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ANNEX 29

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Security Council Briefing, 14 March 2013

Special Representative of the Secretary-General

and Head of UNSMIL, Tarek Mitri

Mr. President,

1. You have before you the Report of the Secretary-General on the United Nations Support Mission in Libya from 21 February. As the report provides details on the work of UNSMIL over the past six months, I will therefore focus my remarks on the most recent and critical developments.

2. On 17 February the Libyan people took to the streets across the country to mark the second anniversary of their revolution. On 15 and again on 17 February, thousands gathered in Benghazi's Freedom Square calling for an end to the political and socio-economic marginalisation of the east, and for greater stability.

3. Contrary to widespread concern, the 15 and 17 February events did not destabilise the country. The largely peaceful and celebratory demonstrations manifested a sense of pride in the promises augured by the revolution. Libya's political leadership is to be commended for its efforts to defuse tensions and provide efficient security measures. Both President El-Magariaf and Prime Minister Zeidan reached out across the political spectrum in the east. The anniversary was an opportunity for the Libyan political leadership to reiterate its commitment to transitional justice, national reconciliation through dialogue, reactivation of the economy and improvements in local governance, a key demand in the east.

Mr. President,

4. In my last briefing to the Council, I spoke of mounting public pressure on the General National Congress to expeditiously form a constitutional drafting assembly, and of the debate within the Congress about whether to appoint or elect members of this assembly.

5. As outlined in the report of the Secretary-General, on 6 February the General National Congress voted to leave in place Amendment 3 to the Constitutional Declaration, which required that members of the constitution drafting assembly be elected by popular vote. The

decision resolved a debate that had come to increasingly dominate the constitution-making process. However, a subsequent decision by the Supreme Court invalidated Amendment 3, on technical and procedural grounds. Therefore, an amendment of the Constitutional Declaration by the General National Congress is required in order to move forward in organizing the election of the Constitutional Drafting Assembly.

6. In anticipation, the High National Election Commission, with the assistance of the United Nations, intensified its effort to digitise the hard-copy voter register and undertake other institutional developments. It is hoped that the requisite legislation for the election of the sixty-member Assembly will be adopted without delay.

Mr. President,

7. During the last few weeks a political crisis resulted from the controversy over a proposed law on political isolation, proponents of which argue that it is a necessary tool to protect the revolution and ensure that those who corrupted public life in the past are excluded from holding public office.

8. While there is strong support for such a law in some quarters, the debate over its adoption has been politically divisive. In its current form, the draft law contains an extensive list of criteria, many of them based on affiliation, and would apply to a wide range of public office holders at national and local levels, including elected officials and the judiciary. The draft law is also silent on how it is to be implemented.

9. The legitimacy of adopting measures to exclude individuals who committed serious human rights violations from holding public office constitutes a valid transitional justice measure. However, in meetings with political leaders and Congress members, we have consistently urged caution on the adoption of the law, and highlighted international standards that ought to apply to any vetting mechanism. UNSMIL reiterated this message in a memorandum submitted to President El-Magariaf for further distribution to General National Congress members.

10. On 5 March, a special session by the General National Congress to discuss the draft law ended in disarray after protestors threatened to use force unless Congress members voted to adopt the draft law. I strongly deplored this armed intimidation of the General National Congress as well as the attempted assassination of President El-Magariaf. Following last

week's siege and violence, Mr El-Magariaf made it clear that the General National Congress would not reconvene under pressure or the threat of arms.

11. During the same week, the Al-Assima television station was stormed by armed men. Its director and five of its staff were kidnapped and released after. There were also attacks against other media organizations and journalists as well as against a Coptic Church in Benghazi and other places of worship. I strongly deplored all these acts of violence.

12. Prime Minister Zeidan declared unequivocally that the government will take measures so that armed intimidation of the General National Congress and the use of force to achieve political objectives are not repeated. He called on the Libyan people to stand with the government when it uses force against those who are breaking the law.

