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Technical assistance and capacity-building

Report of the Independent Fact-Finding Mission on Libya*

* The present report was submitted after the deadline so as to include the most recent information.



I. Introduction

1. On 22 June 2020, at the request of the Government of Libya, the Human Rights Council adopted resolution 43/39 requesting the United Nations High Commissioner for Human Rights to establish and dispatch a fact-finding mission to Libya. On 22 August 2020, the High Commissioner announced the appointment of Mohamed Auajjar, Tracy Robinson and Chaloka Beyani as the members of the Independent Fact-Finding Mission on Libya, with Mr. Auajjar as Chair.¹

2. In accordance with resolution 43/39,² the Mission was mandated to establish, in an independent and impartial manner, the facts and circumstances of the human rights situation throughout Libya, to collect and review relevant information, to document alleged violations and abuses of international human rights law and international humanitarian law by all parties in Libya since the beginning of 2016, including any gendered dimensions of such violations and abuses, and to preserve evidence with a view to ensuring that perpetrators of violations or abuses of international human rights law and international humanitarian law were held accountable.³

3. In October 2021, the Mission presented a first written report to the Human Rights Council on the situation of human rights in Libya.⁴ By resolution 48/25 adopted on 13 October 2021, the Human Rights Council then extended the Mission's mandate to 30 June 2022. The Human Rights Council requested the Mission to present both a follow-up report of its findings at the Council's forty-ninth session and, at the fiftieth session, a comprehensive report on the situation of human rights in Libya, including on efforts to prevent and ensure accountability for human rights violations and abuses, with recommendations for follow-up.

4. The present report accordingly is of a supplementary and interim nature. It contains further findings reached since October 2021, within the constraints of the challenges faced in this period, and should be read in conjunction with the Mission's first report. It records important factual developments during the reporting period and violations that, from the point of view of technical capacity, can have an impact on Libyans' efforts towards a transition to the rule of law, democracy and greater respect for human rights. These include violations against the integrity of the electoral process and the independence and safety of the judiciary. The report also continues the Mission's documentation of other violations and abuses of international human rights law and of violations of international humanitarian law in Libya. It retains the same areas of focus as the previous report; in particular, violations against women, persons deprived of their liberty, migrants, enforced disappearances, extrajudicial killings, shrinking civic space and violations against civil society organizations and activists.

5. As noted in paragraph 5 of the Mission's first report, a comprehensive human rights investigation is an effective tool to foster accountability, deter further violations and promote long-term peace and security. To that end, the Mission recommended that Libya ensure that accountability formed part of the reconciliation process.⁵ The present report includes areas of fact-finding and recommendations to help the Libyan people to adopt a sustainable victim-centred path towards this legitimate goal. However, achieving this goal requires technical assistance to Libya. As reflected in the recommendations, areas requiring technical assistance include the strengthening of an independent, impartial and competent judiciary to address the violations against the administration of justice, which are contrary to article 14 of the International Covenant on Civil and Political Rights; Libyans' right to participate in public life pursuant to article 25 of that Covenant; the rights of minorities under article 27 of that Covenant; and the rights of women, children and persons with disabilities specified in the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child and the Convention on the Rights of Persons with Disabilities, respectively.

¹ See further [A/HRC/48/83](#), para. 2.

² Para. 43.

³ The Mission's mandate is further explained in [A/HRC/48/83](#), annex I.

⁴ [A/HRC/48/83](#).

⁵ *Ibid.*, para. 80 (o).

II. Political and security situation

6. Between October 2021 and March 2022, political turmoil and insecurity in Libya continued. On 8 September and 4 October 2021, the House of Representatives issued Laws 1/2021 and 2/2021 setting out the legal frameworks for presidential and parliamentary elections, respectively. On 25 October 2021, the President of the High Council of State, supported by mayors, representatives of civil society and some armed groups, submitted a challenge against Law 1/2021 before the Supreme Court of Libya in Tripoli, arguing that the Council had not been consulted in the law's drafting, in violation of the Libyan Political Agreement of 2015.

7. The legal and political dispute led to the postponement of the elections that were scheduled for 24 December 2021,⁶ undermining Libyans' rights to self-determination and public participation.⁷ On 22 December 2021, the High National Elections Commission declared its inability to organize elections according to the road map of the Libyan Political Dialogue Forum and asked the House of Representatives to set a new date for the elections. Inconsistencies in the legal framework were cited, in addition to irregularities in the judicial appeal process for the selection of candidates in the presidential elections.

8. The House of Representatives subsequently declared that the mandate of the Government of National Unity had expired. In February 2022, in consultation with the High Council of State, the House of Representatives adopted a constitutional amendment, which charts a path for the revision of the draft constitution (proposed in 2017 but not put to a national referendum) and for the electoral process, and voted to designate a new Prime Minister.⁸ However, the Prime Minister of the Government of National Unity, Abdul Hamid Dbeibah, vowed to only hand over power to an elected government.

9. On 1 March 2022, the House of Representatives held a vote of confidence in the appointment of a new government led by former interior minister Fathi Bashagha, known as the Government of National Stability.⁹ This power struggle has triggered further tension and polarization, creating new political divisions and new political rifts since October 2021.

10. Armed forces affiliated with various actors continued to mobilize in the shadow of these rifts. Retaliation among militias, abductions, carjacking and armed robberies were recorded throughout Libya. The threat of terrorism remains a major challenge with reported movements of violent extremist organizations in the southern part of the country.

III. Cooperation of the Libyan authorities

11. The Mission expresses its appreciation to the Permanent Mission of Libya to the United Nations and to the Libyan authorities in Tripoli and Benghazi for their cooperation, by facilitating visa issuance and access to the western and eastern parts of Libya. This cooperation has been vital for the Mission to discharge its mandate to conduct impartial fact-finding investigations into violations and abuses of international human rights law and international humanitarian law by all parties throughout Libya.

12. In March 2022, the Mission conducted its first ever visit to eastern Libya – to Benghazi in particular. This was the Mission's third visit to Libya. It met several key interlocutors representing different stakeholders in Benghazi. The Mission reiterates its appreciation for the cooperation of the local authorities in Benghazi – in particular, the

⁶ The parliamentary election, formerly scheduled to occur on the same day as the presidential election, was postponed until 50 days after it.

⁷ International Covenant on Civil and Political Rights, arts. 1 and 25; and International Covenant on Economic, Social and Cultural Rights, art. 1.

⁸ United Nations Support Mission in Libya, "Statement attributable to the Spokesperson for the Secretary-General on Libya", 11 February 2022.

⁹ Sami Zapita, "Bashagha Government of National Stability (GNS) releases new crest", Libya Herald, 2 March 2022.

military prosecutor and the prosecutor of Benghazi – and previously in Tripoli in its fulfilment of its mandate.

