



Security Council

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Letter dated 13 November 2020 from the President of the Security Council addressed to the Secretary-General and the Permanent Representatives of the members of the Security Council

I have the honour to enclose herewith a copy of a briefing provided by Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, as well as the statements delivered by the representatives of Belgium, China, the Dominican Republic, Estonia, France, Germany, Indonesia, the Niger, the Russian Federation, Saint Vincent and the Grenadines, South Africa, Tunisia, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Viet Nam, in connection with the video-teleconference on “The situation in Libya” convened on Tuesday, 10 November 2020. A statement was also delivered by the representative of Libya.

In accordance with the procedure set out in the letter dated 7 May 2020 from the President of the Security Council addressed to the Permanent Representatives of the members of the Security Council (S/2020/372), which was agreed in the light of the extraordinary circumstances caused by the coronavirus disease pandemic, this briefing and these statements will be issued as a document of the Security Council.

(Signed) Inga Rhonda **King**
President of the Security Council



Annex I**Statement by the Prosecutor of the International Criminal Court,
Fatou Bensouda**

I am grateful for this opportunity to again brief the Security Council via video-teleconference on my Office's activities in relation to the situation in Libya even as the coronavirus disease (COVID-19) pandemic continues to present unique challenges across the globe, including for the work of my Office. We nevertheless remain resilient and productive in the face of these challenges, and I am pleased to present my latest report to this organ.

I congratulate Saint Vincent and the Grenadines on assuming the presidency of the Security Council and wish you, Madam President, every success in steering the essential work of the Council for the month of November.

On 23 October, we witnessed the signing of the ceasefire agreement by Libyan parties in Geneva under the auspices of the United Nations. That is indeed a welcome concrete development. We call on the parties to assiduously implement the agreement to usher in the much-awaited peace and stability for the people of Libya.

Victims of atrocity crimes in Libya must be reassured that, ceasefire or future agreements notwithstanding, individuals alleged to be responsible for serious crimes falling under the jurisdiction of the International Criminal Court (ICC) will be promptly arrested and surrendered to the Court to face charges for their alleged crimes.

Libya remains a high priority situation for my Office, and our commitment to seek justice and accountability on behalf of the victims remains unshaken. Our investigations have significantly progressed since my previous briefing to the Council on this issue in May (see S/2020/371). Despite the challenges posed by the COVID-19 pandemic, two crucial investigative missions were deployed to Libya to collect additional evidence to further strengthen our cases.

As the Council will have noted, on 22 June I issued a statement following the discovery of multiple mass graves in the city of Tarhouna and south of Tripoli. My Office is engaging with the national authorities in relation to those mass graves. So far, reports indicate that over 100 bodies have been recovered by the authorities involved in exhuming the graves. Many of the recovered bodies had been blindfolded and had their hands tied. I wish to take this opportunity to recognize the significant efforts and important work of all involved in preserving the evidence of these crimes, including the commendable efforts of the Government of National Accord.

The missions also provided an opportunity to strengthen mutual cooperation with the relevant national authorities and other stakeholders. I express my gratitude and appreciation for the cooperation and support we received from the Government of National Accord and the United Nations Support Mission in Libya (UNSMIL). We continue to constructively coordinate our joint efforts in a constructive manner, in line with the cooperation and complementarity principles under part 9 of the Rome Statute.

My Office continues to actively monitor the situation in Libya. In that regard, we have received information indicating that the recently ended offensive on Tripoli that was carried out by the eastern-based militia known as the Libyan National Army (LNA) and its supporting forces forms part of a pattern of violence that includes indiscriminate air strikes and the shelling of civilian areas, arbitrary abductions, detentions and torture of civilians, extrajudicial killings, enforced disappearances and the pillaging of civilian property — a repetition of a pattern of violence previously reported in places such as Benghazi, Derna, Ajdabiya, Murzuq and Sirte.

We have also received credible information indicating the increased use of mines and improvised explosive devices against civilians. These were discovered following the retreat of forces from Tripoli and its surrounding areas. Mines and improvised explosive devices are reported to have been placed in the garages, kitchens and bedrooms of civilian homes. Many civilians who returned to their homes after fleeing the fighting were either killed or injured because their homes were booby-trapped with such devices.

The threat posed to civilians by mines and improvised explosive devices and the scale of their use is deeply disturbing. Between May and July alone, at least 49 people were killed as a result of the use of mines. Let me emphasize that, under the Rome Statute, it is a crime to use mines and improvised explosive devices as a means to indiscriminately attack civilians.

I encourage the Council and all States Members of the United Nations to once again convey a clear and firm message to military and civilian commanders, as well as all parties and armed groups involved in the Libya conflict, that the rules of international humanitarian law must be respected and that those who defy such rules will be held individually responsible.

My Office has also been following reports of the targeting of civilians who voiced opposition to militias in the east and west of Libya. In that regard, the Council is aware that UNSMIL recently called for an investigation into the alleged use of excessive force by security forces on 23 August in Zawiyah and Tripoli.

In addition, my Office continues to receive information regarding allegations of serious crimes being committed in prisons and detention facilities throughout Libya. In my previous report to the Council, I outlined allegations that detention facilities such as Al-Kuweifiya and Gernada, in eastern Libya, and Mitiga prison, in Tripoli, which is controlled by the Special Deterrence Force, were being used to arbitrarily detain civilians under inhumane conditions, including torture. My Office continues to receive evidence of such crimes.

I urge all parties to the conflict in Libya to immediately put an end to the use of detention facilities to mistreat, and commit crimes against, civilians. International law and the Rome Statute prohibit such use of detention facilities. I furthermore call for international observers and investigators to be given full access to detention facilities in Libya and full cooperation in that regard.

My Office has also been monitoring the situation of internally displaced persons, as well as crimes committed against migrants. Regrettably, migrants continue to be trafficked and subjected to crimes, such as torture. I am deeply concerned that, despite the Council imposing sanctions on Mr. Ahmad Oumar Al-Dabbashi for his involvement in crimes against migrants, he is reportedly continuing to commit crimes. Recent positive developments in the fight to eradicate crimes against migrants are encouraging and must be intensified. In that regard, I note the imposition of sanctions by the European Union against Mr. Mousa Adyab, who the United Nations Panel of Experts has implicated in human trafficking, rape and the killing of refugees. I also welcome the efforts made by national jurisdictions in that regard. I note in particular the sentencing, by the Court of Messina in Italy, of three individuals to 20 years of imprisonment for crimes committed against migrants in Zawiyah.

A recurring theme that I must emphasize is the failure to arrest and surrender those against whom the Court has issued arrest warrants. That remains a major stumbling block that prevents my Office from seeking effective justice for the victims of atrocity crimes committed in Libya. Over the years of my reporting to the

Council, I have lamented the fact that individuals against whom warrants of arrest have been issued remain at large.

That includes two arrest warrants for Mr. Mahmoud Mustafa Busayf Al-Werfalli, who, as a commander of Al-Saiqa Brigade, is alleged to have executed 43 civilians. On 21 September, the European Union imposed economic sanctions on Mr. Al-Werfalli for alleged crimes committed in Libya. My Office's request that the leader of the LNA, General Khalifa Haftar, arrest and surrender Mr. Al-Werfalli to the ICC has gone unheeded.

