



# RECOMMENDATIONS FOR ACTION

- Libya should accede to the Convention on Cluster Munitions (CCM) as a matter of priority.
- Libya should comply with its obligations under international human rights law to clear cluster munition remnants (CMR) on territory under its jurisdiction or control as soon as possible.
- All parties to the conflict in Libya should ensure that forces loyal to them do not use cluster munitions.
- As soon as political conditions permit, Libya should enact mine action legislation, establish an interministerial national mine action authority, and adopt a national mine action strategy.
- Libya should, at the earliest opportunity possible and as soon the security situation permits, conduct a baseline survey to identify the extent of contamination from CMR and begin systematic clearance.

## UNDERSTANDING OF AP MINE CONTAMINATION

CMR contamination in Libya is largely the consequence of armed conflict in 2011 and renewed conflict since 2014, but the extent of contamination is unknown. In 2011, armed forces used at least three types of cluster munition, including MAT-120 mortar projectiles, RBK-250 PTAB-2.5M cluster bombs, and DPICM-like submunitions delivered by 122mm cargo rockets.¹ Additional contamination by CMR occurred as a result of kick-outs from ammunition storage areas bombed by North Atlantic Treaty Organization (NATO) forces in 2011.²

Since the overthrow of Qaddafi in 2011, Libya has remained mired in conflict as tribal and armed groups struggle to take over power. In early 2015, fighting between Libya's rival armed groups saw reported use of cluster munitions, including RBK-250 PTAB-2.5M bombs, in attacks on Bin Jawad near the port of Es-Sidr in February, and in the vicinity of Sirte in March. The Libyan Air Force, controlled by the internationally recognised government of the time, had bombed both locations, though it denied using cluster bombs.3 According to Cluster Munition Monitor, there are indications that additional attacks may have occurred since that time, including in 2016, 2017, and 2018.4 According to the Monitor, further evidence of cluster munition use may have gone unrecorded due to a lack of media and independent reporting from the ground, and the Monitor was unable to independently verify and confirm this evidence of possible use.5

Since April 2019, Libya's governance has been divided between the two entities engaged in an armed conflict, the UN-recognised Government of National Accord (or GNA) and the self-styled Libyan National Army (LNA), led by commander Khalifa Haftar, who laid siege to Tripoli beginning in April 2019.6

In May 2019, LNA forces loyal to General Haftar were accused of using cluster bombs in attacks in and around Tripoli.7 On 15 and 16 August 2019, aircraft of forces affiliated with the LNA/aligned to Khalifa Haftar used cluster munitions in an attack on Zuwarah International Airport, according to the UN Panel of Experts report from December 2019.8 According to reports by Human Rights Watch, forces aligned to Khalifa Haftar also used cluster munitions in an airstrike in a residential area in Tripoli on or around 2 December 2019. Human Rights Watch visited the site on 17 December 2019 and found remnants of two RBK-250 PTAB 2.5M cluster bombs, as well as evidence that high-explosive air-dropped bombs were also used in the attack. The area was not known to be contaminated by cluster munitions before the attack.9

As at March 2019, Humanity and Inclusion (HI) reported being aware of three areas of CMR contamination through its own operations. One cluster munition-contaminated area was confirmed in 2017, through non-technical survey in the Nafusa mountains region, near the town of Kikla, in north-west Libya. Then, in 2018–19, further cluster munition strikes were also discovered by HI in Tawargha and Al Karareem.<sup>10</sup>

According to the Libyan Mine Action Centre (LibMAC), cluster munition contamination in Libya has been largely removed and remaining contamination is limited to a small number of areas.<sup>11</sup> Most recently, LibMAC confirmed it had evidence of RBK-250-275 cluster bomb use in three areas: Al-Hira Bridge (Al-Sawani); the Bir al-Ghanam area south-west of Tripoli (Nafusa Mountains); and Aziziya (south of Tripoli).<sup>12</sup>

### OTHER EXPLOSIVE REMNANTS OF WAR AND LANDMINES

Libya is also contaminated by other unexploded ordnance (UXO), anti-personnel mines including those of an improvised nature (see Mine Action Review's *Clearing the Mines 2020* report on Libya for further information), and by other improvised explosive devices (IEDs).<sup>13</sup> According to the United Nations Mine Action Service (UNMAS), ongoing conflict has resulted in significant explosive remnants of war (ERW) contamination in cities across Libya.<sup>14</sup>

## NATIONAL OWNERSHIP AND PROGRAMME MANAGEMENT

Mine action exists in a fragmented and violent political context. Following years of armed conflict, a new UN-backed "unity" government, the GNA, was formally installed in a naval base in Tripoli in early 2016. It has subsequently faced opposition from two rival governments and a host of militia forces. In April 2019, Khalifa Haftar, a military commander based in the west of the country, launched an offensive to take control of Tripoli and topple the GNA, and fighting continued into the first half of 2020.

