

Le Président du Conseil de sécurité présente ses compliments aux membres du Conseil et a l'honneur de transmettre, pour information, le texte d'une **lettre datée du 2 juin 2020**, adressée au Président du Conseil de sécurité, **par le Groupe d'experts sur la République démocratique du Congo reconduit suivant la résolution 2478 (2019) du Conseil de sécurité**, ainsi que les pièces qui y sont jointes.

Cette lettre et les pièces qui y sont jointes seront publiées comme document du Conseil de sécurité sous la cote S/2020/482.

Le 2 juin 2020

The President of the Security Council presents his compliments to the members of the Council and has the honour to transmit herewith, for their information, a copy of **a letter dated 2 June 2020 from the Group of Experts on the Democratic Republic of the Congo extended pursuant to Security Council resolution 2478 (2019)** addressed to the President of the Security Council, and its enclosures.

This letter and its enclosures will be issued as a document of the Security Council under the symbol S/2020/482.

2 June 2020



POSTAL ADDRESS-ADRESSE POSTALE: UNITED NATIONS, N.Y. 10017  
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**REFERENCE:** S/AC.43/2020/GE/OC.171

2 juin 2020

Monsieur Président,

Les membres du Groupe d'experts sur la République démocratique du Congo, dont le mandat a été prorogé par le Conseil de sécurité dans sa résolution 2478 (2019), ont l'honneur de vous faire parvenir leur rapport final, conformément au paragraphe 4 de ladite résolution.

Le 4 mai 2020, le rapport a été communiqué au Comité du Conseil de sécurité créé par la résolution 1533 (2004) concernant la République démocratique du Congo, qui l'a examiné le 22 mai 2020.

Le Groupe d'experts vous serait reconnaissant de bien vouloir porter le texte de la présente lettre et du rapport à l'attention des membres du Conseil de sécurité et de le faire publier comme document du Conseil.

Je vous prie d'agréer, Monsieur Président, l'assurance de ma très haute considération.

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David Zounmenou  
Coordonnateur  
Groupe d'experts sur la RDC  
reconduit suivant la résolution 2478 (2019)  
du Conseil de sécurité

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Nelson Alusala

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Virginie Monchy

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Raymond Debelle

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Sophia Pickles

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Emmanuel Ngueyanouba

Son Excellence  
M. Nicolas de Riviere  
Président du Conseil de sécurité  
New York



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**REFERENCE:** S/AC.43/2020/GE/OC.171

2 June 2020

Dear Mister President,

The members of the Group of Experts extended pursuant to Security Council resolution 2478 (2019) have the honour to transmit herewith, in accordance with paragraph 4 of the same resolution, the final report of their work.

The enclosed report was provided to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo on 4 May 2020 and was considered by the Committee on 22 May 2020.

The Group would appreciate if this letter, together with the report, were brought to the attention of the members of the Security Council and issued as a document of the Council.

Please accept, Mister President, the assurances of my highest consideration.

A handwritten signature in black ink, appearing to be 'D. Zounmenou'.

David Zounmenou  
Coordinator  
Group of Experts on the DRC  
extended pursuant to Security Council  
resolution 2478 (2019)

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Emmanuel Ngueyanouba

His Excellency  
Mr. Nicolas de Riviere  
President of the Security Council  
New York

## Final report of the Group of Experts on the Democratic Republic of the Congo

### *Summary*

The reporting period was characterized by relative political stability. The Group of Experts on the Democratic Republic of the Congo noted significant changes in the command structures of Congolese security forces during this period, with the Armed Forces of the Democratic Republic of the Congo, the Forces armées de la République démocratique du Congo (FARDC), pursuing simultaneous operations against armed groups in eastern Democratic Republic of the Congo. Serious violations of human rights and international humanitarian law remained widespread in that area.

The Group found that FARDC operations scattered and weakened a number of those armed groups, including the Allied Democratic Forces (ADF), the Conseil national pour le renouveau et la démocratie (CNRD), the armed branch of the Rwanda National Congress (RNC), known as P5 and the Mai-Mai Malaika.

In North Kivu, ADF benefited from established external and local recruitment and supply networks, and its combatants continued to target FARDC and civilians in Beni territory. The Group did not find any direct links between ADF and Islamic State in Iraq and the Levant (ISIL). Clashes between Nduma défense du Congo-Rénové (NDC-R) and various Nyatura armed groups increased in Masisi and Rutshuru territories. In particular, the Collectif des mouvements pour le changement/Forces de défense du peuple (CMC/FDP) lost positions following NDC-R attacks and FARDC operations in Bwito area, Rutshuru territory.

In South Kivu, FARDC operations dislodged CNRD from Kalehe territory, scattering the movement. Hundreds of combatants and dependants were repatriated to Rwanda. The P5 came under attack in June 2019 when decamping from its headquarters to resettle in North Kivu. As a result, it lost key leaders and many combatants. In Maniema, the Mai-Mai Malaika, led by Sheikh Hassani Huzaifa Mitenda and active in Kabambare territory, lost most of its camps around Salamabila following FARDC operations, and experienced internal dissension.

In terms of natural resources, the Congolese gold sector remained vulnerable to exploitation by armed groups and criminal networks and to unregulated trading. The volumes of smuggled gold were significantly higher than the volumes of legally traded gold. Companies operating in the tin, tantalum and tungsten sectors implemented mineral traceability and due diligence measures in accordance with the due diligence standards set by the Organization for Economic Cooperation and Development and the recommendations on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products produced by the Group, which the Security Council supported taking forward (Council resolution 1952 (2010), para. 7) and which were subsequently incorporated into International Conference on the Great Lakes Region (ICGLR) guidance and Congolese legislation. However, the Group documented a number of persistent implementation challenges undermining the integrity of some supply chains.

The Group traced Congolese gold to regional refineries and other international destinations and found that some refineries acted as brokers, used cash payments, undertook refiner-to-refiner trading and used corporate networks to obscure ownership, thereby inhibiting supply chain accountability. Gold traders also avoided the use of formal banking networks.

The Democratic Republic of the Congo was the only member of the 12 ICGLR States members that was using ICGLR certificates for tin, tantalum, tungsten and

gold exports. The eastern provinces issued 14 ICGLR certificates for gold in 2019. Other ICGLR member States had not yet started using the ICGLR Regional Certification Mechanism for gold.

Combatants from NDC-R, led by sanctioned individual Guidon Shimiray Mwissa (CDi.033), and from CMC/FDP, led by Ndaruhutse Kamanzi Dominique, also known as Domi, committed widespread conflict-related sexual violence amidst recurrent combat operations in Masisi and Rutshuru territories from January 2019 to February 2020. However, the commanders of both armed groups, who had effective control, failed to take necessary measures to punish subordinates responsible for those acts, despite awareness thereof.

In Beni territory, and in southern Irumu and Mambasa territories, Ituri province, a wave of brutal attacks targeting civilians began in November 2019, almost immediately after the launch of FARDC operations against ADF. Hundreds of civilians were killed and thousands were displaced. ADF combatants were involved in this wave of attacks, including in the killings that took place on 5 December 2019 and 30 January 2020 in Mantumbi, northwest of Beni territory.

Mai-Mai Malaika combatants led by Sheikh Hassani committed multiple abuses in Salamabila since at least 2018.

With regard to the arms embargo, several countries offered military training and delivered significant quantities of arms, ammunition, equipment and military vehicles to FARDC without prior notification to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo. Civilian helicopters were transferred to FARDC and used for military operations.

Foreign pilots, flight instructors and technicians provided support to FARDC in the operation of ground attack aircraft and combat or transport helicopters, and participated in military operations in eastern Democratic Republic of the Congo. Over the last decade, a large part of the air logistics of FARDC relied on a fleet of foreign civilian-registered cargo carriers operating in contravention of international and national civil aviation norms and regulations.

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### Annexes\*

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\* The annexes are being circulated in the language of submission only and without formal editing.

## I. Introduction

1. The members of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution [2478 \(2019\)](#), were appointed by the Secretary-General on 29 July 2019 (see [S/2019/607](#)). The Group attended a two-day inter-panel workshop in New York in December 2019.

2. The final report of the Group is submitted pursuant to paragraph 4 of resolution [2478 \(2019\)](#). In accordance with the request made by the Security Council in paragraph 8 of its resolution [2360 \(2017\)](#), and as reaffirmed in resolution [2478 \(2019\)](#), the Group continued to exchange information with the panels of experts on the Central African Republic, Libya, Mali, Somalia, South Sudan and the Sudan.

### **Cooperation with the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo**

3. The Group expresses its gratitude for the valuable support and collaboration provided by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) during the period under review.

### **Compliance with the Group's requests for information**

4. Following the appointment of its members, the Group addressed a total of 259 official communications to Member States, international organizations and private entities in the course of its mandate. At the time of drafting the present report, the Group had received only 91 responses. The Group undertook a five-day official visit to Rwanda and extends its thanks to the Government of Rwanda for its cooperation. Burundi and Uganda did not respond to the Group's requests for official visits.

5. The Group would like to thank the relevant organs of the Government of the Democratic Republic of the Congo that oversee natural resources for their cooperation. It expresses regret that it was unable to hold meetings with the Minister of Defence, Veterans and Reintegration, the Minister of the Interior and Security, and the Permanent Secretary of the National Commission for the Control of Small Arms and Light Weapons and the Reduction of Armed Violence of the Democratic Republic of the Congo, despite three formal requests.

6. The Group underlines that the lack of timely cooperation from Member States undermines its ability to fulfil its mandate.

### **Methodology**

7. The Group used the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions (see [S/2006/997](#)). It based its findings on documents and, wherever possible, on first-hand, on-site observations by the experts themselves. When that was not possible, the Group corroborated information by using at least three independent and reliable sources.

8. Given the nature of the conflict in the Democratic Republic of the Congo, few documents provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, former combatants and current members of armed groups. The

Group has also considered expert testimony by government officials and military officers of countries in the Great Lakes region and other countries, as well as by United Nations sources.

9. The present report covers investigations conducted up to 25 April 2020. The Group was forced to cease its fieldwork and leave the region by 20 March 2020 owing to the outbreak of coronavirus disease (COVID-19), which limited its ability to complete planned investigations. In addition, several countries and entities expressed their inability to send timely responses to the Group's requests in the light of the pandemic.

#### **Update on the murders of members of the Group of Experts in March 2017**

10. March 2020 marked the third anniversary of the murders of Michael J. Sharp and Zaida Catalán. The Group notes that criminal proceedings are ongoing. The Group maintained contact with the follow-on mechanism for the Democratic Republic of the Congo. The Group reiterates that the perpetrators of the murders of Mr. Sharp and Ms. Catalán, including their support networks and motives, should be identified and that those responsible should be tried in a court of law.

## **II. Armed groups**

### **A. Collectif des mouvements pour le changement/Force de défense du peuple**

11. The Group found that the Collectif des mouvements pour le changement/Force de défense du peuple (CMC/FDP),<sup>1</sup> the largest and leading member of the CMC Coalition (see S/2017/1091, annex 2), was active in Rutshuru and Masisi territories. CMC/FDP was the military wing of CMC, according to one CMC/FDP leader. The Group based its findings on interviews with two high-ranking CMC/FDP leaders, five ex-CMC/FDP combatants, four NDC-R combatants, and civil society, Armed Forces of the Democratic Republic of the Congo (FARDC) and MONUSCO sources.

#### **Leadership, structure and network support**

12. Four ex-CMC/FDP combatants, one CMC/FDP leader and one FARDC officer stated that "Major General" Ndaruhutse Kamanzi Dominique, also known as Sanctus Nkuba Kongolo, or "Domi" (see annex 2), was the CMC/FDP leader. Domi's deputy was "General" Mbitezi Jean, also known as Bizimana Jacques. CMC/FDP headquarters were at Mashango/"Chaine de Gaza" and its positions were mainly in Bwito and Bwisha areas in Rutshuru territory. Domi resided in Kitunva/Mashango, Rutshuru territory. One CMC/FDP leader and three ex-combatants said that CMC/FDP was composed of some 500 combatants.

13. The Group established that CMC/FDP was structured around one division, led by Domi, and five brigades (see annex 3). According to one ex-combatant, each brigade acquired its own weapons and ammunition. Three ex-CMC/FDP combatants explained that the movement purchased ammunition from some FARDC members (see S/2017/1091, para. 99) at 500 Congolese francs<sup>2</sup> per piece of ammunition, and

<sup>1</sup> The movement changed name several times. Up to 2016 it was called FDP. It adopted the name CMC/FDP following the creation of the CMC Coalition in 2016.

<sup>2</sup> As at 31 December 2019, 1 United States dollar was equivalent to 1,650 Congolese francs, <https://fiscal.treasury.gov/files/reports-statements/treasury-reporting-rates-exchange/ratesofexchangeasofdecember312019.pdf>



purchased supplies from the Forces démocratiques de libération du Rwanda (FDLR)–Forces combattantes abacunguzi (FOCA). One CMC/FDP leader reported that they acquired weapons following successful combat with NDC-R. As of April 2020, CMC/FDP controlled Kitunva/Mashango, Mudugudu, Rubwe Sud, Gatovu and Muliki, major positions in Bwito *chefferie*.

14. According to three ex-CMC/FDP combatants, MONUSCO sources and civilians, the movement raised funds by taxing the population (see [S/2017/672/Rev.1](#), para. 44). The ex-combatants explained that CMC/FDP levied a monthly *indengera buzima* (“sleep peacefully”)<sup>3</sup> “security tax” of 1,500 Congolese francs per adult and through checkpoints in exchange for *jetons* (tokens). The combatants set a quarterly tax, which varied, paid by farmers per head of cattle.

15. According to the ex-combatants, CMC/FDP leaders targeted individuals involved with the Tutsi community from the Bwito *chefferie* and applied severe punishments against anyone suspected of having or proved to have connections with ethnic Tutsi. Punishable behaviour included being seen with, sharing a drink with or having a work relationship with a Tutsi. Two ex-combatants explained that, during morning parades, Domi consistently taught that Tutsi community members were the enemy. Punishments for associating with Tutsi included fines, whipping and the death penalty.

