

Liechtensteinisches Landesgesetzblatt

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Verordnung vom 21. Juni 2005 über Massnahmen gegenüber der Demokratischen Republik Kongo

Aufgrund von Art. 2 des Gesetzes vom 10. Dezember 2008 über die Durchsetzung internationaler Sanktionen (ISG), LGBL 2009 Nr. 41¹, unter Einbezug der aufgrund des Zollvertrages und der Fremdenpolizeilichen Vereinbarungen anwendbaren schweizerischen Rechtsvorschriften und in Ausführung der Resolutionen 1493 (2003) vom 28. Juli 2003, 1596 (2005) vom 18. April 2005, 1807 (2008) vom 31. März 2008 und 1857 (2008) vom 22. Dezember 2008 des Sicherheitsrates der Vereinten Nationen verordnet die Regierung:²

I. Zwangsmassnahmen³

Art. 1

Verbot der Lieferung von Rüstungsgütern und verwandtem Material

1) Die Lieferung, der Verkauf, die Durchfuhr und die Vermittlung von Rüstungsgütern jeder Art, einschliesslich Waffen und Munition, Militärfahrzeuge und -ausrüstung, paramilitärische Ausrüstung sowie Zubehör und Ersatzteile dafür, nach der Demokratischen Republik Kongo sind verboten.

2) Die Gewährung, der Verkauf und die Vermittlung von Beratung, Ausbildung oder Unterstützung, einschliesslich Finanzierung und finanzieller Unterstützung, im Zusammenhang mit der Lieferung, der Herstel-

lung, dem Unterhalt oder der Verwendung von Rüstungsgütern nach Abs. 1 sowie mit militärischen Aktivitäten in der Demokratischen Republik Kongo sind verboten.

3) Von den Verboten der Abs. 1 und 2 sind ausgenommen:

- a) die Lieferung von Gütern und die Erbringung von Dienstleistungen für die Mission der Organisation der Vereinten Nationen in der Demokratischen Republik Kongo (MONUC);
- b) die Lieferung nichtletalen militärischen Geräts, das ausschliesslich für humanitäre und Schutzzwecke bestimmt ist, und damit zusammenhängende technische Unterstützung und Ausbildung;
- c) die Lieferung von Gütern und die Erbringung von Dienstleistungen für staatliche Organe der Demokratischen Republik Kongo;
- d) die vorübergehende Ausfuhr von Schutzkleidung, einschliesslich kugelsicherer Westen und Helme, zur persönlichen Verwendung durch Personal der Vereinten Nationen, Medienvertreter und humanitäres Personal.⁴

3a) Die Lieferung von Gütern und die Erbringung von Dienstleistungen nach Abs. 3 Bst. b und c müssen der Stabsstelle FIU mindestens 30 Tage im Voraus gemeldet werden.⁵

4) Vorbehalten bleiben die Bestimmungen der in Liechtenstein anwendbaren schweizerischen Kriegsmaterial-, Güterkontroll- und Embargogesetzgebung.

Art. 2

Sperrung von Geldern und wirtschaftlichen Ressourcen

1) Gelder und wirtschaftliche Ressourcen, die sich im Eigentum oder unter der Kontrolle der natürlichen Personen, Unternehmen und Organisationen nach dem Anhang befinden, sind gesperrt.

2) Es ist verboten, den von der Sperrung betroffenen natürlichen Personen, Unternehmen und Organisationen Gelder zu überweisen oder Gelder und wirtschaftliche Ressourcen sonstwie direkt oder indirekt zur Verfügung zu stellen.

3) Die Regierung kann nach Meldung an den zuständigen Ausschuss des Sicherheitsrates der Vereinten Nationen, in Übereinstimmung mit den Beschlüssen dieses Ausschusses oder zur Wahrung liechtensteinischer Interessen Zahlungen aus gesperrten Konten, Übertragungen gesperrter Vermögenswerte sowie die Freigabe gesperrter wirtschaftlicher Ressourcen

ausnahmsweise bewilligen. Entsprechende Gesuche sind bei der Stabsstelle FIU einzureichen.⁶

Art. 3

Begriffsbestimmungen

In dieser Verordnung bedeuten:

