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**SUBMISSION OF THE INTERNATIONAL COMMISSION OF JURISTS TO THE UNIVERSAL
PERIODIC REVIEW OF THE STATE OF LIBYA**

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Composed of 60 eminent judges and lawyers from all regions of the world, the International Commission of Jurists (ICJ) promotes and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council since 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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INTRODUCTION

1. In the present contribution to the fourth cycle of the UN Human Rights Council's (HRC) Universal Periodic Review (UPR) of the State of Libya (Libya), the International Commission of Jurists (ICJ) draws to the attention of the UPR Working Libya's failure to respect, protect and fulfill the following human rights:

- (i) The rights to freedom of expression and freedom of association;¹
- (ii) The rights to equality before the law and equal protection of the law without discrimination and to freedom from discrimination, including gender-based discrimination;²
- (iii) The rights to an effective remedy and reparation, and to truth.³

I. THE RIGHTS TO FREEDOM OF EXPRESSION AND FREEDOM OF ASSOCIATION

2. During the third UPR cycle, Libya accepted generic recommendations calling for the adoption of a legal framework on the activities of civil society organizations (CSOs) consistent with the rights to freedom of association and peaceful assembly,⁴ and for investigations into restrictions on freedom of expression.⁵ However, it refused to lift all restrictions against CSOs and to protect them,⁶ and merely noted the five recommendations calling for concrete reforms of the legal framework regulating CSOs, such as repealing or amending Law No. 19 of 2001 "on the Reorganization of Non-Governmental Organizations" and the related decrees.⁷

3. Since 2020, the Libyan western and eastern authorities have continued to interfere in the activities of civil society actors (CSAs) – including, human rights defenders, activists, lawyers and journalists – and to intimidate, harass, arbitrarily arrest, detain and prosecute them solely for their legitimate exercise of their rights to freedom of expression, association and peaceful assembly, thus undermining their ability to operate freely. In 2024, Libya ranked 143rd out of 180 countries in the World Press Freedom Index and was described as "a true information black hole".⁸ The following are a few examples illustrating the situation.

4. In June 2021, unidentified men suspected of belonging to the Libyan National Army (LNA), an armed group in control of the East of country and affiliated to the House of Representatives – Libya's legislative body elected in 2014 – abducted and held Mr Mansour Mahmoud Atti, the head of the Red Crescent Committee in Adjabiyah, in the east of Libya, captive. His abduction occurred shortly after he had organized a conference to mobilize citizens to participate in the elections planned for the end of 2021. The eastern Internal Security Agency (ISA),⁹ an armed group linked to the LNA, had already abducted and interrogated Mr Atti two

months earlier, after he had organized another conference on the elections. His family was only informed that he was held captive in August 2021. He was eventually released in April 2022.¹⁰

5. In March 2022, the western ISA, an armed group affiliated with the internationally recognized western Government of National Unity (GNU), abducted seven members of the Tanweer movement, a human rights cultural organization advocating for freedom of expression and secularism. The ISA published videos showing the abductees confessing, seemingly under duress, to being “atheists”, “agnostics”, “feminists” and “infidels”. In December 2022, a Tripoli court sentenced four of the abducted Tanweer members to three years’ imprisonment with hard labour for “promoting atheism”.¹¹

6. In October 2023, the eastern ISA detained Mr Siraj Dughman, a political activist and director of the Benghazi branch of the Libya Research Centre for Strategic and Future Studies, and four fellow political activists following a symposium on the Derna catastrophe¹² and the upcoming elections. None was formally charged or appeared in court. In April 2024, the ISA announced that Mr Dughman had died trying to escape. He had been held at Rajma military camp, near Benghazi, in the East, the headquarters of Field Marshal Khalifa Haftar, the commander-in-chief of the Libyan Arab Armed Forces (LAAF), the LNA’s successor.¹³ Despite calls for a transparent and independent investigation into the circumstances surrounding the death of Dughman,¹⁴ to date, no such investigation has taken place. The four other detainees were eventually released on 25 August 2024.

