



# Security Council

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## United Nations Support Mission in Libya

### Report of the Secretary-General

#### I. Introduction

1. The present report, submitted pursuant to Security Council resolutions [2510 \(2020\)](#), [2542 \(2020\)](#) and [2570 \(2021\)](#), covers political, security-related and economic developments in Libya, provides an overview of the human rights and humanitarian situation in the country and includes an outline of the activities of the United Nations Support Mission in Libya (UNSMIL) since the issuance of my previous report ([S/2021/451](#)) on 11 May 2021.

#### II. Political, security-related and economic developments

2. Sustained efforts continued under United Nations auspices to advance Libyan-led and Libyan-owned dialogue processes in support of the ceasefire agreement, economic reforms and the holding of elections on 24 December 2021.

3. My Special Envoy for Libya visited the country from 25 May to 3 June and from 6 to 10 July. He met with the Presidency Council, the Prime Minister and members of the Government of National Unity, the Speaker of the House of Representatives, the President of the High Council of State, General Khalifa Haftar and the 5+5 Joint Military Commission, among others. He stressed that it was imperative to proceed with the full implementation of the ceasefire agreement signed in Geneva on 23 October 2020, including the withdrawal of mercenaries and foreign forces and the opening of the coastal road as a confidence-building measure. He appealed to the Presidency Council, the Prime Minister, Abdul Hamid Mohammed Dbeibah, the 5+5 Joint Military Commission and General Haftar to advance an actionable, timely, coordinated and gradual plan for the withdrawal of mercenaries and foreign forces from Libya.

4. UNSMIL continued to support a Libyan-led and Libyan-owned approach to the implementation of the road map adopted by the Libyan Political Dialogue Forum in Tunis in November 2020. The Mission convened and facilitated, virtually and in person, four meetings of the Forum and its committees to advance discussions on options for the constitutional basis for elections.

5. On 6 July, the Speaker of the House of Representatives, Agila Saleh Gwaider, established a committee of members of the House tasked with developing draft electoral laws required for the holding of elections on 24 December 2021, in



coordination with the High National Electoral Commission and UNSMIL. The draft laws were submitted to the House for consideration. A meeting of the committee and the Electoral Commission was held in Rome from 26 to 29 July, at which drafts were submitted to the House of Representatives for further discussion.

6. Appointments to the sovereign positions listed in article 15 of the Libyan Political Agreement, including the Governor of the Central Bank and the Head of the Audit Bureau, remained inconclusive and subject to parallel processes in the House of Representatives and the High State Council. The two bodies have both established committees to receive and screen candidates.

7. Foreign forces and mercenaries continued to operate throughout Libya, with no discernible abatement of their activities. On 21 June, demonstrations took place in Sirte to protest against alleged criminal acts committed by foreign mercenaries. At airbases in the Sirte and Jufrah area, the movement of foreign fighter jets and cargo aircraft providing logistical support to foreign mercenaries also continued unabated. My Special Envoy actively engaged with the respective Libyan authorities and institutions, as well as with concerned Member States with regard to securing an agreement to initiate the withdrawal of mercenaries and foreign forces.

8. On 23 June, the United Nations and Germany co-chaired the second Berlin Conference on Libya. The Government of National Unity participated in the Conference and was welcomed as a member of the International Follow-up Committee on Libya. In the conclusions of the Conference, the participants reiterated the importance of holding presidential and parliamentary elections as scheduled on 24 December 2021, in accordance with the road map. They also called for the withdrawal of all foreign forces and mercenaries without delay; urged the House of Representatives to approve a balanced national budget; recalled the obligation of the Presidency Council and the Government of National Unity, as the interim executive authority, and all parties to respect international human rights and international humanitarian law and hold accountable all those who had violated international law; and welcomed the initial steps of the interim executive authority towards launching an inclusive, comprehensive and rights-based national reconciliation process.

9. On 8 July, my Special Envoy delivered the report on the international financial audit of the Central Bank to the Prime Minister, the Presidency Council and the heads of the two branches of the Bank. The audit had been requested by the former President of the Presidency Council, Fayez Serraj, in a letter dated 10 July 2018, in which he had also requested UNSMIL to facilitate the process. The transmission of the report marked the beginning of the process to unify the two branches of the Bank.

10. On 15 July, the Security Council held a ministerial-level meeting. In his briefing, my Special Envoy shared his concerns about the wider ramifications of the stalemate in the political/electoral track resulting from the stand-off between key political and institutional actors. He warned that, if the impasse over the constitutional basis for the elections and the stand-off were not swiftly resolved, and, if the key leaders of the country did not show the political will to reach a solution, and reach a compromise to implement it, recent positive momentum could be reversed.

11. At the request of the Security Council, an independent strategic review of UNSMIL was conducted under the leadership of Abdoulaye Bathily (Senegal), who provided recommendations on the structure and mandate of UNSMIL, which I submitted to the Council on 6 August for its consideration (see [S/2021/716](#)). In the report, Mr. Bathily urged an intensification of the mediation efforts of the Mission and an increase in its resources and capacities. He also called for a return to the previous structure, with a Special Representative and two Deputy Special Representatives (one for political affairs and the other serving as Resident and Humanitarian Coordinator).

**Implementation of the intra-Libyan dialogue tracks, facilitated by the Mission**

12. The Libyan Political Dialogue Forum held a virtual meeting on 26 and 27 May to consider a draft constitutional basis for elections, as elaborated by its legal committee. The deliberations revealed broad support for holding elections on 24 December, but also exposed fundamentally divergent views on the specific steps to be taken towards that goal. Those included differences as to whether presidential elections should be carried out by means of direct voting or indirectly through the elected parliament; whether a referendum on the draft permanent Constitution should be held first, notably as a precondition for direct presidential elections; and the eligibility criteria for candidates, including those of military personnel and holders of dual citizenship, in particular with regard to presidential elections. The Forum was unable to resolve those issues at the meeting and members requested an in-person meeting as a measure necessary to reach compromise and agreement.

