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Report of the Independent Fact-Finding Mission on Libya^{*}, ^{}**

^{*} The present report was submitted after the deadline so as to reflect the most recent developments.
^{**} The annexes to the present report are circulated as received, in the language of submission only.

I. Introduction

1. The present report is submitted pursuant to Human Rights Council resolution 48/25, in which the Council extended the mandate of the Fact-Finding Mission on Libya and requested it to present a comprehensive report at the Council's fiftieth session. It should be read in conjunction with the Mission's first two reports.¹ The Mission submits further detailed findings on violations committed in the town of Tarhuna in the form of a conference room paper.²
2. Established pursuant to Human Rights Council resolution 43/39, the Mission was mandated to establish, in an independent and impartial manner, the facts and circumstances of the human rights situation throughout Libya, 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 thereof, and to preserve evidence with a view to ensuring that perpetrators of violations and abuses are held accountable.
3. The Mission comprised three members: Mohamed Auajjar, of Morocco, Tracy Robinson, of Jamaica, and Chaloka Beyani, of Zambia and the United Kingdom of Great Britain and Northern Ireland.
4. The Mission was established at the request of the Government of Libya to support the Libyan people's aspirations for justice, national reconciliation, respect for human rights and the rule of law. It has achieved considerable progress in fulfilling its mandate and reached important conclusions. However, its investigative work is incomplete. The Mission continues to await access to prisons and wishes to highlight the delays by the authorities in the west and the east to allow it to visit Sebha (south). Further investigations on the ground in other regions, including the east, are also essential. Furthermore, the true operational duration of the Mission has been significantly limited by the COVID-19 pandemic, a United Nations budgetary freeze and other administrative matters, including the recruitment of staff.³ The Mission needs additional time to discharge its mandate fully.
5. Libya's request for the Mission to support national authorities in uncovering the truth of what occurred since 2016 reflects a welcomed willingness by the Libyan government. The Mission remains ready to support the Libyan authorities in fulfilling their primary responsibility to protect human rights, hold perpetrators of gross human rights violations accountable, and achieve reconciliation. Its recommendations include the development of a Libyan-led National Human Rights Plan of Action, with international technical support, as a sustainable contribution to achieving truth, accountability and reconciliation.

II. Political and security situation

6. The start of the Mission's temporal mandate coincided with the direct aftermath of the Libyan Political Agreement (LPA) meant to provide a way out of the conflict that had divided Libya into two rival sets of parliaments, governments, and military coalitions since July 2014. However, efforts to fully implement the LPA over the following years have been unsuccessful, with the Government of National Accord (GNA), created by the LPA, struggling to consolidate its authority. In particular, the Libyan legislature, the House of Representatives, never endorsed the composition of the GNA.
7. The lack of political stability also influenced the resurgence of military confrontations and hostilities of varying intensity, in the east, west and south of the country, including a non-international armed conflict from April 2019 to June 2020 between the Libyan National Army (LNA) and the GNA, both supported by a variety of foreign actors. Ultra-local dynamics became subsumed into this conflict and pre-existing rifts between armed groups in all regions of Libya crystallised along the LNA/GNA divide leading to numerous armed

¹ A/HRC/48/83 and A/HRC/49/4.

² A/HRC/50/CRP.3.

³ A/HRC/48/83, paras. 12-13.

confrontations throughout the country. On 3 October 2020, the forces affiliated with the GNA and the LNA signed an Agreement for a Complete and Permanent Ceasefire.

8. On 15 November 2020, the Libyan Political Dialogue Forum (LPDF) adopted a political road map, providing for the establishment of a Government of National Unity (GNU) and the holding of presidential and parliamentary elections on 24 December 2021. However, two days prior to the scheduled date, the High National Elections Commission (HNEC) declared its inability to organise elections citing inadequacies in the electoral legislation and irregularities in the judicial process relating to the eligibility of candidates.

9. The House of Representatives, considering that the GNU's mandate had expired, appointed a new Government of National Stability (GNS) headed by former interior minister Fathi Bashaga in February 2022, leading to another deadlock between two rival governments, the internationally recognised GNU led by Abdul Hamid Dbeibah and the GNS. At the time of writing, this political stalemate persists.

10. These developments occurred against a backdrop of persistent insecurity with armed groups and militias assuming various degrees of control over territory, infrastructure and security institutions throughout the country. Political allegiances of such groups often shift in their pursuit of official mandates, legitimacy, and funds. At the time of writing, localised tensions persist, and some key issues continue to contribute to insecurity and ongoing human rights violations in the country. They include the continued presence of Da'esh-affiliated groups, as well as mercenaries, private military companies, and foreign fighters. Libya's limited capacity to conduct operations to clear landmines and other explosives is also a contributing factor.

III. Cooperation of the Libyan authorities

11. In its resolution 43/39, the Human Rights Council urged the Libyan authorities to grant the Mission unhindered access to all Libyan territory without delay and to allow it to visit sites, and to meet and speak freely and privately, when it so requested, with whomever it wished.

12. The Mission expresses its appreciation to the Libyan Permanent Mission to the United Nations in Geneva, the Ministry of Foreign Affairs and the Libyan authorities in Tripoli and Benghazi for their cooperation. The Mission expresses its regret for not receiving the necessary security clearance and permission for road movements from Tripoli to Sebha, which prevented it from conducting an important mission to southern Libya in May 2022, despite having finalized all logistic and security arrangements.

13. The Mission continued to observe that many individuals and non-governmental organizations (NGOs) based in Libya did not feel able to meet and speak freely and privately with it. In particular, and despite calls from the Mission to repeal it, Presidential Council decree 286 of 2019 regulating the work of civil society organizations (CSOs) in Libya remains in force at the time of writing.

IV. Methodology

A. Applicable law

14. Factual and legal findings are made in accordance with international human rights law, international humanitarian law and international criminal law. The Mission also considers Libyan law where relevant to its findings.

15. International human rights law establishes obligations for states to protect persons within their jurisdiction. International humanitarian law applies to the conduct of all parties to an armed conflict, including non-State actors, who are bound by the relevant customary international humanitarian law rules. It complements international human rights law during times of armed conflict and, of the two bodies of law, is the only one applicable in peacetime.

16. Given its mandate to document all violations of international human rights law and international humanitarian law by all parties in Libya, and its accountability function, the Mission has regard to the rules and definitions of international criminal law.

B. Scope of investigations

17. The Libyan context - in which gross violations of human rights and serious violations of international humanitarian law have occurred over a prolonged period - poses a challenge. Mindful of the broad nature of its mandate, the Mission chose to adopt three objective criteria to inform, and circumscribe, the scope of its investigations. They include: i) grave and widespread or systematic violations; ii) violations, abuses and crimes against vulnerable groups that are subjected to multiple forms of victimization; and iii) violations, abuses and crimes that especially hamper transition to rule of law and democratic elections.⁴ The thematic categories included in the Findings section below reflect these guiding criteria.

18. The Mission has endeavoured to investigate all geographical regions in Libya, as well as incidents that have occurred throughout its temporal mandate. However, there is a need for additional investigations on the ground in several regions.

19. The Mission's findings described in this report are not exhaustive and should not preclude further findings, by this or other accountability mechanisms, that other violations and abuses have occurred in Libya since 2016.

