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II

(Non-legislative acts)

REGULATIONS

COUNCIL IMPLEMENTING REGULATION (EU) 2020/1171**of 7 August 2020****implementing Article 17(3) of Regulation (EU) No 224/2014 concerning restrictive measures in view of the situation in the Central African Republic**

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Council Regulation (EU) No 224/2014 of 10 March 2014 concerning restrictive measures in view of the situation in the Central African Republic ⁽¹⁾, and in particular Article 17(3) thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 10 March 2014, the Council adopted Regulation (EU) No 224/2014.
- (2) On 28 July 2020, the United Nations Security Council (UNSC) Committee established pursuant to UNSC Resolution 2127 (2013) updated the information relating to six persons subject to restrictive measures.
- (3) Annex I to Regulation (EU) No 224/2014 should therefore be amended accordingly,

HAS ADOPTED THIS REGULATION:

Article 1

Annex I to Regulation (EU) No 224/2014 is hereby amended as set out in the Annex to this Regulation.

*Article 2*This Regulation shall enter into force on the date 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, 7 August 2020.

For the Council
The President
M. ROTH

⁽¹⁾ OJ L 70, 11.3.2014, p. 1.

ANNEX

In Annex I to Regulation (EU) No 224/2014, entries 1, 4, 5, 7, 12 and 13 are replaced by the following entries:

- ‘1. Francois Yangouvonda BOZIZÉ (*alias* : a) Bozize Yangouvonda b) Samuel Peter Mudde (born 16 December 1948, in Izo South Sudan)

Title: a) Former Head of State Central African Republic b) Professor

Date of Birth: a) 14 October 1946 b) 16 December 1948

Place of Birth: a) Mouila, Gabon b) Izo, South Sudan

Nationality: a) Central African Republic b) South Sudan

Passport no: D00002264, issued on 11 June 2013 (issued by the Minister of Foreign Affairs, in Juba, South Sudan. Expires on 11 June 2017. Diplomatic passport issued under name Samuel Peter Mudde)

National identification no: M4800002143743 (Personal number on passport)

Address: a) Uganda b) Bangui, Central African Republic (since his return from Uganda in December 2019)

Date of UN designation: 9 May 2014

Other information: Mother's name is Martine Kofio. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bozize was listed on 9 May 2014 pursuant to paragraph 36 of resolution 2134 (2014) as ‘engaging in or providing support for acts that undermine the peace, stability or security of CAR’.

Additional information

In liaison with his supporters, Bozize encouraged the attack of 5 December 2013 on Bangui. Since then, he has continued trying to run destabilization operations in order to maintain tensions in the capital of CAR. Bozize reportedly created the anti-Balaka militia group before he fled the CAR on March 24, 2013. In a communique, Bozize called on his militia to pursue the atrocities against the current regime and the Islamists. Bozize reportedly provided financial and material support to militiamen who are working to destabilize the ongoing transition and to bring Bozize back to power. The bulk of the anti-Balaka are from the Central African Armed Forces who dispersed into the countryside after the coup d'état and were subsequently reorganized by Bozize. Bozize and his supporters control more than half the anti-Balaka units.

Forces loyal to Bozize were armed with assault rifles, mortars and rocket-launchers and they have become increasingly involved in reprisal attacks against CAR's Muslim population. The situation in CAR deteriorated rapidly after the December 5, 2013, attack in Bangui by anti-Balaka forces that left over 700 people dead.

4. Alfred YEKATOM (*alias*: a) Alfred Yekatom Saragba b) Alfred Ekatom c) Alfred Saragba d) Colonel Rombhot e) Colonel Rambo f) Colonel Rambot g) Colonel Rombot h) Colonel Romboh)

Designation: Chief Corporal of the Forces Armées Centrafricaines (FACA)

Date of birth: 23 June 1976

Place of birth: Central African Republic

Nationality: Central African Republic

Address: a) Mbaiki, Lobaye Province, Central African Republic (Tel. +236 72 15 47 07 / +236 75 09 43 41) b) Bimbo, Ombella-Mpoko province, Central African Republic (previous location) c) The Hague (since his transfer to the International Criminal Court on 17 November 2018)

Date of UN designation: 20 August 2015

Other information: Has controlled and commanded a large group of armed militia men. Father's name (adoptive father) is Ekatom Saragba (also spelled Yekatom Saragba). Brother of Yves Saragba, an anti-Balaka commander in Batalimo, Lobaye province, and a former FACA soldier. Physical description: eye colour: black; hair colour: bold; complexion: black; height: 170cm; weight: 100kg.

Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Alfred Yekatom was listed on 20 August 2015 pursuant to paragraph 11 of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence'.

Additional information:

Alfred Yekatom, also known as Colonel Rombhot, is a militia leader of a faction of the anti-Balakas movement, known as the 'anti-Balaka from the South'. He has held the rank of Chief Corporal in the Forces Armées Centrafricaines (FACA — Central African Republic armed forces).

Yekatom has engaged in and provided support for acts that undermine the peace, stability and security of the Central African Republic, including acts that threaten transitional agreements, and that threaten the political transition process. Yekatom has controlled and commanded a large group of armed militiamen with presence in the neighbourhood of PK9 in Bangui, and in the towns of Bimbo (Ombella-Mpoko province), Cékia, Pissa, and Mbaïki (capital of the Lobaye province), and had established his head-quarters in a forestry concession in Batalimo.

Yekatom has been in direct control of a dozen checkpoints manned by an average of ten armed militia men wearing army uniforms and carrying weapons, including military assault rifles, from the main bridge between Bimbo and Bangui to Mbaïki (Lobaye province), and from Pissa to Batalimo (next to the border with the Republic of Congo), collecting unauthorized taxes from private vehicles and motorcycles, passenger vans and trucks exporting forestry resources to Cameroon and Chad, but also from boats navigating on the Oubangui river. Yekatom has been observed personally collecting part of these unauthorized taxes. Yekatom and his militia have also reportedly killed civilians.

5 Habib SOUSSOU (*alias*: Soussou Abib)

Designation: a) Coordinator of anti-Balaka for Lobaye province b) Master-corporal of the Central African Armed Forces (FACA)

Date of birth: 13 March 1980

Place of birth: Central African Republic

Nationality: Central African Republic

Address: Boda, Central African Republic (Tel. +236 72198628)

Date of UN designation: 20 August 2015

Other information: Appointed as anti-balaka zone commander (COMZONE) of Boda on 11 April 2014 and on 28 June 2014, for the entire Lobaye Province. Under his command, targeted killings, clashes and attacks against humanitarian organizations and aid workers have continued to take place. Physical description: eye colour: brown; hair colour: black; height: 160cm; weight: 60kg. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Habib Soussou was listed on 20 August 2015 pursuant to paragraphs 11 and 12 (b) and (e) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement' and; 'obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR'.

Additional information:

Habib Soussou was appointed as anti-Balaka zone commander (COMZONE) of Boda on 11 April 2014, and he has claimed that he was therefore responsible for the security situation in the sous-préfecture. On 28 June 2014, general coordinator of the anti-Balaka Patrice Edouard Ngaïssona appointed Habib Soussou as provincial coordinator for the town of Boda since 11 April 2014 and since 28 June 2014 for the entire province of Lobaye. Targeted killings, clashes and attacks by anti-Balaka in Boda against humanitarian organizations and aid workers have occurred on a weekly basis in areas for which Soussou is the anti-Balaka commander or coordinator. Soussous and the anti-Balaka forces in these areas have also targeted and threatened to target civilians.

