



安全理事会

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2014 年 1 月 22 日刚果民主共和国问题专家组协调员给安全理事会主席的信

我谨代表根据安全理事会第 2078(2012) 号决议延长了任务期限的刚果民主共和国问题专家组，按照同一决议第 5 段的要求，随信提交专家组的最后报告(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。

刚果民主共和国问题专家组
协调员
埃米莉·塞拉尔塔(签名)

* 由于技术原因于 2014 年 2 月 4 日重发。



附件

2013 年 12 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成员谨此转递专家组依照安全理事会第 2078 (2012) 号决议第 5 段编写的最后报告。

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刚果民主共和国问题专家组的最后报告

摘要

这一年发生的最重大事件是刚果民主共和国“3•23”反叛运动军事失败，逃往卢旺达和乌干达。刚果民主共和国问题专家组记录了“3•23”运动 2013 年践踏人权行为，并确认“3•23”运动得到来自卢旺达境内的各种形式的支助，包括招募、部队增援及弹药和火力支援。在编写本报告时，专家组收到可靠情报称，受制裁的“3•23”运动领导人在乌干达行动自由，而且“3•23”运动继续在卢旺达进行招募。

刚果武装部队(刚果民主共和国武装力量——刚果(金)武装部队)在联合国组织刚果民主共和国稳定特派团部队干预旅的支持下打败“3•23”运动，这向该国东部其他武装团体发出了一个强烈信息。虽然其中一些团体因担心遭到刚果(金)武装部队和干预旅的袭击而更具攻击性或采取防御姿态，但其他一些武装团体已开始投降，并表示愿意加入刚果军队和警察。刚果民主共和国东部许多武装团体，特别是解放卢旺达民主力量、民主同盟军和卡塔加丹加派继续对安全构成威胁。这些团体应对严重侵犯人权行为和大批人流离失所负责。

刚果民主共和国东部许多武装团体通过生产和买卖自然资源获得资金。关于黄金，专家组注意到许多矿址在冲突后地区，而来自这些地区的产品与来自冲突地区的产品混合在一起，特别是在刚果民主共和国东部较大的贸易城镇及过境国布隆迪、乌干达和坦桑尼亚联合共和国。黄金贸易缺乏透明度，因此很难区分来自冲突区和无冲突区的黄金。专家组估计，在刚果民主共和国生产的 98% 黄金被偷运出境，而且作为刚果黄金贸易的主要过境国，在乌干达交易的几乎所有黄金都从刚果民主共和国非法出口。因此，刚果民主共和国政府和乌干达政府每年损失数百万美元的税收，而且正在默认一种资助刚果民主共和国东部武装团体的制度。

经济合作与发展组织和大湖区问题国际会议采取的举措推动了矿址的核证工作，促进遵守关于无冲突和无童工的国际标准，但武装团体和刚果(金)武装部队继续控制着许多矿址，并从采矿和矿产贸易中获益。2013 年期间，矿物、特别是锡、钽和钨继续通过邻国从刚果民主共和国东部偷运出境，有损国际核证和追踪机制的公信力和进展。专家组调查了在刚果民主共和国东部大规模猎杀大象获取象牙的活动，这一活动为该区域武装团体和犯罪网络提供了资助。

专家组还按照其任务规定记录了严重违反国际人道主义法行为，包括征募和使用儿童兵、即决处决、性暴力和以平民为目标。虽然武装团体犯下其中许多罪行，但专家组也查明刚果(金)武装部队的许多违法行为。

一. 引言

1. 根据安全理事会第(2012)2078号决议第5段,刚果民主共和国问题专家组通过第1533(2004)号决议所设委员会向安理会提交其最后报告。依照安理会第2078(2012)号决议第21段的要求,专家组与科特迪瓦问题专家组交流了关于自然资源的信息。专家组还与分析支助和制裁监测组、索马里和厄立特里亚问题监测组和苏丹问题专家小组进行了协商。为了更容易确定列入本报告的矿址,专家组在附件1中插入多个地图。

证据标准

2. 专家组使用安全理事会关于制裁的一般性问题工作组所建议的证据标准(见S/2006/997)。专家组根据文件、并在可能的情况下根据其专家本人的第一手现场观察意见作出定论。如果无法做到这一点,专家组利用至少三个独立的可靠消息来源对资料加以证实。

3. 鉴于刚果民主共和国冲突的性质,明确证实武器转让、招募、严重践踏人权行为的指挥责任及非法开采自然资源的文件很少。因此,专家组依赖当地社区成员及武装团体前战斗人员和当前成员的目击证词。专家组还审议了大湖区政府官员和军官和及联合国消息来源提供的专家证词。专家组先后121次请若干国家政府和公司提供资料,并得到不同程度的回应(见附件2所述)。在任务期内,卢旺达政府不允许区域问题专家和武装团体问题专家正式访问卢旺达。

二. 刚果武装团体

A. “3•23”运动

4. “3•23”运动反叛力量逐渐减弱,直至11月在军事上被打败。导致“3•23”运动最终失败的主要因素如下:2013年3月,该运动领导层分裂,该运动前领导人博斯科·恩塔甘达及其788名忠诚支持者逃到卢旺达;刚果武装部队(刚果民主共和国武装力量(刚果(金)武装部队)与联合国组织刚果民主共和国稳定特派团(联刚稳定团)开展良好合作,共同采取军事行动打击“3•23”运动;在更大的国际压力下,卢旺达政府推动减少从卢旺达境内向“3•23”运动提供支持。专家组记录了10月底之前从卢旺达境内向“3•23”运动持续提供支持的情况,包括8月卢旺达国防军士兵抵达刚果民主共和国,以及6月、7月和8月运送弹药。专家组致函卢旺达政府,寻求澄清这一问题。在编写本报告时,专家组尚未收到答复。¹ 尽管“3

¹ 在2013年12月12日向委员会提交最后报告之后,专家组收到了2013年12月12日卢旺达常驻副代表的信的副本。2014年1月15日,卢旺达常驻代表就专家组2012年(S/2012/843)和2013年的最后报告致信委员会主席,随信附有6份附件。在收到主席正式转递的这封信后,专家组在本报告后加上了一份附件,题为“卢旺达政府对联合国刚果民主共和国问题专家组2013年最后报告所提指控的回复”(2014年1月15日的信的第一份附件),并附上了专家组的答复(见附件109和110)。此外,专家组还附上了2013年1月22日世界银行关于专家组2012年最后报告所载调查结果的信,以及2013年4月24日专家组的答复(见附件111和112)。专家组还附上2013年1月22日国际锡研究协会关于2012年最后报告的信,以及2013年6月3日专家组的答复(见附件113和114)。

“3•23”运动 11 月 5 日宣布停止反叛活动，但专家组有可靠信息表明，该运动残部和盟友继续在卢旺达进行招募。

来源

5. 2013 年期间，专家组约谈了 71 名“3•23”运动前战斗人员和政治干部，其中 34 人在刚果民主共和国、23 人在卢旺达、14 人在乌干达被招募。3 月，专家组约谈另外 14 名“3•23”运动前战斗人员和政治干部，他们在卢旺达投降。专家组还约谈 3 名卢旺达国防军逃兵、1 名已复员的国防军成员及了解“3•23”运动的其他武装团体政治干部和成员或前战斗人员。

6. 专家组约谈了“3•23”运动控制区居民，包括民间社会领导人和村民及流离失所者。工作组还约谈了北基伍社区领导人、刚果政府官员、扩大联合核查机制成员和联合国官员。专家组在二次正式访问卢旺达和三次正式访问乌干达期间讨论了“3•23”运动问题。专家组给政府和公司写了 13 封信，要求提供关于“3•23”运动的资料。专家组在“3•23”运动阵地拍摄和获得多张照片，在“3•23”运动控制区内和附近实地观察，审查联合国各机构和扩大联合核查机制编写的报告，并分析前“3•23”运动失败后从其阵地回收的文件。

败局前兆

7. 继 5 月在 Mutaho 发生战斗之后(见 [S/2013/433](#)，第 43 段下方框)，6 月和 7 月初战斗相对很少。刚果(金)武装部队和“3•23”运动在这两个月内加强其阵地。6 月和 7 月，部队干预旅继续在戈马和萨凯周围进行部署。

8. 7 月中旬战斗再起。到 8 月底，“3•23”运动在与刚果(金)武装部队、部队干预旅和鲁丘鲁多个武装团体进行战斗之后丧失了领土、部队和士气。7 月 14 日，“3•23”运动袭击刚果(金)武装部队，将其武装部队赶出 Mutaho 山和戈马以北的 Kanyarucinya 地区。在三天的激烈战斗中，刚果(金)武装部队使用了 3 架攻击直升机，赶走“3•23”运动并夺取更多领土，包括 Munigi 以北的战略据点。7 月 24 日，刚果(金)武装部队在戈马以北 35 公里处的鲁曼加博 Cavalry Lines 使用直升机袭击“3•23”运动阵地。刚果(金)武装部队直升机的多发炮弹落在一个平民区，炸伤至少 7 名平民。

9. 8 月 21 日，在戈马以北大约 15 公里的基巴蒂战斗重新开始。8 月 22 日起，从前线发射的许多炮弹落在卢旺达和刚果民主共和国平民地区(见方框 1)。8 月 22 日和 24 日，部队干预旅炮火和攻击直升机在发生激烈战斗的基巴蒂地区向支持刚果(金)武装部队地面部队提供支援。8 月 24 日和 27 日，战斗平息。“3•23”运动损失了设备和领导人；在此期间至少 17 名军官丧生。

10. 8 月 28 日，刚果(金)武装部队和部队干预旅使用坦克、装甲运兵车、攻击直升机、迫击炮和地面部队再次攻击基巴蒂前线沿线的“3•23”运动阵地。“3•23”运动使用其全部武器强烈抵抗，包括反坦克武器，造成部队干预旅 2 名坦桑尼亚

军官死亡。8月28日，“3•23”运动向戈马开火，打伤若干人(见方框1)，并进入Munigi联刚稳定团基地，分别打伤南非和坦桑尼亚2名维和人员。8月30日，刚果(金)武装部队成功攻占基巴蒂“三塔”山，迫使“3•23”运动向北撤往Kibumba和Kanyamahoro(见附件3)。这一胜利使戈马脱离“3•23”运动炮火射程。8月30日之后，没有再在戈马和卢旺达发生任何炮击事件(见方框1)。

11. 8名“3•23”运动前战斗人员告诉专家组，伤兵被送至卢曼加博或Tshanzu。前战斗人员还告诉专家组，一些死亡或受伤的卢旺达士兵被运回卢旺达埋葬或接受治疗。

12. 继刚果(金)武装部队打击“3•23”运动取得成效后，国际压力导致停止敌对行动，并于9月10日在坎帕拉恢复谈判。9月16日、21日、23日和25日在前线沿线刚果(金)武装部队与“3•23”运动发生多起小冲突，但在谈判期间局势大致平静。9月21日，“3•23”运动加强了其在Kibumba周围的阵地。基旺加当地居民在和联合国消息来源告诉专家组，“3•23”运动士兵在其日益缩小的控制区内多次抢劫、攻击、绑架和任意逮捕当地人民。

方框 1

炮击刚果民主共和国和卢旺达

卢旺达政府和联合国消息来源估计，8月22日至30日从刚果民主共和国境内前线发射的至少43个炮弹落在该国和卢旺达平民区，在刚果民主共和国境内炸死2人、炸伤13人，在卢旺达境内炸死1人、炸伤3人。“3•23”运动发射的其他炮弹在联合国营地和据点造成多人伤亡(见第150段)。

扩大联合核查机制10月1日关于卢旺达和戈马8月炮击事件的报告称，从可确定开火方向的地点看，80%的炮火来自战斗期间“3•23”运动占据的基巴蒂-kibumba战区。关于卢旺达和戈马受影响的地点，该机制得出的结论是，虽然没有针对军事目标，但断定是蓄意炮击(见附件4)。

9月30日，卢旺达政府对专家组索取资料的要求作出答复，提供了一份清单，其中列出36个地点。8月22日和29日从刚果民主共和国这些地点发射的大炮、迫击炮和坦克炮弹落在卢旺达境内。据卢旺达政府称，迫击炮、坦克、大炮/榴弹炮弹和火箭发射器分别射中7人、9人、18人和1人。此外，1人被来源不明的炮弹射中。在36枚炮弹中，27枚爆炸。除2枚炮弹外，所有炮弹都落在田地、岩石或树木上，1枚落在基伍村庄，炸伤1人，另一枚落在Ihumure村，炸死1名妇女，严重炸伤她的孩子。卢旺达政府称，一些落在卢旺达的炮弹是刚果(金)武装部队发射的，因此威胁在刚果民主共和国进行干预；然而，联刚稳定团军事消息来源和1名前卢旺达国防军士兵告诉专家组，“3•23”运动已经发射一些或全部炮弹。

8 月 22 日至 30 日，7 发炮弹落在刚果境内通往戈马的前线南部。联刚稳定团军事消息来源和刚果消息来源称，这些炮弹是“3•23”运动发射的，落在戈马平民区，包括在流离失所者城郊营地附近。这些炮弹炸毁戈马一所学校和几栋房屋(见附件 5)。从“3•23”运动据点发射的炮火还毁坏了二辆联合国救护车、二辆联合国装甲运兵车、其他二辆联合国车辆和联刚稳定团工作人员住所。

联合国地雷行动协调中心工作人员调查了轰炸戈马事件，并确定“3•23”运动可能从其基巴蒂阵地发射了多发炮弹(见附件 6)。

崩溃

13. “3•23”运动在 10 月 21 日于坎帕拉举行的谈判破裂后迅速完结。9 月初至 10 月下旬停战期间，各方都加强了其阵地，准备战斗。“3•23”运动利用谈判部署重型武器，包括大炮。10 月 18 日，“3•23”运动阻止扩大联合核查机制代表团前往 Tshanzu，检查“3•23”运动武器库(见附件 7)。同日，“3•23”运动在 Kanyamahoro 附近射击、但未击中部队干预旅二架南非直升机。

14. 10 月 25 日清晨，“3•23”运动攻击刚果(金)武装部队在 kanyamahoro 的二个据点。刚果(金)武装部队击退“3•23”运动的攻击，并发起进攻。“3•23”运动很策略地在刚果民主共和国边界附近建立一些据点，包括在 Kabuye 和 Mount Hehu(见附件 8)，这使刚果(金)武装部队在进行攻击时，炮弹很难不射入卢旺达。10 月 25 日至 27 日，“3•23”运动在卢旺达-刚果民主共和国边界-卢旺达边界 Kabuhanga-Kabuye 获得卢旺达国防军坦克火力支援(见下文)。

15. 在最后战斗中，在鲁丘鲁活动的若干武装团体攻击了“3•23”运动一些据点(附件 9)。截至 10 月 28 日，刚果(金)武装部队迅速推进，将“3•23”运动赶回其在与乌干达和卢旺达边界附近的 Tshanzu 和 Runyoni 据点。“3•23”运动撤离 kibumba 时销毁自己的一辆 T-55 型坦克(见附件 10)。10 月 30 日，刚果(金)武装部队夺取与乌干达接壤处的布纳加纳镇，该镇一直是“3•23”运动政治总部所在地。

16. 11 月 4 日，“3•23”运动蓄意轰炸布纳加纳平民区，部队干预旅使用攻击直升机炮击 Tshanzu。刚果(金)武装部队使用大炮和坦克火力保持压力，并在 11 月 5 日之前成功地夺取 Tshanzu 和 Runyoni。“3•23”运动在 Tshanzu 放弃大量储存弹药(见附件 11)。虽然一些“3•23”运动分子在刚果民主共和国投降，一些人撤回卢旺达，但 11 月 5 日 Sultani Makenga “将军”指挥下的其余大部分人越境进入乌干达(见附件 12 方框)。

17. 刚果(金)武装部队战胜“3•23”运动是若干因素使然。第一，刚果(金)武装部队有更多兵力和火力。在最后作战中，该力量至少有 6 000 名官兵，他们得到部队干预旅的支持，而干预旅在当地有 400 名官兵。刚果(金)武装部队和干预旅使用直升机收集情报、运输和再补给及进行空袭。刚果(金)武装部队还极其有效

地使用了坦克、火炮和迫击炮。第二，刚果(金)武装部队和联刚稳定团军事领导人在规划和开展行动方面进行了有效协调和协作。第三，尽管继续进行招募，但“3•23”运动因伤亡和逃兵及士兵士气低落而人数不断减少。

方框 2

“3•23”运动投降

刚果(金)武装部队官员告诉专家组，截至 11 月 25 日，284 名“3•23”运动军人和警察在 Kanyarucinya 和 Bweremana 向刚果(金)武装部队投降。另外 55 名“3•23”运动分子于 10 月和 11 月向联刚稳定团投降。刚果政府官员和联刚稳定团军事消息来源估计，“3•23”运动不到 400 名官兵越境进入乌干达。

11 月 19 日，乌干达政府对专家组索取资料的请求作出答复，称 11 月 5 日“3•23”运动 1 445 名战斗人员进入乌干达，其中包括 Makenga 和 Innocent Kaina 上校。该国政府还称，“3•23”运动战斗人员上缴了他们的武器。(附件 13)11 月 13 日和 14 日，乌干达当局将前战斗人员从基索罗运至 kasese 区 Hima。专家组要求乌干达政府提供这些战斗人员名单并说明其地位，但在编写本报告时没有得到答复。

招募

18. 专家组约谈了 71 名“3•23”运动前战斗人员。他们 2013 年投降，并提供了关于 2012 年和 2013 年期间他们在刚果民主共和国、卢旺达和乌干达被招募的信息。这些人接受了就业和自愿的虚假承诺，被迫加入“3•23”运动。新兵告诉专家组，他们大约 80 人，分组接受训练，尤其在卢曼加博训练营。他们确定 Magido 少校是总教官。专家组获得一些“3•23”运动新兵训练笔记本副本(见附件 14)。专家组获得的一份 2013 年 7 月 4 日文件表明，“3•23”运动为招募和运送新兵拨款(见附件 15)。

刚果民主共和国

19. 34 专家组约谈了 34 名被迫或自愿加入“3•23”运动的刚果公民，其中 1 人为女性，2 人是 15 岁和 16 岁男孩，其余人为男性。7 月下旬，联合国消息来源报告，“3•23”运动由 kibumba 镇 Bushama 村和 Rutovu 村被强征的平民组成，抵制者被射杀。专家组获得的一个 2012 年 11 月 2 日收据显示，“3•23”运动政治干部 Kevin Bitabwa 收受 750 美元，帮助在戈马招募“3•23”运动干部(见附件 16)。

卢旺达

20. 专家组约谈了 23 名曾在“3•23”运动服役的卢旺达人，其中 18 人为卢旺达公民，5 人为居住在卢旺达的刚果公民。小组还约谈了 31 名来自布隆迪、刚果民主共和国和乌干达的前战斗人员，他们告诉专家组，卢旺达平民和/或来自卢旺

达的刚果难民曾与他们一起服役。2013年1月1日至12月8日，联刚稳定团遣返了78名曾在“3•23”运动服役的卢旺达公民。

21. 在23名来自卢旺达的新兵中，包括18名成年人，5名儿童。他们通过各种方式最终在“3•23”运动服役。专家组约谈了3名卢旺达公民，包括一名16岁男孩，他们被迫加入“3•23”运动。专家组还约谈了13名卢旺达公民，包括13岁、15岁和17岁男孩，他们自愿加入或相信虚假就业承诺而加入“3•23”运动。专家组约谈了1名卢旺达国防军特种部队逃兵，2013年8月他被部署在卢旺达-刚果民主共和国边界，期间卢旺达国防军部署到刚果民主共和国，以支持“3•23”运动。专家组还约谈5名在卢旺达招募的刚果公民，包括1名17岁男孩。

22. 专家组确认，一些来自卢旺达的“3•23”运动新兵是卢旺达国防军复员士兵（见S/2013/433，第40-43段）。“3•23”运动前军官和士兵告诉专家组，在“3•23”运动服役的卢旺达国防军复员士兵担任训练员和重型武器操作员。4名“3•23”运动前战斗人员告诉专家组，卢旺达国防军前军官Kalissa Rwema少校在鲁曼加博担任“3•23”运动训练员。联合国消息来源和2名“3•23”运动前军官告诉专家组，1名卢旺达国防军前士兵（只知其绰号为“Kifaru”）是“3•23”运动在战斗中使用的T-55型坦克兵（见S/2013/433，附件5）。

23. 专家组在中期报告中指出，逃离“3•23”运动并直接返回卢旺达的卢旺达国民被卢旺达国防军军官强行送回“3•23”运动（见S/2013/433，第38段）。2名逃离卢旺达国防军的军官、1名卢旺达国防军复员军官、1名“3•23”运动前军官和1名“3•23”运动卢旺达籍招募人告诉专家组，卢旺达国防军军官也为“3•23”运动招募人员，并为“3•23”运动招募人提供便利，允许他们使用卢旺达安全通道。

24. “3•23”运动向Emmanuel Ngabo支付750美元，以帮助在卢旺达吉塞尼省为“3•23”运动招募干部（见附件16）。“3•23”运动任命的Nyragongo县行政长官Gaspard Karemera也前往卢旺达招募新兵，并协助新兵经Kabuhanga边界过境。在“3•23”运动于11月失败后，联刚稳定团官员告诉专家组，他们已在该运动多个卢曼加博据点回收卢旺达国民身份证（见附件17）。刚果（金）武装部队也回收这种身份证。专家组正在调查关于在“3•23”运动失败后继续在卢旺达招募的报告。

乌干达

25. 专家组约谈了14名男子，他们接受虚假聘用承诺之后在乌干达被招募。他们之中13人是乌干达公民，1名布隆迪人。2013年1月1日至12月8日，联刚稳定团遣返了23名曾是“3•23”运动成员的乌干达公民。

26. “3•23”运动在坎帕拉维持一个招募网络，承诺为男人提供赚钱的工作，在刚果民主共和国担任联合国或石油勘探公司警卫，或担任司机或机械师。前战斗人员确定“Mufuruki”（见S/2013/433，第39段）、“Grace”、“Emmanuel”和“Agnes”

是在乌干达的主要招募人。以这种方式被招募的一些男子曾在美国建在伊拉克的设施担任警卫，他们因受过一定的军事训练而被特别招募。

27. 招募人召集多个接受聘用合约的 10 至 15 人团体，并陪他们乘坐一辆公交车从坎帕拉前往靠近与刚果民主共和国边界的基索罗。在基索罗，“3•23”运动军官Kazungu接待他们，并护送他们跨越边界(见 S/2013/433, 第 39 段)。在布纳加纳，“3•23”运动成员拿走这些男子的身份证件、电话和钱，然后将他们送至鲁曼加博接受训练。专家组约谈了 3 名曾在伊拉克服役的男子，其中 1 人告诉专家组，他和其他 3 名伊拉克退伍军人最初抵制，并要求返回乌干达，但在枪口威胁下让步。

从卢旺达境内提供支持

28. 专家组记录，“3•23”运动继续获得来自卢旺达境内的支持。如上所述，最一贯的支持形式是通过招募，以及提供武器和弹药，战斗期间尤其如此。“3•23”运动还在 8 月得到卢旺达士兵直接部队支援。在 10 月战斗期间，卢旺达坦克向刚果民主共和国开火，支持“3•23”运动。

29. 8 月，卢旺达国防军士兵短时间内越境进入刚果民主共和国，加入“3•23”运动并参加作战行动。14 名 Kibumba 居民和 4 名“3•23”运动前战斗人员告诉专家组，他们在 8 月战斗期间目睹卢旺达国防军士兵抵达，包括 8 月 22 日至 24 日和 8 月 27 日。值得注意的是，部队来自卢旺达，经过了 Kabuhanga 边界哨所。此外，1 名卢旺达特种部队士兵告诉专家组，在一项增援行动中，他于 8 月从穆登代进入作战位置。该士兵曾在卢旺达国防军服役，作为非洲联盟-联合国达尔富尔混合行动的一部分(见附件 18)。一些卢旺达国防军士兵直接加入“3•23”运动时，他曾陪同一名指挥官来到 Karisimbi 火山坡，从那里他们监视“3•23”运动控制区，以及与卢旺达国防军部队的通信联系，这些部队与“3•23”运动共同行动。另外 2 名卢旺达国防军逃兵、1 名卢旺达国防军复员军官、多名刚果(金)武装部队官员及联刚稳定团消息来源也证实了卢旺达国防军增援行动。

30. 专家组记录，在最后战斗期间，卢旺达国防军坦克出现在卢旺达 Kabuhanga 和刚果民主共和国 Kabuye 边界。许多 Kabuye 目击者向专家组指出 10 月 25 日二辆卢旺达国防军坦克越过边界进入 kabuye 的地点；更多卢旺达国防军坦克就部署在边界另一侧的 Kabuhanga。根据 15 名前往戈马的边界地区流离失所者和 10 月 15 日留在 Kabuye 的 10 名当地居民的确凿证词，在刚果民主共和国和卢旺达的卢旺达国防军坦克向刚果(金)武装部队阵地开火。此外，刚果(金)武装部队指挥官和士兵、1 名实地外国记者和 1 名外交官确认，卢旺达国防军坦克从 10 月 25 日下午开始至 10 月 27 日从 Kabuhanga 和 Kabuye 边界开火。坦克炮火促使大多数 Kabuye 和其他边界村庄居民逃往卢旺达邻近村庄。11 月 6 日，专家组致函卢旺达政府，寻求澄清这一活动情况；但在编写本报告时，专家组尚未收到答复。

31. 28 名“3·23”运动前战斗人员、生活在靠近卢旺达与乌干达边界的刚果民主共和国当地居民、刚果当局和联合国消息来源告诉专家组，“3·23”运动通过 Kabuhanga-Kabuye (卢旺达) 和 Bunagana (乌干达) 过境点获得武器弹药。这些消息来源称，通常在夜间用卡车运来弹药，包括步枪和机关枪弹药、12.7 毫米子弹、反坦克弹和火箭榴弹。6 名前战斗人员告诉专家组，他们在 6 月、7 月和 8 月看见白色卡车经 Kabuhanga 过境点从卢旺达运送弹药。一些“3·23”运动前战斗人员告诉专家组，他们本人曾从卢旺达 Kabuhanga 用船将弹药运至刚果民主共和国 Kibumba。

筹资

32. 2013 年，“3·23”运动主要通过向所控制地区民众征税和进行掠夺来为其叛乱筹资，这种方法与全国保卫人民大会 2008 年所用方法类似(见 S/2008/773，第 33 和 35-47 段)。3 名“3·23”运动前军官告诉专家组，2013 年期间，“3·23”运动的大部分收入来自家庭税、运输税以及交易和财产收入(见附件 19)。专家组未发现“3·23”运动 2013 年参与矿产贸易的证据。

33. 3 名“3·23”运动前军官、刚果当局和联合国消息来源告诉专家组，“3·23”运动向通过 Kitoboko、Nyongera、Nyamabongo、基巴蒂和布纳加纳路障的车辆索要钱财；专家组目睹“3·23”运动在许多路障收钱。3 名“3·23”运动前战斗人员称，“3·23”运动索要的数额因车辆装载货物不同从 400 美元到 1 200 美元不等。专家组还获得一位卡车主 5 月份支付 420 美元的收据(见 S/2013/433，附件 22)。7 月，“3·23”运动财务主任 Erasto Bahati (见 S/2011/738，第 310 段)撰写了一份备忘录，抱怨“玛伊-玛伊”民兵和 Nyatura 团体的活动减少了途经“3·23”运动控制区的车辆，从而导致其税收减少(见附件 20)。

34. 乌干达当局告诉专家组，2013 年 11 月，乌干达关闭了布纳加纳边境。但是，“3·23”运动前战斗人员、当地居民和专家组在布纳加纳的观察证实，每天许多卡车通过布纳加纳边境，为“3·23”运动提供收入。2012 年 6 月至 2013 年 11 月初，“3·23”运动控制了布纳加纳。在“3·23”运动占领该地之前，即 2012 年 1 月至 6 月，刚果海关在布纳加纳边境哨所向进入乌干达的卡车征税 35 亿刚果法郎(390 万美元)(见附件 21)。这表明，在“3·23”运动占领布纳加纳期间，刚果民主共和国政府每月损失约 650 000 美元收入。

35. 2 名“3·23”运动前军官告诉专家组，家庭税包括“3·23”运动控制地区的每个家庭每月支付 800 至 1 000 刚果法郎(0.89-1.11 美元)或捐赠食物。9 月，一名负责记录“3·23”运动家庭税的前官员告诉专家组，虽然不是每个家庭每个月交税，2012 年 11 月至 2013 年 8 月期间，每月的税收约为 3 000 美元。“3·23”运动从各种税收获得资金，但其前战斗人员告诉专家组，他们在服役期间从未获得报酬。一名“3·23”运动前军官告诉专家组：“我们曾坚持下去的希望是有一天会得到报酬。”

36. “3·23”运动还掠夺当地居民的钱和货物。在“3·23”运动控制地区生活的人民和联合国消息来源告诉专家组，“3·23”运动战斗人员抢劫房屋和民众，在7月至10月“3·23”运动失势期间尤其如此。

37. “3·23”运动的财务主任助理是Castro Mberabagabo Mbera。在全国保卫人民大会叛乱期间，他负责财务，包括在布纳加纳边境哨所筹集资金(见 [S/2008/773](#)，第21和36段)。Mbera及其家人住在大不列颠及北爱尔兰联合王国。

“3·23”运动后时期

38. 尽管“3·23”运动于11月5日战败，但出现了与其叛乱有关的新挑战。专家组收到联合国来源和刚果当局的可靠报告，称“3·23”运动干部及其同盟正在卢旺达进行招募。

39. 截至编写本报告时，“3·23”运动和刚果民主共和国政府仍未在坎帕拉会谈框架内达成任何协定。11月13日，“3·23”运动常务秘书Serge Kambasu Ngeve发表公报，表示他愿意与政府签署一项和平协定。11月27日，Sultani Makenga在坎帕拉发表一份公报，支持“3·23”运动主席Bertrand Bisimwa决定将Kambasu Ngeve和Jérôme Mashagiro Nzeyi停职，理由是“无纪律和叛国”(见附件22)。

40. 自“3·23”运动失败以来，几个武装团体已开始投降，其他一些团体表示愿意投降，民主同盟军是明显例外。11月20日，刚果(金)武装部队指挥官Didier Etumba将军呼吁所有武装团体投降(见附件23)。截至11月30日，恩杜马保卫刚果民兵组织、自由独立刚果爱国者联盟、刚果爱国抵抗联盟、“玛伊-玛伊”Hilaire派、愤怒公民组织和其他小型“玛伊-玛伊”团体约2230名战斗人员在北基伍(贝尼、Bweramana和Kanyaruchinya)和南基伍(尼亚蒙云伊)向刚果(金)武装部队投降。刚果民主共和国政府已制订新的解除武装、复员和重返社会方案，但考虑到过去的整编失败，专家组对上述方案不明确表示关切(见附件24和25，[S/2009/603](#)，第12段；[S/2011/738](#)，第278-331段)。

41. 专家组还感到关切的是，有报告称“3·23”运动曾占领的地区有大量战争遗留爆炸物，特别是“3·23”运动在Tshanzu的储存(见附件11)。目前，联合国地雷行动协调中心正在评估“3·23”运动区的战争遗留爆炸物。

B. 恩杜马保卫刚果民兵组织

42. 恩杜马保卫刚果民兵组织领导人Sheka Ntabo Ntaberi受到制裁，他在瓦利卡莱和马西西县边界之间的Pinga设立了总部。2013年，恩杜马保卫刚果民兵组织继续对平民犯下罪行。9月和10月，据联刚稳定团记录，恩杜马保卫刚果民兵组织杀害72名平民(其中包括36名儿童)，强奸15名妇女，有计划地焚烧了185座房屋。

43. 恩杜马保卫刚果民兵组织的1名前士兵和多名干部告诉专家组，Ntaberi的主要目标是打击卢民主力量。恩杜马保卫刚果民兵组织的干部告诉专家组，该组

织控制了卢民主力量在瓦利卡莱的 15 个“团体”中的 13 个，还需要“解放”卢民主力量在 Ikobo 和 Kisimba 的 2 个“团体”。

44. 恩杜马保卫刚果民兵组织与瓦利卡莱愤怒公民组织结为同盟，这两个组织的干部称，它们的共同目标是打击卢民主力量。恩杜马保卫刚果民兵组织曾是“3·23”运动的同盟，直至“3·23”运动于 2013 年 3 月分裂；此后，2 个团体的联系削弱。恩杜马保卫刚果民兵组织与卢民主力量、自由独立刚果爱国者联盟和 Nyatura 之间在 Pinga 一再发生冲突(见第 99 段)。尼扬加人和洪德人之间的族裔紧张关系也促使 Ntaberi 对洪德人居住的自由独立刚果爱国者联盟控制地区进行暴力袭击。

45. 恩杜马保卫刚果民兵组织的 3 名前战斗人员、民间社会代表和联合国消息来源称，恩杜马保卫刚果民兵组织控制着瓦利卡莱县包括 Montjolie 和 Irameso 在内的数十个矿，并对其征税。

46. 11 月 6 日，在刚果(金)武装部队击败“3·23”运动后第二天，Ntaberi 致函刚果民主共和国政府，列出几项要求，其中包括大赦恩杜马保卫刚果民兵组织的所有成员，将其编入刚果(金)武装部队或刚果国家警察，并承认所有(自封)的军衔(见附件 26)。11 月最后一周，Ntaberi 派遣包括至少 10 名儿童在内的 140 名士兵在 Pinga 向联刚稳定团投降。Ntaberi 本人未投降，他派遣的士兵只携带了 12 件武器，均已无法使用。

C. 卡塔加丹加

47. 在加丹加省，称为卡塔加丹加的武装运动应对严重践踏人权和战争罪负责。2013 年期间，卡塔加丹加民兵在卢本巴希(加丹加省首府)发动小规模袭击，目标主要是生活在马诺诺、米特瓦巴、莫巴和普韦托县农村地区的平民。卡塔加丹加的军事指挥是 Kyungu Mutanga(别名 Gédéon)(见 S/2013/433，第 83 段)，但该组织获得国家警察前总督察 John Numbi Banza Tambo 将军(见附件 27)和其他政客各种形式的支持。联合国消息来源称，截至 9 月 30 日，卡塔加丹加的袭击和刚果(金)武装部队的行动导致加丹加超过 360 000 人流离失所。

48. 卡塔加丹加(斯瓦希里语，意为“切断加丹加”)是一个由各武装团体和政治运动组成的松散网络，公开主张加丹加省分离。争取加丹加独立的斗争已有几十年，获得卢本巴希一些知识分子和政治领袖的支持；他们于 2013 年 5 月和 10 月告知专家组，卡塔加丹加是这一独立运动的武装组织(见 S/2013/433，第 85-86 段；S/2011/738，第 272-277 段)。

49. 虽然米特瓦巴县和卢本巴希的当地居民和领导告知专家组，Gédéon 是卡塔加丹加的总军事指挥官，但是在卡塔加丹加旗帜下行动的各地方团体似乎是半自主运作。2013 年期间，Gédéon 在其本土马诺诺县积极活动。但是，2013 年 10 月下旬，许多政府和当地的消息来源告诉专家组，Gédéon 转移到了卢本巴希郊区，在 Kinsevere 附近。除 Gédéon 之外，卡塔加丹加其他的重要战地指挥官是：Kasompobe(马诺诺

县)、Gérard Yorgo Kisimba(马诺诺县)、Bakwanga(莫巴县)、Katenda(莫巴县)、Kafindo(普韦托县)、Kele Kele(米特瓦巴县-普韦托县)、Kalenge(莫巴县)和Totché(马诺诺县-莫巴县-米特瓦巴县)。² Ferdinand Ntanda Imena也有一些影响,他的忠实支持者组织了2013年3月23日在卢本巴希的抗议活动,但人们认为他比Gédéon的权力小得多。

50. 卡塔加丹加包括加丹加公投和自决协调组织(见S/2011/738,第273段),其总部设在卢本巴希,有一个武装组织和政治分支。其武装组织称为加丹加公投和自决协调组织卡塔加丹加,领导人是Tshinyama Ngonga Ya Cingo Gédéon(不应与上文提及的Gédéon混淆);他于2013年5月告知专家组,他2011年和2012年期间在卢本巴希领导了几次突击队袭击行动(见S/2011/738,第274-275段)。2013年9月7日,刚果(金)武装部队企图杀害Tshinyama未遂。加丹加公投和自决协调组织政治领导人Matuka Munana Tshitshi Simon于2013年7月11日致信联刚稳定团,威胁袭击联刚稳定团,因为该团支持政府和统一的刚果民主共和国(见附件28)。

51. 专家组从刚果军事、情报和政治部门的4个高级消息来源获得可靠信息称,Numbi将军为卡塔加丹加好战分子提供军事、财务和后勤支持。2013年4月2日,Numbi的律师在卢本巴希举行一场新闻发布会,驳斥关于其委托人与卡塔加丹加有任何联系的指控。

52. Numbi曾在刚果民主共和国政府担任刚果国家警察总督察等许多职位(见S/2004/551,第55-59段;S/2009/603,第197段),目前住在他在卢本巴希外的农场。上述卢本巴希的高级别消息来源和民间社会领导告知专家组,他们认为Numbi无法触动,因为他与高级官员关系密切。专家组的确发现当地人和政府官员不敢谈论Numbi及其对卡塔加丹加的支持。

53. Numbi为卡塔加丹加好战分子提供武器和弹药,并将其在卢本巴希外的农场用作卡塔加丹加基地。上述消息来源告诉专家组,在3月23日卢本巴希的抗议游行之前,卡塔加丹加分子住在Numbi的农场(见S/2013/433,附件48)。Numbi还协助10月28日在卢本巴希袭击刚果(金)武装部队上校住所的好战分子,使其得以在他的农场拟订计划并发起行动(见附件29)。3个高级别消息来源告诉专家组,Numbi的农场有一个武器储藏处,但政府安全部队没有查抄农场的授权。

54. Numbi和卡塔加丹加之间的联系突出表明,事实上卡塔加丹加不仅是一个分裂主义运动:它为推进多个政治和经济议程服务。在地方一级,个别卡塔加丹加团体袭击反对分离主义议程的村庄和民众,其中包括好战分子认为是加丹加以外的民众以及接待或曾经接待过刚果(金)武装部队士兵的人。马伦巴恩库卢和米特瓦巴县一些地方领导人以及在卢本巴希的消息来源报告说,卡塔加丹加还经常袭击村庄,这是当地争夺地方权力和政治领导地位斗争的一部分。在省一级,卡塔

² 2013年11月,Totché向刚果当局投降。

加丹加主要在卡塔加丹加中北部吸引追随者，那里的财富和发展不如加丹加南部。因此，该运动是加丹加南-北之间紧张关系的体现，特别是在联邦制和权力下放问题方面(见 S/2013/433，第 85 段)。

55. 在国家一级，对 Numbi 所提供支持的包容表明，政府的最高层默许他的行为。卡塔加丹加运动于 2011 年选举之前才开始积极活动，一些消息灵通来源和加丹加地方领导认为，该团体为国家级和省级政治和经济精英的利益服务。这些精英分子可根据其需要，利用卡塔加丹加制造不稳定或稳定局势。制造不稳定局势的事例是，10 月 28 日在卢本巴希的袭击之后(见附件 29)，南非总统雅各布·祖马和南非一个商业代表团取消了 10 月 29 日前往卢本巴希进行商业交易谈判的计划。制造稳定局势的例子是，据联合国消息来源报告，2013 年 11 月 17 日，Zoe Kabila(刚果民主共和国总统约瑟夫·卡比拉的弟弟)会晤了指挥官 Totché(上文已提及)，他与其数百名好战分子几天之前在马诺诺投降。

56. 米特瓦巴县和普韦托县几十名村民、米特瓦巴地方领导以及联合国消息来源告诉专家组，加丹加的刚果(金)武装部队人员应对许多侵权行为负责。刚果(金)武装部队士兵于 2013 年在米特瓦巴县采取行动打击卡塔加丹加期间，强奸了几十名妇女和女童(见第 140 段)。由于后勤支助不足，在农村地区开展行动的刚果(金)武装部队士兵经常向当地居民索要粮食、运输、住房以及其他货物和服务。

57. 刚果(金)武装部队还出现在米特瓦巴县的一些锡矿。2 名锡矿工人和 1 名当地居民告诉专家组，刚果(金)武装部队在 Kansowe 的一个矿内有营地，这是国家采矿守则禁止的。相同的消息来源和米特瓦巴的 1 名地方领导人告知专家组，刚果(金)武装部队士兵在 Kifinga 驻扎，并参与那里的采矿活动。他们说，刚果(金)武装部队分遣队离开后几天，卡塔加丹加就于 10 月 16 日袭击了 Kifinga。

D. 伊图里爱国抵抗力量

58. 专家组在中期报告中指出，在应对伊图里区伊鲁穆县一个名为伊图里爱国抵抗阵线的反叛团体方面缺乏进展(见 S/2013/433，第 79 段)。8 月起，刚果(金)武装部队对伊图里爱国抵抗阵线大约 300-500 名反叛分子发起一次行动，削弱了该武装团体，但未将其击败。此次行动造成一次人道主义危机，人道主义事务协调厅和一个刚果民间社会团体告知专家组，截至 9 月下旬，大约 150 000 人最近由于此次战斗而流离失所。

59. 伊图里爱国抵抗阵线控制的伊鲁穆县部分地区包括一些金矿(见第 164 段)和从北基伍省东北延伸至伊图里南部的一个石油勘探区——“三区”部分地区。6 月，在布尼亚举行的一次公开会议上，在“三区”享有勘探权的法国道达尔石油公司代表告知当地民间社会领袖，该公司计划于 2013 年底前开始勘探，但需要政府首先解决伊图里爱国抵抗阵线的问题。道达尔公司没有答复专家组有关澄清其立场和公布伊图里爱国抵抗阵线控制区社会与环境评估的要求。

60. 刚果(金)武装部队于 8 月 23 日开始行动。刚果(金)武装部队军官和联合国消息来源告诉专家组,伊图里爱国抵抗阵线在其行动中使用儿童兵,并用平民做人盾。5 月,专家组还在访问伊图里爱国抵抗阵线控制区时发现儿童兵。此外,刚果(金)武装部队犯下即决处决、非法征税和大规模破坏财产等罪行。

61. 最初,随着伊图里爱国抵抗阵线部队向 Aveba 撤退,政府部队快速前进(见附件 30)。8 月 27 日,Aveba 附近的伊图里爱国抵抗阵线部队混入流离失所民众,随后对刚果(金)武装部队发起进攻。伊图里爱国抵抗阵线切断了部分后退的刚果(金)武装部队,造成重大伤亡。几天内,伊图里爱国抵抗阵线重新占领刚果(金)武装部队解放的大部分领土。9 月下旬,刚果(金)武装部队发起反击,重新占领了伊鲁穆南部所有主要城镇。截至 11 月底,伊图里爱国抵抗阵线继续发动游击战,但已遭严重削弱,其活动被限制在 Gety 东南和 Aveba 南部的偏远区域。

62. 刚果(金)武装部队单方面规划并发起行动,仅在进攻前一天才告知联刚稳定团和人道主义界。刚果(金)武装部队在后勤支助不足的情况下发起此次行动,使战场上取得的进展有限,并导致士兵向当地民众索要食物和金钱的掠夺性行为。刚果(金)武装部队将军 Fall Sikabwe 告知专家组,此次袭击是与联刚稳定团的联合行动,但联刚稳定团军事领导人向专家组否认了此种说法。联刚稳定团未参与此次行动的规划。但行动开始后,联刚稳定团为刚果(金)武装部队士兵提供了食品和燃料,并利用其直升机运送用品及后送和治疗伤员。

63. 突然发起的行动恶化成一场游击战,造成一场人道主义危机。联合国各机构应对此次危机的速度缓慢,因为联刚稳定团禁止旅行或向受影响地区提供援助。只有无国界医生组织和 Medair 等人道主义团体直接向受影响民众提供用品。对粮食和医疗的需求最大,但联合国消息来源和天主教会人士报告说,成千上万的儿童也无法上学。

E. “玛伊-玛伊”民兵摩根派

64. 自专家组提出中期报告以来,与 Paul Sadala(别名摩根)有关联的民兵继续袭击上韦莱省霍加皮动物保护区和东方省伊图里地区内及其周围的当地居民。

65. 摩根因在霍加皮动物保护区偷猎大象而臭名昭著,但 2013 年期间,他重点转向袭击金矿(见附件 31)。9 月和 10 月,摩根及其手下袭击了几个金矿,包括 Mutshatsha、Kulungu 和卢本巴希(卢贝罗和蒙巴萨县边界的一个地点)的金矿。在上述袭击中,摩根的手下通常偷窃黄金,掠夺食物和其他物品,强奸妇女和女童,绑架人员为其搬运抢掠物品,并强迫妇女成为性奴隶,做民兵“妻子”。10 月 22 日,在 Manu Mboko 带领下袭击曼巴萨镇西南 Sohuma 的一个金矿区,6 名妇女被强奸,50 人被劫为人质;这些人质在支付金钱或黄金后获释。

66. 尽管摩根有侵犯人权行为的记录,但他继续开展活动,因为他与刚果(金)武装部队第九军区(基桑加尼)包括 Jean Claude Kifwa 少将在内的高级领导人关

系密切。专家组在调查摩根与 Kifwa 的关系期间注意到，了解 Kifwa 行动的人不愿公开谈论 Kifwa。一名刚果官员告诉专家组：“人们不敢谈论他，因为他有手段。”

67. 尽管如此，刚果民主共和国政府 5 名官员，其中包括 1 名刚果(金)武装部队军官向专家组证实，Kifwa 为摩根提供后勤支助，阻碍政府打击摩根的努力。上述官员说，Kifwa 通过刚果(金)武装部队的忠诚军官为摩根提供武器和弹药，换取黄金；过去，他们用武器交换象牙(见 S/2012/843，第 129 段)。2013 年 1 月，刚果(金)武装部队、政府情报局和国家警察开展联合行动，突袭了摩根在基桑加尼的房屋(位于 Plot 42, 7th route, 卡邦多)，并逮捕了疑似摩根家庭成员的几个人。第二天，基桑加尼的刚果(金)武装部队军官释放了被逮捕的人。3 名刚果官员和一些民间社会领导人告知专家组，Kifwa 逍遥法外，因为他是卡比拉总统的堂兄弟。

F. 愤怒公民组织

68. 2013 年，专家组监测了“玛伊-玛伊”民兵愤怒公民组织的活动，这是最初在沙本达成立的一个各团体组成的松散网络，以反对卢民主力量；专家组记录了刚果(金)武装部队以及南基伍和北基伍当地居民遭袭击的几起案件(见 S/2013/433，第 60-61 段)。在 11 月 5 日一次值得注意的袭击中，愤怒公民组织指挥官 Sisawa 手下的武装男子在沙本达直升机停机坪附近袭击了刚果(金)武装部队第 1010 团士兵，当时联刚稳定团的一架直升机正在降落。该组织认为，联刚稳定团正将“3·23”运动战斗人员运至沙本达。

69. 愤怒公民组织各军阀通过征收矿产税和设路障征税资助其反叛活动。1 名民间社会成员、地方行政管理人员和 1 名刚果情报人员告知专家组，沙本达的愤怒公民组织人员不直接参与矿产开采。

70. 9 月和 10 月，民间社会成员、地方领导、地方安全委员会和地方当局开展了一场提高认识运动，旨在说服愤怒公民组织不同派别解除武装。该运动结束后，11 月 18 日至 21 日在沙本达 Byangama 举行一次会议。在此次会议上，地方领导人要求带领 742 名武装民兵抵达的愤怒公民组织指挥官解除武装，因为目前沙本达已没有卢民主力量。愤怒公民组织领导人要求提出一个正式的解除武装方案，以帮助其民兵重返平民生活。会议结束后，一些愤怒公民组织解除武装，愤怒公民组织领导人和前“3·23”运动同盟 Albert Kahasha(别名 Foca Mike)向刚果当局投降(见 S/2012/348，第 126 段)。

三. 外国武装团体

民主同盟军

71. 2013 年期间，民主同盟军更加强大，变得更加咄咄逼人，绑架数十名当地人，袭击医疗设施、货船和工作人员，劫持人道主义工作者，并攻击联刚稳定团维和

人员。根据乌干达官员和联合国消息来源，民主同盟军有估计兵力 1 200 至 1 500 名武装战士，驻扎在靠近与乌干达边界的北基伍省贝尼县东北部。这些消息来源估计，包括妇女和儿童在内的民主同盟军人员总数在 1 600 至 2 500 人之间。受制裁的民主同盟军领导人 Jamil Mukulu 仍在刚果民主共和国。

72. 专家组断定，2013 年期间，讲阿拉伯语的外国男子同民主同盟军举办了军事训练班，并开展了军事行动。不过，专家组仍无法确认这些外国人的国籍或组织关联。在编写本报告时，专家组尚未发现证据表明民主同盟军与青年党或基地组织有联系。专家组询问了索马里和厄立特里亚问题监察组，监察组没有任何证据表明民主同盟军与青年党有关联。专家组还询问了分析支助和制裁监测组，监测组没有任何证据表明民主同盟军与基地组织有关联。联合国其他来源和外国外交官也告诉专家组，他们没有任何证据表明民主同盟军与青年党或基地组织有关联。

73. 由于 2013 年期间实施的进攻性军事行动，民主同盟军现在控制贝尼县的约 420 平方公里。地域扩大主要集中在Mbau和Kamango之间的地区和Kamango附近靠近乌干达边界的地区。11 月下旬，联刚稳定团消息来源和刚果官员告诉专家组，民主同盟军预料刚果(金)武装部队和部队干预旅将发动进攻，已经撤离其主要基地。³ 民主同盟军将部队分散到许多较小基地，⁴ 并将妇女和儿童送到贝尼以西地区及伊图里-北基伍边界沿线。联刚稳定团消息来源还告诉专家组，民主同盟军已将战斗人员部署到贝尼县大城镇，包括贝尼和布滕博，并威胁如果对民主同盟军采取军事行动，将袭击在贝尼的联刚稳定团。

74. 前民主同盟军成员和乌干达当局告诉专家组，民主同盟军领导人声称，其目标是推翻乌干达政府，在乌干达建立一个伊斯兰国家(见 S/2010/596, 第 108 段; S/2011/738, 第 41 段)。自 1995 年在蒙博托政权和苏丹政府的帮助下成立以来，民主同盟军在实现这一目标方面取得的进展很少。尽管如此，民主同盟军作为一个庞大、高度有组织和危险的力量的出现，破坏了贝尼县和乌干达邻近地区的稳定。

75. 2013 年 3 月，Mukulu在同前军事指挥官David “Hood” Lukwago发生意见分歧之后，提升Jaber Ali Nansa(别名Jaberi Alnsa, Katyusha)为民主同盟军新的军事指挥官(见 S/2011/738, 第 42 段)。尽管如此，据报Lukwago仍是民主同盟军高级成员(见附件 32)。联合国消息来源告诉专家组，Jaber曾去过阿富汗和沙特阿拉伯；但是专家组不能确定Jaber是否与基地组织和其他极端主义好战实体有关联。Benjamin Kisokerano是民主同盟军首席情报官(见S/2013/433, 第 96 段)。

³ 民主同盟军的主要基础是 Madinat Tawheed Muwaheedina(前称 Nadui)、加拿大(前称 Chutchubo, 民主同盟军特种部队基地)及易卜拉欣指挥官战斗群(前称 Makoyoba)。

⁴ 2013 年期间，民主同盟军在 Kambi ya Jua、Lwanoli、Semuliki、Bundwasana、Kichanga 和 Gawa 建立了新基地，同时还在 Bundiguya、Buvata、Mutara、Madowadowa、Saa Sita 和 Mamundioma 维持老基地。

76. 据民主同盟军前战斗人员、联合国消息来源和民主同盟军官员称，民主同盟军从乌干达、刚果民主共和国和其他东非国家招募穆斯林人自愿加入其行列。专家组约谈了 2013 年期间逃离的三名前民主同盟军战斗人员。他们证实，在乌干达的民主同盟军招兵人员还以虚假的就业(成人)和免费教育(儿童)承诺，引诱人去刚果民主共和国，然后迫使他们加入民主同盟军。据当地民间社会团体和联合国消息来源称，民主同盟军应对 2013 年年初以来在贝尼县劫持 300 多人中的很多人负责。前战斗人员和联合国消息来源告诉专家组，许多被劫持者被迫加入民主同盟军，充当士兵或工作人员。

77. 很少有人能够逃脱民主同盟军，因为民主同盟军领导人对他们进行了彻底洗脑和恐吓。一名民主同盟军逃兵说，民主同盟军领导人以砍头或钉死在十字架上的方式，野蛮杀害试图逃跑被抓回来的人。2013 年 1 月 1 日至 12 月 8 日，联刚稳定团只将三名民主同盟军战斗人员遣返乌干达。

78. 民主同盟军迫使其招募或绑架的人参加一个为期四个月的训练方案。训练包括讲授古兰经(以阿拉伯文)，但主要侧重于军事技能。前民主同盟军战斗人员告诉专家组，训练小组通常包括男子和男孩，涉及行军、徒手搏斗和使用各种枪支射击等技能。在完成基本训练后，毕业生被派往民主同盟军许多营地中的一个。Muhammed Luminsa 是民主同盟军训练指挥官(见附件 32)。但是，两名在 2013 年逃离民主同盟军的男孩告诉专家组，一个名为 Kalume 的男子训练了他们。

79. 除了基本训练外，民主同盟军还举办了专门训练班，有时由外国训练员负责。一名前民主同盟军儿童士兵告诉专家组，一名讲阿拉伯语的外国训练员讲授了如何开展秘密行动，包括在贝尼等大城镇。乌干达当局告诉专家小组，2013 年，讲阿拉伯语的培训员提供了制造简易爆炸装置培训。不过，没有证据表明民主同盟军迄今使用过这种装置。

80. 从 6 月份开始，民主同盟军加紧袭击 Mbau-Kamango 道路沿线的刚果(金)武装部队阵地，打死数名士兵，迫使刚果(金)武装部队放弃前哨。7 月 14 日，民主同盟军伏击了这条道路上的一支联刚稳定团巡逻队，造成损失一辆装甲运兵车和一辆越野型皮卡车，以及三名尼泊尔维和人员受伤(见第 149 段和附件 33)。7 月 15 日，民主同盟军开枪击中派去侦查现场的两架联刚稳定团直升机。

81. 民主同盟军还袭击了许多村庄，包括 Kamango 村，这次袭击迫使 66 000 多人逃往乌干达。这些袭击使很大地区没有人烟，民主同盟军此后一直控制这些地区，绑架或杀害返回其村庄从其菜园采集食物的人。7 月至 9 月，民主同盟军在 Kamango 地区至少斩首五人(包括当地酋长)，击毙数人，绑架数十人。这些行动吓坏了当地居民，阻止人们返回家园。⁵

⁵ 联合国消息来源报告说，11 月初，1 800 个家庭从乌干达返回 Kamango 地区。不过，民主同盟军袭击并杀死了一些回返者，声称他们与刚果(金)武装部队合作。

攻击 Kamango

82. 2013 年 7 月 11 日民主同盟军在 Kamango 发动了当年最严重的攻击。Watalinga 酋长领地首府 Kamango 位于距与乌干达边界 10 公里处，约有人口 9 200 人(见附件 34)。据一名目击者，地方当局、刚果官员和联合国消息来源称，这次攻击的主要目标是抢劫 Kamango 的医院和药店(见第 143 段)。大约上午 5 时 30 分，一支有 60 名男子的部队进入该镇，朝空中开枪，高喊“Allahu Akbar”。一名男子用扩音器喊话，召集穆斯林到清真寺祈祷；但是，据各方面所说，民主同盟军袭击时，民众试图逃离。在该镇被占领后，一支有 40 名男子的后备部队进入了该镇。

83. 民主同盟军抓获数人，对其施以酷刑，让他们提供信息说明政府人员和士兵的去处。一名被羁押人告诉专家组，主要审讯者讲阿拉伯语，一名乌干达男子将问题翻译成斯瓦希里语。经过数小时审讯，民主同盟军释放了俘虏，让他们传递信息，包括告诉刚果(金)武装部队为民主同盟军前往乌干达提供安全通道，并告诉当地居民离开该地区。民主同盟军还逮捕了 Bawisa Groupement 当地酋长 Baliebula Kwambuka Nelson 及其家人。民主同盟军在释放其家人后，将 Nelson 酋长斩首。民主同盟军在这次袭击中共打死 12 人。

84. 刚果(金)武装部队在 7 月 12 日晚解放了 Kamango。在短暂交火中，刚果(金)武装部队有 4 人死亡、12 人受伤。联刚稳定团于次日将伤员撤出。刚果(金)武装部队打死两名民主同盟军人员，抓获另外两人。在刚果(金)武装部队士兵控制了 Kamango 后，士兵们在民主同盟军驻扎过的一个地方找到一些文件。一份文件(无日期)载有如何进行伏击的指示(见附件 35)，其纪律严明和专业性的指令值得注意。另一份文件(2012 年 6 月 23 日)是一份移交清单(见附件 36)，其重要性在于列入几名民主同盟军指挥官的姓名，并表明民主同盟军如何在基地之间调动人员。第三份文件是将卢干达文翻译成阿拉伯文的考试卷(见附件 37)。这份考试卷因为其中问题的性质而很有意义。

85. 这次攻打 Kamango 很重要，原因有三。首先，这是民主同盟军最近数次袭击医疗设施和用品的最大一次。民主同盟军显然在储存药品和医疗设备。刚果民主共和国政府和联合国消息来源认为，这些抢夺行为证明，民主同盟军在为部队干预旅的攻击做准备，或准备采取进攻性军事行动。第二，对 Kamango 的攻击有效清除了靠近乌干达边界的 Kamango 周围很大地区的人口。这使民主同盟军有更多空间自由行动，在被遗弃的城镇建立新的基地，并从人们离开的村庄和农田盗取粮食。

86. 最后，杀害当地酋长揭示了地方当局和民主同盟军之间的关系。刚果和联合国消息来源告诉专家组，民主同盟军与其控制区内和周围的当地酋长达成协议，允许民主同盟军自由行动，从事商业活动。至于 Kamango，这些来源告诉专家组，民主同盟军曾告诉 Nelson 酋长，允许他们进入 Kamango 地区，但酋长让刚果(金)武装部队知道了这个指令。民主同盟军杀死了 Nelson 酋长，向那些拒不听从其旨意的人传达一个信息。

87. 民主同盟军还暗杀了与之有分歧的其他人。刚果官员和联合国消息来源告诉专家组，2013 年 2 月，民主同盟军打死了一个名叫 Abdou 的刚果(金)武装部队情报员。此人曾在布滕博逮捕了 5 名民主同盟军合作者。乌干达官员告诉专家组，2012 年 7 月和 8 月，民主同盟军在乌干达 Bugiri 地区杀害了与民主同盟军领导人 Jamil Mukulu 吵翻了的 3 名酋长。

支助来源

88. 民主同盟军通过在北基伍的商业和关系网络资助其活动。专家组以前记录了一些这类网络(见 S/2013/433, 第 96 段; S/2011/738, 第 57 至 65 段)。2013 年期间，民主同盟军前战斗人员、刚果官员、联合国来源和乌干达官员告诉专家组，民主同盟军在布滕博、贝尼和伊查各镇维持商业和支助网络。这些网络由向民主同盟军提供钱物的商业组成，包括出租车(摩托车和汽车)，为民主同盟军提供资金，并参与开采小型金矿和出售木材采伐权。根据专家组在调查袭击 Kamango 事件期间获得的信息，专家组认为贝尼县的一些地方当局也与民主同盟军合作(通过胁迫或自愿合作)，协助商业交易和向民主同盟军基地运输用品。

