



Security Council

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Letter dated 7 May 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 the 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 convened on Tuesday, 5 May 2020. A statement was also delivered by the representative of Libya.

In accordance with the procedure set out in the letter dated 2 April 2020 by the President of the Security Council addressed to Permanent Representatives of Security Council members (S/2020/273), which was agreed in the light of the extraordinary circumstances caused by the COVID-19 pandemic, this briefing and these statements will be issued as a document of the Security Council.

(Signed) **Sven Jürgenson**
President of the Security Council



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

Given the exceptional circumstances in which we currently find ourselves owing to the coronavirus disease (COVID-19) pandemic, I am pleased to appear before the Security Council via video-teleconference to deliver my Office's nineteenth report on the situation in Libya, pursuant to resolution 1970 (2011).

I congratulate Estonia on assuming the presidency of the Security Council for the month of May and express my gratitude to the Council for facilitating today's remote briefing.

Allow me at the outset also to express my condolences to Council members and indeed all members of the United Nations family for the untimely deaths of their respective citizens caused by this global pandemic and to convey our solidarity in the fight to contain the spread of the virus.

Relatedly, let me also emphasize that, despite some inevitable limitations caused by the COVID-19 pandemic, my Office's Libya team is forging ahead with its judicial work and investigations, managing to remain active and productive in these exceptional times. The Libya situation remains a priority for my Office, and I take the opportunity afforded by this forum to announce that my team is working on applications for new warrants of arrest.

The Security Council is well aware that, since my last report and briefing (see S/PV.8660), serious violence related to the armed conflict in Libya, particularly in and around Tripoli, has regrettably not abated. It is now over a year since the offensive on Tripoli by the eastern-based militia known as the Libyan National Army, headed by General Khalifa Haftar, started. My Office continues to carefully monitor the unfolding events. Of particular concern to my Office are the high numbers of civilian casualties, largely reported to be resulting from air strikes and shelling operations. My team continues to gather and analyse information about incidents that have occurred during the recent period of armed conflict that may constitute crimes under the Rome Statute.

I reiterate that intentionally directing attacks against the civilian population or against individual civilians not taking direct part in hostilities is a war crime under the Rome Statute. Likewise, the Rome Statute prohibits the intentional directing of attacks against hospitals and other buildings protected under international law, such as those dedicated to religion or education, when they are not military objectives. Even where military targets are involved, the principle of proportionality applies.

I have previously also brought to the Council's attention the issue of arbitrary detention and serious mistreatment of migrants and refugees attempting to transit through Libya. These detentions are a grave and persistent problem, and my Office continues to dedicate resources to investigating this matter. In particular, important progress has been achieved through the adoption of a cooperation strategy by my Office, which focuses on the exchange of evidence and information with relevant States and organizations. This activity is conducted with a view to taking advantage of synergies and supporting investigations and prosecutions in domestic jurisdictions. These efforts, I am pleased to report, are producing helpful results.

It is worth stressing that the issue of arbitrary detention and serious mistreatment of detainees affects not only migrants and refugees, but also thousands of other people detained in prisons and detention centres across Libya. The latest figures indicate that the detention of persons without due process is widespread. Many people are being detained without lawful basis or denied their fundamental

procedural rights. Persons detained without the proper protection of the law are at greater risk of serious forms of mistreatment, including murder, torture, rape and other forms of sexual violence.

Information obtained by my Office indicates that such crimes are all too common. Former detainees report brutal methods of torture. Detention-related victims of rape and other forms of sexual violence include men, women and children. Detainees have died from injuries sustained through torture and from the failure to provide proper and timely medical care.

My Office is aware of allegations of serious violations in many prisons and detention facilities throughout Libya. Of particular note are Al-Kuweifiya and Gernada prisons located in eastern Libya. These allegations also extend to Mitiga prison in Tripoli, which is controlled by an armed group known as the Special Deterrence Force. This group officially falls under the authority of the Ministry of Interior of the Government of National Accord.

Serious and urgent reforms in many Libyan prisons and detention facilities appear necessary in order to prevent future crimes. Accountability for alleged past violations is equally important. Primary responsibility for investigating and prosecuting these alleged crimes rests with Libya. My Office continues to closely follow up on these allegations.

Reports received by my Office also indicate increasing numbers of cases of enforced disappearance, committed with close to total impunity. The crime against humanity of enforced disappearance entails the refusal to provide information on the fate or whereabouts of persons who have been arrested and detained by a State or political organization, or with its authorization, support or acquiescence.

The crime of enforced disappearance inflicts severe suffering on the family of the missing person. It can also spread terror within a society. When targeted against prominent members of the community, such as political activists, human rights defenders and journalists, it sends a strong message that voices of dissent will not be tolerated. For these reasons, and others, the crime of enforced disappearance has grave consequences for both individuals and communities.

Emblematic of this disturbing trend is the case of Ms. Siham Sergewa, a member of the Libyan House of Representatives. Ms. Sergewa has been missing since 17 July 2019, when armed men allegedly kidnapped her from her home in Benghazi. Her fate and whereabouts remain unknown. Recent information obtained by my Office may point to those responsible for Ms. Sergewa's disappearance. Investigations to verify this information are continuing.

Hate speech in Libya also appears to be on the rise. Derogatory and dehumanizing language targeted at certain individuals or groups of people is now pervasive in both traditional and social media. This is cause for concern. This type of language generates both hatred and fear in the community and deepens divisions within society. It sows the seeds for crimes against targeted groups and individuals and foments conditions in which mass atrocity crimes can occur.

Under the Rome Statute, a person who instigates the commission of crimes by others is also responsible for those crimes. Such instigation can include the making of public statements that incite attacks on specific ethnic or social groups. Leaders and prominent members of the community have a special responsibility to lead by example and refrain from hate speech. Anyone who incites fear, hatred and division in the community causes harm not only to those targeted, but also to society as a whole.

I turn now to the case of Mr. Saif Al-Islam Al-Qadhafi. The second round of litigation in relation to the admissibility of Mr. Al-Qadhafi's case has now concluded. On 9 March, the Appeals Chamber unanimously ruled that Mr. Al-Qadhafi's case is admissible before the International Criminal Court (ICC). Accordingly, the arrest warrant for Mr. Al-Qadhafi remains enforceable. Libya continues to be under an obligation to arrest and surrender Mr. Al-Qadhafi to the Court.

In its judgment, the Appeals Chamber found that the International Criminal Court is barred from trying someone who has already been tried in a national jurisdiction with respect to the same conduct only if the proceedings in the other court are final. The Libyan domestic proceedings against Mr. Al-Qadhafi are not final. Given that he was convicted in absentia, if Mr. Al-Qadhafi surrenders himself or is arrested, Libyan law provides that he must be retried. If sentenced to death for a second time, review by the Libyan Court of Cassation would be mandatory. Furthermore, the Libyan amnesty law, Law No. 6 of 2015, does not apply to his case.

