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Technical assistance and capacity-building

Report of the Independent Fact-Finding Mission on Libya*

* The present report was submitted after the deadline in order to reflect the most recent developments.

I. Introduction

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

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

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

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

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

¹ See further A/HRC/48/83, para. 2.

² Para. 43.

³ The Mission's mandate is further explained in A/HRC/48/83, annex I.

⁴ A/HRC/48/83.

⁵ A/HRC/48/83, para. 80(o).

II. Political and security situation

6. Between October 2021 and March 2022, political turmoil and insecurity in Libya continued. On 9 September and 5 October 2021, the House of Representatives issued Laws 1/2021 and 2/2021 setting out the legal framework for presidential and parliamentary elections, respectively. On 25 October, the President of the High State Council, supported by mayors, representatives of civil society and some armed groups, submitted a challenge against Law 1/2021 before the Supreme Court of Libya in Tripoli, arguing that the Council had not been consulted in the law's drafting, in violation of the Libyan Political Agreement of 2015.

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

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

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

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

III. Cooperation of the Libyan authorities

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

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

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

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

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

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

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

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

IV. Challenges

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

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

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

V. Methodology

A. Applicable law

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

B. Objective criteria for determining the scope of Mission investigations

18. The Mission’s investigations since October 2021¹² have adopted objective criteria that informed its selection of themes and topics for investigation. The Mission focused on three areas. The first was those apparent violations of international human rights and humanitarian law that appeared the most serious, and among these, in particular, those of an apparently widespread and/or systematic nature. This built on the Mission’s previous documentation of trends and patterns and preliminary findings on the commission of international crimes, and reflected its aim to further substantiate violations’ impact on the rights of victims – Libyan victims as well as migrants, refugees and asylum seekers.

¹⁰ There were 12 staff at the time of writing.

¹¹ A/HRC/48/83.

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

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

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

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

22. Given the interim nature and limitations on length of this report, not all of the investigations undertaken, nor findings the Mission has reached in this period are described below. Unless otherwise stated below, specific incidents are highlighted on the basis that they are representative of those that the Mission has identified.

C. Methods of work

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

24. In the period of reporting, the Mission continued to consider and collect information from a variety of sources, including summaries of accounts and analytical data included in reports of the United Nations, civil society organizations and media; investigators' direct observations during missions to Libya and third States; domestic Libyan law; information provided by Libyan authorities, other States and reliable stakeholders working on and in Libya; authenticated satellite imagery and audio-visual material; verified open-source material; interviews; and medical examinations by the Mission's forensic physician. Following the decision of the Council to extend the Mission's mandate until 30 June 2022,¹⁴ the Mission renewed its call for submissions from individuals, groups and organizations with new or complementary documentation and information relevant to its mandate. By the submission deadline of 31 January 2022, the Mission received a number of submissions from civil society organizations, international non-governmental organizations, and victims or their representatives, which it is now reviewing.

25. The Mission conducted over 120 interviews in this period, both in person and remotely. The Mission also conducted three in-person investigative missions: to Egypt in November 2021 and to Malta and Libya (Benghazi) in March 2022. The Mission met in Benghazi key public officials and various representatives of the judiciary and the legal profession. Among other interlocutors, in Egypt, members of the Mission secretariat met with the League of Arab States and with civil society organizations working on the human rights situation in Libya; in Malta, secretariat members, including the Mission's forensic physician,

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

¹⁴ Resolution 48/25.

met with migrants, refugees and asylum seekers and discussed their experiences in Libya. They also met with representatives of international organizations. The Mission met online with the Maltese armed forces and rescue coordination centre due to time constraints. The Mission expresses its appreciation to the Egyptian and Maltese governments, Malta's Agency for the Welfare of Asylum Seekers, and UNHCR for their full cooperation in these visits.

