

21st session of the Assembly of States Parties of the ICC

The Hague, 6 December 2022

General debate – Statement

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, and Libyan partner organizations.

This ASP takes place at a crucial time for the ICC in Libya. After more than a decade without any tangible progress on the Libya file, the Office of the Prosecutor took some promising steps this year, including publishing an [updated roadmap](#) for accountability in Libya, establishing a more regular presence in the region, and the [submission](#) of new applications for arrest warrants. However, these efforts, come at a time when local trust in the ICC is at an all-time [low](#). This is a result of years of lack of tangible progress, minimal [engagement](#) by the ICC with victims and the civil society actors, as well as the failure to address the continuous crackdown of Libyan civil society. The Prosecutor's meeting with Khalifa Haftar, allegedly among the most responsible for Rome Statute crimes in Libya, has further damaged trust in the Court as well as the willingness to collaborate with the OTP.

Excellencies, distinguished delegates,

Responsibility to ensure greater efforts to improve the work of the ICC falls on both the Court and all its bodies, as well as State Parties, to ensure not only resource availability but also efficiency within the Court to deliver its mandate to the Libyan people.

We urge States Parties to provide the Court with adequate resources, including budget increases, in order to enable the Court to continue to prioritise and make tangible progress in the Libya situation. Budgetary procedures should be transparent and needs-driven, and activities that enable the realisation of the Court's mandate towards victims as enshrined in the Rome Statute, such as outreach and victim participation, cannot be underfunded and overlooked.

In this regard, the Court should take a more proactive effort to guarantee adequate outreach to affected communities in Libya and meaningful victim participation. This includes adopting a cross-organ outreach strategy tailored to the Libyan situation.

We also urge the Court and State Parties to systematically condemn attacks and reprisals against Libyan civil society and call on Libyan authorities to ensure a safe and enabling environment for their work. The court has a duty of care to CSOs facing risks as a consequence of their engagement with its Organs, and efforts and resources should be dedicated to the establishment of tailored protection measures.

There is little to show that Libyan authorities currently have the capacity or the will to deliver meaningful justice. The Court as well as State Parties should demand genuine cooperation by Libyan authorities, which should go beyond welcoming official visits, and include tangible efforts to secure the arrest and transfer of suspects to the Court, enabling the Court's safe and unselective access to all victims and affected communities, and protecting and promoting civil society actors working towards accountability.

Lastly, we call on the OTP to confirm an investigation into crimes against humanity and war crimes committed against migrants and refugees in Libya with a view to prosecuting those most responsible before the Court. Domestic investigations and prosecutions by European authorities as well as the work of the Joint Team should not replace, but rather complement, an ICC investigation in order to ensure prosecution for Rome Statute crimes not currently investigated in domestic courts.

Thank you.