

BAB III

PENUTUP

A. Kesimpulan

Dalam penelitian mengenai legalitas intervensi kemanusiaan di Libya berdasarkan Resolusi Dewan Keamanan PBB nomor 1973 tahun 2011 yang ditinjau dari Bab VII Piagam PBB, diperoleh kesimpulan- kesimpulan sebagai berikut:

1. Dalam analisis berdasarkan Bab VII Piagam PBB, diperoleh kesimpulan bahwa pihak NATO sudah menjalankan intervensi sesuai dengan apa yang dimandatkan oleh Bab VII Piagam PBB. Meskipun beberapa pasal tidak dipenuhi seperti pasal mengenai keikutsertaan semua anggota PBB dan pembentukan Komando Staff Militer, namun selama pelaksanaan intervensi mencerminkan prinsip efektivitas maka intervensi tersebut sesuai dengan mandat Bab VII Piagam PBB.
2. Diperoleh kesimpulan bahwa intervensi kemanusiaan yang terjadi di Libya tidak melanggar asas kedaulatan negara atau *sovereignty principle*, dikarenakan negara Libya saat itu sudah berada dalam kondisi *failed states* dan kewajiban negara- negara dalam hal ini adalah koalisi internasional untuk melindungi rakyat di Libya dari tindakan represif Muammar Khadafi lebih besar dilandasi dari prinsip kewajiban untuk melindungi atau *Responsibility to Protect Principle* daripada tanggung jawab dan

kewajiban negara- negara untuk menghormati dan tidak ikut campur dalam konflik yang terjadi di Libya.

B. Saran

Berdasarkan penelitian yang telah dilakukan, ditemukan bahwa praktek intervensi kemanusiaan di Libya merupakan kasus intervensi kemanusiaan yang sangat jarang bisa terjadi dan peneliti beranggapan bahwa karakter intervensi seperti ini, belum tentu bisa terjadi lagi di masa depan. Dikarenakan keadaan yang tepat dan agen intervensi yang tepat pula yaitu keadaan dimana Muammar Khadafi sedang melancarkan aksi represifnya besar- besaran terhadap penduduk sipil di Libya dan agen intervensinya yang multilateral yaitu koalisi internasional NATO didampingi dengan negara- negara dari Liga Arab.

Dikarenakan permintaan mengenai intervensi kemanusiaan yang lebih merepresentasikan komitmen banyak pihak atau intervensi kemanusiaan yang multilateral belum diatur dalam ketentuan Piagam PBB, maka peneliti menyarankan agar ketentuan Bab VII diperjelas dengan menambahkan ketentuan- ketentuan terkait dengan syarat dapat dilakukannya suatu intervensi adalah ketika intervensi tersebut dilakukan secara multilateral, baik oleh negara- negara yang memiliki kemampuan militer untuk mengintervensi berkoalisi bersama dengan negara- negara yang memiliki kesamaan wilayah dengan negara yang diintervensi.

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Selasa, 25 October, 2011

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Dahlia Sihombing
Reference Assistant



Security Council

Distr.: General
17 March 2011

Resolution 1973 (2011)

Adopted by the Security Council at its 6498th meeting, on
17 March 2011

The Security Council,

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

Deploing 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, torture and summary executions,

Further condemning acts of violence and intimidation committed by the Libyan authorities against journalists, media professionals and associated personnel and *urging* these authorities 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, and 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 on Libyan military aviation, 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,

Deploing the continuing use of mercenaries by the Libyan authorities,

Considering that the establishment of a ban on 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 Peace and Security Council of the African Union to send its ad hoc High Level Committee to Libya with the aim of facilitating dialogue to lead to the political reforms necessary to find 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, 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 a foreign occupation force of any form on any part of Libyan territory, 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 authorised by paragraphs 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, and that these flights shall be coordinated with any mechanism established under paragraph 8;

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 imposed by paragraph 6 above, as necessary, 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, 7 and 8 above, including practical measures for the monitoring and approval of authorised humanitarian or evacuation flights;

11. *Decides* that the Member States concerned shall 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 on any violations of the flight ban imposed by paragraph 6 above;

Enforcement of the arms embargo

13. *Decides* that paragraph 11 of resolution 1970 (2011) shall be replaced by the following paragraph : “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) as modified by this resolution, including the provision of armed mercenary personnel, *calls upon* all flag States of such vessels and aircraft to cooperate with such inspections and authorises Member States to use all measures commensurate to the specific circumstances to carry out such inspections”;