LibMAC was mandated by the Minister of Defense to coordinate mine action in December 2011.<sup>15</sup> Operating under the UN-backed Government of National Accord, LibMAC's headquarters are in Tripoli, in the west of the country, and it also has offices in Benghazi<sup>16</sup> and Misrata.<sup>17</sup> The operating costs and salaries for LibMAC are funded by the United States Department of State and administered by ITF Enhancing Human Security (ITF).<sup>18</sup>

ITF also provides capacity building support to LibMAC. In order to further increase LibMAC capacity, a new ITF operations technical advisor was deployed on 1 February 2019, primarily to advise LibMAC's Chief of Operations and provide advice on improvement of internal LibMAC procedures. In early April 2019, however, ITF was forced to evacuate its technical advisor due to the lack of security.<sup>19</sup>

UNMAS has largely been operating from Tunis since November 2014, from where it provides institutional and operational capacity-building, training, including in explosive ordnance disposal (EOD), and coordinates with national authorities and implementing partners to carry out mine action activities to mitigate the threat posed by ERW and provide technical advice and advisory support on arms and ammunition management. The UNMAS Libya Programme is an integral part of the United Nations Support Mission in Libya (UNSMIL).<sup>20</sup>

In January 2019, most UN staff returned to Tripoli, but due to the hostilities that commenced in April 2019 and the deterioration of security, most subsequently returned to Tunis to operate remotely again. In 2019–20, UNMAS was providing non-technical survey, risk education, and EOD response in various locations across Libya, including in Tawargha, Tripoli and Benghazi, to facilitate humanitarian activities, early recovery, and to prepare for the safe return of displaced people.<sup>21</sup>

UNMAS prioritises capacity enhancement of Libyan mine action actors and supports LibMAC in coordination with Implementing Partners. Since 2015, UNMAS has trained more than 70 National Safety Authority (NSA) operators and Military Engineers in advanced EOD; 30 officers from eastern Libva in non-technical survey; provided advanced medical first responder training to 72 EOD operators from Benghazi; and trained several operators to address the threat from explosive hazards in Sirte. UNMAS also provided EOD equipment to national actors and assisted LibMAC in developing the Libyan Mine Action Standards which are now being implemented.<sup>22</sup> In 2017/18, the United States Office of Weapons Removal and Abatement (WRA) and the United Kingdom financed training of 70 IED operators in Sirte, conducted by JANUS, and with participants from the NSA and Military Engineers).23

In 2019, The HALO Trust worked closely with LibMAC to build their capacity to quality assure and accredit mechanical clearance. HALO Trust ran a workshop in the LibMAC Tripoli office, covering all aspects of mechanical clearance. In addition, HALO provided translated quality assurance forms for quality assuring task sites and for accrediting the armouring of mechanical assets; and also conducted armour testing of different materials to provide a baseline of information for LibMAC.<sup>24</sup>

## **GENDER AND DIVERSITY**

LibMAC is not thought to have a gender and diversity policy for mine action in place. Of the twenty employees at LibMAC, three are women, including one in the Risk Education (RE) department (whose responsibilities include providing RE to women and children), one in logistics, and one in an administrative role.<sup>25</sup>

The HALO Trust reported that its Libya programme seeks to comply with HALO's general gender and diversity policy. However, due to rigid gender norms that largely impede women's free movement and ability to work in a mixed-gender office setting, particularly reinforced in areas with strong Islamist influence such as Sirte, HALO has reported that the recruitment of women, including for non-operational roles, has proved difficult. In 2019, four of HALO's thirty employees in Libya were women (one international staff and three national staff), including one female community liaison officer in Sirte.<sup>26</sup>

