



2024/1271

30.4.2024

COUNCIL IMPLEMENTING REGULATION (EU) 2024/1271

of 29 April 2024

implementing Regulation (EC) No 1183/2005 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 the Functioning of the European Union,

Having regard to Council Regulation (EC) No 1183/2005 of 18 July 2005 concerning restrictive measures in view of the situation in the Democratic Republic of the Congo ⁽¹⁾, and in particular Article 9(1), (2) and (5) thereof,

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

Whereas:

- (1) On 18 July 2005, the Council adopted Regulation (EC) No 1183/2005.
- (2) On 20 February 2024, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) added six persons to the list of individuals and entities subject to restrictive measures. Those six persons should therefore be included in the list of persons subject to restrictive measures set out in Annex I to Regulation (EC) No 1183/2005 and deleted from the list of natural and legal persons, entities and bodies in Annex Ia to that Regulation.
- (3) The United Nations Security Council has also made available further information pertaining to two persons included in the list of natural and legal persons, entities and bodies in Annex I to Regulation (EC) No 1183/2005 whose entries should therefore be updated.
- (4) Annex I and Annex Ia to Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I and Annex Ia to Regulation (EC) No 1183/2005 are amended in accordance with the Annex to this Regulation.

Article 2

This Regulation shall enter into force on the day following that 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.

Done at Luxembourg, 29 April 2024.

For the Council

The President

D. CLARINVAL

⁽¹⁾ OJ L 193, 23.7.2005, p. 1.

ANNEX

- (1) The following persons are added to the list of natural persons set out in Part 'a) List of persons referred to in Articles 2 and 2a' of Annex I to Regulation (EC) No 1183/2005:

‘39. Apollinaire HAKIZIMANA

(alias: a) AMIKWE LEPIC b) LE POÈTE c) ADONIA)

Designation: a) Lieutenant General b) Commissioner for Defence for the Forces Démocratiques de Libération du Rwanda — Forces Combattantes Abacunguzi (FDLR-FOCA).

Date of birth: 1964.

Date of UN designation: 20 February 2024.

Other information: Listed pursuant to paragraphs 7(b), 7(e) and 7(h) of resolution 2293 (2016) as “being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups”; “planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals”; and “acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity,” as extended by resolution 2688 (2023). As a military leader of FDLR-FOCA, Apollinaire HAKIZIMANA is involved in promulgating and supporting the group’s activities.

The “Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi” (FDLR-FOCA), a non-governmental armed group operating in Eastern DRC sustains armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, including killings of civilians, and grave violations, such as rape and other acts of sexual violence and abduction including against children. FDLR-FOCA is led by sanctioned individuals “Lieutenant-General” Gaston Nyamuremwe, alias Rumuli or Victor Byiringiro and “General” Pacifique Ntawunguka, alias Omegam.

As a leader of the FDLR-FOCA, Apollinaire HAKIZIMANA is 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. As a Lieutenant General and the Commissioner of Defence of FDLR-FOCA, Apollinaire HAKIZIMANA leads a designated entity alongside designated individuals.

40. Ahmad Mahmood HASSAN

(alias: a) Ahmed Mahamud Hassan ALIYANI b) Ahmad Mahmoud HASSAN c) Ahmad Mahamood HASSAN d) Ahmed Mahmoud HASSAN e) Abu WAQAS f) SAINT JOYAGE g) JUNDI h) ABWAKASI i) ABUWAKAS j) MURABU k) MARABOU l) MWARABU m) LEBLANC)

Designation: a) Lieutenant general b) Senior leader of the Allied Democratic Forces (ADF).

Date of birth: a) 21 July 1997 b) 1993.

Nationality: United Republic of Tanzania.

Passport number: a) United Republic of Tanzania AB850901 expires 11 December 2026 b) United Republic of Tanzania AB187304 (Expired 28 November 2016).

Address: Democratic Republic of the Congo.

Date of UN designation: 20 February 2024.

Other information: Ahmad Mahmood HASSAN was listed on 20 February 2024 pursuant to paragraphs 7(b), 7(e), and 7(h) of resolution 2293 (2016) and paragraph 3 of resolution 2641 (2022), as reaffirmed by paragraph 2 of resolution 2688 (2023). Ahmad Mahmood HASSAN leads a unit of a sanctioned entity and foreign armed group operating in the DRC: the Allied Democratic Forces (ADF). As a leader of ADF, Ahmad Mahmood HASSAN has effective command and control over the group’s combatants. Ahmad Mahmood HASSAN is 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. Ahmad Mahmood HASSAN is involved in the production and manufacture of improvised explosive devices in the DRC, as well as the planning, ordering, aiding, abetting or otherwise assisting with attacks in the DRC with improvised explosive devices.

