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**COUNCIL COMMON POSITION 2004/161/CFSP
of 19 February 2004
renewing restrictive measures against Zimbabwe**

(OJ L 50, 20.2.2004, p. 66)

Amended by:

	Official Journal		
	No	page	date
► <u>M1</u> Council Decision 2005/444/CFSP of 13 June 2005	L 153	37	16.6.2005
► <u>M2</u> Council Decision 2005/592/CFSP of 29 July 2005	L 200	98	30.7.2005



COUNCIL COMMON POSITION 2004/161/CFSP
of 19 February 2004
renewing restrictive measures against Zimbabwe

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) Pursuant to Common Position 2002/145/CFSP⁽¹⁾ the Council imposed a prohibition on the supply of arms and related materiel, on the provision of related technical training or assistance and on the supply of equipment that might be used for internal repression to Zimbabwe.
- (2) Pursuant to Common Position 2002/145/CFSP the Council also imposed a travel ban and a freezing of funds on the Government of Zimbabwe and persons who bear a wide responsibility for serious violations of human rights and of the freedom of opinion, of association and of peaceful assembly.
- (3) Common Position 2002/145/CFSP was amended by Common Position 2002/600/CFSP⁽²⁾ by extending these restrictive measures to further persons who bear a wide responsibility for such violations.
- (4) The list of persons subject to the restrictive measures annexed to Common Position 2002/145/CFSP was updated and replaced by Council Decision 2002/754/CFSP⁽³⁾ following a government reshuffle in Zimbabwe.
- (5) Common Position 2002/145/CFSP was further amended and extended by Common Position 2003/115/CFSP⁽⁴⁾, which expires on 20 February 2004.
- (6) In view of the continued deterioration in the human rights situation in Zimbabwe, the restrictive measures adopted by the European Union should be renewed for a further 12 months.
- (7) The objective of these restrictive measures is to encourage the persons targeted to reject policies that lead to the suppression of human rights, of the freedom of expression and of good governance.
- (8) The list of persons subject to restrictive measures annexed to Common Position 2002/145/CFSP, as amended and replaced, should be updated.
- (9) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

For the purposes of this Common Position, 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.

⁽¹⁾ OJ L 50, 21.2.2002, p. 1.

⁽²⁾ OJ L 195, 24.7.2002, p. 1.

⁽³⁾ OJ L 247, 14.9.2002, p. 56.

⁽⁴⁾ OJ L 46, 20.2.2003, p. 30.

▼B*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 by nationals of Member States or from the territories of Member States or using their flag vessels or aircraft shall be prohibited whether originating or not in their territories.
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.

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, the EU and the Community, 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 such exports have been approved in advance by the relevant competent authority.
2. Article 2 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Zimbabwe by United Nations personnel, personnel of the EU, the Community or its Member States, representatives of the media and humanitarian and development workers and associated personnel for their personal use only.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the natural 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:
 - (a) as a host country of an international intergovernmental organisation;
 - (b) as a host country to an international conference convened by, or under the auspices of, the United Nations; or
 - (c) under a multilateral agreement conferring privileges and immunities.

▼B

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.

Article 5

1. All funds and economic resources belonging to individual members of the Government of Zimbabwe and to 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. 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;
- (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

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.

▼B*Article 7*

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 8

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

It shall apply as from 21 February 2004.

