



Lawyers  
for Justice  
in Libya



LIBYA CRIMES WATCH  
رصد الجرائم في ليبيا



icj

International  
Commission  
of Jurists



## **Draft: Oral Intervention**

### **The 23<sup>rd</sup> Assembly of States Parties to the International Criminal Court General Debate**

3 December 2024

Your Excellencies,

While I am honoured to address this Assembly today on behalf of civil society organizations (CSOs), including Lawyers for Justice in Libya, Libya Crimes Watch, the International Commission of Jurists, Ensaf organisation and Sawt organisation for Human Rights. I regret having to denounce lack of accountability and justice in Libya. The accountability gap in Libya risks widening, with victims left further behind, unless urgent and targeted actions are taken.

Gross human rights violations and abuses amounting to serious crimes under international law persist across Libya, including extrajudicial killings, torture, enforced disappearances and arbitrary detentions, affecting Libyans and non-nationals alike. Yet, justice remains elusive, and the impunity of perpetrators endures at all levels.

The unsealing of six arrest warrants for war crimes committed in Tarhuna offers a glimmer of hope, but progress in other accountability efforts remains insufficient. The arrest warrant for Saif al-Islam Gaddafi has languished unexecuted since 2011, emblematic of the Libyan authorities' broader failures to ensure justice and accountability, and to effectively engage with and support the Court. Against this backdrop, CSOs are deeply concerned that the OTP intends to complete its investigations within the next twelve months, notwithstanding the fact that investigations into detention-related crimes, crimes against migrants, and atrocities committed during the 2014–2020 operations remain incomplete.

The Prosecutor in his roadmap to completion identified several benchmarks to assess whether investigations could be completed by 2025. These include additional arrest warrants, trial proceedings before the Court before the end of 2025 and, above all, cooperation from the Libyan authorities. The Prosecutor also committed to regularly consult with CSOs in the completion phase. Such consultations need to be safe and meaningful and should be critical sources of information for the Prosecutor in assessing whether such benchmarks are being met.



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**In light of this, our organisations call on this Assembly and the ICC to act decisively:**

- The OTP must stand by its benchmarks. Cooperation benchmarks must include unlimited access to carry out investigations across Libya, arresting and transferring wanted suspects to the Court, and ensuring that CSOs supporting the Court's work in Libya can continue doing so without fear of reprisals. Further arrest warrants must target those most responsible for Rome Statute crimes relating to other key lines of enquiry, including crimes against migrants, refugees and asylum seekers, and crimes in detention settings to maximise the Court's impact on reducing impunity.
- States Parties to this Assembly should actively engage with the Libyan authorities as well as those in neighbouring countries to strongly encourage them to arrest and transfer suspects to the ICC with a view to promptly initiating trials before the Court. States Parties should also urge the Libyan authorities to grant access to the OTP to all of Libya and to stop the reprisals against civil society organizations and human rights defenders.
- Victims and affected communities should be at the center of the ICC's efforts to address impunity in Libya. The Court should enhance victims' participation in ICC's processes and proactively engage with affected communities in a safe and meaningful way. The Court also needs to ensure adequate protection for witnesses.
- Sufficient resources are essential. States Parties must ensure that the ICC has the required budget to effectively investigate crimes committed in Libya and ensure the rights and safety of victims, witnesses and their representatives.

Libyan victims have waited long enough. This Assembly has the duty to ensure that the ICC fulfils its mandate in Libya and does not terminate investigations prematurely. Justice must be delivered as long as serious crimes under international law continue to be committed and as long as perpetrators continue to commit such crimes.

Thank you.