In reference to paragraph 7(b) of resolution 2293 (2016): the 2021 final report of the UN Group of Experts on the DRC states that Ahmad Mahmood HASSAN, as “commander of a camp in Irungu/Mwalika, received new recruits to whom he provided military and ideological training”. He is therefore also responsible for sustaining the armed conflict, instability and insecurity in the DRC.

In reference to paragraph 7(e) of resolution 2293 (2016): Ahmad Mahmood HASSAN has been directly involved in the planning and conduct of ADF attacks, including a 16 June 2023 attack on the Lhubiriha Secondary School in Uganda, a bombing in the small town of Kasindi (Beni territory) on 15 January 2023, and a bomb attack in Goma on 7 April 2022 which killed six persons and injured 16 others.

Ahmad Mahmood HASSAN is one of the main sponsors of the attacks on Ugandan territory: Mpondwe, on June 16, 2023 (42 civilians killed), and Queen Elizabeth National Park, on 17 October 2023 (three civilians killed). According to Congolese and Ugandan sources, he directly trained and directed the commando units who carried out the attacks in Uganda from the DRC, including the ADF commander MUSA KAMUSI. Ahmad Mahmood HASSAN, along with senior official MEDDIE NKALUBO, has since 2023 spearheaded major ADF planned attacks on Ugandan territory.

On the evening of 7 April 2022, an explosion occurred at a bar in the Mabanga Sud neighbourhood of Goma, also known as Katindo military camp. Six persons were killed and at least 16 were injured. Evidence collected on site by the UN Group of Experts, corroborated by FARDC sources, forensic doctors, witness accounts and ADF sources, indicated that the blast was the result of an explosive vest worn by a woman killed in the attack. Three ADF collaborators and three intelligence sources reported that the attack had been planned by ADF, relying on its collaborator network in Goma. At least three individuals, identified as “Hassan”, “Yusuf” and “Masika”, were part of the ADF network in Goma and had received instructions from Meddie Nkalubo and Abwakasi (HASSAN). This attack marked the first documented ADF attack in Goma involving an improvised explosive device.

The 2023 final report of the UN Group of Experts on the DRC also states that HASSAN “was the one taking the final decision regarding the location and the dates of the IED attacks, and that he required the attacks to inflict the maximum number of casualties.” Owing to his senior leadership position within the ADF and his direct involvement in the planning and conduct of ADF attacks, Ahmad Mahmood HASSAN is therefore involved in planning, directing or committing acts in the DRC that constitute human rights violations or abuses.

In reference to paragraph 7(h) of resolution 2293 (2016): the 2021 final report of the UN Group of Experts on the DRC states that Ahmad Mahmood HASSAN, as “commander of a camp in Irungu/Mwalika, received new recruits to whom he provided military and ideological training”. He is therefore acting on behalf of the ADF.

In reference to paragraph 3 of resolution 2641 (2022): the 2021 final report of the UN Group of Experts states that Ahmad Mahmood HASSAN was “responsible for building most ADF IEDs and the armoury in his camp.” The 2023 final report of the UN Group of Experts on the DRC also contains details of a number of bombs built by Ahmad Mahmood HASSAN, including the IED which exploded in a crowded market in Beni town on 25 January 2023. Ahmad Mahmood HASSAN is involved in the production and manufacture of improvised explosive devices in the DRC. That 2023 final report also states that Ahmad Mahmood HASSAN “was the one taking the final decision regarding the location and the dates of the IED attacks, and that he required the attacks to inflict the maximum number of casualties.” Owing to his senior leadership position within the ADF and his direct involvement in the planning and conduct of ADF attacks, Ahmad Mahmood HASSAN is therefore involved in the commission, planning, ordering, aiding, abetting or otherwise assistance of attacks in the DRC with improvised explosive devices.

41. Michel RUKUNDA

(alias: MAKANIKA)

Designation: Commander and military leader of the armed group Twirwaneho.

Date of birth: 12 September 1974.

Place of birth: Minembwe, South Kivu, Democratic Republic of the Congo.