In the course of the admissibility proceedings, Mr. Al-Qadhafi stated that he was released from detention on or about 12 April 2016. He has made no effort to surrender himself. Mr. Al-Qadhafi is a wilful fugitive, actively evading justice both in Libya and before the International Criminal Court. Neither case can progress, nor can the victims of Mr. Al-Qadhafi's alleged crimes receive justice, while he remains at large.

The Appeals Chamber's judgment provides valuable guidance on some important points of international criminal law. Notably, Judge Ibáñez Carranza, in her separate and concurring opinion, found that amnesties or similar measures that prevent the investigation, prosecution and punishment of international core crimes that amount to grave human rights violations and grave breaches of international humanitarian law are incompatible with international law. Accordingly, Judge Ibáñez Carranza found that such measures appear to be contrary to the object and purpose of the Rome Statute, although this issue must ultimately be determined on a case-by-case basis. This is a significant legal development with respect to the obligation of States to investigate, prosecute and, if appropriate, punish perpetrators of mass atrocities.

Allow me to also recall that the arrest warrants for Mr. Al-Tuhamy Khaled and Mr. Mahmoud Al-Werfalli have yet to be executed. The Arab Republic of Egypt, where Mr. Al-Tuhamy is believed to reside, has not arrested and surrendered him to the Court. General Khalifa Haftar's Libyan National Army has neither facilitated the arrest and surrender of Mr. Al-Werfalli to the ICC nor ensured his genuine investigation and prosecution in Libya. Mr. Al-Werfalli is reported to be under the command of General Haftar.

While my Office continues to meet its obligations under the Rome Statute by advancing its investigations despite resource constraints and a challenging operational environment, the course of justice cannot make further progress without the arrest and surrender of ICC suspects. This is a responsibility that rests neither with my Office nor the Court, but with other actors in the Rome Statute system, namely, States. As I have repeatedly stated before this organ, the Council and its members also have a special responsibility to support and urge cooperation with the Court pursuant to resolution 1970 (2011), which referred this situation to my Office back in 2011.

I would be remiss if at the same time I did not acknowledge the excellent cooperation my Office continues to receive in support of our investigations from numerous States and stakeholders, and in particular from the Government of National Accord and the Libyan Prosecutor General's office. Nonetheless, on the

most crucial cooperation matter — the arrest and surrender of ICC fugitives — the Libyan people's calls for justice remain unheeded. It is my sincere hope that this state of impunity will not remain the status quo and that the victims of Rome Statute crimes committed in Libya will obtain justice.

Justice for such crimes, including those I have elaborated upon today, is crucial to the rule of law and stability in Libya. Where appropriate, accountability for such crimes must extend to those in positions of authority.

I take this opportunity to once again stress that military commanders may be held responsible for crimes committed by forces under their effective command and control. Military commanders have a responsibility both to prevent or repress the commission of crimes by their forces and to submit any such crimes for investigation and prosecution.

In conclusion, international criminal justice is a necessary force of accountability and deterrence; these are pillars upon which stability, progress and prosperity can be built and thrive. I call on the Security Council, the States parties to the Rome Statute of the International Criminal Court and the international community more broadly to stand firmly by the ICC and its crucial mandate to end impunity for the world's gravest crimes.

Annex II**Statement by Ambassador Marc Pecsteen de Buytswerve,
Permanent Representative of Belgium to the United Nations**

I would like to warmly welcome Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), and thank her for her valuable briefing to the Security Council.

Let me first reiterate Belgium's unwavering support for the International Criminal Court as an independent and impartial judicial institution. We express our deep concern over recent threats made against Court officials and their families. The ICC and its staff can count on my country to continue to uphold and defend the principles and values enshrined in the Rome Statute and to preserve its integrity.

The continued escalation of violence in Libya resulting in multiple incidents and attacks against the civilian population and infrastructure with total impunity demonstrates why the ICC is needed more than ever to ensure accountability for the most serious crimes of international concern. Justice must be brought to the victims and is necessary also to prevent future violations of international humanitarian law.

Reports of such attacks are numerous and continue to be published frequently, including reports of attacks against civilian homes, schools and hospitals in Tripoli. Those attacks may constitute war crimes under the Rome Statute and should therefore be investigated and prosecuted thoroughly by national jurisdictions or the International Criminal Court. In that regard, Belgium welcomes the Office of the Prosecutor's significant progress in the ongoing investigations, including with respect to current hostilities, and takes note that preparations are also moving ahead for possible new applications for arrest warrants. We very much appreciate the close attention given by the Prosecutor to certain crimes, such as the propagation of hate speech, because of the significant impact it can have on the ground in an ongoing armed conflict, and serious alleged crimes against the most vulnerable categories of victims, including children, migrants and refugees.

Despite those efforts by the International Criminal Court, we all know that the Court cannot be effective without the cooperation of all stakeholders. That is why the Security Council decided in paragraph 5 of resolution 1970 (2011) to urge

“all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor”.

Yet, the lack of sufficient cooperation is obvious. We are pleased with the continued engagement of the competent authorities of Libya, the Government of National Accord and some States and organizations. However, we are deeply concerned over the information in the report that other relevant parties still fail to cooperate significantly with the Office of the Prosecutor. That is true especially of the execution of arrest warrants for Court fugitives by Egypt and General Haftar's Libyan National Army, but also of any request for assistance made by the Prosecutor. Accordingly, my delegation once again urges all the competent authorities to facilitate the immediate arrest of the three suspects and to surrender them to the Court. We also ask the Security Council to closely follow up on this and to take any appropriate measure in that respect.

Belgium still believes that the only long-term solution for Libya is political. In that context, justice for the victims and their loved ones will most certainly be an essential element, and the Council cannot remain silent in the face of persistent impunity in relation to the most serious crimes that continue to be perpetrated in Libya.

Annex III**Statement by Yao Shaojun, Acting Deputy Permanent Representative of China to the United Nations**

I thank Ms. Bensouda for her briefing and welcome Ambassador Elsonni to this meeting.

The conflict in Libya has been raging for many years, wreaking havoc on the country and its neighbours, bringing enormous suffering to the Libyan people and threatening international peace and security. The situation changes rapidly. We note the recent announcements by relevant parties and reaffirm that there is no military solution. China has always believed that the issue of Libya must be resolved through a political process. We welcome any efforts conducive to a lasting ceasefire and a response to the Secretary-General's appeal for a global ceasefire, especially during the coronavirus disease (COVID-19) pandemic and Ramadan. China calls upon all parties to the conflict to put the interests of the country and the people first and to reach a permanent ceasefire as soon as possible. Under the current circumstances, the people of Libya deserve a peaceful environment to fight the COVID-19 pandemic.