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

26. Up to October 2021, the Mission's investigations concerning the deprivation of liberty primarily concentrated on seven facilities, believed to hold thousands of inmates, in three areas of Libya. The Mission selected these seven for a combination of reasons including the vulnerability of the persons deprived of liberty and the variety of regions and actors concerned. The Mission concluded that acts of murder, torture, imprisonment, rape and enforced disappearance committed in these facilities may amount to crimes against humanity.¹⁵

27. In the current period of reporting, the Mission interviewed 36 additional persons regarding those seven facilities and 13 further places of detention, both official and unofficial. Investigations in this period provided further evidence of the widespread and/or systematic nature of human rights violations and abuses in places of detention and the repetitive and continuous nature of attacks against detainees. This includes the sites the Mission had previously identified, and additional official facilities and extra-legal detention facilities run by militias acting under the umbrella of the Libyan State. The Mission found the same patterns of acts occurring in and regarding the newly investigated facilities as those it identified in its first report. Its investigations reinforced the Mission's belief that those imprisoned in Libya are commonly detained arbitrarily for prolonged periods; systematically tortured, raped or threatened with rape, including of female family members,¹⁶ and sometimes killed; routinely subjected to enforced disappearance; and subjected to extortion and inhumane conditions of detention, among other violations and abuses.

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

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

30. The Mission investigated the detention, torture, enforced disappearance and killing of two men in Tarhuna during the same conflict. It found that there were reasonable grounds to believe that, due to their perceived support for one of the combating factions, the men were detained at a checkpoint, tortured and eventually killed. One man died immediately from his torture, while the second was detained, *incommunicado*, for eight months before being executed. His body was later discovered in a mass grave with three bullets in the head. Family members were given false information about their loved ones' whereabouts, and at times harassed by the authorities in Tarhuna. The Mission considers that there are reasonable

¹⁵ A/HRC/48/83, para. 49.

¹⁶ See VIII below.

grounds to believe that both men may have been victims of the war crimes of murder, torture and cruel treatment and that the second may also have been arbitrarily detained and forcibly disappeared.

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

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

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

34. The Mission finally noted from its review of published material in this period that there is no comprehensive official statistical data on Libya's prisons.

VII. Ongoing investigations of extrajudicial killings and enforced disappearances

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

36. The Mission has obtained further *prima facie* evidence that arbitrary arrest and detention have occurred with regularity in Libya since 2016, and in many cases have amounted to enforced disappearances as an international crime. Often used as an apparent tool of oppression and/or retribution by various actors, this practice typically targets civilians who are associated with another side of a conflict and/or who are exercising their fundamental rights in a manner that is unpopular with certain groups thought to be behind such abductions. The further evidence collected by the Mission demonstrates that these civilians are forcibly arrested without legal authority to do so and detained *incommunicado* for significant periods of time (in some cases, presumably still held to this day), and their whereabouts and/or status

are unknown to their families or close associates, who are denied this information. The evidence obtained also shows that it is common for other violations and abuses to accompany arbitrary detention and enforced disappearance, such as, *inter alia*, arbitrary and/or inhumane conditions of detention, violations of due process and fair trial rights, cruel and inhuman treatment, and torture. As these abductions have ostensibly occurred in both peacetime and times of conflict and are widespread, they may amount to crimes against humanity, violations of international humanitarian law and/or serious violations of international human rights law.

VIII. Sexual and gender-based violence

37. As defined in the Mission's first report,¹⁷ gender-based violence is any form of violence directed towards, or disproportionately affecting, someone because of their gender or sex. This section focuses on sexual violence. Other forms of gender-based violence are addressed elsewhere in this and the Mission's first report.

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

39. In the period of reporting, the Mission has continued to receive reports of detainees in 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 had previously also received reports of sexual violence during interrogation, including electricity being applied on genital areas and rape.

40. The Mission also continued to receive reports of sexual violence in Department for Combating Illegal Migration (DCIM)-run detention centres.¹⁸ It notes that when reports of sexual violence in a given detention centre become widespread, the centre in question tends to be closed and detainees, guards and DCIM officers moved around. No one appears to be held legally accountable. Before making its first report to the Council, the Mission received consistent reports of sexual violence against women and girls held at Shari' Al Zawiya centre under the DCIM. In the reporting period, the authorities have closed that centre, but not taken any further action against the violence's perpetrators, to the Mission's knowledge. That was also the case for the Surman detention centre (in western Libya). Sexual violence affecting migrants is further addressed at IX below.

