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Seventy-seventh year

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Provisional

<i>President:</i>	Dame Barbara Woodward	(United Kingdom of Great Britain and Northern Ireland)
<i>Members:</i>	Albania	Ms. Dautllari
	Brazil	Mr. De Almeida Filho
	China	Mr. Sun Zhiqiang
	France	Mrs. Dime Labille
	Gabon	Mr. Biang
	Ghana	Mr. Korbich
	India	Mr. Ravindran
	Ireland	Ms. O'Sullivan
	Kenya	Ms. Nyakoe
	Mexico	Mr. Gómez Robledo Verduzco
	Norway	Ms. Heimerback
	Russian Federation	Mr. Kuzmin
	United Arab Emirates	Mr. Abushahab
	United States of America	Mr. DeLaurentis

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 Mr. Karim Khan, 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 now give the floor to Prosecutor Khan.

Mr. Khan: I thank you, Madam President, once again for the opportunity to brief the Security Council for the second time in relation to the Libya matter. I had the opportunity earlier this morning to sit down with the Permanent Representative of Libya to discuss matters arising from the situation.

In my most recent briefing (see S/PV.8911), I set out a hope and a plan that I would review comprehensively the evidence and the Libya situation to give some greater clarity to the members of the Security Council and try to work as effectively as possible to discharge the very serious and very necessary responsibilities that the Council placed on my Office in 2011 by way of resolution 1970 (2011). This is the twenty-third report that the Office has presented to the Council.

I have to emphasize what is mentioned in the report and what I said on the first occasion. Those situations referred to by the Security Council cannot become never-ending stories. They need to move forward, and we need to ensure justice. It may be the case that the old adage, "Justice delayed is justice denied", is not correct; maybe justice delayed still can be arrived at. But certainly victims and survivors have every right to see that their lives, their hopes and their suffering are looked at thoroughly, and if there is criminal responsibility, that it be brought before an independent court.

It is my view, with the greatest of respect, that the new report put forward is a good attempt to try to identify and articulate benchmarks for the first time in an Office of the Prosecutor report in terms of timelines

for certain action, so that the Office can also be held to account, and I can also make sure that it does better in terms of moving things forward.

The stocktaking exercise has shown that some significant progress has been made. There is a renewed investigative strategy that provides a framework. But the plan for renewed action of a more dynamic and more impactful investigation is perhaps best articulated in some key principles that underpin my overall vision for the work of my Office.

The first principle is prioritization. I have said to the Security Council before that I will prioritize referrals made by the Council to my Office. That is not an abstract principle. That requires greater resources, greater skills and greater urgency because of the responsibility that this organ has for maintaining international peace and security. That promise of greater prioritization has already been given effect to in these past few months by additional resources and additional staff.

At the same time, I highlighted an increased need to focus on a number of areas. For the purpose of today's briefing, I will identify financial investigations and tracking in relation to the Libya situation, as well as focusing on sexual and gender-based crimes and crimes against and affecting children.

The other aspect is an ever more acute realization that harnessing technology is absolutely vital. The massive data sets that are the hallmark of the kind of crimes that are within the jurisdiction of the International Criminal Court (ICC) require us to utilize in an integrated fashion the latest technology that is available — artificial intelligence, machine-learning tools, translation platforms that allow mass data to be effectively translated before a more cost-intensive exercise of human review is carried out. All that will allow us to accelerate our action.

I think that it is not an exaggeration to say that, when we start seeing some of that, and the timelines are listed in the report, it will have the potential, I hope, to have a profound effect on investigations.

In very simple terms, the types of evidence — video, audio, statements, medical, the whole variety of electronic data — need to be rendered more malleable and more accessible to investigators and analysts and then, ultimately, presented, as necessary and where relevant, to a court of law.

The second principle is empowering victims and witnesses. The Hague is distant from the majority of its situations. It is distant from Libya, and it is blindingly obvious, in my respectful view, that arms-length investigations are not the most effective. We need to work shoulder to shoulder and hand in hand with victims, survivors and affected communities. We also need to embrace and, wherever possible, work with States. I think that once we work in that way with victims, survivors and States, we will have a better and more accurate compass that will help us navigate a path towards the truth, separating truth from fiction, actually finding out why certain things happened and, where necessary, ensuring that cases are brought that independent judges can establish.

Linked to that is something that is critical, and I hope that we will have the support of Libya as well. Something that, I think, is necessary in all our situations is a field presence. We need to be more on the ground, learning, listening and being able to access the undercurrents of a situation so that we are not the least informed person or group in a situation. We need to be absolutely alive to the realities of the moment in which different narratives take place, and we need to be able to effectively separate those narratives. We have already identified some putative witnesses who, we think, would be accessible to the Office by way of having a closer field presence.

Linked to that, we will partner with the Registrar of the Court — we have an outstanding Registrar of the International Criminal Court — and work in collaboration with him and his Office to devise a more effective outreach strategy because it is critical that victims and survivors know what is happening. Here we are some years from 2011, and I think that, collectively, we can do a better job in communicating with those who are victims and survivors and in managing expectations, but also, within the confines of confidential criminal investigations, in improving communications and hearing from them regarding what their concerns are. Their views and concerns can be presented to the Court, but we also have a responsibility to listen more effectively.

Regarding victims and survivors, I think that there is a great deal that could be said, but, in this forum, if I may, I will simply take this opportunity to thank them for their outstanding steadfastness and for their patience. I hope that we will do better. I hope that we will accelerate our work. But I think that it is really

outstanding that the victims and survivors everywhere whom I have actually seen, not just in Libya, despite having lost almost everything in many cases, have the remarkable belief, sometimes in the face of what they see, that justice will not be an illusion but can be rendered something that is effective, solid and meaningful to their lives.

The third pillar, quite obviously, is better and closer engagement with the Libyan authorities. I am trying to ensure that, and I have set out in the report — and we also had very good discussions today with His Excellency the Ambassador of Libya — how we can partner with Libya and improve our lines of communication. It is not a favour of the prosecution. The clear foundation of the Rome Statute is built on complementarity and that justice is best done at home. Only when a State is unwilling or unable does the Court come into play. I therefore really want to look at ways in which we can assist technically, as well as improve communications regarding what is needed and what the gaps are, to help national proceedings take the strain of responsibility ever more effectively. Wherever any national authority, any authority at all, is willing to step up the office, we would be very delighted and pleased to support that rather than cling to a particular case. I look forward to exploring such options. But a corollary of that is also the case that if a situation or a country is not willing or is not able, I cannot be derelict in my non-derogable obligations to act in accordance with the Rome Statute and, in that process, to investigate incriminating and exculpatory evidence equally.

Further to that, in the next reporting period I am hoping both to have high-level interactions with the Libyan authorities and to create a more systematic and structured approach to working-level discussions between my Office and the Libyan authorities so that we can move things forward. I hope that a new memorandum of understanding can be devised over the next reporting period.

