COUNCIL COMMON POSITION 2008/187/CFSP

of 3 March 2008

concerning restrictive measures against the illegal government of Anjouan in the Union of Comoros

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

(1) By letter dated 25 October 2007 addressed to the Secretary-General/High Representative, the President of the Commission of the African Union (AU) requested the support of the European Union and its Member States for the sanctions which the African Union Peace and Security Council decided on 10 October 2007 to impose against the illegal authorities of Anjouan in the Union of Comoros, following Presidential elections which were held there in unsatisfactory conditions.

(2) The European Union should support the AU's decision to implement sanctions against the illegal government of Anjouan and persons associated with it, in response to their persistent refusal to work towards the creation of conditions which are favourable to stability and reconciliation in the Comoros, and with a view to bringing the illegal authorities of Anjouan to accept that new elections be held which should be credible, transparent and properly conducted.

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

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the members of the illegal government of Anjouan in the Union of Comoros (hereafter referred to as 'Anjouan') and persons associated with them, as listed in the Annex.

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 cases where a Member State is bound by an obligation of international law, namely:

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

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

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

(d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

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

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. 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 Anjouan.

7. A Member State wishing to grant exemptions referred to in paragraph 6 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 two working days 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.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, 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.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the individual members of the illegal government of Anjouan, any natural or legal persons, entities or bodies associated with them, as listed in the Annex, shall be frozen.

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 Annex.

3. The competent authority may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of persons listed in the Annex and their dependent family members, 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;

(d) necessary for extraordinary expenses, provided that the Member State concerned has notified the grounds on which it considers that a specific authorisation should be granted, to the other Member States and the Commission at least two weeks before the authorisation.

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 before 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 3

The Council, acting by unanimity on a proposal by a Member State or the Commission, shall adopt modifications to the list contained in the Annex as required by political developments in Anjouan.

Article 4

This Common Position shall apply for a period of 12 months. It shall be kept under constant review. It shall be repealed, renewed or amended as appropriate, in light of political developments in Anjouan.

Article 5

This Common Position shall take effect on the date of its adoption.

Article 6

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 3 March 2008.

For the Council

The President

J. PODOBNIK

ANNEX

List of members of the illegal government of Anjouan and natural or legal persons, entities or bodies associated with them, as referred to in Articles 1 and 2

Name	Mohamed Bacar
Sex	M
Function	Self-proclaimed President
Title	Colonel
Place of birth	Barakani
Date of birth	5.5.1962
Passport number	01AB01951/06/160, date of issue: 1.12.2006
Name	Jaffar Salim
Sex	M
Function	'Minister for the Interior'
Place of birth	Mutsamudu
Date of birth	26.6.1962
Passport number	06BB50485/20 950, date of issue: 1.2.2007
Name	Mohamed Abdou Madi
Sex	M
Function	'Minister for Cooperation'
Place of birth	Mjamaoué
Date of birth	1956
Passport number	05BB39478, date of issue 1.8.2006
Name	Ali Mchindra
Sex	M
Function	'Minister for Education'
Place of birth	Cuvette
Date of birth	20.11.1958
Passport number	03819, date of issue 3.7.2004
Name	Houmadi Souf
Sex	M
Function	'Minister for the Civil Service'
Place of birth	Sima
Date of birth	1963
Passport number	51427, date of issue 4.3.2007
Name	Rehema Boinali
Sex	M
Function	'Minister for Energy'
Place of birth	
Date of birth	1967
Passport number	540355, date of issue 7.4.2007
Name	Dhoihirou Halidi
Sex	M
Title	Director of Cabinet
Function	Senior official closely associated with the illegal government of Anjouan
Place of birth	Bambao Msanga
Date of birth	8.3.1965
Passport number	64528, date of issue 19.9.2007

Name	Abdou Bacar
Sex	M
Title	Lieutenant-Colonel
Function	Senior military officer, instrumental in supporting the illegal government of Anjouan
Place of birth	Barakani
Date of birth	2.5.1954
Passport number	54621, date of issue 23.4.2007