16. According to two victims of whippings, between March 2019 and March 2020, CMC/FDP strictly enforced the measures and executed at least 20 individuals accused of having a connection with Tutsi individuals. Between December 2018 and August 2019, 10 other individuals received between 75 and 350 lashes and/or were fined between \$200 and \$1,000, according to the same sources. Several others were either fined or whipped. During a telephone call on 29 April 2020, Jules Mulumba, CMC/FDP General Secretary and spokesperson, said that CMC/FDP demonstrated acceptance towards the Tutsi community, provided that its members showed respect and consideration to other ethnic groups in the Democratic Republic of the Congo.

#### **Violent armed clashes between Collectif des mouvements pour le changement/ Force de défense du peuple and Nduma défense du Congo-Rénové**

17. Two ex-CMC/FDP combatants and four Nduma défense du Congo-Rénové (NDC-R) combatants stated that NDC-R attacks re-intensified (see [S/2019/469](#), para. 54) as of late September 2019, following the reported death of the FDLR-FOCA commander, sanctioned individual “General” Sylvestre Mudacumura (CDi.012) (see [S/2019/974](#), para. 8), and again between October 2019 and December 2019. Since March 2020, at least one clash a day has been recorded. According to United Nations sources, this led to killings and massive displacement of civilians to camps and host families in or around Kizimba (6 km east of Kitchanga), Jardins théicoles de Ngeri (JTN), Mugote, Kitchanga, Nyanzalé, Bambo, Bukombo centre and Mubirubiru.

18. CMC/FDP leaders stated that, between October 2019 and March 2020, the following positions were lost to NDC-R: Katsiru, JTN, Kitunda, Kirumbu, Kairangiriri, Kamodoka, Mpati and Kitso. The Group observed that CMC/FDP had attempted to carry out retaliatory attacks to recover those positions but, according to four ex-CMC/FDP combatants and four NDC-R combatants, intensive attacks by NDC-R between October 2019 and the end of November 2019 prevented CMC/FDP from doing so.

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<sup>3</sup> Previously spelled *rengera buzima* (see [S/2017/1091](#), para. 64).

19. The Group observed that individuals affiliated to CMC/FDP had conducted ambushes against NDC-R in Rutshuru territory, in response to armed clashes. Two civil society representatives and two NDC-R combatants said that NDC-R leader Guidon Shimiray Mwissa had attributed the ambushes to CMC/FDP and had retaliated against civilians.

## **B. Nduma défense du Congo-Rénové**

### **Command and control**

20. NDC-R remained the largest armed group active in North Kivu, and sanctioned individual Guidon Shimiray Mwissa (CDi.033) remained its leader. The leadership structure remained unchanged and as previously reported (see annex 4; [S/2019/469](#), para. 53; and [S/2019/974](#), para. 12). The Group conducted interviews with two high-ranking NDC-R members, four combatants, two ex-combatants and several civil society leaders with direct access to NDC-R.

21. Three active combatants estimated that the total number of NDC-R combatants was 5,000, all armed and mostly deployed in Walikale and Masisi territories and, to a smaller extent in Rutshuru and Lubero territories, in North Kivu (see [S/2019/974](#), para. 19). According to NDC-R combatants and two representatives of civil society, NDC-R had not recruited new combatants since the Group's midterm report ([S/2019/974](#)). However, they stated that, during sustained attacks against CMC/FDP positions in Rutshuru and Masisi territories, the movement continued to enrol CMC/FDP defectors and captured combatants, as previously reported ([S/2019/974](#), para. 16), including from the Alliance des patriotes pour un Congo libre et souverain (APCLS), Nyatura Kisura and Nyatura Jean-Marie, between November 2019 and February 2020.

### **Structure and support network**

22. During the reporting period, NDC-R was structured around two operational sectors. The first and main sector was headquartered in Kilambo village, Masisi territory, and was led by "Colonel" Masiya Sita, otherwise known as "Tondeuse" (see [S/2018/531](#), para. 73). The second sector, headquartered in Kashuga, located across Masisi and Rutshuru territories, was led by "Colonel" Poyo Bauma. They were divided into six brigades, each comprising 250 to 300 combatants, according to two NDC-R combatants. One of those combatants and one civil society representative said that a fourth NDC-R brigade, led by a "Colonel" Mené, was in Bunyatenge, in south Lubero territory.

23. Civil society actors from Masisi and Walikale territories reported that, between February and March 2020, Guidon travelled extensively throughout those territories and held meetings with local community leaders to strengthen collaboration, including in areas that had recently fallen under NDC-R control.

24. Between 28 and 30 November 2019, Guidon convened a two-day meeting in Bukumbirwa, in Walikale territory, with leaders from Mai-Mai armed groups, including Mai-Mai Kifuafua, Mai-Mai Simba, Mai-Mai Guides-Mouvement acquis au changement, Mai-Mai Mazembe-Union pour la protection des innocents and Raia Mutomboki, and created the Réseau des patriotes résistants congolais (RPRC), according to three civil society representatives and a video showing an interview with Guidon. Guidon was appointed coordinator of that coalition (see annex 5).

25. "Colonel" Mapenzi Lwanche Likuhe, also known as Fidel Mapenzi or Mike, NDC-R administration and logistics officer (see [S/2019/974](#), annex 3), frequently travelled between NDC-R headquarters and sector headquarter-controlled territories

and sometimes to Goma to raise funds for NDC-R. In February 2020, Mapenzi was seen in Goma (see annex 6), where he was said to have held meetings with NDC-R supporters.

26. During the reporting period, civil society representatives reported only one attack by FARDC against NDC-R, in October 2019. Moreover, NDC-R and FARDC maintained positions in the same villages, including in Kashuga, Ibuga, Mbuhi, in Mweso, Kalembe, Mpati, Malemo, Pinga, Katsiru and JTN, in Masisi and Rutshuru territories, according to two NDC-R combatants, one ex-CMC/FDP combatant and community members. The same sources said that it was only after NDC-R took Katsiru from CMC/FDP, at the end of December 2019, that FARDC established a position there. Three NDC-R combatants described how FARDC had asked NDC-R not to retake Chaala, a position in Bwito *chefferie*, lost to CMC/FDP in December 2019. In January 2020, FARDC established their position in Chaala, according to one ex-CMC/FDP combatant.

27. Two NDC-R leaders reported that NDC-R combatants were paid a monthly wage, ranging between 30,000 and 50,000 Congolese francs per combatant, and 400,000 and 500,000 Congolese francs per high-ranking officer and leader (see [S/2018/531](#), para. 75), quite a high fee in the context of the Democratic Republic of the Congo. In a video authenticated by the Group, an NDC-R combatant explained to residents of Nyabiondo, in Masisi territory, that NDC-R offered jobs and accepted all candidates, regardless of community of origin. During a telephone call on 1 May 2020, Désiré Ngabo Kisuba, NDC-R spokesperson, denied any payment and said that combatants lived off farming and support from communities.

### C. Conseil national pour le renouveau et la démocratie

28. Operations carried out by FARDC on 26 November 2019 weakened the Conseil national pour le renouveau et la démocratie (CNRD). CNRD leadership lost command and control of the movement, leaving combatants and dependants scattered across Kalehe, Mwenga, Walungu and Uvira territories, in South Kivu.

29. Following those operations, FARDC dislodged CNRD from Kalehe, according to two FARDC officers and six ex-CNRD combatants. One ex-CNRD combatant who participated in the combat stated that combatants had lost contact with the leadership. Seven residents explained that FARDC had maintained pressure on CNRD across Walungu and Mwenga forest, resulting in multiple casualties. Thousands of dependants were transferred to Nyamunyuni FARDC camp in Bukavu, while others fled to Itombwe forest in the highlands of Uvira, according to ex-CNRD combatants and two FARDC officers. The ex-combatants also said that many combatants and dependants had been killed during the operations and that others had died from starvation and disease. One FARDC officer stated that about 200 CNRD combatants had been killed as a result of the operations, and about 70 combatants remained in Kalehe territory.

30. The same ex-CNRD combatants were unaware whether their leaders, Laurent Ndagijimana, also known as Lumbago or Wilson Irategeka (see [S/2019/469](#), para. 49), and Antoine Hakizimana, also known as Jeva (see [S/2017/672/Rev.1](#), para. 29), were still alive.

31. FARDC stated that 360 combatants and 2,691 dependants had been captured during the operations across Walungu and Mwenga territories, and many of them had been repatriated to Rwanda in December 2019.

## D. Allied Democratic Forces

32. The Group found that the FARDC operation “Sokola I”, launched on 30 October 2019, scattered the Allied Democratic Forces (ADF) and that several ADF positions in Beni territory, North Kivu, fell under FARDC control. ADF nevertheless maintained its international and local recruitment, support and supply networks, including in Butembo and Beni towns (see [S/2018/531](#), paras. 29–31). ADF continued to carry out attacks on both civilians and FARDC (see paras. 137–142 below). The Group did not find any direct links between Islamic State in Iraq and the Levant (ISIL)<sup>4</sup> and ADF (see [S/2019/974](#), para. 25). The Group is concerned that ADF may have retained the ability to recruit and to reorganize.

### Operations of the Armed Forces of the Democratic Republic of the Congo

33. According to FARDC officers and military intelligence sources, between February and March 2020, almost all former ADF camps, including Kididiwe Mapobu, Mwalika and Madina I and II, were taken by FARDC (see annexes 7 and 8; [S/2018/531](#), paras. 29–33; and [S/2019/469](#), paras. 16–20). Some senior FARDC officers, however, expressed concern over the ability of FARDC to maintain control over those camps.

34. According to FARDC sources, as at 24 April 2020, 88 ADF combatants had been killed, 29 had been captured and 10 had surrendered. They also reported that FARDC had recovered 35 AK-47-pattern rifles, two rocket-propelled grenades (RPG), 22 artisanal bombs, two boxes of ammunition, six pieces of TNT and one machete from ADF (see annex 9). The Group inspected some of the recovered materiel and found that the weapons and ammunition had similar characteristics to those in FARDC stock. Ex-ADF combatants explained that they had obtained most of the materiel during attacks on FARDC. The improvised explosive devices (IED) recovered from ADF were made with rudimentary elements (see annex 10).

### Allied Democratic Forces retaliations, recruitment and supply networks

35. Senior ADF leaders were aware of operation “Sokola I” and some decamped beforehand (see [S/2019/974](#), para. 22). Twenty-five ex-ADF combatants, three FARDC officers and five civil society representatives confirmed that known ADF leaders had fled, including sanctioned individual Seka Baluku (CDi.036) and Lukwago Rashid Swaibu Hood, also known as Pierro or London (see [S/2019/974](#), para. 21).

36. Four ex-combatants stated that Amigo Kibirige, also known as Simba Amigo, Mzee Amigo or Marine (see [S/2016/1102](#), para. 33; and [S/2019/469](#), para. 23), a former leader of the Mwalika camp, remained in the Democratic Republic of the Congo to coordinate recruitment and ADF attacks against FARDC and civilians. Ex-combatants recognized Amigo in a photograph depicting him (see annex 11) and some said that he remained in the surroundings of Mamove, northwest Beni territory, until at least the end of February 2020.

37. Several ex-combatants explained that Amigo continued to coordinate the local and regional recruitment of new combatants, consistent with past findings (see [S/2018/531](#), paras. 29–33). Four ex-combatants said that Baluku Abdurrahman, identified as part of the Ugandan ADF leadership, had returned to Uganda in early November 2019 to organize recruitment and establish a materiel supply network from there in coordination with Amigo. Between November 2019 and January 2020,

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<sup>4</sup> Islamic State Central Africa Province, or Wilayat Wasat Ifriqiyah, (ISCAP) has sometimes claimed responsibility for attacks on behalf of ISIL.

two of those ex-combatants respectively brought 20 and 30 new recruits from Abdurrahman to the Democratic Republic of the Congo and had been paid \$30 per recruit.

38. Twelve Congolese ex-ADF combatants who were part of a local network explained that they had recruited combatants, provided subsistence and gathered information on FARDC for ADF. Two main intermediaries, identified as key local recruiters by the same ex-combatants, confirmed that, in early January 2020, they had sent 40 combatants to Mamove, to join Amigo. They added that they had bought motorbikes for new collaborators in Beni and Butembo towns, which they used to deliver foodstuffs and medicines to ADF. This was confirmed by six motorcyclists collaborating with ADF. The network also recruited former or current Mai-Mai combatants. Two ex-Mai-Mai Shetani combatants explained that an ADF intermediary had recruited them in December 2019.

39. The Group also received testimonies from two motorcyclists who had transported improvised explosive devices from Kampala to Beni territory. According to the two individuals, Amigo had given specific instructions by telephone. One ex-combatant explained that he had been tasked by Amigo to go to Uganda in December 2019 to collect improvised explosive devices from Baluku Abdurrahman, but had surrendered them to FARDC and asked for protection instead. The ex-combatant shared with the Group the telephone numbers of other ADF collaborators. The Group shared those numbers with Ugandan authorities for further investigation but had not received any response at the time of drafting the present report.

40. The Group noted that ADF resorted to hit-and-run tactics in some locations. Five ex-combatants said that, since the launch of FARDC operations, Amigo had sent small ADF groups armed with assault rifles and machetes to attack civilians in order to force FARDC away from the front line. The ex-combatants, two civil society representatives and three high-ranking FARDC officers said that attacks were mostly retaliatory, as punishment for the betrayal of ADF collaborators and to weaken the population's trust in the national security forces.

### **Sources of financing**

41. Several ex-ADF combatants, an individual close to ADF and some FARDC officers stated that ADF continued to build its financial capacity. Two ex-ADF combatants explained that, in early November 2019, Amigo had received cash from unidentified sources in Uganda. Seven ADF collaborators also explained that ADF leaders forced Congolese farmers to pay monthly taxes of \$10 to \$25 per acre per farmer, or part of their harvest. Some farmers said ADF bought their production. For instance, around Mwalika Kabasewe, many farmers were forced to support ADF with their production.

### **Links with Islamic State in Iraq and the Levant**

42. As previously reported, the Group did not find any direct links between ISIL and ADF (see [S/2019/974](#), para. 25).

43. Several ex-ADF combatants captured by FARDC from the main camps of Madina and Mwalika said that they had never heard of ISIL. However, four ex-combatants recognized, in a photograph, the black and white ISIL flag, similar to the one they had seen in their camps (see [S/2019/974](#), para. 25).

