



TWENTY-SEVENTH 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

This is the 27th report of the Office of the Prosecutor further to Resolution 1970 (2011), through which the Council referred the situation in Libya to the Prosecutor of the ICC.

In this reporting period, the Office has continued implementation of its renewed strategy for the situation in Libya, originally outlined in the Twenty-Third Report of the Prosecutor of the International Criminal Court (“ICC or “Court”) to the United Nations Security Council (April 2022 Report), and has sought to set a roadmap for the successful completion of the investigation phase of its activities in relation to this situation by the end of 2025.

This report is divided into two parts. The first part provides an update on the progress made by the Libya Unified Team (the “Team”) since November 2023 across the four key lines of inquiry established under the investigative strategy of the Office, drawing on cooperation with affected communities, civil society organisations, international organisations and States Parties.

The second part, reflected in section IV, provides a roadmap towards completion of the Office's investigative activities in the situation in Libya, based on the progress made to date and reflecting anticipated further progress in the form of applications for warrants of arrest and the potential commencement of trials. This Roadmap is consistent with the renewed strategy of the Office in relation to this situation, originally outlined in the April 2022 Report, and draws on increased field activity, enhanced efforts to secure arrests and strengthened cooperation and outreach with national authorities and civil society organisations (“CSOs”).

As detailed herein, significant landmarks have been achieved in the discharge of the mandate of the Office in the reporting period (November 2023 – May 2024), including:

- Positive progress with respect to the Office’s key lines of inquiry. Throughout this reporting period, the Team undertook over 18 missions in three regions, collecting over 800 items of evidence, including video and audio material,



forensic information, satellite imagery as well as conducting numerous witness screenings and interviews.

- Positive advancements with respect to engagement with Libyan authorities and the conduct of activities in Libya:
 - Deputy Prosecutor Nazhat Shameem Khan conducted a second visit to Libya and Tunisia between 20-25 April 2024. During her visit to Tripoli, Deputy Prosecutor Khan met with the Attorney General of Libya to discuss cooperation, complementarity, arrest strategy and commenced engagement on an eventual completion of investigations in Libya pursuant to Resolution 1970 (2011), as well as an enhanced presence of the Office in Tripoli. Deputy Prosecutor Khan also engaged with victim groups on the Office's work, on completion of the Office's investigations and focus on the judicial phase of its activities in the Situation of Libya, and on the Office's policy on complementarity and cooperation. These meetings were constructive with clear, positive outcomes for continued engagement towards accountability.
 - The Office additionally conducted two visits to Libya. Following a year during which visas were not issued to the Office of the Prosecutor, multiple-entry visas were issued at the end of the last reporting period, and again during the current reporting period. The first visit at the Team level took place in December 2023.
- The Office has accelerated its engagement with other national authorities pursuant to the principle of complementarity, actively contributing to investigations conducted by the domestic law enforcement agencies of eight States Parties into alleged international crimes committed in Libya. The Office continued its strong cooperation with domestic authorities within the Joint Team on crimes affecting migrants.
- The Office has further deepened and extended its engagement with civil society partners:



- In addition to meetings with civil society organisations in Tripoli during her visit, on 25 April 2024, Deputy Prosecutor Khan met with Libyan civil society organisations in Tunis. During this meeting, Deputy Prosecutor Khan underlined the Office's commitment to provide tangible results in the situation in Libya and to continue engagement with civil society organisations. She discussed completion which hinges on deeper engagement with national authorities based on the principles of cooperation and complementarity. Civil society organisations raised important questions and committed to continued engagement on these issues.
- The Team continued its enhanced contact with victims, victims' associations and representatives, and other civil society organisations on the situation in Libya, supported by a regular presence by the Office in the region.
- In November 2023, the Team participated jointly with the ICC Registry in outreach meetings with civil society organisations and human rights defenders who work on the situation in Libya. The aim of the meetings was to explain the work of the ICC and the roles of each organ of the Court, to provide progress updates within the limits of confidentiality, to hear views and concerns, and to answer questions.

These results were achieved amidst ongoing challenges caused by the complex political landscape and security situation in Libya, and the resource constraints faced by the Office as a whole.

Building on the present momentum in its investigations and in its engagement with all stakeholders including Libyan authorities, the Office has developed a roadmap for proposed completion of its investigative activities in relation to the situation in Libya. As detailed in this report, the roadmap envisages the further acceleration of the work of the Office to support the effective and final implementation of the renewed strategy for this situation originally outlined by the Office in April 2022. After consultations



with Libyan authorities, civil society and other stakeholders in the last six months, the Office considers that the realisation of this existing strategy would represent a successful response of the Office to the mandate and ongoing jurisdiction provided by the Council through Resolution 1970 (2011).

As addressed in the Roadmap, this will include applications for additional arrest warrants across several of the priority lines of inquiry outlined in the situation strategy, combined with deepening of efforts with respect to arrest strategy, fugitive tracking and preservation of evidence so as to allow for a successful transition into the judicial phase of its activities prior to the end of 2025. At a minimum, under this Roadmap, the Office wishes to support the commencement of at least one trial before the Court in relation to this situation before the end of 2025, with multiple trials to follow during the judicial phase.

Following completion of the investigation phase in 2025, the Office would not seek additional arrest warrants before the pre-trial Chamber. At this stage it may also be for the Council to consider how they would wish to mark the completion of the investigation phase, including with respect to the reporting requirements of the Office in relation to this situation.

The roadmap also outlines a number of activities beyond 2025 which may be undertaken to secure a longer-term positive legacy of support to Libyan authorities, in line with the new policy of the Office on Complementarity and Cooperation.¹ Under this new policy the Office outlines a “two-track approach”, aiming jointly at results before both ICC and national jurisdictions.

