

(Acts adopted under Title V of the Treaty on European Union)

COUNCIL COMMON POSITION 2005/888/CFSP

of 12 December 2005

concerning specific restrictive measures against certain persons suspected of involvement in the assassination of former Lebanese Prime Minister Rafiq Hariri

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 15 thereof,

Whereas:

- (1) On 31 October 2005, the United Nations Security Council adopted Resolution 1636 (2005), (UNSCR 1636 (2005)) acknowledging the report of the UN International Investigation Commission chaired by Mr Detlev Mehlis on the 14 February 2005 terrorist bombing in Beirut, Lebanon, that killed 23 people, including former Lebanese Prime Minister Rafiq Hariri, and caused injury to dozens of people (the Investigation Commission).
- (2) UNSCR 1636 (2005) imposes measures to prevent the entry into or transit through Member States' territories of, and the freezing of funds and economic resources of, persons registered by the Committee of the Security Council established by paragraph 3(b) of UNSCR 1636 (2005) (the Committee) as suspected of involvement in the planning, sponsoring, organising or perpetrating of the terrorist bombing.
- (3) On 7 November 2005, the Council adopted its conclusions on Syria and Lebanon. The Council deplored the clear indication that Syria had not cooperated fully with the investigating team and called upon Syria to cooperate unconditionally with the investigators.
- (4) Action by the Community is needed in order to implement certain measures,

HAS ADOPTED THIS COMMON POSITION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of the natural persons listed in the Annex to this Common Position.

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

3. Paragraph 1 shall not apply where the Committee determines, in advance and on a case by case basis, that such travel is justified on the grounds of humanitarian need, including religious obligation, or where the Committee concludes that an exemption would further the objectives of UNSCR 1636 (2005).

4. In cases where, pursuant to paragraph 3 and in line with the determinations of the Committee, 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 thereby.

Article 2

1. All funds and economic resources belonging to, owned, held or controlled by the natural persons listed in the Annex, or held by entities owned or controlled directly or indirectly by such persons or by any persons acting on their behalf or at their direction, 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 the persons and entities listed in the Annex.

3. Provided they have been approved by the Committee, exemptions may be made for funds and economic resources which are:

(a) necessary for basic expenses, including payments for food-stuffs, 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.

4. Paragraph 2 shall not apply to the addition to frozen accounts of interest or other earnings on those accounts, provided that any such interest and other earnings continue to be subject to paragraph 1.

Article 3

1. Member States shall ensure, in accordance with applicable law, that if a natural person listed in the Annex is found within their territory, such person be available for interview by the Investigation Commission if that Commission so requests.

2. Member States shall cooperate fully, in accordance with applicable law, with any international investigation related to the funds or economic resources or financial transactions of persons or entities listed in the Annex, including through sharing of financial information.

Article 4

The Council shall establish the list of relevant persons and related entities and persons contained in the Annex and implement any modifications thereof on the basis of the determinations made by the Committee.

Article 5

This Common Position shall take effect on the date of its adoption.

Article 6

This Common Position shall be published in the *Official Journal of the European Union*.

Done at Brussels, 12 December 2005.

For the Council
The President
J. STRAW

ANNEX

List of natural persons and entities referred to in Articles 1, 2 and 3

(Annex to be completed after the persons and entities have been registered by the Committee established by paragraph 3(b) of UNSCR 1636 (2005))
