

COUNCIL DECISION 2009/1003/CFSP**of 22 December 2009****amending Common Position 2009/788/CFSP concerning restrictive measures against the Republic of Guinea**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Whereas:

- (1) On 27 October 2009, the Council adopted Common Position 2009/788/CFSP concerning restrictive measures against the Republic of Guinea⁽¹⁾, in response to the violent crackdown by security forces on political demonstrators in Conakry on 28 September 2009.
- (2) In view of the seriousness of the situation in the Republic of Guinea, additional restrictive measures should be imposed against the individual members of the National Council for Democracy and Development (NCDD) and natural or legal persons, entities or bodies associated with them, responsible for the violent repression or the political stalemate in the country.
- (3) Moreover, additional natural or legal persons, entities or bodies associated with the NCDD, should be included on the list of persons subject to the restrictive measures set out in the Annex to Common Position 2009/788/CFSP.
- (4) Further action by the Union is needed to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

Common Position 2009/788/CFSP is hereby amended as follows:

1. Article 1 shall be replaced by the following:

'Article 1

1. The sale, supply, transfer or export of arms and related material 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 the Republic of Guinea 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 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, the Republic of Guinea;
- (b) to 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, 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, the Republic of Guinea;
- (c) to participate, knowingly and intentionally, in activities, the object or effect of which is to circumvent the prohibitions referred to in points (a) or (b).;

2. Article 2 shall be replaced by the following:

'Article 2

1. Article 1 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 United Nations(UN) and the EU, or for EU and UN 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 protective use of personnel of the EU and its Member States in the Republic of Guinea;
- (c) the provision of technical assistance, brokering services and other services related to such equipment or to such programmes and operations;
- (d) the provision of financing and financial assistance related to such equipment or to such programmes and operations,

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

⁽¹⁾ OJ L 281, 28.10.2009, p. 7.

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

3. Article 3, paragraph 1 shall be replaced by the following:

‘1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the individual members of the NCDD and persons associated with them, as listed in the Annex.’;

4. The following article shall be inserted:

‘Article 3a

1. All funds and economic resources belonging to, owned, held or controlled by the individual members of the NCDD and 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. The competent authority of a Member State may authorise the release of certain frozen funds or economic resources or the making available of certain funds or economic resources, under such conditions as it deems appropriate, after having determined that the funds or economic resources concerned are:

(a) necessary to satisfy the basic needs of persons listed in the Annex and their dependent family members, 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; or

(d) necessary for extraordinary expenses, provided that the competent authority has notified the competent authority of the other Member States and the

Commission of the grounds on which it considers that a specific authorisation should be granted, at least two weeks prior to the authorisation.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

(a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person, entity or body referred to in Article 3a was included in the Annex 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 the Annex; and

(d) recognising the lien or judgement is not contrary to public policy in the Member State concerned.

A Member State shall inform the other Member States and the Commission of any authorisation granted under this paragraph.

5. 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 this Common Position,

provided that any such interest, other earnings and payments remain subject to paragraph 1.’.

Article 2

The Annex to Common Position 2009/788/CFSP shall be replaced by the Annex to this Decision.

Article 3

This Decision shall enter into force on the date of its adoption.

Article 4

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

Done at Brussels, 22 December 2009.

