

**Security Council**

Distr.: General  
13 February 2008

Original: English

---

**Letter dated 11 February 2008 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council**

On behalf of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, and in accordance with paragraph 10 of resolution 1771 (2007), I have the honour to submit here with the report of the Group of Experts on the Democratic Republic of the Congo.

I would appreciate it if the present letter, together with its enclosure, were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) R. M. Marty M. **Natalegawa**  
Chairman



**Letter dated 23 January 2008 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004)**

The members of the Group of Experts established pursuant to Security Council resolution 1771 (2007) on the Democratic Republic of the Congo have the honour to transmit herewith the report of the Group, in accordance with paragraph 10 of the resolution.

*(Signed)* Ramon Miranda **Ramos**  
Coordinator

*(Signed)* Abdoulaye **Cissoko**

*(Signed)* Caty **Clément**

*(Signed)* Amadou **Hamidou**

*(Signed)* Gregory **Salter**

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

### **I. Introduction**

1. By its resolution 1493 (2003), the Security Council imposed an arms embargo on all foreign and Congolese armed groups and militias operating in the territory of North and South Kivu and Ituri, and on groups not party to the Global and All-Inclusive Agreement on the Transition in the Democratic Republic of the Congo. By its resolution 1596 (2005), the Council extended the arms embargo to any recipient on the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the Congo, under conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on individuals and entities designated by the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and acting in violation of the arms embargo.

2. By its resolution 1649 (2005), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo or Congolese militias receiving support from abroad, who impede the participation of their combatants in disarmament, demobilization and reintegration processes.

3. By its resolution 1698 (2006), the Council renewed until 31 July 2007 the arms embargo as well as travel and financial restrictions on individuals designated by the Committee in accordance with the criteria set out in resolutions 1596 (2005) and 1649 (2005). The Council also extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict, and to individuals committing serious violations of international law involving the targeting of children in situations of armed conflict.

4. The Security Council decided by its resolution 1771 (2007) to renew the measures on arms imposed by the Council in its resolutions 1493 (2004) and 1596 (2005) for a further period expiring on 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that relevant conditions, as specified in paragraph 2 of the resolution, were met. In addition, the Council decided to authorize, in paragraph 3 of the resolution, an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo, and intended solely for support of units of the Democratic Republic of the Congo army and police that were in the process of their integration in the provinces of North and South Kivu and the Ituri district.

5. In paragraph 4 of the resolution, the Council also decided that the conditions specified in paragraph 4 of resolution 1596 (2005), as now applied to the Government, would apply to supplies of arms and related materiel as well as technical training and assistance that were consistent with the exemptions described in paragraphs 2 and 3, and noted in that regard that States had an obligation to notify the Committee of such supplies in advance. The Council also decided to renew the measures on transport and travel and finance in accordance with resolutions 1596 (2005), 1649 (2005) and 1698 (2006), and to review such measures, no later than 15 February 2008, in the light of the consolidation of the security situation and

the processes of integration of armed forces and reform of the national police in the Democratic Republic of the Congo.

6. Pursuant to the relevant resolutions, the Government of the Democratic Republic of the Congo is authorized to import military equipment and receive technical training and assistance consistent with the conditions set out in paragraphs 2, 3 and 4 of Security Council resolution 1771 (2007). The Government is further authorized to receive shipments of military equipment only to the sites designated in consultation with the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), subject to advance notification to the Committee. In addition, in accordance with paragraph 4 of resolution 1771 (2007), Member States supplying military equipment and technical training to the Government of the Democratic Republic of the Congo are obliged to notify the Committee of such supplies.

7. The mandate of the Group of Experts, as set out in Security Council resolution 1698 (2006) and reiterated in resolution 1771 (2007), is to gather and analyse all relevant information in the Democratic Republic of the Congo, countries of the region and, as necessary, in other countries, in cooperation with the Governments concerned, on:

(a) The implementation of the measures contained in paragraphs 1, 6, 10, 13 and 15 of resolution 1596 (2005), including information on the sources of financing, such as from natural resources, which are funding the illicit trade of arms;

(b) The flow of arms and related materiel, as well as networks operating in violation of the arms embargo;

(c) Sources of financing of armed groups and militias, with particular attention to the connection between these and illegal natural resource exploitation in the eastern part of the Democratic Republic of the Congo;

(d) Information gathered by MONUC, in the context of the Mission's monitoring mandate.

8. In a letter to the President of the Security Council dated 3 October 2007 (S/2007/586), the Secretary-General informed the Council of the appointment of the members of the Group of Experts. The Group was composed of Ramón Miranda-Ramos (Spain, arms expert and Coordinator), Abdoulaye Cissoko (Mali, aviation expert), Caty Clément (Belgium, regional expert), Amadou Hamidou (Niger, customs expert) and Gregory Salter (United Kingdom of Great Britain and Northern Ireland, finance expert). The Group was assisted in its mandate by customs consultant Serge Rinkel (France).

9. The Group of Experts wishes to express its thanks, in particular, to the Special Representative of the Secretary-General and the staff of MONUC for their support and continued collaboration. The Group also acknowledges with appreciation the United Nations Integrated Office in Burundi (BINUB) for the facilities it offered the Group during its stay in Bujumbura. The Group further acknowledges with appreciation the national authorities of the Democratic Republic of the Congo, Burundi, Rwanda and Uganda for their cooperation during the Group's missions to these countries.

## II. Methodology

10. The Group had six weeks at its disposal for field investigations before preparing its final report. This unusually short time period presented a considerable methodological challenge to the Group given the ample requirements of its mandate.<sup>1</sup>

11. The methodology adopted by the Group in the face of these challenges was to adopt a case study approach. The two principal case studies concerned the two illegal armed groups that pose the most serious threat to peace and security in the Democratic Republic of the Congo, namely the *Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi* (FDLR-FOCA) and forces belonging to the National Congress for the Defence of the People (CNDP).

12. At the request of the Security Council Committee established pursuant to resolution 1533 (2004), the Group also investigated cases of potential violations of the arms embargo by the Government of the Democratic Republic of the Congo and States Members of the United Nations concerning supplies of military equipment to the Government that were not in compliance with the relevant requirements set out in resolution 1771 (2007) and, in particular, paragraphs 2, 3 and 4.

13. The Group also monitored the implementation by Member States of targeted travel and financial measures imposed against individuals and entities listed by the Committee.<sup>2</sup>

14. The Group implemented, to the extent possible and within the given time frame, the recommendations and best practices contained in the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997, annex) and, in particular, the recommendation that the monitoring mechanisms should rely on verified documents and, wherever possible, on first-hand, on-site observations by the experts themselves.

15. In addition to first-hand observations, the Group gathered information from multiple reliable sources. Accordingly, the Group also met with a wide number of interlocutors during its fieldwork, including the civilian and military authorities of the Democratic Republic of the Congo and other regional States, national and international civil aviation authorities, MONUC staff, traders, air companies, transport companies and former and current militia members.

16. Letters were addressed by the Group in advance to all the countries it visited, together with a list of the information required. The Group also wrote to a number of other Member States requesting their cooperation vis-à-vis the Group's enquiries.

17. The Group also held meetings with representatives of the Governments of Belgium, China, the Czech Republic, France, Germany, South Africa, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

18. In addition, the Group analysed information gathered by MONUC in the course of the Mission's embargo-monitoring activities, which served to supplement

---

<sup>1</sup> Problems posed by the limited time available to expert groups to conduct their work are referred to in recommendation 9 (f) of the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997, annex) concerning the working methods of expert groups.

<sup>2</sup> [http://www.un.org/sc/committees/1533/pdf/1533\\_list.pdf](http://www.un.org/sc/committees/1533/pdf/1533_list.pdf).

its own fieldwork, together with the verified findings of an integrated, multidimensional United Nations peacekeeping operation, which has for some years extended across the entire Democratic Republic of the Congo.

19. The Group also drew on the research findings of other organizations, including work commissioned by the World Bank Multi-Country Demobilization and Reintegration Programme on FDLR-FOCA and the Department for International Development of the United Kingdom on cross-border trade in the eastern part of the Democratic Republic of the Congo.

20. A list of entities and organizations contacted by the Group is contained in annex I.

### III. Context

21. The Group began its work on 25 October 2007, holding meetings with representatives of the United Nations Secretariat and Member States in New York. Owing to the brevity of its mandate, the Group opted to spend all the time available in the field, arriving in Kinshasa on 8 November 2007, and conducted fieldwork in the Democratic Republic of the Congo and regional States until 20 December 2007. The Group returned to the region in January 2008 to continue its investigations and prepare its final report.