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

42. The Mission heard first-hand accounts of people being targeted for arrest and abuse, including sexual violence, solely on the basis of their sexual orientation or gender identity. Some armed groups with ostensible Salafist leaning views, including those affiliated to the State, seek to enforce their own interpretation of religious or societal norms and act with the stated objective to cleanse Libyan of "deviant" behaviours. In one such example, according to information the Mission received in interviews during the reporting period, two men in a car were accosted by an armed group and their mobile phones checked. After the members of the armed group found content on a phone suggesting that the men were gay, they arrested them. One man was reportedly held in Mitiga prison and sexually abused while there.

¹⁷ A/HRC/48/83, para. 51.

¹⁸ See A/HRC/48/83, paras. 57–62, fig. 3.

43. The Mission received reports of sexual violence being filmed by perpetrators, be it in detention or by armed groups or criminal gangs, with a view to further subjugate and terrorise survivors and ensure they do not report sexual violence or seek redress.

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

IX. Migrants

45. As used in this report, unless otherwise indicated the expression “migrants” covers the categories of migrant, refugee or asylum seeker.¹⁹

46. The Mission’s first report to the Council found that numerous violations against migrants in Libya may amount to crimes against humanity, while noting the need for further investigations to establish the role of all involved.²⁰ Sexual violence against migrants was an integral part of that finding. The Mission also highlighted that these incidents are neither isolated nor can they be attributed to rogue elements, particularly in the case of violent interceptions at sea and subsequent detention. In spite of the Mission’s findings, Libyan authorities have continued to detain migrants, including those intercepted at sea. European States continued to cooperate with the Libyan authorities including coastguards.²¹ The Mission reiterates that such cooperation should remain under the ambit of international human rights law obligations and each State’s responsibility to protect migrants in its territorial waters and search and rescue zone.

47. Since October 2021, the Mission has continued to document further cases of murder, torture, inhumane acts, rape, persecution, and enslavement of migrants by some State authorities, militias, armed groups and traffickers, employing a consistent pattern of conduct. These abuses occur against the backdrop of a domestic legal framework which – inconsistent with Libya’s human rights obligations – prescribes automatic and indefinite detention for people entering the country irregularly. In the period of reporting, thousands of people were intercepted by the Libyan coast guard and brought back to Libya where they faced arbitrary detention in inhumane conditions, torture and other ill-treatment.²²

48. The Mission’s latest investigations have centred on a number of incidents including the raid on the Gargaresh area of Tripoli that occurred at the beginning of October 2021 and ensuing incidents of excessive use of force in detention centres under the control of the DCIM, as well as inhumane conditions of detention. The Mission also investigated continuing abuses against migrants at the hands of traffickers. One incident documented by the Mission related to the death of a young migrant whom traffickers reportedly set alight. The Mission additionally documented the case of abduction and torture of a boat mechanic migrant by an armed group involved in trafficking. It received reports of sexual and gender-based violence in migrant detention centres. During the reporting period, Shari Al Zawiya, a detention centre in which the Mission is investigating incidents of sexual violence by guards was closed down.

¹⁹ See further A/HRC/48/83, Annex II.

²⁰ A/HRC/48/83, paras 57–62.

²¹ See e.g. Nikolaj Nielsen, “Libya to get new EU-funded boats despite crimes”, EU Observer, 11 October 2021.

²² Based on a tally of numbers published by IOM:

https://twitter.com/IOM_Libya/status/1445060520743215107?s=20&t=T4r3uAFCqOKQ7eodNggkQ,

https://twitter.com/IOM_Libya/status/1478370201385283590?s=20&t=K9IDiUvx0YZ4NCLCgH8iKQ, and

https://twitter.com/IOM_Libya/status/1503355311326957573?s=20&t=HQO7Eq_vR0jbK4OSvUgpMw.

49. The Gargaresh raid by Libyan security forces was reported to have targeted foreigners and migrants, killing one person and injuring at least 15 others.²³ The raid took place in the context of xenophobic statements associating migrants with criminality and drug trafficking. The Mission's further investigations indicated that on 1 October 2021, Libyan security forces launched a campaign in the area, arresting thousands of foreigners, before transporting them to several detention centres including Mabani, Abusliem and Abu Rashada in Gheryan. The Mission was able to interview two migrants from the arrested group, both of whom informed it that on that date at least 4,000 migrant men, women and children were arrested and transferred to a detention centre already housing a large number of other migrant detainees in very poor material conditions.