C. Methods of work

20. Despite encountering several operational difficulties, the Mission was able to gather a substantial body of evidence and information to support its findings. Consistent with the practice of most United Nations fact-finding bodies, the Mission employs the "reasonable grounds to believe" standard in making factual and legal determinations.⁵

21. Over the course of its mandate, the Mission gathered and examined a large amount of information and evidence through desk-based research, including review of laws and regulations, court documents, medical and forensic reports, public calls for submissions,⁶ in-person and remote interviews, medical examinations by the Mission's forensic physician, as well as in-person investigative missions. In all its investigative activities, the Mission remained guided by the principles of "do no harm", confidentiality, voluntary participation, and informed consent.

22. Where the Mission found information pointing to the responsibility of an armed force, armed group or security force for specific violations, that entity was identified. Where the Mission established a link between specific acts and alleged perpetrators that would be sufficient to warrant future criminal investigations or prosecutions, such evidence was collected and preserved on a strictly confidential basis.

23. The Mission conducted over 300 interviews since it started operating and organised eight investigative missions to Libya⁷ and in third States.⁸ The Mission regrets not being able to travel to Sebha despite its extensive preparations. Given the significant interest in engaging with the Mission expressed by stakeholders there, additional time to conduct this visit would allow exploration of crucial investigative opportunities to appropriately address allegations of violations in the south.

24. Throughout its mandate, the Mission made specific efforts to integrate a gender mainstreaming lens into its methods of work in line with Resolution 43/39's emphasis on the

⁴ Resolution 43/39, para. 43 and A/HRC/49/4, paras 18–22.

⁵ A/HRC/48/83, paras. 18–20.

⁶ The Mission issued two calls for submission, on 25 January 2021 and again on 14 December 2021, following the Human Rights Council's decision to extend its mandate.

⁷ Tripoli (July 2021, August 2021, and May 2022) and Benghazi (March 2022).

⁸ Egypt (November 2021), Malta (March 2022), Rwanda (April 2022), undisclosed country (May 2022).

impact of violations and abuses on women and the importance of capturing the gendered dimensions of such violations and abuses. The Mission also paid specific attention to violations committed against children.

25. The Mission wishes to express its appreciation to Libyan authorities, United Nations entities, civil society organizations, and other States who have provided it with valuable assistance. The Mission also wishes to express its deepest gratitude to all who provided it with information, in particular witnesses, victims and their families who consented to share their traumatic experiences, some of whom were children at the time of the violations.

V. Findings

A. International humanitarian law violations

26. In addition to incidents previously investigated by the Mission, such as the 2019 strikes against a migrant detention centre in Tajoura and the January 2020 attack against the Hadaba Military Academy,⁹ the Mission continued its investigations of alleged violations of international humanitarian law. These included both direct and indiscriminate attacks on civilians and civilian objects, including homes, health facilities, schools, and cultural property, failure to respect the principle of proportionality, failure to exercise precaution in attack and to protect civilians from the effects of hostilities, and the use of indiscriminate weapons. The Mission learned of hundreds of incidents resulting in civilian casualties and/or in the destruction or damage of civilian objects. The destruction of essential civilian infrastructure has further impacted on a range of economic, social and cultural rights such as the right to housing, food, water and sanitation, health, and education. The Mission reviewed information, for instance, regarding the three-month suspension of all health services at the Weryemma polyclinic, the only maternal health facility for a population of 48,000 in Tajoura municipality of Tripoli, after it was hit by grad rockets in April 2020.

27. The Mission's continued investigations of alleged violations of international law that occurred within the non-international armed conflict in and around Murzuq in 2019 uncovered further allegations, including the potential war crimes of forced displacement, murder, and torture. The need for additional investigations of these violations is manifest. Under customary international law, Libya has a duty to investigate war crimes allegedly committed by its nationals or armed forces, or on its territory, however, few such investigations have taken place.

28. *Murzuq drone strikes:* The Mission continued to investigate a series of drone strikes that occurred in Murzuq around 4 August 2019 focusing on two LNA strikes that hit an area where people had gathered in the Blad District/Al Qalaa neighborhood. These strikes resulted in at least 43 deaths and 51 wounded, including men, women, and children. The Mission has reasonable grounds to believe that the weapon used was a BA-7 Blue Arrow missile launched from the Wing Loong II unmanned combat air vehicle (UCAV)¹⁰ and that the victims were not taking a direct part in hostilities. Although there are indications that some were armed, as is common in the south, the Mission found no evidence that those individuals were preparing for a specific hostile act. There is also no evidence that the location that was hit was used for military purposes.

29. The Mission therefore has reasonable grounds to believe that, in relation to these airstrikes, the LNA perpetrated direct attacks on civilians, amounting to war crimes.¹¹ Even if some of the victims were found to have been directly participating in hostilities, there would be reasonable grounds to believe that the attack violated the principle of proportionality, in which case the LNA would be considered responsible for violations of international humanitarian law.¹²

⁹ A/HRC/48/83, paras. 30-33, 62.

¹⁰ S/2019/914, Annex 16.

¹¹ Rome Statute, Article 8(2)(e)(i).

¹² Customary International Humanitarian Law – Volume I: Rules, pp. 46–50 (rule 14).

30. *Gharyan Hospital*: The Mission examined the alleged execution of 43 LNA wounded combatants inside the premises of Gharyan hospital, on 26 June 2019, reportedly committed by GNA forces who had gained control over the city that day. Based on witness and documentary evidence thus far gathered by the Mission, it could not determine to the requisite standard of proof whether the victims had been killed during combat operations, or whether they were *hors de combat* at the time of the violations and thus victims of war crimes. These grave allegations merit a full investigation.

31. The Mission also takes this opportunity to update the Council on two important matters of grave impact on protracting the conflict and on inflicting indiscriminate harm against civilians, respectively: violations by mercenaries, private military and security companies, and foreign fighters, as well as the presence of landmines and unexploded ordnances. There has been a decrease in the number of foreign fighters and mercenaries in Libya, yet a full withdrawal has not yet taken place.¹³ Mercenaries in Libya have been associated with violations of international humanitarian law, and the OAU Convention for the Elimination of Mercenarism in Africa considers mercenarism a crime.¹⁴ In this regard, further investigations into such allegations are warranted.

