

When **Force** Becomes **Law**

Armed Groups and Judicial Breakdown in Libya

A report by the Cairo Institute for Human Rights Studies

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Executive Summary

«If the prosecutor wants you detained but Radaa does not, you will not be detained. If Radaa wants you detained, you will be detained. There is no authority above Radaa.»

— **M.A.S.**, a victim of arbitrary detention at the hands of Radaa

Libya's judiciary is undermined by political fragmentation that has produced multiple legal orders, wherein armed groups hold substantial influence over the justice system and are enabled to intervene extensively within it, as demonstrated by this report. As a result, judicial actors operate within a milieu defined by insecurity, institutional chaos, and political interference.

Armed-group dominance and territorial-political fragmentation is conceptualised by the report as mutually reinforcing dynamics. The lack of territorial unity multiplies the centres of authority where each relies on armed actors for enforcement. The continued empowerment and impunity of armed groups strengthens territorial and political divisions, preventing the emergence of unified legal, institutional, and accountability bases. Fragmentation and armed group dominance is a self-sustaining cycle rather than constitutive of sequential problems.

Within the overarching conundrum that has become Libya's political landscape, the judiciary holds a subordinate position. Although courts and prosecutors are formally tasked with enforcing legality, they lack effective control over what would render law enforceable:

physical security, custody of detainees, execution of orders, and protection of personnel. Judicial authority has become contingent on local power balances, territorial control, and the acquiescence of armed actors. This subordination manifests not only through direct interference, but also through institutional distortions, such as jurisdictional volatility and fragmentation of legal norms.

Drawing on interviews with judicial stakeholders, victims, and an analysis of judgments, executive orders and other secondary documentation, the report shows how armed groups' coercive power and the fragmented political situation has consistently overridden legal authority, reshaping the justice process from arrest to enforcement.

Libya's patchwork of armed groups

For over a decade, Libya has been divided around two competing centres of power. In the east, Khalifa Haftar wields military and economic dominance. A former army officer under Gaddafi, Haftar centralised coercive order across the Cyrenaica (east) and Fezzan (south). In the west, the United Nations-recognised Government of National Unity (GNU), currently headed by Abdulhamid Dbeibeh, has enjoyed political legitimacy without monopoly of violence, resulting in persistent fragmentation, episodic armed clashes, and the survival of parallel institutions. Neither have achieved either full territorial control or comprehensive international recognition.

Libya's security landscape is characterised by the presence of dozens of armed groups with a multiplicity of origins, functions, and legal status. Some emerged during the 2011 uprising against the Gaddafi regime as local self-defence or revolutionary formations, while others were created or consolidated during the subsequent transitional period in response to persistent insecurity and political fragmentation. Over time, they have functioned concurrently as armed formations exercising de facto territorial control and as actors formally or informally embedded within state institutions. Several have been officially affiliated with,

or integrated into, the ministries of defence, interior, or justice, and have been delegated core law-enforcement functions, including arrest, detention, facility management, court protection, and prisoner transfers.¹

This hybridisation is particularly visible in the domain of migration control. Armed groups such as the Special Deterrence Force (Radaa) in Tripoli, the Stability Support Apparatus (SSA), and units affiliated with the Libyan National Army (LNA) in eastern Libya have played central roles in arresting migrants, managing detention facilities, and conducting interception or transfer operations, often in cooperation with state authorities and international partners. While framed as security or border-management measures, these arrangements have reinforced the coercive power of armed groups operating with limited judicial oversight. The intricate imbrication between armed groups and the state apparatus makes it difficult to disentangle security governance from judicial authority, complicating efforts to restore the judiciary's effective control over the judicial process.

Armed groups' interference in the judicial system

Judicial actors face threats, abductions, physical assaults, and fatal attacks. Even where motives remain unproven, these incidents generate a profound chilling effect. Prosecutors and judges in both east and west report that judicial outcomes are influenced by the risks to which they may be exposed. They think twice before issuing release orders, accepting or pursuing sensitive cases, or challenging powerful actors. Compounding their insecurity is the deflection of the Judicial Police from their core mission: to guarantee the safety of judicial staff as well as detainees. Instead, the Judicial Police have acted as a semi-autonomous armed group.

¹ Further details on Libya's armed groups, see Annex 1.

Concretely, armed groups act as de facto gatekeepers of the judicial process. Citizens, residents and migrants are often detained outside the procedural legal framework, and interrogated in armed group or security-agency facilities. Only when it is politically convenient are such illegally detained persons transferred to judicial custody. Nevertheless, once in judicial custody they continue to be subject to armed group influence. Courts relied on interrogation videos produced by armed groups in some documented cases, showing how evidence could be generated under coercion and outside judicial oversight. Due process is undermined even further by armed groups' attacks on courthouses and interference in hearings, and their arbitrary application of judicial decisions.

Armed groups and politically influential individuals routinely evade arrest warrants, ignore judicial orders, or secure release through unofficial channels. Some detainees remain imprisoned despite court rulings ordering their release; others avoid detention altogether through negotiated arrangements or protection by armed actors. High-profile cases, including those involving alleged war crimes, disappearances, or corruption, underscore how legal outcomes depend heavily on a person's military, political, or financial capital.

This reality has crippled Libya's judiciary while exacerbating its fragmentation. As the country is politically and territorially divided, so too have judicial institutions been pulled into competing power structures. Armed groups control territory and act as the force behind rival political authorities, and courts in each area tend to follow the same lines of control. As a result, law, jurisdiction, and judicial governance in Libya increasingly reflect geography and armed power rather than a unified national legal order.

This fragmentation is also clear in Libya's ongoing constitutional dispute. Instead of one clear constitutional authority being recognised by everyone, each attempt to settle the issue has triggered political resistance and further division. Over time, constitutional questions stopped being handled mainly through the courts and became part of a broader political struggle. Since 2022, two rival bodies have emerged, each claiming the right

to issue final constitutional rulings.² By 2025, this dispute had further escalated and reshaped the balance of judicial power, with each side issuing decisions that challenged the other's authority, deepening legal ambiguity instead of resolving it.

Current national and international dynamics

This report is published at a moment when Libya's judiciary is undergoing a profound shift. No longer a peripheral casualty of conflict, the judiciary has become a central arena in Libya's ongoing struggles over legitimate violence, judicial accountability, and state authority. The assassination on 12 May 2025 of Abdelghani al-Kikli (known as Ghnewa), head of the Stability Support Apparatus (SSA) under the 444th Brigade, incited armed clashes across Tripoli. It exposed the extent to which coercive power in Libya continues to reign through armed groups embedded within nominal state structures. Crucially, the assassination's aftermath placed the judiciary itself at the centre of the political response: starkly reflecting how the realities of armed group power collided with the judicial process.

In the days that followed, the Attorney General and Prime Minister Abdulhamid Dbeibeh publicly reaffirmed the judiciary's constitutional role and the need to restore state authority over "irregular groups." This rhetoric, however, sits uneasily alongside governance practices that continue to rely on selected armed actors for security provision and enforcement. CIHRS warns that attempts to dismantle or confront armed groups outside a clear legal framework risk reproducing the same patterns of selective accountability, revenge violence, and impunity that have long hollowed out Libya's justice system.

² In August 2022, authorities in eastern Libya announced the creation of a separate constitutional court in Benghazi. In response, the Constitutional Chamber of the Supreme Court in Tripoli maintained its jurisdiction, leaving two rival bodies claiming the authority to issue final constitutional rulings.

These domestic tensions are further intensified by Libya's international environment, which simultaneously demands accountability while often reinforcing the very dynamics that undermine judicial authority. On the one hand, international judicial pressure has increased markedly. The International Criminal Court has reactivated its Libya file through arrest warrants linked to crimes committed in armed group-run detention facilities, including the case of Khaled Mohamed Ali El Hishri, alleged to have been among the most senior officials at Mitiga Prison, where detainees were allegedly subjected to war crimes and crimes against humanity (including torture, cruel treatment, sexual violence, and murder). ICC materials indicate that El Hishri was arrested by German authorities on 16 July 2025 pursuant to an ICC arrest warrant issued earlier that month, illustrating how accountability efforts are increasingly being pursued through international mechanisms and, crucially for this report's focus, through cases connected to armed groups-linked detention infrastructures.

On the other hand, international cooperation policies, particularly those related to migration control, have frequently empowered armed groups and security actors that operate outside effective judicial oversight. European cooperation arrangements with Libyan authorities in both western and eastern Libya have strengthened actors involved in arrest, detention, and border control without ensuring accountability to judicial institutions. The consequences of this inconsistency are illustrated by the case of Osama Elmasry/Almasri Njeem/Njim, the former commandant of Judicial Police. Sought by the ICC, he was released by Italy and returned to Libya rather than transferred to The Hague, directly undermining both international justice mechanisms and Libyan judicial credibility. Taken together, these dynamics reinforce the report's central argument: While the judiciary is essential to Libya's stability and rule-of-law consolidation, it remains structurally constrained by security governance practices and international policies that continue to privilege armed actors' coercive power over the justice process, from arrest and detention to evidence, hearings and enforcement.

Main recommendations

To address the structural drivers of judicial interference documented in this report, decisive actions are essential.

First, Libyan authorities and international stakeholders should only rely on and interact with security forces that abide by the laws and obey to legitimately elected civilians; and stop turning to selected armed actors as interim enforcers of state authority. Regardless of their current affiliation or perceived political alignment, all armed groups should be treated equally as entities requiring restructuring through disarmament, demobilisation and vetting, followed by the creation of a unified, centrally governed security architecture subject to clear legal mandates and judicial oversight.

Second, the authorities should immediately safeguard due process by restructuring and adequately resourcing the Judicial Police, ensuring that arrests, detention, court security, and prisoner transfers fall exclusively under accountable institutions and are protected from armed group interference.

Third, the Public Prosecutor should prioritise investigations into attacks against judicial personnel and interference in judicial proceedings, and systematically exclude evidence obtained under coercion or outside prosecutorial supervision.

Finally, international actors—particularly the European Union, the United Nations, and states providing security or migration-related support—should condition all cooperation on verifiable steps to reduce armed group involvement in law enforcement and detention and ensure that no assistance reinforces actors implicated in violations against the judiciary.

Methodology

This report is based on a combination of interviews conducted between April and December 2025, legal and policy analysis, and open-source documentation. Its objective is to assess how armed groups, political fragmentation, and institutional interference shape the functioning of Libya's justice system across arrest, investigation, trial, and enforcement.

CIHRS conducted ten in-depth interviews with judicial stakeholders and individuals closely involved in or observing the justice process, including:

- judges, former judges, and prosecutors
- lawyers practicing before criminal or military courts
- legal experts and university professors
- journalists, researchers, and civil society activists working on justice and accountability
- individuals, notably victims, with direct experience of armed group-run detention or judicial proceedings.

Interviews were conducted remotely in Arabic or English. All interviewees were informed of the purpose of the research and participated voluntarily. Particular care was taken to avoid exposing individuals to risks of retaliation by armed groups, adverse consequences in their employment, or political pressure. Most interviewees requested anonymity for safety reasons. All identifying information has been removed unless explicitly authorised.

The report draws on:

- Libyan legislation and other official documents such as decrees issued by both eastern and western authorities
- Judgments and rulings issued by the judiciary in both eastern and western Libya including electoral litigation and criminal rulings
- Documentation from Libyan civil society organisations, lawyers' groups, and bar associations
- Reporting from international human rights organisations such as Human Rights Watch, Amnesty International, the International Commission of Jurists, and Legal Agenda
- United Nations reports and public statements by UN bodies
- Datasets used to map attacks, clashes, and security incidents affecting judicial institutions.

Annexes (1 and 2) introducing armed groups mentioned in this report and attacks on judicial actors were compiled using multiple sources and cross-checked wherever possible.

Given Libya's fragmented and insecure environment, CIHRS was unable to conduct on-site verification. Some events described, particularly abductions, torture, or the motives behind attacks on judicial actors, cannot be conclusively verified due to the absence of transparent investigations by Libyan authorities. In these cases, the report clearly distinguishes between documented fact, interviewee testimony, and CIHRS analysis.

Judicial institutions in Libya do not consistently publish judgments, arrest warrants, or disciplinary decisions. As a result, several findings rely on interviews and corroborated secondary reports rather than complete official records. Where accounts diverged, CIHRS reflected the discrepancy in the text and refrained from drawing unwarranted conclusions.

CIHRS also wrote to the Libyan authorities on 9 February 2026 to share the findings of this report and request comment. No response had been received at the time of publication. ³

Because the nature of armed formations in Libya varies significantly, as do their legal statuses, sizes, level of organisation, and number, as well as the extent of their (formal or informal) affiliation with the ministries of defence, interior, or justice, or their inclusion of professional security personnel who defected from state command structures—this report avoids using the term “militias” to describe these armed entities. The term lacks a precise and consistent definition that can be applied to all the armed actors examined in the report. Instead, the report prefers to use the term “armed groups.”

