

Draft SCR on Libya

The Security Council,

Expressing grave concern at the situation in Libya and condemning the violence and use of force against civilians,

Deploring the gross and systematic violation of human rights, including the repression of peaceful demonstrators, expressing deep concern at the deaths of civilians, and rejecting unequivocally the incitement to hostility and violence against the civilian population made from the highest level of the Libyan government,

Welcoming the condemnation by the Arab League, the African Union, and the Secretary General of the Organization of the Islamic Conference of the serious violations of human rights and international humanitarian law that are being committed in Libya,

~~*Taking note of the letter to the President of the Security Council from the Permanent Representative of the Libyan Arab Jamahiriya dated 26 February 2011.*~~

Welcoming the Human Rights Council resolution A/HRC/S-15/L.1 of 25 February 2011, including the decision to urgently dispatch an independent international commission of inquiry to investigate all alleged violations of international human rights law in Libya, to establish the facts and circumstances of such violations and of the crimes perpetrated, and where possible identify those responsible,

Considering that the widespread and systematic attacks currently taking place in Libya against the civilian population may amount to crimes against humanity,

~~*Expressing concern at the plight of refugees forced to flee the violence in Libya,*~~

Expressing concern ~~also~~ at the reports of shortages of medical supplies to treat the wounded,

Recalling the Libyan authorities' responsibility to protect its population,

Underlining the need to respect the freedoms of peaceful assembly and of expression, including freedom of the media,

Stressing the need to hold to account those responsible for attacks, including by forces under their control, on civilians,

~~*Recalling article 16 of the Rome Statute under which no investigation or prosecution may be commenced or proceeded with by the International Criminal Court for a period of 12 months after a Security Council request to that effect.*~~

Expressing concern for the safety of foreign nationals and their ~~property~~ rights in Libya,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and national unity of Libya.

~~Mindful of its primary responsibility for the maintenance of international peace and security under the Charter of the United Nations,~~

~~acting under Chapter VII of the Charter of the United Nations and taking measures under Article 41,~~

1. *Demands* an immediate end to the violence and *calls* for steps to fulfil the legitimate demands of the population;
2. *Urges* the Libyan authorities to:
 - (a) act with the utmost restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;
 - (b) ensure the safety of all foreign nationals and their assets and facilitate the departure of those wishing to leave the country;
 - (c) ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country; and
 - (d) immediately lift restrictions on all forms of media;

OP2bis: *Requests* all Member States, to the extent possible, to cooperate in the evacuation of those foreign nationals wishing to leave the country;

ICC Referral

3. *Decides* to refer the situation in Libya since 15 February 2011 to the Prosecutor of the International Criminal Court;
4. *Decides* that the Libyan authorities shall cooperate fully with and provide any necessary assistance to the Court and the Prosecutor pursuant to this resolution and, while recognizing that States not party to the Rome Statute have no obligation under the Statute, urges all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;

~~5. *Urges* all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;~~

6. *Decides* that nationals, current or former officials or personnel from a State outside Libya which is not a party to the Rome Statute of the International Criminal Court shall be subject to the exclusive jurisdiction of that State for all alleged acts or omissions arising out of or related to operations in Libya established or authorized by the Council, unless such exclusive jurisdiction has been expressly waived by the State;

7. *Invites* the Prosecutor to address the Security Council within two months of the adoption of this resolution and every six months thereafter on actions taken pursuant to this resolution;
8. *Recognizes* that none of the expenses incurred in connection with the referral, including expenses related to investigations or prosecutions in connection with that referral, shall be borne by the United Nations and that such costs shall be borne by the parties to the Rome Statute and those States that wish to contribute voluntarily;

Arms Embargo

9. *Decides* that all Member States shall immediately take the necessary measures to prevent the direct or indirect supply, sale or transfer to Libya, from or through their territories or by their nationals, or using their flag vessels or aircraft, of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, and technical assistance, training, financial or other assistance, related to military activities or the provision, maintenance or use of any arms and related materiel, including the provision of armed mercenary personnel whether or not originating in their territories, and *decides* further that this measure shall not apply to:
- (a) Supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, as approved in advance by the Committee established pursuant to paragraph 23 below;
 - (b) Protective clothing, including flak jackets and military helmets, temporarily exported to Libya by United Nations personnel, representatives of the media and humanitarian and development works and associated personnel, for their personal use only; or
 - (c) Other sales or supply of arms and related materiel, or provision of assistance or personnel, as approved in advance by the Committee;
10. *Decides* that Libya shall cease the export of all arms and related materiel and that all Member States shall prohibit the procurement of such items from Libya by their nationals, or using their flagged vessels or aircraft, and whether or not originating in the territory of Libya;
11. *Calls upon* all States, in particular States neighboring Libya, to inspect, in accordance with their national authorities and legislation and consistent with international law, in particular the law of the sea and relevant international civil aviation agreements, all cargo to and from Libya, in their territory, including seaports and airports, if the State concerned has information that provides reasonable grounds to believe the cargo contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 or 10 of this resolution for the purpose of ensuring strict implementation of those provisions;
12. *Decides* to authorize all Member States to, and that all Member States shall, upon discovery of items prohibited by paragraph 9 or 10 of this resolution, seize and dispose (such as through destruction, rendering inoperable, storage or transferring to a State other than the originating or destination States for disposal) items the supply, sale, transfer or export of which is

prohibited by paragraph 9 or 10 of this resolution and *decides further* that all Member States shall cooperate in such efforts;

13. *Requires* any Member State when it undertakes an inspection pursuant to paragraph 11 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspections, the results of such inspections, and whether or not cooperation was provided, and, if prohibited items for transfer are found, *further requires* such Member States to submit to the Committee, at a later stage, a subsequent written report containing relevant details on the inspection, seizure, and disposal, and relevant details of the transfer, including a description of the items, their origin and intended destination, if this information is not in the initial report;

14. *Encourages* Member States to take steps to strongly discourage their nationals from traveling to Libya to participate in activities on behalf of the Libyan authorities that could reasonably contribute to the violation of human rights;

Travel ban

15. *Decides* that all Member States shall take the necessary measures to prevent the entry into or transit through their territories of individuals listed in Annex I of this resolution or designated by the Committee established pursuant to paragraph 23 below, provided that nothing in this paragraph shall oblige a State to refuse its own nationals entry into its territory;

16. *Decides* that the measures imposed by paragraph 15 above shall not apply:

- (a) where the Committee determines on a case-by-case basis that such travel is justified on the grounds of humanitarian need, including religious obligation;
- (b) where entry or transit is necessary for the fulfilment of a judicial process;
- (c) where the Committee determines on a case-by-case basis that an exemption would further the objectives of peace and national reconciliation in Libya and stability in the region; or
- (d) where a State determines on a case by case basis that such entry or transit is required to advance peace and stability in Libya and the States subsequently notifies the Committee within forty-eight hours after making such a determination;

Asset Freeze

17. *Decides* that all Member States shall freeze without delay all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the individuals or entities listed in Annex II of this resolution or designated by the Committee established pursuant to paragraph 23 below, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, and *decides further* that all Member States shall ensure that any funds, financial assets or economic resources are prevented from being made available by their nationals or by any individuals or entities within their territories, to or for the benefit of the individuals or entities listed in Annex II of this resolution or individuals designated by the Committee;