13. My Special Envoy transmitted to the Speaker of the House of Representatives and the President of the High Council of State the draft constitutional basis, together with a summary of the deliberations at the virtual meeting of the Libyan Political Dialogue Forum, highlighting the outstanding issues.

14. From 24 to 26 June, a preparatory meeting of the Advisory Committee of the Libyan Political Dialogue Forum was held in Tunis, at which agreement was reached on the pending issues. My Special Envoy subsequently convened an in-person plenary session of the Forum, held in Geneva from 28 June to 2 July, to resume efforts to agree on the draft constitutional basis for elections. However, the Advisory Committee's compromise proposal did not garner sufficient support. Instead, members of the Forum presented four new proposals and established a proposal bridging committee, tasked with continuing the efforts to reconcile the divergent views in a single compromise proposal.

15. On 2 August, the proposal bridging committee concluded its work. Its members put forward four proposals, which were transmitted by UNSMIL to the Libyan Political Dialogue Forum for consideration at its next meeting. The committee also made a recommendation on how the Forum should vote on the proposals.

16. The 5+5 Joint Military Commission continued to work on the full implementation of the ceasefire agreement of 23 October 2020, including the reopening of the coastal road. A ceremony presided over by the Prime Minister to reopen the road on 20 June was followed by the closing of the road again the next day, with the Libyan National Army arguing that the decision to reopen it rested with the Commission.

17. On 22 June, the 5+5 Joint Military Commission and UNSMIL conducted a reconnaissance mission to determine the condition of the coastal road. A first face-to-face meeting was held between the field operations rooms of both parties to the Commission and the subcommission on security arrangements under the ceasefire agreement. Following completion of the final roadworks and checkpoint infrastructure, the Commission confirmed that the road was ready for opening and the safe passage of citizens on 4 July.

18. On 17 July, the Libyan National Army confirmed that it had received payment of salaries for its personnel from the Central Bank upon approval by the Government of National Unity. The non-payment of salaries had threatened to disrupt the work of the 5+5 Joint Military Commission.

19. The 5+5 Joint Military Commission met from 28 to 30 July to finalize arrangements for opening the coastal road and discuss the implementation of the remaining items of the ceasefire agreement. On 30 July, the coastal road was officially opened in the presence of UNSMIL. I welcomed this important and long-awaited

development for the people of Libya in a statement issued on 31 July, in particular the crucial efforts of the Commission, and extended my appreciation to the Presidency Council and the Government of National Unity for their support in securing this critical step.

20. On 14 August, the 5+5 Joint Military Commission continued to discuss plans for the withdrawal of mercenaries and foreign forces and strengthen security measures along the coastal road. The Commission deployed local ceasefire monitors on 15 August.

#### **International Follow-up Committee on Libya**

21. On 2 June, the United Nations and Switzerland co-chaired a meeting of senior officials of the International Follow-up Committee on Libya, which was attended by the Minister for Foreign Affairs, Najla el-Mangoush. Participants recalled the commitment of the interim executive authority to appoint women to at least 30 per cent of senior positions and urged its implementation. In a joint statement, the Co-Chairs acknowledged the first steps taken by the Presidency Council towards inclusive, comprehensive and rights-based national reconciliation and transitional justice and reiterated the need for parliamentary and presidential elections to be held on 24 December 2021. They also called upon the interim executive authority and other Libyan institutions and authorities to abide by the principles and obligations of human rights and international humanitarian law.

22. The security working group, co-chaired by the United Nations, France, Italy, Turkey, the United Kingdom of Great Britain and Northern Ireland and the African Union, continued to meet regularly, including with the participation of the 5+5 Joint Military Commission, to take stock of progress made in the full implementation of the ceasefire agreement, including the reopening of the coastal road.

23. The political working group, co-chaired by the United Nations, Algeria, Germany and the League of Arab States, convened a plenary meeting on 19 May to take stock of progress made on the political track, ahead of the virtual meeting of the Libyan Political Dialogue Forum held on 26 and 27 May. In a statement, the Co-Chairs of the working group reiterated that the holding of national elections on 24 December remained the overarching priority towards completing the preparatory phase and democratic transition in Libya, as agreed upon in the Forum road map.

24. On 23 May, the Co-Chairs of the economic working group, the United Nations, Egypt, the United States of America and the European Union, convened their first meeting with the Government of National Unity. All participants agreed on the importance of maintaining the momentum on the economic track, including with regard to further developing and harmonizing critical policies and moving forward with the unification of Libyan financial and economic institutions. The Co-Chairs agreed that a meeting would be convened at the technical level to develop an action plan on the way forward. In a meeting of the economic working group held on 8 June, representatives of the Government of National Unity presented a governmental business plan focused on finalizing the national budget; increasing oil production; unifying the Central Bank and clearing the debts incurred by institutions based in eastern Libya during the interim government's tenure in that region; funding reconstruction; and furthering decentralization.