³ See Annex 3: “Letter to the Permanent Mission of the State of Libya to the UN Office at Geneva”.

Background

Over a decade after the fall of Muammar Gaddafi,⁴ Libya remains trapped in a cycle of intermittent violence, incomplete transition and institutional fragmentation. Despite early reforms intended to establish an independent judiciary and rebuild state authority, the justice sector continues to operate under structural constraints shaped by political division, coercive interference, and the enduring influence of armed groups.

The 2011 collapse of the autocratic Gaddafi regime created the expectation that Libya could rebuild its institutions on new legal foundations. The National Transitional Council (NTC) quickly adopted a Constitutional Declaration affirming judicial independence, prohibiting exceptional courts, and guaranteeing the right to litigation⁵. Law No. 4 of 2011 restructured the Supreme Judicial Council (SJC), removed it from executive authority, and abolished the immunity it once enjoyed.⁶ It ended judicial subjugation under the Libyan

⁴ Gaddafi was captured and killed near Sirte, on 20 October 2011.

⁵ The NTC was the interim governing body formed by anti-Gaddafi forces in February 2011 in Benghazi to represent Libya during the civil war and oversee the country's transition after the fall of Gaddafi. It issued the Constitutional Declaration on 3 August 2011. See particularly Article 32: "The judiciary is independent and is administered by courts of various types and levels. Decisions are made according to the law, and judges are independent, with no authority over their judgment other than the law and their conscience. The establishment of special courts is prohibited. Article 33: Litigation is a protected and guaranteed right for all people. Every citizen has the right to access his natural judgment. The state ensures that judicial bodies are accessible to litigants and that cases are resolved promptly. Legislation that immunizes any administrative decision from judicial review is prohibited." In 2011 Constitutional Declaration - The Law Society of Libya. August 3, 2011.

<https://lawsociety.ly/en/legislation/2011-constitutional-declaration/>

⁶ The Supreme Judicial Council (SJC) is in charge of governance, judges' careers, disciplinary measures etc. See Law No. (4) of 2011 Amending Law No. (6) of 2006 on the Judicial System. Libya - DCAF Legal Databases.

<https://security-legislation.ly/latest-laws/law-no-4-of-2011-amending-law-no-6-of-2006-on-the-judicial-system/>

Arab Republic and the Jamahiriya.⁷ For instance, judges, prosecutors and even lawyers had long been subordinated to political and security structures, staffed through politicised recruitment, and overshadowed by the coercive powers of revolutionary committees.⁸

Within a year of the Constitutional Declaration, senior political figures directly intervened in judicial matters: in 2012, Mustapha Abduljalil, the president of the NTC, appeared publicly alongside investigators in the Abdel Fattah Younes assassination case and “issued accusations against individuals who had neither been summoned nor investigated.”⁹ Local authorities also attempted to shape the composition of the judiciary, such as when the head of the Misrata local council recommended to the NTC the appointment of specific judges and prosecutors in his city.¹⁰ At the same time, detention centres multiplied outside the authority of the Attorney General, with numerous individuals linked to Gaddafi-era brigades

⁷ Libyan Jamahiriya (1977–2011) was the official name of Libya under Muammar Gaddafi’s rule, derived from the Arabic jamāhīriyyah (state of the masses), a term coined to describe a purported “direct democracy” without political parties. It came after Libyan Arab Republic (1969-1977). In theory, power was exercised through local people’s committees and congresses, but in practice, the system functioned as an authoritarian regime centered on Gaddafi’s personal control. The Jamahiriya collapsed following the 2011 Libyan Civil War and NATO intervention.

⁸ The Revolutionary Committees were paramilitary-political bodies created by Muammar al-Qadhafi in 1977 to “guide” the People’s Congresses and enforce the principles of his Third Universal Theory. Answerable directly to Qadhafi, they operated outside legal and governmental structures, combining propaganda, surveillance, and coercive functions. By the early 1980s, they assumed police and judicial powers, establishing “revolutionary courts” that bypassed ordinary law and imposed death sentences on alleged opponents. Ostensibly agents of mass participation, they evolved into the core instruments of ideological control and regime security within the Jamahiriya. In Vandewalle, Dirk. “Libya’s Revolution in Perspective 1969–2000.” *Libya since 1969: Qadhafi’s Revolution Revisited*, edited by Dirk Vandewalle. Palgrave Macmillan US, 2008.

https://doi.org/10.1007/978-0-230-61386-7_2

⁹ A. F. Younes was a Libyan military officer and politician who served as Khadhafi’s Libya’s interior minister until his resignation on 22 February 2011 when he defected to the rebel side. Tashani Marouan, “A brief overview of the evolution of the Libyan judiciary: a call to establish a Libyan Judges’ Association to safeguard judicial independence in the post-revolution system,” *Legal Agenda*, February 29, 2012. (Arabic)

<https://bit.ly/40af9mU>

¹⁰ Ibid.

kept in custody without investigation or access to fair trial.¹¹ These practices illustrate how despite formal reforms, political interference and informal networks persisted, allowing unregulated security actors to quickly reassert themselves within the justice process.

Institutional instability deepened with the 2014 constitutional dispute. When the Constitutional Chamber of the Supreme Court ruled that the legal basis for the House of Representatives (HoR) elections was invalid, Libya entered a new phase of fragmentation. Rival authorities in east and west each claimed constitutional legitimacy, backed by competing armed coalitions and divergent international alliances.¹² In the same year, political and security instability compounded. Libya was experiencing terrorist attacks from Islamic State affiliated entities. Khalifa Haftar launched operation al Karama, meaning “Dignity,” on 16 May 2014, hoping to seize power from post-Gaddafi political elite by force. His manoeuvre has reshaped the territorial and institutional distribution between east and west.¹³

Since then, the country’s political landscape has been defined by competing governments, fractured administrations, and the proliferation of armed groups whose influence increas-

¹¹ Ibid.

¹² Until 2014, Libya had a single recognised institution for constitutional review: the Constitutional Chamber of the Supreme Court in Tripoli, which gained particular importance after 2011 as the body responsible for interpreting the Constitutional Declaration and reviewing the constitutionality of legislation. However, this institutional arrangement collapsed following the landmark ruling issued by the Chamber on 6 November 2014, which declared invalid the legal framework on which the House of Representatives elections had been based. This decision triggered an immediate crisis of legitimacy and deepened the political divide between authorities in the East and the West. For more information, see the section titled “Dual and Competing Constitutional Authorities” in this report.

¹³ Khalifa Haftar (b. 1943) is a Libyan military commander and political figure who rose to prominence as a key opponent of Muammar Gaddafi. After participating in the 1969 coup that brought Gaddafi to power, Haftar later broke with the regime, going into exile in the 1980s with U.S. support. He returned to Libya during the 2011 uprising, becoming a dominant force in the post-Gaddafi conflict as the leader of the self-styled Libyan National Army (LNA), which controls eastern Libya and has been a central actor in the country’s ongoing civil war. His sons are deeply involved in public, military and economic affairs.

ingly shapes judicial outcomes.¹⁴ Some were even incorporated nominally into ministries, expanding their control over arrests, investigations, and detention facilities. They regularly bypassed legal procedures, obstructed transfers of detainees, interfered in hearings, and acted autonomously from prosecutorial oversight. Their presence blurred the line between state and non-state coercion, making the implementation of judicial decisions contingent on armed groups' lenience rather than institutional authority.¹⁵

The rise of armed groups in Libya reflects the country's troubled institutional path since 2011. Many of the groups that formed during the conflict that year took root in their local areas. Instead of being gradually disbanded after the war, these groups were often absorbed, at least on paper, into official state bodies through superficial integration into government ministries. But this did not solve the deeper issues of control and accountability. Most of these groups continued to operate independently, establishing their own detention centres and making decisions outside formal chains of command, all while benefiting from the legitimacy of a government label and often financing. What has emerged is a counterintuitive combination: these armed actors function as both autonomous armed groups and de facto law enforcers. This blending of roles has made it easier for them to sidestep legal procedures and meddle in judicial affairs. As a result, the distinction between state and non-state force has become increasingly muddled.

Considering this fragmentation and dispersion of political, military and financial interests, the judiciary has been exposed to pressures from all sides. In the east, Haftar and his sons gained military domination and have been fighting for international recognition. Whereas

¹⁴ See Annex 1 for detailed presentation of armed groups mentioned in this report.

¹⁵ Azza K. Maghur, "A Legal Look into the Libyan Supreme Court Ruling," Atlantic Council, November 2014. Also, Suliman Ibrahim, "Caught between Law and Politics: Judicial Review of Constitutional Amendments in Libya," ConstitutionNet, 28 November 2014.

<https://www.atlanticcouncil.org/blogs/menasource/a-legal-look-into-the-libyan-supreme-court-ruling/>

<http://constitutionnet.org/news/caught-between-law-and-politics-judicial-review-constitutional-amendments-libya>

in the west, Abdulhamid Dbeibah, Prime Minister of the Government of National Unity (GNU), has enjoyed international recognition while striving for a military domination. Both have proved unable to achieve either full territorial control or comprehensive international recognition.¹⁶ Libya's institutional framework fractured along territorial lines. Courts in the east mostly applied legislation issued by the House of Representatives (HoR), while those in the west operated under laws adopted by bodies linked to the General National Congress (GNC), the legislative authority of Libya for two years after the 2011 uprising.¹⁷

¹⁶ In the East, the Haftars, father and sons, have managed to impose a military clientelist and dynastic regime with little or no competitions in the Cyrenaica and Fezzan. This concentration of the coercive means has been touted as the solution to end the rule of armed groups in Libya. The situation contrasts with the political - and therefore military - fragmentation in the west. Flash clashes take place now and then, but they do not last because of the permanent threat posed by eastern forces offensive. The GNU is still in place although its mandate was supposed to end on 24 December 2021 elections that never happened, as per the Libyan Dialogue.

¹⁷ See "Section V. The political fragmentation's impact on the judiciary"

I. Climate of Fear under the Reign of Armed Groups

Since the fall of Gaddafi, the Libyan judicial system has operated in an environment of chronic insecurity and intimidation.

Judges, prosecutors, lawyers, and court staff have been systematically exposed to killings, enforced disappearances, attempted assassinations, arbitrary arrests, and armed incursions into courts that have occurred across the country, afflicting eastern, western, and southern Libya alike. These attacks span more than a decade and involve a wide range of perpetrators, including armed groups aligned with political authorities, criminal networks, extremist groups, and individuals acting under the protection—or tolerance—of armed formations.

Since 2012, at least six judicial stakeholders have been killed, four have been kidnapped or arbitrarily detained, and four others have survived assassination attempts or armed attacks. These figures are based on open-source documents and data and are not exhaustive. Nevertheless, they highlight how violence against judicial actors has become systemic and widespread across the country.¹⁸ In virtually all documented cases, investigations have either been stalled or never initiated, reinforcing a pervasive sense of impunity. The absence of effective protection mechanisms and credible accountability has transformed the judiciary into one of the most vulnerable institutions in post-2011 Libya.

The cumulative impact of the violence extends far beyond individual victims; it has reshaped how justice is practiced. Judges and prosecutors routinely self-censor, delay

¹⁸ See Annex 2: Magistrates and Judicial Stakeholders, a Persistent Target Since 2011

sensitive rulings, or withdraw from cases involving armed groups or politically connected figures.¹⁹ Some conceal their professional identity in public spaces while others resign or request transfers as a survival strategy. For example, in late 2018, Libyan judge Wafa Nouhdom left Benghazi for western Libya after receiving a series of threatening phone calls following her participation in a hearing at the East Benghazi Primary Court. According to her testimony to Al-Araby al-Jadeed, armed men stormed the courtroom shortly before the session, freed detainees she believed were linked to those threats, and made it clear that she would pay a price if she continued to handle their cases. Faced with the combination of direct threats and the visible collusion between armed groups and court security, she went into hiding initially, then resigned and relocated. She described her departure as the only way to save her life.²⁰

According to a lawyer interviewed by CIHRS in Benghazi, judges often recuse themselves from sensitive or high-risk cases, particularly those involving land disputes, corruption, or powerful local actors. “Sometimes it’s not about legality,” she explained. “It’s about a land that’s been flagged, or people who are untouchable. So, the judge steps aside.”²¹ She also described a 2016 case where three different judges withdrew sequentially at various stages of the trial, despite having already opened pleadings and scheduled a ruling. Such withdrawals rarely mention threats or interference explicitly, yet insiders acknowledge that fear of retaliation or entanglement with armed group interests often dictate these decisions. In these cases, recusal serves not judicial impartiality but self-preservation. In addition, court closures, suspended hearings, and coerced withdrawals of complaints have

¹⁹ CIHRS interview with a Libyan lawyer, by encrypted videoconference on 7 July 2025.

