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COUNCIL REGULATION (EC) No 1183/2005

of 18 July 2005

imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

(OJ L 193, 23.7.2005, p. 1)

Amended by:

<u>B</u>

Official Journal

		No	page	date
► <u>M1</u>	Commission Regulation (EC) No 1824/2005 of 9 November 2005	L 294	3	10.11.2005
► <u>M2</u>	Commission Regulation (EC) No 84/2006 of 18 January 2006	L 14	14	19.1.2006
► <u>M3</u>	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006
► <u>M4</u>	Commission Regulation (EC) No 201/2007 of 23 February 2007	L 59	73	27.2.2007
► <u>M5</u>	Commission Regulation (EC) No 400/2007 of 12 April 2007	L 98	20	13.4.2007
<u>M6</u>	Commission Regulation (EC) No 933/2007 of 3 August 2007	L 204	5	4.8.2007
► <u>M7</u>	Commission Regulation (EC) No 1096/2007 of 20 September 2007	L 246	29	21.9.2007
<u>M8</u>	Commission Regulation (EC) No 242/2009 of 20 March 2009	L 75	8	21.3.2009
► <u>M9</u>	Commission Regulation (EU) No 1250/2010 of 22 December 2010	L 341	11	23.12.2010
► <u>M10</u>	Commission Implementing Regulation (EU) No 1097/2011 of 25 October 2011	L 285	2	1.11.2011
► <u>M11</u>	Commission Implementing Regulation (EU) No 7/2012 of 5 January 2012	L 4	1	7.1.2012
► <u>M12</u>	Commission Implementing Regulation (EU) No 1251/2012 of 20 December 2012	L 352	42	21.12.2012
► <u>M13</u>	Commission Implementing Regulation (EU) No 53/2013 of 22 January 2013	L 20	46	23.1.2013
► <u>M14</u>	Council Regulation (EU) No 521/2013 of 6 June 2013	L 156	1	8.6.2013
► <u>M15</u>	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013

COUNCIL REGULATION (EC) No 1183/2005

of 18 July 2005

imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Articles 60, 301 and 308 thereof,

Having regard to Common Position 2005/440/CFSP of 13 June 2005 concerning restrictive measures against the Democratic Republic of the Congo (1),

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament (2),

Whereas:

- (1) In view of the continuing illicit flow of weapons within and into the Democratic Republic of the Congo, the UN Security Council, acting under Chapter VII of the Charter of the United Nations, adopted Resolution 1596 (2005) of 18 April 2005 providing, *inter alia*, for financial restrictive measures against persons designated by the competent United Nations Sanctions Committee as acting in violation of the arms embargo imposed against the Democratic Republic of the Congo by UN Security Council Resolutions 1493 (2003) and 1596 (2005).
- (2) Common Position 2005/440/CFSP provides, *inter alia*, for implementation of the financial restrictive measures against persons designated by the competent United Nations Sanctions Committee. Those measures fall within the scope of the Treaty. In order to avoid any distortion of competition Community measures are therefore necessary to implement them as far as the Community is concerned. For the purposes of this Regulation, the territory of the Community should be deemed to encompass the territories of the Member States to which the Treaty is applicable, under the conditions laid down in the Treaty.
- (3) For reasons of expediency, the Commission should be empowered to amend the Annexes to this Regulation.
- (4) In order to ensure that the measures provided for in this Regulation are effective, this Regulation should enter into force on the day of its publication.

⁽¹⁾ OJ L 152, 15.6.2005, p. 22.

⁽²⁾ Opinion delivered on 23 June 2005 (not yet published in the Official Journal).

(5) The Treaty, in Articles 60 and 301, empowers the Council to take, under certain conditions, measures aimed at the interruption or reduction of payments or movement of capital and of economic relations with regard to third countries. The measures laid down in this Regulation, targeted also at individual persons not directly linked to the government of a third country, are necessary to attain this objective of the Community and Article 308 of the Treaty empowers the Council to take such measures if no other specific powers are provided for in the Treaty,

HAS ADOPTED THIS REGULATION:

Article 1

For the purposes of this Regulation, the following definitions shall apply:

- 'Sanctions Committee' means the Committee of the Security Council of the United Nations which was established pursuant to paragraph 8 of UN Security Council Resolution 1533 (2004);
- 'funds' means financial assets and benefits of every kind, including but not limited to:
 - (a) cash, cheques, claims on money, drafts, money orders and other payment instruments;
 - (b) deposits with financial institutions or other entities, balances on accounts, debts and debt obligations;
 - (c) publicly and privately traded securities and debt instruments, including stocks and shares, certificates representing securities, bonds, notes, warrants, debentures and derivatives contracts;
 - (d) interest, dividends or other income on or value accruing from or generated by assets;
 - (e) credit, right of set-off, guarantees, performance bonds or other financial commitments;
 - (f) letters of credit, bills of lading, bills of sale;
 - (g) documents evidencing an interest in funds or financial resources;
 - (h) any other instrument of export-financing;

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- 3. 'freezing of funds' means preventing any move, transfer, alteration, use of, access to, or dealing with funds in any way that would result in any change in their volume, amount, location, ownership, possession, character, destination or other change that would enable the funds to be used, including portfolio management;
- 'economic resources' means assets of every kind, whether tangible or intangible, movable or immovable, which are not funds but can be used to obtain funds, goods or services;
- 5. 'freezing of economic resources' means preventing their use to obtain funds, goods or services in any way, including, but not limited to, the selling, hiring or mortgaging of them.

