

# ORAL INTERVENTION

## ROUNDTABLE: EL-HISHRI CASE BEFORE THE INTERNATIONAL CRIMINAL COURT

19 May 2026, The Hague

**Ladies and gentlemen,**

My name is Ahmed Mustafa, Head of Documentation at Libya Crimes Watch (LCW), an independent, survivor-led organisation that has spent seven years monitoring and documenting serious violations and international crimes in Libya and advocating for accountability.

This intervention focuses on three key messages. First, that serious crimes and violations continue to be committed across Libya on a widespread and systematic basis, in the absence of meaningful accountability. Second, the case of Khalid El-Hishri represents a pivotal moment for victims, survivors, and the prospects of international justice in Libya. Third, that this case must not remain an isolated exception, but rather the beginning of a broader accountability process targeting those responsible for international crimes and ending the culture of impunity.

Serious violations and international crimes continue to be committed across Libya on a widespread and systematic basis. Despite the political division, divergent ideologies, and differing affiliations among armed groups and competing authorities, patterns of violations remain strikingly consistent and include arbitrary detention, enforced disappearance, torture and ill-treatment, and extrajudicial killing. These violations are frequently committed by the same actors and parties implicated in crimes falling within the jurisdiction of the International Criminal Court (ICC).

During 2025, LCW documented more than 850 serious violations, including 131 cases of arbitrary detention, as recorded in its annual report. Preliminary data documented by LCW during 2026 indicate that the same patterns are persisting, with 193 violations documented to date, including 131 cases of arbitrary detention. This confirms that these violations are not isolated or temporary incidents, but form part of an entrenched and ongoing pattern sustained by the absence of effective accountability.

Political division remains one of the most significant challenges facing Libya and has had a direct impact on the judiciary, which has recently experienced a public institutional split between east and west. This clearly reflects the fact that the Libyan judicial system, in its current condition, lacks the capacity, independence, and political will necessary to hold those responsible for serious violations and international crimes effectively to account. Political interference and conflicts of interest have further entrenched impunity and enabled violations to persist across the country.

Against this backdrop, the arrest of Khalid El-Hishri, a former senior official at Mitiga Prison charged with crimes against humanity and war crimes, and his transfer to the ICC represents

a historic development for victims, survivors, and civil society in Libya. This step also affirms that international mechanisms remain capable, through effective cooperation, of making a tangible difference to the pursuit of justice, even where the national justice system has failed to deliver accountability and reparation.

In our view, the significance of the confirmation of charges hearing in the El-Hishri case extends beyond its procedural or strictly legal dimension. It represents an important turning point in the trajectory of the Libyan situation before the ICC. For the first time, a Libyan suspect is appearing before the Court to face serious charges relating to international crimes. This case is not solely about an individual; it represents a shift from years of impunity towards the possibility of genuine accountability.

The case also sends an important message: that perpetrators of serious crimes can be brought to justice regardless of how much time has passed, and that international crimes must not go unaddressed.

Since the moment of El-Hishri's arrest, victims and survivors have been following the proceedings closely, and many are looking ahead to the trial phase. Through our ongoing engagement with survivors and victims inside and outside Libya, including both Libyan and non-Libyan individuals with an interest in this case, we have observed a growing level of trust in the Court and in the steps taken thus far. A number of them have expressed the view that years of seeking justice have not been in vain, and that their efforts are beginning to yield tangible results.

This impact has not been limited to the direct victims of El-Hishri alone. It has also extended to victims and survivors of violations committed in other areas and contexts within Libya, for whom this case has renewed hope that those responsible for the violations they suffered may one day be held to account, and that accountability may in future reach other cases and perpetrators.

At the same time, the protection of victims and witnesses remains a fundamental condition for any credible accountability process. Victim and survivor communities have expressed their readiness to cooperate with the ICC and with legal representatives of victims in the El-Hishri case. However, this cooperation continues to carry serious risks, including threats and acts of reprisal, particularly given the fragile security environment and the continued influence of armed groups.

Should effective protection mechanisms not be developed and implemented, mechanisms that are responsive to the specific Libyan context, including its security, social, cultural, and ethnic dimensions, victim and witness participation will remain limited and precarious, with a direct bearing on the prospects for justice.

It is of serious concern that a number of ICC fugitives remain at large and continue to move freely inside and outside Libya, at times with the acquiescence of certain states. Some continue to hold positions of power and authority despite the issuance of arrest warrants against them, or despite Libyan authorities announcing their detention without taking any concrete steps to transfer them to the Court or prosecute them before competent judicial bodies. This is the case with Osama Njeem, whose detention was publicly announced, yet LCW's field team monitoring his movements has established that he remains free, continues

to carry out his functions, and retains extensive authority within Mitiga Prison to this day. This has been further corroborated by victims interviewed by LCW following their recent release.

This situation has contributed to an environment in which violations continue without any genuine fear of accountability or deterrence.

Years of delay and the absence of any serious accountability measures have eroded the confidence of affected communities in the national judicial system and in the prospect of accessing justice. For many victims and survivors, domestic justice has come to appear remote and unreliable, notwithstanding repeated official declarations regarding judicial independence and the capacity to deliver accountability.

For this reason, many continue to regard international mechanisms as the remaining hope for achieving at least a measure of justice and for confronting the deeply entrenched culture of impunity in Libya.

**Thank you.**

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