For the Council

The President

A. CARLGREN

ANNEX II

LIST OF PERSONS REFERRED TO IN ARTICLES 3 AND 3A

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
1.	Captain Moussa Dadis CAMARA	d.o.b: 01/01/64 or 29/12/68 Pass: R0001318	President of the CNDD
2.	Major-General Mamadouba (alias Mamadou) Toto CAMARA	d.o.b: 01/01/46 Pass: R00009392	Minister for Security and Civil Protection
3.	General Sékouba KONATÉ	d.o.b: 01/01/64 Pass: R0003405/R0002505	Minister for Defence
4.	Colonel Mathurin BANGOURA	d.o.b: 15/11/62 Pass: R0003491	Minister for Telecommunications and New Information Technologies
5.	Lieutenant Colonel Aboubacar Sidiki (alias Idi Amin) CAMARA	d.o.b: 22/10/1979 Pass: R0017873	Minister and Permanent Secretary of the CNDD (discharged from the army on 26/01/09)
6.	Commandant Oumar BALDÉ	d.o.b: 26/12/64 Pass: R0003076	Member of the CNDD
7.	Commandant Mamadi (alias Mamady) MARA	d.o.b: 01/01/54 Pass: R0001343	Member of the CNDD
8.	Commandant Almamy CAMARA	d.o.b: 17/10/75 Pass: R0023013	Member of the CNDD
9.	Lieutenant Col. Mamadou Bhoie DIALLO	d.o.b: 01/01/56 Pass: R0001855	Member of the CNDD
10.	Captain Koulako BÉAVOGUI		Member of the CNDD
11.	Police Lieutenant Colonel Kandia (alias Kandja) MARA	Pass: R0178636	Member of the CNDD Regional Director of Security in Labé
12.	Colonel Sékou MARA	d.o.b: 1957	Member of the CNDD Deputy Director of National Police
13.	Morciré CAMARA	d.o.b: 01/01/49 Pass: R0003216	Member of the CNDD
14.	Alpha Yaya DIALLO		Member of the CNDD National Director of Customs
15.	Colonel Mamadou Korka DIALLO	d.o.b: 19/02/62	Minister for Trade, Industry and SMEs
16.	Commandant Kelitigui FARO	d.o.b: 03/08/72 Pass: R0003410	Minister and Secretary-General to the Presidency of the Republic
17.	Colonel Fodeba TOURÉ	d.o.b: 07/06/61 Pass: R0003417/R0002132	Governor of Kindia (former Minister for Youth, dismissed as Minister on 07/05/09)
18.	Commandant Cheick Sékou (alias Ahmed) Tidiane CAMARA	d.o.b: 12/05/66	Member of the CNDD
19.	Colonel Sékou (alias Sékouba) SAKO		Member of the CNDD
20.	Lieutenant Jean-Claude alias COPLAN PIVI	d.o.b: 01/01/60	Member of the CNDD Minister with responsibility for presidential security

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
21.	Captain Saa Alphonse TOURÉ	d.o.b: 03/06/70	Member of the CNDD
22.	Colonel Moussa KEITA	d.o.b: 01/01/66	Member of the CNDD Minister and Permanent Secretary of the CNDD with responsibility for relations with Republican Institutions
23.	Lt. Col. Aïdor (alias Aëdor) BAH		Member of the CNDD
24.	Commandant Bamou LAMA		Member of the CNDD
25.	Mr Mohamed Lamine KABA		Member of the CNDD
26.	Captain Daman (alias Dama) CONDÉ		Member of the CNDD
27.	Commandant Aboubacar Amadou DOUMBOUYA		Member of the CNDD
28.	Commandant Moussa Tiégboro CAMARA	d.o.b: 01/01/68 Pass: 7190	Member of the CNDD Minister attached to the Presidency with responsibility for special anti-drug services and organised crime
29.	Captain Issa CAMARA	d.o.b: 1954	Member of the CNDD Governor of Mamou
30.	Colonel Dr. Abdoulaye Chérif DIABY	d.o.b: 26/02/57 Pass: 13683	Member of the CNDD Minister for Health and Sanitation,
31.	Mamady CONDÉ	d.o.b: 28/11/52 Pass: R0003212	Member of the CNDD
32.	S-Lt. Cheikh Ahmed TOURÉ		Member of the CNDD
33.	Lt. Colonel Aboubacar Biro CONDÉ	d.o.b: 15/10/62 Pass: 2443/R0004700	Member of the CNDD
34.	Bouna KEITA		Member of the CNDD
35.	Idrissa CHERIF	d.o.b: 13/11/67 Pass: R0105758	Minister with responsibility for Communication attached to the Presidency and the Ministry of Defence
36.	Mamoudou (alias Mamadou) CONDÉ	d.o.b: 09/12/60 Pass: R0020803	State Secretary, official representative, with responsibility for Strategic Issues and Sustainable Development
37.	Lieutenant Aboubacar Chérif (alias Toumba) DIAKITÉ		Presidential aide-de-camp
38.	Ibrahima Khalil DIAWARA	d.o.b: 01/01/76 Pass: R0000968	Special adviser to Aboubacar Chérif 'Toumba' Diakité
39.	S-Lt Marcel KOIVOGUI		Deputy to Aboubacar Chérif 'Toumba' Diakité
40.	Mr Papa Koly KOUROUMA	d.o.b: 03/11/62 Pass: R11914/R001534	Minister for the Environment and Sustainable Development
41.	Commandant Nouhou THIAM	d.o.b: 1960 Pass: 5180	Inspector-General of the armed forces CNDD spokesman
42.	Police Captain Théodore (alias Siba) KOUROUMA	d.o.b: 13/05/71 Pass: Service R0001204	Attaché in the presidential private office