Article 9

This Common Position shall apply for a 12-month period. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 10

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

▼ **B**

ANNEX

List of persons referred to in Articles 4 and 5

▼ **M2**

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|--|--|
| 1. Mugabe, Robert Gabriel | President, born 21.2.1924 |
| 2. Bonyongwe, Happyton | Director-General Central Intelligence Organisation, born 6.11.1960 |
| 3. Buka (a.k.a. Bhuka), Flora | Minister for Special Affairs responsible for Land and Resettlement Programmes (Former Minister of State in the Vice-President's Office and former Minister of State for the Land Reform Programme in the President's Office), born 25.2.1968 |
| 4. Bvudzijena, Wayne | Assistant Police Commissioner, Police Spokesman |
| 5. Chapfika, David | Deputy Minister of Finance (former Deputy Minister of Finance and Economic Development), born 7.4.1957 |
| 6. Charamba, George | Permanent Secretary Department for Information and Publicity, born 4.4.1963 |
| 7. Charumbira, Fortune Zefanaya | Former Deputy Minister for Local Government, Public Works and National Housing, born 10.6.1962 |
| 8. Chigudu, Tinaye | Provincial Governor: Manicaland |
| 9. Chigwedere, Aeneas Soko | Minister of Education, Sports and Culture, born 25.11.1939 |
| 10. Chihota, Phineas | Deputy Minister for Industry and International Trade |
| 11. Chihuri, Augustine | Police Commissioner, born 10.3.1953 |
| 12. Chimbudzi, Alice | ZANU (PF) Politburo Committee Member |
| 13. Chimutengwende, Chen | Minister of State for Public and Interactive Affairs (former Minister of Post and Telecommunications), born 28.8.1943 |
| 14. Chinamasa, Patrick Anthony | Minister of Justice, Legal and Parliamentary Affairs, born 25.1.1947 |
| 15. Chindori-Chininga, Edward Takaruza | Former Minister of Mines and Mining Development, born 14.3.1955 |
| 16. Chipanga, Tongesai Shadreck | Former Deputy Minister of Home Affairs, born 10.10.1946 |
| 17. Chitepo, Victoria | ZANU (PF) Politburo Committee Member, born 27.3.1928 |
| 18. Chiwenga, Constantine | Commander Zimbabwe Defence Forces, General (former Army Commander, Lieutenant General), born 25.8.1956 |
| 19. Chiweshe, George | Chairman, ZEC (Supreme Court Judge and Chairman of the controversial delimitation committee), born 4.6.1953 |
| 20. Chiwewe, Willard | Provincial Governor: Masvingo (former Senior Secretary responsible for Special Affairs in the President's Office), born 19.3.1949 |

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| 21. Chombo, Ignatius
Morgan Chininya | Minister of Local Government, Public Works and National Housing, born 1.8.1952 |
| 22. Dabengwa, Dumiso | ZANU (PF) Politburo Senior Committee Member, born 1939 |
| 23. Damasane, Abigail | Deputy Minister for Women's Affairs, Gender and Community Development |
| 24. Goche, Nicholas Tasu-
nungurwa | Minister of Public Service, Labour and Social Welfare (former Minister of State for National Security in the President's Office), born 1.8.1946 |
| 25. Gombe, G | Chairman, Electoral Supervisory Commission |
| 26. Gula-Ndebele, Sobuza | Former Chairman of Electoral Supervisory Commission |
| 27. Gumbo, Rugare Eleck
Ngidi | Minister of Economic Development (former Minister of State for State Enterprises and Parastatals in the President's Office), born 8.3.1940 |
| 28. Hove, Richard | ZANU (PF) Politburo Secretary for Economic Affairs, born 1935 |
| 29. Hungwe, Josaya (a.k.a.
Josiah) Dunira | Former Provincial Governor: Masvingo, born 7.11.1935 |
| 30. Jokonya, Tichaona | Minister of Information and Publicity, born 27.12.1938 |
| 31. Kangai, Kumbirai | ZANU (PF) Politburo Committee Member, born 17.2.1938 |
| 32. Karimanzira, David
Ishemunyoro Godi | Provincial Governor: Harare and ZANU (PF) Politburo Secretary for Finance, born 25.5.1947 |
| 33. Kasukuwere, Saviour | Deputy Minister for Youth Development & Employment Creation and ZANU (PF) Politburo Deputy-Secretary for Youth Affairs, born 23.10.1970 |
| 34. Kaukonde, Ray | Provincial Governor: Mashonaland East, born 4.3.1963 |
| 35. Kuruneri, Christopher
Tichaona | Former Minister of Finance and Economic Development, born 4.4.1949. NB currently in remand |
| 36. Langa, Andrew | Deputy Minister of Environment and Tourism and former Deputy Minister of Transport and Communications |
| 37. Lesabe, Thenjiwe V. | ZANU (PF) Politburo Secretary for Women's Affairs, born 1933 |
| 38. Machaya, Jason (a.k.a.
Jaison) Max Kokerai | Former Deputy Minister of Mines and Mining Development, born 13.6.1952 |
| 39. Made, Joseph Mtakwese | Minister of Agriculture and Rural Development (former Minister of Lands, Agricultural and Rural Resettlement), born 21.11.1954 |
| 40. Madzongwe, Edna (a.k.
a. Edina) | ZANU (PF) Politburo Deputy Secretary for Production and Labour, born 11.7.1943 |
| 41. Mahofa, Shuvai Ben | Former Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941 |