32. With respect to landmines and other unexploded ordnances, recent reporting suggests that between May 2020 and March 2022, 130 people died and 196 were injured by mines and explosive devices across Libya, mostly in southern Tripoli, but also in Benghazi, Sirte and southern Libya.¹⁵ The victims, aged 4 to 70, included 299 men and boys, and 26 women and girls. In its October 2021 report, the Mission reported that landmines and other unexploded ordnances had been found in 35 locations marked on a tablet left behind by the private military company Wagner Group in Ain Zara, in locations that had been under the LNA's control and in which Wagner personnel had been present at that time. Further information gathered since confirms this conclusion. There are reasonable grounds to believe that Wagner personnel and the LNA violated their international humanitarian law obligations by i) failing to take precautions in attack, and failing to minimize the indiscriminate effects of landmines, with respect to laying mines in civilian areas; and ii) by failing to remove them at the end of active hostilities.¹⁶

B. Deprivation of liberty

33. As previously reported, the Mission has identified clear patterns of human rights violations and abuses in places of detention, both official and unofficial. While there is no comprehensive official statistical data on Libya's prisons, the evidence collected by the Mission over the course of its mandate relates to over 27 such places of detention located in the east and the west of Libya and reportedly holding thousands of inmates, including secret and extra-legal prisons.¹⁷

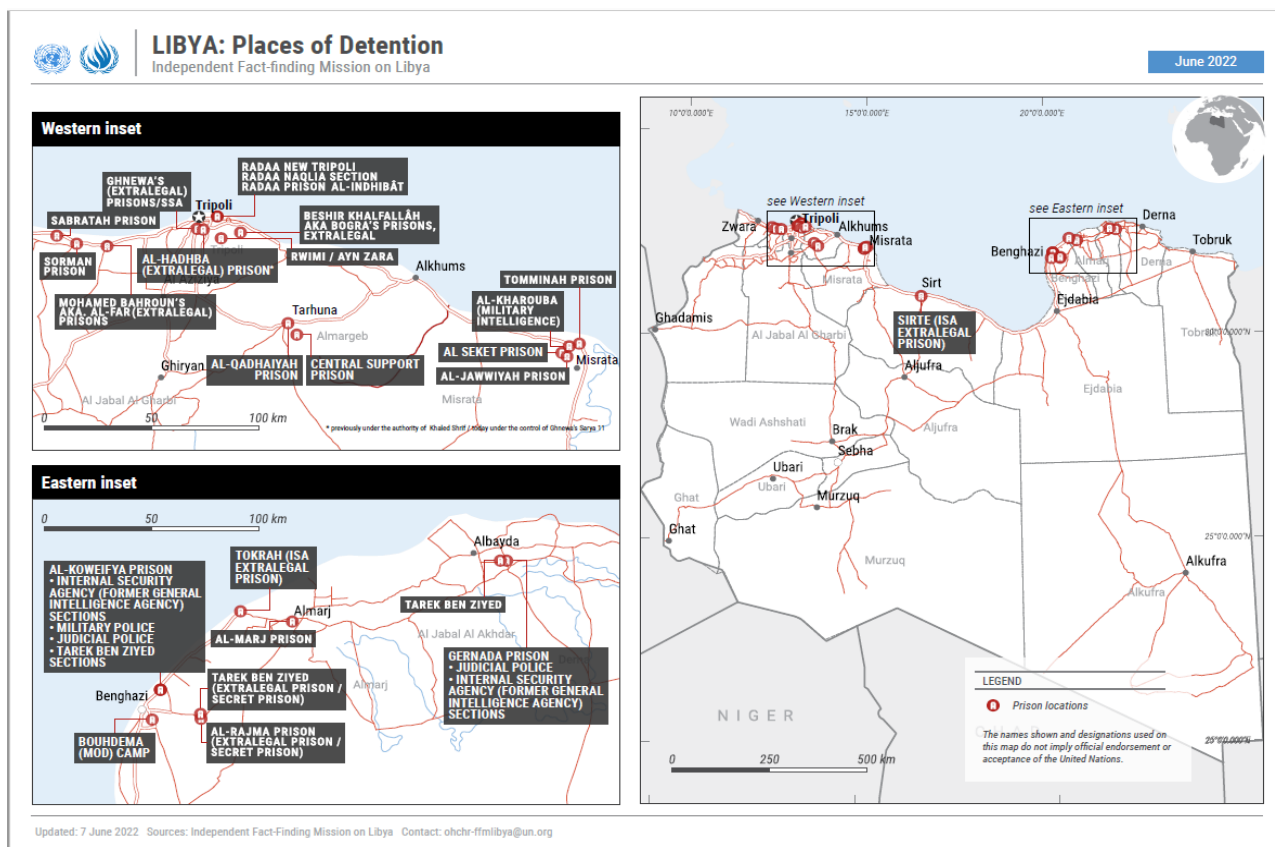
¹³ S/2022/427, para. 24.

¹⁴ OAU Convention for The Elimination of Mercenarism in Africa, Article 2. See also United Nations, Treaty Series, vol. 2163, No. 37789.

¹⁵ Human Rights Watch, "Libya: Landmines, Other War Hazards, Killing Civilians", 27 April 2022.

¹⁶ Customary International Humanitarian Law – Volume I: Rules, pp. 280–283 (rule 81) and pp. 285–286 (rule 83).

¹⁷ The Mission considers extra-legal prisons to be places of detention that are not officially acknowledged as prisons, some may be secret. By secret prisons, the Mission refers to places of detention whose location is hidden and known to only a few.



34. Based on a substantial body of evidence, including over 80 interviews with former and current detainees from the east, west and south of the country, victims' relatives and insider witnesses, the Mission has reasonable grounds to believe that the crimes against humanity of murder, torture, imprisonment, rape, enforced disappearance and other inhumane acts have been committed in several places of detention in Libya since 2016.

35. In the more recent period, the Mission focused on four specific armed groups or units in control of places of detention of parts thereof: Radaa/Special Deterrence Force, now known as the Deterrence Apparatus for Combating Organized Crime and Terrorism (DACOT), the Tarek Bin Ziyad Brigade (TBZ) of the LNA, the Stability Support Apparatus (SSA) and the Internal Security Agency (ISA) in the East.¹⁸

36. For instance, the Mission has collected over 40 first-hand accounts of widespread violations perpetrated by Radaa in Mitiga, the largest prison in western Libya, estimated to hold up to 5,000 detainees. All the victims interviewed testified that they and fellow detainees had been arrested and detained without due process, in contravention of the Libyan Code of Criminal Procedure,¹⁹ as well as international law,²⁰ and subjected to cruel and inhuman treatment as a result of the conditions of detention. Many were detained for prolonged periods, some up to seven years, and been subjected to torture. Some had endured a string of detention periods in multiple prisons controlled by other armed groups, prior to their detention in Mitiga. Many former detainees remain with psychological and physical scars, including disabilities.

37. Many of the victims interviewed have languished in detention, losing years of their lives, imprisoned simply because they were perceived to be members or supporters of an opposing political or religious ideology or as punishment for the acts of their family members. Given the sheer number of corroborative testimonies obtained, it is highly improbable that this course of conduct is random, accidental, or perpetrated by rogue elements. Mitiga prison

¹⁸ The Mission differentiates ISA in the East and the Tripoli-based ISA.

¹⁹ Libyan Code of Criminal Procedure, Articles 30, 112, 187bis(b).

²⁰ Universal Declaration of Human Rights, article 9; International Covenant on Civil and Political Rights, article 9; African Charter on Human and Peoples' Rights, article 6.

operates without judicial oversight, and orders of release and acquittal issued by judicial authorities are often not implemented.

38. There are reasonable grounds to believe that some of the acts committed in Mitiga prison against detainees belonging to or affiliated with the LNA also amount to war crimes committed in the context of the non-international armed conflict that took place in and around Tripoli from April 2019 to June 2020, especially when individuals linked to the LNA were tortured when its forces advanced on Tripoli.

39. The Mission has also collected evidence regarding places of detention run by the SSA. The evidence collected, including testimonies of former detainees, their families, and former SSA members provides reasonable grounds to believe that individuals are systematically arbitrarily detained, forcibly disappeared, and tortured. The Mission found evidence of prisoner transfers between secret prisons run by SSA and Mitiga prison, including direct testimonies from detainees recounting how they were first held in secret detention locations where they were subjected to torture before being moved to Mitiga.