解放卢旺达民主力量

89. 2013 年期间，几个事件进一步削弱了卢民主力量，特别是在南基伍。2 月初，卢民主力量副指挥官、受制裁的 Stanislas Nzeyimana “将军”(别名 Izabayo Bigaruka)在坦桑尼亚联合共和国失踪。9 月，刚果(金)武装部队逮捕了 Ferdinand Nsengiyumva “中校”(别名 Bemba Bahizi)，他负责在南基伍的行动。11 月下旬，南基伍区指挥官 Hamada Habimana “上校”开小差，与在肯尼亚的家人团聚；民族解放力量(民解力量)杀害了其前盟友 Mazuru(见 S/2009/603, 第 70 段)，此人是卢民主力量在鲁齐齐平原的联络员(见 S/2012/843, 第 113 段)。2012 年 12 月，安全理事会将卢民主力量列入制裁名单。该名单已列入 8 名卢民主力量高级领导人的名字，包括军事指挥官兼卢民主力量副主席 Sylvestre Mudacumura “少将”(见附件 38)。

90. 根据约谈卢民主力量前战斗人员和联合国消息来源的情况，专家组估计，卢民主力量在两个省约有 1 500 名战斗人员(见 S/2013/433, 第 97 段)；其中约 1 000 人在北基伍。卢旺达政府告诉专家组，卢民主力量有 4 000 到 4 200 名战斗人员。

91. 由于德国当局在 2009 年逮捕 Ignace Murwanashyaka 和 Straton Musoni(见 S/2010/596, 第 75 段)，卢民主力量的政治部门目前设在北基伍。2013 年，卢民主力量主席是 Gaston Rumuli “将军”(见 S/2011/738, 第 74 段)。替代 Callixte Mbarushimana 的 Laurent Ndagijimana “上校”(别名 Wilson Irategeka)(见 S/2011/738, 第 28 和 74 段)，是在刚果民主共和国的执行秘书。

92. 2013 年，前卢民主力量战斗人员一致告诉专家组，士兵士气很低，生活条件艰难，大多数武器和制服陈旧。例如，一名以前驻扎在 Ngungu 附近的前刚果战

斗人员描述了拥有田地的卢旺达指挥官与士兵之间的巨大差距，士兵被告知以抢掠为生。这些战斗人员和联合国消息来源告诉专家组，卢民主力量很难招募。虽然士兵一般较年轻，愿意解除武装，但卢民主力量高级领导人年长，拒绝投降。为了动员部队，卢民主力量领导层在 2013 年决定晋升所有上校及以下级别的士兵。

93. 直到“3·23”运动被打败之前，卢民主力量领导层不断推动对卢旺达政府的武装斗争。专家组曾报告卢民主力量对卢旺达的攻击(见 [S/2013/433](#)，第 110 至 105 段)。然而，11 月 12 日(刚果(金)武装部队击败“3·23”运动七天后)，卢民主力量表示希望谈判，这是一个软弱和脆弱的迹象(见附件第 39 段)。在 Irategeka 签署的信函中，卢民主力量请求刚果民主共和国政府和联刚稳定团不要采取军事行动。卢民主力量提出的与卢旺达政府谈判的请求一再遭到拒绝。

94. 2013 年期间，专家组在 Mutobo 复员中心约谈了刚果民主共和国和卢旺达的 35 名前卢民主力量战斗人员。1 月 1 日至 12 月 8 日，联刚稳定团使 531 名卢民主力量战斗人员复员，其中 345 人是卢旺达人、184 人是刚果人，2 人是乌干达人。在同一时期，联刚稳定团遣返了 426 名卢民主力量家属，其中 422 是卢旺达人，4 人是刚果人。

95. 通过约谈前卢民主力量战斗人员，专家组证实，2013 年期间，卢民主力量招募了战斗人员，包括儿童(见第 157 段)。前卢民主力量战斗人员告诉专家小组，卢民主力量在乌干达以及在刚果民主共和国境内的卢旺达难民中征募，而且让男孩入伍。

96. 一些前战斗人员告诉专家组，卢民主力量在北基伍主要靠掠夺、开采黄金和非法征税以及农业和木炭生产为生。这些消息来源还称，卢民主力量在 Kasugho 周围开采的黄金先后在布滕博和坎帕拉交易，卢民主力量与玛伊-玛伊领导人，包括 Kakule Sikula Lafontaine “少将”和 Hilaire Kombi kakule “准将”合作，开采和买卖黄金(见 [S/2013/433](#)，第 71 段)。在南基伍，前卢民主力量战斗人员告诉专家组，卢民主力量在 Birara 开采黄金，向在 Miki 和 Kitopo 的矿场征税。这些前战斗人员还告诉专家组，卢民主力量经常向在南基伍的卢旺达难民收钱。

同刚果(金)武装部队和武装团体合作

97. 2013 年期间，专家组记录了卢民主力量与刚果(金)武装部队在地方一级开展合作的情况。在全年大部分时间，一些卢民主力量部队与刚果(金)武装部队同住和(或)合作。在中期报告中，专家组记录了这种合作的例子，包括提供弹药(见 [S/2013/433](#)，第 106 至 109 段)。9 月和 10 月，3 名前战斗人员告诉专家小组，向卢民主力量士兵向刚果(金)武装部队士兵购买弹药，每发子弹 50 至 100 刚果法郎(0.05 至 0.11 美元)。卢旺达政府向专家组举例说明，2012 年底和 2013 年初向卢民主力量提供了弹药。卢旺达政府还告诉专家组，卢民主力量部队在刚果(金)武装部队中服役，但是专家组无法证实这一刚果(金)武装部队否认的指控。

98. 9 月和 10 月期间，联刚稳定团的军事消息来源报告称，卢民主力量多次在 Rubare 和 Rugari 与“3·23”运动发生冲突。专家组收到的信息表明，卢民主力量与刚果(金)武装部队当地指挥官协调了对“3·23”运动的袭击和伏击，特别是在 8 月。但是到 11 月，在刚果(金)武装部队击败“3·23”运动后，刚果(金)武装部队与卢民主力量合作的迹象减少了。11 月，刚果(金)武装部队结束了其消极态度，在南基伍若干地点袭击了卢民主力量叛乱分子。

99. 卢民主力量还与其他武装团体进行了合作。前卢民主力量战斗人员告诉专家组，卢民主力量与自由独立刚果爱国者联盟和 Nyatura 建立了联盟。9 月和 10 月期间，联合国消息来源证实，卢民主力量与自由独立刚果爱国者联盟在瓦利卡莱县并肩作战，打击恩杜马保卫刚果民兵组织(见第 44 段)。10 月 20 日，卢民主力量在瓦利卡莱县与自由独立刚果爱国者联盟战斗人员一道袭击了 Pinga 镇。他们的部队最初将恩杜马保卫刚果民兵组织部队战斗人员赶出 Pinga 部分地区；但是恩杜马保卫刚果民兵组织进行了反击，夺回该镇。9 月，在马西西县 Misingi-Misinga 领导马伊-马伊 Ngulima 团体的 Aigle Rouge “上校”告诉专家组，他在当地与卢民主力量合作。

100. 在南基伍，卢民主力量与民解力量合作，但后来在年底与之疏远。作为报复，民解力量在鲁齐齐平原杀害了卢民主力量联络官 Mazuru。这一暗杀事件有可能使两个团体的关系进一步紧张(见第 89 段)。

部署

101. 卢民主力量分为在北基伍的阿波罗区和在南基伍的雅加达区。根据前卢民主力量战斗人员，这两个省之间没有部队人员流动，只通过卫星电话沟通。在北基伍，卢民主力量主要部署在瓦利卡莱、卢贝罗和鲁丘鲁各县。指挥部总部设在瓦利卡莱县 Nganga。自 Bigaruka 失踪后，受制裁的 Leopold Mujyambere “将军”(别名 Achille)一直是参谋长和代理副指挥官。受制裁的 Pacifique Ntawunguka “上校”(别名 Omega)领导在 Bambu 地区的阿波罗区。在阿波罗区，Serge Gashirabake “上校”(又名 Bernard Rishirabake)(见 [S/2009/603](#)，第 319 段)指挥设在通戈的 Canaan 分区。Kubwayo Gustave “中校”(别名 Sirkoff)指挥在通戈附近维龙加国家公园的西奈区。Lucien Nzabamwita “上校”(别名 André Kalume)领导在 Malemo 山卢民主力量训练学校附近的 Comet Reserve 分区。卢民主力量还在与乌干达边界上的 Ishasha 维持一支部署部队。

102. 卢民主力量维持了经过专门训练的突击连和排，这些部队由经验丰富的士兵组成，部署在北基伍和南基伍具有重要战略意义的地区。此外，卢民主力量设置哨所，保护卢旺达的胡图族难民人口。在与乌干达的伊沙沙边界附近，Logo Ninja “少校”从事情报搜集活动，并协助卢民主力量新兵从乌干达进入刚果民主共和国。

103. 在南基伍，卢民主力量主要部署在姆文加、乌维拉和菲齐各县。卢民主力量在南基伍约有 500 名战斗人员。南基伍总部设在姆文加县的 Kadashomwa。在 2013

年 11 月底 Habimana Hamada “上校” 逃跑后，他的副手 Mugabonake Boniface “上校” (别名 Hagenimana Josue) 成为新的指挥官。Fred Irakiza “上校” 指挥位于乌维拉县 Mulenge 的第一分区。Munyaneza Job “上校” 指挥位于姆文加县 Mugutu 的第二分区。

104. 2012 年下旬和 2013 年初，总部营、第二分区和几千名难民从卡巴雷县不受阻碍地向南转移，与在 Kadashomwa 的开小差前的 Hamada “上校” 会合。7 月，在南基伍的卢民主力量部队进入 Raia Mutomboki 派撤出的姆文加县地区。据一名前卢民主力量指挥官和联合国消息来源称，刚果(金)武装部队没有袭击在一些城镇公开活动的卢民主力量。卢民主力量战斗人员抢掠村庄、绑架村民、抢劫汽车乘客并使 Miza 金矿的矿工流离失所。

105. 11 月，在刚果(金)武装部队即将击败 “3·23” 运动时，在南基伍的卢民主力量部队开始在姆文加县和菲齐县边缘上的 Itombwe 林区集结。联刚稳定团的军事官员认为，这是一个防御态势，因为该地区森林茂密，难以出入。同样在 11 月，刚果(金)武装部队多次袭击了卢民主力量部队，打死并抓获了一些卢民主力量士兵。

106. 在加丹加省，一些来自南基伍的卢民主力量战斗人员在与南基伍边界南侧的 Kalemie 北部活动。7 月至 9 月期间，这些士兵洗劫当地居民，并经营若干金矿。

107. 11 月，一名联合国高级军官告诉专家组，在北基伍和南基伍的卢民主力量分子是比 “3·23” 运动更难打击的目标，因为他们遇到袭击时分散到森林各处。此外，卢民主力量战斗人员与妇女和儿童一起生活，这意味着军事行动可能造成相关损害。这个消息来源确定了卢民主力量战斗人员常常与家人在一起的约 22 个较小地点(11 个在南基伍、11 个在北基伍)。

散居国外者

108. 卢民主力量战斗人员告诉专家组，该运动继续获得散居国外者的支助，特别是来自欧洲的资金。专家组还审查了电话记录，其中显示一位名叫 Faustin Murego 的卢旺达裔比利时国民一直与卢民主力量高级军官保持联络(见附件 40)。Murego 此前曾汇款给 Bigaruka 及其妻子(见 S/2009/603, 第 102 段及 S/2012/843, 第 101 段)。根据专家组获得的卫星电话记录分析，Bigaruka 曾于 2012 年 10 月 15 日致电 Murego。2012 年 11 月 25 日及 2013 年 2 月 15 日，阿波罗区指挥官 Pacifique Ntawunguka “上校” 两次曾致电 Murego，并与其进行长时间交谈。

Stanislas Nzeyimana (别名 Izabayo Bigaruka) 失踪

109. 虽然来自该区域的卢民主力量军官及情报来源告诉专家组，Bigaruka 正被卢旺达官员关押(见 S/2013/433, 第 99 段)，但卢民主力量其他消息来源称，坦桑尼亚安全部门已将 Bigaruka 软禁在坦桑尼亚联合共和国的达累斯萨拉姆。专家

组试图向坦桑尼亚当局证实这一指控，但坦桑尼亚当局告诉专家组，他们不知道 Bigaruka 在达累斯萨拉姆旅行和居留，而且他们没有关于其失踪或下落的资料。

110. 然而，专家组确实记录了 Bigaruka 违反旅行禁令前往坦桑尼亚联合共和国的情况。Joseph Nzabonimpa 等 3 人(见附件 40 和 [S/2012/843](#)，第 101 段)告诉专家组，他们曾于 2013 年 1 月和 Faustin Murego 一同前往达累斯萨拉姆并会晤了 Bigaruka，讨论复员和解除武装以及儿童兵问题(见附件 41)。在达累斯萨拉姆居留之初，Bigaruka 曾住在坦桑尼亚牧师 Christopher Mtikila 的家中，这位牧师已向专家组承认这一事实(见附件 42)。2 月初，Bigaruka 在上述会议后失踪。专家组在继续调查此事。

团结和民主联盟

111. 作为卢民主力量的分化团体，团结和民主联盟总部设在北基伍省马舒塔。团结和民主联盟的军事指挥官是 Jean-Damascene Ndibabaje “将军”(别名 Musare)(见附件 43)。参与解除武装、复员、遣返、重返社会和重新安置的联刚稳定团消息来源告诉专家组，该组织的军事领导人包括：副指挥官和行动主管 Jean-Michel Africa “上校”、情报官员 Ryango “上尉”及 Bitanganya “少校”。据联刚稳定团军事消息来源和卢旺达官员估计，团结和民主联盟人数约为 300 名战斗人员。团结和民主联盟在卢贝罗县 Bikuyu 部署了一个营，由 Kagoma “少校”指挥，在瓦利卡莱县 Mukwamimbi 部署了第二个营。

112. 专家组约谈了 7 名团结和民主联盟前战斗人员，他们证实团结和民主联盟在 2013 年期间通过虚假就业承诺，在乌干达招募成人和儿童。一名 16 岁男孩告诉专家组，他于 2013 年初被承诺为他提供一份工作的男人所骗，此人将他从乌干达家乡带到刚果民主共和国，并强迫他和其他一些儿童加入团结和民主联盟。一名成人告诉专家组，他于 4 月被招募，当时听信了为其安排黄金矿工职位的承诺，最后却被迫加入了团结和民主联盟武装。9 月向联刚稳定团投降的另一名成人告诉专家组，他于 2011 年在乌干达被招募：他被告知将在刚果民主共和国境内照料牛群，随后却被迫加入团结和民主联盟。

113. 据前战斗人员称，团结和民主联盟通过抢掠、征税及开采黄金维持生存。2013 年下半年，团结和民主联盟在卢贝罗县抢劫作物、洗劫和绑架人员并与玛伊-玛伊刚果爱国抵抗联盟武装分子开展了一次联合行动。

114. 据联合国消息来源称，7 月中旬，3·23 运动打死了 Soki Sangano Musohoke，此人是团结和民主联盟的逃兵，曾在鲁丘鲁县领导一小群武装分子(见 [S/2011/738](#)，第 135 段)。在 Soki 死后，kasongo “上校”控制了他的团体，据称将其改名为 FPP。

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⁶ 专家组无法确定 FPP 的指代名称。

上帝抵抗军

115. 上帝抵抗军(上帝军)的人数依然很少,2013年期间在刚果民主共和国境内发动的暴力袭击有所减少(见附件44)。尽管如此,上帝军仍然引发恐惧,人道主义援助协调处已确定该运动在2012年和2013年造成东方省上韦莱和下韦莱地区的15 000多人流离失所,而此前已有240 000名流离失所者。⁷ 包括领导人约瑟夫·科尼在内的约200名上帝军成员在中非共和国和南苏丹境内活动。据联合国消息来源及非政府组织“隐形儿童”称,在Vincent Okumu中校(别名Binany)2013年1月被乌干达部队打死后,中非共和国境内上帝军成员与刚果民主共和国境内上帝军成员之间的联系受到严重影响。

116. 联合国消息来源告诉专家组,目前在刚果民主共和国境内约有60-90名上帝军分子,其中包括妇女和儿童,这一数字自2011年初以来基本没有变化。⁸ 在刚果民主共和国境内的60-90名上帝军分子中,40-50人被认为是武装战斗人员。有3个上帝军团队:一个由Obo1“少校”指挥(40-48人,曾被称为Odano团队),另一个由Ladere“中校”指挥(10-20人),还有一个由Mandela“上尉”指挥(10-20人)。

117. 10月,乌干达政府告诉专家组,“上帝军在军事上已沦为一支劫掠流寇”。能够印证上述说法的资料表明,上帝军实施的主要罪行包括抢劫和绑架人员为其搬运抢掠物品(见附件45)。上帝军还非法屠杀和偷猎大象(见第231段)。联合国消息来源及栋古地方领导人告诉专家组,被上帝军绑架的人员多在被绑架后数小时或数日内获释。10月1日至3日期间在安哥西北处被绑架的33人就是这种情况:截至10月8日,所有人员均已获释。

118. 2013年2月,刚果民主共和国政府向区域工作队派出500名刚果(金)武装部队士兵,该工作队共有约3 350名士兵,其中350人来自中非共和国,500人来自南苏丹,2 000人来自乌干达。刚果(金)武装部队士兵驻扎在栋古,专门负责在刚果民主共和国境内搜捕上帝军。联合国消息来源及一名栋古地方领导人告诉专家组,来自美国非洲指挥部的美国特种作战部队一直在培训这些刚果(金)武装部队士兵,并帮助他们规划和执行行动。专家组注意到,美利坚合众国政府并未向委员会通报上述培训事宜。

119. 7月27日,刚果民主共和国境内的上帝军最高指挥官在加兰巴国家公园被打死。据公开报道称,来自南苏丹的一群猎人偶然遭遇Thomas“Okello”Odano少校,在枪战中将其击毙,“解救”了两名妇女和两名儿童,并将他们带回南苏丹。4名消息来源人士告诉专家组,Odano实际上是被来自南苏丹恩扎拉地区的

⁷ 11月,设在东方省的人道主义援助协调办事处主要办公室告诉专家组,截至9月底,上帝军造成256 000人流离失所;然而,据其他消息来源称,上帝军已导致32万人流离失所。

⁸ 根据专家组所掌握的2011年3月的联合国评估,刚果民主共和国境内约有73名上帝军分子。

一群武装箭童所杀。箭童是一个地方自卫民兵组织，与区域工作队及美国非洲指挥部协作开展打击上帝军的行动。在上述事件中，民兵分子越过边界进入刚果民主共和国，猎杀了 Odano 并携带在行动中抓获的 4 人返回南苏丹。

120. 专家组就美国政府支助箭童及 Odano 死亡事件致信美国政府。在其答复中，美国政府承认与箭童及南苏丹境内其他团体协作，以消除上帝军的威胁，但否认曾协助箭童在刚果民主共和国境内开展任何有特定目标的活动。

121. 2013 年 9 月 19 日，区域工作队成员与美国非洲指挥部顾问在刚果民主共和国的两个地区开展行动。9 月，美国顾问协同区域工作队部队在加兰巴国家公园分别进行了两次考察，但均未遭遇上帝军。在一次考察中，南苏丹——区域工作队的一群突击队员与美国顾问从苏丹越界进入刚果民主共和国。在第二次行动中，比利时追踪犬及训犬员组成的一支团队(由 Bridgeway 基金会资助)从刚果民主共和国境外飞往加兰巴。专家组注意到，美国政府并未就支助打击上帝军行动的情况向委员会通报。

122. 在 9 月的另一次行动中，刚果(金)武装部队——区域工作队部队协同美国顾问，在安哥镇以北的一处居住区赶走了疑似上帝军分子。这些行动本应于 11 月 14 日结束，但由于上帝军的袭击在 11 月中旬略有增加而被延长。

123. 除此运动外，为鼓励上帝军投降作出了巨大努力。非政府组织“隐形儿童”自 2011 年以来印发了 120 万份传单(见附件 46)。2013 年，该组织在刚果民主共和国和中非共和国境内利用包机空投了约 30 万份传单，并向联刚稳定团提供了约 10 万份传单，后者已向怀疑被上帝军控制的地区空投了这些传单。联刚稳定团和美国国务院还自行印制传单。此外，通过联刚稳定团移动基地电台及配备扬声器的直升机，定期播放了鼓动 60-90 名上帝军成员投降的通告。尽管作出了这些努力，2013 年 1 月 1 日至 12 月 8 日，联刚稳定团仅遣返了 1 名上帝军战斗人员和 6 名受抚养人。

民族解放力量

124. 据联刚稳定团和布隆迪情报称，尽管 2013 年有近 70 名战斗人员被刚果(金)武装部队抓获或向其投降，但民解力量在布隆迪境内进行招募后现有 300 名战斗人员。Aloys Nzamapema “将军”仍是军事总司令。自 8 月中旬以来，作为与联刚稳定团推出的名为“Kamilisha Usalama”联合行动的组成部分，刚果(金)武装部队对民解力量展开了攻击。刚果(金)武装部队迫使民解力量总部从 Mushule 迁至南基伍 Sange 以北的 Kiriana，这是卢民主力量直到最近的盘踞地点。

125. 2013 年 8 月，前民解力量主席阿加顿·鲁瓦萨回归布隆迪政治舞台并试图重新获得其政党的领导地位。在布隆迪总统选举前以及民解力量内出现 Emmanuel Miburo 领导的亲政府派别后，鲁瓦萨于 2010 年 7 月逃至南基伍。2013 年 1 月，驻扎在刚果民主共和国的民解力量武装部队解除了鲁瓦萨的主席职务，并由居住在法国的 Isidore Nibisi 接替(见 S/2013/433，第 110 段)。然而，在与专家组的

一次约谈中，鲁瓦萨否认在Nzamapema离开布隆迪前往刚果民主共和国后曾与该人联系。他还谴责民解力量在刚果民主共和国境内进行的抢劫活动。

126. 卢民主力量与民解力量前战斗人员告诉专家组，民解力量与卢民主力量在2013年期间继续在菲齐县开展协作。据专家组了解，卢民主力量与民解力量曾于2013年2月和4月在Kadashomwa举行了两次会议，而且Nzamapema曾出席会议。然而，在民解力量迁至Kiriana后，卢民主力量为躲避刚果(金)武装部队的袭击而迁移了营地(见第89段)。

127. 2013年，穆隆迪人民阵线的实力大为削弱。

四. 库存管理

128. 刚果(金)武装部队在保护其武器和弹药方面继续面临挑战。在“3·23”运动占领戈马并劫掠刚果(金)武装部队的武器库存后(见S/2013/433,第17段下的方框4)，刚果(金)武装部队开始使用有利于转移武器的临时军械库。

129. 专家组走访了刚果当局用来接收官方武器和弹药进口的大西洋沿岸马塔迪港和博马港，以期评估用于检查进港货物的程序。在这两个港口内，检查工作都是人工进行，因此难以发现可能存在的违反武器禁运行为。专家组注意到，刚果民主共和国政府没有使用在马塔迪港安装的扫描系统(见附件48)，尽管使用该系统可更好地跟踪货物并有利于发现包括武器在内的非法货运。

130. 在这两个港口内，属于国防部的进港货物从不接受筛查。设在港口的刚果(金)武装部队后勤办事处秘密处理军用货物。

131. 刚果民主共和国境内的武装团体最常用的武器是AK-47突击步枪。AK-47步枪所用小口径(7.62毫米)弹药在该国东部地区随处可得。2013年，据专家组记录，各武装团体持有来自至少14个国家的、1951年至2008年所产7.62毫米口径弹药(见附件49)。专家组的结论认为，其中一些弹药来自刚果(金)武装部队库存(见S/2009/603,第23段)，以及从邻国及国际军火商进入刚果民主共和国的存货(见第31段和S/2005/30,第66段)。

132. 刚果(金)武装部队仍是刚果民主共和国东部地区武装团体获取弹药的主要来源。在某些情况下，武装团体通过袭击刚果(金)武装部队获得武器和弹药；但在其他情况下，刚果(金)武装部队士兵或其中间人出售武器和弹药。4名来自马西西的自由独立刚果爱国者联盟前战斗人员、3名位于通戈的卢民主力量前战斗人员以及3名来自沙本达的愤怒公民组织前战斗人员告诉专家组，他们曾向刚果(金)武装部队士兵或其中间人购买AK-47弹药。

133. 此外，如上文第97段所述，专家组记录了刚果民主共和国东部地区的其他武器和弹药转手情况。例如，“3·23”运动在占领戈马期间偷走了刚果(金)武装部队的一辆T-55型坦克(见S/2013/433,第17段及附件5)。

五. 违反国际人道主义法和人权法的行为

屠杀/暴力行为

卡塔加丹加发动的袭击

134. 10月28日和29日，专家组在走访加丹加省米特瓦巴县和普韦托县的11个村庄期间，对卡塔加丹加发动的袭击进行了调查(见附件50)。专家组评估了Kabola村(普韦托县)受损情况，该村于10月23日上午遭到袭击和焚烧(见附件51)。据目击者讲述，数十名袭击者——某些持有AK-47但多数手持长矛、砍刀或弓箭——朝天鸣放数枪后进村并开始纵火烧房。据专家组清点，至少有210处房屋和商店被焚烧，据流离失所的居民反映，袭击者选择该镇的原因是刚果(金)武装部队此前曾在此驻扎；专家组证实确有前刚果(金)武装部队的设施(见附件52)。袭击者还烧毁了Kabola小学。根据与流离失所居民的访谈，专家组估计约有1 000人在这次袭击后被迫离开Kabola而流离失所。

135. 专家组还走访了Katendeji村(普韦托县)，该村于10月24日上午遭到袭击和焚烧(见附件53)。据专家组清点，至少有203处房屋和商店在袭击中被烧毁。根据与流离失所居民的访谈，专家组估计至少有1 500人在这次袭击后被迫流离失所。

136. 专家组与地方领导人及Mupanga村和Mukumbo村(米特瓦巴县)居民进行了交谈(见附件54)，这些居民在10月24日Kabola遇袭后逃离。专家组证实，Kilolo、Kamifio和Kabale的居民也在卡塔加丹加袭击后逃离。专家组记录了2013年10月在米特瓦巴-普韦托边界地区受到卡塔加丹加影响的其他村庄，包括Kisele、Kifinga、Mubidi、Manda和Kamazanga等被焚毁村庄。

137. 与专家组的观察形成对照的是，驻扎在米特瓦巴镇的第43快速干预营指挥官、刚果(金)武装部队Lwamba Butalele中校告诉专家组，米特瓦巴县的安全局势风平浪静。专家组注意到，刚果(金)武装部队在米特瓦巴镇设有重兵，但在专家组走访的米特瓦巴县受影响地区并无一兵一卒。

袭击马西西

138. 专家组记录了位于Remeka的一个愤怒公民组织派别对马西西县南部一些村庄发动的袭击，该派别由Batembo Joseph Misati和Birikoriko“将军”指挥。从10月13日至14日夜到10月18日，这些人领导的武装力量袭击并焚烧若干地点，包括Mushebere、Ntambike、Mahiga、Bumba、Miruta、Nguliro、Lubuu和Mutuza，杀害至少17人并使其他多人受伤。10月25日上午，上述战斗人员袭击了Ngungu周围的村庄。专家组观察到数千人逃离Ngungu，并看到3架刚果(金)武装部队攻击直升机在该地区上空盘旋。

性暴力

139. 专家组收到的资料表明，恩杜马保卫刚果民兵组织、Nyatura、伊图里爱国抵抗阵线、卢民主力量、玛伊-玛伊摩根派以及“3·23”运动在2013年期间实施了强奸。根据联刚稳定团的记录，恩杜马保卫刚果民兵组织在9月和10月强奸了15名妇女(见第42段)，而玛伊-玛伊摩根派在10月强奸了6名妇女(见第65段)。联合国消息来源告诉专家组有关愤怒公民组织在沙本达实施强奸和逼婚的许多案件，在沙本达县国家权力非常薄弱。

140. 此外，许多女孩和妇女遭到绑架并被迫沦为性奴隶。专家组此前记录了玛伊-玛伊摩根派的性奴役行为(见S/2013/433，第133-135段)，并收到联合国消息来源报告，称卢民主力量强迫妇女充当民兵成员“妻子”。联刚稳定团儿童保护科记录了刚果(金)武装部队第810团的7名逃兵于2月和3月在Bweremana出于性目的绑架未成年女孩的事件。

141. 政府安全部队、特别是刚果(金)武装部队，仍是对未成年人实施性暴力的主要肇事者。2013年，没有关于刚果(金)武装部队实施大规模强奸的举报案件，但士兵应对侵害妇女和女孩的许多孤立袭击事件负责，特别是在行动期间。在加丹加，地方官员和居民告诉专家组，刚果(金)武装部队士兵在米特瓦巴县打击卡塔加丹加的行动期间，强奸了数十名妇女和女孩；专家组已将这些妇女和女孩名单存档。刚果(金)武装部队Lwamba Butalele中校是驻扎在米特瓦巴镇的第43快速干预营指挥官。在伊图里，地方领导人和联合国消息来源告诉专家组，Fall Sikabwe将军指挥的刚果(金)武装部队在伊图里南部地区打击伊图里爱国抵抗阵线的行动期间实施了3起强奸。

142. 在刚果(金)武装部队所犯强奸案中，一些犯罪者已被逮捕并被军事司法系统判刑。然而，专家组注意到，2013年被起诉或判刑的某些人员已逃离羁押。

143. 11月20日，距离“3·23”运动占领戈马后在南基伍省米诺瓦实施大规模强奸恰好一年(见S/2013/433，第132段)，位于戈马的一个军事法庭启动了针对包括4名中校在内的40名刚果(金)武装部队士兵的诉讼程序，罪名包括谋杀、强奸及其他战争罪行。

袭击医疗设施和工作人员

144. 2013年6月至9月，民主力量同盟军在Mbau-Kamango轴线沿线对若干医疗设施和货船以及药房发动了一系列袭击。据联合国消息来源报告，6月16日至17日夜，民主力量同盟军闯入Kahongo村的保健中心(位于卡曼沟保健区)，并偷走所有药物以及医疗设备和资金。6月20日，民主力量同盟军在Mbau以东拦截一辆正从贝尼前往卡曼沟运送药物的卡车。袭击者抢走了价值超过13 000美元的药品，包括为营养不良儿童提供的食疗牛奶，并绑架乘客和烧毁卡车。7月14日，民主力量同盟军袭击了卡曼沟以南的Kikingi镇，抢劫了该镇的药房和

商店，并命令当地居民撤离。9月28日，5名战斗人员在奥查附近的 Maleki 保健中心绑架了2名男护士。其中一名护士在第二天夜间逃脱并指认绑架者为民主力量同盟军成员，但另一名护士则命运不详。

145. 7月11日在卡曼沟发生了民主力量同盟军针对医疗设施和工作人员的最严重袭击(见第82段)。在两天之内，民主力量同盟军系统性洗劫了卡曼沟的医院和药房。专家组成员的观察证实了一名目击证人和地方当局的陈述，即民主力量同盟军将医院药房洗劫一空，并将药品堆放在医院的一座建筑物外；医疗设备和其他用品也被堆积在上述地点(见附件34)。民主力量同盟军部队还洗劫了卡曼沟镇的2所药房，夺取2辆汽车，将其装上药品和医疗用品并向西驶往 Mbau。其中一辆汽车属于镇长，而另一辆汽车属于在该镇设有一个小型团队的无国界医生组织。

146. 7月10日，一个无国界医生组织团队抵达卡曼沟，以进行医疗需求评估。该团队成员包括2名护士、1名后勤人员和1名司机；其中3人是刚果人，1人是马达加斯加人。在编写本报告时，专家组没有获得有关无国界医生组织工作人员下落的信息。联合国及刚果民主共和国和乌干达政府消息来源认为人道主义工作人员仍然健在，因为民主力量同盟军将设法利用其技能，特别是护士们的技能。

袭击联合国组织刚果民主共和国稳定特派团

147. 专家组记录了在其任务期间发生的许多袭击联刚稳定团及人道主义工作人员的事件。这些在战斗和非战斗情况下发动的袭击不仅造成了伤亡，而且还妨碍了联合国及人道主义行为体的工作。

148. 专家组关切地注意到，被专家组确认2012年11月在布尼亚“参加和组织抢劫联合国和人道主义设施及住宅”的刚果(金)武装部队军官Willy Bonane Habarugira(见 [S/2013/433](#)，附件65和66)于2013年7月从上校军衔晋升为准将军衔。Bonane将军从未对其在布尼亚的行动承担责任。

149. 除专家组在其中期报告中记录的袭击事件(见 [S/2013/433](#)，第136-139段)之外，2013年下半年还发生了若干严重袭击事件。本报告摘要介绍了上述袭击事件中的3起，并在附件55中与其他袭击一起予以说明。

150. 7月14日，民主力量同盟军在 Mbau-卡曼沟公路上袭击了一支联刚稳定团尼泊尔巡逻队(见附件33)。在撤退和救援维和人员期间，尼泊尔部队被迫遗弃其受损车辆(一辆装甲运兵车和一辆皮卡车)，这些车辆随后被民主力量同盟军烧毁。3名维和人员受伤，其中2人身受枪伤。次日，即7月15日，民主力量同盟军开火击中2架联刚稳定团从戈马调来的攻击直升机。这2架直升机均轻微受损；没有维和人员受伤。

151. 8 月,“3·23”运动数次袭击联刚稳定团设在戈马以北穆尼吉的基地。8 月 22 日和 23 日,“3·23”运动动用机枪和自行炮袭击联合国基地,损毁了联刚稳定团的一辆救护车。8 月 24 日和 28 日,“3·23”运动向基地发射迫击炮弹,打伤至少 6 名维和人员。8 月 28 日,在基巴蒂,“3·23”运动战斗人员用自行炮击中联刚稳定团的一辆装甲运兵车,打死 2 名坦桑尼亚维和人员,打伤 1 人。10 月 28 日,“3·23”运动在基万加的一次伏击中打死了另一名坦桑尼亚维和人员。

152. 7 月和 8 月期间,当地民众在戈马街头袭击联刚稳定团工作人员和车辆(见附件 56)。大多数袭击发生在 8 月 2 日和 24 日,是抗议打击“3·23”运动缺乏进展的更广泛示威活动的组成部分。21 辆汽车在 23 起事件中受损,至少两名联合国工作人员被碎玻璃和投掷的石块所伤。

“3·23”运动实施的即决处决

153. 在“3·23”运动战斗人员于 10 月 28 日撤出鲁曼加博拘留中心后,专家组立即访问了该中心(见附件 57)并记录了“3·23”运动军官对囚犯和新兵实施即决处决的案件。该中心收容了大约 250 名囚犯,以平民为主。

154. 多名前囚犯向专家组介绍了其不人道的的生活条件,并声称许多囚犯死于饥渴。此外,他们详细讲述了有时囚犯如何在夜间被带走和失踪。几位目击者告诉专家组“3·23”运动士兵是如何在监狱楼入口处的房间里捅死囚犯的。其他目击者向专家组指出了他们被迫埋葬尸体的地点。据几名证人的证词证实,最近的两次夜间处决发生在 9 月 5 日(5-8 例)和 10 月 12 日(10-13 例)。被处决的拘留者中包括两名刚果红十字会工作人员,他们于 7 月 6 日在 Kanyaruchinya 被“3·23”运动逮捕,并被关在鲁曼加博,直至 8 月份遇害。情报负责人 Antoine Manzi “上校”和他的副手 Willy Mihigo Secoper “中校”当时主管监狱,据报他们下令处决囚犯。在鲁曼加博,专家组还记录到在刚果武装部队接管营地几个小时之前,至少有两人遭到即决处决(见附件 58)。

155. 专家组访问了基旺加,记录到“3·23”运动战斗人员在 2013 年 10 月 26 日和 27 日逃离时实施的抢掠行为和三起即决处决。此外,“3·23”运动部队还洗劫了行政办公室和许多政府大楼。

156. 专家组约谈了 12 名“3·23”运动前战斗人员,其中包括 4 名儿童,他们说,在他们停留在鲁曼加博军营期间,那些被抓获的试图逃跑者遭到监禁或被公开处决,以阻止其他人尝试逃跑。7 名“3·23”运动前战斗人员告诉专家组,他们目睹了 13 名新兵被即决处决。

儿童兵

157. 2013 年,专家组记录到,儿童在各武装团体中担负各种职能,包括作为战斗人员、搬运工、护卫、厨师和间谍。2013 年 1 月 1 日至 11 月 29 日期间,联刚稳定团儿童保护科记录到有 459 名儿童被武装团体征募。其中,大部分是刚果人,

14 名是卢旺达人，5 名是乌干达人。这些儿童的年龄在 9 至 17 岁之间；许多人在 15 岁以下。在所有儿童中，403 人是男孩，56 人是女孩。

158. 招募儿童的武装团体是：“玛伊-玛伊”民兵团体(194 人，其中包括 43 名女孩)，Nyatura 团体(112 人，其中包括 4 名女孩)，“玛伊-玛伊”民兵卡塔加丹加派(39 人)，卢民主力量(30 人)，愤怒公民组织(25 人)，“3·23”运动(24 人)，自由独立刚果爱国者联盟(13 人)，刚果爱国抵抗联盟(12 人)、刚果武装部队逃兵(7 名女孩)，上帝抵抗军(2 名女孩)和民主同盟军(1 人)。

159. 此外，专家组 11 月份还确认了刚果民主共和国东部的其他儿童兵案例。11 月 24 日，刚果武装部队在马西西县的 Bweremana 对“玛伊-玛伊”降兵进行了筛查。在 1211 名战斗人员中，刚果武装部队发现了 27 名 15 岁至 17 岁的儿童，其中 3 人是女孩。这些儿童曾是以下团体的成员：捍卫刚果人民利益部队，由 Baisengue Senzoga “上校”指挥(1 人)；FPC，由 Bafakururimi “上校”指挥(7 人)；MPA，由 Alexis Bisengo “上校”指挥(4 人)；两个 Nyatura 团体，由 Habarugira “上校”和 Muchoma “上校”指挥(11 人)。联合国难民事务高级专员公署报告说，该署已经使 36 名儿童与 11 月在乌干达投降的“3·23”运动战斗人员分离。

160. 愤怒公民组织、卢民主力量、Nyatura 和自由独立刚果爱国者联盟通常在父母和(或)监护人默许下征募儿童。在儿童保护科的协助下，专家组约谈了来自卢民主力量的 3 名未成年人、来自“3·23”运动的 2 名未成年人以及来自 Nyatura 的 4 名未成年人，他们的年龄都在 10 岁至 16 岁之间。

六. 自然资源

黄金

161. 刚果民主共和国东部冲突地区和冲突后地区手工生产的黄金在该国主要的交易城镇和周边过境国家被混在一起。虽然正在开展一些努力，促进黄金部门的尽职调查和追踪制度，但由于刚果民主共和国政府和周边国家未能执行现有法律及结束非法交易商和走私者有罪不罚的现象，黄金走私仍是一个严重问题。

刚果武装部队参与开采黄金的情况

162. 在菲齐县的Misisi金矿区，刚果武装部队官兵都在参与黄金的生产和交易，这违反了刚果民主共和国的采矿守则。2013 年 8 月，专家组访问了Misisi 和附近的Miba黄金加工场(见附件 59)，地方当局和矿工告诉专家组说，包括Rugo Heshima上校和Sammy Matum上校在内的军官(见 [S/2012/843](#)，第 185 段；[S/2009/603](#)，附件 124)拥有若干台用于压碎含金矿石的机器。通过把机器出租给采矿者，这些军官可以获得每月每台机器 4 800 美元。同一消息来源告诉专家组，(穿着平民服装的)士兵作为采掘者在Misisi矿场工作或监管黄金分离机。据采矿运营商称，一些士兵任意逮捕矿工，要求以黄金换取他们获释。

163. 产自Misisi的黄金通过布卡武或乌维拉被销往布琼布拉(布隆迪)，以及通过基戈马被销往坦桑尼亚联合共和国(见第 195 段)。那些来自Misisi、设在布卡武的黄金购买方中，包括Mining Congo商行、Mizinzi、Buganda Bagalwa和Bashi Jules(见 S/2012/843, 第 187 段)(另见第 171 段和附件 60)。另一个黄金购买方是Etablissement Namukaya(见 S/2012/843, 第 183 段)。

164. Banro矿业公司的特许经营地Mukungwe金矿仍然是刚果武装部队第 10 军区军官们的一个收入来源。专家组已报告称，刚果武装部队介入了当地争夺Mukungwe矿控制权的斗争(见 S/2011/738, 第 528-532 段)，而且刚果武装部队士兵向矿工征税(见 S/2013/433, 第 165 段)。9 月，刚果武装部队从Mukungwe矿场撤出了所有士兵，并逮捕了 3 名在当地继续开展活动的士兵。

各武装团体参与开采黄金的情况

165. 直至 8 月下旬(见第 58 段)，伊图里爱国抵抗力量一直从开采黄金中获取收入。来自盖蒂和布尼亚当地的民间社会领导人告诉专家组，伊图里爱国抵抗力量在伊鲁穆县南部的 Bavi、Soke、Singo 和 Songolo 直接开采黄金。伊图里爱国抵抗力量官员还对其控制区内的其他矿场征收每周 3-5 克黄金的税。交易商在布尼亚和布滕博出售；来自这些城镇的黄金随后在坎帕拉被交易。

166. 除Ntaberi领导的恩杜马保卫刚果民兵组织(见第 46 段)外，另一个武装团体也参与了在瓦利卡莱的黄金开采。据一艘采金船主、一名民间社会成员和一名独立研究员称，一个以Maiko国家公园为基地的“玛伊-玛伊”民兵辛巴派团体(见 S/2011/738, 第 246-251 段)大力参与了穿过该公园的Ossso河上的黄金开采活动。Maiko公园“玛伊-玛伊”民兵辛巴派的领导人Mando Mazaro“将军”以Ossso河附近的Mbuju为基地。

167. 直至 2013 年 6 月或 7 月，Mando对 60 多个Ossso河上的采金船征税(见附件 61)。正如 2011 年记录所示，并据瓦利卡莱县的民间社会领导人和一名采金船主称，刚果(金)武装部队继续在Biruwe与“玛伊-玛伊”民兵辛巴派合作，以矿物换弹药(见 S/2011/738, 第 250 段)。据瓦利卡莱的一名民间社会领导人、基桑加尼的一名黄金交易商和一名采金船主称，产自Ossso河的黄金在基桑加尼被交易。

168. 愤怒公民组织控制着南基伍省沙本达县的大部分金矿。愤怒公民组织各派别的地方指挥官们对矿场生产征税。两名民间社会领导人和矿业当局告诉专家组，沙本达黄金买方包括设在布卡武的 DTA 和 Mining Congo 公司。根据专家组看到的一份供应商名单，Mining Congo 公司 38 个供应商中有 16 个从沙本达购买黄金。

169. 专家组还收到来自矿业和合作社官员以及矿工的资料，表明 Yakutumba 的妻子监管着 Miba 的几台破碎机(见第 161 段)。在 3 月和 4 月，Yakutumba 为了他在 Misisi 地区的“战争努力”而征税(见附件 24)。此外，一名黄金交易商、一

名 Yakutumba 派前战斗人员和一名刚果武装部队军官还指出，Yakutumba 控制着菲齐的金矿区，这里的黄金通过坦桑尼亚联合共和国交易。

刚果民主共和国的黄金交易

正式出口

170. 通过周边国家从刚果民主共和国走私黄金的网络现已存在 20 多年，根深蒂固。因此，2013 年间，手工生产的黄金继续大量通过周边国家从该国走私出境。据美国地质调查局称，刚果民主共和国的手工采矿者估计每年生产 10 000 公斤黄金；然而，2013 年 1 月至 10 月，正式出口总计只有 180.76 公斤(见附件 62)。

非正式交易

171. 专家组估计，2013 年间，98% 的手工产黄金被从刚果民主共和国走私出境(见附件 63 至 64)。专家组还估计，2013 年间，从该国走私出境的黄金价值在 3.83 亿美元和 4.09 亿美元之间。根据这一估计值计算，专家组估计，政府在 2013 年间损失了 770 万美元至 820 万美元的税收。刚果民主共和国东部走私黄金的主要交易城镇是布卡武、布滕博、布尼亚、阿里瓦拉和基桑加尼。

172. 南基伍省主要的交易城镇是布卡武。在布卡武交易的黄金来自南基伍省和马涅马省的矿场。专家组有一份在布卡武非法交易黄金的 64 人名单。其中最大的黄金交易商是 Bashi Jules, Buganda Bagalwa 和 Mange Namuhanda(见 S/2012/843, 第 187 段)。

173. 北基伍省主要的交易城镇布滕博和贝尼。在布滕博和贝尼交易的黄金来自北基伍省、马涅马省和东方省。专家组查明了在布滕博，特别是在中央市场，公开活动的几十个黄金交易商(见附件 65)，但专家组指出，北基伍省 2013 年 1 月至 9 月期间的正式出口总额只有 2.1 公斤。

174. 东方省有三个主要的黄金交易中心。在布尼亚交易的黄金来自东方省东部的矿场，主要是伊鲁穆、曼巴萨和朱古县。最大的黄金贸易商是 Banga Djelo(见 S/2012/843, 第 187 段)、Justin Peke(见 S/2012/843, 第 187 段)、Karte(别名 Carter)、Exodus Deba(见 S/2009/603, 第 244 段)、Lombela、Manu Soba 和 Edmond Kasereka(见 S/2009/603, 第 244 段)。阿里瓦拉镇是交易来自伊图里(阿鲁县)和上韦莱各区矿场的黄金的一个主要城镇。在基桑加尼交易的黄金来自整个东方省以及北基伍省的瓦利卡莱县。尽管在三个地点都有合法经营的商行，刚果民主共和国的黄金交易商告诉专家组说，绝大多数在这些城镇交易的黄金是被从该国走私出境的。

175. 专家组注意到，刚果民主共和国政府未采取行动打击上述交易城镇非法经营的黄金交易商缺乏打击行动。在每个地点，黄金交易商公开活动，但政府当局未逮捕这些交易商或迫使其合法交易黄金。

扣押

176. 2013 年 10 月 23 日，布卡武附近的矿场管理人员在布卡武-卡马尼奥拉公路上拦截和搜查了一辆来自 Misisi 矿区的卡车，发现 64 个隐藏的包裹，其中总共有 15-20 公斤黄金。包裹的标签上写着布卡武交易商的名字，包括 Buganda Bagalwa 和 Jules Bashi，但没有任何正式文件。这是 10 月份在南基伍省第三次扣押黄金。矿业当局告诉专家小组，在前两次扣押之后，“高级官员”进行了干预，归还了黄金并释放贩运者(见附件 66)。黄金包裹曾被扣留，但后来被归还给所有者；未进行旨在确定包裹来源或目的地的调查。专家组获得了一份提取包裹的 64 人名单(见附件 60)。

黄金交易中的欺诈

177. 关于在刚果民主共和国合法注册的黄金商行无法与非法商人竞争的原因，一个常见的解释是，由于不需要缴付出口税，非法商人能够提供更好的价格(大约高 2%)。专家组还确定，非法黄金买家可以提供高于合法商行的价格，因为在地方、中间和区域各级缺乏对交易机制中欺诈的监管。

178. 在矿场和主要的交易城镇，各种有意和无意的欺诈源自对黄金纯度进行目测估计、使用重量存在差异而且失实的手持秤砝码、使用未经检查和验证的电子秤和密度检测机以及使用被篡改的估算表(见附件 67)。这种欺诈为主要黄金交易商带来好处，却导致上游损失不断增加。

179. 坎帕拉的黄金买家使用密度检测机和电子秤，缺乏监管手段意味着不能肯定机器或秤的准确性，从而造成欺诈的可能性。黄金交易商告诉专家组说，坎帕拉的主要买家(见第 182-186 段)经常基于从一种机器推测出的纯度值，使用计算器来确定价格；但是，专家组还确定，至少有一个主要的坎帕拉黄金买家使用含有伪造数值的估算表来估算黄金纯度，从而能够进行欺诈交易。

180. “坎帕拉黄金表”通过提供伪造的对应黄金密度值的纯度值，欺骗黄金卖家，使黄金买家获得好处(见附件 68)。例如，如果一个黄金买家持有 86%纯度的金锭，估算表将宣称样品纯度为 81.2%。如果一个黄金卖家持有 10 公斤纯度为 86%的金锭，他(她)将由于估算表显示的伪造数值而损失超过 20 000 美元(480 克黄金)(见附件 69)。

181. 专家组估计，通过使用坎帕拉黄金表，主要黄金买家每年从卖家那里骗取超过 200 公斤黄金(见附件 70-71)。以 2013 年 7 月至 11 月间的市场平均价格计算，坎帕拉的主要黄金买家可能每年从不疑有诈的卖家那里掠取 500 万至 1 300 万美元。

该区域黄金交易

乌干达

182. 自 1997 年以来，坎帕拉一直是刚果黄金的一个主要交易地点和转运中心。2006 年，乌干达出口了 6 936 公斤黄金，但 2007 年 3 月安全理事会对两个最大

的乌干达黄金出口商实施制裁之后，乌干达的正式黄金贸易急剧下降，至今尚未恢复。乌干达政府告知专家组，2013 年 1 月 1 日至 11 月 28 日期间，仅正式出口 161 公斤黄金(见附件 71)。

183. 实际上，实施制裁促使乌干达主要的黄金交易商以非法方式继续经营。不过，他们能够做到这一点的原因是乌干达政府不承认、不处理非法黄金交易。根据专家组的调查，2006 年出口黄金的三大家族——Lodhias, Vayas 和 Bhimjis——是 2013 年的三个主要非法黄金出口商。

184. 2006 年乌干达的头号黄金出口商是Uganda Commercial Impex有限公司(见附件 70)，这是一家由Jamnadas V. Lodhia(别名Chuni)领导的公司。2007 年 3 月，安全理事会将UCI公司列入制裁名单；然而，Chuni在这次列名之后继续购买刚果黄金(见 [S/2009/603](#)，第 133 和 243 段)。布尼亚和布滕博的黄金交易商以及坎帕拉的民间社会领导人告诉专家组，2013 年，Chuni继续在Aurum Roses公司的办公室里非法购买来自刚果民主共和国的走私黄金(见附件 72)，这是一家由Chuni和他的两个儿子Jitendra J. Lodhia和Kunal J. Lodhia共同拥有的公司。

185. 2006 年乌干达的第二大出口商是Machanga有限公司，这是一家由Rajendra Vaya(别名Raju)领导的公司。2007 年 3 月，安全理事会将Machanga列入其制裁名单；但是，Raju在他的公司遭到制裁之后继续购买黄金(见 [S/2008/773](#)，第 91-92 段；[S/2009/603](#)，第 133 和 243 段)。布尼亚和布滕博的黄金交易商以及坎帕拉的民间社会领导人告诉专家组，2013 年，Raju和他的代表在位于坎帕拉Upper Kololo Terrace路上的办公室购买了黄金(见附件 73)。

186. 2006 年乌干达的第三大出口商是A.P. Bhimji有限公司，这是一家由大不列颠及北爱尔兰联合王国公民A.P. Bhimji领导的公司。布尼亚和布滕博的黄金交易商以及坎帕拉的民间社会领导人告诉专家组，A.P. Bhimji的儿子Sameer Bhimji(别名Sammy)非法购买来自刚果民主共和国的走私黄金，据估计是继Chuni和Raju之后的第三大买家(见 [S/2012/843](#)，第 193 段)。2008 年 1 月 18 日，Sammy将Midas All Minerals有限公司与Lata Bhimji公司合并。2011 年 4 月 18 日，Sammy以他的名义而不是Midas All Minerals公司的名义向阿拉伯联合酋长国迪拜合法出口了 3 公斤黄金，但他和他的公司在 2012 年和 2013 年都没有任何正式的黄金出口记录。Sammy在Midas All Minerals公司办公室和坎帕拉Kamwokya地区的一个地点购买黄金。

187. 10 月，乌干达政府官员告诉专家组，他们没有任何资料表明，在之前专家组报告中点名提到的设在坎帕拉的交易商——Chuni、Ruju 和 Sammy——现从事黄金交易。这些官员告诉专家组，2013 年间，他们没有缴获任何走私黄金，也没有逮捕任何从刚果民主共和国走私黄金的人。他们告诉专家组，他们正在开展一些打击走私的措施，包括将手工采矿正规化以及与大湖区问题国际会议合作。

188. 专家组根据 2006 年即乌干达黄金市场转入地下前一年的正式出口水平估计, 2013 年从乌干达走私出境 6 761 公斤黄金; 因此, 估计从乌干达走私出境 97.5% 的本国和外国黄金(见附件 71)。专家组估计, 2013 年从乌干达走私出境的黄金大约价值 2.71 亿美元, 乌干达政府 2013 年损失了大约 270 万美元的税收。

布隆迪

189. 布隆迪是原产于刚果民主共和国东部的黄金的一个主要过境国。一些刚果黄金被混入布隆迪的正式黄金供应贸易, 作为布隆迪黄金合法出口, 一些则被直接从布隆迪走私出境。布隆迪情报官员和一名黄金交易商告诉专家组, 大多数从布隆迪走私出境的刚果黄金被出口到迪拜。目前还没有布隆迪的黄金生产数据, 也没有制定追踪制度(见 S/2013/433, 第 163 段), 因此很难确定走私刚果黄金的规模。为了打击通过布琼布拉机场的走私活动, 2013 年 10 月, 政府启动了一项新的方案, 包括称取出口黄金的重量、在数名政府代表在场的情况下在商行封存包裹以及在机场再次称取包裹重量。

190. 根据官方统计数据, 2013 年 1 月至 10 月期间, 布隆迪的 17 个商行和个人出口了 2 539 公斤黄金, 价值 7 390 万美元(见附件 74), 其中 2 537 公斤发往迪拜, 1 公斤发往黎巴嫩, 1 公斤发往肯尼亚。专家组估计, 以 0.5% 的黄金出口税计算, 布隆迪政府在 2013 年 1 月至 10 月期间应征税 529 350 美元。设在布卡武的出口商 Mining Congo 公司从 Misisi 购买黄金(见第 161 段); 截至 2013 年 10 月, Mining Congo 所有者 Jean Claude Nzeyimana 个人从布隆迪出口了 64 公斤黄金。

191. 2013 年 17 个黄金商行出口黄金。这一数字与前几年 Mutoka Ruyangira 主导布隆迪黄金市场的情况差别很大(见 S/2008/773, 第 93 段; S/2009/603, 第 140 段)。在 4 月举行的一次会议上和在一封给专家组的信中, Ruyangira 说他已于 2011 年 1 月将其 Berkenrode 公司出售给 Ntahangwa Sprl, 他不再参与黄金贸易。专家组继续调查此案。

192. 布琼布拉的黄金买家 Etablissement Jean Jbeili 公司(见附件 75)告诉专家组, 该公司 2013 年未出口黄金; 不过, 专家组获得的一份 4 月份出口文件显示, 该公司实际上出口了黄金(见附件 76)。正式出口统计数据也表明, Etablissement Jean Jbeili 公司 1 月至 10 月间合法出口了 45 公斤, 包括发往黎巴嫩的 1 公斤。然而, 黎巴嫩没有报告任何 2013 年来自布隆迪的进口。Jbeili 公司尚未在其精炼厂开展活动(见 S/2013/433, 第 163 段); 按照其许可证, 该公司必须执行追踪条例。

193. 10 月 15 日, 布隆迪政府通过了一项新的采矿守则, 将贵重金属税从 0.3% 增加到 2%, 与刚果民主共和国的征税相同。新守则还对走私者判处最高可达 20 年的刑期和(或)最高可达 13 000 美元的罚款。然而, 专家组注意到, 新守则根本未提及任何尽职调查或大湖区问题国际会议区域认证机制。

坦桑尼亚联合共和国

194. 坦桑尼亚联合共和国是主要黄金生产国，也是刚果民主共和国东部走私黄金的过境国。专家组 8 月份正式访问坦桑尼亚联合共和国期间，坦桑尼亚当局告诉专家组，他们没有缴获任何来自刚果民主共和国的黄金或矿物，而且来自刚果民主共和国的黄金或矿物未在坦桑尼亚联合共和国交易。访问之后，专家组请该政府提供关于锡、钨、钽和黄金的统计数据；但是在编写本报告时，当局尚未回复专家组的请求。

195. 刚果黄金从南基伍省走私到坦桑尼亚联合共和国主要是通过横穿坦噶尼喀湖开到基戈马的船只。一名黄金交易商、一名“玛伊-玛伊”民兵前战斗人员和一名民间社会领导人告诉专家组，这些城镇的交易商将黄金带到达累斯萨拉姆，再从那里出口到迪拜。一名达累斯萨拉姆的刚果黄金交易商向专家组解释说，他每月从南基伍省菲齐县叛军控制的地区购买最多 5 公斤的黄金。

196. 在 8 月访问基戈马期间，专家组从四个当地珠宝商处获悉，他们购买了刚果黄金。一名黄金交易商和他的一名工作人员向专家组证实，专家组 2009 年最后一份报告(S/2009/603，第 161-162 段)提及的Jafar(见附件 77)仍然是基戈马一个主要的刚果黄金交易商。专家组确认，基戈马的另一家珠宝店所有者Maulid Seif Kuziga(见附件 78)从南基伍省Misisi购买了黄金。

197. 正如在布隆迪那样，走私进入坦桑尼亚联合共和国的刚果黄金被混入正式出口中及单独走私出境。一个坦桑尼亚运输公司的所有者告诉专家组，他可以很容易地从坦桑尼亚矿业当局获得出口刚果黄金的正式文件。

出口目的地

198. 手工开采的刚果黄金的主要下游目的地依然是阿拉伯联合酋长国；其他目的地是黎巴嫩和亚洲市场，包括印度。专家组致函阿拉伯联合酋长国、印度和黎巴嫩，要求获得黄金进口、出口、再出口和过境的统计数据，所涉期间为 2012 年 1 月至 2013 年 8 月。只有黎巴嫩对专家组的请求作出了答复；阿拉伯联合酋长国和印度尽管收到催复通知，但仍未答复。

199. 专家组致函黎巴嫩政府要求提供黄金统计数据。该政府应要求向专家组提供了两套数据，一套数据显示 2013 年 1 月至 8 月从刚果民主共和国进口了 151 公斤，另一套显示 1 月至 11 月 13 日期间进口了 27.2 公斤。黎巴嫩没有从乌干达、布隆迪、坦桑尼亚联合共和国或南苏丹进口黄金。专家组致函黎巴嫩，要求澄清黄金的进口商以及在刚果民主共和国的原产地。在编写本报告时，专家组尚未收到答复。

锡、钨和钽

200. 刚果民主共和国东部有大量锡、钨和钽矿床。尽管在促进尽职调查和追踪刚果民主共和国这些矿物方面取得了进展(见附件 79)，但在生产和贸易方面仍存

在很多问题。2013 年期间，专家组证实向卢旺达的走私活动持续不断，并记录到刚果民主共和国当局缴获的正被走私到卢旺达的矿物(见 S/2012/843, 第 163-177 段)。虽然有些剩余黄金被走私到乌干达和布隆迪，向卢旺达走私的一个关键刺激因素是两国的价格差异，在刚果民主共和国，很少有矿物明码标价，而在卢旺达，所有的矿物都明码标价。例如，10 月份，在南基伍省各矿场，锡的价格为每公斤 4 美元，在布卡武交易行的价格为每公斤 8 美元，在卢旺达卡门贝的价格为每公斤 15 美元。

刚果民主共和国

正式出口

201. 2013 年 1 月至 9 月，刚果民主共和国正式出口 5 388.5 吨锡。加丹加的商行所占出口量最大(2 694.2 吨)，其次为马涅马(1 233.5 吨)、南基伍(839.9 吨)和北基伍(620.9 吨)(见附件 80)。就钽而言，正式出口只有加丹加的商行(319.6 吨)和北基伍的商行(139.2 吨)。就钨而言，正式出口来自加丹加(60.2 吨)和北基伍(35.0 吨)。

