

FINANCIAL REPORTING AUTHORITY

(CAYFIN)



Delivery Address:

133 Elgin Ave, 4th Floor
Government Administrative Building
Grand Cayman
CAYMAN ISLANDS
Direct Tel No. (345) 244-5702
Tel No. (345) 945-6267
Fax No. (345) 945-6268
Email: financialreportingauthority@gov.ky

Mailing Address:

P.O. Box 1054
Grand Cayman KY1-1102
CAYMAN ISLANDS

Financial Sanctions Notice

12/02/2018

Democratic Republic of the Congo

Introduction

1. Council Regulation (EC) 1183/2005 (“the Regulation”) imposing financial sanctions with regard to the Democratic Republic of the Congo has been amended.

Notice summary (Full details are provided in the Annex to this Notice)

2. The following entries have been amended and are still subject to an asset freeze:
 - KANONGA Gedeon Kyungu Mutanga Wa Bafunkwa (Group ID: 13607)
 - MUNDOS Muhindo Akili (Group ID: 13604)
 - MWISSA Guidon Shimiray (Group ID: 13605)
 - NZAMBAMWITA Lucien (Group ID: 13606)

3. The following entries have been removed from the consolidated list and are no longer subject to an asset freeze.

- MUTANGA Gedeon Kyungu (Group ID: 13460)
- MUNDOS Muhindo Akili (Group ID: 13464)

What you must do

4.. You must:

- i. check whether you maintain any accounts or hold any funds or economic resources for the persons set out in the Annex to this Notice;
 - ii. freeze such accounts, and other funds or economic resources;
 - iii. refrain from dealing with the funds or assets or making them available (directly or indirectly) to such persons unless licensed by the Governor;
 - iv. report any findings to the FRA at financialreportingauthority@gov.ky, together with any additional information that would facilitate compliance with the Regulation;
 - v. provide any information concerning the frozen assets of designated persons to the FRA at financialreportingauthority@gov.ky by completing and submitting a TF/PF Asset Freeze Report Form. Information reported to FRA may be passed on to other regulatory authorities or law enforcement.
5. Where a relevant institution has already reported details of accounts, other funds or economic resources held frozen for designated persons, they are not required to report these details again.
6. Failure to comply with financial sanctions legislation or to seek to circumvent its provisions is a criminal offence.

Legislative details

7. On 10 February 2018 Council Implementing Regulation (EU) No 2018/197 (“the Amending Regulation”) was published in the Official Journal of the European Union (O.J. L 38, 10.2.2018, p.2) by the Council of the European Union.
8. The Amending Regulation amended Annex’s I & Ia to the Regulation with effect from 10 February 2018.
9. The Amending Regulation reflects the decisions made on 1 February 2018 by the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1533 (2004) to add 4 individuals to the UN the Democratic Republic of the Congo list.

10. In accordance with the United Nations and European Union Financial Sanctions (Linking) Regulations 2017 made under the Policing and Crime Act 2017, the UK enacted this decision on 2 February 2018 and issued Notice

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/678855/DRC_4_in_dividuals_02022018.pdf This EU Amending Notice supersedes that Notice.

Further Information

11. A copy of the Amending Regulation can be obtained from the website of the Official Journal of the European Union:

<http://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018R0197&from=EN>

12. Copies of recent Notices, certain EU Regulations, UNSC Resolutions and UK legislation can be obtained from the Democratic Republic of the Congo financial sanctions page on the GOV.UK website:

<https://www.gov.uk/government/collections/financial-sanctions-regime-specific-consolidated-lists-and-releases>

13. Further details on the UN measures in respect of the Democratic Republic of the Congo can be found on the relevant UN Sanctions Committee webpage: <http://www.un.org/sc/committees>.

14. Please note there are also import and export restrictions on the Democratic Republic of the Congo. Further guidance on export and trade sanctions is available from the GOV.UK website:

<https://www.gov.uk/sanctions-embargoes-and-restrictions>.

15. It should be noted that the Annex to this Notice and the Consolidated List may include certain background information provided by the UN Sanctions Committee that is not included in Annex I to the Regulation.

16. For more information please see OFSI's guide to financial sanctions:

<https://www.gov.uk/government/publications/financial-sanctions-faqs>

Enquiries

17. Enquiries regarding this Financial Sanctions Notice should be addressed to:

The Sanctions Coordinator
Financial Reporting Authority
P.O. BOX 1052
Grand Cayman KY1-1102
Cayman Islands
financialreportingauthority@gov.ky

ANNEX TO NOTICE
FINANCIAL SANCTIONS: THE DEMOCRATIC REPUBLIC OF THE CONGO
COUNCIL IMPLEMENTING REGULATION (EU) No 2018/197
AMENDING ANNEX'S I & Ia TO COUNCIL REGULATION (EC) No 1183/2005

AMENDMENTS

Individuals

1. **KANONGA Gedeon Kyungu Mutanga Wa Bafunkwa**

DOB: --/--/1974. **POB:** Manono Territory, Katanga Province (now Tanganyika Province)

Position: Katangan rebel leader **Other Information:** UN Ref CDi.035. ~~[Listing to be treated as temporary for 30 days from the date of listing by the UN or until the EU adds the new listing to an existing sanctions regulation (whichever is sooner) in accordance with Policing and Crime Act 2017].~~ [UN Listing (formerly temporary listing, in accordance with Policing and Crime Act 2017)]. Belongs to the Balubakat ethnic group. **Listed on:** 02/02/2018 **Last Updated:** ~~02/02/2018~~ 12/02/2018 **Group ID:** 13607.

