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COUNCIL REGULATION (EU) No 356/2010

of 26 April 2010

imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

(OJ L 105, 27.4.2010, p. 1)

Amended by:

		Official Journal		
		No	page	date
►**M1**	Council Implementing Regulation (EU) No 956/2011 of 26 September 2011	L 249	1	27.9.2011
►**M2**	Council Regulation (EU) No 641/2012 of 16 July 2012	L 187	3	17.7.2012
►**M3**	Council Implementing Regulation (EU) No 943/2012 of 15 October 2012	L 282	6	16.10.2012

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COUNCIL REGULATION (EU) No 356/2010

of 26 April 2010

imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 215 (1) and (2) thereof,

Having regard to Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP ([1]),

Having regard to the joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the European Commission,

Whereas:

(1) On 20 November 2008, the United Nations Security Council (hereinafter referred to as the 'Security Council'), acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1844 (2008) confirming the general and complete arms embargo against Somalia imposed by the United Nations Security Council Resolution (UNSCR) 733 (1992) and introducing additional restrictive measures.

(2) The additional restrictive measures concern restrictions on admission and financial restrictive measures against individuals and entities designated by the Security Council or by the United Nations Sanctions Committee established pursuant to UNSCR 751 (1992) concerning Somalia (hereinafter referred to as the 'Sanctions Committee'). In addition to the general arms embargo, the Resolution introduces a specific prohibition on the direct and indirect supply, sale or transfer, of weapons and military equipment and a specific prohibition on the provision of related assistance and services, to individuals and entities listed by the Sanctions Committee.

(3) The restrictive measures are aimed at individuals and entities designated by the United Nations (UN) as engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten the Djibouti Agreement of 18 August 2008 or the political process, or threaten the Transitional Federal Institutions (TFIs) or the African Union Mission in Somalia (AMISOM) by force, as having acted in violation of the arms embargo and related measures, or as obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

(4) On 16 February 2009, the Council of the European Union adopted Common Position 2009/138/CFSP concerning restrictive measures against Somalia ([2]) which provides, inter alia, for financial restrictive measures concerning natural or legal persons, entities or bodies listed by the UN, as well as for a prohibition on the direct and indirect provision of assistance and services related to weapons and military equipment to such persons, entities or bodies.

([1]) See page 17 of this Official Journal.
([2]) OJ L 46, 17.2.2009, p. 73.

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(5) On 19 March 2010, the Security Council adopted UNSCR 1916 (2010) which, inter alia, decided to ease some restrictions and obligations under the sanctions regime to enable the delivery of supplies and technical assistance by international, regional and sub-regional organisations and to ensure the timely delivery of urgently needed humanitarian assistance by the UN.

(6) On 12 April 2010, the Sanctions Committee adopted the list of persons and entities which are subject to restrictive measures.

(7) On that basis, on 26 April 2010 the Council adopted Decision 2010/231/CFSP.

(8) These measures fall within the scope of the Treaty on the Functioning of the European Union and, therefore, notably with a view to ensuring their uniform application by economic operators in all Member States, an act of the Union is necessary in order to implement them as far as the Union is concerned.

(9) Council Regulation (EC) No 147/2003 of 27 January 2003 concerning certain restrictive measures in respect of Somalia [1] imposed a general prohibition on the provision of technical advice, assistance, training, financing or financial assistance related to military activities, to any person, entity or body in Somalia. A new Council Regulation should be adopted to implement the measures concerning natural or legal persons, entities or bodies listed by the UN.

(10) This Regulation respects the fundamental rights and observes the principles recognised in particular by the Charter of Fundamental Rights of the European Union [2] and notably the right to an effective remedy and to a fair trial, the right to property and the right to the protection of personal data. This Regulation should be applied in accordance with those rights and principles.

(11) This Regulation also fully respects the obligations of Member States under the Charter of the United Nations and the legally binding nature of Security Council Resolutions.

(12) The power to amend the list in Annex I to this Regulation should be exercised by the Council, in view of the specific threat to international peace and security in the region posed by the situation in Somalia and in order to ensure consistency with the process for amending and reviewing the Annex to Council Decision 2010/231/CFSP.

(13) The procedure for amending the list in Annex I to this Regulation should include providing to designated natural or legal persons, entities or bodies the reasons for their listing as transmitted by the Sanctions Committee, so as to give them an opportunity to present observations. Where observations are submitted or substantial new evidence is presented, the Council should review its decision in the light of those observations and inform the person, entity or body concerned accordingly.

[1] OJ L 24, 29.1.2003, p. 2.
[2] OJ C 364, 18.12.2000, p. 1.

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(14) In order to create maximum legal certainty within the Union, the names and other relevant data for identifying natural or legal persons, entities or bodies whose funds and economic resources are frozen in accordance with this Regulation should be published.

(15) Any processing of personal data of natural persons under this Regulation should respect Regulation (EC) No 45/2001 of the European Parliament and of the Council of 18 December 2000 on the protection of individuals with regard to the processing of personal data by the Community institutions and bodies and on the free movement of such data ([1]) and Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data ([2]).

