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1. Executive Summary

EUBAM Libya presents this Revised Mapping Report on the state of play of Libyan actors operating in the areas of border management, law enforcement and the criminal justice system. It aims to provide a comprehensive update of the situation on the ground and offer food for thought for the overall planning of CSDP engagement in Libya.

The report has been compiled on the basis of information gathered by EUBAM Libya through its regular engagement and assistance work with Libyan border management, law enforcement and criminal justice institutions. Since the establishment of the "Light Presence" in Tripoli on 5 December 2017, the Mission has been able to enhance its engagement with Libyan counterparts and accelerate its mapping activities. However, due to its mandate the Mission is unable to engage with actors that are not part of the institutional framework foreseen in the Libyan Political Agreement (LPA) of 17 December 2015, but which play core functions in the border management, law enforcement and criminal justice sectors.

Furthermore, due to the challenging security and political situation in Libya, the Mission does not have the capacity to travel outside Tripoli which limits its opportunities to engage with actors operating in other regions.

Libya continues to be severely affected by the security challenges and political fragmentation between its main power brokers. Whilst the removal of armed groups supporting the "National Salvation Government" in March 2017 had a positive impact on the overall effectiveness of security institutions in Tripoli, their capacities are still weak. The decision-making process remains largely in the hands of the highest political actors, in the backdrop of same weak ministerial offices. Single individuals, such as the heads of former armed groups, still preserve most of their power, harming at times the power and influence of official institutions. Nevertheless, EUBAM observed several improvements since the release of its first Mapping Report in January 2017. In spite of some positive steps, Libyan authorities continue to face significant obstacles resulting from the post-2011 political fragmentation, together with economic and social difficulties and internal armed conflict.

The obstacles identified during the mapping exercise range from major strategic level concerns down to operational and tactical level issues. On the strategic level, some of the main obstacles identified include, to varying degrees, the fragmentation of Ministries and their related entities, unclear and overlapping roles and responsibilities of various agencies, limited inter and intra-agency cooperation, as well as a lack of overall strategic vision, information sharing and planning activities. On the operational and tactical levels, many of the entities suffer from a lack of internal procedures, training and equipment. Chains of command, lines of reporting, human resources management and accountability must be reinforced. Furthermore, the ratio of female staff in many of the Libyan agencies remains low, which is a significant concern.

Yet, the increased awareness amongst the senior decision-makers of the benefits that EUBAM Libya's support can bring to the country, and the stronger grip that the Government of National Accord (GNA) has gained in the greater Tripoli area, have enabled Libyan partners to shift focus onto the long-term strategic planning and development of top-down management processes.

These developments are particularly noticeable in relation to border management. The establishment of the National Team for Border Security and Management (NTBSM) in November 2016 created a dynamic relationship between EUBAM Libya and this inter-ministerial committee. For example, the NTBSM drafted with EUBAM Libya's support a "Concept Note towards a White Paper" on Libya's border management reform, which was presented to the Presidential Council (PC) on 26 November 2017. The PC endorsement of the "Concept Note" on 11 March 2018, launched the development of a White Paper on a comprehensive national border management strategy, which is crucial for Libya to gain control of its borders and address the consequences of the lack of a comprehensive border management system (including illegal migration, transnational organised crime, trafficking in human beings, and cross-border terrorism).

Presently, the capacity of the Libyan border management actors remains questionable, and ineffective integration of former revolutionary fighters into border and law enforcement

agencies left many of them lacking in operational capability and with scarce prospects of future capacity-building activities. For example, after the 2011 Revolution the number of staff within the General Administration for Coastal Security (GACS) increased from 367 to approximately 3,300 most of which remain untrained to perform in their roles and tasks.

Regarding Libya's **internal security**, the present institutional setting in the areas of combatting organised crime and counter-terrorism is **characterised by overlapping roles and responsibilities**. Moreover, decisions relating to the overall coordination of law enforcement agencies are often left to ministerial level as there is no Chief of Police/Inspector General. The Office for Disaster and Crisis Management has been mandated by the (then Deputy) Minister of Interior Ashour to identify areas for reform and propose measures for improvement. The most urgent area to be addressed in regards to Libya's internal security is the severe lack of coordination between counter terrorism agencies and organisations working in the fight against organised crime.

There are five institutions that are working on counter terrorism in Libya. To facilitate coordination amongst them, EUBAM Libya supported the establishment of the **National Counter Terrorism Working Group (NCTWG)**. After a promising start, however, disagreements regarding the leadership of the working group have left it **practically inoperable**. Its resumption in a different format is under discussion with the National Coordination for Counter Terrorism (NCCT). EUBAM Libya has also been supporting the Ministry of Interior (MoI) in establishing an Organised Crime Coordination Panel (OCCP) to improve coordination and information sharing amongst Libyan law enforcement agencies. On 13 February 2018, the first session of this panel bringing together three MoI agencies responsible for addressing serious and organised crime issues in Libya was held. These include the Criminal Investigation Department (CID); Department for Combatting Illegal Migration (DCIM); and Anti-Narcotics General Administration (ANGA). The three agencies agreed to strengthen the OCCP with EUBAM's support, and to extend its membership to all agencies working on serious and organised crime issues in Libya.

Concerning criminal justice, the judiciary continues to be severely affected by the consequences of the 2011 revolution and the lack of security for prosecutors, judges and lawyers is critical. The level of training of the judiciary, especially for its leadership and mid-management, is inadequate to meet the needs of the Libyan population. Furthermore, the existence of provisions that allow political control over the judiciary limits its independence. With the nomination of a new Minister of Justice in March 2017, however, the outlook for the development of the Rule of Law in Libya has improved.

On 5 September 2017, the Minister of Justice issued a list of priorities for capacity-building and reforming of the judiciary acknowledging in particular the need to develop a national vision and strategic plan for justice and security in close coordination with the MoI. As foreseen in the bilateral Memorandum of Understanding (MoU) between EUBAM Libya and the Ministry of Justice (MoJ), signed on 14 February 2018, the Mission was identified as the primary partner to support this process. The MoJ needs support also in strengthening its internal and external coordination and developing strategic plans, which is expected to be addressed through the creation of the “Criminal Justice Improvement Working Group”, as foreseen in the MoU.

Moreover, many of the Rule of Law actors such as the MoJ, Supreme Judicial Council (SJC), High Judicial Institute (HJI), Public Prosecution Office (PPO), Judicial Police (JP), and the Courts suffer from a severe lack of information technology equipment, infrastructure and communication systems which obstruct them from establishing a centralised archive. This restricts their capacity to distribute the Official Gazette and legal texts, severely limiting the circulation of basic legal references in hard copy.

Criminal courts are not in place throughout the country, especially in Cyrenaica, and many of them lack independence. Most often they operate in damaged premises without having the necessary hardware to function. This has led into a significant resumption of informal settlement methods and tribal-based justice proceedings. The Judicial Police responsible for the management of correction and rehabilitation centres needs strong capacity-building support in regards to its training needs, including on international human rights standards.

Regarding legal reforms, the Libyan Penal Code and Criminal Procedural Code need to be brought in line with international standards.

Addressing the issues identified in this mapping report will require long-term commitment and support at all levels. Being the only EU presence on the ground, EUBAM Libya has been able to form good working relations with the GNA and local actors as well as international organisations. The increase of the Mission's presence in Tripoli in December 2017 further strengthen its capacity to assist Libyan partners in the areas of border management, law enforcement and the wider criminal justice system. However, while Libyan counterparts show increasing willingness in addressing their main challenges in partnership with EUBAM, they also have high expectations to receive concrete support, results and outcomes related to the identified needs (including training and equipment). Without such outcomes, the Mission faces the risk of losing the trust and buy-in of Libyan stakeholders, harming as such the institutional credibility of the EU. Providing EUBAM Libya with a fully operational mandate with sufficient resources will ensure its capacity to continue responding to local needs and requirements, and assist Libyan counterparts to overcome challenges presented in this report.

2. Introduction

Following the Strategic Review on Common Security and Defence Policy (CSDP) engagement in Libya, on 17 July 2017 the Council extended EUBAM Libya's mandate until 31 December 2018 (CFSP 2017/1342) to assist in a comprehensive civilian security sector reform planning process with a view to preparing for a possible civilian CSDP Mission. The mandate was extended also to engage with and assist the Libyan authorities in the fields of border management, law enforcement and the broader criminal justice system. In executing its mandate, EUBAM Libya cooperates closely with the relevant Libyan authorities, the United Nations Support Mission in Libya (UNSMIL) and other international actors.

This document is a comprehensive update of the "Initial Mapping Report" (ref. EEAS (2017) 0109) issued in January 2017 by EUBAM Libya. It aims to describe the state of play of the Libyan institutions operating in the areas of border management, law enforcement and

criminal justice, their needs and priorities, activities carried out by EUBAM Libya in these areas and recommendations for future actions. Annex I to this Report presents the detailed "mapping", i.e. a description of each of the Libyan actors operating in these areas.

The report has been compiled on the basis of information gathered by EUBAM Libya through its regular engagement and assistance work with the Libyan border management, law enforcement and criminal justice institutions based in Tripoli. Some sections of this Report are more complete than others because not all counterparts have been equally accessible or willing to share information.

Despite the reinforced presence in Libya, the Mission continues to face obstacles in obtaining a complete picture of the situation on the ground. This is due to the **difficult security and political situation in the country which limits access to institutions beyond Tripoli**. Moreover, while some organisations such as the Libyan National Army and tribal armed groups provide some public security services, they are not parties to the Libyan Political Agreement (LPA) and hence the Mission is not entitled to interact with them.

This document seeks to present a better understanding of the state of play of the Libyan institutions responsible for border management, law enforcement and criminal justice systems, also in view of the Mission's Strategic Review that will be finalised in autumn 2018.

3. Political and security context

Libya continues to be severely affected by the security challenges and political fragmentation between its main power brokers. The **Libyan Political Agreement (LPA) of 2015 has not been fully implemented** due to the continued divisions between the Tobruk-based House of Representatives (HoR) and the Tripoli-based High Council of State (HCS), and partially due to the **challenges posed by those entities claiming the right to exercise executive powers**: the "interim government" in Al Beyda and the former elements of the General National Congress who supported the formation of a separate government by Al Ghweil.

Since taking the office in June 2017, the Special Representative to the UN Secretary General (SRSG), Ghassan Salamé, has given new impetus to the mediation process between the GNA headed by the President of the Presidency Council, Fayeze Al Sarraj, and the Commander of the Libyan National Army (LNA), Field Marshall Khalifa Haftar, as well as the heads of the two legislative assemblies the HoR Speaker, Ageela Saleh, and the HCS President, Abdurrahman Sewehli. Despite this development, amendments to the LPA are yet to be endorsed by the HoR and HCS joint committee.

2017 saw an expansion of Haftar's LNA influence in Fezzan and Tripolitania. At the same time the GNA increased its control over Tripoli, mainly by ousting the armed groups affiliated to Khalifa Al Ghweil's "National Salvation Government" and affiliated Misratan hardliners. Despite the significant decrease in armed clashes in Greater Tripoli, the GNA still does not have the monopoly on the use of force which continues to present challenges to EUBAM Libya, in particular regarding to its use of Tripoli's Mitiga International Airport.

Both Sarraj and Haftar have agreed to facilitate the conduct of general elections in 2018 which is supported by the international community. However, the election date remains unclear and Libya still lacks a new electoral law. Furthermore, the LNA's military success has prompted Haftar to take a firmer line leading him to declare the LPA null and void in mid-December and claim that Libya "may not be ready for democracy". Yet, Haftar does not overtly oppose the roadmap of the SRSG Salamé, and his priorities have partially shifted to consolidate the control in Cyrenaica, particularly against the rise of Madkhali Salafists actions in Benghazi.

The relative autonomy of the armed groups in Tripoli, including those supporting the GNA, remains an element creating instability. In July 2017, the Al Nawassi Brigade, one of the leading security actors under the GNA, took over the GACS headquarters highlighting the weak enforcement capacity of the official central institutions. Similarly, on 13 August 2017, an armed group affiliated to the MoI openly moved against the directives issued by Sarraj with the kidnapping of the former Prime Minister Ali Zidane in premises secured by other

forces loyal to the GNA. The consolidation of the GNA power in Tripoli continues to be in need of external support.

4. Libyan border management institutions

4.1 State of play

Libya is the fourth largest state by territory on the African continent with an estimated population of over six million. 90 % of the population live on 10 % of the country's surface area along the Mediterranean coast line. The vast majority of the country is made up of sandy desert with few inhabitants and urban centres. The geographical conditions make border management in Libya challenging. The task is particularly difficult in the Sahara Desert, which dominates Libya's southern border.

The country borders six states: Tunisia and Algeria in the west, Niger and Chad in the southwest and Sudan and Egypt in the east, with a total of 4,348 km of land border that is easily penetrable due to the aforementioned conditions and gaps in the existing control system. It also has a 1,770 km long Mediterranean coastline which is also porous.

The responsibility for border security and management in Libya is shared mainly by three ministries and their seven administrations. These are:

Ministry of Interior (MoI)

- **General Administration for Border Security (GABS)** is responsible for the coordination of actors present at Border Crossing Points (BCP);
- **Passport, Nationality and Foreigners Affairs Department (PNFAD)** is responsible for document and traveller inspections at BCPs;
- **Directorate for Combating Illegal Migration (DCIM)** is responsible for investigating human trafficking, including the administration of the reception centres (RC);

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- **General Administration for Coastal Security (GACS)** is responsible for coast guard duties e.g. border control, Search and Rescue (SAR), fishery control and pollution in the area up to 12 nautical miles from the coastline.

Ministry of Defence (MoD)

- **Libyan Coast Guard and Port Security (LCGPS)** is responsible for coast guard i.e. border control in the open sea, SAR, fishery control and pollution at sea. These competencies clearly overlap with that of GACS;
- **Land Border Guards (LBG)** is responsible for border surveillance between BCPs and the physical protection of the latter.

Ministry of Finance (MoF)

- **Libyan Customs Administration (LCA)** is responsible for collection of customs duties at air, land and sea borders, including the responsibility to counter smuggling of goods, drug trafficking and irregular migration.

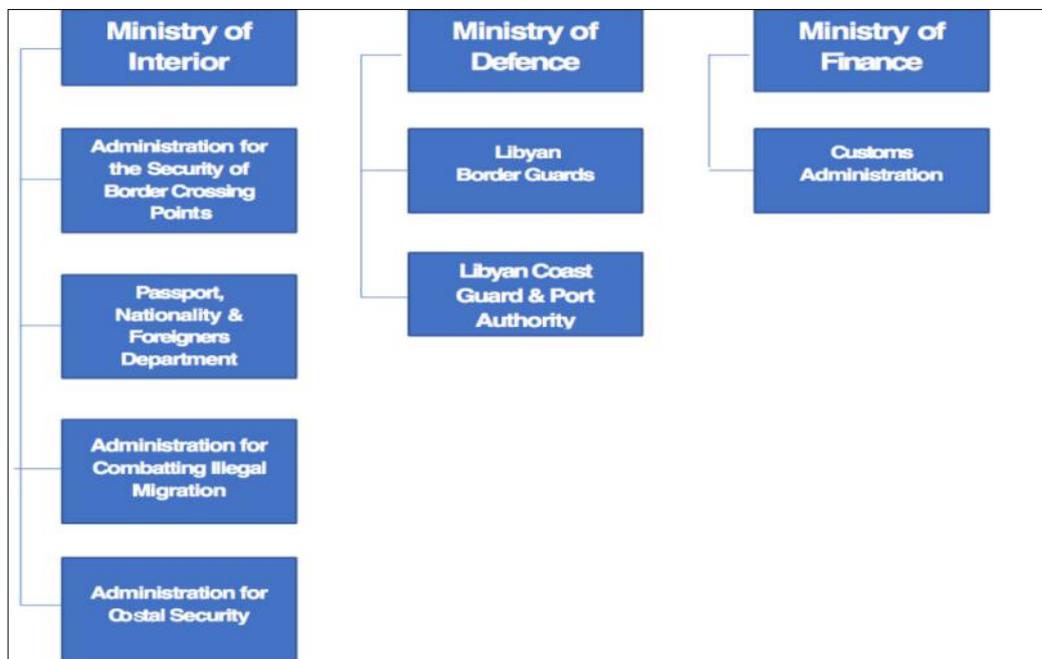


Figure 1: Border security and management agencies in Libya

There are also other actors present at the BCPs which are responsible for specific tasks such as sanitary and phytosanitary control, fighting drug trafficking and military intelligence.

4.2 Main findings

The fragmentation of agencies and ministries remains a significant obstacle in building skills, re-establishing institutions and implementing new policies in border management. Border agencies are responsible for a broad variety of tasks that include combatting cross-border crimes and preventing/fighting terrorism. The **very limited cooperation between agencies, lack of uniformed standards of operations, and gaps in the training system** pose a significant problem to Libya's border agencies in fulfilling their functions.

A number of challenges common to many entities belonging to the border control system exist. These may be divided into three spheres: 1) lack of a central vision and strategy of organisations involved in the system (i.e. narrow strategic vision and planning capacity, limited central command and control, overlapping of mandates of various organisations), 2) execution of border control functions particularly in the south, and 3) human resources management shortages (i.e. no human resources policy, absence of operational training facilities, limited training plans, and problems with integration of former members of armed groups).

The mapping process has **identified the need for legal reforms, particularly in the area of migration management**. Legal reforms are one of the focus areas also of the Border Management Working Group (BMWG), but the misalignment between the GNA and the House of Representatives continues to severely limit the development of legislative initiatives.

Conservative estimates suggest that there are approximately 49,000 persons on the payroll of border security agencies. Two-thirds of the staff are former revolutionary fighters employed via the integration program. These **staff are not professionally trained and their effective integration is problematic**, which remains one of the main challenges for the future. The

GACS, for example, had 367 staff before the 2011 revolution but has since been enlarged by 3,000 personnel through the integration program. Discussions with the management of GACS suggest that they have no plans concerning further training for these additional personnel.

Of significant concern, the ratio of female staff is very low in all border security and management administrations and there are no female staff working at the BCPs and Reception Centres (RC). The shortage of female staff at the DCIM, with a particular focus on the RCs and BCPs, is a priority issue to be addressed from both an operational and gender balance perspective. The lack of systematic collection of data, including gender breakdown of the various agencies, further limits the capacity of the Mission to effectively frame the extent of this challenge.

The challenges of the border management system are inherent to issues arising from inside Libya. In some areas, especially in the south, cross-border trade is controlled by armed groups existing outside of GNA control. In some cases, these armed groups have seized control of border crossing points from armed forces and the MoI in order to facilitate their own criminal border activities.

4.3 EUBAM Libya's activities

On the strategic level, the Border Management Working Group (BMWG) is the main forum for discussing border related legal reforms, institutional reforms and inter-agency coordination mechanisms under the overall authority of the National Team for Border Security and Management (NTBSM). EUBAM and NTBSM are working on the terms of reference that will determine the areas of cooperation within the BMWG for 2018.

The BMWG was the platform in which the "Concept Note towards a White Paper" on Libya's border management reform was discussed. Initially the discussions included three alternative models, as follows:

Model 1 would have kept the existing Libyan border management structures as they are and allow the various entities to perform their tasks in accordance with their current mandates. The new innovation would have been in the creation of the Joint Coordination Centre (JCC) to implement, for example, the decisions of the NTBSM to ensure coordination and cooperation between all concerned border management entities. The JCC would also have played a role in designing the much-needed National Integrated Border Management (IBM) Strategy.

Model 2 was based on a two-agency structure in which the entities responsible for border management would have been amalgamated into a Maritime Agency and Land Border Agency. In this model also, the JCC would have ensured coordination and cooperation between the two agencies.

Model 3 was based on a single Border Management Agency responsible for border surveillance and border checks which, on a national level, would have had headquarters with different administrative departments (including operational entity with Land, Air and Sea Support Departments).

The discussions between EUBAM and Libyan counterparts led to the development of another model for border management arrangements. This **Model 4** is based on a single land, air and sea agency (for border checks and border surveillance), a new migration agency and an independent customs agency. The three agencies will work under the umbrella of the JCC. The rationale for the separation of tasks is in ensuring the integrity, transparency and accountability of the border management and migration processes.

To implement a thorough IBM approach based on intra-agency, inter-agency and international cooperation, the relevant entities need to operate under an overarching coordination structure which is crucial for developing an efficient border management system.

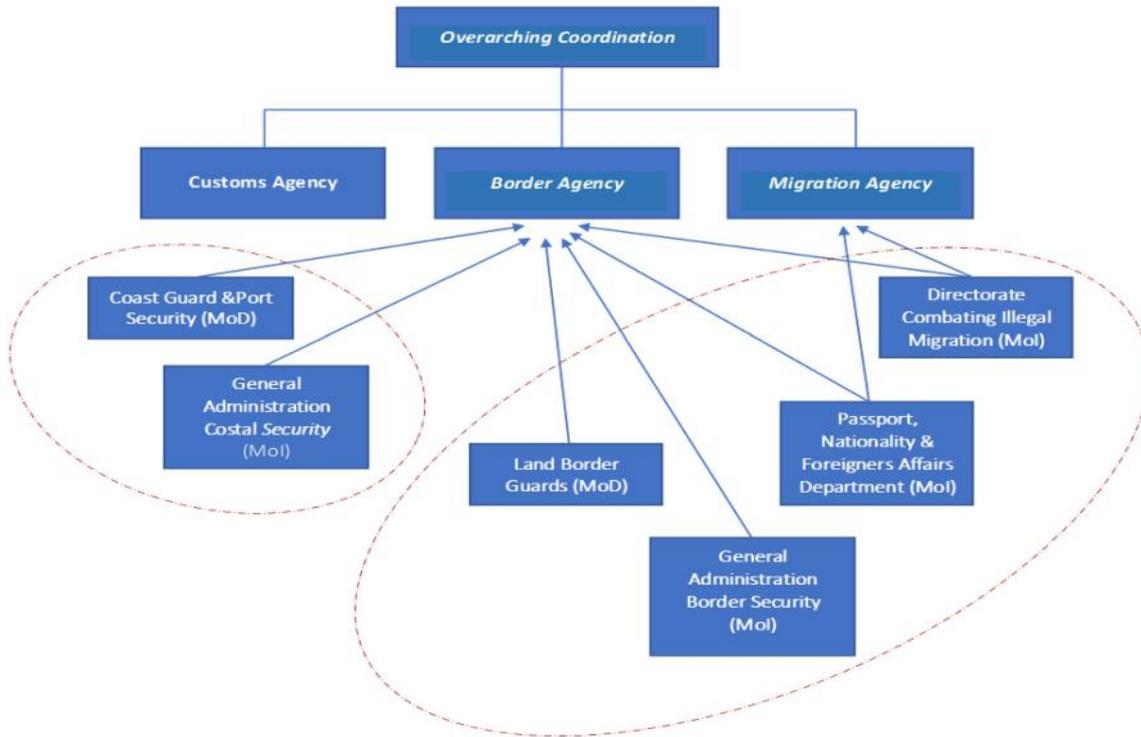


Figure 2: Model 4 of the border security management system as described in the "Concept Note".

The "Concept Note" proposing **Model 4** as the new organisational structure for Libya's border management was presented to the Presidential Council (PC) and GNA on 26 November 2017, and was officially endorsed by the GNA on 11 March 2018. As a next step, EUBAM has now been invited by the Libyan authorities to prepare, jointly with Libyan counterparts, a "White Paper" on institutional reform of the Libyan border security and management system.

On the operational level, EUBAM in cooperation with NTBSM has developed a list of urgent training needs on border management. Since the presentation of the training catalogue to the international community, EUBAM has continued to identify potential donors to deliver the training courses. In 2018, two series of training on detecting forged documents are planned. One will be provided by the US, the other by the Netherlands.

Training delivery requires proper protocols for vetting the trainees. The Mission has initiated discussions with EUNAVFOR MED Operation Sophia, FRONTEX and the Italian Coast Guard on a possible standardised EU vetting protocol.

EUBAM Libya is a member of the steering committee of the EUR 46 million EU Trust Fund for Africa project named "Support to integrated border and migration management in Libya" implemented by the Italian MoI. The project encompasses four areas: 1) strengthening the fleets of the GACS and the LCGPS and enhancing the surveillance capacity in the coastal area in terms of patrolling, transportation and rescue in accordance with international law, 2) setting up a basic interagency national coordination centre and maritime rescue centre for operations at sea and along the coastal area, and SAR activity, 3) assistance to the Libyan concerned authorities with a view to enabling them to declare a Libyan SAR Region and detailed design for the setup of a fully-fledged Maritime Rescue Coordination Centre (MRCC) in Tripoli associated with proper communication facilities, and 4) enhancement of territory surveillance capacity of LBG along the southern borders, by means of a pilot project focusing on the area most affected by illegal crossings and other trans-border crimes. In summer 2017, the GACS, MoI and EUBAM identified the following areas in which EUBAM can support GACS. These are Operational Concepts; human resources management and training; and information technology support and delineation of competences between GACS and LCGPS.

4.4 Recommendations

Strategic level

The development of a comprehensive national IBM strategy, based on the "Concept Note towards a White Paper", is key to improving Libya's border management and security. Therefore, work will now commence with the Libyan authorities to initiate the development of the White Paper in border management reform. This should be followed by necessary legislative reforms defining the roles and responsibilities of the various law enforcement and border management agencies so that their currently overlapping mandates can be rationalised according to Model 4 set in the "Concept Note".

To encourage local ownership and ensure proper coordination of actions towards the same goals, all activities on border security and management carried out by the international community and/or Libyan authorities should be aligned with the "Concept Note towards a White Paper" and be coordinated through the BMWG, or its sub-working groups, under the overall authority of the NTBSM.

Another crucial action relates to the control of southern and maritime borders. To this end, EUBAM will engage in the examination of partners' needs in border management in the south with a focus on managing all activities through the BMWG. In parallel, EUBAM is also planning to participate in a fact finding mission to the South which will help to assess the situation on the ground and lead to identifying areas in which the Mission could possibly engage in the future. Strengthening of the maritime border requires the development of a proper maritime strategy in which the Mission is working together with EUNAVFOR MED Operation Sophia.

Operational level

The Mission has identified several areas in which the Libyan border management agencies require support. These include:

- Enhancement of agencies' operational capacity (e.g. operational concepts, information gathering and intelligence analysis, risk management, investigations, joint operations);
- Review of the HR management concepts including recruitment, promotion, deployment, rotation and the distribution of staff across the agencies, develop clear staffing roles and structures;
- The development of training capacities with a greater focus on training institutions and the design of requirement-based training curricula;
- Addressing the issue of gender balance (especially in regional representation of agencies);
- Developing plans for the upgrading of the BCPs infrastructure (buildings, roads, communication networks, etc.);

- Support for the complete overhaul (infrastructure, administration, procedures, etc.) of the GASBCP, the LBG and the DCIM headquarters, as well as DCIM’s District Centres (DCs);
- Establishment of surveillance systems (especially on the coastline);
- Providing IT strategies, systems, software, and equipment.

5. Libyan law enforcement institutions

5.1 State of play

The Libyan MoI is run by the Minister of Interior. Until the appointment of the new Minister of Interior, General Abdel Slam Ashour on 15 February 2018, the Ministry was run by Areef Al Khoja, who put much focus on day-to-day operations. The perceived operational focus and lack of strategic direction apparently created challenges for the Deputy Ministers to act independently, which would have appear to have led to delays and had an impact upon effectiveness and efficiency. Consequently, many of the MoI agencies have developed their own practices to overcome the lack of general planning, training and equipment. The MoI agencies have often been more open to interaction with the international community than the Ministry's senior management.

The MoI Office for Disaster and Crisis Management (ODCM) was created in April 2017 to support the work of the MoI Deputy Minister, at the time, Abdel Slam Ashour. The Office is responsible for identifying overlaps and inconsistencies in law enforcement legislation and providing advice on possible reforms in the same area. Furthermore, the ODCM is charged with managing the overlaps between the MoI dependent agencies, notably the Criminal Investigation Department (CID) and the Counter-Terrorism Force, in fighting organised crime. It is also developing recommendations on the reintegration of militia members in the security institutions.

