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COUNCIL DECISION 2011/273/CFSP
of 9 May 2011
concerning restrictive measures against Syria
(OJ L 121, 10.5.2011, p. 11)

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COUNCIL DECISION 2011/273/CFSP
of 9 May 2011
concerning restrictive measures against Syria

THE COUNCIL OF THE EUROPEAN UNION,

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

Whereas:

- (1) On 29 April 2011, the European Union expressed its grave concern about the situation unfolding in Syria and the deployment of military and security forces in a number of Syrian cities.
- (2) The Union strongly condemned the violent repression, including through the use of live ammunition, of peaceful protest in various locations across Syria resulting in the death of several demonstrators, wounded persons and arbitrary detentions, and called on the Syrian security forces to exercise restraint instead of repression.
- (3) In view of the seriousness of the situation, restrictive measures should be imposed against Syria and against persons responsible for the violent repression against the civilian population in Syria.
- (4) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. The sale, supply, transfer or export of arms and related matériel 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 Syria 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 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, Syria;
- (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, 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, Syria;

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

Article 2

1. Article 1 shall not apply to:

- (a) supplies and technical assistance intended solely for the support of or use by the United Nations Disengagement Observer Force (UNDOF);
- (b) 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 European Union, or for European Union and UN crisis management operations;
- (c) 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 of personnel of the European Union and its Member States in Syria;
- (d) the provision of technical assistance, brokering services and other services related to such equipment or to such programmes and operations;
- (e) 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.

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

Article 3

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the persons responsible for the violent repression against the civilian population in Syria, and persons associated with them, as listed in the Annex.

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

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country to an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the UN;

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(c) under a multilateral agreement conferring privileges and immunities;
or

(d) under the 1929 Treaty of Conciliation (Lateran pact) concluded by the Holy See (State of the Vatican City) and Italy.

4. Paragraph 3 shall be considered as also applying in cases where a Member State is host country to the Organisation for Security and Cooperation in Europe (OSCE).

5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraphs 3 or 4.

6. Member States may grant exemptions from the measures imposed under 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 Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes democracy, human rights and the rule of law in Syria.

7. A Member State wishing to grant exemptions referred to in paragraph 6 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.

8. In cases where pursuant to paragraphs 3, 4, 6 and 7, a Member State authorises the entry into, or transit through, its territory of persons listed in the Annex, the authorisation shall be limited to the purpose for which it is given and to the persons concerned therewith.

Article 4

1. All funds and economic resources belonging to, owned, held or controlled by persons responsible for the violent repression against the civilian population in Syria, and natural or legal persons, and entities 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 or entities 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 the 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;

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- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the 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 it grants 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 the subject of a judicial, administrative or arbitral lien established prior to the date on which the natural or legal person or entity referred to in Article 4(1) 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 or entity 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 1 shall not prevent a designated person or entity from making a payment due under a contract entered into before the listing of such a person or entity, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a person or entity referred to in paragraph 1.

6. 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 Decision,

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

▼B*Article 5*

1. The Council, acting upon a proposal by a Member State or the High Representative of the Union for Foreign Affairs and Security Policy, shall establish and amend the list in the Annex.
2. 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 with an opportunity to present observations.
3. 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 6

1. The Annex shall include the grounds for listing the persons and entities concerned.
2. The Annex shall also contain, where available, the information 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.

Article 7

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those contained in this Decision.

Article 8

This Decision shall apply for a period of 12 months. It shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

