

Official Journal of the European Union

L 71



English edition

Legislation

Volume 63

6 March 2020

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Acts whose titles are printed in light type are those relating to day-to-day management of agricultural matters, and are generally valid for a limited period.

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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2020/370**of 5 March 2020****implementing Regulation (EU) No 208/2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 208/2014 of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine ⁽¹⁾, and in particular Article 14(1) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 5 March 2014, the Council adopted Regulation (EU) No 208/2014.
- (2) On the basis of a review by the Council, the entries for two persons should be deleted and the information in Annex I regarding the rights of defence and the right to effective judicial protection should be updated.
- (3) Annex I to Regulation (EU) No 208/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 208/2014 is amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2020.

For the Council
The President
T. ČORÍČ

⁽¹⁾ OJ L 66, 6.3.2014, p. 1.

ANNEX

Annex I to Regulation (EU) No 208/2014 is amended as follows:

- (1) in the section 'A. List of natural and legal persons, entities and bodies referred to in Article 2', the entries for the following persons are deleted:

11. Mykola Yanovych Azarov;

18. Edward Stavitskyi;

- (2) section 'B. Rights of defence and right to effective judicial protection' is replaced by the following:

B. Rights of defence and right to effective judicial protection

The rights of defence and the right to effective judicial protection under the Code of Criminal Procedure of Ukraine

Article 42 of the Code of Criminal Procedure of Ukraine ("Code of Criminal Procedure") provides that every person who is suspected or accused in criminal proceedings enjoys rights of defence and the right to effective judicial protection. These include: the right to be informed of the criminal offence of which he has been suspected or accused; the right to be informed, expressly and promptly, of his rights under the Code of Criminal Procedure; the right to have, when first requested, access to a defence lawyer; the right to present petitions for procedural actions; and the right to challenge decisions, actions and omissions by the investigator, the public prosecutor and the investigating judge. Article 306 of the Code of Criminal Procedure provides that complaints against decisions, acts or omissions of the investigator or public prosecutor must be considered by an investigating judge of a local Court in the presence of the complainant or his defence lawyer or legal representative. Article 308 of the Code of Criminal Procedure provides that complaints regarding failure by the investigator or public prosecutor to respect reasonable time during the pre-trial investigation may be lodged with a superior public prosecutor and must be considered within three days of being lodged. In addition, Article 309 of the Code of Criminal Procedure specifies the decisions of investigating judges that may be challenged on appeal, and that other decisions may be subject to judicial review in the course of preparatory proceedings in Court. Moreover, a number of procedural investigating actions are only possible subject to a ruling by the investigating judge or a Court (e.g. seizure of property under Articles 167 – 175, and measures of detention under Articles 176 – 178 of the Code of Criminal Procedure).

Application of the rights of defence and the right to effective judicial protection of each of the listed persons

1. Viktor Fedorovych Yanukovych

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by letters of 26 September 2014 and 8 October 2014 concerning the sending of the written notification of suspicion, information that permission for a special pre-trial investigation *in absentia* was granted on 27 July 2015, a number of Court decisions relating to the seizure of property and by the fact that the decision of 27 September 2017 to suspend the criminal proceedings was open to appeal. The Council also has evidence on its file that a recent motion of the defence was granted on 30 September 2019.

2. Vitalii Yuriyovych Zakharchenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Zakharchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Zakharchenko with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody. Moreover, the decision of 19 February 2019 on the suspension of the pre-trial investigation was open to appeal.

3. Viktor Pavlovykh Pshonka

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the fact that a written notification of suspicion was delivered on 22 December 2014, by the fact that the decision of 16 June 2017 to suspend the criminal proceedings was open to appeal and by the decisions of the investigating judge of 12 March 2018, 13 August 2018 and 5 September 2019 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

6. Viktor Ivanovych Ratushniak

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Ratushniak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Ratushniak with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody. Moreover, the decision of 19 February 2019 on the suspension of the pre-trial investigation was open to appeal.

7. Oleksandr Viktorovych Yanukovych

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizure of property and by the decision of the investigating judge of 27 June 2018 cancelling the resolution of the prosecution refusing to grant the motion of defence for closing the investigation.

9. Artem Viktorovych Pshonka

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the fact that a written notification of suspicion was delivered on 29 December 2014, by the fact that the decision of 16 June 2017 to suspend the criminal proceedings was open to appeal and by the decisions of the investigating judge of 12 March 2018, 13 August 2018 and 5 September 2019 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

12. Serhiy Vitalyovych Kurchenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Kurchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 March 2018 granting permission for a special investigation *in absentia*. Moreover, the defence was notified about the completion of the pre-trial investigation on 28 March 2019 and was provided access to the materials for familiarisation.

13. Dmytro Volodymyrovych Tabachnyk

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Tabachnyk were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 8 May 2018 granting permission to detain Mr Tabachnyk with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

15. Serhiy Hennadiyovych Arbuzov

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Arbuzov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a letter of 24 April 2017 concerning the sending of the written notification of suspicion, the decisions of the investigating judge of 19 December 2018, 18 March 2019 and 29 July 2019 granting the motion of the defence against inaction by the Prosecutor General's Office, the decision of the investigating judge of 10 August 2017 granting permission for a special investigation *in absentia* and by the decisions of the investigating judge of 4 November 2019 and 5 November 2019 refusing the motions of the defence to set a deadline for completing the pre-trial investigation.

17. Oleksandr Viktorovych Klymenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Klymenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 1 March 2017 and 5 October 2018 granting permission for a special investigation *in absentia*, the decisions of the investigating judge of 8 February 2017 and 19 August 2019 granting a preventive measure in the form of detention in custody, and the ongoing process of familiarisation with the materials of the criminal proceedings by the defence.'.

COUNCIL IMPLEMENTING REGULATION (EU) 2020/371**of 5 March 2020****implementing Article 21(5) of Regulation (EU) 2016/44 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2016/44 of 18 January 2016 concerning restrictive measures in view of the situation in Libya and repealing Regulation (EU) No 204/2011 ⁽¹⁾, and in particular Article 21(5) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 18 January 2016, the Council adopted Regulation (EU) 2016/44.
- (2) On 25 February 2020, the United Nations Security Council ("UNSC") Committee established pursuant to UNSC Resolution 1970 (2011) updated the information relating to five persons subject to restrictive measures.
- (3) Annex II to Regulation (EU) 2016/44 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex II to Regulation (EU) 2016/44 is amended as set out in the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the date of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 5 March 2020.

For the Council
The President
T. ČORÍČ

⁽¹⁾ OJ L 12, 19.1.2016, p. 1.

ANNEX

In Annex II to Regulation (EU) 2016/44, entries 6, 9, 23, 25 and 27 are replaced by the following:

‘6. Name: 1: ABU 2: ZAYD 3: UMAR 4: DORDA

Title: na **Designation:** a) Director, External Security Organisation. b) Head of external intelligence agency. **DOB:** 4 April 1944 **POB:** Alrhaybat **Good quality a.k.a.:** Dorda Abuzed OE **Low quality a.k.a.:** na **Nationality:** na **Passport no:** Libya number FK117RK0, issued on 25 November 2018, issued in Tripoli (Date of expiration: 24 November 2026) **National identification no:** na **Address:** Libya (Believed status/location: residing in Egypt) **Listed on:** 26 February 2011 (amended on 27 June 2014, 1 April 2016, 25 February 2020) **Other information:** Listed pursuant to paragraph 15 of resolution 1970 (Travel Ban). Listed on 17 March 2011 pursuant to paragraph 17 of resolution 1970 (Asset Freeze). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5938451>

‘9. Name: 1: AISHA 2: MUAMMAR MUHAMMED 3: ABU MINYAR 4: QADHAFI

Title: na **Designation:** na **DOB:** 1 January 1978 **POB:** Tripoli, Libya **Good quality a.k.a.:** Aisha Muhammed Abdul Salam (Libya Passport number: 215215) **Low quality a.k.a.:** na **Nationality:** na **Passport no:** a) Oman number 03824970; issued on 4 May 2014, issued in Muscat, Oman (Date of expiration: 3 May 2024) b) Libya 428720 c) B/011641 **National identification no:** 98606612 **Address:** Sultanate of Oman (Believed status/location: Sultanate of Oman) **Listed on:** 26 February 2011 (amended on 11 November 2016, 26 September 2014, 21 March 2013, 2 April 2012, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5525815>

‘23. Name: 1: AHMAD 2: OUMAR 3: IMHAMAD 4: AL-FITOURI

Title: na **Designation:** Commander of the Anas al-Dabbashi militia, Leader of a transnational trafficking network **DOB:** 7 May 1988 **POB:** (possibly Sabratha, Talil neighbourhood) **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Al-Dabbashi b) Al Ammu c) The Uncle d) Al-Ahwal e) Al Dabbashi **Nationality:** Libya **Passport no:** Libya number LY53FP76; issued on 29 September 2015; issued in Tripoli **National identification no:** 119880387067 **Address:** a) Garabulli, Libya b) Zawiya, Libya c) Dbabsha-Sabratah **Listed on:** 7 June 2018 (amended on 17 September 2018, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze)

Listed pursuant to paragraph 22(a) of resolution 1970 (2011); paragraph 4(a) of resolution 2174 (2014); paragraph 11(a) of resolution 2213 (2015). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/>

Additional information

Ahmad Imhamad is the commander of the Anas al-Dabbashi militia, formerly operating in the coastal area between Sabratha and Melita. Imhamad is a significant leader in illicit activities related to the trafficking of migrants. The al-Dabbashi clan and militia also cultivate relationships with terrorist and violent extremist groups. Imhamad is currently active around Zawiya, after violent clashes broke out with other militia and rivaling smuggling organisations around the coastal area in October 2017, resulting in over 30 deaths including civilians. In response to his ouster, Ahmad Imhamad on 4 December 2017 publicly vowed to return to Sabratha with weapons and force. There is extensive evidence that Imhamad's militia has been directly involved in the illicit trafficking and smuggling of migrants, and that his militia controls departure areas for migrants, camps, safe houses and boats. There is information that supports the conclusion that Imhamad has exposed migrants (including minors) to brutal conditions and sometimes fatal circumstances on land and at sea. After violent clashes between Imhamad's militia and other militia in Sabratha, thousands of migrants were found (many in serious condition), most of them held in centres of the Martyrs Anas al-Dabbashi brigade and al-Ghul militia. The al-Dabbashi clan, and the connected Anas al-Dabbashi militia, have long-standing links with Islamic State in the Levante (ISIL) and its affiliates.

Several ISIL operatives have been in their ranks, including Abdallah al-Dabbashi, the ISIL 'caliph' of Sabratha. Imhamad was also allegedly involved in orchestrating the murder of Sami Khalifa al-Gharabli, who was appointed by the Sabratha municipal council to counter migrant smuggling operations in July 2017. Imhamad's activities largely contribute to the mounting violence and insecurity in western Libya and threaten peace and stability in Libya and neighbouring countries.'

‘25. Name: 1: MOHAMMED 2: AL AMIN 3: AL-ARABI 4: KASHLAF

Title: na **Designation:** Commander of the Shuhada al-Nasr brigade, Head of the Petrol Refinery Guard of Zawiya’s refinery **DOB:** 2 December 1985 **POB:** Zawiya, Libya **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Kashlaf b) Koshlaf c) Keslaf d) al-Qasab **Nationality:** Libya **Passport no:** C17HLRL3, issued on 30 December 2015, issued in Zawiya **National identification no:** na **Address:** Zawiya, Libya **Listed on:** 7 June 2018 (amended on 17 September 2018, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze)

Listed pursuant to paragraph 22(a) of resolution 1970 (2011); paragraph 4(a) of resolution 2174 (2014); paragraph 11(a) of resolution 2213 (2015).