7 Haroun GAYE (*alias*: a) Haroun Geye b) Aroun Gaye c) Aroun Geye)

Designation: Rapporteur of the political coordination of the *Front Populaire pour la Renaissance de Centrafrique* (FPRC)

Date of birth: a) 30 January 1968 b) 30 January 1969

Passport no: Central African Republic number O00065772 (letter O followed by 3 zeros), expires 30 December 2019)

Address: a) Bangui, Central African Republic b) Ndélé, Bamingui-Bangoran

Date of UN designation: 17 December 2015

Other information: Gaye is a leader of the Front Populaire pour la Renaissance de Centrafrique (FPRC) (not listed) a marginalized ex-Seleka armed group in Bangui. He is also a leader of the so-called "Defense Committee" of Bangui's PK5 (known as PK5 Resistance' or 'Texas') (not listed), which extorts money from residents and threatens and employs physical violence. Gaye was appointed on 2 November 2014 by Nourredine Adam (CFi.002) as rapporteur of the political coordination of the FPRC. On 9 May 2014, the Security Council Committee established by resolution 2127 (2013) on CAR included Adam on its sanctions list. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haroun Gaye was listed on 17 December 2015 pursuant to paragraphs 11 and 12(b) and (f) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement'; and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including Minusca, the European Union missions and French operations which support them'.

Additional information:

Haroun Gaye has been, since early 2014, one of the leaders of an armed group operating in the PK5 neighbourhood in Bangui. Civil Society representatives of the PK5 neighbourhood state that Gaye and his armed group are fuelling the conflict in Bangui, opposing the reconciliation and preventing movements of population to and from the third district of Bangui. On 11 May 2015, Gaye and 300 demonstrators blocked access to the National Transitional Council to disrupt the final day of the Bangui Forum. Gaye is reported to have collaborated with anti-Balaka officials to coordinate the disruption.

On 26 June 2015, Gaye and a small entourage disrupted the opening of a voter registration drive in Bangui's PK5 neighbourhood, causing the registration drive to close.

Minusca attempted to arrest Gaye on 2 August 2015, in accordance with the provisions of paragraph 32(f)(i) of the Security Council Resolution 2217 (2015). Gaye, who was reportedly informed of the arrest attempt in advance, was ready with supporters armed with heavy weaponry. Gaye's forces opened fire on the Minusca Joint Task Force. In a seven-hour firefight, Gaye's men employed firearms, and rocket-propelled and hand grenades against Minusca troops and killed one peacekeeper and injured eight. Gaye was involved in encouraging violent protests and clashes in late September 2015 in what appears to have been a coup attempt to overthrow the Transitional Government. The coup attempt was likely led by former president Bozize's supporters in an alliance of convenience with Gaye and other FPRC leaders. It appears that Gaye aimed to create a cycle of retaliatory attacks that would threaten the upcoming elections. Gaye was in charge of coordination with marginalised elements of the anti-Balaka.

On 1 October 2015, a meeting took place in the PK5 neighbourhood between Eugène Barret Ngaïkosset, a member of a marginalised anti-Balaka group and Gaye, with the aim of planning a joint attack on Bangui on Saturday 3 October. Gaye's group prevented people inside the PK5 neighbourhood from leaving it, in order to reinforce the communal identity of the Muslim population to exacerbate inter-ethnic tensions and avoid reconciliation. On 26 October 2015, Gaye and his group interrupted a meeting between the Archbishop of Bangui and the Imam of the Central Mosque of Bangui, and threatened the delegation which had to retreat from the Central Mosque and flee the PK5 neighbourhood.

12 Abdoulaye HISSÈNE (*alias* : a) Abdoulaye Issène b) Abdoulaye Hissein c) Hissene Abdoulaye d) Abdoulaye Issène Ramadane e) Abdoulaye Issene Ramadan f) Issene Abdoulaye)

Title: President of the Conseil National de Défense et de Sécurité (CNDS) and military leader of the Front Populaire pour la Renaissance de la Centrafrique

Designation: "general"

Date of birth: a) 1967 b) 1 January 1967

Place of birth: a) Ndele, Bamingui-Bangoran, Central African Republic b) Haraze Mangueigne, Chad

Nationality: a) Central African Republic b) Chad

Passport no: a) CAR diplomatic passport no. D00000897, issued on 5 Apr. 2013 (valid until 4 April 2018) b) CAR diplomatic passport no. D00004262, issued on 11 March 2014 (expires on 10 March 2019)

National identification no: Chad national identity card no. 103-00653129-22, issued on 21 Apr. 2009 (expires on 21 April 2019)

Address: a) KM5, Bangui, Central African Republic b) Nana-Grebizi, Central African Republic c) Ndjari, Ndjamena, Chad d) Ndélé, Bamingui-Bangoran (main location since August 2016)

Date of UN designation: 17 May 2017

Other information: Hissène was formerly the Minister of Youth and Sports as part of the Cabinet for the Central African Republic's former President Michel Djotodia. Prior to that, he was the head of the Convention of Patriots for Justice and Peace, a political party. He also established himself as a leader of armed militias in Bangui, in particular in the "PK5" (3rd district) neighborhood. In October 2016, Abdoulaye Hissène was appointed President of the *Conseil National de Défense et de Sécurité*, a body which was created at the time to gather military leaders and commanding fighters from all ex-Séléka factions. He has remained in this position since then, but has actual control over FPRC fighters only. Father's name is Abdoulaye. Mother's name is Absita Moussa. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link:

<https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdoulaye Hissène was listed on 17 May 2017 pursuant to paragraphs 16 and 17(g) of resolution 2339 (2017) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the political transition process, or the stabilisation and reconciliation process or that fuel violence;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them.'

Additional information:

Abdoulaye Hissène and other members of the ex-Séléka collaborated with anti-balaka spoilers allied with former Central African Republic (CAR) President François Bozizé, including Maxime Mokom, to encourage violent protests and clashes in September 2015 as part of a failed coup attempt to bring down the Government while then-Transitional President Catherine Samba-Panza was attending the 2015 UN General Assembly. Mokom, Hissène, and others were indicted by the CAR government for various criminal offenses, including murder, arson, torture, and looting, stemming from the failed coup.

Since 2015, Hissène had become one of the main leaders of armed militias located in the 'PK5' neighbourhood of Bangui which comprised more than 100 men. As such, he prevented the freedom of movement and the return of state authority in the area, including through illegal taxation of transportation and commercial activities. In the second half of 2015, Hissène acted as the representative of the ex-Séléka 'Nairobists' in Bangui operating in a rapprochement with anti-balaka fighters under Mokom. Armed men under the control of Haroun Gaye and Hissène participated in the violent events which took place in Bangui between 26 September and 3 October 2015.

