

**Statement by Ambassador Hardeep Singh Puri, Permanent Representative of India  
at the UN Security Council briefing on Libya (ICC), 2nd November 2011**

Thank you, Mr President.

At the outset, I would like to congratulate you on assuming the Presidency of the Security Council for the month of November. I wish to assure you and through you your delegation of my delegation's full cooperation in smooth transaction of the work of the Council during this month. I would also like to thank the Permanent Representative of Nigeria, Ambassador Joy Ogwu, and her delegation for her successful stewardship of the work of the Council during the month of October.

2. I would like to thank the Prosecutor, Mr Luis Moreno-Ocampo, for his briefing today. We have also taken note of his second report to the Security Council submitted pursuant to paragraph 7 of Resolution 1970.

3. Mr President, even at the risk of sounding repetitive, it is necessary to reiterate that India is not a signatory to the Rome Statute, and not a member of the International Criminal Court (ICC) for reasons that are well known. It is also important to note that of the 193 members of the United Nations, only 119 are States Parties to the Rome Statute of the ICC. 5 of the 15 members of the Council, including 3 Permanent Members, are not parties to the Rome Statute. We, however, support the rights and obligations of the States who are members of the ICC.

4. The situation in Libya, Mr President, has significantly changed since the Prosecutor's last report and his briefing to the Security Council. During the eight months that the conflict continued in Libya, there have been a large number of deaths and destruction on a massive scale. Proliferation of weapons has emerged as a major problem posing threat to stability in Libya as well as in the larger region. The time has come for the new authorities in Libya to exert their sovereignty and independence and undertake an inclusive political process aimed at achieving national reconciliation, peace, security and stability in the country. The international community, including the Security Council and the ICC, should fully assist the Libyan authorities in this process. This inclusive approach to national reconciliation, anchored in state sovereignty, is the only way to overcome the multitude of problems that Libya is facing in the present, the ostensible post-conflict scenario.

5. Mr President, we have noted that the ICC Prosecutor's immediate goal is to complete the investigation into the alleged crimes against humanity and war crimes. The Prosecutor's Office is also progressing in the investigations on gender crimes and is examining information related to attacks on migrant workers.

6. We expect that the Prosecutor will carry out a thorough and impartial investigation into all alleged crimes by all parties to the conflict in Libya. The Prosecutor must not be influenced by non-judicial considerations and focus his attention solely on prosecution without diversion due to extraneous considerations. All those responsible for committing crimes, covered under the Rome Statute, should be held accountable, irrespective of which side to the conflict they may belong to. Political or other non-judicial considerations should not exonerate anybody from prosecution for the crimes committed.

7. Last but not the least, Mr President, it is also important to ensure that all actions by the ICC Prosecutor should fall strictly within the ambit of Resolution 1970, particularly paragraph 6 of the resolution that concerns the States that are not parties to the Rome Statute.

Thank you, Mr President.

BACK TO SECURITY COUNCIL