



安全理事会

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2012 年 10 月 12 日安全理事会关于刚果民主共和国的第 1533 (2004) 号决议所设委员会主席给安全理事会主席的信

谨代表安全理事会关于刚果民主共和国的第 1533 (2004) 号决议所设委员会，依照安全理事会第 2021 (2011) 号决议第 4 段，随函附上刚果民主共和国问题专家组的最后报告(见附件)。

为此，请提请安全理事会成员注意本信及其附件，并将其作为安理会文件分发为荷。

主席

阿格申·梅赫迪耶夫(签名)



附件

2012 年 10 月 12 日刚果民主共和国问题专家组给安全理事会 关于刚果民主共和国的第 1533 (2004) 号决议所设委员会主席 的信

刚果民主共和国问题专家组各成员谨根据安全理事会第 2021 (2011) 号决议第 4 段的规定转递专家组最后报告。

史蒂文·黑格(签名)

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鲁文·德科宁(签名)

玛丽·普拉马迪亚拉(签名)

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内容摘要

刚果民主共和国东部仍然散布着几十个外国和本国武装团体。自 2012 年初前全国保卫人民大会人员哗变并随后创立“3. 23”运动后，不稳定局势加剧。2012 年 7 月，反叛分子在外国大力支持下扩大了他们在鲁丘鲁县的控制区域，而且最近利用非正式停火加强各种联盟，指挥其他地方的代理人活动。

卢旺达政府通过直接向“3. 23”运动反叛分子提供军事支持、为招募人员提供便利、鼓励刚果民主共和国武装部队士兵开小差并为其提供便利以及提供武器、弹药、情报和政治建议，继续违反武器禁运。“3. 23”运动事实上的指挥链包括博斯科·恩塔甘达将军，最上面的指挥官是卢旺达国防部长詹姆斯·卡巴雷贝将军。专家组在公布临时报告增编(S/2012/348/Add. 1)之后，会晤了卢旺达政府官员，考虑了卢旺达政府的书面答复。然而，专家组认为，它无意更改其以前调查结果的任何实质内容。

乌干达政府高级官员还以直接增援刚果境内的部队、交付武器、技术援助、联合规划、政治咨询和促进对外关系等形式支持“3. 23”运动。2012 年 7 月，乌干达人民国防军和卢旺达国防军一些部队共同支持“3. 23”运动进行一系列攻击，以夺取鲁丘鲁县主要城镇和刚果武装部队在鲁曼加博的基地。两国政府还进行合作，支持建立和扩大“3. 23”运动政治部门，并且一直为反叛分子进行宣传。“3. 23”运动及其盟友中包括 6 名受制裁的个人，其中一些人居住在卢旺达和乌干达，或定期前往两国。

“3. 23”运动利用官方前线战斗暂时停止的机会，在南北基伍以及在伊图里和西开赛寻求与其他武装团体建立联盟。Sultani Makenga 上校成为与“3. 23”运动结盟武装团体的“协调员”。8 月和 9 月期间，他命令 Raia Mutomboki 进行残酷的族裔攻击，在马西西县刚果胡图人社区烧毁 800 多所房屋，杀害数百平民，原因是该社区民兵拒绝与“3. 23”运动结盟。

武装团体、特别是“3. 23”运动招募和使用儿童兵的情形增加。特别是，一些有招募儿童兵记录的“3. 23”运动指挥官督导招募和培训了数百名男女少年。此外，“3. 23”运动一些指挥官下令法外处决了数十名新兵和战俘。

“3. 23”运动多次企图与伊图里赫马族和伦杜族武装团体以及南基伍巴尼亚穆伦格社区结成共同阵线，但遭到相当强烈的抵制。刚果民主共和国政府开展武装团体整编进程，特别是在伊图里和马西西县开展这种进程，努力反击“3. 23”运动扩大其联盟的行为。

解放卢旺达民主力量(卢民主力量)人数处于历史低点，虽然它仍在虐待平

民，但已被进一步孤立，无法得到外部支持，现在，其关注重点是，面对刚果武装部队和“3.23”运动盟友的夹击，它如何自保。卢民主力量低层军官寻求与刚果民主共和国政府结盟，以对抗“3.23”运动，刚果武装部队一些犯罪网络继续向反叛分子出售少量弹药。然而，没有任何证据显示卢民主力量和刚果民主共和国政府进行了战略合作。

在布隆迪反叛团体中，民族解放力量仍然处于分裂状态，需要依赖地方刚果武装团体，而布隆迪民族革命阵线现在已经转变为穆隆迪人民阵线，并在南基伍与“3.23”运动结成了联盟。乌干达领导的民主同盟军增强了军事能力，并且与东非青年党网络合作。

刚果武装部队高级军官犯罪网络通过控制自然资源和违禁品、包括控制武装团伙贩卖象牙活动，获得收入，这个问题仍然困扰着刚果武装部队。陆军司令加布里埃尔·阿米西将军监督一个向偷猎者和 Raia Mutomboki 等武装团体分销打猎弹药的网络。“3.23”运动反叛行动使小武器市场价格上涨了三倍，造成需求增加，破坏了解除武装和管理库存的努力。

刚果民主共和国政府要求矿产品出口商按照联合国和经济合作与发展组织的准则进行尽责调查，这使刚果民主共和国东部的所有锡、钽和钨出口几乎停顿，只有北加丹加省除外，该省 2011 年实施了矿产标记做法。向布隆迪和卢旺达贩运矿产品的活动呈上升趋势。使刚果矿产的活动破坏了卢旺达实施的矿产标记制度，因为采矿合作社出售标记已成为司空见惯的现象。一些交易商将刚果矿物贩运到卢旺达，从中获利，并从利润中抽出资金资助“3.23”运动反叛分子。

南北基伍锡矿石产量下降，但钽和钨矿石比较容易贩运，国际追踪要求对生产钽和钨矿石的活动影响不大。2012 年期间，卢旺达钽和钨出口相应增加，锡矿石出口则下降。

在一些矿区，整体价格和产量下降，产生了负面社会经济后果。然而，矿区进行调整，以适应其他经济部门，因而创造了新商机。多数重要锡和钽矿区的安全得到改善，因而资助冲突的情况减少，民政当局和非政府组织加强了监督和监测。

尽责调查要求没有影响黄金贸易，因此，武装团体、刚果武装部队内的犯罪网络和矿工很容易改采金矿。刚果民主共和国东部的几乎所有黄金都被贩运出国，通过坎帕拉及布琼布拉几个主要贸易商经销，他们每年运出若干吨黄金，价值数亿美元。多数刚果黄金都在阿拉伯联合酋长国冶炼，然后出售给珠宝商。安全理事会冻结资产行动未能限制被制裁实体 Machanga 有限公司前所有人的业务活动，他通过其他幌子公司进行出口活动，并向在刚果民主共和国的供应商转移大笔资金。

一. 引言

1. 根据安全理事会第 2021(2011)号决议第 4 段的要求,刚果民主共和国问题专家组提交本最后报告,以履行在 2012 年 10 月 19 日前通过安全理事会关于刚果民主共和国的第 1533(2004)号决议所设委员会向安理会提出报告的义务。在监测安理会第 1493(2003)号决议实施的武器禁运方面,专家组的主要作用是调查并记录活跃在刚果民主共和国境内的武装团体及其相关金融网络采购武器和弹药等军事装备的证据,调查并记录他们参与开采和交易自然资源的情况。专家组坚持严格的调查方法,以确保其言论和结论的最高准确性。本报告附件 1 和附件 2 较完整地概述了专家组的任务和方法。附件 77 列有专家组与之正式会见的实体名单。

2. 专家组于 2012 年 5 月 18 日向委员会提交了一份关于卢旺达政府违反武器禁运和制裁制度情况的临时报告(S/2012/348),并于 2012 年 6 月 26 日提交了临时报告增编。卢旺达政府对增编提出了抗辩(见本报告附件 4),专家组向委员会提供了对该抗辩的详细答复(见本报告附件 3)。

二. 刚果武装团体

A. “3.23”运动

3. 自专家组提交临时报告增编后,“3.23”运动继续开展军事行动,并扩大了在鲁丘鲁县控制的地盘,将前线推至省会戈马以北 30 公里处。“3.23”运动有约 1 250 名士兵,主要由脱离刚果武装部队的前全国保卫人民大会士兵组成,由于兵力短缺,“3.23”运动在独立展开行动和控制新获得的阵地方面面临挑战。

4. 卢旺达以及乌干达政府内部人员一直支持“3.23”运动。卢旺达官员协调创立了该反叛运动,并协调了其主要的军事行动,乌干达向“3.23”运动提供的支持则比较诡秘,乌干达的支持使该反叛团体的政治部门能够在坎帕拉活动,并且增进了其对外关系。乌干达人民国防军内部军官对“3.23”运动的援助虽然有限,却在运动夺取鲁丘鲁主要城镇的行动中起了决定性作用。

5. 自 2012 年 7 月起,大湖区问题国际会议采取了一系列举措,试图解决刚果民主共和国东部的冲突。在这方面,大湖区问题国际会议于 8 月 16 日授权乌干达总统约韦里·穆塞韦尼向“3.23”运动转达大湖区问题国际会议的结论,即:反叛分子必须停止所有进攻活动,离开边境,退回到其最初的阵地(见本报告附件 5)。然而,近两个月后,虽然大湖区问题国际会议在坚持不懈地进行努力,但“3.23”运动在与其结盟的武装团体帮助下,并在卢旺达武装部队和乌干达武装部队的持续支持下,进一步强化了部署,扩大了地盘。

1. 卢旺达政府对“3.23”运动的支持

6. 专家组以前曾记录卢旺达政府违反各类军火禁运的行为，卢旺达政府继续违反所有这些军火禁运，支持“3.23”运动和其他武装团体。卢旺达官员向“3.23”运动提供了军事支持，途径是长期提供增援部队以及由与刚果武装部队鲁丘鲁驻军部署在一起开展联合行动的武装部队特种部队提供秘密支持。卢旺达武装部队军官还向反叛分子提供武器，为将伤亡人员后送至卢旺达提供便利，并与“3.23”运动共享通讯设备。“3.23”运动继续在卢旺达各地村庄招募人员，前全国保卫人民大会人员在卢旺达境内加入该反叛运动，卢旺达爱国阵线(卢爱阵)成员为该运动募集资金。卢旺达官员创立了“3.23”运动政治部门和政府，向其提供政治咨询意见。“3.23”运动仍然由被制裁的个人博斯科·恩塔甘达将军指挥，他接受卢旺达官员命令和指导。

7. 南部非洲发展共同体、欧洲、乌干达和布隆迪的各路情报人员也证实了专家组关于卢旺达违反禁运行为的调查结果。

(a) 卢旺达武装部队对“3.23”运动的军事支持

(1) 提供士兵

8. 卢旺达士兵继续在刚果民主共和国境内活动，支持“3.23”运动。尽管“3.23”运动缺少士兵，但仍然于2012年7月开展了大规模行动，扩大了其在鲁丘鲁控制的地盘。刚果武装部队军官、前卢旺达武装部队军官、“3.23”运动现成员和前成员都证实，卢旺达武装部队部署了更多部队，以增援所有主要反叛团体的行动，并且卢旺达士兵长期与“3.23”运动部署在一起，以巩固对夺取的地盘的控制。边境官员和前“3.23”运动士兵多次目睹卢旺达士兵从Kinigi进入刚果民主共和国，并目睹卢旺达武装部队目前在刚果边界附近支持“3.23”运动行动的主要基地，还目睹卢旺达在刚果边界附近部署其他部队(见本报告附件6)。根据“3.23”运动现役士兵和前士兵的观察，在恩塔甘达将军和Sultani Makenga上校的阵地上以及在“3.23”运动部署的其他地方经常可看到卢旺达士兵。

9. 9名地方领导人看到卢旺达士兵与“3.23”运动的人走在一起，他们说，由于其独特的制服、装备、巡逻风格和说基尼亚卢旺达语的口音，卢旺达士兵很容易辨别。在专家组2012年7月23日至25日访问基加利期间，卢旺达国防部长詹姆斯·卡巴雷贝将军证实，基于所有上述原因，卢旺达部队很容易与“3.23”运动或其他士兵区别开来。

10. 被上司命令加入“3.23”运动的卢旺达两名现役士兵以及五名复员士兵证实，卢旺达武装部队在刚果民主共和国有长期存在(见本报告附件7)。这些人指出，虽然卢旺达部队经常轮调，但由西部师师长Emmanuel Ruvusha将军协调行动的第305旅士兵支持过“3.23”运动在刚果民主共和国的行动。卢旺达武装部队总

参谋长 Charles Kayonga 将军向专家组确认，2012 年 7 月，第 305 旅确实部署在 Kinigi。

(2) 卢旺达特种部队向“3.23”运动提供的支持

11. 与刚果武装部队鲁丘鲁驻军部署在一起的卢旺达特种部队支持了“3.23”运动的行动。在刚果民主共和国和卢旺达达成一项协议后，自 2011 年以来，两国武装部队的两支特种部队、包括 James Casius 中校指挥的卢旺达士兵在卢旺达边境沿线采取了联合行动(见 S/2011/738 第 116 段和本报告附件 8)。

12. “3.23”运动前军官和现役军官以及刚果武装部队高级指挥官告诉专家组，特种部队各小队暗中支持“3.23”运动的攻击行动。5 名当地村民说，卢旺达特种部队定期与“3.23”运动举行会议。¹ 专家组一名成员在访问该地区期间目睹了“3.23”运动一名指挥官以无线电与卢旺达部队联系、请求增援的情形。

13. 卢旺达政府尽管不愿意将卢旺达特种部队从反叛分子控制的地盘撤出，但仍然于 2012 年 9 月 1 日撤出了 344 名士兵。前卢旺达武装部队军官、“3.23”运动成员、武装团体成员和刚果民主共和国政府官员告诉专家组，一些卢旺达特种部队立即返回了刚果民主共和国，进一步与“3.23”运动开展了行动。

(3) 在 Kanombe 军医院治疗伤病员

14. 卢旺达武装部队将伤病员后送到卢旺达。两名前军官、一名卢旺达爱国阵线高级成员以及一名前全国保卫人民大会军官告诉专家组，反叛人员将与“3.23”运动并肩作战的多数卢旺达伤病员送到基加利的 Kanombe 军医院。卢旺达武装部队将死亡者埋葬在 Kanombe 军人公墓里。与专家组面谈的一名“3.23”运动合作者在“3.23”运动在刚果民主共和国展开行动后曾经访问过该医院，该合作者证实医院里有数十名伤兵。

(4) “3.23”运动与卢旺达武装部队的通信

15. 卢旺达武装部队和“3.23”运动军官统一了他们的通信设备，以便协调行动。据前卢旺达武装部队人员和前卢爱阵人员说，除“3.23”运动干部外，卢旺达武装部队和“3.23”运动高级军官也通过卢旺达武装部队使用的数字甚高频无线电系统进行通信，卢旺达武装部队指挥官与“3.23”运动指挥官共享该系统。较低层级人员则在行动中通过商用无线电装置进行无线电通信，“3.23”运动军官曾在刚果武装部队内使用过这些装置，并随后将其送给了卢旺达武装部队军官。刚果武装部队指挥官能够截获后者的通信内容。在专家组提交临时报告增编后，专

¹ 在专家组汽车在“3.23”运动地盘内遭到匪徒小规模攻击后，专家组要求“3.23”运动一名指挥官提供安全护送，该指挥官用电子无线电报话器请求增援。专家组发现，护送队来自 Kahunga 的卢旺达特种部队领导。

家组又获得了卢旺达武装部队指挥官和“3.23”运动指挥官之间通信的新无线电截获稿。²

(5) 卢旺达武装部队和“3.23”运动的秘密行动

16. 刚果武装部队在 Kibumba 和 Tongo 前线村庄附近建筑了阵地，分别保卫戈马和马西西，专家组记录了卢旺达武装部队和“3.23”运动收集这些阵地情报的活动模式。自“3.23”运动发起行动以来，刚果当局在 Kibumba 抓获了两名卢旺达士兵和一名卢旺达退伍士兵(见本报告附件 9)。专家组与另外五人进行了面谈，包括两名前卢旺达士兵、一名由“3.23”运动招募的前解放卢旺达民主力量(卢民主力量)士兵、一名前“3.23”运动士兵和一名卢旺达平民，他们是在 Tongo 为“3.23”运动收集情报时被抓获的(见本报告附件 10)。

17. 在 2012 年 10 月第一个星期里，戈马发生了一系列定点暗杀和手榴弹袭击事件。“3.23”运动指挥官告诉专家组，他们需要夺取戈马，以确保居民安全。但是，据政府调查人员、前卢旺达武装部队军官和社区领袖说，一些来自吉塞尼的人按照从卢旺达境内操作的卢旺达武装部队军官和“3.23”运动成员的命令进行这些攻击，使用的是卢旺达武装部队常用的手榴弹(见本报告附件 11)。刚果武装部队后勤军官说，他们的库存中没有登记这种手榴弹。在对袭击事件进行调查后，刚果警方逮捕了几名从吉塞尼操作的人员，另外还逮捕一名前卢民主力量军官军官，此人曾在复员后立即被卢旺达武装部队征募，派入鲁丘鲁的卢旺达特种部队(见本报告附件 12)。

(6) 军火供应

18. 卢旺达武装部队继续向“3.23”运动提供武器和弹药。自反叛行动展开以来，“3.23”运动军官和士兵目睹卢旺达武装部队每两星期向“3.23”运动 Runyoni 总部交付武器和弹药。Makenga 上校曾向这些军官展示卢旺达武装部队赠送的大量武器和弹药。

19. 若干前“3.23”运动战斗人员看到，在具体行动开始之前，卢旺达运送的弹药会增加。四名前“3.23”运动士兵描述了他们如何协助将一箱箱弹药从卢旺达武装部队在卢旺达 Kinigi 和 Njerima 的基地运送到刚果民主共和国。

对布纳加纳和鲁丘鲁主要城镇的攻击

“3.23”运动通过 2012 年 7 月行动夺取了布纳加纳、鲁丘鲁、基万加和鲁曼加博，在行动期间，卢旺达武装部队指挥官与“3.23”运动并肩行动，并提供了后勤支持(见本报告附件 13)。乌干达武装部队指挥官也支持了这些攻击行动。在行动期间，反叛分子在布纳加纳打死了一名联合国组织刚果民主共

² 专家组已将这些新的无线电截获记录存入联合国档案，备未来参考。

和国稳定特派团(联刚稳定团)维和人员，并向联刚稳定团基万加基地开火(见本报告附件 14)。

“3.23”运动士兵、刚果武装部队军官、“3.23”运动支持者和联合国官员说，除长期与“3.23”运动驻扎在一起的卢旺达士兵外，卢旺达武装部队还部署了 2 000 多名士兵，用以夺取布纳加纳。“3.23”运动若干士兵说，在发动攻击之前，卢旺达武装部队指挥官向反叛分子提供了 12.7 毫米机枪以及 60 毫米、91 毫米和 120 毫米迫击炮，并提供了反坦克和防空发射器等重型武器。卢旺达特种部队还在鲁丘鲁协助反叛分子，并在夺取基万加的行动期间向刚果武装部队战斗直升机发射了 13 发炮弹。

据前“3.23”运动军官和前卢旺达武装部队军官说，参加攻击的卢旺达士兵来自第 305 旅和第 99 营。Kitoko Kadida 中校负责指挥这些部队，Ruvusha 将军负责协调，Kayonga 将军负责整体指挥。据几个前“3.23”运动军官和士兵说，在行动期间，Kayonga 将军就在“3.23”运动设在 Runyoni 的总部。

“3.23”运动的现役和前军官、政治人物和刚果武装部队军官确认，卢旺达高级军官和“3.23”运动高级军官共同策划了攻击行动。在展开行动之前，恩塔甘达将军、Makenga 上校和 Baudouin Ngaruye 上校前往卢旺达，与卡巴雷贝将军、恩齐扎将军和 Kayonga 将军在 Kinigi 会晤。这些消息来源告诉专家组，Makenga 上校与 Ruvusha 将军进一步规划了细节。

鲁丘鲁战斗后，刚果武装部队军官和当地领导人在战场上看到约 30 名伤亡人员，其中大部分穿着卢旺达制服(见本报告附件 15)。“3.23”运动是刚果民主共和国东部穿卢旺达武装部队军服的唯一武装团体。刚果武装部队捡到一支未在刚果武装部队库存登记的 AK-47 步枪、与刚果武装部队所用迫击炮规格不符的一枚 60 毫米、外壳细长的迫击炮弹以及一张卢旺达驾驶执照(分别见本报告附件 16、17 和 18)。

(b) “3.23”运动在卢旺达的招募活动

20. 在过去几个月里，卢旺达武装部队在卢旺达境内为“3.23”运动招募人员的活动增加。招募的主要对象是卢旺达复员士兵和平民以及刚果难民。卢旺达武装部队继续在 Mutobo 复员营强行招募前卢民主力量人员(见下文第 157 段)。根据逃出“3.23”运动训练营的数十名前“3.23”运动士兵提供的数字，专家组估计，自“3.23”运动创建以来，它已经培训了至少 800 名新士兵。

21. 在提交临时报告增编之后，专家组又采访了 48 名前“3.23”运动战斗人员，其中 26 人是卢旺达国民。³ 自“3.23”运动创建以来，50 多名卢旺达国民脱离

³ 专家组现在已共约谈 52 名脱离“3.23”运动的卢旺达国民。

“3.23”运动，向联刚稳定团投诚，但卢旺达政府继续拒绝让他们回国，其理由是因为他们的国籍尚未确定。

22. 大多数新兵继续通过恩塔甘达将军在卢旺达 Kinigi 的 Bushokoro 旅店中转，前往刚果民主共和国。2012 年 8 月 21 日，专家组访问了 Bushokoro 旅店，确认被卢旺达武装部队保护部队包围的该旅店的情形符合前“3.23”运动士兵的叙述（见本报告附件 19）。

23. 卢旺达士兵带新兵从 Kinigi 出发，穿过维龙加国家公园，前往 Runyoni。前“3.23”运动士兵说，在到达刚果民主共和国之前，卢旺达武装部队军官告诉他们，他们将为恩塔甘达将军打仗，夺取北基伍省的控制权，卢旺达武装部队军官没收了他们的电话，烧毁了他们的身份证，并指示他们，一旦被俘，就说自己是刚果人。据这些士兵说，逃到卢旺达的新兵又被卢旺达士兵送回“3.23”运动，然后被处决、拘禁或遭受酷刑。

24. “3.23”运动成员、前卢旺达武装部队军官和政治人物告诉专家组，卡巴雷贝将军最终负责“3.23”运动的所有招募活动，他下令忠诚的卢旺达武装部队军官为卢旺达境内的招募活动提供便利。

25. 政治人物、地方领导人和前“3.23”运动士兵告诉专家组，“3.23”运动设立了四个训练营，完成了第二波培训，每一波培训士兵人数约为 100 至 250 人。包括卢旺达军官在内的培训人员向新兵历数刚果民主共和国政府的劣迹，并解释说他们的目标是解放刚果民主共和国。

26. 前“3.23”运动军官和士兵告诉专家组，新训练的士兵立即被送往前线，增援“3.23”运动部队。由于缺乏经验，几乎一半新兵在 2012 年 7 月在布纳加纳、鲁丘鲁和鲁曼加博的战斗中丧生。

(c) 卢旺达武装部队为逃兵投入“3.23”运动提供便利

27. 自专家组提交临时报告增编以来，前全国保卫人民大会军官和士兵继续加入“3.23”运动。若干前全国保卫人民大会军官和刚果武装部队现役军官说，卡巴雷贝将军或其助手 Celestin Senkoko 上尉命令他们开小差。据“3.23”运动现役和前战斗人员及移民官说，多数加入“3.23”运动的军官都是在卢旺达境内加入的。他们说，逃兵通常跨过戈马边界，前往鲁亨盖里，卢旺达士兵在那里带他们穿过维龙加国家公园，到达 Runyoni。

(d) 支持“3.23”运动的政治活动

28. “3.23”运动政治领导人和政府成员由卢旺达官员提名。据前卢旺达武装部队军官、“3.23”运动支持者和政治人物说，2012 年 7 月初，卡巴雷贝将军强行任命 Jean Marie Runiga Lugerero 主教为“3.23”运动政治协调员（见本报告附件 20）。Runiga 先生是前全国保卫人民大会驻金沙萨代表，在担任反叛分子的这

一新职务之前，曾经前往基加利。这些人还说，卡巴雷贝将军还单方面任命了 2012 年 8 月 17 日提名的“3.23”运动政府成员（见本报告附件 21）。专家组在公布名单之日访问了布纳加纳，当时，若干“3.23”运动成员并不知道他们被提名担任内阁职务。

29. 据“3.23”运动成员、合作人员以及政治人物说，大湖区问题国际会议解决冲突的区域倡议于 2012 年 8 月开始实施，但卡巴雷贝将军和恩齐扎将军告诉反叛分子如何根据当前的政治情形更新前全国保卫人民大会的要求。⁴

(e) “3.23”运动在卢旺达的筹款活动

30. 卢旺达爱国阵线成员一直在卢旺达境内为“3.23”运动招募同情者和筹集资金。政治人物、前卢旺达武装部队军官和前全国保卫人民大会军官告诉专家组，卢旺达参议员兼基加利自由大学校长 Rwigamba Balinda 和 John Rucyahana 主教（见 S/2012/348/Add.1，第 29 段）都是卢爱阵成员，他们负责监督卢旺达境内外的这些活动。这些消息来源告诉专家组，卢旺达武装部队高级军官和卢爱阵官员截留了为“3.23”运动筹集的部分资金，据为己有。

(f) “3.23”运动基加利指挥系统

31. “3.23”运动前军官和士兵指出，恩塔甘达将军继续担任当地反叛分子最高指挥官，而 Makenga 上校则负责开展行动并与结盟的武装团体协调。卢旺达武装部队军官以及“3.23”运动现成员和前成员还表示，受制裁的前全国保卫人民大会领导人洛朗·恩孔达将军⁵向“3.23”运动指挥官提供建议，并在卢旺达为“3.23”运动招募新兵。

32. 卢旺达官员对“3.23”运动进行全面指挥和战略规划。政治人物、“3.23”运动现成员和前成员、刚果武装部队军官和卢旺达武装部队前军官都确认，恩塔甘达将军和 Makenga 上校直接接受卢旺达武装部队总参谋长 Kayonga 将军的军事命令，而后者奉卢旺达国防部长卡巴雷贝将军指示行事（见本报告附件 22）。常务国防秘书雅克·恩齐扎将军向“3.23”运动提供战略咨询，监督向其提供的后勤支持。卡巴雷贝将军和恩齐扎将军在维持“3.23”运动政治活动方面也发挥了重要作用。据卢旺达武装部队前军官及“3.23”运动现成员和前军官称，Ruvusha 将军管理对“3.23”运动的地面军事支持。

⁴ 卡巴雷贝将军和恩齐扎将军指示“3.23”运动回到在 2008 年与政府开展的谈判进程中提出的要求上，增加与治理和发展相关的其他内容。

⁵ 洛朗·恩孔达于 2007 年被指认为制裁的人，他当时是全国保卫人民大会领导人。见 S/2012/348/Add.1，第 27、31 和 34 段。

33. “3.23”运动一些现役和前军官还指出，卢旺达高级官员前往刚果民主共和国，与“3.23”运动指挥官们举行会议。Kayonga 将军至少三次前往 Runyoni，以规划各项行动，向反叛分子再三保证卢旺达政府将提供充分支持。

(g) 对受制裁个人的支持

34. 恩塔甘达将军继续以仅距卢旺达边境数公里的 Runyoni 附近为基地(见本报告附件 23)，并违反旅行禁令，定期前往卢旺达。效忠恩孔达将军的“3.23”运动军官表示，他们只是在卢旺达政府高级官员再三保证前全国保卫人民大会领导人将获释并可返回刚果民主共和国后，才同意在卢旺达支持下开展行动。“3.23”运动军官说，恩孔达将军违反旅行禁令，前往 Runyoni，探访“3.23”运动，为他的军官打气。

2. 乌干达政府对“3.23”运动的支持

35. 虽然乌干达武装部队高级军官的参与程度低于卢旺达政府，但乌干达政府内部网络也通过多种方式向“3.23”运动提供支持，包括促进“3.23”运动成员在坎帕拉的永久存在、协助其政治和军事活动以及提供技术援助、政治咨询和军事支持。乌干达武装部队指挥官派遣军队，提供武器，以增援“3.23”运动的具体行动，并协助“3.23”运动在乌干达招募新兵和采购武器。乌干达官员同样认可“自由放任”政策，授权地方军事和民事当局利用他们与卢旺达武装部队或反叛分子的个人关系与“3.23”运动合作。乌干达武装部队高级指挥官也与恩塔甘达将军合作，允许他访问并在坎帕拉购置一处住所，这违反了旅行禁令和资产冻结规定。卢旺达政府聘请的律师在与委员会的公务通信中还列举了“3.23”运动从乌干达领土获得的支持(见本报告附件 24)。

(a) 乌干达武装部队对“3.23”运动的军事支持

(1) 士兵支持

36. 乌干达武装部队成员还与卢旺达武装部队成员一道积极支持“3.23”运动在刚果民主共和国的活动。在对鲁丘鲁进行实地访问期间，专家组与 3 名乌干达情报人员、2 名驻坎帕拉的外交官以及乌干达和刚果当局和社区领袖确认了这一情况。

37. 3 名乌干达政府官员、1 名乌干达地方领导人和多名“3.23”运动干部告诉专家组，7 月份，乌干达武装部队从设在姆巴拉拉的西部师总部并从基索罗集结部队，利用乌干达武装部队在边界附近的Muramba村和Muhanguzi村驻扎地将这些部队派遣到刚果民主共和国。为了方便乌干达武装部队提供支持，“3.23”运动在布纳加纳和Kitagoma边防哨所派驻多名特工人员。专家组 2012 年 8 月访问

Kitagoma期间注意到,“3.23”运动控制了刚果民主共和国一侧,而在乌干达一侧没有见到任何官员(见本报告附件25)。⁶

38. 刚果民主共和国武装部队地方指挥官以及“3.23”运动现役和前军官告知专家组,2012年7月,乌干达武装部队在刚果民主共和国Busanza部署了一支约600名士兵的部队,为反叛分子在鲁丘鲁县发动攻击预作准备。他们说,乌干达士兵加强了已在当地的卢旺达士兵,并组建了一个人数超过“3.23”运动士兵人数的“混合旅”。在此期间,1名“3.23”运动前士兵无意中听到乌干达武装部队指挥官和“3.23”运动指挥官使用商业电台进行的对话,他们讨论了“在南北基伍下放权力”的必要性。专家组获得一份截获的乌干达军官与卢旺达军官和“3.23”运动军官在联合军事行动期间的无线电通信稿副本,据几名口译员描述,讲话的军官带有乌干达军队中常见的斯瓦希里口音,而且使用了一些Kiganda语表述法(见本报告附件26)。⁷

39. “3.23”运动前士兵、地方当局和村民能够轻易区分乌干达士兵,因为他们身着乌干达武装部队制服和显眼的靴子,并配有截然不同的军事装备。乌干达士兵讲英语、Kiganda语、Kinyankole语或斯瓦希里语,但卢旺达士兵讲基尼亚卢旺达语,“3.23”运动士兵则讲基尼亚卢旺达语和斯瓦希里语的混合语。

40. “3.23”运动干部说,乌干达武装部队军官自称乌干达人。1名地方领导人告诉专家组,1名乌干达武装部队军官以乌干达西南部的Kifumbira语向居民讲话。⁸医务人员说,另1名乌干达武装部队军官不会讲当地语,以英语要求鲁丘鲁医院提供药品。

41. 专家组与1名在刚果民主共和国被捕的乌干达士兵进行了面谈。他说,在乌干达Masaka完成军事训练后,他的指挥官派他和三个由75名乌干达有经验士兵和其他受训人员组成的团体一起前往刚果民主共和国参加战斗。2名曾与乌干达武装部队一起战斗的“3.23”运动前士兵称,有些士兵有经验,其他士兵则刚刚完成基本训练。专家组两次与在鲁丘鲁县被刚果民主共和国武装部队俘虏的另一名乌干达国民面谈,除他的姓名和乌干达武装部队军籍之外,他拒绝透露其他信息。⁹

42. 在2012年7月大规模行动之后,1名边境官员、2名住在乌干达的刚果地方领导人和多名“3.23”运动前士兵告诉专家组,乌干达武装部队和“3.23”运动已将伤亡人员撤到乌干达,并将他们送到姆巴拉拉军医院。专家组与1名“3.23”

⁶ 乌干达政府书面通知专家组,“3.23”运动在Kitagoma有军事阵地。

⁷ 专家组将三卷磁带存入了联合国档案。

⁸ Kifumbira语与Kinyarwanda语非常相似,卢旺达和刚果民主共和国东部人说这种语言。

⁹ 在被拘留的两个多月里,该乌干达人还拒绝向监督拘留他的工作的刚果军官透露任何信息。

运动前军官和 1 名平民进行了面谈，他们负责在乌干达武装部队护送下跨边界撤离伤亡人员。

(2) 提供武器

43. “3. 23”运动向乌干达武装部队指挥官购买武器弹药。Makenga 上校在脱离刚果武装部队以前就已经开始从乌干达的支持网络购买武器（见本报告附件 27）。专家组收集到许多关于从乌干达境内向“3. 23”运动提供武器的报道，特别是在鲁丘鲁攻击之前提供武器的报道，包括：

(a) “3. 23”运动前士兵说，驻基索罗的乌干达武装部队军官一直向“3. 23”运动提供少量武器。1 名前士兵说，2012 年 7 月初他三次陪同 Makenga 上校前往基索罗，目睹他向乌干达武装部队军官购买武器。每次回来，他们都免费获得若干 12.7 毫米机枪；

(b) 1 名“3. 23”运动前士兵说，乌干达武装部队指挥官将 12.7 毫米机枪等重型武器带到乌干达一侧边境俯瞰布纳加纳的山上，以便在攻击过程中增援“3. 23”运动，随后在反叛分子占领该镇后将这些武器留给他们。¹⁰ 1 名“3. 23”运动前军官告诉专家组，在攻击过程中，他从驻扎在这座山上的乌干达士兵处获得多箱 AK-47 型冲锋枪和冲锋枪弹药；

(c) 2 名卢旺达武装部队前军官、2 名刚果武装部队军官、1 名“3. 23”运动干部和 1 名“3. 23”运动前士兵说，在攻击鲁丘鲁和基万加之前，两辆卡车向布纳加纳运送了武器和弹药。据 1 名刚果武装部队军官称，这两辆卡车主要装载了 RPG-7 榴弹发射器和机枪；

(d) 2 名“3. 23”运动干部及 1 名坎帕拉商人告诉专家组，乌干达武装部队军官在 Nakasongola 军事基地的军工厂会晤了多名“3. 23”运动代表，¹¹ 讨论存放在那里的武器事宜。此后，乌干达武装部队军官在 2012 年 9 月 19 日前后向在布纳加纳的“3. 23”运动交付了这些武器和弹药，包括迫击炮。1 名“3. 23”运动干部、1 名乌干达边界官员和 1 名卢旺达武装部队前军官说，在同一周，一辆卡车在布纳加纳卸载了武器。

对鲁丘鲁县主要城镇的攻击

在 2012 年 7 月夺取鲁丘鲁期间，“3. 23”运动、卢旺达和乌干达士兵联合采取了行动。前卢旺达武装部队军官、边界官员、刚果武装部队军官和前“3. 23”运动士兵说，2012 年 7 月 5 日和 6 日晚，“3. 23”运动和卢旺达士兵在布纳加

¹⁰ 这些重武器一直留在边界的乌干达一侧，直到反叛分子将联刚稳定团和刚果武装部队逐出布纳加纳，此后，乌干达士兵将这些武器交给了“3. 23”运动。

¹¹ 这家工厂由 Luwero Industries 公司经营。

纳共同作战,当时乌干达士兵从他们驻扎的俯瞰这一边境城镇的小山上向该城镇发射炮弹,并派出一支由 100 至 150 名士兵组成的部队与“3.23”运动和卢旺达士兵并肩作战。联刚稳定团维和人员证实,有人从乌干达向刚果武装部队开火。

专家组分别与 15 名这些事件的目击者进行了面谈,包括刚果和乌干达边界人员、驻扎在边境的刚果武装部队军官、村民、难民、1 名前乌干达武装部队士兵和多名“3.23”运动士兵。他们都看到在卢旺达武装部队和“3.23”运动发动攻击过程中,乌干达士兵越境进入布纳加纳。

在 2012 年 7 月 24 日和 25 日攻击鲁丘鲁和基万加行动之前两天,更多乌干达士兵通过三个不同地点越境进入刚果民主共和国。4 名地方领导人、2 名乌干达官员、多名在乌干达的刚果难民和多名前“3.23”运动士兵都亲眼看到四辆卡车经 Kitagoma 到 Busanza,越境进入刚果民主共和国。另有四辆卡车经布纳加纳进入,向鲁丘鲁镇和 Kalengera 前线运送乌干达士兵和武器。据刚果武装部队和“3.23”运动士兵估计,这些卡车又运送了约 300 名乌干达士兵。

来自 Busanza 的目击证人告诉专家组,乌干达士兵、卢旺达士兵和“3.23”运动士兵迫使约 30 名青年男子向鲁丘鲁和基万加运送弹药,然后在返回途中运送伤亡人员到 Kabira。专家组与 30 名平民中的 2 人进行了面谈。刚果武装部队军官、“3.23”运动前军官和地方领导人看到了乌干达阵亡士兵的尸体。

刚果武装部队在攻击行动过后捡拾到若干乌干达武装部队通常使用的弹药盒(见本报告附件 28)。

(b) 在乌干达为“3.23”运动招募新兵

44. 在乌干达当局的支持下,“3.23”运动干部一直在乌干达招募新兵。多名乌干达官员、1 名乌干达边界人员、1 名乌干达社区领袖、多名“3.23”运动现成员和合作者、多名前“3.23”运动士兵、多名前卢旺达武装部队军官、多名前全国保卫人民大会军官、多名驻坎帕拉的武装团体成员以及 1 名外交消息人士告诉专家组,在姆巴拉拉、卡塞塞、坎帕拉、基索罗以及在基索罗和 Nyakivale 的难民营,这些活动一直在进行。

45. 4 名乌干达官员、驻布纳加纳的 1 名刚果武装部队军官、多名边界人员以及 1 名前全国保卫人民大会成员告诉专家组,驻布纳加纳的 Jomba 地方头目 Vincent Mwambutsa 定期前往基索罗,与基索罗地区主席 Milton Bazanye 及其盟友 Willbaforce Nkundizana 和乌干达武装部队地方军官一道,为“3.23”运动组织招募活动,并筹集资金。1 名前“3.23”运动士兵证实,反叛分子在基索罗招募了 28 名乌干达平民。在基索罗的 1 名乌干达官员亲眼目睹乌干达武装部队向边境运送新兵。

46. 多名“3.23”运动干部和1名反叛分子合作者承认,2012年8月,“3.23”运动政治人物 Sendugu Hakizimana(别名“Museveni”)和 Déogratias Nsabirinda 与乌干达官员一起在乌干达 Nyakivale 难民营招募新兵。在 Nyakivale 接受专家组面谈的9名难民证实,在难民营开展了为“3.23”运动招募新兵的活动。3名“3.23”运动现任干部及刚果当局告知专家组,2012年7月,“3.23”运动 Innocent Kaina 上校从布纳加纳前往乌干达卡塞塞,在乌干达武装部队军官的协助下招募新兵。

47. 3名曾在“3.23”运动 Runyoni 营受训的前战斗人员证实在受训人员中有乌干达人。他们还说,当新兵试图逃往乌干达时,乌干达武装部队将他们送回“3.23”运动。

(c) “3.23”运动在坎帕拉进行的政治活动

48. “3.23”运动在坎帕拉发展了其政治部门。多名政治人物、“3.23”运动成员和情报人员告诉专家组,在大湖区问题国际会议于2012年8月7日和8日在坎帕拉举行首脑会议以及刚果当局授权乌干达政府协助审查2009年3月23日与全国保卫人民大会签署的协定之前,Runiga先生率领的“3.23”运动代表团于2012年7月29日前往坎帕拉。他们称,“3.23”运动领导人与坎帕拉的乌干达官员协商后,在预期谈判之前敲定了该运动在基加利启动的21点议程(见本报告附件29)。¹²

49. 自开始实施区域倡议以来,多名“3.23”运动成员经常前往坎帕拉,并在首都保持长期存在。截至2012年9月,该反叛运动还在坎帕拉租了两栋房子,专家组去过其中一栋(见本报告附件30)。

50. “3.23”运动干部在坎帕拉与乌干达高级军事和民事当局定期会晤。具体而言,1名乌干达武装部队军官、1名乌干达民间社会成员、若干乌干达政治人物、情报人员和外交官及多名前卢旺达武装部队军官告诉专家组,“3.23”运动会晤了总统军事顾问萨利姆·萨利赫将军和乌干达警察总监卡莱·卡伊胡拉中将。3名“3.23”运动干部和多名“3.23”运动合作者承认,他们每周与这些当权人员会晤。“3.23”运动领导人和乌干达官员告诉专家组,乌干达武装部队指挥官向这些反叛分子提供技术援助和政治咨询,进行联合规划,并协调军事支持。在专家组第二次正式访问坎帕拉期间,政府否认任何“3.23”运动人员曾来过乌干达,尽管他们在那里的存在为众所周知。

¹² 专家组从刚果民主共和国政府代表那里获得这21点内容,他们是从乌干达官员那里获得这些内容的。

(d) “3.23”运动与乌干达武装部队之间的协调

51. 2名“3.23”运动现任干部、2名前“3.23”运动军官、1名乌干达武装部队军官、1名社区领袖、1名前卢旺达武装部队军官、多名坎帕拉商人及1名外交官告诉专家组，恩塔甘达将军与乌干达武装部队高官联系密切，直接协调乌干达对“3.23”运动的军事支持，并协助与“3.23”运动政治代表团进行初步接触。恩塔甘达将军阵地的1名前“3.23”运动军官证实，恩塔甘达将军与乌干达武装部队军官多次进行电话交谈。

52. 1名乌干达武装部队军官、1名乌干达领导人、1名“3.23”运动干部、若干政治人物、情报人员、1名驻坎帕拉的外交官和多名商人称，萨利赫将军主要负责从乌干达武装部队内部对“3.23”运动的支持。

53. 在地方一级，1名乌干达官员、1名乌干达地方领导人、1名“3.23”运动现任干部和3名前“3.23”运动士兵告诉专家组，“3.23”运动行动之前，Makenga上校前往基索罗会晤乌干达武装部队军官。4名乌干达官员和2名乌干达武装部队军官称，驻基索罗的乌干达武装部队第63营营长Charles Mukasa少校一直负责在当地协调对“3.23”运动的支持。1名乌干达民间社会成员、2名“3.23”运动干部和1份乌干达反情报报告也证实，乌干达武装部队西部师师长Patrick Kankiriho准将监督对“3.23”运动的军事支持，包括向Mukasa少校下达命令（见本报告附件31）。

54. 3名乌干达官员说，2012年5月和7月，卡伊胡拉将军在基索罗会晤了反叛分子。据1名乌干达官员、1名驻坎帕拉的外交官、1名西方情报官和1名驻乌干达的武装团体成员称，卡伊胡拉经常派其负责反恐的副手John Ngaruye Ndungutse前往基索罗，协助支持这些叛乱分子。

(e) 支持受制裁的个人

55. 1名乌干达武装部队军官及多名情报人员和“3.23”运动干部告诉专家组，恩塔甘达将军与乌干达武装部队军官和情报人员保持长期的关系。1名乌干达武装部队军官、1名前卢旺达武装部队军官、“3.23”运动1名前军官和1名现役军官、驻坎帕拉武装团体的3名成员和1名驻坎帕拉的外交官告诉专家组，2012年6月，恩塔甘达将军违反旅行禁令，秘密前往坎帕拉。他们还告诉专家组，他违反资产冻结规定，在坎帕拉为其家人购买了一栋房子。

B. 与“3.23”运动结盟的武装团体

56. 尽管鲁丘鲁前线的重大作战行动暂停，与“3.23”运动结盟的武装团体仍然多次攻击刚果武装部队，并挺进马西西、瓦利卡莱和乌维拉等县。在许多攻击许多中，普遍出现了违反国际人道主义法行为。“3.23”运动也试图在伊图里和南基伍省高原建立引发不稳定的联盟。

57. “3.23”运动领导人 Jean-Marie Runiga Lugerero 向专家组承认, 该运动是由多个武装团体组成的广泛联盟, 包括 Raïa Mutomboki 运动。其他“3.23”运动成员告诉专家组, 他们已经与 Raïa Mutomboki 运动组成意识形态联盟。在专家组 2012 年 7 月 23 日至 25 日访问基加利期间, Kayonga 将军对专家组说, Raïa Mutomboki 是一个合法自卫团体, 本着与“3.23”运动同样的精神保护自己不受软弱中央政府左右。

1. “3.23”运动试图通过 Raïa Mutomboki 运动、保卫刚果力量和恩杜马保卫刚果民兵组织向马西西和瓦利卡莱扩展

58. Raïa Mutomboki 运动、保卫刚果力量(保卫刚果力量-罗安达)和恩杜马保卫刚果民兵组织¹³ 已经在马西西县和瓦利卡莱县结成共同阵线, 根据“3.23”运动指挥官恩塔甘达将军和 Makenga 上校的命令开展行动, 目标是促进“3.23”运动进一步扩展。Raïa Mutomboki 运动在马西西造成的不稳定局势使政府军无法增援鲁丘鲁前线, 抗击“3.23”运动。

59. 2012 年初, Makenga 上校从刚果武装部队叛逃之前, 开始支持最初建立在南基伍 Shabunda 县的 Raïa Mutomboki 运动。多名接近 Makenga 上校的士兵、1 名前全国保卫人民大会军官和多名情报人员告诉专家组, 在 2012 年 4 月初叛变之前, Raïa Mutomboki 运动成员在布卡武拜访了 Makenga 上校, 后者违反武器禁运规定, 动用其私人大量库存, 向这些成员提供武器和弹药。他们还称, Makenga 上校领导的 6 名士兵在“3.23”运动成立之后加入了 Raïa Mutomboki 运动。

60. 一些社区领袖与卢旺达官员一样, 支持 Raïa Mutomboki 运动扩展到瓦利卡莱和马西西两县。据刚果武装部队官员称, 地方当局和传统领导人(Alexis Kalinda 和 Raymond Muhombo)频繁前往基加利, 他们在那里获得资金, 帮助说服当地酋长支持在其势力区内建立 Raïa Mutomboki 运动团体。1 名支持 Raïa Mutomboki 运动的地方酋长请专家组成员提供与卢旺达官员的联系信息, 以便他能够直接就其报酬进行谈判。另外 2 名来自南基伍的武装团体成员称, 2012 年 7 月, 他们在吉塞尼遇到“3.23”运动代表, 后者叙述了他们向 Raïa Mutomboki 运动提供大量武器和弹药的情形。

