

(Footnotes to Meetings: peace and security in Africa)

- ^a Algeria, Australia, Benin, Brazil, Burkina Faso, Canada, Côte d'Ivoire (on behalf of ECOWAS), Egypt, Finland, Israel, Italy, Japan, Luxembourg, Mali, Mauritania, Nigeria, Norway, Senegal, Sudan, Tunisia, Turkey and Uganda.
- ^b Togo (President of the Security Council) was represented by its President; France by the Minister of State responsible for French nationals abroad; Morocco by the Minister Delegate for Foreign Affairs and Cooperation; the Russian Federation by the Special Envoy of the President; and the United States by the Permanent Representative and member of the President's Cabinet.
- ^c Côte d'Ivoire was represented by its Minister for Foreign Affairs.
- ^d Morocco (President of the Council) was represented by the Minister for Foreign Affairs and Cooperation; Colombia by the Minister for Foreign Affairs; and Togo by the Minister of State, Minister for Foreign Affairs and Cooperation.
- ^e Rwanda (President of the Security Council) was represented by the Minister for Foreign Affairs; and Togo by the Minister of State, Minister for Foreign Affairs and Cooperation.
- ^f Togo (President of the Security Council) was represented by its President; Luxembourg by the Deputy Prime Minister and Minister for Foreign Affairs; Argentina by the Secretary for Foreign Affairs; Morocco by the Minister for Foreign Affairs and Cooperation; the Republic of Korea by the Vice-Minister for Foreign Affairs; Rwanda by the Permanent Representative and Minister of State in Charge of Cooperation;; and the United States by the Permanent Representative and member of the President's Cabinet.
- ^g The representative of Somalia did not make a statement.
- ^h Azerbaijan, Burundi, Ethiopia, Gabon, Ghana, Kenya, Mauritania, Mauritius, Morocco, Namibia, Rwanda, Senegal, Togo, Uganda.
- ⁱ Burundi, Gabon, Ghana, Ethiopia (on behalf of the African Union), Kenya, Mauritania, Mauritius, Namibia, Senegal and Uganda.
- ^j *For:* Azerbaijan, China, Morocco, Pakistan, Russian Federation, Rwanda, Togo;
Against: none;
Abstaining: Argentina, Australia, France, Guatemala, Luxembourg, Republic of Korea, United Kingdom, United States.
- ^k Guatemala was represented by its Minister for Foreign Affairs.

15. The situation in Libya

Overview

During the years 2012 and 2013, the Security Council held 18 meetings in connection with the situation in Libya, and adopted one presidential statement and two resolutions under Chapter VII of the Charter. In its deliberations, the Council focused on the numerous security challenges facing the country, the human rights situation and the political developments after elections to the General National Congress in July 2012 and the formation of a new Government.

By resolutions 2040 (2012) and 2095 (2013), the Council modified and twice extended the mandate of the United Nations Support Mission in Libya (UNSMIL), for one year each time.⁴¹⁶ By the same

⁴¹⁶ For information on the mandate of UNSMIL, see part X, sect. II, "Political and peacebuilding missions".

resolutions, the Council also made adjustments to the sanctions regime established pursuant to resolution 1970 (2011), as modified by resolution 2009 (2011).⁴¹⁷ The Council also modified and extended the mandate of the Panel of Experts twice, first for 12 months and then for 13 months.⁴¹⁸

Transitional period leading up to elections in July 2012

At its meeting on 25 January 2012, the Council heard a briefing by the Special Representative of the

⁴¹⁷ For information on sanctions concerning Libya, see part VII, sect. III, "Measures not involving the use of armed force in accordance with Article 41 of the Charter".

⁴¹⁸ For information on the Panel of Experts, see part IX, sect. I. B, under "Committee established pursuant to resolution 1970 (2011) concerning Libya".

Secretary-General and Head of UNSMIL on a variety of political and security challenges affecting Libya's transition, including the lack of full legitimacy of the interim authorities at the national and local levels, growing popular dissatisfaction with the performance of the National Transitional Council and the interim Government, weak State institutions and security structures, wide circulation of weapons, and the uncertain future of the diverse armed brigades and revolutionary fighters in the country. The Special Representative made reference to the Mission's coordination role with regard to international assistance as well as to measures relating to arms proliferation and border security. He also mentioned the Mission's role in providing technical support to the newly established National Council for Public Liberties and Human Rights. In closing, he underlined the need to support Libya's interim authorities in addressing internal priorities identified by them rather than the longer-term interests of external actors.⁴¹⁹

