

Mandates of the Special Rapporteur on violence against women and girls, its causes and consequences; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and the Working Group on discrimination against women and girls

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(Please use this reference in your reply)

26 July 2022

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on violence against women and girls, its causes and consequences; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health and Working Group on discrimination against women and girls, pursuant to Human Rights Council resolutions 50/7, 43/4, 42/16 and 50/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention and mistreatment of Ms. **Iftikhar Boudra**.

According to the information received:

Ms. Iftikhar Boudra is a 39-year-old mother of three, originally from Mistruata and living in Benghazi at the time of her arrest on 10 November 2018, when she was abducted from home in Benghazi by security forces, along with her husband and children, aged 6, 11 and 13 years old. Personal property such as her car and jewelry were allegedly stolen. After almost six hours of interrogation, beating and verbal abuse in front of her husband and three children, Ms. Boudra remained detained while her husband and children were released. Sources indicate that she was targeted due to her activity on social media, on which she had advocated against the lawlessness and militarization of the State in eastern Libya and criticized the actions carried out by General Haftar's armed group.

Following her arrest, Ms. Boudra's whereabouts was unknown for four and a half months, until she was officially transferred to the military section of al Kwefyeh detention center. On 4 August 2020, she was tried before the Benghazi Military Court and sentenced to death by firing squad. Ms. Boudra was denied due process, unable to receive visits or to discuss her case with a defense attorney before the trial. During her time in confinement, she was also allegedly and continually subjected to sexual violence, including rape and sexual slavery, by a prison guard and has not been moved despite these grave circumstances. The prison's administration of al Kwefyeh claimed that Ms. Boudra attempted suicide, which her relatives refuted as she was hoping to be released and reunited with her children.

In January 2021, Ms. Boudra was allegedly forced to ingest drugs that made her unaware of her surroundings and own behaviour. In February 2021, she received a reduced sentence of 10 years of imprisonment. Shortly after media statements on possible release of political prisoners and twenty days into her new sentence, several masked men allegedly entered the cell of Ms. Boudra at al Kwefyeh detention center and severely burnt her hands with kerosene, so she would not be able to write. She was subsequently hospitalized at Al Jalaa hospital and denied family visits.

In addition, Ms. Boudra's husband was allegedly kidnapped for an entire night, threatened and harassed to file for divorce. He was forced to eventually divorce her in April 2021 out of fear for the children's and his own safety, depriving Ms. Boudra from the moral and psychological support he had been providing since her arrest in 2018.

In August 2021, Ms. Boudra had not recovered from her burns, despite undergoing four medical surgeries and being in need of urgent specialized medical care and treatment, given the seriousness of her injuries. When her relatives found her at the hospital, it appeared that Ms. Boudra had not received appropriate treatment. Her hands were at risk of amputation, she was left without food and water, and was in considerable pain.

As of July 2022, she has been in a critical condition, with suspected cancer and at risk of death without appropriate medical treatment. Ms. Boudra's relatives managed to visit her under high security presence and could not obtain any further medical information, except that she required immediate medical intervention for her condition.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the arbitrary arrest, incommunicado detention and ill-treatment of Ms. Boudra, which appear to be linked to the exercise of her right to freedom of expression on social media. We express deep concern about the sexual, physical and psychological violence to which she has allegedly been subjected since her arrest. We are also concerned about the continued denial of medical treatment and the consequences of these inadequate detention conditions on Ms. Boudra's health and life.

In view of the above, we condemn the consistent pattern of human rights violations and abuses against women, girls, men and boys in detention settings, as highlighted by the monitoring of United Nations Support Mission in Libya (UNSMIL).

We also raise our concerns about Ms. Boudra's arrest, lack of due process and imprisonment, which is incompatible with international human rights law. We reiterate our concerns about the apparent number of cases of women who have been targeted for killing or arrest for their political beliefs, according to the Fact-Finding Mission in Libya's report from 2022. The UNSMIL found that military courts prosecuted and convicted civilians in eastern Libya, including women and children, in direct violation of Libya's international legal obligations and national laws.