I had hoped to go to Libya during this reporting period, but, with a number of issues — not only schedules and logistics but also the elections — I took advice, and it was not possible. However, I hope that in the coming reporting period I will be able to go to Libya and move things forward more effectively with its assistance.

We have already had discussions at a technical level regarding helping the Libyan authorities, as

well as having the capacity in terms of forensics and mass graves and moving that forward. It was raised by the Ambassador and Permanent Representative this morning. I also followed up on that, and those discussions have in fact taken place. The assistance of the United Nations Support Mission in Libya is also extremely important. In the past two weeks, my deputy spoke with the Special Adviser to the Secretary-General on Libya, Ms. Stephanie Williams, and I think that we will try to work, respecting the different mandates, with the United Nations, where possible, so that we can do a better job.

Obviously, we cannot view the objectives of the ICC as bringing everything to The Hague. I have repeatedly said that the ICC is a court of last resort. That is common ground. The Hague should be a city of last resort. But we need to find more creative, imaginative and effective methods to get evidence to courtrooms, wherever they are. For me, it really does not matter if there is the ICC flag behind a judge or if it is a domestic flag. In fact, very often, the latter is preferable. This is part of what I described as “redefining success”. It is a way of us not being beneficiaries of information that we receive from States or that we collect from our own investigations. Rather, it is a renewed impetus to try to receive evidence and use it for our own cases, but also to give it to national authorities to use, assess and narrow what is far too frequently an impunity gap.

We have already had some concrete examples of effectiveness in that regard. I mentioned this point in my last briefing when I touched upon the migration issue and mentioned our partnership with the Netherlands, the United Kingdom, the European Union Agency for Law Enforcement Cooperation and Italy, and the fact that the Kingdom of the Netherlands has managed to bring cases for crimes linked to the migration issue. We need to look at ways of widening that and feeding more information to national authorities.

The idea that somehow the ICC is an apex criminal court is not a sound one. In my view, it is far better to view it as a hub, with every national authority being a spoke in a system that allows the wheel of justice to move more effectively and overcome the bumps that exist in every jurisdiction. This two-way street of us getting evidence, conducting investigations and analysing the evidence with technological tools and experts in the Office — using it but also sharing it — is one that will give value for money. It is one that is going

to be effective. And ultimately, it will be more effective for victims and survivors.

The binding reality is that in these types of crimes we simply cannot act alone. It is often hubris to think that the ICC or any national authority can act alone when the crimes that seem to have taken place could constitute either genocide or crimes against humanity or war crimes. Structures are broken and cannot operate. Witness protection has become a real issue in so many parts of the world. The way to improve and bend the arc towards justice is by working together, as well as by independently and effectively testing evidence received from any source, trying to make sure that evidence is reliable, with the many tried and tested forensic means to do that, and if we do so, we can fulfil our mandate with ever greater efficiency.

The twenty-third report is perhaps characterized by a number of things, but what I have tried to do and what I will always endeavour to do to the best of my abilities, however limited, is to be candid. There are challenges: the political and security situation in Libya with which the Libyan authorities are dealing is difficult, dynamic and challenging. This of course has implications for investigations, but there are always various means — with good will and imagination — of trying to make sure that things move forward effectively.

I have tried to be transparent in the report. I have set benchmarks. I will continue to set more benchmarks, so that hopefully we can ensure that the important responsibility given by the Security Council in resolution 1970 (2011) is fulfilled, and, even more importantly, that the victims and the survivors are not an afterthought, that we put them centre stage and make sure that their rights are properly and fully vindicated to the best of our abilities.

The President: I thank Prosecutor Khan for his briefing.

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

Mr. Gómez Robledo Verduzco (Mexico) (*spoke in Spanish*): Mexico thanks the Prosecutor of the International Criminal Court and his team for presenting the twenty-third report, pursuant to resolution 1970 (2011), on the situation in Libya, and for the frank, direct and clear briefing he has just made.

We of course support the strategy set out in the report, which establishes research goals for the short

term. We underline the importance, as the Prosecutor said again and again, of putting victims at the centre of the investigations and at the centre of the Office of the Prosecutor's concerns. To this end, it is essential that there be ever closer collaboration with survivors, their families and the witnesses of the crimes allegedly committed that fall within the jurisdiction of the International Criminal Court. And of course, it is essential to improve cooperation with third States.

It is of course essential to strengthen cooperation with national courts based on the principle of complementarity, which is something that the Office of the Prosecutor has been promoting systematically since Mr. Khan assumed his high responsibility, and this is truly commendable. I would like to underline the admiration we have for the work done so far.

With regard to the progress made in the investigation of the case before us, Mexico is very concerned about the crimes committed against migrants and refugees, which according to the report could amount to war crimes and crimes against humanity. We are also concerned about the situation prevailing in detention centres, some of which are even operating clandestinely.

We emphasize these two aspects because they involve people who are seriously vulnerable. In this regard, we acknowledge the cooperation of national authorities and the European Union Agency for Law Enforcement Cooperation in support of investigations into crimes against migrants, without forgetting the need to provide psychological support to witnesses and survivors of atrocities that could, as I said, constitute crimes within the jurisdiction of the Court.

We know that the current political situation imposes great security challenges, which affects, as the Prosecutor just said, the investigative work on the ground. We reiterate our call to the Libyan authorities and all relevant actors to cooperate and facilitate the work of the staff of the Office of the Prosecutor, in particular for the proper collection of evidence and proof, which requires conditions for the ability to move freely and safely throughout Libyan territory. Similarly, it is essential that the arrest warrants issued by the International Criminal Court are complied with. Mexico looks forward to possible new arrest warrants for crimes committed between 2014 and 2020.

The twenty-third report highlights the improvement in the use of technological tools and capabilities that can significantly improve the work of investigation,

collection and storage of data and evidence in the hands of the Prosecutor's Office and shorten processing times. We understand that all that should also have a significant impact on the financial resources of the Office of the Prosecutor. It is important to recall, once again, the importance of the Council facilitating the support by the United Nations for the expenses incurred by the Court, taking into account that the situation in Libya constitutes the second matter referred by the Security Council to the International Criminal Court and the first to be so referred unanimously, with 15 votes in favour of the referral (see S/PV.6491), which is something we must never forget.

In conclusion, almost 20 years after the entry into force of the Rome Statute, Mexico reiterates its full support for the International Criminal Court and the Office of the Prosecutor, in the conviction that their work, together with the indispensable support of all States, has the real potential to progressively close the impunity gap in favour of the victims of the most heinous crimes of international concern, on the understanding that access to truth and justice is the cornerstone of sustainable peace.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): We have read the latest report of Mr. Karim Khan on his investigation of the situation in Libya. We also note the so-called road map, which sets out the Prosecutor's vision for further work on the Libyan file. The attempt to review the approaches of the previous Prosecutor, Fatou Bensouda, which were far from ideal, is certainly a step in the right direction. However, so far, a number of ideas raised in the report raise serious questions. The most substantive among them is the decision not to investigate the crimes committed in Libya in 2011.

