



**TWENTY-THIRD 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 Report reflects an extensive exercise of stock-taking conducted by the Office of the Prosecutor in relation to the situation in Libya over the reporting period. It outlines a renewed strategy for action based on a comprehensive assessment of progress achieved to date and continued challenges faced.

Since the referral of the situation to the Prosecutor of the International Criminal Court in 2011, a range of efforts have been undertaken to collect evidence that could lead to meaningful accountability in relation to crimes falling within the jurisdiction of the Court. An initial focus on crimes committed during 2011 and the associated issuance of a series of arrest warrants soon after the referral of the situation has been followed by a diversification of lines of inquiry to reflect the evolving scope of alleged criminal activities falling within the jurisdiction of the Court that have taken place in Libya. This has included an investigative focus on crimes committed in detention centres, crimes committed during the 2014 – 2020 operations, and crimes against migrants. As reflected in the Report, a number of these lines of inquiry are at an advanced stage.

This progress has not been achieved by the Office in isolation. Partnerships with victims and their families, non-governmental organisations and national authorities have been critical in advancing investigative work in this situation. The effective cooperation of third States has also been central to progress made, including significant assistance provided by Tunisia, Italy, The Netherlands, the United Kingdom, Ireland and Europol.

However, in conducting its review of action taken in relation to the Libya situation to date, the Office has also sought to address the challenges it has faced with transparency and realism. Serious challenges have been caused by the ongoing fluid political and security situation in Libya which has had an adverse impact on the ability of investigators to gain regular access to key crime scenes and to engage directly with victims and witnesses in a manner that ensures their safety and security. An inability to allocate sufficient resources to the situation has also been a significant hurdle, reflecting the broader resource pressures faced by the Office across all situations.

Based on the extensive stock-taking exercise undertaken by the Office in this reporting period, a renewed strategy for action in relation to the Libya situation has now been developed.

This reinvigorated approach is founded on a core set of principles aligned with the overall strategic vision of the Prosecutor for the work of the Office. First, prioritisation of the Libya situation and the allocation of resources to reflect this. This core initial principle reflects a broader emphasis placed by the Prosecutor on ensuring that referrals from the United Nations Security Council (“the Council”) pursuant to the Chapter VII of the Charter of the United Nations are prioritised and afforded sufficient staffing and technical capacity.

Second, a reinvigorated approach to empowering those impacted by alleged crimes in Libya to participate in our work by significantly enhancing the ability of the Office to engage on the ground. Third, a fresh approach to engagement with Libyan authorities in order to promote

and support accountability efforts at the national level wherever possible, in line with the principle of complementarity. Finally, the establishment of a proactive and accelerated policy of cooperation with third States, regional organisations and international partners so as to fully exploit all avenues for the use of information and evidence collected by the Team.

Implementation of this renewed strategy in relation to the Libya situation will also draw on the significant enhancements presently being introduced by the Office with respect to its technological capacity. Through the establishment of a new big-data evidence processing and analysis platform supported through voluntary financial contributions made by States Parties, the Office will deploy artificial intelligence and machine learning tools to significantly improve the ability of investigators to draw on evidentiary material contained in the extensive documentary, video and audio files already collected. Complementing these big data services, the Office will also modernise its document review and analysis capabilities, using cloud-based platforms to serve as an end-to-end eDiscovery tool. This will significantly assist the investigative teams, including those addressing the Libya situation, in solving complex analytical challenges during both investigation and litigation phases of work.

Drawing on the renewed investigative strategy and the allocation of additional human and technological resources, the Office presents in this Report a set of immediate investigative actions and key medium-term landmarks which will serve as a framework for action in the Libya situation. This plan of action is presented as a basis for further engagement with all stakeholders in our collective efforts to deliver justice for core international crimes.

The content of this Report reflects a fundamental recognition that victims and their families, and all key stakeholders, deserve clarity as to the overarching objectives of the Office in relation to the Libya situation, including anticipated timelines by which it seeks to deliver identified goals. To meet the expectations of those awaiting justice, and to provide a meaningful answer to the call for action by the Council, our approach must be focused on tangible outputs.

The response of the Office to the referral by the Council cannot be permanently open-ended. Reflecting this, the Office will continue to monitor implementation of this renewed strategy in the coming months with a view to presenting a completion strategy in relation to the situation in subsequent reports.

The Office looks forward to deepening its dialogue with all relevant actors in the coming months based on the renewed strategic approach outlined in this Report.