²⁰ Al Araby al Jadeed, “Absent Justice [4/2]...Militias Were Present, and the Rule of Law Was Absent in Libya,” 11 August 2022.

<https://bit.ly/47nReEp>

²¹ CIHRS interview With a Libyan lawyer by encrypted videoconference, on 7 July 2025.

become recurring features of Libya's judicial landscape, effectively allowing armed actors to dictate the parameters of legal action.

This climate of fear has also undermined institutional independence. Armed groups have repeatedly demonstrated their ability to intervene directly in judicial processes—by abducting magistrates, surrounding courts, forcibly freeing detainees, or blocking hearings at gunpoint. Such acts send a clear message: judicial authority is subordinate to coercive power. The result is a hollowing out of the rule of law, in which formal legal structures remain in place but function under constant duress.

In turn, more violence is enabled by the inability of the weak judicial system to assert its role as a guarantor of rights and freedoms. Disputes involving arrests, detentions, or judicial decisions frequently escalate into armed confrontations between rival groups. In the absence of a trusted judicial arbiter, grievances are resolved through force, retaliation, and negotiated ceasefires rather than legal process. This dynamic perpetuates cycles of vendetta-driven violence and exposes civilians, public institutions, and infrastructure to recurrent instability.

In one case, the Deterrence Apparatus (Special Deterrence Force)'s capture of the 444 Brigade commander Mahmud Hamza at Mitiga Airport in August 2023 led to heavy clashes between the two groups before a ceasefire was brokered and Hamza was later released.²² More recently, on 28 July 2025, clashes in Warshefana, southwest of Tripoli, resulted in the killing of Ramzi al-Lafi, commander of the Government of National Unity's Third Battalion, after a family feud between his kin and a rival armed group escalated into armed retaliation,

²² Armed Conflict Location & Event Data (ACLED), Communications, "Political Competition and Infighting among Tripoli's Armed Groups Reach beyond Libya's Capital," ACLED, July 10, 2025. Also, check update:

<https://acleddata.com/report/political-competition-and-infighting-among-tripolis-armed-groups-reach-beyond-libyas-capital>

<https://acleddata.com/update-log/data-update-correction-government-actors-published-acleddata-libya-dataset>

only halted by official security intervention. ²³

This cyclical violence illustrates the broader collapse of judicial accountability: when armed groups arrest, detain, and release individuals without legal process, every act of “justice” becomes a potential trigger for renewed conflict. Justice becomes contingent on armed protection, political affiliation, or silence.

²³ Erem News, “Left Dead: An Armed Clash Between Two Families Fuels the Militia Conflict in Libya,” 25 July 2025.

<https://www.erenews.com/news/arab-world/z5so4xu>

II. Interference at the Investigation, Prosecution and Pre-Trial Stages

One of the earliest points of interference between armed groups and the judiciary occurs before a trial begins. Armed groups seize control of investigations, evidence collection and pre-trial detention. They shape the trajectory of justice from the very outset.

This early capture is decisive because it neutralises the prosecution before it can act. Under Libyan law, prosecutors are the gatekeepers of criminal justice: they authorise arrests, initiate and supervise investigations, and control detention legality. They are decisive in determining whether a case proceeds to trial. This core structure in the Libyan judicial architecture is sidelined when armed groups arrest and interrogate, beyond prosecutorial access. What follows is not a sequence of isolated violations, but a single, continuous process in which armed actors pre-define the facts and evidence - and often the outcome of a case - before judicial authorities ever intervene. An observation shared by the ICC that noted the same incapacity in the Office of the Prosecutor 27th report on Libya “Civil society organisations raised strong concerns regarding the capacity for the Libyan authorities and judiciary to progress investigations and prosecutions in certain cases.”²⁴

²⁴ Twenty-Seventh Report of The Prosecutor of The International Criminal Court to The United Nations Security Council Pursuant to Resolution 1970 (2011), Para. 15.

Seizing the case from the onset

Since the 2011 revolution, arbitrary arrests and detentions have become widespread and systemic. Many human rights organisations have repeatedly documented that both state-aligned and independent armed actors detain individuals without judicial warrant or meaningful legal review, holding them for extended periods without charge and outside any functioning court process.²⁵ Activists, journalists, tribal figures, migrants, and ordinary civilians are among thousands who remain in detention under ambiguous or non-existent legal bases, with limited or no access to lawyers or family members.²⁶

Armed factions frequently use detention as a tool of control and intimidation, operating parallel security spheres that effectively supplant formal institutions. The United Nations Support Mission in Libya (UNSMIL) has raised alarms over abductions and enforced disappearances carried out by armed groups in multiple cities, noting that detainees are often held in secret locations and denied recognition by formal justice mechanisms, which can amount to enforced disappearance under international law.

CIHRS interviewed a lawyer from Benghazi who confirmed and detailed how armed groups operate within a parallel and insulated legal sphere, with little or no institutional accountability.²⁷ One particularly telling case involved an elderly woman accused of practicing

²⁵ Human Rights Watch, “The Endless Wait: Long-Term Arbitrary Detentions and Torture in Western Libya,” 2 December 2015.

<https://www.hrw.org/report/2015/12/03/endless-wait/long-term-arbitrary-detentions-and-torture-western-libya>

²⁶ Office of the High Commissioner for Human Rights, “Abuse Behind Bars: Arbitrary and unlawful detention in Libya,” April 2018.

https://www.ohchr.org/sites/default/files/Documents/Countries/LY/AbuseBehindBarsArbitraryUnlawful_EN.pdf

²⁷ CIHRS interview with the lawyer, on 7 July 2025.

witchcraft, arrested by an armed group known as “20/20.”²⁸ According to the lawyer, they arrested her because she was carrying incense and a bottle of water that the “20/20” group considered synonymous with sorcery. There was no warrant, no legal classification of the alleged crime, no referral to a judicial authority. The woman, detained since November 2024 to the interview’s date, had neither been seen by a prosecutor nor a lawyer. Our interviewee attempted to intervene by representing the woman. But she was warned in stark terms that even trying to contact the armed group could endanger her life. She was unsure whether to file her legal request with the Attorney General’s office, or with the armed group itself.

Some people told the lawyer: “No... don’t risk your life by going to the 20/20 group. Are you crazy? What are you thinking? Even if you submit a million requests, they will never transfer her to the prosecution.” She added: “To date, her family is left in uncertainty, including her daughter, born in 1976, who is disabled and dependent on her mother’s care.”

This case illustrates more than arbitrary detention; the armed group violated procedure while substituting for the prosecution. The investigative file was not opened under prosecutorial authority, nor did a legal avenue exist for judicial review. The lawyer’s uncertainty about addressing the Attorney General or the armed group reflects a deeper collapse. In fact, the prosecution no longer functions as the institutional entry point into the justice system. The ICC’s Office of the Prosecutor corroborated this and noted in its report “that some criminality and some perpetrator groups remain outside the prosecutorial reach of competent Libyan authorities.”²⁹

Another instance where armed groups took the lead in evidence collection and investigations happened after the killing of Stability Support Apparatus (SSA) leader Abdelghani al-

²⁸ An east-based armed group known to be a satellite of the Libyan National Army. See Annex 1 detailing armed groups mentioned in this report.

²⁹ Para 95. International Criminal Court (ICC), Twenty-Seventh Report of the Prosecutor of the International Criminal Court to the United Nations Security Council pursuant to Resolution 1970 (2011), May 2024.

Kikli (known as Ghnewa).³⁰ It resulted in escalating tensions between the SSA and armed groups aligned with the GNU, namely the Brigade 444. The latter started revealing what it said to be the evidence of the fallen SSA crimes. In a Facebook statement published on 19 May 2025, the Brigade [444] claimed it had cooperated with the General Criminal Investigations Department in uncovering a mass grave in the Ain Zara District.³¹ Nothing in this publication shows that the Attorney General Office had any role in overseeing the investigation. On the contrary, the group reported that confessions obtained from detainees in its custody led to the site's discovery. According to their account, charred remains and physical evidence were recovered and linked to a girl who went missing. No warrant, judicial order, or prosecutorial oversight was mentioned. An armed group-led interrogation, conducted outside the formal justice system, laid the foundation for complex forensic investigations. Not only does this raise red flags about evidence admissibility and the legality of detention, but it also demonstrates how armed groups can pre-empt formal judicial processes by producing public narratives, controlling evidence flow, and explicitly or implicitly assigning guilt.

In another case from December 2025, the Regional Security Directorates Support Apparatus (RSDSA) announced the dismantling of what it described as a criminal network composed mainly of foreigner nationals, allegedly exploiting the nightlife scene and engag-

³⁰ Abdelghani al-Kikli (Ghnewa), head of the Stability Support Apparatus (SSA), was killed on 12 May 2025 under unclear circumstances inside a 444th Brigade facility of the Ministry of Defence of the Government of National Unity (GNU). His assassination immediately triggered intense armed clashes between GNU-aligned forces and SSA-affiliated units across western Tripoli, particularly in the densely populated Abu Salim district, where the SSA's main headquarters is located, resulting in multiple civilian casualties, widespread injuries, and significant damage to homes and infrastructure. More in the press release ""

<https://cihrs.org/libya-assassination-of-ssa-leader-ghneiwa-sparks-deadly-clashes-authorities-must-protect-civilians-and-end-armed-group-impunity-crisis/?lang=en>

³¹ Facebook statement published on 19 May 2025, from the Brigade 444's page.

<https://www.facebook.com/Unit444ly/posts/pfbid0vZcZU8kq5VvAqjLB8MdnmvTt9LyRxsJ8z1L4j8UQbBpnYJfppsAe1upEzNWWsyPLI>

ing in organised, profit-driven activities that said to threaten social cohesion and target youth.³² The operation, framed as a response to a “real danger” to national security and social values, was presented as a success in restoring order. In its accompanying statement, the RSDSA asserted that it had decided to intervene to confront this alleged behaviour and had successfully “put a stop on the actions of this group.” Notably, the announcement contained no reference to a judicial warrant, prosecutorial authorisation, or subsequent legal proceedings. This omission exemplifies the broader pattern whereby armed groups assume investigative, arrest, and enforcement functions in the absence of judicial oversight, operating outside established legal frameworks.

Pre-trial detention undermining prosecution

Across these cases, prosecutors’ role is reduced to formal validation of processes they did not control or oversee. When the folder is moved to the Attorney General, arrests, interrogations, and media exposure are likely to have already oriented the case in a specific direction, often chosen by armed groups. Without efficient and compliant judicial police, prosecution is hindered within an area set by armed actors who control custody, evidence, and access to detainees. Prosecution thus becomes reactive rather than directive, administrative rather than judicial. Armed group control is not ceded at arrest; it extends into detention facilities, where armed groups dictate the fate of suspects long before they see a judge. In fact, pre-trial detention is the norm for the average defendant, often prolonged without access to legal representation.

³² See video dated 13 December 2025, on the Facebook page of the Regional Security Directorates Support

Apparatus (RSDSA)

www.facebook.com/reel/789904030750042

The de facto control of armed groups over detention facilities was denounced by one of the highest judicial figures in Libya. Attorney General Al-Siddiq Al-Sour stated that agencies tasked with gathering evidence have become “ineffective, unable, or too intimidated to act” when cases involve influential individuals or actors linked to armed groups or parallel authorities.³³ This loss of institutional control means prosecutors are often denied direct access to detainees and forced to rely on intermediaries, or presented with incomplete files prepared outside legal oversight. The ICC’s Office of the Prosecutor states that the problem is not limited to a few high profile cases, on the contrary, it is a widespread phenomenon: “Addressing impunity for Rome Statute crimes committed against Libyans and non-Libyans in detention centres in Libya continues to be a priority for the Office.”³⁴

In July 2025, the death of activist Abdelmonem Al-Mreimi in the custody of the Internal Security Agency (ISA) underscores how armed group interference does not end with arrest. After being abducted on 30 June 2025 allegedly in Sorman (East of Tripoli), Al-Mreimi reappeared in ISA custody in Tripoli. Soon after, he was declared dead, officially from a fall inside the Attorney General’s building. Given his past political activism and criticism of the Dbeibah government, the case is widely perceived as an instance of political silencing, facilitated by hybrid security-judicial entanglement. The Attorney General released muted CCTV footage of the incident shortly after,³⁵ which shows Al-Mreimi jumping from a staircase inside the building after being released from questioning at the Public Prosecution Office in Tripoli, resulting in fatal injuries. The video caption states that:

³³ Al Massar TV, “Ceremony for the meeting of the new Public Prosecution members with the Prosecutor General,” Youtube, live broadcast on 23 April 2025.

