



**TWENTY-FOURTH REPORT OF THE PROSECUTOR OF THE
INTERNATIONAL CRIMINAL COURT TO THE UNITED NATIONS
SECURITY COUNCIL PURSUANT TO RESOLUTION 1970 (2011)**

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EXECUTIVE SUMMARY

Over the last six months, the Office has accelerated its investigative and cooperation activities in the Situation in Libya within the framework of the renewed strategy outlined in the previous Report of the Prosecutor to the Security Council (April 2022 Report).

This renewed strategy was founded on a set of key principles: a) prioritisation of the situation and allocation of resources; b) a reinvigorated approach to empowering those impacted by the crimes; c) a fresh approach to engagement with the Libyan authorities; and d) a proactive and accelerated policy of cooperation with third states, regional organisations and international partners.

The Prosecutor also presented a roadmap for accountability in the April 2022 Report, including immediate-term investigative priorities and future landmarks for the four key lines of inquiry: a) violence in 2011; b) crimes in detention centres, c) crimes in the 2014-2020 operations; and d) crimes against migrants.

In this reporting period, the Office has made tangible progress in the implementation of this roadmap.

Notable achievements in this reporting period include:

- For the first time since the start of the investigation in 2011, the Office maintained a constant presence in the region, significantly strengthening its ability to deal with the practical, logistical and security challenges in this investigation in a flexible manner.
- The Office undertook over 20 missions to 6 countries, collecting over 1000 items of evidence, including video and audio material, forensic information, witness statements and satellite imagery.
- In June 2022, one of the Deputy Prosecutors responsible for direct oversight of the Libya situation, Ms Nazhat Shameem Khan, conducted a technical visit to Tripoli in furtherance of the Office's renewed action strategy in relation to the Situation in Libya.



- Additional resources have been allocated to the Libya investigation team, including Arabic speakers and experts in military structures, financial investigations, and sexual and gender-based crimes.
- On 7 September 2022, the Office became a full and formal member of the Joint Team investigating crimes against migrants, together with national authorities of Italy, the Netherlands, Spain and the United Kingdom of Great Britain and Northern Ireland, as well as Europol.
- On 21 September 2022, the Prosecutor met with the Head of the Presidential Council of Libya, H.E. Mr Mohamed Younis A. Menfi, ahead of his official visit to Libya in early November 2022.
- In October 2022, two key suspects of crimes against victims of human trafficking and human smuggling in Libya were arrested in Ethiopia and extradited to Italy and the Netherlands, respectively. The Office actively assisted these investigations through the sharing of knowledge, information, evidence, and through joint witness interviews.

Based on these concrete steps forward, the Office has significantly increased investigative activities during the reporting period, including evidence collection, engagement with and support to witnesses, contacts with international actors, civil society organisations, academics and experts. The Office is confident that under the current conditions it can apply for new arrest warrants and unseal existing warrants within or ahead of the time frame set out in the roadmap.

These positive developments and results were achieved despite ongoing challenges caused by the complex political landscape and security situation in Libya and the ongoing resource pressures faced by the Office as a whole.

In this reporting period, Pre-trial Chamber I of the International Criminal Court (“ICC” or “Court”) terminated proceedings against Al-Tuhamy Mohamed Khaled and against Mahmoud Mustafa Busayf Al-Werfalli further to applications filed by the Office upon confirmation of their deaths by the Libyan authorities. Although

proceedings have been withdrawn against these two individuals, the Office's work continues to ensure justice and accountability for the victims of their crimes.

The Office has been provided with strong support by the Office of the President of the Presidential Council of Libya in the lead-up to the official visit of the Prosecutor to Libya in November 2022. Other forms of cooperation with the Libyan authorities remain varied. Key steps that should be taken by Libyan authorities in the coming period include:

- Provide access to documentation relevant to investigations of the Office as requested through formal requests for assistance;
- Support engagement with relevant technical authorities in Libya including those involved in forensics and crime scene analysis;
- Ensure prompt responses to all requests for assistance submitted by the Office to the Libyan authorities;
- Ensure prompt responses to all visa applications submitted by the Office to the Libyan authorities.

