



Security Council

Seventy-seventh year

9187th meeting

Wednesday, 9 November 2022, 10 a.m.

New York

Provisional

President: Ms. Opong-Ntiri (Ghana)

Members:

Albania	Mr. Spasse
Brazil	Mr. Fox Drummond Cançado Trindade
China	Mr. Xing Jisheng
France	Mrs. Dime Labille
Gabon	Mrs. Onanga
India	Mrs. Kamboj
Ireland	Ms. Miley
Kenya	Mrs. Toroitich
Mexico	Mr. De la Fuente Ramírez
Norway	Ms. Heimerback
Russian Federation	Mr. Kuzmin
United Arab Emirates	Mr. Almazrouei
United Kingdom of Great Britain and Northern Ireland	Mr. Wickremasinghe
United States of America	Mr. Mills

Agenda

The situation in Libya

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22-68030 (E)



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The meeting was called to order at 10 a.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.

The presidency takes note of the delayed issuance of the International Criminal Court Prosecutor's report on Libya to the members of the Council. It is hoped that in future the relevant provisions of note by the Presidential S/2017/507, specifically paragraph 64, which encourages that reports be made available at least four working days before the Council is scheduled to consider them, will be followed.

I now give the floor to Prosecutor Khan.

Mr. Khan: I thank you, Madam President, for the opportunity of briefing the Security Council today. I also wish to express my deep appreciation to the Permanent Representative of Libya, Ambassador Taher Elsonni, for being present at today's meeting.

Today is important because it is the first time that a Prosecutor of the International Criminal Court (ICC) has addressed the Council from the soil of Libya. It is also the first time that an ICC Prosecutor has been to Libya in a decade. I am very grateful for the support of the United Nations Support Mission in Libya (UNSMIL), and I thank the Special Representative of the Secretary-General, Mr. Abdoulaye Bathily, for his wonderful hospitality and support during this Human Rights Council fact-finding mission.

My experiences over these past few days have reinforced something that has been clear for a while — that we need to do better and be more relevant, that justice cannot be merely a value or an idea. Instead, it needs to be felt by the people of Libya.

We have seen victims of detention from all parts of Libya — Benghazi, Derna, Tajoura, Murzuq and

Tawergha. Just two days ago, I went a couple of hours' drive from Tripoli to a place called Tarhouna. There, I saw a miserable sight — metal boxes, almost like a workstation. We have accounts of people who were forced to enter those boxes backwards and were kept in absolutely appalling conditions that, by any metric, amounted to calculated inhumanity. From there, I took the same road to where some of those poor souls were executed — to farms that became mass graves and to refuse tips, and landfill sites, in which bodies were thrown without ceremony.

I think it is only right to applaud the truly courageous work of the Libyan forensic experts, because in those deep tips, along with the plastic and every waste product known to humankind, along with the dead dogs and dead goats that we saw, they had an extremely difficult technical task of clearing away mounds of rubbish in order to find the individuals who had been thrown in.

This was as a result, it seems, of crimes within the Court's jurisdiction. So far, 250 bodies have been recovered, and far fewer have been identified. I emphasized to the Attorney General's Office, to the Minister of Justice and to the forensic science service that we, as the Office of the Prosecutor, are willing to work as partners and to provide further technical assistance and support to the forensic capacity in Libya. Nevertheless, I must say that I have been impressed with the effort and the focus of work the forensic team has done. But the task is so great that assistance is certainly needed.

From the Tarhouna landfill site, I went to another location, and I spoke to victims, survivors. Around the table were assembled heartbreak after heartbreak. One man had lost 24 members, I believe, of his family. Another had lost 15. A mother gave a compelling account, with the quiet dignity that is very often part of the Libyan character, that she had witnessed individuals break in and take her sons from her. She has not seen her sons since. There was a father who, very simply and all the more powerfully for that, stated that he could not bear to live in his own home because his children were born in that home. The effect of that loss makes it such that the home triggers trauma on a daily basis. That is the type of heartbreak and suffering expressed to us by survivors. That is why the Council's referral of the Libyan situation to the Office of the Prosecutor and the work and collective obligation to deliver on

justice is not some abstract idea. It really matters a very great deal.

There is fatigue in Libya. There is a sentiment that we have heard it all before. What is the international community doing, and what is the ICC doing? We talk about justice, but we do not see and do not feel it. One survivor said:

“we keep hearing about justice, we keep hearing about the ICC. Where are the results? We need these promises to be turned into reality”.

I think those sentiments are absolutely fair, as 2011 is a long time ago. The types of suffering are expanding, and we need to make sure that we are seen to be relevant. That message is not confined to Tarhouna. I have heard similar messages from victims from all parts of Libya. The team has also been involved with investigations. Whether one is from Tripoli, Benghazi, Misrata or elsewhere, those stories resonate with ever-greater force. Victims want the truth to emerge. They want their voices to be heard. And they want allegations to be juridically determined by independent and impartial judges. I understand those frustrations, and I have a great deal of sympathy with them. That is why, in my most recent briefing in April (see S/PV.9024), I highlighted a new road map that would hopefully provide greater results and greater transparency in our work. We cannot allow the sentiment that impunity is inevitable to become pervasive.

In April, I talked about increased resources for the Libya team. I talked about an increased field presence and a dynamic approach to investigations to ensure that we had every chance of putting forward, with a degree of transparency, measurable objectives. I am pleased to report that, as set out in the report that Council members have, we have made good progress in implementing that new approach. That is in large part because of the partnerships that we are seeking to build.

For the first time since 2011, I can report a regular presence by staff of my Office in the region. In the latest reporting period, I can announce that there were 20 missions to six countries, in which a variety of evidentiary material was collected, whether it be satellite, witness statement or audio evidence. The promise of greater engagement also manifested itself in various ways, including in June, when the Deputy Prosecutor, Ms. Nazhat Shameem Khan, came to Libya and met with Government officials, as well

as civil society both in The Hague and in Tunis, and also elsewhere.

In September, we joined a joint investigative team in relation to human trafficking. I think that that was a very important step, along with the wonderful work of Italy, the Netherlands, Spain and the United Kingdom of Great Britain and Northern Ireland, as well as the European Union Agency for Law Enforcement Cooperation. That partnership is not cosmetic. It is not simply to tick a box and say that we are building partnerships. It has already managed to pay dividends because, only a couple of weeks ago, in October, that joint investigative team allowed very key individuals to be transferred from Ethiopia to domestic courts of Italy and the Kingdom of the Netherlands in relation to the smuggling of people. Of course, allegations that encompass torture and slavery in general terms can now be determined by domestic courts. That shows consistency with what I have repeatedly said with regard to the fact that, in my view, the International Criminal Court is not an apex court. It is a hub, and we need to work together to ensure that there is less space for impunity and greater efforts towards accountability.

In April, I also put forward various benchmarks, including a bid for accelerated action, having solid investigations and, where appropriate, submitting applications for warrants based on solid evidence. Today I can announce that further applications for warrants of arrest were submitted to the independent judges of the ICC. They were submitted confidentially. It is for the judges of the ICC to determine. I therefore cannot speak at greater length and give greater details. But there will be further applications that we will make because the victims want to see action and the evidence is available. It is our challenge to make sure that we have the resources be prioritized for the Libya situation to ensure that we can vindicate the promise of the Security Council in resolution 1970 (2011). In my respectful view, that approach represents a new paradigm for action by my Office.