14. *Requests* Member States which are taking action under paragraph 13 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 13 above;

15. *Requires* any Member State whether acting nationally or through regional organisations or arrangements, when it undertakes an inspection pursuant to paragraph 13 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;

16. *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 provision of armed mercenary personnel to the Libyan Arab Jamahiriya;

Ban on flights

17. *Decides* that all States 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;

18. *Decides that* all States 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) as modified by this resolution, including the provision of armed mercenary personnel, except in the case of an emergency landing;

Asset freeze

19. *Decides* that the asset freeze imposed by paragraph 17, 19, 20 and 21 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 and as appropriate thereafter;

20. *Affirms* its determination to ensure that assets frozen pursuant to paragraph 17 of resolution 1970 (2011) shall, at a later stage, as soon as possible be made available to and for the benefit of the people of the Libyan Arab Jamahiriya;

21. *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

22. *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, 19, 20 and 21 of resolution 1970 (2011);

23. *Decides* that the measures specified in paragraphs 15, 16, 17, 19, 20 and 21 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

24. *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;

(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

| Number | Name | Justification | Identifiers |
|----------------------------|------------------------------|--|-------------|
| Annex I: Travel Ban | | | |
| 1 | QUREN SALIH QUREN 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 AL KUNI | Governor of Ghat (South Libya). Directly involved in recruiting mercenaries. | |

| Number | Name | Justification | Identifiers |
|-------------------------------|-------------------------------------|--|--|
| Annex II: Asset Freeze | | | |
| 1 | Dorda, Abu Zayd Umar | Position: Director, External Security Organisation | |
| 2 | Jabir, Major General Abu Bakr Yunis | Position: Defence Minister | Title: Major General DOB: --/--/1952. POB: Jalo, Libya |
| 3 | Matuq, Matuq Mohammed | Position: Secretary for Utilities | DOB: --/--/1956. POB: Khoms |
| 4 | Qadhafi, Mohammed Muammar | Son of Muammar Qadhafi. Closeness of association with regime | DOB: --/--/1970. POB: Tripoli, Libya |
| 5 | 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 |
| 6 | Qadhafi, Saif al-Arab | Son of Muammar Qadhafi. Closeness of association with regime | DOB: --/--/1982. POB: Tripoli, Libya |
| 7 | Al-Senussi, Colonel Abdullah | Position: Director Military Intelligence | Title: Colonel DOB: --/--/1949. POB: Sudan |

Entities

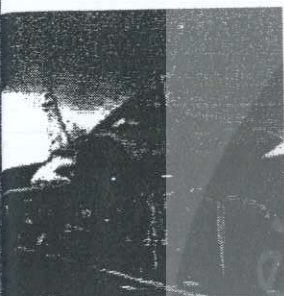
| | | |
|---|-----------------------|--|
| 1 | Central Bank of Libya | Under control of Muammar Qadhafi and his family, and potential source of funding for his regime. |
|---|-----------------------|--|

| Number | Name | Justification | Identifiers |
|--------|------------------------------------|---|---|
| 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 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 |
| 5 | Libyan National Oil Corporation | Under control of Muammar Qadhafi and his family, and potential source of funding for his regime. | Address: Bashir Saadwi Street, Tripoli, Tarabulus, Libya |

Operation UNIFIED PROTECTOR

Protection of Civilians and Civilian-Populated Areas & Enforcement of the No-Fly Zone

October 2011



Mission: On 31 March 2011, NATO took overall command of international military operations over Libya. The aim of NATO's actions is to protect civilians and civilian-populated areas from attack or the threat of attack. The mission complements the NATO-led No-Fly-Zone which closes Libya's airspace to all flights except humanitarian ones and thereby prevents any aircraft from attacking civilians. On 21 September 2011, NATO and its partners agreed to extend both elements of the mission for up to 90 days starting 28 September 2011.

Mandate: Operation Unified Protector is mandated under Chapter Seven of the UN Charter. UN Security Council Resolutions 1970, 1973 and 2009 relate to NATO's mission. UNSCR 1973 mandates "all necessary measures" to protect civilians and civilian-population areas under attack or threat of attack in Libya.