The Council also heard a briefing from the United Nations High Commissioner for Human Rights, who stressed three main points: first, the need to take urgent steps to put an end to human rights abuses, especially those occurring in detention; secondly, the need for the authorities to expeditiously deliver on their commitment to make transitional justice a reality; and, thirdly, the need for the Libyan authorities to use civil society, including women's and youth groups, as a key resource to address the social and political challenges. She also identified the situation of persons subjected to internal forced and involuntary displacement and that of women in Libya as areas of concern. With reference to the inquiry under way into the possible civilian deaths resulting from the operations of the North Atlantic Treaty Organization (NATO), she noted that its findings should provide information on the extent to which NATO forces took all feasible measures to protect civilians, details of events in which civilians were killed or injured and the remedial actions taken.⁴²⁰

In his statement, the representative of Libya affirmed that the situation in the country was not bright. While some progress had been achieved in establishing an interim Government and a National Transitional Council and in adopting an electoral and an interim justice law, challenges remained concerning

the treatment of Libyan and non-Libyan Tuareg communities, the absence of administrative structures, national reconciliation, the involvement of armed combatants in the post-conflict Libya, and the representation of women. He defended and praised the NATO intervention in Libya and thanked the Council for "its great, historic decision to save [his] homeland".⁴²¹

In his briefing on 29 February 2012, the Special Representative of the Secretary-General described the peaceful nature of the celebration of the first anniversary of the revolution in spite of security concerns. While dwelling on the numerous challenges faced by the Government, he also made reference to the progress achieved in providing security with the adoption of the transitional justice and electoral laws as well as the development of State authority. He also described the supporting role of UNSMIL in a number of key areas such as arms proliferation, border security, the rehabilitation of the police and human rights.⁴²² The Council was also briefed by the Chair of the Committee established pursuant to resolution [1970 \(2011\)](#) on the work of the Committee and on the implementation of the arms embargo, asset freeze and travel ban.⁴²³ In his statement, the representative of Libya assured the Council that despite the various challenges elections would be held in June 2012. He appealed to the international community for more assistance and for the release of the country's frozen assets in order to, among other things, combat terrorism in the Sahara.⁴²⁴

A week later, on 7 March 2012, the Council met again to hear a briefing of the Special Representative of the Secretary-General, who explained that the planning process undertaken by UNSMIL reaffirmed its continued relevance and helped to define the five areas in which it needed to engage more deeply in the following 12 months, namely, the democratic transition and electoral processes; public security; arms proliferation and border security; human rights, transitional justice and the rule of law; and coordination of international assistance. He clarified that the role of the United Nations had to be to support the people of Libya where and when needed. He proposed that the Mission maintain a light footprint

⁴¹⁹ [S/PV.6707](#), pp. 2-6.

⁴²⁰ *Ibid.*, pp. 7-8.

⁴²¹ *Ibid.*, pp. 9-11.

⁴²² [S/PV.6728](#), pp. 2-7.

⁴²³ *Ibid.*, pp. 7-8.

⁴²⁴ *Ibid.*, pp. 8-9.

with the aim of providing flexible, responsive and high-quality expertise in a structurally integrated form, thereby maximizing the impact of the entire United Nations system.⁴²⁵ The representative of Libya underscored the challenges confronting Libya and the rising expectations of its people. While noting his Government's achievements, he acknowledged that there had been some violations of human rights. In support of efforts to achieve security, he called upon the Council to lift the embargo on military equipment and weaponry and expressed appreciation for recent international efforts to release frozen assets.⁴²⁶

The representative of the Russian Federation took the floor to express concern about the civilian casualties as a result of the NATO airstrikes on Libya as well as the uncontrolled proliferation of Libyan arms in the region.⁴²⁷ The representatives of the United States, France and Germany countered that the International Commission of Inquiry of the Human Rights Council had concluded that NATO had conducted a highly precise campaign with a demonstrable determination to avoid civilian casualties, exceeding what was required under international humanitarian law and in full accordance with the United Nations mandate.⁴²⁸ The representative of China echoed the concerns of the Russian Federation, both regarding the NATO campaign and the proliferation of weapons.⁴²⁹ Finally, the representative of Libya reassured the Council that the Government had investigated the death of "each and every Libyan civilian" and had enjoyed the cooperation of NATO. He argued that the matter should not be made fodder for political propaganda or prevent the international community from intervening in situations in other States where the people "are being massacred by their own rulers".⁴³⁰

