

FINANCIAL REPORTING AUTHORITY

(CAYFIN)

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Financial Sanctions Notice

13/02/2020

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 entry has been amended and is still subject to an asset freeze:

Seka BALUKU (Group ID: 13813)

What you must do

3. 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 financialsanctions@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 financialsanctions@gov.ky by completing and submitting a Compliance Reporting Form (CRF). Information reported to FRA may be passed on to other regulatory authorities or law enforcement.
4. 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.
5. Failure to comply with financial sanctions legislation or to seek to circumvent its provisions is a criminal offence.

Legislative details

6. On 13 February 2020 Council Implementing Regulation (EU) 2020/189 (“the Amending Regulation”) was published in the Official Journal of the European Union (O.J. L 40 I, 13.2.2020, p.1) by the Council of the European Union.
7. The Amending Regulation amended Annex I to the Regulation with effect from 13 February 2020.
8. The Amending Regulation reflects the decisions made on 6 February 2020 by the United Nations Security Council (UNSC) Committee established pursuant to Resolution 1533 (2004) to add 1 individual to the UN Democratic Republic of the Congo list.
9. 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 7 February 2020 and issued Notice

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/864400/Notice_DRC_UN_070220.pdf. This EU Amending Notice supersedes that Notice.

Further Information

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

<https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32020R0189&from=EN>

11. 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>

12. 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>.

13. 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>.

14. 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.

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

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

Enquiries

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

The Sanctions Coordinator
Financial Reporting Authority
P.O. BOX 1054
Grand Cayman KY1-1102
Cayman Islands
financialsanctions@gov.ky

ANNEX TO NOTICE
FINANCIAL SANCTIONS: THE DEMOCRATIC REPUBLIC OF THE CONGO
COUNCIL IMPLEMENTING REGULATION (EU) No 2020/189
AMENDING ANNEX I TO COUNCIL REGULATION (EC) No 1183/2005

AMENDMENT

Individual

1. BALUKU, Seka

DOB: --/--/1977. **a.k.a:** (1) KAJAJU, Mzee (2) LUMONDE (3) LUMU (4) MUSA **Nationality:** Uganda **Address:** Kajaju camp of Medina II, Beni territory, North Kivu, Democratic Republic of the Congo (last known location). **Position:** Overall leader of the Allied Democratic Forces (ADF) (CDe.001) **Other Information:** UN Ref: CDi.036. Longtime member of the ADF (CDe.001), Baluku used to be the second in command to ADF founder Jamil Mukulu (CDi.015) until he took over after FARDC military operation Sukola I in 2014. DOB is approximate. ~~(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:** 07/02/2020 **Last Updated:** ~~07/02/2020~~ 13/02/2020 **Group ID:** 13813.

Financial Reporting Authority

Portfolio of Legal Affairs

13/02/2020