Command & Control: The overall operation is commanded by Canadian Lieutenant-General Charles Bouchard of Combined Joint Task Force Unified Protector. Air operations are managed from NATO's Air Command Headquarters for Southern Europe, in Izmir, Turkey. Real-time tactical control is exercised by NATO's Combined Air Operations Centre (CAOC) in Poggio Renatico, in Northern Italy. Naval operations in support of the mission are directed from NATO Maritime Command Naples.

Participating Nations: As at 26 September, sixteen countries (Belgium, Canada, Denmark, France, Greece, Italy, Jordan, Netherlands, Norway, Qatar, Spain, Sweden, Turkey, United Arab Emirates, United Kingdom and United States) have provided air assets and flown sorties in support to the operation. This effort is complemented by NATO-owned AWACS surveillance and reconnaissance planes.

Military capabilities involved in this operation include fighter aircraft, surveillance and reconnaissance aircraft, air-to-air refuellers, unmanned aerial vehicles (UAV) and attack helicopters. At its peak, over 260 air assets contributed to the operation. As at 20 September 2011, around 8,000 troops were assigned to NATO to support the mission.

Action: In line with UNSCR 1973, NATO conducts reconnaissance, surveillance and information-gathering operations to identify those forces which present a threat to civilians. NATO air assets can then engage targets on the ground, at sea or in the air. Ships and submarines policing the arms embargo contribute to the mission on a case-by-case basis.

Targeting: As of 25 September 2011, NATO and partner aircraft conducted over 24,200 sorties, including over 9,000 strike sorties. NATO actions have destroyed over 5,900 military targets including over 400 artillery or rocket launchers and over 600 tanks or armored vehicles. NATO has also struck over 400 military command and control centres to halt the Qadhafi regime's ability to give orders to its forces. Targeting is done with extreme care and precision, using the weapon with the smallest yield possible, to avoid harm to the Libyan people and their infrastructure.

Public Diplomacy Division (PDD) - Press & Media Section Media Operations Centre (MOC)

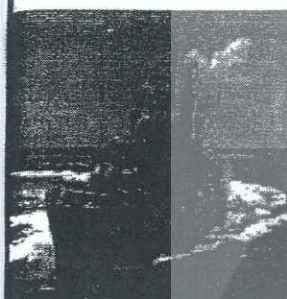
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Operation UNIFIED PROTECTOR

NATO-led Arms Embargo against Libya

October 2011



Mission: Since 23 March 2011, NATO warships and aircraft have been patrolling the approaches to Libyan territorial waters as part of Operation Unified Protector. Their mission is to prevent the flow of arms, related material and mercenaries to Libya.

Mandate: Operation Unified Protector is mandated under Chapter Seven of the UN Charter. UN Security Council Resolutions 1970, 1973 and 2009 relate to NATO's mission. UNSCRs 1970 and 1973 authorise the taking of "necessary measures" to prevent the flow of arms, related material and mercenaries to Libya.

Command and Control: The overall operation is commanded by Canadian Lieutenant General Charles Bouchard of Combined Joint Task Force Unified Protector. The Maritime Arms Embargo is under the command of Italian Vice Admiral Rinaldo Veri from NATO Maritime Command Naples. The Task Force Commander at sea is Italian Rear Admiral Filippo Maria Foffi.

Participating Nation: Twelve nations (Belgium, Bulgaria, Canada, France, Greece, Italy, Netherlands, Spain, Romania, Turkey, United Kingdom, and United States) have provided naval assets to enforce the embargo, supported by maritime patrol aircraft.

Military Capabilities involved in the mission include supply ships, frigates, destroyers, submarines, amphibious assault ships (also called landing platform docks) and aircraft carriers. At its peak, 21 naval assets were assigned to NATO in support of the operation. As at 29 September 2011, ten nations provide twelve naval assets to the embargo.

Process: Ships aiming to transit through the embargo area are required to notify NATO of their cargo and destination as detailed in a Navigation Warning message. Based on information provided by transiting vessels, including through the ships' Automated Identification System (which provides basic information about speed, position, course and destination), as well as surveillance and intelligence means, NATO verifies the activity of shipping in the region separating out legitimate commercial, humanitarian and private traffic from suspicious vessels that warrant closer inspection.

Suspicious vessels are hailed by radio, and if they cannot give satisfactory information about their cargoes, NATO ships are authorized to intercept them. As a last resort, NATO boarding teams are empowered to use force to gain access to the vessel to inspect the ship's log, crew list and cargo manifest. So far, all boardings have been unopposed. If weapons, mercenaries or related materials are found or if there are reasons to believe that the vessel or its cargo will be used to support attacks on civilians, either directly or indirectly, the vessel and its crew can be denied the right to continue to their destination.

