



## Security Council

Provisional  
16 March 2011

Original: English

France: draft resolution

*The Security Council,*

*Recalling its resolution 1970 (2011) of 26 February 2011,*

*Deploring the failure of the Libyan authorities to comply with resolution 1970 (2011),*

*Expressing grave concern at the deteriorating situation, the escalation of violence, and the heavy civilian casualties,*

*Reiterating the responsibility of the Libyan authorities to protect the Libyan population and reaffirming that parties to armed conflicts bear the primary responsibility to take all feasible steps to ensure the protection of civilians,*

*Condemning the gross and systematic violation of human rights, including arbitrary detentions, enforced disappearances and summary executions,*

*Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and urging them to comply with their obligations under international humanitarian law as outlined in resolution 1738 (2006),*

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

*Recalling paragraph 26 of resolution 1970 (2011) in which the Council expressed its readiness to consider taking additional appropriate measures, as necessary to facilitate and support the return of humanitarian agencies and make available humanitarian and related assistance in the Libyan Arab Jamahiriya,*

*Expressing its determination to ensure the protection of civilians and civilian populated areas and the rapid and unimpeded passage of humanitarian assistance and the safety of humanitarian personnel,*

*Recalling the condemnation by the League of Arab States, 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 have been and are being committed in the Libyan Arab Jamahiriya,*

*Taking note of the final communiqué of the Organisation of the Islamic Conference of 8 March 2011, the communiqué of the Peace and Security Council of*

the African Union of 10 March 2011 which established an ad hoc High Level Committee on Libya,

*Taking note also* of the decision of the Council of the League of Arab States of 12 March 2011 to call for the imposition of a no-fly zone over the Libyan Arab Jamahiriya, and to establish safe areas in places exposed to shelling as a precautionary measure that allows the protection of the Libyan people and foreign nationals residing in the Libyan Arab Jamahiriya,

*Taking note further* of the Secretary-General's call on 16 March 2011 for an immediate cease-fire,

*Recalling* its decision to refer the situation in the Libyan Arab Jamahiriya since 15 February 2011 to the Prosecutor of the International Criminal Court, and *stressing* that those responsible for or complicit in attacks targeting the civilian population, including aerial and naval attacks, must be held to account,

*Reiterating its concern* at the plight of refugees and foreign workers forced to flee the violence in the Libyan Arab Jamahiriya, *welcoming* the response of neighbouring States, in particular Tunisia and Egypt, to address the needs of those refugees and foreign workers, and *calling on* the international community to support those efforts,

*Deploring* the continuing use of mercenaries by the Libyan authorities,

*Considering* that the establishment of a ban of all flights in the airspace of the Libyan Arab Jamahiriya constitutes an important element for the protection of civilians as well as the safety of the delivery of humanitarian assistance and a decisive step for the cessation of hostilities in Libya,

*Expressing concern* also for the safety of foreign nationals and their rights in the Libyan Arab Jamahiriya,

*Welcoming* the appointment by the Secretary General of his Special Envoy to Libya, Mr Abdel-Elah Mohamed Al-Khatib and supporting his efforts to find a sustainable and peaceful solution to the crisis in the Libyan Arab Jamahiriya,

*Reaffirming* its strong commitment to the sovereignty, independence, territorial integrity and national unity of the Libyan Arab Jamahiriya,

*Determining* that the situation in the Libyan Arab Jamahiriya continues to constitute a threat to international peace and security,

*Acting* under Chapter VII of the Charter of the United Nations,

1. *Demands* the immediate establishment of a cease-fire and a complete end to violence and all attacks against, and abuses of, civilians;

2. *Stresses* the need to intensify efforts to find a solution to the crisis which responds to the legitimate demands of the Libyan people and *notes* the decisions of the Secretary-General to send his Special Envoy to Libya and of the African Union to send its ad hoc High Level Committee to Libya with the aim of finding a peaceful and sustainable solution;

3. *Demands* that the Libyan authorities comply with their obligations under international law, including international humanitarian law, human rights and

refugee law and take all measures to protect civilians and meet their basic needs, and to ensure the rapid and unimpeded passage of humanitarian assistance;