Since October 2017, the Mission has established a working relationship with the Anti-Narcotics General Directorate (ANGA) responsible for investigating all crimes linked to narcotics and raising awareness on drug abuse. The ANGA mandate also entails the fight against organised crime and terrorism which overlaps with the work of the CID, the General Investigations Directorate (GID) and the General Administration for Central Security (CS).

As alluded to above, overlaps are visible especially in the areas of counter terrorism and combatting organised crime. For example, the CID has a partial responsibility on counter terrorism, while this is a core task of the GID. At the same time, the GID has a remit in organised crime. Furthermore, the CS is dealing with human traffickers and smugglers suspected of being involved in financing terrorist and/or are acting in an organised way. The clarification of roles and responsibilities and development of synergies between these agencies is necessary to simplify their institutional setting and increase their operational effectiveness.

The Temporary Joint Task Force (TJTF) established by the Presidency Council Decision 437 in 13 November 2016 to detect and combat organised crime and terrorism does not seem to be functional (there is no record of activity).

The coordination and exchange of information between internal security services such as the GID and the CID is non-existent, and there is a need to create such mechanisms. The National Counter-Terrorism Working Group (NCTWG), which was established on EUBAM Libya's initiative, could be used to improve this. After a successful launch, however, further meetings have stalled due to disagreement between the GID and other involved agencies regarding who should be chairing the working group.

The Administrative Control Authority (ACA), Libyan Audit Bureau (LAB), and Financial Information Unit of the Central Bank of Libya (FIU) are dealing with corruption and money laundering problems across the country.

The PC established the Presidential Guard (PG) in May 2016 to secure the PC members and premises, sovereign and public institutions of the state, state guests and vital installations (including land, air and sea BCPs).

5.2 Main findings

Effective law enforcement requires a coherent and well-functioning structure. Currently, this is a mosaic of different agencies and organisations without a clear division of labour and delineation of tasks. There are also major planning and coordination challenges within the MoI itself. This is a result of poor communication at a strategic level with the MoI dependent agencies. The presence of irregular armed groups across the country further limits the control capacities of the MoI.

The Mission is experiencing ongoing problems in engaging with the MoI central administration. EUBAM's attempt to map MoI's training needs showed the tension between the MoI's central administration and its sub-ordinated agencies. The interaction with the CID revealed competence disputes between the agency and MoI and the CID management refused to include the MoI training department in the discussions on agency training plans and model curricula.

During the past months EUBAM has engaged with MoI agencies and international partners to minimise overlaps in training delivery. The Mission identified the ODCM as a possible entry point to address the overall training planning of the MoI.

In the present institutional framework, the MoI CS Directorate has a key role in the future of policing in the country. Its leadership is well aware of the challenges with regard to training, equipment, overlapping mandates and integration of militia within their ranks.

The three main administrative agencies dealing with the key issues of corruption and money laundering (ACA, LAB and FIU of the CBL) experience overlaps in their work.

While there is an absence of reliable information on the number of serving officers within the various MoI policing agencies, the Mission concludes that **most police officers have an insufficient level of both basic and advanced training**. The MoI wishes to train 1,500 police officers, for those solely based in Tripoli, by means of a six-month basic policing course.

The police agencies **equipment is old**. For example, the CID crime laboratories are not able to work properly. Their equipment was either stolen in 2014, broken or in need of consumable materials necessary to undertake tests for forensic evidence.

The UNSMIL-led support to the Tripoli Security Plan (TSP) envisages the creation of a Pilot Model Police Station (PMPS). EUBAM, as a member of the group overseeing the project, underlines the need for a gender-balanced approach in the creation of the PMPS. EUBAM and UNSMIL, for example, sought female participation in the workshop on the PMPS that was held in late 2017. Whilst there were some reservations on the Libyan side, two female participants (one from the MoI and one from the police station at Hey Al Andalus) participated. The issue of services for women and children at the PMPS has been discussed at length. That said the **gender issue is a culturally sensitive matter** and must be handled with great care and sensitivity.

5.3 EUBAM Libya's activities

Currently EUBAM Libya is working towards formalising its relations with the MoI. This action is aimed at providing a strategic framework for bilateral cooperation.

Aiming to increase coordination in counter terrorism, in July 2017, EUBAM initiated and hosted a two-day counter terrorism analysis workshop. This workshop was the foundation for the NCTWG. The group is composed of the representatives of the CID, GID, LIS, PG and CT Force. However, despite the positive launch and EUBAM Libya's efforts, the body is currently inactive due to a disagreement on the nomination of the chairperson for the Working Group.

EUBAM is facilitating relations between law enforcement agencies and the international community. To that end, the Mission has conducted seven Criminal Investigation Roundtables in which various Libyan agencies have introduced themselves to members of the international community. The presentations were delivered by the CID, CS, CID Crime Laboratories, FIU, ACA, LAB and the Libyan Transparency Association (an NGO based in Benghazi with offices in Tripoli working on countering corruption). The Roundtables are a good medium for connecting Libyan partners with members of the international community and to raise awareness of their needs.

The Mission staff has collected the training priorities of the MoI and its various agencies. Based on the information gathered, the Mission is preparing training curricula.

In October 2017, in Tunis, EUBAM hosted a five-day Criminal Analysis workshop for 20 Police officers from the CID, the Tripoli Security Directorate (TSD) and the CS, in cooperation with EUROPOL. In November and December 2017, the Mission facilitated two training courses on Leadership and Management for 60 managers from the CID. The trainings were organised in cooperation with EUDEL Libya. Also in December 2017, EUBAM and the United Nations Organisation on Drugs and Crime (UNODC), with the US funding, hosted a National Workshop on Supporting Libya towards Enhancing Capacities in the Prevention of and Fight against Terrorism and Violent Extremism.

Since July 2017, a "Joint Technical Working Group" (EUBAM, UNSMIL, UNDP and the EU Liaison and Planning Cell) supports the implementation of the UNDP project "Strengthening Local Capacities for Resilience and Recovery", notably in regards to the establishment of a PMPS in the Hay Al Andalouss district in Tripoli. Currently the working group is focusing on addressing the main tasks and training needs for the police officers, as well as the external oversight of the PMPS. The PMPS is in the focus of Mission's interactions with the EU-funded Resilience and Recovery Project.

EUBAM was invited to assist and advise on Policing and Security Joint Program. This is a project funded by the US, the Netherlands and UNDP with UNSMIL and UNDP implementing the project.

Finally, EUBAM has coordinated with and advocated for training and equipment support for Libyan partners with several EU projects, EU Member States, the US, and police services and agencies. The Mission maintains regular contacts with UNSMIL, UNDP, UNODC, EUNAVFOR MED, the United Nations Interregional Crime and Justice Research Institute (UNICRI), European Mediterranean (EUROMED) Police 4 and the Counter Terrorism Middle East and North Africa (CT MENA).

5.4 Recommendations

Strategic level

Law enforcement requires support in defining the mandates, division of labour and streamlining the areas of operation between various law enforcement agencies. As the MoI is the main institution responsible for internal security, EUBAM Libya wishes to formalise its cooperation with the MoI.

Following persistent work undertaken by the Mission with the MoI on a strategic level, on 13 February 2018, EUBAM facilitated the first session of the Organised Crime Coordination Panel in Tripoli. The panel brings together three MoI agencies responsible for addressing serious and organised crime issues in Libya. These are: 1) Criminal Investigation Department, 2) Department for Combatting Illegal Migration, and 3) Anti-Narcotics General Administration. The aim of the panel is to improve coordination and information sharing amongst the Libyan law enforcement agencies. As its first task, the panel will develop its set-up and work plan, after which it will be opened to include more authorities working on serious and organised crime issues.

Another important step is to create a cross-organisational "fusion cell" to collect and collate intelligence and inform respective organisations about threats or other important developments in a coordinated manner.

Operational level

The above-mentioned main goals should be supported by further activities including:

- General support for CID and ANGA training and equipment needs, based on the training priorities collected by the Mission;
- Conduct Project Management and Strategic Planning Training to approximately 200 middle and senior level managers from CID and ANGA;
- Delivery of AFIS-fingerprint capacity to CID;
- Delivery of crime statistics and analysis systems, together with appropriate training, to CID;
- Delivery of financial support and equipment to the newly initiated Police Academy in Tripoli;
- Delivery of equipment to CID crime labs to support their DNA capacity.

6. Libyan criminal justice institutions

6.1 State of play

The criminal justice institutions consist of the MoJ, Supreme Judicial Council (SJC), Supreme Court, Criminal Courts, Public Prosecution and Judicial Police.

The SJC's mandate is the supervision of the independence of the judiciary, including taking decisions pertaining to personnel such as their appointment, promotion, retirement and disciplinary measures. Prosecutors and judges can rotate or be moved and can also change their roles according to the directives issued by this body. The SJC is an essential entry point

with regard to the oversight and accountability of prosecutors and judges as well as the transparency and integrity of the judiciary.

The High Judicial Institute is the principal training centre for the Libyan judiciary under the MoJ. The High Judicial Institute has the responsibility to oversee the two-year long postgraduate training program to prepare staffing for the judiciary so they can be assigned to courts, public prosecution offices, public lawyer departments and the MoJ. The training premises and dormitories of the institute have been greatly affected by conflicts between militias and they have been diverted from their intended use.

Nevertheless, the situation is very uneven throughout the country, and some criminal courts have been closed, such as those in Derna, Sirte and Sabah. In addition, the reality of tribal affiliation in Libya affects the place of courts and justice institutions, especially following the 2011 revolution. Due to missing justice providers, tribal arbitration including those in relation to criminal cases has experienced a renaissance. This is especially the case in the East, while Tripoli is less influenced by this phenomenon.

The Public Prosecutor's Office is established in Tripoli at the Central Court Complex with the jurisdiction of each regional office (there are nine) consisting of an appellate prosecution, first instance prosecution and summary prosecution. The staffing of the organisation amounts to around 1,000 prosecutors and the Prosecutor General has the right to transfer prosecutors within the district of appointment and to delegate them outside the district of appointment for a maximum period of three months. The Public Prosecution assigns prosecutors to police stations and police-prosecutor cooperation is something that can be improved. In cases of felonies and misdemeanours, the Criminal Procedure Code (CPC) provides the Public Prosecution with the right to request the presiding judge of the First Instance Court to delegate the case to an investigative judge, or proceed itself in conducting an investigation.

The Judicial Police is a legal entity which is technically under the MoJ while administratively and financially under the MoI. The Judicial Police is tasked with: 1) administration and

security of correction and rehabilitation centres, 2) transportation of inmates, 3) security of judicial buildings and personnel, and 4) enforcement of judicial verdicts/bailiff duties.

6.2 Main findings

Due to interrelated tasks of the criminal justice institutions (e.g. dependency of public prosecution and courts on the Judicial Police's performance securing the court premises and staff as well as transportation of inmates to court hearings; the dependence of public prosecution and courts on proper training of judges and prosecutors by the High Judicial Institute), serious support to one of the institutions will have a widespread positive effect on the interrelated one. For instance, a Fair Trial training course for prosecution staff and judges could have a positive effect on the number of persons in pre-trial custody held in correction and rehabilitation centres under the administration of the Judicial Police.

The Libyan Penal Code provides powers to the Minister of Justice to authorise the Public Prosecution to initiate proceedings. These powers could be used as a solid base to undermine the independence of the judicial body. Legal reform endeavours should focus on Article 224 of the Penal Code in order to limit the MoJ's influence on the independence of the Public Prosecution service. A second area of note is Article 51 of the CPC which should be amended and the dual role of the public prosecution which involves both the accusation and investigation of criminal acts should be limited to the accusation role while the investigation powers should be transferred to an investigative judge, in accordance with international standards pertaining to the rule of law. A second area in need of reform, is the legal limitation of freedom i.e. pre-trial detention in the CPC.

Although theoretically existent, further efforts in regard to a specialised Juvenile Department at each Public Prosecution office should be a focus of international support. This also applies to the implementation of child friendly investigation and witness support techniques as well as professional training pertaining to children's rights and juvenile justice.

The aggregated consequences of the security situation and the uneven state of criminal courts are a major source of concern for the effective functioning of the judiciary. **Access to justice should be an immediate priority**, hand in hand with financial support in order to reopen closed court premises and renovate premises which are working at a reduced capacity. Further needs are similar for the Public Prosecution such as security arrangements to be conducted by the Judicial Police. Refresher training, both general (Fair Trial rights) and specialised (juvenile justice, organised crime, counter terrorism, illegal migration) should be discussed with the SJC which is the relevant authority for judges. This also applies to juvenile justice, child rights and child friendly proceedings. Like the affiliated judicial actors, criminal courts are in need of computerisation, digitalisation and a proper IT software network in order to manage their workload and filing system.

The needs pertaining to public prosecution involve capacity building, assistance with affected premises, and in regard to security arrangements being managed by the Judicial Police. Training, both general (Fair Trial rights) and specialised (juvenile justice, organised crime, counter terrorism, illegal migration) should be delivered by the High Judicial Institute. Like the affiliated judicial actors, the Public Prosecution is in need of computerisation, digitalisation and a proper IT software network in order to manage their workload and filing system.

The two-year long training program of the High Judicial Institute has been cut to four months since 2013. In addition, the Institute conducts ongoing professional training for prosecutors and judges. As the decrease in the post-graduate training period from two years to four months is negatively affecting the level of performance of newly appointed judges, prosecutors and other actors in the judiciary, the High Judicial Institute intends to re-establish the two-year long postgraduate training period. In addition, the High Judicial Institute wants to raise the professional knowledge and expertise of judicial staff.

The independence, impartiality and **most especially the accountability of judges should be the focus of international support** as this will provide a key to (re-)establishing transparency, trust and confidence in the judiciary. Accountability requires both a clear code of conduct for

judges and disciplinary procedure rules in cases of breaches of the code of conduct.

Furthermore, in cases of reasonable suspicion of severe human rights violations, corruption, or crimes under international law, immunity from prosecution must be lifted and, in the case of a criminal conviction penal consequences must follow (e.g. a permanent or temporary removal from the judicial service). Such legal reform measures must be elaborated by the SJC as the authoritative body over judges.

The Judicial Police face considerable challenges. With regard to the administration and security of correction and rehabilitation centres, the most difficult challenge that the Judicial Police face is the conditions of the buildings they work in. These buildings are in contravention of domestic and international human rights standards. Furthermore, these conditions also damage the institutional culture of the staff, especially the newly integrated (former) revolutionaries (approximately 2,500 to 3,000). Due to the fact that the Ministry of Social Affairs has ceased to work in the area, juveniles are held in correction and rehabilitation centres. Female Judicial Police who are needed to guard female inmates are underrepresented. Physicians are also missing. The administration system is inadequate, leading to an overwhelming amount of administration duties which are neglected in their actual performance. The transportation of inmates is difficult due to missing means (vehicles) and personnel, both quality and quantity wise, which has led to an arrangement between the Judicial Police and the MoI in delivering administrative assistance.

Fostering human rights has been a priority streamlined by the local authorities in their overall assessment and bilateral exchanges with the Mission. The MoJ has paid particular attention to the conditions and rights of juveniles, and requested support for the establishment of a "Child Protection Service" at the MoJ, to lead on coordination between relevant juvenile justice entities.

However, these matters have primarily been addressed with regard to the state of female and vulnerable inmates in Correction and Rehabilitation Centres, and their overall management where female prison guards are seriously underrepresented.

The head of Judicial Police has plans to build a model prison in Tripoli in accordance with international human rights standards (the so-called “Mandela Rules”). Currently, the civilian prison structure is very fragmented, the buildings are very old, and the premises are in contravention of international human rights standards.

The building of a Model Prison in Tripoli has four advantages: 1) the conformity of buildings with international standards; 2) cases transferred to the Model Prison from other Rehabilitation and Correction Centres; 3) legal imprisonment by the responsible Public Prosecution within the Model Prison; and 4) as a role model for other Libyan cities like Benghazi, Sirte, etc., to follow. All four advantages would contribute to building trust with Libyan civil society by means of showing a respect for Human Rights and the Rule of Law by government actors.

6.3 EUBAM Libya’s activities

The MoJ is EUBAM’s main interlocutor and EUBAM has managed to create a trustworthy and solid professional relationship with the Ministry in a relatively short timeframe, since March 2017. The bilateral Memorandum of Understanding (MoU), signed in February 2018, outlines the scope of the main areas of cooperation identified in 2017. The Minister of Justice offered the possibility to co-locate one dedicated adviser within the MoJ. The establishment of EUBAM’s light presence in Tripoli may provide the necessary prerequisite for EUBAM’s colocation which will allow a deepening of the relationship with the MoJ and the delivery of coordination support and strategic advice.

EUBAM Libya is part of the Presidential Council’s Working Group on Justice and Human Rights (established on UNSMIL’s initiative in August 2017), a forum for enhancing sectorial coordination between the GNA (including the MoJ) and the international community (UNSMIL, Member States and International Organisations). While the Presidential Council’s Working Group on Justice and Human Rights operates at a high coordination level, the Criminal Justice Improvement Working Group is intended to meet the needs of the participating entities on a strategic and technical level.

The second major interlocutor is the Judicial Police. Upon the Minister of Justice's request, who himself underlined the huge need to improve the institutional culture in Rehabilitation and Correction Centres under full control of the Judicial Police, EUBAM has set up a Train the Trainer (ToT) course for Judicial Police on Libyan domestic law, the Mandela Rules and training skills for 20 participants from all parts of Libya. The setup of the training had been elaborated in two workshops undertaken by EUBAM with the Judicial Police. In order to respect local ownership, the course has been conducted by two professors from Tripoli University. 18 of the 20 participants passed the three-week long training course and have been evaluated by means of two written tests and lesson delivery. Financially and administratively, the training has been implemented by means of EU funds through the Public Administration Facility II (DG NEAR). The possibility to deliver additional training courses is subject to the identification of additional funding. With 18 potential trainers now in place, the Judicial Police with the support of EUBAM Libya is devising a cascade plan to deliver domestic law and international human rights training to an envisioned target group of reintegrated revolutionaries.

With regard to legal reform, UNODC is in the lead to support the revision of both the Penal Code and the CPC. Since 2009, the MoJ had elaborated on revisions of the codes and in 2011 this process was at the final stage. This process was interrupted by the 2011 revolution. Experts involved in the legal revision of 2009-2011 are not part of the current amendment process. The MoJ is reviewing the UNODC led legal revision and promised to share their outcomes with EUBAM once they are ready. Given the new position of a Legal Reform Advisor, EUBAM should support this process in detail on an advisory level as foreseen in the MoU.

EUBAM aims to increase its engagement with female criminal justice actors (through the organisation of a workshop) via the MoJ. However, this has unfortunately been poorly supported by the MoJ. Given the commencement in the Mission of a Gender and Human Rights Adviser in February 2018, this task should be presented *inter alia* as a priority for EUBAM's increasing panel of experts. It should be acknowledged that any change of Libyan criminal justice legislation pertaining to women's rights needs, firstly, strong civil society

backing so as the changes actually take place and are accepted. Awareness training and campaigns on human rights in universities, schools and to the public in order to address changes, and also to reduce potential radicalisation and extremism could serve as a good entry point. EUBAM Libya has made excellent contacts with Tripoli University and Libyan NGOs/Civil Society Organisations (CSO) in this regard.

6.4 Recommendations

Strategic level

The MoU between EUBAM and the MoJ will serve as a basis for strategic planning in the area of criminal justice. According to the MoU, the Criminal Justice Improvement Working Group is to be created with EUBAM Libya as its permanent member. The forum should ensure a key role in the provision of strategic advice to the MoJ's elaboration of a national vision and a strategic plan for justice and security together with an implementation plan. The roles of justice sector actors such as SJC, High Judicial Institute, Public Prosecution Office, Courts and the Judicial Police, must be clearly defined. Proper instruments need to be implemented to assure gender balance in prosecution and judiciary.

Finally the Mission should be able to engage in the revision of the Penal Code, the Criminal Procedure Code, and the Code of Ethics in line with the Bangalore Principles on Judicial Conduct.

Operational level

Actions derived from strategic progress should include:

- Leadership and mid-level management training in the MoJ;
- Legal and Ethical training of the newly integrated (former) revolutionaries;
- Facilitation of the re-establishment and deepening of the cooperation of the Judicial Police with the Ministry for Social Affairs in the sphere of juvenile's rehabilitation and correction as well as post-release care;

Support for the creation of post-release programs for female prisoners, to ensure their better adaptation to post-release situation;

- Facilitation of the reconstruction of courts buildings;
- Assistance in the reconstruction of destroyed correction facilities in order to meet legal requirements (medical treatment, employment and recreation of inmates).
- Support in computerisation of the ministry as well as the SJC, the High Judicial Institute, the Public Prosecution Office, the Courts and the Judicial Police (IT strategy and systems, as well as equipment and software delivery);
- Equipment delivery to the Official Gazette in order to ensure the printing of legal documents and books.

7. Conclusions

Since the issuance of the "Initial Mapping Report" (ref. EEAS (2017) 0109) in January 2017, EUBAM Libya has continued updating its mapping of the relevant Libyan actors. It has also continued planning for a possible future civilian CSDP Mission, as well as advancing its engagement and assistance related to border management, law enforcement and the broader criminal justice system while ensuring human rights and gender are an integrated part of all its activities.

The more regular and longer presence of the Mission's operational experts in Tripoli, through the light presence, and the increased number of international Mission Members, have enabled EUBAM Libya to significantly enhance its engagement with Libyan counterparts and intensify its activities – which has also made a positive contribution to the mapping activities. In spite of the limited access by the Mission to institutions located outside Tripoli and/or those that are not part of the LPA, as well as the unwillingness of some agencies to share information with the international community, the mapping process has led to a reasonably good understanding of the state of play of the relevant Libyan institutions.

Many of the shortcomings identified in the mapping report result from the challenging political and institutional structures which continue to negatively impact upon Libya's overall security, stability and sovereignty. The ability of the GNA to gain control and improve its border, law enforcement and criminal justice systems, with external support, is crucial for the country's security and stability. EUBAM Libya, as the only de facto EU presence on the ground, has been able to create good working relations with many of the local actors and is well placed to continue supporting the Libyans in their efforts to improve these areas.

The obstacles identified during the mapping exercise range from major strategic level concerns down to smaller operational and tactical level issues. On the strategic level, some of the main obstacles identified include, to varying degrees, the fragmentation of Ministries and their related agencies, unclear and overlapping roles and responsibilities of various agencies, limited inter and intra-agency cooperation, as well as a lack of central vision, information sharing and planning activities. On the operational and tactical levels, many of the entities suffer from a lack of internal procedures, training and equipment, to mention but a few areas. Furthermore, the ratio of female staff in many of the Libyan agencies remains low. Addressing these issues will require long-term commitment and support at all levels.

On border management, the GNA has indicated a willingness to reform Libya's border security and management. To that end, the NTBSM drafted a "Concept Note towards a White Paper" on Libya's border reform, with EUBAM Libya's support, which was endorsed by the GNA on 11 March 2018. The "Concept Note" will now lead into the development of a White Paper laying down the overarching framework for the whole functioning of border security and management in Libya.

The development of a comprehensive national border management strategy is crucial for Libya to gain control of its borders, and a pre-requisite for it to be able to start addressing many issues stemming from poorly controlled borders (e.g. illegal migration, organised and transnational crime and trafficking in human beings). To ensure the complimentary of efforts towards the same goals, all actions related to border management should be aligned with the

"Concept Note" and be coordinated through the BMWG, or its sub-working groups, under the overall authority of the Libyan-owned NTBSM.

Regarding law enforcement, the establishment of the Organised Crime Coordination Panel on 13 February 2018, with EUBAM Libya's facilitation, is a good step forward in the efforts to improve the coordination and information sharing amongst the Libyan law enforcement agencies. The first session of the panel brought together three MoI agencies responsible for addressing serious and organised crime issues in Libya: 1) the Criminal Investigation Department; 2) Department for Combatting Illegal Migration; 3) and Anti-Narcotics General Administration. As the set-up of the panel matures, it is hoped to become a comprehensive forum involving all agencies working on serious and organised crime issues in Libya. This again, is hoped to lead to addressing many of the issues identified during the mapping exercise as obstacles in the functioning of the law enforcement agencies.

Concerning criminal justice, the next step will be the establishment of a Criminal Justice and Institutional Improvement Working Group to act as a forum for identifying areas of improvement, addressing the needs of the ministry, providing assistance in legal reforms, and assisting rule of law actors to work in line with the international agreements signed by Libya. This again will lead to addressing many of the obstacles identified during the mapping exercise.

While many of the shortcomings and obstacles to well-functioning border management, law enforcement and criminal justice systems in Libya have already been identified, EUBAM Libya needs a fully operational mandate, broad enough and with sufficient resources, to be able provide the support that Libya needs in these areas.

**Mapping of Libya's Border Management,
Law-Enforcement and Criminal Justice Institutions**

1. The Government of National Accord (GNA)

1.1. Ministry of Interior (MoI): General Administration

On 15 February, the Presidency Council (PC) appointed General Abdel Slam Ashour as the new Minister of Interior who took over from Al Aref Al Khoja.

The appointment of the new Minister, General Ashour, may lead to further development of MoI strategic priorities as well as an increased emphasis regarding relationships with international partners. EUBAM and UNSMIL have a positive track record in their respective exchanges with General Ashour at the time he was Deputy Minister. He has presented an ambitious vision to reform the Ministry and consolidate its institutional capacity and procedures to reduce the fragmentation that led to individual initiatives of its dependent agencies. The Office for Disaster and Crisis Management, already under his direct coordination, was tasked to support him with the identification of urgent reforms and improve coordination mechanisms. These functions are likely to be shifted to his office following his appointment as Minister.

Before his replacement, Al Khoja had appointed Abdel Slam Ashour as Deputy Minister for Security Affairs and Captain Faraj Ghaaim as Deputy Minister from the east of the country. The latter Deputy Minister is based in Benghazi. Two assassination attempts have been made on the life of Ghaaim himself.

The reporting lines for all matters go directly to the Minister. Command and control spans over a number of line managers and can lead to delays and a lack of effectiveness and efficiency. Hence, decision making has in part become decentralised, with departments and

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directorates sometimes relying on individual initiatives to fill gaps in planning, strategy and funding. The lack of strategic planning capacity has weakened the chain of command, caused overlaps in terms of remit and jurisdiction, as well as uncontrolled recruitment and financial management problems.

Influencing elements within and around the MoI (militias and religiously motivated stakeholders) hinder an effective approach to institutional development. An integration programme stalled in 2012 due to the lack of a strategic vision, training facilities and resources. The MoI's administrative departments have adapted by seconding officers and administrators into the militia groups attached to directorates, or by requesting transfers of militia members into their departments.