Members of Hissène's group are suspected of having been involved in an attack on the 13 December 2015 — the day of the constitutional referendum — on the vehicle of Mohamed Moussa Dhaffane, a leader of the ex-Séléka. Hissène is accused of orchestrating violence in Bangui's KM5 district that killed five, wounded twenty, and prevented residents from voting in the constitutional referendum. Hissène put the elections at risk by creating a cycle of retaliatory attacks between different groups.

On 15 March 2016, Hissène was apprehended by the police at Bangui M'poko airport and transferred to the research and investigation section of the national gendarmerie. His militia subsequently released him, using force, and stole one weapon previously handed over by MINUSCA as part of an exemption request approved by the Committee.

On 19 June 2016, following the arrest of Muslim traders by internal security forces at 'PK 12', militias of Gaye and Hissène kidnapped five national policemen in Bangui. On 20 June, MINUSCA attempted to release the policemen. Armed men under the control of Hissène and Gaye exchanged fire with the peacekeepers attempting to release the hostages. As a result, at least six individuals were killed and one peacekeeper was injured.

On 12 August 2016, Hissène took the lead of a 6-vehicle convoy with heavily armed individuals. The convoy, which was fleeing Bangui, was intercepted by MINUSCA south of Sibut. En route to the North, the convoy exchanged fire with internal security forces at several checkpoints. The convoy was eventually stopped by MINUSCA 40 km south of Sibut. After multiple gunfights, MINUSCA captured 11 of the men, but Hissène and several others escaped. Individuals arrested indicated to MINUSCA that Hissène was the leader of the convoy whose objective was to reach Bria and participate in the Assembly of ex-Séléka groups organised by Nourredine Adam.

In August and September 2016, the Panel of Experts travelled twice to Sibut in order to inspect the belongings of the convoy of Hissène, Gaye and Hamit Tidjani, seized by MINUSCA on 13 August. The Panel also inspected the ammunition seized in the house of Hissène on 16 August. Lethal and non-lethal military equipment was recovered in the six vehicles and from the apprehended individuals. On 16 August 2016, the Central Gendarmerie raided the home of Hissène in Bangui. More than 700 weapons were found.

On 4 September 2016, a group of ex-Séléka elements coming from Kaga-Bandoro on six motor-bikes to pick up Hissène and his affiliates opened fire against MINUSCA next to Dékoa. During this incident, one ex-Séléka fighter was killed, and two peacekeepers and one civilian were wounded.

13. Martin KOUMTAMADJI (*alias*: a) Abdoulaye Miskine b) Abdoullaye Miskine c) Martin Nadingar Koumtamadji d) Martin Nkoumtamadji e) Martin Koumta Madji f) Omar Mahamat)

Designation: President and commander-in-chief of the Front Démocratique du Peuple Centrafricain (FDPC)

Date of birth: a) 5 October 1965 b) 3 March 1965

Place of birth: a) Ndinaba, Chad b) Kobo, Central African Republic c) Kobo, Central African Republic

Nationality: a) Chad b) Central African Republic c) Congo

Passport no: a) CAR diplomatic passport no. 06FBO2262, issued on 22 February 2007 (expired on 21 February 2012) b) Congo service passport number SA0020249, issued on 22 January 2019 (expires on 21 January 2022)

Address: a) Am Dafock, Vakaga prefecture, Central African Republic b) Ndjamen, Chad (since his arrest in November 2019)

Date of UN designation: 20 April 2020

Other information: Martin Koumtamadji founded the FDPC in 2005. He joined the Séléka coalition in December 2012 before leaving it in April 2013 after the rebels took power in Bangui. After being arrested in Cameroon, he was then transferred to Brazzaville in the Republic of Congo. He always remained in command of his troops on the ground in the CAR even when he was in Brazzaville before returning to the CAR (between November 2014 and 2019). The FDPC signed the Political Agreement for Peace and Reconciliation in the CAR on 6 February 2019 but Martin Koumtamadji remains a threat to the peace, stability and security of the CAR. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

President and commander-in-chief of the Front Démocratique du Peuple Centrafricain (FDPC, an armed group engaged in violent activities), Martin Koumatamadji has engaged in acts threatening the peace, stability and security of the CAR and, in particular, the implementation of the Political Agreement for Peace and Reconciliation in CAR signed on 6 February 2019 in Bangui.

He refused the disarmament of FDPC combatants, as per his commitments as a signatory of the Political Agreement for Peace and Reconciliation in the CAR, and threatened to overthrow President Touadéra in July 2019.

He began cooperating with sanctioned individual Nourredine Adam (CFi.002) in June 2019 and engaged in arms trafficking with a close associate of Nourredine Adam, in order to build up the military capabilities of the FDPC.

He also made an offer to the Front Populaire pour la Renaissance de la Centrafrique (FPRC) to carry out a military operation with his armed group during the fighting in Vakaga prefecture in 2019.

He continued to impede the restoration of state authority in the areas of operation of the FPDC by maintaining illegal roadblocks to extort cattle herders, economic actors (including gold mining companies operating in the Nana-Mambéré prefecture), and travellers.

Under his leadership, the FDPC committed acts that constituted human rights abuses or violations in the Nana-Mambéré prefecture, including attacks directed against civilians in April 2019, abductions of civilians in March 2019 (near Zoukombo) and acts of sexual and gender-based violence in May 2019 (in Bagary). In 2017, the FDPC also committed 14 acts of sexual violence in conflict.

Between 2016 and 2019, the FDPC recruited children to serve as soldiers in armed conflict and forced eleven girls into marriage with FDPC members.

In March 2019, he was involved in obstructing the delivery of humanitarian aid when the FDPC, under Miskine's leadership, conducted a series of attacks on the main road into Bangui from Cameroon.

Finally, FDPC elements skirmished with MINUSCA in April 2019 near Zoukombo (Nana-Mambéré prefecture) and on the Bouar-Beleko axis.'

DECISIONS

COUNCIL IMPLEMENTING DECISION (CFSP) 2020/1172

of 7 August 2020

implementing Decision 2013/798/CFSP concerning restrictive measures against the Central African Republic

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on European Union, and in particular Article 31(2) thereof,

Having regard to Council Decision 2013/798/CFSP of 23 December 2013 concerning restrictive measures against the Central African Republic ⁽¹⁾, and in particular Article 2c thereof,

Having regard to the proposal from the High Representative of the Union for Foreign Affairs and Security Policy,

Whereas:

- (1) On 23 December 2013, the Council adopted Decision 2013/798/CFSP.
- (2) On 28 July 2020, the United Nations Security Council (UNSC) Committee established pursuant to UNSC Resolution 2127 (2013) updated the information relating to six persons subject to restrictive measures.
- (3) The Annex to Decision 2013/798/CFSP should therefore be amended accordingly,

HAS ADOPTED THIS DECISION:

Article 1

The Annex to Decision 2013/798/CFSP is hereby amended as set out in the Annex to this Decision.

Article 2

This Decision shall enter into force on the date of its publication in the *Official Journal of the European Union*.

Done at Brussels, 7 August 2020.

For the Council
The President
M. ROTH

⁽¹⁾ OJ L 352, 24.12.2013, p. 51.