(16) Member States should determine the penalties applicable to infringements of the provisions of this Regulation. The penalties provided for should be proportionate, effective and dissuasive,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

(a) 'funds' means financial assets and benefits of every kind, including but not limited to:

(i) cash, cheques, claims on money, drafts, money orders and other payment instruments;

(ii) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;

(iii) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;

(iv) interest, dividends or other income on or value accruing from or generated by assets;

(v) credit, right of set-off, guarantees, performance bonds or other financial commitments;

(vi) letters of credit, bills of lading, bills of sale;

(vii) documents evidencing an interest in funds or financial resources;

(b) 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership,

([1]) OJ L 8, 12.1.2001, p. 1.
([2]) OJ L 281, 23.11.1995, p. 31.

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possession, character, destination or other change that would enable the funds to be used, including portfolio management;

(c) 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but may be used to obtain funds, goods or services;

(d) 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, by selling, hiring or mortgaging them;

(e) 'Sanctions Committee' means the Committee of the Security Council established pursuant to UNSCR 751 (1992) concerning Somalia;

(f) 'technical assistance' means 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; including verbal forms of assistance;

(g) 'investment services' means:

(i) reception and transmission of orders in relation to one or more financial instruments;

(ii) execution of orders on behalf of clients;

(iii) dealing on own account;

(iv) portfolio management;

(v) investment advice;

(vi) underwriting of financial instruments and/or placing of financial instruments on a firm commitment basis;

(vii) placing of financial instruments without a firm commitment basis; or

(viii) operating of multilateral trading facilities,

provided that the activity relates to any of the financial instruments listed in Section C of Annex I to Directive 2004/39/EC of the European Parliament and of the Council of 21 April 2004 on markets in financial instruments ([1]);

(h) 'territory of the Union' means the territories to which the Treaties are applicable, under the conditions laid down in the Treaties.

(i) 'statement of reasons' means the publicly releasable portion of the statement of case and/or, where applicable, the narrative summary of reasons for listing as provided by the Sanctions Committee.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by natural or legal persons, entities, or bodies listed in Annex I, 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 Annex I.

([1]) OJ L 145, 30.4.2004, p. 1.

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3. Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee in accordance with UNSCR 1844 (2008) as:

(a) engaging in or providing support for acts that threaten the peace, security or stability of Somalia, including acts that threaten to infringe the Djibouti Agreement of 18 August 2008 or the political process, or threaten the TFIs or AMISOM by force;

(b) having acted in violation of the arms embargo and related measures as reaffirmed in paragraph 6 of UNSCR 1844 (2008);

(c) obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia;

(d) being political or military leaders recruiting or using children in armed conflicts in Somalia in violation of the applicable international law; or

(e) being responsible for violations of applicable international law in Somalia involving the targeting of civilians, including children and women, in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement.

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4. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

5. The prohibition set out in paragraph 2 shall not give rise to liability of any kind on the part of the natural or legal persons, entities or bodies which made funds or economic resources available, where they did not know, and had no reasonable cause to suspect, that their actions would infringe this prohibition.

Article 3

1. Article 2(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 the natural or legal person, entity or body referred to in Article 2 was designated by the Sanctions Committee or the Security Council,

provided that any such interest, other earnings and payments continue to be subject to Article 2(1).

2. Article 2(2) shall not prevent financial or credit institutions in the Union from crediting frozen accounts where they receive funds transferred to the account of a listed natural or legal person, entity or body, provided that any additions to such accounts will also be frozen. The financial or credit institution shall inform the competent authorities in the Member States, as indicated in the websites listed in Annex II, about such transactions without delay.

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Article 4

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1. Article 2(1) and (2) shall not apply to the making available of funds or economic resources necessary to ensure the timely delivery of urgently needed humanitarian assistance in Somalia by the UN, its specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the UN Consolidated Appeal for Somalia.

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2. The exemption set out in paragraph 1 shall not give rise to liability of any kind on the part of the natural or legal persons, entities or bodies which made funds or economic resources available, where they did not know, and had no reasonable cause to suspect, that their actions would not be covered by this exemption.

Article 5

1. By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in Annex II, may authorise, under such conditions as they deem appropriate, the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, if the following conditions are met:

(a) the competent authority concerned has determined that the funds or economic resources are:

(i) necessary to satisfy the basic needs of the persons listed in Annex I, and their dependent family members, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(ii) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services; or

(iii) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources; and

(b) the Member State concerned has notified the Sanctions Committee of that determination and its intention to grant an authorisation, and the Sanctions Committee has not objected to that course of action within three working days of the notification.

2. By way of derogation from Article 2, the competent authorities in the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, after having determined that these are necessary to cover extraordinary expenses, provided that the Sanctions Committee has been notified of this determination by the Member State concerned and that the determination has been approved by that Committee.

3. The relevant Member State shall inform the other Member States and the Commission of any authorisation granted under paragraphs 1 and 2.

