

**SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO
RESOLUTION 1970 (2011) CONCERNING
THE LIBYAN ARAB JAMAHIRIYA**

**PROVISIONAL GUIDELINES OF THE COMMITTEE FOR
THE CONDUCT OF ITS WORK
as adopted by the Committee on 25 March 2011¹**

**1. The Security Council Committee established pursuant to resolution 1970 (2011)
concerning the Libyan Arab Jamahiriya**

- (a) The Security Council Committee established pursuant to resolution 1970 (2011) concerning the Libyan Arab Jamahiriya shall hereinafter be referred to as “the Committee”. Its mandate was set out in paragraph 24 of resolution 1970 (2011) and expanded by paragraph 26 of resolution 1973 (2011).
- (b) The Committee is a subsidiary organ of the Security Council and consists of all the members of the Council.
- (c) The Chairman of the Committee will be appointed by the Security Council to serve in his/her personal capacity. The Chairman will be assisted by one or two delegations who will act as Vice-Chair(s), and who will also be appointed by the Security Council.
- (d) The Committee is assisted by a Panel of Experts originally established by resolution 1973 (2011).
- (e) The Secretariat of the United Nations will provide the Committee with secretariat support.

¹ These guidelines are available on the Committee’s webpage:
<http://www.un.org/sc/committees/1970/>.

2. Mandate of the Committee

The Committee has been established to undertake the tasks assigned to it by Security Council resolution 1970 (2011), as specified in paragraph 24 of that resolution and as expanded by paragraph 26 of Security Council resolution 1973 (2011) to also apply to the measures decided in resolution 1973 (2011).

3. Meetings of the Committee

(a) Meetings of the Committee, both formal and informal, will be convened at any time the Chairman deems necessary, or at the request of a Member of the Committee. Two working days notice will be given for any meeting of the Committee, although shorter notice may be given in urgent situations.

(b) The Chairman will chair formal meetings and informal consultations of the Committee. When he/she is unable to chair a meeting, he/she will nominate one of the Vice-Chairmen or another representative of his/her Permanent Mission to act on his/her behalf.

(c) The meetings and informal consultations of the Committee will be closed, unless the Committee decides otherwise. The Committee may invite, subject to consensual decision, non-members of the Committee, including other UN Member States, the Secretariat, regional and international organizations, NGOs and individual experts, to participate in its meetings and informal consultations for the purpose of providing information or explanations relating to any violations or alleged violations of the relevant measures imposed by resolutions 1970 (2011) and 1973 (2011), or to address the Committee and assist it, on an *ad hoc* basis, if necessary and useful to the progress of its work. The Committee will consider requests from Member States to send representatives to meet with the Committee for more in-depth discussion of relevant issues.

(d) The Committee may invite the members of the Panel of Experts on the Libyan Arab Jamahiriya to attend its informal consultations and meetings, as appropriate.

(e) The meetings and informal consultations of the Committee will be announced in the Journal of the United Nations.

4. Decision-making

- (a) The Committee will reach all decisions by consensus of its members.
- (b) If consensus cannot be reached on a particular issue, the Chairman will undertake consultations, or encourage bilateral exchanges, between Member States, as he/she deems appropriate, to resolve the issue and to ensure the effective functioning of the Committee.
- (c) If, after these consultations, consensus still cannot be reached, the matter may be referred to the Security Council.
- (d) Decisions may be made by a “no-objection procedure”. In such cases, the Chairman will circulate to all members of the Committee the proposed decision of the Committee, and will request members of the Committee to indicate, in written form, any objection they may have to the proposed decision within five working days (in emergency situations the Chairman may decide to reduce that time period after notifying all Committee members accordingly). In exceptional cases, the Committee may decide to extend that time period. If no objection is received within the defined period, the proposed decision will be deemed adopted. Objections received after the defined period will not be considered.
- (e) A hold placed on a matter by a member of the Committee will cease to have effect at the time its membership of the Committee ends. New members shall be informed of all pending matters one month before their membership begins and are encouraged to inform the Committee of their position on relevant matters, including possible approval, objection or hold, at the time they become members.
- (f) The Committee will review at least once a month the status of pending issues as updated by the Secretariat.