ANNEX

In the Annex to Decision 2013/798/CFSP, entries 1, 4, 5, 7, 12 and 13 are replaced by the following entries:

1. Francois Yangouvonda BOZIZÉ (*alias* : a) Bozize Yangouvonda b) Samuel Peter Mudde (born 16 December 1948, in Izo South Sudan)

Title: a) Former Head of State Central African Republic b) Professor

Date of Birth: a) 14 October 1946 b) 16 December 1948

Place of Birth: a) Mouila, Gabon b) Izo, South Sudan

Nationality: a) Central African Republic b) South Sudan

Passport no: D00002264, issued on 11 June 2013 (issued by the Minister of Foreign Affairs, in Juba, South Sudan. Expires on 11 June 2017. Diplomatic passport issued under name Samuel Peter Mudde)

National identification no: M4800002143743 (Personal number on passport)

Address: a) Uganda b) Bangui, Central African Republic (since his return from Uganda in December 2019)

Date of UN designation: 9 May 2014

Other information: Mother's name is Martine Kofio. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Bozize was listed on 9 May 2014 pursuant to paragraph 36 of resolution 2134 (2014) as 'engaging in or providing support for acts that undermine the peace, stability or security of CAR'.

Additional information

In liaison with his supporters, Bozize encouraged the attack of 5 December 2013 on Bangui. Since then, he has continued trying to run destabilization operations in order to maintain tensions in the capital of CAR. Bozize reportedly created the anti-Balaka militia group before he fled the CAR on March 24, 2013. In a communique, Bozize called on his militia to pursue the atrocities against the current regime and the Islamists. Bozize reportedly provided financial and material support to militiamen who are working to destabilize the ongoing transition and to bring Bozize back to power. The bulk of the anti-Balaka are from the Central African Armed Forces who dispersed into the countryside after the coup d'état and were subsequently reorganized by Bozize. Bozize and his supporters control more than half the anti-Balaka units.

Forces loyal to Bozize were armed with assault rifles, mortars and rocket-launchers and they have become increasingly involved in reprisal attacks against CAR's Muslim population. The situation in CAR deteriorated rapidly after the December 5, 2013, attack in Bangui by anti-Balaka forces that left over 700 people dead.

4. Alfred YEKATOM (*alias*: a) Alfred Yekatom Saragba b) Alfred Ekatom c) Alfred Saragba d) Colonel Rombhot e) Colonel Rambo f) Colonel Rambot g) Colonel Rombot h) Colonel Romboh)

Designation: Chief Corporal of the Forces Armées Centrafricaines (FACA)

Date of birth: 23 June 1976

Place of birth: Central African Republic

Nationality: Central African Republic

Address: a) Mbaiki, Lobaye Province, Central African Republic (Tel. +236 72 15 47 07 / +236 75 09 43 41) b) Bimbo, Ombella-Mpoko province, Central African Republic (previous location) c) The Hague (since his transfer to the International Criminal Court on 17 November 2018)

Date of UN designation: 20 August 2015

Other information: Has controlled and commanded a large group of armed militia men. Father's name (adoptive father) is Ekatom Saragba (also spelled Yekatom Saragba). Brother of Yves Saragba, an anti-Balaka commander in Batalimo, Lobaye province, and a former FACA soldier. Physical description: eye colour: black; hair colour: bold; complexion: black; height: 170cm; weight: 100kg.

Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Alfred Yekatom was listed on 20 August 2015 pursuant to paragraph 11 of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence'.

Additional information:

Alfred Yekatom, also known as Colonel Rombhot, is a militia leader of a faction of the anti-Balakas movement, known as the 'anti-Balaka from the South'. He has held the rank of Chief Corporal in the Forces Armées Centrafricaines (FACA — Central African Republic armed forces).

Yekatom has engaged in and provided support for acts that undermine the peace, stability and security of the Central African Republic, including acts that threaten transitional agreements, and that threaten the political transition process. Yekatom has controlled and commanded a large group of armed militiamen with presence in the neighbourhood of PK9 in Bangui, and in the towns of Bimbo (Ombella-Mpoko province), Cekia, Pissa, and Mbaiki (capital of the Lobaye province), and had established his head-quarters in a forestry concession in Batalimo.

Yekatom has been in direct control of a dozen checkpoints manned by an average of ten armed militia men wearing army uniforms and carrying weapons, including military assault rifles, from the main bridge between Bimbo and Bangui to Mbaiki (Lobaye province), and from Pissa to Batalimo (next to the border with the Republic of Congo), collecting unauthorized taxes from private vehicles and motorcycles, passenger vans and trucks exporting forestry resources to Cameroon and Chad, but also from boats navigating on the Oubangui river. Yekatom has been observed personally collecting part of these unauthorized taxes. Yekatom and his militia have also reportedly killed civilians.

5. Habib SOUSSOU (*alias*: Soussou Abib)

Designation: a) Coordinator of anti-Balaka for Lobaye province b) Master-corporal of the Central African Armed Forces (FACA)

Date of birth: 13 March 1980

Place of birth: Central African Republic

Nationality: Central African Republic

Address: Boda, Central African Republic (Tel. +236 72198628)

Date of UN designation: 20 August 2015

Other information: Appointed as anti-balaka zone commander (COMZONE) of Boda on 11 April 2014 and on 28 June 2014, for the entire Lobaye Province. Under his command, targeted killings, clashes and attacks against humanitarian organizations and aid workers have continued to take place. Physical description: eye colour: brown; hair colour: black; height: 160cm; weight: 60kg. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Habib Soussou was listed on 20 August 2015 pursuant to paragraphs 11 and 12 (b) and (e) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or violate transitional agreements, or that threaten or impede the political transition process, including a transition toward free and fair democratic elections, or that fuel violence'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement' and; 'obstructing the delivery of humanitarian assistance to the CAR, or access to, or distribution of, humanitarian assistance in the CAR'.

Additional information:

Habib Soussou was appointed as anti-Balaka zone commander (COMZONE) of Boda on 11 April 2014, and he has claimed that he was therefore responsible for the security situation in the sous-préfecture. On 28 June 2014, general coordinator of the anti-Balaka Patrice Edouard Ngaïssona appointed Habib Soussou as provincial coordinator for the town of Boda since 11 April 2014 and since 28 June 2014 for the entire province of Lobaye. Targeted killings, clashes and attacks by anti-Balaka in Boda against humanitarian organizations and aid workers have occurred on a weekly basis in areas for which Soussou is the anti-Balaka commander or coordinator. Soussous and the anti-Balaka forces in these areas have also targeted and threatened to target civilians.

7. Haroun GAYE (alias: a) Haroun Geye b) Aroun Gaye c) Aroun Geye)

Designation: Rapporteur of the political coordination of the *Front Populaire pour la Renaissance de Centrafrique* (FPRC)

Date of birth: a) 30 January 1968 b) 30 January 1969

Passport no: Central African Republic number O00065772 (letter O followed by 3 zeros), expires 30 December 2019)

Address: a) Bangui, Central African Republic b) Ndélé, Bamingui-Bangoran

Date of UN designation: 17 December 2015

Other information: Gaye is a leader of the *Front Populaire pour la Renaissance de Centrafrique* (FPRC) (not listed) a marginalized ex-Seleka armed group in Bangui. He is also a leader of the so-called "Defense Committee" of Bangui's PK5 (known as PK5 Resistance' or 'Texas') (not listed), which extorts money from residents and threatens and employs physical violence. Gaye was appointed on 2 November 2014 by Nourredine Adam (CFi.002) as rapporteur of the political coordination of the FPRC. On 9 May 2014, the Security Council Committee established by resolution 2127 (2013) on CAR included Adam on its sanctions list. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Haroun Gaye was listed on 17 December 2015 pursuant to paragraphs 11 and 12(b) and (f) of Resolution 2196 (2015) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR'; 'involved in planning, directing, or committing acts that violate international human rights law or international humanitarian law, as applicable, or that constitute human rights abuses or violations, in the CAR, including acts involving sexual violence, targeting of civilians, ethnic- or religious-based attacks, attacks on schools and hospitals, and abduction and forced displacement'; and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including Minusca, the European Union missions and French operations which support them'.