I again call on other Libyan commanders to take all necessary steps to surrender Mr. Al-Werfalli. Most recently, I specifically called upon Mr. Aqila Saleh, Supreme Commander of the LNA, and Mr. Wanis Bukhmada, Commander of the Al-Saiqa Brigade, to help in that regard. My Office has since received information that Mr. Bukhmada is deceased. It is nonetheless imperative that efforts to arrest and surrender Mr. Al-Werfalli continue and be intensified.

Let me recall and stress the obligation, under article 28 of the Rome Statute, for commanders to prevent or punish the commission of crimes by forces under their effective control, or to submit them for effective investigation and prosecution.

Similarly, arrest warrants against Mr. Saif Al-Islam Al-Qadhafi and Mr. Al-Tuhamy Mohamed Khaled remain unexecuted. Mr. Al-Tuhamy is still alleged to be in Egypt. I urge all the relevant States, including the Arab Republic of Egypt, to ensure that fugitives wanted by the Court are surrendered without delay.

The non-execution of the arrest warrants is the foremost obstacle to our collective capacity to give hope to the people and victims of crimes in Libya. I urge the Council and all Member States to take effective and concrete steps to ensure that safe havens are not provided to fugitives from justice who face serious criminal charges before the International Criminal Court. Inaction in that regard allows abhorrent crimes, such as those alleged in Tarhouna, to continue. There is a collective responsibility to ensure that ICC warrants of arrests are duly executed.

In all other respects, my Office continues to receive strong cooperation from numerous States and stakeholders. Our relationships with UNSMIL and authorities in Libya in particular have strengthened, as has our relationship with EUROPOL. I would like to reiterate the pivotal importance of that cooperation in our activities, and I call on the Council and all Member States to collectively support our efforts to strengthen such cooperation.

My Office further continues to provide assistance to support the domestic investigation and prosecution of international crimes committed in Libya, in line with our strategic goal 6. I remain committed to fulfilling my mandate with the aim of holding to account those responsible for the most serious crimes of international concern and seeking justice for the victims in Libya. The Council and the international community are once again urged to fully support the ICC's efforts to achieve its mandate in Libya.

Let me conclude with a final reflection. As we gather here today, pursuant to resolution 1970 (2011), to demonstrate our joint commitment to the cause of justice in Libya, I must contextualize this engagement. We find ourselves in an age where powerful forces increasingly aim to undermine the cause of international criminal justice as a continuation of politics by other means. What is required today, more than ever, is greater support for the ICC, its independent and impartial work and the international rule of law — not less. Any act that might undermine the global movement towards greater accountability for atrocity crimes and a ruled-based international order must be avoided. The support of the international community, the

Council and its membership to stand firmly in the defence of international criminal justice in Libya and beyond are necessary to ensure international peace and security and to advance the cause of justice for the victims of atrocity crimes.

Annex II**Statement by the Permanent Representative of Belgium to the United Nations, Philippe Kridelka**

[Original: French]

I thank Prosecutor Fatou Bensouda for her written report and her very enlightening briefing to the Security Council.

Today I would like to stress three points: the need to bring justice to the victims of the most heinous crimes in order to achieve peace in Libya; the critical cooperation of all stakeholders, without which the International Criminal Court (ICC) cannot implement its mandate; and, finally, Belgium's strong and unwavering support for the Court and its staff.

First of all, Belgium congratulates the Libyan parties on the signing of a ceasefire agreement on 23 October under the auspices of the United Nations. Yesterday's holding, in Tunis, of the first face-to-face meeting of the Libyan political dialogue forum, with a view to reaching a lasting political solution, is an additional important step. Bringing justice to the victims of the most serious crimes committed, by any party, is undoubtedly critical to achieving peace and stability in Libya.

In that context, the International Criminal Court can play an important role by continuing to support the efforts of national authorities in that regard. In that connection, Belgium notes with great satisfaction that the Office of the Prosecutor has made considerable progress in its investigations and that it continues its active collaboration with the Libyan authorities, in particular with a view to supporting cases at the national level concerning allegations of crimes against refugees and migrants.

I would like to reiterate how much the ICC depends on the cooperation of all relevant actors, in general, and States, in particular, to carry out its mandate, pursuant to resolution 1970 (2011). In that respect, Belgium welcomes the efforts made by the relevant Libyan authorities. In particular, they have made it possible to organize two field missions by the Office of the Prosecutor and to collect and preserve evidence with a view to future investigations. My country strongly encourages those who have made a positive contribution to peace and reconciliation in Libya to cooperate with the Court. I am thinking in particular of the steps that could be taken to facilitate access to all Libyan territory and the execution of the Court's outstanding arrest warrants by arresting the fugitives and turning them over to the ICC. This last point also concerns third States where some of these suspects have been located, such as Egypt.

Cooperation with the Court also involves such organizations as the European Police Office and the United Nations. The strengthening of working relations between the Office of the Prosecutor and the United Nations Support Mission in Libya is to be welcomed. However, it is unacceptable that the Security Council has still not met the expenses related to the referral of cases to the Court as provided for under article 115 (b) of the Rome Statute. It is anomalous to place the financial burden of these investigations solely on the States parties, particularly at a time when additional resources are needed to advance the Office's investigations in Libya.

In conclusion, allow me to once again reiterate Belgium's unwavering support for the ICC as an independent and impartial judicial institution. My country deplores the application of sanctions against the Court, and in particular against its Prosecutor and the members of her Office, as well as the continued threats by United States authorities. These attacks hinder the proper functioning of the Court, undermine its integrity and threaten its independence. Attacking the International Criminal Court

is an attack on our core values and interests. This is unacceptable. Together with its partners, Belgium stands ready to respond and assist the Court in countering the effects of these measures in a concrete and practical way, and we call once again on the United States to reverse these measures.

Annex III

Statement by the Deputy Permanent Representative of China to the United Nations, Dai Bing

I thank Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing. I welcome the presence at today's meeting of Mr. Elsonni, Permanent Representative of Libya.

Since the escalation of the conflict in Libya in April last year, the situation has finally shone a ray of hope. China welcomes the fact that the parties to the conflict signed a ceasefire agreement on the 23 October, within the framework of the 5+5 Joint Military Commission, and that the Commission met in Libya last week and reached an important consensus on implementing the ceasefire.

We welcome the political will and courage displayed by the Libyan parties to achieve the ceasefire and appreciate the important contributions of the United Nations Support Mission in Libya. The ceasefire between the two Libyan parties is a key step in responding to the Secretary-General's call for a global ceasefire and in implementing the Silencing the Guns in Africa by 2020 initiative. It also represents important progress towards peace in the region and, for that matter, around the world.