On 10 May 2012, the Special Representative of the Secretary-General briefed the Council on the preparations for the first elections to be held in Libya in more than 45 years. He also briefed the Council about local conflicts and escalating tensions. He informed the Council that in each case the Government had reacted quickly by deploying forces and mediation

capacities and said that rapid reaction was necessary to defuse tensions and prevent their entrenchment. He noted that the country, while facing disturbances resulting from discontent among some of the armed brigades, was experiencing economic progress. This notwithstanding, the scale of the challenges coupled with the high expectations of the Libyan people for tangible and quick progress had strained the interim political system. He dwelled in particular on key questions such as the integration of the revolutionary fighters, treatment of detainees, and control of weapons and border security, which were urgent challenges to be settled through early legitimate electoral processes. He briefed the Council on the progress achieved and praised the High National Elections Commission and the Libyan authorities for their efforts to carry forward the electoral operation and to establish a functioning State based on the rule of law and democracy.⁴³¹ The Council also heard a briefing from the Chair of the Committee established pursuant to resolution 1970 (2011), who reported about the threats and challenges of arms proliferation from Libya to the region and the implementation of the arms embargo, travel ban and asset freeze.⁴³²

Establishment of democratic institutions amid persistent security challenges

At its meeting on 18 July 2012, the Council heard a briefing from the Special Representative of the Secretary-General on the elections of 7 July. Despite violent incidents and the efforts of some groups to sabotage them, the organization of the elections had been an extraordinary accomplishment. In order to meet concerns in the east of Libya, he noted the decision of the National Transitional Council that the constitution should be drafted not by the National Congress but by a 60-member constitutional commission, with equal representation from the three historic regions of Libya. He underscored the urgency of reaching an agreement in the National Congress on the formation of a new Government which would have to face numerous challenges in the justice, security and defence sectors, including border security, clearance of explosive remnants of war and weapons control, as well as in other fields such as the development of institutions of a modern State, the fight against corruption in the management of the country's wealth,

⁴²⁵ S/PV.6731, pp. 2-5.

⁴²⁶ Ibid., 5-7.

⁴²⁷ Ibid., p.8.

⁴²⁸ Ibid., pp. 8-9.

⁴²⁹ Ibid., pp. 9-10.

⁴³⁰ Ibid., p.10.

⁴³¹ S/PV.6768, pp. 2-7.

⁴³² Ibid., pp. 7-8.

the diversification of the economy and creation of employment, and the proper regulation of migrant labour. While expressing confidence in the continuation of cooperation between the new Government and UNSMIL in the areas where the Mission was already active such as support for the democratic transition, promotion of the rule of law and human rights, restoration of public security, and countering the illicit proliferation of arms, he voiced concerns about the insufficient capabilities of UNSMIL to carry out the fifth element of the mandate, namely, support to the Libyan efforts to coordinate international assistance.⁴³³

In his statement, the representative of Libya confirmed that the elections were free and fair and met all international standards. He expressed gratitude to the Security Council and UNSMIL for their role.⁴³⁴

On 12 September 2012, one day after the attack on the United States diplomatic presence in Benghazi, the Council was briefed by the Under-Secretary-General for Political Affairs. He condemned the attack in the strongest terms and said that this incident, together with a spate of assassinations of security personnel in Benghazi, explosive devices in Tripoli and attacks on Sufi shrines, underlined the security challenges facing the authorities in Libya. At the same time, he noted the historic nature of the transfer of authority from the National Transitional Council to the 200-member General National Congress on 8 August and the election by the Congress of a President, two Vice-Presidents and a Prime Minister. However, he reminded the Council that the General National Congress needed to address several urgent priorities, including initiating a national dialogue on reconciliation, strengthening its capacity to oversee the Government, preventing systemic corruption and adopting local governance legislation. He added that, to assist the Government, UNSMIL had increased its advisory capacity and stepped up efforts to strengthen international coordination for support to security sector governance. Reiterating comments made in his previous briefings to the Council concerning persistent challenges, he welcomed the release of 130 detainees during August as a first important step towards solving the issue of conflict-related detentions. He underlined that UNSMIL was working closely with the Libyan

authorities in the areas of judicial reform.⁴³⁵ The representative of Libya took the floor to reiterate his Government's condemnation of the attack on 11 September and assured the Council that the perpetrators of that heinous crime would be brought to justice.⁴³⁶

On 8 November 2012, following the one-year anniversary of Libya's liberation, the new Special Representative of the Secretary-General briefed the Council on the formation of the new Government of Libya and the priorities indicated by it in the areas of internal affairs, in particular security-related issues, as well as reconstruction and economic development. He also informed the Council about the military operations launched by the Libyan authorities in Bani Walid to extend the State's authority and the concerns of the United Nations with regard to the protection of civilians and the return of internally displaced persons. He added that UNSMIL and the United Nations country team had conducted four missions around and inside Bani Walid to assess the needs of internally displaced persons and to provide assistance. He noted that, while some progress had been made, security conditions remained precarious. He underscored the need for rapid and effective policy decisions and practical measures in the area of security sector reform and full activation of the judiciary so that perpetrators were held accountable and the rule of law upheld.⁴³⁷ The Council was also briefed by the Chair of the Committee established pursuant to resolution 1970 (2011), who reported on the two meetings held by the Committee between 11 May and 8 November, the first on the implementation of the travel ban, asset freeze and arms embargo, and the second on issues related to arms proliferation.⁴³⁸

