

**Совет Безопасности**

Distr.: General
30 December 2023
Russian
Original: English

Письмо Группы экспертов по Демократической Республике Конго от 15 декабря 2023 года на имя Председателя Совета Безопасности

Члены Группы экспертов по Демократической Республике Конго, срок действия мандата которой был продлен в соответствии с резолюцией [2688 \(2023\)](#) Совета Безопасности, имеют честь настоящим препроводить среднесрочный доклад о своей работе, представляемый в соответствии с пунктом 6 указанной резолюции.

Этот доклад был представлен Комитету Совета Безопасности, учрежденному резолюцией [1533 \(2004\)](#) по Демократической Республике Конго, 20 ноября 2023 года и был рассмотрен Комитетом 7 декабря 2023 года.

Группа будет признательна за доведение настоящего письма и доклада до сведения членов Совета Безопасности и за их распространение в качестве документа Совета.

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Среднесрочный доклад Группы экспертов по Демократической Республике Конго

Резюме

В провинциях на востоке Демократической Республики Конго и провинции Маи-Ндомбе наблюдались эпизоды масштабного насилия. Продолжающееся вооруженное насилие и политическая напряженность негативно сказались на организации предстоящих всеобщих выборов, запланированных на 20 декабря 2023 года. Группа по-прежнему обеспокоена тем, что избирательный процесс может привести к эскалации насилия.

В Демократической Республике Конго, особенно в провинциях Северное Киву, Итури и Маи-Ндомбе, продолжалось усугубление гуманитарного кризиса. Число внутренне перемещенных лиц достигло почти 7 миллионов человек по всей стране, что является самым высоким показателем за всю историю сбора данных в Демократической Республике Конго, превращающим нынешний кризис внутреннего перемещения в один из крупнейших в мире.

Вооруженный конфликт в провинции Маи-Ндомбе распространился на соседние провинции и Киншасу, в результате чего погибли сотни мирных жителей и подверглись разрушениям сотни деревень, школ и медицинских учреждений. Общины теке и яка по-прежнему вооружены и мобилизованы. Захваченные или сдавшиеся в плен комбатанты группы «мобондо» были призваны в ряды Вооруженных сил Демократической Республики Конго (ВСДРК), обучены и отправлены в Северное Киву для борьбы с Движением 23 марта (М23).

Проводимые в провинции Итури межобщинные диалоги, направленные на сдерживание разгула насилия, успехом не увенчались. Участились нападения вооруженной группы «Кооператив за развитие Конго»/Союз революционеров в защиту конголезского народа (КОДЕКО/СРЗКН) на гражданских лиц, в том числе в лагерях внутренне перемещенных лиц. Вооруженная группировка «Заир», по-прежнему выступающая против всех мирных инициатив, продолжала вооружать и обучать своих комбатантов.

В Северном Киву и Итури активизация операции «Шуджа» против «Альянса демократических сил» (АДС) продолжала оказывать влияние на находящуюся под санкциями вооруженную группировку. Вместе с тем АДС сохранил боеспособность, адаптируя свои стратегии и тактику, в том числе за счет учащения нападений в Уганде.

В контексте борьбы за «освобождение» территорий из-под власти «иностранных» вооруженных группировок, таких как М23, конголезские вооруженные группы переняли знамя движения «вазалендо», или «истинных патриотов», чтобы обеспечить себе легитимность и повысить свои шансы на потенциальную интеграцию в ряды ВСДРК в будущем.

В Северном Киву соглашение о прекращении огня нарушалось всеми сторонами конфликта. Недавно созданная и поддерживаемая правительством коалиция вооруженных групп «Добровольцы в защиту отечества» (ДЗО) спровоцировала вспышку насилия. Возобновились ожесточенные бои между бойцами М23, поддерживаемыми Силами обороны Руанды (СОР), и ВСДРК, пользующимися поддержкой ДЗО, Демократических сил освобождения Руанды (ДСОР), частных военных компаний и Сил национальной обороны Бурунди (СНОБ). Гражданские лица — выходцы из всевозможных общин — оказались под прицелом различных сторон конфликта и под риском стать жертвами ответных

ударов, в связи с чем были вынуждены бежать. Обе стороны вели неизбирательные обстрелы, похищали людей и совершали заказные убийства.

Специальные силы Республиканской гвардии убили в Гоме, как минимум, 57 безоружных демонстрантов после того, как стало известно, что в их ряды проникли участники M23.

Кризис в Южном Киву, связанный с M23, повлиял на динамику деятельности вооруженных группировок, особенно на северных территориях. Вооруженные группировки пытались воспользоваться своим статусом «вазалендо» для дальнейшей вербовки, расширения сферы своего влияния и ведения преступной деятельности. В Северное Киву прибыли комбатанты нескольких фракций группы «Райя мутомбоки» и «маи-маи» Кирикишо, готовые сражаться с M23. Параллельно было подтверждено сотрудничество между бойцами «твирванехо» и M23.

Вооруженные группы и преступные сети по-прежнему участвуют в эксплуатации природных ресурсов и торговле ими. В Рубайе вооруженные группировки «вазалендо» контролировали участки, расположенные по периметру основных мест разработок, что поставило под угрозу цепочку поставок олова, тантала и вольфрама. Запрет на добычу полезных ископаемых, введенный правительством Демократической Республики Конго, не соблюдался, и в цепочку поставок попали минералы, добыча которых была выгодна этим группам «вазалендо».

Компания “Primera Gold DRC” продолжала увеличивать объем официального экспорта золота из Демократической Республики Конго. Вместе с тем в выполнении компанией обязательств по обеспечению должной осмотрительности были обнаружены существенные недостатки, в частности в отношении происхождения продаваемого золота.

Акты неповиновения должностным лицам горнодобывающих предприятий могли сказаться на продолжающейся борьбе с контрабандой золота, в частности, в связи с осуществлением авансовых платежей за счет отмывания денег частными лицами и региональными/международными сетями.

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I. Введение

1. 27 июня 2023 года Совет Безопасности в своей резолюции [2688 \(2023\)](#) продлил срок действия мандата Группы экспертов по Демократической Республике Конго. 27 июля 2023 года Генеральный секретарь назначил шестерых членов Группы экспертов ([S/2023/567](#)). После ухода в отставку 25 октября 2023 года эксперта по природным ресурсам/финансовым вопросам был назначен новый эксперт ([S/2023/801](#)).
2. Среднесрочный доклад Группы представляется во исполнение пункта 6 резолюции [2688 \(2023\)](#). В соответствии с просьбой Совета, содержащейся в пункте 8 его резолюции [2360 \(2017\)](#) и подтвержденной в резолюции [2688 \(2023\)](#), Группа продолжала обмениваться информацией с группами экспертов по Йемену, Ливии, Сомали, Центральнаяфриканской Республике и Южному Судану.

Сотрудничество с Миссией Организации Объединенных Наций по стабилизации в Демократической Республике Конго

3. Группа экспертов выражает Миссии Организации Объединенных Наций по стабилизации в Демократической Республике Конго (МООНСДРК) благодарность за оказанную ею в отчетный период поддержку и сотрудничество.

Методология

4. Группа экспертов руководствовалась доказательственными стандартами, установленными Неофициальной рабочей группой Совета Безопасности по общим вопросам, касающимся санкций ([S/2006/997](#)). Она основывала свои выводы на документах и подтверждала информацию, опираясь по меньшей мере на три независимых и надежных источника.
5. Вследствие характера конфликта в Демократической Республике Конго имеется очень мало документов, содержащих убедительные доказательства поставок оружия, вербовки и ответственности командиров за серьезные нарушения прав человека и незаконную эксплуатацию природных ресурсов. Именно поэтому Группа полагалась на свидетельские показания местных жителей, бывших комбатантов и нынешних членов вооруженных групп. Группа экспертов проанализировала также показания экспертов из числа государственных должностных лиц и военнослужащих из стран района Великих озер и других стран, а также информацию, полученную из источников Организации Объединенных Наций.
6. Настоящий доклад охватывает расследования, проводившиеся до 5 ноября 2023 года. В связи с ограничениями, лимитирующими количество слов в докладах, Группа экспертов подробно изложила некоторые свои выводы и доказательства в приложениях.

II. Май-Ндомбе

7. Конфликт, начавшийся главным образом между членами общин теке и яка в середине 2022 года на территории Квамут, провинция Май-Ндомбе ([S/2023/431](#), пп. 9–10), обострился и распространился на соседние провинции Кванго, Квилу, Киншаса и Центральное Конго (см. приложение 1)¹. Насилие

¹ Вооруженные силы Демократической Республики Конго (ВСДРК), Миссия Организации Объединенных Наций по стабилизации в Демократической Республике Конго (МООНСДРК), исследователи, правительственные источники, гражданское общество и свидетельские показания.

грозило охватить столицу Киншасу, где проживают члены общин теке и яка, а также тысячи гражданских лиц, перемещенных в результате этого конфликта². Усилиям по примирению препятствовало возникновение «мобондо» — группы, состоящей преимущественно из боевиков яка (см. пп. 11–13 ниже). Обе общины по-прежнему вооружены и мобилизованы.

8. Хотя межобщинная напряженность оставалась ярко выраженной, на продолжение конфликта оказывали заметное влияние и экономические интересы, такие как доступ к земле и товарам, а также политические интересы, в том числе традиционные притязания на власть (см. приложение 2). Из-за участившихся нападений «мобондо» на ВСДРК военные власти были вынуждены охарактеризовать этот конфликт как «мятежный»³.

9. Смертоносные нападения как теке, так и яка привели к массовому перемещению населения, лишь усугубив тяжелый гуманитарный кризис (см. приложение 3). С самого начала конфликта сжигались целые деревни, а теке и яка устанавливали контрольно-пропускные пункты в поисках представителей других общин, которые считались враждебными⁴. На территории Квамут и в коммуне Малуку в Киншасе была разрушена почти половина всех деревень⁵. Были разрушены или вынуждены закрыться сотни школ и медицинских центров. Сообщалось о серьезных нарушениях прав человека, включая сексуальное насилие, похищениях с целью получения выкупа и пытках⁶.

10. С обеих сторон были убиты сотни мирных жителей⁷. Реальные цифры, скорее всего, гораздо выше, поскольку о насилии и преступлениях по-прежнему сообщается недостаточно, а привлечение виновных к ответственности затруднено из-за отсутствия доступа в районы конфликта.

11. Нападения теке на «неместные», по их мнению, общины вызвали жестокий отпор со стороны яка, которые начали организовывать «мобондо» — группу бойцов, привлекая членов других союзных общин, таких как суку, мбала, ндинга, сонге и нгонго. Организация и методы работы «мобондо» подробно описаны в приложении 4 данного доклада.

12. На протяжении 2023 года члены группы «мобондо» становились все более организованными, наращивали свой военный потенциал и совершали нападения в военном стиле⁸. Вместе с тем пока неясно, является ли «мобондо» иерархически структурированной и однородной группой или скорее коалицией банд-единомышленников без центрального командования.

13. Операции ВСДРК привели к разоружению и аресту сотен вооруженных комбатантов, в основном из рядов «мобондо». Хотя некоторые из них были заключены в тюрьму и предстали перед судом, многие вместо этого были переведены в учебные центры ВСДРК, главным образом в Китону. Кроме того, Фабрис Зомби «Мини Конго», назначенный по решению президента Демократической Республики Конго главным представителем на переговорах между яка и теке, мобилизовал сотни членов «мобондо» для участия в тренировочных лагерях

² В частности, в коммунах Малуку, Кимбасеке, Масина и Нджили.

³ Источник в ВСДРК.

⁴ Очевидцы, исследователи, источники в МООНСДРК и представители гражданского общества.

⁵ Правительственные источники, представитель провинции Маи-Ндомбе, представители гражданского общества и очевидцы.

⁶ ВСДРК, МООНСДРК, исследователи, правительственные источники, гражданское общество и свидетельские показания.

⁷ МООНСДРК, источники в гуманитарных организациях и среди представителей гражданского общества, исследователи и правительственные источники.

⁸ ВСДРК, исследователи, представители гражданского общества и источники в МООНСДРК.

ВСДРК (см. приложение 5). «Мини Конго» — традиционный вождь суку, признаваемый яка в качестве номинальной главы. В этой связи теке обвинили его в сотрудничестве с «мобондо» и в вооружении членов таких групп⁹.

14. Группа задокументировала, что более 1000 комбатантов из Майи-Ндомбе и других районов, включая сдавшихся членов «мобондо», были призваны, обучены и отправлены в Северное Киву в восточной части Демократической Республики Конго для борьбы с бойцами М23 без какой-либо предварительной проверки. Группа подтвердила их присутствие в Северном Киву среди недавно развернутых войск ВСДРК¹⁰.

III. Северное Киву

A. Альянс демократических сил

Оперативная обстановка в Демократической Республике Конго

15. Находящаяся под санкциями вооруженная группа АДС (CDe.1) сохранила боеспособность, несмотря на активизацию и расширение географии затронувшей ее операции «Шуджа» (S/2023/431, пп. 11–12). Народные силы обороны Уганды (УПДФ) сообщили, что с начала операции они уничтожили более 550 комбатантов АДС, заявив, что «АДС скоро канет в Лету» (см. приложение 6). По данным УПДФ и президента Уганды Йовери Мусевени, были убиты ключевые командиры АДС, такие как Мулало¹¹ и Медди Нкалубо¹² (см. приложение 7). Группа экспертов, тем не менее, не смогла подтвердить факт их гибели. АДС продолжил продвигаться на запад в попытке освободиться от военного давления, адаптируя свою тактику, действуя в формате небольших мобильных групп и совершая периодические нападения, в основном в отдаленных районах, вдоль дорог (особенно RN4) и на сельскохозяйственных полях, пользуясь отсутствием государственной власти (см. приложение 8)¹³.

16. Руководство АДС решило сократить число нападений в Демократической Республике Конго, в частности, чтобы завоевать «сердца и умы» людей (см. приложение 9) и сосредоточиться на нападениях в Уганде (пп. 17–18). Это привело к периодическим затишьям в нападениях АДС в Итури и особенно на территории Бени с июля 2023 года¹⁴. На момент составления данного доклада нападения в очередной раз возобновились.

Нападения «Альянса демократических сил» в Уганде

17. С декабря 2022 года комбатанты АДС регулярно проникают в Уганду, где они уже совершили по меньшей мере пять смертоносных нападений, в том числе на школу в Мпондве в июне 2023 года (см. приложение 10 и п. 19). Это ознаменовало собой существенный сдвиг, поскольку на протяжении более десяти лет нападения АДС были сосредоточены в основном в Демократической Республике Конго. Эти недавние нападения в Уганде также отличались в оперативном

⁹ См. приложение 2.

¹⁰ ВСДРК, источники в спецслужбах, исследователи, представители гражданского общества, очевидцы.

¹¹ См. S/2021/560, приложение 4.

¹² См. S/2023/431, пп. 32 и 38.

¹³ Бывшие комбатанты АДС, пособники АДС и внутренние источники, бывшие похищенные, источники в ВСДРК, исследователи, представители гражданского общества, дипломатические работники и источники в МООНСДРК.

¹⁴ Бывшие комбатанты АДС, бывшие похищенные, источники в ВСДРК, исследователи, источники в МООНСДРК и дипломатические работники.

отношении от заказных убийств, нападений с применением самодельных взрывных устройств или попыток нападений ([S/2022/479](#), приложение 26) в последние годы на угандийской территории, которые приписывались АДС. Пять нападений были совершены комбатантами АДС, базирующимися в Демократической Республике Конго и пересекшими границу с Угандой, причем характер этих нападений отличается от характера нападений в прошлом, когда АДС мобилизовывал базирующихся в Уганде пособников для совершения убийств или установки самодельных взрывных устройств в Демократической Республике Конго.

18. Недавние нападения в Уганде были совершены в соответствии с уже зафиксированными в документах стратегиями АДС, преследующего двойную цель — отомстить за операции УПДФ и ВСДРК и сместить фокус этих операций с районов дислокации АДС в Демократической Республике Конго ([S/2022/967](#), п. 7)¹⁵. Кроме того, эти нападения, как сообщается, должны были продемонстрировать сохраняющуюся способность АДС совершать крупномасштабные и/или широко освещаемые в СМИ нападения и тем самым ставить в неловкое положение правительство Уганды, которое весьма громко заявляет о своих победах над АДС в Демократической Республике Конго. Эти нападения в Уганде также входили в новую стратегию АДС, направленную на смещение фокуса внимания с Демократической Республики Конго на Уганду.

Внутренняя динамика «Альянса демократических сил»

19. Согласно информации, полученной из целого ряда источников, в АДС, в частности между центральным руководством и командирами АДС, базирующимися в Мвалике, Северное Киву, включая командиров Амиго¹⁶ и Абвакаси¹⁷, наблюдалось обострение внутренней напряженности. Эта напряженность также была обусловлена некоторым расколом между лидерами АДС — выходцами из Уганды, в частности изначальными командирами, с одной стороны, и руководящими лицами неугандийского происхождения, такими как Бонге ла Чума ([S/2022/967](#), п. 23) и некоторыми более радикальными лидерами АДС, которые присоединились к группе совсем недавно, с другой стороны¹⁸. Например, согласно полученной информации, в том числе поступившей от самого АДС, нападение на Мпондве в Уганде было спланировано командиром АДС Абвакаси без предварительного указания или одобрения со стороны Мусы Балуку (CDi.036), выполняющего общие руководящие функции АДС.

Сети «Альянса демократических сил»

20. Группа продолжала изучать сети пособников АДС. Способность АДС мобилизовать пособников даже за пределами своих традиционных опорных пунктов, в частности в Южном Киву и в соседних странах, проиллюстрирована в двух тематических исследованиях (см. приложение 11). Вместо того чтобы использовать идеологию, АДС в основном вербовал и мотивировал своих пособников в Демократической Республике Конго, используя деньги и призывая их привлекать новых пособников, что позволяло постоянно обновлять состав их сетей.

¹⁵ Там же. См. также заявления президента Уганды Йовери Мусевени от 18 июня и 14 июля 2023 года.

¹⁶ [S/2023/431](#), п. 17.

¹⁷ См., в частности, [S/2021/560](#), приложение 4, и [S/2023/431](#), пп. 24–37.

¹⁸ Бывшие комбатанты АДС, внутренние источники, бывшие похищенные, источники в ВСДРК, исследователи, представители гражданского общества и дипломатические работники.