44. During their operations, FARDC did not recover any documents or items or capture any high-profile ADF leaders that could have substantiated any connection with ISIL. Between January and April 2020, ISIL claimed two attacks in Beni territory, among the many carried out on both FARDC positions and civilians. The

Group noted discrepancies between the claims and the reality on the ground (see annex 12).

## **E. Mai-Mai Malaika**

45. The Group found that, during the reporting period, the Mai-Mai Malaika, led by Sheikh Hassani Huzaifa Mitenda, remained active in Kabambare territory, Maniema province (see paras. 73–76 and 143–147 below; and [S/2018/531](#), para. 51). The Group based its findings on interviews with two active combatants, four ex-combatants, three FARDC officers, two civil society representatives and MONUSCO sources.

### **Leadership, capacity and locations**

46. According to four ex-combatants, two FARDC officers and two civil society representatives, Sheikh Hassani was the leader of the Mai-Mai Malaika and his deputy was Assani Juma, also known as Mandevu (see annex 13). An individual known as Demi-Kilo oversaw Mai-Mai Malaika activities. Until the FARDC operations on 25 February 2020 (see para. 51 below), Sheikh Hassani was headquartered at Mbinguni/Chechenie camp, in Machapano forest, south west of Salamabila, while his deputy controlled the movement in Kasongo. Other Kabambare positions, including the Wamaza-Kibangula axis, were controlled by “Major” Zoro and “Major” Kunda.

47. Three ex-combatants indicated that, since late 2018, Sheikh Hassani had resumed recruitment after his initial intention to surrender and disarm. According to them, the Mai-Mai Malaika had about 2,000 combatants, most of whom were armed (see annex 14). The Group was unable to independently verify that information. The Mai-Mai Malaika did not often confront FARDC in direct combat, but resorted to ambushes and hit-and-run attacks.

### **Alliance and rivalry**

48. Two ex-combatants, a researcher and community members said that, in 2019, a former ally known as “Souverain” had defected from the Mai-Mai Malaika and had fought against Sheikh Hassani alongside FARDC. FARDC sources and a researcher said that the split had been intended to weaken the armed group.

49. As previously reported, Sheikh Hassani remained a member of the Coalition nationale du peuple pour la souveraineté du Congo (see [S/2018/531](#), para. 52).

### **Operations of the Armed Forces of the Democratic Republic of the Congo**

50. According to 16 community members, four civil society representatives, one ex-combatant, one researcher and MONUSCO sources, from at least November 2019, the Mai-Mai Malaika controlled one part of Salamabila, including the Kimbaseke and Lotissement quarters, while FARDC retained the other part, called Beton, where Namoya Mining SA was located (see paras. 73–76 below). FARDC removed the Mai-Mai Malaika from those locations during violent armed clashes on 11 and 12 January 2020, which caused the death of at least eight civilians.

51. On 23 February 2020, FARDC launched another operation against Mai-Mai Malaika. One active combatant, three ex-combatants, one FARDC officer and three civil society representatives stated that Mai-Mai Malaika combatants had avoided confrontation with FARDC and, ahead of the operation, had vacated the Mbinguni/Chechenie camp, which fell under FARDC control on 25 February 2020 (see annex 15).

## F. Rwanda National Congress

52. The Group found that P5, the armed branch of Rwanda National Congress (RNC)<sup>5</sup> (see [S/2018/1133](#), para. 37), was significantly weakened by the FARDC operation “Sokola II” and had decamped from Bijabo, Uvira territory, as of April 2019, to settle in North Kivu. The Group spoke to five ex-P5 combatants, four P5 leaders, two FARDC officers and three civil society sources.

### Recruitment, locations and leadership

53. Five ex-combatants and two P5 leaders confirmed that recruitment of combatants had continued during the reporting period. One ex-combatant explained how, in February 2019, a man named “Vichimo”, whom he said was a Rwandan national, had lured him and 16 others into the P5 on the promise of work in the Democratic Republic of the Congo. Another ex-combatant confirmed that, around the same time, between 20 and 30 new recruits from Burundi, Rwanda and Uganda had been brought to the camp in Bijabo.

54. All ex-combatants said that, once recruited, they had transited Bujumbura, Burundi, where Burundian individuals had provided logistical assistance and coordinated their transfer to Bijabo. This was consistent with past reports (see [S/2018/1133](#), paras. 38–40). The Group wrote to Burundian authorities in that connection and had not received a response at the time of drafting the present report.

55. Ex-combatants said that the late Charles Sibomana had led the P5 in Bijabo, with Habib Mudathiru, also known as “Colonel” Musa, in charge of training, Richard Hitimana in charge of supply and logistics, Richard Ntare in charge of administration and Jean-Paul Nyirinkindi as a political officer. Ex-combatants added that, before fleeing Bijabo, the P5 had had 200–250 combatants.

56. The Group spoke to General Kayumbua Nyamwasa, often cited by ex-combatants as the overall P5 leader. He acknowledged his role within the Rwanda National Congress but denied being the leader of the military group in Bijabo.

### Operations of the Armed Forces of the Democratic Republic of the Congo

57. Three ex-combatants, one P5 leader and an FARDC officer said that, in April 2019, P5 combatants had received instructions to decamp from Bijabo to Masisi via Kalehe. In Kalehe, they had been temporarily hosted by CNRD combatants. In June 2019, P5 combatants faced operations involving FARDC around Kashovu in Masisi territory. Many were killed and some were arrested.

58. Several combatants fled to Binza, Rutshuru territory, and met with RUD-URUNANA and FDLR combatants, according to two ex-combatants and two civil society representatives.

## III. Natural resources and finances

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<sup>5</sup> A coalition of Rwandan “opposition political organizations”, including the Amahoro People’s Congress, the United Democratic Forces-Inkingi, the People’s Defence Pact-Imanzi, the Social Party-Imberakuri and the Rwanda National Congress. The People’s Defence Pact-IMANZI left the coalition in February 2020.

59. The Group noted that, during the reporting period, mineral traceability and due diligence measures were implemented in the tin, tantalum and tungsten sectors, as previously reported (see [S/2293/2016](#), para. 24), and as recommended by the International Conference on the Great Lakes Region (ICGLR), the Organization for Economic Cooperation and Development (OECD) and the Security Council.<sup>6</sup> Such efforts were largely absent in the gold sector.

60. The Group found that armed groups, criminal networks and some law enforcement agents benefited from illicit exploitation and trade in natural resources. The Group investigated trends in trading of Congolese gold in the region and beyond and found that some refineries acted as brokers, used cash payments that evaded tracing, undertook refiner-to-refiner trading that concealed the origin of smuggled gold and used corporate networks, making it difficult to establish beneficial ownership. Most gold trading evaded the formal banking network.

## A. Gold

61. The Group found that, for 2019, North and South Kivu and Ituri provinces had reported official production of a total of just over 60 kg of artisanal gold and had exported a total of just over 73 kg (see annex 16). The Group interviewed over 40 gold traders and diggers and 37 mining officials across the Democratic Republic of the Congo. The country remained one of the Great Lakes region's largest artisanal gold producers, and yet one of its smallest official exporters (see annex 17).

### Under-declaration, untraceable origin and smuggling

62. The Group found that Bunia, Ituri province, remained a gold trading and smuggling hub (see [S/2017/672/Rev.1](#), para. 107; and [S/2018/531](#), para. 114). In Bunia alone, eight gold-buying houses purchased a minimum of 2 to 3 kg of gold each per week, according to three traders and a mining official. On the basis of those quantities, the Group estimated that a minimum of 1,100 kg of gold had been purchased and smuggled out of the Democratic Republic of the Congo in 2019 from Ituri alone (see annex 18), which could have generated up to \$1.88 million in taxes had it been legally exported (see annex 19). According to the same sources, registered *négociants* Banga Ndjelo, Edmond Kasereka (see annex 20; and [S/2018/531](#), para. 118) and Sangote Dehmani and businessmen Bosco Atama, Mambo Kamaragi, Exodus Deba (see [S/2016/1102](#), para. 76), Lombela and Karte (see [S/2018/531](#), para. 119) were still involved in gold smuggling, as previously reported. Their responses to the Group's findings are contained in annex 21.

63. Gold smuggled from Ituri was traded notably in Kampala (see [S/2014/42](#), para. 96; and [S/2018/531](#), para. 92). Two smugglers described three recent trips from Bunia to Kampala with a combined total of 7 kg of gold, which they sold to "Indian" traders.<sup>7</sup> Both those smugglers and an individual involved in legal trading stated that Jamnadas V. Lodhia (who uses the alias Chuni) of sanctioned entity Uganda Commercial Impex (UCI) (CDe.009) (see [S/2014/42](#), para. 184) and "members of the Lodhia family" continued to buy gold originating in the Democratic Republic of the Congo. A company member of Aurum Roses (see [S/2015/19](#), para. 204) stated that UCI was dormant, however, and that J. V. Lodhia was no longer active in the trade. In October 2019, Ugandan authorities provided

<sup>6</sup> "Due diligence guidelines for the responsible supply chain of minerals from red flag locations to mitigate the risk of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo", available at <https://www.un.org/securitycouncil/sanctions/1533/due-diligence-guidelines>.

<sup>7</sup> They were afraid to disclose the names of their buyers and called them "the Indians".



the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo with a report of their investigations into the activities of Kampala-based gold traders (see annex 22; and S/2015/19, para. 203). The Group also obtained a sales sheet for January 2020 issued by Metal Smelting and Testing Co. Ltd (see S/2019/974, para. 51) to a gold smuggler from Bunia for over 5 kg of smuggled gold (see para. 87 below).

64. Smuggled gold from South Kivu went to Burundi, Rwanda, the United Arab Emirates and the United Republic of Tanzania (see paras. 82, 86 and 87 below), according to seven smugglers. Two traders described transporting gold from Bukavu to Kamembe International Airport in Rwanda (see annex 23) and then to the United Arab Emirates throughout 2019 (see S/2018/531, para. 127). Four smugglers explained that Dubai customs authorities and buyers did not ask questions regarding the origin of gold. Congolese traders accepted mine-of-origin information provided by customers and did not undertake checks themselves (see S/2016/466, para. 146). Three traders who travelled to the United Arab Emirates to sell gold in 2020 reported that Dubai customs officers had accepted official Congolese sales receipts (*bons d'achat*), which were not export documents, as proof of origin for Congolese gold imports.

65. In December 2019, the Group received an update from the United Arab Emirates, which had been sent to the Committee, concerning steps taken bilaterally with the Democratic Republic of the Congo to combat the illicit trade in gold. The United Arab Emirates stated that its Federal Customs Authority had taken steps to train customs officers, among others. In November 2019, the Congolese authorities said that relevant translations were under way in that regard (see S/2018/531, para. 111).

66. The Group found that gold smuggling stifled legal trading and traceability schemes. For instance, Just Gold, a project in the Democratic Republic of the Congo that traced legal artisanal gold from mine sites free from armed influence to export, while applying regional and international standards, had revised its approach after determining that legal production and trade were not commercially viable. Representatives of Just Gold stated that the project could not compete with gold prices offered through the smuggled trade (see annex 24).

67. The Group also found that some buying houses operated as fronts for gold smuggling. In 2019, two registered gold-buying houses purchased gold but did not make official exports. Combined Mining Company, one of the three registered gold-buying houses in Ituri, bought gold during 2019, according to two gold traders and an individual familiar with gold trading, but did not record any official exports. Representatives of the company claimed that it operated as a cooperative and did not undertake exports. Similarly, Glory Minerals, an entity previously linked to untraceable gold exports (see S/2009/603, paras. 128–136; and S/2016/466, paras. 140–144), did not record any exports in 2019, although it maintained its operating licence for 2020.

68. In an environment of under-declaration, untraceable sourcing and smuggling, the Group is concerned that the planned Equinox SARL refinery in Bunia (see S/2019/974, para. 50) and the Congo Gold Raffinerie under construction in Bukavu (see annex 25) may face challenges in ascertaining whether gold purchased did not benefit armed groups and criminal networks.

### **Armed groups**

#### *Mai-Mai Yakutumba*

69. The Mai-Mai Yakutumba financed its activities from gold that was traded and taxed from mine sites in Misisi, Fizi territory, South Kivu, where the armed group operated, and then transported to Bukavu.

70. In April and May 2019, the Mai-Mai Yakutumba occupied mines on the Kachanga hill (see [S/2019/974](#), paras. 39–42). Four artisanal miners and a gold trader from Misisi stated that Mai-Mai Yakutumba local leaders had tasked local authorities around Kachanga hill and Miba and Nyange mine sites with monitoring gold production. It was taxed at between 30 and 50 grams per pit per week and covered between 20 and 40 pits were covered in the area controlled by the armed group. A gold trader, a transporter and a smuggler described how the money accrued was split between local authorities and Mai-Mai Yakutumba local leaders as “payment for security”.

71. The same four miners and trader said that they bought gold from Mai-Mai Yakutumba local leaders and the local chiefs and sold it to buying houses in Bukavu. The Group reviewed sales receipts for 1,349 grams and 6,923 grams of gold that had been sold in May and June 2019, respectively, by Mai-Mai Yakutumba emissaries to a branch of Maison Bezo, an unregistered buyer in Misisi, for transfer to Bukavu (see annex 26). In Bukavu, three independent sources confirmed that the comptoirs Le Miracle and Mines Propres SARL and the unregistered buyers Maison Bezo, Buganda (see [S/2016/466](#), para. 161; and [S/2019/469](#), para. 170)) and Cavichi (see [S/2016/466](#), paras. 151–154) bought gold from Misisi. Mines Propres SARL stated they only bought from registered *négociants* and validated mine sites. The Group contacted Le Miracle on several occasions but did not receive a response.

72. The Group found that indiscriminate gold purchasing by buyers in Misisi was a starting point for the mixing of legally and illegally sourced gold, which then entered international supply chains. Four buyers in Bukavu admitted that they were aware of the potential risk of sourcing from armed groups, but continued buying regardless.

#### *Mai-Mai Malaika*

73. During 2019 and 2020, the Mai-Mai Malaika (see [S/2018/531](#), para. 52; and paras. 45–51 above) violently opposed industrial gold-mining activities at the Namoya Mining SA concession in Salamabila. Namoya Mining, a subsidiary of Banro Mining Corporation (see [S/2010/596](#), paras. 213 and 302), began commercial gold production at the site in 2016,<sup>8</sup> an area previously exploited by artisanal miners. The Group interviewed 22 individuals engaged in the gold sector in Salamabila. The Group established that Mai-Mai Malaika leader Sheikh Hassani profited from clandestine artisanal gold production at the Namoya Mining concession. Namoya Mining confirmed that it was aware that clandestine artisanal activity took place at its Namoya concession.