The continued cooperation of the Libyan authorities remains vital in progressing towards completion as outlined in the Roadmap, and in setting the basis for an ongoing relationship with the framework of complementarity. This cooperation is essential as the Office seeks to work with national authorities to carefully assess what has been done and can realistically be achieved domestically.

¹ See OTP Policy on Complementarity and Cooperation, April 2024, available at <https://www.icc-cpi.int/sites/default/files/2024-04/2024-comp-policy-eng.pdf>.



In addition, the Office will continue its engagement with civil society both during the period leading to completion of investigative activities, and subsequently as attention turns more completely to arrest, trials and complementarity efforts. The Office's obligation to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses will also continue beyond any eventual completion date.

In the coming months the Office will continue to seek the partnership of all its stakeholders inside and outside of Libya in order that the acceleration of its work towards completion of investigative activities can be delivered effectively, based on a collective effort to deliver on the ongoing and legitimate expectations of all those affected by Rome Statute crimes.



I. INTRODUCTION

1. Through Resolution 1970 (2011), the Council referred the situation in Libya as of 15 February 2011 to the Prosecutor of the International Criminal Court (“ICC” or “Court”).
2. This is the fourth report since the Prosecutor set out the renewed strategy and Roadmap in relation to the situation in Libya, reflecting the key principles for renewed action, key lines of inquiry, and detailed landmarks against which the effectiveness of its work could be measured.
3. As with the previous three reports, this report provides an update on the progress and developments within each of these areas, outlining the main steps taken in this reporting period (November 2023 – May 2024), the key challenges, and the updated priorities for the next six months. Building on the progress made in the last two years, the report also provides a Roadmap for the completion of the investigation phase of activities by the end of 2025.
4. 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 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

5. In his report to the UNSC of April 2022, the Prosecutor set out the four priority lines of inquiry in the Libya investigation as well as key principles for renewed action in the Libya situation. The key principles for renewed action in the Libya situation were:
 - a) prioritisation of the situation and the allocation of resources to reflect this;



- b) a reinvigorated approach to empowering those impacted by alleged crimes in Libya;
 - c) a fresh approach to engagement with Libyan authorities; and
 - d) the establishment of a proactive policy of cooperation with third States, regional organisations and international partners.
6. The progress in each action point and on key lines of the investigation are set out below. Progress in the investigations is discussed in this report within the limits of confidentiality, as required for the integrity of ongoing criminal investigations and consistent with judicial orders.
- (i) Progress on the key principles for renewed action**
- a. *Ensuring the effective allocation of resources*
7. As a referral from the United Nations Security Council, the Libya situation remains a significant priority for the Office, and will remain so during its accelerated activities towards completion of the investigation phase of its work. Resources will also continue to be needed during the judicial and complementarity phase of activities as outlined in Section IV.
8. As mentioned in the last report, the Office requested increased funds in the Proposed Programme Budget for 2024 to address the identified key strategic risks. Although the Assembly of States Parties recognised the need to provide more support to the Office's activities, the overall resources approved for the regular programme budget remain insufficient to close the capacity gap that still affects the Office. The Office is currently preparing its budget proposal for 2025 and will seek to address structural weaknesses which remain, in particular with respect to field operations' support and suspect tracking. The Office strongly welcomes continued and increased support for its activities, including in the situation in Libya.
9. In addition to the regular budget, the Libya Unified Team has been supported by the deployment of secondments from States Parties and by the use of



contributions to the Trust Fund for Advanced Technology and Specialised Capacity.

10. Enhancing the Office's capacity to investigate financial flows and the proceeds of crime, and to track suspects continues to be a priority. To address this, the Office is currently involved in establishing a Financial Investigations Unit and has also recently conducted dedicated training of its staff on financial investigations, generously provided by the authorities of the UK.

b. Empowering victims, witnesses and affected communities

11. In this reporting period, the Office continued to strengthen its engagement with victims, witnesses and affected communities in recognition of their critical role to the Office's investigations and the investigations of its partners. The Office has put in place a regular interaction and meeting mechanism with civil society partners and victims' associations to ensure that the voices of the victims are properly heard, in particular in relation to the completion of the investigation phase of the Office's work in Libya. As mentioned in past reports, survivors and the families of victims are central to this investigation.
12. The Team focused on fulfilling its obligations to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. It also focused on providing medical and psychological support as needed in the preservation of evidence. Reflecting the priority given by the Office to ensuring effective psychological support, the Office has enhanced its capacity of psycho-social support, deployed across situations including Libya.
13. The Team has engaged extensively with civil society organisations both in and outside the region in the advancement of key lines of inquiry. This includes meetings with civil society organisations that have submitted Article 15 communications with respect to the situation in Libya.
14. Since November 2023, the Team also met with over 25 civil society organisations and human rights defenders to discuss their work and the contributions that



they can provide to the Office's investigations. The Team endeavours to speak to civil society organisations each week. During those meetings, the Office benefits greatly from hearing the aspirations of the victims and civil society to see an end to impunity for international crimes.