The increased momentum that may be apparent in the report is not because of the activities of the Office acting in isolation. Libya is a key stakeholder. We are in Libya. This country is owned by Libya. The overwhelming crimes are against Libyans. The partnership that we are trying to refocus, build and foster is absolutely pivotal if we are to move things forward.

Tomorrow I will meet with civil society from different parts of Libya. Next week, Libyan civil-

society members will join experts and civil society from around the world during a thematic round table that we will hold in The Hague regarding crimes against and affecting children. I think that it is only right to underline the importance of partnership, particularly the work of His Excellency Mr. Mohamed Younis Menfi, President of the Presidential Council, because, without his leadership, direction and unclogging of blocks, I would not be here in Libya today giving this briefing to the Security Council. The cooperation is not perfect. We itemized areas of difficulty. I had candid discussions with the authorities here in Libya, but I think that, with candour, we can collectively move things forward.

During the past few days, the meetings that I had with the Office of the Attorney General, with the military prosecutor and with the Minister of Justice also focused on trying to build complementarity and the obligation to work better so that we can achieve, not for the sake of the reputation of the Office of the Prosecutor or the obligations of Libya, pursuant to the resolution, but for the people — for the men, women and children of Libya, who deserve nothing less.

Yesterday I also met with those in the east. I met with the military prosecutor in Benghazi, as well as Field Marshal Khalifa Haftar. There I was crystal clear. I made it clear that we had received evidence and information regarding allegations of crimes committed by Libyan National Army troops. I said that those allegations would be, and are being, investigated. I applied the common principle that I was refocusing the work of the Office in Libya, that we were trying to have a greater impact to make sure that we could move forward with some purpose, that, whether one was from the east, the west, the north or the south of Libya, and whether one was a military commander or a civilian superior, there was an absolute prohibition on committing crimes within the jurisdiction of the Court and that there was a fundamental obligation, which had reverberated since Nuremberg, that military commanders and military superiors had to prevent, repress and punish crimes when they emerged. There is absolute clarity on that point, and we expect cooperation, not as a favour, but pursuant to the plain terms of resolution 1970 (2011), so that we can advance our mandate.

I think that it is right that, in conclusion, I return, if I may, to that poignant room in Tarhouna, with the victims sitting around a table. There was a woman who spoke at the end. After many other women had left, she

stayed right to the end, and, in a very moving way, with poise, but with the tears that perhaps only a mother or a parent can shed, she said, “I accept the will of God. My son has gone. I can accept that, but I just want to know what happened and where he is so that I can bury him.” At that moment, what can one say to a mother? It was not the place for glib sound bites or some kind of pithy response; I simply paused. The only words that could emerge from my lips were the words of the prayer from the Qur’an that Muslims say: “We belong to Allah, and to Him we shall return.” (*The Holy Qur’an, II:156*)

That really shows what justice is about. It is really not about power. It is not about the powerful. It is about those who just want to have the very basics, to live in peace and, when they have suffered loss, to know what happened and to have a modicum of justice because their loved ones’ lives mattered like the world to them. While there is a lack of belief in the delivery of justice and the possibility of peace, I also emphasize that that is not an impossible mission. If we are willing to forge new partnerships, look at new ways of working together and coalesce around human values — not just legal norms, but those legal norms emerge and spring from those human values — I believe that we can do much better in delivering justice for the people of Libya. Hopefully, that will assist in bringing about a wider hope for sustainable peace in this very ancient and wonderful land.

The President: I thank Mr. Khan for his briefing.

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

Mr. De la Fuente Ramírez (Mexico) (*spoke in Spanish*): Mexico thanks the Prosecutor of the International Criminal Court, Mr. Karim Khan, and his team, for the briefing on his twenty-fourth report on the situation in Libya. We have noted that the Prosecutor made his briefing from Tripoli, which indeed suggests improved cooperation with local authorities.

We welcome our colleague the Permanent Representative of Libya to this meeting.

We acknowledge the progress made on the four lines of investigation outlined in the road map presented to the Security Council in April 2022. In particular, we highlight that the continued presence of the Office of the Prosecutor has allowed us to accelerate the collection of evidence, which has had a positive effect on the investigations, as well as on the linkage and collaboration with victims and civil society. Mexico

shares the conviction that it is important to put victims at the centre of the work of the Office of the Prosecutor, and it reiterates in particular the importance of providing victims with psychosocial care and support.

Cooperation between the Office of the Prosecutor and national authorities is essential, in accordance with the principle of complementarity. We echo the Prosecutor's call for maintaining this cooperation at the highest level with the Libyan authorities. We note the results of the visits of the Deputy Prosecutor and Prosecutor Khan, and hope that these exchanges will continue in future.

We also highlight the active cooperation with third countries, as well as with EUROPOL, which has already yielded some results in the line of investigation concerning crimes against migrants. In this context, we highlight the arrest and extradition of two individuals accused of human trafficking in Libya, who were arrested in Ethiopia and extradited to Italy and the Netherlands, respectively. Mexico considers it a positive development that the Office of the Prosecutor has become a member of the joint investigation team for this type of crime.

With regard to activities related to the Court's jurisdiction, we note the conclusion of proceedings in the *Khaled* and *Al-Werfalli* cases, once their deaths were confirmed. We underscore the importance of ensuring compliance with arrest warrants to prevent cases from remaining inconclusive, and we hope that new warrants will soon be issued in the light of the progress of the investigations.

Mexico welcomes the allocation of increased resources for the team investigating the situation in Libya and stresses the importance of meeting the budgetary needs of the International Criminal Court. We therefore stress once again the importance of the United Nations fully assuming the costs of the situations referred to the Court by the Security Council.

Finally, as this is the last occasion on which Mexico will make a statement on a briefing by the Prosecutor of the International Criminal Court during our current membership of the Security Council, we reiterate our conviction that the referral of situations to the Court has the potential to close impunity gaps. This tool, provided for in the Rome Statute, makes the road to accountability a reality for the victims of the most heinous crimes, and we will continue to support this

mechanism whenever necessary, inside or outside the Security Council.

Mr. Xing Jisheng (China) (*spoke in Chinese*): I wish to thank prosecutor Karim Khan for his briefing and welcome the Permanent Representative of Libya, Ambassador Elsonni, to today's meeting.

The political process in Libya continues to be deadlocked at this moment, with elements of uncertainty and instability on the rise. A political solution is the only viable option for resolving the Libyan issue. We welcome the recent resumption of dialogue between the House of Representatives and the High Council of State, and we hope that the Libyan parties will build upon this by stepping up consultation and by reaching, with the good offices of the United Nations, an early consensus on the constitutional basis, and that they will proceed to elections without delay so as to bring the political process into a new stage. The international community should uphold the Libyan-owned and Libyan-led principle, fully respect the sovereignty and the territorial integrity of the country and avoid imposing a solution from the outside, with a view to creating an enabling environment for the political process in the country.

China's position on the International Criminal Court's work on Libya remains unchanged. The Court should continue to strictly adhere to the principle of complementarity under the Rome Statute, fully respect the legal sovereignty of the country, value the legitimate demands and the views of the Government concerned and work in a way so as to make a genuine contribution to maintaining peace and stability in the country.

Mr. Mills (United States of America): I thank Prosecutor Khan for his briefing to the Security Council on the International Criminal Court's work on the situation in Libya. I also want to take this opportunity to thank him as Prosecutor of the International Criminal Court (ICC) and wish him continued success in that role and in all his work.

