

Final Report on Sexual Violence in Libya May 2012

I. Introduction

1. During the conflict in Libya between February and October 2011, allegations of sexual violence committed by parties to the conflict were reported. In its report of June 2011, the Commission of Inquiry mandated by the Human Rights Council to investigate alleged violations of international human rights law in Libya concluded that sufficient information had been received to justify further investigation to ascertain the extent of sexual violence. With a view to ascertaining the actual scope and scale of conflict-related sexual violence in Libya, the Office of the Special Representative on Sexual Violence in Conflict (OSRSG-SVC), following discussions with the Special Representative of the Secretary General for UNSMIL, and supported by UN Action Network, deployed a consultant to Libya to gather and analyse information on such violations.

2. The consultant carried out her information gathering and assessments in the following locations: Tripoli, Misrata, Sirte and Benghazi. All information presented in the report is based on first-hand interviews and testimonies from individuals – survivors of sexual violence, witnesses, detainees, security and prison staff, internally displaced persons (including the sub-Saharan African community and the Tawerghas), members from the medical, legal and judicial professions, religious leaders, representatives of UN agencies, non-governmental and civil society organizations and the media. Meetings were also held with officials of the National Transitional Council and interim government, particularly the Minister of Social Affairs, heads of local councils, as well as officials from the security committees. The consultant also undertook site visits to several places of detention¹ (at the time of finalising this report, these also included unofficial/informal detention centres, including temporary holding sites/makeshift prisons in schools for example) and internally displaced camps. The consultant was shown wounds inflicted on detainees who experienced torture and was able to corroborate allegations of rape including through medical evidence.

3. Every effort was made to corroborate the information received in order to establish the facts despite the challenges given the fragile security situation, and particularly given the sensitivities surrounding sexual violence reporting in the Libyan society. Interviews were conducted independently and individual testimonies were systematically corroborated. Interviews were also conducted with a number of secondary sources who provided useful complementary testimonies. The work was carried out in adherence with established ethical and safety standards², and referrals were made to the relevant caregivers such as UN agencies and international non-governmental organizations present. Initial findings and key recommendations have been shared with the National Transitional Council, through their representation in New York.

II. Assessment and observations

4. Rape is a subject of great sensitivity in the Libyan society, whose culture and ways of child-rearing are linked to the concept of honour. Anyone who does not live up to these “values” is considered a traitor to all

¹ The consultant was not able to visit female detainees in prisons or detention centres as she was refused authorization by the Public Prosecutor in the absence of a formal notification from the Ministry of Justice.

² *Ethical and Safety Recommendations for Researching, Documenting and Monitoring Sexual Violence in Emergencies*, Geneva. World Health Organization, 2007. http://www.who.int/gender/documents/OMS_Ethics&Safety10Aug07.pdf UNITED NATIONS NATIONS

religious and social customs, traditions and laws, and is subjected to the most unpleasant types of coercion, control and violence. It is a taboo topic that is almost completely shrouded in silence, because as an official from the Ministry of Social Affairs puts it, *“it impinges on the honour of the family and the tribe in general and represents a mark of shame that must be buried and consigned to oblivion.”* The understandable reluctance by victims to come forward has compounded the difficulty in determining the extent of sexual violence that occurred during the conflict. *“It is difficult for a victim to speak about the assault she endured. Men are our protectors and a rape victim does not have the right to speak without the counsel of her guardian. Accordingly, when a victim is silent, it does not mean that she is silent from choice. Indeed, it may be – and is, in fact, more likely to be – at the order of men, such as father, brothers, uncle, grandfather and tribal chief,”* a woman rights activist stated.

5. There are some efforts being undertaken by the government authorities and local civil society organizations to encourage victims of sexual violence to come forward to report the abuse they experienced. However, even these have received some strong criticisms from some quarters of the government. *“You’ve made us a laughing stock”*, they accused an activist from the legal community in Libya who has been speaking out about the situation of female survivors of sexual violence during the conflict. Therefore, for victims to break their silence it would firstly, require a sense of security and secondly, a lot of courage, which can only come about through intensive psychological and social follow-up to break the taboo and stigma surrounding rape in Libya. It would also require continued monitoring, awareness raising and ensuring services, including victim protection, are in place - in order to be able to establish social relations and earn the trust of all sections of society in such a way that they will speak out about life’s hardships and tragedies and reveal the sexual abuse they suffered.

6. Undoubtedly women, men and children were subjected to rape and other forms of sexual violence. Women were abducted from their homes, from cars or from the streets and raped in places unknown to the victim; while men were raped in prisons and places of detention. Rape was used as a form of punishment against those (and family members) who rebelled against the former Qaddafi regime or those who were perceived to have helped the rebels. However, there have been reservations about the statistics presented by some, including a prominent Libyan psychologist, who stated that there were 8,000 cases of rape and still maintains this view in the media. There have been concerns about the methodology adopted by the psychologist, allegedly resulting in unrealistic numbers, which, according to experts, does not reflect the reality.