Nationality: Democratic Republic of the Congo.

Address: Democratic Republic of the Congo.

Date of UN designation: 20 February 2024.

Other information: Listed pursuant to paragraph 7(c), 7(d), and 7(e) of resolution 2293 (2016) as “being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes”; “recruiting or using children in armed conflict in the DRC in violation of applicable international law”; “planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals” and “acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity”, as extended by resolution 2688 (2023). As a military leader of an armed Congolese militia, Michel RUKUNDA is involved in promulgating and supporting the group’s activities.

Michel RUKUNDA is commander and overall military leader of the armed group Twirwaneho, active in South Kivu. Under his command, this group recruits children as young as 12 years old for active participation in hostilities, including as guards, armed personal escorts for Michel RUKUNDA, and combatants. Children have been recruited, including by force, almost exclusively from the Banyamulenge community. Under Michel RUKUNDA’s leadership of Twirwaneho, the armed group has killed and punished civilians for refusing to join or allowing their children to join.

42. Mohamed Ali NKALUBO

(alias: a) Meddie NKALUBO b) Meddie LEE c) KASIBANTE d) Abou SHAUKAN e) DEFENDER f) PUNNY BOY g) Abdul JIHAD h) Abu SHAUKAN i) PUNISHER)

Designation: Allied Democratic Forces (ADF) senior leader for operations/organization/support, and also communication and propaganda.

Date of birth: a) 1987 b) 1988 c) 1991 d) 1992 e) 1993.

Place of birth: Kampala, Uganda.

Nationality: Uganda.

Address: Democratic Republic of the Congo.

Date of UN designation: 20 February 2024.

Other information: Listed pursuant to paragraphs 7(b), 7(d), 7(e) and 7(h) of resolution 2293 (2016), as reaffirmed by paragraph 2 of resolution 2688 (2023): Mohamed Ali NKALUBO has engaged and continues to engage in acts that constitute serious human rights violations or abuses in the DRC and undermine the peace and security of the DRC. Mohamed Ali NKALUBO has a major role in the ADF armed group, a designated entity. As an ADF senior leader, he shares responsibility for crimes committed by ADF (killings, abduction, lootings, recruitment of child soldiers, sexual abuse, and illegal trade, mining, taxation, and arms proliferation) and is responsible for justifying the repeated and deliberate attacks committed by the group against civilians in Ituri and North Kivu. He was also identified as the person responsible for fabrication of arms for ADF and responsible for ADF rapprochement with the ISIL/Islamic State as early as 2017.

Mohamed Ali NKALUBO has consistently and repeatedly abused his power as a military leader of the sanctioned entity ADF, thereby undermining the peace and security of the DRC and committing human rights abuses in the DRC. He planned or participated in planning several attacks on the DRC territory. On 15 January 2023, an ADF explosive device detonated in the Pentecostal Church in Kasindi, 56 km southeast of the city of Beni (North Kivu province). The explosion, which occurred during a church service, killed at least 13 civilians and injured over 76 others. On 2 and 3 April 2023, ADF carried out a series of attacks resulting in at least 31 civilians killed near the border of the Mambasa and Irumu territories (Ituri province). On 7 April 2023, ADF elements ambushed and killed at least 24 civilians, including 14 men and 10 women, in the village of Musamdaba near Enebuella, 25 km northwest of the city of Beni. On 11 April 2023, a MONUSCO patrol, responding to a reported attack at Mabelenga (Ituri province), was ambushed by ADF elements. As coordinator of ADF external operations, Mohamed Ali NKALUBO coordinates ADF logistics and facilitation networks. Since 2021, Mohamed Ali NKALUBO has transferred funding to ADF operatives in support of operations across the Great Lakes region. As the primary builder of explosive devices in the group, he trained the suicide bomber that conducted the 7 April 2022 Katindo attack. Mohamed Ali NKALUBO also directed the 23 October 2021 attack on a restaurant in Kampala, Uganda, targeting a location reportedly frequented by Ugandan officials. He was also directly involved in an attempted attack in Rwanda in August and September 2021. He is a close associate of the Tanzanian national Ahmed Mahmoud HASSAN alias ABU WAKAS or ABWAKASI, one of the main sponsors of the attacks on Ugandan soil: Mpondwe, on 16 June 2023, and Queen Elizabeth Park, on 17 October 2023.