The United States has historically been, and will continue to be, a strong supporter of meaningful justice and accountability for victims of atrocities — justice achieved through appropriate justice mechanisms. These are values best advanced working together within the international community. Now more than ever, we witness the need to support and uphold these justice mechanisms as Russia continues its brutal war in Ukraine.

The work of the ICC in Libya is also a critical element of our shared commitments to accountability, peace and security there. We commend the efforts of the Court to investigate and prosecute those most responsible for the heinous atrocities committed against the Libyan people since February 2011. We welcome the renewal of the United Nations Support Mission in Libya and the appointment of the Special Representative, in addition to the reinvigorated efforts to secure an agreement on a constitutional framework for elections so that Libya can hold free and fair elections as soon as possible. We likewise welcome the report of the Independent Fact-Finding Mission on Libya (FFM) that was released in June, as well as the detailed findings on the situation in Tarhuna.

We note that the Fact-Finding Mission report called for the need to urgently address the proliferation and legitimization of armed groups acting as “islands of control” in Libya, outside of any State authority. We note that the report urged the international community to provide support to disarmament, demobilization and reintegration programmes. It further encouraged States to exercise universal jurisdiction to arrest and prosecute perpetrators who are found on their territories and who stand accused of committing the international crimes detailed in the FFM’s reports.

It likewise called out social media platforms that are active in Libya to exercise greater due diligence in combating and prohibiting incitement to hatred, particularly attacks on activists, human rights defenders and vulnerable groups. As we have heard this morning on the situation in Tarhuna, the Fact-Finding Mission had found reasonable grounds to believe members of the Al-Kaniyat militia had committed war crimes and a number of crimes against humanity through underlying acts of murder, extermination, imprisonment, torture and forced disappearance, and other inhumane acts. The FFM also identified three possible locations of undiscovered mass graves. It has therefore offered to assist the Libyan authorities in their search for buried victims through the use of its findings. The FFM also emphasized that the victims it spoke to demanded truth, justice, reparations, peace and accountability, just as the Prosecutor so eloquently told us. The FFM is scheduled at this juncture to release a final report and then, unfortunately, to conclude its excellent reporting, which has helped to shed light on some of the atrocities perpetrated in Libya. We commend its work and all who have investigated and reported on those crimes.

The United States continues to believe that resolving political uncertainty and promoting accountability in Libya will go a long way to addressing the chronic instability that Libya continues to face, including through the mobilization of armed groups. We therefore call on the Libyan authorities to do more to support and advance accountability efforts, including through cooperation with the ICC in the areas identified in the Prosecutor’s report, such as providing access to key documentation, supporting greater technical engagement and responding promptly to requests for assistance and visas. Former senior officials of the Al-Qadhafi regime, such as Saif Al-Islam Al-Qadhafi, who is still subject to an ICC arrest warrant on charges of crimes against humanity and war crimes, must be brought to justice. Victims and survivors deserve the justice that has eluded them. It should be emphasized that the Court’s investigation into the situation in Libya and against Saif Al-Islam Al-Qadhafi have been pending for more than 11 years, since 2011, yet the Libyan authorities still have not cooperated in helping to bring him to face justice in The Hague. That must happen as soon as possible.

We remain deeply concerned about the fate of migrants fleeing from Libya, including women and children who experience sexual violence, and we urge Libyan authorities to take credible measures to dismantle the trafficking and smuggling routes.

In conclusion, promoting peace and security in Libya remains critical. We call for the withdrawal of all armed groups and mercenaries from Libya, in line with resolution 2656 (2022) and the October 2020 ceasefire agreement. The ICC plays a crucial role in our shared commitment to accountability, peace and security, and we support its efforts to help bring justice to the people of Libya.

Mrs. Kamboj (India): I thank Prosecutor Karim Khan for his briefing today with regard to Libya, and I welcome the Ambassador of Libya to the Security Council.

At the outset, I want to put it on the record that India is not a signatory to the Rome Statute of the International Criminal Court. The referral of the situation in Libya to the ICC has had no effect in bringing about a cessation of violence or restoration of stability there. However, the situation in Libya continues to be of concern to us. The political stalemate and the subsequent mobilization of armed groups in Libya have the potential to undermine the gains made since the signing of the ceasefire

agreement in October 2020. We therefore reiterate that there can be no military or armed solution to the issues facing Libya. The immediate priority is to resolve all outstanding issues in order to arrive at a constitutional basis for the holding of presidential and parliamentary elections. Holding elections as soon as possible in a free, fair, inclusive and credible manner is an urgent imperative. We also need to send a clear message that violence in any form is to be condemned and would undermine the progress achieved since 2020.

In conclusion, the political process in Libya should be fully Libyan-led and -owned, with no imposition or external interference. For its part, India remains committed to supporting Libya and its people in their endeavour to find lasting peace and stability.

Mrs. Toroitich (Kenya): I thank Prosecutor Khan for his briefing and for his Office's twenty-fourth report on the situation in Libya, pursuant to Security Council resolution 1970 (2011). We welcome the fact that the Prosecutor is briefing the Council from Libya and take note of his engagement with the Libyan authorities and stakeholders. I also welcome the participation of the Permanent Representative of Libya in today's meeting.

The first responsibility of a State is to deliver justice and accountability to its people. That principle forms the basis on which international support can be extended to any Member State of the United Nations. Kenya therefore reiterates its long-standing position that international support with regard to justice and accountability must be underpinned by the principle of complementarity. In that regard, we reaffirm our support to the people of Libya in their pursuit of accountability and justice within the broader framework of the peace process. The referral of the situation in Libya to the Court under resolution 1970 (2011), as with any other international or regional assistance or cooperation, is also subject to the principle of complementarity. Noting the increased interaction between the Court and the Libyan authorities, as indicated in the Prosecutor's report for the current reporting period, we urge for an increase in support for Libya's national capacity in the areas of investigation, prosecution and the judiciary, as well as for closer collaboration in information-sharing, including on the outcomes of fact-finding exercises.

During the Council's meeting on 28 April (see S/PV.9024), we called on the Prosecutor to provide further reporting on crimes against migrants, which he had said could constitute crimes against humanity and war crimes. We take note of the Prosecutor's reports on

the efforts deployed along those lines of investigation and urge for greater efforts and action, especially considering the increasingly complicated extraregional interests at play with regard to migrations across the Mediterranean from Africa into Europe. It is also important to consider how the explicit and implicit national policies of countries claiming to assist in preventing irregular migration may be contributing to the continued indignities visited on migrants, refugees and asylum seekers. We continue to look forward to further reporting on that issue, and we call on the Libyan authorities, the European Union and other interested parties to earnestly seek to address the push factors of migration.

Finally, we want to assure the people of Libya of our support in their quest for peace through a Libyan-led and -owned peace process, and to reaffirm our commitment to Libya's sovereignty and territorial integrity.

Mr. Spasse (Albania): Let me begin by thanking Prosecutor Khan for his briefing today and reiterating Albania's unreserved support for the International Criminal Court (ICC). We view the Court as a key component of the global struggle to end impunity and hold individuals accountable for serious crimes. I also welcome the presence of the Ambassador of Libya in this Chamber.

Albania values the proactive approach of the Office of the Prosecutor in delivering justice to the aggrieved in Libya. We commend the tangible progress made during the reporting period in terms of accelerating the ongoing investigation, collection of evidence, protection of witnesses and revitalization of investigations into crimes committed in Libya between 2011 and 2021.

