



## TWENTY-EIGHTH 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 28<sup>th</sup> 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 International Criminal Court (“ICC or “Court”).

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 ICC to the United Nations Security Council (April 2022 Report). The implementation of this strategy is now centred on the realisation of the Roadmap to complete the investigative phase of the activities of the Office by the end of 2025, and to start the judicial phase of its work, as outlined in its last report (May 2024 Report).

This report provides an update on the progress made by the Libya Unified Team (the “Team”) since May 2024 across the four key lines of inquiry established under the investigative strategy of the Office, drawing on strengthened cooperation and outreach with affected communities, civil society organisations (“CSOs”), international organisations, and both State and non-State Parties.

Drawing on the Roadmap for completion of the investigative phase as a strengthened framework for action with all partners, significant landmarks have been achieved since May 2024, including:

- **Unsealing of 6 warrants of arrest related to crimes that took place in Tarhunah:** On 4 October 2024, Pre-Trial Chamber I unsealed arrest warrants in relation to Abdurahem Khalefa Abdurahem Elshgagi aka Abdurahem Al Kani; Makhlouf Makhlouf Arhoumah Doumah; Abdelbari Ayyad Ramadan Al Shaqaqi; Fathi Faraj Mohamed Salim Al Zinkal; Nasser Muhammad Muftah Daou; and Mohamed Mohamed Al Salheen Salmi.

Through its independent investigations, the Office had collected credible information indicating that Tarhunah residents had been subjected to crimes



amounting to war crimes under the Rome Statute, including murder, outrages upon personal dignity, cruel treatment, torture, sexual violence, and rape. The Office sought these warrants of arrest in 2022 and 2023 for crimes amounting to war crimes. The ICC Pre-Trial Chamber issued the six warrants in April and July 2023. It determined that the evidence presented reasonable grounds to believe that the crimes occurred and that the six suspects bore individual criminal responsibility for the charged crimes. Libyan authorities were notified of the warrants in April 2024. Since then, the Office has been engaging positively with the authorities on its investigations into crimes committed in Tarhunah, on the status of detention and legal proceedings against certain members of the Al Kaniyat armed group who have been arrested in Libya, and on prospects of surrender of suspects to the ICC.

- **Accelerated progress with respect to the Office’s key lines of inquiry:** Investigations in other key lines of inquiry in the Situation in Libya are moving at speed. Throughout this reporting period, the Team undertook over 18 missions in seven States, collecting over 1300 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:**
  - The OTP Libya Unified Team conducted missions to Libya in May and October to further engage with Libyan authorities on completion of the Office’s investigations, to access information in preparation for the judicial phase of its activities in the Situation of Libya, and to advance planning on technical assistance and capacity-building for Libyan law enforcement and judicial sectors, including related to witness protection.
  - Libyan authorities have been supportive with respect to the provision of access by members of the Office, including through the expected issuance of a number of new multiple-entry visas.



- **Strengthened work with other national authorities:** Pursuant to the principle of complementarity, during the reporting period, the Office has actively contributed to investigations conducted by the domestic law enforcement agencies of five State Parties into alleged international crimes committed in Libya. The Office continued its strong cooperation with national authorities within the Joint Team on crimes affecting migrants, including investigations that culminated in the arrest of an alleged Eritrean smuggler who is on trial in the Netherlands and a warrant issued against a second Eritrean alleged smuggler who is awaiting extradition from the United Arab Emirates to the Netherlands.
- **Deepened and extended engagement with civil society partners:** In addition to regular meetings with civil society organisations (CSOs) at the Team level, and with the Deputy Prosecutor and Prosecutor in the field, the Team and senior management of the Office have held a series of periodic meetings with CSOs.

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.

The Office's Roadmap for completion of its investigative activities in relation to the situation in Libya 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.

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. Through this focused work, the Office seeks to ensure the successful transition into the judicial phase of its activities prior to the end of 2025. The Office considers it is on track to meet this objective set in the last report.



