



## Libya

### Council Regulation (EU) No 204/2011

Her Majesty's Treasury issue this Notice in respect of the restrictive measures taken by the European Union against certain persons in view of the situation in Libya. This Notice draws attention to Council Regulation (EU) No 204/2011 of 2 March 2011, provides guidance on certain aspects only of the Regulation and should be read alongside the Regulation.

#### Introduction

1. On 26 February 2011 the United Nations Security Council adopted Resolution 1970 which introduced financial sanctions against persons listed in Annex II to the Resolution, or designated by the competent UN Sanctions Committee, as persons involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in the Libyan Arab Jamahiriya, including being involved in or complicit in planning, commanding, ordering or conducting attacks, in violation of international law, including aerial bombardments, on civilian populations and facilities; or persons acting on behalf or at the direction of such persons, or entities owned or controlled by such persons.
2. On 2 March 2011 the Council of the European Union adopted Council Regulation (EU) No 204/2011 ("the Regulation"), which implements Resolution 1970 (2011) in the European Union. The Regulation was published in the Official Journal of the European Union (O.J. L58, 3.3.2011, p.1) on 3 March 2011. It entered into force on 3 March 2011 and is directly applicable in the UK.
3. A copy of the Regulation is available from the Financial Sanctions pages of the Treasury website at:  
[http://www.hm-treasury.gov.uk/d/finsanc\\_council\\_regulation\\_euno204\\_030111.pdf](http://www.hm-treasury.gov.uk/d/finsanc_council_regulation_euno204_030111.pdf)

## **Council Regulation (EU) No 204/2011**

4. On 2 March 2011 the Council of the European Union adopted Council Regulation (EU) No 204/2011 which amongst other matters, places certain restrictions, including an asset freeze, on
  - (a) persons, entities or bodies designated by the United Nations Security Council or by the Sanctions Committee in accordance with paragraph 22 of UNSCR 1970 (2011);
  - (b) natural or legal persons, entities and bodies who, in accordance with Article 6(1) of Council Decision 2011/137/CFSP of 28 February 2011, have been identified by the Council as being persons involved in or complicit in ordering, controlling, or otherwise directing, the commission of serious human rights abuses against persons in Libya, including by being involved in or complicit in planning, commanding ordering or conducting attacks, in violation of international law, including aerial bombardments on civilian populations and facilities, or individuals or entities acting on their behalf or at their direction, or entities owned or controlled by them.
5. Annex II includes those persons referred to in (a) above – i.e. persons identified by the UN.
6. Annex III includes those persons referred to in (b) above – i.e. persons identified by the European Union.
7. Such persons are “designated persons” for the purposes of this Notice.

## **Freezing of funds and economic resources of designated persons**

8. Article 5 of the Regulation provides that all funds and economic resources belonging to, owned, held or controlled by the persons listed in Annexes II and III to the Regulation must be frozen.
9. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of designated persons.
10. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent these measures is prohibited.
11. For convenience, the names of the designated persons included in the new Annex III are set out in the Annex to this Notice.

12. The UK's Consolidated List of individuals and entities subject to financial sanctions in effect in the UK which is maintained on the Treasury website has been updated to include the designated persons named in Annex III.

### **Frozen accounts**

13. All funds and economic resources belonging to, owned, held or controlled by the designated persons which are held by banks, building societies, stockbrokers, accountants, etc must be frozen. No funds or economic resources may be made available, directly or indirectly to, or for the benefit of the designated persons unless licensed by the competent authority of a Member State in accordance with the Regulation (see paragraphs 19 and 20). The only exemptions from these prohibitions are those permitted under the Regulation (see paragraphs 17 and 18).

14. No payment or transfer may be made from a frozen account, including to another frozen account, without prior authorisation. This includes the deduction of fees or service charges for routine holding or maintenance of frozen accounts. Loans and other forms of credit should not be made available to designated persons.

### **Interest, other payments and credits**

15. The prohibitions in the Regulation do not apply to the addition to frozen accounts of interest or other earnings on those accounts, or payments due under contracts, agreements or obligations, that were concluded or arose before the date on which the person was included in Annex II or III to the Regulation, provided that any such interest, other earnings and payments are frozen in accordance with Article 5.

16. The prohibition against making funds or economic resources available does not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a designated person, provided that any additions to such accounts are also frozen. Financial or credit institutions are required to inform the Treasury of any such transactions without delay.

### **Licences**

17. The Treasury are able to authorise the release of or making available of certain frozen funds or economic resources, if they have determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of designated persons and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or
- (d) necessary for extraordinary expenses.

18. The Treasury are also able to authorise the release of or making available of certain funds or economic resources, if they have determined that the funds or economic resources concerned are intended exclusively to satisfy claims secured by a lien or judgement established prior to the date the person was listed in Annex II or Annex III to the Regulation provided the lien or judgement is not for the benefit of a designated person or contrary to public policy and provided the UN or EU has been notified of the lien or judgement.

#### **Reporting requirements**

19. Relevant institutions and other persons are requested to check whether they maintain any accounts or otherwise hold any funds or economic resources for the designated persons. If so, they must freeze such accounts or other funds and, unless licensed by the Treasury, must not make funds and/or economic resources available to designated persons.

20. Relevant institutions must report their findings to the Treasury, together with any additional information that would facilitate compliance with the Regulation.

