



**Kingdom of Belgium**

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

To the United Nations Security Council

**Briefing**

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

New York, 5 May 2020

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Mister President,

I would like to warmly welcome Madam Prosecutor, Fatou Bensouda, and thank her for her valuable briefing to the Security Council.

Let me first reiterate Belgium's unwavering support to the International Criminal Court (ICC) as an independent and impartial judicial institution. We express our deep concern over recent threats made against Court officials and their families. The ICC and its staff can count on my country to continue to uphold and defend the principles and values enshrined in the Rome Statute as well as to preserve its integrity.

Mister President,

The continued escalation of violence in Libya resulting in multiple incidents and attacks against the civilian population and infrastructure with total impunity demonstrates why the ICC is needed more than ever to ensure accountability for the most serious crimes of international concern. Justice must be brought to the victims and is also necessary to prevent future violations of international humanitarian law.

Reports of such attacks are numerous and continue to be published frequently, including the reports of attacks against civilian homes, schools and hospitals in Tripoli. These attacks may constitute war crimes under the Rome Statute and should therefore be investigated and prosecuted thoroughly by national jurisdictions or the ICC.

In this regard, Belgium welcomes the Office of the Prosecutor's significant progress in the ongoing investigations, including with respect to current hostilities, and takes note that preparations are also moving ahead for possible new applications for warrants of arrest. We very much appreciate the close attention given by the Prosecutor to certain crimes, like the propagation of hate speech because of the significant impact it can have on the ground in an ongoing armed conflict, as well as alleged grave crimes against most vulnerable categories of victims, such as children, migrants and refugees.

Despite these efforts by the ICC, we all know that the Court cannot be effective without the cooperation of all stakeholders. This is why the Security Council decided in its resolution 1970 to urge *“all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor”*.

Yet, the lack of sufficient cooperation is obvious. We are pleased with the continued engagement of the competent authorities of Libya, the Government of National Accord, as well as some States and organizations. On the contrary, we are deeply concerned about the information in the report that other relevant parties still fail to cooperate significantly with the Office of The Prosecutor. This pertains especially to the execution of arrest warrants for ICC fugitives by Egypt and General Haftar’s LNA, but also of any request of assistance submitted by the Prosecutor.

My delegation therefore once again urges all the competent authorities to facilitate the immediate arrest of the three suspects and to surrender them to the ICC. We also ask the Security Council to closely follow up on this and to take any appropriate measure in this respect.

Mr. President,

Belgium continues to believe that the only long term solution for Libya is political. In this context, justice for the victims and their loved ones will most certainly be an essential element and this Council cannot remain silent in the face of persistent impunity with regard to the most serious crimes which continue to be perpetrated in Libya.

Thank you.