

ORAL INTERVENTION

LIBYA SESSION IN THE ICC-NGOs ROUNDTABLE

The Hague, 12 June 2026

Ladies and gentlemen,

I am Ahmed Mustafa, Head of Documentation at Libya Crimes Watch (LCW), a survivor-led organisation that has worked for more than seven years to monitor and document serious violations of international human rights law and international crimes in Libya, and to advocate for accountability and reparations for victims.

I address you today on the basis of our ongoing field work and sustained engagement with victims and affected communities. The central message we bring is that victims continue to regard the International Criminal Court as one of the last remaining avenues for access to justice, and that this avenue must not be foreclosed at this stage.

In Libya, serious violations continue to be committed on a widespread and systematic basis, in the absence of effective national investigations and in the context of ongoing impunity enjoyed by commanders and officials in positions of authority. Arbitrary detention, enforced disappearance, torture and ill-treatment, extrajudicial killing, and other serious violations remain persistent patterns across the country, and in many cases may amount to crimes within the Court's jurisdiction.

In 2025 alone, LCW documented more than 850 serious violations, including arbitrary detention, enforced disappearance, torture, extrajudicial killing, and other grave violations, among them 131 cases of arbitrary detention. LCW's database also indicates that the same patterns have continued into 2026; our field team has, as of the date of this briefing, documented more than 230 violations, including more than 41 cases of arbitrary detention. These figures do not reflect isolated incidents; they confirm the continuation of a widespread pattern of violations sustained by the absence of accountability.

Ladies and gentlemen,

These violations cannot be considered in isolation from the state of domestic justice in Libya. Political and security fragmentation has extended to the judicial institution, severely limiting its capacity and independence to investigate serious crimes and hold perpetrators to account. Victims face significant obstacles in reporting violations or seeking redress, owing to fear of reprisals and a profound lack of confidence in any domestic accountability mechanism. This deepens the cycle of impunity.

Against this backdrop, a number of ICC fugitives remain at large. Others continue to exercise influence and authority within Libya, despite the existence of arrest warrants against them, or despite announcements by Libyan authorities of their detention, with no concrete steps taken towards surrender to the Court or prosecution before competent and independent judicial bodies.

The case of Osama Njeem illustrates this clearly. Following his return to Libya from Italy without surrender to the Court, the Libyan authorities announced his detention. However, information documented by LCW indicates that he is not subject to actual detention and continues to exercise influence within Mitiga Prison. This underscores the serious risk that claims of domestic investigation or detention are used as a pretext to shield ICC fugitives from surrender and accountability.

The failure to execute arrest warrants, or the use of non-genuine domestic procedures to protect fugitives from surrender, undermines victim confidence in the international justice process and diminishes the Court's deterrent effect. It also sends a message to victims that those responsible for serious crimes are able to continue exercising influence without accountability, while victims remain the most vulnerable and most exposed party.

Accordingly, the protection of victims and witnesses is not a secondary procedural matter; it is a fundamental prerequisite for any effective accountability process. A number of victims have expressed willingness to cooperate with the Court and with legal representatives of victims; however, this cooperation continues to face serious risks, including threats and acts of reprisal, in the context of ongoing armed group influence and a fragile security environment. This requires an approach that is sensitive to the Libyan context and to protection imperatives.

Notwithstanding this reality, the arrest and surrender of Khalid El-Hishri to the International Criminal Court, as one of the most senior former officials of Mitiga Prison suspected of crimes against humanity and war crimes, represented a significant development in the justice process in the Libya situation. Through our engagement with victims and witnesses, we have observed that this step restored a degree of confidence in the Court, not only among victims directly concerned with this case, but also among victims of other violations who continue to await justice.

However, this hope remains fragile. The Libya situation must not be confined to a single case or a narrow scope of investigations, and victims of other serious crimes continue to fear that any conclusion of the investigation phase would effectively foreclose accountability pathways for crimes that may fall within the Court's jurisdiction and that continue to be committed.

On this basis, Libya Crimes Watch calls on the Office of the Prosecutor to continue investigations into the Libya situation and to ensure their continuation in a manner commensurate with the nature and scale of ongoing violations and crimes in the country, and to ensure that transition to the judicial phase, or any announcement concerning the conclusion of the investigation phase, does not result in the foreclosure of accountability pathways for crimes that are being committed to this day.

LCW further calls on the Office of the Prosecutor to clarify its vision for the next phase in the Libya situation, including the scope of future investigations and the mechanisms for addressing new evidence and facts, and to consider expanding investigations in a manner that reflects the breadth of patterns of serious crimes and violations in Libya, while placing greater emphasis on the prosecution of higher-level perpetrators and commanders who exercise effective authority over entities involved in these violations, given that their continued influence and impunity directly contribute to the ongoing commission of crimes.

We call on the Court to subject any claims made by Libyan authorities regarding the existence of domestic investigations or accountability proceedings to rigorous scrutiny based on criteria of genuineness, independence, and effectiveness, and to ensure that such claims are not used as a means to displace the Court's jurisdiction or as a shield to protect fugitives from surrender and accountability.

Ladies and gentlemen,

What we hear from victims in Libya today is not a demand for new promises, but for a clear and sustained path towards justice. The Khalid El-Hishri case has restored a measure of hope to many victims and survivors, but it will not be sufficient unless followed by further steps that reflect a genuine commitment to continuing accountability.

LCW affirms that justice in Libya remains achievable, but it requires the Court's continued engagement, a broadened scope of accountability, the prosecution of higher-level perpetrators, the execution of arrest warrants, and the strengthening of protection for victims and witnesses. These are not abstract demands; they are essential conditions for maintaining victim confidence in international justice, and for demonstrating that impunity is not an inevitable outcome in Libya.

Thank you.

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