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. The present Report reflects an extensive exercise undertaken by the Office of the Prosecutor (“the Office”) during the reporting period to take stock of key achievements and reflect on challenges faced in the conduct of investigative activities since the Council’s referral. It sets out the Office’s renewed strategy and roadmap for accountability in the Libya situation, emphasising the need to deliver tangible results for survivors and the families of victims within defined timeframes.
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 be perceived to arise due to his prior participation in ICC proceedings as counsel. In relation to any line of inquiry in which this recusal applies, responsibility for oversight of investigations has been taken by the Deputy Prosecutor.

II. TAKING STOCK: PROGRESS AND CHALLENGES

4. Since 2011, the Office has adopted a two-pronged approach to its lines of inquiry with respect to the situation in Libya. First, in line with the principle of complementarity, the Office has sought to develop a strategy of cooperation and coordination with relevant States in order to support national investigations and prosecutions where possible, on a case-by-case basis. Second, it has sought to take forward its independent investigations with a view to bringing a case before the ICC should the required legal and evidentiary elements be satisfied.
5. With respect to its independent investigations, following the referral of the Libya situation the Office carried out initial investigative activities leading to the issue of arrest warrants related to the 2011 violence. Subsequently, the Office has expanded the focus of evidence-collection activities to reflect the evolving scope of alleged criminal activities that have taken place in Libya falling within the jurisdiction of the Court. This has included, but is not limited to, crimes committed in detention centres, crimes committed during the 2014 – 2020 operations, and crimes against migrants. Some of these investigations are at an advanced stage. As required under the Rome Statute, the Office continues

to investigate both incriminating and exonerating circumstances equally in all lines of inquiry.

6. A more detailed overview of the current status of key lines of inquiry is provided in subsection (i), with an update on recent investigative action undertaken in the last reporting period provided in subsection (ii).
7. During the reporting period, the Office initiated a fresh review of the evidence gathered to date through its investigative work across all lines of inquiry. The Office has collected approximately 50,000 items of potential evidence. These evidentiary items include witness statements, computer hard-drives, intercepted communications, audio and video material addressing key crime scenes and incidents under investigation, photographs, forensic material, third party reports, financial documents, and other open source and social media material. The Office has also collected and monitored national legislative frameworks relevant to areas of investigation.
8. As reflected in previous reports, the collection of evidence to date has led to the issuance of four public unexecuted ICC arrest warrants against three individuals. The Office is seeking confirmation of the reported deaths of two of the subjects of these warrants: Al-Werfalli and Al-Tuhamy Mohamed Khaled.
9. This review of past investigative action has also highlighted that the Office has faced significant challenges with respect to its activities in Libya. These include security factors, cooperation issues due to rapidly shifting political dynamics among national counterparts, and the continued presence of criminal actors and armed groups in many parts of the country. Internal resource limitations have also significantly impacted the pace of investigations. An overview of key contextual factors and challenges impacting investigative activity to date is provided in subsection (iii).
10. In conducting a comprehensive review of the activities it has undertaken to date in relation to the Libya situation, the Office seeks to outline to the Council the key opportunities available to strengthen our collective action in pursuit of justice for all those impacted by Rome Statute crimes in Libya.
11. The Office remains constrained in its ability to provide specific details of its lines of inquiry, targets, collected information, cooperation or investigative steps due to the confidential nature of ongoing criminal investigations and associated security risks, including its responsibilities to witnesses and others who have assisted the office. However, it is hoped that in providing an overview of current progress, challenges and opportunities, we may generate fresh impetus

for cooperation and support of all relevant actors that will be needed to deliver meaningfully on the responsibilities conferred by the Council to the Office eleven years ago upon adoption of resolution 1970 (2011).