China supports a Libyan-owned, Libyan-led political settlement process and encourages the United Nations and such regional organizations as the African Union and the League of Arab States to continue their mediation efforts and create synergies. We call on all Member States to strictly implement the arms embargo. While respecting Libya's independence, unity, sovereignty and territorial integrity, the international community should continue to provide assistance to Libya so that the country may achieve peace, stability and development as soon as possible.

With regard to the International Criminal Court, China's position remains unchanged.

Annex IV

Statement by Mr. José Singer Weisinger, Special Envoy to the Security Council of the Dominican Republic

I thank Prosecutor Bensouda for her report on the pending cases and the updates on the current situation in Libya.

The Dominican Republic would like to express its condolences to all the victims and their families of the recent violence in Libya committed during the Libyan National Army's offensive last month. We strongly reiterate the importance of protecting civilians, civilian infrastructure, historical monuments and religious buildings. Health systems around the world are collapsing due to the coronavirus disease (COVID-19) pandemic, yet hospitals in Libya are still being hit by indiscriminate attacks. That is intolerable.

Those actions reveal the importance of strengthening the cooperation between States and the International Criminal Court (ICC). Criminals must know that their terrible actions have international legal consequences. We ought to highlight the deterrent effect of that international tribunal, especially at this time when multilateralism is facing grave challenges. The fight against impunity must never stop.

The Dominican Republic applauds the efforts of the ICC on Mr. Al-Qadhafi's appeal case and takes this opportunity to reiterate its call on all Member States to collaborate with the ICC on all pending arrest warrants. Bilateral approaches by members of the Council are essential to moving forward in that regard, as is cooperation with the Libyan authorities, States parties, other Member States and other relevant entities to assist the Office of the Prosecutor in fulfilling its mandate.

We deeply regret that Ms. Sergewa remains missing after being abducted by armed men. The Dominican Republic sees with great disappointment the escalation in disappearances of journalists, civil society activists, lawyers and State officials. We welcome the progress in the investigation of migrant-related crimes. Those responsible for the atrocious acts against migrants or others in Libya must be prosecuted and held accountable, whether by their national jurisdiction or by the ICC.

The Dominican Republic echoes the call of Secretary-General António Guterres for a global ceasefire. Regardless of ideological affiliation, the people of Libya must stop fighting each other and start fighting their common enemy, namely, the COVID-19 pandemic.

To conclude, the Dominican Republic reiterates its full support to the ICC, as part of the rules-based international order, in its efforts to guarantee compliance with international law.

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

I thank the Prosecutor for her report and today's informative briefing.

At the outset, I would like to affirm Estonia's strong support for the International Criminal Court (ICC) as an independent and impartial judicial institution and an important pillar of the rules-based international order. We welcome the update provided by the Prosecutor on the status of current cases and the progress achieved in the Libya investigations during the previous reporting period. We recognize the challenges arising from the security situation and the coronavirus disease (COVID-19) pandemic that affect the Court's work in Libya.

Regarding developments on the ground, Estonia is worried about the 45-per cent rise in civilian casualties caused by the escalation in violence in the first quarter of 2020. We condemn the indiscriminate use of shelling and air strikes, causing death and injury among civilians, and the incidences of arbitrary detention, enforced disappearance, torture and extrajudicial killings. We are further concerned about reports of crimes against migrants and refugees in Libya. We want to recall that attacks against civilians and civilian infrastructure may constitute a war crime under the Rome Statute. Estonia calls on parties to the conflict to respect international humanitarian law and international human rights law.

Like others, Estonia is highly concerned that there have not been any executions of ICC arrest warrants in the Libya case, meaning that the three fugitives remain at large. We recall that these three individuals are accused of the grave international crimes of murder, torture and inhuman and degrading treatment. Executing the arrest warrants is necessary to provide justice for the victims. Ending impunity is essential for long-term peace. In that regard, we take note of the fact that preparations are moving ahead for possible new applications for arrest warrants.

International criminal justice continues to rely on a collective effort. We welcome the assistance provided to the Office of the Prosecutor by States, international and regional organizations, civil society organizations, the Libyan authorities and the United Nations Support Mission in Libya. But ultimately, it is we, States, that have to show up and fulfil the clear obligation arising from resolution 1970 (2011) to cooperate with the Court. Therefore, Estonia urges all States, including States that are not party to the Rome Statute, to fully cooperate with the ICC in order to end impunity and establish justice for the victims in Libya, and to demonstrate respect for the rule of law. Finally, let me assure the Prosecutor of Estonia's full support for the work of the ICC in pursuing accountability in Libya.

Annex VI**Statement by Ms. Sheraz Gasri, Legal Adviser of the Permanent Mission of France to the United Nations**

I, too, want to thank Prosecutor Bensouda for her report and her presentation. It is a pleasure to see her, even virtually.

France fully supports the International Criminal Court (ICC), which must be able to act independently and impartially within the framework of the Rome Statute. The Prosecutor and her team must be able to exercise their prerogatives without obstruction or impediment.

Justice for victims of mass atrocities is one of the key factors to resolving the conflict in Libya. That is why the Security Council referred the Libyan situation to the ICC in 2011 through resolution 1970 (2011).

Unfortunately, violations of human rights and international humanitarian and refugee law are widespread. Attacks against the civilian population and medical infrastructure may constitute war crimes under the Rome Statute, as the Prosecutor rightly recalled. Trafficking in persons, migrant smuggling, arbitrary detention, mistreatment of detainees, enforced disappearance, torture and sexual violence are unacceptable. There can be no doubt that anyone who incites or commits such crimes in Libya today is liable to prosecution, whether by the Libyan justice system or by the ICC.

In that regard, France welcomes the rigorous approach adopted by the Office of the Prosecutor based on the principles of cooperation and complementarity with domestic courts. We take note that the Appeals Chamber confirmed the admissibility of the case against Mr. Saif Al-Islam Al-Qadhafi. We commend the cooperation between the Office of the Prosecutor and the highest level of the Government of National Accord, including with regard to the execution of the requests for assistance. However, like others, we are deeply concerned by the obstacles the Office still faces in the execution of the arrest warrants for three fugitives. Full cooperation from all stakeholders is required, first and foremost from the Libyan parties. France will continue to cooperate with the International Criminal Court and calls on all States, whether parties to the Rome Statute or not, to do the same. Moreover, France welcomes the assistance provided to the Office by the United Nations Support Mission in Libya. Finally, we reiterate that the most serious crimes committed in Libya since 2011, and which continue to be committed today, must all be investigated and prosecuted, including the crimes committed by extremist and terrorist groups and crimes against refugees and migrants.