Mr. President,

13. When I last briefed the Council, I noted that the continued mistreatment and detention without due process of several thousand people remains a source of deep concern. I am pleased to note that the Government has taken measures to accelerate the screening of detainees and their transfer to state-controlled detention facilities.

14. For its part, UNSMIL continues to highlight the plight of detainees, particularly those held in secret detention facilities, including farms and private homes in the Tripoli area, and in other towns and cities across the country. We are equally concerned by allegations of a number of deaths in custody. The Minister of Justice has been responsive to our requests and to the advocacy efforts of various human rights organizations. The Minister of Interior announced his plans to confront illegal brigades and rogue elements suspected of involvement in kidnapping, detention and torture.

15. It is also worth acknowledging that the Libyan Government facilitated a visit by UNSMIL representatives to former Prime Minister al-Baghdadi al-Mahmoudi, following media reports suggesting he had sustained life-threatening injuries as a result of torture at a detention facility in Tripoli. Appearing to be in decent physical and mental condition, Mr. al-Mahmoudi unequivocally denied being mistreated. With regard to former intelligence chief Mr. Abdullah al-Senussi, the International Criminal Court issued a decision ordering the Libyan authorities to have him surrendered to The Hague. The authorities have since

appealed the order, and have signalled their intention to file a challenge to the admissibility of his case.

Mr. President,

16. The Secretary-General's report proposes the renewal of UNSMIL's mandate for another 12 months as an integrated special political mission, to continue its assistance to the State of Libya in defining the national priorities related to its democratic transition and efforts to build a modern, accountable state based on the rule of law and respect for human rights. The proposed mandate areas are fully consistent with the request of the Libyan authorities.

17. When I last briefed the Council, I noted that an International Ministerial Conference on Support to Libya would be convened in Paris, following on the senior officials' meeting in London last December. The Paris Conference, held on 12 February, was the first international high-level event convened on Libya following the revolution, and was an occasion for Libya's international partners to endorse the detailed priorities articulated by the Libyan Government in the form of a Security, Justice and Rule of Law Development Plan. The onus is now on the Libyan Government to take relevant policy decisions and create appropriate coordination structures that would contribute towards the implementation of its action plans.

Mr. President,

18. Despite the fact that the Libyan people have come a long way since the liberation of the country 17 months ago, the security problem remains formidable, and is arguably the predominant concern for most Libyans. Significant progress in improving the country's precarious security situation remains hampered by weak state institutions and security coordination mechanisms, as well as continuing mistrust of the State's security forces by many of those who fought during the revolution, most of whom remain armed. The country remains awash with unsecured weapons and munitions that continue to pose a regional security risk given Libya's porous borders.

19. Notwithstanding these difficulties, Prime Minister Zeidan's Government is resolved to move forward and to move forward expeditiously to enhance security and address the various problems pertaining to the proliferation of weapons and continued presence of armed

groups outside the legitimate control of the State. And UNSMIL will continue to provide assistance in this regard.

20. Given the legacy bequeathed to the Libyan people by the former regime, the process of democratic transition will surely face an array of obstacles requiring long-term responses. The past few weeks have seen an increased political polarisation in the debate over the draft political isolation law, and attempts to openly undermine the authority of the democratically-elected bodies and legitimate institutions of the State. I have consistently impressed upon Libya's political leadership that safeguarding Libya's democratic transition will require an inclusive dialogue leading to genuine national reconciliation.

Mr. President,

21. The Council is about to hear from Libya's first democratically elected Prime Minister. It has been a privilege for me and my colleagues to work with Prime Minister Zeidan and his Government. We appreciate their determination and strong commitment to build a modern, democratic and accountable state, based on rule of law and respect for human rights. UNSMIL is grateful to you Prime Minister Zeidan and to all the Ministers in his Government for fostering a relationship of confidence and close collaboration that enables UNSMIL to execute its mandate in the service of the Libyan people.

Thank you, Mr. President.