



## Security Council

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### Letter dated 6 June 2019 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

The members of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution [2424 \(2018\)](#), have the honour to transmit herewith, in accordance with paragraph 4 of that resolution, the final report on their work.

The report was provided to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo on 8 May 2019 and was considered by the Committee on 24 May 2019.

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

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

### *Summary*

The presidential elections in the Democratic Republic of the Congo of 30 December 2018 brought about a relatively peaceful transfer of power despite having been contested and marred by interference from armed groups. In the period since the inauguration of the new President, the Group has observed a growing number of armed groups willing to surrender provided that adequate structures are established and conditions are met.

Nevertheless, numerous local and foreign armed groups continued to pose serious security threats in the Democratic Republic of the Congo. The Allied Democratic Forces (ADF), led by Seka Musa Baluku, has regrouped and rebuilt its capacity. ADF continued to attack civilians and security forces during the reporting period. The Group found that ADF continued to recruit and use children, in particular during attacks and combat. It also found that ADF engaged in conflict-related sexual violence, including through forced marriage. Although the radical interpretation of Islam by ADF and its recent propaganda suggested a willingness to be associated with other Islamist groups, the Group found no evidence of direct collaboration between them during the period under review. The Group noted that, for the first time, Islamic State in Iraq and the Levant had claimed an attack on Congolese territory in April 2019, but the Group was not able to confirm any direct link with ADF at the time of writing.

Following violent clashes with local armed groups, the Conseil national pour le renouveau et la démocratie (CNRD), a Rwandan armed group, decamped with 4,000 combatants, dependants and Rwandan refugees from Masisi, North Kivu, to Kalehe, South Kivu, beginning in December 2018, following attacks of the Nduma défense du Congo-Rénové (NDC-R). Growing tensions between CNRD, the local population and the national armed forces, the Forces armées de la République démocratique du Congo (FARDC), raise concerns for civilian protection, underlining the urgency of durable solutions for an evolving situation.

NDC-R, on the other hand, expanded its territorial control in North Kivu and increased its troop strength, thereby posing a serious threat to stability in the area. Armed clashes between NDC-R and other local armed groups in northern Masisi and western Rutshuru territories in mid-January 2019 resulted in a number of serious human rights violations. The Group also identified collaboration between FARDC and NDC-R in these areas, consistent with previous findings.

Collaboration between local and foreign armed groups on Congolese territory was an exacerbating factor. For instance, in South Kivu, several Burundian armed groups, including the Résistance pour un état de droit au Burundi (RED Tabara), collaborated with local armed groups in the Middle Plains of Uvira. In turn, at least two military incursions were launched on Congolese territory by the Burundian armed forces, the Forces de défense nationale du Burundi (FDN), alongside members of a Burundian youth group known as Imbonerakure, affiliated with the Burundian ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie. Two local armed groups supported FDN and Imbonerakure. Direct military interventions and the provision of material support to armed groups operating in the Democratic Republic of the Congo constitute violations of the sanctions regime.

Ongoing insecurity caused by armed groups continued to hamper the response to the outbreak of the Ebola virus disease in Beni territory. Challenges relating to

community acceptance and trust, coupled with repeated attacks against treatment centres and medical staff, were exacerbating factors.

In Yumbi territory, members of the Batende community systematically and indiscriminately killed hundreds of members of the Banunu community and persons perceived as being close to that community on 16 and 17 December 2018. The attacks were well planned, organized and coordinated, including by local leaders of the Batende community. These acts are serious human rights violations and sanctionable acts and may constitute crimes against humanity, and those responsible should be held to account.

With respect to natural resources, the Group noted that regulations in the artisanal and small-scale gold sector were either incomplete or poorly enforced in the Democratic Republic of the Congo. The Group also found that smuggling and underdeclaration continued in Bukavu and Butembo, for onward delivery through Bujumbura, Kigali and Kampala to Dubai.

The Group found that armed groups continued to finance their activities through the illegal mining of tin (cassiterite), tantalum (coltan) and tungsten (wolframite), thereby contaminating the supply chain. The Group also documented cases of smuggling of tin, tantalum and tungsten involving criminal networks using various tactics, as well as specific instances in which some Congolese government officials were involved in the diversion of minerals. These acts constitute violations of Security Council resolutions, the Organization for Economic Cooperation and Development Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the International Conference on the Great Lakes Region Regional Certification Mechanism.

The Group documented a number of cases of violations of the arms embargo and non-compliance by supplier States with the requirement to notify the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo in advance of the delivery of arms and related military equipment. Armed groups continued to target FARDC camps and depots in order to seize weapons and ammunition and recovered a significant number of weapons and ammunition from FARDC losses during combat.

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

## I. Introduction

1. The final report of the Group of Experts on the Democratic Republic of the Congo is being submitted pursuant to paragraph 4 of Security Council resolution [2424 \(2018\)](#). Zobel Behalal (Cameroon), natural resources expert and Coordinator of the Group, reached the end of his five-year term as a sanctions expert on 27 March 2019 but was involved in the investigations for the report. David Zounmenou (Benin), arms expert, was subsequently appointed as Acting Coordinator. On 2 January 2019, Jane Lewis (Ireland) was appointed as one of the two armed group experts.

2. From 28 April to 5 May 2019, the Chair of the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo, Mansour Ayyad Alotaibi (Kuwait), visited the Democratic Republic of the Congo, Uganda and the United Arab Emirates together with a number of members of the Committee. The Chair and his delegation were not able to visit the United Republic of Tanzania, which notified the Committee that the visit should take place at a later date.

3. In accordance with the request made by the Security Council in paragraph 8 of its resolution [2360 \(2017\)](#), and as renewed by paragraph 5 of its resolution [2424 \(2018\)](#), the Group continued to exchange information with the Panels of Experts on the Central African Republic, on the Sudan and on South Sudan.

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

4. The Group notes with appreciation the support and collaboration of the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) during the period under review.

### **Compliance with the requests of the Group for information**

5. During the reporting period, the Group met with government officials, private sector actors and organizations in eight countries (see annex 1). While it transmitted 47 letters requesting information from Governments and entities, the Group received varying levels of compliance with its requests (see annex 2). For example, although the Burundian authorities eventually held a brief meeting with the Group in Bujumbura, Burundi, and provided some answers to its questions, the Group regrets that the process of seeking to meet with the authorities was unnecessarily cumbersome. The Group had requested a meeting on 14 March 2019 in a letter dated 30 January 2019. On 14 March 2019, the authorities confirmed the date of 14 March for the meeting. The Group travelled to Burundi following the establishment of a new date of 16 March 2019 and waited three more days for the meeting. Burundian officials informed the Group that they had not received the Group's official communications on requests and issues to be discussed (which were contained in the letter from the Group of 30 January). It is the Group's understanding that the Permanent Representative of Burundi to the United Nations had acknowledged that all official communications from the Group had been transmitted to capital, including the questions to be addressed during the meeting in Burundi. The Group also exchanged several emails with and made several phone calls to the Burundian authorities in connection with the meeting.

### **Methodology**

6. 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](#)). The Group 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.

7. 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 serious human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, ex-combatants and current members of armed groups. The Group has also considered expert testimony by government officials and military officers from the Great Lakes region and United Nations sources.

8. The present report covers investigations conducted up to and including 18 April 2019.

### **Implementation of the recommendations of the Group**

9. In its midterm report of December 2018, the Group reported that the Kokodikoko faction of Raia Mutomboki, led by Masudi Alimasi Kokodikoko, had committed conflict-related sexual violence and used child soldiers in Shabunda territory, South Kivu, in September 2018 and had recommended that the perpetrators of those crimes be investigated and prosecuted (S/2018/1133, paras. 72–83 and 112 (b)). Kokodikoko, who was injured during combat, surrendered to the Forces armées de la République démocratique du Congo (FARDC) on 26 March 2019, and 28 of his elements surrendered or were captured by FARDC on that day and in the following days. The Group was further informed that the Congolese military judicial authorities had initiated an investigation against Kokodikoko and his deputy for murder, rape, torture and looting. The Group welcomes this positive development.

### **Update on sanctioned individuals and entities**

10. The Group received information that Ignace Murwanashyaka (CDi.016), President of the Forces démocratiques de libération du Rwanda (FDLR) (see S/2016/466, annex 6), died in the university clinic of Mannheim, Germany, in April 2019, while awaiting retrial on charges of war crimes.

### **Correction of the midterm report of the Group of 2013**

11. In its midterm report of July 2013, the Group reported that “Ntaganda’s allies in Kitchanga worked clandestinely with Mudahunga and his deputy, Lt. Col. Alexis Muhire, to recruit for M23 and establish a rear base for the movement at Kitchanga” (S/2013/433, para. 120). However, the correct name of Mudahunga’s deputy was not Lt. Col. Alexis Muhire but rather Lt. Col. François Muhire.

### **Investigation into the murder of members of the Group in March 2017**

12. The Group reiterates that the perpetrators of the murders of Michael Sharp and Zaida Catalán, including their support networks and motives, should be identified and that those involved should be prosecuted under Congolese law.

## **II. Armed groups in North Kivu**

### **A. Allied Democratic Forces**

13. The Group investigated foreign armed groups in the Beni-Butembo region in North Kivu and observed that the Allied Democratic Forces (ADF) continued to be active (S/2018/531, paras. 27–42). The Group found that ADF had regrouped and

rebuilt its capacity since suffering heavy losses in the FARDC operations against it in 2014 (S/2015/19, para. 5). During the reporting period, ADF continued to attract new recruits through an international recruitment network, while launching attacks against civilians, abducting children and engaging in sexual violence (see paras. 94–101 and 105–108 below).

14. ADF has long demonstrated radical interpretations of Islam. During the period under review, although ADF propaganda suggested a willingness to be associated with other Islamist groups, the Group found no evidence establishing a direct link between them.<sup>1</sup>

15. As previously reported (see S/2014/428, annex 9), the Group noted that several ex-combatants and former ADF abductees continued to use interchangeably different names for the same armed group, namely, ADF, ADF-NALU (Allied Democratic Forces – National Army for the Liberation of Uganda), NALU (National Army for the Liberation of Uganda) and Madina at Tawhid Wai Muwahedeen (MTM).<sup>2</sup>

### Locations

16. The Group observed that ADF was a well-organized armed group spread over several camps in the Beni-Butembo region near or in the Virunga National Park. On the basis of testimonies of nine ex-combatants, 10 victims, civil society, local researchers, MONUSCO sources and FARDC officers, the Group located several main camps<sup>3</sup> used by ADF (see annex 3). It is worth noting that, while exact camp locations have changed over time, most of their names have remained constant. In addition, the Group found that men, women and children were present in all ADF camps (see paras. 94–101 below).

17. The ADF base camp called Madina,<sup>4</sup> divided into Madina I and Madina II, was a complex of smaller camps in the so-called “Death Triangle”, situated between Oicha, Eringeti and Kamango, some 35 kilometres north of Beni. Leaders of ADF stayed in Madina II, which included Kajaju, Bango, Whisper and Richard camps, all situated approximately one kilometre from each other (see annex 4). The Group estimated that there were between 150 and 200 ADF elements in each of the four aforementioned smaller camps.

18. Another important ADF camp, known as Mwalika, Irungu and Domaine, was situated in the vicinity of Mwalika village, between Kasindi and Butembo in Beni territory, in the Virunga National Park. This camp was used primarily as an assembly point for foreign recruits. Mwalika camp was moved frequently and was usually situated near the Semuliki River. Four ex-combatants told the Group that Mwalika had been moved twice during their four-month stay and that it had taken them approximately five hours to reach the new campsite on foot. The Group estimated that Mwalika accommodated between 100 and 150 people depending on the supply of new recruits.

19. A third camp, named Mulalo after its leader and also known as Lahe camp, was situated in the Mayangose forest north-east of Beni (see annex 5). This camp counted some 60 to 80 combatants. Mulalo was used as a transit camp for elements of ADF and their captives travelling between Mwalika and Madina. On the basis of satellite

<sup>1</sup> The Group is aware that Islamic State in Iraq and the Levant claimed an attack in the Democratic Republic of the Congo on 18 April 2019 (see para. 34).

<sup>2</sup> This can be translated as “the city of Tawhid and the monotheists”.

<sup>3</sup> ADF also relied on smaller positions as hideouts or observations posts that were often not permanently manned and were likely used as departing points for attacks.

<sup>4</sup> In previous reports, the Group has repeatedly reported on a camp called Madina, but it assessed that, while the name of the camp has remained the same, the position of the camp has changed within the same region over the years.

images taken in January 2019, it is likely that this camp was moved after the joint FARDC-MONUSCO operations of November 2018 (see paras. 38–42 below) but remained in the same general area.

20. Another ADF camp, situated near Mapobu, was attacked and occupied by FARDC in February 2018 (S/2018/531, para. 36). According to an ex-combatant and several former abductees, ADF has since moved the camp between two FARDC positions near Mapobu. The camp was used as a logistical hub for provisions coming from Beni towards Madina and numbered some 30 combatants with dependants.

### **Leadership**

21. While ADF was weakened and dispersed following the FARDC operations against it in 2014, the Group observed that the armed group has since regrouped and reinstated a single command and control structure. Fifteen ex-combatants and former abductees confirmed the continued presence and leadership of long-standing ADF commanders (see S/2015/19, annexes 3 and 4; and see annex 6). The overall and undisputed leader of ADF continued to be Seka Musa Baluku. He resided in the Kajaju quarter of the Madina complex. Sources confirmed that Baluku tightly controlled the movement.

22. In Madina, “Sheikh” Lumisa was the religious leader and in charge of external communications. Abdulrahman Waswa, also known as “PC Sentongo”, was a judge and police commissioner responsible for discipline and punishment. Kasadha took over as camp commander from Kajaju, who left for another unknown position.

23. In Mwalika, recruits and ex-combatants identified a man called Amigo as being in charge of recruitment and communications with Madina camp. “Sheikh” Koko was the religious leader and Kikote the camp commander.

24. Ex-combatants, former abductees and recruits cited a number of other military leaders, including Kajaju, Kikote, Werrason, Mugisa, Rafiki, Mulalo, Braida and Akeda, who rotated across different camps.

25. The majority of ADF combatants were Ugandan nationals, but the movement also included nationals of Burundi, the Democratic Republic of the Congo, Rwanda, the United Republic of Tanzania and other countries. Two sources identified a certain Hussein, or Marabou, as a non-African, Arabic-speaking member of ADF (see annex 7). Combatants included men, women and children (see para. 100 below).

26. FARDC sources and two ex-combatants told the Group that an important ADF commander, Richard Mugisa, also known as Mzee (son of the founder and long-time ADF leader Jamil Mukulu, who was arrested in the United Republic of Tanzania in 2015 (S/2018/531, para. 31)), had been killed. Three ex-combatants confirmed that Mzee was no longer in the ADF camps, while two of them believed that he had been killed by members of ADF. FARDC sources also told the Group that the deputy of Baluku, Lukwago Hood, had died in 2018. While two ex-combatants confirmed Hood’s death, a former abductee told the Group that Hood was still alive. Ugandan officials also informed the Group during an official meeting that Hood was still alive.

### **Ugandan recruitment network**

27. The Group was able to confirm that the international recruitment network identified in its midterm report of December 2018 (S/2018/1133, paras. 8–17) was part of the ADF recruitment network. An FARDC officer informed the Group that recruitment through Bukavu and Goma had diminished following the arrest of key individuals in July 2018. The Group continued its investigation of the Ugandan pillar of the ADF network and found that the recruitment methods were consistent with those previously reported (S/2015/19, paras. 19–21).

28. Six people told the Group that they had been recruited in Uganda by ADF using different pretexts. Two had been recruited in mosques in Uganda, two said that they had been promised employment in the Democratic Republic of the Congo, while two had been misled by a family member into visiting the Democratic Republic of the Congo. One person had been recruited to teach Islam to ADF but denied having prior knowledge of their violent tactics. At least three individuals had been involved in recruiting those six people. During a meeting with the Group on 1 March 2019, Ugandan officials confirmed that the three above-mentioned recruitment methods continued to be used by ADF in Uganda.

29. New recruits entered the Democratic Republic of the Congo near the Kasindi border crossing, staying in Mwalika camp until being transferred in large groups to Madina through Mulalo (see annex 8).

30. The Group also found that ADF leaders were making a concerted effort to recruit demobilized ADF ex-combatants in Uganda and is concerned about the security of ex-combatants who returned to Uganda and their possible re-recruitment into ADF.

### **Ideology and training**

31. ADF remains a secretive organization that does not share its objectives in the public domain or claim attacks. However, in March 2019, several released abductees delivered a dual message from the armed group: (a) for FARDC to leave ADF in peace and to allow its members access to marketplaces; and (b) for all people to convert to Islam (see paras. 111–115 below).

32. The Group sought to confirm whether ADF had links with other known Islamist groups and requested additional information on several individuals from the Governments of Kenya, South Africa and the United States of America. At the time of writing, the Group had not received any response. The Group also requested to speak with prisoners alleged to have links with an international finance network of ADF in Uganda. The Government of Uganda informed the Group that prisoners could not be interviewed before the completion of ongoing legal proceedings.

33. The Group obtained several videos displaying the MTM logo (see annex 10) and portraying the training of men and children, religious instruction, weapons and combatants. The Group was able to authenticate them as ADF videos. Several sources recognized ADF combatants and identified some of the locations where the videos had been recorded as the Madina I camp. One former abductee confirmed being present while two of the videos were recorded. Most of the videos were posted in private groups on social media and are likely to date from mid-2017 onwards. One such video was widely circulated on the Internet and included propaganda messages. Although the videos suggested that ADF may be aligning itself with other Islamist movements and reaching out to attract foreign fighters, they did not in themselves offer proof of direct contact or association with other Islamist groups.

34. On 18 April 2019, Islamic State in Iraq and the Levant (ISIL) claimed an attack on a small FARDC camp in Bovota, a village on the Mbau-Kamango road in Beni territory, on 16 April 2019, during which two FARDC soldiers and one civilian were killed. This was the first time that ISIL had claimed an attack on Congolese soil (see annex 9).<sup>5</sup> However, the Group was not able to confirm any direct link between ISIL and ADF at the time of writing.

35. ADF continued to cultivate a culture of internal secrecy and fear among its combatants. New recruits received precise instructions on how to behave in the camps. “Sheikh” Koko, the religious leader of Mwalika camp, instructed recruits not

<sup>5</sup> See [www.nytimes.com/2019/04/20/world/africa/isis-attack-congo.html](http://www.nytimes.com/2019/04/20/world/africa/isis-attack-congo.html).

to ask questions on leadership, camps, women or the number of weapons held by ADF. Koko also said that recruits who did not follow orders would be punished and that those who tried to escape would be killed. In addition, recruits and former abductees told the Group that they had been instructed not to light fires during the day, and, in the event that helicopters or drones hovered above their camps, they were drilled to camouflage the huts, weapons and solar panels and hide.

36. Eight ex-combatants told the Group that a certain Muzaya in Mwalika was responsible for basic training, including weapon manipulation and drills. Advanced training was led by Akeda and Rafika in the Kajaju quarter of Madina. After three weeks of training, most combatants were transferred to a nearby camp called Kabila where only combatants resided.

37. Consistent with the Group's previous reports (S/2016/1102, para. 43), former abductees and ex-combatants told the Group that practising and teaching Islam played an important role in the ADF camps. Daily prayers were followed by Islamic instruction and the opportunity for ADF leadership to convey messages to the whole camp. Female ADF members were expected to wear outfits similar to niqabs (see para. 97 below). The Group also documented cases of forced conversion to Islam (see para. 98 below).

**Joint operations of the Forces armées de la République démocratique du Congo and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and attacks by the Allied Democratic Forces**

38. During the reporting period, FARDC and MONUSCO launched one joint operation against ADF. From 13 to 15 November 2018, the Usalama Centre operation was executed in the Mayangose forest near Beni in order to recover two ADF targets. During the operation, and in two different clashes with ADF, 7 United Nations peacekeepers were killed and 10 wounded, while 2 were still missing in action at the time of writing. FARDC reported that 14 had been killed, 29 had been wounded and 12 were still missing in action. An estimated 40 to 50 ADF combatants were killed.

39. According to eight United Nations peacekeepers and one FARDC officer, the joint FARDC-MONUSCO troops secured the first target, a former FARDC camp known as Kididiwe, in the early morning of 14 November 2018. Just before reaching the second target, they were ambushed by ADF and forced to withdraw to the first target. In the late afternoon, ADF attacked the joint FARDC-MONUSCO troops in that position (see annex 11).

40. United Nations peacekeepers heard or saw many women and children among the attackers (see para. 100 below). All ADF combatants were armed, and they screamed before the attack. Some attackers shouted "surrender United Nations, surrender Malawi".<sup>6</sup> Some attackers wore uniforms similar to those of FARDC, while others were in civilian clothing. They used several types of weapons, including AK-pattern assault rifles, machine guns and mortars. The attack lasted for at least five hours and continued into the night, when some isolated United Nations peacekeepers were tracked down by remaining ADF combatants. The United Nations peacekeepers estimated that they were attacked by at least 200 ADF combatants.

41. The pattern of the attack and the fact that ADF did not hesitate to attack significant and well-armed forces demonstrate the resilience and capacity of the group. ADF was organized and sufficiently prepared, causing United Nations peacekeepers and at least one FARDC officer to believe that its members had been aware of the operations beforehand.

<sup>6</sup> Malawian soldiers were among the United Nations peacekeepers involved in the joint operations.

42. During the same period, in addition to attacks against civilians (see paras. 109–115 below), ADF also attacked and clashed with FARDC during the first months of 2019. According to FARDC official figures, 53 FARDC soldiers were killed by ADF in 13 attacks and clashes between January and March 2019. The deadliest attack took place on 21 January, when 25 FARDC soldiers were killed at a military position near Mapobu. The Group collected other evidence that corroborated this information. During the same period, several sources witnessed a high number of injured ADF combatants brought back to ADF camps, indicating their involvement in attacks and clashes.

43. Furthermore, according to FARDC sources, between January 2018 and March 2019, 69 AK-pattern assault rifles, seven PKM machine guns, two RPG-7 rocket-propelled grenade launchers, one 60 mm mortar, six Motorola radios, 183 rounds of ammunition, five magazines, two PKM ammunition chains and six artisanal bombs were recovered from ADF. The high number of weapons seized from ADF, together with the significant number of weapons taken by ADF from FARDC (see para. 202 below), demonstrate the military capacity of ADF. The Group also obtained a propaganda video in which an ADF combatant showed the weapons arsenal of the armed group (see annex 12).

## **B. Conseil national pour le renouveau et la démocratie**

44. The status of the Conseil national pour le renouveau et la démocratie (CNRD), a foreign armed group active in North and South Kivu, has changed significantly since the Group's previous mandate (S/2017/1091, paras. 23–27). The Group observed the effective loss of territorial control by CNRD in North Kivu following attacks by local armed groups in December 2018. Subsequently, the movement of a large group of CNRD combatants and dependants was observed towards Kalehe territory, South Kivu.

45. According to four civil society members and community leaders, growing tensions over the control of territory between CNRD, the Nduma défense du Congo-Rénové (NDC-R) and Nyatura armed groups resulted in the attack on CNRD headquarters in Faringa, Rutshuru territory, at the end of 2018 (see annex 13). Three CNRD combatants present in Faringa at the time of the attack told the Group that its command had been taken by surprise by a coalition of approximately 300 well-armed NDC-R and Nyatura John Love<sup>7</sup> combatants. On the basis of testimonies of Rwandan refugees, combatants and civil society actors and MONUSCO reports, at least 18 civilians and 15 combatants were killed during the attack.

46. “General” Antoine Jeva, the CNRD operational commander for North Kivu, ordered combatants and their dependants to leave Faringa for Kashuga, Masisi territory. However, NDC-R continued to pursue and attack CNRD. By 18 January 2019, CNRD, joined by a number of Rwandan refugees from the area, had abandoned its last bastion in Kivuye, Masisi territory, and taken flight in the direction of South Kivu. According to three refugees, the leaders did not clearly state where they were going. The refugees were told that they would go to “a big forest” in South Kivu.

47. The Group was not able to establish the larger aim or objective of the movement of CNRD into South Kivu beyond fleeing armed attacks or to confirm whether it intended to join forces with other armed groups. At the time of writing, the situation of CNRD in Kalehe territory, South Kivu, was still evolving.

<sup>7</sup> The leader of the armed group, John Love, told the Group in 2017 that his group was part of Nyatura Domi and a larger coalition called the Collectif des mouvements pour le changement (S/2017/1091, para. 32).

48. Convergent testimonies of local sources, community leaders, FARDC officers and MONUSCO sources showed that at least two main groups of around 1,000 and 2,000 people were observed, while others followed in smaller groups. According to refugees and combatants, armed individuals went ahead and followed from behind. Three ex-CNRD combatants told the Group that they had taken as many weapons and ammunition with them as possible, including by giving weapons to women and children to carry (see annex 14). During the journey, several clashes with FARDC and other armed groups took place and a significant number of people were reportedly killed, but no exact figures were available.

49. MONUSCO sources told the Group that, since early February 2019, some 4,000 people had moved from North Kivu to South Kivu and settled across several camps near Rutare and Kitindiro villages in Kalehe territory. On the basis of testimonies of ex-combatants and refugees, the Group assessed the number of combatants among the 4,000 people to be around 400. Ex-combatants indicated that the overall leader of CNRD, Laurent Ndagijimana, also known as Lumbago or Wilson Irategeka, had fled to South Kivu, but the Group could not establish his exact location.

50. Five ex-combatants informed the Group that most of the Congolese members of CNRD, who comprised an estimated one third of the troop strength of the armed group, had not moved to South Kivu. Several Congolese combatants joined other armed groups such as NDC-R and Nyatura Domi, while others surrendered to FARDC or MONUSCO or remained in their places of residence.

51. According to four Rwandan refugees who stayed behind in Masisi territory, several hundred Rwandan refugees remained in the region and were scattered across Masisi territory. They kept a low profile to avoid harassment from local armed groups and were reluctant to return to Rwanda.

52. Some incidents between CNRD and FARDC and the local population, including CNRD-imposed taxation, have occurred in Kalehe territory since the end of March 2019. At the time of writing, MONUSCO-led negotiations with CNRD were ongoing. The Group is concerned about the presence of a large number of civilian dependants and refugees among CNRD combatants and in particular the protection of such civilians during any possible future armed clashes.

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

53. During its mandate, the Group observed an increase in incidents of violence and a territorial shift of control in northern Masisi and parts of Rutshuru territories in North Kivu. NDC-R, led by sanctioned individual “General” Shimiray Mwissa Guidon (CDi.033), gained pre-eminence by increasing the territory under its control and its troop strength by absorbing combatants from other armed groups. An NDC-R-run administrative system based on taxation and forced labour, analogous to the system in Lubero and Walikale territories previously reported by the Group (see paras. 187–191 below), was established in recently occupied locations in Masisi territory. The Group also identified collaboration between FARDC and NDC-R in those areas that was also consistent with previous findings (S/2018/531, paras. 84–85).

#### **Armed clashes with and absorption of combatants from other armed groups**

54. The departure of CNRD (see paras. 44–52 above) triggered a power struggle among local armed groups active in northern Masisi and western Rutshuru territories in mid-January 2019. NDC-R fought against the Alliance des patriotes pour un Congo libre et souverain (APCLS) of “General” Janvier Karairi and the Nyatura groups of Nzai, Jean-Marie and Kavumbi for control over the Mpati-Kivue area of Masisi

territory. In Rutshuru territory, NDC-R clashed with the Nyatura group of Domi<sup>8</sup> for control of higher ground north of Kashuga and Mweso.

55. Armed clashes resulted in the killing of at least 46 civilians and 101 combatants and the displacement of thousands of civilians between January and March 2019. The Group recorded at least 30 incidents between armed groups in dozens of small and remote villages in the area. Civil society and MONUSCO sources also informed the Group of various cases of sexual violence committed by armed groups in the region. By the end of March 2019, NDC-R controlled large parts of northern Masisi (see annex 15). FARDC officers and local sources informed the Group that one of the main opponents of NDC-R, “General” Kavumbi, had surrendered to FARDC with a high number of combatants on 29 March 2019 following attacks by NDC-R on his main positions.

56. In late 2018, the Alliance des patriotes pour un Congo libre et souverain-Rénové (APCLS-R) and NDC-R were close allies (S/2018/1133, para. 61). This alliance evolved into the full integration of APCLS-R into NDC-R in January 2019. According to local and MONUSCO sources, “General” Poyo of APCLS-R had become one of the NDC-R commanders in the Nyabiondo-Kalungu area of Masisi territory. The former leader of APCLS-R, “General” Mapenzi Bulere Likuwe, was said to have “disappeared” from the area after clashes in February 2019. However, civil society representatives and a source close to NDC-R told the Group that Mapenzi had received a new position in NDC-R headquarters near Pinga, Walikale territory.

57. On 4 February 2019, an official ceremony was held in Kalembe to integrate at least 75 combatants of other armed groups into NDC-R. An eyewitness told the Group that Guidon had led the ceremony and identified the origin of the new recruits, who included former Nyatura, CNRD and APCLS-R combatants. The Group obtained several pictures of the ceremony (see annex 16). According to local and MONUSCO sources, the integration of combatants from other armed groups has since continued. On 30 March 2019, some 80 Nyatura elements of various factions were integrated into NDC-R. The Group also received information from local sources regarding the forced recruitment of demobilized combatants in Kalungu by NDC-R.

#### **Continued collaboration between the Nduma défense du Congo-Rénové and the Forces armées de la République démocratique du Congo**

58. Consistent with previously reported practices (S/2018/1133, paras. 63–68), the Group observed FARDC collaborating with NDC-R in new areas under the latter’s control in Masisi territory. The Group also witnessed FARDC tolerating the free movement of NDC-R elements and the use of FARDC uniforms by NDC-R cadres in parades in areas under FARDC control (see annex 17). The Group was not aware of any FARDC operations against NDC-R during the period under review.

59. Civil society and local sources told the Group that NDC-R leadership and a local FARDC commander had held a joint meeting in mid-2018 in Kalungu<sup>9</sup> to reassure the population that there was nothing to fear from the presence of NDC-R.

60. The Group received several testimonies of collaboration with NDC-R involving Colonel Yves Kijenge, an FARDC commander of the 3411th Regiment, based in the Kitchanga area. According to local sources and civil society, Kijenge delivered weapons and ammunition to NDC-R combatants. An eyewitness saw Kijenge handing over at least 10 boxes of ammunition to NDC-R combatants in January 2019 in Kalembe. Furthermore, an FARDC soldier under Kijenge’s command told the Group

<sup>8</sup> NDC-R, the Nyatura Domi and John Love were, however, still allies in the attack against CNRD two weeks before, in early January 2019.

<sup>9</sup> NDC-R had a position in Kalungu with around 200 combatants.

that, in March 2019, he had received orders from his hierarchy not to interfere with the movement of NDC-R combatants and that he had recently given free passage to the NDC-R leader, Guidon. The Group tried to speak with Kijenge but was unable to reach him.

61. In March 2019, the Group witnessed the unhindered movement of NDC-R combatants through Kalembe and Kashuga villages, both in the presence of FARDC and the Congolese National Police (see annex 18). In the same period, the Group saw an NDC-R combatant armed and in uniform walking the streets of Kashuga without any action taken by the Police. The Group also observed several NDC-R positions in the vicinity of FARDC positions (see annex 19).

62. Several inhabitants of Kalembe told the Group that six local FARDC elements of unknown ranks had been present during the ceremony for the integration of new NDC-R recruits on 4 February 2019 (see para. 57 above). FARDC wore civilian clothing. The witnesses did not see any high-ranking FARDC officers during the ceremony.

#### **D. Forces démocratiques de libération du Rwanda**

63. Two important members of FDLR were arrested by Congolese authorities at the border post of Bunangana, Rutshuru territory, North Kivu, on 16 December 2018. The FDLR spokesperson, Ignace Nkaka, also known as “La Forge Fils Bazeye” (S/2016/466, para. 16), and the deputy intelligence officer of the military branch of FDLR, Jean-Pierre Nsekanabo, also known as “Abega”, were arrested upon their return from Kampala, where they had met with a delegation of the Rwanda National Congress (RNC).

64. The Group spoke with La Forge and Abega in Kigali in February 2019. According to La Forge, the first Vice-President and interim President of FDLR, Victor Byiringiro, appointed La Forge and Abega to meet with RNC in Kampala. This was an initial meeting between FDLR and RNC to explore possibilities of future collaboration, but the Group could not establish whether FDLR intended to collaborate with RNC beyond this meeting. La Forge and Abega told the Group that the meeting had been organized by a certain Tito and that Frank Ntwali and a certain Rashid of RNC had been present. According to La Forge and Abega, while in Kampala, they also met with the Minister of State for Foreign Affairs/Regional Cooperation of Uganda, Philémon Mateke. During an official meeting with the Group on 1 March 2019, the Ugandan authorities said that they were not aware of the meeting between FDLR and RNC in Kampala. The Group submitted an official request to meet with Mr. Mateke to obtain further details regarding the visit of La Forge and Abega. On 23 April 2019, the Ugandan authorities replied that the Group’s request and motivation were based solely on allegations made in the press.

65. The status of FDLR, a sanctioned entity (CDe.005), did not change significantly during the mandate of the Group (S/2018/531, paras. 15–21). FDLR elements continued to be active in parts of North Kivu, and the main structure of the movement remained intact, with the exception of the arrests described above. On 16 April 2019, the FDLR President, Ignace Murwanashyaka (CDi.016), died in Germany. According to La Forge, Murwanashyaka was still considered the President of FDLR despite having been imprisoned for a long time (see S/2016/466, annex 6). The Group assessed that neither the arrests nor the death of Murwanashyaka had had a major impact on the structure of the movement.

### III. Armed groups in South Kivu

66. During the period under review, the Group investigated a series of incursions by the national armed forces of Burundi, the Forces de défense nationale du Burundi (FDN), on the territory of the Democratic Republic of the Congo. The Group observed that many of the attacks led by FDN had taken place alongside members of a Burundian youth group known as Imbonerakure, affiliated with the Burundian ruling party, the Conseil national pour la défense de la démocratie-Forces pour la défense de la démocratie. Attacks by FDN and Imbonerakure were focused on a Burundian armed group, the Résistance pour un état de droit au Burundi (RED Tabara),<sup>10</sup> and conducted against locations inside the Democratic Republic of the Congo and accessible from Burundi across the Ruzizi Plain in South Kivu. The Group previously reported on the deployment of FDN in South Kivu (S/2015/19, paras. 83–87, and S/2017/672/Rev.1, paras. 148–150) and on the presence of Imbonerakure on Congolese territory (S/2015/19, paras. 88–89). It is the Group’s view that the Government of Burundi committed violations of the sanctions regime during the Group’s mandate. These violations included the provision of material support to Mai-Mai Kijangala and Mai-Mai Mbulu, two of the local armed groups operating in the Democratic Republic of the Congo (see paras. 71–74 and 193–196 below), and direct FDN and Imbonerakure military interventions on Congolese territory, in contravention of paragraph 1 of Security Council resolution 2293 (2016), as renewed by paragraph 1 of its resolution 2424 (2018).