	Name (and possible aliases)	Identifying information (date and place of birth (d.o.b. and p.o.b.), passport (Pass.)/ID card number, etc.)	Reasons
43.	Mr Kabinet (alias Kabiné) KOMARA	d.o.b: 08/03/50 Pass: R0001747	Prime Minister
44.	Captain Mamadou SANDÉ	d.o.b: 12/12/69 Pass: R0003465	Minister attached to the Presidency with responsibility for the economy and finances
45.	Mr Alhassane (alias Al-Hassane) Siba ONIPOGUI	d.o.b: 31/12/61 Pass: 5938/R00003488	Minister attached to the Presidency with responsibility for State control
46.	Mr Joseph KANDUNO		Minister with responsibility for audits, transparency and good governance
47.	Mr Fodéba (alias Isto) KÉIRA	d.o.b: 04/06/61 Pass: R0001767	Minister for Youth, Sport and the Promotion of Youth Employment
48.	Colonel Siba LOHALAMOU	d.o.b: 01/08/62 Pass: R0001376	Minister for Justice and Keeper of the Seals
49.	Dr. Frédéric KOLIÉ	d.o.b: 01/01/60 Pass: R0001714	Minister for Territorial Administration and Political Affairs
50.	Mr Alexandre Cécé LOUA	d.o.b: 01/01/56 Pass: R0001757 / Diplomatic passport: R 0000027	Minister for Foreign Affairs and Guineans Abroad
51.	Mr Mamoudou (alias Mahmoud) THIAM	d.o.b: 04/10/68 Pass: R0001758	Minister for Mines and Energy
52.	Mr Boubacar BARRY	d.o.b: 28/05/64 Pass: R0003408	Minister of State attached to the Presidency with responsibility for construction, planning and public buildings
53.	Demba FADIGA	d.o.b: 01/01/52 Pass: residence permit FR365845/365857	Member of the CNDD Ambassador Extraordinary and Plenipotentiary with responsibility for relations between the CNDD and the Government
54.	Mr Mohamed DIOP	d.o.b: 01/01/63 Pass: R0001798	Member of the CNDD Governor of Conakry
55.	Sgt Mohamed (alias Tigre) CAMARA		Member of the security forces attached to the Koundara Presidential Guard camp
56.	Mr Habib HANN	d.o.b: 15/12/50 Pass: 341442	Audit and Surveillance Committee for Strategic Sectors of the State
57.	Mr Ousmane KABA		Audit and Surveillance Committee for Strategic Sectors of the State
58.	Mr Alfred MATHOS		Audit and Surveillance Committee for Strategic Sectors of the State
59.	Capt. Mandiou DIOUBATÉ	d.o.b: 01/01/60 Pass: R0003622	Director of the Presidency press office CNDD spokesman
60.	Cheik Sydia DIABATÉ	d.o.b: 23/04/68 Pass: R0004490	Member of the armed forces Director of the Intelligence and Investigation Services at the Ministry of Defence
61.	Mr Ibrahima Ahmed BARRY	d.o.b: 11/11/61 Pass: R0048243	Director General of Radio Télévision Guinéenne

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62.	Mr Alhassane BARRY	d.o.b: 15/11/62 Pass: R0003484	Governor of the Central Bank
63.	Mr Roda Namatala FAWAZ	d.o.b: 06/07/47 Pass: R0001977	Businessman connected to the CNDD who has given the CNDD financial support
64.	Dioulde DIALLO		Businessman connected to the CNDD who has given the CNDD financial support
65.	Kerfalla CAMARA KPC		CEO of Guicopress Businessman connected to the CNDD who has given the CNDD financial support
66.	Dr. Moustapha ZABATT	d.o.b: 06/02/65	Doctor and personal adviser to the President
67.	Aly MANET		'Dadis Doit Rester' (Dadis Must Stay) movement
68.	Louis M'bemba SOUMAH		Minister for Employment, Administrative Reform and the Civil Service
69.	Cheik Fantamady CONDÉ		Minister for Information and Culture
70.	Boureima CONDÉ		Minister for Agriculture and Stock Farming
71.	Mariame SYLLA		Minister for Decentralisation and Local Government