7. The accurate determination of rates of rape requires further monitoring and investigation. Excesses and abuses were likely to occur, given the chaotic security situation, which lasted for more than a year. While several of the testimonies presented in this report confirm that rape and sexual violence did take place, they are, as a whole, insufficient to form a clear position on the extent of the phenomenon of sexual violence during the conflict in Libya. This is due to many factors – including that some confessions by alleged perpetrators of rape in detention may have been extracted under physical and psychological torture, or at times, they were fraught with contradictions. It would be rash to categorise these crimes as war crimes, planned by the former regime, as there has been no sufficient evidence to be able to make a determination of widespread and systematic acts of sexual violence, or whether or not the security forces received orders to rape. Some victims speak about being assaulted by persons in military uniform, others by persons in civilian clothes and some testimonies point the finger of accusation at the rebels themselves. Many rapes and sexual assaults were carried out for personal reasons, to do with the relationship between the attacker and the victim, where the aim was revenge, humiliation or tit-for-tat. It is possible that the lawlessness that prevailed during the conflict may have facilitated this trend. UNITED NATIONS NATIONS UNIES PAGE 3

8. On the other hand, it seems evident that the Qaddafi forces were, undoubtedly, involved in committing crimes of rape or other assaults against inmates in detention centres prior to the fall of the former regime. The purpose in committing such abuses was to obtain information, and to intimidate political opponents and potential supporters of the rebellion.

9. It was also established that pro-Qaddafi forces and other Qaddafi loyalists who were being detained were also subjected to torture and inhumane treatment by various revolutionary brigades managing the different detention centres across the country.

10. Various individuals interviewed reported that, the places where alleged rapes by the Qaddafi forces mostly occurred include: in the western region - Zawiya; Zuwara; and Ghazaya (a region in the mountains which underwent a lengthy siege by pro-Qaddafi brigades); and in the eastern region - Ajdabiya; Benghazi; Brega; and the Jebel al-Akhdar area (from Ras Lanuf to Salloum, on the Egyptian border). There were also allegations of rape by the Tawerghans, perceived to have, at the instigation of Qaddafi, waged war against the people of Misrata, and committed human rights violations, including crimes of rape.

III. Detailed Findings

11. Interviews with Libyan women survivors of sexual violence showed a pattern whereby women were abducted from their homes, streets or cars, beaten, taken to places unknown to them and raped, usually by multiple perpetrators and in some instances multiple times over several days. Some of the women became pregnant as a result of rape. In three cases (in Bani Walid, Zuwara and Zawiya), the victims identified the perpetrators as being men in military uniform, who were part of the **former Qaddafi brigades** or **associated with the former Prime Minister and Head of the Liaison Office of the Revolutionary Committees, Baghdadi al-Mahmoudi**. In one case, the victim was raped during interrogation by men in civilian clothes, reportedly **associated with the former Qaddafi regime**.

12. The consultant met with a woman from Zuwara who told her that on 27 May 2011, a group of four men forced their way into the house, abducted her and took her to an unidentified place. The men, who were reportedly **followers of Baghdadi al-Mahmoudi**, were manning a checkpoint in her neighbourhood. She was gagged and blindfolded. They kept repeating the following: *“What a lovely body you’ve got. Tonight we’ll satisfy you. Tonight we’re going to party with you!”* she reported. *“I was stripped of all my clothes, my hands were bound with the cord from a mobile phone charger, and they took photographs of me”*. They then subsequently raped her, including anally. She was beaten whenever she screamed from the terrible pain. She also stated that later three of the men returned with a dog, and one of them proceeded to place the dog’s penis into her vagina. Afterwards, she was left on the roadside and upon regaining consciousness, realized she was in a hospital. The victim said she was interrogated in the hospital by officers from the Qaddafi regime, including being subjected to electric shocks and burnt with cigarettes, and threatened with death. She was then transferred to Tripoli to be examined by a doctor, but not before being warned to not disclose the rape. The victim eventually left Libya and has since been receiving treatment in a neighbouring country. She reports that she was raped as a punishment for sending pictures to a satellite channel of human rights abuses by Qaddafi’s forces in Zuwara.

13. In another case, a 23-year old woman from the city of Zawiya reported to the consultant that when **pro-Qaddafi brigades** took control of Zawiya, they carried out several raids and house searches looking to arrest those who had joined the rebels. In March 2011, when she failed to produce her identity card upon request, at a checkpoint set up by the Qaddafi brigades, she was abused and beaten. Three or four men in military uniform

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³ At the time of investigations, the consultant was informed that there were approximately 285 persons of various nationalities living at the camp. The living conditions are very poor and basic amenities are lacking. There is no electricity or water. The buildings have no windows or doors, which have been covered with strips of cloth by the inhabitants.

then bound her hands, blindfolded her and drove her to a house that appeared to be under construction. After the blindfold was removed, she was made to swallow pills under threats and physical and verbal attacks. Despite resisting, she was stripped and raped. *“Three of them took turns raping me at different times for three days”*, she confided. She was later dumped at a place she did not know. She became pregnant as a result of the rape. When her family was informed about her ordeal, they decided to marry her off to her cousin but she was subjected to mistreatment, verbal abuse and beatings by her husband. She subsequently returned to her mother where she gave birth to a son in November 2011.

