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►B ►M14 ►C2 **COUNCIL DECISION 2011/101/CFSP**

of 15 February 2011

concerning restrictive measures in view of the situation in Zimbabwe ◄ ◄

(OJ L 42, 16.2.2011, p. 6)

Amended by:

		Official Journal		
		No	page	date
►M1	Council Decision 2012/97/CFSP of 17 February 2012	L 47	50	18.2.2012
►M2	Council Implementing Decision 2012/124/CFSP of 27 February 2012	L 54	20	28.2.2012
►M3	Council Decision 2013/89/CFSP of 18 February 2013	L 46	37	19.2.2013
►M4	Council Decision 2013/160/CFSP of 27 March 2013	L 90	95	28.3.2013
►M5	Council Implementing Decision 2013/469/CFSP of 23 September 2013	L 252	31	24.9.2013
►M6	Council Decision 2014/98/CFSP of 17 February 2014	L 50	20	20.2.2014
►M7	Council Decision (CFSP) 2015/277 of 19 February 2015	L 47	20	20.2.2015
►M8	Council Decision (CFSP) 2015/1924 of 26 October 2015	L 281	10	27.10.2015
►M9	Council Decision (CFSP) 2016/220 of 15 February 2016	L 40	11	17.2.2016
►M10	Council Decision (CFSP) 2017/288 of 17 February 2017	L 42	11	18.2.2017
►M11	Council Decision (CFSP) 2018/224 of 15 February 2018	L 43	12	16.2.2018
►M12	Council Implementing Decision (CFSP) 2018/227 of 15 February 2018	L 43	16	16.2.2018
►M13	Council Decision (CFSP) 2019/284 of 18 February 2019	L 47	38	19.2.2019
►M14	Council Decision (CFSP) 2020/215 of 17 February 2020	L 45	4	18.2.2020
►M15	Council Decision (CFSP) 2021/258 of 18 February 2021	L 58	51	19.2.2021

Corrected by:

►C1 Corrigendum, OJ L 100, 14.4.2011, p. 74 (2011/101/CFSP)
►C2 Corrigendum, OJ L 89, 24.3.2020, p. 6 (2020/215)

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COUNCIL DECISION 2011/101/CFSP

of 15 February 2011

concerning restrictive measures in view of the situation in Zimbabwe

▼B

Article 1

For the purposes of this Decision, the term 'technical assistance' shall mean any technical support related to repairs, development, manufacture, assembly, testing, maintenance or any other technical service, and may take forms such as instruction, advice, training, transmission of working knowledge or skills or consulting services; technical assistance includes verbal forms of assistance.

Article 2

1. The sale, supply, transfer or export of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, to Zimbabwe:

(a) by nationals of Member States,

(b) from the territories of Member States, or

(c) using flag vessels or aircraft of Member States,

shall be prohibited whether originating or not in the territories of Member States.

2. It shall be prohibited:

(a) to grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned, as well as equipment which might be used for internal repression, directly or indirectly to any person, entity or body in, or for use in, Zimbabwe;

(b) to provide financing or financial assistance related to military activities, including, in particular, grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, as well as equipment which might be used for internal repression, directly or indirectly to any person, entity or body in, or for use in, Zimbabwe.

▼C1

Article 3

1. Article 2 shall not apply to:

(a) the sale, supply, transfer or export of non-lethal military equipment or of equipment which might be used for internal repression, intended solely for humanitarian or protective use, or for institution-building programmes of the UN and the EU, or of materiel intended for EU and UN crisis management operations;

(b) the provision of financing and financial assistance related to such equipment;

(c) the provision of technical assistance related to such equipment,

on condition that any export thereof has been approved in advance by the relevant competent authority.

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2. Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Zimbabwe by UN personnel, personnel of the EU or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

▼M10

3. Article 2 shall not apply to the sale, supply, transfer or export of certain equipment which might be used for internal repression where the equipment is solely for civilian use in mining or infrastructure projects, subject to authorisation on a case-by-case basis by the competent authorities of the exporting Member State.

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Article 4

1. Member States shall take the measures necessary to prevent the entry into, or transit through, their territories of members of the Government of Zimbabwe and of natural persons associated with them, as well as of other natural persons whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe. The individuals referred to in this paragraph are listed in the ►M1 Annex I ◄.

2. Paragraph 1 shall 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 under international law, namely:

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

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

▼B

(c) under a multilateral agreement conferring privileges and immunities; or

(d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.

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

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

▼M6

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 in exceptional cases on grounds of attending intergovernmental meetings and those promoted or hosted by the European Union, where a political dialogue is conducted that directly promotes the policy objectives of restrictive measures, including democracy, human rights and the rule of law in Zimbabwe.