74. The Group reviewed public notices published around Salamabila during 2019 and 2020 and signed by Sheikh Hassani, threatening Namoya Mining staff and demanding that the company “respects the demands of the population” (see annex 27). On 26 July 2019, Mai-Mai Malaika combatants abducted four Namoya Mining employees and destroyed company property. According to audio recordings by Sheikh Hassani reviewed by the Group and confirmed by four community members, the abductions were a further attempt by the armed group to secure the

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<sup>8</sup> Mining Technology, “Namoya Gold Mine, Maniema”. Available at [www.mining-technology.com/projects/namoya-gold-mine-maniema/](http://www.mining-technology.com/projects/namoya-gold-mine-maniema/).

community's right to continue to dig at Namoya,<sup>9</sup> including at the gold-rich Mwendamboko pits (see annex 28).

75. Since at least November 2019, on the orders of Sheikh Hassani, all crushing and processing equipment for artisanally produced gold was moved to Lotissement, a quarter of Salamabila controlled by Sheikh Hassani, according to six eyewitnesses (see annex 29). Three individuals explained that diggers paid Sheikh Hassani a \$20 tax per crushing machine installed at Lotissement and a further 1,000 Congolese francs per bag of mineral-rich sand brought for processing, while Sheikh Hassani also took up to 30 per cent of the gold produced. The Group estimated that Lotissement could have generated just under \$17,000 per month for the armed group from taxed sandbags alone (see annex 30). Two community members and an eyewitness stated that, between September and November 2019, Sheikh Hassani had prohibited artisanal digging for a two-week period.

76. Activity at Lotissement was temporarily suspended following the clashes on 11 and 12 January 2020 between the Mai-Mai Malaika and FARDC at Salamabila, when Sheikh Hassani was dislodged, according to two people with knowledge of the matter (see para. 50 above). Four eyewitnesses and photographs reviewed by the Group confirmed that, in March 2020, gold processing continued at Lotissement, but that Sheikh Hassani no longer controlled the area. Bukavu was the main destination for artisanal gold from Salamabila (see annex 31).

#### **Members of the Armed Forces of the Democratic Republic of the Congo**

77. According to five community members and an eyewitness, some FARDC members, deployed in 2019 and 2020 outside the Namoya Mining perimeter to secure the concession against armed attack, taxed clandestine artisanal gold production at the concession. Diggers paid bribes in cash to some FARDC members to access the concession, according to three diggers. One individual described the site as "covered with FARDC" watching over the pits they taxed. A FARDC company of up to 150 soldiers rotated at the concession throughout 2019 and 2020, according to Namoya Mining representatives. The company stated that FARDC were stationed outside the Namoya Mining perimeter since mid-2018 and had replaced mining police on the orders of "Kinshasa" to protect the company assets after Mai-Mai attacks in 2018 (see [S/2019/469](#), paras. 198–200). The company acknowledged that the Congolese Mining Code and military regulations forbade FARDC presence at mining sites (see annex 32).

78. The notebook of an artisanal mine manager, dated November 2018 and obtained by the Group, documented an unnamed FARDC Major as one of the regular beneficiaries of daily gold production from a gold seam at Namoya (see annex 33). Three sources with knowledge of the matter stated that some FARDC members sent money generated from those activities to the 33rd military region hierarchy. The Group spoke to sanctioned individual General Muhindo Akili Mundos (CDi.032) (see [S/2016/466](#), paras. 198–204), commander of the 33rd military region, who said that isolated cases of military indiscipline could not be ruled out but that they were rigorously punished.

79. In Fizi territory, FARDC members taxed diggers entering the Kachanga gold mine (see para. 70 above) in a manner consistent with previous findings (see [S/2016/466](#), paras. 134–135). According to two diggers, a journalist and a community member, from 2019 until at least March 2020, anyone entering

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<sup>9</sup> Representatives of Namoya Mining told the Group that the abductions in July 2019 were the fifth in a series since September 2016. In an abduction in 2018, Mai-Mai Malaika combatants killed one Namoya Mining employee.

Kachanga mine paid 1,000 Congolese francs per passage to some FARDC members, who sent the money to the military hierarchy of the 33rd military region. Three diggers described how the over 120 combined members of their gold-mining cooperatives had to pay the tax daily. The town's 45 *négociants* also paid FARDC members, according to two local businessmen. In March 2019, a mixed delegation of FARDC, mining authorities and civil society representatives visited Misisi and dismantled 20 illegal FARDC checkpoints between Bukavu and Misisi, although the checkpoint at the entrance of the Kachanga mine remained. Sanctioned individual General Mundos (CDi.032), commander of the 33rd military region, stated that several initiatives to dismantle illegal FARDC checkpoints had taken place and shared documents to that effect (see annex 34).

80. During 2019 and 2020, some members of the 3306th regiment of the FARDC 33rd military region provided protection to Congo Bluant Minerals SARL, a semi-industrial gold-dredging company, in contravention of the Congolese Mining Code (see para. 77 above). Although its gold-dredging activities had been officially suspended in mid-2019, the company continued to maintain a presence on the Elila river, between Kitumba in Mwenga territory and Kiziba in Shabunda territory, South Kivu, according to two eyewitnesses, mining officials and official documents consulted by the Group. The Group was able to consult an official sales receipt from 2019 showing that the company had sold gold, amounting to 15.288 kg,<sup>10</sup> to Mines Propres SARL. The Group wrote to Congo Bluant Minerals SARL, which had not responded at the time of drafting the present report.

### **Criminal networks**

81. The Group documented networks comprising some Tanzanian nationals involved in smuggling gold from Misisi. Several of the persons involved offered stone-crushing services to artisanal gold miners and had questionable immigration status.<sup>11</sup> Three Congolese law enforcement officers stated that that made it difficult for them to identify the smugglers.

82. Gold smuggled from Misisi by some Tanzanians went via Makobola port in Uvira, and across Lake Tanganyika to Rumonge port, in Burundi, then to Bujumbura, or to Kigoma in the United Republic of Tanzania, a route previously reported by the Group (S/2011/738, para. 145), as described by a Tanzanian smuggler, three Makobola leaders and a *négociant*. In October 2019 Congolese authorities apprehended Alex Tobias Kaila, a Tanzanian involved in gold smuggling along that route (see annex 35). In another case, a gold smuggler described how he had illegally transported 1.5 kg and 2 kg of gold in July and August 2019, respectively, to Emmanuel Samuel Imana, a Bujumbura-based gold trader, using the same route. The Group wrote to the Governments of Burundi and the United Republic of Tanzania requesting information, but at the time of drafting the present report had not received responses about either individual.

83. Bribery affected law enforcement efforts in gold-related cases. A Tanzanian gold trader disclosed that he had bribed different agents within law enforcement agencies with a total of \$6,500 to secure his freedom. A senior prison officer in Bukavu and a mining official described natural resources-related cases as “quick cash” (*dossiers d'argent*), owing to bribes paid by suspects. The Group was aware

<sup>10</sup> 15,288.17 grams.

<sup>11</sup> Congolese mining regulations allow the provision of services to cooperatives by non-nationals. See Arrêté Ministériel N° 0285/Cab.Min/Mines/01/2010 du 24 mai 2010 portant occupation des zones d'exploitation artisanale par les coopératives minières (Ministerial Decision No. 0285/Cab.Min/Mines/01/2010 of 24 May 2010, on occupation of artisanal exploitation zones by mining cooperatives).

of efforts by the Government of the Democratic Republic of the Congo to combat smuggling (see annex 36).

84. Mining authorities in South Kivu stated that, in an effort to combat smuggling in Misisi, they had attempted to suspend gold-mining activity in August and December 2019 and March 2020. The decision was contested by some artisanal miners who claimed they had paid the correct taxes and should not be held accountable for smuggling activities (see annex 37).

## **B. Congolese minerals and regional supply chains**

85. The Group found that Congolese gold, the mining and sale of which benefited armed groups and criminal networks, was traded regionally, including to gold refineries in the Great Lakes region. Some buyers outside of the Democratic Republic of the Congo stated that, “gold is gold, and they simply need gold,” and did not undertake supply chain due diligence checks, according to three smugglers. Investigations showed that regional gold refineries did not recognize Congolese ICGLR certificates as valid or compulsory, used cash payments for gold sales and brokered gold between themselves and other traders, sometimes disguising the origin of the gold.

86. The Group traced three official ICGLR export certificates issued in 2019 in the Democratic Republic of the Congo to regional gold refineries and found that the refineries did not recognize the certificates. In one case, Le Miracle gold-trading house, in South Kivu, exported 2.105 kg of gold in March 2019 to African Gold Refinery Ltd (see [S/2018/1133](#), paras. 97–98), via Vaya Forex Bureau Ltd.<sup>12</sup> African Gold Refinery Ltd denied receiving the gold or knowing the named suppliers (see annex 38). The Group contacted Vaya Forex Bureau but did not receive a response. In a second case, Ets Namukaya (see [S/2018/531](#), annex 23) exported a total of 6.028 kg in April and September 2019 to Aldango Ltd (see [S/2019/974](#), para. 50). In a meeting with the Group in February 2020, representatives of Aldango Ltd said that the company had not received the gold and that they did not recognize the named supplier (see annex 39). Congolese mining authorities confirmed that Ets Namukaya had used ICGLR certificates for those exports.

87. The Group viewed export and customs documents detailing that the Ugandan refinery Metal Smelting and Testing Co. Ltd had purchased gold from the Democratic Republic of the Congo (see para. 63 above) and had traded gold with PGR Gold Trading LLC in the United Arab Emirates, in sales that were brokered by African Gold Refinery Ltd. Legal and export documents reviewed by the Group cited an export on 21 October 2019 of 135 kg of gold bars of 999.9 fineness<sup>13</sup> from Metal Smelting and Testing Co. Ltd to PGR Gold Trading LLC in Dubai, part of which had been paid for in cash. The gold had been transported by African Gold Refinery Ltd from Uganda to Dubai, according to the documents. On 24 October 2019, Robert Ojuku, an employee of Metal Smelting and Testing Co. Ltd, hand-carried \$1.2 million in cash back into Uganda as part payment for the sale, according to the documents. PGR Gold Trading LLC stated that neither Metal Smelting and Testing Co. Ltd nor Robert Ojuku were registered in their customer

<sup>12</sup> The two shareholders of Vaya Forex Bureau, incorporated in 2007, were Vaya Kiran Rajendra and Vaya Vipal Kumar Maganlal, family members of Rajendra “Raju” Vaya, owner of the sanctioned entity Machanga Ltd (CDe.007) (see [S/2015/19](#), annex 63).

<sup>13</sup> Gold purity is defined by parts per thousand, with the purest being 999.9. See London Bullion Market Association, “The good delivery rules for gold and silver bars: specifications for good delivery bars and application procedures for listing”, January 2019. Available at [www.lbma.org.uk/assets/market/gdl/GD\\_Rules\\_16\\_January\\_FINAL\\_20190131.pdf](http://www.lbma.org.uk/assets/market/gdl/GD_Rules_16_January_FINAL_20190131.pdf).

and supplier database and stated “non-involvement” in the transaction. African Gold Refinery stated that, “in summary Metal Smelting and Testing Co. Ltd did not hold an account with AGR”. Both entities provided the Group with due diligence policies and procedures (see annex 40). The Group contacted the Ugandan authorities for further information about the case but, at the time of drafting the present report, had not received a response.

88. Two Bukavu-based smugglers who deposited gold at Aldango Ltd during 2019 explained that they were paid in cash. One smuggler described how he regularly travelled to Dubai, where his gold was transported and sold, to receive his cash payment without receipt. Representatives of Aldango Ltd stated, in a meeting with the Group in February 2020, that the company might pay cash to individuals for small gold sales, but that commercial clients had an account. According to sales documents seen by the Group, Hyacinthe Gahunde of Golden Golden Limited had received cash payments from Aldango Ltd in exchange for about 4 kg of gold in five transactions during the first two months of 2020. The Group contacted Aldango Ltd and Gahunde about the sales made in 2020 but, at the time of drafting the present report, had not received a response.

89. The Group established that Golden Golden Limited was owned by Karim Somji, previous owner of Golden Gold in Burundi and the Democratic Republic of the Congo (see annex 52; and S/2016/466, para. 145), and that Somji also financed Mines Propres SARL and part-financed Congo Gold Raffinerie, according to three mining authorities (see annex 41; and para. 68 above).<sup>14</sup> The Group noted that several of the region’s gold-trading houses were owned by the same individuals using different trading names. In some cases, beneficial ownership information had been concealed.

90. The Group found that African Gold Refinery Ltd and Aldango Ltd were established within a corporate network linked to Alain Goetz (see S/2009/603, paras. 130 and 154–157; S/2017/672/Rev.1, para. 123; and S/2018/531, para. 113), and that PGR Gold Trading LLC shared the same trading licence, telephone number and address as another company previously managed and part-owned by Goetz, according to company licences reviewed by the Group. In February 2018, African Gold Refinery Ltd was sold to Seychelles-registered AGR International. Goetz told the Group that he had set up African Gold Refinery Ltd but was no longer directly involved in the company. He noted that he was the owner of Aldabra, a real estate company, and that a company of that name owned the African Gold Refinery Ltd facility. The Group established independently that a company named Aldabra Ltd was a shareholder in Aldango Ltd. Further, Goetz confirmed that PGR Gold Trading LLC had the same licence as Goetz Gold LLC, following its 2018 name change to PGR Gold Trading LLC. Goetz told the Group that PGR Gold Trading LLC offered refining and trading services to Aldango Ltd and African Gold Refinery Ltd (see annex 42).

