



**Kingdom of Belgium**

Statement by H.E. Mr Marc Pecsteen de Buytswerve, Ambassador,  
Permanent Representative

to the United Nations Security Council

**Security Council Meeting**

**The situation in Libya (reference to the ICC pursuant to  
resolution 1970)**

New York, 6 November 2019

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Madam President,

I would like to thank the Prosecutor Ms Fatou Bensouda for her written report, and also for her highly informative briefing which she has just presented to the Council.

Belgium welcomes the progress made by the Office of the Prosecutor in the current investigations and its work in presenting requests for new arrest warrants. We also welcome the fact that the Office is monitoring the current hostilities to examine whether crimes within the jurisdiction of the ICC have been committed.

At the same time, it is regrettable that the three arrest warrants issued by the Court have still not been executed. The resulting impunity is insulting to the victims and their families, and damages any hope of finding a lasting, peaceful solution to the crisis in Libya, of which justice is a crucial part.

The Security Council can definitely not remain indifferent to this situation, when it was this very Council that brought the current cases before the ICC by adopting Resolution 1970 in 2011. In this same Resolution, it also called on all States that are members of the United Nations, whether they are party to the Rome Statute or not, to cooperate fully with the Court and the Prosecutor. However, we note that the Office of the Prosecutor still has information regarding the location of the three suspects: Mr Gaddafi in Zintan, whose brigades are allies of the Government of National Accord; Mr Al-Werfalli in the Benghazi region controlled by the Libyan National Army of General Haftar; and Mr Al-Tuhamy in Cairo, Egypt. As the Court is entirely dependent on States' cooperation in the execution of its arrest warrants,

we again exhort the authorities in question to facilitate the immediate hand-over to the ICC of each suspect.

Otherwise, Belgium considers that the Security Council should face its responsibilities by examining every possible measure that could facilitate the arrest of the three suspects and their transfer to the ICC. In this respect, I would like to recall that the Council could, for example, consider including persons against whom the Court has issued an arrest warrant on the sanctions lists.

Madam President,

In its report, the Office of the Prosecutor also referred to the two-pronged approach it adopted with regard to the allegations of crimes committed against migrants in Libya. Belgium particularly welcomes the Office's strategy of cooperating with Libya and the other States involved, to support the investigations and proceedings carried out at national level. The ICC was never designed to pursue all the authors of the most serious crimes. In accordance with the Rome Statute, it complements national criminal jurisdictions and only intervenes if the State will not or cannot carry out the investigation or proceedings. In these circumstances, we must welcome the fact that the Court's cooperation strategy has already produced positive, concrete results in national investigations and proceedings.

Lastly, I would like to stress UNSMIL's ongoing cooperation with the ICC and its desire to send it certain information on events relating to the current armed conflict. We must welcome this collaboration between a special political mission of the United Nations and the Court, as it could be a model that can be copied in other similar cases.

Thank you.