走私

Rubaya

202. 8 月，专家组访问了 Rubaya 镇和北基伍马西西 Luwowo 的钽矿(见附件 81)。该地区钽矿有两个重要问题。

203. 首先，Mwangachuchu Hizi International(MHI)与 Cooperamma 采矿合作社之间长期存在着关于 Rubaya 地区矿场的争端。2013 年下半年，MHI 与 Cooperamma 之间关于在这些地点开采的法律权力的分歧得到解决，双方当时商定，Cooperamma 可在这些地点继续进行手工开采，但必须把所有产出售予 MHI。如果 MHI 无法购买这些产品，则 Cooperamma 可将矿物在其他地方出售。

204. 其次，Rubaya 地区的钽正在通过戈马被走私至卢旺达。专家组通过对 Rubaya 的一名交易者、戈马的一名交易者、北基伍二名矿业官员和一名目击了 9 月所发生走私情况的戈马居民的约谈证实了这一点。这种走私用卡车进行，发生在戈马小型过境点，如 Makoro 和 ITG 墓地等(见附件 82)，而且通常涉及在靠近边界的卡车之间搬运成袋的钽，并为此向驻扎在过境点的刚果士兵和卢旺达士兵支付现金。走私的钽然后被运至位于吉塞尼的库房，在那里被加上标记。

205. 专家组还从若干交易者那里获悉，Cooperamma 与一些矿业代理商密切配合，在正式报告中低报 Rubaya 各矿场的实际生产和出口水平。这种合作使 Cooperamma 和矿业代理商能够统一统计数据，从而隐瞒一定的生产量，将其通过戈马走私至卢旺达。专家组问 MHI 将采取什么措施解决这些问题，因为它是 Cooperamma 的钽的唯一买家。MHI 答复说，它正计划加派人手阻止人们偷矿。

Bisie

206. Bisie有大量锡矿蕴藏，但由于未获验证，因此禁止生产。不过，2013 年期间，专家组取得了一些摄于 8 月的照片，证实锡从Bisie生产和运出(见附件 83 和 [S/2013/433](#)，第 177-178 段)。存货核查委员会 2013 年 2 月清点储存在Bisie 的红锡矿石为 355.4 吨，而此后矿物存量增加，这就提供了进一步的确认。7 月 1 日至 9 月 30 日期间，矿场运营者从Bisie出货 776.2 吨红锡矿石，这意味着尽管有生产禁令，但 2 月之后Bisie的存量仍增加了 420.8 吨。

马涅马

207. 二个交易者、一个省级机关和一些地方矿业代理商告诉专家组，2013 年期间，通过陆路和空中走私出省的矿物量已大为减少。这种减少是由于省级和国家矿业主管部门采取了行动禁止把矿物空运出马涅马省，并实施措施在马涅马省对矿物进行追踪。专家组还注意到，没有关于在马涅马的锡、钨和钽矿场非法征税的报告，该省锡、钨和钽手工开采业中不存在武装团体，也无地方行政人员、刚果国家警察和刚果(金)武装部队非法卷入。

208. 然而，专家组确认，一些走私活动仍在继续。上列消息来源对专家组说，锡和钽被用船沿刚果河从 Punia 和卡塞塞走私至基桑加尼，然后再从陆路走私至戈马。在卢布图县，锡被用船走私至基桑加尼，然后从陆路经布卡武走私至卢旺达(见第 216 段)。

Idjwi

209. 在 10 月份对基伍湖上Idjwi岛的实地访问期间，当地矿业代理商和移民及情报机构官员告诉专家组，走私者把钨从Kamole矿运至戈马和卢旺达吉塞尼(见 [S/2013/433](#)，第 190 段)。这些消息来源告诉工作组，主要走私者是以布卡武为基地的交易者Deogratias Magayane Simagari(见附件 84)、Mushaki Kabano Claude和Mututa，他们与驻扎在该岛沿岸的一些刚果海军部队人员串通运作。

沙本达

210. 锡和较少的钽从Lulingu和沙本达镇的简易机场空运走私出沙本达县。飞机运载消费品抵达Lulingu，并运载锡和钽飞离，前往沙本达镇或戈马(见 [S/2013/433](#)，第 196 段)。此外，运载矿物的飞机还从沙本达镇飞往布卡武或戈马。

Kalimbi 矿

211. 位于 Nyabibwe 的 Kalimbi 矿仍是在南基伍实行标记的唯一一个矿场，尽管事实上 Kalimbi 周围其他矿如 Idjwi 岛上的 Kamole 矿和莱梅拉矿一样，都已在 2013 年 7 月和 8 月由验证小组验证(见附件 85)。世界采矿公司这一商行是该矿已加标记锡的唯一买家。

212. 虽然该矿的矿物被认为源自一个无冲突地区，但专家组继续记录从该矿向戈马然后向卢旺达走私未经标记矿物的情况(见第 216 段)。省级矿务局和在 Kalimbi 的一名合作社成员告诉专家组，Nyabibwe 当地的采矿代理商为走私提供了便利。专家组监听了卢旺达交易者们讨论如何从 Kalimbi 购买锡的一些谈话。

213. 8 月 15 日，南基伍省政府把矿产税从每公斤 0.01 美元增加到每公斤 0.05 美元(见附件 86)。该法令要求采矿者支付金额的一半，而交易者则支付另一半。采矿者对这一决定作出了气愤的反应，而交易者则停止了从 Kalimbi 购买矿物，直至该税被取消或减少。正如最近扣押情况所示，这导致 Kalimbi 矿减产和走私增加。截至本报告撰写时，税额的增加仍然有效。

扣押

214. 9 月 4 日，政府主管部门在戈马机场发现一个集装箱，内有一包 30 公斤的钽。这一包裹是搭载芒果快递公司从马涅马省卡塞塞至戈马的一个航班抵达的。刚果主管部门把这些钽送回了金杜(见附件 87)。

215. 9 月 26 日，刚果海关当局在刚果民主共和国与卢旺达之间的戈马边境哨所扣押了藏在一辆轿车内的 368 公斤钽(见附件 88)。该轿车座位下有专门设计的夹层；据刚果主管部门介绍，这说明该轿车常被用于走私(见附件 89)。据刚果矿业当局介绍，走私的钽来自 Rubaya 地区。

216. 同样在 9 月 26 日，Nyabibwe 矿业管理部门一人员扣押了两袋产自 Kalimbi 的锡，每袋重 90 公斤。该名人员是在 Nyabibwe-戈马轴线上的 Kinyezire 村截获这两袋东西的(见附件 90)。一伙年轻人攻击了该名矿业人员并抢走了矿物；这些年轻人后来被逮捕，但那些锡却不见了。

217. 10 月 6 日，反欺诈委员会一成员在布卡武鲁齐齐一号边境哨所逮捕了正试图越境进入卢旺达的 André Tshibangu wa Tshibangu。他车上隐秘夹层中藏有 420 公斤锡(见附件 91)。专家组约谈了 Tshibangu，他告诉专家组，他在布卡武以每公斤 8 美元购买了那些矿物，并指望在卢旺达 Kamembe 获得每公斤 15 美元，那个地方有很多商人购买产自刚果民主共和国的锡。他说，这些矿物最初来自卡米图加。

218. 10 月 15 日，矿业管理部门一人员在 Kalungu 镇一个检查站扣押了 15 公斤锡；这些矿物被送回了 Nyabibwe(见附件 92)。

卢旺达

219. 在前几年，如同在 2013 年一样，专家组记录了从刚果民主共和国向卢旺达走私锡、钨和钽的情况(见 [S/2012/843](#)，第 163-177 段；[S/2011/738](#)，第 478 段)。

正式出口

220. 在整个任务期间，专家组都尝试确定卢旺达境内的生产水平，以将该数量与申报的产量和向卢旺达商行的销售量进行比对。假如生产数据准确，这可能是评估刚果矿物被走私进入卢旺达确切规模的最明确方法之一。为此，专家组向国际锡研究协会致函两封，第一封请求提供锡、钨和钽产量的资料，另一封请求提供资料说明按矿场开列的产量。

221. 7月18日和9月12日，国际锡研究协会对第一封函回复说：

由于卢旺达地质复杂，大部分矿场并不生产单一矿种，而是多种矿物混合，因此矿场生产数字无法按类型(锡石、黑钨矿石、钽铁矿)分别单列。关于矿物生产或交易的准确混合比例，总会存在着不确定性。为努力改进我们对混合矿物来源的了解和产量的总体合理性，我们已同卢旺达政府商定，在所有矿场执行一项基本抽样方案以提供测定数据；这项工作最近已经开始。

222. 11月19日，国际锡研究协会向专家组提供了关于卢旺达矿业的资料。这一汇总数据显示，2011年6月至2013年4月，卢旺达矿物正式生产和出口先降后升(见附件93)。2011年6月至12月，卢旺达出口的矿物比它生产的多出了583吨；专家组无法确定这超出部分的来源。2012年期间，产量和出口量大致相等，但2013年前四个月，卢旺达正式产量比其出口量多出198吨。

223. 9月30日，专家组致函卢旺达矿业部，请求提供该国境内所有生产锡、钨和钽的矿场按矿场开列的月/年产量估计数(以及挖掘者的数目和关于在矿场和在商行的所有标记的资料)。截至本报告编写之时，矿业部仍未对专家组的请求给予回复。

扣押

224. 2013年10月22日，卢旺达当局通知专家组，2013年期间没有任何扣押。同日，卢旺达海关当局告诉专家组，他们未从刚果对口部门得到关于送还2012年扣押的8.4吨矿物的任何答复(见S/2013/433，第192段)。10月30日，专家组致函刚果民主共和国政府，询问其未就卢旺达政府送还矿物的一项请求采取行动之事。11月，卢旺达当局在戈马把这些矿物交给了刚果当局。

象牙

225. 大象在刚果民主共和国遭到屠杀是多年战争和不良治理的最悲惨后果之一。在亚洲需求增长和价格上涨的驱动下，武装团体和犯罪网络的偷猎在刚果民主共和国东部各地消灭了大量象群。尽管国际自然保护主义者和刚果一些主管部门作出了努力，但猎杀仍然每天都发生。监督刚果民主共和国国家公园的刚果保护自然协会确定，2012年1月至2013年10月，发生了310宗偷猎大象的案件(见附件94)；不过，由于公园管理部门能力有限，无法巡逻其负责的大部分公园，因此这个数字可能大大低于实际偷猎水平。

加兰巴国家公园

226. 位于东方省东北部的加兰巴国家公园与南苏丹接壤(见附件 95)。在 1960 年代, 该公园是约 22 000 头大象和 2 000 多头犀牛的家园。2013 年 10 月, 公园管理部门告诉工作组, 2012 年的一次普查显示, 剩下的大象不到 2 000 头。他们还说, 他们曾在 2006 年见到过一头犀牛, 但此后就既未看到也未发现过犀牛的 any 踪迹。

227. 由于缺乏可用的武器及弹药和无力在加兰巴国家公园三分之二的地方巡逻, 公园管理部门解决偷猎问题的能力受到了严重限制。公园园警只在加兰巴河以南占公园三分之一的南部地区徒步巡逻。2012 年期间, 公园管理部门证实, 49 头大象在公园的这一部分被偷猎者杀害; 2013 年 1 月至 9 月, 他们记录到了 16 宗偷猎大象的案件(见附件 96)。此外, 加兰巴公园周围有三个狩猎区, 当地民众具有有限的权利使用和获得资源, 但禁止猎杀大象。公园管理部门告诉专家组, 他们无权巡逻这些区域, 但认为偷猎行为在这些区域处于失控和猖獗的状态。这些保留地中有二个出现几十个金矿, 其中许多紧贴公园边界(见附件 97), 从而增加了偷猎以获取食物的行为, 而且据公园管理部门介绍, 也增加了偷猎以获取象牙的行为, 因为大象要穿越这些新的采矿区进行迁徙。

偷猎者

228. 公园管理部门、栋古的当地领导人和联合国消息来源告诉工作组, 在加兰巴国家公园偷猎大象的三种主要行为者是当地偷猎者、刚果(金)武装部队和来自南苏丹的国际偷猎者。次要偷猎行为者是上帝军、公园园警和不明身份的空中猎手。2013 年 1 月至 11 月, 公园园警在加兰巴公园靠南的三分之一部分与偷猎者有过 9 次遭遇(见附件 98)。

229. 上列消息来源都认为, 当地偷猎者应对在狩猎区内和在加兰巴国家公园内的大部分偷猎行为负责。这些偷猎者通常装备有 AK-47 突击步枪, 从靠近公园的村镇开展行动。上述消息来源告诉工作组, 当地偷猎者与刚果(金)武装部队一些士兵紧密合作, 由这些士兵向他们提供枪支和子弹, 以换取象牙和(或)丛林野味。

230. 刚果(金)武装部队士兵在公园内和周边狩猎区内偷猎大象。公园管理部门报告说, 近年来有过若干次与刚果(金)武装部队的遭遇。例如, 2013 年 2 月 27 日, 公园园警在公园内遭遇到在栋古河偷猎了 2 头河马的一队刚果(金)武装部队士兵。在短暂交火中, 公园园警击毙一名刚果(金)武装部队军官。那些士兵扔下制服、武器和大量的肉跑掉了(见附件 99)。

231. 据信来自南苏丹的偷猎者应对很大一部分偷猎大象的行为负责。许多消息来源告诉专家组, 南苏丹偷猎者在加兰巴国家公园北部和东部地区和在 Mondo Missa 狩猎区最为活跃。10 月 13 日, 公园园警与南苏丹偷猎者之间发生了一场枪战, 此后园警缴获了一支 AK-47 步枪和若干南苏丹军队制服(见附件 100)。一个名叫 Tabani 的南苏丹人是一群 25 至 40 名偷猎者的头领; 公园管理部门告诉专家组, 他于 2013 年 11 月被杀。

232. 参与在加兰巴国家公园偷猎大象的还有其他行为者，但规模较小。上帝军在公园里维持着若干基地(见第 120 段)，并从事了偷猎大象和其他动物的行为。公园园警在公园内对上帝军进行了追踪并突袭了上帝军若干营地(见附件 101)。乌干达当局告诉专家组，2013 年 2 月，乌干达和美国部队在中非共和国境内查获了据报是来自刚果民主共和国的上帝军成员藏匿在那里的 6 支象牙。5 月 18 日，公园园警与上帝军在公园内交火，打死二名女童和打伤并抓获一名 18 岁男童。2012 年 7 月，公园管理部门逮捕了偷猎二头大象和一头狮子二名园警。2012-2013 年期间，发生从一架直升机上偷猎大象的事件，这是近年来记录到的一宗最大规模猎杀大象事件(见附件 102-104)。

贸易

233. 公园管理部门和栋古的当地领导人告诉专家组，在加兰巴国家公园内及其周围偷猎到的象牙有三条主要交易路线。南苏丹偷猎者一般把象牙带回南苏丹，在朱巴或喀土穆进行交易。第二条主要交易路线是通过伊图里的阿鲁县 Ariwara 镇。在 Ariwara，2013 年期间的象牙价格从每公斤 150 美元跌至 10 月底的每公斤 40 至 60 美元，原因是肯尼亚境内和乌干达境内的大量扣押在象牙交易者中引起了忧虑(见第 236 段)。刚果和乌干达交易者在阿鲁或坎帕拉向买家出售象牙。第三条交易路线通过栋古镇，被认为规模小于另外两条。刚果民主共和国的当地消息来源和乌干达政府主管部门告诉专家组，在刚果民主共和国偷猎的象牙一般都运往亚洲。

维龙加国家公园

234. 专家组先前记录了在维龙加国家公园内偷猎象牙的情况和刚果商人 Muhindo Kasebere 在象牙交易中的角色(见 [S/2013/433](#)，第 200 段)。在贝尼和卡辛迪的刚果官员告诉专家组，Kasebere 于 2013 年 3 月逃往乌干达，此后他们就未见到过 Kasebere；不过，2013 年 10 月，乌干达官员告诉专家组，他们未能在本国领土上找到 Kasebere。三名地方官员查明了 Kasebere 在卡辛迪用于储存和交易象牙的一座建筑物(见附件 105)。

235. 一位前偷猎者、在贝尼和卡辛迪的三名当地官员和联合国的一个消息来源告诉专家组，Kasebere 曾与乌干达人民国防军一名前中校、现任卡塞塞地区地方议会主席的 Dura Mawa Muhindo 合伙，从刚果民主共和国卡辛迪向坎帕拉运输象牙。据这些消息来源介绍，Kasebere 会打电话给 Muhindo，由他在与卡辛迪一界之隔的 Mpondwe 提供武装护送，以保证象牙安全运往坎帕拉。2013 年 10 月，专家组会见了 Muhindo，他否认了这些说法。Muhindo 告诉专家组，虽然他在刚果民主共和国有很多熟人，但他并未经商，而他认为那些说他卷入了象牙交易的人是想玷污他的形象，因为他努力打击民主力量同盟，促进卡塞塞地区稳定。

霍加皮动物保护区

236. 专家组先前记录了在霍加皮动物保护区内偷猎大象的情况(见 [S/2013/433](#)，第 77 段；[S/2012/843](#)，第 129 段)。2013 年期间，该保护区内的偷猎行为仍然有

增无减，主要行为者包括摩根(第 64 段)、迈特和“耶稣”(见附件 31)。象牙交易一般是从基桑加尼至西部、从布尼亚至东部以及从贝尼和布滕博至南部。

乌干达

237. 乌干达是刚果民主共和国象牙的主要过境国。2013 年期间，乌干达政府多次扣押象牙(见附件 106)；10 月 17 日在坎帕拉开展的这样一次扣押行动中，查获 832 块象牙，重 2 903 公斤(见附件 107)。乌干达当局告诉专家组，负责这批货物的是一名肯尼亚国民 Owino Odhiambo，这批货被藏在一个集装箱里，目的地是肯尼亚蒙巴萨，并将在那里运往马来西亚。此外，在 7 月，肯尼亚当局在蒙巴萨扣押了约 1 300 公斤来自乌干达的象牙，其目的地是马来西亚。

肯尼亚

238. 2013 年期间，专家组多次给肯尼亚政府打电话并发送了许多函件及电子邮件，请求提供关于象牙扣押和走私的资料。但肯尼亚政府未对专家组这些请求中的任何一项予以答复。

七. 建议

239. 专家组提出下列建议。

安全理事会

240. 专家组建议安全理事会把联刚稳定团部队干预旅的任务期限再延长一年，以支持刚果(金)武装部队打击刚果民主共和国东部各武装团体的行动。

位于大湖区的会员国

241. 专家组建议位于大湖区的各会员国优先执行大湖区问题国际会议反对非法开采自然资源的区域举措，加强和统一对象牙贩运的惩处，并协调努力查明和处理象牙贩运网络。

大湖区问题国际会议

242. 专家组建议，大湖区问题国际会议根据 2010 年的《卢萨卡宣言》设立一个委员会，调查和处理跨境贩运矿物问题，并与会员国共同努力协调对该区域黄金的征税，以减少走私的诱因。

卢旺达政府和乌干达政府

243. 专家组建议，卢旺达政府和乌干达政府编制一份在其境内避难的“3•23”运动成员名单，并与委员会分享这种信息，包括被制裁个人的生物数据，以期更新制裁名单。

244. 专家组还建议，卢旺达政府和乌干达政府根据国际逮捕状引渡“3•23”运动的刚果成员，并调查和起诉从卢旺达境内和乌干达境内向“3•23”运动提供了支助的个人。

乌干达政府

245. 专家组建议乌干达政府根据委员会的请求，与专家组分享一份“3•23”运动所交出武器的清单，并说明该政府在打击黄金走私、黄金交易法制化和向委员会报告进展情况方面取得的进展。

刚果民主共和国政府

246. 专家组建议刚果民主共和国政府：

(a) 酌情对犯下严重违反国际人道主义法行为的所有武装团体领导人发出逮捕状和引渡状；

(b) 调查和起诉与卢民主力量和其他武装团体协作过的刚果(金)武装部队指挥官；

(c) 说明在打击黄金走私、黄金交易法制化和向委员会报告这方面进展情况的工作中取得的进展；

(d) 在收到各验证小组关于核准无冲突矿场的报告后三个月内处理这些报告；

(e) 征聘和培训更多矿业工作人员和矿警，以覆盖所有经过验证的矿场；

(f) 执行 2012 年 10 月完成的涉及招募儿童和包括虐待儿童在内其他违反国际人道主义法行为的行动计划；

(g) 改进与武装团体谈判的努力，具体方式是任命由专注于一个武装团体的一些官员组成的若干小组，其任务将是与地方当局、联刚稳定团和联合国各机构联络并协调它们的行动，以确保每一个武装团体投降；

(h) 取得更好地追踪刚果民主共和国东部火炮和坦克炮火来源的技术能力，以期解决刚果民主共和国与卢旺达之间关于跨界射击指控的争端；

(i) 允许海关官员、刚果监管办公室以及刚果运输和港口协会查看运送军事装备的集装箱。

布隆迪政府

247. 专家组建议布隆迪政府调查布隆迪境内刚果黄金走私情况，并向委员会报告在解决这一问题方面取得的进展。

坦桑尼亚联合共和国政府

248. 专家组建议，坦桑尼亚联合共和国政府与专家组分享黄金生产和交易统计数据，并向委员会报告在解决刚果黄金走私问题方面取得的进展。

国际捐助方

249. 专家组建议国际捐助方：

(a) 资助和在技术上监督刚果民主共和国东部刚果武装团体复员计划和各复员中心；

(b) 支持和在技术上监督刚果民主共和国境内安全部门改革；

(c) 资助为刚果民主共和国拥有的所有武器和弹药进行标记和建立一份电子库存目录；

(d) 在部队干预旅采取行动打击卢民主力量之前及期间，在卢民主力量部署地区资助解除武装、复员、重返社会、遣返和重新安置工作的部署，以促进投降；

(e) 向扩大联合核查机制提供技术和财政支持。

联合国组织刚果民主共和国稳定特派团

250. 专家组建议联刚稳定团协助刚果民主共和国政府登记及追踪从反叛团体收缴的武器及弹药和与专家组分享数据，并在部队干预旅采取行动打击各武装团体之前及期间增加人权监测和保护活动。

公司

251. 专家组建议各公司除投资于可追查计划外，还在采购大湖区矿物时进行尽职调查。

Annex 1

Maps of eastern DRC

Map 1. South Kivu, North Kivu and Ituri District, DRC



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Information shown on this map is not endorsed by RVI.

MAPgrafix 2013

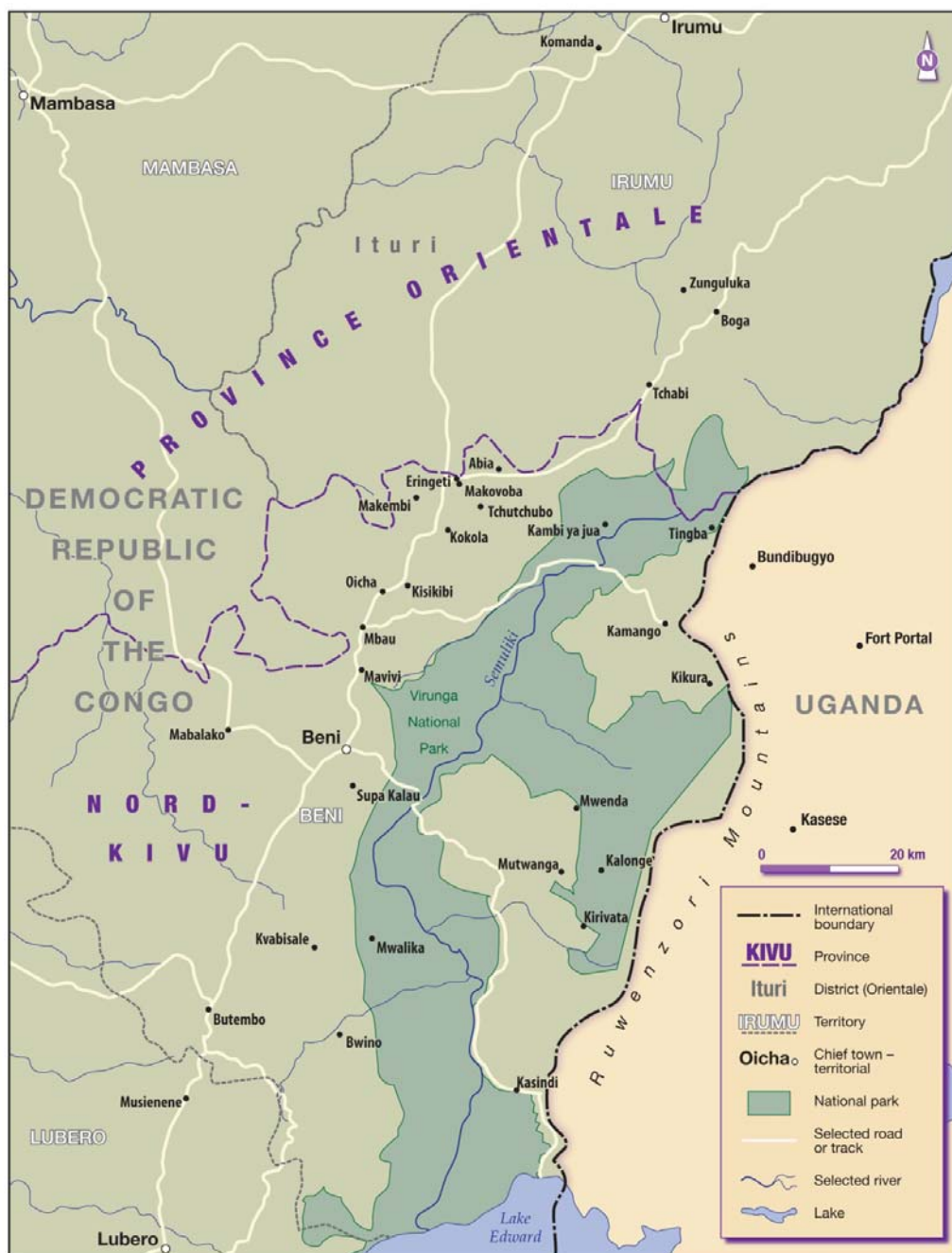
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 2. Eastern Orientale, DRC

Derived from base map © The Rift Valley Institute (RVI) 2013.
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The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 3. Northern North Kivu, DRC

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 4. Southern North Kivu and northern South Kivu, DRC

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MAPgrafx 2013

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Map 5. Katanga, DRC

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

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Annex 2

Replies to the Group of Experts requests for information

During the mandate, the Group addressed a total of 121 official communications to Member States, international organizations and entities (including multiple communications to the same addressees).

The Group received responses from the Governments or governmental offices of Belgium, Burundi, Office Burundais des Recettes/Burundi (OBR), Croatia, Germany, Lebanon, Norway, Rwanda, Serbia, Slovenia, South Africa, Switzerland, Uganda, the United Kingdom, the United States, the US National Fish and Wildlife Forensics Laboratory and the US Geological Survey.

The Group did not receive responses from the Governments or governmental offices of Bosnia and Herzegovina, China, DRC, France, FYROM, India, Kenya Wildlife Service (KWS), Kenya, Iran (Islamic Republic of), Lebanon, Ministry of Natural Resources/Rwanda, Netherlands, Office of the Registrar General/Rwanda (ORG), Norway, Office of the Federal Prosecutor, Germany, Office of the Attorney General, Kenya, Rwanda, Tanzania, South Sudan, Sudan, Switzerland, Uganda, United Arab Emirates and the United States.

The Group received responses from the following international organizations and entities: CENAREF, Dahabshil, Ethiopian Airlines, ICC, ICCN, ICGLR, INTERPOL, ITRI, Minerals Supply Africa, MMG Limited, MoneyGram, Phoenix Metals Ltd, Rawbank, Rwanda Rudniki Ltd., MONUSCO, Thuraya, Trust Merchant Bank, UNDP Rwanda, Vodacom, Western Union, Centre for Intercultural Cooperation (Norway).

The Group did not receive responses from the following international organizations and entities: DMCC, Ecobank, EgyptAir, Equity Bank, Facebook, Munsad Minerals, MNR Rwanda, Total and UNHCR.

Annex 3**M23 hilltop positions near Goma (photos by the Group of Experts)****M23 position at the Three Towers (one of the towers was destroyed in August).****Destroyed bunker in former M23 position at Mutaho, which had been covered and camouflaged.****M23 position at Mujoga (date unknown).**

Annex 4

Extract of an EJVM verification report about the shelling of Goma and Rubavu District (Rwanda) during fighting between FARDC and M23 in August 2013

EXPANDED JOINT
VERIFICATION
MECHANISM



MECANISME CONJOINT
DE VERIFICATION
ELARGI

1^{er} OCTOBRE 2013

RAPPORT DE VERIFICATION SUR LES OBUS TOMBES A GOMA (RDC) ET DANS LE DISTRICT DE RUBAVU (RWANDA) PENDANT LES AFFRONTEMENTS ENTRE LES FARDC/BRIGADE D'INTERVENTION DE LA MONUSCO CONTRE LE M23 EN AOUT 2013.

Référence :

- A. Termes de référence.
- B. Communiqué des chefs d'Etat du 7^{ème} Sommet extraordinaire du 5 Septembre 2013
- C. Carte NYIRAGONGO: Carte No- GOMBRF6109. Echelle 1 /50 000

INTRODUCTION

Suite aux combats qui ont opposé les FARDC appuyées par la Brigade d'Intervention de la MONUSCO au M23 en Août 2013 dans la zone de KIBATI à environ 15km au Nord de la ville de Goma, certains obus sont tombés dans des endroits populaires à GOMA (RDC) et RUBAVU (Rwanda) provoquant ainsi des dommages collatéraux. Les deux pays ont demandé au MCV-E de vérifier et investiguer urgemment sur ces incidents. Cependant, le MCV-E ne pouvait pas procéder immédiatement à la vérification suite à la situation sécuritaire qui était tendue et par le manque des moyens logistiques. Le MCV-E a effectué la vérification en date du 20 Septembre 2013, trois semaines après les incidents. Le

[Signature]

1

[Signature]

OBSERVATIONS

Les observations suivantes ont été faites:

- a. A partir des sites d'où la direction des tirs a été déterminées, 80% de ceux-ci provenaient de la zone des combats KIBATI – KIBUMBA où le M23 étaient positionné durant les combats;
- b. Les objectifs militaires n'ont pas été visés, cependant les bombardements ont été jugés délibérés ;
- c. La majorité des sites vérifiés ont été manipulés.
 - (1) Obus transférés.
 - (2) Impact manipulés par les civils.
 - (3) Détérioration très prononcée des sites suite au retard, dans la vérification.
- d. un certains nombre des sites revérifiés accidentellement.
- e. sur la base des sites visités, les informations obtenues pendant la vérification, il y a avait un total de trois (03) civils tués dont deux (02) de la RDC et un (01) du Rwanda ; quinze (15) blessés parmi lesquels treize (13) de la RDC et deux (02) du Rwanda.

RECOMMANDATIONS

- a. Révision du son mécanisme de déploiement du MCV-E (SOPs) :
 - (1) Fournir des moyens de réaction rapide au commandement afin d'assurer un déploiement opportun aux équipes de vérification ;
 - (2) Réduire la durée entre l'incident et le déploiement de l'équipe au lieu de la vérification (3-4 semaines sont optimales).
 - (3) Un Mémoire d'entente avec la MONUSCO, intégrant le soutien aérien devant assurer la projection opportune de l'équipe de vérification.



Fait à GOMA, République Démocratique du Congo, le 1^{er} Octobre 2013

1.....

Col Léon MAHOUNGOU

République du Congo

2.....

Col Emmanuel KAPUTA

République Démocratique du Congo

3.....

Col Patrick GASHUMBA

République du Rwanda

4.....

Lt Col John BABU

République du Kenya

5.....

Lt Col OMARI MAJANI

République Unie de Tanzanie

6.....

Lt Col Antoine BARIMURABO

République du Burundi

7.....

Maj Victor MWEWA

République de Zambie

8.....

Maj Paul MUWONGE

République de l'Ouganda

9.....

Maj Gary VEACOCK THOMAS

Grande Bretagne/MONUSCO

Annex 5

Destruction caused by M23 shelling of Goma (photos by the Group of Experts, 23 August 2013, and by MONUSCO staff)



House of MONUSCO staff in Goma.



House in Goma.

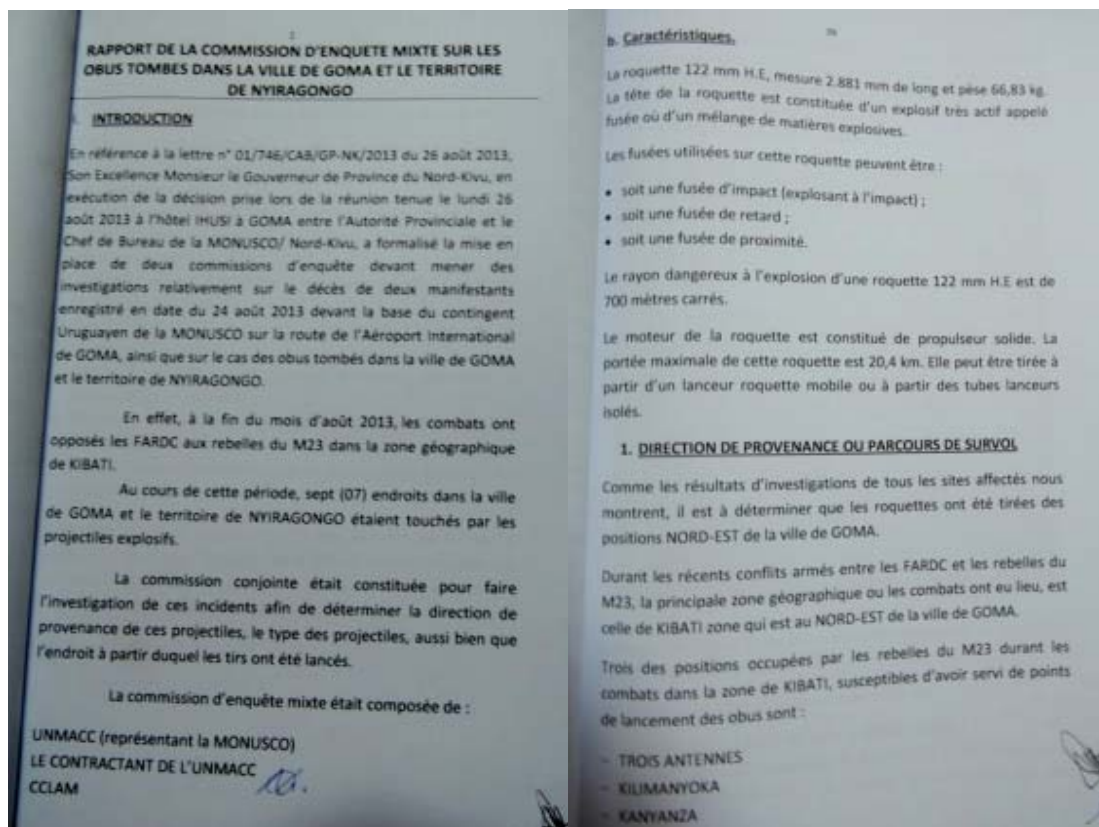


Left: Anglican church. Right: Damaged school.

Annex 6

DRC-UNMACC report on Goma shelling

Extract of joint report produced by the DRC Government and the United Nations Mine Action Coordination Centre (UNMACC) on shelling incidents in Goma during the August fight between the FARDC and M23.



Les positions militaires ci-dessus étaient stratégiquement importantes pour la surveillance vu l'emplacement de KIBATI dans un endroit élevé. Les FARDC et la Brigade d'intervention (durant les derniers combats) ont attaqué ces positions à partir de la direction SUD vers NORD et repoussés les rebelles du M23 de ces positions.



L'image satellitaire ci-dessus montre l'emplacement de la ville de GOMA et la zone de KIBATI.

Les endroits indiqués en couleur jaune montrent :

- Les sites affectés de #1- #7 dans la ville de GOMA ;
- La zone de Trois antennes, KILIMANYOKA et KAYANZA là où l'équipe de l'UNMACC avait trouvé les roquettes 122 mm

Annex 7

Tshanzu



Aerial view of Tshanzu showing weapons stockpile, 8 October 2013 – MONUSCO source

**EXPANDED JOINT
VERIFICATION
MECHANISM**

**MECANISME
CONJOINT
DE VERIFICATION
ELARGI**

Le 22 Octobre 2013

**RAPPORT DE VERIFICATION DU MCV-E DANS LE SECTEUR DU M23 A BUNAGANA
DU 17 AU 19 OCTOBRE 2013**

Référence :

- A. Termes de Référence ;
- B. Demande de vérification sur la présence de 200 familles non identifiées dans TSHENGERERO ET BURAYI RDC par le Gouverneur de la province du Nord-Kivu, en date du 2 Octobre 2013 ;
- C. Demande de la MONUSCO pour enquêter sur la présence d'un dépôt logistique en armements et munitions à TSHANZU Zone d'opération du M23, en date du 9 octobre 2013 ;
- D. Demande de l'UPDF à vérifier les allégations sur l'infiltration de 09 véhicules militaires et un char de l'UPDF dans le territoire de M23, en date du 16 Octobre 2013 ;
- E. Directive du Président du sous-comité des chefs d'Etat Major de la CIRGL, (Duganda) de faire un rapport sur l'état des affrontements à KANYAMAHORO, du 16 octobre 2013 ;
- F. Demande du Gouverneur du Nord-Kivu au sujet d'un agent des douanes arrêté et détenu par le M23, du 14 Octobre 2013 ;
- G. Demande du Commandant de la 8^{ème} Région Militaire de la vérification de l'Artillerie du M23 sur le Mont HEHOU, du 16 Octobre 13.

1

DIFFUSION RESTREINTE

Excerpt from EJVM Report dated 22 October 2013, stating Makenga's refusal to grant access to an EJVM verification mission to the rebels' logistics depot in Tshanzu

f. Demande du commandant de la 8^{ème} Région Militaire des FARDC pour vérifier les déploiements des pièces d'artilleries sur la colline HEHU.

Dans sa réponse, le Commandant MAKENGA a dit que le MCV-E n'avait pas informé au préalable de la mission à son Quartier Général (QG), mais a assuré au MCV-E de sa réponse positive malgré la réception de la demande en dernière minute. Il a donc demandé que dans l'avenir qu'un mécanisme formel de communication soit établi entre le MCV-E et son QG.

Sur les tâches de la mission du MCV-E, le Commandant du M23 a répondu de la manière suivante:

A. LES FAMILLES NON IDENTIFIEES A TSHENGERERO

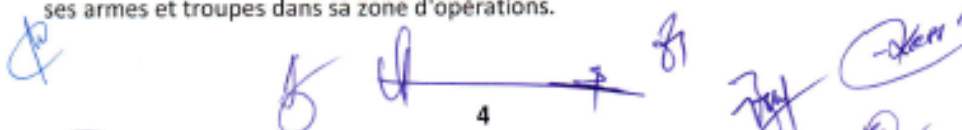
Sur la question des familles non identifiées à TSHENGERERO, le Commandant MAKENGA, a déclaré que ces personnes étaient des ressortissants Congolais qui avaient fuit les zones d'insécurité dans leurs villages et ont cherché un refuge dans sa zone d'opération. Le groupe était logé dans un camp à TSHENGERERO. Il a en outre permis au MCV-E de visiter les personnes déplacées afin d'effectuer une vérification.

B. DEPOT LOGISTIQUE A TSHANZU

Sur la question du dépôt logistique à TSHANZU, le Commandant MAKENGA a dit qu'il s'agissait de leurs positions stratégiques dont l'accès est interdit. Il a par ailleurs dit qu'il n'y avait aucun accord formel qui pourrait permettre au MCV-E de vérifier ses sites militaires et n'était pas non plus lié par un accord de cessez-le feu pour permettre au MCV-E d'effectuer des inspections dans sa zone d'opérations.

C. LA COLLINE DE HEHU

Sur la question du déploiement des pièces d'artillerie du M23 près de la frontière avec le Rwanda, comme il a été demandé par le Commandant de la 8^{ème} Région Militaire des FARDC, Le Commandant MAKENGA dit qu'il avait le droit de déployer ses armes et troupes dans sa zone d'opérations.



Annex 8

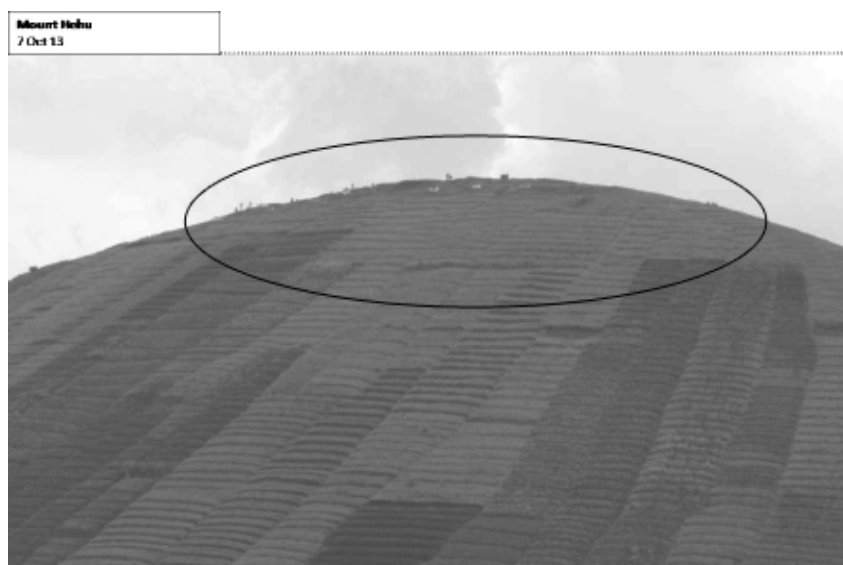
M23 positions close to the Rwandan border (photos by the Group of Experts, 2 November 2013)



Foxholes at the M23 position at Kabuye, at the DRC-Rwanda border.



The view from the foxholes, showing a clear view toward the Goma-Rutshuru road.



Mount Hehu, close to the Rwanda-DRC border, showing the M23 position on the summit on 7 October 2013 – MONUSCO source

Annex 9

Mai Mai attacks on M23

During 2012 and 2013, several Mai Mai groups in North Kivu attacked M23. In some cases these groups may have received ammunition and intelligence from some FARDC officers; however, FARDC officials have denied any such collaboration to the Group.

The Forces populaires pour la démocratie (FPD), known as Mai Mai Shetani, and led by “Col.” Muhima Shetani operates north of Kiwanja in North Kivu (see S/2009/603, para. 331; S/2012/843, para. 102). Two former FPD soldiers told the Group that between August 2012 and January 2013, FARDC commanders gave them ammunition, with the instruction to use it against M23; this was confirmed by a local leader from Rutshuru. FPD soldiers also undertook ethnically motivated killings of Hutus¹, which prompted ethnic Hutus to create the Mouvement populaire d’autodéfense (MPA).

In February 2013, the Forces de défense des intérêts du peuple congolais (FDIPC) led by “Col.” Kabasha formed in Rutshuru territory. FDIPC attacked M23 on several occasions during the year. Two FDIPC cadres and a former FDIPC soldier told the Group that the FDIPC attacked the M23 PENA military base in Rutshuru, and mounted several ambushes against “Gen.” Sultani Makenga and other M23 members. Several FDIPC combatants and local leaders told the Group that FDIPC collaborated with FARDC by handing over captured M23 troops to FARDC, and by receiving ammunition from FARDC. Two FPIC members and a UN source acknowledged to the Group that the FDIPC has collaborated with the FARDC 809th Regiment.

Several armed groups participated in the final military operation against M23 in late October and early November. Ex-combatants and UN sources identified these armed groups operating in coordination with FARDC officers as: FPIDC, FDLR, RUD, Nyatura, MPA, and Résistance Nationale populaire (RNP).² Local leaders from Rutshuru territory reported that on 26 October, FDIPC and RNP took over Rutshuru and Kiwanja towns, and stated they were preparing for the FARDC’s arrival. FDIPC burnt the vehicle of the M23-appointed administrator Kacentre Uزامukunda Rubumba (see below). Following FARDC’s victory over M23, some of these armed groups have sent troops to the 8th FARDC headquarters at Bweremana, where FARDC is screening them for demobilization or integration.

¹ In a struggle for leadership, Haji Kadogo Bikamiro, the FPD leader, beheaded Mazuta Banyenzake, the local Hutu ‘groupement’ chief.

² A splinter group of FPD – Shetani.



**Vehicle of the M23 administrator KacentreUzamukunda
Rubumba burnt by FDIPC on 26 October 2013**

Annex 10

M23 tank and artillery (photos by the Group of Experts)



T55 tank in Kibumba.



122mm cannon. Three were found at Tshanzu, one of which was destroyed.



122mm cannon found at Rumangabo.



122 mm Howitzer (MONUSCO source).



Instructions in Spanish, on the 122 mm Howitzer (MONUSCO source).

Annex 11

Ammunition recovered at the M23 headquarters in Tshanzu (photos by the Group of Experts)



Location 1: storage of cannon shells and ammunition



Location 2: underground cache of cannon shells and ammunition



Location 3: small caliber ammunition storage



Location 4: underground cache for small caliber ammunition and rockets



Location 5: small caliber ammunition storage, burned by the rebels before vacating the position



Location 6: storage destroyed by UN helicopter attack

Annex 12

M23 communique of 5 November 2013 declaring an end to the armed struggle



Declaration of the end of Rebellion

The M23 Directorate announces to both national and international opinions that it decided from this day to put an end to its rebellion and to pursue by purely political means, to find the solutions to the root causes which led to its creation.

Therefore the General Chef of staff as well as all M23/Congolese Revolutionary Army Units commanders are requested to prepare the troops to the process of disarmament, demobilization and social reintegration as the terms are to be agreed with the Congolese Government.

Kampala, November 5 2013

The Chairman of the M23 Movement

Bertrand BISIMWA

Annex 13

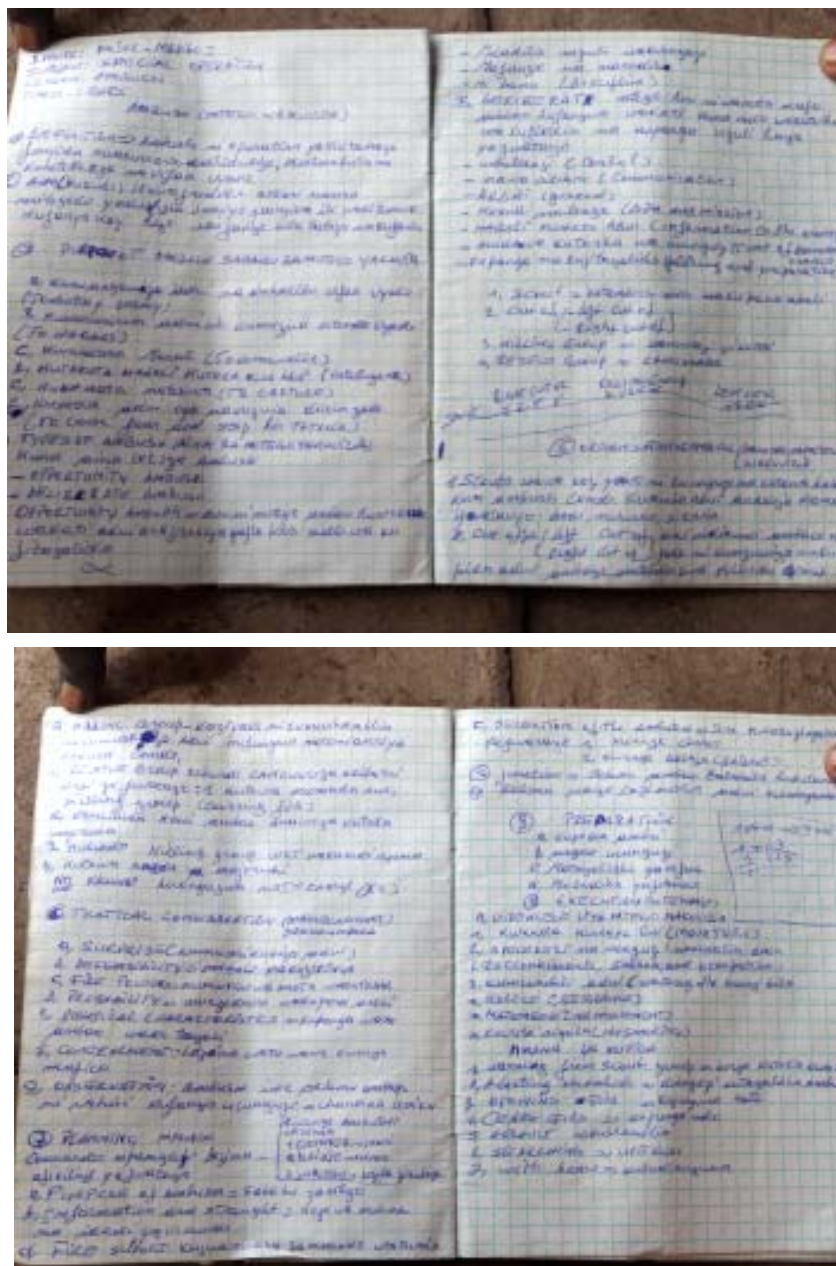
Weapons surrendered by M23 soldiers who fled to Uganda (photos taken during a 9 November 2013 EJVM mission to Uganda)





Annex 14

Extract of an M23 notebook recovered in Rumangabo (photos by the Group of Experts)



Extract of a notebook from an M23 recruit, in English and Swahili. These pages show instructions on how to lay an ambush.

Annex 15

Extract from a finance book, recovered in M23 position in Tshanzu (photos by the Group of Experts)

15/07/013	Recettes Nyongera	840	630	0	19491
	Recettes Kitoboko	200	150	0	19641
	Recettes Kibumba	0	0	0	19641
	Recettes Tchengerero	105	79	0	19725
	Recettes Bunagana le Recrute	3366	2449	0	22169
	Frais Pour ReCrutement/ Camarade	0	0	630	2153
	Frais de Soins médicaux / Soins	0	0	0	2153
	Frais Pour Ration des Malades/ Sick- bay Cyanzu/ Dr J. Paul	0	0	320	212
	Frais Pour Assistance Sociale / Jeanhot	0	0	0	21

	Frais de Motivation Pour Encadrement des Recettes / Poste Bunagana	0	0	0	22401	0
	Achat des Pneus Pour des Camion Benz	0	0	1200	21201	0
	Frais Pour Ration des Cadres en Formation/ Rumangabo	0	0	0	21201	0
	Frais Pour Ration des Cadres Bunagana	0	0	0	21201	0
	Frais Transport des Recrutes	0	0	40	21161	0
	Frais Pour Accueillir Les Visiteurs Presidentielle/ Manzi Claude	0	0	0	21161	0
	Achat Carburant du Generateur Presidentielle	0	0	0	21161	0

Entries show that M23 allocated funds to cover recruitment costs and transport of recruits.

Annex 16

M23 payments for recruitment in Goma and Gisenyi (photos by the Group of Experts)

07:21 3102/11/03
MOUVEMENT DU M23 MARS

BON DE REQUISITION

No	Désignation	Motif	Affectation	Qte	P.U	P.T
	Assistance Responsable Ngabo Emmanuel	Complément sur la requisition d'assistance aux cadres chargés de recrutement à Gisenyi Ok pour versement				750\$
						750\$

Montant en toute lettre..... Sept cents cinquante US\$

Signature du demandeur *P.O. [Signature]* Vérifié par CD A FBRN *[Signature]* Visé par le CD FBRN *[Signature]*

Pour Approbation : S.E. *[Signature]*

M23 DEPARTEMENT DE FINANCES, BUDGET ET RESSOURCES NATURELLES

Authorization for payment of \$750 to Ngabo Emmanuel for “assistance to cadres charged with recruitment in Gisenyi [Rwanda],” signed by Erasto Bahati, chief of finance for M23.

MOUVEMENT DU M23 MARS
BON DE REQUISITION

No	Désignation	Motif	Affectation	Qte	P.U	P.T
	Assistance Responsable Kevin Bitabwa	Complément sur la requisition d'assistance aux cadres chargés de recrutement à Goma				750\$
		gk pour vendeurs				750\$

Montant en toute lettre: Sept cents cinquante US\$


Signature du demandeur: *[Signature]* Vérifié par CD A FBRN: *[Signature]* Vise par le CD FBRN: *[Signature]*

Pour Approbation: S.E. *[Signature]*

M23 DEPARTEMENT DE FINANCES, BUDGET ET RESSOURCES NATURELLES

Payment of \$750 to Kevin Bitabwa for recruitment in Goma, signed by Erasto Bahati.

1. PROFILE , Date d'entrée 16/March/2013



S/NO:310

RANK: Civil

FULL NAMES: BITABWA ABISI Kevin

F/NAMES: BITABWA **M/NAMES:** JSEMITOKWA CELESTINE

APPOINTMENT: Conseiller du Président en Matière d'Assurance Qualité

AGE: 28 Ans

ETAT CIVIL : Celibataire Marié(e) à / TEL :

Extract of the profile of Kevin Bitabwa Abisi, who surrendered with other M23 combatants and political cadre in March 2013 in Rwanda (Source: Government of Rwanda).

(Pard)

BON DE SORTIE DE CAISSE NO. _____ Date 02/11/12

Personne à payer: Kevin Bitwaba x Ngabo Emmanuel

Montant en chiffre: 1500 \$

Montant en lettre: Mille cinq cents dollars américains

Objet: Assistance aux ags de recrutement
Goma x Gisenyi (complement)

Signature du bénéficiaire: _____

Signature du vérificateur: _____

Signature du responsable: _____

Noms: Ngabo x Kevin

Fonction: chargé de recrutement

Date: 02/11/2012

Signature: _____

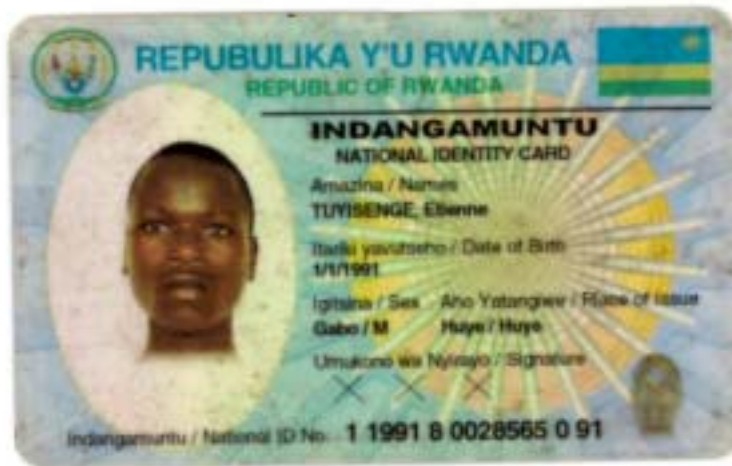
30/11/2013 12:20

12.4 DEPARTEMENT DE FINANCES, BUDGET ET RESSOURCES NATURELLES

This 2 November 2012 document notes payment of \$1,500 to Ngabo (Emmanuel) and Kevin (Bitwaba), for recruitment in Goma and Gisenyi.

Annex 17

Examples of Rwandan ID cards recovered in former M23 positions (photos provided by MONUSCO)



Annex 18

Rwandan soldier (photos by the Group of Experts)

The Group interviewed a Rwandan soldier who had previously served with the African Union/United Nations Mission in Darfur (UNAMID), during 2012-2013.



The front and reverse of the UNAMID medal the soldier showed to the Group.



Left: A photo of the soldier in front of the El Fasher (Sudan) fuel depot on 23 November 2012.
Right: The soldier's UNAMID identification card.

Annex 19

Taxes levied by M23 during its occupation of Rutshuru Territory

The Group collected these receipts from the local population in the M23-controlled zone during August 2013.

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
Mouvement du 23 mars
TERRITOIRE DE RUTSHURU

Note de perception N° 053.....

Nom ou raison sociale : [REDACTED]
Adresse ou Quartier : BUTIKWADE IGITE DE KIWANJA
Tel : BOUTIQUE

SERVICES : - PEEA
- AGRICULTURE
- ENVIRONNEMENT (20\$) Taxe rémunératoire Ann
- MINES ET HYDROCARBURE Ex: 2013
- INDUSTRIE
- INSPECTION DES PHARMACIES
- TRANSCOM
- TOURISME
- CULTURE ET ARTS
- DIVISION DU CADASTRE
- DEVELOPPEMENT RURAL

Date de taxation
Montant à payer: 20\$
Le paiement doit intervenir au plus tard le 24/6/2013
Vous êtes prié (e) de passer au guichet unique pour paiement, endossés le détal et - sans
marquer sous peine de pénalité.

Fait à Rutshuru le 24/6/2013

Nom et Signature : [Signature]

[Stamp: TERRITOIRE DE RUTSHURU]

Tax paid by a boutique to M23 for \$20 on 24 June 2013.

REPUBLIQUE DEMOCRATIQUE DU CONGO
ORIGINAL
FINANCES

REÇU 1362 de M. [REDACTED] C. / Série G /

la somme de (en lettres) 2500 F. mille cinq-cent

Agent Percepteur (nom, qualité) KABUGHA BATHUN I
A. KIWANJA le 15/05/2013

MONTANT EN CHIFFRES 2500 F.

Motif de la Perception IPR/12

Signature: [Signature]

M23 bill for 2500 Congolese francs (\$2.78) paid on 15 May.

REPUBLIQUE DEMOCRATIQUE DU CONGO
ORIGINAL
FINANCES
C / Série G /

REÇU de M [REDACTED]

la somme de (en lettres) *deux mille cinq-cent*

Agent Percepteur (nom, qualité): *KABUQUITA*
A *KIWANJA* le *13* *10* 20 *13*

MONTANT EN CHIFFRES *1500 FC* Signature *M23*

Motif de la Perception *TRIN* *AGI*
AOÛT

M23 tax paid of 1,500 Congolese francs paid on 13 October 2013.

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
TERRITOIRE DE RUTSHURU
CITE DE KIWANJA
MOUVEMENT DU 23 MARS

MONTANT EN CHIFFRE
3.000 FC

Contribution pour recensement des ménages, associations et entreprises économiques N° *62/2013*
La somme en lettres *trois mille francs*
Nom et Post-nom *[REDACTED]*
Profession *mineur*
Date *31.07.2013*
Nom et Signature du percepteur *[REDACTED]*

Receipt for M23 tax of 3,000 Congolese francs (\$3.33) paid on 31 July 2013. The receipt states that the tax was for a “contribution for a households, associations, and economic operatives.”

RECU N° *625...*

Reçu de *[REDACTED]*

La somme de (en toutes lettres) *Vingt dollars*

américains

Pour perception *pour la boutique*
exercice 2013
Réservé le 12.03.2013

Signature *[REDACTED]*

Tax of \$20 paid by a boutique to M23 on 12 March 2013.

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
Mouvement du 23 mars
TERRITOIRE DE RUTSHURU

Note de perception N°

Nom ou raison sociale : [REDACTED]
Avenue ou Quartier : [REDACTED]
Tél. : [REDACTED]

SERVICE : - PMEA (PATENTE) ⇒ 25\$

- AGRICULTURE
- ENVIRONNEMENT
- MINES & HYDROCARBURE
- INDUSTRIE
- INSPECTION DES PHARMACIES
- TRANSCOM
- TOURISME
- CULTURE ET ARTS
- DIVISION DU CADASTRE

Date de Taxation :

Le paiement doit intervenir au plus tard le 21/02/2013

Vous êtes prié(e) de passer au guichet unique pour paiement endéans le délai ci-haut marqué sous peine de pénalité.