25. On 14 July, the Co-Chairs of the economic working group held their third working session with representatives of the Government of National Unity, to address budget and payroll issues. They were joined by the leadership of the Libyan Expert Economic Commission dedicated to the intra-Libyan dialogue track, technical staff from both branches of the Central Bank, the Deputy Head of the Audit Bureau and representatives of the World Bank and the International Monetary Fund. Government

representatives expressed frustration at the impasse with the House of Representatives over the budget and stated that the issue was impeding their ability to fulfil their mandate. They requested more international support in finding a solution. The Co-Chairs offered to help to mediate between the House and the Government of National Unity on those matters. On 26 July, the Co-Chairs met with the Prime Minister and representatives of the Government, the House of Representatives and the Central Bank to discuss the budget impasse, advancing unification and providing services to the Libyan people.

26. The Co-Chairs and members of the international humanitarian law and human rights working group – the United Nations, the Netherlands and Switzerland – held frequent discussions, including with Libyan civil society and activists, on how to promote respect for international humanitarian law and international human rights law. Specifically, the working group focused on ways to support progress towards an inclusive, comprehensive and rights-based national reconciliation process. In August, the working group prepared a set of key issues to present to the Ministry of Justice and the Supreme Judicial Council in preparation for a national conference on transitional justice. It also discussed approaches to addressing hate speech, incitement to violence and all forms of harassment and threats, in particular against women.

### **International and regional engagement**

27. My Special Envoy held regular consultations, virtually and in person, with senior representatives of participants in the Berlin process, including representatives of members of the Quartet – the African Union, the European Union and the League of Arab States – and other international partners, visiting Italy, Malta, the Russian Federation, Turkey and the United Kingdom. During those interactions, he emphasized the importance of the role of the international community, the imperative of holding national elections on 24 December, the expectation that the House of Representatives would swiftly enact the constitutional basis necessary for elections and the electoral law, and the urgency of fully implementing the ceasefire agreement, including the withdrawal of mercenaries and foreign forces.

28. On 18 May, my Special Envoy briefed the Peace and Security Council of the African Union on the situation in Libya. He noted that the continued presence of thousands of mercenaries and numerous foreign forces remained a significant threat not only to the security of Libya, but also to that of the whole region.

29. On 18 June, at the initiative of the African members of the Security Council (Kenya, Niger and Tunisia) and Saint Vincent and the Grenadines, the Security Council held an Arria-formula meeting on the impact on the Sahel region of the departure of foreign fighters and mercenaries from Libya, at which it heard briefings from representatives of the Secretariat, UNSMIL and the African Union. The meeting followed the Council's informal interactive dialogue on the same topic held on 29 April, also at the initiative of the African members of the Council and Saint Vincent and the Grenadines.

### **Situation in the western region**

30. Rivalry and renewed competition between armed groups over territorial control continued to affect the security situation in Tripoli and north-western towns, including Ujaylat, Sabratah, Surman and Zawiyah. Between 10 and 14 June, 7 fighters and 2 civilians were killed, and at least 12 others injured, when armed confrontation between local armed groups in Ujaylat developed into a situation involving armed groups from Zawiyah and Sabratah.

31. The Stability Support Apparatus, an alliance of armed forces based in Tripoli, established in early 2021 by the Government of National Accord, sought to assert

control over government institutions in Tripoli and areas along the north-western coastline, having been tasked by the Government of National Unity to manage potential conflicts among armed groups in the area. In June, forces affiliated with the Apparatus repositioned themselves along the western coastal road to lower the risk of further escalation between the western armed groups based in Zawiyah and Ujaylat, and were able to extend their areas of influence, including in Zawiyah.

#### **Situation in the eastern region**

32. In eastern Libya, there were continued reports of criminal activity, including killings, kidnappings for ransom and trafficking in illegal substances and fuel. On 6 June, wounded Libyan National Army veterans protested at the Ra's al-Minqar oil depot in Benghazi, demanding payment for medical care. On 15 and 18 June, search and arrest operations conducted by forces affiliated with the Libyan National Army targeting human traffickers and fuel smugglers in Tazirbu resulted in the rescue of several migrants and the confiscation of vehicles.

33. From 29 to 31 May, operations at the Benina International Airport in Benghazi were suspended to allow for the holding of a parade by the Libyan National Army to mark the anniversary of Operation Dignity. The parade involved military units, more than 15,000 personnel and thousands of military assets from around Libya.

#### **Situation in the southern region**

34. There were growing tensions and confrontations among armed groups in southern Libya and increased violent activity attributed to Da'esh. On 6 June, a suicide attack on a checkpoint near Sabha involving a vehicle-borne improvised explosive device led to the death of three people in addition to the attacker, who was subsequently identified as a Tunisian national. Da'esh claimed responsibility for the attack. Da'esh also claimed responsibility for the deaths of two Libyan National Army personnel, who were reported to have been killed on 14 June when an improvised explosive device detonated near the Haruj mountains, south-east of Jufrah. The Libyan National Army subsequently deployed additional units to the area with the stated objective of countering violent extremist activity. The Libyan National Army also reportedly increased air activities by fighter jets and combat helicopters operating from the Birak al-Shati' and Tamanhint airbases.

35. In mid-June, the Libyan National Army deployed personnel along the borders with Algeria and Chad, and in the area of Umm al-Aranib, east of Murzuq, declaring the areas as military zones. On 19 June, the interim executive authority ordered the formation of the Counter-Terrorism and Organized Crime Force in southern Libya and the Joint Operations Room to improve security in the region. On 23 June, tensions were reported in Sabha between units affiliated with the Libyan National Army, including the Tarik ibn Ziyad Brigade and local personnel of the 116 Battalion, with the latter reportedly comprising supporters of both the Libyan National Army and the Government of National Unity, as Libyan National Army units established control of main checkpoints and a military compound.

