

# RECOMMENDATIONS MEMORANDUM

## LCW'S TEN RECOMMENDATIONS FOR THE NATIONAL RECONCILIATION AND HUMAN RIGHTS TRACK OF THE STRUCTURED DIALOGUE

Libya Crimes Watch (LCW) submits these recommendations to the members of the National Reconciliation and Human Rights track within the Structured Dialogue (SD) coordinated by the United Nations Support Mission in Libya (UNSMIL). These recommendations are based on priorities derived from its work monitoring and documenting serious violations and international crimes, adopting a victim-centred approach and reflecting the demands of affected communities, as well as its commitment to advancing accountability and strengthening the rule of law in Libya.

These recommendations reflect the most prominent patterns of violations documented by LCW over the years of field-based and analytical work. They represent the most urgent and recurring issues identified in its periodic monthly reports and annual analytical reports and have also formed key themes in submissions to international mechanisms, including the Universal Periodic Review and Special Rapporteurs. LCW considers these priorities to be the most critical interventions at this stage, given their direct impact on the protection of rights and their importance in linking the reconciliation track to the paths of justice and accountability.

These recommendations have been formulated in accordance with standards to ensure they are specific, logical, realistic, and implementable, and that they fall within the competencies of the legislative, executive, and judicial authorities in Libya. This approach facilitates their adoption within the SD outcomes and their translation into clear commitments that can be monitored and evaluated.

### **First: Ending arbitrary detention and enforced disappearance, releasing victims, and ensuring accountability**

LCW calls on the members of the track to adopt a recommendation calling for the immediate cessation of all practices of arbitrary detention and enforced disappearance, and to ensure that no person is detained except through legal procedures consistent with Libya's international obligations. All individuals arbitrarily detained must be immediately released, and the fate of all missing persons and victims of enforced disappearance in both official and unofficial detention facilities across Libya must be revealed. All those proven to be involved in issuing, implementing, or concealing unlawful detention orders or enforced disappearances must be held accountable.

## **Second: Establishing a unified and independent mechanism to search for the forcibly disappeared and missing persons**

LCW calls on the members of the track to adopt a recommendation to establish a unified and independent mechanism to search for forcibly disappeared and missing persons and to reveal their fate, including migrants. This mechanism should be granted clear legal powers to access detention facilities and records, as well as mass grave sites throughout Libya, and should operate in coordination with judicial authorities. It should ensure the participation of victims' families, provide them with psychological and social support as well as legal assistance, and strengthen cooperation with relevant national and international organisations and mechanisms.

## **Third: Closing unlawful detention centres**

LCW calls on the members of the track to adopt a recommendation obliging the authorities to close all unlawful prisons and detention centres, and to ensure that any deprivation of liberty is limited exclusively to official facilities under the Ministry of Justice and subject to effective judicial oversight, in accordance with international standards. National oversight bodies and relevant organisations must be granted access to these facilities.

## **Fourth: Protecting migrants and ensuring search and rescue while preventing refoulement**

LCW calls on the members of the track to adopt a recommendation calling for the establishment of an effective and permanent search and rescue mechanism along migration routes, particularly at sea and in the desert. This mechanism should ensure the cessation of any practices that endanger the lives of migrants or result in their forced return or collective expulsion in violation of the principle of non-refoulement.

## **Fifth: Protecting civic space and guaranteeing freedom of association and peaceful assembly**

LCW calls on the members of the track to adopt a recommendation urging the authorities to end all forms of administrative, security, or judicial restrictions on civil society organisations, including arbitrary restrictions on registration, activities, and funding. The right to freedom of association and independent civic action must be respected. Decisions and measures used to restrict the work of organisations, dissolve them, or freeze their activities must be repealed or amended in line with international standards, ensuring that organisations can operate freely and safely.

### **Sixth: Transparency in investigations and accountability for serious violations**

LCW calls on the members of the track to adopt a recommendation obliging the Libyan Attorney General to disclose the results of all investigations related to serious violations and to publish periodic information on the procedures undertaken and their outcomes. This includes investigations into the disappearance of members of the House of Representatives (HoR), Siham Sergiwa and Ibrahim Al-Derisi. All those responsible must be held accountable in accordance with national law and Libya's international obligations.

### **Seventh: Ensuring full cooperation with the International Criminal Court (ICC) and surrendering suspects**

LCW calls on the members of the track to adopt a recommendation that the authorities execute ICC arrest warrants, ensure the surrender of all wanted persons without delay, and provide full and effective cooperation with the Court. This includes facilitating access to information, evidence, and sites relevant to its investigations, and ensuring protection for victims and witnesses who engage with the Court.

### **Eighth: Ensuring judicial independence and ending the trial of civilians before military courts**

LCW calls on the members of the track to adopt a recommendation ensuring the effective implementation of the prohibition on referring civilians to military courts, limiting their jurisdiction strictly to purely military offences. Every accused person must have the right to appear before their natural and independent judge, and the independence of the judiciary must be strengthened and protected from any interference.

### **Ninth: Protecting political rights and ensuring a safe environment for public participation**

LCW calls on the members of the track to adopt a recommendation urging the authorities to take practical measures to ensure a safe environment for the exercise of political rights. This includes protecting candidates and political activists from threats or intimidation, and ensuring that security bodies, armed groups, or judicial bodies are not arbitrarily used to restrict the right to political participation or obstruct the electoral process. Such measures must guarantee free and safe participation in public life.

## **Tenth: Reviewing legislation that restricts freedoms and aligning it with international standards**

LCW calls on the members of the track to adopt a recommendation urging legislative authorities to repeal or amend all laws that contradict human rights or restrict fundamental freedoms. This includes laws related to cybercrime, combating sorcery and witchcraft, counter-terrorism, publications, and telecommunications. These laws must be aligned with international standards and must not be used as tools to restrict rights or arbitrarily prosecute individuals.

### **In conclusion,**

These recommendations represent LCW's contribution to the work of the National Reconciliation and Human Rights track within the SD and reflect the minimum commitments necessary to achieve a tangible improvement in the human rights situation in Libya. The ten recommendations are intended to support the track members' efforts, complement their work, and integrate with the contributions of civil society organisations inside and outside Libya.

LCW emphasises the importance of advancing a process that links reconciliation with justice, strengthens the rule of law, and guarantees non-recurrence. Any reconciliation process that does not rest upon accountability, truth-seeking, and guarantees of reparation will remain incomplete and risks entrenching impunity rather than limiting it.

Finally, we look forward to the adoption of a clear mechanism to follow up on how these recommendations will be integrated into the final outcomes and implementation mechanisms by the drafting committee of the Human Rights and National Reconciliation track, ensuring transparency and accountability.

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