

COUNCIL COMMON POSITION 2007/734/CFSP
of 13 November 2007
concerning restrictive measures against Uzbekistan

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 14 November 2005, the Council adopted Common Position 2005/792/CFSP concerning restrictive measures against Uzbekistan⁽¹⁾ in response to the excessive, disproportionate and indiscriminate use of force by the Uzbek security forces during events in Andijan in May 2005. Certain restrictive measures were renewed by Council Common Position 2006/787/CFSP⁽²⁾. On 14 May 2007, the Council adopted Common Position 2007/338/CFSP renewing certain restrictive measures against Uzbekistan⁽³⁾ which extended the restrictions on admission for some individuals for six months.
- (2) On 15 October 2007, the Council called on the Uzbek authorities to make further progress in the area of human rights. It urged Uzbekistan to implement in full its international obligations relating to human rights and fundamental freedoms as well as rule of law and, in particular, to allow full unimpeded access by relevant international bodies to prisoners; to engage effectively with the UN Special Rapporteurs to Uzbekistan; to let all NGOs, including Human Rights Watch, operate without constraints in Uzbekistan; to release human rights defenders from detention and cease their harassment; to engage positively on human rights issues in the context of the forthcoming EU-Uzbekistan Cooperation Committee and to pursue reforms of the judiciary, law enforcement and police law. Progress towards these goals will be evaluated on the basis of a report by the Heads of Missions, which will include an assessment of the upcoming Presidential elections.
- (3) The Council considers it appropriate to renew for a period of 12 months the arms embargo and the restrictions on admission for individuals who are directly responsible for the indiscriminate and disproportionate use of force in Andijan and the obstruction of an independent inquiry. With a view to encouraging the

Uzbek authorities to take positive steps to improve the human rights situation and taking into account the commitments of the Uzbek authorities, the restrictions on admission will not apply for a period of six months. Before the end of this period the Council will review whether the Uzbek authorities have made progress towards meeting the objectives referred to in recital (2).

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

HAS ADOPTED THIS COMMON POSITION:

Article 1

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, to Uzbekistan 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. The sale, supply, transfer or export of equipment, listed in Annex I, which might be used for internal repression, to Uzbekistan shall be prohibited.
3. It shall be prohibited:
 - (i) to provide 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, or related to equipment which might be used for internal repression, directly or indirectly to any natural or legal person, entity or body in, or for use in, Uzbekistan;
 - (ii) 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, or for the provision of related technical assistance, brokering services and other services, or related to equipment which might be used for internal repression, directly or indirectly to any natural or legal person, entity or body in, or for use in, Uzbekistan.

⁽¹⁾ OJ L 299, 16.11.2005, p. 72.

⁽²⁾ OJ L 318, 17.11.2006, p. 43.

⁽³⁾ OJ L 128, 16.5.2007, p. 50.

Article 2

1. Article 1 shall not apply to:

- (i) the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian or protective use, or for institution-building programmes of the UN, the EU and the Community, or for EU and UN crisis management operations;
- (ii) the supply, transfer, or export of arms and equipment referred to in Article 1 for the forces in Uzbekistan of contributors to the International Security Assistance Force (ISAF) and 'Operation Enduring Freedom' (OEF);
- (iii) the sale, supply, transfer or export of equipment which might be used for internal repression, intended solely for humanitarian or protective use;
- (iv) the sale, supply, transfer or export of non-combat vehicles which have been manufactured or fitted with materials to provide ballistic protection, intended solely for protective use of personnel of the EU and its Member States in Uzbekistan;
- (v) the provision of financing, financial assistance or technical assistance related to equipment referred to in (i), (ii), (iii) and (iv),

on condition that such exports and assistance have been approved in advance by the relevant competent authority.

2. Article 1 shall not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Uzbekistan 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 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of those individuals, listed in Annex II, directly responsible for the indiscriminate and disproportionate use of force in Andijan and the obstruction of an independent inquiry.

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

- (i) as host country of an international intergovernmental organisation;
- (ii) as host country to an international conference convened by, or under the auspices of, the United Nations; or
- (iii) under a multilateral agreement conferring privileges and immunities; or
- (iv) 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 inter-governmental 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 Uzbekistan.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall 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. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. 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 Annex II, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

Article 4

The application of the measures referred to in Article 3 shall be suspended until 13 May 2008. Before that date, the Council shall review the situation in Uzbekistan and assess progress made by the Uzbek authorities towards ensuring respect for human rights and fundamental freedoms, as well as for the rule of law.

Article 5

This Common Position shall apply for a period of 12 months. 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 6

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

Article 7

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

Done at Brussels, 13 November 2007.