HALO's approach to community liaison, including door-to-door risk education prior to clearance, targeted risk education task sites, and specific events to reach out to women in particular, is designed to reach out to women and men equally. This is especially important, given that

women are largely absent from public life. In particular, the introduction of pre-clearance focus group discussions with women and men separately helps to ensure that subsequent community liaison/risk education activities are targeted to the needs of all beneficiaries.<sup>27</sup> With regards to diversity, in Sirte, HALO Trust recruits equally among the tribes and seeks to consult all ethnic groups during survey and clearance processes. HALO makes task prioritisation recommendations based on humanitarian need, although all task orders are issued under the authority of LibMAC.<sup>28</sup> The HALO Trust disaggregates relevant mine action data by gender and age.<sup>29</sup>

HI reported in 2019 that it had a gender policy in place and disaggregates data by sex and age.<sup>30</sup> HI's risk education team, which also conducted community liaison, was gender balanced. Two of HI's project managers and two project officers were female, but women were not employed in survey and clearance, as this was deemed culturally unacceptable for now.<sup>31</sup> HI stopped mine action operations in Libya in April 2019.<sup>32</sup>

## INFORMATION MANAGEMENT AND REPORTING

LibMAC receives technical support for IMSMA from the Geneva Centre for Humanitarian Demining (GICHD) and UNMAS. In March 2019, HI reported that LibMAC had recently announced details of a new effort to bring the IMSMA database up to date and ensure the data are reliable.<sup>33</sup> With support from the GICHD, LibMAC planned to transition from IMSMA to IMSMA Core in mid 2020.<sup>34</sup>

IMSMA is accessible to clearance organisations and data collection forms are reported to be consistent and enable collection of necessary data.<sup>35</sup>

Since early 2019, The HALO Trust has been working closely with LibMAC to cover mechanical clearance in the Libyan IMSMA database. The planned transition to IMSMA Core will allow data entry for mechanical clearance.<sup>36</sup>

# **PLANNING AND TASKING**

No national mine action strategy is currently known to exist for Libya.

LibMAC does, however, prioritise survey and clearance operations and is responsible for issuing task orders. Prioritisation is, in part, informed by data collected and reported to LibMAC by operators such as the Danish Demining Group (DDG), during non-technical survey or EOD, and by reports from the local community.<sup>37</sup> According to HI, LibMAC generally tasks according to geographic area and the nearest available assets.<sup>38</sup>

HALO Trust reported that prioritisation is based on humanitarian need with residential areas, community infrastructure, and key access points taking precedence. In Sirte, this means the two neighbourhoods where fighting was heaviest in 2016. In preparation for future clearance along the Tripoli frontlines, areas with significant verified evidence of fighting (as determined by HALO Trust's Tripoli ERW Hazard Mapping and Information Management (IM) project) will be prioritised for survey.<sup>39</sup>

The Tripoli ERW Hazard Mapping and IM Project uses open-source data collation and geolocation techniques to map potential ERW contamination along the Tripoli frontlines by collecting information on active fighting incidents, weapons systems, and ammunition used, and ERW-related accidents and displacement. The online data collection portal, linking to a live database that is shared with LibMAC and other stakeholders, is used to track historical data starting from 4 April 2019 up to recent events. Mapping ERW contamination along the frontlines enables LibMAC to coordinate and direct specialist clearance capacity as well as risk education teams to the most highly contaminated areas.<sup>40</sup>

# **LAND RELEASE SYSTEM**

### STANDARDS AND LAND RELEASE EFFICIENCY

There is no national mine action legislation in Libya, but National Mine Action Standards (LibMAS), in Arabic and English, have been elaborated with the support of the GICHD and UNMAS, and were approved by the GNA in August 2017. The LibMAS are available on the LibMAC website. According to international clearance operators, the national mine action standards are aligned to the International Mine Action Standards (IMAS), reproducing it word-for-word in many parts.

While the LibMAS are broad and not overly restrictive, they may, however, be open to different interpretation by various stakeholders and do not necessarily reflect local circumstances and conditions, including the specific context of clearance in urban areas. An example of this is the lack of urban specific characteristics of direct versus indirect evidence, which may lead to more general consideration of evidence and result in less accurate task boundaries.