14. The occurrence of sexual violence during the conflict was corroborated, including through medical evidence and interviews with medical doctors who treated women for injuries, and who were approached to manage pregnancies, including requests for abortions. According to the testimony of one doctor based in Tripoli, there was an increase in the number of cases of rape following the collapse of the former regime. The doctor confirmed that he had examined approximately five to six cases of rape of girls aged 18, 19 and early 20s. There was one case of a 10-year old girl. The doctor had case files of an additional 19 female rape victims. He alleges that the perpetrators were not solely the Qaddafi forces, and maintained that some of the attackers may have been relatives, friends, suitors or other people

known to the victims who took advantage of the chaotic security situation in Libya following the outbreak of the conflict. He also confirmed that there were many cases of sexual violence against boys. Another doctor in Sirte confirmed that numerous victims of rape were admitted to the hospital in June, July and September 2011 from Brega, Ras Lanuf, Ajdabiya and Jufra. In addition, she recorded 10 cases of women, ages 16 – 21 years, who reported that they had been raped. The common denominator among these cases is the manner of assault. Most cases involved abduction from home and being held for three days. In some cases, according to the doctor, the physical signs of rape remained visible. These include signs of physical trauma, such as bruising and other scars indicating that the victims had had their hands tied. The doctor noted that most victims would not come forward to seek medical treatment. She recounted one case of a 16-year old girl from Ajdabiya who reported that she was abducted in September 2011 by a man who held her for a week in an unknown location and raped her vaginally and anally. He slashed her breasts and broke the front teeth of her lower jaw. The girl was bleeding from her right breast. *“She would not have sought treatment had the bleeding stopped”*.

15. In an interview with the public prosecutor at the Tripoli courthouse, who is leading the investigations on rape that occurred during the conflict, he confirmed that his office has received five reports from five women who had been raped (three Libyan women and two Moroccan women). These were the first complaints of sexual assault during the conflict in Libya, prior to the collapse of the Qaddafi regime. According to the victims’ statements, the rapes were committed by a group of individuals allegedly associated with **Baghdadi al-Mahmoudi**. The group of perpetrators reportedly consisted of nineteen men and two women. They were volunteers and wore civilian clothes. The crimes took place on different dates and involved abduction from homes following a raid. The victims were taken to a district, near the city of Zuwara, where they were gang raped by the said group. Baghdadi al-Mahmoudi has been charged by the Libyan authorities with crimes against humanity, war crimes and rape.

16. The consultant also met with Sub-Saharan African migrants at the Sidi Bilal camp, Janzour, Tripoli, a dilapidated fishing port unfit for habitation³. According to their statements, the camp was attacked by armed groups at night, and civilians in the camp were forced out of the buildings, their possessions searched and money stolen. They were subjected to mistreatment and theft inside and outside the camp. They alleged that

many of the women were also raped. In one incident on the evening of 20 August 2011, heavily armed men in military uniform arrived in 15 vehicles, bursting into the camp and firing non-stop into the air. They gathered and separated the women from the men. Seven of the men proceeded to separate the girls between 14 and 16 years old and raped them. Several of the girls reportedly became pregnant as a result of the rape.

17. In another incident, a victim stated that, in November 2011, five armed men attempted to rape her in this camp. They burst into the room where she was sleeping beside her husband. They threw out her husband and began harassing her sexually. They were on the point of raping her but she pleaded them not to do so. They let her go after she made them believe that she was pregnant. She also alleged that two women friends of hers had been raped. They claimed that they were allegedly targets of assaults because they were perceived to be paid mercenaries. Separately, a United Nations partner in Libya who was providing medical and health services for civilians, including displaced persons and refugees in the border camps, confirmed having treated 19 sub-Saharan African women who were victims of rape.

18. The consultant interviewed a doctor from Misrata who alleged that there were many foreigners among the Qaddafi brigades. The doctor claimed that many were allegedly from Tawergha and the rest were African mercenaries, who may have been carrying infectious diseases and infected several victims with sexually transmitted diseases, such as gonorrhoea and other viral infections. The consultant could not corroborate the information presented due to the absence of medical records on these alleged cases.

Rape and sexual violence against men in detention

19. In their testimonies, men who had been arrested and detained in several detention facilities and prisons, including the Abu Jameel security centre of the Internal Security Agency, Abu Salim prison, military intelligence centre on Sidi street, Salah al-Din Centre for Criminal Interrogation, headquarters of the Sahban brigade in Gharyan district (eastern edge of the Nafusa Mountains), detention office at Maetiga Airport, al-Ruwaimi prison and the Ain Zara prison, reported being subjected to sexual violence. Among the acts include sexual assaults; rape, including anal rape with an automatic weapon, knives or other objects; threats of rape against them and their families; electric shocks to their genitals; and having corrosive chemical substances thrown on their private parts. These acts were accompanied by torture and other forms of inhumane treatment. In all the cases interviewed by the consultant, the men described that these violations were perpetrated against them to punish them for their/family member's involvement or perceived involvement in demonstrations or other revolutionary acts against the former Qaddafi regime, and to extract information/confessions. The alleged perpetrators mentioned in their testimonies include the **then prison director of Abu Salim prison, security aides of Mansour Dhao, head of Qaddafi's People's Guard, members from the Internal Security Agency, External Security Agency and the Intelligence Services;** as well as **pro-Qaddafi brigades, including from the Khamis al-Qaddafi 32nd brigade.** The men noted the presence of female and child detainees, and did not rule out the possibility that they were also being raped and sexually abused. The consultant witnessed the severe psychological consequences and depression displayed by these male victims of sexual violence. She also examined a set of medical reports which confirmed 4 cases of rape of former detainees in Gaddafi's prisons during the conflict, including two who had their testicles damaged as a result of torture and one case which later resulted in sexual dysfunction. Many of the former detainees also informed the consultant that they had witnessed or knew about other detainees who had been raped or tortured in the detention centres.