Article 2

- 1. All funds and economic resources belonging to, or owned or held by the natural or legal persons, entities or bodies listed in Annex I shall be frozen.
- 2. No funds or economic resources shall be made available, directly or indirectly, to or for the benefit of the natural or legal persons, entities or bodies listed in Annex I.
- 3. The participation, knowingly and intentionally, in activities the object or effect of which is, directly or indirectly, to circumvent the measures referred to in paragraphs 1 and 2 shall be prohibited.

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Article 2a

- 1. Annex I shall include the natural or legal persons, entities or bodies designated by the Sanctions Committee or the United Nations Security Council as:
- (a) persons or entities acting in violation of the arms embargo and related measures as laid down in Article 1 of Decision 2010/788/ CFSP and Article 2 of Council Regulation (EC) No 889/2005 of 13 June 2005 imposing certain restrictive measures in respect of the Democratic Republic of Congo (¹).
- (b) political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo (DRC) who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups,
- (c) political and military leaders of Congolese militias receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilisation and reintegration processes,
- (d) political and military leaders operating in the DRC and recruiting or using children in armed conflict contrary to applicable international law,

▼ M14

- (e) individuals or entities operating in the DRC and committing serious violations involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction, and forced displacement,
- (f) individuals or entities obstructing the access to or the distribution of humanitarian assistance in the eastern part of the DRC,
- (g) individuals or entities illegally supporting armed groups in the eastern part of the DRC through illicit trade of natural resources, including gold,
- (h) individuals or entities acting on behalf of or at the direction of a designated individual or entity owned or controlled by a designated individual,
- (i) individuals or entities who plan, sponsor or participate in attacks against peacekeepers of the United Nations Organization Stabilization Mission in the DRC (MONUSCO).
- Annex I shall include the grounds for listing natural or legal persons, entities or bodies, as provided by the UN Security Council or by the Sanctions Committee.
- Annex I shall also include, where available, information necessary to identify the natural or legal persons, entities and bodies concerned, as provided by the UN Security Council or by the Sanctions Committee. With regard to natural persons, such information may include names, including aliases, date and place of birth, nationality, passport and identity card numbers, gender, address, if known, and function or profession. With regard to legal persons, entities and bodies, such information may include names, place and date of registration, registration number and place of business. Annex I shall also include the date of designation by the UN Security Council or by the Sanctions Committee.

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Article 3

- 1. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, under such conditions as they deem appropriate, after having determined that the funds or economic resources concerned are:
- (a) necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;
- (b) intended exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

 (c) intended exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or economic resources;

provided that the Member State concerned has notified this determination to the Sanctions Committee and the Sanctions Committee has not objected within four working days of such notification.

2. By way of derogation from Article 2 the competent authorities of the Member States, as listed in Annex II, may authorise the release of certain frozen funds or economic resources or the making available of certain frozen funds or economic resources, after having determined that the funds or economic resources are necessary for extraordinary expenses, provided that this determination has been notified by the Member State to the Sanctions Committee and that the determination has been approved by that Committee.

Article 4

By way of derogation from Article 2, the competent authorities of the Member States as listed in Annex II may authorise the release of certain frozen funds or economic resources, if the following conditions are met:

- (a) the funds or economic resources are subject of a judicial, administrative or arbitral lien established prior to 18 April 2005 or of a judicial, administrative or arbitral judgement rendered prior to that date:
- (b) the funds or economic resources will be used exclusively to satisfy claims secured by such a lien or recognised as valid in such a judgement, within the limits set by applicable laws and regulations governing the rights of persons having such claims;
- (c) the lien or judgement is not for the benefit of a person, entity or body listed in Annex I;
- (d) recognising the lien or judgement is not contrary to public policy in the Member State concerned;
- (e) the lien or judgement has been notified by the Member State to the Sanctions Committee.

Article 5

- 1. Article 2(2) shall not apply to the addition to frozen accounts of:
- (a) interest or other earnings on those accounts, or
- (b) payments due under contracts, agreements or obligations that were concluded or arose prior to the date on which those accounts became subject to this Regulation,

provided that any such interest, other earnings and payments are frozen in accordance with Article 2(1).

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2. Article 2(2) shall not prevent the crediting of the frozen accounts by financial or credit institutions that receive funds transferred by third parties to the account of the person, entity or body listed in Annex I, provided that any such additions to such accounts will also be frozen. The financial or credit institutions shall inform the competent authorities about such transactions without delay.

Article 6

- 1. Without prejudice to the applicable rules concerning reporting, confidentiality and professional secrecy and to the provisions of Article 284 of the Treaty, natural and legal persons, entities and bodies shall:
- (a) supply immediately any information which would facilitate compliance with this Regulation, such as accounts and amounts frozen in accordance with Article 2, to the competent authorities of the Member States listed in Annex II where they are resident or located, and shall transmit such information, directly or through these competent authorities, to the Commission;
- (b) cooperate with the competent authorities listed in Annex II in any verification of this information.
- 2. Any additional information directly received by the Commission shall be made available to the competent authorities of the Member State concerned.
- 3. Any information provided or received in accordance with paragraphs 1 and 2 shall be used only for the purposes for which it was provided or received.

Article 7

The freezing of funds and economic resources or the refusal to make funds or economic resources available, carried out in good faith on the basis that such action is in accordance with this Regulation, shall not give rise to liability of any kind on the part of the natural or legal person, entity or body implementing it, or its directors or employees, unless it is proved that the funds and economic resources were frozen as result of negligence.

Article 8

The Commission and Member States shall immediately inform each other of the measures taken under this Regulation and shall supply each other with any other relevant information at their disposal in connection with this Regulation, in particular information in respect of violation and enforcement problems and judgements handed down by national courts.

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Article 9

1. Where the UN Security Council or the Sanctions Committee designates a natural or legal person, entity or body, the Council shall include such natural or legal person, entity or body in Annex I.