#### A. Incursions by the Forces de défense nationale du Burundi and Imbonerakure

67. In February and March 2019, the Group collected convergent testimonies of eyewitnesses, civil society actors, Congolese and Burundian combatants who were active, who had been captured or who had surrendered, security officials and high-level Congolese government authorities and gathered evidence of the presence of FDN and Imbonerakure elements on Congolese territory in the Middle Plains of Uvira, South Kivu. On this basis, the Group established that, between October 2018 and February 2019, elements of FDN and Imbonerakure were in the Democratic Republic of the Congo. The Group previously documented a similar occurrence of the presence of FDN and Imbonerakure in Kiliba Ondes, a village north of the Uvira-Bujumbura road in South Kivu, in 2014 and late 2016 (S/2015/19, paras. 82–90, and S/2017/672/Rev.1, paras. 148–150).

68. Local sources, FARDC officers, active and ex-combatants and civil society sources informed the Group of at least two waves of infiltrations by FDN and Imbonerakure, coupled with a series of armed clashes directed against RED Tabara in South Kivu (see annex 20). The first attacks took place in late October and November 2018 in and around Kabere, Uvira territory. The second wave of attacks occurred in January and February 2019 in and around Mulenge, Uvira territory. Witnesses of the incursions and subsequent clashes, including combatants, reported dozens of combatant casualties. According to the Office for the Coordination of Humanitarian Affairs, in November 2018 and January 2019, as many as 12,000 and 25,000 civilians, respectively, were displaced in the Middle Plains of Uvira.

<sup>10</sup> On the basis of discussions with various sources, including active and ex-combatants, the Group confirmed the continued and active presence of two other Burundian armed groups in South Kivu (see paras. 80–88). Neither group was the focus of the incursions or attacks by FDN and Imbonerakure described in the present report.

69. Three independent sources with direct knowledge of the incursions informed the Group that Major Aron Ndayishimiye of the 212th FDN commando battalion had led elements of FDN on both occasions. Eyewitnesses attested to the presence of up to 500 members of FDN and Imbonerakure wearing Burundian military fatigues and civilian clothing and carrying light and heavy weaponry. FARDC officers, local sources and civil society confirmed the capture, arrest and detention by FARDC in November 2018 of an FDN corporal, Mustapha Birori, who was found separated from his squad and who recounted the incursions and attacks to the FARDC officers interviewed by the Group (see annex 21). The Group sent a request to the Government of Burundi to confirm whether Major Aron Ndayishimiye and Mustapha Birori were members of FDN and was awaiting a response at the time of writing. The Group also recovered military rations in Nyamoma in the Middle Plains of Uvira produced exclusively for the Ministry of National Defence and Former Combatants of Burundi (see annex 22). Following a request, the Government of Burundi informed the Group that those military rations were likely in the hands of elements of the military involved in the coup d'état of 13 May 2015.

70. The launch of the Sukola II operations led by FARDC against local and foreign-armed groups in the High Plains of Uvira territory on 6 February 2019 coincided closely with the retreat of FDN forces to Burundi. FARDC reported to the Group that operations between 6 February and 11 March resulted in 37 enemy combatant casualties and the capture or surrender of 52 combatants and the recovery of their weapons and ammunition. As at mid-April 2019, operations against Burundian armed groups by FARDC were ongoing.

#### **Collaboration with local armed groups**

71. Several military sources, active and ex-combatants and civil society representatives informed the Group that FDN and Imbonerakure were aided by at least two local armed groups:<sup>11</sup> Mai-Mai Mbulu and Mai-Mai Kijangala (see annex 23). Mai-Mai Kijangala was the primary operational partner of FDN and Imbonerakure in the Middle Plains of Uvira and has emerged as one of the most influential groups in the area, having also secured functional alliances with Mai-Mai Buhirwe and Mai-Mai Munyamali. Similar alliances between FDN and local armed groups were previously documented by the Group ([S/2017/672/Rev.1](#), paras. 151–154).

72. According to active combatants, local sources and security officials, Mai-Mai Mbulu was led by Kamale Mbulu, a Bafuliro native of Sange, and comprised some 25 combatants. The group's headquarters were in Lukobero, Uvira territory. The Group determined that, during the period under review, Mai-Mai Mbulu aided the crossing of the Ruzizi Plain by FDN and Imbonerakure and their entry into the Democratic Republic of the Congo in Uvira territory. The scope of the alliance of Mai-Mai Mbulu with FDN and Imbonerakure was limited to guiding and facilitating their safe passage to Mai-Mai Kijangala positions.

73. According to active and ex-combatants, FARDC officers, civil society and local sources, "Colonel" Kijangala,<sup>12</sup> a Bafuliro native of Kanga, Uvira territory, was the military commander of a Mai-Mai group of the same name under the overall leadership of a certain Kapapa. The group's headquarters were located in Buleza, near Mubere and Kabere in Uvira territory, although combatants were dispersed by the Sukola II operations led by FARDC. At the time of writing, the Group determined

<sup>11</sup> The Group is aware of the presence of other local armed groups embedded in local communities in the Middle Plains of Uvira.

<sup>12</sup> Kijangala was previously associated with the Rassemblement congolais pour la démocratie and with Mai-Mai Bede, led by Bede Rusagara (deceased).

that Kijangala was located in Kahanda, Uvira territory. The Group estimated the group's troop strength at between 40 and 50 armed elements.

74. The stated objective of Mai-Mai Kijangala was to restore peace and protect the Bafuliro against foreign armed groups. An alliance with FDN and Imbonerakure took shape in 2018, with the joint aim of pursuing Burundian armed groups on Congolese territory. According to active and ex-combatants, Mai-Mai Kijangala provided intelligence and led FDN and Imbonerakure to RED Tabara locations and fought alongside them in return for food, cash, ammunition and, later, weapons (see paras. 193–196 below). Congolese officials and combatants told the Group that a limited number of FDN officers were embedded with Mai-Mai Kijangala after the Sukola II operations led by FARDC, although the Group was not able to independently establish their presence.

#### **Official positions of the Governments of Burundi and the Democratic Republic of the Congo**

75. Following several requests, the Group met with officials of the Government of Burundi on 19 March 2019 (see para. 5 above). During the meeting in Bujumbura, the Group sought to clarify whether military incursions by FDN into the Democratic Republic of the Congo had taken place and whether there was an agreement with the Government of the Democratic Republic of the Congo to that end. Officials of the Government of Burundi told the group that FDN had not been involved in any incursions and confirmed that an agreement did not exist.

76. The Government of Burundi further informed the Group that Burundian armed groups active in the Democratic Republic of the Congo included the Forces nationales de libération-Nzabampema (FNL-Nzabampema), RED Tabara and renegade soldiers of the failed coup d'état of 2015 in Burundi who had deserted with weaponry and continued to wear Burundian military uniforms to create confusion. During the meeting, officials of the Government of Burundi also informed the Group that they could not grant access to captured or surrendered Burundian combatants who had been transferred to Burundi from the Democratic Republic of the Congo before the completion of ongoing legal proceedings.

77. The Group received a written reply on 25 March 2019, in which the Government of Burundi reiterated that reports of FDN incursions in November 2018 and January 2019 into the Democratic Republic of the Congo were unfounded, adding that FDN had never crossed the common border with the Democratic Republic of the Congo.

78. The Group requested information from the Government of the Democratic Republic of the Congo regarding operations by FDN against Burundian armed groups in a letter dated 4 January 2019 but has not yet received a response. In March 2019, however, a senior Congolese army official confirmed that FDN had launched at least two incursions into Congolese territory during the period under review without consulting the Congolese authorities beforehand. The same official told the Group that there was no bilateral agreement between the Governments of the Democratic Republic of the Congo and Burundi to launch military operations on Congolese territory. Furthermore, commanding officers of FARDC in South Kivu told the Group that they had not received any orders or instructions from their hierarchy related to the entry of FDN and Imbonerakure into Congolese territory. FARDC officers in South Kivu told the Group that, once they had been processed, Burundian combatants who had been arrested or who had surrendered were transferred directly to Burundi.

79. The Group is not aware of any notification from the Government of Burundi to the Security Council Committee established pursuant to Security Council resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo regarding incursions by FDN into the Middle Plains of Uvira, as required by paragraph 5 of Security

Council resolution 1807 (2008) and as renewed by paragraph 1 of resolution 2293 (2016) and paragraph 1 of resolution 2424 (2018). In the Group's view, such incursions by FDN and Imbonerakure and their association with Mai-Mai groups in the Middle Plains of Uvira have exacerbated the already tense and violent relationships between and among local armed groups. Conflict dynamics as documented by the Group, whereby local armed groups from the same community were involved in violent clashes at the behest of foreign allies, have had a secondary effect of pitting local armed groups against each other, running the risk of reprisal and with negative consequences for civilians. The Group is concerned that such collaboration represents a threat to peace and security in the Democratic Republic of the Congo.

## **B. Résistance pour un état de droit au Burundi**

80. As previously reported, RED Tabara, a Burundian armed group, was created in April 2011 and operated in South Kivu (S/2016/466, paras. 33–41). RED Tabara was believed to be connected with the founder and leader of the Burundian political party Mouvement pour la solidarité et la démocratie, Alexis Sinduhije. According to a high-level officer of RED Tabara, since May 2018, the group has been represented by the Burundian opposition platform in exile Conseil national pour le respect de l'Accord d'Arusha pour la paix et la réconciliation au Burundi et la restauration de l'état de droit (CNARED). The Group further notes, however, that, on 18 January 2019, the Mouvement pour la solidarité et la démocratie issued a communiqué in which it declared its withdrawal from CNARED (see annex 24).

81. As indicated by active and ex-combatants and FARDC officers, despite his arrest in 2017, "General" Birembu Melkiade, also known as "General" David, was recognized as the leader of RED Tabara (S/2018/531, para. 200). In April 2019, Congolese authorities informed the Group that Melkiade was still in detention. FARDC officers and active and ex-combatants told the Group that "Colonel" Raymond Lukondo, also known as "Bowaze", was the interim leader and second-in-command, "Colonel" Bahati was in charge of intelligence and "Colonel" Kisiga was in charge of logistics and operations. Other commanders included "Colonel" Obedi and "General" Aimé.

82. On the basis of the Group's interviews with FARDC officers and active and ex-combatants, RED Tabara consisted entirely of Burundian citizens, including former FDN defectors who joined the group after the failed coup d'état in Burundi in mid-May 2015 (S/2016/466, paras. 33–34). Most new recruits had no previous military training and came from Burundi and Burundian refugee camps. New recruits completed military training, including weapons handling and tactical instruction, in the Democratic Republic of the Congo. According to a high-level officer of RED Tabara and ex-combatants, support and financing originated from contacts in Burundi and undisclosed countries in Europe.

83. The Group noted that RED Tabara did not share the same goals with other Burundian armed groups active in South Kivu, namely FNL-Nzabampema and the Forces populaires du Burundi, previously known as the Forces républicaines du Burundi or FOREBU. However, on the basis of interviews with active and ex-combatants, the Group determined that these groups did cooperate inasmuch as they periodically exchanged information and intelligence. The Group also noted during its investigations that observers struggled to differentiate between Burundian armed groups, often attributing incidents under the generic label "FNL", despite differences in their modus operandi.

84. Active and ex-combatants, FARDC officers and civil society sources told the Group that RED Tabara was active in the Middle Plains of Uvira, with its headquarters in the forest of Kitavuga Mbegere and bases near the villages of Kiriama and Kifuni (see annex 25). In March 2019, FARDC officials and a high-level officer of RED Tabara informed the Group that, through the Sukola II operations, these and other locations had been successfully recovered from local and foreign armed groups. They also informed the Group that RED Tabara had not engaged with FARDC troops but had instead retreated. The Group believes that, at the time of writing, RED Tabara elements were located in the High Plains of Uvira, near Kitoga. The Group estimated the troop strength of RED Tabara at between 500 and 750 combatants, organized across three brigades.

85. The Group collected testimonies and evidence confirming collaboration between RED Tabara and local armed groups, including Mai-Mai Kihebe, commanded by Kihebe Ngabunga, as early as 2017 and Mai-Mai Mushombe since at least 2018.

86. Kihebe Ngabunga (see annex 26), a Bafuliro native of Mulenge, was previously associated with Molière Mutulani's demobilized local defence forces (S/2011/738, paras. 252–254), the late "Colonel" Kayamba of Mai-Mai Kayamba and Mai-Mai Kijangala. Following a dispute with Kijangala in 2017, Kihebe created an armed group headquartered in the village of Mulenge, in the Middle Plains of Uvira. According to the testimony of local sources, civil society, FARDC officers and active and ex-combatants, Mai-Mai Kihebe provided local intelligence and facilitated the safe passage of food and supplies for RED Tabara.<sup>13</sup> In an interview with the Group, Kihebe denied any collaboration with Burundian armed groups, stating that he had never heard of RED Tabara but had negotiated with "FNL" for its members not to carry weapons to the marketplace in Mulenge. The Group was informed by multiple sources of Kihebe's often non-aligned and opportunistic collaboration with local and foreign armed groups.

87. Kihebe surrendered to FARDC in February 2019 with seven other combatants,<sup>14</sup> including a battalion commander, Zabene Basabini, a native of Lemera, and two AK-pattern rifles. There were 34 combatants in his group, from which 10 children were released to MONUSCO in early February 2019. The remaining combatants, including Kihebe's deputy, Mubiri, were still at large.

88. According to local sources and active combatants, Mai-Mai Mushombe was based in Marungu, in the High Plains of Uvira, and led by "Major-General" Mushombe, with "General" Llunga in charge of operations. The group had been established as a local defence force in the face of rising tensions with the Baynamulenge community in the late 1990s and was active in the territories of Uvira, Itombwe and Mwenga. On the basis of interviews with active combatants, the Group confirmed that Mai-Mai Mushombe had provided protection and fought alongside RED Tabara to repel FDN and Imbonerakure attacks. According to a senior member of Mai-Mai Mushombe, the group included as many as 120 combatants and had the capacity to mobilize others as needed.

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<sup>13</sup> According to active and ex-combatants, while not the sole motivation, Kihebe's association with RED Tabara was an additional source of dispute with Kijangala, which further encouraged him to cooperate with FDN and Imbonerakure.

<sup>14</sup> A senior FARDC officer informed the Group that two combatants have since absconded from FARDC custody.

## **C. Disarmament, demobilization, integration and reintegration**

89. While the Group did not undertake a full countrywide investigation, during interviews with dozens of combatants who were active or had recently surrendered in North and South Kivu between January and March 2019, it documented an apparent willingness to demobilize. The interest of armed groups in surrendering and the conditions under which they would do so varied over time according to local contexts and conditions. While not exhaustive, the main drivers cited by combatants were exhaustion, disillusionment, FARDC operations against them and the new change of Government.

90. The Group noted high expectations with regard to livelihood support and employment and to integration into FARDC, including the assignment of ranks and positions. Some combatants highlighted the importance of demobilization cards in enabling them to safely rejoin their communities.

91. The effective monopoly of force by the Government of the Democratic Republic of the Congo and its armed forces was often mentioned as a precondition for armed groups to surrender, especially in places where foreign armed groups remained active. Other combatants pointed to the persistence of local and community-based violence and conflict and called for investment in dialogue and mediation to accompany the process of surrender.

92. The Group concluded that the apparent willingness of armed groups to demobilize should be seen as an opportunity to reduce violence and restore peace and security in the Democratic Republic of the Congo. Careful analysis and a needs-based approach would be necessary to define an adequate response to the demand for demobilization, integration and reintegration. Significant resources would also be required to accompany the process. The Group further noted the importance of a transparent vetting process to ensure that ex-combatants who are responsible for serious human rights violations and serious crimes under international humanitarian law are not reintegrated into public institutions. In addition, timely criminal prosecutions to address impunity would be required as appropriate.

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

### **A. Recruitment and use of children**

93. During its investigations, the Group found that ADF and the Union des patriotes pour la libération du Congo (UPLC) continued to recruit and use children. These acts constitute serious violations of human rights and international humanitarian law and sanctionable acts under paragraph 7 (d) of Security Council resolution 2293 (2016), as renewed by paragraph 2 of resolution 2424 (2018).

#### **Recruitment and use of children by the Allied Democratic Forces**

94. The Group found that ADF, under the overall command of Seka Musa Baluku (see para. 21 above), continued to recruit and use children, including during attacks and combat operations, consistent with previously documented practice (S/2015/19, para. 131). The Group established that many children had been arriving and continued to arrive in ADF camps, although it could not determine their number. Abductions remained one of the main means of recruitment. Children continued to be forced to convert to Islam, to receive military training, to participate in attacks and to be subjected to forced labour. The Group's findings are based on interviews with 13

former abductees (4 children and 9 adults), three ADF recruits, two ex-combatants, six United Nations peacekeepers, civil society, witnesses of attacks, information from MONUSCO and FARDC and video and audio recordings.

95. The evidence shows a significant presence of children and the continuous arrival of new children at ADF camps, including Madina, Malolu, Mapobu and Mwalika. Madina hosted most of the children. One recently abducted child explained to the Group that there were many Congolese children in Madina, “as if an entire village had moved there”. Two of the above-mentioned propaganda videos, recorded in the presence of one former captive interviewed by the Group, confirm the presence of many children in Madina (see para. 33 above and annex 27). Furthermore, one ex-combatant explained that children were transferred from Mwalika to Madina without their families and that ADF did so to deter parents from leaving the armed group.

96. Children were abducted generally during attacks and when undertaking daily activities. For example, according to one witness, civil society and MONUSCO sources, 16 children were abducted on 24 September 2018 during an attack on Oicha.<sup>15</sup> The abductors told two sources that they needed the children, that they would not release them and that they would abduct more. While ADF has been abducting children of all ages, the evidence suggests that ADF has not recently targeted younger children and pregnant women. The Group documented four incidents in which ADF abducted young women and their older children but left their babies behind. ADF released pregnant women or women pretending to be pregnant. In one case, ADF elements told a young mother that they needed her but not her two-month-old baby.

97. Five former captives of Madina camp reported that girls over the age of 9 years had been separated from boys and men to integrate groups of women and that they had been treated in the same way as the adult women captives in the camp. They were detained in pits in the ground, forced to wear outfits similar to niqabs (see annex 28), prohibited from talking to men (see S/2015/19, annex 7) and, in several cases, subjected to sexual violence (see paras. 105–108 below).

98. According to three former abducted children, ADF has continued its practice of forcing children to convert to Islam (S/2015/19, para. 137). One child explained to the Group that ADF elements had threatened to kill her and her 12-year-old sister if they refused to become Muslims. They were taught the Arabic alphabet and the Qur’an in Malolu and Madina camps. Mariam Lumisa, the daughter of “Sheikh” Lumisa (see para. 22 above), was their teacher. They were prohibited from praying to another God, pronouncing Jesus’s name and eating pork. They were also given Muslim names. A 16-year-old Catholic girl held in Madina reported that she had been forced to become Muslim under the threat of being killed. One recently released 9-year-old child showed the Group the Muslim prayer that he had been taught immediately after his arrival in Madina. Several former abducted adults confirmed the ADF practice of forced conversion to Islam.

99. ADF also continued to give military training to children (S/2015/19, para. 131, and S/2013/433, para. 94). According to one former captive in Madina, children over the age of 9 years received weapons and training on how to use them and undertook makeshift military drills. Their instructor was Muse Mea, a Ugandan national. Two children formerly held in Madina were told by their captors that they would begin military training. One of the above-mentioned videos displays young children performing martial arts in Madina (see paras. 33 and 95 above and annex 29). Two former captives recognized and identified on another video a child performing martial

<sup>15</sup> Three of these children were reunited with their families in October 2018.

arts (see annex 30). One recruit reported that, in Mwalika, all those above the age of 12 years carried weapons and were trained by a certain Muzaya.

100. Witnesses and victims of attacks consistently reported the presence of children in ADF attacks, often describing them as carrying ammunition, weapons and machetes, as they did during the attacks on Mamove of 12 and 24 February 2019 (see paras. 110–115 below). One eyewitness of the attack in Oicha on 24 September 2018 (see para. 96 above) told the Group that children aged 9 or 10 years had been ordered to capture a civilian. Six United Nations peacekeepers who participated in the joint FARDC-MONUSCO operations (see paras. 38–41 above) confirmed having heard and seen children among the ADF combatants. A 9-year-old child explained to the Group that, immediately after his capture by ADF during a recent attack, he had been tasked with carrying ammunition. Children were also used to carry loot. According to one abducted child, 9-year-old children carrying weapons were used to guard abducted children in Madina.

101. The interviewed children confirmed the persistent practice of forced labour (S/2015/19, para. 133; see annex 7). The children had to collect wood and food, including from other ADF camps, and cultivate ADF-controlled fields, such as in Dayusi and Data. One formerly abducted girl described having been treated as a “slave”, while another former abductee identified a child on one of the above-mentioned videos as being Lumisa’s “slave” (see para. 33 above).

#### **Recruitment and use of children by the Union des patriotes pour la libération du Congo**

102. UPLC, also known as Mai-Mai Kilalo, is a local armed group active between Beni and Butembo. Its headquarters were situated near Kalunguta on the Ndengere hill in Beni territory. On the basis of interviews with ex-combatants, MONUSCO officials and local researchers, the Group estimated the number of combatants at around 400. The military leader of UPLC was Kambale Mayani, also known as Kapitula. UPLC was previously active in the surroundings of Kipese, near Lubero town (S/2018/531, paras. 95–108), but it moved its area of operations northwards in mid-2018. UPLC continued to recruit and use children.

103. The Group interviewed 15 ex-UPLC combatants who all confirmed the presence of 15 to 20 children, aged between 10 and 14 years, in the movement. MONUSCO officials, FARDC officers and ex-combatants confirmed the forced recruitment of children, mostly boys, from neighbouring villages.

104. Six ex-combatants told the Group that children were involved in the rituals for the initiation of new combatants and in the administration of a potion, known as *dawa*, before operations (see S/2017/672/Rev.1, annex 24). The spiritual leader of the movement, François Kambale Twabhiramundu,<sup>16</sup> also known as Kilalo, led these ceremonies and prepared the potions, but boys administered the potions to combatants. Children also performed scarification during the initiation rituals and administered the potion believed to render combatants invincible before combat. During UPLC operations, children carried buckets of the potion. According to one combatant, they used children to administer the *dawa* because they were undefiled.

## **B. Conflict-related sexual violence**

105. The Group found that ADF continued to engage in forced marriage (S/2015/19, para. 139). Although rape (outside forced marriage) was still punishable by ADF (see

<sup>16</sup> There is some confusion regarding the real name of Kilalo. Some sources said that he is also called François Kisokero or François Munduabyira.

S/2015/19, annex 9), the Group documented a practice not previously documented, whereby ADF elements raped girls and women once following their arrival in Madina in order to use the stigma attached to rape to deter them from escaping the camp. The Group also documented two instances of rape by ADF elements outside Madina, which suggests disciplinary problems outside the main camp. These acts constitute serious violations of human rights and international humanitarian law and sanctionable acts under paragraph 7 (e) of Security Council resolution 2293 (2016), as renewed by paragraph 2 of resolution 2424 (2018).

106. Two abducted girls and one ex-ADF member, whose testimonies were corroborated by two videos recorded in October 2018 and obtained by the Group from civil society sources, confirmed that the practice of forced marriage prevailed within ADF. A 16-year-old girl held captive in Madina in the second part of 2018 told the Group that she had been forcibly married to an old man and raped by him. A girl who had been abducted at 14 years of age and who had escaped in mid-2018 reported that girls aged from 9 to 16 years were given “fiancés” in Madina and that she herself had been given a “fiancé” among the ADF combatants. In the two above-mentioned videos, a young woman and a young girl, both former ADF abductees, state that they had each been forcibly given a husband and raped by him and that ADF assigned husbands to girls above 9 years of age to avoid prostitution within ADF.

107. One formerly abducted girl explained to the Group that, sometime in 2017, together with other girls and women, she had been brought before Baluku in Madina camp. Baluku said that he was the leader of the camp and ordered that the girls and women be raped so that they would not return to Beni. They were then raped once outside, in front of other people in the camp who laughed at them. Afterwards, the women and girls were freed from the pit where they had been detained and integrated into women’s groups in the camp. The source identified Baluku on photographs shown to her by the Group.

108. One abducted woman and one abducted girl reported two separate instances of rape outside Madina, possibly pointing to issues of discipline outside the proximity of the main camp. The abducted woman, who was first held in Mapobu and then in a temporary camp in the “Death Triangle” from mid-November 2018 to February 2019, told the Group that, in both camps, she had been raped several times per week, usually at night. She did not know whether the same man had raped her each time. The abducted girl told the Group that she had been gang-raped by an unknown number of ADF abductors on the way to Madina during the second part of 2018. Her rapists had tied her hands behind her back and covered her eyes and mouth.

### **C. Attacks against civilians in Beni territory**

109. While attacks against civilians continued in various parts of Beni territory during the period under review, most attacks took place further north of Beni city (see annex 31). In particular, the following areas were targeted in a series of attacks: (a) Mavivi and its surroundings, in January and February 2019; (b) the area of Mamove in the north-western part of Oicha, from mid-February 2019; and (c) the area of Kamango, close to the Ugandan border, since late March 2019 (see annex 32). The Group recalls that attacks on civilians and medical facilities constitute serious violations of human rights and international humanitarian law and sanctionable acts under paragraph 7 (e) of Security Council resolution 2293 (2016), as renewed by paragraph 2 of resolution 2424 (2018).

110. The Group focused its investigations on the attacks on Mamove and its surroundings on 12 and 24 February 2019 and immediately afterwards and on Mavivi on 7 January 2019. The Group found that ADF had conducted the attacks on and

around Mamove, while the attack on Mavivi on 7 January 2019 may not have been conducted by ADF, or at least not by ADF alone.

### **Attacks in Mamove area**

111. On 12 February 2019, the first of a series of attacks in the area of Mamove, the breadbasket of Oicha, was launched. The attack targeted the health centre of Mamove, which was looted together with houses and shops. A clash with FARDC followed the attack (see annex 33). As the assailants retreated, they abducted at least 17 civilians between Mamove and Oicha. Mamove was attacked a second time on 24 February 2019. During the second attack, three civilians were killed and the health centre, houses and shops were looted and set aflame (see annex 34). At least 24 civilians were abducted during the attack and its aftermath. Most of those abducted during and after the attacks on 12 and 24 February 2019 were released on 2 and 5 March 2019, respectively.

112. The Group found that ADF had carried out the attacks on Mamove and its surroundings on 12 and 24 February 2019. The Group's conclusion is based on interviews with seven formerly abducted civilians, two witnesses, four civil society actors and two FARDC officers and on information from MONUSCO.

113. The Group spoke to one person who had been forced to participate in the ADF attack on Mamove on 12 February 2019. The source had been abducted by ADF during an attack at the end of 2018. The source recounted that ADF had decided to attack Mamove owing to a lack of medical supplies after an operation conducted before Christmas 2018, after which many ADF elements had returned wounded. The source had been forced to loot medicines in the health centre of Mamove. The source's account of the attack was consistent with other evidence collected.

114. In addition, four persons abducted during the attacks on 12 and 24 February 2019 told the Group that their abductors had introduced themselves as "NALU" and "ADF", included men, women and children, wore military fatigues and outfits similar to niqabs and practised Islam. Three abductees of the attack of 12 February 2019 reported having been held captive in pits in a camp, which, according to one of them, was called Bango. Just before their release, they saw a group of about 20 people abducted during the attack on Mamove and its surroundings on 24 February 2019 arriving at the camp. According to an FARDC officer who had interviewed abductees of the attack of 24 February 2019, abductees confirmed that they had been brought to a camp named Bango.

115. The Group noted that the attacks on Mamove followed the same patterns, which until recently were unusual.<sup>17</sup> The area had to a certain degree been spared from attacks since the beginning of 2015 (see [S/2016/466](#), annex 55). The attacks on 12 and 24 February 2019 were relatively less lethal. They involved the massive abduction of mostly adults who were forced to carry looted food and medicine and were blindfolded and detained in pits in an ADF camp, most likely Bango in Madina (see para. 17 above). Most of the abductees (with the exception of most of the children) were released after a fairly short period of time and told to convey messages from ADF (see para. 31 above). On the basis of these patterns and the evidence summarized above, the Group is able to conclude that ADF conducted these attacks. According to information from FARDC and MONUSCO,<sup>18</sup> several attacks carried out

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<sup>17</sup> According to information from MONUSCO, similar patterns were noted in Mayi Safi on 9 January 2019, where most of the 21 civilians abducted during the attack were eventually released after transporting goods.

<sup>18</sup> According to information from FARDC and MONUSCO corroborated by witness testimony, a total of 76 recently abducted civilians, most of whom were adults, had been released by 5 April 2019.

in the same area in March and at the beginning of April 2019 followed similar patterns, suggesting the involvement of ADF, but the Group did not independently investigate these attacks.

### Attack in Mavivi

116. Owing to the general environment of insecurity and lawlessness, created in part by the presence and activities of ADF, all attacks north of Beni were widely attributed to ADF. However, as underlined in previous reports (S/2015/19, paras. 41–45, and S/2016/466, paras. 185–213), other armed actors, taking advantage of the situation, have committed crimes in the area. The modus operandi and the apparent targeting of some of the victims of the attack on Mavivi on 7 January 2019 suggest that ADF may not have conducted that attack, or at least not alone.

117. On the basis of interviews with four witnesses, two civil society actors and one MONUSCO source, the Group found that 11 civilians, including 6 children, were killed during the attack on Mavivi on 7 January 2019. With the exception of one victim, all were killed in the same house, which belonged to a local chief.<sup>19</sup> The neighbouring families of two FARDC officers based in Mavivi had taken refuge in the chief's house at the beginning of the attack.

118. The modus operandi followed by the assailants was unusual and suggests that at least some of the victims were specifically targeted. Indeed, the house of the chief was the only house attacked in the neighbourhood that day. With the exception of the chief, who was killed outside in the courtyard, all victims were gathered and killed by gunshot in the living room. Among the 11 victims, there were 6 children. ADF was not known to kill children (S/2015/19, para. 43, and S/2015/797, para. 89).

119. The presence of children among the assailants in itself is insufficient to attribute the killings to ADF. The Group received information about possible links to leadership conflicts in the area of Mavivi but could not independently confirm this information.<sup>20</sup>

## D. Attacks against civilians in Yumbi territory

120. The Group found that a large number of men of the Batende<sup>21</sup> community had systematically and indiscriminately attacked and killed members of and persons perceived as being close to the Banunu<sup>22</sup> community in Yumbi, Bongende and Nkolo II in Yumbi territory, Mai-Ndombe province, on 16 and 17 December 2018.<sup>23</sup> The patterns of violence and the evidence gathered by the Group suggest that the attacks were well planned, organized and coordinated, including by local leaders of the Batende community, such as the *chef des terres* of Yumbi, Ngobila Malala. The attacks caused the displacement of most of the Banunu community and, to a lesser extent, the Batende community, as well as the postponement of the general elections to 31 March 2019. These acts are serious human rights violations and sanctionable acts under paragraph 7 (e) of Security Council resolution 2293 (2016), as renewed by paragraph 2 of resolution 2424 (2018). They may also constitute the crimes against

<sup>19</sup> The local chief was the *chef de 10 maisons* (chief of 10 houses).

<sup>20</sup> The Group previously documented the involvement of local militias in killings in Mayangose area, which borders Mavivi (S/2016/466, paras. 69 and 195–197).

<sup>21</sup> The Batende are also known as Tiene.

<sup>22</sup> The Banunu are also known as the Banunu-Bobangi, although some members of the Batende community challenge that name.

<sup>23</sup> The Group was not able to investigate the allegations that seven members of the Banunu community were killed in the Société industrielle et forestière du Congo compound in Mbanzi camp on or around 17 December 2018.

humanity of murder, extermination, deportation, forcible displacement, persecution and other inhumane acts.

121. The Group based its findings on interviews with 15 victims, eight witnesses, 15 detainees, local and judicial authorities, FARDC, civil society, MONUSCO and non-governmental organization sources and on evidence from photographs, videos, documents and the Group's visit to Yumbi and Bongende in January 2019. The Group established that the attack on Yumbi took place on 16 December 2018 at about 2.00 p.m. and lasted a maximum of two hours. Attacks on the villages of Nkolo II and Bongende took place on 17 December 2018. The attack on Bongende lasted the entire day. Bongende was almost entirely destroyed and was still deserted at the time of the Group's visit (see annex 35). Members of the Banunu community perpetrated acts of revenge, likely including killing some of the members of the Batende community who had remained in Yumbi and destroying Batende houses, in the days immediately following the attacks.<sup>24</sup>

122. According to the United Nations Joint Human Rights Office,<sup>25</sup> at least 535 persons were killed (170 in Yumbi, 348 in Bongende and 10 in Nkolo II)<sup>26</sup> and 111 wounded (91 in Yumbi, 12 in Bongende and 8 in Nkolo II), while 967 buildings, mostly houses, were destroyed (see annexes 36 and 37).<sup>27</sup> According to the Office for the Coordination of Humanitarian Affairs, while some returns have since been observed, about 12,500 persons were still internally displaced at the end of February 2019 and more than 11,000 refugees were still in the Congo as at 21 March 2019.<sup>28</sup>

123. Yumbi, Nkolo and Bongende are on the shores of the Congo River and opposite the Congo (see annex 38). The city of Yumbi was predominantly inhabited by members of the Banunu community. Nkolo was divided into two parts, one inhabited by members of the Banunu community (Nkolo II) and the other by members of the Batende community (Nkolo I). Bongende was almost exclusively inhabited by members of the Banunu community. With the exception of two Banunu villages that were not attacked, the other 33 villages of Yumbi territory are inhabited almost exclusively by members of the Batende community.

124. The attacks in Yumbi, Bongende and Nkolo II followed the same patterns. The Group noted that they were preceded by preparatory acts and rising tensions that led to the mass mobilization of men from the Batende community. This was followed by systematic and indiscriminate attacks targeting members of the Banunu community and persons perceived as being close to that community, using similar weapons and tactics.

#### **Preparations for and rising tensions between communities before the attacks**

125. The long-standing conflict over land between the Batende and Banunu communities was one of the reasons for the eruptions of violence in 1963, 2006 and 2011 (see annex 39). Documentation from members of the Batende community, including from a Batende association named Kebima, warned in 1995 that the Banunu

<sup>24</sup> Several sources indicated that the administrator of the territory was shot dead by some members of the Banunu community during the attack on the office of the Independent National Electoral Commission on 17 December 2019, but the Group could not establish that on the basis of its evidentiary standards.