Additional information:

Haroun Gaye has been, since early 2014, one of the leaders of an armed group operating in the PK5 neighbourhood in Bangui. Civil Society representatives of the PK5 neighbourhood state that Gaye and his armed group are fuelling the conflict in Bangui, opposing the reconciliation and preventing movements of population to and from the third district of Bangui. On 11 May 2015, Gaye and 300 demonstrators blocked access to the National Transitional Council to disrupt the final day of the Bangui Forum. Gaye is reported to have collaborated with anti-Balaka officials to coordinate the disruption.

On 26 June 2015, Gaye and a small entourage disrupted the opening of a voter registration drive in Bangui's PK5 neighbourhood, causing the registration drive to close.

Minusca attempted to arrest Gaye on 2 August 2015, in accordance with the provisions of paragraph 32(f)(i) of the Security Council Resolution 2217 (2015). Gaye, who was reportedly informed of the arrest attempt in advance, was ready with supporters armed with heavy weaponry. Gaye's forces opened fire on the Minusca Joint Task Force. In a seven-hour firefight, Gaye's men employed firearms, and rocket-propelled and hand grenades against Minusca troops and killed one peacekeeper and injured eight. Gaye was involved in encouraging violent protests and clashes in late September 2015 in what appears to have been a coup attempt to overthrow the Transitional Government. The coup attempt was likely led by former president Bozize's supporters in an alliance of convenience with Gaye and other FPRC leaders. It appears that Gaye aimed to create a cycle of retaliatory attacks that would threaten the upcoming

elections. Gaye was in charge of coordination with marginalised elements of the anti-Balaka.

On 1 October 2015, a meeting took place in the PK5 neighbourhood between Eugène Barret Ngaïkosset, a member of a marginalised anti-Balaka group and Gaye, with the aim of planning a joint attack on Bangui on Saturday 3 October. Gaye's group prevented people inside the PK5 neighbourhood from leaving it, in order to reinforce the communal identity of the Muslim population to exacerbate inter-ethnic tensions and avoid reconciliation. On 26 October 2015, Gaye and his group interrupted a meeting between the Archbishop of Bangui and the Imam of the Central Mosque of Bangui, and threatened the delegation which had to retreat from the Central Mosque and flee the PK5 neighbourhood.

12. Abdoulaye HISSÈNE (*alias* : a) Abdoulaye Issène b) Abdoulaye Hissein c) Hissene Abdoulaye d) Abdoulaye Issène Ramadan e) Abdoulaye Issene Ramadan f) Issene Abdoulaye)

Title: President of the Conseil National de Défense et de Sécurité (CNDS) and military leader of the Front Populaire pour la Renaissance de la Centrafrique

Designation: "general"

Date of birth: a) 1967 b) 1 January 1967

Place of birth: a) Ndele, Bamingui-Bangoran, Central African Republic b) Haraze Mangueigne, Chad

Nationality: a) Central African Republic b) Chad

Passport no: a) CAR diplomatic passport no. D00000897, issued on 5 Apr. 2013 (valid until 4 April 2018) b) CAR diplomatic passport no. D00004262, issued on 11 March 2014 (expires on 10 March 2019)

National identification no: Chad national identity card no. 103-00653129-22, issued on 21 Apr. 2009 (expires on 21 April 2019)

Address: a) KM5, Bangui, Central African Republic b) Nana-Grebizi, Central African Republic c) Ndjari, Ndjamen, Chad d) Ndélé, Bamingui-Bangoran (main location since August 2016)

Date of UN designation: 17 May 2017

Other information: Hissène was formerly the Minister of Youth and Sports as part of the Cabinet for the Central African Republic's former President Michel Djotodia. Prior to that, he was the head of the Convention of Patriots for Justice and Peace, a political party. He also established himself as a leader of armed militias in Bangui, in particular in the "PK5" (3rd district) neighborhood. In October 2016, Abdoulaye Hissène was appointed President of the *Conseil National de Défense et de Sécurité*, a body which was created at the time to gather military leaders and commanding fighters from all ex-Séléka factions. He has remained in this position since then, but has actual control over FPRC fighters only. Father's name is Abdoulaye. Mother's name is Absita Moussa. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link:

<https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

Abdoulaye Hissène was listed on 17 May 2017 pursuant to paragraphs 16 and 17(g) of resolution 2339 (2017) as 'engaging in or providing support for acts that undermine the peace, stability or security of the CAR, including acts that threaten or impede the political transition process, or the stabilisation and reconciliation process or that fuel violence;' and 'involved in planning, directing, sponsoring, or conducting attacks against UN missions or international security presences, including MINUSCA, the European Union Missions and French operations which support them.'

Additional information:

Abdoulaye Hissène and other members of the ex-Séléka collaborated with anti-balaka spoilers allied with former Central African Republic (CAR) President François Bozizé, including Maxime Mokom, to encourage violent protests and clashes in September 2015 as part of a failed coup attempt to bring down the Government while then-Transitional President Catherine Samba-Panza was attending the 2015 UN General Assembly. Mokom, Hissène, and others were indicted by the CAR government for various criminal offenses, including murder, arson, torture, and looting, stemming from the failed coup.

Since 2015, Hissène had become one of the main leaders of armed militias located in the 'PK5' neighbourhood of Bangui which comprised more than 100 men. As such, he prevented the freedom of movement and the return of state authority in the area, including through illegal taxation of transportation and commercial activities. In the second half of 2015, Hissène acted as the representative of the ex-Séléka 'Nairobists' in Bangui operating in a rapprochement with anti-balaka fighters under Mokom. Armed men under the control of Haroun Gaye and Hissène participated in the violent events which took place in Bangui between 26 September and 3 October 2015.

Members of Hissène's group are suspected of having been involved in an attack on the 13 December 2015 — the day of the constitutional referendum — on the vehicle of Mohamed Moussa Dhaffane, a leader of the ex-Séléka. Hissène is accused of orchestrating violence in Bangui's KM5 district that killed five, wounded twenty, and prevented residents from voting in the constitutional referendum. Hissène put the elections at risk by creating a cycle of retaliatory attacks between different groups.

On 15 March 2016, Hissène was apprehended by the police at Bangui M'poko airport and transferred to the research and investigation section of the national gendarmerie. His militia subsequently released him, using force, and stole one weapon previously handed over by MINUSCA as part of an exemption request approved by the Committee.

