



Security Council Briefing, 29 January 2013 Special Representative of the Secretary-General and Head of UNSMIL, Tarek Mitri

Mr. President

1. Since my last briefing, Prime Minister Ali Zeidan and his cabinet have officially taken office. The Prime Minister appears to enjoy broad support from the General National Congress, political parties and the public. The new government expressed its determination to tackle the major internal problems facing the country. Equally, the Prime Minister has taken the initiative to enhance relations of cooperation and mutual respect with neighbours in the region as well as with other international partners.

2. In recognition of the importance of the Prime Minister's office in exercising leadership in policy implementation and ensuring coordination among the ministries, UNSMIL has been providing technical assistance in developing effective institutions and processes. Similar assistance has been provided to the General National Congress to support the establishment of internal structures.

3. Since my last briefing, the Libyan constitution-making process has gained increased political significance, with mounting public pressure on the General National Congress to move expeditiously on forming the constitution drafting body. The General National Congress has not yet determined whether the members of this body are to be appointed or elected. That this debate is intertwined with regional politics is evident. The General National Congress has formed a committee to organize public consultations around this important matter. UNSMIL is providing support to the work of the committee. Libyan civil society has also increased discussions on constitution-making procedures and on the constitution's content. UNSMIL continues to encourage inclusive dialogue on both sets of issues hoping to enhance progress in the process leading to the making of the constitution.

4. On 14 January, women members of the General National Congress announced the formation of a caucus, one of whose key aims is to ensure the fair representation of women on the constitutional drafting committee. UNSMIL has been supporting their efforts advocating women's rights and political participation.

5. In this context, I also recently met with representatives of the Amazigh, Tabu, and Tuareg communities, to discuss their demands that the government and the constitutional process address issues affecting their communities, including questions of Libyan identity, citizenship, political participation, and language rights.

Mr. President,



6. While the security situation in Libya remains precarious, efforts to reform the security sector have begun to assume greater coherence. On December 11th, the Minister of Interior announced his plans to develop and restructure the Ministry. His priorities include increasing police presence and visibility, moving gradually towards the integration of members of the Supreme Security Committee into the police and establishing a vetting mechanism aimed at instilling public confidence in the force. Since then, more than 20,000 revolutionary fighters, that is quite a figure, attached to Supreme Security Committee have individually enlisted in the Ministry and the training process has been set in motion. The plans of the government and those of the Minister of Interior in particular, have been met with resistance from certain revolutionary brigades who are not ready to surrender their weapons and be absorbed into state institutions. UNSMIL continues to offer, in a more coordinated and efficient manner, its technical advice on issues of demobilization and reintegration, training, national security policies, legal frameworks, organizational structure and budget.

7. On December 9th, the Borders, Petroleum and Critical Infrastructure Guards entity was placed under the command of the Army's Chief of the General Staff to ensure improved command and control of military operations. UNSMIL is supporting the government in developing a comprehensive defence policy, through the process called "Towards a Defence White Paper", facilitated in close consultation with concerned Ministers, leaders of the various military and security institutions, regional military commanders, General National Congress committees, non-governmental organizations and even former revolutionary fighters. The draft of this paper is expected in February.

8. UNSMIL and its partners in the international defence working group, continue to assist in the development of military education and training, personnel and pension reform, defence legislation and regulations, and media and communications capabilities. A number of experts have been embedded in the Ministry of Defence and Office of the Chief of the General Staff of the Army.

9. On 5 and 6 December, the World Health Organization facilitated national consultations in partnership with the Warriors Affairs Commission for Rehabilitation and Development, the Ministry of Health and Libyan universities to design a curriculum for a one-year course on psychosocial rehabilitation of former combatants and their families, to be launched in March of this year.

10. Various Libyan institutions with the help of the UN and other international partners continued to make significant progress in clearing unexploded ordnances and improving ammunition management. Risk education, including a Ministry of Education training of teachers programme is supported by UNICEF. However, much remains to be done. For the year 2013, the UN will require US\$21 million of voluntary funds to efficiently continue its activities.

Mr. President,



11. Security along Libya's borders remains a key concern given the current capacity limitations and the possible impact of recent developments in Mali. In early December, Prime Minister Zeidan visited Algeria, Chad, Niger and Sudan to discuss border security and ways to improve bilateral relations. This visit resulted in agreements on border security cooperation. On January 12th, the Prime Minister met with the Prime Ministers of Algeria and Tunisia in Ghadames and agreed to joint measures to combat organized crime, terrorism and smuggling across borders.

12. Meanwhile, discontent among the population in the south has increased with accusations of insufficient service delivery prompting a temporary walkout by some General National Congress members to draw attention to the issue. Libyan authorities at the highest level expressed, through visits and otherwise, their willingness to address these problems. Prior to that, my Deputy led a joint UNCT/UNSMIL mission to the south from 19th to 23rd November. They met with local authorities and representatives of civil society to look into humanitarian and development needs. Some of the findings were shared with officials in Tripoli.

Mr. President,

13. Despite some progress, the security situation remains problematic. On January 3rd, President el-Magariaf survived an assassination attempt during a visit to Sabha. On January 12th, unknown gunmen fired upon the vehicle of the Italian consul in Benghazi. Targeted attacks on security officials continue in the east. The head of Benghazi's police directorate and a top official in the city's Criminal Investigation Department have been killed. Police stations in Benghazi and Derna were attacked on many different occasions, as have police patrols.

