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Seventy-fourth year

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 New York

Provisional

<i>President:</i>	Mr. Djani	(Indonesia)
 <i>Members:</i>		
	Belgium	Mr. Pecsteen de Buytswerve
	China	Mr. Yao Shaojun
	Côte d'Ivoire	Mr. Bakayoko
	Dominican Republic	Mr. Singer Weisinger
	Equatorial Guinea	Mrs. Mele Colifa
	France	Mrs. Gueguen
	Germany	Mr. Heusgen
	Kuwait	Mr. Almunayekh
	Peru	Mr. Meza-Cuadra
	Poland	Mr. Lewicki
	Russian Federation	Mr. Kuzmin
	South Africa	Mr. Mabhongo
	United Kingdom of Great Britain and Northern Ireland	Mrs. Dickson
	United States of America	Mr. Cohen

Agenda

The situation in Libya

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The meeting was called to order at 3.05 p.m.

Adoption of the agenda

The agenda was adopted.

The situation in Libya

The President: In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I give the floor to Prosecutor Fatou Bensouda.

Ms. Bensouda: I welcome this opportunity to engage with the Security Council once again as I present my seventeenth report on the situation in Libya. Before I do so, allow me to congratulate Indonesia on assuming the presidency of the Council for the month of May and thank it for presiding over this meeting.

As I address the Council today, to my great regret, the fighting in Libya continues unabated. Over the past six months, violence escalated and armed clashes occurred in several areas of Libya, including Derna in the east, Murzuq in the south, and Tripoli in the west. As always, my Office continues to closely monitor the ongoing conflict, while gathering information from diverse sources and assessing whether crimes within the jurisdiction of the International Criminal Court may have been committed.

My Office is of course paying close attention to the ongoing armed conflict in and around Tripoli since early April this year. Reports indicate that the fighting has already cost 432 lives, including at least 23 civilians. More than 50,000 people have reportedly been internally displaced by the hostilities, while others remain trapped in conflict-affected areas. In addition, there are serious concerns for the safety of migrants and refugees who are detained in centres near areas of conflict.

On 16 April, I issued a statement calling on all parties to the armed conflict to fully respect the rules of international humanitarian law. I emphasized that all parties to the armed conflict must take all necessary

measures to protect civilians and civilian infrastructure, including schools, hospitals and detention centres. In particular, I urged commanders, both military and civilian, to ensure that their subordinates do not commit Rome Statute crimes. The law on this is clear. Where a commander knew or should have known that his or her subordinates were committing or about to commit crimes and failed to take all necessary and reasonable measures within his or her power to prevent or repress such crimes, the commander may be held criminally responsible.

I take this opportunity once again to make my message clear to all those involved in the fighting in Libya. My Office stands ready to investigate and, where appropriate, to prosecute any persons party to the ongoing armed conflict should they engage in conduct constituting a crime within the jurisdiction of the International Criminal Court (ICC). The suffering of the Libyan people must stop. I urge the Council and all States Members of the United Nations to ensure that a consistent and unambiguous message is conveyed to all warring factions in Libya that the rules of international humanitarian law must be fully respected and that perpetrators of atrocity crimes will be held individually and criminally responsible.

I would now like to update the Council in relation to the case of Mr. Saif Al-Islam Al-Qadhafi. As Council members are aware, in June 2018 Mr. Al-Qadhafi filed a challenge to the admissibility of his case before the ICC. Mr. Al-Qadhafi contended that his case was inadmissible because he had already been tried in Libya for the same conduct alleged in the case before the ICC. Mr. Al-Qadhafi lost that challenge. On 5 April, the majority of Pre-Trial Chamber I judges rejected this admissibility challenge, deciding that Mr. Al-Qadhafi's case remains admissible before the ICC. Earlier today, a separate, concurring opinion was issued by Judge Perrin de Brichambaut of the same Chamber, in which he concurred with the majority decision on three main points: first, that Mr. Al-Qadhafi has standing to lodge the admissibility challenge; secondly, in rejecting the admissibility challenge; and thirdly, that the case against Mr. Al-Qadhafi is admissible.

In reaching its decision, the Chamber found that Mr. Al-Qadhafi had not been tried in Libya within the meaning of the relevant articles of the Rome Statute. According to Libyan national law, since Mr. Al-Qadhafi was convicted by the Tripoli Court of Assize in absentia, once he is arrested his trial should start anew.

Thus, no final judgment on the merits had been issued in the domestic proceedings against Mr. Al-Qadhafi. In addition, the judgment passed against Mr. Al-Qadhafi had not acquired a *res judicata* effect, which was required in order to satisfy the applicable articles of the Rome Statute.

Furthermore, the Chamber found that Mr. Al-Qadhafi had not received amnesty in Libya. The Chamber observed that granting amnesties and pardons for serious acts such as murder constituting crimes against humanity is incompatible with internationally recognized human rights. It stated that amnesties and pardons intervene with States' positive obligations to investigate, prosecute and punish perpetrators of core crimes and deny victims the right to truth, access to justice, and to request reparations where appropriate. These are important findings in relation to the fight against impunity for international crimes and ones that align with previous findings concerning amnesties and pardons by several regional and international courts and tribunals around the world. Mr. Al-Qadhafi has filed an appeal against the Chamber's decision on the admissibility challenge.

Irrespective of the current admissibility proceedings, Libya remains under an obligation to arrest and surrender Mr. Al-Qadhafi to the ICC. Unfortunately, Mr. Al-Qadhafi's case is not the only one related to Libya that remains at an impasse. Arrest warrants are also outstanding in relation to all other suspects in the Libya situation with respect to Mr. Al-Tuhamy Mohamed Khaled and Mr. Mahmoud Mustafa Busayf Al-Werfalli.

Ultimately, the execution of these arrest warrants depends on the cooperation of States. Regrettably, securing State cooperation in the arrest and surrender of suspects remains one of the greatest challenges faced by the ICC. The Court's performance cannot be divorced from this reality. The Court's success largely depends on the effective and concrete cooperation of States.

Failure to arrest and surrender persons against whom warrants of arrest have been issued can result in real harm. A stark illustration of that can be found in the case of Mr. Al-Werfalli. Despite the ICC warrant of arrest against him for the war crime of murder in relation to 33 people, Mr. Al-Werfalli remains at liberty and allegedly murdered another 10 victims just five months after the ICC arrest warrant was issued. Today,

two warrants for his arrest remain outstanding. The fact that Mr. Al-Werfalli is in Libya is well known. He is not detained and there is no evidence that he has been genuinely prosecuted in Libya by his superiors in the Libyan National Army.

Mr. Al-Tuhamy, former head of the Libyan Internal Security Agency, who is accused of crimes relating to the unlawful imprisonment, persecution and torture of perceived political opponents of the Muammar Al-Qadhafi regime, has been wanted since 2013.

