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*Statement to the United Nations Security Council on the
situation in Libya, pursuant to UNSCR 1970 (2011)*

New York
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Mr President,

1. Mr. President, Thank you for this opportunity to address the UN Security Council for the fifth time on the situation in Libya since it was referred to the International Criminal Court in February 2011.
2. When the Security Council referred the situation in Libya to the Court, it had determined that such would be in the interest of peace and security. We have all witnessed developments in Libya since the demise of the Gaddafi regime. Despite important progress made in moving Libya forward on the path of democracy, rule of law and respect for human rights, many challenges remain. The resolve of this Council when it referred the situation in Libya was not only to ensure accountability for perpetrators of crimes, but also to secure lasting peace for the Libyan people. This Council must therefore continue assisting Libya through the difficult times that it faces. It is only through our joint coordinated efforts that justice and peace will prevail.

Mr President,

3. Following the admissibility challenges filed by the Libyan government with regard to the Saif Al-Islam Gaddafi and Abdullah Al Senussi cases, and in accordance with the Rome Statute, investigations with respect to these cases have been suspended. Saif's case has advanced to a stage where it remains for the Chamber to pronounce itself on the submissions made by all parties and we expect the Chamber to do so in the near future. Only last week, my Office filed its response to Libya's challenge on the admissibility of Al Senussi's case. It is commendable that Libya is invoking its rights under the Statute through a judicial process. In doing so, Libya demonstrates full understanding of the difference between the Council's political mandate and the ICC's judicial mandate, even where this Council has referred the situation to the ICC.
4. More importantly, Libya is engaged in the development of the law: irrespective of outcome, the admissibility processes underway at the ICC will set the standard for years to come for how the Court and States interact with each other regarding national proceedings. As the Statute dictates, a State seeking a finding of inadmissibility of cases before the ICC must satisfy the judges that it is genuinely investigating and prosecuting the same persons for the same conduct as that under investigation by the Office of the Prosecutor; that is the law and nothing short of that will suffice. By conducting fair, just, and transparent judicial proceedings for all alleged perpetrators, while also continuing to respect the ICC judicial process, Libya can set a lasting example for other States.

Mr President,

5. Given the extensive crimes committed in Libya and the challenges facing the new Libyan government, the ICC's mandate is still essential to ending impunity in Libya. My Office thus continues to conduct investigations of crimes committed in Libya.

6. My Office is aware of allegations of serious crimes committed by former Gaddafi officials, some of whom are now outside of Libya. We are currently engaged in the process of documenting the most serious of those crimes and documenting the current activities of those officials who were most responsible for them. The Office plans to take a decision regarding a second case in the near future, and will consider additional cases after that, depending on the Government of Libya's progress in implementing its comprehensive strategy.
7. My Office also continues to be concerned about the allegations of crimes committed by rebel forces, including the expulsion of residents of Tawergha, who have been unable to return home, ongoing alleged persecution of ethnic groups perceived to have been affiliated with the Gaddafi regime, and specific incidents as yet unaccounted for, like the alleged execution of fifty persons on the grounds of the Mahari Hotel in Sirte in October 2011, and alleged arbitrary detention, torture, killings and destruction of property that arose during Libyan government and militia operations in Bani Walid in September 2012.

Mr President,

8. Complementarity and cooperation define the relationship between the Court and national justice systems. Both are thus essential for the implementation of international justice and the punishment of crimes under the Rome Statute. Above all, both are essential for ensuring that prosecution of the few does not result in impunity for the many. It is for this reason that my Office continues to explore possibilities for mutually reinforcing judicial activities with the Government of Libya in fostering complementarity.
9. I have recently met the new Libyan Prosecutor-General, Mr. Abdel Qader Radwan, and the Libyan ICC Focal Point, Dr. Ahmed El Gehani, who travelled to The Hague at my request to discuss our ongoing investigations. The constructive and fruitful discussions between my Office and the Libyan delegation focused on cooperation and coordination of efforts to advance the Office's investigative activities both within and outside of Libya. These preliminary positive discussions illustrate the willingness of my Office and the Government of Libya to cooperatively work together in furthering investigations that could lead to the arrest and surrender of alleged perpetrators, both inside and outside of Libya. I am planning to travel to Libya soon to further my discussions with the highest political authorities.
10. Allow me to stress the importance of all of us working together with the Government of Libya to realize a comprehensive strategy for justice. My Office is encouraged to see the important strides made in transforming Libya, including the first democratic election in more than four decades, the installation of a new government last November, and the appointment of a new Prosecutor General last month.
11. These signs of progress cannot eclipse the challenge that Libya faces in addressing the legacy of so many years of impunity. It need not be a challenge that Libya face alone. By the same token, Libya must realize that with the international intervention in Libya, in the context of all of the developments in the last three years in the region, what happens with

Libya's perpetrators is a page in the history books of international justice, no matter where those investigations and prosecutions take place. They must be a shining example of what can be achieved through human endeavors to seek justice. These trials can be Libya's Nuremberg moment, one that will endeavor to seal the primacy of the rule of law, due process and human rights for future generations.

Mr President,

12. My Office looks forward to discussing with Prosecutor-General Radwan and with Libyan authorities the best way forward, how we can collaborate and coordinate our efforts to ensure that all alleged perpetrators are held to account.
13. As Prosecutor, I cannot and should not get involved in political considerations, neither should I ever stretch the interpretation of the norms adopted in Rome. Equally, this Council, its Members or any State for that matter should never seek to interfere with the judicial processes of the Court.
14. Regardless, I look forward to continuing my discussions with this Council about how we can ensure that our coordinated follow-up of referrals of situations like Libya will allow us to bring our considerable resources and knowledge to bear in ensuring that peace and justice prevail in Libya.

Thank you.