On 19 June 2016, following the arrest of Muslim traders by internal security forces at 'PK 12', militias of Gaye and Hissène kidnapped five national policemen in Bangui. On 20 June, MINUSCA attempted to release the policemen. Armed men under the control of Hissène and Gaye exchanged fire with the peacekeepers attempting to release the hostages. As a result, at least six individuals were killed and one peacekeeper was injured.

On 12 August 2016, Hissène took the lead of a 6-vehicle convoy with heavily armed individuals. The convoy, which was fleeing Bangui, was intercepted by MINUSCA south of Sibut. En route to the North, the convoy exchanged fire with internal security forces at several checkpoints. The convoy was eventually stopped by MINUSCA 40 km south of Sibut. After multiple gunfights, MINUSCA captured 11 of the men, but Hissène and several others escaped. Individuals arrested indicated to MINUSCA that Hissène was the leader of the convoy whose objective was to reach Bria and participate in the Assembly of ex-Séléka groups organised by Nourredine Adam.

In August and September 2016, the Panel of Experts travelled twice to Sibut in order to inspect the belongings of the convoy of Hissène, Gaye and Hamit Tidjani, seized by MINUSCA on 13 August. The Panel also inspected the ammunition seized in the house of Hissène on 16 August. Lethal and non-lethal military equipment was recovered in the six vehicles and from the apprehended individuals. On 16 August 2016, the Central Gendarmerie raided the home of Hissène in Bangui. More than 700 weapons were found.

On 4 September 2016, a group of ex-Séléka elements coming from Kaga-Bandoro on six motor-bikes to pick up Hissène and his affiliates opened fire against MINUSCA next to Dékoa. During this incident, one ex-Séléka fighter was killed, and two peacekeepers and one civilian were wounded.

13. Martin KOUMTAMADJI (*alias*: a) Abdoulaye Miskine b) Abdoullaye Miskine c) Martin Nadingar Koumtamadji d) Martin Nkoumtamadji e) Martin Koumta Madji f) Omar Mahamat)

Designation: President and commander-in-chief of the Front Démocratique du Peuple Centrafricain (FDPC)

Date of birth: a) 5 October 1965 b) 3 March 1965

Place of birth: a) Ndinaba, Chad b) Kobo, Central African Republic c) Kobo, Central African Republic

Nationality: a) Chad b) Central African Republic c) Congo

Passport no: a) CAR diplomatic passport no. 06FBO2262, issued on 22 February 2007 (expired on 21 February 2012) b) Congo service passport number SA0020249, issued on 22 January 2019 (expires on 21 January 2022)

Address: a) Am Dafock, Vakaga prefecture, Central African Republic b) Ndjamena, Chad (since his arrest in November 2019)

Date of UN designation: 20 April 2020

Other information: Martin Koumtamadji founded the FDPC in 2005. He joined the Séléka coalition in December 2012 before leaving it in April 2013 after the rebels took power in Bangui. After being arrested in Cameroon, he was then transferred to Brazzaville in the Republic of Congo. He always remained in command of his troops on the ground in the CAR even when he was in Brazzaville before returning to the CAR (between November 2014 and 2019). The FDPC signed the Political Agreement for Peace and Reconciliation in the CAR on 6 February 2019 but Martin Koumtamadji remains a threat to the peace, stability and security of the CAR. Photo available for inclusion in the INTERPOL-UN Security Council Special Notice. INTERPOL-UN Security Council Special Notice web link: <https://www.interpol.int/en/How-we-work/Notices/View-UN-Notices-Individuals>

Information from the narrative summary of reasons for listing provided by the Sanctions Committee:

President and commander-in-chief of the Front Démocratique du Peuple Centrafricain (FDPC, an armed group engaged in violent activities), Martin Koumatamadji has engaged in acts threatening the peace, stability and security of the CAR and, in particular, the implementation of the Political Agreement for Peace and Reconciliation in CAR signed on 6 February 2019 in Bangui.

He refused the disarmament of FDPC combatants, as per his commitments as a signatory of the Political Agreement for Peace and Reconciliation in the CAR, and threatened to overthrow President Touadéra in July 2019.

He began cooperating with sanctioned individual Nourredine Adam (CFi.002) in June 2019 and engaged in arms trafficking with a close associate of Nourredine Adam, in order to build up the military capabilities of the FDPC.

He also made an offer to the Front Populaire pour la Renaissance de la Centrafrique (FPRC) to carry out a military operation with his armed group during the fighting in Vakaga prefecture in 2019.

He continued to impede the restoration of state authority in the areas of operation of the FPDC by maintaining illegal roadblocks to extort cattle herders, economic actors (including gold mining companies operating in the Nana-Mambéré prefecture), and travellers.

Under his leadership, the FDPC committed acts that constituted human rights abuses or violations in the Nana-Mambéré prefecture, including attacks directed against civilians in April 2019, abductions of civilians in March 2019 (near Zoukombo) and acts of sexual and gender-based violence in May 2019 (in Bagary). In 2017, the FDPC also committed 14 acts of sexual violence in conflict.

Between 2016 and 2019, the FDPC recruited children to serve as soldiers in armed conflict and forced eleven girls into marriage with FDPC members.

In March 2019, he was involved in obstructing the delivery of humanitarian aid when the FDPC, under Miskine's leadership, conducted a series of attacks on the main road into Bangui from Cameroon.

Finally, FDPC elements skirmished with MINUSCA in April 2019 near Zoukombo (Nana-Mambéré prefecture) and on the Bouar-Beleko axis.'

RULES OF PROCEDURE

DECISION OF THE MANAGEMENT BOARD OF EUROPOL

of 9 June 2020

on internal rules concerning restrictions of certain rights of data subjects in relation to processing of administrative personal data by Europol

THE MANAGEMENT BOARD OF EUROPOL,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA ⁽¹⁾ (hereinafter 'Europol Regulation'), and in particular Article 46 thereof,

Having regard to Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC ⁽²⁾, and in particular Article 25 thereof,

Having regard to the Guidance on Article 25 of that Regulation and internal rules of the European Data Protection Supervisor ('EDPS') of December 2018,

Having regard to the EDPS comments on the draft decision of the Management Board of Europol on internal rules concerning restrictions of certain rights of data subjects in relation to processing of administrative personal data by Europol from 14 January 2020,

Whereas:

- (1) Europol processes operational data and non-operational (administrative) data unrelated to criminal investigations, such as personal data concerning staff of Europol, service providers or visitors. The processing of operational data falls under the provisions of the Europol Regulation whereas non-operational (administrative) data is subject to Regulation (EU) 2018/1725.
- (2) In accordance with Article 25(1) of Regulation (EU) 2018/1725 restrictions of the application of Articles 14 to 22, 35 and 36, as well as Article 4 of that Regulation in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22 should be based on internal rules to be adopted by Europol, where these are not based on legal acts adopted on the basis of the Treaties.
- (3) These internal rules, including its provisions on the assessment of the necessity and proportionality of a restriction, should not apply where a legal act adopted on the basis of the Treaties provides for a restriction on data subject rights.
- (4) Europol may, in the context of its functioning, conduct administrative inquiries, pre-disciplinary, disciplinary and suspension proceedings. Administrative inquiries should be carried out by the Internal Investigations Service (IIS) which shall also represent the authority authorised to conclude contracts of employment referred to in Article 6 of the Conditions of employment before the Disciplinary Board on the basis of Article 86 of the Staff Regulations of Officials of the European Union ⁽³⁾ and in accordance with Decision of the Europol Management Board laying down General implementing provisions on the conduct of administrative inquiries and disciplinary procedures (EDOC #417349).
- (5) Europol staff members have the obligation to report possible illegal activities, including fraud or corruption, detrimental to the interests of the Union, or of conduct relating to the discharge of professional duties which may constitute a serious failure to comply with the obligations of official of the Union. This is further explained in the Guidance to Europol staff on whistle-blowing arrangements (EDOC# 903736).