As at 30 September 2011, a total of 2862 vessels have been hailed and 293 boarded. Eleven ships have been denied transit to or from Libyan ports because they represented a risk to the civilian population.

Safety of Life at Sea: All NATO maritime units are fully aware of their responsibilities with regard to the International Maritime Law regarding Safety of Life at Sea (SOLAS). NATO ships will do everything they can to respond to distress calls and provide help when necessary, which they did on a number of occasions during the operation. In total, NATO ships have directly assisted in the rescue of more than 600 people in distress at sea. Through coordination with national authorities and coast guards, NATO has facilitated the rescue of many hundreds more.

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2. If the Security Council deems that the continuance of the dispute is in fact likely to endanger the maintenance of international peace and security, it shall decide whether to take action under Article 36 or to recommend such terms of settlement as it may consider appropriate.

Article 38

Without prejudice to the provisions of Articles 33 to 37, the Security Council may, if all the parties to any dispute so request, make recommendations to the parties with a view to a pacific settlement of the dispute.

CHAPTER VII

ACTION WITH RESPECT TO THREATS TO THE PEACE, BREACHES OF THE PEACE, AND ACTS OF AGGRESSION

Article 39

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security.

Article 40

In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.

Article 41

The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.

Article 42

Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.

Article 43

1. All Members of the United Nations, in order to contribute to the maintenance of international peace and security, undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces, assistance, and facilities, including rights of passage, necessary for the purpose of maintaining international peace and security.
2. Such agreement or agreements shall govern the numbers and types of forces, their degree of readiness and general location, and the nature of the facilities and assistance to be provided.
3. The agreement or agreements shall be negotiated as soon as possible on the initiative of the Security Council. They shall be concluded between the Security Council and Members or between the Security Council and groups of Members and shall be subject to ratification by the signatory states in accordance with their respective constitutional processes.

Article 44

When the Security Council has decided to use force it shall, before calling upon a Member not represented on it to provide armed forces in fulfilment of the obligations assumed under Article 43, invite that Member, if the Member so desires, to participate in the decisions of the Security Council concerning the employment of contingents of that Member's armed forces.

Article 45

In order to enable the United Nations to take urgent military measures, Members shall hold immediately available national air-force contingents for combined international enforcement action. The strength and degree of readiness of these contingents and plans for their combined action shall be determined within the limits laid down in the special agreement or agreements referred to in Article 43, by the Security Council with the assistance of the Military Staff Committee.

Article 46

Plans for the application of armed force shall be made by the Security Council with the assistance of the Military Staff Committee.

Article 47

1. There shall be established a Military Staff Committee to advise and assist the Security Council on all questions relating to the Security Council's military requirements for the maintenance of international peace and security, the employment and command of forces placed at its disposal, the regulation of armaments, and possible disarmament.
2. The Military Staff Committee shall consist of the Chiefs of Staff of the permanent members of the Security Council or their representatives. Any Member of the United Nations not permanently represented on the Committee shall be invited by the Committee to be associated with it when the efficient discharge of the Committee's responsibilities requires the participation of that Member in its work.

The Military Staff Committee shall be responsible under the Security Council for the strategic direction of any armed forces placed at the disposal of the Security Council. Questions relating to the command of such forces shall be worked out subsequently.

The Military Staff Committee, with the authorization of the Security Council and after consultation with appropriate regional agencies, may establish regional sub-committees.

Article 48

1. The action required to carry out the decisions of the Security Council for the maintenance of international peace and security shall be taken by all the Members of the United Nations or by some of them, as the Security Council may determine.
2. Such decisions shall be carried out by the Members of the United Nations directly and through their action in the appropriate international agencies of which they remember.

Article 49

The Members of the United Nations shall join in affording mutual assistance in carrying out the measures decided upon by the Security Council.

Article 50

If preventive or enforcement measures against any state are taken by the Security Council, any other state, whether a Member of the United Nations or not, which finds itself confronted with special economic problems arising from the carrying out of those measures shall have the right to consult the Security Council with regard to a solution of those problems.

Article 51

Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.

CHAPTER VIII REGIONAL ARRANGEMENTS

Article 52

1. Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations.