

DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2022/2398

of 8 December 2022

implementing Decision 2010/788/CFSP concerning restrictive measures in view of the situation in the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾ and in particular Article 6(2) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 20 December 2010, the Council adopted Decision 2010/788/CFSP.
- (2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2231 ⁽²⁾ in response to the obstruction of the electoral process and the related human rights violations in the Democratic Republic of the Congo (DRC). Decision (CFSP) 2016/2231 amended Decision 2010/788/CFSP and introduced additional restrictive measures.
- (3) Further to an evaluation of the relevant circumstances and in view of the gravity of the situation in the DRC, the Council considers that eight persons should be added to the list of persons and entities set out in Annex II to Decision 2010/788/CFSP.
- (4) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Annex II to Decision 2010/788/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, 8 December 2022.

For the Council
The President
V. RAKUŠAN

⁽¹⁾ OJ L 336, 21.12.2010, p. 30.

⁽²⁾ Council Decision (CFSP) 2016/2231 of 12 December 2016 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ L 336I, 12.12.2016, p. 7).

The following persons are added to the list set out in Section A ('Persons') of Annex II to Decision 2010/788/CFSP:

Persons

	Name	Identifying information	Grounds for listing	Date of listing
'10	Ruvugayimikore PROTOGÈNE	a.k.a. Ruhinda; Gaby Ruhinda; Zorro Midende DOB: 1968 or 1969 Gender: Male Function or profession: Leader of the Democratic Forces for the Liberation of Rwanda - <i>Forces Combattantes Abacunguzi</i> (FDLR-FOCA); Leader of the Maccabé group (formerly <i>Commando de recherche et d'action en profondeur</i> (CRAP)) of the FDLR-FOCA	Ruvugayimikore Protogène is a leader of the Democratic Forces for the Liberation of Rwanda - <i>Forces Combattantes Abacunguzi</i> (FDLR-FOCA), a non-governmental armed group operating in the Eastern DRC. He leads, in particular, the Maccabé group (formerly known as the <i>Commando de recherche et d'action en profondeur</i> (CRAP)) of the FDLR-FOCA. The FDLR-FOCA, including the Maccabé group, contributes to the armed conflict, instability and insecurity in the DRC, in particular through violence and serious human rights abuses, including attacks on civilians, killings, violence against children, rapes and other acts of sexual violence. Owing to his leading position in the FDLR-FOCA, Ruvugayimikore Protogène is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining the armed conflict, instability and insecurity in the DRC.	8.12.2022
11	Meddie NKALUBO	a.k.a. Mohammed Ali Nkalubo; Abul Jihad; Punny Boy DOB: 1991, 1992 or 1993 Nationality: Uganda Gender: Male Function or profession: Senior Allied Democratic Forces leader	Meddie Nkalubo is a senior leader of the Allied Democratic Forces (ADF), a non-governmental armed group operating in Uganda and the Eastern DRC. He has been identified as holding various responsibilities in the ADF, including communication and propaganda, recruitment, fabrication of arms, and rapprochement with ISIL (Da'esh). The ADF contributes to the armed conflict, instability and insecurity in the DRC (particularly in the Ituri and North Kivu provinces), in particular through violence and serious human rights abuses, including attacks against civilians, killings and abduction. Owing to his senior leading position and various responsibilities in the ADF, Meddie Nkalubo is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining the armed conflict, instability and insecurity in the DRC.	8.12.2022

	Name	Identifying information	Grounds for listing	Date of listing
12	Justin BITAKWIRA	<p>a.k.a. Bihona-Hayi</p> <p>DOB: 5.12.1960</p> <p>POB: Lemera, DRC</p> <p>Nationality: DRC</p> <p>Gender: Male</p> <p>Function or profession: Politician, former National Minister and President of the Alliance for the Republic and National Consciousness</p>	<p>Justin Bitakwira is a Congolese politician, former government Minister and member of the political party "Union for the Congolese Nation".</p> <p>In his public speeches, he has repeatedly incited violence and encouraged discrimination and hostility towards the Banyamulenge community, which has been targeted and attacked by armed groups.</p> <p>Those inflammatory speeches and narratives contribute to fuelling the conflict and violence in the DRC, in particular in the Hauts-Plateaux region characterised by inter-communal conflicts.</p> <p>Justin Bitakwira is therefore responsible for sustaining the armed conflict, instability and insecurity in the DRC, through inciting violence.</p>	8.12.2022
13	Joseph Nganzo Olikwa TIPI	<p>a.k.a. Colonel Tipi Ziro Ziro, Joseph Ngadjole, Joseph Nganzole Olikwa</p> <p>DOB: 10.11.1977</p> <p>POB: Bunia Fataki, DRC</p> <p>Nationality: DRC</p> <p>Gender: Male</p> <p>Rank: Colonel of the FARDC</p> <p>Position: Deputy Commander of the 12th Rapid Reaction Brigade in Minembwe, former Commander of the 312th battalion of the 31st Main Defence Brigade</p> <p>Military ID: 1-77-96-32692-76</p>	<p>Joseph Nganzo Olikwa Tipi was Commander of the 312th battalion of the 31st Main Defence Brigade of the Armed Forces of the Democratic Republic of the Congo (FARDC) until January 2022.</p> <p>Forces of the 312th battalion under his command and responsibility have committed attacks on civilians and serious human rights violations, in particular rapes of women between June and December 2021.</p> <p>Joseph Nganzo Olikwa Tipi remains a high-ranking officer in the FARDC, as Colonel and Deputy Commander of the 12th Rapid Reaction Brigade in Minembwe (South Kivu).</p> <p>Owing to his functions, he bears responsibility for recent human rights violations committed by the FARDC.</p> <p>Joseph Nganzo Olikwa Tipi is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.</p>	8.12.2022