20. The consultant met with a 34-year old male, who stated that he had joined the armed clandestine organisations opposed to the Qaddafi regime and took part in a demonstration calling for its overthrow. He was arrested on three occasions, and detained at one point at the Salah al-Din Centre for Criminal Interrogation. He reported to have been subjected to torture, including being tied by the penis and lifted off the ground. "*Anyone* UNITED NATIONS NATIONS UNIES PAGE 6

who doesn't want Muammar doesn't deserve to be a man!" he was told. He was threatened with death if he did not confess. He was also threatened with rape. *"My torturer abused me sexually. I was completely naked and he would touch me with his fingers from behind in sensitive places, like my buttocks. I was tied by the penis. They kept repeating to me, 'We're going to kill you here'; their aim was that I become sexually impotent."* In June 2011, he was transferred along with 16 other persons to Abu Salim prison, where he was kept in solitary confinement for 10 days. He spoke about the conditions of his imprisonment at Abu Salim, saying, *"There was not a day that I did not hear screams of pain from fingers being cut off, fingernails pulled out and torture with whips and electricity. Sexual assault was used as a deterrent and threat. While being tortured, I was told that, coming from Msalata, 'The men of Tarhouna should rape the women of Msalata and now you're going to see it with your own eyes'."*

21. In another interview, a 20-year old male reported that on 16 and 17 February 2011, he took part, together with a group of young men, in peaceful demonstrations and protests in the city of Zawiya. Since the end of March 2011 when Zawiya fell under the control of pro-Qaddafi brigades, he had been photographing events and preparing reports for world news agencies, actively participating in opposition rallies against the Qaddafi regime and providing support to the rebels. The houses of fellow activists were raided and he found himself on the wanted list posted at all checkpoints. On 16 April 2011 the house where he was hiding was surrounded by about a dozen security vehicles belonging to the **Internal Security Agency** and the **Khamis al-Qaddafi brigade** and stormed. He was beaten, blindfolded, his hands tied behind his back and his clothes torn. He was tortured severely, raped, including with an object, to extract information concerning the whereabouts of an ammunition stockpile and the group with which he was affiliated. He remained in the same place for three days, lying on his belly and unable to move from the pain of being tortured with electricity and beaten with a length of hard plastic. When he could move and speak a little, he was taken to the bathroom, where they tied him to the faucet and deliberately urinated on him. He was then taken to Tripoli with three other persons, and guarded by a group of young men not more than 20 years old. They would drink alcohol then throw the empty bottles at them and call them insulting and offensive names, such as *"traitorous rats."* After that, they were taken to al-Ruwaimi prison and tortured whenever there was a NATO bombardment, as they believed that he had given NATO information about military sites in Libya. *"The interrogator would stomp on my head and say 'I've got hold of a rat!' He would demand that I make rat-like noises."* The victim was subsequently taken to Ain Zara prison, where he remained until 24 August 2011, when detainees were freed by the rebels.

22. According to the testimony of one doctor based in Tripoli, he, together with the medical team, had seen many cases of homicide which, upon post mortem examination, were shown to have been subjected to torture and rape with implements other than the male sexual organ, most probably wooden sticks inserted into the anus. He confirmed to have examined some 60 corpses on which marks of torture were visible. After the collapse of the Qaddafi regime, he examined about 15 corpses, three of which had been subjected to torture and rape.

23. Separately, the consultant met with 19 officers from the former Qaddafi regime being detained in several detention centres and "unofficial" prisons, including al-Hufra prison, Ain Zara prison, al-Wahda prison, and the al-Huda reform and rehabilitation prison (Misrata). They all report having been subjected to torture and ill-treatment to elicit confessions for crimes of which they had been accused, including rape and other forms of sexual violence. Of the 19 detainees, 16 categorically denied having committed rape – they claimed that they only confessed in order to stop the torture. They also denied having received orders to rape from their superiors, although one former officer confirmed that they did receive orders to arrest rebels, search houses and confiscate vehicles as payment for their services. *"It is impossible for the army to commit sexual abuse against its own people. The accusation that we entered houses and raped women is false and baseless."* However, the consultant found consistent statements by detainees who corroborated that other detainees were not only raped

and sexually tortured in the different detention centres following the downfall of the Qaddafi regime, but also that many had died as a result of the torture. As one victim recounted, *“I, together with several other detainees, prayed over their bodies. I want to get out of this place because I did not do any of the things I am accused of.”* Some prison officials interviewed also acknowledged that detainees were beaten by the rebels to extract confessions. Confessions are videotaped as so-called proof that the detainees have committed abuses, thus legitimising their detention.

24. During one meeting with a victim, a 25-year old former captain in the border guard brigade 412 - he reported that his brigade was in charge of guarding the border in Brega in May 2011, when NATO bombarded Brega, killing 15 officers from his squad. He was injured by shrapnel in his left hand. In May 2011, he moved with his family to Tripoli. When the rebels entered the city, he moved to Tarhouna, where he was arrested by a **rebel brigade from Misrata** and accused of committing rape. He was subjected to torture and mistreatment for 15 days, being beaten all over his body with an electric cable and canes and suspended from a beam by his wrists. He was photographed completely naked, filmed and threatened with torture if he said anything to the contrary. *“To stop being beaten, I confessed I had done it, although I am innocent of any crime”*, he maintained.