(i) Progress in key lines of inquiry

a. 2011 violence

12. The Office has collected credible and extensive information concerning violence committed against demonstrators and opponents of the former Gaddafi regime in 2011, including crimes committed in detention. This resulted in arrest warrants against Muammar Mohammed Abu Minyar Gaddafi, Saif Al-Islam Gaddafi, Abdullah Al-Senussi and Al-Tuhamy Mohamed Khaled.
13. The Pre-Trial Chamber terminated proceedings against Muammar Mohammed Abu Minyar Gaddafi on 22 November 2011 following his death earlier that same month. The ICC proceedings against Abdullah Al-Senussi came to an end on 24 July 2014 when the Appeals Chamber confirmed a decision declaring the case inadmissible before the ICC because it was the subject of domestic proceedings conducted by the competent Libyan authorities. The Office has received reports that Al-Tuhamy Mohamed Khaled is deceased, and is seeking to confirm these reports prior to seeking withdrawal of the arrest warrant against him.
14. On 5 April 2019, the Appeals Chamber rejected Saif Al-Islam Gaddafi's challenge to the admissibility of his case before the ICC. To date, the warrant for his arrest remains unexecuted and outstanding. As referenced above, this matter falls under the purview of the Deputy Prosecutor following the voluntary recusal of the Prosecutor pursuant to article 42(6) of the Rome Statute.

b. Detention facilities

15. The Office has collected substantial and credible information about past and ongoing serious crimes allegedly committed in official and unofficial detention facilities in Libya under the control of different militias, including unlawful detention, murder, torture, rape and other forms of sexual and gender-based crimes.
16. Evidence collected to date indicates that crimes committed are of a potentially significant scale. This is also reflected in the January 2022 report of the UN Secretary-General which stated that "thousands of ...detainees do not appear in official statistics and are held illegally and often in inhumane conditions in facilities held by armed groups, or in 'secret facilities', unable to challenge the

legal basis for their continued detention”.¹ The Office also notes the recent report by the Independent Fact-Finding Mission on Libya of widespread or systematic human rights violations and abuses in places of detention in Libya.²

17. The Office has obtained valuable testimonial accounts regarding the location and structure of key detention facilities as well as details of alleged crimes committed at such sites. The Office is seeking to deploy forensic expertise to recreate a 3D model of prison facilities in which alleged crimes took place. This will be of significant value in further assessing and analysing testimonial evidence collected and in the potential future presentation of evidence before the Court.
18. Communications submitted to the Office pursuant to Article 15 of the Rome Statute have been of significant value to this line of inquiry, including submissions received from credible sources in the last reporting period concerning alleged crimes committed in a prison in the east of Libya, including hostage-taking and torture.
19. Cooperation with third States has also been of significant importance in this line of inquiry, including with respect to financial transactions potentially associated with alleged perpetrators.
20. Through its assessment of work conducted to date, the Office has identified key areas in which additional resources would be of particular value, including further specialised expertise with respect to sexual and gender-based crimes, forensic analysis and digital crime scene reconstruction.

c. Crimes related to the 2014 – 2020 operations

21. The Office has collected a range of evidence connected to crimes allegedly committed by groups associated to the Libyan Arab Armed Forces (“LAAF”), leading to the issuance of warrants of arrest against Mahmoud Al-Werfalli in 2017 and 2018. Further to this line of inquiry, the Office has received a wide range of credible information concerning serious crimes allegedly committed in Tarhuna and Tripoli by forces affiliated with the “LAAF”. These alleged crimes reportedly include killings, abductions, enforced disappearances, pillaging, indiscriminate airstrikes and use of mines and the destruction of property.

¹ United Nations Support Mission in Libya, Report of the Secretary-General, S/2022/31, dated 17 January 2022.

² Report of the Independent Fact-Finding Mission on Libya to the Human Rights Council, A/HRC/49/4, dated 23 March 2022.

22. In support of this line of inquiry, the Office has visited crime scenes in Tripoli and Tarhunah allowing for direct engagement with survivors and the families of victims. Dialogue and coordination with national authorities in Tripoli has also been central to advancing this work and has included engagement with relevant Libyan authorities to ensure the collection of forensic evidence in line with international standards, including through the use of DNA analysis.
23. As part of its investigative activities in this line of inquiry, the Office has engaged with victims groups and non-governmental organisations, obtaining information of direct relevance to key investigative priorities, (including in this reporting period). These engagements have been of particular importance in advancing the Office's understanding of the context in which alleged crimes were committed.
24. Due to resource limitations, the Office has had to prioritise investigations within this line of inquiry in order to focus on criminal activity representative of a broader crime base within Libya. A significant number of additional lines of inquiry have been identified which may be pursued once existing priorities have been completed, or in the event that further resources can be allocated to the Libya situation. Key areas in which further resources are required to support this line of inquiry include evidence review, open-source investigations and forensic expertise with respect to the excavation of mass grave sites.