13. As noted in paragraph 10 of the Mission's first report, restrictions imposed on civil society organizations and fear of retaliation pose grave obstacles to interactions between the Mission and civil society organizations based in Libya. The Mission reiterates its call to the Libyan authorities to ensure that any person in Libya is free to approach it.

IV. Challenges

14. After a delayed start as detailed in its previous report, since October 2021 the Mission has continued to face multiple, significant challenges. Delays in recruitment and severe understaffing have, in particular, impeded its ability to operate effectively during this period. While the Mission should have had 18 staff members, it functioned from November 2021 to mid-February 2022 with only 6, with key roles vacant, including those of the Coordinator, Investigation Team Leader and Reporting Officer.¹⁰

15. To enhance its ability to conduct investigations, the Mission had hoped to deploy its investigative team to Libya for the duration of its mandate. Unfortunately, limited United Nations accommodation in Libya and security challenges prevented this. Delays in recruitment were partly due to this thwarted attempt to base staff in Libya. The Mission's ability to conduct visits to Libya was further limited by the General Assembly's decision to cut the position of security coordinator, for budgetary reasons, and the limited availability of accommodation in the United Nations compound even for short-term visits.

16. Despite the above challenges, the Mission has carried out considerable investigative activities. These included visits to Egypt from 25 to 29 November 2021 and, after the Coordinator and additional staff were appointed in February and March 2022, to Malta from 6 to 9 March and Libya from 10 to 13 March. The partially restored capacity of the Mission has ensured that significant progress in fulfilling its mandate has been achieved. More could have been achieved if the Mission had operated at full capacity. But the gravity and widespread nature of violations in the past six years in Libya still requires more than the remaining three months of the mandate to holistically achieve conclusive findings that can help Libyans to achieve their right to truth, take stock and make the appropriate plans for peaceful transition.

V. Methodology

A. Applicable law

17. The legal framework applicable to the Mission's fact-finding activities is detailed in annex II to its first report.¹¹

B. Objective criteria for determining the scope of the Mission's investigations

18. The Mission's investigations since October 2021¹² have adopted objective criteria that informed its selection of themes and topics for investigation. The Mission focused on three areas. The first was the apparent violations of international human rights law and international humanitarian law that appeared the most serious and, among these, in particular, those of an apparently widespread and/or systematic nature. This built on the Mission's previous documentation of trends and patterns and preliminary findings on the commission

¹⁰ There were 12 staff at the time of writing.

¹¹ [A/HRC/48/83](#).

¹² The scope of investigations before October 2021 is set out in [A/HRC/48/83](#), paras. 14–16.

of international crimes, and reflected its aim to further substantiate the impact of violations on the rights of victims – Libyan victims, as well as migrants, refugees and asylum seekers.

19. The second was the potential violations, abuses and crimes against vulnerable groups that are subjected to multiple forms of victimization. These included persons deprived of their liberty, women, migrants, refugees, asylum seekers, and religious, racial and ethnic minorities.

20. The third was the violations and abuses of international human rights law and international humanitarian law that especially hamper the transition of Libya towards the rule of law and democratic elections. Elections are part and parcel of the right of everyone to participate in public affairs under article 25 of the International Covenant on Civil and Political Rights and are critical to democratic transition and institutional reform. In the context of the pending elections, the Mission has focused on investigating allegations of attacks on women politicians, as impunity for such acts has suppressed women's participation in political and public affairs in Libya. Acknowledging that an environment of fear and intimidation undermines the democratic process, cripples the justice system and threatens the independence of the judiciary, the Mission has also focused on attacks committed by armed groups on offices and personnel of the High National Elections Commission, judges conducting judicial reviews of candidates' eligibility and other election-related violations, including attacks on civil society.

21. To the extent that it was both practically feasible and consistent with these three areas of focus, the Mission endeavoured to investigate impartially all geographical regions within Libya.

22. Given the interim nature and limitations on length of the present report, not all of the investigations carried out during this period, nor the findings thereof, are described below. Unless otherwise stated below, specific incidents are highlighted since they are representative of those that the Mission has identified.

C. Methods of work

23. Consistent with the practice of most United Nations fact-finding bodies, the Mission employs the "reasonable grounds to believe" standard in making factual determinations. The Mission found the standard met when it obtained a reliable body of primary information, corroborated by at least one other independent source, that could lead a reasonable and ordinarily prudent person to believe that an incident or pattern of conduct had occurred.¹³

24. During the period of reporting, the Mission continued to consider and collect information from a variety of sources, including summaries of accounts and analytical data included in reports of the United Nations, civil society organizations and media; investigators' direct observations during visits to Libya and third States; domestic Libyan law; information provided by Libyan authorities, other States and reliable stakeholders working on and in Libya; authenticated satellite imagery and audiovisual material; verified open source material; interviews; and medical examinations by the Mission's forensic physician. Following the decision of the Human Rights Council to extend the Mission's mandate until 30 June 2022, the Mission renewed its call for submissions from individuals, groups and organizations with new or complementary documentation and information relevant to its mandate. By the submission deadline of 31 January 2022, the Mission had received a number of submissions from civil society organizations, international non-governmental organizations, and victims or their representatives, which it is now reviewing.

25. The Mission conducted more than 120 interviews during this period, both in person and remotely. The Mission also conducted three in-person investigative visits: to Egypt in November 2021 and to Malta and Libya (Benghazi) in March 2022. In Benghazi, the Mission met key public officials and various representatives of the judiciary and the legal profession. Among other interlocutors, in Egypt, members of the Mission met with representatives of the

¹³ The Mission's general methods of work, including the standard of proof that it applies, are further described in [A/HRC/48/83](#), paras. 17–25.

League of Arab States and with civil society organizations working on the human rights situation in Libya; and, in Malta, secretariat members, including the Mission's forensic physician, met with migrants, refugees and asylum seekers and discussed their experiences in Libya. They also met with representatives of international organizations. The Mission met online with the Armed Forces and the Rescue Coordination Centre of Malta due to time constraints. The Mission expresses its appreciation to the Governments of Egypt and Malta, the Agency for the Welfare of Asylum Seekers of Malta and the Office of the United Nations High Commissioner for Refugees for their full cooperation on these visits.

