

# ORAL INTERVENTION

## ICC-NGO ROUNDTABLE

The Hague, June 2025

### **Ladies and Gentlemen,**

My name is Nour Khalifa, Communications and Outreach Officer at the Libya Crimes Watch.

I speak to you today drawing over six years of daily fieldwork in documenting violations of international humanitarian law and international human rights law in Libya.

Regrettably, crimes that fall within the jurisdiction of the International Criminal Court continue to be committed systematically and repeatedly.

Extrajudicial killings, torture, enforced disappearances, and arbitrary detention remain widespread and are often perpetrated by the same actors.

The most vulnerable groups, migrants, asylum seekers, women, and children, continue to bear the brunt of these crimes amid a total absence of accountability.

In our 2024 annual report alone, we documented 139 cases of arbitrary detention, more than half of whom were subjected to enforced disappearance. Systematic attacks on civil society have also continued, particularly against human rights organisations, forcing the majority to operate from exile.

At LCW, we value the critical role the ICC plays in Libya. However, we face a deeply disappointing reality: arrest warrants remain unexecuted due to a persistent lack of meaningful cooperation from Libyan authorities, including the judiciary, which lacks both the will and the capacity to carry out effective prosecutions.

For years, cooperation with the ICC has been limited to media statements and press conferences, without translating into tangible steps toward arresting suspects or facilitating the ICC's work. In many cases, Libyan authorities have delayed, restricted, or outright blocked the ICC's field visits, directly undermining its ability to fulfil its mandate in Libya.

At the same time, the ICC has yet to issue new arrest warrants for senior-level perpetrators. The focus on lower-level individuals only widens the justice gap, weakens the deterrent effect, entrenches impunity, and sends troubling signals to victims and affected communities in Libya about the seriousness of international justice.

In this context, we express our deep concern regarding the Prosecutor's recently announced roadmap to end investigations in Libya by 2025.

Ending the investigation without real progress on accountability and without bringing key perpetrators to justice would constitute a serious setback for international justice and a profound betrayal of victims and their families, who have no other viable path to redress.

We must also recall the case of Osama Al-Najim, one of the ICC suspects, who was recently detained in Italy but released without being surrendered to the Court, following an official request by the Libyan Attorney General.

This case not only highlights the fragility of cooperation mechanisms even among States Parties but also undermines the principle of complementarity with the Libyan judiciary, a principle on which the ICC relies, and erodes victims' trust in the seriousness of the international justice system as a whole.

In this regard, we cannot ignore the structural problems within Libya's legal system. It does not define international crimes, lacks institutional capacity, and fails to provide the necessary safeguards for fair trials. Many of the existing laws and procedures clearly conflict with international human rights standards, rendering the principle of complementarity practically inapplicable in the Libyan context and offering a legal loophole for perpetrators to evade international accountability.

**In light of the above, we present the following recommendations to the ICC:**

- We urge the Office of the Prosecutor (OTP) to continue its investigations without being bound by pre-set timelines, and to tie any decision to close the Libya file to achieving concrete outcomes, including the execution of existing arrest warrants and the initiation of genuine accountability proceedings.
- We call on the ICC to issue additional arrest warrants against senior officials suspected of committing, or ordering the commission of, crimes under the Court's jurisdiction.
- We invite the ICC to reconsider how it interprets and applies the principle of complementarity in the Libyan context, given the lack of political will and institutional capacity among Libyan authorities.
- We demand that the ICC use all available means to exert pressure on Libyan authorities to surrender all individuals subject to arrest warrants without delay or obstruction.

**Ladies and Gentlemen,**

Victims of international crimes in Libya speak to us every day. They continue to look to the International Criminal Court as their last hope for justice. We appreciate the ICC's efforts, and we call for a sincere reassessment of the Libya track, one that is grounded in the victims' right to justice, not in political considerations or procedural limitations.

**Thank you,**