40. The Mission investigated several LNA-controlled prisons, including official prisons such as al-Kwaifiya and Qernada, and extra-legal detention sites run by ISA in the East, and by the Tarek Bin Ziyad Brigade, sometimes located within such official prisons. Evidence gathered demonstrates the systematic use of prolonged arbitrary detention as well as acts of murder, torture, rape and other inhumane acts against the predominantly civilian populations of these prisons, including vulnerable groups. The Mission has reasonable grounds to believe crimes against humanity are occurring in these prisons in the context of a systematic attack against those suspected of being members of terrorist organizations, or to repress freedom of expression, thought, and association with the aim to silence ideological opponents, journalists, activists and actual or perceived critics of the LNA.

41. There are reasonable grounds to believe that the leadership of the aforementioned groups are responsible for these crimes by virtue of their authority and effective control over the direct perpetrators. These groups have a clear and demonstrable hierarchical structure, giving rise to the inference that these crimes have occurred with, at least the tacit approval of their leadership in Tripoli and in the east. Given the widespread and systematic nature of the acts, occurring in defined locations with the same *modus operandi*, they have known or should have known of the crimes taking place in these places of detention. Nonetheless, and despite the Mission's two previous reports serving to place these groups on notice, perpetrators remain unpunished, and continue to commit violations with total impunity. The absence of security sector reform, and the lack of investigations and prosecutions, perpetuates this cycle of violence. Access to these prisons remains critical to the Mission's investigations and to devising a path to meaningful reform.

C. Extrajudicial killings

42. The Mission continued its investigations of extrajudicial killings in relation to violations of the right to life associated with the mass graves discovered in and around Tarhuna, in western Libya. The Mission found reasonable grounds to believe that the al-Kaniyat militia was responsible for crimes against humanity against men, women and children, through imprisonment, enforced disappearance, extermination, torture and persecution, committed as part of a widespread and systematic attack on actual and perceived opponents and critics and their relatives. Using technological capacities, the Mission uncovered new potential locations of mass graves that will be shared as part of technically supporting the Libyan authorities' accountability efforts and contributing to the victims' right to know the truth. The Mission's detailed findings on Tarhuna are presented in the conference room paper accompanying this report.²¹

43. The Mission also documented international crimes committed near al-Abyar, approximately 50 kilometres east of Benghazi. On the morning of 26 October 2017, local authorities were alerted to the bodies of 36 men at an execution site. The Mission believes that the men had been systematically arrested and detained without due process by armed

²¹ A/HRC/50/CRP.3.

groups affiliated with the LNA. These violent abductions occurred at different times during 2017, from over a month to just the day before the bodies of all 36 victims were discovered. Family members interviewed by the Mission witnessed their relatives being beaten and abducted from their homes. Some perpetrators threatened to shoot family members if they tried to intervene.

44. According to evidence collected by the Mission, including interviews with individuals who first discovered the bodies, and material examined by the Mission's forensics expert, all the victims were handcuffed, had gunshot wounds, and were lying in fresh pools of blood. Some showed signs of torture. Family members interviewed by the Mission verified seeing signs of torture (such as broken ribs, dislocated joints, and significant bruising) and one or more gunshot wounds (primarily to the head, face, and neck areas but also to other body areas) when they inspected the bodies at the morgue. The victims were all civilians, including a Sufi sheikh, perceived members of the Shura Council and Da'esh.

D. Enforced disappearances

45. Enforced disappearances are a continuous and complex human rights violation, encompassing violations of the right to life, the right not to be subjected to torture or cruel treatment, and the right to liberty. The Mission's previous reports and more recent investigations reflect reporting by other United Nations entities and civil society actors that the State widely employs, directly or through affiliated armed groups, enforced disappearances as a tactic to silence critics and intimidate opponents and their families.

46. The Mission reiterates its great concern regarding the continued disappearance of House of Representatives member Sihem Sergiwa who was abducted in July 2019 in a LNA controlled area, with the latter failing to provide information on her fate. There are reasonable grounds to believe that she is a victim of enforced disappearance. Since the establishment of the Mission, there does not appear to have been any developments in the Libyan authorities' investigation. Her family has the right to know what happened to her, and the authorities in Benghazi are under the obligation to disclose to them all available information on the progress of their investigation.

47. The Mission has collected information on cases of enforced disappearance in Tripoli, Benghazi, Murzuq, and elsewhere. Many cases of enforced disappearances documented by the Mission started with violent abductions and arbitrary detention and were frequently accompanied by torture and ill-treatment, including the case of Mansour Mahmoud Atti, a human rights activist, head of the Red Crescent Committee and Civil Society Commission of Adjabiya, and a producer of a popular TV series. On 3 June 2021, Mr. Atti was abducted and detained by LNA Brigade 302. His family requested information from the Brigade, to no avail. In August 2021, the General Command of the LNA finally informed Mr. Atti's family that they detained him, that he was alive and that he would not be released until after the election set to occur in December 2021. Mr. Atti was subsequently released on 2 April 2022.

48. The Mission confirmed the manner of his abduction, including that he was blindfolded and handcuffed. He was detained, without due process, in a Brigade 302 prison in Ganfouda, kept in solitary confinement, and in inhumane conditions. He was never charged nor brought before a judge. He was then transferred to a prison operated by the Tarek Ben Ziad brigade where he was arbitrarily detained for approximately six months, in solitary confinement. Accordingly, there are reasonable grounds to believe that Mr. Atti was a victim of arbitrary detention, torture and enforced disappearance, in contravention of international human rights law. His family was also deprived the right to know about his fate and whereabouts until two months after his abduction.

49. The emblematic cases of extra-judicial killings and enforced disappearances included in this and previous reports highlight how impunity continues to prevail in Libya. Investigations and prosecutions of such gross violations of human rights are urgently needed.

E. Sexual and gender-based violence²²

50. As previously reported, uncovering sexual violence in the Libyan context is a difficult task. However, the Mission has made progress in this respect: the occurrence of sexual and gender-based violence was mentioned or addressed in at least 63 interviews conducted by the Mission over the course of its mandate. The Mission also received information from organizations and legal and health professionals who provide assistance to survivors in and outside Libya.

51. Sexual and gender-based violence happens in a multitude of settings, including in the family, the community, the workplace, the public sphere, in places of detention and in IDP camps. Such violence is committed by state officials, by armed groups and militias, or private individuals, and is fuelled by patriarchy, religious and cultural conservatism as well as sexism, misogyny and homophobia.

52. Of great concern to the Mission is the fact that the domestic legal framework fails to provide for the protection of survivors of sexual violence, and, at times, exacerbates the problem.²³ Similarly, the lack of structures to support survivors of sexual violence, such as shelters, needs to be highlighted.

53. The Mission has identified the deprivation of liberty, including by armed groups associated with the state, weak institutions and prevailing lawlessness as key factors facilitating the occurrence of sexual violence.

54. The Mission has received consistent reports of male and female detainees in all parts of Libya being threatened with sexual violence against them or their relatives, being stripped naked for prolonged periods of time or subjected to intrusive body search amounting to rape. It has also received reports of threats of rape or other sexual violence during interrogation and has documented instances of sexualized torture, including electricity being applied to genital areas and rape. The Mission is also concerned by reports of women being arrested and subjected to sexual violence, or the threat of it, in order to force male family members to hand themselves over.