d. Crimes against migrants

25. Through work conducted to date in this area, the Office has received a wide range of credible information indicating that migrants and refugees in Libya have been subjected to arbitrary detention, unlawful killing, enforced disappearance, torture, sexual and gender-based violence, abduction for ransom, extortion, and forced labour. The Office's preliminary assessment is that these crimes may constitute crimes against humanity and war crimes.
26. Emphasis has been placed on cooperation with national authorities and regional organisations in order to harness all available channels for accountability. In particular, the Office has worked in close cooperation with a Joint Team formed by the European Union Agency for Law Enforcement Cooperation (Europol), Italy, the United Kingdom, and The Netherlands aimed at supporting investigations into violent crimes against migrants and refugees in Libya. In this context, the Office has conducted interviews with witnesses, requested cooperation from relevant States and gained valuable information relevant to its independent investigations.

27. As part of this engagement, the Office has also sought to proactively identify ways in which it can provide meaningful support to national accountability processes. This has included identifying and sharing relevant leads, providing evidentiary material pertinent to national investigations in a manner consistent with the Rome Statute, and making available key work products of the Office including investigative analyses and arrest strategies. In doing so, the Office has made significant contributions to the development of national investigative and prosecutorial strategies.
28. As reflected in the previous report, this cooperative approach has led to tangible results, with the issuance of an arrest warrant by The Netherlands in October 2021 against a suspect in the context of national proceedings. The Office strongly welcomes the effective cooperation and concrete action undertaken by the Dutch authorities.
29. As referenced in sub-section (ii), this collective work has accelerated in the current reporting period, with the Joint Team holding three operational meetings and one strategic meeting to address challenges in investigations, assess the legal characterisation of crimes that may have been committed and coordinate further opportunities to increase the impact of collaborative action in bringing justice for victims in Libya.
30. The success of this initiative is a manifestation of positive complementarity and underlines the importance of further deepening the cooperation between the Office, national law enforcement agencies and Europol. Section III addresses the roadmap for future investigations and addresses ways in which this collaboration can be further strengthened.
31. This line of inquiry has also benefited from extensive Article 15 communications from a wide range of entities. This has included the submission of two valuable Article 15 communications from non-governmental organisations in the current reporting period, supplemented by valuable consultations the Office has held with the relevant NGOs. In line with the established practice of the Office, all such communications are subject to in-depth review and analysis in order to determine the relevance of information submitted to key lines of inquiry.
32. As reflected in section III, the Office intends to build on and further strengthen the collaborative approach adopted in this area of investigation in the coming months.

(ii) Investigative activities and cooperation in the current reporting period

33. The Office's main activities in this reporting period focused on: (i) conducting an overarching review of the status of the investigation as reflected in this Report; (ii) harnessing international cooperation in order to advance investigative work; and (iii) deepening outreach with counterparts that will play an important role in the development of current priority lines of inquiry.
34. Concretely, the Office undertook six missions in the present reporting period, supporting the collection of over 300 items of evidence as well as engagement with witnesses and experts. Since November 2021, the Office has also been able to engage with a significant number of domestic law enforcement agencies and Europol with a view to coordinating investigation and prosecution activities.
35. Engagement with non-governmental actors has also remained a priority, with the Office attending over 35 meetings with international organisations, diplomatic entities and civil society groups. Responses to a series of Requests for Assistance have also been received from relevant States Parties, with information received now under analysis for potential incorporation into investigations undertaken pursuant to the lines of inquiry outlined above.
36. During the reporting period, the Office has also continued its efforts to reinforce international cooperation in line with the principle of complementarity, seeking to provide support to national investigative action wherever possible. In this regard, the Office proactively engaged with seven States and supported ongoing national proceedings relevant to the Libya situation, pursuant to article 93(10) of the Rome Statute. Such cooperation has included the receipt and processing of a number of Requests for Assistance from State Parties. The Office also received five delegations from national war crimes units in order to share practical experiences as well as relevant evidentiary material in support of national investigations and prosecutions of those responsible for international and organised crime(s) committed in Libya.
37. Since its last report, the Office has also engaged with Libyan authorities to identify additional strategic cooperation and complementarity initiatives, including productive working-level meetings with the Attorney General as well as other representatives. This dialogue is ongoing and will continue through the next reporting period.