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42. Mahoso, Tafataona		Chair, Media Information Commission
43. Makoni, Simbarashe		ZANU (PF) Politburo Deputy Secretary General for Economic Affairs (former Minister of Finance), born 22.3.1950
44. Makwavarara, Sekesai		Acting Mayor of Harare (ZANU-PF)
45. Malinga, Joshua		ZANU (PF) Politburo Deputy Secretary for Disabled and Disadvantaged, born 28.4.1944
46. Mangwana, Munyaradzi	Paul	Minister of State (former Minister of Public Service, Labour and Social Welfare), born 10.8.1961
47. Manyika, Tapfumanei	Elliot	Minister without Portfolio (former Minister of Youth Development, Gender and Employment Creation), born 30.7.1955
48. Manyonda, Vhundukai	Kenneth	Former Deputy Minister of Industry and International Trade, born 10.8.1934
49. Marumahoko, Rueben		Deputy Minister for Home Affairs (former Deputy Minister of Energy and Power Development), born 4.4.1948
50. Masawi, Ebrahim Sango		Provincial Governor: Mashonaland Central
51. Masuku, Angeline		Provincial Governor: Matabeleland South (ZANU (PF) Politburo Secretary for Disabled and Disadvantaged), born 14.10.1936
52. Mathema, Cain		Provincial Governor: Bulawayo
53. Mathuthu, Thokozile		Provincial Governor: Matabeleland North and ZANU (PF) Politburo Deputy Secretary for Transport and Social Welfare
54. Matiza, Joel Biggie		Deputy Minister for Rural Housing and Social Amenities, born 17.8.1960
55. Matonga, Brighton		Deputy Minister for Information and Publicity, born 1969
56. Matshalaga, Obert		Deputy Minister of Foreign Affairs
57. Matshiya, Melusi (Mike)		Permanent Secretary, Ministry of Home Affairs
58. Mbiriri, Partson		Permanent Secretary, Ministry of Local Government, Public Works and Urban Development
59. Midzi, Amos Bernard (Mugenva)		Minister of Mines and Mining Development (former Minister of Energy and Power Development), born 4.7.1952
60. Mngagwa, Emmerson Dambudzo		Minister of Rural Housing and Social Amenities (former Speaker of Parliament), born 15.9.1946
61. Mohadi, Campbell Dugishi	Kembo	Minister of Home Affairs (former Deputy Minister of Local Government, Public Works and National Housing), born 15.11.1949
62. Moyo, Jonathan		Former Minister of State for Information and Publicity in the President's Office, born 12.1.1957

