

Supporting the ICC Prosecutor's ongoing investigations in Libya

Thank you, Mr President.

Mr President, I would like to offer my thanks to the Prosecutor, Madame Bensouda, for briefing us today on her 21st report on the situation in Libya.

The UK welcomes recent political progress in Libya, including the appointment of the interim Government of National Unity (GNU). As noted in UNSCR 2570, this government is charged with making the necessary preparations for inclusive, transparent and credible national Presidential and Parliamentary elections on 24 December 2021. As part of the process towards securing a sustainable political settlement, the GNU must start the process of national reconciliation and provide accountability and justice for atrocity crimes, and I encourage the GNU to work with the Office of the Prosecutor to achieve these goals and to facilitate the work of the UN Fact Finding Mission in Libya.

However, despite this progress, we remain gravely concerned by continuing reports of human rights violations and abuses. The UK fully endorses the Office of the Prosecutor's call for the withdrawal of all foreign forces and mercenaries from Libya without delay, and that crimes committed by those foreign forces and mercenaries could fall under the jurisdiction of the ICC. The UK condemns all unlawful violence perpetrated by Libyans, and foreign forces and mercenaries, particularly against civilians.

Despite the October 2020 Ceasefire Agreement, the Prosecutor notes continued indiscriminate attacks against civilians, including the assassination of activists and human rights defenders. The UK condemns the deplorable killing of lawyer Hanan Al-Barassi on 10 November in Benghazi, and calls for a full, immediate and transparent, investigation in cooperation with the UN Fact Finding Mission in Libya. We also call for better protection of women human rights defenders in particular.

The security and justice sector remains dysfunctional. Both the Prosecutor and human rights organisations have continued to document evidence of the widespread use of violence by militias against refugees and migrants, including torture, physical violence, gender-based violence, forced labour, deprivation of food and water, and the murder of detainees.

We urge the GNU to take note of the Prosecutor's report and put an end to crimes committed in detention centres and investigate crimes committed at Mitiga Prison, and the Gernada detention facility. The GNU must also investigate and address violence against women and girls, including the fates of the female detainees at Al-Kuweifya detention centre, which remain unknown.

The UK is clear that civilians must be protected in conflict and that those

responsible for violations of international law must be held to account. We are deeply shocked by the continuing discovery of mass graves in Tarhouna and Southern Tripoli reportedly linked to abductions and killings allegedly committed by the al-Kaniyat militia – who the UK designated on its Libya Sanctions regime on 13 May. I encourage the GNU to take all possible actions to hold those responsible to account.

Mr President, we thank the Prosecutor for her update on the cases against Mr Qadhafi, Mr al-Werfalli and Mr Al-Tuhamy. The alleged killing of Mr Al-Werfalli before he was brought to justice only highlights the ongoing atmosphere of impunity in Libya. The Libyan authorities must investigate the alleged deaths of Mr Al-Werfalli and Mr Al-Tuhamy but also take the necessary action to arrest and surrender Mr Qaddafi to the Court. We reiterate our call for all relevant states, including states parties to the Rome Statute and non-states parties, to cooperate with the ICC in the arrest and surrender of warranted individuals.

The UK is committed to providing our full support in the Prosecutor's ongoing investigations in Libya, which are all the more important at this crucial time in the political process.

Thank you, Mr President.