The Prosecutor has explicitly stated that the phase of his work related to the investigation of the events of 2011 has been concluded and that no new cases are planned. We recall that the events of that period led to the Security Council's referral of the Libyan dossier to the International Criminal Court (ICC). More precisely, it was not the events themselves, but the way they were projected by the Western media and non-governmental organizations. The hastily fabricated case against Al-Qadhafi by the ICC Prosecutor at the time, Mr. Moreno-Ocampo, was built on such crude and apparent fabrications that it began to fall apart even before the murder of the Libyan leader.

At the same time, as we well remember, the Al-Qadhafi case at the ICC was used to justify NATO's unprovoked military aggression against the Libyan State. Western countries blatantly violated the provisions of resolution 1973 (2011) when they interpreted the imposition of the no-fly zone as giving them *carte blanche* to carpet bomb the sovereign and, at that time, prosperous State of Libya. The outcome of those actions are well known: civilian deaths, chaos and devastation within the country and mass flows of refugees.

As of today, Libya continues to suffer from the consequences of the 2011 NATO actions. Overall, everything that was imputed to Mr. Al-Qadhafi and used by the West to destroy both him and his country cannot be compared to the suffering that Libya has endured as a result of the NATO invasion and the years of chaos, the power vacuum and the civil war that ensued.

We would especially like to emphasize another point. What was done to Muammar Al-Qadhafi was done with the connivance and full approval of United States officials. It is worth recalling how then Secretary of State Hillary Clinton commented on his gruesome massacre with a smile, "We came, we saw, he died".

If the words "justice" and "impartiality" really meant anything to the ICC, it would not have focused solely on investigating the supporters of Muammar Al-Qadhafi; it would have also focused on NATO and opposition war crimes. Instead, according to its report, the ICC plans to end its investigation into the events of 2011. It turns out that, in the opinion of the Office of the Prosecutor, no one else is to blame for the catastrophe in Libya but the brutally murdered Muammar Al-Qadhafi. That approach is simply astounding in its one-sidedness.

The principle of inevitable and inescapable punishment, so often invoked by Western countries, fails to apply to their own actions. I would like to ask Prosecutor Khan: Who will be held responsible for the breakdown of Libyan statehood and the years of its people's suffering? Why does the ICC have no questions about the extrajudicial killing of Muammar Al-Qadhafi? Should we regard that as the Court's endorsement of the policy of overthrowing undesirable Governments and killing the leaders of sovereign States?

We are convinced that a comprehensive analysis of the tragic events of 2011, while objectively taking into account the role and responsibility of all parties, must remain within the focus of the ICC. Without that,

it would be utter hypocrisy to speak of justice and a so-called victims rights approach.

In conclusion, let me say a few words about the current situation in Libya. Only now, almost 10 years since the NATO aggression, are we seeing positive signs of overcoming the deep-rooted political crisis in Libya. We call on all parties not to interfere in the electoral process in Libya, whose long-suffering people have long deserved lasting peace.

Mr. DeLaurentis (United States of America): I think that I have to say before beginning my intervention that the narrative we have just heard from the previous speaker is also astonishingly one-sided.

I thank Prosecutor Khan for his briefing. We wish him continued success in his role and we commend his dedication to securing justice for the most serious international crimes.

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. Justice, accountability and the rule of law are values that we share and that we continue to believe are best advanced together. Now more than ever, with reports of atrocities occurring daily in Ukraine, we see the need to uphold support for international justice mechanisms, including the International Criminal Court (ICC).

With respect to Libya, the United States looks forward to ongoing cooperation with the Office of the Prosecutor as he embarks on a renewed strategy for providing meaningful accountability for heinous atrocities committed against the Libyan people and migrants who find themselves in Libya, pursuant to resolution 1970 (2011). We welcome the extensive and thoughtful stocktaking exercise conducted by his Office over the past six months and his dedication to exploring several lines of effort to meet the expectations of victims who have waited so long for justice. That includes commendable efforts, as he mentioned, to re-engage with Libyan authorities on accountability at the national level, in line with the bedrock principle that the ICC must be a court of last resort, as well as engagement with all other stakeholders directed at securing tangible results.

The chronic insecurity we continue to witness in Libya, including continued mobilization of armed groups in the shadow of existing political rifts,

would be reduced by resolving political uncertainty and promoting accountability. We welcome renewed energy to explore available avenues for actions and consolidation of efforts. Accountability, of course, requires rigorous documentation and investigations. We welcome the recent report of the Independent Fact-Finding Mission on Libya (FFM), released on 23 March (A/HRC/49/4). The establishment of the FFM by the Human Rights Council in 2020 represented a positive step forward in efforts to document violations and abuses of human rights and violations of international humanitarian law by all parties in Libya since the beginning of 2016.

Last month's report revealed disturbing new evidence of mass graves, thought to contain the corpses of migrants at a trafficking hub, and affirming that the FFM saw reasonable grounds to believe that international humanitarian law had been violated. We support ongoing efforts to build domestic capacity to punish perpetrators of human rights, abuses and violations and encourage support for local capacity-building and judicial reform in Libya. Central to the success of any domestic prosecution is the guarantee of fair-trial protections, as well as the protection of the rights and security of victims and witnesses.

We continue to monitor the domestic legal proceedings against Al-Senussi. We also call upon the Libyan authorities to do more to support and advance accountability efforts, including cooperation with the ICC.

Former senior officials of the Al-Qadhafi regime, such as Abdullah Al-Senussi and Saif Al-Islam Al-Qadhafi, the latter of whom is subject to an arrest warrant by the ICC for charges of war crimes and crimes against humanity, must face justice. Victims and survivors of human rights violations and abuses in Libya deserve justice. We once again call on the Government of Libya to revoke Decree 286, which continues to curtail the work of civil society and impede domestic efforts to secure justice for victims and survivors.

Finally, promoting peace and security in Libya is critical. The United States reaffirms its call for the withdrawal of all foreign forces, fighters and mercenaries from Libya, in line with resolution 2570 (2021) and the October 2020 Libyan ceasefire agreement. The ICC's work in Libya is a critical element of our shared commitments to accountability, peace and security. We

will continue to support the Court's efforts to deliver true justice to the people of Libya.

Mrs. Dime Labille (France) (*spoke in French*): I thank Prosecutor Karim Khan for his briefing, which as always was clear, transparent and comprehensive.

In the tragic context with which we are familiar, France reaffirms its indefatigable support for the International Criminal Court and its staff. We pay tribute to their independence and dedication. France will continue to cooperate fully with the Court, the only permanent international criminal court with universal jurisdiction, playing a vital role in the fight against impunity.

We welcome the attention paid by the Prosecutor to the situations referred by the Security Council. With regard to the implementation of resolution 1970 (2011), France recalls that the fight against impunity is, like the political transition, one of the central tenets of reconciliation among the Libyan parties. We encourage them to fully cooperate with the Court, as well as with the United Nations Support Mission in Libya, whose mediation efforts must be supported.

