

# ENGAGING WITH THE INDEPENDENT FACT-FINDING MISSION



GUIDE FOR LIBYAN CIVIL SOCIETY  
APRIL 2021

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# WHAT IS THE INDEPENDENT FACT-FINDING MISSION ON LIBYA?



FFM Libya is an independent and impartial body. It aims to establish the facts and circumstances of the situation of human rights throughout Libya by documenting alleged violations and abuses of **international human rights law** (IHRL) and **international humanitarian law** (IHL) by state and non-state actors belonging to all parties involved in Libya since the beginning of 2016.



## It will

- ✓ Collect and review relevant information
- ✓ Document alleged human rights violations

## It will not

- ✗ Conduct criminal investigations
- ✗ Prosecute individuals



FFM Libya's work will centre around its [priority areas of investigation](#) (click for more information).

FFM Libya will present a comprehensive written report to the UN Human Rights Council at its 48<sup>th</sup> session in September 2021 (TBC). The report will provide an overview of the work of FFM Libya and present its findings on the situation of human rights in the country, including efforts to prevent and ensure accountability for violations and abuses of IHL and IHRL. FFM Libya is also mandated to include recommendations for follow-up in its report.

FFM Libya's report will:

- Preserve evidence related to human rights violations
- Provide avenues for future criminal investigations
- Create a launch pad for civil society to pursue accountability and prevent further deterioration of the human rights situation

Want to find out more about the role of Fact-Finding Missions? Click [here](#). For other accountability mechanisms in Libya, click [here](#).

## WHAT YOU NEED TO KNOW



On 22 June 2020, the United Nations (UN) Human Rights Council established the Independent Fact-Finding Mission on Libya (FFM Libya).

FFM Libya has a mandate of 1 year, with the possibility of renewal. Due to delays from COVID-19, its original mandate has been extended until September 2021.



FFM Libya issued a public call for submission of information on 25 January 2021.

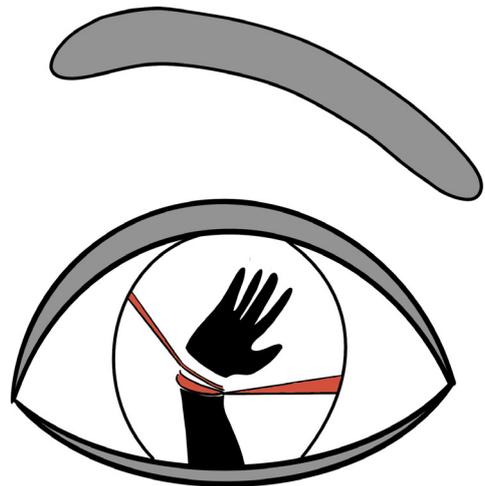
The final deadline for submission of information is **30 June 2021**. FFM Libya has recommended that information is submitted as soon as possible.



CSOs and individuals can contact FFM Libya directly at [ffmlibya@ohchr.org](mailto:ffmlibya@ohchr.org)

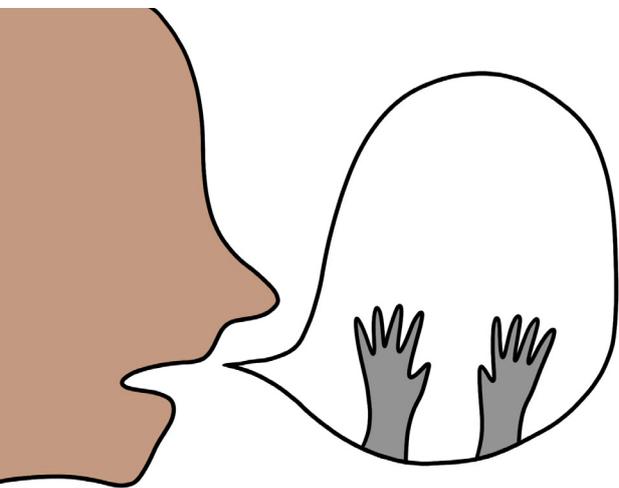
# HOW WILL THE FFM CONDUCT ITS INVESTIGATION AND DOCUMENTATION?