### OPERATORS AND OPERATIONAL TOOLS

Mine action operations have been conducted by the army engineers, a police unit, and the Ministry of Interior's NSA, also known as Civil Defence.<sup>44</sup> Military engineers reportedly lack mine detectors and are working with basic tools.<sup>45</sup> The NSA is mandated to conduct EOD in civilian areas.<sup>46</sup> These institutions liaise with LibMAC but are not tasked or accredited by them, nor do they provide clearance reports to the Centre.

The deteriorating security situation resulted in the withdrawal of UNMAS and international mine action operators from Libya in mid 2014. International clearance operators active in Libya include DanChurchAid (DCA), DDG, and HALO Trust. 47 HI's survey and clearance operations stopped in April 2019 and the project formally ended in June of that year. 48 National non-governmental organisation (NGO) operator, Free Fields Foundation (3F), was also operational and another national operator, the Libyan Demining Group (LDG), was in the process of becoming established as at February 2019. 49 LDG is believed to have been accredited by LibMAC, but was not currently operational as at the time of writing. Local organisations Peace Organization from Zintan and World Without War (3W), from Misrata, which had been trained by HI in 2016 and received accreditation for non-technical survey, 50 subsequently had their operations suspended for not fully following standards and in addition, neither organisation had secured funding. 51

DCA is operational in Libya clearing residential, commercial, education, medical, and agricultural sites of mines and ERW, and providing training in clearance, search, and EOD, to help strengthen the capacity of national authorities. DCA also conducts risk education. Now in its ninth year of working in Libya, DCA has offices in Al-Bayda, Benghazi, Misrata, Sirte, and Tripoli.<sup>52</sup>

DDG set up in Benghazi in December 2017. It had hoped to expand non-technical survey and EOD capacity in Benghazi from the late summer of 2018. In Sabha, DDG had one non-technical survey team and one EOD team, which it was managing remotely. Security issues in the south continue to disrupt mine action operations and prevent continuous operations. In Tripoli, DDG works through its national implementing partner, 3F. 3F operates under DDG's accreditation and standing operating procedures (SOPs), and has an operational contingent of 37, composed in three EOD teams and one non-technical survey team.<sup>53</sup>

GCS, which finished its operations in 2019, was working in partnership with Libyan NGO 3F to clear ERW from an ammunition storage area on a military airbase in Misrata. The area comprised 37 bunkers destroyed by NATO airstrikes in 2011. 54 As of March 2019, GCS and 3F had collected a cumulative total of more than 200 tons of ERW and scrap metal of which 40 tons were successfully destroyed through bulk demolitions and burning. An estimated 12,500m² of battle area clearance (BAC) was also conducted around the ammunition storage area. 55

The HALO Trust has been present in Libya since November 2018, and has offices in Misrata, Sirte, and Tripoli. HALO deployed one four-strong survey/community liaison team in 2019, in partnership with DCA. In September 2019, LibMAC accredited the first mechanical clearance teams in Libya, with clearance at HALO's first task site beginning in October. HALO deployed two mechanical clearance teams, each consisting of one team leader, one operator, and two deminers. The teams shared a single mechanical asset in 2019, while awaiting physical delivery of additional assets. As at July 2020, HALO Trust was training non-technical survey teams in Tripoli and aimed to introduce mechanical clearance in 2020 in response to newly suspected mined areas in southern Tripoli.<sup>56</sup>

The HALO Trust and DCA are currently working in partnership in Sirte under a joint three-year European Union (EU) Instrument Contributing to Stability and Peace (ICSP) contract, which started in February 2019. Under this contract, HALO provides three mechanical clearance assets and two mechanical clearance teams (MCTs). In January 2020, the first EU-funded MCT was deployed in Sirte. The first of three mechanical clearance assets, a medium-range front-loader, was procured and upgraded locally in Libya in January 2020.<sup>57</sup>

A separate 18-month UK Conflict, Stability and Security Fund (CSSF) contract in which HALO Trust had also partnered with DCA in Sirte ended on 31 March 2020. During this project HALO had led on mechanical clearance and DCA had provided the supporting EOD capacity, along with a joint non-technical survey team and mine risk education team. HALO Trust and DCA conducted a socio-economic assessment of Sirte and a field assessment for areas of possible mine and ERW contamination which potentially require mechanical clearance. CSSF continue to provide funding in Sirte to HALO who provide mechanical clearance teams as well as non-technical survey and community liaison teams.