5. Listing

- (a) The Committee will decide on the designation of individuals and entities on the basis of criteria contained in paragraph 22 of resolution 1970 (2011) and paragraph 23 of resolution 1973 (2011).

(b) The Committee will consider all requests from United Nations Member States, submitted in writing, to add the names of individuals or entities to the List within five working days, as decided by the Committee, from the date of official transmittal of such requests to Committee members. If no objections are received within the defined time period, the additional names will be promptly incorporated in the List.

(c) Member States shall provide a detailed statement of case in support of the proposed listing that forms the basis or justification for the listing in accordance with the relevant criteria contained in paragraph 22 of resolution 1970 (2011) and paragraph 23 of resolution 1973 (2011). The statement of case should provide as much detail as possible on the basis for listing indicated above, including: (1) specific findings and reasoning demonstrating that the criteria are met; (2) the nature of the supporting evidence (e.g., reports of the Panel of Experts, intelligence, law enforcement, judicial, media, admissions by subject, etc.); and (3) supporting evidence or documents that can be supplied. States should include details of any connection with a currently listed individual. States shall identify those parts of the statement of case that may be publicly released, including for the purpose of notifying or informing the listed individual or entity of the listing, and those parts that may be released upon request to interested States.

(d) Proposed additions to the List shall include as much relevant and specific information as possible on a proposed name, in particular sufficient identifying information to allow for the positive identification of the individual, group, undertaking or entity concerned by competent authorities, including:

- For individuals: family name/surname, given names, other relevant names, date of birth, place of birth, nationality/citizenship, gender, aliases, employment/occupation, residence, passport or travel document (including date and place of issue) and national identification number, current and previous addresses, website addresses, and current location;

- For groups, undertakings or entities: name, acronyms, address, headquarters, subsidiaries, affiliates, fronts, nature of business or activity, leadership, tax or other identification number and other names by which it is known or was formerly known, and website addresses.

(e) The Committee will consider expeditiously requests to update the List. If a proposal for listing is not approved within the decision-making period as set out in paragraph 4 (d)

above, the Committee will provide feedback to the submitting State on the status of the request.

(f) In its communication to inform Member States of new entries to the List, the Secretariat shall include the publicly releasable portion of the statement of case.

(g) The Secretariat shall, after publication but within one week after a name is added to the List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known). The Secretariat shall include with this notification a copy of the publicly releasable portion of the statement of case, a description of the effects of designation, as set forth in the relevant resolutions, the Committee's procedures for considering delisting requests, and the provisions for available exemptions. The letter shall remind States receiving such notification that they are required to take, in accordance with their domestic laws and practices, all possible measures to notify or inform in a timely manner the newly listed individuals and entities on the List of the measures imposed on them, any information on reasons for listing available on the Committee's website as well as all the information provided by the Secretariat in the above-mentioned notification.

6. The List

(a) The Committee will maintain one List for individuals and entities designated pursuant to the criteria set out in paragraph 22 of resolution 1970 (2011) and paragraph 23 of resolution 1973 (2011).

(b) The Committee will update regularly the List when it has agreed to include or delete relevant information in accordance with the procedures set out in these guidelines.

(c) The updated List will be made promptly available on the website of the Committee.² At the same time, any modification to the List will be communicated to Member States immediately through Notes Verbale and United Nations Press Releases.

² <http://www.un.org/sc/committees/1970/>.

(d) Once the updated List is communicated to Member States, States are encouraged to circulate it widely, such as to banks and other financial institutions, border points, airports, seaports, consulates, customs agents, intelligence agencies, alternative remittance systems and charities.

7. De-listing

(a) Member States may submit delisting requests at any time.