- a) Gelder: finanzielle Vermögenswerte, einschliesslich Bargeld, Schecks, Geldforderungen, Wechsel, Geldanweisungen oder andere Zahlungsmittel, Guthaben, Schulden und Schuldenverpflichtungen, Wertpapiere und Schuldtitel, Wertpapierzertifikate, Obligationen, Schuldscheine, Optionsscheine, Pfandbriefe, Derivate; Zinserträge, Dividenden oder andere Einkünfte oder Wertzuwächse aus Vermögenswerten; Kredite, Rechte auf Verrechnung, Bürgschaften, Vertragserfüllungsgarantien oder andere finanzielle Zusagen; Akkreditive, Konnossemente, Sicherungsübereignungen, Dokumente zur Verbriefung von Anteilen an Fondsvermögen oder anderen Finanzressourcen und jedes andere Finanzierungsinstrument für Exporte;
- b) Sperrung von Geldern: die Verhinderung jeder Handlung, welche die Verwaltung oder die Nutzung der Gelder ermöglicht, mit Ausnahme von normalen Verwaltungshandlungen von Banken und Wertpapierfirmen;⁷
- c) wirtschaftliche Ressourcen: Vermögenswerte jeder Art, unabhängig davon, ob sie materiell oder immateriell, beweglich oder unbeweglich sind, insbesondere Immobilien und Luxusgüter, mit Ausnahme von Geldern nach Bst. a;
- d) Sperrung wirtschaftlicher Ressourcen: die Verhinderung ihrer Verwendung zum Erwerb von Geldern, Waren oder Dienstleistungen, einschliesslich des Verkaufs, des Vermietens oder des Verpfändens solcher Ressourcen.

Art. 4

Ein- und Durchreiseverbot

1) Die Einreise in Liechtenstein oder die Durchreise durch Liechtenstein ist den im Anhang aufgeführten natürlichen Personen verboten.

2) Die Regierung kann in Übereinstimmung mit den Beschlüssen des zuständigen Ausschusses des Sicherheitsrates der Vereinten Nationen Aus-

nahmen gewähren. Entsprechende Gesuche sind beim Ausländer- und Passamt einzureichen.⁸

II. Vollzug und Strafbestimmungen

Art. 5

Kontrolle und Vollzug

1) Die Stabsstelle FIU überwacht den Vollzug der Zwangsmassnahmen nach den Art. 1 und 2. Sie prüft insbesondere die Gesuche um Ausnahmebewilligungen und leitet sie - erforderlichenfalls nach Konsultation weiterer betroffener Stellen - mit ihrer Empfehlung an die Regierung weiter. Entsprechend der Resolution 1807 (2008) meldet die Regierung dem zuständigen Ausschuss des Sicherheitsrates der Vereinten Nationen vorgängig die Lieferung von Gütern und die Erbringung von Dienstleistungen nach Art. 1 Abs. 3 Bst. b und c.⁹

2) Das Ausländer- und Passamt überwacht den Vollzug des Ein- und Durchreiseverbots nach Art. 4. Es prüft insbesondere die Gesuche um Ausnahmebewilligungen und leitet sie - erforderlichenfalls nach Konsultation weiterer betroffener Stellen - mit seiner Empfehlung an die Regierung weiter.¹⁰

3) Die zuständigen liechtensteinischen Behörden ergreifen die für die Sperrung wirtschaftlicher Ressourcen notwendigen Massnahmen, insbesondere die Anmerkung einer Verfügungssperre im Grundbuch oder die Pfändung oder Versiegelung von Luxusgütern.¹¹

4) Die Zuständigkeit der schweizerischen Behörden bleibt vorbehalten.

Art. 6

Meldepflichten

1) Personen und Institutionen, die Gelder halten oder verwalten oder von wirtschaftlichen Ressourcen wissen, von denen anzunehmen ist, dass sie unter die Sperrung nach Art. 2 Abs. 1 fallen, müssen dies der Stabsstelle FIU unverzüglich melden.¹²

2) Die Meldungen müssen die Namen der Begünstigten sowie Gegenstand und Wert der gesperrten Gelder und wirtschaftlichen Ressourcen enthalten.

Art. 7¹³

Aufgehoben

Art. 8¹⁴

Aufgehoben

Art. 9¹⁵

Strafbestimmungen

1) Wer gegen Art. 1, 2 oder 4 verstösst, wird nach Art. 10 ISG bestraft, soweit nicht Strafbestimmungen der in Liechtenstein anwendbaren schweizerischen Kriegsmaterial-, Güterkontroll- und Embargogesetzgebung zur Anwendung gelangen.

2) Wer gegen Art. 6 verstösst, wird nach Art. 11 ISG bestraft.

III. Schlussbestimmungen

Art. 10

Aufhebung bisherigen Rechts

1) Die Verordnung vom 24. August 2004 über Massnahmen gegenüber der Demokratischen Republik Kongo, LGBL 2004 Nr. 196, wird aufgehoben.

2) Die Strafbarkeit von Widerhandlungen, die während der Geltungsdauer der in Abs. 1 genannten Verordnung begangen wurden, bleibt vorbehalten.

Art. 11

Inkrafttreten

Diese Verordnung tritt am Tage der Kundmachung in Kraft.