<sup>25</sup> See [www.ohchr.org/Documents/Countries/CD/Report\\_on\\_Yumbi\\_March2019.pdf](http://www.ohchr.org/Documents/Countries/CD/Report_on_Yumbi_March2019.pdf).

<sup>26</sup> Most of the population of Nkolo II had fled before the attack.

<sup>27</sup> A total of 462 buildings and 230 pirogues in Yumbi, 270 buildings, mostly houses, and 85 pirogues in Bongende and 204 buildings, mostly houses, in Nkolo II were destroyed.

<sup>28</sup> See [https://reliefweb.int/sites/reliefweb.int/files/resources/ocha\\_sitrep\\_yumbi\\_mars\\_2019\\_sitrep01.pdf](https://reliefweb.int/sites/reliefweb.int/files/resources/ocha_sitrep_yumbi_mars_2019_sitrep01.pdf).

claims over land would dispossess the Batende community of Batende land and may resurrect inter-ethnic conflicts (see annex 40).

126. On 2 December 2018, the Banunu customary chief, Mantoma Bompinda Fedor, died in Kinshasa. A dispute erupted between both communities over the location of his burial site,<sup>29</sup> which further exacerbated already existing tensions. Many sources stated that some members of the Batende community had warned that there would be problems or war if the Banunu customary chief was buried next to his father in his plot of land in Yumbi city. Three members of the Batende community and one government official told the Group that the *chef des terres* of Yumbi, Ngobila Malala, was among those spreading this warning. According to the same government official, Ngobila Malala was the spokesperson for the Batende delegation that conveyed this message to the late administrator of the territory.

127. Most sources told the Group that almost all Batende families and Batende spouses had left Yumbi and Bongende a few days before the attacks. Five sources reported that, around the same time, members of the Batende community had erected barriers on roads to prevent supplies from reaching Yumbi and members of the Banunu community from entering Batende villages. One source, who was neither Batende nor Banunu, was stopped by a group of Batende men from entering Yumbi. The men told him that chief Malala wanted to buy his food and did not want it to be sold to the Banunu, their “enemies”. He was eventually allowed to pass after one of the Batende men pleaded on his behalf that he was not Banunu.

128. The body of the Banunu chief was secretly buried in the family plot on the night of 14 and 15 December 2018 (see annex 41). Banunu rituals, such as forcing everyone to walk barefoot for several days before the burial, as well as marching and singing in celebration of the burial in his family plot, were perceived as provocative by members of the Batende community and further exacerbated the already heightened tensions.

129. During the night of 15 and 16 December 2018, violence erupted in the mixed quarter of Yumbi and the house of a local Batende chief was burned. Accounts varied, however, as to whether Banunu elements burned the house or whether Batende elements did so because of the chief’s alleged opposition to the violence. According to sources from the Batende community, the house of Ngobila Malala was also burned, but the Group could not independently confirm this information. These events triggered some initial displacement of the population. According to 14 sources, on the morning of 16 December 2018, members of the Batende community killed one Banunu man from Bongende in a Batende village called Mansele. This prompted four of the seven elements of the FARDC naval forces based in Yumbi to travel to Bongende to investigate, leaving Yumbi with only half of its FARDC forces. According to several sources, 30 to 60 minutes before the attack on Yumbi, the late administrator of the territory conveyed to the population of Yumbi a message from the former provincial governor that inhabitants should stay in Yumbi as they had nothing to fear.

130. One government official told the Group that, before the attack, he had sent reports to various national and provincial authorities to raise the alarm and request additional security forces in the light of the rising tensions. The Group could not, however, obtain copies of these reports. Another government official stated that he had orally reported these tensions to his hierarchy, but no additional security forces had been deployed.

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<sup>29</sup> Burying the chief in his plot of land in Yumbi city would be interpreted as recognition that the land in question belonged to the Banunu community.

**Mass mobilization of men from the Batende community against the Banunu community**

131. Five sources mentioned meetings of men from the Batende community in different Batende villages just before or on the day of the attack on Yumbi. Two of these sources explained that, during the meetings, the attacks against Yumbi and Nkolo had been organized and that Ngobila Malala had been involved. One member of the Batende community told the Group that all the men from Batende villages had gathered in Kidiki, a village seven kilometres from Yumbi, on 16 December 2018 to organize a response to the provocations from the Banunu community. According to him, all village chiefs were present, including Ngobila Malala. They concurred that the Banunu could not steal their land. A “very big group” then marched to Yumbi, “killed and wounded people and burned houses”.

132. Another member of the Batende community confirmed that Batende men had gathered in not only Kidiki but also Nkombe, a Batende village three kilometres from Yumbi. According to him, Ngobila Malala told other Batende villages to wage war in Yumbi and Nkolo. Furthermore, a document dated 28 January 2019 and signed by 136 members of the Batende community stated that “around 2 p.m. the Batende came to rescue their brothers in danger in Yumbi, which marked the beginning of the fighting between both communities, causing death on both sides” (see annex 42). In the same document, the “fighting” in Bongende and Nkolo was justified as responses to criminal acts by the Banunu community.

133. In addition, a Mutende notable told the Group that, on 15 December 2018, the day before the attack on Yumbi, many Batende notables from several localities had met in Mansele, but denied that the meeting was linked to the attacks. Two other witnesses reported that large meetings had been held in a house in a Batende village close to Bongende just before the attack. According to one of the two witnesses, the house belonged to Yashin, a Mutende who was the director of the Bongende primary school. A government official confirmed that Batende youth had been prepared to fight and waiting for the signal, while another source was told by Batende assailants aged between 16 and 20 years that they had been forced to attack.

134. Many victims and witnesses had recognized some of the perpetrators as their Batende neighbours. For example, two had recognized the above-mentioned Yashin among the assailants in Bongende. At least two victims had recognized local police officers participating in the attack on Yumbi. One of those victims reported having recognized two Batende police officers based in Yumbi, one of whom was named Lipasa, among the assailants who had prevented her from escaping from her burning house. Another source had heard a man escaping the attack and shouting that he had seen Lipasa killing someone.

**Systematic and indiscriminate targeting of members of the Banunu community and persons perceived as being close to that community**

135. Evidence collected by the Group shows that members of the Banunu community were systematically and indiscriminately targeted and killed. Eight victims and one witness whose testimonies were corroborated by photographs and videos explained that the Batende assailants had killed the inhabitants of Bongende, a village almost exclusively Banunu, regardless of their gender and age. One of the victims interviewed by the Group had lost 21 close relatives in the burning of the family’s house. Eight victims of the Yumbi attack interviewed by the Group reported similar patterns. The Group observed wounds and scars on all kinds of victims, including very young children. The number of casualties (see para. 122 above) in less than 48 hours also reflects the level and efficiency of the violence perpetrated.

136. The Batende assailants told a witness that they had killed many people and that they had been successful because there were no more Banunu on their land. Furthermore, an inscription in Lingala found on one of the houses in Bongende after the attack read: “This is our land, we the Batende. You are demons” (see annex 43).

137. Several victims told the group that the assailants had enquired about the victims’ ethnicity before assaulting them. One source reported having been asked whether she was Banunu. As the source denied being Banunu, the Batende assailants requested her to speak the language of the community to which she claimed to belong and to show her electoral card. The source was requested to show her electoral card each time she met a new group of assailants. Another victim was asked by the assailants whether she and other people with her were Banunu. When they denied being Banunu, the Batende assailants told them that they had come to kill and would leave no one alive in Yumbi and then killed seven of them. One source saw Batende assailants arguing about whether they should kill a man who was not Banunu; they eventually decided not to kill him. That source also heard a 14-year-old Batende assailant saying that he would kill his friend if his friend was Banunu.

138. After the attacks, one source independent from both communities heard members of the Batende community stating that all Banunu should be exterminated.

### **Tactics and weapons**

139. Victim and witness accounts consistently described the assailants using hunting rifles of 12- or 00-calibre, spears, arrows and machetes during the attacks. Three sources, including one FARDC officer, told the Group that 12- or 00-calibre ammunition was regularly imported from the Congo and easy to find in the markets of Yumbi and Bolobo territories. The Group sent a letter to the Government of the Congo in which it enquired about the cross-border trade of such ammunition. At the time of writing, the Group had not received a response.

140. Some victims and witnesses heard bursts of fire from automatic weapons in Yumbi and Bongende. Two victims and one witness of the Bongende attack saw individuals described as “military” in a line, leading the other assailants and carrying automatic weapons. Two independent sources confirmed that assailants took the automatic weapon of a member of the FARDC naval unit who was killed in Bongende. Two automatic weapons of two FARDC naval forces killed in Nkolo were also stolen. Four independent sources told the Group that some of the victims’ wounds were consistent with wounds from automatic weapons. In the above-mentioned letter to the Government of the Congo, the Group also sought to determine whether wounds treated in its health facilities were consistent with wounds from automatic weapons.

141. Most eyewitnesses described the assailants as having blackened their faces and wearing banana or cassava leaves and underwear. One witness saw about 35 “military” in Bongende carrying automatic weapons and wearing partial military fatigue jackets and underwear. One victim saw some of the assailants in Yumbi wearing military fatigue trousers and carrying automatic weapons.

142. Furthermore, four persons testified that the assailants of Bongende had come from different directions and surrounded the entire village. According to one of them, one assailant, the above-mentioned Yashin, used to be a member of the Congolese national army.

143. Victims consistently described the assailants as methodically attacking one house after another. Many victims were killed or suffered severe burns after their houses, where they had hidden, were set ablaze by the assailants. Petrol was used to set houses alight. The assailants prevented victims from escaping by staying around their houses or by locking the doors from outside. They also shot at victims or

assaulted them with bladed weapons when they tried to escape. The assailants told one victim when setting her house on fire that she would die in her house and that they had to “burn everybody to the ground”.

144. Several victims recounted that those who were injured had been subsequently killed by bladed weapons. Nine witnesses and victims stated that many of those killed were also mutilated (their hands, genital organs and feet were cut off), which was corroborated by videos and photographs.

#### **Need for accountability**

145. Although the Group was not able to establish any link between the attacks described above, it received worrying information from various sources regarding a violent incident between the Basengele and Banunu communities in Inongo territory, about 60 kilometres from Yumbi, on 22 November 2018. In the same vein, the Group obtained a copy of a letter dated 2018 (the exact date being illegible) from the customary chief of the Bateke community, in which he warned the former Governor of Mai-Ndombe province that land claims by the Banunu community in Bolobo territory, neighbouring Yumbi territory, could lead to bloodshed between the Bateke and Banunu communities (see annex 44).

146. Given these circumstances, the long-standing conflict over land and the current state of fear and defiance between the Banunu and Batende communities observed by the Group, the Group is concerned that further violence will occur if all those responsible for the attacks, including those who planned and instigated them, are not held accountable.

## **V. Natural resources and financing**

147. The Group investigated cases of smuggling of artisanal gold and found that, as previously reported (S/2018/1133, paras. 95–96), most Congolese gold was smuggled through neighbouring countries to Dubai as the main destination. The absence of a traceability system for artisanal gold continued to hamper efforts to control the sector.

148. The Group also investigated and documented a number of cases of mineral smuggling involving tin (cassiterite), tantalum (coltan) and tungsten (wolframite). Consistent with its final report of 2018, the Group documented that some armed groups continued to finance their activities through illegal mining, thereby contaminating the supply chain (S/2018/531, paras. 136–146). The Group also found that NDC-R levied taxes on civilians in areas occupied by the armed group. The Group concluded that these acts constitute violations of the due diligence guidelines developed by the Group,<sup>30</sup> the Organization for Economic Cooperation and Development Due Diligence Guidance for Responsible Supply Chains of Minerals from Conflict-Affected and High-Risk Areas and the International Conference on the Great Lakes Region Regional Certification Mechanism.

### **A. Tin, tantalum and tungsten**

149. During the period under review, the Group documented and traced the trafficking of tin, tantalum and tungsten from mining sites, including those occupied by armed groups, to illicit markets. In addition, the Group documented a dozen cases in which a similar modus operandi was used by smugglers to evade arrest and to avoid losing large quantities of minerals if apprehended. The Group also found that some

<sup>30</sup> Available at [www.un.org/securitycouncil/sanctions/1533/due-diligence-guidelines](http://www.un.org/securitycouncil/sanctions/1533/due-diligence-guidelines).

public officials tasked with fighting fraud had themselves diverted minerals seized from smugglers.

### **Involvement of armed groups in tin, tantalum and tungsten**

150. As previously reported ([S/2018/1133](#), paras. 49–52), armed groups controlled the mining activities of non-validated tin, tantalum and tungsten mining sites in Kibanda and Rubonga in the Mahanga area of Masisi territory. Two smugglers buying from armed groups and two truck drivers operating between Masisi and Goma told the Group that the NDC-R and Nyatura groups had fought over the control of mining sites in the Mahanga area. The Group documented several cases of tin, tantalum and tungsten minerals being obtained from the armed groups and smuggled to illicit markets.

151. The Group traced minerals from the tin, tantalum and tungsten mining sites of Kibanda and Rubonga to a depot in the outskirts of Goma. Two smugglers who were arrested in December 2018 along the Numbi-Kalungu<sup>31</sup> road with 70 kg of coltan (see annex 45) informed the Group that they regularly obtained coltan from Kibanda and Rubonga through middlemen who sourced minerals from armed groups. The transactions were cash-based. The two smugglers purchased coltan at between \$15 and \$20 and sold it for between \$30 to \$40 per kilo (depending on the purity of the ore) in Minova, Goma and Kalungu, usually making two or three trips per week.<sup>32</sup> The same middlemen delivered payment in United States dollars to armed groups. The mode of transport used to smuggle minerals from Masisi varied. Large quantities were concealed in trucks, as previously documented by the Group ([S/2018/1133](#), para. 50), while smaller quantities were transported by motorbike. The Group found that the smuggling network relied on trust and confidentiality, risking death or serious bodily harm. The two smugglers mentioned the existence of several other smuggling networks.

152. The Group found that tin, tantalum and tungsten minerals from a similar network and sourced from the same mining sites under the control of armed groups were kept in clandestine depots before transit or sale. The Group visited three improvised depots, one on the outskirts of Goma (see annex 46), one in Minova and one in a village in Kalungu on the shore of Lake Kivu (see para. 159 below). The depot owner in the outskirts of Goma told the Group that minerals were either immediately transported to Rwanda or washed and dried while in the depot to increase their value before sale. The depot was a store-like room outside a residential house, used also to store other items. The two other improvised depots visited by the Group, in Minova and Kalungu, were rooms in residential houses, also used for storing an assortment of items. The owners of the two depots informed the Group that the middlemen who bought the minerals from the depots sold them in Rwanda.

### **Criminal networks**

153. The Group documented 12 cases of individuals and networks obtaining minerals without first determining their origin. Anti-fraud officials, smugglers and transporters of minerals in North Kivu informed the Group that, previously, smugglers had incurred heavy losses whenever their minerals transported in huge quantities were intercepted. In order to avoid such heavy losses, they had learned to smuggle minerals in smaller quantities that were easier to conceal and transport and in less detectable places. The Group focused on the cases described below to illustrate this.

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<sup>31</sup> Kalungu in Kalehe territory, South Kivu.

<sup>32</sup> The estimated gross income per week based on a network of two smugglers selling 50 kg of coltan per trip at \$40 per kg and making three trips per week is \$6,000.

154. The Group investigated a case involving a network of four smugglers, comprising three Congolese nationals and a Rwandan financier named Jean-Claude Gafishi. In September 2018, they were arrested with minerals, using smuggling routes from the Rubaya area (S/2018/531, paras. 144–145, and S/2018/1133, paras. 53–55). They had concealed about 100 kg of coltan in multi-pocket jackets (see annex 47). Other smugglers and judicial officials confirmed the involvement of Gafishi and his accomplices in the smuggling of coltan and wolframite to Rwanda. The Group sent a letter to the Government of Rwanda in which it enquired into Gafishi's smuggling activities. The Group also sought from the International Tin Association information on incident reports documented in Rwanda in the course of its mandate to confirm its findings. At the time of writing, the Group had not received responses from the Government of Rwanda or the International Tin Association.

155. In January 2019, a transporter was arrested with 50 kg of untagged cassiterite along the Kalungu-Minova road. In an interview with the Group, he confirmed that he had been transporting the cassiterite to a smuggler for onward delivery to Gisenyi, Rwanda (see annex 48).

156. The Group also investigated a case in which, on 25 March 2019, at the Rutoboko checkpoint along the Sake-Masisi road in North Kivu, the mining police intercepted a four-wheel-drive vehicle with 519 kg of coltan in its tyres (see annex 49). Official sources in the North Kivu provincial mining sector familiar with the case informed the Group that the vehicle belonged to a well-known smuggler in the Rubaya area.

157. In relation to this case, one artisanal miner and an anti-fraud mining official informed the Group that tin, tantalum and tungsten minerals were usually smuggled by artisanal miners and security guards of the Société minière de Bisunzu (SMB) and the Société aurifère du Kivu et du Maniema (SAKIMA). From there, minerals were sold to smugglers around Rubaya town.

158. Three *négociants* and two employees of mineral buying houses (*comptoirs*) in Goma explained to the Group a tactic for diverting minerals that entailed mixing coltan and cassiterite and tagging the bags as cassiterite at the mining sites. The minerals were separated during the cleaning process on Congolese territory. Coltan, which fetched a higher price than cassiterite, was sold outside the supply chain, while cassiterite was retagged.

159. According to testimonies from fishers, government security agents, civil society and *négociants* familiar with mineral trafficking on Lake Kivu, the lake was also used as a smuggling route to Rwanda. During a visit to some of the villages and towns located along the lake, such as Makelele, Ruhunde and Minova (see annex 50), sources recounted to the Group cases of smuggling across the lake.

160. The Group found that networks diversified their smuggling tactics, including by ferrying minerals in small quantities to avoid detection and by concealing and transporting in non-conventional ways. The smuggling of minerals represents a clear threat to the effectiveness of existing due diligence mechanisms.

#### **Diversion of tin, tantalum and tungsten by mining police**

161. The Group documented several cases of officials of the Police des mines et hydrocarbures (PMH) diverting minerals intercepted from smugglers in Kalehe territory, South Kivu, and Masisi territory, North Kivu.

162. A smuggler told the Group that, on 25 December 2018, he had been arrested transporting 169 kg of untagged coltan concealed in his four-wheel-drive vehicle (see annex 51). The arresting officer, Isidor Olamba Shoja, the Head of PMH, Sake squad, North Kivu, had accepted a bribe of \$1,200 for the release of the smuggler and the merchandise. In turn, Olamba had freed the smuggler but retained the vehicle and

replaced the coltan with sand. Two judicial officers informed the Group of several cases in which Olamba had diverted minerals intercepted from smugglers. Two mineral smugglers who used to operate along the Sake-Masisi road in North Kivu also informed the Group that they were aware that Olamba diverted seized minerals. This had caused the two smugglers to shift to the Numbi-Kalungu-Minova smuggling route. At the time of writing, Olamba was in detention.

163. In a similar case, two officers of PMH, Bahati Mushora Heritier and Heshima Kafanya Grace, deployed in Rubaya town, North Kivu, were arrested on 21 March 2019 for facilitating the smuggling of minerals. Instead of intercepting minerals on the Kibabi-Ngungu road, they accepted a bribe of \$600.

164. The arrest of corrupt officials by the Congolese authorities is a positive step in the implementation of the due diligence guidelines of the International Conference on the Great Lakes Region and the Organization for Economic Cooperation and Development and relevant Security Council resolutions. The Group acknowledged a letter sent on 24 December 2018 by the Government of the Democratic Republic of the Congo to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo, in which the Government addressed a number of issues relating to the illegal exploitation and smuggling of natural resources in the country (see annex 52).

## B. Gold

165. The Group noted that regulations of the artisanal and small-scale gold sector in the Democratic Republic of the Congo continued to be poorly implemented. During the period under review, the Group focused its investigations on two main gold-trading centres in the eastern part of the country: Bukavu and Butembo. In both places, the Group noted similarities with previously documented practices, including smuggling and underdeclaration ([S/2016/466](#), para. 123). The Group also investigated transit and destination countries to assess whether they were adequately enforcing laws and rules intended to prevent the trade in gold illegally sourced from the Democratic Republic of the Congo.

### Bukavu

166. Artisanal and small-scale mining sites in Fizi, Shabunda and Kamituga territories were the main sources of gold traded in Bukavu according to two *négociants* and two individuals associated with the gold trade.

167. The Group noted that most mining sites in those areas were not validated<sup>33</sup> and therefore illegal, in part because of the ongoing involvement of armed groups and Congolese security forces in the production and trade of gold. The Group received testimonies that, as documented in its midterm report of 2018, factions of Raia Mutomboki were still involved in gold trade in Shabunda territory ([S/2018/1133](#), paras. 90–92). The Group confirmed the same pattern in Fizi territory. Two mining officials in Bukavu and Uvira and two Bukavu-based *négociants* shared with the Group examples of “taxation” involving armed actors at the mining sites in Misisi, Fizi territory. The two *négociants* confirmed that Mai-Mai Yakutumba ([S/2018/531](#), paras. 43–51) continued to be involved in mining, including by collecting taxes on gold production and transport in Fizi territory.

168. Once in Bukavu, most of the gold was smuggled to Bujumbura and Kigali, usually in cars with carriers by road. A senior official of the mining administration in South Kivu assessed that about 300 kg of undeclared gold transited each month

<sup>33</sup> Only 47 out of hundreds of mining sites in South Kivu were validated.

through Bukavu, but provincial government statistics showed about 5 kg a month on average (see annex 53).

169. Two owners of Bukavu-based *comptoirs* told the Group that they received only part of the production available in Bukavu. Three mining agents in charge of gold trade inspection in Bukavu confirmed this, adding that they knew of *négociants* who failed to declare or sell the production to the *comptoirs* as required by the national mining code. The mining agents pointed to corruption of law enforcement agents as the main reason for them not to report suspected cases. The Group also talked to two workers at two different *comptoirs* who said that their bosses asked them to give false data to the mining administration in order to conceal the extent of the smuggling.

170. Two sources shared with the Group names of individuals involved in the smuggling in Bukavu, including Buganda Bagalwa and Manghe Namuhanda O'bigaba, who were cited in a previous report (S/2012/843, para. 187), and Maurice Mushamalirwa and Bezo Fuganrobo. According to the same sources, some of those individuals were officially registered as *négociants* but also smuggled gold to neighbouring countries in violation of the mining code. In the course of its investigations, the Group learned from several sources that these *négociants* were equipped with material to melt raw gold in their houses or offices.

171. The Group believes that weaknesses persist in the mitigation and prevention of gold-smuggling by provincial authorities in South Kivu. In addition to the failure to arrest and prosecute known smugglers, the Group noted serious shortcomings in the application of regulations for the production and trade of gold from artisanal and small-scale mines. For example, provincial authorities did not consider a trader's records when renewing the licence of a *négociant* or a *comptoir*. Several provincial mining authorities told the Group that records of past gold-related smuggling activities were not required in the renewal of the licences of *négociants*.

### **Butembo**

172. The Group found that the gold trade in Butembo was characterized by a lack of due diligence, underdeclaration and smuggling.

173. As previously documented (S/2016/466, para. 139), the Group established that Butembo gold traders did not verify the origin of the gold that they purchased. The Group interviewed five *négociants* and two individuals associated with the gold trade in Butembo who confirmed that they were more concerned about the quality and volume of gold purchased than the source of the gold made available by their suppliers. Given that gold traded in Butembo was produced mainly in North Kivu, Tshopo, Ituri and Haut-Uélé provinces, where armed groups and some FARDC elements were known to interfere with gold production and trade, the Group cannot exclude the possibility that gold traded in Butembo included gold produced in conflict areas and unvalidated sites.

174. Several mining agents informed the Group that insecurity due to the presence of armed groups prevented them from gaining access to gold mining sites in south Lubero territory, North Kivu. The same agents added that mining sites located around Mbingi, Luofu, Bunyatenge and Miriki produced a large share of the gold traded in Butembo. Three Lubero-based civil society actors confirmed to the Group that elements of NDC-R and other local armed groups were present in those areas (see paras. 187–191 below) and involved in gold trade taxation.

175. The Group noted that Glory Minerals (Glorym) was still the only *comptoir* in Butembo (S/2016/466, paras. 140–144, and S/2009/603, paras. 128–132 and 135–136) and confirmed that, of its five associates, only three were active during the period

under review.<sup>34</sup> In 2018, Glorym associates declared to mining authorities that they had purchased 5.177 kg of gold, of which 3.237 kg had been exported to the United Arab Emirates in June 2018. The export certificate (see annex 54) mentioned “Gold Market” as the importer in Dubai. During a visit to Dubai in February 2019, the Group could not confirm the existence of such a company. In addition, the authorities of the United Arab Emirates told the Group that they did not have a record of a company known as “Gold Market”.

176. The Group determined that the official exports of gold from Butembo were less than the available supply. The Service d’assistance et d’encadrement de l’exploitation minière artisanale et à petite échelle (SAEMAPE) said in a report that, in 2018, 70 *négociants* declared 23.48 kg from western Lubero mining sites. The statistics did not take into account the quantity in the hands of 86 other *négociants*. Four *négociants* told the Group that they bought an average of 2 kg per month. This degree of discrepancy indicates to the Group that the vast majority of the gold traded from Butembo was smuggled.

177. In this context, the Group received information about smuggling patterns and the underdeclaration of exports in Butembo. *Négociants* sold small amounts of gold (an average of 11 g) each month to Glorym in order to fulfil their legal obligations and sold the rest of their gold to traders in Kampala (S/2017/672/Rev.1, paras. 119–126). In addition, Glorym associates did not officially export the entire quantity they bought from *négociants*. Two mining agents in charge of monitoring Glorym’s activities and two individuals associated with Butembo-based gold traders told the Group that Glorym had not complied with inspections or disclosed its stocks.

#### **Transit and destination countries**

178. Through its investigation, the Group concluded that gold smugglers from Bukavu and Butembo continued to use the same trading routes as in the past. From Bukavu, traders generally travelled to Kigali and Bujumbura, while traders from Butembo carried their gold supplies to Kampala. Several sources involved in the gold trade, civil society actors, and Congolese mining officials described to the Group the trade routes.

179. In Butembo, for example, two individuals working with two Butembo-based gold traders informed the Group that, during the period under review, they had used fraudulent Congolese export documents when taking gold from Butembo across the Congolese-Ugandan border in Kasindi and then to Kampala. They said that their principal buyers were Kunal Lhodia, a director of the sanctioned entity Uganda Commercial Impex (UCI) Ltd (CDe.009), and Sameer Bhimdji (S/2017/672/Rev.1, para. 120). The Group heard similar accounts in Bukavu of cross-border smuggling but could not confirm the names of the buyers in Bujumbura and Kigali.

180. The Group noted that several sources described corruption among officials at the borders. In Bukavu, two middlemen working with two Bukavu-based gold traders told the Group that they crossed the Ruzizi border at least twice a week and that officials never checked their vehicles, reportedly because of an arrangement between their employers and border officials.

181. Several sources associated with gold trade told the Group that wealthy traders in Butembo and Bukavu or buyers in transit countries and Dubai financed the smugglers, enabling them to buy gold and transport it to foreign markets. Two sources directly involved in such transactions with gold traders based in Butembo told the Group that traders with no affiliation with the gold trade lent money to their bosses.

<sup>34</sup> Edouard Kambale Vikalwe, Edmond Kathoheryo and Katina Kambale Mbayahi are the current Glorym associates.

The latter used the money in order to buy gold in Butembo. Traders who lent money were paid back in cash, either in Kampala or in Dubai, by those who received gold. The Group believes that circumventing the banking system through gold-based financial transactions generates a lack of transparency and violates the recommendations of the Financial Action Task Force as reflected in Congolese legislation.

#### *Transit countries*

182. During the period under review, the Group met with companies and officials in Burundi, Rwanda and Uganda. All interlocutors denied knowledge of illicit gold trading and claimed to have in place reliable due diligence systems to detect and avoid any smuggled gold in their supply chains.

183. However, the Group noted discrepancies in the statistics provided by the Democratic Republic of the Congo, transit countries and the United Arab Emirates, which suggest a pattern of smuggling. In 2018, the Government of Burundi officially exported 601.7 kg of gold to Dubai, but the United Arab Emirates statistics covering January to September 2018 indicate that traders in the Dubai market received more than 2,130.57 kg from Burundi. Similarly, the statistics from the Government of the Democratic Republic of the Congo suggest that artisanal and small-scale miners produced 246.3 kg of gold in 2018, of which 56.2 kg was exported to the United Arab Emirates, but the United Arab Emirates statistics covering January to September 2018 show that Dubai traders officially purchased 207.11 kg of gold from the Democratic Republic of the Congo. Rwanda declared gold exports of 2,163 kg, while the United Arab Emirates officially imported 12,539 kg from Rwanda during the first nine months of 2018. Uganda declared gold exports of 12,000 kg, but the United Arab Emirates said that it had received 21,044 kg of gold from Uganda.

184. The Group noted that, at the time of writing, the authorities of Uganda had failed to send the Group the report of their investigations into the activities of Kampala-based gold traders, as officials had promised. On 16 January 2019, the Group met with representatives of African Gold Refinery Ltd. (AGR) at AGR premises in Entebbe, Uganda, and discussed in particular the fact that AGR had yet to provide the names of its suppliers to the Group (S/2018/1133, paras. 98–100). AGR representatives reiterated that, on the basis of Ugandan law and contractual provisions, it could not provide their names without their prior consent, but claimed that investigations were under way to ensure that none of its suppliers were involved in illegal activities. They further mentioned that AGR was concerned about sharing such confidential information with the Group. The Group responded that it could sign a memorandum of understanding on sharing sensitive information with third parties under certain conditions and encouraged AGR representatives to send a draft to the Group should they wish to consider that option. In February 2019, during a meeting in Kigali, officials of the Government of Rwanda informed the Group that a new gold refinery (Aldango Ltd.) would officially launch its activities later in 2019. The Group believes that relevant government authorities and supply chain actors should monitor the activities of this company in order to ensure that due diligence standards are implemented.

#### *Dubai*

185. Dubai remained the final destination for gold produced by artisanal and small-scale miners in the Democratic Republic of the Congo. Officially declared exports from Bukavu in 2018 were sent primarily to Dubai, and the only official export from Butembo (see para. 175 above) had the same destination. During its visit to the gold souk in Dubai, the Group was told by four individuals from the Great Lakes region that they helped smugglers to sell their gold illegally upon their arrival in Dubai. The

Group also confirmed that “Pedro” Chibalonza, one of the owners of the former Bukavu-based company Caetano Victor Chibalonza (Cavichi) SARL (S/2016/466, paras. 151–155),<sup>35</sup> made at least one trip from Bujumbura to Dubai during the period under review. According to the Group’s sources, Chibalonza, who no longer had an official licence to operate in the gold sector, engaged in business with three Dubai-based gold traders. While one of those traders confirmed to the Group that Chibalonza had approached him, claiming that his gold came from Bukavu, the others denied any engagement with Chibalonza.

186. The Group noted that the United Arab Emirates has established new procedures to control gold arriving in carry-on luggage from the Democratic Republic of the Congo. The Government’s procedures reflect previous proposals of the Group and discussions between officials of the Democratic Republic of the Congo and the United Arab Emirates in 2018 (S/2017/1091, paras. 59–62 and 102). However, not all procedures have been fully implemented. During a meeting with the authorities of the United Arab Emirates in Dubai in February 2019, the Group learned that the two Governments still needed to clarify several aspects of their cooperation to prevent and detect the smuggling of gold in carry-on luggage. For example, the Democratic Republic of the Congo required the signature of a memorandum of understanding between the Governments as a starting point. The authorities of the United Arab Emirates were, however, of the opinion that they could begin to cooperate pending the adoption of the memorandum of understanding. The authorities of the United Arab Emirates also claimed that they still could not understand many of the documents submitted by the Democratic Republic of the Congo because they were in French. The Group is aware that, in April 2019, the Democratic Republic of the Congo suggested a follow-up meeting in Kinshasa. However, a United Arab Emirates senior official informed the Group that the meeting had not taken place owing to the short notice given.

### C. Financing of the Nduma *défense du Congo-Rénové*

187. As previously reported (S/2018/531, para. 90), the Group confirmed that NDC-R continued to finance its activities through the control of mining sites and taxation in Walikale and Lubero territories, expanding into Masisi territory (see paras. 53–54 above).

188. Five ex-combatants and one gold miner informed the Group that NDC-R controlled mining sites in Lubero territory, such as in Bunyatenge (gold), Fatua (gold and coltan), Masekeseke (gold), Libeta (gold), Yama (gold), Makokwalo (gold) and Kitoa (gold). Miners were taxed on the quantity of minerals mined, depending on production.

189. NDC-R also levied taxes on communities in Walikale and Lubero. Taxes included a *taxe savon* of 2,000 Congolese francs per month per adult and a *fonds de guerre* of 6,500 Congolese francs per adult before or after combat. Taxes were collected by combatants under the command of “Colonel” Ndlame.

190. Local sources in Kashuga and Kalembe, Masisi territory, informed the Group that, in January 2019, NDC-R began to collect a monthly tax of 1,000 Congolese francs per adult. NDC-R issued a token (*jeton*) as proof of payment (see annex 55), without which individuals were beaten, fined and detained.

191. NDC-R also subjected communities to forced labour. Several victims reported that men in Kalembe, Masisi territory, were forced to perform construction work for

<sup>35</sup> The company was closed down following the Group’s report.

NDC-R once a week. Furthermore, in Kalungu, Masisi territory, villagers were forced to supply food to the NDC-R camp for about 200 combatants.

## VI. Arms

192. During the current mandate, the Group found a number of cases of violations of the arms embargo and non-compliance with the notification requirements in pursuance of paragraphs 2 and 3 of Security Council resolution 2293 (2016), as renewed by paragraph 1 of resolution 2424 (2018).

### A. Violations of the arms embargo

#### 7.62 x 54R mm calibre ammunition cartridges

193. In February 2019, the Group collected ammunition cartridges in Mulenge, Uvira territory, South Kivu, where combat had taken place between RED Tabara and FDN and Imbonerakure (see paras. 68–69 above). The recovered cartridges were of 7.62 x 54R mm calibre. The Group observed four types of markings on the cartridges, with characteristics similar to products of Bulgaria (10\_85), China (61\_90, 945\_05) and the former Union of Soviet Socialist Republics (188\_76) (see annex 56).

194. The Group interviewed four Mai-Mai Kijangala combatants who had participated in the fighting and one high-level commander of RED Tabara. They confirmed that the bullets in question had been fired by FDN and Imbonerakure on RED Tabara positions in Mulenge during the fighting in February 2019. The four Mai-Mai Kijangala combatants also told the Group that FDN had provided them with weapons, ammunition and food when FDN had departed from the territory of the Democratic Republic of the Congo.