The hard-won peace has brought new hope to the Libyan people. We should seize this window of opportunity to effectively implement the ceasefire and expeditiously advance the political process. China appreciates the efforts of Tunisia, Morocco, Egypt, other neighbouring countries and countries of the region aimed at promoting intra-Libya political dialogue, supporting the continued advancement of a Libyan-led and Libyan-owned political process and encouraging the United Nations and such regional organizations as the African Union and the League of Arab States to continue their good offices and form synergies.

The international community should strictly enforce the arms embargo and fully respect the sovereignty, independence and territorial integrity of Libya. We look forward to seeing Libya achieve lasting peace, stability and prosperity at an early date.

I wish to reiterate that China's position on the ICC remains unchanged. Meanwhile, we have noticed that the Prosecutor and other officials of the ICC are being subjected to unilateral sanctions that many countries are condemning. China always opposes unilateral sanctions, as they are inconsistent with international law. We also oppose bullying practices and power politics, as they undermine the international order based on international law.

Annex IV**Statement by the Special Envoy to the Security Council of the Dominican Republic, José Singer Weisinger**

[Original: Spanish]

We are pleased to congratulate Prosecutor Bensouda's Office and the other members of the International Criminal Court (ICC), who, despite the challenges of their duties and the coronavirus disease pandemic, have demonstrated through each report they submit the difficult and unstinting work they are doing.

Throughout our membership of the Security Council, we have been able to study the work of the ICC in great detail. In addition, we have had the honour of hearing today, for the fourth and final time for us, Prosecutor Bensouda share her progress, challenges and achievements.

With respect to the issue at hand today, the Dominican Republic applauds the ceasefire signed on 23 October and maintains the hope that it will be observed and upheld in favour of peace and stability in Libya. The Libyan people have been courageous and resilient, and they deserve to enjoy a lasting and inclusive peace — one that is not marred by impunity. Indeed, as the international community, we are called upon to make maximum efforts to fight against impunity for the sake of the victims of the thousands of atrocious acts that have been committed in Libya, so that they may have the hope of seeing perpetrators brought to justice in an impartial and effective manner. In this regard, we are compelled to support, strengthen and promote the work of the ICC, in particular Prosecutor Bensouda and her Office, which has the delicate task of investigating, gathering evidence, prosecuting and capturing dangerous individuals in very difficult situations.

We are pleased to note the significant progress made in cooperation between the ICC and the Government of National Accord. This will undoubtedly allow the Court to better fulfil its mandate and serve a people who see justice as a light on the dark journey they have travelled as victims of conflict.

Unfortunately, crimes against demonstrators and migrants, poor conditions in detention centres, attacks on civilian infrastructure and the increase in the laying of anti-personnel mines do not seem to have stopped. The people of the Dominican Republic extend their sympathy for and lament the lives lost as a result of a conflict that has lasted for far too long.

With regard to the cases of Mr. Al-Werfalli, Mr. Al-Tuhamy and Mr. Saif Al-Islam Al-Qadhafi, we call upon both the relevant parties to the conflict in Libya and the international community to intensify cooperation efforts aimed at ensuring that these individuals are arrested and that their alleged crimes are prosecuted in accordance with international law.

Finally, we commend the cooperation that has developed among the ICC, the European Police Office, the European Union and the United Nations Support Mission in Libya, and we support the Court's call on all parties to the conflict in the country to refrain from conduct that results in serious violations of international human rights law and international humanitarian law.

Annex V**Statement by the Permanent Representative of Estonia to the United Nations, Sven Jürgenson**

I thank Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for her report and for her briefing today.

At the outset, I would like to reiterate Estonia's continued strong support for the International Criminal Court as an independent and impartial judicial institution and an important pillar of a rules-based international order. We call on all States to uphold and defend the principles and values enshrined in the Rome Statute and to respect the ICC's integrity and impartiality.

We welcome the update provided by the Prosecutor on the progress achieved during the reporting period in the Libya investigations. We commend the overall significant advancement of the Court in its judicial activities despite the ongoing difficulties caused by the coronavirus pandemic. In this context, we would like to take this opportunity to call on all States parties to the Rome Statute to fulfil their financial obligations vis-à-vis the Court in a timely manner.

With regard to political developments on the ground, Estonia welcomes the 23 October ceasefire agreement of the 5+5 Joint Military Commission, facilitated by the United Nations. We continue to call on States to respect and support the implementation of this agreement.

At the same time, Estonia continues to condemn the violations of international law, including international human rights law and international humanitarian law, reported in Libya. We condemn the use of landmines and improvised explosive devices in the district south of Tripoli by the Libyan National Army and affiliated forces, which continue to pose a lethal threat to civilians.

We are also extremely worried about reports of arbitrary detention and torture, ill-treatment and other serious crimes in detention facilities. We call on the respective authorities in charge of the facilities to fully cooperate with international observers and investigators and ensure their access to the facilities in question so that these allegations may be investigated.

Estonia is furthermore concerned about crimes against migrants and refugees, and welcomes the ICC's role in assisting States to prosecute cases in their domestic jurisdictions. In addition, we underscore that the use of excessive force against protesters is unacceptable and that all cases must be fully and promptly investigated.

Estonia joins the Court in expressing gratitude to the authorities of the Government of National Accord for their cooperation with the Court during its latest missions and for its activities related to the preservation of evidence, including with regard to the ongoing investigations of the mass graves of Tarhouna. We further acknowledge the fruitful cooperation between the ICC and the European Police Office, including in the Libya matter. Estonia welcomes the very positive role played by the United Nations Support Mission in Libya in assisting and supporting the work of the ICC in the country.

Estonia remains highly concerned about the fact that so far there has been no implementation of ICC arrest warrants in the case of Libya. This has meant that the three fugitives — Al-Werfalli, Al-Tuhamy and Al-Qadhafi — all accused of the serious crimes of murder, torture and inhuman and degrading treatment, remain at large. The execution of these arrest warrants is a requisite to upholding justice for the victims. There can be no long-term peace without stopping impunity. In the light

of this, we call on all States to cooperate with the ICC in arresting the fugitives and surrendering them to the Court.

In conclusion, let me recall that international criminal justice is a matter of collective effort and that, ultimately, it is up to the States to fulfil their obligations to cooperate with the Court arising from the Rome Statute and resolution 1970 (2011). Therefore, while assuring of its full support for the work of the ICC, Estonia urges all States, including States that are not party to the Rome Statute, to fully cooperate with the International Criminal Court to end impunity and establish justice for the victims in Libya.

Annex VI**Statement the Deputy Legal Adviser of France to the United Nations,
Brice Fodda**

[Original: English and French]

I thank Prosecutor Bensouda for her report and for her briefing.

A permanent and universal criminal court is more necessary than ever to bring the perpetrators of the most serious crimes to justice and to break the cycles of impunity and violence at work in too many crisis situations. The International Criminal Court (ICC) is the cornerstone 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 reminded the General Assembly of this very recently (see A/75/PV.19).

With regard to the implementation of resolution 1970 (2011), France reiterates that the fight against impunity is one of the key elements in the resolution of the conflict and in reconciliation between the Libyan parties. The prosecution and conviction of criminals is necessary for rebuilding the State and restoring democratic life. To this end, the full cooperation of all stakeholders, first and foremost the Libyan parties, is crucial.