7. Under international human rights law, the arrest and detention of persons merely for the legitimate exercise of their rights to freedom of expression, association and peaceful assembly is arbitrary. The cases examined above demonstrate the severe restrictions on CSAs in Libya, where peaceful activism and public discourse are met with arbitrary detention, enforced disappearances,¹⁵ violations and abuses of the rights to life, privacy and the presumption of innocence, with complete impunity.

Laws unduly restricting freedom of association and freedom of expression

8. Since 2020, both the eastern and western authorities have reverted back to enforcing Gadhafi-era legislation against CSOs, Law No. 19 of 2001 “on the Reorganization of Non-Governmental Organizations”.

9. In June 2022, following a legal challenge by Libyan CSOs, the South Benghazi Trial Court suspended the GNU Decree No. 286 of 2019,¹⁶ which obliged CSOs to, for example, ask the Civil

Society Commission's approval to organize any activity, manage their funds or even to open a bank account. The Court did not discuss the legality of such State interference into CSOs' activities. It merely found that, the exercise of the right to freedom of association should be regulated by legislation adopted by the legislature, instead of by decree enacted by the executive.¹⁷

10. CSOs welcomed the suspension of the restrictive Decree No. 286 of 2019 as a positive development. However, on 8 March 2023, the Libyan Supreme Judicial Council issued a non-binding legal opinion holding that all CSOs that were not established in accordance with the provisions of Law No. 19 of 2001 were illegal.¹⁸

11. Law No. 19 of 2001,¹⁹ which had not been enforced since the 2011 uprising, unduly restricts CSOs' activities. For example, only CSOs working on "social, cultural, sports, charity or humanitarian services" can register, effectively excluding human rights CSOs; CSOs are to notify the executive of all their meetings and send them their minutes, allowing the State to interfere in their activities; and they are also required to obtain executive approval to receive funding from abroad.²⁰

12. On 21 March 2023, the GNU issued Decree No. 7 of 2023, allowing local and international CSOs to continue their work temporarily, until they regularize their status in line with Law No. 19 of 2001.²¹

13. Although the First Instance Civil Court of Al Bayda, in eastern Libya, revoked Decree No. 7 of 2023 in December 2023 for the same reason as the July 2022 South Benghazi Trial Court's decision,²² both the eastern and western authorities continue to enforce Law No. 19 of 2001.²³ As a result, the already restricted ability of CSOs to operate has been limited even more severely.

14. In September 2022, the Libyan legislature adopted Law No. 5 of 2022 "on Combating Cybercrime".²⁴ The law, among other things, criminalizes the use of the Internet when it "threatens public security and peace", with a penalty of imprisonment of up to five years. Such wide-ranging provision, which lacks clarity and precision, is inconsistent with the right to freedom of expression guaranteed by article 19 of the International Covenant on Civil and Political Rights (ICCPR).²⁵ Restrictions on freedom of expression must be prescribed by law, and as such "must be formulated with sufficient precision to enable an individual to regulate his or her conduct accordingly," and must be strictly necessary and proportionate, i.e., appropriate and the least intrusive to achieve their protective function.²⁶

15. In light of the above, Libya has failed to guarantee the right to “seek, receive and impart information and ideas,”²⁷ and fails to ensure that no restrictions be placed on the exercise of the right to freedom of association beyond those that are “necessary in a democratic society”²⁸ with, in turn, a detrimental impact on the promotion of human rights in the country.

16. Considering the above, the UPR Working Group and the HRC should make the following recommendations to Libya:

- **Cease the arbitrary prosecution and detention of persons solely for legitimately exercising their rights to freedom of expression and association, and investigate with a view to bringing to justice those responsible for violations and abuses of the rights to life, freedom from torture and enforced disappearances;**
- **Uphold the right to freedom of association, abolish all existing laws and decrees on CSOs and adopt new ones in accordance with Libya’s obligations under international human rights law and standards;**
- **Uphold the right to freedom of expression and abolish Law No. 5 of 2022 “on Combating Cybercrime” and other laws undermining it.**