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- The Council shall communicate its decision, including the grounds for listing, to the natural or legal person, entity or body referred to in paragraph 1, either directly, if the address is known, or through the publication of a notice, providing such natural or legal person, entity or body with an opportunity to present observations.
- Where observations are submitted, or where substantial new evidence is presented, the Council shall review its decision and inform the natural or legal person, entity or body accordingly.
- Where the UN Security Council or the Sanctions Committee decides to delist a natural or legal person, entity or body, or to amend the identification data for a listed natural or legal person, entity or body, the Council shall amend Annex I accordingly.
- The Commission shall be empowered to amend Annex II on the basis of information supplied by Member Sates.

Article 10

Member States shall lay down the rules on penalties applicable to infringements of the provisions of this Regulation and shall take all measures necessary to ensure that they are implemented. The penalties provided for must be effective, proportionate and dissuasive.

Member States shall notify those rules to the Commission without delay after the entry into force of this Regulation and shall notify it of any subsequent amendment.

Article 11

This Regulation shall apply

- (a) within the territory of the Community, including its airspace;
- (b) on board any aircraft or any vessel under the jurisdiction of a Member State:
- (c) to any person inside or outside the territory of the Community who is a national of a Member State;
- (d) to any legal person, entity or body which is incorporated or constituted under the law of a Member State;
- (e) to any legal person, entity or body doing business within the Community.

Article 12

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.

▼B

ANNEX I

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

A. NATURAL PERSONS

- (1) Frank Kakolele Bwambale (alias (a) Frank Kakorere, (b) Frank Kakorere Bwambale). Nationality: Congolese. Function: FARDC General (without posting as of June 2011). Other information: (a) Left the CNDP in January 2008; (b) As of June 2011 resides in Kinshasa, DRC; (c) Since 2010 he has been involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011; (d) Former RCD-ML leader. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (2) Jérôme Kakwavu Bukande (alias (a) Jérôme Kakwavu, (b) Commandant Jérôme). Title: General. Nationality: Congolese. Other information: (a) Former President of UCD/FAPC; (b) As of June 2011 detained in Makala Prison in Kinshasa. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (3) Gaston Iyamuremye (alias: (a) Rumuli, (b) Byiringiro Victor Rumuli, (c) Victor Rumuri, (d) Michel Byiringiro). Date of Birth: 1948. Place of Birth: (a) Musanze District (Northern Province), Rwanda; (b) Ruhengeri, Rwanda. Title: Brigadier General. Function: (a) FDLR President, (b) 2nd Vice-President of FDLR-FOCA. Nationality: Rwandan. Other information: (a) As of June 2011 based at Kalonge, North Kivu Province; (b) According to multiple sources, including the UNSC DRC Sanctions Committee's Group of Experts, Gaston Iyamuremye is the second vice president of the FDLR and is considered a core member of the FDLR military and political leadership; (c) Gaston Iyamuremye ran Ignace Murwanashyaka's (President of the FDLR) office in Kibua, DRC until December 2009. Date of designation referred to in Article 5(1)(b): 23.12.2010.
- (4) Germain Katanga. Title: General. Nationality: Congolese. Other information: (a) Handed over by the Government of the DR of the Congo to the International Criminal Court (ICC) on 18.10.2007; (b) FRPI chief. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (5) Thomas Lubanga. Place of birth: Ituri, DRC. Other information: (a) Transferred to the ICC by the Congolese authorities on 17.3.2006; (b) President of the UPC/L. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (6) Khawa Panga Mandro (alias (a) Kawa Panga, (b) Kawa Panga Mandro, (c) Kawa Mandro, (d) Yves Andoul Karim, (e) Chief Kahwa, (f) Kawa, (g) Mandro Panga Kahwa, (h) Yves Khawa Panga Mandro). Date of birth: 20.8.1973. Place of birth: Bunia, DRC. Nationality: Congolese. Other information: (a) Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges; (b) As of June 2011 detained at Makala Central Prison, Kinshasa; (c) Ex-President of PUSIC. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (7) Callixte Mbarushimana. Date of birth: 24.7.1963. Place of birth: Ndusu/ Ruhengeri, Northern Province, Rwanda. Nationality: Rwandan. Other information: (a) Arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009 and transferred to The Hague on 25 January 2011; (b) Executive Secretary of the FDLR and Vice-President of the FDLR military high command until his arrest. Date of designation referred to in Article 5(1)(b): 21.3.2009.