61. 自 2012 年 5 月以来, Raïa Mutomboki 已在马西西南部建立存在, 尤其是在 Remeka 地区 Tembo 族社区。据 Ngungu 警察和情报来源称, 与恩塔甘达将军有联系的刚果武装部队指挥官截留武器和弹药, 在武装 Raïa Mutomboki 运动方面起了重要作用。在 Remeka, Musafir 中校于 2012 年 7 月向 Raïa Mutomboki 运动分发了武器。目击证人告诉专家组, 前全国保卫人民大会中校 Gakufe Japhet 在加入

¹³ 恩杜马保卫刚果民兵组织由被制裁者、卢旺达武装部队合作者 Sheka Ntabo Ntaberi 领导。见 S/2012/348/Add.1 第 36 和 52 段和 S/2012/348 第 60 至 63 段。

“3.23”运动之前交给 Ufamandu 地方酋长 50 支 AK-47 步枪,这些步枪将提供给 Raïa Mutomboki 运动。

62. 刚果武装部队军官和地方领导人称,自前全国保卫人民大会中校 Eric Badege 于 2012 年 7 月 27 日从刚果武装部队叛逃以来,他一直是“3.23”运动在马西西的协调人,指挥与 Raïa Mutomboki 运动联合开展的行动。2012 年 8 月在南基伍从刚果武装部队叛逃的前全国保卫人民大会 Makoma Semivumbi Jacques 上校前往马西西,与 Badege 中校一起增援 Raïa Mutomboki 运动。

63. 8 月, Badege 中校和 Raïa Mutomboki 运动协同保卫刚果力量和恩杜马保卫刚果民兵组织进行一系列攻击,使“3.23”运动得以破坏马西西县相当一部分地区的稳定。据前战斗人员称, Badege 中校和 Makoma 上校在精心策划这些攻击时根据 Makenga 上校的命令行事。逃离这些进攻的当地村民看见 Badege 中校指挥的人与 Raïa Mutomboki 运动部队联合行动。

64. 鉴于 Raïa Mutomboki 运动最初反卢旺达的思想意识,这次与“3.23”运动的合作已在南基伍 Raïa Mutomboki 运动内部导致分裂。虽然 Albert Kahasha 上校¹⁴已向南基伍领导人提供通信设备和武器,但当他们获悉他实际上参加了“3.23”运动时,他们即停止了与他的合作。

2. 刚果解放阵线

65. 刚果解放阵线是一个武装团体,以前由“玛伊-玛伊”领导人 Bana Sultani Selly(别名“Kava wa Selly”)领导。2012 年 6 月,在 Antipas Mbusa Nyamwisi 议员的支持下,刚果解放阵线与“3.23”运动在贝尼县结成联盟。¹⁵ 据武装团体成员、刚果武装部队军官和地方领导人称, Hilaire Kombi 少校 2012 年 6 月从刚果武装部队叛逃,在 Nyamwisi 先生的贝尼住所收缴几十件武器,然后在 Semiliki 谷加入 Selly 先生的团体。几周后, Jacques Tahanga Nyoro 中校奉 Nyamwisi 先生的指示加入刚果解放阵线,以担任其政治领导职务。Nyamwisi 先生还为刚果解放阵线和“3.23”运动招募南德族政治人物。2012 年 8 月 3 日,刚果解放阵线一小股部队为收缴武器攻击边境城镇 Kasindi,但以失败告终。

66. Nyamwisi 先生多次前往基加利会晤卢旺达官员,并在吉塞尼任命 Andy Patandjila 担任刚果解放阵线联络官。据一些刚果武装部队军官称, Patandjila 先生一直向加入反叛运动的个人提供 1 000 美元。刚果解放阵线合作者告诉专家组, Kombi 少校和 Nyoro 中校都与“3.23”运动的 Makenga 上校定期通信。他们以

¹⁴ Kahasha 上校以前是南基伍武装团体穆敦杜——40 的成员。他在加入刚果武装部队后,于 2012 年 1 月脱离部队。见 S/2012/348,第 106 段和第 126 至 128 段以及 S/2012/348/Add.1 第 43 段。

¹⁵ Nyamwisi 先生以前是北基伍北部刚果民盟基桑加尼/解放运动派运动的首领,此后在刚果民主共和国政府内担任过若干部长职务,后来,在 2011 年 11 月选举之前加入了反对派。

及 1 名“3.23”运动军官称，Nyoro中校已两次前往鲁丘鲁，与“3.23”运动协调行动，最近一次是在 2012 年 9 月的最后一周。¹⁶

67. 除了自身捐款之外，Nyamwisi 先生已获得贝尼和 Butembo 一些商人、包括前刚果航空公司经营人 Mango Mat 的资助(见 S/2008/43，第 90 段)。作为回报，他承诺反叛分子将降低通往乌干达的 Kasindi 过境点的关税。

68. 前全国保卫人民大会领导人、受制裁的Kakolele Bwambale将军¹⁷也支持刚果解放阵线行动，从贝尼提供情报和咨询。据“3.23”运动军官、情报官员和地方领导人称，乌干达武装部队萨利赫将军为在贝尼县建立统一的“3.23”运动指挥部，试图调和Nyamwisi先生和Bwambale将军的矛盾，但未成功。此外，Nyoro中校和Kombi少校多次会晤乌干达军事和文职官员，包括Kasese住区专员Muhindo Mawa中校等人，¹⁸争取财政和军事援助。

3. “3.23”运动企图将叛乱扩大到南基伍

69. “3.23”运动及其支持者制定了通过支持结盟武装团体将其叛乱扩大到南基伍的战略。几名巴尼亚穆伦盖族领导人称，卢旺达政府强迫其族群反抗刚果民主共和国政府并为“3.23”运动开辟新战线。这些领导人以及刚果武装部队军官和前战斗人员表示，受制裁的个人朱尔·穆特布西上校在经证实的几次会议上积极领导了这些努力，并希望通过军事手段返回刚果民主共和国。¹⁹这些人还表示，卢旺达国家银行首席经济师Thomas Rusuhuzwa Kigabo²⁰和Agee Mugabe Shyaka²¹在居住在卢旺达的巴尼亚穆伦盖族人中开展了筹资和招募活动。外交人士和前战斗人员证实，卢旺达政府责成穆特布西上校、Kigabo先生和Agee先生在南基伍煽动武装叛乱。然而，大多数巴尼亚穆伦盖族领导人和刚果武装部队指挥官拒绝叛变，并发起了对抗运动，以制止这些企图。

4. 刚果促进变革运动

70. 在南基伍乌维拉县，“3.23”运动与前“玛伊-玛伊”指挥官、前全国保卫人民大会军官 Bede Rusagara “上校”建立了稳固联盟。Rusagara 来自 Bafuliro 族，是刚果促进变革运动的指挥官。刚果促进变革运动是一个由 250 名来自若干武装团体的战斗人员组成的联盟。Rusagara 虽然未向专家组承认他与“3.23”

¹⁶ Nyoro 中校和 Kombi 少校最近派遣部队增援“3.23”运动，企图夺取鲁丘鲁县战略要地 Ishasha 轴心区。

¹⁷ 2004 年，委员会指认 Kakolele 将军走私军火。

¹⁸ Mawa 上校是 Mbusa Nyamwisi 的长期盟友。刚果解放阵线攻击 Kasindi 时，他在那里。

¹⁹ 自 2004 年以来，Mutebutsi 上校在短暂夺取布卡武后一直留在卢旺达。

²⁰ Kigabo 先生以前是基加利自由大学高级行政人员。

²¹ Agee 先生发出公开信，谴责专家组的调查结果。

运动合作，但宣称他与“3.23”运动有着相同的目标，即与刚果民主共和国政府作斗争。

71. 刚果武装部队军官称，Rusagara “上校”于2012年2月4日被捕，此后，Makenga上校和第十军区副指挥官Baudoin Nakabaka上校²²插手帮他于2012年4月5日，即在导致“3.23”运动成立的前全国保卫人民大会兵变发生之前逃跑。6月，专家组听到一段电话对话，Rusagara “上校”在对话中表示，他定期与Makenga上校沟通。一名社区领导人表示，Rusagara “上校”还经常与在“3.23”运动财务、预算和自然资源部工作的Ephrem Bwishe进行沟通。Rusagara “上校”表示，他的2名旅长中，一名是前刚果武装部队人员Janvier Muyobokey “中校”，这名中校也定期与Makenga上校进行协调，另一名是他的兄弟Thomas Ndoli “上校”。

72. 几名武装团体成员及合作者告诉专家组，Nakabaka 上校支持刚果促进变革运动。他在2011年协助Rusagara “上校”从刚果武装部队叛逃，企图说服其他军官加入“3.23”运动，并与Makenga上校协调了向刚果促进变革运动和“3.23”运动在南基伍的其他潜在同盟提供弹药的行动。

73. 自“3.23”运动的叛乱开始以来，刚果促进变革运动努力招募巴尼亚穆伦盖族人。2012年7月，刚果武装部队逃兵Nkingi Muhima加入了刚果促进变革运动并成为其发言人，他本人就是巴尼亚穆伦盖族成员。Rusagara “上校”告诉专家组，他的指挥官中目前有一半为巴尼亚穆伦盖族。尽管Rusagara “上校”否认在刚果民主共和国境外征兵，但Muhima先生告诉专家组，经常有“来自各地的”巴尼亚穆伦盖族人前来加入刚果促进变革运动，其中包括布隆迪和乌干达难民营的巴尼亚穆伦盖族人。

74. 2012年8月底，刚果促进变革运动在卢旺达边境城镇Kamembe举行了几次招募会议。一个参加了其中一次会议的人称，刚果促进变革运动负责征兵工作的Eric Kimararungu少校告诉青年“去刚果民主共和国作战”，这名少校是穆特布西上校的前侍卫。Kamembe会议结束后，超过5名新兵，其中包括至少2名卢旺达国民，于9月1日从卢旺达前来加入刚果促进变革运动。另一名卢旺达国民带领这些新兵经刚果-卢旺达边界上的Kamanyola进入刚果民主共和国。此人于9月2日被捕，他说，“3.23”运动的合作者出资将这些新兵从卢旺达运送到刚果民主共和国。他电话上的短信息显示，他在前往刚果民主共和国那天收到了Kanyana Immaculée转来的一笔钱，大约为100美元，据刚果武装部队军官和前全国保卫人民大会军官说，Kanyana Immaculée是卡巴雷贝将军的一名亲密合作

²² 2011年，Nakabaka上校向“玛伊-玛伊”民兵Yakutumba派提供了武器和弹药(见S/2011/738，第149、154、174和329段)。2010年，他支持了Agathon Rwasa第一次逃出布隆迪的行动(见S/2010/596)。

者(见本报告附件 32)。此人从 Kimararangu 那里得到 Rusagara “上校” 的电话号码之后, 他在旅途中接到 Kanyana 和 Rusagara “上校” 的电话(见本报告附件 33)。9 月 3 日, Kanyana 又向 Rusagara “上校” 在乌维拉的一名已证实的送信人转出 4 000 美元(见本报告附件 34)。

75. Rusagara “上校” 向专家组表示, 他是乌维拉高原和鲁齐齐平原所有武装团体的领导人。布隆迪武装团体也与他结盟。刚果武装部队在 2012 年 9 月 6 日袭击鲁宁戈附近的刚果促进变革运动总部期间俘获了受重伤的该运动的军官 Jeremy Rugombangabo。Rugombangabo 先生在死亡前录制的录像中指出, 他是 Muhima 先生征募的, 但他的指挥官是布隆迪团体穆隆迪人民阵线/民族神圣联盟的 Abdallah 上校(见下文第 114 和 115 段)。他还指出, 刚果促进变革运动为穆隆迪人民阵线/民族神圣联盟供应粮食。一个与“玛伊-玛伊”合作的人以及刚果武装部队军官证实, 民族解放力量(民解力量)的逃兵也加入了刚果促进变革运动。

76. 2012 年 9 月 18 日, 刚果促进变革运动对刚果武装部队在 Luberizi 的训练营发动了袭击, 以窃取其储存的武器和弹药。“3.23”运动成员 Bwishe 先生的一个合作者称, Bwishe 曾吹嘘他帮助策划了刚果促进变革运动的这次袭击。刚果武装部队在这次行动中打死 Rusagara “上校”手下 2 名巴尼亚穆伦盖族士兵。巴尼亚穆伦盖族领导人告诉专家组, 其中有一人此前是基加利的一名学生。

5. 刚果东部解放同盟

77. 2012 年 7 月, 一群海外巴尼亚穆伦盖族人成立了一个名为“刚果东部解放同盟”的武装运动。该运动与刚果促进变革运动和“3.23”运动结盟。刚果东部解放同盟的章程宣布, 该运动的目标是“建立独立的基伍共和国”(见本报告附件 35)。直到最近, Akim Hakizimana Muhoza 一直担任刚果东部解放同盟的首任主席。Muhoza 先生目前以卢旺达为活动基地, 但自 1996 年到最近返回大湖区之前, 一直居住在加拿大。专家组收到的电子邮件记录证明, 他对刚果东部解放同盟进行协调, 并资助军事指挥官的旅行(见本报告附件 36)。2012 年 9 月末, 目前居住在卢旺达的前刚果民主联盟²³ 南基伍副主席 Tommy Tambwe²⁴ 取代 Muhoza 先生, 成为刚果东部解放同盟主席, Muhoza 担任副主席。

78. 刚果东部解放同盟的被捕成员称, Muhoza 先生在整个大湖区征募巴尼亚穆伦盖族青年, 包括卢旺达和乌干达难民营的巴尼亚穆伦盖族青年。在这方面, 以下人士作了如下陈述:

²³ 卢旺达政府的一个前代理团体, 后来成为刚果一个政党。

²⁴ 以前也曾担任刚果民主联盟内部安全主任。

(a) 刚果东部解放同盟的一名前新兵表示，刚果东部解放同盟在乌干达的主要征兵人 Jean-Marie Shaka 给了他 100 美元，并许诺在他到达南基伍时再给 500 美元。

(b) 坎帕拉的一名武装团体代表证实，“3.23”运动的征兵人将 40 多名居住在乌干达的巴尼亚穆伦盖族青年和 Bafuliro 族青年送到南基伍，使其加入刚果东部解放同盟和刚果促进变革运动。

(c) 刚果东部解放同盟的另一名被捕成员称，2012 年 8 月底，一群巴尼亚穆伦盖族青年从乌干达经布隆迪抵达乌维拉。在一名刚果东部解放同盟成员给了他们 350 美元作为交通费之后，这些新兵前往乌维拉县 Rubarati 村。

(d) 2012 年 9 月 1 日，刚果武装部队对该村刚果东部解放同盟的一支部队发起行动，并打死一名反叛分子。该反叛分子的身份证显示，他名叫 Edouard Serugaba Bineza，今年 22 岁，是卢旺达国民（见本报告附件 37）。²⁵

79. 刚果武装部队逮捕了几名刚果东部解放同盟领导人，而 Muhoza 先生和 Tambwe 先生却躲在卢旺达。2012 年 8 月 23 日被拘留的刚果东部解放同盟参谋长 Willy Kiyana Sebatware 向专家组承认，Muhoza 先生支付了他从美利坚合众国飞往布隆迪的费用，并指示他与刚果促进变革运动的 Muhima 先生回合（见本报告附件 38）。刚果东部解放同盟另一名成员表示，他曾与刚果促进变革运动军官 Bigaya 上校会面，以讨论建立行动伙伴关系的事宜。刚果东部解放同盟的 2 名成员分别告诉专家组，这项运动的领导人于 2012 年 9 月 2 日在卢旺达吉塞尼省与“3.23”运动的联络官举行了会议。

80. 刚果东部解放同盟还寻求与菲齐县的其它武装团体建立联盟。2012 年 8 月 17 日，Muhoza 先生和刚果东部解放同盟秘书长 Jules Sebahizi（别名“Major”）在“玛伊-玛伊”民兵 Mayele 派的 Lusambo 营地举行了会议。Jules Sebahizi 是卢旺达国民，以前曾在卢旺达公共服务和劳动部内部担任规划主任（见本报告附件 39）。据刚果东部解放同盟的被捕成员称，以及会议期间拍摄的照片显示，Mayele 和其他武装团体代表，包括“玛伊-玛伊”民兵 Yakutumba 派²⁶和刚果促进变革运动代表，出席了这次会议。此前，Muhoza 先生和 Sebahizi 先生曾和其他刚果东部解放同盟成员通过电子邮件讨论为刚果武装团体购买武器一事（见本报告附件 40）。

²⁵ 专家组获得的来往电子邮件显示，基加利 Bineza 先生的家人认为，Muhoza 先生和 Sebahizi 先生应对他被招募和他的死亡负责。

²⁶ Yakutumba 的特使多次访问基加利，考虑与“3·23”运动结盟，但 Babembe 族人反对，因此未能结成联盟（见 S/2012/348/Add.1，第 43 段）。

81. 2012 年 8 月 30 日, Muhoza 先生和 Sebahizi 先生邀请刚果武装团体代表参加在基加利举行后续会议。专家组获得的短信显示, Sebatware 先生被捕之后, Muhoza 先生出于安全目的坚持将会议地点设在卢旺达这个地方(见本报告附件 42)。

6. “3. 23”运动企图与伊图里民兵结盟

82. 在伊图里, “3. 23”运动和卢旺达政府一直为建立一个联盟与武装团体进行联络, 但迄今未取得成功。民众对“3. 23”运动的支持有限, 刚果武装部队阻止了新成立武装团体的扩张。

(a) 伊图里爱国抵抗力量

83. 伊图里最有实力的反叛力量是 Justin Banaloki “准将”领导的伊图里爱国抵抗力量(抵抗力量), 他的别名是“科布拉·马塔塔”。专家组在临时报告中记录了抵抗力量如何利用刚果武装部队在 2012 年 2 月底进行部队改编工作时留下的安全空白扩大其控制区(见 S/2012/348, 第 51 和 52 段)。同时, 抵抗力量一直与刚果民主共和国政府进行接触, 就其士兵复员和编入刚果武装部队的问题进行谈判(见下文第 117 段)。然而, 据民兵和伦杜族领导人称, Banaloki “准将”同时就结盟问题与“3. 23”运动进行谈判。这些人告诉专家组:

(a) Banaloki “准将”一直定期通过电话与恩塔甘达将军和卢旺达武装部队的卡巴雷贝将军进行联络, 讨论与“3. 23”运动结盟的问题;

(b) 包括抵抗力量一名代表在内的民兵代表团前往基加利与卡巴雷贝将军见面。代表团收到至少 15 000 美元的现金(见 S/2012/348/Add. 1, 第 40 段)。当地领导人和村民解释说, 愤怒的民兵因没有分到钱而对天开枪;

(c) 抵抗力量接待了几名“3. 23”运动使者, 包括前全国保卫人民大会干部和伊图里民兵 John Tibasima,²⁷ 以说服反叛分子对刚果武装部队发起军事行动。Tibasima 先生作为伊图里武装团体联盟(见下文第 85 段)合作的一部分在 2012 年 7 月之前留在抵抗力量。他带来几十名前民兵,²⁸ 送来藏匿的武器弹药。8 月, “3. 23”运动的 Papy Maky Rutsholi 中校和 John Bebwamade 少校在基加利收到简报之后与抵抗力量进行了接触, 协商与“3. 23”运动合作。

(d) 2012 年 10 月, Banaloki “准将”为刚果人民抵抗运动的战斗人员提供安全通道。这些战斗人员当时从朱古前往鲁丘鲁, 以便与“3. 23”运动取得联系(见第 86 至 89 段)。

²⁷ John Tibasima 是一位律师, 是统一和保卫刚果完整党和刚果革命运动民兵成员。他与统一和保卫刚果完整党党魁 Kawa 关系密切。

²⁸ 其中许多战斗人员曾为 Thomas Lubanga 效力。

84. 抵抗力量控制着Bavi黄金矿区。一名前抵抗力量战斗人员和Bavi居民称，反叛分子通过在矿区非法征税和直接销售黄金获利。布尼亚交易商称，Bavi 的黄金是该区域的优质黄金，这使其容易辨认。主要买主是布尼亚和Butembo交易商。抵抗力量还直接把黄金卖给驻守在刚果边境的乌干达武装部队军官。刚果武装部队、民兵和伦杜族领导人称，前乌干达武装部队军官Alex Mugisha是一个固定客户。他在Semiliki过境点将武器弹药交给抵抗力量，以换取黄金。²⁹

(b) 伊图里武装团体联盟³⁰

85. 伊图里武装团体联盟是 2012 年 5 月成立的一个伞式组织，其目标是将伊图里民兵联合起来。尽管抵抗力量是伊图里武装团体联盟的正式成员，Banaloki“准将”是联盟主席，但其背后的真正推动力却是“3.23”运动成员、当地商人和赫马族前民兵。Nestor Bamaraki、John Tibasima 和伊图里全国保卫人民大会主席 Mateso Savo 为联盟提供了支援。Bamaraki 先生带领伊图里武装团体联盟代表团前往基加利接受支援（见 S/2012/348/Add.1，第 40 段）。在刚果武装部队于 2012 年 9 月突袭了 Savo 先生家藏匿民兵战士的农场之后，他开始接受调查。伊图里武装团体联盟无法使抵抗力量死心塌地地效忠，因此其影响力有限。该联盟也未能赢得赫马族大多数人的支持。赫马族反对建立与“3.23”运动和卢旺达武装部队结盟的新武装团体的想法。

(c) 刚果人民抵抗运动

86. 2012 年 8 月，刚果人民抵抗运动成立，这是第二次尝试在伊图里建立武装团体联盟。该运动大部分成员为赫马族前民兵以及刚果武装部队的图西族及赫马族逃兵。虽然刚果人民抵抗运动没有取代或废除伊图里武装团体联盟，但它的出现显然是后者未能得势的结果。不过，刚果人民抵抗运动内部存在分歧。该运动在其职权范围（见本报告附件 43）中明确反对“3.23”运动，但其成员却表示，一个分支与“3.23”运动和卢旺达武装部队保持长期接触。在刚果人民抵抗运动 Eric Dhedongha 主席和 Jules Musafiri 参谋长被捕之后，赞成与“3.23”运动结盟的人与其他人分道扬镳。分裂出来的这伙人由 Rutsholi 中校领导。这伙人包括 John Tibasima 和 Bebwa 少校等卢旺达政府的其他特使，Charité Semire 等前刚果爱国者联盟（刚果爱联）复员人员，以及很多从刚果武装部队叛逃的军官，其中包括 Eric Ndole Panya 上校、Nonzi “Taekwondo” Bondokana 少校和 Katanazi 少校。刚果人民抵抗运动的有关人员解释说，他们的一小组战斗人员于 2012 年 10 月初在 Boga 附近与“3.23”运动的 Kahasha 上校见了面，并在此后离开伊鲁穆前往鲁丘鲁。这个小组包括卢旺达武装部队的几名联络官。

²⁹ 2009 年，Mugisha 离开乌干达武装部队，他当时的军衔是上校。

³⁰ 卢旺达官员在 6 月 25 日在纽约举行的记者招待会上专门提到，伊图里武装团体联盟是刚果民主共和国东部安全的一个主要潜在威胁。

87. “3.23”运动向刚果人民抵抗运动内部和外部的刚果爱联前战斗人员施加了相当大的压力，让他们与其建立联盟。“3.23”运动的几名高级指挥官以前曾在刚果爱联担任指挥职务。曾担任刚果爱联参谋长的恩塔甘达将军通过电话征募前战斗人员。他还指示Rutsholi中校领导的团伙找回他藏匿在伊图里的很多武器，包括藏匿在Thomas Savo农场的武器。“3.23”运动成员和一个当地组织向专家组解释说，“3.23”运动的Kaina上校也是刚果爱联的前指挥官，2012年7月，他来到朱古县的Berunda和Degho³¹参加动员和征兵活动。

88. 卢旺达特工人员协助了这些努力。一名赫马族领袖、伊图里武装团体联盟一名指挥官和地方领导人告诉专家组，刚果爱联前成员接到卡巴雷贝将军的秘书Senkoko上尉以及刚果爱联与卢旺达政府间的前联络官Rafiki Saba Aimable的电话，两人都试图劝说他们与“3.23”运动合作。

89. 刚果人民抵抗运动内部的刚果武装部队逃兵是以前两次未遂兵变的残余分子。³² 刚果武装部队指挥官确定，驻扎在Marabo的第911团第二指挥官Germain Bahame中校是“3.23”运动在伊图里的主要合作者，他曾游说若干袍泽叛逃。Bahame中校向专家组承认，恩塔甘达将军、Makenga上校和卡巴雷贝将军数次与他联系，他曾在卡巴雷贝手下工作。这三个人都指示刚果武装部队中与其有长期联系的几名军官准备在伊图里发起一次袭击行动，并承诺为其提供物质支援。刚果武装部队和情报人员告诉专家组，Bahame中校在驻守Marabo期间向抵抗力量提供武器和弹药。

7. “3.23”运动企图在刚果民主共和国西部开辟战线

90. “3.23”运动还企图在刚果民主共和国西部开辟一条战线。因此，“3.23”运动制定了更加广泛的政治纲领，指责2011年选举进程的缺陷，并指责约瑟夫·卡比拉总统未实施善治（见本报告附件42）。这促使“3.23”运动领袖与刚果反对派建立联系，并建立新的联盟。“3.23”运动的3名成员和情报人员告诉专家组，“3.23”运动与民主与社会进步联盟（民主进步联盟）建立了联系，该联盟代表前往布纳加纳与“3.23”运动的领导人Jean-Marie Runiga Lugerero见面。

91. 情报人员、“3.23”运动成员和政治人物告诉专家组，卢旺达官员已经与Roger Lumbala合作，Roger Lumbala是一名与民主进步联盟结盟的刚果议员和反对派成员。“3.23”运动成员和刚果官员告诉专家组，2012年6月至8月期间，Lumbala先生几次前往布隆迪、卢旺达和乌干达与叛军领导人见面（见本报告附件44）。他于9月1日在布琼布拉被捕，并在此后致布隆迪警方的一份正式声

³¹ 恩塔甘达将军在乌干达人民大会党时的总部。

³² Lumbala先生确认，他签署了给布隆迪当局的声明，但后来又宣称，声明内容是编造的。布隆迪情报人员说，Lumbala先生的声明是正式声明。

明上签字，他申明，卢旺达情报人员邀请他去基加利，以说服他加入“3.23”运动(见本报告附件 45 和 S/2012/348，方框 3)。他后来在与专家组的访谈中声称，他从未去过乌干达，而去卢旺达只是为了看望朋友。

92. 据“3.23”运动领导人称，反叛分子派 Lumbala 先生负责支持 John Tshibangu 上校。John Tshibangu 上校于 2012 年 8 月 13 日在西开赛省带领一小伙士兵从刚果武装部队叛逃。Tshibangu 上校宣布成立主张选举运动这一武装团体，并希望召集对民主进步联盟不满的支持者，这些人认为，反对派候选人艾蒂安·齐塞凯迪实际上赢得了 2011 年 11 月的总统选举。

93. “3.23”运动军官承认他们与Tshibangu上校结盟。在兵变开始时，以前归“3.23”运动的Innocent Zimurinda上校指挥的士兵被调到卡南加。³³ 全国保卫人民大会前军官告诉专家组，“3.23”运动的几名高级指挥官，包括恩塔甘达将军本人在内，企图说服驻扎在卡南加、说卢旺达语的军官与Tshibangu上校联合。有关“3.23”运动及其支持网络的更多资料见本报告附件 46。

三. 外国武装团体

A. 解放卢旺达民主力量

94. 解放卢旺达民主力量(卢民主力量)自从丧失外部支持之后，以及在其阵地和平民家属受到一连串的袭击之后，目前正在力求重新调整其军事能力。自 2012 年 4 月以来，由于兵力严重短缺，卢民主力量将其部队合并为两个区。Pacifique Ntawhunguka 上校(别名“Omega”)仍然担任北基伍区指挥官，Hamada Habimana 中校则接管了南基伍的指挥权。卢民主力量有 6 个分区，每个分区都由 250 至 400 名士兵组成。专家组估计，反叛分子目前的人数在 1 500 到 2 000 之间(见 S/2011/738，第 93 和 94 段)。前战斗人员称，虽然反叛分子在乌干达继续开展有限的招募活动，但刚果民主共和国的卢旺达难民中不再有足够的青年补充反叛队伍。

95. 在受到 Raia Mutomboki 发起的一波定点袭击之后，保护家属成为卢民主力量指挥官直接关切的问题。在最初发动了残酷的报复性袭击之后，南基伍的卢民主力量返回姆文加县，以远离 Raia Mutomboki 在 Shabunda 和 Kalehe 造成的威胁。在北基伍，前战斗人员称，卢民主力量被迫撤离其位于瓦利卡莱 Kimua 附近的传统总部，躲进森林深处。据这些战斗人员说，甚至高级指挥官也开始考虑离开南北基伍，前往安全的马涅马省或东方省。

³³ 2009 年 1 月，卢民主力量有 7 000 多名士兵和军官。卢旺达政府声称，卢民主力量现在有 4 000 多战斗人员。

96. 卢民主力量从战略角度出发，将其 4 个分区部署在它们可参加并控制与矿物生产相关的地方商业市场的地区。前战斗人员表示，在乌维拉县高原，卢民主力量经布琼布拉从黑钨矿石贸易中获利。另外，卢民主力量继续从北基伍的大麻生产和贸易征税活动中获利(见 S/2012/348/Add. 1，第 43 段)。前战斗人员称，刚果武装部队的腐败军官仍然为卢民主力量提供大部分 AK-47 步枪的弹药，以换取大麻或矿区商业活动的利润。由于政府集中在鲁丘鲁县应付“3.23”运动，卢民主力量将其控制范围扩大到卢贝罗南部的商业区。目前，卢民主力量与“3.23”运动的同盟、即 Kakule Sekuli LaFontaine“将军”(见 S/2012/348，第 100-102 段)的刚果促进和平爱国者联盟并肩部署在 Bunyatenge 的黄金市场及其周围。

1. 前解放卢旺达民主力量成员返回卢旺达

97. 联刚稳定团的记录显示，2012 年 1 月 1 日至 9 月 30 日，867 名战斗人员正式逃离卢民主力量并返回卢旺达。联刚稳定团还帮助卢民主力量另外 151 名刚果籍成员复员。然而，自 2 月以来，回国率已大幅下降，2 月有 141 名战斗人员回到家乡，而 9 月只有 47 名。Etienne Mbarushimana 中校于 5 月 24 日返回卢旺达，他是“3.23”运动叛乱爆发以来唯一回国的卢民主力量高级军官。

98. 几名前战斗人员称，卢民主力量军官担心，如果他们返回卢旺达，卢旺达政府将强迫他们加入卢旺达武装部队后备部队，并将他们派往刚果民主共和国。前战斗人员证实，除派人增援加入“3.23”运动的卢民主力量前指挥官 Mandevu 上校(见 S/2011/738，第 64 段)外，卢旺达武装部队还将前卢民主力量战斗人员组成的小股部队调往刚果民主共和国，以执行收集情报的任务并负责增援“3.23”运动。

99. 越来越多的卢民主力量逃兵或者寻求融入当地社区，或者逃往赞比亚。前卢民主力量在 Kilembwe(菲齐县)的指挥官 Tharcisse “Sharaf” Uwimana “中校”没有整编他指挥的一营士兵，带领他们向南基伍北部移动，而是于 2012 年 6 月逃离该运动，前往赞比亚。另外，卢民主力量在乌维拉仅剩的一名联络官也于 4 月逃往赞比亚。

2. 刚果武装部队被控支持解放卢旺达民主力量

100. 卢旺达政府指控，2012 年 5 月至 7 月期间，刚果武装部队与卢民主力量进行了 15 次合作(见本报告附件 47)。然而，专家组无法独立证实其中任何一项具体指控，卢旺达政府拒绝与专家组见面并提供任何进一步细节。卢旺达政府在一起案件中指称，6 月 5 日，刚果武装部队为卢民主力量 2 个连渗入卢旺达提供了安全通道。不过，卢旺达武装部队由于要为“3.23”运动提供支持，近期加强了卢旺达-刚果民主共和国边界沿线的部署，因此，卢民主力量的 2 个连在无人发现的情况下进入卢旺达境内的可能性很小。

101. 另外，卢旺达政府还指称，刚果当局协助 2 名比利时国民 Faustin Murego 和 Joseph Nzabonimpa 于 2012 年 6 月访问该国，以便就与卢民主力量结盟打击“3.23”运动的事宜进行谈判。刚果情报机构逮捕了这二人，但于 7 月 10 日将其释放。比利时政府告诉专家组，它没有任何资料能证明这两人为卢民主力量提供支持。

102. 刚果武装部队高级军官称，卢民主力量中级指挥官力求与鲁丘鲁县的刚果武装部队建立行动联盟。不过，刚果武装部队没有与反叛分子合作，而是数次对卢民主力量发起行动，包括 2012 年 8 月在 Tongo 附近以及 2012 年 9 月底在与乌干达边界上的伊沙沙过境点附近发起的行动。在伊沙沙过境点附近的袭击行动中，刚果武装部队与 Muhima Shetani “上校”和他的“玛伊-玛伊”民兵团体合作，强行拆除了卢民主力量剩下的最后一部联络天线。然而，刚果武装部队军官承认，自“3.23”运动叛乱爆发以来，由于他们力求避免战线过长，对卢民主力量发起的行动大大减少。

103. 卢旺达政府无视专家组数次提出的口头和书面要求，不顾过去的先例，不准专家组在卢旺达 Mutobo 复员中心与前卢民主力量战斗人员进行面谈。

B. 民主同盟军

104. 民主同盟军是一个乌干达人领导的伊斯兰叛乱团伙，其基地在北基伍鲁文佐里山区。根据联刚稳定团和乌干达的估计，2012 年期间，民主同盟军的兵力增加到 1 300 多名战斗人员，其中 800 名是训练有素和装备精良的战士。Hood Lukwago 仍然是民主同盟军的军事指挥官，而受制裁的 Jamil Mukulu 仍是最高领袖。乌干达当局和前战斗人员证实，2012 年前几个月 Mukulu 先生和民主同盟军在一起。但是肯尼亚当局告诉专家组说，他们认为他目前在坦桑尼亚联合共和国。

105. 专家组独立收集的若干例子支持乌干达政府的说法：民主同盟军与盘据在索马里的青年党叛乱分子合作。据前战斗人员说，民主同盟军在其营地培训多批年轻人数月后，送他们到索马里作战。第一批年轻人是在 2011 年 11 月离开营地的。Mukulu 先生的儿子 Bikumbi Hassan Mukulu 在内罗毕被逮捕后，青年党人 Mustapha Kamau 和 Jacob Musyoka 在 2011 年 11 月为他支付了保释金。肯尼亚几个情报机构证实，这些人是青年党人，在 Mukulu 先生及其家人在内罗毕时为他们提供了支持。

106. 尽管在 Hassan 先生最终再次被捕和被引渡回坎帕拉后，专家组未能与他谈话，但乌干达情报人员告诉专家组，他告知他们，几名与青年党有联系的商人在内罗毕伊斯特利郊区居住，与他的父亲合作。肯尼亚情报人员告诉专家组，他们拥有 Mukulu 先生与在 Eastleigh 居住的青年党人员的电话通话记录。

107. 据前战斗人员和乌干达情报人员说，民主同盟军在大不列颠及北爱尔兰联合王国有强大支持网络。民主同盟军政治干部 Hoods Sempebwa 和 Habibi

Kiwanuka 于 2011 年 11 月 30 日被逮捕，此后，刚果官员将其遣返回英国(见 S/2012/348，第 31 段)。这两人在协调侨民支持网络方面发挥重要作用。民主同盟军还在坦桑尼亚联合共和国坦噶港口以及在布琼布拉、基加利和内罗毕设立资金支持小组。据前战斗人员说，交通员经过 Kasindi 边防哨把这些小组筹集的资金从乌干达送到刚果民主共和国。民主同盟军还通过在贝尼县的若干工商业安排在当地创收。据前战斗人员、地方领导人和乌干达当局说，叛乱分子从对 Erengeti 以西非法木材生产和 Lesse 河沿岸 Bialose 村附近的几个金矿征税获利。尽管如此，民主同盟军增加了对被指责不尊重商业安排或向刚果当局提供情报的平民的袭击(见 S/2012/348，第 20 段)。

108. 民主同盟军的广泛招募网络继续在布隆迪、乌干达和坦桑尼亚联合共和国各地存在。该运动继续利用乌干达边境城镇 Bwera 作为新兵转运中心。然而，据前战斗人员和乌干达当局说，新兵以及从国外访问叛乱分子的政治官员越来越多经过基加利前往戈马，并且北上贝尼。民主同盟军新兵中有儿童。一个事例是，2012 年 7 月，乌干达当局在 Kassessee 抓获一名叛乱分子招聘人员，他当时带着六名男孩在去刚果民主共和国的路上。

109. 民主同盟军越来越多地以来自东非的新兵为目标。2012 年 4 月，民主同盟军高级领导人对其刚果战斗人员自由离开该运动提供了一次机会。2012 年 1 月 1 日至 9 月 30 日，联刚稳定团只遣返了 9 名前民主同盟军成员。

110. 面对潜在的联刚稳定团空袭(见 S/2012/348，第 19 段)，刚果和乌干达情报人员以及社区领袖告知专家组，民主同盟军获得了防空武器。这些人描述了这些武器在 2012 年 7 月抵达的情形，当时需要 6 名民主同盟军合作者把它们从 Oicha 附近向西运送到民主同盟军营地。

111. 乌干达官员向专家组确认，乌干达武装部队驻扎在鲁文佐里山的一个营经常进入刚果领土，对贝尼县的民主同盟军阵地开展侦察行动。刚果武装部队高级军官从未授权乌干达武装部队零星地部署到刚果民主共和国。

C. 民族解放力量

112. 在南基伍，民族解放力量(民解力量)仍然是分裂和虚弱的，依靠刚果武装团体增援。此外，2012 年 10 月初，布隆迪军队和刚果武装部队在乌维拉县开展了针对反叛分子联合行动。Agathon Rwasa 基本上不再直接参与民解力量在刚果民主共和国的活动。自从 Antoine “Shuti” Baranyanka “将军”离开民解力量以前在布隆迪边境附近基利巴的基地以后，他和他的副手 Evelyn “少校”在菲齐县 Lusambo 与马伊-马伊 Mayele 派一起生活。据一些武装团体成员说，Baranyanka 先生的前副手 Aloys Nzamapema “将军”和 Logatien Negamiyehave “上校”在 Uvira Plateaux 的 Mushule 设立了另一个营地，约有 70 名士兵。

113. 前战斗人员告诉专家组，Nzamapema “将军”与刚果团体马伊-马伊 Baleke 派和马伊-马伊 Fujo 派以及布隆迪团体穆隆迪人民阵线/民族神圣联盟结盟(见下文第 114 和 115 段)，特别是在对刚果武装部队的作战行动中结盟。一名马伊-马伊 Baleke 派战斗人员描述了民解力量如何向马伊-马伊供应弹药。前战斗人员包括卢民主力量士兵还描述了 Nzamapema “将军”领导的民解力量部队与卢民主力量部队的合作。后者在 2012 年 7 月多次访问 Mushule 营地。2012 年 8 月，Nzamapema “将军”向在 Itombwe 的卢民主力量运送了食品和几箱弹药。2012 年 7 月下旬，民解力量部队袭击了在布班扎省的布隆迪政府军，没有取得很大成功(见本报告附件 45)。最后，民解力量继续在布隆迪强行征兵。

D. 穆隆迪人民阵线

114. 专家组先前查明在乌维拉高原中部有 40 名布隆迪图西族布隆迪民族革命阵线战斗人员与民解力量结盟。他们是广为人知的“Sinduhije 的人”(见 S/2012/348，第 31 段)。布隆迪民族革命阵线后来变成穆隆迪人民阵线，即民族神圣联盟的武装分支。直到最近，这两个团体共有 40 名战士，共用 Mushule 民解力量营地。穆隆迪人民阵线/民族神圣联盟网站说，³⁴ 其主席是 Guillaume George Majambere，一个在比利时生活的布隆迪人(见本报告附件 48)。

115. 2012 年 7 月，一名布隆迪穆隆迪人民阵线战斗人员和一名民解力量人员分别向专家组宣称，Abdallah 上校和 Jean Claude Kasongo 上校是穆隆迪人民阵线/民族神圣联盟领导人，布隆迪反对党领袖 Alexis Sinduhije 为他们提供资金，以开始在刚果民主共和国开展武装斗争。2012 年 9 月下旬，武装团体合作者还告诉专家组，“Alexis Sinduhije 的人”在 Runingu 加入了刚果促进变革运动部队(见上文第 75 段)。6 月，刚果武装部队还逮捕了两名穆隆迪人民阵线战斗人员。这两人说，Sinduhije 先生支持他们的叛乱，他们一直与为 Makenga 上校工作的前全国保卫人民大会叛乱分子合作。

四. 整编武装团体的挑战

116. 刚果武装部队在当前危机中整编刚果武装团体的努力有三项目标：(1) 在发生士兵叛逃到“3.23”运动的情况后，加强队伍；(2) 破坏“3.23”运动建立联盟的努力；(3) 补充改革计划，其中包括替换伤兵和老兵的征兵活动。因此，刚果武装部队高级军官告诉专家组，这些武装团体不构成专门的辅助部队，而是加强面对“3.23”运动捉襟见肘的现有部队。

117. 在伊图里地区，抵抗阵线领导人与“3.23”运动特使保持接触，谈判联盟事宜，但是刚果武装部队为 Banaloki “将军”提供很大财政奖励，鼓励他考虑接

³⁴ <http://adn-burundi.org/index.php/79-accueil/89-vision-accueil>。

受整编。到 2012 年 9 月底，900 多名抵抗阵线士兵重组到三个营地，以便正式登记，他们领取了象征性的军饷和食品。然而，刚果武装部队估计，抵抗阵线的核心士兵人数不超过 350 人。³⁵

118. “3.23”运动叛乱爆发以来，自由独立刚果爱国者联盟(见 S/2012/348，第 55-57 段)得到洪德族裔合作者更多制服和弹药形式的支持。2012 年 7 月下旬，在该联盟开始与由心怀不满的洪德族指挥官 Bwira 中校领导的保卫刚果力量的忠于政府派别合作后，刚果武装部队高层领导开始努力就这些武装团体的整编进行谈判。

119. 2012 年 8 月 21 日，政府文职和军事代表在 Lukweti 自由独立刚果爱国者联盟指挥官 Janvier Buingo “将军”的总部访问了他。然而，尽管后来开过几次会，两个洪德族叛乱团伙预定重组，但是至今未采取具体行动。据社区代表说，该联盟对刚果最高法院 2012 年 9 月决定承认马西西立法院选举结果感到不满，因为他们的主要支持者之一 Bakungu Mitondeke 没有再次当选。

120. 在“3.23”运动和刚果民主共和国政府竞相争取胡图族的支持的大背景下，³⁶刚果政府努力整编马西西县南部和卡莱亥县北部称作 Nyatura 的胡图族民兵。大多数 Nyatura 指挥官是 2010 年和 2011 年叛逃的前刚果武装部队军官，叛逃原因是前全国保卫人民大会的权力和影响在军队内上升使他们边缘化(见 S/2012/738，第 242 和 347 段)。

121. 在 2012 年 8 月底和 9 月初 Raia Mutomboki 攻击期间，刚果武装部队高级军官包括陆军司令 Gabriel Amisi 将军(见 S/2011/738 第 191、205、453、469、471 和 514 段)指示在马西西的刚果武装部队与 Nyatura 合作。刚果警察和地方当局告知专家组，2012 年 7 月，Amisi 将军派一辆刚果武装部队卡车为 Nyatura 民兵运送了约 300 支 AK-47 步枪。几名刚果武装部队军官包括 Nkunduwera 中校代表 Amisi 将军向 Nyatura 民兵分发了武器和弹药。

122. 在马西西南部 Kasake，村民们说，在 Raia Mutomboki 开始发起攻击时，刚果武装部队撤退了，后来在 Nyatura 的增援下返回。2012 年 9 月中旬，专家组在 Ngungu 会见了 Nyatura 指挥官和刚果武装部队军官。他们承认，他们已经开始合作抵御 Raia Mutomboki。

³⁵ 这些估计数显示，为了配合其与刚果武装部队整编的进程，抵抗阵线夸大了其人数，与此同时，抵抗阵线又与“3.23”运动谈判。

³⁶ 第三战区指挥官 Sadaam Ringo 等若干胡图族重要指挥官于 2012 年 9 月和 10 月脱离“3.23”运动。

123. 2012 年 9 月, Amisi 将军就整编问题与 Nyatura 代表举行了多次会议。Nyatura 指挥官 Haburigira 要求刚果武装部队立即重新部署到民兵控制地区, 并确保保护胡图族社区免遭 Raia Mutomboki 的袭击。

124. 2012 年 10 月初, 刚果武装部队已经开始在 Mushake 重组 Nyatura, 但 Nyatura 的整编仍面临若干挑战。Nyatura 指挥官担心失去税收控制和对小规模采矿活动的控制。此外, 没有以往刚果武装部队经历的 Nyatura 士兵担心被排除在这一进程之外。最后, 在刚果胡图族社区中生活的卢民主力量逃兵可能会企图渗透这一进程, 以便留在刚果民主共和国。

125. “3.23”运动也试图联合 Nyatura, 因为卡莱亥县的一些创始人至今拒绝参加刚果武装部队整编进程。2012 年 7 月, 刚果当局逮捕了与 Xavier Chiribanya (见 S/2012/348/Add.1, 第 41 段) 合作的人, 这些人承认以他名义转给在南基伍的 Nyatura 指挥官 2 000 美元。

126. 在“3.23”运动地盘以北, 刚果武装部队还寻求在通往伊沙沙边境哨所的道路沿线与 Shetani Muhima 上校领导的人民民主阵线建立行动联盟。据高级指挥官说, 2012 年 9 月下旬, 刚果武装部队与 Muhima 上校配合,³⁷ 把卢民主力量赶出了伊沙沙。³⁸

五. 刚果武装部队内部的犯罪网络

127. 专家组对在东方省与武装团体合作的刚果武装部队内部犯罪网络进行了调查。

A. 马伊-马伊摩根派

128. Paul Sadala, 别名“摩根”, 是在东方省曼巴萨、卢贝罗和巴富瓦森代各县活动的偷猎者。2012 年, 他对刚果武装部队和刚果野生生物管理局³⁹ 驻地发起数次猛烈攻击, 并严重侵害了平民百姓。6 月 24 日, 叛乱分子袭击了 Epulu 霍加狒保护区⁴⁰ 护林站, 打死至少 3 人和 14 只霍加狒。因此, 布尼亚军事检察官对 Sadala 先生发出逮捕令, 并对包括谋杀和强奸在内的战争罪展开调查(见本报告附件 49)。