As part of his visit to Libya, the Prosecutor will underline that the Office stands ready to take prompt action in an effort to strengthen cooperation, to support the work of national judicial authorities within its means and mandate, and in particular to increase opportunities for engagement with affected communities and the Libyan authorities.



I. INTRODUCTION

1. Through Resolution 1970 (2011), the Security Council referred the situation in Libya as of 15 February 2011 to the Prosecutor of the ICC.
2. This Report provides an update on implementation of the renewed investigative and prosecutorial strategy presented by the Office of the Prosecutor (the “Office”) in relation to the situation in Libya in its April 2022 Report. It takes stock of progress and developments within each of the key lines of inquiry that were described in the Office’s April 2022 Report and assesses steps taken across the four strategic principles underpinning the new approach outlined by the Prosecutor.
3. Progress has been driven by increased efforts to engage with Libyan national authorities and affected communities, as reflected in two high-level missions during the reporting period, with Deputy Prosecutor Nazhat Shameem Khan visiting Libya in June 2022 and the Prosecutor scheduled to visit in November 2022.
4. The Report further reflects on the remaining challenges faced in the conduct of investigative activities in this reporting period, and details the updated priorities of the Office for the next six months in light of progress made.
5. It is recalled that upon assuming office, the Prosecutor immediately and voluntarily recused himself pursuant to article 42(6) of the Rome Statute in any case where a conflict of interest may be perceived to arise due to his prior participation in ICC proceedings as counsel. In relation to any line of inquiry in which this recusal applies, responsibility for oversight of investigations has been taken by Deputy Prosecutor Nazhat Shameem Khan.

II. PROGRESS ON THE ROADMAP

6. In his last Report, the Prosecutor outlined the extensive stock-taking exercise undertaken with respect to action taken by the Office to date in relation to the situation in Libya. In doing so, the April 2022 Report outlined the key investigative and legal activities completed by the Office across four main lines



of inquiry since the start of the investigation and provided an overview of the main challenges impacting progress.

7. On the basis of this overarching assessment, the Report presented a roadmap for future action based on the following four key principles: (1) prioritisation of the situation and the allocation of resources to reflect this; (2) a reinvigorated approach to empowering those impacted by alleged crimes in Libya; (3) a fresh approach to engagement with Libyan authorities; and (4) the establishment of a proactive policy of cooperation with third States, regional organisations and international partners.
8. A set of immediate-term investigative priorities and future landmarks for the renewed strategy in the April 2022 Report charted a framework for action to implement this renewed approach, and provided benchmarks against which progress can be assessed.
9. This section outlines the tangible progress made in the last six months across the four key strategic principles underpinning the new strategy for the Libya investigation, and provides an update on key steps forward in each of the four key lines of inquiry being taken forward by the Office.

(i) Progress across the key principles for renewed action in the Libya Situation

a. Ensuring the effective allocation of resources

10. In line with the decision of the Prosecutor to prioritise the situation in Libya given its status as a referral from the United Nations Security Council, significant additional investments have been made to the staffing of the investigative and prosecutorial Team dedicated to this situation during the reporting period.
11. The Team has been bolstered with additional investigative, legal, and analytical staff. This injection of resources includes Arabic speakers and specialised staff with expertise in military analysis, sexual and gender-based crimes and financial investigations.



12. The ability of the Office to dedicate additional resources to the situation in Libya is in part due to the significant support of State Parties in response to the call for secondments and financial contributions made by the Office through its Note Verbale to States Parties dated 7 March 2022.
13. The secondments have supported the deployment of national experts to advance priority areas of the Team's investigations. The Office welcomes these contributions and the Prosecutor wishes to thank all States Parties for their valuable assistance in supporting an acceleration of work across situations addressed by the Office.
14. The Office is also contracting additional forensic resources to support witnesses and the investigation, in line with one of the stated priorities of the Office outlined in the previous Report.
15. As set out in sub-section (ii) below, this first injection of resources into the Libya situation has resulted in an immediate, tangible acceleration of the investigation.
16. To further enhance the speed of this progress, in the coming reporting period the Office will prioritise the recruitment of additional staff in relation to the situation to keep pace with the increased investigative and evidence-collection activities being undertaken.

b. Empowering victims, witnesses and affected communities

17. The roadmap in the April 2022 Report set out how the Office envisioned further empowering victims, witnesses and affected communities through an enhanced presence in the region, the use of remote screenings and interviews and by strengthening its ability to interface with victim groups and civil society organisations. Ensuring the security and safety of witnesses was to be put at the heart of this approach.