- (8) Iruta Douglas Mpamo (alias (a) Mpano, (b) Douglas Iruta Mpamo). Date of birth: (a) 28.12.1965, (b) 29.12.1965. Place of birth: (a) Bashali, Masisi, DRC (refers to date of birth (a)), (b) Goma, DRC (refers to date of birth (b), (c) Uvira). Nationality: Congolese. Other information: (a) As of June 2011 resides in Gisenyi, Rwanda; (b) Owner/Manager of the Compagnie Aerienne des Grands Lacs and of Great Lakes Business Company. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (9) Sylvestre Mudacumura (alias (a) Radja, (b) Mupenzi Bernard, (c) General Major Mupenzi, (d) General Mudacumura). Function: (a) Military commander of FDLR-FOCA; (b) political 1st Vice-President and head of FOCA High Command. Nationality: Rwandan. Other information: As of June 2011 based at Kikoma forest, near Bogoyi, Walikale, North Kivu. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (10) Leodomir Mugaragu (alias: (a) Manzi Leon, (b) Leo Manzi). Date of Birth: (a) 1954, (b) 1953. Place of Birth: (a) Kigali, Rwanda, (b) Rushashi (Northern Province), Rwanda. Function: FDLR-FOCA Chief of Staff, in charge of administration. Other information: (a) According to open-source and official reporting, Leodomir Mugaragu is the Chief of Staff of the Forces Combattantes Abucunguzi/Combatant Force for the Liberation of Rwanda (FOCA), the FDLR's armed wing; (b) According to official reporting Mugaragu is a senior planner for FDLR's military operations in the eastern DRC; (c) As of June 2011 based at the FDLR HQ at Kikoma forest, Bogoyi, Walikale, North Kivu. Date of designation referred to in Article 5(1)(b): 23.12.2010.
- (11) Leopold Mujyambere (alias (a) Musenyeri, (b) Achille, (c) Frere Petrus Ibrahim. Date of birth: (a) 17.3.1962, (b) 1966 (estimated). Place of birth: Kigali, Rwanda. Nationality: Rwandan. Other information: (a) As of June 2011 Commander of the South Kivu operational sector now called 'Amazon' of FDLR-FOCA; (b) Based at Nyakaleke (south-east of Mwenga, South Kivu). Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (12) Ignace Murwanashyaka (alias Ignace). Title: Dr Date of birth: 14.5.1963. Place of birth: (a) Butera, Rwanda; (b) Ngoma, Butare, Rwanda. Nationality: Rwandan. Other information: (a) President of the FDLR and supreme commander of the FDLR armed forces; (b) Arrested by German authorities on 17 November 2009. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (13) Straton Musoni (alias I.O. Musoni). Date of birth: (a) 6.4.1961, (b) 4.6.1961. Place of birth: Mugambazi, Kigali, Rwanda. Nationality: Rwandan. Other information: (a) Arrested by German authorities on 17 November 2009; (b) Replaced as 1st Vice-President of the FDLR. Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (14) Jules Mutebutsi (alias (a) Jules Mutebusi, (b) Jules Mutebuzi, (c) Colonel Mutebutsi). Place of birth: 1964 Minembwe South Kivu, DRC. Nationality: Congolese. Other information: (a) Former FARDC Deputy Military Regional Commander of 10th Military Region; (b) In December 2007 arrested by Rwandan authorities and has lived since in semi-liberty in Kigali (not authorised to leave the country). Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (15) Mathieu Chui Ngudjolo (alias Cui Ngudjolo). Other information: (a) Arrested by MONUC in Bunia in October 2003; (b) Surrendered by the Government of the DR of the Congo to the International Criminal Court on 7 February 2008. Date of designation referred to in Article 5(1)(b): 10.11.2005.

- (16) Floribert Ngabu Njabu (alias (a) Floribert Njabu, (b) Floribert Ndjabu, (c) Floribert Ngabu, (d) Ndjabu). Other information: (a) President of FNI; (b) Under house arrest in Kinshasa since March 2005; (b) Transferred to The Hague on 27 March 2011 to testify in the ICC trials. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (17) Laurent Nkunda (alias (a) Laurent Nkunda Bwatare, (b) Laurent Nkundabatware, (c) Laurent Nkunda Mahoro Batware, (d) Laurent Nkunda Batware, (e) General Nkunda, (f) Nkunda Mihigo Laurent, (g) Chairman, (h) Papa Six). Date of birth: (a) 6.2.1967, (b) 2.2.1967. Place of birth: North Kivu/Rutshuru, DRC (refers to date of birth (a)). Nationality: Congolese. Other information: (a) Former RCD-G General; (b) Founder, National Congress for the People's Defense, 2006; (c) Senior Officer, Rally for Congolese Democracy-Goma (RCD-G), 1998-2006; (d) Officer Rwandan Patriotic Front (RPF), 1992-1998; (e) Arrested by Rwandan authorities in Rwanda in January 2009 and replaced as commander of the CNDP; (f) Under house arrest in Kigali. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (18) Félicien Nsanzubukire (alias Fred Irakeza). Function: 1st battalion leader of the FDLR-FOCA (based in the Uvira-Sange area of South Kivu). Date of birth: 1967. Place of birth: Murama, Kinyinya, Rubungo, Kigali, Rwanda. Nationality: Rwandan. Other information: (a) Member of the FDLR since at least 1994 and operating in eastern DRC since October 1998; (b) As of June 2011 based in Magunda, Mwenga territory, South Kivu. Date of designation referred to in Article 5(1)(b): 23.12.2010.
- (19) Pacifique Ntawunguka (alias (a) Colonel Omega, (b) Nzeri, (c) Israel, (d) Pacifique Ntawungula). Function: Commander, Operational Sector North Kivu 'SONOKI' of FDLR-FOCA. Date of birth: (a) 1.1.1964, (b) 1964 (estimated). Place of birth: Gaseke, Gisenyi Province, Rwanda. Nationality: Rwandan. Other information: As of June 2011 based at Matembe, North Kivu. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (20) James **Nyakuni**. Nationality: Ugandan. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (21) Stanislas Nzeyimana (alias (a) Deogratias Bigaruka Izabayo, (b) Bigaruka, (c) Bigurura, (d) Izabayo Deo (e) Jules Mateso Mlamba). Function: Deputy Commander of the FDLR-FOCA. Date of birth: (a) 1.1.1966, (b) 1967 (estimated), (c) 28.8.1966. Place of birth: Mugusa (Butare), Rwanda. Nationality: Rwandan. Other information: As of June 2011 based at Mukoberwa, North Kivu. Date of designation referred to in Article 5(1)(b): 21.3.2009.
- (22) Dieudonné Ozia Mazio (alias (a) Ozia Mazio, (b) Omari, (c) Mr Omari). Function: President of FEC in Aru territory. Date of birth: 6.6.1949. Place of birth: Ariwara, DRC. Nationality: Congolese. Other information: Believed to have deceased in Ariwara on 23 September 2008. Date of designation referred to in Article 5(1)(b): 10.11.2005.
- (23) Bosco Taganda (alias (a) Bosco Ntaganda, (b) Bosco Ntagenda, (c) General Taganda, (d) Lydia, (e) Terminator, (f) Tango, (g) Tango Romeo, (h) Major. Title: Brigadier-General. Function: de facto Deputy Commander of consecutive anti-FDLR operations 'Umoja Wetu', 'Kimia II', and 'Amani Leo' in North and South Kivu (since January 2009). Nationality: Congolese. Date of birth: (a) 1973, (b) 1974. Place of birth: Bigogwe, Rwanda. Other information: (a) Moved to Nyamitaba, Masisi territory, North Kivu, when he was a child; (b) As of June 2011 resides in Goma and owns large farms in Ngungu area, Masisi territory, North Kivu; (c) Nominated FARDC Brigadier-General by Presidential Decree on