#### **Da'esh and the Organization of Al-Qaida in the Islamic Maghreb**

36. The presence and activities of violent extremist organizations, Da'esh and the Organization of Al-Qaida in the Islamic Maghreb, were reported in all regions, including in the form of direct threats against civilians and United Nations personnel and attacks against security forces. Previous counter-terrorism operations in southern Tripoli by armed groups affiliated with the Government and increased Libyan National Army-led operations in southern Libya, which included the arrest of a prominent Da'esh leader, Muhammad Miloud Muhammad, were understood to be the

cause of the attacks. The Libyan National Army announced on 19 June that it had conducted air strikes against suspected Da'esh positions in the Haruj Mountains.

### **Economic situation**

37. Several rounds of negotiations between the Government of National Unity and the House of Representatives notwithstanding, agreement on the adoption of the national budget was not reached. As a result, the Central Bank was legally required to extend the previous budget for salaries and subsidies only, which limited the ability of the Government to obtain development spending for infrastructure and to make amendments to the public salary system. On 25 June, the Government nonetheless announced that it had unified the payroll by adding 600,000 employees to the salary system, increasing the expenditure for salaries from 34 billion Libyan dinars to 59 billion Libyan dinars (from approximately \$7.6 billion to \$13 billion). The Government also circumvented budgetary restrictions by acquiring funds from the Bank through so-called special arrangements to fund development projects and social entitlement programmes.

38. The main finding of the international financial audit of the Central Bank was that the unification of the Bank was required. It was also found that, while the country's foreign currency reserves were largely protected during the past five years, the division occurring within the Bank eroded the integrity of the banking system and impeded monetary reform. Owing to the lack of a unified budget and successive oil blockades, both branches of the Bank extended credit to parallel government structures, resulting in the Tripoli branch holding 70.8 billion Libyan dinars of debt and the Bayda' branch 61.4 billion Libyan dinars as of June 2020 (a combined debt of approximately \$29 billion). Although all of the debt was held within Libya, managing it would require the Bank to be unified.

39. In addition, the audit found that, owing to the lack of a coherent monetary policy, the total amount of currency in circulation had increased significantly from mid-2014 to mid-2020, with the western branch more than doubling its currency, from 18.8 billion Libyan dinars to 38.5 billion Libyan dinars, and the eastern branch introducing an additional 13.8 billion Libyan dinars into circulation. Those factors contributed to the devaluation of the Libyan dinar by 300 per cent in January 2021.

## **III. Other activities of the Mission**

### **A. Electoral support**

40. Preparations by the High National Elections Commission for the national elections to be held on 24 December continued, albeit with constraints owing to the lack of clarity regarding the legal framework. The Commission prioritized the development of a new voter registration framework involving the introduction of voter cards as an additional anti-fraud measure. Printing of an initial set of cards commenced in May, based on the 2.3 million registered voters. On 4 July, the Commission launched a countrywide campaign to register eligible Libyans not already registered to vote. Meanwhile, the Commission developed a draft regulation that would allow observation groups to obtain accreditation.

41. The High National Elections Commission maintained close cooperation with relevant institutions, including the Civil Registration Authority, the judiciary and the Ministry of the Interior, to ensure their support and coordination in the run-up to, during and following the election. On 4 July, the Government informed the Commission that an additional 50 million Libyan dinars (equivalent to \$11 million) would be allocated for national elections.

42. The UNSMIL-led integrated electoral team continued to provide technical advice and assistance to the High National Elections Commission, including on the development of the legal framework for the upcoming national elections. On 17 June, the Chair of the Commission met with the Speaker of the House of Representatives in Qubbah to deliver draft electoral laws. They agreed to form a committee composed of members of the House and the Commission to finalize the laws, with the technical support of UNSMIL. Following the agreement, the presidency of the House of Representatives issued a decision calling for the formation of a nine-member committee to work with the Commission and UNSMIL to produce electoral laws. The constitutional basis for elections would also need to be in place for the laws to be completed.

43. In parallel, the committee responsible for the registration of political parties had received over 100 requests to register new parties since the registration process began in June.

44. The Central Committee for Municipal Council Elections continued to prepare for the conclusion of 70 outstanding elections. The schedule remained on hold owing to a lack of funds. A potential revision of the municipal electoral system could result in further delays and cause an overlap between the holding of municipal elections and the preparations for national elections.

## **B. Human rights, transitional justice and the rule of law**

45. While the ceasefire has resulted in a dramatic reduction in civilian casualties, violations of human rights and international humanitarian law have continued, including by armed groups, as well as armed units associated with the Ministry of the Interior and the Ministry of Defence. During the reporting period, UNSMIL documented killings, enforced disappearances, conflict-related sexual violence, including rape, arbitrary arrests and detentions, attacks against activists and human rights defenders, and hate crimes.

### **Unlawful deprivation of liberty, detention and torture**

46. UNSMIL continued to document cases of arbitrary detention in facilities operated by State and non-State actors in Tripoli. In Benghazi, individuals, including children, were detained without legal basis. They were mainly held at military detention facilities, including Tariq Ibn Ziyad, Kuwayfiyah and Gernada.

47. Amid a surge in widespread arbitrary arrests and abductions since June, the Chief of Staff to the First Deputy Prime Minister, Ridha al-Fretis, and his colleague were abducted from government premises in Tripoli. They were released on 17 August. On 28 June, Hanin al-Abdali, the daughter of the lawyer Hanan al-Barasi, who was shot dead by masked gunmen in November 2020 in Benghazi, was released from detention in Benghazi after having been detained since 25 March by forces affiliated with the Libyan National Army on allegations of involvement in the assassination of Mahmoud al-Wefalli. An arrest warrant for war crimes had been issued for Mr. Wefalli by the International Criminal Court, and he was killed on 24 March.