Идеологическая обработка, обращение в сексуальное рабство, местная и трансграничная вербовка, в том числе детей

21. АДС продолжал вербовку как в Демократической Республике Конго, так и за рубежом ([S/2021/560](#), п. 15) и под надзором командиров систематически эксплуатировал похищенных девочек и женщин в качестве сексуальных рабынь, о чем подробно говорится в приложении 12 к настоящему докладу.

В. Кризис, связанный с Движением 23 марта

Случаи нарушения соглашения о прекращении огня

22. На момент составления настоящего доклада все стороны конфликта нарушали соглашение о прекращении огня, которое вступило в силу в марте 2023 года.

23. Правительство Демократической Республики Конго сыграло важную роль в создании в конце сентября 2023 года коалиции «Добровольцы в защиту отечества» (ДЗО) с целью отвлечь от себя внимание, связанное с обвинениями в подготовке наступательных действий в нарушение режима прекращения огня, установленного между ВСДРК и М23 (пп. 37 и 40).

24. Расширенный механизм совместного контроля Международной конференции по району Великих озер заявил, что оккупация 26 сентября 2023 года силами М23 холма Каньямахоро, расположенного в нейтральной зоне между ВСДРК и М23, представляет собой нарушение соглашения о прекращении огня (см. приложение 13 и [S/2023/431](#), приложение 18). Кроме того, после того как во время столкновений в Каньямахоро был убит кенийский миротворец, Региональные силы Восточноафриканского сообщества заявили в пресс-релизе, что «во вторник, 24 октября 2023 года, было нарушено соглашение о прекращении огня между ВСДРК и вооруженной группой М23» (см. приложение 14)¹⁹.

25. После нескольких месяцев относительного спокойствия ([S/2023/431](#), пп. 40–46) с начала октября 2023 года возобновились бои между М23 и различными вооруженными группами, особенно в районах Китчанги, Кибумбы и Тонго. 21 и 22 октября сообщалось о тяжелых боях между Движением 23 марта, пользующимся поддержкой СОР, и ВСДРК, которым оказывали поддержку местные вооруженные группы, ДСОР, частные военные компании и Силы национальной обороны Бурунди (СНОБ) (пп. 33–51). На момент составления данного доклада бои продолжались на нескольких участках фронта, в частности вдоль линии Каньямахоро — Кибумба — Русайо на территории Ньярагонго; линий Каленгера — Тонго — Бвиза и Бамбу — Кишише — Кибириси — Рвинди на территории Рутшуру; и линии Килолирве — Бурунгу — Китчанга на территории Масиси. Были зарегистрированы большие потери среди ВСДРК, Сил обороны Руанды (СОР) и М23, в том числе погибло несколько офицеров М23 (см. приложение 15).

Операции Движения 23 марта при поддержке Сил обороны Руанды

Контроль Движения 23 марта над территориями

26. Несмотря на значительные подкрепления ВСДРК и использование ими маррионеточных сил, Движение 23 марта продолжало контролировать стратегические позиции ([S/2023/431](#), пп. 41 и 57), вернуло утраченные территории и

¹⁹ На момент составления данного доклада М23 и СОР все еще присутствовали и действовали в Каньямахоро и его окрестностях (см. приложения 17 и 32).

захватило дополнительные районы (пп. 33–51). Например, 21 октября М23 начало контрнаступление и захватило Китчангу, убив по меньшей мере 30 военнослужащих спецподразделений ВСДРК. М23 также отвоевало несколько населенных пунктов в районе Тонго, на территории Рутшуру, и продвинулось дальше на север, взяв 26 октября 2023 года под контроль Бамбо. На момент составления доклада из-за ожесточенных боев в Кибумбе и ее окрестностях вдоль границы с Руандой было усилено давление на Гому.

Подготовка личного состава и вербовка

27. Движение 23 марта продолжало укреплять свой военный потенциал, в том числе путем вербовки и подготовки. В начале мая 2023 года эта вооруженная группа организовала в Тшанзу трехмесячные военные «курсы переподготовки» (п. 77), а также тренировки по технике ведения боя в городских условиях²⁰. Сдавшиеся комбатанты М23, военный пресс-секретарь М23 и источники в спецслужбах сообщили, что военная цель М23 — взять под контроль аэропорт Кавуму, Гому и Букаву, в том числе путем проникновения в эти города. Группу, планирующую такое проникновение, должны были возглавить «майор» Миринди (S/2023/431, приложение 25) и «полковник» Зэруа²¹. Последний был убит в бою в Килолире (п. 25).

28. По словам одного из офицеров СОР, а также согласно источникам в органах безопасности и спецслужбах, с начала мая по начало июня 2023 года силы М23 также проходили подготовку в Военной академии СОР в Гако, Руанда.

Сохраняющаяся поддержка, оказываемая Силами обороны Руанды Движению 23 марта

29. Правительство Руанды продолжало утверждать, что «Руанда не поддерживает М23 и не располагает войсками в Демократической Республике Конго» (см. приложение 16). Тем не менее Группа экспертов получила дополнительные свидетельства — в том числе снимки аэрофотосъемки и фотоснимки — прямых вторжений и подкреплений войск СОР на территории Демократической Республики Конго, в частности на территориях Масиси, Рутшуру и Ньярагонго (S/2023/431, пп. 54–61). Присутствие СОР и проведение ими операций были подтверждены сдавшимися комбатантами М23, бывшими бойцами СОР, а также источниками в спецслужбах, представителями гражданского общества и членами региональных сил Восточноафриканского сообщества, лидерами и комбатантами вооруженных групп и очевидцами (см. приложение 17).

30. По данным бывших комбатантов М23 и источников в спецслужбах, с начала октября 2023 года солдаты СОР из пяти различных батальонов были развернуты на территориях Ньярагонго, Рутшуру и Масиси. СОР и М23 пользовались поддержкой нескольких групп боевой поддержки и разведки общей численностью 250 бывших комбатантов ДСОР, действовавших под командованием разведывательного управления обороны Руанды²². Очевидцы, один офицер СОР и дипломатические сотрудники сообщили Группе, что в результате засад вооруженных групп в национальном парке Вирунга и проведенных ВСДРК бомбардировок позиций СОР на территории Ньярагонго были ранены или убиты несколько десятков служащих СОР. Раненые и убитые были эвакуированы в Руанду.

²⁰ Сдавшиеся комбатанты М23 и источники в спецслужбах.

²¹ Там же.

²² Там же. Бывшие комбатанты М23.

Высокотехнологичное оружие

31. В июне 2023 года в Мурамби, недалеко от Мушаки, территория Масиси, где велись активные боевые действия, в том числе присутствующими и осуществляющими операции СОР и М23, была обнаружена неразорвавшаяся 120-мм управляемая минометная мина (S/2023/431, пп. 56–57 и приложение 26). 24 октября 2023 года остатки аналогичной 120-мм управляемой минометной мины были обнаружены в 15 метрах от лагеря ВСДРК в Каньямахоро, который в тот же день был обстрелян с холмов, контролируемых СОР (см. приложение 18).

32. Группа отмечает, что этот тип минометных мин, отличающихся возможностями лазерного наведения и коррекции траектории с помощью GPS и, таким образом, обеспечивающих точность удара и высокую поражающую способность, ранее не был задокументирован на территории Демократической Республики Конго и не входил в арсенал ВСДРК.

Вооруженные группы, используемые правительством Демократической Республики Конго в качестве марионеточных сил

33. В течение отчетного периода Группа экспертов документально подтвердила активизацию мобилизации и использования правительством Демократической Республики Конго вооруженных групп, включая ДСОР, в качестве марионеточных сил для борьбы с М23 и СОР (S/2023/431, пп. 79–85). Это те же самые вооруженные группы, которые лишь затягивали конфликт в Северном Киву и совершали в прошлом нападения на гражданских лиц и ВСДРК (S/2017/672/Rev.1, пп. 52–61, S/2018/531, пп. 70–85).

34. Изначально известная как «Альянс патриотического сопротивления» (АПС) (S/2022/967, пп. 64–71 и S/2023/431, пп. 75–78), коалиция вооруженных групп с марта 2023 года стала называть себя «вазалендо» (см. резюме выше). Она приобрела широкую известность после того, как к ней присоединились дополнительные группы из Северного и Южного Киву (см. приложение 19 и пп. 83–87).

35. После увеличения числа нападений М23 и расширения подконтрольной ему территории с начала 2023 года (S/2023/431, пп. 40–46) ВСДРК начали планировать операции, направленные на «нейтрализацию противника» и «отвоевание утраченных позиций» (см. приложение 20). На закрытых совещаниях высшее военное командование также заявляло о необходимости мобилизации «вазалендо» для борьбы с М23 и СОР²³. С июня 2023 года начальник штаба ВСДРК генерал Чивеве Сонгеша координировал проведение нескольких встреч (S/2023/431, п. 79) с большинством лидеров вооруженных групп, действующих в районе Пти-Нор и враждебно настроенных по отношению к М23 (см. приложение 21).

36. В конце сентября 2023 года недавно назначенный временный губернатор и командующий операциями в Северном Киву генерал Питер Нкуба Чиримвами созвал в Го́ме собрание лидеров этих вооруженных групп (см. приложение 22). По наблюдениям Группы экспертов, там также присутствовали лица, находящиеся в санкционном перечне, такие как лидер фракции «Ндумские силы обороны Конго» (возрожденные) (НОК (в)) Гидон Шимирай Мвиса (CDi.033) и лидеры Демократических сил освобождения Руанды — Боевых сил абакунгузи (ДСОР-БОСА) (см. приложение 23). Для участия во встречах вертолетом

²³ Источники, близкие к командованию ВСДРК, лидеры вооруженных групп, источники в ВСДРК и МООНСДРК.

ВСДРК был доставлен 21 человек из числа лидеров и комбатантов вооруженных групп²⁴.

37. Высшее военное командование ВСДРК утверждало, что это собрание было организовано в рамках Программы разоружения, демобилизации, восстановления общин и стабилизации, чтобы побудить вооруженные группы к разоружению²⁵. Однако источники сообщили, что эта программа служила лишь прикрытием для того, чтобы избежать обвинений в совершении внесенных в санкционный перечень действий или подготовке наступательных действий в нарушение режима прекращения огня, установленного между ВСДРК и М23 и вступившего в силу в марте 2023 года.

38. Группа экспертов отмечает, что на этой встрече отсутствовали представители Программы разоружения, демобилизации, восстановления общин и стабилизации. Кроме того, источники подтвердили, что де-факто встреча была посвящена разработке совместной оперативной стратегии ВСДРК и «вазалендо» для борьбы с М23 и СОР. В стратегии были определены соответствующие зоны ответственности «вазалендо», операции, материально-техническое обеспечение и поставки оружия (п. 39 и S/2023/431, пп. 79–85)²⁶. В ее рамках также была создана коалиция ДЗО, состоящая из 8000 комбатантов «вазалендо» во главе с Жанвье Караири Боинго из Альянса патриотов за свободное и суверенное Конго, Домиником Ндарухутсе по прозвищу «Доми» из Объединения движений за перемены/Сил народной обороны (ОДП/СНО)) и Гидоном Шимираем Мвисой (см. приложение 24) и призванная служить в качестве марионеточных сил ВСДРК.

39. В начале октября 2023 года, через неделю после встречи в Гоме, вооруженные группы ДЗО начали наступать на позиции М23. Деятельность ДЗО координировала канцелярия губернатора Северного Киву. ДЗО и другие комбатанты «вазалендо», иногда действующие совместно с ВСДРК, были развернуты на территориях Валикале, Ньирагонго, Масиси и Рутшуру, в том числе в зонах развертывания Региональных сил Восточноафриканского сообщества, (S/2023/431, пп. 44–46), либо для защиты стратегических позиций, таких как Кибумба и Гома, либо для нападения на контролируемые М23 районы, такие как Килолирве, Кирумбу, Кибаризо, Китчанга и Бвиса, и их отвоевания. При координирующей помощи полковника Кристофа Кенге, военного администратора территории в Масиси, и полковника ВСДРК Саломона Токолонги (см. приложение 25) ВСДРК поставляли лидерам и комбатантам ДЗО оружие, материально-технические средства и наличные деньги в нарушение эмбарго на поставки оружия и режима санкций. Комбатанты ДЗО, большинство из которых были одеты в форму ВСДРК, носили нарукавные повязки определенного цвета, чтобы их можно было идентифицировать (см. приложение 26). Группа экспертов документально засвидетельствовала нарушения, совершенные комбатантами ДЗО в отношении гражданского населения в районах, находящихся под их контролем (см. п. 54 ниже).

40. Группе сообщили, что использование ДЗО в качестве марионеточных сил было поддержано высшим армейским руководством, желающим обеспечить в преддверии президентских выборов военную победу над М23 и СОР²⁷. До

²⁴ Там же.

²⁵ Военный губернатор Северного Киву Чиримвами, министр, отвечающий за национальную оборону, и источники в ВСДРК.

²⁶ Источники, близкие к командованию ВСДРК, лидеры и комбатанты вооруженных групп, представители гражданского общества и источники в спецслужбах.

²⁷ Там же.

конца октября 2023 года ВСДРК заявляли, что «по требованию политического руководства» они соблюдают соглашение о прекращении огня²⁸.

Резервные силы национальной обороны

41. В Официальном вестнике Демократической Республики Конго был опубликован Закон о создании резервных сил национальной обороны, известных как РАО²⁹ (июль 2023 года)³⁰. Во время составления настоящего доклада проект указа о соблюдении Закона, подготовленный в консультации с Группой экспертов, был представлен на обсуждение с правительством. Группа с обеспокоенностью отметила, что проект указа исключает возможность привлечения в ряды РАО только тех лиц, которые «осуждены» за совершение военных преступлений, преступлений против человечности или геноцид. Это позволяет освободить от ответственности большинство комбатантов и лидеров вооруженных группировок, таких как Гидон Шимирай Мвиса, Жанвье Карахири и Доминик Ндарурутсе, которые печально известны тем, что совершили подобные преступления, но избежали правосудия.

42. Вооруженные группировки воспользовались неопределенностью в отношении реального правового статуса РАО. Хотя официальная регистрация в РАО еще не открылась, некоторые лидеры и комбатанты заявили, что уже являются членами РАО, и ссылались на это, чтобы оправдать свое участие в военных операциях. Группе сообщили, что нескольким лидерам вооруженных групп, в том числе находящемуся под санкциями Гидону Шимираю, были обещаны ключевые посты в РАО в обмен на их поддержку в борьбе с М23.

Поддержка Силами национальной обороны Бурунди Вооруженных сил Демократической Республики Конго

43. Согласно информации, полученной из источников, близких к командованию ВСДРК и подтвержденной многочисленными другими источниками³¹, 1070 военнослужащих СНОБ, одетых в форму ВСДРК, совместно с ВСДРК и «вазалендо» были тайно развернуты с начала октября 2023 года вдоль дороги Саке — Китчанга с целью обеспечения безопасности территории Масиси от нападений М23 и СОР. Это развертывание было осуществлено в рамках концепции операций Региональных сил Восточноафриканского сообщества.

44. По словам командующего Региональными силами Восточноафриканского сообщества, бурундийские войска, участвующие в операциях в районе Масиси, считаются легитимными только в том случае, если они входят в состав Региональных сил Восточноафриканского сообщества. Военный штаб и правительство Бурунди отказали СНОБ в развертывании в Северном Киву вне рамок концепции операций Региональных сил Восточноафриканского сообщества (см. приложение 27). Более того, министр обороны Демократической Республики Конго Жан-Пьер Бемба и генерал Чиримвами сообщили Группе, что им ничего не известно о двустороннем сотрудничестве между СНОБ и ВСДРК в Пти-Нор (см. приложение 28). Вместе с тем, по данным источников, близких к командованию ВСДРК, в ВСДРК и вооруженных группах, Чиримвами, действуя в соответствии с указанием своего военного начальства, отдал приказ и распорядился о развертывании СНОБ. Члены М23 и руандийские должностные лица

²⁸ Источники в ВСДРК и источники, близкие к командованию ВСДРК.

²⁹ Резервная армия обороны Демократической Республики Конго (“La Réserve Armée de la Défense de la RDC”).

³⁰ См. S/2023/431, приложение 51.

³¹ Источники в органах безопасности и спецслужбах, исследователи и источники, близкие к командованию ВСДРК.

осудили развертывание СНОБ вне рамок концепции операций Региональных сил Восточноафриканского сообщества (см. приложение 29).

45. Начиная с 21 сентября военнослужащих СНОБ перебрасывали из Бужумбуры в Гому самолетами ВСДРК, на борту которых находилось обмундирование и снаряжение ВСДРК (см. приложение 30), и развертывали в Минове и ее окрестностях в Южном Киву (S/2023/431, п. 42)³².

46. 7 октября 2023 года две роты СНОБ перебросили свои силы из Миновы в Кабати, находящемся в нескольких километрах к востоку от Китчанги³³. 16 октября 2023 года по просьбе ВСДРК частная военная компания “Congo Protection” доставила в Китчангу шесть грузовиков с военнослужащими СНОБ, одетыми в форму ВСДРК³⁴. Развертывание СНОБ продолжалось по меньшей мере до 20 октября 2023 года. Впоследствии войска СНОБ, наряду с ВСДРК и «вазаландо», участвовали в столкновениях с М23 в окрестностях Китчанги и Килолире³⁵.

Тактическая поддержка, оказываемая частными военными компаниями Вооруженным силам Демократической Республики Конго в ходе контрнаступления

47. Две частные военные компании — “Agemira RDC” и “Congo Protection” — активизировали свою стратегическую и тактическую поддержку, оказываемую ВСДРК в ходе контрнаступления на М23 и СОР в Пти-Нор (см. приложение 31 и S/2023/431, пп. 41, 47 и 48).

48. Помимо проведения подготовки и инструктажа подразделений ВСДРК (S/2023/431, приложение 23), компания “Congo Protection” руководила артиллерийскими ударами по позициям М23 и СОР, которые ВСДРК наносили в соответствии со стратегическими рекомендациями “Agemira RDC”. Например, 6 октября 2023 года, после того как по позиции ВСДРК в Каньямахоро был нанесен удар 120-мм минометной миной, ВСДРК выпустили 27 82-мм и десять 120-мм минометных мин по совместной позиции М23–СОР (см. приложение 32).