11 December 2004, following Ituri peace agreements; (d) Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009; (e) UPC/L military commander; (f) CNDP Chief of Staff. Date of designation referred to in Article 5(1)(b): 10.11.2005.

(24) Innocent Zimurinda (alias Zimulinda). Title: Lieutenant Colonel. Date of Birth: (a) 1.9.1972, (b) 1975. Place of Birth: Ngungu, Masisi Territory, North Kivu Province, DRC. Title: Colonel. Nationality: Congolese. Other information: (a) Integrated in the FARDC in 2009 as a Lieutenant Colonel, brigade commander in FARDC Kimia II Ops, based in Ngungu area; (b) In July 2009 promoted to full Colonel and became FARDC Sector commander in Ngungu and subsequently in Kitchanga in FARDC Kimia II and Amani Leo Operations; (c) Whereas he did not appear in the 31 December 2010 DRC Presidential ordinance nominating high FARDC officers, he de facto maintained his command position of FARDC 22nd sector in Kitchanga and wears the newly issued FARDC rank and uniform. Date of designation referred to in Article 5(1)(b): 23.12.2010.

▼ M11

- (25) Jamil Mukulu (alias (a) Professor Musharaf, (b) Steven Alirabaki, (c) David Kyagulanyi (d) Musezi Talengelanimiro (e) Mzee Tutu (f) Abdullah Junjuaka (g) Alilabaki Kyagulanyi, (h) Hussein Muhammad (i) Nicolas Luumu (j) Talengelanimiro. Date of birth: (a) 1965 (b) 1 January 1964. Place of birth: Ntoke Village, Ntenjeru Sub County, Kayunga District, Uganda. Function: (a) Head of the Allied Democratic Forces (ADF) (b) Commander, Allied Democratic Forces. Nationality: Ugandan. Other information: According to open-source and official reporting, including the UNSC DRC Sanctions Committee's Group of Experts' reports, Jamil Mukulu is the military leader of the Allied Democratic Forces (ADF), a foreign armed group operating in the DRC that impedes the disarmament and voluntary repatriation or resettlement of ADF combatants, as described in paragraph 4(b) of resolution 1857 (2008). The UNSC DRC Sanction Committee's Group of Experts has reported that Jamil Mukulu has provided leadership and material support to the ADF, an armed group operating in the territory of the DRC. According to multiple sources including the UNSC DRC Sanctions Committee's Group of Experts' reports, Jamil Mukulu has also continued to exercise influence over the policies, provided financing, and maintained direct command and control over the activities of ADF forces in the field, including overseeing links with international terrorist networks. Date of designation referred to in Article 5(1)(b): 12.10.2011.
- (26) Ntabo Ntaberi Sheka. Date of birth: 4 April 1976. Place of birth: Walikale Territory, Democratic Republic of the Congo. Function: Commander-in-Chief, Nduma Defence of Congo, Mayi Mayi Sheka group. Nationality: Congolese. Other information: Ntabo Ntaberi Sheka, Commander-in-Chief of the political branch of the Mayi Mayi Sheka, is the political leader of a Congolese armed group that impedes the disarmament, demobilisation, or reintegration of combatants. The Mayi Mayi Sheka is a Congo-based militia group that operates from bases in Walikale territory in eastern DRC. The Mayi Mayi Sheka group has carried out attacks on mines in eastern DRC, including taking over the Bisiye mines and extorting from locals. Ntabo Ntaberi Sheka has also committed serious violations of international law involving the targeting of children. Ntabo Ntaberi Sheka planned and ordered a series of attacks in Walikale territory from 30 July to 2 August 2010, to punish local populations accused of collaborating with Congolese government forces. In the course of the attacks, children were raped and were abducted, subjected to forced labour and subjected to cruel, inhumane or degrading treatment. The Mayi Mayi Sheka militia group also forcibly recruits boys and holds children in their ranks from recruitment drives. Date of designation referred to in Article 5(1)(b): 28.11.2011.

- (27) Sultani Makenga (alias (a) Colonel Sultani Makenga, (b) Emmanuel Sultani Makenga). Date of birth: 25 December 1973. Place of birth: Rutshuru, Democratic Republic of the Congo. Nationality: Congolese. Other information: Military leader of the Mouvement du 23 Mars (M23) group operating in the Democratic Republic of the Congo. Date of designation referred to in Article 5(1)(b): 12.11.2012.
- (28) Baudoin Ngaruye Wa Myamuro (alias Colonel Baudoin Ngaruye). Date of Birth: 1978. Place of Birth: Lusamambo, Lubero territory, Democratic Republic of the Congo. Other information: Military leader of the Mouvement du 23 Mars (M23). FARDC ID: 1-78-09-44621-80. Date of designation referred to in Article 5(1)(b): 30.11.2012.
- (29) Innocent Kaina (alias (a) Colonel Innocent Kaina, (b) India Queen). Place of Birth: Bunagana, Rutshuru territory, Democratic Republic of the Congo. Date of designation referred to in Article 5(1)(b): 30.11.2012.