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Article 6

By way of derogation from Article 2, the competent authorities in the Member States, as indicated in the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

(a) the funds or economic resources are the subject of a judicial, administrative or arbitral lien established before the date on which the natural or legal person, entity or body referred to in Article 2 has been designated by the Sanctions Committee or the Security Council or of a judicial, administrative or arbitral judgment rendered prior to that date;

(b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgment, within the limits set by applicable laws and regulations governing the rights of persons having such claims;

(c) the lien or judgment is not for the benefit of a natural or legal person, entity or body listed in Annex I;

(d) the lien or judgment is not contrary to public policy in the Member State concerned; and

(e) the Sanctions Committee has been notified by the Member State of the lien or judgment.

Article 7

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person or entity implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as a result of negligence.

Article 8

1. It shall be prohibited to provide, directly or indirectly, any of the following to any natural or legal person, entity or body listed in Annex I:

(a) technical assistance related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of goods and technology included in the Common Military List of the European Union ([1]);

(b) financing or financial assistance related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of goods and technology included in the Common Military List of the European Union;

(c) investment services related to military activities or to the supply, sale, transfer, manufacture, maintenance or use of goods and technology included in the Common Military List of the European Union.

([1]) OJ C 69, 18.3.2010, p. 19.

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2. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the prohibition referred to in paragraph 1 shall be prohibited.

3. The prohibition set out in paragraph 1(b) shall not give rise to liability of any kind on the part of the natural or legal persons, entities or bodies which provided financing or financial assistance, where they did not know, and had no reasonable cause to suspect, that their actions would infringe this prohibition.

Article 9

1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy, natural or legal persons, entities or bodies shall:

(a) supply immediately the competent authorities, as indicated on the websites listed in Annex II for the country where they are resident or located, with any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, and shall forward such information, directly or through these competent authorities, to the Commission; and

(b) cooperate with the competent authorities as indicated on the websites listed in Annex II in any verification of this information.

2. Any information provided or received in accordance with this Article shall be used only for the purposes for which it was provided or received.

Article 10

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgments handed down by national courts.

Article 11

The Commission shall be empowered to amend Annex II on the basis of information supplied by Member States.

Article 12

1. Where the Security Council or the Sanctions Committee lists a natural or legal person, entity or body and has provided a statement of reasons for the designation, the Council shall include such natural or legal person, entity or body in Annex I. The Council shall communicate its decision and the statement of reasons to the natural or legal person, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body 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, entity or body accordingly.

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Article 13

Where the UN decides to de-list a person, entity or body, or to amend the identifying data of a listed person, entity or body, the Council shall amend Annex I accordingly.

Article 14

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

Article 15

1. Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

2. Member States shall notify the Commission of those rules without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 16

1. Member States shall designate the competent authorities referred to in this Regulation and identify them in, or through, the websites listed in Annex II.

2. Member States shall notify the Commission of their competent authorities without delay after the entry into force of this Regulation, and shall notify it of any subsequent amendment thereto.

3. Where this Regulation sets out a requirement to notify, inform or otherwise communicate with the Commission, the address and other contact details to be used for such communication shall be those indicated in Annex II.

Article 17

This Regulation shall apply:

(a) within the territory of the Union, including its airspace;

(b) on board any aircraft or any vessel under the jurisdiction of a Member State;

(c) to any person inside or outside the territory of the Union who is a national of a Member State;

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(d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;

(e) to any legal person, entity or body in respect of any business done in whole or in part within the Union.

Article 18

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

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ANNEX I

LIST OF NATURAL AND LEGAL PERSONS, ENTITIES OR BODIES REFERRED TO IN ARTICLES 2 AND 8

I. **Persons**

1. Yasin Ali Baynah (a.k.a. a) Ali, Yasin Baynah, b) Ali, Yassin Mohamed, c) Baynah, Yasin, d) Baynah, Yassin, e) Baynax, Yasiin Cali, f) Beenah, Yasin, g) Beenah, Yassin, h) Beenax, Yasin, i) Beenax, Yassin, j) Benah, Yasin, k) Benah, Yassin, l) Benax, Yassin, m) Beynah, Yasin, n) Binah, Yassin, o) Cali, Yasiin Baynax)

   Date of birth: 24 December 1965. Nationality: Somalia. Alt. Nationality: Sweden. Location: Rinkeby, Stockholm, Sweden; Mogadishu, Somalia.

   Yasin Ali Baynah has incited attacks against the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM). He has also mobilised support and raised funds on behalf of the Alliance for the Re-Liberation of Somalia and Hisbul Islam, both of which have actively engaged in acts that threaten the peace and security of Somalia, including rejection of the Djibouti Agreement, and attacks on the TFG and AMISOM forces in Mogadishu. Date of UN designation: 12 April 2010.

2. Hassan Dahir Aweys (a.k.a. a) Ali, Sheikh Hassan Dahir Aweys, b) Awes, Hassan Dahir, c) Awes, Shaykh Hassan Dahir, d) Aweyes, Hassen Dahir, e) Aweys, Ahmed Dahir, f) Aweys, Sheikh, g) Aweys, Sheikh Hassan Dahir, h) Dahir, Aweys Hassan, i) Ibrahim, Mohammed Hassan, j) OAIS, Hassan Tahir, k) Uways, Hassan Tahir, l) 'Hassan, Sheikh')

   Date of birth: 1935. Citizen: Somalia. Nationality: Somalia. Location: Somalia. Date of UN designation: 12 April 2010.