*Protection of civilians*

4. *Authorizes* Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, and acting in cooperation with the Secretary-General, to take all necessary measures, notwithstanding paragraph 9 of resolution 1970 (2011), to protect civilians and civilian populated areas under threat of attack in the Libyan Arab Jamahiriya, including Benghazi, while excluding an occupation force, and *requests* the Member States concerned to inform the Secretary-General immediately of the measures they take pursuant to the authorization conferred by this paragraph which shall be immediately reported to the Security Council;

5. *Recognizes* the important role of the League of Arab States in matters relating to the maintenance of international peace and security in the region and bearing in mind Chapter VIII of the Charter of the United Nations, *requests* the Member States of the League of Arab States to cooperate with other Member States in the implementation of paragraph 4;

*No Fly Zone*

6. *Decides* to establish a ban on all flights in the airspace of the Libyan Arab Jamahiriya in order to help protect civilians;

7. *Decides further* that the ban imposed by paragraph 6 shall not apply to flights whose sole purpose is humanitarian, such as delivering or facilitating the delivery of assistance, including medical supplies, food, humanitarian workers and related assistance, or evacuating foreign nationals from the Libyan Arab Jamahiriya, nor shall it apply to flights authorized by paragraph 4 or 8, nor other flights which are deemed necessary by States acting under the authorisation conferred in paragraph 8 to be for the benefit of the Libyan people;

8. *Authorizes* Member States that have notified the Secretary-General and the Secretary-General of the League of Arab States, acting nationally or through regional organizations or arrangements, to take all necessary measures to enforce compliance with the ban on flights established in paragraph 6 above, and *requests* the States concerned in cooperation with the League of Arab States to coordinate closely with the Secretary General on the measures they are taking to implement this ban, including by establishing an appropriate mechanism for implementing the provisions of paragraphs 6 and 7 above;

9. *Calls upon* all Member States, *acting nationally or through regional organizations or arrangements*, to provide assistance, including any necessary over-flight approvals, for the purposes of implementing paragraphs 4, 6, 7 and 8 above;

10. *Requests* the Member States concerned to coordinate closely with each other and the Secretary-General on the measures they are taking to implement paragraphs 4, 6 and 7 above, including practical measures for the monitoring and approval of authorized humanitarian or evacuation flights;

11. *Requests* the Member States concerned to inform the Secretary-General and the Secretary-General of the League of Arab States immediately of measures taken in exercise of the authority conferred by paragraph 8 above, including to supply a concept of operations;

12. *Requests* the Secretary-General to inform the Council immediately of any actions taken by the Member States concerned in exercise of the authority conferred by paragraph 8 above and to report to the Council within 7 days and every month thereafter on the implementation of this resolution, including information any violations of the flight ban;

*Enforcement of the arms embargo*

13. *Decides* that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph;

14. *Calls upon* all Member States, in particular States of the region, acting nationally or through regional organisations or arrangements, in order to ensure strict implementation of the arms embargo established by paragraphs 9 and 10 of resolution 1970 (2011), to inspect in their territory, including seaports and airports, and on the high seas, vessels and aircraft bound to or from the Libyan Arab Jamahiriya, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 9 or 10 of resolution 1970 (2011), including the supply of armed mercenary personnel, *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections and *authorizes* Member States to use all measures commensurate to the specific circumstances to carry out such inspections;

15. *Requests* Member States which are taking action under paragraph 14 above on the high seas to coordinate closely with each other and the Secretary-General and *further requests* the States concerned to inform the Secretary-General and the Committee established pursuant to paragraph 24 of resolution 1970 (2011) ("the Committee") immediately of measures taken in the exercise of the authority conferred by paragraph 14 above;

16. *Requires* any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 14 above, to submit promptly an initial written report to the Committee containing, in particular, explanation of the grounds for the inspection, the results of such inspection, 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;

17. *Deplores* the continuing flows of mercenaries into the Libyan Arab Jamahiriya and *calls upon* all Member States to comply strictly with their obligations under paragraph 9 of resolution 1970 (2011) to prevent the supply of armed mercenary personnel to the Libyan Arab Jamahiriya;

