



## 安全理事会

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## 2023 年 12 月 15 日刚果民主共和国问题专家组给安全理事会主席的信

专家组成员谨根据安全理事会第 2688 (2023) 号决议第 6 段，随函转递专家组中期工作报告，专家组任期已由该决议延长。

专家组报告于 2023 年 11 月 20 日提交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，委员会于 2023 年 12 月 7 日审议了报告。

专家组希望将本函和本报告提请安全理事会成员注意并作为安理会文件分发。

刚果民主共和国问题专家组

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## 刚果民主共和国问题专家组的中期报告

### 摘要

刚果民主共和国东部各省和马伊恩东贝省受到激烈暴力事件的影响。在持续武装暴力和政治紧张背景下，计划于 2023 年 12 月 20 日举行的大选的组织工作受到不利影响。专家组仍然担心选举进程可能进一步引发暴力。

刚果民主共和国的人道危机继续恶化，特别是在北基伍、伊图里和马伊恩东贝三省。全国境内流离失所者接近 700 万，创下该国的历史记录，这也是世界上最大的境内流离失所危机之一。

马伊恩东贝省的武装冲突蔓延到邻近省份和金沙萨，造成数百平民死亡，数百村庄、学校和医疗设施被毁。太凯和亚卡社区继续处于武装和动员状态。被俘或投降的莫邦多战斗人员被征召加入刚果武装部队，接受训练并被派往北基伍省与“3·23”运动作战。

在伊图里省，旨在遏制猖獗暴力的社区间对话以失败告终。武装团体刚果发展合作社/保卫刚果人民革命联盟加大了对平民包括对国内流离失所者营地的袭击。扎伊尔武装团体反对所有和平倡议的立场没有改变，并继续武装和训练战斗人员。

在北基伍省和伊图里省，苏加行动加大了对民主同盟军的攻击，继续影响这一受制裁的武装团体。然而，民主同盟军显示了韧性，调整战略战术，加强了在乌干达境内的攻势。

在从“3·23”运动等“外国”武装团体手中“解放”领土的战斗中，刚果武装团体打出了瓦扎伦多(“真正的爱国者”)的旗号，为自己争取合法地位，并为将来可能编入刚果武装部队进行准备。

在北基伍省，冲突双方都违反了停火协定。新成立并得到政府支持的武装团体保卫祖国志愿者联盟引发了暴力冲突。卢旺达国防军支持的“3·23”运动与保卫祖国志愿者联盟、解放卢旺达民主力量(卢民主力量)、私营军事公司和布隆迪国防军支持的刚果武装部队之间再次爆发激战。在这场冲突中，各个社区的平民都成为了冲突一方的目标，他们担心受到报复而被迫逃离。双方都实施了不加区别的炮击、绑架和定点暗杀。

共和国卫队特种部队在戈马杀害了此前传言被“3·23”运动渗透的超过 57 名手无寸铁的示威者。

在南基伍省，“3·23”运动危机对武装团体的动态产生影响，特别是在北部地区。武装团体试图利用瓦扎伦多的身份进一步招募人员，扩大影响，并实施犯罪活动。愤怒公民组织的几个派别和玛伊-玛伊民兵基里基绍派的战斗人员抵达北基伍省与“3·23”运动作战。而在同时，特韦格瓦内霍和“3·23”运动之间的协作得到证实。

武装团体和犯罪网络继续参与自然资源的开采和贸易。在鲁巴亚，瓦扎伦多武装团体控制了主要开采区内的采矿点，因此破坏了锡、钽、钨矿石供应链。刚果民主共和国政府实施的采矿禁令形同虚设，供应链受到矿物污染，而矿物开采有利于这些瓦扎伦多团体。

普里梅拉金业公司继续推动刚果民主共和国的官方黄金出口。但该公司在履行尽职调查义务，特别是所交易黄金的原产地方面存在重大缺陷。

蔑视矿业官员可能影响打击黄金走私的斗争，以个人和区域/国际网络参与洗钱的预付资金等为形式的黄金走私仍在继续。

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\* 附件以原文印发，未经正式编辑。



## 一. 导言

1. 安全理事会第 2688 (2023) 号决议于 2023 年 6 月 27 日延长了刚果民主共和国问题专家组的任务期限。秘书长于 2023 年 7 月 27 日任命了专家组的六名成员 (S/2023/567)。在一名自然资源/金融专家辞职后, 2023 年 10 月 25 日任命了一名新的专家 (S/2023/801)。

2. 专家组中期报告是根据第 2688 (2023) 号决议第 6 段提交的。根据安理会第 2360 (2017) 号决议第 8 段提出并经第 2688 (2023) 号决议重申的要求, 专家组继续与中非共和国问题专家组、利比亚问题专家组、索马里问题专家组、南苏丹问题专家组和也门问题专家组交流信息。

### 与联合国组织刚果民主共和国稳定特派团的合作

3. 专家组对联合国组织刚果民主共和国稳定特派团(联刚稳定团)在本报告所述期间提供的支持与合作表示感谢。

### 方法

4. 专家组采用安全理事会制裁的一般性问题非正式工作组建议的证据标准 (S/2006/997)。专家组调查采用至少三个独立可靠来源, 根据文件和经证实的信息得出结论。

5. 鉴于刚果民主共和国冲突的性质, 很少有文件提供武器转让、招募、严重侵犯人权的指挥责任和非法开采自然资源的确凿证据。因此, 专家组依靠当地社区成员、前战斗人员和武装团体成员的目击者证词。专家组还考虑了大湖区和其他国家军政官员的专家证词以及联合国的消息来源。

6. 本报告述及截至 2023 年 11 月 5 日进行的调查。由于字数限制, 专家组在附件中详细列出了部分调查结果和证据。

## 二. 马伊恩东贝省

7. 2022 年年中在马伊恩东贝省夸茅斯县爆发的冲突主要针对太凯和亚科社区 (S/2023/431, 第 9-10 段), 后来扩大到邻近的宽果、奎卢、金沙萨和中刚果等省 (附件 1)。<sup>1</sup> 暴力具有席卷首都金沙萨的危险, 那里居住着太凯和亚卡两族, 包括数千名因冲突而流离失所的平民。<sup>2</sup> 莫邦多是一个主要由亚卡战斗人员组成的团体 (见下文第 11-13 段), 它的出现阻碍了和解努力。两个社区都处于武装和动员状态。

<sup>1</sup> 刚果民主共和国武装部队(刚果武装部队)、联合国组织刚果民主共和国稳定特派团(联刚稳定团)、研究人员、政府消息来源、民间社会和证词。

<sup>2</sup> 特别在马鲁库、金巴塞克、马西纳和恩吉利社区。

8. 虽然社区间紧张关系显而易见，但是获得土地和货物等经济利益以及包括恢复传统权力在内的政治利益对冲突的持续有着显著影响(见附件 2)。由于莫邦多持续加大对刚果武装部队的攻击，军事当局将这场冲突定性为“叛乱”。<sup>3</sup>

9. 太凯和亚卡的致命袭击导致大规模人口流动，加剧了严峻的人道危机(见附件 3)。冲突爆发以来，村庄被付之一炬，太凯和亚卡两族都设立了检查站，搜查被认为具有敌意的对方社区成员。<sup>4</sup> 在金沙萨的夸茅斯县和玛鲁库乡，几乎一半的村庄已被摧毁。<sup>5</sup> 数百所学校和医疗中心被摧毁或被迫关闭。据报，发生了性暴力、绑架勒索和酷刑等严重的侵犯人权行为。<sup>6</sup>

10. 双方都有数百名平民丧生。<sup>7</sup> 实际数字可能更大，因为暴力和犯罪仍然严重漏报，而且由于无法进入冲突地区难以确定责任。

11. 太凯族对他们认为“非本地”社区的攻击引起了亚卡族的暴力报复，他们开始组建战斗团体莫邦多，吸收苏库、姆巴拉、恩丁加、宋戈和恩贡戈等其他同盟社区成员参加。本报告附件 4 进一步详述了莫邦多的组织和运作方式。

12. 2023 年，莫邦多加强组织建设，提升军事能力，开展军事风格的攻击。<sup>8</sup> 但是，尚不清楚莫邦多是一个等级森严的同质团体，还是一个没有中央指挥的志同道合的帮派联盟。

13. 刚果武装部队开展行动，抓获了主要来自莫邦多的数百名战斗人员并解除了他们的武装。部分人员被监禁受审，多数则被转移到刚果武装部队的训练中心，主要是在基多纳。此外，受总统指定担任亚卡和太凯之间首席谈判代表的法布里斯·宗比·“Mini Kongo”动员了数百名莫邦多战斗人员加入刚果武装部队训练营(见附件 5)。“Mini Kongo”是一个传统的苏库酋长，亚卡族认为他有名无实。因此，太凯指控他与莫邦多勾结并向其提供武器。<sup>9</sup>

14. 根据专家组的记录，来自马伊恩东贝及其他地区的超过 1 000 名战斗人员，包括投降的莫邦多，在未经任何事先审查的情况下，被征募、训练并被送往刚果民主共和国东部的北基伍省与“3·23”运动作战。专家组证实，他们出现在最近在北基伍省部署的刚果武装部队中。<sup>10</sup>

<sup>3</sup> 刚果武装部队消息来源。

<sup>4</sup> 目击者、研究人员、联刚稳定团和民间社会消息来源。

<sup>5</sup> 政府消息来源、马伊恩东贝省代表、民间社会和目击者。

<sup>6</sup> 刚果武装部队、联刚稳定团、研究人员、政府消息来源、民间社会和证词。

<sup>7</sup> 联刚稳定团、人道机构和民间社会消息来源、研究人员和政府消息来源。

<sup>8</sup> 刚果武装部队、研究人员、民间社会和联刚稳定团消息来源。

<sup>9</sup> 见附件 2。

<sup>10</sup> 刚果武装部队、情报消息来源、研究人员、民间社会和目击者。

### 三. 北基伍省

#### A. 民主同盟军

##### 刚果民主共和国境内的行动动态

15. 受制裁的武装团体民主同盟军(CDe.I)虽然受到“苏加行动”加强和地域扩大的影响,但仍然具有韧性(S/2023/431,第11-12段)。乌干达人民国防军(乌国防军)称,行动开始以来,已经打死超过550名民主同盟军战斗人员,表示“民主同盟军将很快成为历史”(见附件6)。乌国防军和穆塞韦尼总统表示,穆拉洛<sup>11</sup>和梅迪·恩卡卢博<sup>12</sup>等民主同盟军主要领导人已被打死(见附件7)。但是,专家组无法证实他们已经死亡。民主同盟军继续向西移动,避开军事压力,调整战术,以小型机动队的形式并利用国家权力机构的缺失,主要在偏远地区和公路(特别是RN4号公路)沿线并在田间发动零星袭击(附件8)。<sup>13</sup>

16. 民主同盟军领导人决定减少在刚果民主共和国境内的袭击,以赢得“人心”(见附件9),并重点在乌干达境内开展袭击(第17-18段)。这导致2023年7月以来民主同盟军在伊图里省、特别是贝尼县的袭击时断时续。<sup>14</sup>在起草本报告时,袭击又继续进行。

##### 民主同盟军在乌干达境内的袭击

17. 2022年12月以来,民主同盟军战斗人员经常渗入乌干达,在乌干达境内至少发动了5次致命袭击,包括2023年6月对姆邦韦一所学校的袭击(见附件10和第19段)。这是一个重大转变,因为十多年来民主同盟军的袭击主要集中在刚果民主共和国境内。最近在乌干达发生的袭击在行动上也不同于其近年来在乌干达境内实施的定点暗杀、简易爆炸装置袭击或未遂袭击(S/2022/479,附件26)。这五次袭击由民主同盟军驻扎在刚果民主共和国的战斗人员越境进入乌干达发动,而过去的袭击是民主同盟军动员驻扎在乌干达的合作者在刚果民主共和国境内进行杀戮或放置简易爆炸装置。

18. 最近在乌干达的袭击反映了已经记录的民主同盟军战略,其双重目标是报复乌国防军/刚果武装部队的行动,并使行动重点避开刚果民主共和国境内的民主同盟军控制区(S/2022/967,第7段)。<sup>15</sup>此外,据报民主同盟军的袭击是为了表明其仍有能力进行大規模的袭击并使乌干达政府难堪,因为乌干达政府大

<sup>11</sup> 见 S/2021/560, 附件4。

<sup>12</sup> 见 S/2023/431, 第32和38段。

<sup>13</sup> 民主同盟军前战斗人员、民主同盟军合作者和内部消息来源、前被绑架者、刚果武装部队、研究人员、民间社会、外交和联刚稳定团消息来源。

<sup>14</sup> 民主同盟军前战斗人员、前被绑架者、刚果武装部队、研究人员、联刚稳定团和外交消息来源。

<sup>15</sup> 同上。另见乌干达总统约韦里·穆塞韦尼2023年6月18日和7月14日的声明。

肆吹嘘在刚果民主共和国境内对民主同盟军作战取得的胜利。乌干达境内的袭击也是民主同盟军将重点从刚果民主共和国转移到乌干达的新战略的一部分。

### 民主同盟军的内部动态

19. 多个消息来源称，民主同盟军内部的关系日益紧张，特别是中央领导层与民主同盟军驻北基伍省姆瓦利卡的指挥官之间，包括指挥官阿米戈<sup>16</sup>和阿布瓦卡西。<sup>17</sup> 紧张关系也反映了民主同盟军来自乌干达的领导人，特别是历史上的指挥官，与邦戈·拉丘玛(S/2022/967，第 23 段)等非乌干达领导人和最近加入的一些较为激进的领导人之间的一些分歧。<sup>18</sup> 例如，据包括民主同盟军内部人士在内的消息来源称，在乌干达姆邦韦的袭击由民主同盟军指挥官阿布瓦卡西策划，事先没有得到民主同盟军总领导人、受制裁个人穆萨·巴卢库(Musa Baluku) (CDi.036)的指示或批准。

### 民主同盟军网络

20. 专家组继续调查民主同盟军的合作者网络。两个案例研究(见附件 11)显示，民主同盟军具有动员合作者的能力，即使在传统据点以外，特别是在南基伍省和邻国。民主同盟军不是利用意识形态，而是主要利用金钱招募并激励刚果民主共和国境内的合作者，并鼓励他们吸收新的合作者从而保持网络成员不断更新。

### 思想灌输、性奴役、当地和跨界招募，包括招募儿童

21. 民主同盟军继续在刚果民主共和国境内境外开展招募活动(S/2021/560，第 15 段)，并在指挥官的监督下有系统地对被绑架的女童和妇女作为性奴隶进行剥削。详见本报告附件 12。

## B. 与“3·23 运动”有关的危机

### 违反停火协定事件

22. 在起草本报告时，冲突各方都违反了 2023 年 3 月生效的停火协定。

23. 刚果民主共和国政府在 2023 年 9 月下半月创建保卫祖国志愿者联盟方面起到了推动作用，意在转移关于违反刚果武装部队与“3·23”运动之间的停火而准备发动攻势的指控(第 37 和 40 段)。

24. 大湖区问题国际会议扩大联合核查机制宣布，“3·23”运动 2023 年 9 月 26 日占领位于刚果武装部队和“3·23”运动之间中立区内的坎亚玛霍罗山违反了停火协定(见附件 13 和 S/2023/431，附件 18)。此外，在一名肯尼亚维和人员在坎亚玛霍罗冲突中被打死后，东非共同体区域部队发布新闻稿称，“2023 年 10 月

<sup>16</sup> S/2023/431，第 17 段。

<sup>17</sup> 特别见 S/2021/560，附件 4 和 S/2023/431，第 24-37 段。

<sup>18</sup> 民主同盟军前战斗人员、内部消息来源、前被绑架者、刚果武装部队、研究人员、民间社会和外交消息来源。

24 日星期二，刚果武装部队与“3·23”运动武装团体之间的停火协定遭到违反”<sup>19</sup> (见附件 14)。

25. 在经历了几个月的相对平静后(S/2023/431, 第 40-46 段), 2023 年 10 月初“3·23”运动与各武装团体之间的战火重新燃起, 特别是在基尚加、基布姆巴和通戈周围。据报, 10 月 21 日至 22 日, 卢旺达国防军支持的“3·23”运动与地方武装团体、卢民主力量、私营军事公司和布隆迪国防军支持的刚果武装部队之间发生激烈战斗(第 33 至 51 段)。在起草本报告时, 几条前线的战斗仍在继续, 特别是在尼拉农戈县的坎亚玛霍罗-基布姆巴-卢萨约一带、鲁丘鲁县的卡兰格拉-通戈-布韦扎一带、班布-基什希-基比里斯-鲁温迪一带、马西西县的基洛里韦-布伦古-基尚加一带。记录显示, 刚果武装部队、卢旺达国防军和“3·23”运动人员伤亡惨重, 其中包括“3·23”运动的数名军官(见附件 15)。

#### 在卢旺达国防军支持下“3·23”运动开展的行动

##### “3·23”运动的领土控制

26. “3·23”运动继续控制战略阵地(S/2023/431, 第 41 和 57 段), 收复失去的领土, 并征服了更多地区, 尽管刚果武装部队得到大量增援, 并使用了代理人(第 33 至 51 段)。例如, “3·23”运动发起反攻, 10 月 21 日夺回基尚加, 打死至少 30 名刚果武装部队特种部队人员。“3·23”运动还重新占领了鲁丘鲁县通戈地区的几个地方, 并进一步向北推进, 在 2023 年 10 月 26 日控制了班博。在起草本报告时, 基邦巴及其周围地区沿卢旺达边界的激烈战斗加大了对戈马的压力。

##### 训练和招募

27. “3·23”运动通过招募和训练等方式进一步巩固军事能力。该武装团体于 2023 年 5 月初在赞祖组织了为期 3 个月的军事“复习训练”(第 77 段), 并进行了城市作战技术训练。<sup>20</sup> 投降的“3·23”运动战斗人员、“3·23”运动军事发言人和情报来源称, “3·23”运动的军事目标是控制卡武穆机场、戈马和布卡武, 包括对这些城镇进行渗透。计划的渗透小组将由米林迪“少校”(S/2023/431, 附件 25)和扎伊罗斯“上校”领导。<sup>21</sup> 后者在基洛里韦的战斗中被打死(第 25 段)。

28. 据卢国防军的一名军官、安全和情报消息来源称, 2023 年 5 月初至 6 月初, “3·23”运动还在卢旺达盖戈的卢国防军军事学院接受了训练。

##### 卢旺达国防军继续支持“3·23”运动

29. 卢旺达政府继续声称, “卢旺达不支持‘3·23’运动, 在刚果民主共和国境内没有卢旺达部队”(见附件 16)。但是, 专家组获得了新的证据, 包括航拍视频和照片证据, 显示卢国防军在刚果民主共和国境内, 特别是在马西西、鲁丘

<sup>19</sup> 在起草本报告时, “3·23”运动和卢旺达国防军仍在坎亚玛霍罗及周围地区活动(见附件 17 和 32)。

<sup>20</sup> 投降的“3·23”运动战斗人员和情报消息来源。

<sup>21</sup> 同上。

鲁和尼拉贡戈县的直接干预和部队增援(S/2023/431, 第 54-61 段)。投降的“3·23”运动战斗人员、前卢国防军以及情报、民间社会和东非共同体部队消息来源、武装团体领导人和战斗人员以及目击者都证实了卢国防军的存在和行动(见附件 17)。

30. 前“3·23”运动战斗人员和情报消息来源称, 2023 年 10 月初以来, 卢国防军在尼拉贡戈、鲁图舒鲁和马西西县部署了五个营的兵力。卢国防军和“3·23”运动得到一些作战支援和侦察小组的支持, 小组有 250 名前卢民主力量战斗人员, 在卢旺达国防情报部的指挥下开展行动。<sup>22</sup> 目击者、一名卢旺达国防军军官和外交消息来源告诉专家组, 武装团体在维龙加国家公园进行伏击, 刚果武装部队轰炸了尼拉贡戈县的卢国防军阵地, 造成数十名卢国防军伤亡。受伤和死亡人员经公路撤回卢旺达。

#### 高技术武器装备

31. 2023 年 6 月, 在马西西县穆萨基附近的姆拉姆比发现一枚未爆 120 毫米制导迫击炮弹, 记录显示当地曾经发生激烈战斗, 包括卢国防军和“3·23”运动的存在和行动(S/2023/431, 第 56-57 段和附件 26)。2023 年 10 月 24 日, 在距离刚果武装部队坎亚玛霍罗营地 15 米处发现了一枚类似的 120 毫米制导迫击炮的残余物, 是当天从卢国防军控制的山上发射的炮弹(见附件 18)。

32. 专家组注意到, 这种迫击炮弹装有激光和全球定位系统测量部件, 因此具有精确打击能力和高杀伤力, 以前在刚果民主共和国境内没有记录, 也不是刚果民主共和国武装部队的武器装备。

#### 刚果民主共和国政府作为代理人使用的武装团体

33. 在本报告所述期间, 专家组记录了刚果民主共和国政府加紧动员和利用包括卢民主力量在内的武装团体作为代理人, 打击“3·23”运动和卢国防军(S/2023/431, 第 79-85 段)。这些武装团体一直参与北基伍冲突的永久化, 并曾经袭击平民和刚果武装部队(S/2017/672/Rev.1, 第 52-61 段和 S/2018/531, 第 70-85 段)。

34. 最初称为爱国抵抗联盟(S/2022/967, 第 64-71 段和 S/2023/431, 第 75-78 段)的武装团体联盟, 2023 年 3 月开始改称瓦扎伦多(见上文摘要)。在南北基伍更多团体加入后, 该联盟开展了臭名昭著的活动(见附件 19 和第 83-87 段)。

35. 2023 年初以来, “3·23”运动袭击增加、领土扩大(S/2023/431, 第 40-46 段), 刚果武装部队开始规划旨在“解除敌人的作战能力”和“收复失地”的行动(见附件 20)。在非公开会议上, 军方高层还表示需要动员瓦扎伦多打击“3·23”运动和卢国防军。<sup>23</sup> 2023 年 6 月以来, 刚果武装部队陆军参谋长希韦韦·宋戈

<sup>22</sup> 同上。前“3·23”运动战斗人员。

<sup>23</sup> 接近刚果武装部队指挥部的消息来源、武装团体领导人、刚果武装部队和联刚稳定团消息来源。



萨将军与在小北地区活动、对“3·23”运动怀有敌意的武装团体的大多数领导人协调举行了几次会议(S/2023/431, 第 79 段)(见附件 21)。

36. 2023 年 9 月下旬, 新任命的临时省长兼北基伍行动指挥官彼得·恩库巴·西里姆瓦米将军召集这些武装团体的领导人在戈马举行会议(见附件 22)。据专家组观察, 受制裁的个人恩杜马保卫刚果民兵组织-革新派领导人奎顿·希米莱·姆维萨(CDi.033)和解放卢旺达民主力量-救世战斗军领导人(见附件 23)也出席了会议。刚果武装部队派直升机空运 21 名武装团体领导人和战斗人员参加会议。<sup>24</sup>

37. 刚果武装部队军事领导层声称, 这次会议在复员、解除武装、社区恢复和稳定方案框架内组织进行, 旨在提高武装团体对解除武装的认识。<sup>25</sup> 但是, 消息来源称, 该方案是被借用的伪装, 目的是避免被指控实施可被制裁的行为或违反 2023 年 3 月生效的刚果武装部队与“3·23”之间的停火准备发起攻势。

38. 专家组注意到, 复员、解除武装、社区恢复和稳定方案官员没有出席会议。此外, 消息来源证实, 会议着重讨论了制定刚果武装部队-瓦扎伦多联合行动战略, 以打击“3·23”运动和卢国防军。战略界定了瓦扎伦多各自的责任区、行动、后勤和武器供应(第 39 段和 S/2023/431, 第 79-85 段)。<sup>26</sup> 联合行动战略还成立了保卫祖国志愿者联盟, 由促进刚果自由和主权爱国联盟的让维埃·卡莱里·波因戈、尼亚图拉促进变革运动联合会-保卫人民力量的多米尼克·恩达卢胡泽(别名多米)和奎顿·希米莱·姆维萨(见附件 24)领导的 8 000 名瓦扎伦多战斗人员组成, 作为刚果武装部队的代理部队。

39. 2023 年 10 月初, 在戈马会议一周之后, 保卫祖国志愿者联盟武装团体对“3·23”运动阵地发起进攻。北基伍省省长办公室协调了保卫祖国志愿者联盟的军事行动。保卫祖国志愿者联盟和其他瓦扎伦多战斗人员, 有时与刚果武装部队一起, 部署在瓦利卡莱、尼拉贡戈、马西西和鲁丘鲁等地, 包括东非共同体区域部队部署区(S/2023/431, 第 44-46 段), 保卫基邦加和戈马等战略阵地, 或者发动袭击并收复基洛里韦、基鲁布、吉巴里佐、基尚加和布维萨等“3·23”运动控制的地区。刚果武装部队违反武器禁运和制裁制度, 在马西西军事领土管理员克里斯多夫·坎戈上校和刚果武装部队萨罗门·多戈龙加上校的协调下, 向保卫祖国志愿者联盟领导人和战斗人员提供武器、后勤和现金(见附件 25)。保卫祖国志愿者联盟战斗人员大多身穿刚果武装部队的军服, 臂上有明显的颜色识别标记(见附件 26)。专家组记录了保卫祖国志愿者联盟战斗人员在其控制区内对平民实施的虐待行为(见下文第 54 段)。

<sup>24</sup> 同上。

<sup>25</sup> 北基伍省军政府首长西里姆瓦米、负责国防的部长和刚果武装部队消息来源。

<sup>26</sup> 接近刚果武装部队指挥部的消息来源、武装团体领导人和战斗人员、民间社会和情报消息来源。

40. 专家组获悉，军队最高官员支持把保卫祖国志愿者联盟作为代理人，以确保在总统选举前取得对“3·23”运动和卢国防军的军事胜利。<sup>27</sup>直到2023年10月下旬，刚果武装部队坚持声称“应政治高层的要求”始终遵守停火协定。<sup>28</sup>

#### 国防后备部队

41. 组建国防后备部队<sup>29</sup>的法律于2023年7月在刚果民主共和国《政府公报》上公布。<sup>30</sup>在起草本报告时，经专家组协商的法令施行草案已提交政府讨论。专家组关切地注意到，法令草案仅规定因战争罪、危害人类罪或灭绝种族罪的“被定罪者”不得参加后备部队。并没有排除大多数武装团体战斗人员或领导人，如奎顿·希米莱·姆维萨、让维埃·卡拉西里和多米尼克·恩达鲁鲁泽，他们因犯下此类罪行而臭名昭著，但却逃避了司法制裁。

42. 武装团体利用了国防后备部队实际法律地位的混淆。虽然后备部队正式注册尚未启动，但一些领导人和战斗人员宣布他们已经加入后备部队，并以此为其参与军事行动进行辩解。专家组获悉，包括受制裁个人奎顿·希米莱在内的几名武装团体领导人被许诺在后备部队担任要职，以换取他们对打击“3·23”运动的支持。

#### 布隆迪国防军对刚果民主共和国武装部队的支持

43. 接近刚果武装部队指挥部的消息来源(经多个消息来源证实)<sup>31</sup>称，2023年10月初以来，1 070名身穿刚果武装部队军服的布隆迪国防军士兵秘密部署在萨吉-基尚加公路沿线，目的是与刚果武装部队和瓦扎伦多一道，保护马西西县不受“3·23”运动和卢国防军的袭击。这一部署在东非共同体区域部队框架以外进行。

44. 东非共同体区域部队指挥官称，只有成为东非共同体区域部队的一部分，马西西行动区内的布隆迪部队才会被视为合法部队。军事总部和布隆迪政府否认布隆迪国防军在东非共同体区域部队框架之外在北基伍部署(见附件27)。同样，刚果民主共和国国防部长让-皮埃尔·班巴和西里姆瓦米将军告诉专家组，他们不了解布隆迪国防军和刚果民主共和国武装部队在小北地区有任何双边合作(见附件28)。但是，接近刚果武装部队指挥部的消息来源以及刚果武装部队和武装团体的消息来源称，西里姆瓦米根据军事领导层的指示，下令部署布隆迪国防军并对部署进行了指挥。“3·23”运动和卢旺达官员谴责布隆迪国防军在东非共同体区域部队框架以外进行部署(见附件29)。

<sup>27</sup> 同上。

<sup>28</sup> 刚果武装部队消息来源和接近刚果武装部队指挥部的消息来源。

<sup>29</sup> 刚果民主共和国国防预备役部队。

<sup>30</sup> 见 S/2023/431，附件 51。

<sup>31</sup> 安全和情报消息来源、研究人员、接近刚果武装部队指挥部的消息来源。



45. 从 9 月 21 日起，布隆迪国防军的部队由刚果武装部队的飞机从布琼布拉空运到戈马，机上并载有刚果武装部队的军服和装备(见附件 30)，在南基伍的米诺瓦及其周围地区部署(S/2023/431，第 42 段)。<sup>32</sup>

46. 2023 年 10 月 7 日，布隆迪国防军的两个连从米诺瓦部署到基尚加以东数公里的卡巴提。<sup>33</sup> 2023 年 10 月 16 日，应刚果武装部队的请求，私营军事公司刚果保护公司将 6 卡车身穿刚果武装部队军服的布隆迪国防军士兵运送到基尚加。<sup>34</sup> 布隆迪国防军的部署至少持续到 2023 年 10 月 20 日。布隆迪国防军部队与刚果武装部队和瓦扎伦多一道，随后在基尚加和基洛里韦周围与“3·23”运动发生冲突。<sup>35</sup>

#### 私人军事公司对刚果民主共和国武装部队反攻的战术支持

47. 刚果阿戈米拉和刚果保护两家私营军事公司加强了对刚果武装部队在小北地区对“3·23”运动和卢旺达国防军的反攻的战略战术支持(见附件 31 和 S/2023/431，第 41、47 和 48 段)。

48. 刚果保护公司训练和指导刚果武装部队(S/2023/431，附件 23)，并监督刚果武装部队根据刚果阿戈米拉公司的战略建议对“3·23”运动和卢旺达国防军阵地的炮击。例如，2023 年 10 月 6 日，刚果武装部队在坎亚玛霍罗阵地遭到 120 毫米迫击炮弹袭击后，向“3·23”运动-卢旺达国防军混合阵地发射了 27 枚 82 毫米和 10 枚 120 毫米迫击炮弹(见附件 32)。

49. 刚果武装部队领导层和刚果阿戈米拉公司要求在基尚加和鲁温迪等战区部署刚果保护公司。经过侦察，刚果保护公司领导表示拒绝，<sup>36</sup> 但同意将刚果武装部队特种部队和布隆迪国防军运送到基尚加及周边地区。2023 年 8 月以来，部署了 80 名刚果保护公司人员，用以保护布卡武省的卡乌姆机场免受预期的“3·23”运动的袭击。

50. 刚果阿戈米拉公司对刚果武装部队军事航空资产进行了翻修，因此能够对“3·23”运动和卢旺达国防军阵地开展定点空中行动。例如，2023 年 10 月 28 日，在阿戈米拉公司的支持下，刚果武装部队使用一架 Sukhoi Su-25 飞机策划并实施了空袭。飞机向靠近基邦巴的鲁丘鲁-布纳加纳国道沿线的“3·23”运动-卢旺达国防军混合阵地投掷了 2 枚 250 公斤、2 枚 500 公斤炸弹和多枚 57 毫米火箭(见附件 33)。

<sup>32</sup> 安全和情报消息来源和接近刚果武装部队指挥部的消息来源。

<sup>33</sup> 情报、安全、刚果武装部队消息来源和武装团体战斗人员。

<sup>34</sup> 同上。接近刚果武装部队指挥部的消息来源。

<sup>35</sup> 武装部队领导人、安全、刚果武装部队和民间社会消息来源。

<sup>36</sup> 私人军事公司、刚果武装部队、安全和政府消息来源。

51. 在这些行动中，阿戈米亚领导层还为刚果武装部队在小北地区行动的规划和指挥提供战略支持、实时地面侦察、计划的武器供应以及刚果武装部队的训练和后勤。<sup>37</sup>

### C. 煽动敌意和暴力

52. 针对卢旺达语人口等群体的仇恨言论和暴力煽动(S/2022/967, 第 72-77 段和 S/2023/431, 第 98-103 段)继续扩散。

53. 国民议会议员贾斯汀·比塔奎拉<sup>38</sup>继续发表仇恨言论，使用排斥性语言，鼓励歧视，敌视图西族和巴尼亚穆伦格族(S/2021/560, 第 154 段和 S/2022/967, 第 73 段)，特别是在 2023 年 7 月 6 日 Youtube 上播出的一次访谈中(见附件 34)。2023 年 7 月 20 日，比塔奎拉被最高法院检察官办公室传唤，就使用“部落语言”攻击图西族社区接受质询(见附件 35)。<sup>39</sup> 当局没有对比塔奎拉采取法律行动。

54. 2023 年 10 月初小北地区战火再起，在此背景下针对被视为集体支持“3·23”运动的图西族的好战言论再次出现(S/431/2023, 第 100-101 段)。在 10 月 4 日至 5 日保卫祖国志愿者联盟接管基尚加之后，居住在该地区的图西人<sup>40</sup>再次逃离(见附件 36)，图西人的房屋被毁。<sup>41</sup> 布伦古的一名残疾老人因为是图西人在家中惨遭杀害，<sup>42</sup> 保卫祖国志愿者联盟借口图西人窝藏“3·23”运动分子，烧毁了恩图罗村(见附件 37)。

### D. 共和国卫队对手无寸铁的示威者实施屠杀

55. 神秘宗教派别“自然相信犹太人国家救世主”计划于 2023 年 8 月 30 日举行反对联刚稳定团和某些联合国机构的示威。<sup>43</sup> 军事档案未经证实的信息表明，该教派被“3·23”运动分子渗透，导致共和国卫队特种部队对该教派成员进行野蛮袭击，并于 2023 年 8 月 30 日杀死了超过 57 名手无寸铁的平民。关于该事件的详述见附件 38。

56. 军事法庭对两名共和国卫队军官，即北基伍共和国卫队联合军事指挥部(军队间指挥官)指挥官米孔布·麦克上校和共和国卫队第 19 团特种部队(又称“希布”)指挥官巴威利·多纳蒂安中校以及四名士兵提出了现行犯罪刑事诉讼。10 月初，军事法庭判处米孔布上校死刑，宣布巴威利中校无罪释放。专家组根据视频和目击者证词进行的调查证实，两名指挥官都在犯罪现场。

<sup>37</sup> 同上。

<sup>38</sup> Justin Bitakwira 因散布仇恨言论受到欧洲联盟的制裁。

<sup>39</sup> Justin Bitakwira 2023 年 7 月 20 日的讲话。

<sup>40</sup> 在 Nturo、Kilorirwe、Burnugu、Kitchang 和 Kabarekasha 等村庄。

<sup>41</sup> 刚果武装部队、民间社会和人道机构消息来源。

<sup>42</sup> 民间社会、刚果武装部队和人道机构消息来源。

<sup>43</sup> 联刚稳定团、刚果武装部队、民间社会和证词。

57. 军事检察官没有对共和国卫队最高指挥部下达的命令进行进一步调查，包括共和国卫队指挥官伊弗雷姆·卡比少将发挥的作用。对专家组根据现有视频证据确定的其他潜在嫌疑人的调查也没有进行(见附件 39)。

58. 专家组注意到，在起草本报告时，参与大屠杀的共和国卫队希布特种部队仍在北基伍与“3·23”运动作战。

## E. 鲁巴亚锡钽钨部门尽职调查失败

59. 在本报告所述期间，由于武装团体和其他犯罪网络广泛干预锡钽钨的开采和贸易，鲁巴亚现有的两个采矿许可证，特别是 PE4731 和 PE76 的尽职调查受到严重影响(见附件 40)。

### 鲁巴亚的武装团体

60. 2023 年 9 月，专家组观察到，大部分身穿刚果武装部队军服的瓦扎伦多联盟战斗人员控制了鲁巴亚地区，他们自由行动，控制检查站，并向平民征税。

61. 除其他外，武装团体尼亚图拉·阿巴尊古和刚果爱国抵抗联盟-抵抗力量的瓦扎伦多战斗人员参与了 PE4731 和 PE76 的采矿活动。矿工、民间社会和其他消息来源<sup>44</sup> 报告了瓦扎伦多战斗人员在 PE4731 的几个矿井的活动，包括 D4 加孔贝、卢沃沃、本贾利、科伊、D2 比比塔马、D3 比比塔马和 D2 马塔巴。这些消息来源提到，刚果爱国抵抗联盟-抵抗力量战斗人员越来越多地参与位于 PE76 的比胡拉矿井的活动。2023 年 6 月以来，刚果爱国抵抗联盟-抵抗力量控制着该地区，当时战斗人员离开了 PE4731 矿井，因为其领导人森杜古·穆塞维尼与尼亚图拉的两个领导人玛霍罗和穆塔永布瓦“将军”在税收收入分享等问题上发生分歧。

62. 2023 年 5 月以来，瓦扎伦多要求每组 2 至 5 名被称为基南巴的采掘者每天进入矿区需支付 10 000 刚果法郎(4 美元)，并支付“安保”费用。当地消息来源估计，每个地点至少有 100 名采掘者，估计每月为武装团体带来 15 000 至 20 000 美元的收入。交易商和矿坑管理人员还被要求每月支付 100 至 150 美元，矿井运营还需支付 40 美元。<sup>45</sup>

63. 瓦扎伦多战斗人员，部分为前矿工，强行开采矿物。例如，尼亚图拉“将军”穆塔永布瓦要求盖空巴矿区的采掘者提供部分所采矿物。<sup>46</sup>

64. 专家组观察到，平民欢迎鲁巴亚地区的瓦扎伦多。瓦扎伦多战斗人员和政府当局之间的合作也广为报道。例如，消息来源和目击者称，瓦扎伦多-刚果武装部队进行了联合夜间巡逻，瓦扎伦多领导人和战斗人员出席了司令官代表塞尔卡利·比哈梅在鲁巴亚举行的安全会议。

<sup>44</sup> 民间社会消息来源和采矿工人。

<sup>45</sup> 民间社会消息来源、采矿工人和经济行为者。

<sup>46</sup> 三名采矿工人。

65. 武装团体控制的矿区没有派驻矿业管理部门的代表。专家组指出，这违反了安全理事会认可的专家组关于尽职调查指南的建议。<sup>47</sup>

#### 违反监管框架的采矿活动

66. 2023年6月15日，省当局重申禁止PE4731矿址的所有开采活动(S/2023/431，第91-97段)。但是，正如专家组2023年9月所观察，开采活动和从PE4731矿址到鲁巴亚中心的矿物运输仍在继续。

67. PE4731矿址的产品被走私到卢旺达，或者通过使用国际锡协会锡供应链倡议对PE76矿址生产的矿物进行标记而进入官方供应链，PE76矿址的开采活动仍然得到授权(见附件41)。<sup>48</sup>

68. 在鲁巴亚工作的矿物运输商报告说，“3·23”运动占领穆萨基以来，越来越多的人利用这条路线向南基伍走私矿物(见S/2023/431，第97段)，但此后逐渐被戈马的商行所取代，戈马再次成为走私卢旺达的过境点(S/2021/560，第74段)。

#### 鲁巴亚的所有权争端

69. 2023年7月14日，矿业部吊销了比桑祖矿业公司<sup>49</sup>的PE4731开采许可证，并给该公司30天时间提出上诉(见附件42)。公司提出了上诉，但在起草报告时没有收到答复。

70. 矿业管理局官员和政府消息来源称，政府不愿改变吊销比桑祖公司许可证的决定，而倾向于将PE4731和PE76的许可证授予属于某些政治名人的公司和普里梅拉矿业公司(阿拉伯联合酋长国和刚果民主共和国的公私合营企业和伙伴关系)。某些政府官员还援引比桑祖公司与马西西手工采矿者合作社之间的长期紧张关系(见附件43)，给予普里梅拉优先于比桑祖的权利。

71. 2023年7月17日，刚果民主共和国政府、普里梅拉以及基伍和马涅马金业公司签署协议，成立合资企业负责开发几个矿区，包括PE76涵盖的一个矿区。几个行为者对协议提出了质疑(见附件44)。

## 四. 伊图里省

### A. 阿鲁和平倡议失败，暴力激增

72. 2022年启动的内罗毕和平进程以及随后旨在制止伊图里暴力的其他几次地方和平对话均以失败告终(见附件45)。<sup>50</sup> 2023年1月以来，伊图里省的武装团体

<sup>47</sup> <https://www.un.org/securitycouncil/sanctions/1533/duo-diligence-guidelines>。