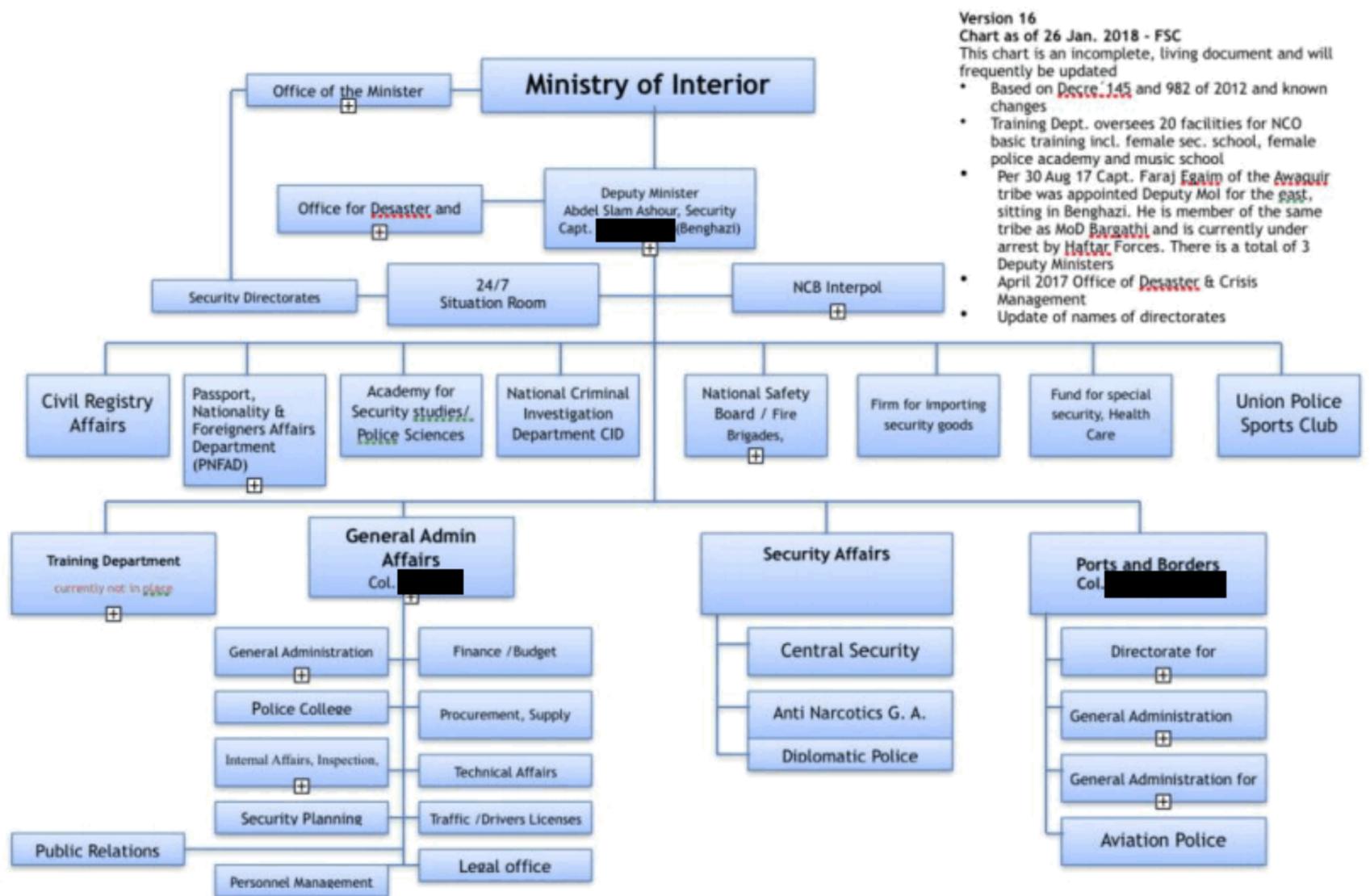


Figure 3: The Ministry of Interior (MoI) chart as of Decrees 145/2012 and 982/2012

Needs for training and equipment are obvious throughout all MoI departments and respective branches. Support, by means of training and equipment, especially for criminal investigation agencies, could be considered in the short term. In addition, support for organisational and institutional reform will require more information and analysis. The issue of vetting must also be addressed, ideally building upon the mechanism utilised by EUNAVFOR MED Operation Sophia for their activities, learning from what they have done and improving on the same to create a model that can be used not only by EUBAM Libya but also by other EU agencies now and in the future. Further meetings on this topic are scheduled to take place in early 2018 with EUNAVFOR MED Operation Sophia and other interested parties, including Italy and FRONTEX.

The Mission still has limited access to the MoI and needs to communicate through the Ministry of Foreign Affairs (MoFA), which is time consuming and does not guarantee success.

1.1.1. Office for Disaster and Crisis Management

Established in April 2017 as an advisory entity to the (then) Deputy Minister Ashour, it is headed by Colonel [REDACTED] and currently employs 12 personnel.

Its main tasks are to:

- Provide solutions to temporarily overcome the problems caused by the political and strategic divide between the GNA and the “interim government” in LNA-controlled areas;
- Identify and address contradictions in laws and overlaps between same;
- Identify and address competing competencies, e.g. between the Criminal Investigation Department (CID) and the Counter Terrorism (CT) Force in the fight against organised crime (OC);
- Suggest reform priorities and activities within the MoI;
- Suggest methods to reintegrate militia members and address cases of parallel chains of command.

It also seems that this office covers some of the functions one would expect to be covered by a Strategic Planning Department.

1.1.2. Arab Police Organisation (APO) and National Central Bureau for INTERPOL (NCB)

Libya has been a member of INTERPOL since 1954 and was amongst the first Arab states to join the organisation. The Arab Criminal Police Office is an INTERPOL like organisation for Arab States with much the same tasks as INTERPOL itself. The benefit of the organisation seems to be closer and more rapid cooperation between Arab states. The headquarters of the Arab Criminal Police Organisation under the Arab Ministerial Council is located in Tunis, under the Organisation of Arab MoI's. Thematic focal points are located in Tunis for OC and in Saudi Arabia for CT.

In 2014, the transfer of information from INTERPOL was frozen, after an official intervention by the Minister of Justice from the authorities based in Al Beida. It seems, that at this time, the Minister for Justice signed international arrest warrants and not, as required under INTERPOL regulations, the chief prosecutor. Currently NCB has access to all INTERPOL services but still cannot send out "Red Notices" (international arrest warrants).

The offices of both APO and NCB are located in downtown Tripoli. Colonel [REDACTED] is the newly appointed double hatted head of both organisations. He is a career police officer with 20 years' experience in the police and a further 17 years in the Libyan Army. His earlier career appointments included him heading the Ubari and Tripoli Security Police Departments.

According to its senior management, the NCB in Tripoli has collected intelligence on approximately 13,000 persons, including suspects of various crimes and missing persons. Files are saved in hard copy and by electronic means. The Head of NCB confirmed that the arrest warrants mentioned in open sources last September, and allegedly issued for 830 persons suspected of terrorism in Libya, have not been passed on in their entirety to INTERPOL. The suspects in question are wanted by Libya, but the relevant court orders have

not been "internationalised" to date. However, as Libya cannot receive or send Red Notices they are blocked from sending out these warrants at present.

The NCB appears to be working reasonably well with capable personnel, even in the circumstances they face with broken furniture urgently needing to be replaced in their offices. All their files are scanned and digitally secured. The office has approximately 30 personnel, mostly officers and three civilian staff. Some officers are seconded to other police organisations, such as Colonel [REDACTED] who heads the General Administration for Coastal Security (GACS) but is still on the NCB payroll. Personnel work 08:00 to 15:00 weekdays with some officers on call at all times. Every officer has basic police training and further specialised training according to their specific job requirements. Special training needs requested by the NCB include network and database maintenance.

1.1.3. MoI Training Institutions

MoI Civil Service Academy

The Civil Service Academy, which supposedly reports directly to the Minister for Interior, is planned as a high-level academy for security studies and police science dedicated to masters and PhD students. No more information is available on this entity at present thus whether it is actually operating in practice is currently unknown.

MoI Police College

The Police College, together with the Central Administration Training Centre, was previously under the Deputy Minister for General Affairs within the MoI, however, the situation now is unclear. Cadets of the Police College are required to have completed high school in order to enter and graduate as commissioned police officers after a four-year course. No further information is available on this entity at present thus whether it is actually operating in practice is currently unknown. Additionally, large agencies such as the CID or the CS have their own training departments for developing and conducting specialised training.

1.1.4. MoI Central Administration Training Centre

The MoI Central Administration Training Centre is headed by Colonel [REDACTED] and his deputy Colonel [REDACTED]. It provides specialised management training for the Libyan National Police. In addition, it develops curricula for basic and specialised training to be used at the 18 training centres nationwide, including a secondary school for females, the Female Police School and the Music School (currently 22 curricula are being developed).

The Central Administration Training Centre, including the centres in the provinces employs approximately 800 trainers but only 18 of them are qualified to train trainers. In practice, approximately 60 more trainers of trainers are estimated to be needed. The preparation of trainers to teach trainers in foot patrolling and related techniques is one of the priorities for the training administration (they did not expressively mention Community Policing). The training administration aims to reinforce the police, especially in Tripoli, with 1,200 trained officers for foot patrols and general policing skills, which it is anticipated, would raise the sense of security of the general public. Basic issues including the refurbishment of classrooms as well as training equipment (whiteboards, projectors, markers, etc.) need to be addressed.

Since the spring of 2017, EUBAM has not been able to visit and assess MoI training centres.

1.2. Ministry of Defence (MoD)

The MoD has two bodies which are tasked with border control. Firstly, the Libyan Coast Guard and Port Security (LCGPS), which also keeps a functional relationship with other ministries through the execution of tasks such as search and rescue, border surveillance, fishery and environment inspections, inspections of commercial marine traffic, etc. Secondly, the Border Guard (BG), which is responsible for the surveillance of Libya’s land borders.

1.3. Ministry of Justice (MoJ)

After a long period of the existence of two competing Ministries of Justice, on 22 March 2017, Judge Mohammed Abdulwahed Abdulhameed was appointed by the PC as the Minister of Justice. Being from Al-Baitha, he represents also the East in the GNA Ministry of Justice.

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In April 2017, the minister appointed two undersecretaries: Mr. Abdulrahman Mohammed Abubreg, the Undersecretary for the Judicial Police is tasked with the following functions:

- Taking the necessary measures to bring prisons under the comprehensive supervision of the Ministry of Justice’s departments; in addition to cooperating with Judicial Institutions to facilitate judicial oversight of prisons.
- Proposing suitable measures for the development of the Judicial Police in accordance with the aims set forth by the law, following up the work of the Judicial Police and overcoming any challenges that might arise in the course of their duties.
- Following up the status of prisoners and ensuring their rights are met; in coordination with the Undersecretary for the Rule of Law and Human Rights and other relevant agencies.

Mr. Khaled Masoud Abusalah, the Undersecretary for the Rule of Law, Human Rights, Transitional Justice and National Reconciliation is responsible for:

- Studying and proposing developments and implementation mechanisms for legislation related to Transitional Justice, National Reconciliation and Grievance Redress.
- Collecting, Listing and Studying cases proposed for referral by the Fact Finding and National Reconciliation Commission for presentation to the Minister of Justice; in accordance with the provisions of law 29/2013 on Transitional Justice.
- Proposing communication and cooperation mechanisms with the Fact Finding and National Reconciliation Commission in accordance with the legislation in force.
- Communicating with formal and informal bodies and proposing coordination and support mechanisms in accordance with the relevant framework of the Ministry of Justice.
- Presenting proposals for the amendment of penal legislation in accordance with the internationally recognised principles and foundations of Human Rights. The proposals shall be referred to the relevant agencies for further procedures.
- Studying the advantages of Libya’s signing, ratification or accession to several International Treaties related to Human Rights and International Humanitarian Law.

Communicating with formal and informal bodies and proposing coordination and support mechanisms in accordance with the relevant framework of the Ministry of Justice.

- Proposing the procedures necessary to support the success of Judicial Institutions in establishing notions of the Rule of Law, Human Rights and Judicial Justice.
- Preparing regular reports on the status of Human Rights and the Rule of Law in Libya; as well as determining the relevant deviations and proposing the necessary remedies.

A parallel Ministry of Justice in the East (the “interim government”) is still active. The Libyan criminal justice officials however always stress that although politically split they are administratively united. This was shown, for example, in EUBAM’s train the trainer course for Judicial Police, in November 2017, where the Judicial Police from the East participated with the knowledge and support of the MoJ in the East.

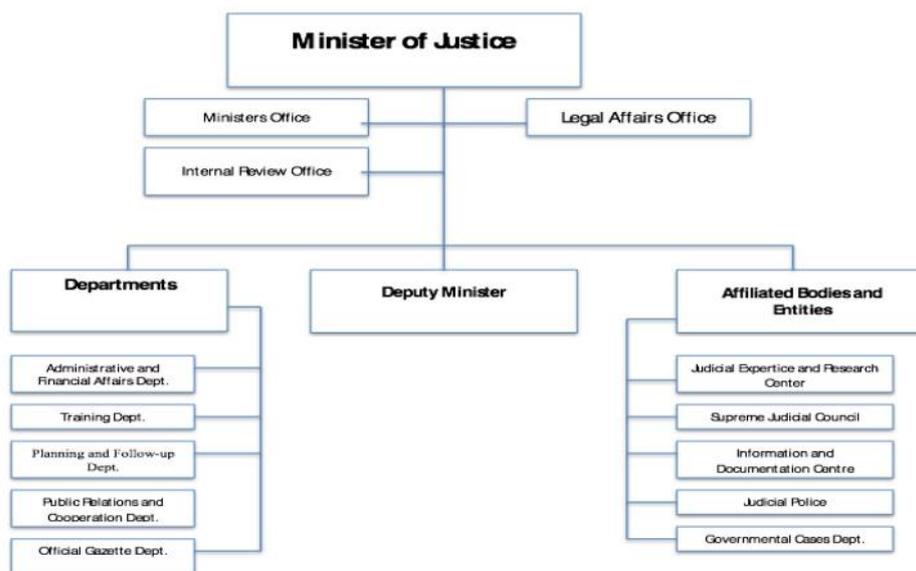


Figure 4: Ministry of Justice (MoJ)

The MoJ is located in Tripoli. The Decree 50/2012 regulates the ministry’s organisational structure and competencies, which include the design and implementation of the "general justice policy of the State", in coordination with the Supreme Judicial Council.

According to Decree 50/2012, the Judicial Police, the Judicial Expertise and Research Centre and the High Judicial Institute report to the MoJ. Here, lies one of the most important tasks for EUBAM's strategic support to the MoJ which is the elaboration of a national vision and a strategic plan for justice and security. The Minister of Justice has offered a co-location within in the MoJ and the establishment of EUBAM's light presence in Tripoli is providing the necessary prerequisite for EUBAM's colocation which will allow to deepen the relationship with the MoJ and to deliver coordination support and strategic advice delivery on a permanent basis, such as the elaboration of a national vision and a strategic plan for justice and security.

The MoJ and MoI have elaborated a "LIBYA, Ministry of Interior-Ministry of Justice Security Strategic Vision" which together with the Minister of Justice's priority list for International Support of 5 September 2017 could serve as an entry point. EUBAM Libya in its role as a permanent member of the envisioned establishment of the Criminal Justice Reform Working Group (under the MoU) should play, together with the international community and under the umbrella of UNSMIL, a crucial role in giving strategic advice to the MoJ's elaboration of a national vision and a strategic plan for justice and security and, based on the latter, an implementation plan.

Pertaining to the elaboration and formulation of a national vision, strategic plan and implementation plan for justice and security, the MoJ needs capacity building support, especially in strategic planning (workshops and trainings) and support in inter and intra-ministerial cooperation. In such plans, the roles of justice sector actors such as the Supreme Judicial Council, Supreme Judicial Council, High Judicial Institute, Public Prosecution Office, Courts, Judicial Police, must be defined. Here, the envisioned Criminal Justice Reform Working Group (under the MoU) should play a crucial role in defining the roles of each of the members in the strategic plan for justice and security and, based on the latter, an implementation plan.

The MoJ has mentioned the very important need of computerisation not only of the ministry itself, but also of the Supreme Judicial Council, High Judicial Institute, Public Prosecution Office, Courts, Judicial Police in order to reach effectivity and efficacy by a main server,

shared folders, standardised files and a digital archiving system. The MoJ has an "IT-working group" of 20 people which is a technical team in charge of the planning of software and a secure network. Furthermore, the MoJ asked for leadership and mid-level management training in order to increase the level of knowledge and expertise of its staff.

Capacity building needs for the official gazette are also on the priority list of the MoJ as the in-house printers are in poor condition which adversely affect the printing of legal documents and books for the usage of the Public Prosecution Office, Courts, Judicial Police and, therefore, has a negative impact on the Rule of Law.

With regard to institutional reform, the MoJ requested support for the establishment of a so called "Child Protection Service" at the MoJ, in charge of coordination between relevant juvenile justice entities.

Cooperation with EUBAM and other international actors

EUBAM has had contact with the MoJ since February 2017 and has conducted several workshops to evaluate the needs and priorities of the MoJ and the affiliated judicial actors. Subsequently the two sides have negotiated and signed an MoU on cooperation. The MoU consists of three parts of possible engagement, namely capacity-building, institutional reform, and legislative reform efforts pertaining to revision of the Criminal Code, Law on Drugs, and legislation pertaining to migrant smuggling; Organised Crime; and Counter Terrorism. The main provision of the Article 2 of draft MoU reads as follows:

2.1 Pursuant to above-mentioned Articles, EUBAM Libya, within its mandate and capabilities, shall cooperate with the Ministry of Justice in the fields of capacity building, institutional reform and legislative reform in the area of criminal justice.

2.2 The Ministry of Justice intends to establish a "Criminal Justice and Institutional Improvement Working Group" in cooperation with the Supreme Judicial Council, High Judicial Institute, Public Prosecution Office, Courts, Judicial Police, and the Coroner's Office, and EUBAM Libya with the aim to contribute to the Ministry of Justice's efforts

in capacity building of the criminal justice sector as well as the Ministry's institutional improvement and legislative revision processes in the criminal justice sector.

- 2.3 The Ministry of Justice aims to improve the skills and knowledge of justice officials through training, workshops and seminars. Beside the generic training foreseen for Ministry of Justice officials in order to improve their institutional capacity, other training courses to prosecutors, judges and lawyers (in coordination with the Supreme Judicial Council, High Judicial Institute, Public Prosecution Office and Judiciary) shall focus on case management, evidence collection, indictment writing, investigation skills, mutual legal assistance (asset recovery) and specialised fields, such as, prosecution and conviction of crimes related to terrorism, corruption, organised crime, and cybercrime. All of above mentioned training courses will integrate and promote respect for international Human Rights standards and the Rule of Law.
- 2.4 EUBAM Libya shall assist the Ministry of Justice in the set up and evaluation of a coherent and strategic framework of aforementioned institutional capacity building needs. It shall equally assist in the establishment of the Criminal Justice and Institutional Improvement Working Group and shall participate in it. Where relevant, EUBAM Libya shall link its support to the Justice Sector with the European Union (EU) funding mechanisms and EU/EU-Member states' projects in the area of Security Sector Reform (SSR), including Justice Reform, in accordance with the "European Union's integrated approach". At a later stage — and dependent on the future decision of the Council pertaining to EUBAM Libya – EUBAM Libya might have its own project budget.
- 2.5 In the field of institutional reform, the Ministry of Justice through the Criminal Justice and Institutional Improvement Working Group shall conduct an overall assessment and set up improvement goals for the criminal justice institutions in terms of human resources capabilities, efficiency, accountability, legal education, and the Rule of Law, including the curricula of the High Judicial Institute. EUBAM Libya shall support potential donor coordination pertaining to reach these improvement goals.

2.6 Since the Ministry of Justice regards the legislative reform of the laws pertaining to criminal justice as an essential component of the overall criminal justice sector reform, it aims to harmonise the national legislation with the relevant international agreements, to which Libya is party, within the limits of the international obligations of the Libyan state in regard to these treaties and the reservations made. To this end, the Parties agree to revise the New Criminal Code Project, Law on Drugs, Migrant Smuggling Legislation, Organised Crime Legislation and Legislation on Terrorism, Migrants, Drugs and Criminal Proceedings. All the aforementioned laws ought to be harmonised with international standards to ensure fair trials for all and enhance Human Rights protections. Recommendations for new legislative projects should also be devised.”

This MoU, which was signed on 14 February 2018, will serve as the basis for bilateral cooperation.

On 9 September 2017, the Minister of Justice issued a so-called priority list focusing on transitional Justice; prisons (both buildings and the treatment of inmates); anti-corruption; money laundering; illegal migration/human trafficking, counter-terrorism and the revision of the Penal Code and Criminal Procedure Law combining those subjects with general improvement of and needs pertaining to Capacity building (including training to MoJ civil servants, Judicial Police, High Judicial Institute which is under the legally independent Supreme Judicial Council); institutional reform and legal reform needs (Penal Code and Criminal Procedure Code) and the incorporation of international treaties into Libyan domestic law (e.g. the UN Convention on Transnational Organised Crime or the Convention against Torture and Other Cruel, Inhuman Degrading Treatment or Punishment). Here, most fields are covered by EUBAM’s foreseen support outlined within the MoU.

UNSMIL, who has increased its cooperation with the MoJ since May 2017, is EUBAM’s most important partner in cooperation with this department. UNSMIL is aware that almost all of the Ministry’s priorities (beside transitional justice) are covered by the MoU. EUBAM Libya has kept UNSMIL informed regarding all steps taken with the MoJ.

The legislative revision process of the MoJ is very much influenced by UNODC who initiated this process in the context of its project entitled "Support to the process of criminal justice reform in Libya". The first phase of the review is focused on the Criminal Code, the Code of Criminal Procedure and the Police Act.¹

“A comprehensive assessment of core government and State functions in support of the Presidency Council and the GNA was completed in March 2017 by UNDP, in collaboration with UNSMIL. The assessment covered government employees, civil service reform, security and policing, justice and law enforcement and local governance.”² Security (mostly regarding the MoI) and the current justice situation has been presented to the international community and solutions discussed although Libyan attendance and expertise was missing in this endeavour.

2. Border management and security structures

2.1. MoI: General Administration for the Security of Border Crossing Points (GASBCP)

The GASBCP is an administration within the General Directorate of Border Security (GDDBS) of the MoI. Its main task is to oversee the security and protection of air, land and sea entry/exit points. The GASBCP is responsible for the security of 25 Border Check Points (BCP): eight sea, eight land and nine air BCPs, each being under the coordination and responsibility of a director.

The GASBCP represents a central organ that manages the security at the BCPs and oversees the other organisations operating there, thus theoretically providing for good cooperation and

¹ See: United Nations Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, S/2017/283 (of 17 April 2017), No. 52, available from: <https://unsmil.unmissions.org/sites/default/files/n1707537.pdf>

² United Nations Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, S/2017/283 (of 17 April 2017), No. 76, available from: <https://unsmil.unmissions.org/sites/default/files/n1707537.pdf>

collaboration. In reality, it requires strengthening in terms of situational awareness and intelligence-led border management. More specifically, there is a considered lack of central control, coordination, cooperation, training, equipment, information exchange and reporting.

Reportedly, the GASBCP has a total of 2,800 employees. They are deployed at their one headquarters and the mentioned BCPs. The GASBCP headquarters in Tripoli has been occupied by a militia and cannot be used at present. At the moment, it is not clear which of the above-mentioned staff is deployed or where they are.

Enquiries conducted by the Mission revealed, however that their deployment is very partial: in the Southwest, for instance, GASBCP personnel are not deployed in Ghat, Tommo and Alwight BCPs, which are the main ones in the area where the majority of illegal trafficking is taking place.

Moreover, the total staff figures seem to be overstated. According to information provided by GASBCP, every BCP foresees the presence of one director and ten supporting officers, thus a maximum of 250 officers could be deployed to all 25 BCPs.

The GASBCP has no training capacity of its own and is dependent upon the MoI/Department of Training (DoT).

Although GASBCP officials who were interviewed could not specify their means and equipment, it was stated that they lack all basic necessities to do their work properly. The GASBCP has not yet responded to the questionnaire which had been developed by the Mission's Border Management Team (BMT) and distributed to assist and inform the mapping exercise.

The following entities have an office at the border crossing points: The Passport, Nationality and Foreigner Affairs Department, police, customs, the GID, CID, the Libyan Intelligence Service, criminal investigations and intelligence service.

2.2. MoI: General Directorate for Combating Illegal Migration (DCIM)

The DCIM was established within the MoI in 2012 to retake control of militia and military council-controlled Detention Centres (DC) across Libya. Its overall objective is to combat illegal migration through the assistance of the International Organisation for Migration (IOM) and foreign embassies.

The headquarters of DCIM is in Tripoli and has a Central Administrative Unit, a Financial Unit, a Registration Office and an Investigations Office. Theoretically, the Investigation Office gathers intelligence on human smugglers and initiates operations leading to the opening of criminal cases and the arrest of human traffickers and migrant smugglers. However, due to the present situation, its main activity consists of the detention of illegal migrants and the administration of the relevant DCs.

Information on DCIM procedures is scarce. Several sources stated that basic registration of detained migrants is conducted at the moment of their apprehension. The registration includes information on nationality, name, date of birth, etc. The hard copies of the registration forms are then transported to the DCIM HQ where data are uploaded into a central database. At this point, in regard to detainees, it has not been possible to verify this registration process.

Due to the limitation of proper registration and the lack of control and access to all DCs, it is understood that DCIM does not possess any valid statistics on the numbers of migrants currently detained (estimated at around 18,000 and mainly from West African countries, according to data available from the DCs being monitored by UN agencies). It remains unclear how many individuals are detained in facilities currently controlled by local militias and/or communities.

DCIM has approximately 8,000 staff, 80 % of which are police. The remaining employees are civilians with expertise in various areas including law and research, etc. It is understood that some of the staff are involved with militias and absent from work for varying periods of time, while still receiving salaries. Presently, there is no policy and/or plan to tackle this issue. It is

believed that currently there are no female staff working at the DCs which is very obviously a major shortcoming and significant concern.

It is also understood that DCIM staff are mainly recruited from the police. For a police officer joining DCIM at any level there is no specific curricula outlined for his/her specialist training on migration, but what is happening at present is very much “on the job training”. Different specialist courses have been given at one time or another, including training from international organisations such as IOM and the United Nations High Commission for Refugees (UNHCR).

DCIM collaboration with other national authorities appears to be limited and on an ad hoc basis depending on the local situation.

Due to the volatile security situation, it has been reported that DCIM only controls seven out of the 32 DCs. Other DCs are reportedly controlled by local militias and/or communities. Some DCs that are located in the east of Libya are under the control of the Tobruk-based House of Representatives (HoR). Most of the DCs in the south-western part of Libya, are under the control of Touareg employees of the DCIM, and have been closed lately.

As with most of the government institutions in Libya, DCIM is facing severe difficulties to exerting any authority outside of Tripoli. Consequently, there is very limited communication and work between the DCIM headquarters and the DCs. The latter are more or less independent entities under the direct control of different militias and/or local communities. The above-mentioned situation also has negative effect on staffing recruitment procedures.

Almost all of the DCs are in dire need of renovation and refurbishment which is a pre-condition to manage the proper registration of the migrants. There are reports from various sources describing human rights violations, extortion, and abuse of migrants, including sexual abuse, slavery, forced prostitution, torture and maltreatment in some of the DCs. The migrants do not have access to the necessary human needs (e.g. food, water, medical facilities). The trafficking of migrants for organs trade has also been reported.

UNHCR currently has access to several DCs where they provide the migrants with basic needs such as food, clothing, hygiene kits, etc. DCIM and IOM are implementing a voluntary return programme. IOM is also involved with other activities such as mobile clinics and the distribution of food, blankets, etc. IOM is supporting DCIM in the implementation of an electronic registration system of the migrants which should commence from their disembarkation points.

2.3. MoI: General Administration for Coastal Security (GACS)

The GACS is a law enforcement entity established within the structure of the MoI and headed by a Director General. Law number 10 of 1992 on Security and Police defined its competencies as at sea up to three nautical miles (NM). Regulations from 2012 extended its area of responsibility up to 12 nautical miles. Beyond this limit, the Libyan Coast Guard (LCG) is competent, however both organisations have overlapping responsibilities. The GACS is also responsible for a 30 km band of land along the coast line which is 1,700 km long. The area of responsibility of the GACS is partly overlapping with that covered by the LCG.

The GACS has law enforcement powers, thus it is in charge of countering any illegal activities in its area of responsibility, including irregular migration and trafficking of human beings. Moreover, GACS is in charge of controlling the violation of any administrative regulations within the territorial waters and along the coastline.

The GACS performs coastal patrolling and land coastal surveillance. The available assets of the GACS are quite limited. There are mobile (land patrols) and/or fixed technical means for surveillance on land (e.g. cameras and radar). The administration possesses 34 vehicles, which is less than the number of branches.

The GACS has five Head Offices at HQ level and ten Operational Regional Sectors (Tripoli, Sabratha, Khoms, Zawiyah, Misuratah, Sirte, Ajdabiya, Benghazi, Green Mountains and Tobruk). At local level, there are 55 Maritime Stations.

Reportedly, there is good cooperation between the Operational Regional Sectors in the East and West. However, no information is available regarding the way they operate (e.g. operational policy and/or concepts, deployment of human resources and use of technical means).

It should also be mentioned that the GACS Director will be responsible for the “Joint Operational Room for Combatting Illegal Immigration and Smuggling”, which is a potential recipient of assistance under EU trust-fund projects in Libya.