Additional information

Mohammed al-Hadi is the head of the Shuhada al Nasr brigade in Zawiya, Western Libya. His militia controls the Zawiya refinery, a central hub of migrant smuggling operations. Al-Hadi also controls detention centres, including the Nasr detention centre – nominally under the control of the DCIM. As documented in various sources, the network of al-Hadi is one of the most dominant in the field of migrant smuggling and the exploitation of migrants in Libya. Al-Hadi has extensive links with the head of the local unit of the coast guard of Zawiya, al-Rahman al-Milad, whose unit intercepts boats with migrants, often of rivalling migrant smuggling networks. Migrants are then brought to detention facilities under the control of the Al Nasr militia, where they are reportedly held in critical conditions. The Panel of Experts for Libya collected evidence of migrants that were frequently beaten, while others, notably women from sub-Saharan countries and Morocco, were sold on the local market as ‘sex slaves’. The Panel has also found that al-Hadi collaborates with other armed groups and has been involved in repeated violent clashes in 2016 and 2017.’

‘27. Name: 1: IBRAHIM 2: SAEED 3: SALIM 4: JADHRAN

Title: na **Designation:** Leader of armed militias **DOB:** 29 October 1982 **POB:** na **Good quality a.k.a.:** Ibrahim Saeed Salem Awad Aissa Hamed Dawoud Al Jadhnan **Low quality a.k.a.:** na **Nationality:** Libya **Passport no:** S/263963; issued on 8 November 2012 **National identification no:** a) 119820043341 b) Personal identification no.: 137803 **Address:** na **Listed on:** 11 Sept. 2018 (amended on 25 February 2020) **Other information:** Name of mother Salma Abdula Younis. Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: www.interpol.int/en/notice/search/un/xxxx.

Listed pursuant to paragraphs 11 (b), 11 (c) and 11 (d) of resolution 2213 (2015); paragraph 11 of resolution 2362 (2017).

Additional information

- Libya’s Attorney General’s Office has issued an arrest warrant against the person concerned accusing him of perpetrating a number of crimes.
- The person concerned carried out armed actions and attacks against oil installations located in the oil crescent region that caused its destruction, the latest of which was on 14 June 2018.
- The attacks on the crescent oil region resulted in many casualties among the inhabitants of the region and endangered the lives of civilians.
- The attacks intermittently halted Libyan oil exports from 2013 to 2018, which led to significant losses for the Libyan economy.
- The person concerned attempted to export oil illegally.
- The person concerned recruits foreign fighters for his repeated attacks against ‘oil crescent’ region.
- The person concerned, through his actions, is working against the stability of Libya, and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.’

DECISIONS

COUNCIL DECISION (EU) 2020/372

of 27 February 2020

on the position to be taken on behalf of the European Union within the Council of the International Civil Aviation Organization as regards the adoption of amendments to Annexes 1, 3, 4, 6, 10, 11, 13, 14, 15, 16 and 18 to the Convention on International Civil Aviation

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 100(2) in conjunction with Article 218(9) thereof,

Having regard to the proposal from the European Commission,

Whereas:

- (1) The Convention on International Civil Aviation ('the Chicago Convention'), which regulates international air transport, entered into force on 4 April 1947. It established the International Civil Aviation Organization (ICAO).
- (2) The Member States of the Union are contracting parties to the Chicago Convention and members of the ICAO, whereas the Union has observer status in certain ICAO bodies.
- (3) Pursuant to Article 54 of the Chicago Convention, the ICAO Council is to adopt international standards and recommended practices.
- (4) The ICAO Council, at its 219th session starting on 2 March 2020, is to adopt a number of amendments to Annexes 1, 3, 4, 6, 10, 11, 13, 14, 15, 16 and 18 to the Chicago Convention ('the amendments'), in the areas of safety, environment and air navigation.
- (5) Once adopted, the amendments will be binding on all ICAO Member States, including all Member States of the Union, in accordance with and within the limits set out in the Chicago Convention, and capable of decisively influencing the content of Union law.
- (6) It is therefore appropriate to establish the position to be taken on the Union's behalf in the ICAO Council with regard to the amendments.
- (7) The scope of this Decision should be limited to the content of the amendments, insofar as that content falls within an area which is already largely covered by EU common rules. This Decision should not affect the distribution of competences between the Union and the Member States in the field of aviation.
- (8) The position of the Union within the ICAO Council should be to support the policies expressed in the amendments, since they contribute to improving aviation safety and environmental standards.
- (9) The Union's position should be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly,

HAS ADOPTED THIS DECISION:

Article 1

The position to be taken on the Union's behalf within the Council of the International Civil Aviation Organization (ICAO) at its 219th session as regards the adoption of amendments to Annexes 1, 3, 4, 6, 10, 11, 13, 14, 15, 16 and 18 to the Convention on International Civil Aviation ⁽¹⁾ shall be expressed by the Member States of the Union that are members of the ICAO Council, acting jointly.