15. Civil society organisations have underlined their view of the need for greater visibility of the work of the Office with respect to the concrete results stemming from this situation, and have clearly communicated their expectations to see trials conducted at the ICC and before Libyan courts with respect to the perpetrators of alleged international crimes. The Office notes the concerns expressed by many organisations in relation to the capacity for the Libyan authorities and judiciary to progress investigations and prosecutions in certain cases, and strong concerns regarding restrictions on civil society.
16. In mid-November 2023, the Team participated in an outreach mission together with the ICC Registry in Tunisia. This was an opportunity to meet with civil society actors working on justice and accountability for crimes in Libya. These were both small group meetings and one-on-one meetings that allowed for more direct engagement and discussion on individual interests and challenges. Through the open dialogue, participants were given explanations on the Court's work and could ask questions on issues that affect them. Participants in these meetings also referred to the restrictions on engagement between civil society organisations in Libya and international organisations.
17. During its regular exchanges in the reporting period, the Team engaged with civil society on the Office's completion strategy by the end of 2025. Constructive discussions between civil society and the ICC Prosecutor and the Deputy Prosecutor were also held during the Assembly of States Parties meetings in New York City.
18. Importantly, Deputy Prosecutor Khan met with representatives of civil society in Tripoli and in Tunis during her recent visit. This was yet another opportunity to consult, hear views, and discuss concerns related to accountability efforts for the numerous victims of crime in Libya.



19. It was also an opportunity to explain the Office's policy on complementarity and cooperation. Complementarity is a founding principle of the Rome Statute. The Office's launch of its Policy Paper on Complementarity and Cooperation sets out new ways through which the Office seeks to extend its impact on accountability processes in different situation countries. It is designed to bring the Office closer to communities and help it harness the work of national authorities. Engagement with situation countries ensures that we can collect evidence, understand challenges, and see what is being undertaken at the national level.

c. Strengthening cooperation with Libyan national authorities

20. As underlined in previous reports, cooperation with the Libyan authorities and a greater partnership between the Office and Libya remains a key component of the Office's work in this situation. This was a focus of discussions during the Deputy Prosecutor's recent visit to Libya. A priority for the Office is to open a liaison office in Tripoli to further this cooperation.

21. The Office is pleased to report that cooperation with Libyan authorities increased in important ways in this reporting period.

22. Firstly, the Office has received critical support from His Excellency Ambassador Mr Zeiad S. S. Daghim and members of the Embassy of the State of Libya in The Hague to progress its work, including holding several important meetings with members of the Team, and the issuance of multiple-entry visas twice in the last six months.

23. Secondly, this enhanced cooperation resulted in a meeting with the Attorney General of Libya, Mr Al Sidieg Al Sour. During the Deputy Prosecutor's visit to Libya in April 2024, discussions with authorities were constructive and substantive, and touched upon the Office's vision for potential completion of parts of its investigation, accountability efforts in Libya, arrest strategy and witness protection. Such enhanced presence would offer support to strengthen



accountability in Libya, support engagement with relevant technical authorities in Libya including those involved in forensics and crime scene analysis and support prompt responses to the Office's requests for assistance to progress the Office's investigations and eventual prosecutions.

24. In her meetings, the Deputy Prosecutor elaborated on the proposed Roadmap for completion of the investigation phase and emphasised that the completion plan of the Office hinges upon cooperation by the Libyan authorities. Deputy Prosecutor Khan noted that until the planned completion date, the Office will continue its investigations pursuant to UNSC Resolution 1970 (2011), through which the Council referred the Situation to the Office. Thereafter, the Office intends to move towards judicial proceedings, while continuing to work on arrest strategies, support to national authorities, ensuring it meets its obligations to protect victims and witnesses and engagement with national authorities.
25. Deputy Prosecutor Khan further discussed efforts to improve complementarity and cooperation with Libyan authorities to promote accountability. The Deputy Prosecutor said the ICC would pursue cases itself while supporting national accountability efforts, drawing on the anticipated establishment of an OTP office in Tripoli.
26. The Team intends to return to Libya several more times in the next reporting period to continue concrete discussions towards accountability for crimes in Libya.

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

27. The Office has continued to engage extensively with third States, and international and regional organisations, to support its investigative and prosecutorial activities in relation to the Libya situation, advance its four key lines of inquiry and ensure effective implementation of the principle of complementarity. As outlined below, such engagement and partnership are



intended to continue beyond the completion of the investigation phase in this situation.

28. During this reporting period, the Office has continued to directly support eight national law enforcement agencies, by sharing information and evidence. It has also continued to execute Requests for Assistance sent to the Office through which States seek to progress their own investigations. Pursuant to this collaborative approach, the Team undertook joint interviews with national authorities, held regular meetings with domestic partners and agencies, and shared knowledge, networks and information in line with the cooperation framework of the Rome Statute. The newly appointed International Cooperation Advisor to the Team conducted missions to third countries to strengthen judicial cooperation and further progress in the Office's work.
29. The Team has received active support from States and organisations including UNSMIL, Europol, Eurojust, and at least eight national law enforcement and prosecutorial authorities. The Office wishes to thank these States and organisations for their support to the Office's investigations during this reporting period.
30. The Office continued to work actively in this reporting period with the Joint Team investigating crimes against migrants on the Central Mediterranean Route, which the Office formally joined in 2022. This cooperation included completion of several investigative missions and weekly information-sharing meetings with these key partners to ensure that its work progresses expeditiously. A strategic-level meeting of the Joint Team partners was held in December 2023, bringing together the senior leadership of members and partners. The strategic-level meeting was followed by an expert-level meeting at the ICC in March 2024 with law enforcement and prosecutorial authorities to share investigative and legal progress updates, challenges encountered and to harness collective efforts to reach outcomes.
31. The Team has continued to focus its attention on how engagement with national authorities can be used to ensure that interviews are conducted in a manner that



avoids the need for duplicative work which may result in re-traumatisation of victims.

32. The Team will continue to focus its efforts on accountability; not only through ICC prosecutions but also through its focus on prosecutions at the national level both in Libya and in other States. The Office continues its engagement with the Libyan authorities and other stakeholders on its key lines of inquiry to increase its ability to interface with, and support, efforts of other criminal jurisdictions and accountability actors.