At the meeting held on 29 January 2013, the Special Representative of the Secretary-General briefed the Council on developments related to the constitution-making process, security sector reform, border security, national reconciliation and transitional justice. He explained that the security situation remained precarious, although efforts to reform the security sector had begun to assure greater coherence. In the context of national reconciliation efforts, he noted the strong drive among certain political forces to further marginalize

⁴³³ S/PV.6807, pp. 2-5.

⁴³⁴ Ibid., p. 6.

⁴³⁵ S/PV.6832, pp. 2-4.

⁴³⁶ Ibid., p. 5.

⁴³⁷ S/PV.6857, pp. 2-5.

⁴³⁸ Ibid., p. 5.

persons associated with the previous regime with the introduction of a proposal on “political isolation”. UNSMIL had encouraged consultations on this proposal and careful attention to its possible undesirable effects on reconciliation and social cohesion. He highlighted the technical assistance provided by UNSMIL to the Libyan authorities in developing effective institutions and processes, and the advice rendered to the Office of the Prosecutor-General on the implementation of an overall prosecutorial strategy.⁴³⁹ The representative of Libya underlined that the Government depended on UNSMIL at a critical time and it was important for the Mission to remain in Libya because of its advisory role in relation to security sector reform, constitution drafting and elections.⁴⁴⁰

Modification of sanctions regime and mandates of UNSMIL and Panel of Experts

On 12 March 2012 and 14 March 2013, acting under Chapter VII of the Charter, the Council unanimously adopted resolutions [2040 \(2012\)](#) and [2095 \(2013\)](#). In each instance, it extended and modified the mandates of the Panel of Experts and UNSMIL to allow the Mission to assist the Libyan authorities in defining national needs and priorities and to offer strategic and technical advice accordingly. The Council also modified the scope of the sanctions regime imposed by resolution [1970 \(2011\)](#), as modified by resolution [2009 \(2011\)](#).

At the meeting held on 14 March 2013, the Special Representative of the Secretary-General briefed the Council on the events of 15 and 17 February to celebrate the second anniversary of the revolution in Libya, which had been accompanied by demands for greater stability and an end to the political and socioeconomic marginalization of the east. He reiterated his concern about the political crisis over a proposed law on political isolation, the overall security situation and the condition of detainees. He explained that improving the country’s security situation was hampered by weak State institutions and security coordination mechanisms. He added that Libya’s democratic transition required an inclusive dialogue leading to national reconciliation. In conclusion, he noted that the Secretary-General had proposed the renewal of the mandate of UNSMIL for 12 additional months to allow the Mission to continue to assist the

State of Libya in defining national priorities related to its democratic transition, consistent with the request from the Libyan authorities.⁴⁴¹ The Chair of the Committee established pursuant to resolution [1970 \(2011\)](#) briefed the Council on developments in the period from 9 November 2012 to 14 March 2013. He also briefed the Council on the content of the final report of the Panel of Experts concerning the implementation of the sanctions regime and confirmed that the Committee had agreed to take follow-up action on five of the eight recommendations of the Panel.⁴⁴²

In his statement, the representative of Libya highlighted that while the security challenges faced by the country were enormous and difficult, progress had been achieved in the security and justice sectors. He underscored the Government’s efforts in promoting national reconciliation, reintegrating internally displaced persons and rebuilding a variety of national institutions. In closing, he asked for the Council’s assistance in restoring the frozen assets.⁴⁴³

Deterioration of the security situation and internal divisions

On 18 June 2013, the Council was briefed by the Special Representative of the Secretary-General on the incident in Benghazi on 8 June, when a peaceful demonstration outside the barracks of an armed brigade deteriorated into an exchange of fire that left many dead and wounded. After the events, several brigade barracks in Benghazi were transferred to the Libyan Army and the General National Congress charged the Government with the task of integrating the armed brigades that remained outside State control. The Special Representative also reported on the adoption and impact of the law on political isolation excluding individuals associated with the former regime from public life for 10 years. He underlined the urgency of adopting a transnational justice law anchored in truth-seeking, accountability and reparations. He made reference to the work of UNSMIL in assisting the Libyan authorities in a variety of areas, including the transitional justice process, conflict-related detentions, and the preparation of the elections for the constituent assembly. He also explained the controversy regarding the role of UNSMIL and its perceived interventionist approach following the adoption of resolution

⁴³⁹ [S/PV.6912](#), pp. 2-5.

