

Overview of the Starvation-Related EU Sanctions Regimes

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The European Union regards restrictive measures ('sanctions') as an essential Common Foreign and Security Policy (CFSP) tool to bring about change in malign policy or activity by targeting responsible non-EU countries, as well as entities and individuals. These sanctions are applied under the framework of CFSP objectives to promote international peace and security; prevent conflict; support democracy, the rule of law and human rights; and to defend principles of international law.¹

Measures adopted under EU sanctions regimes include travel bans, asset freezes, arms embargoes and other economic measures such as import and export restrictions.² While these measures are designed to impact extra-territorially (as a foreign policy tool), the obligations they impose are binding only on EU nationals or persons located or doing business in the EU. With

regard to implementation and enforcement:³

Measures such as arms embargoes or restrictions on admission are implemented directly by the Member States, which are legally bound to act in conformity with CFSP Council Decisions. Other measures interrupting or reducing, in part or completely, economic relations with a third country, including measures freezing funds and economic resources, are implemented by means of a Regulation, adopted by the Council, acting by qualified majority, on a joint proposal from the High Representative of the Union for Foreign Affairs and Security Policy and the Commission, under Article 215 of Treaty on the Functioning of the European Union. The European Parliament has to be informed. Such Regulations are binding and directly applicable

¹ European Commission, Restrictive Measures (Sanctions), https://ec.europa.eu/info/business-economy-euro/banking-and-finance/international-relations/restrictive-measures-sanctions_en#commission.

² The latter two types of measures are excluded from the EU Global Human Rights Sanctions Regime.

³ Guidelines on implementation and evaluation of restrictive measures (sanctions) in the framework of the EU Common Foreign and Security Policy (doc. 5664/18).

throughout the EU, and they are subject to judicial review by the Court of Justice and the General Court in Luxembourg. CFSP Council Decisions providing for restrictive measures against natural and legal persons are also subject to judicial review.

Until recently, EU sanctions regimes did not provide a legal framework for imposing non-country-based sanctions against individuals deemed responsible for human rights violations. This changed on 7 December 2020 when the EU adopted its Global Human Rights Sanctions Regime.⁴ The new regime has given the EU the added ability to place targeted sanctions on “individuals, entities and bodies – including state and non-state actors – responsible for, involved in or associated with serious human rights violations and abuses worldwide”. Under this regime, sanctions may be pro-

posed by any EU Member State or from the High Representative of the EU CFSP. However, adoption of any proposal will require the unanimous approval of all twenty-seven EU Member States.

The EU’s consolidated sanctions list is available [here](#).

⁴ The EU Global Human Rights Sanctions Regime, Council Decision (CFSP) 2020/1999 and Regulation (EU) 2020/1998, <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:L:2020:410:FULL&from=EN>.

Scholarly Commentary on Sanctions Regimes



Proponents of sanctions programmes argue that sanctions are one of the most powerful coercive foreign policy tools, while also being less dangerous or destructive than engaging in war.⁵ However, sanctions regimes are often met with criticism in relation to sanctions' potential unintended negative humanitarian consequences, for example when sanctions impede the flow of humanitarian assistance to targeted areas.⁶

Critics of sanctions regimes note that the most food insecure countries, according to the Global Hunger Index ("GHI"), are often sanctioned states, including Burundi, Eritrea, Yemen, Afghanistan, Chad, Ethiopia, Sudan, Somalia and North Korea.⁷ One study found that the imposition of sanctions contributes to hunger and starvation in many sanctioned countries even after accounting for several other factors such as conflict

and natural disasters, and that the imposition of sanctions increases the GHI composite index measure of food security on average by about 1.247 – 2.225 points.⁸ The asserted reasons for this causal relationship between the imposition of sanctions and food insecurity include the following factors: (i) the central government in a sanctioned state can under-supply essential resources thereby reducing private-sector (i.e., agricultural) productivity; and (ii) governments can deliberately centralise the distribution of essential goods (e.g., food) in order to use access to food as a defence mechanism to punish dissent against the leadership.⁹

Critics also note that sanctions can cause obstacles that impede the flow of humanitarian assistance.¹⁰ Such obstacles include the fact that humanitarian organisations must often work with sanctioned leaders and indi-

⁵ See, e.g., Sasha Lohmann, Judith Vorrath, *International Sanctions: Improving Implementation through Better Interface Management*, at page 3 (August 1, 2021). Available at https://www.swp-berlin.org/publications/products/arbeitspapiere/WP_International_Sanctions.pdf.