We see clear evidence that the new strategy of the Office of the Prosecutor is paving the way for long-awaited justice in Libya. We welcome the achievements so far and consider them crucial elements in ensuring that due process takes place, but they cannot come to fruition without the full and unconditional cooperation of the Libyan authorities. We take this opportunity to urge the Libyan authorities to engage actively and in good faith with the Office of the Prosecutor to move the process of justice forward.

Albania takes note of the closer cooperation between the United Nations Support Mission in Libya and the Office of the Presidential Council of Libya, and welcomes the 6 November visit by the ICC Chief Prosecutor and his meeting with the Minister of Justice,

Halima Ibrahim Abdurrahman. That is an encouraging sign, but more is needed to produce concrete cooperation in the interest of justice. The Office of the Prosecutor requires full and secure access to the entire territory and to the relevant documentation and crime scenes, especially where key witnesses are threatened. We call on the Libyan authorities to cooperate fully with the Office of the Prosecutor. We also reiterate our call on the Libyan authorities to hand over to justice Al-Qadhafi's son Saif Al-Islam Al-Qadhafi so that he can stand trial in a court of law, which is something that he and his father denied to thousands of Libyans.

In addition to the challenges to the pursuit of justice for past crimes in Libya, we are deeply worried about the ongoing violence against migrants, reports of torture in detention facilities, systematic and grave human rights abuses and crimes against women and children, including sexual violence. They are gross violations that must be stopped at once. In that regard, we welcome the progress made in collecting evidence and issuing new arrest warrants for crimes against migrants and sexual crimes and call on the Office of the Prosecutor to continue to fully investigate all crimes and hold the perpetrators to account.

We welcome and support the Office of the Prosecutor's road map in further empowering victims, ensuring witnesses' protection, security and safety and putting them at the heart of its approach. The protection of the families of the victims must be a priority, and Albania encourages the Office of the Prosecutor in referring more witnesses to the Victims and Witnesses Support Unit. Specific attention must be provided to the victims of sexual abuse, including women and children, who suffer most.

In conclusion, let me emphasize the crucial need for transitional justice in order to reach closure with the dark past, and underline the central role of Libyan authorities in moving away from the brink and launching a process of reconciliation that should lead to lasting peace and security in the country.

Mr. Wickremasinghe (United Kingdom): I would like start by thanking Prosecutor Khan for his twenty-fourth report and for briefing us today on the work of his Office.

We are pleased to note that the Office of the Prosecutor has accelerated its investigative and cooperation activities under the renewed strategy outlined in the previous report. We welcome the

tangible progress of the Office on the four key lines of inquiry — the 2001 violence, crimes in detention centres, crimes that took place during the 2014-2020 operations and crimes against migrants. The constant presence of the Office in the region throughout the reporting period has strengthened its personnel's ability to engage with witnesses and victims, thereby deepening their knowledge and understanding of the challenges to achieving accountability. We welcome the additional resources that the Prosecutor has allocated to the Libya investigation team, in particular through experts and Arabic speakers.

The report also highlights the increased support received from the Libyan authorities, including from the Office of the President of the Presidential Council of Libya ahead of the Prosecutor's current visit to Tripoli. We encourage the Libyan authorities to build on that and to take the key steps outlined in the report to increase further cooperation. A collective approach and engagement among all relevant actors is needed to uphold the rights of those who are still waiting to receive justice. We welcome the formal membership of the Office of the Prosecutor in the joint team on crimes against migrants in Libya, together with the authorities of Italy, the Netherlands, Spain and the United Kingdom and in conjunction with the European Union Agency for Law Enforcement Cooperation. Their assistance with the investigation of two key suspects of crimes against victims of human trafficking and smuggling led to their arrest and extradition, which is a significant step towards justice for their victims.

However, we note the difficult context in which those results were achieved. The complex political landscape, together with the ongoing executive impasse and division, heightens the continued risk of violence. In that regard, the United Kingdom was pleased to see the appointment of the new Special Representative of the Secretary-General, Mr. Abdoulaye Bathily, and the substantial 12-month renewal of the mandate of the United Nations Support Mission in Libya. United Nations leadership is vital to restoring Libya's electoral footing following the failed presidential elections of December 2021. The interim Government of national unity is charged with making the necessary preparations for free, fair and inclusive elections, and it must fulfil its obligation to do so.

In conclusion, I underline that the United Kingdom remains committed to working with the Prosecutor's Office and the Libyan authorities and urge them to

build on the momentum that we heard about today and accelerate progress towards achieving justice for the victims.

Ms. Heimerback (Norway): We thank Prosecutor Khan for his briefing and appreciate the fact that he is joining us from Libya. We also welcome the Permanent Representative of Libya to this meeting. The visit of Prosecutor Khan and the Deputy Prosecutor in June attests to the Prosecutor's prioritization of the Libya file, well in line with his previous statements to the Security Council. We fully support him and the International Criminal Court (ICC), as the most important international institution when it comes to ensuring individual accountability for atrocity crimes. Norway welcomes the appointment of Abdoulaye Bathily as Special Representative of the Secretary-General for Libya and Head of the United Nations Support Mission in Libya. We commend his clear support for the ICC and encourage all parties to fully cooperate with him and support his work.

As for the political situation in Libya, we remain concerned. We call on all the parties to redouble their efforts to agree on a constitutional framework for holding free and fair elections. We also call on the Libyan authorities, their partners and the international community more broadly to cooperate with the Office of the Prosecutor of the ICC. We thank the parties involved for facilitating the Court's visits to Libya and the region and encourage the Libyan authorities to make more efforts to provide access to evidence and prompt responses to all requests for assistance by the Office of the Prosecutor.

Norway supports the Prosecutor's follow-up of the renewed strategy and the road map for accountability that he outlined in April (see PV.9024). We note that more than 20 missions have been carried out to Libya and other countries and that the Prosecutor's Office has a constant presence in the region. We also appreciate the outreach to civil society and the work on behalf of victims, survivors and witnesses. I want to highlight the arrest of two key suspects of crimes against victims of human trafficking who were recently extradited to Italy and the Netherlands. It is a good example of complementarity and of the Court's importance beyond the cases before the Court itself. We applaud the Court's cooperation with other institutions and States. It is encouraging to see that it produces concrete results. When it comes to arrest warrants, we thank the Prosecutor for the updates about terminations due to

confirmed deaths and national proceedings. We note the Prosecutor's announcement today that new applications for arrest warrants have been submitted. That is a core part of the Court's work.

Accountability for the most serious crimes committed is key, and holding the perpetrators of such atrocities to account will be crucial to reconciliation in Libya. In conclusion, let me reiterate Norway's unwavering support to the Court and the Office of the Prosecutor.

Ms. Miley (Ireland): We thank Prosecutor Khan for his report and briefing today. I also welcome the Permanent Representative of Libya to today's meeting.

Without accountability for international crimes, even the strongest democracy will wither in time. Impunity undermines efforts to resolve conflict, perpetuating cycles of violence. Accountability for atrocity crimes should therefore be central to Libya's pursuit of peace and democracy. Regrettably, however, impunity continues to prevail. Ireland notes with concern the most recent report of the Independent Fact-Finding Mission on Libya (A/HRC/50/63), which highlights examples of persistent impunity, including for serious violations of international human rights law and international humanitarian law, and reports of grave and endemic sexual and gender-based violence. The report also finds that there are reasonable grounds to believe that crimes against humanity are being committed against migrants and those in detention centres. That reinforces Ireland's view that the Security Council's referral of the Libyan situation to the International Criminal Court (ICC) is critical not just for accountability for international crimes, but for long-term peace and stability in the country.

