

COUNCIL IMPLEMENTING DECISION (CFSP) 2023/1567**of 28 July 2023****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 DRC, the Council considers that nine persons should be added to the list of natural or legal persons, entities and bodies 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 in accordance with 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, 28 July 2023.

For the Council
The President
P. NAVARRO RÍOS

⁽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 336 I, 12.12.2016, p. 7).

ANNEX

The following persons are added to the list of natural or legal persons, entities and bodies set out in Section A ('Persons') of Annex II to Decision 2010/788/CFSP:

Persons

	Name	Identifying information	Statement of Reasons	Date of listing
'18.	Bernard Maheshe BYAMUNGU	<p>a.k.a. Tiger One</p> <p>Function/rank: Brigadier-General in M23/ARC, Deputy Commander of operations</p> <p>DOB: 10.10.1974</p> <p>Nationality: DRC</p> <p>Gender: Male</p>	<p>Bernard Byamungu holds a leading position in the military branch of the Mouvement du 23 mars (M23)/Armée révolutionnaire congolaise (ARC) as Brigadier-General and Deputy-Commander of operations of this non-governmental armed group operating in Eastern DRC.</p> <p>The M23/ARC sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through attacks against civilians and the Congolese armed forces (FARDC), killings, torture, rapes and forced labour, such as a series of killings targeting civilians in the town of Kisheshe on 29 November 2022.</p> <p>Owing to his leading position in the M23/ARC, Bernard Byamungu 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
19.	Michel RUKUNDA	<p>a.k.a. Makanika</p> <p>Function/rank: Commander and Military leader of the armed group Twirwaneho in South Kivu</p> <p>DOB: 12.9.1974</p> <p>POB: Minembwe, South-Kivu, DRC</p> <p>Nationality: DRC</p> <p>Gender: Male</p>	<p>Michel Rukunda is a former Colonel of the Congolese armed forces (FARDC) and the Commander and Military leader of the non-governmental armed group Twirwaneho operating in South Kivu, which claims to represent the Banyamulenge Community.</p> <p>Twirwaneho sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through the voluntary or forced child recruitment to participate actively in hostilities, attacks against civilians and the Congolese armed forces (FARDC), and killings, such as attacks against civilians in Mikenge village in November 2021 which killed at least six persons.</p> <p>In addition, Michel Rukunda has been directly involved in the military training of recruits and in the use of children, including as armed escorts.</p> <p>Owing to his leading position in Twirwaneho and his direct involvement in the training and use of children, Michel Rukunda 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
20.	Charles SEMATAMA	<p>a.k.a. Sebyanya</p> <p>Function/rank: Commander, Deputy military leader of Twirwaneho</p> <p>DOB: 1975</p> <p>POB: Kalunyo village, around Kamombo localities, South Kivu, DRC</p> <p>Nationality: DRC</p> <p>Gender: Male</p>	<p>Charles Sematama is a former officer of the Congolese armed forces (FARDC) and holds the leading position of Commander and Deputy Military leader of the non-governmental armed group Twirwaneho operating in South Kivu, which claims to represent the Banyamulenge Community.</p> <p>Twirwaneho sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through the voluntary or forced child recruitment to participate actively in hostilities, attacks against civilians and the Congolese armed forces (FARDC), and killings, such as attacks against civilians in Mikenge village in November 2021 which killed at least six persons.</p> <p>In addition, Charles Sematama has been directly involved in propaganda sessions as well as in the forced recruitment and use of children, including as armed escorts.</p> <p>Owing to his leading position in Twirwaneho and his direct involvement in the forced recruitment and use of children, Charles Sematama 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
21.	Ahmad Mahmood HASSAN	<p>a.k.a. Ahmad Mahamood Hassan, Ahmad Mahmoud Hassan, Jundi, Abwakasi, Abuwakas, Murabu, Marabou, or Mwarabu</p> <p>Function/rank: ADF senior leader.</p> <p>DOB: Approximately 1993</p> <p>Nationality: Tanzanian</p> <p>Gender: Male</p>	<p>Ahmad Mahmood Hassan 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 key responsibilities in the ADF, including command of a camp, training of recruits, production of bombs, online outreach and rapprochement with ISIL (Da'esh).</p> <p>The ADF sustains the armed conflict, instability and insecurity in the DRC (particularly in the Ituri and North Kivu provinces) and is responsible for serious human rights abuses in that country, in particular through attacks against civilians, killings and abductions, such as the attacks in March 2023 in southern and south-east Beni territory killing more than 80 civilians and abducting more than 20 others.</p> <p>In addition, Ahmad Mahmood Hassan has been directly involved in the planning and conduct of ADF attacks, including 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 sixteen others.</p> <p>Owing to his senior leading 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 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
22.	Janvier Karairi (“Karahiri”) BUINGO	Function/rank: General, head of APCLS DOB: Approximately 1962 Nationality: Assumed Congolese (DRC) Gender: Male	<p>Janvier Karairi holds the leading position of General and head of the Alliance des patriotes pour un Congo libre et souverain (APCLS), a non-governmental armed group operating in the North-Eastern DRC and involved in the coalition of armed groups “Alliance des résistants de la patrie” (ARP) against the Mouvement du 23 mars (M23)/Armée révolutionnaire congolaise (ARC).</p> <p>The APCLS sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through participating in operations of the coalition of armed groups ARP, such as in Kitshanga and Rubaya in January and late February 2023, killings of and attacks against civilians, notably against Congolese Tutsi’s, and grave violations committed against children such as rapes and other forms of sexual violence and abduction.</p> <p>Owing to his leading position in the APCLS, Janvier Karairi 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
23.	Justin Maki GESI	<p>a.k.a. Le petit loup de la montagne</p> <p>Function/rank: Commander of CODECO/Alliance pour le Développement du Congo (CODECO/ALC).</p> <p>DOB: Unknown</p> <p>Nationality: Assumed Congolese (DRC)</p> <p>Gender: Male</p>	<p>Justin Maki Gesi holds a leading position as Commander of the ALC/CODECO, a non-governmental armed group operating in North-Eastern DRC (especially Ituri).</p> <p>The ALC/CODECO sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through the use of children as combatants, abductions, killings of and attacks against civilians, such as the attack on the villages of Nyamamba and Mbogi on 13 January 2023 after which more than 40 victims were found.</p> <p>Owing to his leading position in the CODECO/ALC, Justin Maki Gesi 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.</p>	28.7.2023
24.	Apollinaire HAKIZIMANA	<p>a.k.a. le poète, Adonia</p> <p>Function/rank: Lieutenant-General within FDLR/Commissioner of Defense</p> <p>DOB: 1964</p> <p>Nationality: Rwanda</p> <p>Gender: Male</p>	<p>Apollinaire Hakizimana is a military leader of the “Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi” (FDLR-FOCA), as General and Commissioner of Defense of this non-governmental armed group operating in Eastern DRC.</p> <p>The FDLR-FOCA sustains the armed conflict, instability and insecurity in the DRC and is responsible for serious human rights abuses in that country, in particular through recruitment and training of combatants, killings of civilians, and grave violations committed against children such as rapes and other acts of sexual violence and abduction.</p> <p>Owing to his leading position in the FDLR-FOCA, Apollinaire Hakizimana 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.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
25.	Simon (Salomon) TOKOLONGA	<p>Function/rank: Colonel, commander of the FARDC 3411th regiment</p> <p>DOB: 17.4.1972</p> <p>POB: Kishandja (North Kivu)</p> <p>Nationality: DRC</p> <p>Gender: Male</p>	<p>Colonel Simon Tokolonga holds a leading position in the Congolese Armed Forces (FARDC) as head of its 3411th regiment.</p> <p>Colonel Tokolonga attended a meeting in Pinga on 8 and 9 May 2022 where local armed groups, such as the Nduma défense du Congo-Rénové (NDC-R) and the Alliance des patriotes pour un Congo libre et souverain (APCLS), gathered and forged a coalition to resist the Mouvement du 23 mars (M23)/Armée révolutionnaire congolaise (ARC) (coalition “Alliance des résistants de la patrie” – ARP). The presence of Colonel Tokolonga has revealed the cooperation of some FARDC members with this coalition.</p> <p>In addition, members of the 3411th regiment of the FARDC have supplied weapons and ammunitions to armed groups operating in the DRC, including the provision of more than a dozen boxes of ammunition to FDLR (“Forces démocratiques de libération du Rwanda”) fighters in Kazaroho in July 2022. Colonel Tokolonga has reportedly coordinated several weapons supplies to armed groups operating against M23/ARC.</p> <p>The non-governmental armed groups part of the ARP coalition, including the NDC-R, APCLS and FDLR, sustain the armed conflict, instability and insecurity in the DRC, and are responsible for serious human rights abuses in that country, in particular through recruitment and training of combatants, participation in operations against M23/ARC, attacks against civilians, killings, and grave violations committed against children such as rapes and other forms of sexual violence and abduction.</p> <p>Owing to his leading position in the 3411th regiment of the FARDC and his coordinating role in weapons supplies, Simon Tokolonga is therefore responsible for providing support to armed groups sustaining the armed conflict, instability and insecurity in the DRC, including by providing them with arms and ammunitions.</p>	28.7.2023