195. At a meeting in Bujumbura on 19 March 2019, officials of the Government of Burundi informed the Group that renegade soldiers of the failed coup d'état of 2015 in Burundi had escaped with weapons and ammunition, which had been documented by the Burundian authorities. They also indicated that all weapons and ammunition of the national stockpile were inventoried, marked and securely stored. The Group submitted a request to the Government of Burundi for information to determine whether the cartridges collected by the Group in Mulenge were part of its national stock. The Group also requested to receive the inventory report completed in the aftermath of the failed coup d'état of 2015, as agreed during the meeting in March. In a letter sent to the Group on 19 April 2019, the authorities of Burundi confirmed that the cartridges documented were part of the materiel with which renegade soldiers involved in the failed coup d'état of 2015 had fled. Although the Burundian authorities conveyed the inventory of lost materiel, the Group was not able to confirm the markings on the cartridges with the provided document.

196. The delivery of weapons and ammunition to armed groups active in the Democratic Republic of the Congo and the presence of foreign armed forces on Congolese territory without due authorization, as in this case, constitute violations of the arms embargo.

#### Diversion of weapons and ammunition

197. Armed groups continued to target FARDC camps and weapons depots in order to seize weapons and ammunition (see paras. 42–43 above). Armed groups also recovered a significant number of weapons and ammunition from FARDC during combat.

198. On 24 May 2018, a coalition of Mai-Mai Malaika of Sheikh Assani, Mai-Mai Yakutumba and Mai-Mai Apa na Pale attacked an FARDC position in Namoya, Kabambare territory, Maniema province (see annex 57). Four active combatants, two researchers and one FARDC intelligence officer informed the Group that the aim of the attack had been to loot military materiel.

199. Combatants told the Group that they had received intelligence from an FARDC contact about the presence of a large quantity of military materiel. According to combatants, part of the looted military materiel included 31 cases of 7.62 x 39R mm calibre ammunition, six cases of 7.62 x 54R mm calibre ammunition (for PKM machine guns), quantities of loose ammunition, 26 PKM machine guns, 13 cases of anti-tank bombs, 19 AK-pattern assault rifles, 11 RPG-7 rocket-propelled grenade launchers and nine 60 mm mortars.

200. At an official meeting in March 2019, high-ranking FARDC officers confirmed the attack in Namoya. The officers informed the Group that only a few AK-pattern assault rifles had been taken and that FARDC officers had prevented further looting by setting the rest of the stock on fire.

201. In addition, FARDC has lost significant quantities of weapons and ammunition during combat with and attacks by armed groups. The Group received information about lost materiel in North and South Kivu in 2018 and the first trimester of 2019.

202. Over this period, in North Kivu, FARDC lost at least 162 AK-pattern assault rifles, 19 Motorola radios, 14 PKM machine guns, nine RPG-7 rocket-propelled grenade launchers, four 40 mm rockets, two 60 mm mortars, two bulletproof vests, rounds of ammunition, one SPG-9 recoilless rifle, one cannon 12.7 mm, one pistol, one Dragonov sniper rifle, two magazines and one 82 mm mortar. In South Kivu, FARDC recorded losses including a 107 mm rocket launcher, 40 AK-47 pattern assault rifles, four PKM machine guns, one 92 mm mortar, two 91 mm mortars, seven 60 mm mortars, 16 RPG-7 rocket-propelled grenade launchers, one light assault machine gun, one magazine, 10 SPG-9 recoilless rifles, one rocket launcher, one grenade, seven cases of 7.62 x 39R mm ammunition, 30 anti-tank bombs, two RPG-7 grenades, seven cases of 12.7 mm ammunition, an unspecified number of obsolete weapons, one AKC-pattern assault rifle, six Motorola radios and rounds of ammunition.

203. While losses are inevitable during combat, the Group is concerned about their recurrence and scale, not to mention the implications for peace and security in the Democratic Republic of the Congo.

#### **Type 80 general purpose machine gun**

204. In January 2019, during an ADF attack on an FARDC camp in Mapobu, Beni territory (see para. 42 above), FARDC seized a type 80 general purpose machine gun from an ADF combatant. This weapon has similar characteristics to products of China (see annex 58). Although the Group could not confirm this finding independently, two FARDC logistics officers told the Group that the type 80 general purpose machine gun was not part of the Congolese national stock. The Group sent a request to China to identify the end users. On 16 April 2019, in a letter sent to the Group, the authorities of China informed it that the structure of the weapon was not consistent with that of products of China. This suggests that the gun either had been transferred to ADF from another source or was an imitation by another source.

## B. Failure to notify

### LBD 40 mm anti-riot gun and SIR-X 40 x 46 mm grenades

205. An FARDC source informed the Group of the use of LBD 40 mm anti-riot guns and SIR-X 40 x 46 mm grenades by the Congolese police for crowd control (see annex 59). The LBD 40 mm has South African markings and bears the logo of a company based in Switzerland, Brugger & Thomet. In its midterm report of December 2018, the Group documented the delivery of SIR-X 40 x 46 mm grenades and noted that the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo had not been notified (S/2018/1133, para. 105). The Group sent a request for further information on the transfer of the LBD 40 mm and the SIR-X 40 x 46 mm grenades to the Governments of South Africa and Switzerland, respectively. The Governments acknowledged the Group's request for information on 1 and 9 April 2019, respectively. The Government of South Africa, in a letter dated 12 April 2019, informed the Group that it was awaiting the responses of relevant national entities.

### Delivery of Warrior soft-walled shelters

206. In February 2019, Nile Dutch, a company based in South Africa, delivered sets of Warrior soft-walled shelters (see annex 60) to the Democratic Republic of the Congo. Warrior soft-walled shelters are used as military shelters. The delivery took place at the port of Matadi.

207. On 12 April 2019, the South African authorities informed the Group that Nile Dutch was not registered with the National Conventional Arms Control Committee of South Africa. The authorities added that permits in respect of the Democratic Republic of the Congo were issued on a temporary basis and to support the peacekeeping contingent of the South African Defence Force to MONUSCO.

208. The Group established that Nile Dutch is a container shipping company<sup>36</sup> and believes that the materiel in question was exported without notification to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo.

## VII. Recommendations

209. The Group makes the recommendations set out below.

### Government of the Democratic Republic of the Congo

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

(a) Develop and implement a comprehensive policy, beyond a strictly military solution, to address the ADF problem while protecting civilians from attacks (see paras. 13–43, 94–101 and 105–119);

(b) Clarify policies and related instructions aimed at preventing all forms of collaboration between the Congolese security forces and armed groups, including granting free passage to armed groups (see paras. 58–62 and 197–200);

<sup>36</sup> See [www.niledutch.com/en/contact/durban/](http://www.niledutch.com/en/contact/durban/).

(c) Investigate and prosecute FARDC elements providing information to armed groups regarding weapons and ammunition or otherwise collaborating with armed groups (see paras. 58–62 and 197–200);

(d) Continue investigations to identify and prosecute all those responsible for the crimes in Yumbi territory (see paras. 120–146);

(e) Establish mechanisms to assist communities in Yumbi territory to restore peace, stability and confidence (see paras. 120–146);

(f) Conduct regular audits of *comptoirs* and *négociants*, in particular in Bukavu and Butembo, to detect underdeclaration of gold and impose penalties as appropriate (see paras. 165–177);

(g) Ensure the effective enforcement of anti-smuggling legislation along known mineral smuggling routes and regional borders, including by monitoring Lake Kivu in cooperation with neighbouring countries (see paras. 154–159 and 162);

(h) Implement without delay a comprehensive disarmament, demobilization, integration and reintegration policy and programme, providing clarity on integration opportunities, with adequate resources and safeguards to preserve accountability and combat impunity (see paras. 89–92).

#### **Government of Burundi**

211. The Group recommends that the Government of Burundi cease all violations of the sanctions regime and of the arms embargo by halting all incursions into the Democratic Republic of the Congo, withdrawing any remaining personnel of FDN and Imbonerakure and ceasing to provide support to local armed groups in the Democratic Republic of the Congo (see paras. 66–79).

#### **Governments of the Democratic Republic of the Congo and the United Arab Emirates**

212. The Group recommends that the Governments of the Democratic Republic of the Congo and the United Arab Emirates clarify and finalize any remaining processes necessary to implement the procedures to efficiently combat the illegal export of gold (see paras. 185–186).

#### **International Conference on the Great Lakes Region**

213. The Group recommends that the International Conference on the Great Lakes Region undertake the verification of incursions by FDN and Imbonerakure into the territory of the Democratic Republic of the Congo and submit reports, as appropriate, to the Committee of Ministers of Defence of the International Conference on the Great Lakes Region (see paras. 66–79).

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

214. The Group recommends that the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo:

(a) Support, with partners, the Democratic Republic of the Congo in its efforts to fight impunity and restore peace, stability and confidence in Yumbi territory (see paras. 120–146);

(b) Support, as appropriate, the Democratic Republic of the Congo in developing and/or implementing a comprehensive strategy, beyond a strictly military

solution, to address the ADF problem while protecting civilians from attacks (see paras. 13–43, 94–101 and 105–119).

**Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo**

215. The Group recommends that the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo take into consideration non-compliance with relevant recommendations of the Financial Action Task Force when examining information to sanction individuals or entities involved in destabilizing activities in the Democratic Republic of the Congo through the illicit exploitation of or trade in natural resources (see para. 181).

**Member States**

216. The Group recommends that Member States provide adequate financial and logistical support for the timely implementation of the disarmament, demobilization, integration and reintegration programme in the Democratic Republic of the Congo (see paras. 89–92).

## Annexes

### **Annex 1: Organizations and entities the Group of Experts officially met with during its mandate**

#### **GREAT LAKES REGION**

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

###### *Government*

Agence nationale de renseignement (ANR)

Auditorat militaire

Centre d'évaluation, d'expertise et de certification (CEEC)

Commission nationale de lutte contre la fraude minière (CNLCFM)

Direction générale des migrations (DGM)

Forces armées de la République démocratique du Congo (FARDC)

Ministère des Affaires étrangères et de la Coopération internationale

Ministère des mines

Service d'assistance et d'encadrement de l'exploitation minière artisanale et à petite échelle (SAEMAPE)

###### *Organizations*

Embassy of Belgium

Embassy of United Kingdom

Embassy of France

Office for the Coordination of Humanitarian Affairs (OCHA)

United Nations Joint Human Rights Office (UNJHRO)

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

##### **Rwanda**

###### *Government*

Ministry of Defence

Ministry of Foreign Affairs

Rwanda mines, petroleum & gas board

###### *Private sector*

Aldango Ltd

**Uganda**

*Government*

Ministry of Foreign Affairs

Ministry of mines

Uganda People's Defence Force

*Private sector*

African Gold Refinery

*Organizations*

United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO)

**Burundi**

*Government*

Ministry of External Relations and International Cooperation

**OUTSIDE THE GREAT LAKES REGION**

**France**

*Government*

Ministry of Foreign Affairs

*Organizations*

Organization for Economic Co-operation and Development (OECD)

**United States of America**

*Organizations*

United Nations Department of Safety and Security

United Nations Department of Peace Operations

**United Arab Emirates**

*Government*

Ministry of Foreign Affairs

Customs

**Kenya**

*Organizations*

Office of the Special Envoy of the Secretary-General for the Great Lakes Region

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## **Annex 2: Group of Experts' official communications**

During the mandate, the Group of Experts addressed 47 official communications to Member States, international organizations and entities (including multiple communications to the same addresses).

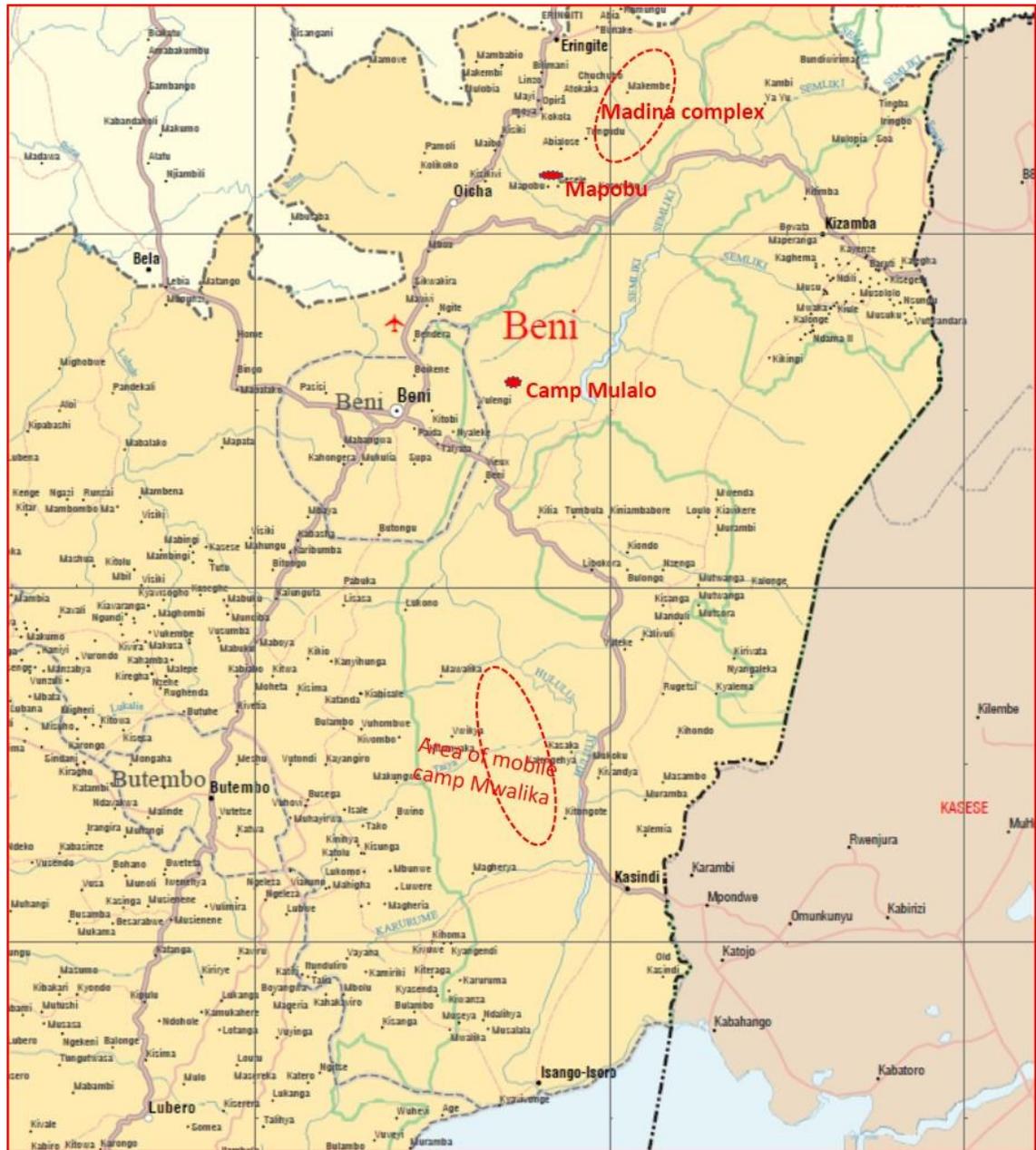
The Group of Experts received responses from the Governments of Burundi, China, South Africa, Switzerland, Uganda, United Arab Emirates and United Kingdom.

The Group of Experts did not receive responses from the Governments of Bulgaria, The Democratic Republic of the Congo, Djibouti, Kenya, Republic of Congo, Sudan, Tanzania, the Russian Federation and the United States of America.

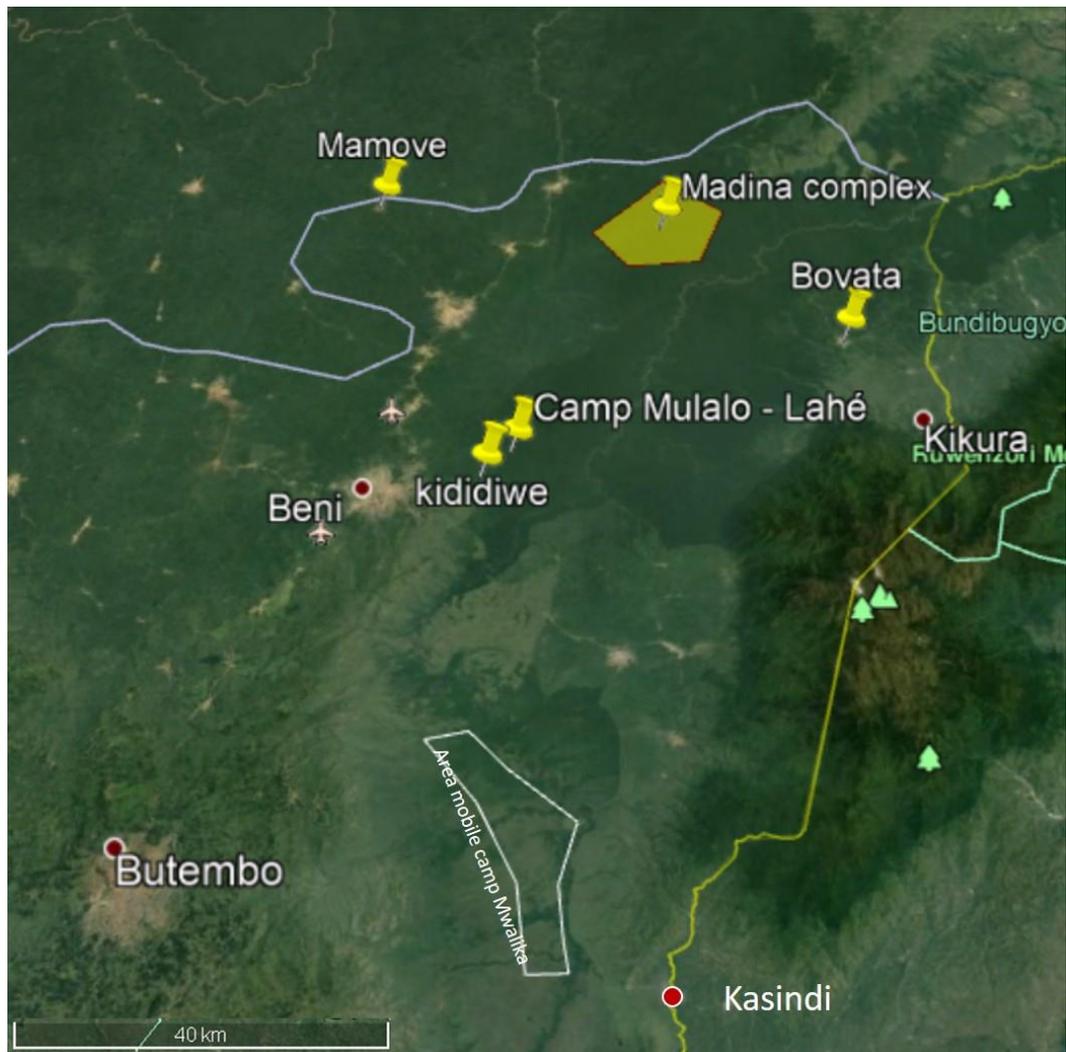
The Group of Experts received responses from the following international organizations and entities: African Gold Refinery Ltd.

The Group of Experts did not receive responses from the following international organizations and entities: Sakima, Bullion Ltd and Etc RICA.

### Annex 3: Map of the main ADF camps



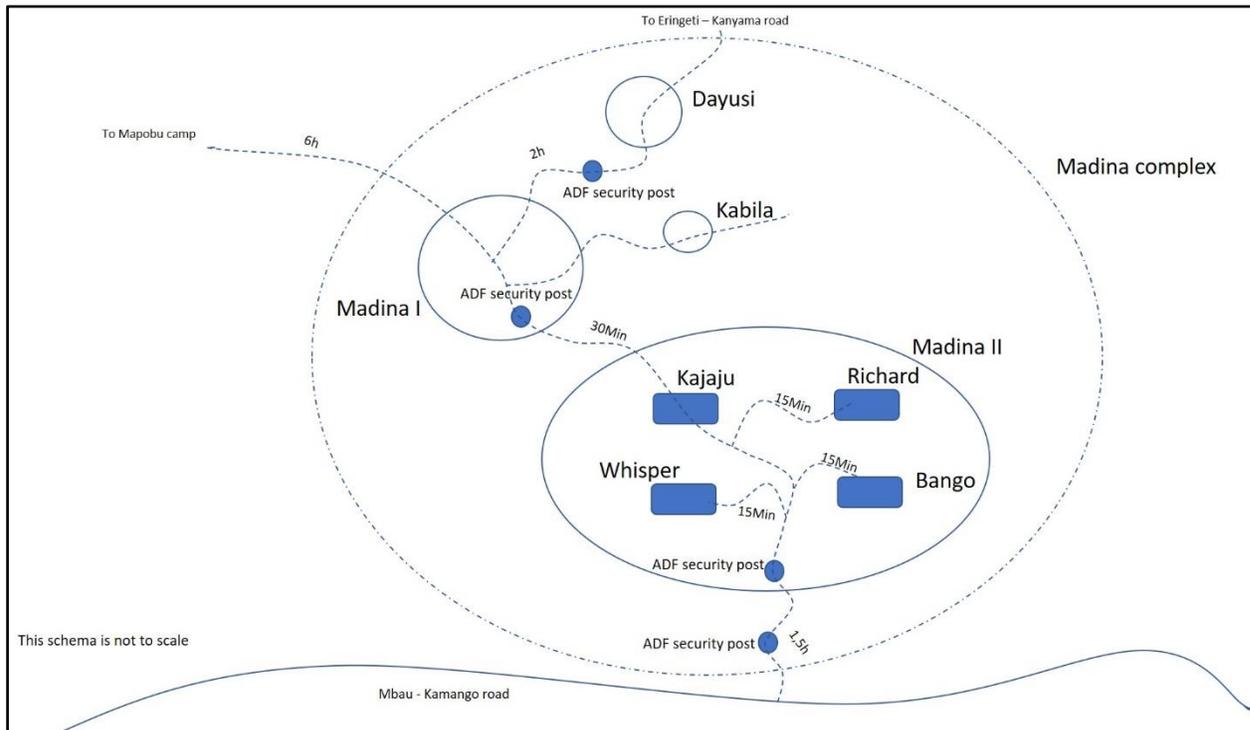
Map by the United Nations, as edited by the Group of Experts



Map by Google Earth, as edited by the Group of Experts

### Annex 4: Schema of Madina camp

The ADF base camp called “Madina” was situated between Oicha, Eringeti and Kamango and consisted of several other camps. Most combatants and dependents lived in Madina II that was subdivided into four smaller camps. The ADF leader, Baluku, lived in camp Kajaju, while Lumisa and PC Setongo lived in camp Bango. New recruits arrived in camp Whisper where they undertook a three-week training before being transferred to camp Kabila. The camps of Madina II were situated on higher ground. Most of the agricultural fields of the ADF were located in Madina I, in particular in the vicinity of Dayusi camp where the bulk of food supplies were kept. Combatants were regularly sent from Madina to Mapobu camp (approximately a 6-hour walk) to collect goods coming from Beni or other towns in the area.



Schema made by the Group of Experts based on testimonies of ex-combatants and former abductees

### **Annex 5: Photographs of the Mulalo – Lahe camp**

Based on testimonies of former abductees and ex-combatants, the Group of Experts assessed that the photographs below likely depict the ADF ‘Mulalo’ – Lahe camp. This camp was situated in the Mayangose forest, about 15 km northeast from Beni city but was moved to another nearby position between October 2018 and January 2019. The difference between the active and abandoned camp is clearly visible in the photographs.



Photograph taken in October 2018



Photograph of the same position taken in January 2019

## Annex 6: List of ADF leaders

**Seka Baluku** (also known as Musa and Mzee Kajaju the leader of Kajaju camp) is the overall commander of the ADF. He is Ugandan and approximately 43 years old. He lived in the Kajaju camp of Madina II. He was married to several women including the daughters of Jamil Mukulu and PC Sentongo.

**Lumisa** (also known as Muhamad and Dr. Lumisa) is a sheikh and medical doctor of approximately 60 years old who joined the ADF in 1999. Lumisa was the leader of Bango camp in Madina II and was in charge of the Ugandan supply and recruitment network.

**Amigo** (also known as Simba Amigo, Mzee Amigo and Ami) is a hunchback who progressed from being a military commander to the coordinator of Mwalika camp where he organized the transit of international recruits and managed the recruitment network in South Africa, Tanzania and Burundi. He was also in charge of communications with Madina camp.

**Kalume** (also known as Amisi Kasadha, Wako and Dr. Kalume) was promoted to army commander and military leader of the Madina complex. He was also a medical doctor.

**Mulalo** (also known as Fezza or Feeza and Elias Segujja) was a senior military commander and commander of the Mulalo camp in the Mayangose, named after him. Mulalo was also the coordinator of operations and organised ambushes against the FARDC.

**Kajaju** (also known as Canada and Kibuye) was until recently the military commander of the Madina complex, but was now in Mwalika or Mapobu camps. FARDC sources claimed that he was killed during an attack in Mamove, but the Group of Experts could not confirm this.

**Kikote** (pronounced “Chi-ko-té” or Kikutte and also known as Diiro) was the military commander of camp Mwalika. He took over from Werrason.

**Braida** was the military commander of Mapobu camp and in charge of acquiring food for the ADF from the forest and nearby communities.

**Ben** or Benjamin (also known as Muza Mea) was a military leader in Madina and second in command to Kalume. He was also in charge of the training of children.

**Werrason** or Werason was a military commander in camp Mulalo and until recently the commander of Mwalika camp, but he was replaced by Kikote.

**Abdulrahman Waswa** (also known as PC Sentongo and Setongo) was ADF’s police commissioner and Sheikh. He lived in Bango camp in Madina II. He is disabled and walks with crutches. He dispensed judgements and executed punishments in Madina camp.

**Akeda** was a military trainer in Madina and also transported new recruits from Mwalika to Madina.

**Rafiki** was a military trainer in Madina.

**Muzaya** was a military commander and the chief instructor in Mwalika camp.

**Cheikh Moussa** was a teacher in Madina.

**Panisha** was considered to be the primary bomb-maker of the ADF.

**Sheikh koko** was the Imam in Mwalika camp and taught the Quran to new recruits.

The following ADF leaders and combatants were reportedly killed or at least there are serious doubts about their presence in the current ADF.

**Kahira Muhamadi or Kayiira Mahammad**, also known as Ogundipe – reportedly died in 2018.

**Lukwago Hood** reportedly died in 2018.

**Richard Mukulu** reportedly died or left the ADF in 2018.

**Recoilence** was reportedly killed during combat.

**Adra** was reportedly killed during combat in 2018.

**Patero** was reportedly killed during combat in 2017.

## Annex 7: Photographs of ADF combatants

Several sources confirmed the presence in Madina camp of the man on the photograph below. He is called “Hussein” or “Marabou”.



Screenshot from a video posted on Internet by the ADF (referred to as MTM in the video)

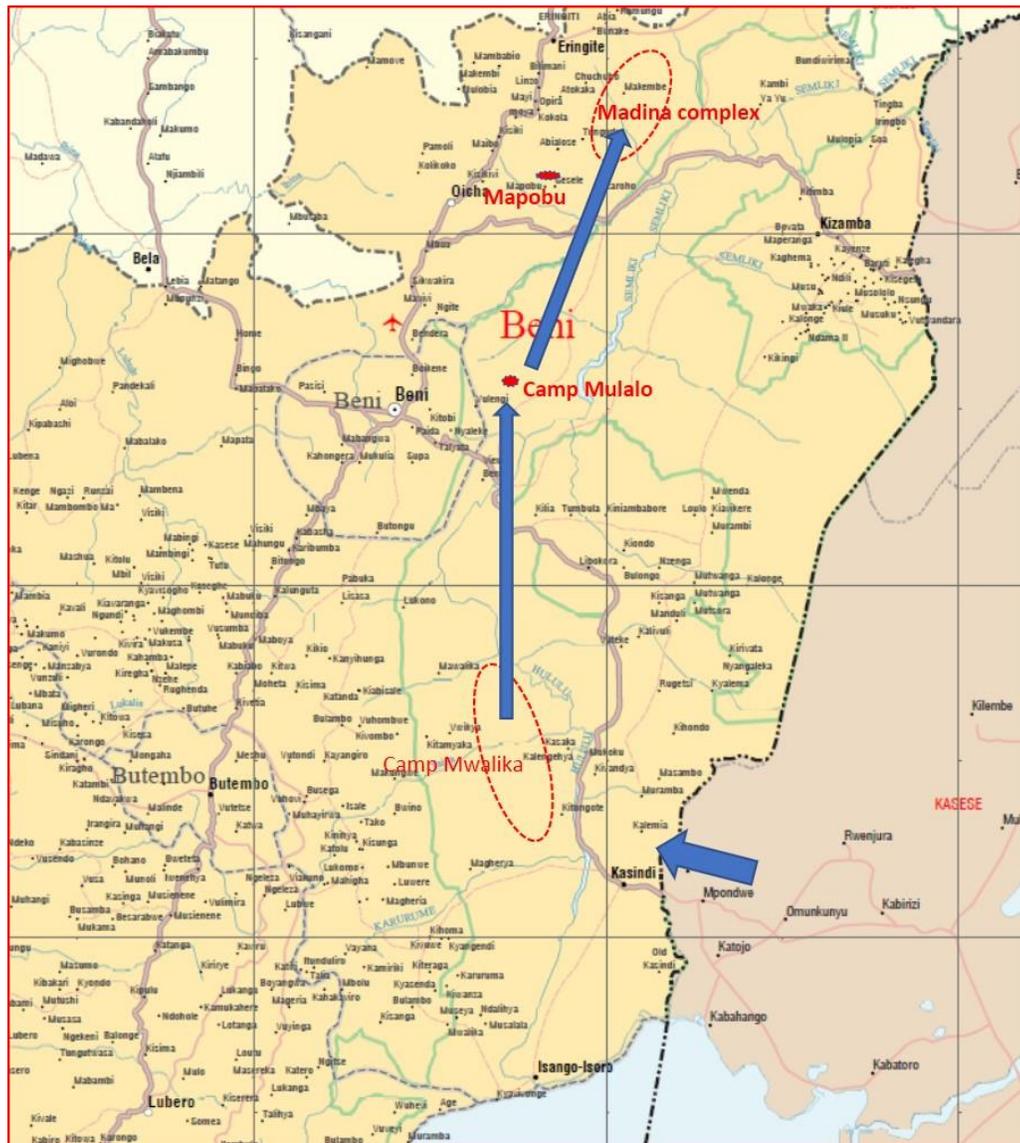
The sources also recognized other members of the ADF on the video.



Screenshot from a video posted on Internet by the ADF (referred to as MTM in the video)

## Annex 8: ADF recruitment network via Uganda

The ADF displayed consistent patterns in its process of recruitment from Uganda to its camps in the Democratic Republic of the Congo. New recruits were often accompanied by their recruiters to the Democratic Republic of the Congo from Fort Portal or Kampala and via Bwera using public transportation or motorbikes. Recruits told the Group of Experts they had crossed into the Democratic Republic of the Congo illegally near Kasindi and were received by armed men who took them to Mwalika camp. Once enough recruits were assembled, the lead recruiter, a certain “Amigo”, called for reinforcements from the Madina base camp. Some 15 combatants under the command of “Akeda” escorted recruits to the Mulalo camp – a two-day walk – and onwards to Madina – another 6-7 day walk. Five recruits told the Group of Experts that over a period of four months, two groups of between 60 and 70 recruits left Mwalika.



Map by the United Nations, as edited by the Group of Experts

## Annex 9: Claim by the Islamic State of an attack in the Democratic Republic of the Congo on 18 April 2019

First statement released by Amaq News on 18 April 2019: “*Breaking: Deaths and injuries among the Congolese army in an attack by Islamic State fighters in the town of Kamanago, near the border of Congo with Uganda.*” (translation by the Group of Experts)

وكالة أعماق: سقوط قتلى وجرحى من جيش الكونغو بهجوم لمقاتلي الدولة الإسلامية في بلدة "كمانغو" قرب حدود الكونغو مع أوغندا

أعماق الإخبارية

18/04/2019

عاجل

Second statement released by Amaq News on 18 April 2019: “*Relying on God the Almighty, the soldiers of the Caliphate assaulted barracks of the Congolese army in Bufata village, in the Beni region, where they clashed with them using light and medium heavy weapons. It led to the death of 3 of them and wounded 5 others, and unto Allah is fully praise for His granting of success.*” (translation by the Group of Experts)

ISLAMIC STATE

هلاك وإصابة 8 عناصر من جيش الكونغو في صولة لجنود الخلافة بمنطقة (بيني)

عاجل

ولاية وسط إفريقية الخميس 13 شعبان 1440 هـ

بعد التوكل على الله تعالى، صال جنود الخلافة على ثكنة لجيش الكونغو في قرية (بوفاتا) بمنطقة (بيني) حيث اشتبكوا معهم بالأسلحة الخفيفة والمتوسطة، ما أدى لهلاك 3 منهم وإصابة 5 آخرين، ولله الحمد على توفيقه.

## Annex 10: MTM logo and flag in ADF videos

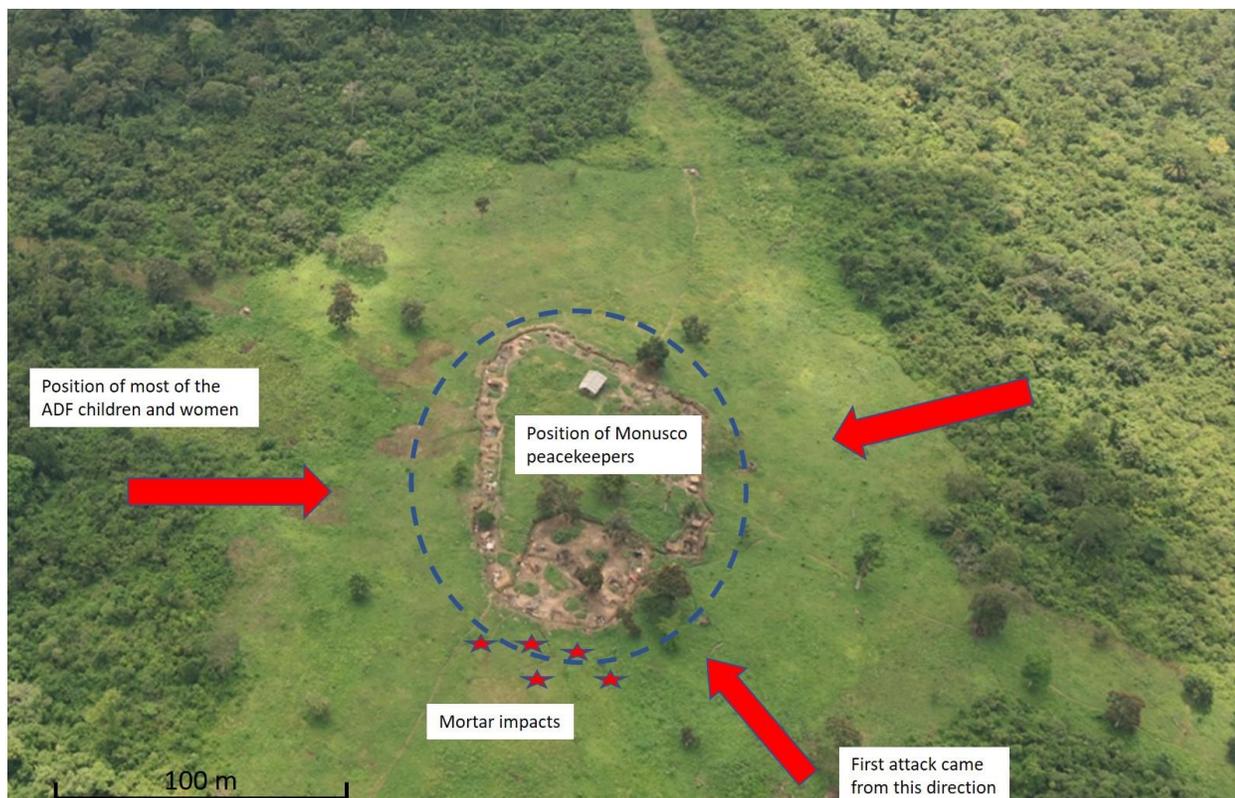
The ADF used the MTM logo in its propaganda videos. The most recent videos all start with this logo and some of them display a flag analogous to the flag used by Islamic State.