France welcomes the fact that three field missions could be carried out by the Office of the Prosecutor in 2020. Access to Libyan territory is indeed an essential condition for the fulfilment of the mandate entrusted to the Court by the Council. However, France remains deeply concerned about the obstacles that the Office still faces in executing the arrest warrants for the three fugitives. France recalls that resolution 1970 (2011) urges all States concerned, whether or not they are parties to the Rome Statute, to cooperate fully with the Court and its Prosecutor.

The most serious crimes committed in Libya since 2011 must all be investigated and prosecuted, including crimes committed by Da'esh and crimes against migrants and refugees. The assistance provided to the Office of the Prosecutor in this regard by international and regional organizations, as well as civil society representatives present in Libya, is more than valuable. We welcome the strengthening of working relations with the United Nations Support Mission in Libya and the structuring of cooperation with the European Police Office.

We are deeply concerned about arbitrary detentions and cases of inhumane detention conditions, including with regard to migrants and refugees. The authorities in charge of the places of detention concerned must open them without delay to international observers and investigators. The enforced disappearances and sexual violence reported by the Office are equally unacceptable. There should be no doubt that anyone who incites or commits such crimes today is liable to prosecution. The Sanctions Committee established pursuant to resolution 1970 (2011) must also exercise its deterrent capacity to stop those who are destabilizing Libya by organizing the trafficking of migrants and refugees.

France will remain fully committed to finding a political solution to the Libyan crisis and to supporting the restoration of the rule of law in the country. In this regard, we welcome the conclusion of a ceasefire agreement on 23 October by the delegations to the 5+5 Joint Military Commission, under the auspices of the United Nations. This agreement must now be fully implemented, respected and

effectively monitored. The Libyan Political Dialogue Forum, which began in Tunis on 9 November, is also an important and encouraging step. We hope that it will lead to an intra-Libyan political agreement, paving the way for the holding of elections.

We welcome the rigorous approach adopted by the Office of the Prosecutor in accordance with the principle of complementarity. France will continue to cooperate fully with the ICC and mobilize the Security Council to that end. It will also remain fully mobilized in the search for a political solution in Libya, alongside the members of the Berlin process, its European partners, Libya's neighbours and its partners within the African Union and the League of Arab States.

Annex VII**Statement by the Deputy Permanent Representative of Germany to the United Nations, Günter Sautter**

I would like to make four points.

The first is on recent political developments in Libya. Foreign Minister Maas said yesterday that the ceasefire agreement signed on the 23 October is “a ray of hope for the people of Libya.” We hope that the same can be said about yesterday’s launch of the Libyan Political Dialogue Forum in Tunis. It is now important that the Libyan parties abide by their commitments. The Security Council has called upon all Libyan parties to do so, and it is important that now happens. It is equally important that international actors support the ceasefire. The Secretary-General made that very clear in Tunis yesterday. This is also a strong reminder of the commitment of the participants of the Berlin Conference on Libya to comply, namely with the arms embargo, which must now be fully implemented. That was discussed yesterday by the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya, and we will continue to follow up on this matter.

My second point is on the work of the International Criminal Court (ICC) with regard to Libya. Nine years ago, the situation in Libya was referred to the Court because of the extremely worrisome security and human rights situation. We commend Prosecutor Bensouda for her unwavering commitment to justice for the victims of atrocities in Libya. We must not let impunity persist. We therefore encourage her to continue her important work, in particular with regard to the situation in Libya.

We also welcome the visit of the Office of the Prosecutor to Libya during the reporting period. We appreciate the cooperation of EUROPOL and the United Nations Support Mission in Libya (UNSMIL) with the Court, the latter being instrumental in facilitating the ICC’s work on the ground.

We also welcome Libya’s commitment to justice, and we appreciate its efforts in the collection and preservation of evidence, including with regard to the recently discovered mass graves. We call on Libya to further strengthen its cooperation with the Court. The recent signing of the ceasefire agreement provides a unique opportunity for further cooperation.

My third point is on human rights and international humanitarian law. The civilian population is suffering because of the ongoing rise of coronavirus disease cases across the country. It continues to suffer greatly from mines, unexploded ordinance and victim-operated explosive devices left after the fighting. We remain horrified by the discovery of multiple mass graves in Tarhouna. The perpetrators must be found and brought to justice. We therefore commend UNSMIL for providing technical support to the Libyan Government in its investigations. The establishment of an international fact-finding mission to investigate the human rights situation across the country and to document violations and abuses is a welcome development towards accountability and bringing perpetrators to justice.

We remain deeply concerned about reports of human conditions in official and unofficial detention centres in eastern Libya, as well as allegations of torture and other serious crimes. We call on the relevant authorities to allow the ICC access to those detention centres and to fully cooperate with the Court.

The attacks on civilians committed during the fighting constitute a breach of international humanitarian law. It is the duty of the international community to ensure that the perpetrators face consequences for their actions.

My last remark is on cooperation between the International Criminal Court and the States Members of the United Nations. Undeterred by threats against the Court, we reiterate our full, continued and steadfast support to the ICC. By lending our full support to the Court and promoting its universal membership, we defend the progress we have made together towards an international rules-based order, of which internal justice is an indispensable pillar. We have made this point before — we urge all Member States to execute outstanding arrest warrants. The lack of progress that we see here is not acceptable.

Let me conclude by saying that we again call on those Member States that have not yet joined the Rome Statute to consider doing so.

Annex VIII**Statement by the Permanent Representative of Indonesia to the United Nations, Dian Triansyah Djani**

Indonesia would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing. We took note of the Prosecutor's twentieth report to the Security Council pursuant to resolution 1970 (2011), on Libya. Allow me to focus on the following points.

First, Indonesia welcomes the progress made through dialogue in Libya. We also welcome the long-awaited ceasefire agreement reached in October. We call for all relevant parties to respect and adhere to the ceasefire agreement and to commit to supporting its implementation. A military solution has never been the answer, and never will be.

We also welcome the launch of the Libyan Political Dialogue Forum and its in-person meeting in Tunisia. We commend the Government of Tunisia for hosting the meeting, as well as the Governments of Morocco and Egypt for hosting previous intra-Libyan dialogues. We reaffirm the importance of Libyan-owned and-led dialogue, as set out in resolution 2510 (2020).

Secondly, we call on all parties to fully respect international humanitarian law and take all the necessary measures to protect civilians. Attacks against health facilities, migrants, displaced persons and the personnel of United Nations Support Mission in Libya (UNSMIL) must stop.

It is concerning that fuel shortages and electricity outages in Libya continue to disrupt people's lives and impact hospitals and schools across the country. Coronavirus disease cases have doubled, with more than 20,000 confirmed cases and 320 deaths reported in September alone. In that regard, support for humanitarian efforts in Libya must also increase.

Thirdly, the security and political progress we see in Libya should also be complemented with progress on justice. Indonesia is committed to pursuing justice in Libya as a part of wider efforts to achieve long-lasting and sustainable peace in the country. Peace cannot be complete without justice, and justice cannot prosper in the absence of peace.