14. The Ministry of Interior, supported by the Benghazi Local Council, has begun to implement a participatory security policy, involving citizens and tribal leaders aimed at creating the stability in Benghazi that Libyans desire. Benghazi residents organized a demonstration on December 28th in which they demanded an end to the attacks against security personnel and an investigation into the recent events, and, most important of all, the dissolution of all armed groups. In my meetings with the local council, non-governmental organizations, political parties and independent personalities during my visit to Benghazi, all emphasized the need for more effective implementation of the government's decisions to improve security in the east. They also expressed their deep feeling of marginalisation and called for genuine decentralization and for the election, rather than selection, of a constitutional drafting body.

Mr. President,

15. The security situation in the east poses a serious challenge to the government and threatens to derail its attempts to secure stability. Assassinations and attacks have to be viewed, primarily, in the context of the resistance of some armed groups to the state's attempt to re-establish its authority. The opposition of armed radical groups to the military intervention in Mali may exacerbate the situation given ideological and/or ethnic affiliations as well as porous borders in Libya. Senior Libyan officials whom I met recently stressed their concern over the situation in the east and pledged to provide better security to the diplomatic community and the citizens of Benghazi.

Mr. President,



16. In my last briefing, I reported on the situation in Bani Walid which has since stabilized. Our human rights team is continuing to follow-up on alleged human rights violations committed during and in the aftermath of the conflict. A documented report has been completed and I will present it upon my return to the Libyan authorities.

17. Events in Bani Walid and elsewhere highlighted the urgent need to promote reconciliation and transitional justice. In December, the UN in collaboration with the Ministry of Justice and relevant government entities held two conferences on reconciliation and transitional justice. A new draft law on transitional justice, introduced by the Minister of Justice, provides for a more coherent truth-seeking mechanism, clearer provisions of criminal accountability, and expanded provisions on compensation.

18. Various efforts towards holding together the need for national reconciliation and the imperative of justice are likely to be affected by tensions that may be created or exacerbated by the divisive character of certain thorny issues. Following the exclusion from public positions of persons associated with the previous regime of Qadhafi, on the basis of reviews by the Commission on Integrity and Patriotism, there is a strong drive among certain political forces to take this even further. On December 26th and following the proposal of some of its members, the General National Congress discussed the adoption of a law on “political isolation” as they call it, and formed a committee to make a proposal. UNSMIL encourages consultations on this proposal, looking carefully into possible undesirable effects on reconciliation, social cohesiveness and political pluralism. We affirm that the distinction between personal misconduct and affiliation need not be overshadowed by the desire to be receptive to a popular demand. Any law should also provide sufficient due process guarantees for those whose rights are affected.

19. The continued detention without due process and mistreatment of several thousand people stemming from the conflict remains a source of deep concern. While there has been some progress in the screening and processing of conflict-related detainees, this has remained limited in scope. UNSMIL continues to urge the Libyan authorities to accelerate the screening of these detainees, the release of those against whom there is insufficient evidence, and the transfer of detainees to state-controlled facilities. Additionally, UNSMIL continues to advise Libyan authorities on prison reform. UNSMIL has also commenced weekly meetings with the General National Congress human rights committee and held additional trainings of civil society organizations.

20. UNSMIL continues to advise the Prosecutor’s General Office on the implementation of an overall prosecutorial strategy, with a focus on cases of those with a high level of responsibility or those responsible for serious crimes. In that regard, on 1 January the General Prosecutor’s Office announced that it has made significant progress in its investigations against Saif Al-Islam Qadhafi and Abdullah Al-Senussi. Saif al-Islam Gadhafi appeared before the criminal court in Zintan on January 17th on charges of undermining state security and attempting to escape from prison. The hearing did not include, for the time being, any crimes related to the conflict. The trial of Mahmoud Al-Baghdadi, former Secretary of the General People’s Committee of the Prime Minister under Qadhafi, commenced on November 12th. The court adjourned until February 11th to allow the defence additional time to summon witnesses.



21. On December 17th, the United Kingdom government hosted an international meeting with the participation of Libyan officials from the Ministries of Foreign Affairs, Defense, Interior, Justice and the intelligence to discuss international assistance to Libya in its reform of the security sector and institution building in the justice sector. The Libyan government had the opportunity to present its priorities for international assistance in these areas. The meeting, attended by officials of Denmark, France, Germany, Italy, Qatar, UK, the United Arab Emirates, the USA, Turkey as well as the European Union and the United Nations, endorsed these priorities, emphasized the importance of coordination, and identified specific international assistance needed to realize progress. A Ministerial conference will be held in Paris in February and UNSMIL will continue to assist the Libyan authorities in getting prepared for the conference and will be ready to assume its responsibilities in ensuring proper coordination in following up on the decisions of the Paris conference.

Mr. President,

22. While the determination of the authorities and its many initiatives may augur greater capability of moving forward in institution building, it is worth insisting that many difficult decisions have, yet to be taken in the areas of constitution-making, transitional justice, reconciliation and, it goes without saying, security sector reform. In going forward, broad based support to these decisions is necessary. Equally necessary is consensus-seeking on national priorities in this critical phase of democratic state building. For this purpose, Libyan authorities, political forces, community and tribal leaders, revolutionaries and civil society organizations should engage in a process of national dialogue. UNSMIL is committed to assist in this endeavour.

Thank you Mr. President.