FFMs conduct their own investigations and use primary sources as their main source of information. Primary sources are statements from witnesses and survivors, as well as observers, which the FFM Libya investigators will collect. FFM Libya will also review information and documentation collected and submitted by other actors including CSOs and local non-governmental organisations. For more on the standard of information, click [here](#).



Given the security situation and COVID-19 restrictions, FFM Libya may be unable to travel to Libya and neighbouring countries to meet directly with key witnesses and victims. It is likely that FFM Libya will complete interviews with witnesses or victims remotely. See FFM Libya's October 2020 [statement](#) for more details.

FFM Libya will work in cooperation with the Libyan authorities, the League of Arab States, the African Union and the United Nations Support Mission in Libya.



# THE ROLE OF LIBYAN CIVIL SOCIETY

**Civil society organizations** (CSOs), of all kinds and sizes can play a role in assisting FFM Libya to complete its work. CSOs can provide information and conduct outreach to affected communities about FFM Libya’s work, provide information and evidence directly to it, facilitate engagement with witnesses and victims, and advocate for and monitor the implementation of FFM Libya’s recommendations contained in its reports.

Fact-finding missions aim to be as accessible as possible. Engagement by Libyan CSOs is crucial to the success of FFM Libya. Many small and grassroots organizations have valuable information that the FFM Libya is interested in receiving. It is recommended that, where it can be achieved safely and securely, individuals, groups and organizations working in and/or on Libya submit information that may be relevant to the mandate of FFM Libya. This includes information on specific cases or violations but also information that links or attributes alleged violations and crimes to leadership structures. These structures could be governmental, military or armed groups.



# COLLECTING INFORMATION OR EVIDENCE

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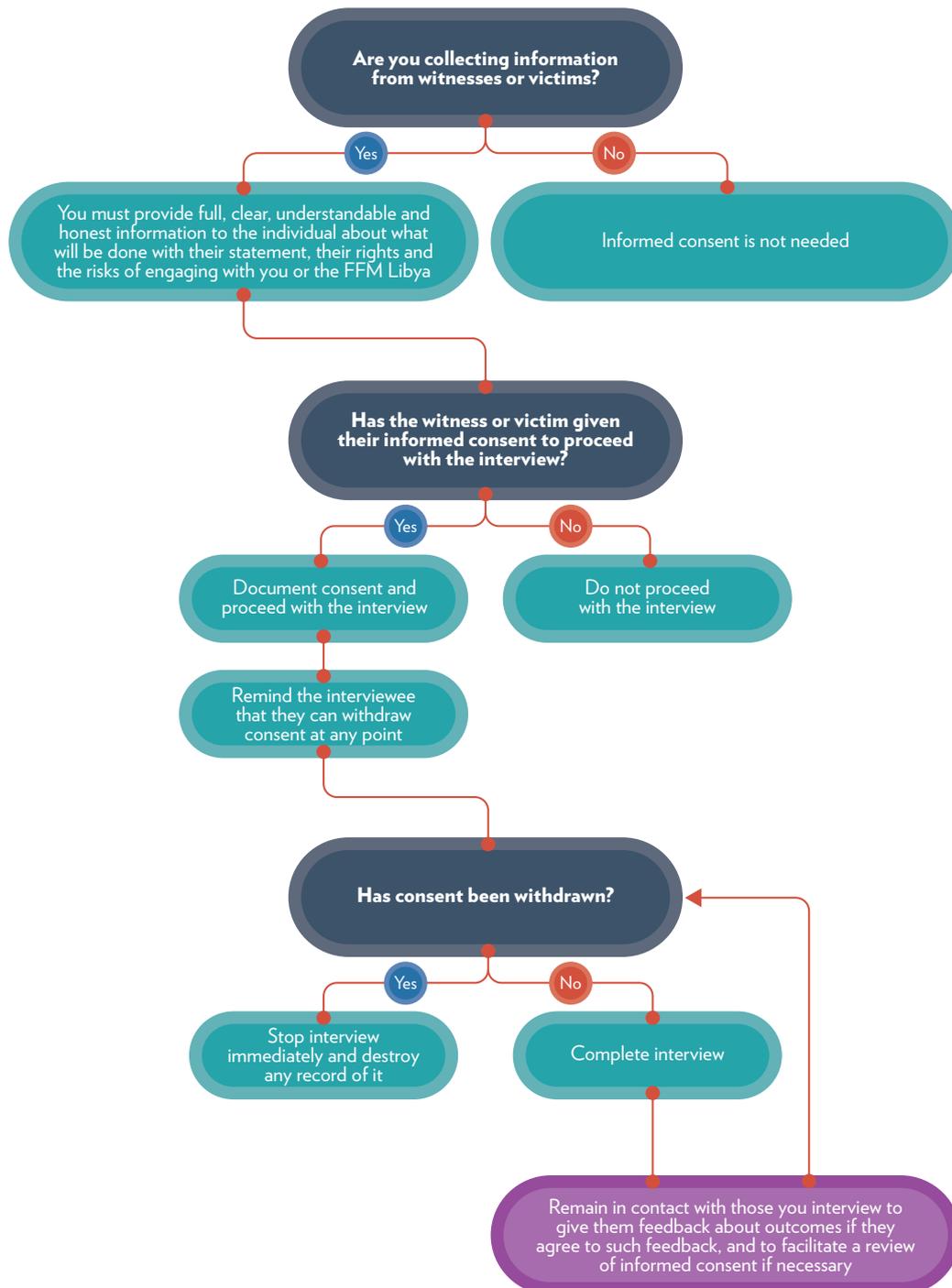
If you are collecting, documenting or investigating violations, abuses or crimes you should have consistent methodology for doing so. This will help ensure the standard and quality of information you have collected is consistent. Different CSOs will have different methods of collecting information because of their size, expertise, mandates and priorities. Ideally these methods would be informed by recognised international standards to ensure that the information can be used in international forums. Some basic guidance on these international standards can be found in the [Further Reading](#) section.