The current headquarters is in Tajoura (32 km outside of Tripoli) and does not contain proper infrastructure and offices. This is also the situation in the rest of the country. However, some simple facilities, dispersed along the coast, are being used for operational purposes.

The construction of the envisaged HQ for the GACS at the That-Al-Imad complex in Tripoli has still not been completed.

The reported total number of staff is 3,675 consisting of 310 Commissioned Officers (Senior Management), 2,920 Non-Commissioned Officers (Petty Officers and Sailors) and 445 Civil Servants.

Regarding its training capacity, none of the training centres (Maritime Studies Academy, the Institute for Police Officers, the Mahahid Education and Training Centre and Navy Secondary School for Police Personnel) are currently operational. There are no annual training plans. It appears that currently 3,288 officers have not received any training (the latter are militia members integrated through the so called "Reconciliation Programme").

In cooperation with the Italian Ministry of Interior, training for more than 100 maritime officers on different sized patrol boats was organised until the end of 2017, in line with the schedule agreed by the authorities.

In cooperation with the Tunisian Ministry of Interior permission has been received for navigation training to be given by the Tunisian National Coast Guard.

In terms of equipment available, GACS owns eight vessels: three Coastal Patrol Vessels (CPV) and five Coastal Patrol Boats (CPB). Two CPVs, 35 metres long, and one All Purpose CPV, 22 metres long, are currently in Bizerte (Tunisia) at the Shipyard “Magic” for maintenance. Three CPBs, 14 metres long, have had their maintenance completed and are operationally ready, but are still in Bizerte. They were expected to be delivered to the GACS by the end of December 2017. The two remaining CPBs are reportedly in Tripoli and Zuara.

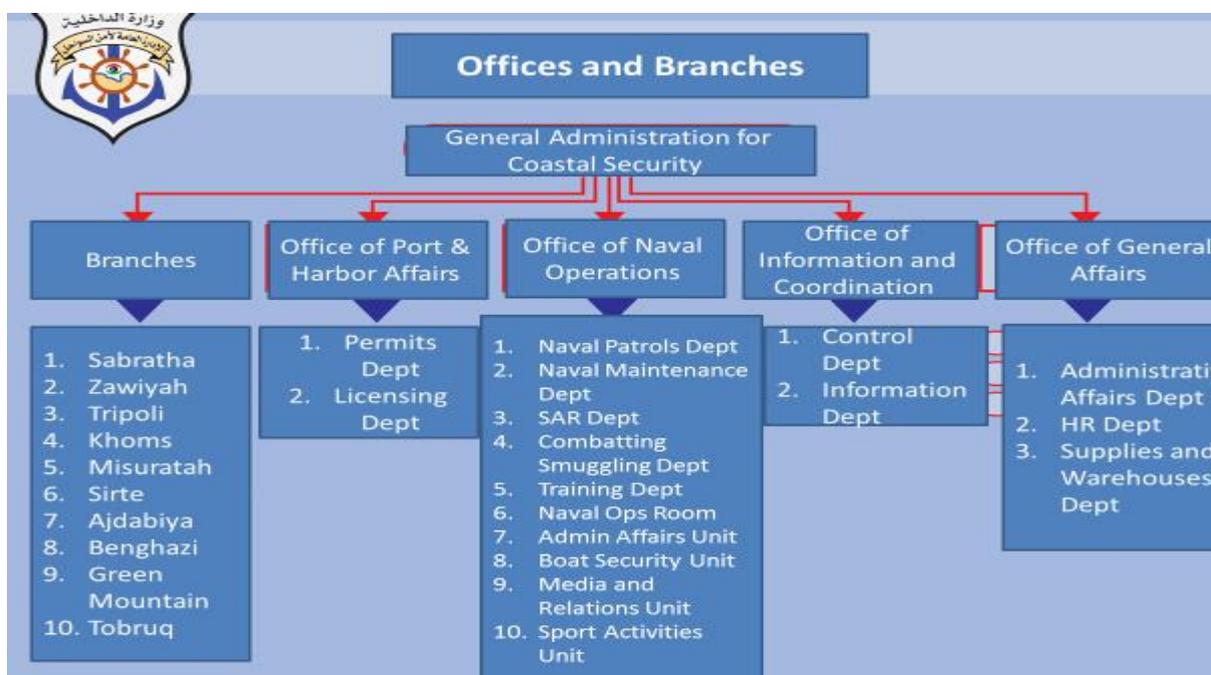


Figure 5: Offices and branches of the General Administration for Coastal Security (GACS)

The LCGPS and the GACS have established regular and official meetings as a coordination tool for decision-making. So far, they have agreed on procedures and tasks related to illegal migration. However, the effectiveness of the Operational Room set up at the LCGPS headquarters, with staff from both the organisations, has not been assessed.

Internationally and as a result of EUBAM Libya support, the GACS is part of the Coast Guard Cooperation Network, launched by FRONTEX. Cooperation has also been reported with IOM, UNHCR, International Committee of the Red Cross (ICRC) and some NGOs such as Médecins Sans Frontières (MSF) i.e. "Doctors without Borders".

On one hand, the overlapping responsibility with the LCGPS should be avoided, but on the other, the structure should fit to accomplish the envisaged mission.

On 19 July 2017, the GACS's headquarters was occupied by unknown armed elements aligned to the MoI. This took place at a crucial time when the GACS had agreed to work with EUBAM Libya on its strategic planning, operational concept and the coordination with other law-enforcement and maritime actors. According to the information received, the takeover was due to internal disputes within the MoI. The loss of basic equipment and the displacement of its staff from the headquarters made the GACS even less capable of performing its tasks.

Reportedly, the GACS personnel are displaced to their respective residencies, waiting for the possible allocation of new premises.

2.4. MoI: General Administration for Passport, Nationality and Foreign Affairs Department (PNFAD)

This department is responsible for legal entry, residence in the country and legal exit out of the country. The PNFAD is divided into different departments, including the Service for the Libyan Citizens, Service for Foreigners, Service at the BCPs, Investigation Units, Administration Units and Special Units to monitor the other services. The Service at the BCPs is in charge of border checks (border entry requirements such as travel documents including visas), and registers the movement of travellers in and out of Libya at all land, sea and air BCPs.

The organisational structure is based on a main headquarters in Tripoli, two regional headquarters (Tripoli and Benghazi) and 157 local stations throughout the country, some of them being at the BCPs.

Reportedly, the PNFAD has a total of 12,000 employees, deployed at central, local and BCP level. The staff includes some *thuwars* (former members of armed militias) to deal with security matters.

The training facilities are divided into technical schools with the: 1) Training Administration under the MoI, and 2) the Social Club under the MoI (language and IT courses). According to information received, the PNFAD is providing induction training for a limited number of new officers. Due to the limited number of staff trained by the MoI, the PNFAD launched a new section named the HR Development Section in charge of organising training courses on working ethics, IT and language. Currently, a total number of 75 staff have been trained "in house".

Reportedly, the PNFAD is an institution with a full presence both in the west and east of the country.

In terms of infrastructure, there is a general need for renovation and refurbishment, particularly at the BCPs. In this regard, national and international support, under the responsibility of the Ministry of Transport, is strongly recommended to meet international standards.

The equipment available at the BCPs before the revolution, e.g. travel document examination and registration data systems, were either looted or destroyed. In particular, the equipment provided by the EU and installed at Tripoli International Airport was ruined and burned during the attack in the summer of 2014. As a consequence, there is no connectivity between the BCPs and the regional and central headquarters.

The PNFAD's "Service for Libyan Citizens" recently signed agreements with the US and Austrian companies to develop a new Libyan national passport.

The training sector is suffering from limited resources and the lack of a training curriculum. Despite the mentioned issues, the PNFAD is seeking support in training areas such as Train-the-Trainers, document examination, and leadership.

The cooperation both at national and international level for an effective exchange of information needs to improve to meet international standards.

2.5. MoD: Libyan Coast Guard and Port Security (LCGPS)

The LCGPS is part of the Libyan Navy (MoD). It is responsible for exercising the sovereignty and law enforcement capability of the Libyan State within their waters, in accordance with the United Nations Convention on the Law of the Sea (UNCLOS) of 1982, national law, as well as agreements and resolutions related to maritime activities. The duties include surveillance of the national waters, controlling and combating any illegal activities at sea (smuggling, illegal migration, pollution, fishing, etc.), Search and Rescue (SAR), as well as relations and cooperation with other national and international agencies.

The headquarters of the organisation is located in Sidi Blal (20 km from Tripoli) within the Libyan Navy premises. The organisational structure is composed of six sectors, three in the West and three in the East, the latter under the command of the Tobruk-based House of Representatives. Reportedly, there is no unified commander controlling the western and the eastern sectors.

The organisation also includes 50 official local stations. According to information received, not all of them are operational due to the current security situation in the country. In case of need, the headquarter can set up temporary local stations. In general, the local stations can be divided into operational and observation points.

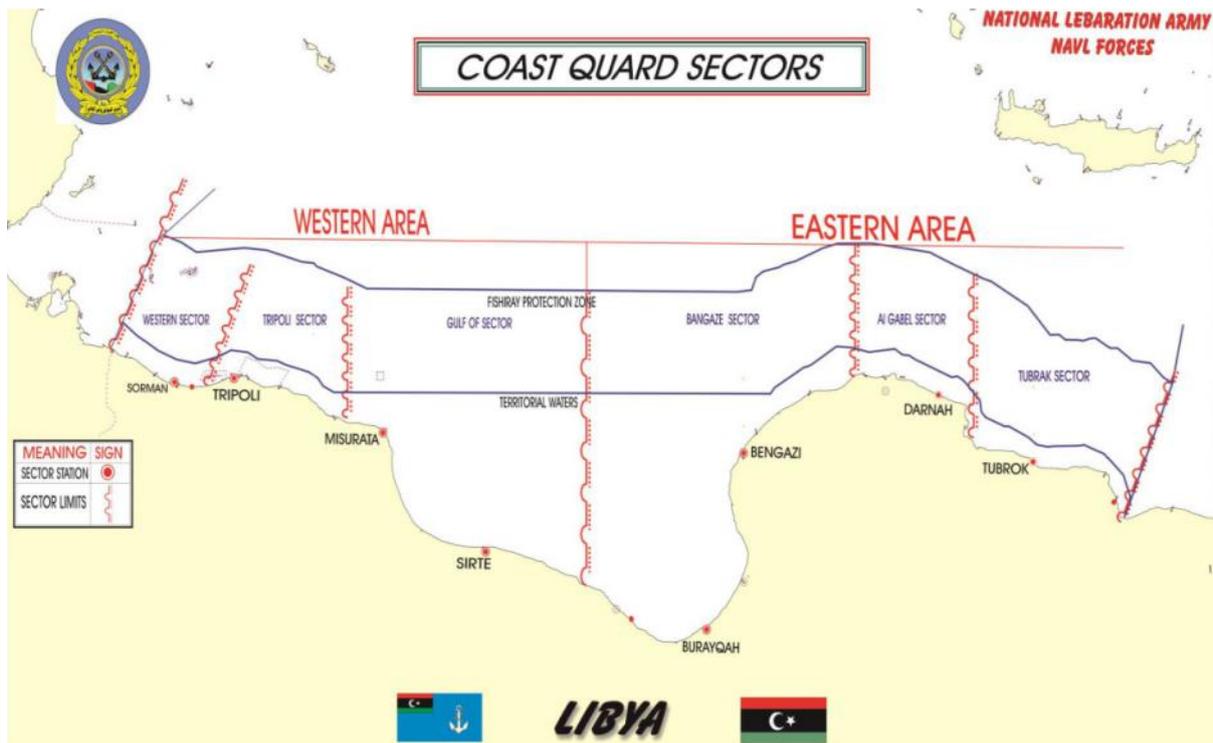


Figure 6: Coast Guard Sectors

All Sectors have their own administrative building with offices. All maritime stations have an office located in the ports within their operational sectors.

In July 2017, the Libyan Ministry of Transport unilaterally declared the SAR Region by official letter to the International Maritime Organisation (IMO), whose acceptance is pending. There are still some unresolved issues with Tunisia and Egypt. For example, Libya has established a Fishing Area where all the fishing boats must have permission to carry out their activities.

The Coast Guard Operational Maritime Centre (CGOMC) is located in Tripoli and coordinates all of the activities, including SAR, and it serves as the acting Maritime Rescue Coordination Centre (MRCC) for Libya. According to the information received, the Operational Maritime Centre is not capable to act as MRCC and a different solution will have to be found.

An Operation Room was established in 1991 and serves as a Maritime Traffic Control Room/Vessel Traffic System Centre (VTSC). This is the coordination tool for all Ministries involved in maritime activities: Ministry of Oil, Agriculture (fishing department), Transport (Port Authority), Department of Environment, Finance (Customs, currently not represented), etc. The traffic control room is still in place but does not have any automated system for Maritime traffic control and everything is done manually. All radar equipment was destroyed during the revolution. The Operation Room is, reportedly, composed of four persons, three belonging to LCGPS (one officer and two petty officers) and one to GACS and operates on a 24/7 basis. According to information received, the staff of the remaining Libyan authorities intervene upon request.

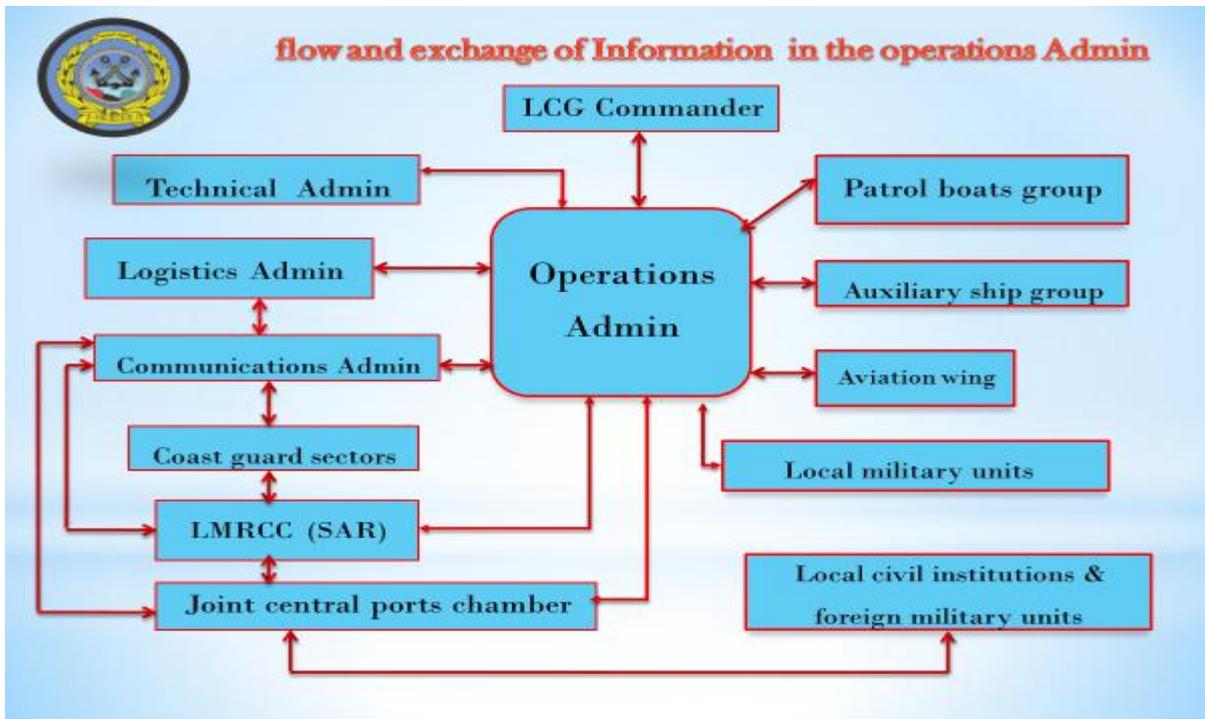


Figure 7: Flow and exchange of information in the operations Admin

A working group for maritime activities was created by the Libyan Prime Minister in 2013 with, supposedly, all the authorities with responsibilities at sea. The working group is not active. The LCGPS is also represented in the NTBSM established by the Libyan Presidential Council in October 2016.

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As mentioned previously, both administrations (LCGPS & GACS) have established regular official meetings.

The LCGPS stated that the coordination and cooperation with the GACS is appropriate, although both authorities fall under different Ministries (respectively MoD and MoI). The reported total number of staff is presently 3,385 of which 265 are Commissioned Officers (Senior Management), 3,100 Non-Commissioned Officers (Petty Officers and Sailors) and 20 Civil Servants. Most of the staff are deployed in the main cities of Tripoli, Sabratha, Misratah and Benghazi. The total number of staff includes an unknown number of *thuwwars* (former revolutionaries) who have, reportedly, been integrated on an individual basis. After the integration of militia members in 2012, these new staff have not attended any maritime or law enforcement training.

Currently none of the LCGPS training centres are functional and the only officers trained since 2012 have been those trained under the following international community (IC) initiatives:

During the first half of 2014, EUBAM Libya delivered several training courses on SAR, the treatment of migrants and maintenance of their vessels:

- The ongoing training of EUNAVFOR MED Operation Sophia (87 officers under Training Package I and 49 under the Training Package II);
- The ongoing SEAHORSE Project (EU project led by the Spanish Guardia Civil).

The LCGPS has four Coastal Patrol Vessels (CPV) 26.4 metres long, 770 NM range, which have been repaired in Gaeta, Italy and returned to the LCGPS in April and May 2017. There were six of them but two were bombed and destroyed by NATO during the civil war.

Additionally, the LCGPS possesses:

- Three fast boats (14.5 meters long) all of which are operational: one in Sabratha, one in Zawia and one in Khoms;

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- Three small fibre glass boats: one in Misratah and two in Zawia;
- An undefined number of 12 meters long dinghy boats. They are used for patrolling, rescue activities and to counter any kind of illegal activities (even at great distance from the coast and up to 24 NM if provided with extra fuel).

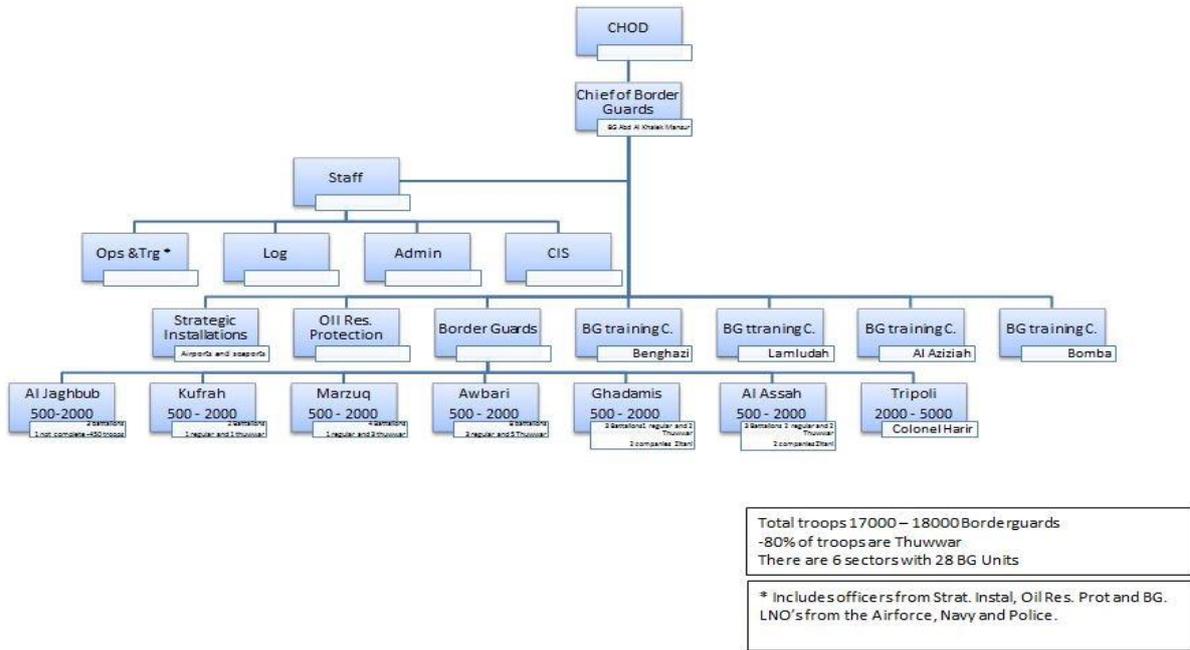
In addition, the LCGPS is using a 73-meter patrol boat on loan from the Libyan Navy.

Since 1 January 2017, the LCGPS has rescued around 15,000 irregular migrants in coordination with the Italian MRCC (Rome) managed by the Italian Guardia Costiera. The LCGPS is divided into two command centres, one in the East and one in the West. Presently, EUBAM Libya does not have any contact with the eastern command centre.

Due to the limited capacity of the LCGPS, they are only focusing on SAR operations in coordination with MRRC Rome at present. EUBAM Libya carried out several training activities in the first half of 2014, which were reported as being very positively received by the LCGPS.

At EU level, the LCGPS cooperates with EUBAM Libya, EUNAVFOR MED Operation Sophia (training is also being provided through Frontex, UNHCR, European Asylum Support Office (EASO) and the Spanish Guardia Civil through the training project SEAHORSE. The LCGPS also regularly attend the Stakeholders Meetings organised at EU Commission level.

The establishment of the Libyan MRCC and the definition of a SAR area are foreseen in an EU project named "Aurora Project" and implemented by the Italian Guardia Costiera. The project was granted in June 2017 and is expected to have a total duration of three years, including assessment, planning, preparation and project approval. The implementation will start in July 2018.



Prior to 2011, there was also close cooperation with the Italian Guardia di Finanza, which included carrying out joint patrolling and practical training on board patrol vessels donated by Italy.

2.6. MoD: Land Border Guards (LBG)

The commander of the LBG is appointed by virtue of a MoD decision and is under the direct command of the MoD (currently on hold by PC's decision) and the Deputy Ministry of Defence. The mission of the LBG is to maintain the safety and security of Libya's land borders.

Practically, only a few border regions (the borders with Tunisia and Algeria) are reportedly under the control of the LBG, particularly Sector 4 (the central stretch of the Algerian-Libyan border). It is to be noted that this sector will be addressed within the framework of the Italian-Libyan bilateral agreement on combatting illegal migration at the southern borders. One of the objectives of the project is to establish an Operational Room in Ghat, which is a Touareg controlled area.

It is understood, that the LBG have a total strength of approximately 16,000 soldiers divided into six border sectors. Each sector has three stations and three battalions. However, sections of these troops are not under the complete control of the central command due to the fact that they have loyalties and ties to local *katibas* or militias.

Finally, the LBG is a military organisation with a military structure, which should enable the LBG to quickly deploy staff even in remote and hostile environments such as the south of Libya. The surveillance of the border, in particular in the South, is important to control migration flows and to deal with illegal migration. Most of the tasks of the border guards, as described in Decree 392/2000, are a combination of law enforcement and military competences. The LBG has two training facilities, although one of them is currently unavailable. The LBG is actively attending the BMWG meetings between the recently established NTBSM and EUBAM Libya.

2.7. MoF: Libyan Customs Administration (LCA)

An executive authority of the Ministry of Finance which implements customs policies, Libyan Customs Administration (LCA) exercises its authority throughout the whole of Libya and it is divided into General Directorates, Staff Offices and nine Regional Customs Houses. The latter of which is located in Tripoli, Misratah, Zwara, Gabel Nfousa, Sebha, Tobruk, Benghazi, Ghat and Koufra.

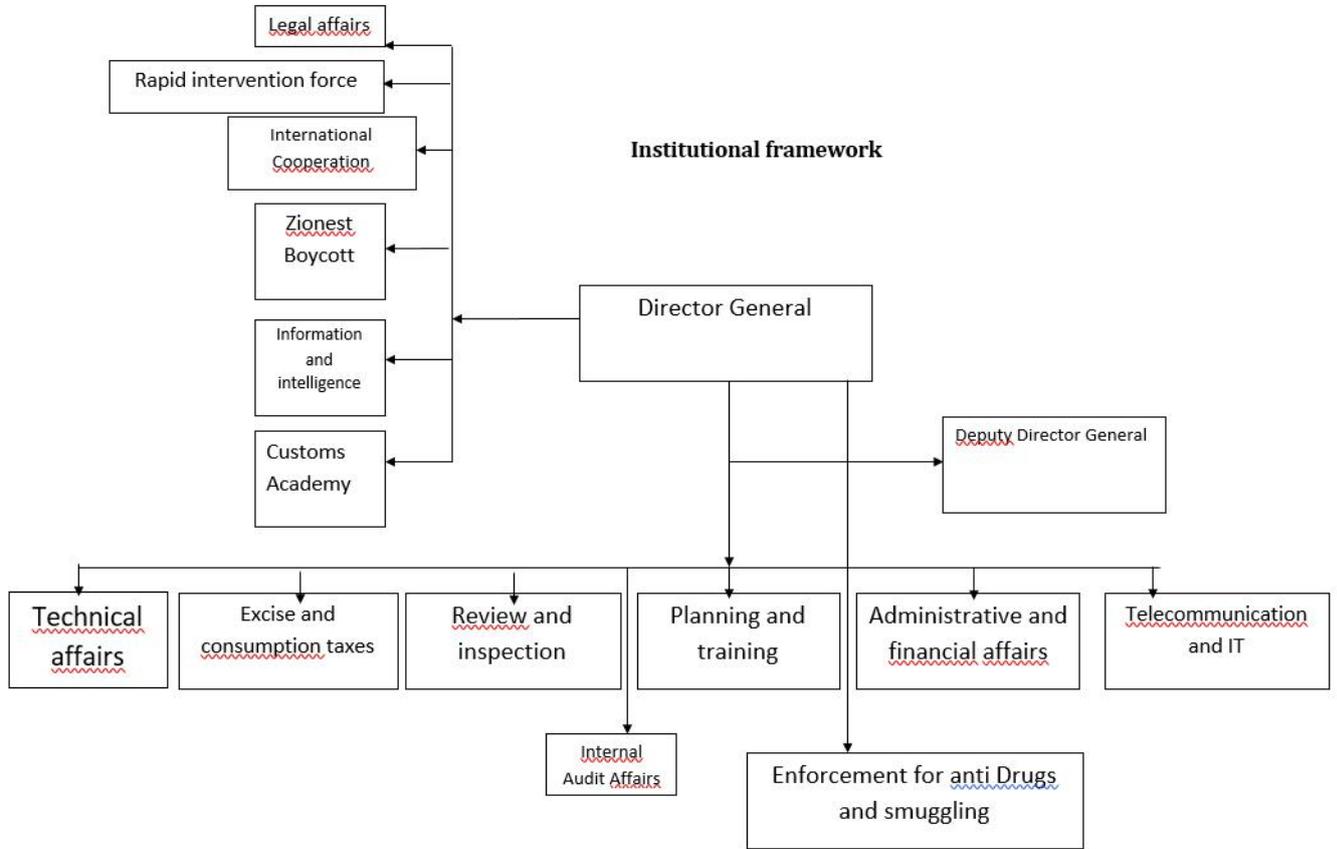


Figure 9: Institutional framework

According to its 2015-2020 Business Strategy the LCA shall:

- Contribute to the national budget through the collection of customs duties;
- Prevent and fight the smuggling of prohibited and restricted goods;
- Protect the customs areas within ports, airports and land borders;
- Support the international competitiveness of the private sector;
- Facilitate international trade;
- Secure the supply chain;
- Ensure the security and health of its citizens and environment.

The current level of cooperation with the other law enforcement agencies requires strengthening and it is considered that reform of the institution is needed.

Reportedly, the Libyan Customs is composed of 13,000 staff of which 2,000 are civilians. The staff, deployed both at central and field level, include an unspecified number of personnel apparently hired under the Reconciliation Programme.

The current state-of-play regarding the equipment available is quite peculiar. From the one side, the LCA purchased very advanced mobile and fixed scanner machines that have partly been installed in the main land and sea BCPs. On the other side, the Customs offices are, generally, not equipped with computers, the sole exception being the Statistics offices. Further assessment and investments are therefore needed.

The Anti-Smuggling and Anti-Drug Department patrols are reportedly equipped with mobile radios but are short in terms of vehicles.