25. In another testimony provided to the consultant by a 31-year old victim, accused of committing murder and rape - he stated that he worked for the Internal Security Agency in Misrata. He left Misrata after the outbreak of the troubles in the city, and subsequently moved with his family to Tripoli where they stayed until the rebels took full control of the city. He was arrested on 28 September 2011 in his home with two of his brothers, one of whom is a colonel in the army. They were taken to the offices of the “Organization for the Development of Administrative Centres” and held there for three days, during which time he was subjected to torture and inhumane treatment, causing one of his kidneys to fail. He was more severely beaten than his brothers because of his previous affiliation with the security apparatus of the former regime. He was finally moved to the al-Wahda “prison” in Misrata and interrogated by the **Misrata security committee**. He stated that he had confessed to rape and everything else he was accused of so that they would stop torturing him. *“I did not commit rape and did not receive orders to carry out sexual abuse or even to open fire”*

26. Three of the 19 victims confessed on their own that they had committed rape during the conflict. Whilst their testimonies included very specific details of the nature and circumstances of the alleged incidents, the consultant could not confirm the veracity of their confessions given the conditions of duress. She, for instance, noted the contradictions in their statements and lack of accuracy in some of the details of the events they recounted. The consultant believes that there is a strong possibility that the confessions were obtained through torture, and therefore concludes that they are unreliable.

27. The consultant also interviewed a relative of the former leader, Muammar al-Qaddafi and Qaddafi’s Chief of Security and leader of the regime’s People’s Guard, at the rank of colonel. He was arrested on the same day as Qaddafi, after a column of vehicles fleeing Sirte was shelled. He alleged that the rapes which occurred were nothing more than individual acts committed by those seeking to ingratiate themselves with the regime. He stated that such acts were also committed by the rebels themselves, as shown on television. He concluded by saying that these were isolated incidents, committed by both sides during the conflict.

Videos and Viagra

28. During the conflict, there were widespread accounts in the media of the former Qaddafi forces receiving large quantities of Viagra as an indirect incentive to commit rape. Similarly, there were contradictory claims that Qaddafi had ordered officials to open the prisons, releasing those who had been involved in multiple

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4 According to the representative, the “rebel union” provides support, backing and advice to all rebels who bear arms. He stressed that the union will be dissolved immediately upon establishment of the State.

serious crimes, supplied them with vehicles, money, Viagra and drugs and incited them to commit sexual assault against citizens. The consultant raised this as a question in several interviews. The consultant was told by a representative of the “rebel union”⁴ that Viagra tablets were allegedly found on the pro-Qaddafi brigades. He also alleged that, during the troubles, a certain bank transferred large sums of money for the import of large quantities of Viagra and hallucinogenic drugs, under the cover of purchasing medication. In another interview, the consultant was told by a member of the Misrata religious committee that he personally found Viagra tablets in the possession of a large group, implying that they had been distributed to them, and that a prisoner held at al-Wahda “prison” had also allegedly admitted it. However, most of the reports in regard to the distribution and use of Viagra could not be corroborated and therefore has to be treated with caution.

29. Media reports during the conflict also indicated that Qaddafi forces made video recordings of rapes of young women on their mobile phones. These videos were said to have been found in the possession of Qaddafi brigades killed or arrested by the rebels. In particular, the consultant was told that there is evidence against Tawerghan soldiers who are currently in detention that was discovered when Tawergha city was entered by the rebels following its evacuation. The

evidence consists of video tapes and other documents allegedly proving that crimes were committed on the orders of the former regime when Misrata was attacked. These crimes include murder, rape, theft, looting and arson. In her interviews with various individuals, the consultant was informed that there were reportedly numerous testimonies from field commanders and rebels who had seized the personal phones of members of Qaddafi's brigades containing video sequences proving their involvement in crimes of rape. Allegedly there is a video sequence showing a member of Qaddafi's forces speaking to a young man with his hands tied behind his back and demanding that he tell him where his sisters are. Another video clip obtained by an international media corporation in June 2011, allegedly depicted a rape scene of a young woman from the western region. From her accent, it was determined that she may be from Tripoli. The rape was being committed by four men. She had been stripped completely naked and was being raped from the rear with a broom handle. The media crew apparently obtained the video for a large sum of money from someone who said that he belonged to the rebels. The video was found on a corpse.

30. The consultant, in her interviews with officers from the former regime in detention, was told that, "*As Muslims, we are ashamed of such things. All these allegations are no more than media propaganda to spread confusion, inflame the Libyan people and spread civil strife. The ethics of the Libyan army do not permit it to commit such acts. Some 85% of the Libyan army are Bedouin and unable to lift their eyes to a woman.*" However, the consultant was informed that this does not exclude the possibility of individual acts.

31. When asked for copies of these videos, the consultant was consistently told that they were destroyed to protect the lives, honour and dignity of the victims and their families. According to Libyan custom, "*it is a lesser thing for a man to kill one thousand men than for one girl to be raped.*"

Children in detention

32. The consultant noted the presence of children in some of the detention centres. This was corroborated by other detainees and prison officials. According to the testimonies received from the children, they were detained by the rebels and charged for "volunteering" for the former Qaddafi forces during the conflict, and in two cases, also accused of committing rape. Some of the children also were subjected to torture and ill-treatment, but not raped. In one case, the child informed the consultant that he was threatened with rape. The consultant expressed concern about the conditions of detention and the standards for the treatment of child

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5 The consultant learnt from several sources that this group is vigorously opposed to family visits for detained children, as well as verification visits by local human rights organizations. Accordingly, the brigade has been involved in torture and abuse of detainees. Moreover, this group refuses to place itself under the auspices of any national authority.

detainees, including the fact that their family members were not allowed to visit them. The physical and psychological state of these children is also a cause for concern.