⁽¹⁾ OJ L 135, 24.5.2016, p. 53.

⁽²⁾ OJ L 295, 21.11.2018, p. 39.

⁽³⁾ Staff Regulations of Officials of the European Union, laid down in Regulation (EEC, Euratom, ECSC) No 259/68 of the Council (OJ L 56, 4.3.1968, p. 1).

- (6) Europol has set out a policy to prevent and deal effectively and efficiently with actual or potential cases of psychological or sexual harassment at the workplace, as provided for in its Decision of the Management Board of Europol on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment (EDOC # 958626). The Decision establishes an informal procedure where the alleged victim of the harassment may contact Europol confidential counsellors.
- (7) The Data Protection Officer, pursuant to Article 13 of the Decision of the Management Board of Europol laying down Implementing Rules concerning the Data Protection Officer (EDOC# 845687) can carry out inquiries concerning the subject matter of a request.
- (8) Europol may conduct audits on its activities which are performed via the Europol's Internal Audit Capability (IAC) which was established by the Management Board at its 1 May 2017 meeting, pursuant to Article 11(1) of the Europol Regulation, and is solely accountable to this organ.
- (9) In the context of the abovementioned tasks Europol may provide and receive assistance and cooperation to and from other Union institutions, bodies, offices and agencies, as set in relevant service level agreements, memorandum of understanding and cooperation agreements.
- (10) It may be necessary to reconcile the rights of data subjects pursuant to Regulation (EU) 2018/1725 with the needs of the abovementioned activities, while fully respecting fundamental rights and freedoms of other data subjects. To that effect, Article 25 of Regulation (EU) 2018/1725 provides, under strict conditions, the possibility to restrict the application of Articles 14 to 20, 35 and 36, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20. In this case it is necessary to adopt internal rules under which Europol may restrict those rights in line with the same Article of Regulation (EU) 2018/1725.
- (11) This might in particular be the case when providing information about the processing of personal data to the data subject at the preliminary assessment phase of an administrative inquiry or during the inquiry itself, prior to a possible dismissal of the case or a pre-disciplinary stage. In certain circumstances, providing such information might seriously affect the IIS' capacity to conduct the enquiry in an effective way, whenever, for example, there is a risk that the person concerned destroys evidence or interferes with potential witnesses before they are interviewed. Furthermore, Europol might need to protect their rights and freedoms as well as the rights and freedoms of other persons involved.
- (12) It might be necessary to protect the confidentiality of a witness or a whistle-blower who has asked not to be identified. In such a case, Europol may decide to restrict access to the identity, statements and other personal data of the whistle-blower and other persons involved, in order to protect their rights and freedoms.
- (13) It might be necessary to protect the confidentiality of a staff member who has contacted Europol confidential counsellors in the context of a harassment procedure. In such a case, Europol may decide to restrict access to the identity, statements and other personal data of the alleged victim, the alleged harasser and other persons involved, in order to protect their rights and freedoms.
- (14) When handling inquiries on processing activities carried out at Europol, the Data Protection Officer might, in certain circumstances, need to preserve the effectiveness of its inquiries and to protect, as necessary, persons involved and their rights and freedoms.
- (15) Europol should apply restrictions only when they respect the essence of the fundamental rights and freedoms, and are strictly necessary and a proportionate measure in a democratic society. Europol should give justifications explaining the grounds for those restrictions.
- (16) Based on the principle of accountability, Europol should keep a record of the application of the restrictions.

- (17) When processing administrative personal data exchanged with other organisations in the context of its tasks, Europol should consult and should be consulted by those organisations on the possible relevant grounds for imposing restrictions and the necessity and proportionality of the restrictions, unless this would jeopardise the activities of Europol.
- (18) Article 25(6) of Regulation (EU) 2018/1725 obliges the controller to inform data subjects of the principal reasons on which the application of the restriction is based and of their right to lodge a complaint with the EDPS.
- (19) Pursuant to Article 25(8) of Regulation (EU) 2018/1725, Europol may defer, omit or deny the provision of information on the reasons for the application of a restriction to the data subject if this would in any way cancel the effect of the restriction.
- (20) Europol should assess on a case-by-case basis and in cooperation with the Data Protection Officer whether the communication of the restriction would cancel its effect.
- (21) To guarantee the utmost protection of the rights and freedoms of data subjects and in accordance with Article 44(1) of Regulation (EU) 2018/1725, the Data Protection Officer should be informed in due time of any restrictions being applied and verify compliance with this Decision.
- (22) The application of the abovementioned restrictions is without prejudice to the possible application of the provisions of Article 16(5) and 17(4) of Regulation (EU) 2018/1725, relating, respectively, to the right of information when data have not been obtained from the data subject, and to the right of access by the data subject,

HAS ADOPTED THIS DECISION:

Article 1

Subject matter and scope

This Decision lays down rules relating to the conditions under which Europol may restrict the application of Articles 14 to 20, 35 and 36, as well as Article 4 thereof based on Article 25 of Regulation (EU) 2018/1725.

Article 2

Specification of the controller

- 1. The controller of the processing operations is Europol, represented by its Executive Director, who may delegate the function of the controller.
- 2. Data subjects shall be informed of the delegated controller by way of the data protection notices or records published on the website and/or the intranet of Europol.

Article 3

Restrictions

- 1. Where Europol exercises its duties with respect to data subjects' rights under Regulation (EU) 2018/1725, it shall consider whether any of the exemptions laid down in Regulation (EU) 2018/1725 applies.
- 2. In accordance with Article 25(1) of Regulation (EU) 2018/1725, Europol may restrict the application of Articles 14 to 20, 35 and 36, as well as Article 4 thereof, in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 20 of Regulation (EU) 2018/1725, when:
 - (a) IIS is conducting pre-inquiries and administrative inquiries and the Disciplinary Board is carrying out disciplinary procedures on the basis of the Staff Regulations of Officials of the European Union as well as the Decision of the Europol Management Board laying down General implementing provisions on the conduct of administrative inquiries and disciplinary procedures. Relevant restrictions may be based on Article 25(1)(c), (g) and (h) of Regulation (EU) 2018/1725;