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63. Moyo, July Gabarari Former Minister of Energy and Power Development (former Minister of Public Service, Labour and Social Welfare), born 7.5.1950
64. Moyo, Simon Khaya ZANU (PF) Politburo Deputy Secretary for Legal Affairs, born 1945. NB Ambassador to South Africa
65. Mpfu, Obert Moses Minister for Industry and International Trade (former Provincial Governor: Matabeleland North) (ZANU (PF) Politburo Deputy Secretary for National Security), born 12.10.1951
66. Msika, Joseph W. Vice-President, born 6.12.1923
67. Msipa, Cephas George Provincial Governor: Midlands, born 7.7.1931
68. Muchena, Olivia Nyembesi (a.k.a. Nyembezi) Minister of State for Science and Technology in the President's Office (former Minister of State in Vice-President Msika's Office), born 18.8.1946
69. Muchinguri, Oppah Chamu Zvipange Minister for Women's Affairs, Gender and Community Development ZANU (PF) Politburo Secretary for Gender and Culture, born 14.12.1958
70. Mudede, Tobaiwa (Tonnet) Registrar General, born 22.12.1942
71. Mudenge, Isack Stanilaus Gorerazvo Minister of Higher Tertiary Education (former Minister of Foreign Affairs), born 17.12.1941
72. Mugabe, Grace Spouse of Robert Gabriel Mugabe, born 23.7.1965
73. Mugabe, Sabina ZANU (PF) Politburo Senior Committee Member, born 14.10.1934
74. Muguti, Edwin Deputy Minister for Health and Child Welfare, born 1965
75. Mujuru, Joyce Teurai Ropa Vice-President (former Minister of Water Resources and Infrastructural Development), born 15.4.1955
76. Mujuru, Solomon T.R. ZANU (PF) Politburo Senior Committee Member, born 1.5.1949
77. Mumbengegwi, Samuel Creighton Former Minister of Industry and International Trade, born 23.10.1942
78. Mumbengegwi, Simbarashe Minister of Foreign Affairs, born 20.7.1945
79. Murerwa, Herbert Muchemwa Minister of Finance (former Minister of Higher and Tertiary Education), born 31.7.1941
80. Musariri, Munyaradzi Assistant Police Commissioner
81. Mushohwe, Christopher Chindoti Minister of Transport and Communications (former Deputy Minister of Transport and Communications), born 6.2.1954
82. Mutasa, Didymus Noel Edwin Minister for National Security (former Minister of Special Affairs in the President's Office in charge of the Anti-Corruption and Anti-Monopolies Programme and former ZANU (PF) Politburo Secretary for External Relations), born 27.7.1935

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| 83. Mutezo, Munacho | Minister for Water Resources and Infrastructural Development |
| 84. Mutinhiri, Ambros (a.k. a. Ambrose) | Minister of Youth Development, Gender and Employment Creation, Retired Brigadier |
| 85. Mutiwekuziva, Kenneth Kaparadza | Deputy Minister of Small and Medium Enterprises Development and Employment Creation, (former Deputy Minister of Small and Medium Enterprises Development, born 27.5.1948) |
| 86. Muzenda, Tsitsi V. | ZANU (PF) Politburo Senior Committee Member, born 28.10.1922 |
| 87. Muzonzini, Elisha | Brigadier (former Director-General Central Intelligence Organisation), born 24.6.1957 |
| 88. Ncube, Abedinico | Deputy Minister of Public Service, Labour and Social Welfare (former Deputy Minister of Foreign Affairs), born 13.10.1954 |
| 89. Ndlovu, Naison K. | ZANU (PF) Politburo Secretary for Production and Labour, born 22.10.1930 |
| 90. Ndlovu, Richard | ZANU (PF) Politburo Deputy Commissariat, born 20.6.1942 |
| 91. Ndlovu, Sikhanyiso | ZANU (PF) Politburo Deputy Secretary for Commissariat, born 20.9.1949 |
| 92. Nguni, Sylvester | Deputy Minister for Agriculture, born 4.8.1955 |
| 93. Nhema, Francis | Minister of Environment and Tourism, born 17.4.1959 |
| 94. Nkomo, John Landa | Speaker of Parliament (former Minister of Special Affairs in the President's Office), born 22.8.1934 |
| 95. Nyambuya, Michael Reuben | Minister for Energy and Power Development (former Lieutenant General, Provincial Governor: Manicaland), born 23.7.1955 |
| 96. Nyanhongo, Magadzire Hubert | Deputy Minister of Transport and Communications |
| 97. Nyathi, George | ZANU (PF) Politburo Deputy Secretary of Science and Technology |
| 98. Nyoni, Sithembiso Gile Glad | Minister of Small and Medium Enterprises Development and Employment Creation (former Minister of Small and Medium Enterprises Development), born 20.9.1949 |
| 99. Parirenyatwa, David Pagwese | Minister of Health and Child Welfare (former Deputy Minister), born 2.8.1950 |
| 100. Patel, Khantibhal | ZANU (PF) Politburo Deputy Secretary for Finance, born 28.10.1928 |
| 101. Pote, Selina M. | ZANU (PF) Politburo Deputy Secretary for Gender and Culture |
| 102. Rusere, Tino | Deputy Minister for Mines and Mining Development (former Deputy Minister for Water Resources and Infrastructural Development), born 10.5.1945 |
| 103. Sakabuya, Morris | Deputy Minister for Local Government, Public Works and Urban Development |