*Ban on flights*

18. *Decides* that all States, whether acting nationally or through regional organisations or arrangements, shall deny permission to any aircraft registered in the Libyan Arab Jamahiriya or owned or operated by Libyan nationals or companies to take off from, land in or overfly their territory unless the particular flight has been approved in advance by the Committee, or in the case of an emergency landing;

19. *Decides that* all States, whether acting nationally or through regional organisations or arrangements, shall deny permission to any aircraft to take off from, land in or overfly their territory, if they have information that provides reasonable grounds to believe that the aircraft contains items the supply, sale, transfer, or export of which is prohibited by paragraphs 9 and 10 of resolution 1970 (2011), including the provision of armed mercenary personnel, except in the case of an emergency landing;

#### *Regime Assets*

20. *Decides* that the asset freeze imposed by paragraph 17 of resolution 1970 (2011) shall apply to all funds, other financial assets and economic resources which are on their territories, which are owned or controlled, directly or indirectly, by the Libyan authorities, as designated by the Committee, or by individuals or entities acting on their behalf or at their direction, or by entities owned or controlled by them, as designated by the Committee, and *decides further* that all 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 Libyan authorities, as designated by the Committee or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them, as designated by the Committee, and directs the Committee to designate such Libyan authorities, individuals or entities within 30 days of the date of the adoption of this resolution;

21. *Affirms that* assets frozen pursuant to resolution 1970 (2011) and this resolution shall be made available as soon as possible to and for the benefit of the Libyan people;

22. *Decides* that all States shall require their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction to exercise vigilance when doing business with entities incorporated in the Libyan Arab Jamahiriya or subject to its jurisdiction, and any individuals or entities acting on their behalf or at their direction, and entities owned or controlled by them; if the States have information that provides reasonable grounds to believe that such business could contribute to violence and use of force against civilians;

#### *Designations*

23. *Decides* that the individuals listed in Annex I shall be subject to the travel restrictions imposed in paragraphs 15 and 16 of resolution 1970 (2011), and *decides further* that the individuals and entities listed in Annex II shall be subject to the asset freeze imposed in paragraphs 17, 18, 29, 20 and 21 of resolution 1970 (2011);

24. *Decides* that the measures specified in paragraphs 15 and 17 of resolution 1970 (2011) shall apply also to individuals and entities determined by the Council or

the Committee to have violated the provisions of resolution 1970 (2011), particularly paragraphs 9 and 10 thereof, or to have assisted others in doing so;

**Panel of Experts**

25. *Requests* the Secretary-General to create for an initial period of one year, in consultation with the Committee, a group of up to eight experts ("Panel of Experts"), under the direction of the Committee to carry out the following tasks:

(a) assist the Committee in carrying out its mandate as specified in paragraph 24 of resolution 1970 (2011) and this resolution;

(b) gather, examine and analyse information from States, relevant United Nations bodies, regional organisations and other interested parties regarding the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

(c) make recommendations on actions the Council, or the Committee or State, may consider to improve implementation of the relevant measures; and

(d) provide to the Council an interim report on its work no later than [90 days] after the Panel's appointment, and a final report to the Council no later than [30 days] prior to the termination of its mandate with its findings and recommendations;

25. *Urges* all States, relevant United Nations bodies and other interested parties, to cooperate fully with the Committee and the Panel of Experts, in particular by supplying any information at their disposal on the implementation of the measures decided in resolution 1970 (2011) and this resolution, in particular incidents of non-compliance;

26. *Decides* that the mandate of the Committee as set out in paragraph 24 of resolution 1970 (2011) shall also apply to the measures decided in this resolution;

27. *Decides* that all States, including the Libyan Arab Jamahiriya, shall take the necessary measures to ensure that no claim shall lie at the instance of the Libyan authorities, or of any person or body in the Libyan Arab Jamahiriya, or of any person claiming through or for the benefit of any such person or body, in connection with any contract or other transaction where its performance was affected by reason of the measures taken by the Security Council in resolution 1970 (2011), this resolution and related resolutions;

28. *Reaffirms* its intention to keep the actions of the Libyan authorities under continuous review and underlines its readiness to review at any time the measures imposed by this resolution and resolution 1970 (2011), including by strengthening, suspending or lifting those measures, as appropriate, based on compliance by the Libyan authorities with this resolution and resolution 1970 (2011);

29. *Decides* to remain actively seized of the matter.