   Hassan Dahir Aweys has acted and continues to act as a senior political and ideological leader of a variety of armed opposition groups responsible for repeated violations of the general and complete arms embargo and/or acts that threaten the Djibouti peace agreement, the Transitional Federal Government (TFG) and the African Union Mission in Somalia (AMISOM) forces. Between June 2006 and September 2007, AWEYSs served as chairman of the central committee of the Islamic Courts Union; in July 2008 he declared himself chairman of the Alliance for the Re-Liberation of Somalia-Asmara wing; and in May 2009 he was named chairman of Hisbul Islam, an alliance of groups opposed to the TFG. In each of these positions, AWEYS's statements and actions have demonstrated an unequivocal and sustained intention to dismantle the TFG and expel AMISOM by force from Somalia.

3. Hassan Abdullah Hersi Al-Turki (a.k.a. a) Al-Turki, Hassan, b) Turki, Hassan, c) Turki, Hassan Abdillahi Hersi, d) Turki, Sheikh Hassan, e) Xirsi, Xasan Cabdilaahi, f) Xirsi, Xasan Cabdulle)

   Date of birth: circa 1944. Place of birth: Ogaden Region, Ethiopia. Nationality: Somalia. Location: Somalia.

   Hassan Abdullah Hersi Al-Turki has been a senior leader of an armed militia group since the mid-1990s and had engaged in numerous arms embargo violations. In 2006, al-Turki contributed forces to the Islamic Courts Union take-over of Mogadishu and emerged as a military leader in the group, aligned with al-Shabaab. Since 2006, al-Turki has made territory under his control available for training by various armed opposition groups including al-Shabaab. In September 2007, al-Turki appeared in an al-Jazeera news video showing militia training under his leadership.

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4. Ahmed Abdi aw-Mohamed (a.k.a. a) Abu Zubeyr, Muktar Abdirahman, b) Abuzubair, Muktar Abdulrahim, c) Aw Mohammed, Ahmed Abdi, d) Aw-Mohamud, Ahmed Abdi, e) 'Godane', f) 'Godani', g) 'Mukhtar, Shaykh', h) 'Zubeyr, Abu')

   Date of birth: 10 July 1977. Place of birth: Hargeysa, Somalia. Nationality: Somalia. Date of UN designation: 12 April 2010.

   Ahmed Abdi Aw-Mohamed is a senior leader of al-Shabaab and was publically named emir of the organization in December 2007. He exercises command responsibility for al-Shabaab operations across Somalia. Aw-Mohamed has denounced the Djibouti peace process as a foreign conspiracy, and in a May 2009 audio recording to Somali media, he acknowledged that his forces were engaged in recent fighting in Mogadishu.

5. Fuad Mohamed Khalaf (a.k.a. a) Fuad Mohamed Khalif, b) Fuad Mohamed Qalaf, c) Fuad Mohammed Kalaf, d) Fuad Mohamed Kalaf, e) Fuad Mohammed Khalif, f) Fuad Khalaf, g) Fuad Shongale, h) Fuad Shongole, i) Fuad Shangole, j) Fuad Songale, k) Fouad Shongale, l) Fuad Muhammad Khalaf Shongole)

   Nationality: Somalia. Location: Mogadishu, Somalia. Alt. Location: Somalia. Date of UN designation: 12 April 2010.

   Fuad Mohamed Khalaf has facilitated financial support to al-Shabaab; in May 2008, he held two fundraising events for al-Shabaab at mosques in Kismaayo, Somalia. In April 2008, Khalaf and several other individuals directed vehicle borne explosive device attacks on Ethiopian bases and Somali Transitional Federal Government elements in Mogadishu, Somalia. In May 2008, Khalaf and a group of fighters attacked and captured a police station in Mogadishu, killing and wounding several soldiers.

6. Bashir Mohamed Mahamoud (a.k.a. a) Bashir Mohamed Mahmoud, b) Bashir Mahmud Mohammed, c) Bashir Mohamed Mohamud, d) Bashir Mohamed Mohamoud, e) Bashir Yare, f) Bashir Qorgab, g) Gure Gap, h) 'Abu Muscab', i) 'Qorgab')

   Date of birth: circa 1979-1982. Alt. Date of birth: 1982. Nationality: Somalia. Location: Mogadishu, Somalia. Date of UN designation: 12 April 2010.

   Bashir Mohamed Mahamoud is a military commander of al-Shabaab. Mahamoud was also one of approximately ten members on al-Shabaab's leadership council as of late 2008. Mahamoud and an associate were in charge of the 10 June 2009 mortar attack against the Somali Transitional Federal Government in Mogadishu.

7. Mohamed Sa'id (a.k.a. a)'Atom', b) Mohamed Sa'id Atom, c) Mohamed Siad Atom)

   Date of birth: circa 1966. Place of birth: Galgala, Somalia. Location: Galgala, Somalia. Alternative Location: Badhan, Somalia. Date of UN designation: 12 April 2010.

