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

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:

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2109. (See end of Document for details)*

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.

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[(3)], in order to ensure that the natural persons concerned can exercise their rights under Regulation (EU) 2018/1725.;

(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

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2109. (See end of Document for details)*

ANNEX

ANNEX II

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	12.12.2016

Changes to legislation: *There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2109. (See end of Document for details)*

			or abuses in DRC.	
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	As Commander of the anti-riot unit *Légion Nationale d'Intervention* of the Congolese	12.12.2016

***Changes to legislation:** There are currently no known outstanding effects for the Council Decision (CFSP) 2019/2109. (See end of Document for details)*

		(valid from 15.4.2011 to 14.4.2016). Nationality: DRC. Address: 2, avenue des Orangers, Kinshasa/ Gombe, RDC. Gender: Male	National Police (PNC), Ferdinand Ilunga Luyoyo was responsible for the disproportionate use of force and violent repression in September 2016 in Kinshasa. 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. Ferdinand Ilunga Luyoyo was therefore involved in planning, directing, or committing acts that constitute serious human rights violations or abuses in DRC.	
4.	Célestin Kanyama	a.k.a. Kanyama Tshisiku Celestin; Kanyama Celestin Cishiku Antoine; Kanyama Cishiku Bilolo Célestin. Esprit de mort. DOB: 4.10.1960.	As Commissioner of the Congolese National Police (PNC), Célestin Kanyama was responsible for the disproportionate use of force and violent	12.12.2016