33. The consultant met with an 18-year old boy from Sabha, who was being detained and charged with perpetrating rape. He stated that in February 2011, he volunteered for Brigade 32, under the command of Khamis al-Qaddafi. He was given a Kalashnikov and placed to guard a weapons storage facility. He was later transferred to Tripoli, from where the brigade was deployed to a number of regions, including Sabha, where he remained from the beginning of May to September 2011. He was arrested on 15 September and transferred to a detention centre and accused of committing rapes at the "Tunisian Market." He denies these charges, only confessing as a result of the various forms of torture to which he was subjected, especially electric shocks. The marks and wounds on his legs and hands confirm his claims.

34. In another case, an 18-year old boy from Zlitan, informed the consultant that he was arrested in front of his home on 19 August 2011 by the Zlitan rebels. He was accused of allegedly carrying arms, driving an ambulance and supplying the army of the former regime. He denied all charges. He stated that he was beaten for three days without food or water. He was strung from a tree and beaten with hosepipes (*tubo*). He was later transferred to a detention centre and has been subjected to all types of torture and threatened with rape and death. "*The man who interrogated me used obscene words. They ripped off my trousers and threatened me with rape unless I confessed. At that point, I stated that I had committed all the crimes of which I was accused of so that they would stop hurting me.*"

35. The consultant also met with an 18-year old boy, native of Misrata. His father served in the Libyan National Army. He was apprehended by the "martyr Omar Muhammad Isa" brigades in the Misrata suburb of Tamina. Following the outbreak of incidents in Misrata, the shooting at a peaceful march and the fatal wounding of a young man, accusations were levelled against the boy's father and uncle of involvement in the young man's death. Both men fled with their families, although the boy's mother refused. The family left Misrata for Ruwaisat, then "al-Qazeer", Zlitan and finally Tripoli, where they remained until the rebels entered the city and established full control. The boy stated that the launch of the rebel campaign to arrest Qaddafi's brigades, security forces and volunteers frightened his mother and she handed him and two of his brothers over to the Misrata rebel brigade in Tripoli. He was eventually detained at a facility in Misrata, and accused of volunteering for the Qaddafi forces and committing rape. He denies these charges and,

regarding the rape, affirms that he has never met the victim he was supposed to have raped. Although he claimed that he has not been subjected to any form of torture, he nevertheless stated that he has been punched and beaten on the face with a hard plastic hosepipe (*tubo*) during his initial arrest. However, the consultant noted the marks of deep wounds all over both his legs.

IV. Reactions by the National Transitional Council and Interim Government of Libya on addressing conflict-related sexual violence

36. The consultant noted complaints that the National Transitional Council and interim government has failed to offer any serious assistance and support to rape victims, including facilitating their return to Libya and reintegration into society. The government has been criticised for forming a Ministry for Martyrs and the Wounded but has shown no interest in women victims of sexual violence. In the words of one Libyan woman, “*I consider a rape victim to be one of the war wounded. It should not be considered as a lesser crime.*” UNITED NATIONS NATIONS UNIES PAGE **10**

37. The consultant met with officials from the National Transitional Council and the interim government of Libya in order to obtain a sense of the ongoing efforts and initiatives to address conflict-related sexual violence. According to the Minister of Social Affairs, Dr. Mabrouka Sherif Jibril and the Under-secretary of the Ministry of Social Affairs, Sumaya Mahmoud Benlatif, the government has initiated some steps to prepare an **action plan that addresses the psychological and social aspects of rape and other forms of sexual violence** during the conflict in Libya. A cross-ministerial committee, that includes the Ministry of Social Affairs; Ministry of Martyrs, the Wounded and Missing Persons; Ministry of Religious Affairs and Endowments; Ministry of Culture etc., has been formed to assess the extent of sexual violence that occurred during the conflict and to exchange views with organizations which have worked on the issue and carried out fieldwork in the areas where such abuses were concentrated, such as Misrata, Zuwara, Tripoli and Ajdabiya. This core committee has given rise to a secondary one, **the Committee on Violence against Men and Women** (“Battered women and battered men”), administered by the Ministry of Social Affairs.

38. During the meeting, the Minister offered a brief overview of the committee’s proposed initiatives under the action plan, which consists of a **hotline and a one hour programme broadcast on Libyan national television**. According to Dr. Mabrouka, the aim of the programme will be to change the public’s view toward victims of rape or other types of sexual assault and to encourage those who have been subjected to abuse to come forward. To achieve the desired goals, the expertise of psychiatrists and sociologists will be called upon. Because of the importance of religion in the life of Libyan society, the country’s Mufti and the Minister of Endowments will also be solicited to give an opinion on the subject of victims of rape from the religious point of view, in an effort to ease the pressure on victims and facilitate acceptance of their smooth integration into society. Civil society will be called upon to give its view on the subject and specialists with in-depth opinions on the subject will be asked to contribute, with support from the Libyan Association for Mental Health. 39. In addition, the Minister informed the consultant that in order to raise awareness of the risk of victims of sexual violence remaining silent, and the need to help them talk about their experience, a scheme has been developed, which will be submitted to the Interim Government for approval. The scheme, called the **“family forum”**, will involve opening special clinics for Libyan families to provide services to address post-traumatic psychological stress. Educational and recreational activities will also be offered. The Minister added that her ministry had proposed that the site for this project be a substantial piece of real estate formerly belonging to Baghdadi al-Mahmoudi, expropriated by the State following the collapse of the Qaddafi regime. The Minister noted that the goal behind the development of this scheme is to monitor cases of rape indirectly and confidentially, provide psychological support and therapy and facilitate reintegration into society.