According to updated information received by the LCA, the weaknesses identified during the elaboration of the 2015-2020 Business Strategy appear to continue in the same vein today.

The LCA is still suffering from:

- Serious gaps in IT hardware and software that are undermining the collection of customs duties;
- A weak institutional framework due to an out-dated organisational structure and management practices. The impact of the new directorates and staff offices should be properly assessed. The HQs are still lacking a business orientated approach while there is not enough decentralisation to streamline the activities of the regional Customs Houses;
- Limited human resource management, due to the absence of a separate HR Department and the lack of a clear HR policy in terms of recruitment, career development and performance evaluation system, which should have an impact on merit-based

promotions. Despite some progress, the overall training capacity is still very limited;

- Out-dated processes, which have not been reviewed for a considerable period of time. In particular, the roles and responsibilities of the different departments and staff offices have not been clearly defined with a high risk of overlap in some processes, e.g. the customs clearance process;
- A legal framework, which has not been aligned with international best practice. The 2010 Libyan Customs Law, in particular, should be reviewed in the light of the EU customs legislative framework;
- Limited relations with other government agencies. Taking into consideration the importance of building up a comprehensive system to secure the porous borders of Libya, the current level of cooperation and coordination between LC and other law enforcement agencies (border police, immigration, border guard, coastal police and naval coast guard) appears to be limited.
- It should be noted that there has been an improvement in the risk management approach based on intelligence-led activities, which reportedly, led to a more effective investigation capability.

With regards to information technology, the Libyan Customs is proposing the instalment of the ASYCUDA WORLD system. In light of this, a draft project proposal has been lodged at the Ministry of Finance, seeking funding.

The current mission of the LCA is the result of the strong support undertaken by EUBAM Libya during its first mandate. The 2015-2020 Business Strategy is a strategic document which was prepared during the first EUBAM mandate and approved by the LCA Director General in November 2014. This document clearly outlines the main tasks of this key border administration.

EUBAM Libya I provided a large amount of support to the LCA Training Sector, which has produced some progress. A Training Needs Analysis on control methodologies was prepared in 2013. Training courses on IBM, the searching of vehicles, risk analysis, and cooperation at

international level were delivered in 2013 and 2014. For the time being, the Training Centre is not fully operational due to the security situation in the country and budget shortages. The 2014 Training Plan, that was prepared under EUBAM Libya guidance, has not been implemented to date.

The LCA is a member of the World Customs Organisation (WCO) and is quite active in participating in the different meetings and activities organised in Brussels, where the WCO's headquarters is located. The WCO is planning to provide Regional Training Plans for the Middle East and North Africa (MENA) Region which will be open to the participation of Libyan Customs officers and a Computer Laboratory Centre for distance learning under the WCO CLICK Programme 3.

Libyan Customs signed a number of customs cooperation agreements before the revolution with neighbouring countries (e.g. Tunisia and Algeria). There is the will to sign further agreements with EU countries such as Italy and the UK, with a particular focus on the exchange of information. It should be noted that during autumn 2017, the Libyan Customs worked on the improvement of the exchange of information with some neighbouring countries and this is reportedly producing good results in terms of illicit trafficking of drugs.

According to the information received, LC is interested to develop a framework to tackle violations in the sector of cultural properties, in cooperation with UNESCO, INTERPOL and EUBAM Libya.

Libyan Customs is planning to transform the "Training Institute" into a "Customs Academy" with all the necessary authorisations. In light of this, a MoU has been signed between Libyan Customs and the Australian University of Charleston to support the development of the Academy. The Australian Institute will help Libyan Customs prepare a Training Curriculum and a Joint Committee has been established to better guide the process. The "Training Institute" is currently in the process of implementing some recommendations developed under

3 The World Customs Organisation (WCO) Customs Learning and Knowledge Community

the WCO's CLICK Programme (e-learning based).

In terms of infrastructure, the LCA strategy is to make use of their own buildings. For the time being, the following LCA directorates are using buildings owned by the agency: Headquarters, Financial Department, Technical Affairs Administration, Training Institute, Tripoli Directorate, Anti-Smuggling and Anti-Drug Department, Telecommunication and IT, K9 Unit and Coast & Beaches Control Unit. It is also worthy of note that the infrastructure of BCPs are in need of renovation and refurbishment.

2.8. Ministry of Transport (MoT): Port Authority (PA)

One of the two administrations falling under the domain of Ministry of Transport (MoT) with close administrative and logistic links to border security and management, the role of the Port Authority (PA) is important in relation to the LCGPS and GACS.

The PA is responsible for all administrative issues, while the LCGPS and GACS are the operational bodies in charge. Additionally, the PA is in charge of the signing of the international agreements regarding Territorial Waters, the Contiguous Zone and the Economic Zone, environmental control and the implementation of International Ship and Port Facility Code (ISPF). The PA has in total approximately 700 staff.

The PA should have two SAR Operational Centres, one in Tripoli and one in Benghazi, however these are not operational due to the current situation in Libya. The main tasks of the PA are planning and developing Libyan port and maritime transport activities, regulating all maritime activities in Libyan Ports, activating the country's investment programmes in the ports and implementing training programs through recognised training centres.

2.9. MoT: Airport Authority (AA)

The AA is the other administration falling under the domain of MoT with close administrative and logistic links to border security and management. The AA was established by decree number 276 of 2010. The AA has approximately 270 staff and it is responsible for managing, operating, developing and drawing up policy in regard to all local and international airports in

Libya, which total 17 airports (ten international and seven local). Among its tasks, the AA is responsible for:

- Implementing airport related legislation;
- Organising and developing modus operandi in airports in coordination with the civil aviation authority;
- Maintaining order and security within airports in coordination with other relevant Libyan authorities;
- Conducting the necessary security procedures for airport services and facilities;
- Following up all safety and security related entities in the airport to help raise the level of service.

2.10. Overview of border management and migration flows in the South of Libya

The Mission devoted efforts to assess the situation in Southwestern Libya to identify the main routes and modus operandi. Libya's southern region has long been an area of political and security instability and a regional hub for smuggling activities linked to terrorism and illegal migration. The political and security dynamics in the South receive less coverage than those in the West or East and developments in the region often go unreported. Since 2011 the military force or "Third Force" deployed to the South has failed to survey and control the southern borders. Some countries such as Sudan and Chad are also involved in the issue due to transnational ethnic and political issues with Tebu and Arab tribes controlling the Southern borders in the Kufra region.

Until 2011, the Tuareg and Tebu had a relatively stable relationship in southwestern Libya, due to the need to divide control of the trade routes in the South. Since the 2011 uprising, those groups are now competing to control borders and strategic assets (e.g. energy, infrastructure and roads) and, as a result, the area has experienced continued outbreaks of violence, smuggling and irregular migration, particularly in towns such as Sebha, Awbari, Kufra, Ghat and Ghadames.

The Tuareg area of influence is the Algerian border from Ghat to 300 km further north. A mountain chain that extends 30 km south of Sebha through Awbari and Ghat to the Salvador Triangle provides a physical separation between the Tebu and Tuareg areas of influence. Reportedly, most of the migrants entering Libya from Agadez (Niger) are withheld in warehouses in the cities of Qatrun, Awbari, Sabha and Murzuq, where several groups make a profit from facilitating their transactions. Tebu and Tuareg's involved in the trafficking "facilitate" migrant crossing of the south-western border in exchange for a toll they collect from the migrants. Tebu tribe members control the route from Agadez to Murzuq through Toummo border crossing point. It should be noted that officially the Libyan Authorities has closed all BCPs along the southern border.

The business of illegal trafficking includes other actors as well. Members of the Awlad Suleiman tribe in Sabha are reportedly organising the smuggling of migrants from Ghadamis at the Algerian-Libyan border to Bani Walid and Nalut in Libya. Elements of the Zintanis tribe are frequently mentioned as transporters of migrants. The most frequent place of departure from Libya to Europe over the Mediterranean is from Zawya, Zuwarah and Sabratah. The main departure site appears to be Talil Beach supposedly controlled by the Dabbasi Clan, in the resort complex of Sabratah. According to the information received from different sources, the area of Sabratah, Zuwarah, Morup, etc., are out of the control of any official authority, thus smugglers carry out their activity with total impunity. Along the Niger-Libya route to reach Sabha, there are three roads with several check points controlled by different forces and militias and where the traffickers are requested to pay a toll.

The distribution of checkpoints is not static. From north to south starting at Sabha it is as follows:

In Sabha, there is one main road to leave the city. Right outside the city there are three check points set up by different militias. After the check points, there is an intersection where the road is divided into three different directions:

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- **Road to Awbari (distance around 220 Km):** Controlled by the official Army Brigade 168. There is one fixed check point and several mobile ones;
- **Road to Murzuq (distance around 120 km):** Just outside Sabha, there is a checkpoint controlled by a local Tebu militia. The next ones, close to Murzuq, are controlled by the official Army Brigade 11;
- **Road to Al Qatrun (distance around 270 Km):** One checkpoint in Umelaranib (90-100 Km) controlled by the Military Council of Murzuq.

The Military Council of Murzuq controls a second checkpoint located in Majdol and another one located around 50 km from the latter.

The Brigade 11 controls the last checkpoint, located at the entrance to Al Qatrun.

After the last checkpoint, there is an intersection and the road is divided into two different directions. One to the city of Al Qatrun and another one towards the South border, where there are two check points:

- **Alwing Military Base Check Point:** Controlled by Shohada Um Aranib Brigade, an independent militia which does not report to anybody and does not receive any financial support from a central level. According to other sources, Shoda Brigade is not independent anymore and is under the command of the Military Council of Murzuq.
- **Tommo BCP Military:** According to some sources there was an agreement between the Military Council of Murzuq and Brigade 11. The agreement states that the staff of Military Council who controls the BCP of Toummo, is now included in the payroll of the Brigade 11. In this way, the militia members of Military Council are officially working for a Tripoli institution.

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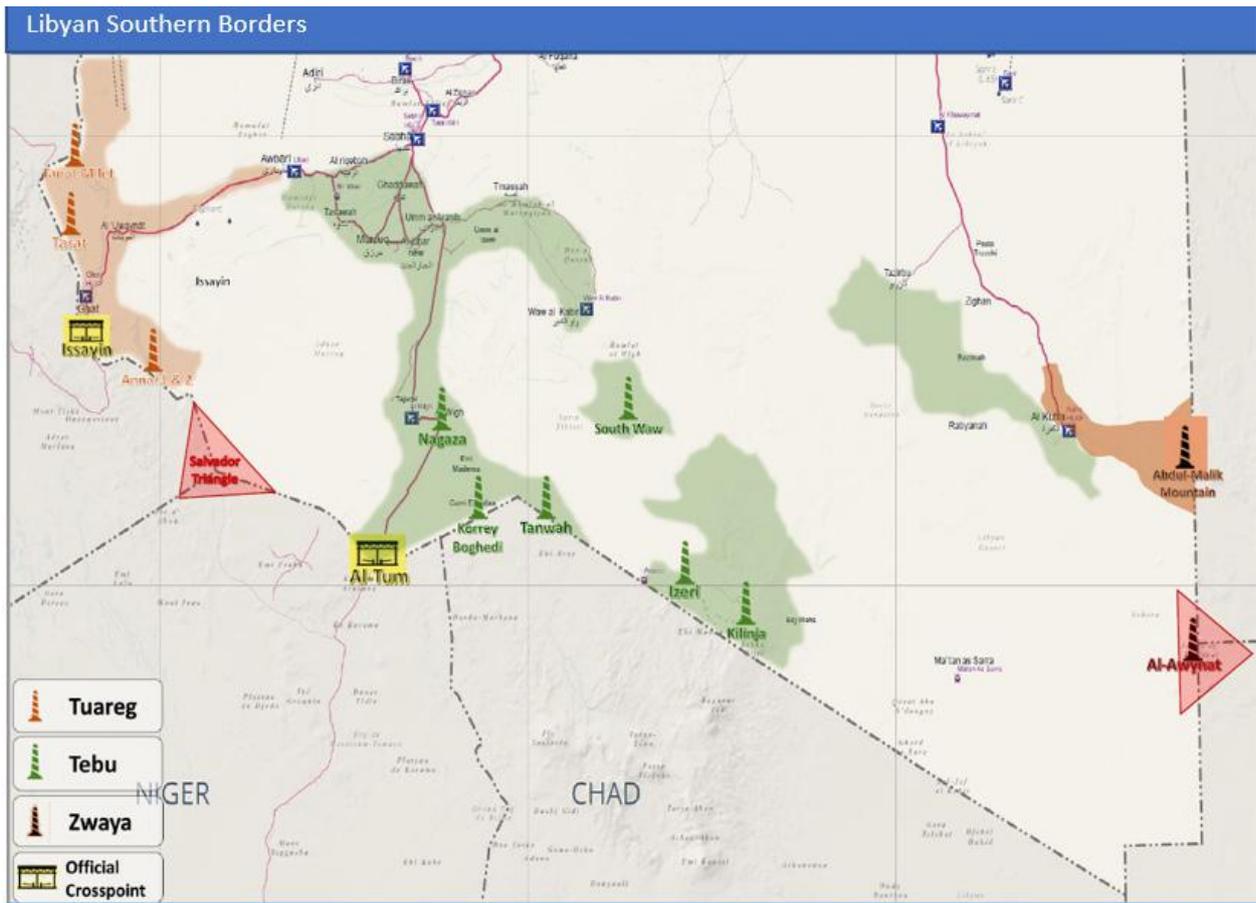


Figure 10: Libyan southern borders

According to information received, in the checkpoints managed by Militias, private cars do not have to pay anything. The commercial means of transport have to pay according to a price list based on the cargo. The prices vary from 15 to 25 dinars. It is not known if the price list is based on the volume or the content or both. The militia guarantees the security of the transport up to the next checkpoint. The checkpoints controlled by the regular Army do not charge anything. On their way from Agadez towards the embarkation points located in the north of Libya, mainly in Sabratah area, migrants have to face various obstacles. Some armed groups or criminal gangs arrest or kidnap migrants, who are then kept hostage. The armed groups demand money to release the migrants. According to different sources, the ransom ranges between 700 and 2,000 Libyan dinars.

The Southeastern route is managed by "fixers" from Eritrea, Ethiopia and Somalia, who identify candidates for departure and handle the finances. The Libyans organise the transportation of migrants within their territory. Migrants who have taken this route systematically report that uniformed men were overseeing their movements. The organisation of human smuggling in the border region of Kufrah, Libya is reportedly managed by the Tebu, Zways and elements of the Rapid Support Forces from Sudan, deployed along the borders between Libya and Sudan. Until 2016, most of the migrants were taken from Kufrah to Ajdabiya, where they were kept under the authority of the commander of the Petroleum Facilities Guard (PFG).

The numbers of migrants using the south-eastern route has recently decreased due to interventions of Libyan neighbouring countries. The recent initiative by the EU to tackle the flow of migrants at the southern borders of Libya might require EU staff to deploy on the ground to assess the situation and advise local authorities either via temporary missions or from a field office. In the last Security Risk Assessment (SRA) developed by EUBAM Libya Security Office, endorsed in January 2017 by EUBAM HoM, the overall risk assessment for southern Libya is assessed as critical. A deployment of a EUBAM-EU advanced team in order to assist border guards to stop illegal migrant flow at the southern borders would be a challenge in terms of security and would require adequate mitigation.

2.11. Coordination structures with EUBAM Libya

2.11.1. National Team for Border Security and Management (NTBSM)

Building on the coordination committees facilitated during the first EUBAM Libya mandate, the Presidency Council decided to establish an official entity in charge of the overall definition and coordination of border management policies in the country. The NTBSM, was established by the PC in October 2016 under the chairmanship of Dr. Abdunnasser Al Sghaier, a senior officer of the Ministry of Defence.

The body comprises seventeen senior representatives from the Ministries of Defence, Interior, Finance, Transport, Justice, Foreign Affairs and the Intelligence Service. Four of the seventeen members should represent border agencies working at the southern and eastern

borders, however, these participants have been the most difficult to engage for their irregular participation to the work of the NTBSM, often due to logistical challenges posed by the overall security environment.

The mandate of the NTBSM clearly states the duty to steer the cooperation with EUBAM, the EU and neighbouring countries on border management and security issues. This coordination platform has been the main entry point of the Mission to address matters of strategic relevance, including the definition of the "Concept Note towards a White Paper" on integrated border management.

2.11.2. Border Management Working Group (BMWG)

In 2013, following the engagement of EUBAM Libya during its first mandate, the Government of Libya decided to set up a BMWG, mandated to develop a border management strategy in accordance with the former Prime Minister's decree on resolution No 216/2013, in close coordination with the CSDP Mission. The second civil war of summer 2014 and the evacuation of EUBAM Libya forced the BMWG to be put on hold.

In October 2016, the BMWG was re-established as a forum to structure the cooperation between the NTBSM and EUBAM Libya, and operationalise their common activities. Since then the Group has regularly met to facilitate the exchange of views on the capacities, needs, gaps and overlaps of Libyan authorities charged with border management tasks. Some iterations of the BMWG have been conducted with the participation of international partners (Member States, UNSMIL, Frontex, Europol and the civilian CSDP Missions in the Sahel), most notably in the context of the development of the "Concept Note towards a White Paper".

2.12. Other international initiatives or coordination platforms

2.12.1. Mixed-Migration Working Group

Under the joint lead of IOM and the UNHCR, the Mixed-Migration Working Group (MMWG) was launched in December 2016 to address the state of migrant flows through the Central Mediterranean Route. The participation was extended to the UN system, Member States, the EU and main international organisations, including EUBAM Libya. No Libyan

counterparts are standing participants to this body. Meetings are held on a monthly basis, with standing agenda items, including: updates on migratory trends and rescue at sea operations, coordination of activities in detention centres, alternatives to detention and child protection. The MMWG is currently discussing the development of a detailed work plan, which aims to ensure a harmonised and coordinated approach among partners on activities related to rescue at sea (upon disembarkation and in detention centres).

Two sub-working groups (Direct Assistance Working Group and the Case Management Working group) were also established. The sub-working groups will convene regularly in Tripoli to discuss distribution plans and coordinate protection responses to individual cases in detention and urban areas. One technical working group meeting on rescue at sea (including Libyan Coast Guards, DCIM, EUBAM, Ministry of Health, the MoJ and LRC) was held in January 2018. Since then, the technical working group has been working on establishing SOPs for Search and Rescue operations.

The MMWG members continued to advocate for the release of migrants and refugees from detention, also in response to the reported human rights violations in a number of detention centres. It is a priority of the MMWG to coordinate information sharing and to advocate for a harmonised and strategic response to address these incidents.

3. Policing and internal security structures

3.1. Tripoli & National Security Directorates

The Libyan National Police (LNP) functions within the MoI and is subordinated to the Deputy Minister for Security Affairs. The police are organised into National Security Directorates (NSD) which exist at municipality level. NSDs are organised in different departments such as Patrol Units, Traffic Police and Criminal Investigations. NSDs report directly to the Deputy Minister for Security Affairs.

The number of NSDs has increased to 57, in parallel with the growing number of municipalities. The Tripoli Security Directorate (TSD) has 16 subordinated police stations in greater Tripoli. The number of operation rooms across the whole country is unknown.

According to information received, in September 2015 the overall number of police personnel was approximately 130,000. Nearly half of them were officials/civil servants deployed in the ministerial departments and the other half were officers deployed in NSDs. Of these, approximately 5,000 were commissioned officers, 51,000 were non-commissioned officers and 13,000 were civilian staff.

It is understood that the actual number of policemen performing duties is lower. Several attempts, were undertaken to strengthen the LNP, e.g. with *thuwwars*, mainly from the Supreme Security Committee and the Libya Shield Force, being added to their number. This however led to lowering of the ratio of properly trained officers. According to the MoI's senior officials, the current force ratio is of 30 % experienced officers and 70 % *thuwwars*. This high number might be correct for Central Security (CS) and is often cited, but for other police organisations evidence is still lacking regarding this. In the absence of well-structured training capacity, police officers have ended up learning by "trial & error", in the context of multiple tribal loyalties and amidst competing militias and governments. Formerly, so-called "legalised" armed groups, which had been integrated as a full body rather than on a personal basis into the MoI's police structure (for example the "Special Deterrence Force" (SDF) – sometimes known as RADA, in Tripoli), are now acting as one of the main forces in Tripoli, while struggling against other militias for power.

According to the MoI's senior officials, the police directorates, along with their police stations, carry out criminal investigations on minor crimes and forward the initial reports on serious crimes to the NSD/CID section in their area, or to the State CID. The Security Directorate then plays an important role as the agency that then addresses cases to the competent prosecutor's office.

Although a *de facto* community self-policing model shows some signs of success, it contributes to the increased fragmentation of the security sector. This becomes even more evident at a local level, where security actors limit operations to "their own territory". In the case of the Tebu people for instance, their representatives reported close cooperation between local police stations and the municipalities, but not in accordance to the formal chain of command.

Furthermore, during the conflict many police stations were looted and their equipment was burnt. The exact status of the police in Libya is unclear and the police operational capacity evidently differs throughout the country. EUBAM's inability to engage outside Tripoli means the picture there is at best unclear for the mission.

These facts leave room for armed groups to fill the security void and they have no loyalty to the central authorities and are accountable to nobody but themselves. The public perceives the police as being unable to exercise their mandate and this is particularly obvious in the capital. Militia members see the police as being corrupt and also of being part of the legacy of Gaddafi's regime.

3.2. MoI: General Administration for Central Security (CS)

This entity was established in 2012 as "Police Operations" and renamed as the CS in 2013.

It is organised centrally into specialised departments and nationwide in branches (300-1,800 staff each), teams (200-300 staff each) and offices (up to 120 staff each). The Tripoli HQ (3,000 staff) is organised into four branches, 24 teams and two offices. An Operations Room in Tripoli is mandated to control subordinate units nationwide. The Directorate is a supporting organisation that has units for crowd control, mobile and special surveillance, intervention, demining, and so on. It does not have responsibility over detention centres.

The total strength is approximately 23,000, including around 2 % of their number who are civilian administrators. The number of staff significantly increased after 2011 due to the

integration programme, run by the Supreme Security Council (SSC), until it was dissolved in 2012. Currently, only 30 % of staff are sufficiently trained police officers.

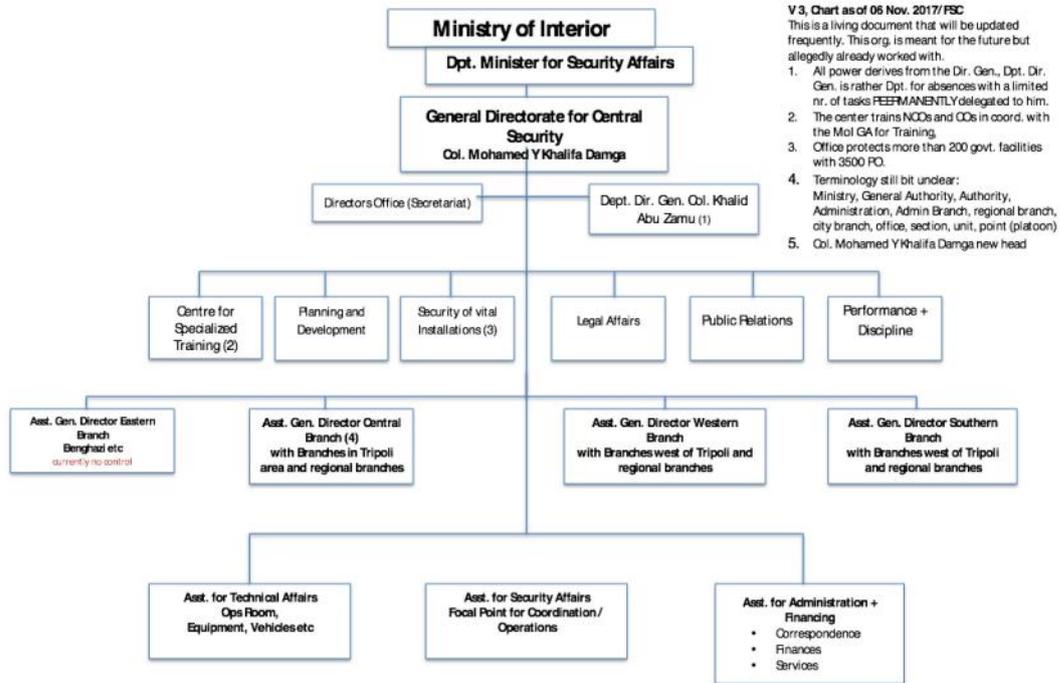


Figure 11: Ministry of Interior (MoI) General Administration for Central Security

A number of selected trainers are available for specialised training, but the capacity to train trainers for specialised training courses is missing and existing curricula require revision. Basic crowd control equipment is missing (e.g. helmets, body armour, batons and shields). It is important to rebuild the capacity of the CS personnel to support the State in regaining control of public order. The Training Department has very weak capacity to do so at present. More information and analysis are required for a detailed and thorough needs assessment.

EUBAM has invited the new management of CS to have more detailed discussions on several occasions, and to present their organisation at the Criminal Investigation Roundtable, however, meetings are yet to take place. Further attempts to meet will be made.

3.3. MoI: Criminal Investigation Directorate (CID)

The CID covers both judicial and technical aspects of criminal investigations. It is the highest authority in the MoI on technical matters, with 13 forensics laboratories and a Counter Organised Crime (OC) Department, which operates in six major areas of OC: serious offences against individuals (e.g. murder, assault, and abduction), economic crimes, cybercrime, illegal immigration and the smuggling of human beings, arms trafficking, and drugs trafficking. It also has responsibilities with regard to the investigation of terrorism cases.

The CID avoids the political arena and remains focused on operational and technical matters, allegedly retaining its independence.

Elements of CID human resources are highly qualified (e.g. the Improvised Explosive Devices department), having obtained PhD and master's degree qualifications, including many who have studied in the UK and the United States. However, their lack of capabilities and logistics prevent a proper use of such resources (e.g. their K9 unit has well trained specialists but no dogs).

The Criminal Record system is said to be in reasonably good condition, as records from the Gaddafi era were salvaged and recently partially digitalised, but support and training of experts is needed in order to operate efficiently. A completion of the digitalisation process is also very important. This would include the criminal records of those who may be of great interest to EU member states and their policing and prosecutorial authorities.

The OC Department has training, equipment (surveillance, cameras, etc.) and communications resources needs. The CID cannot function to its optimal capacity due to its lack of means. Training was organised in 2015 and 2016 in a number of fields, such as countering OC, intelligence gathering, forensics, reporting, digital fingerprinting, IT, public sector, etc. In 2016, 400 new recruits were trained in ethics, basic police functions, conducting interviews, communication procedures, Standard Operations Procedures (SOP), and Civil Society engagement.

In respect of the expertise required, the needs are broad and range from criminal investigation in aviation matters to domestic violence, cyber-crimes, money laundering, and abduction negotiation to name but a few. Although the CID is viewed as being amongst the best policing organisations in Libya, it needs legal and technical expertise and support.

In October 2017, EUBAM organised a five-day workshop on crime analysis and statistics for 20 Police officers from the CID, TSD and CS. This workshop was implemented by EUROPOL in Tunis. With EUBAM's support 60 management level officers were trained in November and December 2017 in Tripoli on Change Management and Leadership, under the EU financed project (Public Administration Faculty-PAF II), implemented by local trainers from Crown Agents.