91. The Group analysed gold production and trade data for Burundi, Rwanda, Uganda and the United Republic of Tanzania on the basis of the frequency and volume of gold smuggling from the Democratic Republic of the Congo into regional trading and transit hubs and beyond. Using available data, the Group noted that recorded artisanal production many of those countries was low relative to their gold exports. The Group estimated, using information published by the Ugandan authorities, that over 95 per cent of gold exports from Uganda were of non-Ugandan origin for 2019. Rwanda did not publicly report its gold production statistics. Public statistics for 2019 for Burundi were not available, although in 2018 the country

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<sup>14</sup> Rwanda Mining Authority confirmed that Somji was the owner of Golden Golden Limited, although it was unsure if the company was still active. See also <http://rma.co.rw/our-members/>

reported 598 kg of gold production and exports of 2,000 kg. The Group contacted those Member States but had received a response only from Rwanda at the time of drafting the present report (see annex 43).

92. The Group established that the region's gold-refining capacity for 2019 stood at over 330 tonnes (see annex 44). In an effort to understand the due diligence activities of regional refineries, the Group contacted the active regional gold refineries about their supply chain due diligence reporting. The responses are contained in annex 45.

### C. Tin, tantalum and tungsten and supply chain challenges

93. The Group assessed traceability and transparency mechanisms in the tin, tantalum and tungsten mineral supply chains (see [S/2010/596](#), paras. 173–247 and 289) and found that the use of ICGLR certificates and traceability and due diligence activities, also reflected in Congolese law,<sup>15</sup> and that were supported by the International Tin Supply Chain Initiative (see [S/2018/1133](#), para. 55) and the Better Sourcing Program (see [S/2016/466](#), para. 117) had improved information and trading transparency. However, drawing on testimonies from over 100 diggers across 15 mining areas, the Group continued to observe systemic weaknesses in the trade in tin, tantalum and tungsten, and noted that, in some cases, supply chain integrity was jeopardized across North and South Kivu (see [S/2017/672/Rev.1](#), para. 75).

#### Mine validation and mineral tagging challenges

94. The Democratic Republic of the Congo mine site validation process continued to be slow (see annex 46), consistent with previous findings (see [S/2012/348](#), para. 144 and box 6). As a consequence, the situation at mine sites, including control by armed groups, sometimes changed while validation confirmation was pending (see [S/2019/974](#), para. 44).

95. The Group found that not all producing mines were validated and that untagged minerals from non-validated mines were sometimes smuggled into the tagged supply chain. In addition, minerals produced at mine sites covered by the International Tin Supply Chain Initiative scheme were sometimes tagged at a distance from the mine site of production, posing a risk of contamination (see [S/2018/1133](#), para. 55). The Group noted that that was a risk spread across North and South Kivu.

96. For example, in March 2019, the Group visited Kisongati, a validated coltan and cassiterite mine in Kalehe territory, where six eyewitnesses described insufficient and irregular tag provision for their daily production of 200–300 kg of coltan-rich earth (before washing).<sup>16</sup> A total of 55 diggers explained that, rather than wait for tags, they sold their coltan production untagged elsewhere, including to independent visiting buyers, because it was a quicker source of cash for subsistence. The International Tin Association stated that, in response to that situation at Kisongati, the number of tags they provided per site might sometimes not match “requirements” if fraudulent minerals were introduced at the site, and that was the purpose of their controls (see annex 47).

97. Five diggers, a local chief and a civil society representative from Kamatale, a validated coltan and cassiterite mine in Masisi territory, described how, throughout

<sup>15</sup> Arrêté Ministériel n° 0057/CAB.MIN/MINES/01/2012 du 29 février 2012 (Ministerial Decision No. 0057/CAB.MIN/MINES/01/2012 of 29 February 2012).

<sup>16</sup> Kisongati, also locally known as “Vumbura”, was validated in May 2017 as a cassiterite mine.

2019 and early 2020, coltan produced at the site had been transported untagged to Ngungu, Masisi territory, where it was tagged in a depot belonging to the Société aurifère du Kivu et du Maniema (SAKIMA SA) (see S/2018/531, paras. 142 and 146). Another digger, a member of the Coopérative des exploitants artisanaux miniers de Masisi (COOPERAMMA), described regular trips, most recently in January 2020, during which he had transported 50 kg of coltan to Ngungu and sold it for \$2,500 to a SAKIMA SA *négociant* on the periphery of the town. The International Tin Association explained that it had implemented improved tagging procedures, including additional controls, by setting up transit and tagging depots at the SAKIMA SA PE76 concession, owing to higher risks of fraud. Similarly, the Coopérative des artisanaux miniers du Congo (CDMC) denied buying minerals sourced from Kamatale, and stated that its partners SAKIMA and COOPERAMMA adhered strictly to the International Tin Supply Chain Initiative improved traceability guidelines (see annex 48).

### **Armed groups**

98. The Group noted cases in which coltan and cassiterite, the extraction and sale of which benefited armed groups, were traded into tagged supply chains.

99. At Biholo, Masisi territory, over 30 diggers, local officials and mineral traders described how, between January and October 2019, the extraction of coltan and cassiterite at the mines had benefited combatants of APCLS led by Janvier Karairi and of Dusabe Jovial Delta, also known as Dusabe Kashamere Delta, or Delta, leader of the Nyatura Forces de défense des droits de l'homme (FDDH) (see annex 49). Armed Nyatura FDDH and APCLS combatants intimidated the diggers, including by using physical force, demanded cash payments of up to \$2,000 per week and forced them to hand over an entire day's production each week (see annex 50). Delta denied his combatants' involvement in mining activity. Cassiterite and coltan produced at Biholo during 2019 was transported to Ngungu, according to at least 10 diggers, where it was bought and tagged, most often on behalf of SAKIMA SA, for onward sale to CDMC. In around November 2019, the armed groups left Biholo mine site.

100. Also in North Kivu, 10 diggers, four *négociants* and a combatant described how the extraction and sale of coltan and cassiterite from Kamatale mine (see para. 97 above) benefited Nyatura Matata<sup>17</sup> combatants who had dug and sold minerals produced at the site until around October 2019 (see annex 51). One *négociant* described two purchases in 2019 of 70 kg of coltan directly from "General" Matata, the armed group's leader, that the *négociant* had then sold, untagged, to a trader in South Kivu. Three other diggers and six *négociants* said that Kamatale's minerals were sold to depots in Ngungu, where they were tagged and entered the same supply chain described in paragraph 99.

101. The International Tin Association was aware of the presence of Nyatura combatants at Biholo until June 2019, and said it would investigate further. CDMC stated that it did not buy minerals from Biholo and that, according to its own investigations, Nyatura combatants were not present at Kamatale mine (see annex 52).

### **Mineral smuggling**

102. During the reporting period, coltan produced on the Société Minière de Bisunzu SARL (SMB) PE7431 concession in Rubaya area, Masisi territory, which was covered by the Better Sourcing Program, continued to be sold outside of the

<sup>17</sup> A Nyatura faction operating in Rubaya area, Masisi territory.



mine site (see [S/2018/531](#), paras. 136–146). A digger from the D4 Gakombe mine described how he had smuggled untagged coltan from the SMB concession and sold it at a Ngungu depot for \$20 per kilo and had been paid in cash. A digger from Luwowo mine did the same, and sold to travelling *négociants*. Both diggers were owed payments from SMB from May and November 2019, respectively. The diggers said they were also compelled to sell to middlemen, called *Rusias*, who were able to pay immediately in cash, but who bought at prices reduced by between \$5 and \$7 per kilo compared with market rates. *Rusias* then cashed in when SMB was ready to buy. Seven diggers, all COOPERAMMA members who dug at the SMB concession, explained that untagged coltan was often smuggled off the concession because diggers' payments were delayed, compelling them to sell elsewhere. The mining and trading agreement between COOPERAMMA and SMB had yet to be renewed (see [S/2019/974](#), para. 47). The Group obtained letters from both entities describing alleged smuggling of coltan (see annex 53).

103. RCS Global, a company that manages the Better Sourcing Program digital traceability process, stated that the main challenge faced by the scheme was the irregular presence of government agents tasked with tagging at the site, which occasionally delayed tagging but did not negatively affect supply chain integrity. SMB stated that cases of mineral smuggling recorded outside its perimeter was beyond its jurisdiction and was therefore the responsibility of the National Commission to Combat Mining Fraud (Commission nationale de lutte contre la fraude minière) of the Democratic Republic of the Congo. SMB further stated that, by mid-March 2020, it had paid all debts outstanding from May 2019 to artisanal miners and that only 5 per cent was yet to be settled (see annex 54).

104. Two *négociants* who smuggled minerals in areas controlled by armed groups in Walungu territory said that, in January 2020, armed groups financing their activities from mining sites included the Raia Mutomboki Maheshe and Butachibera factions and Mai-Mai Kirikicho and Nyatura combatants. The *négociants* explained that they sold their untagged minerals to middlemen in Bukavu, who sold them across the border in Rwanda (see paras. 106–107 below).

105. The Group visited two clandestine depots of untagged tin, tantalum and tungsten minerals in Goma. One of them had been relocated following persistent raids by police demanding bribes. Both depot owners continued to trade untagged minerals from the same mine sites in Masisi territory, as previously reported ([S/2019/974](#), paras. 44–47).

106. During a meeting in February 2020, Rwandan authorities showed the Group 155 kg of coltan that had been seized on 23 January 2020 and stored in Gisenyi, Rubavu district. They stated that it had been smuggled from the Democratic Republic of the Congo, the first such case at the Rubavu-Goma border crossing since June 2019. They also showed the Group seven lots of untagged minerals seized from elsewhere in Rwanda since June 2019. They included 360 kg of presumed beryllium, 293 kg of presumed cassiterite, 250 kg of presumed wolframite and 54 kg of presumed coltan.<sup>18</sup> Rwandan officials stated that they considered cross-border mineral smuggling a security risk and used a combination of border police working with the Rwanda Revenue Protection Unit, paid agents and unpaid community-level informants to monitor and intercept smuggled goods, including minerals, along the country's borders. They emphasized that it was illegal for untagged minerals to transit through Rwanda.

107. Four independent sources, including a Congolese anti-mineral-fraud officer, confirmed that Jean-Claude Gafishi, previously investigated by the Group (see

<sup>18</sup> Official assay results were pending at the time of the visit.

S/2019/469, para. 154), remained involved in cross-border mineral smuggling between the Democratic Republic of the Congo and Rwanda. Rwandan authorities confirmed the authenticity of identity information shared with them by the Group (see annex 55) but stated that they were unable to locate the individual.

#### **D. Due diligence reporting by Congolese companies**

108. The Group requested copies of supply chain due diligence reports from the Democratic Republic of the Congo mining and export companies to assess exporters' risk-based checks and mitigation efforts regarding tin, tantalum and tungsten, and gold. Eight companies, all traders in tin, tantalum and tungsten, shared reports with the Group and noted several risks and mitigation measures applied. Some tin, tantalum and tungsten companies recognized smuggling, tagging and export challenges in their public due diligence reporting and took some steps to address them. However, some incidents were left unresolved or were termed "closed" after a six-month period, regardless of outcome (see annex 56).

#### **E. Developments in the International Conference on the Great Lakes Region**

109. Only the Democratic Republic of the Congo issued ICGLR certificates for minerals covered in the ICGLR traceability manual.<sup>19</sup> In a meeting with the Group in March 2020, representatives of the ICGLR secretariat acknowledged that the region had yet to adopt a common certificate for gold exports, and said that consultations on the matter were under way.<sup>20</sup> The secretariat representatives stated that, in the meantime, member States were at liberty to put their own internal controls in place. As such, Rwanda launched a new national certificate for gold exports, effective from April 2020 (see annex 57). In October 2019 and February 2020, respectively, Burundi (see annex 58) and the United Republic of Tanzania had launched domestic ICGLR certification processes for natural resources in accordance with the 2010 Lusaka Declaration of the ICGLR Special Summit to Fight Illegal Exploitation of Natural Resources in the Great Lakes Region. Delays by ICGLR member States other than the Democratic Republic of the Congo in using ICGLR certificates for gold exports hindered regional traceability efforts (see para. 85 above).

110. In 2019, the Democratic Republic of the Congo issued 14 ICGLR certificates for nine licensed artisanal gold exports across North Kivu, South Kivu and Ituri. In an effort to establish the effectiveness of those certificates outside of the Democratic Republic of the Congo, the Group wrote to the recipients of the 14 exports. The results are analysed in annex 59.

111. Consistent with previous findings, fraudulent ICGLR certificates were used in mineral smuggling (see S/2017/1091, para. 55; and S/2019/974, paras. 55–56). On 24 February 2020, Ssose Yusuf attempted to export 50 kg of gold from Bunia to Metal Rush Uganda Ltd in Kampala using a fraudulent ICGLR certificate (see annex 60), which was intercepted by Congolese immigration authorities at the border between Mahagi, Democratic Republic of the Congo, and Goli, Uganda. The Group wrote to the company but had not received a response at the time of drafting the present report.

<sup>19</sup> ICGLR, *Manual of the Regional Certification Mechanism (RCM) of the International Conference on the Great Lakes Region (ICGLR)*, 2nd ed. (2019).

<sup>20</sup> See <http://www.icglr-rinr.org/media/attachments/2019/04/16/icglr-asm-gold-strategy.pdf>

## **F. Financial flows and Congolese minerals**

112. Three Congolese gold traders explained that their customers in Abu Dhabi, Rwanda, Uganda and the United Arab Emirates often refused to use the banking system to pay for gold, including because banks asked questions about the source of funds. One trader repatriated funds from a Dubai gold sale using an acquaintance at a transport company, another had to transfer funds to a cooperative in Goma that agreed to receive the money, which was subsequently carried by the trader in cash by ferry to Bukavu. Two bank representatives and two gold traders described challenges associated with repatriating cash from foreign gold sales because correspondent banks blocked transactions to the Democratic Republic of the Congo, as it was considered “high risk.” The Group sent surveys to a total of 18 Congolese banks requesting information on their efforts to check the trading practices of their minerals sector clients and spoke to 4 of them. At the time of drafting the present report, only Trust Merchant Bank, Rawbank and Banque commerciale du Congo (BCDC) had responded.