Only a political solution and the restoration of the rule of law can put an end to the Libyan crisis and avert further deterioration on the ground. The Libyan parties must immediately and sustainably cease the hostilities and engage in the United Nations-led dialogue. In that regard, we welcome the recent proposal by the Libyan National Army to declare a truce for the month of Ramadan. We also call on the Government of National Accord to make the same commitment. Both parties must endorse and sign the draft ceasefire agreement agreed by the 5+5 Joint Military Commission on 23 February. In that context, the swift nomination of a new Special Representative is essential.

Annex VII

Statement by Mr. Jürgen Schulz, Deputy Permanent Representative of Germany to the United Nations

The International Criminal Court (ICC) is a crucial pillar of a strong rules-based international order. We fully support the Court, its impartial work and the values enshrined in the Rome Statute. In 2011, the Council referred the situation in Libya to the ICC so as to ensure accountability for the most serious crimes. Nine years later, the security and human rights situation in Libya remains extremely worrisome. We commend the Prosecutor for her unwavering commitment to justice for the victims of atrocities in Libya.

We must not let impunity reign. Accountability is also essential for achieving a lasting, peaceful solution to the crisis in Libya. We could not agree more with Ms. Bensouda's conclusion in her nineteenth report that:

“[i]t is regrettable that the arrest warrants issued by the Court have still not been executed. The resulting impunity is an affront to the victims and their loved ones, as it undermines any hope of achieving a lasting peaceful solution to the crisis in Libya, of which justice is an essential element.”

We therefore encourage the prosecutor and the ICC to continue the investigations with regard to Libya and urge Member States to execute the arrest warrants. Full cooperation and assistance from Member States remains essential for the Office of the Prosecutor to fulfil its mandate and for the Court to play the role assigned to it by the international community to end impunity for the most serious crimes. It is the Council's responsibility to ensure that its referrals are followed up and implemented. In that context, it is encouraging to hear from the Prosecutor that her Office is working on applications for new arrest warrants.

We welcome Libya's commitment to justice and call for it to further strengthen its cooperation with the Court. The competent authorities are unable to prosecute the most serious crimes under international law, so until they are, the ICC must step in to ensure accountability.

As the fighting in Libya continues, the human cost continues to rise. The report by the Office of the Prosecutor reminds us of some of the numbers the fighting entails. Reports indicate that, since the offensive started in April 2019, more than 350 civilians have been killed, more than 300 have been injured and 140,000 have been displaced. The United Nations Support Mission in Libya (UNSMIL) reports that there were 57 attacks on health-care facilities in 2019, causing the death of 13 health-care workers.

Attacks on civilians constitute a breach of international humanitarian law. Accountability for crimes under the Rome Statute and full respect for international law are prerequisites for sustainable peace in Libya. It is the duty of the international community to ensure that there will be consequences for the perpetrators. The absence of accountability encourages the repetition of crimes. We are also highly concerned about the systematic use of sexual violence, including against refugees and migrants in Libya, as reported by the Prosecutor. Let me therefore again recall the sanctions listing criteria introduced by the Security Council for sexual- and gender-based violence, which clearly recognize the devastating effects of such heinous crimes on peace and reconciliation in Libya.

We note that the armed forces associated with General Haftar are responsible for the vast majority of attacks on civilians — more than 80 per cent, according to a recent UNSMIL report. We also recall from earlier briefings by UNSMIL that the vast majority of attacks on health-care facilities can be traced back to the Libyan

National Army (LNA). The LNA's continued blatant disregard for civilian lives calls for a response from the ICC, and we also commend the ICC's work in that regard.

Before concluding, let me state that full, continued and steadfast support for the ICC and the efforts of the Prosecutor in establishing accountability so as to enforce the urgently needed respect for the rule of law remains absolutely essential. We call on the members of the Security Council, and indeed on all United Nations Member States, to support the Court and its efforts to end impunity and ensure accountability. Let me also again call on those States that have not yet joined the Rome Statute to consider doing so.

Annex VIII

Statement by Mr. Muhsin Syihab, Deputy Permanent Representative of the Republic of Indonesia to the United Nations

Indonesia would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing. We have taken note of the Prosecutor's nineteenth report to the Security Council pursuant to its resolution 1970 (2011), on Libya.

More than a year has passed since the new conflict in Libya started, and the situation on the ground remains grim. Allow me to focus on the following points.

First, Indonesia calls for the immediate cessation of hostilities in Libya. We should continue the path of political dialogue, since there will never be a military solution in Libya. We join the call by the United Nations Support Mission in Libya (UNSMIL) for all parties to immediately halt all military operations and resume the 5+5 Joint Military Commission talks during the month of Ramadhan, also in line with the call of the Secretary-General for a global ceasefire.

Secondly, Indonesia calls for the expansion of humanitarian corridors during the month of Ramadhan and welcomes the increased efforts made by the Office of the United Nations High Commissioner for Refugees through a series of extra emergency distributions in Tripoli.

Nevertheless, we remain concerned about the fact that, in the first quarter of 2020, the number of civilian casualties in Libya increased by 45 per cent as compared to the last quarter of last year, amounting to at least 131 civilian casualties. During the same period, attacks on schools and health-care facilities persisted. Attacks against health facilities will severely impact Libya's ability to fight the coronavirus disease pandemic. We call on all parties to fully respect international humanitarian law and to take measures to protect all civilians.

That leads me to my last point. Indonesia is committed to pursuing justice in Libya as a part of the wider efforts to achieve long-lasting and sustainable peace in the country. Indeed, peace cannot be complete without justice, and justice cannot prosper in the absence of peace. The rule of law must be respected.

To that end, we further extend our support to the work currently being done by UNSMIL. 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 exercise their full sovereignty.

That is why the referral of the situation in Libya to the International Criminal Court should not disarm the Libyan competent authorities from invoking their jurisdiction to investigate gross violations of human rights and bring the perpetrators to justice.

For Indonesia, it is clear that the priority at hand is to save lives. Actions by the international community must be made through careful decisions to avoid provoking more violence, resulting in more loss of lives and jeopardizing the quest for peace.

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

Allow me first of all to welcome the holding of this briefing devoted to the consideration of the nineteenth biannual report on the activities of the International Criminal Court (ICC) in Libya and to congratulate Ms. Fatou Bensouda, Prosecutor of the Court, for her accurate and edifying presentation. The Niger would like to assure her of its full support and to urge all States, including those that are not parties to the Rome Statute, to cooperate fully with the ICC in order to combat impunity.

