



# Security Council

Sixty-eighth year

*Provisional***7075**<sup>th</sup> meeting

Monday, 9 December 2013, 10.05 a.m.

New York

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*President:* Mr. Araud . . . . . (France)

*Members:*

Argentina . . . . .	Mr. Oyarzábal
Australia . . . . .	Ms. King
Azerbaijan . . . . .	Mr. Mehdiyev
China . . . . .	Mr. Liu Jieyi
Guatemala . . . . .	Mr. Rosenthal
Luxembourg . . . . .	Ms. Lucas
Morocco . . . . .	Mr. Loulichki
Pakistan . . . . .	Mr. Masood Khan
Republic of Korea . . . . .	Mr. Sul Kyung-hoon
Russian Federation . . . . .	Mr. Pankin
Rwanda . . . . .	Mr. Gasana
Togo . . . . .	Mr. Menan
United Kingdom of Great Britain and Northern Ireland . . . . .	Sir Mark Lyall Grant
United States of America . . . . .	Ms. Power

## Agenda

The situation in Libya

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*The meeting was called to order at 10.05 a.m.*

### Adoption of the agenda

*The agenda was adopted.*

### The situation in Libya

**The President** (*spoke in French*): In accordance with rule 37 of the Council's provisional rules of procedure, I invite the representative of Libya to participate in this meeting.

In accordance with rule 39 of the Council's provisional rules of procedure, I invite Mr. Tarek Mitri, Special Representative of the Secretary-General and Head of the United Nations Support Mission in Libya, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

At this meeting, the Security Council will hear briefings by Mr. Tarek Mitri and Mr. Eugène-Richard Gasana, Permanent Representative of Rwanda, in his capacity as Chair of the Security Council Committee established pursuant to resolution 1970 (2011) concerning Libya.

I give the floor to Mr. Mitri.

**Mr. Mitri** (*spoke in French*): The security situation in Libya remains precarious. Worry and discontent among the civilian population has increased significantly. In recent weeks, mass demonstrations in Tripoli, Benghazi and Darnah have given the people an opportunity to express their frustration loudly and clearly about the political process and their distrust of the brigades.

*(spoke in English)*

In Tripoli, public anger directed against the revolutionary brigades and other armed groups has been further fueled by frequent clashes among them. A minor dispute quickly escalated into fierce fighting that spread through the capital. Prompted by calls, including from the Tripoli local council, for mass protests to demand the withdrawal of armed groups from the capital, demonstrators took to the streets, following Friday prayers on 15 November, and marched on compounds in the Gharghour district held by revolutionary brigades from Misrata. Tragically, 46 people lost their lives, and another 516 were injured. Large groups of the population were mobilized into a campaign of civil

disobedience demanding the evacuation of all armed formations. Bowing to public pressure, Misrata forces have since announced their withdrawal from the city. A number of other brigades have also vacated premises that they had previously occupied.

There has also been a wave of protests in Benghazi demanding the eviction of armed brigades and the reconstitution of the police and army. That public outcry comes against a backdrop of unprecedented levels of insecurity over the past few weeks, with assassinations and abductions of security and State officials appearing to intensify in both Benghazi and Darnah. The authorities appointed a military commander for Benghazi charged with the task of restoring stability to the city and its surrounding areas, followed by a large-scale deployment of Libyan army units. Despite those measures, there are still serious problems to be overcome. On 18 November, Benghazi's military commander survived an assassination attempt, seen as a continuation of the sustained targeting of symbols of State authority. Heavy fighting erupted in Benghazi on 25 November between special-forces units and the Ansar Al-Sharia brigades. The official death toll was put at nine, in addition to an undisclosed number of Ansar Al-Sharia casualties. While there is a negotiated truce, it remains tenuous, given reports of subsequent killings targeting members of the special forces.

Despite the efforts of the Government to quickly deploy army units in Tripoli to prevent a security vacuum, the weak capacity of State military and policy institutions remains a serious problem. Doubts also remain as to how comprehensive or lasting some of the recent moves will be. The events of the past month have again highlighted the need for dialogue with the main armed groups. At present, we believe that it is essential for all parties to engage in dialogue and create the right balance of incentives in order to stimulate a comprehensive process of the reintegration and eventual disarmament of the armed groups, ultimately moving towards the establishment of a State monopoly on the use of armed force.

