

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2022/2436

of 12 December 2022

implementing Article 12(2) 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(2) and (6) thereof,

Having regard to the proposal from 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 13 December 2021, the Council adopted Regulation (EU) 2021/2201 ⁽²⁾ to give effect to Council Decision (CFSP) 2021/2208 ⁽³⁾, which amended Council Decision (CFSP) 2017/1775 ⁽⁴⁾ and established a new framework that allows for additional restrictive measures against individuals and entities responsible for threatening the peace, security or stability of Mali, or for obstructing or undermining the successful completion of Mali's political transition.
- (3) The Council has reviewed the list of natural and legal persons, entities and bodies subject to restrictive measures set out in Annex Ia to Regulation (EU) 2017/1770. On the basis of that review, the statements of reasons and the identifying information for the five persons included in the list set out in Annex Ia to Regulation (EU) 2017/1770 should be amended.
- (4) Annex Ia to Regulation (EU) 2017/1770 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex Ia 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 following that of its publication in the *Official Journal of the European Union*.

⁽¹⁾ OJ L 251, 29.9.2017, p. 1.

⁽²⁾ Council Regulation (EU) 2021/2201 of 13 December 2021 amending Regulation (EU) 2017/1770 concerning restrictive measures in view of the situation in Mali (OJ L 446, 14.12.2021, p. 1).

⁽³⁾ Council Decision (CFSP) 2021/2208 of 13 December 2021 amending Decision (CFSP) 2017/1775 concerning restrictive measures in view of the situation in Mali (OJ L 446, 14.12.2021, p. 44).

⁽⁴⁾ Council Decision (CFSP) 2017/1775 of 28 September 2017 concerning restrictive measures in view of the situation in Mali (OJ L 251, 29.9.2017, p. 23).

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

Done at Brussels, 12 December 2022.

For the Council
The President
J. BORRELL FONTELLES

ANNEX

Annex Ia to Regulation (EU) 2017/1770 is replaced by the following:

'ANNEX Ia

List of natural or legal persons, entities and bodies referred to in Article 2b

	Name	Identifying information	Reasons	Date of listing
1.	DIAW, Malick	<p>Place of birth: Ségou</p> <p>Date of birth: 2.12.1979</p> <p>Nationality: Malian</p> <p>Passport number: B0722922 valid until 13.8.2018</p> <p>Gender: male</p> <p>Position: President of the National Transition Council (legislative organ of the political transition of Mali), Colonel</p>	<p>Malick Diaw is a key member of Colonel Assimi Goïta's inner circle. As chief of staff of the third military region of Kati, he was one of the instigators and leaders of the 18 August 2020 coup alongside Colonel-Major Ismaël Wagué, Colonel Assimi Goïta, Colonel Sadio Camara and Colonel Modibo Koné.</p> <p>Malick Diaw is therefore responsible for actions or policies that threaten the peace, security and stability of Mali.</p> <p>Malick Diaw is also a key actor in the context of the political transition of Mali, as President of the National Transition Council (CNT) since December 2020.</p> <p>The CNT failed to deliver in good time on the "missions" enshrined in the Transition Charter of 1 October 2020 ("Transition Charter") and that should have been completed within 18 months, as illustrated by the CNT's delay in adopting the draft electoral bill. That delay contributed to delaying the organization of the elections and thus the successful completion of the political transition of Mali. In addition, the new electoral bill, as eventually adopted by the CNT on 17 June 2022 and published in the Official Journal of the Republic of Mali on 24 June 2022, allows the Transition President and Vice-President and the members of the Transition Government to be candidates for the presidential and legislative elections, in contradiction with the Transition Charter.</p> <p>The Economic Community of West African States (ECOWAS) adopted individual sanctions against the Transition Authorities (including Malick Diaw) in November 2021 for their delay in organising the elections and the completion of the political transition of Mali. On 3 July 2022, ECOWAS decided to maintain those individual sanctions.</p> <p>Malick Diaw is therefore obstructing and undermining the successful completion of the political transition of Mali.</p>	4.2.2022