³⁷ 在这些行动中, 若干刚果武装部队军官跟随“玛伊-玛伊”Shetani 派。

³⁸ 在南基伍, 刚果武装部队还与“玛伊-玛伊”民兵 Yakutumba 派和仍然忠于 Richard Tawimbi 上校的联邦共和国部队士兵进行了讨论。

³⁹ 刚果自然保护学会和刚果民主共和国野生生物养护和公园局。

⁴⁰ 仅见于刚果民主共和国的稀有哺乳动物, 是民族的骄傲。

129. Sadala先生与以基桑加尼第9军区司令Jean Claude Kifwa将军为首的一个犯罪网络合作，军方向马伊-马伊摩根派提供武器、弹药、制服和通信设备，换取象牙。专家组与两名武装团体合作者、一名刚果武装部队军官、一名刚果野生生物管理局工作人员、多名社区领袖以及一名情报官员证实了这一点。Kifwa派遣Jean Pierre Mulindilwa“上校”和⁴¹ Kakule“Manga Manga”Kayenga上校跟随Sadala先生，监督他的商业利益，并提供武器和弹药。

130. 马伊-马伊摩根派战斗人员说，2012年6月，他们的团体由85名战士组成，所有人都携带AK-47冲锋枪，此外还有两挺MAG机枪、一枚火箭榴弹、一台迫击炮、一台卫星电话和两台背负式无线电电话器。Sadala先生和他的亲密助手还使用传统的12口径猎枪。

131. Kifwa将军数次干预与偷猎有关的案件和逮捕行动。2011年12月，他下令将大量没收象牙从布尼亚运到基桑加尼。象牙价格过去几年一直在攀升。在基桑加尼，2007年1公斤的售价为30美元，2009年是80美元，2012年在100美元到150美元之间。自2008年以来，单单在霍加狓保护区，刚果野生生物管理局记录的年偷猎象牙数量至少达到1吨，年利润至少25万美元。然而，当地贸易商称，2012年8月，Elota的象牙库存多达3吨。

132. 马伊-马伊摩根派还每周两次在Pangoi和Elota采矿点收集黄金，并出售各具体矿坑“使用权”。Sadala先生保留黄金，出售给来自布滕博的商人。最后，叛乱分子垄断了该地区的卷烟贸易。

B. 马伊-马伊吕克派

133. 由Luc Yabili少校领导的马伊-马伊吕克派在东方省巴富瓦森代县以及越过北基伍边境在瓦利卡莱活动。马伊-马伊吕克派控制包括Angumu和Elonga的采矿点。他们在采矿点把黄金卖给来自布滕博和贝尼的商人。

134. Kifwa将军指挥的驻奥皮恩盖和巴富瓦森代刚果武装部队第10整编旅经营着一个与马伊-马伊吕克派合伙偷猎和采矿的犯罪网络。巴富瓦森代仍然是一个战区，但刚果武装部队过去两年没发起任何作战行动。同时，武器和弹药继续被运送到部署部队并用于偷猎。第10旅还垄断该地区的卷烟供应和其他贸易活动，使他们没有停止运营的动力。

135. 犯罪网络在奥皮恩盖获取可观的利润。刚果武装部队指挥官Sammy Biakya Baguma少校在该地区控制恩东加锡矿山和几处金矿。他本人组织一些开采活动，每周向各队矿工收税两克黄金。他还交易12口径猎用弹药(见本报告附件48)。他还通过出售“旅游授权”额外营利，并运行一所当地称作“关塔那摩”的监狱，

⁴¹ Mulindilwa“上校”(绰号“JP博士”)是“玛伊-玛伊”Michigan派前成员。一位刚果武装部队军队解释说，按照正式编制，他仍然属于整编中心，没有正式军衔，但穿刚果武装部队军服。

在那里关押平民。之前，Baguma 少校送回了本应部署到奥皮恩盖的 40 多名刚果国家警察部队警员，以保持他对居民的控制。

136. 当地社区领导人和联合国官员解释说，Yabili 先生多次试图遣散其人员，但没有得到刚果武装部队或其他政府官员的回应。当巴富瓦森代世袭酋长 2012 年 10 月 1 日询问此事时，Baguma 少校解释说，Kifwa 将军没有理会再三提出的这些要求。⁴² 2012 年 7 月 31 日，Yabili 先生抓获 Sadala 先生，并表示愿意把他交给刚果武装部队，但 Kifwa 将军还是没有作出回应。

C. 12 口径猎用弹药

137. 刚果民主共和国东部到处都有 12 口径猎用弹药，广泛用于偷猎。专家组记录了刚果武装部队和几个武装团体，特别是 Raia Mutomboki 和马伊-马伊·摩根派使用这种弹药的情况(见本报告附件 50)。

138. 刚果武器弹药制造公司的工厂在刚果黑角，生产大部分这类弹药。当问及其客户名单时，该公司答复说，它并没有在刚果民主共和国出售任何产品(见本报告附件 51)。然而，专家组发现刚果民主共和国东部到处都有很多这类弹药(见本报告附件 52)。组织从金沙萨向戈马和基桑加尼运送弹药的网络使用船舶和飞机运输。参与这种贸易的人解释说，2012 年年中，Air Pegasus 航空公司把弹药空运到戈马。其他货运公司解释说，Air Pegasus 航空公司通过军用机场经营商业航班，无需缴税。这些贸易被与刚果武装部队 Amisi 将军关系密切的个人控制。在戈马，弹药由 Amisi 将军的弟弟 Damien Amisi 分销。在基桑加尼，“Type Tambwe” (Amisi 家乡 Muzimba 族人) 出售这类步枪的子弹，并监管 Amisi 将军在当地的利益。在卡塞塞，Amisi 将军的前保镖、刚果武装部队 Salung 上尉库存并销售弹药。

六. 武器

A. 库存管理和流失

139. 刚果民主共和国政府仍然面临武器管理挑战。刚果民主共和国虽然是《在大湖区和非洲之角防止、控制和减少小武器和轻武器的内罗毕议定书》的缔约国，但目前尚未开始实施国有武器标记方案。刚果武装部队库存仍然是武装团体的一个重要弹药来源。在南北基伍和伊图里的武装团体活动升级，导致武器和弹药流失的情况增加。

140. 驻南北基伍和伊图里的刚果武装部队后勤基地指挥官确认，最大挑战之一是士兵携带武器弹药叛逃。刚果武装部队内部的腐败士兵个人和犯罪网络也向武

⁴² 虽然联刚稳定团多次提出要求，第九军区仍然没有与联刚稳定团分享 Yabili 先生送出、数十人目睹的这三封信的内容。

装团体出售弹药。来自鲁丘鲁县的四名卢民主力量前战斗人员告诉专家组说，他们经常从刚果武装部队购买弹药。2012 年 8 月，北基伍军事检察官起诉了两名刚果武装部队士兵，因为他们向 Rumangabo 附近的“3. 23”运动叛乱分子出售步枪，每支 200 美元。Nyatura 和 Raia Mutomboki 的前战斗人员告诉专家组，他们向刚果士兵购买弹药、AK-47 步枪和军装。2012 年 8 月 25 日，安全官员在米诺瓦拦截了自由独立刚果爱国者联盟叛乱分子的 34 箱弹药(每箱内有 750 发子弹)以及他们最近向刚果武装部队士兵购买的一支 AK-47 步枪(见本报告附件 52)。在乌维拉中部高原的马伊-马伊各团体也经常在当地市场向刚果武装部队购买弹药，每盒 750 发子弹 10 美元。

B. 解除武装的挑战

141. “3. 23”运动及其盟友的出现加剧了武器和弹药的需求。据在北基伍 Nyiragongo 县和 Rutshuru 县采访的地方当局人员、民间社会代表和村民说，自 2012 年 5 月初以来，AK-47 步枪的价格从原来的 20 美元到 50 美元上升到 200 美元到 250 美元。

142. 和平与和解组织这个促进平民自愿解除武装的组织告知专家组，2012 年 7 月和 8 月，被确认为武装团体使者的个人分别 5 次表示愿意购买平民交出的武器，每件 200 美元(见本报告附件 53)。

143. 和平与和解组织向专家组出示了一份 2012 年 2 月至 9 月期间缴出步枪和(或)弹药的 125 名平民名单。然而，由于缺少资金，该组织一直无法付钱给他们(见本报告附件 53)。该组织还告诉专家组，其中一些被欠款的人要求退还他们的武器或弹药，声称有其他买家。其中两人告诉专家组，“3. 23”运动向他们报的价是每支步枪 250 美元。大概在同一时期，不明身份的“3. 23”运动使者与该组织接触，提出购买他们的所有武器库存(见本报告附件 54)。

144. 该组织表示关注的是，自从“3. 23”运动叛乱爆发以来，缴出武器和弹药的平民人数急剧减少。据该组织说，这可能表明，平民以高于 50 美元购入的价格向武装团体出售武器，或由于不安全而保留武器自卫，或两者皆有。

145. 最后，刚果武装部队和“3. 23”运动之间的战斗，包括使用杀伤人员地雷和未爆炸弹药，继续杀害和残害非战斗人员。2012 年 8 月，鲁丘鲁县 Jomba 乡 Gikoro 村有 6 名儿童踩到地雷被炸死。人道主义组织的一份后续分析查明了散布该县各地的若干未爆炸弹药。受影响最严重地区是“3. 23”运动前线(见本报告附件 55)。⁴³

⁴³ 这些地区包括 Kiwanja 附近的 Kitobogo 农场。

七. 违反国际人道主义法和人权法的行为

146. 自前全国保卫人民大会成员发动兵变并导致创建“3.23”运动以来，刚果民主共和国东部地方社区人民的人权广泛遭到侵犯。包括刚果武装部队在内的北基伍省所有武装行动者针对平民的暴力行为均有增加，自2012年4月以来已有50万多人流离失所。流离失所为进一步的侵权行为创造了条件。由于局势日益不安全，人道主义机构在接济民众和提供救济方面也面临困难。

147. 刚果民主共和国东部性暴力事件仍然普遍。在持续不断的战斗背景下，在冲突地区或流离失所的妇女和儿童面临进一步风险。在2012年头六个月里，据联合国人口基金的记录，武装男子在北基伍犯下的性暴力案件为742起，鲁丘鲁是受影响最严重的县，在南基伍发生的类似案件有955起，其中近一半是在菲齐县。专家组确认，2012年犯下大规模强奸案的有组织有“3.23”运动、Raia Mutomboki、马伊-马伊民兵摩根派以及卢民主力量。卢民主力量指挥官应对包括强奸未成年人在内的100多起强奸案负责。截至9月底，联合国和国际人权非政府组织记录了“3.23”运动犯下的46起强奸案。8月5日至6日的晚上，Raia Mutomboki攻击了马西西Nyalipe村，强奸了9名妇女，其中包括4名未成年少女。

148. 发生了几起武装团体滥杀平民、包括滥杀妇女和儿童的重大案件。2012年5月以来，在“3.23”运动指挥下，Raia Mutomboki在北基伍杀害了数百名平民，烧毁了至少800处住家房屋。根据“3.23”运动Makenga上校的命令，Badege中校和Raia Mutomboki伙同保卫刚果力量和恩杜马保卫刚果民兵组织，在8月份进行了一系列协同攻击，使得“3.23”运动代理人得以破坏马西西县南部和西部领土很大一部分地区的稳定。8月26日至29日期间，Raia Mutomboki与Badege中校联合开展行动，并在保卫刚果力量-卢安达的士兵协助下，对马西西南部Ngungu村和Luke村及其附近的平民进行了有系统的攻击。

149. Raia Mutomboki在南基伍对那些被控支持卢民主力量和Nyatura的社区也开展了同样出于族裔动机的攻击，打死数十名平民，包括3月初在Ekingi附近各村庄打死32名民众。

150. 联合国证实，自2011年12月以来，卢民主力量至少杀害了282人。5月在Kalehe县Bunyakiri附近发生的事件最为严重。5月5日，卢民主力量在Lumenje杀害了至少11名平民，其中包括3名妇女和5名儿童。5月14日，卢民主力量在Kamananga杀害了35名平民，其中包括20名妇女和12名儿童，打伤38人，烧毁55所房屋。根据刚果武装部队军官称，Castro Rafiki上尉指挥了这次在Bunyakiri的攻击。卢民主力量在南基伍的指挥官是Hamada Karera中校。

151. 此外，“3.23”运动某些指挥官，尤其是 Ngaruye 上校和受制裁的 Zimurinda 上校下令未经司法程序至少处决了 15 名新兵。恩塔甘达将军和 Makenga 上校下令处决了至少 20 名战俘。卢旺达部队则处决了一些“3.23”运动逃兵。据地方领导人和医务人员说，实际人数可能高得多。

152. 本报告附件 56 提供了有关“3.23”运动高级指挥官侵犯国际人道主义法和人权行为的进一步资料。

招募儿童兵

153. 自从“3.23”运动开始叛乱以来，武装团体在南北基伍各地招募儿童兵的情况大幅度增加。“3.23”运动的一些指挥官长期以来招募儿童兵，其中包括 Makenga 上校和 Kaina 上校，他们还在开展这些活动。专家组估计，自“3.23”运动在 2012 年 5 月成立以来，在刚果民主共和国和卢旺达共招募了 250 多名儿童。2012 年 4 月到 9 月期间，联刚稳定团收容了 38 名逃离“3.23”运动的儿童，其中 22 人是刚果人，14 人是卢旺达人。

154. “3.23”运动经常在对男孩子进行一个星期的训练后，就让他们到前线，为前进部队提供掩护。另一些男孩则充当搬运工、情报人员和保镖。反叛分子也利用年轻女孩担任厨师或充当指挥官的妻子。

155. 据几位前战斗员称，2012 年 5 月至 8 月期间，Kaina 上校被部署在 Bukima，监督招募和培训了 150 多名儿童。这些儿童中有一半来自卢旺达。两名“3.23”运动的前战斗人员证实，2012 年 5 月，Kaina 上校在 Bukima 附近村庄进行招募，在那里他命令他的士兵绑架了 3 名 12 到 15 岁的男孩。一名被 Kaina 上校招募的 14 岁男孩也声称，Kaina 上校强行招募了两名和他同龄的男孩。在 Kaina 上校领导下的前“3.23”运动士兵几次亲眼目睹 Kaina 上校下令开枪打死试图逃跑的男孩。另一名来自 Bukima 的前“3.23”运动战斗人员告诉专家组说，有 14 名妇女也在那里接受了训练，其中包括 6 名少女。

156. “3.23”运动 6 名 12 至 16 岁的前儿童兵告诉专家组说，“3.23”运动军官是在 Rumagabo、基旺加、琼巴和布纳加纳巡逻期间强行将他们招募入伍的。6 人都说，他们受到警告说，根据 Makenga 上校的命令，如果他们试图逃跑，就会打死他们。据“3.23”运动几名前战斗人员说，Makenga 上校和 Ngaruye 上校就地处决了数十名试图逃跑的儿童。两名儿童兵说，他们目睹逃跑未遂的其他儿童被打死或被活埋。

157. 专家组约谈了 4 名前卢民主力量战斗人员，他们曾在刚果民主共和国复员，2012 年 9 月，在卢旺达的 Mutobo 复员和重返社会中心再次招募入伍。在他们抵达该中心后，该中心常务主任 Frank Musonera 将要招募入伍的年轻男孩分开，其中包括 16 岁以下的儿童。有一次，即 2012 年 8 月 15 日，他向 Kinigi 送去了 5 名 13 到 16 岁的前卢民主力量儿童兵，在那里的卢旺达士兵强迫儿童兵搬运弹

药箱并加入“3.23”运动。两名在 Mutobu 中心入伍的前卢民主力量战斗人员也证实，他们在 Ngaruye 上校指挥的“3.23”运动阵地遇到的前卢民主力量未成年士兵超过 15 名。3 名在 Runyoni 受过训练的前“3.23”运动人员告诉专家组说，Makenga 上校有一支特别保护部队，由 20 名未满 15 岁的前卢民主力量儿童兵组成，他们接受的严格指示是不得离开 Runyoni。前“3.23”运动儿童兵告诉专家组说，那些试图逃跑而被捕的人，被当着其他人的面遭到处决。

158. 专家组还约谈了数十名被刚果其他武装团体以及外国武装团体招募入伍的儿童兵。这些案件的详细情况见本报告附件 57。

八. 自然资源

A. 锡、钽和钨矿石的贸易

1. 贸易和生产趋势

159. 专家组在其临时报告中强调，南北基伍和马涅马省都逐步恢复了锡、钽和钨矿石的正式出口。然而，到 2012 年 8 月，正式出口几乎消失了，其原因有三。第一，刚果民主共和国矿业部长停止了在南北基伍的华英出口公司以及 TTT 矿业/刚果矿产和金属公司 (TTT/CMM) 的业务 (见 S/2012/348，第 141 和 142 段)。第二，为了制止向卢旺达走私，矿业部长禁止通过空运将锡、钽和钨矿石从马涅马运至边境城镇戈马和布卡武，而是坚持通过加丹加省运输这些矿产。这项措施使戈马经营来自马涅马资源的出口商破了产。最后的原因是，原本购买无标记矿产的中国进口公司现在越来越多地要求根据国际锡研究协会⁴⁴ 锡供应链倡议对矿石进行标记。

160. 在对矿区进行了验证后，最迟将在 2012 年底在马涅马省部分地区以及南基伍 Nyabibwe 矿区执行给矿石贴标记的工作。不过，目前在南北基伍和马涅马省，无标记矿产是没有合法市场的。因此，跨界走私再次呈上升趋势。鉴于走私者一般并不区分贸易到底是来自武装团体控制的地区还是不受其控制的地区，这种非法贸易阻碍了在刚果民主共和国境内进行尽责监督。此外，这种贸易也影响到已经或即将在邻国推出的、以尽责为基础的核证制度的信誉。

161. 此外，走私者青睐钽矿石和钨矿石，因为这两种矿石比锡矿石分量轻，因此更容易隐藏。此外，利润也较高，这对于为方便过境而支付给贪腐官员的费用以及利用私人车辆或船只运送的费用也是一种补偿。

162. 锡矿石正规市场逐渐缩小，钽矿石和钨矿石相对重要性不断提升，这种情况也反映在生产水平上。南北基伍的锡矿生产水平已趋下降，Walikali 县的

⁴⁴ 锡行业协会，该协会声称，前成员购买的锡占世界锡购买量的 80%。该协会与钽-铌国际研究中心一道，于 2009 年发起了锡供应链倡议。

Bisie 等偏远矿区下降程度最为明显，因为那里的矿石必须空运。与此形成对照的是，马西西县和 Idjwi 县等交通便利地点钽矿石的生产仍强劲有力。虽然据专家组估计，月产量为 50 至 60 吨，但官方统计数字表明，2012 年第二季度，只出口约 5 吨。

2. 走私链

刚果民主共和国-卢旺达

163. 在 2012 年，刚果民主共和国和卢旺达之间一直有矿石走私活动，参与走私的有新网络，也有专家组前几次报告确认的许多网络。来自布卡武的Frédéric Mastaki Lubamba，外号叫做“Sénégalais”，他控制大部分跨界走私活动(见 S/2011/738, 第 491 段)。专家组从刚果矿业当局获得的没收矿石的细节显示，他日益积极在 Idjwi 和瓦伦古两县走私钨矿。2012 年负责监督布卡武走私活动的另一个关键贸易商是“Kaferege”，他曾经是布卡武的卢旺达金属公司的代表。⁴⁵

164. 2012 年 1 月，卢旺达政府逮捕了卢旺达武装部队四名高级官员，因为他们涉嫌参与与刚果民主共和国的非法矿产贸易。其中有两人分别是分管外交和军事情报的Dan Munyuza上校和Richard Rutatina上校。⁴⁶ 据前全国保卫人民大会人员、前卢旺达武装部队人员和省领导人说，这两人都参与了恩塔甘达将军监管的通过戈马的走私网(见S/2011/738, 第 484-487 段)。专家组并不知道是否对这些案件进行了任何审判或判决。

165. 在戈马，专家组已能确定 3 名参与走私活动的主要贸易商。其中一人是Charlotte Nyirakanyana，她在 2012 年 7 月 10 日被捕，之前当局在戈马主要过境点没收了她藏匿在一辆卡车的 3 吨矿产。她告诉专家组说，矿产包括来自马西西县的钽矿石和来自卡莱亥县的锡矿石。2012 年 3 月，她有 1.5 吨矿石已经在卢旺达被没收了。

166. 另一个商人是Clémence Rwiwereka Mikamo，她负责管理在戈马的CLEPAD 出口公司。⁴⁷ 据参与她 2012 年 6 月走私活动的人称，她把矿石从出口公司在戈马的所在地转运至边境主要哨所附近、由其丈夫Joseph Sebagisha拥有的Planete 酒店，CLEPAD人员在那里将矿石藏匿在汽车里，趁着夜色驶过边界前往卢旺达。

⁴⁵ 2002 年，卢旺达金属公司曾代表卢旺达爱国军交易刚果矿石。

⁴⁶ 2002 年，Munyuza 上校曾在刚果民主共和国协调卢旺达爱国军的商业活动(见 S/2002/1146, 第 70 段)。

⁴⁷ 这是国际和平信息事务组织 2009 年 8 月编列的商行名单中显示的 Clémence 女士的全名(见 www.ipisresearch.be/fck/file/20090805_Comtoirs_Kivu.pdf)。另外她也随其丈夫使用 Feza 和 Sebagisha 这两个名字。“CLEPAD”这一名称代表“Clemence, Patrick Dealings”。

167. 据上述消息人士说，Clémence女士在活动中与全球采矿公司的Eddy Habimana合作，Habimana也从戈马向吉塞尼走私矿产。全球采矿公司和CLEPAD的代表告诉专家组，2011年12月，他们将自己的设施租给了Metachem出口公司，他们说，在其设施内开展的所有活动都是Metachem公司所为。⁴⁸ 省领导人、“3.23”运动军官和刚果当局人员告诉专家组说，Clémence女士和与其相关联的贸易商通过跨界走私获得的部分利润输送给了“3.23”运动。电话记录显示，Clémence女士与卢旺达武装部队军官(包括卡巴雷贝将军)通过电话(见本报告附件59)。

168. 第三个贸易商是前刚果武装部队的Kamwanya Bora将军(见S/2011/738，第444和504段)。2012年，他把自己的供应链挪至Idjwi岛。Bora将军从Kamole等地走私矿石，用船驶过基伍湖，进入卢旺达。据刚果情报来源以及当地矿主称，他派刚果武装部队Pacifique Sekanabo中校监督他在Idjwi岛的业务，Sekanabo中校目前没有任何职务。⁴⁹

169. 参与这一走私的人解释说，通过非法购买卢旺达西部特许采矿合作社颁发的标记，来自刚果民主共和国的矿石进入卢旺达核证制度。合作社出售50公斤装口袋的标记，每袋钽矿石的标记售价50美元。

170. 专家组获得的图片证据显示，在Gisenyi某仓库的刚果矿石被做了标记，这些矿石通过在戈马的一个备用过境点走私入境(见本报告附件60)。专家组检查了6袋卢旺达矿石上的标记。据国际锡研究协会锡矿供应链倡议数据库，这些标记是颁发给Alpha矿产公司的，该公司在Gatare II区有开采特许权。该数据库进一步显示，其中4个贴有标记的矿石袋被卖给了基加利的矿石出口商——非洲矿石供应公司。

171. 专家组向非洲矿产供应公司通报了Alpha矿产公司在标记方面的欺诈行为。非洲矿产公司管理层向专家组提供了全部采购记录以进行核查，并解释说，非洲矿产公司走访了Alpha矿产公司的矿区，情况显示矿石生产一直在进行。根据专

⁴⁸ CLEPAD和全球采矿公司是国际锡业研究协会锡供应链倡议的成员，因此不能正式购买和出口无标记矿物。Metachem公司不是该倡议成员，可以、而且确实正式购买和出口无标记矿物。全球采矿公司一名代表告诉专家组，自2011年3月该公司决定停止业务后，中介贸易商将该公司仓库中的存货出售给了Metachem公司。Metachem还接管了全球采矿公司的工作人员。据全球采矿公司说，2012年的正式记录错误地将全球采矿公司说成是1月至5月期间矿物出售方和购买方。省矿产当局告诉专家组，当局认为在这一期间，全球采矿公司一直作为出口行营业。CLEPAD代表在与专家组的一次通信中没有提到在向Metachem出租设施之后又向其出售或转让矿物。2011年5月，在戈马和马涅马之间经营业务的矿物运输商告诉专家组，Clémence女士向Huaying出售了矿物。Clémence女士2012年6月的走私活动是在2012年5月15日停止Huaying的活动之后紧接进行的。

⁴⁹ Sekanabo中校还为“3.23”运动招募青年。

专家组提供的资料，非洲矿产公司管理层决定暂停从Alpha公司购买矿石，以执行专家组的尽责建议。⁵⁰

172. 专家组还获得了一名走私者手中的一些标记，他在戈马和吉塞尼之间进行走私(本报告附件 61)。根据国际锡研究协会锡矿供应链倡议数据库，其中一个标记是颁发给拥有在 Kamarembo 矿区采矿特许权的 TUHAGERE 合作社的。另一个标记是颁发给拥有在 Giseke 矿区采矿特许权的 Kuaka 合作社的。2012 年 6 月，专家组访问了 TUHAGERE 合作社在 Musasa 的一个特许矿区，该矿区当时并没有采矿活动。

173. 在这次访问期间，专家组还访问了 EPROCOMI 公司在 Gikenge 附近的 Coko 特许矿区，专家组在那里没有发现任何实际采矿活动的迹象(见本报告附件 62)。EPROCOMI 主要供应对象是 Munsad 出口公司。卢旺达采矿公司和矿业当局代表证实，卢旺达西部许多采矿特许区均已闲置，但仍收到标记。

174. 专家组获得的图片证据显示了把来自刚果马西西的钽矿石走私到基加利一家出口公司的运作过程。走私者贿赂刚果边境官员，以便将其矿石从戈马的主要过境点运出。随后，COMIKABA 合作社就在其供应站给矿石作上标记，而且没有任何卢旺达矿务人员在场，然后将这些矿石送至基加利矿石出口商 RUDNIKI 的房地。⁵¹

175. 参与走私活动的人告诉专家组说，Dany Nzaramba 从刚果民主共和国购买矿石并做标记。他是 COPIMAR 合作社的拥有者，也是驻基加利出口商贸易后勤服务公司的老板。根据锡矿供应链倡议数据库显示，贸易后勤服务公司也从出售标记的 Alpha 矿产公司购买矿石。同一消息来源还指认 Jean Népomuscène Ndagijimana 是关键走私者之一。2007 年，Ndagijimana 曾是布隆迪一位获得许可证的出口商。

176. 根据上文指出的事件，根本无法估计到底有多少刚果矿石在卢旺达标记系统中被改头换面。然而，以下两者之间显然存在相互关联，即边界附近开采钨和钽矿石变得日益重要，而卢旺达出口的这些矿石日益增加。相反，卢旺达的锡矿出口却下降，因为从刚果民主共和国内地走私的锡矿石减少了。这些趋势表明，被改头换面的矿石数量可能很大。

177. 此外，卢旺达锡、钽和钨矿石出口情况的波动似乎与价格无关(见本报告附件 63)。尽管锡矿价格稳定，但其出口继续下降。钽和钨矿石出口增加，但钽价格却在下降，钨价格却保持稳定。

⁵⁰ www.un.org/sc/committees/1533/egroupguidelines.shtml。

⁵¹ 专家组将这些材料存入了联合国档案，以保护与其合作的人。

刚果民主共和国-乌干达

178. 戈马和基桑加尼的走私者告诉专家组说,把刚果民主共和国的矿石运到乌干达的其他途径包括布纳加纳、卡辛迪和马哈吉。⁵² 乌干达生产和出口钨矿,但没有钽矿,只有数量很少的锡矿,这表明走私的锡、钽和钨矿石是从该国过境,而不是出口。

179. 马西西县 Kivuye 锡、钽矿区的供应链有几条穿过布纳加纳和卡辛迪,而另一条通向戈马。据地方当局人士说,Kivuye 主要矿区经营者的业务得到 Nyatura 和自由独立刚果爱国者联盟等武装团体的保护。此外,在前往卡辛迪和布纳加纳途中的 Busumba,矿石存放在属于“3.23”运动成员 Erasto Ntibaturana 的仓库里,他目前居住在 Gisenye(见 S/2012/348/Add.1,第38段)。

刚果民主共和国-布隆迪

180. 刚果民主共和国和布琼布拉之间锡、钽和钨矿石的走私路线包括通过鲁齐齐平原以及 Kavimvira 正式过境点。2012 年 9 月,刚果警察在 Kavimvira 扣押了 13 吨钽矿石。据走私者称,矿石属于 Lubamba 先生(见上文第 163 段)。

181. 布隆迪的锡、钽和钨矿石出口,特别是钽矿石的出口在 2012 年急剧增加。2012 年 1 月到 8 月,布隆迪矿物供应公司出口了 87 吨钽矿石,而相比之下,2011 年同期才 58 吨。该公司经理是 Dany Nzaramba,他还参与了卢旺达的矿物走私(见上文第 175 段)。Wolfram 开采和加工公司的钽出口增加了两倍多,即从 2011 年的 24 吨增加至 2012 年的 87 吨。

B. 黄金贸易

1. 几乎没有官方贸易

182. 刚果民主共和国矿业部通过以下两项措施试图促进官方黄金贸易:将出口税减至 1%,并要求各出口公司每季度至少出口 30 公斤才能保留其出口许可证(S/2012/348,第 155 段)。而迄今为止,南北基伍没有任何出口公司达到这一最低要求。

183. 刚果各黄金出口公司必须在收到出口许可证时公布其向国外出口黄金的收货人是何方人士。但出口行提供的这些信息往往是误导性的。Etablissement Namukaya 公司申报,其贸易伙伴是内罗毕的 Pinnacle 公司(见 S/2011/738,第 545 段)以及迪拜的 LLG 公司,但这两个公司都不存在。据参与黄金走私的几个人说,Etablissement Namukaya 的实际贸易伙伴仍是受制裁的坎帕拉 Machanga 有限公司的 Rejendra “Raju”Kumar(见 S/2012/738,第 512 段)和布琼布拉的 Mutoka Ruganyira。

⁵² 据官方记录,2012 年,有些来自马涅马的矿物通过卡辛迪出口。

184. 出口商申报的某些收货人确实存在。根据 2012 年北基伍官方统计, 2012 年, AR 黄金公司向其在迪拜的分公司以及在日内瓦注册的瑞士黄金金属融资公司出口了黄金。布滕博的 Glory 矿产公司没有申报其产品的买主。布尼亚 COPED 出口公司一名经理告诉专家组说, 该公司向迪拜的 Maha 珠宝公司出售产品。

2. 与武装团体和刚果武装部队犯罪网络有关联的黄金贸易

185. 出口公司购买的黄金原产地通常语焉不详, 通常提到某县、城镇或地区。Etablissement Namukaya 公司购买黄金不分产地, 包括南基伍各地, 特别是米西西、Lugushwa 和卡米图加; 也不查询准确来源、保管链或是否有武装团体或刚果武装部队的犯罪网络参与。2012 年 7 月, 专家组访问了米西西。业者和地方当局告诉专家组说, Rugo Heshima 上校指挥的刚果民主共和国武装部队每周对 250 多个压碎机征收 50 美元的税(见 S/2011/738, 第 522-527 段)。Tubimbi 的贸易商和当局告诉专家组说, Etablissement Namukaya 是 Mufa 金矿的主要买主, 但卢民主力量经常洗劫该矿。

186. AR 黄金公司声明说, 该公司从布滕博购买黄金, 那里不是矿区, 而是交易中心。但是, 在 Mubi 的 SOCAGRIMINES 公司管理层向专家组出示收据证明, AR 黄金公司从该公司购买了黄金。SOCAGRIMINES 公司在 Omate 开展业务, 但从 2011 年 5 月至 2012 年 1 月, 恩杜马保卫刚果民兵组织的民兵多次前来勒索口粮和捐款, 要求以黄金支付。

187. 除了少数几个拥有许可证的出口公司外, 还有一些中介机构在没有许可证的情况下出口黄金。在伊图里, 在由巴维的伊图里爱国抵抗阵线控制下的矿区(见上文第 84 段), 当地商人 Banga Djelo 和 Justin Peke 购买黄金并销售给乌干达贸易商 Rajendra Kumar(见上文第 183 段)和银矿公司。在布卡武, 无许可证的贸易商 Buganda Bagalwa 和 Mange Namuhande 继续从卢民主力量获取利润的矿区购买黄金, 再分别卖给 Mutoka Ruyangira 和 Rajendra Kumar。在乌维拉, 没有许可证的商人 Mwite 和 Honoré 继续做着来自米西西黄金的生意。他们向在布卡武的 Etablissement Namukaya 公司供货(见本报告附件 64), 而且还直接出售给 Ruyangira 先生和 Kumar 先生。

通过布隆迪进行的刚果黄金交易

188. Mutoka Ruyangira(见第 183 和 187 段)是在布琼布拉从事刚果黄金交易的主要交易商。2011 年, 他将其出口公司的名称从 Berkenrode 公司改为 Ntahangwa 矿产公司。截至 2012 年 8 月, 该公司在 2012 年向迪拜正式出口 958 公斤黄金, 市场价值至少 4 100 万美元, 占布隆迪黄金出口总数的 65%(见本报告附件 65)。

189. 直至 2012 年中, 印度国民 Amit Patel(外号叫“Rinko”)和 Vipul Mendapara 一道, 协助 Mutoka 先生销售他的黄金。Mendapara 先生在布琼布拉拥有一家叫做

Sanya 的电器商店。2012 年 5 月，二人逃到尼亚美，卷走了 Mutoka 先生价值约 320 万美元多达 50 公斤的黄金(见本报告附件 66)。根据 Mutoka 先生的要求，布隆迪要求引渡这两个人(见本报告附件 67)。

通过乌干达进行的刚果黄金交易

190. 根据乌干达海关统计数据，2012 年，印度国民 Madadali Sulnanali Pirani 的银矿公司是该国黄金主要出口商，占 2012 年 1 月到 7 月出口总量 274 公斤黄金的 70%。专家组发现的证据表明，银矿公司的矿石源自刚果民主共和国伊图里（见第 187 段），但该公司却声称，南苏丹是其所有黄金的原产国。

191. 乌干达第二大黄金出口公司是乌干达 Impex 矿产公司。2012 年，该公司正式出口黄金 70 公斤，而且都在 1 月份，并宣布南苏丹为原产国。据坎帕拉几位业内官员说，乌干达 Impex 矿产公司是 Rajendra Kumar 的幌子公司。

192. Kumar 先生利用 Dattani 家族拥有的 DATCO 公司接收购买黄金的款项，然后作为预付款，转付给布卡武的人员。该公司驻阿拉伯联合酋长国的代表是 MCD 通用贸易有限公司。DATCO 尚未回应专家组索取资料的要求。

193. 坎帕拉的第三个黄金出口商是英国公民 Sameer Bhimji 的 Midas 全矿有限公司。尽管该公司在 2011 年出口只有 2.5 公斤黄金，但恩德培警察当局告诉专家组说，2011 年 11 月，Midas 矿物公司的 15 公斤黄金被恩德培机场空运服务公司 ENHAS 的雇员偷走。Bhimji 先生从以前被指认的伊图里贸易商那里购买黄金（见第 187 段）。

在迪拜出售的刚果黄金

194. 2012 年上半年，Mutoka 先生在阿拉伯联合酋长国出售了自己一部分黄金，中间商 Patel 先生和 Mendapara 先生将这批黄金带给沙迦的一家金店，即 Al Fath Goldsmith 公司(见本报告附件 68)。据黄金走私者和黄金市场(“souk”)成员称，该店铺由两人所拥有，他们的名字是“Jigger”和“Muna”。黄金买家说，Al-Fath 店购买的黄金来自非洲目的地。他们除了从 Mutoka 先生处购买黄金外，坎帕拉的前走私者告诉专家组说，“Jigger”与 Kumar 先生有关联，也从 Kumar 先生那里购买黄金。

195. 在 Patel 先生和 Mendapara 先生盗窃 Mutoka 先生的黄金后(见上文第 189 段)，后者的黄金改由“Kaswis”和“Djamal”两人带往迪拜。据 Mutoka 先生的合作者称，Mutoka 的黄金每周两次由人随身携带前往阿拉伯联合酋长国，每次携带约 30 公斤。这些数字与 Mutoka 先生拥有的公司从布隆迪出口的数字相吻合。

196. 阿拉伯联合酋长国银矿公司的正式贸易伙伴国是 Yogesh 珠宝公司。然而，在坎帕拉的黄金走私者向专家组解释说，他们只是利用 Yogesh 测试黄金纯度，银矿公司黄金真正目的地是迪拜的 Kanz 珠宝公司。

197. 虽然专家组一再提出要求，阿拉伯联合酋长国当局也多次作出承诺，但专家组没有收到有关从乌干达、刚果民主共和国和布隆迪进口总额的海关数据，也没有收到关于上述珠宝公司具体进口情况的资料。

C. 尽责调查：锡、钽和钨

1. 执行政府的尽责通告

198. 刚果当局暂停了出口商“Huaying”和“TTT/CMM”的出口活动，因为他们购买来历不明的矿物，违反了政府 2011 年 9 月 6 日关于实施联合国和经济合作与发展组织(经合组织)尽责规定的通告。北基伍省矿业当局表示，这些出口商的购买活动可能资助了瓦利卡莱采矿区的武装团体。

199. 2012 年 7 月，矿业部长授权所有出口商，包括“Huaying”和“TTT/CMM”出口从马涅马购买、存放在戈马仓库的矿物，条件是，从每吨中抽出 75 美元，用于资助矿区的发展项目。北基伍省矿业部长随后发函，将此一规定的适用范围扩大到经验证的马西西矿区。

200. 因此，到 2012 年 8 月底，Huaying 出口速度与 2012 年初持平：至 2012 年 9 月 24 日，共出口 248 吨锡矿石。Huaying 宣布，矿物出售给了中国有色金属进出口公司。TTT/CMM 正式向中国香港 Tolead 集团出口 86 吨锡矿石(见本报告附件 69)。采矿当局表示，在北基伍省，Huaying 和 TTT/CMM 两家公司把从瓦利卡莱购买的矿物，列入应仅源于马涅马的出口货物中。⁵³ 瓦利卡莱含铁丰富的红锡矿石与马涅马省黑色锡矿石迥异，因此可以很容易发现(见本报告附件 70)。

2. 扩大交易柜台的验证和认证

201. 至目前为止，刚果当局验证了南北基伍 Mugogo 和 Rubaya 交易柜台周围几个矿区和马涅马省 21 个矿区的“绿色”称号。不过，南北基伍的交易柜台尚未投入使用，马涅马的尚未兴建(见 S/2012/348，方框 6)。

202. 虽然获得了授权，但尚无任何锡、钽和钨贸易商出口 Mugogo 周围获得“绿色”称号矿区的矿物(见 S/2011/738，第 468 段)。相比之下，在北基伍省，出口商 AMR Mugote 向中国桂林金利新化工材料公司合法出口了购自马西西“绿色”矿区的矿物。然而，出口商没有实地确定，来自其他矿区的矿产是否进入其供应链。

203. 本报告附件 71 明列了武装团体控制的矿山所产矿物进入 Mugogo 和 Rubaya 交易柜台供应链的风险。

⁵³ 但在南基伍，采矿当局完全禁止 Huaying 和 CMM 出口(见 S/2012/348，方框 6)。

204. 2012 年 7 月, 联合验证团核证, 南基伍省 Nyabibwe 周围 5 个矿区达到了“绿色”标准。专家组没有收到任何质疑其资格的信息。9 月 18 日, 荷兰政府召集行业合作伙伴, 宣布打算在南基伍省设立“无冲突锡倡议”。10 月, 将在 Nyabibwe 开办示范阶段活动, 契约组织(非政府组织)将经管国际锡研究协会锡矿供应链倡议追踪、标记和尽责调查机制。

205. 在马涅马, 2012 年 8 月, 当局进行了联合验证, 核证卡利马的交易柜台, 把 Kailo 和 Pinga 各矿区定为“绿色”。专家组 2011 年的调查结果也证实, 这些地区的矿物交易与冲突没有关联(见 S/2011/738, 第 416 段)。

206. 2012 年 9 月 24 日, Société minière du Maniema 公司和 Metmar Trading 贸易公司下属中介交易员向国际合作伙伴提议, 在开始标记新生产的材料之前, 出口 968 吨 Kailo、Pangi 和 Kindu 库存的材料。提议规定, 将从利润中拨出资金, 资助国际锡研究协会锡矿供应链倡议标记工作, 确保正确盘点目前库存, 以及公司自行进行标记。提议符合专家组 2011 年最后报告关于库存的建议。⁵⁴ 专家组敦促 Société minière du Maniema 公司通过地方采矿部门颁发的运输授权, 验证和出示货源。

207. 尽管在省级做出努力, 改进矿物的证件追查线索, 但从马涅马向出口中心大量非法运输矿物的活动和随后的跨境走私活动是实施追踪办法的一个重大挑战。比较 2012 上半年的官方出口文件和省级税务数据就会看出, 50%左右的马涅马省矿产离开该省时无必要文件, 之后很可能被偷运出去。

208. 在北基伍, Rubaya 交易柜台周围经验证的矿区包括位于 Mwangachuchu Hizi International 公司特许经营地的 8 个矿区。该公司仅在 Bibatama 矿区进行半工业化操作, 在其他特许经营地则雇用附属 Cooperama 合作社的手工采矿者。刚果当局验证了 Mwangachuchu Hizi International 的 Bibatama 特许经营地之后, 德国联邦地球科学与资源研究所的“获得验证的交易链倡议”对验证工作进行了基线审计, 并于 2012 年 4 月得出结论, 认为没有任何迹象显示武装团体参与, 追踪制度已经发展到能够实现最高水平。不过, Mwangachuchu Hizi International 公司称, 其在中国的贸易伙伴“中联投资集团”仍要求按照国际锡研究协会锡矿供应链倡议进行标记, 从而阻碍了任何出口。

209. 验证工作正在南北基伍省和马涅马省扩展, 但东方省尚未考虑。不过, 巴富瓦森代县奥皮恩盖镇周围锡矿储存区附近面临的安全挑战可以通过 Mai Mai Luc 派人员的复员和暂停刚果武装部队行动区(见上文第 133 至 136 段)来解决。

⁵⁴ www.itri.co.uk/index.php?option=com_mtree&task=att_download&link_id=53055&cf_id=24。

奥皮恩盖矿区特许权持有人已开始修复奥皮恩盖和巴富瓦森代之间 185 公里道路。

3. 通过刚果冶炼厂举措缩短供应链

210. 在刚果领土上兴建冶炼设施可以大大提高可追踪性，协助进口商进行尽责调查。这些设施会使目前为交易链消毒的举措更容易实施，因为交易链缩短，自然会减少插入“冲突矿物”的机会。此外，这样做还将提高生产的矿物的附加值，增加刚果当局潜在的税收。

211. 在卢本巴希，Mining Mineral Resources公司安装了第一个电炉，第二个将在 2012 年 11 月投入运营。该厂将生产 98% 的锡锭，出口给Malaysia Smelting Corporation Berhad公司，最后精炼到伦敦金属交易所⁵⁵ 99.9% 的纯度标准。Minérales Industrielles Métallurgiques正在基桑加尼兴建第二家工厂。7 月，它收到来自中国的机械，但卢旺达海关署在吉塞尼截住了必要零部件，直到 2012 年 10 月才放行。该公司目前从马诺诺的特许经营区开采锡矿石和钽矿石，它称，自 2013 年 1 月开始，它将每天冶炼至少 10 吨 99.9% 纯度的锡矿石。最后，非洲冶炼集团第三次尝试在戈马以西Sake附近，或在马涅马的金杜兴建一家国内冶炼厂，并承诺遵行经合组织尽责调查准则。

4. 卢旺达的追踪制度和尽责调查

212. 2011 年，卢旺达与国际锡研究协会锡矿供应链倡议合作，在全国实施了标记制度。除供应链透明度和控制外，锡矿供应链倡议还包括风险评估、风险减少和独立第三方审计等联合国尽责调查内容。2012 年 8 月，Channel Research 发表第一份报告，列举和评估锡矿供应链倡议供应链不同利益攸关方的风险和治理绩效。尚未对锡矿供应链倡议进行过审计。

213. Channel Research 的风险评估没有发现在开采、运输和交易矿物的活动中存在任何严重问题，也没有发现直接或间接支持武装团体的任何证据。鉴于观察到刚果矿产持续走私进入卢旺达的情况，Channel Research 着重指出了下述风险：南北基伍省内国家和非国家武装行动者可能通过国际锡研究协会锡矿供应链倡议之外的卢旺达境内未标记矿物平行供应链做出标记或出口矿物，从中获利。但是，研究小组没有收集到这方面的任何具体证据，也就是说，没有发现标记程序中的违规行为和运营商拥有的无标记矿物与跨境矿产品走私案有关。

214. 由于卢旺达政府的限制，评估小组未能完成对一些问题的调查，如跨境走私、高级军官停职(见上文第 164 段)、安全机构参与供应链等问题。因此，有必要进行后续研究，卢旺达政府有必要允许 Channel Research 独立工作，开展突击检查，不透露信息来源。

⁵⁵ 对卢旺达若干公司的矿区和供应链进行过审计。

215. 除Channel Research进行风险评估外，国际锡研究协会锡矿供应链倡议及其实施合作伙伴契约组织公布了一项 2012 年上半年情况报告。⁵⁶ 他们在报告中着重指出了向锡矿供应链倡议员工报告的违反标记程序的主要事件以及处理事件的方式。他们还考虑了各项基准研究，这些研究评估新矿区生产能力，标记是根据生产能力发出的。报告认为，执行基准研究的过程存在各种问题，包括虚报产量和阻拦对矿山进行现场检查。此外，他们指出，2012 年初，在基准研究开展之前，甚至生产开始之前，采矿当局就向一些公司发出了标记。

216. 专家组发现了让刚果矿产进入卢旺达标记系统事件，这证明风险评估——这是尽责调查准则第 3 步，也是锡矿供应链倡议标记和尽责调查方案的组成部分——不够全面。迄今为止，锡矿供应链倡议人员没有报告任何刚果矿产标记事件。专家组向锡矿供应链倡议人员以及矿山经营者和出口公司提供了此类信息，并将继续这样做，以协助更彻底地减少风险。