France remains concerned about the non-execution of arrest warrants issued by the Court. Resolution 1970 (2011) compels all States, whether or not they are parties to the Rome Statute, and all regional and international organizations concerned to fully cooperate with the Court and the Office of the Prosecutor. The deaths of the alleged perpetrators of the most serious crimes do not deliver justice to the victims.

We note with interest the road map set out by the Prosecutor in his briefing. We support, in particular, the attention being paid to recent crimes under the Rome Statute, including those committed against migrants and in detention centres. We support his efforts to facilitate the collection, processing and analysis of evidence.

The reports of the Secretary-General (S/2022/31) and the Independent Fact-Finding Mission on Libya (A/HRC/49/4) are damning. They document widespread human rights violations, whose perpetrators must not go unpunished. The increased repression of civil society and human rights defenders in the context of the political transition is particularly worrisome. We must do our utmost to shed light on the atrocities committed in Tarhuna and south of Tripoli. Democratic space must be preserved, where women and young people can be fully involved.

The Office of the Prosecutor must possess the necessary resources to discharge the mandate entrusted to it by the Council. Safe and unhindered access to all Libyan territory must be guaranteed to the Prosecutor's teams. Witnesses and survivors must also benefit from all necessary protection.

The principle of complementarity remains essential to the Rome Statute. We condemn threats and violence against judges and lawyers in Libya. We welcome the deepening of discussions between the Office of the Prosecutor and the competent Libyan courts and services. The announced visit by the Prosecutor over the next few months will be an opportunity to enhance such cooperation.

France will continue to work towards a political transition in Libya, together with all of its international partners. The goal is to create a more peaceful and stable future for the country and its people and to support the stability, independence, territorial integrity and national unity of Libya.

Lastly, and in that regard, we strongly reiterate our full support for the International Criminal Court and the work of its Prosecutor, Karim Khan.

Ms. Nyakoe (Kenya): I thank Prosecutor Khan for his briefing.

I welcome the participation of the Permanent Representative of Libya in this meeting.

Accountability and justice are among the cornerstones of a stable and peaceful nation. For a country that has experienced protracted conflict, the need for accountability and justice becomes even more compelling. Libya retains the foremost responsibility to ensure accountability and the delivery of justice within its boundaries. Therefore, while acknowledging the role of regional and international mechanisms, including through resolution 1970 (2011), Kenya emphasizes the need for such cooperation and assistance to be extended within the parameters of the principle of complementarity. We also call for increased support to Libya in strengthening its national capacity for investigations, prosecution and the judiciary.

Thousands of migrants, asylum seekers and refugees continue to suffer great indignity and inhumane treatment, reportedly at the hands of those in authority and criminal networks alike, both within and outside Libya. Given the extraregional interest in the migration trends across the Mediterranean Sea into

Europe, the current policies of such countries offering assistance to stem this migration are superficial and do not address its root causes. We call on the European Union and other interested parties to instead seek to honestly address the push factors of such migration.

We note the Prosecutor's preliminary assessment of the crimes against migrants and look forward to further reporting on that investigation line.

Finally, we reassure the people of Libya of our support in seeking peace in a Libyan-led, Libyan-owned peace process and reaffirm our commitment to the sovereignty and territorial integrity of Libya.

Mr. Abushahab (United Arab Emirates) (*spoke in Arabic*): At the outset, I would like to welcome the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan. We take note of his briefing. I also welcome Ambassador Taher Elsonni, the Permanent Representative of Libya, to today's meeting.

The situation in the State of Libya remains uncertain. There is competition for power, the mobilization of militias and a lack of clarity surrounding the path of the political process. Yet, we are optimistic that our Libyan brothers will make it through this critical stage. In that regard, the United Arab Emirates reiterates that there is no alternative to a Libyan-led political dialogue, which is the only way to end the Libyan crisis. We welcome all Libyan efforts aimed at achieving those goals. We also reiterate our call on all Libyans to avoid tensions and disputes.

We commend the good offices of the United Nations and its initiative to help to resolve the Libyan crisis, as well as Egypt's hosting of all parties to facilitate dialogue concerning the constitutional basis.

To prevent escalation and further division in Libya, it is important that the 5+5 Joint Military Commission maintain its impartiality and distance itself from the current political tensions. We also stress the importance of maintaining the permanent ceasefire agreement, including the phased, gradual and balanced withdrawal of foreign forces, fighters and mercenaries from Libya. As the Prosecutor previously explained, efforts to implement the action plan for the withdrawal of those forces would promote greater stability in Libya and help prevent atrocity crimes.

The United Arab Emirates reiterates that the primary responsibility of Member States is to implement international law, including international humanitarian

law, and to prevent and stop atrocity crimes, including war crimes and crimes against humanity. Ensuring accountability for serious crimes, fighting impunity and bringing justice to the victims must be carried out in accordance with the fundamental principles of international law, including respect for the sovereignty and independence of States. We would also emphasize that compliance with the principle of complementarity under the Rome Statute of the ICC requires respect for the views and positions of the concerned State.

Achieving justice, which is a national sovereign prerogative, requires establishing lasting peace on the Libyan territories by supporting national efforts and building the capacities of Libyan institutions to establish accountability and implement transitional justice mechanisms. It also requires that Libyan initiatives and efforts, as well as United Nations and all other international efforts, be promoted with a view to facilitating and supporting national reconciliation processes to ensure long-term stability. In this regard, we welcome the current engagement and meetings between the ICC and the competent Libyan authorities. We also welcome the existing cooperation between Libya and the Court based on the memorandum of understanding signed between the Office of the Libyan Public Prosecutor and the Office of the Prosecutor of the International Criminal Court, in accordance with the Court's jurisdiction.

In conclusion, the United Arab Emirates emphasizes its commitment to the sovereignty, independence, territorial integrity and national unity of sisterly Libya. We hope that concerted efforts will be made to end existing divisions and prevent any measures that would undermine the progress made during the previous period.

Mr. Ravindran (India): I would like to join others in thanking the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, for his briefing today and for his comprehensive report on the work of the Office with regard to Libya. I also welcome the presence of the Permanent Representative of Libya at this briefing today.

At the outset, I would like to state on record that India is not a party to the Rome Statute. When the Libyan issue was referred to the ICC way back in 2011, India expressed its doubts about such a course of action. Subsequent events have, unfortunately, vindicated our doubts. It has been clear from successive reports of

the ICC Prosecutors that the referral to the ICC had no effect on bringing about a cessation of violence or the restoration of stability in the country. In fact, developments have only reinforced our view that when cases are referred to the Court primarily for political reasons, the ICC mechanism may not be best suited to serve the purpose of justice.

Recent developments and political disagreements in Libya are a matter of concern. We hope that all outstanding political issues can be resolved peacefully by the parties concerned, keeping the larger interests of the Libyan people in mind. The ceasefire agreement of October 2020 has held firm till now, and we hope that all parties will work together to maintain peace and stability. In that regard, we once again reiterate the imperative of holding the presidential and parliamentary elections as soon as possible. The holding of the elections in a timely manner will be necessary to carry forward the momentum generated by the signing of ceasefire agreement. We note and welcome the convening of the consultations of the Joint Committee of the House of Representatives and the High Council of State in Cairo by the Special Adviser of the Secretary-General on Libya to determine the constitutional basis for the elections.

