

## GENERAL COURT

### Judgment of the General Court of 12 February 2020 — Amisi Kumba v Council

(Case T-163/18) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Renewal of the listing of the applicant's name on the list of persons concerned — Obligation to state reasons — Rights of the defence — Obligation for the Council to communicate the new elements justifying the renewal of the restrictive measures — Error of law — Manifest error of assessment — Right to property — Proportionality — Presumption of innocence — Plea of illegality)*

(2020/C 103/24)

Language of the case: French

#### Parties

*Applicant:* Gabriel Amisi Kumba (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, M. Forgeois and A. Guillerme, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, H. Marcos Fraile and S. Van Overmeire, acting as Agents)

#### Re:

Application based on Article 263 TFEU seeking annulment of Council Decision (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2017 L 328, p. 19), in so far as it concerns the applicant.

#### Operative part of the judgment

The Court:

1. Dismisses the action;
2. Orders Mr Gabriel Amisi Kumba to pay the costs.

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<sup>(1)</sup> OJ C 161, 7.5.2018.

### Judgment of the General Court of 12 February 2020 — Kampete v Council

(Case T-164/18) <sup>(1)</sup>

*(Common foreign and security policy — Restrictive measures taken in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Renewal of the listing of the applicant's name on the list of persons concerned — Obligation to state reasons — Rights of the defence — Obligation for the Council to communicate the new elements justifying the renewal of the restrictive measures — Error of law — Manifest error of assessment — Proportionality — Article 76(d) of the Rules of Procedure — Plea of illegality)*

(2020/C 103/25)

Language of the case: French

#### Parties

*Applicant:* Ilunga Kampete (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, M. Forgeois and A. Guillerme, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, H. Marcos Fraile and S. Van Overmeire, acting as Agents)

**Re:**

Application based on Article 263 TFEU seeking annulment of Council Decision (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2017 L 328, p. 19), in so far as it concerns the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mr Ilunga Kampete to pay the costs.

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(<sup>1</sup>) OJ C 161, 7.5.2018.

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**Judgment of the General Court of 12 February 2020 — Kahimbi Kasagwe v Council**

(Case T-165/18) (<sup>1</sup>)

*(Common foreign and security policy — Restrictive measures taken in view of the situation in the Democratic Republic of the Congo — Freezing of funds — Renewal of the listing of the applicant's name on the list of persons concerned — Obligation to state reasons — Rights of the defence — Obligation for the Council to communicate the new elements justifying the renewal of the restrictive measures — Error of law — Manifest error of assessment — Right to property — Right to respect for private and family life — Proportionality — Presumption of innocence — Plea of illegality)*

(2020/C 103/26)

Language of the case: French

**Parties**

*Applicant:* Delphin Kahimbi Kasagwe (Kinshasa, Democratic Republic of the Congo) (represented by: T. Bontinck, P. De Wolf, M. Forgeois and A. Guillerme, lawyers)

*Defendant:* Council of the European Union (represented by: J.-P. Hix, H. Marcos Fraile and S. Van Overmeire, acting as Agents)

**Re:**

Application based on Article 263 TFEU seeking annulment of Council Decision (CFSP) 2017/2282 of 11 December 2017 amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo (OJ 2017 L 328, p. 19), in so far as it concerns the applicant.

**Operative part of the judgment**

The Court:

1. Dismisses the action;
2. Orders Mr Delphin Kahimbi Kasagwe to pay the costs.

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(<sup>1</sup>) OJ C 161, 7.5.2018.