40. At the meeting, Dr. Mabrouka spoke about initial ideas for developing a **scheme to find husbands for the victims of rape**. She indicated that there is a scheme to reactivate the young people’s marriage support fund, the management of which will be supervised by the Ministry of Social Affairs. The cabinet has given its agreement and, initially, the fund will be funded by the State, as well as from donations and the *zakat* tax. Such initiatives to encourage young men to marry rape survivors had some supporters among the individuals and organisations met by the consultant. *“The young men who have volunteered to marry rape victims should be hailed as heroes in the eyes of society. It is part of the psychotherapy.”* However, this proposal has been criticised by a network of Libyan female activists – *“this is tantamount to being raped a second time.”*

41. The consultant made the following observations regarding the committee’s proposed action plan:

The committee should take into account, as part of its interventions, a comprehensive approach to address victims of all types of violence, including spousal violence, sexual violence, political violence

and domestic violence directed at women, men and children. This is so as to avoid confronting society directly with the subject of rape. Nevertheless, it would be helpful to draw attention to the need of a special committee that would focus on developing specific programmes that respond to the particular needs of female survivors of sexual violence, bearing in mind their psychological, social and health situation and the social and cultural background of the society in which they live.

■
The “family forum” scheme to provide a special space to relieve the psychological stress of Libyan families is not without certain shortcomings. It includes several large-scale programmes requiring qualified staff to carry out the job but who are simply unavailable at the present time, although the situation is urgent and cannot be delayed any longer.

42. At the time of writing the report, the committee on violence against women and men has not been active and no progress has been made by the Ministry of Social Affairs on any of the above initiatives.

43. With regard to addressing impunity, the consultant met with Dr. Salwa el-Deghali, head of legal affairs and human rights in the National Transitional Council who stated that there are ongoing national and local efforts to obtain access to accurate and complete information on incidents of rape in order to address impunity and bring the perpetrators to justice. The National Transitional Council formed a committee, including sub-committees in Misrata and the Jebel al-Akhdar region, which are tasked with documenting the crimes by the former Qaddafi regime. The consultant was informed by Dr. el-Deghali that the committees are also taking into account sexual violence crimes but have not yet documented any cases. The consultant could not ascertain the capacity of the said committee to adequately investigate and document sexual violence.

V. Other responses to addressing survivors of sexual violence during the conflict

44. The consultant met Hana al-Qalal, one of the founders of the Libyan Centre for Development and Human Rights and former minister in the National Transitional Council. She is currently with the National Council for Public Freedoms and Human Rights and is a member of the **Committee on Violence Against Women**, attached to the Ministry of Health, which was formed at the start of the uprising, when cases of rape began to emerge. Two women’s health centres were also formed to enable indirect access to victims. This committee has however been dissolved following the announcement of the liberation of Libya, shortly after the death of Qaddafi. The authorities had intended to re-establish the commission at the national level, but there has been no progress made to date.

45. Aware of the need to address the subject of sexual abuse and its grave psychological and health-related repercussions and given the difficulty in Libyan society of victims speaking about what happened to them, the National Centre for Infectious Diseases Control in Tripoli developed programmes to respond to victims of sexual violence that takes into consideration the psychological, social and cultural factors. These efforts include capacity building on mechanisms and processes to receive and counsel victims, with the support from international organisations. However, the consultant concludes that, at the present time, these efforts will remain theoretical unless realistic outputs are displayed, indicating that these capacities are being put into practice and used in following-up cases of rape and other types of sexual violence. This is particularly important given the number of urgent cases who have informed the consultant about being marginalised, and the indifference on the part of the authorities in addressing their psychological, health and material needs.

46. The consultant also was informed about ongoing contributions by Libyan civil society organisations in the drafting of legislation on women’s rights and women’s participation in political processes, in addition to amending the legislation pertaining to rape in the Criminal Act. Further, there are efforts to make women aware of the serious health risks resulting from rape, as part of the broader psychological, health and social

services being offered to survivors of sexual violence. *“In view of the sensitivity of the subject and the silence of the woman or her family about the assault, we adopt this approach in order to be able to follow up rape cases and offer them the necessary support. We have organised seminars and radio forums to encourage women to undergo medical tests, after pointing out to them the possibility that serious sexually transmitted diseases can be spread indirectly.”*

47. In short, the need to assist local non-governmental organisations establish psychological and social support centres for victims of rape; supplement the necessary expertise through training and capacity building of staff, including in areas such as monitoring, documenting and reporting cases of sexual violence; and provide financial support to enable long-term and sustainability of programmes – were the three main areas identified consistently in all the meetings held by the consultant with local civil society and non-governmental organisations.