(ii) Progress in the investigation

33. As outlined in previous reports, the Office is engaged in four key lines of inquiry in the Libyan situation, namely: (a) 2011 violence; (b) crimes in detention facilities; (c) crimes related to the 2014-2020 operations; and (d) crimes against migrants. The Office has advanced in these priority lines of inquiry and will continue to do so to ensure that continued progress in each of these priority lines before the end of 2025.
34. The Office undertook over 18 missions, supporting the collection of over 800 items of evidence, including video and audio material, medical and forensic information and satellite imagery. Over 16 interviews were conducted, mostly in person and some remote, with over 15 witnesses screened and assessed in relation to key lines of inquiry.
35. In the course of its investigation, the Office has taken the accounts of a broad range of individuals, from victims to experts and persons of interest from all parts of Libya to establish the truth and to build strong cases. The Office has collected statements and received information from many different sources which it reviews, assesses and includes in the investigation.



36. During the reporting period, the Office received 28 communications related to the Libya situation through OTPLink,² a publicly accessible portal designed for the streamlined submission of Article 15 communications. This portal allows the Team to receive multiple communications relevant to the situation in Libya from victims, witnesses, affected communities, civil society and from groups involved in the conflict.

a. 2011 violence

37. As noted in past reports, 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. The Office issued four public arrest warrants in relation to these crimes. At present, there is one outstanding public arrest warrant in relation to this investigation, namely the arrest warrant against Saif Al-Islam Gaddafi.

38. The Office continues to explore opportunities for arrest and prosecution in relation to this line of inquiry. The Office is not pursuing new lines of investigation in relation to this priority.

b. Detention facilities

39. Addressing impunity for Rome Statute crimes committed against Libyans and non-Libyans in detention centres in Libya continues to be a priority for the Office. The Team has accelerated its activity in this line of investigation and expects to achieve important outcomes within the next reporting period.

40. During this reporting period, the Office significantly strengthened its collection and analysis of evidence in relation to the commission of a range crimes

² <https://otplink.icc-cpi.int/>



committed at detention centres across the country under the responsibility of many different groups and authorities. The Team collected over 30 screenings and witness statements, as well as medical records, photographs and videos relevant to this line of inquiry.

41. In this part of the investigation, the Team continued to draw on enhanced forensic medical capacity recently established in the Office to support the assessment of injuries allegedly inflicted on victims. For all interviews conducted, Team investigators have been assisted by psycho-social support. In this particular investigation, the Team provides significant support to witnesses on security and medical/psycho-social assistance, including with the help of domestic authorities.

c. Crimes related to the 2014-2020 operations

42. The Office remains committed to seeking accountability for the crimes committed during the 2014-2020 operations. In pursuit of this, the Office has continued to strengthen its investigation and gather, analyse, and assess evidence related to these crimes including alleged extrajudicial killings, abductions, desecration of bodies, enforced disappearance such as in the case of Member of Parliament Seham Sergewa, forced displacement of thousands of persons from places including Sirte, Benghazi, Derna, Murzuq and Sabha, hostage taking, sexual violence, pillaging indiscriminate airstrikes, the use of mines, and the destruction of property including allegedly by the Libyan National Army in this time frame during two military operations. The Office notes the killing of former Minister of Defence Mr Al Mahdi Al Barghathi and others, as well as killings at Al Abyar.
43. The Team is assessing the sufficiency of evidence to apply for arrest warrants in the coming year. As confirmed in the November 2023 Report, the Office has made considerable progress in parts of this line of inquiry which has been made possible, in particular, through the extensive support and engagement of survivors and their family members, witnesses and civil society organisations.



In this reporting period, the Office also continued to take a significant number of witness statements and screenings to progress this line of inquiry.

44. Reflecting its continued commitment to support the delivery of justice at the national level, the Office has also provided assistance to one national law enforcement and prosecutorial authority in its domestic proceedings in relation to this line of inquiry during the reporting period.
45. The Office continues to request the cooperation of the State of Libya and other third States to advance its investigations through information sharing and facilitating the Office's conduct of operational missions.

d. Crimes against migrants

46. In Libya, impunity for crimes against migrants remains a concern for the Office. The Office recalls Resolution 1970 (2011) and underlines the importance of full cooperation and assistance in conducting its investigative activities, by States and concerned regional and other international organisations.
47. The Office also recalls Resolutions 2647 (2022) and 2702 (2023) of the Security Council "*further expressing grave concern about the smuggling of migrants and refugees and trafficking through Libya, and at the situation faced by the migrants, and refugees, including arbitrary detention, ill-treatment and their exposure to sexual and gender-based violence*". Resolution 2698 (2023) of the Security Council emphasises "*that migrants, including asylum seekers and regardless of their migration status, should be treated with humanity and dignity and their rights should be fully respected [...] reaffirming the necessity to put an end to the ongoing proliferation of, and endangerment of lives, by smuggling of migrants and trafficking of persons in the Mediterranean Sea off the coast of Libya [...]*"
48. On 22 March 2024, the IOM reported on the alarming discovery of a mass grave in Southwest Libya from which a Team of forensic experts of the Criminal Investigation Agency of the Department of Laboratories and Forensic Evidence exhumed 65 unidentified bodies of migrants. No further information has been



disclosed on the circumstances, cause or manner of their death. The IOM reports that it is nonetheless believed that they died in the process of being smuggled through the desert. The Office joins the IOM in recognising the need for authorities along the smuggling route to enhance regional cooperation to ensure the safety and protection of migrants regardless of their status and on all legs of their journey.