18. Throughout the current reporting period, and for the first time since the start of the investigation, the Office has maintained a near-continuous presence in the region. This has significantly strengthened its ability to deal with the practical, logistical and security challenges encountered in the course of our investigative activities in a flexible manner.
19. The enhanced field presence of the team and the mission of Deputy Prosecutor Nazhat Shameem Khan to Libya in June 2022 have paved the way for increased engagement with victims groups and with civil society organisations. Prior to her visit to Tripoli, the Deputy Prosecutor also met with Libyan civil society groups at the seat of the Court in The Hague. These discussions provided a platform to listen to the views of survivors and those working with witnesses and the families of victims, deepen understanding of their activities in Libya, and gain greater understanding of the challenges that victims and human rights defenders are facing in engaging with accountability processes.
20. Participants voiced their significant concerns over the lack of accountability for crimes committed in Libya in general and the lack of visible results from the ICC in particular. Deputy Prosecutor Khan recognised these concerns, while underlining the commitment of the Office to accelerate action under the renewed strategy.
21. Mitigating the increased security risks and threats to witnesses, and providing them with adequate support, remains a challenging aspect of the investigation. Witnesses and survivors often bear the scars of physical injuries and psychological trauma as a result of the violence and torture they were subjected to or witnessed. Reflecting its obligations under article 68 of the Rome Statute to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses, the Office is presently strengthening its ability to provide the necessary support. This includes recruitment of additional Arabic-speaking experts to support witnesses.
22. During the reporting period, three witnesses have been referred to the Victims and Witnesses Support section in order to provide them with enhanced psychological and/or security support in the reporting period. The Office has



also successfully applied to Pre-trial Chamber I to preserve witness evidence under Article 56 of the Rome Statute.

23. The increased capacity of investigators to interact with witnesses, the provision of psychosocial and protection support through the Victims and Witnesses Section, and the application of Article 56 measures to preserve evidence underline the Office's commitment to ensuring that victims are fully supported to enable them to exercise their right to contribute to the process of accountability.
24. In taking forward these initiatives, the Office will continue to place absolute priority on ensuring the safety and security of persons who cooperate with it.
25. As a further basis for deepening engagement with civil society organisations, during the reporting period the Office, together with Eurojust and the European Union Network for investigation and prosecution of genocide, crimes against humanity and war crimes (the 'Genocide Network') launched the Guidelines for Civil Society Organisations in documenting international crimes and human rights violations (the 'Guidelines'). The Guidelines aim to support civil society actors to collect information in a manner most supportive to future accountability in situations where this is the objective of their action. The Guidelines were launched at a meeting with over 150 civil society organisations in September 2022. A series of virtual workshops are planned to support the rollout of the Guidelines across situations, including through engagement with Libyan civil society organisations.
26. On 14 November, the Office of the Prosecutor will host the inaugural Civil Society Thematic Roundtable, addressing crimes committed against and affecting children. This meeting, which will be opened by the Prosecutor, will bring together local civil society organisations from situations across the work of the Office to discuss how the Office can more effectively address crimes committed against and affecting children while ensuring the rights and interests of children are placed at the forefront of this work. The Office has supported the participation of Libyan civil society organisations in this meeting.



