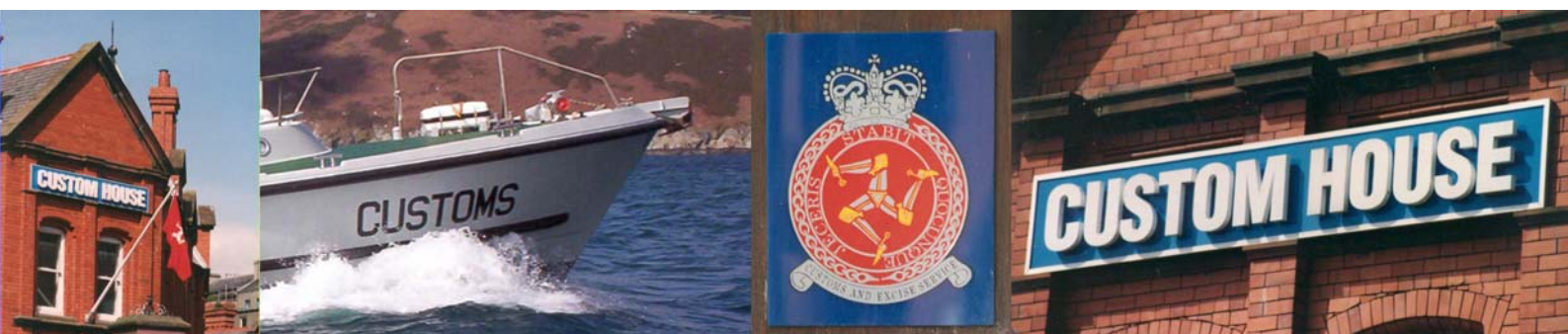


# Sanctions Notice 20

## European Union Sanctions

### Zimbabwe



July 2006  
(as amended to 11<sup>th</sup> March 2008)



**Isle of Man**  
Government

*Reilrys Ellan Vannin*

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# About this Notice

This Notice draws attention in convenient form to the Orders and Regulations made under the European Communities (Isle of Man) Act 1973 which place financial sanctions on certain named individuals and entities.

This Notice provides guidance on certain aspects only of the Orders and Regulations, and should be read in conjunction with those Orders and Regulations.

The Treasury has appointed its Customs and Excise Division to act for the purpose of enforcing financial sanctions. Accordingly, certain powers have been delegated by the Treasury to the Division.

The list of persons and entities subject to the sanctions may be found at:

[http://www.hm-treasury.gov.uk/documents/financial\\_services/sanctions/fin\\_sanctions\\_index.cfm](http://www.hm-treasury.gov.uk/documents/financial_services/sanctions/fin_sanctions_index.cfm)

Enquiries concerning this Notice should be addressed to the address given below and marked for the attention of the Sanctions Officer.

Enquiries may also be made by -

- facsimile transmission (01624 661725)
- Email ([customs@gov.im](mailto:customs@gov.im))
- Telephone (01624 648138)

The address for any enquiries or applications relating to this Notice is -

The Sanctions Officer  
The Treasury  
Customs and Excise Division  
PO Box 6  
Custom House  
North Quay  
Douglas  
Isle of Man  
IM99 1AG



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# Directions to all Financial Institutions

The Customs and Excise Division, as agent for the Treasury, **directs** all financial institutions that any funds which they hold for or on behalf of the individuals or entities named in the published lists must not be made available, except under the authority of a licence granted by the Treasury.

Financial institutions are requested to check whether they maintain any account for the individuals/entities named in the lists and, if so, they should freeze the accounts and report their findings to the Customs and Excise Division.

## Introduction

1. On 18 February 2002 the EU imposed various sanctions measures against named Ministers and officials of the Government of Zimbabwe. The measures were:-
  - an arms embargo,
  - a ban on technical assistance, financing and financial assistance related to military activities;
  - a ban on the supply of equipment that could be used for internal repression,
  - a visa ban for Ministers and officials and their spouses, and
  - a freeze of the assets belonging to the Ministers and officials.

The measures were imposed by means of Council Regulation 310/2002/EC and Common Positions. The original Common Position was imposed for an initial 12-month period.

2. In February 2004 the EU renewed and extended sanctions against Zimbabwe by means of Council Regulation 314/2004/EC. A new, longer list of persons subject to financial sanctions was included.
3. In June 2005 the EU extended the list of those affected by the sanctions by means of Commission Regulation (EC) No. 898/2005. And in January 2006 the EU extended the sanctions regime to 20 February 2007.
4. The arms embargo encompasses the sale, supply or transfer of arms and related material (including military vehicles, ammunition, paramilitary equipment, and spare



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parts), and technical advice, assistance or training related to military activities.

It also prohibits the sale or supply of equipment that could be used for internal repression.

These parts of the sanctions came into operation in the Island at the same time as in the UK and the rest of the EU (being customs measures applicable in the Island by virtue of Protocol 3).