**Libya: UNSCR proposed designations**

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<i>Number</i>	<i>Name</i>	<i>Justification</i>	<i>Identifiers</i>
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**Annex I: Travel Ban**

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|---|---------------------------------|--|--|
| 1 | QUREN SALIH QUREN<br>AL QADHAFI | Libyan Ambassador to Chad. Has left Chad for Sabha. Involved directly in recruiting and coordinating mercenaries for the regime. |  |
| 2 | Colonel AMID HUSAIN<br>AL KUNI. | Governor of Ghat (South Libya). Directly involved in recruiting mercenaries.   |  |
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<i>Number</i>	<i>Name</i>	<i>Justification</i>	<i>Identifiers</i>
<b>Annex II: Asset Freeze</b>			
1	Al-Baghdadi, Dr. Abduqader Mohammed	Position: Head of the Liaison Office of the Revolutionary Committees	Title: Dr DOB: 01/07/1950. Passport Details: B010574
2	Dibri, Abdulqader Yusef	Position: Head of Muammar Qadhafi's personal security	DOB: --/--/1946. POB: Houn, Libya
3	Dorda, Abu Zayd Umar	Position: Director, External Security Organisation	
4	Jabir, Major General Abu Bakr Yunis	Position: Defence Minister	Title: Major General DOB: --/--/1952. POB: Jalo, Libya
5	Matuq, Matuq Mohammed	Position: Secretary for Utilities	DOB: --/--/1956. POB: Khoms
6	Qadhaf Al-dam, Sayyid Mohammed		DOB: --/--/1948. POB: Sirte, Libya
7	Qadhafi, Mohammed Muammar	Son of Muammar Qadhafi. Closeness of association with regime	DOB: --/--/1970. POB: Tripoli, Libya
8	Qadhafi, Saadi	Commander Special Forces. Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations	DOB: 25/05/1973. POB: Tripoli, Libya
9	Qadhafi, Saif al-Arab	Son of Muammar Qadhafi. Closeness of association with regime	DOB: --/--/1982. POB: Tripoli, Libya
10	Al-Senussi, Colonel Abdullah	Position: Director Military Intelligence	Title: Colonel DOB: --/--/1949. POB: Sudan
11	ALI AL MAHMUDI AL BAGHDADI.	Prime Minister	
12	SHUKRI MUHAMMAD GHANIM	Formerly Prime Minister, now Head of National Oil Company. Reported to be trying to sell heavily discounted Libyan oil to fund the regime. Reported to have significant assets in Austria	
13	Mr. Mustafa Zarti	Closeness of association with regime and vice chief executive of "Libyan Investment Authority", board member of the	DOB: 29/03/1970. Nationality: Austrian citizen Passport Details: P1362998. Valid from 6 Nov 2006 to 5 Nov 2016. Position: Vice Chief Executive of

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		National Oil Corporation, head of oil company "Tamoil" and vice chairman of First Energy Bank in Bahrain.	Libyan Investment Authority. Board member of the National Oil Corporation. Head of Tamoil oil company. Vice Chairman of First Energy Bank in Bahrain
<b>Entities</b>			
1	Central Bank of Libya	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	
2	Libyan Investment Authority	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	a.k.a: Libyan Arab Foreign Investment Company (LAFICO) Address: 1 Fateh Tower Office, No 99 22nd Floor, Borgaida Street, Tripoli, Libya, 1103
3	Libyan Foreign Bank	Under control of Muammar Qadhafi and his family and a potential source of funding for his regime.	
4	Libyan Housing and Infrastructure	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime	Address: Tajora, Tripoli, Libya. Other Information: EU listing. Not UN. Under control of Muammar Qadhafi and his family, and potential source of funding for his regime. Legislation no 60/2006 by Libyan General People's Committee. Tel +218 21 369 1840. Fax +218 21 369 6447. www.hib.org.ly. Listed on: 11/03/2011
5	Libyan Africa Investment Portfolio	Under control of Muammar Qadhafi and his family, and potential source of funding for his regime.	Address: Jamahiriya Street, LAP Building, PO Box 91330, Tripoli, Libya.
6	Libyan National Oil Company		