5. 布隆迪的追踪制度和尽责调查

217. 布隆迪目前正在等待颁布一项法律，该法律把尽责调查要求和可追踪机制纳入国家采矿法。在 2012 年 2 月 26 日至 3 月 6 日期间，契约组织访问了布隆迪，开始进行可行性研究，并参加与采矿运营商的会议，讨论为执行该计划的工作提供资金的问题。采矿运营商同意资助购买第一批包装和标签，但政府仍在寻找培训标记人才的资金来源。

6. 大湖区域外的尽责调查举措

218. 本报告附件 72 进一步更新了大湖区域外的调查举措现状。

D. 尽责调查：黄金

219. 本报告附件 73 介绍了黄金业有限的尽责调查举措最新情况。

E. 社会经济评估

220. 安全理事会第 2021(2011)号决议第 5 段要求专家组在其评估尽责调查影响的报告中，全面评估对刚果民主共和国有关采矿区的经济和社会发展产生的影响。本报告附件 74 介绍了专家组采用的评估方法。

1. 主要结论

221. 没有实施标记/追踪制度的采矿区出现了以下现象：

(a) 在大多数矿区，锡、钽和钨矿的生产在继续。多数矿物被走私出境，或是存放起来。因此，官方的出口数据与产量之间存在巨大差异。在容易进出和/或靠近边境的矿区，走私活动特别猖狂；

⁵⁶ www.itri.co.uk/index.php?option=com_mtree&task=att_download&link_id=53060&cf_id=24。

(b) 因为对未标记材料的需求有限，矿物价格大幅下降。然而，世界市场价格波动等其他因素也是矿产目前价格走低的原因；⁵⁷

(c) 如果在锡、钽和钨矿区存在替代矿物质，主要是黄金或钻石，那么矿工会去适应，开始开采其他矿物。此外，还出现了舍弃锡矿石、改采钨矿和钽矿的情形；

(d) 在没有替代锡、钽和钨矿物的矿区，矿区几乎停止交易，价格大幅下跌，导致家庭收入减少，直接影响到家庭支出；

(e) 一些孤零零的矿区曾依赖矿物航班带来基本商品，由于此类产品短缺，价格连续上涨，这些矿区遭受间接影响；

(f) 从 2010 年实施开采禁令以来，上述影响明显可见。2011 年年底，影响略有减少，当时，交易商 Huaying 和 TTT/CMM 为无标记矿物在中国找到了替代市场，但在这些交易商 2012 年 5 月被暂停业务后，上述影响再度浮现；

(g) 锡、钽和钨采矿区的安全状况有所改善，锡、钽和钨矿产贸易作为武装团体资金来源的重要性大幅度降低。这些变化将积极影响矿区可持续社会经济发展的潜力。

222. 在多数矿区都建立了标记制度的加丹加，大趋势则非常不同。商业活动蓬勃发展，通过投资温和地推动当地发展。不过，贸易选择仍然有限，因为一个买家几乎占有垄断地位，导致矿工不断抗议收购价格过低。

2. 开采指标的详细调查结果

223. 2011 年，锡、钽和钨部门受到各监管部门关于尽责调查的联合压力，这在该地区产生了双重市场。一方面，这种压力在卢旺达和北加丹加催生了零星分散的追踪制度区。由于享有进入市场的优势，这两个地区的矿产量增加。在南北基伍省和马涅马等未实施标记做法的地方，国际买家停止了购买活动。

224. 2012 年，刚果民主共和国政府决定暂停 Huaying 和 TTT/CMM 两个出口商的业务活动，原因是他们未遵守联合国和经合组织的尽责调查准则，因此，尽责调查对锡、钽和钨采矿的影响在持续。官方出口数字、特别是锡矿出口数字反映了贸易大幅下降的情形。在 2007 年至 2009 年期间，北基武省官方年出口量超过 10 000 吨，但在 2011 年，出口量下降到 2 300 吨。关于 2012 年 6 月至 8 月，没有官方的戈马出口记录。下面一些事例显示国内外关于采矿和矿产品贸易的措施在现在和过去造成的一些最明显的影响。

⁵⁷ 2011 年 1 月至 2012 年 9 月期间，伦敦金属交易所锡价下降了近 33%。

225. 瓦利卡莱县采矿区和贸易城镇经济衰退幅度最大。Mubi 地方锡价从 2010 年每公斤 5.5 美元，降至 2011 年大部分时间的 3.5 至 4 美元，2012 年 5 月后，降至 2 美元。在采矿区，交易者只付 1 美元。低廉的价格对工作条件产生负面影响，因为无钱投资于靴子、电筒、煤气等基本设备。因此，Bisie 主矿只剩几百名矿工，几乎是空矿。COKABI 是一个主要矿工合作社，该合作社向专家组解释，到 2012 年 7 月，矿上只剩下 200 名工人，2011 年有 600 人，在 2010 年停工前，则有 1 200 人。当地矿务机构的统计资料显示，2011 年年初的月产量只达 2010 年水平的一半(500 吨)。目前的产量被认为是微不足道的。水淹矿井也是产出不高的一个原因，Bisie 40%的矿井出现过淹水问题。

226. 在其它矿区，如卢布图和莱梅拉，存在着类似的影响，矿工面临类似的锡矿石价格下降情况。然而，Ntufia 的手工采矿者告诉专家组，他们在继续生产，因为他们没有维持家庭生计的其他选择。Huaying 和 TTT/CMM 停业以来，几乎没有任何买家来到卢布图，迫使地方矿工和小规模贸易商囤积矿石，等待好时机。

227. 在南基伍省的莱梅拉，也出现了类似的价格下降情形，从 2010 年的 8 美元降至 2012 年初的 5.5 美元，再降至 2012 年 5 月后的 2.5 美元。矿工人数从 2012 年初的 500 人降至编写本报告之时的 100 人。

228. 钨和钽矿石开采一般受影响较小，Idjwi 和马西西的情况可以说明。在基伍湖中的 Idjwi 岛上，钨矿的开采一直在下降，但仍有停业前约一半的矿工留在 Kamole 主矿区。Idjwi 位置偏僻，与卢旺达领水接壤，因此容易走私，进入其他市场。此外，当地价格“仅”下跌约 20%，从 2010 年前每公斤 11 美元，降至 2012 年 7 月的 9 美元。

229. 在马西西，Bishasha 的 Lufufu 矿区钽矿矿工解释说，2010 年暂时停业后，价格水平稳步上升，但 2012 年 5 月后，需求下降，90 名工人中有一半离开了矿井，导致生产下降，但产量仍很高。自 2012 年 5 月后，从戈马几乎没有任何正式的钽矿石出口，大部分矿石或是储存起来，或是走私到境外。

230. 在加丹加，许多矿区实施了标记制度，正式贸易额大致保持或高于停业前水平。不过，专家组得知，2011 年和 2012 年，矿工们曾多次抗议矿产价格。省出口统计数据显示，几乎所有加丹加省锡矿石和钽矿石由一个买家 Mining Mineral Resources 公司买走，因此买家可以设定价格。2012 年 9 月，该公司为 Kisengo 钽矿石支付固定的每公斤 34 美元价格，而无视质量如何。Mining Mineral Resources 公司提供的价格确实低于马西西矿工可获得的价格。那里的矿工生产标准的 20%纯度钽矿石，每公斤可获得 36 美元；纯度每增加 1%，价格上涨 1.8 美元。该公司解释说，出现价格差异的原因是，它向矿工提供技术和材料支持和开展开发项目，因而产生额外费用，而且标记过程本身也产生费用。

3. 关于其他社会经济指标的详细调查结果

231. 矿业生产下降，价格下跌，在专家组访问的所有锡、钽和钨矿山产生一系列附带社会影响。一些影响在 Nyabibwe 特别明显，当地居民说，食品和基本生活用品很难得到，因为 2010 年 10 月以后，大部分商店关闭。

232. 他们还指出，入学率在采矿业受到很大影响。一所学校的校长说，辍学率从 2010 年的百分之几，上升到 2012 年 的 30%。专家组在莱梅拉目睹了类似现象，了解到，2010 年以来，矿业社区儿童入学率下降了 50%。

233. 附带影响在依靠空运的边远矿区尤其明显。2010 年前，每天约 20 个航班飞抵 Mubi，运来消费品，运走锡矿石。2011 年 3 月后，航班频率慢慢增加，从每两天一个航班，增加到每天四个航班，但 2012 年 5 月后，空中交通几乎停止。

234. 现在，食品和药品通过基桑加尼公路运抵 Mubi，但品类较少，价格也较高。比如，现在一袋面粉价格高达 40-45 美元，在此之前从戈马空运来的则是 35 美元。因为从 Mubi 飞走时无矿物运出，空运货物的运输成本增加了一倍，使其尤其昂贵。Shabunda 和卡塞塞等其他矿区也遇到类似困难。

235. 尽管如此，包括作为来自 Omate 的黄金交易中心的 Mubi 在内的大多数矿业城镇的商业活动仍在继续。同样，在卢布图，黄金和钻石开采蓬勃发展，这说明为何商店供应没有短缺。此外，矿工继续转移到新矿区，同时适应价格和需求的波动，在他们转移后，与他们相关的经济活动也同时转移。

236. 特别值得一提的是从锡、钽和钨矿区向金矿矿区的转移。在南基伍省的马西西，矿工说，过去两年，开采人口几乎增加了两倍，很多新人来自南北基伍省和加丹加的锡、钽和钨矿区。此外，还有矿工从锡矿区转移到钨矿区和钽矿区。例如，矿工从 Nyabibwe 转移到 Idjwi，从 Bisie 转移到 Rubaya，从 Zola Zola 转移到 Luntukulu。矿工的流动在很大程度上取决于他们与矿区所在地的联系程度，主要是财产、家庭关系和长期居住等因素的联系程度。这种现象也不是绝对的。例如，在 Nyabibwe，一些“移徙”矿工找到其他收入，用采矿收入购买房屋、土地和牲畜。

237. 虽然有一定的勘探活动，但专家组未见到过去五年用南北基伍省和马涅马矿产贸易所得支付的任何公共工程。采矿业对发展没有直接贡献。戈马非政府组织发挥农民积极性协会最近又提到采矿社区缺乏投资一事，该协会在一份报告中得出的结论是，少数几个公共工程大多由人道主义组织供资。天主教救济会、天主教反饥饿求发展委员会、刚果民主共和国主教会议自然资源委员会于 2011 年 10 月对 7 个采矿社区进行了研究，该项研究显示，采矿收入通常用于满足矿工个人需求和娱乐，特别是因为很多人并非来自当地。

238. 另一方面，在加丹加，Mining Mineral Resources 公司投资了一些社会和基础设施项目。在 Kisengo，该公司建成一所学校和一所医院。在整个采矿区，公司修复了一些道路和桥梁。在 Kisengo 和 Mayi Baridi 等矿区实施尽责调查产生的附带社会影响基本上是正面的，对当地发展略有推动。一个重要的例外是 Kahendwa 矿，那里，因为特许权有争议，几乎没有推出任何社会项目。

239. 根据 Mining Mineral Resources 公司在北加丹加的例子，预计在接着将推出追踪制度的采矿区，将有更多投资。例如，在马涅马，一些经济运营商已经在竞争开矿。Mining Mineral Resources 公司与 Malaysia Smelting Corporation 合作，争取独家开采 Sakima 以前拥有的特许矿区。作为交换条件，Mining Mineral Resources 公司承诺修复金杜-卡莱米铁路。Société minière du Maniema 公司获得了 Sakima 之外的若干特许矿区；Minserve 公司已经与当地一家矿业合作社签署了一项合同。这些公司预期每月总共购买至少 850 吨矿物。

4. 安全形势

240. 专家组在上文说明了锡、钽和钨采矿区的几个安全问题：因 Raïa Mutomboki 的到来，Lufufu 被废弃；解放卢旺达民主力量在 Karembu 征税；Nyatura 在 Lwizi 抢劫；刚果武装部队在卡塞塞敲诈勒索。然而，专家组在锡、钽和钨矿区采访的大多数利益攸关方表示，他们可以在相对安全环境中工作。

241. 安全问题对偏远和靠近前线的采矿区影响特别大。受到国际公司、矿业当局和刚果民间社会密切关注、较容易进出、规模较大的矿区正在从安全改善中受益，其中包括南北基伍省的 Nyabibwe、Bisie 和 Bibatama，加丹加省的 Kisengo。然而，由于涉及马伊-马伊·盖德翁派（见本报告附件 75）和刚果武装部队的事件，米特瓦巴的标记工作暂停，这表明安全局势仍然动荡。因此，必须持续监测安全局势。

242. 此外，一个真正的风险是，军事行动者对到监督不严密的采矿活动收取保护费。例如，在加丹加，第 61 旅指挥官 Igwe Lungeni 上校把手下兵士部署到大多数主要矿区，包括 Lungu、Luba、Malemba 和 Mayi Baridi。他手下的人干扰黄金开采活动，但不接触锡、钽和钨交易。刚果民主共和国东部黄金采矿区仍然普遍不安全。

九. 建议

243. 专家组建议委员会修改制裁标准，列入通过自然资源贸易支持刚果武装部队内犯罪网络的个人和实体，此外，还列入受制裁实体及任何幌子公司的业主。专家组建议委员会呼吁：

(a) 卢旺达和乌干达两国政府停止一切违反武器禁运的行为，定期向委员会报告已采取哪些措施，制止“3.23”运动及其盟友在其领土内的所有活动；

(b) 会员国审查并重新考虑未来给卢旺达和乌干达的军事援助；

(c) 大湖区问题国际会议联合核查机制在卢旺达武装部队和“3.23”运动在卢旺达和刚果民主共和国之间使用的不多的小路上安装运动感应器和夜视摄像头(见本报告附件 76)；

(d) 国际捐助者联合核查机制和联合情报组提供无人驾驶飞行器，监测刚果民主共和国和乌干达之间的边境口岸，定期向委员会报告；

(e) 所有武装团体，包括解放卢旺达民主力量 and “3.23”运动，立即释放所有儿童兵，今后不再招募任何未成年人；

(f) 刚果民主共和国、卢旺达和乌干达根据《在大湖区和非洲之角防止、控制和减少小武器和轻武器的内罗毕议定书》，完成国家控制的所有武器的标记工作；

(g) 捐助者资助创新的解除民间武装战略，避免武器流入武装团体；

(h) 刚果民主共和国政府暂停不必要的军事行动区，参照过去的经验教训，把资金转用于加快有代表性和包容性的武装团体整编进程；

(i) 刚果民主共和国利用在锡、钽和钨矿产的商业利益，增强手工矿区的社会经济发展；

(j) 刚果民主共和国东部和其他亮起“红旗”地区锡、钽和钨矿产品出口商、加工行业和消费者投资于南北基伍省、加丹加省、马涅马省和东方省的追踪制度和尽责调查工作，遏制跨境走私，保存卢旺达标记制度的信誉；

(k) 布隆迪、刚果民主共和国、卢旺达和乌干达等国政府遏止走私和标记欺诈，允许进行供应链风险评估和审计的人员不受阻碍地接触有关资源和数据；

(l) 布隆迪、刚果民主共和国、乌干达和阿拉伯联合酋长国等国政府定期向委员会报告为制止从刚果民主共和国东部走私黄金而采取的具体措施；

(m) 卢旺达复员方案捐助者更密切地监测刚果民主共和国的前解放卢旺达民主力量战斗人员重返社会过程。

Annex 1

Complete overview of the Security Council mandate of the Group of Experts.

The Group of Experts on Democratic Republic of Congo (DRC) is a non-permanent team of independent individuals appointed by the United Nations Secretary-General, in consultation with the Security Council Committee established pursuant to resolution 1533 (2004). The mandate of the Group, which supports the Committee and works under its direct guidance and advice, was originally established pursuant to Security Council resolution 1533 (2004) to monitor violations of the sanctions regime and arms embargo introduced by Security Council resolution 1493 (2003). The Group's current mandate is derived from five subsequent Council resolutions, most recently resolution 2021 (2011) adopted on 29 November 2011.¹

In its monitoring of the arms embargo, the Group's primary role is to investigate and document evidence regarding the procurement of military equipment, including weapons and ammunition, by armed groups active in the DRC, as well as their related financial networks and involvement in the exploitation and trade of natural resources. Following the adoption of resolution 1807 (2008), the arms embargo was lifted on the Government of the DRC and subsequently only applies to all non-governmental entities.

However, as established in its previous two final reports (S/2010/596 and S/2011/738), the Group evaluates the challenges related to the integration of former armed groups into the national security forces, notably the *Forces armées de la République démocratique du Congo* (FARDC) as well as the involvement of criminal networks within security forces in the exploitation and trade in natural resources, thus undermining mining industry and security sector reform efforts. The Group has taken note of the particular interest of the Security Council in such issues through its informal consultations with Council members as well as by paragraph 12 of resolution 2021 (2011), by which the Council:

“Encourages the Government of the Democratic Republic of the Congo to continue to address the underlying issue of the cohesion of the national Army, including by further ensuring proper integration and vetting of former armed groups, in particular the *Congrès National pour la Défense du Peuple* (CNDP), into the FARDC...”.

Moreover, by paragraphs 6 to 13 of resolution 1952 (2010), reaffirmed by paragraph 5 of resolution 2021 (2011), the Council has tasked the Group with evaluating the impact of its due diligence guidelines for importers, processing industries and consumers of Congolese mineral products, as conveyed to the Committee in its 2010 final report on 18 October 2010.² The guidelines aim to help companies avoid reputational damage and possible targeted sanctions. With regards to the latter, by paragraph 9 of resolution 1952 (2010), the Security Council decided that the Committee:

¹ Security Council resolutions 1807 (2008), 1857 (2008), 1896 (2009) 1952 (2010) & 2021 (2011).

² S/2010/596 Section IX. A consolidated version of the recommended 5-step due diligence process is available at http://www.un.org/sc/committees/1533/pdf/due_diligence_guidelines.pdf.

“in determining whether to designate an individual or entity supporting the illegal armed groups in the eastern part of the Democratic Republic of the Congo through illicit trade of natural resources ... should consider, amongst other things, whether the individual or entity has exercised due diligence. . .”.

By paragraph 5 of resolution 2021 (2011), the Security Council requested that the Group include in its evaluation of the impact of due diligence “a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo”.

Furthermore, by paragraph 6 of resolution 1952 (2010), the Council requested that the Group investigates “perpetrators of serious violations of international humanitarian law and human rights abuses, including within the national armed forces...”, which was reaffirmed by paragraph 5 of resolution 2021 (2011). As such, the Group seeks to identify command responsibility for the recruitment of child soldiers, the targeting of women and children, and acts of sexual violence.

On the basis of the conclusions of its investigations, the Group makes recommendations in its interim and final reports regarding the implementation of measures to enforce the arms embargo and sanctions regime as well as to address issues related to armed groups, criminal networks within the security services, and the trade in natural resources. By paragraph 18 (f) of resolution 1807 (2008), the Group is mandated to identify individuals and entities found to have violated the provisions of the arms embargo or the sanctions regime, and to recommend them for targeted sanctions through a confidential annex to its final report. Resolutions 1807 (2008) and 1857 (2008) established the designation criteria.

The Group considers that financial support to or business dealings with a sanctioned individual or entity constitute violations of the assets freeze and therefore are sanctionable acts. The current list of individuals and entities designated for targeted sanctions by the Committee (as of 28 November 2011) can be found on the 1533 website.³

³ http://www.un.org/sc/committees/1533/pdf/1533_list.pdf.

Annex 2

An overview of the Group of Experts methodology.

The Group of Experts adheres to a rigorous investigative methodology to ensure the greatest degree of accuracy of its assertions and conclusions. Its evidentiary standards uphold those recommended by the 2006 report of the Informal Working Group of the Security Council on General Issues of Sanctions.⁴ The Group conducts exhaustive and in-depth field research in zones controlled by armed groups, seeking at all times to rely on authentic documents and, wherever possible, first-hand, on-site observations by the experts themselves, including photographs. Where such evidence is not possible to obtain, investigative conclusions must be corroborated by, at a minimum, three sources assessed by the Group to be independent of one another, credible and reliable. The Group prioritizes testimonies from current and former members of armed groups, local witnesses of specific events, and security services principally from the DRC. Nevertheless, the Group systematically assesses the credibility of each of its sources and remains wary of deliberate efforts to influence its findings.

In the light of the serious nature of the Group's findings regarding external support from the Government of Rwanda and individuals within the Ugandan security services, the Group has adopted elevated methodological standards for these investigations. Since early in April 2012, the Group interviewed over 120 deserters of FARDC mutinies and Congolese armed groups, including from M23. Among the latter, the Group interviewed 57 Rwandan nationals and two Ugandan nationals. During its field visits, the Group privileged its own observations and research on in conflict zones and along border posts. Furthermore, the Group also photographed weapons and military equipment found in arms caches and on the battlefield, and has obtained official internal documents and thoroughly analyzed both satellite imagery and intercepts of radio communications, assessed to be credible.

The Group has also consulted dozens of senior Congolese military commanders and intelligence officials as well as political and community leaders with intricate knowledge of developments between the Democratic Republic of the Congo and both Rwanda and Uganda. Moreover, the Group has communicated regularly with many active participants of the M23 rebellion and other armed groups, as well as current and former security officials and civil authorities within Uganda and Rwanda. The Group interviewed extensively eyewitnesses of specific events described in the report, including combat operations in the DRC supported by Rwandan and Ugandan troops. Finally, while the Group's standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions regime

⁴ S/2006/997.

violations. The Group has not cited in its final report dozens of government officials in both Rwanda and Uganda for whom it has undertaken specific investigations, but could not complete them due to the time limitations of its mandate

While the Group wishes to be as transparent as possible in the descriptions of its sources, particularly for official sources, in situations where specific details would expose individuals or lead to potential safety and security risks, the Group withholds identifying information and places the relevant evidence in United Nations archives, along with other relevant documents. For further information on the Group's confidentiality policy, see paragraphs 26–28 of annex 3 below.

In its interim and final reports, the Group does not include any claims unsubstantiated by the above-mentioned standards, other than to present official positions, statements, and/or responses from concerned individuals. Where applicable and possible, however, the Group seeks to address unfounded allegations regarding provision of military, financial, or political support to armed groups.

The Group is equally committed to impartiality and fairness, and will endeavour to make available to all relevant parties, if appropriate and possible, any information about actions for which those parties may be cited, for their review and response within a specified deadline. To further uphold the right of reply, the Group is committed to annexing to its reports brief rebuttals, with a summary and assessment of their credibility, and to make any appropriate amendments regarding assertions already published in earlier reports, in consultation with previous Groups of Experts, where possible.

Nevertheless, the Group is not a judicial mechanism or an intelligence service, and does not dispose of the financial resources, technical assets, or legal power to subpoena information which in a number of Member States is protected by privacy laws. The Group relies upon the cooperation from Member States to support its investigations by providing the Group with, as per paragraph 16 of resolution 2021 (2011) “unhindered and immediate access to persons, documents, and sites the Group of Experts deems relevant to the execution of its mandate.” Though the Group generally does not benefit from a favorable response rate to its written inquiries for concrete evidence from Member States, it remains grateful to those Member States which have conducted thorough inquiries into individuals and issues raised by the Group, including such cooperation recently extended by Norway. The Group encourages Member States to provide information on regional and international networks with potential links to armed groups in the DRC, unprompted by the Group's inquiries, and to consider taking action bilaterally or regionally on the recommendations contained in the Group's reports.

Engagement with the Government of Rwanda

The Group conducted seven investigative missions to Rwanda, including two official visits with the Government of Rwanda. The Group traveled to zones in western Rwanda where recruitment for M23 has been taking place, in particular to the towns of Ruhengeri and Kinigi. For further information regarding the Group's engagement with the Government of Rwanda prior to the publication of the Addendum to the interim report, see paragraphs 6–17 of Annex 3 regarding the Government of Rwanda's claims that the Group did not provide it with a right of reply.

Following the Group's second official visit to Kigali on 25–27 July 2012, the Government of Rwanda has subsequently refused on five separate occasions to meet and cooperate with the Group of Experts including during the Minister of Foreign Affairs' visit to New York in August 2012. Moreover, the Group was willing to delay the submission of its final report, scheduled for 12 October 2012 (though Security Resolution 2021 required submission "by 19 October 2012") in order to provide the Government of Rwanda with one last opportunity to discuss with the Group on 13 October 2012 in Rwanda. However, the Government of Rwanda once again refused to participate in any meeting with the Group's Coordinator.

Engagement with the Government of Uganda

The Group conducted a total of ten investigative missions to Uganda, including an unprecedented three official visits to discuss the situation in the eastern DRC with government representatives designated by the Permanent Mission of Uganda to the United Nations. During the Group's first visit from 23–25 May 2012, the Ugandan Foreign Ministry arranged only one roundtable discussion with some senior security officials. During that meeting, the Group posed several questions about the M23 rebellion's deployments near the Ugandan border but did not receive any response. Though the Group requested a follow-up meeting with the heads of external and military intelligence to discuss M23, the Ugandan officials told the Group that any discussion on this subject would need to pass through official channels.

In early June 2012, the Group orally expressed its disappointment to representatives of the Ugandan Permanent Mission to the United Nations, who instructed the Group to conduct a follow-up visit to Kampala and explicitly request in writing to meet with the heads of external and military intelligence to discuss M23. The Group communicated accordingly in a letter dated 9 August 2012.

However, during the subsequent second official visit to Uganda from 17–18 September 2012 (extended to 22 September 2012), the Ugandan representatives only organized a one-hour meeting for the Group with junior security officials. A lieutenant from

military intelligence told the Group that that: a) no M23 member had ever been present in Ugandan territory, despite this being public knowledge at the time; b) M23 was simply “winning hearts and minds of the Congolese people” and; c) no Ugandans were supporting M23 from Ugandan territory or in the DRC. The Group took note of these official statements, but insisted on a serious discussion regarding M23 with senior external and military intelligence officials, as per its letter. However, Ugandan officials declined to arrange any further meetings for the Group, despite the dozens of phone calls and even a personal follow-up visit to the Foreign Ministry by the Group’s Coordinator. The Group remained an additional five days in Uganda waiting for this meeting and only departed the country on 23 September 2012.

As such, in an email dated 24 September 2012, the Group expressed its disappointment once again to the Ugandan Permanent Mission to the United Nations in New York who then arranged for a third official visit to Uganda to meet with a senior officer within the Ugandan police. On 14 October 2012, the Group traveled to the Ugandan border town of Kisoro and presented the designated representative of the Government of Uganda with its findings, explicitly stating that individuals within the Ugandan security services had provided technical, political, and material support to M23. The senior Ugandan police officer acknowledged that this support to M23 was indeed taking place, but maintained that this was not an official government policy and promised to take immediate action to investigate and arrest any individuals involved in such support to M23.

In a letter dated 15 September 2012, the Permanent Mission of Uganda to the United Nations invited the Group to return to Kampala for a fourth official visit. Unfortunately, the Group had already completed its field research and was in the process of returning to its home bases at the time. The Group replied that it would be happy to follow up on expressed plans by the Government of Uganda to take action against M23 supporters in Uganda through a meeting in Goma. However, no Ugandan official traveled to the DRC to meet with members of the Group.

Annex 3

The text of the Group's written response to the Committee, dated 2 October 2012, concerning the Government of Rwanda's rebuttal to the Addendum (S/2012/348/Add.1).

I. Introduction

1. Though the Group of Experts' findings of Government of Rwanda (GoR) violations of the arms embargo have received broad support from the members of the Committee, the GoR's rebuttal is characterized by a tone of general disdain for the Group's work and its methodology. The GoR states that the Group's findings "have no value whatsoever, and should be considered with the contempt they deserve."⁵ Publically, Rwandan President Paul Kagame has called the Addendum, "rubbish."⁶ During the Group's visit to Kigali, the head of GoR delegation said the Group's work was "trash."

2. The GoR rebuttal's seeks to distort the conclusions of the Group's investigations so as to portray them as if they "hinge on" specific minor details.⁷ However, the Group purposefully stated that it had gathered "overwhelming evidence" demonstrating that the GoR had directly violated the United Nations arms embargo and sanctions regime. During an intense period of its investigations, dating from 4 May 2012 when the GoR created M23 to 13 June 2012, when the Group orally presented its findings before the Sanctions Committee, the Group reached conclusions about GoR violations of the arms embargo and organized them within seven categories:

- Direct assistance in the creation of M23 through the transport of weapons and soldiers through Rwandan territory
- Recruitment of Rwandan youth and demobilized ex-combatants as well as Congolese refugees for M23
- Provision of weapons and ammunition to M23
- Mobilization and lobbying of Congolese political and financial leaders for the benefit of M23

⁵ Paragraph 41 "Rwanda's Response to the Allegations Contained in the Addendum to the UN Group of Experts Interim Report" 27 July 2012, (hereinafter "GoR rebuttal").

⁶ William Wallis, "Congo casts a pall over progress," The Financial Times, 24 September 2012, available at <http://www.ft.com/intl/cms/s/0/a2ffad5a-034b-11e2-a284-00144feabdc0.html>

⁷ Paragraph 3, GoR rebuttal.

- Direct Rwandan Defence Forces (RDF) interventions into Congolese territory to reinforce M23
- Support to several other armed groups as well as Forces armées de la république démocratique du Congo (FARDC) mutinies in the eastern Congo
- Violation of the assets freeze and travel ban through supporting sanctioned individuals.⁸

3. As per its previous commitments, the Group has made clear its willingness to correct and/or clarify any information within the categories which may be required following additional research. However, the Group explicitly adopted an approach of categorization of arms embargo violations, not only to present its findings in the most coherent fashion possible, but also to avoid the possibility that one detail would undermine the entire category. Even if the Group were to retract one or two elements per category, more than sufficient evidence would remain to substantiate each of the seven categories of violations of the arms embargo.

4. Nevertheless, the Group does not share the view that any of the arguments in the GoR's rebuttal would convince it to alter any particular elements or overall categories of the Addendum.

5. The Committee has consistently requested that the Group seek to compliment first-hand witness testimony with as much physical documentation it is able to gather. The Group included the images and documents in the Addendum for this reason. However, this physical documentation does not constitute the foundation upon which the Group's findings are based, but rather they reinforce the unprecedented number of credible first-hand witness accounts attesting to GoR support to armed groups in the eastern DRC.

6. Prior to the submission of the Addendum, the Group interviewed over 80 former combatants who all confirmed Rwandan support to armed groups, including M23. Many of these combatants were interviewed several times by different members of the Group and in multiple languages to evaluate potential inaccuracies in their testimony. The Group also cross-checked and confirmed these accounts with dozens of other sources including local leaders, villagers, politicians, former members of CNDP, current and former members of the RDF, other Rwandan authorities, border officials, and in many cases, current M23 members themselves. Without these detailed first-hand accounts, none of the complimentary images and/or documents standing alone would have led the Group to reach the conclusions that it did.

⁸ Paragraph 2, S/2012/348/Add. 1.

II. GoR Arguments on Fairness and Process

a) Absence of a right of reply

7. Throughout its rebuttal to the Group's Addendum, the GoR repeatedly makes the claim that the Group "did not feel compelled to consult the Rwandan authorities."⁹ The rebuttal defends that "at no stage was the GoR provided an opportunity to offer substantive input"¹⁰ and "none of the sources interviewed were Rwandan officials."¹¹ Furthermore, the GoR argues "any formal consultation with the GoR would have invalidated the need for the addendum."¹²

8. As stated in the Addendum,¹³ these claims are untrue. From 14–17 May 2012, the Group, in connection with its letter sent to the Permanent Mission of Rwanda on 19 April 2012, conducted an official visit to Kigali during which the GoR declined to participate in any substantive meetings with the Group other than a thirty-minute conversation on 17 May. During the latter, however, the Group quickly raised several concerns regarding the potential for external support from Rwandan territory to M23 in light of its recently established position along the DRC–Rwanda border. The GoR representatives declined to respond and stated that they took note of these questions.

9. The GoR has also stated that the GoE did not explicitly mention M23 in its letter of 19 April 2012 concerning this visit to Kigali.¹⁴ However, M23 was created on 4 May 2012, more than two weeks after the transmittal of the Group's letter regarding this official visit. Therefore, the Group could not have made any reference to M23 in such a communication, as the rebel movement did not exist at the time. The GoR also claims that "the purpose of that visit was unrelated to violations of the UN Arms Embargo and certainly not to Rwanda's alleged support to the M23 mutiny."¹⁵ However, the Group's core mandate is the arms embargo, and all of its activities, research, and official visits are fundamentally based on monitoring its application and investigating violations of the embargo. In the second paragraph of its 19 April 2012 letter, the Group states, "As you are aware, the Group of Experts is mandated by the Security Council to monitor implementation and investigate violations of the arms embargo, with a view

⁹ Paragraph 5, GoR rebuttal.

¹⁰ Paragraph 24, GoR rebuttal.

¹¹ Paragraph 21, GoR rebuttal.

¹² Paragraph 54, GoR rebuttal.

¹³ Paragraph 58, S/2012/348/Add/1.

¹⁴ Paragraph 30, GoR rebuttal.

¹⁵ Paragraph 30, GoR rebuttal.

to recommending individuals and entities for financial and travel sanctions.”¹⁶ Furthermore, during its previous mandates, the Group has always discussed external support to armed groups in violation of the arms embargo while conducting its official visits to Rwanda. This has included diaspora backing of the FDLR and previous GoR support to the CNDP. Furthermore, the Group attached to its 19 April 2012 letter to the GoR a copy of Security Council resolution 2021 (2011), which constitutes the current mandate of the Group of Experts and renews the arms embargo on all armed groups operating in the DRC.

10. Prior to this official visit, the Group made two other attempts to meet with the GoR in Kigali. At the outset of its mandate, on 29 February 2012, representatives of the GoR's Permanent Mission to the United Nations invited the Group to Kigali for a series of meetings during the third week of March 2012. However, when the Group sought to arrange the final details, the GoR canceled the visit. Subsequently on 7 April 2012, two members of the Group arranged a meeting in Kigali with Rwandan Minister of Defence, General James Kabarebe. However, after traveling three hours from Goma to Kigali and waiting another five hours, the meeting was also canceled.

11. The Group raised its frustration with the lack of communication with the GoR's Permanent Mission to the United Nations on 6 June 2012. As a result, two senior government officials did meet with a member of the Group in Kigali on 9 June 2012, during which time they explicitly discussed the crisis in eastern DRC and the activities of M23.

12. Furthermore, at the specific request of members of the Committee, the Group agreed to delay its submission of the Addendum in order to provide the GoR with an opportunity to share any explanations or clarifications regarding the Group's findings. On 25 June, the Coordinator of the Group met in New York with the Rwandan Minister of Foreign Affairs and Cooperation, H.E. Louise Mushikiwabo, the Permanent Representative of Rwanda to the United Nations, H.E. Eugène Richard Gasana, and the Presidential Security Advisor, Major Patrick Karuretha. With regards to this meeting, the GoR rebuttal states that “The GoE coordinator also offered to include in the report any comment from his Rwandan interlocutors, notwithstanding the fact that, even at that stage, he did not present anything beyond the “general categories of allegations” against Rwanda.”¹⁷ This claim is untrue.

13. During this meeting, the Coordinator, accompanied by a member of the United Nations Secretariat, clarified for the GoR delegation the Group's methodology, the process of

¹⁶ S/AC.43/2012/GE/OC.7, 19 April 2012, available at Annex R, GoR rebuttal

¹⁷ Paragraph 29, GoR rebuttal.

the submission of the interim report (S/2012/348) and the circumstances of the Addendum. However, contrary to what the GoR rebuttal purports, when the Coordinator began his briefing on the contents of the Addendum, the GoR delegation asked the Coordinator to wait until a follow-up visit to Kigali in July 2012.

14. After explaining that members of the Committee had explicitly requested that the Group provide the GoR with the contents of the Addendum and the opportunity for a right of reply, the Coordinator proceeded with his briefing. Though the GoR representatives listened to the Group's findings, they declined to pose any questions or respond with any explanations or clarifications. Nevertheless, immediately following the meeting with the Coordinator on 25 June 2012, the Minister conducted a press conference at the United Nations on the crisis in eastern DRC, during which she stated, "Rwanda is not privy to the leak of this report. We don't really know what is being claimed here but. . . our position is that whatever is in the report, Rwanda and the Rwandan Army doesn't know and hasn't had the opportunity to look at the allegations and comment."¹⁸ On that same evening, the Coordinator held a follow-up meeting with Major Karuretwa to discuss further the contents the Group's Addendum. However, Karuretwa once again declined to provide any explanation or clarification of the Group's findings.

15. Despite these facts, the GoR claims that "it is therefore preposterous to suggest that a 30-minutes meeting, two hours before the submission of the addendum to the UN Sanctions Committee, could be considered as Rwanda's opportunity to respond to detailed allegations against its senior officials." Not only did the meeting with the Minister take place from 9 am to 11 am, but the Addendum was submitted to the Sanctions Committee the following day on 26 June 2012. The Group communicated in writing to the Chairman of the Committee regarding the GoR's reticence to take advantage of this opportunity for a right of reply on 25 June 2012.

16. In the absence of any explanation or response the Group sought out information which could constitute an official GoR position, for the purposes of the Addendum, including a statement made by the Rwandan representative to the African Union¹⁹ as well as the confidential Rwandan report within the Joint Verification Mechanism.²⁰

¹⁸ Available at <http://webtv.un.org/search/press-conference:-the-situation-in-the-eastern-part-of-the-democratic-republic-of-the-congo-drc/1706444622001?term=mushikiwabo>

¹⁹Paragraph 56 & Annex 11, S/2012/348/Add. 1.

²⁰Paragraph 55 & Annex 9, S/2012/348/Add. 1.

b) Pressure from the Sanctions Committee

17. The GoR's rebuttal claims that "Mr. Hege admitted that the GoE did not initially intend to present the allegations at that stage but bowed to demands by members of the DRC Sanctions Committee."²¹ However, the Group originally submitted an interim report to the Committee on 18 May 2012, which it began drafting prior to the creation of M23. By the time the Group arrived to present its findings to the Committee on 13 June 2012, it had already gathered considerable evidence on GoR violations of the arms embargo. The Group provided the Committee with multiple options for the presentation of such new and critical information and suggested the publication of an Addendum to the interim report, which was endorsed by the Committee. Though independent in nature, the Group operates on the basis of the guidance and advice of the members of the Sanctions Committee.

c) Pressure from the media & NGOs

18. The GoR rebuttal refers to a series of social media commentary by the Director of Human Rights Watch in seeking to explain the origins of the Addendum.²² It also argues that "news organizations transformed unverified allegations from an interim document into the central element of the GoE's findings namely that Rwanda was secretly supporting militia groups in the eastern DRC."²³ As previously described (see paragraphs 13 & 17 above), the process of the submission of an Addendum to the interim report was based on the Group's independent technical investigations on arms embargo violations and its consultations with the Committee. The submission was, therefore, in no way related to social media commentary or news organisations.

d) Follow-up visit to Kigali following publication of the Addendum

19. As per its commitment expressed in the Addendum,²⁴ the Group conducted a second official visit to Kigali from 23–25 July 2012 in order to formally receive the GoR response to the Group's findings. In paragraph 10 of its rebuttal, the GoR states that during the visit, it provided the Group with "technical evidence regarding each allegation."²⁵ This is not the case. While the GoR did orally brief the Group on its response and referred to many documents, including confidential internal MONUSCO reports, the GoR did not provide the Group any document to view or read during its visit.

²¹ Paragraph 31, GoR rebuttal.

²² Paragraph 12, GoR rebuttal.

²³ Paragraph 19, GoR rebuttal.

²⁴ Paragraph 58, S/2012/348/Add.1.

²⁵ Paragraph 10, GoR rebuttal.

However, the GoR did pose numerous questions to the Group about its alleged failings in methodology.

20. The GoR states that “as acknowledged by members of the GoE, it is strongly expected that the information shared will be clearly reflected in the final GoE report.”²⁶ The Group never acknowledged that it would adopt the GoR’s version of events in the final report, but rather consistently stated throughout the three days, that it would “take into consideration” the GoR’s information during its ongoing investigations.

III. GoR Arguments on Methodology

a) Manipulation of the Group by the Government of the DRC

21. During the 23–25 July 2012 visit to Kigali, the GoR argued that the Group was the victim of an elaborate set-up orchestrated by the Congolese military leadership and intelligence services to frame Rwanda. The Group has found no evidence to support this hypothesis. The Congolese military and intelligence authorities could hardly be in a position to fabricate interviews with over 80 ex-combatants, throughout Ituri, North Kivu, and South Kivu provinces, in order to “support and disseminate their own allegations.”²⁷ Furthermore, it is very unlikely that in addition to ex-combatants, the Government of the DRC would have been able to set up testimonies from local villagers, politicians, border officials, civil society groups, former rebel commanders, former and current RDF officers, and even active M23 members and collaborators which the Group consistently consulted during its field investigations.

22. Secondly, the GoR’s argument ignores the fact that up until 7 June 2012, the official DRC government policy was to avoid any public accusations against Rwanda in the hopes of quietly resolving the issue of the GoR’s support to M23. As such, the DRC’s senior officials instructed the military and civilian intelligence communities not to mention GoR involvement in their interactions with the Group and sought to hide information from the Group as well as block access to key first-hand witnesses.

23. The claim that the Government of the DRC misled the Group by feeding it false information also overlooks the fact that in its recent reports, the Group has found numerous DRC authorities to be in violation of the arms embargo. The Group has also consistently highlighted the risks related to the handing over of military power in eastern DRC to abusive and criminal commanders of the ex-CNDP, an arrangement which the Government of DRC previously defended as necessary in the interest of peace.

²⁶ Paragraph 10, GoR rebuttal.

²⁷ Paragraph, 24, GoR rebuttal.

24. Prior to the submission of the interim report (S/2012/348), the Group had only met once the Administrator General of the *Agence Nationale de Renseignements* (ANR), Kalev Mutundo during the month of March 2012. Only on 7 June 2012 did the Administrator General phone the Coordinator to ask for a copy of the Group's interim report. Contrary to the assertions of the GoR, the Group conducted its investigations on GoR violations of the arms embargo without any formal assistance from the ANR and the FARDC's military intelligence chiefs.

25. Finally, though not explicitly stated in its rebuttal, in several media interviews, the senior leadership of the GoR has claimed that the Group is constituted of young and inexperienced experts who would be easily manipulated by DRC authorities. In an interview, General Kabarebe asks, "How could the United Nations designate these people as expert, so young, and little experienced, who get lost in acronyms . . . They don't even have a minimum level of comprehension necessary in this region."²⁸ However, the Secretary-General appointed each member of the Group based on his/her extensive research experience on the DRC and the Great Lakes region. With five of the six members of the Group having returned from the 2011 mandate, the current Group, in fact, benefits from considerable experience in arms embargo violations monitoring.

b) Confidentiality of the Group's sources

26. Throughout its rebuttal, the GoR frequently criticizes the principal of confidentiality of the Group's sources. The GoR claims that the Addendum is based on "hearsay and anonymous witness testimony."²⁹ The GoR argues that "the onus to prove the identity of the alleged surrendered RDF soldier is on the GoE and/or its sources."³⁰ The GoR also states that "Rwanda has not been given a chance to interview the subjects or examine their testimonies and the GoE has not provided the details of the individuals. Therefore, their testimonies cannot be used in the report",³¹ and the Group does not provide names of ex-FDLR sent to reinforce M23.³²

27. Nevertheless, in accordance with endorsed expert panel methodologies, the Group strictly adheres to the confidentiality of its sources.³³ In light of the highly

²⁸ "Cartes sur table: les quatres vérités du général James Kabarebe," Le carnet de Colette Braeckman, available at <http://blog.lesoir.be/colette-braeckman/2012/08/29/cartes-sur-table-les-quatre-verites-du-general-james-kabarebe/>.

²⁹ Paragraph 6, GoR rebuttal.

³⁰ Paragraph 49, GoR rebuttal.

³¹ Paragraph 38 (b) GoR rebuttal.

³² Paragraph 38 (g), GoR rebuttal.

³³ The Group makes exceptions in the case of official positions by individuals or governments.

sensitive nature of the GoR's violations of the arms embargo, this principle is even more paramount. In all of its reports, the Group endeavours to provide the Committee with a general idea of the category of sources which substantiate specific assertions, without revealing information which may compromise the physical security of those individuals.

28. During the Group's visit to Kigali, however, the GoR insisted on questioning members of the Group regarding specific individuals the GoR suspected of cooperating with the Group's investigations. The GoR intentionally named individuals in order to assess the reaction from the Group.

c) Fabrication of testimony by witnesses

29. The GoR suggested that the Group's sources fabricated evidence and testimony against Rwanda.³⁴ The GoR has argued that particularly ex-combatants have obvious motivations to lie and distort their stories so as to please the authorities in whose custody they remain. The rebuttal states that "fabricating evidence and dictated narratives, often represent the only life-ticket for 'former enemies' in the hands of the notoriously abusive Governmental services and armed forces."³⁵ General Charles Kayonga refers to ex-combatants as "coerced witnesses"³⁶ and Captain Celestin Senkoko argued that those who provided information about his involvement "have done so out of duress and fear to save their lives."³⁷

30. The Group found no evidence to substantiate the GoR's claims. As previously mentioned (see paragraph 22 above), from the earliest stages of the mutiny, the Government of DRC was adamant about hiding any information and/or witnesses which might implicate Rwanda. Thus, it would be impossible for these same authorities to "coerce" testimonies for the Group. Furthermore, nearly all the ex-combatants that the Group interviewed were initially reticent to provide sensitive information. Contrary to any possible coercion from Congolese authorities who were not present during the interviews, it was only when ex-combatants built greater trust with members of the Group that they, on guarantees of strict confidentiality, revealed information concerning GoR support to armed groups. Furthermore, the Group consistently assessed all accounts for credibility through extensive interviews with local villagers, politicians, former RDF officials, as well as, in many cases, with current M23 members themselves.

³⁴ Paragraph 7, GoR rebuttal.

³⁵ Paragraph 25, GoR rebuttal.

³⁶ Paragraph 3 & Annex H, GoR rebuttal.

³⁷ Annex J, GoR rebuttal.

31. Moreover, in its past cooperation with the Group, the GoR has facilitated numerous interviews with former combatants within Rwanda. The Group has consistently accepted these opportunities and conveyed to Rwandan military intelligence that, as it did during its investigations of the Addendum, the Group must interview ex-combatants without the presence of security officials and independently corroborate any accounts provided to it.

d) Lack of a motive

32. Another argument which the GoR has advanced is that the Group did not provide an explanation for Rwandan violations of the arms embargo. During its visit to Kigali, GoR representatives told the Group that they had been the guarantors of the integration of the CNDP since the joint RDF-FARDC “Umoja Wetu” operations (Jan-Feb 2009), and therefore it would be illogical that they undermine such a process. The GoR rebuttal states that the “GoE fails to ask why would Rwanda support M23 and what would it be seeking?”³⁸

33. In line with its mandate, the Group of Experts is first and foremost a team of field investigators who establish facts concerning violations of the arms embargo and sanctions regime. However, the Group’s previous reports, notably the 2011 final report (S/2011/738) and the 2012 interim report (S/2012/348), provide sufficient findings, including on the regional trade in natural resources, for independent political analysts to determine the motivations behind the GoR’s support to armed groups in the eastern DRC.

e) Disregarding material evidence

34. The GoR also argues that the Group routinely “disregarded available material evidence”³⁹ in favour of testimonies. Unfortunately, as the GoR avoided any substantive engagement with the Group, as mentioned above (see paragraphs 8–15 above), it was not possible to obtain any material evidence in Rwanda. Furthermore, as this response to the GoR’s rebuttal demonstrates, GoR documents have not been sufficient to overrule or discredit the overwhelming evidence that the Group has independently gathered.

f) Failure to investigate in Rwanda

35. Finally, the GoR rebuttal states that “no or very limited effort is made by the GoE to collect corresponding amounts of testimonies from the Rwandan side where most of the alleged events occurred.”⁴⁰ However, the Group did indeed conduct investigations

³⁸ Paragraph 8, GoR rebuttal.