55. Several migrants interviewed by the Mission described experiencing sexual violence at the hands of traffickers and smugglers, often with the aim of extorting families, as well as state officials in detention centres, employers, or other migrants. The known risk of sexual violence in Libya is such that some migrant women and girls get fitted with a contraceptive implant before travelling there to avoid unwanted pregnancy due to such violence.

56. The Mission has also documented cases of rape in places of detention or captivity whereby migrant women are forced to have sex in order to survive, in exchange for food or other essential items. A coercive environment such as a detention centre negates the ability to give consent and such practices amount to rape. A female migrant interviewed by the Mission, who had been held captive in Ajdabiya, described how her captors demanded sex in exchange for access to water she direly needed to wash her six-month old sick child's soiled clothes. According to the victim: "I let them rape me. I had no choice. It was for my daughter. I could not leave her like that."

57. The Mission received first-hand accounts of individuals being targeted for arrest and abuse, including sexual violence, solely because of their sexual orientation, gender identity or gender expression. The Mission received such reports from different parts of Libya and has conducted detailed interviews with 10 individuals. Since November 2021, the Mission has also monitored with great concern the arrests of men, including activists, by security agencies on the ground of their perceived sexual identity.

58. In at least three separate cases documented by the Mission over the course of its mandate, men and teenagers were accosted or arrested by members of armed groups and their

²² Sexual and gender-based violence against women and girls is further addressed in Section V.I. Women and V.G Migrants. Sexual and gender-based violence against men and boys is also addressed in Section V.B. Deprivation of liberty and V.G Migrants.

²³ See UNFPA, UNDP, UN Women, ESCWA, "Libya: Gender Justice and The Law", 2018, pp. 9–10.

mobile phones checked. These men and teenagers ended up in Mitiga prison where they were harassed and intimidated. In at least one case documented by the Mission, a young detainee had to undergo forced anal examination. Such examinations have no scientific validity and amount to torture and other ill-treatment.²⁴

59. The emblematic cases highlighted in this and previous reports reveal grave and endemic sexual and gender-based violence. The inadequate legal framework and weak capacity for investigations and prosecution exacerbate impunity.

F. Violations of the rights to freedom of expression, association, peaceful assembly and to participate in public life

60. Civil society organizations are a vital component of any democratic society. Yet, the Mission's investigations in Libya reveal a gradually shrinking civic space characterized by increasingly draconian laws and regulations.

61. Of great concern is the role played by the Civil Society Commission in the registration and oversight on civil society organizations. The Mission has reviewed several statements issued by the Tripoli-based Commission. Besides the inflammatory tone of some of them, the Commission's announcement in April 2022 that organizations that had not sought re-registration were considered shut sent a chilling message to all civil society organizations. The Commission also demanded that prior authorization is obtained before undertaking any activities, participating in conferences, workshops and training even if outside Libya. The Mission received concerning reports regarding the opening of the Commission's membership to representatives of intelligence agencies and the Central Bank.

62. Civil society activists and citizens attempting to exercise their freedom of expression are denigrated and vilified online and in statements made by state officials and armed groups. They can be labelled as foreign agents and their religious beliefs, feminist stance and morality are questioned. The threats they encounter in the digital space translate into physical violence offline.

63. Throughout the Mission's mandate, journalists, members of the legal profession, civil society organizations and activists, including human rights defenders, have been targeted for abduction, arrest, arbitrary detention, torture, including sexual violence, enforced disappearances and even killings. Activists interviewed by the Mission recounted their experience of intimidation, threats and harassment. Some had to leave the country, for prolonged periods of time, or to live in exile.

64. In a case documented by the Mission, an activist was summoned by ISA in the East in 2020, for questioning. During her interrogation which lasted an entire day, the activist was asked about the human rights organization she established, their activities, including on women's rights and elections, the origin of their funding as well as her travels. She described to the Mission having been beaten, asked to remove her shirt and burned with a hot metal rod, insulted and being called "damaged". Her morality was questioned, and she described having been sexually harassed. After a day of questioning, she was released. Following her release, she received threats and pornographic messages and images on her phone and Facebook account.

65. The Mission also wishes to bring the Council's attention to the recent arrest and detention by the Tripoli-based ISA of seven young activists, including a migrants' rights defender.²⁵ Between November 2021 and March 2022, their "confessions" were recorded on video and posted on the Tripoli-based ISA's Facebook page and website. In the videos reviewed by the Mission and believed to have been obtained under duress, the men incriminate themselves and state that they are members of Tanweer (Enlightenment),²⁶ atheists, agnostics, feminists, and seculars. These videos sent shockwaves among activists,

²⁴ A/HRC/31/57, para. 36.

²⁵ See also OHCHR, "Deepening crackdown on civil society", 25 March 2022.

²⁶ According to their website Tanweer is an organization working to spread the principles of human rights, equality and non-discrimination, available at <http://tanweer.co/> (last accessed 23 June 2022).

with the Mission also documenting several ensuing cases of activists going into hiding or fleeing the country. The Mission has been able to confirm that at least some of the individuals arrested in the crackdown are currently held in Mitiga Prison. Following their arrests, they were presented to the Office of the Public Prosecutor acting on instruction of the Attorney General and are now facing trial on charges of “Promoting actions against the principles and values of the State” (article 207 of the Penal Code), “Insulting and offending the Islamic religion” (article 291 of the Penal Code) and “Misuse of Internet networks” (article 35 of the Law No. (22) of 2010 on communications). According to information available to the Mission, some of them were due to stand trial inside Mitiga Prison on 8 June 2022 but were not presented to court.

66. The Mission has also received credible information regarding instances of violations of press freedom and freedom of expression in the country since 2016, including details on cases of arbitrary detentions, extrajudicial killings and other attacks of journalists, as well as media outlets. In February 2022, the Mission documented the case of an anchor woman who was beaten by a group of young men who warned her that the LNA leadership was a red line not to be crossed. The day before the assault, the TV network for which she worked had broadcast a programme on corruption mentioning the involvement of the inner circle of the LNA leadership. In another case, a journalist was abducted in December 2019 at Mitiga Airport by the al-Nawasi Brigade, arbitrarily detained and subjected to ill-treatment. After five days, he was presented to the General Attorney on accusations of practicing journalism without authorisation and having contacts with international organizations without state permission. He was released seven days later.

67. Finally, in Sirte, the Mission continued to follow with concern successive waves of abductions, arrests and arbitrary detentions by armed groups and militias in the context of several peaceful demonstrations and gatherings.

68. These and previous conclusions from the Mission, regarding repeated attacks on freedoms of expression, association and assembly, as well as attacks and threats directed at election candidates, officials and infrastructures cast doubts on the Libyan authorities’ ability to guarantee citizens’ rights to participate in public life where individuals are able to seek and receive information, peacefully organise with others, discuss public interest issues, run for elections and cast their ballots without intimidation, harassment or threats to their safety.