The priority right now is to ensure that elections are held at the earliest date in a free, fair, inclusive and credible manner. We hope that all parties in Libya can unite around that common purpose. It is important for the Security Council and the international community to support the Libyan people in that endeavour. We also need to send a clear message that violence in any form is condemnable and would undermine the progress achieved since 2020.

We must also ensure that terrorist groups and affiliated entities are not allowed to operate unchallenged in Libya. The continued presence and activities of the Islamic State in Iraq and the Levant in Libya is of serious concern, including because of the potential cascading effect it could have throughout the Sahel region.

India has traditionally enjoyed close and mutually beneficial bilateral ties with Libya. We hope that all efforts of the international community will contribute towards achieving unity, peace, security and stability and bring about an inclusive and comprehensive national reconciliation in Libya.

Ms. O'Sullivan (Ireland): I thank Prosecutor Khan for his comprehensive and candid report and briefing this afternoon. I also wish to welcome our colleague the Ambassador of Libya.

Impunity remains a significant block to Libya's transition to democracy and the rule of law. That is why the Security Council's referral to the International Criminal Court (ICC) and the Office of the Prosecutor's investigation are so critical to long-term peace and stability in Libya.

We know that the operational, security and political environment in which the Prosecutor's Office continues to operate in Libya is very challenging. In addition to the fragile political situation, we are deeply concerned by continued reports of violations of international human rights and humanitarian law. The culture of impunity described by the Independent Fact-Finding Mission on Libya is particularly troubling.

In that difficult environment, progress by the Office of the Prosecutor is particularly reliant on cooperation with the Libyan authorities, and we continue to urge Libya to execute the outstanding arrest warrant against Saif Al-Islam Al-Qadhafi as a matter of priority. We welcome the Prosecutor's intention to refresh the relationship with the Libyan authorities and look forward to his travel to Libya in the near future. We acknowledge that assistance provided by the United Nations Support Mission in Libya is in that regard is vital.

Ensuring the ability of the Prosecutor's Office to conduct in-country investigative activities is also key to progress on the situation, and we look forward to hearing more in future briefings about a renewed memorandum of understanding between the Office of the Prosecutor and the Libyan authorities.

Ireland is appreciative of the open approach to reporting adopted by the Prosecutor in his latest report. The Prosecutor's prioritization of the situation in Libya and the allocation of resources to that matter — in particular support for the recruitment of additional staff with specialized expertise with respect to sexual and gender-based crimes — are also positive. That is a particularly welcome development, since we know that sexual and gender-based violence remains widespread in migrant detention centres and that no action is being taken by authorities to hold perpetrators to account. We also note the Office's preliminary assessment that crimes against migrants, including sexual and gender-

based violence, may constitute crimes against humanity and war crimes.

However, we appreciate the fact that resources remain a matter of concern for the Court across all situations. We reiterate once again our view that where the Security Council has referred situations to the International Criminal Court, that should be matched with adequate funding. Such referrals place an extra burden on the Court, including through the reporting requirement, and the Council should acknowledge as much. With that in mind, Ireland committed additional voluntary contributions to the ICC two weeks ago. Such contributions will assist with all situations before the Court and may directly benefit the work being conducted in relation to the Libyan situation.

The increased emphasis on engagement with victims and survivors in the Prosecutor's forward-looking investigative strategy is very welcome, especially efforts to bring the work of the Office closer to survivors, witnesses and the families of victims. One of the challenges in that will be ensuring the safety of those who wish to engage with the Court and the Prosecutor's Office. The intention to establish an enhanced field office is a prerequisite to such further engagement. We encourage all initiatives that ensure that those who cooperate with the Court through whatever means remain safe and secure.

Today, more so than ever, the work of the Court is essential to upholding the rule of law and achieving justice for victims. Prosecutor Khan, as always, can count on Ireland's strong and unwavering support for him and his Office in working towards that vital mandate.

Ms. Heimerback (Norway): First of all, let me thank Prosecutor Karim Khan for his useful briefing today and for submitting the twenty-third report to the Security Council concerning the Court's cases in Libya.

Norway has been a staunch supporter of the International Criminal Court (ICC) since its establishment, and today we believe that the mission of the Court remains as crucial as ever.

In the report before us today, we are particularly concerned about the numerous and serious crimes committed against the Libyan civilian population and migrants.

Norway takes note also of the Office of the Prosecutor's renewed strategy of action for the situation

in Libya. We welcome the four core principles, including the empowerment of those impacted by alleged crimes to participate in the Office of the Prosecutor's work, and the fresh approach to engagement with the Libyan authorities.

As the Prosecutor stressed, addressing impunity is critical to sustainable peace and stability in Libya. Accountability for the most serious crimes is key. Any meaningful reconciliation will depend on holding the perpetrators of atrocities to account. The ongoing work of the ICC concerning its cases in Libya is crucial in that regard.

We call on the Libyan authorities, its partners and the international community more broadly to cooperate with the Prosecutor's Office. Let me recall that resolution 1970 (2011) specifically mandated the Libyan authorities to fully cooperate with and assist the ICC and the Prosecutor. An important aspect of such cooperation is for Libya, as well as the international community, to support timely arrests and surrender of suspects.

More broadly, Norway continues to support the Libyan-led and Libyan-owned political process, including the timely and safe holding of elections. We commend the United Nations and Special Adviser Williams for assisting the Libyan parties in that process.

We are worried about the current battle for executive control, and urge the parties to agree on a consensual way forward. That is critical to preserving the country's unity and stability. We must avoid a new escalation of violence.

Norway welcomes the Prosecutor's prioritization of situations referred to it by the Security Council. We look forward to continued cooperation with all Council members in the fight against impunity and the promotion of accountability for mass atrocities.

The Council must also assume its responsibility and examine every possible measure to support the Court, especially with respect to cases referred to it by the Council. Not doing so undermines the credibility of the international criminal justice system.

Let me reiterate Norway's unwavering support for the Court and the Office of Prosecutor Khan.

Mr. De Almeida Filho (Brazil): I thank the Prosecutor of the International Criminal Court, Mr. Karim Khan, for his valuable briefing on the

twenty-third report on the situation of Libya. I also welcome the representative of Libya to today's meeting.

At the outset, allow me to reiterate Brazil's long-standing support for the International Criminal Court. As one of its founders, Brazil recognizes the value that a permanent, treaty-based tribunal has in fighting impunity and bringing justice to victims.

We welcome the Prosecutor's transparent approach towards the renewed strategy for action in relation to the Libyan situation. We consider it a positive step to outline in an open manner the investigative and prosecutorial strategy, including its key targets and core principles, as reflected in the present report.

