

COUNCIL DECISION (CFSP) 2019/2109
of 9 December 2019
amending Decision 2010/788/CFSP concerning restrictive measures against the Democratic Republic of the Congo

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 29 thereof,

Having regard to the proposal of 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 ⁽¹⁾ concerning restrictive measures against the Democratic Republic of the Congo (DRC).
- (2) On 12 December 2016, the Council adopted Decision (CFSP) 2016/2231 ⁽²⁾, which amends Decision 2010/788/CFSP, in response to the obstruction of the electoral process and the related human rights violations in the DRC. Decision (CFSP) 2016/2231 introduced, inter alia, autonomous restrictive measures in Article 3(2) of Decision 2010/788/CFSP.
- (3) On the basis of a review of the measures referred to in Article 3(2) of Decision 2010/788/CFSP, the restrictive measures should be renewed until 12 December 2020 and two persons should be removed from the list in Annex II to Decision 2010/788/CFSP.
- (4) The statements of reasons relating to certain persons listed in Annex II should be amended.
- (5) Moreover, a provision should be added to Decision 2010/788/CFSP specifying that the Council and the High Representative may process personal data in order to carry out their tasks under that Decision.
- (6) Decision 2010/788/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

Decision 2010/788/CFSP is amended as follows:

- (1) The following Article is inserted:

'Article 8a

1. The Council and the High Representative of the Union for Foreign Affairs and Security Policy (High Representative) may process personal data in order to carry out their tasks under this Decision, in particular:

- (a) as regards the Council, for preparing and making amendments to Annexes I and II;
- (b) as regards the High Representative, for preparing amendments to Annexes I and II.

2. The Council and the High Representative may process, where applicable, relevant data relating to criminal offences committed by listed natural persons, to criminal convictions of such persons or to security measures concerning such persons, only to the extent that such processing is necessary for the preparation of Annexes I and II.

⁽¹⁾ Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP (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 336 I, 12.12.2016, p. 7).

3. For the purposes of this Decision, the Council and the High Representative are designated as “controllers” within the meaning of point 8 of Article 3 of Regulation (EU) 2018/1725 of the European Parliament and of the Council (*), in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.

(*) Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p 39).;

(2) in Article 9, paragraph (2) is replaced by the following:

‘2. The measures referred to in Article 3(2) shall apply until 12 December 2020. They shall be renewed, or amended as appropriate, if the Council deems that their objectives have not been met.’;

(3) the list set out in Annex II to Decision 2010/788/CFSP is replaced by the list set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

Done at Brussels, 9 December 2019.

For the Council
The President
J. BORRELL FONTELLES

LIST OF PERSONS AND ENTITIES REFERRED TO IN ARTICLE 3(2)

A. Persons

	Name	Identifying information	Grounds for designation	Date of designation
1.	Ilunga Kampete	a.k.a. Gaston Hughes Ilunga Kampete; a.k.a. Hugues Raston Ilunga Kampete. DOB: 24.11.1964. POB: Lubumbashi (DRC). Military ID number: 1-64-86-22311-29. Nationality: DRC. Address: 69, avenue Nyangwile, Kinsuka Mimosas, Kinshasa/ Ngaliema, RDC. Gender: Male	As Commander of the Republican Guard (GR), Ilunga Kampete was responsible for the GR units deployed on the ground and involved in the disproportionate use of force and violent repression, in September 2016 in Kinshasa. Owing to his continuing role as head of the GR, he is responsible for the repression and infringements of human rights committed by GR agents, such as the violent repression of an opposition rally in Lubumbashi in December 2018. Ilunga Kampete was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.	12.12.2016
2.	Gabriel Amisi Kumba	a.k.a. Gabriel Amisi Nkumba; 'Tango Fort'; 'Tango Four'. DOB: 28.5.1964. POB: Malela (DRC). Military ID number: 1-64-87-77512-30. Nationality: DRC. Address: 22, avenue Mbenseke, Ma Campagne, Kinshasa/ Ngaliema, RDC. Gender: Male	Former Commander of the first defence zone of the Congolese Army (FARDC), whose forces took part in the disproportionate use of force and violent repression in September 2016 in Kinshasa. Gabriel Amisi Kumba has been Deputy Chief of Staff of the Congolese Armed Forces (FARDC) since July 2018, with responsibility for operations and intelligence. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC. Gabriel Amisi Kumba was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.	12.12.2016
3.	Ferdinand Ilunga Luyoyo	DOB: 8.3.1973. POB: Lubumbashi (DRC). Passport no: OB0260335 (valid from 15.4.2011 to 14.4.2016). Nationality: DRC. Address: 2, avenue des Orangers, Kinshasa/Gombe, RDC. Gender: Male	As Commander of the anti-riot unit <i>Légion Nationale d'Intervention</i> of the Congolese National Police (PNC), Ferdinand Ilunga Luyoyo was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa.	12.12.2016