(iii) Context and Resources

38. In reviewing its investigative activities in relation to the situation in Libya, the Office has identified the following key challenges: (a) the dynamic operational, security and political environment in Libya; (b) the need to further enhance the capacity of Libyan authorities to cooperate effectively with ICC investigations and conduct thorough and independent national investigations in ongoing crimes; and (c) internal resource limitations.

a. Operational, security and political environment

39. Since the referral of the situation in Libya in 2011, ongoing security and political instability has presented continued challenges in conducting investigations on Libyan territory. The fluid security situation has had a negative operational impact, particularly given the imperative of the Office to engage with witnesses in a manner consistent with its obligations pursuant to article 68 of the Rome Statute to protect the safety, physical and psychological well-being, dignity and privacy of victims and witnesses.

40. The political impasse that led to the postponement of the elections, and continues to date, has threatened to further weaken the security situation and deepen political uncertainty. In this context, the Office noted with concern recent reports by the UN Secretary-General, the Under Secretary-General for Political Affairs and the Independent Fact-Finding Mission on Libya regarding threats and violence against members of the judiciary. The Office has also recently noted tensions in and around Tripoli and Benghazi and underlines that it is crucial that the Libyan authorities and armed groups maintain peace and order and refrain from armed violence.

41. In light of these continued challenges, the Office has devised its forward-looking investigative strategy in a manner that will allow it to adapt its approaches based on developing political and security dynamics. This in turn puts the Office in a position to harness all future opportunities to enhance its role and impact in Libya.

b. Cooperation and complementarity

42. Since the referral, the Office has sought to engage with Libyan authorities on a regular basis in order to explore investigative opportunities and consider how the principle of complementarity can be most effectively applied in the national context.

43. As mentioned above, the Office has received credible and reliable evidence on serious and extensive crimes committed in the East and West of Libya since 2011 and at present. Reports of these crimes are numerous, and are reflected in reports from the UN Secretary-General, the successive UN Fact-Finding Missions in Libya, and The Panel of Experts reporting to the Libya Sanctions Committee.
44. However, to date, despite the availability of evidence of such crimes and the expressed willingness of Libyan authorities to investigate and prosecute them, there has been limited action taken at the national level to deliver accountability.
45. Reflecting the present accountability gap in the domestic context, under its revised roadmap the Office will seek to redouble its efforts to identify opportunities to promote and support the introduction of the necessary legislative and operational measures needed to take forward credible domestic criminal proceedings.

c. Internal resources

46. The report of the Independent Expert Review initiated by the Assembly of State Parties of the International Criminal Court identified staffing and resources as a key internal challenge for the Office. This challenge has also been reflected in the inability of the Office to allocate sufficient resources in order to effectively address all aspects of the Libya situation.
47. As reflected in further detail in section III, the Prosecutor has now allocated additional resources to the Libya investigation team, supporting recruitment of additional staff with specific language and technical expertise including in areas of sexual and gender-based crimes and the use of e-discovery tools to support enhanced data analysis. These additional resources remain insufficient to address all aspects of the Libya situation but have been targeted so as to ensure the effective conduct of the key lines of inquiry highlighted in this Report.
48. Across all situations, limitations in resources continue to represent a challenge for the effective discharge of the functions of the Office and its ability to accelerate the collection and analysis of evidence. In this context, and as addressed in further detail in section III, the Office recalls its Note Verbale dated 7 March 2022 transmitted to all States Parties requesting voluntary financial contributions and the provision of national experts on a secondment basis to support its work across all situations.

III. LOOKING FORWARD: A ROADMAP FOR ACCOUNTABILITY

49. Drawing on the comprehensive assessment of action undertaken to date in relation to the Libya situation as outlined in the above sections of this Report, the Office has devised a renewed investigative and prosecutorial strategy that establishes key investigative targets and a set of core principles to guide action towards their achievement.
50. Victims deserve clarity as to the overarching objectives of the Office in relation to the Libya situation and anticipated timelines by which it seeks to deliver identified goals. To meet the expectations of those awaiting justice, and to provide a meaningful answer to the call for action by the Council, our approach must be targeted and focused on tangible outputs. The response of the Office to the referral by the Council cannot be permanently open-ended, but timing will depend on the evolution of the conflict, and the development of genuine national capacity to ensure accountability.
51. To deliver on this vision, a set of key principles have been established to guide our renewed action. First, prioritisation of the situation and the allocation of resources to reflect this. Second, a reinvigorated approach to empowering those impacted by alleged crimes in Libya to participate in our work by significantly enhancing the ability of the Office to engage on the ground. Third, a fresh approach to engagement with Libyan authorities in order to promote and support accountability efforts at the national level wherever possible, in line with the principle of complementarity. Finally, the establishment of a proactive and accelerated policy of cooperation with third States, regional organisations and international partners so as to fully exploit all avenues for the use of information and evidence collected by the Team.
52. The following subsections outline these core strategic principles, detail the key actions to be undertaken in their implementation, and provide initial landmarks the Office seeks to achieve through this new vision.