⁶ Grégoire Mallard, Sabet Farzan, and Jin Sun, *The Humanitarian Gap in the Global Sanctions Regime*, *Global Governance: A Review of Multilateralism and International Organizations* 26.1 (2020) p. 121-153. Available at: https://brill.com/view/journals/gg/26/1/article-p121_6.xml?language=en#FN000001. See also for example comments made by former OCHA chief, Mark Lowcock on the over-compliant application of sanctions and their negative effect hampering the passage of humanitarian relief. UN Web TV, Mark Lowcock (OCHA) on the Political and Humanitarian situation in Syria - Security Council VTC (28 April 2021). Available at <https://media.un.org/en/asset/k1e/k1ekd0x66y>.

⁷ See Afesorbor, Sylvanus Kwaku, *Sanctioned to Starve? The Impact of Economic Sanctions on Food Security in Targeted States*, at page 1 (July 25, 2020). Forthcoming as a chapter in the *Research Handbook on Economic Sanctions*, Edward Elgar Publishing, UK., Available at SSRN: <https://ssrn.com/abstract=3660536> or <http://dx.doi.org/10.2139/ssrn.3660536>.

⁸ See id. at page 17.

⁹ See id. at page 1 (citing Oechslin, M, *Targeting autocrats: Economic sanctions and regime change*, *European Journal of Political Economy*, 36, 24–40 (2014)).

¹⁰ Grégoire Mallard, Sabet Farzan, and Jin Sun, *The Humanitarian Gap in the Global Sanctions Regime*, *Global Governance: A Review of Multilateralism and International Organizations* 26.1 (2020) p. 121-153. Available at: https://brill.com/view/journals/gg/26/1/article-p121_6.xml?language=en#FN000001.

viduals to get humanitarian aid into a country, therefore when humanitarian organisations are required to pay taxes, registration fees or checkpoint fees in order to function and accomplish their purposes, they may be forced to violate sanctions laws by paying a sanctioned entity or (unwittingly) paying its affiliates.¹¹ Critics also find that humanitarian exemptions to sanctions are often ineffective because malign actors may exploit the exemptions by masquerading as either people in need of humanitarian aid or as humanitarian actors.¹² Its proponents, however, believe that they are necessary to legally facilitate the provision of humanitarian aid, and that humanitarian actors have developed internal policies and procedures to help prevent or mitigate the diversion of aid.¹³ Further, proponents generally believe that even if some funds do go to sanctioned individuals

and entities, the damage will likely be minimal and will be offset by the benefits that the humanitarian organisations offer.¹⁴

Additionally, targeted sanctions regimes have been criticized as ineffective, given that individuals and entities might evade sanctions through the use of black markets, trade diversions, safe havens, strategic reserves, and economic adjustments.¹⁵ One study notes that targeted sanctions are plagued by unintended consequences in 91 percent of cases, including negative impacts on a country's overall economy or political structure, higher corruption and criminality, the strengthening of authoritarian rule, greater political splintering, humanitarian costs, and unintended harms to neighbouring countries.¹⁶

¹¹ King, Katie, Naz K. Modirzadeh, Dustin A. Lewis, Understanding Humanitarian Exemptions: UN Security Council Sanctions and Principled Humanitarian Action, at pages 5-6, Harvard Law School Program on International Law and Armed Conflict Counterterrorism and Humanitarian Engagement Project (2016), <http://nrs.harvard.edu/urn-3:HUL.InstRepos:29998395>; Alice Debarre, Making Sanctions Smarter: Safeguarding Humanitarian Action (December 2019) at page 3. Available at: https://reliefweb.int/sites/reliefweb.int/files/resources/1912_Making-Sanctions-Smarter.pdf.

¹² GLOBAL INVESTIGATIONS REVIEW, The Guide to Sanctions, at pages 14-15 (2020), <https://globalinvestigationsreview.com/guide/the-guide-sanctions/first-edition?page=1>.