### **Conflict-related sexual violence**

48. Women migrants and refugees continued to face heightened risk of rape, sexual harassment and trafficking by armed groups, transnational smugglers and traffickers, as well as officials of the Directorate for Combating Illegal Migration under the Ministry of the Interior. In June, UNSMIL documented repeated incidents of sexual violence perpetrated against five Somali girls between the ages of 16 and 18 years



held in the Shara' al-Zawiyah detention centre in Tripoli. Following persistent advocacy efforts by the United Nations, the girls were released on 15 July into the care of the Office of the United Nations High Commissioner for Refugees (UNHCR) and transferred to a local health-care centre. Boys and men were also exposed to sexual violence and exploitation in the Abu Issa detention facility in Zawiyah. Both centres are managed and operated by the Directorate and the Ministry.

49. UNSMIL verified reports of women prisoners being subjected to rape and other forms of sexual violence in Benghazi, including in the internal security section of the Kuwayfiah prison in Benghazi.

### **Migrants and refugees**

50. According to the International Organization for Migration (IOM), many of the migrants currently in Libya, most of whom come from neighbouring countries, including Chad, Egypt, the Niger and the Sudan, are in an irregular situation and working in the informal economy. The number of migrants and refugees attempting to cross the Mediterranean Sea continued to increase in 2021. By 14 August, the Libyan Coast Guard had intercepted and returned to Libya 22,045 migrants and refugees (of whom 89 per cent were male), with 380 deaths confirmed and 629 people considered missing.

51. The increased number of returned migrants and refugees resulted in a higher number of persons being arbitrarily detained in official detention centres by the Directorate for Combating Illegal Migration without judicial review and subjected to inhumane treatment and conditions. These include torture, extreme violence, sexual abuse and limited access to food, water, sanitation and medical care, in some cases leading to death or injury. By 8 August, 5,826 migrants and refugees were being arbitrarily held at official detention centres, compared with 1,076 in January. The situation has significantly increased human rights, humanitarian and protection concerns, which are exacerbated by continued restrictions on humanitarian access and monitoring by humanitarian agencies in western Libya. The United Nations Children's Fund reported that children continued to be detained arbitrarily in detention centres in and around Tripoli, with no access to basic protection and health services and no recourse to legal assistance or due process, and were often detained with adults.

52. On 20 June, an unknown number of migrants died and an estimated 200 were injured by a fire at the Abu Rashadah detention centre in Gharyan, when an adjacent weapons and ammunition depot caught fire and exploded. Survivors reported that guards had shot indiscriminately at migrants attempting to flee the fire and others had died or had been injured as a result of the explosion and fire.

53. UNSMIL continued to document a pattern of excessive use of force against migrants. On 3 and 13 June, guards at the Abu Salim detention centre in Tripoli, operated by the Directorate for Combating Illegal Migration, indiscriminately opened fire, killing at least seven migrants and injuring many more. In a similar incident on 17 June at the Abu Rashadah detention centre in Gharyan, guards shot and killed four migrants and injured several others. On 22 June, Médecins sans frontières announced the suspension of activities in the Abu Salim and Mabani detention centres, denouncing repeated incidents of violence and inhumane conditions.

54. Arrests and operations against human traffickers continued in Kufrah and Tazirbu, where migrants and refugees were arbitrarily detained, reportedly in deplorable conditions, and subjected to violence and abuse. In early August, some 200 refugees and asylum seekers previously detained in tents in poor conditions in Kufrah (some since March) were reported to have been deported to the Sudan in conditions amounting to refoulement, despite the engagement of UNHCR. The

Criminal Investigation Department and desert patrols of the Ministry of the Interior also continued to arrest and arbitrarily detain migrants and refugees in western Libya. During the reporting period, UNSMIL documented an increase in anti-migrant and anti-refugee statements and xenophobic incidents targeting foreigners. Following increased tension between migrants and refugees and host community members, hundreds of men, women and children were arrested and taken to a detention facility in Zawiyah operated by the Directorate for Combating Illegal Migration.

### **Human rights defenders**

55. Human rights defenders and civil society actors continued to be subjected to arbitrary detention, ill-treatment and torture by armed groups. Freedom of expression continued to be undermined, with activists and defenders subjected to hate crimes. Human rights defenders continued to be targeted and subjected to violence, abuse, vilification on social media and threats.

56. On 31 May, the head of the Libyan Red Crescent in Ajdabiya and a civil society activist, Mansour Atti, was forcibly disappeared by security authorities based in the east of the country. His whereabouts and fate remain unknown.

### **Rule of law**

57. On 5 June, UNSMIL called upon the Public Prosecution Office to conduct a rapid, thorough and transparent investigation into the detention of a subcommittee Chair of the municipality of Qasr al-Akhyar and employee of the Central Committee for Municipal Council Elections, Hassan al-Faghl. Mr. al-Faghl was arrested on allegations of misconduct brought against him by a local election candidate. On 21 June, Mr. al-Faghl was released and all charges were dropped.

58. On 14 June, the Minister of Justice and the Attorney General issued an administrative decision to close the Huda prison in Misratah and ordered a review of the legal status of its detainees. UNSMIL had previously reported repeated human rights violations against the detainees. At the time of reporting, a former director of the prison had also been placed in custody and was under investigation for the ill-treatment of prisoners, including incommunicado detention.

59. During the reporting period, UNSMIL documented several cases, in particular in eastern Libya, in which military judicial authorities were trying cases that should fall under the jurisdiction of civilian courts and that did not meet international standards for a fair trial. Reports across the country of the unlawful deprivation of liberty, as well as the issuance of sentences by courts that were not regularly constituted or independent and did not operate in accordance with national and international legal obligations, continued to raise concerns.