(i) Priority of the Libya investigation: Key principles for renewed action

a. Ensuring the effective allocation of resources

53. The Libya situation is a priority for the Office. Reflecting this, the Prosecutor has taken the decision to allocate additional resources to this investigation to accelerate progress. Based on a comprehensive mapping of resource needs as reflected in section II of this Report, the following areas are being prioritised for resource investment:

- Transcription and analysis of large-scale video, audio and documentary evidence collected to date, primarily in the Arabic language;
- Enhanced expertise with respect to financial investigations;
- Increased capacity with respect to the investigation of sexual and gender-based crimes and crimes against women and children, supporting work across all lines of inquiry in the Libya situation.
- Enhanced military analysis expertise in order to accelerate work in areas including assessments of chains of command and control.

54. With respect to the transcription and analysis of extensive Arabic-language materials collected to date, the Office is seeking to establish a new big-data evidence processing and analysis platform, drawing on voluntary financial contributions made by States Parties. Through the deployment of artificial intelligence and machine learning tools within this system, the Office will be able to immediately transcribe Arabic-language text from documentary, video and audio files.

55. This has the potential to significantly improve the ability of investigators to draw on such data, removing the need for them to conduct in-depth review of all files in the first instance and instead allowing staff to target searches based on specific references to individuals, locations or other keywords. Complementing these big data services, the Office will also modernise its document review and analysis capabilities, using cloud-based platforms to serve as an end-to-end eDiscovery tool. This will significantly assist the investigative teams, including those addressing the Libya situation, in solving complex analytical challenges during both investigation and litigation phases of work. Crucially, through the harnessing of technology in initial evidence triage and analysis, this will allow the Team to target human review in a more effective and efficient manner.

56. With respect to the enhancement of other areas of investigative and analytical capacity outlined above, while the Prosecutor has been able to identify additional resources within the present budgetary framework through a process of prioritisation, this will not be sufficient to address all capacity needs identified through the comprehensive mapping process completed by the Office.

57. In light of this, and as noted in section II, the Office continues to welcome voluntary financial contributions and the secondment of national experts from

States Parties in order to support its work in the following key thematic priority areas: (i) Use of advanced technological tools and equipment in the collection, analysis and language-processing of evidence; (ii) Provision of psycho-social support to witnesses and survivors, as well as broader witness protection and support measures; and (iii) Investigations into crimes of sexual and gender-based violence and crimes against children. Contributions in support of all of these thematic priority areas would be directly beneficial to work being conducted in relation to the Libya situation.

b. Empowering victims, witnesses and affected communities

58. Those impacted by alleged crimes in Libya do not only have a right to see accountability processes taken forward effectively, but also to contribute concretely to this work. Reflecting this, the renewed strategy in relation to the Libya situation incorporates a series of concrete steps to bring the work of the Office closer to survivors, witnesses and the families of victims.
59. As reflected above, one of the challenges faced by the Office in engaging with such actors to date has been its limited ability to mitigate the security concerns shared by many of those who would in principle be willing to provide their testimony. To address this, the Office will seek to establish an enhanced field presence, including the strengthening existing witness engagement facilities within the region. In doing so, the Office seeks to increase its ability to provide a safe, secure and stable environment in which witnesses may engage directly with investigators. The Office has already identified a number of witnesses to be interviewed drawing on this enhanced local presence.
60. In addition to improving facilities and channels for effective in-person witness engagement, the Office has also incorporated within its investigative strategy the increased use of remote screenings and interviews, drawing on lessons learned across situations during the COVID-19 pandemic. These modalities will in some cases be used as an initial step towards facilitating in-person engagement but in others may be used to take full statements from witnesses and victims in line with the standard operating procedures of the Office.
61. Engagement with victim groups and related non-governmental organisations will continue to be of significant importance for the Office. By enhancing its field presence and increasing resources more broadly in this investigation, the Office will seek to strengthen its ability to interface with such actors.
62. The Office will also work closely with the Registrar of the Court in the implementation of effective and coordinated outreach programmes in order to

raise awareness amongst impacted communities of these enhanced channels for engagement with investigators. In taking forward these initiatives, the Office will continue to place absolute priority on ensuring the safety and security of persons who cooperate with its investigative work.

