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(4) The list of persons subject to the restrictive measures annexed to Common Position 2002/145/CFSP was updated and replaced by Council Decision 2002/754/CFSP (3) following a government reshuffle in Zimbabwe.


(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.

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.

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.

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.

Done at Brussels, 19 February 2004.

For the Council
The President
M. McDowell
ANNEX

List of persons referred to in Articles 4 and 5

1. Mugabe, Robert Gabriel
   President, born 21.2.1924

2. Buka (a.k.a. Bhuka), Flora
   Minister of State in Vice-President's Office (former Minister of State for the Land Reform Programme in the President's Office), born 25.2.1968

3. Bonyongwe, Happyton
   Director-General Central Intelligence Organisation, born 6.11.1960

4. Chaptika, David
   Deputy Minister of Finance and Economic Development

5. Charamba, George
   Permanent Secretary Department for Information and Publicity, born 4.4.1963

6. Charumbira, Fortune Zefanaya
   Deputy Minister for Local Government, Public Works and National Housing, born 10.6.1962

7. Chiwedere, Aeneas Soko
   Minister of Education, Sports and Culture, born 25.11.1939

8. Chihuri, Augustine
   Police Commissioner, born 10.3.1953

9. Chikowore, Enos C.
   ZANU (PF) Politburo Secretary for Land and Resettlement, born 1936

10. Chinamasa, Patrick Anthony
    Minister of Justice, Legal and Parliamentary Affairs, born 25.1.1947

11. Chindori-Chininga, Edward Takaruza
    former Minister of Mines and Mining Development, born 14.3.1955

12. Chipanga, Tongesai Shadreck
    Deputy Minister of Home Affairs

13. Chiwenga, Constantine
    Commander Zimbabwe Defence Forces, General (former Army Commander, Lieutenant General), born 25.8.1956

14. Chiwewe, Willard
    Senior Secretary responsible for Special Affairs in the President's Office (former Senior Secretary, Ministry of Foreign Affairs), born 19.3.1949

15. Chombo, Ignatius Morgan Chiminya
    Minister of Local Government, Public Works and National Housing, born 1.8.1952

16. Dabengwa, Dumiso
    ZANU (PF) Politburo Senior Committee Member, born 1939

17. Goche, Nicholas Tasunungurwa
    Minister of State for National Security in the President's Office (former Security Minister), born 1.8.1946

18. Gula-Ndebele, Sobuza
    Chairman of Electoral Supervisory Commission

19. Gumbo, Rugare Eleck Ngidi
    Minister of State for State Enterprises and Parastatals in the President's Office (former Deputy Minister of Home Affairs, born 8.3.1940