II. THE RIGHTS TO EQUALITY BEFORE THE LAW AND FREEDOM FROM DISCRIMINATION

17. During the third cycle of the UPR, Libya accepted recommendations calling for:

- the elimination of violence against women;²⁹
- investigations into sexual and gender-based crimes (SGBC);³⁰ and
- amendments to ensure its legal framework is not discriminatory and criminalizes violence against women.³¹

18. However, since at least 2020, violence against women and girls is rife. The day before the HRC considered Libya’s UPR during the third cycle, on 10 November 2020, Hanan Al Barassi, a lawyer and women’s rights activist, was gunned down in broad daylight in Benghazi by two unidentified masked men.³²

19. Femicides and physical, economic and political violence against women and girls by family members, institutions and individuals affiliated with the authorities and armed groups are on the rise.³³ The Libyan authorities and non-State actors resort to sexual violence to silence women.³⁴ State and non-State actors continue to commit sexual violence against migrants, refugees, asylum-seekers and displaced persons. “Displaced women and girls [are] targeted with forced prostitution while in detention ... and/or sexually abused in exchange for food”.³⁵ Online gender-based violence is also used as a means to intimidate women and girls, including through

smear campaigns.³⁶ For example, Noura Eljerbi, a journalist and women's human rights advocate, has been the target of online abuse when she posts online or makes public commentaries.³⁷

20. The Libyan authorities have used religious conservatism to justify discriminating against women and girls. In May 2023, the General Authority for Endowments and Islamic Affairs launched a "Guardians of Virtue" programme purportedly to combat "religious, intellectual and moral deviations".³⁸ In October 2023, the Fatwa House, the official institution responsible for issuing religious legal opinions (fatwas), prohibited the use of the term "gender", purportedly because it contradicts Islamic law,³⁹ prompting women's human rights defenders to rebrand their work as "women empowerment" as the terms are less contentious.⁴⁰ In November 2024, building on the "Guardians of Virtue" programme, the GNU's Interior Minister announced that the hijab – a garment worn by some Muslim women to cover their hair – would be imposed, prohibiting women from leaving their homes without wearing it. He also declared women would be prohibited from traveling without a male chaperone.⁴¹

Laws violating the rights to gender equality and freedom from discrimination

21. The Libyan Penal Code is grossly inadequate in addressing violence against women and girls. For instance, the Libyan Penal Code's approach to consent in the context of sexual and gender-based crimes (SGBC) contravenes international law and standards since the absence of consent can only be proven by the use of force, threat or deceit.⁴² Conversely, under international law, consent "must be given voluntarily as the result of the person's free will assessed in the context of the surrounding circumstances", including but not limited to, coercive circumstances.⁴³ Moreover, article 424 of the Penal Code provides for the exoneration of the rapist if he marries the victim/survivor and the marriage lasts more than three years.

22. Libyan criminal law does not criminalize domestic violence. Marital rape is not criminalized and article 375 of the Penal Code provides for a reduced sentence for men who murder or seriously harm their wife, daughter, or sister and their sexual partner purportedly "in response to the attack upon [their] honour or that of their family" when they catch them having sexual relations outside wedlock. In the above-mentioned circumstances, "[m]erely beating or causing simple harm", does not incur any punishment. Family members against whom a victim/survivor filed a complaint may plead that the crime was a "morally upright exercise of their right to discipline", which the Penal Code accepts and legitimizes.

23. Victims/survivors often decline to lodge SGBC complaints because they fear the ensuing stigma, retaliation – especially as there are no protective mechanisms under the Libyan criminal

framework – or being prosecuted. Indeed, victims/survivors of SGBC may be charged with “prostitution”⁴⁴ and *zina*⁴⁵ (consensual sexual relations outside wedlock), which are criminalized, especially if they decide to seek justice. This makes a mockery of women and girls’ right to access to justice and effective remedies for SGBC.⁴⁶

24. Other forms of gender inequality and discriminatory practices towards women and girls include the male guardianship system, which obliges women to seek approval from their male guardian (father, husband, brother or son) to make decisions, including concerning marriage⁴⁷ and travel.⁴⁸ For example, in 2023, the western ISA imposed on women travelling alone to fill in a questionnaire justifying why a male chaperone did not accompany them. Although the questionnaire was scrapped, airport staff continues to ask women why they are not accompanied.⁴⁹

