



Somalia

COUNCIL REGULATION (EU) No 356/2010

This Notice is issued in respect of the financial sanctions taken against Somalia by the Council of the European Union. It draws attention to Council Regulation (EU) No 356/2010 (“the Regulation”), which places financial sanctions on Somalia. This Notice provides guidance on certain aspects only of the Regulation and should be read alongside the Regulation.

Introduction

1. On 20 November 2008, the United Nations Security Council adopted Resolution 1844 (2008), which, inter alia, introduced financial sanctions against those persons designated by the relevant UN Sanctions Committee as:
 - (i) 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 African Union Mission in Somalia (AMISOM) by force;
 - (ii) Having acted in violation of the general and complete arms embargo imposed by Resolution 733 (1992);
 - (iii) Obstructing the delivery of humanitarian assistance to or access to, or distribution of humanitarian assistance in, Somalia.
2. On 12 April 2010 the UN Sanctions Committee issued its first list of persons designated pursuant to paragraph 8 of Resolution 1844 (2008).
3. On 26 April 2010 the Council of the European Union adopted Council Regulation (EU) No 356/2010, which implements Resolution 1844 (2008) at Community level. Council Regulation (EU) No 356/2010 was published in the Official Journal of the European Union (O.J. L105, 27.4.2010, P.1) on 27 April 2010. The Regulation entered into force on 28 April 2010 and is directly applicable in the UK.

4. A copy of the Regulation is available from the Financial Sanctions pages of the Treasury website at: http://www.hm-treasury.gov.uk/d/council_regulation_eu_356_260410.pdf
5. The Regulation applies:
 - (i) within the territory of the Union, including its airspace;
 - (ii) on board any aircraft or any vessel under the jurisdiction of a Member State;
 - (iii) to any person inside or outside the territory of the Union who is a national of a Member State;
 - (iv) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
 - (v) to any legal person, entity or body in respect of any business done in whole or in part within the Union.
6. The Regulation therefore applies, inter alia, to banks, financial institutions, charitable organisations and non-governmental organisations operating in the Union or established under the law of a Member State, to nationals of Member States, and to other bodies and persons in the Union. The Regulation does not apply to subsidiaries operating wholly outside the Union and which do not have legal personality under the law of a Member State.

Freezing of funds and economic resources of designated persons

7. Article 2 of the Regulation provides that all funds and economic resources belonging to, owned, held or controlled by persons listed in Annex I to the Regulation must be frozen. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of these persons.
8. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent these measures is prohibited.
9. Annex I to the Regulation lists the natural or legal persons, entities or bodies who have been identified by the UN Security Council or by the UN Sanctions Committee as being natural or legal persons, entities or bodies whose assets should be frozen ("designated persons").
10. For convenience, details of the persons designated under the Regulation are set out in the Annex to this Notice. It should be noted that whereas certain background information provided by the UN Sanctions Committee is excluded from the details included by the European Council in Annex I to the Regulation, the Annex to this Notice and the details on

the Treasury's Consolidated List of Financial Sanctions Targets includes the additional UN information.

11. The Consolidated List of Financial Sanctions Targets which is maintained on the Treasury website has been updated to include the persons designated under the Regulation. Further information can be obtained from the Financial Sanctions pages of the Treasury website: http://www.hm-treasury.gov.uk/fin_sanctions_index.htm

Definition of funds

12. For the purposes of the Regulation, "funds" means financial assets and benefits of any 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

13. All funds and economic resources belonging to, owned, held or controlled by designated persons, which are 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 designated persons. The only exceptions are those permitted under the Regulation.
14. 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.

15. 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.
16. 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 designated persons.

Interest, other payments and credits

17. The prohibitions in the Regulation do not apply to the addition of interest or other earnings to frozen accounts, or payments due under contracts, agreements or obligations, which were concluded or arose prior to the date on which the person was designated by the UN Security Council or by the UN Sanctions Committee, provided that payment is made into a frozen account.
18. The prohibition against making funds or economic resources available does not prevent financial or credit institutions in the European Union from crediting frozen accounts where they receive funds transferred to the account of a designated person, provided that any additions to such accounts are also frozen. Financial and credit institutions are required to inform the Treasury of any such transactions without delay.
19. Pursuant to Resolution 1916 (2010) of 19 March 2010 and article 4 of the Regulation, the prohibitions set out in paragraph 7 of this Notice and article 2(1) and (2) of the Regulation do 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 United Nations, its specialized agencies or programmes, humanitarian organizations having observer status with the United Nations General Assembly that provide humanitarian assistance, or their implementing partners.