³⁹ Paragraph 20, GoR rebuttal.

⁴⁰ Paragraph 27, GoR rebuttal.

in Rwanda in areas where RDF recruitment for M23 had been taking place. These visits confirmed and complimented the accounts provided by numerous former combatants, politicians, former RDF officers, and border officials.

36. Nevertheless, the Group has found it extremely challenging to conduct research in Rwanda where the authorities have routinely followed the Group, questioned several of the Group's interlocutors and interpreters, and forced them to make official statements for intelligence purposes. The brief conversation that a member of the Group held with Lieutenant Colonel Jomba (see paragraph 83 below) led to an exhaustive report regarding Jomba's communications with the Group.⁴¹ This example confirms the Group fears for the potentially negative consequences of even short interactions with individuals within Rwanda.

IV. GoR Arguments on Factual Grounds

a) RDF direct reinforcements of M23 operations in the DRC⁴²

37. Collected over a period of five weeks, the Addendum outlines twelve credible and detailed accounts of RDF direct reinforcement to M23 during its operations and combat against the FARDC. However, the GoR argues that "provision of evidence regarding unit's designations, names of their commanders, areas of operations, and other identifiers and operational details may be the only way this allegation can be credible."⁴³

38. In its confidential letter to the Committee dated 7 August 2012,⁴⁴ the Group stated very clearly the names of commanders and unit numbers involved in the attacks on Bunagana and Rutshuru during the month of July 2012. While the GoR appears to have obtained a copy of this confidential letter and publicly criticized elements of its contents, the GoR did not refute the Group's documentation of operational details including RDF units and commanders that the Group cited as taking part in the M23 attacks in Rutshuru.

39. Furthermore, during the course of the Group's visit to Kigali on 23-25 July 2012, GoR representatives wrote a detailed message to the Group cautioning it that members of the Congolese intelligence services were meeting together to fabricate false evidence regarding Rwandan involvement in upcoming M23 attacks. As predicted by the GoR, the M23 attacks did take place between 25-26 July, taking the major towns of Rutshuru, Kiwanja, and Rumangabo. Subsequently, the Group found no independent confirmation or additional evidence of the meeting the GoR alleged to have taken place,

⁴¹ Annex N, GoR rebuttal.

⁴² Paragraph 31 & 32, S/2012/348/Add. 1.

⁴³ Paragraph 48, GoR rebuttal.

⁴⁴ S/AC. 43/2012/NOTE. 14, dated 8 August 2012.

but did confirm the presence of RDF reinforcements in those particular M23 operations in Rutshuru. Not only did ex-combatants, politicians, FARDC, and M23 members themselves confirmed the RDF participation, but also over ten villagers in Rutshuru stated that the RDF troops were very visible because of their distinct discipline and the manner in which they carried themselves. Confirming the credibility of such accounts, during its 23-25 July 2012 visit to Kigali, General James Kabarebe argued that RDF soldiers could not be in the DRC, because they would be too easily identifiable for exactly these same reasons.

40. Furthermore, the GoR argues that General Ntaganda does not need RDF support because he was one of the most senior officers in the FARDC. However, the Group described in its interim report (S/2012/348) how ex-CNDP officers began resisting Ntaganda's orders as of March 2012, thus undermining his role and credibility. In fact, Ntaganda was so weakened that, after escaping from Goma following immense pressure for his arrest, the FARDC successfully defeated his mutineers in Masisi. Ntaganda subsequently was forced to flee once again towards the Rwandan border after his troops had been driven out of Masisi. Ex-RDF and ex-CNDP former officers told the Group that an advance party of soldiers loyal to Ntaganda, as well as RDF special units, had been sent to Runyoni to prepare General Ntaganda's military position ahead of his arrival.

q) Phone calls to FARDC officers by RDF Generals Kayonga and Kabarebe⁴⁵

41. Concerning the Group's findings that Generals James Kabarebe and Charles Kayonga made numerous calls to recruit and intimidate individuals on behalf of M23, the GoR claims that the Group "deliberately" took these communications out of context. The rebuttal states that "most of the phone calls and/or meetings were either solicited by the DRC Government or pursuant to mechanisms established in the spirit of the UMOJA-WETU framework."⁴⁶ In his letter contained in the rebuttal, Kabarebe cites five meetings and during discussions with the Group, he referred to "numerous" phone calls and meetings with FARDC senior officers involved in the original mutiny and eventually M23.⁴⁷

42. DRC authorities have confirmed that the Minister of Defence of another country is only authorized to speak with his counterpart and that no "UMOJA-WETU"⁴⁸ framework exists which allows him to contact subordinates of the opposite Minister of Defence.

⁴⁵ Paragraphs 27, 39, 46, S/2012/348/Add.1.

⁴⁶ Paragraph 43 (b), GoR rebuttal.

⁴⁷ Annex F, GoR rebuttal.

⁴⁸ "UmojaWetuUmojaWetu" refers to the joint operations conducted by the RDF and the FARDC in January and February 2009.

Moreover, ex-RDF officers, ex-CNDP officers, current M23 members, FARDC officers and politicians with close ties to the GoR have repeatedly informed the Group that Generals Kabarebe and Kayonga have made these phone calls actually to give direct orders to ex-CNDP and M23 officers in the Kivus, including General Ntaganda.

b) The use of Kanombe military barracks in support of M23⁴⁹

43. As cited above, in support of its conclusion that the GoR had deployed RDF forces in the DRC to sporadically reinforce M23, the Group gathered twelve detailed accounts of this particular category of arms embargo violation. One of the accounts mentioned “training” at the Kanombe military barracks. The GoR claims in its rebuttal that training in Kanombe is impossible because “it is common (and verifiable) knowledge that Kanombe is a garrison-type barracks that comprises living quarters; a referral military hospital also open to civilian patients; a cemetery; and five service support units’ headquarters and related facilities.”⁵⁰

44. However, the Group did visit Kanombe barracks on 25 July 2012, alongside RDF officers, and found that there were indeed several parade fields for marching and military drills as well as wooded areas where training could be conducted. Furthermore, for covert operations in DRC territory, “training” for experienced RDF soldiers usually consists of briefings and preparations of small groups, to be carried out in any military facility. The Kanombe military barracks provides more than sufficient facilities for such activities. The Group communicated these observations to the GoR while at Kanombe, but nevertheless the GoR rebuttal inaccurately states that “a tour of Kanombe barracks carried out by members of the GoE on the 25th of June 2012 made it clear that no military instruction could be held in such a busy neighborhood.”

45. Since the publication of the Addendum, the Group has independently confirmed with several

ex-RDF officers, an ex-CNDP officer, an M23 collaborator and other Rwandan nationals that the Kanombe military hospital treats RDF casualties resulting from operations in the DRC in support of M23. According to the same sources, RDF troops recently killed in operations in the DRC have also been buried behind the hospital in the military cemetery at the Kanombe barracks. The RDF did not allow the Group to enter the hospital during its visit to Kanombe.

⁴⁹ Paragraph 31 (a), S/2012/348/Add.1.

⁵⁰ Paragraph 38 (d), GoR rebuttal.

c) RDF recruitment of Rwandans for M23⁵¹

46. With regards to recruitment of Rwandan citizens for M23, the GoR states that, “It is possible that M23 cadres or Kinyarwanda-speaking FARDC officers living in proximity of the DRC-Rwanda border could have clandestinely mobilized and recruited some youth to join their own movements. It cannot be ruled out either that Rwandan citizens with family backgrounds linking them to FARDC army officers or M23 fighters could have organized covert recruitment operations.”⁵² If this were indeed taking place, the GoR should have conducted a thorough investigation and sought to arrest individuals involved in such networks. To date however, the Group is not aware of any efforts made by the GoR to investigate or detain those individuals involved in recruitment activities within Rwandan territory. Furthermore, the RDF’s dense deployment all along the border would make it impossible for M23 recruits to clandestinely enter into the DRC without a minimum level of tacit support.

47. Moreover, the GoR claims that during its own investigation, “the 30 Rwandans did not claim involvement by the RDF or any other official of the GoR.”⁵³ Nevertheless, the GoR did not ever interview 30 Rwandan citizens in the DRC. Through the Joint Verification Mechanism (JVM), GoR representatives did however, interview 11 Rwandan nationals who, out of fear for potential threats to their lives upon return to Rwanda, refused to provide details about members of the same security force which they originally stated to the Group was involved in their recruitment from Rwanda.

48. Despite the fact that the GoR’s representatives on the JVM recognized the ex-combatants as Rwandan citizens, when MONUSCO sought to repatriate them on 14 July 2012, the GoR refused to let them cross the border, questioning their nationality, and forced them back into UN camps. Unfortunately, in early September 2012, this indefinite delay led most of these combatants to return clandestinely to Rwanda.

49. Furthermore, the GoR argued that recruitment could not take place in refugee camps in Rwanda, because “UNHCR is in charge of refugee camps and not the Government of Rwanda.”⁵⁴ In the Group’s view, whether or not UNHCR oversees the management of refugee camps has no bearing on the capacity of RDF officers or M23 collaborators to enter and

⁵¹ Paragraphs 14-21, S/2012/348/Add.1.

⁵² Paragraph 38, GoR rebuttal.

⁵³ Paragraph 38 (a), GoR rebuttal.

⁵⁴ Paragraph 38 (e), GoR rebuttal.

recruit. Moreover, refugees and M23 collaborators confirmed that recruitment has taken place in Nkarmira camp outside Gisenyi, regardless of UNHCR's presence.

50. Following the publication of the Addendum on 29 June 2012, the Group did visit Kinigi and specifically General Bosco Ntaganda's hotel used for M23 recruitment, by the name of Bushokoro.⁵⁵ The Group confirmed that the premises of Bushokoro correspond to the description provided by Rwandan ex-combatants of M23. An RDF protection force also surrounded the hotel and several individuals inside took photos of members of the Group.

d) 75 mm canon rounds used by M23⁵⁶

51. The GoR argues that in its interim report, the Group stated that it would inquire about the origins of the hundreds of 75 mm canon rounds which the FARDC discovered in the remaining weapons caches held by Colonel Sultani Makenga⁵⁷ and that there was not sufficient time to do so between the submission of the interim report and the Addendum. However, the Group submitted its interim report on 18 May 2012 and the Addendum on 26 June 2012, thus providing it over five weeks to follow-up on weapons and ammunition with several FARDC senior commanders, logistics officers, and military development partners.

52. During this period, the Group incontrovertibly established through dozens of interviews with

ex-M23 combatants that the RDF had been providing M23 with arms and ammunition. To compliment this conclusion, the Group describes in the Addendum that the M23 had been using weapons and ammunition which were not available in FARDC stockpiles.⁵⁸ The Group specifically cites anti-tank rounds found on the battlefield as well as 75 mm canon rounds left behind by Colonel Makenga in one of his two arms caches. The GoR has consistently argued that M23 elements obtain their weapons and ammunition by removing them from FARDC stocks when they defect. However, FARDC stockpiles do not officially include 75 mm mortar rounds. As such, the Group sought to highlight the contradiction in those assertions.

53. During its visit to Kigali, the GoR informed the Group that since its arrival to power, the RPF had never purchased any 75 mm canon rounds. It acknowledged, however, that the previous government of President Juvénal Habyarimana did indeed maintain significant numbers of 75 mm canon rounds which the RPF seized upon taking control of

⁵⁵ Paragraphs 16 & 50, S/2012/348/Add.1.

⁵⁶ Paragraph 24 & Annex 4, S/2012/348/Add.1.

⁵⁷ Paragraph 119, S/2012/348/Add.1.

⁵⁸ Paragraph 24, S/2012/348/Add.1.

the country in 1994. The GoR told the Group that it had systematically destroyed these rounds in 2008. The GoR did not provide the Group with any details of where and how these ammunition rounds were stored during those 14 years.

54. The GoR stated that “relevant documented evidence can be availed for in-situ review as verified by members of the GoE during their recent visit to the Ordinance Regiment on 25 July 2012.”⁵⁹ This assertion is untrue. When RDF officers invited the Group to view the destroyed ammunition, the Group only observed massive piles of dismantled AK-47 rifles. The RDF officers told the Group that the 75 mm canon rounds were not visible because they were at the bottom of the piles of small arms. The Group is of the view, however, that the only safe means of destroying 75 mm canon rounds would be that of large-scale detonation. This would have to take place in open fields far from population centres, not at a military barracks situated less than a kilometre from Kigali International Airport.

55. Furthermore, following the recommendation from the GoR, the Group requested the Nairobi-based Regional Centre on Small Arms (RECSA)⁶⁰ to provide it with information concerning the destruction of weapons in Rwanda over the last decade. However, the response obtained from RECSA only included small arms and light weapons, indicating that no 75 mm canon rounds have been destroyed in Rwanda.

56. Finally, the GoR claims to have “credible information,”⁶¹ which it did not avail to the Group, that the FARDC possesses 75 mm canon rounds. Subsequent to the Group’s 23–25 July 2012 visit to Kigali, the GoR has argued that the 2008 final report of the Groups of Experts (S/2008/773) found that the CNDP had looted one 75 mm canon from the FARDC, and the 2009 final report of the Group of Experts (S/2009/603) stated that upon integrating into the FARDC, the CNDP turned in six 75 mm recoilless canons to the government.⁶² Nevertheless, though these very small amounts of 75 mm recoilless canons may exist in private caches of FARDC officers, the Group maintains that their corresponding ammunition, i.e. 75 mm canon rounds, of which Makenga had privately accumulated over 500, do not exist in official FARDC records and therefore could not have been obtained through diversion of government stockpiles.

⁵⁹Paragraph 40 (b), GoR rebuttal.

⁶⁰ <http://www.recsasec.org/>.

⁶¹ Paragraph 40 (b), GoR rebuttal.

⁶² Paragraph 180, S/2009/603).

e) RDF Support to other armed groups⁶³

57. The Group's Addendum included extensive findings that the GoR was not only supporting M23, but also several other armed groups in eastern DRC. However, in paragraph 47 of its rebuttal, the GoR claims that it "has no interest in aligning with small rebel groups to achieve its security objectives." Nevertheless, even prior to the creation of M23, the Group had confirmed GoR alliances with several armed groups which supported its covert operations against the FDLR.

58. Meanwhile throughout the Group's discussions during its 23-25 July 2012 visit to Kigali, the GoR consistently advocated in defence of all armed groups in eastern DRC which, in its view, should be regarded as credible and legitimate forces seeking protection against the FDLR and Government of the DRC. General Kayonga stated that all Congolese armed groups acted out of self-defence and that particularly Raia Mutomboki, responsible for wide-spread atrocities, pursued the same aims as M23. Though there are no FDLR present in Ituri, Kayonga also argued that even Cobra Matata of the FRPI was in fact created to fight against the Rwandan Hutu rebels. For his part, General Kabarebe told the Group that his country had a common history with all armed groups in eastern DRC, including Mai Mai Yakutumba, which were good friends with Rwanda because they fought together to overthrow former President Mobutu Sese Seko.

59. With regards to the former Rwandan-imposed Governor of South Kivu, Xavier Chiribanya,⁶⁴ the GoR stated to the Group in Kigali that it could not be held responsible for his activities within Rwanda aimed at fomenting instability elsewhere. However, pursuant to Security Council Resolution 2021 (2011), all Member States are obliged to take measures to halt any violations of the arms embargo.⁶⁵ To the Group's knowledge, Rwanda has undertaken no investigation into Chiribanya's activities.

60. During Minister Mushikiwabo's press conference held at the United Nations on 25 June 2012, the Presidential Security Advisor Karuretwā argued that M23 was not the only armed group in eastern DRC, but other groups, such as the previously obscure "*Coalition des groupes armés de l'Ituri* (COGAI)", were in fact the real threats to security in eastern DRC. In the Addendum, the Group concluded that members of COGAI visited the Rwandan Minister of Defence in Kigali, receiving financial and political support, only two weeks before Karuretwā's remarks in New York.⁶⁶

⁶³ Section III, S/2012/348/Add. 1.

⁶⁴ Paragraph 41-43, S/2012/348/Add. 1.

⁶⁵ [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2021%20\(2011\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/2021%20(2011)).

⁶⁶ Paragraphs 39 & 40, S/2012/348/Add. 1.

f) Lake crossing into Rwanda of Colonel Makenga's weapons and troops⁶⁷

61. With regards to the boat crossings into Rwanda of Colonel Makenga's weapons and troops, the GoR argues that "it is not possible for RDF zodiac boats to carry 60 personnel."⁶⁸ However, in the Addendum, the Group does not state that the motorized boats used in this case were RDF zodiac boats. According to three ex-M23 soldiers who participated in the journey, Colonel Makenga rented civilian boats specifically for this operation and the motors were turned off so as not to attract any attention. These same sources stated that Rwandan civilians had been paid to manually row the boats.

62. The GoR also claimed during the Group's 23-25 July 2012 visit to Kigali that FARDC Naval units deployed on the lake should have sighted and stopped the boats if they had crossed into Rwanda. During previous mandates, the Group has documented undisturbed docking of boats at Makenga's residence, as well as the Congolese Naval units' inaction in curbing mineral trafficking across the lake.⁶⁹ The presence of FARDC Naval units on the lake is therefore not a deterrent to lake navigation between the DRC and Rwanda by night.

63. During its meetings in Kigali, despite insisting that the Group consider alternative scenarios for these events, the GoR failed to provide the Group with any reasonable explanation for how Colonel Makenga's weapons and troops could have travelled from his home in Bukavu to Runyoni without transiting through Rwanda. Furthermore, the FARDC has vigilantly monitored all road movements from South Kivu to North Kivu, thus rendering it impossible for them to have travelled through Congolese territory.

64. With regards to the arrival of Makenga's weapons and troops back to the DRC border, the GoR also argues that "it is inconceivable how offloading of troops in RDF uniforms, on RDF trucks and on the Rwandan side of the border at a time of tension would be viewed by so-called eye-witnesses as extra-ordinary and linked to Col. Makenga." The first-hand witness testimonies near the border with the DRC constitute additional confirmation of the original accounts described to the Group by ex-combatants who took part in the troop movement themselves. These latter accounts are rendered more credible when corroborated by independent local witnesses who attest to the arrival of RDF trucks on that same day, and subsequently observed the movement of these off-loaded troops and weapons across the border into the DRC.

⁶⁷ Paragraph 10 & Image 2, S/2012/348/Add.1.

⁶⁸ Paragraph 42 (b), GoR rebuttal.

⁶⁹ Paragraph 465, 490, 492, 497, 561, & 573, S/2011/738.

65. Finally, the movement of Makenga's troops via Rwanda is consistent with a pattern of ex-FARDC defections. According to current and former M23 officers and DRC officials, most ex-CNDP officers who have joined M23 have done so using Rwandan territory.

n) Troop crossing north of Goma and visible "boot tracks"⁷⁰

66. The GoR questions the validity of a reference made by FARDC intelligence officers to "clear boot tracks" of another group of Makenga's troops crossing the border into Rwanda north of Goma.⁷¹ However, the accounts provided by the intelligence officers, border officials, and local leaders cited in the Addendum more than meets the Group's standards of evidence. The Group only included the reference to the "boot tracks" because separating the DRC and Rwanda at that specific location are several bean fields. The movement of these soldiers through these crops was thus very visible after the soldiers had crossed.

s) FARDC intercepts of RDF-M23 radio communications⁷²

67. The GoR claims that the radio intercepts referred to in the Addendum were impossible because the RDF uses digital radio frequencies and not commercial ones.⁷³ However, in the Addendum, the Group did not state that the radio communications intercepted by the FARDC were transmitted through RDF radio equipment. Rather the Group concluded that the communications were between an RDF officer and an M23 officer. The Group based its findings on the analysis of radio intercepts carried out by several former armed group officers and one ex-RDF who confirmed the authenticity of the communications, based on specific confidential code names and language in Kinyarwanda used by the two parties.

68. According to ex-RDF and ex-CNDP officers, it is inconceivable that the RDF would provide troops, weapons, and supplies to M23, and conduct joint operations with the rebels, without establishing lines of radio communication. Former RDF and CNDP officers, with good knowledge of RDF operations, told the Group that RDF did not widely distribute its own communication equipment to rebels in the DRC out of fear they would be lost or seized as evidence. As a result, these same sources acknowledged that RDF officers have used M23 communication assets which are commercial radios also used by the FARDC, and thus easy to intercept, as in the case of the frequencies cited in the Group's Addendum. FARDC officers engaged in operations against M23 in North Kivu and South Kivu continue to regularly intercept M23-RDF communications. Ex-combatants and former

⁷⁰ Paragraph 9, S/2012/348/Add. 1.

⁷¹ Paragraph 41, GoR rebuttal.

⁷² Paragraph 31 (i) & Image 10, S/2012/348/Add. 1.

⁷³ Paragraph 50 & Annex O, GoR rebuttal.

RDF officers state that only the most senior M23 commanders use digital radios to communicate at the highest levels of the RDF.

69. Finally, the Group personally witnessed how an M23 officer, with a commercial radio, contacted the RDF Special Forces units deployed in Rutshuru for security reinforcements. The member of the Group encountered the RDF Special Forces who openly identified themselves as such, and confirmed that the M23 had called them for this task. Following the publication of the Addendum, the Group obtained further recordings of radio intercepts between commercial radios in which distinct RDF call signs are audible. Former RDF officers have confirmed the veracity of the communications.

g) Former FDLR from RDF Reserve Force re-deployed to the DRC⁷⁴

70. Concerning the recycling of ex-FDLR combatants back to the DRC in support of M23, the GoR claims that this is impossible because “the RDF Reserve is not an independent force, and would not be in a position to provide unilateral support to armed groups.”⁷⁵ In light of the Group’s conclusion that the Minister of Defence, the Ministry’s Permanent Secretary, and the Chief of Defence Staff are directly overseeing operations in the DRC and support to M23, whether or not the RDF Reserve force could conduct unilateral operations is irrelevant. The RDF Reserve Force is under the ultimate command of Generals Charles Kayonga and James Kabarebe.

h) RDF uniforms used by M23⁷⁶

71. In response to the photograph of a Rwandan uniform in the Addendum, the GoR claims that all country’s military uniforms are available throughout the Great Lakes region and particularly between Rwanda and the DRC as a result of extensive RDF–FARDC joint operations.⁷⁷ However, according to several senior DRC government officials, the FARDC provided the RDF Special Forces with Congolese uniforms and not the other way around.

72. The GoR also argues that “camouflage pants and any other military uniforms cannot be attributed to the RDF unless proper verifications establish that they bear RDF insignia or serial numbers.”⁷⁸ M23 ex-combatants stated to the Group that the RDF soldiers who recruited them had provided them with military equipment, including uniforms; however many were forced to remove all potential references to the RDF. Following the combat which took place at Rumangabo on 25 July 2012, the FARDC recovered

⁷⁴ Paragraphs 20 & 21, S/2012/348/Add.1.

⁷⁵ Paragraph 38 (f), GoR rebuttal.

⁷⁶ Image 5, paragraph 22, S/2012/348/Add.1.

⁷⁷ Paragraph 6, GoR rebuttal.

⁷⁸ Paragraph 39, GoR rebuttal.

more RDF uniforms from surrendered and deceased soldiers, including one with a tag from the Rwandan textile company, UTEXRWA.

73. In the Addendum, the Group included a photo displaying RDF gumboots and pants from an ex-combatant in order to complement the account given by a former M23 soldier who attested to the provision of uniforms and weapons by the RDF. Once again, the photo does not stand alone as evidence, but reinforces and illustrates the accounts by former combatants of RDF provision of uniforms and boots.

74. Finally, during frequent visits to territory controlled by M23, the Group continues to observe combatants in RDF uniforms. To the Group's knowledge, M23 is the only armed group in the Kivus which uses RDF uniforms.

i) Unique AK-47 rifle barrel used by M23⁷⁹

75. The GoR rebuttal states that "a single rifle cannot constitute credible evidence of weapon supply to M23."⁸⁰ The Group agrees with the GoR in this case; as stated above, no piece of evidence taken out of context could lead the Group to a definitive conclusion. However, when the bearer of the weapons tells the Group that the RDF provided it to him, and this corresponds to dozens of other first-hand accounts of similar provision of weapons, the single rifle becomes a complimentary piece of evidence as a small illustration of a larger phenomenon.

j) Captain Celestin Senkoko's support to M23⁸¹

76. In the GoR's rebuttal, Captain Celestin Senkoko acknowledges that "he has either initiated or they have initiated the calls to FARDC officers and to politicians."⁸² Senkoko claims, however, that he did so out of efforts for peace and security. Furthermore, the GoR states that "Senkoko denies executing any specific duties relating to foreign policy, but merely serves in assignments commensurate with his rank of Captain."⁸³ Nevertheless, as the personal secretary of the Rwandan Minister of Defence, Senkoko is responsible for executing direct tasks that the Minister gives to him which have been, as the Group has concluded, directly related to support to M23. According to numerous local leaders and military officials, Senkoko has been responsible for clandestine operations in the DRC in collaboration with Ntaganda for many years throughout his military career, regardless of his rank.

⁷⁹ Paragraph 25 & Image 7, S/2012/348/Add.1.

⁸⁰ Paragraph 39, S/2012/348/Add.1.

⁸¹ Paragraph 27, 28, & 33 (b). S/2012/348/Add.1.

⁸² Annex J, GoR rebuttal.

⁸³ Paragraph 43, GoR rebuttal.

k) Bishop John Rucyhana's support to M23⁸⁴

77. The GoR argues that Bishop John Rucyhana convened meetings for the purpose of peace and unity.⁸⁵ This claim clearly contradicts several accounts of individuals who were present in the meetings organized by Rucyhana and, on the contrary, attest to the Bishop's efforts to mobilize recruits and resources for M23 from within Rwanda. Furthermore, the participants in Rucyhana's meeting were mostly former CNDP politicians and M23 members who had fled from Goma (DRC) to Gisenyi (Rwanda), from where they have been openly working to support M23. The Group is not aware of any participant who has subsequently deserted M23 following meetings with Bishop Rucyhana.

l) General Ruvusha's role in the creation of M23⁸⁶

78. The GoR claims that General Ruvusha could not possibly have supported the movement of Colonel Makenga to form M23 because, at the time, he was on a two-week leave starting 30 April 2012.⁸⁷ Nevertheless, three first-hand witnesses interviewed by the Group placed General Ruvusha at the Kabuhanga RDF base on 5 May 2012. The same sources sighted Ruvusha together with Colonel Makenga, after the latter had fled through Rwandan territory and just before he returned to the DRC to create the M23 rebellion. In addition, M23 collaborators, as well as North Kivu political leaders, told the Group that Ruvusha met Makenga upon his arrival from Goma to Gisenyi on 4 May 2012.

79. As the RDF Division Commander in Gisenyi, it is highly unlikely that Ruvusha would have departed his post during a period of tremendous unrest along the border with DRC, as well as during RDF direct operations in the DRC.

o) Representatives of Goma business community meeting in Kigali⁸⁸

80. In its rebuttal, the GoR claims that there are no immigration records which show that the two Congolese businessmen cited in the Addendum, Desiré Rwabaenda and Dieudonné Komayombi, had ever crossed into Rwanda.⁸⁹ However, the Group has previously established the ease with which Rwandan and Congolese citizens can cross into Rwanda without having to provide any documentation. In its 2011 final report (S/2011/738), the Group documented border crossings in Goma where tons of minerals had been smuggled

⁸⁴ Paragraph 29, GoR rebuttal. See also: <http://bpjohnandharriet.org/UNletter.html>.

⁸⁵ Annex K, GoR rebuttal.

⁸⁶ Paragraphs 8 & 12, S/2012/348/Add.1.

⁸⁷ Paragraph 42 (a), GoR rebuttal.

⁸⁸ Paragraph 30, S/2012/348/Add.1.

⁸⁹ Paragraph 44 9b), GoR rebuttal.

into Rwanda.⁹⁰ Furthermore, the GoR acknowledged to the Group that General Bosco Ntaganda traveled to Rwanda in 2011, constituting a clear violation of the Committee's travel ban on Ntaganda, though the Group was unable to obtain any documentation of his entry into Rwanda or exit from the DRC. Finally, as mentioned above, most ex-FARDC defectors to M23 transit first via Rwanda, but are not registered in official immigration records (see paragraph 65 above).

p) Support to M23 by RDF General Jack Nziza⁹¹

81. In its rebuttal, the GoR maintains that the Permanent Secretary of the Ministry of Defence, General Jack Nziza, could not have been involved in supporting M23 activities from western Rwanda because he was fully dedicated to his "desk job" as chief administrator of the RDF in Kigali.⁹² The rebuttal shows records of meetings that he conducted in his office and within Kigali throughout that time. However, the Group used the term "deployed" to signify that Nziza increased his presence in western Rwanda to directly oversee support and mobilization in favour of M23. The town of Ruhengeri, where most of the RDF support for the M23 has originated, is situated less than two hours by road and twenty minutes by helicopter from Kigali.

82. Furthermore, according to former members of the RDF and the GoR, regardless of his ever-changing official position, Nziza has played varying roles in special operations in eastern DRC for many years.

r) Lieutenant Colonel Jomba's support to M23⁹³

83. With regards to the involvement of Lieutenant Colonel Jomba Gakumba in support of M23, the GoR claims that "The GoE would deliberately [disregard] specific information in their possession, and falsely accused Jomba."⁹⁴ Indeed, a member of the Group met with Jomba at Gako military academy for a short conversation on 20 April 2012. However, the Group recognizes that it is entirely possible that Jomba could have maintained some responsibilities at the Gako military academy while simultaneously contributing to the RDF's support to the establishment and operations of M23 from Ruhengeri, which is less than a three-hour drive from Gako. Despite his teaching responsibilities at Gako, the GoR has recently named Jomba as its representative on the military evaluation team

⁹⁰ Paragraph 486, S/2011/738.

⁹¹ Paragraph 27 & 33 (a), S/2012/348/Add.1.

⁹² Paragraphs 43 (d), 44 (a) & Annex I, GoR rebuttal.

⁹³ Paragraph 33 (e), S/2012/348/Add.1.

⁹⁴ Paragraph 44 (d) & Annex N, GoR rebuttal.

deployed to North Kivu for the ICGLR⁹⁵-backed “neutral force.” Moreover, the Group continues to gather information regarding Jomba’s involvement in support of M23.

t) General Ntaganda’s properties in Rwanda⁹⁶

84. Concerning the GoR’s violation of the sanction regime through failing to apply the assets freeze on General Bosco Ntaganda, the GoR claims that the documents for the house identified by the Group as belonging to Ntaganda in the Rwandan town of Gisenyi are not in Ntaganda’s name.⁹⁷ However, the Group did not seek to obtain the land records from the GoR regarding General Ntaganda’s properties because the Group had previously established that Ntaganda has never held in his own name any of his extensive assets, including hotels, commercial businesses, vehicles, residences or bank accounts.

85. Furthermore, in an interview with Time Magazine published on 14 September 2012,⁹⁸ Rwandan President Paul Kagame responded to a question about Ntaganda’s properties in Rwanda by saying, “So what? . . . I would not be bothered. We do not differentiate when it comes to money unless it is money that you killed people for or money that is questionable. But if you invest here, what’s the problem?”

u) Travel in Rwanda of sanctioned individuals⁹⁹

86. With regards to the travel of sanctioned individuals into Rwanda, in contravention of the travel ban, the GoR acknowledged that General Ntaganda and Colonel Innocent Zimurinda have entered into Rwandan territory, but defended that they had only done so with the authorization of the DRC authorities.¹⁰⁰ Nevertheless, as the Group pointed out to the GoR while in Kigali, all Member States must enforce the travel ban unless provided an explicit exemption by the Sanctions Committee. With regards to sanctioned individual Sheka Ntabo Ntaberi, the GoR’s rebuttal fails to respond.

m) RDF tracer ammunition supplied to M23¹⁰¹

87. During its 23–25 July 2012 visit to Kigali, the GoR did not contest the Group’s findings regarding RDF 7.62 tracer ammunition found in M23-controlled territory. Not

⁹⁵ International Conference of the Great Lakes Region.

⁹⁶ Paragraph 50 & Image 15, S/2012/348/Add.1.

⁹⁷ Paragraph 52, GoR rebuttal.

⁹⁸ Alex Perry, “Q & A: Rwandan President Paul Kagame,” Time Magazine, 14 September 2012, available at <http://world.time.com/2012/09/14/qa-rwandan-president-paul-kagame/#ixzz27gga4MEU>.

⁹⁹ Paragraphs 49 & 51, S/2012/348/Add.1.

¹⁰⁰ Paragraphs 51 & 53, GoR rebuttal.

¹⁰¹ Paragraph 23, S/2012/348/Add.1.

only did the Group obtain examples of this ammunition, but local villagers told the Group that M23 forced them to transport military equipment from Rwanda to the rebels. According to FARDC officers, ex-M23 combatants as well as RDF sources, this particular AK-47 ammunition has been used by the RDF.

v) General Laurent Nkunda's role in support of M23¹⁰²

88. In its rebuttal, the GoR also fails to address the issue of pro-M23 activities by sanctioned individual and former CNDP Chairman, General Laurent Nkunda, who is supposedly under house arrest by the Rwandan authorities since January 2009. In subsequent discussions, one senior RDF official confirmed that Nkunda is indeed involved in the support to M23 as the Group has described.

V. Attack Campaign Against the Group of Experts

89. Since the publication of the Addendum on 29 June 2012, the Group of Experts has explicitly avoided any confrontation and back-and-forth public debate with the GoR. Only when the latter requested to brief the Committee in New York on 27 August 2012, did the Group formally address the GoR's rebuttal and the attacks against it.

90. Nevertheless, following the publication of the Addendum, the GoR has orchestrated an extensive attack campaign against the members of the Group through multiple traditional and social media channels. One website managed by a French-Israeli "cyber-defense" expert, published photos of all the members of the Group.¹⁰³ The same individual authored an article in the Rwandan newspaper the New Times, claiming members of the Group were concocting a plan to seize the mineral wealth of eastern DRC.¹⁰⁴

91. The GoR has also sought to personally attack the Coordinator of the Group of Experts, making false claims of genocide denial and alleging the Coordinator's sympathy for the FDLR. The GoR has referred to an unpublished discussion paper found on a document-sharing website for which the Coordinator was listed as the "contact" person. The paper outlines challenges to the demobilization of the FDLR and mentions the same massacres committed against Rwandan Hutu refugees which the UN's "Mapping Report"¹⁰⁵ thoroughly documented.

¹⁰² Paragraphs 27, 31 (a), & 34, S/2012/348/Add.1.

¹⁰³ <http://nanojv.wordpress.com/>, managed by Dominique Bourra. The site eventually removed the photos of the members of the Group.

¹⁰⁴ "Congo, the Dark Side," The New Times, Albert Rudasimburwa and Dominique Bourra, <http://www.newtimes.co.rw/news/index.php?i=15100&a=57673>.

¹⁰⁵ http://www.ohchr.org/Documents/Countries/ZR/DRC_MAPPING_REPORT_FINAL_EN.pdf.

92. However, throughout its current and previous mandates, the Group has conducted objective and detailed investigations on support networks to all armed groups operating in the DRC, including the FDLR and its alleged links to Rwandan political dissidents. Rwandan military intelligence has extensively cooperated with the members of the Group, including the current Coordinator, in the conduct of such investigations. Following the publication of the 2011 final report (S/2011/738), the GoR did not refute any of the Group's conclusions regarding the FDLR. Furthermore, the GoR is aware that the Group of Experts has cooperated with the German Public Prosecutor's office in the trials of senior FDLR leadership, Ignace Murwanashyaka and Straton Musoni. The Coordinator conducted an official visit to Berlin within this framework at the end of May 2012.

93. Nevertheless, the GoR has gone so far as to even fabricate false testimony against the Coordinator from former FDLR officers. On 12 September 2012, at the MONUSCO DDRRR camp in Goma, the Coordinator interviewed, in the presence of other UN officials, an ex-FDLR officer who provided detailed accounts of numerous meetings with Steve Hege dating back to 2007 and most recently in November 2011. The ex-combatant claimed that Steve Hege had given the FDLR weapons and instructed it to blow up bridges in Rwanda. When confronted with the identity of the Coordinator, the individual eventually revealed that since early July 2012, several representatives of the Rwandan Presidency had called him nearly every other day for a period of two months preparing the story about the Coordinator which he was to recount during a press conference after returning to Rwanda. Upon his repatriation, MONUSCO informed the GoR regarding the manipulation of this former FDLR officer.

94. Despite these attacks, several other organizations, investigative journalists, as well as Member States, including those of the Southern African Development Community (SADC), have conducted their own independent inquiries and confirmed the Group's main findings that the GoR has violated the arms embargo through its support to M23 and other armed groups in the DRC. Even intelligence officers from several neighbouring countries to Rwanda have expressed informally to the Group their full support for the accuracy and rigour of the conclusions contained in the Addendum. As such, the Group intends to continue conducting investigations from its usual objective approach, applying the same laborious methodological standards already endorsed and supported by the Committee.

Annex 4

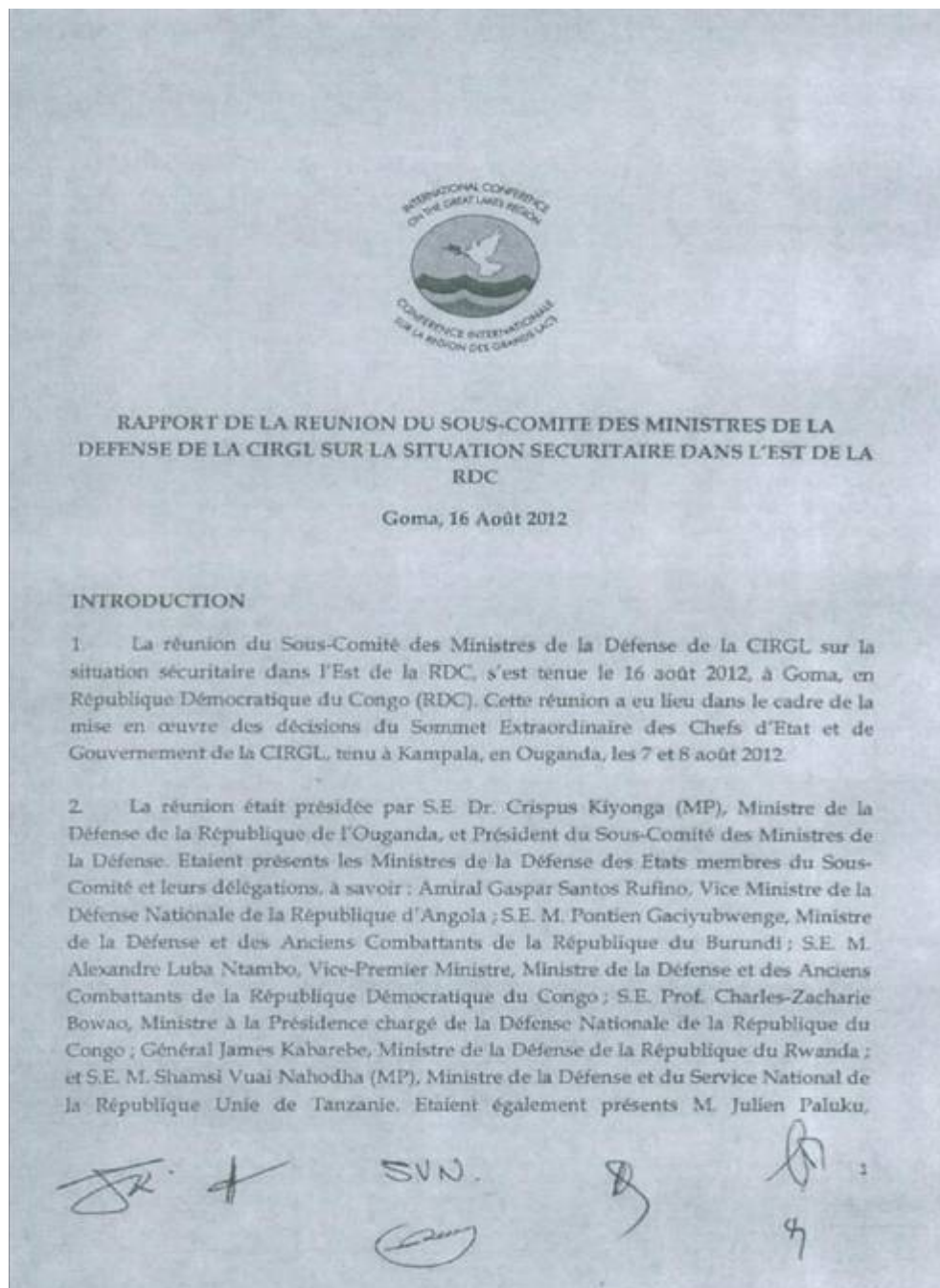
GoR response to the Addendum to the interim report of the Group of Experts (S/2012/348.Add.1).

The complete GoR rebuttal can be accessed at:

<http://www.minaffet.gov.rw/fileadmin/templates/minaffet/doc/Rwanda%27s%20Response.pdf>

Annex 5

Extract of final report of the ICGLR Ministers of Defence meeting in Goma on 16 August 2012, during which President Museveni was tasked to request M23 to return to their initial positions, occupied in June 2012.



RECOMMANDATIONS

7. Le Sous-Comité des Ministres de la Défense a pris note du Rapport des Chefs d'Etat-Major Général et des Chefs de Service de Renseignement et a formulé les recommandations suivantes au Sommet Extraordinaire des Chefs d'Etat et de Gouvernement de la CIRGL, qui devra se tenir à Kampala, en Ouganda, en Septembre 2012:

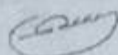
I/ IDENTIFICATION DES ACTIONS URGENTES EN VUE DE L'ARRET DEFINITIF DES COMBATS DANS L'EST DE LA RDC

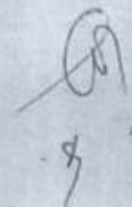
ACTIONS IMMEDIATES

1. Cessation immédiate des hostilités. Le M23 doit être informé qu'il doit arrêter immédiatement toutes ses activités militaires, y compris le recrutement, l'approvisionnement en armes et munitions. Il est demandé au Président en exercice de la CIRGL de bien vouloir instruire le M23 de retourner à ses positions du 30 juin 2012 ;
2. Identifier et initier des contacts avec les parties prenantes au conflit au Nord Kivu ;
3. Mettre sur pied l'Equipe Militaire d'Evaluation composée de représentants des Etats Membres, pour faire une évaluation sur terrain et vérifier les effectifs réels des FDLR, du M23 et des autres forces négatives opérant dans l'Est de la RDC. Les groupes armés burundais opérant dans l'Est de la RDC devraient être inclus dans la catégorie des forces négatives qui déstabilisent la Région des Grands Lacs ;
4. Arrêt de toute activité anticonstitutionnelle du M23, dont l'installation de structures politiques et administratives parallèles, la nomination des Chefs de Secteurs Administratifs, le changement des Chefs coutumiers, le remplacement du drapeau national de la RDC et ses emblèmes ;
5. Réévaluer l'Accord du 23 mars 2009;



SVN.



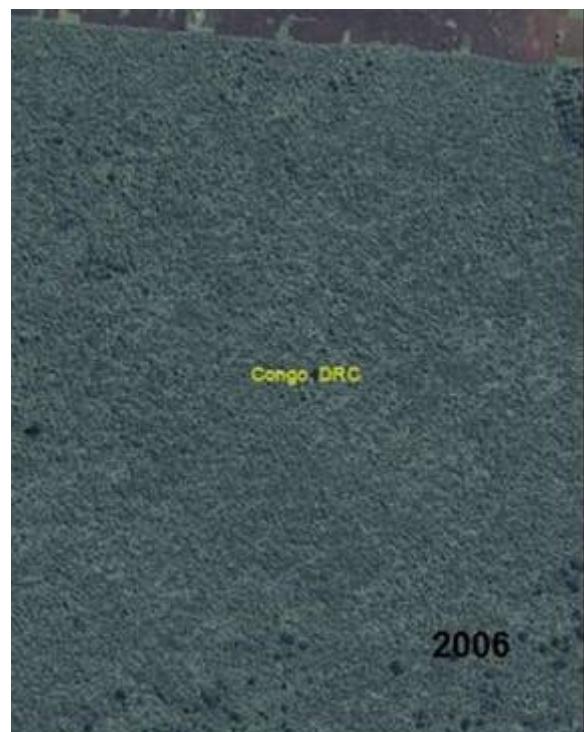
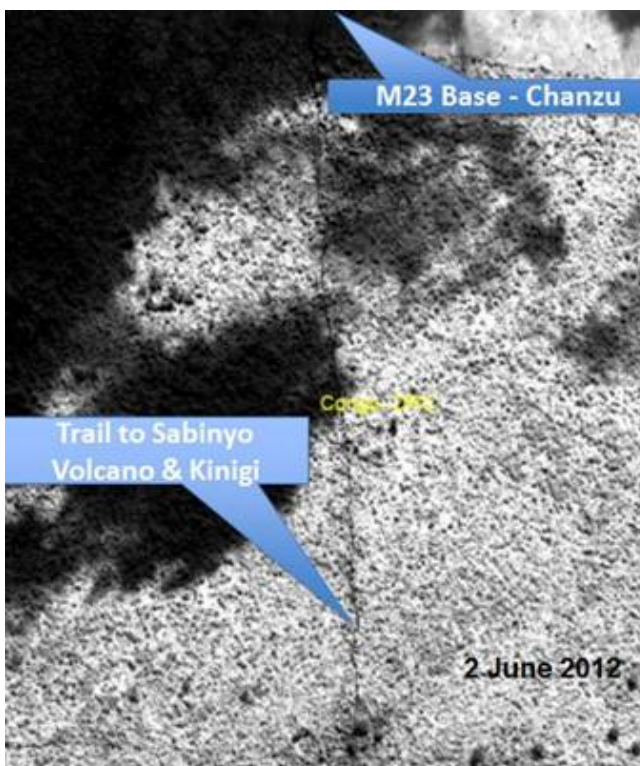


Annex 6

Imagery of trails used by the Rwandan Defence Forces through the Virunga National Park from their base at Kinigi to transport supplies, recruits, and reinforce permanent RDF units working alongside M23.

