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**Security Council Briefing, 17 July 2014**

**Special Representative of the Secretary-General**

**and Head of UNSMIL, Tarek Mitri**

Mr. President, Esteemed Members of the Security Council,

1. When I last briefed the Council six weeks ago, I referred to the growing fear among Libyans about the prospect of a protracted conflict. The quick pace with which developments have unfolded in Tripoli over the past couple of weeks are a reflection of the deeply fractured political scene which continues to hang heavily over the country, undermining the country's fledgling political process.

2. In fact, we are in the middle of an all-out confrontation between two major rival groups in the Libyan capital. This confrontation, born out of deep political polarization, is playing itself out at the country's international airport. What initially started as a minor incident on 5 July between elements from rival brigades at a checkpoint in the Janzour area of Tripoli, where the UNSMIL compound is located, rapidly escalated into a series of major clashes across a number of areas in the capital. Much of the fighting within the past week has focused on attempts by different armed groups to assert control over Tripoli's international airport. The battles have caused disruption to air traffic and all air travel through has since been suspended. A call from the country's interim government for immediate and unconditional ceasefire has so far gone unheeded. The Government is also calling for a strong stance by the international community.

3. As the number of military actors mobilizing and consolidating their presence within the capital continues to grow, there is a mounting sense of a probable imminent and significant escalation in the conflict. The stakes are high for all sides.

4. In the East, there has been a marked escalation of confrontations in the last couple of days. Benghazi's international airport has been repeatedly shelled and is inoperational. Against the backdrop of continued military operations between forces under the command of retired Army General Khalifa Haftar and those groups he has labeled as terrorists, the campaign of assassinations and abductions targeting civic and political activists, as well as security and judicial personnel has been unforgiving. On the day of the elections a prominent human rights and political activists. Salwa Bughaigis was stabbed and shot dead in her



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Benghazi residence. Her husband who was with her has gone missing and their guard was subsequently killed in custody. The assassination was very shocking even if the country has been witnessing daily violence.

Mr. President,

5. The recent fighting in Tripoli and around the international airport brought the war closer to UNSMIL's compound, which took direct hits from medium and high-caliber machine guns. We were at a grave risk of being caught up in a military showdown amid indications and warnings that the fighting around our compound could intensify.

6. In view of the deteriorating situation in the capital and the closure of Tripoli International Airport, the increased security risk faced by UNSMIL and implications on the ability of its staff to carry out their work, a decision has been taken first to reduce and ultimately to withdraw the international staff in the country. It was not an easy decision. We made it clear that it would not be possible for UNSMIL to carry out its work while at the same time ensure the safety and security of our 160 international staff who were present in Tripoli.

7. The risk was such that staff were ordered to move between accommodations and offices wearing body armour and helmets, an unprecedented measure for us in Tripoli. Staff were confined to the compound for days as a result.

8. On 13 and 14 July two large groups of international staff were evacuated by road to Tunisia in convoys of armoured vehicles, leaving a small group in Tripoli. This is a temporary move and will be reviewed as soon as there is an improvement in security. Libyan authorities were informed and expressed their full understanding of the move.

Mr. President,

9. The unfolding military developments in Tripoli over the past couple of weeks have cast a shadow over the election on 25 June of the 200-member Council of Representatives, to replace the General National



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Congress. Unlike the previous legislative elections 2012, the electoral law did not have any provision for proportional representation of political parties. candidates had to run on individual basis, mostly. 32 of the Council seats were reserved for women.

10. A little more than forty percent of the 1.5 million registered Libyans went to the polls on Election Day to elect from among the 1,714 candidates. 97% of polling centres opened their doors for voting; there was no polling, however, in the eastern city of Derna; some of the "components" constituencies in areas to the west of Tripoli, as well as in Kufra, boycotted the election. Polling in some 24 centres across the country were impacted by acts of violence, notably in Benghazi, Sabha, Zawiya, Sirte and Awbari. One candidate was killed. Due to disruption in polling, a total of 12 seats representing six sub-constituencies will remain vacant until polling takes places in those areas.

11. Following the announcement of preliminary results on 6 July, 41 candidates were disqualified in accordance with the Law on Political and Administrative Isolation. Final results are expected on 20 July.

Mr. President,

12. In my briefing to the Council last month, I spoke of my intention to convene a meeting that would bring representatives of the major Libyan actors with the aim of forging an agreement on a number of issues central to the transition process. These would have included principles of political interaction, national priorities for the remainder of the transitional period, and on ways of addressing immediate security and other divisive issues.

13. In preparing for this meeting, which we had hoped would be in the form of a political dialogue to take place a week ahead of the legislative elections, UNSMIL liaised and consulted closely with all the major Libyan parties and groups, in addition to the government and as well as with the special envoys for Libya, on arrangements and possible outcomes.

14. Preliminary drafts of preparatory documents were leaked, distorted and misinterpreted by some media outlets. More importantly, some major participants, who had initially given a positive response, expressed their reluctance to engage in what they thought was an untimely dialogue that would benefit their



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political opponents. The media controversy, some of it had turned into defamation against my person, reduced further the possibility of convening a dialogue ahead of the parliamentary elections. Following consultations, including with the special envoys, I decided to postpone the convening of a political dialogue meeting. Regrettably, an opportunity was missed and, with the present armed confrontation continuing, it may become more difficult to bring conflicting forces to the dialogue table. The UN, and other international or regional actors, have called for cessation of violence. UNSMIL continues to have contacts with various parties and groups in an attempt at de-escalation.

Mr. President,

15. Since my last briefing UNSMIL has resumed attending the trial sessions in Tripoli of Saif al-Islam Qadhafi, Abdullah al-Senussi, and 35 other former regime persons. The trial so far has dealt primarily with procedural issues relating to access to defence counsel. I take this opportunity to underscore the need for proper legal representation for all defendants, as well as for complete access by the defence counsel to clients and case files.

16. In this regard, I would like to point out that both Saif al-Islam Qadhafi and Abdullah al-Senussi have been unable to access their legal counsel representing them before the International Criminal Court. This is of particular concern given the 31 May decision of the Appeals Chamber of the International Criminal Court which upheld the admissibility of the case against Saif al-Islam Qadhafi. The Court has confirmed that Libya must hand over Saif al-Islam Qadhafi, while also noting that it is considering the case of Mr. al-Senussi. Libya remains under an obligation to cooperate with the Court.

Mr. President,

17. I would like to take the opportunity today to highlight the on-going plight of an ever increasing number of migrants, asylum-seekers and refugees who continue to undertake the perilous sea journey in their quest to reach Europe from Libya.

18. Moreover, thousands of migrants in Libya continue to face widespread and prolonged detention, usually with no means to challenge their detention. They are held in extremely poor conditions characterised



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by chronic overcrowding and a lack of basic sanitary conditions. There is also ill-treatment and work exploitation.

19. In the absence of a proper protection framework in Libya, this detention practice tends to fuel human trafficking towards Europe. It has become clear that border control measures are not sufficient to address this issue, and that urgent action is needed to reduce the use of detention and to improve conditions in detention centres. Furthermore, the role of the United Nations High Commissioner for Refugees would need to be formalized, and a registration and status determination process for refugees introduced without delay.

Thank you.