⁴⁴⁰ *Ibid.*, p. 5.

⁴⁴¹ [S/PV.6934](#), pp. 2-4.

⁴⁴² *Ibid.*, pp. 4-5.

⁴⁴³ *Ibid.*, pp. 5-7.

2095 (2013) under Chapter VII and the efforts undertaken by the Mission to dispel misperceptions as well as false expectations.⁴⁴⁴

The Council also heard a briefing from the Chair of the Committee established pursuant to resolution 1970 (2011),⁴⁴⁵ who reported on the follow-up actions to the recommendations included in the final report of the Panel of Experts.⁴⁴⁶

On 16 September 2013, the Council heard a briefing from the Special Representative of the Secretary-General on the numerous political and security issues affecting the country. He pointed out that the regional dynamics, political disagreements among the various forces, disruption of oil exports and lack of a law on transitional justice had strained the political processes taking place in the country even though some progress had been achieved on the constitution-making process. He noted that the security problems remained the predominant concern and underscored the importance of national dialogue to overcome the disillusionment with the political process.⁴⁴⁷ The Council was also briefed by the Chair of the Committee established pursuant to resolution 1970 (2011), on the follow-up actions by the Committee on the recommendations of the Panel of Experts and the agreement signed with INTERPOL on INTERPOL-Security Council special notices.⁴⁴⁸ The representative of Libya acknowledged the difficulties faced by the Libyan authorities and called for the continuous support of the Council and all Member States.⁴⁴⁹

On 9 December 2013, the Special Representative of the Secretary-General informed the Council of the mass demonstrations in Tripoli, Benghazi and Darnah by which the civilian population had expressed frustration with the political process and distrust of the armed brigades, and the armed clashes between civilians and the armed brigades. Despite the efforts of the Government to restore stability, the weak capacity of the State military and police institutions remained a serious concern. He said that the UNSMIL request for the strengthening of the protection of its premises was misunderstood by groups in the country, some suspecting that the proposed arrangement was a

prelude to an international intervention. In spite of certain improvements and the adoption of the new law on transitional justice, he reiterated concern about the situation of the conflict-related detainees. He further informed the Council about the Mission's contribution to preparations for the national dialogue through technical assistance and advice.⁴⁵⁰

The Council also heard a briefing from the Chair of the Committee established pursuant to resolution 1970 (2011) on the implementation of sanctions measures and on the difficulties encountered by the Panel of Experts in obtaining responses from certain Member States to requests for visits.⁴⁵¹

At its meeting on 16 December 2013, the Council issued a presidential statement in which it expressed grave concern at the worsening security situation and political divisions which threatened to undermine Libya's transition to democracy. The Council welcomed the efforts of UNSMIL to facilitate inclusive national dialogue and noted that the adoption of a constitution would be crucial in providing the framework for a secure and prosperous future. The Council strongly condemned the killing of unarmed protestors in Tripoli on 15 November and called for urgent progress towards an inclusive approach to disarmament, demobilization and reintegration of armed groups into civilian life. The Council also stressed the urgent need to strengthen military and police institutions in Libya, expressed concern at the threat posed by unsecured arms and ammunition and their proliferation, and condemned cases of torture and mistreatment.⁴⁵²

In his statement, the representative of Libya noted that, while his Government had come to different conclusions from those in the presidential statement, the overall message of support for the Libyan people and the efforts of the newly elected authorities to expedite the democratic transition was much appreciated. He underscored the principled position and commitment of the Libyan authorities to prevent extrajudicial killings and inhumane treatments and stressed that the General National Congress and the Government were determined to strengthen State authority and impose the rule of law.⁴⁵³

⁴⁴⁴ S/PV.6981, pp. 2-5.

⁴⁴⁵ Ibid., p. 5.

⁴⁴⁶ S/2012/163.

⁴⁴⁷ S/PV.7031, pp. 2-4.

⁴⁴⁸ Ibid., p. 5.

⁴⁴⁹ Ibid., p. 6.

⁴⁵⁰ S/PV.7075, pp. 2-4.

⁴⁵¹ Ibid., p. 4.

⁴⁵² S/PRST/2013/21.

⁴⁵³ S/PV.7083, p. 2.