25. In 2020, a committee of Libyan experts supported by the GNU Minister for Women’s Affairs started preparing a Draft Law on Protecting Women from Violence, which it submitted to the House of Representatives (HoR) in February 2023. The HoR’s legislative committee endorsed the Draft Law⁵⁰ but apparently it is currently blocked by the HoR’s presidency.⁵¹

26. In light of the above developments, Libya does not ensure “the equal right of men and women”⁵² nor does it adequately guarantee equal and effective protection against discrimination on the ground of gender.⁵³

27. Considering the above, the UPR Working Group and the HRC should make the following recommendations to Libya:

- **Adequately characterize SGBC against women and girls and investigate them with a view to bringing those responsible to justice;**
- **Adopt the Draft Law on Protecting Women from Violence in accordance with international human rights law and standards with respect to violence against women;**
- **Repeal all laws and halt all practices discriminating against women and girls.**

III. THE RIGHTS TO AN EFFECTIVE REMEDY AND REPARATION, AND TO TRUTH

28. During the third UPR cycle, Libya accepted recommendations calling for a transitional justice process.⁵⁴ Yet, no such process has been initiated, and the adoption of a new legal framework has stalled.

29. In the aftermath of the 2011 revolution, the General National Congress, the first post-revolution legislative body, adopted Law No. 29 of 2013 “on Transitional Justice”. However, the law was deeply flawed, failing to comply with international law and standards⁵⁵ and, in any event, was never implemented.⁵⁶

30. Transitional justice discussions resurfaced at the end of 2022, when the Presidential Council (PC)⁵⁷ appointed a legal committee to draft a Reconciliation Law intended to replace Law No. 29 of 2013. The Draft Reconciliation Law, in the latest formulation that the ICJ has reviewed, would bring about significant progress compared to Libya’s current transitional justice framework. The draft addresses each component of transitional justice in detail,⁵⁸ providing for: the establishment of Chambers on Transitional Justice Cases, which would be presiding over criminal prosecutions and trials; and a Reconciliation Commission, tasked with unveiling the truth about past grave human rights violations and implementing a reparations programme.⁵⁹

31. Nonetheless, the draft law lacks concrete safeguards to ensure the institutional independence of the Reconciliation Commission and the Chambers on Transitional Justice Cases. Additionally, the draft law does not remedy the Libyan criminal legal framework’s failure to comply with international human rights law and standards,⁶⁰ including with respect to the right to a fair trial and the definition of crimes, such as enforced disappearance, torture and rape.⁶¹

32. In May 2024, members of the PC’s legal committee and members of the HoR agreed to submit a joint draft law to the HoR.⁶² However, at the end of 2024, the HoR started discussing yet another draft law. This latest draft has not been made public but, according to information available to the ICJ, it does not comply with international human rights law and standards.

33. Political disagreements and competing initiatives have thus stalled the adoption of a new transitional justice legal framework. However, Libya is in dire need of transitional justice as accountability for crimes under international law and remedies and reparations for victims of such crimes have yet to materialize.

34. In light of the above developments, Libya does not ensure the right to an effective remedy,⁶³ especially for gross human rights violations.⁶⁴ Nor does it guarantee the rights to truth⁶⁵ and to reparation, including restitution, compensation, satisfaction, rehabilitation and guarantees of non-repetition.⁶⁶

35. Considering the above, the UPR Working Group and the HRC should make the following recommendations to Libya:

- **Adopt a transitional justice legal framework that fully guarantees the independence, impartiality and competence of the transitional justice**

mechanisms, and provides for victims' right to an effective remedy and reparation, in accordance with international human rights law and standards.

ENDNOTES

¹ International Covenant on Civil and Political Rights (ICCPR), 16 December 1996, arts 19 and 22. Libya acceded to the ICCPR on 15 May 1970. See, ICJ, [Libya's Civic Space: Repressive Frameworks; Continued Attacks](#), 2023.