60. In line with the conclusions of the first Berlin Conference on Libya, in January 2020, and the provisions of the Libyan Political Dialogue Forum road map relating to the need to advance the protection of human rights, Libyan lawyers, judges and human rights defenders met in Tunis from 16 to 18 June to review the draft law on combating violence against women of 2017. The meeting, which followed a number of virtual meetings, was supported by UNSMIL, the Office of the United Nations High Commissioner for Human Rights, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the United Nations Population Fund (UNFPA). In line with international standards and informed by regional best practices, the draft law criminalizes violence against women, including violence perpetrated in the digital sphere and online hate speech. It provides for the creation of a national commission to combat violence against women and a dedicated trust fund to support victims of violence. The Minister for Women's Affairs was committed to supporting the enactment of the draft law.

61. From 19 to 21 June, UNSMIL facilitated an in-person meeting in Tunis of the 10-member leadership council of the Libyan Bar Association. On 21 June, the council officially adopted its first code of conduct, based on a draft prepared by UNSMIL in line with international and regional standards.

#### **Transitional justice and rights-based reconciliation**

62. On 27 May, after almost six years of proceedings, the Supreme Court annulled a verdict against 37 senior figures of the former regime rendered by the Tripoli Court of Assize on 28 July 2015. The defendants had been charged with crimes in the context of the violent suppression of anti-government protests in 2011. The ruling annulled the sentences, including nine death sentences. Libyan and international human rights organizations had been critical of previous proceedings for failing to uphold international and national fair trial standards.

63. On 31 May, the Presidency Council launched workshops to develop a legal framework and structure for a high national commission for reconciliation, with the participation of representatives of the African Union, UNSMIL and the Ministry of Justice, as well as legal experts and representatives of internally displaced persons. The United Nations and the African Union continued to support initiatives planned by the Presidency Council, including meetings with tribal and local community leaders.

#### **Human rights due diligence policy**

64. The United Nations system continued to implement the human rights due diligence policy on United Nations support to non-United Nations security forces (see [A/67/775-S/2013/110](#), annex), with a view to preventing and mitigating the identified risks of grave violations of international humanitarian law, human rights law or refugee law by Libyan security forces receiving United Nations support.

### **C. Security sector**

#### **Implementation of the ceasefire**

65. Aside from the reopening of the coastal road and the adoption of confidence-building measures, including several exchanges of detainees, there was limited tangible progress on the broader implementation of the ceasefire agreement of 23 October 2020. However, the 5+5 Joint Military Commission remained active as the only unified military entity in the country, providing a foundation for the unification of the military institutions.

66. UNSMIL and the Libya planning team of the Secretariat met on a weekly basis to facilitate the implementation of the Libyan-led and Libyan-owned ceasefire monitoring mechanism, including plans to deploy an initial advance party of ceasefire monitors. Funding from the Fund for Unforeseen and Extraordinary Expenses was confirmed on 13 August to cover the initial costs related to the first phase of deployment.

#### **Arms and ammunition management**

67. The presence of explosive remnants of war continued to pose a risk to lives and delay the safe resumption of livelihood activities. Since 1 May, the Libyan Mine Action Centre has recorded seven accidents involving explosive devices, which have resulted in 10 casualties. The victims were seven civilians and three clearance operators from the Ministry of Defence and the Ministry of the Interior.

68. In May, UNSMIL and the Mine Action Service began training some 400 Libyan diplomatic police personnel in order to enhance their capacity to mitigate and respond to explosive hazards and operational threats, including in the areas of explosive hazard awareness and search procedures, mobility planning, individual first-aid kit use and emergency trauma care. The enhancement of skills and equipment is expected to contribute to the ability of the diplomatic police to support the upcoming elections.

69. Tripoli International Airport remained contaminated with explosive remnants of war. The Mine Action Service provided technical support to the Libyan Mine Action Centre to assess and accredit three military engineering teams and three survey teams in order to begin survey and clearance operations.

#### **D. Women's empowerment**

70. On 21 May, UNSMIL convened the first forum of the international coordination group for women's empowerment in Libya, which focused on ways to enhance the participation of women in the upcoming electoral processes and advance the rights and inclusion of Libyan women. The group is co-chaired by representatives of UNSMIL and members of the group. The forum facilitated international interaction with the women's empowerment unit of the High National Elections Commission and provided a forum for the identification of opportunities for the international community to support the Commission.

71. UNSMIL and UN-Women continued to provide advisory support to the Ministry of Women's Affairs in the development of a national action plan pursuant to Security Council resolution [1325 \(2000\)](#). Preparations were under way to convene a national forum in the coming months to gather views and engage civil society in the process.

#### **E. Youth and peace and security**

72. UNFPA, in partnership with the Ministry of Youth Affairs, continued to implement engagement, empowerment and cultural exchange programmes for young people and awarded small-scale grants for youth-led initiatives. With the active involvement of 20 youth-led civil society organizations, the programmes were aimed at engendering coexistence within communities hosting displaced persons and migrants. Some 65 youth leaders and journalists (57 men and 8 women) received training, including on the coronavirus disease (COVID-19) pandemic, health and gender-based violence.

#### **F. Coordination of international assistance**

73. On 26 May, the Nexus Working Group, composed of representatives of UNSMIL, United Nations agencies, funds and programmes, donor countries and international non-governmental organizations, visited Sabha and met with representatives of local authorities and civil society organizations to discuss ways to promote local peace and development. It was the first in-person meeting in almost three years between international actors and the local authorities in Sabha. Local officials stressed the need for sustainable solutions, including sustainable livelihoods, basic services and social protection. As a result, Sabha was selected as a pilot location for the Working Group strategy to address humanitarian and development needs.