▼M13

- (30) Eric **Badege**. Date of birth: 1971. Date of designation referred to in Article 5(1)(b): 31.12.2012.
- (31) Jean-Marie Lugerero **Runiga**. Date of Birth: Approximately 1960. Date of designation referred to in Article 5(1)(b): 31.12.2012.

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B. LEGAL PERSONS, ENTITIES AND BODIES

- (1) **Butembo Airlines** (*alias* BAL). Address: Butembo, DRC. Other information: Since December 2008, BAL no longer holds an aircraft operating license in the DRC. Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (2) Congomet Trading House. Address: Butembo, North Kivu, DRC. Other information: (a) No longer exists as a gold trading house in Butembo, North Kivu; (b) Formerly listed as CONGOCOM. Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (3) Compagnie Aérienne des Grands Lacs (CAGL), (alias Great Lakes Business Company (GLBC)). Address: (a) CAGL: Avenue President Mobutu, Goma, (CAGL also has an office in Gisenyi, Rwanda); (b) GLBC: PO Box 315, Goma, DRC (GLBC also has an office in Gisenyi, Rwanda). Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (4) Machanga Ltd Address: Kampala, Uganda. Other information: (a) Gold export company (Directors: Mr Rajendra Kumar Vaya and Mr Hirendra M. Vaya); (b) In 2010 assets belonging to Machanga held in the account of Emirates Gold were frozen by Bank of Nova Scotia Mocatta (UK). Date of designation referred to in Article 5(1)(b): 13.4.2007.
- (5) Tous Pour la Paix et le Développement (alias TPD). Address: Goma, North Kivu, DRC. Other information: (a) TPD is a non-governmental organisation; (b) Goma, with provincial committees in South Kivu, Kasai Occidental, Kasai Oriental and Maniema; (c) Officially suspended all activities since 2008; (d) In practice, as of June 2011 TPD offices are open and involved in cases related to returns of IDPs, community reconciliation initiatives, land conflict settlements, etc. Date of designation referred to in Article 5(1)(b): 10.11.2005.

(6) Uganda Commercial Impex (UCI) Ltd Address: (a) Kajoka Street, Kisemente, Kampala, Uganda, (b) PO Box 22709, Kampala, Uganda. Other information: (a) Gold export company (Former directors: Mr Kunal Lodhia and Mr J.V. Lodhia); (b) In January 2011, Ugandan authorities notified the Committee that following an exemption on its financial holdings, Emirates Gold repaid UCI's debt to Crane Bank in Kampala, leading to final closure of its accounts. Date of designation referred to in Article 5(1)(b): 13.4.2007.

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- (7) Forces Democratiques De Liberation Du Rwanda (alias (a) FDLR, (b) Force Combattante Abacunguzi, (c) FOCA, (d) Combatant Force for the Liberation of Rwanda). E-mail addresses: Fdlr@fmx.de; fldrrse@yahoo.fr; fdlr@gmx.net. Location: North and South Kivu, Democratic Republic of the Congo. Date of designation referred to in Article 5(1)(b): 31.12.2012.
- (8) M23 (alias Mouvement Du 23 Mars). Date of designation referred to in Article 5(1)(b): 31.12.2012.

ANNEX II

List of competent authorities referred to in Articles 3, 4, 5 and 6

BELGIUM

Federale Overheidsdienst Financiën Thesaurie Kunstlaan 30 B-1040 Brussel Fax: 00 32 2 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

Service Public Fédéral des Finances Trésorerie 30 Avenue des Arts B-1040 Bruxelles Fax: 00 32 2 233 74 65

E-mail: Quesfinvragen.tf@minfin.fed.be

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BULGARIA

Министерство на финансите ул. 'Г.С. Раковски' № 102 София 1000 Тел: (359-2) 985 91 Факс: (359-2) 988 1207 E-mail: feedback@minfin.bg

Ministry of Finance 102 'G.S. Rakovsky' street Sofia 1000 Tel.: (359-2) 985 91

Fax: (359-2) 985 91 Fax: (359-2) 988 1207 E-mail: feedback@minfin.bg

▼ <u>B</u>

CZECH REPUBLIC

Ministerstvo financí Finanční analytický útvar P.O. BOX 675 Jindřišská 14 111 21 Praha 1 Tel.: + 420 2 5704 4501

Tel.: + 420 2 5704 4501 Fax: + 420 2 5704 4502

Ministerstvo zahraničních věcí Odbor společné zahraniční a bezpečnostní politiky EU Loretánské nám. 5 118 00 Praha 1 Tel.: + 420 2 2418 2987

Tel.: + 420 2 2418 2987 Fax: + 420 2 2418 4080

DENMARK

Erhvervs- og Byggestyrelsen Langelinie Allé 17 DK-2100 København K Tlf. (45) 35 46 62 81 Fax (45) 35 46 62 03

Udenrigsministeriet Asiatisk Plads 2 DK-1448 København K Tlf. (45) 33 92 00 00 Fax (45) 32 54 05 33

Justitsministeriet Slotholmsgade 10 DK-1216 København K Tlf. (45) 33 92 33 40 Fax (45) 33 93 35 10

GERMANY

Concerning freezing of funds:

Deutsche Bundesbank Servicezentrum Finanzsanktionen Postfach D-80281 München Tel. (49) 89 28 89 38 00 Fax (49) 89 35 01 63 38 00

Concerning technical assistance:

Bundesamt für Wirtschaft und Ausfuhrkontrolle (BAFA) Frankfurter Straße 29—35 D-65760 Eschborn Tel. (49) 61 96 908-0 Fax (49) 61 96 908-800