<https://www.youtube.com/watch?v=gkclusqy5Tk>

³⁴ ICC, Report 27, Para. 39, op.cit.

³⁵ Attorney General Office, “Abdelmonem Al-Mreimi Death - CCTV Footage in ISA,” 6 July 2025.

<https://www.facebook.com/attorneygeneral.ly/videos/1083849760350676>

The video caption states that: «On July 3, 2025, Abdelmonem Al-Mreimi was brought to the Public Prosecution after being questioned by the ISA; he denied the charges, was released, then fatally injured himself jumping from a staircase and died the next day. The prosecution launched an immediate investigation, collecting evidence, interviewing witnesses, and ordering a forensic examination to determine the cause and circumstances of his death, including any prior injuries or substances in his system, while also reviewing the legality of his detention and treatment.»

Nevertheless, no major judicial steps were achieved to date.

The tragic case of Abdelmonem Al-Mreimi demonstrates how armed groups control the flow of suspects into the judicial system, dictate the terms of evidence production and, at times, even dominate the post-custody phase. Judicial actors are reduced to administrative validators, confirming what armed groups have already decided. These practices not only violate fair trial guarantees and basic due process, but they also actively reshape the justice system into a hybrid architecture where force precedes law, and legality becomes a post hoc performance.

The Tanweer case also exemplifies this sequence. Between November 2021 and March 2022, seven young members of the Tanweer organisation were arrested by the ISA, interrogated, and filmed in likely coerced “confession” videos in which they described themselves as atheists, secularists, feminists, and promoters of deviant ideas; the videos were then broadcast on ISA’s official channels and circulated on social media, naming other activists and organisations.³⁶ On the basis of this ISA case file, the Tripoli Court of Appeals later convicted the seven under Law No. 20 of 2016 amending Article 291 of the Penal Code, holding that their social-media posts and recorded statements amounted to the use of

³⁶ CIHRS, “Libya: Research Briefing on the Use of Security and Religious Discourse to Justify Repression,” 25 June 2024.

<https://cihrs.org/libya-research-briefing-on-the-use-of-security-and-religious-discourse-to-justify-repression/?lang=en>

online platforms to “express views deemed offensive to Islam,” characterised in the judgment, which CIHRS reviewed, as contempt of religion and deviation from Islamic precepts. The court sentenced them to between one and ten years’ imprisonment in the Radaa-run Mitiga Prison.³⁷ The court did not question the conditions under which the confessions had been obtained; instead, it reproduced the ISA’s framing of the defendants as a moral and religious threat and treated the broadcast interrogations as decisive proof of guilt. In doing so, the judges validated a process in which security agents first coerced and publicly staged repentance, then used that very staging to secure convictions, turning an abusive interrogation into the linchpin of judicial persuasion.³⁸

On 19 April 2024, political activist Seraj Fakhruddin Dughman died in unclear circumstances while held in an unofficial detention facility located within the headquarters of the General Command of the Arab Libyan Armed Forces in Ar-Rajmah, southeast of Benghazi. His family was informed of his death that morning, and his body was returned to them for burial later the same day.

Before his detention, Dughman served as head of the Benghazi branch of the Libya Centre for Strategic and Future Studies. He had been arbitrarily detained since 1 October 2023 in a facility reportedly run by the Internal Security Agency, after being arrested alongside four other activists—Fathi Al-Buja, Tarek Al-Bashari, Nasser Al-Du’aysi, and Salem Al-Areibi. According to reported accounts, none of the detainees were brought before a court, granted access to legal counsel, or allowed family visits. Their arrests were reportedly linked to discussions held in September 2023 concerning Libya’s political situation and the anticipated elections. The four activists were released in August 2025 without a trial.³⁹

³⁷ Case number: 1001/2022, date: 7/12/2022, Tripoli Appeal Court, on file with CIHRS.

³⁸ See the Case Study: The Tanweer Case.

³⁹ CIHRS. “Libya: Research Briefing on the Use of Security and Religious Discourse to Justify Repression,” op.cit.

III. Tilt the Trial

Once inside the courtroom, interference shifts from controlling evidence to pressuring judges directly through violence, intimidation, and procedural manipulation, which tilts the trial itself.

Direct coercion in court facilities

As a result of the climate of terror and violence against judges and judicial-related professionals, magistrates in Libya have increasingly become targets not only for specific rulings or controversial decisions, but also simply for embodying the judicial institution itself. Beyond direct threats, armed groups reshape court procedures by disrupting hearings and relocating them into armed group-controlled spaces or restricting public access.

A clear illustration of in-court interference occurred on 13 December 2018, when an armed group stormed a Benghazi court during working hours and intimidated judges into releasing detained prisoners.⁴⁰ According to documentation by the Libya Platform, armed men entered the courthouse, threatened judicial personnel, and compelled them to free detainees, effectively replacing judicial discretion with coercive force. The incident shows how armed groups do not merely influence the environment around a trial, they intervene inside the courtroom to dictate outcomes, erasing the line between adjudication and armed coercion.

A similar pattern unfolded the same month at the Aziziya court, where a state-affiliated armed group stormed the building, intimidated judges and staff, and forced the release of

⁴⁰ CIHRS, “Libya: A complete failure to implement UPR recommendations since 2015,” 2 April 2020.

<https://cihrs.org/libya-a-complete-failure-to-implement-upr-recommendations-since-2015/?lang=en>

detainees.⁴¹ The fact that the perpetrators were aligned with official authorities underscores that interference is not only the work of rogue groups: actors with formal ties to the state also undermine judicial independence from within. This incident demonstrates that the judiciary faces pressure not only from non-state armed groups but also from armed formations integrated into executive structures, further normalising the practice of imposing judicial outcomes through force.

On 15 July 2025, a violent armed assault targeted the Abu Salim Personal Status Court affiliated with the Bab Ben Ghashir District Court in Tripoli. According to media reports corroborated by the Libyan Association of Judicial Bodies, a group of armed men arrived in three armoured vehicles and opened fire on the court building, causing structural damage, forcing a halt to judicial proceedings, and terrifying judges, staff, and visitors.⁴²

The incident appeared to be related to a judicial decision that had angered one of the assailants, reportedly affiliated with the Public Security Apparatus.⁴³ According to testimony shared with CIHRS by a court employee who witnessed the attack, three cars with armed men circled the building, located in a densely populated area.⁴⁴ At least one individual forced his way into the courthouse, assaulted a member of the Judicial Police, and

⁴¹ Ibid.

⁴² Libyan Association for members of the Judiciary, “Press release regarding the armed attack on the premises of the Personal Status Division in Abu Salim affiliated to the Bab Bin Ghashir District Court,” 15 July 2025.

<https://www.facebook.com/share/p/18W6Fn92oW/?mibextid=wwXIf>

⁴³ It is linked to the UN-recognised GNU’s Interior Ministry. This apparatus is under the command of Abdullah Al-Trabulsi, commonly known as “Al-Frawla” and brother of senior security figure Imad Al-Trabulsi in charge of the interior ministry at that time. More in Nova, Redazione Agenzia, “Libya: Gunfire erupts in Tripoli court after verdict issued against a member of the General Security forces,” Agenzia Nova, 15 July 2025.

<https://bit.ly/46GFvRf>

⁴⁴ CIHRS, “Libya: Armed Attack on Tripoli Court Underscores Urgency of Restoring Rule of Law,” 18 July 2025.

<https://cihrs.org/libya-armed-attack-on-tripoli-court-underscores-urgency-of-restoring-rule-of-law/?lang=en>

fired live ammunition inside the building. In search of the presiding magistrate, he broke into the judge's office and vandalised court property when he did not find him.

Additional cases documented by CIHRS show how procedural guarantees are hollowed out even when hearings formally take place.⁴⁵ In Benghazi, photojournalist Ismail Zoui-al-Bouzriba was held for twenty months without access to a lawyer and was not informed of his sentencing date. He was ultimately sentenced to life imprisonment by a military court in proceedings conducted in his absence. The trial became a purely symbolic exercise in which the basic requirements of presence, notice, and defence were discarded. This inversion of standard procedure placed the judiciary in a position of operational subordination to armed group demands.

Interference also takes the form of shutting down judicial activity altogether. On 12 December 2016, the Criminal Investigations Forces, an armed body subordinate to the Interior Ministry, entered the Tripoli court complex with weapons and intimidated judges, lawyers, and litigants. Everyone was forced by the armed men to evacuate the building, interrupting all proceedings. These episodes reflect how even state-affiliated security bodies treat judicial institutions as subordinate spaces that can be cleared, suspended, or overridden at will. Rather than protecting courts, these executive-linked forces themselves become vectors of coercion, halting the administration of justice entirely.

Case study: The Tanweer Case

Arrest, Detention, and Judicial Obstruction in the Tanweer Case

The experience of M.A.S.⁴⁶, a participant in the Tanweer network, reveals how armed groups in western Libya shape every stage of the justice process. His account shows

⁴⁵ CIHRS, "Libya: Research Briefing on the Use of Security and Religious Discourse to Justify Repression," Op. Cit.

⁴⁶ CIHRS interview of M.A.S. by encrypted videoconference, on 5 December 2025.

the extent to which the Internal Security Agency (ISA) and the Special Deterrence Force (Radaa) override prosecutorial authority, manipulate case files, obstruct hearings, and ultimately determine release.

He was arrested by the Internal Security Agency at the airport, where his passport and phones were seized. From the first moments, ISA managed both the location and substance of his interrogation. Before he was questioned by the Attorney General, he heard an ISA officer negotiating the content and urgency of his case directly with the Attorney General. He described it as follows.

ISA itself, not the Judicial Police, transported him to the prosecution office inside the courthouse. During the interrogation, an ISA officer entered the room aggressively, questioned the presence of his lawyer, and remained inside while the Attorney General questioned him. This signalled that the prosecution's authority was conditional on the approval of armed groups and that security actors were shaping the legal framing of the case from the outset.

The charges were determined on the basis of ISA's classification. He was designated as belonging to a "prohibited organisation," a term which Radaa, which oversees the prison, automatically treated as equivalent to membership in the Islamic State, even though his case concerned work with Tanweer.

Once transferred to the Radaa-run Mitiga Prison, he was not registered, hence, his legal identity effectively disappeared inside the armed group's parallel registry. Even Judicial Police could not access his actual case file. Visits were not processed according to official permissions but according to the discretion of Radaa's detention staff. He described it simply.

"Visits were not regular. Everything depended on the mood of the detention officers."

Radaa repeatedly prevented him from attending his court hearings. Over the course of the proceedings, he was barred from five sessions. He saw Radaa and detention officers manually alter the lists of detainees scheduled for court the next morning.

“I would see them scratching out names at night in the detainees’ affairs office. They would say this one we will send, this one we will not.”

Only after his lawyer filed an official complaint did a judge order his transfer to another facility so that hearings could proceed. Even then, Radaa resisted the judge’s request and attempted to hold the hearings inside its own compound. He ultimately attended only a fraction of the sessions and was excluded from the hearing in which the verdict was announced. He only learned of his sentence months later.

When the annual general amnesty decision was issued by the Supreme Judicial Council, his name was excluded because Radaa had registered him as belonging to a prohibited organisation, such as a terrorist one. His lawyer submitted multiple requests and later formal complaint. Even after receiving direct instructions from the Office of the Attorney General, Radaa refused to implement the amnesty decision. He summarised the situation: “Radaa refuses to release people. Even the orders of the Attorney General’s Office are rejected.”

Eventually, diplomatic pressure and persistent legal complaints compelled the Attorney General to send an official personally to Radaa’s headquarters to enforce his release. The final notification did not occur in court or in a judicial facility. Rather, it took place inside Radaa’s interrogation wing after he had waited blindfolded for hours.

“They told me that the Attorney General had ordered my release.”

When he insisted on receiving documentation of his release, officials warned him not to disclose his imprisonment.

“They told me not to say that I had been imprisoned because nothing would appear on my criminal record.”

This case demonstrates the structural collapse of judicial authority in the face of armed group power. From arrest to release, each stage of the process was determined not by law but by the decisions and interests of an armed group. The courts, the prosecution, and the Judicial Police appeared at best secondary and at worst irrelevant to the functioning of the detention system, or as (M.A.S.) described it:

“If the prosecutor wants you detained but Radaa does not, you will not be detained. If Radaa wants you detained, you will be detained. There is no authority above Radaa.”

IV. Failure of Accountability Efforts

Domestic accountability and power struggles

Since 2011, successive Libyan authorities have repeatedly affirmed their intention to restore the rule of law and bring armed actors under state control. Yet in practice, accountability for abuses committed by armed groups and security bodies has remained exceptional rather than systematic and has often been shaped by power struggles rather than judicial processes.

