

محامون من أجل العدالة في ليبيا



18th session of the Assembly of States Parties of the ICC

The Hague, 2-7 December 2019

Excellencies, distinguished delegates, dear colleagues,

It is my great pleasure to address the Assembly of States Parties to the Rome Statute today on behalf of Lawyers for Justice in Libya (LFJL).

Nearly a decade has passed since the referral of the situation in Libya to the Court by UN Security Council Resolution 1970 of 2011. In this time, we have seen public arrest warrants issued in relation to five individuals, only one of whom has been implicated in crimes in the period since the initial uprising. However, this by no means reflects the reality of the situation on the ground. In fact, as of today, the war continues in Libya, in a complete disregard for international humanitarian law and its fundamental principles.

Since the launch of the offensive on Tripoli on 4 April 2019, we have witnessed a pattern of targeted and indiscriminate attacks on civilians and civilian infrastructures, facilitated by the proliferation of weapons, despite the UN arms embargo. These include attacks on Mitiga airport, Tripoli's only functioning airport and a lifeline for transferring much needed humanitarian assistance, as well as attacks on medical personnel and facilities, and migrant detention centres. The increase in hostilities since April alone have resulted in over 200 civilian deaths and the displacement of over 130,000 people. We have also witnessed a sharp increase in abductions,

enforced disappearances and arbitrary arrests, which have become a tool in the conflict to silence dissenting voices across Libya. We know Prosecutor Bensouda and her team are monitoring the situation closely, as her regular updates reflect the horrific situation on the ground and her continued commitment to investigate the situation.

This commitment, however, has not translated to more public arrest warrants for what we believe are three main reasons: (1) the limited priority and budget given to the Libyan situation which fail to empower the Prosecutor to pursue her stated commitment more rigorously, (2) the lack of political will of States parties and non-state parties to support the Court in exercising its mandate more fully in Libya and (3) the lack of engagement by the Court with victims and civil society to enable further access to affected communities.

Excellencies, distinguished delegates,

Now more than ever, your support to the Court is crucial so that it may effectively pursue its mandate in Libya. We urge the States Parties to provide the Court with all means necessary, including adequate financial support, to prosecute those bearing the highest responsibility for Rome Statute crimes. This is key to ensure accountability and to act as a deterrent.

Cooperation, including the execution of outstanding arrest warrants, is essential to hold accountable those alleged to be responsible for committing crimes under international law in Libya. The current arrest warrants have remained outstanding for years. The longer these remain unexecuted, the further the efficacy of the Court itself will be undermined. As rightfully highlighted by the Prosecutor yesterday, failed arrest warrants erode the trust of victims in the Court and in its capacity to achieve justice.

Finally, outreach must be a cornerstone of the Court's work in Libya. States Parties should support the Court's capacity to engage with victims and civil society on the ground. Meaningful participation in ICC proceedings would present victims and affected communities with recognition and foster trust between them and the Court.

Your Excellencies,

We view the Court as a catalyst and key player in achieving justice in Libya. Today we urge you to provide the Court with the full support and resources needed to ensure Libya remains a priority situation in 2020.

Thank you.