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COUNCIL COMMON POSITION
of 18 February 2002
concerning restrictive measures against Zimbabwe

(2002/145/CFSP)

(OJ L 50, 21.2.2002, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Common Position of 22 July 2002 (2002/600/CFSP)	L 195	1	24.7.2002
►**M2**	Council Decision 2002/754/CFSP of 13 September 2002	L 247	56	14.9.2002
►**M3**	Council Common Position 2003/115/CFSP of 18 February 2003	L 46	30	20.2.2003

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COUNCIL COMMON POSITION

of 18 February 2002

concerning restrictive measures against Zimbabwe

(2002/145/CFSP)

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

(1) On 28 January 2002, the Council expressed its serious concern about the situation in Zimbabwe, in particular the recent escalation of violence and intimidation of political opponents and the harassment of the independent press. It noted that the Government of Zimbabwe has not taken effective measures to improve the situation as called for by the European Council in Laeken last December.

(2) The Council further expressed serious concern about recent legislation in Zimbabwe which, if enforced, would seriously infringe on the right to freedom of speech, assembly and association, mainly the Public Order and Security Act and the General Laws Amendment Act (both of which violate the norms and standards for free and fair elections as agreed by SADC Parliamentarians in March 2001) and the proposed legislation to regulate the media.

(3) Therefore, the EU decided it will close the consultations conducted under Article 96 of the ACP-EC Partnership Agreement and implement targeted sanctions if:

— the Government of Zimbabwe prevents the deployment of an EU election observation mission starting by 3 February 2002, or if it later prevents the mission from operating effectively, or

— the Government of Zimbabwe prevents the international media from having free access to cover the election, or

— there is a serious deterioration on the ground, in terms of a worsening of the human rights' situation or attacks on the opposition, or

— the election is assessed as not being free and fair.

(4) The Council has assessed that the Government of Zimbabwe continues to engage in serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly. Therefore, for as long as the violations occur, the Council deems it necessary to introduce restrictive measures against the Government of Zimbabwe and those who bear a wide responsibility for such violations.

(5) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. The supply or sale of arms and related material of all types including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned to Zimbabwe by nationals of Member States or from the territories of Member States shall be prohibited whether originating or not in their territories.

2. The provision to Zimbabwe of technical training or assistance related to the provision, manufacture, maintenance or use of the items mentioned in paragraph 1 by nationals of Member States or from the territories of the Member States, shall be prohibited.

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3. Paragraphs 1 and 2 shall not apply to supplies of non-lethal military equipment intended solely for humanitarian or protective use, and related technical assistance or training, nor shall they apply to protective clothing, including flak jackets and military helmets, temporarily exported to Zimbabwe by United Nations personnel, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 2

No equipment which might be used for internal repression will be supplied to Zimbabwe.

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Article 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons listed in the Annex, who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe.

2. Paragraph 1 will not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

(i) as a host country of an international intergovernmental organisation;

(ii) as a host country to an international conference convened by, or under the auspices of, the United Nations; or

(iii) under a multilateral agreement conferring privileges and immunities.

The Council shall be duly informed in each of these cases.

4. Paragraph 3 shall be considered as applying also in cases where a Member State is host country of the Organisation for Security and Cooperation in Europe (OSCE).

5. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings, including those promoted by the European Union, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Zimbabwe.

6. A Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption will be deemed to be granted unless one or more of the Council Members raises an objection in writing within 48 hours of receiving notification of the proposed exemption. In the event that one or more of the Council members raises an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where pursuant to paragraphs 3, 4, 5 and 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

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Article 4

1. Funds, financial assets or economic resources of the persons listed in the Annex, who are engaged in activities that seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe, will be frozen.

2. No funds, financial assets or economic resources will be made available directly or indirectly to the persons referred to in paragraph 1.

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Article 5

The Council, acting upon a proposal by a Member State or the Commission, shall adopt modifications of the list contained in the Annex as required by political developments in Zimbabwe.

