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COUNCIL DECISION 2014/450/CFSP

of 10 July 2014

concerning restrictive measures in view of the situation in Sudan and repealing Decision 2011/423/CFSP

(OJ L 203, 11.7.2014, p. 106)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Decision (CFSP) 2017/413 of 7 March 2017	L 63	105	9.3.2017

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COUNCIL DECISION 2014/450/CFSP

of 10 July 2014

concerning restrictive measures in view of the situation in Sudan and repealing Decision 2011/423/CFSP

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 Sudan 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 also be prohibited to:

(a) provide, directly or indirectly, technical assistance, brokering services or other services related to the items referred to in paragraph 1 or related to the provision, manufacture, maintenance and use of such items, to any natural or legal person, entity or body in, or for use in, Sudan;

(b) provide, directly or indirectly, financing or financial assistance related to the items referred to in paragraph 1, including in particular grants, loans and export credit insurance, as well as insurance or reinsurance for any sale, supply, transfer or export of such items, or for the provision of related technical assistance, brokering services or other services to any natural or legal person, entity or body in, or for use in, Sudan;

(c) participate, knowingly and intentionally, in activities, the object or effect of which is to circumvent the measures referred to in points (a) or (b).

Article 2

1. Article 1 shall not apply to:

(a) the sale, supply, transfer or export of non-lethal military equipment intended solely for humanitarian, human rights monitoring or protective use, or for institution-building programmes of the UN, the African Union (AU), the European Union, or of materiel intended for European Union, UN and AU crisis management operations;

(b) 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 the protective use, in Sudan, by personnel of the European Union and its Member States, or by UN or AU personnel;

(c) the provision of technical assistance, brokering services and other services related to the equipment or to the programmes and operations referred to in point (a);

(d) the provision of financing and financial assistance related to the equipment or to the programmes and operations referred to in point (a);

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(e) the sale, supply, transfer or export of de-mining equipment and materiel for use in de-mining operations;

provided that such deliveries have been approved in advance by the competent authority of the Member State in question.

2. Article 1 shall also not apply to protective clothing, including flak jackets and military helmets, temporarily exported to Sudan by UN personnel, personnel of the European Union, or its Member States, representatives of the media, humanitarian and development workers and associated personnel for their personal use only.

3. Member States shall consider deliveries under this Article on a case-by-case basis, taking full account of the criteria set out in Council Common Position 2008/944/CFSP [1]. Member States shall require adequate safeguards against misuse of authorisations granted under this Article and, where appropriate, make provisions for repatriation of the equipment.

Article 3

In accordance with UNSCR 1591(2005), restrictive measures as set out in Articles 4(1) and 5(1) of this Decision shall be imposed against those individuals who impede the peace process, constitute a threat to stability in Darfur and the region, commit violations of international humanitarian or human rights law or other atrocities, violate the arms embargo and/or are responsible for offensive military overflights in and over the Darfur region, as designated by the Committee established by paragraph 3 of UNSCR 1591(2005) ('Sanctions Committee').

The relevant persons are listed in the Annex to this Decision.

Article 4

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons referred to in Article 3.

2. Paragraph 1 shall not oblige a Member State to refuse its own nationals entry into its territory.

3. Paragraph 1 shall not apply where the Sanctions Committee determines that travel is justified on the grounds of humanitarian need, including religious obligation, or where the Sanctions Committee concludes that an exemption would further the objectives of the relevant UNSCRs for the creation of peace and stability in Sudan and the region.

4. Where, pursuant to paragraph 3, a Member State authorises the entry into, or transit through, its territory of persons designated by the Sanctions Committee, the authorisation shall be limited to the purpose for which it is given and to the persons concerned thereby.

[1] Council Common Position 2008/944/CFSP of 8 December 2008 defining common rules governing control of exports of military technology and equipment (OJ L 335, 13.12.2008, p. 99).

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Article 5

1. All funds, other financial assets and economic resources owned or controlled directly or indirectly by the persons referred to in Article 3, or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction, as identified in the Annex, shall be frozen.