49. In this reporting period, the Office continued to advance and strengthen the investigation of crimes against migrants. It did so through its own accelerated independent investigations, and through its partnership and intensified cooperation with the investigations and analysis activities of members of the Joint Team. Through weekly in-person meetings and remote exchanges at the operational level with members of the Joint Team, the Office continued to actively pursue future cases. During these meetings, experts, analysts and law enforcement discussed the state of play in their investigations and operations.
50. Since November 2023, these regular meetings have helped to coordinate, assess and divide the investigative and analytical work amongst partners. By combining common efforts, the Office and domestic partners work as efficiently and swiftly as possible, building on each other's work, preventing duplication of activities and ensuring vulnerable victims are not re-traumatised from multiple interviews. As a current priority, the Office is presently working with domestic authorities in the joint analysis of hundreds of statements in support of the Office's investigation.
51. In December 2023, two important meetings were held to align our work. The Joint Team held a Strategic Meeting wherein partners and Europol signed an extension to the Joint Team agreement, acknowledging that such investigations require long-term commitment and investment to build on a solid foundation. The Office reiterated its commitment to the Joint Team and will continue this line of investigation following the envisaged completion the investigation phase in the situation in Libya. Also in December 2023, law enforcement and prosecutors from The Netherlands and the Team met to frame focused investigations and intensified cooperation.



52. An expert level meeting was held on 6 March 2024 to advance the investigations, to progress to preliminary judicial phases.
53. On 16 April 2024, Dutch public prosecutors made submissions in the proceedings against an alleged Eritrean smuggler who is in custody in the Netherlands. A second Eritrean alleged smuggler is currently detained in the United Arab Emirates awaiting extradition to the Netherlands. Both men are accused of, *inter alia*, participating in a criminal organisation that was involved in human smuggling, hostage-taking, extortion and violence including sexual violence. These investigations have been carried out in collaboration with the Royal Netherlands Marechaussee, Italy, the ICC, Europol and Interpol.
54. As reported previously and as part of its engagement with national authorities with respect to crimes against migrants, the Office transmitted requests for assistance to five countries, including requesting large volumes of specific information and evidence, in particular digital evidence. The Team will use its renewed technological infrastructure to translate and analyse this information. The Team received information and assistance from three countries in this line of inquiry.
55. During the reporting period, the Team was able to collect over 10 screenings and statements relevant to this line of inquiry, some jointly with domestic partners, and with the support of psycho-social experts.
56. The Office was able to meet and connect with witnesses and civil society organisations in five different countries in Europe and Africa. This included over 25 civil society organisations who are engaged in a wide spectrum of activities. The Office acknowledges their role and their efforts to seek justice for victims of crimes against migrants, and the thoroughness of their research and documentation.



57. As with the last reporting period, the accounts from migrant victims of crimes consistently portray systematic patterns of violence and alleged acts of rape, beatings, torture and cruel treatment during their journey. These include accounts of children in warehouses and detention centres and the accounts of male migrants forced to take part in hostilities while under the control of militias. Almost all victims suffered beatings and torture, some of whom died due to starvation or succumbed to their injuries. Other forms of evidence corroborate these accounts.
58. To support its activities, including within the Joint Team, the Office is looking to reinforce its legal expertise in this part of the investigation in the next reporting period.

III. PROGRESS ASSESSMENT AND CHALLENGES

59. As reflected above, during this reporting period the Office has continued to make progress across the key benchmarks set in its last Report. In this section it provides a brief overview of the assessment of its work against those benchmarks, as well as a summary of ongoing challenges faced in the implementation of the mandate provided by the Council. Collectively, these set the context for the presentation of the Roadmap for completion of the investigation phase of its activities as outlined in section IV.

(i) Assessment of objectives over reporting period

- **Accelerate activities with a view to finalising investigative activities across a number of lines of inquiry in upcoming reporting periods:** This benchmark has been partially met and will continue with progress into the next reporting periods under the proposed Roadmap.
- **Strengthen cooperation with States, including Libya, to support the development and presentation of additional cases at both the domestic and international level, in line with the principle of complementarity:** This



benchmark has been met during the reporting period, with significant progress made in cooperation. The Office collaborated with a number of States to progress accountability in national jurisdictions and also at the ICC. The Office has obtained visas to enter Libya in this reporting period and the next reporting period and undertook two visits to Libya in December 2023 and April 2024. The Office was able to meet with Libyan authorities to discuss its work, avenues for cooperation and the provision of support. This remains an ongoing benchmark, and one that the Office will continue to prioritise in the Roadmap for completion of the investigation phase and beyond.

- **Continue to strengthen engagement with civil society:** This benchmark has been met, including through engagements in Tripoli and Tunis by the Team and the Deputy Prosecutor, as well as a joint outreach mission with the ICC Registry to engage with Libyan civil society. The Office emphasises the difficulties of engaging with Libyan civil society due to the current legal situation in Libya with respect to such interactions.
- **Further strengthen the collection of forensic evidence, harnessing the forensic capacity of partners in and outside Libya. This will include at least one technical mission to Libya to support collection and analysis of forensic evidence by domestic authorities:** This objective was partially met. The Office deployed a forensic expert to Libya in December 2023. The expert was not able to meet with Libyan authorities or forensic experts during this visit but was able to obtain information and provide expertise to UN and EU agencies and to the diplomatic community. Such meetings will be prioritised in the Team's next visit to Libya. The Team benefits from the expertise of a clinical medical forensic doctor to support the Libya investigation.
- **File for arrest warrant(s) in priority lines of inquiry:** The Office continues to strive to apply for additional arrest warrants in relation to the Libya situation. As referenced above and presented in section IV, it has also now moved to the stage of completion of the investigation phase in key lines of inquiry, reflecting progress in investigative activities.