Humanitarian access to Libya for survey and clearance operations, remains challenging for all operators. HALO, for example, experienced delays in the granting of multiple-entry visas and limited movement between locations due to ongoing conflict and changing frontlines. In Libya, the provision of security is highly localised; tribe-affiliated armed groups, with oftentimes shifting allegiances, control cities and towns down to neighbourhood level. This in turns requires humanitarian actors to have good knowledge of armed group conglomerates on the one hand and to liaise with many interlocutors on the other hand. The risk of arbitrary detention for local staff is high, either due to tribal background or due to suspected affiliation with opposing armed groups.<sup>61</sup>

HALO is mitigating security risks to its staff by maintaining working relationships with key interlocutors in both East and West Libya, including LibMAC, ministries, and municipal authorities. Community liaison in Benghazi, Misrata, Sirte, and Tripoli is key to ensuring community acceptance. In Sirte specifically, HALO recruits equally among the tribes. International staff are sometimes needed to cut across tribal lines when negotiating access.<sup>62</sup>

HI conducted EOD spot tasks in 2019 in Tawerga, Misrata, but was hindered by security issues. It stopped survey and clearance operations in April 2019 and the project formally ended in June 2019, although its victim assistance work in Libya continues.<sup>63</sup>

A number of other Libyan civil society organisations are also reported to carry out mine action operations, but they are not accredited by LibMAC.

UNMAS provides institutional and operational capacity-building, training, including in EOD, and coordinates with national authorities and implementing partners to carry out mine action activities to mitigate the threat posed by ERW and provide technical advice and advisory support on arms and ammunition management. The UNMAS Libya Programme is an integral part of UNSMIL.<sup>64</sup> (See Programme Management section for further details).

# LAND RELEASE OUTPUTS AND PROGRESS TOWARDS COMPLETION

LAND RELEASE OUTPUTS IN 2019

There were no reports of planned CMR clearance during 2019 although several operators engaged in EOD operations.

In 2018, HI reported clearing 4,151m<sup>2</sup> of CMR in an area in Tawerga, in Misrata.<sup>65</sup>

#### **SURVEY IN 2019**

There were no other known reports of survey of CMR during 2019, although data from LibMAC, UNMAS, and several clearance operators were not made available.

In 2018, HI confirmed a total of 110,430m<sup>2</sup> as CMR-contaminated, which it reported to LibMAC.66

According to ITF's annual report, in 2019, LibMAC personnel opened 84 new tasks mostly for risk education and non-technical survey activities performed by international and local NGOs in Benghazi, Sirte, and Tawargha where LibMAC personnel conducted 52 QA/QC missions. LibMAC also conducted 23 accreditation procedures for international and local NGO teams to perform non-technical survey, risk education and EOD activities/tasks.<sup>67</sup>

According to a January 2020 report of the Secretary-General on UNSMIL, "The Mine Action Service project in Benghazi, [mandated] to conduct emergency clearance and map explosive hazards, has removed 40 items of unexploded ordnance and completed non-technical surveys of 24 sites. The surveys will inform future clearance operations and support the protection of civilians and stabilization." <sup>68</sup> The report did not, however, specify the type of unexploded ordnance.

#### **CLEARANCE IN 2019**

There were no known reports of clearance of CMR during 2019, although data from LibMAC, UNMAS, and several clearance operators were not made available.

In 2018, HI cleared 4,151m<sup>2</sup> of CMR contamination, in an area in Tawerga, in Misrata, during which 11 submunitions were destroyed.<sup>69</sup>

### PROGRESS TOWARDS COMPLETION

LibMAC describes the following challenges to implementation of mine action operations: the high level of contamination; ongoing conflict and the continued presence of Islamic State; the difficulty in convincing internally displaced persons to delay their return until the ERW threat is addressed; security and access to priority areas; the limited ERW and EOD capacity in Libya; the vast geographical area; and limited governmental and international support. Descurity conditions continued to pose a challenge to mine action in Libya.

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- 31 Ibid.
- 32 Email from Silvia Mari Bachero, Operations Coordinator, HI Libya, 29 July 2020.
- 33 Email from Catherine Smith, HI, 12 March 2019.
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