Rather than building consistent prosecutorial action against unlawful detention, torture, disappearances, and abuses of public funds, the Tripoli-based Government of National Unity (GNU) has increasingly relied on selective confrontations and security-based measures; approaches that may temporarily shift control on the ground but do not amount to durable accountability.

This pattern is reflected in the GNU's recent strategy of consolidating authority through armed confrontation. Most notably, the Ministry of Defence–affiliated Brigade 444 engaged in a military campaign against the Stability Support Apparatus (SSA) following the assassination of its leader, Abdelghani al-Kikli (known as Ghnewa) who was killed on 12 May 2025 at a Brigade 444 facility. The killing triggered violent clashes across Tripoli, which the government framed as an effort to dismantle armed groups operating outside legal author-

ity. However, the campaign exposed civilians to injury and death, and further entrenched patterns of extrajudicial coercion rather than advancing judicial accountability.

Despite these confrontations, the GNU has not succeeded in subduing all major armed groups. In particular, Radaa continues to operate as a parallel authority in western Libya, including by maintaining control over key infrastructure such as the capital's airport detention-linked facility. This reality underscores the gap between state rhetoric about reining in security forces and the practical limits of enforcement.

The same contradiction appears in Libya's public financing of armed groups. Many armed actors accused of serious abuses continue to receive salaries, vehicles, premises, and operational support funded by the national treasury, while simultaneously refusing to comply with judicial orders, executive instructions, or basic legal standards.⁴⁷ This arrangement highlights a central driver of impunity: the state's inability—or unwillingness—to condition funding on lawful conduct, thereby allowing armed groups to function concurrently as public payees and autonomous coercive authorities.

The persistence of state funding without enforceable compliance also raises legal and ethical questions regarding public resource misuse. If an armed group receives public funds without delivering corresponding public services and simultaneously defies government directives, this may reasonably be framed as a form of abuse of public resources and institutional obstruction. However, under Libyan legal doctrine and criminal procedure, the judiciary does not initiate such cases on its own: The Public Prosecution (Office of the Attorney General) is the gatekeeper of criminal proceedings, and courts are bound to adjudicate only the matters brought before them.

⁴⁷ Clingendael, "Policy Brief - Policing the police: The EU's struggle to strengthen the Libyan security sector," November 2022.

https://www.clingendael.org/sites/default/files/2022-12/Policy_brief_The_EU_struggle_to_strengthen_the_Libyan_security_sector.pdf

This structure is consistent with Libya’s criminal justice framework, in which the Attorney General plays the decisive role in opening investigations, including in cases involving financial crimes, misuse of public funds, or corruption. Libyan law provides multiple relevant bases—through anti-corruption legislation, Penal Code provisions on misappropriation of public funds and obstruction of institutions, and financial audit and administrative control mechanisms.

This does not mean the judiciary is powerless. If the Attorney General initiates investigations into the misuse of public funds or illegal enrichment by armed actors, Libyan courts may uphold serious sanctions, including asset-freezing and confiscation where legally established. Yet despite the existence of these tools, no sustained pattern of legal, financial, or institutional sanctions has been applied to armed groups that disobey state authority, reinforcing the reality that the executive has relied on coercion while the judicial response remains largely reactive.

In sum, accountability remains constrained by an institutional imbalance: armed actors impose facts on the ground while judicial mechanisms depend on prosecutorial initiative and enforceability.

Constrained international accountability mechanisms+

International accountability pathways, particularly through the International Criminal Court (ICC), have offered an alternative avenue where national processes fail. However, Libya illustrates the structural limitation of international justice: international warrants and proceedings depend on domestic execution, custody control, and political will, all of which are fragmented in Libya’s security landscape.

The long-running case of Saif al-Islam Gaddafi is emblematic. From 2011 onward, he remained in the custody of a Zintan armed group, outside the ICC's reach despite an active arrest warrant. In June 2017, the Abu Bakr al-Siddiq Brigade announced it had released him under an "amnesty" reportedly issued by eastern authorities, while the ICC Prosecutor reiterated that Libya remained obligated to arrest and surrender him. This sequence—armed group custody, refusal to transfer, and unilateral release—demonstrates how armed actors can obstruct cooperation and neutralise international proceedings for years. ⁴⁸

The fragility of cooperation was further exposed in June 2012, when four ICC staff members were detained by a Zintan brigade during an official visit while seeking to meet a detainee. They were held until 2 July 2012. The incident directly disrupted the court's work at a critical moment and underscored the inability of Libyan authorities to guarantee safe access for international investigators. ⁴⁹

A similar failure to enforce cooperation obligations emerged in the case of Mahmoud al-Werfalli, a commander in Al-Saiqa/Libyan National Army structures. The ICC issued warrants in 2017 and 2018 for alleged summary executions, yet no arrest followed. He reportedly remained active in eastern Libya until his killing in March 2021, after which the ICC terminated proceedings due to his death. ⁵⁰

More recently, on 4 October 2024, the ICC unsealed six arrest warrants against suspects linked to the Kaniyat armed group for crimes committed in Tarhuna between 2013 and

⁴⁸ The Guardian, "Gaddafi's son Saif al Islam freed by a militia", 11 June 2017.

<https://www.theguardian.com/world/2017/jun/11/gaddafi-son-saif-al-islam-freed-by-libyan-militia>

⁴⁹ International Criminal Court, "Press Release: The four ICC staff members released in Libya," 2 July 2012.

<https://www.icc-cpi.int/news/four-icc-staff-members-released-libya>

⁵⁰ International Criminal Court, "Al-Werfalli Case: The Prosecutor v. Mahmoud Mustafa Busayf Al-Werfalli," Case number: ICC-01/11-01/17. Also, ICC, Second Warrant of Arrest, 4 July 2018.

<https://www.icc-cpi.int/libya/al-werfalli>

https://www.icc-cpi.int/sites/default/files/CourtRecords/CR2018_03552.PDF

2020—illustrating that international mechanisms continue to document and pursue cases. Yet these warrants also highlight the recurring difficulty: international arrest orders often remain stalled when domestic actors hold coercive control. ⁵¹

The January 2025 case involving Osama Elmasry/Almasri Njeem (also known as Njeem or Njim) further demonstrates international enforcement limits even beyond Libya. Although an ICC warrant was issued against him for alleged crimes against humanity and war crimes, and he was briefly apprehended in Turin in Italy, he was released and returned to Libya within forty-eight hours after the arrest was deemed procedurally irregular.

On 5 November 2025, Libya’s attorney general announced that Njeem had been arrested in Tripoli and placed in pre-trial detention for alleged torture committed against detainees in Mitiga Prison. However, the absence of subsequent judicial proceedings combined with persistent rivalry among armed actors controlling detention facilities, raises uncertainty as to whether this arrest reflects a principled accountability shift or a change in local power balances.

By contrast, the surrender of Khaled Mohamed Ali El Hishri illustrates that international cooperation remains possible when political will and procedures align: German authorities transferred him to The Hague on 1 December 2025 to face ICC proceedings for alleged crimes connected to Libya’s detention system. This case demonstrates that enforcement failures are not inevitable—but remain selective. ⁵²

⁵¹ International Criminal Court, “Press Release: Libya situation: ICC Pre-Trial Chamber I unseals six arrest warrants,” 4 October 2024. Also, Office of the United Nations High Commissioner for Human Rights, country report “Tarhuna - Mass Graves and Related Human Rights Violations and Abuses in Libya,” 30 August 2024. <https://www.icc-cpi.int/news/libya-situation-icc-pre-trial-chamber-i-unseals-six-arrest-warrants> <https://www.ohchr.org/en/documents/country-reports/tarhuna-mass-graves-and-related-human-rights-violations-and-abuses-libya>

⁵² International Criminal Court, “Q/A, The Prosecutor v. Khaled Mohamed Ali El Hishri,” Updated in December 2025. <https://www.icc-cpi.int/sites/default/files/2025-12/2025-12-02-qa-el-hishri-eng.pdf>

Libya's internationally recognised government's May 2025 Article 12(3) declaration accepting ICC jurisdiction through the end of 2027 constituted a formal legal advance. Yet without operational cooperation on arrests, transfers, and custody control, such declarations cannot produce meaningful outcomes. The political fragmentation of Libya is also reflected in legal challenges to this move: the First Administrative Circuit of the Benghazi Court of Appeal reportedly suspended implementation of the GNU decision to accept foreign jurisdiction in criminal matters. This institutional conflict reinforces that multiple legal authorities coexist across Libyan territory, limiting the practical enforceability of international commitments.

Ultimately, the repeated failure to execute ICC warrants reinforces a central message to armed actors: international exposure is negotiable, and force can override legal obligations. This feeds back into domestic justice systems by discouraging magistrates and prosecutors from taking risks in high-stakes cases, and by signalling that accountability depends less on law than on shifting political and security calculations.

V. Political Fragmentation's Impact on the Judiciary

The fragmentation of Libya's judiciary derives from a political and territorial order in which power is fragmented and enforced by armed actors aligned with competing authorities. As armed groups consolidate control over territory and provide the coercive backbone of rival political projects, judicial institutions are reorganised along the same fault lines. Law, jurisdiction, and judicial governance come to reflect geography and force rather than a unified national legal order.

Dual and rival constitutional authorities

Institutional fragmentation has extended to the highest level of constitutional review. Until 2014, Libya had a single recognised institution for constitutional review: the Constitutional Chamber of the Supreme Court in Tripoli. Created within the Supreme Court by the Judicial System Law in the 1980s, it acquired new significance after 2011 as the body empowered to interpret the Constitutional Declaration and review the constitutionality of legislation.

That architecture collapsed after the Chamber's landmark ruling of 6 November 2014, which held that the legal framework underpinning the House of Representatives or HoR (Libyan parliament) elections was invalid. The decision provoked an immediate legitimacy crisis and intensified the political divide between eastern and western authorities. In October 2016, the Supreme Court's General Assembly adopted Decision No. 7/2016, freezing the Chamber's work and postponing all constitutional cases indefinitely. Though

the decision did not articulate its motives, Libyan jurists and UN reporting situate the freeze as a reaction to the political fallout of the 2014 judgment and as an attempt to shield the court from open confrontation with rival authorities.⁵³

This freeze created a six-year vacuum in constitutional oversight. Legislation issued during the conflict era proceeded without review, and constitutional legality became a political rather than judicial question. To address this gap, the Supreme Court's General Assembly reactivated the Chamber on 18 August 2022, a move welcomed by the UN as a mechanism to resolve disputes over institutional legitimacy.⁵⁴

However, while the Tripoli-based Chamber was regaining authority, the HoR adopted Law No. 5 of 2023, creating a Supreme Constitutional Court (SCC) in Benghazi and assigning it exclusive authority over constitutional review.⁵⁵ The law downgraded the Supreme Court to a cassation court and explicitly transferred constitutional jurisdiction to the Benghazi-based SCC whose judges were appointed by the HoR.

In June 2023, the Constitutional Chamber within the Tripoli Supreme Court ruled that

⁵³ Adala for All, Prof. Ali Al-Koni Aebuda, "The Scale of the Constitution: Obstructing the Constitutional Circuit and the Right to Access Justice," 2023. Also, United Nations Secretary-General "Report on the United Nations Support Mission in Libya (S/2022/632)," United Nations, 30 August 2022.

<https://www.adalaforall.org/ar/mawazin-mag/the-scale-of-the-constitution-obstructing-the-constitutional-circuit-and-the-right-to-access-justice>

<https://undocs.org/en/S/2022/632>

⁵⁴ United Nations Support Mission in Libya, "Briefing to the Security Council by Under-Secretary-General Rosemary DiCarlo," 30 August 2022.

<https://press.un.org/en/2022/db220830.doc.htm>

⁵⁵ Omar Hammady, Libya's Constitutional Dilemma: Future Prospects of the Draft Constitution, (Friedrich Ebert Stiftung: 2024)

<https://library.fes.de/pdf-files/bueros/libyen/21965.pdf>

Law No. 5/2023 was unconstitutional.⁵⁶ Despite this judgment, the HoR proceeded to inaugurate the Benghazi-based SCC, appoint its judges, and operationalise it in 2024–2025. Human Rights Watch describes the SCC as a rival constitutional authority that risks entrenching institutional fragmentation.⁵⁷ In 2025, the SCC issued Decision No. 7/2025, declaring the Tripoli-based Constitutional Chamber abolished, followed by Decision No. 27/2025, ordering all constitutional cases to be transferred to itself, directly challenging the Tripoli-based Supreme Court’s hierarchy.⁵⁸

Tripoli authorities rejected this reconfiguration. In May 2025, the Presidential Council suspended Law No. 5/2023, arguing that the HoR lacked the constitutional competence to create a new apex court.⁵⁹ Courts in eastern Libya refused to enforce the decree, reinforcing the emergence of two competing constitutional-review authorities.