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6. Any Member State wishing to grant exemptions referred to in paragraph 5 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the members of the Council raise an objection in writing within 48 hours of receiving notification of the proposed exemption. Should one or more of the members of the Council raise an objection, the exemption shall not be granted, except where a Member State wishes to grant it on urgent and imperative humanitarian grounds. In the latter event, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

7. In cases where, pursuant to paragraphs 3 to 6, a Member State authorises the entry into, or transit through, its territory of persons listed in the ►**M1** Annex I ◄, the authorisation shall be strictly limited to the purpose for which it is given and to the persons directly concerned thereby.

Article 5

1. All funds and economic resources belonging to individual members of the Government of Zimbabwe or to any natural or legal persons, entities or bodies associated with them, or belonging to any other natural or legal person whose activities seriously undermine democracy, respect for human rights and the rule of law in Zimbabwe, shall be frozen. The persons and entities referred to in this paragraph are listed in the ►**M1** Annex I ◄.

2. No funds or economic resources shall be made available directly or indirectly to, or for the benefit of, natural or legal persons, entities or bodies listed in the ►**M1** Annex I ◄.

▼B

3. Exemptions may be made for funds or economic resources which are:

(a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges;

(b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; or

(d) necessary for extraordinary expenses.

4. Paragraph 2 shall not apply to the addition to frozen accounts of:

(a) interest or other earnings on those accounts; or

(b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to restrictive measures,

provided that any such interest, other earnings and payments continue to be subject to paragraph 1.

Article 6

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall adopt modifications to the list contained in the ►**M1** Annex I ◄ as required by political developments in Zimbabwe.

2. The Council shall communicate its decision, including the grounds for listing, to the person or entity concerned, either directly, if the address is known, or through the publication of a notice, providing such person or entity with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the person or entity concerned accordingly.

Article 7

1. The ►**M1** Annex I ◄ shall include the grounds for listing the natural or legal persons and entities.

2. The ►**M1** Annex I ◄ shall also contain, where available, the information necessary to identify the natural or legal persons or entities concerned. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and ID card numbers, gender, address, and function or profession. With regard to legal persons or entities, such information may include names, place and date of registration, registration number and place of business.

▼B

Article 8

In order to maximise the impact of the above-mentioned measures, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 9

Common Position 2004/161/CFSP is hereby repealed.

▼M15

Article 10

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

2. This Decision shall apply until 20 February 2022.

3. The measures referred to in Article 4(1) and Article 5(1) and (2), in so far as they apply to persons listed in Annex II, shall be suspended until 20 February 2022.

4. This Decision shall be kept under constant review and shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

▼**M15**

ANNEX I

PERSONS AND ENTITIES REFERRED TO IN ARTICLES 4 AND 5

I. Persons

	Name (and any aliases)	Identifying information	Grounds for designation
2.	MUGABE, Grace	Born 23.7.1965 Passport AD001159 ID 63-646650Q70	Former Secretary of the ZANU-PF (Zimbabwe African National Union – Patriotic Front) Women's league, involved in activities that seriously undermine democracy, respect for human rights and the rule of law. Took over the Iron Mask Estate in 2002; alleged to illicitly derive large profits from diamond mining.
5.	CHIWENGA, Constantine	Vice-President Former Commander of the Zimbabwe Defence Forces, retired General, born 25.8.1956 Passport AD000263 ID 63-327568M80	Vice-President and former Commander of the Zimbabwe Defence Forces. Member of Joint Operational Command and complicit in forming or directing repressive state policy. Used army for farm takeovers. During 2008 elections was a prime architect of the violence associated with the process of the Presidential run-off.
7.	SIBANDA, Phillip Valerio (a.k.a. Valentine)	Commander of the Zimbabwe Defence Forces Former Commander of the Zimbabwe National Army, General, born 25.8.1956 or 24.12.1954 ID 63-357671H26	Commander of the Zimbabwe Defence Forces and former Commander of the Zimbabwe National Army. Senior army figure with ties to the Government and complicit in forming or directing oppressive state policy.

II. Entities

	Name	Identifying information	Grounds for designation
1.	Zimbabwe Defence Industries	10th floor, Trustee House, 55 Samora Machel Avenue, PO Box 6597, Harare, Zimbabwe.	Associated with the Ministry of Defence and the ZANU-PF faction of Government.

▼M9

ANNEX II

PERSONS REFERRED TO IN ARTICLE 10(3)

Persons

Name (and any aliases)

▼M13 ———	
▼M9 3.	Chiwenga, Constantine
▼M15 ———	
▼M9 5.	Sibanda, Phillip Valerio (a.k.a. Valentine)
▼M14 6.	Mugabe, Grace.