

Speech: “Those responsible for war crimes and other serious crimes in Libya must not escape justice”

Thank you Mr President.

Mr President may I start by expressing the gratitude of the United Kingdom to Madam Fatou Bensouda, the Prosecutor of the International Criminal Court, for being here today with members of her team, and for presenting to the Security Council her fourteenth report and update on the activities of her office on the situation in Libya. The United Kingdom fully supports the work of the office of the Prosecutor, and the ICC as a whole, to bring to account those responsible for serious crimes of international concern in Libya and elsewhere.

The situation in Libya remains extremely serious and a cause for grave concern. It is deeply troubling that violations and abuses of human rights and violations of international humanitarian law continue to happen with impunity on a daily basis across Libya, including against migrants and refugees. We condemn the October airstrikes in Derna. The UK, along with France, Italy and the US, are monitoring ongoing acts of conflict in Libya closely. Those suspected of committing, ordering, or failing to prevent summary executions and torture on all sides must be fully investigated, and if found guilty, held accountable for their actions.

Reports of incidents of extra-judicial killings of detained combatants, including at Brak al Shati and clashes in areas including Benghazi and Sebratah, resulting in civilian casualties, are also very disturbing. While we fully support Libya in the fight against terrorism, operations carried out by those involved must not have a detrimental humanitarian impact on the civilian population, and the relevant rules of domestic and international law must be complied with. It is also imperative that as progress is made towards a political solution, security structures are reformed to ensure accountable chains of command, and the judicial system is strengthened to ensure it is robust, impartial and independent.

The UK is grateful for the ICC's ongoing efforts to investigate alleged crimes despite the challenges presented by the ongoing security situation and political instability in Libya. We note that the OTP is determined to resume investigative activities on the ground in Libya as soon as possible and welcome the steps that it is taking to achieve that. We note the Prosecutor's update on the cases against Saif al-Islam Gaddafi and Al-Tuhamy Mohamed Khaled. We fully support the Court's call for cooperation from members of the Council, Libya and other states, to provide information to facilitate the arrest and surrender of these men to the ICC to be tried for alleged war crimes and crimes against humanity committed in Libya in 2011. Those responsible for war crimes and other serious crimes in Libya must not escape justice. In this regard we recall the welcome that the United Kingdom, along

with two other members of this Council, publicly expressed in August this year to the apparent willingness of the LNA to investigate reports of unlawful killings in Benghazi, and to recognize the arrest warrant issued by the ICC for Mahmoud al Werfalli, a member of the LNA. We hope to see progress in this case in the very near future.

We note the Prosecutor's office has continued to collect and analyse information and evidence relating to alleged criminal acts against migrants in Libya. We encourage all states, including neighbouring states to Libya, to cooperate with the Court and, where relevant, to provide them with reliable information on human trafficking and smuggling networks. It is important that the alleged perpetrators of these crimes, like other serious crimes of concern in Libya, are held accountable for their actions.

The lack of improvement to the situation re-enforces the need for all sides to reach a political solution. The United Kingdom fully supports the efforts of the Special Representative of the Secretary-General, Mr Ghassan Salame, in this regard, and urges all parties in Libya to engage with him constructively. The United Kingdom would also like to reaffirm its support for the Government of National Accord.

The United Kingdom commends the continued engagement of the Libyan Prosecutor-General and the Libyan Representative to the Court, and encourages States and relevant international and regional organisations to assist the Libyan authorities in their efforts to build the rule of law in Libya.

Finally, Mr President, the United Kingdom believes that the Court must have the resources necessary to do its work. But it is important that these resources are used as efficiently as possible. We welcome the steps the Court has taken in this area, and encourages the Court to continue its drive for efficiency.

Once again, the United Kingdom would like to thank the Prosecutor of the ICC for presenting her report to the Council today.

I thank you Mr President.