<sup>48</sup> 采矿工人、商人中间商、民间社会行为者、矿业管理局官员。

<sup>49</sup> 专家组收到比桑祖公司的来信，向专家组说明Edouard Mwangachuchu已经不在该公司任职。

<sup>50</sup> 见S/2023/431，第104-110段。

暴力已经夺去 1 100 多名平民的生命。<sup>51</sup> 矿区和境内流离失所者营地周围战斗加剧，继续对平民造成严重影响。

73. 刚果民主共和国当局在联刚稳定团的支持下，于 2023 年 5 月 25 日至 6 月 1 日在阿鲁与在伊图里省开展活动的武装团体组织了另外一次和平对话。刚果发展合作社/保卫刚果人民革命联盟、刚果爱国统一阵线、伊图里爱国抵抗阵线和伊图里人民自卫运动等武装团体的代表参加对话。

74. 与会者签署了承诺书，誓言结束敌对行动(见附件 46)。扎伊尔没有参加阿鲁对话，据称是为了抗议伊图里人民自卫运动的成立，并抗议各方不承认他们认为正在对希马族进行的种族灭绝。<sup>52</sup> 随后，扎伊尔试图通过挑衅伊图里人民自卫运动和刚果发展合作社/保卫刚果人民革命联盟破坏承诺(见附件 47)。

75. 随着挑衅和报复袭击循环重新开启，承诺书很快失效。刚果发展合作社/保卫刚果人民革命联盟、刚果爱国统一阵线(见附件 48)以及未签署协议的扎伊尔各派继续获取武器，训练战斗人员，并对刚果武装部队、警察、敌对武装团体和平民发动致命袭击，例如对拉拉境内流离失所者营地的袭击(第 78-80 段)。

#### **B. 巩固刚果发展合作社/保卫刚果人民革命联盟的中央指挥，继续增援扎伊尔**

76. 刚果发展合作社/保卫刚果人民革命联盟仍然是伊图里最为好战的武装团体，对大多数袭击和平民伤亡负有责任。扎伊尔也继续开展活动，拒绝解除武装。扎伊尔继续巩固军事能力，包括在国内外招募和训练战斗人员。关于刚果发展合作社/保卫刚果人民革命联盟和扎伊尔内部动态的更多信息，分别见附件 49 和 50。<sup>53</sup>

#### **C. 扎伊尔与“3·23”运动的联系**

77. 扎伊尔利用与一些“3·23”运动领导人的历史联系，将战斗人员送到北基伍接受“3·23”运动的训练。例如，2023 年 5 月至 6 月，扎伊尔领导人之一、前刚果爱国者联盟成员罗格·马林指挥官<sup>54</sup> 派 50 名扎伊尔成员到刚果民主共和国布纳加纳接受“3·23”运动的训练。<sup>55</sup>

#### **D. 对拉拉境内流离失所者营地的袭击**

78. 2023 年 6 月 11 日夜至 12 日凌晨，刚果发展合作社/保卫刚果人民革命联盟战斗人员袭击了位于布勒附近、希马人聚居的拉拉境内流离失所者营地。他

<sup>51</sup> 联刚稳定团和人道机构消息来源。

<sup>52</sup> 见 S/2023/431，第 114-116 段。

<sup>53</sup> 联刚稳定团、情报、人道机构消息来源、民间社会消息来源和研究人员。另见 S/2023/431，第 114-116 段。

<sup>54</sup> 见 S/2022/479，第 103 段。

<sup>55</sup> 武装团体领导人、前“3·23”运动战斗人员、安全和民间社会消息来源。

们屠杀了 46 名平民，其中一半是儿童，烧毁了超过 240 所房屋，并掠夺了牲畜。<sup>56</sup>

79. 在大屠杀的前一天，来自布勒的扎伊尔战斗人员在丘拉指挥官的率领下，在瓦伦杜-加西居住区杀害了五名瓦伦杜平民，在瓦伦杜-皮西居住区的彼德罗杀害了一名瓦伦杜平民。作为回应，刚果发展合作社/保卫刚果人民革命联盟计划对境内流离失所者营地发动袭击进行报复，因为丘拉领导的一些扎伊尔战斗人员撤退到拉拉营地，混入境内流离失所者中间。<sup>57</sup> 在一次协调行动中，刚果发展合作社/保卫刚果人民革命联盟战斗人员从瓦伦杜-加西的彼德罗、戈帕和加奥达等方向集结，攻击境内流离失所者营地(见附件 51)。

80. 在大屠杀之前，境内流离失所者社区表示担心刚果发展合作社/保卫刚果人民革命联盟即将发动大规模报复性袭击，因为经常有报道称，在该地区来往的境内流离失所者不时有人遇害，扎伊尔成员还杀害了瓦伦杜平民。<sup>58</sup>

#### 破坏境内流离失所者营地的人道性质

81. 多个消息来源称，在布勒的境内流离失所者营地内外，包括在拉拉，有丘拉领导的扎伊尔武装战斗人员，丘拉是布勒希马族青年的正式领导人。<sup>59</sup> 据称，他们的目的是保卫布勒周围的境内流离失所者营地，特别是普莱纳萨沃(S/2022/479，第 90-93 段)和拉拉营地。但是，在营地内外经常看到战斗人员携带武器和带刃武器，这违反了营地的平民和人道性质，并引发了刚果发展合作社/保卫刚果人民革命联盟的报复袭击。当地社区否认境内流离失所者营地有武装的扎伊尔战斗人员，因为他们担心受到惩罚和(或)需要依赖该团体的保护。<sup>60</sup>

82. 专家组感到关切，朱古县<sup>61</sup> 的流离失所者营地的平民和人道性质因武装战斗人员的存在和武装活动靠近营地而日益受到损害，多次袭击夺去了大批境内流离失所者的生命和生计(S/2022/479，第 87-93 段)，并对人道行为体产生不利影响。

## 五. 南基伍省

### A. “3·23”运动相关危机对武装团体动态的影响

83. 在本报告所述期间，“3·23”运动危机继续促使南基伍北部地区卡莱亥、卡巴雷和沙本达的武装团体再度活跃(S/2023/431，附件 73)。愤怒公民组织和尼

<sup>56</sup> 刚果武装部队、情报、民间社会、研究人员、人道机构和联刚稳定团消息来源。

<sup>57</sup> 刚果武装部队、情报、民间社会、研究人员、人道机构、联刚稳定团消息来源和目击者。

<sup>58</sup> 刚果武装部队、情报、地方、联刚稳定团消息来源和目击者。

<sup>59</sup> 情报消息来源、扎伊尔和刚果发展合作社战斗人员和证词。

<sup>60</sup> 同上。

<sup>61</sup> 包括 Pleine Savo 和 Rhoe 以及 Bule、Drodoro 和 Blukwa 周围的境内流离失所者营地。



亚图拉各团体等利用“3·23”运动危机重新组织动员，加强各自的活动(见附件 52)。<sup>62</sup>

84. 此外，南基伍的大多数武装团体也开始以瓦扎伦多自称，以争取刚果武装部队和地方当局的支持，增加行动的合法性，并在今后与政府谈判和可能融入刚果武装部队或国防后备部队的过程中处于更有利的地位(第 34、41 和 42 段)。<sup>63</sup>

85. 关于“3·23”运动和(或)卢旺达国防军在南基伍进行渗透和开展行动的广泛传言(部分已经得到专家组证实)(第 88-90 段)以及随之而来的狂热(有时是武装团体故意助长)(见附件 53)，助推了瓦扎伦多现象的扩散。

86. 然而，直到最近，这些武装团体中只有少数几个试图到达北基伍与“3·23”运动和卢旺达国防军作战(第 34 段)。相反，他们中的多数利用其新的称号瓦扎伦多进行招募，扩大势力范围，充当事实当局，加强犯罪活动。<sup>64</sup> 犯罪活动包括开采自然资源和对民众的无数袭击和虐待，包括性暴力、招募儿童、杀害和虐待平民、绑架要求支付赎金、勒索和非法征税。武装团体之间的对抗也很频繁。<sup>65</sup> 国家当局，特别是整个南基伍的安全部门软弱或缺失，包括因为刚果武装部队把重点放在打击北基伍的“3·23”运动上，加剧了这种情况。即将举行的选举和联刚稳定团计划撤出南基伍很可能使南基伍局势恶化。

87. 2023 年 10 月，比洛泽·比沙姆布克自卫力量的数百名战斗人员在试图加入北基伍的瓦扎伦多时在巴拉卡遭到阻截。<sup>66</sup> 10 月和 11 月初，数百名愤怒公民组织战斗人员前往北基伍，部分由地方当局提供的车辆运送。<sup>67</sup> 自卫力量和愤怒公民组织与北基伍的瓦扎兰多团体领导人，如让维埃·卡拉希里和奎顿·希米莱·姆维萨以及军事和省级当局进行协调，授权他们开展行动并提供协助(见附件 54)。<sup>68</sup>

## B. 特韦瓦内霍和“3·23”运动的合作

88. 专家组记录了特韦瓦内霍和“3·23”运动之间的合作。多个消息来源称，包括“3·23”运动和特韦瓦内霍运动前战斗人员以及与这两个团体关系密切的个人都已证实，两个团体的领导人，特别是查尔斯·塞玛塔玛(S/2023/431，第 143 段)与受制裁个人“3·23”运动的 Sultani Makenga (CDi.008)保持经常联系。

<sup>62</sup> 刚果武装部队、安全、情报、研究人员、民间社会和联刚稳定团消息来源。

<sup>63</sup> 瓦扎伦多领导人、刚果武装部队、地方当局、安全、情报、研究人员、民间社会和联刚稳定团消息来源。

<sup>64</sup> 同上。

<sup>65</sup> 同上。

<sup>66</sup> 瓦扎伦多领导人和刚果武装部队。

<sup>67</sup> 研究人员、民间社会和安全消息来源。

<sup>68</sup> 瓦扎伦多领导人、刚果武装部队、安全、民间社会和联刚稳定团消息来源。

89. 特韦瓦内霍指挥官托马斯·恩多里“上校”在 2023 年 6 月泄露的一段音频信息中证实了两个团体的联系，信息并得到专家组的证实。恩多里“上校”称“我们之间没有区别”，特韦瓦内霍期待一名上校率领混合部队，包括马西西的巴尼亚穆伦格族战斗人员的到来，并期待他带来武器和弹药。这位上校就是穆尼亚穆伦格族刚果武装部队逃兵穆伊思·宾什·加昆兹，<sup>69</sup> 2023 年 3 月加入“3·23”运动，被认为是两个团体之间的重要纽带之一(S/2023/431，第 145 段)。这段录音导致恩多里被特韦瓦内霍领导层关押数月。<sup>70</sup>

90. 在接近特韦瓦内霍的人员的支持下，继续在区域招募巴尼亚穆伦格族青年并提供给“3·23”运动使用。部分新兵最近在鲁丘鲁县和马西西县的战斗中被打死(S/2023/431，第 146-149 段)。<sup>71</sup> 此外，几个消息来源称，特韦瓦内霍和“3·23”运动的代表参加了 2023 年 5 月以来在卢旺达和鲁丘鲁县尚祖的几个地点组织的几次培训和会议(第 28 段)。<sup>72</sup> 特韦瓦内霍协调员卡马萨·恩达基泽(S/2021/560，附件 95)一直被指是特韦瓦内霍的代表之一，他参加了 2023 年年中的一次会议，讨论“3·23”运动和特韦瓦内霍之间的协调以及在南基伍对刚果武装部队的可能行动。<sup>73</sup>

### C. 布卡武黄金交易中心的动态

#### 刚果普里梅拉金业公司

91. 自专家组上次报告(S/2023/431)以来，刚果普里梅拉金业公司继续推动刚果民主共和国官方的黄金出口。2023 年 1 月至 10 月，该公司出口黄金超过 4 吨。普里梅拉告知专家组，90%以上的交易通过银行渠道进行，保证了资金的可追踪性。但是，专家组发现普里梅拉的尽职调查义务存在缺陷。

#### 事实上的垄断

92. 普里梅拉公司的制度化优势、税收优惠以及对刚果民主共和国官方黄金出口的事实上的垄断(S/2023/431，第 172 段)遭到了多方的批评。<sup>74</sup>

93. 国民议会议员阿尔弗雷德·麦莎(另见上文第 71 段)等发出的政治声音，公开反对授予普里梅拉公司独家经营权。普里梅拉支付的单一税率为出口商品价值的 0.25%，而其他出口商支付的税率超过 6%，这引发了经济行为者的不满。刚果民主共和国政府反驳了这些批评(见附件 55)。

94. 普里梅拉事实上的垄断导致公司管理人员和购买者采取特权姿态，无视刚果民主共和国矿业当局。几名矿业官员告诉专家组，他们的工作受到阻碍，因

<sup>69</sup> 特韦瓦内霍前战斗人员、安全、情报、研究人员和民间社会消息来源。

<sup>70</sup> 特韦瓦内霍前战斗人员、研究人员、安全和民间社会消息来源。

<sup>71</sup> 同上。

<sup>72</sup> 特韦瓦内霍和“3·23”前战斗人员、情报、安全、民间社会和联刚稳定团消息来源。

<sup>73</sup> 特韦瓦内霍前战斗人员、情报、安全、民间社会和联刚稳定团消息来源。

<sup>74</sup> 矿业管理局、民间社会消息来源、经济和政治行为者。



为担心普里梅拉的代表进行报复。例如，2023 年 8 月 14 日，普里梅拉公司一位经理对逮捕涉嫌运输非法黄金人员的菲齐县矿业官员进行斥责。关于这一事件，普里梅拉公司告诉专家组，其主管进行干预是为了对非法检查站表示抗议。这与专家组的调查结果(见附件 56)相矛盾，调查结果指出，此类事件阻碍了打击黄金走私的斗争。

#### 黄金原产地规则受损

95. 专家组查明了普里梅拉公司供应来源的一系列缺陷，并向其进行了通报。首先，普里梅拉只能购买和出口手工开采的黄金，除非获得在其他地方购买的豁免。<sup>75</sup> 然而，根据专家组收到的信息，普里梅拉在与坦甘尼卡金业公司的业务关系中很可能没有遵守这一要求(见附件 57)。

96. 第二个缺陷涉及普里梅拉公司在几个地点购买的黄金的原产地缺乏透明度。普里梅拉的主要供应商之一雷吉马利克在 2023 年 1 月和 2 月向普里梅拉出售了价值近 600 万美元的黄金，但在专家组查阅的文件中没有具体说明黄金的原产地。包括金比矿业公司在内的其他供应商同样未能具体说明出售给普里梅拉的黄金的原产地。几个消息来源称，这些供应商的黄金大部分来自菲齐县矿区，所在地区由玛伊-玛伊民兵亚库通巴派控制。针对专家组的关切，普里梅拉表示黄金来自经过验证的产地。

97. 同样，专家组证实，普里梅拉多次购买基伍矿业公司在位于姆文加县瓦姆兹姆的卢古希瓦矿区非法采购的黄金。专家组从一个矿业当局得到一封信件，称基伍矿业公司在该地区进行非法开采(见附件 58)。2023 年 10 月，普里梅拉告知专家组，公司正在与矿区所有人谈判。

#### 继续利用外国资金走私黄金

98. 普里梅拉公司的活动并没有按照最初协议的设想明显抑制该地区的黄金走私。买家和商行仅把 50% 的黄金出售给普里梅拉公司；估计收到的黄金中有 50% 通过走私路线出口国外。<sup>76</sup>

99. 买家和商行不愿把黄金卖给普里梅拉公司，他们更愿意保留现金，而普里梅拉则将付款存入银行，还要缴纳银行税使负担加重。普里梅拉的报价也低于黑市。普里梅拉提供了这方面的补充背景资料(见附件 59)。

100. 走私活动依然猖獗，因为参与黄金贸易的经济行为者继续从国外获得大量筹备资金。专家组查阅了布卡武几家商行的账户，注意到 2023 年 1 月 3 日至 4 月 26 日期间，苏格莱商行从基加利网络收到超过 1 400 万美元，从迪拜个人收到 2 600 万美元。2022 年 11 月 14 日至 2023 年 3 月 7 日期间，纳姆卡亚商行从基加利网络收到超过 2 300 万美元。此类转账大多避开了官方银行渠道，转账的可追踪性受到限制。

<sup>75</sup> 如普里梅拉公司向专家组证实。

<sup>76</sup> 设在布卡武的经济行为者和熟悉这一问题的消息来源。

## 刚果黄金精炼厂的最新情况

101. 刚果黄金精炼厂预计于 2022 年开始运营(S/2022/479, 第 178 段)。最近的动态表明精炼厂的活动已经停止(见附件 60)。

## 六. 建议

102. 专家组提出建议如下。

### 刚果民主共和国政府

103. 专家组建议刚果民主共和国政府：

(a) 向专家组提供关于在战场上收缴和(或)从投降/被俘战斗人员缴获的武器和弹药的信息，以便适当追查武器的来源(见上文第 30、31 和 32 段)；

(b) 立即停止把武装团体作为代理人使用，停止供应武器，并敦促其遵守解除武装、复员、社区恢复和稳定方案(见上文第 33-42 段)；

(c) 在刚果安全部队包括国防后备部队的招募中启动审查和甄选程序，确保不招募被怀疑犯有国际罪行或严重侵犯人权行为的武装团体战斗人员和领导人(见上文第 41-42 段)；

(d) 调查并起诉支持参与鲁巴亚非法开采活动武装团体的个人(见上文第 70 段)；

(e) 与原产于鲁巴亚的矿物的过境国和目的地国合作，使供应链符合专家组的尽职调查指南(见上文第 60-65 段)。

### 刚果民主共和国政府和安全理事会

104. 专家组建议刚果民主共和国政府和安全理事会保持联刚稳定团在南基伍的人权和分析能力，以及对可能威胁南基伍稳定的侵犯行为的预测能力(见上文第 86 段)。

### 刚果民主共和国政府在联合国组织刚果民主共和国稳定特派团和其他国际伙伴支持下

105. 专家组建议刚果民主共和国政府在联刚稳定团和其他国际伙伴的支持下：

(a) 加强参与调查和瓦解民主同盟军网络的司法和情报部门的手段(见上文第 15-20 段)；

(b) 制定关于将国际人道法纳入所有军事教学方案和军事决策所有方面的综合指南(见上文第 55-58 段)；

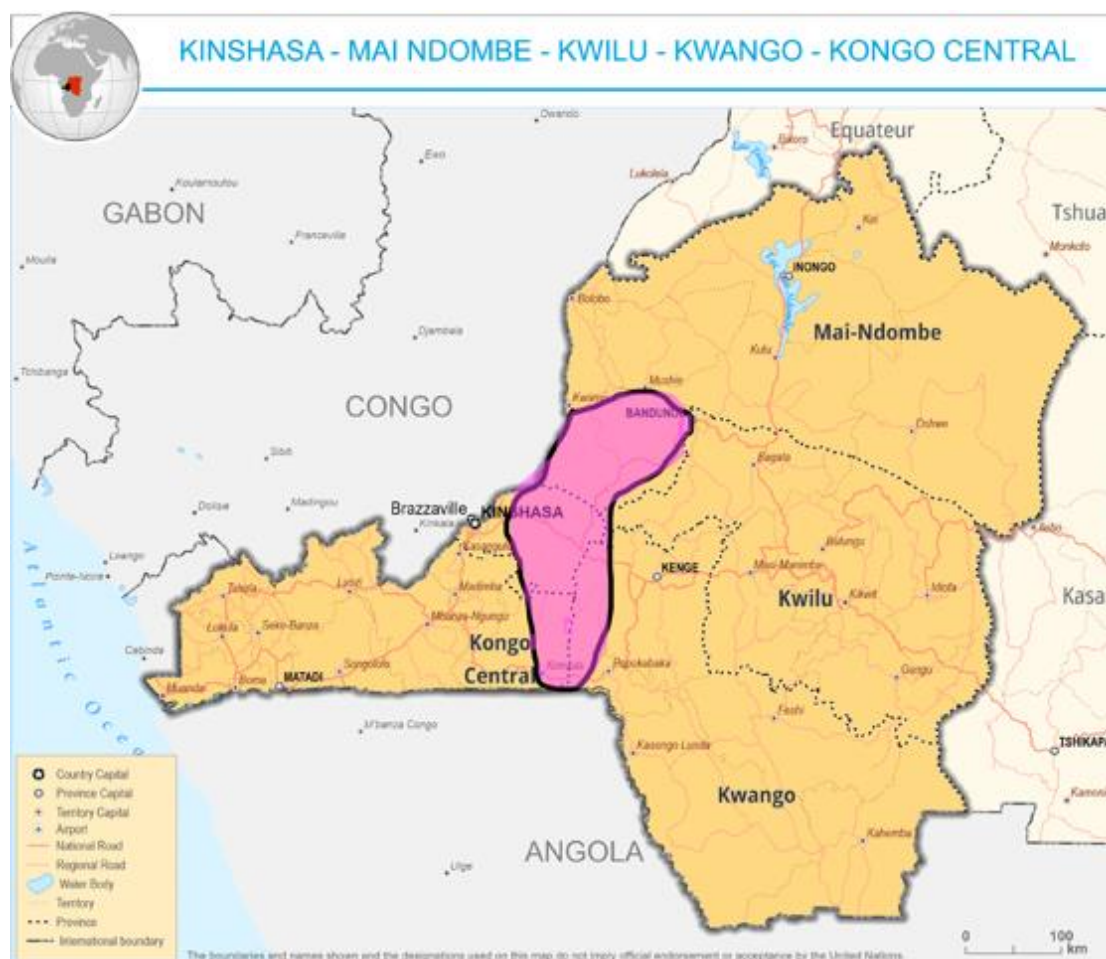
(c) 改进旨在保障境内流离失所者收容营地的民事和人道性质的措施(见上文第 78-82 段)。

## Annex 1 (para. 7)

## Map of the five provinces affected by the conflict that originated in Kwamouth, Mai-Ndombe province

## Carte des cinq provinces touchées par le conflit qui a commencé à Kwamouth, dans la province de Mai-Ndombe

Throughout 2023, the conflict that originated in the **Mai-Ndombe** province in 2022 expanded into the neighbouring provinces of **Kwilu**, **Kwango**, **Kinshasa**, and **Kongo Central**.



Map of the Democratic Republic of Congo, showing the western provinces of Kongo Central, Kinshasa, Kwango, Kwilu and Mai-Ndombe.

The approximate demarcation of the area affected by the conflict is indicated in pink color and has been added by the Group of Experts

Map provided by MONUSCO

**Annex 2 (para. 8)****Conflict fueled by economic and political interests****Le conflit alimenté par des intérêts économiques et politiques****Disagreements over the payment of customary taxes and land ownership**

As previously reported (see [S/2023/431](#), paras. 9-10), the spark that ignited the conflict in Mai-Ndombe province around May 2022 was a disagreement over a customary tax on agricultural products imposed by the so-called “native” Teke community (considered as the customary landowners) who settled in the area<sup>77</sup> before the “non-native” communities, in majority the Yaka, but also the Suku, Mbala and Songe (originally from the Kwango and Kwilu provinces), who came to work as farmers on the fertile lands of the Bateke Plateau over five decades ago. The farmers “rented” the land from the Teke chiefs in exchange for the payment of this customary tax. Until recently, the communities lived in harmony and the various communities inter-married.<sup>78</sup>

According to local sources and researchers, the first disagreements arose already in 2021 and escalated in early 2022 when “non-native” communities refused to pay the increased tax. The Teke tried to forcefully recover the tax payments, supported by some local members of the Congolese National Police (PNC) and FARDC elements,<sup>79</sup> and the Teke chiefs began asking farmers who did not want to pay to leave their lands.<sup>80</sup> The Yaka, in turn, presented a letter purportedly issued by the Ministry of the Interior, Security, Decentralization and Customary Affairs, which would have exempted its holders from the payment of customary taxes. This letter was not signed by the Minister, and it has since been proven to be fake.<sup>81</sup> Nevertheless, the letter created a climate of mistrust between the Teke and the other communities.

The violence started on 9 June 2022 in the village of Masia-Mbe, in the Bateke Sud sector of Mai Ndombe, where a Yaka farmer was injured during the collection of the taxes on behalf of Teke customary chief. In revenge, farmers attacked the chief’s brother, who shot a farmer from Kwilu in self-defence. In retaliation, Yaka farmers set houses on fire and the villagers fled.<sup>82</sup>

Emboldened by the lack of resistance of the villagers, who preferred abandoning their village rather than facing more violence, the Yaka farmers began inciting others to refuse the payment of taxes. The issue of tax payments soon morphed into a land issue, with farmers - mainly Yaka - beginning to claim the lands owned by the Teke. Another complaint of the Yaka farmers was that the landowners – generally the Teke – had been selling off the land to rich investors, although that land already belonged to the Yaka. Several sources reported that Yaka and other “non-native” farmers began organizing gatherings and inciting members of their community to claim that in the past, Kwamouth in Mai Ndombe province used to belong to the Yaka.<sup>83</sup>

<sup>77</sup> A vast area called the Bateke Plateaux, named after the Teke people. The Bateke Plateaux spans three countries, notably Gabon, Republic of Congo and DRC. The area referred to as Bateke Plateau in the DRC stretches from the commune of Maluku in Kinshasa province to the Mai-Ndombe and the Kwango river.

<sup>78</sup> Local sources, researchers, UN sources, civil society, open-source research.

<sup>79</sup> Ibid.

<sup>80</sup> A provincial member of parliament, researchers, civil society.

<sup>81</sup> Local sources, researchers, civil society. See also <https://congovirtuel.com/information/rdc-kwamouth-une-fausse-correspondance-a-la-base-du-conflit-entre-teke-et-yaka/?amp=1>

<sup>82</sup> Local sources, researchers, civil society. See also <https://ouragan.cd/2022/10/kwamouth-huit-8-lecons-et-sept-7-recommandations-de-fridolin-ambongo>

<sup>83</sup> MONUSCO and civil society, sources, local notables, researchers.

Subsequently, attacks on Teke villages, notably along the RN17 road, began multiplying.<sup>84</sup> Reports began emerging that the non-Teke farmers began to organize, arm, and incite other members of their community to join their group, with the intention of forcefully driving out all the Teke from their lands.<sup>85</sup>

Thereafter, incidents of Teke attacking Yaka and vice-versa have multiplied.

According to several members of the Teke community interviewed by the Group, the Yaka realized that killing Teke village chiefs would lead to members of these chiefs' community leaving the village, without much resistance, thus allowing the Yaka to occupy the farms and lay claim to their ownership. According to the same sources, additional proof of the Yaka's intent to appropriate all the lands and chase out the Teke were the burning and destruction of Teke villages, the installation of new Yaka chiefs in the abandoned villages and giving Yaka names to the conquered villages.

### Customary power

According to Congolese law, customary chiefs wielded significant institutional and political power. Among their prerogatives recognized by the law were the collection of taxes and the management of the land.<sup>86</sup>

#### - *The Yaka King or "Kiamvu"*

The Yaka people, descendants of the Lunda Kingdom, lived in the territory south of the Kwango river since the 17<sup>th</sup> century in the modern-day provinces of Kwilu, Kwango and Kongo Central of the DRC, and the north-western part of Angola.<sup>87</sup> The traditional king of the Yaka, who carries the title of "Kiamvu", rules over all the Yaka people.<sup>88</sup>

After the death of the last ruling Kiamvu in December 2021,<sup>89</sup> the title was claimed by Odon Kimona. However, he was accused of being a "fake" Kiamvu,<sup>90</sup> allegedly having usurped the title with the help of the Suku king, Mini-Kongo.<sup>91</sup>

Kiamvu Odon has been widely cited as the instigator of the Teke-Yaka conflict and was accused of being among the founders of the group of Mobondo fighters, with the intention of chasing the Teke off their land (see also annex 4 below). Several local sources reported that since early 2022, Kiamvu Odon began organizing the Yaka and other "non-native" farmers to take up arms and that he was instrumental in unearthing the "mobondo" formula that is believed to have enabled the Yaka to resist the settlers' firearms.<sup>92</sup> In September 2022, a Teke chief, head of the *Twa groupement* in MaiNdombe province, denounced an annihilation plan devised by the King Kiamvu, i.e. Odon Kimona, with the aim of establishing the hegemony of the Yaka communities throughout the Bateke Plateau. He claimed that the Yaka chief wanted to change the name of the area from "Bateke Plateau" to "Lunda Plateau"<sup>93</sup> – with reference to the ancient Lunda Kingdom to which the Yaka belonged.<sup>94</sup>

<sup>84</sup> MONUSCO sources, local sources, including a member of the provincial parliament, researchers, civil society.

<sup>85</sup> Local sources, civil society, UN sources, researchers, and a local member of Parliament.

<sup>86</sup> See the text of the *Loi N° 15/015 du 25 aout 2015 fixant le statut des chefs coutumiers* <https://leganet.cd/Legislation/Droit%20Public/Administration.ter/Loi.15.015.25.08.2015.html>

<sup>87</sup> See [https://en.wikipedia.org/wiki/Kingdom\\_of\\_Lunda](https://en.wikipedia.org/wiki/Kingdom_of_Lunda)

<sup>88</sup> See <https://lemandat.cd/2022/01/19/programme-dinhumation-du-roi-des-bayaka-ikomba-diwulu-tintin/>

<sup>89</sup> Idem.

<sup>90</sup> The Minister of the Interior, Security, Decentralization and Customary Affairs has officially recognized Frederik Inkani of Kasongo-Lunda as the real Kiamvu, King of the Yaka people. See <http://voiceofcongo.net/conflit-teke-yaka-le-vpm-daniel-aselo-annonce-la-preparation-de-la-table-ronde-intercommunautaire-entre-les-yaka-et-les-teke>

<sup>91</sup> See <https://congointer.info/2022/09/25/conflit-teke-yaka-le-ministere-de-linterieur-accuse-le-mini-kongo-fabrice-kavabioko-davoir-presente-un-faux-chef-yaka/>, and <https://www.election-net.com/article/rdc-la-cenco-accuse-le-pouvoir-detre-complice-du-conflit-teke-yaka>

<sup>92</sup> Local sources, civil society sources, researchers, a provincial member of parliament, community leaders.

<sup>93</sup> See <https://sur7.cd/index.php/2022/09/14/mai-ndombe-le-roi-kiamvu-cite-comme-instigateur-du-conflit-teke-yaka> ; and

<sup>94</sup> See [https://en.wikipedia.org/wiki/Kingdom\\_of\\_Lunda](https://en.wikipedia.org/wiki/Kingdom_of_Lunda)

A search warrant was issued by the police against Odon Kiamvu for his alleged involvement in the conflict.<sup>95</sup>

- *The Suku King or Mini-Kongo*

The King of the Suku people, allied with the Yaka, is the descendant of the kings who ruled the ancient Kingdom of Kongo, which existed until 1914.<sup>96</sup> According to the website representing the Kingdom of Mini-Kongo, the King is recognized by the traditional chiefs of the Kwango and Kwilu provinces as their representative at a higher level.<sup>97</sup> That would include Kiamvu Odon, who rules over the Yaka in the Kwango and Kwilu.

The current King Mini-Kongo, Kavabioko Fabrice Zombi, wields significant political influence in Kinshasa,<sup>98</sup> including through his aunt Nana Manwanina Kiumba, Minister to the President of the Republic and representative of the Head of State.<sup>99</sup> Mini-Kongo was personally appointed by the President to lead a commission for the resolution of the conflict in the Mai-Ndombe.<sup>100</sup> However, he was accused of having been an instigator of the conflict and one of the main figureheads of the Mobondo, who allegedly worship him and chant his name. He was cited, alongside the Kiamvu Odon, as the main *fetisheurs* of the fighters.<sup>101</sup>

The Teke vehemently denounced the nominations of Fabrice Zombi Mini-Kongo, Minister Nana Manawanina and Kiamvu Odon in official reconciliation efforts, accusing them of only representing the interests of the Yaka, Suku and other allied communities.<sup>102</sup>

### **Fetishism<sup>103</sup> emboldening fighters**

Rituals and fetishism play a central role in the culture of both the Yaka and Suku communities, which are closely related and have lived together for centuries.<sup>104</sup> Both communities believe in the power of fetishes to make them stronger, invisible, and invincible to the enemy.

- *The Suku “Kakuungu” mask*

In June 2022, the Kingdom of Belgium returned to the DRC a traditional Suku mask (the Kakuungu). The mask, revered by both the Suku and the Yaka as having enormous spiritual powers, was ceremonially received by President Tshisekedi.<sup>105</sup> Minister Nana Manawanina, member of the Suku royal family, was instrumental in organizing celebrations for the subsequent visit to the mask by the Suku, on 20 August 2022, represented by King Mini-Kongo, who was accompanied by other traditional chiefs (see images below).

<sup>95</sup> See <https://actualite.cd/2022/11/25/violences-communautaires-kwamouth-la-police-recherche-6-presumes-auteurs-intellectuels>

<sup>96</sup> See [https://en.wikipedia.org/wiki/Kingdom\\_of\\_Kongo](https://en.wikipedia.org/wiki/Kingdom_of_Kongo)

<sup>97</sup> See the official website of the Kingdom of Mini-Kongo, at <https://minikongu.com/I/le-roi/>.

<sup>98</sup> Local sources, researchers, civil society, MONUSCO sources.

<sup>99</sup> See <https://liberteplus.net/2021/04/29/rdc-professeur-nana-manwanina-nouveau-ministre-pres-le-president-de-la-republique-nous-connaissons-ce-que-nous-devons-faire-pour-accompagner-efficacement-le-chef-de-letat-dans-sa-lourde-r/>

<sup>100</sup> See <https://infocongo.net/2023/06/15/envoye-special-de-tshisekedi-dans-les-conflits-de-kwamouth-le-roi-mini-kongo-fabrice-zombi-aux-arrets/>

<sup>101</sup> FARDC, MONUSCO sources, local and civil society sources, community leaders, eyewitnesses, video footage .

<sup>102</sup> Members of the Teke community, civil society, researchers, MONUSCO sources. See also <https://www.afriwave.com/2023/05/18/rdc-le-phenomene-milice-mobondo-aux-portes-de-kinshasa-le-role-trouble-de-fabrice-zombi/>, and <https://congovirtuel.com/information/rdc-mai-ndombe-controverse-autour-des-chefs-coutumiers-yakas-recus-a-kinshasa/>

<sup>103</sup> “Fetishism” is used with the meaning of worship of or belief in magical fetishes, namely objects believed to have supernatural powers, or in particular, a human-made object that has power over others, used in rituals.

<sup>104</sup> According to information on the official website of the Kingdom of Mini-Kongo, at <https://minikongu.com/I/origine/>

<sup>105</sup> See <https://culturecongo.com/tradition-masque-suku-kakuungu-porteur-denormes-vertus-spirituelles/> The mask was most used as an “instrument of terror” by the Suku community, but also by the Yaka and the Nkanu, during circumcision initiation rituals.





King Mini-Kongo (on the left), Minister Nana Manwanina (in the middle) and Prime Minister Sama Lukonde (on the right), during the ceremonial visit of the Suku mask, on 20 August 2022

Source: <https://www.facebook.com/profile/100067140183263/search/?q=masque%20suku>



Screenshot from the official Facebook page of Minister Nana Manwanina, posting about the event organized for the official visit of the Suku mask.

Source: <https://www.facebook.com/profile/100067140183263/search/?q=masque%20suku>

In an interview focusing on the significance of the mask and its return to the Suku people, Minister Nana Manwanina explained the power of fetishes, feared and revered in her culture. She stated that the mask had enormous significance for the social cohesion of the Suku, as even those who were divided gathered around the mask. According to her Suku ancestors, the Minister explained, the mask was designed for war, when the ancient king Mini-Kongo<sup>106</sup> remained alone to confront the white man – the mask gave the power to disappear, alone or in a group, and this is how Mini-Kongo was able to resist the colonizers. It was also used in rituals (circumcision, initiation) and to help heal the wounds quickly. Minister Nana emphasized that the Suku firmly believe in this story. She added that the Suku were a forgotten people, neglected and little known, but when the President Tshisekedi worked to bring back the Suku mask, it gave power back to the Suku people, like in the story of the lost child.<sup>107</sup>



Screenshot from the interview posted online with Minister Nana Manwanina, where she talked about the significance of the Suku mask and the power of *fetisheurs*

Source: <https://www.youtube.com/live/V0DaHMZSmgs?si=-YgmHLNU98yE3rA9>, streamed live on 2 September 2022

<sup>106</sup> In the Suku tradition, since the 5<sup>th</sup> century, every Suku king takes the royal title “Mini-Kongo” (or formerly Meni-Kongo), which means “Congo is me”. See <https://minikongu.com/l/origine/>

<sup>107</sup> See <https://www.youtube.com/live/V0DaHMZSmgs?si=-YgmHLNU98yE3rA9>



**Annex 3 (para 9)****Humanitarian crisis in provinces affected by the conflict****Crise humanitaire dans les provinces touchées par le conflit**

According to humanitarian sources, at least 160,000 persons, including more than 55,000 children, have reportedly been displaced, including over 60 percent of the population in the territory of Kamouth.<sup>108</sup>

Gathering accurate data on the displaced and returnees, as well as the number of casualties and the extent of destruction, remained a major challenge as reported by humanitarian agencies, due to extremely limited access to the conflict areas. A significant part of the population fled into the forests or farms in remote areas, and many have taken refuge with host families in larger cities, including in Kwamouth city, Bandundu, Kinshasa and Kikwit.<sup>109</sup>

Humanitarian sources and members of the affected communities reported that displaced population was affected by famine, as local agricultural activities have been suspended for more than two harvest seasons, and the distribution of humanitarian aid was insufficient.

The prevailing insecurity and the large-scale destruction of schools has prevented displaced children from attending school or participating in school exams.<sup>110</sup>

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<sup>108</sup> Humanitarian and MONUSCO sources, civil society.

<sup>109</sup> Humanitarian sources, civil society, researchers, local sources, and MONUSCO sources.

<sup>110</sup> Idem.

## Annex 4 (para. 11)

**The organisation and *modus operandi* of the Mobondo****L'organisation et le mode opératoire des Mobondo**

The “Mobondo” emerged in mid-2022, organized around the self-proclaimed Yaka king, Odon Nkumbu, who carries the title of “Kiamvu” (see above annex X). The police issued search warrants on Odon Kiamvu and against five other suspects, including the individuals known as Cobra and Saddam, for their alleged leadership of “Mobondo”.<sup>111</sup> Odon Kiamvu was accused by the Teke of aiming to establish the hegemony of the Yaka communities throughout the Bateke Plateau, by chasing the Teke out of their land.<sup>112</sup>

The Kiamvu is also the spiritual chief (*feticheur*) of the Yaka, with the prerogative of administering fetishist rituals called “bondo” to fighters.<sup>113</sup> The Yaka and the Suku believe in the ancestral power of fetishes that can render them invisible to the enemy and immune to bullets.<sup>114</sup> Kiamvu Odon was accused of having been instrumental in reviving the powerful Mobondo formula that enabled the Yaka to resist the settlers' firearms (see annex 2 above, regarding the importance of fetishism).

In a video circulating on social media, a Mobondo fighter explained the significance of fetishes, what they are and how they are administered, and that it is the Kiamvu and Mini-Kongo who make them perform those rituals before going to fight. He said that the fetishes make them invisible (“if you see me as one person, we are in fact 100”), and insensitive (“you no longer have a heart – and then you start cutting”). He explained that the Kiamvu takes them to the cemeteries for rituals - he depicted with hand gestures some of the rituals, how they sleep in the cemeteries - and when they come out of the cemeteries, no one can catch them.

The Mobondo fighter also explained that they kill because their land is “sold off jokingly”, whereas that land belongs to the Mobondo – so they kill “them” (the Teke) to bring peace to the village.



Screenshot from video where Mobondo fighters explain the fetishist rituals given to them by the Kianvu and Mini-Kongo before going into battle

Source: <https://www.facebook.com/100090430952899/videos/2432117686953462/?mibextid=rS40aB7S9Ucbxw6v>

<sup>111</sup> FARDC, MONUSCO, researchers, community leaders, civil society sources.

<sup>112</sup> Civil society, researchers, and local sources. See also <https://7sur7.cd/index.php/2022/09/14/mai-ndombe-le-roi-kiamfu-cite-comme-instigateur-du-conflit-teke-yaka>.

<sup>113</sup> FARDC, MONUSCO, researchers, community leaders, civil society sources.

<sup>114</sup> Idem.