VI. Violations and abuses in the context of deprivation of liberty

26. Up to October 2021, the Mission's investigations concerning the deprivation of liberty primarily concentrated on seven facilities, believed to hold thousands of inmates, in three areas of Libya. The Mission selected these seven for a combination of reasons, including the vulnerability of the persons deprived of liberty and the variety of regions and actors concerned. The Mission concluded that acts of murder, torture, imprisonment, rape and enforced disappearance committed in these facilities may amount to crimes against humanity.¹⁴

27. In the current period of reporting, the Mission interviewed 36 additional persons regarding those 7 facilities and 13 further places of detention, both official and unofficial. Investigations during this period provided further evidence of the widespread and/or systematic nature of human rights violations and abuses in places of detention and the repetitive and continuous nature of attacks against detainees. This includes the sites the Mission had previously identified, and additional official facilities and extralegal detention facilities run by militias acting under the umbrella of the State. The Mission found the same patterns of acts occurring in and regarding the newly investigated facilities as those it had identified in its first report. Its investigations reinforced the Mission's belief that those imprisoned in Libya are commonly detained arbitrarily for prolonged periods; systematically tortured, raped or threatened with rape, including of female family members,¹⁵ and sometimes killed; routinely subjected to enforced disappearance; and subjected to extortion and inhumane conditions of detention, among other violations and abuses.

28. The Mission has received information about the impact of detention on women family members of detainees who may face harassment during visits and who find themselves heads of household and in a precarious financial situation. The Mission also identified further evidence of a pattern regarding the profile of victims, namely, perceived opponents of the detaining authorities. One matter these investigations highlighted, besides those previously reported, was that orders of release and acquittal issued by judicial authorities were very frequently not implemented. For example, the Mission found indications that there were hundreds of instances of this in the Mitiga/Radaa, Al-Koweifya and Gernada prisons.

29. The Mission also continued to identify instances of serious human rights violations and war crimes committed against conflict-related detainees. In one example, during the non-international armed conflict that occurred between April 2019 and June 2020 between the Government of National Accord and the Libyan National Army, the Mission documented a case of abduction and repeated torture of a combatant for approximately one year. The Mission found reasonable grounds to believe that the victim had been subjected to regular beatings for hours and kept in solitary confinement in inhumane conditions. The Mission concluded that there were reasonable grounds to believe that the detainee was the victim of the war crimes of torture and cruel treatment.

30. The Mission investigated the detention, torture, enforced disappearance and killing of two men in Tarhuna during the same conflict. It found that there were reasonable grounds to believe that, due to their perceived support for one of the factions involved in the conflict, the men had been detained at a checkpoint, tortured and eventually killed. One man had died immediately from his torture, while the second had been detained, incommunicado, for eight

¹⁴ A/HRC/48/83, para. 49.

¹⁵ See sect. VIII below.

months before being executed. His body was later discovered in a mass grave with three bullets in the head. Family members were given false information about their loved ones' whereabouts and at times harassed by the authorities in Tarhuna. The Mission considers that there are reasonable grounds to believe that both men may have been victims of the war crimes of murder, torture and cruel treatment and that the second may also have been arbitrarily detained and forcibly disappeared.

31. The Mission's investigations on the plethora of secret detention facilities in Libya are also ongoing. Secret detention is a particularly gross human rights violation as it subsumes ipso facto numerous serious violations against the detained victims. The Mission has reports of and is investigating a number of secret prison networks controlled by different armed militias, including a number of prisons that were declared closed but are still secretly operative. Based on the testimonies of ex-detainees, which have been corroborated by international organizations and human rights activists, the Mission has reasonable grounds to believe that violations of international humanitarian law and international human rights law are being committed in a number of secret prisons that currently exist in Libya.

32. For example, the Mission documented, during the current reporting period, the abduction of a civilian by one security apparatus. He was detained in a secret location, incommunicado, where he was interrogated, beaten three times a day for about eight days, then moved to a secret prison for six weeks. According to the victim, several other detainees had been held in that prison for up to five years, many of whom had been tortured. The victim told the Mission that during his disappearance, the victim's family had asked about his fate and whereabouts but had been falsely informed by authorities that he was not in their custody. The family only discovered the truth when the victim was released.

33. The Mission also found that, in some cases, different security entities across Libya cooperated with one another in operating places of detention and transferring detainees between them. In investigating these prisoner exchanges, the Mission also identified and continues to document the practice of hostage-taking, whereby the militias controlling secret prisons arbitrarily detain adults and children based on their tribal or family links to a wanted person, in order to force that person to surrender. The Mission has received a report of a case in which a woman in her seventies was held to force her son to surrender.

34. The Mission finally noted from its review of published material during the current period that there was no comprehensive official statistical data on prisons in Libya.

VII. Ongoing investigations of extrajudicial killings and enforced disappearances

35. As has previously been reported by the Mission, unlawful killings of civilians not directly participating in hostilities and other protected persons are a common feature of the conduct of hostilities by various parties to the conflicts in Libya. In both an en masse and a more targeted fashion, alleged agents of State and non-State actors have used lethal force against such victims, often employing firearms to execute their victims brutally. The Mission has received further compelling evidence that these deaths were indeed arbitrary and unlawful. This evidence points to the fact that women and children were among the victims, that the victims were all presumably associated with an opposing group to the alleged perpetrators or otherwise perceived to be enemies in some way and that items typically associated with such unlawful killings, including blindfolds and ligatures, were apparently used. In its first report, the Mission disclosed initial persuasive evidence that mass murder had occurred in Tarhuna. Such evidence remains a strong indication of large-scale violations of international human rights law and international humanitarian law. The Mission has continued to investigate these matters during the current reporting period.

36. The Mission has obtained further prima facie evidence that arbitrary arrest and detention have regularly occurred in Libya since 2016 and, in many cases, have amounted to enforced disappearances as an international crime. Often used as an apparent tool of oppression and/or retribution by various actors, this practice typically targets civilians who are associated with another side in a conflict and/or who are exercising their fundamental rights in a manner that is unpopular with certain groups thought to be behind such abductions.

The further evidence collected by the Mission demonstrates that these civilians are forcibly arrested without legal authority to do so and detained incommunicado for significant periods of time (in some cases, presumably, are still being held to this day), and their whereabouts and/or status are unknown to their families or close associates, who are denied this information. The evidence obtained also shows that it is common for other violations and abuses to accompany arbitrary detention and enforced disappearance, such as arbitrary and/or inhumane conditions of detention, violations of the rights to due process and a fair trial, cruel and inhuman treatment, and torture. As these abductions have ostensibly occurred in both peacetime and times of conflict and are widespread, they may amount to crimes against humanity, violations of international humanitarian law and/or serious violations of international human rights law.

VIII. Sexual and gender-based violence

37. As defined in the Mission's first report,¹⁶ gender-based violence is any form of violence directed towards, or disproportionately affecting, persons because of their gender or sex. The focus in the present section is on sexual violence. Other forms of gender-based violence are addressed elsewhere in this and the Mission's first report.

38. During the period of reporting, the Mission was able to conduct 12 detailed interviews with survivors of sexual violence and received information from families of detainees, including migrants. It has also received information from witnesses of sexual violence, as well as organizations and health professionals who provide assistance to survivors be it within or outside Libya.