Fait à Rutshuru le 21/02/2013

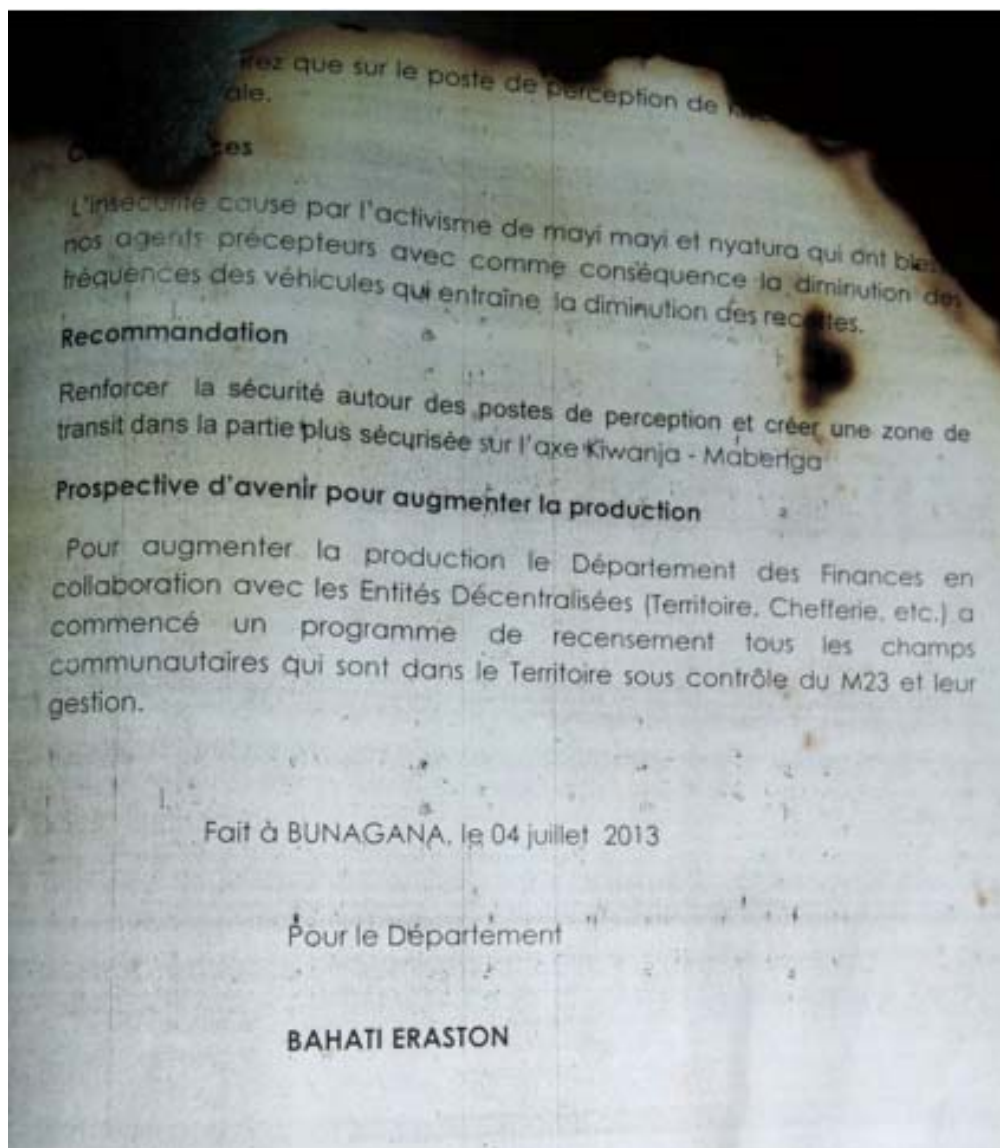
Nom et Signature du comptable

20. [Signature]



Receipt for M23 tax of \$25 paid on 21 February 2013.

Annex 20

Memo from Erasto Bahati about taxation, July 2013 (photos by the Group of Experts)

Annex 21

DRC lost revenues at the Bunagana border crossing

This report by the Direction générale des douanes et accises (DGDA), or customs agency, for North Kivu shows the tax receipts for January to June 2012, before M23 took over Bunagana. The figures given are in Congolese francs, which have an exchange rate of approximately 900 FC = \$1.

DGDA/NORD-KIVU
INSPECTION DES RECETTES DU TRESOR

RECETTES REALISEES PAR LE BUREAU DE BUNAGANA
PERIODE : JANVIER A JUIN 2012

MOIS	RECETTES CONSTATEES	RECETTES ENCAISSEES
JANVIER	876 042 616,00	748 404 165,00
FEVRIER	565 124 992,00	553 475 272,00
MARS	585 065 026,00	585 065 026,00
AVRIL	481 461 156,00	481 461 156,00
MAI	624 091 733,00	624 091 733,00
JUIN	532 725 364,00	515 678 890,00
TOTAL	3 664 510 887,00	3 508 176 242,00

N.B. : Total PV de régularisation cpte fiscalité négative = 156 388 695,00
Total PV d'excédent = 54 050,00

Fait à Goma, le 03 10^e 2013

L'Inspecteur des Recettes du Trésor,


Laurent TWAIBLAUSENI

Annex 22

Statement by sanctioned M23 leader Sultani Makenga, 27 November 2013

**Communiqué Officiel N°003/EMG/ARC-M23/2013**

L'état-major Général de l'Armée Révolutionnaire Congolaise, ARC en sigle, a été informé de la décision du 17 Novembre 2013 du Président du Mouvement, suspendant le Camarade SENDUGU MUSEVENI et celles du 26 Novembre 2013 suspendant les Camarades KAMBASU NGEVE Jean Serge et MASHAGIRO NZEYI Jérôme de leurs fonctions au sein du Mouvement et du retrait de leur mandat de délégués aux pourparlers de KAMPALA pour leurs actes d'indiscipline et de haute trahison.

Appuyons en ce jour du 27 Novembre 2013 lesdites décisions de notre Président le Camarade Bertrand BISIMWA et lui réitérons notre pleine confiance.

Réaffirmons notre attachement à une solution politique entre le Gouvernement Congolais et notre Mouvement à travers le Dialogue de Kampala, socle d'une paix durable non seulement à l'Est de la République Démocratique du Congo mais aussi dans la Région des Grands-Lacs.

Fait à KANYANJA, le 27 Novembre 2013

Général de Brigade **SULTANI MAKENGA**

27/11/2013
 Chef d'Etat Major Général
 ARC

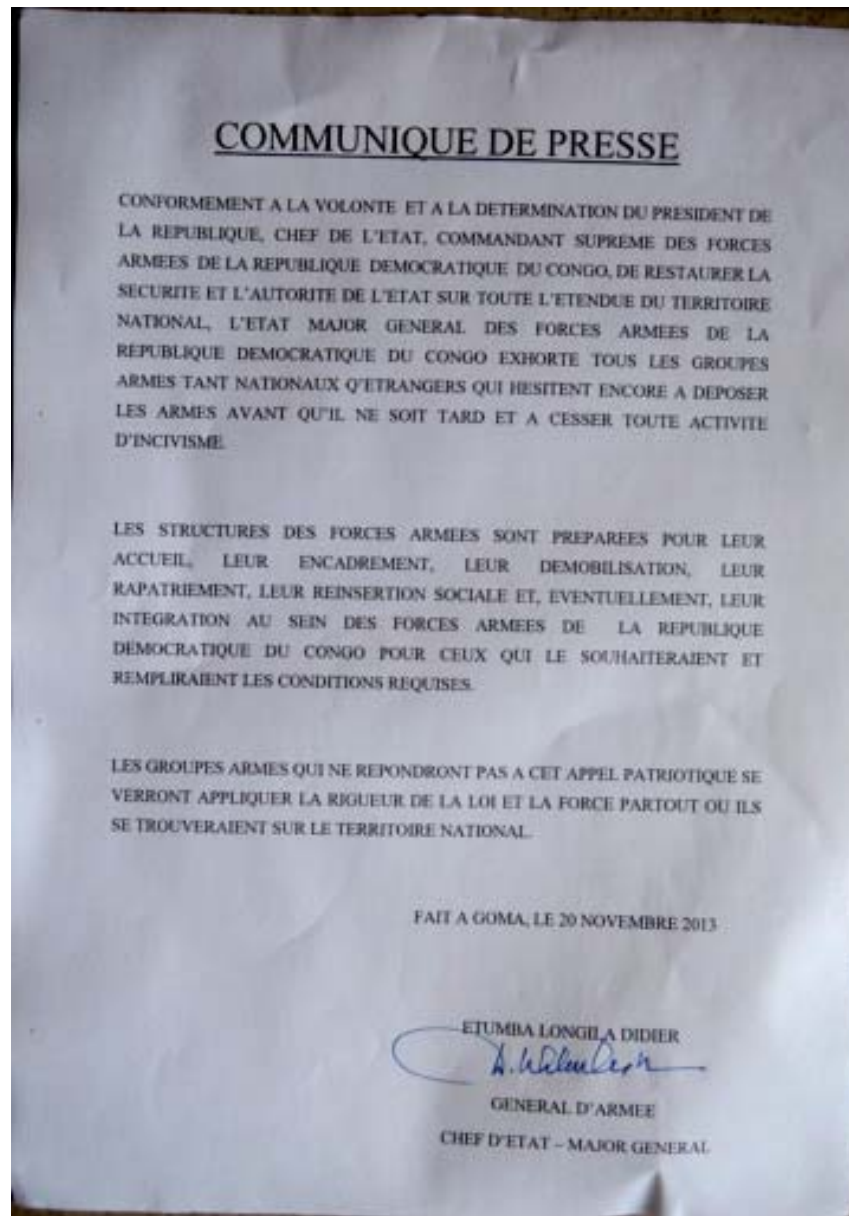
CONTACT:

- Tel. Cabinet du Président: +243997371787, porte parole: +243972314004, +243974092405 +243997710965,
 Com. Cell USA: +18176906863, Com. Cell. Europe: +33681699360, Com. Cell Canada: +16236681056
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 Website: www.m23mars.org

Statement by "General" Sultani Makenga suspending Jean Serge Kambasu Ngeve and Jérôme Mashagiro Nzeyi for "indiscipline and high treason". The statement is made from Kanyanja, which is a neighborhood in Kampala, Uganda.

Annex 23

Press release issued by FARDC General Chief of Staff Didier Etumba calling upon all armed groups to surrender, 20 November 2013



Annex 24

Integration challenges: Mai Mai Yakutumba

In South Kivu, integration efforts focused on Mai Mai Yakutumba, also known as Parti pour l'action et la reconstruction du Congo-Forces armées alléluia (PARC-FAAL), led by "General" William Amuri, alias "Yakutumba".

There have long been concerns that Yakutumba has more incentives to continue its rebellion. Indeed, this report, along with past Group of Experts reports, documents Yakutumba's mineral interests as well as support from Kinshasa politicians for him to remain in the bush (see S/2011/738, para. 160).

Yakutumba resisted participation in the brassage process in 2007. In 2009, some of his troops integrated before Yakutumba pulled out of the process in November. Throughout 2012, he was in on-and-off talks with the government about his surrender.

The new integration exercise started in December 2012. The Group obtained a letter signed by Yakutumba and Raphael LoobaUndji, the President of Mai Mai Yakutumba's political party, the Parti pour l'action et la reconstruction du Congo (PARC), dated 16 December 2012. The letter was addressed to President Kabila and stated the demands of PARC, as well as offering PARC's services to combat "the infiltration of foreign troops within the FARDC". The demands included a zone where their troops can be assembled, the means to gather these troops, and amnesty for the armed group (see below).

At the time Yakutumba told the FARDC he had 11,000 troops. However the Group estimates that Yakutumba has 300 combatants. The government initially requested that Yakutumba assemble his men for integration in Nyamunyunyi FARDC camp near Bukavu by 5 February 2013. According to FARDC officers, Yakutumba demanded assistance from the government to gather his troops. However, by the due date, there were around 150 men in Sebele, who refused to move to Nyamunyunyi camp. In addition, Yakutumba presented 50 men for FARDC training; these men, according to the FARDC, were not his combatants but freshly recruited civilians, most of whom later deserted.

After the February deadline, Yakutumba requested assistance from the government, which gave him a vehicle at the end of March, during a public meeting also attended by Raphael LoobaUndji, President of PARC (see S/2011/738, para. 164), and "Colonel" AbweMapigano, Yakutumba's former deputy commander (see below). According to testimonies from FARDC, civilian authorities, and local people, Yakutumba collected taxes for his "war effort" in March and April in the Misisi area. Miners, FARDC officers, and a government official told the Group that during that period, Yakutumba collected money from gold mining pits, government agencies, and businessmen, totaling in the tens of thousands of dollars.

REPUBLIQUE DEMOCRATIQUE DU CONGO
PARTI D'ACTION ET LA RECONSTRUCTION DU CONGO.
FORCES ARMÉES ALLÉLUIA.
« PARC-FAAL ».

NOTRE RÉPONSE À LA MAIN TENDUE DU CHEF DE L'ÉTAT ADRESSÉE
AUX FILLES ET FILS DU PAYS (Nationalistes et Patriotes), afin de SAUVER
LA NATION CONTRE L'OCCUPATION DES TROUPES ÉTRANGÈRES;

Nous PARC-FAAL, représenté par Raphaël LO'ŌBA UNDSI et William AMURI YAKOTUMBA, respectivement Président National du PARC-FAAL et Commandant des Forces Armées Alléluias, nous n'avons pas cessé de dénoncer les menaces qui pèsent sur ce Pays; il s'agit de l'agression et l'infiltration des troupes étrangères au sein des FARDC.

« Nous ne trahissons jamais notre Patrie », fin de Citation.

Excellence Monsieur le Chef de l'État, nous vous parlons en la France; nous sommes prêt à venir contribuer avec la petite force que nous disposons pour sauver la Nation qui se meurt; sous des prétextes:

1. Donner au PARC-FAAL un espace vital qui nous permettra de rassembler les éléments dissimulés par-ci, par-là à travers la région EST du Pays;
2. Mettre à notre disposition des moyens conséquents pour cette fin;
3. Le non-mixage de nos troupes avec celles des FARDC qui sont déjà infiltrées;
4. Le non-communisme de nos troupes par les régions militaires de l'EST (Sud-Kat Maniema); acceptons seulement le Commandement de la Force Terrestre;
5. L'agrément de notre parti politique PARC-FAAL;
6. Secréter la loi de l'amnistie en faveur de notre groupe armé;
7. La libération de nos éléments arrêtés pour notre cause.


Veuillez accepter, Excellence, Monsieur le Chef de l'État, l'expression de nos sentiments patriotiques.

Fait à Fizi le 16/12/2012.

POUR LE PARC-FAAL

William AMURI YAKOTUMBA
Commandant des Forces FAAL

Raphaël LO'ŌBA UNDSI
Président National PARC-FAAL
16/12/2012



Letter signed by Yakutumba and Raphael Looba on 16 December 2012

Consistent with his past behavior of claiming he would integrate but failing to do so, on 8 August, Yakutumba launched attacks against several villages and FARDC positions in Fizi territory. Between 8 and 9 August, Yakutumba and the FARDC fought over the control of the villages of Sebele, Malinde and Katanga, near Baraka.

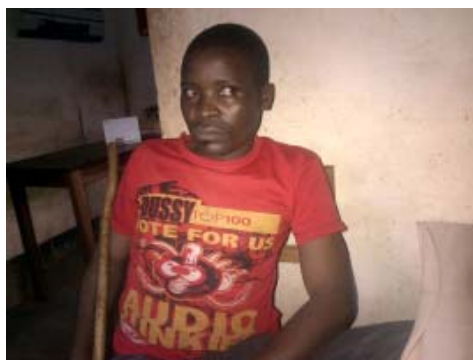
On 12 August, using the opportunity of the visit of the député (MP) Dr. Ambatobe Nyangolo, Yakutumba combatants infiltrated Baraka. Early on 13 August, they attacked several points, including FARDC positions. While Yakutumba combatants told the Group the objective of the attack was to free some arrested Mai-Mai, the Deputy Commander of FARDC's 112th Regiment based in Baraka told the Group that Yakutumba planned to take over Baraka to compel the government to negotiate. FARDC eventually pushed the Mai-Mai out of town and captured more than 70 combatants.

The Group interviewed arrested “General” Aoci, who in June became the second in Command of Yakutumba, replacing AbweMapigano. Aoci explained that Nyangolo was a sympathizer of Yakutumba, along with several politicians in Kinshasa. Indeed, during his visit to Baraka on 12 August, Nyangolo spoke against the government.

In retrospect, the recent failed integration exercise provided an opportunity for Yakutumba to attempt further recruitment, and levy illegal taxes, including on mining areas. The episode raises again the question of the validity of integration exercises for groups that have consistently recanted on their promises and who are actually more akin to criminal groups.



Raphael Looba (in red and black tracksuit) and AbweMapigano (in suit and blue tie) – picture taken in March 2013 by FARDC



Aoci



From left to right: AbweMapigano, Raphael Looba, Yakutumba's wife, and Yakutumba – picture taken in March by FARDC



Yakutumba with the jeep – picture taken in March by FARDC

Annex 25

Integration challenges: Mai Mai in northern North Kivu (photos by the Group of Experts)

During the second half of 2013, the Government of DRC undertook its own integration program for Mai Mai groups in North Kivu's Beni and Lubero territories. This program has been poorly conceived and executed, as demonstrated by the fact that the main Mai Mai leaders have refused to participate.

Starting 6 July 2013, approximately 40 Mai Mai leaders gathered in the town of Butembo, North Kivu. These leaders included "Gen." Kava waSeli, "Col." Aigle Rouge, and representatives from Mai MaiShetani, Mai MaiSimba (Luc Yabili), and several other groups. The Group interviewed sixteen of these Mai Mai leaders, who said they had gathered in Butembo at the request of AbbéMaluMalu, the head of the Congolese electoral commission and political advisor to President Kabila, and local civil society representatives. MaluMalu told the Mai Mai leaders that the DRC Government had created a new integration program, and that Mai Mai groups could either join a new, "special force" to attack M23 and defend North Kivu's borders, or enter civilian life.

Col. Franck BwamundaNtumba, a military analyst in President Kabila's office, arrived in June at Beni to implement this integration program. Mai Mai leaders in Butembo told the Group in September that they lacked information about the program, and that Col. Ntumba had refused to pay the hotel bills or provide money for food for these leaders (see below). As a result, UN sources and local civil society leaders told the Group that some Mai Mai were demanding food and money from people in Butembo. Power struggles among the Mai Mai leaders also emerged, and resulted in FARDC arresting, beating, and briefly detaining two of them.

Between July and September, MONUSCO staff in Beni tried unsuccessfully to engage in substantive discussions with Col. Ntumba about the program. When the Group met with Col. Ntumba in September, he told the Group the integration program had no name, and gave confusing and contradictory answers about when the program would begin and how it was structured. He told the Group that "the State" would settle the Butembo hotel bills at some point, but also said that the State might just deduct the amount from the hotel's "unpaid taxes".

On 1 October, Col. Ntumba welcomed 30 Mai Mai leaders at a hastily constructed integration site at Mambango, near Beni (annex Mambango site). Although Col. Ntumba told the Group that only Mai Mai who turned in guns would be accepted at the site, UN sources told the Group that none of the 30 who came to Mambango had any weapons. These Mai Mai were subsequently flown to Kinshasa to integrate into FARDC. The program has no contingency for Mai Mai who seek to return to civilian life.

The Group still has many questions about this program, including its budget, its funder, and even its name. The Group also notes that this program had little impact on the security situation in Beni and Lubero territories, notably because the main Mai Mai leaders in Beni and Lubero territories – namely Hilaire Kombi, Kakule Lafontaine, and Eric Kenzo – have refused to participate in this program. In

early December, MONUSCO sources told the Group that Hilaire and Lafontaine had declared their willingness to negotiate with the government over their fate.

FACTURE N°. 0048/2013
Butembo 09/09/2013

M. P. FACTURE POUR LOGEMENT GROUPE MAI-MAI

ARTICLES	P.U.	P. Total
11 chambres à louer du 06/07/2013 au 09/09/2013 dont 65 jours	10\$	110\$
09/07/2013 Versement		100\$
11/07/2013 Versement		150\$
17/07/2013 Versement		100\$
20/07/2013 Versement		400\$
21/07/2013 Versement		250\$
08/08/2013 Versement		200\$
16/08/2013 Versement		200\$
20/08/2013 Versement		100\$
02/09/2013 Versement		400\$
04/09/2013 Versement		300\$
Avance sur compte		1900\$
Reste 5250\$ U.S		
TOTAL		7150\$ U.S

Nous disons de solder au total la facture

Signature

09/09/2013 17:11

A 9 September 2013 bill for “lodging of the Mai Mai group” at CAP Hotel in Butembo shows payments of \$1,900 against a balance of \$7,150 for 11 rooms (containing 32 Mai Mai leaders) for 65 days. The balance owed to CAP Hotel by the DRC government was \$5,250.



Several Mai Mai officers linger in front of rooms at the CAP Hotel, 9 September.



One of four buildings constructed at the Mambango site.



When the Group visited the Mambango site the day before it opened, there was no furniture inside the buildings, no kitchen at the site, and no food for the Mai Mai who arrived the next day.

Annex 26

NdumaDefence of Congo (NDC)

Cahier des Charges outlining NDC's demands prior to integration.

**REPUBLIQUE DE MOCRATIQUE DU CONGO.
FORCES ARMEES.
NDUMA DEFFENCE OF CONGO "N.D.C".
EM.COMDT.**

Objet : TRANSIMMISSION

CAHIER DE CHARGE N. D. C.

A Son Excellence Monsieur le Président de la République
Démocratique du Congo à **Kinshasa**.

Son Excellence ;

Nous Sommes très heureux de nous adresser auprès de

votre très haute responsabilité pour l'objet en marge.

Cependant, nous vous souhaitons une bonne lecture et

une analyse patriotique de notre cahier de charge en annexe.

Veuillez agréer, Son Excellence Monsieur le Président,

l'expression de nos sentiments civiques et patriotiques.

Pour le N.D.C.

NTABO NTABERI SHEKA

Gén.Maj.

COMD MVT. N.D.C.

C.C : - Excellence Monsieur le premier Ministre de la République démocratique du Congo à **Kinshasa**.

- Monsieur le président de l'assemblée Nationale de la République démocratique du Congo à **Kinshasa**.
- Monsieur le président du Sénat de la République démocratique du Congo à **Kinshasa**.
- Monsieur le Ministre de la défense Nationale et des Anciens Combattants de la République démocratique du Congo à **Kinshasa**.
- Monsieur le chef d'Etat Major Général de la République Démocratique du Congo à **Kinshasa**.
- Monsieur le Gouverneur de Province du Nord-Kivu à **Goma**.
- Monsieur de l'assemblée provinciale du Nord-Kivu à **Goma**.
- Messieurs les députés élus de la circonscription de Walikale à **Goma**.
- Monsieur le Président de la Société civile du Nord-Kivu à **Goma**.
- Madame l'Administrateur du territoire de Walikale à **Walikale**.
- Monsieur le Président de la société civile de Walikale à **Walikale**.
- Monsieur le président de l'ANATEC/Walikale
- Messieurs les présidents de la Mutualité BUNAKIMA, BEDEWA et UJEWA tous à **Goma**.
- Monsieur le secrétaire Général des Nation Unis à **New-York**.
- Monsieur le Représentant du Secrétaire Général des Nations Unis à **Kinshasa**.
- Monsieur le président de la SADEC.
- Monsieur le président de la CIRGL.
- Monsieur le président de la communauté des pays de grand-Lac (CPGL).
- Monsieur le représentant de la MONUSCO Nord-Kivu à **Goma**.

**REPUBLIQUE DE MOCRATIQUE DU CONGO.
FORCES ARMEES.
NDUMA DEFFENCE OF CONGO "N.D.C".
EM.COMDT.**

CAHIER DECHARGE DU MOUVEMENT N.D.C.

La République démocratique du Congo connaît des sérieux problèmes et beaucoup plus particulièrement le territoire de Walikale/Nord-Kivu qui est envahi par les Hutu rwandais appelés FDLR et impitoyablement exploiter aussi piller par les intouchables nationaux qu'internationaux au vu et au su de nos gouvernants et de la communauté internationale.

Le territoire le plus riche de la Province dont sa population demeure extrêmement plus pauvre malgré sa contribution non négligeable de plus de 60% du revenu au budget provincial.

Hélas! La Richesse de Walikale développe les autres milieux alors que la Population locale de base n'a pas accès aux soins médicaux appropriés à l'eau potable, au courant électrique, pas d'écoles et routes macadamisées.

Cette population oubliée, négligée et marginalisée est sacrifiée à la merci de toutes les atrocités des FDLR guidés par nos frères Congolais mal intentionnés et non avertis et aussi appuyés par des mains noires pour réussir leur mission de tuer, violer et piller notre peuple puis exploiter illicitement notre richesse.

En effet, après plusieurs plaidoyers adressés au gouvernement Congolais et à la communauté internationale mais sans succès, avons jugé bon de nous prendre en charge.

Néanmoins, notre pris en charge, loin de vouloir renverser le pouvoir démocratiquement élu, viserait :

1. Combattre les FDLR, après l'échec de plusieurs opérations menées par les FDLR appuyés par la communauté internationale, pour réhabiliter notre misérable population dans ses droits.
2. Lutter contre l'exploitation illicite et anarchique de notre richesse qui remplit les poches des particuliers pillards et pêcheurs en eau trouble au lieu de contribuer au développement de la nation Congolaise.
3. Aussi lutter contre la moins représentativité à la gestion de la chose publique de l'Etat car c'est inadmissible, inacceptable de produire plus et rester exclu à la gestion de notre production.

Eu égard à tous ceux qui précèdent et croyant à la noblesse de notre lutte ; nous revendiquons auprès de notre gouvernement Congolais et à la communauté internationale ceux qui suivent :

1. L'amnistie de tous les militants du N.D.C., c'est-à-dire annulation de toutes poursuites judiciaires nationales qu'internationales.
2. L'intégration et la reconnaissance des nos grades et fonctions au sein des FARDC et de la PNC pour contribuer à la défense de notre intégrité territoriale et à la protection de notre population et leurs biens.
3. Le déploiement des militants du N.D.C. partout au Congo après le départ du dernier FDLR vers leur pays d'origine et la restauration d'une paix totale et durable à l'Est de la République Démocratique du Congo.
4. L'indemnisation de nos martyrs, veuves, orphelins et la récompenses de notre organisation par le gouvernement et la communauté internationale pour leur "tâche" réalisée par N.D.C.
5. L'assainissement du secteur minier de Walikale et le recrutement des investisseurs sérieux pour préparer l'après mines car les mines sont épuisables et il y a risque de se retrouver avec un Walikale de Bandits dans les jours avenir.
6. La transformation du N.D.C. en parti politique, la libération de nos capturés et l'intégration de nos cadres politiques et administratifs au sein de notre gouvernement Congolais.
7. Le retour de nos frères réfugiés vivant au Rwanda et ailleurs sur leurs vrais villages d'origines.
8. Par ailleurs, malgré les imperfections au cours de notre lutte, personne n'ignore sauf les ingrats que les causes que nous défendons sont nobles. Ainsi, nous avons aidé notre gouvernement à restaurer son pouvoir sur ses propriétés jadis contrôlées par des étrangers (FDLR).

En fin, cette lutte nous a coûté et nous coûte des incalculables sacrifices humains et matériels ; d'où en contre partie nous implorons au gouvernement et à la communauté internationale de reconnaître nos efforts pour analyser rationnellement nos revendications à tel enseigne que nous puissions tous contribuer à la reconstruction de notre cher et beau pays.

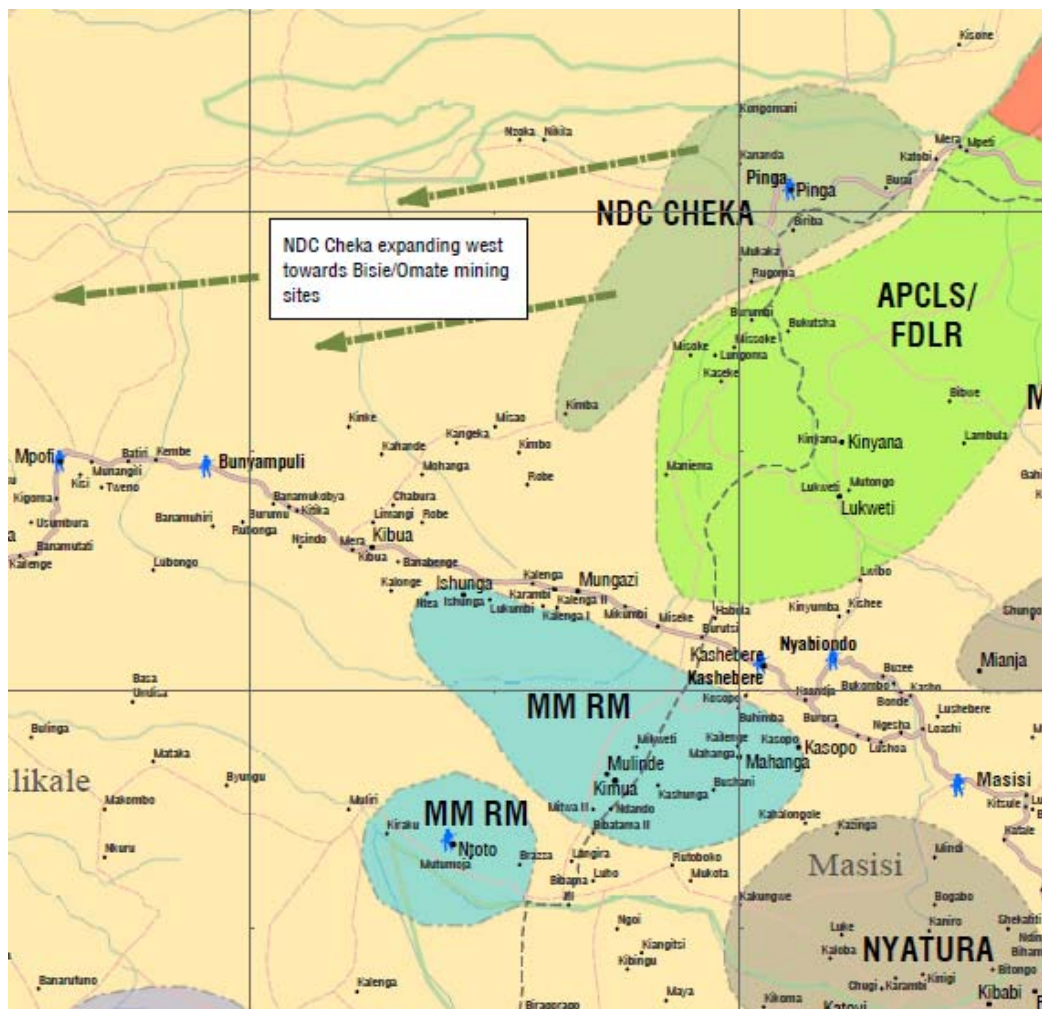
Sentiments patriotiques.

Pour N.D.C.

NTABO NTABERI SHEKA

Gén.Maj.

COMD MVT. N.D.C.



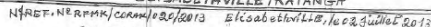
Sheka's territory (MONUSCO map from August 2013).

Annex 27

John Numbi(photo from a public source)



John Numbi



LE BUREAU PORTUAIRE DE CORK SE REUNIT CE LUNDI
1ER JUILLET 2013 SOUS LA PRESIDENCE DE REVEREND MATURK
MUNIRA TOMSON SINGH; PRESIDENT DE LA RAMP FONDTEUR
DE CORK. APRES L'EXAMEN SUR L'ARRIVEE DES SOL-
DATS DE L'ONU EN REPUBLICHE FEDERALE DES SOL-
CIALE DU KATANGA (CFRMC). VOICI LA POSITION DU
KATANGA ET LES KATANGAIS.

LE MINISTRE DE LA REPUBLIQUE FEDERALE MULTIRACIALE
DU KATANGA (CFMK) EST CONSIDERE COMME FORCE
TERRITORIALE QUI VIENT AIDER LES FORCES PACIFIQUES
(CFMK) COMPOSEES DE TIGRES MULTIRACIALES DU KATANGA
EN VUE DE LES COMBATTANTS KATANGAIS QUI SONT EN
VANTES DE SE REMPLIR PACIFIQUEMENT LES MAINS ET LES

- 2) INSTALLATION OFFICIELLE RAPIDE DES INSTITUTIONS DE LA RÉPUBLIQUE FÉDÉRALE MULTIRACIALE DU KATANGA (CFMK).
- 3) ASSURER L'ÉVACUATION PACIFIQUE DES CONGOLAIS ET ÉTRANGERS.

2° CORAK REJETTES MONUSCO QUI LUTTE POUR L'ATTACHEMENT
DE NOTRE KATANGA MULTIRACIAL (RWAK) A LA RI D'UN
CAR CES DEUX PAYS CONGO ET KATANGA SONT BRA-
RAS DEPUIS LEUR EXISTANCE. AVANT L'ARRIVEE DES CO-
GNALISTES, IL Y AVAIT :

- LE ROYAUME KONGO ACTUELLES TROIS PROVINCES
- BAS-CONGO, KINSHASA ET BANDOUNDO.
- L'EMPIRE LUNDA, ROYAUME LUBA ET ROYAUME
- SEKE L'ACTUEL KATANGA MULTIRACIAL (PREMIER)

$$a = -7.$$

-3-

APPELS CIBUQUENNAIRES D'UN A LEBERDVILLE POUR
LE CONC ET L'AUTRE A ELISABETHVILLE POUR
LE KATANGA.

8- LE 11 JUILLET 1960, MOÏSE KAREM TSHOMBE GRAM
LEADER DE LA CONFÉDERATION NATIONALE KATANGAISE
(CONAKAT) RECLAMA L'INDÉPENDANCE DU KATANGA
SOUS L'ÉPLOUATION DE L'ÉTAT INDÉPENDANT DU KATANGA

[illegible]

10- 1967: 1976: 1978, l'Armée de résistance Katangaise
ENTRAÎNÉ POUR RECRUTER LES ÉLÉMENTS POUR REMPLIR
CER ET RENOUVELER LES RÉVENDICATIONS.

142 15 MARS 2008 1.6 REV. NATURA MUKANA TSHAM SIMBA
AREBES DES ASSOCIATIONS AU KATANGA ET EN VOYANT LES
SUSCRIPTIONS PUBLIQUES ET PARTICULIÈRES, AVANT DE VOYER LES MARCHES
DES MARCHÉS DU KATANGA AUPRES DES REPRESENTANTS DES TRIBUS OR
DUNAK MOURRE (GILISSETABINE), IL A LA MANQUE KATANGA A
MAMBADE MAMBADE DES JOURNALISTES DE RACONTE LES CHOC
EN MEME A L'ENTENTE DES REPRESENTANTS DES TRIBUS
KIKONGO 1. AREBES DES ASSOCIATIONS GÉNÉRALES DE JOURNALISTES
TSHAM SIMBA POUR LES REVENIR H
INDEPENDANCE DU KATANGA KATANGA 3. R
MAMBADE MAMBADE MULTICENTRE 16 ET 17 AFFECTION DE
DE MEMBRER KIKONGO 1. AREBES DES ASSOCIATIONS GÉNÉRALES DE JOURNALISTES
A L'ASSURANCE DES MOUVEMENTS MENDI KIKONGO 1. AREBES DES ASSOCIATIONS GÉNÉRALES DE JOURNALISTES
PUT EN SILENCE MAMBADE 1999. INDEPENDANCE DU KATANGA
CARTONNEMENTS DE RACONTE AVEC L'EDITION
A L'EDITION DE M. JOSEPH ZAHNANT. POUR UNE LETTRE
A L'EDITION DE M. JOSEPH ZAHNANT. POUR UNE LETTRE
A L'EDITION DE M. JOSEPH ZAHNANT. POUR UNE LETTRE

[illegible]

41- EN 1926 EN VISITE OFFICIELLE AU KATANGA A ELIZABETHVILLE
RECONNAISSANCE DE LA MANIERE ALLEMANDE LE ROI ALBERT A
FIT UN DISCOURS CHOC
LA RESOLUTION AU COMITE DE KATANGA IL A ETE RECONNU
DEUX GOUVERNEMENTS SECHETOUX IL UN POUR LA DISTANCE DE
L'ATLANTIQUE ROYA LE KATANGA IL A ETE RECONNU
LE PRINCE ALBERT A ELIZABETHVILLE IL A ETE RECONNU
LE PRINCE ALBERT A ELIZABETHVILLE IL A ETE RECONNU
LE PRINCE ALBERT A ELIZABETHVILLE IL A ETE RECONNU

51
BUT PROMIT LE
EN 1964-3, APRES A GREVE DES TRAVAILLEURS DE L'INDU
NEAL DU KATANGA (CUMAK), L'EVIEU GOUVERNER EN
JARDIS TRAVAILLEURS LE MEME DU REYANU. LE BELIGEN
LEUR BUREAU DE RECRUTES AU KASAI. LE BELIGEN
MILIEU-MATHILLER. LE KATANGA TRAVAILLE AU KASAI. LE
KATANGA ET DES CONGOLEAIS DANS LES SOCIETES DE
TANGA. LE KATANGA TRAVAILLE AU KASAI. LE BELIGEN
SIS ET COMBATTANT DISTINGUE PAR LA SNTANS DU
KATANGA.

6- EN 1958, DANS UN MESSAGE OFFICIEL AU PEUPLE KATANGAIS
LE MINISTRE DE LA COLONIE CONGOLESE AVAIT INTERDIT
DE RECLAMER DE SINGIERES, CAR LA POLITIQUE
ETANT CONSIDEREE DE DEVENIR OU PREVENIR LA SECESSION
DE LA KATANGA CONFORMEMENT AU DISCRET
ARTICLE 2 DE

7^o EN 1958, POUR COMMEMORER CINQUANTE ANS
DE L'ES EN AFRIQUE LE GOUVERNEMENT BELGE
AVAIT CONSTRUIT DEUX FUTURS PARLEMENTS

[illegible][illegible][illegible]

4) LA MAMMOUSE ETAIT AU BUREAU DE CHEF POLITIQUE
LE 20 MARS 2011, MAMMOUSE FRANÇOIS : SECRETAIRE DE L'AMBA-
SADATEUR PAR LA DELEGATION DE CORAK ETAIT CON-
FIRMANT QUE LA MAMMOUSE MINNAVA TOUTE LE GUYONN
ET MAMMOUSE DIKRA UNE MAMMOUSE FRANÇOIS MINNAVA
AU HASARD DE L'ETAT
5) LE 20 MARS 2011, DELEGATION DE LA MAMMOUSE MINNAVA
PAR LA DELEGATION DE CORAK, CHEF POLITIQUE DE LA MAMMOUSE
LE REV. MAMMOUSE MINNAVA TOUTE LE GUYONN
DE LA MAMMOUSE MINNAVA TOUTE LE GUYONN
DIKRA UNE MAMMOUSE FRANÇOIS MINNAVA
LE 20 MARS 2011, MAMMOUSE FRANÇOIS MINNAVA

142. NOUS AVONS DESA ASSURMENT ECRIT NOTRE INDEPENDANCE
BONNEMENT. EST CE LA SEULE MANIERE DE
DOUTER D'UN DIT PROBLEME? NOUS AVONS RECHERCHÉ
TOUTES LES MANIERES DE GOUVERNEMENT. PARLEMENTAIRE
SOUS FORME DE RECONSTITUTION PARLEMENTAIRE
C'EST A DEDRONS POUR CONDAMNER DES CE FAI IL LE GAZIER
DE MARTINER A VOIR DE LA A LOIRS NOUS RIBUONS
SERVONS AU CTS OU CES SLOANS ET DE GUERRE

- 5 -

ETRANGER
~~LES~~ VIENNENT ENCORE AVEC LES MANOEUVRES
 DE VOULOIR NOUS ATTACHER A LA R.D.C. CONCO A CE
 MOMENT LA LES TIGRES KATANGAIS ET TOUS
 LES AUTOCHTONES CONDUIRONT LA GUERRE SANS TENIR
 COMPTE DE QUELQU'UN NI DE QUELQUEPÔLE PRE
 SIDENT ILLÉGITIME IRODITE KANAMBE ALIAS JOSEPH
 KABILA KABANGE ET LES PAYS QUI SONT LIVRES
 A CETTE BOMBE SERONT RESPONSABLES.

QUE VIVE L'ONU POUR LA PAIX DU PEUPLE
 KATANGAIS!

QUE VIVE LA REPUBLIQUE FEDERALE MULTIRACIALE
 DU KATANGA (RFMK)!

POUR LE BUREAU POLITIQUE DE CORAK

Fait à Elisabethville, le 01 JUILLET
 2013

- 1- RENI MATUKA MUNANA TSHITOMI SIMON, PRESIDENT DE LA RFMK
 FONDATEUR DE CORAK
- 2- M. KAPEND NTANDI MWAMU, VICE-SECRETAIRE MONDIAL, DELE
 GUE DES MEMBRES EFFECTIFS DE CORAK ET MINISTRE
 DE TITRE FONCTION, CADASTRES, URBANISME ET HABITAT
 DE LA RFMK
- 3- M. KAPEND M. GUY, PRESIDENT INTERNATIONAL MULTIRA-
 CIAL D'AMIS A LA JEUNESSE (CINTAD) ET MEMBRE EFFECTI
 F DE CORAK, VICE-MINISTRE DES TRANSPORTS ET VOIES
 DE COMMUNICATION DE LA RFMK
- 4- M. MUKALANG K. KTHANANSE, DELEGUE DES ANSIDIU DE
 LA PRESIDENCE DE LA RFMK
- 5- M. KAPEND CHIMBA A TSHUMBA, MEMBRE EFFECTIF SUPPLANT
 DE CORAK ET MINISTRE REGIONAL DU MULTIRACIALISME
 ET SECURITE DE L'ETAT FEDERE MULTIRACIAL DU KATANGA,
 DIRECTEUR DU BUREAU POLITIQUE DE CORAK
- 6- M. KATAMBA NDIHAI NDIHAI, MEMBRE EFFECTIF
 ET VICE-DIRECTEUR SECRETAIRE DU
 BUREAU POLITIQUE DE CORAK



Annex 29**Kata Katanga attack in Lubumbashi, 29 October 2013 (photos by the Group of Experts)**

At approximately 0300 on 29 October 2013, a group of around 40-50 Kata Katanga militants attacked the house of FARDC Military Police Lt. Col. John Kamangu in Lubumbashi. Kamangu lived in a house in front of a former FARDC arms depot in the industrial quarter of Lubumbashi. The Kata Katanga, who were armed with a few guns and many spears and machetes, immediately killed two FARDC guards at the house, and asked another for the whereabouts of Kamangu, who was in the house with his wife and two small children. Kamangu fired his AK-47 at the attackers, which forced them to retreat out of the house. A standoff ensued until approximately 0400, when an FARDC jeep arrived carrying three soldiers. The Kata Katanga shot at the vehicle, killing two of the soldiers. The Kata Katanga then cut off the head of one of the soldiers, and took it with them when they left the scene.

Not long after the FARDC jeep had arrived, a second group of Kata Katanga arrived in a Hiace van, like those commonly used for transport in Lubumbashi. According to Kamangu, these attackers knew the layout of the house and where he was likely hiding. They scattered gasoline through the broken windows at the front of the house and set it on fire. Kamangu helped his wife and children escape from the house, but he remained inside as it burned.



At 0440, a second group of FARDC soldiers arrived on the scene and engaged in a shootout with the Kata Katanga. During this shootout, a second car for the Kata Katanga arrived. When retreating, the Kata Katanga elements put their dead and wounded into the cars and departed. Other militants left on foot, and by 0520, the fight was over. Kamangu emerged from the house unscathed. Based on four military and political sources in Lubumbashi, including Kamangu, the Group considers that four FARDC soldiers were killed, eight FARDC soldiers were wounded in action, at least six Kata Katanga were killed, and that Kata Katanga seized three AK-47s from dead FARDC soldiers. In addition, the house inhabited by Kamangu and his family suffered extensive damage due to the fire and gunshots.



Kamangu and other military officials told the Group they believe Kamangu was targeted because since late 2012, he has had several run-ins with local supporters of Katanga's independence and Kata Katanga. Kamangu told the Group that in March 2013, he had arrested a Kata Katanga member who had sought to buy weapons from FARDC in Lubumbashi. The former arms depot behind Kamangu's house does not appear to have been a target of the Kata Katanga; indeed, FARDC soldiers stationed in the former depot told the Group only one Kata Katanga ventured back there – the rest remained in front of Kamangu's house.

Annex 30

FRPI militia at Aveba (photos provided by MONUSCO and an Aveba resident)



FRPI militia walk by displaced people outside the Aveba MONUSCO base, 28 Aug 2013.



A column of FRPI militia – some in civilian clothes –near the Aveba MONUSCO base.



MONUSCO deployed two APCs (one visible here) and flew a white flag to signal that it was protecting displaced people in front of the Aveba MONUSCO base.

Annex 31

Morgan (leader of Mai Mai Morgan) (photo provided to the Group by Congolese authorities)



Morgan (seated third from left, holding an AK-47) with unidentified men on 8 September 2013 at a gold mining site near Pangoy, Mambasa territory, Ituri District.

MONUSCO sources told the Group that Morgan's force is divided into three groups; one is under Morgan's command, the second under the command of Manu Mboko (see S/2013/433, para. 76), and the third under a man called "Jesus". In early December, MONUSCO reported that "Jesus" was shot dead by one of his own men while trying to prove to his followers that bullets could not harm him.

Annex 32

ADF leaders (photos provided by UN sources)



Jamil Mukulu, overall commander of ADF



Muhammed Luminsa (aka Katusa Mohamed), Director of Training for ADF



David Lukwago (aka Hood Lukwago, Swaibu), former ADF army commander



Muzamir Kiribaki Kasadha (aka Amisi Kasadha), ADF deputy army commander



Elias Segujja (aka Fezza), an ADF military commander



Ahmed Mukwaya, an ADF brigade commander



Jamil Muzanganda, chief of the ADF armory

Annex 33

ADF attack on Nepalese MONUSCO patrol, 14 July 2013 (photos provided by MONUSCO)

At approximately 1100 on 14 July, ADF ambushed a Nepalese MONUSCO patrol on the Mbau-Kamango road. The NEPBATT troops were part of the Bhairabidal Battalion of the Nepalese Army, based at Beni. The patrol consisted of one soft-top Toyota Land Cruiser pickup truck (the lead vehicle), and one armored personnel carrier (APC) (the trailing vehicle). The attack took place just three days after the 11 July attack at Kamango, but FARDC had declared the road open and safe.

At the site of the ambush, approximately 25 km east of Mbau, the attackers opened fire on both vehicles from atop a slope on the north side of the road; the slope continued downhill on the south side of the road. The attackers were using AK-47s and hit both vehicles. Both vehicles tactically reversed, but the pick-up went off the road. Amidst fire from ADF, Nepalese soldiers hooked the APC up to the pick-up, and pulled the stuck vehicle back onto the road. Both vehicles continued to reverse, as the road was too narrow to turn around. After the pick-up went off the road a second time, the soldiers in the pick-up abandoned the vehicle and entered the back of the APC. The APC continued to reverse for another 2 km but became stuck on an uphill slope on a bend in the road (see picture below).

At 1120, a rescue force in 3 NEPBATT APCs was dispatched from Beni. These vehicles reached the site of the stranded APC at 1150. The ADF attackers reached the site of the stranded APC on foot and opened fire on the rescue APCs, hitting two of them. NEPBATT returned fire. The rescue team succeeded in extracting the soldiers from the stranded APC, and withdrew from the site. Three NEPBATT soldiers were injured: one by a bullet wound in the shoulder; one by a bullet wound in the hand; and one with a back injury from a fall during the escape.



A NEPBATT MONUSCO vehicle that helped to rescue the NEPBATT soldiers ambushed by ADF. The vehicle suffered bullet damage.

MONUSCO also dispatched two South African attack helicopters from Goma, which arrived at Mavivi (Beni) airport at 1630 on 14 July. The helicopters flew to the site and saw the APC burning at 1730 (photo below). They returned to Mavivi at 1800.



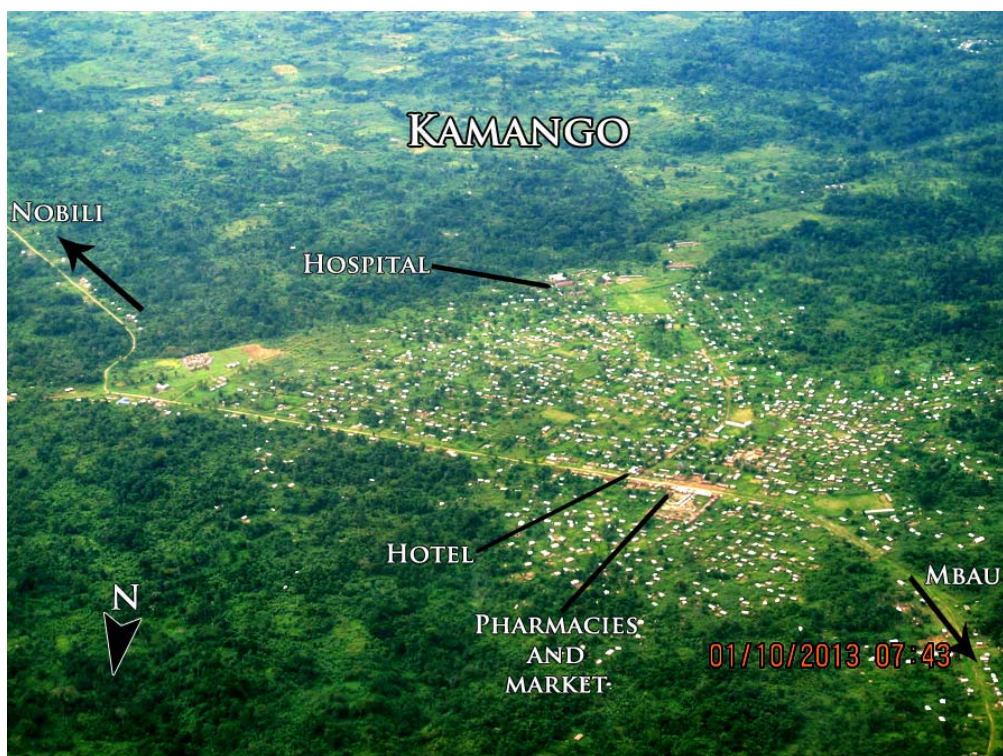
The NEPBATT armored personnel carrier that had to be abandoned during the attack by ADF elements. A thin plume of smoke is visible rising from the vehicle.

On 15 July at 0900, the two attack helicopters flew back to the ambush area with an Mi-8 helicopter to conduct reconnaissance. As they flew over the site, presumed ADF elements shot at the helicopters, hitting both attack helicopters. One bullet hit the side of one helicopter (UNO-883) on the tire cover, and the second helicopter (UNO-881) was shot in its left wing. Both helicopters landed safely back at Beni.



The bullet hole in the tire cover of helicopter UNO-883 (left), and in the left wing of helicopter UNO-881 (right).

Annex 34

Kamango (all images by the Group of Experts)

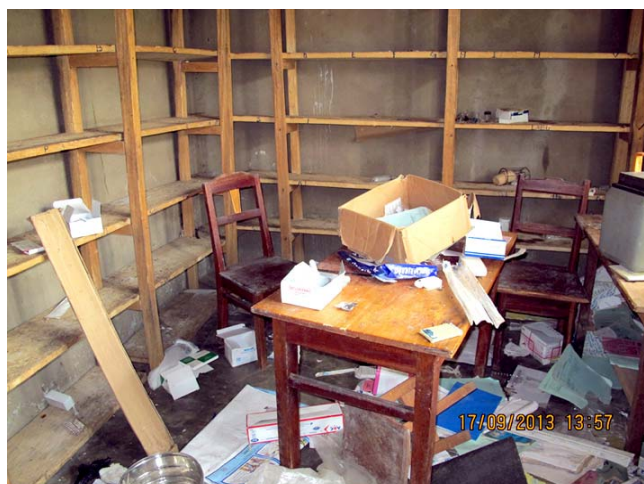
Aerial view of Kamango (North 0 39.943, East 29 52.748 – at the Hotel) with key sites identified.



Hotel Muyayo, where MSF staff stayed prior to their abduction.



Kamango Hospital.



Hospital pharmacy.



Hospital laboratory.



Operating room.



Equipment and supply storage in the operating room.



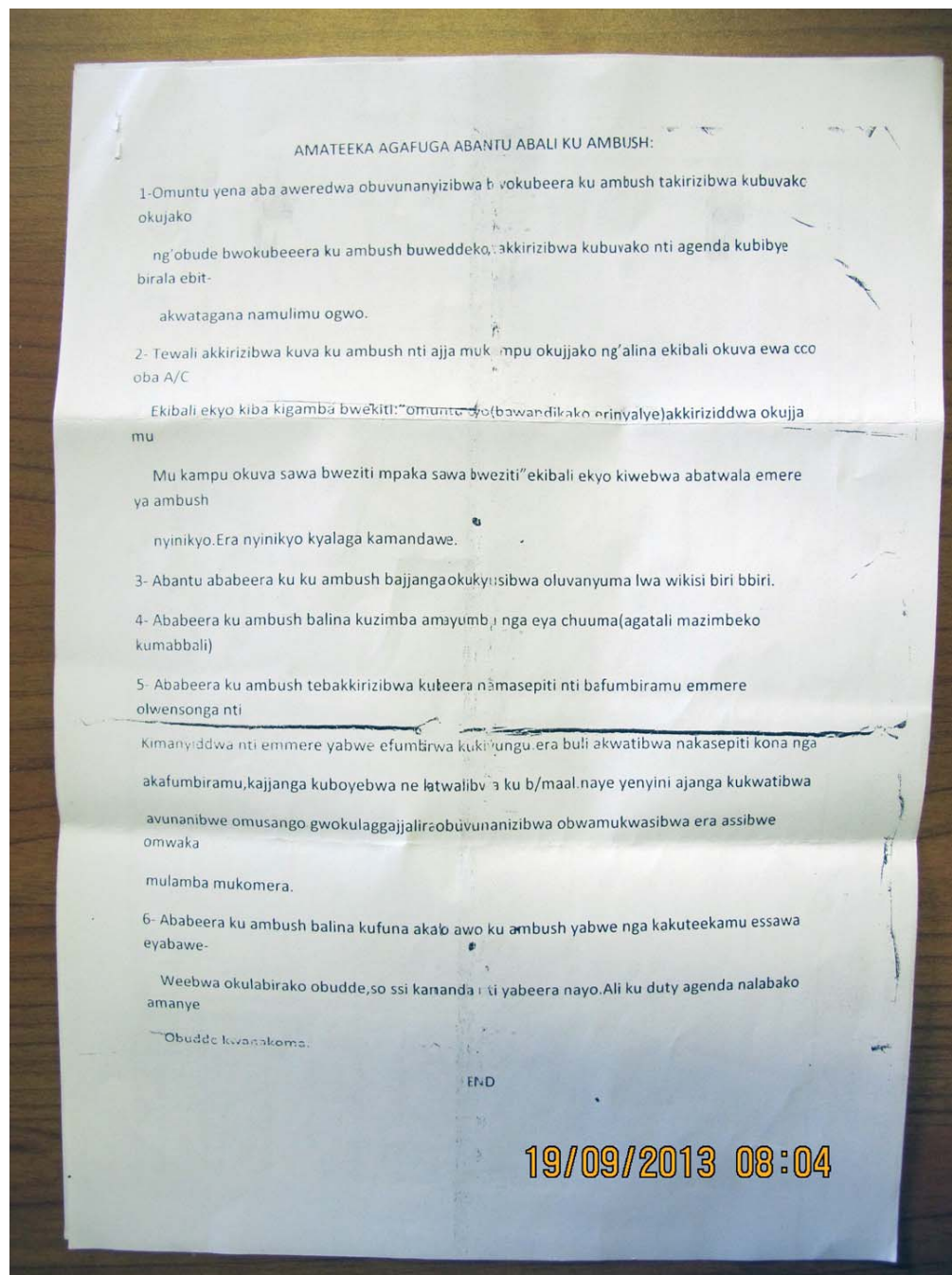
Discarded boxes and unwanted pills mark the site between hospital buildings where ADF piled medicines prior to taking them away in two cars.



Looted Manzo Phar pharmacy, near the market.

Annex 35

ADF ambush instructions, recovered at Kamango, July 2013 (provided by Congolese authorities; translation by private contractor)



Translation from Luganda:

RULES THAT GOVERN PEOPLE DESIGNATED TO MAN THE AMBUSH:

1. Whoever has been designated to man the ambush is not allowed to abandon that responsibility to tend to personal matters until his designated time has expired.
2. Nobody should abandon his ambush duty to go to the camp unless that person has been written authorization from the CCO or A/C. That authorization will state as follows: "This person (name specified) has been authorized to come to the camp from [specified time] until [specified time]." That authorized person presents the written authorization to the ambush food carriers. Likewise, the authorized person presents the same authorization to his commander.
3. Those designated to man the ambush shall be rotated every two weeks.
4. Those designated to man the ambush shall be responsible for building shelters (the shelters shall only have a roof – no wall).
5. Those designated to man the ambush are prohibited from having cooking pots. It is established that their meals are prepared in the kitchen, and whoever is found with cooking pots making meals; shall have the pots confiscated and taken to the b/maal; he shall be arrested and charged with a case of neglecting the responsibility entrusted with him; and shall be jailed for one year.
6. Those designated with manning the ambush are required to find a place near their location where to keep the watch/clock that was given to them so that they can to tell the time; the watch/clock should not be kept with their commander. Whoever is on duty should check the watch/clock to know when they will be relieved.

END

Annex 36

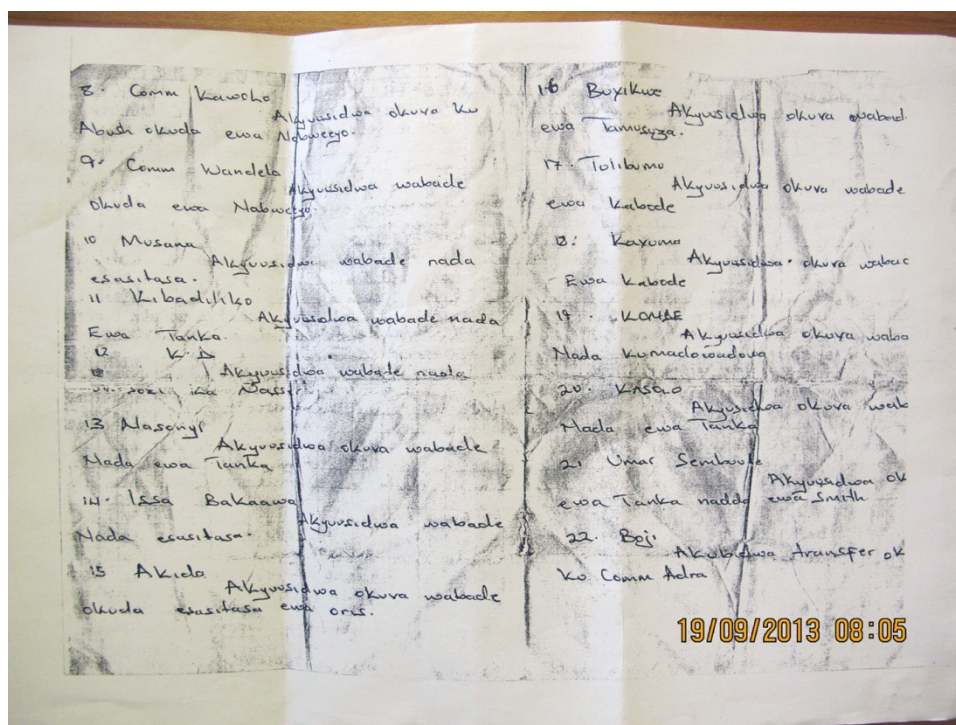
ADF transfer orders recovered at Kamango, July 2013 (document provided by Congolese authorities; translated from Luganda by a private contractor)



Pages 1 (right) and 4 (left) of transfer orders, dated 23 June 2012, which were recovered at Kamango after ADF vacated the town, on 12 July 2013.



Close-up of the stamp appearing on page 4 of the above document. The Group believes M.T.M. stands for MadinatTawheedMuwaheedina, which is the name of ADF's main camp. The raised finger is an Islamic symbol signifying "oneness with God." The Group was not able to determine the meaning of the "S" and "F" on the sides of the stamp, or to ascertain the letters at the bottom of the stamp.