49. Военное командование ВСДРК и компания “Agemira RDC” обратились с просьбой о развертывании “Congo Protection” в зонах боевых действий, таких как Китчанга и Рвинди. После проведения разведывательной миссии руководство “Congo Protection” отказалось от этой идеи³⁶. Вместо этого “Congo Protection” согласилась перебросить специальные силы ВСДРК и СНОБ в Китчангу и окрестности. С августа 2023 года для защиты аэропорта Кавуму в Букаву от ожидаемого нападения М23 были развернуты 80 служащих “Congo Protection”.

50. Ремонтно-восстановительные работы на военно-воздушных средствах ВСДРК, проведенные “Agemira RDC”, позволили осуществлять целенаправленные воздушные операции против позиций М23 и СОР. Например, 28 октября 2023 года при поддержке “Agemira RDC” ВСДРК спланировали и осуществили воздушные удары с использованием истребителя «Сухой» (СУ-25). Они сбросили две 250-кг и две 500-кг бомбы и 57-мм ракеты на совместную позицию

³² Источники в органах безопасности и спецслужбах, источники, близкие к командованию ВСДРК.

³³ Источники в спецслужбах и органах безопасности, а также в ВСДРК и комбатанты вооруженных групп.

³⁴ Там же. Источники, близкие к командованию ВСДРК.

³⁵ Лидеры вооруженных групп, источники в органах безопасности и ВСДРК и представители гражданского общества.

³⁶ Частные военные компании, ВСДРК, источники в органах безопасности и правительстве.

M23–СОР у национальной дороги Рутшуру — Бунагана недалеко от Кибумбы (см. приложение 33).

51. Руководство компании “Agemir RDC” также оказывало стратегическую поддержку в планировании и командовании операциями ВСДРК в Пти-Нор, проводило наземную разведку в режиме реального времени, планировало поставки оружия, обучение ВСДРК и логистику с учетом этих операций³⁷.

С. Подстрекательство к вражде или насилию

52. Продолжалось распространение ненавистнических высказываний и подстрекательства к насилию, особенно в отношении руандофонского населения (S/2022/967, пп. 72–77, и S/2023/431, пп. 98–103).

53. Жюстен Битаквира³⁸, член Национальной ассамблеи, продолжал выступать с ненавистническими высказываниями, используя риторику отчуждения, поощряя дискриминацию и враждебность по отношению к общинам тутси и бань-я-му-лен-ге (S/2021/560, п. 154, S/2022/967, п. 73), в частности во время интервью, транслировавшегося на платформе «Ютьюб» 6 июля 2023 года (см. приложение 34). 20 июля 2023 года Битаквира был вызван прокуратурой в Кассационный суд и допрошен по поводу использования им в отношении общины тутси выражений, содержащих обвинения в «дикарстве» (см. приложение 35)³⁹. Власти не стали возбуждать против Битаквиры судебное дело.

54. В контексте возобновления с начала октября 2023 года боевых действий в Пти-Нор вновь зазвучала воинственная риторика в адрес общины тутси, которая, как считается, коллективно поддерживает М23 (S/2023/431, пп. 100 и 101). После того как 4 и 5 октября члены ДЗО захватили Китчангу, община тутси, проживавшая в этом районе⁴⁰, вновь покинула его (см. приложение 36), а дома, принадлежавшие тутси, были разрушены⁴¹. В Бурунгу был зверски убит в своем доме пожилой инвалид, потому что он был тутси⁴², а деревня Нтуру была сожжена ДЗО под предлогом того, что тутси укрывают там боевиков М23 (см. приложение 37).

Д. Расправа Республиканской гвардии над безоружными демонстрантами

55. Мистико-религиозная секта «Истинная иудейская мессианская вера — народам» (ИИМВН) запланировала на 30 августа 2023 года демонстрацию против МООНСДРК и некоторых учреждений Организации Объединенных Наций⁴³. Неподтвержденная информация в военных файлах о том, что в секту проникли боевики М23, спровоцировала жестокое нападение на членов секты со стороны специальных сил Республиканской гвардии, которые 30 августа

³⁷ Там же.

³⁸ За распространение ненавистнических высказываний Жюстен Битаквира был включен в санкционный перечень Европейского союза (на английском языке).

³⁹ Заявление Жюстена Битаквиры от 20 июля 2023 года (на французском языке).

⁴⁰ В таких деревнях, как Нтуру, Килорирве, Бурунгу, Китчанга, Кабарекаша.

⁴¹ Источники в МООНСДРК, представители гражданского общества и источники в гуманитарных организациях.

⁴² Представители гражданского общества, источники в МООНСДРК и гуманитарных организациях.

⁴³ Источники в МООНСДРК и ВСДРК, представители гражданского общества и свидетели.

2023 года убили, как минимум, 57 безоружных гражданских лиц. Подробное описание инцидента см. в приложении 38.

56. Военная юстиция возбудила уголовное дело *in flagrante delicto* в отношении двух офицеров Республиканской гвардии — полковника Микомбе Мике, командующего объединенным военным штабом Республиканской гвардии (*commandant interarmées*) в Северном Киву, и подполковника Бавили Донатъена, командира специального подразделения 19-го полка Республиканской гвардии, также известного как «Ибу», и четырех солдат. В начале октября военный суд приговорил полковника Микомбе к смертной казни, а подполковника Бавили оправдал по всем пунктам. Согласно результатам расследований Группы экспертов, проведенных на основе видеозаписей и показаний очевидцев, оба офицера присутствовали на месте преступления.

57. Военный прокурор не стал проводить дальнейшее расследование приказов, отданных высшим командованием Республиканской гвардии, в том числе в отношении роли генерал-майора Эфраима Каби, командующего Республиканской гвардией. Расследования в отношении других потенциальных подозреваемых, выявленных Группой на основании имеющихся видеодоказательств, также не были продолжены (см. приложение 39).

58. Группа экспертов отмечает, что участвовавшее в расправе спецподразделение «Ибу» Республиканской гвардии на момент составления доклада продолжало участвовать в боевых действиях в Северном Киву против М23.

Е. Крах системы должной осмотрительности в секторе олова, тантала и вольфрама в Рубайе

59. В течение рассматриваемого периода из-за широкомасштабного вмешательства вооруженных групп и других преступных сетей в добычу и торговлю оловом, танталом и вольфрамом была серьезно нарушена система должной осмотрительности в отношении двух действующих разрешений на разработку месторождений в Рубайе, в частности РЕ4731 и РЕ76 (см. приложение 40).

Вооруженные группы в Рубайе

60. В сентябре 2023 года Группа экспертов заметила, что комбатанты коалиции «вазалендо», большинство из которых были одеты в форму ВСДРК, контролировали район Рубайя, а также свободно передвигались и контролировали контрольно-пропускные пункты, где взимали налог с гражданских лиц.

61. В добыче полезных ископаемых на участках РЕ4731 и РЕ76 участвовали, среди прочих, комбатанты «вазалендо» из вооруженных групп «ньятура-абазунгу» и «Коалиция конголезского патриотического сопротивления/Ударные силы (ПАРЕКО/УС). Шахтеры, представители гражданского общества и другие источники⁴⁴ сообщали о действиях боевиков «вазалендо» на нескольких горнодобывающих участках, расположенных в пределах РЕ4731, включая D4 Гакомбе, Лувово, Бунджали, Койи, D2 Бибитама, D3 Бибитама и D2 Матаба. Те же источники сообщили об активизации участия комбатантов ПАРЕКО/УС в Бихуле — районе добычи полезных ископаемых, расположенном на участке РЕ76. Силы ПАРЕКО/УС контролируют этот район с июня 2023 года, когда комбатанты покинули участок РЕ4731 после разногласий, возникших между их лидером Сендугу Мусевени и двумя лидерами «ньятура» — «генералами» Махоро и Мутайомба, в основном по поводу распределения доходов от налогообложения.

⁴⁴ Источники гражданского общества и шахтеры.

62. С мая 2023 года «вазалендо» требует от каждой группы из 2–5 старателей, известных как кинамба, платить 10 000 конголезских франков (4 долл. США) в день за доступ к шахтам и за их «безопасность». По оценкам местных источников, на каждом из этих объектов работало не менее 100 старателей, что приносило вооруженным группировкам примерно 15 000–20 000 долл. США в месяц. Торговцы и заведующие рудниками также должны были платить от 100 до 150 долл. США в месяц в дополнение к 40 долл. США, которые с них взымали во время работы рудников⁴⁵.

63. Комбатанты «вазалендо», некоторые из которых раньше были старателями, добывали полезные ископаемые силовым путем. Например, «генерал» «нъятура» Мутайомбва потребовал от старателей на участке Гакомбе часть добытого ими сырья⁴⁶.

64. Группа экспертов наблюдала, как гражданские лица приветствуют присутствие «вазалендо» в районе Рубайя. Также широко сообщалось о сотрудничестве между комбатантами «вазалендо» и правительственными властями. Например, источники и очевидцы докладывали о совместных ночных патрулях «вазалендо» и ВСДРК, а также о присутствии лидеров и комбатантов «вазалендо» на совещаниях в Рубае по вопросам безопасности, организованных представителем военного губернатора Селкали Бихаме.

65. На участках, которые контролировались вооруженными группировками, представители администрации горнодобывающей промышленности отсутствовали. Группа экспертов отмечает, что это является нарушением ее рекомендации по руководящим принципам должной осмотрительности, одобренным Советом Безопасности⁴⁷.

Нарушения нормативных принципов в ходе горнодобывающей деятельности

66. 15 июня 2023 года власти провинции подтвердили запрет на любую горнодобывающую деятельность в местах добычи полезных ископаемых на участке РЕ4731 (S/2023/431, пп. 91–97). Тем не менее, как Группа экспертов отметила в сентябре 2023 года, добыча и транспортировка минеральных ресурсов с участка РЕ4731 в центр Рубайя продолжались.

67. Добыча с участка РЕ4731 либо переправлялась контрабандой в Руанду, либо «отмывалась» в официальной цепочке поставок с использованием меток Международной инициативы в отношении цепи снабжения оловом Международной ассоциации по олову для минералов, добытых в РЕ76, где добыча все еще была разрешена (см. приложение 41)⁴⁸.

68. Перевозчики минеральных ресурсов, работающие в Рубае, сообщили, что маршрут для мошеннической контрабанды сырья в Южное Киву, который все чаще использовался после того, как М23 оккупировало Мушаки (см. S/2023/431, п. 97), был со временем заброшен в пользу торговых предприятий, расположенных в Гоме, которая вновь стала транзитным пунктом для контрабанды в Руанду (S/2021/560, п. 74).

⁴⁵ Представители гражданского общества, работники горнодобывающей отрасли и субъекты в экономическом секторе.

⁴⁶ Три старателя.

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

⁴⁸ Старатели и посредники, работающие на торговцев, представители гражданского общества, чиновники администрации горнодобывающей промышленности.

Споры о праве собственности в Рубайе

69. 14 июля 2023 года Министерство горной промышленности лишило компанию “Société minière de Bisunzu” разрешения на добычу на участке PE4731, дав ей 30 дней на обжалование (см. приложение 42)⁴⁹. Компания подала апелляцию, но на момент составления доклада ответа не получила.

70. По словам чиновников администрации горнодобывающий промышленно-сти и правительственных источников, правительство не хотело отменять свое решение о лишении этой компании разрешения, поскольку предпочитало выдавать разрешения на разработку участков PE4731 и PE76 компаниям, принадлежащим определенным политически значимым лицам, и совместному государственно-частному предприятию “Primera Mining Limited”, представляющему собой партнерство между Объединенными Арабскими Эмиратами и Демократической Республикой Конго. В своем решении отдать предпочтение “Primera Mining” над “Société minière de Bisunzu” некоторые правительственные чиновники также ссылались на давние противоречия между “Société minière de Bisunzu” и Кооперативом старателей-кустарей Масиси (см. приложение 43).

71. 17 июля 2023 года правительство Демократической Республики Конго, “Primera Mining” и “Société minière du Kivu et du Maniema” (Золотодобывающая компания Киву и Маниемы) подписали соглашение о создании совместного предприятия для разработки нескольких горнодобывающих участков, включая участок, на который распространяется действие лицензии PE76. Это соглашение было оспорено несколькими участниками (см. приложение 44).

IV. Итури

A. Провал мирной инициативы в Ару и всплеск насилия

72. Начатый в 2022 году Найробийский мирный процесс и несколько других местных мирных диалогов, которые последовали за ним и были направлены на прекращение насилия в Итури, потерпели неудачу (см. приложение 45)⁵⁰. С января 2023 года насилие со стороны вооруженных групп привело к гибели в провинции Итури более 1100 мирных жителей⁵¹. Усиление боевых действий в районах добычи полезных ископаемых и в пунктах размещения внутренне перемещенных лиц продолжало оказывать серьезное воздействие на гражданское население.

73. Власти Демократической Республики Конго при поддержке МООНСДРК организовали с 25 мая по 1 июня 2023 года в Ару очередной мирный диалог с вооруженными группами, действующими в провинции Итури. В нем принимали участие представители вооруженных группировок «Кооператив за развитие Конго»/Союз революционеров в защиту конголезского народа (КОДЕКО/СРЗКН), Патриотического и интеграционистского фронта Конго (ПИФК), Патриотического фронта сопротивления в Итури (ПФСИ) и Движения народной самообороны Итури (ДНСИ).

74. Участники подписали Соглашение об обязательствах, пообещав прекратить боевые действия (см. приложение 46). Члены группировки «Заир» не присутствовали на встрече в Ару, якобы в знак протеста против создания ДНСИ и

⁴⁹ Группа получила письмо от компании “Société minière de Bisunzu”, в котором разъяснялось, что Эдуар Мвангачучу больше не занимает должность в этой компании.

⁵⁰ См. S/2023/431, пп. 104–110.

⁵¹ Источники в МООНСДРК и гуманитарных организациях.

общего нежелания признать то, что, по их мнению, является продолжающимся геноцидом против общины хима⁵². Впоследствии «Заир» пыталась сорвать выполнение соглашения, действуя провоцирующим образом в отношении ДНСИ и КОДЕКО/СРЗКН (см. приложение 47).

75. Принятые обязательства вновь оказались недолговечными, поскольку возобновился цикл провокаций и ответных атак. КОДЕКО/СРЗКН, ПИФК (см. приложение 48), а также не подписавшие соглашение фракции группировки «Заир» продолжали приобретать оружие, готовить комбатантов и совершать смертоносные нападения на ВСДРК, полицию, конкурирующие вооруженные группы и гражданское население, например нападения на лагерь внутренне перемещенных лиц «Лала». (пп. 78–80).

В. Укрепление центрального командования «Кооператива за развитие Конго»/Союза революционеров в защиту конголезского народа и дальнейшее усиление группировки «Заир»

76. КОДЕКО/СРЗКН оставались наиболее воинственной вооруженной группой в Итури, ответственной за большинство нападений и жертв среди гражданского населения. «Заир» также продолжала свои операции и отказалась сложить оружие. Она продолжала укреплять свой военный потенциал, включая вербовку и обучение комбатантов внутри страны и за рубежом. Дополнительную информацию о деятельности КОДЕКО/СРЗКН и «Заир» см. в приложениях 49 и 50 соответственно⁵³.

С. Связи «Заир» с Движением 23 марта

77. «Заир» использовала свои установленные в прошлом связи с некоторыми лидерами М23, отправляя бойцов в Северное Киву для обучения в М23. Например, командир Лого Марин, один из лидеров группировки «Заир» и бывший член Союза конголезских патриотов (СКП)⁵⁴, отправил в период с мая по июнь 2023 года для подготовки в рядах М23 в Бунагане, Демократическая Республика Конго, 50 бойцов «Заир»⁵⁵.

Д. Нападение на лагерь внутренне перемещенных лиц «Лала»

78. В ночь 11 июня и рано утром 12 июня 2023 года комбатанты КОДЕКО/СРЗКН напали на расположенный неподалеку от Буле лагерь внутренне перемещенных лиц «Лала», где в основном проживают члены общины хима. Они убили 46 мирных жителей, половина из которых — дети, сожгли более 240 домов и разграбили домашний скот⁵⁶.

79. За день до расправы комбатанты «Заир» из Буле во главе с командиром Чура убили пять мирных жителей ленду в районе Валенду-Джатси и одного —

⁵² См. S/2023/431, пп. 114–116.

⁵³ Источники в МООНСДРК, спецслужбах, гуманитарных организациях, представители гражданского общества, исследователи. См. S/2023/431, пп. 114–116.

⁵⁴ См. S/2022/479, п. 103.

⁵⁵ Лидеры вооруженных групп, бывшие комбатанты М23, источники в органах безопасности и представители гражданского общества.

⁵⁶ Источники в ВСДРК, спецслужбах, представители гражданского общества, исследователи, источники в гуманитарных организациях и в МООНСДРК.

в Петро, район Валенду-Питси. Чтобы отомстить за эти убийства, КОДЕКО/СРЗКН спланировали ответное нападение на лагерь временно перемещенных лиц (ВПЛ), в то время как некоторые комбатанты «Заир» во главе с Чурой отступили в лагерь «Лала», смешавшись с ВПЛ⁵⁷. Скоординировав свои действия, комбатанты КОДЕКО/СРЗКН стянулись с нескольких направлений, в частности из Петро, Гокпы и Джауды в Валенду-Джатси, чтобы напасть на место размещения внутренне перемещенных лиц (см. приложение 51).

80. До этой расправы внутренне перемещенные лица говорили о своих опасениях относительно неминуемого крупномасштабного ответного нападения со стороны КОДЕКО/СРЗКН, поскольку регулярно поступали сообщения о периодическом совершении убийств внутренне перемещенных лиц, совершавших поездки в этот район, а также об убийствах боевиками «Заир» мирных жителей из общины ленду⁵⁸.

Нарушение гуманитарного характера пунктов размещения внутренне перемещенных лиц

81. Согласно информации, поступившей из многочисленных источников, вооруженные комбатанты «Заир» во главе с Чурой, официально являющимся лидером молодежи хима в Буле, присутствовали в лагерях для внутренне перемещенных лиц в Буле и окрестностях, в том числе в «Лале»⁵⁹. Утверждается, что их целью была защита пунктов размещения внутренне перемещенных лиц в окрестностях Буле, в частности лагерей «Плен-Саво» (S/2022/479, пп. 90–93) и «Лала». Вместе с тем комбатантов регулярно видели с огнестрельным и холодным оружием не только в окрестностях лагерей, но и в самих лагерях, что подрывает их гражданско-гуманитарный характер и вызывает ответные нападения со стороны КОДЕКО/СРЗКН. Местная община отрицала присутствие вооруженных комбатантов «Заир» в местах размещения внутренне перемещенных лиц, опасаясь наказания, и/или потому что полагалась на их защиту⁶⁰.