In the process of collating information, you may find it useful to coordinate or collaborate with other likeminded or similarly mandated CSOs. More information about coordination can be found [here](#).



# INFORMED CONSENT

If you are collecting testimonies or information from witnesses or victims, you must collect informed consent from the people you interview.



# SECURITY AND SAFETY

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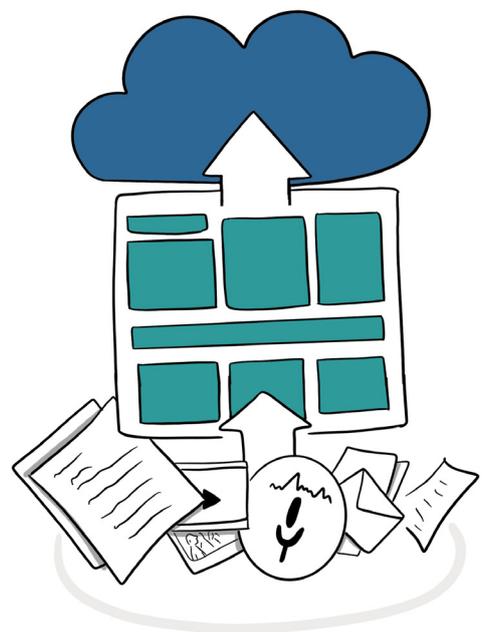
The information you will be asked to provide is extremely sensitive and measures need to be taken to ensure the security and safety of all persons involved (including yourself and your organization) in the submission.

More information about security and safety can be found [here](#).

# SUBMITTING INFORMATION OR EVIDENCE

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FFM Libya will prioritise information received using the specific template they have provided. It is therefore recommended to use this template to submit information and documentation. The template is available and can be submitted in [Arabic](#) or [English](#). Completed templates should be uploaded to the secure [cloud](#), created by FFM Libya to ensure security and confidentiality. Where the template is used, no supporting evidence or additional materials need be submitted unless it is later requested directly by FFM Libya.



If you would like to submit information or evidence on specific cases or violations to FFM Libya but are unable to use the template provided, you should:

- ✓ Include your contact details and the personal details (names, gender and age) of the alleged victim(s)
- ✓ Specify whether the alleged victim(s) is part of a minority group, including gender minorities, indigenous peoples and ethnic groups
- ✓ Indicate whether the alleged victim gives their consent to the FFM to include certain information in its public report
- ✓ State the specific alleged violation(s) that occurred
- ✓ Provide a description of the incident or allegation that is as detailed as possible, alongside a short summary
- ✓ Include the place of the incident, the date and time period
- ✓ Include the names and affiliation of those allegedly responsible
- ✓ Indicate whether the incident was reported to the authorities, if so which ones, and what their response was to the incident

FFM Libya will not individually acknowledge receipt of information you send but it may directly initiate contact with you to seek further information for your submission or for the contact details of potential witnesses. FFM Libya may request your assistance when engaging with those individuals.