## Mobondo organisation and recruitment

Throughout 2023, the Mobondo continued to grow in numbers and expand geographically. Since August 2023, the Mobondo controlled a vast territory, including over half of Kwamouth territory (the Bateke Sud *groupement*) and Bandundu territory in the north, westwards to the periphery of Maluku commune of Kinshasa, and southwards to the vicinity of Kimvula and Popokabaka in Kongo Central.<sup>115</sup> FARDC controlled the river coastline from Kwamouth to Bandundu, and patrolled the national roads RN17 and RN1, but the rest of Kwamouth territory was entirely under Mobondo control. Mobondo also controlled the area of Mongata and Mbakana,<sup>116</sup> a key junction between the RN1 and RN17 linking several provinces in the area.

At the time of drafting, the Mobondo had various bases, each with a commander. They occupied abandoned farms where they gathered and planned attacks. They executed military-like attacks and withdrew once their goal was achieved. They allegedly established lists of targets, notably of villages, chiefs and farms they intended to attack.<sup>117</sup> However, it was yet unclear whether the Mobondo was a hierarchically structured, homogenous group, or rather a coalition of like-minded gangs without a central command.

The Mobondo have become more organized and gradually increased their military capabilities by attacking FARDC and police elements, stealing weapons and ammunition. Initially, they were armed with machetes and 12-calibre hunting rifles, but the Mobondo's current arsenal includes AK-type assault rifles, PKM machine guns and grenade launchers.<sup>118</sup> They sold part of the looted goods to purchase ammunition and have been seen conducting business with some FARDC elements.<sup>119</sup> The Group notes that transfers of weapons and ammunition from the FARDC to the Mobondo constitute a violation of the arms embargo. They also increased recruitment of the youth, who are particularly vulnerable to voluntary recruitment due to the prevailing economic hardships. The Mobondo also recruited by force, including minors as young as 14 years old. They radicalized new recruits and imposed the practice of fetishism.<sup>120</sup>

The FARDC deployed substantial troops along the main axes RN1 and RN17, and to the Mobondo-affected areas, particularly to Kwamouth territory and Kwango province. Deployments were also aimed at preventing the conflict from reaching the capital Kinshasa.<sup>121</sup> However, despite the FARDC deployment and operations against them, the Mobondo maintained their ability to successfully strike by adapting their *modus operandi* to FARDC tactics. While its operations have temporarily lowered the frequency of clashes, FARDC has failed to retake control of Mobondo-controlled areas and has suffered serious losses.<sup>122</sup>

<sup>115</sup> FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

<sup>116</sup> Local witnesses, civil society, member of the provincial parliament for Mai-Ndombe.

<sup>117</sup> FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

<sup>118</sup> I FARDC, MONUSCO sources, researchers, community leaders, civil society, eyewitnesses.

<sup>119</sup> Several eyewitnesses, community leaders, researcher.

<sup>120</sup> MONUSCO, researchers, community leaders, civil society sources, eyewitnesses.

<sup>121</sup> FARDC, MONUSCO sources, civil society sources, researchers.

<sup>122</sup> Idem.

**Annex 5** (para. 13)**Mobondo conscription into FARDC****Enrôlement des Mobondo dans les FARDC**

On 29 January 2023, a delegation led by Minister Nana Manwanina Kiumba and Fabrice Zombi, the King Mini-Kongo, oversaw the handover to the Etat-Major of the FARDC of over 50 young recruits, who expressed their desire to help fight and “finish the enemy”; namely the Rwandans and their allies the M23 in eastern DRC. The young recruits were flown to Kitona military base for training.<sup>123</sup>

The Minister reiterated that recruitment of young fighters was the explicit desire of President Tshisekedi and announced that with the voluntary conscription of young fighters, peace was returning to the conflict-affected region in the west of the DRC.<sup>124</sup>

This was the third transport of recruits from Mai-Ndombe to the Kitona military base.<sup>125</sup> For example, on 9 January 2023, it was reported that at least 100 surrendered fighters had been received at the military base in Kitona, following the intervention of the delegation mandated by the Minister of Interior.<sup>126</sup>

Below: Selection of screenshots from a video reporting of the ceremonial departure of young fighters from Kinshasa airport, on 29 January 2023, accompanied by a delegation led by the Minister and the King Mini-Kongo. Source:

<https://fb.watch/olG7GVOLYg/>



Above: Fabrice Zombi Mini-Kongo (on the left) and Minister Nana Manwanina (center)

<sup>123</sup> See <https://fb.watch/olG7GVOLYg/>

<sup>124</sup> Idem.

<sup>125</sup> Idem.

<sup>126</sup> See <https://actualite.cd/2023/01/08/rdc-kwamouth-plus-de-100-assaillants-qui-setaient-rendus-aux-fardc-ont-ete-recus-kitona>



Above : Mini-Kongo addressing the young fighters at Kinshasa airport



Above: images depicting the young recruits aboard a transport aircraft on their way to the Kitona military base



**Annex 6 (para. 15)**

**UPDF press release of 17 August 2023 on Operation Shuja results**

**Communiqué de l'UPDF du 17 août 2023 sur l'opération Shuja**



The joint operation codenamed 'Operation Shujaa' by the Uganda Peoples' Defence Forces (UPDF) and the Armed Forces of the Democratic Republic of Congo (FARDC) have so far recovered 9500 rounds of ammunition from the ongoing operation against the Allied Democratic Forces (ADF) that begun on the 30<sup>th</sup> November 2021.

The Commander of the UPDF Mountain Division and Operation Shujaa, Major General Dick Olum said that the operation has degraded ADF's capacity to cause war. "The ADF will soon get into the books of the past. We have reduced their capacity to cause war, we have depleted their manpower, their weaponry and their morale is at the lowest."

Maj Gen Olum made the remarks yesterday while displaying a catchment of the weaponry and equipment captured from the ADF at the UPDF Mountain Division Headquarters, Muhooti Barracks Fort Portal.

In addition to the ammunition, 548 ADF terrorists have been put out of action (POA), 50 have been captured alive and 31 have surrendered to the joint forces after intense pressure.

The weapons recovered from the enemy are 151 including 142 submachine guns (SMG), 08 pieces of PMK Machine gun and 01 piece of 60 millimetres mortar. Also, recovered are 111 military radios from the ADF, 45 radio charger ports and 10 batteries.

The joint forces have so far rescued 156 persons including women and children. The children, most of whom were in bad health conditions are currently receiving medical care from the various health facilities of the Uganda Peoples' Defence Forces.

According to the overall UPDF Commander of Operation Shujaa, Major General Dick Olum, the figures above do not include weapons and equipment under the FARDC. "The figures are only inclusive of what we have recorded and we have in our custody as UPDF. FARDC has weapons and equipment captured from ADF and are in DRC, so the figures could be double what we have just given you," said Maj Gen Olum.

Maj Gen Olum added that "For those ADF put out of action, we only count the dead bodies. those we fight with and ran in the wild and die from there are excluded. Therefore, each figure could be double what we have as UPDF."



Available on UPDF's website

<https://www.updf.go.ug/operation-shujaa/adf-will-soon-be-history-major-general-dick-olum/> (Last accessed by the Group on 10 November 2023)

## Annex 7 (para. 15)

## President Museveni's tweet of 23 September 2023 on the killing of Meddie Nkalubo

## Tweet du président Museveni du 23 septembre 2023 sur la mort de Meddie Nkalubo



**Yoweri K Museveni** ✓  
@KagutaMuseveni

...

Fellow Ugandans and, especially the Bazzukulu.

This is to inform you that last Saturday, the 16th of September, 2023, our Air Force attacked four ADF terrorists' targets that were between kms 100 and kms 150 from the Ugandan border on the Ntoroko side. These targets had been located by assets from our Special Duties Regiments (SDR) that have good reconnaissance assets.

According to subsequent intelligence, it seems that alot of terrorists were killed, including the notorious Meddie Nkalubo, who has been the author of the bombs in Kampala – e.g. those near the Police Station in Kampala, that one near Parliament and the ones that were discovered recently near Kayanja's Church and in the Bunamwaya area.

These uninformed People, have been playing with deadly fire for a long time. They will now discover that killing Ugandans is not a good hobby. In this part of the World, there is nowhere we cannot get them, if we coordinate with the Governments of the sister countries.

We salute His Excellency Felix Tshisekedi for allowing us to work with the Congo Army to liberate this part of Congo from these mindless criminals and also punish them for killing Ugandans using infiltrators. You remember the recent killing of the Nyabugaando children by cutting them with pangas, the Sheikhs, Major Kiggundu, Gen. Katumba's daughter, Joan Kagezi, etc. All those involved will perish unless they surrender.

Signed:

Yoweri K. Museveni

Gen. (Rtd) Ssaabalwany

[Traduire le post](#)

11:02 AM · 23 sept. 2023 · **240,1k** vues

Available on X (formerly Twitter)

<https://twitter.com/KagutaMuseveni/status/1705507889316573584?s=20>

(Last accessed by the Group on 10 November 2023)



## Annex 8 (para. 15)

### ADF attacks and movements in the DRC

#### Attaques et mouvements des ADF en RDC

In **Ituri**, ADF continued attacking civilians, often in retaliation for military action against them or to resupply, as observed in the past (see [S/2022/967](#), para. 12 and [S/2023/431](#), paras. 18 and 20). Intermittent lulls in attacks were also observed.<sup>127</sup> ADF generally tried avoiding contact with FARDC and UPDF, regularly moving west, away from FARDC/UPDF operations, to reach some of their strongholds around Butani, Monge and Otomaber. On their way, they often killed civilians on the road and farmers tending their fields. In August 2023, ADF raided mining sites around that area, including *Independent* and *Russie mining sites*, abducting hundreds of civilians,<sup>128</sup> some of whom were later released (see annex 9). According to several sources, including abductees' testimonies, ADF were not interested in the gold at these mining sites, but rather in food and other subsistence goods.

ADF's expansion in Ituri, and particularly their presence around mining sites, where they established some of their camps, attracted the presence of the armed group *Front des Patriotes pour la Paix/Armée du Peuple* (FPP/AP) from Lubero since a few months, notably at the request of Nande businessmen from Beni and Butembo, who want to protect their economic interests.<sup>129</sup> ADF and FPP/AP clashed on several occasions since May 2023.

In **Beni territory**, ADF attacks considerably reduced since the end of July 2023,<sup>130</sup> particularly as one of ADF's most important strongholds, Mwalika (see [S/2021/560](#) annex 3), was repeatedly hit by Operation Shuja, temporarily dislodging ADF from the area.<sup>131</sup> Since July 2023, important movements of ADF combatants and dependents were reported from east to west of RN4, including into Ituri, some coming from the camps recovered by FARDC and UPDF.<sup>132</sup> These ADF groups were mobile, fast and able to split and regroup as necessary.

In their movement westward, they abducted and killed numerous civilians, particularly on and around the Kainama-Eringeti road and the RN4 around Eringeti and Luna. ADF, however, maintained and/or reconstituted a presence in the Beni-Mbau sector and in the areas south of Eringeti and of Oicha and Mamove, from where they conducted attacks, including the deadly 23 October attack in Oicha.<sup>133</sup> This attack, during which they killed 26 civilians, including 12 children, contrasted with the more sporadic attacks of the last months and with ADF's strategy to rather concentrate on Uganda (see para 16-18).

At the time of drafting, ADF attacks had resumed in Beni territory, as FARDC and UPDF intensified their operations in Ituri and west of RN4, where ADF leadership was mainly concentrated. In line with their usual strategies, the surge of ADF attacks aimed at redirecting the focus of the operations towards other areas. The arrest and killing by UPDF on 2 November 2023 in Uganda of several ADF combatants who were part of the unit conducting attacks in Uganda, as well as the reinforcement of UPDF troops in strategic areas of Uganda at the border with DRC, may also in part explain the recent multiplication of attacks in the DRC.

<sup>127</sup> FARDC, researchers, civil society, intelligence, diplomatic and UN sources.

<sup>128</sup> Ex-ADF abductees, FARDC, researchers, civil society, intelligence and UN sources.

<sup>129</sup> FARDC, researchers, civil society, intelligence and UN sources.

<sup>130</sup> Ex-ADF abductees, FARDC, researchers, civil society, diplomatic, intelligence and UN sources.

<sup>131</sup> Although during the drafting of this report, the Group received information that Amigo's group was attempting to go back to Mwalika.

<sup>132</sup> FARDC, researchers, civil society, intelligence and UN sources.

<sup>133</sup> FARDC, researchers, civil society and UN sources.

**Annex 9 (para. 16)****Release of 104 abductees by ADF in September 2023****Libération de 104 personnes enlevées par les ADF**

In mid-September 2023, ADF freed over 100 abductees in Ndalya, Ituri province, at the border with Beni territory. The FARDC and UPDF claimed that the release was a result of their operations. However, this liberation was decided by the ADF leadership.<sup>134</sup> As stated by ADF leader Mzee Mayor, alias Mzee Meya (see [S/2021/560](#) annex 4), in one of the videos filmed by ADF moments before the release of the abductees, their intention was to “win hearts and minds”, and to appear merciful. The video was largely circulated on social media.

In the video, Mzee Mayor proclaimed, speaking to the abductees, that “no one forced him to free you, and no one was tortured! You are released thanks to the good will of the Mzee”, referring to Musa Baluku. Anticipating that the FARDC and UPDF would try to attribute the success of the release to their operations, Mzee Mayor emphasized in the video that FARDC-UPDF spokesperson will “tell on the radio that the FARDC led to the release of the hostages and killed ADF and recovered weapons, although these weapons actually come from FARDC storage and they will kill civilians that they will dress with uniforms to show that they killed ADF, and then you will applaud the FARDC, although their propaganda only aims at killing the population.” The video also contained a title in French translated as “refuting UPDF / FARDC lies”.

Among the abductees, the majority had been taken hostage at the end of August 2023, in and around the mines and fields of *Independent* and *Elake*, Ituri province, by a group of ADF combatants led by a certain Sereka, under the leadership of Mzee Meya. They were almost immediately told that they would shortly be released.

**Screenshot of the video in which Mzee Mayor explaining the release of the abductees**

Video circulating in the social media and provided to the Group by security sources.

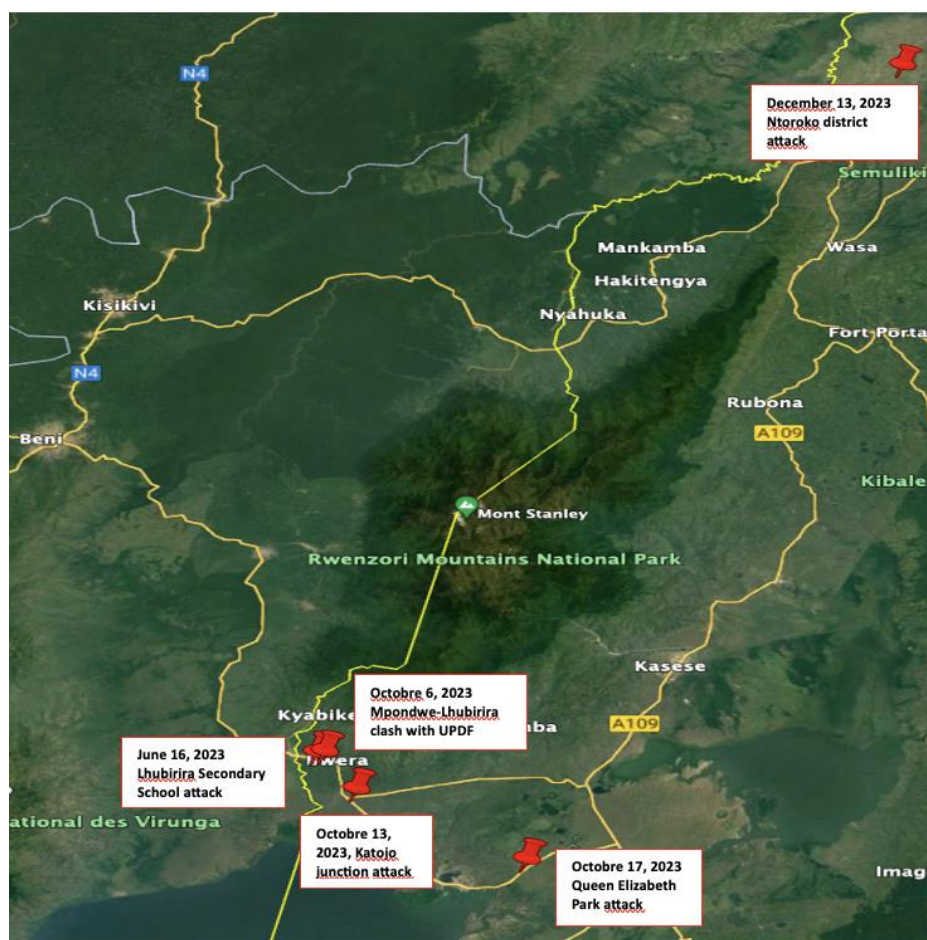
<sup>134</sup> ADF ex-abductees, ADF internal sources, FARDC, intelligence and UN sources.

## Annex 10 (para. 17)

### ADF attacks in Uganda

#### Attaques ADF en Ouganda

Since December 2022, several attacks were conducted by ADF combatants who infiltrated Uganda from the DRC territory on several occasions, taking advantage of the porous border between Uganda and the DRC.



Map made by the Group

#### Failed attack in Ntoroko, December 2022

On 13 December 2022, a group of over 30 ADF combatants and 10 female dependents infiltrated Uganda in Ntoroko district to conduct attacks in the area. Yet, local population alerted the UPDF which pursued the group, killing some and capturing the rest. Many of these ADF combatants and female dependents were children who had been abducted in the DRC by the ADF in 2021 and 2022. Some were militarily trained. The commanders of the group - Yakuti, Mediso and Abu Shaku - were Ugandans. Mediso and Abu Shaku were killed during combat with the UPDF, while Yakuti was arrested, along with over a dozen ADF combatants and dependents. According to those arrested, Mzee Mayor had planned the attack in Ntoroko, selecting the team that was composed of combatants from his camp in Ituri, and some of their dependents. He instructed them to conduct attacks against UPDF positions or alternatively

against civilians, hoping that as a result the UPDF would withdraw from the DRC back into Uganda to protect their citizens.

### **Attack on Lhubirira boarding school in June 2023**

On 16 June 2023, armed assailants killed over 40 civilians including 37 students<sup>135</sup> attending the Lhubirira Secondary School in Mpondwe town.<sup>136</sup> At least 20 female students were hacked or bludgeoned to death, including 13 minor girls aged between 12 and 17 years of age. In addition, 17 bodies burnt beyond recognition were retrieved from the school, while some victims also displayed gunshot or cut wounds. DNA analysis allowed for the identification of 13 of the burned victims, all males, confirming the narrative that the male dormitory was set on fire while the victims were locked inside. Six critically injured civilians were evacuated to Bwera hospital by the UPDF; two subsequently succumbed to their injuries. Only four students were found alive. At least six students were abducted during the attack.

Investigations revealed that at approximately 10:30pm on Friday 16 June 2023, after the 60 students in Lhubirira school's dormitories had retired to sleep, a small group of about 10 ADF combatants entered the school, first killing the guard. They then knocked on the door of the male dormitory, but as the students refused to open, the assailants forced their way in, firing several rounds of gunshots. They then began hacking students to death and set the dormitory on fire (see picture below). Only four male students were able to escape, one of whom alerted the nearby police. The assailants also attacked the female student dormitory, killing 20 female students using machetes and other blunt objects.

The headmaster's wife,<sup>137</sup> who was living at the premises of the school, testified that an ADF combatant, wearing military trousers and armed with an assault rifle, entered her house and looted money and phones. He intended to kill her but decided to spare her when he realized she had an infant child, claiming that they are "rebels from the Congo" and as Muslims, they do not kill a mother who has babies.<sup>138</sup> He told her to convey this message in the morning when she would tell others what had happened. She, as well as a civilian living near the school, reported having heard the assailants crying out "Allahu Akbar".<sup>139</sup>

The attack lasted for about an hour and a half and ended around midnight. While the assailants retreated on foot to the DRC territory, they looted shops and wounded and killed several shop keepers and villagers. According to UPDF and FARDC sources, the military chased the assailants into the Virunga National Park in the DRC.

The body of one of the abducted students, a 17-year-old female, was found hacked to pieces, on 19 June 2023, three days after the attack, on DRC territory. The Group is yet to confirm whether any additional abductees from the attack in Uganda are still alive. The timing and location of the killings, as well as the number of reported students killed, could coincide with the students abducted from Lhubirira School.

#### *Information on the assailants*

In addition to the investigations conducted by Ugandan and DRC authorities, which attributed the attack to ADF, multiple sources, including ADF sources, confirmed that ADF had planned and executed the attack. According to these sources, the attack had been planned by ADF commander Abwakasi (see para. 19), while some mentioned that Musa Kamusi was the commander who executed the operation (see [S/2022/479](#), para. 42 and [S/2023/431](#), annex 5).

According to UPDF Major-General Fick Olum, commander of the Mountain Division covering the Mpondwe sector, and also alluded to by President Museveni, ADF were led to the school by local collaborators after having spent two

<sup>135</sup> <https://www.upf.go.ug/lhubirira-school-terror-attack-death-toll-still-stands-at-42-and-not-50-as-alleged-25-bodies-identified-so-far/>  
<https://www.upf.go.ug/death-toll-from-terrorist-attack-on-lhubirira-ss-rises-to-44/>. Last accessed by the Group on 5 November 2023.

<sup>136</sup> Located in Kasese district in Uganda, less than 10km south-west of Kasindi, DRC.

<sup>137</sup> According to the account of a source who interviewed the victim.

<sup>138</sup> The Group would however like to recall that despite this statement, ADF have repeatedly killed mothers with infants as well as infants themselves.

<sup>139</sup> According to the account of a source who interviewed the victim and the neighbor.



days in the area.<sup>140</sup> Over 20 individuals characterized as local collaborators, including the Director of the school, were arrested in the following days by Ugandan authorities.

As mentioned in para. 18 of this report, the attack intended to avenge UPDF/FARDC operations conducted against ADF, particularly around Mwalika and Rwenzori, and to divert the focus of these operations by having the UPDF retreating to Uganda.<sup>141</sup> By attacking a boarding school hosting a large number of unarmed and unsuspecting students, ADF undoubtedly intended to inflict the maximum number of civilian casualties, as well as raising their profile and the threat on Ugandan territory, all the while avoiding an armed confrontation with UPDF.

In his 18 June 2023 address to the nation, President Museveni stated that the presumed ADF objective to recall UPDF to Uganda had failed, and that Uganda would send even more troops to fight ADF.<sup>142</sup>



Pictures of the male dormitory of Lhubirira Secondary School set on fire by the ADF, which were provided to the Group by a researcher who visited the site of the attack a few days later.

<sup>140</sup> <https://www.youtube.com/watch?v=ICFHOcv7Zpk> and <https://twitter.com/KagutaMuseveni/status/1670417511001513984>. Last accessed by the Group on 5 November 2023.

<sup>141</sup> See S/2021/560, para. 12 and S/2022/967, para. 8. See also Museveni's statements of 18 June and 14 July 2023 on the attack.

<sup>142</sup> <https://twitter.com/KagutaMuseveni/status/1670417511001513984>. Last accessed by the Group on 5 November 2023.

### Attacks conducted in October 2023

In October 2023, a small ADF unit infiltrated again into Uganda, where it conducted several attacks, including the Queen Elizabeth Park attack.<sup>143</sup> In addition, several attempted attacks were spoiled by prompt intervention of the UPDF.

#### Attacks in in Mpondwe area

On 6 October, the ADF unit attempted to attack a neighbourhood of Mpondwe Lhubirira town, a few kilometers from the Kasindi border with the DRC and from the Lhubirira Secondary School. The UPDF intervened immediately after the unit crossed the border and exchanged fire with ADF.

A week later, during the night of 12-13 October, ADF combatants attacked a truck and killed at least two of its occupants, still in the Mpondwe Lhubirira area, at the Katojo junction, Kasese district. Da'esh claimed this attack. Shortly after the attack, Ugandan authorities, including President Museveni, warned the population about possible future attacks and requested maximum vigilance.<sup>144</sup>



Picture of the site of the attack provided to the Group by security sources



*“By the grace of God Almighty, the soldiers of the Caliphate ambushed the infidel Christians, near the village of Kinyamasiki in the Kasese area of western Uganda yesterday, and targeted them with machine guns, which led to the killing of two people, the injury of another, and the burning of a truck, and praise be to God.”*

Translation of Da'esh's claim made by the Group

<sup>143</sup> FARDC, security, intelligence, diplomatic, researchers and civil society sources.

<sup>144</sup> <https://twitter.com/KagutaMuseveni/status/1713520225239351354?s=20> . Last accessed by the Group on 5 November 2023.



### Attack in the Queen Elizabeth National Park

On 17 October 2023, ADF combatants ambushed and killed a newlywed couple visiting Queen Elizabeth National Park from the United Kingdom and South Africa, respectively, as well as their Ugandan guide. The attack took place around Nyamunuka, along Katwe Road, about 30km southeast from the site of the 13 October attack. This attack was the first documented by the Group where ADF targeted foreigners in Uganda. On 18 October, Da'esh claimed responsibility for the attack.

Multiple sources, including internal ADF sources, confirmed that Abwakasi had also planned the aforementioned October attacks, sending combatants under his command, based in Mwalika. They also confirmed that for the October attacks including the attack in the Queen Elizabeth National Park, the decision to conduct them was ordered by the main ADF leadership, including Musa Baluku, contrary to the attack against Lhubirira Secondary School in June 2023, which was without prior instruction or approval from Musa Baluku. (see para 20).

Several sources reported that Musa Kamusi was the main commander of the ADF unit that carried out the attack in the Park, and possibly also the Lhubirira Secondary School.<sup>145</sup> This would mean that Musa Kamusi evolved in a short period of time from being an ADF collaborator to a key ADF commander leading attacks in Uganda.<sup>146</sup> Musa Kamusi was the imam of Kasindi helping with recruitment, and was arrested in January 2020. He then became one of ADF's main coordinator of collaborators along the Beni-Kasindi road.

On 1 November, the UPDF arrested and killed several ADF combatants who were part of the ADF unit that conducted the October attacks; several others were able to escape. According to several sources, the ADF combatants, when arrested or killed, were returning to the DRC through Lake Edward, using a pirogue.<sup>147</sup> One of the arrested combatants, a Ugandan national called Kyoto Abdul Rashid alias Njovu, was allegedly carrying some of the documents belonging to the couple and the guide killed in Queen Elizabeth National Park.



Picture of the attack site provided to the Group by security sources

<sup>145</sup> Ibid.

<sup>146</sup> Musa Kamusi was the imam of Kasindi helping with recruitment, and was arrested in January 2020, he then escaped from Kangbayi during the October 2020 jailbreak (see S/2021/560, para. 28 and annex 19) and joined ADF in the bush where he grew close to Amigo and Abwakasi and became one of ADF's main coordinator of collaborators along the Beni-Kasindi road.

<sup>147</sup> FARDC, intelligence, security, researchers and UN sources.

  
 ISLAMIC STATE

## مقتل 3 نصاري أحدهم بريطاني بهجوم جديد لجنود الخلافة غربي أوغندا

ولاية وسط إفريقية      الأربعاء 3 ربيع الآخر 1445 هـ

بتوفيق الله تعالى، هاجم جنود الخلافة آية كان يستقلها 3 من السياح النصاري أحدهم بريطاني، بين منطقتي (مويلا) و(كيكورونغو) في (كاسيسي) غربي أوغندا أمس، حيث استهدفوهم بالأسلحة الرشاشة، ما أدى لمقتلهم، وأحرق المجاهدون آلياتهم، وعادوا إلى مواقعهم سالمين، ولله الحمد والمنة.

*“By the grace of God Almighty, the soldiers of the Caliphate attacked a vehicle in which 3 Christian tourists, one of whom was British, were traveling, between the areas of Muya and Kikurongo in Kasese in western Uganda, yesterday, where they targeted them with machine guns, which led to their deaths. The Mujahideen burned their vehicle and returned to their positions. We are safe, praise be to God.*

Translation of Da'esh's claim made by the Group



Picture of Njovu following his arrest on a boat by UPDF on 2 November 2023.

Picture circulating on social media and provided to the Group by a security source.

## Annex 11 (para. 20)

### Case studies on ADF networks

#### Cas d'étude sur les réseaux ADF

Two case studies illustrate how ADF collaborators are recruited and coordinated, including by Abwakasi or Meddie Nkalubo. The Group is concerned, inter alia, about the fact that ADF continued to recruit new collaborators in prison, by using their existing collaborators or combatants. The Group's investigations also revealed that ADF mainly used financial incentives to recruit collaborators, exploiting the difficult living conditions in the DRC to attract individuals looking for quick cash and thus willing to transport recruits, supplies, improvised explosive devices (IEDs) and IED components for just a few dollars.

The different cells of ADF collaborator networks did not usually communicate with each other, in order to avoid the total dismantlement of the network in case of the arrest of one or more collaborators. ADF chose to rely only on some trusted collaborators to communicate with and/or coordinate several cells.

As a result, ADF were able to easily recruit and restructure their networks (crucial for ADF's survival and expansion), rendering more difficult the work of intelligence and judicial actors working on dismantling ADF networks.

#### ADF collaborators network linked to the 25 January 2023 bombing in Beni town

In April 2023, the FARDC intelligence and judicial services in Beni dismantled a network of ADF collaborators linked to the 25 January 2023 bombing in the market of Beni town's sub-district called *Ma Campagne* ([S/2023/431](#), para. 27), during which at least 18 civilians, including ten children, were injured. Three ADF elements were involved and played a key role: Erick Muhindo Kamabu, Oscar Katembo Sivalingana and Alpha Mumbere Midugi. The Group interviewed all three individuals.

Erick Muhindo Kamabu was the first to be recruited by ADF, following a short stay in Kangbayi prison in Beni in 2022, where he met ADF collaborator Erasme Mumbere Bolingo. After Erick's release from prison in December 2022, Erasme facilitated his recruitment by putting him in contact with Abwakasi. The latter initially sent Erick some money destined for Erasme. Abwakasi then continued exchanging with Erick, including through the phone of Alpha, Abwakasi's brother-in-law. Alpha had a smartphone, which allowed Erick and Abwakasi to communicate through Whatsapp. In parallel, Erick recruited Alpha, who was a moto taxi driver, to drive him around on his motorbike for the errands provided to him by Abwakasi, although at first, Erick did not reveal the identity of Abwakasi to Alpha.

Shortly after the Kasindi bombing ([S/2023/431](#), paras. 22-28), Abwakasi asked Erick to pick up a package in Butembo in exchange for \$US 200. Erick called Alpha, as well as his friend Oscar to go with him to Butembo, where he received the package, most probably from Yahya, one of Abwakasi's trusted collaborators ([S/2023/431](#), annex 5). The three individuals transported the package, which contained an improvised explosive device (IED), back to Beni. There they decided to store it at Oscar's house in *Ma Campagne*.

Soon after, Abwakasi called Erick and Oscar to explain how to assemble and activate the IED through the use of a telephone, as reported by the Group in its last final report ([S/2023/431](#), para. 27). Abwakasi then instructed them to place the IED in a crowded area, to ensure it killed a maximum number of persons. They thus decided to place it at *Ma Campagne* market and detonated it a few minutes later. Shortly after, Abwakasi wrote to Alpha's phone, congratulating them for their work, and sent him \$US 100, which Alpha shared with the two others.

Subsequently, Oscar and Erick continued exchanging with Abwakasi using other phones. They were arrested in April 2023 as Oscar was picking up another IED in Kyondo, between Butembo and Kasindi, which he claimed Abwakasi had ordered him to deliver to Erick in Beni. This time, Oscar had used another motorbike driver that he had recruited to run his errands. The IED that he was going to retrieve was assembled using components bought by yet another

ADF collaborator, Patrick Bahati, who was outside this cell, although also in contact with Yahya, who had recruited Bahati.

When asked by the Group about their motivations to collaborate with ADF, while Alpha denied having full knowledge of what was happening, Erick, Oscar, Alpha and Patrick acknowledged that they had been financially motivated to execute their tasks.

#### **ADF collaborators network in South Kivu**

In August 2023, DRC authorities arrested Rashidi Kupa Patrick alias Pili Pili, one of ADF's main collaborators in South Kivu, whom the Group also interviewed. Pili Pili was part of a large collaborator network in Burundi, Mozambique, South Africa, Tanzania, as well as in South Kivu, Goma, and Butembo in the DRC, to facilitate the recruitment and transit of recruits, goods, including IED components and money, to ADF camps.

Initially, Pili Pili had been recruited in 2015 by his uncle, Sumaili Hussein, whom he described as a former Burundian military officer, who had established an ADF training camp in Kafulo, near Baraka in Fizi territory, along with several Tanzanian individuals. Although Pili Pili denied being aware of their activities, he acknowledged helping them to transport food and other goods to their camp in Kafulo. In 2017, following the dismantlement of the camp by the DRC authorities, who had been alerted by the local population, some Tanzanian individuals who had founded the camp fled to Mozambique and Tanzania.

In 2019, Pili Pili was contacted by one of these Tanzanian individuals, Abu Suleifa, who was in Mozambique in another "Muslim camp". Abu Suleifa put Pili Pili in touch with Meddie Nkalubo to coordinate the sending of 25 Motorola radios to Mozambique. Pili Pili, who was then living in Uvira, explained that the radios were sent to him from Goma, and that Meddie Nkalubo had ordered him to send them to Mozambique through Tanzania by boat.

A few months later, Pili Pili was contacted by two other Tanzanian individuals, Bonge and Abdulaziz, who had returned to Tanzania after the dismantling of the Kafulo camp and were active ADF collaborators. They asked Pili Pili to contact Masika, one of the ADF collaborators involved in the Katindo bombing in Goma on 7 April 2022 (see [S/2022/967](#), paras 64-71), with whom they were collaborating. Shortly after, Masika put Pili Pili in touch with Abwakasi and again with Meddie Nkalubo, with whom Pili Pili had lost contact. Masika also put Pili Pili in contact with a certain Mashaka, alias Abu Rashid Muslim, alias Mashata Leonard Rashidi, an ADF collaborator based in Baraka working as a fisherman, which provided an easy cover for his activities.

Mashaka was responsible for receiving recruits, supplies and money arriving at Baraka port mainly from Burundi and Tanzania, including with the help of Bonge and Abdulaziz. He then coordinated with Masika who picked up the recruits and sometimes supplies in Uvira or Bukavu and facilitated their transportation to ADF camps, passing through Masika's house in Goma. According to several sources, Pili Pili became another intermediary in this network, facilitating the transit through South Kivu, principally from Kalemie to Uvira.

Pili Pili also acknowledged that in January 2023, Abwakasi had asked him to facilitate the transport of fertilizers coming from Dar es Salaam in Tanzania to Beni, through South Kivu.

Although of Muslim faith, Pili Pili asserted that he was not ideologically motivated but rather was interested in earning money and as result was regularly contacting Abwakasi and Meddie Nkalubo.

**Annex 12** (para. 21)**ADF recruitment, including of children, and sexual exploitation of women and girls****Recrutement des ADF, y compris des enfants, et exploitation sexuelle des femmes et des filles***Abductions during attacks*

ADF continued its recruitment drive, both domestically and abroad, despite the continuous threat posed by Operation Shuja,<sup>148</sup> which led to a significant increase in the number of abductees escaping from ADF camps<sup>149</sup> (see [S/2021/560](#), para. 15).

During raids on villages, ADF systematically abducted civilians, mainly children and young adults, considered to be more malleable to indoctrination than adults.<sup>150</sup> Survivors interviewed by the Group reported that civilians abducted by ADF during attacks were forced to carry loot, and once reaching an area considered safe from reprisals, or their camps, the abductees were “sorted out” and categorized according to necessity: adults or weak individuals were left behind or killed; boys and young adults were recruited into the ranks of ADF, trained in warfare and indoctrinated; girls from the ages of 10-12 were separated and given by the leaders as wives to combatants (see below),<sup>151</sup> in continuation of a practice documented by the Group in the past ([S/2020/1283](#) paras. 11 and 20, and [S/2019/469](#), paras. 100-101 and 113-115).

Children aged between 6 and 17, abducted in 2022, reported having been abducted and taken to camps under the leadership of commanders Mulalo, Baluku, Amigo, Defender<sup>152</sup> or “Difenda” (see picture below), Seka Hassani, and Chalamanda,<sup>153</sup> among others. This practice was also reported in the camp led by commander Audi (see picture below) by his real name Hassan Nianzy,<sup>154</sup> alias Isaac, the son of the “great ADF leader”, Jamil Mukulu.

The commanders controlled everything in their respective camps, including the indoctrination, military training, and the distribution of abducted girls to be given as wives to combatants. The children all reported having to participate daily in religious ceremonies, praying, and studying the Quran. Those who refused were tortured (see also [S/2015/19](#), para. 137). They were all given new names to reflect the Muslim faith that was forced upon them. All the abductees had to carry out forced labour, such as carrying loot, working in the fields, cooking, or fetching water, under strict supervision<sup>155</sup> (see also [S/2019/469](#) para. 101, and [S/2015/19](#), para. 133). Many took the opportunity to escape when sent on chores outside the camps. Those who were caught were executed on the orders of commanders.<sup>156</sup>

*Recruitment abroad*

<sup>148</sup> See [S/2023/431](#), para. 11.

<sup>149</sup> MONUSCO sources, NGO source.

<sup>150</sup> According to statements of former ADF abductees .

<sup>151</sup> Statements of five minors, former ADF abductees; MONUSCO and NGO sources

<sup>152</sup> See [S/2015/19](#), annexes 4 and 9.

<sup>153</sup> [S/2021/560](#), annexes 18 and 20.

<sup>154</sup> Commander Audi was leader of an ADF splinter group called “Puli”, that has re-joined ADF in early 2023. See also [S/2015/19](#), annex 3 and [S/2021/560](#), para. 15 and annex 5.

<sup>155</sup> Statements of 71 children, former ADF abductees

<sup>156</sup> FARDC, MONUSCO and NGO sources; statements of former ADF abductees.



Recruitment abroad also continued through a network of recruiters operating in Uganda, including by deceiving victims with false promises.<sup>157</sup> This practice followed the *modus operandi* of similar operations conducted by recruiters and focal points along the Kenyan and Tanzanian coastlines and in Burundi, as previously reported (see [S/2022/479](#), para. 35). Several children who escaped from ADF camps reported to the Group having been lured by recruiters from their homes in Uganda with promises of free schooling or work opportunities.

The accounts of the children depicted the existence of a well-organized recruitment scheme, targeting school-aged children as well as adults in impoverished villages in Uganda. The recruiters used an elaborate scheme to convince the children and their parents that their intentions were genuine and moved the children through several locations and several intermediaries before handing them over to ADF combatants in the Rwenzori Park along the DRC border, who then smuggled them into the DRC. Recruiters in Uganda working on behalf of the “Puli” splinter group, led by commander Audi (see para. 25), often used a transportation company called “Link Bus Services”<sup>158</sup> based in Kampala to transport the children.<sup>159</sup> Four children interviewed by the Group reported having been recruited in such circumstances into the splinter group led by commander Audi, in 2022.

ADF occasionally selected women or men, released them from ADF camps with strict instructions not to reveal their links to ADF, and tasked them with intelligence-gathering or recruitment.<sup>160</sup> A child who had spent several years in an ADF camp led by commander Audi told the Group that her mother<sup>161</sup> was an agent recruiting for commander Audi in Kampala. Another child identified the same woman as the person who had recruited him in 2022 and facilitated his transport from Uganda to Nyabugando, on the DRC border.<sup>162</sup>

### Systematic practice of sexual slavery in ADF camps

The Group documented a well-established practice of sexual slavery by ADF, whereby all girls from the age of 12, the majority abductees, were systematically assigned as wives to combatants (see also [S/2015/19](#), para. 139). Each ADF combatant was given a wife, and higher-ranking commanders would generally keep multiple wives. Unmarried girls younger than 12 years of age were segregated from boys and men, and entrusted to women who were responsible for indoctrinating them into the faith of Islam and grooming them to become wives of combatants and commanders when they become older.<sup>163</sup> A 7-year-old girl who escaped from an ADF camp identified her elder sister, the wife of commander Audi (see photograph below), as one of the women in charge of grooming girls to become wives.

Survivors of sexual slavery and former abductees interviewed by the Group reported that camp commanders decided the fate of each hostage and were the ones distributing the girls and women to combatants. Love affairs outside marriage or rape were not permitted and were punished by death. Survivors reported that commanders Mulalo and Musa Kamusi (see [S/2022/479](#), para. 42 and annex 11) had forcefully taken minor girls as wives, and that Kayiira,<sup>164</sup> Chalamanda, Yusufu, among others, were commanders who had ordered the assignment of minor girls to combatants.<sup>165</sup> This practice was established in all ADF camps, including in the camp of commander Audi.