Notwithstanding the grave crimes alleged against them, all three suspects in the Libya situation remain at large. The failure to arrest those suspects jeopardizes the Office's ongoing investigations. It sends a message to victims that alleged perpetrators can evade justice and continue to commit crimes with impunity. It deters witnesses from coming forward and putting their confidence in the ICC, and places them in unnecessary danger. In the long run, that lack of accountability undermines respect for the rule of law and impedes progress towards stability and security in Libya.

The status quo is not sustainable. Impunity for atrocity crimes is hardly conducive to bringing peace and stability to that war-torn country. I take this opportunity to renew my call for State cooperation with the arrest and transfer of ICC suspects, and ask the Council to lend its support by taking a clear and vocal position in support.

My Office also continues to follow the situation relating to internally displaced persons in Libya. Tens of thousands of persons reportedly remain internally displaced. Internally displaced persons, especially women and children, are among the most vulnerable populations. They suffer not only significant social and economic impacts, but are also exposed to acts of violence.

Migrants also represent a highly vulnerable population in Libya. Reports of serious and widespread crimes being committed against migrants have not diminished over the past six-month period. My team continues to gather evidence in relation to those alleged crimes through both investigative and cooperation strategies. In doing so, we pay particular attention to the commission of sexual and gender-based crimes.

The body of evidence collected by my Office indicates that crimes including torture, unlawful imprisonment, rape and enslavement are committed

against migrants throughout their journeys and in both official and unofficial detention centres. The evidence implicates individuals, militias and State actors in the migrant smuggling and trafficking business in many parts of Libya, including Misrata, Zawiya, Tripoli and Bani Walid.

On the basis of the evidence collected to date, my team continues to assess the feasibility of bringing cases before the ICC in relation to crimes against migrants. At the same time, my Office is cooperating with a number of States and organizations to support national investigations and prosecutions that relate to human smuggling and trafficking through Libya. This strategy is aimed at closing the impunity gap by assisting national systems in providing accountability for crimes that may not fall within ICC jurisdiction. Feedback from our partners shows that that strategy is already proving effective and producing concrete results.

Before I conclude, I would like to express my appreciation for the cooperation that my Office receives from many States, including Libya, Tunisia, the Netherlands, Italy and the United Kingdom. We also receive valuable assistance from organizations, such as the United Nations Support Mission in Libya and INTERPOL. The practical support of those States and organizations for the work of the ICC deserves recognition. I would like to acknowledge the courage of many Libyans who have cooperated with my Office since 2011 to the present day. My team has spoken to people who have endured unspeakable suffering and lost loved ones in terrible circumstances. We are aware that, given the prevailing climate of impunity in Libya, there are people who see the ICC as their only hope for holding alleged perpetrators of atrocity crimes to account.

We also know that many people, understandably, would like to see more results from the ICC sooner rather than later. The types of investigations undertaken by my Office are complex and often lengthy. However, I assure the Council and the Libyan people that the Libya situation remains a priority for my Office. My team takes most seriously its responsibility to investigate and prosecute ICC crimes in Libya and is working very hard to advance its existing cases and also to bring new ones.

Ultimately, my Office's progress in the Libya situation is frustrated and confidence in the ICC is undermined when, year after year, warrants of arrest

remain unexecuted. The credibility of the Council will also be tarnished if it fails to take concrete measures to secure the arrest and surrender of suspects. When suspects are arrested and surrendered to the ICC, the allegations against them can be tested in a fair and public hearing. That gives the victims of their alleged crimes the opportunity to participate in the proceedings, be heard and see justice done.

Therefore, it is imperative that all of the outstanding warrants of arrest in the Libya situation be executed. The achievement of that goal requires the full cooperation of members of the Council and all concerned States. That includes States parties and non-States parties alike, including Libya itself. Together, we can ensure the effective implementation of resolution 1970 (2011) and adequately respond to the hopes and expectations that it generated for the Libyan people. The peace and stability that the Libyan people have desired for so long is closely intertwined with the ICC's ability to effectively execute its mandate in the Libya situation. In a country devastated by war and conflict, with great human suffering, it is past time for the protective embrace of the law to feel real and tangible to Libyans.

Acting within our respective mandates, we share a joint burden and great responsibility in that regard for the sake of all Libyans and Libya. We must not fail to deliver on that joint duty.

The President: I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to those members of the Council who wish to make statements.

Mrs. Dickson (United Kingdom): I would like to thank the Prosecutor for briefing the Council on her seventeenth report to the Security Council pursuant to resolution 1970 (2011), on the situation in Libya. The United Kingdom remains fully supportive of the work of the International Criminal Court (ICC) to tackle impunity in Libya and ensure that those responsible for the most serious crimes of international concern are held accountable.

The Prosecutor's latest report highlights once again the highly troubling situation in Libya. It is particularly concerning that the security and humanitarian situations continue to deteriorate, with numerous incidents of civilians being killed. The increasing instability and violence benefit no one. The Libyan people deserve better, and we must continue to support

the United Nations efforts to bring about the security and stability that all Libyans should have. We call on those involved in the conflict to commit to a ceasefire, return to the United Nations-led process and respect their obligations under international humanitarian law.

In that context, we would note with approval that the Prosecutor issued a preventative statement on 16 April calling on all parties and armed groups involved in the fighting to respect fully the rules of international humanitarian law and avoid committing any crimes within the Court's jurisdiction. We note her determination to pursue those who commit such crimes, while fully respecting the principle of complementarity. Separately, it is essential to negotiate humanitarian pauses to allow innocent civilians, including displaced persons, refugees and migrants, to be evacuated to safety.

Despite the increasingly challenging environment, we must ensure that all those who commit serious breaches of international humanitarian law and human rights violations and abuses in Libya, including unlawful killings, are held accountable. The United Kingdom has previously supported calls for accountability and for those committing acts in Libya amounting to war crimes or other serious breaches of international humanitarian law to be investigated and, as appropriate, prosecuted. Reports of such violations cannot be met with impunity.

The ICC has an important role to play. We once again call on all parties to cooperate with the ICC, including through the execution of outstanding arrest warrants. The United Kingdom is grateful for the Prosecutor's reports on the cases against Mr. Al-Werfalli, Mr. Khaled, Mr. Al-Qadhafi and Mr. Al-Senussi and notes in particular the Prosecutor's update on the Court's activities in relation to Mr. Al-Qadhafi. The United Kingdom believes that it is important for the people of Libya that the Court continue its efforts to see those and other individuals in relation to whom it is working brought to justice. We note in particular that Mr. Al-Werfalli apparently still continues to be at large within Libya.

The United Kingdom notes with deep concern the deteriorating situation of displaced persons, migrants and refugees in Libya. We will continue to work closely with other Member States, the Office of the Prosecutor and the Libyan Prosecutor General's Office in the investigation of reports of appalling crimes and human rights violations and abuses, such as torture,

unlawful killings, sexual violence and forced labour, some of which have been perpetrated by militias and armed groups in Libya against migrants, including international migrants transiting through Libya.