I fully share the view that it is Libya's obligation to ensure accountability for crimes committed on its territory. We need to empower the Libyan judicial authorities to enable them to fully exercise their sovereignty. That is why the referral of the situation in Libya to the International Criminal Court should not deter the competent Libyan authorities from invoking their jurisdiction to investigate violations of human rights and bring the perpetrators to justice.

Since Indonesia joined the Council in January 2019, we have heard four briefings from the ICC. In all four briefings, the role of UNSMIL was clearly highlighted. For Indonesia, the priority has always been clear — to save human lives. All actions by the international community should be carefully deliberated to avoid provoking violence that might lead to loss of life and jeopardize the quest for peace.

Annex IX**Statement by the Permanent Representative of the Niger to the United Nations, Abdou Abarry**

[Original: French]

I welcome the holding of this meeting devoted to the consideration of the twentieth semi-annual report on the activities of the International Criminal Court (ICC) in Libya, and congratulate Ms. Fatou Bensouda, Prosecutor of the Court, who, for the second time in 2020, has presented the Security Council with an accurate and comprehensive report.

My delegation commends the Office for the considerable progress made in the investigations conducted during the field missions to Libya, welcomes the good cooperation with the Libyan authorities and other stakeholders and takes note of the status of the ongoing cases.

We remain convinced that the fight against impunity must be an integral part of the process of national reconciliation and sustainable peace in Libya. I therefore reiterate my delegation's appeal to the Libyan authorities, to States parties and non-States parties to the Rome Statute, as well as to regional and international organizations, to comply with resolution 1970 (2011) by cooperating fully with the ICC.

I would like to recall that, like the Office, Council members, including the Niger, welcomed the signing of the ceasefire agreement between the Libyan parties on 23 October in Geneva, under the auspices of the United Nations. I would like to express my hope that this agreement will lead to the establishment of peace and stability, which is essential for justice in Libya.

It is also in that spirit that my delegation would like to raise two concerns regarding developments in the situation with regard to compliance with the arms embargo and international humanitarian law.

First, it cannot be said often enough, peace in Libya depends entirely on observance of the arms embargo, which was accepted by all actors at the Berlin Conference. Libya does not need arms or mercenaries. Instead, it needs positive dynamics supported by neighbouring countries to be reinforced and encouraged.

Secondly, the spread of the coronavirus disease pandemic, in the context of crumbling infrastructure, including health infrastructure, deserves particular attention. The same attention should be paid to the situation of migrants, who are quite often used as human shields and whose unfortunate fate, even after having been rescued on the high seas, is to be sent back to Libya.

Furthermore, my delegation remains concerned about the issue of the mass graves containing over 100 persons, recently discovered in Tarhouna and south of Tripoli, and welcomes in that regard the efforts made by the Libyan authorities in preserving evidence for future investigations.

I now turn to the situation of refugees and migrants, which, as mentioned in the report, continues to be a source of concern in the latest period since the Prosecutor's previous briefing to the Council in May (see S/2020/371). In that regard, my delegation encourages continued active collaboration between the Office and the Libyan authorities in order to investigate and hold accountable persons and groups guilty of human trafficking and crimes against migrants.

My delegation reiterates its support for the United Nations Support Mission in Libya (UNSMIL), welcomes the strengthening of the relationship between it and

the Office and commends Ms. Stephanie Williams, Acting Special Representative of the Secretary-General for Libya and Head of UNSMIL, for the support provided to the Office of the ICC.

In conclusion, my delegation would like to reiterate its congratulations and support to Prosecutor Bensouda and her Office for their dedication in the fight against impunity, the establishment of the rule of law and the deterrence of new crimes in Libya. In that regard, we call on the United Nations, the Security Council, the African Union and all stakeholders to pool their efforts to enable the return of peace and stability to this country, too long exposed to indiscriminate violence and destruction.

Annex X**Statement by the Deputy Permanent Representative of the Russian Federation to the United Nations, Gennady Kuzmin**

[Original: Russian]

In any armed conflict, the most important thing is to put an end to the bloodshed and suffering of the civilian population. To ensure that, the warring sides need to sit down at the negotiation table. The Libyan crisis can have only a political and diplomatic solution. There is no alternative to a peaceful settlement that would meet the interests of all elements of the Libyan community.

We regret that the once powerful State of Libya now lies in ruins because of a NATO intervention and that the whole region has to pay for the consequences of those illegal actions.

We welcome the signing of a domestic ceasefire agreement in Libya and call on both sides to meet their obligations under it. We also commend the ongoing round of the Libyan Political Dialogue Forum as a means of ensuring a peaceful settlement in the country. In our contacts with a wide range of Libyan stakeholders, we have called on them to join this dialogue in a constructive and responsible manner.

Many believe that to hold the guilty accountable means to unlock the path towards peace. That is not always the case, especially when the matter involves a biased, politicized and incompetent international judicial body. The report presented today by the Prosecutor of the International Criminal Court (ICC), like all of the Court's previous reports on Libya, is yet further evidence of the strategy of discriminate justice that the ICC has chosen.

When dealing with the events of 2011, the Court decided not to investigate civilian deaths caused by NATO strikes. Similar approaches are characteristic of investigations of crimes committed in Tripoli, Tarhouna and their suburbs. The ICC is not likely to take real steps to investigate the acts committed by all sides of the Libyan conflict.

The question then is, does the ICC serve as a stabilizing factor or as an obstacle to the peace process? Once Libya has ensured sustainable peace, its national judicial system will be able hold the guilty to account on its own. It will not need the ICC.

Annex XI**Statement by the Deputy Permanent Representative of Saint Vincent and the Grenadines to the United Nations, Halimah DeShong**

Saint Vincent and the Grenadines thanks Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her presentation on the twentieth report to the Security Council pursuant to resolution 1970 (2011).

Today's meeting emerges against the backdrop of positive developments in Libya, in particular within the framework of the Organization's three-point plan. We commend the Libyan parties for their efforts in reaching a permanent ceasefire agreement and encourage them to continue exhibiting the spirit of compromise and good faith, capitalize on the positive momentum and advance in finding a Libyan-owned and-led political solution to the conflict. We reiterate our support for the current Libyan Political Dialogue Forum in Tunisia and look forward to the convocation of a Libyan national reconciliation conference.

The international community continues to support the Libyan people in their quest for just and lasting peace and stability, which is reflected in the ICC Prosecutor's latest report. As an essential component of our multilateral architecture, the ICC remains an independent and impartial court and has an integral role to play in assisting Libya to overcome its difficulties, especially in the fight against impunity and the pursuit of justice, which are crucial for sustainable peace, security and reconciliation. However, the ICC continues to face enormous challenges in Libya. To that end, we stress the importance of full cooperation and the principle of complementarity of the Rome Statute, which are fundamental for the ICC to effectively discharge its mandate, including the operational activities of the Office of the Prosecutor.

Additionally, we call on all State and non-State parties to the Rome Statute to comply with their international obligations and adhere to the purposes and principles of the Charter of the United Nations, including compliance with international humanitarian law and international human rights law.

