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STATUTORY INSTRUMENTS

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**2020 No. 642**

**The Somalia (Sanctions) (EU Exit) Regulations 2020**

**PART 2**

Designation of persons

**Criteria for designating a person**

**6.—**(1) The Secretary of State may not designate a person under regulation 5 (power to designate persons) unless the Secretary of State—

- (a) has reasonable grounds to suspect that that person is an involved person, and
  - (b) considers that the designation of that person is appropriate, having regard to—
    - (i) the purposes stated in regulation 4 (purposes), and
    - (ii) the likely significant effects of the designation on that person (as they appear to the Secretary of State to be on the basis of the information that the Secretary of State has).
- (2) In this regulation, an “involved person” means a person who—
- (a) is or has been involved in a relevant activity,
  - (b) is owned or controlled directly or indirectly (within the meaning of regulation 7) by a person who is or has been so involved,
  - (c) is acting on behalf of or at the direction of a person who is or has been so involved, or
  - (d) is a member of, or associated with, a person who is or has been so involved.
- (3) In this regulation a “relevant activity” means—
- (a) the commission of a serious human rights violation or abuse, or violation of international humanitarian law in Somalia, including in particular, in relation to—
    - (i) deliberate targeting of civilians, schools and hospitals;
    - (ii) rape and other forms of sexual and gender-based violence;
    - (iii) recruitment or use of children in armed conflicts;
    - (iv) abduction or enforced disappearances;
    - (v) the forced displacement of civilians;
    - (vi) any of the rights referred to in regulation 4(2)(f);
  - (b) obstruction of the delivery or distribution of, or access to, humanitarian assistance in Somalia;
  - (c) an attack against, or obstruction of, diplomatic personnel in Somalia, or the regional or international monitoring, peace-support or protection and training missions and mechanisms mentioned in sub-paragraphs (i) to (v) of regulation 4(2)(c);
  - (d) the misappropriation of Somali state funds, or taking action that may lead to such misappropriation;

- (e) the resale, supply or delivery, transfer or making available of Somali military goods or technology to, or for use by, any person who is not a relevant entity;
  - (f) the illicit export of charcoal from Somalia or the direct or indirect import of charcoal from Somalia;
  - (g) any other acts that threaten the peace, security or stability of Somalia, including, in particular, acts that threaten the peace and reconciliation process in Somalia, or obstruct, undermine or threaten the Federal Government of Somalia and the political process in Somalia.
- (4) Any reference in this regulation to being involved in a relevant activity includes being so involved in whatever way, and wherever, any actions constituting the involvement take place, and in particular includes—
- (a) being responsible for, engaging in, providing support for, or promoting, any such activity;
  - (b) providing financial services, or making available funds or economic resources, that could contribute to any such activity;
  - (c) being involved in the unauthorised supply of military goods or military technology to Somalia, or in providing financial services or other assistance relating to such supply;
  - (d) being involved in any trade in goods which could contribute to acts which threaten the peace, security or stability of Somalia, including, in particular, trade via ports controlled by Al-Shabaab which benefits a designated person;
  - (e) assisting the contravention or circumvention of any relevant provision.
- (5) In this regulation—
- (a) “relevant provision” means—
    - (i) any provision of Part 3 (Finance) or Part 5 (Trade);
    - (ii) any provision of the law of a country other than the United Kingdom made for purposes corresponding to a purpose of any provision of Part 3 or Part 5;
    - (iii) any provision of the resolutions mentioned in regulation 4(3);
  - (b) “relevant entity” in relation to Somali military goods or technology, means—
    - (i) the intended original recipient of Somali military goods or technology,
    - (ii) any regional or international monitoring, peace-support or protection and training missions and mechanisms in Somalia including those mentioned in regulation 4(2) (c), or
    - (iii) any person employed by, or otherwise acting under the direction or control of any of the entities mentioned in (i) or (ii);
  - (c) “Somali military goods or technology” means military goods or military technology exported, supplied or delivered, transferred or made available, to or for the benefit of—
    - (i) the Somali National Security Forces, or
    - (ii) a Federal or other state security institution in Somalia providing security for the people of Somalia.
- (6) Nothing in any sub-paragraph of paragraphs (3) or (4) is to be taken to limit the meaning of any of the other sub-paragraphs of those paragraphs.
- (7) In this regulation, “military goods” and “military technology” have the meanings given by Part 5.