Council Implementing Regulation (EU) 2020/1507 of 16 October 2020 implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo

COUNCIL IMPLEMENTING REGULATION (EU) 2020/1507

of 16 October 2020

implementing Article 9 of Regulation (EC) No 1183/2005 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to 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 imposing certain specific restrictive measures directed against persons acting in violation of the arms embargo with regard to the Democratic Republic of the Congo[(1)], and in particular Article 9(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 19 August 2020, the United Nations Security Council Committee established pursuant to United Nations Security Council Resolution 1533 (2004) amended the listings for two persons and three entities subject to restrictive measures.

(3) Annex I to Regulation (EC) No 1183/2005 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EC) No 1183/2005 is hereby amended as set out in 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.

Changes to legislation: *There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/1507. (See end of Document for details)*

Done at Brussels, 16 October 2020.

For the Council

The President

M. ROTH

***Changes to legislation:** There are currently no known outstanding effects for the Council Implementing Regulation (EU) 2020/1507. (See end of Document for details)*

ANNEX

I.In Annex I to Regulation (EC) No 1183/2005, Part a) (List of persons referred to in Articles 2 and 2a), the entries for the persons listed below are replaced by the following entries:

29. **Ntabo Ntaberi SHEKA**

Designation: Commander-in-Chief, Nduma Defence of Congo, Mayi Mayi Sheka group.

Date of Birth: 4 April 1976.

Place of Birth: Walikale, Walikalele territory, Democratic Republic of the Congo.

Nationality: Democratic Republic of the Congo.

Address: Goma, North Kivu, Democratic Republic of the Congo (in prison).

Date of UN designation: 28 November 2011.

Other information: He surrendered to MONUSCO on 26 July 2017 and has been since detained by the Congolese authorities. His trial for war crimes, crimes against humanity and participation in an insurrectional movement, before the Military Court in Goma, started in November 2018. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals

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

Ntabo Ntaberi Sheka, Commander-in-Chief of the political branch of the Mayi Mayi Sheka, is the political leader of a Congolese armed group that impedes the disarmament, demobilization, or reintegration of combatants. The Mayi Mayi Sheka is a Congo-based militia group that operates from bases in Walikale territory in eastern Democratic Republic of the Congo. The Mayi Mayi Sheka group has carried out attacks on mines in eastern Democratic Republic of the Congo, including taking over the Bisiye mines and extorting from locals. Ntabo Ntaberi Sheka has also committed serious violations of international law involving the targeting of children. Ntabo Ntaberi Sheka planned and ordered a series of attacks in Walikale territory from 30 July to 2 August, 2010, to punish local populations accused of collaborating with Congolese Government forces. In the course of the attacks, children were raped and were abducted, subjected to forced labour and subjected to cruel, inhumane or degrading treatment. The Mayi Mayi Sheka militia group also forcibly recruits boys and holds children in their ranks from recruitment drives.

30. **Bosco TAGANDA**

(alias a) Bosco Ntaganda, b) Bosco Ntagenda, c) General Taganda, d) Lydia (When he was part of APR), e) Terminator, f) Tango Romeo (Call sign), g) Romeo (Call sign), h) Major)

Address: The Hague, Netherlands (as of June 2016).

Date of Birth: Between 1973 and 1974.

Place of Birth: Bigogwe, Rwanda.

Nationality: Democratic Republic of the Congo.

Address: The Hague, Netherlands.

Date of UN designation: 1 November 2005.

Other information: Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations 'Umoja Wetu', 'Kimia II', and 'Amani Leo' in North and South Kivu. Entered Rwanda in March 2013, and voluntarily surrender to ICC officials in Kigali on March 22. Transferred to the ICC in The Hague, Netherlands. On 9 June 2014, ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him; the trial started in September 2015. On 8 July 2019, the ICC found him guilty of 18 counts of war crimes and crimes against humanity, committed in Ituri in 2002-2003. On 7 November 2019, he was sentenced to a total of 30 years imprisonment. He has appealed both his conviction and sentence. INTERPOL-UN Security Council Special Notice web link: https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals

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

Bosco Taganda was the UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004, but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, he had direct and command responsibility for the massacre at Kiwanja in November 2008.

Born in Rwanda, he moved to Nyamitaba in Masisi territory of North Kivu province when he was a child. In June 2011, he resided in Goma and owned large farms in Ngungu area of Masisi territory in North Kivu province. He was nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. He was Chief of Staff in the CNDP and then became the CNDP military commander after the arrest of Laurent Nkunda in January 2009. Starting in January 2009, he was de facto Deputy Commander of consecutive anti-FDLR operations Umoja Wetu, Kimia II, and Amani Leo in North and South Kivu provinces. He entered Rwanda in March 2013, voluntarily surrendered to ICC officials in Kigali on March 22 and was subsequently transferred to the ICC in The Hague, Netherlands. On 9 June 2014, the ICC confirmed 13 charges of war crimes and five charges of crimes against humanity against him. The trial started in September 2015.

II. In Annex I to Regulation (EC) No 1183/2005, Part b) (List of entities referred to in Articles 2 and 2a), the entries for the entities listed below are replaced by the following entries:

1. **ADF (ALLIED DEMOCRATIC FORCES)**

(Alias: a) Forces Démocratiques Alliées-Armée Nationale de Libération de l'Ouganda; b) ADF/NALU; c) NALU)

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

Date of UN designation: 30 June 2014.

Other Information: ADF founder and leader, Jamil Mukulu, was arrested in Dar es Salaam, Tanzania in April 2015. He was subsequently extradited to Kampala, Uganda in July 2015. As of June 2016, Mukulu is reportedly being held in a police detention cell awaiting his trial. Seka Baluku succeeded Jamil Mukulu as the overall leader of the ADF. As highlighted in several reports from the UN Group of Experts on the DRC (S/2015/19, S/2015/797, S/2016/1102,