At a minimum, the Office also endeavours to commence 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. This is dependent on the arrest and surrender of suspects which is an obligation pursuant to UNSC Resolution 1970 (2011), in relation to which the Office has re-intensified its efforts across situations during the reporting period. The Office also underlines that it will continue post 2025 to support Libyan and other domestic authorities to achieve accountability in accordance with the two-track approach outlined in its policy on Complementarity and Cooperation.

The continued cooperation of the Libyan authorities remains vital in progressing towards the completion of investigative activities as outlined in the Roadmap, and in setting the basis for an ongoing relationship within the framework of complementarity. In this reporting period, this engagement has strengthened and has been positive, while not yet leading to concrete provision of information that may support investigations or the arrest of those subject to arrest warrants. The Office will continue its engagement with Libyan authorities in order to achieve our common goal of achieving enhanced accountability for alleged international crimes committed in Libya.

In addition, the Office will continue to deepen its engagement with civil society, both during the period leading to completion of investigative activities and afterwards, 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.



## I. INTRODUCTION

1. Through Resolution 1970 (2011), the Council referred the situation in Libya as of 15 February 2011 to the Prosecutor of the ICC.

This report outlines the work of the Office in implementation of the Renewed Strategy set out by the Prosecutor 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.

2. As with the previous reports, this report provides an update on the key developments within each of these areas, outlining the main steps taken in this reporting period (May – November 2024), the key challenges, and the updated priorities for the next six months. Focus is placed in particular on key progress made and challenges faced in advancing the Roadmap towards completion of the investigative activities related to the Situation of Libya, as presented in its last report.
3. 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

4. In his April 2022 Report to the United Nations Security Council (“UNSC”), 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.
5. 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.
6. The update on the Prosecutor's Roadmap to complete the investigation phase of its activities is contained in section IV.

**(i) Progress on the key principles for renewed action**

*a. Empowering victims, witnesses and affected communities*

7. As part of this work, the Office has proactively set periodic meetings between CSOs, human rights defenders and victims associations and senior Office management to hear their views and concerns. This is part of the Office's efforts 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. Survivors and the families of victims are central to this investigation.
8. The Team has also continued to engage extensively with CSOs both in and outside the region in the advancement of key lines of inquiry. Since May 2024, the Team has met with over 70 CSOs and human rights defenders to discuss their work and the contributions that they can provide to the Office's investigations.



9. During those discussions, the Office has benefitted greatly from hearing the aspirations of the victims and civil society to see an end to impunity for international crimes. CSOs have expressed a desire for greater visibility of the work of the Office and for concrete results stemming from this situation. This has included a clear demand from the Tarhunah Victims Association for accountability for crimes committed in Tarhunah, at the ICC or in Libya. Other CSOs have clearly communicated their expectation to see trials conducted at the ICC and before Libyan courts with respect to the perpetrators of alleged international crimes.
10. To respond to these expectations, and in line with the policy of the Office on complementarity and cooperation launched in April 2024, the Office has put in place a mechanism for periodic engagement 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 investigative phase of the Office's work in Libya. In September, the Office held a meeting for CSOs and activists where the civil society partners had the opportunity to hold transparent and constructive discussions with Deputy Prosecutor Khan. The Office notes the concerns expressed on the need to enhance the capacity of the Libyan authorities and judiciary to progress investigations and prosecutions in certain cases, and the strong concerns regarding witness protection and restrictions on civil society.
11. Participants in these meetings continued to reference concern regarding the restrictions on engagement between CSOs in Libya and international organisations.
12. In this reporting period, the Team also focused on fulfilling its obligations to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses. It ensured the provision of medical and psychological support 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.