Pages 2 (left) and 3 (right) of the transfer orders.

Translation of above documents from Luganda to English:

CCO
23/06/2012

PART I ORDER TRANSFERS

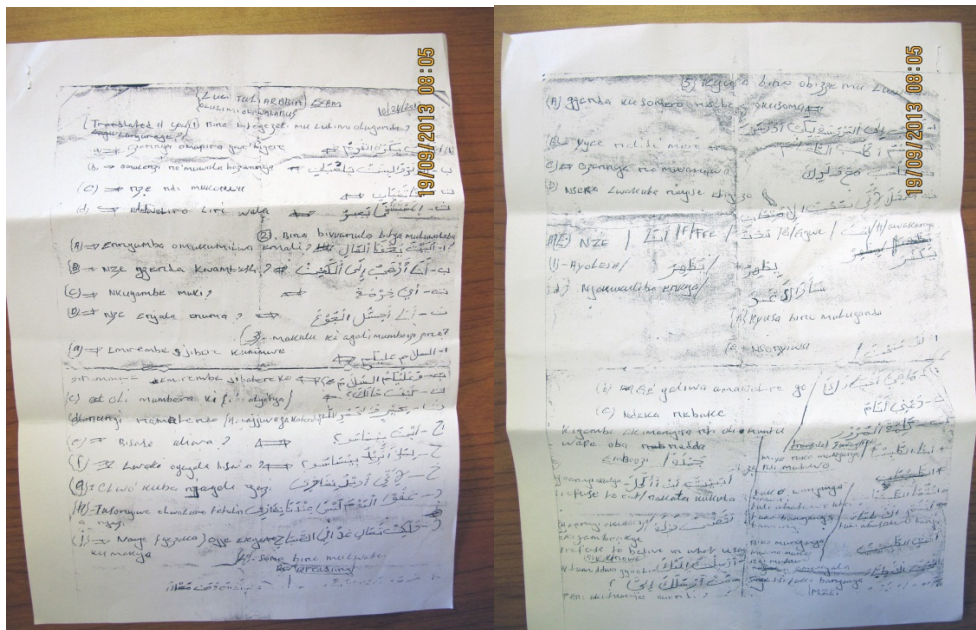
EFFECTIVE 25 JUNE 12.00 NOON:

1. Comm. Amos has been transferred from where he was to where Oris was
2. Comm. Oris has been transferred from where he was to Esasitasa
3. Comm. Kawoya has been transferred from where he was to where Peter was
4. Comm. Peter has been transferred from where he was to Nasser hill
5. Comm. Kasangaki has been transferred from Smith's to Kabode's
6. Comm. Mugonza has been transferred from where he was to where Smith was, he is the new commander
7. Mabuka has been transferred from where he was to Kawolo, he is the new commander
8. Comm. Kawolo has been transferred from Abudi to Nabweeyo's
9. Comm. Wandela has been transferred from where he was to Nabweyo's
10. Musana has been transferred from where he was to Esasitasa
11. Kibadiliko has been transferred from where he was to Tanka's
12. K.D has been transferred from where he was to Nasser hill

13. Nasonyi has been transferred from where he was to Tanka's
14. IssaBakaawa has been transferred from where he was to Esasitasa
15. Akida has been transferred from where he was to Esasitasa – Oris' place/station
16. Buyikwe has been transferred from where he was to Tamusuza's
17. Kavuma has been transferred from where he was to Kabode's
18. Konde has been transferred from where he was to Madowadowa
19. Kasolo has been transferred from where he was to Tanka's
20. Umar Sembuule has been transferred from Tanka's to Smith's
21. Boji has been transferred to Comm. Adra.
22. Lamusubi has been transferred from Kawoya to where Oris was on Nasser Hill
23. Kanumba has been transferred from Kawoya's place where he was
24. Alex Seluwenda has been transferred from where he was to Madowadowa

Annex 37

ADF examination recovered at Kamango, July 2013 (provided by Congolese authorities; translations by private contractor and United Nations)



Page one (left) and two (right) of an examination dated 24 October 2013.

Translation of the Luganda

PAGE 1

Lugi We are in Arabia

Arabic Language

1. What do the following mean in Luganda language?
 - a. You play football
 - b. A boy and a girl are playing
 - c. I am tired
 - d. The hospital is far
2. Translate the following in Arabic
 - a. A building where money is kept
 - b. I am going on an ambush
 - c. How can I help you?
 - d. I am hungry
3. What do the following mean?
 - a. Peace be with you [plural]
 - b. And also with you [plural]
 - c. What is your condition? [How are you?]
 - d. Good with blessings (illegible word) God
 - e. Where is Bisase?

- f. Why do you want Bisase?
- g. Because I want gazi
- h. Sorry we do not have gazi today
- i. Try to come tomorrow morning

- 4. Read the following in Arabic
wreading [sic]

PAGE 2

- 5. Translate the following into Arabic
 - a. Go to school sir and learn
 - b. [writing is illegible]
 - c. You are playing with your child
 - d. I am laughing because I passed the exams
 - e. I, WE, YOU [singular]
 - f. He/she is displaying
 - g. I will see you tomorrow
- 6. Translate the following to Luganda
 - a. Pardon me/Forgive me
 - b. What is your news?
 - c. Let me sleep
- 7. Which words mean that you are one of us, or not one of us?
 - a. I refuse to eat
 - b. I refuse to believe in what you say
 - c. I have been sent to you
 - d. Who has sent you to me?
 - e. I am a doctor
 - f. We are two doctors
 - g. I am a female doctor

Translate the following into Arabic:

- 1. Sir, go to school and learn
- 2. Yes I have brought food
- 3. You are playing with your child
- 4. I am laughing because I passed the exams
- 5. ME / WE / YOU (singular) / HE [OR SHE] IS OPPOSING / HE [OR SHE] IS DISPLAYING
- 6. I will see you tomorrow

Translate the following into Luganda

- 1. I am sorry (pardon me)
- 2. Where is your news
- 3. Let me sleep

Which words mean that you are one of us, or not one of us?

- a. I refuse to eat
- b. I refuse to believe in what you say
- c. I have been sent to you
- d. Who has sent you to me?
- e. I am a doctor
- f. We are two doctors
- g. I am a female doctor

Translation of the Arabic

PAGE 1

Question 1

- (a) You play with the football.
Translator's note: The first part of this phrase was covered up by the time stamp on the image. It could also possibly be, "I play with the football".
- (b) The boy and the girl are playing.
Translator's note: Accurate in meaning and makes correct use of the dual form.
- (c) I am tired.
- (d) The hospital is far.
Translator's note: The masculine form of the adjective is given when it should be the feminine.

Question 2

- (a) The house kept the money.
- (b) I am going to the ambush.
- (c) May I help you?
Translator's note: The expression used is a colloquial one.
- (d) I feel hunger.
Translator's note: It seems that the examinee attached part of the definite article "al", which affixed to the next word, to the end of the verb "ahissu", thereby making the conjugation incorrect. The examinee also did not include the required preposition.

Question 3

- (a) Peace be with you.
Translator's note: The form given is the correct form for addressing both individuals and groups.
- (b) And also with you.
Translator's note: The form given is the correct form for addressing both individuals and groups.
- (c) How are you?
- (d) I am well, praise be to God.
Translator's note: Incorrect diacritics are used with the word "hamd" (praise) and a required preposition is not affixed to the word "Allah" (God).
- (e) Where is Bisasu?
- (f) Why do you want Bisasu?
Translator's note: Without the question in English, it would have been impossible to decipher the handwriting for this answer.
- (g) Because I want naghazi.
Translator's note: Same as above.
- (h) I am sorry, we have no naghazi today.
- (i) But come tomorrow morning.

PAGE 2

Question 5

- (a) I go to school in order to study.
Translator's note: The first part of this phrase was covered up by the time stamp on the image.
- (b) Yes, I like food.

Translator's note: This is my best guess. The writing is practically illegible.

- (c) You play with your child.
- (d) I am laughing because I passed the exam.
Translator's note: The required preposition “fi” (in the) is missing in the Arabic.
- (e) You (*masculine singular*), we, I (*masculine singular*).
- (f) He blasphemes, he appears/displays (*masculine singular*), he appears/displays (*masculine singular*).
Translator's note: The first instance of “he appears/displays” in the Arabic is incorrectly vowelized.
- (g) I will see you tomorrow.
Translator's note: The word “tomorrow” in the Arabic is incorrectly vowelized.

Question 6

- (a) Pardon me.
- (b) What are your news?
- (c) Let me sleep.

Question 7

[right-hand column]

- (a) I am the doctor.
- (b) You (*feminine dual*) are the doctors (*feminine plural*).
Translator's note: The word “doctors” in the Arabic is not in the correct form. It should be in the feminine dual.
- (c) You (*plural*) are the doctors.
- (d) You (*feminine singular*) are the doctor (*masculine singular*).
- (e) We are the doctors.

[left-hand column]

- (f) Sentence.
- (g) I want [?] to eat.
Translator's note: I am not sure which verb is being used here. If it is in fact the verb “to want”, then the examinee used a colloquial verb. Otherwise, I do not recognize the word. In addition, “to eat” is misspelled.
- (h) I refused [illegible].
- (i) I have been sent to you.
- (j) Who has sent you to me?

Annex 38

FDLR leaders (UN sources)



Overall military commander of FDLR, “Maj. Gen.” Sylvestre Mudacumura.



First FDLR Division Commander “General” Pacifique Ntawunguka, aka Omega.

Annex 39

FDLR press release, November 2013

FDLR press release requesting the DRC Government to not use force, and to prioritize negotiations, 12 November 2013.

**PRESS RELEASE NR. 001/SE/NOVEMBER/2013 OF THE FDLR**

The Democratic Forces for the Liberation of Rwanda (FDLR) is an opposition politico – military Movement, to Kigali’s Rwanda Patriotic Front (RPF) political regime. FDLR works for justice, peace, genuine reconciliation and socio – economic development of Rwandan people.

FDLR is an answer to oppressed Rwandan people that have been marginalised and excluded from the Rwandan citizenry, and consequently have made a coalition as both to defend and protect themselves against RPF – INKOTANYI regime which has been endeavouring to exterminate them.

FDLR has both the duty and moral obligation of fighting for both refugee rights and protection of thousands of Rwandans, survivors of unprecedented and vile killings perpetrated by Rwandan Patriotic Army (RPA – armed wing of RPF then) since the 01st October 1990 up to date, both inside and outside Rwanda. Hence FDLR elements are freedom fighters.

FDLR has been supporting (and will always do) up to date each single initiative intended to seek a long – lasting and negotiated political solution to complex and problematic conflicts within the African Great Lakes Region in general and in Rwanda in particular.

FDLR has never spared any effort in the process of searching and finding a long – lasting and pacific solution within the African Great Lakes Region, among others by means of quartering its 2500 of its troops in Kamina Military base (Democratic Republic of the Congo – DRC) in 2001 and the destruction of their respective weaponries in 2002, which effort was crowned by the attack and death of some of its combatants as well as the forced repatriation of others.

On one hand, FDLR’s commitment of converting the armed struggle into a political struggle as agreed in Rome in March 2005 failed as result of lack of appointing an international committee which would have had a mandate to monitor and evaluate the implementation of the Rome agreement in question; and sporadic armed attacks perpetrated against FDLR on the other hand.

Other ghosts of solutions had been recommended by the international community but without any outcomes. Of such, were for instance:

· The Regional Conference on Peace within the African Great Lakes Region in December 2004, in Dar – es – Salaam, which strongly suggested that all involved States had to resolve their respective internal conflicts by peaceful means.

· The United Nations (UN) Security Council recommends the diplomatic and political approach as to put an end to the state of insecurity which has been ravaging the east of DRC; now Rwanda and this UN entity are in too good terms to abide by this recommendation.

· The plenary congress of Spanish Parliament, gathered on 31st May 2007, had not only explicitly expressed their support to the process of Rwandan dialogue, but also has urged the European and Spanish authorities to support the initiative.

· DRC's Members of Parliament from North Kivu, while addressing the UN Security Council delegation in Kinshasa, have strongly recommended that Kigali regime be put under high pressure as to compel it to sit around a political dialogue table with its armed and non – armed opposition.

· Likewise, at the 21st Summit of the African Union, in Addis - Ababa, on the 26th May 2013, His Excellency the President of Tanzania brought up a very wise and constructive idea, namely opening a dialogue between Rwanda and FDLR, in view to finding a pacific and long – lasting political solution, within the African great Lakes Region at large and in Rwanda in particular. While waiting for the materialisation of this noble suggestion in question, by whom it may concern, FDLR has humbly saluted the idea and explicitly expressed their heartfelt gratitude towards the author thereof.

FDLR has ever had any intention whatsoever (and will never have any) of leading a war against DRC's government, neither against DRC citizens, whom it considers its own brothers.

It's worth it recalling that Rwandan refugees, survivors of massacres perpetrated by RPF – INKOTANYI against them have been in good and smooth relationship with their DRC hosts up to date.

If those Rwandan refugees are still scattered within the dense forests of the eastern DRC and are not yet willing to go back to their motherland, it is because of the total insecurity and the abuse of human rights such as the suppression of ethnical self- identity (which is an utopian policy since ethnical membership is a natural phenomenon); killings; kidnappings; unfair justice system; arbitrary imprisonments; incarceration of opposition political parties' leaders; the non – respect of the rights and liberties of the human person (lack of right of expression and political opinion; lack of political democracy as opposition political parties are denied the right to register; impoverishment of grass roots population; social inequalities; etc.) perpetrated by President Paul KAGAME's regime, which has been on power in Rwanda, up to date.

FDLR reiterates again and requests from the International Community in general and from the UN Intervention Forces in support of DRC's Armed Forces (FARDC) and from the DRC government, not to use forces, but rather prioritise the pacific and negotiated political means; reason for which FDLR advocates a dialogue with the government of Kigali, to be facilitated by the African Union. The political dialogue between Kigali's government and FDLR is the only way to reach a long lasting peace in Rwanda in particular and in the African Great Lakes Region in general.

FDLR would love to convey its heartfelt gratitude to all stakeholders who are directly or indirectly involved within the process of seeking and reaching long – lasting peace within the east of DRC.

Masisi, the 12th November 2013

Sincerely,

Colonel Wilson IRATEGEKA

For FDLR



Executive Secretary, ad interim

Telephone: +24 381 145 2213 Email: fdlrsrt@gmail.com

or humura 2020@gmail.com

[illegible]

PERSONNEL BELGUE BELGIEN BELGIAN

FORENAME JOSEPH
SURNAME NZABONIMPA
DOB 11/9/1963
BIRTH PLACE KIGALI
HEIGHT 1.70
GENDER Male
WEIGHT 60.0
OCCUPATION BEL
NATIONALITY BEL
ETHNICITY BEL
HAIR COLOR Black
EYE COLOR Black

RELATIONS
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REL2 NZABONIMPA
REL3 NZABONIMPA
REL4 NZABONIMPA
REL5 NZABONIMPA
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Copy of the identification document of Joseph Nzabonimpa.

Annex 41

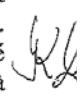
Meeting notes dated 31 January 2013 and signed in Dar Es Salaam by “Gen.” Deogratias Nzeyimana alias Bigaruka and regarding the demobilization of child soldiers

PROCES VERBAL

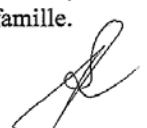
Le 31 janvier deux mille treize à 15 heures, à Dar es Salaam a eu lieu une réunion pour étudier le thème « enfants associés aux forces armées et aux groupes armés », ici appelé « enfants soldats ».

Les participants étaient : Mme Milfrid Tonheim, Mr. Kåre Lode, Mr. Faustin Murego, Mr. Joseph Nzabonimpa, Mgr Bulambo Lembelembe Josué, Maître Dieudonné Kyalangalilwa, le Général Déogratias, Commandant Second des FOCA/FDLR.

Mr. Kåre Lode du Centre pour la Communication Interculturelle (SIK) en Norvège a présidé la réunion.

La réunion a été ouverte par une prière. Ensuite Mme Milfrid Tonheim a fait une présentation surtout basée sur les Principes de Paris de 2007 sur les enfants soldats avec référence aussi au Charte africaine des droits et du bien-être de l'enfant. Elle a appliqué ces documents à la situation à la RDC qu'elle connaît bien, car elle est consultante depuis 2008 à un grand projet décentralisé de réinsertion des enfants soldats au Nord Kivu et au Sud Kivu. Elle a dirigé un projet de recherche conjoint entre le SIK, l'Université Evangélique en Afrique et l'Université Officielle de Bukavu, les deux sis à Bukavu en RDC, sur « la réinsertion des enfants soldats, surtout les filles ». Le résultat sera publié dans quelques mois à l'Editions Harmattan à Paris. 

Elle a souligné que dans toutes les situations le bien être de l'enfant prime sur toutes autres considérations. L'enfant a le droit de vivre avec ses parents, mais l'enfant a aussi un droit d'aller à l'école et avoir accès aux soins médicaux. Il y a aussi autres aspects à considérer. Le résultat de ce processus peut varier.

Le Commandant Second des FOCA/FDLR a invité Mme Milfrid Tonheim, Mr. Kåre Lode, Mr. Murego Faustin, à se rendre sur le terrain et à visiter différents sites pour évaluer la situation. Toute personne qui répond aux critères d'un enfant soldat peut quitter l'unité pour profiter à un programme de réinsertion, qui dans la mesure du possible, se fera à un lieu en RD Congo qui permet à l'enfant à vivre dans une famille. 

L'équipe qu'elle dirige peut contenir deux enfants soldats, une fille et un garçon, qui a réussi le processus de réinsertion, interprète et autre personne ressource. Le nombre total ne doit pas dépasser six personnes.

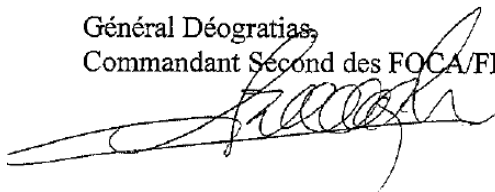
Les enfants soldats dans l'équipe sont importants, surtout pour convaincre les filles qu'il est possible de reprendre une vie normale.

Il n'est pas possible de savoir d'avance combien d'enfants qui répondent aux critères d'un enfant soldat. Me Milfrid Tonheim et Mr. Kåre Lode s'engagent à chercher le financement de ce projet. Au Nord Kivu et au Sud Kivu, il y a du personnel expérimenté disponible pour prendre en charge au moins 1000 enfants, la grande majorité sont des hommes. Mme Milfrid doit faire des stages pour former quelques femmes pour ce travail.

Le Commandant Second des FOCA/FDLR propose que le processus commence à Goma aussi vite que possible, si possible déjà au mois d'avril et accepte d'assurer la sécurité de toute l'équipe engagée dans ce projet.

Fait à Dar es Salaam, le 31.01.2013

Général Déogratias,
Commandant Second des FOCA/FDLR

A large, stylized handwritten signature in black ink, likely belonging to Général Déogratias.

Kåre Lode
Chef d'équipe

A handwritten signature in black ink, likely belonging to Kåre Lode.

Annex 42

Where Bigaruka stayed in Dar es Salaam (photo by the Group of Experts)



Reverend Christopher Mtikila's residence in Dar Es Salaam, Tanzania, where FDLR second in command Gen. Deogratias Nzeyimana, alias Bigaruka, stayed.

Annex 43

RUD leaders (photos provided by the UN)



Overall leader and commander of RUD, “General” Musare, aka Johnson Burasa. His real name is Jean Damascene Ndibabaye.



“Colonel” Jean-Michel Africa, second in command of RUD and its operations commander.



“Major” Bitanganya, chief adjutant of RUD.

Annex 44

LRA Security Incidents, January – November 2013

Table 1. Security Incidents, January – November 2013, Haut-Uele and Bas-Uele districts, Orientale Province, DRC

Source	Attributed to LRA			Attributed to Others		TOTAL	
	OCHA	MONUSCO Military *	Invisible Children **	OCHA ***	MONUSCO Military *	OCHA	MONUSCO Military *
January	10	22	27	8	5	18	27
February	14	13	27	3	6	17	19
March	30	24	20	10	12	40	36
April	10	12	14	4	11	14	23
May	13	13	12	5	2	18	15
June	7	6	13	5	8	12	14
July	13	14	23	4	10	17	24
August	5	14	12	7	5	12	19
September	11	7	13	3	6	14	13
October	8	5	6	1	8	9	13
November	-	14	16	-	-	-	14
TOTAL	121	144	183	50	73	171	217
PERCENT OF TOTAL	71%	64%	-	29%	36%	100%	100%

*Includes input from U.S. AFRICOM. These figures include incidents deemed to have a “low”, “medium”, or “high” probability of having been committed by the LRA. In addition, they do not include LRA sightings or encounters. November data is through 18 November.

**Includes input from Invisible Children’s radio network. These figures include incidents deemed to have a “low”, “medium”, or “high” probability of having been committed by the LRA. Invisible Children provided the Group with information only about presumed LRA incidents. The incidents include cases in which people escaped from the LRA; people were released by the LRA; people were attacked, abducted, and/or looted by the LRA; and LRA sightings or encounters. November data is through 19 November.

***OCHA – Others: Non-identified armed group – 33; FARDC – 2; Mbororo – 10; Garamba park rangers – 1 (against poachers).

Table 2. Nature of Presumed LRA Security Incidents, January – October 2013 (extracted from OCHA and MONUSCO Military reports)

Month	Pillage (number of incidents) (OCHA)	Killed (number of persons)		Abducted (number of persons)		Wounded (number of persons) (OCHA)	Sightings or Encounters (no pillaging, abductions, casualties) (OCHA)
		OCHA (military and civilians killed)	MONUSCO Military** (civilians killed)	OCHA*	MONUSCO Military** (held less than 48 hours)		
January	5	-	11	14	7	-	1
February	12	8	3	12	1	-	1
March	21	5	7	16	1	2	2
April	6	1	2	1	-	2	-
May	4	3	2	3	2	3	4
June	4	-	-	3	1	-	1
July	8	-	-	15	-	-	3
August	4	-	-	-	-	1	-

September	5	-	-	5	-	3	2
October	5	-	1	4	-	-	3
TOTAL	74	17	26	9	12	11	17

*According to OCHA and other United Nations' sources, as well as local leaders in Dungu, most of the abducted are taken to carry looted goods from the site of an attack, or subjected to questioning, and then released by the LRA within a few hours or days.

** Includes input from U.S. AFRICOM.

N.B. – In some cases, more than one infraction happened in the same incident; e.g. goods were pillaged and people were kidnapped. In these cases, multiple types of incidents were recorded separately, i.e. a pillage incident was recorded, and the number of people kidnapped was also recorded.

Table 3. Summary of LRA incidents in which people were killed, January – October 2013
(extracted and translated by the Group from OCHA reports)

Date	Location	Description	Number killed by presumed LRA attack
Beginning of February	Gwane, Ango territory	Armed men who resembled LRA elements attacked nine Mbororo, who were coming back from Mboki in CAR and passing near Gwane in Sassachefferie. One sole survivor is now at Dakwa (85km north of Ango).	8
15 March	Bagugu (15km E of Doruma), Dungu territory	Some businessmen found four bodies on the road, around 10 abandoned bicycles that had been looted of their cargo. The other 6 people were presumed to have been kidnapped. Info given by only one source [emphasis in original].	4
21 March	Route 4, Dungu territory	Presumed LRA attacked an FARDC position along Route 4. One FARDC soldier was killed.	1
1 April	Market of Mbomu (27km N of Niangara), Niangara territory	During the night of 1-2 April, presumed LRA attacked the market of Mbomu locality. One businessman was killed and a lot of merchandise was looted and carried into the bush.	1
11 May	35km N of Dungu	One decaying body was found in the forest between Limay and Kiliwa. The discoverers identified the body as a moto-taxi driver from Duru. His motorcycle was abandoned and hidden not far from his body. The traces of three people were present at the site; this suggested that it was a crime because three presumed LRA had shot at a man in the same region (7 km S of Kpaika, 75 km N of Dungu), but the man had escaped.	1
18 May	Garamba National Park	Park rangers opened fire on 16 LRA elements because they thought they were poachers who had come to kill an elephant. During the shooting, 2 girls (kidnapped in February 2013 at Lindimba, 25 km NW of Bangadi) were killed, and one LRA element, a man aged 18, was wounded in the arm and both legs.	2
TOTAL			17

Table 4. Invisible Children, presumed LRA incidents in DRC, ranked by probability of having been carried by LRA, January – October 2013

	Low		Med		High		TOTAL	
	IC	MONUSCO Military	IC	MONUSCO Military	IC	MONUSCO Military	IC	MONUSCO Military
January	6	17	17	5	4	0	27	22
February	12	8	10	2	5	3	27	13
March	4	15	13	9	2	0	19	24
April	4	3	5	3	5	6	14	12
May	1	5	4	1	7	7	12	13
June	4	1	7	5	1	0	12	6
July	3	2	14	6	6	1	23	9
August	4	4	4	5	3	2	11	11

September	4	5	8	5	1	0	13	10
October	3	4	2	3	1	0	6	7
November*	5	0	6	2	5	12	16	14
TOTAL	50	64	90	46	40	31	180	141

NB – There were three unranked incidents in the Invisible Children data, which took place 6 March, 29 June, and 21 August.

*November data is provisional. For IC, data is through 19 November; for MONUSCO it is through 18 November.

Table 5. Invisible Children presumed LRA incidents in CAR, DRC and South Sudan, ranked by probability of being carried out by LRA, January – October 2013

	Low	Medium	High	TOTAL
January	7	20	7	34
February	15	16	9	40
March	7	16	4	27
April	7	5	11	23
May	3	5	9	17
June	10	10	6	26
July	3	15	9	27
August	5	4	3	12
September	4	9	2	15
October	3	4	4	11
November*	6	7	8	21
TOTAL	70	111	72	253

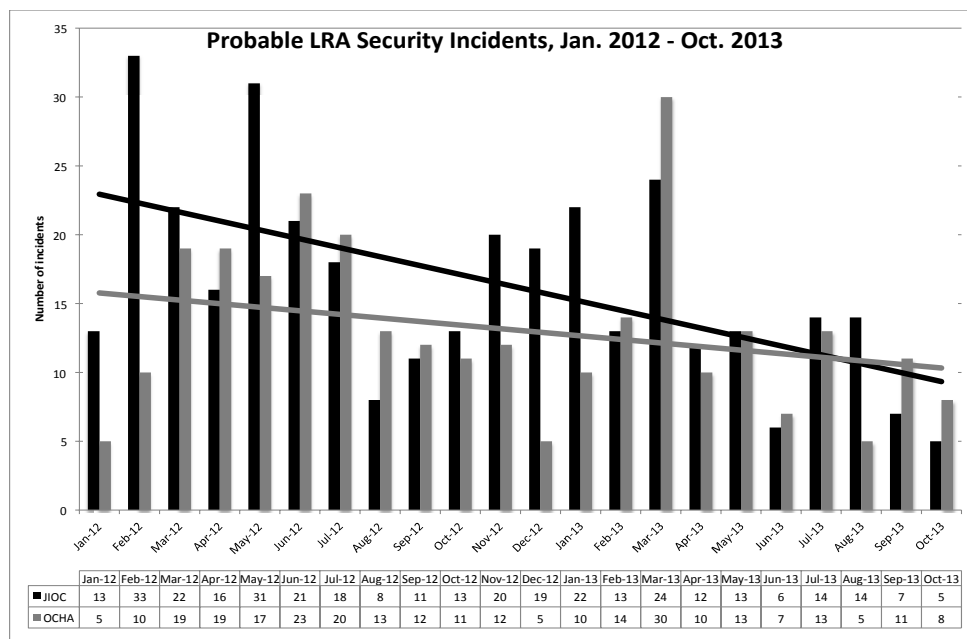
NB – There were six incidents not ranked in the Invisible Children data, which took place 2 January, 18 February, 23 February, 6 March, 29 June, and 21 August.

*November data is provisional, and through 19 November.

Annex 45

Probable LRA Security Incidents, Jan. 2012 – Oct. 2013 (assembled by the Group from UN sources)

Graph 1. Probable LRA security incidents, January 2012 – October 2013



Top (black) trend line is for MONUSCO Military data; bottom (grey) trend line is for OCHA data.

Table 1. Probable LRA and Other security incidents, January 2012 – November 2013 (assembled by the Group from OCHA and MONUSCO Military data)

	Probable LRA incidents				Other security incidents				Total			
	2012		2013		2012		2013		2012		2013	
	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil	OCHA	UN Mil
January	05	13	10	22	16	22	8	5	21	35	18	27
February	10	33	14	13	21	32	3	6	31	65	17	19
March	19	22	30	24	7	15	10	12	26	37	40	36
April	19	16	10	12	0	18	4	11	19	34	14	23
May	17	31	13	13	6	21	5	2	23	52	18	15
June	23	21	7	6	8	19	5	8	31	40	12	14
July	20	18	13	14	2	13	4	10	22	31	17	24
August	13	8	5	14	3	7	7	5	16	15	12	19
September	12	11	11	7	3	4	3	6	15	15	14	13
October	11	13	8	5	7	5	1	8	18	18	9	13
November*	12	20	-	14	7	14	-	-	19	34	-	14
December	05	19	-	-	10	7	-	-	15	26	-	-
TOTAL	166	225	121	144	90	177	50	73	256	402	171	217

*November 2013 data is provisional and through 18 November.

Annex 46

LRA “surrender” and “bounty” fliers, 2013



U.S. State Department flier advertising a \$5 million reward for the arrest, transfer, or conviction of LRA leaders Joseph Kony, Okut Odhiambo, and Dominique Ongwen. The State Department announced this award in May 2013.



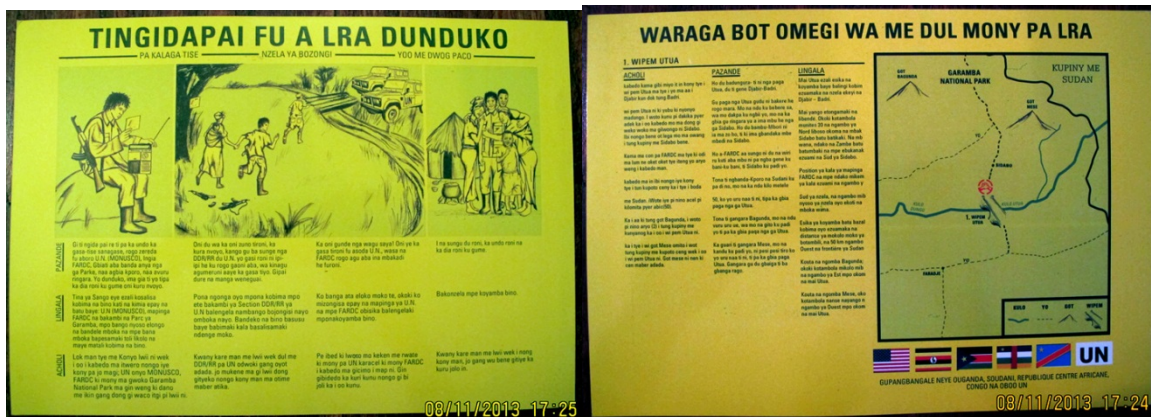
MONUSCO flier (front and back) that encourages LRA to surrender.

The American non-governmental organization Invisible Children told the Group it has printed more than 1.2 million fliers since 2011 that encourage LRA to surrender. In 2013 alone, Invisible Children printed 400,000 such fliers. Invisible Children, working along with AFRICOM, has air dropped

approximately 300,000 such fliers during 2013, focused mostly inside Garamba park, in the areas south of Zemio in Bas Uele, and along the border between CAR and DRC. In addition, Invisible Children has given approximately 100,000 such fliers to MONUSCO, which has airdropped them in DRC. The cards are printed on card stock with a plastic coating so that they do not easily biodegrade or tear. The fliers are printed in the Acholi, Lingala, and Pazande languages.



Small Invisible Children flier (front and back) encouraging LRA to surrender.



Large Invisible Children flier (front and back) encouraging LRA to surrender.

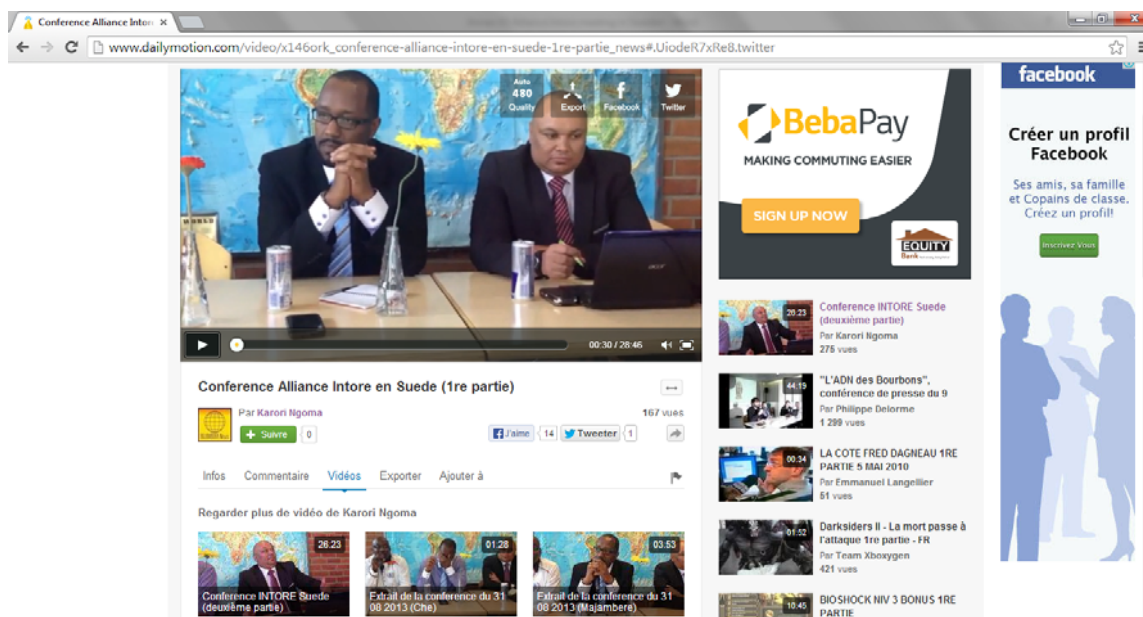
Annex 47

Front du peuple murundi/Alliance Intore

As previously reported (see S/2012/843, paras. 70-76; S/2013/433, para. 115), in May 2013, the Front du peuplemurundi/alliance divine pour la nation (FPM/ADN), a group of 40 Burundian Tutsi soldiers, became part of the Alliance Intore.

Another alliance – with the *Mouvement congolais pour le changement* (MCC), an M23 ally in South Kivu, led by “Col.” Bede Rusagara – ended after FARDC attacked Bede in Mutarule between 13 and 16 August. After the attack, the FARDC captured 14 Burundian FPM combatants, signaling the end of the armed group.

The political activities of the Alliance Intore “commander in chief”, Guillaume George Majambere, who currently resides in Belgium (see S/2012/843, para. 114), have continued. On 31 August, the Alliance Intore held a conference in Sweden. According to a Burundian diplomat, such gatherings are also used to raise funds.



Still from a video of an Alliance Intore conference in Sweden, showing Majambere. From http://www.dailymotion.com/video/x146ork_conference-alliance-intore-en-suede-1re-partie_news#.UiodeR7xRe8.twitter, accessed 7 November.

Annex 48

Scanners at Matadi port









Unused scanner at the port of Matadi









A new scanner loaded on a stationary truck at the port of Matadi







Annex 49






Ammunition found in DRC by the Group during 2013





Country / Factory code(s)	Year(s) of production	Headstamp markings and photo(s)
Calibre 7.62x39mm		
<i>Bulgaria</i>		
10	1966 1983 1987 1995 1999 2000	
<i>China</i>		
61	1996 1998 2007	
78	1986	
811	2006 2007 2008	
311	2006	
821	2007	

71	1995 1997 1998 1999	
911	1972 1975 1976 1977 1978	
81	1976	
501	1977	
211	1975	
121	1971	

North Korea		
93	1983	
Former USSR (Russia)		
711	1975 1983	
3	1973	
Former USSR (Ukraine)		
270	Unknown	
539	1951 1985	
Israel		
TZ	1979	

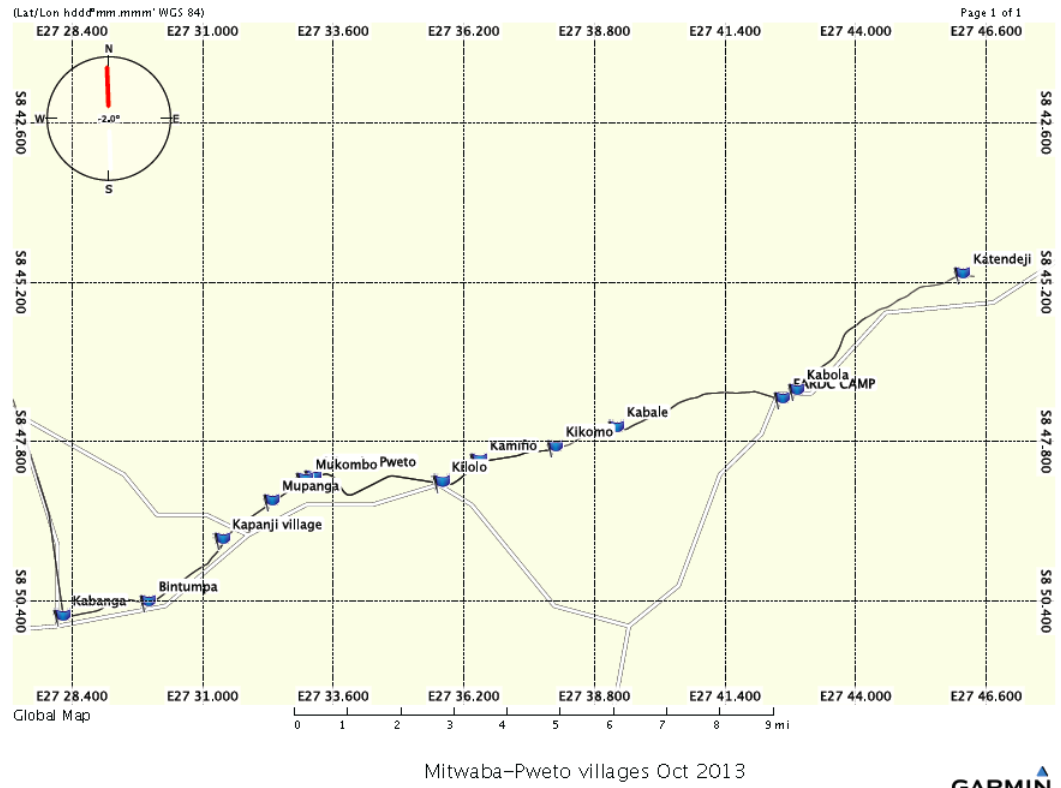
<i>South Africa</i>		
12	1987	
<i>Sudan</i>		
51	1997	
SU	2001 2006	
<i>Former Czechoslovakia</i>		
ZV	1977	
<i>Yugoslav</i>		
	1981	
<i>Zimbabwe</i>		
ZI	1991 1992 1997	

Calibre 7.62x54mm		
Iran		
No factory code	2007	
Former USSR (Russia)		
188	Unclear	
Sudan (ammunition boxes)		
-	2007	  

Calibre 12.7x108mm		
<i>China</i>		
945	2007 2008	
Calibre 12.7x99mm		
<i>Germany (Former East Germany)</i>		
04	1973 1974	
<i>France or Argentina</i>		
SF	2008	
Unknown		
<i>Unknown</i>		
		

Annex 50

**Map of villages in Mitwaba and Pweto territories visited by the Group of Experts,
28-29 October 2013 (map created by the Group)**



Annex 51

Kabola village, Pweto territory, 28 October 2013 (photos by the Group of Experts)



Burned structures in Kabola village.

Annex 52**Former FARDC base at Kabola village, Pweto territory (photos by the Group of Experts)**

Building formerly used by FARDC at the western edge of Kabola village.



Trench dug around the perimeter of the FARDC base.

Annex 53

Katendeji village, Pweto territory, 28 October 2013 (photos taken by the Group)



Structures in Katendeji village, which were burned by Kata Katanga.

Annex 54

Villages affected by Kata Katanga attacks, Mitwaba and Pweto territories (photos by the Group of Experts)



Mupanga village (Mitwaba territory), abandoned on 24 October 2013.



A man returns to his home after being displaced for five days, near Kikomo (Pweto territory).

Annex 55

Attacks on MONUSCO and humanitarian workers, 2013

The following is a partial listing of incidents during 2013.

5 January, Bunia (Ituri, Orientale)

At 1845, a group of people angry about an earlier accident involving a government vehicle attacked a MONUSCO staff (Canadian nationality) in his UN car. The crowd smashed some of the vehicle's windows and hit the car causing dents, but the staff person was able to drive away unharmed.

23 March, Lubumbashi (Katanga)

FARDC soldiers including Republican Guard shot at the MONUSCO Headquarters in MONUSCO, where Kata Katanga protestors had sought refuge (see S/2013/433, annex 67).

7 May, Bukavu-Walungu Road (South Kivu)

Unknown gunmen attack a PAKBATT MONUSCO patrol. They beat the driver and shot one soldier, Subedar Tanveer Hussain, at point blank range; he was instantly killed. The other passengers managed to escape. When a second PAKBATT vehicle arrived, it opened fire, causing the attackers to flee. The attackers escaped with 3 guns and 70 rounds of ammunition.

6 July, frontline north of Goma (North Kivu)

Mai Mai elements exchange fire with a combined Indian and South African Quick Reaction Force, resulting in the death of one Mai Mai combatant, and injuries to two other Mai Mai.

11 July, Kamango (North Kivu)

ADF kidnapped four MSF staff, including two nurses; three staff are Congolese and one is from Madagascar. On 12 July, ADF also stole MSF's car and used it to transport looted goods (see para. 144).

14 July, Mbau-Kamango road (North Kivu)

ADF ambushed two NEPBATT MONUSCO vehicles along the Mbau-Kamango road (see annex 33).

15 July, Mbau-Kamango road (North Kivu)

ADF shoot at and hit two MONUSCO helicopters that were conducting reconnaissance of the site of the ambush on 14 July, and the disposition of the two abandoned MONUSCO vehicles. Both helicopters suffered minor damage and no UN staff were injured.

22 July, Munigi (North Kivu)

M23 shelled the MONUSCO base at Munigi, north of Goma, injuring one Tanzanian soldier and one South African soldier, as well as causing damage to UN equipment.

25 July, Goma (North Kivu)

Local people attacked two MONUSCO vehicles with stones, damaging both cars.

August, Rumangabo (North Kivu)

M23 troops murdered two Congolese Red Cross workers arrested on 6 July 2013 in Kanyaruchinya, and imprisoned at Rumangabo.

2 August, Goma (North Kivu)

Local people attacked 11 MONUSCO vehicles – including two new cars – with stones, breaking windows and causing other body damage.

9 August, Goma (North Kivu)

Local people attacked one MONUSCO vehicle, smashing two windows.

15 August, Goma (North Kivu)

After a MONUSCO truck accidentally killed a student, local people attacked MONUSCO personnel and equipment, injuring four UN peacekeepers and damaging four UN vehicles.

16 August, northeast of Beni (North Kivu)

A bullet hit an external fuel tank of a MONUSCO attack helicopter that was on a reconnaissance patrol over ADF territory. The helicopter returned safely to Goma.

22 August, Goma (North Kivu)

A 122 mm round shot by a multi-barrel rocket launcher landed on the house rented by two MONUSCO staff, causing serious damage to the house and minor damage to vehicle.

22-23 August, Munigi (North Kivu)

For two consecutive days, M23 rebels shell the MONUSCO base at Munigi, north of Goma, injuring one UN peacekeeper from South Africa, and damaging one UN ambulance.

24 August, Goma (North Kivu)

M23 rebels shot a mortar round into the Munigi MONUSCO base, north of Goma, injuring three peacekeepers. The same day, local people, angered about the death of a woman caused by a shell shot by M23, attacked 8 MONUSCO vehicles in Goma, smashing windows and causing body damage. PNC killed two local people outside a MONUSCO base near the Goma airport.

28 August, near Kibati (North Kivu)

During combat with M23, one TANZBATT officer – Major Hatim Shabaan Mushindo – was killed; two other soldiers wounded, and one later died of his wounds. That night, M23 shelled the MONUSCO base at Munigi, injuring 3 FIB soldiers.

4 September, Lubero (North Kivu)

Unknown gunmen armed with AK-47s robbed a MONUSCO staff at his home in Lubero.

1 October, Kalembe (North Kivu)

Unidentified attackers shot at MONUSCO peacekeepers on patrol in Kalembe.

2 October, Bunagana (North Kivu)

M23 released a communiqué in which it threatened to shoot at any helicopter flying into “their airspace.”

11 October, near Rumangabo (North Kivu)

M23 troops shot at but did not hit a MONUSCO FIB (South African) Oryx reconnaissance helicopter flying over Helmet Top.

18 October, near Buzuru Hill (North Kivu)

M23 troops shot at but did not hit two MONUSCO FIB (South African) Oryx helicopters flying in the area of Bizuru Hill and Kanyamohoro near Goma.

28 October, Kiwanja (North Kivu)

M23 shot and killed a Tanzanian peacekeeper during an ambush in Kiwanja.

20-21 November, Bunia (Ituri, Orientale)

Moto-taxi drivers set up roadblocks in Bunia and threw stones at one MONUSCO vehicle during a protest. The drivers were demanding compensation for a driver allegedly killed in 2012 by MONUSCO during the two-day looting spree carried out against UN agencies and staff, as well as humanitarian groups and their staff in Bunia (see S/2013/433, annex 65).

27 November, Beni (North Kivu)

Anti-MONUSCO demonstrators attacked and damaged 6 UN vehicles in Beni town. The demonstrators were angry about rumors that MONUSCO staff had abducted and eaten a local woman; this was proven false when the woman presented herself to Beni officials.

29 November, Goma (North Kivu)

Armed men robbed several MONUSCO staff as they changed a tire on a car on the edge of Goma.

Annex 56**Attacks on MONUSCO in Goma** (information and photos provided by MONUSCO)

Following is a list of attacks against MONUSCO staff and vehicles. In addition to vehicle damage, at least two staff were injured by flying glass and rocks.

MAKE/MODEL	DATE	DAMAGE
TOYOTA PRADO	25/7/2013	L/H & R/H Q-PANEL DAMAGED
TOYOTA PRADO	25/7/2013	L/H QUARTERPANEL GLASS, BACK DOOR GLASS
FORD EVEREST	2/8/13	MULTIPLE PANEL & GLASS
TOYOTA PRADO	2/8/13	L/H QUARTERPANEL GLASS
NISSAN PATROL	2/8/13	R/H Q-PANEL GLASS, R/H RR DOOR GLASS, DOOR FRAMES DENTED, WINDSCREEN
NISSAN PATROL	2/8/13	L/H RR QUARTERPANEL GLASS
TOYOTA PRADO	2/8/13	L/H Q-PANEL GLASS
NISSAN PATROL	2/8/13	L/H FR DOOR GLASS
NISSAN PATROL	2/8/13	R/H FRONT DOOR GLASS
NISSAN PATROL	2/8/13	R/H QUARTERPANEL GLASS, R/H RR DOOR GLASS, DOOR FRAMES DENTED
HIACE MINIBUS	2/8/13	BACK DOOR GLASS
NISSAN PATROL	2/8/13	L/H QUARTER PANEL GLASS
NISSAN PATROL	2/8/13	WINDSCREEN & BODY DAMAGE
NISSAN PATROL	9/8/13	L/H QUARTERPANEL GLASS
TOYOTA HIACE	15/8/2013	WINDSCREEN & BODY DAMAGE
TOYOTA L/CRUISER ARMD.	24/8/2013	MULTIPLE PANEL & GLASS
TOYOTA PRADO	24/8/2013	REAR DDOR GLASS, R/H FR DOOR GLASS, R/H RR DOOR GLASS
TOYOTA PRADO	24/8/2013	MULTIPLE PANEL & GLASS
NISSAN PATROL	24/8/2013	FRONT WINDSCREEN
HIACE MINIBUS	24/8/2013	FRONT WINDSCREEN, R/H SIDE REAR GLASSES, R/H SLIDING DOOR GLASSES
TOYOTA LANDCRUISER	24/8/2013	FRONT WINDSCREEN, R/H SIDE CENTER GLASSES, L/H DOOR GLASSE, BODY PANELS
TOYOTA PRADO	24/8/2013	FRONT WINDSCREEN, BACK DOOOR GLASS
NISSAN PATROL	24/8/2013	L/H BACK DOOR GLASS, R/H FR DOOR GLASS



Armored vehicle damaged 24 August 2013, Goma.



Vehicle damaged 24 August 2013, Goma.



Vehicle damaged 2 August 2013, Goma.



Vehicle damaged 24 August 2013, Goma.

Annex 57**Rumangabo Detention Center** (photos by the Group of Experts)

The Rumangabo Headquarters' Detention Center shortly after it was evacuated by M23 combatants on 28 October 2013.



Annex 58

Prisoners executed by M23 (photos by the Group of Experts)



Individual executed by M23 in a grave located by the Group on 28 October 2013 at Rumangabo. The grave was 20 meters from the Rumangabo prison building.



Detainee executed by M23 on 28 August at Kibati.

Annex 59

View of Miba in Misisi (photo taken in August by the Group of Experts)



Annex 60

List of buyers of gold from Misisi, South Kivu (photos by the Group of Experts)

This is a list of the individuals who claimed the 64 gold parcels seized on 23 October 2013 along the Bukavu-Kamanyola Road, South Kivu.

Bukavu, le 02/11/2013

ONT REGU CHACHA SON COLIS

NOMS	NUMERO	DATE DE RETRAIT
GERVAIS MWERE / MUSABO	01	02/11/2013
MWALIMU BASHAMBALA	01	— " —
MWEKA	01	— " —
BAGALWA BABA ALINE / MULIKUZA	01	— " —
KADAFI / BACHYUNJURE	01	— " —
MWALIMU BASHAMBALA	01	— " —
DAVID BABA NEEMA	01	— " —
MWALIMU BASHAMBALA	01	— " —
MALENGO	01	— " —
JACKSON CHIZA	01	— " —
INNOCENT BIRHANEKA / BEZO	01	— " —
ALPHONSE BABA HERCI / MULIKUZA	01	— " —
BASHI BABA GLOIRE	01	— " —
NSHONJA LUKUBIRE	01	— " —
KADOGO / KABANJA	01	— " —
AKSANTE / BOSCO	01	— " —
ZIHINDULA BUKENDWA	01	— " —
BASHAMBALA SHABA 2	01	— " —
SENGHOR / KABANJA	01	— " —
BISIMWA BAZIKANGE / BAGULA	01	— " —
BUYOYA / BEZO KAHUNDU	01	— " —
MUCHOKOLE	01	— " —

N°	NOMS	NOMBRE	DATE DE RETOUR
23	VALANTE BABA ESTE	01	02/11/2013
24	MULAHU ✓	01	— " —
25	SABIKI / JOCELES SHAGA 2	01	— " —
26	BAGOGWERHE / BAKONE	01	— " —
27	BIRINDWA MURAJI / AHANI NWA	01	— " —
28	MUCHOKOLE	01	— " —
29	MUSHAMUKA HAMULI	01	— " —
30	BUGANDA	01	— " —
31	CHIRABAZZI / BAGULA	01	— " —
32	NSHONJA LUKUBIRE	01	— " —
33	VALANTE BABA ESTE	01	— " —
34	MUSHAGA BERO ✓	01	— " —
35	BASHI JULES ✓	01	— " —
36	MUSHEKU SHOLAYI ✓	01	— " —
37	CHIRABAZZI / BAKENGAT ✓	01	— " —
38	DEBAGA MUGARUKA / MEKO ✓	01	— " —
39	MUNGANGA / CHRIMWAMI HIRINDI ✓	01	— " —
40	MUSHAGALUSA NAMUZIRHU / BESCO ✓	01	— " —
41	NAME ✓	01	— " —
42	INNOCENT K / MUGALIHYA NTA ✓	01	— " —
43	FISTON SHAURI ✓	01	— " —
44	BUCHE NYUNDA ✓	01	— " —
45	SALVANO / PASCAL ✓	01	— " —
46	MUSHAGALUSA / BERO KAHUNDU	01	— " —
47	MIRUHO / BAGULA ✓	01	— " —
48	OMBENI MURIMA / CHRUME ✓	01	— " —

NOMS	NOMBRE	DATE DE RETOUR
ERNEST KAGOMBA ✓	01	02/11/2013
MWEZE BASHI / BERO ✓	01	— " —
MURUSA BABA PRICILE	01	— " —
MUSHAGALUSA NAMUBIHA ✓	01 ✓	— " —
BABA TOUSSAINT ✓	01	— " —
BASHATI BABA LANDRINE	01	— " —
BERO SHAGA 2 ✓	01	— " —
MATABISHI ✓	01	— " —
CHIZA BABA MIKA	01	— " —
ZIGABE MWENGEHERE	01	02/11/2013
MUSHAGA JOACHIN ✓	01	— " —
MULAHU ✓	01	— " —
MUSHAGA BABA ADOLPHE ✓	01 ✓	05/11/2013
ZIGA BABA RUFIN	01	02/11/2013
SAFARI / BAKULIKIRE ✓	01	— " —
JULES MULUME ✓	01	— " —
TOTAL =	64 COLIS	

Annex 61

Drague on the Osso River (photo by local worker)



Mai Mai Simba collected taxes from dragues on the Osso River. Dragues are small watercrafts fitted with powerful pumps to suck up sediment from the river bottom, which is then washed to procure gold.

Annex 62

Official gold exports from DRC, January – October 2013

The following table lists the official gold exports from DRC. Please note that the weights noted are for the “brut”, or raw gold. Gold exported from DRC varies in purity from the low 80s in percentage, to the low 90s. The weight of the pure gold would therefore be approximately 10 to 15 percent less than the quantities given below.

Table 1. Gold exports by location and company, January to October 2013

Location	Exporter	Weight in kg
Kinshasa	SatisRessources	3.16
	Centauris	1.02
	Metal Aurum	37.43
	Edavlena	9.55
	Total	51.16
Bukavu	DTA	10.33
	Mining Congo	46.32
	(Unknown)	0.49
	Total	57.14
Kisangani	Metal Aurum	44.31
	Centauris	11.84
	Edavlena	2.65
	Divas	2.57
	Total	61.37
Butembo	Glory minerals	2.1
Bunia	MetauxPrecieux	8.99
TOTAL	-	180.76

In North Kivu, there was only one official export by Glory Minerals (S/2008/773, para. 97; S/2009/603, para. 128-136). Glory Minerals is the only licensed gold comptoir in North Kivu. It exported its gold in October 2013 to SakshiJewelry in Dubai, UAE.

In South Kivu, two gold comptoirs - Cavichi and EtablissementNamukaya - started operating late in 2013 and are not on the above table.

In Orientale, four gold comptoirs exported from Kisangani: Metal Aurum, Centuris, Edavlena and Divas (Metal Aurum, Centuris, Edavlena also exported from Kinshasa). In Bunia, Ituri, the only comptoir, MétauxPrécieux, made two export shipments to Dubai through November. MétauxPrécieux made a third shipment to Dubai on 1 November, which is not reflected in this table because the Group did not have other data for post-October exports in DRC.

In Maniema, there was no official gold export; all gold is smuggled.

Annex 63

Gold price 2013

This annex shows the monthly gold price for 2013. The monthly values are derived from an average of the daily morning and afternoon London gold prices. The London price is given for one troy ounce. Table 1 gives the average monthly price per ounce, and calculates the price per kilogram based on the following formula:

$$\text{Price for 1 troy oz} \div 31.1034768 \text{ g} = \text{price per gram}$$

$$\text{Price per gram} \times 1000 = \text{price per kilogram}$$

Table 1. Average monthly gold price (London), 2013 (USD)

Month	Price per troy ounce (USD)	Price per gram (USD)	Price per kilogram (USD)
Jan-13	1,598.75	51.40	51,401.01
Feb-13	1,629.14	52.38	52,378.07
Mar-13	1,591.94	51.18	51,182.06
Apr-13	1,485.49	47.76	47,759.61
May-13	1,414.82	45.49	45,487.52
Jun-13	1,342.53	43.16	43,163.34
Jul-13	1,285.54	41.33	41,331.07
Aug-13	1,346.07	43.28	43,277.16
Sep-13	1,348.63	43.36	43,359.46
Oct-13	1,315.29	42.29	42,287.56
*Nov-13	1,296.11	41.67	41,670.90
**Dec-13	1,318.33	42.39	42,385.29
***Average	1,423.12	45.47	45,473.59

Source: <http://www.kitco.com/gold.londonfix.html>, accessed 18 November 2013

* The average November price is based on the average of daily prices from 4-15 November.

** The average December price is based on the average of monthly prices from July to November 2013. The Group chose to use this average, rather than the annual monthly average, because the price of gold has dropped during the second half of the year; thus the average price for July-November more accurately reflects the price that could be expected for December.

*** This average is based on all monthly values, and reflects the assumptions made for calculating the November and December prices, as described above.

Annex 64

Tax revenue lost by the Congolese government due to gold smuggling, 2013

This annex estimates the value of Congolese gold exports, from artisanal production, during 2013, and uses those figures to estimate the amount of lost taxes due to smuggling. This annex builds upon the information presented in annex 63. It also uses a 2011 U.S. Geological Survey estimate of 10,000 kg of annual production of gold from artisanal mining in DRC.

Gold produced in eastern DRC varies in purity from the low 80 percentages to the low 90 percentages (see annex 67). Table 1 thus estimates the monthly and annual value of gold produced by artisanal sources in eastern DRC during 2013 for four estimated average purities.

Table 1. Estimated value of artisanal production in DRC for four purity levels, 2013

Month	Value per kg (USD)*	Monthly estimated production (kg)**	Value (USD) Based on 86 percent purity	Value (USD) Based on 88 percent purity	Value (USD) Based on 90 percent purity	Value (USD) Based on 92 percent purity
Jan-13	51,401.01	833.33	36,837,240.34	37,693,920.35	38,550,600.35	39,407,280.36
Feb-13	52,378.07	833.33	37,537,464.72	38,410,429.02	39,283,393.31	40,156,357.61
Mar-13	51,182.06	833.33	36,680,329.25	37,533,360.16	38,386,391.07	39,239,421.99
Apr-13	47,759.61	833.33	34,227,585.40	35,023,575.75	35,819,566.11	36,615,556.47
May-13	45,487.52	833.33	32,599,258.41	33,357,380.69	34,115,502.98	34,873,625.27
Jun-13	43,163.34	833.33	30,933,604.55	31,652,990.70	32,372,376.85	33,091,763.01
Jul-13	41,331.07	833.33	29,620,482.22	30,309,330.64	30,998,179.06	31,687,027.49
Aug-13	43,277.16	833.33	31,015,170.67	31,736,453.71	32,457,736.74	33,179,019.78
Sep-13	43,359.46	833.33	31,074,156.33	31,796,811.13	32,519,465.93	33,242,120.73
Oct-13	42,287.56	833.33	30,305,960.18	31,010,749.96	31,715,539.73	32,420,329.50
Nov-13	41,670.90	833.33	29,864,028.51	30,558,540.80	31,253,053.09	31,947,565.38
Dec-13	42,385.29	833.33	30,376,005.66	31,082,424.40	31,788,843.14	32,495,261.87
TOTAL	-	10,000.00	391,071,286.20	400,165,967.30	409,260,648.40	418,355,329.50

*Based on calculations made in annex [Gold price 2013]

**Based on Thomas R. Yager, "The Mineral Industry of Congo (Kinshasa)" (Washington, DC: U.S. Geological Survey, 2011), Table 2.