   MOHAMED SA'ID 'ATOM' has engaged in acts that threaten the peace, security or stability of Somalia. ATOM has directly or indirectly supplied, sold, or transferred to Somalia arms or related matériel or advice, training, or assistance, including financing and financial assistance, related to military activities in violation of the arms embargo. ATOM has been identified as one of the principal suppliers of arms and ammunition for al-Shabaab operations in the Puntland region. He is described as the leader of a militia that emerged in 2006 in the eastern Sanaag region of northern Somalia. The militia comprises as many as 250 fighters and has been implicated in incidents of kidnapping, piracy and terrorism, and imports its own weapons, in violation of the arms embargo. ATOM has established his force as the principal military presence in the area, with a primary base near Galgala and a secondary base near Badhan. According to some information, ATOM is aligned with al-Shabaab and may receive instructions from al-Shabaab leader Fu'aad Mohamed Khalaf.

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Furthermore, ATOM is reportedly involved in arms trafficking into Somalia. Information from a number of sources indicates that his forces receive arms and equipment from Yemen and Eritrea. According to a December 2008 report, an eyewitness described six such shipments during a four-week period in early 2008, each sufficient to fill two pickup trucks with small arms, ammunition, and rocket-propelled grenades. According to a Bossaso businessman familiar with the arms trade, ATOM's consignments do not enter the arms market, suggesting that they are either retained for the use of his forces or are transferred to recipients in southern Somalia, where al-Shabaab operates.

ATOM's forces were implicated in the kidnapping of a German aid worker, in the kidnapping of two Somalis near Bossaso, and in a bombing of Ethiopian migrants in Bossaso on 5 February 2008, which killed 20 people and wounded over 100 others. ATOM's militia may also have played a secondary role in the kidnapping of a German couple captured by pirates in June 2008.

8. Fares Mohammed Mana'a (a.k.a.: a) Faris Mana'a, b) Fares Mohammed Manaa)

Date of birth: 8 February 1965. Place of birth: Sadah, Yemen. Passport No.: 00514146; Place of issue: Sanaa, Yemen. ID Card No.: 1417576; Place of issue: Al-Amana, Yemen; Date of issue: 7 January 1996. Date of UN designation: 12 April 2010.

FARES MOHAMMED MANA'A has directly or indirectly supplied, sold or transferred to Somalia arms or related material in violation of the arms embargo. Mana'a is a known arms trafficker. In October 2009, the Yemeni government released a blacklist of arms dealers with Mana'a 'on top' as part of an effort to stem the flood of weapons in the country, where weapons reportedly outnumber people. 'Faris Mana'a is a major weapons trafficker, and that's well known', according to June 2009 reporting by a U.S. journalist who is a commentator on Yemeni affairs, authors a semi-annual country report, and has contributed to Jane's Intelligence Group. In a December 2007 Yemen Times article, he is referenced as 'Sheikh Fares Mohammed Mana'a, an arms dealer'. In a January 2008 Yemen Times article, he is referred to as 'Sheikh Faris Mana'a, an arms tradesman'.

As of mid-2008, Yemen continues to serve as a hub for illegal arms shipments to the Horn of Africa, particularly arms shipments by boat to Somalia. There are unconfirmed reports that Faris Mana'a has participated in shipments to Somalia on numerous occasions. In 2004, Mana was involved in weapons contracts from Eastern Europe for weapons allegedly marketed to Somali fighters. Despite the Somalia UN arms embargo since 1992, Mana'a's interest in trafficking arms into Somalia can be traced back at least to 2003. MANA'A made an offer to buy thousands of arms in 2003 from Eastern Europe, and indicated that he planned to sell some of the arms in Somalia.

9. Hassan Mahat Omar (a.k.a.: a) Hassaan Hussein Adam, b) Hassane Mahad Omar, c) Xassaan Xuseen Adan, d) Asan Mahad Cumar, e) Abu Salman, f) Abu Salmaan, g) Sheikh Hassaan Hussein).

Date of birth: 10 April 1979. Place of birth: Garissa, Kenya. Nationality: Possibly Ethiopian. Passport No.: A 1180173 Kenya, expiry 20 August 2017.ID Card No.: 23446085. Location: Nairobi, Kenya. Date of UN designation: 28 July 2011.

Hassan Mahat Omar is engaging in acts that threaten the peace, security or stability of Somalia. He is an Imam and one of the leaders of Masjid-ul-Axmar, an informal Al-Shabaab affiliated centre in Nairobi. He is also involved in recruiting new members and soliciting funds for Al-Shabaab, including online at the Al-Shabaab affiliated website alqimmah.net.

In addition, he has issued fatwas calling for attacks against the TFG on an Al-Shabaab chat room site.

▼**M1**

10. Omar Hammami (a.k.a.: a) Abu Maansuur Al-Amriki, b) Abu Mansour Al-Amriki, c) Abu Mansuur Al-Amriki, d) Umar Hammami, e) Abu Mansur Al-Amriki).

Date of birth: 6 May 1984. Place of birth: Alabama, United States. Nationality: United States. Also believed to hold Syrian nationality.

Passport No.: 403062567 (US). Social Security No: 423-31-3021 (US). Location: Somalia. Other information: Married to a Somali woman. Lived in Egypt in 2005 and moved to Somalia in 2009. Date of UN designation: 28 July 2011.