Article 2

This Decision shall enter into force on the date of its adoption.

Done at Brussels, 27 February 2020.

For the Council
The President
D. HORVAT

⁽¹⁾ See document ST 6180/20 on <http://register.consilium.europa.eu>

COUNCIL DECISION (CFSP) 2020/373**of 5 March 2020****amending Decision 2014/119/CFSP concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 5 March 2014, the Council adopted Decision 2014/119/CFSP ⁽¹⁾.
- (2) On the basis of a review of Decision 2014/119/CFSP, the application of restrictive measures directed against certain persons, entities and bodies should be extended until 6 March 2021, the entries for two persons should be deleted and the information in the Annex regarding the rights of defence and the right to effective judicial protection should be updated.
- (3) Decision 2014/119/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2014/119/CFSP is amended as follows:

- (1) in Article 5, the second paragraph is replaced by the following:
‘This Decision shall apply until 6 March 2021.’;
- (2) the Annex is amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 5 March 2020.

For the Council
The President
T. ČORIĆ

⁽¹⁾ Council Decision 2014/119/CFSP of 5 March 2014 concerning restrictive measures directed against certain persons, entities and bodies in view of the situation in Ukraine (OJ L 66, 6.3.2014, p. 26).

ANNEX

The Annex to Decision 2014/119/CFSP is amended as follows:

- (1) in the section 'A. List of persons, entities and bodies referred to in Article 1', the entries for the following persons are deleted:

11. Mykola Yanovych Azarov;

18. Edward Stavyskyi;

- (2) section 'B. Rights of defence and right to effective judicial protection' is replaced by the following:

B. Rights of defence and right to effective judicial protection

The rights of defence and the right to effective judicial protection under the Code of Criminal Procedure of Ukraine

Article 42 of the Code of Criminal Procedure of Ukraine ("Code of Criminal Procedure") provides that every person who is suspected or accused in criminal proceedings enjoys rights of defence and the right to effective judicial protection. These include: the right to be informed of the criminal offence of which he has been suspected or accused; the right to be informed, expressly and promptly, of his rights under the Code of Criminal Procedure; the right to have, when first requested, access to a defence lawyer; the right to present petitions for procedural actions; and the right to challenge decisions, actions and omissions by the investigator, the public prosecutor and the investigating judge. Article 306 of the Code of Criminal Procedure provides that complaints against decisions, acts or omissions of the investigator or public prosecutor must be considered by an investigating judge of a local Court in the presence of the complainant or his defence lawyer or legal representative. Article 308 of the Code of Criminal Procedure provides that complaints regarding failure by the investigator or public prosecutor to respect reasonable time during the pre-trial investigation may be lodged with a superior public prosecutor and must be considered within three days of being lodged. In addition, Article 309 of the Code of Criminal Procedure specifies the decisions of investigating judges that may be challenged on appeal, and that other decisions may be subject to judicial review in the course of preparatory proceedings in Court. Moreover, a number of procedural investigating actions are only possible subject to a ruling by the investigating judge or a Court (e.g. seizure of property under Articles 167 - 175, and measures of detention under Articles 176 - 178 of the Code of Criminal Procedure).

Application of the rights of defence and the right to effective judicial protection of each of the listed persons

1. Viktor Fedorovych Yanukovich

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovich were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by letters of 26 September 2014 and 8 October 2014 concerning the sending of the written notification of suspicion, information that permission for a special pre-trial investigation *in absentia* was granted on 27 July 2015, a number of Court decisions relating to the seizure of property and by the fact that the decision of 27 September 2017 to suspend the criminal proceedings was open to appeal. The Council also has evidence on its file that a recent motion of the defence was granted on 30 September 2019.

2. Vitalii Yuriyovych Zakharchenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Zakharchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Zakharchenko with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody. Moreover, the decision of 19 February 2019 on the suspension of the pre-trial investigation was open to appeal.