¹³ King, Katie, Naz K. Modirzadeh, Dustin A. Lewis, Understanding Humanitarian Exemptions: UN Security Council Sanctions and Principled Humanitarian Action, at pages 8-9, Harvard Law School Program on International Law and Armed Conflict Counterterrorism and Humanitarian Engagement Project (2016), <http://nrs.harvard.edu/urn-3:HUL.InstRepos:29998395>.

¹⁴ See id.

¹⁵ Laura Kanji, Moving Targets: The Evolution and Future of Smart Sanctions, Harvard International Review, 4 January 2017, <https://www.jstor.org/stable/26445616?refreqid=excelsior%3A7f63fc3fc9df7cbdda735bc568cef033>.

¹⁶ See id.

Chart: Starvation-related Sanctions within the EU Sanctions Regimes

The digest below outlines the relevant EU sanctions-related measures dealing with starvation, objects indispensable to survival and humanitarian access-related issues in the following countries since 2017:

- Democratic Republic of the Congo (“DRC”)
- Myanmar (Burma)
- Somalia
- South Sudan

Similar to GRC’s Starvation [Jurisprudence Digest](#), this digest will be updated regularly and will aim to serve as a resource tool for practitioners interested in understanding and charting the use of sanctions relevant in

the conflict and hunger, food-insecurity space. A separate digest will be provided outlining EU sanctions regarding Syria since EU sanctions often mirror UN sanctions and because UN Syria human rights-related actions span across various sanctions committees, including the ISIL (Da’esh) & Al-Qaida Sanctions Committee.

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Sanctions Digest

Sanctioning Bodies: European Union ("EU") Council Country-based Sanctions Regimes

Country	EU Council Action	References to Starvation and/or Humanitarian Access Issues	Impact of Action to Relieving Starvation and/or Humanitarian Access, and relevant Humanitarian-related Sanctions Exemptions, if any	
Democratic Republic of Congo	<p>Council Regulation (EC) No. 1183/2005 of 18 July 2005, imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo (Consolidated 20 October 2020)</p> <p>Council Decision 2010/788/CFSP of 20 December 2010, concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (Consolidated 20 October 2020)</p> <p>Council Regulation (EU) 2021/1863 of 22 October 2021 amending Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo</p>	<p>Article 2a: 1. Annex I shall include the natural or legal persons, entities or bodies designated by the Sanctions Committee for engaging in or providing support for acts that undermine the peace, stability or security of the DRC. Such acts shall include:</p> <p>(e) planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;</p> <p>(f) obstructing the access to or the distribution of humanitarian assistance in the DRC;</p> <p>(i) planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel, including members of the Group of Experts, or against medical personnel or humanitarian personnel;</p>	<p>EC Regulation No. 1183/2005 and Council Decision 2010/788/CFSP set out the reasons by which individuals and entities may be sanctioned under the DRC sanctions regime. Starvation-related crimes are not specifically referenced, however, general violations against human rights, obstruction of humanitarian assistance, and attacks against peacekeepers are included. Council Regulation (EU) 2021/1863 amended the listing criteria to include attacks against medical personnel or humanitarian personnel, in line with the amended criteria in UNSC 2582 (2021).</p>	<p>Humanitarian Exemptions: Article 4b: By way of derogation from Article 2, the competent authorities may authorise the release of frozen funds or economic resources belonging to sanctioned natural or legal persons, entities or bodies or the making available of certain funds or economic resources to such persons or bodies under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies and food, or the transfer of humanitarian workers and related assistance or for evacuations from DRC.</p>