20. Hove, Richard
    ZANU (PF) Politburo Secretary for Economic Affairs, born 1935

    Provincial Governor: Masvingo, born 7.11.1935

22. Kangai, Kumbirai
    ZANU (PF) Politburo Committee Member, born 17.2.1938

23. Karimanzira, David Ishemunyoro Godi
    ZANU (PF) Politburo Secretary for Finance, born 25.5.1947

24. Kasukuwere, Saviour
    ZANU (PF) Politburo Deputy-Secretary for Youth Affairs, born 23.10.1970
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Position and Notes</th>
</tr>
</thead>
<tbody>
<tr>
<td>25</td>
<td>Kuruneri, Christopher Tichaona</td>
<td>Minister of Finance and Economic Development (former Deputy Minister of Finance and Economic Development), born 4.4.1949</td>
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<tr>
<td>26</td>
<td>Langa, Andrew</td>
<td>Deputy Minister of Transport and Communications</td>
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<tr>
<td>27</td>
<td>Lesabe, Thenjiwe V.</td>
<td>ZANU (PF) Politburo Secretary for Women's Affairs, born 1933</td>
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<tr>
<td>28</td>
<td>Machaya, Jason (a.k.a. Jaison) Max Kokerai</td>
<td>Deputy Minister of Mines and Mining Development, born 13.6.1952</td>
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<td>29</td>
<td>Made, Joseph Mtakwese</td>
<td>Minister of Agriculture and Rural Development (former Minister of Lands, Agricultural and Rural Resettlement), born 21.11.1954</td>
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<tr>
<td>30</td>
<td>Madzongwe, Edna (a.k.a. Edina)</td>
<td>ZANU (PF) Politburo Deputy Secretary for Production and Labour, born 11.7.1943</td>
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<tr>
<td>31</td>
<td>Mahofa, Shuvai Ben</td>
<td>Deputy Minister for Youth Development, Gender and Employment Creation, born 4.4.1941</td>
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<td>32</td>
<td>Mahoso, Tafataona</td>
<td>Chair, Media Information Commission</td>
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<tr>
<td>33</td>
<td>Makoni, Simbarashe</td>
<td>ZANU (PF) Politburo Deputy Secretary General for Economic Affairs (former Minister of Finance), born 22.3.1950</td>
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<td>34</td>
<td>Malinga, Joshua</td>
<td>ZANU (PF) Politburo Deputy Secretary for Disabled and Disadvantaged, born 28.4.1944</td>
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<td>36</td>
<td>Mangwende, Witness Pasichigare Madunda</td>
<td>Provincial Governor: Harare (former Minister for Transport and Communications), born 15.10.1946</td>
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<td>37</td>
<td>Manyika, Elliot Tapfumanei</td>
<td>Minister without Portfolio (former Minister of Youth Development, Gender and Employment Creation), born 30.7.1955</td>
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<td>38</td>
<td>Manyonda, Kenneth Vhundukai</td>
<td>Deputy Minister of Industry and International Trade, born 10.8.1934</td>
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<td>39</td>
<td>Marumahoko, Rueben</td>
<td>Deputy Minister of Energy and Power Development, born 4.4.1948</td>
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<td>40</td>
<td>Masawi, Ephrahim Sango</td>
<td>Provincial Governor: Mashonaland Central</td>
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<tr>
<td>41</td>
<td>Masuku, Angeline</td>
<td>Provincial Governor: Matabeleland South (ZANU (PF) Politburo Secretary for Disabled and Disadvantaged), born 14.10.1936</td>
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<td>42</td>
<td>Mathema, Cain</td>
<td>Provincial Governor: Bulawayo</td>
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<td>43</td>
<td>Mathuthu, T.</td>
<td>ZANU (PF) Politburo Deputy Secretary for Transport and Social Welfare</td>
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<td>44</td>
<td>Midzi, Amos Bernard (Mugenva)</td>
<td>Minister of Mines and Mining Development (former Minister of Energy and Power Development), born 4.7.1952</td>
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<td>45</td>
<td>Mnangagwa, Emmerson Dambudzo</td>
<td>Speaker of Parliament, born 15.9.1946</td>
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<td>46</td>
<td>Mohadi, Kembo Campbell Dugishi</td>
<td>Minister of Home Affairs (former Deputy Minister of Local Government, Public Works and National Housing), born 15.11.1949</td>
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<td>47</td>
<td>Moyo, Jonathan</td>
<td>Minister of State for Information and Publicity in the President's Office, born 12.1.1957</td>
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<td>48</td>
<td>Moyo, July Gabarari</td>
<td>Minister of Energy and Power Development (former Minister of Public Service, Labour and Social Welfare), born 7.5.1950</td>
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<td>49</td>
<td>Moyo, Simon Khaya</td>
<td>ZANU (PF) Politburo Deputy Secretary for Legal Affairs, born 1945</td>
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</table>
50. Mpofu, Obert Moses
   Provincial Governor: Matabeleland North (ZANU (PF) Politburo Deputy Secretary for National Security), born 12.10.1951

51. Msika, Joseph W.
   Vice-President, born 6.12.1923

52. Msipa, Cephas George
   Provincial Governor: Midlands, born 7.7.1931

53. Muchena, Olivia Nyembesi (a.k.a. Nyembesi)
   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

54. Muchinguri, Oppah Chamu Zvipinga
   ZANU (PF) Politburo Secretary for Gender and Culture, born 14.12.1958

55. Mudede, Tobaiwa (Tonneth)
   Registrar General, born 22.12.1942

56. Mudenge, Isack Stanilaus Gorerazvo
   Minister of Foreign Affairs, born 17.12.1941

57. Mugabe, Grace
   Spouse of Robert Gabriel Mugabe, born 23.7.1965

58. Mugabe, Sabina
   ZANU (PF) Politburo Senior Committee Member, born 14.10.1934

59. Mujuru, Joyce Teurai Ropa
   Minister of Water Resources and Infrastructural Development (former Minister of Rural Resources and Water Development), born 15.4.1955

60. Mujuru, Solomon T.R.
   ZANU (PF) Politburo Senior Committee Member, born 1.5.1949

61. Mumbengegwi, Samuel Creighton
   Minister of Industry and International Trade (former Minister of Higher Education and Technology), born 23.10.1942

62. Murerwa, Herbert Muchemwa
   Minister of Higher and Tertiary Education (former Minister of Finance and Economic Development), born 31.7.1941

63. Mushohwe, Christopher Chindoti
   Minister of Transport and Communications (former Deputy Minister of Transport and Communications), born 6.2.1954