Biannual briefings of the International Criminal Court

The Prosecutor of the International Criminal Court briefed the Council on four occasions during the period under review pursuant to resolution 1970 (2011). On 16 May 2012, the Prosecutor informed the Council that Libya had submitted an admissibility challenge for the Saif al-Islam Gaddafi case in order to conduct a national investigation against him. This was the first time in the history of the Court that a State had presented such a challenge. He also informed the Council that the Mauritanian authorities had arrested the second indictee, Abdullah Al-Senussi, and that his Office was also gathering information about the activities of high-level Gaddafi officials outside Libya. He called for a national comprehensive strategy to address all crimes and put an end to impunity as well as for the dismantlement of all unofficial and unacknowledged detention centres. He also reported on the International Commission of Inquiry and its finding that NATO did not deliberately target civilians in Libya.⁴⁵⁴ While the representatives of Pakistan and Morocco favoured giving priority to national jurisdiction,⁴⁵⁵ the majority of Member States left the decision to the Court's judges, the representatives of Guatemala and South Africa calling for cooperation between the Court and national courts irrespective of the decision on the admissibility challenge.⁴⁵⁶

The representative of the Russian Federation recommended the prosecution of Gaddafi opponents and, together with the representative of China, expressed concerns about the civilian casualties that had resulted from NATO activities.⁴⁵⁷ Several representatives stressed the importance of placing all detainees under the control of national authorities.⁴⁵⁸ The representative of Libya underlined his country's ability to conduct transparent and fair trials that met all safeguards provided for under international law and expressed the intention of the Libyan judicial authorities to investigate allegations of torture and crimes committed by the rebels against detainees. In

conclusion, he reaffirmed the conviction of the Libyan authorities that the strategies employed by NATO leaders were designed merely to protect civilians from the violence aimed at them by Gaddafi forces.⁴⁵⁹

At the briefing on 7 November 2012, the new Prosecutor of the International Criminal Court updated the Council on the admissibility challenge presented by the Libyan authorities for the Gaddafi case and on their intent also to challenge the admissibility of the case against Al-Senussi. She referred to the adoption of Law 38, which granted amnesty at the national level for acts made necessary by the revolution of 17 February, and Law 35, ensuring that acts found to be in contravention of international law and human rights covenants were not exempt. Furthermore, she stated that her Office continued to collect evidence in relation to several allegations, including of rape and sexual violence.⁴⁶⁰ With regard to the admissibility challenge, some representatives encouraged domestic prosecution as a first option,⁴⁶¹ whereas others expressed serious doubts about Libya's capabilities to ensure fair legal proceedings.⁴⁶² Several countries called for continued cooperation between Libya and the Court. The representative of Libya highlighted the Government's plan to deal with different aspects of the implementation of the judicial system and every crime, irrespective of the identity of the victim or the accused.⁴⁶³

On 8 May 2013, the Prosecutor reported on the response filed by her Office to Libya's challenge on the admissibility of the Saif al-Islam Gaddafi and Al-Senussi cases. She added that the Gaddafi case had reached a stage where it remained only for the Chamber to pronounce itself on the submissions made by the parties. She said that her Office was documenting the most serious crimes committed by former Gaddafi officials, some of whom were outside of Libya, and expressed concern about the allegations of crimes committed by rebel forces. In conclusion, she stressed that as Prosecutor she could not get involved in political considerations or stretch the interpretation of the Rome Statute. Equally, neither the Council nor

⁴⁵⁴ S/PV.6772, pp. 2-4.

⁴⁵⁵ Ibid., p. 4 (Pakistan); and p. 8 (Morocco).

⁴⁵⁶ Ibid., p. 7 (Guatemala); and p. 8 (South Africa).

⁴⁵⁷ Ibid., pp. 5-6 (Russian Federation); and p. 11 (China).

⁴⁵⁸ Ibid., p. 7 (Guatemala); p. 8 (South Africa);

p. 9 (Germany); p. 12 (France); p. 13 (Togo); and p. 15 (Azerbaijan).

⁴⁵⁹ Ibid., pp. 15-16.

⁴⁶⁰ S/PV.6855, pp. 2-3.

⁴⁶¹ Ibid., p. 5 (Togo); pp. 6-7 (South Africa); p. 10 (Pakistan); and p. 12 (Morocco).

⁴⁶² Ibid., p. 4 (Colombia); and pp. 5-6 (Russian Federation).