My country therefore deplores the intensification of serious human rights violations because of the deterioration of the security situation in the country, which must continue to draw the attention of the Security Council and the ICC. Indeed, only in a stable security environment will there be more effective cooperation between Libya and the ICC.

We note with regret that arrest warrants for Libyan nationals have not been executed to date, owing in particular to the current security context. We therefore call on the Libyan authorities, the States parties to the Rome Statute and regional and international organizations to comply with resolution 1970 (2011) by cooperating fully with the ICC in order to bring the alleged perpetrators of crimes before the competent international courts.

My delegation holds the belief that the fight against impunity must be an integral part of the national reconciliation process in order to create the conditions for lasting peace in Libya.

According to the reports referred to by the Prosecutor of the Court, migrants and refugees in Libya continue regularly to be victims of arbitrary detention, assassinations, enforced disappearances, torture, sexual and gender-based violence, kidnapping for ransom, extortion and forced labour. We therefore call on the competent Libyan authorities and the Office of the Prosecutor to continue to conduct investigations to establish responsibility for ensuring justice for the victims.

The security situation in Libya has deteriorated considerably due to the continued fighting between the forces of General Khalifa Haftar and those of the Government of National Accord, led by Prime Minister Faiez Serraj, despite the current coronavirus disease pandemic.

My delegation is concerned about reports of attacks that have resulted in the loss of civilian lives in Libya and the destruction of civilian infrastructure.

We reiterate our call for compliance with the arms embargo. The arms that are pouring into Libya not only contribute to prolonging the Libyan conflict but also fuel other sources of insecurity, as is the case in the Sahel and the Lake Chad basin.

My delegation would like to join in welcoming the appointment of Ms. Stephanie Turco Williams as Acting Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), and to commend Mr. Ghassan Salamé for the many actions undertaken and dedicated effort during his tenure. We commend the excellent work done by UNSMIL, which is providing valuable assistance to the ICC investigations.

In conclusion, my delegation would like to reiterate its congratulations and support for Prosecutor Bensouda and her Office for their dedication to the fight against impunity, the establishment of the rule of law and the deterrence of new crimes.

We would also like also to call on the United Nations — particularly on the Security Council — the African Union and other stakeholders to join their efforts to bring about a swift end to the clashes so that peace can be restored in Libya and in the Sahel.

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

We took note of the briefing by the Prosecutor of the International Criminal Court (ICC), Ms. Bensouda, as well as her nineteenth report on the progress in the investigation into the situation in Libya.

We are concerned that the situation in Libya remains tense and efforts to stabilize it have stalled. We are convinced that a military solution is not an option for Libya. But there is no easy way to settle the conflict, which has already gone on for nine years. It is rooted in the events of 2011, when the Security Council resolution was grossly distorted and violated, leading to the destruction of Libyan statehood and the continued suffering of civilian population.

It is our firm conviction that the way forward is returning to impartial diplomatic work, cooperation and mutual support to help parties engage in negotiations. In this regard, we would like to recall that it must be a Libyan-owned dialogue, and no decisions should be imposed from outside. In our work, we should be guided by the principles of respect for Libya's sovereignty, independence and territorial integrity. It is up to the Libyans to determine the future of their country.

At the same time, it is impossible to overestimate the importance of the United Nations central role in the settlement in this country. We pay tribute to Ghassan Salamé and call on the Secretary-General to appoint his new Special Representative as soon as possible for the sake of the Libyan peace process.

We would also like to take this opportunity to call on all parties to the conflict in Libya for a cessation of hostilities in order to enable joint approaches to the coronavirus disease pandemic and respect for international humanitarian law.

Turning back to the Prosecutor's report, a major question remains: what is the role of the ICC in helping restore peace in Libya and bringing perpetrators of crimes to justice? The ICC has been handling the situation for nine years. We recall that the activity of the Prosecutor was once very vigorous, during the short period of time in 2011 before the foreign invasion of Libya. Once Mr. Al-Qadhafi was ousted, the ICC identified a couple of fugitives and mostly lost interest in the situation. If one starts to evaluate the situation in Libya on the basis of the ICC Prosecutor's reports, one may discover that a number of parties to the armed conflict go unnoticed and apparently excused. The coalition's bombing and destruction are still invisible to the Prosecutor. Even Da'esh fighters, whose destructive role in Libya was recognized by the Council, somehow fall outside the ICC scope of engagement.

The activities of the ICC in Libya become increasingly irrelevant. We are convinced that the international community and the Security Council should concentrate their efforts on helping restore peace in Libya. When peace is firmly established, Libyans can decide for themselves how to address the issue of justice.

Annex XI**Statement by Ms. Inga Rhonda King, Permanent Representative of Saint Vincent and the Grenadines to the United Nations**

My delegation expresses its gratitude to Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her presentation on the nineteenth report to the Security Council pursuant to resolution 1970 (2011), as well as the work of her Office vis-à-vis the situation in Libya.

In 2002, Saint Vincent and the Grenadines ratified the Rome Statute of the ICC. Our position then, as it is now, was premised on the conviction that the ICC had a fundamental role to play in our collective quest for peace and justice. As we uphold the integrity of the ICC and the principles of international law, we stress the importance of investigating genocide, war crimes and crimes against humanity, ending impunity for perpetrators of these atrocities, and bringing justice to the victims.

The situation in Libya remains extremely worrisome and risks being further exacerbated by recent developments, including the coronavirus disease pandemic. Saint Vincent and the Grenadines renews its call for all warring parties to commit to a ceasefire and engage in an inter-Libyan dialogue to resolve the conflict peacefully. The escalation of violence — in particular the indiscriminate attacks against civilians and civilian infrastructure — only aggravate the suffering of the Libyan people, especially the most vulnerable groups. We categorically condemn these acts of violence and demand the safety and protection of the civilian population in Libya.

We also reiterate the importance of consolidating the United Nations three-point plan and the work of the United Nations Support Mission in Libya, and encourage all influential external actors to assist in this regard.

The difficulties faced in Libya today, as underscored in the ICC's report, are made evident by the challenges encountered by the Office of the Prosecutor in effectively executing its mandate. Saint Vincent and the Grenadines emphasizes the importance of cooperation and the principle of complementarity of the Rome Statute, which are essential for the Court to assume its functions. Accordingly, we call on all States to respect their treaty obligations, cooperate with the ICC and adhere to the purposes and principles of the Charter of the United Nations. We also respectfully encourage those States not yet having done so to ratify the Rome Statute. The ICC remains at the centre of our international criminal justice system and is a primary mechanism to provide restitution to the victims and families of mass-atrocity crimes.

In conclusion, Saint Vincent and the Grenadines stands in solidarity with the people of Libya and reiterates its commitment and support to the ICC, which remains a bastion of hope and justice that is critical for building and sustaining peace.