82. Группа обеспокоена тем, что гражданский и гуманитарный характер пунктов размещения внутренне перемещенных лиц на территории Джугу⁶¹ все больше подрывается присутствием вооруженных комбатантов и близостью вооруженной деятельности, что приводит к массовой гибели внутренне перемещенных лиц и утрате ими средств к существованию в результате неоднократных нападений на них (S/2022/479, пп. 87–93) и негативно сказывается на работе гуманитарных организаций.

V. Южное Киву

A. Влияние конфликта, связанного с Движением 23 марта, на динамику деятельности вооруженных групп

83. В течение отчетного периода связанный с М23 кризис по-прежнему способствовал активизации деятельности вооруженных групп в Калехе, Кабаре и Шабунде, северных территориях Южного Киву (S/2023/431, приложение 73).

⁵⁷ Источники в ВСДРК, спецслужбах, представители гражданского общества, исследователи, источники в гуманитарных организациях и в МООНСДРК, очевидцы.

⁵⁸ Источники в ВСДРК и спецслужбах, представители местного населения и источники в МООНСДРК, а также исследователи.

⁵⁹ Источники в спецслужбах, комбатанты «Заир» и КОДЕКО и очевидцы.

⁶⁰ Там же.

⁶¹ В том числе «Плен-Саво» и «Роэ», пункты размещения ВПЛ в окрестностях Буле, Дродро и Блуквы.

Эти группы, в основном фракции «Райя мутомбоки» и группы «ньятура», воспользовались связанным с М23 кризисом для повторной мобилизации и активизации своей деятельности (см. приложение 52)⁶².

84. Кроме того, большинство вооруженных групп в Южном Киву также стали называть себя «вазалендо», чтобы получить поддержку ВСДРК и местных властей, а также повысить легитимность своих действий и занять более выгодную позицию в случае проведения в дальнейшем переговоров с правительством и возможной интеграции в ВСДРК или РАО (пп. 34, 41 и 42)⁶³.

85. Нарастанию популярности феномена «вазалендо» способствовали широко распространенные слухи о проникновении комбатантов М23 и/или СОР в Южное Киву и об их операциях, некоторые из которых были подтверждены Группой экспертов (пп. 88–90), а также возникшие подозрения, иногда намеренно подпитываемые самими вооруженными группами (см. приложение 53).

86. Вместе с тем до недавнего времени лишь немногие из этих вооруженных групп пытались проникнуть в Северное Киву, чтобы сражаться с М23 и СОР (п. 34). Свой новый самопровозглашенный статус «вазалендо» они, скорее, использовали для вербовки, расширения зоны влияния, выполнения функций фактических властей и активизации своей преступной деятельности⁶⁴. К последним относятся эксплуатация природных ресурсов и многочисленные нападения на население и случаи нарушения их прав, включая сексуальное насилие, вербовку детей, убийства и притеснение мирных граждан, похищения с целью получения выкупа, вымогательство и незаконное налогообложение населения. Между вооруженными группами часто происходили столкновения⁶⁵. Сложившаяся ситуация усугублялась слабостью или отсутствием государственных органов власти, в частности служб безопасности во всем Южном Киву, в том числе из-за того, что ВСДРК сосредоточились на борьбе с М23 в Северном Киву. Предстоящие выборы и планируемый вывод МООНСДРК из Южного Киву, скорее всего, ухудшат ситуацию в Южном Киву.

87. В октябре 2023 года в Бараке с препятствиями столкнулись сотни комбатантов Сил самообороны Билозе Бишамбуке (ССББ), пытавшиеся присоединиться к «вазалендо» в Северном Киву⁶⁶. В октябре и начале ноября сотни бойцов «Райя мутомбоки» отправились в Северное Киву, причем иногда их перевозили на автомобилях, предоставленных местными властями⁶⁷. ССББ и «Райя мутомбоки» координировали свои действия с лидерами групп «вазалендо» в Северном Киву, такими как Жанвье Карахири и Гидон Шимирай Мвиса, а также с военными и провинциальными властями, чтобы получить разрешение на передвижение и упростить его (см. приложение 54)⁶⁸.

⁶² Источники в ВСДРК, органах безопасности и спецслужбах, исследователи, представители гражданского общества и источники в МООНСДРК.

⁶³ Лидер «вазалендо», ВСДРК, местные власти, органы безопасности, спецслужбы, исследователи, представители гражданского общества и источники в МООНСДРК.

⁶⁴ Там же.

⁶⁵ Там же.

⁶⁶ Лидеры «вазалендо» и ВСДРК.

⁶⁷ Исследователи, представители гражданского общества и органов безопасности.

⁶⁸ Лидеры «вазалендо», источники в ВСДРК и органах безопасности, представители гражданского общества и источники в МООНСДРК.

В. Сотрудничество бойцов «твирванехо» и Движения 23 марта

88. Группа экспертов документально подтвердила сотрудничество между «твирванехо» и М23. Целый ряд источников, включая бывших комбатантов М23 и «твирванехо» и лиц, близких к обеим группам, подтвердили, что руководство обеих групп, в частности Чарльз Сематама (S/2023/431, п. 143) от «твирванехо» и находящийся под санкциями Султани Макенга (CDi.008) от М23, поддерживали друг с другом регулярные контакты.

89. Командир «твирванехо» полковника Томас Ндори подтвердил связь между этими двумя группировками в аудиосообщении, которое попало в открытый доступ в июне 2023 года и подлинность которого была установлена Группой. «Полковник» Ндори утверждал, что между ними нет никакой разницы и что «твирванехо» ожидает прибытия смешанных войск, включая бойцов бань-я-му-лен-ге, которые придут из Масиси во главе с полковником, который привезет оружие и боеприпасы. Этим полковником был Моиз Байинши Гакунзи⁶⁹, дезертир ВСДРК из общины муньямуленге, который с момента своего присоединения к М23 в марте 2023 года считается одним из основных связующих звеньев между двумя группами (S/2023/431, п. 145). Вышеупомянутое аудиосообщение позволило руководству «твирванехо» арестовать Ндори на несколько месяцев⁷⁰.

90. При поддержке лиц, близких к «твирванехо», продолжалась региональная вербовка молодежи бань-я-му-лен-ге для использования в рядах М23. Некоторые из этих новобранцев были недавно убиты в боях на территориях Рутшуру и Масиси (S/2023/431, пп. 146–149)⁷¹. Кроме того, согласно информации, полученной из ряда источников, представители «твирванехо» и М23 участвовали в нескольких тренингах и встречах, организованных начиная с мая 2023 года в нескольких местах в Руанде и в Тшанзу, территория Рутшуру (п. 28)⁷². В качестве одного из представителей «твирванехо», участвовавших в совещании в середине 2023 года, на котором обсуждались вопросы координации между М23 и «твирванехо» и возможные операции против ВСДРК в Южном Киву, постоянно упоминается координатор «твирванехо» Камаса Ндакизе (S/2021/560, приложение 95)⁷³.

С. События в центре торговли золотом в Букаву

Компания “Primera Gold DRC”

91. Со времени представления предыдущего доклада Группы экспертов (S/2023/431) компания “Primera Gold DRC” продолжала наращивать объем официального экспорта золота из Демократической Республики Конго. В период с января по октябрь 2023 года она экспортировала более 4 тонн золота. Компания сообщила Группе, что более 90 процентов сделок было проведено через банковские каналы, что гарантировало возможность отслеживать финансовые

⁶⁹ Бывшие комбатанты «твирванехо», источники в органах безопасности, спецслужбах, исследователи и представители гражданского общества.

⁷⁰ Бывшие комбатанты «твирванехо», исследователи, источники в органах безопасности и представители гражданского общества.

⁷¹ Там же.

⁷² Бывшие комбатанты «твирванехо» и М23, источники в спецслужбах и органах безопасности, представители гражданского общества и источники в МООНСДРК.

⁷³ Бывшие комбатанты «твирванехо», источники в спецслужбах и органах безопасности, представители гражданского общества и источники в МООНСДРК.

транзакции. Тем не менее, Группа выявила недостатки в выполнении компанией своих обязательств по обеспечению должной осмотрительности.

Фактическая монополия

92. Закрепленные на институциональном уровне преимущества “Primera Gold DRC”, налоговые льготы и фактическая монополия на официальный экспорт золота из Демократической Республики Конго (S/2023/431, п. 172) подвергались критике со стороны многих сторон⁷⁴.

93. Против предоставленных компании “Primera Gold DRC” эксклюзивных прав публично выступили политические деятели, такие как депутат национального парламента Альфред Майша (см. также п. 71 выше). В то время как компания платила единый налог в размере 0,25 процента от стоимости экспортируемых товаров, другие экспортеры платили более шести процентов, что вызвало недовольство среди экономических деятелей. Правительство Демократической Республики Конго опровергло эти критические замечания (см. приложение 55).

94. Фактическая монополия “Primera Gold DRC” позволила некоторым руководителям компании и покупателям занять привилегированную позицию и игнорировать требования администрации горнодобывающей промышленности Демократической Республики Конго. Несколько служащих, занимающихся горнодобывающей промышленностью, сообщили Группе экспертов, что им мешают работать и что они опасаются возмездия со стороны представителей “Primera Gold DRC”. Например, 14 августа 2023 года один из руководителей компании сделал выговор одному из таких служащих на территории Физи, который арестовал человека, подозреваемого в перевозке незаконно добытого золота. В связи с этим инцидентом компания “Primera Gold DRC” сообщила Группе, что ее директор вмешался в ситуацию, чтобы выразить протест против существования незаконного контрольно-пропускного пункта. Этому противоречат выводы Группы (см. приложение 56), в которых отмечается, что подобные инциденты препятствуют борьбе с контрабандой золота.

Сомнительное происхождение золота

95. Группа экспертов выявила ряд упущений в информации об источниках поставок “Primera Gold DRC” и сообщила о них компании. Во-первых, компания может покупать и экспортировать золото, добытое кустарным способом, только если она не получит разрешение на покупку в других местах⁷⁵. Однако, согласно информации, полученной Группой экспертов, существует серьезный риск того, что “Primera Gold DRC” не соблюдала это требование в своих деловых отношениях с компанией “Tanganyika Gold” (см. приложение 57).

96. Второе упущение связано с отсутствием прозрачности относительно происхождения золота, закупленного компанией на нескольких объектах. Один из основных поставщиков “Primera Gold DRC” — компания “Regimalic”, которая в январе и феврале 2023 года продала “Primera Gold DRC” золото на сумму, эквивалентную почти 6 млн долл. США, не указала в документах, с которыми ознакомилась Группа, происхождение этого золота. Кроме того, не указывали происхождение золота, проданного компании “Primera Gold DRC”, и другие поставщики, включая Горнорудный кооператив Кимби. Несколько источников сообщили, что эти поставщики получают подавляющую часть золота с мест добычи на территории Физи — в районе, контролируемом «майи-майи» (Якутумба). В

⁷⁴ Администрация горнодобывающей промышленности, представители гражданского общества, экономические и политические деятели.

⁷⁵ Как подтвердила компания “Primera Gold DRC” Группе экспертов.

ответ на опасения Группы компания “Primera Gold DRC” сообщила, что золото поступает с проверенных объектов.

97. Кроме того, Группа экспертов подтвердила, что в нескольких случаях “Primera Gold DRC” покупала золото, незаконно добытое Горнорудным кооперативом Эммануэля в Киву на участках Лугушва, расположенных в Вамузиму, территория Мвенга. Группа получила письмо от одного из горных ведомств, в котором говорится, что добыча, проводимая этим кооперативом в данном районе, является незаконной (см. приложение 58). В октябре 2023 года “Primera Gold DRC” сообщила Группе, что ведет переговоры с владельцами вышеупомянутого участка.

Продолжающаяся контрабанда золота с использованием иностранных средств

98. Деятельность “Primera Gold DRC” не привела к существенному уменьшению масштабов контрабанды золота в регионе, как предполагалось в первоначальном соглашении. Торговцы и торговые предприятия продали компании только 50 процентов добытого золота; по оценкам, 50 процентов добытого золота было вывезено контрабандным путем⁷⁶.

99. В то время как торговцы и торговые предприятия предпочитали не продавать золото “Primera Gold DRC”, чтобы иметь наличные средства на руках, компания “Primera Gold DRC” хранила поступающие средства в банке, причем эти средства облагались банковскими налогами на операции. “Primera Gold DRC” также предлагала более низкую цену по сравнению с черным рынком. Компания предоставила дополнительную информацию по этому вопросу (см. приложение 59).

100. Поскольку экономические субъекты, участвующие в торговле золотом, продолжали получать авансом значительные финансовые средства из-за рубежа, контрабанда продолжала процветать. Группа экспертов имела доступ к счетам нескольких базирующихся в Букаву торговых предприятий и отметила, например, что в период с 3 января по 26 апреля 2023 года предприятие SOCREAT получило более 14 млн долл. США от расположенных в Кигали сетей и 26 млн долл. США от лиц, находящихся в Дубае. В период с 14 ноября 2022 года по 7 марта 2023 года предприятие “Namukaaya” получило от расположенных в Кигали сетей более 23 млн долл. США. Большинство таких переводов осуществлялось в обход официальных банковских каналов, что ограничивало возможность их отслеживания.

Обновленная информация об аффинажном заводе в Конго

101. Ожидается, что аффинажный завод в Конго начнет работу в 2022 году (S/2022/479, п. 178). Последние события свидетельствуют о прекращении деятельности этого завода (см. приложение 60).

VI. Рекомендации

102. Группа экспертов выносит следующие рекомендации.

⁷⁶ Экономические деятели из Букаву и источники, знакомые с проблемой.

Правительство Демократической Республики Конго

103. Группа экспертов рекомендует правительству Демократической Республики Конго:

- а) предоставлять Группе экспертов информацию об оружии и боеприпасах, обнаруженных на поле боя и/или изъятых у сдавшихся/захваченных комбатантов, чтобы можно было надлежащим образом отслеживать происхождение оружия (см. пп. 30, 31 и 32 выше);
- б) немедленно прекратить использование вооруженных групп в качестве марионеточных сил и снабжение их оружием, а также настоятельно призвать вооруженные группы соблюдать Программу разоружения, демобилизации, восстановления общин и стабилизации (см. пп. 33–42 выше);
- с) запустить процесс проверки и отбора при наборе в ряды конголезских сил безопасности, включая РАО, и обеспечить, чтобы комбатанты и лидеры вооруженных групп, подозреваемые в совершении международных преступлений или серьезных нарушений прав человека, не допускались к набору (см. пп. 41 и 42 выше);
- д) провести расследование в отношении лиц, поддерживающих вооруженные группы, участвующие в незаконной добыче полезных ископаемых в Рубайе, и привлечь их к ответственности (см. п. 70 выше);
- е) работать со странами транзита и назначения сырья, поступающего из Рубайи, с целью приведения цепочки поставок в соответствие с руководящими принципами должной осмотрительности Группы (см. пп. 60–65 выше).

Правительство Демократической Республики Конго и Совет Безопасности

104. Группа экспертов рекомендует правительству Демократической Республики Конго и Совету Безопасности поддерживать правозащитный и аналитический потенциал МООНСДРК в Южном Киву, а также потенциал прогнозирования в случае совершения нарушений, которые могут угрожать стабильности в Южном Киву (см. п. 86 выше).

Правительство Демократической Республики Конго при поддержке Миссии Организации Объединенных Наций по стабилизации в Демократической Республике Конго и других международных партнеров

105. Группа экспертов рекомендует правительству Демократической Республики Конго при поддержке МООНСДРК и других международных партнеров:

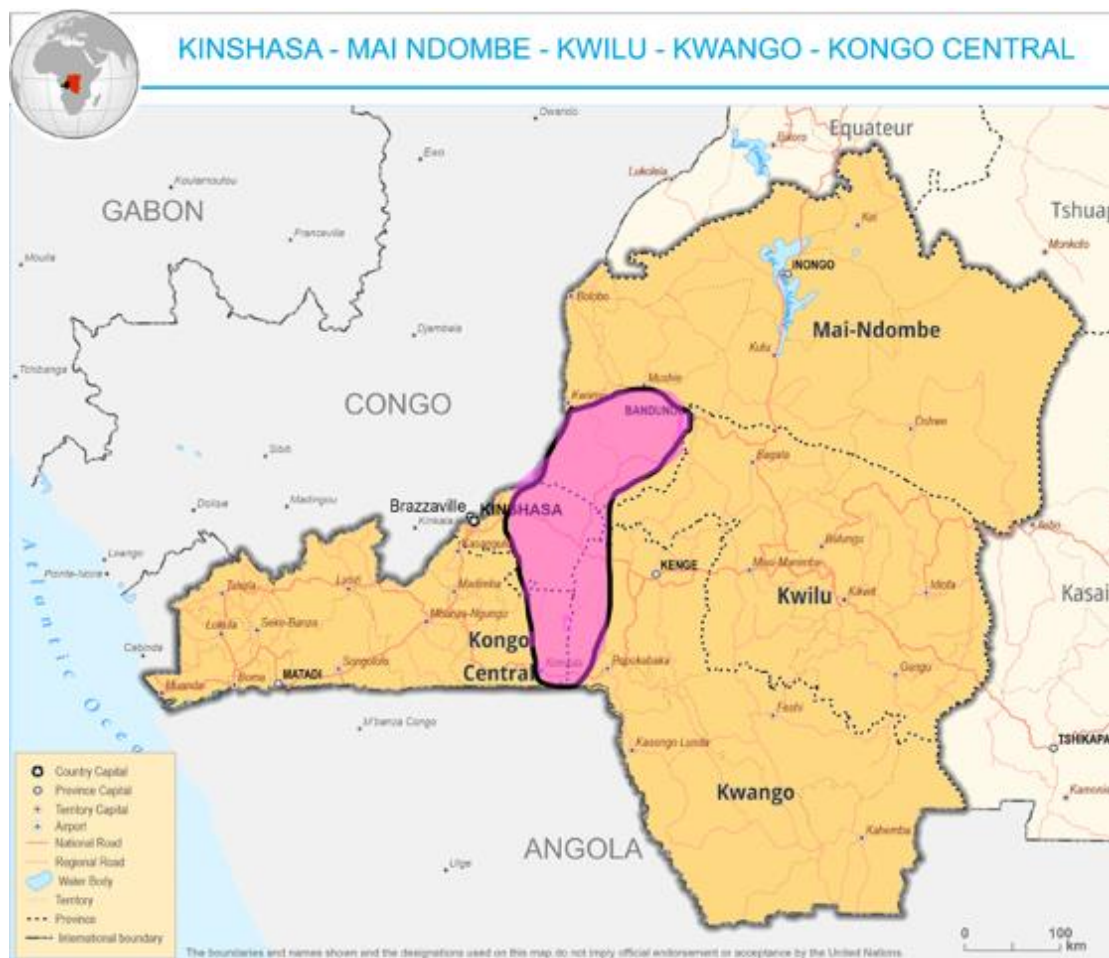
- а) повысить эффективность инструментария, используемого судебными и разведывательными службами, занимающимися расследованием и ликвидацией сетей АДС (см. пп. 15–20 выше);
- б) разработать всеобъемлющие руководящие принципы по интеграции международного гуманитарного права во все программы военного обучения и во все аспекты принятия военных решений (см. пп. 55–58 выше);
- с) совершенствовать меры, направленные на сохранение гражданского и гуманитарного характера мест размещения внутренне перемещенных лиц (см. пп. 78–82 выше).