	Name	Identifying information	Grounds for designation	Date of designation
			<p>Ferdinand Ilunga Luyoyo has been Commander of the PNC unit responsible for the protection of institutions and high-ranking officials since July 2017. Owing to his role, he bears responsibility for the recent human rights violations committed by the PNC.</p> <p>Ferdinand Ilunga Luyoyo was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	
4.	Célestin Kanyama	<p>a.k.a. Kanyama Tshisiku Celestin; Kanyama Celestin Cishiku Antoine; Kanyama Cishiku Bilolo Célestin. Esprit de mort. DOB: 4.10.1960. POB: Kananga (DRC). Nationality: DRC. Passport no: OB0637580 (valid from 20.5.2014 to 19.5.2019). Was granted Schengen visa no. 011518403, issued on 2.7.2016. Address: 56, avenue Usika, Kinshasa/Gombe, RDC. Gender: Male</p>	<p>As Commissioner of the Congolese National Police (PNC), Célestin Kanyama was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa.</p> <p>In July 2017, Célestin Kanyama was appointed Director-General of the National Police's training schools. Owing to his role as a senior PNC official, he bears responsibility for the recent human rights violations committed by the PNC. One example is the intimidation and deprivation of freedom imposed on journalists by police officers in October 2018, after the publication of a series of articles on the misappropriation of police cadet rations and the role that General Kanyama played in these events.</p> <p>Célestin Kanyama was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	12.12.2016
5.	John Numbi	<p>a.k.a. John Numbi Banza Tambo; John Numbi Banza Ntambo; Tambo Numbi. DOB: 16.8.1962. POB: Jadotville-Likasi-Kolwezi (DRC). Nationality: DRC. Address: 5, avenue Oranger, Kinshasa/Gombe, RDC. Gender: Male</p>	<p>John Numbi has been Inspector-General of the Congolese Armed Forces (FARDC) since July 2018. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC, such as disproportionate violence committed in June-July 2019 by FARDC troops under his direct authority against people who were mining illegally.</p> <p>John Numbi was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	12.12.2016

	Name	Identifying information	Grounds for designation	Date of designation
6.	Delphin Kahimbi	<p>a.k.a. Delphin Kahimbi Kasagwe; Delphin Kayimbi Demba Kasangwe; Delphin Kahimbi Kasangwe; Delphin Kahimbi Demba Kasangwe; Delphin Kasagwe Kahimbi. DOB: 15.1.1969 (alternatively: 15.7.1969). POB: Kiniezire/Goma (DRC). Nationality: DRC. Diplomatic passport no: DB0006669 (valid from 13.11.2013 to 12.11.2018). Address: 1, 14eme rue, Quartier Industriel, Linete, Kinshasa, RDC. Gender: Male</p>	<p>Delphin Kahimbi has been assistant Chief of Staff within the FARDC General Staff since July 2018, with responsibility for intelligence. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC. Delphin Kahimbi was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	12.12.2016
7.	Evariste Boshab	<p>a.k.a. Evariste Boshab Mabub Ma Bileng. DOB: 12.1.1956. POB: Tete Kalamba (DRC). Nationality: DRC. Diplomatic passport number: DP0000003 (valid: 21.12.2015— expiry: 20.12.2020). Schengen visa expired on 5.1.2017. Address: 3, avenue du Rail, Kinshasa/Gombe, RDC. Gender: Male</p>	<p>In his capacity as Vice Prime Minister and Minister of Interior and Security from December 2014 to December 2016, Evariste Boshab was officially responsible for the police and security services and coordinating the work of provincial governors. In this capacity, he was responsible for arrests of activists and opposition members, as well as disproportionate use of force, including between September 2016 and December 2016 in response to demonstrations in Kinshasa, which resulted in a large number of civilians being killed or injured by security services. Evariste Boshab was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p> <p>Evariste Boshab also played a part in the exploitation and aggravation of the crisis in the Kasai region, where he maintains a position of influence, particularly since becoming senator of Kasai in March 2019.</p>	29.5.2017
8.	Alex Kande Mupompa	<p>a.k.a. Alexandre Kande Mupomba; Kande-Mupompa. DOB: 23.9.1950. POB: Kananga (DRC). Nationality: DRC and Belgian. DRC passport number: OP0024910 (valid: 21.3.2016— expiry: 20.3.2021). Addresses: Messidorlaan 217/25, 1180 Uccle, Belgium 1, avenue Bumba, Kinshasa/Ngaliema, RDC. Gender: Male</p>	<p>As Governor of Kasai Central until October 2017, Alex Kande Mupompa was responsible for the disproportionate use of force, violent repression and extrajudicial killings committed by security forces and the PNC in Kasai Central from August 2016, including killings in the territory of Dibaya in February 2017. Alex Kande Mupompa was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	29.5.2017

