



2024/385

19.1.2024

COUNCIL DECISION (CFSP) 2024/385

of 19 January 2024

**establishing restrictive measures against those who support, facilitate or enable violent actions by
 Hamas and the Palestinian Islamic Jihad**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 21 September 2001, the European Council declared that terrorism is a real challenge to the world and to Europe and decided that the fight against terrorism will be a priority objective of the Union. On 19 October 2001, the European Council declared that it was determined to combat terrorism in every form throughout the world and that it would continue its efforts to strengthen the coalition of the international community to combat terrorism in every shape and form.
- (2) On 27 December 2001, the Council adopted Common Position 2001/931/CFSP⁽¹⁾, which implements United Nations Security Council Resolution 1373(2001) laying out wide-ranging strategies to combat terrorism and in particular the fight against the financing of terrorism. Common Position 2001/931/CFSP provides for the freezing of funds and other financial assets or economic resources of persons, groups and entities listed in the Annex thereto, and provides that funds, financial assets or economic resources or financial or other related services are not to be made available, directly or indirectly, for the benefit of persons, groups and entities listed in that Annex.
- (3) Since 27 December 2001, the Annex to Common Position 2001/931/CFSP has included Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas) and the Palestinian Islamic Jihad ('PIJ') as terrorist groups. On 12 September 2003, the Council adopted Common Position 2003/651/CFSP⁽²⁾, which updated the Annex to Common Position 2001/931/CFSP and replaced the entry for Hamas-Izz al-Din al-Qassem (terrorist wing of Hamas) with Hamas (including Hamas-Izz al-Din al-Qassem) ('Hamas') in the list of groups and entities involved in terrorist acts.
- (4) The listing of Hamas and PIJ has been reviewed several times pursuant to Article 1(6) of Common Position 2001/931/CFSP, and the restrictive measures applicable to them remain in force.
- (5) The Union provides financial assistance for development, including support programmes, to the Palestinian population, the Palestinian Authority and the United Nations Relief and Works Agency for Palestine Refugees in the Near East. The Commission has conducted a review of its ongoing financial assistance, which showed that the Commission's existing controls and safeguards work well and that no Union funds finance, directly or indirectly, any terrorist organisation.
- (6) On 7 October 2023, the High Representative of the Union for Foreign Affairs and Security Policy issued a statement on behalf of the European Union on the attacks against Israel, condemning in the strongest possible terms the multiple and indiscriminate attacks across Israel by Hamas and deeply deploring the loss of lives.
- (7) In its conclusions of 26 and 27 October 2023, the European Council reiterated its condemnation in the strongest possible terms of Hamas for its brutal and indiscriminate terrorist attacks across Israel.

⁽¹⁾ Council Common Position 2001/931/CFSP of 27 December 2001 on the application of specific measures to combat terrorism (OJ L 344, 28.12.2001, p. 93).

⁽²⁾ Council Common Position 2003/651/CFSP of 12 September 2003 updating Common Position 2001/931/CFSP on the application of specific measures to combat terrorism and repealing Common Position 2003/482/CFSP (OJ L 229, 13.9.2003, p. 42).

- (8) Hamas and PIJ constitute a threat to international peace and security, including by undermining or threatening the stability or security of Israel within its internationally recognised borders, as referred to in the Council conclusions of 10 December 2012 on the Middle East Peace Process. The violent actions by Hamas and PIJ constitute serious violations of international humanitarian law and of human rights law.
- (9) In view of the gravity of the recent attacks against Israel and the need to counter acts that threaten international peace and security, it is appropriate to establish restrictive measures against those who support, facilitate or enable violent actions by Hamas and PIJ, in accordance with the criteria set out in this Decision. Such restrictive measures fall within the objectives of the Union's common foreign and security policy as set out in Article 21(2), points (b) and (c), of the Treaty on European Union.
- (10) Further action by the Union is needed in order to implement certain measures,

HAS ADOPTED THIS DECISION:

Article 1

1. Member States shall take the necessary measures to prevent the entry into, or transit through, their territories of natural persons:

- (a) supporting, materially or financially, Hamas, the Palestinian Islamic Jihad ('PIJ'), any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (b) participating in the financing of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof, or in the financing of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of them;
- (c) participating in the planning, preparation or enabling of violent actions by, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (d) supplying, selling or transferring arms and related materiel to Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (e) supporting, materially or financially, or implementing actions which undermine or threaten the stability or security of Israel, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (f) being involved or complicit in ordering or committing serious violations of international humanitarian law or human rights law on behalf or in the name of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (g) inciting or publicly provoking acts of serious violence by, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
- (h) providing support to natural or legal persons, groups, entities or bodies engaged in activities referred to in points (a) to (g);

as listed in the Annex.

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

3. Paragraph 1 shall be without prejudice to the cases where a Member State is bound by an obligation of international law, namely:

- (a) as a host country of an international intergovernmental organisation;
- (b) as a host country to an international conference convened by, or under the auspices of, the United Nations;
- (c) under a multilateral agreement conferring privileges and immunities; or
- (d) pursuant to the 1929 Treaty of Conciliation (Lateran Pact) concluded by the Holy See (Vatican City State) and Italy.

4. Paragraph 3 shall also apply in cases where a Member State is the host country of the Organization for Security and Co-operation in Europe (OSCE).
5. The Council shall be duly informed in all cases where a Member State grants an exemption pursuant to paragraph 3 or 4.
6. Member States may grant exemptions from the measures imposed under paragraph 1 where travel is justified on the grounds of urgent humanitarian need, or on grounds of attending intergovernmental meetings or meetings promoted or hosted by the Union, or hosted by a Member State holding the Chairmanship in office of the OSCE, where a political dialogue is conducted that directly promotes the policy objectives of restrictive measures.
7. Member States may also grant exemptions from the measures imposed under paragraph 1 where entry or transit is necessary for the fulfilment of a judicial process.
8. A Member State wishing to grant exemptions referred to in paragraph 6 or 7 shall notify the Council in writing. The exemption shall be deemed to be granted unless one or more of the Council members raises an objection in writing within two working days of receiving notification of the proposed exemption. Should one or more of the Council members raise an objection, the Council, acting by a qualified majority, may decide to grant the proposed exemption.
9. Where, pursuant to paragraph 3, 4, 6, 7 or 8, a Member State authorises the entry into, or transit through, its territory of natural persons listed in the Annex, the authorisation shall be strictly limited to the purpose for which it is given and to the natural persons directly concerned thereby.

Article 2

1. All funds, other financial assets and economic resources owned or controlled, directly or indirectly, by natural or legal persons, groups, entities and bodies:
 - (a) supporting, materially or financially, Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (b) participating in the financing of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof, or in the financing of acts or activities by, in conjunction with, under the name of, on behalf of, or in support of them;
 - (c) participating in the planning, preparation or enabling of violent actions by, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (d) supplying, selling or transferring arms and related materiel to Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (e) supporting, materially or financially, or implementing actions which undermine or threaten the stability or security of Israel, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (f) being involved or complicit in ordering or committing serious violations of international humanitarian law or human rights law on behalf or in the name of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (g) inciting or publicly provoking acts of serious violence by, in conjunction with, under the name of, on behalf of, or in support of Hamas, PIJ, any other affiliated group or any cell, affiliate, splinter group or derivative thereof;
 - (h) providing support to natural or legal persons, groups, entities or bodies engaged in activities referred to in points (a) to (g):

as listed in the Annex, shall be frozen.

2. No funds, other financial assets or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, groups, entities and bodies listed in the Annex.