	Name	Identifying information	Reasons	Date of listing
2.	WAGUÉ, Ismaël	<p>Place of birth: Bamako</p> <p>Date of birth: 2.3.1975</p> <p>Nationality: Malian</p> <p>Passport number: diplomatic passport AA0193660 valid until 15.2.2023</p> <p>Gender: male</p> <p>Position: Minister for Reconciliation, Colonel-Major</p>	<p>Colonel-Major Ismaël Wagué is a key member of Colonel Assimi Goïta's inner circle and was one of the main actors responsible for the 18 August 2020 coup, alongside Colonel Goïta, Colonel Sadio Camara, Colonel Modibo Koné and Colonel Malick Diaw.</p> <p>On 19 August 2020, he announced that the army had taken power, and he then became spokesperson for the National Committee for the Salvation of the People (<i>Comité national pour le salut du peuple</i>, CNSP).</p> <p>Ismaël Wagué is therefore responsible for actions that threaten the peace, security and stability of Mali.</p> <p>As Minister for Reconciliation in the Transition Government since October 2020, Ismaël Wagué is in charge of the implementation of the Agreement for Peace and Reconciliation in Mali. Through his statement in October 2021 and his perpetual disagreements with the members of the Permanent Strategic Framework (<i>Cadre Stratégique Permanent</i>, CSP), he contributed to the blocking of the Monitoring Committee of the Agreement for Peace and Reconciliation in Mali (<i>Comité de suivi de l'accord</i>, CSA), which led to the suspension of CSA meeting from October 2021 to September 2022. That situation has obstructed the implementation of that Agreement, which is one of the "missions" of the political transition of Mali, as provided for in Article 2 of the Transition Charter.</p> <p>ECOWAS adopted individual sanctions against the Transition Authorities (including Ismaël Wagué) in November 2021 for their delay in organising the elections and the completion of the political transition of Mali. On 3 July 2022, ECOWAS decided to maintain those individual sanctions.</p> <p>Ismaël Wagué is therefore responsible for actions that threaten the peace, security and stability of Mali, as well as for obstructing and undermining the successful completion of the political transition of Mali.</p>	4.2.2022

	Name	Identifying information	Reasons	Date of listing
3.	MAÏGA, Choguel	<p>Place of birth: Tabango, Gao, Mali</p> <p>Date of birth: 31.12.1958</p> <p>Nationality: Malian</p> <p>Passport number: diplomatic passport DA0004473, issued by Mali, Schengen visa issued</p> <p>Gender: male</p> <p>Position: Prime Minister</p>	<p>As Prime Minister since June 2021, Choguel Maïga leads the Transition Government of Mali established following the coup of 24 May 2021.</p> <p>Contrary to the timetable for reform and elections previously agreed with ECOWAS in line with the Transition Charter, he announced in June 2021 the organisation of the National Consultations for Refoundation (<i>Assises nationales de la refondation</i>, ANR) as a pre-reform process and a precondition to the organisation of the elections scheduled for 27 February 2022.</p> <p>As announced by Choguel Maïga himself, the ANR were then postponed several times and the elections delayed. The ANR, which were eventually held in December 2021, were boycotted by multiple stakeholders. On the basis of the final recommendations of the ANR, the Transition Government presented a new timetable providing for the holding of presidential elections in December 2025, thus allowing the Transition Authorities to stay in power for more than five years. In June 2022, the Transition Government presented to ECOWAS a revised timetable providing for the holding of presidential elections in March 2024, which is more than two years after the deadline established in the Transition Charter.</p> <p>ECOWAS adopted individual sanctions against the Transition Authorities (including Choguel Maïga) in November 2021 for their delay in organising the elections and the completion of the political transition of Mali. ECOWAS underlined that the Transition Authorities have used the need to implement reforms as a pretext to justify the extension of the political transition of Mali and to maintain themselves in power without democratic elections. On 3 July 2022, ECOWAS decided to maintain those individual sanctions.</p> <p>In his position as Prime Minister, Choguel Maïga is directly responsible for postponing the elections foreseen in the Transition Charter, and he is therefore obstructing and undermining the successful completion of the political transition of Mali, in particular by obstructing and undermining the holding of elections and the handover of power to elected authorities.</p>	4.2.2022