64. Mutasa, Didymus Noel Edwin
   Minister of Special Affairs in the President's Office in charge of the Anti-Corruption and Anti-Monopolies Programme (former ZANU (PF) Politburo Secretary for External Relations), born 27.7.1935

65. Mutinhiri, Ambros (a.k.a. Ambrose)
   Minister of Youth Development, Gender and Employment Creation, Retired Brigadier

66. Mutiwekuziva, Kenneth Kaparadza
   Deputy Minister of Small and Medium Enterprises Development, born 27.5.1948

67. Muzenda, Tsitsi V.
   ZANU (PF) Politburo Senior Committee Member, born 28.10.1922

68. Muzonzini, Elisha
   Brigadier (former Director-General Central Intelligence Organisation), born 24.6.1957

69. Ncube, Abedinico
   Deputy Minister of Foreign Affairs, born 13.10.1954

70. Ndlovu, Naison K.
   ZANU (PF) Politburo Secretary for Production and Labour, born 22.10.1930

71. Ndlovu, Sithembiso Gile Glad
   Minister of Small and Medium Enterprises Development (former Minister of State for the Informal Sector), born 20.9.1949
<table>
<thead>
<tr>
<th>No.</th>
<th>Name</th>
<th>Role</th>
<th>Date of Birth</th>
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<tr>
<td>76</td>
<td>Parirenyatwa, David Pagwese</td>
<td>Minister of Health and Child Welfare (former Deputy Minister)</td>
<td>2.8.1950</td>
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<td>77</td>
<td>Pote, Selina M.</td>
<td>ZANU (PF) Politburo Deputy Secretary for Gender and Culture</td>
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<td>78</td>
<td>Rusere, Tinos</td>
<td>Deputy Minister for Water Resources and Infrastructural Development (former Deputy Minister of Rural Resources and Water Development)</td>
<td>10.5.1945</td>
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<td>79</td>
<td>Sakupwanya, Stanley</td>
<td>ZANU (PF) Politburo Deputy Secretary for Health and Child Welfare</td>
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<td>80</td>
<td>Samkange, Nelson Tapera Crispen</td>
<td>Provincial Governor: Mashonaland West</td>
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<td>81</td>
<td>Sekeramayi, Sydney (a.k.a. Sidney) Tigere</td>
<td>Minister of Defence</td>
<td>30.3.1944</td>
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<td>82</td>
<td>Shamu, Webster</td>
<td>Minister of State for Policy Implementation in the President's Office</td>
<td>6.6.1945</td>
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<td>83</td>
<td>Shamuyarira, Nathan Marwirakuwa</td>
<td>ZANU (PF) Politburo Secretary for Information and Publicity</td>
<td>29.9.1928</td>
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<td>84</td>
<td>Shiri, Perence</td>
<td>Air Marshal (Air Force)</td>
<td>1.11.1955</td>
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<td>85</td>
<td>Shumba, Isaiah Masvayamwando</td>
<td>Deputy Minister of Education, Sports and Culture</td>
<td>3.1.1949</td>
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<td>86</td>
<td>Sekeramayi, Sydney (a.k.a. Sidney) Tigere</td>
<td>Chair, National War Veterans Association</td>
<td>31.12.1970</td>
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<td>87</td>
<td>Sibanda, Misheck Julius Mpande</td>
<td>Cabinet Secretary (successor to No. 93 Charles Utete)</td>
<td>3.5.1949</td>
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<td>89</td>
<td>Sikosana, Absolom</td>
<td>ZANU (PF) Politburo Secretary for Youth Affairs</td>
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<td>90</td>
<td>Stamps, Timothy</td>
<td>Health Advisor in the Office of the President</td>
<td>15.10.1936</td>
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<td>91</td>
<td>Tawengwa, Solomon Chirume</td>
<td>ZANU (PF) Politburo Deputy Secretary for Finance</td>
<td>15.6.1940</td>
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<td>92</td>
<td>Tungamirai, Josiah T.</td>
<td>Minister of State for Indigenisation and Empowerment, Retired Air Marshall (former ZANU (PF) Politburo Secretary for Empowerment and Indigenisation)</td>
<td>8.10.1948</td>
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<td>93</td>
<td>Utete, Charles</td>
<td>Chairman of the Presidential Land Review Committee (former Cabinet Secretary)</td>
<td>30.10.1938</td>
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<td>94</td>
<td>Zimonte, Paradzai</td>
<td>Prisons Director</td>
<td>4.3.1947</td>
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<td>95</td>
<td>Zvinavashe, Vitalis</td>
<td>Retired General (former Chief of Defense Staff)</td>
<td>27.9.1943</td>
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