DRC	<p>Designation of Seka Baluku by the EU Council (12 February 2020)</p> <p>Status: Active</p>	<p>Overall leader of the ADF. As highlighted in several reports from the Group of Experts on the DRC (S/2015/19, S/2015/797, S/2016/1102, S/2017/672, S/2018/531, S/2019/469, S/2019/974), Seka Baluku has committed, planned and/or directed the repeated targeting, killing and maiming, rape and other sexual violence, abduction of civilians, including children, as well as attacks on health facilities, in particular in Mamove, Beni territory, on 12 and 24 February 2019, as well as the continuous recruitment and use of children during attacks and for forced labour in Beni territory in the DRC since at least 2015.</p>	<p>Seka Baluku was designated by the UNSC on 6 February 2020 pursuant to paragraph 7 of resolution 2293 (2016) for engaging in or providing support for acts that undermine the peace, stability and security of the DRC. See GRC's UN Sanctions Digest.</p>
DRC	<p>Designation of Evariste Boshab by the EU Council (29 May 2017, as amended and updated on 10 December 2019)</p> <p>Status: Active</p>	<p>Evariste Boshab's reason for designation was expanded to include, in part, the role he played in "the exploitation and aggravation of the crisis in the Kasai region, where he maintains a position of influence, particularly since becoming senator of Kasai in March 2019."</p>	<p>Since 2017, the Kasai region of the Democratic Republic of Congo has experienced significant levels of starvation and malnutrition amongst children. The high levels of starvation are caused in part by violence and consequential internal displacement in the region.</p> <p>Thus, the sanctions designation responding in part to human rights violations in the Kasai region indirectly relate to starvation-related crimes.</p>
DRC	<p>Designation of Alex Kande Mupompa by the EU Council (29 May 2017, as amended and updated on 10 December 2019)</p> <p>Status: Active</p>	<p>As Governor of Kasai Central until October 2017, Alex Kande Mupompa was responsible for the disproportionate use of force, violent repression and extrajudicial killings committed by security forces and the PNC in Kasai Central from August 2016, including killings in the territory of Dibaya in February 2017.</p> <p>"Alex Kande Mupompa was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC."</p> <p>Alex Kande Mupompa's reason for designation was expanded to include, in part, the role he played "in the exploitation and aggravation of the crisis in the Kasai region for which he was a representative until October 2019 and in which he maintains a position of influence through the Congrès des alliés pour l'action au Congo (CAAC) which is part of the provincial government of Kasai."</p>	<p>See the discussion above regarding starvation in the Kasai region.</p>
DRC	<p>Designation of Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga by the EU Council (9 February 2018)</p> <p>Status: Active</p>	<p>Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga was the leader of the Bakata Katanga militia (a.k.a. Kata Katanga) between 2011-2014, Gédéon Kyungu Mutanga was involved in serious human rights abuses such as killings and attacks against civilians, notably in rural zones of the Katanga province. As Commander of the armed group Bakata Katanga, which is guilty of serious human rights violations and war crimes, including attacks against civilians, in south-east DRC, Gédéon Kyungu Mutanga is therefore a threat to the peace, stability and security of DRC.</p>	<p>Gédéon Kyungu Mutanga Wa Bafunkwa Kanonga was designated by the UNSC on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017). See GRC's UN Sanctions Digest.</p>

DRC	<p>Designation of Lucien Nzambamwita by the EU Council (9 February 2018)</p> <p>Status: Active</p>	<p>Lucien Nzambamwita (aka André Kalume) is a military leader of the Force Democratique de Liberation du Rwanda (FDLR) operating in the DRC, which undermines the peace, security and stability of the DRC and is responsible for human rights abuses including targeting and killing civilians. The FDLR was sanctioned by the 1533 Committee on 31 December 2012.</p>	<p>Lucien Nzambamwita was designated by the UNSC on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(j) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017). See GRC's UN Sanctions Digest.</p>	
DRC	<p>Designation of Muhindo Akili Mundos by the EU Council (9 February 2018)</p> <p>Status: Active</p>	<p>Muhindo Akili Mundos was the Congolese army commander responsible for military operations against the ADF during the "Sukola I" operation from August 2014 to June 2015. The FARDC unit under Mundos' command failed to intervene to prevent human rights abuses by the ADF, including attacks targeting civilians. Mundos recruited and equipped former fighters from local armed groups to participate in extra-judicial killings and massacres by the ADF.</p>	<p>Muhindo Akili Mundos was designated by the UNSC on 1 February 2018 pursuant to criteria set out in resolution paragraph 7(e) of resolution 2293 (2016) as reaffirmed in resolution 2360 (2017). See GRC's UN Sanctions Digest.</p>	
Myanmar (Burma)	<p>Council Regulation (EU) No. 401/2013 concerning restrictive measures in view of the situation in Myanmar/Burma and repealing Regulation (EC) No 194/2008 (Consolidated 21 June 2021)</p> <p>Council Decision 2013/184/CFSP concerning restrictive measures in view of the situation in Myanmar/Burma (Consolidated 21 June 2021)</p>	<p>Article 4a: Annex IV shall include: (a) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for serious human rights violations in Myanmar/Burma; [...] (c) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for obstructing the provision of humanitarian assistance to civilians in need; (d) natural persons from the Myanmar Armed Forces (Tatmadaw), the Myanmar Police Force and the Border Guard Police responsible for obstructing the conduct of independent investigations into alleged serious human rights violations or abuses[.]</p>	<p>EC Regulation No. 401/2013 and Council Decision 2013/184/CFSP set out the reasons by which individuals and entities may be sanctioned under the Myanmar (Burma) sanctions regime. Starvation-related crimes are not specifically referenced; however, obstruction of humanitarian assistance is included.</p>	<p>Humanitarian Exemptions:</p> <p>Article 4b: By way of derogation from Article 4a, the competent authorities of the Member States as identified on the websites listed in Annex II, may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources necessary to satisfy the basic needs of natural and legal persons listed in Annex IV, and dependent family members of such natural persons, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums and public utility charges[.]</p> <p>Article 4da: By way of derogation from Article 4a, the competent authorities of the Member States may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources where the provision of such funds or economic resources is necessary for humanitarian purposes, such as delivering or facilitating the delivery of assistance, including medical supplies, and food, for the transfer of humanitarian workers and related assistance or for evacuations from Myanmar/Burma.</p>