We also support the emphasis given by the Prosecutor to the principle of complementarity, with a view to supporting and strengthening national investigations and prosecutions. We encourage the Prosecutor to continue engaging with the Libyan authorities on a regular basis, as complementarity is one of the cornerstones of the Rome Statute system. International criminal justice is a temporary solution when States with jurisdiction are unwilling or unable to investigate and prosecute the most serious crimes.

Brazil further welcomes the Prosecutor's willingness to bring his Office closer to survivors, witnesses and families of victims, in agreement with the national authorities. Such an enhanced field presence could provide a safe, secure and stable environment to witnesses who wish to engage directly with investigators. Furthermore, cooperation efforts can provide opportunities for strengthening local institutions so that States can fulfil their primary responsibility to investigate and prosecute crimes committed in their territories.

The United Nations Support Mission in Libya can also make important contributions to the national authorities in the fight against impunity, employing a collaborative approach in areas of investigation. Those are important steps to hold perpetrators accountable for their crimes, including those against migrants and refugees.

The United Nations should provide appropriate resources to the Court in relation to situations referred by the Security Council. It cannot be overemphasized that the current situation, where only States parties cover the cost of Security Council referrals, is not either fair or sustainable. We commend the Prosecutor

for having allocated additional resources to the Libya investigation team.

In conclusion, Brazil would like to renew its support for the efforts of the Office of the Prosecutor in ensuring justice and accountability, in accordance with the principle of complementarity. We hope that a fruitful relationship between the Office of the Prosecutor and the Libyan authorities will foster a culture of justice and accountability.

Mr. Biang (Gabon) (*spoke in French*): I thank Prosecutor Karim Khan for his briefing on the twenty-third report pursuant to resolution 1970 (2011). We welcome the participation of our colleague, Ambassador Taher Elsonni, Permanent Representative of Libya, in this meeting.

The International Criminal Court's mandate in Libya is crucial. Expectations are high regarding not only the fight against impunity, but also reconciliation and coexistence among Libyans.

We note with concern the enormous challenges faced by the Prosecutor in Libya in the collection of key information and forensic evidence in the context of the investigative steps necessary to ensure the due process of law against persons alleged to have committed serious crimes in Libya in 2011 and crimes related to military operations between 2014 and 2020, as well as crimes against migrants.

The fight against impunity must remain an imperative for all, and we believe that the scope of justice in Libya must be extended to all atrocities committed. That requires the ongoing support of the international community to fully equip the Prosecutor and his Office in their sensitive work.

We welcome the implementation of new investigative strategies, which take into account budgetary constraints without detriment to the needs of justice, let alone the requirement to establish the responsibility of alleged perpetrators of crimes.

It is of course necessary to work closely with the Libyan authorities and to involve international and regional actors, as well as civil society members who can contribute to the success of this vast and delicate undertaking.

We welcome the judicious use of advanced information technologies, including artificial intelligence.

We are aware of the volatile security environment in which the Prosecutor's new investigative strategy is unfolding, and we appreciate his efforts. Indeed, the military-political crisis that has affected Libya for more than a decade now is severe. Armed violence is far from being contained. It goes without saying that in such a climate of terror and fear, victims and witnesses can feel threatened, which contributes to making the exercise of justice quite complex and perilous.

That is why we would like to renew our call to all parties to the Libyan conflict to redouble their efforts to reach a comprehensive settlement of the crisis that is undermining the country. We believe that the Libyan people need justice and that it is the vocation of the Office of the Prosecutor to administer and advance that justice, in accordance with the principle of complementarity. In this regard, very close cooperation with the United Nations Support Mission in Libya as a partner is essential.

We would like to stress the crucial importance of creating the conditions for justice that will redress the wounds of the Libyan people, namely, the culmination of a political process in inclusive elections, the cessation of hostilities, the departure of foreign forces and a Libyan-led dialogue designed to achieve a lasting resolution of the prevailing crisis.

In conclusion, we reiterate our support for the efforts of the Prosecutor in Libya and the International Criminal Court in general.

Mr. Korbieh (Ghana): I would like to join previous speakers in thanking Mr. Karim Khan, Prosecutor of the International Criminal Court (ICC), for presenting the twenty-third report to the Council, and in welcoming Ambassador Elsonni of Libya to today's meeting.

Ghana notes with appreciation the well-structured report and its proactive approach towards dealing with the situation in Libya. Of particular importance is the chapter that deals with the way forward, as this gives a sense of direction to Council members on the approach that the Court intends to adopt in conducting its investigations and dealing with the issues.

On the substantive issues raised in the report, Ghana wishes to highlight the following three points. First, we reiterate the shared conviction that impunity cannot and must not be allowed to stand wherever it occurs and by whomsoever it is claimed. In this respect, we reaffirm the position that all individuals facing ICC

arrest warrants for alleged crimes committed in Libya, including genocide, war crimes or crimes against humanity, should be made to face the course of justice and given an opportunity to account for their actions or inactions as they relate to the very serious crimes for which they have been indicted.

Secondly, while calling on the Court to carry out its mandate enshrined in the Security Council referral (resolution 1970 (2011)), Ghana notes the challenges facing the Court in the light of the current complex political and security situation in Libya. However, it is gratifying to note the approach being taken by the Court — to invoke the principle of complementarity — which is a core principle of the Rome Statute. By engaging with the relevant Libyan national authorities, the Court has taken a positive step in confidence-building that can yield the desired results. After all, it is primarily the responsibility of States to protect their citizens, and, accordingly, the State must be consulted in such matters.

We therefore encourage the Court to continue to work with the Libyan judicial system and provide the needed technical and capacity-building support. It is certain that the independence of these national courts should be paramount in capacity-building efforts. We take this opportunity to call on the relevant stakeholders in Libya to give unfettered access to the team of investigators from the Court so that they can carry out their work effectively and efficiently. In view of the political situation in Libya, Ghana believes that the proposed signing of the memorandum of understanding, to which all relevant Libyan stakeholders should commit, is a step in the right direction, as it will show political commitment to the process as a whole for the time when the situation in Libya normalizes.

The third issue of importance to Ghana is witness protection — before, during and after the trial process. As the Court proceeds with investigations into the cases, particularly in Tarhuna, where 27 mass graves have been discovered and approximately 338 residents went missing between 2014 and 2020, it is important to underscore the fact that the Court needs to put in place efficient mechanisms that will protect witnesses.

In that regard, Ghana calls on the Court to take into consideration the involvement of victims in the whole process and give them the needed protection before, during and after the trials. We believe this will give victims the required confidence to testify during

trials, as it has been observed that in some instances witnesses have been recanting, which adversely affects the case for the prosecution and invariably casts a slur on the Court. In carrying out its investigations, the Court should also turn its attention to getting witnesses outside Libya to testify, in view of reports of attacks on migrants, some of whom may be survivors of these attacks. In that regard, it would be useful for the Court to seek the cooperation of neighbouring States as part of the investigation, particularly by eliciting evidence from migrants who escaped these atrocity crimes and may be seeking refuge in those States.