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 area⁷⁷ 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.⁷⁸

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,⁷⁹ and the Teke chiefs began asking farmers who did not want to pay to leave their lands.⁸⁰ 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.⁸¹ 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.⁸²

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.⁸³

⁷⁷ 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.

⁷⁸ Local sources, researchers, UN sources, civil society, open-source research.

⁷⁹ Ibid.

⁸⁰ A provincial member of parliament, researchers, civil society.

⁸¹ 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>

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

⁸³ MONUSCO and civil society, sources, local notables, researchers.

Subsequently, attacks on Teke villages, notably along the RN17 road, began multiplying.⁸⁴ 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.⁸⁵

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.⁸⁶

- *The Yaka King or "Kiamvu"*

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

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

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.⁹² 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"⁹³ – with reference to the ancient Lunda Kingdom to which the Yaka belonged.⁹⁴

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

⁸⁵ Local sources, civil society, UN sources, researchers, and a local member of Parliament.

⁸⁶ 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>

⁸⁷ See https://en.wikipedia.org/wiki/Kingdom_of_Lunda

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

⁸⁹ Idem.

⁹⁰ 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/conflict-teke-yaka-le-vpm-daniel-asele-annonce-la-preparation-de-la-table-ronde-intercommunautaire-entre-les-yaka-et-les-teke>

⁹¹ See <https://congointer.info/2022/09/25/conflict-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-conflict-teke-yaka>

⁹² Local sources, civil society sources, researchers, a provincial member of parliament, community leaders.

⁹³ See <https://7sur7.cd/index.php/2022/09/14/mai-ndombe-le-roi-kiamfu-cite-comme-instigateur-du-conflict-teke-yaka> ; and

⁹⁴ See 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.⁹⁵

- *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 1914.⁹⁶ 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.⁹⁷ 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,⁹⁸ including through his aunt Nana Manwanina Kiumba, Minister to the President of the Republic and representative of the Head of State.⁹⁹ Mini-Kongo was personally appointed by the President to lead a commission for the resolution of the conflict in the Mai-Ndombe.¹⁰⁰ 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.¹⁰¹

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

Fetishism¹⁰³ 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.¹⁰⁴ 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.¹⁰⁵ Minister Nana Manwanina, 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).

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

⁹⁶ See https://en.wikipedia.org/wiki/Kingdom_of_Kongo

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

⁹⁸ Local sources, researchers, civil society, MONUSCO sources.

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

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

¹⁰¹ FARDC, MONUSCO sources, local and civil society sources, community leaders, eyewitnesses, video footage.

¹⁰² 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/>

¹⁰³ “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.

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

¹⁰⁵ 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-Kongo¹⁰⁶ 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.¹⁰⁷



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

¹⁰⁶ In the Suku tradition, since the 5th 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/>

¹⁰⁷ 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.¹⁰⁸

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.¹⁰⁹

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.¹¹⁰

¹⁰⁸ Humanitarian and MONUSCO sources, civil society.

¹⁰⁹ Humanitarian sources, civil society, researchers, local sources, and MONUSCO sources.

¹¹⁰ 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”.¹¹¹ 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.¹¹²

The Kiamvu is also the spiritual chief (*feticheur*) of the Yaka, with the prerogative of administering fetishist rituals called “bondo” to fighters.¹¹³ The Yaka and the Suku believe in the ancestral power of fetishes that can render them invisible to the enemy and immune to bullets.¹¹⁴ 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>

¹¹¹ FARDC, MONUSCO, researchers, community leaders, civil society sources.

¹¹² 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>.

¹¹³ FARDC, MONUSCO, researchers, community leaders, civil society sources.

¹¹⁴ 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.¹¹⁵ 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,¹¹⁶ 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.¹¹⁷ 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.¹¹⁸ They sold part of the looted goods to purchase ammunition and have been seen conducting business with some FARDC elements.¹¹⁹ 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.¹²⁰

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.¹²¹ 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.¹²²

¹¹⁵ FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

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

¹¹⁷ FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

¹¹⁸ I FARDC, MONUSCO sources, researchers, community leaders, civil society, eyewitnesses.

¹¹⁹ Several eyewitnesses, community leaders, researcher.

¹²⁰ MONUSCO, researchers, community leaders, civil society sources, eyewitnesses.

¹²¹ FARDC, MONUSCO sources, civil society sources, researchers.

¹²² 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.¹²³

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.¹²⁴

This was the third transport of recruits from Mai-Ndombe to the Kitona military base.¹²⁵ 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.¹²⁶

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)

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

¹²⁴ Idem.

¹²⁵ Idem.

¹²⁶ 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 30th 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 · **240,1 k** 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.¹²⁷ 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,¹²⁸ 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.¹²⁹ ADF and FPP/AP clashed on several occasions since May 2023.

In **Beni territory**, ADF attacks considerably reduced since the end of July 2023,¹³⁰ 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.¹³¹ 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.¹³² 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.¹³³ 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.

¹²⁷ FARDC, researchers, civil society, intelligence, diplomatic and UN sources.

¹²⁸ Ex-ADF abductees, FARDC, researchers, civil society, intelligence and UN sources.

¹²⁹ FARDC, researchers, civil society, intelligence and UN sources.

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

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

¹³² FARDC, researchers, civil society, intelligence and UN sources.

¹³³ 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.¹³⁴ 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.

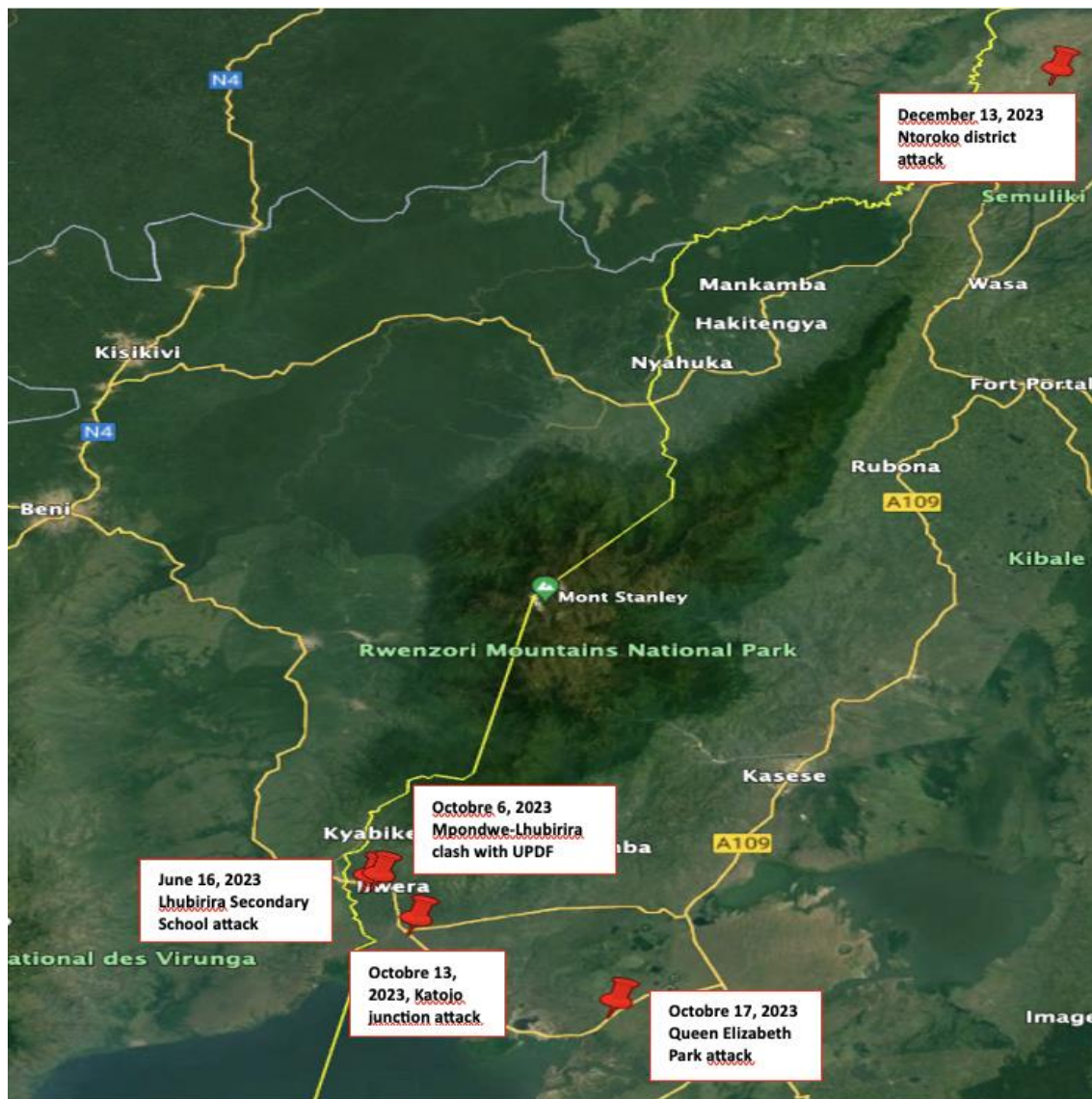
¹³⁴ ADF ex-abductees, ADF internal sources, FARDC, intelligence and UN sources.

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 students¹³⁵ attending the Lhubirira Secondary School in Mpondwe town.¹³⁶ 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,¹³⁷ 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.¹³⁸ 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".¹³⁹

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).

¹³⁵ <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.

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

¹³⁷ According to the account of a source who interviewed the victim.

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

¹³⁹ According to the account of a source who interviewed the victim and the neighbor.

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 days in the area.¹⁴⁰ 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.¹⁴¹ 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.¹⁴²



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.

¹⁴⁰ <https://www.youtube.com/watch?v=ICFH0cv7Zpk> and <https://twitter.com/KagutaMuseveni/status/1670417511001513984>.

Last accessed by the Group on 5 November 2023.

¹⁴¹ 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.

¹⁴² <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.¹⁴³ 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.¹⁴⁴



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

¹⁴³ FARDC, security, intelligence, diplomatic, researchers and civil society sources.

¹⁴⁴ <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.¹⁴⁵ 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.¹⁴⁶ 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.¹⁴⁷ 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

¹⁴⁵ Ibid.

¹⁴⁶ Musa Kamusi was the imam of Kasindi helping with recruitment, and was arrested in January 2020, he then escaped from Kangbaya 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.

¹⁴⁷ 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 آليّة كان يستقلها 3 من السياح النصاري أحدهم بريطاني، بين منطقتي (مويا) و(كيكورونغو) في (كاسيسي) غربي أوغندا أمس، حيث استهدفوهم بالأسلحة الرشاشة، ما أدى لمقتلهم، وأحرق المجاهدون آليتهم، 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 Husseini, 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,¹⁴⁸ which led to a significant increase in the number of abductees escaping from ADF camps¹⁴⁹ (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.¹⁵⁰ 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),¹⁵¹ 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, Defender¹⁵² or “Difenda” (see picture below), Seka Hassani, and Chalamanda,¹⁵³ among others. This practice was also reported in the camp led by commander Audi (see picture below) by his real name Hassan Nianzy,¹⁵⁴ 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 supervision¹⁵⁵ (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.¹⁵⁶

Recruitment abroad

Recruitment abroad also continued through a network of recruiters operating in Uganda, including by deceiving victims with false promises.¹⁵⁷ 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.

¹⁴⁸ See [S/2023/431](#), para. 11.

¹⁴⁹ MONUSCO sources, NGO source.

¹⁵⁰ According to statements of former ADF abductees.

¹⁵¹ Statements of five minors, former ADF abductees; MONUSCO and NGO sources

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

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

¹⁵⁴ 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.

¹⁵⁵ Statements of 71 children, former ADF abductees

¹⁵⁶ FARDC, MONUSCO and NGO sources; statements of former ADF abductees.

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

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”¹⁵⁸ based in Kampala to transport the children.¹⁵⁹ 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.¹⁶⁰ A child who had spent several years in an ADF camp led by commander Audi told the Group that her mother¹⁶¹ 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.¹⁶²

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.¹⁶³ 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,¹⁶⁴ Chalamanda, Yusufu, among others, were commanders who had ordered the assignment of minor girls to combatants.¹⁶⁵ This practice was established in all ADF camps, including in the camp of commander Audi.

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

¹⁵⁹ Testimonies of three children, former ADF abductees.

¹⁶⁰ MONUSCO and NGO sources.

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

¹⁶² 7-year-old child who escaped from an ADF camp.

¹⁶³ Statements of survivors, MONUSCO sources, NGO sources, FARDC, researcher .

¹⁶⁴ See [S/2021/560](#), annex 4.

¹⁶⁵ 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:

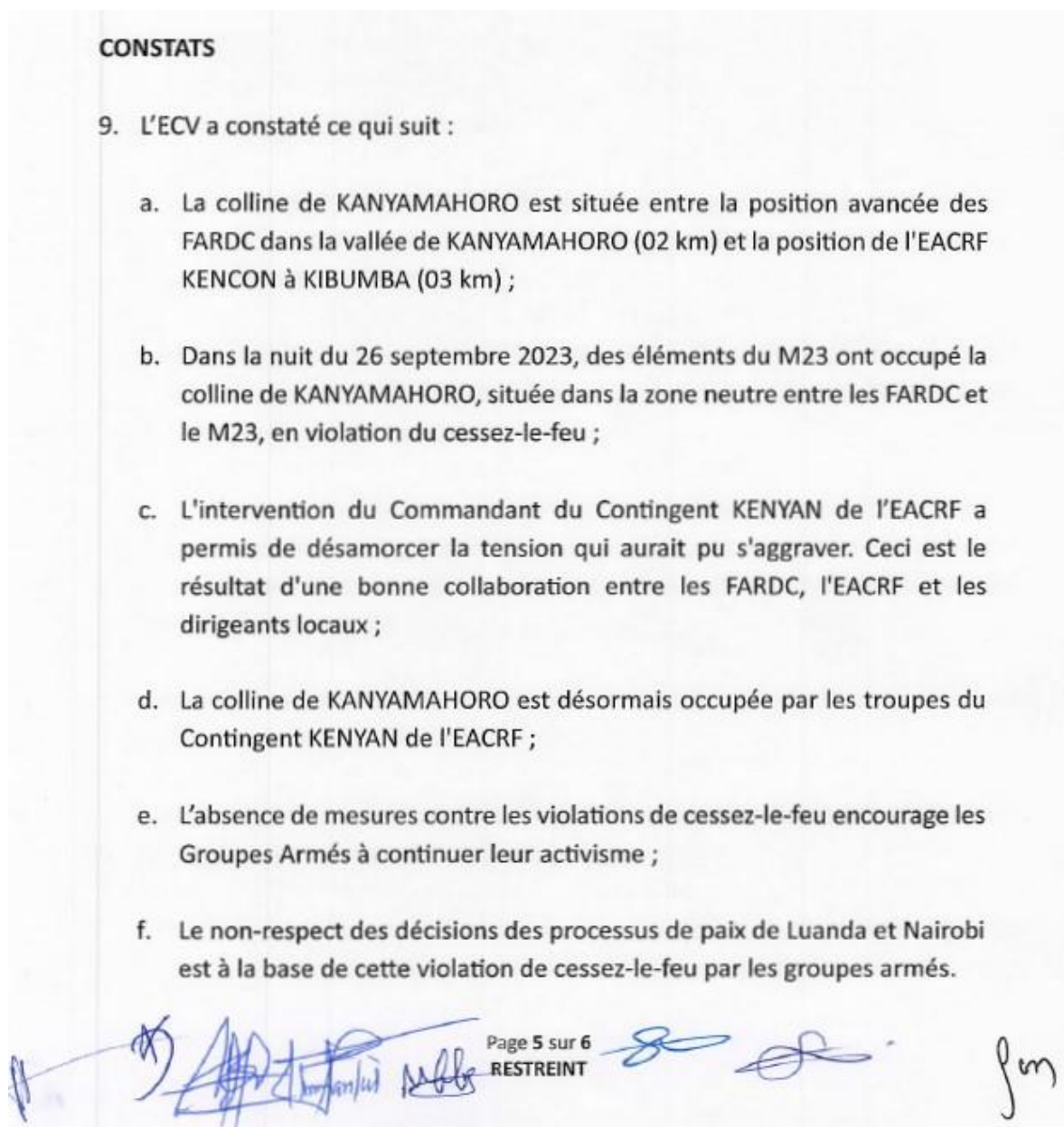


Picture provided by security sources

Annex 13 (para. 24)

Excerpt of the 29 September 2023 findings of the Expanded Joint Verification Mechanism on the violation of the cease-fire agreement¹⁶⁶

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.