We are also appalled by the conditions and abuses that some migrants face in detention facilities and call on the Libyan authorities to pursue alternatives to detention. The human rights of displaced persons, migrants and refugees must be respected. We acknowledge the work of the ICC in tackling human trafficking. The United Kingdom has been clear on the need to do more to break the business model of people smugglers and to tackle organized immigration crime.

The United Kingdom continues to be a strong, principled supporter of the work of the ICC. We will continue to provide our full support to the Prosecutor and her team while they carry out their investigations. In the light of the devastating security situation, it is as important as ever that the Council monitor and assess developments in Libya and that States support the Prosecutor in her efforts. The international community must be united in its condemnation of the situation in Libya and provide its full support to combat the challenges faced there, including through calls for a ceasefire and a return to the United Nations-led political process.

Mr. Almunayekh (Kuwait) (*spoke in Arabic*): At the outset, I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her valuable briefing on the seventeenth report of the Court to the Security Council, pursuant to resolution 1970 (2011). We welcome once again the efforts of the ICC to lay the foundations for ensuring justice and avoiding impunity under international law.

We commend the role of the Office of the Prosecutor, despite the great challenges it faces in carrying out its responsibilities to monitor and bring to justice those who commit crimes and violations, especially given the difficult security situation in Libya, including the military escalation around Tripoli that began in early April. We share Ms. Bensouda's concern over the escalation of the military clashes, which have resulted in a large number of people being killed or injured while thousands of civilians have been displaced from the combat zones.

We cannot but commend the great role played by the United Nations Support Mission in Libya (UNSMIL), with Special Representative of the Secretary-General

Mr. Ghassan Salamé at its helm, in striving to reach a renewable temporary humanitarian ceasefire and ensure humanitarian access to those who need it.

We once again urge all Libyan parties to exercise self-restraint, respect international humanitarian law, avoid targeting civilians and civilian infrastructure and return to the United Nations-sponsored political dialogue. We also express our concern regarding the reference in the report of the Prosecutor to violations against migrants in detention centres, in contravention of international humanitarian law. Those violations have escalated with the recent military operations.

We stress that the main responsibility for ensuring justice in all Libya lies with the Libyan authorities, which must exercise their sovereignty and jurisdiction, in line with article 1 of the Rome Statute. The ICC must therefore respect all national criminal jurisdictions in Libya over cases before Libyan courts so as to ensure complementarity between the ICC and the national courts, given that the ICC is a body that complements national criminal jurisdictions.

We are aware of the grave security challenges in Libya that are hampering the ability of the Court's experts to conduct the necessary investigations. We welcome the assistance provided by certain countries, international and regional organizations and civil society organizations, in addition to the support provided by the relevant Libyan authorities, UNSMIL and the Office of the Prosecutor, which will undoubtedly contribute to the effectiveness of its investigations in order to achieve the mandate entrusted to it.

Mr. Singer Weisinger (Dominican Republic) (*spoke in Spanish*): We are pleased to begin by commending the briefing provided by Prosecutor Fatou Bensouda on a subject that so urgently needs a solution.

The Dominican Republic takes this opportunity to commend the efforts of the Office of the Prosecutor and reaffirm our full cooperation with and support for the work of the International Criminal Court. The Dominican Republic, open to international cooperation and inspired by the vital need to maintain international peace and security, ratified the Rome Statute of the International Criminal Court in March 2005, and since then has demonstrated its commitment to cooperating with that body of international justice.

The International Criminal Court acts in accordance with the principle of complementarity vis-à-vis

national criminal jurisdiction. States must therefore exercise their criminal jurisdiction in coordination with international justice by establishing a national regulatory framework contributing to the prosecution and punishment of any act that disrupts international peace and security.

As we heard today from Ms. Fatou Bensouda, the situation in Libya is very worrying. The situation of its people is cause of deep uncertainty and grief to us. For that reason, the Dominican Republic joins and supports the call of the Prosecutor for the cessation of the commission of crimes to all parties involved in the conflict. In the brief course of this year, an estimated 432 people have lost their lives and some 50,000 people have been displaced. However, no one has been prosecuted for those crimes. The ongoing attacks on the civilian population and civilian structures, such as hospitals, schools, relief vehicles and health centres, must be arrested and the perpetrators be brought to justice.

For that reason, we believe that it is essential that State authorities recognize the complementary role of the International Criminal Court in the struggle for the prosecution, investigation and punishment of crimes against humanity and war crimes. Without the collaboration of State agencies, the work of the International Criminal Court will be limited, at the risk of rendering it ineffective.

In that regard, we call on the Libyan authorities to cooperate efficiently with the arrest of the Mr. Al-Qadhafi, Mr. Al-Werfalli and Mr. Al-Tuhamy, who, in spite of the arrest warrants against them, have not been arrested or brought to justice. As an international community, we must join the efforts of the Office of the Prosecutor by providing, as far as possible, the resources and tools necessary to improve the discharge of its duties.

Based on all that we have heard and have yet to hear today, we call on those countries that have not accepted the International Criminal Court's jurisdiction and vehemently urge the national authorities to cooperate with the surrendering of individuals, investigations and arrest of criminals. We urge the Office of the Prosecutor to pursue its investigations and monitoring of events in Libya. Its work is a fundamental part in the struggle to assist the desperate Libyan population and its migrant population, victim of terrible mistreatment, illegal arrests and sexual abuse.

Let me conclude with the words of the philosopher Sophocles, who said that a State where disrespect and the freedom to do anything are left unpunished ends up sinking into the abyss. Impunity is an evil that undermines economic and social development, piercing the depths of the people, making them victims twice over for lack of effective and impartial justice.

Mr. Cohen (United States of America): I would like to thank the Prosecutor for her briefing.

Eight years ago, the Security Council referred the situation in Libya to the International Criminal Court (ICC). Resolution 1973 (2011) addressed a dangerous moment in Libya's history. Al-Qadhafi's horrific abuses stunned the world. Now, as then, we stand against impunity and support efforts to bring to justice those responsible for atrocities in Libya. We reiterate our call for Saif Al-Islam Al-Qadhafi and Al-Tuhamy Mohamed Khaled, former head of Libya's notorious Internal Security Agency, to be held to account for their alleged crimes against humanity, torture and the murder and persecution of hundreds of civilians in 2011. We also renew our call for Libyan authorities to hold Mahmoud Al-Werfalli to account for alleged unlawful killings.

The United States is deeply concerned by the instability in Tripoli, which is endangering innocent civilians. Lasting peace and stability can come only through a political solution. All parties should rapidly return to United Nations political mediation, the success of which depends upon a ceasefire in and around Tripoli.