² ICCPR, arts 3 and 26; Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 18 December 1979, art. 2. Libya acceded to the CEDAW on 16 May 1989. See, ICJ, [Accountability for Sexual and Gender-Based Crimes in Libya](#), 2025.

³ ICCPR, art. 2(3); HRC Comm, *General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, ¶ 16; UN Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity, UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005, principles 2 and 4. See, ICJ, [An Opportunity for Accountability and Justice](#), 2024.

⁴ UN Doc. A/HRC/46/17 and A/HRC/46/17/Add.1, recommendations 148.68 and 148.177, see also, recommendation 148.172.

⁵ Ibid, recommendation 148.159.

⁶ Ibid, recommendation 148.178, see also, recommendation 148.82 (noted).

⁷ Ibid, recommendations 148.74, 148.80, 148.82, 148.168 and 148.170.

⁸ Reporters Without Borders, [World Press Freedom Index](#), Libya.

⁹ The ISA is an armed group whose reach covers the whole country but operates under the influence of either the western or eastern authorities depending on its location.

¹⁰ HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, ¶ 47; Cairo Institute for Human Rights Studies, [Libya: The kidnapping of a human rights defender raises concerns and threatens the credibility of scheduled elections](#), 21 June 2021.

¹¹ HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, ¶ 65; HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, ¶ 70; The New Arab, [With inquisition-like tactics, Libya is jailing progressive youths on charges of 'atheism'](#), 29 March 2022.

¹² On the night between 10 and 11 September 2023, the city of Derna, in eastern Libya, was struck by Storm Daniel. The severe flooding, worsened by the collapse of two upstream dams, swept away entire neighbourhoods and nearby villages. According to the UN Habitat's Derna Portal, the disaster resulted in the deaths of 4,300 people, 3,800 missing and 43,421 displaced. UN Habitat, Data portal, available at <https://derna-portal-unhabitat-roas.hub.arcgis.com/> (last accessed 7 April 2025).

¹³ Libya Crimes Watch (LCW), [LCW documents the death of an activist in prison under unknown circumstances](#), 19 April 2024.

¹⁴ The Libya Observer, [UNSMIL urges for investigating death of Libyan political activist in a Benghazi prison](#), 21 April 2024.

¹⁵ HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/50/63, 27 June 2022, ¶ 63; HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/52/83, 3 March 2023, ¶ 69.

¹⁶ Decree No. 286 of 2019 is available in Arabic at <https://www.facebook.com/photo/?fbid=2308667129361810&set=pcb.2308670432694813> (last accessed 7 April 2025).

¹⁷ ICJ, [Libya's Civic Space: Repressive Frameworks; Continued Attacks](#), 2023.

¹⁸ Supreme Judicial Council, Law Department, *Decision No. 2/6/37*, 8 March 2023, p. 2.

¹⁹ Law No. 19 of 2001 is available in English at <https://security-legislation.ly/latest-laws/law-no-19-of-2001-on-the-reorganization-of-ngos/> (last accessed 7 April 2025).

²⁰ ICJ, [Libya's Civic Space: Repressive Frameworks; Continued Attacks](#), 2023.

²¹ Ibid.

²² First Instance Civil Court of Al Bayda, 4 December 2023, available in Arabic at <https://x.com/aoadlibya/status/1734160428454867110/photo/1> (last accessed 7 April 2025).

²³ ICJ, [The International Commission of Jurists' \(ICJ\) Response to the "Call for Inputs on the Study to Assess the Level of Compliance of National Legislations with the Guidelines on Freedom of Association and Assembly in Africa"](#), March 2024.

²⁴ Law No. 5 of 2022 is available in Arabic at <https://lawsociety.ly/legislation/%D9%82%D8%A7%D9%86%D9%88%D9%86-%D8%B1%D9%82%D9%85-5-%D9%84%D8%B3%D9%86%D8%A9-2022-%D9%85->

[%D8%A8%D8%B4%D8%A3%D9%86-%D9%85%D9%83%D8%A7%D9%81%D8%AD%D8%A9-%D8%A7%D9%84%D8%AC%D8%B1%D8%A7%D8%A6%D9%85-%D8%A7/](#) (last accessed 7 April 2025).