(b) Without prejudice to available procedures, a petitioner (individual(s), groups, undertakings, and/or entities on the List) may submit a petition to request review of the case.

(c) A petitioner seeking to submit a request for de-listing can do so either directly to the Focal Point as outlined in paragraph (g) below, or through his/her State of residence or nationality as outlined in paragraph (h) below. In cases where listings are made directly by a resolution of the Security Council, the Committee assumes the role of the designating State(s) as described in paragraphs 7(g)(v), 7(h)(i) and 7(h)(ii) below.

(d) A State can decide that as a rule, its nationals or residents should address their de-listing requests directly to the Focal Point. The State will do so by a declaration addressed to the Chairman that will be published on the Committee's website.

(e) The petitioner should explain in the de-listing request why the designation does not or no longer meets the criteria described in paragraph 22 of resolution 1970 (2011) or paragraph 23 of resolution 1973 (2011), in particular through countering the reasons for listing as stated in the publicly releasable portion of the statement of case described above. The de-listing request should also include the petitioner's current occupation and/or activities, and any other relevant information. Any documentation supporting the request can be referred to and/or attached together with the explanation of its relevance, where appropriate.

(f) For a deceased individual, the petition shall be submitted either directly to the Committee by a State, or through the Focal Point by his/her legal beneficiary, together with

an official documentation certifying that status. The statement of case supporting the de-listing request shall include a death certificate or similar official documentation confirming the death. The submitting State or the petitioner should also ascertain and inform the Committee whether or not any legal beneficiary of the deceased's estate or any joint owner of his /her assets is on the List.

(g) If a petitioner chooses to submit a petition to the Focal Point, the latter would perform the following tasks:

i. Receive de-listing requests from a petitioner (individual(s), groups, undertakings and/or entities on the List);

ii. Verify if the request is new or is a repeated request;

iii. If it is a repeated request and if it does not contain any additional information, return it to the petitioner;

iv. Acknowledge receipt of the request to the petitioner and inform the petitioner on the general procedure for processing that request;

v. Forward the request, for their information and possible comments to the designating State(s) and to the State(s) of nationality and residence. These States are urged to review de-listing petitions in a timely manner and indicate whether they support or oppose the request in order to facilitate the Committee's review. The State(s) of nationality and residence are encouraged to consult with the designating State(s) before recommending de-listing. To this end, they may approach the Focal Point, which, if the designating State(s) so agree(s), will put them in contact with the designating State(s);

a. If, after these consultations, any of these States recommend de-listing, that State will forward its recommendation, either through the Focal Point or directly to the Chairman, accompanied by that State's explanation. The Chairman will then place the de-listing request on the Committee's agenda;

b. If any of the States, which were consulted on the de-listing request under

subparagraph v. above oppose the request, the Focal Point will so inform the Committee and provide copies of the de-listing request. Any member of the Committee, which possesses information useful for evaluating the de-listing request, is encouraged to share such information with the States that reviewed the de-listing request under subparagraph v. above;

c. If, after a reasonable time (3 months), none of the States which reviewed the de-listing request under subparagraph v. above comment, or indicate that they are working on the de-listing request to the Committee and require an additional definite period of time, the Focal Point will so notify all members of the Committee and provide copies of the de-listing request. Any member of the Committee may, after consultation with the designating State(s), recommend de-listing by forwarding the request to the Chairman, accompanied by an explanation. (Only one member of the Committee needs to recommend de-listing in order to place the issue on the Committee's agenda.) If after one month, no Committee member recommends de-listing, then it shall be deemed rejected and the Chairman shall inform the Focal Point accordingly;

vii. The Focal Point shall convey all communications, which it receives from Member States, to the Committee for its information;

viii. Inform the petitioner:

a. Of the decision of the Committee to grant the de-listing petition; or

b. That the process of consideration of the de-listing request within the Committee has been completed and that the petitioner remains on the List of the Committee.

ix. Where appropriate, the Focal Point will inform the reviewing States of the outcome of the de-listing petition.