We support the ongoing efforts of Special Representative of the Secretary-General Ghassan Salamé and the United Nations Support Mission in Libya to help avoid further escalation and chart a path forward that provides security and prosperity for all Libyans. This briefing is an important reminder that accountability not only provides justice for victims of past violations and abuses, but also signals that future violations and abuses will not be tolerated.

We remain concerned about abuses that human traffickers and smugglers have perpetrated against migrants, refugees and asylum-seekers in Libya. We support efforts to hold those individuals, including Government officials found to be complicit, accountable.

The United States will continue to work to end impunity for human rights abuses, including the persistent problem of human smuggling and trafficking,

which has plagued the region. We strongly condemn attempts by terrorists, including the Islamic State in Iraq and the Sham in Libya and Al-Qaida in the Islamic Maghreb, to use violence against innocent Libyans and key institutions to sow chaos. They must not be allowed to succeed. We will continue to work to defeat those groups. The United States has historically been, and will continue to be, a strong supporter of meaningful accountability and justice for the victims of atrocities, through appropriate mechanisms.

The perpetrators of atrocity crimes must face justice, but we must also be careful to recognize the right tool for each situation. However, I must reiterate our long-standing and principled objection to any assertion of ICC jurisdiction over nationals of States that are not party to the Rome Statute, absent a Security Council referral or the consent of such States. Although we note the recent decision not to authorize an investigation into the situation in Afghanistan, we remain concerned about illegitimate attempts by the ICC to assert jurisdiction. Our position on the ICC in no way diminishes the commitment of the United States to supporting accountability for atrocity crimes.

Mr. Heusgen (Germany): First, let me make a few remarks about the situation in Libya. In general, Germany remains very concerned about the situation on the ground. We continue to witness a military escalation. There are continued reports about the shelling of densely inhabited areas. We repeat our call on all parties to respect international humanitarian law and protect civilians and civilian infrastructure. We continue to support the Special Representative of the Secretary-General in Libya, Mr. Salamé, in his efforts to achieve a ceasefire, protect civilians and return to the political track. There is no military solution to the situation in Libya. We have to come back to the negotiating table as soon as possible. I very much regret that the Security Council is not united on that very simple call.

I would like to thank Ms. Bensouda for her briefing and her report. Without going into detail, I would like to align myself with other speakers with regard to support provided and their concerns about situation. I would also like to align myself with those who have said that countries responsible must cooperate with Ms. Bensouda and enforce all outstanding arrest warrants.

We are appalled in particular — and the Prosecutor referred to this — about reports pertaining to violence

against refugees and migrants. She also mentioned, and reported about, the lack of respect for human rights and the sexual and gender-based violence, in particular against migrants in detention centres. Libya must do everything to ensure accountability for the most serious crimes. If it is unable to do so, it should request assistance from, and work with, the International Criminal Court (ICC).

Let me make a few general remarks about the ICC. Unfortunately, today we are witnessing worldwide a proliferation of acts that violate international law. Many atrocity crimes have been committed. Two weeks ago, we had witnesses of atrocity crimes here in the Security Council (see S/PV.8514). Sexual violence in conflict is a particular problem. We must prevent impunity for grave crimes. We cannot, and must not, allow it to become a new normal. Perpetrators must be held accountable. We must recognize the victims and bring perpetrators to court. That is extremely important. As the Ambassador of the Dominican Republic very convincingly said, it is also important for prevention.

Germany hosted one of the first international courts on atrocity crimes — the Nuremberg Tribunal. Today we are proud to uphold the tradition and what the Nuremberg Tribunal stood for. We believe that we have to defend and support the ICC now more than ever before. The ICC is a crucial element of the international rules-based order. Let me therefore reconfirm Germany's commitment to the ICC and to the values of justice and accountability that the ICC represents. We support all efforts to strengthen its effectiveness and defend it against all threats, including threats to its independence.

Let me conclude by sending a clear message to the Prosecutor of the ICC, Ms. Bensouda, and her team. I thank them for their work against all odds. Germany will continue to support her and her mandate.

Mr. Meza-Cuadra (Peru) (*spoke in Spanish*): We appreciate the convening of today's meeting and the important briefing by the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda, whom we welcome.

Peru expresses its deep concern about the escalation of armed conflict in Libya, in particular in recent weeks. We call on leaders and political factions to cease hostilities and engage in dialogue — hand in hand with the good offices of the United Nations Support Mission

in Libya — and to work on concrete measures for the well-being and protection of the civilian population.

We also reiterate our strong condemnation of the many instances of atrocity crimes, the grave human rights situation and the violations of international humanitarian law that have been occurring in Libya. Deliberate attacks on civilians and the fear generated in the face of allegations of extrajudicial executions have resulted in almost 40,000 internally displaced persons. Only eight years ago, assuming its responsibility under the Charter of the United Nations, the Council expressed its confidence in the jurisdiction of the International Criminal Court, by referring to it the situation in Libya. Today, given the challenges facing the Court, we reaffirm the values of the Rome Statute and the need for States to cooperate with it.

In acknowledging the efforts of the Libyan Prosecutor General's Office, we call upon other Government authorities in Libya, as well as the authorities of any State concerned, to execute the arrest warrants issued by the Court, in particular the two arrest warrants against Mr. Mahmoud Al-Werfalli, whose flagrant crimes, according to the report, were recorded and shared through social networks.

We reiterate our support for the mandate of the Prosecutor of the International Criminal Court. Any support for, and cooperation with, the work of the Court must be understood as an opportunity to entrench justice and the rule of law domestically and internationally. That means promoting greater confidence in jurisdictional institutions and effective deterrence.

The armed conflict in Libya is exacerbated by the acts of terrorist organizations such as the Islamic State and its affiliates, as well as Boko Haram, which control areas of Libyan territory and are involved in human trafficking and the smuggling of migrants. In particular, we highlight the importance for Peru to address the nexus between international terrorism and organized crime, which is especially serious in the region.

With regard to the Islamic State, we express our strongest rejection of the heinous terrorist attacks in Libya, including one against the headquarters of the Ministry for Foreign Affairs in Tripoli on 25 December 2018, which left more than a dozen dead and many wounded. In this context, we encourage the Office of the Prosecutor — in accordance with the principle of complementarity — to also evaluate such situations, as well as their possible connection

to ongoing investigations. This is all in the context of efforts to find a political solution in Libya that will put an end to the ongoing high levels of violence, promote national and regional stability and achieve a sustainable peace.

I conclude by emphasizing that trust in justice and in the institutions responsible for guaranteeing it is key to resolving and preventing the conflicts affecting a growing number of countries. In that regard, the International Criminal Court is essential to fulfilling the responsibility of protecting the population and guaranteeing accountability for the atrocious crimes committed as a key component of the international, norms-based order.

Mr. Yao Shojun (China) (*spoke in Chinese*): At the outset, I thank Ms. Bensouda for her briefing.