¹⁶⁶ 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:

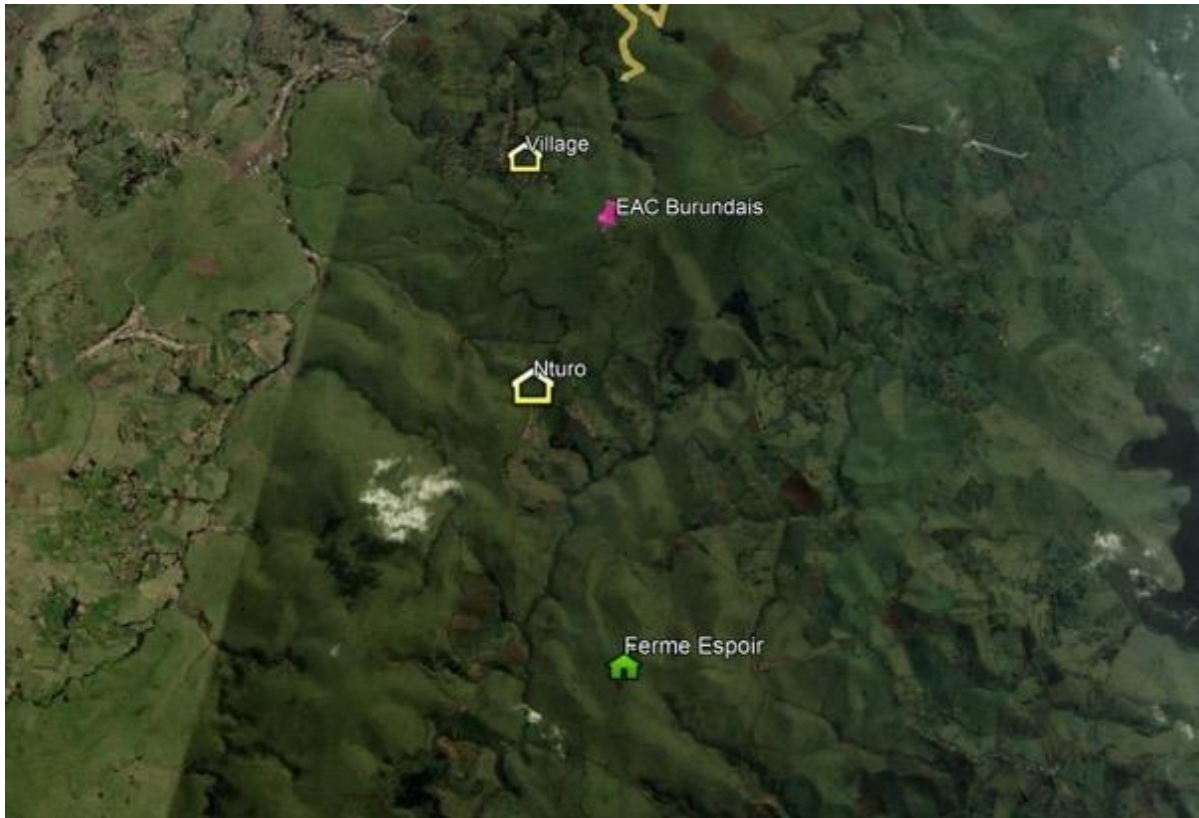


Also, on 16-17 October 2023, in the area between Kitchanga and Bwiza, as FARDC fled during an RDF counter-offensive, FARDC Special Forces were left without substantial protection. During the attack, 13 Special Forces were killed and many wounded.

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” Zaïrois 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.

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.

Annex 17 (para. 29)

Examples of aerial footage and photographic evidence confirming the presence of RDF soldiers on DRC territory, and additional information on the presence of RDF elements in North Kivu**Exemples de séquences aériennes et de preuves photographiques confirmant la présence de soldats des FRD sur le territoire de la RDC, et informations complémentaires sur la présence d'éléments des FRD au Nord-Kivu**

Regarding the presence of RDF soldiers on DRC territory, see also [S/2022/967](#), paras. 47-51 and annexes 29-32, as well as [S/2023/431](#), paras. 54-61 and annexes 28-35.

Aerial footage shot on 17 October 2023 shows columns of soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment, marching from Kalengera towards Tongo, Rutshuru territory, through Virunga National Park. The imagery also shows two objects considered to be 120mm mortars (see also annex 18).

Civil society sources and eyewitnesses reported that on 16 October 2023, an RDF column came from the Bunagana area, passed through Rukoro, close to Rutshuru, and was then spotted on the Kalengera-Tongo axes the following day. The sources identified the armed and uniformed men, estimated at around 250, as RDF soldiers because of their distinct military equipment and uniforms, their organized structure and *modus operandi*.





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:



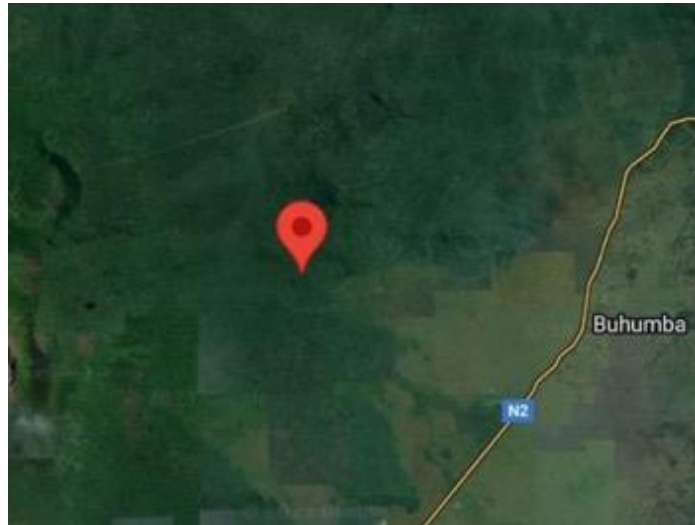




Footage obtained from a confidential source

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:





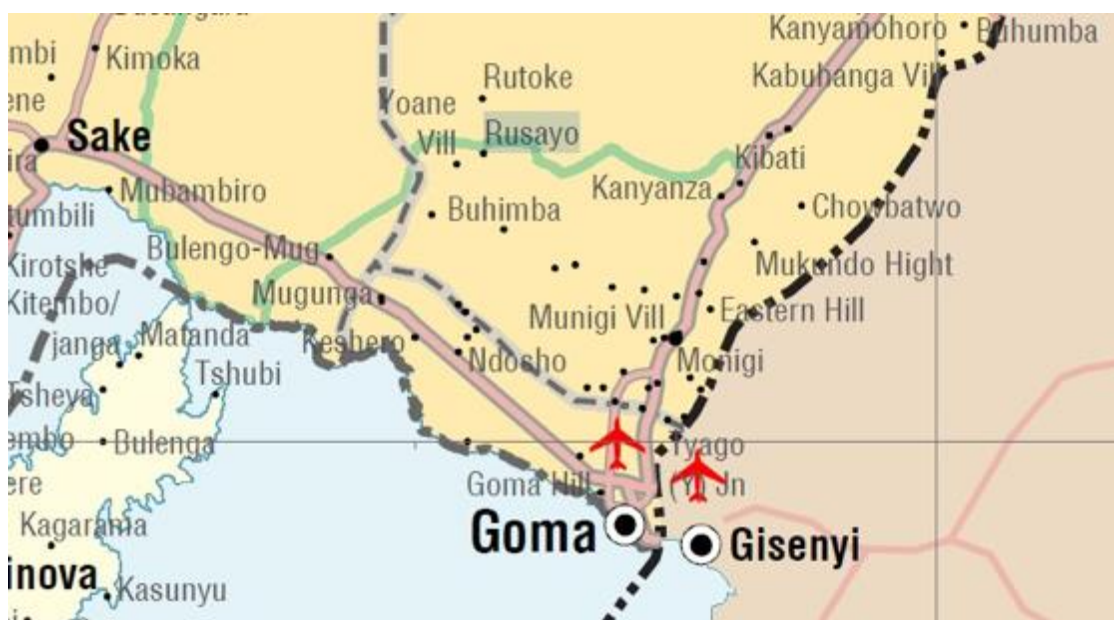
Footage obtained from a confidential source

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:

Armed group	Commander	Area of operations
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 Kifuafula		Walikale / Masisi
Union des peuples congolais libres de la nation (UPCLN)	“General” Janvier Mayanga	Masisi
Nyatura 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 libération 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 Guards¹⁶⁷ 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).

¹⁶⁷ 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.¹⁶⁸ 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).

¹⁶⁸ 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 Mwisu (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:

ARMED GROUP	REPRESENTATIVE AT GOMA MEETING
APCLS	- Elie
ANCDH/ABAZUNGU	- Identity unknown
CMC-FDP	- Dominique “Domi” Ndaruhutse - Jules Mulumba
CMC-FAPC	- Bigabo
EPLCS	- Identity unknown
FDLR/FOCA	- Identity unknown
FDDH / Delta	- Libende
FDDP	- Identity unknown
FPP/AP	- Kabidon Kisanyo - 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 - 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 Ndaruhutse, 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 Ndaruhutse 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 Shmiray 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 الثلاثاء		
GROUPE	Comd/Nom.	Positionnement
FDDH	Delta	Kazinga
UPCRN	Divin Kany andekwe	Haut plateau de Bishanga
MRP	Col Pascal (FARDC) & LUMOO MATATA chinois	Bweremana Mindva
PARECO/FF	Maroc	Ruebaya
CMC-NYIRAGO NGO	Janvier	Kitarva/ Nyiragongo
UPCRN	Flony	Murambi/ NYIRAGONGO
UPCRN	Col NZABI	KIBEX & RUGARI
FAR-W	Gen love	Kanyampoma/ Nyiragongo
EPLC	cherubin	Kanyampoma/ Nyiragongo
NDC-RMA PENZI	LIKUWE MAPENZI	Kinyumba KUBERO

Wednesday 22 الأربعاء		
FDDP	Defender & MKA	Kingi 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 Mwisu (CDi.033), in Pinga, Masisi territory:



Screenshots of a video showing Guidon Shimiray Mwisu (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.¹⁶⁹

¹⁶⁹ Armed group leaders and combatants, sources close to FARDC command, intelligence sources and researchers.

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 :



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.¹⁷⁰



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.¹⁷¹ In the foreground, CMC-FDP commander Domi Ndaruhutse passing by.



¹⁷⁰ Witnessed by members of the Group.

¹⁷¹ 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.

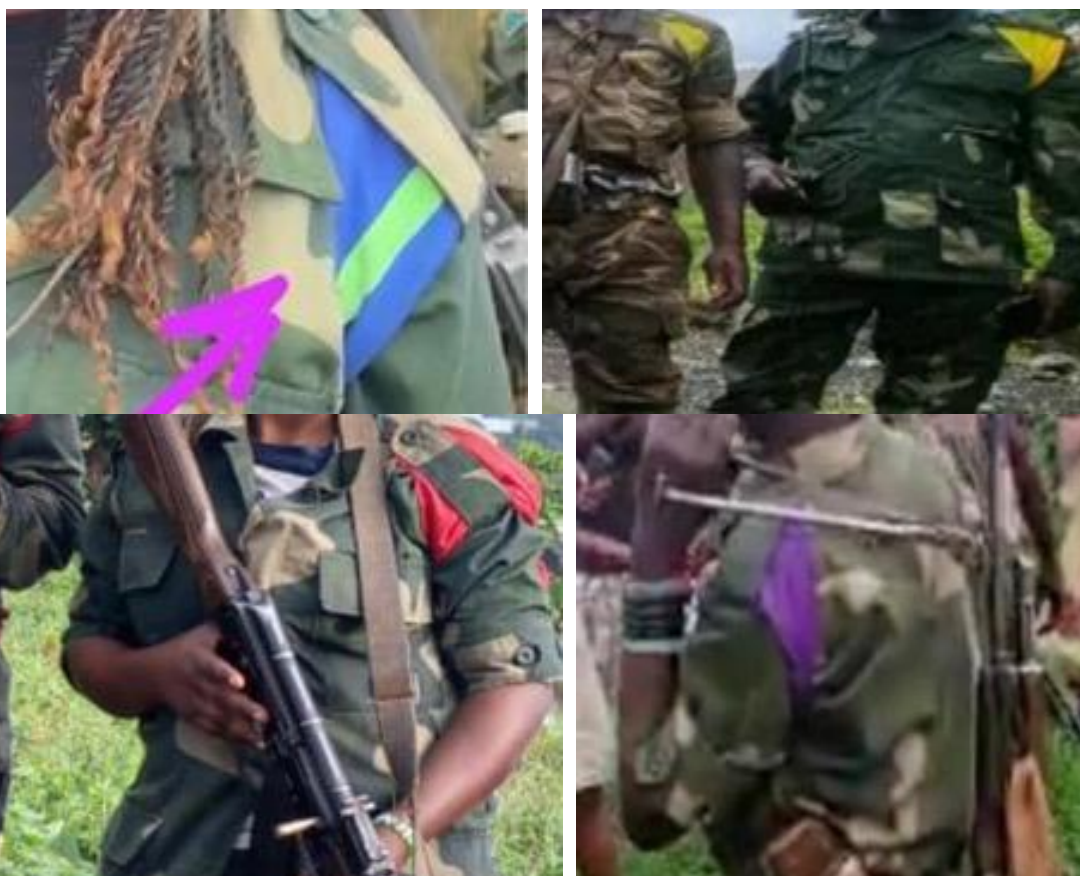


Pictures 1 to 4 above taken by the Group of Experts at the Grand Lac Hotel in Goma, on 24 September 2023

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 GATHONGAU 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.”¹⁷²

“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.”¹⁷³

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.”¹⁷⁴

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.”¹⁷⁵

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 Ndikumwibana¹⁷⁶, 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.¹⁷⁷ 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.

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.

¹⁷² Translation from French into English by the Group.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Note: M23 communications refer to the soldiers as “Ndikumana”.

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

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 2023.¹⁷⁸

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.

¹⁷⁸ 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. 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: 1st class

Names: KUBWIMANA MERENCE

Army Number: 83678HR 27742

Unit of origin in Burundi:

4th Division

Bataillon: 412

2nd company

Platoon One

Section One

Deployed to DRC under the 6th 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
42nd Street,
New York, NY 10017

Reference: 120/PDT/M23/2023

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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 7th, 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 22nd 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

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”.¹⁷⁹

¹⁷⁹ 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,¹⁸⁰ 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.

¹⁸⁰ 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, M23¹⁸¹ 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).¹⁸²

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.¹⁸³

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 3408th 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).¹⁸⁴ 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.¹⁸⁵

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 2.¹⁸⁶ M23 did not withdraw from Position 3.¹⁸⁷

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.

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

¹⁸² FARDC, EACRF, PMC and civil society sources.

¹⁸³ FARDC, EACRF, PMC and civil society sources.

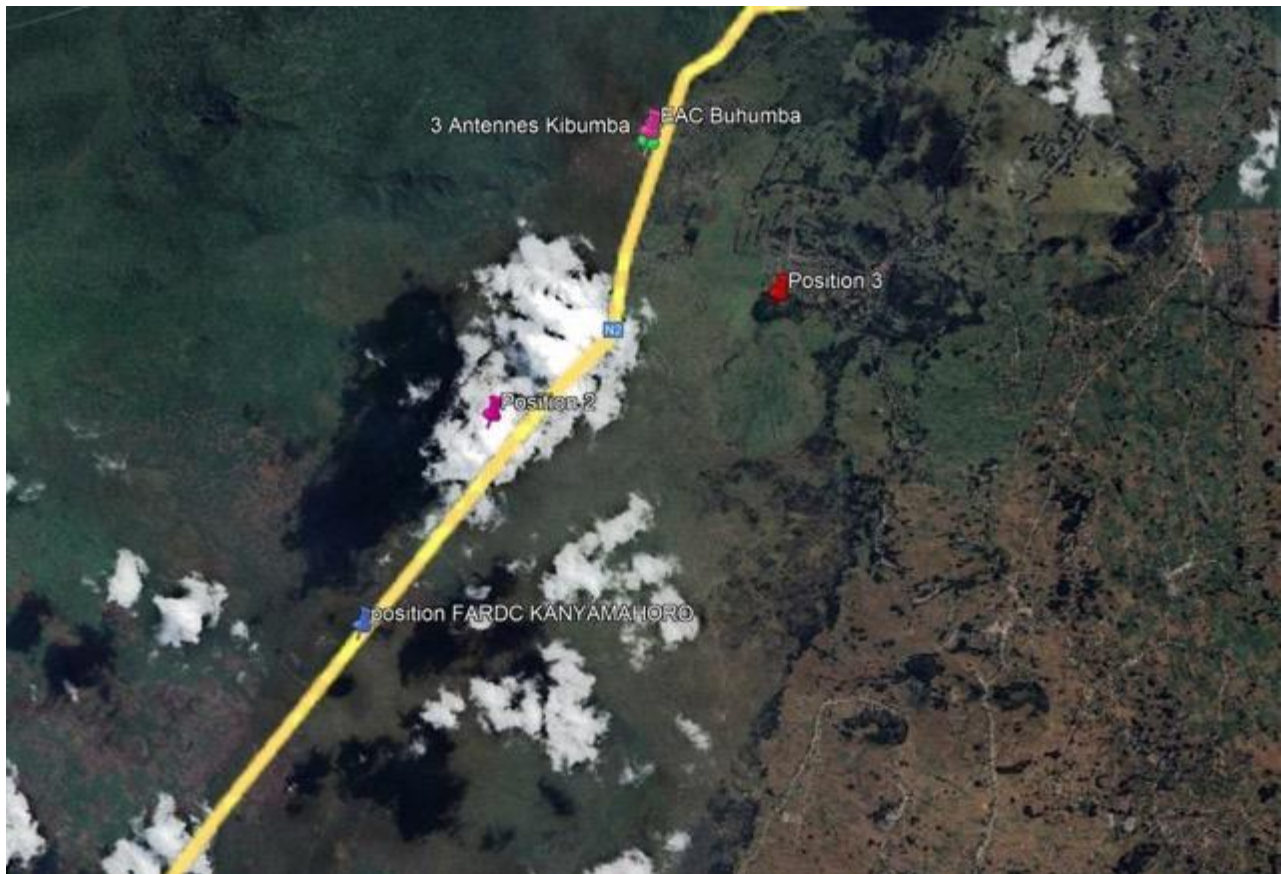
¹⁸⁴ Expanded Joint Verification Mechanism report of 29 September 2023, on file with the Secretariat.

¹⁸⁵ Ibid.