113. Illegal gold traders concealed financial evidence by using hawala or goods-for-gold swaps (see [S/2016/466](#), para. 139).<sup>21</sup> Three gold traders and a local government official described how gold smugglers used the proceeds of gold sales to purchase fuel that they sold at the fuel stations they owned. They then used the proceeds from fuel sales to buy and smuggle more gold. The same sources stated that gold traders Banga Ndjelo (see [S/2018/531](#), para. 118), Exodus Deba (see [S/2016/1102](#), para. 76; and [S/2018/531](#), para. 119) and Mambo Kamaragi traded fuel swapped for gold in fuel stations they owned in Bunia (see annex 61). The Group was unable to reach those traders by the time of drafting the present report. The Group requested information from the Democratic Republic of the Congo Directorate of Imports but had not received a response at the time of drafting the present report. An eyewitness explained that, during 2019, Lombela, a businessman (see [S/2014/42](#), para. 174; and [S/2018/531](#), para. 118), had smuggled gold to Uganda in exchange for merchandise, including rice and flour, that he sold in the Democratic Republic of the Congo, using the cash to buy more gold for illegal export. Such activities concealed gold-generated cash flows and provided additional obstacles to establishing legal gold trading.

## **IV. Serious violations of human rights and international humanitarian law**

### **A. Conflict-related sexual violence in Masisi and Rutshuru territories**

114. The Group found that armed combatants, especially those from NDC-R, led by sanctioned individual Guidon (CDi.033), and CMC/FDP, led by Domi committed widespread conflict-related sexual violence amidst recurrent fighting in Masisi and Rutshuru territories from January 2019 to February 2020 (see annex 62). Those acts included rape, gang rape, some instances of sexual slavery and forced marriage. Such acts may amount to torture, may constitute war crimes and crimes against humanity, and are sanctionable under paragraph 7 (e) of Security Council resolution [2293 \(2016\)](#), as renewed by the Council in paragraph 2 of its resolution [2478 \(2019\)](#).

<sup>21</sup> Bartering is a long-standing practice in the region’s gold trade. See Gregory Mthembu-Salter, “Baseline study three: production, trade and export of gold in Orientale Province, Democratic Republic of Congo” (Paris, OECD, 2015); and Gregory Mthembu-Salter, “Baseline study four: gold trading and export in Kampala, Uganda” (Paris, OECD, 2015).

115. Some NDC-R and CMC/FDP commanders committed those acts, and commanders of both armed groups, who had effective control, failed to take the necessary measures to punish subordinates responsible for those acts, despite awareness thereof or owing to wilful ignorance.

116. The Group based its findings on individual interviews conducted between June 2019 and March 2020 with 92<sup>22</sup> rape victims aged between 12 and 70 and of different ethnicities, two relatives of victims, 21 civil society actors from various locations in Masisi and Rutshuru territories, one local chief, one researcher, one ex-combatant and MONUSCO sources, as well as on physical evidence (see annex 64) and medical documentation.

### **Conflict-related sexual violence by Nduma *défense du Congo-Rénové***

117. The Group found that NDC-R combatants had raped at least 35 victims in various locations in Masisi and Rutshuru territories<sup>23</sup> under NDC-R control and/or during NDC-R operations between February 2019 and February 2020.

#### *Patterns of rape*

118. The victims described how one to five armed NDC-R combatants had raped them during that period. Perpetrators often targeted isolated women or small groups of women with children, occasionally with their husbands, undertaking daily activities. According to nine victims and two civil society representatives, NDC-R combatants used the verification of *jetons* issued as proof of payment for the NDC-R monthly tax as a pretext for rape (see annex 65; and S/2019/974, para. 18). After being raped, three victims were detained for a few days in underground pits inside NDC-R positions.<sup>24</sup>

119. Six victims stated that the perpetrators introduced themselves as NDC-R combatants and one of whom added that his chief was Guidon. Women living in NDC-R positions told two victims that the perpetrators belonged to NDC-R. Seven heard their rapists chanting the name of NDC-R. Five saw their rapists before and/or after the rape in their villages and recognized them. Three knew their rapists' names.

120. In at least seven instances, NDC-R combatants targeted Hutu women because of real or perceived links to CMC/FDP. Perpetrators said to five victims, including the wife of a local chief collecting taxes for CMC/FDP, that they sought "CMC" or "Nyatura".<sup>25</sup> One was accused of being a "CMC wife" and another of preparing food for "Nyatura".

121. Rapes in Bashali *chefferie* between October 2019 and February 2020 were particularly violent. Six victims were held captive and repeatedly raped in NDC-R positions by several NDC-R combatants for periods ranging from one day to one month. Several NDC-R combatants raped one victim during the first week and then one of them raped her during the rest of her one-month captivity. NDC-R combatants subjected other women to forced marriage, according to one civil

<sup>22</sup> The Group found that all 92 victims had been raped by armed combatants but could not attribute each rape to a specific armed group based on its evidentiary standards. Details of the Group's methodology and findings on rapes committed by combatants other than NDC-R and CMC/FDP are contained in annex 63.

<sup>23</sup> In or around Bibwe, Kitso, Ronga, Nyabikeri, Shibo, Mukwenga, Hembe, Kahira, Busumba and Nyampanika in Bashali *chefferie* in Masisi territory, and Katsiru, Muhanga, Rutiba, Mukaka, JTN, Mashango, Kanyatsi and Kanyangohe in Bwito *chefferie* in Rutshuru territory.

<sup>24</sup> They were not raped in the positions.

<sup>25</sup> In the relevant areas, CMC/FDP was commonly referred to as "CMC" or "Nyatura".

society source and two victims who were subjected to such treatment, one for three days and one for three months.

122. Several rapes were connected to murders in Bashali *chefferie* between October 2019 and February 2020. According to two Hutu victims of separate incidents, during an incursion in their respective villages, NDC-R combatants raped them, together with three other Hutu women, and killed their husbands, together with other male villagers, mostly Hutu, whom they accused of being “Nyatura” in one of the incidents. Five NDC-R combatants raped another Hutu victim and killed her husband and her two children, aged 8 and 10, when they tried to rescue her.

*Responsibility of Nduma Défense du Congo-Rénové commanders*

123. Some NDC-R commanders committed rape. Three victims of separate incidents in Bwito *chefferie* in January and February 2020 were raped by one NDC-R commander while his escorts, some underage (see annex 66), stood guard. The commander of an NDC-R position in Bashali *chefferie*, where a victim was subjected to forced marriage and sexual exploitation, subjected another girl to forced marriage.

124. NDC-R commanders<sup>26</sup> with effective control over their troops (see paras. 20–22 above and 127 below; and [S/2018/531](#), para. 73) failed to take the necessary measures to punish rape by subordinates, despite awareness thereof or owing to wilful ignorance.

125. NDC-R commanders imposed no, or hardly any, measures to punish rape, according to nine civil society sources, one victim and one researcher. A civil society actor reported four rape cases to two NDC-R commanders based in Bashali *chefferie*, but only one NDC-R combatant was jailed, and only for several hours. Similarly, in Bwito *chefferie*, an NDC-R commander failed to act despite knowing that a child had been raped by his subordinates, according to two civil society sources. Following a report by a victim of rape, another NDC-R commander in *Bashali chefferie* promised to punish his subordinates. However, a few days later, the victim saw the subordinates checking *jetons* in her village. Four civil society sources reported that they had never seen or heard of any NDC-R combatant being punished for rape, although two mentioned an NDC-R sanctions system and a policy by which rapists were referred to Congolese authorities. The others had heard of only isolated cases in which NDC-R combatants had been arrested. One referred to an NDC-R commander temporarily jailed by Guidon for multiple rapes and commented that “this was for the show” because it had only happened once.

126. The threatening and violent behaviour of NDC-R commanders and combatants deterred people from reporting rape, even had a sanctions system existed. Victims, civil society representatives and MONUSCO sources unanimously mentioned serious risks of retaliation associated with reporting rape committed by NDC-R combatants (see annex 67). Rapists threatened three victims with death if they reported them, and some rapists threatened the same if victims sought medical treatment, according to one civil society source. NDC-R combatants destroyed post-rape medical consultation forms and pages mentioning rape from registers in health centres in Bashali and Bwito *chefferies*, according to two civil society sources. Eight victims and two civil society sources confirmed that carrying such consultation forms exposed to a high risk if checked at NDC-R checkpoints. Two civil society sources highlighted that NDC-R commanders’ awareness of the legal implications of rape led to denial (see annex 68).

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<sup>26</sup> The Group has withheld the names of NDC-R commanders, specific locations and dates to protect its sources.

127. During a telephone call on 1 May 2020, Désiré Ngabo Kisuba, NDC-R spokesperson, strongly denied any act of sexual violence by any NDC-R combatant and claimed that any such reports were false and only “defamation”. Ngabo referred to an internal code of conduct, but said that if any NDC-R combatant were to commit any such act – which was not the case thanks to international humanitarian law training – he would be handed over to the judicial authorities. Ngabo confirmed that NDC-R was well structured and organized, and that commanders had effective control over their troops, all under Guidon’s command. He described an intelligence service reporting throughout the chain of command, up to Guidon. Considering the NDC-R reporting chain and commanders’ presence close to or at the crime scenes, the Group concludes that NDC-R commanders must have been aware that their subordinates had committed rape in 2019 and 2020 but took no measures to punish them. Ngabo and eight other sources confirmed Guidon’s presence on the front line in Bashali *chefferie* between January and March 2020, when many rapes were committed (see para. 23 above).

128. Ten civil society sources, nine victims, a relative of one victim and a local chief deplored the inaction of FARDC with regard to NDC-R, highlighting that the two forces walked, took photographs and/or drank beers together and/or held positions and/or checkpoints adjacent to one another (see para. 26 above; S/2018/1133, paras. 63–68; S/2019/469, paras. 58–62; and S/2019/974, paras. 66–73). In April and May 2019 in Kanyangohe, one source witnessed some FARDC members saying through a loudspeaker that the people should not be scared of NDC-R because FARDC used NDC-R to fight CMC/FDP. Two mentioned that NDC-R and FARDC fought alongside one another, including twice against CMC/FDP in Mweso towards the end of 2019, according to one witness.

### **Conflict-related sexual violence by the Collectif des mouvements pour le changement/Forces de défense du peuple**

129. The Group found that CMC/FDP combatants had raped at least 20 victims in various locations in Rutshuru territory<sup>27</sup> under CMC/FDP control and/or during CMC/FDP operations between January and December 2019.

#### *Patterns of rape*

130. According to the victims, one to five armed<sup>28</sup> CMC/FDP combatants targeted isolated women, or small groups of women with children, undertaking daily activities. Rapists requested and/or stole money from six victims and requested that one pay CMC/FDP taxes. Two perpetrators introduced themselves to one victim as Domi’s combatants. One victim knew the identity of her rapist.

131. At least two victims were targeted on ethnic grounds. After asking about her ethnicity, three rapists told their victim that they would kill her because she was Hunde. In another case, two rapists accused their Hutu victim of being Hunde. When she responded that she was Hutu, they replied that she looked like a Hunde.

#### *Responsibility of Collectif des mouvements pour le changement/Forces de défense du peuple commanders*

132. Some CMC/FDP commanders committed rape. A commander raped one victim while three of his subordinates, two underage, stood guard. One civil society source

<sup>27</sup> In or around Bukombo, Rutiba, Bumbasha, Kashali, Karambi, Bishusha, Tchahemba/Kyahemba, Kazuba, Ngangi, Luya and Sisa in Bwito *chefferie* in Rutshuru territory.

<sup>28</sup> In one instance, the rapist carried only a machete.

explained that some low-level CMC/FDP commanders abducted women for forced marriage.

133. CMC/FDP leaders with effective control over their troops failed to take the necessary measures to punish rape by subordinates, despite awareness thereof or owing to wilful ignorance. Although five sources mentioned that Domi punished rape, only two cited a case where Domi had killed<sup>29</sup> a subordinate for rape. One of those sources pointed out that Domi's subordinate had raped the daughter of another CMC/FDP combatant, but that she did not report her own rape owing to a lack of support from any CMC/FDP combatants. Another stated that Mbitezi troops had killed a man who had complained about the rape of his wife by those troops in mid-March 2020. Awareness of the legal implications of rape led to denial, according to one civil society source. Two others said that CMC/FDP combatants would kill anyone suspected of investigating the movement. Rapists threatened two victims with death if they reported them.

134. During a telephone call on 29 April 2020, Jules Mulumba, CMC/FDP spokesperson, firmly denied any act of sexual violence by any CMC/FDP combatant and blamed instead NDC-R combatants and FARDC members for committing rape in Bwito *chefferie* since the end of 2019. Mulumba stated that the CMC/FDP military penal code provided for sanctions, but that sexual violence cases were referred to Congolese authorities, after internal punishment, which could consist of whipping. Mulumba insisted, however, that CMC/FDP had recorded only one case of sexual violence, and this was in 2017. He confirmed that CMC/FDP leaders had effective control over their troops and were well informed of events on the ground, thanks to its "Service 5", which was in charge of military-civilian cooperation and was present at all levels of the chain of command, its political administrators who were in close contact with local authorities, and its intelligence service. Given the CMC/FDP multi-reporting chain and the presence of CMC/FDP headquarters and Domi's residence in the Mashango area (see para. 12 above), where many rapes were perpetrated, the Group concludes that CMC/FDP commanders must have been aware that subordinates committed rape in 2019, but took no measures to punish them.

### **Scale and impact of rape**

135. The Group interviewed just 92 of the numerous rape victims in Masisi and Rutshuru territories. Half of the victims interviewed knew other women and girls who had been raped by armed combatants. Nineteen civil society sources, a relative of one victim, one local chief, MONUSCO sources and a report from the Congolese National Police (Police nationale congolaise, also known as PNC) obtained by the Group confirmed that sexual violence was widespread (see [S/2019/469](#), para. 55). According to one source, rape was so widespread that it was considered a "normal" occurrence.

136. The impacts of rape were devastating for the victims, their children and the very social fabric of the society. Several victims were badly wounded while resisting rape. Rape exacerbated vulnerability when victims were already displaced or had to leave their village because of the rape. Several were left with the impossible choice of returning to the scene of the rape and risking being raped again or losing their means of subsistence. Many were rejected by their husbands and/or family, and/or were stigmatized by their community.

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<sup>29</sup> Summary killing by armed groups cannot constitute an appropriate punishment.

## B. Attacks targeting civilians in Beni, Irumu and Mambasa territories

137. Almost immediately after the launch of FARDC operations against ADF on 30 October 2019, civilians in Beni territory were targeted in a wave of brutal attacks (see paras. 32 and 40 above; and S/2019/974, para. 26). The attacks expanded to north-western Beni territory, and southern Irumu and Mambasa territories in Ituri (see annex 69).