50. The Mission has received information about the forcible dispersal of a sit-in by migrants in front of the registration centre of the UNHCR in Tripoli in January 2022 and reports of excessive use of force.

51. Migrants interviewed by the Mission continued to share alarming information on the situation in Bani Walid, a trafficking hub around 130 kilometres south-east of Misrata. Among other violations, the Mission found that there were reasonable grounds to believe that migrants were held captive, murdered, tortured and raped. Of eight migrants interviewed shortly before the writing of this report, several told of the existence of mass graves in Bani Walid, one of them recounting that he had buried three bodies himself in such a grave. The Mission is still seeking to verify this information.

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

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

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

Figure 1: Victims of Trafficking Networks²⁴

"If migrants who were kept there heard the word Bani Walid, she or he would start crying. They set fire to and burn women's breasts and vaginas there."

"[After I was abducted by traffickers in Libya] I was tortured in different ways. I was burned with cigarettes. They poured petrol on me and attempted to set me on fire. They tied each of my arms to a car and threatened to drive and pull them away. I was penetrated with a knife and a baseball bat as well as with a broomstick. I was filmed by my abductors, who threatened to release the video."

²³ UNSMIL, "Statement of the United Nations Assistant Secretary-General Resident and Humanitarian Coordinator for Libya, Georgette Gagnon", 2 October 2021; see also S/2022/31, para. 58.

²⁴ Migrants interviewed in March 2022.

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

55. Participation in public affairs, including through freely chosen representatives, is a human right protected by treaties to which Libya is party, as are the rights to vote and be elected.²⁵ With the period of reporting dominated by the prospect of elections and related political and legal action, violations affecting these rights have been a focus of the Mission's investigations. The run-up to the anticipated, but now postponed, 24 December 2021 elections was characterized by several concerning incidents casting doubts on the ability of the Libyan government and *de facto* authorities to guarantee Libyans' right to participation in public life and choose their own representatives, and protect those involved in elections from violence and threats.²⁶

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

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

58. The Mission also investigated one incident during which armed men attempted to prevent the judicial review of a candidate's eligibility. In Sebha, from late November to 2 December 2021, a group of armed men surrounded the Court of Appeal which was due to hear an appeal by Saif al-Islam al-Gadafi against his exclusion from the presidential election.²⁷ According to eyewitnesses, the armed men prevented the judges from entering the premises, and resorted to threats and intimidation of both judicial and other legal personnel, and protesters who had gathered in front of the courthouse. The appeal hearing eventually took place on 2 December, following the group's departure from the grounds.

59. Reliable reports have also described incidents of violence and intimidation against HNEC officials and infrastructure, including a number of voters' registration offices, polling stations, looting of election equipment and incidents of harassment and intimidation of officials responsible for securing elections.²⁸

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

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

²⁶ The Mission has received 11 testimonies, some of which were directly from the incidents' site. They include those of eyewitnesses, lawyers, Libyan civil society activists, ordinary citizens and victims. The Mission has also collected a number of written statements, videos, and photographs. The testimonies were corroborated with other reports, press articles, official statements of Libyan officials, and UNSMIL.

²⁷ UNSMIL, "UNSMIL warns against acts that could serve to deprive Libyans of exercising their democratic right", 29 November 2021.

²⁸ See e.g. Amnesty International, "Libya: elections delayed amid a climate of repression", 22 December 2021.

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

61. The Mission has received alarming reports of attacks on civil society organizations and activists in Libya, contrary to the rights to peaceful assembly and freedom of association under articles 21 and 22 of the International Covenant on Civil and Political Rights. The silencing of civil society organizations, activists, journalists and human rights defenders relies on restrictive laws and regulations, extensive oversight powers given to the Commission of Civil Society, a government-established body, and the fear of suspension or closure of organizations, while funding is tightly controlled. In effect, organizations, activists and defenders are expected to seek prior authorization before undertaking activities or meeting with international bodies such as the Mission.

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

63. On 26 October 2021, Libya's House of Representatives ratified the Anti-Cybercrime Law. This law's overly broad terms give the Libyan judicial authorities excessive discretion to restrict online freedom of expression and impose penalties, contrary to article 19 of the International Covenant on Civil and Political Rights.