China is highly concerned over recent developments in Libya and consistently believes that the Libyan issue must be resolved through political means. We hope that the parties to the conflict in Libya will keep the interests of the country and its people at heart and respond to the calls of the international community by establishing a ceasefire as soon as possible and easing tensions in the country.

We hope the parties to the conflict will return to the path of settlement through peaceful dialogue and consultations and actively promote the political settlement process in Libya with a view to the timely restoration of peace, stability and development in Libya. This is a premise and foundation of the realization of justice in Libya.

China supports all efforts that are conducive to stabilizing the situation in Libya and promoting a political solution to the situation there. We support the Special Representative of the Secretary-General, Mr. Ghassan Salamé and regional organizations, such as the African Union, in pursuing their good offices to form synergies. China is ready to work with the international community in an active effort to achieve lasting peace and security in Libya.

China's position on the International Criminal Court remains unchanged.

Mr. Mabhungo (South Africa): At the outset, let me thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for her comprehensive briefing on the situation in Libya.

South Africa continues to support resolution 1970 (2011), which calls for a cessation of violence towards civilians and mandates the ICC to investigate war crimes and crimes against humanity. We remain concerned over the ongoing fighting in Libya, which is not conducive to finding a political solution that will bring to an end Libya's long transitional period and lead to the unification of the country's institutions, as well as the holding of national elections. This is essential to enhancing security, stability and living conditions for the Libyan people.

On the humanitarian front, my delegation is concerned over the deteriorating humanitarian situation, especially as some humanitarian actors face challenges that restrict their access to parts of the country. We condemn the loss of civilian lives during the violence in Tripoli and support the Secretary-General's call for all commitments made under the September 2018 ceasefire agreement to be adhered to in order to maintain calm and avoid further violence in the capital. We also call on all parties to fully respect international humanitarian law and to ensure that all possible measures are put in place to avoid conflict.

We call on all parties and stakeholders to recommit to efforts towards building durable peace in Libya on the basis of inclusive political dialogue as the only viable means to achieve sustainable peace in Libya. We echo the Prosecutor's preventive statement, issued on 16 April, calling on all parties and armed groups involved in the fighting to fully respect the rules of international humanitarian law. This includes taking all measures necessary to protect civilians and civilian infrastructure, including schools, hospitals and detention centres.

It is of vital importance to also address the conditions that give rise to terrorism and extremism, including violent extremism, and to take the measures necessary to address them so as to discontinue the vicious cycle of conflicts on the continent. This would further contribute to ensuring the safety, protection and well-being of the population on the African continent.

Mr. Bakayoko (Côte d'Ivoire) (*spoke in French*): My delegation congratulates Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her six-monthly briefing on the activities of the Court in the cases relating to the situation in Libya. Côte d'Ivoire, a State party to the Rome Statute, reaffirms its full support for the ICC's efforts to promote

international justice and the fight against impunity in the world.

My delegation notes with regret the deterioration of the security situation in Libya since the onset of fighting, on 4 April, between the forces of General Haftar and those of the Government of National Accord, led by Prime Minister Faiez Serraj. In view of the ever-increasing number of casualties and the deterioration of the humanitarian situation, my country urges the cessation of hostilities and respect for the ceasefire signed on 4 September 2018, in order to return all the parties to the negotiating table and thereby create the conditions for a revival of the political process to end the crisis.

My country is of the opinion that the deterioration of the security situation in Libya could create conditions for the entrenchment of the Libyan branch of the Islamic State in Iraq and the Levant. Indeed, the attacks on the High National Election Commission in Tripoli, the National Oil Corporation and the Ministry of Foreign Affairs in 2018 are a sad manifestation of the violence perpetrated by terrorist groups and deserve the combined attention of our Council and the International Court.

Similarly, the issue of human rights requires the greatest attention of the international community and the increased vigilance of the ICC because of the increased risk of human rights violations in such a context. That is why my country commends the efforts made to date by the Court, as well as its cooperation with the Government of Libya in investigating the alleged crimes committed in the country.

My delegation is concerned, however, that the precariousness of the current context may further affect the institutional capacities of the Government of National Accord and its willingness to fulfil its obligations under the Rome Statute. We note that the arrest warrants issued against Messrs. Saif Al-Islam Al-Qadhafi, Al-Tuhamy Mohamed Khaled and Mahmoud Mustafa Busayf Al-Werfalli have not been executed to date. It therefore reiterates its call on all parties to cooperate with the ICC in bringing alleged perpetrators to justice before the competent international tribunals.

The peace and security that are at the centre of our Council's concerns are inseparable from the fight against serious violations of human rights and human dignity. In that regard, the Security Council and the ICC must work together to achieve that noble goal, which is

one of the pillars of the process of restoring peace and national reconciliation in Libya. In that respect, Côte d'Ivoire welcomes the statement made by the Prosecutor on 16 April concerning the escalation of violence in and around Tripoli. In that statement, the Prosecutor urged all parties to the conflict not to commit crimes within the jurisdiction of the Court and, in particular, invited the commanders of the armed groups that take part in these battles to fully respect the rules of international humanitarian law.

My country sees this as an expression of the Prosecutor's desire to remain seized of the human rights situation in the Libyan crisis. I therefore remind all Libyan parties of their obligation to protect civilians, humanitarian personnel and hospital infrastructure. Côte d'Ivoire also reiterates its call for the extension of ICC jurisdiction to crimes against migrants.

To conclude, I would like to reiterate Côte d'Ivoire's support for the work of the Prosecutor of the International Criminal Court to ensure respect for human rights in Libya, and we call on the United Nations and the African Union to pool their efforts to achieve a rapid cessation to the clashes in and around Tripoli and to achieve the restoration of peace in the country.

Mr. Peesteen de Buytsverve (Belgium) (*spoke in French*): I would like at the outset to thank the Prosecutor for her written report and also for the very informative briefing that she has just delivered.

Belgium would recall its tireless support for the International Criminal Court (ICC) as an independent and impartial judicial institution and its unswerving support for the work of Ms. Bensouda and her Office. The court embodies the efforts of the international community to develop the rule of law throughout the world and thus participates in the maintenance of international peace and security. I wish to take advantage of the presence of the Prosecutor here in the Council to reiterate my country's commitment to preserve the integrity and independence of the Court and its officials.

In the cases pending before the court following the referral of the situation in Libya by the Council in 2011, three suspects remain at large. As underscored by the Prosecutor in her report, the Court depends entirely on the cooperation of States in carrying out its arrest warrants. Once again, it must be recalled that all States Members of the United Nations, whether they are parties to the Rome Statute or not, are called on to

cooperate fully with the Court and the Prosecutor under resolution 1970 (2011). This, of course, concerns first and foremost Libya, which must cooperate with the ICC, notably in the framework of the arrest and transfer to the Court of Mr. Al-Tuhamy, Mr. Al-Qadhafi and Mr. Al-Werfalli.

