

(Acts adopted pursuant to Title V of the Treaty on European Union)

**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.
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.

Done at Brussels, 18 February 2002.

For the Council

The President

J. PIQUÉ I CAMPS

ANNEX

List of persons referred to in Articles 3 and 4

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