<sup>157</sup> See [S/2021/560](#), para. 16 and annex 6.

<sup>158</sup> [Facebook page](#) of Link Bus Services Ltd, Uganda.

<sup>159</sup> Testimonies of three children, former ADF abductees.

<sup>160</sup> MONUSCO and NGO sources.

<sup>161</sup> The name of the woman is on file with the Group but withheld from this report to protect the identity of the child.

<sup>162</sup> 7-year-old child who escaped from an ADF camp.

<sup>163</sup> Statements of survivors, MONUSCO sources, NGO sources, FARDC, researcher .

<sup>164</sup> See [S/2021/560](#), annex 4.

<sup>165</sup> Testimonies of five children, former ADF abductees; and statements by seven survivors of sexual slavery who escaped from ADF.



**Photograph of Defender alias “Difenda”:**



Picture provided by security sources

**Photograph of ADF commander Hassan Nyanzi, alias Isaac, alias Audi:**

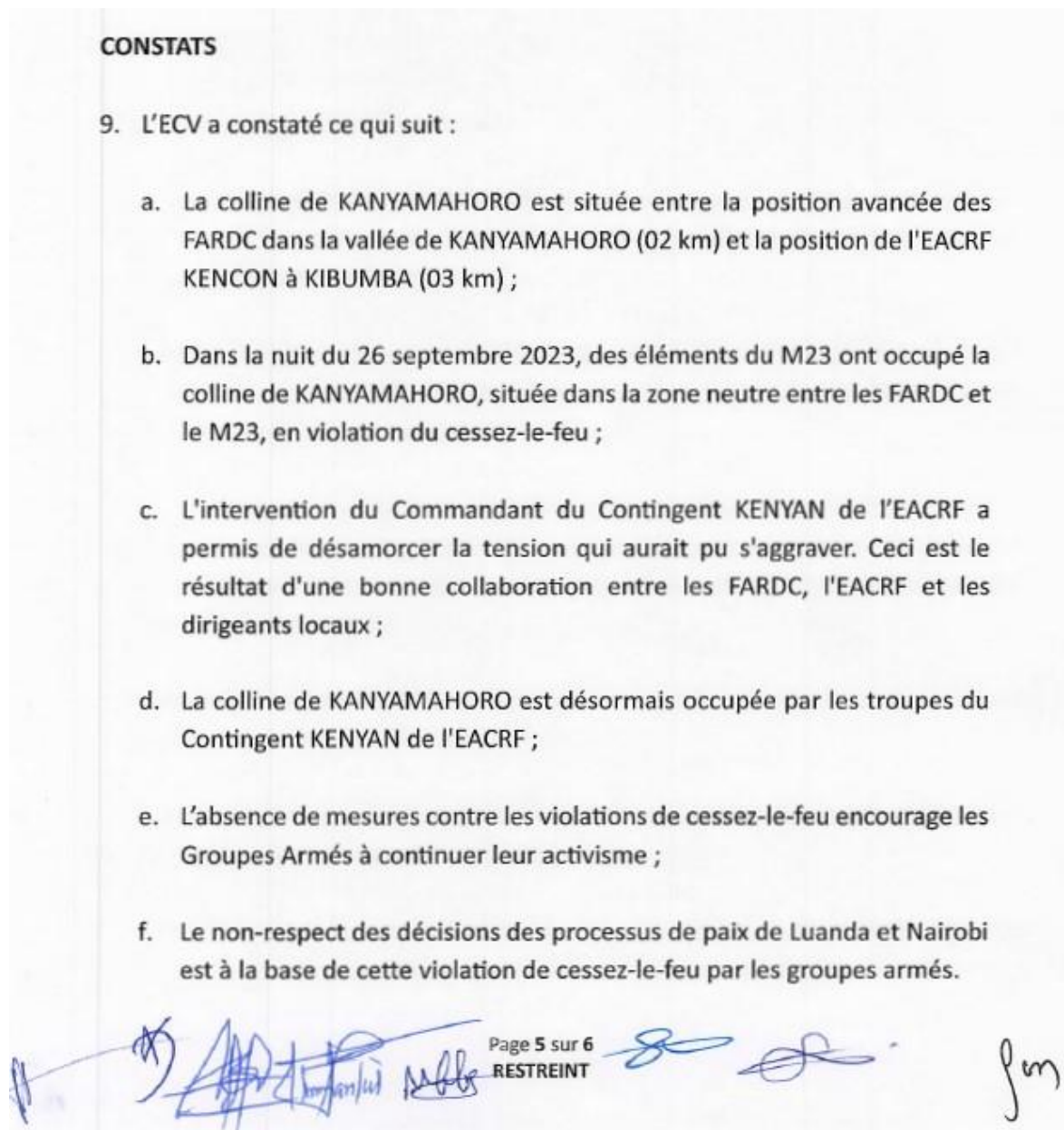


Picture provided by security sources

Annex 13 (para. 24)

**Excerpt of the 29 September 2023 findings of the Expanded Joint Verification Mechanism on the violation of the cease-fire agreement<sup>166</sup>**

**Extrait des conclusions du Mécanisme conjoint de vérification élargi sur la violation de l'accord de cessez-le-feu du 29 septembre 2023**



Annex 32 provides additional information on the EJVM findings and occupation by M23 of positions in Kanyamahoro and Kibumba area.  
Provided to the Group by DRC Government sources.

<sup>166</sup> Report on the file the Secretariat.

Annex 14 (para. 24)

**EACRF Press Release referring to a violation of the cease-fire agreement**

**Communiqué de presse de la force régionale de la Communauté des États de l'Afrique de l'Est faisant état d'une violation de l'accord de cessez-le-feu**



## **PRESS RELEASE**

### **OPERATIONAL UPDATE**

**Wednesday, 25 October 2023:** On Tuesday 24 October 2023, the ceasefire agreement between the Armed Forces of the Democratic Republic of Congo (FARDC) and the M23 Armed Group was breached.

The hostile clashes fatally wounded a Kenyan Peacekeeper stationed at Kanyamahoro, near Kibumba, 15Km North East of Goma. Consequently, investigations to establish circumstances under which this incident occurred have commenced.

The East African Community Regional Force (EACRF) calls for the return to ceasefire agreement and cessation of hostilities between the Armed Forces of the Democratic Republic of Congo (FARDC) and the M23 Armed Group.

EACRF remains committed to the Protection of Civilians in line with its mandate.

**– END –**

Press release provided to the Group by EACRF sources

**Annex 15** (para. 25)**Additional information on M23 combatants, RDF and FARDC soldiers killed in combat****Informations complémentaires sur les morts au combat des combattants M23, et des soldats RDF et FARDC**

Despite substantive FARDC reinforcements sent to *Petit Nord*, many FARDC, notably FARDC Special Forces, were killed during clashes, notably in the Kitchanga area according to FARDC sources, sources close to the FARDC command, armed group leaders and combatants, and civilian society sources.

For example, during fighting in Kilolirwe area on 8 October 2023, five special forces were killed and 20 special forces were wounded in combat against M23 and/or RDF. More precisely, the FARDC special forces were killed in the close vicinity of the location named “**Pos 1**” on the map below:



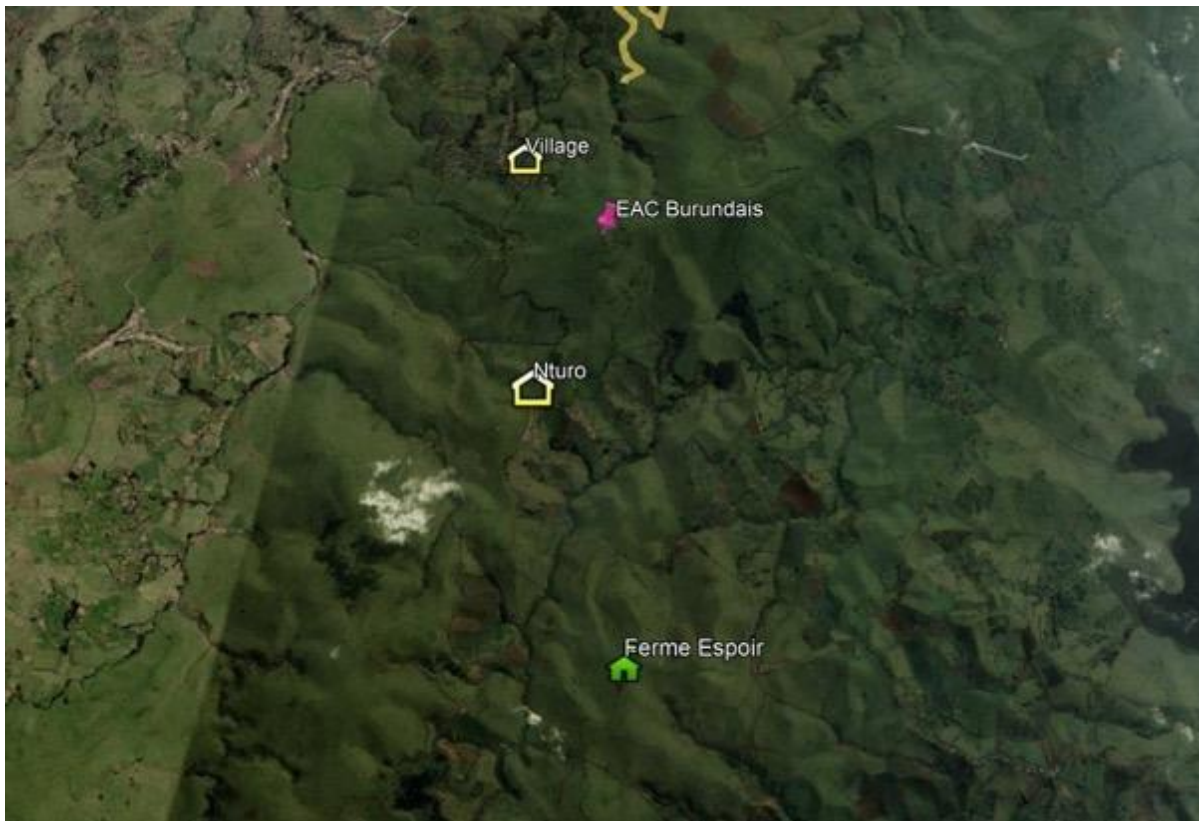
Also, on 16-17 October 2023, in the area between Kitchanga and Bwiza, as FARDC fled during an RDF counter-offensive, FARDC Special Forces were left without substantial protection. During the attack, 13 Special Forces were killed and many wounded.

Armed group leaders informed the Group that during fighting in Nturo area, south of Kilolirwe, on 5-6 October 2023, VDP combatants killed M23 “Colonel” Zairois Ngabo, amongst other M23 combatants. Sources close to M23 and armed groups in the area informed the Group that during fighting in Nturo at least 70 M23 combatants were killed. The Group received pictures of killed M23 combatants, on file with the Secretariat.

Multiple sources, including eyewitnesses, one RDF officer and diplomatic sources, informed the Group that several dozen RDF were wounded or killed following ambushes by armed groups in Virunga National Park, and FARDC’s bombing of RDF positions in Nyiragongo territory (see also [S/2023/431](#), annex 29). The dead and wounded were evacuated by road to Rwanda (see also para. 30).



A video from early November showed RDF soldiers south of Nturo, close to “**Ferme Espoir**” (see the first map below), marching as part of a column and carrying 6 dead or wounded soldiers (screenshot of the video below):



Screenshot of video footage obtained from a confidential source with knowledge of the matter.

The Group obtained pictures of dead M23 combatants or RDF soldiers at a mixed M23/RDF position. The picture below shows a dead RDF or M23 combatant in a position east of the three antennas area, Nyiragongo territory (1.505255 S-29.291441 E):



Footage obtained from a confidential source with knowledge of the matter.



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**Annex 16 (para. 29)**

**Excerpts of remarks by Vincent Biruta, Rwandan Minister of Foreign Affairs and International Cooperation, on 11 October 2023 in Kigali**

**Extraits de l'intervention de Vincent Biruta, ministre rwandais des Affaires étrangères et de la Coopération internationale, le 11 octobre 2023 à Kigali**

**Remarks by Vincent Biruta, Minister of Foreign  
Affairs and International Cooperation**

**DIPLOMATIC BRIEFING**

11 October 2023

We are aware of efforts by some to keep accusing Rwanda of supporting M23 and being in Eastern DRC. We wish to remind the international community that this approach is unproductive and does not contribute to bringing peace in the DRC.

M23 is a Congolese problem, involved in the issues of Congolese citizens. Rwanda does not support M23 and does not have troops in the DRC.

Finally, Rwanda takes the security of our citizens and residents very seriously. This is why the defensive and preventive mechanisms in place at our borders will remain, to counter any spillover into Rwanda from any armed group.

Rwanda will not initiate an escalation with the DRC. However, should our security be endangered, we reserve the right to retaliate significantly.

I will now give the floor to the Permanent Secretary of the Ministry of Emergency Management for his update.

I thank you for your kind attention.

Remarks by Minister Vincent Biruta, provided by a diplomatic source.







Video footage obtained from a confidential source

The Group obtained photographic evidence and eyewitness reports of RDF presence in the Kanyamahoro and Kibumba areas in October and November 2023. Civil society sources and eyewitnesses identified the armed and uniformed men in the area as RDF personnel because of their distinct military equipment and uniforms, their organized structure, *modus operandi* and spoken language. The presence of RDF soldiers in the Kanyamahoro and Kibumba areas was confirmed to the Group by intelligence sources, who reported an important increase of RDF in the area in October and November 2023.

For example, on 29 October 2023, RDF soldiers were spotted at a position between Kibumba and Kanyamahoro (1.505486 S – 29.284994 E and 1.505486 S – 29.285275 E):



Footage obtained from a confidential source

On 30 October 2023, RDF soldiers were spotted at a position west of the “three antennas” area of Kibumba (1.505350 S-29.285125 E) (see also [S/2023/431](#), annex 34). The imagery also shows 82mm mortars and a VHF radio:







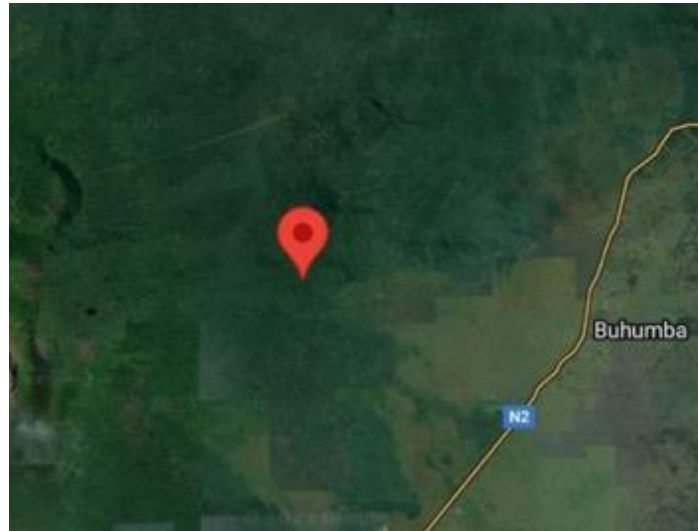


Footage obtained from a confidential source

Eyewitnesses, civil society actors and local authorities reported that on 29 October 2023, a large number of RDF troops marching in columns arrived from the Rwandan side of the border and passed through Buhumba, south of Kibumba, Nyiragongo territory, to move to the “three antennas” area of Kibumba to reinforce positions further west (see also [S/2023/431](#), Annex 34). One video of 29 October 2023 shows more than 70 soldiers in uniform equipped with weaponry and backpacks similar to standard RDF-issued equipment marching as part of a column and carrying goods. The video is on file with the Secretariat.

Drone footage of 28 October 2023 shows at least 50 soldiers in uniform equipped with weaponry and backpacks similar to standard RDF-issued equipment posted in trenches on a hill located west of the RN2, at the level of Buhumba (see map below):





Footage obtained from a confidential source

In early November 2023, more than 70 soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment were spotted northeast of Kilolirwe:







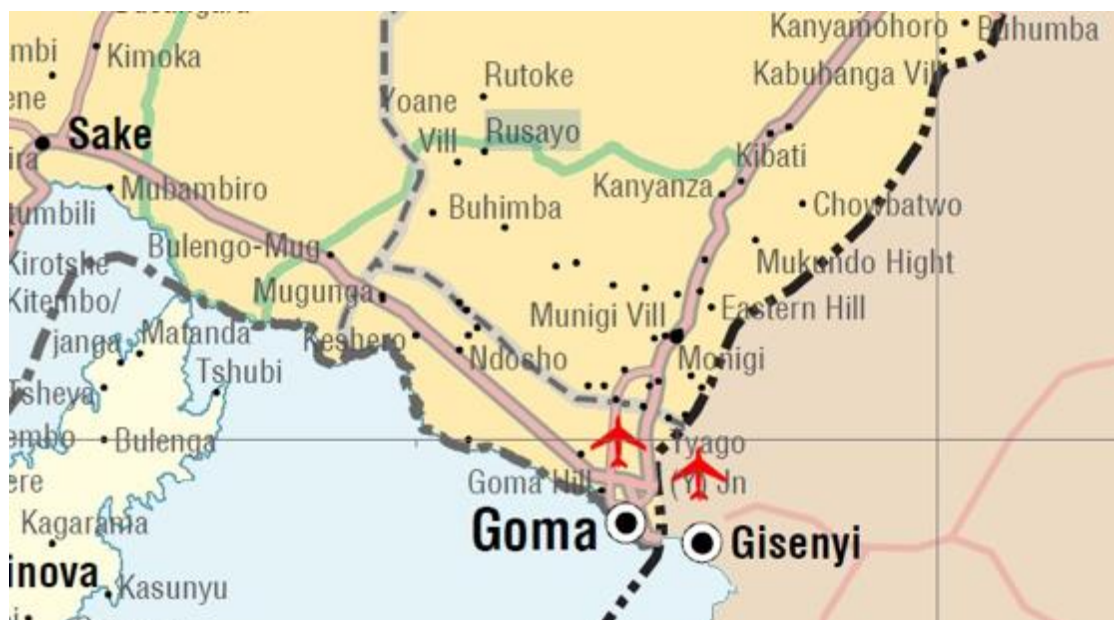
Footage obtained from a confidential source

According to intelligence sources and sources with knowledge of the matter, RDF troops deployed on DRC territory belonged to five different battalions as well as RDF special forces (see also [S/2022/967](#), Annex 29). In addition, the same sources reported that RDF and M23 units were supported by “combat/recce teams” totaling 250 former FDLR combatants and operating under the Rwanda Defence Intelligence Department (DID) (see para. 30 and also [S/2023/431](#), para. 59).

Sources close to the M23 and intelligence sources reported to the Group that from September 2023 onwards, there was a sharp increase in the contacts and coordination between RDF officers responsible for the coordination of the operations in North Kivu and M23 leadership – notably “Brigadier-General” Bernard Byamungu, “Colonel” Castro Mberabagago and sanctioned individual Baudoin Ngaruye (CDi.019) (see also [S/2023/431](#), para. 61, 50 and Annex 25).

Multiple sources reported that RDF troops continued to enter DRC territory through Kabuhanga, south of Kibumba, Nyiragongo territory, which the Group had already documented as one of the RDF entry points (see also [S/2023/431](#), Annex 34).

Civil society and intelligence sources reported that RDF’s increased presence in the Kibumba-Kanyamahoro area and the creation of new RDF positions west of the RN2 aimed at securing RDF access to Rusayo, a location situated between the two principal roads leading to Goma, i.e., the Goma-Kanyamahoro-Rutshuru road and the Goma-Sake road. This, in turn, would allow the RDF to eventually cut access to both roads:





**Annex 18** (para. 31)**Additional information on several recovered 120mm mortars****Informations complémentaires sur plusieurs mortiers de 120 mm retrouvés**

Picture of unexploded 120mm guided mortar shell recovered in Murambi, close to Mushaki, Masisi territory (picture 1) and a sample picture of a similar, functional 120mm guided mortar shell (picture 2):



Pictures provided by MONUSCO



Picture of the remnants of the 120mm mortar recovered on 24 October 2023 some 15 meters from the FARDC camp in Kanyamahoro:



Pictures obtained from a confidential source

The Group is working on tracing the origins of these 120mm mortar shells.

The Group notes that this weapon system is new and expensive; the transport of this system, as well as its storage, is complicated and sensitive, due to its electrical and electronical components ; the use of the weapon system requires extensive training. It is therefore highly unlikely that local armed groups or the FDLR possess and/or use this type of weapon system.

The Group notes that on 27 February 2023, north of Sake (1°31'26.1" S – 29°04'24.1" E), Masisi territory, a T-54 tank belonging to the FARDC was hit by a mortar strike. Active fighting, including RDF and M23 presence and operations, was documented in that area at that time (see [S/2023/431](#), Annex 26). Given the high precision strike, military analysts concluded that the T-54 tank was most likely hit by a guided mortar shell containing the components for laser and GPS-measurements.



Screenshot of a video of the 27 February 2023 strike provided by a confidential source with knowledge of the matter



Map indicating the location (in red) of the 27 February 2023 strike

## Annex 19 (para. 34)

**Non-exhaustive list of armed groups from North Kivu and South Kivu provinces part of the “Wazalendo coalition”****Liste non-exhaustive des groupes armés des provinces du Nord-Kivu et du Sud-Kivu faisant partie de la "coalition Wazalendo"**

Armed groups active in North Kivu continued to build and strengthen their coalition against the M23. This resulted in a loose umbrella group of armed groups calling themselves the Alliance of Resistants and Patriots (*Alliance des résistants de la patrie* or ARP) (see also [S/2023/431](#), paras.75-78), which came to be known by the local population as the “Wazalendo” (patriots in Swahili). Over time, this armed group alliance has grown to include more armed groups (see below) totalling 28,700 local and foreign combatants. These groups also continued to communicate with, and receive support from, FARDC military hierarchy (see annexes 22 and 25 below and [S/2023/431](#), paras. 79-85). The Group notes that this support constitutes a violation of the arms embargo and sanctions regime.

According to armed group leaders and combatants, civil society sources, sources close to the FARDC command and intelligence sources, the following armed groups were part of the Wazalendo coalition and deployed in North Kivu:

| <b>Armed group</b>  | <b>Commander</b>                           | <b>Area of operations</b> |
|---|--|---------------------------|
| Alliance du Peuple pour un Congo Libre et Souverain (APCLS)   | “General” Janvier Buingo Karahiri          | Walikale / Masisi         |
| Nduma Defense du Congo - Renove (NDC-R)   | Guidon Shimirayi Mwisa                     | Walikale / Masisi         |
| Collectif des mouvements pour le changement/ Forces de défense du peuple (CMC/FDP)                            | “General” Dominique Ndaruhuste, alias Domi | Walikale / Masisi         |
| Alliance des nationalistes congolais pour la défense de droits humains/Alliance de force de défense du peuple | Jean-Marie Bonane                          | Walikale / Masisi         |
| Mai-Mai Kifuafua  |  | Walikale / Masisi         |
| Union des peuples congolais libres de la nation (UPCLN)   | “General” Janvier Mayanga                  | Masisi                    |
| Nyatara Abazungu  | “General” Mahoro                           | Masisi                    |
| Patriotes résistants congolais-Forces de frappe (Pareco-FF)   | Sendugu Hakizimana (alias Museveni)        | Masisi                    |
| Mouvement patriotique d’autodéfense (MPA)   | “General” Nyonzima Janvier                 | Rutshuru                  |
| Collectif des mouvements pour le changement/Forces armées du peuple congolais (CMC/FAPC)                      | “General” Bigabo                           | Rutshuru                  |
| Nduma Defense du Congo-Renove (NDC-R/Bwira)   | “General” Mapenzi                          | Rutshuru                  |
| Forces démocratiques de Libération du Rwanda (FDLR-FOCA)  | “Colonel” Protogene Ruvugayimikore Ruhinda | Rutshuru                  |
| Union des Patriotes Congolais pour la reconstruction du Congo (UPCRL)   | “General” Mugabo                           | Rutshuru                  |
| Eveil patriotique pour la liberation du Congo (EPLC)  | Florentin Mzembe                           | Rutshuru                  |
| Brigade Humanitaire (BH)  | “Colonel” Makasi                           | Rutshuru                  |
| Coalition des forces unies wazalendo (CF’UW).   | “General” Mhuindo                          | Rutshuru                  |

|   |                                   |            |
|---|-----------------------------------|------------|
| Coalition Nationale du Peuple pour la Souveraineté du Congo, abbreviated as the (CNPSC) also known as Mai Mai Yakutumba | “General” William Amuri Yakutumba | Rutshuru   |
| Front des Patriotes pour la Paix/Armée du Peuple (FPP-AP)   | Kabidon                           |            |
| MRP   | Lumoo motata alias Chinois        |            |
| Corps de patriotes congolais (COPACO)-Sud Kivu  | John Kudia                        | Massisi    |
| Union de Forces Patriotique du Congo (UFDPC)  | Mbokani Cimanuka Grâce            | Nyiragongo |
| UPLC  | Kambale Mayani                    |            |

**Annex 20** (para. 35)**Additional information on FARDC planned operations in July 2023 and September/October 2023****Informations supplémentaires sur les opérations planifiées par les FARDC en juillet 2023 et septembre/octobre 2023**

In July 2023, the Group received information and reviewed documents, on file with the Secretariat, regarding the preparation of FARDC operations in North Kivu Province aimed at (i) neutralizing the enemy (i.e. M23); (ii) conquering lost positions; (iii) controlling strategic positions; (iv) protecting the civilian population and returning to normal activities of daily living; and (v) re-establishing State authority. The FARDC documents dating from July 2023 referred to an “aggression” by two neighbouring countries, Rwanda and Uganda, using a “pseudo-rebellion”, and stated that despite the relative calm in the area, the “RDF/M23 and UPDF allies continued to strengthen their ranks” which meant that “they are preparing a violation of the cease-fire”.

According to FARDC sources and confidential sources with knowledge of the matter, in July 2023 the plan was to launch operations in the event of attacks on the Kibumba, Sake, Kitshanga or Mabenga roads, on an FARDC position, or against Goma town. Other scenarios - such as an M23 cantonment refusal, the worsening of the humanitarian situation of the IDPs, or M23 movements towards FARDC and EACRF positions - could *de facto* also trigger the operations. The preceding information was reported to the Group in July 2023.

In July 2023, the strategy was to reinforce FARDC troops with 2,000 Republican Guards<sup>167</sup> and 1,000 Special Force combatants. Moreover, military contractors from the private military companies Congo Protection (numbering around 900 in October 2023) and Agemira (numbering around 100 in October 2023 (see [S/2023/431](#), annex 23) were also envisaged to provide substantial reinforcement to the FARDC’s military operations, the former on the ground and the latter through strategic advice and support to airstrikes (see also paras. 47-51).

In September and October 2023, the Group was informed that 2,000 FARDC Special Forces would be deployed instead of the 1,000 originally envisaged.

On 21 September 2023, the Group was informed by sources close to the FARDC hierarchy that the military operation, by land and air, against the M23 would start “after 28 October 2023” and that these operations were called for by President Tshisekedi and Minister of Defence Bemba. The concept of operations was approved by the Chief of Army Staff, General Christian Tshiwewe Songesha, on 12 October 2023 (see also [S/2023/431](#), para. 79). The initial plan was to liberate the RN2 and protect the borders, including by taking control of Bunagana and Kitagoma border crossings.

Five conditions were articulated for the launching of full-scale military operations: (i) the availability of armed drones; (ii) the availability of sufficient armoured personnel carriers to ensure increased mobility of FARDC troops; (iii) the deployment of 2,000 FARDC Special Forces in *Petit Nord*; (iv) clarification of the EAC position in view of full-scale military operations, in particular the status of EACRF troops in the area, since operations would impinge on the agreed EACRF buffer zones; (v) clarification of the position of the Ugandan Government in view of planned operations at the DRC-Uganda border.

The Group notes that three CH-4 drones arrived from Kinshasa to Goma, and further to Kavumu, in early November. The armed drones were supposed to be operational around 20 November 2023. In addition, several armoured vehicles were transported to Goma in October, and an additional 10 were supposed to arrive early November 2023. The number of Mi24 helicopters were planned to be increased to 6 (4 in addition to the ones present in Goma in October 2023); the number of Mi8 helicopters increased to 4 (2 extra to the ones present in Goma in October 2023).

<sup>167</sup> 1000 deployed in Goma area, and 1000 coming from Beni.



**Annex 21 (para 35)****Meetings between the FARDC Chief of Staff and the Wazalendo armed groups****Réunions entre le chef d'état-major des FARDC et les groupes armés du Wazalendo**

Combatants and ex-combatants from the Wazalendo coalition interviewed in June 2023 confirmed that following the M23 attacks and the subsequent occupation of Kitchanga in late January 2023, the FARDC Chief of Staff, General Christian Tshiwewe Songesha, instructed local armed groups to remobilize and to defend their communities. On the 8 and 15 June 2023, in Bukobo and Tongo respectively, Tshiwewe Songesha held coordination meetings with the “Wazalendo” and instructed them to remobilize, defend their communities and the DRC’s territorial integrity.<sup>168</sup> The military authorities tolerated the Wazalendo’s presence in parts of eastern DRC with weapons, including in Goma, and tolerated that Wazalendo imposed illegal taxation on communities, including in the Rubaya mine area (see paras 59-71).

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<sup>168</sup> VDP combatants and ex-combatants, sources close to FARDC command, civil society sources and researchers.

**Annex 22** (para. 36)**Additional information on the Goma meeting and the role of Major-General Cirimwami****Informations complémentaires sur la réunion de Goma et le rôle du Major-Général Cirimwami**

On 16 September 2023, Major-General Peter Nkuba Cirimwami was appointed Military Governor *ad interim* and North Kivu Operations Commander. For additional information on Major-General Cirimwami, see also [S/2022/967](#), annexes 19, 41 and 50.

Upon his arrival in Goma, Major-General Cirimwami toured the frontline in Petit Nord and called for several meetings with nearly all Congolese armed groups active under the “Wazalendo” banner there (see the introductory Summary of the report), as well as the FDLR. Meetings were held on 22 and 23 September 2023 at several locations, including the Serena Hotel (Goma), the Hotel Grand Lac (Goma), the Governor’s office (Goma) and the P-DDRCS site in Mubambiro. Armed group leaders were hosted in hotels in Goma, which were guarded by FARDC soldiers, as observed by the Group. For example, on 24 September, the Group spoke with sanctioned individual Guidon Shimiray Mwisa (CDi.033) at the Hotel Grand Lac and saw Dominique Ndarurutse alias Domi there.

Armed group leaders arrived on 20, 21 and 22 September 2023, either by road or air-lifted by a FARDC Mi-8 transport helicopter. On 25 September 2023, 21 armed group leaders and combatants were transported back to the field by a FARDC Mi-8 transport helicopter. The Group was told that initially the transport by air of a total of 40 armed group leaders and combatants had been planned that same day, but only 21 took the helicopter. Instead, some armed group representatives travelled back to their respective areas by road. The Group notes that FARDC provided transport, including through helicopters and vehicles, to several UN-, US- and EU-sanctioned individuals. According to the official narrative presented by all parties involved, the Goma gathering aimed at sensitising rebels toward disarmament through the P-DDRCS (see paras. 37-38). However, *de facto*, the meetings focused on developing a joint FARDC-Wazalendo operational strategy to fight M23 and RDF, and the creation of the “Volontaires pour la défense de la Patrie (VDP)” composed of 8,000 Wazalendo combatants to serve as a proxy force for the FARDC. The operational strategy also involved the FDLR, although officially they were not part of the Wazalendo or VDP coalition. The Group notes, however, that the FDLR was also tasked to operate against the M23 and RDF, either unilaterally or jointly alongside the VDP armed groups.

The operational strategy discussed and agreed upon during the Goma meetings included, amongst others, the allocation of operational axes to the different armed groups (see annex 24).

When asked by the Group of Experts about the cooperation between the FARDC and the armed groups, Major-General Cirimwami pointed out that the involvement of the armed groups labelled “Wazalendo” or VDP was not a government initiative but was triggered by M23’s provocations. He also reiterated the Government’s call for the cantonment and disarmament of armed groups. When asked about the weaponry of the armed groups in *Petit Nord*, Major-General Cirimwami informed the Group that the weapons in the hands of the VDP had been found on the battlefield or seized from the M23 during fighting. The Group notes that Major-General Cirimwami’s statements are contradicted by its own findings.

**Annex 23** (para. 36)**Armed groups, armed group leaders and representatives documented as having participated at the Goma meeting and related meetings****Groupes armés, chefs et représentants de groupes armés ayant participé à la réunion de Goma et aux réunions connexes**

According to armed group leaders and combatants, civil society sources, intelligence sources and sources close to the FARDC command, the following armed groups participated to the Goma meeting and break-out sessions:

| <b>ARMED GROUP</b> | <b>REPRESENTATIVE AT GOMA MEETING</b>            |
|--------------------|--|
| APCLS              | - Elie   |
| ANCDH/ABAZUNGU     | - Identity unknown                               |
| CMC-FDP            | - Dominique “Domi” Ndaruhutse<br>- Jules Mulumba |
| CMC-FAPC           | - Bigabo   |
| EPLCS              | - Identity unknown                               |
| FDLR/FOCA          | - Identity unknown                               |
| FDDH / Delta       | - Libende  |
| FDDP               | - Identity unknown                               |
| FPP/AP             | - Kabidon Kisanyo<br>- Raus                      |
| FPLC               | - Identity unknown                               |
| NDC-R / Mapenzi    | - Desire Ngabo                                   |
| PARECO             | - Mahoro   |
| PARECO-FF          | - Innocent Kigingi                               |
| UPCRN              | - Identity unknown                               |
| MAC                | - Identity unknown                               |
| MAI-MAI UHURU      | - Identity unknown                               |
| MPA                | - Nzamuye Bahati<br>- Janvier Niyonzima          |
| NDC-R / Guidon     | - Guidon Shimiray Mwisa                          |

**Annex 24 (para. 38)****Leadership of the VDP coalition and repartition of operational zones****Commandement de la coalition du VDP et répartition des zones d'opération**

VDP's command was placed in the hands of the main armed groups active in *Petit Nord*, i.e., NDC-R/Guidon, CMC-FDP of Dominique Ndarahutse, FPP/AP of Fidele Mapenzi and Kabidon Kasanyo, APCLS of Janvier Karairi Boingo and ANCDH of Jean-Marie Bonane.

While the official leadership of the VDP had not yet been announced at time of drafting, multiple sources informed the Group that Janvier Karairi Boingo of APCLS served as the overall leader of the VDP, while CMC-FDP leader Dominique Ndarurutse was his deputy entrusted with logistics. NDC-R's leader and sanctioned individual Guidon Shmiray Mwisa (CDi.033) was reported to be in charge of the military operations (see also [S/2023/431](#), para.75). Jules Mulumba, the spokesperson of the CMC-FDP, served as the coordinator and communication officer of the VDP.

Armed group leaders and combatants, as well as sources close to the FARDC command, reported the division of operational axes as follows:

- **Pinga-Kashuga-Mweso-Kitchanga axis:** NDC-R/Guidon of Guidon Shimiray Mwisa;
- **Bukombo-Tongo-Kalengera axis:** CMC-FDP of Domi Ndaruhutse;
- **Rwindi-Nyamilima axis:** FPP/AP of Kabidon Kazanyo and NDC-R of Fidel Mapenzi;
- **Masisi-Sake axis:** APCLS of Janvier Karairi;
- **Busumba-Burungu axis:** ANCDH of Jean-Marie Bonane.

Armed group combatants also reported some additional axes and locations to be included in the VDP and Wazalendo's area of responsibility:

| Tuesday 21<br>الثلاثاء |  |                             |
|------------------------|--|-----------------------------|
| GROUPE                 | Comd/Nom.  | Positionnement              |
| FDDH                   | Delta  | Kazinga                     |
| UPCRN                  | Divin Kany<br>andekwe                              | Haut plateau<br>de Bishanga |
| MRP                    | Col Pascal<br>(FARDC) &<br>LUMOO MATATA<br>chinois | Bweremana<br>Minda          |
| PARECO/FF              | Maroc  | Rebaya                      |
| CMC-NYIRAGO<br>NGO     | Janvier  | Kitarva/<br>Nyiragongo      |
| UPCRN                  | Flony  | Murambi/<br>NYIRAGONGO      |
| UPCRN                  | Col NZABI  | KIBE & RUGARI               |
| FAR-W                  | Gen love   | Kanyangoma,<br>Nyiragongo   |
| EPLC                   | cherubin   | Kanyangoma,<br>Nyiragongo   |
| NDC-RIMA<br>PENZI      | LIKUWE<br>MAPENZI                                  | Kinyumba<br>HUBERO          |

| Wednesday 22<br>الأربعاء |                   |                |
|--------------------------|-------------------|----------------|
| FDDP                     | Defender &<br>MKA | Kingi<br>Kausa |

Document obtained from combatants active in Nyiragongo territory and confirmed by APCLS leaders, civil society and FARDC sources



**Annex 25** (para. 39)

**Additional information on weaponry, logistics and cash money provided to the armed groups active in *Petit Nord* against the M23 and RDF**

**Informations complémentaires sur l'armement, la logistique et l'argent liquide fournis aux groupes armés actifs dans le Petit Nord contre le M23 et les FDR**

The Group notes that the mobilisation and coordination of armed groups active in *Petit Nord* by the FARDC, as well as the provision of weapons, logistics and financial support to these armed groups, was documented prior to the Goma gathering (see also [S/2023/431](#), paras. 79-85).

For instance, in mid-May 2023, the Group received authenticated video footage showing an FARDC helicopter delivering food and other materiel to the NDC-R leader, sanctioned individual Guidon Shimiray Mwisa (CDi.033), in Pinga, Masisi territory:



Screenshots of a video showing Guidon Shimiray Mwisa (texting on his mobile phone) provided to the Group by a confidential source

When Major-General Peter Nkuba Cirimwami was appointed Military Governor *ad interim* and North Kivu Operations Commander, armed groups were requested to identify their needs in terms of armament and logistics and submit them to FARDC authorities.<sup>169</sup>

Armed group combatants and sources close to the FARDC command reported that Colonel Christophe Kenge, Military Territorial Administrator of Masisi, was appointed to channel food and ammunition supplies to the armed groups, which he executed. For example, on 16 October 2023, the Group viewed a photo showing a transfer of four boxes of ammunition, stored in the vehicle of Colonel Christophe Kenge, to Mai-Mai combatants in Sake on 15 October 2023. Colonel Christophe Kenge denied being in touch with the armed groups in *Petit Nord*. He also reported to be unaware of the presence of Wazalendo armed groups in Kitchanga in the aftermath of the 4-5 October 2023 VDP takeover of the town, although the town falls within his area of responsibility.

Armed group combatants and sources close to the FARDC command also reported the continued role of Colonel Salomon Tokolonga as relay for the cooperation between the FARDC on the one hand, and the VDP and the FDLR on the other (see also [S/2022/967](#), paras. 65 and annex 41; [S/2023/431](#), paras. 81 and annex 49).

The Group documented the transfer of boxes of ammunition, cash money and goods, on several occasions. For example, in Sake and Rwindi, in late September and early October 2023 respectively, meetings took place between armed group leaders and FARDC representatives during which armed groups leaders were provided with new materiel, financial support, goods and foodstuffs.

The Group notes that in the aftermath of the Goma meetings, the Wazalendo armed group leaders and combatants appeared well-armed, mostly dressed with FARDC uniforms and carrying radios, as illustrated in the following pictures/screenshots:

- 5 October 2023, Tongo, CMC/FDP combatants (pictures 1 and 2)
- 5 October 2023, Busumba, NDCR-Colonel Guidon Shimiraye (picture 3)
- 6 October, Kitchanga, ANDCH Colonel Bigirabagabo Nzita (picture 4)
- 6 October 2023, APCLS “general” Janvier Karahiri and FARDC colonel Salomon Tokolonga leaving an FARDC vehicle (picture 5)
- 16 October 2023, Kitchanga, NDCR-Guidon combatant called “Effacer” (picture 6)

Picture 1 :



<sup>169</sup> Armed group leaders and combatants, sources close to FARDC command, intelligence sources and researchers.

Picture 2 :



Picture 3 :



Picture 4 :





Picture 5 :



Picture 6:



The Group directly observed the distribution of envelopes by an FARDC commander to armed group leaders on 24 September 2023 at the Hotel Grand Lac in Goma. Armed group combatants reported that the FARDC commander was distributing cash. The FARDC commander was identified by several sources as Colonel Sokololo, T1 of the FARDC Etat-Major in Goma:

Picture 1 below: Colonel Sokololo on the terrace of Grand Lac Hotel in Goma, about to hand over money to a person approaching on his right.<sup>170</sup>



Picture 2: Picture taken few seconds after Picture 1 above. Colonel Sokololo handed over a bundle of cash to the person approaching on his right.<sup>171</sup> In the foreground, CMC-FDP commander Domi Ndaruhutse passing by.