Screenshot from a video posted on Internet by the ADF (referred to as MTM in the video)

## Annex 11: Attack in Kididiwe against joint FARDC-MONUSCO forces on 14 November 2018

At approximately 4:30 p.m. on 14 November 2018, MONUSCO and FARDC troops were attacked at a position called Kididiwe by a large number of ADF combatants, including men, women and children. The first attack started from the northwestern direction and was followed by attacks from all sides. The whole attack lasted at least until 1:00 a.m. when the last United Nations peacekeepers managed to escape the perimeter. Seven United Nations peacekeepers were killed at this position.



Photograph taken in October 2018, edited by the Group of Experts

## Annex 12: Weapons and ammunition displayed by the ADF in a propaganda video

Screenshots of weapons from a video posted on the Internet by the ADF (referred to as MTM in the video)



Double rocket launcher (locally modified MRL, bitubes)



107mm ammunition



AK-47 pattern assault rifle and boxes of ammunition



75mm recoilless rifle



Heavy Machine Gun

### Annex 13: CNRD move from North Kivu to South Kivu



Map by the United Nations, as edited by the Group of Experts

**Annex 14: Pictures of a woman and children carrying CNRD weapons**

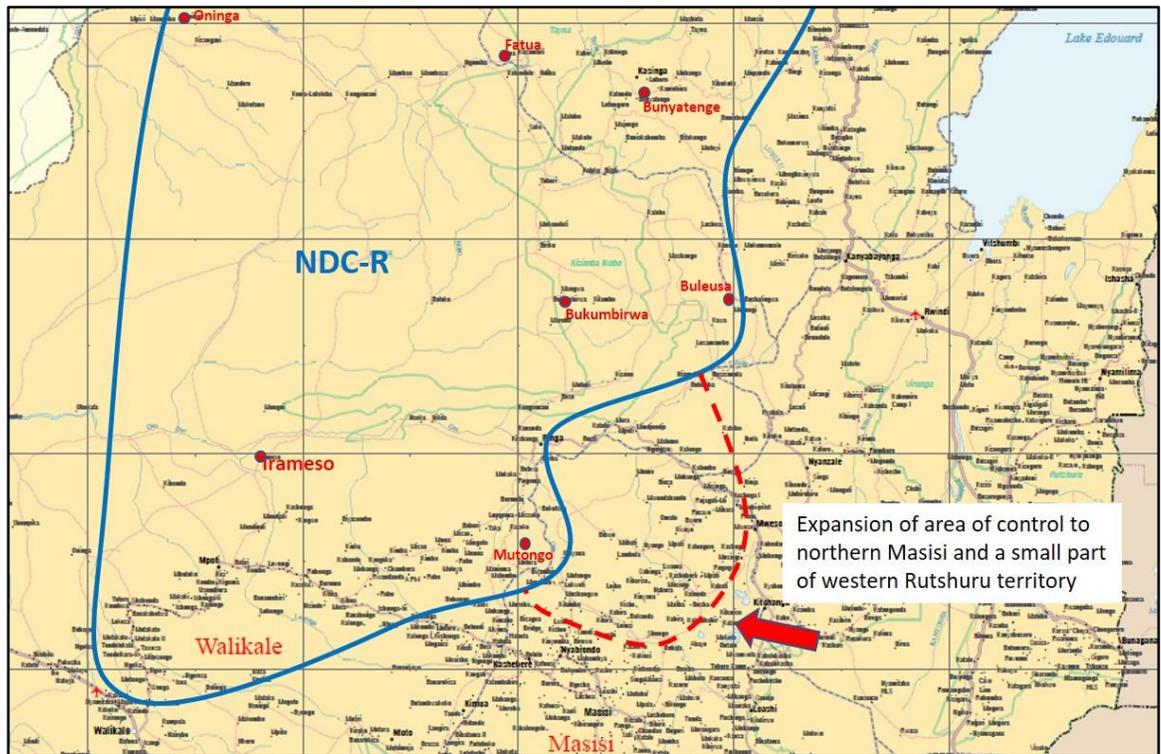


Screenshot of a video provided to the Group of Experts by a local source in January 2019 in Masisi territory.



Screenshot of a video provided to the Group of Experts by a local source in January 2019 in Masisi territory

### Annex 15: NDC-R's expansion into northern Masisi and western Rutshuru territory



Map by the United Nations, as edited by the Group of Experts

**Annex 16: Photographs of the NDC-R integration ceremony for new combatants in Kalembe on 4 February 2019**



The sanctioned NDC-R leader “General” Guidon presiding over the ceremony



Photographs provided to the Group of Experts by local sources

**Annex 17: Photograph of the NDC-R leader “General” Guidon and his commanders in military fatigues**



Photograph taken in Kilembe in January and posted on the Internet in March 2019, as edited by the Group of Experts

## Annex 18: Detailed maps of northern Masisi under control of the NDC-R

During the first months of 2019, the NDC-R gained control over a large part of northern Masisi territory. They installed new camps in Kalembe and Kashuga and increased their presence in Kalungu, where they were present since mid-2018. Especially in Kalembe and Kashuga, the NDC-R positions were close to existing FARDC camps in the same localities.

Map by the United Nations, as edited by the Group of Experts

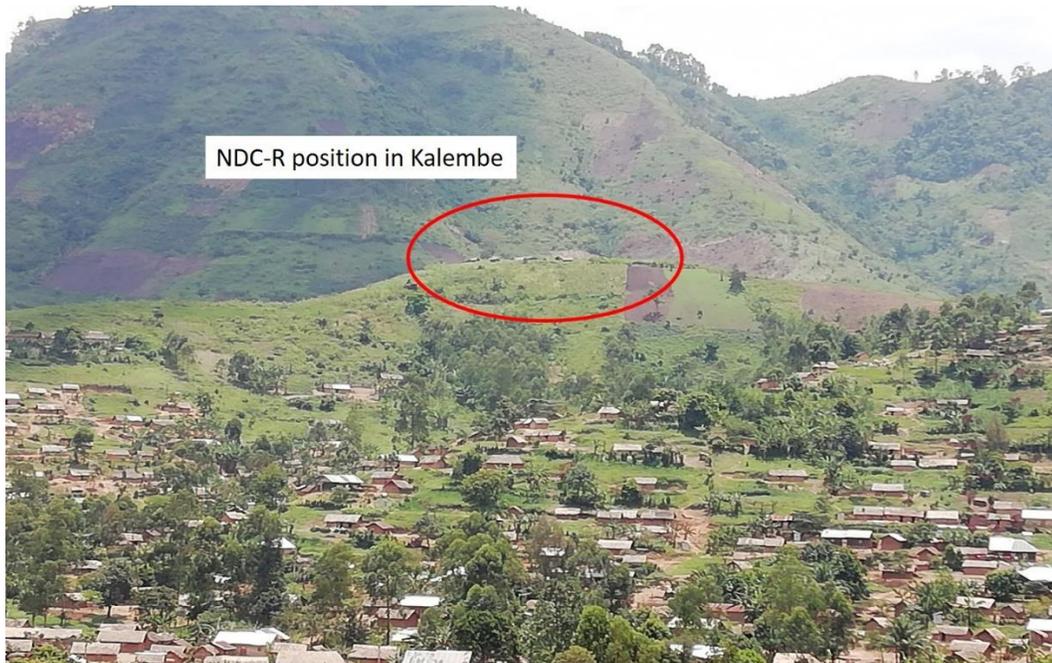


Image from Google Maps, annotated by the Group of Experts. Proximity of FARDC and NDC-R positions in Kalembe



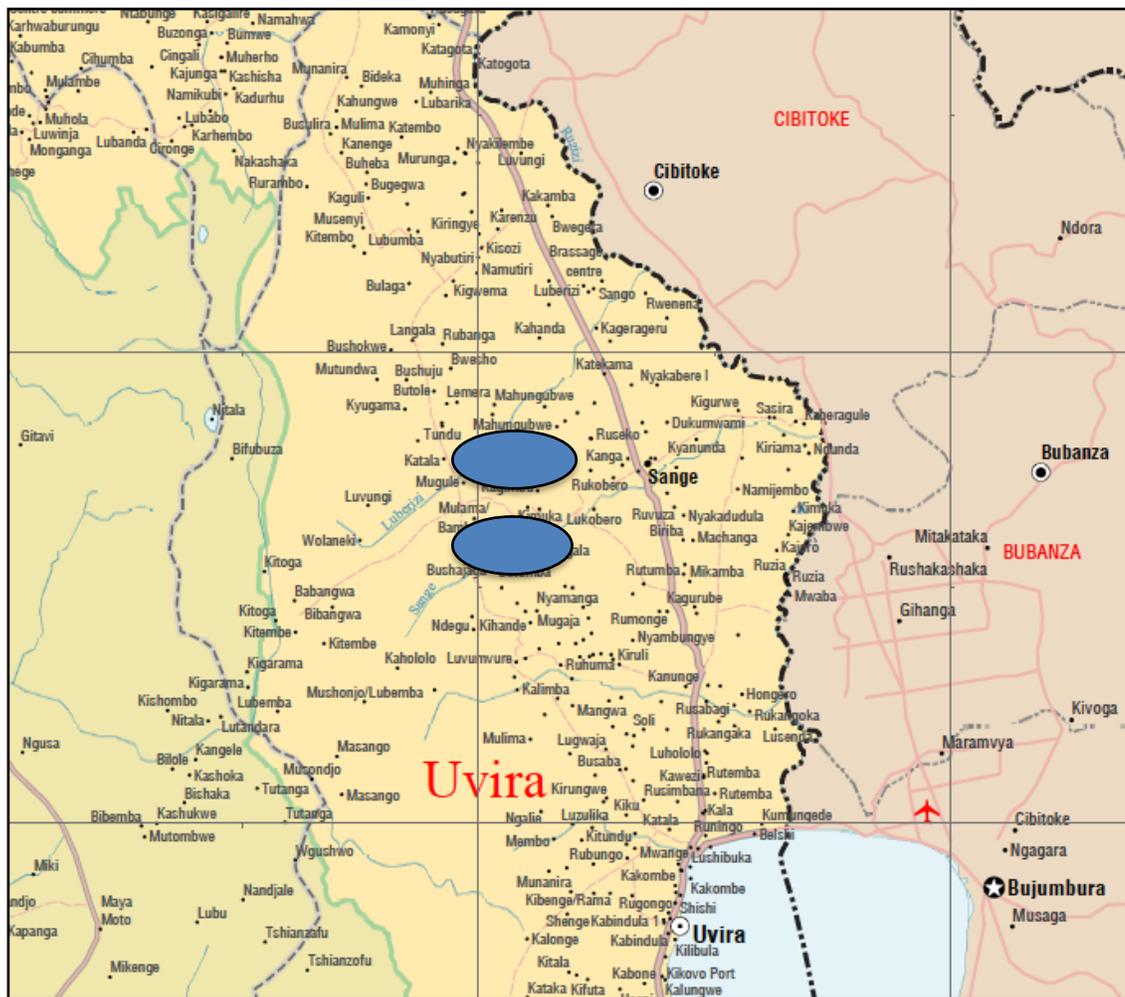
Image from Google Maps, annotated by the Group of Experts. Proximity of FARDC and NDC-R positions in Kashuga

**Annex 19: Pictures of NDC-R positions in Kalembe and Kashuga**



Photographs taken by the Group of Experts in March 2019

**Annex 20: Two waves of infiltrations by the FDN and Imbonerakure coupled with a series of armed clashes directed against RED-Tabara in South Kivu (November 2018)**

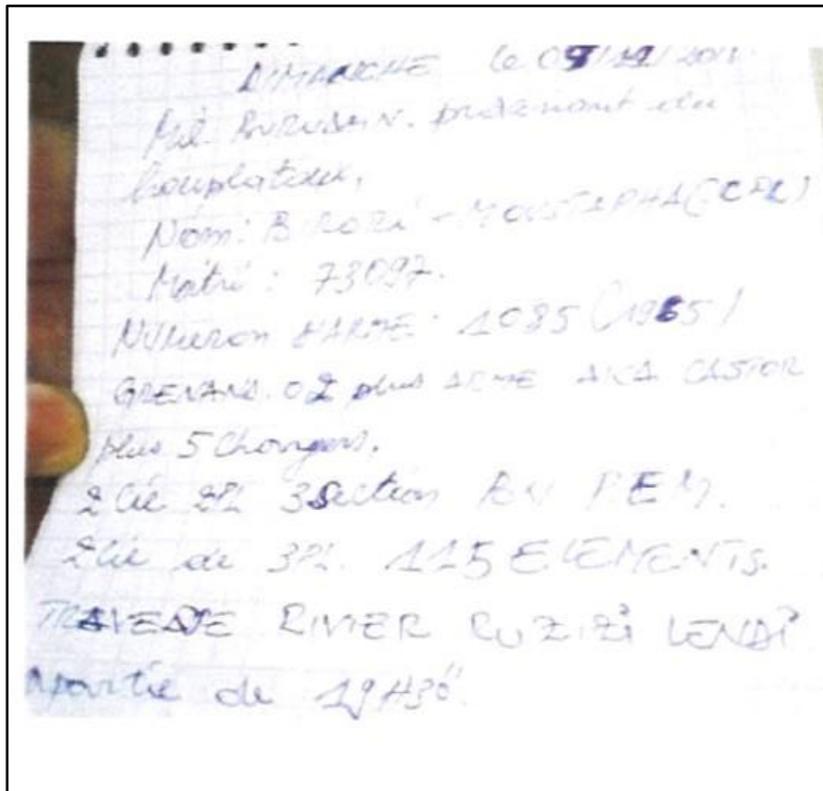


Map by the United Nations, as edited by the Group of Experts

**Annex 21: FDN Corporal Mustapha Birori, captured by the FARDC in November 2018**



Handwritten paper includes identifying information of the arrested individual, including name, rank, weapons carried and crossing point into the Democratic Republic of the Congo from Burundi with the date and time.



Photographs received by the Group of Experts from a Congolese official in March 2019.

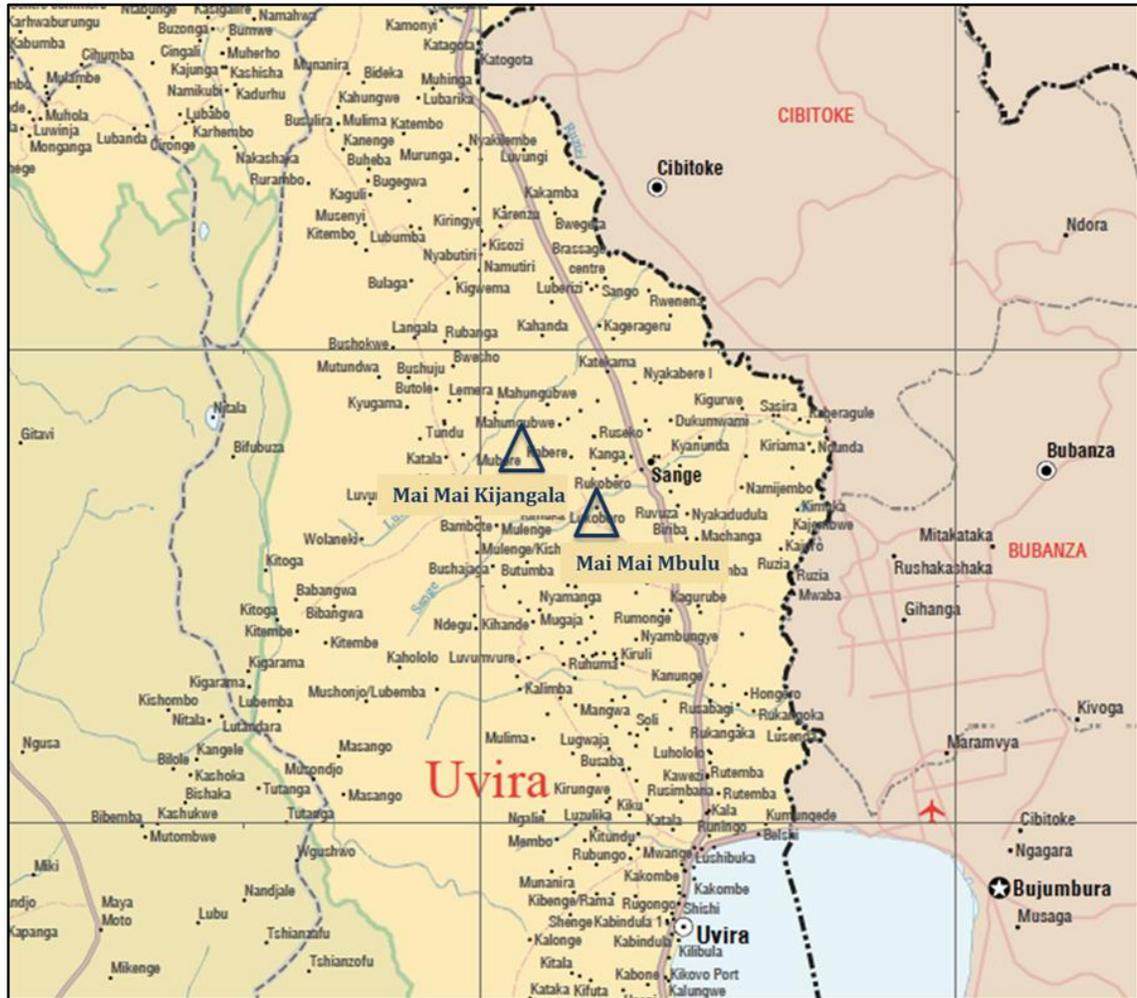
**Annex 22: Military rations produced exclusively for the Ministry for National Defence and Former Combatants of Burundi**



Photographs received by the Group of Experts in Nyamoma, in the Middle Plains of Uvira, South Kivu

## Annex 23: Headquarters of Mai Mai Mbulu and Mai Mai Kijangala, associates of FDN and Imbonerakure

The headquarters of Mai Mai Kijangala and Mbulu are located in Buleza (near Mubere and Kabere) and Lukobero, respectively.



Map by the United Nations, as edited by the Group of Experts.

The Middle Plains of Uvira in the province of South Kivu include a large number of local armed groups imbedded in local communities, often alternating between their stated aim of providing local protection, extortion and theft.

The Group of Experts documented the presence of the following armed groups (not exhaustive) with varying degrees of contact, collaboration and conflict between them: Mai Mai Bigaya, Mai Mai Buhirwe, Mai Mai Kashumba, Mai Mai Kihebe, Mai Mai Kijangala, Mai Mai Kilolo, Mai Mai Kilimatavi, Mai Mai Kivue Songa, Mai Mai Mbulu, Mai Mai Mahangwe, Mai Mai Munyamali, Mai Mai Mushombe/Llunga and Mai Mai Rene.

## Annex 24: MSD-issued communiqué marking its withdrawal from the CNARED



**Mouvement pour la Solidarité et la Démocratie**

### COMMUNIQUE

Membre très actif du CNARED depuis sa création le 1<sup>er</sup> août 2015, le Parti MSD s'est constamment et sans relâche investi pour la réalisation de l'objectif de cette plate-forme résumé dans sa dénomination, à savoir le respect de l'Accord d'Arusha pour la Paix et la Réconciliation au Burundi.

Bien que travaillant dans un contexte politique et humain extrêmement difficile, le CNARED a eu le mérite incontestable d'avoir pu maintenir le Burundi sur l'agenda diplomatique international et révéler au monde entier la nature éminemment criminelle du régime de Pierre Nkurunziza dont personne ne doute plus aujourd'hui, ni dans la Sous-région ni en Afrique ni dans le Monde entier.

Mais malheureusement, au lieu de maintenir le rythme qui lui a permis d'atteindre ce résultat, la plate-forme s'est au fur et à mesure du temps fourvoyée dans des querelles individuelles stérilisant son action.

C'est dans ce contexte que le Parti MSD a organisé des consultations au sein de ses organes, à l'issue desquelles les militants ont préconisé son retrait du CNARED pour éviter que son maintien dans la plate-forme n'entrave son action de lutte contre le régime sanguinaire de Bujumbura et de réhabilitation de l'Accord d'Arusha, ce retrait prenant effet à la date du présent communiqué.

Le 18 janvier 2019

Pour le Parti MSD

Le Secrétaire Général

François NYAMOYA

Téléphone : 22273805

E-mail: [msdburundi@gmail.com](mailto:msdburundi@gmail.com)

Kinanira III, Avenue GASIBE, No 8

### Annex 25: Headquarters and current location of RED-Tabara



Map by the United Nations, as edited by the Group of Experts. Locations are approximate.

**Annex 26: Kihebe Ngabunga, leader of Mai Mai Kihebe**



Photograph by the Group of Experts in February 2019 in Uvira, South Kivu

**Annex 27: Screenshots from two ADF propaganda videos showing children in the Madina Camp**



Screenshots from two ADF propaganda videos obtained by the Group of Experts and assessed as having been recorded during one of the 2017 Eid festivals

**Annex 28: Screenshots from two ADF propaganda videos showing the outfits worn by women and girls above nine years of age in Madina Camp**



Screenshot from one ADF propaganda video obtained by the Group of Experts. The woman reading the Quran was identified by one former ADF abductee interviewed by the Group of Experts as one of the female ADF combatant.



Screenshots from one ADF propaganda video obtained by the Group of Experts and assessed as having been recorded during one of the 2017 Eid festivals

**Annex 29: Screenshots from one ADF propaganda video showing children performing martial arts**



Screenshots from one ADF propaganda video obtained by the Group of Experts and assessed as having been recorded in Madina during one of the 2017 Eid festivals

**Annex 30: Screenshot from one ADF propaganda video showing one child performing martial arts**



Screenshot from one ADF propaganda video obtained and edited by the Group of Experts showing one child performing martial arts. The child was recognised and identified by two former captives interviewed by the Group of Experts.

### Annex 31: Attacks in Beni territory (Beni city and north of the city) from 10 November 2018 to 15 April 2019

List compiled by the Group of Experts on the basis of combined information from FARDC, MONUSCO, eyewitnesses, civil society and open sources

Date	Locations	Number of FARDC casualties	Number of United Nations peacekeepers casualties	Number of civilian casualties	Total number of persons killed
10-11 November 2018	Boïkene			1 killed 3 missing	1
11 November 2018	Mayi Moya			5 killed 2 injured 2 abducted	5
14 November 2018	Mayangose/ Kididiwe (Joint FARDC-MONUSCO operations)	14 killed 29 injured 12 missing	7 killed 10 injured 2 missing		21
15 November 2018	PK13 (Mbau/Kamango road)	1 killed 3 injured			1
15 November 2018	Mambanike (2km from Oïcha)			4 killed 2 injured 1 abducted	4
16 November 2018	Boïkene			2 injured	
18 November 2018	Mukoko			2 killed 2 missing	2
22 November 2018	Semuliki Bridge (Mbau/Kamango road)				
23-24 November 2018	Boïkene		1 injured	1 killed 1 injured	1
26 November 2018	PK5 (Mbau/Kamango road)			2 killed	2
26 November 2018	Oïcha	2 injured		5 killed 1 injured	5
27 November 2018	Boïkene			2 abducted	
5-6 December 2018	Nyaleke - Mangolikene			12 killed	12
7 December 2018	Païda			5 killed 2 injured 3 abducted	5
8 December 2018	Matete			1 abducted	
10 December 2018	Semuliki COB (Mbau/Kamango road)		1 injured		

10 December 2018	Oïcha (Kekelibo, Mbibi and Mabasele)			<b>9 killed</b> 2 injured 1 missing	<b>9</b>
11 December 2018	Kisiviki				
12-13 December 2018	Nyaleke (Rizerie Kitchanga)				
15 December 2018	Maïbo			2 injured	
16 December 2018	Mangoko (5km from Mavivi)				
16 December 2018	Mbau/Mapati			1 injured	
17 December 2018				1 abducted	
18 December 2018	PK2/PK6 (Mbau – Kamango road)			<b>3 killed</b>	<b>3</b>
22 December 2018	Beni/Masiana	<b>1 killed</b>		<b>4 killed</b> 3 injured 2 abducted	<b>5</b>
23 December 2018	Boïkene and Kipriani				
29 December 2018	Muzambayi/Boïkene			1 abducted	
30 December 2018	PK25 and PK28 (Mbau/ Kamango road)	<b>2 killed</b> 7 injured			<b>2</b>
		<b>Total:</b> <b>18 killed</b> 41 injured 12 missing	<b>Total:</b> <b>7 killed</b> 12 injured 2 missing	<b>Total:</b> <b>53 killed</b> 18 injured 19 missing/ abducted	<b>Total: 78</b>
<b>2019</b>					
6 January 2019	PK20 (Mbau/ Kamango road)	1 injured			
7 January 2019	Mavivi			<b>11 killed</b> 1 injured	<b>11</b>
9 January 2019	Mayisafi/ Bukane	<b>4 killed</b> 4 injured		<b>8 killed</b> 11 injured 21 missing (14 returned)	<b>12</b>
17 January 2019	Semuliki COB (Mbau/ Kamango road)				
21 January 2019	Mapobu	<b>25 killed</b> 22 injured 5 missing			<b>25</b>

23 January 2019	Kididiwe			1 injured 1 missing	
24 January 2019	Mayi Moya / Kisiiki	1 injured		<b>3 killed</b> 3 injured	<b>3</b>
24 January 2019	Malolu			1 injured	
26 January 2019	PK26/27 (Mbau/ Kamango road)	<b>2 killed</b> 14 injured			<b>2</b>
28 January 2019	PK18 (Mbau/ Kamango road)			<b>2 killed</b>	<b>2</b>
28 January 2019	PK19 (Mbau/ Kamango road)			<b>1 killed</b>	<b>1</b>
2 February 2019	Kasinga				
4 February 2019	Mapobu	<b>6 killed</b> 2 injured			<b>6</b>
7 February 2019	Rwangoma			<b>6 killed</b> 2 injured 8 abducted (including 6 children)	<b>6</b>
8 February 2019	PK9 (Mbau/ Kamango road)	<b>2 killed</b> 3 injured			<b>2</b>
8 February 2019	Kudu Kudu			<b>4 killed</b> 2 injured	<b>4</b>
11 February 2019	Mayi Moya	<b>1 killed</b>			<b>1</b>
12 February 2019	Mamove	<b>2 killed</b> 1 injured			<b>2</b>
13 February 2019	Mulolya			<b>2 killed</b> 1 missing	<b>2</b>
13 February 2019	Between Mamove and Oïcha			17 abducted (14 released on 2 March 2019)	
14 February 2019	Oïcha (Matombo-Mambanike)	1 injured		<b>1 killed</b>	<b>1</b>
16 February 2019	Masulukwede	<b>5 killed</b> 3 injured			<b>5</b>
18 February 2019	Mavivi/Ngite			<b>2 killed</b> 1 injured 1 abducted	<b>2</b>
24 February 2019	Mamove			<b>3 killed</b> 7 abducted	<b>3</b>
25 February 2019	Kithevya			<b>3 killed</b>	<b>3</b>
26 February 2019	Ngite-Mavivi	2 injured			
26 February 2019	Mulolya, Apetinasana and Kengele			<b>3 killed</b> 2 injured 23 abducted (including 4	<b>3</b>

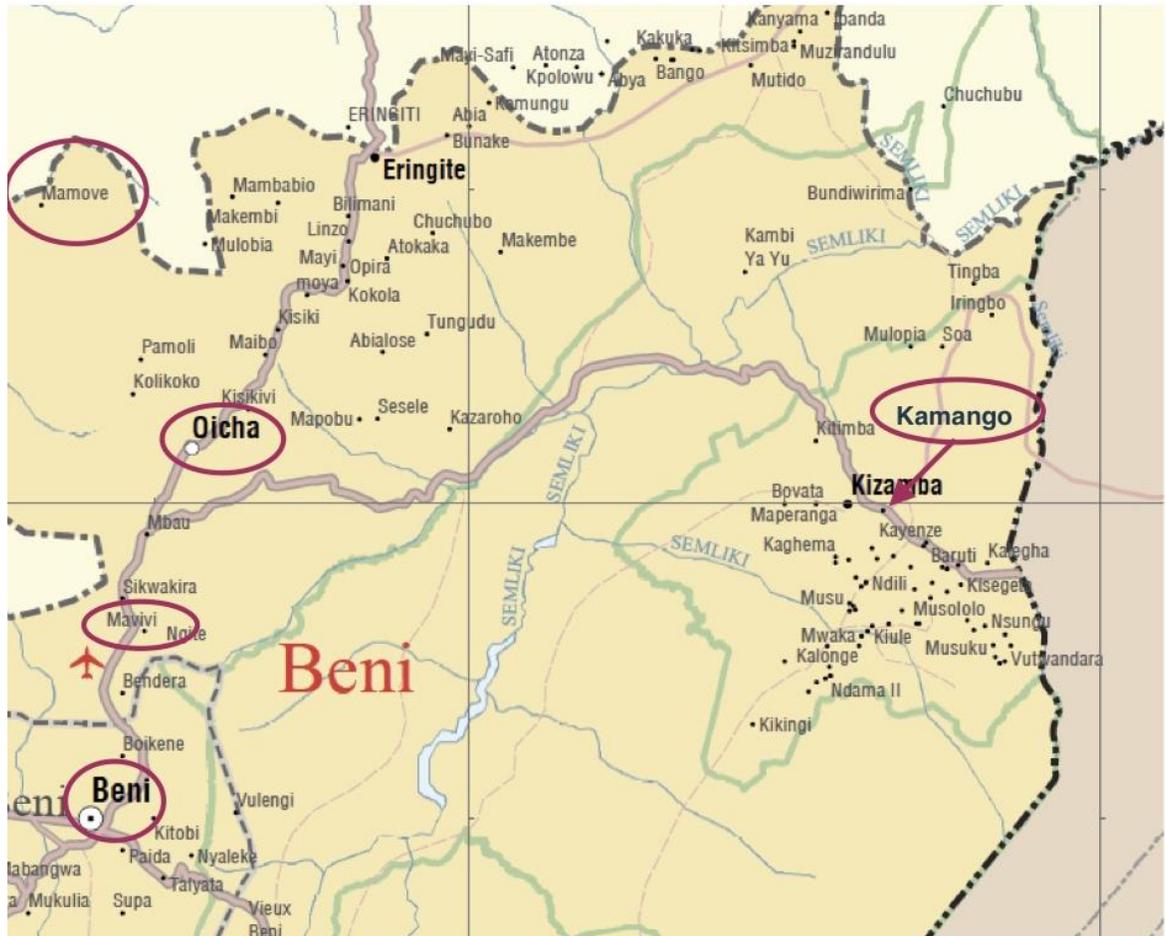
				children – 22 released on 5 March 2019)	
27 February 2019	Atokaka-Garlic	<b>1 killed</b> 2 injured			<b>1</b>
5 March 2019	Mapobu				
7-8 March 2019	Apetinasana, Manzanzaba and Kengele			<b>1 killed</b> 33 abducted (23 released on 12 March 2019)	<b>1</b>
10 March 2019	Kegele			11 abducted	
16 March 2019	Semuliki COB				
19 March 2019	Maleki			<b>1 killed</b>	<b>1</b>
23 March 2019	Mamundioma	<b>1 killed</b> 1 injured			<b>1</b>
24 March 2019	Baoba			<b>1 killed</b>	<b>1</b>
24 March 2019	Kithevya	<b>1 killed</b>		1 injured	<b>1</b>
26 March 2019	Mavivi/Ngite				
27 March 2019	Mapela (5km from Eringeti)	<b>2 killed</b>			<b>2</b>
29 March 2019	Semuliki COB – PK51 (Mbau/ Kamango road)	<b>1 killed</b>			<b>1</b>
29 March 2019	Ngite - Vemba jungle			<b>3 killed</b>	<b>3</b>
29 March 2019	Maïbo and Mukoko				
29 March 2019	Mukakati (9km from Kamango)			7 abducted (6 released)	
30 March 2019	Masulukwede			<b>1 killed</b>	<b>1</b>
2 April 2019	Boikene / Matete	1 injured			
2 April 2019	Makulu – Mayi Moya			4 abducted	
3 April 2019	Samboko	<b>3 killed</b> 4 injured		1 injured 36 abducted (2 escaped and 13 released)	<b>3</b>
6 April 2019	Supa Kalau			<b>2 killed</b> 4 injured At least 18 abducted (18 released)	<b>2</b>
10 April 2019	Kokola			3 abducted (all released)	
11 April 2019	Kyanimbe (8km from Kamango)	2 injured		<b>7 killed</b>	<b>7</b>

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		<b>Total:</b> <b>56 killed</b> 64 injured 5 missing		<b>Total:</b> <b>65 killed</b> 30 injured 191 abducted or missing (115 escaped or released)	<b>Total: 121</b>
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The Group of Experts notes that the accuracy of the data of abductees or missing persons can be impaired by several factors, including lack of information about the exact number of people missing and abducted during attacks, and lack of proper reporting of those who escaped, were released or killed.

### Annex 32: Map of the north-eastern part of Beni territory



Map by the United Nations, as edited by the Group of Experts

**Annex 33: Photograph of the medicines recovered by the FARDC from the ADF attack on Mamove on 12 February 2019**



Photograph provided to the Group of Experts by civil society

**Annex 34: Photographs of the ADF attack on Mamove on 24 February 2019**



Photographs provided to the Group of Experts by civil society

### Annex 35: Photographs of Bongende after the attack of 17 December 2018

Photographs of destroyed and burned houses. The last photograph depicts the former police station and the two photographs before the last one depict a house where 21 members of the same family were killed.