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

¹⁸⁷ 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

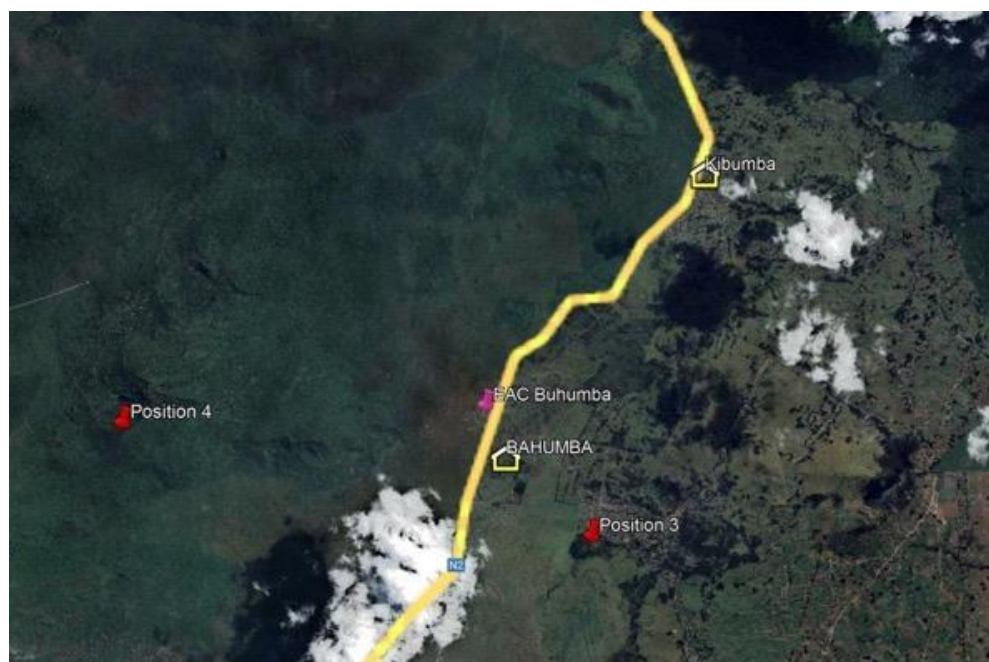
Annex 33 (para. 50)

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,¹⁸⁸ investigative journalist at *Bosolo Télévision*.¹⁸⁹ The interview was re-posted on the Youtube channel *Bosolo na Politik Officielle* on 24 July 2023.¹⁹⁰
2. During the interview, which lasted nearly two hours, Bitakwira exposed what he called the “autopsy of a nation in danger”.¹⁹¹ 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.¹⁹² He claimed that the war in the east was a problem between the Bantu and the Nilotic tribes.¹⁹³ 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.¹⁹⁴ 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”).¹⁹⁵
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.¹⁹⁶
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 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.

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

¹⁸⁹ Bosolo Télévision is advertised as an investigative television channel in the DRC. See www.youtube.com/@BOSOLOTV

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

¹⁹¹ See video at timestamp 1:04:41.

¹⁹² See from timestamp 00:17:40.

¹⁹³ See from timestamp 00:49:00.

¹⁹⁴ See from timestamp 00:47:15.

¹⁹⁵ See from timestamp 01:00:00.

¹⁹⁶ See from timestamp 01:17:00.



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)

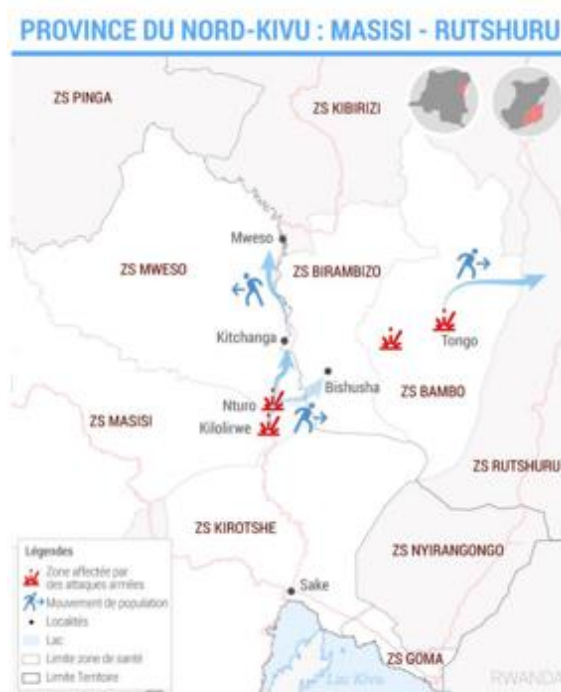
The Tutsi community fleeing VDP operations

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,¹⁹⁷ was once again forced to flee.¹⁹⁸

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.¹⁹⁹ 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).²⁰⁰

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.²⁰¹



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](#))

¹⁹⁷ MONUSCO, humanitarian sources, civil society, researchers, local sources, and photographic and video evidence

¹⁹⁸ 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.

¹⁹⁹ Local sources, civil society, MONUSCO, and humanitarian sources.

²⁰⁰ Sources from the Tutsi community.

²⁰¹ 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”,²⁰² was led by pastor Efraim Bisimwa. The sect had more than 1,000 followers²⁰³ 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 Ndosho neighbourhood in Goma, which also regularly transmitted audio-visual material online, including on Youtube.²⁰⁴
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.²⁰⁵ 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.²⁰⁶
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 2023.²⁰⁷ 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.²⁰⁸

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.²⁰⁹ 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 and the authorities.²¹⁰ 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.²¹¹

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

²⁰³ 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.

²⁰⁴ See [RTUN channel on Youtube](#)

²⁰⁵ MONUSCO, local sources, researchers, open sources/media.

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

²⁰⁷ MONUSCO, local and open sources, media.

²⁰⁸ MONUSCO, local sources.

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

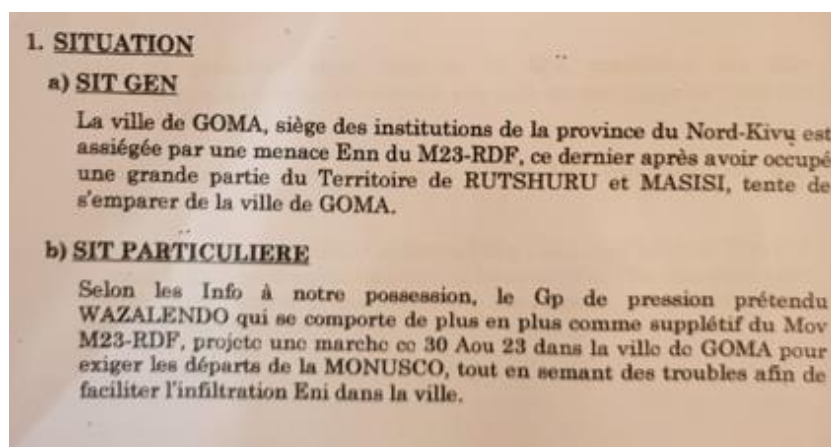
²¹⁰ FARDC, MONUSCO, local sources, and Efraim Bisimwa.

²¹¹ Efraim Bisimwa and two members of the sect.

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 34th 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 34th 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.²¹²
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 2023.²¹³



²¹² Copy of the telegram on file with the Group.

²¹³ Document dated 28 August 2023, on file with the Group.

COMPOSITION ET ARTICULATION DES FORCES		
<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.

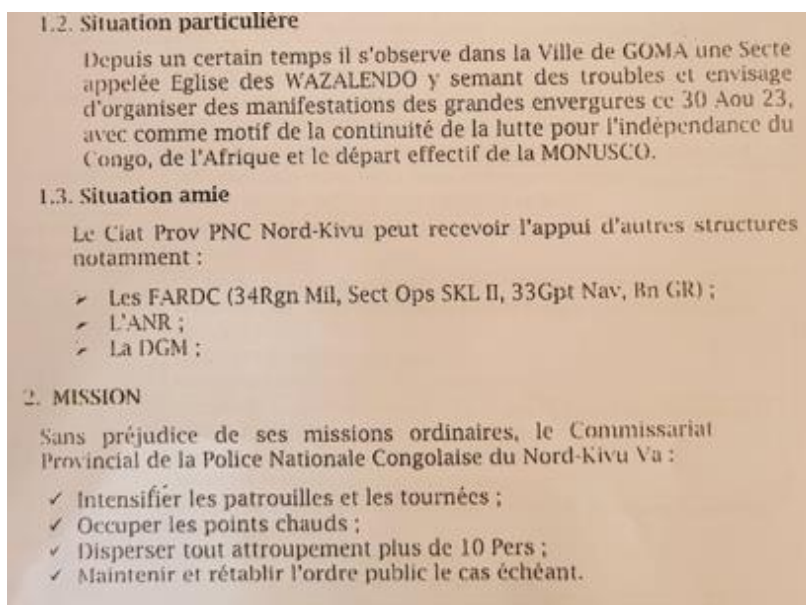
Specific instructions on rules of engagement:

c) Instruction de coordination

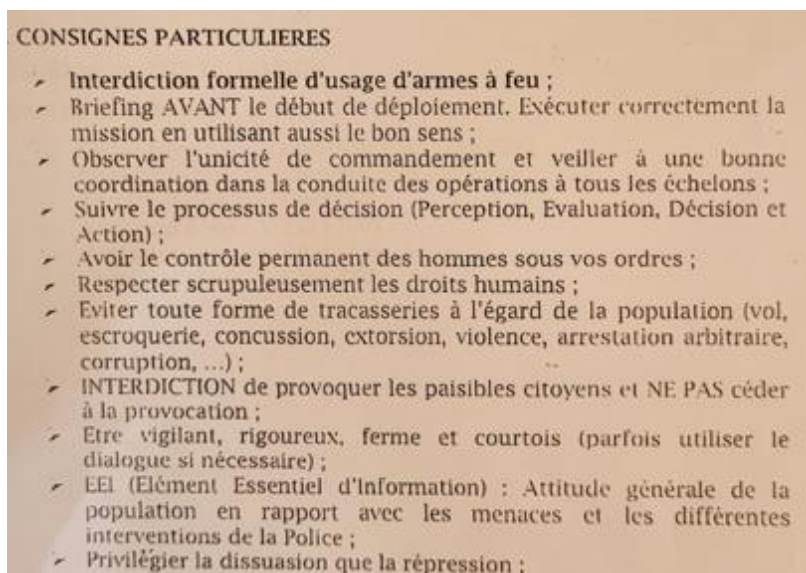
- a) Tr Rap immédiatement en cas d'un incident ou arrestation
- b) Ne faire l'usage d'armes à feu qu'en cas de légitime défense
- c) Respect strict de règles d'engagement et de comportement
- d) Fin Ops sur Ordre

11. Below: excerpts from the PNC operational orders²¹⁴ regarding the planned demonstration:

²¹⁴ 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”.²¹⁵ 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 “1st Bn Interv” (intervention battalion), and the “19Regt FS” (the 19th Regiment Special Forces, under the command of Colonel Bawili – see para. 55 of the report), including “Un Bn FS” (FS Battalion). The latter was designated as “OPCON”,

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

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”.²¹⁶ 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 reports²¹⁷ 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.²¹⁸
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 the negotiators to step aside and verbally aggressed the demonstrators.²¹⁹ 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

²¹⁶ Language used in the document

²¹⁷ Local sources and researchers

²¹⁸ Photographic evidence, medical records, FARDC sources

²¹⁹ Videos are on file with the Secretariat.

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.²²⁰ 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

²²⁰ 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.²²¹
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.²²² 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.²²³ Video footage captured GR soldiers dragging the bodies and throwing them onto the trucks, treating them with visible contempt. Video footage²²⁴ 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.²²⁵
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.²²⁶
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 commanders²²⁷:
 - 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;

²²¹ The incident was captured on video, on file with the Group.

²²² 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.

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

²²⁴ Videos on file with the Group.

²²⁵ 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.

²²⁶ Military, medical, and eyewitness testimonies, as well as public media reports.

²²⁷ FARDC and military intelligence sources.

d. Major Peter, commander of the 192nd GR Battalion (part of the 19th 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:

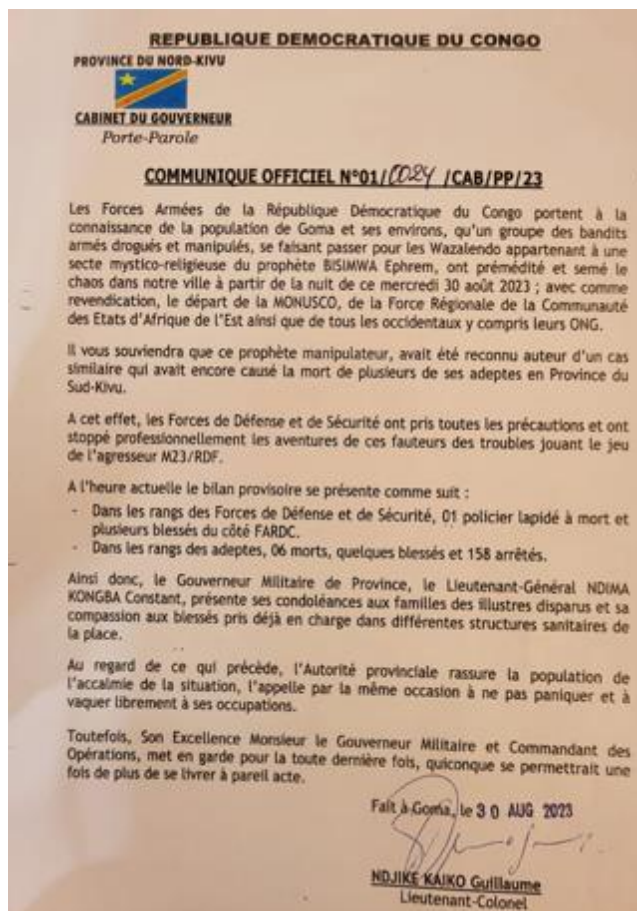
Image 1 (on the left): Screenshot depicting Major Peter in military uniform, in the center of the image, during discussions with the members of FNJMN

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.²²⁸ 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.²²⁹ 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.

The trial of FJNMN sect members and of their leader, Efraim 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

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

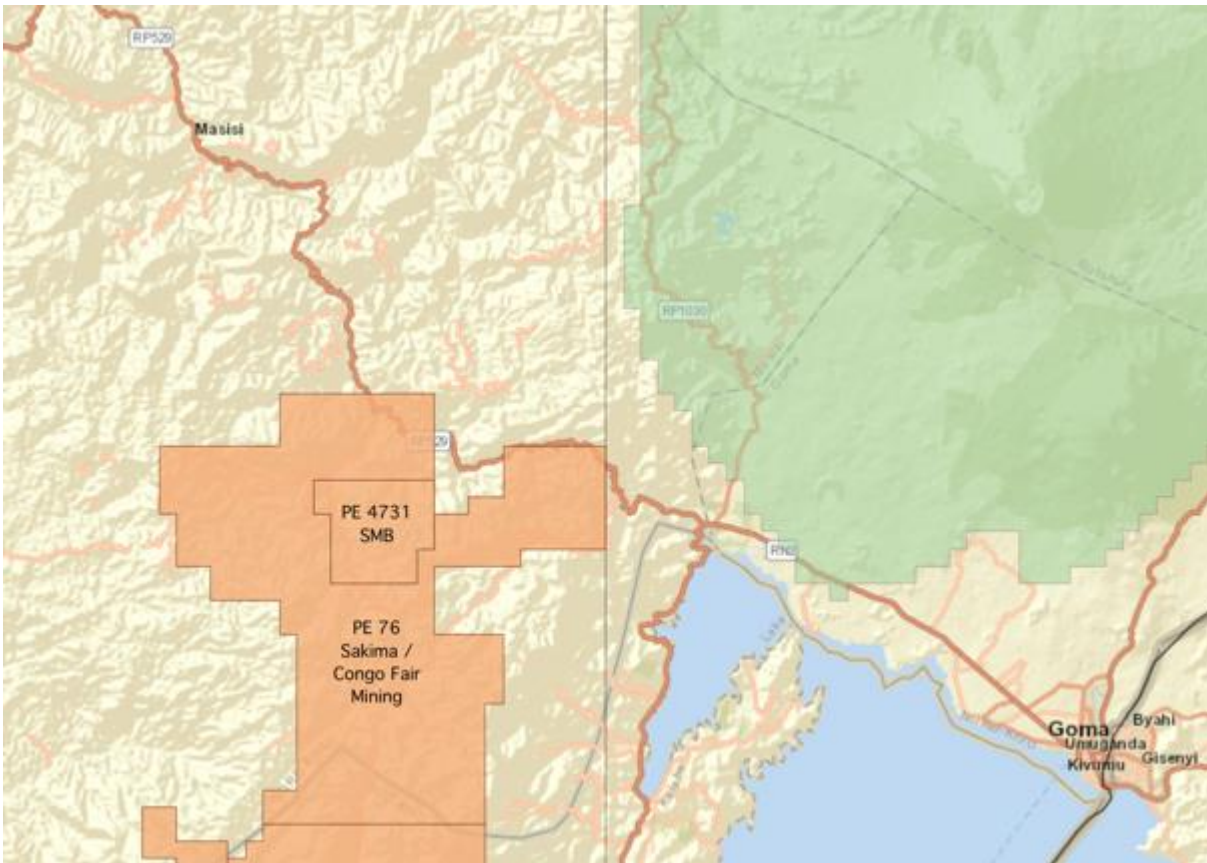
²²⁹ See <https://www.radiokapi.net/2023/09/05/actualite/securite/repression-militaire-du-30-aout-le-gouverneur-constant-ndimba-appele>

mob killing of the police officer. The leader of FNJMN, Ephraim Bisimwa, was sentenced to death,²³⁰ including for the lynching of the police officer, although he had already been captured by the GR hours prior to the lynching.

²³⁰ 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 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.