In the context of the insecurity that has prevailed for many months, the United Nations Support Mission in Libya (UNSMIL) has asked that protection of its premises be strengthened, which is a standard measure for diplomatic missions and international and regional bodies in Libya and elsewhere. The Secretary-General's request for a guard unit to be sent to Tripoli and the Council's response to the request were grossly

misunderstood by groups in Libya, some going as far as to suspect that the proposed arrangement was a prelude to an international intervention. The Libyan Government and UNSMIL issued clarifications and found themselves forced to state the obvious. We will have to spare no effort in dispelling misinterpretations and suspicions, no matter how unjustified they may seem, and in reaffirming the role of the United Nations Support Mission in Libya, which is committed to the full respect of the country's national sovereignty.

The situation of the 8,000 conflict-related detainees remains a source of concern. The majority continue to be held by armed brigades, awaiting judicial process. Prolonged detention and interrogation in the absence of effective State control or oversight has created an environment conducive to torture and other forms of ill-treatment. UNSMIL has found hard evidence of torture, with 27 deaths in custody recorded since the end of the conflict, 11 of which took place this year. Our report on torture, "Torture and deaths in detention in Libya", released in October by UNSMIL and the Office of the High Commissioner for Human Rights, has received notable attention in Libya, and the Government has welcomed its recommendations. We do take heart from the improvement in the conditions of detention facilities that have been placed under the authority of the newly trained officers of the judicial police. In that regard, UNSMIL will continue its monitoring work and its efforts to assist the judicial police in developing its capacity to manage all detention centres in line with international human-rights standards.

I am pleased to report that a new law on transitional justice was promulgated last week by the General National Congress. It includes provisions on truth-seeking and reparations for victims and requires that detainees be released or handed over to the judiciary within 90 days of its promulgation. UNSMIL provided extensive comments, based on best practices, and some of them were duly taken into account. In a related context, I welcome the recent release of four senior leaders of the Warfalla tribe, held for more than a year in the city of Al-Zawiyah without charge or trial. Similar initiatives will undoubtedly contribute to the process of establishing the rule of law and achieving national reconciliation.

Since my briefing of the Council on 4 November on the control of man-portable surface-to-air missiles (MANPADS) and uranium fissile material, otherwise known as yellowcake, UNSMIL has received preliminary

information, but has requested the Libyan authorities to share more documentation on the MANPADS that are subject to its control. In addition, the Mission hopes to see greater cooperation with international partners on issues of arms proliferation. With respect to yellowcake, we have received information indicating that 6,400 barrels are stored in a non-functioning former military facility close to Sabha, in the South. They are under the control of a Libyan army battalion.

With UNSMIL support, an inspection team from the International Atomic Energy Agency will visit this month to verify existing stockpiles and conditions of storage. Further to the verified destruction in April and May 2013 of almost nine metric tons of mustard gas, an inspection team from the Organization for the Prohibition of Chemical Weapons is expected to visit later this month to observe and verify the destruction of chemical weapons, in line with Libya's obligations under the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction. The Prime Minister has established an interministerial committee tasked with developing a national arms and ammunition management strategy, and UNSMIL will be closely assisting in that regard.

Progress towards the election of a 60-member constitution-drafting assembly remains steady, with the nominations process having closed on 7 November with a total of 700 registered candidates, including 74 women who will contest the six seats reserved for women. A vetting process with the right to appeal is now under way. The preliminary candidate lists were published on 7 December. With the support of UNSMIL, a joint action plan has been developed by a newly established national women's network to empower women and strengthen their participation in the political process, particularly the upcoming elections.

Although the first phase of voter registration commenced on 1 December, the High National Election Commission remains cautious about committing itself to a firm date for polling. That is partly a result of the Amazigh community's boycott of nominations. Notwithstanding the fact that six seats have been reserved for cultural and ethnic minority groups, a resolution of the disagreement over constitutional guarantees on minority rights awaits an acceptable compromise solution.