	Name	Identifying information	Reasons	Date of listing
4	MAÏGA, Ibrahim Ikassa	<p>Place of birth: Tondibi, Gao region, Mali</p> <p>Date of birth: 5.2.1971</p> <p>Nationality: Malian</p> <p>Passport number: diplomatic passport issued by Mali</p> <p>Gender: male</p> <p>Position: Minister of Refoundation</p>	<p>Ibrahim Ikassa Maïga is a member of the strategic committee of M5-RFP (<i>Mouvement du 5 juin - Rassemblement des forces patriotiques</i>), which played a key role in the overthrow of President Keita.</p> <p>As Minister of Refoundation since June 2021, Ibrahim Ikassa Maïga was entrusted with planning the National Consultations for Refoundation (<i>Assises nationales de la Refondation</i>, ANR announced by Prime Minister Choguel Maïga.</p> <p>Contrary to the timetable for reform and elections previously agreed with ECOWAS in line with the Transition Charter, the ANR were announced by the Transition Government as a pre-reform process and a precondition to the organisation of the elections scheduled for 27 February 2022.</p> <p>As announced by Choguel Maïga, the ANR were then postponed several times and the elections delayed. The ANR, which were eventually held in December 2021, were boycotted by multiple stakeholders. On the basis of the final recommendations of the ANR, the Transition Government presented a new timetable providing for the holding of presidential elections in December 2025, thus allowing the Transition Authorities to stay in power for more than five years. In June 2022, the Transition Government presented to ECOWAS a revised timetable providing for the holding of presidential elections in March 2024, which is more than two years after the deadline established in the Transition Charter.</p> <p>ECOWAS adopted individual sanctions against the Transition Authorities (including Ibrahim Ikassa Maïga) in November 2021 for their delay in organising the elections and the completion of the political transition of Mali. ECOWAS underlined that the Transition Authorities have used the need to implement reforms as a pretext to justify the extension of the political transition of Mali and to maintain themselves in power without democratic elections. On 3 July 2022, ECOWAS decided to maintain those individual sanctions.</p> <p>In his position as Minister of Refoundation, Ibrahim Ikassa Maïga is obstructing and undermining the successful completion of the political transition of Mali, in particular by obstructing and undermining the holding of elections and the handover of power to elected authorities.</p>	4.2.2022

	Name	Identifying information	Reasons	Date of listing
5	DIARRA, Adama Ben (a.k.a. Ben Le Cerveau)	Place of birth: Kati, Mali Nationality: Malian Passport number: diplomatic passport issued by Mali, Schengen visa issued Gender: male Position: Member of the National Transition Council (legislative organ of the political transition of Mali)	<p>Adama Ben Diarra, known as Camarade Ben Le Cerveau, is one of the young leaders of the M5-RFP (<i>Mouvement du 5 Juin - Rassemblement des Forces Patriotiques</i>), which played a key role in the overthrow of President Keita. Adama Ben Diarra is also the leader of Yéréwolo, which is the main organisation supporting the Transition Authorities, and a member of the National Transition Council (CNT) since 3 December 2021.</p> <p>The CNT failed to deliver in good time on the “missions” enshrined in the Transition Charter and that were supposed to be completed within 18 months, as illustrated by the CNT’s delay in adopting the draft electoral bill. That delay contributed to delaying the organisation of the elections and thus the successful completion of the political transition of Mali. In addition, the new electoral bill, as eventually adopted by the CNT on 17 June 2022 and published in the Official Journal of the Republic of Mali on 24 June 2022, allows the Transition President and Vice-President and the members of the Transition Government to be candidates for the presidential and legislative elections, in contradiction with the Transition Charter.</p> <p>Adama Ben Diarra has been actively advocating for and supporting the prolongation of the political transition of Mali during political rallies and on social networks, stating that the five-year extension of the transition period decided by the Transition Authorities following the National Consultations for Refoundation (<i>Assises nationales de la Refondation</i>, ANR) was a deep aspiration of the Malian people.</p> <p>Contrary to the timetable of reform and elections previously agreed with ECOWAS in line with the Transition Charter, the ANR were announced by the Transition Government, as a pre-reform process and a precondition to the organisation of the elections scheduled for 27 February 2022.</p>	4.2.2022'

	Name	Identifying information	Reasons	Date of listing
			<p>As announced by Choguel Maïga, the ANR were then postponed several times and the elections delayed. The ANR, which were eventually held in December 2021, were boycotted by multiple stakeholders. On the basis of the final recommendations of the ANR, the Transition Government presented a new timetable providing for the holding of presidential elections in December 2025, thus allowing the Transition Authorities to stay in power for more than five years. In June 2022, the Transition Government presented to ECOWAS a revised timetable providing for the holding of presidential elections in March 2024, which is more than two years after the deadline established in the Transition Charter.</p> <p>ECOWAS adopted individual sanctions against the Transition Authorities (including Adama Ben Diarra) in November 2021 for their delay in organising the elections and the completion of the political transition of Mali. ECOWAS underlined that the Transition Authorities have used the need to implement reforms as a pretext to justify the extension of the political transition of Mali and to maintain themselves in power without democratic elections. On 3 July 2022, ECOWAS decided to maintain those individual sanctions.</p> <p>Adama Ben Diarra is therefore obstructing and undermining the successful completion of the political transition of Mali, in particular by obstructing and undermining the holding of elections and the handover of power to elected authorities.</p>	