39. The Mission has continued, during the current reporting period, to receive reports of detainees in Libya being threatened with sexual violence against them or their relatives, stripped naked for prolonged periods of time or subjected to intrusive body searches amounting to rape. It had previously also received reports of sexual violence during interrogation, including electricity being applied in the genital area and rape.

40. The Mission also continued to receive reports of sexual violence in detention centres run by the Department for Combating Illegal Migration.¹⁷ It notes that, when reports of sexual violence in a given detention centre become widespread, the centre in question tends to be closed and detainees, guards and the Department's officers moved around. No one appears to be held legally accountable. Before submitting its first report to the Human Rights Council, the Mission had received consistent reports of sexual violence against women and girls held at the Shari' al-Zawiya centre run by the Department. During the current reporting period, the authorities have closed that centre, but not taken any further action against the perpetrators of the violence, to the best of the Mission's knowledge. That was also the case for the Surman detention centre (in western Libya). Sexual violence affecting migrants is further addressed in section IX below.

41. Sexual violence is also common outside the context of detention. Reports and rumours of abuse by members of armed groups and militias of women and girls stopped in the street, at checkpoints or in their neighbourhoods feed a climate of fear. This in turn leads families and communities to prevent women from taking part in public life with the ostensible aim of protecting them. Threats of sexual violence online against critics and activists, particularly women activists but also their female relatives, are routine. Victims and witnesses interviewed by the Mission shared their concerns that such threats seemed to be part of the tactics used to terrify and silence activists.

42. The Mission heard first-hand accounts of persons being targeted for arrest and abuse, including sexual violence, solely on the basis of their sexual orientation or gender identity. Some armed groups with ostensible Salafist-leaning views, including those affiliated with the State, seek to enforce their own interpretation of religious or societal norms and act with the stated objective of cleansing Libya of "deviant" behaviour. In one such example, according to information the Mission received in interviews during the reporting period, two

¹⁶ A/HRC/48/83, para. 51.

¹⁷ Ibid., paras. 57–62.

men in a car were accosted by an armed group and their mobile phones checked. After the members of the armed group had found content on a phone suggesting that the men were gay, they arrested them. One man was reportedly held in Mitiga prison and sexually abused while there.

43. The Mission received reports of sexual violence being filmed by perpetrators, while victims were being held in detention or by armed groups or criminal gangs, with a view to further subjugating and terrorizing them and ensuring that they did not report sexual violence or seek redress.

44. The Mission considers that not only do the law enforcement authorities and justice system of Libya appear to be failing to provide protection from sexual violence and remedy to survivors, but several laws facilitate or allow impunity for sexual violence and should be overhauled.

IX. Migrants

45. Unless otherwise indicated, the expression “migrants” used in the present report covers the categories of migrant, refugee or asylum seeker.¹⁸

46. In its first report to the Human Rights Council, the Mission found that numerous violations against migrants in Libya may amount to crimes against humanity, while noting the need for further investigations to establish the role of all involved.¹⁹ Sexual violence against migrants was an integral part of that finding. The Mission also highlighted that those incidents were neither isolated nor could they be attributed to rogue elements, particularly in the case of violent interceptions at sea and subsequent detention. In spite of the Mission’s findings, the Libyan authorities have continued to detain migrants, including those intercepted at sea. European States continued to cooperate with the Libyan authorities, including the Libyan Coastguard.²⁰ The Mission reiterates that such cooperation should be carried out in accordance with the obligations of international human rights law and each State’s responsibility to protect migrants in its territorial waters and search and rescue zone.

47. Since October 2021, the Mission has continued to document further cases of murder, torture, inhumane acts, rape, persecution and enslavement of migrants by some State authorities, militias, armed groups and traffickers, employing a consistent pattern of conduct. These abuses occur against the backdrop of a domestic legal framework that – inconsistent with the human rights obligations of Libya – prescribes automatic and indefinite detention for people entering the country irregularly. During the current reporting period, thousands of people were intercepted by the Coastguard and brought back to Libya where they faced arbitrary detention in inhumane conditions, torture and other ill-treatment.²¹

48. The Mission’s latest investigations have centred on a number of incidents, including the raid on the Gargaresh area of Tripoli, that occurred at the beginning of October 2021 and ensuing incidents of excessive use of force in detention centres under the control of the Department for Combating Illegal Migration, as well as inhumane conditions of detention. The Mission also investigated continuing abuses against migrants at the hands of traffickers. One incident documented by the Mission related to the death of a young migrant whom traffickers had reportedly set alight. The Mission additionally documented the case of abduction and torture of a migrant boat mechanic by an armed group involved in trafficking.

¹⁸ Ibid., annex II, para. 16.

¹⁹ Ibid., paras. 57–62.

²⁰ See, e.g., Nikolaj Nielsen, “Libya to get new EU-funded boats despite crimes”, EUobserver, 11 October 2021.

²¹ Based on a tally of numbers published by the International Organization for Migration: https://twitter.com/IOM_Libya/status/1445060520743215107?s=20&t=T4r3uAFCqOKQ7eodNggkgQ, https://twitter.com/IOM_Libya/status/1478370201385283590?s=20&t=K9IDiUvx0YZ4NCLCgH8iKQ and https://twitter.com/IOM_Libya/status/1503355311326957573?s=20&t=HQO7Eq_vR0jbK4OSvUgpMw.

It received reports of sexual and gender-based violence in migrant detention centres. During the reporting period, Shari' al-Zawiya, a detention centre in which the Mission is investigating incidents of sexual violence by guards, was closed down.

49. The Gargaresh raid by Libyan security forces was reported to have targeted foreigners and migrants, killing 1 person and injuring at least 15 others.²² The raid took place in the context of xenophobic statements associating migrants with criminality and drug trafficking. The Mission's further investigations indicated that, on 1 October 2021, Libyan security forces had launched a campaign in the area, arresting thousands of foreigners, before transporting them to several detention centres, including Mabani, Abusliem and Abu Rashada in Gharyan. The Mission was able to interview 2 migrants from the arrested group, both of whom informed it that, on that date, at least 4,000 migrant men, women and children had been arrested and transferred to a detention centre already housing a large number of other migrant detainees in very poor material conditions.

50. The Mission has received information about the forcible dispersal of a sit-in by migrants in front of the registration centre of the Office of the United Nations High Commissioner for Refugees in Tripoli in January 2022 and reports of excessive use of force.

51. Migrants interviewed by the Mission continued to share alarming information about the situation in Bani Walid, a trafficking hub approximately 130 kilometres south-east of Misrata. Victims recounted that "If migrants who were kept there heard the word Bani Walid, she or he would start crying. They set fire to and burn women's breasts and vaginas there" and "[After I was abducted by traffickers in Libya] I was tortured in different ways. I was burned with cigarettes. They poured petrol on me and attempted to set me on fire. They tied each of my arms to a car and threatened to drive and pull them away. I was penetrated with a knife and a baseball bat, as well as with a broomstick. I was filmed by my abductors, who threatened to release the video." Among other violations, the Mission found that there were reasonable grounds to believe that migrants had been held captive, murdered, tortured and raped. Of eight migrants interviewed shortly before the writing of the present report, several told of the existence of mass graves in Bani Walid, one of them recounting that he had buried three bodies himself in such a grave. The Mission is still seeking to verify this information.