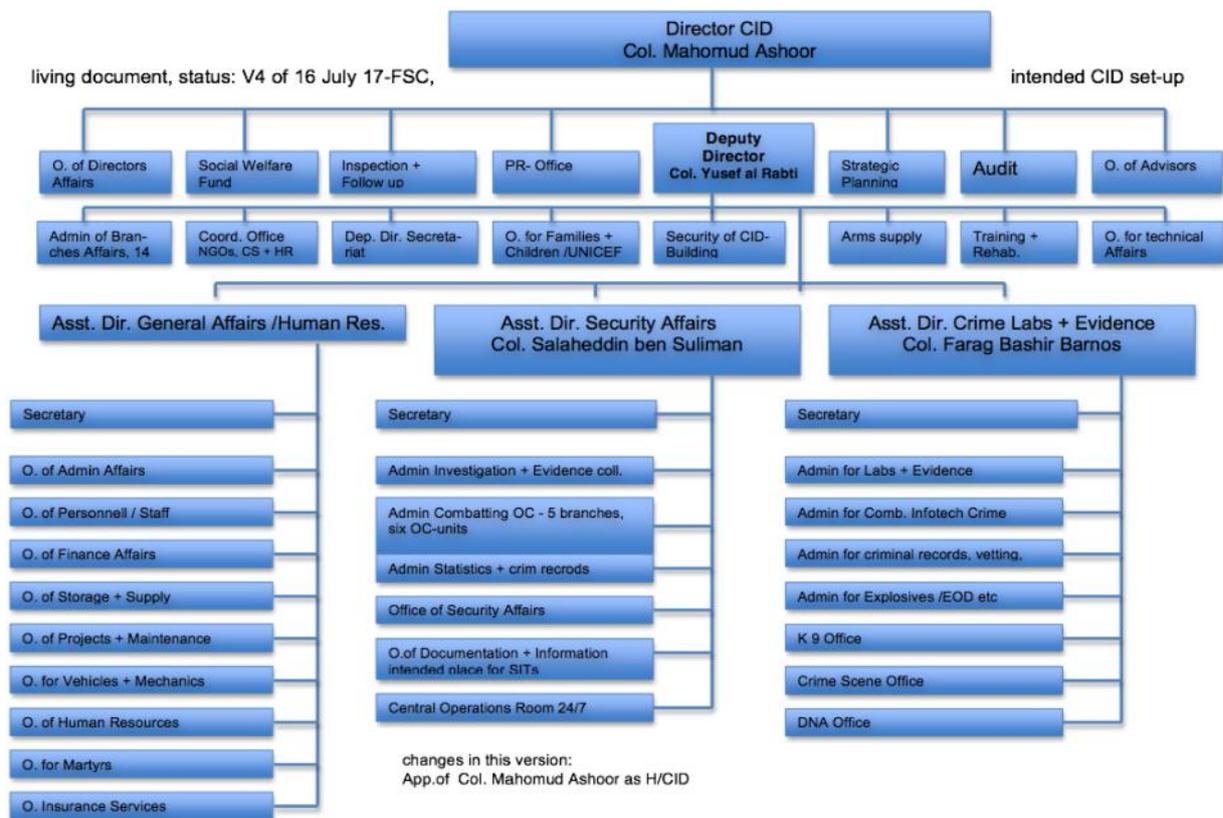


Figure 12: Ministry of Interior (MoI) Criminal Investigation Directorate

Organised Crime Directorate within the CID

The separation of responsibilities in the area of Organised Crime (OC) is structured as follows:

The CID is responsible for investigating general OC and trans-border OC, i.e. kidnapping, blackmail, etc.;

- The ANGA is responsible for investigating drugs related OC;
- The General Investigation Directorate (GID), which does not fall under the MoI, investigates cases of OC in which state officials are involved or the state is a target;
- The Libyan Intelligence Service (LIS) investigates cases in which the military is involved;
- Customs Law Enforcement (CLE) investigates smuggling in the widest sense, very often this is linked to OC groups.

Considering these fragmented responsibilities, the coordination and joint analysis of the OC phenomena are necessary, especially as OC in Libya is seemingly strongly linked to terrorism.

Crime Statistics and Crime Analysis

The CID includes an Administration for Statistics and Criminal Records (ASCR). It is headed by a director and a deputy director. There are 100 staff within the administration which is allegedly insufficient to manage with the workload it has.

The main tasks of this administration are:

- Receiving daily information on serious crimes;
- Analysing incoming data and preparing daily reports;
- Preparing a list of the most dangerous criminals;
- Working on monthly statistics, assessing all data, issuing reports;
- Proposing training plans for capacity building;
- Improving the system of criminal records.

Files are categorised according to importance and the necessity for immediate reporting. Most reports from security directorates have to be delivered within 24 hours and are delivered through the regular postal service. Reports arrive handwritten or in MS Word Format.

Handwritten reports are then typed up in MS Word. It is intended to implement a searchable database once funds can be provided to enable this.

Statistics are collected and collated in large part according to international standards. Recorded crimes range from murder to begging. Statistics differentiate between day time and night time crimes, between adults and juveniles, the sex of the offender and include the age and gender of victims. Statistics are published and sent to the MoI on a monthly, quarterly, six monthly and annual basis. However, the number of recorded crimes is very low, in all likelihood this is due to the fact that most crimes are not reported.

Questions concerning the 100 staff and the workload could not be answered in any great depth. It was however mentioned that at least one team is working during the night. Other staff that live outside of Tripoli and have difficulties in coming into the city are only occasionally in the office.

There is a reform proposal that would see an Information Department analysing incoming information for strategic and operational planning reasons, including prevention activities, by utilising a database that would be sufficient to fit all of their needs. While this project seems well thought out, there is currently no indication that funds are available for procurement for such a project.

Crime analysis is not implemented in the CID. Up until 2014 there were trained analysts who were equipped through the EU financed and INTERPOL implemented RE-LINK project. During the civil war in 2014 this equipment was looted and destroyed. Meanwhile the trained analysts have been transferred to other units. However, EUBAM has assisted by initiating a EUROPOL implemented workshop in October 2017 in Tunis for 20 Libyan police officers to lay the foundation of a future analyst cell.

CID Forensics laboratories and fingerprinting within the CID

There are 13 forensics offices within the CID Forensic laboratories (labs) in Tripoli that include those dedicated to stains and marks, toxicology, forgery (handwriting) and

photography, arson, fingerprints, DNA and cybercrime. The buildings are clean and well laid out. Among the personnel are six female staff.

The fire lab is tasked with detecting the causes of crimes in fire related incidents. Its' files are compiled on paper with photos stapled in. The paper files are scanned into a digital pdf format but there is no proper digital database and the scanned documents are not searchable. The fire lab is tasked with detecting the causes of crime. There is no support from the offices of the firefighting service as they are tasked with extinguishing fires and do not have any duties beyond that.

The CID Forensics labs have a Memorandum of Understanding with the MoJ's crime labs, however in reality there is no real cooperation at present although reportedly CID staff trained most of the MoJ lab staff. The CID Forensics labs also cooperate with the University of Tripoli on occasion and with the National Oil Company (NOC) (although the CID must pay 1000 dinars for each test they have performed for them by the NOC labs).

There is a general need for hardware and software (e.g. a database for travel documents for the forgery laboratory). There is one Electrostatic Detection Apparatus (ESDA) machine that can visualise latent imprints on paper, but this tool like many other pieces of equipment, is not functioning.

The fingerprint lab is in an especially dire situation. Analysts look for a minimum of 12 identifying marks in each fingerprint as required under evidentiary requirements in court. There is no paper or computer based database. Over 70 % of fingerprints found are classified as unknown mainly because they lack a database. Over 200,000 of the criminal records retained contain fingerprints. The remaining 300,000 files are for the most part very old. Therefore, a complete Automated Fingerprint Identification System (AFIS) is needed.

The DNA unit, which is in a separate building that looks very run down from the outside, is clean and airy inside. The DNA they find produces a code but they have no database to store that. They are also working with Tunisia in regard to identifying alleged terrorists and their

body parts from over 700 individuals/body parts located after the fall of Sirte (useful for identifying fallen DAESH militants). The DNA unit lack chemicals and kits as well as materials to identify body parts from Sirte.

3.4. Anti-Narcotics General Administration (ANGA)

ANGA is responsible for investigating all types of crimes involving narcotics, from street dealers to cross border smuggling including the prevention of drug abuse through awareness raising methods.

They have approximately 70 branches across the state, including in Tobruk, Misrata, Derna, Al Beida, Al Majr, Al Wahad, Sirte, Benghazi, Adjadabiya, Taragona, Tripoli, Zarwiyah, Sabratha, Nalud, Sebha, Ghat, Kufra, Gharayan, Ras Jadar, the sea ports and land borders and the airport in Tripoli. Their branches are independent of each location and not co-located with other agencies. However, access to ports and BCPs is frequently denied by militias, therefore their investigation capacity is very limited. They have not been provided with a budget for a considerable period of time.

Staffing at present amounts to 626 officers within their ranks across Libya, ranging from 1st Lieutenants to Colonels. There are also 3,682 police officers and 672 civilian administrative staff in the administration. Their total number is therefore 4,980. They were forced to include 400 *thuwwars* during the integration programme in 2012.

ANGA is in contact with all branches in Libya and tries to distance itself from politics. There are no female officers, only female administrative staff. ANGA does not have set training curricula nor a training department.

In 2003 it began its engagement with the UN. This was mainly with UNODC and it seems it involved capacity building directed from UNODC in Cairo.

Police from the UK have given some Train the Trainer (ToT) courses to the ANGA prior to 2011. Also training courses took place in Italy and Spain on "awareness" and "treatment of addicts" in 2004, 2005 and 2006.

3.5. The Tripoli Security Plan (TSP) and the Joint Operations Centre (JOC)

The TSP is a plan devised by UNSMIL to facilitate the GNA to develop a monopoly on the use of force in Tripoli. In particular it aims to weaken the control of armed groups, and restore the effective control of the Libyan army, policing agencies and the PG.

The ousting of the competing armed groups supporting the “National Salvation Government” in March 2017 allowed the GNA to hasten its implementation. The TSP foresaw a detailed deployment of legitimate security actors along three concentric “rings”, dividing the capital into three main security sectors with dedicated static and mobile security.

In the context of the TSP, the coordination of local forces was thought to be strengthened also through the establishment of a Joint Operations Centre (JOC). After many months of negotiations facilitated by UNSMIL, the location for the JOC has been fixed at the old Gaddafi HQ in the Bab Al Azaizih area of Tripoli. Some temporary premises for the JOC are almost complete at the Land Forces HQ in Tripoli. A commander of the JOC, Brigadier General Hussein Abdullah, has been appointed, and EUBAM has been involved in assisting him, along with UNSMIL and EULPC, to start laying down plans for the operationalisation of the JOC.

The TSP also involved the conception of a first demobilisation pilot activity in Tripoli, aimed to reduce the number of armed groups’ members operating under parallel chains of command to legitimate institutions. The first batch of approximately 80 members will be subject of the pilot case promoted by UNSMIL.

3.6. General Investigation Department (GID)

All personnel of the former Internal Security Service, who were previously transferred to security directorates in local councils, were relocated to the GID in 2013.

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The new service was tasked with CT and fighting OC. It also deals with issues related to Libya's industrial and oil sectors. However, some ambiguities with regard to its duties remain. According to Article 3 GID's duties are described more as relating to those of a training and planning entity rather than an executive one. The GID also has a General Department for Information Security.

The Head of the GID has the rank of a Minister and both he and his deputy are appointed by Cabinet Decree following a proposal of the Prime Minister. The GID's personnel are composed of commissioned and non-commissioned officers as well as civilian administrators.

The total strength of the organisation is estimated between 4,000 to 6,000 (20-25 % of which were incorporated after the revolution). Currently, only approximately 20 % of its personnel are on the payroll and many of them are not able to work due to the lack of equipment. The GID is internally divided between those incorporated after the revolution and the "Gaddafists" who have a specific police background. The GID HQ is located in Tripoli's third circle road with offices in Mitiga Airport and Ras Ajdir BCP. Its presence is limited to the Tripolitania coast and the Nafusa Mountains. The GID does not have any kind of control in the South as is the case with most of Libya's central administration. The GID support the PC and are seeking clarification regarding their division of labour with the LIS.

The GID's organisation points to its former nature as a security service in charge of protecting Gaddafi. It has not yet been transformed into a democratic policing/intelligence agency. It still has detachments controlling access points in hotels, public buildings, airports, BCPs, as well as in private factories and companies.

The GID has an investigation branch which deals with a wide range of crimes, terrorism being the main one. Its investigation capacity has to be further assessed on the ground, although the lack of technical means and trained personnel indicates that their operational capacity is limited. It does not engage in any significant coordination with other agencies, including the MoI departments and armed groups involved in combating crime. The investigation branch

has an office, which is charged with liaising with the Prosecutor's Office to preserve the secret identity of investigators.

The GID also has some responsibilities in regard to fighting OC actions committed against the state and on terrorism. However, it does not have the organisation, legal framework, capacity and coordination required to deal with these serious crimes.

The GID has been active in meeting international stakeholders to seek equipment as well as support in capacity building. At the same time the internal division between "Gaddafi-era" officers and integrated members of armed groups as well as apparent tensions within the command (the recently appointed Deputy Head lost his position within a very short space of time) slow down any effort for EUBAM to work with the GID.

3.7. Libyan Intelligence Service (LIS)

LIS is the main successor of the former *Mukhabarat* service. The head of the service has the rank of a Minister and its members can be granted the status of judicial police while working under the Prosecutor's authority.

The LIS was devised to be a nationwide organisation also with representatives in the most important Libyan embassies. In 2014 the LIS was divided, with its eastern part completely isolated from the one in Tripolitania. Both of them have very limited operational capacity in the South.

Its main tasks are counter-intelligence, protection of the State against foreign parties, information protection, communications security, foreign intelligence as well as fighting terrorist networks and OC organisations. The LIS acts as the intelligence service and law enforcement agency for transnational crimes. The border management actors, transfer all the information to the LIS. For this reason, the LIS is represented in the BMWG as a member of the NTBSM. It is also one of the main CT actors.

The coordination and exchange of information with internal security services such as both the GID and the CID require development and there is a need to conceive and implement coordination mechanisms between these services. Contact has been made with the LIS' management on several occasions, however, an accurate assessment of its operational capacity and performance is still awaited.

3.8. Presidential Guard (PG)

After the signing of the Skhirat agreement, the PC and the international community's main concern was to provide a safe and secure environment to facilitate the arrival of the PC in Tripoli. The lack of a reliable security provider brought to the fore the idea to establish a force that could grant sufficient protection for the PC and its facilities to start operating in the capital.

The PG was established in May 2016 under the authority of the PC. Brigadier General (BG) Kheir Al Nakhua was appointed as the PG Commander. BG Mohamed Abu Bakr Laqri and Ibrahim Ahmed Abdullah Bilad were appointed as his deputies.

The PG is tasked to secure PC premises and members, sovereign and public institutions of the state, state guests and vital installations (including land, air and sea BCPs).

While France has been training the PC Military component, there is currently no sign of training for the small police component (352 officers at present). Police personnel have been moved from the CID to the PG police component but there is a lack of clarity as to what this component will look like, how it will be structured and what it will do.

3.9. Counter-Terrorism Force (CT Force)

The CT Force was created in late 2016 after the battle of Sirte from the remaining forces of the Al Bunyan Al Marsous (ABAM), to use their experience in the fight against terrorism as a purely military force.

On February 2017 BG Mohamed Al Zien from Misrata was appointed the CT Force commander.

According to the information received, over 3,000 ABAM fighters were used for the initial recruitment.

3.10. National Counter Terrorism Working Group (NCTWG)

Following the assistance of EUBAM to increase Libyan coordination capacity in the field of CT, especially after the International CT Law Enforcement Workshop organised by the mission on 12 July 2017, the Libyan authorities decided to create a team lead by the GID and with representatives of the LIS, the CID and the PG. Subsequent to that the group decided to also include the CT Force.

The NCTWG was established in July 2017 by a decree of the GID Director, who by his position stands at the level of a minister. This was followed by the nomination of their respective representatives by the directors of the other three services.

It is within the roadmap of the NCTWG to obtain the political endorsement of the PC, which has been informed accordingly. However, further meetings have stalled at this time as the working group initiates the process of lifting the NCTWG under the umbrella of the PC.

EUBAM is advocating including the investigation office of the General Prosecutor and the FIU into the NCTWG.

3.11. Administrative Control Authority (ACA)

The LAB and the ACA were merged in 2011 only to be separated again in 2013.

A chairman supported by one or more deputy chairpersons, with a ranking in the Libyan government (minister / deputy minister), head the ACA. The organisation is based in Tripoli with a complementary organisation in the East. The ACA reports its findings to the parliament (HoR). Its total staff number is approximately 2,500 in 25 branches. The ACA has a very

wide remit looking at “public office crimes” including for example theft, corruption, etc. Both criminal acts and "administrative faults/felonies" are covered by them. The latter are covered by the Disciplinary Board within the ACA, which is allegedly court like in its appearance, make up and powers.

The ACA’s investigators, being part of the General Administration for Investigation in the ACA must be qualified lawyers, or, have a police background combined with a legal background. Specialised police functions, such as wiretapping and surveillance are then implemented by seconded police officers.

In regard to investigations, initially when a matter comes to light, it is examined by the ACA. The ACA may then task the concerned agency with taking certain ‘proper’ measures. The ACA will then make an evaluation on whether the matter is one that can be dealt with by the ACA Disciplinary Board, as a disciplinary matter, or if it is a criminal matter. If it is the latter, then there is a follow-up procedure which includes the gathering of evidence. The compiled evidence is then sent to the Investigations Department of the ACA and they decide if they will retain it or send the matter on to the Prosecutor’s Office. If there is a criminal element to the matter as well as a Disciplinary Board element the latter will be retained while the former is sent on.

3.12. Libyan Audit Bureau (LAB)

The LAB has been known by various names, possibly due to unaligned translation. It has also been referred to as the State Audit Bureau (SAB), Libya’s Supreme Audit Institution (SAI) and the Financial Audit Bureau (FAB).

Its’ staff number approximately 1,876 which they consider sufficient. In 2016 the LAB hired 70 of the best graduates for positions within the authority. 36 branches cover the whole of Libya with eight branches and 400 staff in the East. 150 staff are currently work in Benghazi.

In the East, the HoR has established a shadow authority with 560 staff with no regard to their qualifications or the standards required for the work involved. However, these staff remain inactive and are allegedly not paid.

It is tasked with dealing with suspicious financial transactions. The LAB looks into financial mismanagement and fraud and all other crime they detect during the course of their investigations is then referred to the ACA. The organisation's functions are described as to:

- Exercise effective control over public resources;
- Audit government revenues, expenditures and obligations;
- Report on its findings.

It is responsible for examining and auditing the accounts of the state, organisations and public agencies.

It is member of the Vienna based Organisation of Supreme Audit Authorities (INTOSAI) and the African division of that organisation (AFRTOSI). However, in relation to AFRTOSI section that covers the MENA region, it is understood that relations have been problematic with the HoR.

The LAB publishes annual reports in book form in Arabic. The 2016 report is currently being translated into the English language.

On occasion, the LAB use the Judicial Police (JP) to make arrests on their behalf before cases are presented to the prosecutor.

3.13 Financial Information Unit (FIU)

The Financial Information Unit (FIU) was established in 2005 within the CBL, under which it is a centralised and independent administrative authority. Simultaneously an "Anti-Money

"Laundering sub-unit" in every bank were supposed to be installed. These sub-units are supposed to report any relevant information to the FIU at the CBL. There is currently no information available on how these sub-units are established or if they are functioning.

The creation of the FIU is a requirement of the Middle East North Africa Financial Action Task Force "MENAFATF", of which Libya is a member. FIUs are expected to support efforts to investigate money laundering in the context of OC and financing of terrorism.

The administrative structure of the FIU contains the following six departments:

- Analysis: tasked with analysing suspicious reports
- National and International Cooperation
- Legal Affairs
- Administrative and Financial Affairs
- IT
- Statistics and Research

The FIU relies on a simple database that is developed by its own IT department. It currently employs 27 staff.

However, this unit is barely functioning according to information received from the World Bank.

All employees have received training from several organisations, for example: The International Monetary Fund (IMF), the World Bank, UNODC and the Middle East and North Africa Financial Action Task Force.

The FIU apparently receives a small number of reports of suspicious transactions and other information relevant to money laundering, associated offences and terrorist financing.

Libya currently has 15 commercial banks. Five of them are state owned and they account for 90 % of the deposit base. Eight banks are privately owned and two are jointly owned by the Libyan government and foreign states. Public sector banks control more than 85 % of banking sector assets. Banking supervision is understood to be weak and mostly compliance-based.

Although Libya has become a party to the Vienna Convention, the Palermo Convention, the United Nations Convention against Corruption (the Merida Convention) and the Terrorist Financing Convention, Libya does not criminalise terrorist financing. Libya does not have a mechanism to implement targeted financial sanctions pursuant to UNSCRs 1267/1989 and 1988 and UNSCR 1373, and has no measures to implement targeted financial sanctions.

It is understood that the FIU is not able to disseminate, spontaneously and upon request, information and the results of its analysis to relevant competent authorities. After reviewing the case referred to or reported to it, it should inform the Governor concerning the information and reports in its possession so that the necessary measures may be taken, and that in reality means it is not independent. The FIU does not receive cash transaction reports (CTRs).

It would appear that Libya does not identify and assess the Anti-Money Laundering/Counter Financing Terrorism (AML/CFT) risks for the country, or designate an authority or mechanism to co-ordinate actions to assess such risks or apply a risk-based approach to allocating resources and implementing measures to prevent or mitigate AML/CFT. There is coordination and cooperation between the FIU and the regulatory and supervisory financial and non-financial institutions and policing and investigative authorities, however, it requires strengthening.

3.14. Asset Recovery and Asset Management Office (ARAMO)

Created in October 2007 by the PC and established in Tripoli, this office facilitated by the United Nations Interregional Crime and Justice Research Institute (UNICRI), is currently staffed with an Administrative Director of the Office, a financial expert and one judge. It is intended to employ approximately 12 personnel. This office will not only look into cases from the Gadhafi era but will work as a regular office supporting the criminal justice chain in

ongoing investigations. This office is an important step in the effective control of OC, corruption and money laundering.

3.15. Temporary Joint Task Force (TJTF)

Based on Presidential Council (PC) Resolution 437 of 13 November 2016, a joint task force was formed to detect and combat OC and terrorism. It was established under the authority of the Minister of Interior and includes the GID as well as the NSDs.

Although the members of the Task Force have not yet been appointed, the Minister has already sent a request to UNSMIL to provide support and forensic equipment. This request was then forwarded to EUBAM through the Police Working Group (PWG) which coordinates international donors. There have been no developments in 2017 with regard to the task force. Indeed, it seems this task force has no staff and is inactive.

3.16. MoF: Libyan Customs' General Directorate for Anti-Smuggling and Enforcement

This organisation is the law enforcement body of the Libyan Customs under the Ministry of Finance. The office is organised as a General Administration for Libyan Customs and divided into Operational Departments (Beach and Coastline, Land BCP Investigation/Surveillance and Transit Service), Central Department for Statistics, Planning and Information, Administrative Affairs, Legal Affairs, and Field Units.

In addition, the organisation includes 32 Anti-Drug Sections with responsibility at the border and inside the whole of Libya. In case of violations, the Libyan Customs officers report directly to prosecutors. According to the information received, the total number of staff is 4,300 (including 250 civilians).

Reportedly, the efficiency of the Ant-Smuggling and Anti-Drug Department has improved in some areas of the country, during 2017, for the following reasons:

- Staff skills;
- Improvement of the relationships with NCB INTERPOL;

- Improvement of the information exchange with neighbouring countries;
- Improvement of the patrolling system.

However, further action is needed in order to meet international standards with particular reference to the training sector, availability and use of equipment (4x4 cars, surveillance tools, computers, etc) and cooperation with other agencies. It is worthy of note that this General Administration has received robust support from Italian Customs in the past, in particular, with regard to the Risk Analysis Unit.

The Anti-Smuggling and Anti-Drug General Administration has a special interest in tackling illegal/irregular migration. For this reason, Libyan Customs is part of a Joint Committee with the MoI, MoD Chief of Staff, GID and LIS, which was established by the GNC and, reportedly, re-activated by a PC decree. It should also be mentioned that this General Administration nominated a Point of Contact for the exchange of information at both national and international levels.

This Organisation has an important function in the fight against transnational OC and terrorism.

3.17. Coordination structures with EUBAM Libya and International Partners

3.17.1. Police Working Group

As in many countries, Libyan policing functions are not performed by one single entity. In addition, as a product of post-revolutionary decisions and based on political affiliations, different public security actors act as policing agencies (the Military, police, Armed Groups, east/west, etc.) which has led to a fragmented internal security landscape across the Libyan institutional architecture.

Despite its best intentions, the PC has not been able to assert its control over armed militia groups and it and earlier governments have made decisions to integrate significant numbers of

individuals into the security institutions. The current security environment, dominated by militias, does not constitute a proper security framework. It rather lacks appropriate coordination and creates conditions for criminal activity, including transnational organised crime to flourish. Furthermore, there is no real accountability mechanism in place to deal with these militia forces as they are in reality beyond the law.

In acknowledging EUBAM's expertise in the field of policing, UNSMIL has entrusted EUBAM with taking the lead in the Police Technical Working Group (PTWG). Originating from an initial Libyan request on training support, the PTWG promises to be an adequate platform to coordinate international efforts on capacity building in the policing sector, in coordination with the work of the Security Sector Working Group (SSWG). While a similar and more institutionalised platform on border management was established with Libyan counterparts by EUBAM, the same has not been done for the police. The *leitmotif* of this coordination should remain the setup of a solid Libyan-led process and a sustainable approach for police reform in Libya.

The last meeting of the working group was in February 2017 due to non-availability of Libyan counterparts. However, EUBAM's efforts have moved forward to concentrate on subject mattered formats, providing a forum for Libyan policing agencies and interested IC members and potential donors to be introduced and exchange information. This is in furtherance of EUBAM's mandate and to act as a broker between our Libyan interlocutors and potential donors.

3.17.2. Criminal Investigation Roundtable

As a sub-format to the PWG, EUBAM has organised a Criminal Investigations Roundtable. It meets on a monthly basis at the Mission's offices in Tunis.

The purpose of this roundtable is to provide a subject-matter coordination platform, starting with stakeholders and potential donors from the IC in the field of criminal investigations. Its initial primary focus has been on the specific needs of Libyan policing and investigative organisations, which are fighting serious and organised crime. The Roundtable is open to

representatives from EU and other interested states as well as international and non-governmental organisations in the field of criminal investigations.

Through this technical sub-format, EUBAM-Libya aims at identifying potential quick-wins for criminal investigation agencies, although subject to the availability of potential donors (in particular EU member states) to commit to a coordinated approach rather than through purely bilateral activities. Many member states attend these meetings and the roundtable is seen as an effective and useful forum by participants.

3.17.3. MoI and GID Panel on Training

Following an invitation by EUBAM, the MoI formed a panel of experts, acting as a focal point for the mission on any needs related to policing training.

Chaired by the Deputy Head of the General Administration for Training, the panel joined a workshop organised by EUBAM for a joint assessment in mid-November 2016. The purpose of the first workshop was to gain a deeper understanding on the current state of play regarding the organisational structure of the MoI and affiliated policing bodies, including the independent GID.

Some represented bodies could give a comprehensive brief on their current status and have already provided concrete training plans, which will be translated into English and assessed by EUBAM's experts.

In addition to its own mapping and planning exercises, EUBAM will use these outcomes to further specify Libyan training needs to potential donors participating in the PTWG, chaired by EUBAM.

The panel has met only once due to non-availability of the Libyan MoI training department. However, EUBAM's efforts to meet with Libyan counterparts on a bilateral basis (especially the CID) continue to be successful and have led, in October 2017, to a EUBAM financed and EUROPOL implemented 5-day long workshop on crime analysis.

Following on from EUBAM's ongoing meetings and successful relationship with the EU Delegation to Libya the afore mentioned course for 60 managing officers in Tripoli on Change Management and Leadership under the EU financed project (Public Administration Faculty – PAF II), implemented by local trainers from Crown Agents came to fruition in November and December 2017.

3.18. Other international actors

3.18.1. Security Sector Working Group (SSWG, UNSMIL)

The Security Sector Working Group (SSWG) is a monthly meeting of local Embassies to Libya and International Organisations engaged in the security sector, hosted by UNSMIL. The meeting serves as an opportunity to receive a debriefing on UNSMIL activities in the political and security track. The SSWG is the main coordination platform to exchange views and gather the position of Member States on the main priorities in the security sector. EUBAM attend the SSWG to inform international partners on its activities in this area and engage with other members of the international community working on Libya.