Accordingly, Ghana notes with appreciation the ongoing cooperation between the Court and such external partners as the Netherlands, the United Kingdom, Italy and the European Union Agency for Law Enforcement Cooperation in gathering credible evidence. We call on other States and relevant international agencies that may have relevant information to assist the Court in carrying out its investigations.

In conclusion, I would once again urge the Prosecutor to continue to look towards the evidence to deliver fair and equitable justice for victims among the people of Libya and for migrant victims from other States. Ghana therefore continues to hope for a balanced and global approach to the investigation of crimes within the jurisdiction of the Court, devoid of the perceived region-centric approach.

Mr. Sun Zhiqiang (China) (*spoke in Chinese*): I thank the Prosecutor Karim Khan for his briefing. I welcome the participation of Ambassador Elsonni, Permanent Representative of Libya, in today's meeting.

The differences among parties in Libya have grown for some time now, and the uncertainty of the political process has also increased. It is imperative for all parties in Libya to maintain calm and exercise restraint. Actions that might complicate the situation should be avoided. The current ceasefire should be fully maintained. Differences over the legitimacy of the Government should be resolved through dialogue and consultations, and a consensus on a timetable and road map for elections should be reached to create the conditions necessary for the holding of elections as soon as possible.

The international community should uphold the principles of a Libyan-owned and Libyan-led political process and play a positive and constructive role in bringing the political process back on track in Libya.

China is not a State party to the Rome Statute, and China's position on the ICC's work related to Libya remains unchanged. We have also noted Libya's position on the relevant issues. The ICC should continue to strictly abide by the principle of complementarity, stipulated in the Rome Statute, fully respect Libya's judicial sovereignty and the legitimate requests and opinions of its Government and make practical contributions to the maintenance of peace and stability in Libya.

Ms. Dautllari (Albania): I thank Prosecutor Karim Khan for today's briefing, for the comprehensive report and for highlighting that his Office prioritizes the referrals from the Security Council.

Albania reiterates its strong commitment to and support for the International Criminal Court (ICC) and the Rome Statute. We would like to commend the brave and independent work of Prosecutor Khan in this regard. As the Security Council, we have to make sure that his Office has the necessary resources to fulfil its mandate. We commend the Office of the Prosecutor for its excellent work in collecting evidence and the successful conclusion of the investigation into crimes committed in Libya in 2011. We encourage the Office to continue collecting evidence for possible crimes committed during the 2014-2022 conflict. Justice must prevail for any and all crimes, no matter who the perpetrators are, and be provided to the victims.

Justice is a must for Libyans to move forward, achieve reconciliation and look towards a better future. We are deeply concerned about ongoing violence against migrants, reports of torture in detention facilities, human rights abuses and crimes against women and children, including sexual violence. Those acts are in violation of international law, human rights law and international humanitarian law. They must be addressed and those responsible prosecuted to the full extent of the law, nationally and internationally, where necessary. We were glad to hear from the Prosecutor about the positive results of the partnership on migration issues.

Accountability is important to the victims and survivors of those crimes, but it can also serve as a strong deterrent to end the repetition of crimes and abuses in the future. The Libyan people deserve justice, the families of victim's demand justice, and the ICC has the tools to deliver that justice. In that vein, we welcome the cooperation with the Registrar of the

Court, to help victims improve communication and to listen more effectively.

Albania commends Prosecutor Khan's vision of a road map for accountability and welcomes the announcement of his visit to Libya in the coming months. Let us hope that Libyan actors will grab this chance to sign the memorandum of understanding and facilitate access for the Office of the Prosecutor on the ground to gather battlefield evidence and conduct independent investigations.

We welcome cooperation with the United Nations Support Mission in Libya and the meetings with the Special Adviser of the Secretary-General on Libya in compliance with their respective mandates. We also welcome the Prosecutor's approach in setting benchmarks, which will increase the efficiency of his work.

We are confident that the Office of the Prosecutor will fulfil its mandate, but I would like to reiterate that it is up to the Libyan authorities to build lasting peace and security in the country, promote and protect human rights, protect civilians and deliver justice. We therefore call on the Libyan authorities to closely cooperate with the ICC and Prosecutor Khan in ending impunity and holding those responsible for atrocities to account. Justice is not optional; it is a must for peace and the future of Libya.

The President: I shall now make a statement in my capacity as the representative of the United Kingdom.

Like others, I would like to start by thanking Prosecutor Karim Khan for his important briefing today on the occasion of the twenty-third report of the Prosecutor of the International Criminal Court (ICC) on the situation in Libya. The United Kingdom gives its full support to the Prosecutor's ongoing investigations, and I welcome both the Prosecutor's briefing and his report as a demonstration of transparency to the Security Council.

As the report sets out, there is credible evidence of the ongoing commission of widespread, serious crimes in Libya, including crimes of conflict-related sexual violence. The United Kingdom condemns those reprehensible acts and calls for the perpetrators to be brought to justice. Human rights must be fully protected in Libya. We must maintain our commitment to the victims of the past eleven years. The ICC investigation is an important contribution to transitional justice,

which is critical to the success of the political process and in the interests of all Libyans.

The United Kingdom calls on the Libyan authorities to cooperate with the ICC investigation and Independent Fact-Finding Mission on Libya. Access to sites, evidence and witnesses free from intimidation is necessary for progress to be made. The United Kingdom supports the Prosecutor's renewed strategy and the principles on which he will take forward the investigation. The United Kingdom welcomes in particular the prioritization of the Libyan investigation and the announcement of additional resources, which we hope will accelerate progress towards justice for victims.

The United Kingdom commends the Prosecutor's work in cooperating with national authorities and his intention to develop such partnerships further, including in assisting prosecutions at the national or regional level, where that is appropriate. We reiterate our call on all relevant States, including States parties to the Rome Statute and States not party to it, to cooperate with the ICC and surrender individuals subject to arrest warrants.

The Council mandated the Prosecutor's investigation in Libya and, in order to ensure accountability for serious international wrong-doing, the United Kingdom will remain steadfast in its commitment to accountability for atrocity crimes in all situations in which they are committed. We will continue to work with the Prosecutor and with international partners to end impunity.

I now resume my functions as President of the Council.

I give the floor to Prosecutor Khan to respond to comments.

Mr. Khan: I am most grateful for the contributions, observations, words of support and, indeed, even the words of concern that have been raised. I am also grateful for the opportunity to clarify or further explain a few matters.

I think that, based upon any analysis, the International Criminal Court can be viewed only as an awful testament to the continuous proclivity of humankind to wreak havoc and cause untold suffering upon the most vulnerable children, women and men. Of course, there is a lot of blame to go around with regard to every country. All of us are flawed beings, but

that is not really the question. The question is whether we want to live in a world where justice prevails or whether we can somehow sleep and tolerate and accept a world in which so many are in physical agony and emotionally distraught.

My learned friend, the representative of the Russian Federation, referred to the situation in Libya and asked who actually is to blame for the continuous groans of agony that still reverberate from that troubled land. That is, of course, an open question, and the question is: Who is responsible?