<p>Myanmar (Burma)</p>	<p>Designation of State Administrative Council Members by the EU Council (22 March 2021 through 21 June 2021)</p> <p>Status: Active</p>	<p>Designated members of the State Administrative Council (SAC) and the Myanmar Armed Forces (Tatmadaw).</p> <p>22 March 2021: Min Aung Hlaing, Myint Swe, Soe Win, Sein Win, Thein Soe (a.k.a. U Thein Soe), Mya Tun Oo, Dwe Aung Lin (Dwe Aung Lin), Ye Win Oo, Maung Maung Kyaw, Moe Myint Tun, and Than Hlaing.</p> <p>19 April 2021: Mahn Nyein Maung (a.k.a. P'do, Phado Man Nyein Maung), Thein Nyunt, Khin Maung Swe, Aye Nu Sein, Jeng Phang Naw Htaung, Maung Ha, Sai Long Hseng, Saw Daniel, Dr Banyar Aung Moe, and U Chit Naing (a.k.a.: Sate Pyin Nyar).</p> <p>21 June 2021: Soe Htut, Tun Tun, Naung (a.k.a. Tun Tun Naing; a.k.a. Htun Htun Naung), Win Shein (a.k.a. U Win Shein), Khin Maung Yi (a.k.a. Khin Maung Yee; a.k.a. U Khin Maung Yi), Tin Aung San, Thida Oo (a.k.a. Daw Thida Oo), Aung Lin Tun, and Zaw Min Tun.</p>	<p>These designations were made in response to the serious human rights violations since 1 February 2021, which include the killing of civilian and unarmed protestors, restricting freedom of assembly and of expression, arbitrary arrests and detention of opposition leaders and opponents of the coup, including the detention of doctors and human rights advocates. These designations also respond to the serious human rights violations committed against the Rohingya population in Rakhine State beginning in 2017.</p> <p>As members of the SAC and Tatmadaw, these designated persons are directly and indirectly responsible for the repressive decisions and serious human rights violations that result in restrictions of medical care, food supplies, and humanitarian resources to impacted populations.</p>
<p>Myanmar (Burma)</p>	<p>Council Regulation (EU) No. 401/2013 of 2 May 2013 concerning restrictive measures in respect of Myanmar/Burma and repealing Regulation (EC) No. 194/2008 (Consolidated 25 April 2020)</p> <p>Council Decision 2013/184/CFSP of 22 April 2013 concerning restrictive measures against Myanmar/Burma and repealing Decision 2010/232/CFSP (Consolidated 25 April 2020)</p>	<p>Article 4a: 3. Annex IV shall include:</p> <p>(a) natural persons from the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police responsible for serious human rights violations in Myanmar/Burma;</p> <p>(b) natural persons from the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police responsible for obstructing the provision of humanitarian assistance to civilians in need;</p> <p>(d) natural or legal persons, entities or bodies associated with the natural persons referred to in points (a) and (b).</p>	<p>EC Regulation No. 401/2013 and Council Decision 2013/184/CFSP set out the reasons by which individuals and entities may be sanctioned under the Myanmar (Burma) sanctions regime. Starvation-related crimes are not specifically referenced, however, general violations against human rights and obstruction of humanitarian assistance are included.</p> <p>On 23 April 2020, the Council of the EU decided to renew the restrictive measures until 30 April 2021.</p>
<p>Myanmar (Burm'a)</p>	<p>Designation of Ba Kyaw by the EU Council (21 December 2018)</p> <p>Status: Active</p>	<p>Ba Kyaw is a Staff Sergeant in the 564th Light Infantry Battalion ("LIB") of the Myanmar Armed Forces (Tatmadaw). He committed atrocities and serious human rights violations, including murder, deportation and torture, against the Rohingya population in Rakhine State in the second half of 2017. In particular, he has been identified as one of the key perpetrators of the Maung Nu massacre on 27 August 2017.</p>	<p>This sanctions designation directly responds to the 2017 human rights violations and massacres in Rakhine State. In March of 2018, the UN Assistant Secretary-General for Human Rights, Andrew Gilmour stated that the military crackdown resulted in a continued "campaign of terror and forced starvation" in the area.</p>