Article 9

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



ANNEX

LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLES 3 AND 4

Persons

	Name	Identifying information	Reasons	Date of listing
1.	Bashar Al-Assad	Born on 11 September 1965 in Damascus; diplomatic passport No. D1903	President of the Republic; person authorising and supervising the crackdown on demonstrators.	23.05.2011
2.	Maher (a.k.a. Mahir) Al-Assad	Born on 8 December 1967; diplomatic passport No. 4138	Commander of the Army's 4th Armoured Division, member of Baath Party Central Command, strongman of the Republican Guard; brother of President Bashar Al-Assad; principal overseer of violence against demonstrators.	23.05.2011
3.	Ali Mamluk (a.k.a. Mamlouk)	Born on 19 February 1946 in Damascus; diplomatic passport No. 983	Head of Syrian General Intelligence Directorate (GID); involved in violence against demonstrators.	23.05.2011
4.	Muhammad Ibrahim Al-Sha'ar (a.k.a. Mohammad Ibrahim Al-Chaar)		Minister of Interior; involved in violence against demonstrators.	23.05.2011
5.	Atej (a.k.a Atef, Atif) Najib		Former Head of the Political Security Directorate in Deraa; cousin of President Bashar Al-Assad; involved in violence against demonstrators.	23.05.2011
6.	Hafiz Makhluuf (a.k.a. Hafez Makhoulouf)	Born on 2 April 1971 in Damascus; diplomatic passport No. 2246	Colonel and Head of Unit in General Intelligence Directorate, Damascus Branch; cousin of President Bashar Al-Assad; close to Maher Al-Assad; involved in violence against demonstrators.	23.05.2011
7.	Muhammad Dib Zaytun (a.k.a. Mohammed Dib Zeitoun)	Born on 20 May 1951 in Damascus; diplomatic passport No. D000001300	Head of Political Security Directorate; involved in violence against demonstrators.	23.05.2011
8.	Amjad Al-Abbas		Head of Political Security in Banyas, involved in violence against demonstrators in Baida.	23.05.2011
9.	Rami Makhoulouf	Born on 10 July 1969 in Damascus, passport No. 454224	Syrian businessman; associate of Maher Al-Assad; cousin of President Bashar Al-Assad; provides funding to the regime allowing violence against demonstrators.	23.05.2011

▼ **M1**

	Name	Identifying information	Reasons	Date of listing
10.	Abd Al-Fatah Qudsiyah	Born in 1953 in Hama; diplomatic passport No. D0005788	Head of Syrian Military Intelligence (SMI); involved in violence against the civilian population.	23.05.2011
11.	Jamil Hassan		Head of Syrian Air Force Intelligence; involved in violence against the civilian population.	23.05.2011
12.	Rustum Ghazali	Born on 3 May 1953 in Dara'a; diplomatic passport No. D000000887	Head of Syrian Military Intelligence, Damascus Countryside Branch; involved in violence against the civilian population.	23.05.2011
13.	Fawwaz Al-Assad	Born on 18 June 1962 in Kerdala; passport No. 88238	Involved in violence against the civilian population as part of the Shabiha militia.	23.05.2011
14.	Munzir Al-Assad	Born on 1 March 1961 in Lattakia; passport No. 86449 and No. 842781	Involved in violence against the civilian population as part of the Shabiha militia.	23.05.2011
15.	Asif Shawkat	Born on 15 January 1950 in Al-Madehleh, Tartus	Deputy Chief of Staff for Security and Reconnaissance; involved in violence against the civilian population.	23.05.2011
16.	Hisham Ikhtiyar	Born in 1941	Head of Syrian National Security Bureau; involved in violence against the civilian population.	23.05.2011
17.	Faruq Al Shar'	Born on 10 December 1938	Vice-President of Syria; involved in violence against the civilian population.	23.05.2011
18.	Muhammad Nasif Khayrbik	Born on 10 April 1937 (alt. 20 May 1937) in Hama, diplomatic passport No. 0002250	Deputy Vice-President of Syria for National Security Affairs; involved in violence against the civilian population.	23.05.2011
19.	Mohamed Hamcho	Born on 20 May 1966; passport No. 002954347	Brother-in-law of Maher Al-Assad; businessman and local agent for several foreign companies; provides funding to the regime allowing violence against demonstrators.	23.05.2011
20.	Iyad (a.k.a. Eyad) Makhoul	Born on 21 January 1973 in Damascus; passport No. N001820740	Brother of Rami Makhoul and GID Officer involved in violence against the civilian population.	23.05.2011

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	Name	Identifying information	Reasons	Date of listing
21.	Bassam Al Hassan		Presidential Advisor for Strategic Affairs; involved in violence against the civilian population.	23.05.2011
22.	Dawud Rajiha		Chief of Staff of the Armed Forces responsible for the military involvement in violence against peaceful protesters.	23.05.2011
23.	Ihab (a.k.a. Ehab, Iehab) Makhoulf	Born on 21 January 1973 in Damascus; passport no. N002848852	Vice-President of SyriaTel and caretaker for Rami Makhoulf's US company; provides funding to the regime allowing violence against demonstrators.	23.05.2011