⁴⁶³ Ibid., p. 15.

its members or any other State should seek to interfere with the judicial processes of the Court.⁴⁶⁴

The representative of the Russian Federation complained about the lack of progress in the prosecution of the individuals who had committed serious crimes and reiterated his serious doubts that conditions in Libya allowed for fair legal proceedings.⁴⁶⁵ Conversely, the representative of Rwanda noted that the Court had failed to live up to international aspirations of delivering justice independent of political interference and had been selective in its methods of investigating and prosecuting perpetrators.⁴⁶⁶ In conclusion, the representative of Libya noted that the relationship between the Court and the Government of Libya was based on complementarity and cooperation and expressed the hope that States would cooperate with them in bringing all accused to justice.⁴⁶⁷

⁴⁶⁴ S/PV.6962, pp. 2-3.

⁴⁶⁵ Ibid., p. 5.

⁴⁶⁶ Ibid., p. 9.

⁴⁶⁷ Ibid., p. 17.

At the meeting on 14 November 2013, the Prosecutor said that the security situation in Libya hampered the ability of her Office to effectively undertake investigations. While appreciating gains towards a system based on the rule of law, she expressed concern about the treatment of detainees and minorities. She updated the Council on the decisions issued in relation to the Al-Senussi and the Saif al-Islam Gaddafi cases. With regard to the latter, she affirmed the obligation on the part of the Government of Libya to surrender Mr. Gaddafi to the custody of the Court. She also underlined the joint, complementary efforts of the Government of Libya and the Court to investigate and prosecute all perpetrators of crimes and, to that end, she informed the Council on the conclusion of a burden-sharing memorandum of understanding.⁴⁶⁸ The representative of Libya reiterated his Government's commitment to judicial complementarity and hoped that the Court would soon recognize Libya's responsibility for the trial of Saif al-Islam Gaddafi.⁴⁶⁹

⁴⁶⁸ S/PV.7059, pp. 2-3.

⁴⁶⁹ Ibid., p.16.

Meetings: the situation in Libya

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.6707 25 January 2012			Libya	Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya (UNSMIL), United Nations High Commissioner for Human Rights	All invitees	
S/PV.6728 29 February 2012			Libya	Special Representative of the Secretary-General	Portugal (as Chair of the Security Council Committee established pursuant to resolution 1970 (2011)), all invitees	
S/PV.6731 7 March 2012	Report of the Secretary-General on UNSMIL (S/2012/129)		Libya (Prime Minister)	Special Representative of the Secretary-General	China, France, Germany, Russian Federation, United States, all invitees	
S/PV.6733 12 March 2012	Report of the Secretary-General on UNSMIL (S/2012/129) Letter dated 7 March 2012 from the Secretary-General addressed to the President of the Security Council (S/2012/139)	Draft resolution submitted by France, Germany, Morocco, Portugal, United Kingdom, United States (S/2012/146)	Libya		Libya	Resolution 2040 (2012) 15-0-0 (adopted under Chapter VII)
S/PV.6768 10 May 2012	Letter dated 23 March 2012 from the Chairman of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya addressed to the President of the Security Council (S/2012/178)		Libya	Special Representative of the Secretary-General	Portugal (as Chair of the Committee established pursuant to resolution 1970 (2011)), Special Representative of the Secretary-General	

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.6772 16 May 2012			Libya	Prosecutor of the International Criminal Court	All Council members, all invitees	
S/PV.6807 18 July 2012			Libya	Special Representative of the Secretary-General	All invitees	
S/PV.6832 12 September 2012	Report of the Secretary-General on UNSMIL (S/2012/675)		Libya	Under-Secretary-General for Political Affairs	All invitees	
S/PV.6855 7 November 2012			Libya	Prosecutor of the International Criminal Court	All Council members, all invitees	
S/PV.6857 8 November 2012			Libya	Special Representative of the Secretary-General	Portugal (as Chair of the Committee established pursuant to resolution 1970 (2011)), Special Representative of the Secretary-General	
S/PV.6912 29 January 2013			Libya	Special Representative of the Secretary-General	All invitees	
S/PV.6934 14 March 2013	Report of the Secretary-General on UNSMIL (S/2013/104)	Draft resolution submitted by Australia, France, Luxembourg, Morocco, Rwanda, United Kingdom, United States (S/2013/156)	Libya (Prime Minister)	Special Representative of the Secretary-General	Rwanda (as Chair of the Committee established pursuant to resolution 1970 (2011)), all invitees	Resolution 2095 (2013) 15-0-0 (adopted under Chapter VII)
S/PV.6962 8 May 2013			Libya	Prosecutor of the International Criminal Court	All Council members, all invitees	