3. By way of derogation from paragraphs 1 and 2, 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, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:

- (a) necessary to satisfy the basic needs of the persons listed in the Annex and their dependent family members, including payments for foodstuffs, rent or mortgages, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for the payment of reasonable professional fees and the reimbursement of incurred expenses associated with the provision of legal services;
- (c) intended exclusively for the payment of fees or service charges for the routine holding or maintenance of frozen funds or economic resources;
- (d) necessary for extraordinary expenses, provided that the competent authority concerned has notified the competent authorities of the other Member States and the Commission of the grounds on which it considers that a specific authorisation should be granted at least two weeks prior to the authorisation; or
- (e) to be paid into or from an account of a diplomatic or consular mission or an international organisation enjoying immunities in accordance with international law, insofar as such payments are intended to be used for official purposes of the diplomatic or consular mission or international organisation.

The Member State concerned shall inform the other Member States and the Commission of any authorisation granted under this paragraph within two weeks of such authorisation.

4. By way of derogation from paragraph 1, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, provided that the following conditions are met:

- (a) the funds or economic resources are subject of an arbitral decision rendered prior to the date on which the natural or legal person, group, entity or body referred to in paragraph 1 was listed in the Annex, of a judicial or administrative decision rendered in the Union, or a judicial decision enforceable in the Member State concerned, prior to, on or after that date;
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a decision or recognised as valid in such a decision, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the decision is not for the benefit of a natural or legal person, group, entity or body listed in the Annex; and
- (d) recognising the decision is not contrary to public policy in the Member State concerned.

The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this paragraph within two weeks of such authorisation.

5. Paragraph 1 shall not prevent a designated natural or legal person, group, entity or body from making a payment due under a contract entered into before the listing of such a natural or legal person, group, entity or body, provided that the relevant Member State has determined that the payment is not directly or indirectly received by a natural or legal person, group, entity or body referred to in paragraph 1.

6. Paragraph 2 shall not apply to the addition to frozen accounts of:

- (a) interest or other earnings on those accounts, provided that such interest or other earnings remain subject to the measures provided for in paragraph 1;
- (b) payments due under contracts, agreements or obligations that were concluded or that arose prior to the date on which those accounts became subject to the measures provided for in paragraphs 1 and 2, provided that such payments remain subject to the measures provided for in paragraph 1; or
- (c) payments due under judicial, administrative or arbitral decisions rendered in the Union or enforceable in the Member State concerned, provided that such payments remain subject to the measures provided for in paragraph 1.

7. Paragraphs 1 and 2 shall not apply to the provision, processing or payment of funds, other financial assets or economic resources or to the provision of goods and services which are necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs where such assistance and other activities are carried out by:

- (a) the United Nations, including its programmes, funds and other entities and bodies, as well as its specialised agencies and related organisations;
- (b) international organisations;
- (c) humanitarian organisations having observer status with the United Nations General Assembly and members of those humanitarian organisations;
- (d) bilaterally or multilaterally funded non-governmental organisations participating in the United Nations Humanitarian Response Plans, Refugee Response Plans, other United Nations appeals or humanitarian clusters coordinated by the United Nations Office for the Coordination of Humanitarian Affairs;
- (e) organisations and agencies to which the Union has granted the Humanitarian Partnership Certificate or which are certified or recognised by a Member State in accordance with national procedures;
- (f) Member States' specialised agencies; or
- (g) the employees, grantees, subsidiaries, or implementing partners of the entities referred to in points (a) to (f) while and to the extent that they are acting in those capacities.

8. Without prejudice to paragraph 7, and by way of derogation from paragraphs 1 and 2, the competent authorities of a Member State may authorise the release of certain frozen funds or economic resources, or the making available of certain funds or economic resources, under such conditions as they deem appropriate, after having determined that the provision of such funds or economic resources is necessary to ensure the timely delivery of humanitarian assistance or to support other activities that support basic human needs.

9. In the absence of a negative decision, a request for information or a notification for additional time from the competent authority within five working days of the date of receipt of a request for authorisation under paragraph 8, the authorisation shall be considered granted.

The Member State concerned shall inform the other Member States and the Commission of any authorisations granted under this Article within four weeks of the authorisation.