22. In early 2007, the military wing of CNDP, forces loyal to former FARDC General Laurent Nkundabatware (Nkunda), initiated the process of mixage with the Armed Forces of the Democratic Republic of Congo (FARDC). The security situation worsened in the middle of the year, with FARDC and the Ugandan People's Defence Force (UPDF) clashing in Lake Albert over a border dispute. By September 2007, the mixage process had collapsed, and many of the CNDP forces subsequently reverted to rebel activities and clashed with FARDC. During the same period, there was fighting between FARDC and Banyamulenge insurgents called the "Moramvia Group" in the Minembwe high plateau in South Kivu.

23. As the security situation in the eastern part of the country worsened, the Government of the Democratic Republic of the Congo entered into intense diplomatic activity with neighbouring States, leading to the signing of two agreements. On 8 September 2007 in Ngurdoto, United Republic of Tanzania, President Joseph Kabila Kabange of the Democratic Republic of the Congo and President Yoweri Kaguta Museveni of Uganda signed an agreement (S/2007/564, annex) to set up cooperation mechanisms to delineate their countries' disputed border, promote joint exploration and exploitation of the oil reserves straddling the two countries, reactivate joint border verification mechanisms, and support the Great Lakes Security Pact. On 9 November 2007, in Nairobi, a joint communiqué was issued by the Governments of the Democratic Republic of the Congo and Rwanda (S/2007/679), addressing the issue of illegal armed groups in the eastern part of the Democratic Republic of the Congo. The Government of the Democratic Republic of the Congo committed itself to providing a plan to combat the ex-Rwandan Armed Forces (FAR) and Interahamwe (Rwandan Hutu militia), while Rwanda promised to seal its border to prevent support of "any armed group ... Nkunda's group in particular", and to provide a list of wanted *génocidaires*.

24. In early December 2007, FARDC launched a major offensive against the CNDP military forces. After initial success, FARDC was forced to retreat from most of its newly acquired positions. Dissident General Nkunda, the chairman of CNDP, proposed peace talks, and the Government of the Democratic Republic of the Congo responded by organizing a broad-based peace conference in Goma, North Kivu, which began on 6 January 2008.

25. Meanwhile, negotiations with the Lord's Resistance Army (LRA) fighters regrouped in Garamba National Park in the north-eastern part of the Democratic Republic of the Congo continued under the leadership of Riak Machar, Vice-President of Southern Sudan, together with Joachim Chissano, Special Envoy of the Secretary-General for the Lord's Resistance Army-affected areas. By late 2007, however, progress slowed due to an internal power struggle within the top leadership of LRA.

26. On 21 December 2007, the Security Council adopted resolution 1794 (2007), extending the mandate of MONUC, including its arms embargo-monitoring functions, until 31 December 2008.

#### **IV. Cooperation between the Group of Experts and Member States**

27. The Group of Experts held meetings with the Délégué Général of the Ministry of Foreign Affairs of the Democratic Republic of the Congo, as well as a number of other representatives of the country's civilian and military authorities. The Group addressed a letter to the Government's focal point and the Banque Centrale du Congo, requesting their cooperation in monitoring the implementation of the assets freeze against listed individuals and entities. This request is awaiting a response.

28. In Burundi, the Group held a meeting with the Government's focal point on 7 December 2007. The focal point responded to some of the Group's requests for information regarding illegal armed groups, aviation, customs, finance, child protection and the implementation of targeted sanctions against listed individuals, but other requests remain outstanding.

29. In Rwanda, the Group held a meeting with the Government's focal point on 16 January 2008. The focal point responded constructively to most of the Group's requests for information regarding illegal armed groups, illegal flows of military supplies, aviation, customs, finance, child protection and the implementation of targeted sanctions against listed individuals, although some other requests remain outstanding.

30. In Uganda, the Group held a productive meeting with the Government's focal point in Kampala on 14 December 2007. The Group has received some of the information it requested from the focal point regarding illegal armed groups, illegal flows of military supplies, aviation, customs, finance, child protection and the implementation of targeted sanctions against listed individuals, but some requests for information remain outstanding.

31. The Group received only partial responses to outstanding requests for information addressed to the authorities of Burundi, the Democratic Republic of the Congo, Rwanda and Uganda during the Group's previous mandate.