Annex XII**Statement by Mr. Jerry Matjila, Permanent Representative of South Africa to the United Nations**

South Africa expresses its appreciation to the Prosecutor, Ms. Fatou Bensouda, for the briefing she provided 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 International Criminal Court (ICC) to investigate war crimes and crimes against humanity committed in the context of Libya since 15 February 2011.

We note with concern that the non-execution of arrest warrants for ICC fugitives remains the greatest obstacle faced by the Prosecutor. Cooperation between the Security Council and States parties to the Rome Statute is vital to advancing those cases and will send a message to the people of Libya and to the world underscoring the important role of international cooperation. South Africa ardently supports strengthening complementarity through the development of domestic institutions to investigate and prosecute the most serious crimes.

South Africa commends the Prosecutor's efforts to promote the investigation and prosecution of international crimes committed in Libya in its domestic jurisdiction where viable and appropriate. South Africa believes that cooperation with the ICC remains imperative, and it is encouraged by the continued engagement of the Libyan authorities and their commitment at the highest level to cooperating with the Office of the Prosecutor. We further welcome the assistance provided to the Prosecutor's Office by international and regional organizations, civil-society groups and private individuals.

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), of which the ICC process is part. We remain concerned over the ongoing fighting in Libya, including the resultant displacement of people, indiscriminate attacks that cause damage to civilian property and infrastructure, and civilian deaths and injuries, in particular the deaths of and injuries to children.

We have noted with deep concern reports on the escalation of abductions and enforced disappearances of journalists, civil-society activists, lawyers, migrants and State officials by armed groups during this coronavirus disease (COVID-19) outbreak, which have a negative effect in terms of the spread of the virus to those affected. South Africa is also concerned about reports of migrants being subjected to arbitrary detention, unlawful killing, enforced disappearance, torture, sexual and gender-based violence, abduction for ransom, extortion and forced labour.

We are concerned about the prevailing environment and challenges faced by the people of Libya and the Office of the Prosecutor as a result of the COVID-19 pandemic, which will require a pragmatic and condition-based approach for the expeditious finalization of investigations and the prosecution of international crimes committed in Libya.

South Africa welcomes the efforts undertaken to implement strategic goal 6 of the Office of the Prosecutor's Strategic Plan for 2019-2021 of actively engaging with States and the relevant organizations to exchange evidence and information, which supports national authorities in investigating and prosecuting migrant-related crimes in their respective jurisdictions.

South Africa calls on all parties and stakeholders to recommit to all efforts to build durable peace in Libya on the basis of inclusive political dialogue as the only

viable means of achieving sustainable peace in the country. We also acknowledge and emphasize the role of the Security Council in promoting political dialogue and supporting all efforts to bring about a peaceful settlement of the conflict.

Annex XIII**Statement by Mr. Kais Kabtani, Permanent Representative of Tunisia to the United Nations**

I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her nineteenth report and her informative briefing today. I also acknowledge the presence of the Permanent Representative of Libya and welcome him to the Council.

Let me begin by expressing Tunisia's unwavering commitment to the Rome Statute and voicing our support for the ICC in the fight against impunity. The advent of the only permanent international criminal court has been a major achievement in the development of the international criminal justice architecture. Supporting its independent and impartial work is essential to bring to account individuals responsible for the worst crimes known to humankind and so to help prevent the commission of such crimes in future.

Nearly a decade after the Council referred the Libyan situation to the ICC's Prosecutor, prospects for justice and lasting peace in Libya remain regrettably elusive. Tunisia remains gravely concerned about the endemic cycle of violence, atrocities and impunity in Libya, which is causing unspeakable suffering for the brotherly Libyan people.

The report of the ICC Prosecutor lists a wide-ranging spectrum of crimes allegedly perpetrated in Libya, including indiscriminate attacks on civilians, unlawful killing, torture, abduction, enforced disappearance, unlawful detention and other serious human rights abuses, including against migrants and refugees.

Tunisia reiterates its call on all parties to respect the key international humanitarian law principles of distinction, proportionality and precaution and to take constant care to protect civilians and civilian infrastructure during military operations. A sustained period of calm leading to a permanent ceasefire in Libya cannot be overemphasized.

Tunisia appreciates the ongoing mandated efforts of the ICC's Prosecutor and her Office in Libya, pursuant to resolution 1970 (2011) and the Rome Statute, in deterring would-be perpetrators, thus contributing to the prevention of future atrocities.

While being mindful of the apparent lack of enforcement of ICC arrest warrants and the impact of the coronavirus disease (COVID-19) on its fieldwork, Tunisia appreciates the progress that the Office of the Prosecutor has made towards bringing additional submissions before the ICC concerning migrant-related crimes, based on a flexible and evidence-based process.

The drafters of the Rome Statute mandated the ICC to be complementary of States, acting as a last resort — giving the primary responsibility to national courts where they are willing and able to genuinely prosecute international crimes.

Tunisia supports the ICC Prosecutor's efforts to actively encourage Libyan-led prosecutions of crimes within the ICC's jurisdiction, in accordance with the complementarity scheme and taking into consideration the humbling realities of Libya's transition.

We welcome Libya's commitment to justice and the continued engagement of its competent authorities with the ICC as set out in the ICC Prosecutor's report, including on assistance requests. It is essential that the international community provide all assistance and support needed for empowering Libya's judicial system so as to enable genuine and consistent national proceedings according to the

highest standards, thus further strengthening the principles of cooperation and complementarity with the Court.

In this delicate context, the most pressing priority in Libya remains a commitment by the Libyan parties to a permanent ceasefire, creating conditions conducive to the political process and the fight against the COVID-19 pandemic.

Tunisia reiterates its call for a comprehensive and lasting political solution based on an intra-Libyan dialogue, free of any foreign intervention, that would preserve Libya's territorial integrity and sovereignty and spare its people the effects of conflict and chaos.

In closing, let me say that Tunisia believes that in transitional contexts, peace and accountability must be seen as mutually reinforcing in a way that uses appropriate mechanisms and ultimately promotes conflict transformation, victim healing and social harmony.

Annex XIV**Statement by Mrs. Susan Dickson, Minister Counsellor and Legal Adviser of the United Kingdom of Great Britain and Northern Ireland to the United Nations**

It is a pleasure to see the Prosecutor, Ms. Bensouda, with us today, albeit in a slightly different format from what we are used to. I would like to thank the Prosecutor for briefing us today on her nineteenth report to the Security Council on the situation in Libya.