Article 3

1. The Council, acting by unanimity, upon a proposal from a Member State or from the High Representative of the Union for Foreign Affairs and Security Policy (the 'High Representative'), shall establish and amend the list in the Annex.

2. The Council shall communicate the decision pursuant to paragraph 1, including the statement of reasons, to the natural or legal person, group, entity or body concerned, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, group, entity or body with an opportunity to present observations.

3. Where observations are submitted, or where substantial new evidence is presented, the Council shall review the decision pursuant to paragraph 1 and inform the natural or legal person, group, entity or body concerned accordingly.

Article 4

1. The Annex shall include the grounds for listing the natural and legal persons, groups, entities and bodies referred to in Articles 1 and 2.

2. The Annex shall contain, where available, the information necessary to identify the natural or legal persons, groups, entities or bodies concerned. With regard to natural persons, such information may include: names and aliases; date and place of birth; nationality; passport and identity card numbers; gender; address, if known; and function or profession. With regard to legal persons, groups, entities or bodies, such information may include: names; place and date of registration; registration number; and place of business.

Article 5

1. The Council and the High Representative may process personal data in order to carry out their tasks under this Decision, in particular:

- (a) as regards the Council, for preparing and making amendments to the Annex;
- (b) as regards the High Representative, for preparing amendments to the Annex.

2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of the Annex.

3. For the purposes of this Decision, the Council and the High Representative are designated as ‘controllers’ within the meaning of Article 3, point 8, of Regulation (EU) 2018/1725 of the European Parliament and of the Council ⁽³⁾, in order to ensure that the natural persons concerned can exercise their rights under that Regulation.

Article 6

1. No claims in connection with any contract or transaction the performance of which has been affected, directly or indirectly, in whole or in part, by the measures imposed under this Decision, including claims for indemnity or any other claim of this type, such as a claim for compensation or a claim under a guarantee, in particular a claim for extension or payment of a bond, guarantee or indemnity, in particular a financial guarantee or financial indemnity, of whatever form, shall be satisfied, if they are made by:

- (a) designated natural or legal persons, groups, entities or bodies listed in the Annex;
- (b) any natural or legal person, group, entity or body acting through or on behalf of one of the natural or legal persons, groups, entities or bodies referred to in point (a).

2. In any proceedings for the enforcement of a claim, the onus of proving that satisfying the claim is not prohibited by paragraph 1 shall be on the natural or legal person, group, entity or body seeking the enforcement of that claim.

3. This Article is without prejudice to the right of the natural or legal persons, groups, entities and bodies referred to in paragraph 1 to judicial review of the legality of the non-performance of contractual obligations in accordance with this Decision.

Article 7

It shall be prohibited to participate, knowingly or intentionally, in activities the object or effect of which is to circumvent the prohibitions set out in this Decision.

⁽³⁾ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

Article 8

In order to maximise the impact of the measures set out in this Decision, the Union shall encourage third States to adopt restrictive measures similar to those provided for in this Decision.

Article 9

This Decision shall apply until 20 January 2025.

This Decision shall be kept under constant review. It shall be renewed, or amended as appropriate, if the Council deems that its objectives have not been met.

The exceptions referred to in Article 2(7), (8) and (9) as regards Article 2(1) and (2) shall be reviewed at regular intervals and at least every 12 months or, following a fundamental change in circumstances, at the urgent request of any Member State, the High Representative, or the Commission.

Article 10

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 19 January 2024.