5. The original financial sanctions were given effect in Island law by means of the European Communities (Zimbabwe Sanctions) (Application) Order 2002 [SD 139/02]. This Order came into operation on 28 February 2002.
6. On 19 April 2004 two new Statutory Documents were made -
  - SD 316/04 - European Communities (Zimbabwe Sanctions) (Application) Order 2004 - which gave effect to the revised EU sanctions in Council Regulation 314/2004/EC and revoked and replaced SD 139/02 (see paragraph 3 above);
  - SD 317/04 - Zimbabwe Sanctions Regulations 2004 - which provides for offences and penalties for breaches of the provisions of the EU sanctions in the Isle of Man, and replaces and revokes the Zimbabwe Sanctions (Freezing of Funds, Other Financial Assets or Economic Resources) Regulations 2002.
7. Most of the above measures are enforced in the Island by the Customs and Excise Division of the Treasury. The Division is also generally responsible for enforcing import and export control law in the Island. However, the visa ban is not a matter dealt with by Customs and Excise.
8. If you have any queries regarding trade or financial sanctions you should contact the Sanctions Officer at the address shown on page 2 of this Notice.
9. Regardless of whether any entity and/or person is named on any list issued by the Treasury, if any person or institution suspects that funds of any customer or client is or may be used for a criminal act, or is the proceeds of crime, or is or may be used for facilitating or providing material support for acts of terrorism, they must report their suspicions immediately to the Financial Crime Unit (FCU). Contact details are given at the end of this Notice.

### **Financial sanctions**

10. No funds, financial assets or economic resources should be made available, directly or indirectly, to or for the benefit of any of the persons listed.
11. All funds, financial assets or economic resources belonging to any person listed shall be frozen.
12. Subject to paragraphs 18 and 19 below, permission in writing, granted by or on behalf of the Treasury, is required for any person to make any payment or to make available any funds or other financial assets or resources to the persons subject to sanctions, or to any person or body acting on their behalf.

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13. The sanctions apply to any person within the Island, and to any body incorporated or constituted under the law of the Island.

14. All natural and legal persons, entities and bodies must co-operate with Customs and Excise, and provide any information required regarding compliance with the sanctions.

They must also notify Customs and Excise about any transaction or activity where there exists reasonable doubt about its compatibility with the sanctions imposed.

15. Applications for written permission should be made to the Sanctions Officer at the Customs & Excise Division. Contact details are given on page 2 of this Notice.

### **Definitions**

16. For the purpose of the Regulation -

(a) "funds, financial assets or economic resources" means -

assets of every kind, whether tangible or intangible, moveable or immovable, however acquired, and legal documents or instruments in any form, including electronic or digital, evidencing title to, or interest in, such assets, including, but not limited to, bank credits, travellers' cheques, bank cheques, money orders, shares, securities, bonds, drafts and letters of credit.

(b) "freezing of funds" means -

preventing any move, transfer, alteration, use of 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 use of the funds, including portfolio management.

The definitions are therefore drawn so broadly as to include virtually all forms of asset, actual or potential. Therefore, persons should assume that any dealings with anyone included in the lists may be prohibited.

### **Frozen accounts**

17. Any blocked assets or accounts held by or for any of the persons or entities named in the Annexes to this Notice are to be designated "Frozen Accounts". Details of any such frozen accounts should be notified to the Sanctions Officer at Customs and Excise.

18. Credits can be made to frozen accounts on the condition that any additions shall also be frozen.

19. Frozen funds may be used for the following purposes -

(a) essential human needs of one of the persons listed in the Annex, such as payments for foodstuffs, medicines, the rent or mortgage for the family residence and fees and charges concerning medical treatment of members of

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that family, to be fulfilled within the European Community or Isle of Man;

- (b) payment of taxes, compulsory insurance premiums and fees for public utility services such as gas, water, electricity and telecommunications to be paid in the European Community or Isle of Man;
- (c) payment of charges due to a financial institution in the European Community or the Isle of Man for the maintenance of accounts.

Release of funds for any of these purposes must be notified to the Sanctions Officer in writing or email, at the address shown on page 2 of this Notice.

Conclusive evidence that the payments met the conditions and were used for the purposes laid out in (a) to (c) above must be retained for at least 5 years, and must be made available on request for inspection by any officer of Customs and Excise.

20. (a) Other payments from frozen accounts, or
- (b) the making available of any funds or other financial assets or resources to the persons subject to sanctions, or to any person or body acting on their behalf,
- is allowed only with the written permission of the Treasury.

### **Contacting the FCU**

21. The FCU can be contacted at:-

PO Box 51  
Douglas  
Isle of Man  
IM99 2TD

Tel: (01624) 686000  
Fax: (01624) 686039  
Email: [fcu@gov.im](mailto:fcu@gov.im)

### **Amendments to this Notice**

22. In its application in the Isle of Man Council Regulation (EC) No. 314/2004 references to its Annexes means as they are from time to time amended.

### **Isle of Man Customs and Excise Website**

Amendments to these sanctions will be advised by means of news releases which will be published on the official Isle of Man Government website at <http://www.gov.im/>

The Isle of Man Customs and Excise website will contain details of all current sanctions, news releases and links to relevant lists <http://www.gov.im/treasury/customs/>

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Email: [customs@gov.im](mailto:customs@gov.im)

This document can be provided in large print or audio tape on request

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