My delegation denounces the grave injustice against the world's first and only permanent international criminal court and its officials through unilateral coercive measures in the form of sanctions. We remain steadfast in our stance that those sanctions are unjustifiable and wrong. They flagrantly violate our international rules-based system and seek to undermine the work of the ICC. We therefore call for their immediate removal.

Finally, Saint Vincent and the Grenadines reaffirms its commitment to upholding the principles and values of the Rome Statute and encourages non-State parties to the Rome Statute to become members of the ICC.

Annex XII

Statement by the Permanent Mission of South Africa to the United Nations

At the outset, South Africa expresses its appreciation to Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing today on the situation in Libya.

South Africa continues to support the implementation of resolution 1970 (2011), which, apart from imposing a vital arms embargo, also mandates the ICC to investigate war crimes and crimes against humanity.

We note with concern that the non-execution of arrest warrants for ICC fugitives remains the greatest obstacle faced by the Prosecutor.

South Africa ardently supports strengthening complementarity through the development of domestic institutions to investigate and prosecute crimes. We commend the Prosecutor's efforts to promote the investigation and prosecution of international crimes committed in Libya in domestic jurisdictions, where viable and appropriate.

Like the Prosecutor, South Africa welcomes the signing of the ceasefire agreement by the Libyan parties in Geneva on 23 October, under the auspices of the United Nations. South Africa believes that cooperation with the ICC remains imperative, and we are encouraged by the continued engagement of the Libyan authorities and its commitment, at the highest level, to cooperate with the Office of the Prosecutor.

However, South Africa believes that progress in the Libyan peace process is vital in order to address the concerns that necessitated the implementation of resolution 1970 (2011), which the ICC process is part of.

Furthermore, South Africa welcomes the assistance provided to the Prosecutor's Office by international and regional organizations, civil society groups and private individuals, as well as the Office's constructive working relationship with the United Nations Support Mission in Libya.

We have noted reports of the escalation in abductions and enforced disappearances of journalists, civil society activists, lawyers, migrants and State officials by armed groups, which is deeply disconcerting.

Despite the myriad challenges faced by the Prosecutor, including as a result of the coronavirus disease pandemic, it is heartening to note that the Court received State cooperation, which allowed it to make progress in ongoing investigations.

South Africa calls on all parties and stakeholders to renew their commitment to building durable peace in Libya on the basis of inclusive political dialogue as the only viable means to achieving sustainable peace in Libya.

Annex XIII**Statement by the Permanent Representative of Tunisia to the United Nations, Tarek Ladeb**

[Original: Arabic]

I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her valuable briefing and for her twentieth report pursuant to resolution 1970 (2011). I also welcome the Permanent Representative of Libya to this meeting.

At the outset, I would like to reiterate my country's unwavering commitment to the Rome Statute and to the independent and impartial work of the International Criminal Court — combating impunity for the perpetrators of serious crimes and preventing the commission of such crimes in the future.

As a neighbouring country of Libya, a party to the Rome Statute and a non-permanent member of the Security Council, Tunisia remains constructively involved in Libya on the basis of active neutrality by contributing to and cooperating with the International Criminal Court and various actors in order to establish peace, stability, accountability and national reconciliation in Libya.

In that connection, as of yesterday, my country has been hosting the Libyan Political Dialogue Forum under the auspices of the United Nations. At the opening of the Forum, the President of the Republic, Kaïs Saïed, reiterated the position of Tunisia that the Libyan crisis must be resolved by upholding the unity of that brotherly country, rejecting foreign intervention and all forms of tutelage, and finding a political solution that springs from the will of all Libyans.

We are confident that this inclusive political forum will be an important link in overcoming the current crisis and moving towards a comprehensive political settlement through dialogue and consensus in order to reconcile the parties to the Libyan conflict and achieve social harmony.

It is regrettable that, during the reporting period, allegations were made of crimes falling within the jurisdiction of the Court, as stated in the report of the Prosecutor. Those crimes included extrajudicial killings, torture at detention centres, forced disappearances, indiscriminate attacks against civilians and serious violations against refugees and migrants.

We are deeply concerned by the mass graves discovered in Tarhouna and south of Tripoli, which are evidence of war crimes. Those discoveries are yet another reminder of the important responsibility of Libyan and international parties to end the bloodshed and impunity, comply with the arms embargo and refrain from interfering in the armed conflict or in the internal affairs of Libya.

Tunisia hopes that the agreement on a ceasefire in Libya, concluded in Geneva on 23 October, will be the starting point for the establishment of sustainable peace throughout the country in order to stop the bloodshed, alleviate the human suffering of Libyans as a result of violence and fighting and help create conditions conducive to a political settlement.

Tunisia affirms the need to comply with the ceasefire and support its implementation, and calls on all parties to the Libyan conflict to ensure adherence to international humanitarian law and international human rights law with a view to maintaining neutrality and protecting civilians and civilian facilities.

Resolution 1970 (2011), together with the Rome Statute, forms the principal frame of reference for the Council's exercise of its powers and responsibilities by establishing a fine balance between fighting impunity and maintaining international

peace and security in Libya, and serve as a foundation for the Court's exercise of its independent jurisdiction in the country.

We therefore welcome the Prosecutor's continued submission of biannual briefings to the Council. Those briefings allow for greater interaction and coordination between the Court and the Council in order to mutually reinforce each other's mandates.

Tunisia appreciates the continued efforts of the Prosecutor and her Office within the terms of her mandate in Libya, despite the constraints and challenges in the performance of her duties on the ground resulting from the coronavirus disease pandemic. We also commend the efforts of the United Nations Support Mission in Libya to facilitate the performance by the Prosecutor and her Office of their functions in Libya and to strengthen the relationship between the two sides on issues of common interest.

Tunisia recognizes the problems and challenges faced by the Court in implementing requests for cooperation related to the situation in Libya and welcomes the progress made by the Office of the Prosecutor in investigating and monitoring serious crimes against refugees and migrants transiting through Libya.

Tunisia hopes that the work of the Court will strengthen the principles of complementarity and cooperation — as set out in the Rome Statute and in line with the requirements of the Libyan political transition, while preserving the independence and impartiality of the Court. We therefore welcome the continuous engagement of the Court with the Libyan authorities and the commitment of those authorities to coordinating and cooperating with the Court in relation to core crimes, as set out in the Rome Statute.

The Court should not perform its functions at the expense of building the capacities of Libyan judicial bodies and strengthening the rule of law in Libya. Effective judicial investigation and prosecution of those involved in the commission of serious crimes should be done in a way that genuinely reflects the principles of cooperation and complementarity enshrined in the Rome Statute.

Annex XIV**Statement by the Legal Adviser of the United Kingdom of Great Britain and Northern Ireland to the United Nations, Chanaka Wickremasinghe**

I would like to offer my thanks to Ms. Bensouda, Prosecutor of the International Criminal Court (ICC), for briefing us today on her twentieth report on the situation in Libya.