The information you share with FFM Libya may be shared with third parties. Click [here](#) to find out more.

Given the large geographic scope and the vast number of priority areas, FFM Libya will not be investigating every violation that is submitted to the mechanism. Individuals, groups and organizations should note that the information they submit to FFM Libya will not necessarily be reflected in its final report. Information submitted alleging violations falling outside of the priorities set by FFM Libya will not be examined.



# ANNEXES

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## [1] Priority Areas of Investigation

FFM Libya is particularly interested in violations committed against civilians, including specifically against women and children. Specific violations and areas of interest include but are not limited to:

- Unlawful and arbitrary detentions
- Abductions and enforced disappearances
- Torture and cruel, inhumane or degrading treatment
- Unlawful killings, including extrajudicial executions
- Trafficking and smuggling, including modern slavery
- Attacks, intimidation or harassment of and violence against members of the judiciary and members of civil society, including human rights defenders, activists, journalists and media workers
- Sexual or gender-based violence committed against persons of all genders, age and sexual orientation
- Grave violations of children's rights, notably recruitment and/or use of children under 18 years by armed forces or armed groups, and trafficking, including the sale of children
- Harsh conditions in prisons and detention centres
- Violations and abuses committed against migrants (including in detention centres), notably human trafficking and during the smuggling of persons
- The situation of internally displaced persons and other disadvantaged and vulnerable groups, including minorities
- Attacks on schools, health care facilities and health personnel, detention centres and prisons
- Violations of social and economic rights, including rights to health and education
- The illegal financing of alleged perpetrators and the illicit flow of arms
- Broader efforts, issues and challenges related to transitional justice and the consolidation and restoration of the rule of law

## [2] What is a Fact-Finding Mission?

Fact-finding missions (FFMs) are established to respond to serious violations of international human rights law (IHRL) and international humanitarian law (IHL), to promote accountability for such violations, and counter impunity. FFMs create a systematic and independent documentation record of violations and international crimes. Collecting evidence and documenting facts raises awareness of the type and scale of violations and crimes occurring. This may help to generate diplomatic support for accountability, create deterrence and assign responsibility. FFMs also preserve evidence and information that can be used by judicial mechanisms and prosecutions to ensure perpetrators are held accountable.

### [3] How is the FFM Libya different from other international accountability mechanisms?

FFM Libya is one of several international accountability mechanisms currently operating in Libya. It sits alongside the [International Criminal Court \(ICC\)](#), which investigates and prosecutes high-level individuals charged with genocide, war crimes and crimes against humanity. Unlike the ICC, FFM Libya is not a court and does not have the power to charge or prosecute alleged perpetrators or make criminal findings. However, the investigations that FFM Libya undertakes and the evidence it collects may be used in judicial proceedings by others, such as prosecutors in third countries, in international or regional courts, or by NGOs bringing cases in domestic jurisdictions.

FFM Libya will build on the work of previous international investigative mechanisms which documented violations and crimes prior to 2016. These were the [Commission of Inquiry on Libya](#), which operated between February 2011 and March 2012, and the Office of the High Commissioner for Human Rights (OHCHR) [Investigation on Libya](#), which operated between March 2015 and January 2016. The UN Security Council Sanctions Committee and its Panel of Experts on Libya, established in 2011, is also [mandated](#) to monitor and investigate individuals and member states in violation of IHL, IHRL and related UN sanctions.

### [4] Standard of Information

FFM Libya is likely to adopt the same standard of proof as other international investigations, which is based on “reasonable grounds to believe”. This means that to reach its conclusions, FFM Libya will ensure it has gathered a body of reliable and consistent information, on the basis of which a reasonable and normally cautious person would have grounds to believe that an incident or systematic behaviour had taken place. FFM Libya will verify and corroborate all information or evidence it receives or collects.

### [5] Coordinating Submissions

Coordination amongst civil society can increase both the breadth and depth of information submitted to FFM Libya as well as being beneficial to increasing the technical expertise, capacity and confidence of civil society. Good communication, articulated common practices and established shared standards of information collection and analysis will allow information to be shared with FFM Libya in the most effective, cohesive and totalising way.