	Name	Identifying information	Grounds for designation	Date of designation
			<p>Alex Kande Mupompa also played a part in the exploitation and aggravation of the crisis in the Kasai region for which he was a representative until October 2019 and in which he maintains a position of influence through the <i>Congrès des alliés pour l'action au Congo</i> (CAAC) which is part of the provincial government of Kasai.</p>	
9.	Jean-Claude Kazembe Musonda	<p>DOB: 17.5.1963. POB: Kashobwe (DRC). Nationality: DRC. Address: 7891, avenue Lubembe, Quartier Lido, Lubumbashi, Haut-Katanga, RDC. Gender: Male</p>	<p>As Governor of Haut-Katanga until April 2017, Jean-Claude Kazembe Musonda was responsible for the disproportionate use of force and violent repression committed by security forces and the PNC in Haut-Katanga, including between 15 and 31 December 2016, when 12 civilians were killed and 64 were injured as a result of the use of lethal force by security forces including PNC agents in response to protests in Lubumbashi.</p> <p>Jean-Claude Kazembe Musonda was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p> <p>Jean-Claude Kazembe Musonda is the leader of the CONAKAT party, which is part of the coalition under former President Joseph Kabila.</p>	29.5.2017
10	Éric Ruhorimbere	<p>a.k.a. Eric Ruhorimbere Ruhanga; Tango Two; Tango Deux. DOB: 16.7.1969. POB: Minembwe (DRC). Military ID number: 1-69-09-51400-64. Nationality: DRC. DRC passport number OB0814241. Address: Mbujimayi, Kasai Province, RDC. Gender: Male</p>	<p>As Deputy Commander of the 21st military region from September 2014 to July 2018, Éric Ruhorimbere was responsible for the disproportionate use of force and extrajudicial killings perpetrated by FARDC forces, notably against the Nsapu militia and women and children.</p> <p>Éric Ruhorimbere has been the Commander of the Nord Equateur operational sector since July 2018. Owing to his role, he bears responsibility for the recent human rights violations committed by the FARDC.</p> <p>Éric Ruhorimbere was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.</p>	29.5.2017

	Name	Identifying information	Grounds for designation	Date of designation
11	Emmanuel Ramazani Shadari	a.k.a. Emmanuel Ramazani Shadari Mulanda; Shadary. DOB: 29.11.1960. POB: Kasongo (DRC). Nationality: DRC. Address: 28, avenue Ntela, Mont Ngafula, Kinshasa, RDC. Gender: Male	As Vice Prime Minister and Minister of Interior and Security until February 2018, Ramazani Shadari was officially responsible for the police and security services and for coordinating the work of provincial governors. In this capacity, he was responsible for the arrests of activists and opposition members, as well as for the disproportionate use of force, such as the violent crackdown on members of the Bundu Dia Kongo (BDK) movement in Kongo Central, the repression in Kinshasa in January-February 2017 and the disproportionate use of force and violent repression in the Kasai provinces. In this capacity, Ramazani Shadari was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC. Ramazani Shadari has been permanent secretary of the <i>Parti du peuple pour la reconstruction et le développement</i> (PPRD) since February 2018, the main party in the coalition under former President Joseph Kabila.	29.5.2017
12	Kalev Mutondo	a.k.a. Kalev Katanga Mutondo, Kalev Motono, Kalev Mutondo, Kalev Mutoid, Kalev Mutombo, Kalev Mutond, Kalev Mutondo Katanga, Kalev Mutund. DOB: 3.3.1957. Nationality: DRC. Passport number: DB0004470 (issued: 8.6.2012— expires: 7.6.2017). Address: 24, avenue Ma Campagne, Kinshasa, RDC. Gender: Male	As Head of the National Intelligence Service (ANR) until February 2019, Kalev Mutondo was involved in and responsible for the arbitrary arrest, detention and mistreatment of opposition members, civil society activists and others. Kalev Mutondo was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC. In May 2019, he signed a declaration of past and future loyalty to Joseph Kabila, and he remains his close associate for security matters.	29.5.2017

B. Entities

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