Omar Hammami is engaging in acts that threaten the peace, security or stability of Somalia. He is a senior member of Al-Shabaab. He is involved in recruitment, finance and payroll for foreign fighters in Somalia. He is described as an expert in explosives and warfare in general. Since October 2007 he has appeared in television reports and in Al-Shabaab propaganda videos. He has been shown in a video training Al-Shabaab fighters. He has also been shown in videos and on websites calling for more fighters to join Al-Shabaab.

▼**M3**

11. Jim'ale, Ali Ahmed Nur (aka (a) Jim'ale, Ahmed Ali, (b) Jim'ale, Ahmad Nur Ali, (c) Jim'ale, Sheikh Ahmed, (d) Jim'ale, Ahmad Ali, (e) Jim'ale, Shaykh Ahmed Nur)

Date of birth: 1954. Place of birth: Eilbur, Somalia. Nationality: Somalia. Alt. nationality: Djibouti. Passport: A0181988 (Somalia), exp. 23 January 2011. Location: Djibouti, Republic of Djibouti. Date of UN designation: 17 February 2012.

Ali Ahmed Nur Jim'ale (Jim'ale) has served in leadership roles with the former Somali Council of Islamic Courts, also known as the Somali Islamic Courts Union, which was a radical-Islamist element. The most radical elements of the Somali Islamic Courts Union eventually formed the group known as Al-Shabaab. Al-Shabaab was listed for targeted sanctions in April 2010 by the United Nations Security Council Committee established pursuant to Resolutions 751 (1992) and 1907 (2009) concerning Somalia and Eritrea (the 'Somalia/Eritrea Sanctions Committee'). The Committee listed Al-Shabaab for being an entity engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to acts that pose a threat to Somali Transitional Federal Government.

According to the 18 July 2011 report of the Somalia/Eritrea Sanctions Committee's Monitoring Group (S/2011/433), Jim'ale is identified as a prominent businessman and figure in the Al-Shabaab charcoal-sugar trading cycle and benefitting from privileged relationships with Al-Shabaab.

Jim'ale is identified as one of Al-Shabaab's chief financiers and is ideologically aligned with Al-Shabaab. Jim'ale has provided key funding and political support for Hassan Dahir Aweys ('Aweys'), who was also listed by the Somalia/Eritrea Sanctions Committee. Former Al-Shabaab Deputy Emir Muktar Robow reportedly continued to engage in political posturing within the Al-Shabaab organisation during the mid-2011. Robow engaged Aweys and Jim'ale in an effort to advance their shared objectives and consolidate their overall stance within the context of the Al-Shabaab leadership rift.

As of fall 2007, Jim'ale established a front company in Djibouti for extremist activities called the Investors Group. The short-term goal of the group was, through the funding of extremist activities and weapons purchases, to destabilise Somaliland. The group assisted in smuggling small arms from Eritrea through Djibouti into the fifth region of Ethiopia where extremists received the shipment. As of mid-2008, Jim'ale continued to operate the Investors Group.

▼M3

As of late September 2010, Jim'ale established ZAAD, a mobile-to-mobile money-transfer business and struck a deal with Al-Shabaab to make money transfers more anonymous by eliminating the need to show identification.

As of late 2009, Jim'ale had a known hawala fund where he collected zakat, which was provided to Al-Shabaab.

As of December 2011, unidentified donors from the Middle East were transferring money to Jim'ale, who in turn used financial intermediaries to send the money to al-Shabaab.

In 2009, Jim'ale worked with other like-minded individuals to undermine the Somali TFG by not participating in Somali reconciliation efforts. As of late 2011, Jim'ale actively supported al-Shabaab by offering free communications, use of vehicles, food aid and political advisement and set up fundraisers for al-Shabaab through various business groups.

12. Aboud Rogo Mohammed (aka (a) Aboud Mohammad Rogo, (b) Aboud Seif Rogo, (c) Aboud Mohammed Rogo, (d) Sheikh Aboud Rogo, (e) Aboud Rogo Muhammad, (f) Aboud Rogo Mohamed)

Date of birth: 11 November 1960. Alt. dates of birth: (a) 11 November 1967, (b) 11 November 1969, (c) 1 January 1969. Place of birth: Lamu Island, Kenya. Date of UN designation: 25 July 2012.

Kenya-based extremist Aboud Rogo Mohammed has threatened the peace, security, or stability of Somalia, by providing financial, material, logistical, or technical support to al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Aboud Rogo Mohammed is an extremist Islamic cleric based in Kenya. He continues to exert influence over extremist groups in East Africa as part of his campaign to promote violence throughout East Africa. Aboud Rogo's activities include fundraising for al-Shabaab.

As the main ideological leader of Al Hijra, formerly known as the Muslim Youth Center, Aboud Rogo Mohammed has used the extremist group as a pathway for radicalisation and recruitment of principally Swahili-speaking Africans for carrying out violent militant activity in Somalia. In a series of inspirational lectures between February 2009 and February 2012, Aboud repeatedly called for the violent rejection of the Somali peace process. During these lectures, Rogo repeatedly called for the use of violence against both the United Nations and the African Union Mission in Somalia (AMISOM) forces in Somalia, and urged his audiences to travel to Somalia to join al-Shabaab's fight against the Kenyan Government.