We know that the operational, security and political environment in which the Prosecutor's Office is operating in Libya is very challenging. We are therefore pleased with the progress that the Prosecutor has made in implementing his renewed investigative strategy over the past six months and the transparency with which he has documented those steps. We welcome the Office of the Prosecutor's maintenance of a constant presence in the region during the reporting period and the provision of additional resources for its investigative efforts, including experts on sexual and gender-based violence. Those actions have enabled the team to increase their contact with victims, survivors and witnesses and accelerate evidence-collection efforts. We also commend the Office's efforts to coordinate its

investigative activity with third States and international agencies. Cooperation with the joint team investigating crimes against migrants has already yielded tangible results, with the Office of the Prosecutor assisting in investigations that have seen two suspects extradited from Ethiopia to Italy and the Netherlands.

We would also like to acknowledge the continued assistance provided by the United Nations Support Mission in Libya to the Office, particularly with respect to the missions of both the Prosecutor and Deputy Prosecutor. However, more progress is necessary. We urge Libya to comply with its obligation to cooperate with the Court, including in relation to the execution of the outstanding arrest warrant against Saif Al-Islam Al-Qadhafi.

The fact that Prosecutor Khan is joining us today from Libya is a welcome sign of positive cooperation with the Libyan authorities. We acknowledge the willingness of senior political and prosecutorial figures to engage with his Office, while remaining cognizant of the need for sensitivity to victims' concerns, but we need to see more concrete action. We therefore call on the Libyan authorities to provide access to documentation relevant to the Office of the Prosecutor's investigations and ensure prompt responses to all requests for assistance submitted by the Office. We also support the Prosecutor's call for prompt responses to all visa applications submitted by the Office and for engagement with the relevant technical authorities in Libya, including those involved in forensics and crime scene analysis.

Before concluding, I want to recall that earlier this year, Ireland, together with 11 co-sponsors, hosted an Arria Formula meeting on strengthening the relationship between the Court and the Security Council. In September we published the Chair's summary of that meeting, proposing a range of possible ways to enhance cooperation between those two bodies. If the Council is serious about maintaining international peace and security, it needs to foster an effective working relationship with the Court. We therefore urge everyone here today to consider ways of acting on the recommendations in that document. Victims and survivors everywhere, including in Libya, deserve nothing less.

Mr. Kuzmin (Russian Federation) (*spoke in Russian*): It is a good thing that Prosecutor Khan is in Libya now and is able to see with his own eyes the blood, pain and tears of the Libyan people.

Our position on the biased and politicized activities of the International Criminal Court (ICC) has not changed. For 11 years now, the Security Council has heard biannual reports on the progress of the investigation in Libya. There has been no progress in the area during that entire time, as our delegation has spoken about frankly and openly. The most recent report of the Court's Prosecutor is no revelation either. The Council is being asked to see the International Criminal Court's increased financial appetite as progress. We can hardly agree with that logic. Meanwhile, the report itself was circulated to the Council literally on the eve of today's meeting, precluding any possible analysis or preparation for a substantive discussion. You also spoke about it, Madam President — in fact, that was what you opened this meeting with. Lateness and postponements seem to have become a habit for the ICC. Perhaps the Court is no longer ashamed to show that the obligation to report to the Council is just an annoying formality.

This raises the question as to whether it is worth it for the Security Council to continue to waste its precious time on reports that show nothing but a lack of results. It also leads to the fair conclusion, even if not an easy one for delegations that believe in the Court, that the 2011 referral of the situation in Libya to the ICC was a mistake. So far, it is clear that in the Libyan context the ICC has achieved only one objective, and it is certainly not the provision of justice. Council members may remember that the speedy fabrication — it took just three days — of false accusations against Muammar Al-Qadhafi served as a way to justify to the international community NATO's illegal bombing of Libya, which resulted in numerous civilian casualties and destroyed the economy, industry and statehood of a once prosperous country. Who knows — had it not been for the utterly wild fake facts and tall tales invented by the then Prosecutor, perhaps the bloody vigilante killing of the Libyan leader might not have happened. Incidentally, that brutal crime against a Head of State was never given any consideration by the Court. Apparently the ICC has no issues with the elimination of objectionable leaders of developing countries. For entirely understandable reasons, the Court was not interested in the war crimes and crimes against humanity committed by the NATO coalition.

After Libya fell in 2011, the ICC abruptly lost interest in the country, even though the long chaotic years of civil war that followed the illegal NATO aggression not only led to many thousands of civilian casualties, including women and children, but also provided a wealth of evidence for the Court's investigations under

its Rome Statute. However, the Court's former zeal has not been in evidence. To date, the ICC in fact halfheartedly pretends to work on the Libya file, creating the mere appearance of progress in its reports, which are as empty as they are numerous.

It is time for the Security Council to seriously consider correcting the mistakes of the past and possibly withdrawing the Libyan file from the ICC. It is already clear that the Court has nothing to offer the country. It has little in common with high standards of justice. It long ago became an instrument for the West to put political pressure on objectionable States. Such a decision would be more honest than the Council's consideration of endless empty reports about investigations in which the main criminals and perpetrators of the disaster in Libya have been carefully erased from the picture since the beginning. And we would not have to listen to the Court's complaints about its lack of funds. In the current context — I mean complaints about the lack of funding — they seem particularly strange given the enormous influx of financing that the ICC has received in the guise of voluntary donations from Western States, thereby successfully protecting their war criminals from the Court's investigations in Iraq and Afghanistan as well as in Libya. Now those hypocritical champions of justice are shamelessly paying for a made-to-order process in Ukraine. As we understand it, the case is not limited to tens of millions of dollars of supposedly voluntary donations — literally all of the ICC's resources, human and financial, are being dedicated to Ukraine. The situation has led some developing countries that are parties to the Rome Statute to protest ever more loudly about the Court's unhealthy obsession with Ukraine. That is understandable, as surely too much attention is being given to a State that never actually bothered to become a party to the Rome Statute. Instead, Ukraine has limited itself to scandalous statements recognizing the jurisdiction of the ICC, in which a group of guilty parties has been identified in advance, in an attempt to shield itself. We regret that the ICC has gotten so carried away with the Ukrainian issue that even reports on areas that the Prosecutor has designated priorities are submitted to the members of the Council mere days before a meeting.

It has taken 11 years since the tragic events originally occurred in Libya for some progress to emerge on the political track. We urge all parties to show restraint and refrain from imposing their own rules on the Libyans. We believe that the approval of

the draft future Constitution and the holding of national elections on an inclusive basis should take place without any external interference.

Mrs. Onanga (Gabon) (*spoke in French*): I thank you, Madam President, for Ghana's initiative in convening today's meeting. I also thank Prosecutor Khan for presenting his report, in accordance with resolution 1970 (2011), and I welcome the presence of the representative of Libya.

Gabon is pleased to see the Prosecutor giving his briefing from Tripoli, enabling us to fully appreciate the context and the complexity of this very sensitive case. His presence on the ground will undoubtedly strengthen the strategy and course of the investigation, with a positive impact on the establishment of the facts and on efforts to build confidence with the national authorities and bring about justice. We are pleased to see the considerable progress that has been made under the renewed investigation strategy regarding alleged serious crimes committed in Libya in 2011 and crimes related to military operations between 2014 and 2020, as well as crimes committed against migrants. Those notable advances include the consistent and strategic presence of the Office of the Prosecutor in the region, as well as the allocation of adequate resources to maximize the results of the investigations.