The Rome Statute gives clear jurisdiction to us in relation to matters that are referred. The Charter of the United Nations is the principal foundation of world affairs. It makes it clear that the Council has principal responsibility for maintaining international peace and security. It is very important to bear in mind that while we have — and I have — tremendous respect for the promise of the Council, for the purpose of the Council and for all members here, like many normal people there is understandable frustration about the fact that all around the world, away from sophisticated capitals and cities, such as New York, and beautiful rooms such as this one, we still tolerate a world where we are deaf and wilfully shut our eyes to the agony of so many others.

There was a question raised regarding focus. I am a lawyer, not a legislator, and I hope that I will never be in a position to knowingly violate the law. Certainly, I will never arrogate to myself authorities that are not vested in me. The clear language of paragraph 6 of resolution 1970 (2011) holds the answer to the representative's question, as it clearly states that the Council decides that nationals, current or former officials or personnel from a State outside the Libyan Arab Republic which is not a party to the Rome Statute shall be subject to the exclusive jurisdiction of that State. I follow the law. The Council creates the law in terms of the parameters of a referral.

The other part that I would like to emphasize, if I may, relates to something my late father from Pakistan used to say when we squabbled as children. He said that when you point a finger, there are three pointing back at you. It is very easy with the history of humankind to engage or be indulgent in the blame game. Someone did this or that. It is all true, perhaps, but is it an excuse for us not to try to raise our gaze collectively to higher values and higher principles? For goodness' sake and

with respect, if we cannot do that in a building such as this, what is the hope?

The representative of India raised an important point. He recalled certain concerns that seemed, he thought, to be vindicated by the International Criminal Court and the lack of peace. It is also important to realize, grasp and accept the reality that justice anywhere, and international justice in particular, is not a silver bullet that will solve every malady that afflicts humankind. If one expects that to be the case, we will keep failing and having expectations that simply cannot be fulfilled. I would suggest that a more appropriate question is whether or not, but for the International Criminal Court, peace and justice would have fallen like manna on the people of Libya. The simple truth is that the Council, the region and Libya itself have somehow not managed to help secure peace.

The final comment from the representative of Ghana really must be the last word. The question really is whether or not we collectively provide value. We really care for children, women and men who just want to lead their lives but keep suffering time and time again. The words of the representative of Ghana resonate far more eloquently than I could ever attempt — impunity, when committed, cannot be allowed to stand. That is why we have an International Criminal Court. That is why we try to get to the truth to vindicate the rights that we should all individually, regardless of politics, hold dear.

The President: I thank Prosecutor Khan for his further clarifications.

I now give the floor to the representative of Libya.

Mr. Elsonni (Libya) (*spoke in Arabic*): At the outset, I would like to congratulate you, Madam President, on your country's assumption of the presidency of the Council for this month. I thank you for your efforts.

I would also like to thank Mr. Karim Khan for his briefing and his twenty-third report.

We reaffirm that the Libyan people are very eager to establish a modern and civil State, consolidate the principle of accountability and combat impunity. In our view, that will be achieved only if we activate the path of comprehensive national reconciliation, which will start by activating justice, revealing the truth, seeking the truth, making apologies, offering reparations and calling for forgiveness and tolerance. We all know that such steps are the foundation of transitional justice.

Through them, we can seek closure on the painful past which the Libyan people have endured in recent years.

We reiterate the observation we have made at several previous meetings that achieving justice on Libyan territories is a matter of sovereignty and national jurisdiction. That means that any suspect will stand trial pursuant to the Libyan Criminal Code, thereby reflecting Libya's sovereignty over its territories and citizens. The Libyan judiciary is committed to ensuring that all suspects are provided with a just and fair trial.

We confirm once again that our cooperation with the International Criminal Court (ICC), in accordance with its mandate, will be in keeping with the memorandum of understanding that was signed between the Libyan Prosecutor General's Office and the Office of the Prosecutor of the ICC, given its role in providing assistance to but in no way replacing the Libyan judiciary. We look forward to implementing the memorandum of understanding accordingly and as proposed by the Libyan Prosecutor.

We welcome the new strategy announced by the ICC Prosecutor, which is based on prioritizing the situation in Libya, providing the necessary resources and cooperating with the authorities to enhance efforts to ensure and support accountability. We hope that the strategy will support the Libyan Prosecutor's office and the judiciary in charting the path to justice and combating impunity. We underscore that there must be no selectivity and politicization of cases.

We all know that lasting peace is tied to justice and respect for human rights. We also know that peace cannot be achieved automatically. Therefore, we need to acknowledge the suffering of the victims' families and rebuild trust in the State's institutions and its ability to deliver justice. That is why we ask the ICC to expeditiously disclose the results of its investigations following its team's three visits to Libya over the course of more than a year. We refer specifically to the mass graves that were discovered in the city of Tarhuna, as well as other stark violations and war crimes that have been committed — not just today, but from 2011 to date — against innocent civilians. We must determine those responsible for those crimes, locally and internationally, without exception or politicization, regardless of where those crimes were committed and by whom. That would help deliver transitional justice and promote genuine comprehensive national reconciliation.

With regard to the migration dossier that the Prosecutor mentions in his report, we stress that the Libyan State is eager to defend illegitimate migrants against any violations due to the current crisis and despite all challenges. We will do our utmost to protect and save them. We work to deport them whenever possible. We would like to stress our complete rejection and condemnation of any violations that outlaws may perpetrate. Those are considered individual actions and we are working to address them. However, at the same time, we will not accept any attempt by certain States to create and impose conditions that help them to export their crises to us and establish the concept of resettlement, which is a breach of international law. In that regard, we are surprised by the negative position of the international community concerning human traffickers. The focus remains only on those perpetrators inside Libya, although we all know that human traffickers and their international networks are transnational.

The fight against this phenomenon must start by eliminating these networks and their leaderships completely, wherever they are. Therefore, and like my colleague the representative of Ghana and other representatives of African States, we again ask Mr. Khan and his team to ensure that their new strategy includes comprehensive investigations to uncover and

prosecute the international criminals related to the migrant situation in Libya. Sanctions must be imposed on them wherever they are without exception, be it in the States of origin and transit in Africa or in the destination States in Europe.

In conclusion, we emphasize that the national judicial institutions are able to establish justice notwithstanding all the challenges facing the country, the greatest of which is its ability to enforce the law. This will require the Council's support for all national efforts to build the institutions, strengthen stability and put an end to all forms of interference in Libya. We ask Council members to respect Libyan ownership and leadership of a comprehensive solution and Libya's achievements in terms of agreements, the road map and its outcomes. We ask them to support the ongoing dialogue to put an end to all the temporary and fragile transitional stages so that we can unite our institutions and provide the conditions necessary to hold general elections, with the participation of all and in a sound manner. We ask that the will of the Libyans and their right to self-determination be respected in order to achieve stability, build a State of justice and law and totally remove the Libyan dossier from the corridors of the International Criminal Court and the Security Council.

The meeting rose at 4.40 p.m.