His name appears in the 2023 final report of the UN Group of Experts on the DRC.

43. William Amuri YAKUTUMBA

(alias: YAKUTUMBA)

Designation: a) Secretary General and leader for the Coalition Nationale du Peuple pour la Souveraineté du Congo (CNPSC) (until February 2023) b) founder and leader for MAI-MAI YAKUTUMBA.

Date of birth: a) 1970 b) 1972.

Place of birth: Lunbondja, Fizi Territory, South Kivu, Democratic Republic of the Congo.

Nationality: Democratic Republic of the Congo.

Date of UN designation: 20 February 2024.

Other information: Listed pursuant to paragraphs 7(c), 7(d), 7(e) and 7(g) of resolution 2293 (2016), as reaffirmed by paragraph 2 of resolution 2688 (2023): William Amuri YAKUTUMBA has engaged and continues to engage in acts that constitute serious human rights violations or abuses in the DRC and undermine the peace and security of the DRC.

William Amuri YAKUTUMBA has consistently and repeatedly abused his power in roles of military leadership within the MAI MAI YAKUTUMBA militia to undermine the peace and security of the DRC, including through illicit trade and exploitation of natural resources, and the commission of human rights abuses in the DRC, including rape, mass rape and other forms of sexual and gender-based violence. He planned or participated in planning several attacks on the DRC territory, in South and North Kivu provinces. As of 2021, the MAI MAI coalition engaged in clashes with the Twirwaneho armed group, attacking Banyamulenge civilians. Several attacks were launched in villages around Bibokoboko in October 2021, killing about 30 Banyamulenge civilians, including women and children, and leading to mass displacement. In 2021 the MAI MAI YAKUTUMBA militia took control of the Makungu, Kuwa and Mitondo gold mines located around Misisi town, and the production and trade in gold originating from them. In February 2023, William Amuri YAKUTUMBA was dismissed from the CNPSC leadership due to disagreement from the Coalition Political Directory, when he unilaterally decided to transfer to North Kivu and fight M23.

His name appears in the 2023 final report of the UN Group of Experts on the DRC (see Annex 73: Impact of M23 crisis on South Kivu).

44. Willy NGOMA

Designation: a) Major b) Military spokesperson for M23.

Date of birth: 1974.

Nationality: Democratic Republic of the Congo.

Address: Democratic Republic of the Congo.

Date of UN designation: 20 February 2024.

Other information: Listed pursuant to paragraphs 7(c), 7(e), and 7(h) of resolution 2293 (2016), as reaffirmed by paragraph 2 of resolution 2688 (2023): Willy NGOMA has engaged and continues to engage in acts that undermine the peace and security of the DRC. He is a military leader and spokesperson of M23, a Congolese militia which received support from outside the DRC and which impedes the disarmament and reintegration processes. Willy NGOMA has a major role in a designated entity.

Willy NGOMA has consistently and repeatedly abused his power in roles of military leadership within the sanctioned entity M23 to undermine the peace and security of the DRC.

Willy NGOMA has been the military spokesperson of sanctioned entity M23. As the M23 military spokesperson, he shares responsibility for crimes committed by M23 (killings, abduction, lootings, recruitment of child soldiers, sexual abuse, and illegal trade, mining, taxation, and arms proliferation) and is directly responsible for having justified and communicated on the repeated M23 attacks in the East of DRC.

His name appears in the 2023 final report of the UN Group of Experts on the DRC (see, inter alia, Annex 25: M23 Leadership and structure; Annex 26: Additional information on M23 weaponry and military equipment).';

- (2) the following entries replace the corresponding entries contained in the list of natural persons set out in Part 'a) List of persons referred to in Articles 2 and 2a' of Annex I to Regulation (EC) No 1183/2005:

'37. Bernard Maheshe BYAMUNGU

(alias: Tiger One)

Designation: a) Brigadier General b) Deputy Commander of operations and intelligence for M23.

Date of birth: 10 October 1974.

Place of birth: Democratic Republic of the Congo.

Nationality: Democratic Republic of the Congo.

Address: Democratic Republic of the Congo.

Date of UN designation: 25 October 2023.