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104. Sakupwanya, Stanley	ZANU (PF) Politburo Deputy Secretary for Health and Child Welfare
105. Samkange, Nelson Tapera Crispen	Provincial Governor: Mashonaland West
106. Sandi ou Sachi, E. (?)	ZANU (PF) Politburo Deputy Secretary for Women's Affairs
107. Savanhu, Tendai	ZANU (PF) Deputy Secretary for Transport and Social Welfare, born 21.3.1968
108. Sekeramayi, Sydney (a. k.a. Sidney) Tigere	Minister of Defence, born 30.3.1944
109. Sekeramayi, Lovemore	Chief Elections Officer
110. Shamu, Webster	Minister of State for Policy Implementation (former Minister of State for Policy Implementation in the President's Office), born 6.6.1945
111. Shamuyarira, Nathan Marwirakuwa	ZANU (PF) Politburo Secretary for Information and Publicity, born 29.9.1928
112. Shiri, Perence	Air Marshal (Air Force), born 1.11.1955
113. Shumba, Isaiah Masvayamwando	Deputy Minister of Education, Sports and Culture, born 3.1.1949
114. Sibanda, Jabulani	Former Chair, National War Veterans Association, born 31.12.1970
115. Sibanda, Misheck Julius Mpande	Cabinet Secretary (successor to No.122 Charles Utete), born 3.5.1949
116. Sibanda, Phillip Valerio (a.k.a. Valentine)	Commander Zimbabwe National Army, Lieutenant General, born 25.8.1956
117. Sikosana, Absolom	ZANU (PF) Politburo Secretary for Youth Affairs
118. Stamps, Timothy	Health Advisor in the Office of the President, born 15.10.1936
119. Tawengwa, Solomon Chirume	ZANU (PF) Politburo Deputy Secretary for Finance, born 15.6.1940
120. Tungamirai, Josiah T.	Minister of State for Indigenisation and Empowerment, Retired Air Marshall (former ZANU (PF) Politburo Secretary for Empowerment and Indigenisation), born 8.10.1948
121. Udenge, Samuel	Deputy Minister of Economic Development
122. Utete, Charles	Chairman of the Presidential Land Review Committee (former Cabinet Secretary), born 30.10.1938
123. Veterai, Edmore	Senior Assistant Police Commissioner, Officer Commanding Harare
124. Zimonte, Paradzai	Prisons Director, born 4.3.1947
125. Zhuwao, Patrick	Deputy Minister for Science and Technology (NB Mugabe's nephew)
126. Zvinavashe, Vitalis	Retired General (former Chief of Defence Staff), born 27.9.1943