c. Strengthening cooperation with Libyan national authorities

27. In line with the plan of action outlined in the April 2022 Report, in this reporting period the Office has taken steps to establish enhanced dialogue with the Libyan authorities in implementation of the principle of complementarity. Emphasis has been placed on identifying opportunities for the provision of support to relevant actors in Libya seeking to take tangible steps towards accountability.
28. The official visit of Deputy Prosecutor Nazhat Shameem Khan to Libya from 20 to 23 June 2022 was a key step forward in this process. During this visit, the Deputy Prosecutor held meetings with the Libyan Attorney General; the Military Prosecutor; the Acting Head of United Nations Support Mission in Libya (UNSMIL); and forensic experts from the the Judicial Expertise and Research Centre in Tripoli and the General Authority for the Search and Identification of Missing Persons. She also met with representatives of civil society organisations and members of the diplomatic corps in Tripoli and Tunisia.
29. In the meetings with the Libyan prosecutorial authorities, participants discussed the Prosecutor's new approach to the situation in Libya, opportunities to strengthen the communication lines and cooperation, the principle of complementarity and the role of the ICC in the process of addressing Rome Statute crimes in Libya. Deputy Prosecutor Khan underlined the Prosecutor's commitment to support the work of the Libyan authorities responsible for investigating and prosecuting core international crimes and stressed that the Office will continue to carry out investigations or prosecutions as mandated by the Council, where the Libyan authorities cannot bring those who are responsible for crimes under the jurisdiction of the Court to justice.
30. The meetings with the the Judicial Expertise and Research Centre and the General Authority for the Search and Identification of Missing Persons provided a space to discuss the progress made and the continued challenges faced with respect to the collection, preservation and analysis of forensic evidence relevant to alleged international crimes in Libya, including excavations and identifications. Opportunities were identified for further cooperation between



the Office and relevant Libyan authorities to assist in addressing some of the capacity challenges faced in this area.

31. During the reporting period, the Prosecutor met with H.E. Mr Mohamed Younis A. Menfi, President of the Presidential Council of the State of Libya and with the Permanent Representative of Libya at the United Nations, Mr Taher El-Sonni, for a fruitful and positive meeting in New York, in the margins of the high-level segment of the 77th session of the United Nations General Assembly. The meeting focused on cooperation, complementarity and ways the Office can provide support to the Libyan national authorities to deliver accountability for Rome Statute crimes.
32. The upcoming visit of the Prosecutor to Libya in November 2022 will provide a further opportunity to deepen dialogue and further strengthen cooperation between the Office and Libyan authorities in order to advance the independent investigations and work of the Office.
33. While there have been high-points of engagement as outlined above, the overall picture with respect to cooperation remains challenging. Key steps that would be of particular importance in advancing cooperation in the coming six months include:
 - Provide access to documentation relevant to investigations of the Office as requested through formal requests for assistance;
 - Support engagement with relevant technical authorities in Libya including those involved in forensics and crime scene analysis;
 - Ensure prompt responses to all requests for assistance submitted by the Office to the Libyan authorities;
 - Ensure prompt responses to all visa applications submitted by the Office to the Libyan authorities.



d. Increasing avenues for accountability: Cooperation with third States, international and regional organisations

34. Effective information-sharing, coordinated investigative activity and strong international cooperation with third States and international agencies is a crucial part of collective efforts to achieve accountability for crimes under the Rome Statute.
35. This role of international cooperation is of particular importance in the Libya situation, given the transnational nature of certain crimes, the limitations faced by the Office and by domestic law enforcement agencies to develop investigative activities on Libyan territory and in light of the presence of suspects, victims, witnesses and assets outside Libyan territory.
36. The April 2022 Report outlined how the Office would seek to adopt a creative and proactive approach with third States and other international organisations, with a view to expanding the number of jurisdictions with which it engages in relation to the Libya situation.
37. The Report also noted that the Office would seek to conclude enhanced cooperation and information sharing agreements with Europol and Eurojust, as well as deepen its cooperation with the Joint Team that is investigating the large-scale violent crimes against migrants and refugees on the route between the Horn of Africa, Libya and Europe. Italy, the Netherlands, the United Kingdom and Europol were initial members of this Joint Team.
38. On 7 September 2022, during the Strategical Meeting of the Joint Team in Rome, the Office formally became a full member. This was a significant moment, highlighting the commitment of the Office to transform, modernise and intensify international cooperation and to support domestic investigations in concrete ways. The Office also welcomed the accession of the Spanish *Guardia Civil* to the Joint Team.