74. On 30 May, the Prime Minister issued a decree to establish a technical committee to oversee the support programmes and activities of international governmental and non-governmental organizations. International non-governmental

organizations expressed concern that the decree would create further bureaucratic challenges for their staff, in particular with regard to the issuance of visas. Although the Office of the Prime Minister informed the Humanitarian Coordinator for Libya that the decree would not have implications for the issuance of visas for non-governmental organizations, the Ministry of the Interior has referred to the decree as the basis for its recent non-issuance of visas for staff of international non-governmental organizations.

75. In May, the United Nations country team began to evaluate the United Nations Strategic Framework for Libya for the period 2019–2022. It also initiated the common country assessment process and the development of the United Nations Sustainable Development Cooperation Framework. The United Nations humanitarian country team began a midyear review of the 2021 Humanitarian Response Plan to evaluate the status of operations, take stock of achievements and identify remaining humanitarian needs and priority areas for continued targeted support to those who are most vulnerable. In cooperation with the World Bank and the European Union, the United Nations engaged with the Government of National Unity in planning for a proposed recovery and peacebuilding assessment.

## **G. Humanitarian, stabilization and development assistance**

76. Insecurity, combined with the effects of the pandemic, have taken a further toll on the already fragile health infrastructure in Libya. In July, the COVID-19 situation deteriorated rapidly as the country entered a third wave, which was particularly severe in western Libya, and stricter restrictions were imposed throughout the country. On 15 August, the Libyan authorities reported a total of 284,618 confirmed COVID-19 cases in the country, with 75,321 active cases and 3,933 deaths. The National Centre for Disease Control and United Nations partners increased outreach to encourage more people to get vaccinated, and authorities added vaccination capacity. As of mid-August, more than 712,000 people had received one dose of the vaccine and more than 52,000 had been fully vaccinated.

77. Since the signing of the ceasefire agreement in October 2020, the overall humanitarian situation has seen some improvement, including as reflected in the continued return of displaced persons to their areas of origin. By August 2021, the number of internally displaced persons had decreased to an estimated 212,600, with 38,158 individuals having returned to their place of origin in 2021.

78. Serious challenges remained, however, in providing the returnee population with adequate and sustained access to basic services, including health care and education. The need for mine action support to remove explosive remnants in many locations and for assistance in the rebuilding of homes and basic infrastructure continued to impede the return of thousands of internally displaced persons. As of mid-August, humanitarian partners had reached around 26,000 returnees, or 41 per cent of the target in the 2021 Humanitarian Response Plan.

79. By the end of July, humanitarian organizations had assisted more than 408,000 people, representing 91 per cent of the target group of the most vulnerable people in need identified in the 2021 Humanitarian Response Plan. An additional 176,000 people in need received assistance outside the Plan. Of the \$189 million requested in the Plan, only \$87.4 million (46.2 per cent) has been secured so far, with an additional \$39.5 million received outside the Plan.

80. Planned and often forced evictions targeting internally displaced persons and poor families by municipal authorities continued. In April, over 500 families displaced from Tawurgha and living in a settlement at the Naval Military Academy in Tripoli were given one month's notice to leave the location. While some of the

families integrated locally, the majority, including 250 families who required humanitarian assistance, returned to Tawurgha. Following a United Nations mission to Tawurgha, humanitarian partners mobilized in order to meet the families' immediate needs. In May, a survey by IOM of seven locations of return showed that the population displaced from Tawurgha was the most in need of interventions to support durable solutions upon voluntary return. IOM and the World Food Programme published a report in July on the impact of the pandemic on food security among migrants, with one in five migrants interviewed for the study found to be food-insecure.

81. Two other settlements of internally displaced persons, refugees and migrants, in Hay al-Andalus in Tripoli, remained at risk of forced eviction by the local authorities. Migrants and refugees were also being subjected to xenophobic harassment and physical attacks. Forced eviction affected not only internally displaced persons, but also other individuals living in collective and informal sites, leading to a heightened risk of secondary displacement and insecurity in terms of housing, land and property rights.

82. The United Nations continued to engage with the Government of National Unity to approve the resumption of humanitarian evacuation, voluntary resettlement and return flights and departures of migrants and refugees from Libya, facilitated by IOM and UNHCR. Flights resumed briefly from mid-July, allowing 336 vulnerable migrants and refugees to leave Libya, before the Department for Combating Illegal Migration again suspended all humanitarian evacuation flights supported by IOM and UNHCR from 8 August.

#### **IV. Deployment of the Mission and security arrangements**

83. UNSMIL maintained an international staff presence of about 120 staff members, on a rotational basis, allowing for regular engagement with Libyan interlocutors across the Mission's areas of responsibility, specifically on the political, security, economic and international human rights law and humanitarian law tracks, as well on the provision of humanitarian and development assistance. All international staff in Tripoli continued to be accommodated at the Oea compound, protected by the United Nations Guard Unit. National staff continued to report to work in the compound on a rotational basis or, alternatively, worked remotely.

84. Comprehensive protective and preventive measures to safeguard staff and interlocutors from contracting and potentially spreading COVID-19 remained in place. The measures were regularly reviewed and adjusted in accordance with evolving advice by the World Health Organization and UNSMIL medical staff, and to ensure alignment with measures put in place by the Libyan and Tunisian authorities. Strict COVID-19 preventive measures continued to be applied on all flights. Road movements in Tripoli were conducted in compliance with security risk management measures.

85. The COVID-19 vaccination programme for personnel of the United Nations in Libya and international non-governmental organization partners was successfully implemented at three major vaccination sites, namely, Benghazi and Tripoli in Libya and Tunis. As of mid-August, 546 staff members had been fully vaccinated and 347 were scheduled to receive their second dose.