We would like to bring to your Excellency's attention Article 1 of the United Nations Declaration on the Elimination of Violence against Women which provides that the term "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. In this context, we would also like to recall that Article 4 (c & d) of the Declaration notes the responsibility of States to exercise due diligence to prevent, investigate and punish acts of violence against women in accordance with national legislation, whether those acts are perpetrated by the State or by private persons. To this end, we call on the need to develop domestic legislation to punish and redress violence against women and to provide access to mechanisms to justice, redress and just and effective remedies for women subjected to violence, as provided for by national legislation.

We appeal to your Excellency's Government to take all necessary measures to comply with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which Libya ratified in 1989. Furthermore, we recall the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, adopted by the General Assembly in 2010, stating that a woman prisoner shall be informed of her right to seek recourse from judicial authorities, of the procedures and steps involved if the existence of sexual abuse or other forms of violence during detention is diagnosed. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation, with the help of prison authorities. While in prison, women face significant challenges in accessing health care and are extremely vulnerable to different forms of violence in these institutions. Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

In its thematic report on women deprived of liberty (A/HRC/41/33), the Working Group on Discrimination against women and girls noted that the deprivation of liberty is deeply gendered and that women who experience intersectional forms of discrimination are more vulnerable to discriminatory rules and practices. The Working Group also stressed that women human rights defenders, perceived as challenging traditional notions of family and gender roles in society, are increasingly at risk of facing criminalization and detention as a result of their legitimate public activism, and are likely to be targets of criminal persecution and imprisonment. It recommended States to support women's engagement in public and political life, including the work of women human rights' defenders, and eliminate any laws or policy measures designed to criminalize the public roles of women.

We also deem it appropriate to refer to article 7(c) of the Convention on the Elimination of all Forms of Discrimination against Women which explicitly provides for the promotion and protection of women in freely participating in public matters. States agreed to take all appropriate measures to eliminate discrimination against

women in the political and public life of the country and, in particular, to ensure to women, on equal terms with men, the right to participate in non-governmental organizations and associations concerned with the public and political life. Further, we wish to reiterate the principle reiterated in Resolution 2005/38 of the Commission on Human Rights which calls on States to facilitate the full, equal and effective participation and free communication of women at all levels of decision making, including in mechanisms for the prevention, management and resolution of conflicts. We also wish to recall article 12 of the International Covenant on Economic, Social and Cultural Rights, coupled with article 2.2, which enshrines the right of everyone, including persons deprived of their liberty, to the enjoyment of the highest attainable standard of physical and mental health.

Furthermore, we would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights, acceded by Libya 15 May 1970, which provides that everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds either orally, in writing or in print, in the form of art, or through any other media of his choice.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request. In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on the basis for the arrest and detention of Ms. Iftikhar Boudra, and the denial of due process. Please specify if any charges have been brought against the arrested individual.
3. Please provide information about the allegations of sexual, physical and psychological violence. In particular, please provide information about whether any investigation has been initiated. If no such investigation has taken place, please explain why.
4. Please provide details of any particular measures taken to ensure the above individual was informed of her right to seek recourse from judicial authorities and of the procedures and steps to report the alleged sexual abuse or other forms of violence during detention.

5. Please provide details on the measures taken to ensure the physical and mental integrity of the above individual while in detention, including any measures to ensure her access to adequate medical care and attention and protection from sexual violence.

While awaiting a reply, we call upon your Excellency's Government as a matter of urgency to release Ms. Iftikhar Boudra and provide her with the immediate medical care and treatment she needs to recover from a series of serious injuries that were inflicted to her in prison, as well as psychological and other forms of support to address the harms resulting from the sexual violence she was subject to. We also urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible for the alleged violations.

This communication and any response received from your Excellency's Government will be made public via the communications reporting website within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Please accept, Excellency, the assurances of our highest consideration.

Reem Alsalem

Special Rapporteur on violence against women and girls, its causes and consequences

Irene Khan

Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Tlaleng Mofokeng

Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health

Melissa Upreti

Chair-Rapporteur of the Working Group on discrimination against women and girls