Fürstliche Regierung:
gez. *Otmar Hasler*
Fürstlicher Regierungschef

Anhang¹⁶

(Art. 2 Abs. 1 und Art. 4 Abs. 1)

Natürliche Personen, Unternehmen und Organisationen, gegen die sich die Massnahmen nach Art. 2 und 4 richten

1. BWAMBALE Frank Kakolele (alias 1. Frank Kakorere, 2. Frank Kakorere Bwambale); Staatsangehörigkeit: Congolese; FARDC General, without posting as of June 2011. Left the CNDP in January 2008. As of June 2011, resides in Kinshasa. Since 2010, Kakolele has been involved in activities apparently on behalf of the DRC government's Programme de Stabilisation et Reconstruction des Zones Sortant des Conflits Armés (STAREC), including participation in a STAREC mission to Goma and Beni in March 2011. Former RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo.
2. IYAMUREMYE Gaston (alias 1. Rumuli, 2. Byiringiro Victor Rumuli, 3. Victor Rumuri, 4. Michel Byiringiro); DOB: 1948; POB: Musanze District (Northern Province), Rwanda Ruhengeri, Rwanda; Staatsangehörigkeit: Rwandan; FDLR President and 2nd Vice-President of FDLR-FOCA. As of June 2011, based at Kalonge, North Kivu Province. Brigadier. General According to multiple sources, including the UNSC DRC Sanctions Committee's Group of Experts, Gaston Iyamuremye is the second vice president of the FDLR and is considered a core member of the FDLR military and political leadership. Gaston Iyamuremye also ran the office of Ignace Murwanashyaka (President of the FDLR) in Kibua, DRC until December 2009.
- 2a. KAINA, Innocent (alias: Colonel Innocent KAINA; "India Queen"); POB: Bunagana, Rutshuru territory, Democratic Republic of the Congo. Innocent Kaina is currently a Sector commander in the Mouvement du 23 Mars (M23). He is responsible for and has committed serious violations of international law and human rights. In July 2007 the Garrison Military Tribunal of Kinshasa found Kaina responsible for crime against humanity committed in the District of Ituri, between May 2003 and December 2005. He was released in 2009 as part of the peace agreement between the Congolese government and the CNDP. Within the FARDC in 2009, he has been guilty of executions, abductions and maiming in Masisi territory. As Commander under the orders of General Ntaganda, he initiated the ex-CNDP mutiny in Rutshuru territory in April 2012. He ensured the security of the mutineers out of Masisi. Between May and August 2012, he oversaw the recruitment and training of over 150 children for the M23 rebellion, shooting the boys who had tried to escape. In July 2012 he travelled to Berunda and Degho for mobilization and recruitment activities for the M23.

3. KAKWAVU BUKANDE Jérôme (alias: 1. Jérôme Kakwavu, 2. Commandant Jérôme); POB: Goma; Staatsangehörigkeit: Congolese; Given the rank of General in the FARDC in December 2004. As of June 2011, detained in Makala Prison in Kinshasa. On 25 March 2011, the High Military Court in Kinshasa opened a trial against Kakwavu for war crimes. Former President of UCD/FAPC. FAPC's control of illegal border posts between Uganda and the DRC - a key transit route for arms flows. As President of the FAPC, he exercised influence over policies and command and control over the activities of FAPC forces, which were involved in arms trafficking and, consequently, in violations of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002. One of five senior FARDC officers who had been accused of serious crimes involving sexual violence and whose cases the Security Council had brought to the Government's attention during its visit in 2009.
4. KATANGA Germain; Staatsangehörigkeit: Congolese; Appointed General in the FARDC in December 2004. Handed over by the Government of the DRC to the International Criminal Court on 18 October 2007. His trial began in November 2009. FRPI chief. Involved in weapons transfers, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003.
5. LUBANGA Thomas; POB: Ituri; Staatsangehörigkeit: Congolese; Arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses violations. Transferred to the ICC by the DRC authorities on 17 March 2006. His trial began in January 2009 and is due to close in 2011. President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003.
- 5a. Name: MAKENGA, Sultani (alias: 1. MAKENGA, Colonel SULTANI, 2. MAKENGA, EMMANUEL SULTANI); DOB: 25 December 1973; POB: Rutshuru, Democratic Republic of the Congo; Passport/Identifying information: Title: A military leader of the Mouvement du 23 Mars (M23) group operating in the Democratic Republic of the Congo. Nationality: Congolese. Designation/Justification: Sultani Makenga is a military leader of the Mouvement du 23 Mars (M23) group operating in the Democratic Republic of the Congo (DRC). As a leader of M23 (also known as the Congolese Revolutionary Army), Sultani Makenga has committed and is responsible for serious violations of international law involving the targeting of women and children in situations of armed conflict, including killing and maiming, sexual violence, abduction, and forced displacement. He has also been responsible for violations of international law related to M23's actions in recruiting or using children in armed conflict in the DRC. Under the command of Sultani Makenga, M23 has carried out extensive atrocities against the civilian population of the DRC. According to testimonies and reports, the militants operating under the command of Sultani Makenga have conducted rapes throughout Rutshuru territory against women and children, some of whom have been as young as 8 years old, as part of a policy to consolidate control in Rutshuru territory. Under Makenga's command, M23 has conducted extensive forced recruitment campaigns

of children in the DRC and in the region, as well as killing, maiming, and injuring scores of children. Many of the forced child recruits have been under the age of 15. Makenga has also been reported to be the recipient of arms and related materiel in violation of measures taken by the DRC to implement the arms embargo, including domestic ordinances on the importing and possession of arms and related materiel. Makenga's actions as the leader of M23 have included serious violations of international law and atrocities against the civilian population of the DRC, and have aggravated the conditions of insecurity, displacement, and conflict in the region.