On 22 December 2025, the Benghazi-based Supreme Constitutional Court ruled on the constitutionality of Laws No. 22 and 32 of 2023, the very legislative framework that created and empowered it, thereby affirming its own constitutional jurisdiction.⁶⁰ In the same decision, it declared the Tripoli Constitutional Chamber’s rulings on Law No. 5/2023 legally void due to an allegedly expired mandate. By simultaneously validating its own legal foundation and denying legal effect to the Tripoli-based Supreme Court’s judgments, the

⁵⁶ Libya Supreme Court, Constitutional Appeal No. 5/69 (2023); see Libya Observer, “Supreme Court Rules Law Establishing Benghazi Constitutional Court Unconstitutional,” June 2023.

<https://libyaobserver.ly/news/supreme-court-libya-law-establishing-constitutional-court-benghazi-illegal>

⁵⁷ Human Rights Watch, “Injustice by Design: The Need for Comprehensive Justice Reform in Libya,” 2 June 2025.

<https://www.hrw.org/report/2025/06/02/injustice-design>

⁵⁸ Supreme Constitutional Court (Benghazi), Official Facebook Page.

⁵⁹ ConstitutionNet., “Libya’s Presidential Council Annuls Law Establishing Constitutional Court,” 2 May 2025.

<https://constitutionnet.org/news/libyas-presidential-council-annuls-law-establishing-constitutional-court>

⁶⁰ See SCC’s Facebook post on 22 December 2025.

https://www.facebook.com/permalink.php?story_fbid=pfbid02w4gTYFyou2wtQVVxgHEKhcthYzQcjWXz1291otw9g1FcWCzFjuehw37vGiE5KLXMI&id=100094321417896

Benghazi-based court directly challenged the hierarchical authority of the Tripoli-based Supreme Court.

The reaction of the Tripoli-based Supreme Court came on 31 December 2025, through its General Assembly. It reaffirmed that constitutional review lies exclusively with its Constitutional Chamber.⁶¹ It rejected legislative attempts to circumvent Supreme Court rulings and warned that reorganising the judiciary outside the constitutional framework threatens judicial independence.

For judges, this duality creates systemic instability. Rulings declared unconstitutional in Tripoli could continue to apply in the east. Presidential decrees valid in Tripoli would be disregarded in Benghazi. Hence, constitutional norms shift depending on the political actor controlling territory.

Once the highest stabilising norm, constitutional legality has been turned into a political instrument used to entrench rival sovereignties rather than constrain them.

Politicization of judicial leadership

Fragmentation also affects the institutions responsible for governing the judiciary itself. Since 2011, successive legislative interventions have reshaped the Supreme Judicial Council, which has undergone multiple legislative reconfigurations, oscillating between elected

⁶¹ Supreme Judicial Court of Libya, Press Release of the Supreme Judicial Court published on its Facebook page, 31 December 2025.

<https://www.facebook.com/SupremeCourtOfLibya/posts/pfbid02fYTm5fhZM4FQuyswLui9Cg8J7eaT2UJ69khQEp5aqDkag932fj4jKDRc4sdhkMmLl>

representation and political appointment.⁶² These changes have weakened continuity in judicial governance and opened pathways for political capture.

The most consequential shift occurred with Law No. 11 of 2021, enacted by the House of Representatives. The law removed the President of the Supreme Court from the presidency of the Council and transferred leadership to the Head of the Judicial Inspection Department, with the Attorney General serving as vice-president.⁶³ The International Commission of Jurists condemned the reform as a direct breach of judicial independence, warning that it compromised the body responsible for judicial appointments, transfers, and promotions.⁶⁴

The new Council convened the day after the law was enacted—14 December 2021—during a period marked by electoral challenges and high-stakes candidacy disputes. Legal analysts interpreted the speed and timing of the reform as an attempt to configure the Council in a way that could influence the judiciary’s handling of electoral appeals.⁶⁵

In July 2023, the Constitutional Chamber struck down Article 1 of Law 11/2021 as unconstitutional.⁶⁶ Rather than restoring the prior structure, the HoR enacted successive amendments, Law No. 22 of 2023 and Law No. 32 of 2023, which further tightened legisla-

⁶² The Supreme Judicial Council (SJC) is the constitutional and statutory body entrusted with governing the judiciary as an independent authority, legally separate from the executive and legislative branches. Its role is to guarantee judicial independence, regulate judicial careers, and oversee the internal administration of courts and prosecution services. See Law No. 6 of 2006 on the judicial system.

<https://security-legislation.ly/latest-laws/law-no-6-of-2006-on-the-judicial-system/>

⁶³ House of Representatives of Libya, Law No. 11 of 2021 Amending the Judicial System Law.

⁶⁴ International Commission of Jurists (ICJ), “Libya: Supreme Judicial Council’s Reshuffling Threatens the Rule of Law,” 21 December 2021.

<https://www.icj.org/libya-supreme-judicial-councils-reshuffling-threatens-the-rule-of-law/>

⁶⁵ Ibid.

⁶⁶ Libya Supreme Court, Constitutional Appeal No. 5/69 (2023).

tive control over the Council by allowing HoR appointment of its president and reducing elected representation.⁶⁷

As with constitutional review, the result is dual authority and competing claims of legitimacy. Western judges continue to recognise the Council structure grounded in the Supreme Court’s jurisprudence, while eastern institutions rely on the HoR-designed architecture. For judges, this means that decisions affecting their careers—transfers, secondments, promotions, disciplinary measures, may later be contested on the grounds that the issuing Council itself is illegitimate.

This institutional competition turns judicial governance into a political field. Judges must navigate rival hierarchies, inconsistent mandates, and the risk that any career decision may be invalidated or used against them depending on which authority gains the upper hand.

⁶⁷ Legal Agenda, “The Libyan Judicial Council is caught between the hammer of legislative amendments and the anvil of constitutional appeals,” 21 January 2024. (Arabic).

<https://bit.ly/4l4HG70>

Conclusion

Libya's justice system continues to function within an environment where coercive actors (including armed groups), fragmented institutions, and political rivalries consistently override legal authority. Courts remain open, cases are processed, and judicial personnel persist in their duties, yet the foundations required for an autonomous and unified system of justice remain structurally compromised. Armed groups shape how cases enter the system, influence the production of evidence, and obstruct the implementation of judicial decisions, while parallel legislative orders and institutional interference undermine coherence and predictability. The cumulative effect is a justice process in which outcomes are frequently determined by the distribution of coercive and political power rather than by law, and where the boundaries of judicial authority shift with the country's broader conflicts. Understanding these dynamics is essential to assessing both the current limitations of the justice system and the conditions under which meaningful reform may eventually take place.

Recommendations

To Libyan Authorities

- Ensure that security forces abide by the laws and obey legitimately elected civilians.
- Hold accountable security bodies, politically aligned armed groups, or executive authorities that interfered in judicial proceedings.
- Ensure that court infrastructure, case files, and detainee transfers are protected from external interference, including by restructuring and resourcing the Judicial Police.
- Guarantee that all laws affecting the judiciary, including amendments to the Supreme Judicial Council and Constitutional Court, are adopted transparently and through procedures that respect judicial independence.

To the Supreme Judicial Council

- Uphold transparent appointment, promotion, and disciplinary procedures for judges and prosecutors, including public clarification of criteria and processes.
- Resist political or factional pressures in the selection of members and the management of judicial careers.
- Facilitate regular consultation with judges and prosecutors across all regions to maintain institutional coherence despite political fragmentation.

To the House of Representatives and the High Council of State

- Refrain from enacting legislation that restructures judicial institutions without consultation of judicial bodies and comprehensive consensus from all sides and regions.
- Reverse or amend any laws affecting the judiciary that were adopted through irregular procedures or that undermine judicial independence.
- Ensure that any future electoral legislation provides clear and unified procedures for judicial review and avoids establishing parallel or competing judicial bodies.

To the Attorney General

- Investigate all attacks on judicial personnel or courthouses, regardless of the status or affiliation of those responsible.
- Exclude from proceedings any confessions or statements obtained under coercion or outside the supervision of prosecutorial authorities.
- Enforce legal requirements regarding detention conditions, time limits, and mandatory reporting by detention facilities.
- Issue clear guidance to security agencies and courts regarding the lawful conditions for remote hearings and detainee transfers.
- Investigate and prosecute individuals and entities, including armed groups, for misuse of public funds—particularly where public resources are diverted, extorted, or retained in breach of law.

To Libyan Professional Bodies and Civil Society Organisations

- Strengthen documentation of attacks on judicial actors, unlawful detentions, and interference in trials.
- Provide legal support to victims, families of detained persons, and judicial personnel facing threats.
- Engage with international mechanisms to ensure consistent reporting on violations affecting the justice sector.

To the International Criminal Court and UN Human Rights Mechanisms

- Prioritise investigation of attacks against judicial institutions and ensure systematic engagement with Libyan civil society documenting violations.
- Request cooperation from states harbouring individuals subject to ICC warrants and report publicly on compliance or obstruction.
- Expand monitoring of interference in the judiciary, including patterns of unlawful detention, coerced confessions, and use of armed group-run facilities.

To the United Nations (UNSMIL and relevant UN agencies)

- Integrate protection of judicial institutions and personnel into all UN political and technical engagements in Libya.

- Increase monitoring and public reporting on attacks against courts and judicial personnel, and on non-enforcement of judicial decisions.
- Provide technical assistance to the Judicial Police, prosecution services, and courts on evidence handling, registry systems, and security protocols.

To the European Union and European States

- Condition security and migration cooperation on tangible steps to limit armed group interference in judicial processes and detention practices.
- Ensure that no EU-funded programmes, equipment, or partnerships empower armed groups involved in violations against due process.
- Support judicial reform initiatives, including legislative harmonisation, court administration, and protection of judicial personnel.

To States Providing Military, Security, or Political Support to Libyan Actors

- Refrain from any engagement that strengthens armed groups implicated in attacks on judicial actors or interference in judicial processes.
- Condition security assistance on verifiable commitments to uphold judicial independence and lawful detention practices.
- Share information with UN mechanisms and the ICC regarding individuals or groups responsible for serious violations.

To International Donors and Cooperation Agencies

- Integrate judicial independence and protection of justice institutions into all rule-of-law and governance programming.
- Support initiatives aimed at harmonising fragmented legal frameworks and strengthening court administration across Libyan regions.
- Fund civil society documentation efforts, including protection programmes for lawyers, judges, and human rights defenders.

Annex 1: Armed Groups Mentioned in This Report

Although they are commonly described as “militias,” this term lacks a precise and consistent definition that can be applied to the armed actors examined in this report. During the period covered by this research, the nature of armed formations in Libya and their legal status varied significantly. Some emerged as civilian self-defence groups in 2011, while others were – or at times had been – formally affiliated with the ministries of defence, interior, or justice. Still others consist of professional security personnel who defected from state command structures.

Moreover, the boundaries between civilian and military organisations remain unclear. In the Libyan context, the term “militia” is used to refer to a diverse and often loosely organised spectrum of armed actors whose loyalties, structures, and objectives are inconsistent, and which lack formal recognition from a central authority.

For the purposes of this report, we adopted a realistic and verifiable description, primarily using the term “armed groups”.

Special Deterrence Force (Radaa)

Formed in Tripoli around 2011 under Abdul Raouf Kara, Radaa evolved from a Salafist armed group into a formal apparatus nominally attached to the Interior Ministry. Officially restructured by Decree 555 (2018) into the “Deterrence Apparatus for Combatting Organised Crime and Terrorism,” it continues to control Mitiga Airport and major detention sites, operating autonomously from judicial oversight. In May 2025, Prime Minister Abdulhamid Dbeibah issued Decision No. 232/2025 dissolving the “Deterrence Apparatus for Combat-

ting Terrorism and Organised Crime” and transferring its powers to a new directorate within the Interior Ministry. Radaa publicly rejected the decree, describing it as politically motivated and “issued by an incompetent authority.” It argued that only the Presidential Council, which had originally created the apparatus and placed it under its direct authority, holds the prerogative to dissolve it.

444th Combat Brigade

Created under the Government of National Unity (GNU) and led by Mahmoud Hamza, Brigade 444 acts as Tripoli’s main military force aligned with the Ministry of Defence and Prime Minister. It has been engaging in recurrent clashes, managing checkpoints, and influencing investigations and mass-grave discoveries outside judicial channels.

Stability Support Apparatus (SSA / Daam)

Established by a decision of the Presidential Council of the Government of National Accord in 2021 and commanded by Abdelghani al-Kikli (Ghnewa), the SSA claims to enforce state security but has been accused of arbitrary arrests, torture, and unlawful killings. Based mainly in Abu Salim, a neighbourhood in the capital Tripoli, it embodies the blurred boundary between state force and armed group rule in western Libya. Its leader Ghnewa was killed on 12 May 2025 in 444th Combat Brigade HQ. His assassination immediately triggered intense armed clashes between GNU-aligned forces and SSA-affiliated units across western Tripoli, particularly in the densely populated Abu Salim District, resulting in multiple civilian casualties, and significant damage to homes and infrastructure.

