

Rwanda's Statement at the UN Security Council briefing on ICC-Libya

11 November 2014

Thank you Mr. President,

I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her briefing on the activities of her Office, for the presentation of the eighth report and on the implementation of resolution 1970 (2011) and for the work her team is doing in a challenging environment in Libya.

The continued deterioration of the political and security situation in Libya is indeed very concerning. We took note of the 6 November ruling of the Supreme Court, which declared the House of Representatives unconstitutional. We hope that this decision will not be mishandled to cause more divide in Libya but that it will rather be an opportunity to forge a way forward towards a sustainable political solution to the crisis in the country. There are important tasks ahead, and we urge all parties involved to put aside their political interests and engage constructively towards building an inclusive government.

Mr. President,

As reminded by the Prosecutor of the ICC, Rwanda also notes with concern that all sides in Libya continued to commit the most serious crimes since February 2011, including indiscriminate shelling, assassinations, torture and ill-treatment of conflict-related detainees, abduction of civilians, as well as mass displacements of Tawerghan. We are also alarmed by the continued intimidation of judges and prosecutors, assassination of security forces, which all affect the efficiency of the justice system, not to mention threats to media workers and human rights defenders. Despite the current situation on the ground, it is critical that the Government of Libya does its part in ensuring that all perpetrators of mass atrocities committed in the country are brought to justice and receive a fair trial.

We do understand that security challenges in Libya hamper the work of the justice system and that of the investigation's team of the ICC, but we emphasize that no level of insecurity can deprive the victims of their basic right to justice and reparation. Accountability for war crimes and crimes against humanity is in fact the best guarantee to end the cycle of violence in Libya; and failure to break this blooming culture of impunity will negatively affect efforts to restore peace and security in the country.

In this regard, the Government of Libya should reiterate its commitment to the full implementation of the Law 29/2013 on the Transitional Justice, which requires authorities to charge or release all detainees "*affiliated to the former regime*", as well as the Law 10/2013 criminalizing torture, ill-treatment and discrimination. We note that no militia member or state official was brought to justice to face such charges and we call on the Libyan Government to make additional efforts in this regards.

Mr. President,

Our long-standing position on the international criminal justice is well-known. We believe in the importance of accountability for the most serious crimes, through national or international jurisdictions, based on the principle of complementarity. We stress that national jurisdictions are ultimately better placed to provide justice and promote reconciliation but at the same time, we are of the view that national sovereignty should never be a pretext to deny justice. In the case of Libya, we note the Government's continued commitment to cooperate with the International Criminal Court and we once again highlight the importance of the complementarity clause contained in the Rome Statute.

Nonetheless, we recognize that Libya continues to face serious challenges in rebuilding its judicial sector; and, in this context, we support your recommendation, Madame Prosecutor, to establish a Contact Group of Libya's partners on justice issues, through which material and legal support could be provided regularly to enhance Libya's efforts to bring justice to the victims. This technical support can come in handy, especially as it relates to the case of Abdullah Al-Senussi, for which the Court upheld Libya's request to hear it domestically.

Lastly, Mr. President, we would like to emphasize that accountability for mass atrocities is one of the building blocks of post-conflict peacebuilding. Therefore, the international community, which had in 2011 rightly exercised its responsibility to protect in the case of Libya, must redouble its efforts and support the Libyan people; in restoring peace and security, but also in strengthening the national judicial system. Indeed, an efficient judiciary in Libya will significantly contribute to end the cycle of violence in the country and to promote justice, reconciliation and long-term stability.

I thank you.