6. MANDRO Khawa Panga (alias 1. Kawa Panga, 2. Kawa Panga Mandro, 3. Kawa Mandro, 4. Yves Andoul Karim, 5. Mandro Panga Kahwa, 6. Yves Khawa Panga Mandro, 7. "Chief Kahwa" "Kawa"); DOB: 20 August 1973, POB: Bunia; Staatsangehörigkeit: Congolese, Placed in prison in Bunia in April 2005 for sabotage of the Ituri peace process. Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery. As of June 2011 detained at Makala Central Prison, Kinshasa. Ex-President of PUSIC, one of the armed groups and militia referred to in paragraph 20 of Res. 1493 (2003) involved in arms trafficking, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children from 2001 to 2002.
7. MBARUSHIMANA Callixte; DOB: 24 July 1963, POB: Ndusu/Ruhengeri Northern Province, Rwanda; Staatsangehörigkeit: Rwandan; Arrested in Paris on 3 October 2010 under ICC warrant for war crimes and crimes against humanity committed by FDLR troops in the Kivus in 2009 and transferred to The Hague on 25 January 2011. Executive Secretary of the FDLR and Vice-President of the FDLR military high command until his arrest. Political/Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b).
8. MPAMO Iruta Douglas (alias 1. Mpano, 2. Douglas Iruta Mpamo); DOB: 28 December 1965, Bashali, Masisi; 29 December 1965, Goma, DRC (formerly Zaire), Uvira; Staatsangehörigkeit: Congolese; As of June 2011, resides in Gisenyi, Rwanda. No known occupation since two of the planes managed by Great Lakes Business Company (GLBC) crashed. Owner/Manager of the Compagnie Aérienne des Grands Lacs and of Great Lakes Business Company, whose aircraft were used to provide assistance to armed groups and militias referred to in paragraph 20 of Res. 1493 (2003). Also responsible for disguising information on flights and cargo apparently to allow for the violation of the arms embargo.
9. MUDACUMURA Sylvestre (alias: 1. "Radja", 2. "Mupenzi Bernard", 3. "General Major Mupenzi", 4. "General Mudacumura"); Staatsangehörigkeit: Rwandan; Military commander of FDLR-FOCA, also political 1st Vice-President and head of FOCA High Command, thus combining overall military and political command functions since the arrests of FDLR leaders in Europe. As of June 2011, based at Kikoma forest, near Bogoyi, Walikale, North Kivu. FDLR commander, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo.

Mudacumura (or staff) was in telephone communication with FDLR leader Murwanashyaka in Germany, including at the time of the Busurungi Massacre May 2009, and military commander Major Guillaume during Umoja Wetu and Kimia II operations in 2009. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 27 cases of recruitment and use of children by troops under his command in North Kivu from 2002 to 2007.

10. MUGARAGU Leodomir (alias: 1. Manzi Leon, 2. Leo Manzi); DOB: 1954, 1953; POB: Kigali, Rwanda; Rushashi (Northern Province), Rwanda; Staatsangehörigkeit: Rwandan; FDLR-FOCA Chief of Staff, in charge of administration. As of June 2011, based at the FDLR HQ at Kikoma forest, Bogoyi, Walikale, North Kivu. According to open-source and official reporting, Leodomir Mugaragu is the Chief of Staff of the Forces Combattantes Abucunguzi/Combatant Force for the Liberation of Rwanda (FOCA), the FDLR's armed wing. According to official reporting Mugaragu is a senior planner for FDLR's military operations in the eastern DRC.
11. MUJYAMBERE Leopold (alias: 1. Musenyeri, 2. Achille, 3. Frere Petrus Ibrahim); DOB: 17 March 1962, Kigali, Rwanda; Est. 1966; Staatsangehörigkeit: Rwandan; As of June 2011, Commander of the South Kivu operational sector now called "Amazon" of FDLRFOCA. Based at Nyakaleke (south-east of Mwenga, South Kivu). Commander of the Second Division of FOCA / the Reserve Brigades (an FDLR armed branch). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).
- 11a. MUKULU Jamil (alias: 1. Professor Musharaf, 2. Steven Alirabaki, 3. David Kyagulanyi, 4. Musezi Talengelanimiro, 5. Mzee Tutu, 6. Abdullah Junjuaka, 7. Alilabaki Kyagulanyi, 8. Hussein Muhammad, 9. Nicolas Luumu, 10. Talengelanimiro; DOB: 1965; Alt. DOB: January 1, 1964; POB: Ntoke Village, Ntenjeru Sub County, Kayunga District, Uganda. Passport/Identifying information: Title: Head of the Allied Democratic Forces (ADF); Alt. Title: Commander, Allied Democratic Forces; Staatsangehörigkeit: Ugandan. Designation/Justification: According to open-source and official reporting, including the UNSC DRC Sanctions Committee's Group of Experts' reports, Mr. Jamil Mukulu is the military leader of the Allied Democratic Forces (ADF), a foreign armed group operating in the DRC that impedes the disarmament and voluntary repatriation or resettlement of ADF combatants, as described in paragraph 4 (b) of resolution 1857 (2008). The UNSC DRC Sanction Committee's Group of Experts has reported that Mukulu has provided leadership and material support to the ADF, an armed group operating in the territory of the DRC. According to multiple sources including the UNSC DRC Sanctions Committee's Group of Experts' reports, Jamil Mukulu has also continued to exercise influence over the policies, provided financing, and maintained direct com-