We welcome the positive cooperation between the ICC and the authorities of the Government of National Accord. Concerning Mr. Al-Werfalli, it is up to General Haftar, the Commander of the Libyan National Army, to facilitate his immediate transfer to the Court.

The Security Council also has an important responsibility with respect to this situation, which it itself referred to the Court. We invite the other members of the Council to engage in a collective process of reflection on the concrete measures that could be taken to support the Court and its mandate. In this regard, several of the proposals made during the Arria Formula meeting held last July at the initiative of the Netherlands to consider the relationship between the Council and the ICC are particularly relevant.

The Council could thus consider allowing the designation on sanctions lists of persons wanted by the Court as soon as an arrest warrant is issued. It is also important to encourage the exchange of information between Sanctions Committees and the Court as well as the communication of arrest warrants and mutual assistance in such arrests.

My country would also like to recall that, in accordance with article 115(b) of the Rome Statute, there is a provision for the United Nations to cover the expenses incurred due to referrals to the Court by the Security Council. It would be illogical for the financial burden of such investigations to be borne solely by the States parties. We hope that the Council will be able to reach an agreement on this issue.

Belgium strongly deplores the resumption of fighting in and around Tripoli in recent weeks and believes that it is now urgent for the Council to be able to express its opinion on the situation in Libya. It must be firmly recalled that all those who are guilty of grave violations of international humanitarian law and, more broadly, those who would jeopardize peace in Libya will have to answer for their acts.

As the Prosecutor underscored in her statement of 16 April last, all leaders, both military and civilian, who have control, authority or effective command over their

subordinates are susceptible to criminal prosecution before national courts or the ICC for the crimes the latter have committed. In this respect, Belgium welcomes the fact that the Office of the Prosecutor is currently gathering information on this issue and will determine whether parties to the armed conflict have committed crimes that fall under the jurisdiction of the Court. Equally, we applaud the work that has been done with a view to the potential prosecution of perpetrators of crimes against migrants.

The fight against impunity for the most serious crimes is a vital part of any lasting, peaceful solution to the crisis in Libya. It is therefore more than ever the duty of the Council and of all States Members of the United Nations to support the Court in the implementation of its mandate.

Mr. Lewicki (Poland): Let me at the outset thank Ms. Fatou Bensouda for her briefing and assure her of Poland's full support for her work and that of the International Criminal Court (ICC). Our support is based on the strong conviction that the work done by the ICC and her Office in particular remain essential in ensuring accountability and fighting impunity. Her work therefore lies at the very core of the mandate of the Security Council — the maintenance of international peace and security — because atrocity crimes are not only features of most conflicts but also their root causes. We therefore fully agree with the conclusion in her report that the Security Council should take concrete action to uphold accountability for atrocity crimes, including in Libya.

On Libya, we can fully subscribe to Ms. Bensouda's statement of 16 April calling on all parties to respect international humanitarian law. Let me stress here that respect for and compliance with international humanitarian law and human rights law is not a matter of choice; it is a legal obligation of both States and non-State actors. All those responsible for violations and abuses of international humanitarian and human rights law should be held accountable.

We attach particular importance, as a top priority of our Security Council membership, to the protection of civilians. Again, we concur with the Prosecutor's concerns regarding the situation of the civilian population in Tripoli as a result of recent developments and the ongoing conflict. Let me also remind everyone in this Chamber that as an integral part of international humanitarian law, the protection of civilians has been

highlighted in a number of Security Council resolutions, which are also part of international law. Just one month ago we agreed to Security Council press elements in which

“The United Nations Security Council reminded all parties of their obligation under international humanitarian law, including the imperative of the protection of civilians”,

which is something that is very close to our hearts. As Ms. Bensouda said, the Libyan people deserve to live in peace and safety.

Poland recognizes that an indispensable step in ensuring accountability in Libya is the arrest and surrender to the Court of individuals named in arrest warrants issued by it. Noting that Libya remains under an obligation in that respect, we support the Office’s call on all States to take steps to ensure that those warrants are executed and the suspects transferred to the ICC. That means that the outcome of Ms. Bensouda’s work depends very much on the cooperation of Member States. Once again, it is not just our duty and responsibility to work with her, it is our obligation. Without cooperation in good faith on the part of Member States, the Prosecutor will be unable to move forward with her proceedings.

We are also very concerned about the ongoing crimes and serious human rights violations and abuses suffered by migrants and refugees in Libya, as well as the continuing impunity for the smugglers, traffickers, members of armed groups and State officials involved in them. We also recognize that the business of human smuggling and the associated alleged crimes have an impact on peace and security not just in Libya but beyond it. I said earlier that accountability is also a tool for conflict prevention, and that is because if we can provide accountability, it can serve as a deterrent both to potential violations and abuses of international human rights law and to conflict. It is a very important tool for preventing conflict.

Poland also welcomes the Office’s efforts to monitor, investigate and analyse allegations of crimes committed against migrants and refugees in Libya in order to determine whether they fall within the jurisdiction of the Court. We also appreciate and encourage the Office’s cooperation with Libya and other States, as well as with national and international organizations, to enhance the coordination of investigative and prosecutorial strategies aimed at closing the impunity

gap with respect to the Rome Statute, transnational crimes and organized criminal activity.

In conclusion, I would like to urge that we assist the Court in ending violations and ensuring full respect in Libya for international law, including international humanitarian law and human rights law, in order to support the ICC’s efforts with regard to the situation there, as well as the political process, and to work towards strengthening the rule of law and achieving peace in Libya.

Mrs. Gueguen (France) (*spoke in French*): I would like to begin by thanking Ms. Bensouda for her detailed report and briefing. As we have done every time she has appeared before the Council, we would like to reaffirm France’s full support for the International Criminal Court (ICC). I would also like to take this opportunity to stress that the role of the Court is as important today as it was yesterday, given the difficult context for multilateralism in general and for human rights and international humanitarian law in particular. The Court must be able to act and exercise its prerogatives without impediment, independently and impartially, within the framework defined by the Rome Statute. In that regard, France affirms its support for the implementation of resolution 1970 (2011), which referred the situation in Libya to the International Criminal Court. We believed then, and still believe today, that a lasting peace in Libya requires justice for the victims, and the ICC continues to play a key role in that regard.

The current fighting in Libya is undermining the peace efforts undertaken with the support of the United Nations generally, and the Council in particular. It is civilians who are the main victims. It is therefore urgent to ensure that the parties reach a ceasefire as soon as possible, with an immediate halt to military operations and effective de-escalation. Many terrorist and criminal groups are taking advantage of the situation to try to regain ground, and they include individuals who are listed by the Council, which is absolutely unacceptable. We must not lose sight of the need to resume the dialogue. The parties have made commitments, notably in Paris, Palermo and at the end of February in Abu Dhabi, on an initial agreement that provides for the unification of the country’s institutions and the formation of a transitional Government tasked with restoring basic services for the people and preparing for elections. It is therefore now crucial to re-establish that dialogue under the auspices of the United Nations and the Special Representative of the Secretary-General, whom we fully support.