- (b) in the course of whistleblowing procedures in order to ensure that Europol staff members may confidentially report facts where they believe there are serious irregularities as indicated in the Guidelines on whistle-blowing arrangements. Relevant restrictions may be based on Article 25(1)(h) of Regulation (EU) 2018/1725;
 - (c) in formal and informal procedures for cases of harassment ensuring that Europol staff members may confidentially report to confidential counsellors in the context of a harassment procedure as defined by the Decision of the Management Board of Europol on the policy on protecting the dignity of the person and preventing psychological harassment and sexual harassment. Relevant restrictions may be based on Article 25(1)(h) of Regulation (EU) 2018/1725;
 - (d) Data Protection Officer is conducting inquiries on processing activities carried out at Europol pursuant to Article 13 of the Decision of the Management Board of Europol laying down Implementing Rules concerning the Data Protection Officer. Relevant restrictions may be based on Article 25(1)(c), (g) and (h) of Regulation (EU) 2018/1725;
 - (e) Internal Audit Capability is conducting internal audits in relation to all the activities and departments at Europol. Relevant restrictions may be based on Article 25(1)(c), (g) and (h) of Regulation (EU) 2018/1725;
 - (f) Europol is providing or receiving assistance and cooperation to and from other Union institutions, bodies, offices and agencies, in the context of the abovementioned activities, as set out in relevant service level agreements, memorandum of understanding and cooperation agreements. Relevant restrictions may be based on Article 25(1)(c), (d), (g) and (h) of Regulation (EU) 2018/1725.
3. The categories of data include identification data of a natural person, contact information, professional roles and tasks, information on private and professional conduct and performance, and financial data.
4. Any restriction shall respect the essence of the fundamental rights and freedoms and be necessary and proportionate in a democratic society.
5. A necessity and proportionality test shall be carried out on a case-by-case basis before restrictions are applied. Restrictions shall be limited to what is strictly necessary to achieve the set objectives.
6. Restrictions should be duly monitored by the data controller and a periodical revision with a necessity and proportionality test shall be done every six months following their adoption in consultation with the Data Protection Officer.
7. Restrictions shall be lifted as soon as the circumstances that justify them no longer apply. The data controller in consultation with the Data Protection Officer shall provide the information concerned to the data subject together with the information on the possibility to lodge a complaint with the EDPS at any time or to seek a judicial remedy in the Court of Justice of the European Union.
8. Europol shall file, for accountability purposes, a record describing the reasons for the restrictions applied, which grounds among those listed in paragraph 1 apply and the outcome of the necessity and proportionality test. Those records shall be part of an ad hoc register kept by the Data Protection Officer, which shall be made available on request to the EDPS. A report on the application of Article 25 of Regulation (EU) 2018/1725 shall be made available periodically.
9. When processing administrative personal data exchanged with other organisations in the context of its tasks, Europol shall consult those organisations on the possible relevant grounds for imposing restrictions and the necessity and proportionality of the restrictions, unless this would jeopardise the activities of Europol.

Article 4

Risks to the rights and freedoms of data subjects

The assessment of the risks to the rights and freedoms of data subjects whose personal data may be subject to restrictions, as well as their retention period, are referenced in the record of the relevant processing activities in accordance with Article 31 of Regulation (EU) 2018/1725 and, if applicable, in relevant data protection impact assessments based on Article 39 of the said Regulation.

*Article 5***Storage periods and safeguards**

1. Europol shall implement safeguards to prevent abuse or unlawful access or transfer of personal data that may be subject to restrictions. These safeguards shall include technical and organisational measures to protect the personal data against accidental or unlawful destruction, accidental loss or unauthorised disclosure, alteration and access or any other unauthorised form of processing. The safeguards shall include:
 - (a) a clear definition of roles, responsibilities and procedural steps;
 - (b) if appropriate, a secure electronic environment which prevents unlawful or accidental access or transfer of electronic data to unauthorised persons;
 - (c) if appropriate, secure storage and processing of paper-based documents;
 - (d) due monitoring of restrictions and a periodic review of their application.
2. The retention period of the personal data that may be subject to restrictions shall be no longer than necessary and appropriate for the purposes for which the data are processed. It shall in any event not be longer than the retention period specified in the data protection notices, privacy statements or records referred above.

*Article 6***Information to and review by the Data Protection Officer**

1. The Data Protection Officer shall be consulted without undue delay whenever the data controller intends to apply restrictions to the data subject rights in accordance with this Decision and shall be provided access to the record containing the assessment of the necessity and proportionality and any documents underlying factual and legal elements.
2. The involvement of the Data Protection Officer in the restrictions procedure, including information exchanges, shall be documented in an appropriate form.

*Article 7***Information to data subjects on restrictions to their rights**

1. Europol shall publish on Europol intranet data protection notices that inform all data subjects of processing activities involving processing of their personal data which could be subject to restrictions in accordance with these rules.
2. Data controllers shall individually inform data subjects who are parties to a procedure, parties concerned by a procedure or witnesses concerning their rights and possible restrictions.

*Article 8***Right to information to be provided to data subjects and communication on data breaches**

1. Where in the context of the activities mentioned in this Decision, Europol restricts, wholly or partly, their rights mentioned in Articles 14 to 16 and 35 of Regulation (EU) 2018/1725, data subjects shall be informed of the principal reasons on which the application of the restriction is based, and of their right to lodge a complaint with the EDPS as well to seek a judicial remedy before the Court of Justice of the European Union.
2. Europol may defer, omit or deny the provision of information concerning the reasons for the restriction referred to in paragraph 1 for as long as it would cancel the effect of the restriction. This assessment shall take place on a case-by-case basis in cooperation with the Data Protection Officer.

*Article 9***Data subjects' right of access, rectification, erasure and restriction of processing**

1. Where in the context of the activities mentioned in this Decision, Europol restricts, wholly or partly, the right of access to personal data, the right to rectification, erasure, and restriction of processing, as referred to in Articles 17 to 20 respectively of Regulation (EU) 2018/1725, it shall inform the data subject concerned, in its reply to their request, of the principal reasons on which the application of the restriction is based, and of the possibility of lodging a complaint with the EDPS or of seeking a judicial remedy before the Court of Justice of the European Union.
2. Europol may defer, omit or deny the provision of information concerning the reasons for the restriction referred to in paragraph 1 if it would cancel the effect of the restriction. This assessment shall take place on a case-by-case basis in cooperation with the Data Protection Officer.

*Article 10***Confidentiality of electronic communication**

1. Europol, under exceptional circumstances, and in line with the provisions and the rationale of Directive 2002/58/EC of the European Parliament and of the Council ⁽⁴⁾, may restrict the right to confidentiality of electronic communications, as referred to in Article 36 of Regulation (EU) 2018/1725.
2. Where Europol restricts the right to confidentiality of electronic communications, it shall inform the data subject concerned, in its reply to their request, of the principal reasons on which the application of the restriction is based, and of the possibility of lodging a complaint with the EDPS or of seeking a judicial remedy before the Court of Justice of the European Union.
3. Europol may defer, omit or deny the provision of information concerning the reasons for the restriction referred to in paragraph 1 and 2 for as long as it would cancel the effect of the restriction. This assessment shall take place on a case-by-case basis in cooperation with the Data Protection Officer.

*Article 11***Entry in to force**

This Decision shall enter into force on the day twentieth day following that of its publication in the *Official Journal of the European Union*.

Done at The Hague, 9 June 2020.

For the Management Board

Andrei LINTA

Chairperson

⁽⁴⁾ Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector (Directive on privacy and electronic communications) (OJ L 201, 31.7.2002, p. 37).

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