

**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, and *expressing* deep regret at the deaths of civilians,

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

*Welcoming also* 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 in connection with the ongoing protests in the country, to establish the facts and circumstances of such violations and of the crimes perpetrated.

*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 reports of shortages of medical supplies to treat the wounded,

*Recalling* the Libyan authorities' responsibility to protect its population under any circumstances,

*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,

*Expressing concern* for the safety of foreign nationals in Libya,

*Expressing support* for the sovereignty, territorial integrity and unity of Libya,

*Determining* that the situation in Libya constitutes a threat to international peace and security,

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

1. *Calls for* an immediate end to the violence and for steps to address the legitimate demands of the population;

2. *Calls upon* the Libyan authorities to:
  - (a) act with restraint, respect human rights and international humanitarian law, and allow immediate access for international human rights monitors;
  - (b) ensure the safe passage of humanitarian and medical supplies, and humanitarian agencies and workers, into the country;
  - (c) immediately lift restrictions on all forms of media; and
  - (d) ensure the safety of all foreign nationals and facilitate the departure of those 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;
5. *Urges* all States and concerned regional and other international organizations to cooperate fully with the Court and the Prosecutor;
6. *Invites* the Court and the Arab League as well as the African Union to discuss practical arrangements that will facilitate the work of the Prosecutor and of the Court, including the possibility of conducting proceedings in the region, which would contribute to regional efforts in the fight against impunity;
7. *Invites* the Prosecutor to address the 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, 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;

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.

13. *Requires* any Member State when it finds items the supply, sale, transfer or export of which is prohibited by paragraph 9 or 10 of this resolution to submit promptly a report to the Committee containing relevant details, including the steps taken to seize and dispose of the items.

14. *Encourages* Member States to take steps to 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; or
  - (b) where entry or transit is necessary for the fulfilment of a judicial process; or
  - (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;

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 I 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 I of this resolution;

18. *Decides* that the measures imposed by paragraph 17 above do not apply to funds, other financial assets or economic resources that have been determined by relevant Member States:

- (a) to be necessary for basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges or exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services in accordance with national laws, or fees or service charges, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources, after notification by the relevant State to the Committee of the intention to authorize, where appropriate, access to such funds, other financial assets or economic resources and in the absence of a negative decision by the Committee within three five working days of such notification;
- (b) to be necessary for extraordinary expenses, provided that such determination has been notified by the relevant State or Member States to the Committee and has been approved by the Committee; or
- (c) to be the subject of a judicial, administrative or arbitral lien or judgment, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgment provided that the lien or judgment was entered into prior to the date of the present resolution, is not for the benefit of a person or entity designated pursuant to paragraph 17 above, and has been notified by the relevant State or Member States to the Committee;

19. *Decides* that Member States may permit the addition to the accounts frozen pursuant to the provisions of paragraph 17 above of interests or other earnings due on those accounts or payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the provisions of this resolution, provided that any such interest, other earnings and payments continue to be subject to these provisions and are frozen;

20. *Decides* that the measures in paragraph 17 above shall not prevent a designated person or entity from making payment due under a contract entered into prior to the listing of such a person or entity, provided that the relevant States have determined that:

(a) the contract is not related to any of the prohibited items, materials, equipment, goods, technologies, assistance, training, or other prohibited activity referred to in this resolution

(b) the payment is not directly or indirectly received by a person or entity designated pursuant to paragraph 17 above;

and after notification by the relevant States to the Committee of the intention to make or receive such payments or to authorize, where appropriate, the unfreezing of funds, other financial assets or economic resources for this purpose, 10 working days prior to such authorization;

#### Designation Criteria

21. *Decides* that the measures contained in paragraphs 15 and 17 shall apply to the individuals and entities designated by the Committee, pursuant to paragraph 21(b) and (c), respectively;

(a) involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya; or

(b) involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations;

(c) acting for or on behalf of or at the direction of individuals or entities identified in subparagraphs (a) or (b).

22. *Strongly encourages* Member States to submit to the Committee names of individuals who meet the criteria set out in paragraph 21 above;

#### New Sanctions Committee

23. *Decides* to establish, in accordance with rule 28 of its provisional rules of procedure, a Committee of the Security Council consisting of all the members of the Council (herein "the Committee"), to undertake the following tasks:

**a)** to monitor implementation of the measures imposed in paragraphs 9, 10, 15, and 17;

**b)** to designate those individuals subject to the measures imposed by paragraphs 15 and to consider requests for exemptions in accordance with paragraph 16 above;

**c)** to designate those individuals subject to the measures imposed by paragraph 17 above and to consider requests for exemptions in accordance with paragraphs 18 above;

**d)** to establish such guidelines as may be necessary to facilitate the implementation of the measures imposed above;

**e)** to report at least every thirty days to the Security Council on its work;

- f)** to encourage a dialogue between the Committee and interested Member States, in particular those in the region, including by inviting representatives of such States to meet with the Committee to discuss implementation of the measures;
- g)** to seek from all States whatever information it may consider useful regarding the actions taken by them to implement effectively the measures imposed above;
- h)** to examine and take appropriate action on information regarding alleged violations or non-compliance with the measures contained in this resolution;

24. *Calls upon* all Member States to report to the Committee within 120 days of the adoption of this resolution on the steps they have taken with a view to implementing effectively paragraphs 9, 10, 15 and 17 above;

#### Humanitarian Assistance

25. *Authorises* Member States to adopt all necessary measures to enable the return to Libya of humanitarian agencies and to secure the prompt and safe delivery of humanitarian assistance to those in need,

#### Commitment to Review

26. *Affirms* that it shall keep the Libyan authorities' actions under continuous review and that it shall be prepared to review the appropriateness of the measures contained in this resolution, including the strengthening, modification, suspension or lifting of the measures, as may be needed at any time in light of the Libyan authorities' compliance with relevant provisions of this resolution;

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