We must maintain the perspective and momentum for the political settlement, because, as we know, only a political solution can put an end to this conflict.

Beyond those general observations, we would like to make three more specific comments. First, the Office of the Prosecutor's ability to continue its investigations requires the full cooperation of all stakeholders. In that regard it is essential for the Court to have the cooperation of the Libyan authorities, including for the execution of arrest warrants. It is crucial that all the States concerned, whether or not they are parties to the Rome Statute, strengthen their collaboration in order to provide the necessary support to the Office of the Prosecutor for as long as it is needed, and in that regard, France welcomes the effective cooperation that a number of States and organizations, including INTERPOL, have given to the Office of the Prosecutor. I also want to express my delegation's appreciation for the continued support and cooperation provided by the United Nations Support Mission in Libya.

Secondly, I want to reiterate how important it is to ensure that all of the most serious crimes committed in Libya since 2011 and still being committed today are investigated and prosecuted, including crimes committed by Da'esh.

In that regard, and this is my third and final point, we commend the Prosecutor's focus on human trafficking and the smuggling of migrants, which constitute a direct threat to peace and stability in Libya. The findings in the reports mentioned by the Prosecutor are illuminating and disturbing as to the seriousness and extent of such crimes. We welcome the rigorous approach taken by the Office, including its role in advancing investigations and prosecutions at the national level. We hope that it will be effective in combating impunity for crimes committed against migrants.

In conclusion, the violent, fragmented situation in Libya throws the vicious circle of impunity and instability into stark relief. If we are to put an end to it, we must deal with the political, security and social challenges that Libya is facing. Those challenges cannot be overcome without the effective assistance of the Court and the Council's support. France continues to be ready to act in that respect.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): Every six months for eight years now, we have listened to briefings from the Prosecutor of the International Criminal Court (ICC) on the investigation

of the situation in Libya. Today is the seventeenth report in a row. From one year to the next in this Chamber we are assured that the ICC is the institution that can play an important role in ending armed confrontation, restoring the rule of law, bringing the guilty to justice and strengthening Libyans' faith in the possibility of fairness. Sadly, the reality testifies to the complete opposite. Each year the ICC becomes ever less of a meaningful factor in the international arena. Its investigations have no momentum and no results. Before the meeting I looked through the statements on this subject in the Security Council by Russia's representatives in previous years, and I could have delivered any one of them today. They are 100 per cent up to date. It seems that the ICC is chronically unreceptive to fair criticism.

The conflict in Libya has deep roots. In 2011 the attempts by the air forces of the United States, France, the United Kingdom, Canada, Belgium, Denmark, the Netherlands, Norway and a number of other States to bomb democracy into the former Libyan Arab Jamahiriya resulted in nothing but many human victims and the creation of chaos, rampant crime and floods of refugees. All of that has somehow mysteriously escaped the attention of the Prosecutor of the Court. There are clearly specific reasons for that.

I would recommend that anyone who still cherishes a naive belief in the shining image of the ICC as a champion of justice should examine the judges' decision of 12 April. I believe my United States colleague spoke of it earlier. The Court flat-out declared to the international community that in certain circumstances justice proper can be disregarded. The interests of victims and the severity of crimes are secondary categories for the ICC. The most important criterion is that of the so-called interests of justice. In the interests of justice, from now on the ICC has the right not to undertake an investigation if it has doubts as to the feasibility or possibility of an investigation given the lack of cooperation of interested parties against a backdrop of sanctions pressure on the members of the Court themselves or if it feels constrained by budgetary limitations.

I fear that it will never be possible to restore the Court's reputation in the wake of this oh-so-elegant verdict describing the ICC's understanding of the interests of justice. With a judicial policy like this one it will also hardly be possible for the investigation of the situation in Libya to achieve any credible results.

Mrs. Mele Colifa (Equatorial Guinea) (*spoke in Spanish*): Before I begin my statement, I would like to express our full solidarity with the Libyan people who continue to suffer the barbarity of war to this day.

My delegation would like to express its gratitude and congratulations to Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her comprehensive briefing today on her seventeenth report to the Council and for her commitment to executing her functions.

The Republic of Equatorial Guinea promotes respect for international law and international humanitarian law. We therefore commend the major efforts of the United Nations, especially the Security Council, in the area of accountability and impunity. We hope they continue unchanged and with the same intensity, regardless of the origin of the accused. The international community expects the criteria and the will of the International Criminal Court in prosecuting crimes to be uniform, and that it will carry out its tasks with objectivity, credibility and impartiality while ensuring that its cases are not politicized.

The tragic deterioration of the situation in Libya in recent weeks, which has resulted in the loss of hundreds of lives and in injury to thousands, is intolerable and should not be accepted. We are deeply worried about the seriousness of the current situation. We therefore believe that at this point the priority should be to stop the fighting, immediately establish a ceasefire and bring the Libyans back to the negotiating table to re-establish peace in Libya, since only inclusive negotiations can enable peace to be achieved and normality restored to this battered country. The Libyan people are clamouring desperately for it, and this body must act accordingly.

The continuing violations of human rights and international humanitarian law in Libya remain a concern, as does the commission of war crimes with total impunity. By way of example, explosive weapons are being used indiscriminately in civilian areas and innocent people are being murdered, as the Special Representative of the Secretary-General rightly indicated in his press release of 17 April. This matter falls under the purview of the Criminal Court, which must therefore take action in accordance with the legally established procedures. We encourage all members of the Council and the international community to take urgent action in response to these events by taking measures to protect civilians and medical personnel, as well as civilian infrastructure.

In conclusion, it is important to bear in mind that the current situation in Libya has serious regional repercussions. It directly and adversely affects the migrants and refugees stranded there who have remained or been returned to Libyan territory, which makes the situation even more complex against the backdrop of existing tensions.

The President: I will now make a statement in my capacity as the representative of Indonesia.

At the outset, Indonesia would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing. We have taken note of her seventeenth report to the Security Council, pursuant to resolution 1970 (2011) on Libya. Indonesia joins others in showing our deep concern for the situation in Libya, and today I would like to bring three points to the Council's attention.

First, like others, Indonesia calls for the cessation of hostilities in Libya. We also call for all parties to come back to the negotiating table with a view to achieving a peaceful future for the country. We heard promises less than two months ago about preparations for a Libyan national conference in April. That date has come and gone. Peace is still nowhere to be found. The international community, including the Council, should work together to give Libyans a chance to finally experience peace again. We are also concerned about the large number of grave violations of international law and of serious, multifaceted crimes, as Prosecutor Bensouda just informed us, such as murder, sexual violence, human trafficking and violence against migrants. We join the Prosecutor's call in her 16 April statement to all parties and armed groups involved in the fighting to fully respect international humanitarian law and take measures to protect civilians.