All photographs taken by the Group of Experts on 26 January 2019

Individual and mass graves in the village



All photographs taken by the Group of Experts on 26 January 2019

**Annex 36: Photographs of Yumbi after the attack of 16 December 2018**



Aerial photograph of Yumbi taken by the Group of Experts on 24 January 2019



Photograph of the former CENI office of Yumbi taken by the Group of Experts on 26 January 2019



Photographs of destroyed buildings taken by the Group of Experts on 24 January 2019

**Annex 37: Security report of the Democratic Republic of the Congo dated January 2019 regarding the events in Yumbi, Bongende, Nkolo and Camp Mbanzi in December 2018**

Report provided to the Group of Experts by a source who had redacted the name of the signatory of the report

<p><b>REPUBLIQUE DEMOCRATIQUE DU CONGO</b></p>  <p><b>PROVINCE DU MAI-NDOMBE</b> <b>TERRITOIRE DE YUMBI</b></p>	<p>Yumbi, le janvier 2019</p>												
	<p>N°154/...../BUR/AT/TER/YBI/2019</p>												
	<p><u>TRANSMIS</u> copie pour information à :</p>												
	<ul style="list-style-type: none"> <li>- Son Excellence Monsieur le Vice-Premier Ministre de l'Intérieur et Sécurité ;</li> <li>- Son Excellence Ministre de la Défense Nationale. (Tous) <u>A KINSHASA/GOMBE</u></li> <li>- Son Excellence Monsieur le Gouverneur de Province du Mai-Ndombe ;</li> <li>- Son Excellence Madame le Ministre Provincial en charge de l'Intérieur et Sécurité du Mai-Ndombe ;</li> <li>- Monsieur le Secrétaire Provincial du Mai-Ndombe ;</li> <li>- Monsieur l'Inspecteur Provincial de la Territoriale du Mai-Ndombe. (Tous) à <u>INONGO</u></li> </ul>												
<p><b>Objet :</b> Rapport de la Situation Sécuritaire <u>Et Administratif du Territoire de Yumbi</u></p>	<p>Au Commandant de la 1<sup>re</sup> Zone de Défense à <u>KINSHASA/ GOMBE</u></p>												
	<p>Mon Général,</p>												
<p><b>I. <u>SITUATION SECURITAIRE</u></b></p> <ul style="list-style-type: none"> <li>- Mort de l'Administrateur de Territoire de Yumbi, feu Paul NSAMI MBO</li> <li>- Incendie Bureau CENI ;</li> <li>- Fuite des Autorité Politico-administratives, Policières et Sécuritaires ;</li> <li>- Fuites des chefs des Service et Agents</li> <li>- Déplacement Massif de la Population vers BWEMBA, MAKONTIMPOKO et dans les îlots voisins ;</li> <li>- Morts d'hommes dans les sites ci-après :             <ol style="list-style-type: none"> <li>1) Yumbi cité 166 Morts ;</li> <li>2) Village BONGENDE 339 Morts dont 230 enterrées par la Croix Rouge ;</li> <li>3) Village NKOLO/NUNU 12 morts dont deux Militaires</li> <li>4) CAMP MBANZI 7 morts</li> </ol> <p style="margin-left: 20px;">Total 524 Morts</p> </li> </ul> <p>NB : Dans chaque village précité, le nombre de personnes morts n'est pas exhaustif (corps jetés dans le fleuve, calcinés dans les maisons, soit enterrés par la population...),</p> <ul style="list-style-type: none"> <li>- Blessés (82) dans la cité de Yumbi et hospitalisés dont 10 décédés à YUMBI, 7 transférés à KINSHASA.</li> <li>- Maison brûlées et incendiées réparties comme suit :             <table style="margin-left: 20px; border: none;"> <tr> <td>1</td> <td>YUMBI Cité</td> <td>: 462</td> </tr> <tr> <td>2</td> <td>NKOLO/NUNU</td> <td>: 235</td> </tr> <tr> <td>3</td> <td>BONGENDE</td> <td>: 270</td> </tr> <tr> <td></td> <td><b>Total</b></td> <td><b>: 967</b></td> </tr> </table> </li> </ul>	1	YUMBI Cité	: 462	2	NKOLO/NUNU	: 235	3	BONGENDE	: 270		<b>Total</b>	<b>: 967</b>	
1	YUMBI Cité	: 462											
2	NKOLO/NUNU	: 235											
3	BONGENDE	: 270											
	<b>Total</b>	<b>: 967</b>											

- Pirogues Perdues :		
1 YUMBI Cité	:	230
2 NKOLO/NUNU	:	48
3 BONGENDE	:	85
Total	:	363

- Biens pillés (Panneaux solaires, Groupe Electrogènes, vélos, Motos, Ustensiles de cuisine, filets, pagaie, machine à coudre etc...)
- Autres biens calcinés (objets classiques, téléphones, ordinateurs...)

## II. ETAT DE LIEUX DE L'APPAREIL ADMINISTRATIF

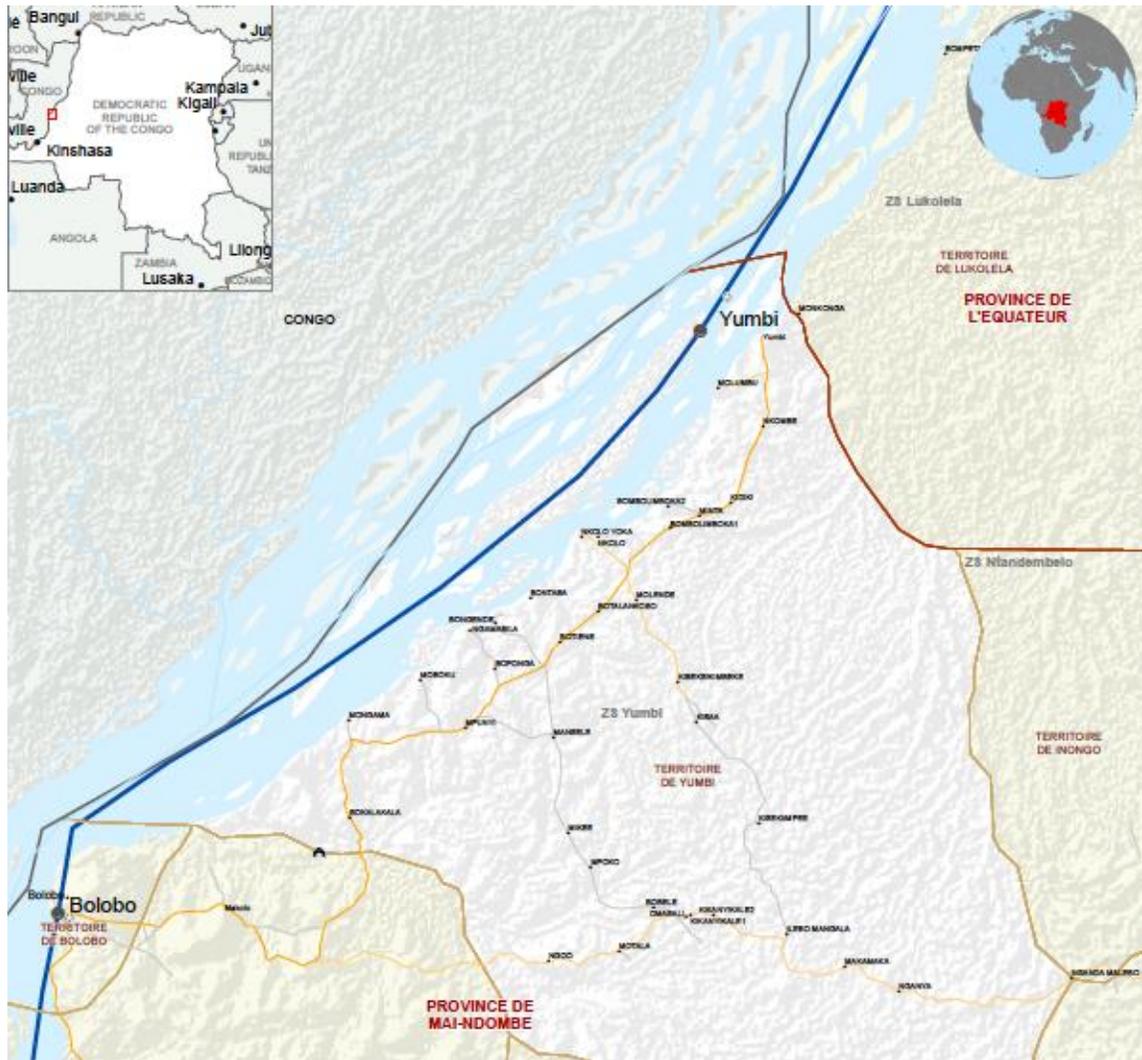
- Absence des Autorités Politico-Administratifs du Territoire ;
- Retour Progressif des cadres et agents des différents services,
- Désignation du Comd des opérations Yumbi en qualité de l'Administrateur de Intérimaire ;
- Inexistence de l'outil de travail et d'un cadre approprié ;
- Existence de deux types d'agents (Sous statut et Nouvelles Unités), soit 92 payés et plus de 400 non payés ;
- Inexistence de Frais de Fonctionnement et de la rétrocession ;
- Manque de moyen de mobilité pour approches les administrés ;
- Absence de moyens de communication (internet, phonie, TURAYA...)
- Absence d'Electricité et d'Eau portable ;
- Manque de matériels et produits chimiques pour désinsectiser et désinfecter le milieu;
- Perte de carte d'électeur,
- Présence des agents exclusivement NUNU et TIENE,
- Manque de résidence des fonctions aux cadres administratifs du territoire ;
- Non opérationnalité des Régies Financières

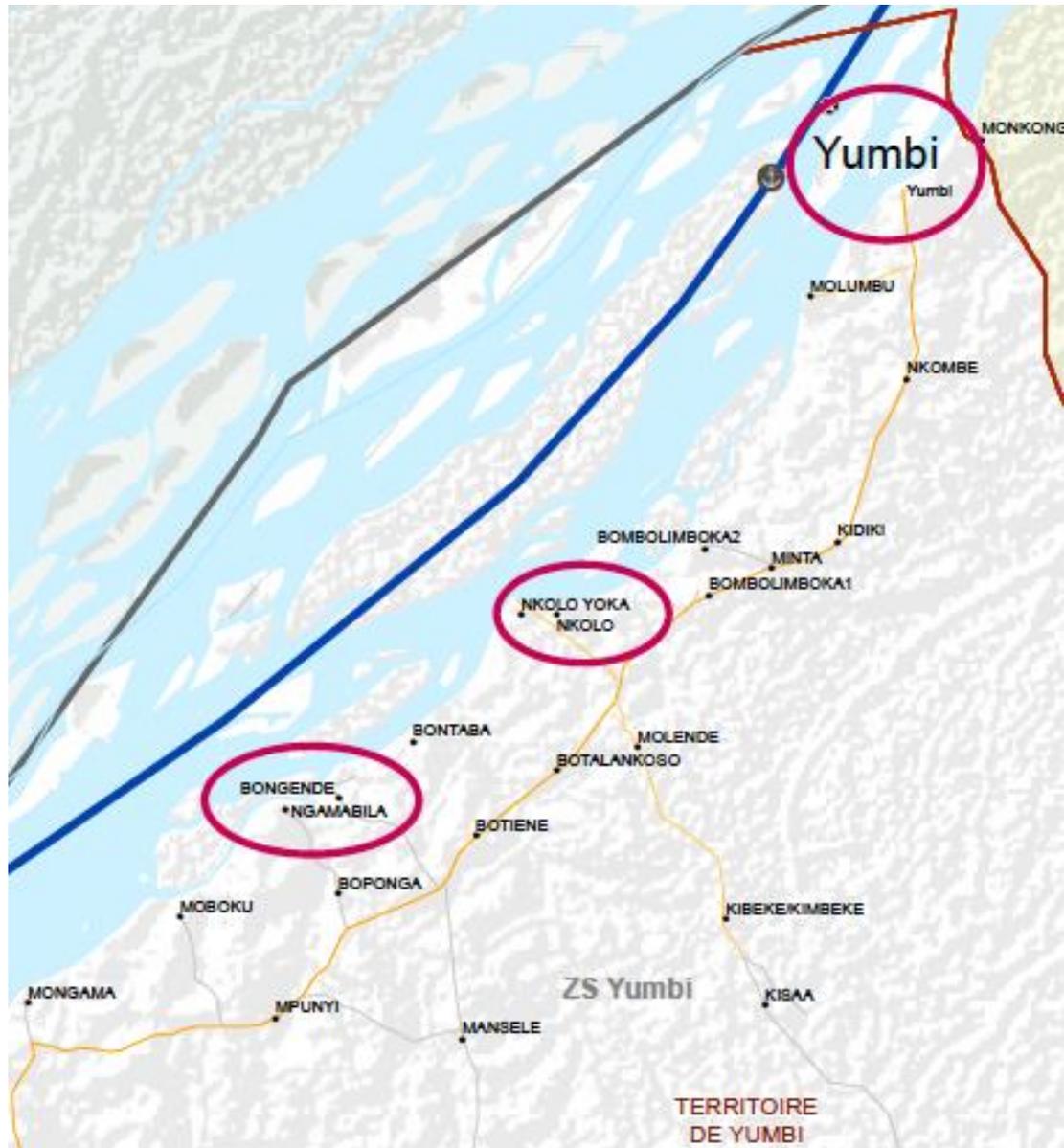
## III. PISTE DES SOLUTIONS

- Nomination de nouvelles Autorités Territoriales ;
- Permutation des cadres de différents services ;
- Allocation des frais de fonctionnement ;
- Dotation en Fournitures de bureau et Matériel informatique ;
- Dotation en véhicule, motos et hors bord pour les itinérances ;
- Dotation en moyen de communication (Internet, PC, TURAYA, Phonie...)
- Dotation en panneaux solaires, Batteries ;
- Dotation en produits de purification d'eau ;
- Dotation en produits désinfectants et insecticides ;
- Campagne de sensibilisation aux deux Ethnies en prévision des élections pour leurs réconciliations ;
- Duplicata des cartes d'Electeur ;
- Aide Humanitaire (baches, filets de pêches, tôles cahiers, matelas, habits, panneaux solaires, vivres, pirogues etc...);
- Dotation en carburant et Lubrifiants ;
- Constructions du bâtiment administratif du territoire ;
- Renfort en policier (Plus au moins 150 Eléments) en prévision des élections prochaines,

Plus rien à vous ordres

### Annex 38: Maps of Yumbi territory





Maps by the World Food Programme, as edited by the Group of Experts

**Annex 39: Document from the Batende community dated  
4 September 2018**

Provided to the Group of Experts by civil society

1

## COMMUNAUTE BATENDE

Avenue KILOMBWE n° 43 C/ LEMBA-KINSHASA, Tel: (+243) 081 813 68 11

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Kinshasa, le 04 sept. 2018

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat  
*(Avec l'expression de nos hommages les plus déférents) ;*
- L'Honorable Président de l'Assemblée Nationale ;
- L'Honorable Président du Sénat ;
- L'Honorable Député de la Circonscription Electorale de Bolobo ;
- L'Honorable Député de la Circonscription Electorale de Yumbi ;
- Les Honorables Sénateurs de la Province du Mai-Ndombe ;
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité ;
- Son Excellence Monsieur le Ministre de la Justice et Garde des Sceaux ;
- Son Excellence Monsieur le Ministre des Droits humains ;
- Son Excellence Monsieur le Ministre de la Décentralisation et des Affaires Coutumières ;
- Monsieur l'Administrateur Général de l'Agence Nationale de Renseignements ;
- Monsieur le Directeur Général de la Direction Générale de Migration.

(Tous) à Kinshasa.

- Monsieur le Président de l'Assemblée Provinciale du Mai-Ndombe ;
  - Monsieur le Gouverneur de la Province du Mai-Ndombe ;
  - Monsieur le Commissaire Provincial de la Police Nationale Congolaise de Mai-Ndombe ;
  - Monsieur le Directeur Provincial de l'ANR/Mai-Ndombe ;
  - Monsieur le Directeur Provincial ai de Migration/Mai-Ndombe ;
  - Madame le Ministre Provincial de Mai-Ndombe en charge de l'Administration du Territoire et Sécurité ;
  - Monsieur le Procureur près le Tribunal de Grande Instance d'Inongo.
- (Tous) à Inongo
- Messieurs les Administrateurs des Territoires de Bolobo et Yumbi ;
  - Monsieur le Chef de Secteur de Mongama à Mongama ;
  - Monsieur le Chef de Groupement Batende à Mansele ;
  - ✓ Monsieur le Chef de Groupement Banunu-Bobangi à Yumbi ;
  - Messieurs les Chefs de Cités de Bolobo et Yumbi.

3

A Son Excellence Monsieur le  
Premier Ministre, Chef du  
Gouvernement  
Hôtel du Gouvernement  
à Kinshasa Gombe.

**OBJET** : Lettre N°CT/GBB/T-B/SECT- MONG/T.Y/02/2018 du 09/08/2018  
d'un certain Monsieur MEKA BATSANA  
Dénonciation d'une Liste provocatrice  
des prétendus chefs de terre du Groupement  
Banunu-Bobangi des Territoires de Yumbi et Bolobo

Excellence Monsieur le Premier Ministre,

Nous, Notables de la Communauté Batende des Territoires de Yumbi et Bolobo, venons par la présente nous faire l'ultime obligation, pour la énième fois, de dénoncer le comportement provocateur des populations génériquement et abusivement appelées Banunu-Bobangi installées en Territoires de Yumbi et Bolobo au sujet de leurs prétentions usurpatrices récurrentes des terres Tiene en ce 21<sup>e</sup> siècle dans les deux Territoires administratifs précités.

A première vue, la présentation de cette lettre, dont nous prions votre Excellence de trouver une copie en annexe, ne mérite aucune considération tellement que sa forme ressemble au dessin des enfants d'école maternelle ; elle est une comédie de mauvais goût et dénoterait une aventure : sans énumérer toutes les incongruités que l'on peut y relever :

- le papier porte l'en-tête d'un certain "Ministère de la Coutume",
- un certain Territoire Yumbi-Bolobo inexistant ;
- et le signataire, un "Président du comité des chefs des terres des Banunu et Bobangi".

De toute évidence, nous connaissons la problématique millénaire des gens d'eau », ils sont des « landless people et ce, depuis le 19<sup>e</sup> siècle<sup>1</sup>».

Pour votre gouverne, l'ethnographie du Congo renseigne, et tout le monde le sait, que les populations riveraines dites Banunu ou Moyi, ainsi appelés au Congo-Brazzaville d'où ils sont originaires, et Babangi, des « gens d'eau du groupe de Ngiri » selon Vansina et plusieurs autres auteurs, occupent de Lukotela à Bolobo les rives des terres Mpama, Basengele, Batende et Bateke.

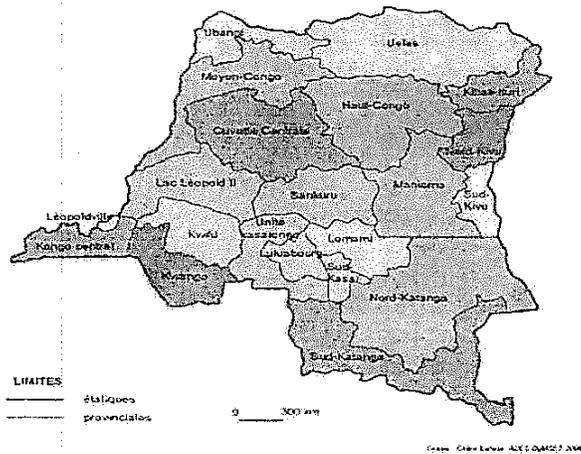
<sup>1</sup> HARMS Robert, Eco-cultural history of the Nunu of Equatorial Africa, Cambridge University Press, 1987.

Il sied aussi de souligner que les Batende n'ont pas de répit avec ces "gens d'eau" « Babale » depuis l'époque coloniale jusqu'au-delà de l'indépendance de notre pays en 1960.

Ce faisant, pour combler leur besoin en manque de terres, les Banunu et Babangi ne cessent de forger des stratégies usurpatrices : hier, elles procédaient par "des camps permanents des pêcheurs" (Vansina) « fishing camps for the mixing of river people » (R. Harms) c'est-à-dire les camps de pêche pour le mixage de peuple riverain, qui se transformaient rapidement en villages. Mais depuis l'indépendance, l'on assiste à une recherche effrénée contre vents et marées des "entités territoriales et administratives au sein de celles déjà occupées par d'autres communautés". Cela ne se passe pas sans heurts.

En effet, les archives de notre pays montrent que les Batende et les Banunu-Babangi ont connu plus d'une guerre :

1°) En 1963, c'est la guerre dite « Moyen-Congo » par l'annexion, à l'initiative des leaders Banunu et Bobangi, d'une portion des terres de la contrée de Bolobo-Yumbi à la Provincette du Moyen-Congo, au-delà de celle de la Cuvette Centrale, alors que la contrée formait un bloc avec la Provincette du Lac Léopold II. La carte ci-après est plus éloquent.



2°) En 1977, ces populations avaient boutiqué une « collectivité administrative qui allait être constituée de la bande de terres des Batende comprises entre les rives et la grande route reliant les deux grandes agglomérations de Yumbi à Bolobo » ; MAKOLO JUBIKILAY en sait quelque chose même si Mafema Nganzeng nous a quitté. Paix à son âme.

3°) En novembre 2006, à la veille des premières élections présidentielles démocratiques, le Général KALUME est encore en vie pour témoigner des atrocités qui eurent lieu à Bolobo entre les Batende et la coalition de ces populations riveraines ; en cette même année 2006, les mêmes populations Banunu et Babangi avaient aussi l'imagination fertile pour inventer un «secteur Banunu/Mitsandungu » inexistant en RDC, l'Honorable Professeur MBEMBA Théophile encore en vie a arbitré ce conflit ;

4°) Depuis 1995 jusqu'à ce jour 2018, les Basengele sont constamment en bute aux mêmes querelles entre cette faction des Nunu et Babangi habitant la contrée de Nkuboko, le nord du Territoire d'Inongo caractérisé par « des marécages les plus insalubres du Congo ». <sup>2</sup>

5°) Le 27 février 2015, votre Gouvernement était forcé de sursoir le Décret décrié No13/025 du 13 juin 2013 par celui No 15/013 du 28 juillet 2015 <sup>3</sup> : les noms et limites de futures Communes et Ville de Bolobo, tels que repris dans ce Décret sursis, étaient extravagants, ..dépouillaient les Batende de leurs terres du Groupement Bwema... Nous y fustignons le comportement du Député ETIBAKO NDITO Eddy.

6°) Pas plus tard en juillet 2017, les Batende avaient saisi toutes les instances du pouvoir public pour dénoncer « les troubles de jouissance orchestrés par un Député ci-haut cité, ressortissant Nunu et/ou Mbangi<sup>4</sup>, à MOLEBO et MPOZO à Bolobo. Ces endroits seraient ses propriétés foncières qu'il aurait héritées de ses parents émigrés récemment en 1939-40<sup>5</sup> des "marécages les plus insalubres du Congo" alors que bien avant en 1880, IBAKA, le chef de tous ces Banunu et Babangi voire des Bankusi, Mboshi, Koyo, Likwala, Likuba et Ngungulu à Bolobo, était "un ancien esclave d'origine Teke", nous citons: « *IBAKA was an ex-slave and adventurer who really came from the low part of the Alima River, and was probably the Bateke origin.* »<sup>6</sup>

7°) Il y a peu de temps, ces Banunu et Babangi du territoire de Yumbi ont présenté des îlots comme étant leurs terroirs ancestraux que le projet WWF-PIRED devait aménager.

<sup>2</sup> L'expression est de l'A.T. Van ACHT, R, Document administrative du 01.06.1947

<sup>3</sup> Voir lettre No 25/CAB/VPM/MININTERSEC/EB/3601/2015 du 25 septembre 2015 du Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité.

<sup>4</sup> Nous ne maitrisons pas sa réelle tribu.

<sup>5</sup> A.T Van ACHT, R., idem:

<sup>6</sup> J, Harry Grenfell and the Congo, London, vol. II, 1908, p.704

Aujourd'hui, les Nunu et Babangi seraient devenus des chefs des terres et non plus des chefs des îlots. Leurs pirogues vont-elles se mouvoir sur la terre ? N'est-ce pas là une négation de leur identité ethnique ?

Vous êtes de notre avis qu'il y a des indices d'une comédie de mauvais goût et de nature provocatrice dans le chef des populations riveraines de Banunu et Babangi.

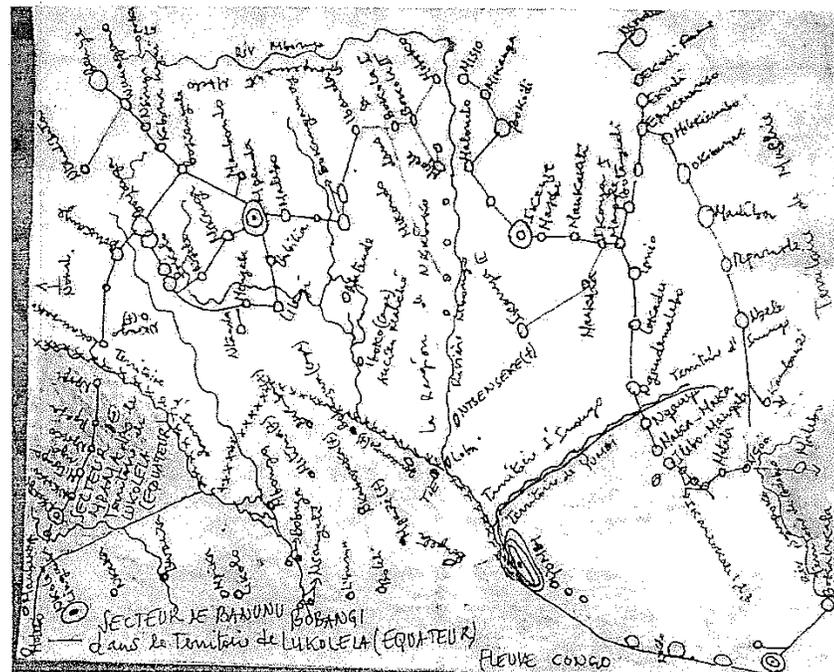
Nous sommes habitués à ces provocations et ces Banunu et Babangi nous connaissent très bien. Nous les attendons voir concrétiser leurs blagues millénaires.

Aucun vrai patriote congolais, propriétaire terrien de bon sens, ne pourrait acquiescer l'humiliation que le conglomérat des Banunu (Moye) et Babangi cherche à y plonger les Batende en leur expropriant des terres de leurs ancêtres, acquises depuis la nuit de temps, en ce 21<sup>ème</sup> siècle, à moins qu'il soit tombé dans l'obscurantisme. La terre, dans la tradition Tende, à l'instar de toutes les tribus de l'ancienne Province Coloniale de Léopoldville (dans le Grand Bandundu et la Province du Kongo Central), est l'apanage des clans et non des individus comme le Sieur Nunu de MEKA BATSAMA s'aventure à les présenter.

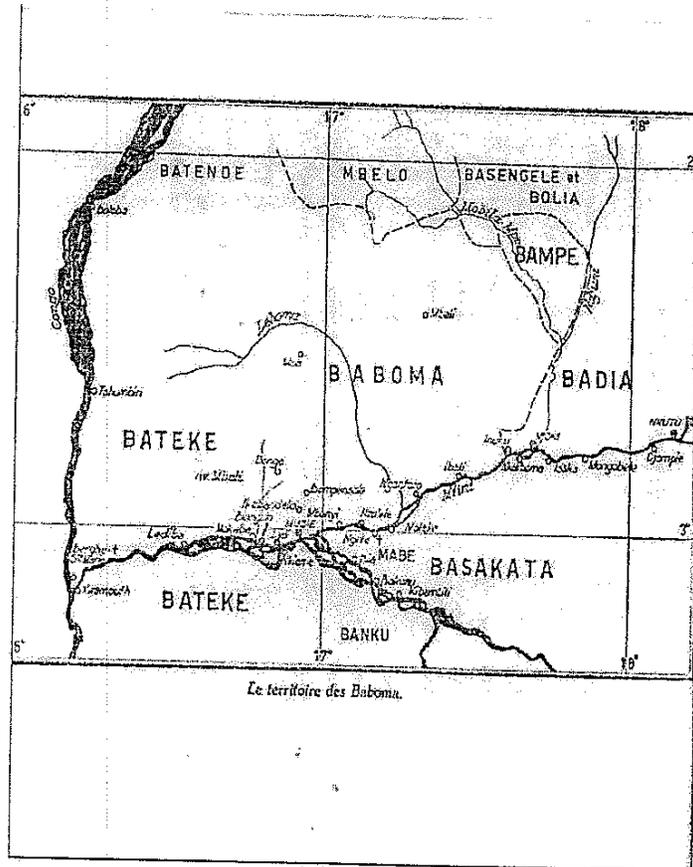
En tout état de cause, il faudra retenir que :

1. Les clans tende, propriétaires fonciers le long du fleuve Congo, allant de la rivière Solu (Yumbi) à la rivière Lesane (en aval de Bolobo) sont :
  - Clans Kintwali, dont le patriarche Ndeme Ngambala a obtenu le titre foncier en 1906 pour les terres couvrant la Cité de Yumbi et Kentuma où se situe le fameux marché dit Maroc dans le quartier Bokongo au bord de la rivière Solu, Mokonga n'étant pas un quartier de la Cité de Yumbi comme d'aucuns voudraient le faire croire ;
  - Clan Mpaale ;
  - Clan Bompasa ;
  - Clan Molene ;
  - Clan Ntsewene ;
  - Clan Lumu-le-Maane ;
  - Clan Mundinghja ;
  - Clan Bokuku ;
  - Clan Kamfunyi ;
  - Clan Nkaame ;
  - Clan Leme ;
  - Clan Kamvuma ;
  - Clan Lekaka ;

2. Les villages exclusivement Banunu :Molumbu,Bontaba,Bongende et mixtes Nkolo ,Bolobo et Yumbi sont établis en terre Tiene des clans propriétaires fonciers le long du fleuve tels que sont repris ci-dessus.
3. Les cartes des limites des terres ancestrales entre les tribus voisines présentées ci-dessous sont illustratives à plus d'un point.





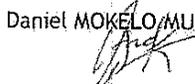


Nous avons ainsi tenu à informer votre haute Autorité en attendant que les auteurs Banunu-Babangi qui ne contrôlent plus leurs enfants irresponsables exécutent leur sale besogne s'ils sont sérieux.

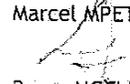
Veillez agréer, Excellence Monsieur le Premier Ministre, l'expression de notre très haute considération.

POUR LA COMMUNAUTE BATENDE

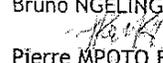
Daniel MOKELO MUEKOLINGA



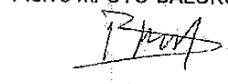
Marcel MPETI MPIA



Bruno NGELINGONO



Pierre MPOTO BALOKO



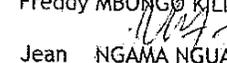
Faustin MAYO BELOKO



Joseph MOKELO MPAYI



Freddy MBONGO KILIYO

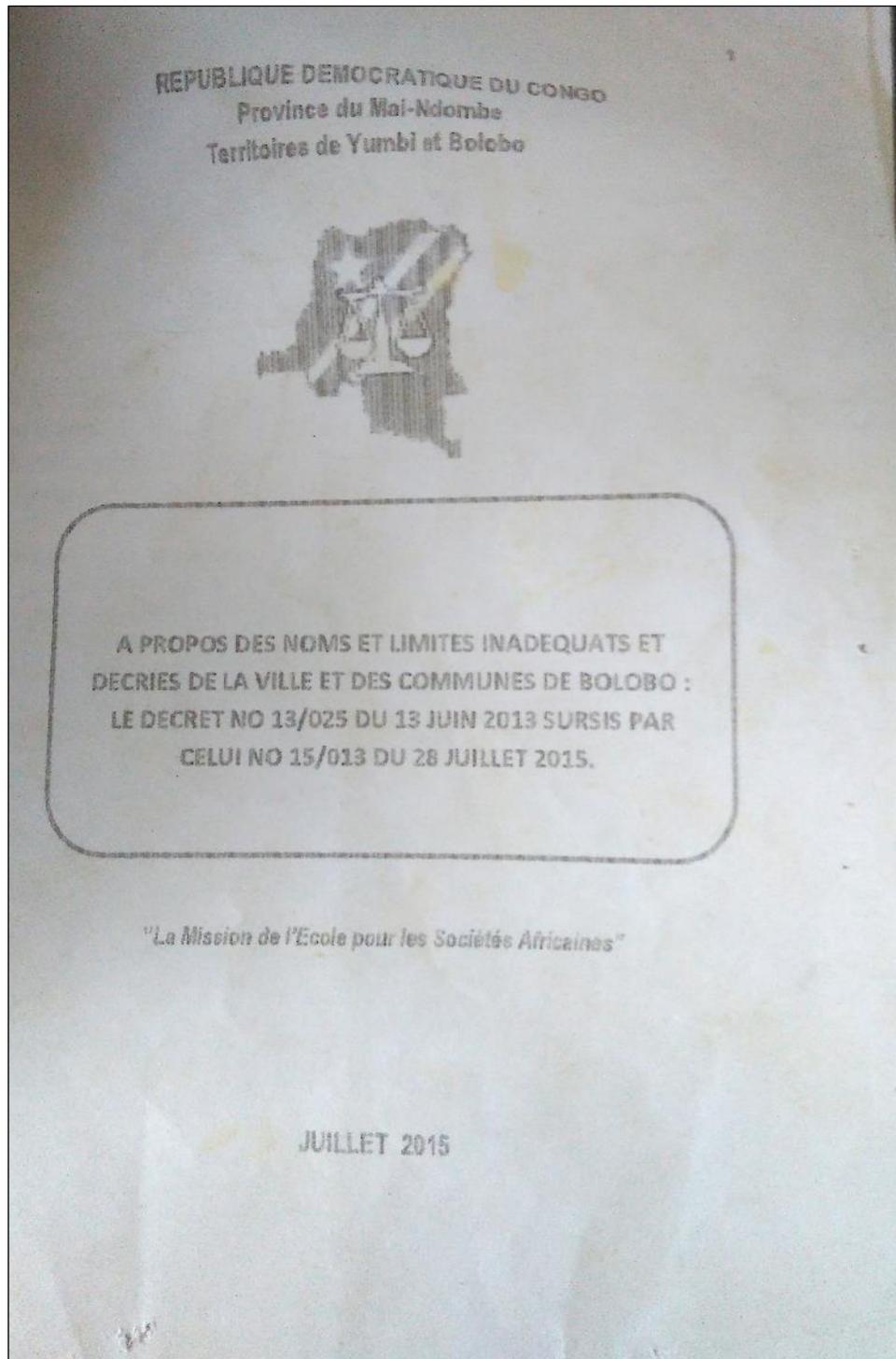


Jean NGAMA NGUANGO



**Annex 40: Extracts from one booklet compiling two requests dated 2015 from KEBIMA, a Batende association**

Document provided to the Group of Experts by civil society



## AVANT-PROPOS

Bolobo et Yumbi, Crés et chefs-lieux des Territoires Administratifs de mêmes noms, venaient d'être érigées respectivement en Ville et Commune suivant le Décret No 13025 du 13 juin 2013.