3. Viktor Pavlovych Pshonka

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the fact that a written notification of suspicion was delivered on 22 December 2014, by the fact that the decision of 16 June 2017 to suspend the criminal proceedings was open to appeal and by the decisions of the investigating judge of 12 March 2018, 13 August 2018 and 5 September 2019 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

6. Viktor Ivanovych Ratushniak

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Ratushniak were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 21 May 2018 and of 23 November 2018 granting permission to detain Mr Ratushniak with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody. Moreover, the decision of 19 February 2019 on the suspension of the pre-trial investigation was open to appeal.

7. Oleksandr Viktorovych Yanukovych

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Yanukovych were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a number of Court decisions relating to the seizure of property and by the decision of the investigating judge of 27 June 2018 cancelling the resolution of the prosecution refusing to grant the motion of defence for closing the investigation.

9. Artem Viktorovych Pshonka

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Pshonka were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the fact that a written notification of suspicion was delivered on 29 December 2014, by the fact that the decision of 16 June 2017 to suspend the criminal proceedings was open to appeal and by the decisions of the investigating judge of 12 March 2018, 13 August 2018 and 5 September 2019 granting permission to detain Mr Pshonka with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

12. Serhiy Vitalyovych Kurchenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Kurchenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 7 March 2018 granting permission for a special investigation *in absentia*. Moreover, the defence was notified about the completion of the pre-trial investigation on 28 March 2019 and was provided access to the materials for familiarisation.

13. Dmytro Volodymyrovych Tabachnyk

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Tabachnyk were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decision of the investigating judge of 8 May 2018 granting permission to detain Mr Tabachnyk with the purpose of bringing him to the Court to participate in hearing the petition for the application of detention in custody.

15. Serhiy Hennadiyovych Arbuzov

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Arbuzov were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by a letter of 24 April 2017 concerning the sending of the written notification of suspicion, the decisions of the investigating judge of 19 December 2018, 18 March 2019 and 29 July 2019 granting the motion of the defence against inaction by the Prosecutor General's Office, the decision of the investigating judge of 10 August 2017 granting permission for a special investigation *in absentia* and by the decisions of the investigating judge of 4 November 2019 and 5 November 2019 refusing the motions of the defence to set a deadline for completing the pre-trial investigation.

17. Oleksandr Viktorovych Klymenko

The criminal proceedings relating to the misappropriation of public funds or assets are still ongoing.

The information on the Council's file shows that the rights of defence and the right to effective judicial protection of Mr Klymenko were respected in the criminal proceedings on which the Council relied. This is demonstrated in particular by the decisions of the investigating judge of 1 March 2017 and 5 October 2018 granting permission for a special investigation *in absentia*, the decisions of the investigating judge of 8 February 2017 and 19 August 2019 granting a preventive measure in the form of detention in custody, and the ongoing process of familiarisation with the materials of the criminal proceedings by the defence.'.

COUNCIL IMPLEMENTING DECISION (CFSP) 2020/374**of 5 March 2020****implementing Decision (CFSP) 2015/1333 concerning restrictive measures in view of the situation in Libya**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision (CFSP) 2015/1333 of 31 July 2015 concerning restrictive measures in view of the situation in Libya, and repealing Decision 2011/137/CFSP ⁽¹⁾, and in particular Article 12(1) thereof,

Having regard to the proposal of the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 31 July 2015, the Council adopted Decision (CFSP) 2015/1333.
- (2) On 25 February 2020, the United Nations Security Council (UNSC) Committee established pursuant to UNSC Resolution 1970 (2011) updated the information relating to five persons subject to restrictive measures.
- (3) Annexes I and III to Decision (CFSP) 2015/1333 should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annexes I and III to Decision (CFSP) 2015/1333 are amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 5 March 2020.

For the Council
The President
T. ČORÍČ

⁽¹⁾ OJ L 206, 1.8.2015, p. 34.