Secondly, Indonesia calls for humanitarian relief during the month of Ramadan. It is very worrying that a month after armed conflict began in Tripoli, the World Health Organization reported this week that 432 people have died, 2,069 people have been wounded and more than 50,000 have had to flee their homes. Every day of violence means that more people are killed, injured or displaced. That must stop. Efforts should be made to help those in need in order to save innocent lives.

That leads me to my third and final point, which relates to the ICC's proceedings. Indonesia is committed to pursuing justice in Libya, which is part of broader efforts to achieve long-lasting and sustainable peace in

Libya. While peace cannot be complete and sustainable without justice, justice cannot prosper in the absence of peace. The rule of law must be respected. For Indonesia, the priority at hand is to cease all remaining hostilities and continue the peace process previously set up. Any action taken by the international community must be carefully monitored in order to ensure that it does not provoke further violence, thereby endangering lives and jeopardizing the quest for peace. On that note, the referral of the situation in Libya to the ICC should not prevent the competent Libyan authorities from invoking their jurisdiction to investigate gross violations of human rights and bring the perpetrators to justice.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Elmajerbi (Libya) (*spoke in Arabic*): I deliver this statement on behalf of His Excellency Mr. Mohamed Taher Siala, Minister for Foreign Affairs of Libya.

At the outset, I would like to congratulate you, Mr. President, on assuming the presidency of the Security Council for this month and to wish you every success. I would also like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her seventeenth report and for her briefing today.

We have reviewed the report of the Prosecutor, in which Ms. Bensouda presents some of the cases that are before the Court in accordance with the mandate granted to the ICC in resolution 1970 (2011). In paragraph 4 of that resolution, the situation in Libya since 15 February 2011 was referred to the Prosecutor of the ICC. In that regard, the Government of National Accord sent a letter, on 10 April, addressed to the President of the Security Council from the President of the Presidential Council requesting an investigation into the violations and crimes perpetrated against civilians and civilian infrastructure in Tripoli and its suburbs. The President of the Presidential Council stressed the importance of holding the perpetrators of those crimes accountable without impunity. He also stressed the importance of investigating the involvement of certain countries in assisting Haftar in his aggression against the capital. Once again, we call upon the international community, especially the United Nations and its various organs, including the ICC, to hold the countries involved in the aggression accountable.

The President of the Presidential Council sent another letter, on 17 April, addressed to the Prosecutor of the ICC. In that letter, he clarified the most recent events in Tripoli resulting from the aggression launched by Haftar and his forces, which is still under way, and the resulting crimes against humanity, as he targeted civilians, schools, hospitals and civilian airports, in addition to recruiting children. All those responsible for those criminal acts must be held accountable without impunity. The perpetrators are defying resolution 2434 (2018) and all the international efforts mentioned in that resolution. They are also disregarding the United Nations road map that was adopted on 20 September 2017 to achieve peace in Libya.

The resolution referred as well to individuals and entities that participate in acts that threaten peace, stability and security or provide assistance to those responsible for carrying out such acts. Those entities and individuals can be subject to targeted sanctions, according to resolution 2238 (2015), which stresses that all parties in Libya must engage constructively with the United Nations and refrain from any acts that could undermine the United Nations-mediated political dialogue. The resolution also emphasizes that there can be no military solution to the conflict in Libya.

My question to all States Members of the United Nations is the following: are they committed to implementing Security Council resolutions on the situation in Libya, which threatens international peace and security? The Security Council acts in accordance with Chapter VII of the Charter of the United Nations, meaning that Member States are committed to implementing Security Council resolutions, according to Article 25 of the Charter.

Administering justice in all Libyan territories is a responsibility that falls within Libyan sovereignty and national jurisdiction. That does not mean that we do not cooperate with the ICC. On the contrary, the Libyan judiciary works with the ICC as a partner in a spirit of cooperation and complementarity between the national judiciary and the ICC. The Prosecutor has underscored that cooperation on a number of occasions and in her various reports.

My country's Government notes the reference in Ms. Bensouda's recent report to the delay in prosecuting some of the accused. That is attributed to the security situation in Libya and the military clashes, which stop and start in a never-ending cycle of violence.

We would also like to recall that, among those who are wanted by the national judiciary and the ICC are persons who do not reside on Libyan territory; they live outside of Libya. Also, resolution 1970 (2011) did not oblige the countries where those wanted people live to extradite them to the Libyan authorities or the ICC. Paragraph 5 of resolution 1970 (2011) states: “recognizing that States not party to the Rome Statute have no obligation under the Statute”. Some countries have interpreted that paragraph as encouragement to cooperate, but not as an obligation.

Resolution 1970 (2011) defines the mandate of the ICC concerning the situation in Libya. The mandate is not limited to prosecuting certain individuals, but rather includes monitoring the situation since 15 February 2011 as a whole. Legally speaking, the situation was referred by the Council to the ICC, which has the right to work on cases regardless of whether countries are cooperating with the Court or not.

From a procedural point of view, the mandate has now been operationalized. The ICC is mandated to present periodic briefings, and the Office of the Prosecutor is ready to consider the cases before it. The memorandum on burden-sharing between the ICC Office of the Prosecutor and the Libyan authorities consolidates the cooperation between both jurisdictions.

From a legal point of view, we stress that the Libyan judiciary is capable of prosecuting those who have committed crimes on Libyan territory since 2011. Those crimes are not subject to the statute of limitations. However, we must take into account the current security situation in Libya, which significantly contributes to the perpetration of crimes against civilians. We emphasize that the Libyan judiciary is monitoring all those violations.

The Prosecutor, in her recent report, expressed her concern over the situation of illegal migrants. The Government of National Accord confirms that it has taken swift measures to protect those migrants. In cooperation with the International Organization for Migration, they were relocated and moved away from areas of fighting. The Government of National Accord wishes to underscore that it is monitoring all violations targeting hospitals, public facilities and civilian infrastructure. It has taken all the necessary measures to protect civilians and keep them away from the dangers posed by fighting. My Government even asked the Security Council to dispatch a fact-finding mission to investigate the crimes perpetrated against civilians who were often targeted with rockets by Haftar and his troops during the latest clashes around Tripoli. Those who committed these crimes must be identified.

In conclusion, the Government of National Accord stresses its full commitment to resolution 1970 (2011), especially the mandate of the International Criminal Court, as set out therein. The Government of National Accord, which is the only legitimate Government established under the Skhirat Agreement, hopes that the Council will consider the situation in Libya as one of its priorities, without neglecting it. This could be done by engaging in continuous coordination with the Special Representative of the Secretary-General, Mr. Ghassan Salamé, to achieve peace and security and overcome the current impasse. All Council members must make concerted efforts to reconcile their differences in order to adopt a binding resolution that ends the ongoing hostilities and force those troops that launched the aggression to go back immediately to where they came from.

The meeting rose at 4.40 p.m.