39. In this reporting period, the Team has closely cooperated with twelve countries in relation to the situation in Libya, including four countries from the African region, and eight European countries. Effective cooperation has also been undertaken with Europol and Interpol.
40. Through this engagement, the Office has received significant support that has been central to investigative progress during this reporting period. This has included the conduct of interviews, the provision of support and security of witnesses, the collection of financial and open source information and the sharing of knowledge relevant to the investigation.
41. In line with the priority of the Office to expand the provision of effective support to domestic investigations, the Office has extended its efforts to share information, evidence and knowledge and facilitated contact between domestic law enforcement agencies and witnesses.
42. The results of this reinvigorated approach to international cooperation have been seen in the recent arrest and extradition of two key suspects of crimes against migrants and refugees from Ethiopia to the Netherlands and Italy respectively. On 5 October 2022, a 38 year old man of Eritrean nationality was extradited from Ethiopia to the Netherlands after years of investigations by the Dutch Public Prosecution Service and the Royal Netherlands *Marechaussee*. On 12 October 2022, a 35 year old man from Eritrea was extradited from Ethiopia to Italy following efforts by the *Polizia di Stato* and the Palermo Prosecutor's Office. Both suspects were allegedly involved in the smuggling of persons from Africa on to Europe. The victims were reportedly subjected to brutal violence, including in camps located in Libya, and suffered beatings, starvation, sexual violence, and extortion.
43. These criminal investigations were undertaken in close cooperation with other countries and agencies. They benefitted from support by the United Kingdom of Great Britain and Northern Ireland, Europol, and Interpol, among others.



44. The Office supported these partners in the collective work to hold those responsible to account by sharing knowledge, information and evidence, including open source material, communications related to trafficking networks and through the joint interviews of witnesses.
45. In addition to strengthening its engagement with national authorities, the Office has also continued to benefit from strong cooperation with United Nations entities.
46. The Office welcomes the appointment of Mr Abdoulaye Bathily as Special Representative for Libya and Head of UNSMIL and looks forward to continuing to engage with the Office of the Special Representative in common efforts to strengthen the basis for stability through ensuring justice for international crimes.
47. The Office notes with gratitude the assistance provided by UNSMIL and the UN Department of Safety and Security with respect to the missions of both the Prosecutor and of the Deputy Prosecutor to Libya and looks forward to continuing to work closely with UNSMIL in the coming reporting period.

(ii) Progress in investigations

48. As set out in past Reports, the Office has adopted a two-pronged approach to its lines of inquiry with respect to the situation in Libya. First, in line with the principle of complementarity, the Office has sought to develop a strategy of cooperation and coordination with Libya and other States in order to support national investigations and prosecutions where possible, on a case-by-case basis. Second, it has sought to take forward its independent investigations with a view to bringing cases before the ICC should the required legal and evidentiary elements be satisfied.
49. The April 2022 Report reflected the results of the stock-taking exercise since the start of the investigation and set out the four main lines of inquiry being taken forward by the Office. A roadmap was presented with immediate-term



investigative priorities and future landmarks against which the progress of strategy implementation will be assessed.

50. Drawing on the additional resources allocated to this investigation in the reporting period, allied with a continuous presence of the team in the region, there has been a significant increase in the investigative and evidence-collection activities of the Office in the last six months.
51. In that period, the Office has undertaken over 20 missions to 6 countries, supporting the collection of over 1000 items of evidence, including video and audio material, forensic information, witness statements and satellite imagery.
52. The Office has interviewed over 30 witnesses and screened 35 potential witnesses in order to ensure that relevant evidence is documented and preserved. The Security and Protection Unit of the Office assessed the security and psychosocial situation of all witnesses. Three witnesses were referred to the Victims and Witnesses Support section in order to provide them with enhanced psychological and/or security support.
53. This increase in investigative activities will allow the Office to file for new arrest warrants and to unseal existing warrants within or ahead of the time frames set in the April 2022 Report.

a. 2011 violence

54. As reflected in the previous Report, the Office has, over the course of its investigations since the referral of the situation by the Security Council, collected credible and extensive information concerning violence committed against demonstrators and opponents of the former Gaddafi regime in 2011, including crimes committed in detention, resulting in arrest warrants against



Muammar Mohammed Abu Minyar Gaddafi,¹ Saif Al-Islam Gaddafi, Abdullah Al-Senussi² and Al-Tuhamy Mohamed Khaled.

