



BORD TA' SORVELJANZA DWAR IS-SANZJONIJIET
SANCTIONS MONITORING BOARD
MALTA

Libya Sanctions

07 August 2020

The United Nations Security Council (UNSC) reiterates the importance of international support for Libyan sovereignty over its territory and resources. The UNSC encourages Libya as well as all regional States to promote regional cooperation aimed at stabilising the situation in Libya, including through the prevention of illicit acts that the UNSC itself defines as contributing the destabilisation of Libya through Resolution 2213 of 2015.

In view of United Nations Security Council Resolutions 2174 of 2014 and Resolution 2213 of 2015, the President of the United States of America enacted the Presidential Executive Order 13726 whereby individuals may be subjected to an asset freeze if identified as responsible for or complicit in, to have engaged in, directly or indirectly in a range of activities including *“actions or policies that threaten the peace, security, or stability of Libya”*.

The United States Office of Foreign Assets Control (OFAC) used Executive Order 13726 as a basis to sanction 3 individuals, 1 entity and 1 vessel.¹ The OFAC publicly identified these persons, entities and bodies as being responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of Libya, including through the supply of arms or related material. One individual is also being designated under Executive Order 13726 for being involved in, or having been involved in, the illicit exploitation of crude oil or any other natural resources in Libya, including the illicit production, refining, brokering, sale, purchase, or export of Libyan oil.

The OFAC has stated that all property and interests in property of these persons, including the identified vessel, that are or enter into the United States or are in the possession or control of the US must be blocked and reported to the OFAC. All economic resources owned or controlled by the said persons are subject to scrutiny.

All information pertaining to the said persons, entities and bodies, and their assets, funds and economic resources must be available in order for the Sanctions Monitoring Board as well as the UN Panel of Experts to evaluate the implementation of measures decided in UNSC Resolutions.

The Sanctions Monitoring Board therefore calls for particular attention regarding the decision taken by the OFAC, considering that the natural persons involved could have links in Malta and that a Maltese legal person features on the list. The SMB strongly recommends that all economic operators and financial institutions in the Republic of Malta exercise enhanced due diligence when dealing with the persons, entities and bodies listed by the OFAC and their

¹ OFAC Sanction Decision of 06 August 2020, <https://www.treasury.gov/resource-center/sanctions/OFAC-Enforcement/Pages/20200806.aspx>

assets. Economic operators and financial institutions are encouraged to closely monitor and record the activities and transactions carried out by the persons, entities and bodies contained in the list; ensuring also that they maintain up to date records of all assets, funds and economic resources held by the said persons, entities and bodies.