The United Kingdom is clear that civilians must be protected in conflict situations and that those responsible for violations of international law must be held to account. In June, we co-sponsored the Human Rights Council resolution (A/HRC/RES/43/39) establishing a fact-finding mission to investigate violations and abuses in Libya. We continue to support strongly the Court's efforts to hold accountable those responsible for the most serious crimes of international concern in Libya.

We welcome the recent agreement to a full nationwide ceasefire in Libya, as well as the ongoing meeting of the Libyan Political Dialogue Forum, convened by the United Nations. While that progress is welcome, we remain gravely concerned about the continued deterioration in the human rights situation in Libya this year and reports of troubling activities attributed to both sides as the conflict continues, alongside a worsening outbreak of the coronavirus disease.

We thank the Prosecutor for her update on the cases against Mr. Al-Qadhafi, Mr. Al-Werfalli and Mr. Al-Tuhamy. It is particularly concerning that Mr. Al-Werfalli remains at large in the Benghazi area more than three years after the first warrant for his arrest was issued. We reiterate our call for all relevant States, including State and non-State parties to the Rome Statute, to cooperate with the ICC in the arrest and surrender of individuals with outstanding warrants.

We welcome the cooperation of the Government of National Accord with the Office of the Prosecutor during its visit to Libya. We note with concern the Prosecutor's references to reports that the Libyan National Army (LNA) and associated forces conducted indiscriminate air strikes, abductions, torture, enforced disappearances and extrajudicial killings. We also note reports of mines being used in southern Tripoli. The United Kingdom continues to fund the work of specialized non-governmental organizations to respond to mines and explosive hazards.

We condemn all human rights violations and abuses and violations of international humanitarian law, including indiscriminate attacks, unlawful killings and the silencing of journalists, activists and human rights defenders. Noting the recent twentieth anniversary of resolution 1325 (2000), we underscore our condemnation of sexual and gender-based violence in Libya, which the United Kingdom is working to address as part of our national action plan on women and peace and security.

The discovery of mass graves in Tarhouna is shocking and may constitute evidence of war crimes or crimes against humanity. We acknowledge the efforts by the Government of National Accord to preserve evidence, as recognized in the Prosecutor's report.

We note with concern the report's update about violence towards protesters in Zawiyah and Tripoli, and about the targeting of those criticizing the LNA. It is vital that rights to peaceful assembly, protest and freedom of expression be upheld. We reiterate our call for the case of parliamentarian Siham Sergewa — and all other politically motivated disappearances and intimidation — to be investigated. We also

call on the Government of National Accord to take steps to end the exploitation of migrants and refugees in official and unofficial detention centres.

Let me reiterate that support for international criminal justice is central to the foreign policy of the United Kingdom. We are pleased to have cooperated closely with the Prosecutor and her team recently and are committed to continuing to provide our full support in their ongoing investigations in Libya, which are all the more important at this crucial time in the peace process.

Annex XV**Statement by the Deputy Permanent Representative of the United States of America to the United Nations, Richard Mills**

The United States is concerned about crimes and human rights abuses in Libya, including the atrocities and violence against civilians in Tarhouna that we have just heard described in the briefing. But there are also long-standing crimes that must be accounted for expeditiously.

Accountability for the architects of Libya's darkest days would bring justice to the victims of those atrocities and their families, and help ensure that they are not forgotten. It would also strengthen the durability of the inclusive, negotiated political agreement we hope is in the future, because it would deliver a powerful deterrent message to potential abusers and to those involved in the current conflict who may have committed abuses and atrocities — that there is no place in Libya's future for the commission of atrocities and other human rights abuses.

For that reason, the United States supported the European Union's recent announcement of economic sanctions against Mahmoud Al-Werfalli for the human rights abuses he has committed against Libyans.

The United States Government continues to receive reports of ongoing atrocities and other human rights abuses in Libya. These accounts include arbitrary killings, forced disappearances, unlawful detentions, torture and sexual and gender-based violence. The conflict in Libya is destabilizing to the region and has displaced many. A culture of impunity has prolonged the conflict by enabling human rights abuses against Libyans.

The United States is furthermore concerned about reports of violence against peaceful protesters in August in Zawiyah, Tripoli and Houn. We support the call of the United Nations Support Mission in Libya for an investigation into the reports of the use of excessive force against protesters. The Libyan people must be allowed to exercise their right to peaceful assembly.

We also express concern about the mines and booby traps in the outskirts of Tripoli and the reports of a massacre of migrants in Mizda.

The United States shares the horror of Libyans and the international community at the discovery of mass graves and of bodies showing signs of torture near Tarhouna. We support the immediate efforts of the Libyan Government and international bodies to investigate those abuses and bring the perpetrators to justice.

Specifically, Mohammed Al-Kani and his Al-Kaniyat militia is one of the most egregious abusers of human rights in Libya and has carried out enforced disappearances, torture and killings in Tarhouna. The United States will nominate Al-Kani and the Al-Kaniyat militia shortly to the Security Council Committee established pursuant to resolution 1970 (2011), concerning Libya, for designation, which would be a strong message from the Security Council for Libyan authorities and the international community to take meaningful enforcement action against human rights violators and to end the culture of impunity in Libya that is fuelling the conflict.

Libyan armed groups and security forces on all sides, as well as their international backers, stand accused of perpetrating and enabling human rights abuses. Those actions are unacceptable. The United States welcomes the creation of an international fact-finding mission to document atrocities and other human rights abuses in Libya, and we strongly urge that it be granted full access throughout Libya.

We join our colleagues on the Council in welcoming the 23 October announcement of the nationwide Libyan ceasefire, facilitated by Acting Special Representative Stephanie Williams, and we will press to ensure that it leads to an end to those abuses, facilitates efforts to bring the perpetrators to justice and enable the Libyan people to find a lasting political solution to this conflict.

The United States continues to oppose all foreign military intervention in Libya and supports the Organization's efforts to convene the Libyan Political Dialogue Forum this week in Tunis for in-person discussions aimed at determining a new executive authority to prepare for national elections. We thank Acting Special Representative Williams and her team for their ongoing efforts in that regard.

The United States will continue to be a strong supporter of meaningful accountability and justice for victims of atrocities through appropriate mechanisms. Perpetrators of atrocity crimes must face justice, but we must also be careful to use the right tools for each situation.

I have heard my colleagues mention the view and position of the United States on the International Criminal Court (ICC), so let me conclude by reiterating our long-standing and principled objection to any assertion of ICC jurisdiction over nationals of States that are not party to the Rome Statute, absent a Security Council referral or the consent of such States. International justice is not built on violating the founding agreements that created the tools of international justice. Our concerns regarding the ICC and the situation in Afghanistan are well-known.

Our position on the ICC in no way diminishes the commitment of the United States to supporting accountability for crimes, atrocities and violations of international humanitarian law, and we will continue to be an advocate for justice.

Annex XVI**Statement by the Permanent Representative of Viet Nam to the United Nations, Dang Dinh Quy**

I thank Ms. Fatou Bensouda for her briefing. I welcome His Excellency Ambassador Taher Elsonni, Permanent Representative of Libya, to this meeting.