55. The Office had sought for some time to confirm reports that Al-Tuhamy Mohamed Khaled was deceased. During the reporting period, the Libyan Attorney General's Office provided the Office with the death certificate of Al-Tuhamy Mohamed Khaled and on 2 August 2022, the Office sought withdrawal of his arrest warrant on the basis of his death. On 7 September 2022, Pre Trial Chamber I of the Court terminated the proceedings against Al-Tuhamy Mohamed Khaled.

56. Although Al-Tuhamy Mohamed Khaled is now confirmed as deceased, the Office remains committed to ensuring that accountability for the crimes committed in Libya's prisons during the 2011 revolution is achieved.

b. Detention facilities

57. During the reporting period, the Office has again collected significant evidence confirming the commission of large-scale crimes at detention facilities in Libya including unlawful detention, murder, torture, inhumane treatment, rape and other forms of sexual and gender-based crimes. These crimes have also been reflected in Reports issued by civil society organisations, UNSMIL, the Office of the High Commissioner for Human Rights, the Independent Fact-Finding Mission on Libya, and the Panel of Experts on Libya established pursuant to Resolution 1973 (2011).³

58. In its April 2022 Report, the Office undertook to accelerate the collection of evidence and the legal and factual analysis with respect to potential suspects, to continue engagement with key witnesses, and to support the investigation with forensic expertise, with a view to seeking arrest warrants within two years.

¹ The Pre-Trial Chamber terminated proceedings against Muammar Mohammed Abu Minyar Gaddafi on 22 November 2011 following his death earlier that same month.

² The ICC proceedings against Abdullah Al-Senussi came to an end on 24 July 2014 when the Appeals Chamber confirmed a decision declaring the case inadmissible before the ICC because it was the subject of domestic proceedings conducted by the competent Libyan authorities.

³ The May 2022 report by the Panel of Experts on Libya detailed 23 incidents of serious violations of international humanitarian law and international human rights law in eight detention facilities under the control of six armed groups since 2015.



59. As mentioned in section (ii), the Team has been able to significantly increase the contact with victims and witnesses and accelerate the collection of evidence in this reporting period. This includes open source investigations and the conduct of a significant number of witness screenings and interviews concerning war crimes and crimes against humanity in detention facilities in different parts of Libya.
60. To support this line of inquiry, the Team has benefitted from the addition of experts in sexual and gender-based crimes. The Office is also contracting forensic experts.
61. Under the current operational and cooperation conditions, the Office anticipates that sufficient evidence will be collected to seek arrest warrants in relation to this line of inquiry within or in advance of the time frame set out in the April 2022 Report.

c. Crimes related to the 2014-2020 operations

62. The Office is in possession of information and evidence connected to crimes allegedly committed by groups associated to the Libyan Arab Armed Forces (“LAAF”) including a significant number of extrajudicial killings, abductions, desecration of bodies, enforced disappearances, hostage taking, sexual violence, pillaging, indiscriminate airstrikes, the use of mines, human rights violations during military trials against civilians and the destruction of property.
63. These crimes have been committed in different parts of Libya from 2014 onwards and include the execution of 41 people by members of the Al-Saiqa brigade, the abduction and disappearance of MP Seham Serghewa, the murder of 36 people in Al Abyar and the crimes committed in Tarhunah in 2019 and 2020, among others. The Office is in possession of video and audio material in relation to a number of these incidents.
64. In the previous Report, it was noted that due to the wide range of serious crimes falling within this line of inquiry, the Office has prioritised specific areas within it.



