



Press and Information

General Court of the European Union

**PRESS RELEASE No 38/15**

Luxembourg, 22 April 2015

Judgment in Case T-190/12  
Tomana and Others v Council and Commission

---

**The General Court confirms the restrictive measures imposed on Mr Johannes Tomana, the Attorney-General of Zimbabwe, and 120 other individuals and companies in that country**

In view of the situation in Zimbabwe and in particular, the serious infringements of human rights committed by the Government of Zimbabwe, in 2002 the Council imposed restrictive measures (freezing of funds and ban on entry into or transit through EU territory) on a number of individuals and companies in that country. Those measures were extended on several occasions and the list of individuals and entities affected was regularly amended.

Mr Johannes Tomana, the Attorney-General of Zimbabwe, 109 other individuals (including high ranking officials and police and army officers) and 11 companies seek the annulment of their listing.<sup>1</sup> They argued in particular that there was no legal basis for the measures at issue, that the obligation to state reasons was infringed and that the Council and the Commission committed a manifest error of assessment.

The reasons stated for the listing of Mr Tomana are as follows: 'Engaged in activities that seriously undermine democracy, respect for human rights and the rule of law'. The reasons stated for the listing of the 120 other individuals and companies are broadly comparable (in particular, activities plainly linked to a policy of violence, intimidation and infringement of the fundamental rights of the Zimbabwean people).

In today's judgment, **the General Court dismisses the action brought by Mr Tomana and 120 other individuals and companies affected by the restrictive measures.**

As regards, first, the absence of an adequate legal basis for the measures at issue, the General Court holds that the measures were imposed because of alleged conduct which formed part of a strategy of intimidation and systematic violation of the fundamental rights of the Zimbabwean people. Further, the General Court finds that the posts held by the vast majority of the individuals and companies subject to those measures are such that it is legitimate to characterise them as leaders of Zimbabwe or as associates of those leaders and thereby to justify, on that ground alone, their being listed.

As regards the infringement of the obligation to state reasons, the General Court considers that, with respect to the majority of individuals and companies affected, the reference to the posts held, when the acts at issue were adopted or previously, is, in itself, sufficient to justify their listing. With respect to the others, the General Court considers that a reference to specific conduct imputed to them is necessary and that such a reference is made in all cases.

---

<sup>1</sup> More specifically, the acts annulment of which is sought are Council Decision 2012/97/CFSP of 17 February 2012 amending Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe (OJ 2012 L 47, p. 50), Commission Implementing Regulation (EU) No 151/2012 of 21 February 2012 amending Council Regulation (EC) No 314/2004 concerning certain restrictive measures against Zimbabwe (OJ 2012 L 49, p. 2), and Council Implementing Decision 2012/124/CFSP of 27 February 2012 implementing Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe (OJ 2012 L 54, p. 20).

As regards a manifest error of assessment, the individuals and companies affected claim that the Council and the Commission committed such an error by holding that the criteria justifying their listing were satisfied. In that regard, the General Court finds that that argument is based on a mistaken premise whereby the individuals and companies affected appear to consider that the measures at issue can be imposed only on individuals or companies whose activities seriously undermined human rights in Zimbabwe.

Yet the restrictive measures are also directed against ‘members of the Government of Zimbabwe’ and ‘any natural or legal persons, entities or bodies associated with them’.<sup>2</sup> Consequently if a person or an entity has the status of being a member of the Government of Zimbabwe or associated with such a member, that is, in itself, sufficient to justify the imposition on them of the restrictive measures at issue.

---

**NOTE:** An appeal, limited to points of law only, may be brought before the Court of Justice against the decision of the General Court within two months of notification of the decision.

**NOTE:** An action for annulment seeks the annulment of acts of the institutions of the European Union that are contrary to European Union law. The Member States, the European institutions and individuals may, under certain conditions, bring an action for annulment before the Court of Justice or the General Court. If the action is well founded, the act is annulled. The institution concerned must fill any legal vacuum created by the annulment of the act.

---

*Unofficial document for media use, not binding on the General Court.*

*The [full text](#) of the judgment is published on the CURIA website on the day of delivery*

*Press contact: Christopher Fretwell ☎ (+352) 4303 3355*

---

<sup>2</sup> Articles 4 and 5 of Decision 2011/101/CFSP concerning restrictive measures against Zimbabwe (OJ 2012 L 47, p. 50).