Exemptions

20. Subject to approval by the UN Sanctions Committee, the Treasury is able to authorise the release of or making available of certain funds or economic resources, if it has determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of designated persons 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.

21. The Treasury is also able to authorise the release of or making available of certain funds or economic resources, if it has determined that the funds or economic resources concerned are intended exclusively to satisfy claims secured by a lien or judgment established prior to the date the person was designated by the UN Security Council or by the UN Sanctions Committee provided the lien or judgement is not for the benefit of a designated person mentioned in Annex I of the Regulation or contrary to public policy and provided the UN Sanctions Committee has been notified of the lien or judgment.

Provision of information

22. All financial institutions and other bodies and persons in the UK are requested to check whether they maintain any accounts or otherwise hold any funds or economic resources for the designated persons 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.

23. Any additional information that would facilitate compliance with the Regulation should also be reported to the Treasury.

Enquiries

24. Non-media enquiries should be addressed by post to the Asset Freezing Unit, HM Treasury, 1 Horse Guards Road, London SW1A 2HQ, or by phone 020 7270 5454, by fax 020 7451 7677 or by e-mail to AFU@hmtreasury.gsi.gov.uk. Applications for licences should be marked for the attention of International Branch.

25. Media enquiries should be addressed to the Treasury Press Office on 020 7270 5238.

ANNEX TO NOTICE

FINANCIAL SANCTIONS: SOMALIA

COUNCIL REGULATION (EU) NO 356/2010 (ANNEX I)

INDIVIDUALS

1. AL-TURKI, Hassan, Abdullah, Hersi

Title: Sheikh

DOB: 1944

POB: Region V (Ogaden Region in eastern Ethiopia), Ethiopia

a.k.a: (1) AL-TURKI, Hassan

(2) TURKI, Hassan

(3) TURKI, Hassan, Abdillahi, Hersi

(4) XIRSI, Xasan, Cabdilaahi

(5) XIRSI, Xasan, Cabdulle

Nationality: Somali

Address: Somalia

Other Information: From the Ogaden clan, Reer - Abdille subclan. Reported to be active in Southern Somalia, lower Juba near Kismayo, mainly in Jiliba and Burgabo as of November 2007. Part of the Al-Itihaad Al-Islamiya (AIAI) leadership. Believed to have been involved in the attacks on the US embassies in Nairobi and Dar es Salaam in August 1998. Also listed by UN under Al-Qaida and Taliban regime UN Ref QI.A.172.04. Xirsi, Hassan Al-Turki and Hassan Abdillahi Hersi Turki akas added in Somalia listing.

2. AWEYS, Hassan, Dahir

Title: Colonel/Shaykh/Sheikh

DOB: 1935

a.k.a: (1) ALI, Hassan, Dahir, Aweys

(2) AWES, Hassan, Dahir

(3) AWEYES, Hassen, Dahir

(4) AWEYS, Ahmed, Dahir

(5) DAHIR, Aweys, Hassan

(6) IBRAHIM, Mohammed, Hassan

(7) OAIS, Hassan, Tahir

(8) UWAYS, Hassan, Tahir

Nationality: Somali. Citizen of Somalia

Address: (1) Somalia

(2) Eritrea

Other Information: Reported to be in Eritrea as of 12 November 2007. From the Hawiya, Habergdir, Ayr clan. Senior leader of Al-Itihaad Al-Islamiya (AIAI). Also listed by UN under Al-Qaida and Taliban regime UN Ref QI.D.42.01. Also referred to as Hassan (Somalia regime). Oais and Uways akas added in Somalia listing.