NOTE: The total distance from Kinigi to Runyoni is roughly 15 kms. There are no economic or migratory activities which would otherwise explain the existence of such trails to Kinigi, which in certain zones can be as wide as four meters. If they are not frequently used, the dense forest would cover these trails in a little over a month. See satellite image from 2006 of the trail to Kinigi.





Annex 7

Permanent locations of RDF units within the Virunga National Park behind the M23 positions of Runyoni and Chanzu.



Annex 9

Document carried by a demobilized RDF soldier arrested at Kibumba while conducting intelligence gathering operations.

REPUBLICA Y'U RWANDA



KOMISIYO Y'IGIHUGU YO GUSEZERERA ABASIRIKARE NO KUBASUBIZA MU
BUZIMA BUSANZWE (RDRC)

BP 7277 Kigali Phone 0252587159 E-mail: rdrc@rwanda.rw

ICYEMEZO GISHIMBURA IKARUKA YO GUSEZERERWA MU NGABO

Amazina:.... [REDACTED]

Numero yo gusezererwa: [REDACTED]

Umwaka yasezerewe: [REDACTED]

Intara: [REDACTED]

Akarere: [REDACTED]

Umurenge: [REDACTED]

Perezida wa Komisiyo
[Signature] Umukono



Annex 10

Document carried by a Rwandan citizen found together with two M23 soldiers at Tongo while conducting intelligence gathering operations.



Annex 11

Grenades recovered after 8-9 October 2012 attacks in Goma.



Annex 12

Documents found on the demobilised FDLR soldier who had previously been deployed within the RDF special forces in Rutshuru and who was arrested in relation to the grenade attacks on 8 – 9 October 2012 in Goma.



REPUBLIKA Y'U RWANDA

Rugenero, kuwa 20.9.2012

INTARA Y'IBURENGERAZUBA
AKARERE KA RUBAVU
UMURENGE WA RUGERERO

Ikiguzi : 500Frw
Kitansi N° :
Itariki ya 20.9.2012

ICYEMEZO GISIMBURA INDANGAMUNTU BY'AGATEGANYO

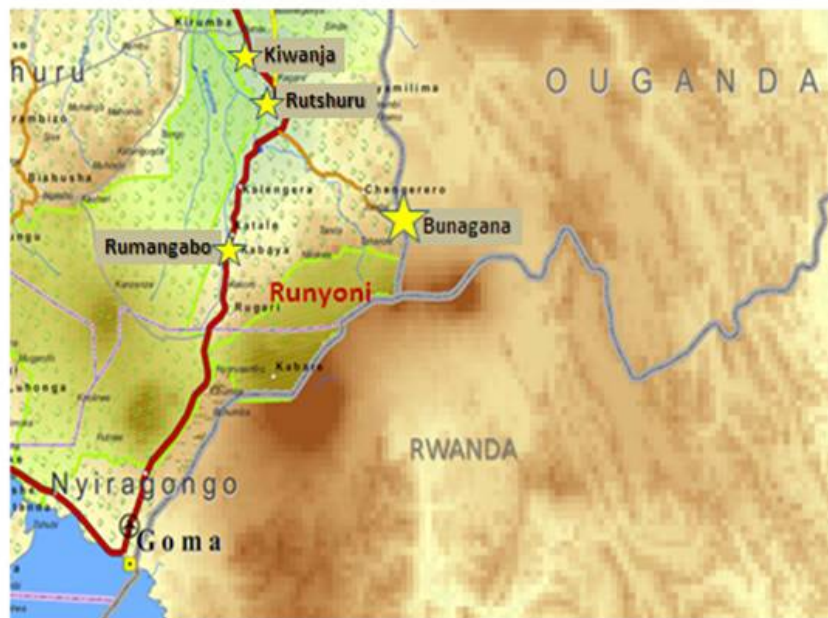
AMAZINA :
ITARIKI Y'IBURENGERAZUBA :
INTARA Y'IBURENGERAZUBA :
UMURENGE WA RUGERERO :
AKAGARI KA :
UMUDUGUDU :
SE :
NYINA :
UWO BASHAKANYE (Iyo atari ingaragu) :
NOMERO Y'IKARITA (Iyo yatakaye) :
GITANGIWE I RUGERERO kuwa :

Umukono :
MICOMBERO K. Désire
UMUKOZI USHINZWE IRANGAMIMERERE (Amazina n'Umukono).
Umukono :
DUKUZE Christian
Umunyamabanga Nshingwabikorwa w'Umurenge wa RUGERERO

Icyitonderwa :
1. Iki cyemezo gifite agaciro nk'ak'ikarita ndangamuntu.
2. Agaciro kacyo karangira nyuma y'amezi atatu cyangwa hatanzwe indangamuntu nshya.

Annex 13

Map of principal towns in Rutshuru attacked by M23 in July 2012, expanding their control from Runyoni to Bunagana, Rutshuru, Kiwanja, and Rumangabo.



Annex 14

Bullet holes in MONUSCO compound after M23 attack.



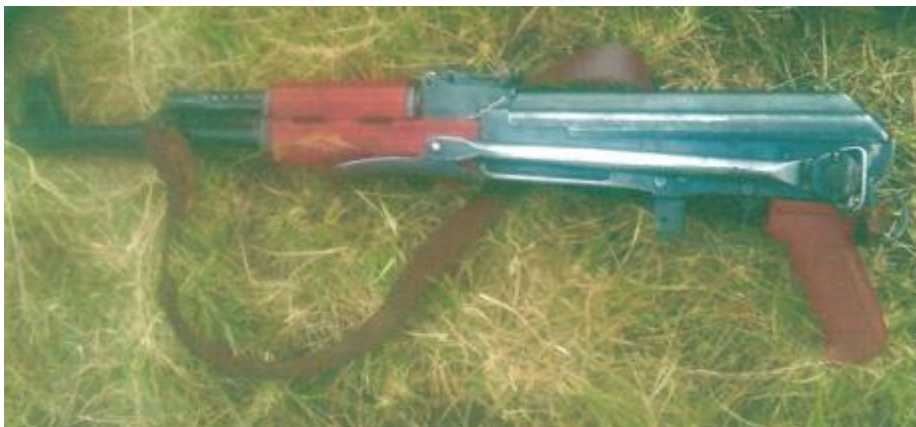
Annex 15

Two of the RDF uniforms recovered on the battlefield subsequent to M23 attacks, one of which bears the label of the UTEXRWA textile factory in Rwanda.



Annex 16

AK-47 rifle which had never been registered within FARDC stockpiles, recovered in Rutshuru, alongside a deceased RDF soldier, in July 2012.



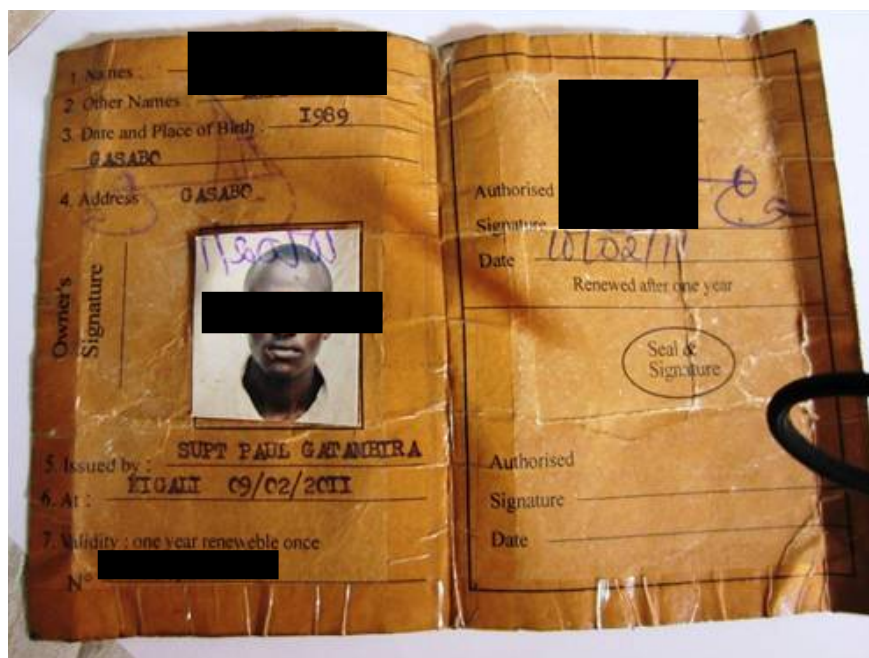
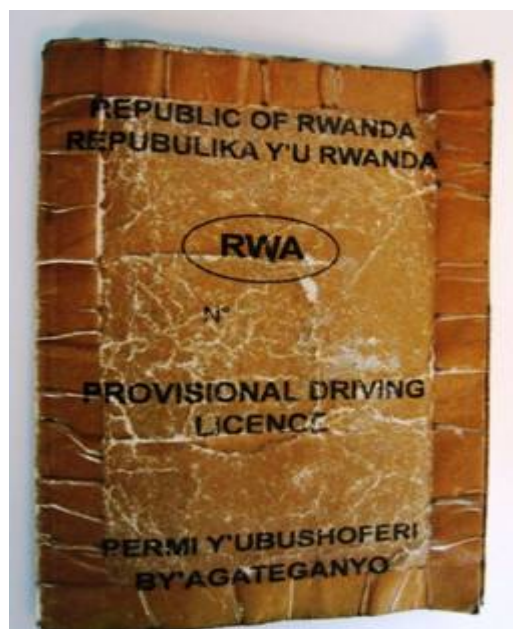
Annex 17

A 60 mm mortar round, which has not been registered in FARDC stocks, recovered in Rutshuru after combat operations in July 2012.



Annex 18

Rwandan provisional driving license recovered on a deceased RDF soldier following M23 attacks in Rutshuru in July 2012.



Annex 19

General Ntaganda's Hotel Bushokoro in Kinigi which is used for the transit of recruits to M23.



Annex 20

M23 communiqué on the designation of Bishop Jean Marie Lugerero Runiga as the political coordinator of M23.



REPUBLIQUE DEMOCRATIQUE DU CONGO
CONGRES NATIONAL POUR LA DEFENSE DU PEUPLE
Mouvement du 23 mars, M23



Décision N°003/HCM/M23/CNDP/2012 portant nomination d'un Coordonateur de l'Action Politique du Mouvement,

RÉUNI EN SESSION EXTRAORDINAIRE LE LUNDI 09 JUILLET 2012, LE HAUT COMMANDEMENT MILITAIRE,

Vu la Décision N°001/HCM/M23/CNDP/2012 du 06 mai 2012 portant création d'un nouveau courant au sein du Congrès National pour la Défense du Peuple, CNDP en sigle, dénommé MOUVEMENT DU 23 MARS, M23 en sigle ;

Vu la Décision N°002/HCM/M23/CNDP/2012 portant création d'un organe en charge de la Coordination de l'Action Politique du Mouvement ;

Considérant la nécessité d'assurer la visibilité de la cause du Mouvement du 23 mars ;

Attendu qu'il sied de nommer un Coordonateur de l'Action Politique du Mouvement du 23 mars;

Vu la nécessité et l'urgence,

DECIDE :

Article 1 : Est nommé Coordonateur de l'Action Politique du Mouvement du 23 Mars, **Bishop Jean-Marie RUNIGA RUGERERO** ;

Article 2 : Toutes les dispositions antérieures et contraires à la présente décision sont abrogées.

Article 3 : La présente décision en vigueur à la date de sa signature.

Fait à Rutshuru, le 09 Juillet 2012

Le Président du Haut Commandement Militaire

Le Colonel MAKENGA Sultani

Annex 21

Extract of M23 communique regarding the nomination of the M23 Government.



Communiqué Officiel N°0026/M23/2012

Nous, membres du Congrès du Mouvement du 23 Mars (M23 sigle) réunis en date du 17/Août/2012, en session extraordinaire :

Considérant la décision N°001/M23/COORDO/2012 convoquant le Congrès à la majorité des trois quarts de ses membres:

Vu les résolutions pertinentes du Congrès, ayant statué sur le seul point à l'ordre du jour, relatif à la restructuration du Mouvement, ayant mis sur pieds des Organes devant assurer la gestion quotidienne du Mouvement et ayant nommé un porte-parole pour la publication du présent acte en la personne de Me MAHAMBIA KASIWA :

Ordonne à ce dernier de publier la décision dont voici la teneur :

Art. 1. : Président : Bishop Jean-Marie RUNIGA LUGERERO

Art. 2. Chef du haut commandement militaire : Colonel SULTANI MAKENGA

Art. 3. Secrétaire exécutif : Mr François RUCOGOZA TUYIHIMBAZE

Art. 4. Les Chefs de Départements et leurs Adjoints :

1. Département des affaires politiques et administration du territoire : Mr SENDUGU MUSEVENI,
2. Département des relations extérieures et de la coopération régionale : Me René ABANDI MUNYARUGERERO,
3. Département des affaires sociales et humanitaires : Dr Alexis KASANZU
4. Département des Finances, Budget et Ressources Naturelles : Mr Justin GASHEMA
5. Département de l'Agriculture, Pêche et Élevage, Mr Déogratias : NZABIRINDA NTAMBARA
6. Département de la Justice et des droits humains : Me Antoine MAHAMBIA KASIWA
7. Département de la Réconciliation et de l'Unité Nationale : Mr Jean serge KAMBASU NGEVE

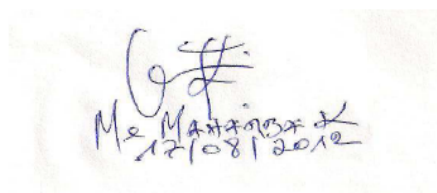
CONTACT:

- Tél. Coordination : +243970723967, +243993684692, Porte-parole : +243997710965,
Com. Cell USA: +18176906863, Com Cell. Europe: +33681699360, Com Cell Canada: +15857308139
- E-mail: mouvementdu23mars@gmail.com
- Website: www.m23mars.org

1. Département des Affaires Etrangères et Coopération Régionale
2. Département de la Sécurité Publique
3. Département des Infrastructures et Travaux Publiques
4. Département du Genre, Femme et Famille
5. Département de l'Education
6. Département de la Santé
7. Département du Commerce et Industries

Fait à Bunagana, le 17 Août 2012

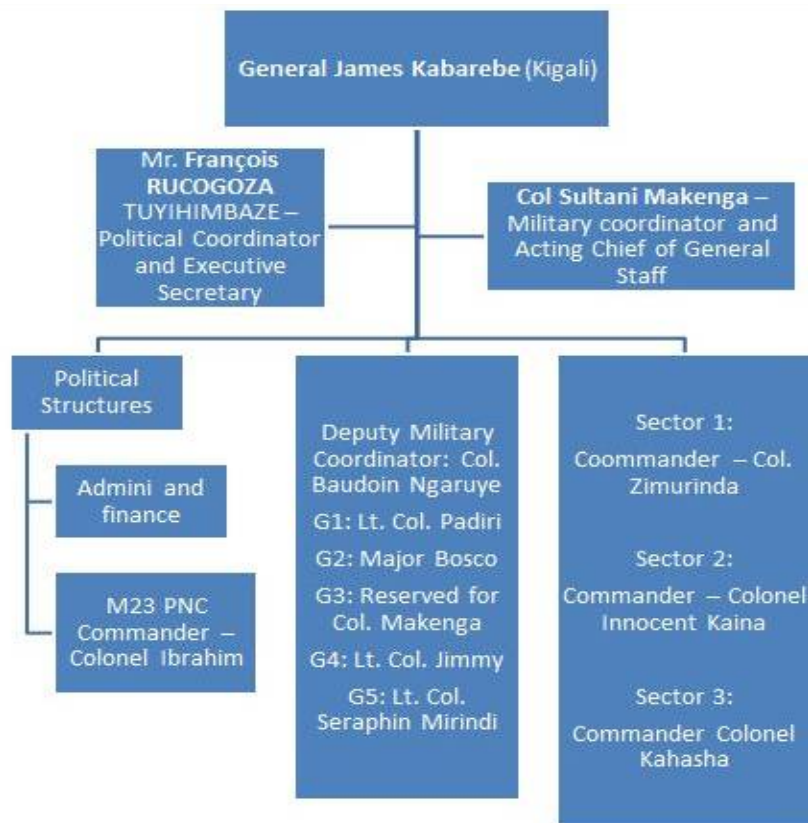
Le Chef de Département de la Justice et des Droits Humains

A handwritten signature in blue ink, appearing to read 'Me Mahamba Kasiwa', with the date '12/08/2012' written below it. The signature is somewhat stylized and is placed over a faint, circular official stamp.

Me MAHAMBA KASIWA

Annex 22

M23 Chain of command in Kigali shared with the Group by a Western diplomat.



Annex 23

Satellite imagery of Ntaganda's suspected position near Runyoni within the Virunga National Park.



Annex 24

Extract from an official communication (dated 9 October 2012) to the Committee, by Akin Gump Strauss Hauer & Feld LLP, lawyers hired by the GoR, which also cited support for M23 from Ugandan territory according to Rwandan authorities.

The second addendum provides further details on one aspect of the supply of arms to armed groups in the DRC (those involving alleged collusion with the Rwandans) while the important questions of who else might be providing support for armed groups and where this support might be coming from are ignored. Only in paragraph 32 – the last paragraph – is it mentioned that the GoE “has also begun investigating” some of the allegations put forward by the Rwandan Government regarding support from the FARDC to the FDLR or the evidence provided by the Rwandans concerning support to M23 from Ugandan territory.

Annex 25

Kitagoma border post between the DRC and Uganda, where no Ugandan officials were present during the Group's visit in August 2012 despite M23 occupation of the DRC side.



Annex 26

Extract of external analysis and translation of M23 radio intercepts referring to Ugandan involvement. The Swahili used is associated with that of the Ugandan military.

a) Fragments from radio intercepts in Swahili accent commonly used in the Ugandan Army with Kiganda words (underlined)

« Wanaitoapalepalewakazidikuendelea..(laughs)..mukamabayambe.....badowanaendelea»

« Ils fuient . . .(il rit) . . .que Dieu les benisse (il se moque d'eux) . . .ils fuient encore. »

« They are fleeing(laughs)...may God help them (mokery)...they are still fleeing »

« NjendiSeebo, Subiri, ok. Nilikuwa na sema na juaalakini sijauilikuwasikuganitenaniliondoka, telephonenikaacha pale, tenanilikuwanatakakujaku pale mimi nikakatazwa, sasantakujamalaingine. Mimi nilikuwanaliyakujaku pale nikakatazwamalaingine, sasanasematutaonanabaadaye »

« Bien merci Chef, attends, je disais que je voulais savoir quel jour je suis parti, j'ai oublié mon téléphone. Je voulais venir à la maison, mais on ne pas pas donné la permission, je viendrai un autre jour. J'ai encore demandé la permission de venir à la maison, mais on l'a refusée encore une fois. On se verra après »

« Well my friend, wait, I said that I wanted to know what day I left. I forgot my phone. I wanted to go home, but I was not given permission. I will come another day. I asked again for permission to go home, but they refused again. We'll see later. »

NOTE: According to former RDF officers, the conversation refers to the enemy, who is fleeing during combat. During the rest of the dialogue, still in Swahili with a Ugandan accent, the interlocutors discuss "contacting the other side" and "joining forces with the other side." They then confirm that they "joined their forces," and from that moment, the conversation is a mix of Swahili commonly spoken in Uganda and Kinyarwanda.

b) Fragment from radio intercepts in Kinyarwanda between M23 combatants making reference to the support of two countries.

« Mbwiranabauritayarimwa..., ibihugubibirintibirikudufasha ? »

« Est-ce que tu es prêt mon frère ? Deux pays ne nous aident ils pas ? »

« Are you ready my brother? Isn't that two countries are helping us? »

Annex 27

Government of Uganda Ministry of Defence weapons box found amongst Colonel Makenga's arms and ammunition in his home in Bukavu in May 2012 and FARDC intelligence report on Makenga's purchases of weapons from Uganda in 2011.



Annex 28

Black 7.62 mm cartridges recovered by the FARDC after M23 attacks in July 2012, which are regularly used by the UPDF and not registered in FARDC stocks.



Annex 29

M23's 21-point agenda for negotiations as communicated by senior Government of Uganda officials to a DRC Ministerial delegation.

The demands were drafted following advice from Rwandan and Ugandan authorities.

#	SPECIFIC M23 CLAIMS
01	The return of refugees in their families did not take place. (Question of return of refugees)
02	Displaced people are still in IDP camps
03	The integration of the soldiers of the ex- CNDP in the army did not take place (Or was imperfect)
04	All the armed groups did not become political parties.
05	Amnesty did not take place
06	The recognition of ranks did not take place.
07	The resolution of the crisis had a political aspect notably the integration in institutions (government, embassies, public companies...) that did not take place
08	It had been agreed that part of CNDP soldiers will be transform into local police force to protect returned refugees. ... This was not done
09	After the agreement the CNDP left the places it controlled to the government BUT the government did not realize its end of the bargain
10	60 ex CNDP soldiers were arrested and killed in Dungu. Only one survived. Another group that was sent to Kindu was sequestered then molested, without registering the dead. The government never punished the ones responsible. Therefore the persistence of acts of impunity..
11	The agreement provided for the setting up of a follow-up committee that was never put in place. Referring to PresidentsMkapa and Obasanjo
II. National Claims	
12	The reconciliation program was not completed
13	The government of the DRC should concentrate itself in the tracking down of negatives forces This has neither been effected nor partially realized.
14	The government of the RDC resists the operations against the negative forces.
15	Soldier's wages were systematically diverted and in certain places not paid at all.

16	Diversion of soldiers rations.
17	Bad social condition of soldiers (no military infrastructure)
18	Discrimination of the East in the customs payment.
19	The truth of the November 2011 election: Kabila cheated
20	In 2006, Kabila had promised much in the East. He has forgotten to respect its commitments.
21	No big store, no super market in the East of the RDC

Annex 30

One of the two M23 houses, located in Munyonyo neighborhood, Kampala.



Annex 31

Extract of a Ugandan counter-intelligence report on support from UPDF Brigadier General Charles Kankiriho for M23.

Confidential

1. Brig. Gen. Patrick Kankiriho, the UPDF 2nd Div commander is in charge of troops in western Uganda based in Mbarara and so responsible for OPS, Actions, Movements and deployments of all types of troops in western region or moving in through there. On orders [REDACTED]

[REDACTED] Brig. Kankiriho currently keeps close contacts and in touch with his counterpart in Rwanda, Maj. Gen. Alexis Kagame, the RDF 2nd Div Commander based at Byumba. Both these two top senior commanders are partly in charge of M23 ops/ fmtr CNDP.

1. He orders for coverage and the mov'ts of UPDF special troops to borders Locs for M23 ops especially at night; these are usually troops selected from within his 2nd division or from other UPDF units sent to him for special utilisation, attachment and deployment. Brig. Kankiriho's deputy i/c ops/ training for 2nd division Col. Peter Elweru has been sent to GOMA, E. DRC as one of the observers for AU neutral force to be led by TPDF/ Tanzania among others.
2. Based at UPDF Commander's tactical base / loc at Karungibati, IIIMA, KASESE, he ordered and oversaw the covered the mov'ts of fighters (M23)/ leaders covered in UPDF few days before M23 attacks on FARDC. These selected M23 fighters were abt 300 and had been in Bihanga Army Training school and then later to Oliver Tambo/ Kaweweta Army school for final war lessons.
3. He orders for coverage of the M23 fighters on Uganda – DRC borderlines especially if repulsed by DRC troops.
4. He orders for total special coverage for RDF troops moving to E. DRC / Virunga National Park / Ituri –Orientale sector entering through Ugandan territory secretly; and this is a restriction to most of other Uganda security forces on ground. He also orders for covers of those selected M23 leaders and fighters going to Kampala, Entebbe for secret meetings with UG bosses like President Yoweri Museveni, Gen. Aronda Nyakairima; Kankiriho is assisted by Lt. Gen. Kale Kayihura, CMI boss, Brig. Gen. Charles Bakahumura and his deputy Col. Mike Kisame and CMI

Confidential

officers Lt. Col. Romeo Ndyabagye Maj. Paul Muwonge, ADCs; Maj. Ezra Kukundwakwe, Capt. Stanley Amanya, Capt. Katamba James, JATT Operative Katamba God Semakula AND several others both senior, junior and civil, military.

5. He also oversees Bihanga UPDF training school sometimes which trains foreigners or special infantry fighters like M23, fmr CNDP. Gen. Aronda deployed UPDF's Maj. Humble to specially coordinate this course / training.

6. Brig. Kankiriho, before early days of M23 attacks, on orders [REDACTED] through these officers mentioned above including his military aide Lt. Kugumisiriza and others unknown delivered the following to M23: 3000 army boots, 3000 pairs of cloth/ uniforms; support guns: 20=GPMGs, 40=G-2s, 60=RPGs / ATRs, 06=82mm recoilless, 06=four barreled 14.5mm AACs, 30=PKs, 06=12.7mm, 03=37mm AAC, 40=MMGs, 12=sniper rifles and each of these had enough of its own / specific ammunition and bombs/ shells well doubled for special mission/ ops of M23. All weapons looked old but well serviced and had not been used by UPDF before.

-These weapons were got from Southern Sudan / SPLA and many others are usually got via there on secret arrangements and close understanding between Presidents Yoweri Museveni, Salva Kiir and Paul Kagame coordinated by Gen. Aronda, Gen. Kayihura and RDF's Gen. Jack Nziza since UPDF arms and equipment on covert missions may easily be followed up and known in foreign land like how Rwanda's RDF were traced and known. That other more are still inside Uganda and Rwanda for stakeholders/ planners/ executors to first study situations in fact with plans of transporting those inside Rwanda both special personnel and equipment to move covertly via Uganda to E. DRC.

[REDACTED] in contact with UG's ISO Directors; Col. Ronnie, Maj. Banana, Capt. Vincent Gahima about how to do some fresh deliveries and discuss plans of splitting of M23 in order to put away the illiterate top commander Sultan Makenga and ICC wanted commander Bosco Ntaganda so that M23 progresses with positive image.

Annex 32

Mobile money transfer of \$100 from Kanyana Immaculée to an MCC recruiter.



Annex 33

Phone calls from Kanyana Immaculée and “Colonel” Bede Rusagara to a Rwandan MCC recruiter.





Annex 34

Receipt of a money transfer of \$ 4,000 from Kanyana Immaculée to a representative of MCC, Asumani Délégué, an M23 ally in Uvira territory.

SOCIÉTÉ DE TRANSFERT AU CONGO
STC SERL

Agrément BCC 0005/FMS/A. M. N° 01-61-0537000
 N.R.C. XG/4583/MA M° Impôt A0305-0700

BORDEREAU DE TRANSFERT N° 435779

Code: 2141691314718120

Question: Réponse:

Montant: 4000

VA: Frais: 228

Montant en lettre: Quatre mille

Destination: Uvira

Expéditeur: Kanyana Immaculée

Prénom et post nom: Kanyana Immaculée

N° pièce d'ID: 099094131471

Tél: 099094131471

Adresse:

Bénéficiaire: Asumani Délégué

Prénom et post nom: Asumani Délégué

N° de tél: 099094131471

Fait à: le 21/09/11

Expéditeur: Le Caissier

J'accepte librement et sans réserve les dispositions inscrites au verso.

Annex 35

ALEC Statute calling for the creation of an “independent republic of the Kivu.”

CHAPITRE I : DE LA CRÉATION ET DU SIÈGE

ARTICLE 1

Il est créé une Alliance socio-politique dénommé "ALLIANCE POUR LA LIBERATION DE L'EST DU CONGO", ALEC en sigle.

ARTICLE 2

L'Alliance pour la Libération de l'Est du Congo, ALEC, en sigle, a provisoirement son siège dans la ville d'Ottawa (suite à l'insécurité au pays). Toutefois, le siège peut être transféré dans une autre ville sur décision du Président après concertation avec les membres du Bureau politique et Conseil des sages du mouvement.

CHAPITRE II DE FONDAMENT IDÉOLOGIQUE

ARTICLE 3

L'ALEC est un mouvement socio-politique qui vise à :

- Lutter pour la souveraineté politique, économique et diplomatique de l'Est du Congo comme un Etat libre, autonome et démocratique sur base de référendum et dans le respect de droit international d'auto-détermination et des libertés des peuples.
- Préserver toutes les libertés inhérentes à la personne humaine, conformément à la Déclaration Universelle des Droits de l'homme et à la Charte Africaine des Droits de l'Homme et des Peuples;
- Consolider l'unité, l'indépendance et la souveraineté de l'Est du Congo;
- Bâtir une société de l'Est du Congo nouvelle basée sur une véritable démocratie dans une République Unie du Kivu libre, laïque et solidaire;
- Rechercher une voie réelle de développement politique, économique, culturel et social, conforme aux intérêts du peuple de l'Est du Congo;

ARTICLE 4

En vue de parvenir à cette fin, l'ALEC appuie la lutte de libération populaire et sans violence sauf en cas d'auto-défense ou si et seulement si les conditions obligent le recours à la force pour accéder à l'auto-détermination. Son action s'appuie sur le soutien de tout le peuple de l'Est du Congo.

ARTICLE 5

L'idéologie de l'ALEC réside dans la promotion de l'Indépendance de l'Est du Congo à travers une doctrine basée sur l'incorruptibilité morale, la responsabilité, la fraternité et la solidarité de tous les Kivutiens, et plus particulièrement les membres de l'ALEC.

Annex 36

E-mail records demonstrating Akim Muhoza's coordination of ALEC.

----- Mail transféré -----

De : AK Mhz <mhz1_a@yahoo.ca>

À : Seba Kiyana <sebakiyana@yahoo.fr>; eugene shyikiro <shyikiro2002@yahoo.fr>

Envoyé le : Mardi 10 juillet 2012 23h45

Objet : Re: L'Urgence s'impose.

Benedata

Navuganye nawa mugabo w'iKigali, details ndazibaha kuri tel. Ariko nukuri nagira ngo mbasabe ikintu kimiwe: Chers freres, twatangiye urugendo rururure, kandi rutoroshe, rurimo nabandi bantu tuvugana, twumvibyo batubwira, kandi naba bashobora kugira izindi nyungu zabo. Nukuri ndabasaba ngo mumfashe ntitukihutire kumva inkuru ngo tuyemere uko tuyumvishe kuko bishobora kuzaduteranyiriza ubusa. Nibyiza ko tubazanya, kandi tukizerana.

Ndabamenyesha ko iriya nama ntaho yarihuriye nagato, nibyo turimo. Usibye guhuza abanyamulenge kuganira ibibibazo twese tubona byomuri Nord. Ibyo ntibyatangiye none, kandi ntibyakozwe rimwe. Inama nkaziriya zakozwe kenshi nanjye nkiri ku Gisenyi harizo nabayemo. Yarigamije ngo guhuza abantu ngo batekerereze hamwe niba babuza abasoda bacyu kuguma gupfira muri Nord bazira ubusa. Izo ni initiatives abagabo batandukanye bakomeje gukora kugiti cyabo. Murumva ko tudafite autorite nimwe yokubuza abantu kugira ibyo bumva bakora nka initiatives yabo kubwoko. Ariko ntabwo babihujije nagato nibyo turimo. Uko niko kuri.

A bientot

Akim

Translation

My dear brothers,

I spoke with the man in Kigali, I will give you the details on the phone. But I would like to ask you something: Dear brothers, we have started a long journey and it is not easy. In this journey, there are other people with whom we are talking, we listen to what they say and they are children who could have their own interests.

In reality, I ask you to help me. We shouldn't hasten to listen to information and accept them as such, because it could create problems for us. It would be better to start talking to each other and trust each other.

I inform you that this meeting has no relation with what we are currently doing, apart from assembling the Banyamulenge to talk about the problems of the North. It is not the first time this happens and it won't be solved in one day.

Meetings like this took place several times in Gisenyi, there are even some meetings I attended myself. The objective of these meetings was for people to meet to think together and see how they can stop our military who continue to die in the North for nothing.

These are initiatives that these men started taking individually. You understand though that we have no authority to forbid people to do what they want on the community and there is no agreement yet. But it doesn't stop us to do what we are doing. That's the truth

Goodbye, Akim

Annex 37**Rwandan ID card found on a deceased ALEC combatant**

Annex 38

E-mail from Akim Muhoza to Willy Sebatware regarding his flight from Dayton, Ohio to Bujumbura, Burundi.

----- Mail transféré -----

De : AK Mhz <mhz1_a@yahoo.ca>

À : sebatware kiyana <sebakiyana@yahoo.fr>; Eugene Shikiro <shyikiro2002@yahoo.fr>

Envoyé le : Samedi 11 août 2012 21h15

Objet : Fw: Expedia travel confirmation - Bujumbura - 14 Aug 2012 - (Itin# 149510698674)

Chef d'Etat Major Seba

Finally, your ticket is ready and your mission is certain. please find attached your itinerary. You can print that as your electronic ticket. I booked you to go through Nairobi so that you can have a one hour conversation with our Nairobi contact. Get ready no more stress for the ticket. At least for now.

Be blessed

President

Akim

----- Forwarded Message -----

From: Expedia.ca <caenmail@expediamail.com>

To: mhz1_a@yahoo.ca

Sent: Saturday, August 11, 2012 2:50:34 PM

Subject: Expedia travel confirmation - Bujumbura - 14 Aug 2012 - (Itin# 149510698674)

Travel Confirmation

Thank you for booking your trip with Expedia.ca.

If you have not received information about travel insurance, or have questions about your coverage, contact us at 1-888-EXPEDIA (1-888-397-3342) or from outside North America at +1-613-780-1386. Please note that insurance coverage must be purchased within 5 days of your travel purchase.

Remember that you can always [view your itinerary online](#) for the most up-to-date information.



Flight: Dayton to Bujumbura

Total ticket cost:	C\$822.00
Taxes & Fees:	C\$282.17
Airfare total:	C\$1,104.17

Annex 39

Public profile and business card of ALEC Secretary General Jules Sebahizi.

Jules SEBAHIZI MAKUZA
 Expert in gender, institutional capacity development and M&E Specialist working as Consultant
 Rwanda - Management Consulting

[Join LinkedIn and access Jules SEBAHIZI MAKUZA's full profile.](#)

As a LinkedIn member, you'll join 175 million other professionals who are sharing connections, ideas, and opportunities. And it's free! You'll also be able to:

- See who you and **Jules SEBAHIZI MAKUZA** know in common
- Get introduced to **Jules SEBAHIZI MAKUZA**
- Contact **Jules SEBAHIZI MAKUZA** directly

[View Full Profile](#)

Jules SEBAHIZI MAKUZA's Overview

Current	Owner at SMJ Consulting Firm Consultant at HR, Gender, Monitoring and Evaluation,
Past	Director of Planning and HRD at Ministry of Public Service and Labour
Education	National University of Rwanda
Connections	108 connections

Jules SEBAHIZI MAKUZA's Experience

Owner
SMJ Consulting Firm
 July 2007 – Present (5 years 2 months)

Consultant
HR, Gender, Monitoring and Evaluation,
 2007 – Present (5 years)

Director of Planning and HRD
Ministry of Public Service and Labour
 February 2001 – July 2007 (6 years 6 months)

Jules SEBAHIZI MAKUZA's Education

National University of Rwanda
 BA, Social Sciences focuses in Public Administration
 1995 – 1999



Annex 40

Photo of ALEC meeting with Congolese armed groups on 17 August 2012 in Lusambo, South Kivu. Jules Sebahizi (second from left), “General” Mayele (third from left), Akim Muhoza (first from right).



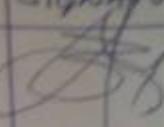
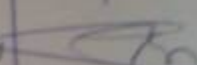
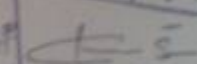
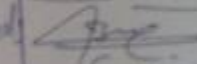
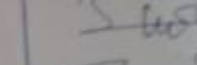
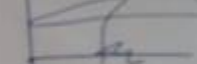
Annex 41

Attendance sheet and photo of ALEC meeting in Kigali on 30 August 2012 along with ALEC e-mail regarding weapons purchases.



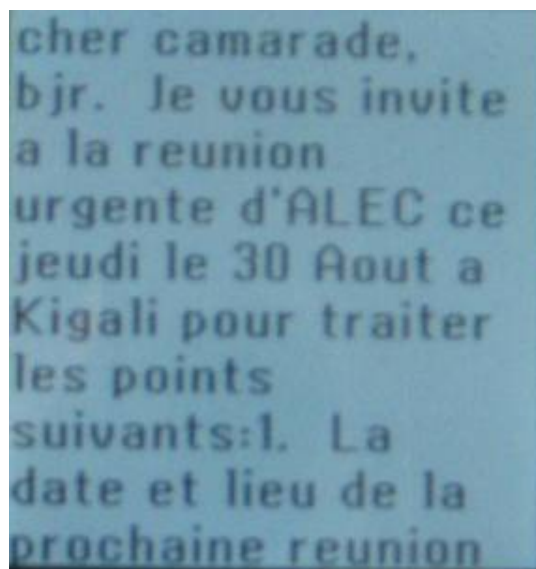
REUNION DU STAFF POLITIQUE D'ALEC
Kigali, le 30 Août 2012.

LES PARTICIPANTS

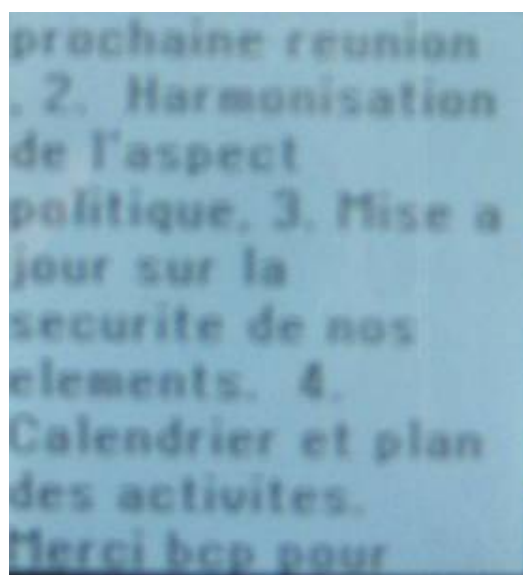
N°	NOMS	FONCTIONS	SIGNATURE
01	Mathieu ABWE	Président	
02	Jules IZABAHIZI	Ex. Coordonnateur	
03	John IRUKUSA	Ch. D'opérations	
04	BALERE FARIDA	Finances & Mat. Fourn.	
05	Bwana SEGENAHU Fabu	Sec.	
06	Dede B. Chab	Mob.	

Annex 42

Text message by Akim Muhoza insisting on meeting in Kigali.



cher camarade,
bjr. Je vous invite
a la reunion
urgente d'ALEC ce
jeudi le 30 Aout a
Kigali pour traiter
les points
suivants:1. La
date et lieu de la
prochaine reunion



prochaine reunion
, 2. Harmonisation
de l'aspect
politique, 3. Mise a
jour sur la
securite de nos
elements. 4.
Calendrier et plan
des activites.
Merci bcp pour

Merci bcp pour
votre
collaboration.
President Akim

Annex 43

Extract from the terms of reference for MRPC in Ituri.

18. The recognition of ranks of military elements, from the soldier to the general; Fusion, deployment and equal functions for all military elements and troops.
19. Resistance against neocolonialism which imposes upon us a regionalist and tribal domination (Ndeko ya !!, mwana ya !!, etc...) and constitutes a club of friends to loot the resources of KIBALI-ITURI of the country to the detriment of the indigenous population;
20. We forcefully refuse the presence of CNDP, M23 throughout the territory of the DRC in general and of Ituri in particular;
21. The revision of all 'léonais' (?) contracts signed and cross-signed by the DRC government.

Drafted in Bunia, 01/08/2012

The PRESIDENT of the M.R.P.C
Eric DHEDONGA.N

Chief of Staff MAJOR GENERAL
Général Jules MUSAFIRI.D

Spokesperson
David PANZA DHEVI ATENYI

Annex 44

Pages within Roger Lumbala's passport showing his travels to Rwanda, Uganda, and Burundi.





Annex 45

The signed official statement by Roger Lumbala following his arrest in Bujumbura, Burundi. (Lumbala acknowledged to the Group it was indeed his signature.)

REPUBLIQUE DU BURUNDI
PRÉSIDENCE DE LA RÉPUBLIQUE
SERVICE NATIONAL DE RENFORCEMENT

PRO- JUSTITIA

J'ai au deux mille deux, le premier jour du mois de Septembre vers 4 heures, M. KUBUKURU MUKOBA, officier de Police Judiciaire à compétence générale en fonction au SNA.

Agissant en cette qualité, j'interrogeais l'Honorable LUMBALA ISHIMBA ROGERA fils de ISHIMBA et de NYAMUKA en MURUKA en RDC, congolais, marié, député en RDC, résidant actuellement à KIBERA (Bujumbura), PA n° 2000000000.

J'ai sous-déclaré à qui suit:

Q. Quand est-ce que tu es arrivé au Rwanda?

R. Je suis arrivé au Rwanda le 14 juillet 2012.

Q. Quand est-ce que tu es allé au Rwanda?

R. Je ne me rappelle pas les dates mais le premier fois j'ai passé au Rwanda deux jours et la deuxième fois deux jours.

Q. Quelle était votre mission au Rwanda?

R. C'était une invitation d'un ami qui s'appelle SAFARI qui travaille dans le service de renseignement Rwandais.

*Interviewé
Roger Lumbala*

-2-

Q. L'invitation portait sur quoi ?

R. Il m'a demandé si je pouvais m'associer au M23 mais j'ai refusé. Il m'avait déjà appelé deux ou trois fois c'est ainsi qu'il m'a demandé d'aller le voir au Rwanda.

Q. Pourquoi tu es encore retourné au Rwanda pour la deuxième fois ?

R. C'était pour la même invitation mais j'ai encore refusé de travailler avec eux dans le M23.

Q. Est-ce que le M23 travaille avec les Rwandais ?

R. SAFARI est un couplet qui travaille dans les services de renseignement rwandais, comme il m'a demandé de m'associer au M23, je confirme que le Rwanda travaille avec M23.

Q. Quelles sont les personnalités que vous avez rencontrées au Burundi ?

R. Aucune personnalité politique au Burundi.

J'ai rencontré seulement M. NTAZARHO qui est conseiller à l'ambassade de l'Afrique du Sud au Bujumbura. C'était au Cercle Nantipuro.

Q. Avec qui était NTAZARHO ?

R. Ils étaient à deux mais l'autre personne je ne le connais pas ?

Q. Quel était l'objet de votre rencontre ?

R. Personnellement, c'était pour lui demander

les visas mais en me voyant il a cherché à connaître la situation de la RDC.

-3-

J. Est-ce que vous avez-vous peur de 1995.
 R. On a parlé de tout. On parle de 1993,
 des militaires congolais. On a parlé aussi
 de la politique congolaise, il voulait s'enquérir
 de la situation au Congo.

Avez-vous quelque chose à ajouter ?

J'ai mis devant au devant comme un homme
 qui suis sa femme. J'ai une femme au
 devant qui s'appelle Alice Ndayisenga,
 je ne suis pas venu pour faire la politique.
 Après lecture faite par lui-même, signa.
 que vous le présent Procès-Verbal
 je suis plus à présent je en suis
 intéressé

Officiers de Police judiciaire
 HENRI RUTAGANDA Ndabaho

Abala Tshenge Roger

10/10/10
 Pr

~~Henri Rutaganda~~

Annex 46

Additional information on M23 support networks

1. RDF covert operations to support to M23

In addition to the direct military support, Rwandan officials have also organized covert operations in the DRC to aid M23 progression.

a) Infiltrations to Masisi Territory

After FARDC drove out ex-CNDP mutineers from Masisi territory at the beginning of May 2012, M23 undertook repeated initiatives to destabilize the area. In particular, M23 encouraged desertions of ex-CNDP officers from FARDC units based in Masisi, infiltrated M23 troops towards Masisi, as well as supported armed groups operating in that same area. Subsequent to the M23 on Bunagana in July, local leaders and border officials witnessed how RDF units deployed at Kabuhanga and Njerima in Rwanda clandestinely entered into the DRC not far from the Congolese frontline village of Kibumba. These sources, as well as M23 collaborators stated that part of these troops walked through the Virunga National Park (VNP) towards Masisi.

Furthermore, five civilians who had been recruited by M23 and underwent training at Runyoni, witnessed how RDF troops crossed into DRC near the Congolese village of Bukima and further deployed, together with M23 soldiers, towards Masisi, crossing through the VNP. Several current and former M23 officers told the Group that the rebels have established a base in between Rutshuru and Masisi in the VNP, with the aid of units of Gaston Mukasa, alias “Mandevu”, a former FDLR who allied with M23. The Group interviewed one surrendered M23 soldier who had been recruited and brought to this M23 position and attested that it was held by both RDF officers and Congolese rebels.

Image 1: RDF and M23 infiltrations towards Masisi territory



RDF officers have clandestinely infiltrated their own officers within the FARDC since the 2009 army integration. While officially part of the FARDC, these officers continued operating under RDF command. The Group interviewed several such officers, who admitted that they had maintained a direct reporting line to the RDF while operating within the FARDC. Amongst these, four officers told the Group that they had been ordered to join the FARDC for intelligence-gathering purposes. These soldiers had subsequently joined M23.

One former RDF officer told the Group that while he was integrated in the FARDC, the RDF tasked him to gather intelligence on the FDLR, FARDC, and MONUSCO. The same officer continued similar operations within M23 and knew of several other officers who have been carrying out similar missions. Two other former RDF officers have been tasked with gathering intelligence enabling the desertion of ex-CNDP officers to join M23. One of them acknowledged joining the FARDC on orders of his superiors within the RDF.

Another former RDF officer told the Group that while based in an FARDC unit previously deployed along the border with Rwanda in Rutshuru, RDF officers and Ntaganda tasked him to travel to Rwanda through Kibumba and mobilize Rwandan citizens to be brought to the DRC and clandestinely integrated into the FARDC. He continued playing a similar role for M23.

Several former RDF and CNDP officers stated that RDF soldiers were part of Ntaganda's close protection unit. The Congolese authorities arrested one of these Rwandan soldiers while he was carrying out intelligence-gathering activities at Kibumba ahead of the creation of M23.¹⁰⁶

2. Recruitment networks for M23 in Rwanda

RDF commanders established a network of military and civilian recruiters operating for M23 in most of the villages in western Rwanda, as well as in the refugee camp at Nkamira. The Rwandan town of Gisenyi, just across from Goma, has become the main centre of recruitment.

Politicians, former RDF officers, former CNDP officers, and M23 collaborators stated that Rwandan Minister of Defence General James Kabarebe, Rwandan Senator Rwigamba Balinda and Bishop John Rucyahana have been distributing funds for recruitment efforts. Gafishi Semikore, Ngoga, Ngabo, Kazoza, Joseph Mpumuro have received funds to recruit for M23.

