the Children, “Save the Children Receives Reports of Child Rape in Libya” (26 April 2011), <http://www.savethechildren.org.uk/en/15432.htm> [hereinafter “Save the Children”].

⁶ Save the Children.

⁷ See, e.g., African Commission on Human and Peoples’ Rights, *245/02, Zimbabwe Human Rights NGO Forum v. Zimbabwe*, para. 146 (2006). See also article 4 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa.

⁸ Cooper Interview 1; Robertson Interview.

⁹ Anderson Cooper, “Tripoli is a Prison, says al-Obeidi,” CNN (6 April 2011), <http://ac360.blogs.cnn.com/2011/04/06/video-tripoli-is-a-prison-says-al-obeidy/>.

location, but no steps have been taken to find and release these women.¹⁰ The Libyan State has also failed to investigate other alleged cases of rape.

We appeal to you, Madam the Special Rapporteur on the Rights of Women in Africa, Madam Chairperson of the African Commission and Madam Chairperson of the African Committee of Experts on the Rights and Welfare of the Child, to take this matter to the Libyan government, and call upon them to comply with their duty to investigate the alleged incidents of sexual violence against women and girls in Libya, including in transit camps, and to fight impunity for crimes of sexual violence. We also appeal to you to call upon the Libyan Government to take the necessary action to protect Libyan women and girls and to prevent sexual violence and to cooperate fully with the ongoing investigations of the International Criminal Court.

We look forward to discussing this matter with you and are ready to provide any additional information you might require.

We thank you.

- The Egyptian Initiative for Personal Rights, Egypt.
- Lawyers for Justice in Libya, France.
- The Redress Trust (www.redress.org), UK.
- The International Federation for Human Rights (FIDH) (www.fidh.org).
- Cairo Institute for Human Rights Studies, Egypt.
- The African Centre for Justice and Peace Studies, Uganda.
- Libya, UK.
- Equality Now, Kenya.
- Collectif des familles de Disparus en Algérie, Algeria.
- Algerian League for the Defense of Human Rights, Algeria.
- Journalists for Human Rights, Sudan.
- Centre for Human Rights, University of Pretoria, South Africa.
- Alliances for Africa, Nigeria.
- Southern Africa Litigation Centre, South Africa.
- Kenya Human Rights Commission (KHRC), Kenya.

¹⁰ Cooper Interview 2.