To that end, the capacity-building of investigators and the inclusion of Arabic-speaking experts, experts in military logistics and experts in sexual and gender-based crimes in those teams is an important asset, ensuring the principle of legality through regular judicial proceedings instituted against those suspected of serious crimes. In that context, we welcome the investigative work carried out in June by the Deputy Prosecutor, Ms. Nazhat Shameem Khan, in line with article 42.6 of the Rome Statute. Furthermore, we welcome the enhanced cooperation between the Office of the Prosecutor and the national authorities in accordance with the principle of complementarity. We encourage the Prosecutor to continue to work closely with the Libyan authorities, with the participation of international and regional actors. The emphasis on dialogue with victims, victims' associations, local communities and civil society is a positive aspect that can contribute to the success of that vast and delicate undertaking.

The fight against impunity must remain an imperative for all. It requires the continued support of the international community in order to fully

equip the Prosecutor and his Office for their delicate mission. We are aware of the volatile security context in which the Prosecutor's new investigative strategy is unfolding and appreciate his efforts in that regard. The military-political crisis that has affected Libya for over a decade is still deep, and the 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 makes the exercise of justice complex and perilous. We therefore want to take this opportunity to express our appreciation for the important work of the United Nations Support Mission in Libya, whose presence on the ground is helping to facilitate the Prosecutor's mission, in addition to his main task of creating the conditions for a political settlement of the crisis in the country. In that regard, we encourage the newly appointed Special Representative of the Secretary-General, Mr. Abdoulaye Bathily, to continue his efforts, and assure him of our full support. We reiterate our call for the Office of the Prosecutor's close cooperation with the United Nations Support Mission in Libya, as a key partner.

In conclusion, we would like to stress the crucial importance of creating the conditions for restorative justice for the benefit of the Libyan people through a successful completion of the political process, a cessation of hostilities and a peaceful and sustainable resolution of the prevailing crisis. We align ourselves with the press statement delivered by the Ambassador of Mexico on behalf of the members of the Security Council that are parties to the Rome Statute.

Mr. Fox Drummond Cançado Trindade (Brazil): I would like to start by thanking the Prosecutor of the International Criminal Court, Mr. Karim Khan, for his valuable briefing on the twenty-fourth report on the situation in Libya. I would also like to welcome the Permanent Representative of Libya to today's meeting.

Brazil was presiding over the Council when resolution 1970 (2011), which referred the Libyan situation to the Court, was unanimously adopted. We would therefore like to reaffirm our strong commitment to Libya's peace and stability.

It is encouraging to see that the Prosecutor is personally on the ground and providing today's briefing from Libya. It is also encouraging to note that his Office has been making tangible progress in the implementation of the road map that was presented to the Council in April (see S/PV.9024). In that regard, Brazil welcomes the increased field presence of the

Office of the Prosecutor in the region — a measure that improves its ability not only to investigate but to further engage constructively with the national authorities. That enhanced field presence could strengthen communication lines and cooperation with the national authorities, as well as providing a safe, secure and stable environment to witnesses who wish to engage directly with investigators. Furthermore, cooperation efforts can provide opportunities to strengthen local institutions so that States can fulfil their primary responsibility to investigate and prosecute crimes committed in their territories. The increased field presence of the Office of the Prosecutor should therefore be seen as a step towards implementing 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.

The United Nations Support Mission in Libya (UNSMIL) can also make important contributions to national authorities in the fight against impunity, employing a collaborative approach in areas of investigation. Those are important steps for holding perpetrators accountable for their crimes. Brazil welcomes the fact that UNSMIL has provided assistance to the Office of the Prosecutor with respect to the missions of both the Prosecutor and the Deputy Prosecutor to Libya. We also want to welcome the cooperation with third countries and regional organizations to support ongoing efforts to investigate and prosecute crimes committed against migrants.

Brazil would like to reiterate its support for the ongoing efforts to withdraw foreign forces from Libyan territory. The presence of foreign fighters, including mercenaries, poses an additional threat to Libya's stability and the rule of law.

We commend the Prosecutor for having allocated additional resources to the Libya investigation team. We also note that 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 neither fair nor sustainable.

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 Libyan authorities will continue to foster a culture of justice and accountability. We look forward to the full implementation of the Prosecutor's strategy in relation to the situation in Libya.

Mrs. Dime Labille (France) (*spoke in French*): I thank Prosecutor Khan for his report and briefing. We are pleased that this briefing can be made by the Prosecutor from Tripoli, reflecting the commitment of the International Criminal Court (ICC) to increase its presence on the ground. We also welcome the presence of the Permanent Representative of Libya at this meeting.

At the outset, I note that a permanent, universal criminal court is more necessary than ever to bring to justice the perpetrators of the most serious crimes and to break the cycles of violence at work in too many crisis situations. The International Criminal Court is the pillar of the fight against impunity at the international level. It plays an essential role within the multilateral system.

France reaffirms its full support for the Court, which must be able to act independently and impartially within the framework defined by the Rome Statute. The Office of the Prosecutor must be able to exercise its prerogatives without hindrance or obstruction. We welcome the fact that a large number of States parties to the Rome Statute have very recently voiced that position in the General Assembly.

With regard to the implementation of resolution 1970 (2011), France reiterates that the fight against impunity is one of the key elements to resolving the conflict and achieving reconciliation between the Libyan parties. The prosecution and conviction of criminals are essential to the process of national reconciliation and to the success of the political transition, which requires the restoration of trust between individuals and in institutions. To that end, the full cooperation of all stakeholders is crucial. The death of the alleged perpetrators of the most serious crimes cannot be considered justice for the victims.

France welcomes the implementation by the Office in recent months of the renewed investigative strategy presented in April 2022 (see S/PV.9024). In particular,

France welcomes the increase and effective distribution of resources, as well as the efforts to involve victims, witnesses and affected communities. We note in particular the increase in specialized staff allocated to the investigation in Libya and the increase in field visits, as illustrated by the visit to Tripoli of ICC Deputy Prosecutor Nazhat Shameem Khan in June 2022.

France also notes the efforts undertaken by the Office to strengthen and improve cooperation with the Libyan authorities. As the report indicates, cooperation remains challenging. We strongly encourage the Libyan authorities to cooperate fully with the Office, in particular with regard to access to the documentation necessary for investigations or the issuance of visas requested by the Office.

The most serious crimes committed in Libya since 2011 must all be investigated and prosecuted, including crimes committed by Da'esh, crimes committed in Tarhouna and crimes against migrants and refugees. The assistance provided to the Office of the Prosecutor by international and regional organizations, as well as by civil society representatives present in Libya, is valuable. In that regard, we welcome the cooperation with the United Nations Support Mission in Libya and the European Union Agency for Law Enforcement Cooperation (Europol).

We remain deeply concerned about arbitrary detentions and inhumane detention conditions. The authorities in charge of the detention centres concerned must open them up to international observers and investigators without delay. The enforced disappearances and sexual violence reported by the Office are equally unacceptable. Migrants and refugees are particularly vulnerable to human rights abuses perpetrated by militias and traffickers. Anyone inciting or committing such crimes today is liable to prosecution. The fight against human trafficking remains a priority for France.

France is also concerned about the increased repression of civil society and human rights defenders, as well as the pressure on judges and lawyers, which runs counter to respect for the rule of law and hamper the consolidation of a democratic system in Libya.