3.18.2. International actors

The main priority of EU-funded projects as well as other international projects in relation to policing is dedicated to CT (Euromed Police 4, CT MENA, CEPOL, UNODC project for 2018, financed by EU and US efforts through UNODC etc). While the vision to fight terrorism is seen as a priority, the conglomeration on this phenomenon reduces activities to support Libyan authorities in the fight against OC, drugs and other serious crimes. OC activities can fund terrorism in many instances. The utilisation of human trafficking and narcotics smuggling for illicit gain for example may also fund terrorist networks.

3.18.3. United Nations Office on Drugs and Crime (UNODC)

UNODC supported the thrust of the NCTWG with a roundtable in Tunis on the coordination of intelligence gathering and international standards in December 2017. This US financed activity, replaced the planned high-level meeting to form a CT committee on the political level.

UNODC is negotiating with EUBAM regarding the planning of a one-week course on cybercrime for 20-25 officers, possibly in Italy or in Spain. Trainees would be drafted from the CID, ANGA, GID and LIS. This activity will be funded by the EU.

3.18.4. United Nations Development Programme (UNDP)

UNDP currently implements within the framework of the EU financed Resilience and Recovery Project, a Pilot Model Police Station (PMPS) in Haj al Andalus in Tripoli. Furthermore, UNDP runs a second project on the Libyan Security and Rule of Law sector, concentrating on support to UNSMIL, institutional Reform of the MoI and the MoJ, as well as the reintegration of Militias.

The PMPS is being jointly developed by UNDP, EUBAM, EULPC and UNSMIL in a Joint Technical Working Group (JTWG). The supervising body of this JTWG is a Steering Committee, composed of the UNSMIL Senior Security Adviser, the UNDP Country Director and EUBAM Libya HoM. This is a labour-intensive project that is progressing with weekly meetings and ongoing work by all parties. In particular EUBAM has been pressing for inclusion of a gender perspective in the project and for correct procedures and SOPs to be put in place so the PMPS can be a successful project.

3.18.5. CT Middle East and North Africa

The EU financed Instrument contributing to Stability and Peace (IcSP) project CT Mena has offered two activities for the NCTWG. The first activity would be a workshop in Tunis on intelligence sharing and on activity coordination for the members of the NCTWG. The second activity would be for the analysts of a fusion cell (once this is formed). This would be a one-week seminar on collecting and collating of intelligence in a fusion cell and would also involve the provision of the necessary equipment.

Since the NCTWG is not functional at this time, there might be considerable delay on these projects.

3.18.6. Euromed Police 4

The purpose of this EU financed project is to facilitate a coordinated approach to regional cooperation, based on well-identified priority areas and the formulation of a strategy for increasing citizen security, in alignment with the priorities established by the EU focusing mainly on terrorism; facilitated illegal immigration; and OC.

Contacts with Euromed Police 4 have been established and several options of support to the CID were discussed. However, the CID is refusing any official role in this project since they are not allowed to participate in meetings where Israel is involved under Libyan law. It is hoped that a way can be found to move the matter forward possibly by means of some form of bilateral relationship.

3.18.7. CEPOL

A recent visit to EUBAM showed CEPOL's interest in providing support in the frame of an EU financed CT-project. Details still need to be discussed and CEPOL await the final permission to engage with Libyan authorities.

3.18.8. European Gendarmerie Force (EGF)

EUBAM has recently engaged in beginning a relationship with the EGF in regard to assisting Libyan Police and Border Management actors. This has initially involved discussing potential models of closer cooperation as well as potential contributions by the EGF in terms of advising and training identified Libyan Police/BM authorities and forces. Discussions are ongoing at the present time.

4. Rule of law and criminal justice structures

The justice system has been significantly compromised by the security situation and its structural weaknesses. 2017 was marked by a significant improvement of the criminal justice system as both criminal courts and prosecutions, which are affiliated to the court complexes, are recovering slowly but progressively. UNSMIL summarises the development as follows: "While prosecutors, judges and other judicial staff continued to work in a difficult security

and operational environment during the reporting period, there was a partial reactivation of prosecution and court offices in central and eastern Libya. The Minister of Justice confirmed his commitment to addressing the situation of those held unlawfully and to ensuring the humane treatment of detainees”.⁴ Libya’s current shortfalls within the criminal justice system are a mix of the pre-existing challenges under Gaddafi’s dictatorship and additionally the negative political and security developments since the 2011 revolution.

Civil criminal proceedings in Libya are regulated by the Penal Code from 1954 (latest amendment by Law 5/2014) and the Code of Criminal Procedure from 1953 (latest amendment by Law 7/2014) and in the Law on the Justice System (Law 6/2006, amended by Law 4/2011 and 14/2013).

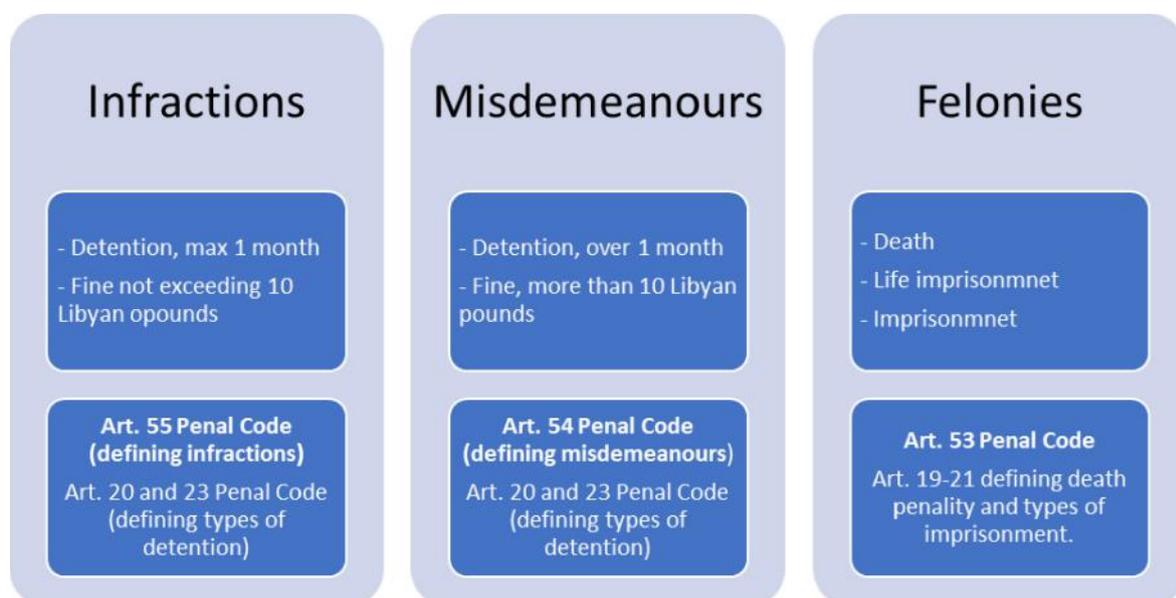


Figure 13: Libyan Penal Code divides crime into three categories



Figure 14: Code of Criminal Procedure provides for four phases of criminal proceedings

⁴ United Nations Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, S/2017/726 (of 22 August 2017), No. 44, available from: <https://unsmil.unmissions.org/sites/default/files/n1707537.pdf>

The Penal Code and Criminal Procedure Code are in need of legislative reform which is being conducted by UNODC and the MoJ.

Access to justice has become more difficult following the events of 2011, due to a judicial system which has mainly collapsed, where few courts are operational because both court premises have been bombed and judicial actors (prosecutors, judges and defence lawyers) encounter threats and dangers in the line of their duties. Attacks targeting the judiciary directly impact the administration of justice and the Rule of Law.

UNSMIL summarises the situation in their April 2017 report as: “Ordinary crime was endemic, mainly owing to the state of general lawlessness and the weakness of judicial institutions.”⁵

The Criminal Code prohibits arbitrary arrest and detention but, in general, it would appear that the various arresting parties do not uphold the provision. UNSMIL reported in April 2017: “arbitrary detention continued to be widespread in both official prisons and detention facilities run by armed groups across the country”. Little progress was made in reviewing individual cases to ensure that those being held are either referred to trial or released, in accordance with Libyan law.

UNSMIL visited a number of facilities, including the Barakah, Tubruq, Jawwiyah and Taminah prisons under the purview of the MoJ. UNSMIL registered concerns relating to overcrowded and unhygienic conditions, and severe delays in referring detainees to the judicial authorities. Previous allegations of torture, ill-treatment and deaths in custody as a result of torture were not reported to have resulted in prosecutions.”⁶

⁵ United Nations Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, S/2017/283 (of 4 April 2017), No. 34, available from: <https://unsmil.unmissions.org/sites/default/files/n1707537.pdf>

⁶ United Nations Security Council, Report of the Secretary-General on the United Nations Support Mission in Libya, S/2017/283 (of 4 April 2017), No. 40 and 41, available from: <https://unsmil.unmissions.org/sites/default/files/n1707537.pdf>

4.1. Sharia Law

According to Article 14 of the Penal Code, the Code shall in no manner affect the individual rights provided for by *Sharia* law. In Libya, the curricula at the various law faculties are apparently standardised throughout the country and the students must take prescribed courses in the five departments of the law faculty: general law, private law, public law, *Sharia* and criminal law.

Between 1972 and 1974 Libya has incorporated four laws with regard to the hud̄ud crimes (crimes against God) and related offences related to theft and robbery (Law 148 of 11 October 1972); illegal sexual intercourse (Law 70/1973 amended by Law 22/2016); unfounded accusations of fornication (Law 52/1974); and, finally, the drinking of alcoholic beverages (Law 89/1974 amended by Law 21/2016). Law 6/ 1994 ordered the courts to follow the classical rules of retaliation and blood money in homicide cases. The existing Penal Code was amended accordingly. Nevertheless, in Libya, the introduction of the hud̄ud had a highly symbolic character and did not result in a drastic change of the penal system. The hud̄ud laws essentially follow Malikite doctrine, the *madhhab* prevailing in Libya. Hence mentioned laws regulate corporal punishment (by flogging). The provisions are expected to be part of the Libyan legal reform process aiming to put the criminal justice legislation in line with the Draft Constitution and international treaty obligations. Beside the penalty, the damnability of the respective acts is questionable with regard to Libya's international treaties and international human rights standards.

Therefore, the Libyan legislative and judicial branches face the challenge to overcome these legal issues based on both the constitutional commitment to *Sharia* Law on the one side and international treaty obligations and human rights standards on the other side.

4.2. Supreme Judicial Council (SJC)

The establishment of the SJC is based on the Law 4/2011 (further amended by Law 14/ 2013) amending some provisions of the Justice System Law 6/2006, authorising the SJC with

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overseeing judicial affairs and replacing certain regulations in Law 6/2006. The SJC is composed of:

- A councillor from the Supreme Court;
- The Head of Judicial Body Inspection Department;
- A councillor from every Court of Appeal;
- The Prosecutor General;
- A member representing the State of Lawsuits Authority, the Department of People’s Legal Defence, and the Law Department.

It has the sole responsibility for (final) decisions on requests submitted by the judicial body members (Judicial Inspection Department, Courts, Public Prosecution, Lawsuit Authority, Law Department, Public Attorney Department) with regard to:

- The revocation of final administrative decisions concerning any professional affair of judicial body members which originally falls under the jurisdiction of the judiciary and any compensation claim resulting from same;
- Disputes related to salaries, pensions, and bonuses of judicial body members.

The SJC’s mandate is the supervision of the independence of the judiciary, including taking decisions pertaining to personal: appointment, promotion, retirement and discipline. Prosecutors and judges can rotate or be moved and can also change their roles.

Pertaining to the oversight and accountability of prosecutors and judges as well as the transparency and integrity of the judiciary, the SJC is one important entry point. This also applies to the independence of the judiciary where they would be an entry point. The envisioned establishment of the Criminal Justice Reform Working Group under the MoU between EUBAM Libya and the MoJ could be utilised to encourage the independence of the SJC and judicial bodies (Public Prosecution and courts) as against the more executive functions performed by the MoJ.

The engagement with the SJC should be considered as a mid and long-term goal as the following recommendations show⁷:

In order to fulfil its mandate which is as an independent judiciary, the Supreme Judicial Council needs to:

- Develop clear intersection lines between the Supreme Judicial Council and the MoJ: at the current stage, the MoJ has a hierarchical authority over the Prosecutor's Office both to control/direct prosecutors over specific cases and to authorise/initiate prosecutions in specific cases as stipulated in Article 244 of the Penal Code);
- Guarantee a clear separation between the role and functions of judges and prosecutors;
- Continue and foster its work supporting the unity of the judiciary within Libya.

In order to ensure accountability of the Libyan judiciary, the Supreme Judicial Council needs to:

- Review the Code of Ethics in line with the Bangalore Principles on Judicial Conduct;
- Ensure that prosecutors guarantee the protection of Human Rights and the right to Fair Trial;
- Ensure that no immunity is provided for cases of *prima face* evidence of criminal responsibility for gross human rights violations, crimes under international law or other serious crimes;
- Improve the vetting procedure on fair and transparent grounds;
- The number of female judges and prosecutors should be increased.

⁷ EUBAM Libya is following the International Commission of Jurists' recommendations in: 'Challenges for the Libyan Judiciary: Ensuring Independence, Accountability and Gender Equality', 2016, p. 10-11, available: <https://www.icj.org/wp-content/uploads/2016/07/Libya-Challenges-the-Judiciary-Publications-Reports-Thematic-report-2016-ENG.pdf>

4.3. Informal Justice System/Traditional Mediation Systems and Customary Law

Besides the formal justice system, Libya has two other systems; the informal justice system (mainly tribal) and the traditional (based on traditional law), *Urf*. Libyan tribal mechanisms have long been the most common structures used for the protection of people and justice. Traditional dispute resolution and conflict mitigation mechanisms have their own dynamics in Libya and operate almost independently from the official judicial system. They address conflicts within tribes but also between tribes, which are often settled by councils of elders (*shuras*, or consultative councils).

During the early phases of the Gadhafi era, the mechanisms of tribal conflict resolution were repressed, but began to be used again during the 1990s. After the 2011 uprising, the role of local tribes and the reliance on clans and families were largely reinstated. To a large extent, Libyans view tribal leaders as more trustworthy than official institutions, such as the police and army, with regard to the prevention of violence and crime. Official judicial institutions have until now not made serious attempts to integrate traditional mechanisms into the formal judicial structures. This is because judicial institutions in Libya at the moment cannot cope with the demands on the justice system.

Female victims seeking justice avoid using the formal justice system, as this makes the crime public and exposes the female victim to the risk of being publicly shamed or blamed for the crime. Due to this fear, which is rooted in the social sensitivity towards violence against women, it is most common that women seek justice outside both formal and informal justice sectors within their families. If choosing to make contact with a local power, it is most common to do this via informal channels, i.e., predominantly the tribal structure.

4.4. Public Prosecution Service

The Public Prosecution Office is a judicial body and has prosecutorial and investigatory powers. It operates under the legal basis of Law 6/2006 on the Justice System (amended by Law 4/2011 and Law 14/2013) and the Criminal Procedure Code (CPC) as well as the Penal Code. In addition it has supervision powers over Rehabilitation and Correction centres

administered by the Judicial Police. The Prosecutor General presides over the Prosecution Office⁸.

At the time of writing, the acting Prosecutor General is Ibrahim Massaud, from the city of Sebha. The Public Prosecutor's Office is established within the jurisdiction of each court and consists of appellate prosecution (in nine cities: Tripoli, Benghazi, Al-Beida, Sebha, Gharyan, Khoms, Tobruk, Misrata, Zawya), first instance prosecution and a summary prosecution. The staffing level is around one thousand prosecutors and the Prosecutor General has the right to transfer prosecutors within the district of appointment and to delegate them outside the district of appointment for a maximum period of three months.

The Public Prosecution shall assign prosecutors to police stations and this police-prosecutor-cooperation is an area where improvement is possible. In cases of felonies and misdemeanours, the CPC provides the Public Prosecution with the right to, either request the presiding judge of the First Instance Court to delegate the case to an investigating judge, or proceed itself in conducting the investigation.

The Libyan Penal Code provides powers to the MoJ to either authorise the Public Prosecution to initiate proceedings, or for prosecutions to commence on the initiative of the Minister which undermines the independence of the judicial body.

At least in the most heavily populated cities, Prosecutors are theoretically (here, the security situation has had an impact on the practical implementation) assigned to specific police stations. For example, the Tripoli South Court has five major police stations and the Prosecutors are divided into five groups, one being assigned to each police station. The Prosecutors at each station are divided into shifts to provide 24-hour coverage. At the beginning of each judicial year, the Prosecutors develop a work plan to equally divide their workload. In all criminal matters, Prosecutors are responsible for filing criminal cases, investigating criminal complaints, pursuing cases before the Court, and implementing the

⁸ Article 1 of Law 6/2006 on the Judicial System.

final decisions. According to one source in the Tripoli Courts, roughly 90 % of the cases begin when an investigating police officer contacts a Prosecutor. According to the existing law, police officers can be delegated to carry out investigations on behalf of the Public Prosecutor in cases of misdemeanours and infractions.

The remaining 10% of the cases are complaints filed directly with the Prosecutor's office by citizens. The relevant Chief Prosecutor will review the complaints and normally assigns it to a police service. The Prosecutor's office, only occasionally, directly pursues a case. There is no specialisation among Prosecutors (e.g. murder and sex crimes) and they all handle all types of cases. According to the law, cases are assigned on a numerical basis i.e. a case number is assigned when a case is opened and the case is allocated in turn to a Prosecutor. However, some Chief Prosecutors may reassign a complex case to a more senior Prosecutor.

The security situation has had negative effect on the function of the Public Prosecution. Premises have been badly damaged and prosecutors threatened and some even killed. However, slowly but progressively the recovery of criminal courts has, as a matter of fact, also had a positive effect on the Public Prosecution.

In early 2017, UNDP Libya conducted an assessment of the current state of play of the Libyan justice system examining Rule of Law institutions such as the MoJ, criminal courts, the Public Prosecution and the Judicial Police in Tripoli, Misrata, Khoms, Al Bayda, Benghazi and Tobruk. UNDP assesses the situation as in need of political unity via an inclusive political agreement and the setup of a unified government and legislative body, which is capable of pushing for legal reforms and is able to implement guidance and oversight to justice institutions. UNDP has introduced their report findings orally, a written publication has not been shared with EUBAM to date.

4.5. Courts

Similarly to the Public Prosecution Office, the court system also operates under the legal basis of Law 6/2006 on the Justice System (amended by Law 4/2011 and Law 14/2013). According to Article 11, the four levels of Libya's courts are as follows:

Summary Court/ District Court: Basic court (about 130 in number) with limited jurisdiction for less serious crimes.

- **Primary Court /Court of First Instance:** In its capacity as a court of first instance, the Primary Court does not deal with criminal cases but hears cases in the first instance for all civil and personal status matters falling outside the jurisdiction of the district court. It functions as an Appeal Court for criminal cases dealt with by the District Courts. Primary Courts can be found in each city or district in Libya.
- **Appeal Court:** It generally constitutes the second layer of judicial proceedings, but it is also a court of first instance for certain (major) criminal cases, as well as administrative cases. The most serious criminal cases related to felonies (major crimes) are heard by the Appeal Court in its criminal division, the ‘Assize Court’. There are seven Appeal Courts in Libya: Tripoli, Benghazi, AL-Beitha, Gharian, Misrata, Khoms, Gharian, Tobruk and Sebha.
- **Supreme Court:** The Supreme Court is based in Tripoli and is Libya’s highest court. It has appellate jurisdiction over all lower courts with the task to ensure that laws are applied and interpreted in a uniform manner throughout the country. A five-judge panel hears cases. It is the court of cassation in criminal cases.

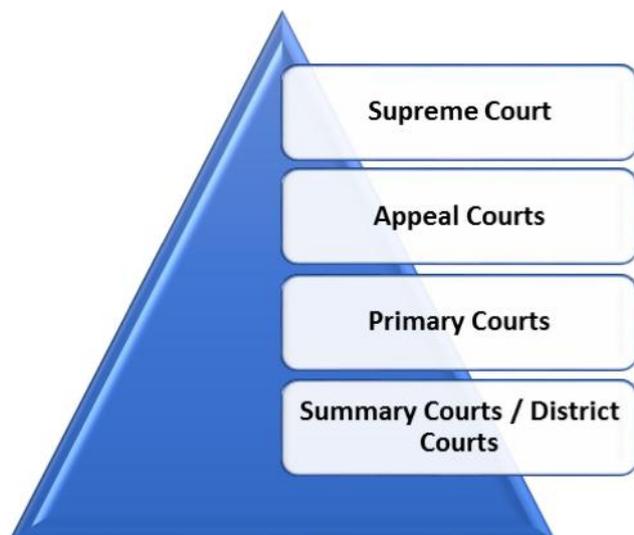


Figure 15: Courts

Access to justice is supported by Public Lawyers (a pseudo public defenders system) who act free of charge for their clients and are available for all kinds of legal support (irrespective of the legal area and court authority). Apparently, it is mostly female judicial professionals who decide to become Public Lawyers.

The private lawyers who are part of the Bar Association (formed in 1962) are independent and require payment by their client in order to act on their behalf. It is reported that such lawyers put more effort in representing their clients in cases as their income is not independently paid for by the authorities and they therefore they invest greater efforts in representing their clients' interests.

Both the Public Lawyers and those lawyers within the Bar Association reportedly also suffer as a result of the lack of security and the fact they can be and are threatened by armed groups and others thus restricting their ability to work and serve the interests of their clients and a correctly functioning legal system. It is reported that both the Public Lawyers and the Bar Association are in need of training and capacity building across a wide spectrum of areas including fair trial rights, advocacy, international legal norms and practices and legal training. Also equipment assistance is likely to be needed in order for the "equality of arms" principle of the rule of law to be upheld. This will be a key area to be assisted in order to have a properly functioning rule of law system in Libya in the future.

There are many professional judges with a good legal background and standing, but the security situation on the ground makes it extremely difficult for them to carry out their duties. The security situation has affected the work of criminal courts and some have been closed (Derna, Sirte and Sabah). In addition, the tribal reality in Libya affects the needs for courts and the justice system especially following the 2011 revolution. This is due to the fact that, as a result of missing justice providers, tribal arbitration including on criminal cases has experienced a renaissance. This is especially the case in the East, while Tripoli is not as affected by tribal justice due to low tribal influence in the capital.

Therefore, access to justice should be a top priority, going hand in hand with financial support to reopen closed court premises and reactivate those courts who at present are not working to normal capacity. Further needs are the same as those for the Public Prosecution, like security arrangements to be undertaken by the Judicial Police. Refresher training both general (Fair Trial rights) and specialised (juvenile justice, OC, CT, illegal migration) should be discussed with the Supreme Judicial Council which oversees judges. This also applies to juvenile justice, child rights and child friendly proceedings. Like the affiliated judicial actors, criminal courts are in need of a computerisation, digitalisation and a proper IT software network in order to manage their workload and filing system.

The independence, impartiality and, especially, the accountability of judges should be in the focus of international support as this is key to (re-)establishing transparency and trust in the judiciary. Accountability requires both a clear code of conduct for judges and disciplinary procedure rules in cases of breaches of the code of conduct. Further, in cases of reasonable suspicion of severe human rights violations, corruption, or crimes under international law, the immunity from prosecution of judges must be lifted and, in cases of a criminal conviction penal consequences must follow (e.g. a permanent or temporary removal from the judicial service). The aforementioned legal reform attempts must be elaborated on by the Supreme Judicial Council as the authoritative body overseeing judges.

UNSMIL and UNDP continue to monitor the judicial system. Also, a number of NGOs work in great depth in the area (most notably the International Commission of Jurists (ICJ)). The American Bar Association (ABA), as well as the International Institute for Justice and the Rule of Law are engaged in the area of public and private lawyers. UNDP also plans to be involved in this area.

4.6. Judicial Police (JP)

The Judicial Police, is a legal entity, which is technically under the MoJ and administratively and financially under the Ministry of Interior and is responsible for the administration and security of Correction and Rehabilitation Centres and the transportation of inmates; the

security of judicial buildings and personnel and the enforcement of judicial verdicts/bailiff duties.

The current Head of Judicial Police, Col. Mahmoud Hasan Husayn Abu Ihmaydah, who was appointed by the Minister of Justice is well respected within the Judicial Police and also plays a unifying role with the MoJ from the East. During the EUBAM train the trainer course for Judicial Police (financially facilitated under EUDEL PAF II), 13-30 November 2017, five participants from the East attended the course in Tunis.

In general, the Judicial Police needs to elaborate a vision and a strategic plan on its mandate and an implementation plan on how to reach their goals. In particular the number of female staff in the Judicial Police must be increased and, therefore, support in recruitment and retention, and in regard to working conditions should be in the focus of the international community. The necessary institutional reform of the Judicial Police requires a review of their staffing numbers (approx. 15,000) and roles. For the necessary required training for the Judicial Police (senior and middle management training and also legal and human rights training for reintegrated staff) training institutes in Tripoli and Al-Baida exist. The Head of Judicial Police wants to establish a third training institute in Sebah. The existing training institutes need infrastructural support. Also, the vast training catalogue needs to be revised and the training curriculum shaped to the real needs of the organisation. As training should be integrated into the strategic plan for Judicial Police (increased professional knowledge and professional performance) a training plan needs to be set up in the implementation plan of the strategy.

4.7. Correction and Rehabilitation Centres

The Judicial Police is one of two other governmental entities dealing with the deprivation of liberty⁹. Law 5/2005 on the Correctional and Rehabilitation Institutions regulates the objectives and types of correctional and rehabilitation institutions, their division,

⁹ For prisons under the Ministry of Defence (MoD), Illegal Migration facilities under the authority of the Ministry of Interior and those and those full or partly under the control of militias see UNHCR report, A/HRC/31/CRP.3 of 23 February 2016,

accommodation and treatment of inmates (especially females), labour, education, health and welfare of inmates as well as disciplinary regulations. Law 5/2005 contains procedural rules on e.g record management and the responsibilities of the Judicial Police. This law is further sub regulated by Decree 168/2005 on the Executive Regulation of the Law 5/2005 on Correctional and Rehabilitation Institutions.

There are eight branches of Correction and Rehabilitation Centres: Tripoli, Zawya, Al Khoms, Misrata, Benghazi, Sebha, Western Mountains, Green Mountains. As of 2016 the JP is responsible for twenty-six operational prisons, with a total of forty-four operational facilities (many remaining closed.)¹⁰. In May 2017, the number of inmates in Correction and Rehabilitation Centres under the authority of Judicial Police was 5,600.

In an attempt to integrate armed groups into the security apparatus between 2012 and 2014, many armed groups were incorporated into the Judicial Police and officially mandated to carry out security and administration functions in the Correction and Rehabilitation Centres (ca. 2,500 to 3,000) receiving salaries from the State with payments administered by the Central Bank and with minimal State oversight or control. Regarding the administration of Correction and Rehabilitation Centres, the problem of these integrated staff is their lack of knowledge pertaining to their rights and duties and, based on this fact, an institutional culture that is lacking in regard to morals and ethical values.

The head of Judicial Police has plans to build a model prison in Tripoli in accordance with the Mandela Rules. Currently, the civilian prison structure is very fragmented and the buildings are very old, the premises themselves are not in accordance with international human rights standards and indeed they hinder the implementation of same (e.g., separate buildings).

The vision of the Head of Judicial Police to build a Model Police Correction and Rehabilitation Centre in Tripoli would offer four advantages: 1) conformity in construction with international standards, 2) cases transferred to the Model Prison from other

¹⁰ U.S.I.P. Report 'Prison and Detention in Libya, Fiona Mangan and Rebecca Murray, 2016, p. 27.

Rehabilitation and Correction Centres, 3) legal imprisonment by the responsible Public Prosecution within the Model Prison, and 4) as a role model for other Libyan cities like Benghazi, Sirte etc. to follow. All four advantages contribute to building trust with Libyan civil society in regard to respect for Human Rights and the Rule of Law by governmental authorities.

A top priority is also legal and ethical training of the newly integrated (former) revolutionaries (e.g. by means of the cascade effect of the EUBAM Libya Train the Trainer course on Law 5/2005 and international human rights standards).