The United Kingdom strongly supports the work of the International Criminal Court (ICC) to tackle impunity and hold accountable those responsible for the most serious crimes in Libya. The Court's work is of vital importance, especially given the continued, flagrant breaches of international humanitarian law, including the ongoing targeting of civilian infrastructure and violations and abuses of international human rights law. It is particularly appalling, at a time when countries are facing an unprecedented shared threat from the coronavirus disease (COVID-19), that health-care facilities are among the civilian infrastructure that is apparently being deliberately targeted. Civilians, including migrants and refugees, are paying an unacceptable price with their lives during this conflict.

The United Kingdom is clear in its view that civilians should be protected in armed conflict and that when they are targeted — including through sexual and gender-based violence — those responsible for violations of the law should be held accountable. The United Kingdom will continue to support the ICC in the crucial role it has to play in making this happen. We welcome the progress that the Prosecutor is making in her investigations, including her work on new warrants.

The United Kingdom is grateful for the Prosecutor's updates on the cases against Mr. Al-Qadhafi, Mr. Al-Werfalli and Mr. Al-Tuhamy. We note the rejection of Mr. Al-Qadhafi's appeal by the ICC Appeals Chamber, when it upheld the decision of the Pre-Trial Chamber and dismissed Mr. Al-Qadhafi's admissibility challenge. We note with particular concern reports of Mr. Al-Werfalli's continued involvement in serious crime three years after the first arrest warrant was issued for him.

We continue to support the Prosecutor's call for all relevant States, including States parties to the Rome Statute and non-party States, to cooperate with the ICC in the arrest and surrender of warranted individuals.

We note the reports of escalating violence in and around Tripoli leading to the death, injury and displacement of significant numbers of civilians. Reports of shelling and airstrikes that may constitute a violation of international humanitarian law are especially worrying. It is not acceptable that civilians, including migrants and refugees, remain at risk; that is why it is imperative that all parties cease fighting.

The United Kingdom notes the references in the Prosecutor's report once again to indiscriminate abductions, arbitrary detentions and extrajudicial killings; these are unacceptable. We are particularly concerned at the fact that member of the House of Representatives Siham Sergewa remains missing, and we are pleased that the ICC's investigations continue.

It is clear that the ongoing conflict is having an unacceptable impact on the humanitarian and human rights situation in Libya. We continue to urge the Libyan parties to cease fighting and to engage in constructive dialogue. An inclusive political solution, as set out by the Berlin Conference, offers the best hope for the stability and future prosperity that the Libyan people need and deserve. We continue to call

on all parties to the conflict to comply with their obligations under international law, including international humanitarian law.

Support for international criminal justice remains central to the United Kingdom's foreign policy. We continue strongly to support the mission of the ICC, including getting justice for victims, and are committed to continuing to provide our full support to the Prosecutor and her team in their ongoing investigations in Libya.

Annex XV**Statement by Mr. Mark Simonoff, Minister Counsellor of the United States of America to the United Nations**

It is shameful that several of the most notorious perpetrators of crimes against the Libyan people this past decade continue to enjoy impunity. Saif Al-Islam Al-Qadhafi, Mahmoud Al-Werfalli, Al-Tuhamy Mohamed Khaled and Abdullah Al-Senussi should face justice for their alleged crimes. We call on those who harbour Saif Al-Islam Al-Qadhafi and Mahmoud Al-Werfalli to deliver them to the Libyan authorities immediately. We also call on those who shelter Al-Tuhamy Mohamed Khaled, the former head of Libya's notorious Internal Security Agency, to end their protection of this perpetrator. We are monitoring the status of the Supreme Court of Libya's case against Abdullah Al-Senussi.

Accountability for the architects of Libya's darkest days would bring justice to the victims of these atrocities and their families and help ensure that they are not forgotten. It would also deliver a powerful deterrent message to potential future abusers and to those involved in the current conflict who may be guilty of atrocities. The United States Government continues to receive other reports of human rights abuses in Libya occurring today. Accounts include arbitrary killings, forced disappearances, unlawful detention, torture, human trafficking and sexual violence. The conflict in Libya is destabilizing the region and has displaced many, including migrants and refugees.

Libyan militia groups and security forces on all sides, as well as their international backers, stand accused of perpetrating those human rights abuses. We are deeply alarmed and continue to call for de-escalation and a ceasefire to end those abuses and permit Libyans to address the threat posed by the coronavirus disease pandemic. Libya's political and security instability has created an environment conducive to the commission of human rights abuses. In an effort to address that environment, the United States continues to oppose foreign military intervention in Libya and to support a rapid return to a political process, and we thank Acting Special Representative Stephanie Williams and her team for their ongoing efforts to secure a negotiated political solution to the crisis.

The United States has historically been, and 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 must reiterate our long-standing and principled objection to any assertion of International Criminal Court (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. Our concerns regarding the ICC and the situation in Libya are well known. Our position on the ICC in no way diminishes the United States' commitment to supporting accountability for atrocity crimes, violations of international humanitarian law and gross violations of human rights.

Annex XVI**Statement by Mr. Pham Hai Anh, Deputy Permanent Representative of the Socialist Republic of Viet Nam to the United Nations**

We continue to pay close attention to the situation in Libya. We are concerned that despite the agreement on the humanitarian truce in March, the security situation in Libya has worsened.

Attacks on civilians continued to take place, especially targeted ones and those on schools and health-care facilities, as mentioned in the first-quarter report of the United Nations Support Mission in Libya (UNSMIL) on civilian casualties. The ongoing hostilities will only exacerbate the sufferings of the Libyan people, especially in the context of the coronavirus disease (COVID-19) pandemic.

Viet Nam is further concerned about the recent lack of progress towards a peaceful political solution in Libya. The best hope for long-term peace and stability in Libya is to achieve a political, peaceful and long-term solution on the basis of respect for Libya's independence and sovereignty and through an inclusive Libyan-led and -owned process in line with the three tracks — political, military and economic — set out in the resolution 2510 (2020) on the Berlin Conference on Libya.

In this difficult time of COVID-19, we reiterate the importance of dialogue over warfare and of the implementation of the arms embargo. The role of the United Nations, UNSMIL, regional organizations and the neighbouring countries of Libya will continue to be crucial to promoting peace in Libya. In that connection, Viet Nam wishes to stress the following.

First, in the spirit of the month of Ramadan, the relevant parties in Libya should immediately stop the ongoing hostilities, uphold their commitment to the truce, fully respect international humanitarian law, stop targeting civilians and civilian objects, allow unhindered humanitarian access to assist those in need and combat the COVID-19 pandemic.

Secondly, peace talks under the political, security and economic tracks should be resumed as soon as possible. All support should continue, including through remote means if necessary. A new Special Representative of the Secretary-General for Libya should be appointed as soon as possible to effectively assist that process.

Thirdly, Viet Nam reiterates its consistent position that 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 the crime of aggression. The establishment of accountability for serious criminal acts and violations of international humanitarian law shall be conducted in accordance with the fundamental principles of international law on the independence and sovereignty of States.