Aboud Rogo Mohammed also offers guidance on how Kenyan recruits joining al-Shabaab can evade detection by the Kenyan authorities, and which routes to follow when travelling from Mombasa and/or Lamu to Al-Shabaab strongholds in Somalia, notably Kismayo. He has facilitated the travel to Somalia of numerous Kenyan recruits for al-Shabaab.

In September 2011, Rogo was recruiting individuals in Mombasa, Kenya, for travel into Somalia, presumably to conduct terrorist operations. In September 2008, Rogo held a fundraising meeting in Mombasa to help finance al-Shabaab activities in Somalia.

13. Abubaker Shariff Ahmed (aka (a) Makaburi, (b) Sheikh Abubakar Ahmed, (c) Abubaker Shariff Ahmed, (d) Abu Makaburi Shariff, (e) Abubaker Shariff, (f) Abubakar Ahmed)

▼M3

Date of birth: 1962. Alt. date of birth: 1967. Place of birth: Kenya. Location: Majengo area, Mombasa, Kenya. Date of UN designation: 23 August 2012.

Abubaker Shariff Ahmed is a leading facilitator and recruiter of young Kenyan Muslims for violent militant activity in Somalia, and a close associate of Aboud Rogo. He provides material support to extremist groups in Kenya (and elsewhere in East Africa). Through his frequent trips to Al-Shabaab strongholds in Somalia, including Kismayo, he has been able to maintain strong ties with senior Al-Shabaab members.

Abubaker Shariff Ahmed is also engaged in the mobilisation and management of funding for Al-Shabaab, an entity listed by the UNSC Committee established pursuant to Resolution 751 (1992) concerning Somalia and Resolution 1907 (2009) concerning Eritrea for engaging in acts that directly or indirectly threaten the peace, security, or stability of Somalia.

Abubaker Shariff Ahmed has preached at mosques in Mombasa that young men should travel to Somalia, commit extremist acts, fight for Al-Qaida, and kill US citizens.

Abubaker Shariff Ahmed was arrested in late December 2010 by Kenyan authorities on suspicion of involvement in the bombing of a Nairobi bus terminal. Abubaker Shariff Ahmed is also a leader of a Kenya-based youth organisation in Mombasa with ties to Al-Shabaab.

As of 2010, Abubaker Shariff Ahmed acted as a recruiter and facilitator for Al-Shabaab in the Majengo area of Mombasa, Kenya.

▼M1

II. **Entities**

AL-SHABAAB (a.k.a. a) Al-Shabab, b) Shabaab, c) The Youth, d) Mujahidin Al-Shabaab Movement, e) Mujahideen Youth Movement, f) Mujahidin Youth Movement, g) MYM, h) Harakat Shabab Al-Mujahidin, i) Hizbul Shabaab, j) Hisb'ul Shabaab, k) Al-Shabaab Al-Islamiya, l) Youth Wing, m) Al-Shabaab Al-Islaam, n) Al-Shabaab Al-Jihaad, o) The Unity Of Islamic Youth, p) Harakat Al-Shabaab Al-Mujaahidiin, q) Harakatul Shabaab Al Mujaahidiin, r) Mujaahidiin Youth Movement)

Location: Somalia. Date of UN designation: 12 April 2011.

Al-Shabaab has engaged in acts that directly or indirectly threaten the peace, security, or stability of Somalia, including but not limited to: acts that threaten the Djibouti Agreement of August 18, 2008, or the political process; and, acts that threaten the Transitional Federal Institutions (TFIs), the African Union Mission in Somalia (AMISOM), or other international peacekeeping operations related to Somalia.

Al-Shabaab has also obstructed the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia.

According to the statement by the Chairman of the Security Council Committee established pursuant to resolution 751 (1992) concerning Somalia to the Security Council delivered on 29 July 2009, both Al-Shabaab and Hisb'ul Islam publicly and repeatedly claimed responsibility for the attacks by forces on the Transitional Federal Government (TFG) and AMISOM. Al-Shabaab had also claimed responsibility for the killing of TFG officials, and on 19 July 2009 had raided and shut down the field offices of UNOPS, UNDSS and UNDP in the Bay and Bakool regions, in violation of paragraph (c) of resolution 1844 (2008). Al-Shabaab has also repeatedly obstructed access to, or distribution of, humanitarian assistance in Somalia.

The United Nations Security Council's Report of the Secretary-General on the situation in Somalia, dated 20 July 2009, contained the following paragraphs involving the activities of al-Shabaab in Somalia:

▼M1

Insurgent groups, such as al-Shabaab, are alleged to be extorting money from private companies and recruiting young people to join the fight against the Government in Mogadishu, including child soldiers. Al-Shabaab has confirmed the presence of foreign fighters within its ranks and has stated openly that it is working with al-Qaida in Mogadishu to remove the Government of Somalia. The foreign fighters, many of whom reportedly originate from Pakistan and Afghanistan, appear to be well trained and battle-tested. They have been observed wearing hoods and directing offensive operations against Government forces in Mogadishu and neighbouring regions.

