

Comoros

COUNCIL REGULATION (EC) NO 243/2008

1. This Notice is issued in respect of the financial sanctions against the illegal authorities of Anjouan in the Union of the Comoros.
2. Her Majesty's Treasury issues this notice to advise that on 17 March 2008 the Council of the European Union adopted Council Regulation (EC) No 243/2008 ('the Regulation') which, inter alia, had the effect of freezing the funds and economic resources of the individual members of the illegal authorities of Anjouan in the Union of the Comoros and those associated with them as designated by the European Union.
3. The Regulation was published in the Official Journal of the European Union on 18 March 2008 (O.J. L75, p.53) and is directly applicable in the United Kingdom. This takes effect immediately. All targeted persons are listed in Annex I of the Regulation. For ease of reference all the names of those targeted by the Regulation are listed in the Annex to this Notice.
4. A copy of the Regulation can be found on the Treasury's website:
http://www.hm-treasury.gov.uk/media/5/0/comoros_councilregulation243_170308.pdf
5. The Regulation applies within the territory of the Community including its airspace, on board any aircraft or any vessel under the jurisdiction of a Member State, to any person inside or outside the territory of the Community who is a national of a Member State, to any legal person, entity or body which is incorporated or constituted under the law of a Member State, and to any legal person, entity or body in respect of any business done in whole or in part within the territory of the Community.

Freezing of funds and economic resources

6. Article 2 of the Regulation provides that:
 - (a) All funds and economic resources belonging to, owned, held or controlled by the persons listed in Annex I to the Regulation must be frozen; and

- (b) No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of persons listed in Annex I to the Regulation.
- (c) The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in 6(a) and 6(b) above shall be prohibited;

Definition of funds

7. For the purposes of the Regulation:

“funds” means financial assets and economic 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.

“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.

Frozen accounts

- 8. All funds and economic resources that are owned or controlled by those listed in Annex I to the Regulation held by banks, building societies, stockbrokers, solicitors, accountants, etc must be frozen. No funds or economic resources may be made available directly or indirectly to or for the benefit of the listed persons. The only exceptions are those permitted under the Regulation.
- 9. In this context “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, possession, character, destination or other change that would enable the funds to be used, including portfolio management.
- 10. In this context “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.
- 11. No payment or transfer may be made from a frozen account, including to another frozen account, without prior authorisation. This includes the deduction of fees or service charges for routine holding

or maintenance of frozen accounts. Loans and other forms of credit should not be made available to those listed in Annex I to the Regulation.

Interest, other payments and credits

12. Under the Regulation:

- (a) interest or other earnings on frozen accounts; or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which financial sanctions were imposed;

may be added to frozen accounts provided that any such interest, other earnings or payments continue to be frozen.

13. The prohibition against making funds or economic resources available does not prevent the crediting of frozen accounts by financial or credit institutions that receive funds transferred by third parties to the frozen account of the listed person provided that any additions to such accounts are also frozen. Financial institutions are required to inform the Treasury of any such transactions without delay.

Exemptions

14. The Treasury are able to authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, if they have determined that the funds or economic resources concerned are:

- a) necessary to satisfy the basic expenses of those listed in Annex I to the Regulation 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;
- d) necessary for extraordinary expenses.

Provision of information

15. All financial institutions and other bodies and persons in the UK are required to check whether they maintain any accounts or otherwise hold any funds for the individuals listed in Annex I to the Regulation and, if so they should report to the Treasury details of all funds or economic resources that

they have frozen in accordance with the Regulation. They must also provide the Treasury with all relevant information necessary for ensuring compliance with the Regulation.

Enquiries

16. Enquiries concerning this Notice should be addressed to the Asset Freezing Unit, Her Majesty's Treasury, 1 Horse Guards Road, London, SW1A 2HQ. Enquiries may also be made by email (assetfreezingunit@hm-treasury.gov.uk), facsimile transmission (020 7451 7677), or by telephone (020 7270 5454/5664).

ENDS

ANNEX TO NOTICE

FINANCIAL SANCTIONS: COMOROS

COUNCIL REGULATION (EC) No 243/2008

Individuals

1. BACAR, Abdou

Title: Oberstleutnant

DOB: 2 May 1954

POB: Barakani

Passport Details: 54621, issued 23 April 2007

Position: Senior military officer, instrumental in supporting the illegal government of Anjouan

Other Information: Male

2. BACAR, Mohamed

Title: Colonel

DOB: 5 May 1962

POB: Barakani

Passport Details: 01AB01951/06/160, issued 1 December 2006

Position: Self-proclaimed President

Other Information: Male

3. BOINALI, Rehema

DOB: 1967

Passport Details: 540355, issued 7 April 2007

Position: Energy Minister

Other Information: Male

4. HALIDI, Dhoihirou

Title: Kabinettschef

DOB: 8 March 1965

POB: Bambao Msanga

Passport Details: 64528, issued 19 September 2007

Position: Senior official closely associated with the illegal government of Anjouan

Other Information: Male

5. MADI, Mohamed, Abdou

DOB: 1956

POB: Mjamaoue

Passport Details: 05BB39478, issued 1 August 2006

Position: Cooperation Minister

Other Information: Male

6. MCHINDRA, Ali

DOB: 20 November 1958

POB: Cuvette

Passport Details: 03819, issued 3 July 2004

Position: Education Minister

Other Information: Male

7. SALIM, Jaffar

DOB: 26 June 1962

POB: Mutsamudu

Passport Details: 06BB50485/20 950, issued 1 February 2007

Position: Interior Minister

Other Information: Male

8. SOUF, Houmadi

DOB: 1963

POB: Sima

Passport Details: 51427, issued 4 March 2007

Position: Civil Service Minister

Other Information: Male

H M Treasury
25 March 2008