c. Strengthening cooperation with Libyan national authorities

63. In line with the stated overall priority of the Prosecutor to increase engagement with national authorities as part of the activities of the Office, the renewed investigative strategy seeks to identify further opportunities to support relevant actors in Libya to take tangible steps towards accountability at the national level for crimes falling within the jurisdiction of the Court.
64. Through enhanced high-level engagements and parallel working-level meetings, the Office will seek to establish a comprehensive and ongoing dialogue regarding the effective implementation of the principle of complementarity. To this end, the Prosecutor intends to visit Libya in the next reporting period.
65. As part of this effort, the Office will seek to extend the areas in which it can provide support to Libyan investigative authorities. Priority areas will include facilitating necessary forensic expertise to support the effective analysis of major crimes scenes.
66. During the next reporting period, the Office will engage with Libyan authorities with a view to the potential conclusion of a new memorandum of understanding in order to strengthen cooperation in support of investigations. The anticipated deepening of dialogue and cooperation with Libyan counterparts will in turn allow for relevant elements of the renewed investigative strategy of the Office to be adapted and enhanced.
67. Where Libyan authorities are unable to carry out investigations or prosecutions of crimes under the jurisdiction of the Court, the Office will continue to implement its work as mandated by the Council.

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

68. Under the renewed strategy for the Libya situation, the Office will adopt a creative and proactive approach to its engagement with national authorities of third States and the international community more broadly in order to effectively exploit all potential avenues for accountability. Cooperation across

the international community will be essential in ensuring coherent investigative, prosecutorial, and arrest strategies.

69. This renewed emphasis on cooperation and complementarity with respect to crimes allegedly committed in Libya will build on the significant successes already achieved through cooperation with national authorities and regional organisations including Europol, as highlighted in section II. Drawing on this experience, the Office will seek to expand the number of national jurisdictions with which it engages in relation to the Libya situation and will also explore the potential for the development of a common investigation strategy across all relevant actors, in a manner consistent with Resolution 1970 (2011).
70. In doing so, the Office will emphasise that it does not wish to be only a recipient of cooperation from relevant national authorities but also serve as a positive contributor to national accountability processes. The planned enhancement of the technological infrastructure of the Office outlined earlier in this section, and in particular the anticipated increased capacity in the use of artificial intelligence and machine learning in the analysis of documentary, video and evidence, will significantly increase its ability to provide evidence and information of tangible benefit to domestic proceedings. With this objective in mind, the Office will continue to monitor and map structural investigations opened at the national level relevant to the Libya situation and welcomes the actions already taken in this regard by a number of national authorities.
71. As a further means of strengthening its ability to engage productively with third States, the Office will also seek to renew existing cooperation frameworks with regional organisations responsible for facilitating mutual assistance and cooperation between national authorities. Specifically, the Office will seek to conclude enhanced cooperation and information-sharing arrangements with Europol and the European Union Agency for Criminal Justice Cooperation (Eurojust).
72. The Office will also seek to further expand its cooperation with United Nations entities and other international and regional organisations in order to deepen understanding of the political context to its investigative activities and identify ways in which its field-based presence may be further supported and expanded. The United Nations Support Mission in Libya will remain a crucial partner in this regard, while the Office will also seek to renew its engagement with the League of Arab States.
73. The Office welcomes the appointment of Ms. Stephanie Williams as Special Adviser to the UN Secretary-General on Libya and looks forward to engaging

with her office as part of its work in reinvigorating cooperation with all relevant actors in support of accountability in relation to alleged Rome Statute crimes committed in Libya.

(ii) An updated roadmap for accountability: objectives and anticipated landmarks under the new investigative strategy

74. The updated investigative strategy outlined in this Report is designed to support a more targeted approach to the conduct of investigations in the Libya situation. This will allow the work of the Office to be structured in accordance with pre-identified objectives, increasing efficiency while also supporting further transparency regarding progress made and continued challenges faced.

75. In line with this approach, and drawing on the core principles and associated actions outlined in the above sub-section, the Office has devised an enhanced roadmap that will assist investigators in prioritising operational actions and assessing progress against agreed benchmarks. In devising this roadmap, the Office has considered the ongoing dynamic political and security environment in Libya that could impact opportunities with respect to complementarity and cooperation.