52. The Mission continued to receive, from interviewees, reports of sexual violence affecting migrant women in Bani Walid. Five migrant women recently interviewed, all from East Africa, told the Mission that they had been raped and sexually abused in Bani Walid. Guards threatened one woman that her husband, also detained in Bani Walid, would be killed if she did not submit to them. Three of the other women told of drunk guards coming into the place in which women were sleeping during the night and picking women for rape, confirming a pattern documented by the Mission.

53. The Mission also draws the attention of the Human Rights Council to the death, in March 2022, of an 18-year-old Sudanese migrant, whom the Mission had recently interviewed, from injuries apparently inflicted on him by human traffickers. Before his death, the victim had informed the Mission that traffickers had tortured him, demanded a ransom for his release from his family and set him on fire when the money had not been paid. The incident reportedly occurred in Sabha, in the south-west of Libya.

54. The Libyan authorities have been either unable or unwilling to protect migrants against abuse by traffickers and to hold perpetrators to account. Some traffickers have been held to account in European States for trafficking and human rights abuses against migrants in Libya, as recently exemplified by the decision in February 2022 of a preliminary hearing judge in Palermo to sentence two nationals of Bangladesh to 20 years in prison for detaining and torturing migrants in Zuwarah (located to the west of Tripoli).

²² United Nations Support Mission in Libya, "Statement of the United Nations Assistant Secretary-General Resident and Humanitarian Coordinator for Libya, Georgette Gagnon", 2 October 2021. See also [S/2022/31](#), para. 58.

X. Violations of the right of Libyans to participate in public life and to choose their own representatives

55. Participation in public affairs, including through freely chosen representatives, is a human right protected by treaties to which Libya is party, as are the rights to vote and be elected.²³ With the period of reporting dominated by the prospect of elections and related political and legal action, violations affecting these rights have been a focus of the Mission's investigations. The run-up to the anticipated, but now postponed, elections on 24 December 2021 was characterized by several concerning incidents, casting doubt on the ability of the Government of Libya and de facto authorities to guarantee the right of Libyans to participate in public life and choose their own representatives, and protect those involved in elections from violence and threats.²⁴

56. The Mission collected many testimonies, videos and photographs on elections-related incidents that provided evidence of violations of the right to participate in public affairs. While the information gathered by the Mission indicates that the Libyan people are eager for the elections to take place, it also reveals that some candidates, election officials and candidates' supporters appear to have received threats that can affect the fairness of the process and the chances of different candidates in favour of those who have de facto power and influence on the ground.

57. In November 2021, armed groups reportedly arrested and detained a number of individuals from Sirte, for expressing their views about the elections or their support for specific candidates on social media and during demonstrations. According to several testimonies received by the Mission, there are indications that the victims were arrested arbitrarily and may have been subjected to ill-treatment and, possibly, torture in detention. Similar incidents were also documented in other parts of the country.

58. The Mission also investigated one incident during which armed men had attempted to prevent the judicial review of a candidate's eligibility. In Sabha, from late November to 2 December 2021, a group of armed men surrounded the Court of Appeal, which was due to hear an appeal by Saif al-Islam al-Gaddafi against his exclusion from the presidential election.²⁵ According to eyewitnesses, the armed men prevented the judges from entering the premises, and resorted to threats and intimidation of both judicial and other legal personnel and protesters who had gathered in front of the courthouse. The appeal hearing eventually took place on 2 December 2021, following the group's departure from the grounds.

59. Reliable reports have also described incidents of violence and intimidation against officials and infrastructure of the High National Elections Commission, including a number of voters' registration offices, polling stations, looting of election equipment and incidents of harassment and intimidation of officials responsible for securing elections.²⁶

60. Violations affecting the participation of women and ethnic minorities, specifically, in public life, are described in sections XIII and XIV below.

²³ International Covenant on Civil and Political Rights, art. 25; and African Charter on Human and Peoples' Rights, art. 13.

²⁴ The Mission has received 11 testimonies, some of which came direct from the sites of the incidents. They include those of eyewitnesses, lawyers, Libyan civil society activists, ordinary citizens and victims. The Mission has also collected a number of written statements, videos and photographs. The testimonies were corroborated with other reports, press articles, official statements of Libyan officials and the United Nations Support Mission in Libya.

²⁵ United Nations Support Mission in Libya, "UNSMIL warns against acts that could serve to deprive Libyans of exercising their democratic right", 29 November 2021.

²⁶ See, e.g., Amnesty International, "Libya: elections delayed amid a climate of repression", 22 December 2021.

XI. Violations against civil society organizations, activists and human rights defenders

61. The Mission has received alarming reports of attacks on civil society organizations and activists in Libya, contrary to the rights to peaceful assembly and freedom of association under articles 21 and 22 of the International Covenant on Civil and Political Rights. One Libyan civil society activist interviewed in March 2022 stated that: “I left [Libya] because I am scared to be arrested and forced to say things [on camera] that would hurt people around me. Me not being around would help protect my family. My priority is to keep everyone safe.” The silencing of civil society organizations, activists, journalists and human rights defenders relies on restrictive laws and regulations, extensive oversight powers given to the Civil Society Commission, a government-established body, and the fear of suspension or closure of organizations, while funding is tightly controlled. In effect, organizations, activists and defenders are expected to seek prior authorization before carrying out activities or meeting with international bodies such as the Mission.

62. Against the backdrop of a public campaign denigrating the work of civil society and a shrinking civic space, activists are routinely threatened online, mainly on the platforms Facebook and Club House, and live under the constant fear of abduction, arrest and arbitrary detention. As the Mission and others have documented elsewhere, arbitrary detention is often accompanied by torture and other ill-treatment, sexual and gender-based violence and other violations, and in some cases may amount to enforced disappearance.

63. On 26 October 2021, the House of Representatives ratified a law against cybercrime. The law’s overly broad terms give the Libyan judicial authorities excessive discretion to restrict online freedom of expression and impose penalties, contrary to article 19 of the International Covenant on Civil and Political Rights.

64. A draft civil society regulation was proposed by the Government of National Unity in July 2021 that further restricts civil society groups, increases control over them and subjects organizations to a code of conduct. The Mission has received information indicating that civil society organizations have been asked by the Civil Society Commission to reregister. According to the information received by the Mission, the High National Elections Commission will not allow organizations that have not reregistered with the Civil Society Commission to monitor elections.