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<sup>170</sup> Witnessed by members of the Group.

<sup>171</sup> Ibid.



Pictures 3 and 4: Pictures taken at the same location (different angle), several hours later, depicting Colonel Sokololo (on the left of the image, partially visible, wearing the same red striped-shirt and sitting at the same table) still distributing cash to other armed group members, with both parties signing in a notebook.

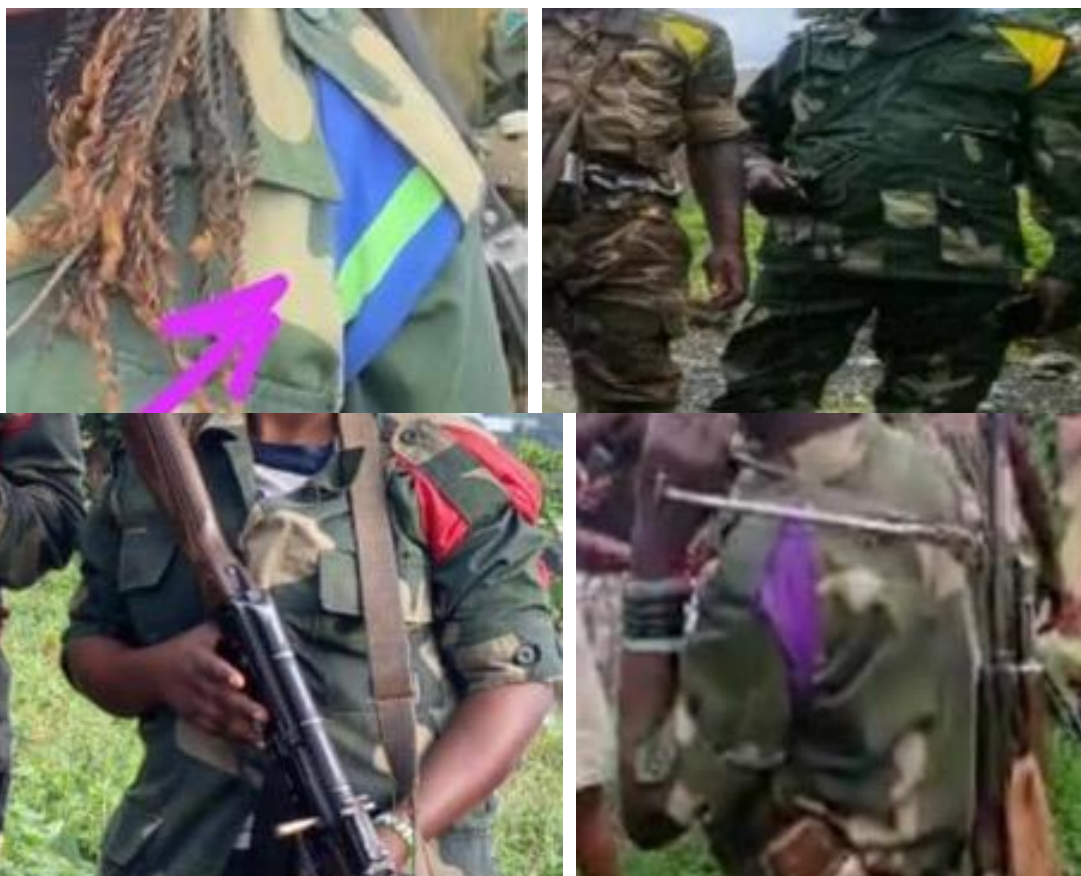


Pictures 1 to 4 above taken by the Group of Experts at the Grand Lac Hotel in Goma, on 24 September 2023

**Annex 26** (para. 39)

**VDP samples of armbands**

**Échantillons de brassards VDP**



Blue-green: NDCR-Guidon

Yellow: APCLS

Purple: CMC-Domi

Red: ANCDH

## Annex 27 (para. 44)

**Press statement of the FDNB spokesperson on the deployment of FDNB troops within EACRF framework and elements provided by the Government of Burundi following information requests by the Group of Experts**

**Communiqué de presse du porte-parole de la FDNB sur le déploiement des troupes de la FDNB dans le cadre de la force régionale de la Communauté de l'Afrique de l'Est et éléments fournis par le Gouvernement du Burundi suite aux demandes d'information du Groupe d'experts**

REPUBLIQUE DU BURUNDI

Bujumbura, le...../10/2023



**FORCE DE DEFENSE NATIONALE  
DU BURUNDI  
ETAT MAJOR GENERAL**

**COMMUNIQUE DE PRESSE**

1. Depuis la décision des Chefs d'Etat de la Communauté Est Africaine (EAC) de déployer à l'Est de la République Démocratique du Congo une Force Régionale de l'EAC pour soutenir le gouvernement de la République Démocratique du Congo dans la restauration de la paix dans cette partie de ce pays, le Burundi a déployé un contingent au Nord Kivu au mois de mars 2023.
2. Ce contingent burundais accomplit sa mission conformément au cadre légal régissant la Force Régionale de la Communauté de l'Afrique de l'Est. Sous les ordres du commandement de cette Force Régionale, les militaires burundais exécutent entre autres missions: assurer la sécurité de la population et de ses biens, la libre circulation des personnes et des biens sur les principaux axes routiers dans leur secteur de responsabilité. Ils exécutent leurs missions dans le strict respect du mandat de la Force Régionale de l'EAC.
3. Partout où les militaires burundais sont déployés à l'Est de la République Démocratique du Congo, ils sont hautement appréciés par les populations qu'ils protègent contre toute menace y compris le vol de leurs biens par les groupes armés.
4. Les militaires burundais agissent en tout lieu et à tout moment avec professionnalisme, l'une des valeurs principales de la Force de Défense Nationale du Burundi.

Colonel BIYEREKE Floribert

Porte-parole de la FDNB

P.O  
Lt-col GATHONGANO Emmanuel  
SS 1044

- *Regarding the deployment of FDNB troops outside the EACRF framework:*

In reply to information requests of the Group regarding the deployment of FDNB troops outside the EACRF framework, on 7 November 2023 the Government of Burundi stated, inter alia, the following:

“At the EAC Heads of State summit held in Nairobi on 20 June 2022, the concept of operations (CONOPS) was validated and a decision was taken on the deployment of a regional force (EACRF) in eastern DRC to combat all local and foreign armed groups that have not signed up to the Nairobi peace process. It is within this framework that the FDNB has deployed troops on the Congolese territory, particularly in South Kivu, as described in the CONOPS.”<sup>172</sup>

“With the upsurge in fighting between the FARDC and armed groups, including the M23, in North Kivu, the Heads of State of the EAC partner countries have decided to create a multinational sector where the Regional Force will focus on tackling this situation of insecurity. It is in this regional context that the FDNB has deployed another contingent in North Kivu in the sector comprising the localities of Kitchanga, Kilolirwe and Sake.”<sup>173</sup>

The Government thus denied the deployment outside the EACRF framework, contrary to the Group’s findings.

- *Regarding FDNB soldiers wearing FARDC uniforms:*

In reply to an information request by the Group regarding uniforms and military equipment of the FDNB troops deployed outside the EACRF framework, the Government of Burundi stated the following:

“The FDNB has deployed troops in North and South Kivu as part of the Regional Force under the command of EACRF. However, FDNB contingents, like other contingents deployed in the DRC, wear their own uniforms.”<sup>174</sup>

The Government thus denied that its deployed FDNB soldiers wear FARDC military uniforms, contrary to the Group’s findings.

- *Regarding confrontation between Burundian troops and armed groups:*

The Government of Burundi, in reply to the Group’s information requests, informed the Group that “no confrontations with armed groups have yet been reported, and consequently no loss of men and/or equipment has been incurred in the Burundi contingent’s area of responsibility.”<sup>175</sup>

The Group notes that it obtained information from multiple sources that FDNB soldiers were killed on the battlefield. For example, on 5 November 2023, at least 10 Burundian soldiers were killed in confrontations with the M23 and/or RDF south of Kitchanga.

In early November 2023, EACRF sources also informed the Group that “Lance Corporal Emerance Ndikumwibana<sup>176</sup>, Army Nr. HR 83678, from Burundian Army but not EACRF”, had been captured by M23 as a prisoner of war. This was confirmed to the Group by sources close to the FARDC and later relayed by M23 in a video, taken off the Internet shortly after.<sup>177</sup> The Group was able to confirm that the soldier portrayed in the video, wearing an FARDC uniform, belongs to the FDNB. This was also stated by the soldier himself.

<sup>172</sup> Translation from French into English by the Group.

<sup>173</sup> Ibid.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

<sup>176</sup> Note: M23 communications refer to the soldiers as “Ndikumana”.

<sup>177</sup> Video on file with the Secretariat. Part of the video can be watched on [Youtube](#).



The soldier declared that his contingent had departed Burundi on 19 September and arrived in North Kivu on 20 September 2023. In the video, he also declared that they were asked to dress in FARDC military attire at the airport in Bujumbura, and that their mission was to fight the M23.

He noted that upon arrival at Goma airport, they were brought to a military camp and thereafter deployed to the battlefield, where he was captured by M23. His contingent was composed of 300 soldiers. He declared that they left their weapons in Burundi and were provided with other weapons upon arrival in the DRC.

The M23 military spokesperson, Willy Ngoma, told the Group that the M23 had captured “many Burundian soldiers and many FARDC”. He was, however, unwilling to provide any further details and/or evidence to substantiate these allegations.

**Annex 28 (para. 44)****Bilateral Defence Agreements between the DRC and Burundi****Accords bilatéraux de défense entre la RDC et le Burundi**

Both the DRC Minister of Defence, Jean-Pierre Bemba, and the Governor *ad interim* and then North Kivu Operations Commander, Major-General Peter Nkuba Cirimwami, told the Group that they were unaware of this bilateral FDNB-FARDC cooperation in Petit Nord. This is in contradiction with the findings of the Group.

In addition, the Group notes that in August 2023, the Governments of the DRC and Burundi signed a technical agreement on reinforced military cooperation and defence assistance, the latter made under the bilateral defence cooperation agreement of 6 March 2023.<sup>178</sup>

In this August 2023 agreement, the parties undertake to continue and intensify their joint military operations to combat all forms of aggression on the territory of either Party; to combat terrorism and insurgency; to coordinate, plan and effectively execute concerted missions (Article 3.1).

In Article 5, the parties also agreed to strengthen their commitment to provide assistance in the event of a direct threat or armed aggression against one of them (Article 5.1). In the event of such a direct threat or armed aggression against one of the Parties, the other Party undertakes to provide military, humanitarian, logistical or diplomatic assistance (Article 5.2). The specific procedures and modalities for providing this assistance are detailed in joint operational plans, notably the Status of Forces Agreement (SOFA), the Concept of Operations (CONOPS) and the Rules of Engagement (ROE) (Article 5.3).

The Group did not obtain these operational plans.

Since both the DRC Government and the Government of Burundi have not acknowledged the presence of FDNB troops in North Kivu outside the EACRF framework, it is unknown whether the deployment of some 1,070 FDNB troops in the context of the M23-related crisis was agreed based on the concluded defence agreements.

The Group notes, however, that the above-mentioned articles do refer to “forms of aggression” and “direct threat or armed aggression”, most likely a reference to the RDF support to the M23.

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<sup>178</sup> On file with the Secretariat.

## Annex 29 (para. 44)

**M23 open letter addressed to the UN Secretary-General and Rwandan media referring to FDNB deployment****Lettre ouverte du M23 adressée au Secrétaire général des Nations unies et médias rwandais évoquant le déploiement de la FDNB**

Object: Ongoing Ethnic Cleansing in Eastern Democratic Republic of Congo (DRC)

The M23 Movement Directorate acknowledges Your Excellency's endless efforts to find a peaceful resolution to the ongoing conflict in the Eastern Democratic Republic of Congo. Following the accusations mentioned therein our correspondence to your Excellency on October 11th, 2023, reference: 119/PDT/M23/2023 (herein attached). The M23 draws Your Excellency's attention to the following:

1. The ethnic cleansing continues, perpetrated by Président Tshisekedi Tshilombo's coalition forces of FARDC, FDLR, MERCENARIES, MILITIAS and BURUNDI NATIONAL DEFENSE FORCES under the total silence of the International Community.
2. As evidence: we, hereby, confirm Your Excellency that while defending ourselves and protecting the targeted civilian population by the said coalition in Kitchanga, Bwiza, Burungu and their surroundings, our forces (M23/ARC) have captured a BURUNDI NATIONAL DEFENSE FORCES' soldier who was embedded within the DRC government forces during their slaughtering of the innocent civilian population. Here is his identity:

Rank: 1<sup>st</sup> class

Names: KUBWIMANA MERENCE

Army Number: 83678HR 27742

Unit of origin in Burundi:

4<sup>th</sup> Division

Bataillon: 412

2<sup>nd</sup> company

Platoon One

Section One

Deployed to DRC under the 6<sup>th</sup> Bataillon TAFOC

3. The Humanitarian crisis has reached an unprecedented level in Bwiza and its surroundings.
4. War crimes continue to be committed by the said coalition under the watchful eyes of the International Community

The evidence raises tremendous concern Your Excellency, regarding the implication of the States in ethnic cleansing against a section of the population (TUTSI COMMUNITY) in this 21st century. Surprisingly the said countries are United Nations' State members, ICGLR members, EAC Chair State and EAC members.

The M23 continues to defend itself and protect the civilian population against this extermination ideology.



**OPEN LETTER TO UN SECRETARY-GENERAL ANTÓNIO GUTERRES**

H.E. Mr. Antonio Guterres  
United Nations Secretary-General  
42<sup>nd</sup> Street,  
New York, NY 10017

Reference: 120/PDT/M23/2023

Object: Ongoing Ethnic Cleansing in Eastern Democratic Republic of Congo (DRC)

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Names: KUBWIMANA MERENCE  
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4<sup>th</sup> Division  
Battalion: 412  
2<sup>nd</sup> company  
Platoon One  
Section One

Deployed to DRC under the 6<sup>th</sup> Battalion TAPDC

3. The Humanitarian crisis has reached an unprecedented level in Bwiza and its surroundings.
4. War crimes continue to be committed by the said coalition under the watchful eyes of the International Community

The evidence raises tremendous concern Your Excellency, regarding the implication of the States in ethnic cleansing against a section of the population (TUTSI COMMUNITY) in this 21st century. Surprisingly the said countries are United Nations' State members, ICGLR members, EAC Chair State and EAC members.

The M23 continues to defend itself and protect the civilian population against this extermination ideology.

Please accept, Your Excellency, the expression of our highest consideration.

Kavumu, November 7<sup>th</sup>, 2023

The Chairman of M23 Movement

Bertrand BISIMWA



### Great Lake Eye article:

“On October 6, Congolese soldiers, local militia and Wazalendo, were seen entering Kitchanga, a town in the Rutshuru Territory of North Kivu Province in eastern DRC, armed to the teeth with guns and other traditional weapons. Videos circulating in the media showed ‘a triumphant entry’ of the militia groups and Congolese troops, who are ready to fight the M23 rebels, in violation of a ceasefire earlier established by the Nairobi and Luanda peace initiatives. Kitchanga, like many other areas, in eastern DRC, has been in control of the East African Community Regional Force (EACRF). A Burundi contingent of the EAC Regional Force is deployed to the area.

During their 22<sup>nd</sup> Ordinary Meeting held on July 22, 2022 in Arusha, Tanzania, the Summit of East African Community (EAC) Heads of State directed to expeditiously deploy a joint regional force in eastern DRC to restore peace and security.

The first troops, a Kenyan contingent, under the regional force landed in Goma, in November 2022.

They were joined, a few months later, by contingents from Burundi, Uganda and South Sudan.

The EAC Regional Force’s mandate and mission was simple; to create a buffer zone to prevent confrontations between the government forces (FARDC) and M23 rebels, take over areas the rebels withdrew from, prepare and observe the pre-cantonment process, all the while protecting civilians from armed groups.

In May, the EAC noted that EACRF has made tremendous progress in its efforts to restore peace and stability in eastern DRC as envisaged by the Summit of EAC Heads of State.

“In line with Decisions of the Summit, the EACRF has continued to ensure observance of ceasefire and in addition overseeing the withdrawal of armed groups who have handed over to the EACRF most of the areas that were under their control. These areas include Karuba, Mushaki, Kiloriwe, Kitchanga, Mweso, Kishishe, Bambo, Mnagana, Tchengerero, Kiwanja and Kinyandoni. These areas have since been under the control of various EACRF contingents which will now enable residents to return to their homes and businesses,” stated an EAC statement in May.

“The EAC is proud of the work that has so far been accomplished by the EACRF towards restoration of Peace and Security in the eastern DRC.”

Five months later, however, the situation in eastern DRC is worrying.

Despite the EAC stressing that it is “fully committed to ensure restoration of peace and security in eastern DRC and any other part of the region,” the Burundian contingent has failed to adhere to the regional bloc’s mandate and has failed the Congolese civilians they were expected to protect.

Upon landing in Goma in March, the Burundi National Defence Force (FDNB) were immediately deployed to take control of Kitchanga and Sake areas from the M23 rebels, who had voluntarily withdrawn from the areas.

However, since October 1, fighting between FARDC, their allies comprising of genocidal FDLR, Wazalendo and other militias, against the M23 erupted. The rebels were attacked at Kilolirwe, Nturo, Gicwa, and some other areas in Masisi Territory. In addition to the fighting, houses of Congolese Tutsi communities were set on fire in the town of Nturo. The government coalition killed a number of unarmed civilians and looted their property.

All the fighting and atrocities happened in the areas under the control of the Burundian contingent.

The Burundian government also deployed more than 1,000 other troops to North Kivu and South Kivu provinces outside the framework of the EAC, to support the Congolese army.

Sources from Gitega and Kinshasa confirmed that this bilateral military agreement will see Burundian soldiers fighting alongside the FARDC, wearing the latter's uniform.

The Burundian troops under this bilateral arrangement receive instructions directly from Kinshasa. Their mission is directed by Congolese President Felix Tshisekedi. They will not be constrained by any regional protocols and regulations.

Amid the crisis the Burundian army released a statement, on October 6, claiming that their soldiers under EACRF operate professionally.

“Wherever Burundian soldiers are deployed in eastern DRC, they are highly appreciated by the populations they protect against any threat, including the theft of their property by armed groups,” read part of the statement.

But for the Congolese civilians co-habiting with the Burundian soldiers, many questions remain unanswered. How can they claim to be acting professionally when the Congolese Tutsi are being killed in their presence? How do they explain the pillaging of cows, burning of houses of these people? Why have they ceded the areas under their control to FARDC and its militia allies?

What's now clear is that Burundi's actions encouraged the FARDC's belligerence to violate the ceasefire in place since February. If nothing changes, for the better, Burundi's stance in eastern DRC threatens to make a bad situation worse by minimizing the progress already made.

Observers of the peace process in the DRC had already painted a complex picture of the conflict, with parties routinely shifting bases or allegiance depending on interests.

The situation is very complicated, with very many forces and interests at play.

But it gets even worse, with some countries in the region and the larger international community paying lip service to peace, and actually ending up complicating matters, which undermines the regional processes.”

Source: [https://thegreatlakeseye.com/post?s=Shifting--allegiance%3F--Burundi's--actions--in--eastern--DRC--look--to--undermine--regional--peace--efforts--\\_1164](https://thegreatlakeseye.com/post?s=Shifting--allegiance%3F--Burundi's--actions--in--eastern--DRC--look--to--undermine--regional--peace--efforts--_1164)

**Annex 30 (para. 45)****Information on flights transporting FDNB troops****Informations sur certains vols transportant des troupes de la FDNB**

FARDC and security sources informed the Group regarding the following flights transporting Burundian troops outside the EACRF framework, as also confirmed by intelligence sources:

- 21 September 2023, 02h38: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 21 September 2023, 05h30: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 23 September 2023, 21h08: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 24 September 2023, 21h26: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 24 September 2023, 23h40: Flight from Burundi to Goma with 76 FDNB troops; flight 9T-TCR

The Iliouchine fixed-wing aircraft with tail number 9T-TCR, known as “Tolerance Zero”, belongs to the FARDC.



Above: Iliouchine fixed-wing aircraft photographed landing at Goma airport on 19 October 2023, at 13h12.

Picture taken and provided to the Group by a confidential source

The Group notes that information provided by EACRF and the Government of Burundi confirms that the above flights transported FDNB troops to Goma outside the EACRF framework:

EACRF informed the Group that part of the Burundian contingent, part of EACRF, was airlifted by the Kenya Air Force on 5 and 6 March 2023. Other Burundian personnel arrived by road during the same period. EACRF also informed the Group that on 15 and 16 March 2023 part of the Burundian contingent, which was claimed to be part of EACRF, was airlifted by the FARDC. EACRF informed the Group that beyond the above-mentioned dates (5,

6, 15 and 16 March), no elements of the Burundian contingent part of EACRF were transported by plane, or arrived by road to North Kivu.

In reply to information requests of the Group, the Government of Burundi stated on 7 November 2023 that “the deployment in the framework of the Regional Force of the EAC was carried out following the EACRF-CONOPS (...); in North Kivu in the multinational sector was done on 05 March 2023 with a contingent of 900 soldiers”.<sup>179</sup>

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<sup>179</sup> Translation from French into English.



**Annex 31 (para. 47)****Additional information on the negotiations conducted by Erik Prince****Informations complémentaires sur les négociations menées par Erik Prince**

In late June and mid-July 2023, the Group was informed by several sources with knowledge of the matter that the plan of the DRC authorities to send 2,500 military contractors from Colombia, Mexico and Argentina to North Kivu,<sup>180</sup> aimed at stopping the M23 advance and secure mining areas in eastern DRC (see [S/2023/431](#), annex 23), was reinitiated. Military barracks in Mubambiro were in construction, close to Sake, next to Congo Protection's training camp, to host the first 250 contractors who were intended, at first, to arrive late July 2023. Containers with equipment had already arrived at the site in July 2023.

The Group obtained evidence that Erik Prince, founder of the former security firm Blackwater and currently head of Frontier Resources Group (FSG), was leading the negotiations for this deployment, which had been promoted and engineered by Kahumbu Bula Mandungu, alias "Kao", the Privy Councillor of President Félix Tshisekedi.

The Group also obtained evidence that around that time, Erik Prince was searching for evidence – such as photos, video and audio files – that could be used against MONUSCO, so as to precipitate MONUSCO's departure in favour of the deployment of his military contractors.

The Group was informed that the plan to conclude a contract with Erik Prince has been halted.

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<sup>180</sup> The Group notes that the contractors did not travel to the DRC.

**Annex 32** (para. 48)**Additional information on 6 October mortar strikes in Kibumba-Kanyamahoro area**  
**Informations complémentaires sur les tirs de mortier du 6 octobre dans la région de Kibumba-Kanyamahoro**

In late September 2023, M23<sup>181</sup> was posted on a hill in Buhumba (see “**Position 3**” on the map below), about 4 kilometers northeast of the FARDC position in Kanyamahoro (see “**position FARDC Kanyamahoro**” on the map below) and 1.5 kilometers southeast from the Kenyan contingent of EACRF in Kibumba (see “**EAC Buhumba**” on the map below).<sup>182</sup>

The FARDC position in Kanyamahoro also served as a training camp where FARDC have been trained by, and receive instructions from, Congo Protection instructors.

On the night of 26-27 September, M23 also occupied another position (see “**Position 2**” on the map below), as confirmed to the Group by EACRF, FARDC, PMC and civil society sources. Position 2 is located 2 kilometers north from FARDC position in Kanyamahoro and 3 kilometers southwest from EAC position in Buhumba.<sup>183</sup>

The Group notes that Position 3 and Position 2 were located inside the neutral zone between FARDC and M23 positions.

The FARDC commander of the 3408<sup>th</sup> Infantry Regiment reported to the Joint Verification Team of the EJVM that on 27 September 2023, approximately 110 M23 combatants were posted on a hill in Kanyamahoro, and 50 M23 combatants in the adjacent portion of the Goma-Kibumba road (RN2).<sup>184</sup> The commander of the Kenyan contingent of the EACRF estimated the visible number of M23 elements occupying Kanyamahoro hill and the surrounding area at around one company.<sup>185</sup>

The commander of the Kenyan contingent of EACRF, informed about the situation, intervened to assess the situation and established that the M23 had occupied the Kanyamahoro hill.

After an 8-hour negotiation between EACRF and M23, M23 left Position 2 that same day. Subsequently, the Kenyan contingent of the EACRF deployed to Position 2.<sup>186</sup> M23 did not withdraw from Position 3.<sup>187</sup>

On 5 October 2023, EACRF troops left Position 2 following fighting further west of the RN2 between M23 and some Wazalendo armed groups. That same day, M23 reoccupied Position 2.

On 6 October 2023, M23 based in Position 2 and Position 3 launched attacks, including four 120-mm mortar attacks, on the FARDC position at Kanyamahoro. Two mortar shells landed 200 meters from the FARDC camp; two others 300 meters from the same camp. That same day, the FARDC, trained and supervised by Congo Protection, fired back.

While EACRF troops went back to Position 2 to renegotiate the departure of M23, the FARDC position at Kanyamahoro continued to be attacked by M23 stationed at Position 3, and by M23 deployed west from Position 2.

In total, 27 mortar shells of 82mm and 10 mortar shells of 120-mm calibre were launched on Position 2 by the FARDC controlled and supervised by Congo Protection.

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<sup>181</sup> The Group notes that according to multiple sources M23 was operating together with RDF in that area at that time.

<sup>182</sup> FARDC, EACRF, PMC and civil society sources.

<sup>183</sup> FARDC, EACRF, PMC and civil society sources.

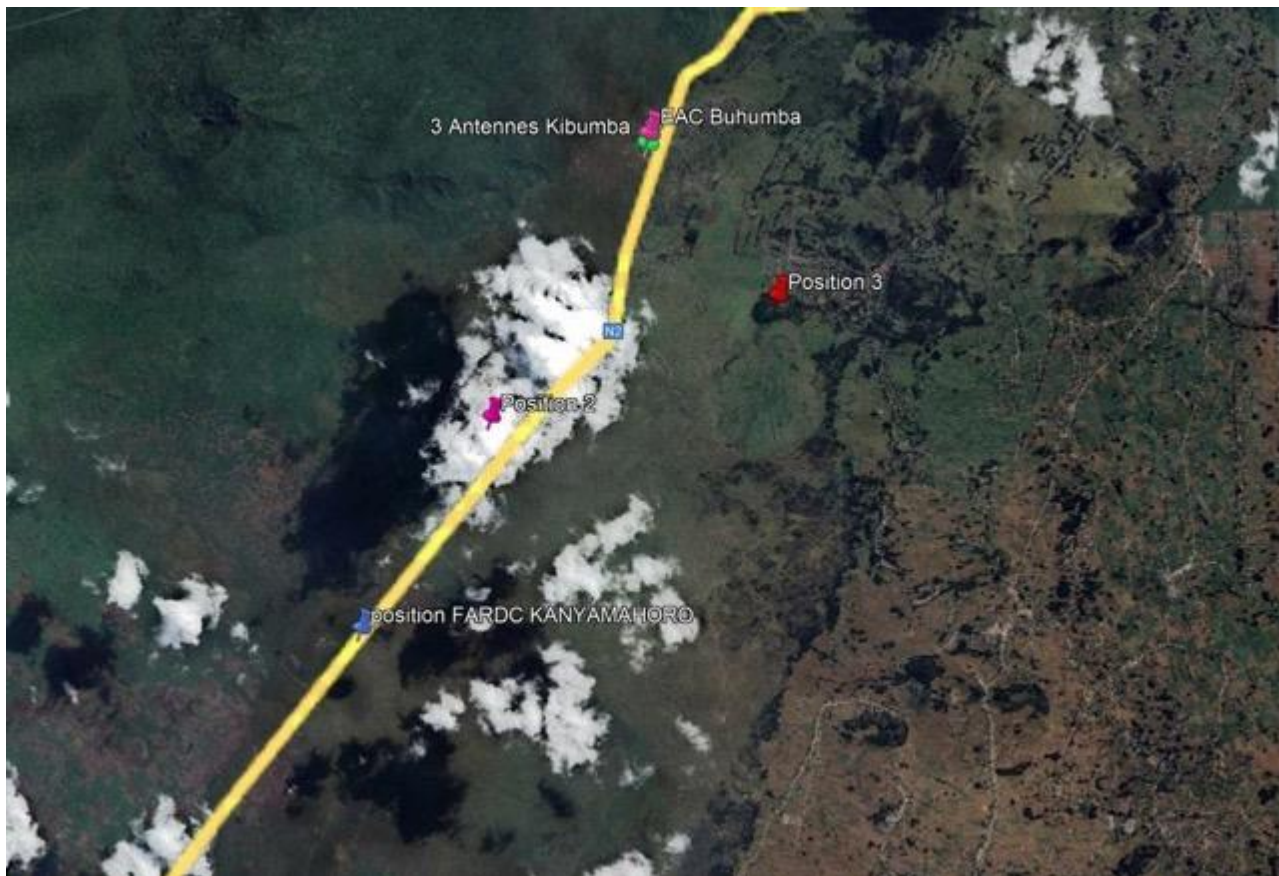
<sup>184</sup> Expanded Joint Verification Mechanism report of 29 September 2023, on file with the Secretariat.

<sup>185</sup> Ibid.

<sup>186</sup> Expanded Joint Verification Mechanism report of 29 September 2023, EACRF and PMC sources.

<sup>187</sup> Ibid.

- Map indicating Position 3 and Position 2:



- Below: Picture of one of the 120 mm mortar shells launched on the FARDC position in Kanyamahoro



Picture provided by a confidential source

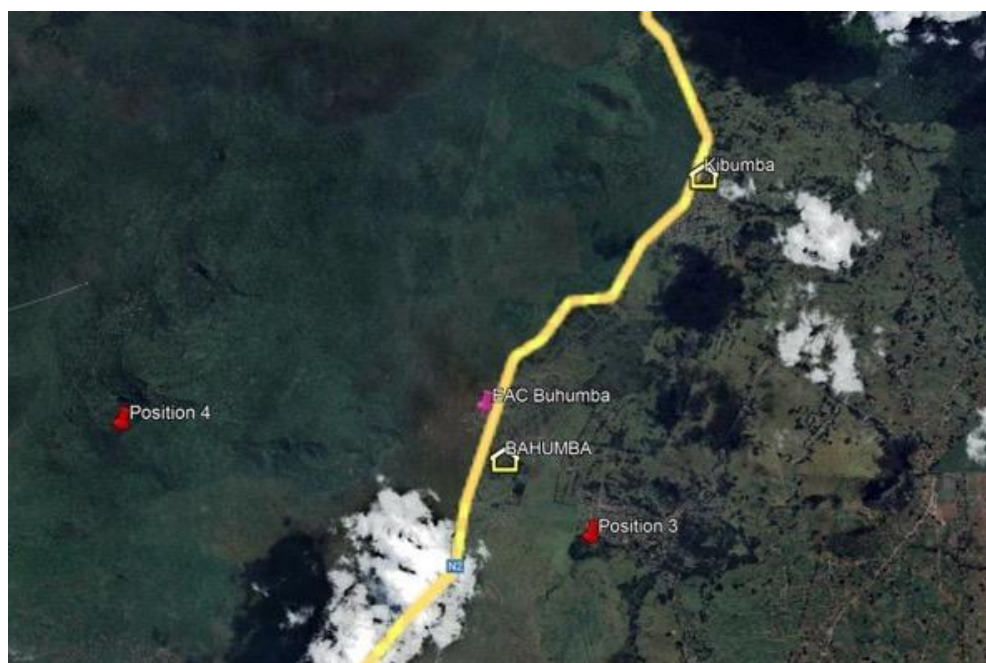
## Annex 33 (para. 50)

### Additional information on the 28 October 2023 air strikes

#### Informations complémentaires sur les frappes aériennes du 28 octobre 2023

On 28 October 2023, with the support of Agemira, the FARDC planned and executed air strikes using an SU25 aircraft on a mixed M23-RDF position. They dropped two 250 kgs bombs, two 500 kgs bombs and launched 57-mm rockets on the position, located west of the RN2 (see “Position 4” on the map below).

The M23/RDF position, labelled “Position 4”, was targeted on 28 October 2023:



Document obtained from sources with knowledge of the matter

On the right, in the red-coloured circle, the impact of the bombing of Position 4 on 28 October 2023. On the left, in the green-colored circle, the M23/RDF position which was still occupied by RDF troops at the time of the Group’s drafting of this report.



Document obtained from a confidential source



## Annex 34 (para. 53)

Justin Bitakwira interview on *Bosolo na Politik avec Mutombo Israël*, posted on Youtube on 6 July 2023Interview de Justin Bitakwira sur *Bosolo na Politik avec Mutombo Israël*, postée sur Youtube le 6 juillet 2023

1. On 6 July 2023, Justin Bitakwira appeared in a televised interview moderated by Mutombo Israël,<sup>188</sup> investigative journalist at *Bosolo Télévision*.<sup>189</sup> The interview was re-posted on the Youtube channel *Bosolo na Politik Officielle* on 24 July 2023.<sup>190</sup>
2. During the interview, which lasted nearly two hours, Bitakwira exposed what he called the “autopsy of a nation in danger”.<sup>191</sup> Bitakwira presented himself as an “indispensable political solution” for the country because, he claimed, he holds “secrets” and “expertise” that could solve the social and security problems in the context of the war raging in the east of the DRC.<sup>192</sup> He claimed that the war in the east was a problem between the Bantu and the Nilotic tribes.<sup>193</sup> He blamed former President Joseph Kabila for removing Mai-Mai generals from eastern DRC and replacing them with Rwandophones, and stated that until the Congolese army was not “cleaned” of Rwandophones, the east would not be liberated.<sup>194</sup> He embarked on an antagonizing speech, framed in terms of “us” (the Bantu tribes, legitimate Congolese”) and “them” (the Tutsi and Banyamulenge, labelled as refugees, foreigners, with a genocidal past and genocidal intentions towards the real Congolese), blaming all the historical and present misfortunes of the country on the two communities, the Tutsi and Banyamulenge, accusing them of alliance with the enemy (labelled as “the Kagame virus”), thereby implying an imminent threat to the safety and physical integrity of the Congolese (“us”).<sup>195</sup>
3. He depicted the Banyamulenge and the Tutsi as a power-thirsty ethnic group which has “exterminated people like [he] had never heard of in history”, and no Tutsi can ever be trusted. When the moderator asked whether one should therefore be wary of a Tutsi, Bitakwira stated that they [the Tutsi] are all natural-born criminals, and that their creator must have been the one who also created the devil. Justin Bitakwira then went on to depict in detail how “those people” [the Tutsi] would skin their enemies with a sharp knife, like they do with cows.<sup>196</sup>
4. With his statements, the intention of Justin Bitakwira’s speech was to defame and to generate hatred and hostility towards an entire section of the population, notably the Tutsi and Banyamulenge.
5. The Group recalls that Justin Bitakwira has had a long history of virulent anti-Banyamulenge and anti-Tutsi statements, denying their right to Congolese citizenship and suggesting that they should be removed from the country (see [S/2021/560](#), para. 154 and annex 113, and [S/2022/967](#), para. 73 and annex 53). The Group recalls that such fearmongering propagated by a public figure with a substantial following is extremely

<sup>188</sup> <https://brothermyephre.com/2023/07/07/rdc-interview-de-justin-bitakwira-face-au-journaliste-israel-mutombo-de-ce-jeudi-06-juillet-2023-video-complete/>

<sup>189</sup> Bosolo Télévision is advertised as an investigative television channel in the DRC. See [www.youtube.com/@BOSOLOTV](https://www.youtube.com/@BOSOLOTV)

<sup>190</sup> Full length interview with Justin Bitakwira posted on Youtube at <https://youtu.be/1ztbPXeolKU?si=6ItUYz8y6nVGkq0v>.

<sup>191</sup> See video at timestamp 1:04:41.

<sup>192</sup> See from timestamp 00:17:40.

<sup>193</sup> See from timestamp 00:49:00.

<sup>194</sup> See from timestamp 00:47:15.

<sup>195</sup> See from timestamp 01:00:00.

<sup>196</sup> See from timestamp 01:17:00.



dangerous in the context of the brewing ethnic tensions and ongoing armed violence. The interview had 79,910 views, as last consulted by the Group on 12 November 2023.

6. The declarations listed above may at least constitute incitement to discrimination, hostility, and violence, and thus sanctionable acts under paragraphs 7 (e) of Security Council resolution 2293 (2016), as renewed by Council resolution 2688 (2023).
7. The Group reiterates its recommendation that concrete steps should be taken by the Congolese government to deter such practices and curb the propagation of ethnic hatred (see [S/2023/431](#), para. 188(d)), including by prosecuting individuals responsible.



Above: screenshot taken from the interview of Justin Bitakwira of 6 July 2023, re-posted on the Youtube channel *Bosolo na politik officielle* on 24 July 2023 (last accessed by the Group on 12 November 2023)

Note: The video, initially aired on 6 July 2023 on Bosolo TV, is no longer available for public viewing online (see <https://brothermyephre.com/2023/07/07/rdc-interview-de-justin-bitakwira-face-au-journaliste-israel-mutombo-de-ce-jeudi-06-juillet-2023-video-complete/>)

## Annex 35 (para. 53)

Justin Bitakwira speech upon leaving the *Cour de cassation* on 20 July 2023

## Discours de Justin Bitakwira lors de son départ de la Cour de cassation le 20 juillet 2023

1. On 20 July 2023, Justin Bitakwira was summoned to the *Cour de Cassation* for questioning over the statements he made during the interview of 6 July 2023 on *Bosolo na Politik* with Mutombo Israël (see annex 33 above).
2. In a video available on Youtube, Justin Bitakwira shared his comments on the hearing, upon exiting the meeting at the public prosecutor's office at the *Cour de Cassation* on 20 July. He stated that he had only done his job to inform and enlighten the national and international opinion about the tragedy that Kagame's Rwanda has been committing for over 20 years in the Democratic Republic of Congo (translation from French by the Group):

*"I was well received by the inspector who interviewed me, and then I was received by the public prosecutor. It was about my television program on Bosolo na Politik with Mutombo Israël. I told the inspector that I couldn't answer the various questions he was going to ask me if he hadn't yet read the book *Holocauste au Congo* by Charles Onana. Because all I did was comment on what was written in the book *Holocauste au Congo*. When you have read this book, we will have the same understanding. (...) We're talking about giving them maybe two weeks to finish reading this book that I'm just paraphrasing."*

Original in French:

*« J'ai été bien reçu par l'inspecteur qui m'a auditionné, ensuite, j'ai été reçu par le Procureur général. Il s'agissait de mon intervention à la télévision dans le programme Bosolo na Politik avec Mutombo Israël. J'ai dit à l'inspecteur que je ne saurais répondre aux différentes questions que qu'il allait me poser s'il n'avait pas encore lu le livre *Holocauste au Congo* de Charles Onana. Parce-que je n'ai fait que commenter ce qui est écrit dans le livre *Holocauste au Congo*. Quand vous aurez lu ce livre, nous aurons la même compréhension. (...) Il est question de leur donner peut-être deux semaines, qu'il termine de lire ce livre que je ne fais que paraphraser », a-t-il dit, au sortir du Parquet."*



Video of Justin Bitakwira's comments upon exiting the *Cour de Cassation* on 20 July 2023 (poasted on Twitter at <https://x.com/sergesindani01/status/1682101603870949376?s=20> )

## Annex 36 (para. 54.1)

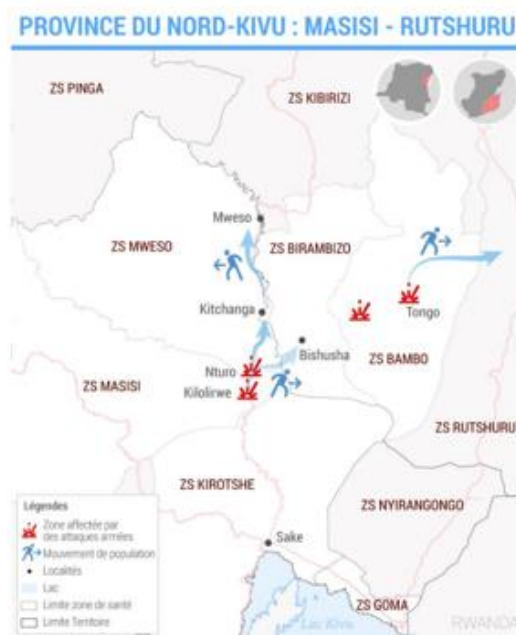
## The Tutsi community fleeing VDP operations

## La communauté tutsie fuyant les opérations du VDP

Since 1 October 2023, as fighting between the M23 and VDP combatants intensified in Masisi and Rutshuru territories, the Tutsi population living in the area of Kitchanga and Kilorirwe, and in villages such as Nturo, Burnugu, Kabarekasha,<sup>197</sup> was once again forced to flee.<sup>198</sup>

More than 4,500 households from the Tutsi community, amounting to over 20,000 individuals, fled before the arrival of the VDP, the majority seeking shelter in the mountains of Bwiza.<sup>199</sup> Encircled from all sides by hostile armed groups, they were left stranded for days without food and shelter. Members of the community raised concerns about their survival due to fears that they will be attacked by VDP combatants. As previously recorded, the displaced Tutsi community chose not to converge towards the large IDP sites, in fear of being targeted by members of other communities who continued associating them with the M23 (see [S/2023/431](#), annex 54).<sup>200</sup>

Several villages were burned down by VDP combatants, including the village of Nturo, inhabited mainly by Tutsi (see annex 37 below). Several houses belonging to Tutsi inhabitants in Kitchanga were also destroyed.<sup>201</sup>



Above: Infographic on the internal population displacement due to ongoing fighting in Masisi and Rutshuru territories, as on (information published on [8 October 2023 by the UN Office of Coordination for Humanitarian Affairs](#))

<sup>197</sup> MONUSCO, humanitarian sources, civil society, researchers, local sources, and photographic and video evidence

<sup>198</sup> The majority had fled the area in January 2023 under the threat of hostile armed groups, as they were accused of collaborating with the M23. They had returned under EAC protection during the ceasefire. Sources: local sources, civil society and humanitarian sources, researchers.