(h) If the petitioner submits the petition to the State of residence or nationality, the procedure outlined in the subparagraphs below shall apply:

i. The State to which a petition is submitted (the petitioned State) should review all relevant information and then approach bilaterally the designating State(s) to seek additional

information and to hold consultations on the de-listing request;

ii. The designating State(s) may also request additional information from the petitioner's State of nationality or residence. The petitioned and the designating State(s) may, as appropriate, consult with the Chairman during the course of any such bilateral consultations;

iii. If, after reviewing any additional information, the petitioned State wishes to pursue a de-listing request, it should seek to persuade the designating State(s) to submit jointly or separately a request for de-listing to the Committee. The petitioned State may, without an accompanying request from the designating State(s), submit a request for de-listing to the Committee, pursuant to the no-objection procedure;

iv. Where appropriate, the Chairman will inform the reviewing States of the outcome of the de-listing petition.

(i) The Secretariat shall, within one week after a name is removed from the List, notify the Permanent Mission of the country or countries where the individual or entity is believed to be located and, in the case of individuals, the country of which the person is a national (to the extent this information is known). The letter shall remind States receiving such notification that they are required to take measures, in accordance with their domestic laws and practices, to notify or inform the concerned individual or entity of the de-listing in a timely manner.

8. Updating the existing information on the List

(a) The Committee shall consider and decide, in accordance with the following procedures, on updating the List, with additional identifying information and other information, along with supporting documentation, including the movement, incarceration, or death of listed individuals and other significant events, as such information becomes available.

(b) The Committee may approach the original designating State and consult with it on the relevance of the submitted additional information. The Committee may also encourage Member States or regional or international organizations providing such additional

information to consult with the original designating State. The Secretariat will, subject to the designating State's consent, assist in establishing the appropriate contacts.

(c) Upon the decision of the Committee to incorporate additional information into the List, the Chairman of the Committee will inform the Member State or regional or international organization that submitted the additional information accordingly.

9. Exemptions to the Travel Restrictions

(a) The Committee will determine whether the travel is justified on the basis of the provisions of paragraph 16(a) or 16(c) of resolution 1970 (2011).

(b) Each request for exemption to the travel restrictions imposed under paragraph 15 of resolution 1970 (2011), shall be submitted in writing, on behalf of the listed individual, to the Chairman through the Permanent Mission to the United Nations of the State of which the listed individual is a national or resident, or through the relevant UN office.

(c) Except in cases of emergency, to be determined by the Chairman, all requests shall be received by the Chairman no less than five working days before the commencement date of the proposed travel.

(d) All requests should include the following information, with accompanying documents to the extent possible:

(i) The name, designation, nationality and passport number(s) of the person(s) undertaking the proposed travel.

(ii) The purpose(s) of the proposed travel, with copies of supporting documents furnishing details connected to the request such as specific dates and times of meetings or appointments.

(iii) The proposed dates and times of departure from and return to the country from which the travel commenced.

(iv) The complete itinerary for such travel including the ports of departure and return and all transit stops.