<i>Meeting record and date</i>	<i>Sub-item</i>	<i>Other documents</i>	<i>Rule 37 invitations</i>	<i>Rule 39 and other invitations</i>	<i>Speakers</i>	<i>Decision and vote (for-against-abstaining)</i>
S/PV.6981 18 June 2013			Libya	Special Representative of the Secretary-General	Rwanda (as Chair of the Committee established pursuant to resolution 1970 (2011)), Special Representative of the Secretary-General	
S/PV.7031 16 September 2013	Report of the Secretary-General on UNSMIL (S/2013/516)		Libya	Special Representative of the Secretary-General	Rwanda (as Chair of the Committee established pursuant to resolution 1970 (2011)), all invitees	
S/PV.7059 14 November 2013			Libya	Prosecutor of the International Criminal Court	All Council members, all invitees	
S/PV.7075 9 December 2013			Libya	Special Representative of the Secretary-General	Rwanda (as Chair of the Committee established pursuant to resolution 1970 (2011)), Special Representative of the Secretary-General	
S/PV.7083 16 December 2013			Libya		All invitees	S/PRST/2013/21

16. The situation in Mali

Overview

During the period under review, the Security Council included the item entitled “The situation in Mali” in its agenda⁴⁷⁰. The Council held 12 meetings and adopted four resolutions and two presidential statements in connection with the situation in Mali, previously considered under the item entitled “Peace and security in Africa”.⁴⁷¹

The Council followed closely the unfolding of the crisis in Mali from its outbreak at the beginning of 2012. Its decisions and actions culminated, first, in the authorization of the deployment of an African-led International Support Mission in Mali and then the establishment of the United Nations Multidimensional Integrated Stabilization Mission in Mali on 25 April 2013 and the transfer of responsibilities from the African-led mission to the United Nations mission on 1 July 2013. The Council also followed closely the developments of the political process, including the holding of presidential and legislative elections in the country and the implementation of the agreement between the Government of Mali and the armed groups in the northern regions signed in Ouagadougou on 18 June 2013.

First stages of the crisis in Mali

Against the backdrop of the Tuareg-led rebellion in the northern part of the country and the forcible seizure of power from the democratically elected Government of Mali by some elements of the Malian armed forces, the Council held a meeting on 26 March 2012.⁴⁷² At that meeting, the Council issued a presidential statement in which it expressed serious concern about the insecurity and rapidly deteriorating humanitarian situation in the Sahel region. The Council strongly condemned the forcible seizure of power by elements of the Malian armed forces, and called for the

restoration of constitutional order and the holding of elections as previously scheduled. The Council also condemned the attacks carried out by rebel groups against forces of the Government of Mali, and called upon the rebels to cease all violence and to seek a peaceful solution.⁴⁷³

On 4 April 2012, the Council held a meeting in the context of which it issued another presidential statement, in which it called upon the mutineers to ensure the safety and security of all Malian officials and demanded the immediate release of those detained.⁴⁷⁴ At the meeting, the representative of Mali recounted that northern Mali was occupied by Tuareg rebels and Salafists with hundreds of thousands of refugees and internally displaced persons living in unimaginable conditions. He commended the Council for the adoption of the presidential statement and asked for help to find a way out of the crisis. He further questioned the decision of the Economic Community of West African States (ECOWAS) to impose sanctions on Mali at a time when the country required help to find a way forward. He informed the Council that the military officers who had undertaken the coup had asked to engage in discussions in order to seek a national consensus to emerge from the crisis.⁴⁷⁵

On 5 July 2012, by resolution [2056 \(2012\)](#), the Council determined that the situation in Mali constituted a threat to international peace and security; it expressed its full support for the efforts of ECOWAS and the African Union and encouraged them to coordinate with the transitional authorities of Mali for the restoration of constitutional order. Acting under Chapter VII of the Charter, the Council demanded the cessation of hostilities by rebel groups in the north of Mali and requested the Secretary-General to provide support to ongoing mediation efforts, including through the good offices of his Special Representative for West Africa.

Speaking after the adoption of the resolution, the representative of ECOWAS stated that resolution [2056 \(2012\)](#) represented an important first phase in the political involvement of the international community in support of the efforts of ECOWAS. He also reiterated

⁴⁷⁰ Pursuant to the note by the President of the Security Council dated 20 December 2012 ([S/2012/961](#)), issues pertaining to Mali were, from that date, considered under the item entitled “The situation in Mali”, under which was subsumed the earlier consideration by the Council of those issues under the item entitled “Peace and security in Africa”.

⁴⁷¹ For more information, see part II, sect. II, “Agenda”; and part I, sect. 14, “Peace and security in Africa”.

⁴⁷² See [S/PV.6741](#).

⁴⁷³ [S/PRST/2012/7](#).

⁴⁷⁴ [S/PRST/2012/9](#).

⁴⁷⁵ [S/PV.6745](#), p. 3.