65. During the current reporting period, further chilling video recordings of activists’ “confessions” were posted on the Facebook page of the Internal Security Agency and international organizations were portrayed as imposing a foreign agenda and perverting Libyan youth. The Mission fears that such “confessions” may have been obtained under duress and are intended to terrorize activists.

XII. Other violations affecting the transition to the rule of law and democracy in Libya

66. Reliable reports have identified, throughout the period covered by the Mission’s mandate, a pattern of attacks against members of the legal community, public prosecution offices and courthouses,²⁷ together with a steady weakening in the judiciary’s ability to conduct transparent and effective trials. The Mission has also collected information regarding such attacks and threats of violence against courthouses, the judiciary and other members of the legal community.

67. In particular, the Mission investigated the abduction in 2017 of a local prosecutor in Tarhuna who had reportedly been trying to build a case against associates of the Al-Kaniyat

²⁷ Cairo Institute for Human Rights Studies and the Libya Platform, “Libya: a complete failure to implement UPR recommendations since 2015”, 2 April 2020; and Amnesty International, “Libya: elections delayed amid a climate of repression”.

family.²⁸ The victim remains missing at the time of submission of the present report. Local authorities only opened an investigation into this incident in 2019, following the departure of that family from Tarhuna, with little progress to date.

68. As described earlier in the present report, violence against the judiciary was observed in the build-up to the elections in December 2021, when a number of judicial processes took place to confirm candidates' standing in the elections – notably during the four-day assault on the Sabha courthouse, which was due to hear an appeal from a lawyer of Saif al-Islam al-Gadafi, one of the candidates.²⁹

69. The Mission expresses its concern that these attacks and acts of intimidation foster an increasingly insecure environment, which is highly detrimental to one of the cornerstones of the rule of law: the ability of the judiciary to administer and adjudicate the law in a manner that is fair, independent, accessible and efficient. Hampering this ability, through intimidation and violence, is a serious obstacle to Libyan victims' transition to a democratic system ruled by (human rights) law and justice.³⁰

70. Furthermore, the Mission has gathered – during the present reporting period – enough information regarding more attacks and crimes against the judiciary and lawyers in different regions of Libya. The Mission will continue its work to verify the information that it has gathered to reach further conclusive findings for the purpose of its report due to be submitted to the Human Rights Council at its fiftieth session.

XIII. Violations against women

71. Women and girls in Libya face a myriad of challenges and obstacles that prevent them from fully enjoying their human rights and meaningfully participating in the public life of their country. Violence, including sexual violence,³¹ takes place offline and online and is fuelled by patriarchy and religious and cultural conservatism, as well as sexism and misogyny. State authorities fail to protect women and girls from violence and perpetuate gender stereotypes and the marginalization of women. In this context, Libyan women are underrepresented in all elected and appointed State institutions and marginalized in peace processes. In its resolution 43/39 establishing the mandate of the Mission, the Human Rights Council called upon the Libyan authorities to facilitate women's full, equal and effective participation in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding. It further called upon all Libyans to oppose polarization and hate speech in official and public discourse, which threatened democratic values, social stability and peace, weakened the social fabric and undermined stability, peace and security.³²

72. Since October 2021, the Mission has conducted detailed interviews of 10 women and has spoken to a range of organizations and activists. It has reviewed legal documents, video footage and posts on social media platforms. Virtually all those who spoke to the Mission did so on condition of anonymity.

73. Women's role in civic space and public life carries significant risks for them: those who overcome systemic obstacles and manage to take part in public life may be threatened, their political affiliations or morality questioned with the aim of damaging their reputation or that of their family members. A number of women activists face hate speech and incitement to violence, sometimes by senior religious establishment members, such as the Grand Mufti of Libya, Sheikh Sadiq al-Ghariani.

²⁸ An influential family that had effective control of Tarhuna, as outlined in [A/HRC/48/83](#), paras. 69–73.

²⁹ See sect. X above.

³⁰ In a 2012 study on the challenges, lessons learned and best practices in securing democracy and the rule of law from a human rights perspective, the United Nations High Commissioner for Human Rights recognized the “crucial” role played by an independent and efficient judiciary in transitional justice contexts ([A/HRC/22/29](#), para. 51).

³¹ See sect. VIII above.

³² Human Rights Council resolution 43/39, paras. 34–35.

74. Women played an important role in the Libyan Political Dialogue Forum and the ensuing road map included a 30 per cent quota for women in leadership positions in the Government.³³ However, this pledge was soon revoked, and it was announced that only a few women had been nominated to participate in the Government.³⁴ Eventually, under intense pressure, including from all women members of the Libyan Political Dialogue Forum regardless of their political affiliations, five women ministers were appointed. The Government of National Unity comprised only 15 per cent of women, rather than the 30 per cent pledged. In March 2022, the competing Government that was sworn in by the House of Representatives comprised only 2 women among its 38 members.

75. Women's participation and their ability to engage in the public life of the country free of intimidation, threats and fears for their lives is essential. Women registered massively to vote and the High National Elections Commission sought to address the challenges faced by women to register, due, among other things, to the issue of male family members holding the "family book".

76. The enforced disappearance of a member of the House of Representatives, Sihem Sergiwa, which the Mission previously reported,³⁵ cast a shadow on elections in Libya and women's participation. Since her abduction from her home in Benghazi, although the judicial authorities opened a formal investigation into her enforced disappearance, little regarding her whereabouts or the identity of the perpetrators has been established at this time. The Mission reminds the local authorities that the duty to protect Ms. Sergiwa falls on the Libyan authorities themselves. During its visit to Benghazi, the Mission held meetings with the representatives of the Office of Public Prosecution and other officials in Benghazi and discussed the abduction and enforced disappearance of Ms. Sergiwa. The Office of Public Prosecution shared documents with the Mission about the investigation. While the opening of the investigation is a welcome step, two and a half years after the abduction of Ms. Sergiwa, law enforcement agencies and the judiciary have yet to unveil the truth about what happened to her, to end her enforced disappearance and to hold accountable the perpetrators of such a crime.

77. No one has yet been held accountable for the killing of a vocal critic active on social media, Hanan al-Barassi, who was gunned down in the street in Benghazi.³⁶ During its visit to Benghazi, the Mission met with the relevant authorities and sought clarification of the circumstances of the killing of Ms. Al-Barassi and whether anyone had been held responsible for it. The Office of Public Prosecution informed the Mission that the investigation was ongoing. Such an investigation must lead to the truth being uncovered and hold the perpetrators accountable. In fact, the only persons jailed in relation to the killing of Ms. Al-Barassi were her children.

