2024/3107

10.12.2024

COUNCIL IMPLEMENTING REGULATION (EU) 2024/3107

of 9 December 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(2) 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) Further to a review of the autonomous restrictive measures laid down in Article 2b of Regulation (EC) No 1183/2005, the entries for certain persons listed in Annex Ia to Regulation (EC) No 1183/2005 should be amended.

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

HAS ADOPTED THIS REGULATION:

Article 1

Annex Ia to Regulation (EC) No 1183/2005 is 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 Brussels, 9 December 2024.

For the Council

The President

NAGY I.

[1] OJ L 193, 23.7.2005, p. 1.

ANNEX

In Section A ('Persons') of Annex Ia to Regulation (EC) No 1183/2005, entries 13, 17, 29 and 30 are replaced by the following:

	Name	Identifying information	Reasons	Date of listing
'13.	Joseph Nganzo Olikwa TIPI	a.k.a. Colonel Tipi Ziro Ziro, Joseph Ngadjole, Joseph Nganzole Olikwa DOB: 10.11.1977 POB: Bunia Fataki, DRC Nationality: DRC Gender: male Rank: Colonel of the FARDC Position: Deputy Commander of the 12th Rapid Reaction Brigade in Minembwe, former Commander of the 312th battalion of the 31st Main Defence Brigade Military ID: 1-77-96-32692-76	Joseph Nganzo Olikwa Tipi was Commander of the 312th battalion of the 31st Main Defence Brigade of the Armed Forces of the Democratic Republic of the Congo (FARDC) until January 2022. Forces of the 312th battalion under his command and responsibility have committed attacks on civilians and serious human rights violations, in particular rapes of women between June and December 2021. Joseph Nganzo Olikwa Tipi remains a high-ranking officer in the FARDC, as Colonel and Deputy Commander of the 12th Rapid Reaction Brigade in Minembwe (South Kivu), in charge of administration and logistics. Owing to his functions, he bears responsibility for recent human rights violations committed by the FARDC. Joseph Nganzo Olikwa Tipi is therefore involved in planning, directing or committing acts that constitute serious human rights violations or abuses in the DRC.	8.12.2022

ELI: http://data.europa.eu/eli/reg_impl/2024/3107/oj

	Name	Identifying information	Reasons	Date of listing
17.	Alain François Viviane GOETZ	DOB: 24.4.1965 POB: Deurne, Antwerp, Belgium Nationality: Belgian Gender: male	Alain Goetz is a businessman, who is the former beneficial owner and former director of African Gold Refinery Ltd, registered in Uganda. He was linked to African Gold Refinery Ltd as an advisor and promoter. Since 2016, African Gold Refinery Ltd has received, purchased, refined and traded illicit gold originating from mines in the DRC that are controlled by non-governmental armed groups, including the Mai-Mai Yakutumba and Raia Mutomboki, which are involved in destabilising activities in South Kivu province. Alain Goetz also retains gold-related interests in the region, in particular through Aldabra, a company he formerly controlled which, together with the Rwandan state-owned company Ngali Mining, invested in the Aldango gold refinery. Alain Goetz retains a financial interest in Aldabra insofar as the claim for damages he filed with the International Centre for Settlement of Trade Disputes is still pending. For all these reasons, Alain Goetz is exploiting the armed conflict, instability and insecurity in the DRC through the illicit exploitation and trade of natural resources.	8.12.2022

	Name	Identifying information	Reasons	Date of listing
29.	Pierre Celestin RURAKABIJE	a.k.a. Guillaume NGABO, Bagdad, Simba Guillaume, Samba Guillaume, Ngabo Simba Function/rank: Deputy Commander of the "Commando de recherche et d'action en profondeur" (CRAP) of the Forces Démocratiques pour la Libération du Rwanda / Forces Combattantes Abacunguzi (FDLR/FOCA), Lieutenant-Colonel Nationality: Rwanda Gender: male	Pierre Celestin Rurakabije holds a leading position as Deputy Commander within the Democratic Forces for the Liberation of Rwanda – Forces Combattantes Abacunguzi (FDLR-FOCA), a non-governmental armed group operating in Eastern DRC. In particular, he is the Deputy Commander of the "Commando de recherche et d'action en profondeur" (CRAP) of the FDLR-FOCA – considered as the commando and intelligence unit of the armed group. FDLR-FOCA is a largely Hutu armed group, some of whose leaders took part in the 1994 genocide in Rwanda. The FDLR-FOCA, including the CRAP unit, contributes to the armed conflict, instability and insecurity in the DRC, in particular through violence and serious human rights abuses, including attacks on civilians, killings, violence against children, rape and other acts of sexual violence. Owing to his leading position within the FDLR, Pierre Celestin Rurakabije 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.	26.7.2024

ELI: http://data.europa.eu/eli/reg_impl/2024/3107/oj

	Name	Identifying information	Reasons	Date of listing
30.	Gustave KUBWAYO	a.k.a. Sirkoof, Surkoof, Sirkoff, Surcouf, Surcoff, Surcof, Surkouf, Syrkoff, Modeste, Slycove Function/rank: Commander of the "Commando de recherche et d'action en profondeur" (CRAP) of the Forces Démocratiques pour la Libération du Rwanda / Forces Combattantes Abacunguzi (FDLR/FOCA), Colonel POB: Karago municipality, Gisenyi prefecture, Rwanda; or Nyabihu District, Western province, Rwanda Nationality: Rwanda Gender: male	Gustave Kubwayo holds a leading position as Commander in the Democratic Forces for the Liberation of Rwanda – Forces Combattantes Abacunguzi (FDLR-FOCA), an armed group operating in Eastern DRC. He leads the special unit "Commando de recherche et d'action en profondeur" (CRAP) of FDLR-FOCA – considered as the commando and intelligence unit of the armed group. FDLR-FOCA is a largely Hutu armed group, some of whose leaders took part in the 1994 genocide in Rwanda. FDLR-FOCA fighters, including the CRAP unit, have committed rape and other acts of sexual violence and killed civilians. FDLR-FOCA is systemically engaged in kidnappings for ransom, arbitrary detentions and executions of civilians and the recruitment of child combatants. The armed group is also involved in illegal logging, exploitation of natural resources such as charcoal, and illegally collected taxes at checkpoints. In his position as Commander of the CRAP unit, Gustave Kubwayo is involved in committing acts that constitute serious human rights violations or abuses in the DRC. He is also responsible for sustaining the armed conflict in the DRC.	26.7.2024'.