For the Council

The President

H. LAHBIB

List of natural or legal persons, groups, entities and bodies referred to in Articles 1 and 2

A. Natural persons

	Name	Identifying information	Statement of reasons	Date of listing
1.	Abdelbasit Elhassan Mohamed Khair HAMZA	DOB: 28.8.1955 POB: Sudan Nationality: Sudanese Passport no: 10100159792 (Sudan) Gender: male	Abdelbasit Elhassan Mohamed Khair Hamza is a Sudan-based Hamas financier who manages companies in Hamas' investment portfolio. Abdelbasit Elhassan Mohamed Khair Hamza has facilitated funds for Hamas through a network of companies, including, in particular, Al Rowad Real Estate Development and Al Zawaya Group for Development and Investment. Thus, Abdelbasit Elhassan Mohamed Khair Hamza participates in the financing of Hamas.	19.1.2024
2.	Nabil Khaled Halil CHOUMAN	DOB: 1954 POB: Lebanon Nationality: Lebanese Gender: male Function: Founder and shareholder of the Chouman (Shuman) Group / Shuman for Currency Exchange SARL	Nabil Khaled Halil Chouman is the owner of Shuman for Currency Exchange SARL, based in Beirut, Lebanon, which has been used to launder and transfer money to Hamas, including from Iran. The sums of money transferred to Hamas through Shuman for Currency Exchange SARL are estimated at tens of millions of USD. Thus, Nabil Khaled Halil Chouman participates in the financing of Hamas.	19.1.2024
3.	Khaled CHOUMAN a.k.a. Khaled SHUMAN	DOB: 2.4.1987 POB: Lebanon Nationality: Lebanese Gender: male Function: Money Changer at the Chouman (Shuman) Group / Shuman for Currency Exchange SARL	Khaled Chouman works as a money changer for Shuman for Currency Exchange SARL, a company owned by his father and based in Beirut, Lebanon. The company has been used to launder and transfer money to Hamas, including from Iran. The sums of money transferred to Hamas through Shuman for Currency Exchange SARL are estimated at tens of millions of USD. Thus, Khaled Chouman participates in the financing of Hamas.	19.1.2024

	Name	Identifying information	Statement of reasons	Date of listing
4.	Rida Ali KHAMIS (رضا علي خميس) a.k.a. Reda Ali KHAMIS	DOB: 2.9.1967 Nationality: Lebanese Passport or ID number: 3194104 (Lebanon) Gender: male Function: business partner of the Chouman (Shuman) Group / Shuman for Currency Exchange SARL	Rida Ali Khamis is involved in currency exchange enabling the laundering and transfer of money to Hamas, in particular through the companies Shuman for Currency Exchange SARL and Al-Wasata SARL. Thus, Rida Ali Khamis participates in the financing of Hamas.	19.1.2024
5.	Musa Muhammad Salim DUDIN (موسى دودين; موسى محمد سالم دودين) a.k.a. Mousa DOUDIN; Mousa DUDIN; Musa DUDIN; Musa Muhammad Salim DODIN; Musa Muhammad Salim DOUDIN; Mussa DODIN; Mussa DUDIN	DOB: 12.6.1972 POB: Dura, Hebron Nationality: Palestinian Gender: male Function: Member of Hamas political bureau	Musa Muhammad Salim Dudin is a senior Hamas operative and member of the Hamas political bureau. In this capacity, he has frequently made public statements on behalf of the organisation. Furthermore, as a member of the Hamas investment office, he has been involved in financing operations for the organisation. Thus, Musa Muhammad Salim Dudin participates in the financing of Hamas.	19.1.2024
6.	Aiman Ahmad AL-DUWAIK a.k.a. Aiman Ahmad R AL-DUWAIK; Aiman Ahmad Rashed AL-DUWAIK; Ayman AL-DUWAIK	DOB: 24.9.1962 Nationality: Jordanian Gender: male Function: CEO of Sidar Company, CEO of Anda Turk	Aiman Ahmad Al-Duwaik is an Algeria-based financier for Hamas who helps run the organisation's overseas investment portfolio. In particular, he is the CEO and a shareholder of the Algerian company Sidar, the CEO of Turkish company Anda Turk, a shareholder of the Sudan-based company Al Rowad Real Estate Development, and a member of the board of directors of construction company Uzmanlar Co. These companies are part of Hamas' international financing network. Thus, Aiman Ahmad Al-Duwaik participates in the financing of Hamas.	19.1.2024