



## September 2013 Monthly Forecast

AFRICA

### Libya

#### Expected Council Action

In September, the Security Council expects to be briefed by Tarek Mitri, the Special Representative of the Secretary-General and head of the UN Support Mission in Libya (UNSMIL), followed by consultations. The Council will also likely receive the periodic briefing by the chair of the 1970 Libya Sanctions Committee, Ambassador Eugène-Richard Gasana (Rwanda), and hold consultations on the Libya sanctions. No Council action is planned at this stage.

The mandates of UNSMIL and the Panel of Experts (PoE) assisting the 1970 Sanctions Committee expire on 16 March and 14 April 2014, respectively.

#### Key Recent Developments

On 9 June, the General National Congress (GNC) passed a resolution requiring the government to dissolve all former revolutionary brigades by the end of the year and integrate their members into the army or police. Yet some brigades continue to challenge state authority throughout the country, successfully blocking access to the Interior Ministry for a week in early July.

The government has been rocked by a series of high-level resignations. Mohammed Magariaf resigned as president of the GNC on 28 May following the adoption of the “political isolation law”—which precludes former officials of the Muammar Qaddafi regime from holding leadership positions in the government. Interior Minister Mohammed Khalifa Al-Sheikh resigned on 18 August, claiming lack of support from the prime minister. The deputy prime minister previously resigned on 3 August, citing over-centralised decision-making.

Nouri Abu Sahmain was sworn in as GNC president on 25 June, becoming the first Amazigh (Berber) president of Libya. Despite his appointment, tensions with minority groups have continued to affect the political transition. Following the 16 July adoption of the electoral law on the election of the 60-member constitution-drafting assembly, four Amazigh GNC members resigned, claiming there was poor representation of cultural minorities and insufficient mechanisms to ensure consensus to protect minority rights in the law.

Regional tensions prevail in the eastern Cyrenaica region, where the Cyrenaica Transitional Council, which unilaterally declared its autonomy in June, has threatened to escalate the disruption of oil production and exports if its demands for federal status are not met.

Human Rights Watch [reported](#) in early August that at least 51 people had died in a broadening wave of apparent political assassinations in the east yet “authorities have not prosecuted anyone for these crimes, and have no suspects in custody”. In response to the 26 July assassination of political activist Abdelsalam al-Mosmary, protesters attacked the offices of the Muslim Brotherhood-linked Justice and Construction Party, as well as the headquarters of the liberal National Forces Alliance.

In his last Council [briefing](#), Mitri highlighted the deficiencies in the implementation of the rule of law in Libya, with an estimated 7,000 to 8,000 detainees who have been waiting since 2011 to be charged or released, and evidence of deaths in custody due to torture. He said efforts to improve the prison situation

had met with “varying degrees of success”. On 26 July, about 1,200 inmates fled a prison in Benghazi after a riot.

On 31 May, Pre-Trial Chamber I of the International Criminal Court (ICC) rejected Libya’s challenge to the admissibility of the case against Saif al-Islam Qaddafi and reminded Libya of its obligation to surrender the suspect to the court. (Libya has challenged the admissibility of the cases against Qaddafi and former intelligence chief Abdullah al-Senussi, claiming that they were already under investigation in Libya.) Libya asked the Appeals Chamber to suspend the order to transfer Qaddafi, but the petition was rejected on 18 July. On 31 July, a court in Misrata sentenced to death six senior members of the Qaddafi regime, four of whom were charged in absentia.

In her 8 May [briefing](#) to the Council, ICC Prosecutor Fatou Bensouda expressed concern about the alleged crimes committed by rebel forces during the revolution, including the expulsion of residents of Tawergha and the destruction of the city. More than 35,000 homeless Tawerghans have been prevented from returning by armed groups from Misrata. On 31 July, the Ministry of Justice announced that a fact-finding commission established more than a year ago to investigate the crimes had begun work.

Gasana is likely to brief the Council on the 8 July meeting of the 1970 Sanctions Committee during which the PoE presented its interim report. Among its recommendations, the PoE asked Libya to clarify the procedures in place at all ministries other than the Ministry of Defence to deal with procurement of lethal material.