3. AW-MOHAMED, Ahmed, Abdi

Title: Shaykh

DOB: 10 July 1977

POB: Hargeysa, Somalia

a.k.a: (1) ABU ZUBEYR, Muktar, Abdirahman
(2) ABUZUBAIR, Muktar, Abdulrahim
(3) AW MOHAMMED, Ahmed, Abdi
(4) AW-MOHAMUD, Ahmed, Abdi
(5) ZUBEYR, Abu

Nationality: Somali

Other Information: Also referred to as Godane, Godani and Shaykh Mukhtar.

4. BAYNAH, Yasin, Ali

DOB: 1966

a.k.a: (1) ALI, Yasin, Baynah
(2) ALI, Yassin, Mohamed
(3) BAYNAH, Yasin
(4) BAYNAH, Yassin
(5) BAYNAX, Yasiin, Cali
(6) BEENAH, Yasin
(7) BEENAH, Yassin
(8) BEENAX, Yasin
(9) BEENAX, Yassin
(10) BENAHA, Yasin
(11) BENAHA, Yassin
(12) BENAX, Yassin
(13) BEYNAH, Yasin
(14) BINAHA, Yassin
(15) CALI, Yasiin, Baynax

Nationality: (1) Somali

(2) Swedish

Address: (1) Rinkeby, Stockholm, Sweden
(2) Mogadishu, Somalia

5. KHALAF, Fuad, Mohamed

a.k.a: (1) KALAF, Fuad, Mohamed
(2) KALAF, Fuad, Mohammed
(3) KHALAF, Fuad
(4) KHALIF, Fuad, Mohamed
(5) KHALIF, Fuad, Mohammed
(6) QALAF, Fuad, Mohamed
(7) SHANGOLE, Fuad
(8) SHONGALE, Fouad
(9) SHONGALE, Fuad
(10) SHONGOLE, Fuad
(11) SHONGOLE, Fuad, Muhammad, Khalaf
(12) SONGALE, Fuad

Nationality: (1) Somali

(2) Swedish

Address: (1) Somalia
(2) Mogadishu, Somalia

Other Information: Swedish alternate nationality in UN listing only.

6. MAHAMOUD, Bashir, Mohamed

DOB: 1979 – 1982

a.k.a: (1) GAP, Gure
(2) MAHMOUD, Bashir, Mohamed
(3) MOHAMMED, Bashir, Mahmud
(4) MOHAMOUD, Bashir, Mohamed
(5) MOHAMUD, Bashir, Mohamed
(6) QORGAB, Bashir
(7) YARE, Bashir

Nationality: Somali

Address: Mogadishu, Somalia

Other Information: Also referred to as Abu Muscab and Qorgab.

7. MANA'A, Fares, Mohammed

DOB: 8 February 1965

POB: Sadah, Yemen

a.k.a: (1) MANAA, Fares, Mohammed
(2) MANA'A, Faris

Passport Details: 00514146. Issued in Sanaa, Yemen

National ID no: 1417576 (ID card). Issued in Al-Amana, Yemen on 7 January 1996

8. SA'ID, Mohamed

DOB: 1966

POB: Galgala, Somalia

a.k.a: (1) ATOM, Mohamed, Sa'id
(2) ATOM, Mohamed, Siad

Address: (1) Galgala, Somalia
(2) Badhan, Somalia

Other Information: Also referred to as Atom.

ENTITY

1. AL- SHABAAB

a.k.a: (1) Al-Shabaab Al-Islaam
(2) Al-Shabaab Al-Islamiya
(3) Al-Shabaab Al-Jihaad
(4) Al-Shabab
(5) Harakat Al-Shabaab Al-Mujaahidiin
(6) Harakat Shabab Al-Mujahidin
(7) Harakatul Shabaab Al Mujaahidiin
(8) Hisb'ul Shabaab
(9) Hizbul Shabaab
(10) Mujaahidiin Youth Movement (MYM)
(11) Mujahideen Youth Movement (MYM)
(12) Mujahidin Al-Shabaab Movement
(13) Mujahidin Youth Movement (MYM)
(14) Shabaab
(15) The Unity of Islamic Youth
(16) The Youth
(17) Youth Wing

Address: Somalia