mand and control over the activities of, ADF forces in the field, including overseeing links with international terrorist networks.

12. MURWANASHYAKA Dr. Ignace (alias: Ignace); DOB: 14 May 1963, Butera (Rwanda); Ngoma, Butare (Rwanda); Staatsangehörigkeit: Rwandan; Arrested by German authorities on 17 November 2009. Replaced by Gaston Iamuremye, alias "Rumuli" as President of FDLR-FOCA. Murwanashyaka's trial for war crimes and crimes against humanity committed by FDLR troops in DRC in 2008 and 2009 began on 4 May 2011 in a German court. President of the FDLR, and supreme commander of the FDLR armed forces exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. In telephone communication with FDLR military field commanders (including during the Busurungi May 2009 massacre); gave military orders to the high command; involved in coordinating the transfer of arms and ammunition to FDLR units and relaying specific instructions for use; managing large sums of money raised through illicit sale of natural resources in areas of FDLR control (pg.24-25, 83) According to the Office of the SRSG on Children and Armed Conflict, he held command responsibility as President and military commander of FDLR for recruitment and use of children by the FDLR in Eastern Congo.
13. MUSONI Straton (alias: IO Musoni); DOB: 6 April 1961 (possibly 4 June 1961) Mugambazi, Kigali, Rwanda; Staatsangehörigkeit: Rwandan; Arrested by German authorities on 17 November 2009. Musoni's trial for war crimes and crimes against humanity committed by FDLR troops in DRC in 2008 and 2009 began on 4 May 2011 in a German court. Replaced as 1st Vice-President of the FDLR by Sylvestre Mudacumura. Through his leadership of the FDLR, a foreign armed group operating in the DRC, Musoni was impeding the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups, in breach of resolution 1649 (2005).
14. MUTEBUTSI Jules (alias 1. Jules Mutebusi, 2. Jules Mutebuzi, 3. Colonel Mutebutsi); DOB: 1964, Minembwe South Kivu; Staatsangehörigkeit: Congolese; Former FARDC Deputy Military Regional Commander of 10th Military Region in April 2004, dismissed for indiscipline. In December 2007, he was arrested by Rwandan authorities when he tried to cross the border into the DRC. He has lived since in semi-liberty in Kigali (not authorized to leave the country). Joined forces with other renegade elements of former RCD-G to take town of Bukavu in May 2004 by force. Implicated in the receipt of weapons outside of FARDC structures and provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo.
- 14a. NGARUYE WA MYAMURO, Baudoin (alias: Colonel Baudoin NGARUYE); DOB: 1978. POB: Lusamambo, Lubero territory, Democratic Republic of the Congo. Identifying information: Title: military leader of the Mouvement du 23 Mars (M23), FARDC ID: 1-78-09-44621-80. In April 2012, Ngaruye commanded the ex-CNDP mutiny, known as the Mouvement du 23 Mars (M23), under the orders of General Ntaganda. He is currently the third highest ranking military commander within the M23. The Group of experts on the DRC previously recommended him for designation in 2008 and 2009. He is responsible for and has com-

mitted severe violations of human rights and international law. He recruited and trained hundreds of children between 2008 and 2009 and then towards the end of 2010 for the M23. He has committed killing, maiming and abductions, often targeting women. He is responsible for executions and torture of deserters within the M23. In 2009 within the FARDC, he gave the orders to kill all men in Shalio village of Walikale. He also provided weapons, munitions and salaries in Masisi and Walikale under the direct orders from Ntaganda. In 2010 he orchestrated the forced displacement and expropriation of populations in the area of Lukopfu. He has also been extensively involved in criminal networks within the FARDC deriving profits from the mineral trade which led to tensions and violence with Colonel Innocent Zimurinda in 2011.

