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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

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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.

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. Member States may grant exemptions from the measures imposed in paragraph 1 where travel is justified on the grounds of humanitarian need, including religious obligation, or on grounds of attending meetings of international bodies or conducting political dialogue that promote democracy, human rights and the rule of law in Zimbabwe.

4. A Member State wishing to grant exemptions referred to in paragraph 3 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.

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.

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. Utete, Charles	Cabinet Secretary, born 30.10.1938
3. Mnangagwa, Emmerson	Parliamentary Speaker, born 15.9.1946
4. Nkomo, John	Home Affairs Minister, born 22.8.1934
5. Goche, Nicholas	Security Minister, born 1.8.1946
6. Manyika, Elliot	Youth Minister, born 30.7.1955
7. Moyo, Jonathan	Information Minister, born 12.1.1957
8. Charamba, George	Information Minister's Permanent Secretary and Spokesman
9. Chinamasa, Patrick	Justice Minister, born 25.1.1947
10. Made, Joseph	Agricultural Minister, born 21.11.1954
11. Chombo, Ignatius	Local Govt Minister, born 1.8.1952
12. Mudenge, Stan	Foreign Minister, born 17.12.1941, Zimutu Reserve
13. Chiwewe, Willard	Ministry of Foreign Affairs Senior Secretary, born 19.3.1949
14. Zvinavashe, Vitalis	General (CDS), born 1943
15. Chiwenga, Constantine	Lt Gen (Army), born 25.8.1956
16. Shiri, Perence	Air Marshal (Air Force), born 1.11.1955
17. Chihuri, Augustine	Commissioner (Police), born 10.3.1953
18. Muzonzini, Elisha	Brig. (Intelligence), born 24.6.1957
19. Zimonte, Paradzai	Prisons chief
20. Sekeramayi, Sidney	Defence Minister, born 30.3.1944
21. Muzenda, Simon Vengesai	Vice President, born 28.10.1922
22. Msika, Joseph	Vice President, born 6.12.1923
23. Makoni, Simbarashe	Minister of Finance, born 22.3.1950
24. Murerwa, Herbert	Minister for Industry and International Trade, born 31.7.1941
25. Mujuru, Joyce	Minister for Rural Resources and Water, born 15.4.1955
26. Moyo, July	Public Service, Labour and Social Welfare Minister, born 7.5.1950
27. Chigwedere, Aeneas	Education, Sports and Culture Minister, born 25.11.1939
28. Stamps, Timothy	Health and Child Welfare Minister, born 15.10.1936
29. Mobeshora, Swithun	Transport and Communications Minister, born 20.8.1945
30. Chindori-Chininga, Edward	Mines and Energy Minister, born 14.3.1955
31. Nhema, Francis	Environment and Tourism Minister, born 17.4.1959
32. Mumbengegwi, Samuel	Higher Education and Technology Minister, born 23.10.1942
33. Nyoni, Sithembiso	Minister of State, Informal Sector, born 20.9.1949
34. Muchena, Olivia	Minister of State in Vice-President Msika's Office, born 18.8.1946
35. Buka, Flora	Minister of State in Vice President Muzenda's Office, born 25.2.1968
36. Dabengwa, Dumiso	Senior Committee Member, born 1939
37. Mujuru, Solomon	Senior Committee Member, born 1949
38. Nkomo, Stephen	Senior Committee Member, born 1925
39. Mugabe, Sabina	Senior Committee Member, born 14.10.1934
40. Muzenda, Tsitsi	Senior Committee Member
41. Karimanzira, David	Secretary for Finance, born 25.5.1947

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42. Mutasa, Didymus	Secretary for External Relations, born 27.7.1935
43. Shamuyarira, Nathan	Secretary for Information and Publicity, born 29.9.1928
44. Tungamirai, Josiah	Secretary for Employment and Indigenisation, born 8.10.1948
45. Ndlovu, Naison	Secretary for Production and Labour, born 22.10.1930
46. Hove, Richard	Secretary for Economic Affairs, born 1935
47. Muchinguri, Oppah	Secretary for Gender and Culture, born 14.12.1958
48. Masuku, Angeline	Secretary for Disabled and Disadvantaged Person's Welfare
49. Sikhosana Absolom	Secretary for Youth Affairs
50. Lesabe, Thenjiwe	Secretary for Women's Affairs, born 1933
51. Chikowore, Enos	Secretary for Land and Resettlement, born 1936
52. Kuruneri, Christopher	Deputy Minister, Finance and Economic Development, born 4.4.1949
53. Ncube, Abedinico	Deputy Minister, Foreign Affairs, born 13.10.1954
54. Mohadi, Kembo	Deputy Minster of Local Government, Public Works and National Housing, born 15.11.1949
55. Shumba, Isaiah	Deputy Minister, Education, Sports and Culture, born 3.1.1949
56. Parirenyatwa, David	Deputy Minister, Health and Child Welfare, born 2.8.1950
57. Mangwana, Paul	Deputy Minister, Justice, Legal and Parliamentary Affairs, born 10.8.1961
58. Mushohwe, Christopher	Deputy Minister, Transport and Communications, born 6.2.1954
59. Mahofa, Shuvai	Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941
60. Gumbo, Rugare	Deputy Minister, Home Affairs, born 8.3.1940
61. Mangwende, Witness	Deputy-Secretary for Administration, born 1946
62. Tawengwa, Solomon	Deputy-Secretary for Finance
63. Ndlovu, Sikhanyiso	Deputy-Secretary for Commissariat, born 20.9.1949
64. Mpofu, Obert	Deputy-Secretary for National Security, born 12.10.1951
65. Moyo, Simon Khaya	Deputy-Secretary for Legal Affairs, born 1945
66. Malinga, Joshua	Deputy-Secretary for Disabled and Disadvantaged
67. Madzongwe, Edna	Deputy-Secretary for Production and Labour, born 11.7.1943
68. Sakupwanya, Stanley	Deputy-Secretary for Health and Child welfare
69. Pote, S M	Deputy-Secretary for Gender and Culture
70. Kasukuwere, Saviour	Deputy-Secretary for Youth Affairs, born 23.10.1970
71. Mathuthu, T	Deputy-Secretary for Transport and Social Welfare
72. Mugabe, Grace	Spouse of Robert Mugabe, born 23.7.1965