138. Hundreds of civilians were killed during those attacks – some of which were simultaneous – while thousands were displaced as a result. In November and December 2019 alone, over 260 civilians, mainly women and children, were killed, according to MONUSCO.<sup>30</sup> The acute violence triggered, in turn, violent popular reactions, including the lynching of alleged ADF collaborators and attacks against MONUSCO (see S/2018/1133, para. 33).

139. The Group found that ADF combatants were involved in this wave of attacks, including in the killings on 5 December 2019 and 30 January 2020 in Mantumbi, Beni territory, and on the border of Mambasa territory, an area previously spared from ADF attacks. The findings are based on testimonies from 14 witnesses, including two who had been temporarily abducted by ADF, two civil society and MONUSCO sources.

140. At least 17 civilians, including 10 women, were killed during the attack on 5 December 2019. Several of the 10 eyewitnesses initially mistook the assailants for FARDC soldiers, as they wore military fatigues with armbands and carried arms, including PKM machine guns. Three said that the female assailants wore clothing similar to *khimar* and two saw children among the assailants. The assailants introduced themselves as NALU,<sup>31</sup> according to an eyewitness captured alongside three young men and four girls. A certain Boazi, who has a scar on his face “as if he had been shot in the mouth”, led the assailants.<sup>32</sup> The eyewitness saw the assailants kill six civilians; Boazi killed one of them. The abductees were forced to carry the assailants’ loot to the ADF/NALU Madina II camp. There, the eyewitness and other male abductees were held in an underground pit, forced to farm and to practice Islam, while the girls were forced to become ADF/NALU combatants’ “wives”, which was consistent with previous findings (see S/2019/469, paras. 17, 37 and 97–115). The eyewitness escaped Madina II soon after ADF vacated in anticipation of FARDC assault. ADF/NALU combatants in Madina II told him that they would attack Mantumbi again.

141. Between 28 and 30 January 2020, at least 61 civilians were killed in a series of attacks conducted north-west of Beni territory, including in Mantumbi. At least 14 civilians, including nine women, were killed in Mantumbi itself. Three eyewitnesses described assailants similar to those involved in the attack on 5 December 2019. One of the eyewitnesses, abducted by the assailants for three days, said that his abductors were Muslim. He witnessed them kill eight civilians in various locations.

<sup>30</sup> MONUSCO, “Independent assessment of MONUSCO’s response to recent attacks against civilians in Beni area, DRC”, 22 January 2020: <https://monusco.unmissions.org/en/independent-assessment-monusco%E2%80%99s-response-recent-attacks-against-civilians-b%C3%A9ni-area-drc>

<sup>31</sup> Sources referred interchangeably to the NALU (the National Army for the Liberation of Uganda) and ADF.

<sup>32</sup> Over recent years, Boazi was regularly mentioned to the Group as a mid-level ADF commander. Another source recounted that a group of NALU, led by a man with a scar on the cheek and a deformed mouth, had abducted him in the vicinity of Lukaya, Mambasa territory, for several days in February 2020. He witnessed their attack on Makumo, Mambasa territory, on 26 February 2020 and the killing of several civilians.



142. Most eyewitnesses and one civil society source insisted that Mai-Mai groups active in north-western Beni territory and southern Mambasa territory had not conducted any of those attacks, asserting that the Mai-Mai usually targeted Congolese security forces and Ebola response teams.

### C. Violence against civilians in Salamabila

143. The Group found that Mai-Mai Malaika combatants, led by Sheikh Hassani (see para. 46 above) had committed multiple abuses in Salamabila since at least 2018. Those acts are sanctionable under paragraph 7 (e) of Security Council resolution 2293 (2016), as renewed by the Council in paragraph 2 of its resolution 2478 (2019). The findings are based on interviews with 16 community members, four civil society actors, one ex-combatant, one researcher, a provincial government official and MONUSCO sources, as well as documentary, photographic and audio evidence.

144. According to those sources, from at least November 2019 to 12 January 2020, when FARDC forced the Mai-Mai Malaika out of Salamabila (see para. 50 above), Sheikh Hassani strengthened his control over the population of Salamabila. This included weekly forced labour (*salongo*), consisting of transporting stones over distances of kilometres to maintain roads. Sheikh Hassani imposed a strict dress code, prohibiting women from wearing trousers, heels, skirts above the ankles and tight clothes, and men from wearing low-hanging or short trousers, long hair or a beard. Failure to respect those rules was punished by severe whipping and/or payment of a fine. One interviewee working as a prostitute recounted that, in January 2020, five Mai-Mai Malaika combatants had beaten her badly for wearing a split skirt (see annex 70).

145. Sheikh Hassani also acted as a parallel authority in Salamabila, including by deciding on matters under the competency of the justice system and using his troops to arrest and bring people to the PNC prison, according to eight sources.

146. In addition to staff of Namoya Mining (see para. 74 above), the Mai-Mai Malaika abducted and unlawfully detained, sometimes for several weeks, administrators, citizens and activists denouncing abuses by Sheikh Hassani combatants and/or suspected of supporting rivals and/or FARDC. Several sources highlighted that they would be in danger if Sheikh Hassani learned that they had spoken to the Group. Some had already been threatened for reasons unrelated to the Group.

147. According to a written communiqué and five sources, including a provincial government official, immediately after the armed clashes on 11 and 12 January 2020, Sheikh Hassani had threatened to attack FARDC and had instructed the population to leave Salamabila (see annex 71). This prompted thousands of civilians from Salamabila to flee, and many children went missing during the displacement (see annex 72). The population returned progressively after a message from Sheikh Hassani on 24 January 2020 promising not to retaliate against FARDC. Most sources pointed out that, while the population had initially supported Sheikh Hassani owing to his stance regarding Namoya Mining (see paras. 73–74 above), that had changed because of abuses committed by his movement. The Group's attempts to contact Sheikh Hassani were unsuccessful.

## V. Arms

148. The Group found that foreign instructors had provided training to FARDC members on Congolese territory, that materiel was delivered to the Congolese security forces and that foreign civilian aviation actors had provided support to the Congolese military. The Group is not aware that relevant notifications for all the cases below were submitted to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo. Furthermore, complete tracing of diversion of materiel from national stockpiles was hampered by the failure to provide notifications on training and also by the lack of responses, including by some Member States, to requests made by the Group for details such as batch, year of ammunition production and weapon model with regard to notifications addressed to the Committee.<sup>33</sup> Diversion from national stockpiles remained the main source of supply for armed groups in the Democratic Republic of the Congo (see annexes 73, 78, 81, 85, 93, 96 and 97). The Group requested information from several Governments. In their responses, the Governments of Albania, Romania and Turkey requested further information, including serial numbers.

#### **A. Failure to provide notification of training by foreign instructors**

149. The Group documented that several Member States offered military training to FARDC and continued to investigate training allegedly provided by other Member States. It sent official communications related to that training but had not received a response at the time of drafting the present report.

##### **Instructors with Israeli citizenship**

150. Between December 2019 and January 2020, instructors with Israeli citizenship provided training in Goma area to the FARDC Special Forces. The Group received testimonies from three diplomatic and two military sources regarding that training and the citizenship of the instructors, and obtained pictures showing at least 10 of them involved in the training (see para. 175 above and annex 74).

##### **South Africa**

151. The Group documented at least three training sessions provided to FARDC by South African military instructors in 2011, 2014 and 2016 at Mura camp, Haut-Katanga province, and at Kitona military base, Kongo Central province. At least three FARDC battalions from the 42nd and 43rd Rapid Reaction Units were trained. Training of FARDC by South Africans was reported previously (see annex 75 and S/2009/603, paras. 295–296).

##### **China**

152. Five FARDC officers and three diplomatic sources stated that, between 2010 and the writing of the present report, Chinese military instructors provided several training sessions to FARDC at the Kamina military base, Haut-Lomami province (see annex 76).<sup>34</sup> Those training sessions were also reported in open-source documents between 3 June 2010 and 30 July 2019, including statements in the Congolese press by the Defence Attaché of China in the Democratic Republic of the Congo, photographs and official documents related to the provision of materiel.

<sup>33</sup> Available at [www.un.org/securitycouncil/sanctions/1533/guidelines](http://www.un.org/securitycouncil/sanctions/1533/guidelines).

<sup>34</sup> In June 2008, China notified the Committee about a one-year training programme to be conducted by a team of 16 instructors and the necessary materiel for training exercises. The Group is not aware of any renewal of that notification.

Some aspects of the training were previously documented by the Group (see [S/2009/603](#), para. 264).

153. Between 2016 and 2017, members of the FARDC 32nd Rapid Reaction Brigade received training (see annex 76/2). Two soldiers and one sergeant who had participated explained that the training had covered defensive and offensive operations, reconnaissance patrol, combat sport and live shooting with small arms and heavy weapons. The Group obtained an official document dated 30 May 2012 signed by a Chinese official stating that 3,100 semi-automatic rifles, sniper rifles, light and heavy machine guns, 60mm and 82mm mortars, anti-tank rocket launchers and recoilless rifles, as well as more than 7.6 million rounds of associated ammunition, 10 tons of explosives and materiel, had been provided (see annex 77).

## **B. Failure to provide notification of the transfer of arms, ammunition and vehicles**

154. The Group collected and analysed data from multiple documents related to deliveries of arms and related materiel to the Democratic Republic of the Congo by air and sea between 2015 and 2020. It investigated the origin and production of the materiel.

155. The Group addressed letters to Member States and entities identified as manufacturing and/or exporting materiel with characteristics similar to those documented by the Group. It received a limited number of responses, which limited its capacity to trace the materiel, especially that documented as being in the hands of armed groups.

156. The Group found that, since January 2018, more than 2,000 tons of materiel intended for FARDC, including arms and ammunition, had been sent to the Democratic Republic of the Congo by supplier States without the Committee having been notified in advance. In addition, military trucks were delivered to FARDC between 2016 and 2018. In 2018, seven civilian helicopters were repainted upon arrival in the Democratic Republic of the Congo, given military registration and transferred to FARDC.

157. Some of the materiel delivered to FARDC was later diverted to armed groups in eastern Democratic Republic of the Congo.

### **Materiel with characteristics similar to Chinese production**

158. The Group found that, between 31 January 2015 and 9 January 2019, eight transfers of materiel had been made by the armed forces of China (the People's Liberation Army), by China Ordnance Industries Group Corporation Limited (NORINCO), also known as China North Industries Group Corporation Limited, a State-owned arms and munitions company, and by private companies producing and/or marketing materiel for the defence sector.

159. Some of the materiel used from 2010 by FARDC and the PNC had characteristics similar to those of Chinese production (see annex 78; [S/2007/40](#), box between paragraphs 58 and 59; [S/2008/43](#), para. 79; [S/2014/42](#), annex 49; [S/2015/19](#), annex 41; [S/2015/797](#), annexes 10–11; [S/2016/466](#), annex 21; [S/2016/1102](#), annexes 37–38; [S/2018/531](#), para. 193; [S/2018/1133](#), para. 110; and [S/2019/974](#), annex 18, photograph 4).

160. The Group received information from a high-ranking FARDC officer and reviewed photographs from open sources illustrating that, since 2015, one model of jeep, four models of military truck used by FARDC and two models of armoured

vehicle used by the PNC had characteristics similar to those of Chinese production (see annex 79).

161. The Group collected documents related to the delivery, in July 2019, of four Type 996Y patrol boats transferred to FARDC by the People's Liberation Army at Matadi port, Kongo Central province. The transfer included six heavy machine guns, 12 light machine guns and 300,000 rounds of associated ammunition (see annex 80).

162. The Group documented ammunition of PG-7 thermobaric rockets, 82-mm mortar bombs, 107-mm rockets and 12 batches of ammunition for small arms and light weapons with markings indicating manufacture after the 2009 notification by China and with characteristics similar to Chinese production (see annex 81).

163. The Group obtained two bills of lading related to materiel transferred by NORINCO referring to contracts dated 2017 (see annexes 82–83). Those transfers of small arms and light weapons and artillery ammunition corresponded to a volume of more than 1,760 tonnes.

#### **Case study**

The Group documented a crate of 7.62x39-mm ammunition in Bwito, Rutshuru territory, found on 19 November 2019 in an area of confrontation between NDC-R and CMC/FDP. The crate was marked “20170223/FP/CK/MOD/GDW”, consistent with a contract reference.

Markings indicated that the crate was part of a batch of 20,000 similar crates, each containing 1,440 rounds of 7.62x39-mm ammunition, amounting to 28,800,000 rounds.

The Group obtained a bill of lading dated 15 April 2018 with references identical to those marked on the crate.

According to the document, NORINCO had transferred the materiel (see [S/2018/1133](#), para. 110).

164. The Group collected a bill of lading dated 31 January 2015 related to the transfer of 22 packages containing chemical spare parts by BOMETEC GEHQ, identified in a previous report as the Bureau of Military Equipment and Technology Cooperation at the People's Liberation Army General Headquarters (see [S/2009/603](#), para. 262), to the Government of the Democratic Republic of the Congo (see annex 84).

165. In April 2009, China notified the Committee of a delivery of 5,000 Type 56-2 assault rifles and 2 million rounds of related ammunition, 500 Type 80 light machine guns and 2 million rounds of related ammunition, and 400 Type 69-1 anti-tank grenade launchers and 4,000 rounds of related ammunition. The Group is not aware of other notifications being submitted to the Committee since April 2009. Chinese authorities stated that they were investigating the Group's requests.

#### **Assault rifles with characteristics similar to Albanian production**

166. The Group received information that, since 2013, MONUSCO had collected 30 assault rifles similar to the ASH-78, of Albanian production, from ex-combatants of 10 armed groups in North Kivu (see annex 85).

#### **Materiel with characteristics similar to Brazilian production**

167. In 2019, the Group observed PNC units with non-lethal 37/38 mm grenade launchers similar to the AM-637 and with stun grenades similar to the GB-704, both similar to Brazilian production. It also reviewed open-source photographs of the same weapons and ammunition. At the time of drafting, the Group had yet to receive a response from the Government of Brazil to its letter related to that materiel (see annexes 86 and 87).