ANNEX

In Annexes I and III to Decision (CFSP) 2015/1333, entries 6, 9, 23, 25 and 27 are replaced by the following:

‘6. Name: 1: ABU 2: ZAYD 3: UMAR 4: DORDA

Title: na **Designation:** a) Director, External Security Organisation. b) Head of external intelligence agency. **DOB:** 4 April 1944 **POB:** Alrhaybat **Good quality a.k.a.:** Dorda Abuzed OE **Low quality a.k.a.:** na **Nationality:** na **Passport no:** Libya number FK117RK0, issued on 25 November 2018, issued in Tripoli (Date of expiration: 24 November 2026) **National identification no:** na **Address:** Libya (Believed status/location: residing in Egypt) **Listed on:** 26 February 2011 (amended on 27 June 2014, 1 April 2016, 25 February 2020) **Other information:** Listed pursuant to paragraph 15 of resolution 1970 (Travel Ban). Listed on 17 March 2011 pursuant to paragraph 17 of resolution 1970 (Asset Freeze). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5938451>

‘9. Name: 1: AISHA 2: MUAMMAR MUHAMMED 3: ABU MINYAR 4: QADHAFI

Title: na **Designation:** na **DOB:** 1 January 1978 **POB:** Tripoli, Libya **Good quality a.k.a.:** Aisha Muhammed Abdul Salam (Libya Passport number: 215215) **Low quality a.k.a.:** na **Nationality:** na **Passport no:** a) Oman number 03824970; issued on 4 May 2014, issued in Muscat, Oman (Date of expiration: 3 May 2024) b) Libya 428720 c) B/011641 **National identification no:** 98606612 **Address:** Sultanate of Oman (Believed status/location: Sultanate of Oman) **Listed on:** 26 February 2011 (amended on 11 November 2016, 26 September 2014, 21 March 2013, 2 April 2012, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/5525815>

‘23. Name: 1: AHMAD 2: OUMAR 3: IMHAMAD 4: AL-FITOURI

Title: na **Designation:** Commander of the Anas al-Dabbashi militia, Leader of a transnational trafficking network **DOB:** 7 May 1988 **POB:** (possibly Sabratha, Talil neighbourhood) **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Al-Dabachi b) Al Ammu c) The Uncle d) Al-Ahwal e) Al Dabbashi **Nationality:** Libya **Passport no:** Libya number LY53FP76; issued on 29 September 2015; issued in Tripoli **National identification no:** 119880387067 **Address:** a) Garabulli, Libya b) Zawiya, Libya c) Dbabsha-Sabratah **Listed on:** 7 June 2018 (amended on 17 September 2018, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze)

Listed pursuant to paragraph 22(a) of resolution 1970 (2011); paragraph 4(a) of resolution 2174 (2014); paragraph 11(a) of resolution 2213 (2015). INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/notice/search/un/>

Additional information

Ahmad Imhamad is the commander of the Anas al-Dabbashi militia, formerly operating in the coastal area between Sabratha and Melita. Imhamad is a significant leader in illicit activities related to the trafficking of migrants. The al-Dabbashi clan and militia also cultivate relationships with terrorist and violent extremist groups. Imhamad is currently active around Zawiya, after violent clashes broke out with other militia and rivalling smuggling organisations around the coastal area in October 2017, resulting in over 30 deaths including civilians. In response to his ouster, Ahmad Imhamad on 4 December 2017 publicly vowed to return to Sabratha with weapons and force. There is extensive evidence that Imhamad's militia has been directly involved in the illicit trafficking and smuggling of migrants, and that his militia controls departure areas for migrants, camps, safe houses and boats. There is information that supports the conclusion that Imhamad has exposed migrants (including minors) to brutal conditions and sometimes fatal circumstances on land and at sea. After violent clashes between Imhamad's militia and other militia in Sabratha, thousands of migrants were found (many in serious condition), most of them held in centres of the Martyrs Anas al-Dabbashi brigade and al-Ghul militia. The al-Dabbashi clan, and the connected Anas al-Dabbashi militia, have long-standing links with Islamic State in the Levante (ISIL) and its affiliates.

Several ISIL operatives have been in their ranks, including Abdallah al-Dabbashi, the ISIL 'caliph' of Sabratha. Imhamad was also allegedly involved in orchestrating the murder of Sami Khalifa al-Gharabli, who was appointed by the Sabratha municipal council to counter migrant smuggling operations in July 2017. Imhamad's activities largely contribute to the mounting violence and insecurity in western Libya and threaten peace and stability in Libya and neighbouring countries.'

