

ICC prosecutor urges handover of Al-Saiqa brigade commander, others wanted for alleged crimes in Libya

8 November 2017 – The International Criminal Court has issued an arrest warrant for Major Mahmoud Mustafa Busayf al-Werfalli, a commander in the Al-Saiqa Brigade accused of murdering 33 people in the context of the ongoing conflict in Libya, ICC Prosecutor Fatou Bensouda told the United Nations Security Council.

Addressing the Council in New York, the Prosecutor also urged the international community to turn over Al-Tuhamy Mohamed Khaled, former head of the Libyan Internal Security Agency, and Saif Al-Islam Gaddafi.

Mr. Busayf Al-Werfalli, is a commander in the Benghazi-based Al-Saiqa Brigade, who, according to Ms. Bensouda, has been – and possibly still is – active in the Libyan National Army’s (LNA) ‘Operation National Dignity.’

In her remarks to the Council, the ICC Prosecutor appealed directly to General Khalifa Haftar, head of the Libyan National Army, “to demonstrate, by concrete actions, respect for international justice by ensuring Mr al-Werfalli’s immediate transfer to the Libyan authorities so that he may be surrendered to the court without delay.”

“My Office continues to request States Parties, non-States Parties and organizations to assist in securing the arrest of persons subject to an ICC warrant,” Ms. Bensouda told the Council.

The call for accountability comes amidst continued concern over the security situation in Libya, which has been in conflict since a disputed election in 2014 following the 2011 toppling of long-time leader Muammar Gaddafi.

In recent months, Ms. Bensouda said she noted “with grave concern” reports of unlawful killings, including the execution of detained persons; kidnappings and forced disappearances; torture; prolonged detentions without trial or other legal process; and arbitrary detention, torture, rape, and other ill-treatment of migrants in official and unofficial detention centres.

Reports have also emerged that 36 male corpses were found in the totem of al-Abyar, outside of Benghazi.

“This is also of grave concern,” she said. “The bodies were reportedly handcuffed, showed signs of torture, and displayed bullet wounds to the head.”

The prosecutor also echoed Ghassan Salamé in condemning recent airstrikes in a residential neighbourhood in Derna that appear to have resulted in the tragic deaths of civilians, including at least 12 children and women.