- (v) Details of the mode of transport to be used, including where applicable, record locator, flight numbers and names of vessels.
- (e) Any request for extension(s) of exemptions approved by the Committee pursuant to paragraph 16(a) or paragraph 16(c) of resolution 1970 (2011), shall also be subject to the provisions above, and shall be received by the Chairman in writing, attaching the revised itinerary, no less than five working days before the expiry of the approved exemption period, and circulated to Committee members.
- (f) In cases where the Committee approves requests for exemptions to the travel restrictions, the Chairman will write to the Permanent Mission to the United Nations of the State of which the listed individual is a national or resident or to the relevant UN office, informing them of the approval. Copies of the approval letter will also be sent to the Permanent Missions to the United Nations of all State(s) to which the listed individual will be traveling and transiting in the course of the approved exemption.
- (g) The Committee shall receive written confirmation from the State in whose territory the listed individual resides or from the relevant UN office, with supporting documents, confirming the itinerary and date on which the listed individuals travelling under an exemption granted by the Committee returned to the country of residence.
- (h) All requests for exemptions and extensions thereto, which have been approved by the Committee pursuant to paragraph 16(a) or paragraph 16(c) of resolution 1970 (2011), shall be posted on the Committee's webpage until confirmation of the return to the country of residence of the listed individual is received by the Committee.
- (i) Any changes to the required travel information previously submitted to the Committee, particularly the points of transit, shall require the prior approval of the Committee and shall be received by the Chairman and circulated to the Committee members no less than five working days prior to the commencement of the travel, except in cases of emergency, as determined by the Chairman.
- (j) The Chairman shall be informed in writing immediately in the event of advancement or postponement of travel for which the Committee has already issued an exemption. Submission to the Chairman of written notification will be sufficient in cases where the time

of departure is advanced or postponed no more than 48 hours and the previously submitted itinerary remains otherwise unchanged. If travel is to be advanced or postponed more than 48 hours before or after the date previously approved by the Committee, then a new exemption request must be submitted, and should be received by the Chairman and circulated to Committee members.

(k) For exemption requests based on medical or other humanitarian need, the Committee will determine whether the travel is justified within the provisions of paragraph 16(a), once informed of the name of the traveler, the reason for travel, the date and time of treatment, along with flight details, including transit points and destinations(s). In cases of emergency medical evacuations the Chairman shall also be promptly provided with a doctor's note containing details of the nature of the medical emergency and the facility where treatment was received by the patient, as well as information regarding the date, time, and mode of travel by which the patient returned or will return to his/her country of residence.

(l) In acceding to any request for exemption to the travel restrictions imposed under paragraph 15 of resolution 1970 (2011), the Committee may attach any conditions to the exemption granted that are consistent with paragraphs 16(a) and 16(c) of resolution 1970 (2011).

(m) Where, pursuant to paragraph 16(d) of resolution 1970 (2011), a State determines on a case-by-case basis that entry into or transit through its territory is required to advance peace and stability in the Libyan Arab Jamahiriya, it will subsequently notify the Committee within 48 hours after making such a determination.

10. Exemptions to the Assets Freeze

(a) The Committee will determine whether an exemption to the assets freeze is justified on the basis of paragraph 19 of resolution 1970 (2011). The Committee shall receive notifications from Member States of their intention to authorize, where appropriate, access to frozen funds or other financial assets or economic resources to cover basic expenses, as provided for in paragraph 19(a) of resolution 1970 (2011) ("the basic expenses exemption").

The Committee, through the Secretariat, will immediately acknowledge receipt of the notification. Should no negative decision be taken by the Committee within the requisite 5 working day period, the Committee, through its Chairman, will inform the notifying Member State thereof. The Committee will also inform the notifying Member State if a negative decision has been taken regarding the notification.

(b) The Committee shall consider and approve, if appropriate, requests by Member States for extraordinary expenses, as provided for in paragraph 19(b) of resolution 1970 (2011) (“the extraordinary expenses exemption”). Member States are encouraged, when submitting requests for the extraordinary expenses exemption, to report in a timely way on the use of such funds.

(c) The Committee shall receive notifications from Member States regarding frozen assets which have been determined by relevant States to be the subject of a judicial, administrative or arbitration lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of resolution 1970 (2011) or resolution 1973 (2011), as relevant, is not for the benefit of a person or entity designated by the Council or the Committee pursuant to paragraph 17 of resolution 1970 (2011) or paragraph 22 of resolution 1973 (2011), and has been notified by the relevant States to the Committee.