²⁵ [Letter from the Special Rapporteur on the promotion and the protection of the right to freedom of opinion and expression, the Special Rapporteur on the rights to freedom of peaceful assembly and of association, the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the right to privacy](#), UN Ref. OL LBY 3/2022, 31 March 2022.

²⁶ HRCCom, *General comment No. 34, Article 19: Freedoms of opinion and expression*, UN Doc. CCPR/C/GC/34, 12 September 2011, ¶¶ 21 and 33-34. See also ¶ 25.

²⁷ ICCPR, art. 19.

²⁸ ICCPR, art. 22.

²⁹ UN Doc. A/HRC/46/17 and A/HRC/46/17/Add.1, recommendations 148.87, 148.220, 148.223, 148.228, 148.230, 148.232, 148.235. See also, 148.89, 148.237 and 148.242.

³⁰ Ibid, recommendations 148.160 and 148.228.

³¹ Ibid, recommendations 148.226 and 148.236. See also, 148.234.

³² HRC, *Report of the Independent Fact-Finding Mission on Libya*, UN Doc. A/HRC/48/83, 29 November 2021, ¶ 65.

³³ HRC, *Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem*, UN Doc. A/HRC/53/36/Add.2, 4 May 2023, ¶ 39.

³⁴ UN Security Council (UNSC), *Conflict-related sexual violence: Report of the Secretary-General*, UN Doc. S/2024/292, 4 April 2024, ¶ 44.

³⁵ Ibid, ¶46. See also, ¶¶ 11 and 45.

³⁶ HRC, *Report of the Special Rapporteur on violence against women and girls, its causes and consequences, Reem Alsalem*, UN Doc. A/HRC/53/36/Add.2, 4 May 2023, ¶ 42.

³⁷ Lawyers for Justice in Libya, [Libya has failed to comply with its CEDAW obligations in a case of severe online violence against Noura Eljerbi](#), 2 July 2024.

³⁸ Amnesty International, [Libya: Internal Security Agency Must End Abuses In Name of 'Guarding Virtue'](#), 14 February 2024.

³⁹ The Libyan Observer, [Libya's Sharia Research and Studies Council says using term gender is "Haram"](#), 3 October 2023. See further, on religious discourses against women's human rights, Jazia Jibril Shiitir, [The influence of the prevailing value system on laws with a legal philosophy: "A draft law to protect women from violence" as a model \("A draft law to protect women from violence"\)](#), August 2023, p. 12.

⁴⁰ ICJ, [Accountability for Sexual and Gender-Based Crimes in Libya](#), 2025.

⁴¹ ICJ, [Libya: The "Morality" Police Must Not Be Re-Established](#), 13 November 2024.

⁴² See arts 407, para. 1, and 408, para. 1 of the [Penal Code](#) relating to "sexual intercourse by force" and "indecent assault" respectively. See also, art. 418 of the Penal Code on "international trafficking of women".

⁴³ Convention on Preventing and Combating Violence against Women and Domestic Violence ("Istanbul Convention"), art. 36(2).

⁴⁴ Penal Code, arts 417, 417 bis (a) and (b).

⁴⁵ Penal Code, arts 407, para. 4, and 408, para. 4.

⁴⁶ ICJ, [Accountability for Sexual and Gender-Based Crimes in Libya](#), 2025.

⁴⁷ [Law No. 10 of 1984 "regarding Provisions Relating to Marriage, Divorce and their Effects"](#), art. 9.

⁴⁸ LCW, [Libya Crimes Watch's LOI to the Committee on the Elimination of Discrimination against Women \(CEDAW\) regarding Libya](#), 26 April 2024, p. 4; ICJ, [Libya: The "Morality" Police Must Not Be Re-Established](#), 13 November 2024.

⁴⁹ LCW, [Libya Crimes Watch's LOI to the Committee on the Elimination of Discrimination against Women \(CEDAW\) regarding Libya](#), 26 April 2024, p. 4.