In view of the continued absence of political agreement on the tenure of the General National

Congress, in November I convened a consultative meeting of 40 leaders of major political forces, women and other independent personalities to explore options for the management of the democratic transition. As with the first consultation I had convened a month earlier, the exchanges were markedly frank, but also reflected a shared desire among all participants to reach an agreement on the way forward that would be grounded in a commitment to the democratic process and conscious of the need to prevent a political vacuum at all costs.

In my previous briefings to the Council, I have underlined the important role that an inclusive national dialogue can play in defusing excessive political polarization and producing a shared vision for the future — both the immediate future and a longer-term one. A number of national dialogue initiatives have been announced over the past few months, and UNSMIL continues to underscore the need for a single process that enjoys the acceptance of all parties.

*(spoke in French)*

UNSMIL continues to contribute to preparations for the national dialogue by providing advice and technical assistance. Those efforts have made some progress. In November, we held a training session on dialogue and discussion among the representatives of the various political groups. I am heartened by the interests voiced by our Libyan interlocutors and their appreciation for UNSMIL's role in that respect. We were urged to be fully committed to that effort, and I can assure the Council that we shall be.

**The President** *(spoke in French)*: I thank Mr. Mitri for his briefing.

I give the floor to Mr. Gasana.

**Mr. Gasana** (Rwanda): In accordance with paragraph 24 (e) of resolution 1970 (2011) of 26 February 2011, I have the honour to report to the Security Council on the work of the Committee established pursuant to that resolution. The report covers the period from 17 September to 9 December, during which time the members of the Committee met once, in informal consultations.

In informal consultations on 6 November, the Committee received an update from the Panel of Experts on Libya on its work since the submission of the Panel's interim report in July, and met the new coordinator and arms expert of the Panel. The Panel

deplored the difficulties it had encountered in obtaining responses from certain Member States to requests for visits, despite assistance from the Committee, which had dispatched follow-up letters to six Member States in that regard. Regarding the Panel's travel activities, the Panel reported on visits to five Member States, including three trips to Libya, a visit to INTERPOL headquarters and its attendance at a conference of the Arab Forum on Asset Recovery.

With regard to the monitoring of the implementation of sanctions measures, the Panel reported that it was both monitoring and making enquiries concerning individuals designated under the travel ban. Regarding the arms embargo, the Panel remained concerned over the continued reports of violations of the arms embargo both from and to Libya. With regard to notified transfers to Libya, the Panel said that it had duly focused on Libya's efforts to create effective and efficient procurement systems. With reference to the assets freeze, the Panel highlighted its ongoing concern and enquiries regarding the capability of a significant number of Member States to implement and comply with United Nations asset freeze measures.

Also during the informal consultations on 6 November, the Committee discussed pending matters, the Libyan arms procurement process and an issue concerning a storage facility in Sabha, Libya, where, reportedly, a large number of man-portable air defence systems and yellowcake were stored, among other things, and on which informal consultations of the Security Council had taken place on 4 November. The Panel provided additional information on that issue, highlighting the work of the United Nations Support Mission in Libya and the United Nations Mine Action Service in securing stockpiles, and opining that the yellowcake posed no significant security risk without extensive processing, which required national facilities. Finally, I updated the Committee on the status of the INTERPOL-United Nations Security Council Special Notice agreement, reporting that Notices had been published for 17 individuals and the two entities on the Committee's list, while three entries lacked the required minimum identifiers for issuing Special Notices.

Lastly, I would like to provide some updated statistics on the issues dealt with by the Committee since the most periodic report to the Council (see S/PV.7031). In relation to the arms embargo, the Committee received two notifications on which no negative decision was taken. The Committee also responded to two requests

for guidance from Member States and received one inspection report from a Member State pursuant to paragraph 13 of resolution 1970 (2011) and paragraph 15 of resolution 1973 (2011) relating to the arms embargo measures.

**The President** (*spoke in French*): There are no more names inscribed on the list of speakers. I now invite Council members to informal consultations to continue our discussion on the subject.

*The meeting rose at 10.30 a.m.*