G. Migrants

69. Throughout its mandate, the Mission has reported on widespread and systematic human rights violations against migrants – a term used to encompass migrants, refugees, and asylum seekers. In investigations conducted remotely, in Libya, and in third states, the Mission has collected significant amounts of evidence, including over 80 interviews of migrants of diverse backgrounds and circumstances, demonstrating that migrants are routinely subjected to gross and systematic human rights violations.

70. Since its first report, the Mission’s investigations provided a strong basis to confirm that acts of murder, enslavement, torture, imprisonment, rape, and other inhumane acts are committed against migrants. They also show that little has been done by Libyan authorities to reform their practices and address these crimes, or by their international partners, including Italy and Malta who have cooperation agreements with Libya in the field of migration control.²⁷

71. Over the period covered by the Mission’s mandate, the number of migrants held in centres run by the Directorate for Combatting Illegal Migration (DCIM) has varied from a couple thousands to nearly 20,000, with thousands more believed to be detained in facilities controlled by non-State armed groups or held captive by traffickers.²⁸ Although the Mission

²⁷ Italy signed a Memorandum of Understanding in February 2017 committing to providing technical support to Libyan institutions engaged in combatting irregular migration; Malta in July 2020. The former is currently the subject of a case in front of the European Court of Human Rights, see *S.S. and Others v. Italy*, Application No. 21660/18.

²⁸ See for instance S/2018/140, para. 48 and S/2022/409, para. 71.

observed positive efforts by the Libyan authorities to conduct raids of places of captivity operated by traffickers, migrants are often simply transferred to DCIM facilities where they continue to be subjected to abuse.

72. The specific involvement and level of cooperation between actors, including state authorities, such as the Libyan Coast Guard (LCG), involved in the interception of migrants at sea, and DCIM detention officials, armed groups with unclear official mandates, traffickers, smugglers, and other individuals attempting to profit from this system, have been documented but not always clearly defined.

73. For instance, in interviews with the Mission, several migrants mentioned collusion between smugglers, traffickers, and state officials, be it the DCIM or LCG. One of the migrants explained that he recognized the smugglers that had put them on a boat onboard an LCG ship that later intercepted them: “this happened to me twice. If we tell them that we recognize them, they beat us.” As previously noted by the Mission, there are also reports that migrants have disappeared after having been intercepted and disembarked in Libya, raising concerns that significant numbers of migrants may have been returned to smugglers and traffickers who further abuse them.

74. The Mission has also collected evidence regarding the role of the SSA, an entity already implicated in gross human rights violations,²⁹ in both the interception of migrants at sea and their subsequent detention in the al-Mayah detention centre. Migrants interviewed by the Mission reported being subjected to cruel treatment including undressing during searches, beating by guards, denial of medical care, starvation and enslavement practices in al-Mayah.

75. The Mission has reasonable grounds to believe that crimes against humanity are being committed against migrants in Libya. Migrants are subjected to widespread and systematic arbitrary detention. Acts of murder, enforced disappearance, torture, enslavement, sexual violence, rape, and other inhumane acts, are being committed in connection with their arbitrary detention. The ongoing, systematic and widespread character of these practices by DCIM and other actors involved reflects that mid- to senior level officials are participating in the migration cycle of violence.

76. Torture and rape are a feature of immigration detention and captivity in Libya, routinely employed as a means of intimidation, punishment, humiliation, gratification, or exploitation, with migrants being subjected to electric shocks, extinguishing cigarettes, burning, regular beatings, rape and sexual violence against men, women, boys and girls, and/or other brutal inflictions of physical and psychological torture, such as witnessing the rape or execution of fellow detainees. Many of the female migrants interviewed by the Mission corroborated that they, including some underage girls, were either raped, witnessed somebody else being raped, or saw fellow female detainees return to their cells in tears after being taken away by their guards or captors. Some migrant women told the Mission that they had sex with guards and other detention officials in exchange for food, water, or other basics.³⁰ The Mission also received reports of men and boys experiencing sexual violence in detention centres.

77. The Mission received regular reports of enslavement of migrants. In this regard, there is ample evidence that migrants are treated like commodities in various ways by their captors. Whilst in detention and without receiving compensation, skilled migrants are sometimes forced to work outside the detention facility for individuals or companies whereas others, including unaccompanied children, are forced to work on farms, factories, or other menial labour situations, often without adequate food or water.

78. The SSA’s recent involvement, in the second half of 2021, in migrant detention and exploitation highlights how persistent impunity perpetuates cycles of violence and encourages new actors to engage in such activities in their pursuit of further legitimacy and funds. Such impunity is further reinforced by the weaknesses in Libya’s institutions, domestic legal framework, and judicial system.

²⁹ See para. 39 above.

³⁰ See para. 56 above.

H. Internally displaced persons

79. Mass internal displacement from locations like Tripoli, Benghazi, and Misrata caused by conflict and persecution have resulted in a number of human rights issues including loss of property and livelihood, severe psychological trauma, and high rates of exposure to violent criminality in IDP camps.³¹ The Mission also received reports of increased early marriages among IDP communities but was not able to obtain specific data.

80. By January 2022, the International Organization for Migration accounted for 168,011 IDPs in Libya. Of these, 37,896 are displaced across the five municipalities of Benghazi region, the largest number of IDPs in Libya. A majority of these IDPs in the east face protracted displacement as they have been displaced since 2017 or earlier from areas affected by armed conflict.³²

81. The plight of the Tawergha community, which the Mission previously reported on, has not improved. A survey published in December 2021 concluded that only a “trickle” of Tawerghans have actually returned and that their homeland was “largely uninhabitable”.³³ The Mission also learned about the forced eviction of displaced Tawergha families from two camps in early May 2022 following instructions from the Attorney General. On 30 May, armed individuals reportedly entered the last remaining Tawergha IDP camp in Tripoli and gave its residents an ultimatum to leave within 24 hours.

82. The Mission previously signalled its intention to investigate the predicament of civilians displaced by the 2019 conflict between the Tebu and the Al-Ahali communities in southern Libya. The Mission learned that approximately 35,000 civilians, more than half of the local population, were displaced by this conflict, including a near full displacement of Al-Ahalis from Murzuq. While the situation has stabilized, tensions between the two groups remains and has hindered the return of IDPs. According to sources on the ground, and despite explicit provisions on the matter, peacebuilding and reconciliation agreements agreed to by both sides in February and March 2022 have not yet resulted in the return of IDPs to the area.

83. The Mission believes that displacement presents a serious yet underappreciated human rights issue that is negatively affecting efforts to forge stability in Libya, as well as inhibiting the country’s efforts to transition to democracy and the rule of law. The possibility for IDP populations to have their voices heard during any upcoming elections is critical in this regard.³⁴ Libya should take appropriate steps to provide comprehensive solutions to the many challenges IDPs currently encounter in Libya.

I. Women and girls

84. Women and girls in Libya have been confronted with a barrage of challenges and obstacles that victimize them and prevent them from fully enjoying their human rights and meaningfully participating in public life. Over the course of the Mission’s mandate, the situation has been compounded by the militarization of Libya, the proliferation of armed groups and their increasing power, as well as the weakening of state institutions.

85. While some positive developments such as the establishment of two dedicated courts for cases of violence against women and children are to be noted,³⁵ violence against women remains vastly underreported, due to factors ranging from cultural/societal and legal hurdles to a lack of trust in state institutions such as the police and the judiciary.