For the Council
The President
F. TEIXEIRA DOS SANTOS

ANNEX I

List of equipment which might be used for internal repression

Equipment for internal repression envisaged by Article 1(2)

1. Firearms, ammunition and related accessories therefor, as follows:
 - 1.1. Firearms not controlled by ML 1 and ML 2 of the EU Common Military List;
 - 1.2. Ammunition specially designed for the firearms listed in 1.1 and specially designed components therefor;
 - 1.3. Weapon-sights not controlled by the EU Common Military List.
2. Bombs and grenades not controlled by the EU Common Military List.
3. Vehicles as follows ⁽¹⁾:
 - 3.1. Vehicles equipped with a water cannon, specially designed or modified for the purpose of riot control;
 - 3.2. Vehicles specially designed or modified to be electrified to repel borders;
 - 3.3. Vehicles specially designed or modified to remove barricades, including construction equipment with ballistic protection;
 - 3.4. Vehicles specially designed for the transport or transfer of prisoners and/or detainees;
 - 3.5. Vehicles specially designed to deploy mobile barriers ⁽²⁾;
 - 3.6. Components for the vehicles specified in 3.1 to 3.5 specially designed for the purposes of riot control.
4. Explosive substances and related equipment as follows:
 - 4.1. Equipment and devices specially designed to initiate explosions by electrical or non-electrical means, including firing sets, detonators, igniters, boosters and detonating cord, and specially designed components therefor — except those specially designed for a specific commercial use consisting of the actuation or operation by explosive means of other equipment or devices the function of which is not the creation of explosions (e.g., car air-bag inflators, electric-surge arresters of fire sprinkler actuators);
 - 4.2. Linear cutting explosive charges not controlled by the EU Common Military List;
 - 4.3. Other explosives not controlled by the EU Common Military List and related substances as follows:
 - (a) amatol;
 - (b) nitrocellulose (containing more than 12,5 % nitrogen);
 - (c) nitroglycol;
 - (d) pentaerythritol tetranitrate (PETN);
 - (e) picryl chloride;
 - (f) 2,4,6-trinitrotoluene (TNT).
5. Protective equipment not controlled by ML 13 of the EU Common Military List as follows ⁽³⁾:
 - 5.1. Body armour providing ballistic and/or stabbing protection;
 - 5.2. Helmets providing ballistic and/or fragmentation protection, anti-riot helmets, anti-riot shields and ballistic shields.

⁽¹⁾ This item does not control vehicles specially designed for the purposes of fire-fighting.

⁽²⁾ For the purposes of item 3.5 the term 'vehicles' includes trailers.

⁽³⁾ This item does not control:

- equipment specially designed for sports activities;
- equipment specially designed for safety of work requirements.

6. Simulators, other than those controlled by ML 14 of the EU Common Military List, for training in the use of firearms, and specially designed software therefor.
 7. Night vision, thermal imaging equipment and image intensifier tubes, other than those controlled by the EU Common Military List.
 8. Razor barbed wire.
 9. Military knives, combat knives and bayonets with blade lengths in excess of 10 cm.
 10. Production equipment specially designed for the items specified in this list.
 11. Specific technology for the development, production or use of the items specified in this list.
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ANNEX II

List of persons referred to in Article 3

1. Surname, First Name: Almatov, Zakirjan
Sex: Male
Title, Function: former Minister of Interior
Address: Tashkent, Uzbekistan
Date of birth: 10 October 1949
Place of birth: Tashkent, Uzbekistan
Passport or ID Number: Passport no DA 0002600 (Diplomatic ppt)
Nationality: Uzbek
 2. Surname, First Name: Mullajonov, Tokhir Okhunovich
Alias: Alternative spelling for surname: Mullajanov
Sex: Male
Title, Function: former First Deputy Interior Minister
Address: Tashkent, Uzbekistan
Date of birth: 10 October 1950
Place of birth: Ferghana, Uzbekistan
Passport or ID Number: Passport no DA 0003586 (Diplomatic ppt) expires 5.11.2009
Nationality: Uzbek
 3. Surname, First Name: Mirzaev, Ruslan
Sex: Male
Title, Function: Minister of Defence, former National Security Council State Adviser
 4. Surname, First Name: Ergashev, Pavel Islamovich
Sex: Male
Title, Function: Colonel, Commander of the 'Center' Military Brigade
 5. Surname, First Name: Mamo, Vladimir Adolfovich
Sex: Male
Title, Function: Major General, Deputy Commander, Defence Ministry Special Forces Brigade
 6. Surname, First Name: Pak, Gregori
Sex: Male
Title, Function: Colonel, Commander of the Interior Ministry rapid reaction brigade (unit 7332)
 7. Surname, First Name: Tadzhiiev, Valeri
Sex: Male
Title, Function: Colonel, Commander of the Interior Ministry Special Forces Autonomous Detachment (unit 7351)
 8. Surname, First Name: Inoyatov, Rustam Raulovich
Sex: Male
Title, Function: Chief of SNB (National Security Service)
Address: Tashkent, Uzbekistan
Date of birth: 22 June 1944
Place of birth: Sherabad, Uzbekistan
Passport or ID Number: Passport no DA 0003171 (Diplomatic ppt); also diplomatic passport no 0001892 (expired 15.9.2004)
Nationality: Uzbek
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