Myanmar (Burm'a)	Designation of Khin Hlaing by the EU Council (21 December 2018) Status: Active	Brigadier General Khin Hlaing is the former Commander of the 99th Light Infantry Division ("LID") and the current Commander of the North-eastern Command of the Myanmar Armed Forces (Tatmadaw). As the Commander of the 99th LID he oversaw military operations carried out in Shan State in 2016 and early 2017. In that context, he is responsible for the atrocities and serious human rights violations committed against ethnic minority villagers in Shan State in the second half of 2016 by the 99th LID. These include unlawful killings, forced detention and destruction of villages.	This sanctions designation directly responds to the 2016-2017 human rights violations and massacres in Shan State. In November of 2017, it was reported that refugees and displaced persons from Shan State have experienced high levels of starvation and food aid cuts.
Myanmar (Burm'a)	Designation of Thant Zaw Win by the EU Council (21 December 2018) Status: Active	Thant Zaw Win is a Major in the 564th Light Infantry Battalion ("LIB") of the Myanmar Armed Forces (Tatmadaw). In that capacity, he oversaw military operations carried out in Rakhine State and is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State by the 564th LIB, notably in and around Maung Nu village on 27 August 2017.	See the discussion above regarding the massacres and starvation in the Rakhine State.
Myanmar (Burm'a)	Designation of Nyi Nyi Swe by the EU Council (21 December 2018) Status: Active	Major General Nyi Nyi Swe is the former Commander of the Northern Command of the Myanmar Armed Forces (Tatmadaw). In that capacity, he is responsible for the atrocities and serious human rights violations committed in Kachin State from May 2016 to April 2018 (until his appointment as Commander of the South-western Command) by the Northern Command, including ill-treatment of civilians. He is also responsible for obstructing the provision of humanitarian assistance to civilians in need in Kachin State in that period, in particular the blocking of food transports.	This sanctions designation directly responds to the 2016-2018 human rights violations and obstruction of food and humanitarian assistance in Kachin State.
Myanmar (Burm'a)	Designations by the EU Council (25 June 2018) Status: Active	Aung Kyaw Zaw: Lieutenant General Aung Kyaw Zaw was the Commander of the Bureau of Special Operations No 3 of the Myanmar Armed Forces (Tatmadaw) from August 2015 to the end of 2017. Maung Maung Soe: Major General Maung Maung Soe was the Commander of the Western Command of the Myanmar Armed Forces (Tatmadaw) from October 2016 to 10 November 2017 and oversaw the military operations in Rakhine State. Than Oo: Brigadier General Than Oo was the Commander of the 99th Light Infantry Division of the Myanmar Armed Forces (Tatmadaw) until May 2018. Aung Aung: Brigadier General Aung Aung is the Commander of the 33rd Light Infantry Division of the Myanmar Armed Forces (Tatmadaw).	For each of these designations, the EU Regulations and Council Decision notes that each individual is responsible for the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State by the Western Command during that period. These include unlawful killings, sexual violence and the systematic burning of Rohingya houses and buildings.