<sup>199</sup> Local sources, civil society, MONUSCO, and humanitarian sources.

<sup>200</sup> Sources from the Tutsi community.

<sup>201</sup> Local sources, civil society, humanitarian sources.

## Annex 37 (para 54.2)

### VDP burning down the village of Nturo on 7 October

#### VDP brûlant le village de Nturo le 7 octobre

Between 4 and 8 October 2023, heavy fighting was ongoing between the coalition of VDP combatants and M23 around Kitchanga, Kilorirwe and Bwiza. The VDP coalition took over the village of Nturo, close to Kilorirwe, around 5 October, and burnt down the entire village which was inhabited by the Tutsi community. The armed groups NDC-R of Guidon, Nyatura Abazungu and APCLS, all members of the VDP coalition, participated in the operations in the area.

Videos of the VDP burning the village of Nturo circulated on social media. The Group obtained two videos (on file with the Secretariat) on which VDP combatants explain that they have burnt down Nturo.

**Video 1 – showing images of Nturo village burning** [several sources confirmed that it is the village of Nturo, often referred to as Kilorirwe since it is how the wider area is known; Nturo is identified based on the topography and the proximity of the antennas, visible in the video]. The person filming the video states the following (translation obtained by the Group):

*“Right now, we're in Kirolirwe, we're sabotaging Kirolirwe, these people thought they were strong...but God gave us power. We are going to hit them until they feel it. We're going to burn down [the village] without leaving any houses. They came from Rwanda. God gave us the power to hit the Rwandans, we must hit them until they cross into their own country [followed by victory cries].”*



Above: Screenshots from Video 1, depicting the village of Nturo burning and VDP combatants converging towards the village



Above: VDP groups converging towards the village of Nturo. Some are seen wearing blue-green armbands, the distinctive mark of NDC-R fighters under the command of Guidon



Above: screenshot of a commander with a handheld radio, seen among the VDP combatants heading towards the burning Nturo village. He was identified by a member of the VDP as Colonel Gady of the Nyatura Abazungu armed group



**Video 2: showing images of Nturo village burning.** The person filming the video states the following (translation obtained by the Group):

*“Right now, we're in Nturo, we're burning down the houses where the Tutsis were hiding, we were just hearing gunshots without knowing where they were coming from. Thankfully we have just burned this place down. This was the place that was not easy to take, at the antennas in Nturo.”*



Above: screenshot from the video showing the burning houses in the village of Nturo



Above: The ruins of Nturo village. Photographs taken in Nturo several days after the incident, by a confidential source

## VDP communiqué denying the involvement of VDP in the burning of Nturo village

After the circulation on social media of the videos depicting the burning of Nturo village by VDP combatants (see videos 1 and 2 above), a press statement was issued in the name of the VDP and of the “chief of the ‘Wild Geese’ operations” (*commandant des opérations des Oies Sauvages*), Guidon Shimiray Mwisa, denying the involvement of VDP combatants in the burning of villages inhabited by the Tutsi community. The video containing the press statement was shared on social media and is on file with the Secretariat.

The press statement was read by a female combatant introducing herself as assistant to the Chief of “the Wild Geese” operations and commander of the VDP, Lt-gen Guidon Shimiray Mbwise. She is seen wearing military attire and a blue-green armband, the distinctive insignia of NDC-R combatants (see also annex 26) identical to the ones seen on combatants on Video 1 above, filmed at Nturo when the village was being burnt.

**English translation [original French transcript below]:** *"I am the assistant to the commander of the 'Wild Geese (Les Oies Sauvages)' operations and the VDP, the Volunteers for the Defence of the Homeland (Volontaires Pour la Défense de la Patrie). Press release Nr 001/VDP/LesOiesSauvages/2023. We have learned through the airwaves and social networks of rumors according to which the VDP, the Volontaires Pour la Défense de la Patrie, are in the process of setting fire to the homes of Tutsis on the battlefield. With this message, we are telling both national and international opinion that these reports are false. As we are well informed and trained in international humanitarian law, we cannot commit such despicable acts. This is why we vehemently condemn these ill-intentioned people who once again want to tarnish the image of the Volontaires Pour la Défense de la Patrie. We call on the population to be vigilant and to continue to trust us, as we remain at the service of the nation. We know that there are Congolese Tutsis who have the right to be protected like so many other Congolese. Long live the DRC, long live the VDP, long live the commander of the VDP, Lieutenant-General Guidon Shimiray Mwisa."*

**Original French transcript:** *« Je suis l'assistante du commandant des opérations « Les Oies Sauvages » et des VDP, les Volontaires Pour la Défense de la Patrie. Communiqué de presse Nr 001/VDP/Les Oies Sauvages/2023. Nous avons appris par les voies des ondes et les réseaux sociaux des rumeurs selon lesquelles les VDP, les Volontaires Pour la Défense de la Patrie, sont en train d'incendier les maisons des Tutsis sur le champ de bataille. Par ce message, nous signifions à l'opinion tant nationale qu'internationale que ces informations sont fausses. Nous sommes d'ailleurs bien informés et formés sur le droit international humanitaire, nous ne pouvons pas commettre des actes si ignobles. C'est pourquoi nous condamnons avec véhémence ces personnes mal intentionnées qui veulent encore une fois ternir l'image des Volontaires Pour la Défense de la Patrie. Nous appelons la population à la vigilance et à continuer de nous faire confiance car nous restons au service de la nation. Nous savons qu'il y a des Tutsi Congolais qui ont le droit de jouir de la protection comme tant d'autres Congolais. Vive la RDC, vive les VDP, vive le commandant des VDP, le lieutenant-général Guidon Shimiray Mwisa ».*



Above: Screenshot from the video containing the VDP press release, depicting the person reading out the press release, identifying herself as assistant to the “Chief of the Wild Geese operations, Lt-gen Guidon Shimiray Mbwise, commander of the VDP”.

Note: She is depicted wearing a blue-green armband identical to the one worn by Guidon Shimiray and some of the combatants at Nturo (see below)



Above: Image of “Lieutenant-general” Guidon Shimiray Mwisa, NDC-R, wearing the same blue-green armband



Above: screenshot depicting VDP fighters at Nturo, wearing blue-green armbands

**Annex 38 (para. 55)****Massacre of demonstrators by the Republican Guard in Goma on 30 August 2023****Massacre de manifestants par la Garde républicaine à Goma le 30 août 2023*****The FNJMN's anti-MONUSCO agenda and prior demonstrations***

1. The mystic-religious group *Foi Naturelle Judaïque Messianique vers les Nations/ Agano La Uwezo wa neno* (FNJMN), self-declared as “messianic Wazalendo”,<sup>202</sup> was led by pastor Efraim Bisimwa. The sect had more than 1,000 followers<sup>203</sup> who regularly frequented the FNJMN temple in the Nyabushongo neighbourhood of Goma. The FNJMN also operated a local radio station, Radio-Television Uwezo Wa Neno (RTUN), based in the Ndoshu neighbourhood in Goma, which also regularly transmitted audio-visual material online, including on Youtube.<sup>204</sup>
2. In mid-2023, FNJMN emerged and suddenly became vocal against the United Nations. On 30 June 2023, over 600 FNJMN sect members demonstrated in front of MONUSCO's Logistical Base in Goma, known as “RVA”, demanding the allocation of the RVA parcel for the construction of a monument in the memory of Lumumba, revered by FNJMN as a national hero. The demonstrators dispersed peacefully after performing mystical rituals and animal sacrifices.<sup>205</sup> They handed over a 12-page manifesto to MONUSCO accusing the UN, MONUSCO and certain UN agencies (FAO, UNESCO, WFP, UNHCR) of being responsible for the insecurity in eastern DRC.<sup>206</sup>
3. On 30 July 2023, FNJMN organized another demonstration at the BDGL roundabout in Goma, gathering more than 1,000 followers. Efraim Bisimwa announced the FNJMN's intention to participate in the struggle for the departure of MONUSCO by latest 31 December 2023.<sup>207</sup> On that occasion, he also announced the demonstration to be held on 30 August 2023 with the intent of installing the movement's general headquarters at MONUSCO's RVA parcel in Goma.<sup>208</sup>

***Operational plan to contain the demonstration***

4. In an official communiqué issued on 23 August 2023, the mayor of Goma banned the demonstration planned for 30 August.<sup>209</sup> Given the ban, Efraim Bisimwa claimed he intended to suspend the demonstration and submit a memo addressed to MONUSCO instead. Subsequent negotiations with a representative of the DRC Police (PNC) led to an agreement that the PNC would accompany an FNJMN delegation to hand in the memo to MONUSCO

<sup>202</sup> As described in a letter addressed by FNJMN to the President of the Republic, according to MONUSCO sources

<sup>203</sup> Estimate based on accounts of sect members, and on the number of individuals that attended demonstrations. According to Efraim Bisimwa, the sect has more than 5,000 followers.

<sup>204</sup> See [RTUN channel on Youtube](#)

<sup>205</sup> MONUSCO, local sources, researchers, open sources/media.

<sup>206</sup> MONUSCO sources. The manifest was also partially read out by an elderly figurehead during the sit-in, see [Youtube video](#).

<sup>207</sup> MONUSCO, local and open sources, media.

<sup>208</sup> MONUSCO, local sources.

<sup>209</sup> A copy of the official communiqué signed by Kapend Kamand Faustin, Mayor of Goma, is on file with the Group.

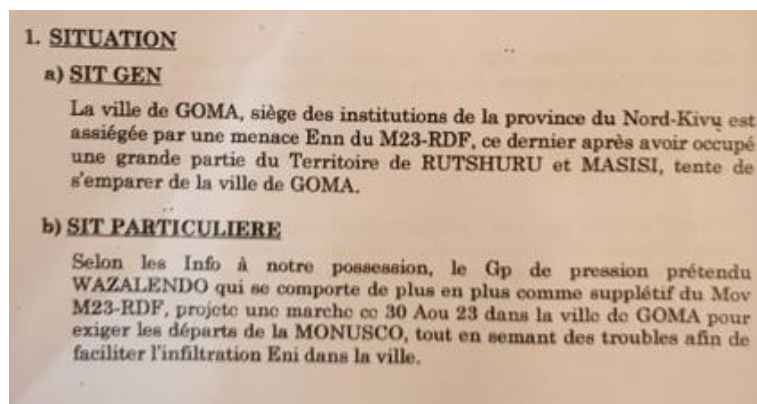


and the authorities.<sup>210</sup> On the evening of 29 August, Bisimwa asked his followers not to march through town, but to gather at a church at 7am the next day.<sup>211</sup>

5. Fearing that despite the interdiction, the FNJMN would proceed with the demonstration and that it might escalate into violence, Lt-Gen Constant Ndima, then Governor and Commander of military operations in North Kivu, gave instructions to the FARDC and PNC to develop an operational plan to contain the situation.

*Roles assigned to FARDC and PNC*

6. In military documents consulted by the Group and on file with the Secretariat, on 23 August the Governor gave instructions to the Commander of the 34<sup>th</sup> Military Region (34 Reg Mil) and to the PNC Provincial Commissioner to take appropriate measures in response to the planned demonstration, and to urgently engage with the leaders of the sect. The Governor's instructions did not include the *Garde Républicaine* (GR) in this operational order as, according to the Governor, it was not within the GR's prerogatives to be involved in law-and-order operations.
7. On 25 August, a telegram was dispatched by the Governor to the Commander of the 34<sup>th</sup> Regiment Militaire to the Commander of the Sukola II operations in North Kivu and to the PNC Commissioner, informing that the sect had "pro-terrorist M23/RDF" tendency and there was risk of an M23/RDF infiltration to "cause trouble" in Goma. Consequently, it instructed to secure MONUSCO facilities and deploy a "security apparatus" in Goma.<sup>212</sup>
8. The PNC Commissioner and the 34 Reg Mil Commander prepared their mission and issued their respective operational orders. Both framed the projected demonstration within the context of the M23/RDF aggression. They both foresaw the potential intervention of the GR as a supplementary force in the operations (see excerpts below), with the 34 Reg Mil referring to the "BIA GR" (*Brigade interarmées*, under the command of Mike Mikombe – see para. 56 of the report) and the PNC referring to the "Bn GR" (GR battalion). Several military sources confirmed to the Group that the GR was not supposed to intervene unless there was a serious armed threat or attack.
9. An FARDC military intelligence officer told the Group that the FARDC was on high alert due to rumours which suggested a potential risk of M23 infiltration in Goma, projected for the 30 August, thus coinciding with the planned demonstration. However, these reports were not based on verified information and turned out to be false.
10. Below: excerpts from the 34 Reg Mil operational order, dated 28 August 2023.<sup>213</sup>



<sup>210</sup> FARDC, MONUSCO, local sources, and Efraim Bisimwa.

<sup>211</sup> Efraim Bisimwa and two members of the sect.

<sup>212</sup> Copy of the telegram on file with the Group.

<sup>213</sup> Document dated 28 August 2023, on file with the Group.

| <b>COMPOSITION ET ARTICULATION DES FORCES</b> |                      |                    |
|---|----------------------|--------------------|
| <u>Unités Organiques</u>                      | <u>U S Comdt Ops</u> | <u>U S Ctl Ops</u> |
| • Bn PM                                       | • 33 Gpt Nav         | • PNC              |
| • Bn QG                                       | • BIA GR             |                    |
| • Bn AC                                       |                      |                    |
| • Cie Recce                                   | • 31 Regt Gn         |                    |
| • Cie Interv                                  |                      |                    |

Instructions to regular FARDC forces:

Interdire l'incursion Eni, sur toutes les voies probables et possibles menant vers la ville de GOMA.

**A cet effet,**

- Dans un premier temps, avec le Bn QG, constituer des Elm d'Interdiction sur différentes voies pouvant mener jusqu'en ville sur différents S/Axes.
- Deuxième temps, avec Cie Interv 34Rgn Mil, constituer un Elm d'intervention rapide.
- Ensuite, avec les Elm PNC, Cie Recce 34Rgn Mil, Bn PM et les Elm FN, assurer le CtlZ permanent terrestre et lacustre (Pat Cbt, dispersion des manifestants, érection des barrières improvisées, sécurisation des installations MONUSCO).

Operations envisaging the intervention of GR as a **supplementary** force:

Avec le Det BIA GR et la FN, être EMD assurer Sp Feu aux unités engagées soit dans la ZAcn 34Rgn Mil, soit dans la ZAcn Sect Ops SUKOLA II NK.

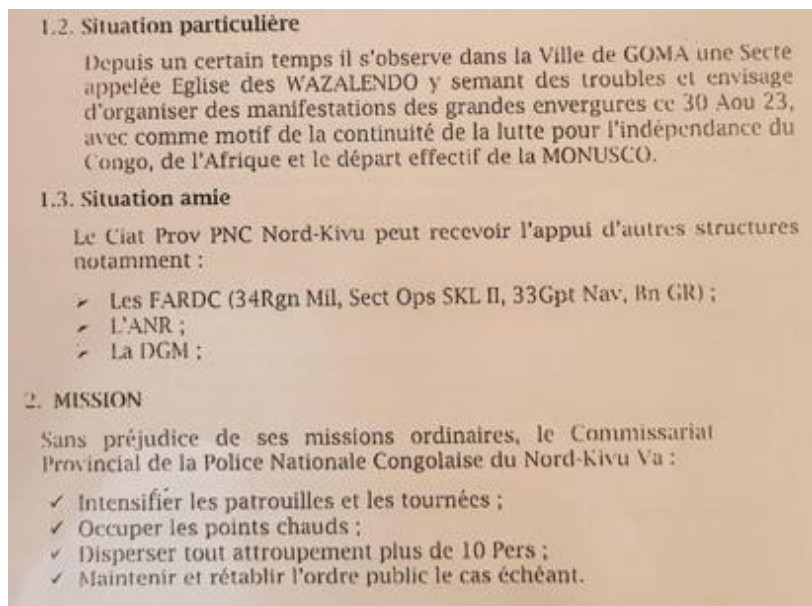
Specific instructions on rules of engagement:

**c) Instruction de coordination**

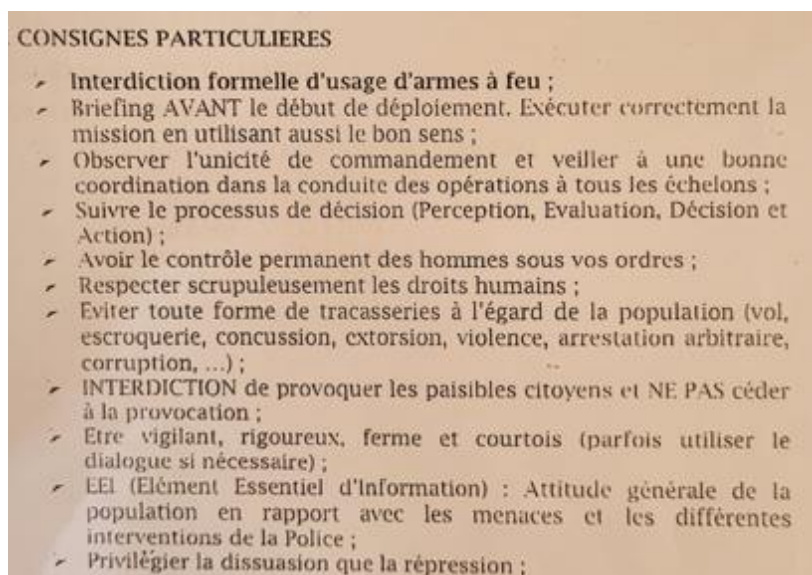
- a) Tr Rap immédiatement en cas d'un incident ou arrestation
- b) Ne faire l'usage d'armes à feu qu'en cas de légitime défense
- c) Respect strict de règles d'engagement et de comportement
- d) Fin Ops sur Ordre

11. Below: excerpts from the PNC operational orders<sup>214</sup> regarding the planned demonstration:

<sup>214</sup> Document on file with the Group.



Specific instructions on rules of engagement of PNC elements:



### *The role of the Garde Républicaine*

12. On 29 August 2023, the North Kivu Chief of Staff of the *Brigade interarmées* (BIA), under the command of Colonel Mike Mikombe, issued its operational orders in response to what it described as the “presence of a hostile pressure group” that acts like a substitute of M23/RDF and seeks to “cause trouble [in Goma] and facilitate the infiltration of the enemy”.<sup>215</sup> Its stated mission was to conduct a “motorized dissuasion march” on the main axes of Goma. In terms of execution of the mission, it foresaw the deployment of the 121st Bn Inf (infantry battalion), the “1<sup>st</sup> Bn Interv” (intervention battalion), and the “19Regt FS” (the 19<sup>th</sup> Regiment Special Forces, under the command of Colonel Bawili – see para. 55 of the report), including “Un Bn

<sup>215</sup> “Ordre de mouvement routier” issued by the GIA command on 29 August 2023, at 13:34. Document on file with the Group.

FS” (FS Battalion). The latter was designated as “OPCON”, which in military jargon means an authority to perform functions of command over subordinate forces.

13. The BIA foresaw to deploy its forces to the main arteries of Goma, to “nip in the bud the attempt of the MESSIANIC pressure group”.<sup>216</sup> It planned to deploy forces starting at 4:00 a.m., until 11:30 a.m. on 30 August 2023. The general gathering was planned at the Etat-Major (EM) of the BIA, with a briefing by the Commander BIA. Instructions were given to only use firearms on explicit orders, or in case of legitimate defence.
14. A high-ranking military official with knowledge of the matter told the Group that the involvement of the GR was ordered by the GR hierarchy in Kinshasa, notably by Maj-Gen Ephraïm Kabi (see para. 57 of the report), and that as a result, Colonel Mike Mikombe refused obey the Governor’s orders. Other high-ranking military officials and sources close to the FARDC command stated that Mike Mikombe could not have taken such initiative without expressed orders from his hierarchy.

### *Events leading up to the killing of demonstrators on 30 August 2023*

15. During the night of 30 August 2023, at around 3:30–4:00 a.m., the RTUN radio station in Ndosho was raided by a group of military men in combat gear, some wearing balaclavas. According to FNJMN pastor Efraim Bisimwa, who was at the radio station along with nine others (the staff working at the radio and some of their relatives), the group of soldiers invaded the premises through the neighbouring properties, in a commando-style operation, held them at gunpoint and threatened to kill them. The soldiers rounded up everyone at the radio, tied them up and pillaged the premises, taking all the equipment, documents and more than USD 25,000 in cash. Before being tied up, Efraim Bisimwa managed to send out a message to his followers on a WhatsApp group informing them that the radio was under attack. The hostages were then taken outside and forced to sit on the pavement, in front of the CBCA Ndosho hospital, where at least five military jeeps were parked.
16. According to credible reports<sup>217</sup> and based on the eyewitness testimony of Efraim Bisimwa, some members of the local population and members of the sect who rushed to the scene after receiving the alert from the radio began claiming the liberation of the hostages. Subsequently, the soldiers began shooting and executing some of the hostages. After the shooting stopped, Efraim Bisimwa and another individual were loaded on the jeeps and driven away. Several confidential sources, including a GR soldier, confirmed that the hostages were taken to Mike Mikombe’s base near the airport.
17. At least six people were executed during this raid at the radio station.<sup>218</sup>
18. At around 6:00-7:00 a.m., FARDC and GR units deployed around the FNJMN temple. Hundreds of sect members were gathered inside the temple, and a large crowd of demonstrators blocked the road leading to the temple. A stand-off between the sect members and the security forces ensued. Colonel Frank Mutunda, director of military intelligence at the 34 Reg Mil, engaged in lengthy negotiations with the leaders of the demonstrators. Video recordings of the stand-off confirmed that Colonel Frank’s attempts to negotiate with the unarmed demonstrators were suddenly interrupted by Colonel Mike Mikombe, who ordered

<sup>216</sup> Language used in the document

<sup>217</sup> Local sources and researchers

<sup>218</sup> Photographic evidence, medical records, FARDC sources

the negotiators to step aside and verbally aggressed the demonstrators.<sup>219</sup> Eyewitness testimonies confirmed that minutes later the GR, including elements of the 19 Rgt FS special forces, in the presence of Colonel Mike Mikombe and Lieutenant-Colonel Bawili, opened fire on the unarmed demonstrators. An FARDC eyewitness, Colonel Yves Rubenga testified during the trial of Colonel Mike Mikombe that he heard the latter giving order to the soldiers to shoot.

19. When the shooting stopped, after several minutes of continuous firing, eyewitnesses from the FARDC reported having counted 42 civilians killed, including women and children. One seriously wounded civilian died shortly thereafter, raising the immediate death toll to 43. On videos depicting partial scenes of the shooting, the sound of machine gun fire is distinguishable.<sup>220</sup> Below are images of the FS soldiers and their weaponry, filmed at the scene of the crime minutes before the shooting:



Above: Screenshots depicting members of the GR Special Forces (FS) and their weaponry, as filmed at the scene of the stand-off, minutes before the shooting began

<sup>219</sup> Videos are on file with the Secretariat.

<sup>220</sup> Video footage on file with the Secretariat.



20. Concomitantly with the standoff between the sect members and the security forces, a crowd close to the temple captured a police officer, allegedly involved with three other PNC members in the killing of a sect member. The captured officer was stoned to death by the crowd.<sup>221</sup>
21. Around 7:00 am, the temple was also raided, and eyewitnesses reported that an unknown number of civilians were killed after they were forced out of the temple. Many others were arrested, including children.<sup>222</sup> The death toll could not be confirmed.
22. GR elements collected the bodies and loaded them onto “Kamaz” military trucks parked nearby. Eyewitnesses claimed that some of the wounded were executed.<sup>223</sup> Video footage captured GR soldiers dragging the bodies and throwing them onto the trucks, treating them with visible contempt. Video footage<sup>224</sup> and eyewitnesses also confirmed that the wounded and the hostages were loaded onto the same trucks with the bodies of the deceased.
23. The GR elements were also seen looting goods and livestock. Around 10 a.m., they set the FNJMN temple on fire.<sup>225</sup>
24. The Group could not independently establish the total death toll, which was likely higher than the 57 presented by the Congolese authorities (see para. 55 of the report). Some families were unable to find the bodies of their family members who were at the temple, and who have been missing since the killings. The bodies of the victims were kept for several weeks and presented to their families for identification in a state of advanced putrefaction.<sup>226</sup>
25. FARDC sources confirmed that no firearms were found on the demonstrators or at the temple.
26. The Group notes that the military authorities have thus failed to take all possible measures to prevent the dead from being despoiled and did not take any measures to facilitate the identification and the proper disposal of the victims’ remains.
27. *The GR chain of command*: The Group established the command structure of the GR as follows, starting with the highest-ranking officer, followed in decreasing order by subordinate commanders<sup>227</sup>:
  - a. Major-General Ephraïm Kabi, Chief Commander of the GR, based in Kinshasa;
  - b. Colonel Mike Mikombe, Commander of the GR Brigade, and commander of the joint GR military command (or *Brigade interarmées*, GIA), chief of GR units in Goma;
  - c. Lieutenant-Colonel Donatien Bawili, commander of the GR’s 19th Regiment Special Unit, also known as the « Hiboux », based in Goma;

<sup>221</sup> The incident was captured on video, on file with the Group.

<sup>222</sup> The Group obtained video footage of several hostages, including small children, stripped from their shirts and with their hands tied up, being led in a file by GR elements.

<sup>223</sup> One eyewitness interviewed by the Group has seen two women being executed by a soldier on the back of a truck.

<sup>224</sup> Videos on file with the Group.

<sup>225</sup> Eyewitnesses, photographic and video evidence, FARDC sources. A confidential source with knowledge of the matter claimed that there were prior orders to neutralize the demonstrators and burn down the temple.

<sup>226</sup> Military, medical, and eyewitness testimonies, as well as public media reports.

<sup>227</sup> FARDC and military intelligence sources.

d. Major Peter, commander of the 192<sup>nd</sup> GR Battalion (part of the 19<sup>th</sup> Regiment), responsible for the GR Special Forces (FS), based in Goma.

28. The above commanders, notably Colonel Mike Mikombe, Lieutenant-Colonel Donatien Bawili, and Major Peter, were all present during the events of 30 August 2023. According to the BIA operational orders for the 30 August 2023, the FS Battalion was designated as “OPCON” (see also para. 12 above). According to eyewitness testimonies and video evidence, Major Peter was the “closest” to the FS armed soldiers that were at the scene during the standoff. An eyewitness claimed to have heard Major Peter giving orders to shoot, but the Group was unable to corroborate this claim, which is contradicted by another testimony (see point 18)
29. The image below depicts Colonel Mike Mikombe arriving at the scene of the stand-off near the temple, interrupting the negotiations:



Above: screenshot of video depicting Colonel Mike Mikombe (on the left of the image, in military uniform, with right arm raised)

30. The image below depicts Major Peter at the scene of the stand-off:



Above:

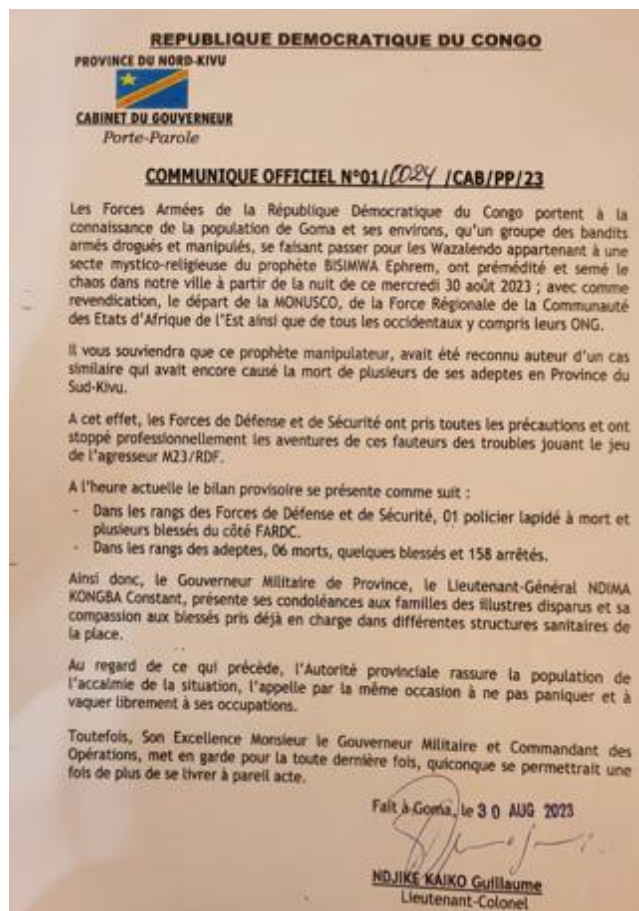
Image 1 (on the left): Screenshot depicting Major Peter in military uniform, in the center of the image, during discussions with the members of FNJMN

Image 2 (on the right): Screenshot depicting Major Peter (in the center-left of the image, in military uniform without combat gear) discussing with members of the FNJMN, behind him his FS soldiers in full combat gear



Above: Screenshot from video showing the loading of the bodies into a “Kamaz” truck. Major Peter is seen in the middle of the picture, overseeing the loading of the bodies, surrounded by FS soldiers in combat gear.

31. Less than two hours following the massacre, FARDC spokesperson Lieutenant-Colonel Guillaume Ndjike Kaiko, issued a first public statement about the events and presented some of the arrested FNJMN members to the press. A written official communiqué issued concomitantly on behalf of the Cabinet of the Governor of North Kivu, signed by its spokesperson Lieutenant-Colonel Ndjike, praised the Defense and Security Forces for having “professionally stopped the adventures of [the] troublemakers who played the game of the M23/RDF aggressor”. It presented the members of FNJMN as a “group of bandits, armed, drugged and manipulated, posturing as Wazalendo” who had premeditated and brought chaos upon the city of Goma during the night of 30 August 2023. It presented a death toll of six FNJMN members killed, a few injured and 158 arrested; and one PNC stoned to death and a few injured FARDC. See the full text of the communiqué below.



## Annex 39 (para. 57)

### The judicial process and the lack of inquiry into other potential suspects of the 30 August 2023 killings in Goma

### La procédure judiciaire et l'absence d'enquête sur d'autres suspects potentiels des meurtres du 30 août 2023 à Goma

32. On 2 September 2023, an inter-ministerial commission of inquiry arrived in Goma to investigate the events of 30 August 2023. The commission, sent on the orders of President Tshisekedi, was led by the Deputy Prime Minister and Minister of Interior, Peter Kazadi, and was composed of the Deputy Prime Minister for Defence, the Minister for Human Rights, the Minister of State for Justice, and the Auditor General of the FARDC.<sup>228</sup> The commission conducted investigations and made recommendations upon its findings, which led to the opening of a trial in *flagrante delicto* against six suspects, including Colonel Mike Mikombe and Lieutenant-Colonel Donatien Bawili.
33. On 5 September 2023, it was announced that the Governor of North Kivu, General Constant Ndimba, had been recalled to Kinshasa, following the events of 30 August.<sup>229</sup> On 16 September 2023, Major-General Peter Nkuba Cirimwami was appointed as new Military Governor *ad interim* and Commander of the North Kivu Operations (see annex 22).

### The military trial

34. The Group notes that the trial of the two officers, Mike Mikombe and Donatien Bawili, and of four GR soldiers, did not inquire into the role played by other military personnel including of the hierarchy, potentially complicit in the commission of the crimes.
35. As stated above (see paras. 27, 28 and 30 of this annex), Major Peter was present during the stand-off and the shooting of the demonstrators near the temple, and oversaw the collection of the bodies (as shown in the image above, at para. 30 of this annex). Given the video and testimonial evidence of other crimes and misconduct - potential execution of wounded civilians loaded onto the trucks, the burning of the temple, the allegations of mistreatment of prisoners who were forced onto the trucks containing the dead bodies, and the looting by the FS soldiers – further investigations would have been warranted.
36. In addition, the implication of other individuals identifiable on the videos of the shooting and of the collection of the bodies were not investigated. Other shortcomings of the investigation – such as the lack of in-depth video analysis, lack of proper identification of the bodies (including photographing the victims for subsequent identification and conducting autopsies), or the failure to conduct an exhaustive body count – have called into question the integrity of the judicial process. In addition, given that GR units involved in the shooting remain engaged in combat in North Kivu against the M23, the lack of judicial or disciplinary accountability of all those involved raises legitimate concerns about the risk of further crimes against civilians being committed by these units.

<sup>228</sup> See <https://www.radiookapi.net/2023/09/03/actualite/securite/repression-militaire-du-30-aout-une-commission-interministerielle-goma>

<sup>229</sup> See <https://www.radiookapi.net/2023/09/05/actualite/securite/repression-militaire-du-30-aout-le-gouverneur-constant-ndimba-rapporte>



**The trial of FJNMN sect members and of their leader, Ephraim Bisimwa**

37. In parallel with the trial of the officers, judicial proceedings were initiated against 115 members of the FJNMN, accused of killing a police officer and participation in an insurrectional movement. Half of the accused were sentenced for murder, although no evidence was presented at trial ascertaining their direct participation in the mob killing of the police officer. The leader of FJNMN, Ephraim Bisimwa, was sentenced to death,<sup>230</sup> including for the lynching of the police officer, although he had already been captured by the GR hours prior to the lynching.

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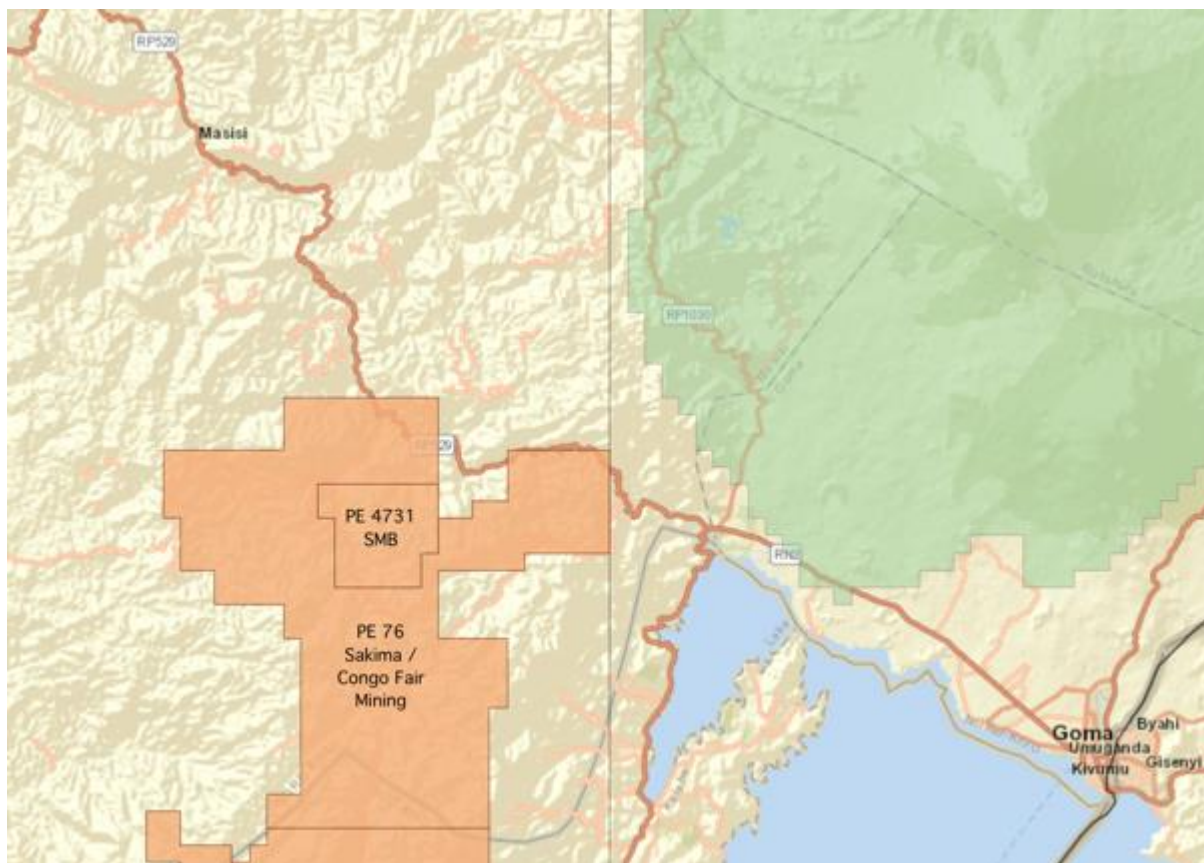
<sup>230</sup> Although Congolese law still foresees the death sentence, since 2003 there has been a *de facto* moratorium on the execution of death sentences, which are automatically commuted to life imprisonment.

## Annex 40 (para 59)

### Mining Exploitation permits

#### Permis d'exploitation minière

The two key mining concessions in Rubaya are Exploitation Permit 4731 and Exploitation Permit 76. PE 4731 was operated until early 2023 by Société minière de Bisunzu (SMB). PE 76 belongs to Sakima, a state-owned mining company, and is currently operated in collaboration with Congo Fair which submits to the International Tin Association's Tin Supply Chain Initiative (ITSCI), and physically wraps around the SMB site.



Source: [www.congomines.org](http://www.congomines.org) with additions from Group of Experts

**Annex 41 (para. 67)**

**Laundering of minerals using ITSCI program**

**Blanchiment des minerais à travers ITSCI**

Two diggers and a transporter based in Rubaya confirmed that they transported minerals from Rubaya to Kibabi, a location where minerals produced in PE76 are tagged. The transporter brought a total of 400 kg of coltan to Kibabi. This coltan belonged to a trader from Goma who had bought the minerals in Rubaya.


The Group presented its findings to ITSCI program. In a letter sent to the Group early November 2023, ITSCI declared that “the only instance of PARECO involved in, and controlling mining activities, is at PE 4731. ITSCI does not have any information or did not receive any reports of cases of PARECO controlling or involved in mining activities at ITSCI sites in Masisi territory”.

The Group understands from the information provided by ITSCI that the latter is aware of the tense security situation in the area, which led to the suspension of ITSCI’s activities in February 2023. ITSCI also declared that since April 2023, when ITSCI’s activities resumed, “a total of 19 ITSCI incident were opened in relation to the presence of state or non-state armed groups controlling mineral transport routes in Masisi territory, thus creating risks of illegal taxation by these groups of passers-by, including mineral transporters.”