⁵⁰ HRC, *Technical assistance and capacity-building to improve human rights in Libya*, UN Doc. A/HRC/56/70, 3 June 2024, ¶ 50.

⁵¹ ICJ, [Accountability for Sexual and Gender-Based Crimes in Libya](#), 2025.

⁵² ICCPR, art. 3. See also, CEDAW, arts 2(a) and 2(c).

⁵³ ICCPR, art. 26; CEDAW, arts 2(b)-2(g).

⁵⁴ UN Doc. A/HRC/46/17 and A/HRC/46/17/Add.1, recommendations 148.139 and 148.167.

⁵⁵ ICJ, [Impunity No More: A Roadmap to Strengthening Transitional Justice in Libya](#), 2020.

⁵⁶ ICJ, [An Opportunity for Accountability and Justice](#), 2024.

⁵⁷ The PC is a three-person body sharing the executive authority with the GNU.

⁵⁸ Namely, truth, justice, reparation, memorialization and guarantees of non-recurrence.

⁵⁹ ICJ, [An Opportunity for Accountability and Justice](#), 2024.

⁶⁰ Ibid.

⁶¹ ICJ, [Accountability for Serious Crimes under International Law in Libya: An Assessment of the Criminal Justice System](#), 2019.

⁶² UNSMIL, [*With UNSMIL Facilitation, Legislators and Legal Experts Come Together to Unify Approach to Drafting a Reconciliation Law*](#), 2 May 2024.

⁶³ ICCPR, art. 2(3); HRCComm, *General Comment No. 31: Nature of the General Legal Obligation on States Parties to the Covenant*, UN Doc. CCPR/C/21/Rev.1/Add.13, 26 May 2004, ¶ 16.

⁶⁴ International treaties to which Libya is a State Party oblige States to criminalize, investigate, prosecute, try, adjudicate and punish certain conducts, including: torture (ICCPR, art. 7; Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), 10 December 1984, arts 2 and 4. Libya acceded to the CAT on 16 May 1989; Convention I for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field ("First Geneva Convention"), 12 August 1949, art. 12; Convention II for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea ("Second Geneva Convention"), 12 August 1949, art. 12; Convention III relative to the Treatment of Prisoners of War ("Third Geneva Convention"), 12 August 1949, arts 17 and 87; Convention IV relative to the Protection of Civilian Persons in Time of War ("Fourth Geneva Convention"), 12 August 1949, art. 32; Geneva Conventions I-IV, common art. 3, Libya ratified the four Geneva Conventions on 22 May 1956), Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of International Armed Conflicts ("Additional Protocol I"), 8 June 1977, art. 75(2)(a); Protocol Additional to the Geneva Conventions of 12 August 1949, and relating to the Protection of Victims of Non-International Armed Conflicts ("Additional Protocol II"), art. 4(2)(a), Libya ratified the Additional Protocols on 7 June 1978); enforced disappearances (ICCPR, arts 7, 9, 16 and frequently 6); extrajudicial, arbitrary and summary executions (ICCPR, art. 6; First Geneva Convention, art. 50; Second Geneva Convention, art. 51; Third Geneva Convention, art. 130; Fourth Geneva Convention, art. 147; Geneva Conventions I-IV, common art. 3; Additional Protocol, art. 75(2)(a); Additional Protocol II, art. 4(2)(a); rape and other forms of sexual and gender-based violence (ICCPR, art. 7, as interpreted in Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, *Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, UN Doc. A/HRC/7/3, 15 January 2008; Third Geneva Convention, art. 14; Fourth Geneva Protocol, art. 27; Additional Protocol I, arts 75(2)(b) and 76-77; Additional Protocol II, art. 4(2)); slavery (ICCPR, art. 8).

⁶⁵ UN Updated Set of principles for the protection and promotion of human rights through action to combat impunity, UN Doc. E/CN.4/2005/102/Add.1, 8 February 2005, principles 2 and 4.

⁶⁶ UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, UN Doc. A/RES/60/147, 16 December 2005, ¶¶19-23.