Les Tiene, les Tete et les Nunu habitent ces entités administratives. La communauté Tiene a fustigé ce Décret<sup>1</sup> au motif que les noms et limites de la future Ville de Bolobo et des Communes, tels que repris dans ledit Décret, ne reflétaient pas les réalités socio-historiques et juridico-administratives du terrain. Une requête en rectification fut adressée au Premier Ministre.

Pendant qu'elle <sup>harmonisait</sup> les recommandations du Premier Ministre<sup>2</sup>, l'Assemblée Nationale et le Sénat qui examinaient le projet de loi portant répartition des sièges par circonscription électorale en prévision des élections qui étaient attendues en 2015, relevèrent quelques observations au sujet de la Province du Mai-Ndombe en ce qui nous concerne.

Kabima, la communauté Tiene organisée, apprita une deuxième requête. Si la première fut concentrée sur la dénonciation et la requête pour la rectification des limites et noms décrites des communes de la future Ville de Bolobo, la seconde, tout en reprenant succinctement les mêmes dénonciations, s'était focalisée sur la situation sociopolitique de la contrée en général, et ce, dans la perspective d'une thérapeutique globalisante et durable. Nous insistâmes cette fois sur la délicatesse de la question de découpage dans la contrée, et ce sera que les limites et noms de différentes communes de la future Ville de Bolobo, œuvre unilatérale des tribus voisines, tels que repris dans le Décret précité, préjudiciaient certaines circonscriptions électorales quant à la répartition des sièges électoraux, si on ne la résolvait pas.

Il sied de relever que contrairement au pessimisme exprimé en son temps par l'honorable Estly ETIBAKIO, Député national du Territoire de Bolobo, qui voyait en la dénonciation de la communauté Tiene une certaine entrave à la démocratie et au développement de la contrée, ainsi que nous l'avions lu dans l'un de ses entretiens en ligne au sujet de la nouvelle Province du Mai-Ndombe, la surséance du Décret décrié No 13025 du 13 juin 2013<sup>3</sup> constitue une preuve éloquente de la pertinence de cette démarche des Tiene.

Le présent fascicule rassemble les deux requêtes et vise à consolider la mémoire collective de la contrée, à illustrer les efforts déployés en un moment donné, lesquels n'avaient pour ultime

<sup>1</sup> Lettre KEBNACQ/015/2013 du 15 février 2013, déposée les 16 et 23 février 2013, et réponse No 130, 2013 et 15555.

<sup>2</sup> Lettre no CAB/PM/C/FAD/N/2015/157 du 27 février 2015.

<sup>3</sup> Lettre No 25/CAB/PM/MI/INTERSE/CEB/02/2015 du 25 août 2015 du Vice-Premier Ministre, Secrétaire de l'Assemblée Nationale.

objectif que d'éviter, par une lutte des idées, anticipative et d'une manière démocratique, l'énième conflit qui pointait à l'horizon à la suite d'une mesure gouvernementale, la Décentralisation, laquelle pouvait encore constituer l'un de ces divers moments tumultueux auxquels les communautés ethniques de Bolobo, les Batende et les Banunu surtout, sont souvent confrontées au moment où le pays opère de grands changements de son histoire politique : penser à l'année 1962-63 quand le Congo Démocratique passait de 6 à 21 provinces dites "provincettes", les deux communautés précitées s'étaient plutôt retrouvées dans une guerre de triste mémoire à cause d'une configuration administrative inexplicable de cette Province dite Moyen-Congo, bastion des populations Nunu et Bobangi, qui englobait illogiquement les terres allant de Yumbi à Bolobo, terres des Batende, alors qu'elles constituaient plutôt un bloc de la province du Lac Léopold II, et pour lesquelles ces Banunu et Bobangi, -jadis, "payaient le tribut au chef de terres Motende (=une cuisse et le menton de toutes les bêtes tuées sur terres fermes) selon l'A.T. Cordemans.<sup>4</sup>

La mise en commun de ces requêtes et les suites y réservées par les différentes instances étatiques saisies à cette fin, offrent un bel exemple de lutte démocratique et pacifique à léguer à la postérité, toutes contrées confondues.

Pour la mise en commun des textes

Randolph Sébastien Mbanga Manzimi et Joseph Mokelo Mpayi-Keloo

## II. PRESENTATION DE LA DEUXIEME REQUETE

Pendant que Kebima s'attelait aux recommandations de la Primature ayant trait à sa première requête, elle examina aussi des observations inhérentes au projet de loi qui était en examen au Parlement sur la répartition des sièges par circonscription électorale et ce en prévision des élections législatives nationales, provinciales, municipales et locales qui pointaient à l'horizon 2016. Elle contextualisa sa première requête dont la présentation ci-après ainsi que la réaction des instances étatiques.

### 2.1 Introduction

En prévision de l'examen du projet de loi portant répartition des sièges par circonscription électorale pour les élections municipales et locales qui pointent à l'horizon 2016, nous, ressortissants des Territoires de Bolobo et Yumbi, avons l'insigne honneur de rappeler que nous avons déjà adressée à vos Autorités notre requête en rectification des noms et limites erronés inhérents à la Ville de Bolobo et ses trois Communes tels que repris dans le Décret no 13/025 du 13 juin 2013 conférant le statut de ville et commune aux Cités de Bolobo et Yumbi, et ce par notre lettre référencée KEBIMA/CD/015/2015 du 15 février 2015, reçue en vos cabinets respectivement les 16 et 23 février 2015, sous les no 1333, 0931 et 05665.

Nous sommes encore dans la procédure de normalisation de ces données erronées, telle recommandée par le Cabinet du Premier Ministre suivant sa lettre no CAB/PM/CJFAD/MIN/2015/1157 du 27 février 2015.

Si nous revenons aujourd'hui sur cette question, c'est parce que nous ne sommes pas encore en possession de la suite promise par son Excellence Monsieur le Ministre de la Décentralisation et des Affaires Coutumières ainsi qu'il ressort de sa lettre no CAB/ME/MIN/DAC/APP/0679 du 27 mars 2015.

En tout état de cause, nous jugeons important de vous redonner la quintessence de la requête sus évoquée, car la communauté Tsié dont la population se trouve à cheval entre les deux territoires de Bolobo et Yumbi, voire dans le Territoire d'Inongo, appelée à tort les Bakukunia, tient à insister sur la délicatesse de la question dans la région. Sans passion aucune, les données avancées par nos voisins immédiats, telles que reprises dans le Décret précité par nous décrié, ne correspondent pas du tout aux réalités ethnico-socioculturelles et juridico-administratives de la contrée.

Elles sont plutôt de nature à dépouiller les Batenda de leur héritage foncier du Groupement Bwema, et susceptibles alors de ressusciter, pour la énième fois, les conflits intercommunautaires déplorables (de 1963, 1977 et 2006) que la contrée de Bolobo-Yumbi a connus, toujours à des moments où le pays est en passe d'opérer de grands changements politiques de son histoire.

Nous ignorons quelle pourra en être l'issue si ce décret décrié passait avec ses données tarées, telles que déjà détaillées dans notre requête sus évoquée.

Toutefois, en attendant, nous voudrions parer au plus pressé et demandons à vos Autorités de bien vouloir trouver ci-dessous les noms et limites des Ville, communes et Groupements rectifiés, se retrouvant dans les Territoires de Bolobo et Yumbi, car proches des acquis historiques, juridico-administratifs, propres à chaque communauté ethnique, Tiene, Teke et Nunu, habitant la contrée.

## 2.2 Dénonciation des données extravagantes inhérentes aux Communes de la Ville de Bolobo

Eu égard au passé de la région, quelques mises au point s'imposent en vue de dégager des conciliations inhérentes aux noms et limites de nouvelles Ville et Communes de Bolobo. La paix sociale dans cette contrée est à ce prix. En effet :

1. Nous sommes conscients que tout congolais peut s'établir là où bon lui semble sur le territoire national et que chaque congolais a aussi sa terre natale.
2. Pour dire à quel prix «la terre est à l'échelle collective, un symbole fort de l'identité d'une communauté»<sup>21</sup>
3. Selon l'historique, le nom de Bolobo est impérativement un héritage commun.
4. D'aucuns n'ignorent que l'histoire de Bolobo est étroitement liée aux fondateurs européens (Capitaine Hanssens, Grenfell et autres), ainsi que l'écrivit Margaret Stockwel Bafende :«l'histoire de Bolobo commence avec le nom de Grenfell».<sup>22</sup>
5. Aucune de trois principales communautés y habitant ne peut s'en approprier.
6. De ce qui précède, l'urbanisation de Bolobo et Yumbi ne doit offrir à quiconque le droit de faire table rase des acquis historiques et coutumiers, la mémoire collective des peuples.
7. Les dimensions de la future Ville de Bolobo, telles que reprises dans le Décret décrié sous examen, ont largement dépassé les limites de la Cité de Bolobo et dépouilleraient les Batende de la portion sud de leur héritage foncier, le Groupement Bwema, dont les clans Kentiba, kemvuma, Kevuke, Lekaka, Lieme, Madiba, Mfanzale et Ndua sont propriétaires terriens.
8. D'ailleurs, à ce point précis, les communautés riveraines, les migrants trafiquants Bobangi et pêcheurs Nunu-Moye payaient «le tribut au chef de terre Motende», ainsi que l'écrivait l'Administrateur Cordemans. cf. la requête sus évoquée déjà en votre possession.

<sup>21</sup> Kangulumba Mbambi, la loi du 20 juillet 1973, trente ans après : quel bilan ? p 161

<sup>22</sup> Margaret Stockwel Bafende, Missionnaire protestante, in le commencement de l'œuvre chrétienne à Bolobo, speech inédit prononcé en 1998 à Bolobo, lors du 1<sup>er</sup> centenaire de création (en 1888) de Bolobo.

**Annex 41: Photograph of the grave of deceased Banunu chief  
Mantoma Bompinda Fedor**



Photograph taken by the Group of Experts on 27 January 2019

**Annex 42: Document dated 28 January 2019 sent by the members of the Batende community to the Prime Minister of the Republic Democratic of the Congo**

Provided to the Group of Experts by civil society

**COMMUNAUTE BATENDE**  
Avenue KILOMBWE n°43 C/ LEMBA-KINSHASA, Tél: (+243) 081 813 68 11

Kinshasa, le 28/01/2019

N° 001/KEBIMA/DG/2019

08/02/2019  
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08/02/2019  
34

**Transmis** copie pour information à :

- Son Excellence Monsieur le Président de la République, Chef de l'Etat ; *(Avec l'expression de mes hommages les plus Déferents)*
- Son Excellence Monsieur le Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité ;
- (Avec l'expression de ma haute considération)***
- Son Excellence Monsieur le Ministre des Affaires Coutumières ;
- Monsieur le Procureur Général de la République ;
- Monsieur l'Auditeur Général près la Haute Cour Militaire;
- Monsieur l'Administrateur Général de l'Agence Nationale de Renseignements ;
- Monsieur le Directeur du Bureau Conjoint des Nations Unies, aux Droits de l'Homme ;
- Ambassadeurs et Chefs des Missions diplomatiques ;
- Monsieur le Directeur Général de Migration ;
- Monsieur le Secrétaire Général à l'Intérieur et Sécurité ;
- Monsieur le Secrétaire Général des Affaires Coutumières ;

***(Tous) à Kinshasa/Gombe***

- Monsieur le Procureur Général près la Cour d'Appel d'Inongo

***A Inongo:***

- Madame le Ministre Provincial en charge de l'Intérieur et Sécurité ;
- Monsieur le Commissaire Provincial de la Police Nationale Congolaise de Mai-Ndombe ;
- Monsieur le Directeur Provincial de l'ANR / Mai-Ndombe
- Monsieur le Directeur Provincial de la DGM/Mai Ndombe ;

***(Tous) à Inongo:***

- Monsieur l'Administrateur du Territoire de Yumbi ;
- Monsieur le Chef de la Cité de Yumbi.

**(Tous) à Yumbi,**

- Monsieur le Chef de Secteur de Mongama.

**à Mongama**

- Monsieur le Chef de Groupement des Batende.

**à Mansele**

- Monsieur le Chef de Groupement des Banunu-Bobangi

**à Yumbi**

**A Son Excellence Monsieur le Premier Ministre, Chef du Gouvernement**  
**à Kinshasa/Gombe**  
**(Avec l'expression de nos sentiments patriotiques)**

**Concerne :** Transmission Mise au point de la Communauté Batende sur les affrontements ayant opposé les Batende et les Banunu les 16 et 17 décembre 2018 à Yumbi.

**Excellence Monsieur le Premier Ministre,**

Nous, Notables de la Communauté Batende des Territoires de Yumbi et Bolobo, faisons l'ultime obligation de venir par la présente vous transmettre notre mise au point, mieux spécifiée en concerne, pour éclairer votre lanterne.

De toute évidence, ces affrontements ont déjà fait l'objet de plusieurs rapports.

Toutefois, la Communauté Batende estime qu'une mise au point s'impose au regard des déformations que certains fils mal intentionnés de la communauté Banunu véhiculent autour desdits événements.

Nous vous en souhaitons bonne réception.

Veuillez agréer, **Excellence Monsieur le Premier Ministre, Chef de Gouvernement,** l'expression de nos sentiments patriotiques.

POUR LA COMMUNAUTE BATENDE  
 Faustin MAYO BELOKO

**PRESIDENT**

# COMMUNAUTE BATENDE

Avenue KILOMBWE n°43 C/ LEMBA-KINSHASA, Tél: (+243) 081 813 68 11

MISE AU POINT SUR LES AFFRONTEMENTS AYANT OPPOSE LES BATENDE ET LES BANUNU LES 16 ET 17 DECEMBRE 2018 A YUMBI.

## I. Bref rappel des faits saillants avant conduit à ces affrontements.

1. Monsieur Mantoma Bompinda Fédor, Chef de Groupement Banunu, meurt à Kinshasa le 02 décembre 2018.
2. Depuis Kinshasa, des bruits persistants couraient annonçant la décision de la communauté Banunu de l'enterrer en pleine Cité de Yumbi.
3. Les Batende ne l'entendaient pas de cette oreille considérant que ceux-là n'ont pas des droits fonciers dans les Territoires de Yumbi et Bolobo.
4. Avant l'arrivée de la dépouille à la Cité Yumbi, les ressortissants Nunu, majoritaires dans ladite Cité Yumbi, avaient décrété les interdits suivants :
  - ✓ Marcher pieds nus et déchausser tout celui qui osera défier ce principe ;
  - ✓ Les femmes, en plus du premier point, portaient des pagnes à la racine des seins ;
  - ✓ Interdiction d'acheter et de manger tout produit émanant des Batende ;
  - ✓ Interdiction de se laver, voire de brosser les dents ;
  - ✓ S'abstenir même des rapports sexuels.
5. Qui connaît les mœurs africaines sait que ces interdits présageaient une guerre. Il y a la **préméditation** dans le chef de la communauté Banunu.
6. Les Autorités locales dont l'Administrateur du Territoire, ayant pris vent de leurs manœuvres, les en ont dissuadé, évoquant l'illégalité de leur volonté et l'interdiction sur le plan hygiénique de mélanger les vivants avec les dépouilles mortelles dans le monde civilisé.
7. La tension montait entre les deux communautés.
8. Devant cette animosité, les minorités Batende quittèrent la Cité de Yumbi et se réfugièrent dans leurs autres villages environnants.
9. Le vendredi 14.12.2018, le corps arrive à Yumbi vers 19 heures.
10. Il est furtivement inhumé la nuit de vendredi à samedi 15 décembre vers 2 heures et ce, à l'insu et à l'encontre de la décision du comité locale de sécurité.
11. Le même samedi après l'enterrement, les Banunu organisent une marche triomphale à travers la Cité en lançant le slogan tel que 3 à 0, bokanisak Mantoma akokweya, waya ! Pour dire « vous n'avez pas réussi à nous interdire l'enterrement ».

12. Dans cette euphorie, ils sont allés incendier les maisons des Batende (minoritaires dans la Cité de Yumbi) dont celles de Ngobila Malala, chef de terre de Yumbi, de Beloko Paul Dauphin, chef de quartier Yumbi-Moyi et du Greffier MANDENDELI. On dirait qu'ils visaient le pouvoir coutumier Tende en attaquant à ses symboles, tuant même les Batende mariés aux femmes Nunu qui n'avaient pas fui.

13. Vers 14 heures, les Batende sont venus à la rescousse de leurs frères qui étaient en péril à Yumbi, c'est le début des affrontements entre les deux communautés qui ont causé des morts de deux côtés.

14. Et comme si tout cela ne suffisait pas, les Nunu iront tuer un enseignant Tende du village de Mpunyi, alors qu'il revenait de la pêche aux environs du village Bongende. Ce meurtre va encore provoquer des affrontements à Bongende et les environs. De la même façon, les Banunu à Nkolo, profitant de la fuite des Batende minoritaires dans ce village, ont aussi commencé à incendier les maisons des Batende. Cela incitera les Batende des environs à venir aussi à la rescousse de leurs frères à Nkolo ; on assistera à de nouveaux affrontements, les morts n'en manquaient pas.

15. Le comble de tout, ils ont assassiné délibérément l'Administrateur du Territoire en présence de son Assistant Monsieur Denis Nsola, de son garde du corps, de Chef d'Antenne de la CENI, de son chauffeur et autres, et après, ils ont incendié le Centre de CENI. C'est une autre façon d'attaque du pouvoir public.

## II. De la préméditation des affrontements des 16 et 17 de Yumbi

Les déclarations de Monsieur ETIBAKO NDITO Eddy, sujet Nunu alors Député de Bolobo à travers sa radio tribale à Bolobo, les éléments sonores étant disponibles, ainsi que des interdits ci-haut rappelés (signes de préparatifs de guerre suivant les traditions africaines), démontrent à suffisance de la **préméditation** de ces affrontements, surtout lorsque ce Député dit qu'il connaissait le plan A, le plan B et le plan C et que le Major Charles de la Force Navale en poste à Yumbi, qu'entouraient les Banunu devant le centre de CENI, est fréquemment cité dans les **Témoignages** de l'Administrateur de territoire de Yumbi par les Banunu. (Cfr les **Témoignages** de l'Administrateur de territoire Assistant, du chauffeur de l'infortuné et de son Garde du corps).

## III. Les Batende et les Banunu n'en sont pas à leur premier affrontement.

Les heurts entre les deux Communautés en terre Tende depuis l'émigration des Banunu et Bobangi de leur terroir originel - Afrique Equatoriale Française, A.E.F.- Nsangasi-Nkuboko et Ubangi dans les parages équatoriaux, jalonnent l'histoire de leur cohabitation.

## Tenez :

1. L'histoire renseigne que depuis leurs ultimes migrations, l'occupation des terres Tende par les Nunu avait provoqué des guerres.<sup>1</sup>
2. Lors du découpage territorial en 1963 consacrant les Provinces du Moyen-Congo (Mongala), de la Cuvette Centrale (l'actuel Equateur) et du Lac Léopold II (Mai-Ndombe aujourd'hui), les Banunu, aidés par leurs politiciens sans scrupule, avaient obtenu à faire administrer par la Province du Moyen-Congo, le Territoire de Lukolela (de la Cuvette Centrale) et le Poste d'Etat de Bolobo en Territoire de Mushie (Province du Lac-Léopold II) n'ayant eu aucune frontière commune avec le Moyen-Congo. Les Batende, les Basengele et les Bateke avaient contesté ce découpage. Ce qui avait conduit à ladite guerre qualifiée par ces peuples de la contrée « guerre de Moyen-Congo ». (Pces 1et 2).
3. En 1977, les tentatives des Banunu d'obtenir leur Collectivité-Secteur autonome au sein de la Collectivité-Secteur de Mongama, a failli replonger la contrée dans une autre guerre fratricide.
4. En 2006, les Banunu de Bolobo avaient créé des incidents fâcheux qui avaient conduit aux affrontements meurtriers entre les deux Communautés notamment :
  - l'assassinat d'un jeune homme Tende sur le fleuve après lequel ils se sont livrés au triomphalisme ;
  - l'incendie des maisons des Batende, minoritaires dans la Cité de Bolobo.

**IV. Les Banunu ne sont pas seulement en conflits avec les Batende à Yumbi et Bolobo, mais également avec les Basengele dans le Territoire d'Inongo et avec les Bateke en Territoire de Bolobo, voire avec les Mpama dans le Territoire de Lukolela.**

La recherche effrénée et surannée des terres autonomes par les Banunu en ce 21<sup>e</sup> siècle est à la base desdits conflits, alors qu'ils sont historiquement reconnus comme des « gens d'eau », « the water people » (Vansina) ou des peuples sans terre, « the landless people » (Robert Harms). Or, tout congolais peut habiter où bon lui semble sur toute la république. Constitution, art. 30.

## En effet :

1. En 1963, ils étaient en guerre contre les Mpama à Lukolela, avec les Basengele dans la contrée de Nkuboko-Mpenda du Groupement Mbelo en Territoire d'Inongo, avec les Batende et les Bateke dans la région de Yumbi-Bolobo.

<sup>1</sup>Cordemans, document administratif du 20 avril 1949

2. A deux reprises, en février 2018 et du 19 au 22 novembre 2018, les Banunu s'étaient affrontés avec les Basengele à Inongo. Le rapport du Chef de Secteur de Basengele y afférent fait état de:
- l'utilisation des armes de guerre par les Banunu ; cfr rapport du 28/02/2018
  - les actes de vandalisme en déchirant le drapeau national congolais, la destruction de l'amigo, de la paillote du bureau de Sous-Commissariat de Police Nationale avec tous les mobiliers (Pièces 13-18)
3. Récemment, le conflit se ravive entre les Banunu et les Bateke autour des villages Botanankasa, Mabwa-Mabwa, Mankondo, Mompondo et Mompulenge situés en bordure du fleuve Congo, en aval de la Cité de Bolobo, dans la Chefferie des Bateke-Nord. (pces 19 à 23)
- V. De tout ce qui précède, Il appert que :
- les Banunu défient l'Etat (ils avaient fait usage des armes de guerre à Nkuboko en novembre 2018, ils ont déchiré le drapeau de la République et ont séquestré le commandant de la police nationale sans être inquiétés, La rapport du chef de secteur des Basengele en annexe en dit tout ; ils viennent d'abattre l'Administrateur du Territoire de Yumbi non avec des sagaies, leurs spécificités culturelles, mais avec une arme de guerre. De qui les obtiennent-ils ? De leurs fils, Officiers Supérieurs de l'armée ? Ils ont incendié les maisons de la CENI, <sup>2</sup> du chef de quartier Yumbi-Moyi, du chef de terre des Batende et du Greffier ; etc...(Pièces 13-18)
  - les allégations tonitruantes faites par les ressortissants Banunu-Bobangi quant aux causes de la survenance des affrontements à Yumbi en décembre 2018 sont purement fallacieuses et calomnieuses.
- Ainsi la Communauté Batende les dénonce toutes de la manière la plus catégorique et exige qu'une enquête mixte soit diligentée, la présence du Député ETIBAKO NDITO Eddy et de Monsieur Séverin BAMANI étant très exigée, pour :
- 1° décortiquer les déclarations radiodiffusées de Monsieur ETIBAKO NDITO Eddy qui a dit « je connaissais le plan A, le plan B et le plan C, je vous l'interdisais, vous ne m'aviez pas suivi ».
  - 2° identifier les Banunu auteurs planificateurs des tueries, du crime odieux de meurtre crapuleux de l'Administrateur du Territoire, avec une arme de guerre, des sujets Batende, des incendies des maisons de la minorité des Batende dans la Cité de Yumbi et de Centre de CENI à Yumbi, crime ayant provoqué la colère des Batende jusqu'à cet accrochage.
  - 3° Exhumer les restes de trois corps des Banunu enterrés en pleine Cité de Yumbi pouvant être prétendus comme des vestiges historiques aux

générations futures des Banunu, épines dorsales des présents affrontement déplorables, l'une des conditions sine qua non pour une chance de paix durable dans la contrée.

4° inviter les Banunu :

a) au respect des us et coutumes de leurs voisins Baboma, Batende, Basengele Bateke et Mpama en matière de propriété terrienne afin de mettre définitivement un terme à leurs prétentions éhontées et surannées de se prévaloir détenteurs des sols longeant le fleuve en Territoires de Lukolela Yumbi, Bolobo et d'Inongo, et à la pratique scandaleuse prohibée et non hygiénique de l'inhumation de leurs cadavres en pleine cité de Yumbi et/ou Bolobo ;

b) à la tolérance.

5° la paix durable dans les régions concernées par les guerres et conflits ci-haut évoqués est à ce prix. Un atelier du genre « Vérité et Réconciliation » regroupant les ethnies avoisinantes notamment, les Batende, Bateke, Basengele, Baboma, Banunu-Bobangi, Mpama, voire les Basakata est très utile quant à ce.

Telle est, **Excellence Monsieur le Premier Ministre et Chef du Gouvernement**, la quintessence de notre présente mise au point pour la recherche d'une paix durable entre les Banunu et tous leurs voisins.

Fait à Kinshasa, le 28/01/2019

**POUR LA COMMUNAUTE BATENDE**

POUR LA COMMUNAUTE BATENDE

- 1. Faustin MAYO BEKOKO
- 2. MAYO EBONIA FADRELO
- 3. NGANYONGI - NYELE AZIZA
- 4. MBONGO - ELHO
- 5. MABIALA - TRIBON
- 6. NSANKERE - NKUMPEKA
- 7. BILOKO - MBONGO
- 8. MABIALA - MBOMWALI
- 9. BILANSA - ENLE
- 10. NGAMA MALITA ALIBOR
- 11. NGANKOI - ELVIS
- 12. MBIMI - JUNIOR
- 13. MOWERI BAKANIA ROY
- 14. MAYO - ROBERT
- 15. NONGA - BOLOMBO
- 16. MUPE - MCNABENDELE
- 17. NGANYONGI - KIMPAGUPE
- 18. MPEYE MASYA
- 19. NGELINGONO
- 20. MPRYNIA MOYELE
- 21. NGANZANI - MABIALA MATHYSON
- 22. NKEE - MODJIA - JUNIOR
- 23. De bois - MPUTER
- 24. MABIALA - MBONGO - GARY
- 25. N... ..

POUR LA COMMUNAUTE (Suite)

- 1. DWEME-LEMOKOMO-FEDOR
- 2. MWANYA-MONKOME
- 3. NGWE-ENGINA-DANIEL
- 4. NKUMBO-MANGALA
- 5. MBONGO-KILIO
- 6. DWEME-MOWENI
- 7. NKUMBÔO-MAGWABI
- 8. MBAKA-BOMWELE
- 9. MAYO-MPAYI
- 10. NGOBILA-MBAKA

## POUR LA COMMUNAUTE BATENDE

0		SIGNATUR
1	MBIEME MPELI	
2	MUKOLO NYMI	
3	NIA NGE LI	
4	MPETI NYMA	
5	MBANGA - MANKOTO	
6	NGALI NIBAKA	
7	MPAKA - NISANKIR	
8	NIMI - MBO	
9	EXUMI - LOKONGO	
10	MABOYO LOKONGO	
11	MAYACA LOKONGO	
12	NIA LOKONGO	
13	MBIA MANKUYI	
14	NGELI GYITA	
15	NGELI - GYITA DIGU	
16	MBO MWALE BIRAKAMBA	
17	MPAY KILALA	
18	MEUTI MBO	
20	MAYO-DININ	
21	MBO-ENKETA	
22	NGAMA MANKOTO	
23	MPER - MANGALA	
24	MPAJI - BIKIMI	
25	NGWE - MPEI	
26	NKUPKA - MPEI	
27	NKOMO - MPEI	
28	MASOLA - MPEI	
29	BRIDEL - MPAJI	
30	NGOBILA - LOKONGO	
31	MUNZUBA - KEDDY	
32	LOKONGO - NAKA J. JACQUES	
33	MBO - LOKONGO - BISTON	
34	NGATA - LOKONGO	

35	MIBO-DBENGA-LOKONGO	<del>SS</del>
36	MBAKA-LOKONGO BLAISE	<del>SS</del>
37	DABONYO-LOKONGO	<del>Maby</del>
38	NTAA-NKOMO-LOKONGO	<del>SS</del>
39	NKOKO-LOKONGO	<del>SS</del>
40	MAYACA-LOKONGO	<del>SS</del>
41	MVUANKA-LOKONGO	<del>SS</del>
42	MBO-LOKONGO-SIDONI	<del>SS</del>
43	NDITULI-LOKONGO	<del>SS</del>
44	NTAA-TABITA	<del>SS</del>
45	BINGWA-LOKONGO	<del>SS</del>
46	DOLA-LOKONGO	<del>SS</del>
47	PRETE-LIBONGO	<del>SS</del>
48	MOWALA-SUDANZEY	<del>SS</del>
49	MANTSHA-WILLY	<del>SS</del>
50	KOYA-MONBULU	<del>SS</del>
51	MPAKA-LOKONGO-ISRAEL	<del>SS</del>
52	NGELI-JONATHAN	<del>SS</del>
53	NISALE-LEVU-LOKONGO	<del>SS</del>
54	EYUMI-PAMELA	<del>SS</del>
56	MAFUTA-FI-LOKWA //	<del>SS</del>
57	NSELE-LYDIE - II -	<del>SS</del>
58	AYUNGA-CARINE - II -	<del>SS</del>
59	LOKWA-MOBANZA	<del>SS</del>
60	MPAY-BIFI	<del>SS</del>
61	MPAY-CLAUDINE	<del>SS</del>
62	MPAY-LYDIE	<del>SS</del>
63	MONZURA-ALAIN	<del>SS</del>
64	MZUMBIEME DWETIE	<del>SS</del>
65	MPIANGAMBOLI	<del>SS</del>
66	NGILI NYONDO	<del>SS</del>
67	BOBANKA NISAKETE	<del>SS</del>
69	NKELE MABZA	<del>SS</del>
70	MOKELO MBAKA	<del>SS</del>
80	MEUTI MABZALA	<del>SS</del>

81	MBLEME NTSAKETE	Shus
82	MOWENI MBAKA	IAS
83	NIKUMUSENGE NAINGA	<del>IAS</del>
84	MAAD - BOYRANGD	Shus
85	DWEME MOWENI	Shus
86	MAKOTO - MAMBULO	Shus
87	MBAKA - CIANGIE	Shus
89	MOWENI DWAMA	Shus
90	MBOLO MBETI	Shus
91	MPIA ENGINA	Shus
92	MBOLOKO BASILINGA	Shus
93	MAYO EBANI	Shus
94	BILOKO KUMINANO	Shus
95	NKELE MPIA	Shus
96	BONGESE KUKINIKI	Shus
97	MBLEME NYXA	Shus
98	MFUTI MONANGA	Shus
99	MOSELI NTANGA	Shus
100	DWEME NYXA	Shus

**Annex 43: Photographs of an inscription in Lingala found on one of the houses of Bongende after the attack on 17 December 2018**

The inscription states: “This is our land, us the Batende. You are demons” (translation by the Group of Experts).



Photographs taken by the Group of Experts on 26 January 2019

## Annex 44: Letter dated 2018 from the customary chief of the Bateke community to the Governor of the Maï-Ndombe province

Provided to the Group of Experts by civil society

NKO, le 19/07/2018

REPUBLIQUE DEMOCRATIQUE DU CONGO  
PROVINCE DU MAÏ-NDOMBE  
TERRITOIRES DE BOLOBO



CHEFFERIE DES BATEKE-NORD  
BUREAU DU GRAND CHEF

N°126/1750/CHEF-BAT6N/076/2018

**TRANSMIS** copie pour information à :

- Son Excellence Monsieur Vice-Premier Ministre, Ministre de l'Intérieur et Sécurité *(Avec l'expression de ma haute considération)*
- Son Excellence Monsieur le Ministre d'Etat, Ministre des Affaires Coutumières
- Monsieur le Président Général de l'Association de BANUNU-BOBANGI
- Monsieur le Président territorial de l'Association de BANUNU-BOBANGI de YUMBI-BOLOBO  
(Tous) à Kinshasa
- Son Excellence Madame le Ministre Provincial en charge de l'Intérieur et Sécurité
- Monsieur le Commissaire Provincial de la PNC
- Monsieur le Directeur Provincial de l'ANR/DSI
- Monsieur le Secrétaire Provincial
- Monsieur le Président de la Commission Provinciale d'Arbitrage des conflits coutumiers de Maï-Ndombe  
(Tous) à Inongo
- Monsieur le Chef de Secteur de MONGAMA à Mongama

Objet: *Risque d'un bain de sang entre les TEKE-NORD et les NUNU-BOBANGI/Territoire de BOLOBO*

A Son Excellence Monsieur le Gouverneur de la Province du MAÏ-NDOMBE à INONGO

*Excellence Monsieur le Gouverneur,*

Je viens respectueusement auprès de votre autorité manifester mon indignation face aux ambitions démesurées du peuple BANUNU-BOBANGI qui s'autorise à installer les Chefs de terre dans le territoire de BOLOBO.

Excellence, le peuple TEKE est un peuple pacifique, hospitalier et avait accueilli en son temps le peuple BANUNU-BOBANGI dans les villages situés le long du fleuve Congo.

Plusieurs tentatives de conquérir les terres TEKE ayant échoué, les peuples TEKE chassèrent les NUNU de tous les villages riverains. Cela avait bien entendu entraîné d'énormes pertes en vies humaines.

.../...



Vous vous souviendrez qu'en 2016, les mêmes ambitions étaient manifestées chez les peuple BANUNU-BOBANGI à BOLOBO et la conséquence directe était la guerre entre les NUNU et les TENDE.

Ce qui se passe aujourd'hui entre les NUNU et les BASENGELE dans le territoire d'IVONGO prouve à suffisance le souci majeur de peuple NUNU-BOBANGI de troubler la paix dans notre Province.

Excellence, est-il possible à l'heure actuelle de conquérir la terre d'une autre communauté en plein vingt et unième siècle ? Que cherche alors le peuple BANUNU-BOBANGI ?

Par sa lettre N°C/GBB/Y-B/SECT-MONG/T-Y/02/2018, Monsieur MEKA BOTSANA, Président du Comité de Chefs des terres de BANUNU-BOBANGI avait transmis la liste des Chefs de terre du Groupement BANUNU-BOBANGI dans le territoire de YUMBI-BOLOBO aux Administrateurs de ces deux entités respectives.