64. A draft civil society regulation was proposed by the GNU in July 2021 that further restricts civil society groups, increases control over them and subjects organizations to a Code of Conduct. The Mission received information that civil society organizations have been asked by the Tripoli Civil Society Commission to re-register. According to information received by the Mission, the HNEC would not allow organizations that had not re-registered with the Civil Society Commission to monitor elections.

65. In the period of reporting, further chilling video recordings of activists' "confessions" were posted on the Facebook page of Internal Security in Tripoli and international organizations were portrayed as imposing a foreign agenda and perverting Libyan youth. The Mission fears that such "confessions" may have been obtained under duress and are intended to terrorise activists.

Figure 2: Attacks on civil society activists²⁹

"I left [Libya] because I am scared to be arrested and forced to say things [on camera] that would hurt people around me. Me not being around would help protect my family. My priority is to keep everyone safe."

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

66. Reliable reports have identified, throughout the period covered by the Mission's mandate, a pattern of attacks against members of the legal community, public prosecution offices, and courthouses,³⁰ along with a steady weakening in the judiciary's ability to conduct transparent and effective trials. The Mission has also collected information regarding such

²⁹ Libyan civil society activist interviewed in March 2022.

³⁰ Cairo Institute for Human Rights – Libya Platform, "Libya: A complete failure to implement UPR recommendations since 2015", 2 April 2020; Amnesty International, "Libya: elections delayed amid a climate of repression", 22 December 2021.

attacks and threats of violence against courthouses, the judiciary and other members of the legal community.

67. In particular, the Mission investigated the 2017 abduction of a local prosecutor in Tarhuna who had reportedly been trying to constitute a file against associates of the Al-Kaniyat family.³¹ The victim remains missing at the time of submission of the present report. Local authorities only opened an investigation into this incident in 2019, following the departure of that family from Tarhuna, with little progress to date.

68. As described earlier in this report, violence against the judiciary was observed in the build-up to the December 2021 elections, when a number of judicial processes occurred to confirm candidates' standing in the elections – notably during the four-day assault against the Sebha courthouse due to hear an appeal from a lawyer of Saif al-Islam al-Gadafi, one of the candidates.³²

69. The Mission expresses its concern that these attacks and acts of intimidation foster an increasingly insecure environment which is highly detrimental to one of the cornerstones of the rule of law: the ability for the judiciary to administer and adjudicate the law in a manner that is fair, independent, accessible, and efficient. Hampering this ability, through intimidation and violence, is a serious obstacle to Libyan victims' transition to a democratic system ruled by (human rights) law and justice.³³

70. Furthermore, the Mission has gathered – during this reporting period – enough information regarding more attacks and crimes against the judiciary and lawyers in different regions of Libya. The Mission will continue working on verifying the information it has gathered to reach further conclusive findings for the purpose of its June report.

XIII. Violations against women

71. Women and girls in Libya face a myriad of challenges and obstacles that prevent them from fully enjoying their human rights and meaningfully participating in the public life of their country. Violence, including sexual violence,³⁴ takes place offline and online and is fuelled by patriarchy and religious and cultural conservatism, as well as sexism and misogyny. State authorities fail to protect women and girls from violence and perpetuate gender stereotypes and the marginalization of women. In this context, Libyan women are underrepresented in all elected and appointed state institutions and marginalized in peace processes. Human Rights Council resolution 43/39 establishing the mandate of the Mission called on the Libyan authorities to facilitate women's full, equal and effective participation in activities relating to the prevention and resolution of the armed conflict, the maintenance of peace and security and post-conflict peacebuilding. It further called on all Libyans to oppose polarization and hate speech in official and public discourse, which threaten democratic values, social stability and peace, weakens the social fabric and undermines stability, peace and security.³⁵

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

73. Women's role in civic space and public life carries significant risks for them: those who overcome systemic obstacles and manage to take part in public life may be threatened, their political affiliations or morality questioned with the aim of damaging their reputation

³¹ An influential family that had effective control of Tarhuna, as outlined in A/HRC/48/83, paras. 69–73.

³² See X above.

³³ In a 2012 study on the challenges, lessons learned and best practices in securing democracy and the rule of law from a human rights perspective, the OHCHR recognised the “crucial” role played by an independent and efficient judiciary in transitional justice contexts. See A/HRC/22/29, para. 51.