#### **Enquiries**

21. Non-media enquiries, reports and licence applications should be addressed to:

Asset Freezing Unit, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ  
E-mail: [AFU@hmtreasury.gsi.gov.uk](mailto:AFU@hmtreasury.gsi.gov.uk), Telephone: 020 7270 5454.

22. Media enquiries should be addressed to the Treasury Press Office on 020 7270 5238.

23. Further information on all UK and EU financial sanctions regimes and the UK's Consolidated List of targets of financial sanctions can be obtained from the Financial Sanctions pages of the Treasury website: [http://www.hm-treasury.gov.uk/fin\\_sanctions\\_index.htm](http://www.hm-treasury.gov.uk/fin_sanctions_index.htm).

HM Treasury  
03/03/2011

**ANNEX TO NOTICE**

**FINANCIAL SANCTIONS: LIBYA**

**COUNCIL REGULATION (EU) NO 204/2011 – ANNEX III**

**ADDITIONS**

**Individuals**

**1. ABDULHAFIZ, Mas'ud**

Title: Colonel

Position: Armed Forces Commander.

Other Information: 3rd in command of Armed Forces. Significant role in Military Intelligence.

**2. ABDUSSALAM, Abdussalam, Mohammed**

DOB: 1952

POB: Tripoli, Libya

Position: Head Counter-Terrorism, External Security Organisation.

Other Information: Prominent Revolutionary Committee member. Close associate of Muammar Qadhafi.

**3. ABU SHAARIYA**

Position: Deputy Head, External Security Organisation.

Other Information: Prominent member of regime. Brother-in-law of Muammar Qadhafi.

**4. AL-BAGHDADI, Abdulqader, Mohammed**

Title: Dr

DOB: 1 July 1950

Passport Details: B010574

Position: Head of the Liaison Office of the Revolutionary Committees.

Other Information: Revolutionary Committees involved in violence against demonstrators.

**5. AL-BARASSI, Safia, Farkash**

DOB: 1952

POB: Al Bayda, Libya

Other Information: Wife of Muammar Qadhafi. Closeness of association with regime.

**6. AL-SENUSSI, Abdullah**

Title: Colonel

DOB: 1949

POB: Sudan

Position: Director Military Intelligence.

Other Information: Military intelligence involvement in suppression of demonstrations. Past history includes suspicion of involvement in Abu Selim prison massacre. Convicted in absentia for bombing of UTA flight. Brother-in-law of Muammar Qadhafi.

**7. ASHKAL, Al-Barrani**

Position: Deputy Director, Military Intelligence.

Other Information: Senior member of regime.

**8. ASHKAL, Omar**

POB: Sirte, Libya

Position: Head, Revolutionary Committees Movement.

Other Information: Revolutionary Committees involved in violence against demonstrators.

**9. DIBRI, Abdulqader, Yusef**

DOB: 1946

POB: Houn, Libya

Position: Head of Muammar Qadhafi's personal security.

Other information: Responsibility for regime security. History of directing violence against demonstrators.

**10. DORDA, Abu Zayd, Umar**

Position: Director, External Security Organisation.

Other information: Regime loyalist. Head of external intelligence agency.

**11. FARKASH, Mohammed, Boucharaya**

DOB: 1 July 1949

POB: Al-Bayda

Position: Director of intelligence in External Security Office.

Other Information: Closeness of association with regime.

**12. JABIR, Abu Bakr, Yunis**

Title: Major General

DOB: 1952

POB: Jalo, Libya

Position: Defence Minister.

Other information: Overall responsibility for actions of security forces.

**13. MATUQ, Matuq, Mohammed**

DOB: 1956

POB: Khoms

Position: Secretary for Utilities.

Other information: Senior member of regime. Involvement with Revolutionary Committees. Past history of involvement in suppression of dissent and violence.

**14. QADHAF AL-DAM, Ahmed, Mohammed**

DOB: 1952

POB: Egypt

Other information: Cousin of Muammar Qadhafi. Since 1995, he is believed to have had command of an elite army battalion in charge of Qadhafi's personal security and to have a key role in External Security Organisation. He has been involved in planning operations against Libyan dissidents abroad and was directly involved in terrorist activity.

**15. QADHAF AL-DAM, Sayyid, Mohammed**

DOB: 1948

POB: Sirte, Libya

Other Information: Cousin of Muammar Qadhafi. In the 1980s, Sayyid was involved in the dissident assassination campaign and allegedly responsible for several deaths in Europe. He is also thought to have been involved in arms procurement.

**16. QADHAFI, Mohammed, Muammar**

DOB: 1970

POB: Tripoli, Libya

Position: Chairman of Libya's General Post and Telecommunications Company.

Other Information: Son of Muammar Qadhafi. Closeness of association with regime.

**17. QADHAFI, Saadi**

DOB: 25 May 1973

POB: Tripoli, Libya

Passport Details: 014797

Position: Commander Special Forces.

Other Information: Son of Muammar Qadhafi. Closeness of association with regime. Command of military units involved in repression of demonstrations.

**18. QADHAFI, Saif, Al-Arab**

DOB: 1982

POB: Tripoli, Libya

Other Information: Son of Muammar Qadhafi. Closeness of association with regime.

**19. SALEH, Bachir**

DOB: 1946

POB: Traghan

Position: Head of Cabinet of the Leader.

Other Information: Closeness of association with regime.

**20.TOHAMI, Khaled**

Title: General

DOB: 1946

POB: Genzur

Position: Director of Internal Security Office.

Other Information: Closeness of association with regime.

HM Treasury

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