15. NGUDJOLO Mathieu, Chui (alias Cui Ngudjolo); Arrested by MONUC in Bunia in October 2003. Surrendered by the Government of the DRC to the International Criminal Court on 7 February 2008. FNI Chief of Staff and former Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children under 15 years old in Ituri in 2006.
16. NJABU Floribert Ngabu (alias 1. Floribert Njabu, 2. Floribert Ndjabu, 3. Floribert Ngabu Ndjabu); Under house arrest in Kinshasa since March 2005 for FNI involvement in human rights abuses. Transferred to The Hague on 27 March 2011 to testify in the ICC Germain Katanga and Mathieu Ngudjolo trials. President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.
17. NKUNDA Laurent (alias: 1. Nkunda Mihigo Laurent, 2. Laurent Nkunda Bware, 3. Laurent Nkundabatware, 4. Laurent Nkunda Mahoro Batware, 5. Laurent Nkunda Batware, "Chairman" "General Nkunda" "Papa Six"); DOB: 6 February 1967, North Kivu/Rutshuru; 2 February 1967; Staatsangehörigkeit: Congolese; Former RCD-G General. Founder, National Congress for the People's Defense, 2006; Senior Officer, Rally for Congolese Democracy-Goma (RCD-G), 1998-2006; Officer Rwandan Patriotic Front (RPF), 1992-1998. Laurent Nkunda was arrested by Rwandan authorities in Rwanda in January 2009 and replaced as the commander of the CNDP. Since then, he has been under house arrest in Kigali, Rwanda. DRC Government's request to extradite Nkunda for crimes committed in eastern DRC has been refused by Rwanda. In 2010, Nkunda's appeal for illegal detention was rejected by Rwandan court in Gisenyi, ruling that the matter should be examined by a military court. Nkunda's lawyers initiated a procedure with the Rwandan Military Court. Retains some influence over certain elements of the CNDP. Joined forces with other renegade elements of former RCD-G to take Bukavu in May 04 by force. In receipt of weapons outside of FARDC in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 264 cases of recruitment and use of children by troops under his command in North Kivu from 2002 to 2009.
18. NSANZUBUKIRE Felicien (alias Fred Irakeza); DOB: 1967; POB: Murama, Kinyinya, Rubungo, Kigali, Rwanda; Staatsangehörigkeit: Rwandan; 1st battalion

leader of the FDLR-FOCA, based in the Uvira-Sange area of South Kivu. A member of the FDLR since at least 1994 and operating in eastern DRC since October 1998. As of June 2011, based in Magunda, Mwenga territory, South Kivu. Felicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu.

19. NTAWUNGUKA Pacifique (alias: 1. Colonel Omega, 2. Nzeri, 3. Israel, 4. Pacifique Ntawungula; DOB: 1 January 1964, Gaseke, Gisenyi Province, Rwanda, Est. 1964; Staatsangehörigkeit: Rwandan; Commander, Operational Sector North Kivu "SONOKI" of FDLR-FOCA. As of June 2011, based at Matembe, North Kivu. Received military training in Egypt. Commander of the First Division of FOCA (FDLR armed wing). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).
20. NYAKUNI James; Staatsangehörigkeit: Ugandan; Trade partnership with Jérôme Kakwavu, particularly smuggling across the DRC/Uganda border, including suspected smuggling of weapons and military material in unchecked trucks. Violation of the arms embargo and provision of assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003), including financial support that allows them to operate militarily.
21. NZEYIMANA Stanislas (alias: 1. Deogratias Bigaruka Izabayo, 2. Bigaruka, 3. Bigurura, 4. Izabayo Deo, 5. Jules Mateso Mlamba; DOB: 1 January 1966, Mugusa (Butare), Rwanda; Est. 1967; Alt. 28 August 1966; Staatsangehörigkeit: Rwandan; Deputy commander of the FDLR-FOCA As of June 2011, based at Mukoberwa, North Kivu; Deputy Commander of the FOCA (an FDLR armed branch). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, in violation of Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, in violation of Security Council resolution 1857 (2008) OP4 (d) and (e).
22. OZIA MAZIO Dieudonné (alias 1. Ozia Mazio, 2. "Omari" "Mr Omari"); DOB: 6 June 1949, Ariwara; Staatsangehörigkeit: Congolese; While president of the Fédération des entreprises congolaises (FEC) in Aru territory, Dieudonné Ozia Mazio is believed to have died in Ariwara on 23 September 2008 Financial schemes with

Jerome Kakwavu and FAPC and smuggling across the DRC/Uganda border, allowing supplies and cash to be made available to Kakwavu and his troops. Violation of the arms embargo, including by providing assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003).