2. No funds, financial assets or economic resources shall be made available directly or indirectly to or for the benefit of such persons or entities.

3. Exemptions may be made for funds, other financial assets and 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, in accordance with national laws, for routine holding or maintenance of frozen funds, other financial assets and economic resources;

after notification by the Member State concerned to the Sanctions Committee of the intention to authorise, where appropriate, access to such funds, other financial assets and economic resources and, in the absence of a negative decision by the Sanctions Committee, within two working days of such notification;

(d) necessary for extraordinary expenses, after notification by the Member State concerned to the Sanctions Committee and approval by that Committee;

(e) the subject of a judicial, administrative or arbitral lien or judgement, in which case the funds, other financial assets and economic resources may be used to satisfy that lien or judgement provided that the lien or judgement was entered prior to the date of the UNSCR 1591(2005), and is not for the benefit of a person or entity referred to in this Article, after notification by the Member State concerned to the Sanctions Committee.

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.

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Article 6

The Council shall establish the list contained in the Annex and implement any modifications thereof on the basis of determinations made by the Sanctions Committee.

Article 7

1. Where the UN Security Council or the Sanctions Committee lists a person or entity, the Council shall include such person or entity in the Annex. 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 an opportunity to present observations.

2. 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 8

1. The Annex shall include the grounds for listing of listed persons and entities as provided by the UN Security Council or the Sanctions Committee.

2. The Annex shall also include, where available, information provided by the UN Security Council or by the Sanctions Committee necessary to identify the persons or entities concerned. With regard to persons, such information may include names including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known and function or profession. With regard to entities, such information may include names, place and date of registration, registration number and place of business. The Annex shall also include the date of designation by the UN Security Council or by the Sanctions Committee.

Article 9

The measures referred to in Article 1 shall be reviewed at regular intervals and at least every 12 months. They shall be repealed if the Council deems that their objectives have been met.

Article 10

Decision 2011/423/CFSP is hereby repealed.

Article 11

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

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ANNEX

LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLES 4 AND 5

▼M1

1. **ELHASSAN**, Gaffar Mohammed

Alias: Gaffar Mohmed Elhassan

Designation: Major-General and Commander of the Western Military Region for the Sudanese Armed Forces (SAF)

National identification no: Ex-serviceman's identification card 4302

Date of birth: 24 June 1952

Address: El Waha, Omdurman, Sudan

Date of UN designation: 25 April 2006

Other information: Retired from the Sudanese Army. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5282254

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

The Panel of Experts reports that Major-General Gaffar Mohammed Elhassan stated to them that he had direct operational command (primarily tactical command) of all elements of the SAF in Darfur while he was in command of the Western Military Region. Elhassan held this position as Western Military Area Commander from November 2004 (approx.) — early 2006. The Panel's information is that Elhassan was responsible for violations of paragraph 7 of SCR 1591 as by virtue of this position he requested (from Khartoum) and authorised (since 29 March 2005) the transfer of military equipment into Darfur without the prior approval of the 1591 Committee. Elhassan himself admitted to the Panel of Experts that aircraft, aircraft engines and other military equipment had been brought into Darfur from other parts of Sudan between 29 March 2005 and December 2005. For example he informed the Panel that two Mi-24 attack helicopters were brought unauthorised into Darfur between 18 and 21 September 2005. There are also reasonable grounds to believe that Elhassan was directly responsible, as Western Military Area Commander, for authorising offensive military flights in the area around Abu Hamra, 23-24 July 2005 and in the Jebel Moon area of Western Darfur, on 19 November 2005. Mi-24 attack helicopters were involved in both operations and reportedly opened fire on both occasions. The Panel of Experts report that Elhassan indicated to the Panel that he himself approved requests for air support and other air operations in his capacity as Western Military Area Commander. (See Panel of Experts report, S/2006/65, paragraphs 266-269.) Through such actions Major-General Gaffar Mohammed Elhassan has breached relevant provisions of SCR 1591 and therefore meets the criteria to be designated by the Committee to be subjected to sanctions.