ESTONIA

Eesti Välisministeerium Islandi väljak 1 15049 Tallinn Tel.: + 372 6317 100 Faks: + 372 6317 199

Finantsinspektsioon Sakala 4 15030 Tallinn Tel.: + 372 6680 500 Faks: + 372 6680 501

GREECE

A. Freezing of Assets

Ministry of Economy and Finance General Directory of Economic Policy Address: 5 Nikis Str. 10 563 Athens — Greece Tel.: + 30 210 3332786 Fax: + 30 210 3332810

Α. Δέσμευση κεφαλαίων

Υπουργείο Οικονομίας και Οικονομικών Γενική Δ/νση Οικονομικής Πολιτικής Δ/νση: Νίκης 5 10 563 Αθήνα Τηλ.: + 30 210 3332786 Φαξ: + 30 210 3332810

B. Import-Export restrictions

Ministry of Economy and Finance General Directorate for Policy Planning and Management Address Kornaroy Str. 10 563 Athens Tel.: + 30 210 3286401-3 Fax: + 30 210 3286404

Β. Περιορισμοί εισαγωγών — εξαγωγών

Υπουργείο Οικονομίας και Οικονομικών Γενική Δ/νση Σχεδιασμού και Διαχείρισης Πολιτικής Δ/νση: Κορνάρου 1 Τ.Κ. 10 563 Αθήνα — Ελλάς Τηλ.: + 30 210 3286401-3 Φαξ: + 30 210 3286404

SPAIN

Dirección General del Tesoro y Política Financiera Subdirección General de Inspección y Control de Movimientos de Capitales Ministerio de Economía Paseo del Prado, 6 E-28014 Madrid Tel. (34) 912 09 95 11

Dirección General de Comercio e Inversiones Subdirección General de Inversiones Exteriores Ministerio de Industria, Comercio y Turismo Paseo de la Castellana, 162 E-28046 Madrid Tel. (34) 913 49 39 83

FRANCE

Ministère de l'économie, des finances et de l'industrie Direction générale du Trésor et de la politique économique Service des affaires multilatérales et du développement Sous-direction Politique commerciale et investissements Service Services, Investissements et Propriété intellectuelle 139, rue du Bercy 75572 Paris Cedex 12 Tél.: (33) 1 44 87 72 85 Télécopieur: (33) 1 53 18 96 55

Ministère des affaires étrangères
Direction générale des affaires politiques et de sécurité
Direction des Nations unies et des organisations internationales
Sous-direction des affaires politiques
Tél.: (33) 1 43 17 59 68
Télécopieur (33) 1 43 17 46 91
Service de la politique étrangère et de sécurité commune
Tél.: (33) 1 43 17 45 16

Tél.: (33) 1 43 17 45 16 Télécopieur: (33) 1 43 17 45 84

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CROATIA

Ministarstvo vanjskih i europskih poslova Uprava za multilateralne poslove i globalna pitanja Trg N. Š. Zrinskog 7-8 10 000 Zagreb Tel. +385 14569952 Fax +385 14597416

▼B

IRELAND

United Nations Section Department of Foreign Affairs Iveagh House 79-80 Saint Stephen's Green Dublin 2 Tel.: + 353 1 478 0822

Fax: + 353 1 408 2165

Central Bank and Financial Services Authority of Ireland Financial Markets Department Dame Street Dublin 2

Tel.: + 353 1 671 6666 Fax: + 353 1 679 8882

ITALY

Ministero degli Affari Esteri Piazzale della Farnesina, 1 I-00194 Roma D.G.A.S. — Ufficio III Tel. (39) 06 3691 8221 Fax. (39) 06 3691 5296

Ministero dell'Economia e delle Finanze Dipartimento del Tesoro Comitato di Sicurezza Finanziaria Via XX Settembre, 97 I-00187 Roma Tel. (39) 06 4761 3942 Fax. (39) 06 4761 3032

CYPRUS

Ministry of Commerce, Industry and Tourism 6 Andrea Araouzou 1421 Nicosia Tel: + 357 22 86 71 00

Fax: + 357 22 31 60 71

Central Bank of Cyprus 80 Kennedy Avenue 1076 Nicosia Tel: + 357 22 71 41 00

Tel: + 357 22 71 41 00 Fax: + 357 22 37 81 53

Ministry of Finance (Department of Customs) M. Karaoli 1096 Nicosia

Tel: + 357 22 60 11 06 Fax: + 357 22 60 27 41/47

LATVIA

Latvijas Republikas Prokuratūra Noziedzīgi iegūtu līdzekļu legalizācijas novēršanas dienests Kalpaka bulvāris 6 Rīga, LV 1801 Tālr. Nr. (371) 70144431 Fakss: (371) 7044804 E-pasts: gen@lrp.gov.lv

Latvijas Republikas Ārlietu ministrija Brīvības iela 36 Rīga, LV 1395 Tālr. Nr. (371) 7016201 Fakss: (371) 7828121 E-pasts: mfa.cha@mfa.gov.lv

LITHUANIA

Security Policy Department Ministry of Foreign Affairs of the Republic of Lithuania J. Tumo-Vaižganto 2 LT-01511 Vilnius Lithuania Tel. (370-5) 236 25 16 Faks. (370-5) 236 30 90

LUXEMBOURG

Ministère des Affaires étrangères et de l'Immigration Direction des Relations économiques internationales 5, rue Notre-Dame L-2240 Luxembourg

Tél.: (352) 478 2346 Fax: (352) 22 20 48

Ministère des Finances 3, rue de la Congrégation L-1352 Luxembourg Tél.: (352) 478 2712 Fax: (352) 47 52 41

HUNGARY

Hungarian National Police Headquarters Teve u. 4–6. H-1139 Budapest Hungary

Tel./fax: + 36-1-443-5554

Országos Rendőrfőkapitányság 1139 Budapest, Teve u. 4–6. Magyarország

Tel./fax: + 36-1-443-5554

Ministry of Finance József nádor tér. 2–4. H-1051 Budapest Hungary

Postbox: 1369 Pf.: 481

Tel.: + 36-1-318-2066, + 36-1-327-2100 Fax: + 36-1-318-2570, + 36-1-327-2749

Pénzügyminisztérium

1051 Budapest, József nádor tér. 2-4.

Magyarország

Postafiók: 1369 Pf.: 481

Tel.: + 36-1-318-2066, + 36-1-327-2100 Fax: + 36-1-318-2570, + 36-1-327-2749

Ministry of Economic Affairs and Transport (in view of Article 4)

Hungarian Trade Licencing Office

Margit krt.85.