76. The development of this roadmap allows the office to define both immediate-term investigative priorities and future landmarks against which the overall progress of strategy implementation will be assessed.

a. Immediate-term investigative priorities

77. Reflecting lessons learned from the stock-taking exercise conducted in relation to all investigative activities to date in the Libya situation as described in section II of this Report, in the coming reporting period the Office has identified a defined set of priority areas for action:

- **2011 crimes:** The Office considers the investigation phase of its work in relation to crimes committed in 2011 to be completed and it does not intend to pursue new cases. Priority will be placed in the coming months on securing arrests and prosecutions in relation to existing cases, as well as deepening cooperation with national authorities pursuant to these objectives.
- **Crimes committed in detention facilities:** The Office will accelerate the collection of evidence and legal and factual analysis with respect to potential suspects, drawing on extensive evidence collected to date.

Engagement with key witnesses will continue. Forensic expertise will be drawn on in order to complete the 3-D modelling of key crime scenes. Under appropriate operational and cooperation conditions, it is anticipated that this will lead to the collection of sufficient evidence for the Office to seek arrest warrants in at least one additional case within the next two years.

- **Crimes related to military operations 2014 – 2020:** The Office will also accelerate the collection of evidence, and legal and factual analysis. Enhanced outreach activities will be undertaken with victims and members of affected communities in order to collect and preserve relevant evidence. The Office will increase its engagement with Libyan counterparts in order to ensure the effective collection of forensic evidence relevant to this line of inquiry.
- **Crimes against migrants:** The Office will seek to rapidly continue proactive cooperation with national authorities and regional organisations such as Europol in order to support domestic efforts to investigate and prosecute crimes allegedly committed against migrants.

78. The Office will also continue to take forward additional lines of inquiry which at present it is not able to set out in public reporting. In line with the renewed investigative strategy outlined in this Report, work in these areas will also focus on strengthening independent evidence-collection and analytical activities of the Office while also seeking to exploit all opportunities for the provision of support to national investigations and prosecutions.

(a) Future landmarks in implementation of the renewed investigative strategy

79. In line with the above overarching investigative strategy, the Office has identified the following key landmarks:

- Significant enhancements in digital evidence storage capacity completed, allowing for the rapid ingestion and analysis of additional material (3 – 6 months);
- Artificial intelligence and machine learning tools are fully operationalised, allowing for enhanced analysis of documentary, audio and video evidence in relation to Libya situation including automatic transcription and translation of Arabic-language materials (6 – 9 months);

- Field presence in the immediate region is strengthened, and ability to engage directly with victims and witnesses significantly improved (3 – 9 months);
- Development of a new tranche of arrest warrant applications in relation to priority lines of inquiry outlined in this Report (12 – 24 months).

80. The renewed strategy and associated landmarks will continue to be assessed as implementation is taken forward in the coming months, supporting a continual process of review and improvement drawing on lessons learned.

81. This work will also seek to set a basis for the ultimate finalisation of a completion strategy in relation to the Libya situation, drawing on the views and experience of all relevant actors including survivors, families of victims, competent national authorities and international partners.

IV. CONCLUSION

82. In conducting the stock-taking exercise outlined in this Report, the Office seeks to establish a basis for deeper engagement with all relevant actors and provide a clear framework to guide our collective efforts towards accountability for Rome Statute crimes. In providing an open assessment of the significant progress made to date as well as the ongoing real challenges faced by the Office in the conduct of its work, we seek to broaden the foundations for meaningful engagement with States, non-governmental organisations and victims in order that investigative work can be further targeted and accelerated in the coming months.

83. The principles underpinning the renewed strategy presented in this Report are reflective of a number of the core aspects of the vision of the Prosecutor for the Office. This includes an emphasis on building partnerships, harnessing technological tools in order to increase the effectiveness of its work and seeking to be proactive and creative with respect to the provision of support to national authorities in order that they can more effectively take up their role in supporting accountability efforts. Central to this approach is recognition of the need to bring justice closer to affected communities by increasing field presence, supporting victims and witnesses to come forward with their accounts and empowering all national actors to engage in the work of the Office.

84. The Office stands ready to engage with all partners in the coming months in the implementation of this vision, drawing on the renewed strategy for the Libya situation as a basis for deeper collaboration.