Judicial Police

A pre-2011 institution under the Ministry of Justice tasked with court protection and prisoner transfers. Its chain of command has eroded, leaving many detention sites and judicial missions under hybrid or armed-group control. Sought by the ICC for suspicion of war crimes and crimes against humanity, notably for torture against detainees in the Mitiga

Prison, Osama Elmasry/Almasri Njeem/Njim, its previous commandant was arrested in November 2025 in Tripoli, after escaping arrest in Italy in January 2025. He has not yet been brought to trial.

Libyan National Army or Libyan Arab Armed Forces (LNA / LAAF)

Created in 2014 by Khalifa Haftar under the Tobruk-based House of Representatives, the LNA dominates Cyrenaica and parts of Fezzan. Presented as a national army, it remains a coalition of armed groups accused by the United Nations and International Criminal Court of grave human-rights violations and summary executions.

Internal Security Agency (ISA)

A Gaddafi-era body revived by rival governments, the ISA operates countrywide through eastern and western branches with two different hierarchies. Accused by human rights defenders of secret detentions, torture, and surveillance of activists, it represents the institutionalised face of repression within Libya's fragmented security apparatus.

Public Security Apparatus / Service

Reorganised in 2018 under the Interior Ministry, this Tripoli-based unit mixes policing and armed group functions. Its members were implicated in the July 2025 armed assault on the Abu Salim Personal Status Court, highlighting the judiciary's vulnerability to state-linked armed actors.

Al-Kaniyat Armed Group – Tarhuna

Formed by the Kani family after 2011, it ruled Tarhuna through terror until 2020, committing enforced disappearances and running mass graves later documented by UN investigators. Once tolerated by both eastern and western authorities, it epitomises the impunity of Libya's most violent local armed groups.

“20/20” Armed Group – Benghazi

A little-documented unit, it operates under the Tariq bin Ziyad Brigade, known for detaining civilians on charges of “sorcery” or “witchcraft.” Its activity, described by Libyan lawyers interviewed by CIHRS, illustrates the persistence of arbitrary policing outside any legal mandate.

Regional Security Directorates Support Apparatus (RSDSA)

It is directly affiliated with Libya’s Ministry of Interior. It operates under the ministry’s authority and is recognised as a government organisation. The apparatus was established by a decision of Libya’s Government of National Unity (GNU), specifically through Cabinet Decision No. 941 of 2022. Its current head, Major General Abdel Hakim Mohamed Al-Daliou, was appointed by Decree 10/2023 on 1 April 2023.

Annex 2: Judicial Stakeholders: Persistently Targeted Since 2011

This list of assaults, assassinations and kidnappings is sorted chronologically and is not exhaustive.

Judge Jomaa Obaidi al-Jazwi

Benghazi

June 2012

Judge Jomaa Obaidi al-Jazwi, who was presiding over the case into the 2011 killing of rebel commander Abdel Fattah Younes, was shot dead by unidentified gunmen outside a mosque near his home in Benghazi on 21 June 2012.⁶⁸ Contemporary reports suggest he had received threats linked to his handling of the Younes case, but no group claimed responsibility and the authorities did not announce arrests. As end of 2025, there is no public information about any successful prosecution, and his killing is widely cited as an early indicator of impunity for attacks on the judiciary.

⁶⁸ BBC News, “Libyan Rights Group Condemns Killing of Judge Al-Jazwi,” 22 June 2012, <https://www.bbc.com/news/world-middle-east-18551094>

Public Prosecutor Mohammed Khalifa al-Naas

Derna

November 2013

Public Attorney Mohammed Khalifa al-Naas, then head of the prosecution office in Derna, was killed on 9 November 2013 when a bomb placed under his car exploded as he drove away from a mosque after evening prayers. Local reports describe him as someone who had been pursuing criminal cases in a city increasingly dominated by armed Islamist groups. Security sources at the time suspected extremist factions but did not name a specific organisation.⁶⁹ A decade later, no perpetrators have been identified in court rulings, and no public record indicates that anyone has been held accountable for his assassination.

Judge Taher al-Maadani

Benghazi

April 2013

A former judge at the North Benghazi Primary Court, Taher al-Maadani, recounts a similar pattern of intimidation from within and outside the judiciary. In April 2013, while still on the bench in Benghazi, he was repeatedly threatened by a prosecutor colleague and another individual who pressured him to intervene in a divorce case in favour of their acquaintance. When he refused, the threats escalated and extended to his family. Al-Maadani told Al-Araby al-Jadeed that, as attacks on judges and lawyers multiplied in Benghazi, he eventually chose to resign and move to Tripoli rather than continue working under direct

⁶⁹ Esam Mohamed, “Lawyer, 2 police killed in Libya,” 9 November 2013, <https://apnews.com/general-news-bfd3b0ed457b4d9db115296ef6cfaed4>

coercion. ⁷⁰

Lawyer and activist Salwa Bugaighis

Benghazi

June 2014

Salwa Bugaighis, a prominent Libyan human-rights lawyer, was shot dead in her home in Benghazi on 25 June 2014, shortly after she had voted in the parliamentary elections. The attackers were described as “unknown hooded men wearing military uniforms” by Amnesty International. ⁷¹ Her husband Essam al-Ghariani was abducted that day and his whereabouts remain unknown, while her killers remain unidentified.

Judge Najy Omar (pseudonym)

Tripoli

End of 2015

In Tripoli, judge “Najy Omar” (a pseudonym used by the newspaper Al-Araby al-Jadeed for security reasons) describes being effectively taken hostage inside his own courthouse at the end of 2015. While walking through the corridors of one of the city’s courts, he was approached by an armed man who pointed a pistol at his face and forced him into a car parked in the court compound. He was told he was “wanted by a security body” and later discovered that the incident was linked to a case he was handling involving the director of a financial institution the armed group wanted to extort. The judge was detained for

⁷⁰ Al Araby al Jadeed, “Absent Justice [4/2]...Militias Were Present, and the Rule of Law Was Absent in Libya,” 11

August 2022,

<https://bit.ly/47nReEp>

⁷¹ Amnesty International, “Libya: Women human rights defenders still under attack, four years after activist’s

assassination’ 25 June 2018,

<https://www.amnesty.org/en/latest/news/2018/06/libya-women-human-rights-defenders-still-under-attack-four-years-after-activists-assassination/>

eight days by an armed group on the outskirts of Tripoli. During this time, armed group members pressured him until the director of the financial institution agreed to withdraw his complaint.⁷² A similar message was sent to prosecutors in the city of Zliten, west of Tripoli. In June 2017, while the local first-instance prosecution was investigating a land-ownership dispute, armed men arrived at the building in vehicles bearing official military insignia. Witnesses told Al-Araby al-Jadeed that they threatened the prosecutor in charge, warning him that he would be targeted if he pursued the case. Shortly afterwards, the prosecutor declared that his office lacked jurisdiction and the investigation was closed, burying the file under the shadow of armed group pressure.⁷³

Prosecutor Hamza Mohammed Saqr

Tarhuna

2017

Hamza Mohammed Saqr, a prosecutor in Tarhuna, was abducted on 5 December 2017 by members of the pro-Haftar al-Kaniyat (Kani) armed group, which controlled the town at the time. He was taken from his workplace and forcibly disappeared; his family and colleagues received no official information about his whereabouts.⁷⁴ After the LNA-aligned forces withdrew from Tarhuna in 2020 and multiple mass graves were uncovered, remains believed to be his were exhumed in June 2021, with Libyan authorities later confirming his

⁷² Al Araby al Jadeed, “Absent Justice [4/2]...Militias Were Present, and the Rule of Law Was Absent in Libya,” 11 August 2022,

<https://bit.ly/47nReEp>

⁷³ Al Araby al Jadeed, “Absent Justice [4/2]...Militias Were Present, and the Rule of Law Was Absent in Libya,” 11 August 2022,

<https://bit.ly/47nReEp>

⁷⁴ Amnesty International, “Libya: ‘Every Day We Die a Thousand Times’: Impunity for Crimes against Humanity in Tarhouna,” Amnesty International, 26 November 2024,

<https://www.amnesty.org/en/documents/mde19/8096/2024/en/>

identity through DNA testing in May 2024. Rights groups report that he appears to have been targeted for carrying out his prosecutorial duties in a city run by the armed group. Despite the ICC's focus on al-Kaniyat crimes and domestic announcements about investigations, there is no evidence of a completed prosecution for his abduction and killing; his case remains emblematic of impunity for Tarhuna-related atrocities.

Judge Wafa Al Madhoun

Benghazi

Late 2018

In late 2018, Libyan judge Wafa Madhoun left Benghazi for western Libya after receiving a series of threatening phone calls after she participated in a hearing at the East Benghazi Primary Court. According to her testimony to Al-Araby al-Jadeed, armed men stormed the courtroom shortly before the session, freed detainees she believed were linked to those threats, and made it clear that she would pay a price if she continued to handle their cases. Faced with the combination of direct threats and the visible collusion between armed groups and court security, she first went into hiding, then resigned and relocated, describing her departure as the only way to save her life. ⁷⁵

Judge Ahmed Issa Hussein

Shahat area (Northeastern Libya)

16 November 2020

Judge Ahmed Isa Hussein was the target of a shooting in the Shahat district, 24 km away

⁷⁵ Al Araby al Jadeed, "Absent Justice [4/2]...Militias Were Present, and the Rule of Law Was Absent in Libya," 11

August 2022,

<https://bit.ly/47nReEp>

from Bayda, in northeastern Libya at dawn on 16 November 2020.⁷⁶ According to statements by the Libyan Association for Members of the Judiciary, unknown gunmen fired at his car, causing heavy damage; he reportedly escaped. No group publicly claimed the attack, and the authorities did not announce arrests or a clear motive. Civil society organisations still classify this as an attempted assassination against a judge, with no accountability reported as of 2025.

Judge Mohammed Ben Amer

Qarabulli area (Tripoli)

2020

Magistrate Mohammed Ben Amer, a judge based in the Qarabulli area near Tripoli, was abducted from his home on 27 February 2020 by an armed group widely identified by the Ministry of Justice and rights groups as linked to the Ninth Brigade / al-Kaniyat.⁷⁷ His fate was unknown for three years. According to local media, the suspect admitted to the murder of Judge Mohamed Amer, executed under directives from armed group leaders Abdel-Rahim Al-Kani and Mukhlouf Douma, following a targeted operation in the Qarabulli area. He also confessed to a murder and carjacking on the Coastal Road leading to Tarhuna, alongside other armed group members.⁷⁸ In June 2023, the authorities announced that his remains had been identified among bodies exhumed from mass graves in Tarhuna,

⁷⁶ Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

⁷⁷ Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

⁷⁸ Ahmad El-Assasy, “Libyan Army Detains Libyan Militia Member,” Libya Review, 11 December 2023.

<https://libyareview.com/39982/libyan-army-detains-libyan-militia-member/>

connecting his disappearance to the wave of enforced disappearances and extrajudicial killings committed by the armed group while it controlled the town.

As of end of 2025, there is no indication that those responsible have been brought to justice.

Lawyer and activist Hanan al-Barassi

Benghazi

10 November 2020

Lawyer and activist Hanan al-Barassi was shot dead in broad daylight on 10 November 2020 in Benghazi.⁷⁹ Masked gunmen opened fire on her at close range in a busy street after an apparent attempt to abduct her, killing her with multiple bullets. Al-Barassi was widely known for denouncing corruption, abuses by armed groups and authorities in eastern Libya, and gender-based violence in her Facebook videos; she had received numerous death threats in the days before the attack. International organisations and UNSMIL all called for an investigation, but to date no perpetrators have been publicly identified or prosecuted. Her killing is emblematic of systematic impunity for attacks on outspoken women in the legal profession.

Chief Prosecutor Daa al-Haq Abdul Hafiz

Sebha

20 October 2021

On the night of 20 October 2021, deputy prosecutor Daa al-Haq Abdul Hafiz was shot and wounded in Sebha, southern Libya.⁸⁰ Local reporting and judicial-association statements

⁷⁹ UNSMIL, “UNSMIL Statement on the Killing of Lawyer Hanan Al-Barassi,” 10 November 2020,

<http://unsmil.unmissions.org/unsmil-statement-killing-lawyer-hanan-al-barassi>

⁸⁰ Libyan Witness Newspaper, “The Supreme Judicial Council condemns the attack on the head of the Sebha Public Prosecutor’s Office in southern Libya,” 23 October 2021 (Arabic):

<https://lywitness.com/31839/المجلس-الأعلى-لل قضاء/31839>

describe a drive-by attack near the Sebha Security Directorate: gunmen in a car with tinted windows opened fire, hitting him in the leg before fleeing. He was transferred to a medical centre and survived. No group claimed responsibility, and no arrests or prosecutions have been publicly reported.