³⁴ See VIII above.

³⁵ Resolution 43/39, paras. 34–35.

or that of their family members. A number of women activists face hate speech and incitement to violence, sometimes by senior religious establishment members such as Mufti Al Ghariani.

74. Women played an important role in the Libyan Political Dialogue Forum and the ensuing Road Map included a 30 per cent quota for the government.³⁶ However, this pledge was soon revoked, and it was announced that “only a few women have been nominated” to participate in the government.³⁷ Eventually, under much pressure including from all women members of the Libyan Political Dialogue Forum regardless of their political affiliations, five women ministers were appointed. The GNU comprised only 15 per cent of women, rather than the 30 per cent pledged. In March 2022, the competing government that was sworn in by the House of Representatives comprised only two women among 38 members.

75. Women’s participation and their ability to engage in the public life of the country free of intimidation, threats and fears for their lives is essential. Women registered massively to vote and the HNEC sought to address challenges faced by women to register, including due to the issue of male family members holding the “family book”.

76. The enforced disappearance of House of Representatives member, Sihem Sergiwa, which the Mission previously reported,³⁸ cast a shadow on elections in Libya and women’s participation. Since her abduction from her home in Benghazi, although the judicial authorities opened a formal investigation into her enforced disappearance, little regarding her whereabouts or the identity of the perpetrators has been established at this time. The Mission reminds the local authorities that the duty to protect Sihem Sergiwa falls on the Libyan authorities themselves. During its visit to Benghazi, the Mission held meetings with the Public Prosecution and other officials in Benghazi and discussed the abduction and enforced disappearance of Sihem Sergiwa. The Prosecution Office shared with the Mission documents about the investigation. While the investigation’s opening is a welcome step, two and a half years after the abduction of Sihem Sergiwa, law enforcement agencies and the judiciary have yet to unveil the truth about her, to end her enforced disappearance, and to hold accountable the perpetrators of such a crime.

77. No one has yet been held accountable for the killing of vocal critic active on social media, Hanan Al Barassi, who was gunned down in the street in Benghazi.³⁹ During its visit to Benghazi, the Mission met with relevant authorities and sought clarification of the circumstances of her killing and whether anyone was held responsible for it. The Prosecution Office informed the Mission that the investigation is ongoing. Such an investigation must lead to uncovering the truth and hold the perpetrators accountable. In fact, the only people jailed in relation to the killing of Hanan Al Barassi were her children.

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

79. The killing or enforced disappearance of prominent women politicians and activists and ensuing impunity has sent shockwaves among activists and aspiring candidates and forced several activists to flee Libya or to stop their activism. It had a chilling effect on women wanting to engage in public life.

³⁶ Libyan Political Dialogue Forum, “Roadmap ‘For the Preparatory Phase of a Comprehensive Solution’”, available at <https://unsmil.unmissions.org/>.

³⁷ <https://www.youtube.com/watch?v=HnTRa9QnpJM>.

³⁸ A/HRC/48/83, para. 64.

³⁹ First reported in A/HRC/48/83, para. 65.

80. Concerns of the Mission regarding women's political participation in upcoming elections in Libya are heightened by reports that women candidates for elections at local, parliamentary and presidential elections were threatened, including online, and deterred from running for election.

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

82. Women's rights suffered a further setback in the period of reporting with the suspension of a Memorandum of Understanding (MoU) between UN Women and the Ministry in charge of Women's Affairs. The MoU, signed in October 2021, was part of the steps taken for UN Women to support Libyan stakeholders to devise a National Action Plan in the framework of UN Security Council resolution 1325 on Women, Peace and Security. In the ensuing months, conservative figures attacked the MoU and declared the Convention on the Elimination of All Forms of Discrimination against Women – to which Libya has been a party since 1990 – contrary to Islam. In spite of the Prime Minister mandating the Minister in charge of Women's Affairs to sign an MoU, she was subjected to an investigation at the request of the Prime Minister and the MoU has now been suspended, initially by a decision of an administrative tribunal and later by the Prime Minister although the case is still pending before the tribunal. The division over the MoU unleashed some hate speech on social media platforms, along with questions regarding the security and life of the Minister, and marks a setback for women's rights in Libya. The Mission reviewed some of the pamphlets distributed against the MoU and resolution 1325. The backlash around the signing of the MoU and the profoundly anti-gender equality debates that ensued are not isolated incidents and seem to be part of an orchestrated campaign.