*b. Strengthening cooperation with Libyan national authorities*

13. The Office is able to report that a level of positive cooperation with Libyan authorities continued in this reporting period.
14. 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 Prosecutor's recent meeting with His Excellency Mr Mohamed Younis Al Menfi the President of the Presidential Council and with His Excellency Mr Taher El-Sonni, Libya's Permanent Representative to the United Nations during the UN 79<sup>th</sup> General Assembly, and at positive operational-level meetings with the Libyan focal point to the ICC.
15. The Office continued to receive strong support from the Embassy of the State of Libya to The Netherlands, reflected in the holding of several important meetings with members of the Team. We take this opportunity to extend appreciation to His Excellency President El Menfi and His Excellency Ambassador M. Zeiad S. S. Daghim for their assistance to progress the work of the Office.
16. This enhanced cooperation resulted in three meetings with members of the Attorney General's Office at the operational level to continue concrete discussions towards accountability for crimes in Libya.
17. It remains a priority for the Office to open a liaison office in Tripoli to further this cooperation up to and beyond the end of 2025. 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. Forward movement on this initiative is being sought through



further engagement with Libyan authorities and based on an ongoing assessment of the security situation on the ground.

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

18. 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. Such engagement and partnership will continue beyond the completion of the investigative phase in this situation.
19. The Team's efforts are focused on accountability; not only through ICC prosecutions but also through investigations and 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.
20. During this reporting period, the Office has continued to directly support five 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 held regular meetings with domestic partners and agencies, and shared knowledge, networks and information in line with the cooperation framework of the Rome Statute.
21. The Team has received active support from States and organisations including UNSMIL, Europol, 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.



22. 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 several investigative missions and weekly information-sharing meetings with these key partners to ensure that its work progresses expeditiously. An expert-level meeting of the Joint Team partners was held in October 2024 with law enforcement and prosecutorial authorities to share investigative and legal progress updates, challenges encountered and to harness collective efforts to reach outcomes.
23. The Team continues to ensure that interviews are conducted in a manner that avoids duplicating the work of national authorities and minimises the risk of re-traumatising victims.
- d. Ensuring the effective allocation of resources*
24. As a referral from the United Nations Security Council, the Libya situation continues to be a significant priority for the Office and will remain so during its accelerated activities towards completion of the investigative phase of its work. Resources will also continue to be needed during the judicial and complementarity phase of activities as outlined in section IV.
25. As mentioned in the last report, the Office requested increased funds in the Proposed Programme Budget for 2025 to address the identified key strategic risks. The Committee on Budget and Finance (“CBF”) has completed its review of the Proposed Programme Budget for 2025. However, the overall amount of the reductions currently proposed by the CBF is such that – unless State Parties decide to restore at least part of the initial budget request of the Office there will be limited additional capacity for the OTP to close the existing resource gaps in many of the situations addressed by the Office, including Libya.



26. In addition to the regular budget, the Team has been supported by the deployment of secondments from State Parties and by the use of contributions to the Trust Funds on Advanced Technology and Specialized Capacity.

**(ii) Progress in the investigation**

27. 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 by the end of 2025.

28. In this reporting period, the Office undertook over 18 missions, supporting the collection of over 1300 items of evidence, including video and audio material, medical and forensic information and satellite imagery. Over 14 interviews were conducted and more than 29 witnesses were screened and assessed in relation to key lines of inquiry.

29. In the course of its investigation, the Office has taken the accounts of a broad range of individuals to establish the truth and to build strong cases: victims, experts, and persons of interest from all parts of Libya.

30. In the last six months, the Office has received 15 communications related to the Libya situation through OTPLink,<sup>1</sup> 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.

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<sup>1</sup> <https://otplink.icc-cpi.int/>



*a. 2011 violence*

31. 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.
32. 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. States are reminded of their obligations to cooperate with the ICC pursuant to Resolution 1970 (2011).

*b. Crimes in detention facilities*

33. Addressing impunity for Rome Statute crimes committed against Libyans and non-Libyans in detention centres in Libya is a priority for the Office further to the mandate given to it through UNSC referral. The Team has continued its activity in this line of investigation at an accelerated pace and expects to achieve important outcomes within the next reporting period.
34. During this reporting period, the Office significantly strengthened its collection and analysis of evidence in relation to the commission of a range of crimes committed at detention centres across the country under the responsibility of many different groups and authorities. The Team collected over 29 screenings and witness statements, as well as medical records, photographs, videos relevant to this line of inquiry.