In conclusion, Viet Nam would like to reaffirm our strong support for the pursuit of peace, stability, development and the national unity of Libya.

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

At the outset, I would like to congratulate the President of the Security Council for this month and wish him every success in his tasks. I would also like to thank Ms. Bensouda for her briefing today.

Achieving justice throughout Libyan territory is a responsibility that falls under Libyan sovereignty and national jurisdiction. However, in accordance with the relevant Security Council resolutions, we also reaffirm our continued cooperation with and support of the complementing role of the International Criminal Court (ICC), as highlighted by Ms. Bensouda on many occasions and in various reports. We believe in the mandate of the national judiciary system to prosecute the accused in accordance with the Libyan penal code, in furtherance of Libya's sovereignty over its territory and citizens. In addition, the Libyan judiciary is committed to ensuring a fair and impartial trial for all its accused, including fugitives and outlaws.

The national judiciary system is determined to prosecute all those who have committed violations of any type on Libyan soil. Their crimes shall not be subject to a statute of limitations. In that regard, we would like to emphasize that the Libyan judiciary system monitors all violations and crimes, particularly those committed by war criminal Khalifa Haftar since the attack on Tripoli and its outskirts on 4 April 2019. Those include the numerous violations he has committed in other Libyan cities, such as kidnapping, killing and public executions in Benghazi in the east, the Murzuq massacre in the south, the massacre of the military school students in Tripoli and many other violations.

In that regard, the military prosecutor in Libya has issued warrants for the arrest of a number of criminals and outlaws — first and foremost of war criminal Khalifa Haftar and other leaders under his command. We also wish to inform the Council that my Government is finalizing its third report, to be issued by the Joint Committee for Monitoring and Documenting Human Rights Violations, in accordance with Government of National Accord decree 735-2019. The report will soon be shared with the ICC and the Council.

As stated in Ms. Bensouda's briefing today, which covers the past six months, and her previous seventeenth and eighteenth reports, Mr. Haftar's forces are explicitly accused of numerous war crimes, from air strikes and the indiscriminate bombing of civilians and civilian facilities to other serious violations, the latest of which was the 7 April bombardment of Al-Hadaba General Hospital in Tripoli, which was treating patients who had contracted the coronavirus disease (COVID-19). That led to several iterations of the closure of the hospital and terrified patients and medical staff. In addition, the provision of water, gas, and electricity to the city had to be shut off. Those violations were firmly condemned by the Secretary-General and many countries. At a time when the entire world is facing anxiety and panic due to the pandemic, this tragedy exacerbates the current crisis faced by civilians in my country.

As for the concerns expressed in the report about the situation of illegal migrants, we would like to emphasize that my Government has taken a number of swift measures to protect them, such as expediting their transfer from conflict areas, and is cooperating with specialized United Nations agencies to monitor their living and medical conditions. However, that may not be enough. As mentioned in a recent report on the implementation of resolution 2437 (2018) (see S/2019/711), an air strike against a migrant detention centre in Tajoura in July 2019 killed 53 migrants and

injured 130 — an example of how Mr. Haftar and his militias deliberately target these detention centres.

We thank Ms. Bensouda for her reports and findings, which, as she has consistently said, seek to uncover war crimes and crimes against humanity in Libya and to hold their perpetrators accountable. The questions on the table now are: What is next? What are we going to do with all the findings and evidence provided today and in previous reports? What is the ICC waiting for to hold accountable all those responsible for the violations mentioned today and perpetrated by the so-called National Army? Who is ultimately responsible?

According to article 28 (a) of the Rome Statute of the ICC,

“A military commander or person effectively acting as a military commander shall be criminally responsible for crimes within the jurisdiction of the Court committed by forces under his or her effective command and control, or effective authority and control as the case may be, as a result of his or her failure to exercise control properly over such forces”.

Swift action was taken against Mahmoud Al-Werfalli — who, incidentally, is being promoted by Mr. Haftar and is fighting in the outskirts of Tripoli as we speak — for his crimes, based on the evidence found. We might ask, what is the difference between his crimes and Mr. Haftar’s massive crimes against humanity and human rights violations, which targeted and killing thousands of innocent people, if Mr. Haftar and his commanders have publicly claimed responsibility for many of those crimes?

According to Article 7 of the Rome Statute, a crime against humanity

“means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: (a) Murder; (b) Extermination; (c) Enslavement; (d) Deportation or forcible transfer of population”.

And these are only some of the crimes Mr. Haftar has committed, as confirmed in the report. Another question emerges. What about the countries and officials outside Libya who support and finance those grave violations? Does that not entail joint responsibility? What about the use of mercenaries from several nationalities to carry out such violations, as mentioned by name in reports of the Council’s Committee established pursuant to resolution 1970 (2011) concerning Libya? What about the countries that finance and provide the arms needed to perpetrate such human rights violations?

I remind Ms. Bensouda that the ICC is not a human rights organization created to simply list violations and crimes. The Court is also mandated to investigate and prosecute. We therefore hope that, in consideration of my statement and the questions I have just posed, the ICC will work in cooperation with the Committee established pursuant to resolution 1970 (2011) concerning Libya and its Panel of Experts to ensure that the evidence and findings are consistent and that the accused are clearly and explicitly identified and held to account.

Although this is an ICC briefing, I would like to remind the Council of its responsibility towards my country and of the importance of taking a firm stand for justice and accountability. As everyone is aware, the aggressor continues his attacks despite his false announcement of a humanitarian truce, immediately after which he deliberately targeted civilians in the centre of Tripoli and elsewhere. In the area of Zenata, for example, he killed and wounded dozens, ignoring and disregarding the efforts, initiatives and calls of Moscow, Berlin and others. Furthermore, one week ago, he announced a coup against the political agreement and all the legitimate State

institutions and proclaimed himself the supreme military ruler and tyrant of the country in an outdated farcical performance.

In the light of the recent events, is anyone still hesitant to consider him an obstructionist and spoiler of the peace process and the resolutions of the Council? Is anyone still hesitant to call out and shame this aggressor and war criminal by name? When will he be held accountable? We still only hear general words of condemnation as if the perpetrator were a ghost.

We continue to reserve our legitimate right to self-defence, to protect our people and to combat aggressors and outlaws who threaten the safety of our civilians. After more than a year, it is obvious that this warlord's military adventure has failed. Thanks to our Libyan National Army, our valiant forces and the resilience of our people, the world has seen the beginning of the process of curing the country from the real pandemic that is threatening peace and stability in Libya and the region. Meanwhile, we continue to reach out to all Libyans across the country who have embraced the path of peace and stability, and strive towards a democratic, civil State.