## V. Observations and recommendations

86. The efforts undertaken by Libyan stakeholders, including in the context of the Berlin process and the working groups of the International Follow-up Committee on Libya, are commendable. It is critical that those efforts continue and translate into specific progress on the Libyan-led and Libyan-owned dialogue tracks. Furthermore, I welcome the conclusions of the second Berlin Conference on Libya and the collective efforts of Member States, the African Union, the European Union and the League of Arab States to assist the Libyan people in their quest for unity, peace, stability and sustainable development. The United Nations stands ready to continue to work in close cooperation with the African Union and other actors to support an inclusive national reconciliation process grounded in the principles of justice and human rights.

87. On the political front, it is incumbent on Libyan political actors to exert every effort to ensure that inclusive parliamentary and presidential elections are held on 24 December 2021, in accordance with the road map of the Libyan Political Dialogue Forum and as called for by the Security Council and the international community, and that their results are accepted. I also call upon authorities and institutions to fulfil their responsibility to clarify the constitutional basis for elections and to adopt the electoral laws necessary to meet the aspirations of the people. I reiterate the continued willingness of the United Nations to provide electoral assistance to the High National Elections Commission. The political process is now reaching a critical stage and the gains achieved in early 2021 are under threat. It is imperative that the political process fulfils the aspirations of the Libyan people for representative governance brought about through democratic elections. It is also imperative that the functions of government are enhanced and unified for the benefit of all Libyans.

88. The completion of the remaining municipal elections in 2021, including in eastern Libya, will require a stable legal and institutional framework, as well as sufficient funding. I reiterate the importance of completing the municipal electoral cycle throughout the country and, in that connection, appeal to the Government of National Unity to provide full support to the Central Committee for Municipal Council Elections to enable municipal elections to proceed.

89. On the security front, the full implementation of the ceasefire agreement remains a priority for the consolidation of peace. I commend the members of the 5+5 Joint Military Commission for continuing to work closely together towards that end.

90. The reopening of the coastal road and progress on the priorities identified by the 5+5 Joint Military Commission will generate dividends for the political process and the Libyan people. To support the implementation of the ceasefire agreement, and pursuant to Security Council resolution [2570 \(2021\)](#), the United Nations is proceeding urgently with the initial deployment of a scalable UNSMIL ceasefire monitoring component. Further peace dividends can be generated through the implementation of a comprehensive plan for the immediate and unconditional withdrawal of all mercenaries and foreign forces from Libya, with clear timelines. I reiterate my call upon Member States and Libyan actors to end all violations of the arms embargo and to proceed with the withdrawal of foreign forces and mercenaries. Plans for disarmament, demobilization and reintegration and security sector reform to address the proliferation of armed groups and develop and reunify the security forces and institutions are urgently needed and should be initiated and implemented by the interim executive authority, working in close coordination with the 5+5 Joint Military Commission.

91. Regarding the economic track, the completion of the international financial audit of the Central Bank requested by the Security Council and undertaken with the

support of UNSMIL is welcome. It constitutes an important step towards much-needed economic and financial sector reform. Relevant Libyan institutions, particularly the two branches of the Bank, must now move swiftly to implement the recommendations and complete the steps necessary to unify the Bank and restore the integrity of the banking system.

92. I encourage the swift adoption of the draft law on combating violence against women, which would represent a milestone for the protection and promotion of the rights of women and girls in Libya, and I also look forward to the completion of a national action plan for the implementation of Security Council resolution [1325 \(2000\)](#). I call upon Libyan authorities and all stakeholders to support the full and meaningful participation of women in the political process and the upcoming elections, as candidates, campaigners and voters. Such measures would also send a positive signal in the context of the commitment of the Government of National Unity to appoint women to 30 per cent of leadership positions.

93. The continued arbitrary detention of migrants in inhumane conditions in formal detention centres and informal smuggler-operated sites remains deeply concerning and must end. Full, transparent and prompt investigations into incidents of excessive use of force against migrants, asylum seekers and refugees, reckless treatment resulting in death and injury, sexual violence and deprivation of fundamental needs, including incidents described in the present report, must be conducted. I reiterate my previous conclusion that Libya is not a safe port of disembarkation for refugees and migrants. I call upon relevant Member States to re-examine policies that support the interception at sea and return of refugees and migrants to Libya.

94. I urge Libyan authorities to improve the protection of human rights defenders, especially women, and ensure an end to arbitrary arrest, ill-treatment and torture. Freedom of expression must be protected and there should be tangible steps to address the targeting of activists and defenders with violence, abuse and threats.

95. I urge Member States to extend their support to the Humanitarian Response Plan for Libya, including those aspects that are also included in the Global Humanitarian Response Plan for COVID-19, which is vital to ensuring that needs for life-saving services and treatment are met and that existing vulnerabilities are not exacerbated further as a result of the pandemic.

96. The independent strategic review of UNSMIL comes at a time when Libyans themselves are reassessing their options for the future. It is critical for the United Nations to be fit for purpose to support national efforts. I believe that the recommendations emanating from the review will serve that purpose and, in that connection, I look forward to the decisions of the Security Council. In that regard, I recommend a one-year extension of the mandate of UNSMIL.

97. I extend thanks to my Special Envoy for Libya, Ján Kubiš, for his leadership, and to all United Nations personnel working in Libya for their dedication and efforts to support Libya and its people on the path to peace and stability. I reiterate my sincere appreciation to the Government of Nepal for providing the vital personnel for the United Nations Guard Unit in Libya.