35. The Team is assessing the sufficiency of evidence to apply for arrest warrants in the coming year. For reasons of confidentiality, such applications may not be known to the public immediately.
36. 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*

37. The Office remains committed to seeking accountability for the crimes committed during the 2014-2020 operations.
38. In pursuit of this, in 2022, the Team focused its work on the crimes allegedly committed by the Al Kaniyat militia and affiliates in Tarhunah. The Team intensified its investigation into these incidents and, based on strength of the information it received, the Prosecutor applied for six warrants of arrest in 2022 and 2023. In April and July 2023 respectively, the Pre-Trial Chamber by majority issued six under seal arrest warrants, finding reasonable grounds to believe that the charged crimes took place and that the suspects bear individual criminal responsibility for them. The Office's request to unseal the warrants of arrest was recently granted, which means that they are now publicly available.
39. The suspects against whom ICC warrants have been issued are:
- Abdurahem Khalefa Abdurahem Elshgagi aka Abdurahem Al Kani
  - Makhlof Makhlof Arhoumah Doumah
  - Mohamed Mohamed Al Salheen Salmi
  - Nasser Muhammad Muftah Daou
  - Fathi Faraj Mohamed Salim Al Zinkal



- Abdelbari Ayyad Ramadan Al Shaqaqi.
40. The Office thanks all persons who provided information to establish the truth. Victims have a right to access to justice and to reparations where appropriate. The process of holding perpetrators of grave violations and abuses accountable is therefore a priority for the Office. Through these arrest warrants, the ICC is contributing to the justice process for victims of these crimes.
41. The Office is engaging with the State of Libya and relevant States to execute these arrest warrants and surrender the suspects to the ICC further to UNSC Resolution 1970(2011).
42. All suspects, once apprehended, will continue to be presumed innocent under the Rome Statute and their individual criminal responsibility will be determined by independent judges.
43. The Office has continued to strengthen its investigation and gather, analyse, and assess evidence related to crimes committed during the 2014-2020 operations, including alleged extrajudicial killings, abductions, desecration of bodies, enforced disappearance, forced displacement, 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. Cases of enforced disappearance, such as MP Ibrahim Al- Darsi, were reported during this period, similarly to the previously reported disappearance of MP Siham Sergewa. Cases of arbitrary detention by security agencies were also reported during the last six months. As an example, the arbitrary detention of MP Hasan Al Furjani Salem continues in Mitiga prison despite the request of the Libyan Attorney General for his release.
44. The Office has made considerable additional 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. The Team is assessing the sufficiency of evidence to apply for additional arrest warrants in the coming year.

45. Reflecting its continued commitment to support the delivery of justice at the national level, the Office has also provided assistance to three national law enforcement and prosecutorial authorities in their domestic proceedings in relation to this line of inquiry during the reporting period.
46. 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, and to arrest and surrender suspects to the Court.

*d. Crimes against migrants*

47. In Libya, impunity for crimes against migrants is a continued concern for the Office.
48. The Office recalls UNSC Resolution 1970 (2011) and underlines the importance of full cooperation and assistance to conduct its investigative activities, by States, including Libya, and concerned regional and international organisations.
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 regular in-person meetings and continuous 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 representatives discussed the state of play in their investigations and operations.
50. Since May 2024, 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 numerous statements in support of the Office's investigation.

