

SANCTIONS AGAINST THE DEMOCRATIC REPUBLIC OF THE CONGO

❖ SOURCE

European Union

❖ RESTRICTIVE MEASURES

1. Council Decision 2010/788/CFSP of 20 December 2010 concerning restrictive measures against the Democratic Republic of the Congo and repealing Common Position 2008/369/CFSP – [original](#) – [consolidated version](#) (applicable until 12 December 2017)

Article 1

- embargo on the direct or indirect supply, sale or transfer of arms and any related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment and spare parts for the aforementioned to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo (DRC) by nationals of Member States or from the territories of Member States, or using their flag vessels or aircraft, shall be prohibited whether originating or not in their territories;
- prohibition to grant, sell, supply or transfer technical assistance, brokering services and other services related to military activities and to the provision, manufacture, maintenance and use of arms and related materiel of all types, including weapons and ammunition, military vehicles and equipment, paramilitary equipment, and spare parts for the aforementioned, directly or indirectly to all non-governmental entities and individuals operating in the territory of the DRC;
- prohibition to provide financing or financial assistance related to military activities, including in particular grants, loans and export credit insurance, for any sale, supply, transfer or export of arms and related materiel, or for any grant, sale, supply, or transfer of related technical assistance, brokering services and other services, directly or indirectly to all non-governmental entities and individuals operating in the territory of the DRC.

Article 3

Listing criteria:

- persons and entities designated by the Sanctions Committee of the UN Security Council for engaging in or providing support for acts that undermine the peace, stability or security of the DRC, including:
 - o acting in violation of the arms embargo and related measures;
 - o being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;
 - o being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilisation and reintegration processes;
 - o recruiting or using children in armed conflict in the DRC in violation of applicable international law;

- being involved in planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;
- obstructing the access to or the distribution of humanitarian assistance in the DRC;
- supporting persons or entities, including armed groups or criminal networks, involved in destabilising activities in the DRC through the illicit exploitation of or trade in natural resources, including gold, or wildlife or wildlife products;
- acting on behalf of or at the direction of a designated person or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated person or entity;
- planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or United Nations personnel;
- providing financial, material, or technological support for, or goods or services to a designated person or entity.
- persons and entities:
 - obstructing a consensual and peaceful solution towards elections in DRC, including by acts of violence, repression or inciting violence, or by undermining the rule of law;
 - involved in planning, directing or committing acts that constitute serious human rights violations or abuses in DRC;
 - associated with those referred to in the first two points.

Article 4

- restrictions on admission in the EU.

Article 5

- freezing of all funds, other financial assets and economic resources.

2. 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 – [original](#) – [consolidated version](#)

Article 1a

- prohibition to provide, directly or indirectly:
 - technical assistance or brokering services related to the goods and technology listed in the Common Military List of the European Union or related to the provision, manufacture, maintenance and use of goods included in that list, to any non-governmental entity or person operating in the territory of the DRC;
 - financing or financial assistance related to the sale, supply, transfer or export of goods and technology listed in the Common Military List, including in particular grants, loans and export credit insurance, as well as insurance and reinsurance, for any sale, supply, transfer or export of such items, or for any provision of related technical assistance or brokering services to any non-governmental entity or person operating in the territory of the DRC.

Article 2

- freezing of all funds and economic resources belonging to, owned, held or controlled, either directly or indirectly, by a natural or legal person, entity or body listed.

Article 2a

Listing criteria:

- natural or legal persons, entities or bodies designated by the Sanctions Committee of the UN Security Council for engaging in or providing support for acts that undermine the peace, stability or security of the DRC, including by:
 - o acting in violation of the arms embargo and related measures;
 - o being political and military leaders of foreign armed groups operating in the DRC who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups;
 - o being political and military leaders of Congolese militias, including those receiving support from outside the DRC, who impede the participation of their combatants in disarmament, demobilisation and reintegration processes;
 - o recruiting or using children in armed conflict in violation of applicable international law;
 - o planning, directing, or committing acts in the DRC that constitute human rights violations or abuses or violations of international humanitarian law, as applicable, including those acts involving the targeting of civilians, including killing and maiming, rape and other sexual violence, abduction, forced displacement, and attacks on schools and hospitals;
 - o obstructing the access to or the distribution of humanitarian assistance in the DRC;
 - o supporting individuals or entities, including armed groups or criminal networks, involved in destabilizing activities in the DRC through the illicit exploitation or trade of natural resources, including gold or wildlife as well as wildlife products;
 - o acting on behalf of or at the direction of a designated person or entity, or acting on behalf of or at the direction of an entity owned or controlled by a designated person or entity;
 - o planning, directing, sponsoring or participating in attacks against MONUSCO peacekeepers or UN personnel;
 - o providing financial, material, or technological support for, or goods or services to a designated person or entity.

DEROGATIONS AND EXCEPTIONS

- from the embargo on arms and related material – article 2 of Council Decision 2010/788/CFSP, articles 1a(2) and 1b of Council Regulation (EC) No 1183/2005;
- from the restrictions on admission – article 4 of Council Decision 2010/788/CFSP;
- from the freezing of funds, other financial assets and economic resources – article 5, par. (3) to (7) of Council Decision 2010/788/CFSP, articles 3 to 5 of Council Regulation (EC) No 1183/2005.

❖ **SOURCE**

United Nations

❖ **SANCTIONS**

1. **[UN Security Council Resolution 1493 \(2003\)](#)**

- measures to prevent the direct or indirect supply, sale or transfer of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, to all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and of Ituri, and to groups not party to the Global and All-inclusive agreement, in the Democratic Republic of the Congo (par. 20).

2. **[UN Security Council Resolution 1596 \(2005\)](#)**

- extension of the arms embargo to any recipient in the territory of the Democratic Republic of the Congo (par. 1);
- travel restrictions (par. 13);
- freezing of funds, other financial assets and economic resources from the date of adoption of the resolution, which are owned or controlled, directly or indirectly, by persons designated by the Sanctions Committee (par. 15).

3. **[UN Security Council Resolution 1649 \(2005\)](#)**

- extension of the asset and funds freezing and travel restrictions to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups, and political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo and in particular those operating in Ituri, who impede the participation of their combatants in disarmament, demobilization and reintegration processes (par. 2).

4. **[UN Security Council Resolution 1698 \(2006\)](#)**

- extension of the asset and funds freezing and travel restrictions to political and military leaders recruiting or using children in armed conflict in violation of applicable international law, and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement (par. 13).

4. **[UN Security Council Resolution 1807 \(2008\)](#)**

- lifting of the arms embargo with regard to the Government of the Democratic Republic of the Congo (par. 2);
- transport restrictions (paras. 6 to 8);
- travel restrictions (par. 9) and freezing of funds and economic assets (par. 11) of persons or entities acting in violation of sanctions; political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo who impede the

disarmament and the voluntary repatriation or resettlement of combatants belonging to those groups; political and military leaders of Congolese militias receiving support from outside the Democratic Republic of the Congo, who impede the participation of their combatants in disarmament, demobilization and reintegration processes; political and military leaders operating in the Democratic Republic of the Congo and recruiting or using children in armed conflicts in violation of applicable international law; individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

5. [UN Security Council Resolution 1857 \(2008\)](#)

- extension of the asset and funds freezing and travel restrictions to individuals obstructing the access to or the distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo (par. 4).

6. [Rezoluția Consiliului de Securitate al ONU 2293 \(2016\)](#)

- renewing the sanctions regime until 1 July 2017 (paras. 1, 4 and 5).

Useful links

[*Due diligence guidelines for the responsible supply chain of minerals from red flag locations to mitigate the risk of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo*](#)