Council Implementing Regulation (EU) 2020/116 of 27 January 2020 implementing Article 12(1) of Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali

COUNCIL IMPLEMENTING REGULATION (EU) 2020/116

of 27 January 2020

implementing Article 12(1) of Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) 2017/1770 of 28 September 2017 concerning restrictive measures in view of the situation in Mali[(1)] and in particular Article 12(1) thereof,

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

Whereas:

(1) On 28 September 2017, the Council adopted Regulation (EU) 2017/1770.

(2) On 14 January 2020, the United Nations Security Council Sanctions Committee established by paragraph 9 of United Nations Security Council Resolution 2374 (2017) amended the listings of five persons to which the asset freeze applies.

(3) Annex I to Regulation (EU) 2017/1770 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) 2017/1770 is amended as set out in the Annex to this Regulation.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 27 January 2020.

For the Council

The President

M. VUČKOVIĆ.

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/116. (See end of Document for details)*

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ANNEX

In Annex I to Regulation (EU) 2017/1770, entries 1, 2, 3, 4 and 5 are replaced by the following:

1. **AHMED AG ALBACHAR (alias: Intahmado Ag Albachar)**

Designation: President of the Humanitarian Commission of the Bureau Regional d'Administration et Gestion de Kidal

Date of birth: 31 Dec. 1963

Place of birth: Tin-Essako, Kidal region, Mali

Nationality: Mali

National identification no: 1 63 08 4 01 001 005E

Address: Quartier Aliou, Kidal, Mali

Date of UN designation: 10 July 2019 (amended on 19 Dec. 2019)

Other information: Ahmed Ag Albachar is a prominent businessman and, since early 2018, a special advisor to the Governor of Kidal region. An influential member of the Haut Conseil pour l'unité de l'Azawad (HCUA), belonging to the Ifoghas Tuareg community, Ahmed Ag Albachar also mediates relations between the Coordination des Mouvements de l'Azawad (CMA) and Ansar Dine (QDe.135). Listed pursuant to paragraphs 1 to 3 of Security Council resolution 2374 (2017) (Travel Ban, Asset Freeze).

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Additional information

Ahmed Ag Albachar is being listed pursuant to paragraph 8 (b) of resolution 2374 (2017) for actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement; and paragraph 8 (e) of resolution 2374 (2017) for obstructing the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali.

In January Ag Albachar uses his influence to control and choose which humanitarian and development projects take place in the Kidal region, who implements them, where and when. No humanitarian action can be undertaken without his knowledge and approval. As self-proclaimed president of the humanitarian commission, Ag Albachar is in charge of granting residence and work permits of aid workers in exchange for money or services. The commission also controls which companies and individuals can participate in bids for projects that NGOs advertise in Kidal, granting Ag Albachar the power to manipulate humanitarian action in the region and choose those who work for NGOs. Aid distributions can only be conducted under his oversight, thereby influencing who benefits from the distributions.

Additionally, Albachar uses unemployed youths to intimidate and extort NGOs, severely hindering their work. The humanitarian community at large works in fear in Kidal, but especially national staff who are more vulnerable.

Ahmed Ag Albachar is also the co-owner of Timitrine Voyage transport company; one of the few transport companies that NGOs are authorised to use in Kidal. Ag Albachar, together with a dozen of other transport companies owned by a small clique of influential Ifoghas Tuareg notables, usurps a significant share of humanitarian aid in Kidal. Moreover, the monopoly

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/116. (See end of Document for details)*

position maintained by Ag Albachar, renders aid delivery in certain communities more difficult than others.

Albachar is manipulating humanitarian aid to fulfil his personal interests and the political interests of the HCUA by exercising terror, threatening NGOs and controlling their operations, all of which results in obstruction and hindrance of aid affecting beneficiaries in need in the region of Kidal. Therefore, Ahmed Ag Albachar obstructs the delivery of humanitarian assistance to Mali, or access to, or distribution of, humanitarian assistance in Mali.

His actions also violate article 49 of the Agreement on Peace and Reconciliation in Mali that commits parties to respect the principles of humanity, neutrality, impartiality and independence which guide humanitarian action, to prevent any use of humanitarian aid for political, economic or military ends, and to facilitate access for humanitarian agencies and guarantee the security of their personnel. Therefore, Albachar obstructs or threatens the implementation of the Agreement.

