Council Decision (CFSP) 2018/2054 of 21 December 2018 amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma

COUNCIL DECISION (CFSP) 2018/2054

of 21 December 2018

amending Decision 2013/184/CFSP concerning restrictive measures against Myanmar/Burma

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 22 April 2013, the Council adopted Decision 2013/184/CFSP[(1)] concerning restrictive measures against Myanmar/Burma.

(2) On 26 April 2018, the Council adopted Decision (CFSP) 2018/655[(2)] which provides for a legal framework for targeted restrictive measures against certain natural persons from the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police responsible for serious human rights violations, for obstructing the provision of humanitarian assistance to civilians in need and for obstructing the conduct of independent investigations into alleged serious human rights violations or abuses.

(3) On 25 June 2018, the Council adopted Decision (CFSP) 2018/900[(3)] which designated seven high-ranking Myanmar Armed Forces (Tatmadaw) and Border Guard Police officials because of their involvement in or association with the atrocities and serious human rights violations committed against the Rohingya population in Rakhine State.

(4) On 17 September 2018, the independent international Fact-Finding Mission (FFM) of the United Nations Human Rights Council published its detailed report on Myanmar in which it was concluded that gross human rights violations and abuses had been committed in Kachin, Rakhine and Shan States, in particular by the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police and that many of those violations amounted to the gravest crimes under international law.

(5) In view of the findings of the FFM and the responsibility for human rights violations committed by parts of the Myanmar Armed Forces (Tatmadaw) and the Border Guard Police, seven persons should be included in the list of natural and legal persons, entities and bodies subject to restrictive measures in the Annex to Decision 2013/184/CFSP.

(6) The Annex to Decision 2013/184/CFSP should be amended accordingly,

HAS ADOPTED THIS DECISION:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2018/2054. (See end of Document for details)*

Article 1

The Annex to Decision 2013/184/CFSP is amended as set out in the Annex to this Decision.

Article 2

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

Done at Brussels, 21 December 2018.

For the Council

The President

J. BOGNER-STRAUSS

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2018/2054. (See end of Document for details)*

ANNEX

The following persons are added to the list of natural and legal persons, entities and bodies set out in the Annex to Decision 2013/184/CFSP:

	Name	**Identifying information**	**Reasons**	**Date of listing**
‘8.	Ba Kyaw		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.	21.12.2018
9.	Tun Naing		Tun Naing is the Commanding Officer of the Border Guard Police (BGP) base in Taung Bazar. In that capacity, he is responsible for the atrocities and serious human rights violations against the Rohingya population in Rakhine State committed by	21.12.2018

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2018/2054. (See end of Document for details)*

			the BGP in Taung Bazar before, around and after 25 August 2017, including forced detention, ill-treatment and torture.	
10.	Khin Hlaing	Date of birth: 2 May 1968	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	21.12.2018