Other information: Listed pursuant to paragraphs 7(c) and 7(h) of resolution 2293 (2016) as "being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilization and reintegration processes" and "acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity", as reaffirmed by paragraph 2 of resolution 2688 (2023). As a leader of M23, he is involved in promulgating and supporting the armed group's activities. He was promoted in January 2023 to Brigadier for the Congolese Revolutionary Army, the M23 armed branch. He was then appointed chief of staff and deputy to Sultani Makenga, and has validated the planning for every M23 operation in DRC since then. A warrant has been issued by Congolese authorities for his arrest.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing: Bernard Maheshe BYAMUNGU was listed on 25 October 2023 pursuant to paragraph 7 (c) and 7 (h) of resolution 2293 (2016), as reaffirmed by paragraph 2 of resolution 2688 (2023): He has engaged and continues to engage in acts that undermine the peace and security of the DRC. He is a military leader of a Congolese militia which received support from outside the DRC and which impedes the disarmament and reintegration process. Bernard Maheshe BYAMUNGU leads M23, a designated entity.

Additional information: Bernard Maheshe BYAMUNGU has consistently and repeatedly abused his power in roles of military leadership within several armed groups to commit human rights abuses in the DRC. Bernard Maheshe BYAMUNGU was a senior RCD-Goma military commander of the 8th Brigade. During this time, he planned and directed atrocities in Kindu, including public extrajudicial executions of three soldiers on the streets of Kindu. He later was responsible for large numbers of opportunistic killings of civilians in Kivu, which constitute human rights abuses. Since at least 2012, Bernard Maheshe BYAMUNGU has been an affiliate and leader of sanctioned entity M23. Since October 2022, Bernard Maheshe BYAMUNGU has been the Deputy Commander of operations and intelligence for M23, which committed atrocities against civilians in, amongst others, Kishishe on 29 November 2022.

38. Protogène RUVUGAYIMIKORE

(alias: a) Ruhinda b) Gaby Ruhinda c) Zorro Midende d) Gatokarakura)

Designation: Commander of the FDLR special unit, "Commando de recherche et d'action en profondeur", ("CRAP"), now called Maccabe.

Date of birth: a) 1968 b) 1969 c) 1970.

Place of birth: a) Karandaryi Cell, Mwiyanike Sector, Karago Commune, Gisenyi Prefecture, Rwanda b) Nyabihu District, Western Province, Rwanda.

Address: Nyiragongo, North Kivu, Democratic Republic of the Congo.

Date of UN designation: 25 October 2023.

Other information: Listed pursuant to paragraphs 7(b), 7(e), and 7(h) of resolution 2293 (2016) as “being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups”; “committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals”; and “acting on behalf of or at the direction of a designated individual or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated individual or entity”, as reaffirmed by paragraph 2 of resolution 2688 (2023). As a leader of FDLR, he has effective command and control over that group’s combatants.

Additional information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Reason for listing: Protogène RUVUGAYIMIKORE was listed on 25 October 2023 pursuant to Paragraphs 7 (b), 7(e), and 7(h) of resolution 2293 (2016), as reaffirmed by paragraph 2 of resolution 2688 (2023).

Protogène RUVUGAYIMIKORE is 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.

Protogène RUVUGAYIMIKORE leads a unit of the FDLR, a sanctioned entity and acts on behalf of designated individuals.

Additional information: Protogène RUVUGAYIMIKORE is a leader in the Democratic Forces for the Liberation of Rwanda — Forces Combattantes Abacunguzi (FDLR-FOCA), a sanctioned armed group operating in the Eastern DRC. He leads the special unit “Commando de recherche et d’action en profondeur” (CRAP) (now called Maccabe) of FDLR-FOCA. As of at least 2023, FDLR-FOCA is actively recruiting and training new combatants to reinforce Protogène RUVUGAYIMIKORE’S special unit.

In his position in the FDLR-FOCA, Protogène RUVUGAYIMIKORE is 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. Protogène RUVUGAYIMIKORE oversees training and recruitment of combatants for a designated entity and works directly with sanctioned individuals “Lieutenant-General” GASTON IYAMUREMYE and “General” PACIFIQUE NTAWUNGUKA.;

- (3) the following entries are deleted from the list of natural or legal persons, entities and bodies set out in Section A, ‘Persons’ of Annex Ia to Regulation (EC) No 1183/2005:

- ‘11. Meddie NKALUBO;
- 15. Willy NGOMA;
- 16. William YAKUTUMBA;
- 19. Michel RUKUNDA;
- 21. Ahmad Mahmood HASSAN;
- 24. Apollinaire HAKIZIMANA.’.