‘25. Name: 1: MOHAMMED 2: AL AMIN 3: AL-ARABI 4: KASHLAF

Title: na **Designation:** Commander of the Shuhada al-Nasr brigade, Head of the Petrol Refinery Guard of Zawiya’s refinery **DOB:** 2 December 1985 **POB:** Zawiya, Libya **Good quality a.k.a.:** na **Low quality a.k.a.:** a) Kashlaf b) Koshlaf c) Keslaf d) al-Qasab **Nationality:** Libya **Passport no:** C17HLRL3, issued on 30 December 2015, issued in Zawiya **National identification no:** na **Address:** Zawiya, Libya **Listed on:** 7 June 2018 (amended on 17 September 2018, 25 February 2020) **Other information:** Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze)

Listed pursuant to paragraph 22(a) of resolution 1970 (2011); paragraph 4(a) of resolution 2174 (2014); paragraph 11(a) of resolution 2213 (2015).

Additional information

Mohammed al-Hadi is the head of the Shuhada al Nasr brigade in Zawiya, Western Libya. His militia controls the Zawiya refinery, a central hub of migrant smuggling operations. Al-Hadi also controls detention centres, including the Nasr detention centre – nominally under the control of the DCIM. As documented in various sources, the network of al-Hadi is one of the most dominant in the field of migrant smuggling and the exploitation of migrants in Libya. Al-Hadi has extensive links with the head of the local unit of the coast guard of Zawiya, al-Rahman al-Milad, whose unit intercepts boats with migrants, often of rivalling migrant smuggling networks. Migrants are then brought to detention facilities under the control of the Al Nasr militia, where they are reportedly held in critical conditions. The Panel of Experts for Libya collected evidence of migrants that were frequently beaten, while others, notably women from sub-Saharan countries and Morocco, were sold on the local market as ‘sex slaves’. The Panel has also found that al-Hadi collaborates with other armed groups and has been involved in repeated violent clashes in 2016 and 2017.’

‘27. Name: 1: IBRAHIM 2: SAEED 3: SALIM 4: JADHRAN

Title: na **Designation:** Leader of armed militias **DOB:** 29 October 1982 **POB:** na **Good quality a.k.a.:** Ibrahim Saeed Salem Awad Aissa Hamed Dawoud Al Jadhnan **Low quality a.k.a.:** na **Nationality:** Libya **Passport no:** S/263963; issued on 8 November 2012 **National identification no:** a) 119820043341 b) Personal identification no.: 137803 **Address:** na **Listed on:** 11 Sept. 2018 (amended on 25 February 2020) **Other information:** Name of mother Salma Abdula Younis. Listed pursuant to paragraphs 15 and 17 of resolution 1970 (Travel Ban, Asset Freeze). INTERPOL-UN Security Council Special Notice web link: www.interpol.int/en/notice/search/un/xxxx.

Listed pursuant to paragraphs 11 (b), 11 (c) and 11 (d) of resolution 2213 (2015); paragraph 11 of resolution 2362 (2017).

Additional information

- Libya’s Attorney General’s Office has issued an arrest warrant against the person concerned accusing him of perpetrating a number of crimes.
- The person concerned carried out armed actions and attacks against oil installations located in the oil crescent region that caused its destruction, the latest of which was on 14 June 2018.
- The attacks on the crescent oil region resulted in many casualties among the inhabitants of the region and endangered the lives of civilians.
- The attacks intermittently halted Libyan oil exports from 2013 to 2018, which led to significant losses for the Libyan economy.
- The person concerned attempted to export oil illegally.
- The person concerned recruits foreign fighters for his repeated attacks against ‘oil crescent’ region.
- The person concerned, through his actions, is working against the stability of Libya, and constitutes an obstacle in the way of the Libyan parties to resolve the political crisis and implement the United Nations Plan of Action.’

ISSN 1977-0677 (electronic edition)
ISSN 1725-2555 (paper edition)



Publications Office of the European Union
2985 Luxembourg
LUXEMBOURG

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