XIV. Violations against minorities

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

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

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

86. During the Gaddafi era, Gaddafi recruited Tuareg soldiers by promising them Libyan documentation. Not only did this have the effect of stigmatizing this group as 'pro-Gaddafi', these promises never materialized and about 14,000 Tuareg still do not hold official documentation such as the "Family Booklet", which is essential proof of citizenship. In October 2021, Prime Minister Dbeibah lamented the absence of legal status of the Tuareg, which has prevented them, for example, from benefiting from vaccination campaigns. It is evident that the Tuareg are unable to avail themselves of the full array of economic, social

⁴⁰ Those whose grandparents left Libya for neighbouring countries and returned to Libya decades ago. They are not recognised as Libyans.

and cultural rights afforded to Libyan citizens. In 1973, Gaddafi invaded the Aouzou strip and granted Libyan nationality to a number of Tebus to entice them to join the ranks of his army. However, after the International Court of Justice ruled that the Aouzou strip should be returned to Chad, Gaddafi issued a decree stating any documentation issued in the strip should be revoked and, as a result, many Tebus have been unable to obtain documentation ever since. These and other ethnic minorities, such as the Amazigh, risk being overlooked in the electoral process. The percentage of undocumented people remains high. Many are unable to acquire citizenship or other forms of documentation that would allow them to vote on both the elections and a possible constitution.

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

XV. Violations of international humanitarian law

88. A number of protracted periods of non-international armed conflict between organised State armed forces and non-State armed groups has been well-documented throughout the mandate of the Mission. The Mission has ongoing investigations into a range of incidents that may amount to violations of international humanitarian law and war crimes, such as indiscriminate shelling, airstrikes on civilian areas, and the intentional destruction of protected objects such as hospitals, schools and places of worship. To provide insight into the status of these ongoing investigations, the following section addresses two matters: alleged drone strikes targeting civilians in Murzuq and attacks on a protected site in Sirte called Zawiyat Bin Issa.⁴¹

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

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

91. *Zawiyat Bin Issa*: The Mission received reports that in early 2020, during the non-international armed conflict taking place in Libya between the GNA and the LNA, members of an armed Salafist group affiliated with the LNA bulldozed a Sufi sanctuary in Sirte, named Zawiyat Bin Issa, that formed part of the “Old Mosque” or the “Ben Shafi Mosque” completed in 1885. Just prior to the alleged attack, which likely occurred on 5 February 2020, this protected site became part of LNA-controlled territory when the above-mentioned armed Salafist group switched allegiances in January 2020 from the GNU to the LNA. The building had a cultural and religious purpose and historical significance to the local and regional population, and it did not appear to be a military objective. In this regard, the Mission obtained evidence suggesting that the site was in use for religious and other non-military purposes up until its alleged partial destruction. The site was located in a civilian area that was not subject to or close to active hostilities at the time and was not proximate to any

⁴¹ Regarding war crimes in the context of the deprivation of liberty, see paras. 29–30 above.

military objectives. There are therefore indications that this building was a protected object under international humanitarian law.

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

XVI. Conclusions

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

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

XVII. Recommendations

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

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

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

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

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

(e) Uphold the rights to freedom of expression, association and peaceful assembly and enable civic space; ensure that civil society organizations, activists and defenders are able to conduct their work free from undue limitations and fears for their safety or their lives; rescind Presidential Council Decree 286 of 2019 on Civil Society Organizations; and take measures to halt hate speech and incitement to violence;

(f) Ensure that: (i) the management of all prisons falls under the responsibility of the State and that secret prisons are eradicated; (ii) prisoners can have

their detention reviewed in accordance with the law; and (iii) prisoners are held in humane and dignified conditions and protected from violence;

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

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

(i) Strengthen efforts for a permanent cease-fire as a first step for a lasting peace;

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Support strengthening a Libyan national human rights institution to protect and promote human rights in compliance with the Paris Principles and independent from any political loyalty or interference.

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