We continue to follow closely the situation in Libya, which has seen significant progress in the past few weeks. Viet Nam warmly welcomes the permanent ceasefire agreement signed by the 5+5 Joint Military Commission on 23 October. Furthermore, we are pleased to see that the Libyan Political Dialogue Forum launched yesterday in Tunisia. We commend the tireless efforts of the United Nations Support Mission in Libya, countries and organizations of the region and other international partners in promoting the peace talks. The recent positive developments have clearly demonstrated one thing — the Libyan-led and -owned political process is the only solution for long-term peace in Libya. In that connection, Viet Nam wishes to stress the following points.

First, we call on the parties in Libya to fully uphold the permanent ceasefire agreement, respect international humanitarian law and allow unhindered humanitarian access to assist those in need. The international community, including the Security Council, should support the parties in the implementation of the ceasefire agreement, as appropriate.

Secondly, we urge the parties in Libya to continue to engage constructively in peace talks under the three tracks — political, security and economic — in line with resolution 2510 (2020), on the Berlin Conference on Libya. The substantive outcome of the three-track dialogues will be the key to achieving sustainable peace and stability in Libya. It is also crucial for all sides, inside and outside of Libya, to fully uphold the arms embargo, in accordance with all the relevant Security Council resolutions.

Thirdly, Viet Nam reiterates our consistent position that all perpetrators of crimes must be brought to justice, but the State has the primary responsibility for the implementation of international humanitarian law and the prevention and suppression of serious criminal acts, such as war crimes, crimes against humanity and crimes of aggression. The establishment of accountability for violations of international humanitarian law and serious criminal acts shall be conducted in accordance with the fundamental principles of international law, including respect for States' independence and sovereignty.

In that regard, Viet Nam takes notes of the updated report of the Prosecutor of the International Criminal Court pursuant to resolution 1970 (2011).

Annex XVII**Statement by the Permanent Representative of Libya to the United Nations, Taher Mohammed Elsonni**

[Original: Arabic]

At the outset, I would like to congratulate you, Madam President, on assuming the presidency of the Security Council this month and to wish you and your team every success. I would also like to thank Ms. Bensouda for her briefing and her report, which she presented to the Council today.

Today the Council has listened to Ms. Bensouda's briefing, which contained irrefutable and conclusive evidence of what we have discussed on several occasions — horrific violations, war crimes and crimes against humanity committed against innocent civilians, especially during the attack on Tripoli and its suburbs in April last year. It should once again be clear to everyone who was involved — who should, without a doubt, be held accountable.

In discussing the investigation of the crimes and violations committed in Libya, we must reaffirm the principle of judicial complementarity between the Libyan judiciary and the International Criminal Court (ICC). We are committed to continuing to cooperate in accordance with resolution 1970 (2011) in order to hold accountable those outside the Government's control.

In that regard, we would like to express our satisfaction with the progress on joint cooperation and the Council's response to our request for assistance in the investigation of all violations committed against civilians over the past years. In order to ensure the transparency of those investigations and the advanced technical capabilities they require, we have requested that the ICC and the Human Rights Council send fact-finding missions to investigate war crimes and violations against civilians resulting from the attack on Tripoli by Haftar's militias and mercenaries and the countries supporting him.

According to the evidence-based reports of Ms. Bensouda, those crimes and violations include the shelling of residential neighbourhoods; the destruction of some 125,000 houses; the displacement of around 342,000 citizens; the deliberate targeting of hospitals and medical staff, educational institutions, energy and water sources, airports and ports and migrant shelters, as we saw in Tajoura; the shelling and killing of students of the military college in Tripoli; the laying of mines south of the capital, which continue to claim dozens of lives to this day; and, lastly and worst of all, the dozens of mass graves discovered in the city of Tarhouna, which were a shock and a tragedy for all. Nearly 200 bodies have been found so far, and more continue to be discovered. Most recently, five new graves were found near the link project in Tarhouna just last week. They contained families, including children and women, and the remains of victims who had been buried alive. I do not know what more the Council needs in order to hold accountable and punish the perpetrators. We all know full well who committed these crimes, who gave the orders to carry them out and who supported them with money and weapons.

The Government has an obligation to the nation to uncover the truth of the violations and crimes committed and to hold to account the perpetrators and those responsible. There is no statute of limitations for these crimes. In that regard, we express our appreciation to the Human Rights Council, the International Criminal Court and other organizations that have already sent field teams and are helping us to uncover the facts, reveal who was involved and hold them to account.

In that context, I would like to welcome the reference in Ms. Bensouda's report to the significant progress made in the investigations following the recent field missions conducted by the investigation team to Libya. We appreciate the team's praise of the assistance provided to it by the Government and reaffirm that we are always ready to cooperate with the Prosecutor, in accordance with the memorandum of understanding signed between the two sides.

It has become obvious from our examination of the report that there is clear evidence of who was behind many of the crimes and violations, evidence on the basis of which charges can be brought. We express our appreciation and respect for the measures taken by the Court, including its biannual report on Libya, but we emphasize the need to expedite the investigations and announce their results exceptionally quickly, rather than wait another six months. The issuance of arrest warrants for those who committed the crimes, gave orders to commit them or supported them internally or externally, or for those who refuse to hand over the perpetrators, particularly in relation to the mass graves in Tarhouna, must also be expedited. That is the least that can be done for the victims' families and communities. A year and a half after the attack on Tripoli, no one has yet been charged, despite all the evidence presented in your reports.

In this regard, we remind the Court that violations and crimes were not committed only in connection with the attack on Tripoli. Before that came the shelling of civilians in Murzuq, murders and executions in the field, and concealment and forced displacement, as happened in Benghazi, Darnah, Ajdabiya and Sirt. There was also the displacement that affected our people in the east for years, and the murder and abduction of women, such as Siham Sergewa and Maqboula Al-Hassi, whose fate remains unknown to this day, and, before them, the murder of Salwa Buqu'ayqays. Most recently came the horrific crime that took place just hours ago in the heart of Benghazi, in broad daylight and in plain sight: the murder by gunmen of the activist Hanan Al-Bar'asi, simply for criticizing Haftar's militias and his children.

In conclusion, although today's session is dedicated to the briefing of the International Criminal Court, it coincides with the beginning of the political dialogue hosted by our sister country Tunisia and the resumption of the military track today in Sirt. These dialogues, which come at a critical time in the Libyan crisis, are certainly better than the sound of guns and bloodshed. While we affirm our support for all domestic and international efforts that contribute to finding peaceful solutions to the crisis, we hope that these efforts will be far removed from external dictates and interventions and from any form of tutelage. Libyans alone should have the right to determine their fate and all active forces should have the right to representation and participation. We affirm that, regardless of the results of these dialogues, and of their course and representatives, there will be no reconciliation or genuine social peace without the establishment of the principle of accountability, the realization of transitional justice, the payment of reparations and the elimination of impunity for anyone involved in the killing of Libyans and the commission of war crimes and crimes against humanity. There can be no peace without justice.