Article 6

In order to maximise the impact of the abovementioned measures, the European Union shall encourage third States to adopt restrictive measures similar to those contained in this Common Position.

Article 7

This Common Position shall take effect on the date of its adoption. It shall apply for a renewable 12-months' period after that date.

This Common Position shall be kept under constant review.

Article 8

This Common Position shall be published in the Official Journal.

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ANNEX

List of persons referred to in Article 1

1. Mugabe, Robert Gabriel	President, born 21.2.1924, Kutama
2. Buka, Flora	Minister of State for Land Reform Programme (former Minister of State in Vice President Muzenda's Office), born 25.2.1968
3. Charamba, George	Information Minister's Permanent Secretary and Spokesman
4. Charumbira, Fortune	Deputy Minister for Local Government, Public Works and National Housing, born 10.6.1962
5. Chigwedere, Aeneas	Education, Sports and Culture Minister, born 25.11.1939
6. Chihuri, Augustine	Commissioner (Police), born 10.3.1953
7. Chikowore, Enos	Secretary for Land and Resettlement, born 1936
8. Chinamasa, Patrick	Justice Minister, born 25.1.1947
9. Chindori-Chininga, Edward	Mines and Energy Minister, born 14.3.1955
10. Chiwenga, Constantine	Lt Gen (Army), born 25.8.1956
11. Chiwewe, Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
12. Chombo, Ignatius	Local Govt Minister, born 1.8.1952
13. Dabengwa, Dumiso	Senior Committee Member, born 1939
14. Goche, Nicholas	Security Minister, born 1.8.1946
15. Gumbo, Rugare	Deputy Minister, Home Affairs, born 8.3.1940
16. Hove, Richard	Secretary for Economic Affairs, born 1935
17. Karimanzira, David	Secretary for Finance, born 25.5.1947
18. Kasukuwere, Saviour	Deputy-Secretary for Youth Affairs, born 23.10.1970
19. Kuruneri, Christopher	Deputy Minister, Finance and Economic Development, born 4.4.1949
20. Lesabe, Thenjiwe	Secretary for Women's Affairs, born 1933
21. Machaya, Jaison	Deputy Minister for Mines and Mining Development, born 13.6.1952
22. Made, Joseph	Agricultural Minister, born 21.11.1954
23. Madzongwe, Edna	Deputy-Secretary for Production and Labour, born 11.7.1943
24. Mahofa, Shuvai	Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941
25. Makoni, Simbarashe	Minister of Finance, born 22.3.1950
26. Malinga, Joshua	Politburo Deputy Secretary, Deputy-Secretary for Disabled and Disadvantaged, born 28.4.1944
27. Mangwana, Paul	Minister of State for Enterprises and Parastatals (former Deputy Minister, Justice, Legal and Parliamentary Affairs), born 10.8.1961
28. Mangwende, Witness	Minister for Transport and Communications (former Deputy-Secretary for Administration), born 15.10.1946
29. Manyika, Elliot	Youth Minister, born 30.7.1955
30. Manyonda, Kenneth	Deputy Minister for Industry and International Trade, born 10.8.1934
31. Marumahoko, Reuben	Deputy Minister for Energy and Power Development, born 4.4.1948
32. Masuku, Angeline	Politburo Secretary, Secretary for Disabled and Disadvantaged Person's Welfare, born 14.10.1936
33. Mathuthu, T	Deputy-Secretary for Transport and Social Welfare
34. Midzi, Amos Bernard Muvenga	Minister for Energy and Power Development, born 4.7.1952
35. Mnangagwa, Emmerson	Parliamentary Speaker, born 15.9.1946
36. Mobeshora, Swithun	Transport and Communications Minister, born 20.8.1945