(d) The Notifications referred to in subparagraph (a) and (c) above and requests for the extraordinary expenses exemption should, as appropriate, include the following information:

- i. recipient (name and address)
- ii. recipient’s bank information (name and address of bank, account number)
- iii. purpose of payment and justification of the determination of the expenses falling under the basic expenses exemption and the extraordinary expenses exemption:

- under the basic expenses exemption:

- basic expenses, including payment for foodstuffs, rent or mortgage, medicines and medical

treatment, taxes, insurance premiums, and public utility charges;

- payment of reasonable professional fees and reimbursement of incurred expenses associated with the provisions of legal services;

- fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources.

- under extraordinary expenses exemption:

- extraordinary expenses (other categories than the ones mentioned under paragraph 19 of resolution 1970 (2011):

iv. amount of instalment

v. number of installments

vi. payment starting date

vii. bank transfer or direct debit

viii. interests

ix. specific funds being unfrozen

x. other information.

(e) Pursuant to paragraph 20 of resolution 1970 (2011), States may allow for the addition to accounts subject to the assets freeze of:

i. interest or other earnings due on those accounts, or

ii. payments due under contracts, agreements or obligations that arose prior to the date on which those accounts became subject to the assets freeze, provided that any such interest, other earnings (see i. above) and payments continue to be subject to the

assets freeze.

- (f) Pursuant to paragraph 21 of resolution 1970 (2011), a designated individual or entity may make a payment due under a contract entered into prior to the listing of such a person or entity, provided that:
 - (i) the relevant States have determined that the payment is not directly or indirectly received by a designated individual or entity, and
 - (ii) 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.

11. Exemptions to the arms embargo

- (a) The Committee will determine whether an exemption to the arms embargo is justified on the basis of paragraphs 9(a) and 9(c) of resolution 1970 (2011).
- (b) The Committee shall consider, and approve if appropriate, requests submitted by Member States for supplies to the Libyan Arab Jamahiriya of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training.
- (c) The Committee shall consider, and approve if appropriate, requests submitted by Member States for other sales or supply to the Libyan Arab Jamahiriya of arms and related materiel, or provision of assistance or personnel.

12. Exemptions to the ban on flights (of Libyan aircraft)

Pursuant to paragraph 17 of resolution 1973 (2011), the Committee shall consider, and approve if appropriate, any requests submitted by Member States to permit 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.

13. Outreach

- (a) The Committee shall make relevant information publicly available through appropriate media, including the List referred to in paragraph 6 of these Guidelines;
- (b) The Committee shall assist States, where necessary, in implementing the measures imposed by resolutions 1970 (2011) and 1973 (2011), particularly with regard to tracing and freezing the funds, other financial assets and economic resources of individuals and entities inscribed on the List referred to in paragraph 6 above;
- (c) In order to enhance the dialogue with Member States and to publicize the work of the Committee, the Chairman will on a regular basis hold briefings for all interested Member States, as well as brief interested Member States and the press following formal meetings of the Committee. In addition, the Chairman may, after prior consultations and with the approval of the Committee, hold press conferences and/or issue press releases on any aspect of the Committee's work.
- (d) The Secretariat shall maintain a website for the Committee which should include all public documents relevant to the Committee's work, including the List, relevant resolutions, public reports of the Committee, relevant press releases, and reports submitted by Member States pursuant to paragraph 25 of resolution 1970 (2011). Information on the website should be updated in an expeditious manner.
- (e) The Committee may consider, as appropriate, visits by the Chairman and/or Committee Members to selected countries to enhance the full and effective implementation of the measures referred to above, with a view to encouraging States to comply fully with the relevant resolutions:

- i. The Committee shall consider and approve the proposal to visit selected countries, and coordinate such visits with the other subsidiary organs of the Security Council as appropriate.
- ii. The Chairman will contact the selected countries through their Permanent Missions in New York, and will also send letters seeking their prior consent and explaining the objectives of the trip.
- iii. The Secretariat and the Panel of Experts will provide the Chairman and the Committee with the necessary assistance in this regard.
- iv. Upon his/her return the Chairman will prepare a comprehensive report on the findings of the trip and will brief the Committee orally and in writing.

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