51. In July 2024, law enforcement and prosecutors from the Netherlands and the Team met to frame their focused investigations and intensified cooperation.
52. An expert level meeting of the Joint Team was held in October 2024 to advance the investigations and to progress to the preliminary judicial phase. While restating the commitment to the principal goal of the Joint Team - ending impunity for the leaders of the violent migrant smuggling networks on the Central Mediterranean Route - the meeting introduced an upgraded vision of investigations and prosecutions conducted across the Joint Team, in particular with regards to financial investigations.
53. The Joint Team's next Strategic Meeting will take place in December 2024, bringing together the senior leadership across Joint Team partners to sign the extension of the Joint Team agreement, discuss strategic goals and vision for the investigation.
54. On 18 September 2024, a hearing was held in the proceedings against an alleged Eritrean smuggler who is in custody in the Netherlands. A second Eritrean alleged smuggler is currently convicted for crimes in the United Arab Emirates and is 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.
55. 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 two countries, including requesting large volumes of specific information and evidence, in particular digital evidence. The Team will use its robust technological infrastructure to translate and analyse this information. The Office utilised responsible AI to accelerate analysis and increased its evidence holdings. The Team continued to receive information and assistance from three countries in this line of inquiry.

56. During the reporting period, the Team was able to collect 14 screenings and statements relevant to this line of inquiry and in support of Joint Team members, with the support of psycho-social experts.
57. The Office was able to meet and connect with witnesses and CSOs in three different countries in Europe and Africa. This included over 25 CSOs who are continuously 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.
58. 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.
59. During the reporting period, the assassination of Milad Al-Bidja, an alleged human trafficker, and the escape of the alleged accused from Libyan custody, highlighted ongoing challenges faced by national authorities in securing the detention of suspects of serious crimes for prosecution.
60. To support its activities, including within the Joint Team, the Office reinforced its capacity with one additional staff member with a law enforcement



background. The Office has completed recruitment and will reinforce its legal expertise in this part of the investigation in the next reporting period.

### III. PROGRESS ASSESSMENT AND CHALLENGES

61. As reflected above, during this reporting period the Office has continued to make progress across the key benchmarks set in its last report. This section 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 benchmarks also advance plan for completion of the investigative phase of its activities as outlined in section IV.

#### 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 met and will continue with progress into the next reporting periods.
- **Strengthen cooperation with States, including Libya and the neighbouring States, 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 terms of cooperation. The Office collaborated with a number of States to progress accountability in national jurisdictions and also at the ICC. The Office expects to obtain new visas to enter Libya in this reporting period and the next reporting period and undertook two visits to Libya in May and October 2024, respectively. The Office was able to meet with Libyan authorities to discuss its work, avenues for cooperation and the provision of support. The Office requested information from the Libyan authorities on the names of arrested suspects who allegedly committed crimes in Tarhunah and is still awaiting a response. In July 2024, in cooperation with CSOs, the Office provided a training to Libyan judges and prosecutors on the



investigation and prosecution of international crimes. Likewise, the Office is currently engaging with different counterparts to organise trainings on forensic investigations to Libyan officials. This remains an ongoing benchmark, and one that the Office will continue to prioritise going forward.

- **Continue to strengthen engagement with civil society:** This benchmark has been met, including through engagements by the Team and the Deputy Prosecutor. The Office emphasises the difficulties faced by civil society in Libya 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 has received a limited number of forensic expert files from Libya. The Team arranged training for Libyan forensic experts on the operation of certain forensic equipment by an external entity.
- **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. Some of its work in past reporting periods (2022-2023) was made public during this reporting period through the unsealing of six warrants of arrest.
- **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. Additional investigators and Arabic language skills were added to the team in this reporting period, including through State secondment. It is anticipated that additional legal resources will be added to the team by the end of 2024.

**(i) Key Challenges**

62. Security issues remain one of the main challenges to the work of the Office in the Libya investigation. During the reporting period, sporadic local clashes along with recurring political upheaval have continued to provide a challenging context for the activities of the Office in this situation.
63. In previous reports, the Office set out clear metrics for successful cooperation with the Libyan authorities. This is reflected in constructive cooperation and dialogue that facilitate the investigation of the Office, supports the Libyan judiciary, and ensures that the Libyan authorities support the execution of the ICC arrest warrants and surrender requests. It remains imperative that the Office has open communication lines with the Libyan authorities and timely responses to support its work as mandated by Resolution 1970 (2011).
64. As referenced above, in this reporting period, important strides have been made with two visits to Libya and constructive engagement with authorities on a range of matters. It is expected that the Libyan authorities will renew the visas for a number of members of the Office, which will enhance our work into the next reporting period.
65. The Office welcomes future engagement by the Libyan authorities to work towards our joint goal of accountability for crimes committed across Libya. While recent engagements indicate a positive trajectory, concrete results are needed and faster response times on the Office's requests.