Table 1 shows that based an assumed artisanal production of 10,000 kg for 2013, Congo's miners produced between \$391 and \$418 million in gold. Table 2 builds upon the information in Table 1, and estimates the taxes that the Congolese government should have collected during 2013. The Congolese government taxes legal exports at 2 percent of the value of the pure gold exported, according to this calculation:

$$\begin{aligned} &\text{Weight of export (kg) x percent purity x gold price (USD) x 0.02 percent tax} \\ &= \text{value of tax (USD)} \end{aligned}$$

Table 2 multiplies the monthly value per purity percentage shown in Table 1 by 0.02 (2 percent) to obtain the estimated tax the DRC government should collect.

Table 2. Estimated value of taxes for artisanally produced gold in DRC for four purity levels, based on estimated 10,000 kg production in 2013

Month	Tax based on 86 percent purity (USD)	Tax based on 88 percent purity (USD)	Tax based on 90 percent purity (USD)	Tax based on 92 percent purity (USD)
Jan-13	736,744.81	753,878.41	771,012.01	788,145.61
Feb-13	750,749.29	768,208.58	785,667.87	803,127.15
Mar-13	733,606.58	750,667.20	767,727.82	784,788.44
Apr-13	684,551.71	700,471.52	716,391.32	732,311.13
May-13	651,985.17	667,147.61	682,310.06	697,472.51
Jun-13	618,672.09	633,059.81	647,447.54	661,835.26
Jul-13	592,409.64	606,186.61	619,963.58	633,740.55
Aug-13	620,303.41	634,729.07	649,154.73	663,580.40
Sep-13	621,483.13	635,936.22	650,389.32	664,842.41
Oct-13	606,119.20	620,215.00	634,310.79	648,406.59
Nov-13	597,280.57	611,170.82	625,061.06	638,951.31
Dec-13*	607,520.11	621,648.49	635,776.86	649,905.24
TOTAL	7,821,511.72	8,003,407.35	8,185,302.97	8,367,198.59

*Estimate based on data presented in annex [Gold price 2013]

Table 2 shows that the Congolese government should have collected between \$7.8 and \$8.4 million in taxes for gold produced in 2013; however, this calculation is based on the assumption that all gold produced during 2013 was exported during 2013. Of this tax money, half goes to the province that exported the gold, and half goes to various federal agencies. Thus, gold producing provinces should have received approximately \$3.9 to \$4.2 million in tax money from gold exports.

Table 3 shows the estimated value of official gold exports from DRC for 2013. This table uses data from annexes 62 and 63. Since the Group has official gold export data for only January to October, an estimated monthly export volume (kg) is determined using the following formula:

$$\text{Total gold exports for Jan.-Oct. (kg)} / 10 \text{ months} = \text{average monthly export (kg)}$$

$$180.76 \text{ kg} / 10 = 18.08 \text{ kg}$$

Using this estimated average of 18.08 kg per month legally exported per month, the data in Table 3 is calculated using the following formula:

$$\begin{aligned} & ((18.08 \text{ kg} \times \text{average monthly gold price for 99.9 percent pure gold}) \\ & \times \text{estimated actual gold purity percentage (86, 88, 90, 92)}) \\ & \times 2 \text{ percent tax} \\ & = \text{estimated value of tax for legal exports (USD)} \end{aligned}$$

Table 3. Estimated value of taxes collected from official gold exports from DRC, 2013 (USD)

Month	Official gold export (est. kg)	Value per kg (USD)	Tax value based on gold of 86 percent purity (USD)	Tax value based on gold of 88 percent purity (USD)	Tax value based on gold of 90 percent purity (USD)	Tax value based on gold of 92 percent purity (USD)
Jan-13	18.08	51,401.01	15,984.48	16,356.21	16,727.94	17,099.68
Feb-13	18.08	52,378.07	16,288.32	16,667.12	17,045.92	17,424.72
Mar-13	18.08	51,182.06	15,916.39	16,286.54	16,656.69	17,026.84
Apr-13	18.08	47,759.61	14,852.09	15,197.49	15,542.89	15,888.29
May-13	18.08	45,487.52	14,145.53	14,474.49	14,803.46	15,132.42
Jun-13	18.08	43,163.34	13,422.76	13,734.92	14,047.08	14,359.24
Jul-13	18.08	41,331.07	12,852.97	13,151.88	13,450.78	13,749.69
Aug-13	18.08	43,277.16	13,458.16	13,771.14	14,084.12	14,397.10
Sep-13	18.08	43,359.46	13,483.75	13,797.33	14,110.90	14,424.48
Oct-13	18.08	42,287.56	13,150.41	13,456.24	13,762.06	14,067.89
Nov-13	18.08	41,670.90	12,958.65	13,260.02	13,561.38	13,862.74
Dec-13*	18.08	42,385.29	13,180.81	13,487.34	13,793.87	14,100.40
TOTAL	216.96	-	169,780.33	173,728.71	177,677.09	181,625.47

*Estimate based on data presented in annex 63.

Table 3 shows that the estimated value of taxes the Congolese state should collect during 2013 for official gold exports varies between \$170,000 and \$181,000, based on estimates of the average level of purity of the gold exported.

Building upon the data in Tables 2 and 3, Table 4 presents data based on the following formulae:

Estimated gold exports (kg) – estimated official gold exports (kg)
= amount of gold smuggled out of DRC during 2013 (kg)

Estimated gold exports (USD) – estimated official gold exports (USD)
= value of gold smuggled out of DRC during 2013 (USD)

Estimated tax based on estimated gold exports (USD) – estimated tax of official gold exports (USD)
= lost tax revenue (USD)

Table 4. Estimated amount and value of smuggled gold, as well as lost tax revenue, DRC, 2013

	Estimated gold exports, 2013 (kg)	Estimated actual gold exports, 2013 (kg)	Estimated amount of smuggled gold, 2013 (kg)
	10,000	217	9,783
Gold purity (percent)	Estimated gold export value, 2013 (USD)	Estimated actual gold export value, 2013 (USD)	Estimated value of smuggled gold, 2013 (USD)
86	391,071,286.20	8,484,802.57	382,586,483.63
88	400,165,967.30	8,682,123.56	391,483,843.74
90	409,260,648.40	8,879,444.55	400,381,203.85
92	418,355,329.50	9,076,765.54	409,278,563.96
Gold purity (percent)	Estimated total gold tax based on estimated gold export value, 2013 (USD)	Estimated total actual gold tax value, 2013 (USD)	Estimated total lost tax revenue for gold due to smuggling, 2013 (USD)
86	7,821,511.72	169,780.33	7,651,731.39
88	8,003,407.35	173,728.71	7,829,678.64
90	8,185,302.97	177,677.09	8,007,625.88
92	8,367,198.59	181,625.47	8,185,573.12

Table 3 estimates that 9,783 kg of gold are smuggled out Congo in 2013; thus an estimated 98 percent of artisanally produced gold is smuggled out of Congo.

Table 3 also shows that the estimated value of gold smuggled out of Congo during 2013 ranges between \$383 and \$409 million.

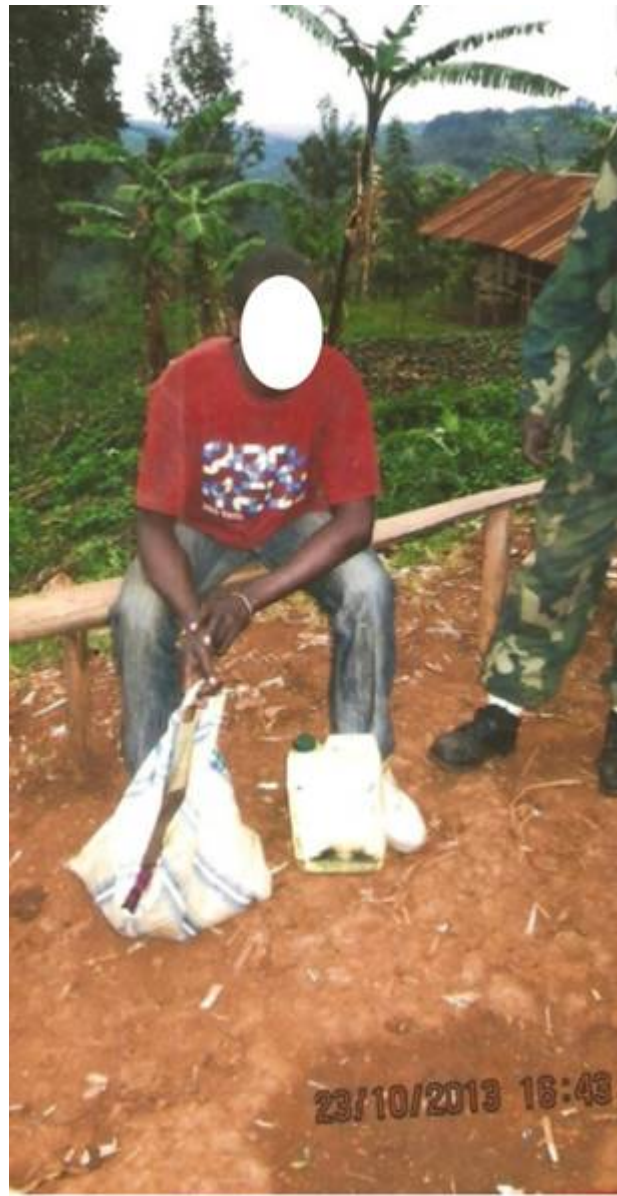
Based on the estimated value of the smuggled gold, the Congolese government lost an estimated \$7.7 to \$8.2 million in tax revenue during 2013.

Annex 65**Gold dealer in Butembo(photo by the Group of Experts)**

One of dozens of gold negociant shops in Butembo, near the central market.

Annex 66

Gold smuggler arrested in South Kivu (photo provided to the Group by Congolese authorities)



Annex 67

Gold fraud at the local and intermediate levels (photos by the Group of Experts)

At the local level, fraud in the gold trade is due to the use of flawed weights and scales, and visual assessments of gold quality. Gold buyers at mining sites and primary trading sites use matchsticks, coins and small weights to weigh gold in hand-held scales, but there is no standardization for these weights. For example, the coin commonly used as a weight for gold scales (called the 'kitchele' in Ituri, and the 'renge' in South Kivu) is considered to weigh 1 gram, but measurements by the Group and an academic indicate these coins weight between 1.2 and 1.4 grams. Thus, when a person sells "1 gram" to a buyer, they are actually selling that person 1.2-1.4 grams, but being paid for 1 gram.



Examples of scales used in Mongbwalu (Ituri) for buying and selling gold. The kitchele coins used as weights are visible in both images.

In addition, at the local level, the purity of gold is also determined by visual inspection, or based on an estimate of the purity of gold coming from a particular mining site. While experienced gold buyers (and sellers) consider themselves experts at determining purity in these ways, in fact there is a potential for margins of error of several percentage points.



Samples of gold sold in Mongbwalu (Ituri) show varying levels of purity, from the low 90s (top center), to the low 80s (top right).

The fraud continues at the intermediate level, such as at the main trading towns of Bukavu, Bunia and Butembo. While electronic scales are often used at this level, there is no inspection and verification of the accuracy of these scales. Gold purity is determined by visual inspection, and in some cases, by use of a gold density-testing machine.

One gold trader in Congo shared with the Group the results of his own investigation into fraud. The trader had a sample of gold known to be of 92.33 percent purity, but four gold buyers in Butembo offered prices based on purity estimates of 88.2, 89.1, 90.0, and 90.0 percent. These traders determined a density value using a gold density tester, and then determined a purity value using an in-house table, similar to the Kampala gold table. In this way, Butembo gold buyers could have cheated a gold seller by 2.3 to 4.1 percent of value of the gold. While this is one example, based on interviews with gold traders and local officials familiar with the gold trade, the Group believes that such fraud is common among unofficial gold buyers, particularly in Butembo and Bunia.

Annex 68

Kampala gold table

Table 1. Kampala gold table providing gold purity values based on gold density values (provided by a confidential source)

Density Index 0.5										
	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	16.4703	16.4821	16.4939	16.5057	16.5175	16.5294	16.5413	16.5532	16.5651	16.5770
81.00	16.5889	16.6009	16.6129	16.6249	16.6369	16.6489	16.6609	16.6730	16.6851	16.6972
82.00	16.7093	16.7214	16.7336	16.7457	16.7579	16.7701	16.7824	16.7946	16.8069	16.8191
83.00	16.8314	16.8437	16.8561	16.8684	16.8808	16.8932	16.9056	16.9180	16.9304	16.9429
84.00	16.9554	16.9678	16.9804	16.9929	17.0054	17.0180	17.0306	17.0432	17.0558	17.0685
85.00	17.0811	17.0938	17.1065	17.1192	17.1319	17.1447	17.1575	17.1703	17.1831	17.1959
86.00	17.2088	17.2216	17.2345	17.2474	17.2604	17.2733	17.2863	17.2993	17.3123	17.3253
87.00	17.3383	17.3514	17.3645	17.3776	17.3907	17.4038	17.4170	17.4302	17.4434	17.4566
88.00	17.4699	17.4831	17.4964	17.5097	17.5230	17.5364	17.5497	17.5631	17.5765	17.5900
89.00	17.6034	17.6169	17.6304	17.6439	17.6574	17.6709	17.6845	17.6981	17.7117	17.7253
90.00	17.7390	17.7527	17.7664	17.7801	17.7938	17.8076	17.8214	17.8352	17.8490	17.8628
91.00	17.8767	17.8906	17.9045	17.9184	17.9324	17.9464	17.9604	17.9744	17.9884	18.0025
92.00	18.0166	18.0307	18.0448	18.0590	18.0731	18.0873	18.1015	18.1158	18.1300	18.1443
93.00	18.1586	18.1730	18.1873	18.2017	18.2161	18.2305	18.2450	18.2594	18.2739	18.2884
94.00	18.3030	18.3175	18.3321	18.3467	18.3613	18.3760	18.3907	18.4054	18.4201	18.4348
95.00	18.4496	18.4644	18.4792	18.4940	18.5089	18.5238	18.5387	18.5537	18.5686	18.5836
96.00	18.5986	18.6136	18.6287	18.6438	18.6589	18.6740	18.6892	18.7043	18.7196	18.7348
97.00	18.7500	18.7653	18.7806	18.7959	18.8113	18.8267	18.8421	18.8575	18.8730	18.8884

A major Kampala gold buyer uses this table to calculate the purity of gold offered for sale by gold traders. The left (vertical) column is the whole number purity value; the top (horizontal) column is the corresponding tenth of one percent value. Pure gold is 99.9 percent pure, but most gold samples from artisanal mining average purity values in the mid-80s to low 90s. The values in the body of the table represent density values from a machine reading: a sample of gold is placed in a gold density tester machine, which gives a numerical reading. To determine gold purity, one would find the gold density reading in the table and then read to the left to obtain the whole number value, and read to the top to obtain the tenth of the percent value. For example, according to the table, a machine reading of 16.4703 g/cm³ corresponds to a purity of 80.0 percent. Pure (99.9 percent) gold has a specific gravity (density) of 19.32 g/cm³.

In reality, a machine reading of 16.4703 g/cm³ corresponds to a purity of 85.25 percent – a difference of 5.25 percent from the value presented in the Kampala gold table (KGT). That is, 16.4703 g/cm³ divided by 19.32 g/cm³ equals 85.3 percent purity, not 80.0 percent purity as the KGT shows. Similarly, while the KGT states the gold purity is 90.5 percent for a density reading of 17.8076 g/cm³ for a given sample, the sample is actually 92.2 percent pure. The Kampala table thus distorts the true gold density value for a given density reading.

The table below compares the KGT values for gold purity to the actual values, based on the density figures provided in the body of the Kampala table. The left column and the top row represent the purity values as defined in the left column and top row of the Kampala gold table. Dividing the density values presented in the KGT by 19.32 g/cm³ gives the true gold purity values presented in the body of the table below.

Table 2. Kampala gold table purity values versus the true gold purity values based on gold density figures presented in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	85.3	85.3	85.4	85.4	85.5	85.6	85.6	85.7	85.7	85.8
81.00	85.9	85.9	86.0	86.1	86.1	86.2	86.2	86.3	86.4	86.4
82.00	86.5	86.5	86.6	86.7	86.7	86.8	86.9	86.9	87.0	87.1
83.00	87.1	87.2	87.2	87.3	87.4	87.4	87.5	87.6	87.6	87.7
84.00	87.8	87.8	87.9	88.0	88.0	88.1	88.2	88.2	88.3	88.3
85.00	88.4	88.5	88.5	88.6	88.7	88.7	88.8	88.9	88.9	89.0
86.00	89.1	89.1	89.2	89.3	89.3	89.4	89.5	89.5	89.6	89.7
87.00	89.7	89.8	89.9	89.9	90.0	90.1	90.2	90.2	90.3	90.4
88.00	90.4	90.5	90.6	90.6	90.7	90.8	90.8	90.9	91.0	91.0
89.00	91.1	91.2	91.3	91.3	91.4	91.5	91.5	91.6	91.7	91.7
90.00	91.8	91.9	92.0	92.0	92.1	92.2	92.2	92.3	92.4	92.5
91.00	92.5	92.6	92.7	92.7	92.8	92.9	93.0	93.0	93.1	93.2
92.00	93.3	93.3	93.4	93.5	93.5	93.6	93.7	93.8	93.8	93.9
93.00	94.0	94.1	94.1	94.2	94.3	94.4	94.4	94.5	94.6	94.7
94.00	94.7	94.8	94.9	95.0	95.0	95.1	95.2	95.3	95.3	95.4
95.00	95.5	95.6	95.6	95.7	95.8	95.9	96.0	96.0	96.1	96.2
96.00	96.3	96.3	96.4	96.5	96.6	96.7	96.7	96.8	96.9	97.0
97.00	97.0	97.1	97.2	97.3	97.4	97.4	97.5	97.6	97.7	97.7

Using the examples cited earlier, where the KGT suggests a gold purity of 80.0 percent, the actual value is 85.3 percent; where the KGT indicates 90.5 percent purity, the actual gold purity is 92.2 percent. Please note true purity values are rounded off; calculations based on the density values presented in the KGT extend out many places to the right of the decimal point, as shown in the table below.

Table 3. Difference between gold purity values presented in the Kampala gold table and the true gold purity based on gold density values presented in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	-5.25000	-5.21108	-5.17215	-5.13323	-5.09431	-5.05590	-5.01749	-4.97909	-4.94068	-4.90228
81.00	-4.86387	-4.82598	-4.78810	-4.75021	-4.71232	-4.67443	-4.63654	-4.59917	-4.56180	-4.52443
82.00	-4.48706	-4.44969	-4.41284	-4.37547	-4.33861	-4.30176	-4.26542	-4.22857	-4.19224	-4.15538
83.00	-4.11905	-4.08271	-4.04689	-4.01056	-3.97474	-3.93892	-3.90311	-3.86729	-3.83147	-3.79617
84.00	-3.76087	-3.72505	-3.69027	-3.65497	-3.61967	-3.58489	-3.55011	-3.51532	-3.48054	-3.44627
85.00	-3.41149	-3.37723	-3.34296	-3.30870	-3.27443	-3.24068	-3.20694	-3.17319	-3.13944	-3.10569
86.00	-3.07246	-3.03872	-3.00549	-2.97226	-2.93954	-2.90631	-2.87361	-2.84089	-2.80818	-2.77547
87.00	-2.74275	-2.71056	-2.67836	-2.64617	-2.61398	-2.58178	-2.55010	-2.51843	-2.48675	-2.45507
88.00	-2.42391	-2.39224	-2.36108	-2.32992	-2.29876	-2.26812	-2.23696	-2.20631	-2.17567	-2.14555
89.00	-2.11491	-2.08478	-2.05466	-2.02453	-1.99441	-1.96429	-1.93468	-1.90507	-1.87547	-1.84586
90.00	-1.81677	-1.78768	-1.75859	-1.72950	-1.70041	-1.67184	-1.64327	-1.61470	-1.58613	-1.55756
91.00	-1.52950	-1.50145	-1.47340	-1.44534	-1.41781	-1.39027	-1.36273	-1.33520	-1.30766	-1.28064
92.00	-1.25362	-1.22660	-1.19959	-1.17308	-1.14607	-1.11957	-1.09306	-1.06708	-1.04058	-1.01460
93.00	-0.98861	-0.96315	-0.93716	-0.91170	-0.88623	-0.86077	-0.83582	-0.81035	-0.78540	-0.76046
94.00	-0.73602	-0.71108	-0.68665	-0.66222	-0.63778	-0.61387	-0.58996	-0.56605	-0.54213	-0.51822
95.00	-0.49482	-0.47143	-0.44803	-0.42464	-0.40176	-0.37888	-0.35600	-0.33364	-0.31077	-0.28841
96.00	-0.26605	-0.24369	-0.22184	-0.20000	-0.17816	-0.15631	-0.13499	-0.11315	-0.09234	-0.07101
97.00	-0.04969	-0.02888	-0.00807	0.01273	0.03302	0.05331	0.07360	0.09389	0.11366	0.15673

The above table shows the difference between the KGT gold purity values and the true values. The left column and the top row represent the purity values and defined in the left column and top row of the KGT. Thus, if the KGT states the gold purity is 80.0 percent, it is understating the actual gold purity by 5.25 percent. If the KGT states the gold purity is 90.5 percent, it is understating the actual gold purity by 1.67184 percent. This table presents similar information to Table 2 above, but presents a more accurate (not the rounded off) value.

Table 4. True gold purity compared to gold purity values in the KGT (compiled by the Group of Experts)

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
85.00	-	-	-	80.0 80.1	80.2 80.3	80.4	80.5 80.6	80.7 80.8	80.9	81.0 81.1
86.00	81.2	81.3 81.4	81.5 81.6	81.7	81.8 81.9	82.0 82.1	82.2	82.3 82.4	82.5	82.6 82.7
87.00	82.8	82.9 83.0	83.1 83.2	83.3	83.4 83.5	83.6	83.7 83.8	83.9	84.0 84.1	84.2
88.00	84.3 84.4	84.5	84.6 84.7	84.8 84.9	85.0	85.1 85.2	85.3	85.4 85.5	85.6	85.7 85.8
89.00	85.9	86.0 86.1	86.2	86.3 86.4	86.5	86.6 86.7	86.8	86.9 87.0	87.1	87.2 87.3
90.00	87.4	87.5	87.6 87.7	87.8	87.9 88.0	88.1	88.2 88.3	88.4	88.5 88.6	88.7
91.00	88.8 88.9	89.0	89.1	89.2 89.3	89.4	89.5 89.6	89.7	89.8 89.9	90.0	90.1
92.00	90.2 90.3	90.4	90.5 90.6	90.7	90.8	90.9 91.0	91.1	91.2 91.3	91.4	91.5
93.00	91.6 91.7	91.8	91.9	92.0 92.1	92.2	92.3 92.4	92.5	92.6	92.7 92.8	92.9
94.00	93.0	93.1 93.2	93.3	93.4	93.5 93.6	93.7	93.8	93.9 94.0	94.1	94.2
95.00	94.3 94.4	94.5	94.6	94.7 94.8	94.9	95.0	95.1 95.2	95.3	95.4	95.5
96.00	95.6 95.7	95.8	95.9	96.0 96.1	96.2	96.3	96.4	96.5 96.6	96.7	96.8
97.00	96.9 97.0	97.1	97.2	97.3	97.4 97.5	97.6	97.7	97.8 97.9	-	-

The above table shows true gold purity values compared to the gold purity values contained in the KGT. The left column and top row present true gold purity values, and the data in the body of the table represent the related values in the KGT. In effect, this table inverts the data presented in Table 2. For example, if a sample has a true gold purity of 88.0 percent, the KGT states the value is either 84.3 or 84.4 percent. If a sample has a true gold purity of 90.5 percent, the KGT states the gold purity is only 88.1 percent.

The KGT does not have uniform error margin, but rather has higher false values for lower purities of gold. The Group is not able to determine the reason for these variations, but notes that most gold coming from Congo is produced by crushing and treating gold-bearing rocks (as opposed to gold nuggets and dust), and has purity values in the low to mid 80s percent. Gold nuggets and dust generally have purities in the high 80s to low 90s. These facts are borne out by data the Group obtained from the Centre d’Evaluation, d’Expertise et de Certification (CEEC) in Bunia (Ituri), which recorded three official gold exports during 2013. The first export (a 4.307 kg ingot) had a purity of

83 percent; the second export (a 4.684 kg ingot) had a purity of 93 percent; and the third export (a 5.517 kg ingot) had a purity of 85 percent.

Table 5 shows the theoretical densities for the values contained in KGT. The left (vertical) column and the top row are the same values as in the respective column/row in the KGT. Since (as shown in Tables 2-4) the values in the body of the KGT do not correspond to true purity percentages using the true density of gold (19.32 g/cm³), Table 5 shows the density value for the corresponding place in the KGT that gives the percentage purity as shown in the KGT. That is, for a KGT reading of 80.00 percent purity:

$$16.4703 \div 20.587785 \text{ (the number below is rounded)} = 80.00$$

Table 5. Theoretical gold densities that correspond with Kampala gold density values and purity percentages in the KGT

	0	0.1	0.2	0.3	0.4	0.5	0.6	0.7	0.8	0.9
80.00	20.59	20.56	20.55	20.54	20.53	20.52	20.51	20.50	20.49	20.48
81.00	20.48	20.45	20.44	20.43	20.42	20.41	20.40	20.39	20.38	20.37
82.00	20.38	20.35	20.34	20.33	20.32	20.31	20.30	20.29	20.28	20.27
83.00	20.28	20.25	20.24	20.24	20.23	20.22	20.21	20.20	20.19	20.18
84.00	20.19	20.16	20.15	20.14	20.13	20.12	20.12	20.11	20.10	20.09
85.00	20.10	20.07	20.06	20.05	20.05	20.04	20.03	20.02	20.01	20.00
86.00	20.01	19.99	19.98	19.97	19.96	19.95	19.95	19.94	19.93	19.92
87.00	19.93	19.91	19.90	19.89	19.88	19.88	19.87	19.86	19.85	19.84
88.00	19.85	19.83	19.82	19.81	19.81	19.80	19.79	19.79	19.78	19.77
89.00	19.78	19.76	19.75	19.74	19.74	19.73	19.72	19.72	19.71	19.70
90.00	19.71	19.69	19.68	19.67	19.67	19.66	19.66	19.65	19.64	19.64
91.00	19.64	19.62	19.62	19.61	19.60	19.60	19.59	19.59	19.58	19.57
92.00	19.58	19.56	19.56	19.55	19.54	19.54	19.53	19.53	19.52	19.52
93.00	19.53	19.50	19.50	19.49	19.49	19.48	19.48	19.47	19.47	19.46
94.00	19.47	19.45	19.45	19.44	19.44	19.43	19.42	19.42	19.41	19.41
95.00	19.42	19.40	19.40	19.39	19.39	19.38	19.38	19.37	19.37	19.36
96.00	19.37	19.35	19.35	19.34	19.34	19.34	19.33	19.33	19.32	19.32
97.00	19.33	19.31	19.31	19.30	19.30	19.29	19.29	19.29	19.28	19.28

Annex 69

Estimation of value lost through the use of the Kampala gold table

This annex illustrates the loss a gold seller might incur if he or she sold gold to a buyer who used the Kampala gold table (KGT).

In Table 1, the independent variable is the amount of gold being sold. The Group has chosen the amounts of 1, 5, 10 and 30 kg for gold samples because based on the Group's research, these are typical amounts that Congolese gold traders might sell to Kampala buyers.

The dependent variable is the price of gold. Given that the price of gold fluctuates (from a high of \$1,693.75/troy ounce for the afternoon price on 2 January 2013, to a low of \$1192.00/troy ounce for the afternoon price on 28 June 2013, according to data at <http://www.kitco.com/gold.londonfix.html>, downloaded 11 Nov 2013), the Group has chosen to use the average value of the morning price of gold from 1 July to 11 November 2013 (according to <http://www.kitco.com/gold.londonfix.html>, downloaded 11 Nov 2013), which is \$1,321.06/troy ounce. For the purpose of this calculation, the Group will round the value to \$1,321/troy ounce.

One troy ounce equals 31.1034768 grams. To convert the value of one troy ounce to the value of one gram of gold, the following calculation is made:

$$\begin{aligned}\text{Price for 1 troy oz} \div 31.1034768 \text{ g} &= \$1,321 \div x \\ x &= 1,321 \div 31.1034768 \\ x &= \$42.47 \text{ gram}\end{aligned}$$

One gram of gold – at the London price – is assumed to be \$42.47 for the purpose of this calculation.

One kilogram (1,000 g) is \$42.47 x 1,000 = \$42,470.

Table 1. Value by weight of four gold samples

Weight (kg)	Value/kg	Total value by weight
1	\$42,470	\$42,470
5		\$212,350
10		\$424,700
30		\$1,274,100

In Table 2, the actual amount of gold in a given sample is calculated. In a typical transaction, a gold seller brings ingots or raw gold to a gold buyer. The gold seller assembles this gold from numerous locations; the purity percentages of Congolese gold vary from the low/mid 80s (for amalgam gold, made from processing crushed rocks) to the low/mid 90s (for gold nuggets or dust). The left (vertical) column in Table 2 lists the weights of four hypothetical gold samples. The top row gives four different values for the true purity of the gold sample. The body of the table calculates the actual amount of gold per sample, based on the formula:

$$\text{Weight of the gold sample} \times \text{True purity percentage} = \text{Weight of pure gold}$$

Table 2. Weight of pure gold for four samples based on varying purity percentages

Weight of sample (kg)	Weight at 86.0 percent purity	Weight at 88.0 percent purity	Weight at 90.0 percent purity	Weight at 92.0 percent purity
1	0.86 kg	0.88 kg	0.9 kg	0.92 kg
5	4.3 kg	4.4 kg	4.5 kg	4.6 kg
10	8.6 kg	8.8 kg	9.0 kg	9.2 kg
30	25.8 kg	26.4 kg	27.0 kg	27.6 kg

Using the above table, Table 3 calculates the value for the four different gold samples, at four different true purities. It uses the following calculation:

$$\begin{aligned} & \text{Total value by weight (from Table 1)} \\ & \quad \times \\ & \text{Weight at (86, 88, 90, 92) percent purity (from Table 2)} \\ & = \text{True value} \end{aligned}$$

Table 3. True value of four gold samples for four different true purities

Weight of sample (kg)	True value of 86 percent purity sample	True value of 88 percent purity sample	True value of 90 percent purity sample	True value of 92 percent purity sample
1	\$36,524.20	\$37,373.60	\$38,223.00	\$39,072.40
5	\$182,621.00	\$186,868.00	\$191,115.00	\$195,362.00
10	\$365,242.00	\$373,736.00	\$382,230.00	\$390,724.00
30	\$1,095,726.00	\$1,121,208.00	\$1,146,690.00	\$1,172,172.00

Table 4 (below) uses information presented in Table 4 of annex 68 to present the true purity compared against the false purity as presented by the data in the KGT.

Table 4. Comparison of true purity value with KGT purity value for four hypothetical gold samples

True purity (percent)	Kampala gold table purity (percent)
86	81.2
88	84.3
90	87.4
92	90.2

Table 5 uses the information from Table 4 (above) to determine the gold value – according to the KGT – for four sample sizes, using the calculation:

$$\text{Weight of the gold sample} \times \text{KGT purity (Table 4)} \times \$42,470 / \text{kg} = \text{KGT value}$$

Table 5. Kampala gold table value of four gold samples for four different purities using Kampala gold table purity values

Weight of the gold sample (kg)	KGT value of an 86 percent true purity sample that reads 81.2 percent in the KGT	KGT value of an 88 percent true purity sample that reads 84.3 percent in the KGT	KGT value of a 90 percent true purity sample that reads 87.4 percent in the KGT	KGT value of a 92 percent true purity sample that reads 90.2 percent in the KGT
1	\$34,485.64	\$35,802.21	\$37,118.78	\$38,307.94
5	\$172,428.20	\$179,011.05	\$185,593.90	\$191,539.70
10	\$344,856.40	\$358,022.10	\$371,187.80	\$383,074.40
30	\$1,034,569.20	\$1,074,066.30	\$1,113,563.40	\$1,149,238.20

Using the information in tables 3, 4 and 5, Table 6 calculates the true value per kilogram of a gold sample, and the value of the same gold sample using the KGT.

Table 6. Difference in value (true value v. KGT value) for one kilogram of gold for four hypothetical gold samples of varying purity

Weight of gold sample (kg)	86.0 percent true value (USD)	81.2 percent KGT value (USD)	Value of loss by seller (USD)
1	\$36,524.20	\$34,485.64	\$2,038.56
5	\$182,621.00	\$172,428.20	\$10,192.80
10	\$365,242.00	\$344,856.40	\$20,385.60
30	\$1,095,726.00	\$1,034,569.20	\$61,156.80
	88.0 percent true value (USD)	84.3 percent KGT value (USD)	Amount of loss by seller (USD)
1	\$37,373.60	\$35,802.21	\$1,571.39
5	\$186,868.00	\$179,011.05	\$7,856.95
10	\$373,736.00	\$358,022.10	\$15,713.90
30	\$1,121,208.00	\$1,074,066.30	\$47,141.70
	90.0 percent true value (USD)	87.4 percent KGT value (USD)	Amount of loss by seller (USD)
1	\$38,223.00	\$37,118.78	\$1,104.22
5	\$191,115.00	\$185,593.90	\$5,521.10
10	\$382,230.00	\$371,187.80	\$11,042.20
30	\$1,146,690.00	\$1,113,563.40	\$33,126.60
	92.0 percent true value (USD)	90.2 percent KGT value (USD)	Amount of loss by seller (USD)
1	\$39,072.40	\$38,307.94	\$764.46
5	\$195,362.00	\$191,539.70	\$3,822.30
10	\$390,724.00	\$383,074.40	\$7,649.60
30	\$1,172,172.00	\$1,149,238.20	\$22,933.80

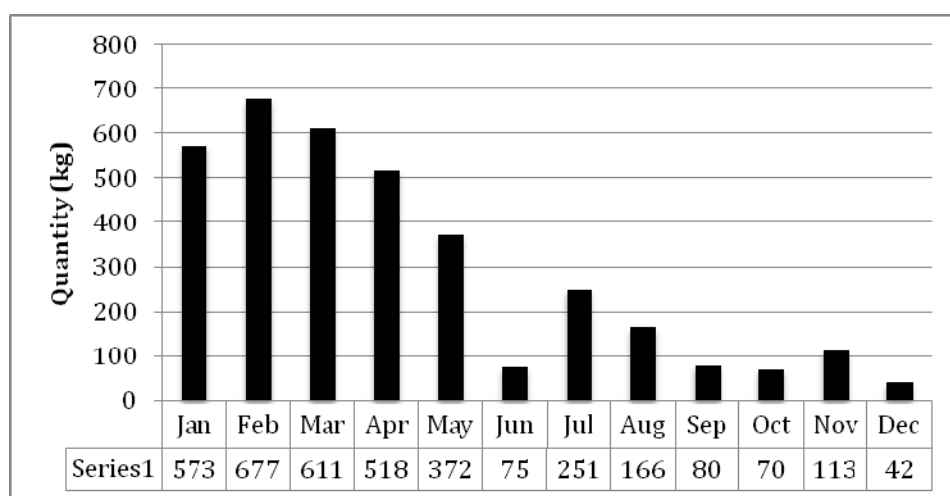
Table 6 shows that a gold seller who brought a 10 kg sample of 86 percent purity gold to the Kampala gold buyer using the KGT would lose \$20,386 in the transaction because of the false values in the KGT.

Annex 70

Estimated additional monetary gain by gold buyers using the Kampala gold table

This annex builds upon the previous two annexes to demonstrate the additional monetary gain derived by a gold buyer who uses the false values contained in the Kampala gold table (KGT). To obtain an estimate that approximates reality, the Group has chosen to calculate values based on 2006, which was the last year that Uganda's gold market functioned formally and legally. In March 2007, the UN Security Council imposed sanctions on Uganda's two largest gold exporters: Uganda Commercial Impex (UCI) and Machanga. After this point, Uganda's gold exports dropped precipitously, as shown in the following chart. Uganda's gold exports have remained low since 2007, because the market went underground (see also S/2013/433, annex 71).

Chart 1. Gold exports from Uganda, monthly, 2007 (kg)



Source: Uganda Bureau of Statistics

In 2006, Uganda officially exported 6,936.12 kg of gold. Table 1 shows the annual export volumes for the three largest exporters for that year.

Table 1. Gold exports by Uganda's three largest exporting companies, 2006 (kg)

Company	Annual export weight (kg)	Average weekly export weight (kg)
Uganda Commercial Impex Limited	3,690.0	71.0
Machanga Limited	2,201.4	42.3
A.P. Bhimji Limited	517.7	9.9
TOTAL	6,409.1	-

Using the data in Table 1, in Table 2 the Group estimates the true gold weight for these export volumes assuming purities of 86, 88, 90, and 92 percent.

Table 2. Additional annual gain by three theoretical gold buyers using the KGT (kg)

	Weight (kg)	True weight based on 86.0 percent true quality (kg)	Weight based on 81.2 KGT quality (kg)	Additional gain by gold buyers using the KGT (kg)
Company 1	3,690.00	3,173.4	2,996.28	177.1200
Company 2	2,201.40	1,893.204	1,787.5368	105.6672
Company 3	517.7	445.222	420.3724	24.8496
TOTAL	6,409.1	5,511.826	5,204.1892	307.6368
	Weight (kg)	True weight based on 88.0 percent true quality (kg)	Weight based on 84.3 KGT quality (kg)	Additional gain by gold buyers using the KGT (kg)
Company 1	3,690.00	3,247.2	3,110.67	136.5300
Company 2	2,201.40	1,937.232	1,855.7802	81.4518
Company 3	517.7	455.576	436.4211	19.1549
TOTAL	6,409.1	5,640.008	5,402.8713	237.1367
	Weight (kg)	True weight based on 90.0 percent true quality (kg)	Weight based on 87.4 KGT quality (kg)	Additional gain by gold buyers using the KGT (kg)
Company 1	3,690.00	3,321.00	3,225.06	95.9400
Company 2	2,201.40	1,981.26	1,924.0236	57.2364
Company 3	517.7	465.93	452.4698	13.4602
TOTAL	6,409.1	5,768.19	5,601.5534	166.6366
	Weight (kg)	True weight based on 92 percent true quality (kg)	Weight based on 90.2 KGT quality (kg)	Additional gain by gold buyers using the KGT (kg)
Company 1	3,690.00	3,394.8	3,328.38	66.4200
Company 2	2,201.40	2,025.288	1,985.6628	39.6252
Company 3	517.7	476.284	466.9654	9.3186
TOTAL	6,409.1	5,896.372	5,781.0082	115.3638

Table 2 shows that three hypothetical gold buyers using the KGT would essentially be skimming 115-307 kg per year from gold sellers. If they all bought gold averaging 88 percent true purity, they would take 237 kg of free gold from gold sellers, because the KGT has false values for gold purity based on gold density.

Using the data in Table 2, Table 3 calculates the additional monetary gain that three hypothetical companies exporting gold – legally or illegally – would acquire by using the Kampala gold table instead of paying the true value based on the true purity (assuming weights were true; i.e. scales were properly calibrated). This calculation builds upon the data in annexes 63 and 71 – specifically the estimated price of one kilogram of gold (\$42,470) based on the 1 July to 11 November 2013 average gold price, and the export volumes of Uganda's three largest exporters during 2006.

Table 3. Additional annual monetary gain by three hypothetical gold buyers using the KGT (USD)

	Weight (kg)	True value based on 86 percent true purity (USD)	Kampala gold table value based on 81.2 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	134,774,298.00	127,252,011.60	7,522,286.40
Company 2	2,201.40	80,404,373.88	75,916,687.90	4,487,685.98
Company 3	517.70	18,908,578.34	17,853,215.83	1,055,362.51
TOTAL	6,409.10	234,087,250.20	221,021,915.30	13,065,334.90
	Weight (kg)	True value based on 88 percent true purity (USD)	Kampala gold table value based on 84.3 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	137,908,584.00	132,110,154.90	5,798,429.10
Company 2	2,201.40	82,274,243.04	78,814,985.09	3,459,257.95
Company 3	517.70	19,348,312.72	18,534,804.12	813,508.60
TOTAL	6,409.10	239,531,139.80	229,459,944.10	10,071,195.65
	Weight (kg)	True value based on 90 percent true purity (USD)	Kampala gold table value based on 87.4 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	141,042,870.00	136,968,298.20	4,074,571.80
Company 2	2,201.40	84,144,112.20	81,713,282.29	2,430,829.91
Company 3	517.70	19,788,047.10	19,216,392.41	571,654.69
TOTAL	6,409.10	244,975,029.30	237,897,972.90	7,077,056.40

	Weight (kg)	True value based on 92 percent true purity (USD)	Kampala gold table value based on 90.2 percent KGT purity (USD)	Additional gain by gold buyer using the KGT (USD)
Company 1	3,690.00	144,177,156.00	141,356,298.60	2,820,857.40
Company 2	2,201.40	86,013,981.36	84,331,099.12	1,682,882.24
Company 3	517.70	20,227,781.48	19,832,020.54	395,760.94
TOTAL	6,409.10	250,418,918.80	245,519,418.30	4,899,500.50

Table 3 shows that gold buyers using the Kampala gold table would derive hundreds of thousands – or even millions – of dollars in additional revenue because the KGT contains false values for gold purity based on gold density.

Assuming the volume of Uganda's gold exports have maintained the same level, *and* assuming that Uganda's three largest export companies continue to export at approximately the same volumes and in the same ratios, *and* assuming that all three of Uganda's gold exporters use the KGT, Table 3 indicates that the gold buyers obtain the greatest additional gain the lower the quality of the gold they buy. Buyers would derive over \$13 million additional in revenue – or cheat gold sellers out of the same amount – when purchasing gold that has a true quality of 86 percent. The additional revenue drops to nearly \$5 million for gold of 92 percent true quality.

Annex 71**Uganda, gold imports, exports, and smuggling, 2013**

According to Ugandan government statistics, between 1997 and 2006 – during the height of the Congo wars – Uganda exported an average of 5,617 kg each year of mainly Congolese gold. In 2012, Uganda officially exported only 256 kg of gold (see S/2013/433, Annex 71).

On 28 November, the Government of Uganda provided the Group with information about gold imports and exports during 2013. This table is based on the assumption that Uganda's gold production and export values are the same as in 2006, when Uganda last had a functioning, legal gold trade. In 2007, the UN imposed sanctions on Uganda's two largest gold exporters, leading to a precipitous decline in official exports.

In 2006, Uganda exported 6,936.12 kg of gold. According to statistics from the Uganda Mines Division (Annual Report 2006), Uganda produced 21.92 kg of gold, and imported 6,066.28 kg of gold. If companies exported the total production and import, there was still a gap of 847.92 kg of gold.

Table 1 presents Uganda's gold exports for 2013. The data provided to the Group by the Government of Uganda included a value for each export in Ugandan Shillings; however, the Group has converted those values into U.S. dollars using a conversion rate of 2,500 US\$ = \$1. Thus, unlike the estimated values based on different gold purities used in other gold annexes, this Table presents the actual value of the exported gold based on the conversion from shillings to dollars.

Table 1. Uganda, gold exports, January – November 2013

Date	Company	Origin	Destination	Quantity (kg)	Value (USD)
1 Feb	Mineral Impex (U) Ltd	Southern Sudan	Middle East	80.00	4,535,475.97
26 Mar	Silver Mineral Ltd	Southern Sudan	United Arab Emirates	36.00	1,925,727.75
12 Apr	Niki Rush Mining Group Ltd	Moroto , Uganda	Japan	2.00	111,648.74
22 Apr	Borderless (U) ltd	Busia, Uganda	Republic of Macedonia	0.62	27,124.50
10 May	Somdiam Ltd	Mubende, Uganda	United Arab Emirates	1.44	64,644.14
19 Jul	West Corp Mining Ltd	South Sudan	United Arab Emirates	40.80	1,808,173.77
1 Aug	Aersud (U) Ltd	Mubende, Uganda	South Africa	0.07	2,969.01
TOTAL	-	-	-	160.93	8,475,763.88

Table 1 shows that Uganda exported approximately 161 kg of gold worth \$8.5 million. The table also shows that 156.80 kg of the exports originated from South Sudan, while 4.13 kg originated from Uganda.

Table 2 shows Uganda's gold imports for part of 2013. The data provided to the Group by the Government of Uganda included the value for each import in Ugandan Shillings; however, the Group has converted those values into U.S. dollars using a conversion rate of 2,500 USh = \$1. Note that there was no value provided for the 30 May import of 2.0 kg by Ropir Ltd.; thus, the total value presented below excludes the value of the Ropir import.

Table 2. Uganda, gold imports, January – November 2013

Date	Company	Origin	Quantity (kg)	Value (USD)
31 Jan.	Mineral Impex (U) Ltd	Southern Sudan	80.00	4,535,475.97
20 Mar.	Silver Minerals Ltd	Southern Sudan	10.00	534,924.38
21 Mar.	Silver Minerals Ltd	Southern Sudan	30.00	1,604,773.13
30 May	Ropir (U) Ltd	USA	2.00	-
15 Jul.	West Corp Mining Ltd	Southern Sudan	40.80	1,808,173.77
TOTAL	-	-	162.80	1,808,173.77

Uganda levies a tax of 1 percent on gold exports originating from other countries, and a tax of 0.5 percent on gold exports originating from Uganda. Table 3 shows Uganda's estimated tax based on the value and origin of 2013 gold exports.

Table 3. Estimated tax of Uganda gold exports, January – November 2013

Origin	Quantity (kg)	Value (USD)	Tax rate (percent)	Tax (USD)
South Sudan	156.80	8,269,377.49	1.0	82,693.77
Uganda	4.13	206,386.40	0.5	1,031.93
TOTAL	160.93	8,475,763.89	-	83,725.70

NB – Due to rounding, the total value in Table 3 is \$0.01 higher than the value in Table 1.

Table 4 estimates the total tax Ugandan gold exporters would have paid in 2013 based on the level of the 2006 trade, for gold originating from outside of Uganda, which is taxed at 1 percent. The Tables uses gold values based determined in annex [Gold price 2013]. The table is based on the assumption that Uganda's actual exports for 2013 took place at the same proportion as the official exports, in accordance with the following formulae:

$$4.13 / 160.93 = 0.026 \text{ or } 2.6 \text{ percent}$$

$$156.80 / 160.93 = 0.974 \text{ or } 97.4 \text{ percent}$$

Thus, Table 4 assumes that 2.6 of total exports were from Ugandan production (and taxed at 0.5 percent), and 97.4 percent of exports were from foreign gold (and taxed at 1 percent). Based on 2006 exports, this translates into an estimated 180.34 kg of gold produced in Uganda, and 6,755.78 kg of foreign gold. The monthly averages would therefore be 15.03 kg for Ugandan gold, and 562.98 kg for foreign gold.

Table 4. Estimated value of domestic gold exported from Uganda in 2013, based on four gold purity values, and on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Value based on 86 percent gold purity (USD)	Value based on 88 percent gold purity (USD)	Value based on 90 percent gold purity (USD)	Value based on 92 percent gold purity (USD)
Jan	51,401.01	15.03	664,399.18	679,850.32	695,301.46	710,752.61
Feb	52,378.07	15.03	677,028.46	692,773.31	708,518.15	724,263.00
Mar	51,182.06	15.03	661,569.07	676,954.40	692,339.73	707,725.05
Apr	47,759.61	15.03	617,331.17	631,687.71	646,044.24	660,400.78
May	45,487.52	15.03	587,962.59	601,636.13	615,309.68	628,983.23
Jun	43,163.34	15.03	557,920.70	570,895.60	583,870.50	596,845.40
Jul	41,331.07	15.03	534,237.14	546,661.26	559,085.38	571,509.50
Aug	43,277.16	15.03	559,391.91	572,401.03	585,410.14	598,419.26
Sep	43,359.46	15.03	560,455.71	573,489.56	586,523.42	599,557.27
Oct	42,287.56	15.03	546,600.54	559,312.18	572,023.82	584,735.46
Nov	41,670.90	15.03	538,629.72	551,155.99	563,682.26	576,208.54
Dec	42,385.29	15.03	547,863.78	560,604.80	573,345.82	586,086.84
TOTAL	-	180.36*	7,053,389.97	7,217,422.29	7,381,454.60	7,545,486.94

* Due to rounding, this total is 0.02 kg higher than the value named above for estimated 2013 Ugandan gold exports from domestic production.

Table 5. Estimated tax Uganda should have collected in 2013 for domestic gold production, based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Tax value based on 86 percent gold purity (USD)	Tax value based on 88 percent gold purity (USD)	Tax value based on 90 percent gold purity (USD)	Tax value based on 92 percent gold purity (USD)
Jan	51,401.01	15.03	3,322.00	3,399.25	3,476.51	3,553.76
Feb	52,378.07	15.03	3,385.14	3,463.87	3,542.59	3,621.32
Mar	51,182.06	15.03	3,307.85	3,384.77	3,461.70	3,538.63
Apr	47,759.61	15.03	3,086.66	3,158.44	3,230.22	3,302.00
May	45,487.52	15.03	2,939.81	3,008.18	3,076.55	3,144.92
Jun	43,163.34	15.03	2,789.60	2,854.48	2,919.35	2,984.23
Jul	41,331.07	15.03	2,671.19	2,733.31	2,795.43	2,857.55
Aug	43,277.16	15.03	2,796.96	2,862.01	2,927.05	2,992.10
Sep	43,359.46	15.03	2,802.28	2,867.45	2,932.62	2,997.79
Oct	42,287.56	15.03	2,733.00	2,796.56	2,860.12	2,923.68
Nov	41,670.90	15.03	2,693.15	2,755.78	2,818.41	2,881.04
Dec	42,385.29	15.03	2,739.32	2,803.02	2,866.73	2,930.43
TOTAL	-	180.36*	35,266.95	36,087.11	36,907.27	37,727.43

Table 6. Estimated value of foreign gold exported from Uganda in 2013, based on four gold purity values, and based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Value based on 86 percent gold purity (USD)	Value based on 88 percent gold purity (USD)	Value based on 90 percent gold purity (USD)	Value based on 92 percent gold purity (USD)
Jan	51,401.01	562.98	24,886,456.92	25,465,211.74	26,043,966.55	26,622,721.36
Feb	52,378.07	562.98	25,359,513.03	25,949,269.15	26,539,025.26	27,128,781.38
Mar	51,182.06	562.98	24,780,449.48	25,356,739.00	25,933,028.52	26,509,318.05
Apr	47,759.61	562.98	23,123,426.50	23,661,180.61	24,198,934.71	24,736,688.82
May	45,487.52	562.98	22,023,365.05	22,535,536.33	23,047,707.61	23,559,878.89
Jun	43,163.34	562.98	20,898,083.55	21,384,085.49	21,870,087.44	22,356,089.38
Jul	41,331.07	562.98	20,010,966.58	20,476,337.89	20,941,709.21	21,407,080.53
Aug	43,277.16	562.98	20,953,190.96	21,440,474.47	21,927,757.98	22,415,041.49
Sep	43,359.46	562.98	20,993,037.56	21,481,247.74	21,969,457.91	22,457,668.09
Oct	42,287.56	562.98	20,474,063.45	20,950,204.47	21,426,345.48	21,902,486.49
Nov	41,670.90	562.98	20,175,499.62	20,644,697.29	21,113,894.95	21,583,092.62
Dec	42,385.29	562.98	20,521,380.69	20,998,622.10	21,475,863.51	21,953,104.92
TOTAL	-	6755.76	264,199,433.39	270,343,606.28	276,487,779.13	282,631,952.02

Table 7. Estimated tax Uganda should have collected in 2013 for exports of foreign gold, based on 2006 exports (kg)

Month	Average price (USD)	Quantity (kg)	Tax value based on 86 percent gold purity (USD)	Tax value based on 88 percent gold purity (USD)	Tax value based on 90 percent gold purity (USD)	Tax value based on 92 percent gold purity (USD)
Jan	51,401.01	562.98	248,864.57	254,652.12	260,439.67	266,227.21
Feb	52,378.07	562.98	253,595.13	259,492.69	265,390.25	271,287.81
Mar	51,182.06	562.98	247,804.49	253,567.39	259,330.29	265,093.18
Apr	47,759.61	562.98	231,234.27	236,611.81	241,989.35	247,366.89
May	45,487.52	562.98	220,233.65	225,355.36	230,477.08	235,598.79
Jun	43,163.34	562.98	208,980.84	213,840.85	218,700.87	223,560.89
Jul	41,331.07	562.98	200,109.67	204,763.38	209,417.09	214,070.81
Aug	43,277.16	562.98	209,531.91	214,404.74	219,277.58	224,150.41
Sep	43,359.46	562.98	209,930.38	214,812.48	219,694.58	224,576.68
Oct	42,287.56	562.98	204,740.63	209,502.04	214,263.45	219,024.86
Nov	41,670.90	562.98	201,755.00	206,446.97	211,138.95	215,830.93
Dec	42,385.29	562.98	205,213.81	209,986.22	214,758.64	219,531.05
TOTAL	-	6755.76	2,641,994.33	2,703,436.06	2,764,877.79	2,826,319.52

Table 8 uses data from the above tables, and estimates the levels of smuggled gold, the value of smuggled gold, and the lost tax revenue due to gold smuggling for 2013. The Ugandan government

provided the Group with export statistics for January to November, so the Table below is based on an average monthly export quantity, and then an annual quantity based on that monthly quantity, determined using the following formulae:

$$160.93 / 11 = 14.63 \text{ average monthly export quantity}$$

$$14.63 \times 12 = 175.56$$

The Group also estimated a total value for actual gold exports based on the average monthly value, calculated using the following formulae:

$$8,475,763.89 / 11 = 770,523.99$$

$$770,523.99 \times 12 = 9,246,287.88$$

The Ugandan government gave the Group the actual value of gold exports for 2013; however, to determine the estimated value of total 2013 gold exports to make a comparison with the actual value, the Group has used the average value for the 86 to 92 percent purity dollar values for the domestic and foreign estimated exports values, and then added these sums together:

$$7,299,438.45 \text{ (domestic)} + 273,415,692.71 \text{ (foreign)} = 280,715,131.16$$

The Table below also estimates the level of taxes Uganda should collect in 2013, for actual exports based on January-November actual exports:

$$83,725.70 / 11 = 7,611.43$$

$$7,611.43 \times 12 = 91,337.16$$

To determine the estimated value of total 2013 taxes on gold exports to make a comparison with the actual value, the Group has used the average value for the 86 to 92 percent purity dollar values for the domestic and foreign estimated tax values, and then added these sums together:

$$36,497.19 \text{ (domestic)} + 2,734,156.93 \text{ (foreign)} = 2,770,654.12$$

Table 8. Estimated amount and value of smuggled gold, as well as lost tax revenue, Uganda, 2013

Estimated gold exports, 2013, based on 2006 export levels (kg)	Estimated actual gold exports, 2013 (kg)	Estimated amount of smuggled gold, 2013 (kg)
6,936.12	175.56	6,760.56
Estimated value of exports of domestic foreign gold, 2013, based on 2006 production levels (USD)	Estimated actual gold export value, 2013 (USD)	Estimated value of smuggled gold, 2013 (USD)
280,715,131.16	9,246,287.88	271,468,843.28
Estimated total gold tax based on estimated gold export value, 2013 (USD)	Estimated total actual gold tax value, 2013 (USD)	Estimated total lost tax revenue for gold due to smuggling, 2013 (USD)
2,770,654.12	91,337.16	2,679,316.96

Table 8 estimates that 6,761 kg of gold are smuggled out Uganda in 2013; thus an estimated 97.5 percent of domestic and foreign gold is smuggled out of Uganda. Table 8 also shows that the estimated value of gold smuggled out of Uganda during 2013 is approximately \$271 million. Based on the estimated value of the smuggled gold, the Ugandan people lost an estimated \$2.7 million in tax revenue during 2013.

Annex 72

Chuni's gold buying house, Plot 22 Kanjokya St., Kampala (photos by the Group of Experts)



This is Chuni's primary location to purchase gold. Aurum Roses, Plot 22 Kanjokya Street in Kampala (GPS coordinates: North 0 20.450, East 32 35.405), is registered to Jamnadas V. Lodhia, aka Chuni, and his two sons, Jitendra J. Lodhia and Kunal J. Lodhia, who are also Kenyan nationals. Chuni also owns the Hotel International on Tank Hill Road in the Muyenga area of Kampala. The Aurum Roses gate and a palm tree inside the compound with a video camera affixed to it.



Another view shows two video cameras on the tree inside the Aurum Roses compound.

Annex 73

Raju's gold buying house, Plot 55b, Upper Kololo Terrace, Kampala (photos by the Group of Experts)



The brown gate is the entrance to Plot 55b, Upper Kololo Terrace, Kampala (GPS coordinates: North 0 19.650, East 32 36.113), where Raju's employees buy gold. Raju's house is visible to the left, next door.



A close-up of the gate at Plot 55b (from the above image).



On 17 October, at 1726h, three chauffer-driven cars sit outside the gate at Plot 55b (still images from a video).



Raju's house (left) and an image of the front gate of his house (right, still from a video), next door to Plot 55b.

Annex 74**Gold exports from Burundi, January-October 2013**

Name/comptoir	Weight (kg)	Destination
NIYONKURU NICAISE	49	UAE
NTAHANGWA SPRL	590	UAE
NZEYIMANA JEAN CLAUDE	3	UAE
NZEYIMANA J. CLAUDE	61	UAE
GOLDEN GOLD SPRL	477	UAE
S.C.E.E.M.B SPRL	680	UAE
MAX GLOBAL SPRL	119	UAE
ETS JEAN JBEILI SURL	45	UAE/Kenya/Lebanon
BETHEX GROUP	56	UAE
GLDEN STAR INVESTMENT	10	UAE
AMIGO MINERALS EXPLORATION	68	UAE
AIRMORE LTD	23	UAE
GLOBAL	18	UAE
OMNI-DISTRIBUTION	71	UAE
KORERAHAME	7	UAE
BURUNDI GOLD EXPORT SA	176	UAE
HIGH SPEED COMPANY	74	UAE
NIVID IMPORT EXPORT	12	UAE
TOTAL EXPORT	2,539	-

Source: Burundi Customs

Annex 75

Jbeilicomptoir in Bujumbura, located in the former US embassy (photo taken in November by the Group of Experts)



Annex 76


Burundi official declaration document for gold export by Etablissements Jean Jbeili

DECLARATION N° 426.../2013 POUR L'EXPORTATION DE L'OR


1. Nom et Adresse du comptoir	: Etablissements Jean Jbeili SURL
2. N° et Date d'Agrément	: 03/2013
3. Nom et adresse du représentant au Burundi	: Amine El Kosseifi, Kiri, Avenue Belvedere N°20
4. Numéro d'exportation	: 3
5. Poids net en kilogramme	: 4,849 kg
6. Teneur (en %)	: 91%
7. Cours de l'or au fixing de clôture à Londres (la ville)	: 1446,24 USD
8. Valeur à l'exportation (en toutes lettres)	: 225.478,50 USD soit deux cents vingt-cinq mille quatre cent septante huit dollars américains et cinquante centimes.
9. Taxe ad-valorem minière de 0,3%(en chiffres et en toutes lettres)	: 676,43 USD, soit six cents septante six dollars américains et quarante-trois centimes
10. Droit de sortie de 0,2%(en chiffres et en toutes lettres)	: 450,95 USD soit quatre cents cinquante dollars américains et nonante cinq centimes
11. Compagnie de Transport	: Rwandair
12. Bureau douanier de sortie	: Aéroport de Bujumbura
13. Lettre de Transport	: Bagage accompagné
14. Coursier	: Alexey Kostinikov, passport 4532250
15. Numéro et date de vol	: 26/04/2013

Je soussigné Amine El Kosseifi, en tant que représentant des établissements Jean Jbeili, atteste par la présente que les informations fournies ci-dessus sont sincères et conformes à la réalité.