In conclusion, France will remain mobilized towards a stable, secure, independent, sovereign and united Libya. The full implementation of the 2020 ceasefire agreement is essential for the respect of human rights and the sustainable stabilization of the country.

The continued presence of foreign troops, mercenaries and illegal militias fuels violence and impunity.

In that context, we fully support the mediation led by the United Nations, under the auspices of Special Representative of the Secretary-General Abdoulaye Bathily, to reach a viable solution to the Libyan conflict, which requires the formation of a unified executive branch that is able to govern the entire territory and all Libyans. The promise made to the Libyan people of transparent, credible and inclusive nationwide presidential and parliamentary elections must finally be fulfilled. Elections are the only way to re-establish lasting and indisputable political legitimacy.

Mr. Almazrouei (United Arab Emirates) (*spoke in Arabic*): At the outset, we welcome the Prosecutor of the International Criminal Court (ICC), Mr. Karim Khan, and take note of his briefing. We also welcome Ambassador Taher Elsonni to today's meeting.

We would like to note that in the future, it is important to make the report of the Prosecutor available to the members of the Council in a timely manner, preferably four working days before convening the meeting. That is the criterion adopted with regard to the reports of the Secretary-General, pursuant to paragraph 64 of the note by the President of the Security Council, contained in document S/2017/507, regarding the working methods of the Security Council.

Nearly two weeks ago (see S/PV.9173), the Council adopted a substantive and integrated resolution, resolution 2656 (2022), to extend the mandate of the United Nations Support Mission in Libya (UNSMIL) in response to the reality and course of events in the country. We believe that the resolution, together with the tireless efforts made by the Special Representative, Mr. Abdoulaye Bathily, are extremely important in order to restore momentum to the political process in Libya, in particular by facilitating consultations among Libyans so as to create conditions suitable for holding elections and reaching a peaceful and real settlement in Libya, one that is led and owned by the brotherly Libyans.

In the context of today's discussion, I would like to focus on three issues.

First, achieving accountability and transitional justice is the national sovereign prerogative of States. Accordingly, Libyan concerns must be taken into consideration as the Office of the Prosecutor develops strategies to that end. Cooperation with the relevant

national authorities in Libya must continue and be strengthened through meetings and contacts, the most recent of which is the current visit of the ICC Prosecutor to Libya. That cooperation will enable the relevant actors to take concrete steps at the national level and will contribute to the existing efforts made in line with the memorandum of understanding signed between the Office of the Libyan Public Prosecutor and the Office of the Prosecutor of the ICC, in accordance with the Court's jurisdiction.

Secondly, with regard to the investigation of crimes committed against migrants, which is one of the urgent priorities of the ICC, we stress the need for investigations to be carried out proactively in cooperation with the national Libyan authorities, while supporting their local efforts in that regard. We take note of the arrest of two suspects involved in smuggling individuals from Africa to Europe via Libya as a positive step towards holding perpetrators accountable for their crimes against migrants. We stress the importance of continuing international cooperation in dismantling the networks of transnational organized crime, including in countries of origin, destination and transit.

Thirdly, according to international law, States have the primary responsibility to address and ensure accountability for crimes committed on their territories, according to their jurisdiction, including atrocity and grave crimes. States are also responsible for fighting impunity and seeking justice for victims. We would like to emphasize that compliance with the principle of complementarity under the Rome Statute of the ICC requires respect for the views and positions of the State concerned. We also emphasize once again that achieving accountability and transitional justice is the sovereign prerogative of States.

In conclusion, we affirm the support of the United Arab Emirates for the efforts made by the United Nations in support of Libya, and we hope that concerted efforts are made to realize the aspirations of the brotherly people of Libya.

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

I would like to join previous speakers in thanking Mr. Karim Khan, Prosecutor of the International Criminal Court, for presenting his twenty-fourth report on the Libyan file to the Security Council. I welcome the participation of Ambassador Elsonni of Libya in today's meeting. The in situ briefing by the Prosecutor,

Mr. Khan, from Tripoli, following the one from Khartoum (see S/PV.9113), demonstrates the Office of the Prosecutor's dedication and commitment to duty towards ending impunity. We express our support for his efforts. On the substantive issues in the report, Ghana wishes to highlight the following four points.

First, we note the efforts and steps taken by the Office of the Prosecutor to establish enhanced dialogue with the Libyan authorities in the implementation of the principle of complementarity, which is one of the cardinal principles of the Rome Statute. Ghana sees the emphasis on identifying opportunities for the provision of support to the relevant actors in Libya towards accountability as a step in the right direction. We take this opportunity to call on the competent Libyan authorities to cooperate with the Office in that regard. We also note in particular the meetings held from 20 to 23 June between the Deputy Prosecutor and the Libyan Attorney General, the military prosecutor, the Acting Head of the United Nations Support Mission in Libya and forensic experts from the judicial forensic expertise office in Tripoli and the General Authority for the Search for and Identification of Missing Persons, as well as representatives of civil society organizations and members of the diplomatic corps in Tripoli and Tunisia, as positive developments.

We join the Prosecutor's call on the Libyan authorities to provide access to documentation relevant to the investigations of the Office, support engagement with the relevant technical authorities in Libya, including those involved in forensics and crime scene analysis, ensure prompt responses to all requests for assistance submitted by the Office and, finally ensure prompt responses to all visa applications submitted by the Office to the relevant Libyan authorities in order to enable the Office to carry out its mandate expeditiously.

Secondly, while calling on the Court to carry out its mandate enshrined in the Security Council referral, Ghana is not oblivious to the challenges facing the Court in the light of the current complex political and security situation in Libya. However, Ghana is hopeful that, with the appointment of Special Representative of the Secretary-General Bathily, the Special Representative's current efforts will yield the necessary results to enable the political and security situation to improve.

Thirdly, during the most recent briefing to the Council (see S/PV.9024), Ghana highlighted the importance of witness protection before, during and after the trial process. We are happy to note that

the Office of the Prosecutor has taken measures to empower victims, witnesses and affected communities through an enhanced presence in the region and the use of remote screenings and interviews, as well as by strengthening its ability to interact with victim groups and civil society organizations, while ensuring that the security and safety of witnesses are at the heart of that approach. Furthermore, it is gratifying to note that the Office provides psychosocial and protection support through the Victims and Witnesses Section to ensure that victims are fully supported in order to enable them to exercise their right to contribute to the process of accountability.

Finally, on the trafficking of persons, illegal detention and the maltreatment of migrants, Ghana notes with appreciation that the ongoing close cooperation with other countries and agencies led to the recent arrest and extradition of two key suspects of crimes against migrants and refugees from Ethiopia to the Netherlands and Italy. We take this opportunity to thank the Governments of the United Kingdom of Great Britain and Northern Ireland, the European Union Agency for Law Enforcement Cooperation (Europol) and INTERPOL, among others, for their support. We call on the competent Libyan authorities to respect the human rights of migrants and to protect them in accordance with international law. We therefore encourage the Office to continue the proactive cooperation measures with the national authorities and regional organizations, such as Europol, to support domestic efforts to investigate and prosecute crimes allegedly committed against migrants, as highlighted in paragraph 69 of the report.

In conclusion, we encourage the Office of the Prosecutor to carry out its mandate by bringing perpetrators of atrocity crimes in Libya to face justice so as to bring succour to the families of victims.

I now resume my functions as President of the Council.

I give the floor to the representative of Libya.