78. The impunity for the enforced disappearance of Ms. Sergiwa and the killing of Ms. Al-Barassi is part of a broader pattern of impunity for the killing of women activists and politicians. While some of these killings took place during a period outside the Mission's mandate, the continued impunity for such killings is of concern to the Mission. Some eight years after her death, no one has been held accountable for the killing, in her house in Benghazi, of prominent lawyer Salwa Bugaighis. Her husband, Essam al-Ghariani, was abducted on the same day and his whereabouts are still unknown. Another woman politician, Fariha al-Berkawi, was killed in Derna in 2014. Activist Intissar al-Hasairi, co-founder of Tanweer, was found dead in Tripoli in the same year. While these women held different views and were involved in public life in different ways, they were all targeted for their activism and killed, and no perpetrator has been held responsible for their deaths or enforced disappearance.

79. The killing or enforced disappearance of prominent women politicians and activists and ensuing impunity has sent out shockwaves among activists and aspiring candidates and

³³ Libyan Political Dialogue Forum, "Roadmap 'for the preparatory phase of a comprehensive solution'" (2020).

³⁴ See www.youtube.com/watch?v=HnTRa9QnpJM.

³⁵ [A/HRC/48/83](#), para. 64.

³⁶ First reported in [A/HRC/48/83](#), para. 65.

forced several activists to flee Libya or to stop their activism. It has had a chilling effect on women wanting to engage in public life.

80. The concerns of the Mission regarding women's political participation in the upcoming elections in Libya are heightened by reports that women candidates in local, parliamentary and presidential elections have been threatened, including online, and deterred from running for office.

81. Women ministers in the Government of National Unity have faced a sustained public campaign driven by misogyny to undermine them and cast doubt on their credibility.

82. Women's rights suffered a further setback during the current reporting period with the suspension of a memorandum of understanding between the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the ministry in charge of women's affairs. The memorandum of understanding, signed in October 2021, was part of the steps taken for UN-Women to support Libyan stakeholders to devise a national action plan in the framework of Security Council resolution 1325 (2000) on women, peace and security. In the ensuing months, conservative figures attacked the memorandum of understanding and declared the Convention on the Elimination of All Forms of Discrimination against Women – to which Libya has been a party since 1989 – contrary to Islam. In spite of the Prime Minister mandating the minister in charge of women's affairs to sign a memorandum of understanding, she was subjected to an investigation at the request of the Prime Minister and the memorandum itself has now been suspended, initially by a decision of an administrative tribunal and later by the Prime Minister, although the case is still pending before the tribunal. Divisions over the memorandum of understanding unleashed hate speech on social media platforms, along with questions regarding the security and life of the minister, and marks a setback for women's rights in Libya. The Mission reviewed some of the pamphlets distributed against the memorandum of understanding and Security Council resolution 1325 (2000). The backlash concerning the signing of the memorandum of understanding and the highly critical views of gender equality that were expressed are not isolated incidents and seem to be part of an orchestrated campaign.

XIV. Violations against minorities

83. During the current reporting period, the Mission considered the broader context of discrimination and exclusion experienced by some minority groups in Libya. The continued political instability and insecurity in Libya has also had an impact on the country's ability to end the legacies of marginalization and discrimination against minority groups. The Mission's focus on discrimination against minorities is of paramount importance in documenting the violations against those vulnerable groups and ensuring their protection. It is the Mission's conviction that any possible national reconciliation in Libya will not be meaningful without an inclusive process in which all Libyans from all groups participate without discrimination or fear.

84. In its previous report, the Mission highlighted the situation of the Tawerghan community, whose members have been greatly affected by forced displacement and continue to face dire living conditions in the camps in which they have sought refuge.

85. During the current reporting period, the Mission continued its investigation of discriminatory practices and violations against some minority groups in Libya. The Mission conducted a number of interviews with members of the Tuareg and Tebu minorities, as well as a member of the "Arab returnees" community in Libya.³⁷ In the aftermath of the 2011 revolution, approximately 40,000 individuals were forcibly expelled from their homes in Tawergha by Misratan armed groups. Today, there are more than 35,000 internally displaced Tawerghans who have not been able to safely return to their homes, despite the reconciliation agreement between the two communities in 2017.

³⁷ Those whose grandparents left Libya for neighbouring countries and returned to Libya decades ago. They are not recognized as Libyans.

86. During his time in office, Muammar Gaddafi recruited Tuareg soldiers by promising them Libyan documentation. Not only did this have the effect of stigmatizing this group as “pro-Gaddafi”, these promises never materialized and approximately 14,000 Tuareg still do not hold official documentation, such as the “family booklet”, which is essential proof of citizenship. In October 2021, Prime Minister Dbeibah lamented the absence of legal status of the Tuareg, which has prevented them, for example, from benefiting from vaccination campaigns. It is evident that the Tuareg are unable to avail themselves of the full array of economic, social and cultural rights afforded to Libyan citizens. In 1973, pro-Gaddafi forces invaded the Aouzou Strip and granted Libyan nationality to a number of Tebus to entice them to join the army. However, after the International Court of Justice ruled that the Aouzou Strip should be returned to Chad, Muammar Gaddafi issued a decree stating that any documentation issued in the Strip should be revoked and, as a result, many Tebus have been unable to obtain documentation ever since. These and other ethnic minorities, such as the Amazigh, risk being overlooked in the electoral process. The percentage of undocumented persons remains high. Many are unable to acquire citizenship or other forms of documentation that would allow them to vote in elections and on a possible constitution.

87. The Mission is continuing to examine the situation of all minorities in Libya, including in relation to the electoral and constitution-drafting process and intersectional discrimination faced by women from minority groups.

XV. Violations of international humanitarian law

88. A number of protracted periods of non-international armed conflict between organized State armed forces and non-State armed groups has been well-documented throughout the mandate of the Mission. The Mission has ongoing investigations into a range of incidents that may amount to violations of international humanitarian law and war crimes, such as indiscriminate shelling, airstrikes on civilian areas and the intentional destruction of protected objects, such as hospitals, schools and places of worship. To provide insight into the status of these ongoing investigations, the following section addresses two matters: alleged drone strikes targeting civilians in Murzuq and attacks on a protected site in Sirte called Zawiyat Bin Issa.³⁸

89. *Murzuq*: the Mission received reports that, on or around 4 August 2019, several drone strikes had struck a location in a densely populated Tebu neighbourhood in Murzuq, in which approximately 200 unarmed dignitaries and similar officials were gathered. The attack killed at least 43 civilians and wounded around 51, including an unknown number of women and children. It is reported that, after the first strike, civilians and first responders came to aid those who might have been affected when a second strike occurred, killing additional civilians. It is presumed that the additional drone strikes occurred thereafter, likely adding to the ultimate count of fatalities and casualties.