	Name	Identifying information	Grounds for listing	Date of listing
14	Désiré LONDROMA NDJUKPA	a.k.a. Désiré Lokana Lokanza Gender: Male Function or profession: CODECO URDPC Defence Officer ('charge of defence')	Désiré Londroma Ndjukpa is a leader of the Cooperative for Development of the Congo / Union of Revolutionaries for the Defence of the Congolese People (CODECO URDPC), identified as its defence officer ('charge of defence'), and co-leader of its political wing. The CODECO URDPC is a non-governmental armed group operating in the Eastern DRC and contributing to the armed conflict, instability and insecurity in the DRC, in particular through violence and serious human rights abuses, including killings, sexual violence and attacks on civilians such as attacks on internally displaced persons camps between mid-November 2021 and February 2022, targeting in particular the Hema community. Owing to his leading position in the CODECO URDPC, Londroma Ndjukpa is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining the armed conflict, instability and insecurity in the DRC.	8.12.2022
15	Willy NGOMA	a.k.a. Major Willy Ngoma Gender: Male Function or profession: Spokesperson of the March 23 Movement / Congolese Revolutionary Army (M23/ARC)	Willy Ngoma holds the leading position of spokesperson of the March 23 Movement / Congolese Revolutionary Army (M23/ARC), a non-governmental armed group operating in the Eastern DRC. The M23/ARC contributes to the armed conflict, instability and insecurity in the DRC, in particular through violence and serious human rights abuses, including killings, attacks and sexual violence against civilians. Owing to his leading position in the M23/ARC, Willy Ngoma is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining the armed conflict, instability and insecurity in the DRC.	8.12.2022

	Name	Identifying information	Grounds for listing	Date of listing
16	William YAKUTUMBA	<p>DOB: 1970</p> <p>POB: Lunbondia, South-Kivu, DRC</p> <p>Nationality: DRC</p> <p>Gender: Male</p> <p>Function or profession: leader of the <i>Coalition Nationale du Peuple pour la Souveraineté du Congo</i> (CNPSC); founder and leader of the Mai-Mai Yakutumba militia</p>	<p>William Yakutumba is the Secretary-General and Commander of the <i>Coalition Nationale du Peuple pour la Souveraineté du Congo</i> (CNPSC), a coalition of the so-called Mai-Mai militias in South Kivu province of the DRC. He is the founder and leader of one of the largest militias of that coalition, the Mai-Mai Yakutumba.</p> <p>The Mai-Mai Yakutumba contributes to the armed conflict, instability and insecurity in the DRC, in particular through violence and serious human rights abuses, including massacres of village populations, attacks on civilians, rapes and other acts of sexual violence.</p> <p>The Mai-Mai Yakutumba also controls gold mines in the Eastern DRC, together with CNPSC members who control the mining routes. They profit from the illicit exploitation of and trade in gold. The Mai-Mai Yakutumba uses profits gained through that trade to finance its armed activities.</p> <p>Owing to his leading position in the CNPSC and in the Mai-Mai Yakutumba militia, William Yakutumba is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining and exploiting the armed conflict, instability and insecurity in the DRC, including through the illicit exploitation and trade of natural resources.</p>	8.12.2022
17	Alain François Viviane GOETZ	<p>DOB: 24.4.1965</p> <p>POB: Deurne, Antwerp, Belgium</p> <p>Nationality: Belgian</p> <p>Gender: Male</p>	<p>Alain Goetz is a businessman, who is the beneficial owner and former director of African Gold Refinery Ltd, registered in Uganda.</p> <p>Since 2016, African Gold Refinery Ltd has received, purchased, refined and traded illicit gold originating from mines in the DRC that are controlled by non-governmental armed groups, including the Mai-Mai Yakutumba and Raia Mutomboki, which are involved in destabilising activities in South Kivu province.</p> <p>Alain Goetz is therefore exploiting the armed conflict, instability and insecurity in the DRC through the illicit exploitation and trade of natural resources.</p>	8.12.2022'