Court officer Salem Abdulaziz al-Werfalli

Benghazi

25 November 2021

Salem Abdulaziz al-Werfalli, an officer at the South Benghazi Court of First Instance, was assassinated on 25 November 2021 in Benghazi. Adala for All notes he was shot dead by unknown assailants.⁸¹ The attack occurred in a context of mounting threats against judicial staff in eastern Libya. Public information does not identify a perpetrator or provide details on an investigation. As of the end of 2025, there is no indication that those responsible have been brought to justice.

Armed attack on Court of Appeal

Sebha

25 November 2021

On 25 November 2021, the Sebha Court of Appeal was stormed by a group of armed men described by the Ministry of Justice as “outlaws.” The attackers brandished weapons, threatened judges, prosecutors, staff and litigants, and forced them out of the court

⁸¹ Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

building, which was then surrounded.⁸² The assault occurred on the very day the court was scheduled to hear an appeal by Saif al-Islam Gaddafi against his exclusion from the presidential election list, and the incident effectively blocked the session. The Ministry of Justice, the Judicial Association, UNSMIL and media all condemned the attack, but there is no public information on the arrest or prosecution of those responsible.⁸³

Counter-Terrorism Prosecutor Mansour Doub

Tripoli

29 May 2022

Mansour Doub (also transliterated “Dube” or “Daoub”), a prosecutor in charge of counter-terrorism cases in Tripoli, was arbitrarily arrested on 29 May 2022, according to Adala for All and Libyan judicial sources.⁸⁴ He was reportedly detained by an armed group or security body without transparent legal procedures, and his family and colleagues were left without clear information on the charges or place of detention.⁸⁵ On 23 March 2025, the National Human Rights Institution in Libya announced his release from the Deterrence Apparatus

⁸² Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

⁸³ UNSMIL, “UNSMIL Warns against Acts That Could Serve to Deprive Libyans of Exercising Their Democratic Right.” 29 November 2021,

<https://unsmil.unmissions.org/unsmil-warns-against-acts-could-serve-deprive-libyans-exercising-their-democratic-right>

⁸⁴ Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

⁸⁵ Libya Review, “Head of Anti-Terrorism Prosecution Kidnapped in Tripoli,” 28 May 2022,

<https://libyareview.com/24014/head-of-anti-terrorism-prosecution-office-kindapped-in-libyan-capital/>

for Combatting Organised Crime and Terrorism, and from the main Tripoli Reform and Rehabilitation Institution.

Delegation of the Supreme Judicial Council

Benghazi

13 December 2023

On 13 December 2023, members of the Supreme Judicial Council (High Judicial Council) travelled to Benghazi to attend a session of the House of Representatives. In a public statement issued the following day, they reported that they had been kidnapped, had their liberty restricted, and were forcibly transported back to Tripoli by individuals they identified as belonging to the HoR's protocol/security services. ⁸⁶ Adala for All describes the incident as an attempted kidnapping and intimidation of the Council delegation in direct response to institutional disputes over judicial appointments. ⁸⁷

Prosecutor Ahmed al-Qatani

Benghazi

13 June 2024

Public prosecutor Ahmed al-Qatani was assaulted inside the South Benghazi Court of First

⁸⁶ Ground News, republishing Libya Al Ahrar (original not accessible), "Members of the Supreme Judicial Council complained being forcibly deported from Benghazi," 2024,

<https://ground.news/article/members-of-the-supreme-judicial-council-complained-being-forcibly-deported-from-benghazi-libya-al-ahraar>

⁸⁷ Adala For All, "Adala for All Association Supports the International Criminal Court's Efforts to End Impunity in Libya," 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

Instance on 13 June 2024. ⁸⁸ Adala ⁸⁹ and CIHRS ⁹⁰ report that a military group entered the courthouse and attacked him while he was performing his duties. The incident led to a temporary suspension of work by judicial staff in protest. ⁹¹ The attackers are described generically as members of a “military group” and not clearly identified. No prosecutions have been reported, and the case is now commonly cited to illustrate direct interference by armed formations in court proceedings in eastern Libya.

Judge Abdul Jawad al-Alous

al-Khoms city

21 October 2024

On 21 October 2024, an attempted assassination targeted Judge Abdul Jawad al-Alous in the coastal city of al-Khoms. According to Adala for All, unknown assailants fired dozens of live rounds at his house, damaging the property and endangering its occupants. He survived the attack. ⁹² No public record attests to either a thorough investigation or any arrests in

⁸⁸ Press Release: Statement from the National Human Rights Committee in Libya regarding the attack on Deputy Public Prosecutor Mr. Ahmed Al-Qatani, 15 June 2023,

<https://www.facebook.com/nchr.ly/posts/pfbid0FoSdmY115EWhytgQPMuH8aY3YvWEuDP7FNrn39dCxcnhYdX2AXsVRXxewJHFKCTUI>

⁸⁹ Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

⁹⁰ CIHRS, “Libya: Armed Attack on Tripoli Court Underscores Urgency of Restoring Rule of Law,” 18 July 2025,

<https://cihrs.org/libya-armed-attack-on-tripoli-court-underscores-urgency-of-restoring-rule-of-law/?lang=en>

⁹¹ Drooj, “Kidnapping of the Public Prosecutor’s Office in Benghazi,” 16 June 2023.

<https://drooj.com.ly/rights/2823/>

⁹² Adala For All, “Adala for All Association Supports the International Criminal Court’s Efforts to End Impunity in Libya,” 19 May 2025,

<https://www.adalaforall.org/en/our-statements/adala-for-all-association-supports-the-international-criminal-courts-efforts-to-end-impunity-in-libya>

connection with the case, which is presented by rights groups as another instance of judges being targeted at their homes in retaliation for their work, with no effective state protection.

Judge Ali al-Saghir al-Sharif

Tripoli

10 March 2025

On 10 March 2025, Judge Ali al-Saghir al-Sharif, a sitting judge in Tripoli, was reportedly dragged from his home by armed men, beaten, insulted and unlawfully detained, before being released the same day.⁹³ Adala for All⁹⁴ and CIHRS⁹⁵ both report that the assailants were members of an armed group operating in the capital. The motive has not been officially clarified. No credible investigation or disciplinary action against the perpetrators has been made public, reinforcing the perception that even Tripoli-based judges can be assaulted in their homes with impunity.

Attack on Abu Salim Personal Status Court

Tripoli

15 July 2025

On 15 July 2025, the Abu Salim Personal Status Court (attached to the Bab Ben Ghashir District Court in Tripoli) came under armed attack. According to CIHRS, the Libyan Association for Members of the Judiciary and official statements, armed men in three vehicles

⁹³ Al-Shahed Libyan Newspaper, "Attack on a judge in Tripoli sparks widespread condemnation and demands for accountability," 11 March 2025,

<https://lywitness.com/89331/اعتداء-على-قاضي-في-طرابلس-يشير-إدانات-و/>

⁹⁴ Adala for All, "Libya: Adala for All Association Condemns the Assault on Judge Ali al-Saghir al-Sharif and the Arbitrary Arrest of Lawyer Munir Aabid," 15 March 2025

<https://www.adalaforall.org/ar/our-statements/vlr1o7gsbyuulaj6zfxah4zjdj2kup>

⁹⁵ CIHRS, "Libya: Armed Attack on Tripoli Court Underscores Urgency of Restoring Rule of Law", 18 July 2025,

<https://cihrs.org/libya-armed-attack-on-tripoli-court-underscores-urgency-of-restoring-rule-of-law/?lang=en>

surrounded the court, opened fire on the building, and at least one entered and fired live ammunition inside, injuring a police officer and causing material damage. Staff and litigants fled, and judicial work was suspended.⁹⁶ The Ministry of Justice and judicial bodies condemned the assault; one human-rights commission later asserted that the shooter was a private individual (an ex-husband angered by a custody ruling) who had been arrested. Public sources do not clearly confirm the institutional affiliation of the gunmen, and, beyond the alleged arrest of the main shooter, there is no transparent information on broader accountability or on whether any accomplices were prosecuted.

⁹⁶ CIHRS, “Libya: Armed Attack on Tripoli Court Underscores Urgency of Restoring Rule of Law,” 18 July 2025, <https://cihrs.org/libya-armed-attack-on-tripoli-court-underscores-urgency-of-restoring-rule-of-law/?lang=en>

Annex 3: Letter to the Permanent Mission of the State of Libya to the UN Office at Geneva

**H.E. The Ambassador Extraordinary and Plenipotentiary Permanent Representative in
Geneva**

Mission Permanente de la Libye auprès de l'ONU

Rue de Richemont 25, 1202 Genève, SUISSE

Geneva, 2 February 2026

Dear Ambassador,

Please find below a formal communication from the Cairo Institute for Human Rights Studies (CIHRS), addressed to His Excellency the Head of the Presidential Council, Mr. Mohamed al-Manfi, in the context of CIHRS's forthcoming report on Libya's justice system (2011-2025). We would be grateful if the Embassy could transmit this letter to the addressee and kindly ensure that it is shared with or copied to the representatives of the executive, legislative, and judicial authorities, given the cross-institutional nature of the issues raised. This communication is sent in the spirit of constructive engagement and right of reply.

CIHRS remains at your disposal for any clarification. Thank you for your attention and cooperation.

Sincerely,

Ziad ABDELTAWAB

Executive Director,

Cairo Institute for Human Rights Studies

Your Excellency,

Please accept my regards on behalf of the Cairo Institute for Human Rights Studies (CIHRS), an independent regional human-rights organization established in 1994. CIHRS enjoys special consultative status with the United Nations Economic and Social Council.

We are finalizing our report on Libya's justice system (2011-2025), which analyzes how political fragmentation, armed-group interference, and institutional exploitation have undermined judicial independence and the safety of justice actors. The study draws on interviews with judges, prosecutors, and lawyers conducted in 2025.

Our findings reveal a justice system operating under siege. Judges and prosecutors work in a persistent climate of fear, exposed to assassinations, abductions, and armed attacks, such as the assault on the Abu Salim Personal Status Court on 15 July 2025. Armed groups continue to control detention facilities and routinely obstruct the enforcement of judicial rulings, while legislative changes and salary-based incentives have eroded the autonomy of the High Judicial Council.

Beyond the daily risks faced by judicial actors, the report highlights deeper structural distortions that have transformed justice into a political arena. One such phenomenon is the "nomadization" of cases, whereby politically sensitive files migrate between various regions and judicial degrees to instrumentalize and optimize local power balances,

fragmenting national jurisprudence and eventually undermining citizens' equal access to justice. These dynamics illustrate how, in today's Libya, legality is often a continuation of politics by other means. The courtroom has become a proxy battleground for competing authorities.

At the same time, we acknowledge and welcome recent initiatives aimed at restoring institutional oversight: Decision No. 399/2025, establishing a joint committee under the Office of the Prosecutor General to take control of the Mitiga and Ain Zara prisons; the renewal of Libya's acceptance of ICC jurisdiction through 2027; and public statements by Prosecutor General Essedik Essour warning prosecutors against collusion with armed actors and announcing digital tools to track warrants and enforce judgments. These measures demonstrate an effort by the state to re-assert lawful authority despite fragmentation.

To ensure that our report accurately reflects the government's perspective, we would appreciate your written comments on the following:

1. **Protection of justice actors:** What mechanisms exist to prevent and respond to attacks or threats against members of the judiciary and legal profession, including the July 2025 Abu Salim incident?
1. **Detention oversight:** How is Decision 399/2025 being implemented to secure unified civilian judicial control over Mitiga and Ain Zara facilities and their inmate registries?
1. **Judicial independence and electoral integrity:** What safeguards are in place to prevent the politicization of the judiciary in electoral disputes and to address the "nomadization" of politically sensitive cases across jurisdictions?
1. **Judicial governance:** Following Law No. 11 of 2021 and subsequent rulings, what steps is the Ministry taking to preserve the unity and independence of the High / Supreme Judicial Council?

1. **Integrity and resources:** How does the Ministry ensure that financial and material benefits provided to judicial personnel are managed transparently and free from political influence?
1. **International cooperation:** Considering the renewed ICC cooperation through 2027, how is evidence preservation and complementarity being operationalized between national prosecutors and international mechanisms?

We intend to publish the report on 28 February 2026 and would be grateful to receive your written response by 21 February 2026.

CIHRS remains at your disposal for any clarification or exchange that could contribute to strengthening Libya's judicial institutions and the rule of law.

Thank you for your attention and cooperation.

Sincerely,

Ziad ABDELTAWAB

Executive Director,

Cairo Institute for Human Rights Studies