If coordinating with other CSOs, planning and organisation of tasks, particularly given the short mandate, will allow for the most comprehensive submission of information.

CSOs should implement appropriate safety and security practices when associating with other individuals or organisations. The legislative parameters for civil society operation should be considered, including Decree 286 of 2019 which requires that local and foreign CSOs must obtain prior authorisation to register with the Civil Society Commission and commence their activities; and a document added to the procedure for registering new organisations in December 2020, which requires that CSOs request permission and receive approval from the Civil Society Commission prior to any interaction with foreign embassies or international organisations. More information about the broad limitations imposed on CSO's activities can be found [here](#).

## [6] Security and Safety

Engaging with FFM Libya may increase risks to your own security, the security of your organization and to the security of people you engage with. You should take steps to implement your own security practices particularly around [phone](#) and internet communications to protect yourself, persons involved and the information collected. You may need to take additional precautions when communicating internally, or with other organizations and victims.

For security purposes, information should be uploaded, where possible, to the FFM Libya's secure cloud, as outlined above. In the case where email communication or other digital communication are necessary, it is recommended, especially when confidential or sensitive information is to be shared to use a VPN and secured email channels such as hushmail, virtru or other encryption services. Similarly, if sharing information by phone or SMS message, using end-to-end encryption services is recommended. More information about using encryption services can be found [here](#).

FFM Libya does not have dedicated witness protection services. If engaging with FFM Libya you should be aware that while there are available measures that may be taken by FFM Libya, these are limited, on a discretionary basis, ad hoc and rely on other actors to help endangered witnesses. In the unlikely event these are available, such measures are unlikely to extend beyond the mandate of FFM Libya. If you have any concerns regarding witness protection, you should seek further information and assurances directly from FFM Libya prior to further engagement.

## [7] Information sharing

Information that you share with FFM Libya may be shared with third parties. This includes other UN mandated investigative mechanisms, international or regional investigations or courts such as the ICC, other accountability or transitional justice mechanisms and third-state prosecutors. If you are submitting information via the form, it asks you to consent to the sharing of information. If you are not using the official form, you should clearly indicate whether FFM Libya may include all or partial submitted information in its public report or share all or partial information with third parties. If you further engage with FFM Libya you should seek a detailed explanation of the information sharing protocols in place and clarify any concerns you may have.

## FURTHER RESOURCES

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Ongoing information about the work of the FFM Libya will be published on its website.

[\(Arabic\)](#) [\(English\)](#)

International Commission of Jurists (ICJ), *The Independent Fact-Finding Mission On Libya: Questions and Answers*

[\(Arabic\)](#) [\(English\)](#)

Office of the High Commission on Human Rights (OHCHR), *Commissions of Inquiry and Fact-finding Missions on International Human Rights and Humanitarian Law: Guidance and Practice*

[\(Arabic\)](#) [\(English\)](#)

OHCHR, *'Integrating a Gender Perspective into Human Rights Investigations: Guidance and Practice'*

[\(Arabic\)](#) [\(English\)](#)

OHCHR *'Who's Responsible? Attributing Individual Responsibility for Violations of International Human Rights and Humanitarian Law in United Nations Commissions of Inquiry, Fact-finding Missions and other Investigations'*

[\(English\)](#)

The Public International Law & Policy Group *'Handbook on Civil Society Documentation of Serious Human Rights Violations'*

[\(Arabic\)](#) [\(English\)](#)

Murad *Code for Documenting Conflict-Related Sexual Violence*

[\(Arabic\)](#) [\(English\)](#)

International Protocol on the Documentation and Investigation of Sexual Violence in Conflict

[\(Arabic\)](#) [\(English\)](#)

OHCHR *Berkeley Protocol on Digital Open Source Investigations*

[\(English\)](#)

Front Line Defenders *Security in a box: Digital Security Tools and Tactics*

[\(Arabic\)](#) [\(English\)](#)

Front Line Defenders '*Guide to Secure Group Chat and Conferencing Tools*'  
([Arabic](#)) ([English](#))

International Council of Voluntary Agencies (ICVA) '*A Basic NGO Coordination, Guide Version 1.0*'  
([English](#))

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