- **Further develop artificial intelligence and machine learning of the Office in support of the Libya investigation, with the Team able to draw on video and audio assets more effectively as part of investigative and analytical activities:** This benchmark has been partially met. Since the last reporting period during which the Team successfully transitioned our evidence-holding process to the Office's advanced cloud-based evidence management system, the Team have focused on improvements in machine translation, image analysis, and video and audio analysis. The Office is now assimilating these functionalities into its daily investigative and analytical activities.
- **Strengthen resources across the Team in order to ensure that the above deliverables can be met.** The Office needs additional support to meet this benchmark in view of overall resource limitations, as outlined in the annual OTP budget submissions before the ICC ASP.

(ii) Key Challenges

60. Security issues remain one of the main challenges to the work of the Office in the Libya investigation. Recent reported armed clashes in and around Tripoli between judicial police and another armed group is a sign of the fragile security situation. Law enforcement agencies continue to struggle in their work vis-à-vis existing militias. The announced attempt by the Libyan government in February 2024 to have specific militias vacate security positions on Tripoli's roads, public spaces and State institutions has not yet been fully implemented. Some reports claim that this pledge will remain difficult to execute for the near future.
61. The Office notes the recent report of the former Special Representative of the Secretary-General ("SRSG") Abdoulaye Bathily to the Security Council on 16 April 2024, and the serious concerns he raised with respect to contested issues on electoral laws and the formation of a unified government, ongoing criminality by security forces with impunity throughout Libya, and significant threats that pose risks to the civilian population amidst growing tensions and armed clashes. The Office takes note of reports by the UN and civil society



organisations on the challenges faced by the Libyan judiciary. The Office wishes to thank SRSG Bathily for his support to its mission during his tenure.

62. In previous reports, the Office set out clear metrics for successful cooperation with the Libyan authorities. It remains imperative that the Office have open communication lines with the Libyan authorities and timely responses to support our work as mandated by Resolution 1970 (2011).
63. As referenced above however, in this reporting period, important strides have been made with two visits to Libya and constructive engagement with authorities on a range of matters this month. As an important step, the Libyan authorities have issued multiple entry visas to a number of members of the Office for six months, which will enhance our work into the next reporting period.
64. The Office welcomes future engagement by the Libyan authorities to work towards our joint goal of accountability for crimes committed across Libya. As reflected above, recent engagements indicate that a more positive trajectory may be anticipated in the coming reporting period.
65. As also referenced above, the availability of core resources remains a challenge to the Office in the fulfilment of its activities in this situation in Libya and other situations. The Office will continue working towards strengthening its resources to ensure that its deliverables are met. The Office hopes that its request for additional resources for 2025 will be met in order to allow it to fulfil its expected deliverables in respect of the Libya situation and to move towards a successful fulfilment of the mandate provided through Resolution 1970 (2011).



IV. LOOKING FORWARD – A Roadmap for completion of the investigation phase in the situation in Libya

(i) *Context: Progress made and the imperative for completion*

66. Since the Council referred the situation in Libya to the ICC through Resolution 1970 (2011), the Office has been committed to holding perpetrators to account for crimes under its jurisdiction, in cooperation with all partners.
67. Following that referral, the Office, and the Court more broadly, has taken some significant steps towards accountability for these crimes. While some of these concrete actions may be reported publicly, other elements cannot be included in the reports of the Office. The visibility of the Court's progress must be balanced against the paramount obligation to witnesses under the Rome Statute to protect their safety, physical and psychological well-being, dignity and privacy. As a result, a strict level of confidentiality must be maintained around certain results.
68. The Office can however confirm that there has been a significant increase in momentum in its investigation since the establishment of the renewed strategy in 2022, and that key benchmarks in priority lines of inquiry have been realised.
69. As we take stock of progress made and set a roadmap for completion, it is also recognised that crimes under the Court's jurisdiction that are sufficiently linked to the situation of crisis in 2011 continue to be committed.
70. The Office cannot however realistically investigate and prosecute every criminal incident in Libya falling within its jurisdiction; nor is it its role to do so. Its role – and its challenge – is to ensure that the most serious crimes do not go unpunished and that any investigation and prosecution represents, as far as possible, the true extent of criminality in the Libya situation.
71. When selecting priority incidents for investigation, the Office considers factors such as the gravity of the crimes, the level of responsibility of the perpetrators, a representation of crimes that reflect the true extent of criminality, the



availability of credible evidence, investigative opportunities, international cooperation and judicial assistance in support of its investigations, security, feasibility of arrest and the interests of justice.

72. Drawing on these criteria for action, the renewed investigative strategy articulated by the Office in the April 2022 Report set out the priority lines of inquiry and baseline measure of success for the Office. This strategy contained the Office's assessment of the most viable selection of incidents to investigate. As reflected below, the consultation process undertaken by the Office has confirmed that this assessment as to the priority areas requiring investigative action remains valid.
73. While implementing this renewed strategy, the Prosecutor also underlined in his reports and briefings to the Council his clear view that the Office must demonstrate a willingness and capacity to successfully conclude investigative activities in relation to the mandate provided by the Council through Resolution 1970 (2011). As the Prosecutor has repeatedly stated to the Council in the context of both referrals made to the Office to date, they cannot be viewed as never-ending stories. They should be addressed with urgency and focus with a view to realising the ongoing mandate set by the Council.
74. This clear intention of the Office to move towards the completion of the investigation phase of its work in the situation in Libya is also underpinned by a broader policy approach reflected in its Strategic Plan for 2023 – 2025³. As part of this renewed strategic approach, the Office has expressed its wish to narrow and deepen the number of ongoing investigations undertaken by the Office, allowing it to focus resources on a more defined number of situations and thereby set a platform for delivering deeper impact in such situations at the speed of relevance.
75. This policy approach has also been expressed and implemented over the last 18 months through the announcement of the conclusion of the investigation phase

³ <https://www.icc-cpi.int/news/office-prosecutor-strategic-plan-2023-2025>



in relation to the situations in Central African Republic⁴, Georgia⁵, Uganda⁶ and Kenya⁷.