## Annex 42 (para. 69)

## Withdrawal of the SMB permit on PE4731

## Déchéance du permis de SMB sur le PE4731



**MINISTÈRE DES MINES**  
*Le Ministre*

**ARRETE MINISTERIEL N° 00222/CAB.MIN/MINES/01/2023**  
**DU 14 JUIL 2023 PORTANT DECHEANCE DE LA SOCIETE MINIERE**  
**DE BISUNZU DE SES DROITS SUR LE PERMIS D'EXPLOITATION N° 4731**

**LA MINISTRE,**

Vu la Constitution, telle que modifiée par la Loi n°11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006, spécialement en ses articles 93, 202 point 36 lettre f et 203 point 16 ;

Vu la Loi n°007/2002 du 11 juillet 2002 portant Code Minier, telle que modifiée et complétée par la Loi n°18/001 du 19 mars 2018 spécialement en ses articles 10 lettre b, 286, 288 bis et 289 ;

Vu l'Ondonnance n°22/002 du 07 janvier 2022 portant organisation et fonctionnement du Gouvernement, modalités de collaboration entre le Président de la République et le Gouvernement ainsi qu'entre les Membres du Gouvernement ;

Vu l'Ondonnance n°22/003 du 07 janvier 2022 fixant les attributions des Ministères, spécialement en son article 1<sup>er</sup> B, point 35 ;

Vu l'Ondonnance n° 21/012 du 12 avril 2021 portant nomination des Vice-Premiers Ministres, des Ministres d'Etat, des Ministres, des Ministres Délégués et des Vice-Ministres, telle que modifiée et complétée par l'Ondonnance n°23/030 du 23 mars 2023 ;

Vu le Décret n°038/2003 du 26 mars 2003 portant Règlement Minier, tel que modifié et complété par le Décret n° 18/024 du 08 juin 2018, spécialement en son article 561 ;

Vu l'Annexe XVII du Règlement Minier portant Directive relative au modèle-type de cahier des charges de responsabilité sociale, spécialement en son article 19 ;

Considérant la lettre de mise en demeure n° Réf.: CABMIN/MINES /ANSK/01512/01/2022 du 06 mai 2022, relative à l'exécution du Cahier des charges des Responsabilités Sociales ;

Page 2 de l'Arrêté Ministériel n° 00222/CAB.MIN/MINES/01/2023

Considérant l'expiration de délai de 6 mois suivant la mise en demeure adressée à la Société SMB ;

Considérant le rapport de la mission mine effectuée, en date du 16 mai 2023, par l'Agence Congolaise de l'Environnement (ACE) et la Direction de Protection de l'Environnement Minier (DPEM) ;

Considérant, par ailleurs, la notification de constat de défaut de correction dans le délai réglementaire des différents manquements aux obligations environnementales relevés par l'Agence Congolaise de l'Environnement « A.C.E » et la Direction de Protection de l'Environnement Minier « DPEM » ainsi que le non-respect des engagements vis-à-vis des obligations sociales adressées à la Société Minière de Bisunzu ;

Considérant l'absence de moyen de défense de la Société Minière de Bisunzu, titulaire du Permis d'Exploitation n° 4731 ;

**ARRETE :**

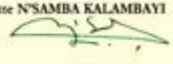
**Article 1<sup>er</sup> :**  
Sans préjudice d'autres sanctions prévues par les Code et Règlement Miniers, la Société Minière de Bisunzu est déchue de ses droits découlant du Permis d'Exploitation n° 4731.

**Article 2 :**  
La Société Minière de Bisunzu dispose d'un délai de 30 (trente) jours à compter de l'affichage du présent Arrêté au bureau du Cadastre Minier pour exercer son droit de recours.

**Article 3 :**  
Le Secrétaire Général aux Mines et le Directeur Général du Cadastre Minier sont chargés, chacun en ce qui le concerne, de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kinshasa, le **14 JUIL 2023**

**Antoinette N'SAMBA KALAMBAYI**



|  |   |
|--|---|
| <b>COPIES :</b>                                    |   |
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| - Secrétaire Général des Mines                     | 1 |
| - Cadastre Minier                                  | 1 |
| - DPEM   | 1 |
| - Du Proc. des Mines à l'Agence de l'Environnement | 1 |

1777 Avenue du Gouvernement, Place Royale, Boulevard du 31 Juin - Kinshasa - Gabon - RDC  
Site web : [www.mines.gov.cd](http://www.mines.gov.cd) - E-mail : [info@mines.gov.cd](mailto:info@mines.gov.cd)

1777 Avenue du Gouvernement, Place Royale, Boulevard du 31 Juin - Kinshasa - Gabon - RDC  
Site web : [www.mines.gov.cd](http://www.mines.gov.cd) - E-mail : [info@mines.gov.cd](mailto:info@mines.gov.cd)

Document provided to the Group by an economic entity

**Annex 43 (para 70)****Disputes between SMB and COOPERAMMA****Tensions entre la SMB et la COOPERAMMA**

COOPERAMMA always refused to recognize the right of SMB and its predecessor, Mwangachuchu Hizi International (MHI), to exploit mining sites in the area, even though they held a valid mining license. Overall, COOPERAMMA's stance was explained by the frustration that the rights of the artisanal workers who had always operated on these sites were not properly considered by SMB. COOPERAMMA also denounced the fact that SMB had acquired the title after the area had been occupied by an armed group, *Rassemblement Congolais pour la Démocratie* (RCD).

Efforts to settle these disputes were the subject of a past memorandum of understanding between COOPERAMMA and SMB, which did not lead to a resolution and was terminated in 2019.

Several sources told the Group that since the beginning of the M23 crisis, individuals close to COOPERAMMA had incited young people, including miners, to join the Nyatura armed group to fight against the M23, attack SMB and force it to abandon its mining sites. Shamamba Barigaruye Enoch (see [S/2021/560](#), para.62) and MP Justin Ndaishimiye<sup>231</sup> ([S/2021/560](#), para.64) were pointed out as some of the instigators of this plan.

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<sup>231</sup> He is also the promoter of another cooperative in Rubaya: Coopérative Minière des Terriens (CMT)



**Annex 44 (para 71)****Dispute over Sakima-Primera agreements****Contestation de l'accord entre Sakima et Primera**

On 17 July 2023, the DRC Government, Primera Mining Limited and Société Aurifère du Kivu et du Maniema (SAKIMA) signed an agreement creating a joint venture for the exploitation of several mining areas, including the one covered by PE76.

This agreement has been denounced by the Coopérative des artisanaux miniers du Congo (CDMC), which holds the mining rights to this PE (see below).

Subsequently, on 23 August 2023, national MP Alfred Maisha Bishobibiri (from South Kivu) sent a written question to three ministers: Nicolas Kazadi of finance, Antoinette N'Samba of mines and Adèle Kayinda of the State portfolio. He also gave several interviews to the national and local media. He was also seen at public demonstrations with *negociants* from South Kivu province. The MP denounced both this agreement and the one on gold with Primera Gold. The Group was unable to speak with the MP at the time of drafting.

Economic actors, as well as sources at the Presidency and at the central mining administration, told the Group that protests against the agreement had forced the Government to re-evaluate the accord and remove the controversial clauses, in particular those depriving companies of their rights resulting from agreements with SAKIMA. At the time of drafting, a final decision was not made on the matter.

1. Nous, Entreprises minières privées de droit congolais, implantées en République Démocratique du Congo, plus précisément dans les provinces du Nord-Kivu, du Sud-Kivu et du Maniema, partenaires de l'entreprise du Portefeuille de l'Etat congolais SAKIMA SA (Société Aurifère du Kivu et du Maniema) sur fond de divers accords et contrats valides et en cours, notamment les accords de joint-venture (JV) et contrats d'amodiation en vue du développement des projets industriels, avons suivi la signature d'un accord de joint-venture entre SAKIMA SA et PRIMERA MINING LIMITED en date du 17 juillet 2023.
2. Diffusée sur les antennes de la télévision nationale, cette signature a revêtu un caractère plus que solennel parce que le Président de la République et Chef de l'Etat, Son Excellence Monsieur Félix Antoine TSHISEKEDI TSHILOMBO, a rehaussé de sa présence la cérémonie y relative.
3. Nous saluons toute initiative qui va dans le sens d'impulser la politique minière du Gouvernement pour la maîtrise continue du flux des minerais congolais sur le territoire national aux fins, d'une part, d'endiguer la fraude et la contrebande minières, et, d'autre part, de créer la plus-value par la mise en œuvre des projets de transformation et d'exploitation minière industrielle afin de doter l'Etat congolais des ressources suffisantes pour la réalisation de son programme socio-économique visant principalement le bien-être de son peuple.
4. Mais en lieu et place de s'inscrire dans la dynamique observée depuis 2018 qui a vu la RDC, de par les efforts des entreprises minières existantes, devenir premier producteur mondial du coltan et huitième producteur mondial de la cassitérite, ce qui constitue une preuve éloquente des retombées positives des efforts de renforcement du contrôle et de la transparence de la chaîne d'approvisionnement initiés par le Gouvernement depuis la mise en œuvre du Mécanisme Régional de Certification de la CIRGL en 2011, cette signature vient, au mépris de la loi, briser l'élan ainsi pris du fait que l'accord de joint-venture entre SAKIMA SA et PRIMERA MINING LIMITED a lieu dans l'ignorance de ceux antérieurs encore valides et en cours qui portent sur des Périmètres d'Exploitation (PE) irrévocables et dont les titres, notamment, ne sont plus au nom de SAKIMA SA ou sont régulièrement enregistrés sous contrat d'amodiation durant toute la durée concernée par les projets.
5. Pis encore, SAKIMA SA a postposé la procédure unilatérale de résiliation des contrats avec ses partenaires après la signature de ladite JV, faisant ainsi fi de ses obligations envers eux.

En effet, c'est à partir du 18 juillet 2023, soit un jour après la signature officielle de l'accord de joint-venture avec PRIMERA MINING LIMITED, que SAKIMA SA a

commence, de manière inappropriée, à écrire à ses différents partenaires pour leur signifier son retrait des différents accords et contrats qui les lient à elle. Et cela sans signification, concertation et évaluation préalables tel que le recommandent le bon sens, les termes de ces différents accords et les lois de la République.

6. Tout en reconnaissant à l'Etat congolais le droit de signer des protocoles, contrats et accords avec des partenaires de son choix dans la perspective de sa vision sur le développement de l'activité minière, il sied cependant de souligner que cela importe d'être fait dans le respect de ses propres lois et règlements.
7. Ainsi donc, nous tenons à faire savoir que l'accord de joint-venture SAKIMA SA – PRIMERA MINING LIMITED porte sur des périmètres couverts par nos accords de joint-venture et contrats d'amodiation encore valides contractuellement et légalement en date du 17 juillet 2023.

Par ailleurs, il y a lieu de souligner que ledit accord ignore que les gisements miniers concernés ne sont plus la propriété exclusive de SAKIMA SA dont elle peut disposer à sa guise, sans concertation avec nous ses partenaires.

8. De ce fait, nous invitons :

Primo :

SAKIMA SA à revenir à la raison et au bon sens en se conformant aux différents instruments juridiques en sa possession, aux accords et aux contrats librement signés qui la lient aux tiers et à opter pour une voie conduisant à calmer la tempête qu'elle a semée. La voie de la résiliation unilatérale ne doit pas pour autant occulter les divers financements et sacrifices engagés par ses partenaires pour le développement de différents projets au titre, notamment, de paiement de pas de porte, des droits superficiaires, des impôts et taxes, de paiement des salaires de ses agents, de signature des cahiers de charges, voire des études amorcées et arrêtées pour cas de force majeure avec la résurgence de la guerre dans certaines parties du Kivu.

Par ailleurs, il est à peine compréhensible que SAKIMA SA ne puisse, avec un portefeuille important de concessions, s'acharner que sur les quatorze PE couverts par des accords et contrats encore valides et en cours, au lieu de conduire le nouveau partenaire vers des sites libres de tout engagement.

Secundo :

PRIMERA MINING LIMITED, de ne pas faire fi de nos revendications légitimes au risque de se retrouver devant une montagne d'obstacles et de contentieux interminables sur le plan tant national qu'international, d'autant que les entreprises

détentrices des titres en passe de lui être attribués illégalement ont également des partenaires sur le plan international.

D'autre part, il est, à la limite, impensable que PRIMERA MINING LIMITED, avec sa grande renommée sur le plan international, notamment en matière d'expertise, puisse signer un contrat sur des concessions qui n'appartiennent plus substantiellement à SAKIMA SA.

9. Enfin, nous lançons un pressant et pathétique appel à Son Excellence Monsieur le Président de la République qui voit ainsi sa religion être éclairée par la présente Déclaration de s'impliquer, en sa qualité de Garant de la Nation, des lois de la République et de Magistrat suprême, et d'œuvrer pour contenir cet énorme contentieux que vient d'engendrer l'accord sus-indiqué qui sape déjà l'image du pays aussi bien sur le plan national qu'international et décourage davantage les investisseurs.
10. Nous profitons de l'occasion pour solliciter une rencontre avec le Chef de l'Etat et les Autorités gouvernementales afin de leur présenter la vraie situation et les perspectives de nos partenariats avec SAKIMA SA.

Avec l'expression de notre très haute considération


Fait à Kinshasa, le 27 juillet 2023

Pour les entreprises minières privées du Nord-Kivu, du Sud-Kivu et du Maniema,  
partenaires de SAKIMA SA :

- STONE MINING COMPANY SARL

 NACHIK MUNINDE


- CDMC SARL

 KULUBA KIKONRAY SERGE.

- AMUR SARL

 RUTERA ANTOINE.

- DFSA MINING GONGO

 EHIKE KARAYI T.

Document provided to the Group by the companies



## Annex 45 (para. 72)

## Withered community dialogues and peace initiatives

## Dialogues communautaires et initiatives de paix dans l'impasse

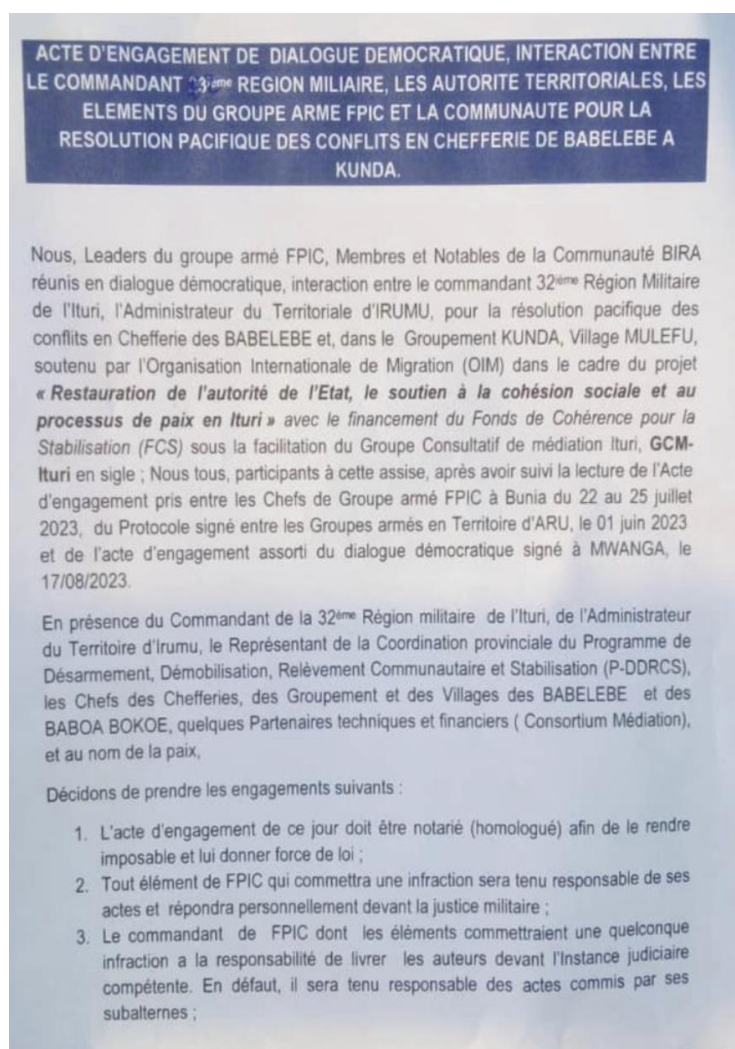
*Mahagi meeting, 4-6 September 2023:*

From 4 to 6 September 2023, armed groups and community leaders met in Mahagi to resolve divergences and chart a path to reconciliation between communities in Mahagi and Djugu territories. The social dialogue aimed at curbing the widespread violence affecting all the communities in Djugu, Aru and Mahagi territories.

*Babelebe Chefferie intercommunity Dialogue, August 2023:*

Another community dialogue took place in August 2023 resulting in a commitment to end hostilities between FPIC and the community of the Babelebe *chefferie*, signed on 17 August 2023. Despite this, tensions remained among FPIC factions.

The Group noted that neither this meeting, nor the previous ones held elsewhere brought the violence to an end. Recurrent attacks between or within armed groups continued with dire consequences for the civilians.





4. Tout notable, acteur politique ou leader communautaire (d'une des Entités Bira) qui serait en connivence avec les groupes armés dans la commission des forfaits doit être arrêté et jugé conformément aux lois de la République Démocratique du Congo ;
5. Le groupe armé FPIC accepte de laisser libre passage aux acteurs politiques afin de battre campagne lors de ce processus électoral 2023 ;
6. Toute attaque contre les édifices publics (Écoles, Hôpitaux, Centres de Santé, Églises, marchés, bureaux administratifs, ...) ou trouble de la rentrée scolaire 2023-2024 est considéré comme un acte de crime de guerre ;
7. Toute personne qui toucherait aux Chefs des Entités Bira : Chefferies, Groupements et Villages doit être arrêtée et déférée devant la justice pour répondre de ses actes ;
8. Interdiction formelle à tous les éléments de la FPIC de commettre des tracasseries contre la population à travers les barrières érigées sur les axes routiers dans les entités BIRA et ailleurs en vue d'assurer la libre circulation de la population ;
9. Le redressement et la codification de l'arbre généalogique des chefs coutumiers à travers les entités Bira en conflit de pouvoir coutumier seront suivis par l'Administrateur du territoire dans le respect des règles de succession.

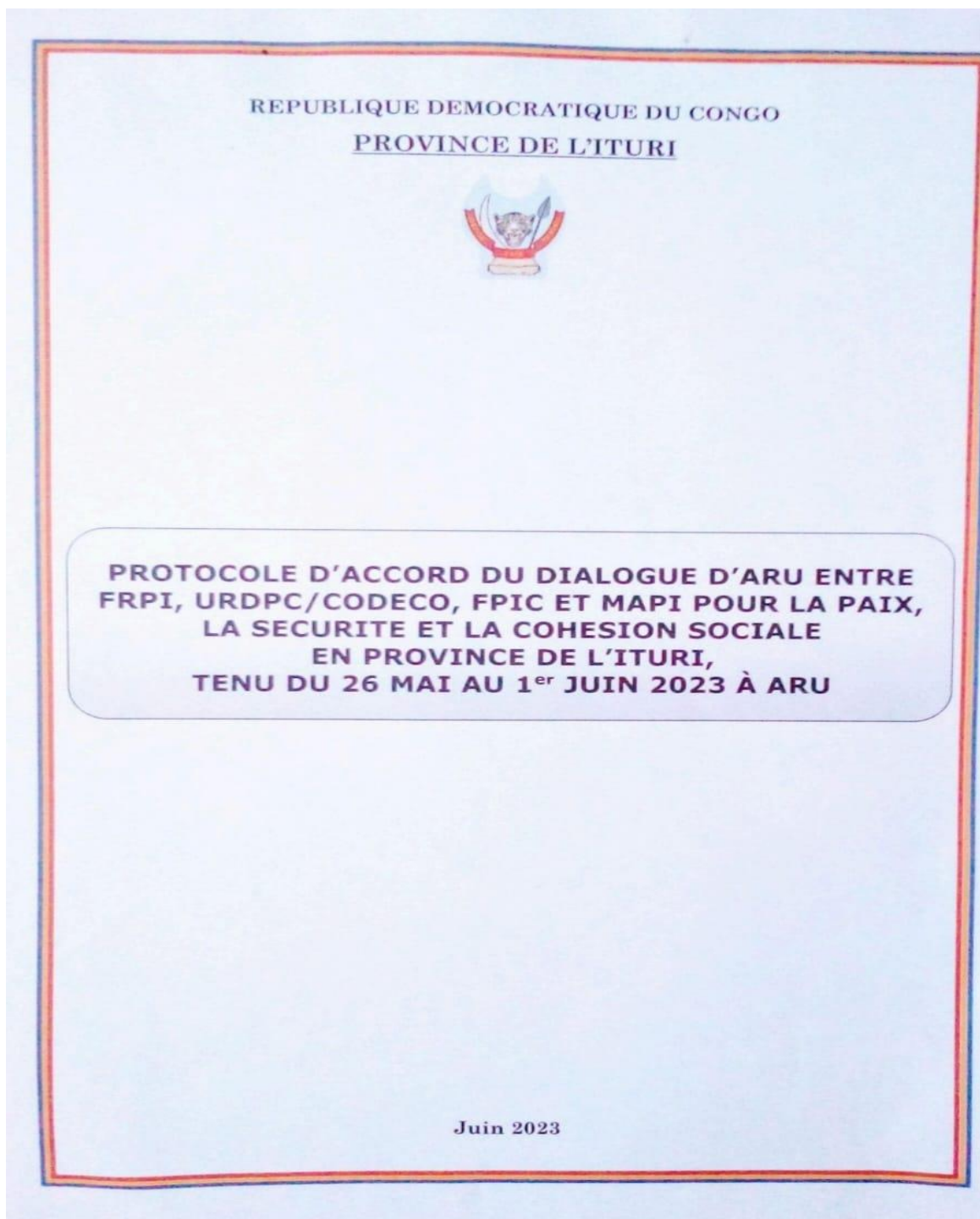
Fait à MWANGA, le 17 août 2023

Document provided to the Group by a civil society source

**Annex 46 (para.74)**

**Memorandum of understanding of the Aru dialogue between FRPI, URDPC/CODECO, FPIC and MAPI for peace, security, and social cohesion in Ituri Province, held from May 26 to June 1, 2023**

**Protocole d'accord du dialogue d'Aru entre FRPI, URDPC/CODECO, FPIC et MAPI pour la paix, la sécurité et la cohésion sociale en Province de l'Ituri, tenu du 26 mai au 1<sup>er</sup> juin 2023**



Nous, FRPI, URDPC/CODECO, FPIC et MAPI, participants au dialogue tenu du 26 mai au 1<sup>er</sup> juin 2023 à Aru, Chef-lieu du Territoire portant le même nom, devant nos responsabilités respectives et devant la nation, prenons les engagements et les résolutions de :

01. Cesser, pour ceux qui s'y sont livrés, toute hostilité et toute violence contre les populations civiles, les forces de défense et sécurité dans le respect des instruments juridiques nationaux et internationaux.
02. Faciliter la libre circulation des personnes et leurs biens sur toute l'étendue de la Province de l'Ituri.
03. Favoriser le retour des déplacés et le rapatriement volontaire des réfugiés dans leurs milieux respectifs.
04. Ne plus communautariser les conflits et les violences.
05. Ne pas entraver le retour des Chefs des Secteurs, Chefferies, Groupements et Villages, pour ceux dont les activités ont entravé le bon fonctionnement de l'administration.
06. Ne plus circuler avec les armes et ne plus porter les indices militaire et policier.
07. Matérialiser notre adhésion au PDDRCS.
08. Ne pas interférer ou entraver l'organisation des élections libres, démocratiques et transparentes sur toute l'étendue de la Province.
09. Etre disponible à participer à la défense de la patrie conformément aux textes légaux en la matière.
10. Ne plus céder à toute influence, manipulation et intoxication endogène et exogène visant à perturber la paix, la sécurité ainsi que la cohésion sociale et dénoncer les tireurs de ficelle en Province de l'Ituri pour qu'ils soient recherchés et arrêtés.

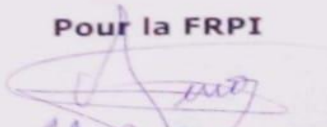
Nous encourageons les leaders de toutes les communautés au pardon et au vivre ensemble pour la restauration d'une paix durable à travers la justice transitionnelle.

Nous demandons aux autorités provinciale et nationale ainsi qu'à la communauté internationale d'appuyer la mise en œuvre de la feuille de route du présent dialogue.

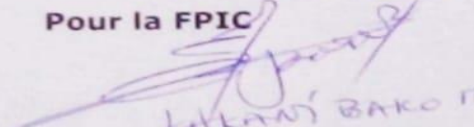
En foi de quoi, avons signé le présent Protocole d'accord, expression de notre patriotisme et de notre ferme détermination pour le retour de la paix, gage de développement de notre chère Province.

Fait à Aru, le 01 juin 2023

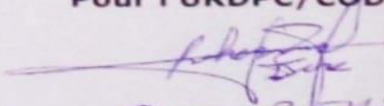
Pour la FRPI

  
ADIBOBU-MBATELE

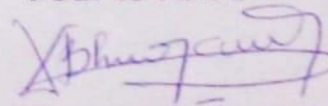
Pour la FPIC

  
ALKANI BAKO NAYARI

Pour l'URDPC/CODECO

  
ISAAC RETHEMA

Pour le MAPI

  
BAHATI LONGJIRIGA

**Annex 47 (para. 74)****Tensions between the *Mouvement pour l'autodéfense de la province de l'Ituri* (MAPI) and Zaïre<sup>232</sup>****Tensions entre le Mouvement pour l'autodéfense de la province de l'Ituri (MAPI) et Zaïre**

*MAPI became an armed group:*

The Provincial government's call for disarmament led to disagreements among Zaïre leaders, leading to a split within the armed group, and the creation of MAPI. MAPI's commitment to join the peace process, including its participation in the Aru peace initiative, heightened tensions between MAPI and Zaïre.<sup>233</sup>

Headquartered in Lokpa, between Lingo and Iga-barriere, MAPI had its own command and control structure distinct from that of Zaïre.<sup>234</sup> The armed group was under the leadership of Ndjangu Liripa Geremi. MAPI leadership was made of former UPC members.<sup>235</sup>

At the time of drafting the report, MAPI leaders claimed to have between 3,000 and 5,000 combatants, most of whom were armed and prepared to defend its positions.

Disputes also arose over mining sites in Djugu, Mahagi and Aru territories. Several clashes were also reported between Zaïre elements and MAPI combatants in Pluto, a Zaïre stronghold, and Iga-Barriere, a MAPI stronghold, between June and August 2023.

In early September 2023, violent clashes in Mbidjo between Zaïre and MAPI resulted in the killing of commander Joballo, one of the Zaïre leaders. Certain sources claimed that CODECO-URDPC was also involved, helping MAPI during the attack.

Beyond skirmishes between Zaïre and MAPI, tensions were also on the rise between MAPI and some Hema community leaders due to MAPI's participation in peace initiatives.

Tensions between MAPI and Zaïre's factions have created further insecurity for civilians in Ituri.

*Kidnapping of MAPI leader Roger Mokili*

On 2 June 2023, the armed group Zaïre kidnapped Roger Mokili, one of MAPI's leaders, on his return from the Aru peace talks (see para. 78 of the report), in a move that signified Zaïre's staunch opposition to any peace initiative on behalf of the Hema community.

Roger Mokili was detained for several days at Mabanga, at commander Baraka's headquarters, questioned, and subjected to ill-treatment. Zaïre's military command accused him of having betrayed the Hema community by participating in the Aru peace talks. Several Zaïre commanders including Pharaon, Fidele Babala and Logo Marine Mungeyi held a council to decide on Mokili's fate. Some of the radical Zaïre members wanted to have him killed. Commander Baraka wielded his influence within the group to save him, as they were both members of the former UPC and close collaborators at the time. Roger was subsequently released.<sup>236</sup>

<sup>232</sup> See S/2023/431, para. 113

<sup>233</sup> Civil society, researchers, Intelligence, armed groups elements sources.

<sup>234</sup> See S/2023/431, paras. 113-116

<sup>235</sup> See S/2023/431, paras. 115 and also Annex 62. Sources informed the Group that most of MAPI leaders were battalions' commanders with UPC.

<sup>236</sup> Armed groups elements, intelligence, FARDC, MONUSCO and civil society sources



**Annex 48 (para.75)**

***Front Patriotique et Intégrationniste du Congo (FPIC) internal conflict***

**Les dissensions internes du Front Patriotique et Intégrationniste du Congo (FPIC)**

FPIC continued to face internal dissensions and remained a threat to peace in Ituri.

Since the dismissal of its leader “General” Somgabele Malali in 2022, the armed group was under the command of Kakani Tondabo alias « General » Herode, who established his Headquarters in Nyakunde.<sup>237</sup> « General » Herode renamed the FPIC to *Sanduku Chambre Noire*. He also attempted since to consolidate his control in Nyakunde and Mwanga. .

Herode’s ambition faced resistance by the commander of Mwanga, who challenged Herode’s authority and called for his dismissal from the movement (see letter below).

Since August 2023, the internal rift led to armed clashes between the two factions, resulting in 23 civilians killed, nine wounded and seven kidnapped in Babelebe and Baboa-Bokoe *chefferies* in Irumu territory. Several houses were set ablaze, forcing the displacement of civilians.<sup>238</sup>

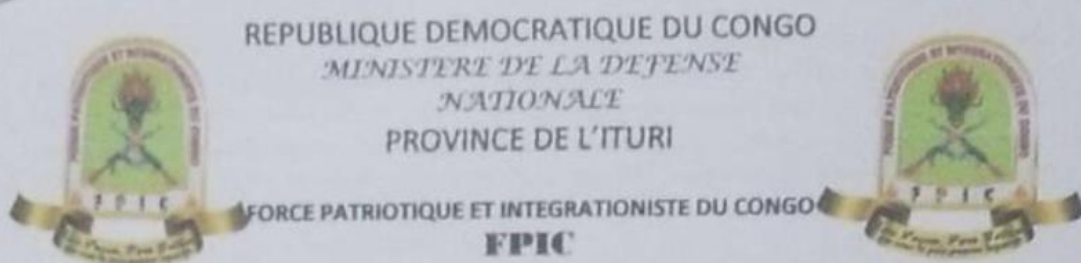
Below: Letter issued by “General Saddam calling for the destitution of “General” Herode:

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<sup>237</sup> See [S/2023/567](#), paras 118-123.

<sup>238</sup> MONUSCO, Intelligence, FARDC, armed groups and civil society sources.





Transmis copie pour information

- A Son Excellence Monsieur le Gouverneur militaire de la Province de l'Ituri ;
- A Monsieur le Directeur Provincial de L'ANR Ituri ;
- A Monsieur le Commandant de la 32ème région militaire ;
- A Monsieur le DIRENS FARDC (Tous à Bunia) ;
- A Monsieur le Commandant Régima 32 01 basé à MARABO ;
- A leurs Majestés Chefs des chefferies des Entités Bira tous ;
- ✓ ➤ A Monsieur HERABO TONDABO Alias HERODE à NYANKUNDE

Objet : Désaveu de Mr. HERABO TONDABO alias Hérode à la tête de la FPIC et la suppression du nom « Chambre noire Sanduku » dans le mouvement

A Monsieur l'Administrateur Militaire du Territoire d'Irumu à Irumu.

Mon colonel,

J'ai l'honneur de venir auprès de votre autorité présenter ce dont l'objet est ci haut repris en marge.

En effet, c'est avec un sentiment de regret que nous vous informons de la restructuration de notre mouvement et la dénomination originale de cet dernier suite à l'irresponsabilité notoire d'un parvenu commandant se prétendant chef d'Etat-major général de la FPIC dit CHAMBRE NOIR SANDUKU que nous croyions sérieux, for malheureusement nous nous sommes rendu compte que nous avions à faire à un détraqué mental au sens strict et réel du mot, à la tête du mouvement.

Monsieur l'administrateur, vous vous souviendrez qu'à l'espace seulement de six mois que Mr HERODE a dirigé notre mouvement après sa campagne mensongère dans les cinq chefferies, entre autre : *la restauration de salaire des éléments, remise de pouvoir des chefs coutumiers, cessation de tracasserie de la population*, et. Nous avons constaté avec beaucoup des douleurs que sa gestion est de très loin cruelle et irresponsable que le régime de SONGAMBELE durant trois ans. Pour preuve, en voici quelques griefs terrifiants lui reprochés :

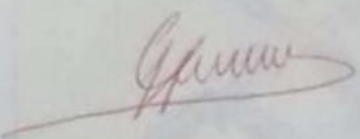
1. Massacre systématique et clandestin de plus de 200 personnes dans Irumu centre et ses environs ;
2. Tire à bout portant sur la population et les éléments FARDC de façon délibérée et répétée ;
3. La manipulation du mouvement FPIC sous la dictature d'un seul parti politique dont nous taisons expressément le nom, pour les besoins électoralistes qui pointent à l'orison en prenant en otage toute la population des entités Bira ;
4. Assassinat des officiers supérieur parmi les quels le Chef MAKIZALA de LENGABO, FLAURENTIN et le Général DACHABO CHUKISABO Dieu donné en tant que Chef de la délégation FPIC au processus de paix de Nairobi 3 sous prétexte qu'ils sont en connivence avec le PDDRCS ;
5. Viol systématique des femmes de ses officiers sous prétexte qu'ils n'ont pas le droit d'avoir des jolies femmes appart lui-même en tant que Chef d'Etat-major ;
6. Divagation des éléments en tenu militaire et la prolifération des armes au vue et au su de tout le monde la nuit comme la journée comme si nous n'étions pas dans le processus de paix ;
7. Tracasserie en outrance des commerçants et la population locale dans les entité Bira comme si tous les habitants étaient devenus ses esclaves ;
8. La profanation des notables et chefs coutumiers en présence de la population sans aucun respect à leur égard dont le cas récent remonte à NYAKUNDE au mois de mai dernier, où le chef de chefferie des Andisoma a été giflé en plein visage par Mr HERODE lui-même devant sa population, un acte qui nous a très énervé et déshonoré ;
9. Esprit patrimonialiste toujours de Mr Hérode de tout l'arsenal militaire (arme et munition) de la FPIC pour son prestige personnel au détriment de la sécurité de la population ;
10. Pillage en répétition des sites minier des sociétés chinoises installées dans la chefferie des Babelbe et Baboa/bokoe ;
11. Discrimination ouverte vis-à-vis des éléments qui ne sont pas originaires de sa chefferie ;
12. Blocage de développement dans d'autres entités Bira en interdisant la fréquentation intercommunautaire en dehors des Andisoma, une façon de saper la réputation d'autres chefferies qui ont aussi besoin de s'épanouir ;
13. Non intervention d'état-major sur les éléments en cas de détresse ;
14. Non intervention d'état-major lors d'attaque de neuf village dans la chefferie des Babelbe et Baboa/bokoe par la CODECO ;
15. Manque de considération vis-à-vis des autorités politico sécuritaires ;
16. Dissipation des munitions en outrance ;
17. Népotisme exagéré en installant ses frères dans toutes les entités Bira pour installer une sorte de colonisation qui ne dit pas son nom ;

Sur ce, en dépit de toutes ces humiliations et la répétition de notre mouvement par ce détraqué mental, nous informons à l'opinion publique ce qui suit :

- Le mouvement FPIC est désormais dirigé sous le commandement du nouveau chef d'Etat-major Général à la personne du Général Major SADAM KALEBE ;
- Il est strictement interdit à tous les éléments FPIC de se rendre à NYAKUDE pour remonter les rapports chez HERODE qui est désormais déchu et par conséquent, tous les foulards islamistes doivent disparaître sur toute l'étendue des entités Bira y compris le nom de CHAMBRE NOIR SANDUKU ;
- Il est strictement interdit à Mr. HERODE de circuler en dehors de Nyakunde sous peine d'inciter la colère des opprimés.

Fait à MWANGA, le 26/06/2023

POUR L'ETAT MAJOR GENERAL DE LA FPIC

  
Gén Maj SADAM KALEBE  
CHEF EMG

*Sivis Pacem, Para Bellum  
Qui vult la paix prépare la guerre*

Letter provided to the Group by confidential source



## Annex 49 (para. 76)

## Recent dynamics within CODECO/URDPC

## Dynamiques récentes au sein de CODECO/URDPC

CODECO/URDPC's well-established command (see [S/2023/431](#), paras 104-105) centralised its communication strategy with one spokesperson, Basa Zukpa Gerson, issuing communiques and social media messages on behalf of all factions (see excerpts from Twitter below).<sup>239</sup>



Source: [https://twitter.com/gerson\\_basa/status/1664541325813850112?s=48&t=oT9StWa0RjcInyuvFVEygQ](https://twitter.com/gerson_basa/status/1664541325813850112?s=48&t=oT9StWa0RjcInyuvFVEygQ)



Source: [https://twitter.com/gerson\\_basa/status/1669952463275716608?t=nRfjkcDQo\\_M4US9dHBFoIg&s=08](https://twitter.com/gerson_basa/status/1669952463275716608?t=nRfjkcDQo_M4US9dHBFoIg&s=08)

<sup>239</sup> Civil society, armed groups, FARDC, intelligence sources.



**Gerson Basa**  
@gerson\_basa

L'URDPC/CODECO vient de déloger les #FARDC qui avaient attaqué et incendié les 7 localités de PETRO, W/PITSI avant-hier et les a pourchassé près de BULE où une position des FARDC est aussi incendiée. Enfin L'URDPC/CODECO demande à tous ses éléments de se réveiller 🔥🔥🔥

[Translate post](#)



6:11 AM · Jun 19, 2023 · 636 Views

[https://twitter.com/gerson\\_basa/status/1670736062065278976?t=zQ6pl1KJ\\_vJKutGSP8y7kQ&s=08](https://twitter.com/gerson_basa/status/1670736062065278976?t=zQ6pl1KJ_vJKutGSP8y7kQ&s=08)

The above message were also provided to the Group by CODECO/URDPC leaders.

CODECO/URDPC also continued to expand its territorial control, occupying 10 of the 13 *groupements* of Djugu territory.<sup>240</sup> Five main brigades of CODECO/URDPC fighters were reported in these *groupements*. These included the first CODECO/URDPC brigade, located at the armed group's headquarters in Jiba, the second in Rethy under the command of « General » Maki Kasongo, the third in Tslaka and Hiro under the command of « General » Serge, the fourth in Mbau and Budhu under « Colonel » Lango, and the last brigade in the area between the Kambala forest, Berunda and Jukoth 2 (in Mahagi territory) respectively under « Colonel » Dhelo and “Colonel” Agenongha Maneno. The ultimate objective of CODECO/URDPC was to control the entirety of Djugu territory and the key axis along the RN27.<sup>241</sup>

<sup>240</sup> Ibid.

<sup>241</sup> Ibid.



**Annex 50** (para. 76)**Continued reinforcement of Zaïre****Renforcement continu de Zaïre**

Zaïre remained active and radical, refusing to disarm. It continued consolidating its capacity to resist or launch attacks on CODECO factions, FARDC and civilians.<sup>242</sup>

Zaïre continued to recruit and to train combatants in Lalu, Mabanga, Dala and Iga-Barriere, under the command of an individual known as Mugavu.<sup>243</sup> Zaïre also benefited from training by foreign instructors, notably from Uganda, and has sent hundreds of combatants for training in Uganda, since 2022.<sup>244</sup>

One of the main weapons suppliers of Zaïre, Baraka Jérémy, alias “*le commerçant*”, was arrested in August 2023. Baraka trafficked weapons, ammunition and military uniforms through Uganda and Rwanda to Ituri.<sup>245</sup> His trial was ongoing in Bunia at the time of drafting (see details below).

Mabanga, a strategic gold mining area, became Zaïre’s stronghold. It is where Zaïre leaders stocked up most of their weaponry and held strategic meetings, including for planning attacks.<sup>246</sup> Gold mining in Mabanga provided resources to purchase military equipment. Money collected elsewhere by Zaïre, including through membership fees and illegal taxation, was often sent to Mabanga.<sup>247</sup>

Multiple sources pointed at leaders of the “G5”<sup>248</sup> (S/2023/431, para. 110), and its *Chambre de conseil*, such as President Christian Uteki and spokesperson Vicky Ngona,<sup>249</sup> as masterminds behind Zaïre and instigators of community violence. The military prosecutor issued arrest warrants against individuals suspected of fueling violence through Zaïre, including Christian Uteki, who was subsequently arrested.

During the arrest of Christian Uteki, Zaïre mobilised its armed combatants to force his release, threatening to attack Bunia, but were dissuaded by some community leaders and government authorities. The military prosecutor used this element as one of the key pieces of evidence in its attempt to prove Uteki’s influence on Zaïre. His trial was ongoing in Bunia at the time of drafting.

*Case of Baraka Jérémy alias “le commerçant”:*

The Group gathered information on an individual named Baraka Jérémy, also known as “Baraka “*le commerçant*”, who for many years has played a central role in the weapons, ammunition, and uniforms supply network for Zaïre, with the support of G5 community leaders.

According to several sources closed to Baraka, he was one of the main logistics providers to Zaïre under the cover of his trading activities. He sourced arms, ammunition, and uniforms through informal networks in Uganda and Rwanda for Zaïre combatants.

<sup>242</sup> See S/2022/479, para. 101 and S/2022/967, Paras. 87-91.