#### **Materiel with characteristics similar to Bulgarian production**

168. The Group obtained a bill of lading related to a transfer, in 2015, of 667 crates of OG-7 anti-personnel rockets (12,006 rockets) and 9,091 crates of 7.62x54R-mm ammunition (8,000,080 rounds). The materiel had left the port of Burgas, Bulgaria, in September 2015 to Matadi (see annex 88).

169. The Group reviewed open-source pictures from 2018 of FARDC and the PNC with AR-M1F assault rifles and UBGL-1 (under-barrel grenade launchers) similar to Bulgarian production (see annex 89). The notifications submitted in 2014 and 2015 by the Bulgarian authorities did not cover that materiel.

#### **Sniper rifles with characteristics similar to Romanian production**

170. In February 2020, the Group observed the FARDC 21st Rapid Reaction Unit with sniper rifles similar to the FPK of Romanian production (see annex 90).

#### **Shotguns with characteristics similar to Turkish production**

171. The Group observed the PNC with shotguns with characteristics similar to those manufactured by the Maestro arms company. The Turkish authorities requested further information from the Group to complete their inquiry (see annex 91).

#### **Rockets with characteristics similar to Iranian production**

172. The Group reviewed pictures taken in January 2020 of “Fateh” (PG-7) rockets manufactured in 2018, similar to those manufactured in the Islamic Republic of Iran, among the materiel used by an FARDC unit deployed in South Kivu. The markings on the materiel were consistent with those used to attack a MONUSCO patrol in Ituri in July 2019 (see [S/2019/974](#), para. 75). The Group noted that the crate markings associated the materiel with a batch of 1,010 crates representing 6,060 rockets (see annex 92).

173. The Government of the Islamic Republic of Iran informed the Group that the materiel in question had not been manufactured by the Islamic Republic of Iran and that the country had never transferred any materiel into the Democratic Republic of the Congo.

174. However, the Group also received information on two lots of ammunition with characteristics similar to Iranian production, manufactured in 2007. It had been documented in the hands of armed groups in eastern Democratic Republic of the Congo (see [S/2014/42](#), annex 49; and [S/2018/531](#), para. 187). The Group is concerned that Iranian materiel could have been transferred into the Democratic Republic of the Congo by a third party (see annex 93).

#### **Materiel of the Special Forces Unit of the Armed Forces of the Democratic Republic of the Congo**

175. The Group reviewed photographs of the FARDC Special Forces Unit carrying precision rifles of unknown origin with characteristics similar to the SVDM

“Dragunov” (7.62x54R mm), retrofitted assault rifles and light machine guns, equipment such as “multicam” uniforms, class IV personal protective equipment and tactical helmets (see annex 94).

**Land Rover Defender “Snatch 2”, similar to United Kingdom of Great Britain and Northern Ireland production**

176. In January 2020, in Beni territory, the Group observed FARDC members operating Land Rover Defender “Snatch 2” technical vehicles, similar to production of the United Kingdom of Great Britain and Northern Ireland (see annex 95). A FARDC officer stated that several dozens of the vehicles had been distributed to FARDC in November 2019. The Government of the United Kingdom of Great Britain and Northern Ireland informed the Group that the matter was under investigation.

**Materiel transferred by the Democratic People’s Republic of Korea, the Sudan and Zimbabwe**

177. The Group obtained official documents (see annexes 96–97/1-4) related to the transfer, between 2007 and 2009, of materiel by the Democratic People’s Republic of Korea (see [S/2014/42](#), annex 49; and [S/2015/797](#), annex 10), the Sudan (see [S/2009/253](#), para. 69; [S/2009/603](#), paras. 265–271; [S/2014/42](#), annex 49; and [S/2016/1102](#), annex 37) and Zimbabwe (see [S/2008/773](#), box 1; [S/2010/596](#), para. 95; [S/2014/42](#), annex 49; and [S/2016/1102](#), annex 38).

**Uniforms and individual equipment**

178. According to the Group’s observations and photographs, quantities of uniforms and individual equipment supplied to FARDC and the Republican Guard since 2004 were not notified (see annex 97/5–17).

**C. Foreign civilian airlines supporting the Armed Forces of the Democratic Republic of the Congo**

**South Airlines<sup>35</sup>**

179. The Group documented that, since 2012, six civilian cargo aircraft with foreign registrations (Antonov AN-32 “EK-32400”, Antonov AN-72 “EK-72425”, Antonov AN-72 “EK-72903”, Ilyutshin-76 “EK 76992” and Ilyutshin-76 “ST-BDN”) supported FARDC by transporting personnel and materiel (see [S/2019/974](#), para. 65). Some members of the crew of those aircraft held Ukrainian and Russian passports. Five of the aircraft were owned or operated by Vagram Simonyan, a Russian national (see annexes 98–106; and [S/2013/99](#), paras. 83–89 (Libya)). Simonyan was a shareholder in those airlines and Director General of South Airlines Co SARL and South Airlines Co.<sup>36</sup> In his capacity as Director General of South Airlines Co, Simonyan leased aircraft to the Government of the Democratic Republic of the Congo through Zaabu International SARL, of which he was a board member (see annexes 101/2, 103/2, 104/2, 106/2 and 109/1–2).

180. The Group spoke to Simonyan, who acknowledged that he had provided support to FARDC since 2012.

<sup>35</sup> South Airlines LLC (Armenia) ceased effective activity on 1 October 2016 and South Airlines Co SARL was registered in the Democratic Republic of the Congo in July 2015.

<sup>36</sup> According to the lease agreements with Zaabu International SARL, South Airlines Co was registered in the United Arab Emirates.

### **Compliance with aviation regulations**

181. The Group found that neither Zaabu International SARL nor South Airlines Co SARL had complied with paragraph 6 of Security Council resolution 1807 (2008), renewed by the Council in paragraph 4 of its resolution 2293 (2016) and paragraph 1 of its resolution 2478 (2019), in particular regarding aircraft registration, operating licences, air operator's certificates, pilots' flight licences and rules related to the carriage of passengers.

182. The Armenian authorities informed the Group that the Antonov AN-32 with the registration number "EK-32400" and the Antonov AN-72s with the registration numbers "EK-72425" and "EK-72903", until the crash of the latter in October 2019, were still using Armenian registrations, despite having been deregistered from Armenian civil aviation records (see annex 105/1–8).<sup>37</sup>

183. The Ilyutshin-76 with the Iraqi registration "YI-BAT" (see S/2019/974, para. 64) was deregistered from the Armenian aviation registry on 16 December 2014. The Iraqi authorities informed the Group that the only Ilyutshin 76 with a valid "YI" registration was grounded in Iraq (see annex 106/5).

184. A Congolese Civilian Aviation Authority senior official informed the Group that none of the above-mentioned four aircraft had been assigned Congolese registration numbers, contrary to national aviation regulations. The official underlined that South Airlines Co SARL and Zaabu International SARL operated without valid operating licences and approved air operator's certificates. He also pointed out that the Civilian Aviation Authority did not validate the captains' pilot licences. There was no evidence that the aircrafts' cycle of maintenance had been carried out or that they met airworthiness standards, according to the official. The Ukrainian authorities confirmed that the Antonov company had no information on the maintenance or maintenance of the airworthiness of the Antonov AN-72 "EK-72425" since 1997 and the Antonov AN-72 "EK-72903" since 2003 (see annexes 105/1–3). On 20 November 2019, the Government of the Democratic Republic of the Congo launched an investigation to identify, among other things, violations of national and international regulations by South Airlines Co SARL and Zaabu International SARL. In parallel, the Civilian Aviation Authority grounded both companies' aircraft that were operating in the country.

### **Sudanese Ilyutshin 76 chartered by Simonyan**

185. According to photographic evidence, at the end of December 2018, an Ilyutshin 76 aircraft owned by the Sudanese company Badr Airlines and using Sudanese registration "ST-BDN" transported members of the 12th FARDC Brigade between the Kamina military base and Kisangani, Tshopo province (see annex 110). Simonyan confirmed in a meeting with the Group in December 2019 that he had chartered the aircraft in 2018 to carry out FARDC troop rotations between Kinshasa, Goma, Kisangani and the Kamina military base. Badr Airlines was already mentioned by the Panel of Experts on the Sudan for violating the embargo on Darfur (see S/2007/584, paras. 106–108).

### **Transfer of helicopters to the Armed Forces of the Democratic Republic of the Congo**

186. In October 2018, five Bell 204/205 UH-1 helicopters and two Bell 206 helicopters (both made in the United States of America) were acquired through Presidential Aviation Services led by Charles Deschryver (see annex 111; and

<sup>37</sup> The Antonov AN-32 "EK-32400" and the Antonov AN-72 "EK-72425" were deregistered on 15 May 2019. The Antonov AN-72 "EK-72903" was deregistered on 12 May 2016.

S/2009/603, para. 270). Upon arrival in the Democratic Republic of the Congo, they were repainted in a military colour, fitted with military registration and transferred to the Congolese airforce. The helicopters supported FARDC during operations by transporting military personnel and materiel (see annex 111/5). The Group is concerned that helicopters acquired for civilian purposes were used for military operations.

#### **D. Support by foreign personnel to the Congolese airforce**

187. Three diplomatic sources told the Group that the pilots of three Sukhoi 25 (SU-25) with Congolese airforce registrations were of Eastern European origin. Two diplomatic sources reported that they were from Georgia. The Group documented that, since late 2019, the pilots had operated the SU-25 aircraft from Bangoka airfield, Kisangani, in support of FARDC operations against ADF in the Beni area.

188. The Group obtained further information and photographs from social media showing that, between September 2011 and April 2020, at least 80 individuals of Georgian and Belarusian origin operating as pilots, flight instructors and technicians had provided support to the Congolese airforce on ground attack aircraft and combat or transport helicopters, including during military operations (see annex 112). Some wore uniforms similar to those of the Georgian or Belarusian armed forces, and three carried assault rifles (see annexes 112/7, 112/10 and 112/22). The Georgian authorities provided the FARDC service card of the Georgian pilot of the Mi-24 that crashed in North Kivu on 30 January 2017 during an operation against the M23 (see S/2017/672/Rev.1, para. 66).

189. Several Congolese and three Georgian contacts reported that Georgians who left active service with the Georgian Air Force had been recruited by the Congolese authorities. The Group is concerned that the activities of foreign private military personnel could amount to mercenaryism.

## **VI. Recommendations**

190. The Group makes the recommendations set out below.

### **Government of the Democratic Republic of the Congo**

191. The Group recommends that the Government of the Democratic Republic of the Congo:

(a) Ensure that all companies operating in the tin, tantalum, tungsten and gold sectors fulfil their obligations pursuant to paragraphs 8 and 9 of Security Council resolution 1952 (2010) and in line with OECD and ICGLR guidance and Congolese law by reporting annually on supply chain due diligence (see paras. 85–92 above);

(b) Require all entities operating in the Democratic Republic of the Congo providing financial services to companies and individuals operating in the tin, tantalum, tungsten and gold sectors to adhere to OECD supply chain due diligence guidance, the ICGLR Regional Certification Mechanism and the due diligence guidelines produced by the Group of Experts on the Democratic Republic of the Congo,<sup>38</sup> which the Security Council supported taking forward (Council resolution

<sup>38</sup> “Due diligence guidelines for the responsible supply chain of minerals from red flag locations to mitigate the risk of providing direct or indirect support for conflict in the eastern part of the Democratic Republic of the Congo.” See <https://www.un.org/securitycouncil/sanctions/1533/due->



1952 (2010), para. 7), as well as Congolese due diligence law (see paras. 112–113 above);

(c) Strengthen investigations into and prosecution of Democratic Republic of the Congo-based individuals and entities involved in smuggling relating to tin, tantalum, tungsten and gold (see paras. 62–68, 81–84, 102–107 and 111 above);

(d) Take urgent action to prevent FARDC members from providing any further support to NDC-R, whose commanders and combatants are responsible for acts of conflict-related sexual violence in Masisi and Rutshuru territories (see paras. 26, 114–128 and 135);

(e) Investigate, arrest and prosecute, as appropriate, NDC-R and CMC/FDP commanders and combatants responsible for acts of conflict-related sexual violence in Masisi and Rutshuru territories (see paras. 114–136 above);

(f) Reinforce the implementation of comprehensive strategies to raise awareness among communities, in conjunction with customary and local leaders and civil society, to prevent the rejection of rape victims by their families and communities and to fight stigma (see para. 136);

(g) Take all necessary actions to ensure that all aircraft operating in the Democratic Republic of the Congo adhere to Congolese and international aviation regulations (see paras. 181–184 above).

### **Government of the Democratic Republic of the Congo and other States in the region**

192. The Group recommends that the Government of the Democratic Republic of the Congo and other States in the region:

(a) Reinforce cooperation and information-sharing to:

(i) Dismantle ADF regional recruitment and supply networks (see paras. 37–39 above);

(ii) Dismantle cross-border networks for smuggling in natural resources (see paras. 63, 86, 104–107 and 111–113 above);

(b) Combine efforts to investigate and prosecute individuals and entities in their jurisdictions that smuggle Congolese gold by circumventing trading and banking structures, and share information on suspicious transactions (see paras. 63, 87–88, 104–107, and 111–113 above);

(c) Commit to the implementation of the Peace, Security and Cooperation Framework for the Democratic Republic of the Congo and the Region and halt all support to foreign and local armed groups active in eastern Democratic Republic of the Congo (see paras. 37–39 above).

### **Member States**

193. The Group recommends that Member States fulfil the provisions contained in the Guidelines of the Committee for the Conduct of its Work, adopted on 6 August 2010,<sup>39</sup> in particular those reflected in section 11, on notifications prior to shipment of military materiel to the Democratic Republic of the Congo and training of Congolese military personnel (see para. 148 above).

### **United Nations**

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[diligence-guidelines](#)

<sup>39</sup> Available at [www.un.org/securitycouncil/sanctions/1533/guidelines](http://www.un.org/securitycouncil/sanctions/1533/guidelines).

194. The Group recommends that United Nations peacekeeping missions in the subregion set up and maintain a common database on weapons and ammunition documented as being owned by armed groups, and reinforce capacities in data collection and training to counter the illicit transfer of arms, ammunition and related materiel (see para. 148 above).

**International Civil Aviation Organization**

195. The Group recommends that the International Civil Aviation Organization initiate investigations into the adherence to international civil aviation regulations of all aircraft linked to Vagram Simonyan (see paras. 179–185 above).

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