## Human Rights-Related Developments

The Special Rapporteur on the rights to freedom of peaceful assembly and of association, Maina Kiai, observed in a 30 May report that several provisions of a new law on peaceful assembly did not comply with international norms and standards related to freedom of peaceful assembly ([A/HRC/23/39/Add.2](#)). He also expressed concern about reported obstructions faced by peaceful protestors who called for the protection of cultural and religious sites in Libya. He urged Libya to take positive measures to ensure the free exercise of the rights to freedom of association and peaceful assembly.

## Key Issues

An overarching issue is the fragile security situation due to the existence of militias that challenge the state’s monopoly of the legitimate use of force.

The deficiencies in the rule of law are a related issue. A further related issue is the impact of regional instability on Libya.

A pressing issue is the lack of inclusiveness of the political process as shown by the recent adoption of the political isolation law and the electoral law that will govern the election of the constitution-drafting assembly. A related issue is the potential impact of the upcoming municipal and assembly elections, whose date is yet to be set.

An important issue for the Council is the conflicting views of Libya and the ICC regarding the trial of the two ICC indictees, as well as other investigations currently underway. (According to article 87 of the Rome Statute, if a state fails to cooperate with the ICC and prevents it from exercising its functions and powers, the court may refer the matter to the Council.)

## Options

Options for the Council include:

- receiving a briefing and taking no action;

- issuing a statement ahead of the upcoming elections emphasising the need for the GNC, the government and the constitution-drafting assembly to work inclusively for national reconciliation, justice, respect for human rights and the rule of law; and
- issuing a statement asking Libya to enforce arms-control mechanisms within the country (including the issuance of end-user certificates as requested by [resolution 2095](#)) and to take decisive steps towards security sector reform and the demobilisation of militias.

## Council Dynamics

The deterioration of the security situation and the fragility of the political transition are sources of concern for Council members. Even if Libya has been a source of division in the Council—where some members have questioned the way in which resolutions [1970](#) and [1973](#) were implemented while others are more likely to showcase positive developments since the 2011 revolution—it seems many Council members are aware of the current shortfalls in the transition process. In this context, France will organise a Core Security Partners meeting on Libya—a group that includes among others France, the UK, the US, the UN and regional organisations—in New York on the margins of the General Assembly in September.

Council members are also aware of the controversy that the last two Council briefings have sparked in Libya after Mitri reported how, following the adoption of resolution 2095, some local actors “cast doubts on the intentions of the international community and attributed to the UN an interventionist design”. After local press reported on his bleak assessment of the security situation and political developments on 18 June, Mitri held a press conference on 23 June to dispel misperceptions. Mitri explained how some Council members, “due to their excessive focus on the problems, lean towards having greater concerns over what is called in the UN the democratic transition and state-building.” Some Council members have shown concern over the way actors in Libya have misrepresented the Council’s engagement.

The UK is the penholder on Libya.

## UN DOCUMENTS ON LIBYA

### Security Council Resolution

**14 MARCH 2013**  
**[S/RES/2095](#)**

This resolution extended UNSMIL’s mandate by 12 months and the mandate of the Panel of Experts assisting the 1970 Libya Sanctions Committee for 13 months.

### Security Council Meeting Records

**18 JUNE 2013**  
**[S/PV.6981](#)**

This was a briefing on Libya.

**8 MAY 2013**  
**[S/PV.6962](#)**

This was the fifth briefing by the ICC Prosecutor on the situation in Libya.

### Security Council Press Statement

**20 JUNE 2013**  
**[SC/11042](#)**

This press statement was on violence in Benghazi and arbitrary detentions.

### Sanctions Committee Document

**15 FEBRUARY 2013**  
**[S/2013/99](#)**

This was the final report of the Panel of Experts to the Libya 1970 Sanctions Committee pursuant to resolution 2040, published on 9 March.

## **OTHER RELEVANT FACTS**

### **Special Representative of the Secretary-General and Head of UNSMIL**

Tarek Mitri (Lebanon)

### **UNSMIL Size and Composition**

Strength as of 31 May 2013: 143 international civilians; 67 local civilians; 7 police officers, three UN volunteers.

### **UNSMIL Duration**

16 September 2011 to present