- 22a. SHEKA, Ntabo Ntaberi; DOB: 4 April 1976. POB: Walikale Territory, Democratic Republic of the Congo. Title: Commander-in-Chief, Nduma Defence of Congo, Mayi Mayi Sheka group; Staatsangehörigkeit: Congolese. Ntabo Ntaberi Sheka, Commander-in-Chief of the political branch of the Mayi Mayi Sheka, is the political leader of a Congolese armed group that impedes the disarmament, demobilization, or reintegration of combatants. The Mayi Mayi Sheka is a Congo-based militia group that operates from bases in Walikale territory in eastern Democratic Republic of the Congo. The Mayi Mayi Sheka group has carried out attacks on mines in eastern Democratic Republic of the Congo, including taking over the Bisiye mines and extorting from locals. Ntabo Ntaberi Sheka has also committed serious violations of international law involving the targeting of children. Ntabo Ntaberi Sheka planned and ordered a series of attacks in Walikale territory from 30 July to 2 August, 2010, to punish local populations accused of collaborating with Congolese Government forces. In the course of the attacks, children were raped and were abducted, subjected to forced labour and subjected to cruel, inhumane or degrading treatment. The Mayi Mayi Sheka militia group also forcibly recruits boys and holds children in their ranks from recruitment drives.
23. TAGANDA Bosco (alias: 1. Bosco Ntaganda, 2. Bosco Ntagenda, 3. General Taganda, 4. "Lydia" when he was part of APR., 5. "Terminator", 6. Call sign "Tango Romeo" or "Tango" "Major"); DOB: 1973-74, Bigogwe, Rwanda; Staatsangehörigkeit: Congolese; Born in Rwanda, he moved to Nyamitaba, Masisi territory, North Kivu, when he was a child. As of June 2011, he resides in Goma and owns large farms in Ngungu area, Masisi territory, North Kivu. Nominated FARDC Brigadier-General by Presidential Decree on 11 December 2004, following Ituri peace agreements. Formerly Chief of Staff in CNDP and became CNDP military commander since the arrest of Laurent Nkunda in January 2009. Since January 2009, de facto Deputy Commander of consecutive anti-FDLR operations "Umoja Wetu", "Kimia II", and "Amani Leo" in North and South Kivu. UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004 but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009. As CNDP Chief of Staff, had direct and command responsibility for the massacre at Kiwanja (November 2008).
24. ZIMURINDA Innocent (alias: Zimulinda); DOB: September 1, 1972 Or 1975; POB: Ngungu, Masisi Territory, North Kivu Province, DRC; Staatsangehörigkeit: Congolese; Colonel in the FARDC. Integrated in the FARDC in 2009 as a Lieutenant Colonel, brigade commander in FARDC Kimia II Ops, based in Ngungu area. In July 2009, Zimurinda was promoted to full Colonel and became FARDC

Sector commander in Ngungu and subsequently in Kitchanga in FARDC Kimia II and Amani Leo Operations. Whereas Zimurinda did not appear in the 31 December 2010 DRC Presidential ordinance nominating high FARDC officers, Zimurinda de facto maintained his command position of FARDC 22nd sector in Kitchanga and wears the newly issued FARDC rank and uniform. He remains loyal to Bosco Ntaganda. In December 2010, recruitment activities carried out by elements under the command of Zimurinda were denounced in open source reports. According to multiple sources, Lt Col Innocent Zimurinda, in his capacity as one of the commanders of the FARDC 231st Brigade, gave orders that resulted in the massacre of over 100 Rwandan refugees, mostly women and children, during an April 2009 military operation in the Shalio area. The UNSC DRC Sanctions Committee's Group of Experts reported that Lt Col Innocent Zimurinda was witnessed first hand refusing to release three children from his command in Kalehe, on August 29, 2009. According to multiple sources, Lt Col Innocent Zimurinda, prior to the CNDP's integration into FARDC, participated in a November 2008 CNDP operation that resulted in the massacre of 89 civilians, including women and children, in the region of Kiwanja. In March 2010, 51 human rights groups working in eastern DRC alleged that Zimurinda was responsible for multiple human rights abuses involving the murder of numerous civilians, including women and children, between February 2007 and August 2007. Lt Col Innocent Zimurinda was accused in the same complaint of responsibility for the rape of a large number of women and girls. According to a May 21, 2010, statement by the Special Representative of the Secretary General for Children and Armed Conflict, Innocent Zimurinda has been involved in the arbitrary execution of child soldiers, including during operation Kimia II. According to the same statement, he denied access by the UN Mission in the DRC (MONUC) to screen troops for minors. According to the UNSC DRC Sanctions Committee's Group of Experts, Lt Col Zimurinda holds direct and command responsibility for child recruitment and for maintaining children within troops under his command.