2. **MUNDOS Muhindo Akili**

DOB: 10/11/1972. **POB:** Democratic Republic of the Congo **a.k.a:** (1) MUHINDO, Akili (2) MUNDOS, Charles, Muhindo, Akili (3) MUNDOS, Muhindo **Nationality:** Democratic Republic of the Congo **Position:** a) DRC Armed Forces (FARDC) General, Commander of the 31st Brigade, b) FARDC Brigadier General **Other Information:** UN Ref CDi.032. ~~[Listing to be treated as temporary for 30 days from the date of listing by the UN or until the EU adds the new listing to an existing sanctions regulation (whichever is sooner) in accordance with Policing and Crime Act 2017]~~ [UN Listing (formerly temporary listing, in accordance with Policing and Crime Act 2017)]. **Listed on:** 02/02/2018 **Last Updated:** ~~02/02/2018~~ 12/02/2018 **Group ID:** 13604.

3. **MWISSA Guidon Shimiray**

DOB: 13/03/1980. **POB:** Kigoma, Walikale, Democratic Republic of the Congo **Other Information:** UN Ref CDi.033. ~~[Listing to be treated as temporary for 30 days from the date of listing by the UN or until the EU adds the new listing to an existing sanctions regulation (whichever is sooner) in accordance with Policing and Crime Act 2017]~~ [UN Listing (formerly temporary listing, in accordance with Policing and Crime Act 2017)]. **Listed on:** 02/02/2018 **Last Updated:** ~~02/02/2018~~ 12/02/2018 **Group ID:** 13605.

4. **NZAMBAMWITA Lucien**

DOB: --/--/1966. **POB:** Cellule Nyagitabire, Sector Ruvune, Commune Kinyami, Prefecture Byumba, Rwanda **a.k.a:** KALUME, Andre **Nationality:** Rwanda **Other Information:** UN Ref CDi.034. [~~Listing to be treated as temporary for 30 days from the date of listing by the UN or until the EU adds the new listing to an existing sanctions regulation (whichever is sooner) in accordance with Policing and Crime Act 2017~~] *[UN Listing (formerly temporary listing, in accordance with Policing and Crime Act 2017)]*. **Listed on:** 02/02/2018 **Last Updated:** ~~02/02/2018~~ 12/02/2018 **Group ID:** 13606.

DELETIONS

Individuals

1. **MUTANGA Gedeon Kyungu**

DOB: --/--/1974. **POB:** Tanganyika province **Nationality:** DRC **Other Information:** EU listing. Leader of the Bakata Katanga militia between 2011 and 2016. **Listed on:** 30/05/2017 **Last Updated:** ~~30/05/2017~~ 12/02/2018 **Group ID:** 13460.

2. **MUNDOS Muhindo Akili**

DOB: 10/11/1972. **POB:** Kiroitse, DRC **a.k.a:** (1) MUNDOS, Charles, Muhindo, Akili (2) MUNDOS, Charles, Muhindo, Akilimani **Nationality:** DRC **National Identification no:** Military ID 1-72-96-80384-52 **Position:** FARDC Commander 31st Brigade **Other Information:** EU listing. **Listed on:** 30/05/2017 **Last Updated:** ~~30/05/2017~~ 12/02/2018 **Group ID:** 13464.

Financial Reporting Authority

Portfolio of Legal Affairs

12/02/2018

PROCEDURE FOR REMOVING PERSONS FROM THE CONSOLIDATED LIST AND UN-FREEZING ASSETS:

On receipt of the Financial Sanction Notices where an entry has been removed from the consolidated list and is no longer subject to any assets freeze:

“You must immediately on receipt of the Financial Sanction Notice advising of removal of person and/or entity from the Consolidated List –

- i. Check whether you have frozen assets of any person or entity removed from the Consolidated List and verify that the person or entity is no longer subject to an asset freeze.
- ii. Remove the person or entity from your institution’s list of persons or entities subject to financial sanction;
- iii. Un-freeze the assets of the person or entity and where necessary re-activate all relevant accounts;
- iv. Send advice to person or entity that the assets are no longer subject to an asset freeze;
- v. Advise the FRA at financialreportingauthority@gov.ky of the actions taken.

Financial Reporting Authority
P.O. BOX 1052
Grand Cayman KY1-1102
Cayman Islands
Email: financialreportingauthority@gov.ky

Tel No. (345) 945-6267
Fax No. (345) 945-6268