H-1024 Budapest Hungary Postbox: 1537 Pf.: 345 Tel.: + 36-1-336-7327

Gazdasági és Közlekedési Minisztérium - Kereskedelmi

Engedélyezési Hivatal

Margit krt.85.

H-1024 Budapest Magyarország

Postafiók: 1537 Pf.: 345 Tel.: + 36-1-336-7327

MALTA

Bord ta' Sorveljanza dwar is-Sanzjonijiet Ministeru ta' l-Affarijiet Barranin Palazzo Parisio Triq il-Merkanti Valletta CMR 02

Tel.: + 356 21 24 28 53 Fax: + 356 21 25 15 20

NETHERLANDS

De minister van Financiën De Directie Financiële Markten/Afdeling Integriteit Postbus 20201

NL-2500 EE Den Haag Tel.: 070-342 8997 Fax: 070-342 7984

AUSTRIA

Oesterreichische Nationalbank Otto Wagner Platz 3 A-1090 Wien Tel. (+ 43-1) 404 20-0 Fax (+ 43-1) 404 20-7399

POLAND

Main authority:

Ministry of Finance General Inspector of Financial Information (GIFF) ul. Świętokrzyska 12 00-916 Warsaw Poland Tel. (+ 48 22) 694 59 70 Fax. (+ 48 22) 694 54 50

Coordinating authority:

Ministry of Foreign Affairs Department of Law and Treaties Al. J. Ch. Szucha 23 00-580 Warsaw Poland Tel. (+ 48 22) 523 94 27 or 93 48 Fax. (+ 48 22) 523 83 29

PORTUGAL

Ministério dos Negócios Estrangeiros Direcção-Geral dos Assuntos Multilaterais Largo do Rilvas P-1350-179 Lisboa Tel. (351) 21 394 67 02 Fax (351) 21 394 60 73

Ministério das Finanças Direcção-Geral dos Assuntos Europeus e Relações Internacionais Avenida Infante D. Henrique n.º 1, C, 2.º P-1100 Lisboa Tel. (351) 21 882 3390/8 Fax (351) 21 882 3399

▼<u>M3</u>

ROMANIA

Ministerul Afacerilor Externe Aleea Alexandru, nr. 31 Sector 1, Bucureşti Tel.: (40) 21 319 2183 Fax: (40) 21 319 2226 e-mail: cabinet@mae.ro

Ministerul Finanțelor Publice Strada Apolodor nr. 17, Sector 5, București Tel.: (40) 21 319 9743 Fax: (40) 21 312 1630

e-mail: cabinet.ministru@mfinante.ro

Ministerul Economiei și Comerțului Calea Victoriei, nr. 152 Sector 1, București Tel.: (40) 21 231 02 62 Fax: (40) 21 312 05 13

▼B

SLOVENIA

Ministry of Foreign Affairs Prešernova 25 SI-1000 Ljubljana Tel.: 00386 1 4782000 Faks: 00386 1 4782341

Ministry of the Economy Kotnikova 5 SI-1000 Ljubljana Tel.: 00386 1 4783311 Faks: 00386 1 4331031

Ministry of Defence Kardeljeva pl. 25 SI-1000 Ljubljana Tel.: 00386 1 4712211 Faks: 00386 1 4318164

SLOVAKIA

Ministerstvo financií Slovenskej republiky Štefanovičova 5 P.O. BOX 82 817 82 Bratislava Tel.: 00421/2/5958 1111 Fax: 00421/2/5249 8042

▼B

Ministerstvo zahraničných vecí Slovenskej republiky Hlboká cesta 2

83336 Bratislava Tel: 00421/2/5978 1111 Fax: 00421/2/5978 3649

FINLAND

Ulkoasiainministeriö/Utrikesministeriet PL/PB 176 FIN-00161 Helsinki/Helsingfors P./Tfn (358-9) 16 00 5 Faksi/Fax (358-9) 16 05 57 07

SWEDEN

Articles 3 and 4:

Försäkringskassan 103 51 Stockholm Tfn (46-8) 786 90 00 Fax (46-8) 411 27 89

Articles 5 and 6:

Finansinspektionen Box 6750 113 85 Stockholm Tfn (46-8) 787 80 00 Fax (46-8) 24 13 35

UNITED KINGDOM

HM Treasury
Financial Systems and International Standards
1, Horse Guards Road
London SW1A 2HQ
United Kingdom
Tel. + 44 (0) 20 7270 5977
Fax. + 44 (0) 20 7270 5430

Bank of England Financial Sanctions Unit Threadneedle Street London EC2R 8AH United Kingdom Tel. + 44 (0) 20 7601 4768 Fax. + 44 (0) 20 7601 4309

▼<u>M12</u>

Address for notifications to the European Commission:

European Commission Service for Foreign Policy Instruments (FPI) Office EEAS 02/309 B-1049 Bruxelles/Brussel (Belgium) E-mail: relex-sanctions@ec.europa.eu