Fauteur de trouble, il souligne que le village Mompoulenge est dans leur Groupement. N'est-ce pas là un mépris envers moi, Grand Chef de la Chefferie des BATEKE-NORD et à mon peuple ?

Excellence, face à de telles menaces, le peuple TEKE défendra ses terres jusqu'au sacrifice suprême et n'en cédera aucun périmètre aux envahisseurs BANUNU-BOBANGI alignés derrière leur politicien à la recherche de positionnement.

Le peuple NUNU n'a aucun droit de porter la tenue traditionnelle de Chef de terre sur les sois TEKE, TENDE, SENGELE et BOMA et ne peut percevoir aucune redevance coutumière sur ces sois.

Pour sauvegarder la paix dans le territoire de BOLOBO et dans la Chefferie des BATEKE-NORD pendant cette période électorale, et en ma qualité de gardien de la coutume TEKE-NORD, je demande à tous les NUNU installés le long du fleuve, dans ma Chefferie, particulièrement à MANKONDO, MABWA MABWA, MOMPOLENCE MOMPONDO, BOTANDANKASA, de quitter lesdits villages pour l'intérêt supérieur de mon peuple et de son territoire.

Ceci ne constitue pas la violation de l'article 30 de la Constitution de notre pays, mais bien au contraire un motif de sécurité pour les vies humaines de toutes nos communautés.

Pour éviter un bain de sang entre les NUNU et les TEKE-NORD, votre implication s'avère à la fois urgente et indispensable.

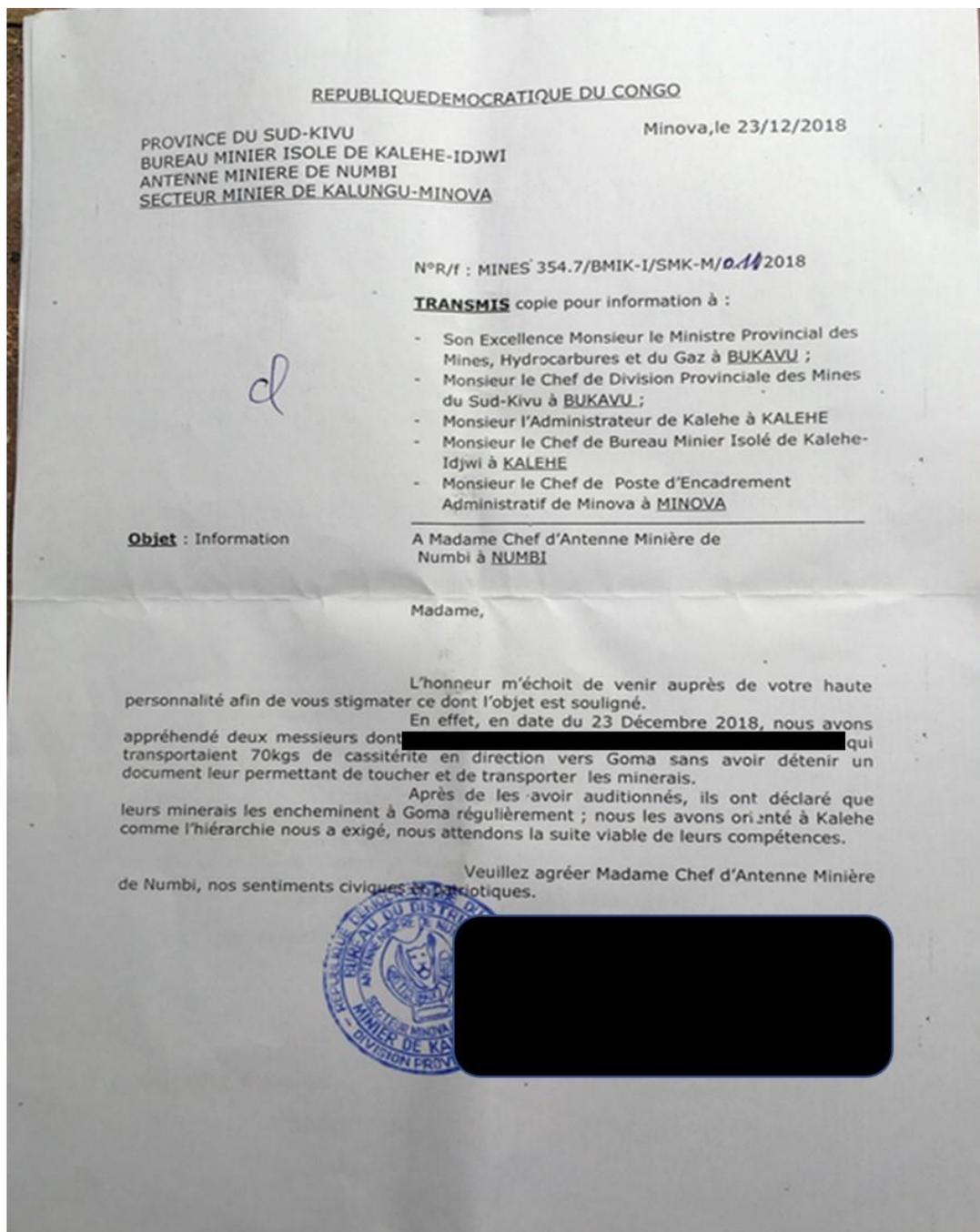
Veuillez croire, Excellence Monsieur le Gouverneur, en l'expression de ma haute considération.

Grand Chef Coutumier et Chef de la Chefferie des BATEKE-NORD



## Annex 45: Letter of arrest of two cassiterite smugglers

A letter of attestation documenting the incident in which two smugglers were caught transporting 70kg of cassiterite along the Numbi-Kalungu road in December 2018. They were heading to Goma.



**Annex 46: A section of a clandestine depot on the outskirts of Goma showing untagged cassiterite awaiting re-bagging**



Photograph by the Group of Experts

### Annex 47: Multi-pocketed jackets to smuggle coltan

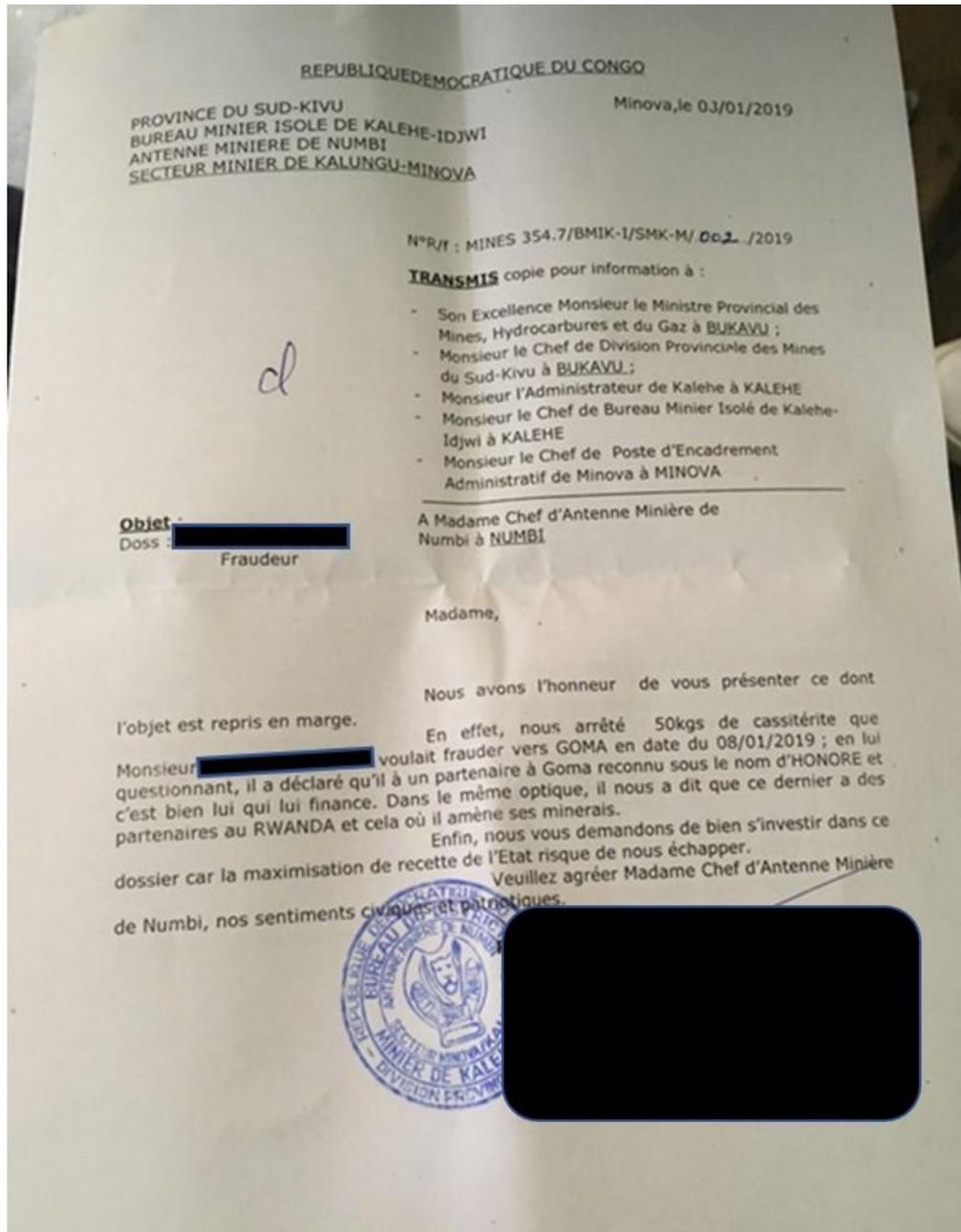
Photograph of the three Congolese who were arrested together with Gafishi. They had stuffed coltan in multi-pocketed jackets and worn other jackets on top to conceal it.



Photograph by the Group of Experts

### Annex 48: Letter of arrest of a smuggler

A letter of attestation stating a case in which a smuggler was arrested in January 2019 with 50kg of coltan. According to the letter, he was on his way to deliver the coltan to his financier with contacts in Rwanda where he usually sold the coltan.



Photograph by the Group of Experts

### Annex 49: Car used to smuggle coltan

A photograph of a Jeep Landcruiser with all the five tires carrying coltan. The mining police intercepted the Jeep at the Rutoboko roadblock on its way to Goma.



Photos shared by the Commission nationale de lutte contre la fraude minière (CNLFM).

**Annex 50: Some of the locations on the shores of Lake Kivu used for smuggling minerals**

Ruhunde village on the shores of Lake Kivu, Kalehe territory, South Kivu.



Photographs by the Group of Experts

Makelele beach on the shores of Lake Kivu, Kalehe territory, South Kivu.



Photographs by the Group of Experts

Minova town on the shore of Lake Kivu in Kalehe territory, South Kivu.



Photograph by the Group of Experts

### Annex 51: A vehicle used to smuggle coltan

A jeep with a false belly in which 169 kg of smuggled coltan was concealed.



Photos shared by the Commission nationale de lutte contre la fraude minière (CNLFM).

**Annex 52: Letter from the Government of the Democratic Republic of the Congo to the Committee on issues relating to illegal exploitation and smuggling of natural resources.**

**Réponses à présenter à la réunion d'information convoquée pour le lundi 26 novembre 2018 par le Président du Comité du Conseil de Sécurité créé par la résolution 1533 (2004) concernant la République Démocratique du Congo**

**I. Les mesures prises par le Gouvernement pour procéder à un contrôle minutieux des comptoirs de Bunia et de Bukavu et prendre les sanctions nécessaires en cas de fraude dans les déclarations portant sur l'or**

En ce qui concerne cette première question, qu'il nous soit permis de relever qu'au-delà des questions spécifiques liées à la situation de Bunia et de Bukavu, villes situées respectivement dans les Provinces de l'Ituri et du Sud-Kivu, le Gouvernement national, en accord avec les partenaires bilatéraux et multilatéraux notamment l'USAID et le BGR (Coopération allemande), est en train de mettre en place une stratégie nationale pour l'encadrement du secteur de l'or artisanal. A la suite des ateliers organisés, pour ce faire, à Kinshasa et à Bukavu en juin et en octobre 2018, des recommandations pertinentes y ont été formulées. (Annexe I)

Le Ministère des Mines est en train de s'atteler à mettre en œuvre lesdites recommandations. Et, à ce sujet, il sied de mettre en exergue, la stratégie de l'absorption de la production issue des Zones d'Exploitation Artisanale validées par la reprise des achats d'or par la Banque Centrale du Congo en collaboration avec les services techniques du Ministère des Mines à savoir, le Service d'Assistance et d'Encadrement de l'Exploitation Minière Artisanale et de la Petite Mine (SAEMAPE), l'Administration des Mines et le Centre d'Expertise, d'Evaluation et des Certification (CEEC). (Annexe II)

Au regard des études préalables menées à cet effet, le Gouvernement de la République Démocratique du Congo espère que, combinés avec les actions antérieures déjà menées pour l'encadrement de l'exploitation artisanale de l'or, les opérations d'achats de la Banque centrale vont à terme canaliser vers les circuits officiels une part très importante des flux d'or qui sont charriés par les réseaux frauduleux.

Pour revenir à la situation particulière de Bunia et de Bukavu, il y a lieu de mentionner que les permis d'exploitation conférés aux opérateurs comme KIBALI GOLD MINES, TWANGIZA et NAMOYA, le secteur industriel de l'or est en expansion tant il est vrai que le volume de production est passé en cinq ans à plus de 30 tonnes l'an.

Cela constitue une avancée très remarquable même si, en revanche, la canalisation vers les circuits officiels des flux d'or provenant de deux contrées susmentionnées demeurent un défi de taille qu'entend relever le Gouvernement de la République. A ce sujet, en collaboration avec les Gouvernements provinciaux, le Ministère des Mines, fort de nouvelles dispositions issues de la réforme des code et règlement miniers mise en exécution depuis bientôt six mois, est en train de promouvoir dans ces contrées et ailleurs, le regroupement des exploitants artisanaux en coopératives minières dans les zones d'exploitation artisanale à viabiliser. (Annexe III).

Ce qui va aboutir à des chaînes d'approvisionnement responsable. A titre d'illustration, l'implémentation de l'initiative de Traçabilité de l'or d'Exploitation Artisanale (ITOA) dans la localité de NYAMURALE au Sud-Kivu, en partenariat avec TETRA TECH/USAID, est une expérience de l'implémentation d'une chaîne d'approvisionnement responsable qui a permis pour la première fois de vendre dans une bijouterie de New-York de l'or artisanal totalement tracé.(Annexe IV)

Pour rappel, les actions de lutte contre la fraude, à l'instar de celles ayant abouti à l'arrestation en 2015 de 50 sujets étrangers, sont intensifiées sur terrain. Tel aussi le cas de Monsieur ABBAS KAYONGA, en tête d'une organisation de trafic illicite des substances minérales, mis au arrêt avec ses collaborateurs en 2018.

**II. Les efforts que déploie le Gouvernement pour enquêter sur les personnes et les entités participants au commerce illicite et à la contrebande des ressources naturelles et engager des poursuites si nécessaires**

A ce niveau, le Gouvernement tient à relever le cas de la raffinerie à capitaux belges installée près de l'Aéroport d'Entebbe en République de l'Ouganda. Elle est liée techniquement à la société Tony Goetz Refinery basée à Anvers, au Royaume de Belgique. Pour votre gouverne, la raffinerie susmentionnée inaugurée le 20 février 2017 produit une (1) tonne d'or fin (titrant 99,99%) par mois avec une capacité installée de production d'une (1) tonne par semaine. Suivant les déclarations du Manager de la firme, Monsieur Alain GOETZ, sa firme n'est pas en mesure de tracer l'or raffinée au sein de son usine.

Pourtant, il est unanimement reconnu aujourd'hui qu'avec sa capacité géologique documentée, la République d'Ouganda ne peut pas produire une telle quantité d'or.

A ce sujet, le Gouvernement de la République Démocratique du Congo ne cesse de mentionner ce cas dans les forums internationaux sur l'approvisionnement responsable. La question que posent nos officiels est simple: pourquoi les consommateurs finaux ne s'abstiennent-ils pas d'acheter cet or non tracé issu de l'exploitation illégale alors qu'ils affirment respecter les normes du devoir de diligence raisonnable issues notamment:

- ✓ de la résolution 1952/2010 du Conseil de Sécurité de l'ONU dans le secteur minier congolais ;
- ✓ du Guide de l'OCDE pour un approvisionnement responsable en minerais provenant des zones de conflit ou à haut risque ;
- ✓ du Mécanisme régional de Certification de la CIRGL ;
- ✓ ainsi que la section 1502 de la Loi Dodd-Frank du 21 juillet 2010 de réforme de Wall Street et de protection du consommateur (*Dodd-Frank Wall Street Reform and Consumer Protection Act*).

Qu'à cela ne tienne, le Gouvernement de la République Démocratique du Congo a, sur recommandation du Comité du Conseil de Sécurité, amorcé des échanges avec le Gouvernement des Emirats Arabes Unis pour la prise des actions conjointes de lutte contre les exportations illégales de l'or de la RDC par les réseaux illégaux qui approvisionnent les raffineries comme AGR. A la suite des réunions bilatérales tenues respectivement à New York et à Dubaï en janvier et en avril 2018, sur recommandation de la réunion du Comité du Conseil de Sécurité du 26 janvier 2018, une liste des personnes et les entités participants au commerce illicite et à la contrebande des ressources naturelles a été remise au Gouvernement des Emirats Arabes Unis tel que cela ressort du rapport des réunions établi à cet effet. (Annexe V)

**III. Les mesures prises par le Gouvernement pour lutter contre l'exploitation illégale et la contrebande des ressources naturelles, et notamment amener les éléments des FARDC qui se livrent au commerce illicite des ressources naturelles, en particulier l'or et les produits provenant des espèces sauvages à répondre de leurs actes**

La République Démocratique du Congo tient à souligner que les Forces Armées ainsi que sa Police Nationale ne se livrent pas à des activités d'exploitation illégales des ressources naturelles.

Cependant, force est de reconnaître les cas de quelques éléments égarés contre lesquels des poursuites judiciaires sont en cours.

Pour décourager toute tentative de commission de pareil comportement de la part des éléments des FARDC et de la Police Nationale Congolaise, une instruction permanente du Chef d'Etat-Major Général, traduisant les instructions pertinentes du Président de la République, Chef de l'Etat et commandant suprême des Forces armées, interdit les pratiques illicites des ressources dans ses rangs. (Annexe VI)

Par ailleurs, dans le cadre de leurs opérations de pacification des zones de conflit, les unités de FARDC peuvent se retrouver autour des sites miniers qui, au regard des dispositions de l'Arrêté ministériel n°0057/CAB.MIN/MINES/01/2012 portant mise en œuvre du mécanisme régional de certification de la Conférence Internationale sur la Région des Grandes Lacs « CIRGL » en République Démocratique du Congo, sont qualifiés « rouge ». Leur présence est dans ce cas conforme. (Annexe VII)

**IV. Les mesures prise par le Gouvernement pour mettre un terme au financement des groupes armés qui prennent part à des activités déstabilisatrices en se livrant au commerce illicite des ressources naturelles**

Le financement des groupes armés est plutôt le fait de certains Etats voisins de la Région des Grands Lacs. Ceux-ci sont à la base de la création de certains de ces groupes armés ou, à tout le moins, de leur manipulation dans l'objectif, entre autre, de faire canaliser vers lesdits Etats aux fins d'exportation, les ressources naturelles provenant de la République Démocratique du Congo qu'ils font passer comme leur production nationale. Et, il est reconnu unanimement que les produits de la commercialisation de ces ressources naturelles sorties illégalement de notre territoire contribuent au financement des groupes armés.

C'est ici l'occasion de solliciter de la communauté internationale de continuer à accompagner le Gouvernement pour mettre définitivement fin à l'activité des groupes armés dans son espace territorial et aussi à faire pression à respecter leurs engagements souscrits dans le cadre du pacte de la CIRGL.

**V. L'état de la coopération et de la coordination entre le Gouvernement et la CIRGL et ses Etats membres en vue de limiter l'exploitation et la contrebande des ressources naturelles en RDC**

Le Gouvernement de la République Démocratique du Congo collabore avec la CIRGL pour la mise en œuvre des clauses du Pacte sur la sécurité, la stabilité et le développement dans la Région des Grands Lacs du 15 décembre 2006. En exécution de l'article 9 du Pacte qui exige la mise en place d'un mécanisme régional de certification pour lutter contre l'exploitation et le trafic illégal des ressources naturelles, le Gouvernement congolais est un des rares de la sous-région des Grands Lacs qui a intégré dans son système juridique, le Mécanisme Régional de Certification de la CIRGL et le met en œuvre au quotidien.

Il convient de relever, en outre que depuis la signature du Pacte susmentionné, l'histoire ne mentionne pas un seul cas de fraude des minerais des autres Etat de la CIRGL vers la République Démocratique du Congo. C'est plutôt l'inverse qui est déploré.

En tout état de cause, le Gouvernement participe à toutes rencontres convoquées par les organes de la CIRGL et ne cesse de relever les griefs ci-après à l'endroit des autres Etats membres :

- ✓ L'absence des sanctions à l'encontre des Etats membres de la CIRGL n'ayant pas mis œuvre les six outils de lutte contre le trafic illicite des substances minérales ;
- ✓ La persistance des cas de fraude et la contrebande minières transfrontalières ;
- ✓ L'absence des directives précises de la CIRGL sur la mise en œuvre de certains de ses outils ;
- ✓ La domestication partielle ou insuffisance de la mise en exécution du Protocole de la CIRGL sur la lutte contre l'exploitation illégale des ressources naturelles par les Etats membres.

**VI. Le soutien que le Gouvernement a reçu de l'ONU et des partenaires internationaux pour répondre aux besoins du pays en matière de renforcement des capacités, notamment aux fins de la mise en œuvre de l'ITOA**

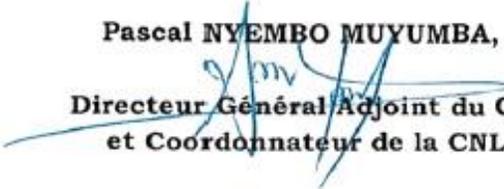
Le Gouvernement ne reconnaît pas un soutien direct bilatéral ou multilatéral pour l'appui de la lutte contre la fraude minière

Cependant, il sied de soutenir que des partenaires, ainsi qu'il a été mentionné au point I, contribuent par leur appui au renforcement des capacités. Il en est de même de l'appui de TETRA TECH/USAID dans le cadre du projet pilote de NYAMURALE pour la mise en œuvre de l'ITOA ainsi que celui de la coopération allemande pour l'élaboration de la stratégie nationale sur l'exploitation et la commercialisation de l'or de la filière artisanale qui peuvent être cités.

Il sied de relever que le contrat liant TETRA TECH à l'USAID est arrivé à son terme même si nous osons croire qu'au niveau du Gouvernement américain des dispositions sont prises pour la continuation du projet pilote de NYAMURALE de mise en œuvre de l'ITOA.

Fait à Kinshasa,

**Pascal NYEMBO MUYUMBA,**

  
**Directeur Général Adjoint du CEEC  
et Coordonnateur de la CNLFM**

### Annex 53: Gold exports from South Kivu in 2018

<b>Date</b>	<b>Weight in Kg</b>	<b>Value in USD</b>
05 February 2018	1.096	36787
09 February 2018	7.961	297347
31 March 2018	2.343	88115
03 April 2018	1.9	40268
23 April 2018	4.819	188016
03 May 2018	2.114	71572
15 June 2018	5.101	191547
14 August 2018	1.788	66559
21 August 2018	2.636	74616
21 August 2018	0.272	6819
25 September 2018	6.321	221877
07 November 2018	2.027	70498
13 November 2018	4.734	163931
17 November 2018	5.072	183184
<b>Total</b>	<b>48.184</b>	<b>1701136</b>

Compilation by the Group of Experts of official statistics of provincial authorities (South Kivu)

Annex 54: Export certificate of the company Glorym

**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
**DEMOCRATIC REPUBLIC OF CONGO**  
**MINISTERE DES MINES**  
**MINISTRY OF MINES**  
CENTRE D'EXPERTISE, D'EVALUATION ET DE CERTIFICATION

**CERTIFICAT DE LA CONFERENCE INTERNATIONALE**  
**SUR LA REGION DES GRANDS LACS**  
CERTIFICATE OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION

PRODUIT (PRODUCT) : .....**OR ARTISANAL**.....

Nous certifions que le chargement n° 001/GLM/BTS/0000001  
This to certify that shipment n°

ayant comme lieu d'origine NORD-KIVU dans la province de NORD-KIVU  
From in province of

en République Démocratique du Congo a été extrait, commercialisé et transporté en accord avec les exigences de la CIRGL.  
In the Democratic Republic of Congo has been mined, traded and transported in conformity with the ICGLR requirements.

Nom et adresse de l'exportateur : GLORYM / N°19AV, BUKAVU, VILLE DE BUTEMBO  
Exporter name and address

Nom et adresse de l'importateur : GOLD MARKET / N°101 GOLD MARKET PO. BOX 84736, DUBAI UAE - DUBAI  
Importer name and address

N° de la licence d'exportation : 0485CABM  
Export licence n°

Date d'expédition : 07/12/2018  
Date of shipment

Date d'expiration du certificat : 21/01/2019  
Date of expiry

Nom du transporteur : AVION  
Carrier name (consignor)

Transitant par (ville, pays) : KAMPALA-DUBAI  
Transiting (in transit) through

Type d'emballage (Fûts, sacs, etc) : Enveloppes inviolables Poids net : 3,237 Kgs  
Packing type (drums, bags, etc)

Conteneurs : N° de 1 à 12  
Containers from to

Minerais Minerals	symbole chimique Chemical symbol	Poids net (kg) Net weight	Teneur (%) Content	Métal contenu Metal contained	Valeur (USD) Value
OR	AU	2,913	90,000 %		121 310,00
ARGENT	Ag	0,324	10,000 %	Ag	
Total		3,237			

DIRECTION GENERALE DU CEEC (ou son Représentant)  
CEEC Chief Executive (or his Representative)

MINISTERE DES MINES (ou son Délégué)  
Minister of Mines (or his Delegate)

PALUKU TALYA Janvier

VILLE DE BUTEMBO

PROVINCE DU NORD-KIVU

121 366,000

Délivré à (Issued in) : BUTEMBO-07/12/2018

**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
**DEMOCRATIC REPUBLIC OF CONGO**

**CERTIFICAT D'IMPORTATION**  
**IMPORT CERTIFICATE**

Nous certifions que le produit certifié a été importé en l'au  
This is to certify that the hereby certified product was imported in

Pays  
Country

Et que l'importation a été vérifiée en conformité avec les règles et règlements relatifs au certificat de la CIRGL and the import has been checked and verified in conformity with the ICGLR requirements

Cachet/sceau de l'autorité importatrice:  
For the Importing Authority.

A retourner au :  
Centre d'Expertise, d'Evaluation et de Certification  
3989, avenue des cliniques  
Commune de la Gombe, Kinshasa, RDC  
To be returned to Centre d'Expertise, d'Evaluation et de Certification  
3989, avenue des cliniques  
Commune de la Gombe, Kinshasa  
Democratic Republic of Congo

**Annex 55: NDC-R taxation system: Photographs of “jetons” that the NDC-R issued as proof that an individual had paid tax**



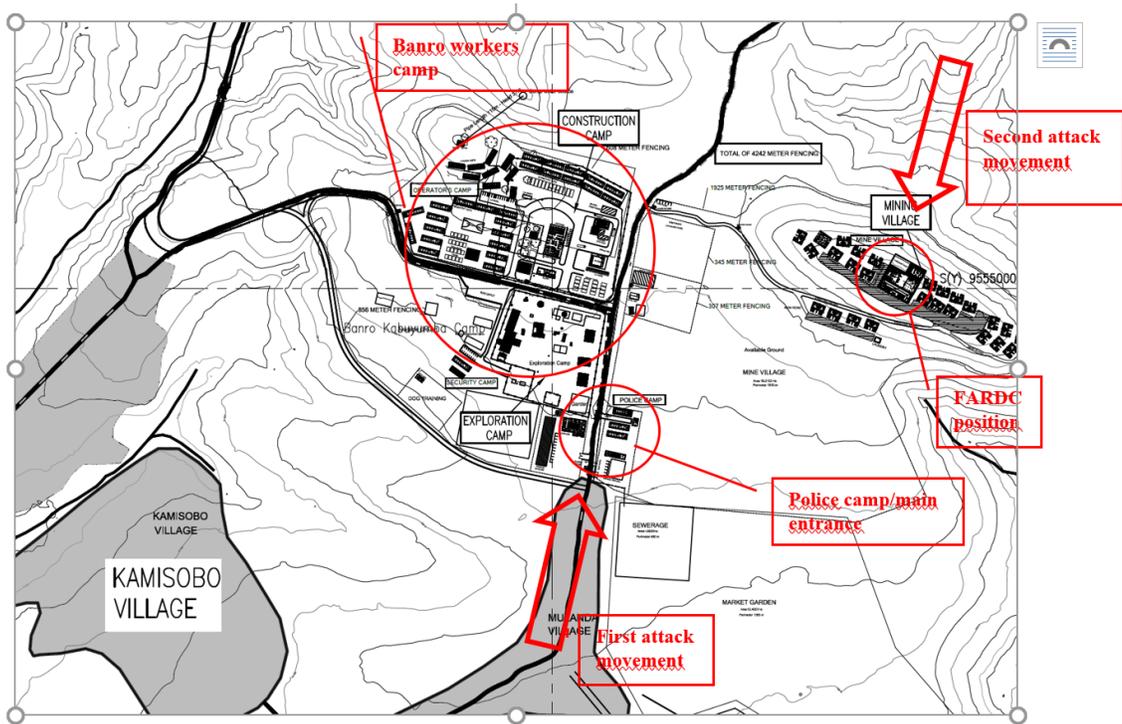
Photographs by the Group of Experts

**Annex 56: Cartridges 7.62x54Rmm calibre cartridges**

<b>Photo 1</b>	<b>Photo 2</b>	<b>Photo 3</b>	<b>Photo 4</b>
10_85 	61_90 	188_76 	945_05 

Photographs by the Group of Experts

### Annex 57: Map of attack on Namoya FARDC position



Map made by MONUSCO in June 2018

### Annex 58: Type 80 Machine Gun



Photographs by the Group of Experts in January 2019

**Annex 59: Anti-riot gun LBD-40 and B&T Cartridge SIR-X  
40x46mm**



Photographs provided by MONUSCO in February 2019

**Annex 60: Dutch Nile bill of lading**

HAVEN AFRICA PTY (LTD) BUSINESS PARK, MAPIUS DRIVE ENE, CENTURION TEL: 012 6711010		LWB No. <b>ECSA021415</b> Reference No. <b>DU1011445</b>	NileDutch South Africa (Durban) <b>Non-negotiable                  Liner Sea Waybill</b>
(Consignee (not to order)) MINISTERE DE LA DEFENCE NATIONALE MONT NGALIEMA STREET, KINSHASA, DRC CTC: COL. MALUNGILA TEL: 0024 385 515 1123		<b>NileDutch</b> NileDutch is operated by Nile Dutch Africa Line BV	
Notify Address MINISTERE DE LA DEFENCE NATIONALE MONT NGALIEMA STREET, KINSHASA, DRC CTC: COL. MALUNGILA TEL: 0024 385 515 1123 EMAIL: MARCELMALUNGILE@GMAIL.COM		<b>Origina</b>	
Pre-carriage by *	Place of Receipt by pre-carrier *		
Vessel	Port of loading		
<b>JPO LEO</b>	<b>60275Z DURBAN</b>		
Port of discharge	Place of delivery on-carrier *		
<b>POINTE NOIRE</b>	<b>MATADI</b>	<b>FCL/FCL</b>	
Container No. / Seal No. Marks and Nos.	Particulars furnished by the Merchant Number and kind of packages, description of goods	Gross weight	Measurement
cntnr: NIDU 518820-5 sealnr: A136360	2 X 40FT HI CUBE CONTAINERS STC: 22 X BOXES WARRIOR SOFT WALLED SHELTER 4.8M X 4.8M	15,480.000 kgs	100,000 cbm
cntnr: NIDU 511785-5 sealnr: A136359	21 X BOXES WARRIOR SOFT WALLED SHELTER 4.8M X 4.8M	Tare 7,790.000 kgs	
TOTAL NO BOXES: 43 INVOICE NO: PIN00095 FERI NO: #2018 0402271 SHIPPED ON BOARD FREIGHT PREPAID			
(anarc) the carrier is not responsible for a absent or incorrect a.r.c./ b.r.i number; the merchant remains liable for any penalties in such case and will reimburse the carrier (edec) the carrier is not responsible for a absent or incorrect e.c.t.n. / f.e.r.i. number; the merchant remains liable for any penalties in such case and will reimburse the carrier. (cityl) containers to remain within city limits of the port of discharge. Prior approval of local office is required if containers are to be carried outside city limits. (conpr) container is and remains carrier property. merchant will reimburse damages, loss and demurrage/detention during period container is in merchants custody. (demu) Containers are subject to demurrage & detention and deposit might be required. Free time and rates are published on our website www.niledutch.com (endor) whenever bills of lading covering containerised cargo shall be endorsed, the merchant undertakes in informing the line and/or his agents beforehand in writing, stating full style of final receiver. (genex) before loading and after discharge cargo is at merchants risk & expense and carrier is not liable for any damage or pilferage. (seal) carrier shall be under no liability in the event of damage to or shortage of cargo from containers which have not been provided with a container-seal by shippers. (sslc) shippers load, stow and count. contents, quantity and quality not checked by master and/or agents. (expdis) all expenses from discharge on quay onwards incl redelivery of containers to terminal are for receivers account.			
CLAUSES			
Above particulars as declared by shipper but not acknowledged by the carrier			
SHIPPED on board in apparent good order and condition - weight, measurements, marks, numbers, quality, contents and value unknown, for carriage to the port of discharge or so near thereto as the vessel may safely get and lie always afloat, to be delivered in the like good order and condition at the aforesaid port to consignees or their assigns against production of proof of identity without any documentary formalities. They paying freight as indicated above plus other charges incurred in accordance with the provisions contained in this sea waybill. In accepting this sea waybill the merchant expressly accepts and agrees to all its stipulations on both pages, whether written, printed, stamped or otherwise incorporated as fully as if they were all signed by the merchant. The carrier shall exercise due care ensuring that delivery is made to the proper party. However, in case of incorrect delivery the carrier will accept no responsibility unless due to fault of		Freight payable at <b>DURBAN</b>	Place and date of issue <b>DURBAN</b> 29/07/2018
		Freight payable as per agreement but deemed earned ship and/or cargo lost or not lost	Signature
		Number of Original Sea Waybills	