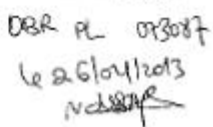
Fait à Bujumbura, le 26 / 04 / 2013
(Signature et cachet de l'exportateur)



Services des Mines



PRF



Services des Douanes
DBR PL 033087
le 26/04/2013

This document shows that Etablissements Jean Jbeili exported gold during 2013, in contradiction to its claim to the Group that it had not exported any gold this year.

Annex 77

Jafaar gold shop in Kigoma (photo taken in August by the Group of Experts)



Annex 78

MaulidSeifKuziga's shop in Kigoma(photo taken in August by Group of Experts)



Annex 79

Due diligence on 3Ts

Validation exercises

Congolese mining authorities, MONUSCO, and the German Institute for Geosciences and Natural Resources (BGR) have validated 41 tin mines and 3 gold mines in Maniema, and validated 6 tin mines and one tungsten mine in South Kivu.

On 5 July, the DRC Ministry of Mines asked the Governor of Maniema to begin validation of mines (see below).

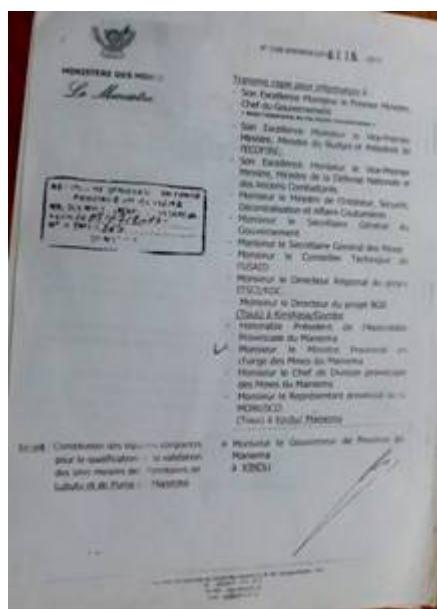
In North Kivu, there are no validated mines. In July 2011, 11 mines were validated in Rubaya, North Kivu; however, they have not been re-validated. On two occasions during 2013, the validation team was scheduled to go to Bisie, but when Mai MaiSheka moved in that direction, the validation mission was cancelled. Mai MaiSimbaisalso close to Bisie.

Centres de négoce and Sales points (points de vente)

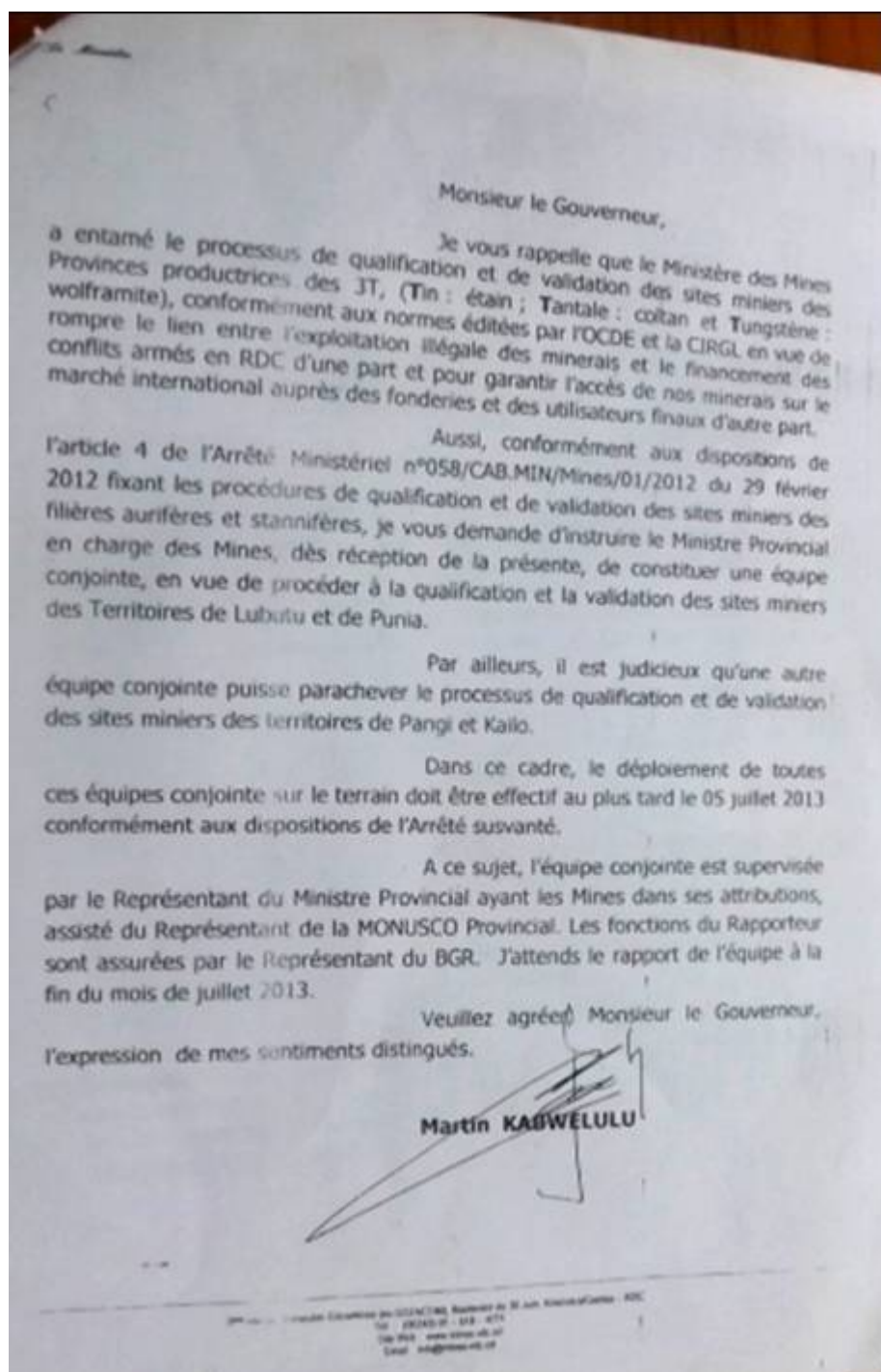
Donors have moved away from the Centre de négoce approach and are favoring the construction of Sales Points closer to mines to facilitate transactions between miners and traders in a bid to minimise fraud. USAID in partnership with the International Organization for Migration (IOM) and JMAC MONUSCO are currently working towards building the first Sales Point in Nyabibwe.

ICGLR certificate

On 24 July, the DRC was the first country in the region to announce that they would start using the ICGLR certificate for conflict free mineral exports. At the time this report was completed, they had not started issuing certificates.



Maniema Mines Ministry request for validation.



Annex 80

Export of 3Ts from Congo, 2013

Table 1. Exports of Tin, Tantalum, and Tungsten from DRC, 1 January to 30 September 2013

	Tin		Tantalum		Tungsten	
City	Weight (kg)	Value (USD)	Weight (kg)	Value (USD)	Weight (kg)	Value (USD)
Goma	620,946	4,822,774	139,258	3,936,355	0	0
Bukavu	839,865	6,284,209	0	0	0	0
Kindu	1,233,500	9,378,147	0	0	35,000	115,797
Katanga	2,694,280	23,118,006	319,676	8,897,694	60,231	9,035
Butembo	0	0	0	0	0	0
TOTAL	5,388,591	43,603,136	458,934	12,834,049	95,231	124,832

Source: CEEC

Annex 81

Luwowo tantalum mine, Masisi territory, North Kivu (photos by the Group of Experts)



The Luwowo tantalum mine.



White piles of tantalum at the Luwowo mine.

Annex 82**Smuggling route, Goma**

One of the mineral smuggling routes out of Goma at the ITG cemetery (picture taken in August by the Group of Experts).



Annex 83

Illegal mining at Bisie(picture taken by independent researcher in late August)



Miners at Bisie's "15 minutes" mine



Porters transporting tin ore from Bisie to Njingala

Annex 84

Letter from the Chef d'Antenne mine of Idjwi to South Kivu Mines authorities for smuggling of Wolframite out of the Island of Idjwi by Deogratias Magayane

REPUBLIQUE DEMOCRATIQUE DU CONGO

Idjwi, le 14/10/2013

PROVINCE DU SUD-KIVU
DIVISION PROVINCIALE DES MINES
BUREAU MINIER ISOLE DE
KALEHE- IDJWI
ANTENNE MINIERE D'IDJWI

N° MINES/354.7/DIVIMINES/BMIK I/A M I/14/2013

Transmis copie pour information à :

- Son Excellence Monsieur le Ministre Provincial des Mines, des Ressources hydrauliques, électricité et des hydrocarbures du Sud-Kivu
- ✓ - Monsieur le chef de Division Provinciale des Mines du Sud-Kivu (Tous) à Bukavu
- Monsieur le procureur du parquet près le tribunal de paix d'Idjwi à IDJWI
- Monsieur le chef de la chefferie Rubenga à MUDUSA
- Monsieur le chef de Bureau Minier isolé de Kalehe Idjwi à KALEHE
- Monsieur le commandant District de la PNC d'Idjwi à Bugarula
- Monsieur le commandant de la PNC basé à KAMOLE
- Monsieur DEOGRATIAS MAGAYANE Négociant de la Wolframite de Kamole à KAMOLE

Objet : Plainte à charge
De Monsieur DEOGRATIAS
MAGAYANE

TRANSFERT ILLICITES DES
SUBSTANCES MINERALES

A Monsieur l'Administrateur de territoire
d'Idjwi à BUGARULA

Monsieur l'Administrateur de Territoire,
Par la présente, j'ai l'honneur de venir
auprès de votre compétence en vue de l'objet repris en marge.


Je suis informé d'une source sûre que, dans la nuit du dimanche le 6^{ème} jour du mois d'octobre, le nommé DEOGRATIAS MAGAYANE a transporté illicitement une quantité importante des substances Minérales de \pm 600Kgs de la Wolframite de Kamole à une destination inconnue, sans autorisation du service des Mines en violation de la loi N° 007/2002 du 11 juillet 2002 PORTANT CODE MINIER, précisément à son article 304 qui stipule je cite « celui qui, sans autorisation, aura transporté ou fait transporter des substances Minérales, est puni d'une servitude pénale de deux mois et d'une amende dont le montant en francs Congolais est l'équivalent de 2.000 à 20.000USD ou d'une de ces peines seulement »


En plus de cela, les militaires de la Force Navale basés à BAVE ont fait des crépitements des balles pour vouloir à trapper ce précité DEOGRATIAS MAGAYANE or que conformément aux enquêtes menées, je suis informé que ce précité avait chargé ces minerais à leur présence.

C'est pour quoi, Monsieur l'Administrateur, le nommé DEOGRATIAS MAGAYANE doit être pour suivi par la loi en vue de décourager ceux qui voudront saper les lois du pays en matière des Mines et que ce soit un signal fort pour les autres que nous ne manquerions à fournir le rapport au près de vous au cas échéant s'il en existait un, dans le processus de la tolérance zéro.

Veillez agréer Monsieur l'Administrateur l'expression de mes sentiments.

LE CHEF D'ANTENNE MINIERE D'DJWI


TULINABO LUHANDO François



Annex 85

A view of the Kalimbi tin mine in Nyabibwe, Territory of Kalehe - South Kivu Province (photos by the Group of Experts)



The “T20” part of the Kalimbi mine.



The “Kuwait” mine within the Kalimbi mine.



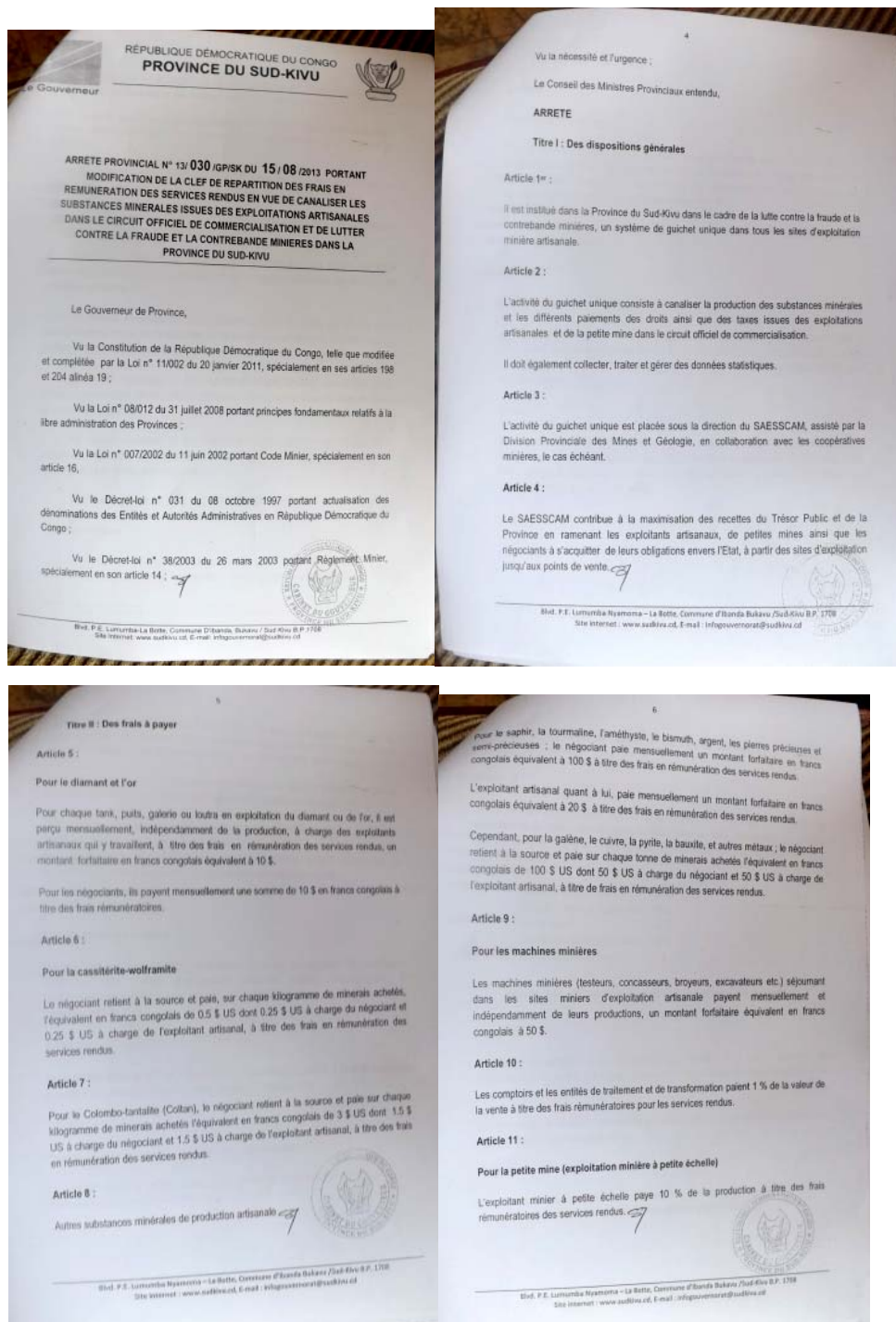
Stream where miners from both of the aforementioned sites wash their tin.

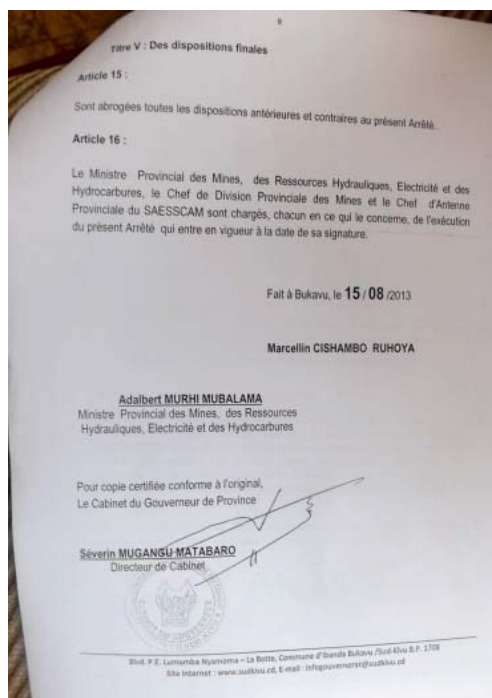
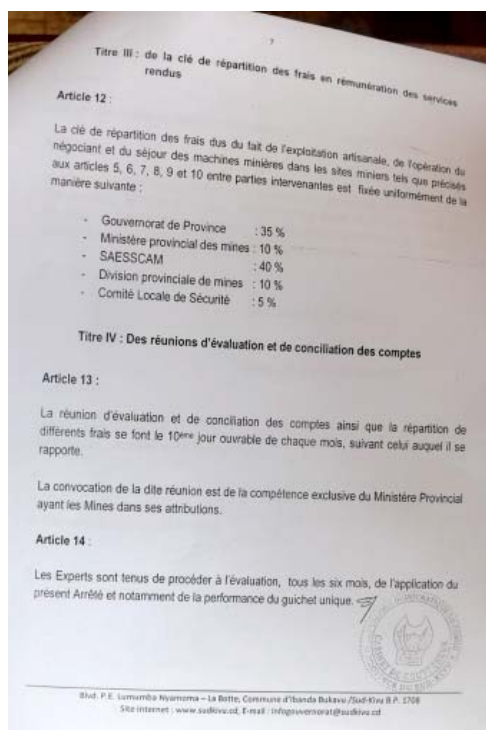


Minerals are brought into this hut, where SAESSCAM puts the tags on them.

Annex 86

Order by the South Kivu Governor authorizing an increase in the mineral tax in South Kivu, 15 August 2013





Annex 87

30 kg of tantalum from Maniema seized at the Goma airport on 4 September 2013 (photo taken in September by Group of Experts)



Annex 88

A letter by the Chef de Bureau for Investigations of North Kivu to the Chef de Divisions des Mines of North Kivu concerning the seizure of 368 kg of tantalum

REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU
DIVISION PROVINCIALE DES MINES
ET GEOLOGIE
B.P. 100 GOMA
(Bureau des Investigations)

10 OCT 2013

N° DIVIMINES-GEO/BUR/INV/0270/2013

Objet : Fraude des minerais

A Monsieur le Chef de Division Provinciale
des Mines et géologie du Nord Kivu
à Goma :

Monsieur le Chef de Division,

J'ai l'honneur d'approcher votre auguste autorité en vue de vous informer sur un cas de fraude des minerais constaté à la grande barrière.

En effet, 376Kgs du coltan ont été découverts par les agents de la DGDA dans une jeep Grand Cherokee immatriculée CGO 4160 AC/19 en date du 26/09/2013. Incapable, cette quantité était cachée en dessous des sièges de la jeep où le présumé fraudeur SANKARA BISAMAZA a su créer une soule. La carte rose retrouvée dans la jeep, renseigne que madame UWIMANA KARERA SANDRA est la propriétaire du véhicule et qu'elle habite sur l'avenue du 20 Mai en face de chez Mvumo à birere.

A l'issu de l'audition du prévenu, monsieur SANKARA BISAMAZA, par le Magistrat MAKANDA NDIANGA Emmanuel, le comparent a dénoncé ses complices. Il va ensuite conduire le Magistrat au n° 15, Avenue Tulapiens, Quartier les Volcans, Commune de Goma, à l'ex-comptoir KM KASADO puis au numéro 167 de la même avenue.

Constat après perquisition :

1. Au Comptoir KM KASADO : un colis de coltan (microlite) de 12,2 Kgs, 336 Kgs d'autres substances minérales dont la nature et la teneur seront déterminé par l'analyse au Laboratoire du CEEC.
Conséquences :
Arrestation de la sentinelle BWANA CHEKO Jordan saisie des minerais retrouvés
2. Au numéro 167 de l'avenue Tulapiens : pas de minerais physique mais des bidons vides de 20 litres, 10 litres ainsi que plusieurs sacs à linges avec à bord des traces des minerais du coltan.
Conséquences :
Arrestation de KIZITO NGUBA, sentinelle de la parcelle, saisis des bidons et sacs vides pour preuve de l'existence des activités minières dans cette parcelle.

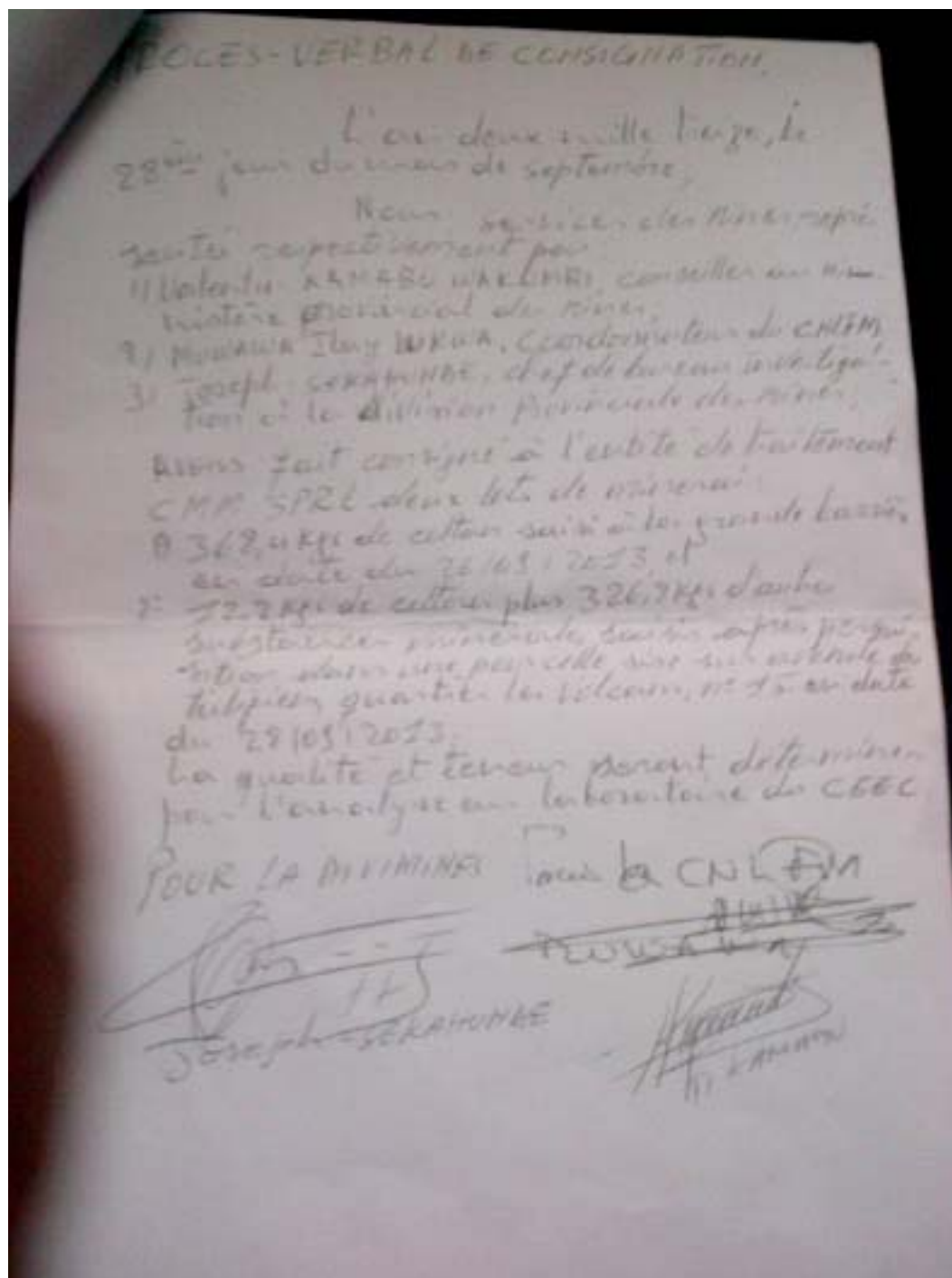
En conclusion, il y a un réseau des fraudeurs qui sera déniché au fur et à mesure que les enquêtes vont se poursuivre.

Veuillez agréer, Monsieur le Chef de Division, l'expression de mes sentiments patriotiques.

LE CHEF DE BUREAU DES INVESTIGATIONS

Joseph SEKAHUNDE MUNYAMPETA

NB – The above document states 376 kg were seized at the border; however during its work on this case, the Group confirmed with Congolese authorities that the correct quantity seized was 368 kg, which is the amount quoted in the following document.



Annex 89

Car seized in Goma for smuggling tantalum on 26 September 2013 (photos by the Group of Experts and Congolese authorities)



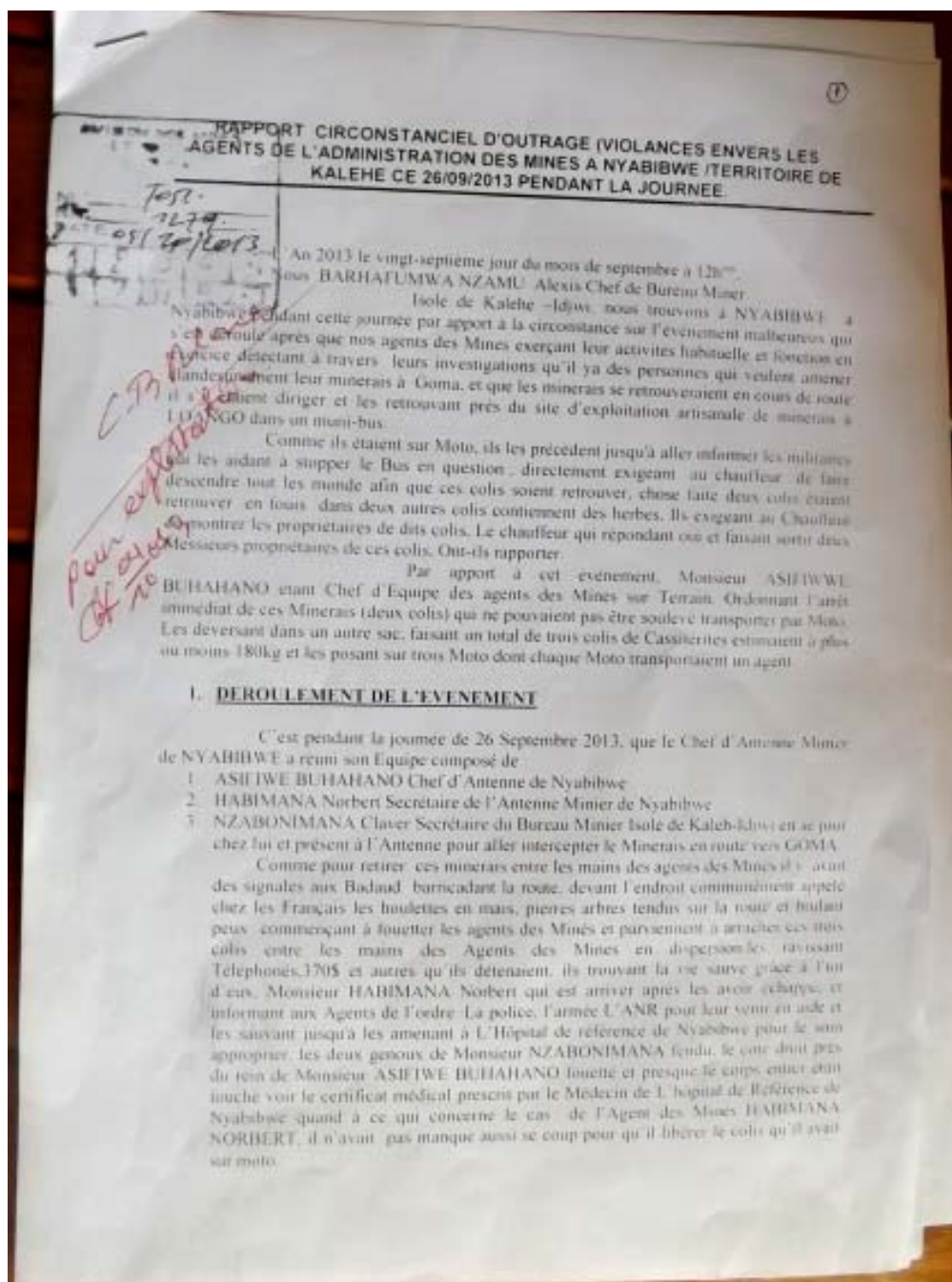
Arrows indicate the location of one of the smuggling compartments, which was under the driver's seat.



The coltan hidden in compartments in the car was put into bags, shown above.

Annex 90

Smuggling of 26 kg of tin at Kalimbi mine, Nyabibwe



L'origine de ce minerai non étiqueté jusqu'à présent est inconnue par le fait qu'il faudrait avoir la substance en question, son analyse pour préciser le point dans lequel serait extrait cette dernière.

Les malfaiteurs après avoir attaché entre les mains des agents de Mines, comme ils étaient nombreux, les ont cachés et restent dans des endroits inconnus.

2. DIFFICULTES RECONTRES PAR NOS AGENTS

1. D'abord le parcours de Nyabibwe, jusqu'à LWANGO sur moto, au retour ils ont trouvé des harnicades en route : pneus brûlés, fouets, boulettes, arbres, Pierres etc.
2. Le manque des moyen de transport à temps pendant ce parcours avait occasionné aux malfaiteurs de s'organiser aux moyens Téléphonique.
3. Manque des Police des Mines à côté des agents des Mines dans l'Antenne Minière de Nyabibwe.
4. Le fait de ravir les Téléphones des agents des Mines dans cette Mission.
5. N'avoir pas amené le minerai jusqu'à l'Antenne, faute d'avoir été fouetter permettant aux malfaiteurs de récupérer les colis.

3. ASSISTANCE DES NOS AGENTS EN DANGER

Pendant cet événement les agents de Sécurité : le Chef de Poste Encadrement Administratif de Nyabibwe, ce lui de l'ANR, la Police, l'Armée ont travaillé au secours des nos agents et ont arrêté immédiatement les malfaiteurs dont quatre sont arrêtés et se trouvent à la prison de Kalehe attendant les instructions judiciaire de plus pour cette fin.

Les Medecins de l'Hôpital de Nyabibwe ont aussi aidé par de soins appropriés.

Le Service de l'ANR a fait tout pour verbaliser ces malfaiteurs jusqu'à ce que ils ont été transférés sous escorte sur moto en collaboration avec les Services de Mines, SEASCAM, Police National, Poste d'Encadrement Administratif vers Kalehe centre.

Les négociants de Nyabibwe ont aussi assisté nos agents pendant cette période difficile.

4. MESURES PRECONISEE PAR-APPORT AU CODE MINIER POUR UN CAS PAREIL

1. Article 303 : sur la détention illicite de minerais
 2. Article 309 : sur l'outrage ou violence envers les agents de l'Administration des Mines
 3. Article 310 : l'entrave des activités de l'Administration des Mines.
- Seulement, celui qui aura outragé par faits, paroles, gestes, menaces ou frapper un agent de l'état dans l'exercice de ses fonctions et sans préjudice d'autres dispositions prévu par le droit commun.
- Article 310, les entraves à l'activités de l'Administration des Mines qui constitue fait obstacle à l'exécution des travaux ordonner ou autoriser par le service de Mines, tel que est prévu par la présent code et règlement Minier est puni de servitude pénal de six mois et montant en franc congolais équivalent de 2.000 à 10.000 dollars.
- N.B : comme c'est coupable ont été arrêté et se retrouvent entre les mains de service spécialisés, nous souhaiterions que justice soit faite et mette ces agents dans leur droits, repartir avec eux, montrer là où sont cachés ces trois colis dont il est question.

⑤
dans ces dossiers qui fait couler ancre et salive conformément aux dispositions du code Minier

5. CONCLUSION.

Vu la gravité et l'ampleur du dossier à charge des inculpés, le Bureau Minier Isolé de Kalehe -Idjwi ne reste indifférent au travers ces actes ignobles de détenir illégalement le minerais tendant à faire taire l'autorité de l'Administration des Mines dans une entiereté.

Comme ces malfaits ont été arrêté, et se trouvent entre les mains de l'Etat, sollicitons à ce que la justice fasse son travail et que ces inculpés répondent à leur actes, en remettant les colis qu'ils détiennent, base de cet événement malheureux conformément aux dispositions du code Minier.

Fait à Kalehe, le 27/09/2013

LE CHEF DE BUREAU MINIER ISOLÉ DE
KALEHE -IDJWI



[Signature]
IMWA NZAMU AIGBO
Chef de Bureau

Annex 91

Tin seizure at Ruzizi I border post, Bukavu (photos by the Group of Experts)

These photos were taken by the Group on 18 October 2013 at the Bukavu High Court, where the vehicles were impounded.



Above: Part of the 420 kg of smuggled tin was hidden under the rear seat of the vehicle inside a purpose-built compartment.



Above: The remainder of the smuggled tin was hidden under the carpet of the right front floor of the vehicle, a purpose-built compartment.



Above: The compartment for smuggling tin was visible under the vehicle.



Above: Front and rear views of the vehicle.

Annex 92

Document acknowledging receipt of 15 kg of tin seized on 15 October in Kalungu

REPUBLIQUE DEMOCRATIQUE DU CONGO
 PROVINCE DU SUD-KIVU
 JUDICIAIRE PROVINCE DU SUD-KIVU
 BUREAU D'INVESTIGATION
 AMBASSADE DE KALUNGU


DECLARATION

Nous soussigné, Directeur de l'Administration, reconnaissons avoir réceptionné quinze kilos (15 kg) de minerai de cobalt saisi au Sud-Kivu (Secteur de Kalungu) qui a été saisi par les forces armées de la République Démocratique du Congo et se trouve actuellement en possession de l'Administration.

Ces documents ont été réceptionnés en présence du chef de Bureau, Directeur de l'Administration, et du représentant du chef de Secteur de Kalungu Nord.

Fait à Kalungu le 11 Octobre 2014

Le Directeur de l'Administration
 [Signature]
 Pour l'Administration



Annex 93

ITRI mineral statistics for Rwanda

On 19 November 2013, ITRI responded to a request from the Group of Experts by providing data about Rwanda's minerals industry. Table 1 is an extract from ITRI's letter, which shows data on Rwanda's production and export of minerals (tin, tungsten, and tantalum are not distinguished in the ITRI data). Table 2 analyzes the data in Table 1.

Table 1. Rwanda mineral production and exports, June 2011 – April 2013 (provided by ITRI)

UPDATED iTSCI information on Rwandan mineral trade		
Time period	Mineral Production (tonnes)	Mineral at Export (tonnes)
2011 June-December	5,501	6,084
2012 January-June	3,627	3,649
2012 July-December	4,075	4,147
2013 January-April	2,892	2,794

Table 2. Difference between mineral production and exports in Rwanda, June 2011 – April 2013

Dates	Number of months	Mineral production (tonnes)		Mineral exports (tonnes)		Difference between exports and production (tonnes)	
		Total	Monthly average	Total	Monthly average	Total	Monthly
2011 Jun-Dec	7	5,501	785.9	6,084	869.1	+583	+97.2
2012 Jan-Jun	6	3,627	604.5	3,649	608.2	+22	+3.7
2012 Jul-Dec	6	4,075	679.2	4,147	691.2	+100	+16.7
2013 Jan-Apr	4	2,992	748.0	2,794	698.5	-198	-33

Annex 94

ICCN list of elephant poaching and principal poachers and traffickers of ivory in Congolese national parks, January 2012 to 14 October 2013 (provided by the Congolese Institute for the Conservation of Nature)

STATISTIQUES INDICATIFS CONCERNANT LE BRACONNAGE D'ÉLÉPHANTS ET LISTE DES PRINCIPAUX BRACONNIERS ET TRAFIQUANTS D'IVOIRE EN ACTIVITÉ POUR CHAQUE PARC NATIONAL DE LA RDC DE JANVIER 2012 À CE JOUR

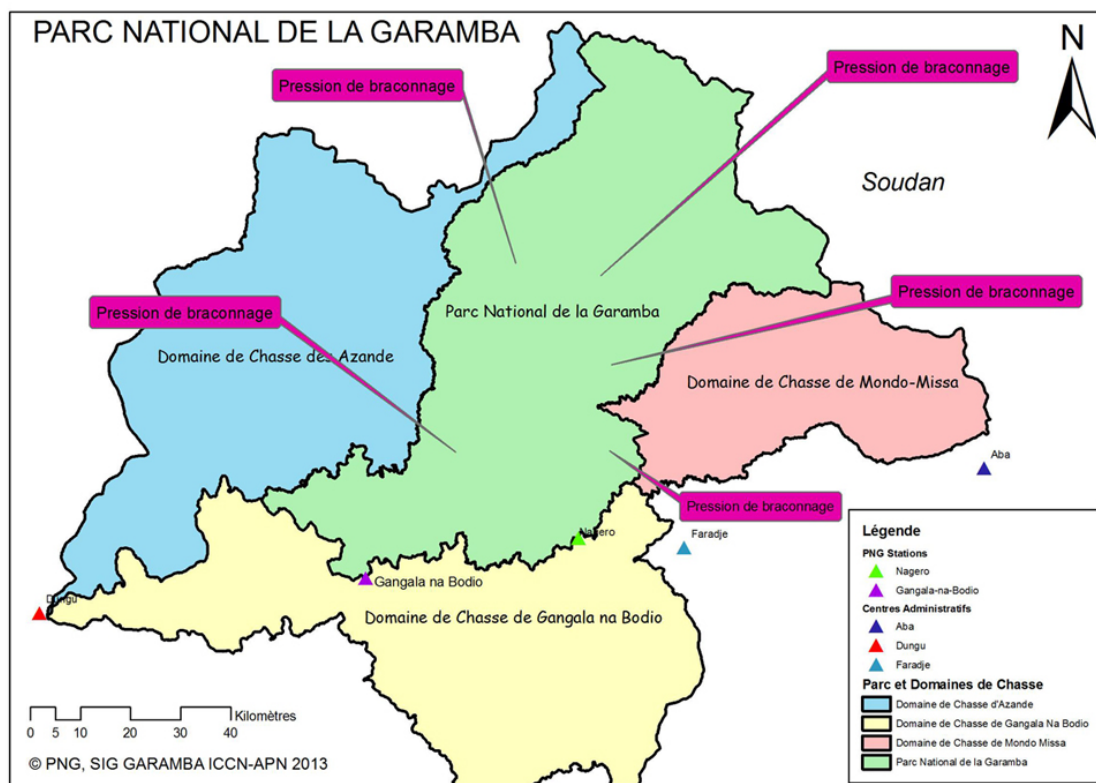
N°	Parc National ou Réserve	Nombre d'éléphants abattus	Noms des principaux responsables ou auteurs de braconnage	Noms des principaux trafiquants d'ivoire ou facilitateurs	Base ou Résidence
1.	Virunga	9	(Milices FDLR) (Individus non identifiés)		Rwanda
2.	Garamba	55	(- Milices LRA, SPLA, - Fermiers Mbororo) - Officiers militaires (Individus non identifiés)	1. Major Ngobila 2. Mr Moussa (un métis) 3. Colonel Nkulu 4. Mr Hassan 5. Mr Zaïko	Ouganda, Sud-Soudan, Tchad, RDC (Kisangani, Bunia)
3.	Kahuzi-Biega	5	1. Muhimuzi (un magistrat) 2. Raia Mutomboki et autres Mai-Mai	Commerçants en connivence avec les chinois (Individus non identifiés)	Sud-Kivu (Bukavu)
4.	Salonga	20	Officiers militaires (Individus non identifiés)		Kinshasa Mbandaka
5.	Kundelungu	21	Chefs coutumiers (Individus non identifiés)	Chef de chefferie Kinkondja	Katanga
6.	Réserve de Faune à Okapis	200	1. Paul Sadala alias Morgan 2. Mboko 3. Manu 4. Masimango alias Maître 5. Alphonse Ngwengwe 6. Jésus 7. Kamukwe 8. Saleh 9. Maze	1. Jean Mokobe 2. Jeff 3. Nyekese 4. Capitaine Manga-Manga 5. Sabote 6. Colonel Tshimanga 7. Mr Zaïko	Ituri (Mambasa, Wamba), Kisangani
			10. Kaposo Mikiki 11. Folo Abulasi 12. Shabani Mutinga 13. Dragon 14. Kamango		
	Total	310			

Fait à Kinshasa, le 14 octobre 2013

NB – Garamba National Park authorities told the Group that between January 2012 and October 2013, they recorded 65 cases of elephant poaching. They further stated there is no evidence that Mbororo herders have poached any elephants in Garambapark, and did not recognize any of the names listed as traders for ivory from Garamba park. The information in this table should therefore not be considered complete or completely accurate.

Annex 95

Garamba National Park map

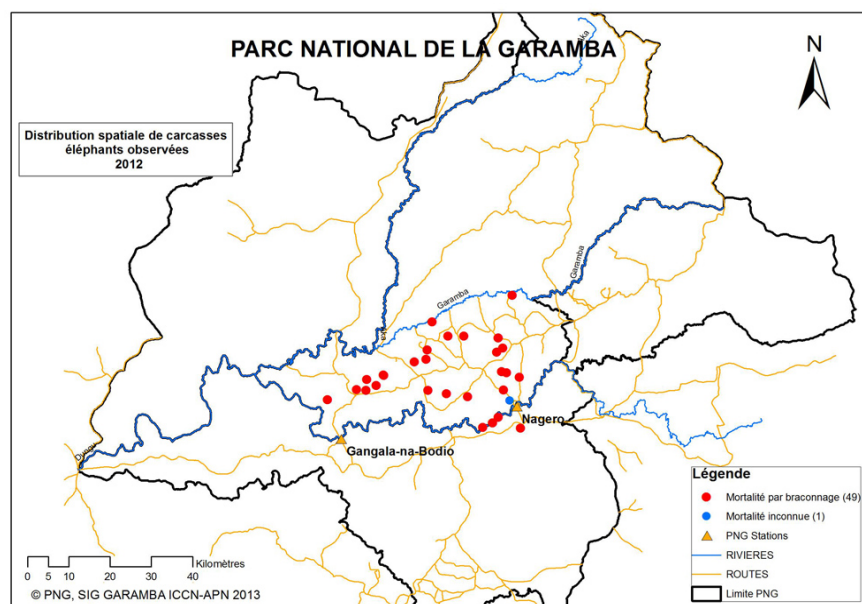


This map shows Garamba National Park and the three hunting domains surrounding it. It also shows the main entry routes for poachers. Local poachers and FARDC enter the park from Dungu and from villages and towns close to the park boundary. LRA have had camps inside the park, and entered the park from the Azande hunting domain. Sudanese poachers enter the park from the north.

Annex 96

Elephant poaching in Garamba National Park, 2012-13 (provided by Garamba park authorities)

A spatial distribution of elephant carcasses discovered by ICCN during 2012 and 2013. Note that the area where carcasses have been discovered is essentially the limit of the area ICCN is able to patrol on foot.



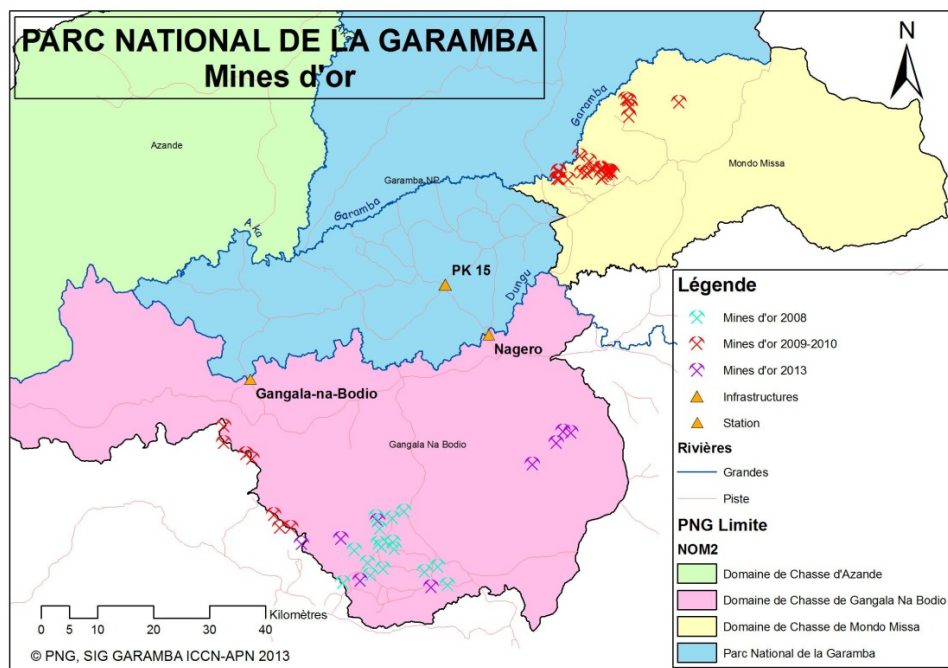
2012. Mortality from poaching – 49; mortality unknown – 1.



2013. Mortality from poaching – 16; mortality unknown – 1.

Annex 97

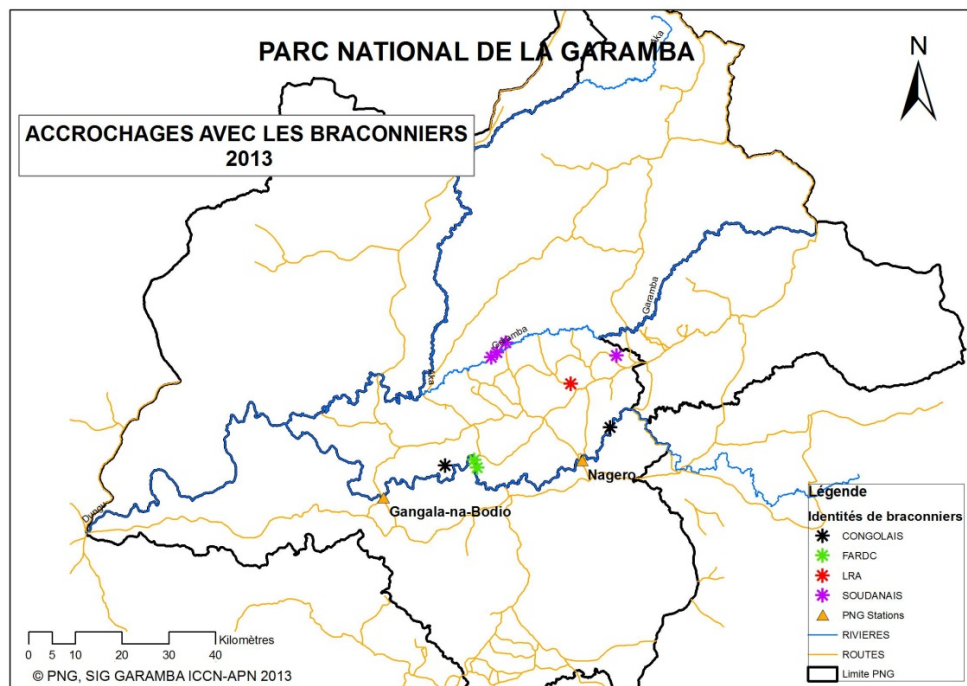
Gold mines near Garamba National Park (provided by park authorities)



Map showing presence of gold mines in the Mondo Missa and Gangala Na Bodio hunting domains, adjacent to Garamba National Park (map created November 2013 by Garamba National Park authorities).

Annex 98

Garamba National Park, encounters with poachers, January to November 2013
(provided by park authorities)



Map showing where park rangers had encounters during 2013. Note that the encounters take place in a relatively small area between the Garamba and Dungu rivers, which is the extent of the territory the rangers are able to patrol on foot (map created by Garamba park authorities).

Table 1. Garamba Park ranger encounters with poachers, 1 January – 22 November 2013

Date	Time	Type of incident	Against	Number of people encountered	Animals poached / nature of encounter
28 February	0937	Shooting	FARDC	25	2 Hippos 1 Cob de Thomas
1 March	1745	Shooting	FARDC	20	FARDC attacked park rangers
28 April	1143	Shooting	Local Poachers	10	2 Hippos
18 May	0935	Shooting	LRA	16	Encounter in the road
27 May	0916	Shooting	Local Poachers	12	2 Hippos
4 July	0745	Shooting	Sudanese poachers	25	2 Hippos 1 Facochere
3 September	1205	Shooting	Sudanese poachers	10	1 Giraffe 1 Buffalo
24 September	1500	Shooting	Sudanese poachers	8	2 Hippos
13 October	1614	Shooting	Sudanese poachers	15	2 Hippos

Source: Garamba park authorities, 22 November 2013

Annex 99

FARDC poaching camp in Garamba Park, 27 February 2013 (images provided by park authorities)



FARDC poaching camp in Garambapark raided by park rangers on 27 February 2013. Visible are part of a hippo skull and hippo meat.



Uniforms recovered in the camp showed the Congolese flag (left), and the Lt. insignia on the uniform of the officer killed in the shootout with park rangers (right).



Park rangers found large chunks of hippo meat (left), which were to be cured on the smoking pit in the poaching camp (right).



Weapons, uniforms, helmets, boots, and other items recovered from the FARDC poaching camp in Garambapark, 27 February 2013.

Annex 100

Items recovered from Sudanese poachers in Garamba National Park (images provided by park authorities and taken by the Group)

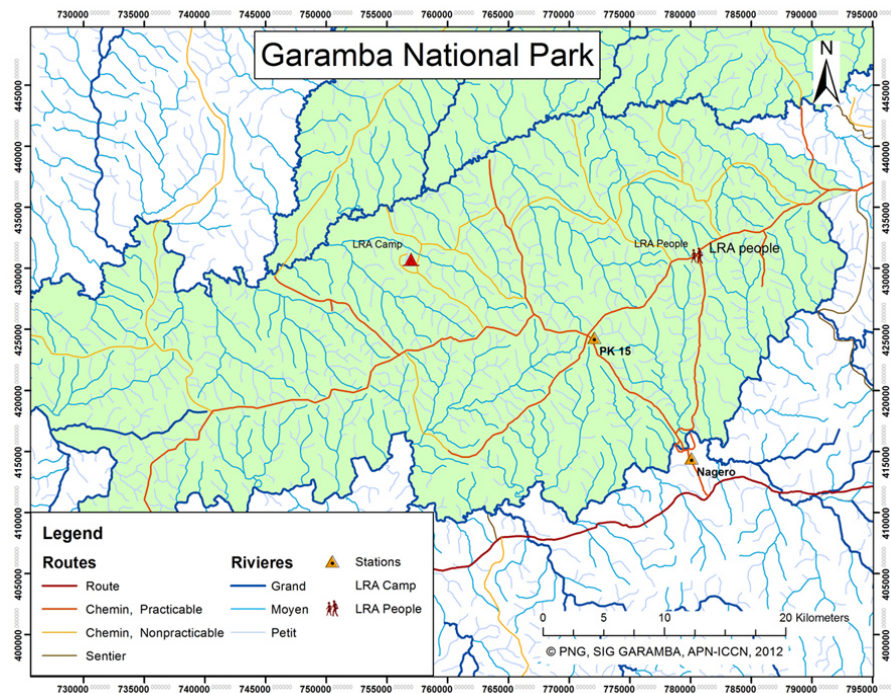


Above Left: Items recovered from a camp raided by Garamba park rangers on 13 October 2013 included one AK-47 and a Sudan People's Liberation Army (SPLA) uniform. Above Right: Close-up of the South Sudan flag on the SPLA uniform.



Ivory, elephant tails, an elephant trunk, and other items gathered from the camp of Sudanese poachers, who fled after an exchange of gunfire with park rangers, on 16 May 2012, 8km north of the park headquarters at Nagero.

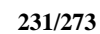
Annex 101

LRA in Garamba National Park, 9-10 April 2012 (provided by park authorities)

Map showing the location of the following photos (“LRA people”) and the LRA camp raided by ICCN park rangers the following day, 10 April 2012.



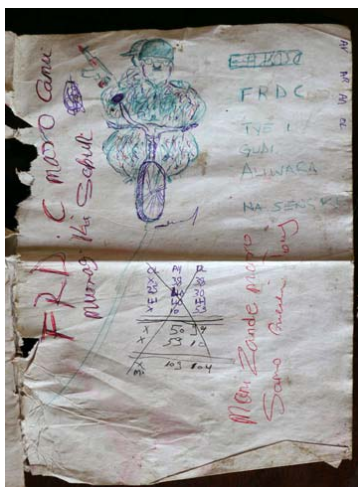
A line of 13 LRA people traversing Garamba National Park. The group includes men and women carrying bundles, and at least three men armed with rifles.



Close-up of two armed LRA in Garambapark.



Items recovered from the LRA camp included an axe, a hoe, a shovel, machetes, a radio, and a notebook. Below, pages from the notebook.



Annex 102**UPDF helicopter in Garamba park, April 2012** (provided by park authorities)

In March 2012, poachers killed 22 elephants in Garamba park in the biggest single mass killing of elephants recorded in recent years. The elephants were found in several groups, and most were shot in the top of the head by rounds shot from AK-47 rifles (i.e., they were not sprayed with bullets, as is common with on-the-ground poachers). Two groups of elephants were in clusters, with the baby elephants in the middle; park authorities told the Group this was a typical behavior of elephants that feel threatened. After shooting the elephants in the head, the poachers removed the tusks and, unusually, male genitalia (annex DFIvory10). Park rangers found no tracks leading away from the kill sites, which further reinforced the conclusion that the killing was done by people in a helicopter. Subsequent analyses of the elephant skulls confirmed they were shot in the head from the air (annex DFIvory11).

On 6 April, park authorities undertook an aerial survey of the park. The park aircraft encountered and followed a military helicopter, which fled from the park aircraft. Four days later, on 10 April, park rangers saw the same helicopter (registration number AF 605) flying low over the park. Ugandan authorities subsequently confirmed that a UPDF helicopter with that registration number was based in Nzara, South Sudan, as part of the force hunting for the LRA.

Park authorities told the Group that no other aircraft were viewed or detected in the park during March, when the elephants were killed.

In October 2013, Ugandan authorities told the Group that the UPDF helicopter in question was not involved in the March 2012 elephant massacre. These same authorities told the Group that it was impossible for someone to shoot an AK-47 from a helicopter and kill elephants, and suggested that hunters sitting in big trees had shot the elephants from above. The Group consulted Garamba park authorities and MONUSCO military officers, who stated that it is indeed possible to shoot elephants from helicopters. In addition, based on photographic evidence at the kill sites, it is clear there are no big trees or hills in the immediate area where the elephants were killed. There have been no known cases of aerial killing of elephants since March 2012.



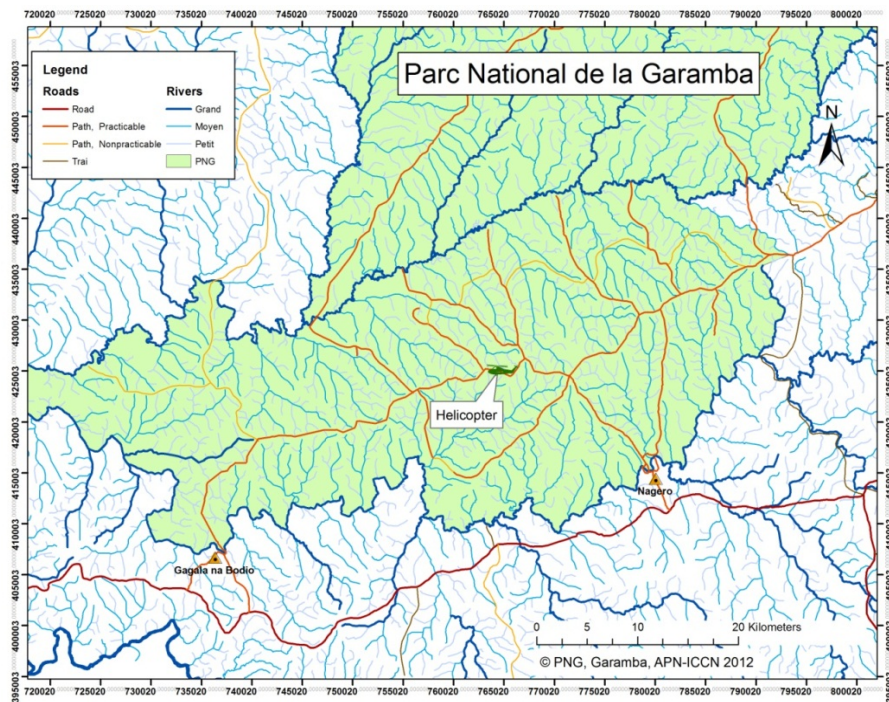
Map showing the location where a Garamba park aircraft encountered a UPDF helicopter on 6 April 2012 (lower helicopter mark), and the path the helicopter followed before outrunning the park helicopter (higher mark), over the Azande hunting domain. Photo on right shows the UPDF helicopter on 6 April as it fled from the park's aircraft.



Photo of UPDF helicopter, registration number AF-605, as it flew over Garambapark on 10 April 2012.



Photo of the UPDF helicopter over Garambapark on 10 April 2012 shows it was flying very low.



Map showing the location of the UPDF helicopter on 10 April 2012 as it flew low over the park.

Annex 103

Elephants shot from the air, Garamba National Park, March 2012 (provided by park authorities and United Nations' sources)



Dead elephants clustered together, suggesting they were acting to protect themselves and the young elephants from danger. The face of the elephant in the foreground was cut off to obtain ivory; the tusks of the other elephants were also removed. The white marks are bird excrement.



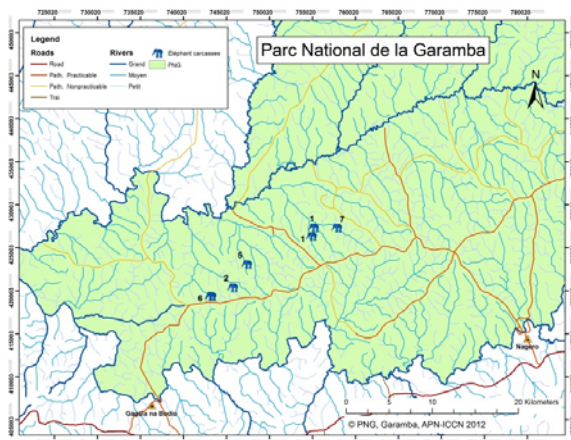
A dead baby elephant lies between two dead adult elephants.



A male elephant located 10 meters from the group of five dead elephants pictured above. The poachers removed the elephant's genitalia.



Aerial view of five dead elephants – four adults and one infant. Vultures are visible on and around the corpses.



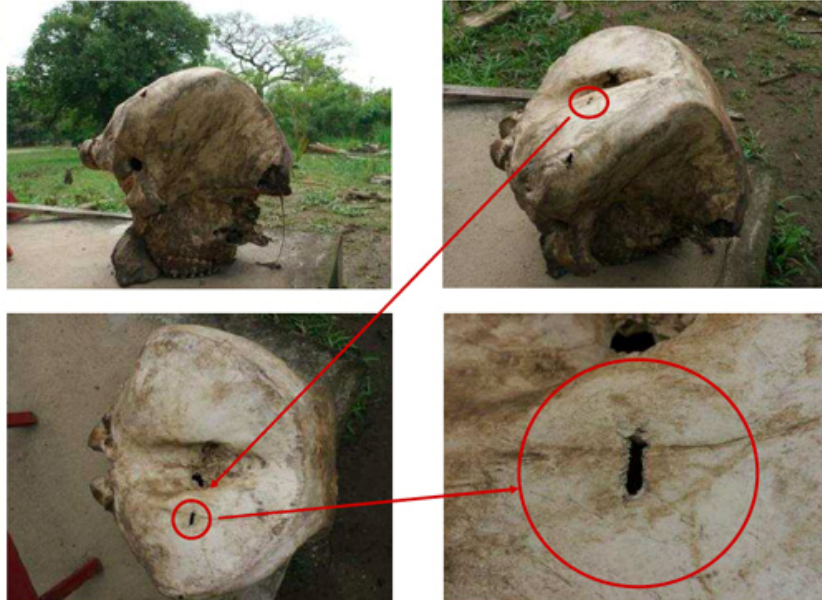
Map of the locations where the 22 elephants were killed from the air in March 2012.