65. Intensified engagement with victims and witnesses and an increase in investigative activities has supported the collection of witness statements, video and audio material, satellite imagery and relevant open source materials. This line of inquiry has benefited from the allocation of an Arabic-speaking investigator with extensive military expertise.
66. In the course of the Deputy Prosecutor's visit to Libya, forensic evidence collection regarding this line of inquiry was extensively discussed and information obtained regarding the current status of forensic activities in Libya. Priority areas were identified in which further technical assistance could accelerate and improve forensic evidence collection. Following this visit, the Office has coordinated with international partners to find swift and concrete solutions in some of these areas. The Office is seeking to deepen its engagement with Libyan authorities to implement these solutions.
67. On 17 May 2022, after receiving the necessary evidence confirming the death of the former Commander in the Al-Saiqa Brigade Mahmoud Mustafa Busayf Al-Werfalli, the Office sought withdrawal of the arrest warrants against him. On 15 June 2022, Pre-trial Chamber I terminated proceedings against Al-Werfalli. The Office remains committed to seeking accountability for these crimes.

d. Crimes against migrants

68. Those who seek to traffic and exploit migrants and refugees are targeting the most vulnerable members of society, who have no or very little ability to assert their core human rights. As confirmed in the April 2022 Report, the Office's preliminary assessment is that the crimes against migrants in Libya may constitute crimes against humanity and war crimes. It is a collective obligation to ensure that those responsible for such crimes are held accountable.
69. The April 2022 Report's roadmap explained that the Office will continue proactive cooperation with national authorities and regional organisations such as Europol to support domestic efforts to investigate and prosecute crimes allegedly committed against migrants.



70. As set out in sub-section (i) above, in September 2022, the Office took a concrete step in these common efforts by formally joining the Joint Team with Italy, the Netherlands, the United Kingdom, Europol, and Spain to investigate crimes against migrants and refugees in Libya.
71. The Office has been an active member of the Joint Team. It has shared information and evidence including communications of suspects, open source information, witness evidence and it has facilitated contact between partners in the Joint Team and witnesses. The Office attended six Joint Team meetings with investigators and lawyers to exchange latest knowledge and to discuss investigative and arrest strategies, future cases and cooperation. In formally joining the Joint Team, the Office will seek to further accelerate this excellent and productive cooperation.
72. As outlined above, this cooperation has led to the arrest of two suspects in the reporting period and their subsequent extradition to the Netherlands and Italy respectively.

III. CHALLENGES

73. While significant progress has been made in the reporting period, the Office continues to face challenges to the full implementation of activities in relation to the situation in Libya.
74. Ongoing security issues in Libya and the threat of new waves of violence present a continued challenge, which the Office has sought to address through cooperation with Libyan national authorities and United Nations partners.
75. Acceleration in evidence collection and outreach to victims and witnesses has also required an equal increase in essential services including translation, interpretation and analysis, as well as the necessitating increased capacity to support and protect witnesses.
76. With respect to cooperation received from Libyan authorities, the Office welcomes and acknowledges recent steps, including the provision of visas for the Mission of the Deputy Prosecutor in June 2022 and the recent support



provided by the Head of the Presidential Council of Libya, H.E. Mr Mohamed Younis A. Menfi with respect to the visit of the Prosecutor to Libya in November 2022. Despite these highlights of strong cooperation, overall the engagement of the Office with some relevant national authorities has remained challenging.

77. While recent secondments and financial contributions noted above from State Parties have been invaluable to the work of the Office, resource limitations continue to represent a further challenge for the Office's effective discharge of its functions across all situations, including in its ability to collect and analyse evidence in the Libya situation.
78. Recently, the serious budgetary limitations the Office is facing in the last quarter of this year impeded the Libya team's ability to maximise its presence in the region, curtailing some evidence-collection activities and reducing the ability of the Office to interact with identified key witnesses, victims and civil society organisations.
79. The Office therefore welcomes any further assistance which can be provided pursuant to its Note Verbale of 7 March 2022 and also notes the request for additional resources outlined in the Regular Budget presently being considered by the Assembly of States Parties.