		<p>Khin Maung Soe: Brigadier General Khin Maung Soe is the Commander of the Military Operation Command 15, also sometimes known as the 15th Light Infantry Division, of the Myanmar Armed Forces (Tatmadaw), under which Infantry Battalion No 564 falls.</p> <p>Thura San Lwin: Brigadier General Thura San Lwin was the Commander of the Border Guard Police from October 2016 until early October 2017.</p> <p>Thant Zin Oo: Thant Zin Oo is the Commander of the 8th Security Police Battalion.</p>	
Somalia	<p>Council Regulation (EU) No. 356/2010 of 26 April 2010 imposing certain specific restrictive measures directed against certain natural or legal persons, entities or bodies, in view of the situation in Somalia (Consolidated 6 April 2021)</p> <p>Council Decision 2010/231/CFSP of 26 April 2010 concerning restrictive measures against Somalia and repealing Common Position 2009/138/CFSP (Consolidated 6 April 2021)</p>	<p>Article 2: Annex I shall consist of natural or legal persons, entities or bodies designated by the Security Council or the Sanctions Committee as:</p> <ul style="list-style-type: none"> - engaging in, or providing support for, acts that threaten the peace, security or stability of Somalia, where such acts include, but are not limited to: (ii) acts that threaten the peace and reconciliation process in Somalia; - obstructing the delivery of humanitarian assistance to Somalia, or access to, or distribution of, humanitarian assistance in Somalia, - being responsible for violations of applicable international law in Somalia involving the targeting of civilians including children and women in situations of armed conflict, including killing and maiming, sexual and gender-based violence, attacks on schools and hospitals and abduction and forced displacement. 	<p>EC Regulation No. 356/2010 and Council Decision 2010/231/CFSP set out the reasons by which individuals and entities may be sanctioned under the Somalia sanctions regime. Starvation-related crimes are not specifically referenced, however, general violations against human rights, obstruction of humanitarian assistance, and the targeting of schools and hospitals and abduction and forced displacement are included.</p> <p>Humanitarian Exemptions: Article 4: Paragraphs 2(1) and 2(2) shall 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 specialised agencies or programmes, humanitarian organisations having observer status with the United Nations General Assembly that provide humanitarian assistance, and their implementing partners, including bilaterally or multilaterally funded NGOs participating in the United Nations Humanitarian Response Plan for Somalia.</p>
Somalia	<p>Designation of Abdifatah Abubakar Abdi by the EU Council (16 March 2018)</p> <p>Status: Active</p>	<p>In 2015, Abdifatah Abubakar Abdi was put on the Kenyan government's wanted list of terrorists known or suspected to be members of Al-Shabaab. Kenyan police report that Abdi recruits members for Al-Shabaab who provide support to Al-Shabaab, an entity listed on the United Nations Security Council Somalia and Eritrea sanctions list, inside Somalia and engages in acts that threaten the peace, security, or stability of Somalia.</p>	<p>Abdifatah Abubakar Abdi was designated by the UNSC on 8 March 2018 pursuant to resolution 1844 (2008).</p> <p>See GRC's UN Sanctions Digest. Specifically, see the discussion regarding starvation-related crimes by Al-Shabaab.</p>
Somalia	<p>Designation of Ahmad Iman Ali by the EU Council (16 March 2018)</p> <p>Status: Active</p>	<p>Ahmad Iman Ali is a prominent Kenyan Al-Shabaab commander who has served as the group's leader in Kenya since 2012. He is director of the group's Kenyan branch operations and routinely targets Kenyan AMISOM troops in Somalia, such as a January 2016 attack on Kenyan AMISOM troops in El Adde, Somalia.</p>	<p>Ahmad Iman Ali was designated by the UNSC on 8 March 2018 pursuant to resolution 1844 (2008).</p> <p>See GRC's UN Sanctions Digest. Specifically, see the discussion regarding starvation-related crimes by Al-Shabaab.</p>