2. **ALNSIEM**, Musa Hilal Abdalla

Alias: (a) (Sheikh) Musa Hilal; (b) Abd Allah; (c) Abdallah; (d) AlNasim; (e) Al Nasim; (f) AlNaseem; (g) Al Naseem; (h) AlNasseem; (i) Al Nasseem

Designation: (a) Member of the National Assembly of Sudan, (b) In 2008, appointed by the President of Sudan as special adviser to the Ministry of Federal Affairs, (c) Paramount Chief of the Jalul Tribe in North Darfur

Date of birth: (a) 1 January 1964; (b) 1959

Place of birth: Kutum

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Address: (a) Kabkabiya, Sudan (b) Kutum, Sudan (Resides in Kabkabiya and the city of Kutum, Northern Darfur and has resided in Khartoum)

Passport: Diplomatic Passport D014433, issued on 21 February 2013 (Expires 21 February 2015)

Identification: Certificate of Nationality No: A0680623

Date of UN designation: 25 April 2006

Other information: INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5795065

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Report from Human Rights Watch states they have a memo dated 13 February 2004 from a local government office in North Darfur ordering 'security units in the locality' to 'allow the activities of the mujahideen and the volunteers under the command of the Sheikh Musa Hilal to proceed in the areas of [North Darfur] and to secure their vital needs'. On 28 September 2005, 400 Arab militia attacked the villages of Aro Sharrow (including its IDP camp), Acho, and Gozmena in West Darfur. We also believe that Musa Hilal was present during the attack on Aro Sharrow IDP camp: his son had been killed during the SLA attack on Shareia, so he was now involved in a personal blood feud. There are reasonable grounds to believe that as the Paramount Chief he had direct responsibility for these actions and is responsible for violations of international humanitarian and human rights law and other atrocities.

3. **SHARIF**, Adam Yacub

Alias: (a) Adam Yacub Shant; (b) Adam Yacoub

Designation: Sudanese Liberation Army (SLA) Commander

Date of birth: **approximately** 1976

Date of UN designation: 25 April 2006

Other information: Reportedly deceased on 7 June 2012. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5283783

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

SLA soldiers under the command of Adam Yacub Shant violated the ceasefire agreement by attacking a Government of Sudan military contingent that was escorting a convoy of trucks near Abu Hamra, Northern Darfur on 23 July 2005, killing three soldiers. After the attack Government military weapons and ammunition were looted. The Panel of Experts has information establishing that the attack by SLA soldiers took place and was clearly organised; consequently it was well planned. It is therefore reasonable to assume, as the Panel concluded, that Shant, as the confirmed SLA Commander in the area, must have had knowledge of and approved/or ordered the attack. He therefore bears direct responsibility for the attack and meets the criteria for being listed.

4. **MAYU**, Jibril Abdulkarim Ibrahim

Alias: General Gibril Abdul Kareem Barey; 'Tek'; Gabril Abdul Kareem Badri

Designation: National Movement for Reform and Development (NMRD) Field Commander

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Date of birth: 1 January 1967

Place of Birth: Nile District, El-Fasher, El-Fasher, North Darfur

Nationality: Sudanese by birth

Address: Tine, Sudan (Resides in Tine, on the Sudanese side of the border with Chad)

National Identification Number: (a) 192-3238459- 9, (b) Certificate of nationality acquired through birth 302581

Date of UN designation: 25 April 2006

Other information: INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/notice/search/un/5795071

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Mayu is responsible for the kidnapping of African Union Mission in Sudan (AMIS) personnel in Darfur during October 2005. Mayu openly attempts to thwart the AMIS mission through intimidation; for example he threatened to shoot down African Union (AU) helicopters in the Jebel Moon area in November 2005. Through such actions Mayu has clearly violated SCR 1591 in constituting a threat to stability in Darfur and meets the criteria to be designated by the Committee to be subjected to sanctions.