IV. LOOKING FORWARD

a. Assessment of medium-term landmarks

80. As set out in this Report, the Office has taken tangible steps towards the completion of the objectives, landmarks and timeframes set out in the April 2022 Report. Collection of evidence in relation to crimes in detention centres and crimes related to military operations in 2014-2020 has been accelerated, along with the legal and factual analysis of evidence in possession of the Office.
81. The involvement of forensic experts in constructing models of important locations and in other forensic activities has been intensified and will be further strengthened.



82. Addressing the specific landmarks outlined in the April 2022 Report:

- **Enhancements in digital evidence storage and processing capacity:** During the reporting period, the Office has begun to deliver on and enhance the in-house technology capabilities of the Office with the support of States contributions to the Trust Fund for Advanced Technology and Specialized Capacity. As part of the Harmony Project, the Office has strengthened the technical foundations of evidence-processing using the Microsoft Azure product suite. This will greatly enhance the ability of the Office to collect, store, analyse, and disclose digital evidence. As a result of these developments, the Office is now in a position to receive and store a significantly greater volume of data than was previously possible.
- **Integration of artificial intelligence and machine-learning tools:** The Office also continues to make progress with the integration of artificial intelligence and machine learning tools to enhance the analysis of documentary, audio, and video evidence in relation to the Libya situation, including automatic transcription and translation of Arabic-language materials.
- **Increase in field presence:** Field presence in the immediate region has been strengthened, and the ability to engage directly with victims and witnesses significantly improved. For the first time, this line of investigation has benefited from a continuous field presence in the region;
- **Development of new arrest warrant applications:** The Office is on track to file arrest warrant applications in relation to priority lines of inquiry within or in advance of set timelines.

b. Updated objectives

83. Based on progress made in the reporting period, the Office has formulated the following updated key priorities for the coming reporting period:

- Continue the process of enhancing digital storage and evidence-processing capacity, artificial intelligence and machine learning;



- Continue to enhance the field presence in the immediate region in order to improve direct engagement with victims / witnesses and civil society organisations;
- Continue to strengthen engagement with Libyan civil society, including through implementation of the Guidelines in documenting international crimes and human rights violations and the establishment of expanded fora for dialogue;
- Increase the number of operational missions to Libya to further strengthen cooperation and investigation;
- File for arrest warrant(s) in priority lines of inquiry and unseal existing arrest warrants;
- Further develop the collection of forensic evidence and strengthen the forensic capacity of partners in Libya;
- Increase the analytical capacity of the team, through digital and technical support and through additional support from analyst assistants;
- Increase the legal capacity of the team, through secondment and recruitment;
- Increase the Team's ability to cooperate with countries, agencies and civil society organisations through recruitment of an international cooperation advisor and a country expert.

84. The Prosecutor will travel to Libya in November 2022 to catalyse further common action towards achievement of the future landmarks outlined above. He will underline that the Office stands ready to take prompt steps in an effort to strengthen cooperation and in particular to increase opportunities for engagement by the Office with affected communities and the Libyan authorities. During this mission, the Prosecutor plans to brief the UN Security Council from



Libya. The Prosecutor hopes that this mission will build on the progress made by the Deputy Prosecutor in her mission of June 2022 and strengthen the basis for greater cooperation between the Office and Libyan authorities.

V. CONCLUSION

85. As outlined above, this reporting period has seen significant progress in the investigation into the situation of Libya. Concrete action has been taken in cooperation with relevant national authorities leading to an acceleration of evidence-collection, the arrest of suspects and a significant deepening of engagement with affected communities, victims groups and civil society organisations.
86. In the coming reporting period, the Office will seek to build on this momentum with the objective of effectively delivering on the promise of accountability made to victims and affected communities through Security Council Resolution 1970 (2011). To do so, the Office requires the cooperation and engagement of all actors and in particular the strong support of the Libyan authorities.
87. This is the message the Prosecutor will provide in his upcoming high-level visit to Libya. Together, through concerted action, there is now an opportunity to more effectively uphold the rights of those who have awaited justice for too long. But this requires a collective approach, with engagement and cooperation from all relevant actors. The Office stands ready to work with the Libyan authorities and all partners in the coming reporting period order to accelerate progress towards justice.