¹⁰⁶ Paragraph 31 (b), S/2012/348/Add.1

Former North Kivu Minister of Justice and current Executive Secretary of M23, Francois Tuihimbaze Rucogoza¹⁰⁷ also participates in the recruitment operating from Gisenyi. Two former M23 soldiers interviewed separately, as well as a current M23 member, told the Group that on 1 July 2012, Tuihimbaze invited a group of 12 lawyers and schoolteachers to a conference in Goma. Tuihimbaze's legal councilor, Kevin Bitwayiki, brought the 12 further to Rwanda. Once in the town of Gisenyi, Bitwayiki locked them in the residence of the M23 Minister of Youth, Ali Musagara. According to those who subsequently escaped, RDF soldiers then brought the group to the DRC to join M23. The same sources, as well as an M23 officer, asserted that Tuihimbaze has recruited several other groups in a similar fashion.

Former CNDP members, politicians and M23 supporters informed the Group that senior RDF officers, as well as RPF figures involved in the M23 command and mobilization, divert a portion of the financial contributions collected on behalf of M23 for their own benefit.

3. Rwandan support to M23 using Ugandan territory

Rwandan officials have used Ugandan territory to supply M23. Western Rwanda continues to serve as the main zone for recruitment for M23 and the RDF continues to supply M23 through Kinigi. The main route to bring recruits and supplies to M23 remains the trails between Kinigi and Runyoni through the VNP. However, former RDF officers, former M23 combatants, as well as local leaders in Uganda stated that since the rebel takeover of Bunagana, bordering Uganda, Rwandan officials have increasingly supported M23 using Ugandan territory, as the rebel-held area is accessible by road through Uganda.

In early September 2012, Ugandan authorities arrested seven Rwandan nationals who were traveling through Ugandan territory to join M23 in Rutshuru, including Robert Rutinywa who claimed to be a Brigadier General in the RDF and a Congolese national. Rutinywa was found guilty of illegal entry into Uganda and sentenced on 10 September 2012.

Ugandan authorities in Kisoro and Ugandan border official witnessed recruits joining M23 through Uganda, and Rwandan officers travelling to Bunagana, using Ugandan territory. One M23 former soldier stated that after being recruited in Rwanda, and transiting through Ntaganda's hotel, he had been brought to Bunagana through Uganda, in a vehicle, alongside with seven other recruits.

4. M23's Website : "Soleil du Graben"

M23 uses several propaganda media instruments, including pages on social media sites such as Twitter and Facebook, as well as an official website, www.soleildugraben.com,

¹⁰⁷ Paragraph 29, S/2012/348/Add.1

established on 14 May 2012. The latter has been used by M23 to refute widespread accounts of abuses and forced recruitment, including of children, within the territory under rebel control. Moreover, the website has published a series of articles accusing MONUSCO of indiscriminately bombarding civilians. According to several M23 collaborators, the content of this website is written and uploaded from the Rwandan town of Gisenyi.

On 7 June 2012, the Group wrote to the Government of the United States requesting cooperation on its investigations regarding Hostmonster.com, the host server of www.soleildugraben.com based in the United States. In September 2012, the Government of the United States informed the Group that it would not be able to support the Group's investigations on M23's website.

Image 2: Homepage of M23's website



5. M23 Local Administration in M23-controlled Areas

M23 took advantage of the respite in front-line operations in Rutshuru, to seize all local institutions in its controlled areas, as well as to name a loyal local administration, deploy a police force, and establish a taxation system starting August 2012.

On 25 August 2012, M23 nominated Benjamin Mbonimpa, a member of its political bureau, as the new Territorial Administrator in Rutshuru. M23 also deployed a police force in Rutshuru under the command of Colonel Ibrahim Rwagati, who had been the deputy of the CNDP's parallel police in Masisi territory¹⁰⁸. Rwagati transferred the former parallel police soldiers from Masisi to Rutshuru.

According to UN sources, the M23 local administration also took over DRC government equipment provided by donors within the framework of the United Nations' International Security and Stabilization Support Strategy (ISSSS). In particular, M23 took control of the ISSSS funded prison, and recruited over 80 prisoners held there into M23.

¹⁰⁸ box 4, S/2012/348

Furthermore, on 25 September 2012, M23 police officers at Kiwanja broke into the National Independent Electoral Commission's (CENI) premises and seized 84 electoral kits and 42 motorcycles. The rebels transported the looted equipment to Bunagana on tractors they had previously taken from the customary chief of Rutshuru territory. M23 officers involved in the seizure told the Group that the rebels needed the electoral equipment to prove that Kabila was not the true winner of the 2011 Presidential Elections.

Dozens of local businessmen and traders told the Group that M23 imposes a tax of US\$ 300 for each standard commercial truck which transits through its territory. Semi-trailer container trucks must pay \$800 according to the same sources. Moreover, according to local leaders, each family in Rutshuru is obliged to share a part of their harvest with the rebels. According to former combatants, the Group estimates that from local taxation alone, M23's monthly revenue exceeds \$200,000. Businessmen based in Goma and Rwanda, as well as diaspora supporters, also make financial contributions to M23 in the form of money transfers.

Former CNDP members, politicians, and M23 collaborators told the Group that a portion of the taxes collected in Rutshuru, as well as funds raised from voluntary contributions, have been shared with RDF commanders.

Image 3: Tickets of \$300 tax on trucks crossing through M23 controlled area in Rutshuru



6. M23 Gold Smuggling

M23 has sought financing for its movement through the sale in Kampala of gold which have transited through border posts it controls with Uganda. Former UPDF officer, two

Kampala-based businessmen, and M23 cadres reported that M23 attempted to sell gold originating from mines controlled by M23 allies in Walikale and Ituri. These sources reported that M23 first brought to Kampala a shipment of 200 kilograms of gold, and subsequently another lot of 125 kilograms, both transiting through Bunagana.

According to one former UPDF officer, one Kampala based mineral dealer, and one M23 cadre, the rebels have transported the 200 kilograms shipment to Nairobi in early September 2012. M23 members contacted Andrew, a Kampala-based broker, to find a buyer. Two M23 cadres also informed the Group that the 125 kilograms gold arrived to Kampala on 26 September 2012, and that M23 still looked for a buyer.

M23 members, as well as Kampala-based smugglers informed the Group that Ntaganda oversaw these deals, and that the gold had been obtained through his longstanding collaboration with other armed groups. The same sources stated that the revenues of these sales would be allocated to the functioning of M23. The Group notes that Ntaganda previously collaborated with a network of scam artists in Kampala and Nairobi, and assumes that the gold could be at least partly false.

Image 4: Sample of the 125 kg gold brought by M23 to Kampala



7. Recent Build-up of Military Supplies and Equipment

In October 2102, the Group gathered evidence of M23 purchasing new military equipment, including boots and uniforms. In particular, the Group witnessed a large delivery of rain boots to the rebels in the DRC – Uganda border town of Bunagana (See picture 5). The Group also received photographs of new M23 uniforms, fabricated using the tissue that was used for RDF uniforms in the past (See picture 6).

Image 5: Boots delivery to the rebels at Bunagana



Image 6: New M23 uniform



8. The Evolution of M23 demands

M23's main demands are linked to the implementation of the 23 March Peace Agreements which led to the integration of the CNDP into the FARDC. Since 2009, the Group documented continuous challenges to the integration of CNDP officers in the FARDC, including ex-CNDP officers obtaining a majority of key command positions, lucrative deployments in mining areas, and extensive private weapons stocks. Ex-CNDP officers also were behind generalized land expropriations, and imposed their candidates for the legislative elections in Masisi. In stark contrast with these findings, M23 rebels claim to have undergone discriminatory treatment in the army, and demanded recognition of ranks, payment of salaries, political integration, and the return of refugees from Rwanda.

Since the outset of the rebellion, M23 adapted its demands following advice provided by Kabarebe and Nziza, and added issues regarding poor governance and the mismanagement of the elections by GoDRC. Building on this new narrative, the rebels sought alliances with Congolese opposition members disgruntled following the elections, as well as with other armed groups, claiming that the latter are self defence groups protecting themselves following failures of the GoDRC.

However, RDF, RPF, and M23 commanders have given M23 civilian cadres and soldiers different justifications for this war. Politicians, ex-RDF, UPDF, and M23 officers told

the Group that building upon the example of South Sudan, Rwandan officials consistently lobbied for the rebels to set their eyes on the secession of the Kivus. Former M23 soldiers stated that their commanders told them they should fight to “liberate the Kivus,” or to “annex the Kivus into the East African community.” According to M23 officers, during internal meetings, RDF and UPDF officers extensively discussed options for extending their spheres of influence and economic gains in eastern DRC using the M23.

Extract of the communique on M23's agenda for negotiations with GoDRC in which M23 denounce the failures of the army integration and the elections

EVALUATION DES ACCORDS DU 23 MARS 2009 PAR LE M23

Articles	Evaluation par Le M23 des accords du 23 Mars 2009
Article 1 : De la transformation en partis politiques a) Intégration des éléments de l'armée et de la police	-Mise à la disposition du gouvernement des forces armées et des éléments de la Police Nationale pour intégration dans les structures traditionnelles de l'armée et de la Police Nationale. Au lieu de les intégrer dans les structures traditionnelles de l'armée,

	<p>une structure spéciale (Amani Leo) chargée des opérations a été créée pour les absorber.</p> <p>Hormis la non intégration, les militaires ex- CNDP et PARECO ont été victimes de discriminations dans le traitement et ont été des cibles des leurs collègues.</p> <p>-Discrimination au niveau de paie : lorsque les militaires qui étaient dans les FARDC touchaient leurs soldes, les militaires ex –CNDP et PARECO ne touchaient que des primes forfaitaires. Voir des lettres adressées au chef de l'état à cet effet (Pièce N.1)</p> <p>-Refus de doter aux unités affectées dans des opérations contre les forces négatives d'une logistique adéquate,</p>
--	--

Article 11 : Mode de scrutin	<p>Le régime a modifié la loi électorale en supprimant le second tour, ce qui prive le peuple de sa qualité de souverain primaire et ainsi, il n'est plus nécessaire d'obtenir l'expression de la majorité des congolais pour le gouverner (Kabila gouverne avec 48% des suffrages obtenus après tricherie selon les différents rapports des observateurs électoraux(Centre Carter, Eglise Catholique, Union Africaine, Union Européenne, MONUSCO et le peuple congolais à travers plusieurs manifestations pacifiques réprimées dans le sang).</p>
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M23 communique reacting to the ICGLR summit in Kampala, in which they demand the integration of all “self-defense groups”

Communiqué officiel N°0024/M23/2012

La Coordination du Mouvement du 23 mars vient de prendre connaissance des résolutions issues du sommet des Chefs d'état et de gouvernement de la Conférence Internationale sur la Région des Grands-Lacs tenu à Kampala du 07 au 8 Août 2012. Pour le Mouvement, il s'agit là des avancées notables dans la résolution de la crise à l'Est de la République Démocratique du Congo réalisées en un temps record ; ce dont il se félicite.

[...] Tout en exprimant ses remerciements aux Chefs d'état et de gouvernement de la CIRGL pour le choix judicieux de leur pair devant assurer le suivi de des résolutions ainsi édictées, la Coordination du Mouvement plaide en faveur d'une solution politique qui intègre tous les groupes d'autodéfense populaire que compte la République Démocratique du Congo en vue d'une solution globale et définitive de la crise.

Annex 47

Alleged incidents of collaboration between the FARDC and the FDLR according to the Government of Rwanda transmitted to the Group via email on 1 August 2012.

- “On 16 May 12, FARDC unit in Kanyabayonga and Kirumba sent local authorities in the area to go to Bushalingwa and negotiate with FDLR on cooperation mechanism to fight M23.
- On 16 May 12, one Capt Bruce an FDLR Coy Comdr deployed at Lusamambo received a letter from FARDC requesting FDLR to support FARDC Ops against M23.
- On 18 May 12, FDLR 2 x coys and CRAP elements under command of Capt Malius were integrated within FARDC troops deployed at Mweso under command of Lt Col Niyibizi.
- On 22 May 12, 02 FDLR Officers, Capt DOGORE 1 Div G2 and Capt Murengezi alias Kintu from Gen Mudacumura HQs, held a meeting in Goma with FARDC officers that were led by Col Smith Gihanga.
- On 24 May 12, FDLR Lt Col Caleb SABENA Bn Comdr received 100 pairs of FARDC uniforms from Col Yav Philimin, a FARDC Comdr based in Rutchuru.
- On 24 May 12, FDLR 02x coy from Remeka and Numbi were integrated in FARDC unit operating in Masisi and Kalehe and later transported to Rutchuro to reinforce other FARDC units against M23.
- Justification of these allegations were further confirmed by FDLR Lt Col Mbarushimana Etienne alias Mbaraga Bantu (former FDLR Auditeur Militaire) who was repatriated on 24 May 2012 from Walikare.
- He confirmed that that he left when FDLR comdrs in Walikare were in preparation to meet FARDC and negotiate for arms/ammos and effective cooperation.
- On 5 Jun 12, 02 FDLR Coys under Maj Oreste from Montana Bn were accorded safe passage by FARDC in areas of Nyanzare and Mweso to cross to Kilama to launch cross border infiltrations into Rwanda.
- On 16 Jun 12, Lt Col Niyibizi a FARDC comdr deployed at Kibirizi/ Rutchuru zone supplied to FDLR CRAP Comdr (Capt Manudi) 12 boxes of AK 47 ammos, 08 shells of RPG, 12x shells of 60 mm Mortar and 10 x shells of 82 mm Mortar.

- On 4 Jun 12, Pierre LUMBI, President Kabila's Security Advisor tasked Hon. Julien PALUKU KAHONGYA, the Governor of North Kivu Province to identify high profile contacts within FDLR who could link the Government of the DRC with the overall Comdr of FDLR (Gen S Mudacumura) in order to convince him resume cooperation with FARDC against M23 and consequently plan future terror attacks in Rwanda.
- On 25 Jun 12, two FDLR Political cadres Murego Faustin (Ex-FAR Lt) and Nzabonimpa Joseph both living in Belgium, were arrested in Rutchuro with Belgian passports. Their travel is related to the above DRC/FDLR cooperation plan.
- On 9 Jul 12, FDLR Bahama Bn Intelligence Offr Maj Blaise Asifiwe was in Goma leading an FDLR delegation that met FARDC Land forces Comdr Maj Gen Amisi KUMBA. The meeting decided that FARDC immediately provides arms and Ammos to FDLR to conduct terror attacks in Rwanda.
- On 2 Jul 12, FARDC Brig Gen Masunzu met with FDLR 2 Div Comdr Lt Col Hamada and requested him to deploy FDLR in S/Kivu in the positions abandoned by FARDC troops who were redeployed in North Kivu.
- Subsequently on 10 Jul 12, FDLR 2 DIV Comdr Lt Col Hamada met FNL Comdrs in South Kivu and relayed FARDC MASUNZU's intent.
- On 27 Jul 12, FDLR 1 Bn of 2Div in S/Kivu received 1XCOY of FNL combatants and occupied positions that were formerly occupied by FARDC.
- On 27 Jul 12, FDLR troops under Lt Col Hatungumuremyi alias Caleb at Kilama forest reinforced FARDC at Kanyabayonga in preparation for an attack against M23. On the same date they (FDLR in Kilama forest) started to receive FARDC ID cards to facilitate the FARDC/FDLR joint operation."

Annex 48

Guillaume George Majambere's twitter page stating that he is the President of ADN.



Majambere Georges G.

@MajambereG

Président de ADN-Burundi Abatabazi, un mouvement politico-militaire burundais.

Belgique <http://www.adn-burundi.org>

 Follow

9 TWEETS

86 FOLLOWING

16 FOLLOWERS

Annex 49

Arrest warrant issued on charges of war crimes for Paul Sadala of Mai Mai Morgan.

Objet : Ouverture d'une information judiciaire à charge de : Major MORGAN non autrement identifié.

A Monsieur l'Auditeur Militaire Supérieur de la Province Orientale à Kisangani.

Monsieur l'Auditeur Militaire Supérieur,

Honneur de vous saluer et de porter à votre connaissance qu'une information judiciaire est ouverte à charge de Major MORGAN non autrement identifié entretenant les Milices dans le Territoire de MAMBASA pour crime de guerre par viol, par meurtre et par pillage, fait prévu et puni par les art 173 et 174 CPM, 8 du statut de ROME relativement au rapport du Chef de parquet de MAMBASA. au regard de crime décrié ci-haut.

Toutefois, le Chef PMD MAMBASA est chargé de récolter les données aux différents services de renseignements de MAMBASA au regard de crime décrié ci-haut.

A toutes fins utiles, vous serez informé à tout état de la procédure par un rapport écrit et motivé.

Profonds respects.

Auditeur Militaire de garnison de l'ITURI
KUMBUNGOMA
Major Magistrat



Annex 50

12 caliber hunting ammunition used by Raia Mutomboki, which is identified as produced by MACC in Republic of Congo.



Annex 51

MACC response to the Group's inquiry regarding its sale of ammunition to the DRC.

From: "macc" <macc@macc.cg>
To: biggs@un.org
Date: 03/08/2012 05:49 AM
Subject: V/ Lettre Réf:S/AC.43/2012/GE/OC.27

Attention Monsieur David Biggs
Secrétaire du Comité du Conseil de Sécurité
République Démocratique du Congo

Cher Monsieur,

Nous accusons réception de votre email du 1 août qui a retenue toute notre attention.

Notre société : la Macc ne produit pas d'armes, elle ne fabrique que des cartouches de chasse de calibre 12 pour fusils à canon lisse utilisés par les chasseurs de petits gibiers.

Nous n'avons pas de relation commerciale avec la RDC, notre activité s'exerçant au Congo et dans la CEMAC.

Nous vous prions d'agréer, Cher Monsieur, l'expression de nos meilleures salutations

Michel Laumond
Directeur MACC

Annex 52



Sample of MACC ammunition available in the eastern DRC.



Annex 53

Document demonstrating the shortage of PAREC funds and debts to those who have handed in weapons.

PROGRAMME OEUGUMENIQUE DE PAIX, TRANSFORMATION DES
CONFLITS ET RECONCILIATION
« PAREC »

Coordination Provinciale du Nord-Kivu

DECHARGE

Nous, Coordination Provinciale du Nord Kivu, représentée par Monsieur ISSA BALUME BIHIRA dit IBB, Coordonnateur Provincial, reconnaissons être resté, dans le cadre de notre opération d'échange arme à feu contre 50\$ US, avec les munitions de valeur égale à 2.050\$ US de Monsieur **Gentil KAMBALE KANGITSI**. Ces munitions ayant été stockées et remises aux autorités compétentes sans être payés nous lui signons la présente décharge pour lui témoigner notre détermination de payer dans un délai ne dépassant pas un mois, soit le 22 mars 2012. Nous le remercions de tout cœur pour sa confiance et sa patience.

Fait à Goma, le 22/02/2012

Pour le PAREC
Coordination Provinciale du Nord-Kivu

Cécilien Kumbusa *CABANU*
sy
Charge de la logistique

ISSA BALUME WA BIHIRA
Coordonnateur
[Signature]

Adresse : 20, Avenue de Touriste, Quartier les Volcans, Commune de Goma, Ville de Goma
Mob : 1. Coordination : + 243 997748219
2. Secrétariat Exécutif Permanent : + 243 993811960, + 243 853361322
E-mail : guychiudmatof@yahoo.fr

04.09.2012

Annex 54

PAREC arms that M23 emissaries sought to purchase.



Annex 55

UXOs discovered in M23 territory.



Annex 56

Further information on violations of international humanitarian law and profiles of senior M23 commanders.

A. Sexual violence

1. Incidents of (mass) rapes

(a) Rapes committed by M23

By the end of September 2012, international human rights NGOs documented up to 46 rapes of women and girls committed by M23 during separate incidents from June 2012 onwards. The Group interviewed a 50-year old woman who was attacked by an M23 soldier in mid-September. She later fled her village in Rutshuru territory for an IDP camp in Goma out of fear of being attacked again.

(b) Rapes committed by Raia Mutomboki

On the night between 5 and 6 April, the Raia Mutomboki attacked the village of Nyalipe in Ufamendu II, Katoyi sector, in Masisi. According to information received by the Group, the assailants raped nine women, including four minors, during the attack. 19 people were killed and at least 29 houses were burnt down.

(c) Rapes committed by Mai Mai Morgan

Former Morgan combatants have described to the Group how after every attack, Mai Mai Morgan capture women to serve as sex slaves. On 14 May 2012, Radio Okapi reported that 30 women were raped during an attack on the village of Molende. An international NGO specialised in sexual violence documented another 60 cases at least and explained to the Group that 11 young girls have remained in captivity since the Mai Mai Morgan attack on Epulu in June 2012. The Group also learned that Sadala's men have repeatedly and intentionally burned alive FARDC soldiers and civilians captured during their raids. The military judge of Bunia has opened a case against Sadala for war crimes and issued an arrest warrant.

(d) Rapes committed by FDLR

The UN documented at least 106 incidents of sexual violence committed by the FDLR between December 2011 and September 2012. In South Kivu, the majority of rape incidents perpetrated occurred in Kabare, Kalehe and Shabunda territories. Most of the rape cases occurred during FDLR attacks on villages.

On the night of 10 March 2012, according to a UN investigation, the FDLR raped seven women, including a minor, in Kalinganya, Kabare territory. The FDLR attacked the village

again on 10 April 2012 and raped three of the women for the second time. Following these incidents of violence by the FDLR in the area, the Raia Mutomboki issued an ultimatum for all FDLR and their families to leave the zone or be killed.

2. Update on Walikale mass rapes in July–August 2010

There has been little progress in the case of the mass rape in Walikale perpetrated by the NDC–FPLC–FDLR alliance in July and August 2010. The sole defendant in the case at the time, Captain Sadoke Kikunda Mayele, an FARDC deserter and NDC soldier, died of illness in Goma central prison on

14 August 2012. After several unsuccessful attempts to pursue others accused, Major Alphonse Karangwa, an FARDC soldier, was arrested by FARDC in Goma on 21 September 2012.

B. Targeted killings of civilians

1. Massacre in Makama, Fizi territory, by troops of the 105th regiment

The Group received information regarding a massacre committed by troops from Col. Nsabimana's 105th regiment in Makama, a gold mining area in Fizi territory, on the night of 5 February 2012. During a visit to Makama in July 2012, the Group confirmed that at least nine people were killed during this attack by Nsabimana's troops.

2. Killings of civilians by the FDLR and the Raia Mutomboki in North and South Kivu

Since the January killings committed by the Raia Mutomboki in Shabunda, the cycle of violence and reprisal attacks between the Raia Mutomboki and the FDLR/Nyatura coalition has spread to Kalehe, Walikale and Masisi, where the Raia Mutomboki operated with M23 support. These armed groups killed civilian populations and destroyed civilian property. According to UN investigations, the Raia Mutomboki combatants committed most of the human rights violations.

(a) Killings in Ekingi by Raia Mutomboki

From 1 to 4 March 2012, Raia Mutomboki conducted attacks in several villages near Ekingi (22 Km North–West of Bunyakiri, in Kalehe territory), a stronghold of the FDLR at the time. The Raia Mutomboki killed at least 32 people and burned the entire village of Mulinga, according to a UN investigation. The attackers travelled from outside the area, as there was no Raia Mutomboki near Ekingi at the time. According to a survivor who talked to the UN investigative team, the attackers spoke Kitembo and Mashi.

A Raia Mutomboki commander from Shabunda admitted to the Group that the attack was carried out by Raia Mutomboki, and stated that the attackers were an alliance of ethnic Batembos. The same source told the Group that the commander in charge was "Gaston," based at the time in Chulwe. Gaston was subsequently killed by the FARDC in September 2012.

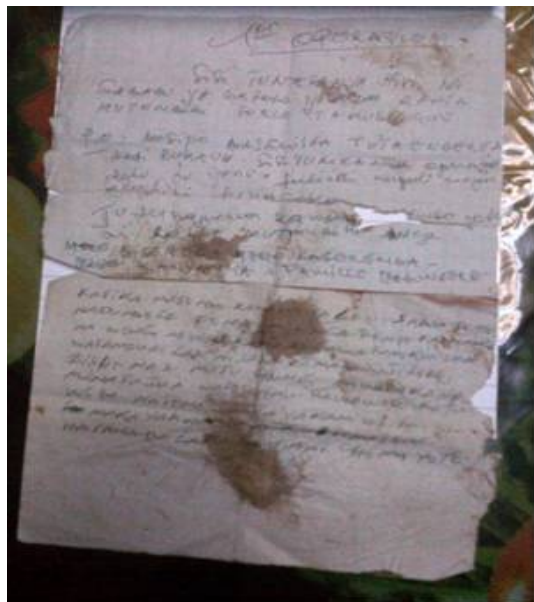
(b) Killings in Bushibwambombo by FDLR

The Group documented 11 killings in Bushibwambombo, in Kalehe, on 6 April 2012 by the FDLR. The Group interviewed victims who had been injured in the attack and who said the perpetrators spoke Kinyarwanda, indicating that they were FDLR soldiers. The victims heard the assailants complaining that FARDC had attacked them. The Group was given a list of 11 victims of the attack, which included 3 women.

(c) Killings in Lumendje and Kamananga by FDLR

In response to the killings committed by the Raia Mutomboki in Ekingi, the FDLR attacked the villages of Lumendje on 5 May and of Kamananga on 14 May 2012, near Bunyakiri. At least 49 people were killed, and several others injured, during these two incidents. A UN investigation confirmed that FDLR soldiers killed 14 civilians, including 5 women and 5 children, in Lumendje. The assailants left a letter claiming it was their first operation and warning of further attacks against those supporting the Raia Mutomboki. In Kamananga, FDLR soldiers killed 35 civilians, including 20 women and 12 children, and injured 38.

According to FARDC officers, FDLR Captain Castro Rafiki led the attack in Bunyakiri. Rafiki commands the FDLR Protection Company, which is part of the FDLR HQ Unit, based in Mpesi, Kabare territory. The overall command responsibility for the attack lies with Lieutenant Colonel Haberimana Hamada, the sector commander for South Kivu based in Mwenga.



Letter left by the FDLR in Lumenje

(d) Killings in Masisi territory by the Raia Mutomboki and the FDLR in May

According to a UN investigation, a coalition of the Raia Mutomboki and Mai Mai Kifuafua killed 343 people –most of them women and children– during a series of 20 attacks on 11 villages in Ufamendu II area, in southern Masisi territory, between 5 and 28 May 2012. The victims were FDLR and Congolese civilians of Hutu ethnicity. The perpetrators were armed with machetes and sticks, with some AK-47.

In retaliation, FDLR/Nyatura coalition targeted civilians in several attacks, during which they killed 19, including five minors and six women and burnt 18 villages. On 7 May, the same coalition attacked the village of Tanzania in Ufamandu I and burned down houses. As a result, three children died burned alive and 4 adults were injured. All the victims were ethnic Tembos. Throughout May, the FDLR continued attacks on villages in Ufamandu I and II, in Masisi, and in Waloa Luanda, in Walikale. In early June, the FDLR burnt three more villages in this area.

(e) Killings in Masisi territory by Raia Mutomboki in August 2012

In August 2012, Raia Mutomboki, Forces pour la defense du Congo (FDC), and Nduma Defence of Congo (NDC), who had in the meanwhile cemented their alliance with M23 (reference to RM section in the report) committed further brutal and targeted attacks against civilian populations in southern Masisi, in Ngungu and Luke villages. The crimes included killings of scores of civilians and destruction of property. According to FARDC provisional estimates, over a span of three weeks, beginning with Raia Mutomboki's 26–27 August 2012 attacks on Ngungu and Luke, these armed groups burnt over 800 houses. UN investigators also confirmed over 150 killings with another 500 deaths remaining unconfirmed. The Group has been able to establish that the command responsibility for these attacks lies with M23 officers.

The Group concluded that mostly Hutu civilians were targeted during the attacks, indicating a pattern of ethnically-motivated crimes. Politicians and local authorities informed the Group that while Raia Mutomboki leaders accused Hutu populations of collaborating with the FDLR, the genuine reason for targeting ethnic Hutus was the refusal of most North Kivu Hutu leaders to join M23.

These Raia Mutomboki attacks have been ordered by M23 commanders as part of a deliberate strategy to destabilize Masisi. M23 members and intelligence sources told the Group that Makenga gave the orders for the Raia Mutomboki attacks. A former M23 officer told the Group that the Makenga is the coordinator of all M23 and allied armed groups operations. Another former M23 soldier overheard M23 commanders when communicating with the Raia Mutomboki during the August 2012 attacks in Masisi. These M23 officers in

question cheered when the Raia Mutomboki advanced in Luke and Ngungu. Local leaders from Masisi stated that Colonel Badege commanded Raia Mutomboki's attacks on the ground.

3. M23 summary executions of recruits and prisoners of war

Several M23 commanders have been responsible for summary executions and torture of deserters. All former M23 soldiers interviewed by the Group reported that M23 officers threatened to kill recruits attempting to desert. According to accounts of former M23 soldiers, those who try to flee from the battle field are often shot on the spot. The following sources have provided detailed accounts of such crimes ordered by certain M23 commanders:

- a) Two former combatants told the Group that sanctioned individual Colonel Innocent Zimurinda ordered the torture and killing of deserters. One of the soldiers from Zimurinda's position observed how two deserters were executed, while four other deserters were buried alive. Another former M23 soldier witnessed the severe beating of one deserter who was thrown in front of the others as a dissuasive example. M23 commanders starved two other deserters to death.
- b) Two former M23 soldiers who escaped from their positions, interviewed separately, stated that Colonel Baudouin Ngaruye ordered the execution of two recruits who attempted to flee. Another former combatant under Ngaruye's command witnessed the severe beating of one recruit who attempted to flee.
- c) Another former M23 combatant witnessed how rebel commanders shot dead four defectors after they were apprehended near Rugari.
- d) At the training camp at Chanzu, one deserter observed the public execution of another recruit who had attempted to flee.

Former M23 combatants, as well as local leaders from M23-controlled areas, told the Group that RDF soldiers return to the DRC M23 soldiers of Rwandan nationality who flee to Rwanda:

- a) The RDF caught one former M23 soldier of Rwandan nationality, who attempted to flee to Rwanda at Kinigi, and brought him back to the rebels and then forced him to rape a girl in front of the others.
- b) The RDF forced another M23 officer to dig the grave for seven Rwandan M23 soldiers whom the RDF had executed at Kinigi after having fled from to Rwanda.
- c) Another soldier who escaped from Makenga's position, witnessed how RDF soldiers from Ruhengeri had brought back five young deserters, beat them with sticks, and buried them alive in front of the other M23 soldiers.

Since the M23–RDF taking of Bunagana on 6 July 2012, several M23 commanders have ordered the executions of FARDC officers and soldiers captured in combat. FARDC officers, including former CNDP officers as well as M23 soldiers, told the Group that Ntaganda and Makenga had ordered the summary execution of FARDC prisoners:

- a) During the combat at Rumangabo on 24–25 July 2012, Makenga ordered the torture and execution of six captured FARDC soldiers.
- b) M23 captured twelve other FARDC soldiers at Rutshuru during combat on those same dates, shot them in their legs and stabbed them to death in Runyoni.
- c) M23 executed another FARDC soldier at the village of Rwankuba and an FARDC officer following combat at Bugina.

C. Obstruction of the access to or the distribution of humanitarian assistance

Armed group activity and military operations have negatively affected the delivery of humanitarian assistance. Masisi and Rutshuru in North Kivu, Shabunda, Kalehe and Fizi in South Kivu and South Irumu, Ituri district in Orientale Province are most affected.

Profiles of five senior M23 commanders

General Bosco Ntaganda, alias “Terminator” or “Tango”



Personal information

- Ethnic Tutsi, born in 1973 at Kinigi
- Grew up in Nyamitaba, Masisi territory

Military information

- | | |
|------|--|
| 1990 | Ntaganda joined the Rwandan Patriotic Army (RPA) and participated in the overthrow of Habyarimana's regime in 1994. |
| 1996 | He joined the Alliance des forces démocratiques pour la libération du Congo (AFDL). |
| 1999 | He joined Rassemblement Congolais pour la démocratie –Kisangani – Mouvement de libération (RCD-KML). |
| 2000 | He fought, alongside with the Ugandan army, in the clashes opposing the Rwandan and Ugandan armies in Kisangani. |
| 2001 | He received military training in Uganda. |
| 2002 | Ntaganda was arrested in Kinshasa after the Ugandan Government helped bring him and others to the Congolese capital. He was released at the end of year in a hostage exchange deal with Ituri based Chief Kahwa. |
| 2003 | Ntaganda became the Chief of Staff of the Union des patriotes Congolais (UPC) of Thomas Lubanga. |
| 2004 | Ntaganda was appointed as General in the Armed Forces of the DRC as part of a peace process. |
| 2006 | He returned to North Kivu and joined General Laurent Nkunda's Congrès national pour la défense du peuple (CNDP) and became CNDP's Chief of Staff. |
| 2009 | Ntaganda played an instrumental role in the arrest of Nkunda and the implementation of the peace agreements integrating CNDP into the FARDC. Subsequently, Ntaganda became the <i>de facto</i> second-in-command in charge of FARDC operations in the Kivus. |
| 2012 | He played an instrumental role in triggering the 1 April mutiny of former CNDP soldiers. |

May 2012 Overall commander of M23 and established in a position behind to Runyoni.

Background information

Since the 2009 integration of the CNDP into FARDC, Ntaganda emerged as one of the most powerful military commanders in the eastern DRC. He appointed his loyal officers to strategic command positions and lucrative deployments and took advantage of his extensive powers to spearhead criminal networks involved in the illegal trade of natural resources, business rackets, and robberies. In November 2011, Ntaganda ordered his officers to impose votes for President Kabila's reelection and the election of CNDP candidates in Masisi territory.

On 1 November 2005, United Nations Security Council Committee designated Ntaganda as a sanctioned individual for violating the arms embargo on the DRC. Nevertheless, Ntaganda undertook extensive travel to neighboring Rwanda and maintained assets and bank accounts both in the DRC and Rwanda.

Human Rights Record

Ntaganda has an appalling human rights record. He is wanted by the International Criminal Court (ICC) for war crimes committed in Ituri, in 2002–2003. A sealed arrest warrant was issued against him in August 2006 and made public in April 2008. The ICC warrant refers, among others, to such charges as the recruitment of children and their involvement in hostilities as war crimes. On 13 July 2012, the ICC issued a second warrant of arrest against Ntaganda for war crimes, including murder, attack against the civilian population, rape and sexual slavery, pillaging, and crimes against humanity, such as murder, rape, sexual slavery, and persecution committed in Ituri.

- 2002 Ntaganda was the instigator of the “self-defence” groups in Bunia, who engaged in killings of those belonging to ethnically “adverse” groups as such Lendu, Bira, and Nande, as well as non-Iturians in the areas of Mudzipela, Bigo I, II, III and Saio. On 7 and 8 August 2002 alone, these groups killed a total of 110 civilians. On 9 August, another 80 civilians, who had taken refuge at the Governor's residence, were killed by UPC forces under Ntaganda's command.
- 2002-2003 During the reign of the UPC in Bunia Ntaganda was directly involved in the abduction and killing of local personalities. In August and September alone, a total of 200 persons were abducted in Bunia. They have been missing since. Ntaganda is notorious for having executed several persons in Bunia, in front of eyewitnesses.
- 2002 Ntaganda ordered the illegal arrest, detention, and torture of the colleagues of Governor Eneko, following the Governor's death in December 2002.
- 2002 Ntaganda had a commanding role in the UPC attack on the APC in Mongbwalu, on 20-24 October 2002, during which civilians were directly targeted. Civilian deaths are estimated to have numbered over 200. Many other civilians were taken captive, tortured and killed in military camps.

- 2003 Ntaganda commanded the operation *Chikana Namukono* from 18 February to 3 March 2003, in villages between Lipri and Nyagaraye. As a result of the operation, at least 350 civilians were killed, 26 villages were destroyed, and the offices of Kilo Moto and the biggest hospital in the region were systematically looted.
- 2003 Ntaganda participated in the attacks of Bunia in March and May 2003, against the UPDF. During the attacks, Lendu and non-Iturian civilians were killed by UPC troops. In May 2003 alone, a total of 260 civilians were killed.
- 2004 As UPC Chief of Staff, Ntaganda was responsible for a number of attacks against MONUC, including an ambush that resulted in the death of a MONUC MILOB near Mandro on 12 February 2004. Several other UPC attacks and ambushes were carried out against MONUC, such as those on the MONUC Brigade near Fataki in June and November 2004 and others in Nizi in September, October and November 2004. These attacks include the ambush of a MONUC convoy near Iga Barrière in October 2004 and the attack of the DCR transit site in Nizi.
- 2005 Ntaganda ordered the burning of shops and houses around the Berunda Market on 6 June 2005. Ntaganda delivered a warning to the local population not to collaborate with MONUC or the FARDC.
- 2002-2003 During his time with the UPC, ample evidence exists to show that Ntaganda is responsible for conscripting and enlisting children (under 15 years of age) and using them to actively participate in hostilities. In 2002, he used children under 15 in Mandro, Bunia and on the front line in Zumbe against the Lendu. In July 2002, two boys, aged 15 and 16, were recruited forcibly by Commander Kahwa's soldiers in Watsa and were brought by a truck for training in Mahagi under Ntaganda.
- 2008 He was the CNDP Chief of Staff and Operations Commander for Rutshuru axis and bears overall responsibility for the massacre of over 100 civilians on 5 November.

Colonel Sultani Makenga



Personal Information

- Ethnic Tutsi, born in Nyanzale, Rutshuru territory on 25 December 1973
- Grew up in Mpati, Masisi territory

Military career

- 1992–93 Makenga joined the RPA.
- 1996 He joined the AFDL.
- 1997 He mutinied from the AFDL and was arrested by GoR.
- 1999 He joined the RCD–Goma as a Captain and was subsequently promoted to Major.
- 2003 Makenga officially joined the newly created FARDC.
- 2006 Makenga refused “brassage” and re-deployment outside of the Kivus.
- 2007 Makenga took part in a “mixage” process and became Bravo brigade commander.
- 2007–2008 He deserted the FARDC and joined the CNDP as Rutshuru commander and Bosco Ntaganda’s deputy in charge of operations.
- 2009 Makenga joined the FARDC and on 17 February 2009 and was named deputy commander in charge of intelligence and operations for Kimia II operations in South Kivu.
- 2010 Makenga’s rank of full Colonel was officially recognized on 31 December 2010 and his command position was retained for Amani Leo operations in South Kivu.
- May 2012 After refusing to take part in Amani Kamilifu operations against the FDLR in South Kivu, Makenga stopped attending FARDC meetings in January and later deserted the FARDC on 4 May. From Rwanda, he was named the military commander of M23 based at Runyoni, North Kivu on 6 May.

Background information

In late 1997, when GoR officers ordered all Congolese Tutsis to return to Rwanda, Makenga took part in a mutiny which led to his arrest and imprisonment on the Rwandan island

of Iwawa for several years. The GoR later freed him and re-deployed him as part of the RCD.

Makenga became the third highest ranking officer amongst the CNDP rebels following Ntaganda and Nkunda. Makenga crossed into Rwanda on 22 January 2009 and was present when the GoR arrested CNDP Chairman Laurent Nkunda. Upon return to Rutshuru, Makenga discussed with other senior CNDP officers how to mount operations against the Rwandans, though the RDF deployment in the Kivus to implement Umoja Wetu operations against the FDLR made this impossible, forcing him to join the FARDC. Internal tensions between Ntaganda and Makenga-led wings of the CNDP ensued.

Upon taking up his command post in South Kivu, Makenga oversaw the illegal exploitation of natural resources in Shabunda territory through the independent 51st sector which took orders directly from him.¹⁰⁹ Throughout 2010, Makenga and his loyal officers were widely suspected of communicating regularly with Rwandan political dissidents General Kayumba Nyamwasa and Colonel Patrick Karegeya.¹¹⁰ In June 2010, Makenga provided weapons to the Forces républicaines fédéralistes (FRF) in South Kivu.¹¹¹ In mid-2010, Makenga also participated in the organization of a bank robbery in Bukavu with Rwandan nationals. After a court ruling in April 2011, Makenga deployed troops to the Kavumu airport to attempt to stop the transfer to Kinshasa of those found guilty.

Despite targeted assassinations by Ntaganda and certain RDF figures against several of his loyal officers, Makenga reconciled with Ntaganda in late 2010 to collectively resist re-deployment out of the Kivus. Throughout 2011, Makenga defied efforts by Government authorities to verify stockpiles under his command.¹¹² Makenga also refused to allow the FARDC to register ex-CNDP weapons arguing that the government had not issued them. Furthermore, Makenga instructed ex-CNDP officers not to accept the EUSEC-issued ID cards and refused to allow his 80 bodyguards to take part in an army reform process through the creation of regiments.

As of July 2011, Makenga began purchasing weapons from Rwanda and Uganda to build up large stockpiles in his home in Bukavu's Nguba neighborhood and at Nyamunyi camp near Kavumu airport.¹¹³ In January 2012, Makenga supported the CONSUP mutiny in Bukavu which

¹⁰⁹ Paragraph 226, S/2010/596.

¹¹⁰ Paragraph 164, S/2010/596.

¹¹¹ Paragraphs 69–70, S/2010/596.

¹¹² Paragraph 571, S/2011/738.

¹¹³ Paragraph 118 & Annex 37, S/2012/348, Paragraph 10, S/2012/348.Add.1.

was aimed to start an uprising against President Kabila following flawed Presidential elections.¹¹⁴

In April 2012, Makenga backed the FARDC mutiny in Fizi and Uvira territories and awaited its arrival to Bukavu to take control of the regional capital.¹¹⁵ Makenga agreed to work with the GoR after the latter re-assured him that it would free Nkunda during a new rebellion.

Human Rights Record

- 2003 Makenga was the RCD commander in the area of Pinga where during the month of January, his troops burned hundreds of homes and more than 60 victims of execution were identified, including children, elderly people and people with disabilities.
- 2007 He was identified in the report of the SRSR for Children in Armed Conflict as the CNDP Commander bearing most responsibility for child recruitment amongst the rebel ranks.¹¹⁶
- 2007 As Commander of the FARDC's Bravo Brigade, Makenga was the commander of soldiers who committed dozens of summary executions in Rutshuru territory from July to September, in addition to the massacre of fifteen civilians in Buramaba on 9-10 March following accusations that the village collaborated with the FDLR.
- 2008 The Group of Experts identified Makenga as bearing overall command responsibility for the recruitment and use of child soldiers.¹¹⁷
- 2010 Makenga ordered troops to intervene in a land conflict near Minova, leading to one death and three people injured.¹¹⁸
- 2012 Since he became the operational commander of M23, Makenga has ordered the execution of prisoners of war and fleeing recruits. He has also overseen the forced recruitment of adults and children. As coordinator of operations with other allied armed groups, Makenga ordered Raia Mutomboki's attacks in Masisi territory in late August 2012, burning over 800 homes and killing hundreds of civilians.

¹¹⁴ Paragraph 128, S/2012/348, Paragraphs 44-45, S/2012/348/Add. 1.

¹¹⁵ Paragraphs 73-81, S/2012/348.

¹¹⁶ Paragraph 23 & 28, S/2007/391.

¹¹⁷ Paragraph 168, S/2008/773.

¹¹⁸ Paragraph 276, S/2010/596.

Colonel Baudouin Ngaruye Mpumuro



Personal Information

- Ethnic Tutsi, born in Lusamambo, Lubero territory
- Grew up in Mpati, Masisi territory

Military career

- | | |
|------------|---|
| 1992-93 | Ngaruye joined the RPA |
| 1996 | He joined the AFDL |
| 1998 | He joined the RCD-Goma |
| 2005 | He joined the CNDP |
| 2009 | He integrated into the FARDC with the rank of full colonel. Ngaruye was the deputy commander of FARDC Amani Leo Zone Ops 2, based in Mushaki, Masisi territory. |
| 2011 | During the regimentation process Ngaruye became the commander of FARDC Sector 3 controlling Masisi. |
| April 2012 | Ngaruye has been the second in command behind the 1 April FARDC mutiny in Masisi, following which FARDC command decided to redeploy him to South Kivu. Ngaruye refused redeployment and rejoined the mutineers in Masisi. |
| May 2012 | Ngaruye joined Makenga just before the creation of M23 and became Makenga's deputy, in charge of M23 operations. He was mostly based at Rutshuru. |

Background information

Since the 2009 CNDP integration into the FARDC, Ngaruye surfaced as a close ally to Ntaganda, although he did not cut his ties with Makenga and the rest of the Nkunda wing. During the 2011 elections, acting under Ntaganda's orders, Ngaruye deployed his officers and soldiers to force the population in Masisi territory to vote for President Kabila and CNDP candidates. Ngaruye took advantage of his close ties to Ntaganda to

obtain a senior position in FARDC and derive large profits from mineral exploitation at Walikale and land ownership in Masisi.

Human Rights Record

- 2008 Ngaruye was accused of being amongst the commanders who ordered the killings at Kalonge in January.
- 2009 Acting under direct orders of Ngaruye, Lieutenant Colonel Zimurinda's soldiers brutally killed dozens of civilians, including women and children, while operating at Shalio, Walikale territory, during FARDC Kimia II operations. One former CNDP soldier who participated to the operation overheard how Ngaruye gave orders through the radio to Zimurinda, saying that he wanted "no survivors."
- 2010 Soldiers acting under the orders of Ngaruye had forcefully engaged in a violent wave of land expropriations in Masisi territory, including killing and raping civilians to drive them from their land.
- 2010 Soldiers acting under the orders of Ngaruye forcibly recruited dozens of young men and children in the Kitchanga area, in Masisi.
- 2012 During clashes between FARDC and mutineers in Masisi, Ngaruye personally recruited over 100 young men and children to join the mutineer's operations.
- 2012 Since May, Ngaruye has ordered the summary execution and torture of recruits who attempted to surrender from M23.

Colonel Innocent Zimurinda



Personal Information

- Ethnic Tutsi, born in Ngungu, Masisi territory

Military career

- 1991 Zimurinda joined the RPA
- 1996 He joined the AFDL
- Early 1999 He accompanied Bosco Ntaganda to Uganda
- 1999 He joined, together with Ntaganda, RCD-KML
- He joined the UPC in Ituri
- 2006 Zimurinda joined CNDP
- 2009 Zimurinda was integrated in FARDC. He was first Lieutenant Colonel, Commander of FARDC 231st Bde and was subsequently promoted to full Colonel and became 23rd FARDC Sector commander. In 2010, he became 22nd FARDC Sector commander in Kitchanga.
- 2011 During the regimentation process, Zimurinda was 811 regiment commander in Kitchanga.
- April 2012 After being one of the driving forces behind the 1 April mutiny in Masisi, Zimurinda continued the mutiny together with Ntaganda, regardless of the redeployment of most of his regiment to Kananga.
- May 2012 Zimurinda joined the M23 and became Sector commander in the new rebellion. He was lately based at Nyabikona and Rubare.