76. The approach outlined in the below Roadmap for conclusion of the investigation phase in the situation in Libya therefore reflects a further step in the implementation of this overarching strategic approach of the Office, while ensuring a clear path is set to a successful completion of the mandate provided by the Council in a manner that can be considered to vindicate the rights of those affected by Rome Statute Crimes.

(ii) *A collective process: Development of the roadmap for completion of the investigation phase*

77. The Office recognises that there are a wide range of stakeholders with a legitimate stake in the successful realisation of the mandate provided through Resolution 1970 (2011), as well as the assessment as to whether the Office has delivered on the legitimate expectations of victims and survivors.

78. Reflecting this, the Office has engaged with all key partners over the last six months in order to develop this initial Roadmap for conclusion of the investigation phase. This has included dedicated discussions with civil society, Libyan authorities, national authorities and all members of the Security Council.

79. With respect to national authorities, the two official visits of the Office to Libya, and in particular the visit of Deputy Prosecutor Khan to Tripoli in April 2024, have provided the occasion for in-depth consideration of the implications and opportunities that the conclusion of the investigation phase may bring. As

⁴ <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation-0>

⁵ <https://www.icc-cpi.int/news/prosecutor-international-criminal-court-karim-aa-khan-kc-announces-conclusion-investigation>

⁶ <https://www.icc-cpi.int/news/statement-prosecutor-international-criminal-court-karim-aa-khan-kc-announcing-his-decision>

⁷ <https://www.icc-cpi.int/news/statement-icc-deputy-prosecutor-nazhat-shameem-khan-announcing-her-decision-conclude>



reflected above, the meeting between Deputy Prosecutor Khan and His Excellency the Attorney General of Libya was of particular importance in this regard, addressing cooperation with respect to ongoing investigations and potential prosecutions, as well as, crucially, consideration of the support that the Office may provide to Libyan authorities. The Office has also engaged with the Embassy of Libya in The Hague as part of the development of this Roadmap.

80. As part of its engagement with Libyan authorities, the Office has received indication both of their positive disposition to the completion of the investigation phase of its work in this situation, but also a willingness to discuss engagement with the Office beyond this phase in the context of complementarity activities.
81. In addition to its productive engagement with Libyan authorities, the Office has also consulted national authorities from those States with which it is presently engaged in extensive cooperation in the context of the Joint Team on crimes against migrants in Libya. In those engagements the Office has underlined its commitment to continue to actively support the Joint Team beyond 2025. This position is reflected both in the proposed actions leading to the anticipated conclusion of the investigation phase in 2025 and in complementarity activities planned to continue beyond that timeframe.
82. The Office has also engaged with its civil society partners as a basis for the development of this Roadmap, both inside and outside of Libya. This has included a meeting of Deputy Prosecutor Khan with relevant civil society and victims' groups in both Tripoli and Tunis in April, as well as ongoing engagements by the Team with its civil society partners, both virtually and in-person. As part of those discussions, the Office has also outlined how the Roadmap relates to the recently launched policy of the Office with respect to Complementarity and Cooperation⁸. In these meetings, civil society partners have been clear in their view that they would wish the Office to continue its investigative and prosecutorial work in relation to this situation beyond 2025,

⁸ <https://www.icc-cpi.int/news/policy-complementarity-and-cooperation-2024>



while the Office emphasised that it believes it can realise significant achievements within the timeframe for completion set out in the Roadmap.

83. The Office has also sought to engage with the Council in advance of the presentation of the Roadmap, providing an overview of the key considerations being taken into account as part of its development and highlighting the issues for potential consideration by the Council upon the anticipated completion of the investigation phase in December 2025.

84. The Office would like to extend its appreciation to all those actors that have contributed to these productive discussions in the last six months.

(iii) *Actions under the Roadmap for Completion of the Investigation phase: May 2024 - December 2025*

85. The process of consultation undertaken by the Office has allowed for the development of a clear plan of action up to the end of 2025 for successful conclusion of the investigation phase of its work in relation to the situation in Libya.

86. Based on these engagements, and as a basis for action in the coming months, the Office considers that the full realisation of its existing strategy, across its four key lines of inquiry, would represent a successful and final response of the Office to the mandate and ongoing jurisdiction provided by the Council through Resolution 1970 (2011). The successful completion of action across these four lines of inquiry therefore sets the framework for the Roadmap.

87. The Office, operating under the 'two-track approach' outlined in its Complementarity and Cooperation policy, intends over the next 18 months to accelerate investigative activities in order to support the application for additional arrest warrants before the ICC and deliver tangible action within national jurisdictions in relation to the following lines of inquiry:

- Crimes committed in detention facilities;



- Crimes related to the 2014 – 2020 operations;
- Crimes against migrants.