<p>South Sudan</p>	<p>Council Regulation (EU) 2015/735 of 7 May 2015 concerning restrictive measures in respect of the situation in South Sudan, and repealing Regulation (EU) No 748/2014 (Consolidated 18 July 2019)</p> <p>Council Decision (CFSP) 2015/740 of 7 May 2015 concerning restrictive measures in view of the situation in South Sudan and repealing Decision 2014/449/CFSP (Consolidated 18 July 2019)</p>	<p>Article 5: 1. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex I shall be frozen. Annex I shall include natural or legal persons, entities and bodies identified by the Committee of the UN Security Council established pursuant to paragraph 16 of UNSCR 2206 (2015) ('Sanctions Committee') as responsible for or complicit in, or having engaged in, directly or indirectly, actions or policies that threaten the peace, security or stability of South Sudan, in accordance with paragraphs 6, 7, 8 and 12 of UNSCR 2206 (2015) and paragraph 14 of UNSCR 2428 (2018).</p> <p>2. All funds and economic resources belonging to, owned, held or controlled by any natural or legal person, entity or body as listed in Annex II shall be frozen. Annex II shall include natural or legal persons, entities and bodies which, in accordance with Article 6(1)(b) of Decision (CFSP) 2015/740, have been identified by the Council as being responsible for obstructing the political process in South Sudan, including by acts of violence or violations of ceasefire agreements, as well as persons responsible for serious violations of human rights in South Sudan, and natural or legal persons, entities or bodies associated with them.</p>	<p>EC Regulation No. 2015/735 and Council Decision 2015/740 set out the reasons by which individuals and entities may be sanctioned under the South Sudan sanctions regime. These include designation by the UNSC South Sudan sanctions committee.</p>
<p>South Sudan</p>	<p>Designation of Paul Malong Awan by the EU Council (17 July 2019)</p> <p>Status: Active</p>	<p>As Chief of General Staff of the SPLA, Paul Malong Awan expanded or extended the conflict in South Sudan through breaches of the Cessation of Hostilities Agreement and breaches of the 2015 Agreement on the Resolution of the Conflict in South Sudan (ARCSS). He ordered SPLA units to prevent the transport of humanitarian supplies. Under Malong's leadership, the SPLA attacked civilians, schools and hospitals; forced the displacement of civilians; carried out enforced disappearances; arbitrarily detained civilians; and conducted acts of torture, and rape. He mobilised the Mathiang Anyoor Dinka tribal militia, which uses child soldiers. Under his leadership, the SPLA restricted UNMISS, the Joint Monitoring and Evaluation Commission (JMEC), and CTSAMM access to sites to investigate and document abuses.</p>	<p>Paul Malong Awan was designated by the UNSC on 13 July 2018 pursuant to paragraphs 6, 7 (a), 7 (b), 7 (c), 7 (d), 7 (f), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), which includes: the targeting of civilians through the commission of acts of violence, forced displacement, or attacks on schools, hospitals, or locations where civilians are seeking refuge; the obstruction of the activities of international peacekeeping, diplomatic, or humanitarian missions in South Sudan. See GRC's UN Sanctions Digest.</p>
<p>South Sudan</p>	<p>Designation of Malek Ruben Riak by the EU Council (13 August 2018)</p> <p>Status: Active</p>	<p>As SPLA Deputy Chief of Staff for Logistics, Malek Ruben Riak was one of the senior officials of the Government of South Sudan who planned and oversaw an offensive in Unity state in 2015 that resulted in widespread destruction and large population displacement. Riak was identified by the UN Panel of Experts as a senior official responsible for planning and overseeing the execution of the government offensive in Unity state in April 2015. Serious human rights violations were committed, which included the systematic destruction of villages and infrastructure, the forced displacement of the local population, the indiscriminate killing and torturing of civilians, the widespread use of sexual violence, including against the elderly and children, and the abduction and recruitment of children as soldiers. This offensive, in the context of the ongoing peace talks between the government and the opposition, has obstructed the political process by acts of violence.</p>	<p>Malek Ruben Riak was designated by the UNSC on 13 July 2018 pursuant to paragraphs 6, 7 (a), and 8 of resolution 2206 (2015), as reaffirmed in resolution 2418 (2018), for "actions or policies that threaten the peace, security or stability of South Sudan"; "Actions or policies that have the purpose or effect of expanding or extending the conflict in South Sudan ...," and as a leader "of any entity, including any South Sudanese government, opposition, militia, or other group, that has, or whose members have, engaged in any of the activities described in paragraphs 6 and 7," and pursuant to paragraph 14 (e) of this resolution for "planning, directing, or committing acts involving sexual and gender-based violence in South Sudan". See GRC's UN Sanctions Digest.</p>



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