86. The Mission found that the very term of “feminist” has not only become a slur but also a ground for investigation and arrest, including by the Tripoli-based ISA. For example,

³¹ See also A/HRC/38/39/Add.2.

³² IOM, Libya – IDP and Returnee Reports Round 40.

³³ NRC, Libya Rapid Needs Assessment of Returnees to Tawergha, December 2021

³⁴ See also Friedrich-Ebert-Stiftung, “IDPs in Libya and the upcoming national elections”, January 2022.

³⁵ UNSMIL, “UN IN LIBYA Statement on ‘International Day for the Elimination of Sexual Violence in Conflict Zones’”, 19 June 2020.

in all the videoed confessions reviewed by the Mission with respect to the case of the seven young activists arrested between November 2021 and March 2022 and mentioned above,³⁶ the men were forced to confess they were feminists or interested in feminism, among other things. In another case documented by the Mission, in which a young activist was abducted and disappeared for over two years, and subjected to ill-treatment and torture in detention, the victim explained to the Mission that part of his interrogators' focus was on his perceived efforts to "liberate women".

87. Online, the increasing use of platforms and applications has provided spaces and means for women to freely receive information, express their views, organise and assert themselves in Libya's public life. However, it has also turned into a potent tool to delegitimize them and their activism, terrorize and silence them.³⁷ Violence online often induces self-censorship, silencing, and leads to psychological harm, if not physical violence.³⁸

88. The Mission has reviewed several threatening and denigrating messages received by women activists and public figures via WhatsApp, Club House, Messenger and Facebook. It was also informed of the existence of dedicated rooms on Club House or Facebook pages which impersonate women activists and contain provocative political statements, which in the polarized context of Libya, can endanger their lives. In a December 2021 report, Meta identified the creation of Facebook Pages purporting to be run by Libyan female public figures "to make inflammatory statements on their behalf", likely to encourage harassment.³⁹ In this respect, women shared with the Mission their frustration that social media companies do not sufficiently moderate debates or proactively monitor them. They also mentioned the need for social media platforms to have Arabic speakers in their teams, specifically people who understand the Libyan context and dialect to truly grasp the nature and seriousness of threats levelled against them. The Mission reviewed several messages in which harassers used a mix of Arabic and English letters, signs and numbers to avoid detection by content moderation algorithms.

89. Women have sometimes been targeted for killing or arrest for their political beliefs. On such case is that of Iftikhar Boudraa who was sentenced, on appeal, to 10 years in prison, for social media posts critical of LNA leadership. She and her family had been abducted from her home in November 2018 by the ISA in the East. Reports received by the Mission indicate that she has been subjected to torture and ill-treatment in al-Kwaifiya prison where she is detained. The Mission sought clarification from the authorities in the east about her case, to no avail.

90. Finally, as Libya finds itself at a critical juncture with presidential and parliamentary elections still due to take place, the Mission considers that the continued impunity for the enforced disappearance of Sihem Sergiwa⁴⁰ serves as a cautionary tale to any woman seeking to be elected. These concerns are heightened by reports that women candidates for local, parliamentary and presidential elections were threatened, including online; a concern HNEC representatives also shared with the Mission.

J. Children

91. Throughout its mandate, the Mission has collected evidence demonstrating that children up to the age 18 have been subjected to similar human rights violations as adults, including abductions, summary executions, arbitrary detentions and torture in direct contradiction with Libya's obligations under international law, including to respect and protect children's rights under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

³⁶ See para. 65 above.

³⁷ A/76/258.

³⁸ UN Women, "Violence against women in the online space", 2021.

³⁹ Meta, "Coordinated Inauthentic Behavior Report", December 2021, p. 11.

⁴⁰ See para. 46 above.

92. The Mission has collected substantial evidence, including testimonies from direct victims and eyewitnesses, of children arbitrarily detained and being held in detention alongside adults. Such detention exposed them to further abuses, particularly of a sexual nature including in al-Kwaifiya, Qernada, Mitiga, al-Jawiyyah, Rajma and Sidi Frej prisons. In an interview that included an examination by the Mission's forensic doctor, a young man explained that he was arrested when he was 15-years old in Benghazi in early 2016 for presumed links to a terrorist organization. He was made to confess under torture and then detained in al-Kwaifiya prison. During the six years he spent in detention, he was deprived of an education, was held for long periods in solitary confinement or together with adults and was subjected to torture.

93. The Mission also collected information relating to the prolonged detention of children under the age of 15 solely because of their parents' alleged association with Da'esh. As of March 2022, at least 64 children aged between 1 and 15 years old were held together with their mothers who remain detained without charges since 2016, in Mitiga, al-Jawiyyah and al-Kwaifiya prisons.

94. In the context of migration, the Mission found that, like adults, child migrants are victimized by State and non-State actors. The Mission also received information about migrant boys who were victims of forced labour and compelled to drive boats to Europe, a form of exploitation amounting to trafficking, after which they were detained in Italy on the grounds of facilitating migrant smuggling. The Mission considers the recent establishment of a committee, which includes the Ministry of Social Affairs, specifically tasked to set up a shelter for migrant women and children⁴¹ as a promising development, as long as it meets the required minimum standards for childcare, and women and children are free to leave the shelter if they so wish.

95. The substantive evidence collected by the Mission throughout its mandate, demonstrates that violations against children are rampant and deserve more extensive investigations.

K. Minorities

96. Over the course of its mandate, the Mission investigated the situation of minorities in Libya who continue to be subjected to discriminatory practices and violations.

97. Activists from Amazigh, Tebu and Tuareg minorities have told the Mission of their difficulties in exercising their cultural and linguistic rights, as well as in accessing health, education and political representation, in particular for individuals with "Undetermined Legal Status" (ULS). ULS individuals do not have access to birth certificates, national identity numbers, or family book, and are denied Libyan nationality.

98. The Mission also found that the demolition of the Zawiyat Bin Issa Sufi shrine in Sirte on the morning of 5 February 2020, on which it previously reported,⁴² formed part of a wider pattern of discrimination and attacks against Sufism. Throughout Libya, armed groups motivated by zealous religious ideology have attacked Sufi religious sites and cultural property, as well as abducted or otherwise illegally arrested and detained Sufi followers. On the day of the attack, for instance, 23 to 25 Sufi people who had gone to the site of the destruction, including elderly sheikhs, were arbitrarily arrested and detained for seven days. The Mission also learned that some of them then decided to flee Sirte out of fear.

99. The Mission reiterates its conviction that protection, inclusivity and representation of all voices are essential if Libya is committed to achieving a truly meaningful reconciliation.

VI. Transition to accountability and reconciliation

100. Libyans have made it clear to the Mission that they want peace, justice and reconciliation. To achieve these aims, such a transition must take the form of a sustainable

⁴¹ Presidential Council Decision No. 233 of 15 December 2021.

⁴² See A/HRC/49/4 paras. 91-92.

process that results in ending impunity, guaranteeing the independence of the judiciary and ensuring effective State oversight over the security sector.

Accountability

101. In its three reports, the Mission has reported on serious violations of international human rights law and international humanitarian law, some of which amount to crimes under international law. It has made repeated calls for relevant authorities to conduct prompt investigations, compliant with international standards, into alleged violations and to prosecute those responsible.