<sup>243</sup> Armed groups elements, researchers, civil society, FARDC and intelligence sources.

<sup>244</sup> Zaïre combatants, armed groups elements, and video footage on file with the Group.

<sup>245</sup> Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

<sup>246</sup> Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

<sup>247</sup> Ibid.

<sup>248</sup> Organisation representing the five communities that had been victims of attacks by the various CODECO factions

<sup>249</sup> S/2022/967, para 91

Interviewed by the Group, Baraka denied being involved in the networks and claimed he was merely trading in trucks and commodities between Rwanda, the DRC and Uganda. Yet, as stated above, several sources recognised him as one of the masterminds of the trafficking for Zaïre.<sup>250</sup>

The Group received and reviewed videos and photos of Zaïre combatants parading, some well-armed and in new uniforms, which according to sources were obtained through Baraka's trafficking network. See images below of Zaïre commander Pharaon wearing one of the newly acquired uniforms.

Below: On the first photograph on the left, Zaïre leader Pharaon speaking on the phone. On the second photograph a Zaïre leader on the left, with his escort on the right, both wearing newly acquired uniforms.



Below: Screenshot from a video depicting Pharaon's escorts wearing the newly acquired uniforms:



All screenshots are from a video provided to the Group by a Zaïre combatant, on file with the Secretariat.

<sup>250</sup> Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

## Annex 51 (para. 79)

**CODECO/URDPC attack on Lala IDP camp near Bule, Bahema Badjere *groupement*, 12 June 2023****Attaque par CODECO/URDPC du camp de déplacés de Lala, près de Bule, dans le *groupement* de Bahema Badjere, le 12 juin 2023**

During the weeks preceding the attack on the Lala IDP site, significant CODECO/URDPC movements and threats to IDP settlements were reported around Drodro and Bule, in the vicinity of IDP camps, and merely a few kilometers from the Lala camp. Sporadic killings of IDPs commuting in the area were also reported almost on a weekly basis.<sup>251</sup> Concomitantly, Zaïre elements based in and around Bule have been attacking Lendu civilians in the area. Given CODECO/URDPC's track-record of disproportionately responding to attacks by Zaïre militias (see S/2023/431, para. 125-126), any provocation was predicted to trigger a large-scale retaliatory attack.<sup>252</sup>

According to Government authorities, prior to the attack, Zaïre combatants met at Dala to plan a series of incursions into Lendu dominated areas,<sup>253</sup> notably in the Gokpa and Ndjauda *groupements*, in the Walendu Pitsi sector, Djugu territory (neighboring the small Bahema Badjere collectivity where the Lala site is located). Zaïre combatants, intelligence sources and civil society actors confirmed that a certain Chura, leader of the Zaïre faction in Dala, planned, coordinated, and conducted incursions into CODECO/URDPC areas.<sup>254</sup> For example, several days prior to the Lala massacre, Zaïre combatants had paraded the severed arm of a Lendu in the center of Bule.<sup>255</sup> CODECO/URDPC planned a coordinated reprisal attack to punish Zaïre combatants operating from Bule, some of whom were seen retreating inside Lala camp, mingling with the IDPs.

Local sources, eyewitnesses, and civil society sources interviewed by the Group, as well as Congolese judicial authorities who had investigated the incident, confirmed that on the eve of the attack, CODECO/URDPC combatants began mobilizing in various Lendu localities, and gathering in Petro, Walendu Pitsi *groupement*, and Gokpa and Djauda in the Walendu-Djatsi *groupement*, with the intent of carrying out a revenge attack on Bule. An eyewitness saw more than a dozen motorbikes with CODECO/URDPC armed combatants driving through Drodro, coming from the direction of Masumbuko and heading towards Bule, just hours before the attack. The same witness stated that he had received alerts from a person in Pimbo, the evening before the attack, alerting that combatants in Pimbo were preparing for an attack. Other sources conveyed similar alerts from Masumbuko. In addition, a source had intercepted Motorola communications among Lendu combatants who were saying that they will go "play football in Bule". Other sources have confirmed that messages were intercepted in the leadup to the attack, with CODECO/URDPC menacing to attack Bule.

The assailants attacked during the night of 12 June, killing 46 people, including 23 children (12 boys and 11 girls); 13 people were burned to ashes. According to reliable sources, the CODECO/URDPC combatants did exchange fire with Zaïre combatants at the site, and even killed an FARDC soldier. However, women and children were mostly killed by machetes, and the assailants had time to set hundreds of shelters on fire, pillage, and retreat with at least 96 stolen goats. Although several alerts preceded the attack, intervention by FARDC and MONUSCO arrived late, hours after the attack had ended.

The above is consistent with the usual *modus operandi* of CODECO/URDPC combatants, who mobilize and plan larger attacks in advance, gather in strategic locations close to their target, and execute the attacks in a well-coordinated fashion.

The Group notes that the CODECO/URDPC leadership did not publish any denials of their involvement in the attack, as they have done for other attacks in the past, such as the attack on Plaine Savo IDP camp in January 2023.<sup>256</sup>

<sup>251</sup> FARDC, intelligence sources, MONUSCO sources, researchers, and local sources.

<sup>252</sup> See S/2022/967, paras. 82-86; S/2023/431, paras.104-112.

<sup>253</sup> According to FARDC and PNC sources, the attacks on the IDPs site of Lala stemmed from attempts by Zaïre combatants to undermine the Aru peace initiative and to promote the genocide narrative against the Hema community.

<sup>254</sup> FARDC, intelligence, civil society, researchers, humanitarian and MONUSCO sources, Twitter account of Basa Zukpa Guerson, CODECO/URDPC's spokesperson.

<sup>255</sup> MONUSCO and civil society sources.

<sup>256</sup> See the Twitter account of the CODECO/URDPC spokesperson, Basa Zukpa Guerson, @BasaZukpa, notably the statements issued on 19 January 2023, denying responsibility for the massacre of civilians at Plaine Savo near Bule, and on 13 February 2023 denying involvement in the killing of civilians at Mongwalu.

**Annex 52 (para. 83)****Continued remobilization and reorganization of Raïa Mutomboki and Nyatura groups****Poursuite de la remobilisation et de la réorganisation des groupes Raïa Mutomboki et Nyatura**

Following their remobilization since at least mid-2022 (see S/2023/431, annex 73) and in parallel with their adoption of “Wazalendo” status, some Raïa Mutomboki (RM) factions reinforced their coordination and reorganized into several different movements, which triggered internal tensions. Between July and October 2023, several RM leaders participated in meetings to restructure their movements and reassign roles and responsibilities. For example, RM leaders Kasereka Maliyababa, Matabaro Fiston alias Jésus and Blaise Lukisa alias Gaston reorganized under the name of *Alliance des Patriotes pour la Défense du Congo* (ADPC).<sup>257</sup> They tried to also rally other RM leaders, such as Shabani Mirasano alias Ouragan, who had himself reorganised his group under the name of *Mouvement Patriotique pour le Changement et la Défense du Congo* (MPCDC) and refused to join them.<sup>258</sup> As a result, while many RM factions decided to reach North Kivu with their combatants and commanders to fight M23 (see annex 54 below), Shabani remained in South Kivu with his troops.<sup>259</sup>

Similarly, several Nyatura groups active in Kalehe territory also remobilised and reorganised under the name of *Mouvement Congolais pour la Défense du Peuple et de l'Intégrité Nationale* (MCDPIN) with their main headquarters around Lumbishi.<sup>260</sup> MCDPIN was mainly represented by four “Generals” who divided the areas under their control. “General” Mathias Karume, based in Lumbishi, was the leader of the movement until his natural death on 2 November 2023.<sup>261</sup> At the time of drafting, his replacement was still uncertain. “General” Yakaremie, “General” Bahige and “General” Nzabona were the other leaders of MCDPIN, along with a certain *Monsieur* Grevisse, civilian coordinator and president of the movement.<sup>262</sup> “General” Yakaremie’s group was partly based in Kahuzi Biega national park.

Regardless of these dynamics, which were merely a new cycle of the known continuous reconfiguration of armed groups in South Kivu, all RM factions and Nyatura groups that recently remobilized have been responsible of serious abuses against the population in Kalehe, Shabunda and Kabare territories. These abuses included killings, sexual violence, ill-treatment, forced recruitment of children, kidnappings for ransom and illegal taxation. RM factions and Nyatura groups were also involved in the illegal exploitation of natural resources, particularly in the Kahuzi-Biega national park. Clashes and tensions between these groups were also regularly reported. The Group notes that the above undermined the security and stability of Kalehe, Shabunda and Kabare territories and contributed to revive tensions between communities living in these territories. In particular, tensions were reported between the Tembo communities, generally affiliated to RM, and the Hutu communities considered close to Nyatura groups.

<sup>257</sup> FARDC, security, intelligence, researchers, civil society and UN sources.

<sup>258</sup> Security, intelligence, civil society and UN sources.

<sup>259</sup> Security and civil society sources.

<sup>260</sup> FARDC, security, intelligence, researchers, civil society and UN sources.

<sup>261</sup> Ibid.

<sup>262</sup> Ibid.



## Annex 53 (para. 85)

## Example of rumours and manipulation by armed groups about M23 and RDF presence in South Kivu

## Exemple de rumeurs et de manipulations par des groupes armés sur la présence du M23 et des RDF au Sud-Kivu

In September 2023, MCDPIN issued a press release about the infiltration of RDF troops in the Kahuzi-Biega national park, with the support of Shabani from Raïa Mutomboki. The press release refers to the RDF plan to attack Kavumu airport.

In response, Shabani's movement, MPCDC (see annex 52 above), also issued a press release, accusing MCDPIN of collaborating with M23 and Rwanda. However, multiple sources confirmed that these mutual accusations were part of internal struggles within MCDPIN, as well as tensions between MCDPIN and MPCDC, who mutually accused the other of collaboration with M23 and Rwanda to tarnish the reputation of the opposite group and in the hopes that FARDC might conduct attacks against the accused group.

RÉPUBLIQUE DÉMOCRATIQUE DU CONGO  
PROVINCE DU SUD KIVU  
MOUVEMENT CONGOLAIS POUR LA DÉFENSE DU PEUPLE ET DE L'INTÉGRITÉ NATIONALE  
<<MCDPIN>> en sigle

**COMMUNIQUÉ DE PRESSE N° 02/09/2023**

Le mouvement congolais pour la défense du peuple et de l'Intégrité Nationale dénonce et alerte l'opinion nationale qu'internationale sur le plan odieux des infiltrés du RDF à travers ses supplétifs du M23 qui ont formé depuis le 01/09 année en cours un groupe armé nommé RS MUTETEZI, ces criminels étant Vénus du Rwanda et acostant à KASHEKE sont passés par Chayi plantation du nommé MUYEYE et s'installent à présent dans le parc national de KAUZIBIEGA dans les lieux : KARAWE, NYAWEZA communément appelé kuki Vocat et à TINGITINGI où l'hélicoptère les amène des vivres et munitions de guerre nuitamment. Ainsi il convient de préciser que tout comme ces envahisseurs un nommé SHABANI ancien combattant aux côtés du Gen BUTACHIBERE dans le groupe armé maimai à Hombo reste leur incontournable éclaireur dans la forêt. Cependant, il est à noter qu'après beaucoup de crimes dans les différentes entités de Masisi et Ruchuru en Province du Nord Kivu un autre plan d'agression de la RDC par le Rwanda vient de voir le jour en voulant commencer ses exactions dans cet autre coin du pays avec l'objectif de déstabiliser la situation sécuritaire pendant cette période pré-électorale dans le but de conquérir l'aéroport de KAVUMU tel que nous renseignent nos sources.

Au regard des renseignements à notre disposition, les forces patriotiques réservistes ne cessent de dénoncer, d'alerter et promettent au peuple congolais des réactions incessantes afin de traquer et/ou d'empêcher ces criminels à commettre d'autres atrocités dans cette partie du territoire national.

Nonobstant, les patriotes du MCDPIN demandent à la population congolaise de rester vigilant et dénoncer toute réalité y relative à temps convenable.

La patrie ou la mort

Fait à Lumbishi le 20/09/2023

Le Porte parole

Augustin BUDENGERI







REPUBLIQUE DEMOCRATIQUE DU CONGO  
PROVINCE DU SUD-KIVU



MOUVEMENT PATRIOTIQUE POUR LE CHANGEMENT ET LA DEFENSE DU CONGO

« M.P.C.D.C »

Tel +243994399562, +243999772938

## COMMUNIQUE DE PRESSE N°08/MPCDC/2023

Le mouvement patriotique pour le changement et la défense du Congo MPCDC en sigle a avec consternation lu le communiqué de presse N°02/09/2023 d'un groupe armé étranger dénommé MCDPIN.

Le mouvement patriotique pour le changement et la défense du Congo alerte l'opinion locale, national et internationale que le groupe armé dénommé MCPDPIN sous la responsabilité d'un certain général KARUME BARIGE résident à LUMBISHI secondé par BAHIGE MWAGURU résident à KATASOMWA est un groupe armé soutenu par le RWANDA et en étroite collaboration avec M23 via leurs éléments représentantes au M23 par le MAJOR (M23) GAKWERERE DEBENI BUCHIBABA fils de BUGIMBI BUCHIBABA résident à BUSHAKU II (MUCHACHA).

Le MPCDC rappelle au publique que depuis son installation à TCHIBATI, le plan de ces collaborateurs du M23 (MCDPIN) a été déstabilisé car ils avaient le plan d'attaqué l'aéroport de KAVUMU et la ville de BUKAVU en passant par le parc national de KAHUZI BIEGA.

On ne sait pas où est ce que le responsable de MCDPIN ont tiré le nom du commandant du MPCDC à la personne de SHABANI, sans savoir son parcours dans la lutte de libération du Congo d'où leurs tâtonnement, ils montrent qu'il est anciens combattant au cote du général BUTACHIBERA dans le mouvement MAI-MAI à HOMBO ; nous rappelons que le général SHABANI est un grand laideur dans la défense de notre pays mais nous savons que beaucoup de gens lui prennent a mauvais messier suite à son esprit patriotique et comme il décisif elle exceptent pas de collaborer avec les ennemis de la nation congolais, c'est par là que ceux qui collaborent avec les ennemis du Congo lui prennent en ennemi et lui créent souvent de motif non valable voulant sui salir dans sa digne lutte de défendre notre nation.

Alors toutes ces mauvaises actions envers notre leader ne nous décourageront jamais dans notre noble lutte de défendre notre pays.

Alors, pour distraire la population ces ennemis du pays veulent accuser les vrais patriotes.

En autre, le mois passé le MPCDC via son responsable le général SHABANI à arrêter un groupe de quinze personnes envoyées par le MCDPIN pour exploité les minerais dans le parc national de KAHUZU-BIEGA et qui ont été remis entre les mains du responsable du parc ; ce même groupe armé est à la base de coup de bois et destruction de l'environnement dans le PNKB.

Enfin, le MPCDC dément tout information selon laquelle il collabore avec le M23 et prêt à défendre son pays, sa province et mettre hors d'état de nuire l'ennemi du peuple congolais.

Ne jamais trahir le Congo

Pour le MPCDC

COL. WILLIAM MBESHE

Porte-parole

Press release circulated on social media

**Annex 54 (para. 87)****South Kivu armed groups mobilization to reach North Kivu****Mobilisation des groupes armés du Sud-Kivu pour atteindre le Nord-Kivu**

Since March 2023, most armed groups in South Kivu started calling themselves “Wazalendo” (see para 84). However, since the arrival of several Mai-Mai Yakutumba combatants in Goma, documented in the Group’s last final report (see S/2023/431, annex 73), and until October 2023, no other movements of armed groups from South Kivu to North Kivu were reported .

In October 2023, however, several armed groups sent or attempted to send combatants to North Kivu. On 20 October 2023, combatants<sup>263</sup> of the Force d'auto-défense Biloze Bishambuke (FABB) arriving from their headquarters in Fizi territory and intending to reach North Kivu were stopped in Baraka by the FARDC. They immediately published a press release regretting the refusal to let them proceed to North Kivu to “reinforce the Wazalendo of North Kivu” and called on the relevant authorities to facilitate their movement. FARDC authorities in Baraka said that they had not been notified by their military hierarchy to authorise this movement of FABB combatants, and therefore had blocked their passage until further notice. During a conversation with the Group late October 2023, FABB spokesperson and commander of these combatants, Aimable Nabulizi, confirmed that they were in contact with the Governor of South Kivu and the Commander of the 33th military region, General Robert Yav Avula Ngola. According to Aimable Nabulizi, General Robert Yav was waiting for the authorisation of the military leadership of North Kivu, who is “the one recruiting the Wazalendo”, to then authorise the FABB combatants to go to North Kivu. Aimable Nabulizi also mentioned that they were in contact with one of the “Wazalendo” leaders in North Kivu, NDC-R leader Guidon Shimiray Mwisu (Cdi. 33) who would assign them their deployment area. Aimable Nabulizi also explained that they would receive most of their weapons and ammunition once in North Kivu, “as the other Wazalendo in North Kivu”. Finally, he also informed that the Mai-Mai Yakutumba combatants who arrived in March 2023 were now deployed in Kibumba.

End of October, Mai-Mai leader “General” Kirikicho and several Raïa Mutomboki (RM) leaders such as “General” Butachibera and “General” Mungoro, mobilized their combatants in Kalehe and Kabare territories, and led them to North Kivu to fight against M23 (see below).<sup>264</sup> According to several sources, this followed a meeting early October and was the result of Kirikicho’s advocacy to join the “Wazalendo” in North Kivu following coordination with APCLS leader, Janvier Karahiri.<sup>265</sup> Local authorities, including FARDC, encouraged the mobilisation and/or facilitated the transport of some of the combatants to North Kivu.<sup>266</sup> In North Kivu, “General” Kirikicho and several RM leaders deployed to several areas with their combatants, such as Sake.<sup>267</sup> However, at the time of drafting, some had already returned to South Kivu following disagreements on the support they were expecting to receive from the Wazalendo of North Kivu and FARDC.<sup>268</sup>

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<sup>263</sup> Around 60 according to the FARDC authorities, while FABB claimed to have over 130 combatants.

<sup>264</sup> FARDC, civil society, researchers, intelligence and security sources.

<sup>265</sup> FARDC, civil society and security sources.

<sup>266</sup> Ibid.

<sup>267</sup> CMC leader, civil society, intelligence and security sources.

<sup>268</sup> Civil society, researchers, intelligence and security sources.

**Screenshots of two videos showing the mobilization of RM combatants under “General” Butachibera leadership in Bunyakiri in October 2023**



David Bakenzanya,<sup>269</sup> a local customary authority in Bunyakiri, Kalehe territory, appears in the video’s screenshots above and below (left) encouraging RM combatants under the leadership of “General” Butachibera (see below in FARDC uniform) to fight M23 in North Kivu on 26 October 2023.



Videos circulating on WhatsApp and provided to the Group by civil society sources.

<sup>269</sup> In the video, David Bukenya claims that he is also speaking on behalf of other local authorities, such as Ntale Shosho Kamirogosa and Katora Ndalemwa, customary chief and *chef de groupement*, respectively.



**Screenshot of a video and picture showing the mobilization of RM combatants under “General” Gaston’s leadership in October 2023**



On the video screenshot above: Combatants under the leadership of “General” Blaise Lukisa alias Gaston, currently one of the leaders of the RM faction called *Alliance des Patriotes pour la Défense du Congo* (ADPC). The video was reportedly shot around Kavumu, Kabare territory,<sup>270</sup> before the combatants’ travel to North Kivu. In the video, a man is speaking. He claimed that a delegation representing NDC-R leader Shimiraye Guidon was present alongside the leadership of APDC, including Jesus alias Matabaro Fiston, appearing in the picture below (third from the left with the green hat and the glasses).



Video and picture circulated on WhatsApp and provided to the Group by civil society sources.

<sup>270</sup> Civil society, researchers and security sources.

**Screenshot of a video showing the mobilization of RM combatants under “General” Mungoro’s leadership in October 2023**



On the video screenshot above, RM combatants after their arrival in Bweremana, Kalehe territory, north of Minova at the border between South Kivu and North Kivu, en route towards Goma. In the video, “General” Mungoro Matafari Bernard is explaining that the combatants are under his leadership, that they arrived from Bunyakiri to fight for their country, and that they are behind President Felix Tshisekedi, to whom they request support. He then gives the floor to “General” Imani Kachamba Samson, chief of operations (T3) of their RM group who encourages the combatants to fight against M23, reminding that President Tshisekedi “gave them the power” and reiterating the support of their customary chiefs in Kalehe territory, namely Ntale Shosho Kamirogosa and Katora Ndalemwa (similarly to David Bakenzanya in the first video of this annex).

Video circulated on social media and provided to the Group by civil society sources.



**Annex 55 (para. 93)**

**Reaction from the DRC Government on criticisms regarding Primera's monopoly**

**Réaction du Gouvernement de la RDC sur les critiques concernant le monopole de Primera**

On 28 August 2023, the Minister of Finance, Nicolas Kazadi, the Minister of Communication, Patrick Muyaya and the Deputy chief of staff of the Office of the President of the Republic, André Wameso, held a press conference during which they discussed developments relating to Primera Gold.

According to the Government, this project was part of a sustained strategy of the top State leaders to recover the DRC's economic sovereignty, and to fight against smuggling which contributes to fueling the conflict in eastern DRC.

Government representatives further said that they were convinced that the tax measures granted to Primera would enable it to compete more effectively with the low prices offered by criminal networks based in neighboring countries.

**Annex 56** (para. 94)**A director of Primera abusively reprimanding a local mining official****Un directeur de Primera blâme abusivement un responsable local des mines**

The Group obtained an audio recording, which it could authenticate, in which Mr. Amisi, who introduced himself as the deputy director of Primera Gold, reprimanded a local mining official in Fizi territory about the arrest of a gold transporter. The Group also consulted detailed reports of the incident and interviewed some persons involved in this specific case.

The transporter did not have the required documentation authorizing him to transport minerals. Accordingly, the mining officers, who are responsible for the fight against gold smuggling, had the right/duty to arrest the transporter. According to the Group's information, in this particular case, the transporter had not been instructed to deliver the minerals to Primera, but to a Bukavu-based woman with no connection to Primera.

The arrest of the transporter revealed one of the strategies used by the *negociants* to smuggle gold. Although mining officials seized 1,118.00 grams of gold, it turned out that only 68.09 grams had actually been declared in Nyange, where the gold was produced. The traders thus falsely declared only 68.09 grams, hoping to fraudulently sell the remaining 1049.91 grams.

The Group also confirmed that in another incident, one of Primera's appointed buyers, Chikonza Muka Adhemar, dissuaded a mining officer from controlling a *negociant* who sold gold to Primera.

**Annex 57** (para. 95)

**Primera and Tanganyika Gold**

**Primera et Tanganyika Gold**

Primera told the Group that it had received 32 kg of gold from Tanganyika Gold, which the company decided to purchase after receiving confirmation from the seller and the mining authorities that the gold was from artisanal production.

Several sources familiar with the matter, including mining officials, *negociants* and individuals close to Tanganyika Gold, reported to the Group that gold from Tanganyika Gold was produced in the small scale mine operated by Tshisangama Simeon Mining (TSM) in Fizi territory, and was accordingly not from artisanal production.

The Group consulted an internal report dated 7 June 2023, drawn up following a fact-finding mission to TSM by the mining authorities. This report indicates, among other things, that TSM's production was transported without authorization to Kalemie, where Tanganyika Gold is based.

Annex 58 (para. 97)

Letter from SAEMAPE declaring illegal mining by COOPEMEK in Lugushwa

Lettre du SAEMAPE déclarant illégale l'activité de COOPEMEK à Lugushwa



Bukavu, le 13.01.2023

N/Réf : SAEMAPE-SK/DPSK/002/DPI/2023

Transmis copie pour information à :

- Son Excellence Monsieur le Gouverneur de la Province du Sud-Kivu ;
  - Son Excellence Monsieur le Ministre Provincial en charge des Mines ;
  - Monsieur le Chef de Division Provinciale des Mines et Géologie de la Province du Sud-Kivu ;
  - Monsieur le Procureur Général Près la Cour d'Appel du Sud-Kivu ;
  - Monsieur le Directeur Provincial de l'ANR au Sud-Kivu ;
  - Monsieur le Directeur Provincial de la DGM au Sud-Kivu ;
  - Monsieur le Commandant de la 33<sup>ème</sup> Région Militaire du Sud-Kivu ;
  - Monsieur le Secrétaire Exécutif du Gouvernement Provincial ;
  - Monsieur le Directeur Provincial du CEEC et Coordonnateur de la CNLFM au Sud-Kivu
- (Tous) à **BUKAVU**

Concerne : Information sur nos activités et partenariat avec la Société LOUIS SARL à Lugushwa  
ACCUSE DE RECEPTION

A Monsieur le Président de la Coopérative Minière Emmanuel du Kivu

Monsieur le Président de la Coopérative,

J'accuse la réception de votre lettre sans numéro du 24 Novembre 2022, dont l'objet est bien repris en concerne et vous en remercie.

En effet, après analyse de votre correspondance, je tiens à vous préciser que la Coopérative minière ne peut être opérationnelle que dans une Zone d'Exploitation artisanale lui attribuée conformément aux dispositions de l'article 10 du

SAEMAPE Direction Provinciale du Sud-Kivu. E-mail : [saemapsudkivu@gmail.com](mailto:saemapsudkivu@gmail.com) Twitter : @SaemapeSud  
Av. de la Résidence, N° 54 A, Q. Nyalukemba, Commune d'Ibanda, Ville de Bukavu  
Portables : + 243 819 749 502 ; +243 977 136484

du code minier en vigueur, et non sur base de ses relations avec la Communauté locale ou une éventuel partenaire dont nous n'avons d'ailleurs aucun document juridique le concernant.

Qui plus est, je vous informe si pas vous rappeler que ses sites miniers alluvionnaires de Lugushwa dans lesquels souhaite travailler votre coopérative se situent dans le Périmètre d'Exploitation 38 appartenant à la société BANRO et que STRATAGOS Group venait d'acquérir, par conséquent, le SAEMAPE Sud-Kivu ne saurait vous accompagner dans vos activités qui se trouvent en marge des dispositions légales, à moins de trouver une autorisation expresse du détenteur du titre minier conformément à l'article 30.e du code Minier en vigueur.

Agréez, Monsieur le Président de la COOPEMEC, l'expression de mes sentiments patriotiques.

Pour le Directeur Provincial en Mission,  
  
**BEN CIZUNGU MUGISHO**  
 Chef de Division chargé des Techniques



SAEMAPE Direction Provinciale du Sud-Kivu. E-mail : [saemapsudkivu@gmail.com](mailto:saemapsudkivu@gmail.com) Twitter : @SaemapeSud  
 Av. de la Résidence, N° 54 A, Q. Nyalukemba, Commune d'Ibanda, Ville de Bukavu  
 Portables : + 243 819 749 502 ; +243 977 136484

Scanné avec CamScanner

Document provided to the group by a confidential source



**Annex 59** (para. 99)**Response from Primera on the price of gold****Réponse de Primera sur le prix de l'or**

Primera confirmed to the Group that the price of purchased gold is currently lower than before Primera's arrival in South Kivu. The reason for the decrease of the price of purchased gold was reported by Primera to be the following: for several years, funds entering the gold market were untraced and untaxed, which in turn allowed gold prices to be higher than those on the international market.

**Annex 60 (para. 101)**

**Update on Congo Gold Refinery**

**Etat des lieux sur Congo Gold Refinery**

During the period under review, the Group visited Congo Gold Refinery (CGR) and was told by its managers that it was ready for operation. On 25 July 2023, a decree issued by the Minister of Mines (see below) withdrew CGR's license, forcing the company to cancel the opening ceremony scheduled for the following day.

The DRC authorities informed the Group that this measure resulted from a recommendation by CENAREF (see below) pending the completion of investigations into the refinery's owners and shareholders. CGR managers told the Group that CENAREF's letter did not take into account the changes in the list of shareholders ([S/2022/479](#), annex 86) and that it had appealed the decision. CGR did not receive a reply to their appeal at the time of drafting.

Mining administration officials told the Group that CGR's owner, Karim Somji (see [S/2020/482](#), para. 89 and [S/2013/433](#), annex 70), remained controversial. However, several sources told the Group that the blocking of CGR's activities was primarily due to the Government's desire not to allow a potential competitor to Primera Gold to operate. These same sources also explained to the Group that, in order to avoid attracting criticism due to the presence of Sibtein Alibhai, a former partner of Karim Somji, at the head of Primera Group's Board of Directors, Sibtein was asked to resign in June 2023.

## Decree by the Minister of Mines



N/RÉC : CAUMIN/MINES/MKN/...../03/2023

02374

Kinshasa, le 25 JUIL 2023

Transmis copie pour information à :

- Son Excellence Madame la Ministre des Mines ;
  - Son Excellence Monsieur le Vice-ministre des Mines ;
  - Monsieur le Coordonnateur de la CTCPM ;
  - Monsieur le Directeur-Chef de Service des Mines
- (Tous) à Kinshasa/Gombe

Objet : Transmission Arrêté Ministériel.

A Monsieur le Secrétaire Général aux Mines  
à Kinshasa/Gombe

Monsieur le Secrétaire Général,

Je vous transmets, en annexe à la présente, pour dispositions  
règles et compétence, l'Arrêté Ministériel n°00267/CAB.MIN/MINES/01/2023 du 24 juillet 2023 portant  
déchéance de la Société CONGO GOLD RAFFINERIE « CGR » de son agrément au titre d'Entité de  
traitement catégorie B.

Je vous en souhaite bonne réception.

Veuillez agréer, Monsieur le Secrétaire Général,

l'expression de mes sentiments patriotiques.

Michel KIBONGE AYERUMA

Directeur du Cabinet





MINISTÈRE DES MINES

*Le Ministre*

**ARRETE MINISTERIEL N° 00267 /CAB.MIN/MINES/01/2023**  
**DU 24 JUIL 2023 PORTANT DECHEANCE DE LA SOCIETE CONGO GOLD**  
**RAFFINERIE « CGR » DE SON AGREMENT AU TITRE D'ENTITE DE**  
**TRAITEMENT CATEGORIE B**

**LA MINISTRE,**

Vu la Constitution, telle que modifiée par la Loi n°11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006, spécialement en ses articles 93, 202 point 36 litera f et 203 point 16 ;

Vu la Loi n°007/2002 du 11 juillet 2002 portant Code Minier, telle que modifiée et complétée par la Loi n°18/001 du 19 mars 2018 spécialement en ses articles 10 litera b ;

Vu l'Ordonnance n°22/002 du 07 janvier 2022 portant organisation et fonctionnement du Gouvernement, modalités de collaboration entre le Président de la République et le Gouvernement ainsi qu'entre les Membres du Gouvernement ;

Vu l'Ordonnance n°22/003 du 07 janvier 2022 fixant les attributions des Ministères, spécialement en son article 1<sup>er</sup> B, point 35 ;

Vu l'Ordonnance n° 21/012 du 12 avril 2021 portant nomination des Vice-Premiers Ministres, des Ministres d'Etat, des Ministres, des Ministres Délégués et des Vice-Ministres, telle que modifiée et complétée par l'Ordonnance n°23/030 du 23 mars 2023 ;

Vu le Décret n°038/2003 du 26 mars 2003 portant Règlement Minier, tel que modifié et complété par le Décret n° 18/024 du 08 juin 2018, spécialement en son article 561 ;

Vu l'Annexe XVII du Règlement Minier portant Directive relative au modèle-type de cahier des charges de responsabilité sociétale ;

Vu l'Arrêté Ministériel n°00131/CAB.MIN/MINES/01/2023 du 19 avril 2023 portant réglementation des Activités de l'Entité de Traitement ;

Revu l'Arrêté Ministériel n° 0010/CAB.MIN/MINES/01/2022 du 15 février 2022 portant renouvellement d'agrément au titre d'entité de traitement catégorie B dans la Province du Sud-Kivu au profit de la Société CONGO GOLD RAFFINERIE SARL ; *aux*



00267

Page 2 de l'Arrêté Ministériel n° ...../CAB.MIN/MINES/01/2023

Attendu que la Société CONGO GOLD RAFFINERIE « CGR » n'a pas respecté ses obligations sociales, notamment celles relatives à l'élaboration du cahier des charges des responsabilités sociétales ;

Considérant la lettre de mise en demeure n° Réf. : CAB.MIN/MINES /ANSK/01512/01/2022 du 06 mai 2022, relative à l'exécution du Cahier des charges des Responsabilités Sociétales ;

Considérant l'expiration de délai de 6 mois suivant la mise en demeure adressée notamment à la Société CONGO GOLD RAFFINERIE « CGR » ;

### ARRETE :

#### Article 1<sup>er</sup> :

Sans préjudice d'autres sanctions prévues par les dispositions des Code et Règlement Miniers ainsi que de l'Arrêté Ministériel n°00131/CAB.MIN/MINES/01/2023 du 19 avril 2023 portant réglementation des Activités de l'Entité de Traitement, la Société CONGO GOLD RAFFINERIE « CGR » est déchue de son agrément au titre d'Entité de traitement catégorie B.

#### Article 2 :

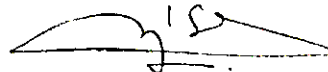
La Société CONGO GOLD RAFFINERIE « CGR » dispose d'un délai de 30 (trente) jours à compter de la notification du présent Arrêté par le Secrétaire Général aux Mines pour exercer son droit de recours.

#### Article 3 :

Le Secrétaire Général aux Mines est chargé de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kinshasa, le 24 JUL 2023

Antoinette N'SAMBA KALAMBAVI



Ambassade :

|   |  |     |
|---|--|-----|
| - | Cabinet du Président de la République    | : 1 |
| - | Cabinet du Premier Ministre              | : 1 |
| - | Cabinet du Ministre des Mines            | : 2 |
| - | Secrétariat Général des Mines            | : 1 |
| - | Cadastre Minier                          | : 1 |
| - | CTCPM                                    | : 1 |
| - | Div Prov des Mines & Géologie du ressort | : 1 |



## Investigation report from CENAREF

REPUBLIQUE DEMOCRATIQUE DU CONGO



CELLULE NATIONALE  
DES RENSEIGNEMENTS FINANCIERS  
(CENAREF)

*Le Secrétaire Exécutif*

Kinshasa, le 24 JUL 2023

N/Réf : 0581/CENAREF/S.E./2023-

### Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République,  
Chef de l'Etat  
*(Avec l'expression de mes hommages les plus dévoués)*  
**Palais de la Nation**
- Son Excellence Monsieur le Premier Ministre, Chef du  
Gouvernement  
*(Avec l'expression de ma très haute considération)*  
**Hôtel du Gouvernement**
- Monsieur le Procureur Général près la Cour de  
Cassation
- Monsieur l'Auditeur Général près la Haute Cour  
Militaire
- Son Excellence Monsieur le Vice-Premier Ministre,  
Ministre de l'Intérieur, Sécurité, Décentralisation et  
Affaires Coutumières
- Son Excellence Monsieur le Vice-Premier Ministre,  
Ministre de la Défense Nationale et des Anciens  
Combattants
- Son Excellence Madame le Ministre d'Etat, Ministre de  
la Justice et Garde des Sceaux
- Son Excellence Madame le Ministre des Mines
- Monsieur l'Administrateur Général de l'Agence  
Nationale de Renseignement, « ANR »
- Monsieur le Sous-Chef d'Etat-Major chargé de  
Renseignement Militaire
- Son Excellence Madame le Vice-Ministre des Finances
- Monsieur le Secrétaire Général aux Mines
- Monsieur le Secrétaire Exécutif Adjoint de la  
CENAREF ;  
(Tous) à **Kinshasa/Gombe**

Kinshasa, le

Le Secrétaire Exécutif

**KISULA BETIKA YEYE Adler**

Premier Avocat Général près la Cour de Cassation

A Excellence Monsieur le Ministre des Finances  
à **Kinshasa/Gombe**

**OBJET :** Rapport partiel de l'enquête en cours sur les activités de la Société CONGO GOLD  
**RAFFINERIE SARL**

- 2 -

**Excellence Monsieur le Ministre,**

J'ai l'honneur de porter à votre connaissance que la CENAREF mène des investigations relativement aux activités de la Société CONGO GOLD RAFFINERIE SARL basée dans la Province du Sud-Kivu. Celle-ci est une entité de traitement de Catégorie B suivant l'Arrêté Ministériel n° 0503/CAB.MIN/MINES/01/2019 du 19 juillet 2019.

Des informations à notre possession, tirées principalement des rapports des experts des Nations-Unies et de Global Witness, la Société CONGO GOLD RAFFINERIE SARL est détenue indirectement par deux Sociétés, chacune faisant partie de différents réseaux dont :

- GLOBAL INVESTMENT CONGO qui compte parmi ses actionnaires des entités gérées par Messieurs Alain WAN (partenaire du millionnaire américain Erik PRINCE, homme d'affaires qui aurait par le passé été l'un des intermédiaires de l'ancien président congolais et un trafiquant d'or présumé) et LIU ZHIGANG, un haut Responsable de Frontier Service Group, une société de sécurité créée par le millionnaire Erik PRINCE qui œuvre dans le secteur de sécurité privée ;
- MARATHON SARL qui appartient à un sujet belgo-burundais du nom de KARIM SOMJI, lequel aurait par le passé fait de la contrebande d'or, à Robert MUTESA, l'associé-gérant d'une compagnie aérienne qui aurait assuré le transport d'armes pendant la deuxième guerre du Congo et Joyce OTSHIMO EKANGA, un homme d'affaires, fils d'un ancien dignitaire du régime passé.

Selon Jean-Luc BLAKEY, Responsable senior des Campagnes à Global Witness, CONGO GOLD RAFFINERIE SARL « est détenue ou gérée par différents personnages aux antécédents qui soulèvent des questions. Cela va des personnes accusées de contrebande d'or congolais à un proche associé de l'ancien président, en passant par un cadre supérieur d'une compagnie créée par l'un des mercenaires les plus notoires au monde ».

En effet, les Statuts de la Société CONGO GOLD RAFFINERIE SARL déposés au Ministère des Mines renseignent Messieurs KARIM SOMJI et Dieudonné KASEMBO NYEMBO comme les deux actionnaires à parts égales de la Société.

L'organisme IMPACT renseigne que KARIM SOMJI est parmi les personnes impliquées dans le commerce illicite des minerais aurifères de la RDC depuis plus de deux décennies en connivence avec certains pays voisins, notamment le Rwanda, et qu'il a été associé dans nombreuses sociétés de commerce et d'exportation d'or dans la région, dont AR GOLD SARL à Goma, GOLDEN GOLD à Bujumbura, GOLDEN GOLD LTD au Rwanda ainsi que GOLDEN GOLD ET MINES PROPRES SARL à Bukavu en RDC.

Selon IMPACT, plusieurs sources renseignent que KARIM SOMJI a créé sur divers territoires de la région des Sociétés qui exportent de l'or à des nombreuses entreprises situées à Dubaï portant toutes un nom différent, que les activités de commerce et d'exportation passent régulièrement d'une société à l'autre et qu'aucune de ces entreprises ne génère un volume suffisamment important pour attirer l'attention du Groupe d'experts des Nations-Unies ou d'autres organismes chargés de l'application de la loi.

Aussi, le rapport du Secrétaire Général aux Mines nous transmis par la lettre n° BUR/SG.MINES/01/1111/2023 du 20 juillet 2023, fait état de ce que la Société CONGO GOLD RAFFINERIE SARL est sans activités, car le Secrétariat Général aux Mines ne détient aucune donnée statistique d'achat, de traitement ni de stockage d'or la concernant.

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Au regard de ce qui précède et tenant compte de la situation sécuritaire à l'Est de la RDC, envahi par plusieurs groupes armés et par les terroristes du M23 soutenus par le Rwanda, il y a lieu de surseoir aux activités de CONGO GOLD RAFFINERIE SARL, afin de pousser plus loin les enquêtes sur ses activités récentes dans la région et sur les bénéficiaires effectifs des activités de ladite Société conformément à la Loi n°22/068 du 27 décembre 2022 portant lutte contre le blanchiment de capitaux et le financement du terrorisme et de la prolifération des armes de destruction massive, spécialement à son article 40.

Pour ce, la CENAREF poursuit ses investigations auprès de banques commerciales, de services de l'Etat et d'autres structures internationales dont la Cellule sœur des Emirates Arabes Unis. Le résultat de ces investigations vous seront communiquées au fur et à mesure.

Veillez agréer, **Excellence Monsieur le Ministre**, l'expression de ma haute considération.

Le Secrétaire Exécutif

**KISULA BETIKA YEYE Adler**

Premier Avocat Général près la Cour de Cassation