66. As also referenced above, the availability of core resources remains a challenge to the Office in the fulfilment of its activities in the 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 – Progress on the Roadmap for completion of the investigative phase in the situation in Libya**

##### **(i) Context: Progress made and the imperative for completion of investigative phase**

67. Since the Council referred the situation in Libya to the ICC through Resolution 1970 (2011), the Office remains committed to holding perpetrators to account for crimes under its jurisdiction, in cooperation with all partners and within the scope of the Resolution.

68. Following that referral, the Office and the Court more broadly has taken 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.

69. 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 again following the presentation of the Roadmap for completion of the investigative phase of activities in this Situation. As reflected above, key benchmarks in priority lines of inquiry have been realised.



70. As we take stock of progress made towards completion of the investigative phase, 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.

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 committed in different areas of Libya, 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.

**(ii) Actions under the Roadmap for completion of the investigative phase**

72. As set out in its May 2024 Report, 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.

73. The Office, operating under the ‘two-track approach’ outlined in its Complementarity and Cooperation policy, continues 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 in detention facilities;
- Crimes related to the 2014 – 2020 operations; and
- Crimes against migrants.

74. 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 by the end of 2025, as well as support prosecutions in domestic courts. The



Office considers the issuance of multiple additional arrest warrants, based on applications it makes in the coming period, to represent one of the baseline criteria for successful completion of the investigative phase.

75. 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 the 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. It is also dependent on the cooperation of the Libyan authorities and progress on complementarity efforts.
76. 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.
77. In parallel with these activities, the Office is placing 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 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 ICC itself.
78. The Office therefore considers the conduct of proceedings before the Court in relation to the situation in Libya prior to the end of 2025 and after as a further baseline criteria for success under the Roadmap.
79. While taking forward its independent investigations during this phase, the Office continues to seek to deepen its collaboration with Libyan authorities, and in particular identify areas in which it can provide technical support to their work. To support these complementarity activities, the Office is continuing to work to establish an in-country office in Tripoli. This will remain a priority in





the coming months. The Office has also invited the Attorney General's Office to visit the ICC during the last quarter of 2024 to strengthen cooperation and to familiarise its personnel with the Court and its judicial structures.

80. 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.
81. At the completion of the investigative phase in relation to the situation in Libya, the Office will confirm that it has completed core investigations across the key lines of inquiry outlined above.
82. The Office considers it is on track to successfully implement the roadmap for completion of investigative activities by the end of 2025.

**(iii) Actions following Completion of the Investigative phase: Judicial and Complementarity Phase**

83. As set out in the May 2024 Report, there will be an ongoing need for activity by the Office in relation to the situation in Libya post 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.
84. 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 the Roadmap.
85. In parallel, based on consultations with key stakeholders in this reporting period, the Office will also continue to develop and implement complementarity activities with relevant Libyan and other national authorities.



Such activities will be conducted through a burden sharing approach in line with the new policy of the Office in relation to Complementarity and Cooperation, and also reflects 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.

86. 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.
87. The Office stresses that post 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

88. This reporting period has seen continued progress in the investigation into the situation of 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 the implementation of this strategy as a basis for effective implementation of its mandate set by the UNSC in relation to the situation in Libya, in particular as the Office retains its focus on delivering completion of the investigative phase by the end of 2025.
89. 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 investigative phase and focusing its resources on arrest and prosecution.
90. 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.

91. In light of the renewed commitment of relevant Libyan authorities to facilitate the Office's access to Libya, the Office will continue to engage with Libyan authorities on cooperation and complementarity 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.
92. 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 investigative phase in Libya in the coming 12 months.