25. BUTEMBO AIRLINES (BAL); Sitz: Butembo, DRC; Privately-owned airline, operates out of Butembo. Since December 2008, BAL no longer holds an aircraft operating license in the DRC. Kisoni Kambale (deceased on 5 July 2007 and subsequently de-listed on 24 April 2008) used his airline to transport FNI gold, rations and weapons between Mongbwalu and Butembo. This constitutes "provision of assistance" to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
26. Congomet Trading House; Sitz: Butembo, North Kivu; No longer exists as a gold trading house in Butembo, North Kivu. Congomet Trading House (formerly listed as Congocom) was owned by Kisoni Kambale (deceased on 5 July 2007 and subsequently de-listed on 24 April 2008). Kambale acquired almost all the gold production in the Mongbwalu district, which was controlled by the FNI. The FNI derived substantial income from taxes imposed on this production. This constitutes "provision of assistance" to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
27. COMPAGNIE AERIENNE DES GRANDS LACS (CAGL), GREAT LAKES BUSINESS COMPANY (GLBC); Sitz: CAGL: Avenue Président Mobutu Goma, DRC (CAGL also has an office in Gisenyi, Rwanda); GLBC: PO Box 315, Goma,

DRC (GLBC also has an office in Gisenyi, Rwanda); As of December 2008, GLBC no longer had any operational aircraft, although several aircraft continued flying in 2008 despite UN sanctions. CAGL and GLBC are companies owned by Douglas MPAMO, an individual already subject to sanctions under resolution 1596 (2005). CAGL and GLBC were used to transport arms and ammunition in violation of the arms embargo of resolutions 1493 (2003) and 1596 (2005).

28. MACHANGA LTD; Sitz: Kampala, Uganda; Gold export company (Directors: Mr. Rajendra Kumar Vaya and Mr. Hirendra M. Vaya). In 2010, assets belonging to Machanga, held in the account of Emirates Gold, were frozen by Bank of Nova Scotia Mocatta (UK). The previous owner of Machanga, Rajendra Kumar, and his brother Vipul Kumar, have remained involved in purchasing gold from eastern DRC. MACHANGA bought gold through a regular commercial relationship with traders in the DRC tightly linked to militias. This constitutes "provision of assistance" to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
29. TOUS POUR LA PAIX ET LE DEVELOPPEMENT (NGO) (alias TPD); Sitz: Goma, North Kivu; Goma, with provincial committees in South Kivu, Kasai Occidental, Kasai Oriental and Maniema Officially suspended all activities since 2008. In practice, as of June 2011 TPD offices are open and involved in cases related to returns of IDPs, community reconciliation initiatives, land conflict settlements, etc. The TPD President is Eugene Serufuli and Vice-President is Saverina Karomba. Important members include North Kivu provincial deputies Robert Seninga and Bertin Kirivita. Implicated in violation of the arms embargo by providing assistance to RCD-G, particularly in supplying trucks to transport arms and troops, and also by transporting weapons for distribution to parts of the population in Masisi and Rutshuru, North Kivu, in early 2005.
30. UGANDA COMMERCIAL IMPEX (UCI) LTD; Sitz: Kajoka Street Kisemente Kampala, Uganda, Tel.: +256 41 533 578/9; Alternative address: PO Box 22709, Kampala, Uganda; Gold export company. (Former directors Mr. J.V. LODHIA - known as "Chuni" - and his son Mr. Kunal LODHIA). In January 2011, Ugandan authorities notified the Committee that following an exemption on its financial holdings, Emirates Gold repaid UCI's debt to Crane Bank in Kampala, leading to final closure of its accounts. The previous owner of UCI, J.V. Lodhia and his son Kumal Lodhia have remained involved in purchasing gold from eastern DRC. UCI bought gold through a regular commercial relationship with traders in the DRC tightly linked to militias. This constitutes "provision of assistance" to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).

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- 1 LR 946.21
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- 2 Ingress abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 3 Überschrift vor Art. 1 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 4 Art. 1 Abs. 3 abgeändert durch [LGBL. 2008 Nr. 178.](#)
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- 5 Art. 1 Abs. 3a abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 6 Art. 2 Abs. 3 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 7 Art. 3 Bst. b abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 8 Art. 4 Abs. 2 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 9 Art. 5 Abs. 1 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 10 Art. 5 Abs. 2 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 11 Art. 5 Abs. 3 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 12 Art. 6 Abs. 1 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 13 Art. 7 aufgehoben durch [LGBL. 2009 Nr. 81.](#)
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- 14 Art. 8 aufgehoben durch [LGBL. 2009 Nr. 81.](#)
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- 15 Art. 9 abgeändert durch [LGBL. 2009 Nr. 81.](#)
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- 16 Anhang abgeändert durch [LGBL. 2011 Nr. 334](#), [LGBL. 2011 Nr. 475](#), [LGBL. 2011 Nr. 525](#), [LGBL. 2012 Nr. 371](#) und [LGBL. 2012 Nr. 395](#).