The Judicial Police need assistance in regard to the rebuilding of destroyed premises in order to meet legal requirements (medical treatment, employment and recreation of inmates). Significantly, female guards are severely underrepresented, which has a negative impact on female inmates.

Currently, and running counter to legal provisions, juveniles are placed in custody in Rehabilitation and Correction Centres. Juvenile houses under the Ministry of Social Affairs have been taken over by militias or destroyed, so the Judicial Police has taken over responsibility in reality for juveniles. Here, it would be a core issue to re-establish and deepen the cooperation and coordination of the Judicial Police with the Ministry for Social Affairs, which is responsible for juveniles. The MoJ wants to play a coordination role in supporting the Ministry of Social Affairs' role in juvenile's rehabilitation and correction as well as post-release care.

Released female prisoners, although having the right to be paid their salary, do not have actual access to cash due to disrupted bank services. Female Shelter Houses (*dar himait el-mara*) have been closed in Tripoli and Benghazi leading to females sleeping on the streets. Post-release employment programmes, shelter and psychological support for females are also lacking.

EUBAM Libya has conducted two workshops with the Judicial Police in order to elaborate on their needs and conduct a local ownership based analysis on the state of play. The results have been outstanding and contributed to the needs as mentioned in the mapping report and the delivery of the three-week Train the Trainer course on domestic legislation and international human rights standards on prison management for Judicial Police by means of EUDEL PAF II financial support.

Under full local ownership (Tripoli University and the Judicial Police), EUBAM Libya has elaborated on a training manual and agenda for a three-week Train the Trainer course on domestic legislation and international human rights standards on prison management for the Judicial Police.

The Head of Judicial Police plans to provide more training courses to train potential trainers and also to elaborate on their cascade plans with EUBAM Libya. DCAF has promised to support the cascade training with printing hand out booklets for same.

It is considered as beneficial to establish an official Penitentiary and Rehabilitation Working Group, that should address the penitentiary and detention problem as a whole from a top-down level while including (*inter alia*) the MoI, the MoD, the MoJ and the Public Prosecution. The group could focus on feasible actions and training courses (e.g., core human rights training courses, key-training) to establish entry points and address immediately the situation in prisons. As evaluated in this report, arbitrary and prolonged detention as well as torture and ill-treatment are currently major concerns. In November 2017, this has been looked at by the United States Institute of Peace (USIP) as the American NGO wants to play a major role in the field of Judicial Police. The Geneva Centre for Democratic Control of Armed Forces (DCAF) has also indicated they hope to provide support in this area. EUBAM has participated in a USIP initiated roundtable and coordination regarding future activities shall be conducted with USIP and DCAF. The United Nations Office on Drugs and Crime (UNODC) also plays a role in training the Judicial Police. Therefore, a coordination tool is considered necessary.

4.7.1. Transportation of inmates, security of judicial buildings and enforcement of judicial verdicts/bailiff

The transportation of inmates is one of the Judicial Police's additional tasks. Unfortunately, the JP lacks means (vehicles), and personnel. This has led to an arrangement between the agency and the MoI in delivering administrative assistance. This also applies to the task of providing security for judicial buildings and personnel as well as the execution of verdicts and bailiffs.

Pertaining to the transfer of prisoners, the Judicial Police is in need of financial and logistical support (equipment and advisory support on staffing, Standard Operating Procedures (SOPS) and training). Mobile public prosecution and criminal court hearings could be a temporary solution for larger cities and a mid-and long-term solution for very remote areas.

Regarding the security of judicial buildings and personnel, and the execution of verdicts, the Judicial Police is exploring administrative arrangements with the MoI (as with those already existent in regard to inmate transport) in order to overcome current shortfalls in personnel and equipment. Female Judicial Police are also needed particularly for body searches of females at the security checkpoints for judicial buildings.

4.8. Human Rights

4.8.1. Fair Trial

Three treaties, to which Libya is a signatory party, set out the basic obligations required for the right to a fair trial. Article 14 of the International Covenant on Civil and Political Rights (ICCPR) provides for the right to a fair trial by a competent, independent and impartial tribunal established by law. This provision is applicable both to civilian and military tribunals. The right is also contained in article 7 of the African Charter on Human and Peoples' Rights as well as in articles 12 and 13 of the Arab Charter on Human Rights. International standards pertaining to fair trial need to be both (re-)established in terms of practical implication by the judiciary actors and revised/reformed in terms of the respective legal framework, mainly the

Libyan Criminal Procedure Code and Penal Code including below listed international and regional treaty obligations.

4.8.2. Extrajudicial Executions, Arbitrary Detention, Abductions and Disappearances

There have been reports alluding to unlawful killings. Human Rights defenders, journalists, judges and prosecutors have been the target of assassinations and the Human Rights Council expressed significant concern in relation to the unlawful killing of individuals in Libya in its resolution 28/30 (2015).

In the mentioned report, the Human Rights Council also expressed serious concern at the rise in the number of conflict related detainees, including children and called upon the Libyan government to urgently establish full and effective control over all detention centres, so that it could ensure that detainees are treated in accordance with international treaty obligations including fair trial and humane treatment. The current reality proves the difficulties in the implementation for the Libyan government.

4.8.3. Mistreatment and Torture

Libya is a party to several treaties related to the prevention of torture, including, amongst others, UNCAT, ICCPR (and its Optional Protocol on individual complaints), CEDAW, and the African Charter on Human and Peoples' Rights and the Protocol establishing the African Court on Human and Peoples' Rights. Although Libya has not ratified the Rome Statute establishing the International Criminal Court (ICC), it remains, by virtue of Security Council Resolution 1970, under the obligation to cooperate fully with the ICC in its consideration of the situation in Libya since 15 February 2011, including acts of torture or other ill-treatment that may amount to war crimes or crimes against humanity under the ICC jurisdiction.

The Libyan legal framework provides for certain guarantees that if properly implemented should contribute to the prevention of torture and other ill-treatment: Article 435 of the Libyan Penal Code provides for a prison sentence for public officials ordering or committing torture against defendants. Although law 10/2013 on the Criminalisation of Torture, Forced

Disappearance and Discrimination is a corner stone in preventing torture, it does not mirror the requirements of UNCAT and, therefore, should be reformed.

According to UNSMIL and UNCHR's report of 2016 (see 3.3.1), examples of torture and other forms of cruel, inhuman or degrading treatment or punishment have been frequently reported by detainees as having been perpetrated at the time of arrest. This has taken place at the time of apprehension or questioning, during interrogations, or during detention in facilities (the UNCHR report lists 22 facilities) operated by the State and/or armed groups, as well as in makeshift facilities. Torture has resulted in the death of detainees in various facilities. OHCHR observed a lack of redress for alleged cases of torture and other ill-treatment.

4.8.4. International and Regional Treaty Obligations

Libya is a party to eleven of the major eighteen human rights treaties, including the ICCPR and its first Optional Protocol; the International Covenant on Economic Social and Cultural Rights (ICESCR); the International Convention on the Elimination of all Forms of Racial Discrimination (CERD); the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and its Optional Protocol; the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT); the Convention on the Rights of the Child (CRC) and its Optional Protocols on the Involvement of Children in Armed Conflict (OP-CRC-SC); and the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (ICRMW). In addition, Libya has signed, but not ratified the Convention on the Rights of Persons with Disabilities (CRPD).

Libya is also a party to the African Charter on Human and Peoples' Rights and ratified the Protocol establishing the African Court for Human and Peoples' Rights and the Arab Charter on Human Rights.

In violation of the latter Libyan authorities have failed to make a distinction between refugees, asylum seekers and other migrants leading to severe human rights violations. Libya's domestic law lacks legislation in regard to the principle of non-refoulment and the necessary legal and administrative institutions to guarantee the rights of migrants and asylum seekers.

The international community had been addressing this severe shortfall before the Libyan Revolution, e.g., in the Report of the Working Group on the Universal Periodic Review (A/HRC/16/15) of January 2011.

Further major concerns, within the justice chain in light of International Human Rights Standards and Libya's Treaty obligations under International Law in relation to Criminal Justice, are described in the following paragraphs.

4.8.5. Death Penalty

According to Libyan law, death sentences can be passed down and carried out. Capital punishment is applicable to at least 30 articles of the Libyan Penal Code. Death sentences are predominantly given for crimes against public interest, public administration, and public safety as well as for crimes against individuals which were committed in relation to the uprising in 2011, e.g., to former Gadhafi loyalists or for murder.

Although the death penalty is not prohibited under the ICCPR, which Libya is signatory party to, Article 2 ICCPR states that the death sentence may be only imposed for the most serious crimes and is not contrary to the provisions of the ICCPR (especially fair trial).

In contradiction to fair trial standards, a number of these sentences have been issued *in absentia*. Since Gadhafi's fall in October 2011, military and civilian courts have imposed at least 28 death sentences. In October 2013, the Supreme Court suspended the death sentences of a former Gadhafi official and a pro-Gadhafi fighter, because of concerns that they had not received a fair trial. Both were sentenced to death by firing squad for crimes committed during the 2011 uprising, including murder and kidnapping. To date no death sentences have been carried out to the best of the Missions knowledge.

4.9. Gender

Until recently, the Mission has not had a full-time gender officer and had been operating under a volunteer focal point system with experts volunteering to cover this brief and the brief of human rights. This situation has changed with a Gender and Human Rights Adviser now in

the Mission. This ties in with the EU priorities on the importance of gender rights within the EU but also in its actions outside of the union.

The situation of men, women, boys and girls is very difficult in Libya at present both for Libyan citizens and migrants within the country. In particular women and children suffer greatly in any place where there is no proper state and there is widespread illegality and a lack of protection for normal citizens.

EUBAM has been a regular attendee at UN Women discussions on the topic of women's rights and has ongoing and productive relationships with other members of the monthly "Women's Empowerment Coordination" (WEC) meetings. Indeed, EUBAM has been asked to speak about the provision of facilities for women at the Pilot Model Police Station (PMPS) in the next WEC meeting.

In regard to the Pilot Model Police Station (PMPS) the issue of gender has been to the fore of EUBAMs work on the PMPS. EUBAM and UNSMIL sought female participation in the workshop on the PMPS that was held in late 2017. There had been some reservations on the Libyan side to this but these were overcome and two female participants (one each from the MoI and the police station at Hey Al Andalus) took part. The issue of the provision of services for women and children at the PMPS has been discussed at some length and relevant provision will be made for their needs in the PMPS. That being said this is a culturally sensitive matter and must be handled with great care and sensitivity. The PMPS like all EUBAM's actions in Libya are part of a Libyan led process with the "do no harm" principle to the fore of all planning and actions.

The Gender and Human Rights Adviser within the Mission will now be able to feed her expertise into the three operational teams (Rule of Law/Law Enforcement and Border Management). In particular it is envisaged this will be done in close cooperation with the EU Delegation to Libya who have projects upcoming on gender based violence.

4.9.1. Gender-based violence and discrimination against women/women's empowerment

Although obtaining clear information regarding gender based violence in Libya is very difficult, there have been extensive reports outlining incidents of sexual and gender based violence against migrant women in Libya. Many reports of sexual violence, abuse and exploitation in detention centres have been made to UNSMIL and various NGOs along with reports from migrants who have reached Europe.

In regard to Libyan women themselves the picture is even more difficult to decipher. In general, cases of domestic violence are rarely reported to the policing authorities and are often settled within families or using methods of traditional justice. Women in Libya have also been arbitrarily deprived of their liberty, often because of family or tribal affiliations or for prisoner exchanges, and were held in facilities without female guards.

The Libyan penal code has provisions within in it which include allowing for a reduced sentence for a man who kills or injures his wife or another female relative because he suspects her/them of extramarital sexual relations. Libyan law also inadequately prohibits domestic violence and its personal status laws continue to discriminate against women, particularly with respect to marriage, divorce, and inheritance.

Be that as it may there are many brave women within state institutions and Libyan NGOs trying to improve their situation and to fight for their rights. For their brave work they often face threats and harassment from armed groups.

4.10. Children

According to the UNCHR's report of 2016, children have been recruited into armed groups pledging allegiance to ISIL/DAESH and used in hostilities and/or subjected to sexual abuse.

Here, the government faces obligations under the CRC and its Optional Protocols on the Involvement of Children in Armed Conflict.

4.11. Coordination structures with EUBAM Libya

4.11.1. Criminal Justice and Institutional Improvement Working Group (CJIWG)

The MoJ has been the Mission's main interlocutor in the area of criminal justice. EUBAM negotiated a Memorandum of Understanding with the MoJ in 2017, which has now been signed by the Minister. The MoU consists out of three parts of possible engagement: capacity building, institutional reform, and legislative reform efforts pertaining to revision of the Criminal Code, Law on Drugs, and legislation pertaining to migrant smuggling, Organised Crime and Counter Terrorism. The main provision (Article 2) of the MoU draft reads as follows:

- 2.1 Pursuant to above-mentioned Articles, EUBAM Libya, within its mandate and capabilities, shall cooperate with the Ministry of Justice in the fields of capacity building, institutional reform and legislative reform in the area of criminal justice.
- 2.2 The Ministry of Justice intends to establish a “Criminal Justice and Institutional Improvement Working Group” in cooperation with the Supreme Judicial Council, High Judicial Institute, Public Prosecution Office, Courts, Judicial Police, and the so-called Coroner’s Office, and EUBAM Libya with the aim to contribute to the Ministry of Justice’s efforts in capacity building of the criminal justice sector as well as the Ministry’s institutional improvement and legislative revision processes in the criminal justice sector.

EUBAM Libya’s efforts in the relationship and trust building with the MoJ since the beginning of 2017 mirror the Mission’s mandate in assisting a comprehensive civilian security sector reform planning process, with a view to preparing for a possible civilian CSDP mission and in setting up the right tool to engage and assist the Libyan authorities in the fields of border management, law enforcement and the broader criminal justice system, as foreseen in the EUBAM Libya mandate of Council Decision of 17 July 2017 ((CFSP) 2017/1342) amending and extending Decision 2013/233/CFSP.

In order to achieve mentioned objectives, the Decision foresees the establishment of a “Criminal Justice Reform Working Group and potential sub-groups” as a tool to “support broader capacity building and strategic planning assistance to the Ministry of Justice”.

4.11.2. Criminal Justice Roundtable

EUBAM Libya has facilitated several meetings in Tunis with international partners (mainly Member States and UNSMIL) and Libyan institutional actors in the area of criminal justice. These meetings, named “Criminal Justice Roundtables” were used to address the main local priorities within the judiciary and exchange views with the international community. The first Criminal Justice Roundtable was convened solely with the international community to share a coordinated approach.

As a next step and for the following meetings, EUBAM Libya invited a respected NGO active in the field, the As Sabeel Foundation, which is engaged in supporting correction and rehabilitation centres under the Judicial Police/Ministry of Justice. Besides the representative of the NGO As-Sabeel, EUBAM Libya invited also professors from the Tripoli University in the area of Criminal Law. The subject of the event was: “*Pre-trial detention and imprisonment in the Libyan legal system and the implementation of practises.*” Here, the NGO, As-Sabeel, gave an overview about their support and engagement with the Judicial Police/Ministry of Justice and the Tripoli University professors introduced both the legal framework under Libyan domestic law and their training support to the Judicial Police. International counterparts had the opportunity to discuss concrete needs and (short term) plans with Libyan participants. Given the preference of some Member States to bilaterally engage these authorities, the Mission directly engaged with Libyan partners through workshops dedicated to elaborate need assessments and analysis of their institutions.

4.12. Other international initiatives or coordination platforms

UNSMIL has increased its coordination role and visits to the MoJ at the DSRSG level together with the Director of the Human Rights, Transitional Justice and Rule of Law Division. UNSMIL also organised a meeting with the Minister of Justice in Tunis on 24 August 2017 to grant the Minister the opportunity to present their main priorities to the international community. EUBAM Libya has informed UNSMIL about all steps taken with the MoJ which contributed to its need assessment.

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EUABM Libya is part of the Presidency Council's Working Group on Justice and Human Rights (established on UNSMIL's initiative in August 2017), a forum for enhancing sectorial coordination between the GNA (including the MoJ) and the international community (UNSMIL, Member States and international organisations). On 20 November, the Head of Mission participated in the aforementioned meeting of the Presidency Council's Working Group and introduced EUBAM's activities for the Judicial Police.

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Annex II: List of Abbreviations

AA	Airport Authority
ABA	American Bar Association
ACA	Administrative Control Authority
AG	Armed Group
ANGA	Anti-Narcotics General Administration
ARAMO	Asset Recovery and Asset Management Office
ASCR	Administration for Statistics and Criminal Records
BCP	Border Crossing Point
BDB	Benghazi Defence Brigades
BG	Border Guard
BMWG	Border Management Working Group
BRSC	Benghazi Revolutionary Shura Council
CAA	Civil Aviation Authority
CDA	Constitution Draft Assembly
Cdr	Commander
CEPOL	European Union Agency for Law Enforcement Training
CGOMC	Coast Guard Operational Maritime Centre
CID	Criminal Investigations Directorate
CivCom	Committee for Civilian Aspects of Crisis Management
CivOpsCdr	Civilian Operations Commander
CJIIWG	Criminal Justice and Institutional Improvement Working Group
CLE	Customs Law Enforcement
CPB	Coastal Patrol Boats
CPV	Coastal Patrol Vessels
CPCC	Civilian Planning and Conduct Capability
CMC	Civilian Management Concept
CMPD	Crisis Management and Planning Directorate
CRC	Convention on the Rights of the Child

CS	Central Security
CSDP	Common Security and Defence Policy
CT MENA	Counter Terrorism Middle East and North Africa
CTF	Counter Terrorism Force
CTR	Cash Transaction Reports
DC	Detention Centre
DCAF	Democratic Control of Armed Forces
DCIM	Directorate for Combating Illegal Migration
DMSC	Derna Mujahedeen Shura Council
DOT	Department of Training
DROP	Detailed Roll-Out Plan
DSG	Deputy Secretary General
EASO	European Asylum Support Office
EGF	European Gendarmerie Force
EULPC	EU Liaison and Planning Cell
EUROPOL	European Police Office
EUBAM	European Union Integrated Border Management Assistance Mission
EUDEL	European Union Delegation
EUROMED	European Mediterranean
FFM	Fact-finding mission
FIU	Financial Information Unit
FRONTEX	EU External Borders Agency
GACS	MoI General Administration for Coastal Security ("Coastal Police")
GASBCP	General Administration for the Security of Border Crossing Points
GDBS	General Directorate of Border Security
GID	General Investigations Directorate
GNA	Government of National Accord
GNC	General National Congress
HoM	Head of Mission
HoR	House of Representatives
HRVP	High Representative/Vice-president

HSC	High State Council
IBM	Integrated Border Management
IC	International Community
ICJ	International Commission of Jurists
ICRC	International Committee of the Red Cross
IcSP	Instrument contributing to Stability and Peace
IMF	International Monetary Fund
IMO	International Maritime Organisation
IOM	International Organisation for Migration
ISPFC	International Ship and Port Facility Code
JP	Judicial Police
JOC	Joint Operations Centre
JTWG	Joint Technical Working Group
LAB	Libyan Audit Bureau
LBG	Land Border Guards
LCA	Libyan Customs Administration
LCG	Libyan Coast Guard
LIAM	Libyan International Assistance Mission
LIS	Libyan Intelligence Service
LNA	Libyan National Army
LNP	Libyan National Police
LPA	Libyan Political Agreement
LPD	Libyan Political Dialogue
MENAFATF	Middle East North Africa Financial Action Task Force
MMWG	Mixed Migration Working Group
MoD	Ministry of Defence
MoI	Ministry of Interior
MoJ	Ministry of Justice
MoT	Ministry of Transportation
MRCC	Maritime Rescue Coordination Centre
MS	Member States

MSD	Mission Support Department
NCB	National Central Bureau
NCCT	National Co-ordination for Counter Terrorism
NCG	Naval Coast Guard
NCTWG	National Counter-Terrorism Working Group
NGO	Non-Governmental Organisation
NOC	National Oil Company
NSD	National Security Directorate
NSG	National Salvation Government
NTBSM	National Team for Border Security and Management
OC	Organised Crime
OHCHR	Office of the High Commissioner for Human Rights
PA	Port Authority
PAF	Public Administration Faculty
PFG	Petroleum Facilities Guard
PC	Presidential Council
PG	Presidential Guard
PM	Prime Minister
PMO	Prime Minister's Office
PMPS	Pilot Model Police Station
PNFAD	General Administration for Passport, Nationality and Foreign Affairs Department
PSC	Political and Security Committee
PTWG	Police Technical Working Group
PWG	Police Working Group
SAR	Search and Rescue
SDF	Special Deterrence Force
SJC	Supreme Judicial Council
SOMA	Status of Mission Agreement
SRA	Security Risk Assessment
SRSG	Special Representative of the UN Secretary General

SSC	Supreme Security Council
SSR	Security Sector Reform
SSWG	Security Sector Working Group
TJTF	Temporary Joint Task Force
TSP	Tripoli Security Plan
TRB	Tripoli Revolutionary Brigades
TSC	Temporary Security Committee
TSD	Tripoli Security Directorate
TSP	Tripoli Security Plan
UN	United Nations
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNICRI	United Nations Interregional Crime and Justice Research Institute
UNMAS	United Nations Mine Action Service
UNODC	UN Office for Drugs and Organised Crime
UNSMIL	United Nations Support Mission in Libya
USIP	United States Institute of Peace
VTSC	Vessel Traffic System Centre
WEC	Women's Empowerment Coordination

Annex III: Maps

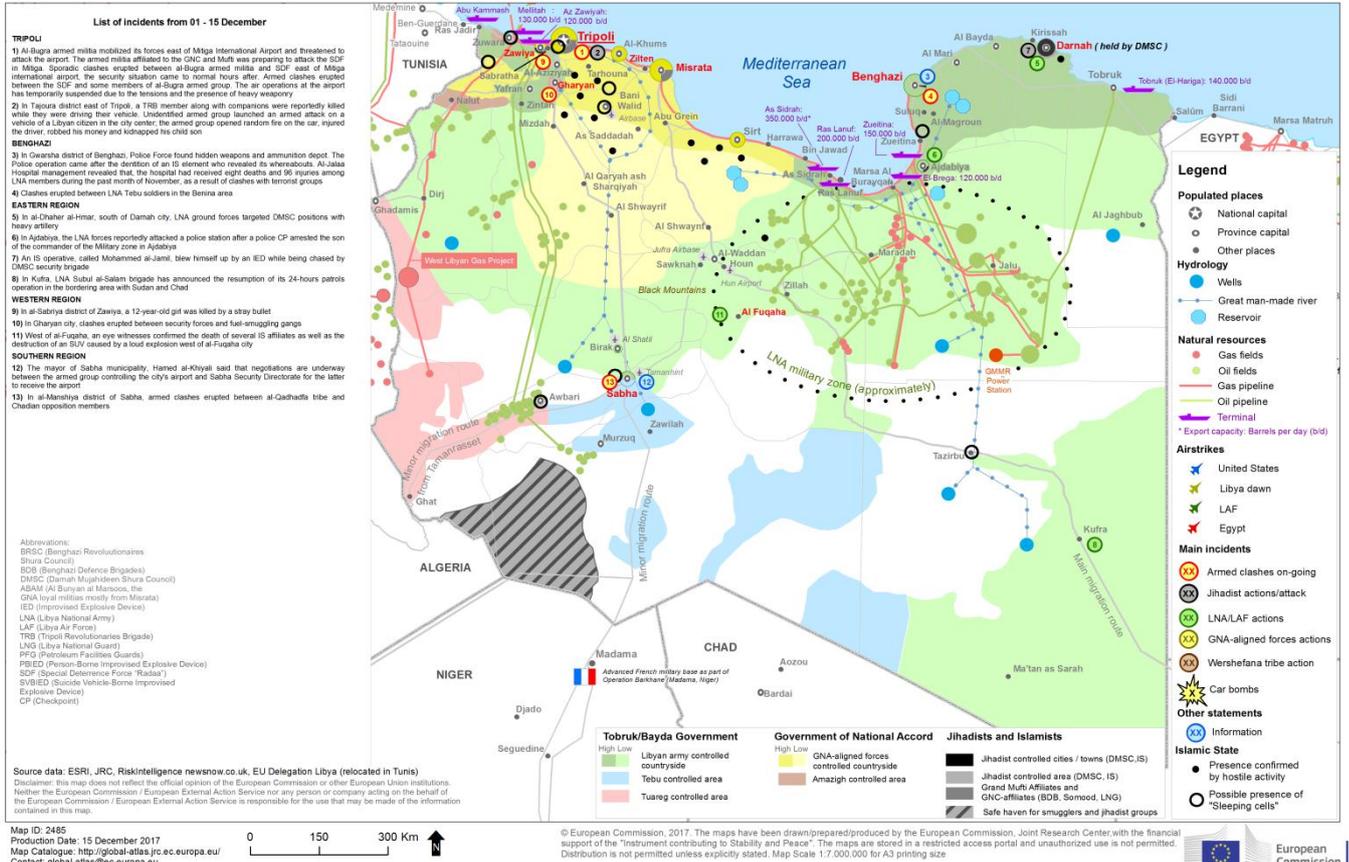
1.1. General political map of Libya



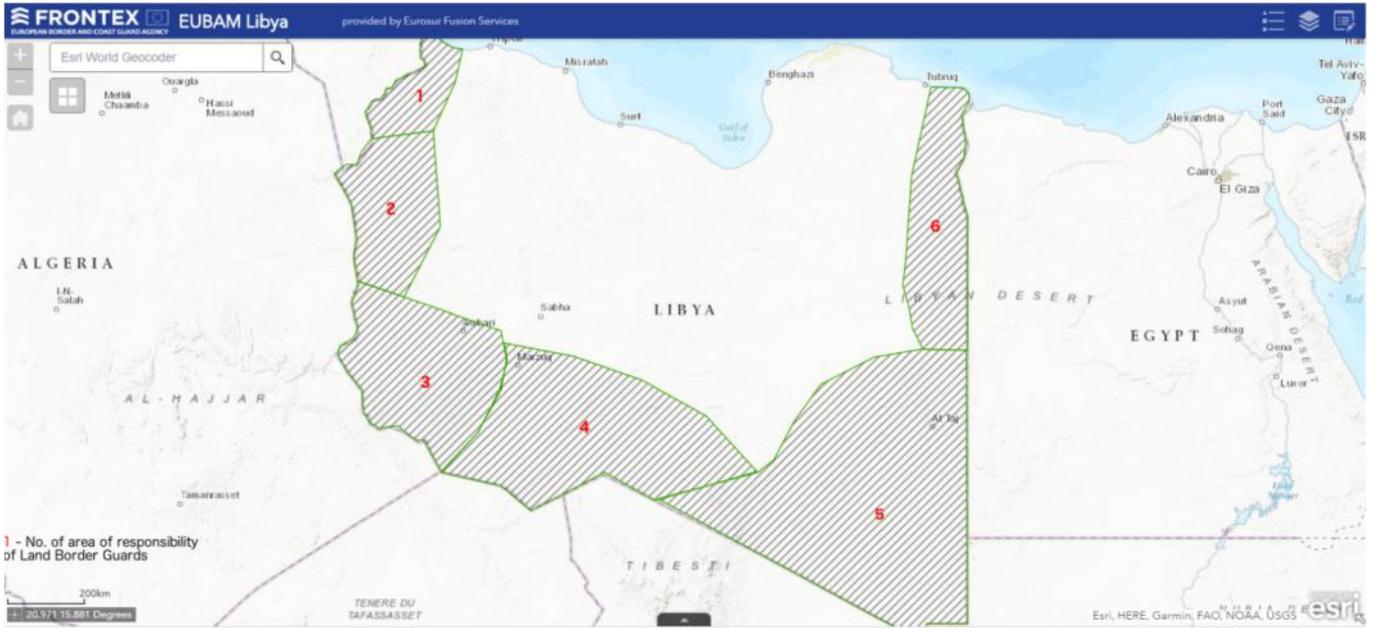
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1.2. Libya situation map (Most recent version issued by Single Intelligence Analysis Capacity (SIAC))

Libya situation map as of 14 December 2017 



1.3. Distribution of border management sectors



1.4. Border Crossing Points - South