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37. Mohadi, Kembo	Minister for Home Affairs (former Deputy Minister of Local Government, Public Works and National Housing), born 15.11.1949
38. Moyo, Jonathan	Information Minister, born 12.1.1957
39. Moyo, July	Public Service, Labour and Social Welfare Minister, born 7.5.1950
40. Moyo, Simon Khaya	Deputy-Secretary for Legal Affairs, born 1945
41. Mpofu, Obert	Deputy-Secretary for National Security, born 12.10.1951
42. Msika, Joseph	Vice President, born 6.12.1923
43. Muchena, Olivia	Minister of State for Information and Publicity (former Minister of State in Vice-President Msika's Office), born 18.8.1946
44. Muchinguri, Oppah	Secretary for Gender and Culture, born 14.12.1958
45. Mudenge, Stan	Foreign Minister, born 17.12.1941, Zimutu Reserve
46. Mugabe, Grace	Spouse of Robert Mugabe, born 23.7.1965
47. Mugabe, Sabina	Politburo Senior Committee Member, born 14.10.1934
48. Mujuru, Joyce	Minister for Rural Resources and Water, born 15.4.1955
49. Mujuru, Solomon	Senior Committee Member, born 1949
50. Mumbengegwi, Samuel	Higher Education and Technology Minister, born 23.10.1942
51. Murerwa, Herbert	Minister for Finance and Economic Development (former Minister for Industry and International Trade), born 31.7.1941
52. Mushohwe, Christopher	Deputy Minister, Transport and Communications, born 6.2.1954
53. Mutasa, Didymus	Secretary for External Relations, born 27.7.1935
54. Mutiwekuziva, Kenneth	Deputy Minister, Small and Medium Enterprises Development, born 27.5.1948
55. Muzenda, Simon Vengesai	Vice President, born 28.10.1922
56. Muzenda, Tsitsi	Politburo Senior Committee Member, born 28.10.1922
57. Muzonzini, Elisha	Brig. (Intelligence), born 24.6.1957
58. Ncube, Abedinico	Deputy Minister, Foreign Affairs, born 13.10.1954
59. Ndlovu, Naison	Secretary for Production and Labour, born 22.10.1930
60. Ndlovu, Sikhanyiso	Deputy-Secretary for Commissariat, born 20.9.1949
61. Nhema, Francis	Environment and Tourism Minister, born 17.4.1959
62. Nkomo, John	Special Affairs in the President's Office (former Home Affairs Minister), born 22.8.1934
63. Nkomo, Stephen	Senior Committee Member, born 1925
64. Nyoni, Sithembiso	Minister of Small and Medium Enterprises Development (former Minister of State, Informal Sector), born 20.9.1949
65. Parirenyatwa, David	Minister, Health and Child Welfare (former Deputy Minister), born 2.8.1950
66. Pote, S M	Deputy-Secretary for Gender and Culture
67. Rusere, Tinos	Deputy Minister for Rural Resources and Water Development, born 10.5.1945
68. Sakupwanya, Stanley	Deputy-Secretary for Health and Child welfare
69. Sekeramayi, Sidney	Defence Minister, born 30.3.1944
70. Shamuyarira, Nathan	Secretary for Information and Publicity, born 29.9.1928
71. Shiri, Perence	Air Marshal (Air Force), born 1.11.1955
72. Shumba, Isaiah	Deputy Minister, Education, Sports and Culture, born 3.1.1949
73. Sikhosana, Absolom	Politburo Secretary, Secretary for Youth Affairs
74. Stamps, Timothy	Health and Child Welfare Minister, born 15.10.1936
75. Tawengwa, Solomon	Politburo Deputy Secretary, Deputy-Secretary for Finance, born 15.6.1940

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76. Tungamirai, Josiah	Secretary for Employment and Indigenisation, born 8.10.1948
77. Utete, Charles	Cabinet Secretary, born 30.10.1938
78. Zimonte, Paradzai	Prisons chief
79. Zvinavashe, Vitalis	General (CDS), born 1943