Mr. Elsonni (Libya) (*spoke in Arabic*): At the outset, I congratulate Ghana on assuming the presidency of the Security Council for this month. We wish you luck, Madam President. We also welcome Mr. Karim Khan, and we thank him for his briefing, delivered from Tripoli. We also believe that his visit to Libya, even if delayed, is very important and comes at a critical moment in the Libyan crisis. It is fortunate that

he has carried out his visit now. We also commend this step which will undoubtedly strengthen cooperation between the Office of the Libyan Public Prosecutor and the International Criminal Court (ICC), especially as fact-finding and listening to the testimonies of the families of the victims will contribute to uncovering the long-awaited truth. I recall a previous statement by Mr. Khan that the situation in Libya cannot become a never-ending story (see S/PV.9024).

I reiterate that Libya is committed to ultimately holding accountable and punishing the perpetrators of crimes and violations under its national law despite the challenges. Achieving justice in the territory of Libya is a matter of sovereignty and national jurisdiction, and the Libyan judiciary is committed to ensuring a just and fair trial for all suspects, no matter how long that takes.

We once again reiterate that our cooperation with the ICC, in accordance with its mandate, is based on a memorandum of understanding signed between the Office of the Libyan Public Prosecutor and the Office of the Prosecutor of the ICC, which supports and complements the Libyan judiciary, and does not replace it in any way.

The horror of the mass graves in Tarhouna is ongoing. The General Authority for the Search for and Identification of Missing Persons continues to discover more graves, most recently last week, when new unidentified corpses were exhumed. The search operation is ongoing, and I believe that Mr. Khan and his team saw first-hand the heinous nature of those crimes, which took place for years. We reaffirm that the Office of the Libyan Public Prosecutor issued arrest warrants against many of those accused and involved in those heinous crimes. We even managed to arrest a number of them. However, the main challenge remains, that is, arresting those who are in hiding and those who fled the country. We therefore request that Mr. Khan, in cooperation with the Office of the Public Prosecutor, issue arrest warrants against those individuals and anyone who supports them, provides them with shelter or refuses to surrender them to justice. We recall that the missing persons file has existed since 2011, not just in the past few years.

The Libyan State is eager to protect illegal migrants against any violations that they might be subjected to because of the current crisis. Despite all the challenges and difficult circumstances that my country is facing, we are doing what we can to protect, save and deport them — voluntarily whenever possible.

We condemn any criminal acts against migrants or others and consider them as individual acts. The Office of the Libyan Public Prosecutor is following up on all those cases, including the recent incident in Sabratha and, regrettably, the deliberate killing of a number of migrants by some human traffickers and smugglers. The Office of the Public Prosecutor and the Ministry of the Interior were able to arrest the perpetrators within 48 hours of that incident, and the investigations are now ongoing.

However, we are surprised by the negative position of the international community towards those human traffickers as it focuses only on those involved within Libya, although we all know that human traffickers and their international partners are involved with cross-border networks. Confronting that phenomenon must therefore begin with completely eliminating those networks and their leaders and imposing sanctions on them, whether in countries of origin and transit in Africa or countries of destination in Europe, without exception. In that regard, we welcome the efforts exerted by Mr. Khan and his team in the pursuit of perpetrators in cooperation with some States. However, those efforts are not enough and must be intensified in cooperation with the Council.

The Libyan people are eager to build a modern civic State, establish the principle of accountability and fight impunity. That will be achieved only by activating the path of a comprehensive national reconciliation that begins with applying transitional justice, revealing the truth and paying reparations, while acknowledging the suffering of the families of the victims, uncovering the fate of all missing persons since 2011 and restoring trust in State institutions to achieve a permanent peace that ends the suffering of the past years.

We reaffirm once again our trust in our judicial institutions. We stress that those judicial institutions are able to achieve justice and establish the rule of law, no matter how great the challenges and how much time it takes. War crimes and crimes against humanity have no statute of limitations. We therefore call on the ICC to accelerate the disclosure of the results of its investigations in all cases under consideration in Libya and identify those involved, be it individuals, entities or even States. If the Prosecutor has the names of those involved in crimes noted in his reports, we hope that he will identify them immediately.

We call on countries that are politicizing this file to stop doing so, tell the truth and support the Libyan

judiciary. If that were truly the objective of us all of, we would not be selective in considering cases. We recall that supporting stability in Libya to end the current crisis is the optimal and sole way of supporting justice, accountability and the rule of law.

The President: I now give the floor to Prosecutor Khan to respond to comments.

Mr. Khan: I would indeed like to say a few words.

In relation to the comment from the representative of Mexico, I would like to thank him for the support he expressed for the International Criminal Court, and we wish him well, as he referenced that this is the last Security Council briefing in relation to the Court at which Mexico will be present as a Council member.

At least a couple of representatives mentioned the current situation, and I am the first to accept that resolution 1970 (2011) did not have a transformative effect. I wish it were so easy that all it took was a Security Council resolution to usher in peace and security. Of course, we will never know how much worse things could have been, but for the Council's response and the referral. But we simply see in so many theatres — including in Libya — that sometimes political or diplomatic initiatives or even military or economic interventions do not usher in a new dawn of tranquility. But we do not give up. We do not get disheartened. We keep on showing focus and determination to bend the arc of human progress towards legality, justice and progress. And I think that is something to bear in mind when assessing the role of the International Criminal Court.

I apologize in relation to two or three comments regarding the report. In fact, it was transmitted by my Office to Headquarters on 1 November, that is, within the stipulated time frame. Of course, there appeared to be some difficulties in circulating the report from New York, and we will look into that. I apologize, and we will look into what happened to make sure that members of the Council are not inconvenienced in future.

In relation to resources, there was mention of the Trust Fund established by the Office, which has received €15 million for all situations. Some of the secondees have been deployed to the Libya situation, which is to say we do not have an obsession with any particular situation. I think what we are committed to is trying to discharge our responsibilities in so many

parts of the world where politics seems to get in the way of peoples' rights to live in peace and security and without terror, and to ensure justice for the lady whom I mentioned who wants to know where her son is, and for the father who wants to be at home without continuous trauma triggering responses.

There were a couple of comments that are important in terms of slavery crimes. Human trafficking is very often a slavery crime, and I have appointed a special adviser on slavery, and in that regard, there is a convergence. Of course, as the representative of Libya said, this is not just happening in Libya. It is a global phenomenon. We have seen that Libya is being used as a transit point, but many Africans and people from other parts of the world are, it appears, subjected to torture, rape, sexual slavery and slavery elsewhere. We do need to consider more holistic ways to look into this crime because it is pernicious. Slavery, of course, is an *erga omnes* crime, and we have to make every effort to prioritize its investigation.

I think the simple message is that the law can help ensure compliance with the law. There is no binary choice between resolving constitutional issues and legality; in fact, legal measures may help that discussion, which is something for which we have to strive. I therefore simply call for a renewed partnership and the realization that politics is everywhere. We need to find the humanity in each of us — in States, civil society, in victims. Let us not be so collectively self-indulgent as to engage in the blame game. Let us look positively towards what we can do for the men and women of Libya who have suffered for far too long from things that they should not have suffered from at all. If we have that humility and that approach, hopefully we can make a difference in a way that is more positive and in line with the unanimous decision taken in resolution 1970 (2011) to refer the situation of Libya to the International Criminal Court.

I remain open to building very strong partnerships with Libya, while respecting complementarity and actually showing that justice is not a talk shop, but that it can be felt by the people who need it the most.

The President: I thank Prosecutor Khan for the clarifications he has provided.

There are no more inscribed on the list of speakers.

The meeting rose at 11.40 a.m.