Annex 104

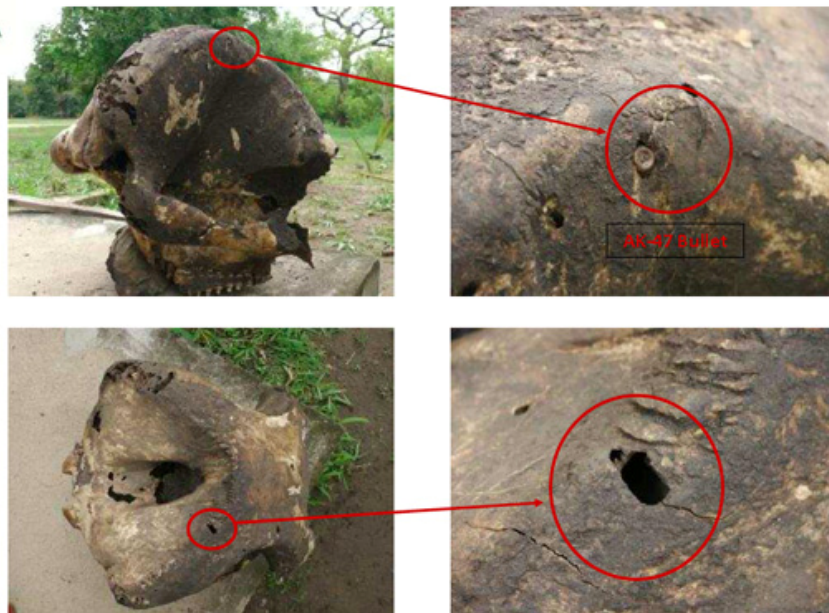
Skulls of elephants shot in the top of the head by poachers in aircraft, Garamba National Park, March 2012 (provided by park authorities)



Elephant poached in Garamba National Park (Skull n° 1)

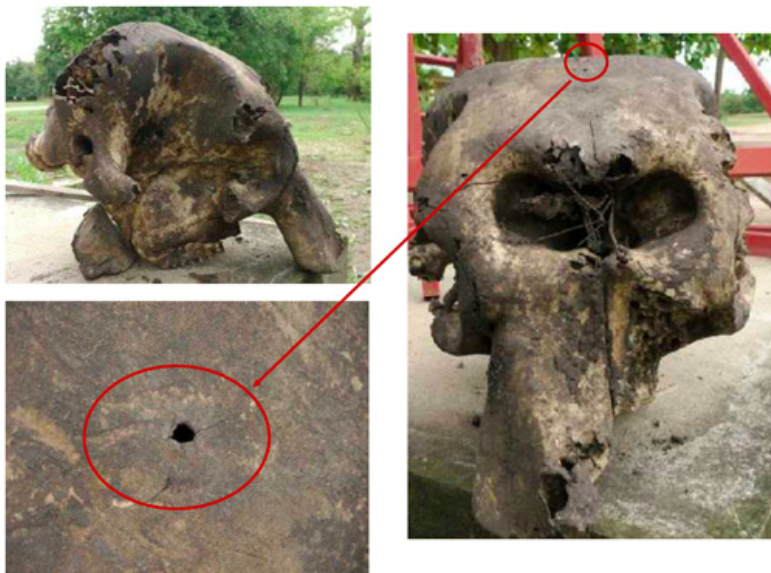


Elephant poached in Garamba National Park (Skull n° 2)





Elephant poached in Garamba National Park (Skull n° 3)



Elephant poached in Garamba National Park (Skull n° 4)



Annex 105

Building in Kasindi, DRC used by Muhindo Kasebere to traffic ivory (photo by the Group of Experts)



“Mweghemero” means “pillow” in Kinande. This building includes a lodge and businesses.

Annex 106

Uganda wildlife seizures, January – October 2013 (provided by the Ugandan government)

Date	Location	Item	Number of perpetrators	Nationality of perpetrator	Results
10 Feb	Entebbe International Airport (EIA)	¼ kg of pangolin scales	Unknown	Unknown	Escaped
22 Mar	EIA	2 pcs of polished elephant thigh bones	1	Italian	Cautioned and released
23 Mar	EIA	14 pcs of polished ivory (01 necklace, 02 bangles and 11 smoking pipes)	1	Chinese	Confiscated and seriously cautioned
31 Mar	EIA	23 pcs of polished ivory	3	Chinese	Unknown
Jul	Kampala	1 piece of ivory weighing 18 kgs	1	Unknown	Unknown
Jul	Kampala & Mitoma Districts	4 pieces of ivory weighing 14 kgs	3	Unknown	Unknown
Jul	Bundibugyo and Fortportal	2 pieces of ivory weighing 8 kgs	2	Unknown	Unknown
Jul	EIA	13 pcs of polished ivory	Unknown	Unknown	Unknown
Aug	EIA	8 pcs polished ivory bangles	Unknown	Unknown	Unknown
Aug	EIA	2 pcs of ivory in the form of spears	Unknown	Unknown	Unknown
Aug	EIA	6 pcs polished ivory bangles	Unknown	Unknown	Unknown
Sep	EIA	15 pcs of worked ivory in various forms	Unknown	Unknown	Unknown
Sep	EIA	2 pcs of ivory	Unknown	Unknown	Unknown
Sep	Pakwach	2 pcs of ivory weighing 35.5kgs	1	Unknown	Unknown
Sep	Kyenjojo District	10 kgs of pangolin scales	1	Unknown	Unknown
4 Oct	Kabarole District	2 pcs of ivory weighing 20.5 kgs	2	Ugandan	Under detention; investigation ongoing
11 Oct	EIA	116 kgs of polished ivory	2	Guinean	Under detention
17 Oct	Bweyogerere	832 pieces of raw ivory weighing 2,903 kgs	Unknown	Ugandan, Kenyan	Investigations ongoing

Note: "Unknown" indicates the Government of Uganda did not provide this information to the Group of Experts.

Annex 107

Ivory Seizure in Kampala, Uganda, 17 October 2013 (from photos and video provided to the Group of Experts by the Uganda Wildlife Authority)



Ugandan authorities seized 832 pieces of ivory, weighing 2,903 kg (6,400 lbs).



A man cuts open one of the sacks in which the ivory was hidden (still image from a video).



Men extract bundles of ivory that were hidden in the sacks (still image from a video).



Several ivory tusks were bundled together in each parcel (still image from a video).



The ivory was hidden in sacks in this container, belonging to the Mediterranean Shipping Company. In the foreground are the empty sacks and material in which the ivory was packed.

Annex 108**Organizations and representatives which the Group officially met with during this mandate****Democratic Republic of the Congo***Government*

Administration provinciale de la province Orientale
 Administration provinciale du Katanga
 Agence nationale de renseignement
 Auditorat militaire
 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
 Régie des voies aériennes
 Service d'appui et d'assistance au *small-scale mining*
 Office Congolaise de Control
 Société Congolaise des Transports et de Ports
 Autorité d'Aviation Civile
 Garamba Park
 Okapi Reserve

Private sector

Maniema Mining Company
 Etablissements Namukaya
 Mining Congo
 Metachem
 WMC
 SAKIMA

Organizations

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
 Office of the Special Envoy of the Great Lakes Region
 Observatoire du Gouvernance et Paix
 Pact
 Caritas
 Enough
 Wildlife Conservation Society
 Human Rights Watch
 EUSEC
 Coopérative Minière de Kalimbi

Rwanda

Government

Ministry of Foreign Affairs and Cooperation
Ministry of Defence
Ministry of Disaster Management and Refugee Affairs
Rwanda Demobilisation and Reintegration Commission
Rwanda Revenue Authority
Geology and Mines Department

Private sector

Phoenix Metals Ltd
Minerals Supply Africa
Rwanda Rudniki
EtsMunsad Minerals

Burundi

Government

Ministry of Defence
Ministry of Foreign Affairs and International Cooperation
Ministry of Mines
Office burundais des recettes
National Police
National Intelligence Service
National Defence Force

Organizations

Deutsche Gesellschaft für International Zusammenarbeit (GIZ)

Private sector

Etablissements Jbeili

Uganda

Government

Ministry of Foreign Affairs
Ministry of Defence
Ministry of Energy and Mines
Civil Aviation Authority
Office of the President
Uganda Police Force
Chieftaincy of Military Intelligence
Uganda Prisons Services
Luwero industries Ltd

Kenya

Government

Ministry of Foreign Affairs
Kenya Revenue Authority

Kenya Police
Criminal Investigations Department
National Focal Point on Small Arms and Light Weapons

Organizations
Regional Centre on Small Arms (RECSA)

United Republic of Tanzania

Government
Ministry of Foreign Affairs
Ministry of Migration
Ministry of Defence
Ministry of Mines
Tanzania Ports Authority

Belgium

Government
Ministry of Foreign Affairs
Ministry of Justice
Ministry of Defence

Organizations
International Peace Information Service

France

Government
Ministry of Foreign Affairs

Organizations
Organization for Economic Cooperation and Development
Channel Research
International Conference of the Great Lakes Region (Executive Secretariat)

Germany

Federal Prosecutor Office
Federal Ministry of Foreign Affairs

United States of America

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 Argentina to the United Nations
Permanent Mission of Australia to the United Nations
Permanent Mission of China to the United Nations
Permanent Mission of France to the United Nations
Permanent Mission of South Africa to the United Nations
Permanent Mission of the Republic of Korea to the United Nations
Permanent Mission of Guatemala to the United Nations

Permanent Mission of Germany to the United Nations
Permanent Mission of Kenya to the United Nations
Permanent Mission of the Grand Duchy of Luxembourg 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 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
Interpol
Delegation of the European Union to the United Nations

Government

USAID

US State Department

U.S Department of the Treasury

United States Government Accountability Office

United Kingdom

Government

Ministry of Foreign Affairs

Organizations

Global Witness

Human Rights Watch

Annex 109**GOVERNMENT OF RWANDA RESPONSE TO ALLEGATIONS BY THE UN
GROUP OF EXPERTS FINAL REPORT ON DRC: 2013****INTRODUCTION**

1. On 12 December 2013, the UN Group of Experts (GoE) for DRC submitted its final report to the UN Sanctions Committee.
2. The report reflects a fundamental problem, which the Government of Rwanda (GoR) had anticipated and warned against in its **annexed** letter to the Sanctions Committee No.MP/239/06.05/E/03 on 19 December 2012. The GoR indicated that the GoE 2013 could not be expected to produce an objective and credible report as long as agenda-driven individuals with proven records of bias and/or lack of professionalism were allowed to occupy key positions within the Group. For this reason, the GoR specifically objected to Bernard Leloup and Maria Plamadiala as candidates to the GoE 2013 (respectively Expert on Regional Issues and Expert on Armed Groups). Considering that the two individuals were nevertheless allowed to assume those sensitive positions and visibly took advantage of them to advance their political and ideological agendas, the GoR considers the content of the GoE final report, with respect to Rwanda, as fundamentally flawed and unreliable.
3. Nevertheless, based on its commitments as a UN Member State, the GoR continued to cooperate with the GoE and responded to all its letters and inquiries throughout 2013, including the final report which the present document is meant to respond to.
4. The GoE final report contains a series of allegations claiming that "M23 received various forms of support from Rwandan territory, including recruitment, troop reinforcement, ammunition deliveries and fire support" (Ref Pg 2, Para 1 of the GoE final Report).
5. The GoE further alleges that M23 has continued to recruit in Rwanda, even after its defeat and the eventual denouncing of its rebellion (Ref Pg 3 Para 4 of the GoE final Report).

6. The GoE claims to have based its findings on documents and onsite observations by the experts themselves and corroborated information by using at least three independent/reliable sources.

7. However, the content of the report is characteristic of the GoE's recent reports on Rwanda. There is an overreliance on anonymous sources, hearsay assertions, unidentified, un-vetted and compromised witnesses whose lack credibility would be evident to any objective investigator.

8. The GoE tendency to indiscriminately endorse any claims or testimonies that suit a pre-established narrative about Rwanda has also become an unfortunate pattern, which contravenes with the Group's obligation to independently verify the authenticity of any piece of evidence before using it in their report. Yet, the GoE itself has acknowledged the difficulty of gathering credible information in a context as politically and emotionally charged as the DRC conflict. At Pg 4, Para 3 of the GoE final report, it is indicated that "given the nature of the conflict in DRC, there are few documents that provide definitive arms transfers, recruitment, command responsibility for grave human rights abuses and illegal exploitation of natural resources" (Ref.).

9. Further evidence of the GoE's continued bias is exposed by the fact that no reference is made to the GoR's **annexed** responses to all queries presented by the UN GOE throughout 2013. Old accusations are simply recycled and restated in the final report ignoring the GoR's detailed responses.

10. Considering the many flaws indicated in this document, the UN Sanctions Committee should consider dismissing the GoE Final Report. This may also be an appropriate time for the UN Security Council to address the grave and persistent problem caused by the unrestricted latitude granted to scarcely vetted experts to smear and harm UN Member States with no proper avenue for redress.

THE GoE ALLEGATIONS AGAINST THE GOVERNMENT OF RWANDA

Denied entry to two UN GoE members to Rwanda: (Para 3).

11. The GoR, though not a member of the UNSC at the time, officially communicated its objection to the individuals in question as duly communicated in letter No.MP/239/06.05/E/03 on 19 December 2012. The detailed reasons for this objection were presented with full transparency. These objections having been ignored with no explanation provided, the GoR decided to continue its cooperation with and support to the GoE as an institution, but could not willingly cooperate with individuals whose long term agenda to harm Rwanda was established and exposed.

Allegation that remnants and allies of M23 continued to recruit from Rwanda even after the declared end of the M23 rebellion: (Para 4).

12. The M23 officially disbanded and ceased to exist both militarily and politically after its defeat and signing of the Peace Agreement in Nairobi on 12 December 2013. In this context, it is futile and disingenuous for the GoE to recycle obsolete allegations. Furthermore, as per the established GoE pattern, none of the most basic identification details of the recruiters, training camps and their would-be areas of deployment are provided to back the allegations and facilitate necessary verifications.

Allegation that RDF officers recruited for M23 and facilitated recruiters of M23 by allowing safe passage in Rwanda as well as continued support to the M23 from the Rwandan territory until late October 2013: (Para 4).

13. As indicated at paragraph 12, these are recycled allegations to which Rwanda has extensively responded in the **annexed** letters No 581/09.01/CABMIN/2012 and DNY/115/UN.12/LSC/13 to which the GoE makes no reference. It should be noted that such allegations, by their very nature, would require solid material evidence or verifiable details, none of which is provided by the GoE.

Allegation of 23 Rwandan recruits: 18 adults and 5 children, served in M23; (Para 20).

14. The GoE does not provide any necessary details (names, place of recruitment, dates, recruiters, current address) on the alleged group, making it impossible for the GoR to carry out relevant investigations.

Such unverifiable claims should not be allowed in a GoE report until basic details are available for verification and further processing.

Allegation that in August RDF soldiers crossed into DRC to join M23 in combat and delivered arms and ammunition in June, July and August 2013: (Para 21, 28, 29& 31).

15. It is unconceivable that developments of this scope and gravity would take place without leaving substantial material evidence. The GoE report does not provide details of the alleged RDF units in question; Commanders involved in the alleged supply of weaponry, quantities of weapons supplied, number of personnel involved, routes, types, amount of weapons and ammunitions supplied and evidence that establish a link between the alleged weapon types to the RDF. Unless and until the GoE is able to obtain objectively and present concrete evidence, such allegations should be dismissed.

16. For the same reason as in paragraph 15 and a fortiori, the back and forth cross-border movements of RDF troops would necessarily leave visible traces and material evidence. The GoE provides none to support its sensational claims.

Allegation that from 25-27 October, M23 received fire support from RDF tanks at the Rwanda-DRC border at Kabuhanga-Kabuye: (Para 14& 30).

17. Throughout the period under review, no RDF tanks were deployed in the area mentioned by the GoE. Additionally, the area has been subject to investigations by EJVM regarding cross border movements and firing. There exists no report by the EJVM to this effect. During its many visits and in its correspondences with the GoR, the GoE never inquired if any technical investigations were conducted by GoDRC, EJVM or MONUSCO as was done by Rwanda regarding the bombing on its territory from the DRC territory, Ref: DNY/64/UN.09/LSC/13 as **annexed**.

18. An established tank firing position characteristically leaves indicative marks on the ground for a prolonged period after firing. In spite of its frequent visits in the area, the GoE made no reference to this allegation and no verification was carried out to find relevant evidence on the ground. A further indication of the GoE partiality is the visible contempt with which it treats the GoR's official accusations on the bombing

of Rwandan territory by the FARDC. The GoE only makes an unverifiable reference to a so-called ex-RDF source that claimed the bombing on Rwanda territory was carried out by M23 (Ref: GoE Report Pg5; on shelling of DRC and Rwanda).

Allegation that an ex-RDF soldier known as “Kifaru” was a crew member for the T-55 tank that M23 used in combat and that Maj. Kalisa Rwema is an Ex RDF officer who served as a trainer for M23 at Rumangabo: (Para 22 &30).

19. Kalisa Rwema is a former member of the RDF who was officially dismissed in 2007 on account of indiscipline. The RDF cannot be held accountable for his movements and actions subsequent to his dismissal. GoR has repeatedly availed its support to the GoE in establishing the exact circumstances of any Rwandan national joining M23 or any other armed group. This would have been done for Kalisa Rwema had the GoE sought clarification. The RDF records of active and demobilized soldiers RDF soldiers do not have any officer by the name or nickname of Kifaru. The GoR would appreciate further details to help identify this individual.

Allegation that dead and wounded Rwandan soldiers were transported to Rwanda for burial or treatment: (Para 11).

20. The GoR has repeatedly stated that not a single RDF soldier ever got involved in the fighting between the FARDC and M23. Therefore, the alleged burial or treatment could not have taken place. The responsibility to provide contrary evidence lies with those who repeatedly make such claims; in this case the GoE and its alleged sources.

21. The GoR highly values the lives of its servicemen and women. Beyond the usual lack of basic details to substantiate such a grave allegation (dates, names, unit designation), the GoR takes serious offence on the reckless inclusion of such insensitive and abusive allegations in a UN report.

CONCLUSION:

22. The GoR takes exception to the persistent and systematic bias that continues to characterize GoE's reporting on Rwanda and its selectiveness regarding contextual considerations on the DRC crisis. A

29. The GoR is involved in various initiatives and mechanisms aimed at supporting peace and stability in EDRC. The situation in DRC has substantially evolved with the decisive end of M23, both politically and militarily. The UN Sanctions committee should appreciate that all allegations against Rwanda contained in the GoE's 2013 report have no relevance in the current circumstances. To the contrary, these allegations may undermine the ongoing efforts that are focused on forward looking solutions. The Sanctions Committee should thus consider removing these allegations against Rwanda in the final report.

End

Annex 110

GoE response to GoR response

This document serves as a response from the Group of Experts (GoE) to the document annexed in the letter from the Government of Rwanda (GoR) dated 15 January 2014 addressed to the Chair of the 1533 Committee, entitled “Government of Rwanda response to allegations by the UN Group of Experts final report on DRC: 2013.”

During the course of its mandate under Resolution 2078, the Group of Experts (GoE) conducted field research in the Democratic Republic of the Congo (DRC), Burundi, Kenya, Rwanda, Tanzania, and Uganda; however, the Government of Rwanda blocked two Group members from entering its territory. The Group also had official meetings in Belgium, France, Germany, the United Kingdom, and the United States. As noted in paragraph 2 of the Group’s final report, the Group used evidentiary standards recommended by the Informal Working Group of the Security Council on the General Issues of Sanctions. The Group based its findings on documents, photographs, videos, observation by Group members, and testimonies.

Due to the nature of conflict in DRC, there are few documents, photographs, or videos that provide incontrovertible proof of arms transfers and troop movements. The Group thus based much of its research on testimonies from people with primary knowledge of the events being investigated, and required a minimum of three independent and reliable sources for each finding. The Group sometimes interviewed key witnesses several times, in the presence of two or more Group members. The Group also checked information obtained from testimonies with third parties, including civil society leaders, government officials, and UN sources.

In its response to the GoE final report, the GoR makes ten claims about the GoE and its findings.

Claim 1: Reliance on witness testimony

The GoR response states: “There is an overreliance on anonymous sources, hearsay assertions, unidentified, un-vetted and compromised witnesses whose lack credibility would be evident to any objective investigator” (GoR, para. 7). The Group disagrees with this claim.

For its section on M23 – which is the focus of the GoR response – the Group took and obtained photographs of M23 positions; made observations on the ground in and adjacent to M23-held areas; reviewed reports generated by United Nations’ (UN) agencies and the Extended Joint Verification Mechanism (EJVM); and analyzed documents retrieved from former M23 positions after their defeat.

The Group also used witness testimonies, including from 71 M23 ex-combatants and political cadres. Of these ex-combatants, 34 were recruited in DRC, 23 in Rwanda, and 14 in Uganda. Of the 23 ex-combatants recruited in Rwanda, 18 were Rwandan citizens, and five were Congolese citizens. The Group interviewed these ex-combatants in numerous locations, and at different times between February and December 2013. The Group also interviewed residents of areas under M23 control, including civil society leaders and villagers, as well as displaced people. Finally, the Group interviewed community leaders in North Kivu, Congolese government officials, EJVM members, and UN officials.

The Group notes that witness testimony provided essential, first-hand accounts of the events and processes described in its report, not just for the M23 section, but for all sections. These sources will

remain anonymous, in accordance with UN guidelines, in order to protect confidentiality and the security of those who speak to the Group. Throughout its mandate, the Group was aware of the potential for witnesses to interject hearsay into their testimony; however, as noted above, the Group addressed this possibility by vigorously cross-checking information with other independent sources. The Group discarded information it deemed to be rumor, or which was not adequately vetted, and only retained findings that had support from numerous data points. In some cases, dozens of people independently confirmed the same events and processes, as noted in the GoE report, and below.

Claim 2: GoE did not reference GoR evidence

The GoR response states: “Further evidence of the GoE’s continued bias is exposed by the fact that no reference is made to the GoR’s annexed responses to all queries presented by the UN GOE throughout 2013. Old accusations are simply recycled and restated in the final report ignoring the GoR’s detailed responses” (GoR, para. 9). The Group disagrees with this claim.

The Group appreciates the cooperation it received during its mandate from the Government of Rwanda. The Group had three official visits to Rwanda, during which government officials shared information orally and in writing in response to Group requests. The Group also wrote official requests for information to the Government of Rwanda, and received responses to most of its inquiries. The Group used information in its final report that was provided or facilitated by GoR, particularly on the shelling of Goma and Rwandan territory (Box “Shelling of DRC and Rwanda”), the FDLR (GoE, paras. 90, 94, 97), and minerals (GoE, para. 224). The Group notes it did not receive a response from the Government of Rwanda on some topics, for example the October firing incident (GoE, para. 30).

The Group also used other information provided by GoR in its mid-term report (S/2013/433). The Group cited such information in sections on M23 (paras. 28-30; annexes 12, 14, 42), FDLR (paras. 97, 99, 104; annexes 50-53), and minerals (para. 192). The Group also included photographs of weapons GoR recovered from M23 (annex 13), and of weapons and other items (including identification cards) recovered from FDLR (annexes 54-55).

Claim 3: GoR denied entry to two GoE members

The GoR confirms it denied entry to two GoE members (the Armed Groups and Regional experts) during the entire course of the mandate (GoR, para. 11). The Group notes this is contrary to paragraph 20 of Resolution 2078, and calls attention to the fact that Rwanda is the only country that barred entry for any DRC GoE members during the mandate.

Claim 4: M23 recruitment in Rwanda

The GoR disputes GoE’s finding that remnants and allies of M23 continued to recruit in Rwanda after the official end of hostilities (GoR, para. 12). The Group stands by its finding, which was based on reports from UN sources and Congolese authorities (GoE, para. 38).

Claim 5: RDF recruitment for M23

GoR claims “... allegations [of RDF recruitment support to M23], by their very nature, would require solid material evidence or verifiable details, none of which is provided by the GoE” (para. 13). The Group stands by its finding, which was based on five testimonies: two RDF officers who had deserted; a demobilized RDF officer; a former M23 officer; and a M23 recruiter of Rwandan nationality.

Claim 6: Rwandan recruits in M23

GoR claims the GoE did not provide sufficient details (“names, place of recruitment, dates, recruiters, current address”) to enable it to carry out investigations of M23 recruitment in Rwanda (GoR, para. 14). The Group notes that this claim is challenged by information in the GoR’s own response.

The Group identified two Rwandan men – Kifaru and KalisaRwema – who it found had served with M23 during 2013 (GoE, para. 22). In GoR’s response, it confirms that based on GoE’s findings, GoR authorities conducted an investigation that confirmed one of these men had previously served in the RDF (GoR, para. 19). GoR also investigated the second man, but reports it did not find evidence he had previously served with the RDF. The GoR investigations of these two men thus contradicts GoR’s claim that GoE’s findings were inadequate.

The Group also provided a document recovered in November in a former M23 position that confirms M23 paid “Emmanuel Ngabo \$750 to help cadres recruiting for M23 in Gisenyi Rwanda” (GoE, para. 24, annex 16). This document should enable GoR to investigate Mr. Ngabo and the M23 recruiting network in Gisenyi; however, GoR’s response makes no reference to Mr. Ngabo or other Gisenyi-based M23 recruiters.

The GoE also interviewed 23 M23 ex-combatants who had been recruited in Rwanda: 18 Rwandan citizens (including five children), and five Congolese citizens (paras. 20-21). The Group has already noted that it protects the confidentiality of its sources; this is particularly important for the five Rwandan children recruited into M23.

Claim 7: RDF crossing into DRC

GoR claims that the GoE alleged that “...in August RDF soldiers crossed into DRC to join M23 in combat and delivered arms and ammunition in June, July and August 2013: (Para 21, 28, 29& 31).” The Group stands by its finding that RDF soldiers crossed into DRC in August, but notes that it did not claim that RDF soldiers delivered arms and ammunition to M23.

The Group determined, first, that during August 2013, RDF troops crossed into DRC to support M23. The Group obtained this information from 17 witnesses: three ex-RDF soldiers, ten local residents in Kibumba, and four M23 ex-combatants (GoE, para. 29; see also annex 18). In addition, several Congolese government officials and UN sources corroborated the statements made by the witnesses, based on their own intelligence. The number and variety of sources made the Group sufficiently confident of the veracity of its finding.

The Group also determined that people brought arms and ammunition from Rwandan territory to M23; however, the Group did not obtain sufficient evidence to concretely identify the identities of those who delivered the arms and ammunition, except in the cases of M23 members who told the Group they personally carried ammunition across the border (GoE, para. 31). The Group’s sources for the finding of arms and ammunition coming from Rwanda included “twenty-eight former M23 combatants, local people living in DRC close to the Rwandan and Ugandan borders, Congolese authorities, and UN sources” (GoE, para. 31).

Claim 8: RDF tank fire in support of M23

The GoR claims that from 25-27 October, “no RDF tanks were deployed in the area mentioned by the GoE [Kabuhanga-Kabuye]” (GoR, paras. 17-18), thus suggesting it was impossible that RDF tanks shot into DRC in support of M23 (GoE, para. 30). The Group stands by its finding, which was based on witness testimony, and supported by photographic evidence.

The Group introduces in this document photographic evidence from 25 October that confirms that at least two RDF T-55 tanks and three RDF armored personnel carriers (APCs) were in the Kabuhanga area.

Between 1600 and 1715 on 25 October, two GoE members in Rwanda observed and photographed the tanks and APCs on the road to Kabuhanga (the dirt road extending north from the main Ruhengeri-Gisenyi road). The Group did not initially include this evidence in its final report because it was not obtained during an official visit to Rwanda; however, the Group has chosen to release these photos at this time in order to properly respond to GoR’s claim. The photos are included, below.

While the tanks and APCs were not located at Kabuhanga, the Group observed and documented their arrival to the Kabuhanga road. Without engaging in a discussion of what constitutes the “area mentioned by the GoE”, the Group believes that its observation contradicts the claim made by GoR with respect to deployment of RDF tanks.

In addition to this photographic evidence, the Group obtained witness testimony from more than 30 people confirming that RDF tanks were present at Kabuhanga late on the afternoon of 25 October, and that these tanks fired into DRC territory (GoE, para. 30). These testimonies came from a diverse group of people – including Congolese and foreign citizens – which makes it highly unlikely that the story was developed as a conspiracy or due to hearsay.



Photo taken around 1600 on 25 October showing two T-55 tanks on the Kabuhanga road, approximately 100 meters from the Ruhengeri-Gisenyi road. The tanks are facing toward Kabuhanga (north). The length of the shadows shows this photo was taken in the late afternoon.



Close-up of the tanks in the first image (above).



Photo taken at approximately 1715 on 25 October from the Ruhengeri-Gisenyi road at the junction with the Kabuhanga road, looking north, in the direction of Kabuhanga. On the right side is a truck with a trailer, of the type RDF uses to transport tanks along stretches of tarmacked roads. In the center of the photo is an APC, which was arriving at the junction. Several vehicles can be seen approximately 50 meters down the dirt road, which leads to Kabuhanga (see below).



Close-up from the photo above shows two APCs (with guns covered by brown tarps) and one tank, which are all facing in the direction of Kabuhanga.

Claim 9: Ex-RDF in M23

As noted above (Claim 6), GoR confirmed that it investigated two men who served with M23 as a result of GoE's final report and confirmed that one man – KalisaRwema – “was officially dismissed [from RDF] in 2007 on account of indiscipline” (GoR, para. 19). The GoR states it found no information about a man named Kifaru having served in RDF. The Group thanks GoR for conducting this investigation and confirming GoE's finding about KalisaRwema being an ex-RDF soldier.

Claim 10: Dead and wounded RDF sent to Rwanda

GoR disputes the finding contained in the GoE report that RDF soldiers were transported to Rwanda for burial or treatment (GoR, para. 11). GoR states no RDF troops ever served with M23; therefore “the alleged burial or treatment or treatment could not have taken place.” The Group stands by its finding, which was based on testimonies of former M23 combatants, taken by the Group at different times and in different locations.

Annex 111

SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1533 (2004)
CONCERNING THE DEMOCRATIC REPUBLIC
OF THE CONGO

S/AC.43/2013/COMM.8
23 January 2013
ORIGINAL: ENGLISH

Letter dated 22 January 2013 from the Mr. Makhtar Diop, Vice President, Africa Region of the
World Bank addressed to the Chair of the Committee

Thank you for your letter to our Special Representative to the UN, dated 28 December, 2012, regarding the recommendation of the UN Group of Experts on the Democratic Republic of the Congo (DRC) that "[d]onors to the Rwandan demobilization programme ... more closely monitor the reintegration of former FDLR combatants" from the DRC. Your letter requested the views of the World Bank with respect to this recommendation.

The World Bank has been supporting efforts of the Government of Rwanda (GoR) to demobilize and reintegrate ex-combatants since 2001, through the two phases of our Emergency Demobilization and Reintegration Project (EDRP). The project, which is implemented by the Rwanda Demobilization and Reintegration Commission (RDRC), has assisted in demobilizing and reintegrating 9,970 adult ex-combatants (of which 8,300 are FDLR), and 871 child soldiers.

The project includes a number of mechanisms for tracking, monitoring and following up on ex-combatants who have been demobilized through the GoR program:

- Ex-combatants who wish to enter the program are first screened and registered by the United Nations in DRC, before being repatriated to Rwanda and handed over to the RDRC. The UN list of ex-combatants registered and repatriated is cross-checked with the list of ex-combatants received by the RDRC in Rwanda.
- Once in the program in Rwanda, the RDRC registers all ex-combatants with personal information and a photograph, and records the community and location to which they wish to return. RDRC, which has Reintegration Officers in all Provinces, also works with communities, representatives of ex-combatants, as well as local authorities and service providers to monitor potential issues.
- Because adult ex-combatants receive cash payments, the project undertakes random payment verification surveys to ensure that individuals received the cash.

These surveys require directly contacting demobilized individuals. To date, payment verification surveys have been able to track down adult ex-combatants randomly captured through this verification process, and these ex-combatants have been found in the territory of Rwanda.

- In addition, the project regularly carries out studies and surveys on specific topics, providing project staff with opportunities to learn about the medium- and long-term consequences of demobilization and reintegration of ex-combatants who have gone through the program.

In addition, the Project collaborates closely with partners and stakeholders to follow-up on issues or concerns related to the program. In particular:

- The International Committee of the Red Cross (ICRC) acts as an independent third-party monitor of the demobilization and re-integration process, and has full access to the list of registered ex-combatants and unrestricted access to them when they are in Mutobo.
- RDRC has established a Technical Coordination Committee that is open to partners and other stakeholders and designed to follow-up on any issues or concerns relating to the program. The Committee has met roughly every three months and provides a useful forum for sharing information and checking on project implementation and effectiveness.
- The project team has a full-time Bank staff member who (though based in Rwanda) travels extensively to eastern DRC to coordinate with the UN Mission there, interacts regularly with the Commission and its staff, frequently visits the Mutobo and Muhoza Centers, and periodically reviews the intake of new ex-combatants, the use of the data and Management Information System, and who also cross-checks data with the UN Mission in DRC.

To date, none of these monitoring mechanisms have uncovered any evidence that excombatants who have benefited from the program are systematically being re-recruited into the conflict in eastern DRC. This finding does not preclude the possibility that some ex-combatants have returned to DRC, on their own initiative; however, according to our findings, such "recycling", if it exists, is not systematic, and in particular is not supported by the GoR entities that are involved in the EDRP.

Nevertheless, the World Bank takes the allegations outlined in the GoE's report very seriously. For that reason, after the report was made available, the World Bank conducted a supplementary mission to investigate the GoE allegations in detail with representatives of our GoR and donor partners (Germany, Netherlands, and Sweden). This mission also found no evidence of systematic re-recruitment of project-assisted excombatants back into the conflict in eastern DRC. The mission confirmed that the project has in place measures (described above) that are highly likely to alert the Bank team and its funding partners either to systematic re-recruitment or indeed to significant voluntary and self-initiated redeployment in eastern DRC, if such re-recruitment or redeployment were occurring. Finally, the mission suggested some improvements to the project's Management Information System, which the RDRC is now implementing.

In the view of the World Bank, the EDRP remains an important vehicle for enabling Rwandan combatants fighting in eastern DRC to lay down their arms and transition peacefully back into their communities in Rwanda. Ending the program would close one of the few avenues available for supporting combatants through this difficult transition, and could indirectly prolong the conflict. For this reason, the World Bank remains committed to making this project a success, while also ensuring that funding is used for the purposes intended. My team would be happy to provide further details regarding the Bank's work in this area if you so desire.

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REFERENCE: S/AC.43/2012/OC.69

21 December 2012

Excellency,

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to refer to the final report of the Group of Experts on the Democratic Republic of the Congo, dated 15 November 2012 (S/2012/843), which is available on the Committee's website: <http://www.un.org/sc/committees/1533/egroup.shtml>

In this connection, the Chair wishes to draw your attention to the following recommendation, which was presented by the Group of Experts in the aforementioned report:

Paragraph 243 (m) (page 56): Donors to the Rwandan demobilization programme to more closely monitor the reintegration of former FDLR combatants from the Democratic Republic of the Congo.

The Committee would welcome receiving at your earliest convenience the views of the World Bank with regard to the above-mentioned recommendation.

Please accept, Excellency, the assurances of my highest consideration.

Agshin Mehdiyev
Chairman

Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

Her Excellency
Mrs. Dominique Bichara
Special Representative of the World Bank
to the United Nations

Annex 112

SECURITY COUNCIL COMMITTEE ESTABLISHED	S/AC.43/2013/COMM.8/Add.1
PURSUANT TO RESOLUTION 1533 (2004)	25 April 2013
CONCERNING THE DEMOCRATIC REPUBLIC	ORIGINAL: ENGLISH
OF THE CONGO	

Letter dated 24 April 2013 from the Coordinator of the Group of Experts on the DRC
addressed to the Chair of the Committee

REFERENCE: S/AC.43/2013/GE/OC.23

In a letter dated 22 January 2013 addressed to you, which was subsequently circulated in the Committee and to the Group, Mr. Makhtar Diop, Vice President of the Africa Region of the World Bank, disputed a finding by the 2012 Group of Experts (GoE) regarding the recruitment of ex-FDLR combatants at the Mutobo centre in Rwanda. This letter was shared with the Group of Experts by the Secretariat following its circulation in the Committee on 23 January 2013 (as S/AC.43/2013/COMM.8). The Group would like to address the points made in this letter, and would be grateful if this official correspondence could be sent to the World Bank and members of the Committee, for their information.

The 15 November 2012 GoE report (S/2012/843) stated the following about recruitment at Mutobo:

157. The Group interviewed four former FDLR combatants who had been demobilized in the Democratic Republic of the Congo and re-recruited from the Mutobo demobilization and reintegration centre in Rwanda in September 2012. Upon their arrival at the centre, its permanent director, Frank Musonera, separates young boys targeted for recruitment, including children aged below 16 years. In one case, on 15 August 2012, he sent five former FDLR child soldiers between the ages of 13 and 16 years to Kinigi, where Rwandan troops forced them to carry boxes of ammunition and join M23 [...].

The November 2012 GoE report confirmed that RDF officers and individuals supporting M23 recruited demobilized soldiers in Rwanda, including former FDLR combatants. The Group based its conclusion on a series of testimonies of former FDLR soldiers and officers who surrendered after serving with M23 in the DRC, and on accounts of former RDF officers, M23 collaborators and Congolese politicians. These sources confirmed the recruitment of demobilized RDF and FDLR soldiers for service in M23, and reported that such recruitment was carried out at the Mutobo demobilization base, as well as in other villages in western Rwanda.

In its response to the GoE report, the World Bank stated that its monitoring mechanisms for Mutobo had not “uncovered any evidence that ex-combatants who have benefited from the program are systematically being re-recruited into the conflict in eastern DRC” (p. 2). The Bank’s letter also stated: “This finding does not preclude the possibility that some ex-combatants have returned to DRC, on their own initiative; however, according to our findings, such ‘recycling’, if it exists, is not systematic, and in particular is not supported by the GoR entities that are involved in the EDRP” (p. 2).

While the Bank opines that some former FDLR combatants might have voluntarily returned to Congo, it however fails to consider a third possibility, which was documented by the Group of Experts: that targeted recruitment of former FDLR combatants took place at Mutobo during August and September 2012, with the knowledge and participation of program staff.

The Group of Experts stands by its original assertion that during August and September 2012, Rwandan authorities in charge of the Mutobo centre allowed agents acting on behalf of the M23 rebel group to recruit former FDLR combatants. The Group’s finding about recruitment at Mutobo was based on interviews with several former combatants who had been recruited at Mutobo and sent to the DRC to become part of the M23 group, as well as interviews with other M23 surrenders who had witnessed the arrival of recruits from Mutobo. The Group did not find, nor did it claim, that such recruitment was “systematic”, but given its finding that recruitment did in fact take place, even on a limited scale, the Group believes that its recommendation that “[d]onors to the Rwandan demobilization programme [...] more closely monitor the reintegration of former FDLR combatants” (para. 243(m)) was – and remains – appropriate.

The Group is encouraged by the World Bank’s statement that “the project has in place measures [...] that are highly likely to alert the Bank team and its funding partners either to systematic re-recruitment or indeed to significant voluntary and self-initiated redeployment in eastern DRC, if such re-recruitment or redeployment were occurring” (p. 2). However, the Group encourages the Bank to also monitor the program at Mutobo for episodic, opportunistic re-recruitment of former FDLR combatants, with or without the knowledge or participation of Rwandan government officials.

Annex 113

SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1533 (2004)
CONCERNING THE DEMOCRATIC REPUBLIC
OF THE CONGO

S/AC.43/2013/COMM.7
23 January 2013
ORIGINAL: ENGLISH

Letter dated 22 January 2013 from the Managing Director of ITRI
addressed to the Chair of the Committee

I am writing in response to your letter of the 21st December 2012 (reference: S/AC.43/2012/OC.65) in relation to the November 2012 UN Group of Experts (GoE's) Report on the Democratic of the Congo. Specifically we note your interest in our views on the recommendations made in Paragraph 243 (j);

(j) Exporters, processing industries and consumers of tin, tantalum and tungsten mineral products from the eastern Democratic Republic of the Congo and other "red flag" locations to invest in traceability and due diligence in the Kivus, Katanga, Maniema and Orientale Provinces in order to halt cross-border smuggling and preserve the credibility of the Rwandan tagging scheme;

I can confirm that ITRI staff, members and partners are fully aware of the recent report, and pay close attention to relevant recommendations contained within - as has been the case for GoE's reports released in previous years. ITRI and ITRI members were the first to respond to the GoE's recommendations for written assurances of mine source, and subsequently, the first in 2009, to develop a due diligence system to assist companies trading in minerals from the conflict affected regions to meet the goals of the UN and OECD guidance.

The ITRI Tin Supply Chain Initiative (ITSCI) has developed from a pilot project on cassiterite at one mine in 2010, to encompass extensive areas of the DRC and Rwanda, and include significant numbers of both local and international trading companies. We have made a significant contribution to the spread of information and knowledge on due diligence within most of the markets mentioned in your recommendations.

Although launched and primarily operated by ITRI, our commitment extends to inclusion of tantalite and wolframite (non-tin) minerals despite this activity being beyond the normal mandate of our activities. ITRI is therefore a leader in promoting positive progress in all 3 mineral sectors although there is no business case for us to do so.

The ITSCI membership programme includes exporters, processors and some consumers who are all committed to traceability and due diligence. We currently work with 51 accepted members and 40 provisional members in the upstream supply chain who apply the OECD and UN due diligence guidance as part of the programme. This not only covers exporters but also those further upstream such as the local mine co-operatives. We also have 7 associate members, downstream consumers of the 3T minerals, who may not necessarily purchase the final metal but nevertheless would like to positively support the programme. These companies are located in more than 19 countries.

The programme is operating in Katanga, Maniema and South Kivu in the DRC, and in Rwanda. Further details are provided in Annex 1. We do not consider it sufficiently secure to begin any operations in North Kivu, and

our agreement with the Congolese Government does not extend to allowing activity in Province Orientale. Taking this into account, we have already expanded activities in all possible areas mentioned in paragraph 243j.

Industry faces significant challenges to cover the cost of applying the recommended due diligence processes in remote and inaccessible areas with limited infrastructure in terms of transport and general communication. None of the areas mentioned above could have begun operations without some other external donor or downstream financial assistance, and it remains uncertain whether the on-going costs can be made sustainable in the longer term. Unfortunately, there is limited interest from outside the region to invest in mining businesses until both the political and security circumstances are more stable and this is unlikely to change in the immediate future. In the meantime, costs of the programme are mainly borne by local producers through pricing adjustments despite business challenges to such financing. Even so, it has been impossible to raise sufficient funds to begin ITSCI in Burundi or Uganda due to the relatively small production from those countries. Similarly, Tanzanian and Zambian artisanal miners have difficulty taking their mineral to market as the start-up costs of due diligence in those locations are prohibitive.

Business investment in mining operations from parties outside the DRC, which would introduce investment in due diligence, remains unlikely while the general international community, and metal buyers in particular, are not yet comfortable with the purchase of minerals from the DRC. Continuing negative publicity and minimal reporting on progress and successes prolongs international concerns and avoidance of purchasing and/or investment.

We note your comment regarding cross-border smuggling, and of course while recognising that this will always be an issue, believe that it may not be as significant as sometimes implied. The GoE's report itself makes no clear conclusion;

176. The scale of laundering of Congolese minerals in the Rwandan tagging system is impossible to estimate on the basis of the incidents highlighted above. There is, however, a clear correlation between the shifting predominance of tantalum ore and tungsten ore mining close to the border and the increasing exports by Rwanda of those minerals.

We retain some concerns over the validity of both the individual 'incidents' described in previous paragraphs of the report, which refer to companies that do not exist and sites that are known to be inactive, as well as the general remark concerning increased exports from Rwanda. We have not observed any clear increasing trend in exports in the year preceding the most recent UN report. Please see Annex II.

At the same time, it of course remains challenging to control mineral trade in Rwanda and we have budgeted for additional field staff in 2013 in order to increase the frequency of site visits, and ensure credibility can be maintained. As industry representatives, we do not have the power or mandate to control border crossings, and would never presume to supplant the Governments responsibility for doing so. Other donors would however be in a position to focus efforts on capacity of the relevant institutions.

It would be possible to achieve our shared goals more effectively if there was to be a greater level of direct co-operation between UN experts and ITSCI staff. It appears that there has been limited verification of the information in the UN report prior to its publication, either with the companies involved or ourselves, and the UN has not been able to provide the level of information on each incident/concern that would allow us to follow up and take appropriate action.

We would also like to comment on another of the recommendations put forward in Paragraph 243, specifically;

(i) The Democratic Republic of the Congo to leverage commercial interest in tin, tantalum and tungsten minerals for enhanced socioeconomic development in artisanal mining zones;

As noted above, external investment in artisanal mining is unlikely, especially at a time of uncertainty created by the review of the DRC mining code. However, the iTSCI programme itself aims to assist in the continuation of all types of mining, inclusive of artisanal sites, whenever funds allow. As a result of the current activity of the programme more than 50,000 miners remain in work and able to export to international markets, and assuming 5 dependents for each miner, this means that we have prevented an embargo that would otherwise have been imposed on 250,000 people.

Since 2010, iTSCI costs/investments have amounted to around US\$8million, not including substantial other unaccounted costs for increased staff within local authorities and participating companies alike. I therefore hope that you may appreciate our commitment to progressing traceability and due diligence through a system which remains the only practical option for sourcing from central Africa.

I also attach a summary sheet of progress with the iTSCI programme so far. Should you wish to discuss anything further please feel free to contact me.

Yours sincerely,



David Bishop
Managing Director

ANNEX 1: SUMMARY OF THE PROGRESS OF TRACEABILITY AND DUE DILIGENCE PER AREA

Please review the general iTSCI programme videos found here; <http://vimeo.com/album/1988632>

Katanga Province, DRC – operating since 1st April 2011

We find the recommendation to invest in traceability and due diligence in Katanga slightly puzzling since iTSCI was launched in that Province in April 2011, and has been rolled out across all 3T mineral production areas since that time. The Programme already includes almost every mine site considered to be eligible and conflict-free within the area producing the equivalent of approximately 3,500-4,000 tonnes of mineral per year. We note that this has not been extensively discussed within the recent GoE's report although we had provided information, including for example making available incident reports and explanations of mitigation actions.

Maniema Province, DRC – operating since 17th December 2012

The iTSCI programme has had the objective to begin in Maniema since late 2011, however, this was hampered by lack of sufficient resource, as well as the lack of international agreement on how to dispose or trade out the significant quantity of stocks that exist in that location. Since the first of these issues has been partially resolved, the programme is now underway in the most secure central areas of the Province. Please see the press release; https://www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2624&Itemid=177

Note that we had also invested in an independent assessment report on the security situation in Maniema during 2012 in order to encourage industry involvement in that area and enable the start of traceability and due diligence; please see https://www.itri.co.uk/index.php?option=com_mtree&task=viewlink&link_id=53088

South Kivu Province, DRC – operating since 24th October 2012

The original iTSCI pilot mine site operated in South Kivu in 2010 until the general mining suspension of the DRC Government, making continuation impossible. Following the end of the suspension, the requirements of the CFS audit programme and Dodd Frank caused metal buyers to turn away from the area completely. Only with the intervention of the Government of the Netherlands has it been possible to work together to find end users willing to purchase the tin arising from that same pilot mine, and allow the programme to restart.

Please see; https://www.itri.co.uk/index.php?option=com_zoo&task=item&item_id=2574&Itemid=177

North Kivu Province, DRC – not considered conflict-free

There are no mine areas or transport/export routes considered appropriately secure in North Kivu to allow the production of credible conflict-free minerals, or to allow iTSCI staff who would be required to be permanently in the mining areas to be suitably protected.

Orientale Province, DRC – not a major area of interest

The ITRI Memorandum of Understanding with the Government of the DRC does not include this Province since it is not considered a significant 3T production area at this time. We do not have the mandate to start activities in Orientale Province.

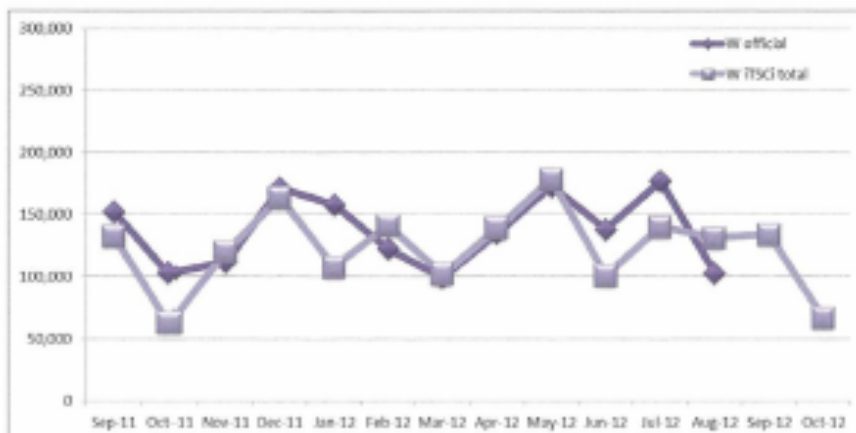
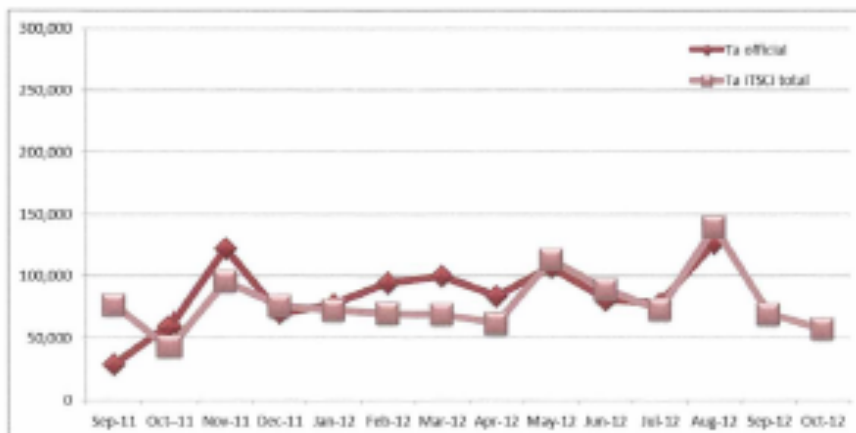
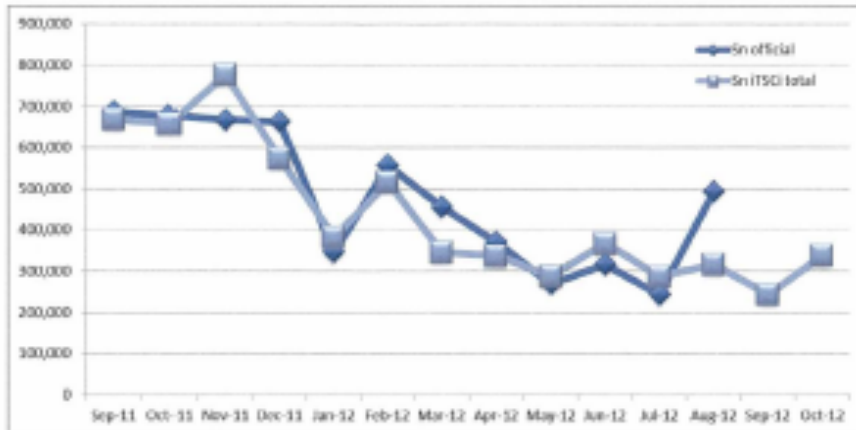
Burundi and Uganda – requires funding

We are also aware of other smuggling or unofficial export of minerals in Burundi and Uganda. The implementation of iTSCI has been proposed to the Ugandan Government but they do not consider further actions outside the support of the ICGLR to be necessary. The Government of Burundi on the other hand is keen to work with us on the programme, but in both countries, start-up is impossible without costs being partly supported by non-industry sources. It has so far not been possible to find such financing.

ANNEX 2: EXPORT FIGURES FOR RWANDA SEPTEMBER 2011-2012

Notes:

- iTSCI and official exports use different reference weights and dates and will not be identical,
- Data for more recent months may be incomplete in this chart that was prepared in 2012
- An additional 159 t's of mineral has been recorded by iTSCI but with an unverified mineral type and this has therefore not been included in these charts



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REFERENCE: S/AC.43/2012/OC.65

21 December 2012

Dear Sir,

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, I have the honour to refer to the final report of the Group of Experts on the Democratic Republic of the Congo, dated 15 November 2012 (S/2012/843), which is available on the Committee's website: <http://www.un.org/sc/committees/1533/egroup.shtml>

In this connection, the Chair wishes to draw your attention to the following recommendation, which was presented by the Group of Experts in the aforementioned report:

Paragraph 243 (j) (page 55): Exporters, processing industries and consumers of tin, tantalum and tungsten mineral products from the eastern Democratic Republic of the Congo and other "red flag" locations to invest in traceability and due diligence in the Kivus, Katanga, Maniema and Orientale Provinces in order to halt cross-border smuggling and preserve the credibility of the Rwandan tagging scheme;

The Committee would welcome receiving at your earliest convenience the views of ITRI with regard to the above-mentioned recommendation.

Yours Sincerely

Agshin Mehdiyev
Chairman

Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

Mr. David Bishop
Managing Director
International Tin Research Institute (ITRI)
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Annex 114

UNITED NATIONS



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REFERENCE: S/AC.43/2013/GE/OC.45

03 June 2013

Dear Mrs. Nimmo,

Further to your letter of 22 January 2013 addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, which was conveyed to the Group of Experts on the DRC, and in addition to the initial reply of the Group dated 7 May 2013 (S/AC.43/2013/GE/OC.39), the Group would like to provide some more details on its work and findings, and request additional information from ITRI.

The Group acknowledges and salutes ITRI's role in promoting due diligence for the mining of tin, tantalum and tungsten in both DRC and Rwanda. Indeed, the Group highlighted several examples of progress in this sector in its reports in 2012. In its interim report of 21 June 2012 (S/2012/348), the Group discussed positive developments in Katanga (para. 140), and highlighted the suspension by the Rwandan government and ITRI of companies that were illegally tagging minerals smuggled out of Congo into Rwanda (para. 148). The Group's final report of 15 November 2012 (S/2012/843) underlined ITRI's involvement in the "conflict-free-tin" initiative in South Kivu (para. 204), and its crucial role in implementing tagging in Rwanda and promotion of UN due diligence guidelines (para. 212).

Your letter of 22 January stated that ITRI has not seen any "clear increasing trend in exports [of tungsten and tantalum] in the year preceding the most recent UN report" (p. 2). Based on research conducted by the current Group, it appears that while Rwanda's exports of tin declined during 2012 (compared to 2011), Rwanda's exports of tantalum and tungsten significantly increased. As shown in Annexes 1 and 2 (attached), Rwanda's exports of tantalum increased 25% in 2012 over 2011, while exports of tungsten increased 75% in 2012 over 2011. A one-year increase does not necessarily indicate a trend; however we note that Rwanda's exports of tantalum and tungsten during 2012 were significantly higher than in the three previous years.

In addition, there appears to be discrepancies between what Rwanda produced and what it exported during 2011 and 2012. While we recognize that some production and export figures for 2012 are provisional, this information gives the Group cause for concern.

Mrs. Kay Nimmo
Manager of Sustainability and Regulatory Affairs, ITRI Ltd
ITRI Representative to the iTSCi Governance Committee

cc: Mr. David Bishop,
Managing Director, ITRI

ITRI and the Group of Experts share a common interest in promoting due diligence for the 3Ts; therefore, the Group asks ITRI to help it understand this issue better by providing the most up to date and complete information available. Specifically, the Group would like to ask ITRI to provide annual (for 2011 and 2012) and monthly (for January 2011 to April 2013) data for Rwanda on the following:

1. Production (by net weight)
2. Exports (by net weight, and country of destination)
3. Imports (by net weight, and country of origin)
4. Re-exports (by net weight, and country of destination)
5. Transit (by net weight, country of origin, and country of destination)

For the following minerals:

1. Tantalum
2. Tin
3. Tungsten

The Group would be grateful if ITRI could provide the data in an Excel spreadsheet so that figures can be clearly identified.

The Group of Experts appreciates the commitment of ITRI towards progressing traceability and due diligence in parts of eastern DRC and in Rwanda. The Group looks forward to receiving the requested data, and to working with you in the future on issues of mutual interest and concern.

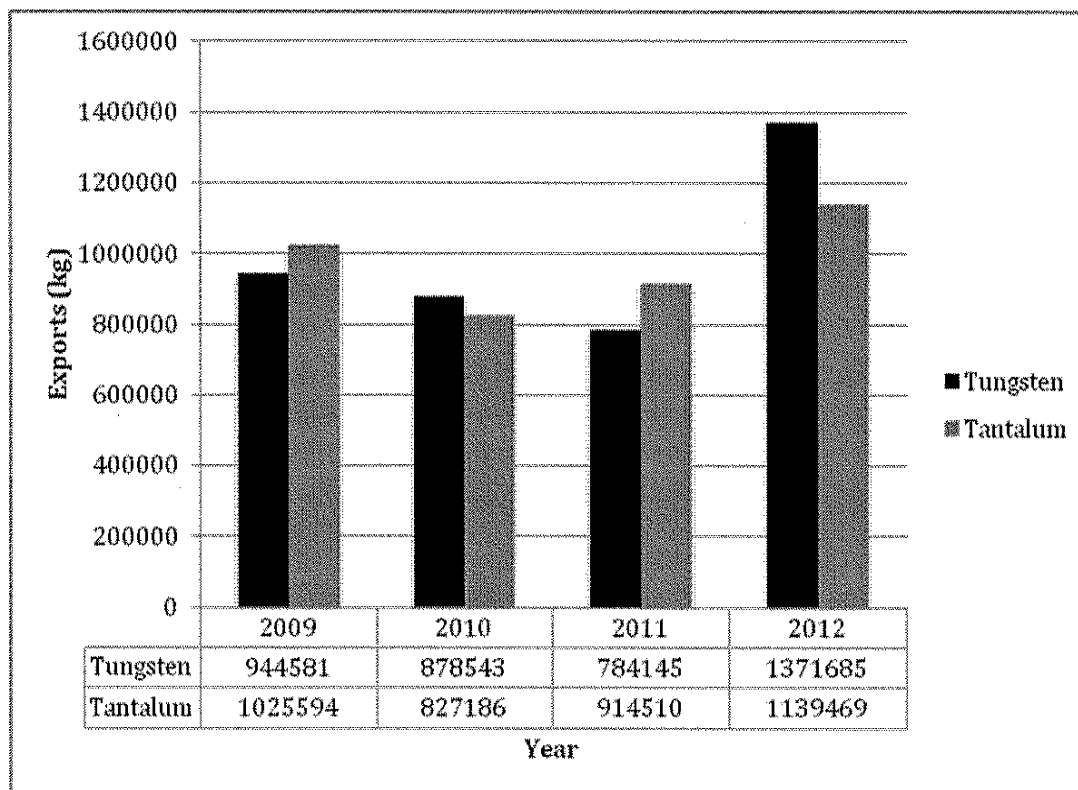
I would be grateful if you could kindly send your reply, if possible, by 21 June 2013 to Mr. David Biggs, Secretary, Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo; United Nations Secretariat, TB-08041 A, New York, NY, 10017; tel.: 1-212-963-5598; fax.: 1-212-963-1300; e-mail address: biggs@un.org



Emilie Serralta
Coordinator
Group of Experts on the DRC
extended pursuant to Security Council
resolution 2078 (2012)

ANNEX 1

Rwanda, Exports of Tantalum and Tungsten, 2009-2012 (kg)



Source: UN Comtrade website (comtrade.un.org)

ANNEX 2

Rwanda, Exports of 3Ts, 2009-2012 (kg.)

	2009	2010	2011	2012
Tantalum	1,025,594	827,186	914,510	1,139,469
Tin	5,224,100	6,476,868	7,314,178	4,657,516
Tungsten	944,581	878,543	784,145	1,371,685

Source: UN Comtrade website (comtrade.un.org)