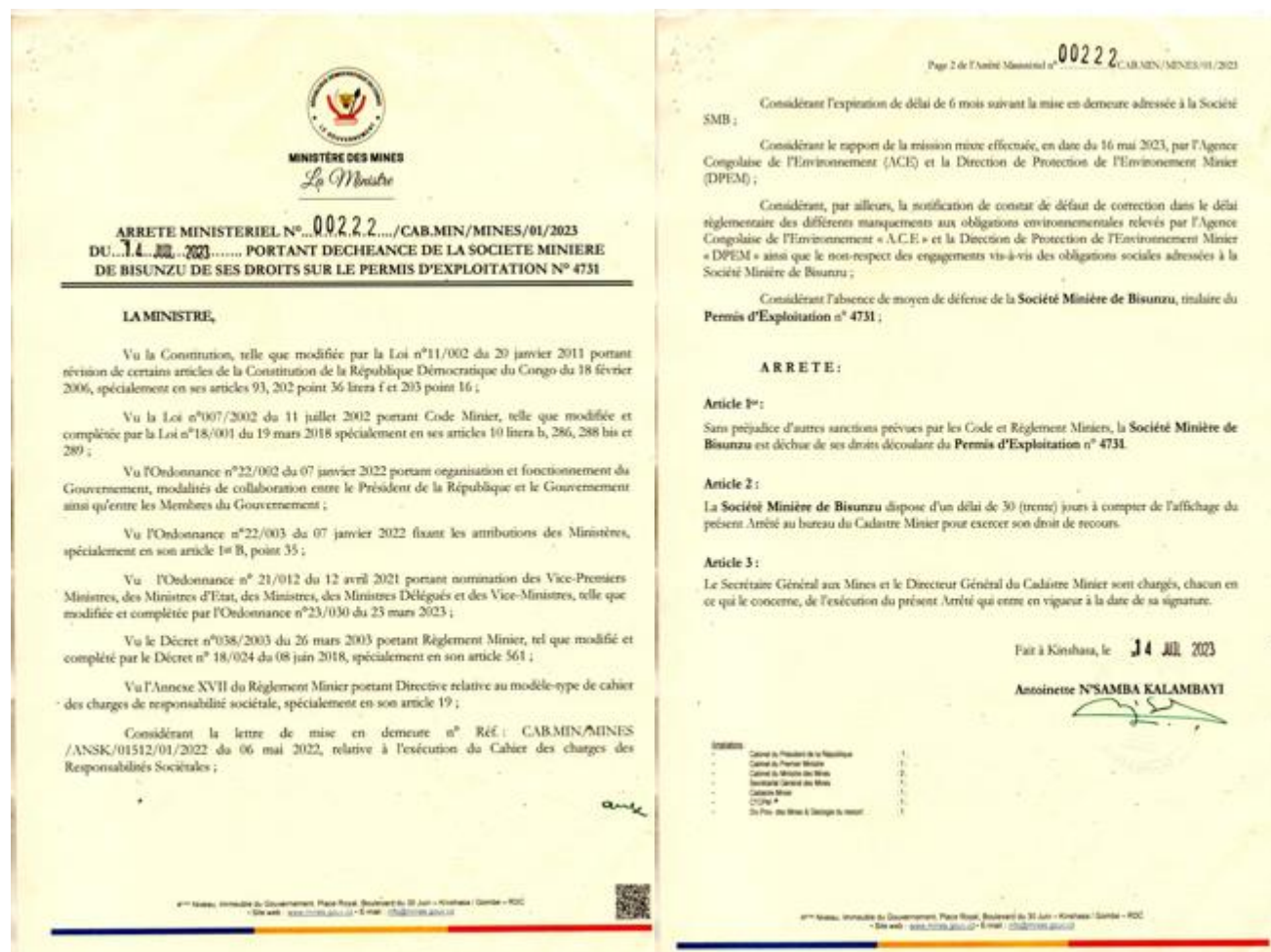
The Group presented its findings to ITSCI program. In a letter sent to the Group early November 2023, ITSCI declared that “the only instance of PARECO involved in, and controlling mining activities, is at PE 4731. ITSCI does not have any information or did not receive any reports of cases of PARECO controlling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



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 Ndaishimiye²³¹ ([S/2021/560](#), para.64) were pointed out as some of the instigators of this plan.

²³¹ 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 éloquentes 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

commencée, 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 KIKONDAY SERGE.
- AMUR SARL  RUTERA ANTOINE.
- DFSA MINING GONGO  EHIKE KARATI.

Annex 45 (para. 72)

Withered community dialogues and peace initiatives

Dialogues communautaires et initiatives de paix dans l'impasse

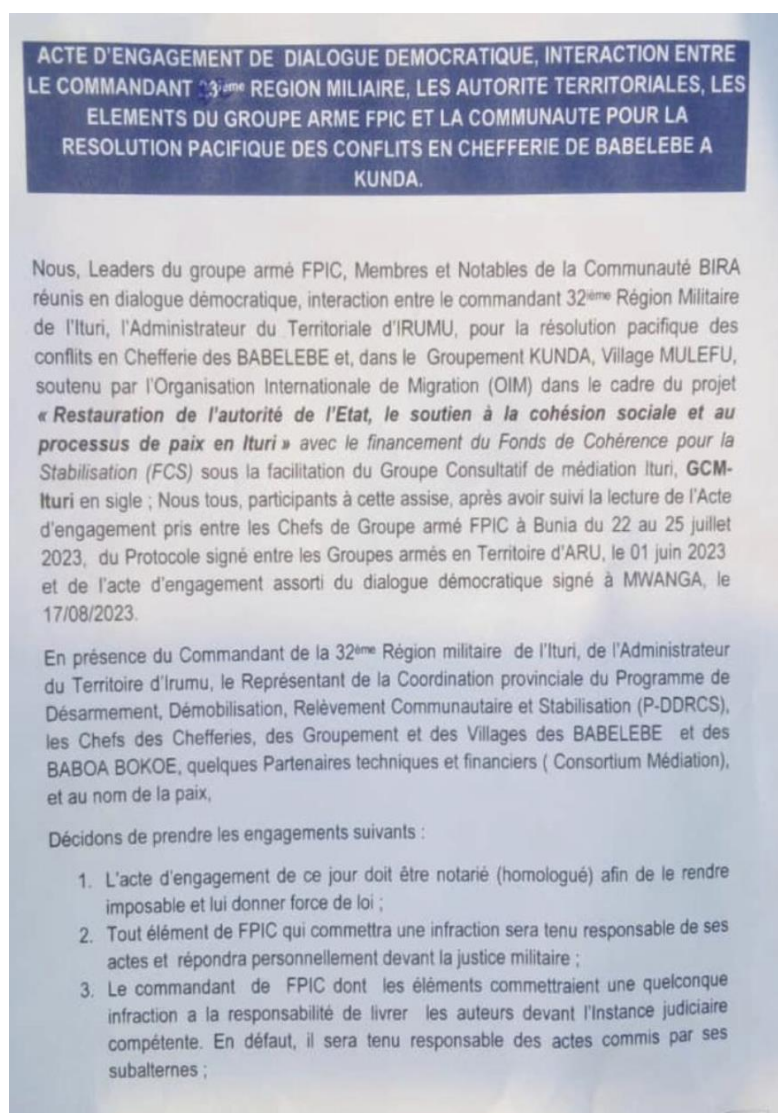
Mahagi meeting, 4-6 September 2023:

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.

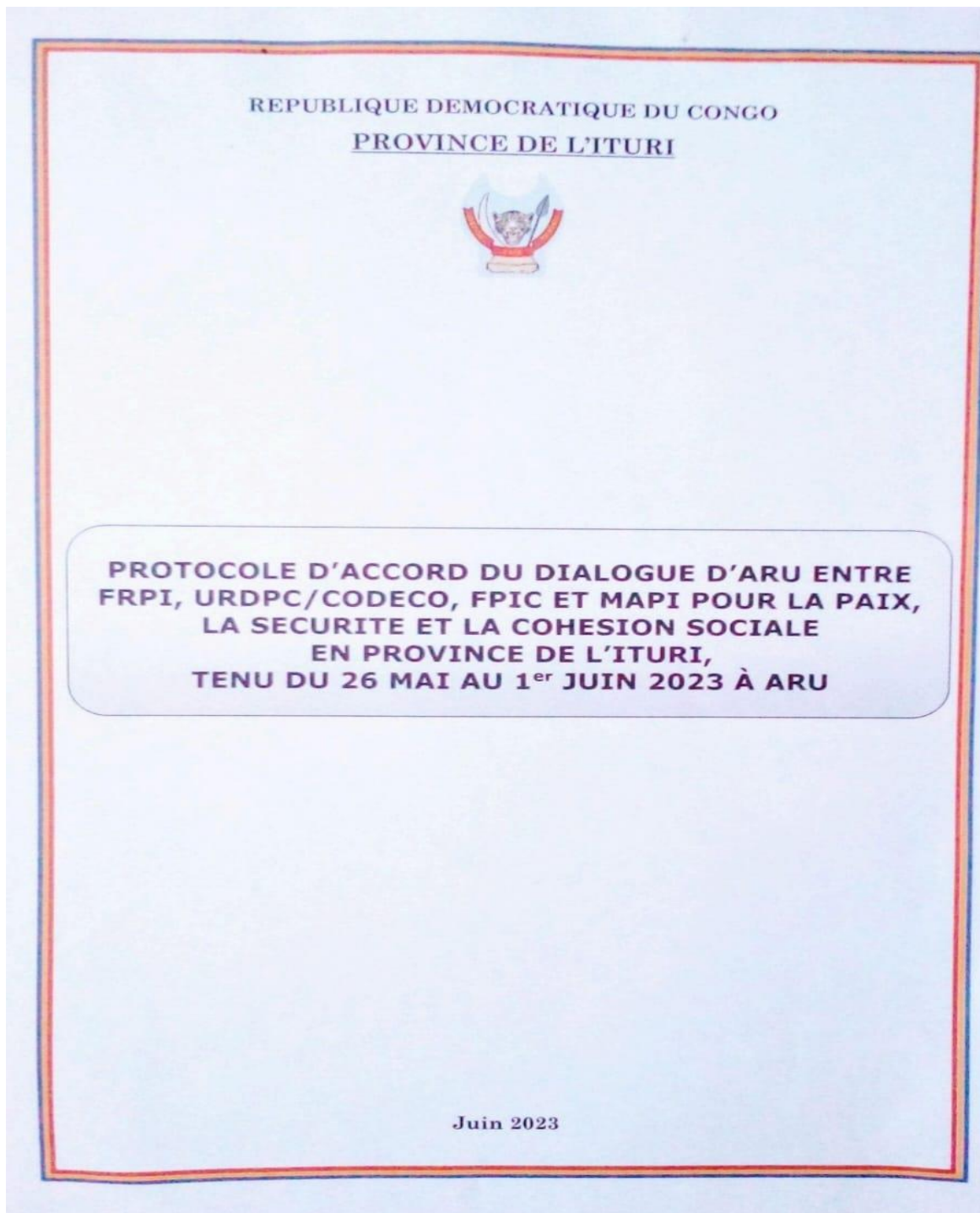
Fait à MWANGA, le 17 août 2023

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^{er} juin 2023



Nous, FRPI, URDPC/CODECO, FPIC et MAPI, participants au dialogue tenu du 26 mai au 1^{er} 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.

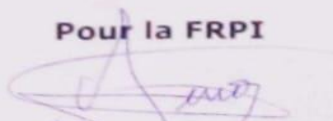
Nous encourageons les leaders de toutes les communautés au pardon et au vivre ensemble pour la restauration d'une paix durable à travers la justice transitionnelle.

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.

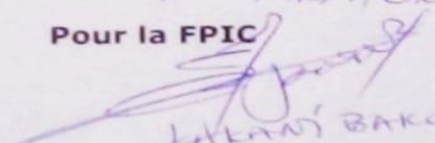
En foi de quoi, avons signé le présent Protocole d'accord, expression de notre patriotisme et de notre ferme détermination pour le retour de la paix, gage de développement de notre chère Province.

Fait à Aru, le 01 juin 2023

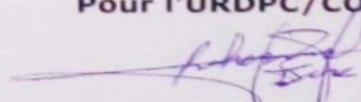
Pour la FRPI


ABIBOBU-MBATELE

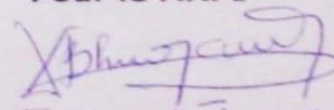
Pour la FPIC


ALKANI BAKO NAYANI

Pour l'URDPC/CODECO


ISAAC ROHEMA

Pour le MAPI


BAHATI LONJIRINGA

Annex 47 (para. 74)**Tensions between the *Mouvement pour l'autodéfense de la province de l'Ituri* (MAPI) and Zaïre²³²****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.²³³

Headquartered in Lokpa, between Lingo and Iga-barriere, MAPI had its own command and control structure distinct from that of Zaïre.²³⁴ The armed group was under the leadership of Ndjangu Liripa Geremi. MAPI leadership was made of former UPC members.²³⁵

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.²³⁶

²³² See [S/2023/431](#), para. 113

²³³ Civil society, researchers, Intelligence, armed groups elements sources.

²³⁴ See [S/2023/431](#), paras. 113-116

²³⁵ See [S/2023/431](#), paras. 115 and also Anne 62. Sources informed the Group that most of MAPI leaders were battalions' commanders with UPC.

²³⁶ 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.²³⁷ « 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 Babelébe and Baboa-Bokoe *chefferies* in Irumu territory. Several houses were set ablaze, forcing the displacement of civilians.²³⁸

Below: Letter issued by “General Saddam calling for the destitution of “General” Herode:

²³⁷ See [S/2023/567](#), paras 118-123.

²³⁸ MONUSCO, Intelligence, FARDC, armed groups and civil society sources.



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 :

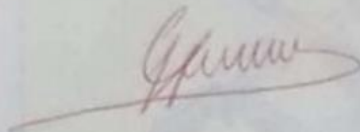
1. Massacre systématique et clandestin de plus de 200 personnes dans Irumu centre et ses environs ;
2. Tirs à bout portant sur la population et les éléments FARDC de façon délibérée et répétée ;
3. La manipulation du mouvement FPIC sous la dictature d'un seul parti politique dont nous taisons expressément 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 supérieurs parmi lesquels 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 tenue 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 entités 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 miniers des sociétés chinoises installées dans la chefferie des Babelobe 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 villages dans la chefferie des Babelobe 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

*S'iez Pacem, Para Bellam
qui veut 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).²³⁹



Source: https://twitter.com/gerson_basa/status/1664541325813850112?s=48&t=oT9StWa0RjcInyuvFVEygQ



Source: https://twitter.com/gerson_basa/status/1669952463275716608?t=nRfjkcDQo_M4US9dHBFolg&s=08

²³⁹ 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

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.²⁴⁰ 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 RN27.²⁴¹

²⁴⁰ Ibid.

²⁴¹ 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.²⁴²

Zaïre continued to recruit and to train combatants in Lalu, Mabanga, Dala and Iga-Barriere, under the command of an individual known as Mugavu.²⁴³ Zaïre also benefited from training by foreign instructors, notably from Uganda, and has sent hundreds of combatants for training in Uganda, since 2022.²⁴⁴

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.²⁴⁵ 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.²⁴⁶ 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.²⁴⁷

Multiple sources pointed at leaders of the “G5”²⁴⁸ (S/2023/431, para. 110), and its *Chambre de conseil*, such as President Christian Uteki and spokesperson Vicky Ngona,²⁴⁹ 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.

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.²⁵⁰

²⁴² See S/2022/479, para. 101 and S/2022/967, Paras. 87-91.

²⁴³ Armed groups elements, researchers, civil society, FARDC and intelligence sources.

²⁴⁴ Zaïre combatants, armed groups elements, and video footage on file with the Group.

²⁴⁵ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

²⁴⁶ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

²⁴⁷ Ibid.

²⁴⁸ Organisation representing the five communities that had been victims of attacks by the various CODECO factions

²⁴⁹ S/2022/967, para 91

²⁵⁰ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

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.

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.²⁵¹ 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.²⁵²

According to Government authorities, prior to the attack, Zaïre combatants met at Dala to plan a series of incursions into Lendu dominated areas,²⁵³ 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.²⁵⁴ For example, several days prior to the Lala massacre, Zaïre combatants had paraded the severed arm of a Lendu in the center of Bule.²⁵⁵ 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 Djanda 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 2023.²⁵⁶

²⁵¹ FARDC, intelligence sources, MONUSCO sources, researchers, and local sources.

²⁵² See S/2022/967, paras. 82-86; S/2023/431, paras.104-112.

²⁵³ 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.

²⁵⁴ FARDC, intelligence, civil society, researchers, humanitarian and MONUSCO sources, Twitter account of Basa Zukpa Guerson, CODECO/URDPC's spokesperson.

²⁵⁵ MONUSCO and civil society sources.

²⁵⁶ 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).²⁵⁷ They tried to also rally other RM leaders, such 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.²⁵⁸ 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.²⁵⁹

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.²⁶⁰ 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 2023.²⁶¹ 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.²⁶² “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.

²⁵⁷ FARDC, security, intelligence, researchers, civil society and UN sources.

²⁵⁸ Security, intelligence, civil society and UN sources.

²⁵⁹ Security and civil society sources.

²⁶⁰ FARDC, security, intelligence, researchers, civil society and UN sources.

²⁶¹ Ibid.

²⁶² 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 minutions de guerre nuitamment. Ainsi il convient de préciser que tout comme ces envahisseurs un nommé SHABANI ancien combattant aux côté 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 »

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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, nationale 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 public que depuis son installation à TCHIBATI, le plan de ces collaborateurs du M23 (MCDPIN) a été déstabilisé car ils avaient le plan d'attaquer 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 lui 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 exploiter 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 toute 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, combatants²⁶³ of the Force d'auto-defense 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 Yavr 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 Mwisa (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).²⁶⁴ 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.²⁶⁵ Local authorities, including FARDC, encouraged the mobilisation and/or facilitated the transport of some of the combatants to North Kivu.²⁶⁶ In North Kivu, “General” Kirikicho and several RM leaders deployed to several areas with their combatants, such as Sake.²⁶⁷ 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.²⁶⁸

²⁶³ Around 60 according to the FARDC authorities, while FABB claimed to have over 130 combatants.

²⁶⁴ FARDC, civil society, researchers, intelligence and security sources.

²⁶⁵ FARDC, civil society and security sources.

²⁶⁶ Ibid.

²⁶⁷ CMC leader, civil society, intelligence and security sources.

²⁶⁸ 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,²⁶⁹ 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.

²⁶⁹ 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,²⁷⁰ 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.

²⁷⁰ 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^{ème} 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 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,

Bert CIZUNGU MUGISHO
 Chef de Division chargé des Techniques

SAEMAPE Direction Provinciale du Sud-Kivu. E-mail : 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 : CAB/MIN/MINES/MCN/...../03/2023

02374

Kinshasa, le 25 JUL 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 utiles 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 KIBONGA NYEKUMA

Directeur de 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^{er} 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^{er} :

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 :

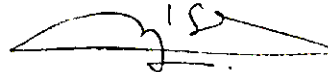
La Société CONGO GOLD RAFFINERIE « CGR » dispose d'un délai de 30 (trente) jours à compter de la notification du présent Arrêté par le Secrétaire Général aux Mines pour exercer son droit de recours.

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



Ampliation :

-	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 déférents)
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.

- 3 -

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 SARI, 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