Al-Shabaab has intensified its strategy to coerce and intimidate the Somali population, as reflected in the carefully selected high gain assassinations and arrests of clan elders, several of whom have been murdered. On 19 June 2009, Omar Hashi Aden, the Minister of National Security, was killed in a large-scale suicide car bomb in Beletwyne. Over 30 other people were killed in the attack, which was strongly condemned by the international community and a broad cross-section of Somali society.

According to the December 2008 report from the UN Security Council Somalia Monitoring Group (2008/769), al-Shabaab is responsible for a variety of attacks within Somalia over the last several years, including:

— The reported killing and beheading of a Somali driver working for the World Food Programme in September 2008,

— The bombing of a market in Puntland that killed 20 and wounded over 100 on 6 February 2008,

— A campaign of bombings and targeted killings in Somaliland intended to disrupt the 2006 parliamentary elections,

— The murders of several foreign aid workers in 2003 and 2004,

According to reporting, al-Shabaab raided United Nations compounds in Somalia on 20 July 2009, and issued a decree banning three agencies of the United Nations from the al-Shabaab controlled areas of Somalia. Additionally, Somali Transitional Federal Government forces fought al-Shabaab and Hizbul Islam insurgents from 11-12 July 2009 resulting in the deaths of over 60 people. In the fighting on 11 July 2009, al-Shabaab landed four mortars inside Villa Somalia that resulted in the deaths of three African Union Mission to Somalia (AMISOM) soldiers and injuries to eight others.

According to an article published by the British Broadcasting Corporation on 22 February 2009, al-Shabaab claimed responsibility for a suicide car bomb attack on an African Union military base in Mogadishu. According to the article, the African Union confirmed that 11 African Union peacekeepers were killed and 15 others were hurt.

According to an article published by Reuters on 14 July 2009, al-Shabaab militants made gains in 2009 in guerrilla-style attacks on Somali and African Union forces.

According to an article published by Voice of America on 10 July 2009, al-Shabaab was involved in an attack on Somali government forces in May 2009.

According to an article posted on the website of the Council on Foreign Relations authored on 27 February 2009, al-Shabaab has waged an insurgency against Somalia's transitional government and its Ethiopian supporters since 2006. Al-Shabaab killed eleven Burundian soldiers in the deadliest attack on AU peacekeepers since their deployment and states that al-Shabaab engaged in heavy fighting that killed at least fifteen people in Mogadishu.

▼M2

ANNEX II

Websites for information on the competent authorities and address for notifications to the European Commission

BELGIUM

http://www.diplomatie.be/eusanctions

BULGARIA

http://www.mfa.bg/en/pages/view/5519

CZECH REPUBLIC

http://www.mfcr.cz/mezinarodnisankce

DENMARK

http://um.dk/da/politik-og-diplomati/retsorden/sanktioner/

GERMANY

http://www.bmwi.de/BMWi/Navigation/Aussenwirtschaft/Aussenwirtschaftsrecht/embargos.html

ESTONIA

http://www.vm.ee/est/kat_622/

IRELAND

http://www.dfa.ie/home/index.aspx?id=28519

GREECE

http://www1.mfa.gr/en/foreign-policy/global-issues/international-sanctions.html

SPAIN

http://www.maec.es/es/MenuPpal/Asuntos/Sanciones%20Internacionales/Paginas/Sanciones_%20Internacionales.aspx

FRANCE

http://www.diplomatie.gouv.fr/autorites-sanctions/

ITALY

http://www.esteri.it/MAE/IT/Politica_Europea/Deroghe.htm

CYPRUS

http://www.mfa.gov.cy/sanctions

LATVIA

http://www.mfa.gov.lv/en/security/4539

LITHUANIA

http://www.urm.lt/sanctions

LUXEMBOURG

http://www.mae.lu/sanctions

HUNGARY

http://www.kulugyminiszterium.hu/kum/hu/bal/Kulpolitikank/nemzetkozi_szankciok/

MALTA

http://www.doi.gov.mt/EN/bodies/boards/sanctions_monitoring.asp

NETHERLANDS

http://www.rijksoverheid.nl/onderwerpen/internationale-vrede-en-veiligheid/sancties

▼**M2**

AUSTRIA

http://www.bmeia.gv.at/view.php3?f_id=12750&LNG=en&version=

POLAND

http://www.msz.gov.pl

PORTUGAL

http://www.min-nestrangeiros.pt

ROMANIA

http://www.mae.ro/node/1548

SLOVENIA

http://www.mzz.gov.si/si/zunanja_politika_in_mednarodno_pravo/zunanja_politika/mednarodna_varnost/omejevalni_ukrepi/

SLOVAKIA

http://www.foreign.gov.sk

FINLAND

http://formin.finland.fi/kvyhteistyo/pakotteet

SWEDEN

http://www.ud.se/sanktioner

UNITED KINGDOM

www.fco.gov.uk/competentauthorities

Address for notifications to the European Commission:

European Commission
Service for Foreign Policy Instruments (FPI)
Office EEAS 02/309
B-1049 Bruxelles/Brussel (Belgium)

E-mail: relex-sanctions@ec.europa.eu