Background information

Zimurinda is Ntaganda's closest ally. Enjoying the General's protection, Zimurinda rose quickly in rank in the FARDC since the 2009 integration and commanded lucrative deployments in Masisi territory, despite his horrific human rights record. Zimurinda

did not appear in the 2010 FARDC “General Order,” nominating integrated officers into the FARDC, but continued nevertheless to exercise his functions as an FARDC officer.

During his time in FARDC, Zimurinda’s troops safeguarded Ntaganda’s private weapons stocks and “shadow battalions.” Taking advantage of his FARDC position, Zimurinda also wielded extensive power in Masisi territory, where he derived revenues from mining, timber, charcoal, cattle, cannabis, land, and illegal taxation.

Zimurinda was designated for sanctions on 1 December 2010.

Human rights record

Large-scale killings of civilians

2007 On 9–10 March, the 2nd Battalion of Mixed Bravo FARDC Brigade, commanded by Zimurinda, has been responsible for the killing of at least 15 civilians in Buramba, Rutshuru territory.

2007 Aside of Buramba massacre, soldiers of the 2nd Battalion of Bravo Brigade have been responsible for the arbitrary/summary execution of at least 32 civilians in Rutshuru.

2008 On 5 November, a CNDP Battalion acting under the orders of Zimurinda systematically killed over 100 civilians during a ‘door to door’ raid in Kiwanja, Rutshuru territory.

2009 28 April, troops of 23rd FARDC Sector operating under the command of Zimurinda at Shalio executed dozens of civilians under explicit orders of Zimurinda to kill all Hutus.

2010 Ex-CNDP soldiers patrolling near Remeka arbitrarily executed 13 Rwandan Hutu civilians (10 men, 2 women, and one baby), following orders of Zimurinda.

2012 Since May, Zimurinda ordered the execution of soldiers who attempted to flee from M23. One former M23 officer stated that Zimurinda “kills his own escorts”.

Land expropriations

Zimurinda has been behind numerous land expropriations in Southern Masisi, confiscating pasture land and mines for himself or for individuals close to him. In 2009, soldiers acting under Zimurinda’s orders forcibly occupied land in Ngungu, Kasake, Kamatale, Kavumu, Hanika, Bibatama, and Humule, and his troops committed such acts as rape, torture, and arbitrary arrests in order to drive civilians off from their land. In 2011, Zimurinda sent a battalion to provide security for the organized forced resettlement of populations led by Erasto Ntibaturana at Bibwe.

Forced labor

Zimurinda obliged villagers to carry out labor on his grounds and plantations, as well as on confiscated land. Throughout 2009, Zimurinda also forced civilians to cut and transport wood and to dig in mines on his behalf in Ngungu, Kasake, and Kamatale. Some laborers died because of the harsh conditions.

Child recruitment

Zimurinda has been forcibly recruiting young men and minors throughout his time with the FARDC. The UN documented cases of child recruitment by Zimurinda in 2009 in Ngungu and in 2010 in schools in Kitchaga. More recently, Zimurinda has continued to recruit children on behalf of M23.

Colonel Innocent Kaina, alias “India Queen”



Personal information

- Ethnic Tutsi, born in Bunagana, Tutshuru territory
- Grew up in Tanzania where his father had businesses

Military career

- | | |
|-----------|--|
| 1988 | Kaina was first recruited together with General Bosco Ntaganda by the National Resistance Army (NRA) led by current Ugandan President Yoweri Museveni. |
| 1988/1989 | He underwent one year military in Uganda at Kasese and Mbarara. |
| 1992 | He joined Front Patriotique Rwandais (RPF) and received training in Uganda, prior to RPF deployment into Rwanda. |
| 1995 | He followed commando training at the Gako Military Academy in Rwanda. |
| 1996 | He joined AFDL. |

- 1998 He joined General Bosco Ntaganda who then started to work with the RCD-KML, with the support of Uganda
- 2000 He fought together with Ntaganda against Rwandan troops in Kisangani
- 2003 He worked alongside with Ntaganda in UPC in Ituri
- 2005 Kaina arrived in North Kivu, where he joined CNDP. He was sent back to Ituri under instructions of Laurent Nkunda with the aim of creating links with Rwandophone Brigades in Ituri and disturbing the electoral process
- 16 May 2006 He was captured and arrested by FARDC and transferred to Kinshasa
- 2006 –2009 Kaina was detained at the CPRK Prison in Kinshasa
- January 2009 He was released in relation to the 2009 Peace Agreement between CNDP and the Government, and upon the special request of Ntaganda. He became the commanding officer of Sector 22 in Kitchanga, then the Sector 21 commander in Walikale.
- 2011 During the regimentation process, Ntaganda imposed Kaina as the commander of 805th Regiment based in Rutshuru
- 1 April 2012 Kaina initiated the mutiny in Rutshuru, but after it failed, he fled to Rwanda and then joined Ntaganda in Masisi
- May 2012 Since the creation of M23, Kaina became a Sector commander and has mostly been deployed at Bukima hill or in Rugari, alongside with former FDLR Mandevu.

Background

A close ally and collaborator of Ntaganda since his time in Ituri, Kaina largely benefitted of the 2009 integration process. During his time at Kitchanga, Kaina engaged in timber trade, and at Walikale, Kaina exploited gold at Omate mine.

Human rights record

- 2002 As one of the senior military commanders of the UPC militia in 2002, he has been involved, either as direct perpetrator or as bearing command responsibility in the attacks against the civilian population in Bunia (August 2002) and the massacres of Songolo (31 August 2002) and Mongbwalu (November 2002).
- 2003 – 2005 An arrest warrant against him was issued on 5 April 2005 and he was arrested on 16 June 2006 and transferred to Kinshasa. A 27 July 2007 decision (*ordonnance*) of the Garrison Military Tribunal of Kinshasa held Kaina responsible for crimes against humanity committed in the District of Ituri, Province Orientale, from May 2003 to 1 December 2005. He was released in January 2009.

-
- 2009 Kaina bears direct command responsibility for summary executions, abductions, and arbitrary arrests in Kitchanga area, Masisi territory, North Kivu.
- 2010 He was among the ex-CNDP officers who forcibly released Colonel Yusuf Mboneza from the Military Prosecutor's Office in Goma, North Kivu (August 2010).
- 2012 Kaina has been responsible of child recruitment for M23.

Annex 57

Further information on the recruitment and use of child soldiers by armed groups in the eastern DRC.

According to MONUSCO sources, children rights activists and government authorities in South Kivu, the Raia Mutomboki uses the highest number of child soldiers amongst armed groups in the eastern DRC. Estimates range from 800 to 1000 children during the Group's current mandate. The number of recruited children rose since the spread of the Raia Mutomboki to North Kivu. The Raia Mutomboki have recruited children either forcefully, or as part-time soldiers, with the acquiescence of their families. The forced recruits remain permanently with the armed group.¹¹⁹ The Group spoke with two children of the ages of 13 and 15 years, who had escaped from the Raia Mutomboki, in Chulwe, Walungu territory. According to the children, they were forcefully recruited under the command of "Colonel Gaston" in March 2012, and trained for two weeks at Byandangi, in Walungu territory.

Remnants of the FRF led by "Colonel" Richard Tawimbi also use children as soldiers. Their number of children used by FRF is estimated at 25. UN officials, parents of victims, former child soldiers as well as Congolese authorities informed the Group that children under FRF were recruited by "Colonel" Shaka Nyamusanda in Kajembe and "Major" Muhima in Kamombo, Minembwe groupement.

According to an arrested member of ALEC, Muhoza has sought to recruit Banyamulenge youth throughout the Great Lakes region, including minors. The ALEC Statute stipulates that it is only prohibited to recruit children under the age of sixteen.

Other Congolese armed groups involved in child recruitment include:

- Mai Mai Mushombe recruited about 30 children
- *Forces Autodefense Legitime* (FAL), with an estimated 25 children recruited under the command and control of "Major" Moliere Mutulani¹²⁰
- Nyatura with about 125 children recruited under command and control of "General" Bizagwira, based in Lumbishi area in South Kivu, according to three former Nyatura soldiers
- Mai Mai Mpekenya with about 21 children
- Mai Mai Kirikicho with about 92 children
- Mai Mai Aochi with about 50 children

¹¹⁹S/2012/348 para 181

¹²⁰S/2011/738 para 252

The Group also documented cases of child recruitment by foreign armed groups. The Group interviewed several boys of between 12 and 15 years old formerly associated with FDLR. They had been recruited under the command of FDLR Captain Korobani Justin in June 2012 at Kikuku, Rutshuru territory. Former combatants also named FDLR Major Ruhambabazima, Captain Placide, Captain Kasereka and a certain Bravo and Bonane, as recruiters for the FDLR.

The Group also documented child recruitment cases in Province Orientale. The Group interviewed five girls and five boys between the ages of 12 and 15 years, who were recruited by FRPI in Southern Irumu and served from 2007 to 2012. According to the children, their recruitment took place under the command and control of Colonel Rollanxe, Kisoro, Akenga and Kabhuli respectively in Janda, Mabili, Kombi and Aveba, in Ituri. The boys became soldiers while the girls served as concubines for the rebels. In August 2012, a 16 year old boy who had been forcefully recruited by *Mouvement pour la résistance patriotique au Congo* (MRPC) escaped during FARDC Operation Safisha.

Annex 58

Sales and purchases for GMC during January and May 2012 recorded by the Provincial Division of Mines in Goma.

a) Sale of 80 tonnes of tin ore to Metachem from March to May 2012

REPUBLIQUE DEMOCRATIQUE DU CONGO
 PROVINCE DU NORD-KIVU
 DIVISION PROVINCIALE DES
 MINES ET GEOLOGIE
 B.P : 101 GOMA

Goma, le 15/05/12

N° DIVIMINES-GEO/ B.4-B.6/ 402/012

A Monsieur le Chef de Division Provincial
 des Mines et Géologie du Nord-kivu ;

Objet : Information/vente locale Monsieur le Chef de Division,
 Doss : G.M.C

Nous avons l'honneur d'approcher votre auguste
 autorité en vue de vous mettre au courant des opérations de ventes locales des
 minerais dénommés cassitérite entre les Entités de Traitement GMC et METACHEM.

Ci-dessous le tableau qui renseigne ces transactions :

N°	Date	Qté vendue(kg)	Stock(kg)	Observation
1	05/03/2012	25000	5000	
2	19/03/2012	30000	5000	
2	21/03/2012	5000	40000	
3	21/04/2012	5000	60000	
4	10/05/2012	15000	25000	
	TOTAL	80000Kgs		

Veuillez agréer, Monsieur le Chef de Division, l'expression
 de nos sentiments patriotiques.

LE CHEF DE BUREAU ETUDE
 ET PLANIFICATION
 Déo MUDAGANDA KAGARABI

LE CHEF DE BUREAU
 INVESTIGATIONS
 Joseph SEKAHUNDE - MUNYAMPETA

b) Purchases of 146 tonnes of tin ore registered for GMC from January to May 2012

FICHE DE PRELEVEMENT DES STATISTIQUES D'ACHAT DES MINERAIS AU COMPTOIR D'ACHAT AGRO

Contrôleurs des Mines (Mr, Mme & Mlle) : JEANNE MANUANA

Comptoir : G.M.C.

Mois de : JANVIER 2012

Stock antérieur	Date acquisition	substance	Sous-produit associé d'origine (pâte, bouillie, granulés, etc.)	Poids (kg)	Nom et post. négociant	N° carte négociant	ATM de	ATM de	Poids accepté ou autorisé (kg)	Intensité de l'achat (kg/ha)	Prix de vente
1033	29.12	SnO ₂			LEONARDO	02516					
	24/01	1.1	KASESE	1350	FABIEN						
2383	25/01	1.1	KASESE	3200	FABIEN						
4523											

Fait à Goma, le 30.01.2012
Le Contrôleur des Mines (Chef d'Equipe)

r16 : Rubrique des Statistiques des Mines (G.M.C.)

FICHE DE PRELEVEMENT DES STATISTIQUES D'ACHAT DES MINERAIS AU COMPTOIR D'ACHAT AGRO

Contrôleurs des Mines (Mr, Mme & Mlle) : JEANNE MANUANA

Comptoir : G.M.C.

Mois de : FEBRIER 2012

Stock antérieur	Date acquisition	substance	Sous-produit associé d'origine (pâte, bouillie, granulés, etc.)	Poids (kg)	Nom et post. négociant	N° carte négociant	ATM de	ATM de	Poids accepté ou autorisé (kg)	Intensité de l'achat (kg/ha)	Prix de vente
1033	29.12	SnO ₂			LEONARDO	02516					
	24/01	1.1			LOIS MANENO	006	00461	6000	400	6000	
3056	9/02	1.1			Y. HAY	RA JABU					
	16/02	1.1			10000	BATASCHIA	036			10000	
179924	23/02	1.1	7905		10000	BATASCHIA	036	021	0000	10000	
229924	23/02	1.1			10000	BATASCHIA	036	042057		10000	
379924											

Fait à Goma, le 27.02.2012
Le Contrôleur des Mines (Chef d'Equipe)

Mme Jeanne-Manuana

r16 : Rubrique des Statistiques des Mines (G.M.C.)

[illegible][illegible]

Annex 59

Extract of identified numbers from General James Kabarebe's telephone communications from April to July 2012, according to Congolese authorities.

Calls made:

Colonel Bernard Byamu
Colonel Innocent Kaina
Clémence Rwiwereka Mikamo
Chantal Mumbulu
Rwandan Ambassador in the DRC

Calls received:

Clémence Rwiwereka Mikamo
Rwandan Ambassador in the DRC
Chantal Mumbulu

Annex 60

Photos of two of the six tags issued to ALPHA MINERALS that were used to launder Congolese minerals.



Annex 61

Unused Rwandan mineral tag in the possession of a Congolese smuggler and issued to TUHAGERE cooperative.



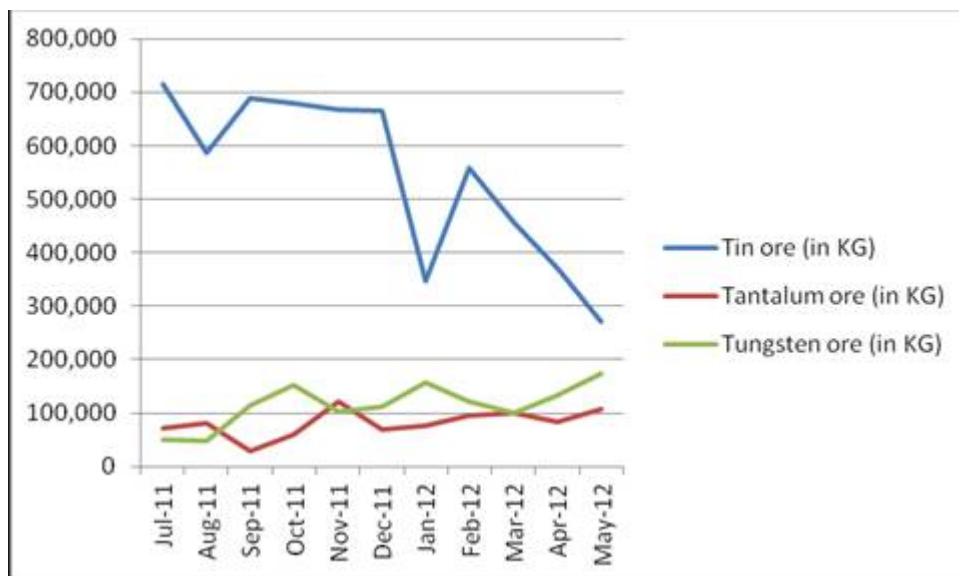
Annex 62

Photo of the inactive EPROCOMI mining concessions of Coko.

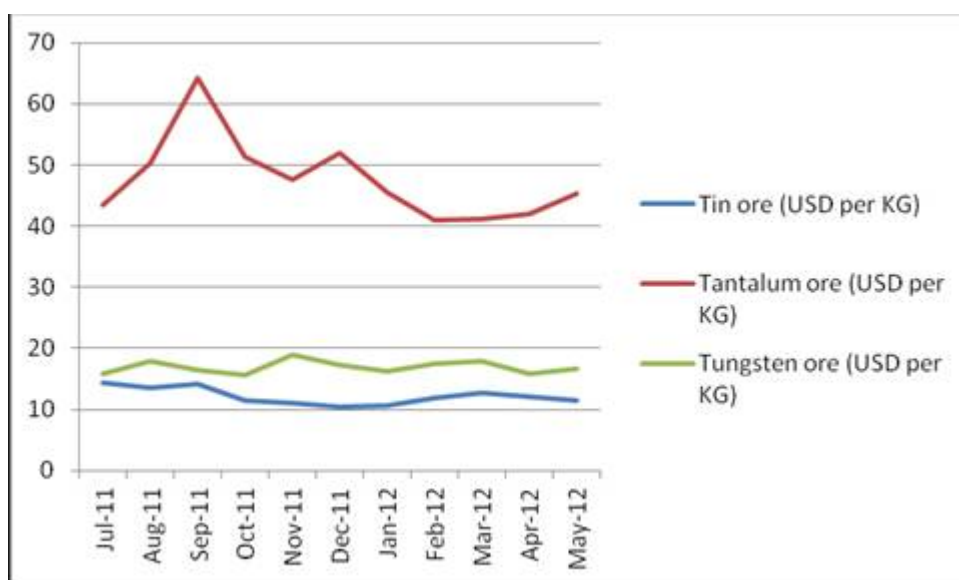


Annex 63

Official 3T mineral exports from Rwanda from July 2011 to May 2012.



Prices for Rwandan 3T minerals from July 2011 to May 2012



Annex 65

Mineral exports from Burundi from January to August 2012.

Nom du Comptoir	Redevance minière	Taxe ad valorem	Nbre Expo.	Quantités exportées
1. NTAHANGWA s.p.r.l. (Or)	13.579.488 FBU	189.616.410 FBU	54 Au	958Kg Au
2. CREATIVE AFRICA CENTER	13.579.488 FBU			
3. S.C.E.E.M.B (Or)	13.843.749 FBU	58.250.810 FBU	32 Au	280 Kg Au
4. EAST AFRICAN MINING (EAM)	13.723.006 FBU	30.961.476 FBU	12 Au	151,734Kg Au
5. OMNI DISTRIBUTION	13.843.749 FBU	3.460.346 FBU	9 Au	16,15769 Kg Au
6. KORANISHAKA	13.723.006 FBU	8.419.997 FBU	15 Au	46,91 Kg Au
7. WMP	700.000 FBU	27.695.394 FBU 112.627.163 FBU 135.045.332 FBU	3 SnO ₂ 16 WO ₃ 5 Coltan	68.966,1 Kg SnO ₂ 333.577,5 Kg WO ₃ 87.010 Kg Coltan
8. Burundi Minerals Supply (BMS) (Bujumbura)	700.000 FBU	9.889.571 FBU 119.878.315 FBU	2 WO ₃ 6 Coltan	30.907 Kg WO ₃ 87.494 Kg Coltan
9. BMS (Ngozi)	700.000 FBU			
10. SECOMIB	400.000 FBU			
11. MINERAL KINGDOM	300.000 FBU			
12. Ass. TWITEZIMBERE	100.000 FBU			
13. Ass. A.MA.KI	100.000 FBU			
14. Ass. KAZOZA KEZA	6.871.088 FBU			
15. Ass. TUGIRE UBUNTU	6.789.744 FBU			
16. WONDER RESOURCES	700.000 FBU			
17. ZIWA GOLD	13.749.597 FBU			
18. COMPAGNIE MINIERE REGIONALE	6.995.850 FBU			
19. Ass. KORERA HAMWE	6.995.850 FBU			
20. Ass. DUFATANEMUNDA	6.995.850 FBU			
21. Ass. DUKORANE UBUNTU	6.906.304 FBU			
22. Ass. DUFATANEMUNDA	6.906.304 FBU			
23. GOLDEN GOLD	13.843.749 FBU	1.848.211 FBU	3Au	11,362 Kg Au
24. ARES GROUP	700.000 FBU	9.962.979 FBU	2 WO ₃	30.030 Kg WO ₃
25. BURUNDI MINING s.a.	300.000 FBU	19.565.629 FBU	1 Coltan	9.102,6 Kg Coltan
26. CEMB	100.000 FBU			
27. CEMB	100.000 FBU			
28. CEMB	200.000 FBU			
29. Ass. DUFATANEMUNDA	100.000 FBU			
30. Ass. RAFADE	100.000 FBU			
31. CEMB	100.000 FBU			
32. Ass. TWIKENURE	7.265.259 FBU			
33. SECOMIB	100.000 FBU			
34. SECOMIB	100.000 FBU			
35. SYNERGY AFRICA	700.000 FBU			
36. Ass. TWISUGANYE	7.265.259 FBU			
37. Ass. TUGRWANYE UBUNEBWE	100.000 FBU			
38. Ass. TUGRWANYE UBUNEBWE	100.000 FBU			
39. SECOMIB	100.000 FBU			
40. Ass ABISHIZEHAMWE	100.000 FBU			

41. CEMB	200.000 FBU			
42. Ass. TWISUGANYE	200.000 FBU			
Total	179.977.340 FBU	727.248.633 FBU	125 Au 20 WO ₃ 12 Coltan 3 SnO ₂	1.464,16369 Kg Au 394.534,5 Kg WO ₃ 174.504 Kg Coltan 68.966,1 Kg SnO ₂

Annex 66

**Internal communication of the Burundian police referring to
\$3.2 million involved in the gold transaction of Mutoka Ruyangira
via Mendapara Vipulvajibhi and Patel Amit Babulai.**

TRES IMPORTANT.

CHERS COLLEGUES,

SUITE A L'URGENCE DE LA DEMANDE D'EXTRADITION DES 2 SUSPECTS RECHERCHES PAR LA POLICE BURUNDAISE, PRIERE NOUS COMMUNIQUER SI POSSIBLE D'URGENCE LES RESULTATS DE NOTRE DERNIERE DEMANDE.

CHERS COLLEGUES, L'URGENCE OBLIGE COMME CONVENU.

TRES FRANCHE COOPERATION, FIN

NCB BUJUMBURA

REFERENCES N°	221 P / B.I.T. / 130 / 2012
EXPEDITEUR	IP BUJUMBURA
DESTINATAIRE	IP NIAMEY
DATE	06 JUILLET 2012
IMPORTANCE	HAUTE

LE COMMISSAIRE GENERAL DE LA POLICE JUDICIAIRE

A

MONSIEUR LE DIRECTEUR DE LA POLICE JUDICIAIRE

OBJET : INTERPELLATION DE DEUX RESSORTISSANTS INDIENS RECHERCHES PAR LE BCN BUJUMBURA POUR ABUS DE CONFIANCE PORTANT SUR LA SOMME DE 3.200 000 USD

FAISANT SUITE A VOTRE DERNIER MESSAGE DANS LEQUEL VOUS NOUS DEMANDIEZ DE BIEN VOULOIR VOUS FAIRE PARVENIR UNE DEMANDE D'EXTRADITION DES MIS EN CAUSE ET D'INFORMER LES AUTORITES JUDICIAIRES DE NOTRE PAYS POUR ENTAMER LA PROCEDURE D'EXTRADITION VIA LE MINISTERE DES AFFAIRES ETRANGERES, J'AI L'HONNEUR DE VOUS ENVOYER EN ATTACHE AU PRESENT MESSAGE, « LA NOTE VERBALE ENVOYEE OFFICIELLEMENT PAR LE MINISTRE DES RELATIONS EXTERIEURES ET DE LA COOPERATION INTERNATIONALE DE LA REPUBLIQUE DU BURUNDI A

MONSIEUR LE MINISTRE DES AFFAIRES ETRANGERES DE LA REPUBLIQUE DU NIGER A
NIAMEY.

MONSIEUR LE DIRECTEUR, NOUS REITERONS L'URGENCE DE NOTRE DEMANDE
AFIN QUE L'AFFAIRE CONNAISSE UNE ISSUE ON NE PEUT PLUS RAPIDE ET CE POUR
L'INTERET DE LA JUSTICE ET LA REUSSITE AGISSANTE DE LA COOPERATION POLICIERE
INTERNATIONALE.

NOS SINCERES REMERCIEMENTS POUR L'HABITUELLE FRANCHE ET BONNE
COOPERATION.

LE COMMISSAIRE GENERAL DE LA POLICE JUDICIAIRE.

[REDACTED]
OPCI

Mobile [REDACTED]

Office [REDACTED]

e-mail address: [REDACTED]

Annex 67

**Extradition request by the Burundian Ministry of Foreign Affairs
to its counterpart in Niger for Mendapara Vipulvajibhi and Patel
Amit Babubhai.**

REPUBLIQUE DU BURUNDI

Bujumbura, le 06/7/2012.



MINISTÈRE DES RELATIONS EXTERIEURES
ET DE LA COOPÉRATION INTERNATIONALE

N°204.081/CJ/RE/2012

NOTE VERBALE

Le Ministère des Relations Extérieures et de la Coopération Internationale de la République du Burundi présente ses compliments au Ministère des Affaires Etrangères de la République du Niger et a l'honneur de lui demander de bien vouloir transmettre à l'autorité compétente nigérienne, une requête en extradition des personnes répondant respectivement aux noms de MENDAPARA VIPULVALAJIBHI et PATEL AMIT BABUBHAI, poursuivies par la Justice Burundaise dans le dossier RMPG.n° 637 / BV du chef d'abus de confiance, infraction prévue et punie par les articles 294 à 296 du Code Pénal Burundais.

Lesdits présumés criminels sont actuellement gardés à vue par la Police Nigérienne dans le cadre de la Coopération Policière Internationale en matière de lutte contre la criminalité économique.

Le même Ministère prie l'Estimé Ministère des Affaires Etrangères de la République du Niger de trouver en annexe à la présente :

- Un mandat d'arrêt
- Un exposé sommaire des faits
- Un formulaire de demande de visa tenant lieu de copie de Passeport.

Le Ministère des Relations Extérieures et de la Coopération Internationale remercie d'avance le Ministère des Affaires Etrangères de la République du Niger pour sa diligence et saisit cette occasion pour lui renouveler les assurances de sa haute considération.



Bujumbura, le 06/7/2012

MINISTÈRE DES AFFAIRES ÉTRANGÈRES
DE LA RÉPUBLIQUE DU NIGER

A
NIAMEY

Annex 68


Al Fath Gold Smith in Sharjah, United Arab Emirates, a trading partner of Mutoka Ruyangira and Rejendra Kumar.



Annex 69

Mineral exports from North Kivu from January to August 2012.

REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTÈRE DES MINES



PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE DES MINES
ET GÉOLOGIE

Le Chef de Division

STATISTIQUES DES EXPORTATIONS DE SUBSTANCES MINÉRALES À PARTIR DE GOMA PAR LES ENTITES DE TRAITEMENT ET POINTS DE VENTE À L'ÉTRANGER DE JANVIER À AOÛT 2012

N° ENTITE DE TRAITEMENT	Substance Minérale	Quantité exportée en T	Pays de destination / Firms importatrice
1 HUAYING	Cassitérite	511	China National Non Ferrous Metals/China
2 METACHEM	Cassitérite	70	Benstar Ag 50th Street Global/Panama(Amérique latine)
	Cassitérite	24,1	Guilin Jinli New Chemical Materials Co. Ltd N° 2/China
	Cassitérite	64,5	Mtc. Sdn Bhd of B01/04 Fourth Floor Selangor, Singapour
	Cassitérite	56,1	Sinstra Company Ltd/China
	Cassitérite	11,7	Tianji-ykes int'l forwarding co.ltd/China
3 AR GOLD	Or	17 369,6	Ville N° 1 & 12 Jumeirah / Dubai
	Or	4 444,3 Gr	Swiss Golden Metals Financial/Suisse
4 AMR	Cassitérite	169,5	Guilin Jinli New Chemical Materials Co. Ltd N° 2/China
	Coltan	20,3	Guilin Jinli New Chemical Materials Co. Ltd N° 2/China
	Coltan	7,2	Jiangxi Metals and Minerals International/China
5 CMM	Cassitérite	120	Unit 2 401 A 24 / Floor, Park-In Commerce Centre 56, Dundas Street / Hong - Kong
	Coltan	32,9	
6 BAKULIKIRA NG	Cassitérite	132,5	Guilin Jinli New Chemical Materials Co. Ltd N° 2/China
7 GLORY MINERALS	Or	5 621,10	
8 MHI	Coltan	14,8	Sino Investment Limited, 112/E Road cewanding,Guangzhou /China
TOTAL	Cassitérite	1 159,1	
	Coltan	75,2 T	
	Or	27 435 Gr	

* Tenant compte des firms importatrices, les Pays importateurs des substances minérales à partir de Goma pour le mois de Janvier à Août 2012 sont :

1. CASSITERITE

Chine :	904,9 tonnes	soit 78 %
Panama :	70 tonnes	soit 6 %
Singapour :	64,5 tonnes	soit 5,6 %
Hong - Kong :	<u>120 tonnes</u>	<u>soit 10,4 %</u>
Total :	1 159,4 tonnes	soit 100 %

2. COLTAN

Chine :	42,3 tonnes	Soit 56,3 %
Hong-Kong :	<u>32,9 tonnes</u>	<u>Soit 43,7 %</u>
Total :	75,2 tonnes	soit 100 %

3. OR

Dubai :	17 369,6 Gr	Soit 63,3 %
---------	-------------	-------------

Subso	4 444,3 Gr	Sub 10,2 %
?	5 521,10 Gr	Sub 20,9 %
Total	27 435 Gr	sub 100 %
Fait à Omba, le		
Emmanuel NDMUBANZI NGOROKA		

Annex 70

Red iron rich tin ore from Walikale (above) compared with black tin ore from Maniema (below).



Annex 71

Risk of minerals from mines controlled by armed groups entering supply chains that are supposed to flow through the trading counters in Mugogo and Rubaya.

Mugogo

For the mine sites around Mugogo, the Group observed a particular risk of minerals from the non-validated mine of Lukoma being taken to Nzibira and declared as coming from the “green” mine of Zola Zola. Lukoma was not included in the validation mission. According to demobilised FDLR soldiers and diggers from Lukoma, local operators are illegally taxed on rotation by FDLR, Raia Mutomboki as well as FARDC soldiers. These sources told the Group that Bahizire Bikubanga purchases minerals from Lukoma in Nzibira. Another mine not included in the validation is the tungsten ore mine of Karemba where, according to local authorities in nearby Tubimbi, FDLR demand rations from local operators in exchange of security guarantees.

Rubaya

For mine sites around Rubaya trading counter, the main risk is that minerals from the “yellow” mines of D6 Mufunzi and Lwizi can be brought to Ngungu and declared to come from the “green” mines of Bishasha. According to police authorities and civilians in Ngungu, FARDC Lieutenant Colonel Firigi Mazaire continued to have soldiers deployed in D6 Mufunzi to tax diggers. Moreover, the mine was pillaged by Nyatura soldiers in the beginning of August. In contrast, the risk of “red” and “yellow” mines of Katuunda, Tanzania, Mpati entering the supply chain at Ngungu and then Rubaya is minimal because the minerals are evacuated through Walikale.

Annex 72

Updates on 3T due diligence initiatives outside the Great Lakes region.

Conflict Free Smelter programme

The Conflict-Free Smelter (CFS) programme is a joint industry initiative launched in 2010 by the Global e-Sustainability Initiative (GeSI) and the Electronic Industry Citizenship Coalition (EICC), a US-based Association. To be eligible for a CFS audit refiners and smelters have to show evidence of due diligence as outlined in OECD and UN due diligence guidelines. The audit protocol, however principally refers to the Dodd-Frank Act. To pass an audit, smelters must provide documentary evidence they source from a “credible in-region sourcing program verifying their conflict-free sources” and demonstrate that all their purchased minerals are “reasonably” considered conflict-free.

By 16 August 2012 thirteen tantalum smelters and refiners had been awarded “conflict free” status.¹²¹ According to the CFS programme website the “conflict free” Ninxia in China sources from Rwanda and North Katanga under the iTSCi bag and tag scheme. F & X in China also sources from North Katanga under iTSCi bag and tag scheme, part of a closed supply pipeline used by the Solutions for Hope program. In May 2012 the first tin smelter was found compliant, though the name is not listed until a minimum of three smelters have been found compliant.

United States Securities and Exchange Commission final rule

On 22 August 2012, more than a year after the expiration of the statutory deadline, the US Securities and Exchange Commission (SEC) published the final implementing rule accompanying section 1502 of the Dodd Frank act that was signed into law on 21 July 2010.

The rule requires publicly listed US companies using tin, tantalum, tungsten or gold to carry out a ‘reasonable country of origin inquiry’ to establish whether their minerals originate from DRC or adjoining countries. If the company knows that the minerals did not originate, or the company has no reason to believe that the minerals may have originated from the relevant countries or are from scrap or recycled sources, it is required to publicly disclose how it arrived at its determination.

Companies that are sourcing from the region, or have reason to believe that the minerals used in their products may have originated in the region, need to submit a Conflict Minerals Report to the SEC. This report must be independently audited and publicly

¹²¹ <http://www.conflictreesmelter.org>.

disclosed. In preparing such report the final rule requires an issuer to rely on a nationally or internationally recognized due diligence framework, recognizing the OECD guidelines as the only framework available that may be used to determine the source and chain of custody of conflict minerals.

The SEC final rule revised its original proposal in that it adds an “undeterminable” category next to the “DRC conflict free” and “not DRC conflict free” determinations. Issuers are allowed to describe their products as ‘undeterminable’ for a period of two years, and four years for smaller firms, and, if they do so, do not have to undergo an independent audit of their report.

While the final rule recognises the OECD and by extension the UN Group of Experts due diligence framework, it has not integrated the process of risk mitigation in its determinations, which remain outcome oriented. Risk mitigation allows companies purchasing from mines where state security forces operate, to continue purchasing provided they have put in place strategies that can demonstrate improvement of the situation over a 6 month period, only to suspend purchases if no improvement was made.¹²²

It remains unclear whether issuers’ reliance on an OECD compliant in-region sourcing initiatives will automatically lead to a “DRC Conflict Free” determination, since such initiatives cannot provide 100 % assurances that no “conflict minerals” have entered the supply chain after having assessed and mitigated risk.

European Union

Although there is currently no initiative at EU level to work towards a mandatory disclosure requirement for sourcing minerals from conflict regions, EU’s approach to supply chain transparency and linkages between natural resources and conflict is increasingly specified as part of EU Commission policies put forward by the Directorate General (DG) for Trade and Directorate General for Enterprise and Industry.

On 2 February the Commission adopted the EU Raw Materials Strategy, which was developed by DG Enterprise and Industry. The strategy sets out targeted measures to improve access to “critical” raw materials, such as tantalum, *inter alia*, through generating fair and sustainable supply chains of mined minerals, which includes tackling situations where resource revenues are used to fund conflict.

In January 2012 a DG Trade Communication further expresses the Commission’s intention to ‘explore ways of improving transparency throughout the supply chain, including aspects of due diligence’, *inter alia* by advocating support for OECD due diligence

¹²² In contrast, where risk of armed group involvement is identified, in which case companies should immediately suspend engagement with suppliers.

recommendations and support to developing country partners on good governance in natural resources management. DG trade is currently looking at ways to support natural resources governance initiatives in the Great Lakes Region.

Annex 73

Updates on due diligence initiatives in the gold sector

Democratic Republic of Congo

In its final report of 2011 the Group concluded that no due diligence implementation in the Congolese artisanal gold sector had taken place. In 2012 this observation continues to be valid. Licensed export houses are responsible for only a fraction of total exports. It remains difficult to determine the origin of the officially exported gold because it is generally sold without any documentation.

The Group discussed due diligence implementation with export house Naumukaya in Bukavu. Its owner Evariste Shamamba told the Group that he sources 90% of his gold from Kamituga and Lugushwa, but that he cannot specify the exact mine locations. He also admitted to export the larger share of his gold illegally, due to high transaction costs when legally exporting gold. According to Mr Shamamba these costs amount to ten percent of the value of officially exported gold. Several payments come on top of the statutory one percent export tax, notably incentives to officials to obtain documents.

Uganda

In September 2012 Uganda Commercial Impex (UCI) submitted a due diligence proposal to the Group for consideration and feedback. The proposal describes how the company wished to reengage in the eastern part of the Democratic Republic of Congo, notably in gold mining areas in Oriental province where the risk of providing indirect support to armed groups through gold purchases is low compared to the Kivus. As part of its due diligence exercise UCI would establish an assessment team to, *inter alia*, periodically visit gold producing mines and trade hubs to identify dealers, sensitise them on their due diligence obligations, verify chain of custody documentation, and liaise with competent authorities to respond to a potential conflict risk.

In 2007 UCI was designated for sanctions and subsequently had been subject to a travel ban and asset freeze imposed by paragraph 1 and 15 of Resolution 1596 (2005). UCI has initiated a delisting procedure, which has thus far been unsuccessful. The Group notes that UCI is free to initiate a second procedure in case the company can transmit additional information to justify delisting. In this regard, the Group confirms that during its investigations in Ituri, North Kivu and Kampala it has found no evidence of gold dealers selling to UCI as a business entity or to its former directors Mr. J.V. Lodhia and his son Mr. Kunal Lodhia.

United Arab Emirates

In its interim report of 2012 the Group welcomed the April 2012 initiative of the Dubai Multi Commodity Centre to issue a practical guidance to assist DMCC licensed members within the UAE's gold and precious metals industry on the implementation of OECD guidelines on due diligence.¹²³ Since the issuing of the guidance the DMCC hosted several workshops to brief its licensed members, including refiners and jewelers, on the Guidance.

The Group interacted with Dubai Good Delivery List refiners during a visit to the DMCC in September. Refiners' representatives explained that they *a priori* refuse to source directly from the Great Lakes Region, and refuse scrap gold that contains a trace of impurities associated with mined gold to enter their refineries. When sourcing from jewelers in UAE gold souks, refiners demand invoices to check sources of supply of gold, again refusing any gold from unknown or unclear origin.

Such checks notwithstanding, refiners' representatives told the Group that stricter import controls are necessary to protect the UAE market from gold entering from conflict areas, suggesting that hand carried gold should be kept at customs until a certified dealer collects it. According to customs authorities the procedure to date is that those hand carrying gold in UAE must show a letter attesting that the person is an authorised carrier of a certified dealer in UAE, along with an invoice and a certificate of origin.

In turn, these documents are requested by small refiners in the UAE gold souks that smelt scrap bars, nuggets and dust to transform gold for the local jewelry market. The group visited one of the four smelters in Dubai's gold souk. Its manager confirmed to regularly receive gold from various African destinations for smelting. Falling outside DMCC jurisdiction, gold souk companies are not aware on their due diligence obligations with regard to gold from "red flag" locations.

International

On 17 September 2012 the Conflict Free Smelter (CFS) program, London Bullion Market Association (LBMA) and Responsible Jewellery Council (RJC) announced mutual recognition of their independent third party audits of refiners and their due diligence in conformity with OECD due diligence guidance. By 18 July, six gold refiners had been awarded "conflict free" status under the CFS programme. The LBMA guidance is mandatory for sixty-three LBMA Good Delivery gold refiners, compliance on which is reviewed annually by independent auditors. RJC members, including gold refiners, have to undergo mandatory audits in order to become or remain Chain of Custody (CoC) Certified. Three entities have so far individually achieved CoC Certification. None of the gold refiners

¹²³ Paragraph 160, S/2012/349.

audited under the different initiatives have a history of sourcing from the DRC or known transiting countries like Uganda and Burundi.

Annex 74

Methodology for the Group's socio-economic assessment of mining zones.

The Group conducted a series of semi-structured interviews, based on a series of standard questions, working with key informants, as well as focus groups in mining areas, covering a wide range of socioeconomic indicators. The Group visited the mining areas and towns of Bunia, Lubutu, Mubi/Bisiye, Butembo, Kindu, Rubaya, Goma, Nyabibwe, Lemera, Idjwi, Bukavu, Misisi, Kalemie and Lubumbashi. For those mining areas it was not able to visit, it gathered information from other sources knowledgeable of the current context in those mining zones, or it relied on findings from visits during the previous mandate. Throughout its research the Group distinguished between four time periods: 1) the period before the government suspension of all artisanal mining activity in the Kivus and Maniema from September 2010; 2) the period during the suspension from September 2010 to March 2011; 3) the period following the lifting of the suspension; 4) and the period following the May 2012 suspension of main export houses Huaying and TTT.

Interviews focused first on mining-related indicators, such as export figures, production levels, prices, revenues and employment. Secondly, interviews focused on social indicators such as food prices, availability of health services, availability of merchandise, school enrolment and investments in mining communities. Thirdly, interviews discussed the security at mining sites, a precondition for any sustainable development.

In addition to interviews at the local level, the Group gathered relevant aggregated economic data at the provincial level and consulted existing research by humanitarian organisations.

Annex 75

Background information on Mai Mai Gedeon.

Mai Mai Gédéon & Coordination pour le référendum et l'autodétermination du Katanga (CORAK)

The alliance between the Mai Mai Gédéon and the independence fighters of CORAK has expanded its area of control which now includes parts of the territories of Mitwaba, Pweto, Moba, Manono and the Southern tips of Nyunzu and Kalemie, in Katanga province. It is unclear whether Gédéon retains a significant command position within the movement as he is not commanding the operations in Mitwaba.

The alliance continues to launch occasional attacks against FARDC positions and symbolic targets. In July 2012, CORAK attacked the Lubumbashi airport for the second time. In August, a group of Mai Mai Gédéon combatants attacked an FARDC arms depot in the strategically located town of Pweto. One of the main purposes of the CORAK/Gédéon attacks is retrieving weapons and ammunition. CORAK commanders claim that through these attacks, they seized a considerable amount of weapons and ammunition, sufficient to launch an operation against the provincial capital, Lubumbashi. They explained to the Group that captured weapons are transferred to Mai Mai Gédéon in Central Katanga. According to eyewitnesses, the Mai Mai in Mitwaba carry AK 47, machine guns and RPGs.

Annex 76

Example of remote motion sensor and night vision camera which could be installed on Rwandan Defense Forces trails between Kinigi and M23 headquarters at Runyoni.



Annex 77

Organisations and representatives which the Group officially met with during this mandate.

Democratic Republic of the Congo

Government

Administration provinciale du Nord Kivu
Administration provinciale du Sud Kivu
Administration provinciale du Maniema
Agence nationale de renseignement
Auditorat militaire
Banque Centrale du Congo
Centre d'évaluation, d'expertise et de certification
Direction générale des migrations
Direction Générale des douanes et accises
Forces armées de la République démocratique du Congo
Ministère des mines
Institut congolais pour la conservation de la nature
Police nationale congolaise
Police des mines
Régie des voies aériennes
Service d'appui et d'assistance au *small-scale mining*

Private sector

AR Gold
Fédération des entreprises du Congo
TTT Mining
Clepad
Africa Mining Group
Huyaing
Lekmining
Maison Nikele
Maniema Mining Company
Maniema Moto
Metachem
Minérales Industries Métallurgiques
North Kivu comptoirs association
Services Air

Société Commerciale Industrielle d'explosif

Organizations

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

Office of the United Nations High Commissioner for Human Rights

United Nations Development Programme

United Nations Office on Drugs and Crime

Observatoire du Gouvernance et Paix

Pact

Caritas

Innovation for the Development and the Protection of the Environment

Catholic University of Bukavu

Development Bank of Southern Africa

Human Rights Watch

Union pour le développement et la protection de l'environnement

Programme transitionnel de demobilization et réintégration de la Banque Mondiale

Joint Information and Operations Centre

Commission Justice et Paix

Centre d'Etudes Pour l'Action Sociale

EUSEC

Coopérative Des Artisans Miniers du Congo

Rwanda

Government

Ministry of Foreign Affairs and Cooperation

Ministry of Defence

GMD

Private sector

Phoenix Metals

Minerals Supply Africa

Burundi

Government

Ministry of Mines

Office burundais des recettes

National Police

National Intelligence Service

National Defence Force

Private sector

Wolfram Mining and Processing

Uganda

Government

Ministry of Foreign Affairs

Ministry of Defence

Ministry of Energy and Mines

Civil Aviation Authority

Interpol Uganda

Office of the President

Uganda Police Force

Private sector

Uganda Commercial Impex Limited

Kenya

Government

Ministry of Foreign Affairs

Kenya Civil Aviation Authority

Kenya Ports Authority

Kenya Revenue Authority

Kenya Police

National Focal Point on Small Arms and Light Weapons

Organizations

International Crisis Group

Regional Centre on Small Arms (RECSA)

Diplomatic representations

Embassy of Belgium

Republic of South Africa

Private sector

Amalgated Metal Corporation

Traxys

Yunnan Tin Company
Malaysia Smelting Corporation

Organizations

Electronic Industry Citizenship Coalition

United Republic of Tanzania

Government

Ministry of Foreign Affairs
Ministry of Migration
Ministry of Defence
Ministry of Mines
Tanzania Ports Authority
Mzinga corporation

Private sector

Federal Bank of the Middle East

United Arab Emirates

Government

Ministry of Foreign Affairs
Federal Customs Authority
Dubai Multi-Commodities Centre

Private sector

Kaloti Jewellery
Emirates Gold

Belgium

Government

Ministry of Foreign Affairs
Ministry of Justice
Ministry of Defence

Organizations

Institute of Development Policy and Management
Channel Research
International Peace Information Service

France

Government

Ministry of Foreign Affairs

Organizations

Organization for Economic Cooperation and Development

German Federal Institute for Geosciences and Natural Resources

United States of America

Organizations

Enough

Oxfam International

Refugees International

Resolve

Crisis Action

Diplomatic representations to the United Nations

Permanent Mission of the Democratic Republic of the Congo to the United Nations

Permanent Mission of Azerbaijan to the United Nations

Permanent Mission of South Africa to the United Nations

Permanent Mission of Colombia to the United Nations

Permanent Mission of China to the United Nations

Permanent Mission of France to the United Nations

Permanent Mission of Germany to the United Nations

Permanent Mission of Kenya to the United Nations

Permanent Mission of Rwanda to the United Nations

Permanent Mission of the United Kingdom of Great Britain and Northern Ireland to the United Nations

Permanent Mission of the United States of America to the United Nations

Permanent Mission of Portugal to the United Nations

Permanent Mission of Pakistan to the United Nations

Permanent Mission of India to the United Nations

Permanent Mission of Uganda to the United Nations

Permanent Mission of the United Arab Emirates to the United Nations

Permanent Mission of the Russian Federation to the United Nations

International Criminal Police Organization

United Kingdom

Government

Ministry of Foreign Affairs

Organizations

International Tin Research Institute

LBMA