102. Challenges in ensuring accountability and achieving transitional justice in Libya are multifaceted. In this respect, the adoption of a permanent Constitution and legislation consistent with international human rights law are key to ensuring a future for Libya based on justice, national reconciliation, respect for human rights and the rule of law, and guarantees of non-reoccurrence.

Administration of justice

103. The Mission's investigations reveal that many Libyan judges are willing and determined to facilitate the prevalence of the rule of law in Libya. However, many Libyan judges reported to the Mission a real sense of fear due to threats and intimidations from armed groups. Judges and members of the legal profession should be protected, and strong guarantees should be in place to allow the judiciary to administer the law independently and free from threats and violence.

104. In a context characterized by division and polarization, the fact that the Libyan judiciary remains largely unified, with judges and prosecutors operating under the authority of a single Supreme Judicial Council and applying the same Penal Code and Code of Criminal Procedure, is a positive aspect. Similarly, the unity of the Libyan Bar Association should be acknowledged.

105. The Libyan judiciary has showed on several occasions a sincere will to assert its independence and many judges are keen to defend an effective and impartial unified judiciary. However, the Libyan justice system does not currently appear to have the means or capacity to conduct prompt, independent and impartial investigations, as evidenced by the many cases documented by the Mission characterized by an inability to prosecute those responsible in accordance with international human rights standards.

106. Courts in Libya are effectively non-functional in numerous places, with justice actors facing continuing intimidation, death threats and other forms of violence, especially by non-state actors. The Mission has documented instances where members of the judiciary were subjected to attacks, including abduction and arbitrary detention. For instance, the Mission wishes to bring the attention of the Council to the recent arrest, on 22 May 2022, of the Head of Military Anti-Terrorism Prosecution, by DACOT on no apparent or stated legal grounds, which prompted his colleagues from the Military Prosecutor's Office to issue a statement announcing the suspension of their work. The ensuing environment of fear and intimidation has severely undermined the criminal justice system, resulting in lack of investigation and prosecution of crimes.

Security Sector Reform

107. Important institutional changes in the form of Security Sector Reform are vital for guarantees of non-recurrence of atrocities. In a context characterized by the proliferation of weapons and significant power entrusted to armed groups and militias to perform law enforcement functions, it is essential to ensure that the Libyan State remains the sole legitimate holder of power through effective Security Sector Reform.

Reconciliation

108. The Mission followed up on several reconciliation initiatives in Libya and reiterates its strong support for the Libyan people in this regard. People in Libya have a right to live in peace, without divisions, in a society free from instability, violence, and insecurity. Reconciliation can only be achieved through a holistic and inclusive transitional justice process. Such a process needs to be sustainable and rooted in accountability, truth-telling,

reparation for the victims, a strong independent judiciary and a reformed security sector under the control of the State. The Mission believes that the development of a National Human Rights Plan of Action can aid this process.

VII. Conclusions and recommendations

109. Urgent remedial action is required to allow for victims in Libya the possibility to realize their rights to truth, justice, and reparations. Libya's request for the Mission to assist national authorities in their efforts to investigate human rights violations during the past six years in Libya reflects a welcomed willingness by the Libyan government. The Mission supports Libyan efforts to maintain the unity of the judicial sector and remains ready to assist in ensuring its independence despite the challenges.

110. All previous recommendations made by the Mission⁴³ remain relevant and must be implemented if there is to be any reasonable prospect of a future Libya based on justice, national reconciliation, respect for human rights and the rule of law.

111. In addition, the Mission calls on Libya to:

(a) Adopt a holistic National Human Rights Plan of Action to address all findings and recommendations from the Mission and other human rights bodies, ensure a sustainable transition to peace, democracy and full respect for human rights and commit to inclusive reconciliation pledging to 'Leave No one Behind';

(b) Take all necessary measures to fight impunity and develop a comprehensive agenda on transitional justice and accountability including by ensuring prompt, thorough and effective investigations of allegations of violations by independent and impartial judicial bodies;

(c) Adopt and implement a comprehensive vetting program and ensure that those reasonably suspected of crimes under international law and serious human rights violations do not remain, or are not placed, in positions where they could continue to commit such crimes;

(d) Strengthen unified State-building activities, with a focus on building inclusive and integrated institutions, effective law enforcement agencies under the sole purview of the Libyan State, and an independent and impartial justice sector;

(e) Address urgently the proliferation and legitimization of armed groups that are acting as separate islands of control in Libya, outside the State's authority, and establish strong programmes of disarmament, demobilization and reintegration;

(f) Create a safe, inclusive and enabling environment for all civil society stakeholders, including women, minorities and vulnerable groups, to be able to fully participate in political and public life, including elections;

(g) Accelerate efforts to remove landmines and other unexploded ordnances, including by allocating resources to mine action activities, and facilitating relevant national and international efforts;

(h) Ensure that all prisons and detention facilities are brought under the supervision of the judiciary and the effective control of the Ministry of Justice; ensure respect for due process, immediately release those who are arbitrarily detained and ensure respect of all rights of detainees, such as the right not to be subjected to torture and cruel treatment, including sexual violence;

(i) Take effective action to eliminate sexual and gender-based violence including by lifting legal and structural barriers preventing its reporting, providing rehabilitation services and access to justice for victims, publicly condemning all such forms of violence and holding perpetrators of sexual and gender-based violence to account;

⁴³ See Recommendations in A/HRC/48/83 and A/HRC/49/4.

(j) Ensure the protection of journalists, members of the legal profession, civil society organizations and activists, including human rights defenders, from harassment, intimidation and acts of violence both online and offline, and hold the perpetrators of such acts accountable;

(k) Amend Law No. 19 of 2010 to end the automatic and arbitrary detention of migrants, asylum seekers and refugees, and decriminalise irregular migration; ensure that all migrants detained are held in detention centres with government oversight, are provided with adequate conditions and are protected from torture and other cruel treatment, sexual violence and exploitation, as well as forced labour; protect specific groups, such as women and children, by ensuring that women are held in facilities with adequately trained women guards, and children separately from unrelated adults;

(l) Ratify the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa and establish a national plan for the safe return and reintegration of the internally displaced to their homes and land according to the Guiding Principles on Internal Displacement, the Pinheiro principles and international human rights standards; and

(m) Comply as a matter of priority with its obligations to promote and protect the rights of children, with particular regard to its obligations under the Convention on the Rights of the Child and the African Charter on the Rights and Welfare of the Child.

112. The Mission calls on the international community and the United Nations to:

(a) Provide technical support and capacity building to support Libya's development and implementation of a holistic National Human Rights Plan of Action addressing all findings and recommendations from the Mission and other human rights bodies to ensure compliance with Libya's international human rights obligations;

(b) Provide support to transitional justice mechanisms that are compliant with international standards and assistance to strengthen the capacity of the justice and related sectors;

(c) Provide support to disarmament, demobilization and reintegration programmes compliant with international human rights standards; and

(d) Call on states to exercise universal jurisdiction to arrest and prosecute perpetrators who are found on their territories and accused of committing the international crimes documented in the Mission's reports;

113. The Mission finally calls on all social media platforms active in Libya, including messaging systems, to:

(a) Exercise greater due diligence in combating and prohibiting incitement to hatred and human rights violations, particularly against activists, human rights defenders, women, minorities and vulnerable groups.

Annex

Map of Libya