90. The drone attack occurred in association with the non-international armed conflict taking place in Libya at that time. Two days prior, an armed Tebu group had stormed the Al-Magarif neighbourhood in Murzuq, which had been reportedly occupied by armed members of the Al-Ahali group, with armoured personnel carriers and heavy artillery. Additionally, in Tripoli, a siege of the city was under way. While there are some reports that armed fighters were in the location at the time, the Mission has yet to uncover evidence to corroborate this allegation or to suggest that this location had military or strategic value. More investigative work is necessary to determine additional details of these attacks and make definitive findings.

91. *Zawiyat Bin Issa*: the Mission received reports that, in early 2020, during the non-international armed conflict taking place in Libya between the Government of National Accord and the Libyan National Army, members of an armed Salafist group affiliated with the Army had bulldozed a Sufi sanctuary in Sirte, named Zawiyat Bin Issa, that formed part of the “Old Mosque” or the “Ben Shafi Mosque” completed in 1885. Just prior to the alleged attack, which likely occurred on 5 February 2020, this protected site became part of the

³⁸ Regarding war crimes in the context of the deprivation of liberty, see paras. 29–30 above.

territory controlled by the Libyan National Army when the above-mentioned armed Salafist group switched allegiances in January 2020 from the Government of National Unity to the Libyan National Army. The building had a cultural and religious purpose and historical significance for the local and regional population, and it did not appear to be a military objective. In this regard, the Mission obtained evidence suggesting that the site had been in use for religious and other non-military purposes up until its alleged partial destruction. The site was located in a civilian area that was not subject to or close to active hostilities at the time and was not proximate to any military objectives. There are therefore indications that this building was a protected object under international humanitarian law.

92. There are also indications that the attack was intentional, in light of the use of heavy earth-moving equipment. Furthermore, there are indications that the attack took place in the context of and in association with the non-international armed conflict that was ongoing in Libya at the time, as Zawiyat Bin Issa was under the control of this armed Salafist group before January 2020, but was not attacked.

XVI. Conclusions

93. The political situation in Libya remains tense and the security situation is fragile. The Mission continued in this period to investigate and fulfil its mandate regarding violations of international human rights law and international humanitarian law, in the context of secret prisons, other places of detention, extrajudicial killings and enforced disappearances, violations against vulnerable populations and the conduct of armed hostilities. At the same time, the Mission focused on investigating violations and practices that impede the Libyan people's aspiration for peace, democracy and greater respect for human rights. With its increased capacity in the weeks immediately before the submission of the present report, the Mission made notable advances in these investigations.

94. The Mission appreciates the continued cooperation of the Libyan authorities, notably in facilitating recent visits and sharing information about their own efforts to investigate and prosecute. Nonetheless profound challenges in ensuring accountability for human rights violations and abuses in Libya remain. Attempts to achieve transitional justice remain incomplete and further efforts and technical capacity are needed, including to increase the ability of the Libyan authorities to prosecute violations and international crimes. Holding perpetrators to account for such violations, against Libyan victims and others living on Libyan territory alike, is essential for their prevention and non-recurrence. The Mission will address the efforts made to ensure accountability in more detail in its report to the Human Rights Council at its fiftieth session. The Mission underlines once again, however, that a truly comprehensive investigation into the situation of human rights in Libya as a whole, by the Mission, is urgently needed and will require more than the remaining three months of its mandate to achieve that.

XVII. Recommendations

95. **The Mission calls on Libya to:**

(a) **Strengthen the judiciary to bring to justice the perpetrators of violations or abuses of international human rights law and violations of international humanitarian law;**

(b) **Eliminate all forms of discrimination against women and ensure that women are protected from violence, including by conducting effective investigations into incidents of sexual and gender-based violence and holding perpetrators accountable;**

(c) **Enhance protection of, and eliminate discriminatory laws and practices against, vulnerable groups, in particular migrants, refugees, members of religious and ethnic minorities, persons deprived of liberty and children. Religious and ethnic minorities should be protected from any attack or persecution;**

(d) End the arbitrary detention of migrants and enact a comprehensive legal framework to combat trafficking;

(e) Uphold the rights to freedom of expression, association and peaceful assembly and enable civic space; ensure that civil society organizations, activists and defenders are able to conduct their work free from undue limitations and fears for their safety or their lives; rescind Presidential Council Decree No. 286 of 2019 on civil society organizations; and take measures to halt hate speech and incitement to violence;

(f) Ensure that: (i) the management of all prisons falls under the responsibility of the State and that secret prisons are eradicated; (ii) prisoners can have their detention reviewed in accordance with the law; and (iii) prisoners are held in humane and dignified conditions and protected from violence;

(g) Establish an independent national prevention mechanism to conduct regular visits to detention centres and prisons in Libya to ensure that human rights abuses are eradicated and prevented;

(h) Ensure that no one is held outside the protection of the law and that all reported cases of enforced disappearance are investigated effectively, with a view to clarifying the victims' whereabouts and fate, and take steps to ratify the International Convention for the Protection of All Persons from Enforced Disappearance;

(i) Strengthen efforts to achieve a permanent ceasefire as a first step in the search for a lasting peace;

(j) Ensure that parliamentary and presidential elections take place in a timely manner and in a free and secure environment without intimidation or attacks against candidates and activists, and guarantee women's full and meaningful participation, as well as the participation of minorities, including by enforcing quotas;

(k) Ensure that women fully participate in the public life of Libya, free from intimidation, threats and attacks;

(l) Set out a plan for security sector reform so that the State remains the sole legitimate holder of power in Libya.

96. The Mission additionally calls upon the members of the international community to:

(a) Support the Libyan people in strengthening unified and reformed law enforcement institutions under the supervision of an independent judiciary;

(b) Support independent national judicial and international accountability mechanisms for international crimes and human rights violations in Libya;

(c) Call upon receiving States to protect the rights of migrants, refugees and asylum seekers coming from Libya according to international human rights and refugee law obligations without discrimination;

(d) Exercise universal jurisdiction as a measure to bring to account perpetrators of international crimes in Libya;

(e) Support international monitoring of the preparations for parliamentary and presidential elections to ensure that such elections are conducted in a free and fair manner and are free from human rights violations;

(f) Support the Mission's fact-finding efforts regarding election-related violations to ensure that free elections take place in Libya without intimidation or fear;

(g) Support the extension of the Mission's mandate to effectively cover the violations and abuses from 2016 and ongoing violations that may impair a future for Libya based on justice, national reconciliation, respect for human rights and the rule of law.

97. The Mission finally calls on the United Nations system to:

(a) **Provide technical support and capacity-building to Libya to strengthen Libyan institutions, in particular the judiciary and, following their reform, law enforcement agencies;**

(b) **Support the strengthening of a Libyan national human rights institution to protect and promote human rights in compliance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles) and independent from any political loyalty or interference;**

(c) **Support a victim-centred reconciliation process through a transitional justice approach that ensures accountability, reconciliation, reparation for victims, institutional and security sector reform, and guarantees of non-recurrence for violations in Libya.**