2. **HOUKA HOUKA AG ALHOUSSEINI (alias: a) Mohamed Ibn Alhousseyni b) Muhammad Ibn Al-Husayn c) Houka Houka)**

Title: Cadi

Date of birth: a) 1 Jan. 1962 b) 1 Jan. 1963 c) 1 Jan. 1964

Place of birth: Ariaw, Tombouctou region, Mali

Nationality: Mali

Date of UN designation: 10 July 2019 (amended on 19 Dec. 2019)

Other information: Houka Houka Ag Alhousseini was appointed by Iyad Ag Ghaly (QDi.316) as the Cadi of Timbuktu in April 2012 after the establishment of the jihadist caliphate in northern Mali.

Houka Houka used to work closely with the Hesbah, the Islamic police headed by Ahmad Al Faqi Al Mahdi, jailed at the Detention Centre of the International Criminal Court in The Hague since September 2016. Listed pursuant to paragraphs 1 to 3 of Security Council resolution 2374 (2017) (Travel Ban, Asset Freeze).

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Houka Houka Ag Alhousseini is being listed pursuant to paragraph 8 (b) of resolution 2374 (2017) for actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement.

After the French forces intervention in January 2013, Houka Houka Ag Alhousseini was arrested on 17 January 2014 but subsequently released by Malian authorities on 15 August 2014, a liberation denounced by human rights organisations.

Houka Houka Ag Alhousseini has been since based in Ariaw, in the area of Zouéra, a village located west of Timbuktu (Essakane commune), on the bank of the lake Faguibine going towards the Mauritanian border. On 27 September 2017, he was officially reinstated here as a teacher by the Governor of Timbuktu, Koina Ag Ahmadou, this after lobbying by sanctioned individual Mohamed Ousmane Ag Mohamidoune (MLi.003), leader of the Coalition du peuple de l'Azawad (CPA), listed on 20 December 2018 by the Security Council Committee on

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Mali for reasons including actions taken that obstruct, or that obstruct by prolonged delay, or that threaten the implementation of the Agreement. Mohamed Ousmane founded in 2017 and presided a broader alliance of splinter groups, the Coalition des Mouvements de l'Entente (CME). During its founding convention, the CME openly threatened in an official statement the implementation of the Agreement on Peace and Reconciliation in Mali. The CME has been also involved in obstructions delaying the implementation of the Agreement, by pressuring the Malian government and the international community with the aim to impose the CME in the different mechanisms established by the Agreement.

Houka Houka and Mohamed Ousmane have been instrumental to each others' rise, the latter facilitating meetings with government officials, and the first playing a key role in the expansion of Ousmane's influence over the region of Timbuktu. Houka Houka has participated in most of the community gatherings organized by Mohamed Ousmane since 2017, contributing to Ousmane's notoriety and credibility in the region, as well as to the founding ceremony of the Coalition des Mouvements de l'Entente (CME) to which he gave his public blessing.

The area of influence of Houka Houka has recently expanded further east, to the Ber region (stronghold of the Bérabich Arabs located 50 kilometres east of Timbuktu), and northern Timbuktu. Even though he is not from a lineage of Cadis and that he started only in 2012, Houka Houka was able to extend his authority as a Cadi and his capacity to maintain public security in certain areas by using Al-Furqan assets and the fear that this terrorist organisation instigates in the Timbuktu region through complex attacks against international and Malian defence and security forces and targeted assassinations.

Therefore, through his support for Mohamed Ousmane and his obstruction of the Agreement, Houka Houka Ag Alhousseini threatens its implementation, as well as the peace, security, and stability in Mali at large.

3. **MAHRI SIDI AMAR BEN DAHA (alias: a) Yoro Ould Daha b) Yoro Ould Daya c) Sidi Amar Ould Daha d) Yoro)**

Designation: Deputy chief of staff of the regional coordination of the Mécanisme opérationnel de coordination (MOC) in Gao

Date of birth: 1 Jan. 1978

Place of birth: Djebock, Mali

Nationality: Mali

National identification no: 11262/1547

Address: Golf Rue 708 Door 345, Gao, Mali

Date of UN designation: 10 July 2019 (amended on 19 Dec. 2019)

Other information: Mahri Sidi Amar Ben Daha is a leader of the Lehmar

Arab community of Gao and military chief of staff of the pro-governmental wing of the Mouvement Arabe de l'Azawad (MAA), associated to the Plateforme des mouvements du 14 juin 2014 d'Alger (Plateforme) coalition. Listed pursuant to paragraphs 1 to 3 of Security Council resolution 2374 (2017) (Travel Ban, Asset Freeze).

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