The issuance of a fatwa on addressing female survivors of rape and sexual violence

48. The consultant was informed about the existence of a formal legal opinion (*fatwa*) that contained provisions relating to women survivors of sexual violence, including legitimising abortion in the case of a woman who has been raped, as well as operations to restore virginity. It was alleged that the fatwa was issued at the request of victims of rape and doctors. The consultant confirmed this in a meeting with a member of the religious committee of Misrata, however, the consultant has not seen a copy of the said fatwa.

49. The consultant concludes that the political posturing and religious rulings on the issues of abortion and arranged marriage proposed by the authorities and legitimised by the religious leaders, only seeks to put a gloss on the image of society at the victims’ expense, particularly the women. These superficial “solutions” are bigoted and weak, will help neither the women who were sexually assaulted nor the men who will marry them. It also ignores the victims’ basic health needs and disregards their psychological state. It is a solution that conceals a desire to be rid of victims in any way possible. If the issue is not addressed humanely and courageously, the repercussions of this phenomenon on society, particularly the next generation, will be disastrous. UNITED NATIONS NATIONS UNIES PAGE **13**

VI. Recommendations

Recommendations to the United Nations

i.

Ensure continued monitoring in order to arrive at an accurate assessment of the scope and scale of rape and sexual violence against women, men and children during the conflict. Dedicated expertise should be deployed within UNSMIL to undertake monitoring and reporting of sexual violence violations, in coordination with other mission components working on this issue.

ii.

Develop a strategy to ensure relevant and adequate services, such as medical, psychological and legal support – that, critically, respects their confidentiality and privacy – are made available to survivors. This may require capacity building and training of government authorities and civil society organisations; provision of specialised expertise and funding to complement their ongoing efforts. Improved information on sexual violence is linked to provision of services to survivors. These efforts should bear in mind the specific cultural and social considerations for women in Libyan society.

iii.

Avail adequate capacity to investigate, document and prosecute sexual violence to the Libyan justice system.

iv.

Take advantage of the experience and expertise of organisations and associations from neighbouring countries that deal with sexual violence, and foster exchange of such experiences between these organisations and Libyan civil society organisations.

v.

Ensure that conflict-related sexual violence is taken into account in the development of the transitional justice strategy for Libya.

vi.

Ensure that conflict-related sexual violence is addressed in the context of security sector reform initiatives being planned for.

vii.

Ensure that training on conflict-related sexual violence is systematically planned for and carried out for national security forces, in addition to the identified trainings on child protection and gender.

Recommendations to the National Transitional Council and interim/incoming Government of Libya

i.

Re-activate as a matter of priority, the Committee on Violence against Women and Men and Committee on Violence against Women under the auspices of the Ministry of Social Affairs and Ministry of Health respectively, and finalise the proposed initiatives under the action plan to combat sexual violence. This should include, activating the hotlines, setting up psychological support and rehabilitation centres for survivors, implementing awareness raising programmes to change discriminatory societal attitudes towards female survivors of sexual violence; as well as reparations and redress. Adequate and timely resources are required for the response programmes by national authorities and non-governmental organisations and civil society groups as part of a coordinated and comprehensive approach to address sexual violence.

ii.

Ensure the inclusion of the prohibition of sexual violence in codes of conduct and issuance of command orders prohibiting sexual violence, as part of the process of consolidation of the national security forces; and put in place measures to ensure that those who have perpetrated, commanded or condoned sexual violence are excluded from all branches of government including armed forces, police, intelligence services and national guard; and civilian oversight and control mechanisms

⁶For recommended specifications for children in detention, refer to Working Paper “Children and Justice During and in the Aftermath of Armed Conflict”, September 2011, page 43, Office of the Special Representative for Children and Armed Conflict.; http://www.un.org/children/conflict/_documents/Working%20Paper%20Number%203_Children%20and%20Justice.pdf
iii.

Establish an independent body to conduct investigations into allegations of rape and sexual violence committed by both parties during the conflict and hold to account those persons who committed abuses in accordance with procedures which fully respect international standards of fair trial. Appropriate and effective mechanisms to protect victims and witnesses should be put in place; as well as relevant programmes such as counselling and medical treatment.

iv.

Reform the legislation pertaining to rape in the Criminal Act. The relevant law should also provide for appropriate complaints mechanisms, specialised questioning, confidentiality, protective measures and evidentiary rules designed to avoid re-traumatisation. It should also provide for victims with a right to adequate compensation, rehabilitation and other forms of reparation, as appropriate.

v.

Foster the judicial system by training judges and public prosecutors on issues of sexual violence, considering that providing judicial guarantees will encourage victims to resort to litigation and, in general, result in disclosure of the facts and repair of damage. Judicial guarantees offer perpetrators a fair trial and will allow them to be tried with complete objectivity and impartiality in the absence of tribal chauvinism and vendettas.

vi.

Unify the prison supervisory authority such that all prisons and detention centres come under the umbrella of the Ministry of Justice, thereby avoiding torture and extraction of information and confessions by inhumane methods, as well as instances of arbitrary detention by armed groups having no legal authority to do so and which spread terror and fear among people. This will serve to entrench a mindset of peaceful coexistence within the framework of a State of law and institutions that reject violence and vengeance and promote social stability, peace and security. Access to visit prisons and detention centres by the United Nations should be granted.

vii.

If the government decides to detain and prosecute children for criminal acts under national or international law committed during their association with an armed force or armed group, detention conditions should comply with international standards and judicial guarantees should be put in place, meeting the varying needs of girls and boys. The United Nations should be allowed access to child detention centres to monitor and report on these important safeguards.⁶