88. Based on current momentum in investigations and anticipated further collection of relevant evidence, the Office believes it will be in a position to present applications for multiple additional arrest warrants across these lines of inquiry in the period leading to the end of 2025, as well as support prosecutions in domestic courts. The Office considers the issuance of multiple further arrest warrants, based on applications it makes in the coming period, to represent one of the baseline criteria for successful completion of the investigation phase.
89. In order to reach these deliverables, the Office will be required to further accelerate its investigations through to the end of 2025. The completion of this Roadmap therefore does not represent a gradual decrease in activity but a re-intensification of investigative effort in order to reach a successful conclusion in the implementation of its mandate.
90. As referenced above, and in line with previous reports, the Office is not pursuing new lines of investigation with respect to 2011 violence in Libya. Activities in the coming period in relation to this priority will focus on tracking and arrest activities, drawing on continued assessment of evidence collected to date.
91. In parallel with these activities, the Office will also place increased emphasis on fugitive tracking, financial investigations, and arrest strategies in order to build progress towards successful prosecution and trials and set a basis for further action in this regarding during the judicial and complementarity phase outlined below. The Office recognises that the ultimate assessment of its results in this situation must be based on action in the courtroom, both within the context of domestic action, but also, crucially, at the International Criminal Court itself.
92. The Office therefore considers the conduct of proceedings before the Court in relation to the situation in Libya prior to the end of 2025 as a further baseline criterion for success under the Roadmap.



93. Pursuant to its new Complementary and Cooperation policy paper, the Office will also continue its efforts to support domestic authorities in all lines of inquiry, including in the investigation of crimes committed against migrants along the Central Mediterranean Route through its continued partnership in the work of the Joint Team.
94. While taking forward its independent investigations during this phase, the Office will also continue to seek to deepen its collaboration with Libyan authorities, and in particular identify areas in which it can provide technical support to their work. As referenced above, positive discussions were held in this regard during the visit of Deputy Prosecutor Nazhat Shameem Khan to Libya in April. To support these complementarity activities, the Office is continuing work to establish an in-country office in Tripoli. This will remain a priority in the coming months.
95. The Office emphasises that cooperation and complementarity are key to this progress and to achieve accountability. A level of accountability may be possible if the Libyan judicial system is supported. The Office, however, notes that some criminality and some perpetrator groups remain outside the prosecutorial reach of competent Libyan authorities.
96. At the conclusion of the investigation phase in relation to the situation in Libya, the Office will confirm that it has completed core investigations across the four key lines of inquiry outlined above. This will mean that the Office will no longer seek to present applications for arrest warrants beyond this point.
97. At this stage, the Council may wish to consider appropriate action to reflect completion of the investigation phase, including consideration of the reporting requirements of the Office as it moves into a judicial phase of its work and the implementation of complementarity activities in partnership with Libya and other national authorities.



(iv) *Actions following Completion of the Investigation phase: Judicial and Complementarity Phase*

98. The completion of the investigation phase in relation the situation in Libya will represent a landmark moment in the relationship between the Office and the Security Council.
99. There will however be an ongoing need for activity by the Office in relation to the situation in Libya beyond the end of 2025 in order to ensure it is trial-ready in relation to all arrest warrants issued by the pre-trial Chamber during the investigation phase. This will require continued efforts by the Office to preserve evidence and build a basis for arrests and successful prosecutions across the four priority lines of inquiry outlined above.
100. During the judicial phase of activities, the Office would intend to ensure the prosecution of multiple individuals, across the key lines of inquiry outlined under the renewed investigative strategy and this Roadmap.
101. In parallel, based on consultations with key stakeholders in this period of consultation, the Office will also continue to develop and implement complementarity activities with relevant national authorities, including Libyan authorities. Such activities will be conducted in line with the new policy of the Office in relation to Complementarity and Cooperation, and also reflect existing practice in relation to situations addressed by the Office that have already moved from the investigation phase to the judicial and complementarity phase, such as the Central African Republic.
102. These ongoing complementarity activities will include continued engagement with the Joint Team on crimes committed against migrants. The Office remains strongly committed to this partnership.
103. The Office stresses that after 2025, Libya will remain under a duty to cooperate with the Court as mandated in Resolution 1970 (2011) as the Office's work in



relation to arrest strategy, fugitive tracking, preservation of evidence, prosecutions and trials at the ICC continues after this date.

V. CONCLUSION

104. This reporting period has seen continued progress in the investigation into the situation in Libya and further steps to deliver on the principles and objectives set out in the renewed strategy outlined by the Prosecutor in April 2022. The Office remains committed to implementation of this strategy as a basis for effective implementation of its mandate set by the Council in relation to the situation in Libya, in particular as the Office now looks towards completion of the investigation phase by the end of 2025.
105. Investigative activities have moved to an advanced stage across a number of key lines of inquiry. For a number of its lines of investigation, the Office is already moving towards completion of the investigation phase and focusing its resources on arrest and prosecution.
106. As the Office seeks to further consolidate and accelerate this progress in the coming reporting period, it will draw on the continued innovations being introduced in its analytical and technological framework, while also seeking to further deepen its collaboration and cooperation with all relevant actors including survivor groups, States, civil society and international and regional organisations.
107. In light of the renewed commitment of relevant Libyan authorities to facilitate the Office's access to Libya, notably through issuance of multi-entry visas, the Office expects to be able to accelerate cooperation in Libya in the coming reporting period. This will include advancing work towards an enhanced field presence in Tripoli to continue strengthening the agreed cooperation and complementarity activities of the Office, and deepen its engagement with Libyan authorities, survivors, and the families of victims.

COUR PÉNALE INTERNATIONALE

LE BUREAU
DU PROCUREUR



INTERNATIONAL CRIMINAL COURT

THE OFFICE OF
THE PROSECUTOR

108. Establishing such a presence will be of particular value and relevance as the Office accelerates its work to implement the Roadmap for completion of the investigation phase in Libya in the coming 18 months.