	Name	Identifying information	Statement of Reasons	Date of listing
26.	Jean Pierre NIRAGIRE	<p>a.k.a. Jean-Pierre, Gasasira</p> <p>Function/rank: Captain. Commander of the Rwandese Defence Forces (RDF) Special Forces Unit active in Northern Kivu.</p> <p>Nationality: Rwanda</p> <p>Gender: Male</p>	<p>Captain Jean-Pierre Niragire holds the leading position of commander of the Rwanda Defense Forces (RDF) special forces deployed in the North Kivu region of the DRC from May 2022 onward.</p> <p>The objective of the RDF military actions on the DRC territory has been to reinforce the March 23 Movement/Congolese Revolutionary Army (M23/ARC), a non-governmental armed group operating in Eastern DRC, in particular by providing it with troops and materiel.</p> <p>The M23/ARC sustains the armed conflict, instability and insecurity in the DRC, and is responsible for serious human rights abuses in that country, in particular through attacks against civilians and the Congolese armed forces (FARDC), killings, torture, rapes and forced labour, such as a series of killings targeting civilians in the town of Kisheshe on 29 November 2022.</p> <p>As commander of the RDF special forces deployed in the North Kivu region, Jean Pierre Niragire is therefore responsible for providing support to the armed group M23/ARC, which sustains the armed conflict, instability and insecurity in the DRC, in particular by providing it with troops and materiel.</p>	28.7.2023'