32. The Group requested information from the Governments of Burundi, Kenya, Uganda and Rwanda concerning its trade statistics with the Democratic Republic of the Congo, including minerals and precious stones. The Government of Rwanda replied to this request, and the Group received a preliminary response from Kenya, but it has not yet received a response from Burundi or Uganda.

33. The Group requested information on civil aviation from Bosnia and Herzegovina, Burkina Faso, Cyprus, Egypt, the Libyan Arab Jamahiriya, South Africa and the Sudan. It has received complete responses from Cyprus and Bosnia and Herzegovina. The Group has received preliminary responses from Burkina Faso, Egypt, the Libyan Arab Jamahiriya, South Africa and the Sudan.

## **V. Cooperation between the Group of Experts, MONUC and other United Nations offices in the Great Lakes region**

34. The Group worked closely with MONUC in a number of ways. United Nations officials, particularly at the highest level, gave generously of their time. The Group met with the MONUC head of mission in Kinshasa, heads of office in Goma, Bukavu, Kisangani, Uvira, Kigali and Kampala and senior officials of BINUB in Bujumbura.

35. MONUC and BINUB provided the Group with extensive logistical support, efficiently and effectively transporting its members around the country and the region. MONUC and BINUB staff shared information with the Group on a regular basis. In particular, MONUC produced a weekly report addressing issues relevant to the Group's mandate. This mechanism of information-sharing proved very useful in the Group's investigations.

36. The Office of Internal Oversight Services confirmed that it was investigating reports of possible misconduct within MONUC. The reports included smuggling of minerals and military supplies, and inappropriate relations with illegal armed groups. According to the Office of Internal Oversight Services, the implicated MONUC military units were cooperating with the investigation. According to other reliable sources, appropriate disciplinary measures had already been undertaken by the relevant Member States.

## **VI. Case studies on illegal armed groups in the Democratic Republic of the Congo**

37. The first two case studies concern the illegal armed groups that pose the most serious threat to peace and security in the eastern part of the Democratic Republic of the Congo, FDLR-FOCA and the military wing of CNDP. Both case studies focus on the command structure of the illegal armed groups, their arms supplies, financing sources, cross-border recruitment and violations of international law regarding the recruitment and use of children in armed conflict. The remaining case studies concern violations of the arms embargo by the Government of the Democratic Republic of the Congo and Member States supplying arms to the Government.



## **A. Case study 1: Forces démocratiques de libération du Rwanda- Forces combattantes abacunguzi**

38. FDLR, formed in 2000, is the largest foreign armed group in the Democratic Republic of the Congo, numbering between 7,000 and 9,000 combatants according to MONUC and diverse regional civilian and military authorities. FDLR is a successor organization to the Alliance for the Liberation of Rwanda (ALIR), which was composed of ex-FAR and Interahamwe members. The armed wing of FDLR is called Force Combattante Abacunguzi/Combatant Force for the Liberation of Rwanda (FOCA). According to FDLR-FOCA informants, the group is present in both North and South Kivu, and militia fighters rotate between the two Kivus. Rotations between troops located in North and South Kivu usually occur on a biannual basis, or when deemed necessary to support ongoing military activity, via the Kahuzi forest, which straddles the two provinces (see annex II).

### **1. Leadership**

39. Testimony from active and former FDLR-FOCA members and other informed sources makes it clear that the militia still maintains as its political leader Ignace Murwanashyaka, the President of FDLR-FOCA, who is resident in Germany. Murwanashyaka is included on the Security Council's list of individuals and entities subject to a travel ban and assets freeze.

40. According to the same sources, Straton Musoni, who is also exiled in Germany and subject to a United Nations travel ban and assets freeze, remains vice-president of FDLR-FOCA. Also in Europe are the FDLR external relations commissioner Juma Ngilishuti and its executive secretary Callixte Mbarushimana. In the eastern part of the Democratic Republic of the Congo, the military commander of FOCA remains Sylvestre Mudacumura, who is also listed on the Committee's travel ban and assets freeze. Mudacumura's deputy commander is Stanislas Nzeyimana. FDLR-FOCA forces are organized into two divisions, one in North Kivu commanded by Pacifique Ntawunguka and another in South Kivu under Leopold Mujyambere. Command structures are located, inter alia, in Ngando (Mwenga, South Kivu), Kibua (Walikale, North Kivu) and Kalonge (Walikale, North Kivu) (see the map in annex II).

### **2. Weapons**

41. MONUC reports that the main types of arms used by FDLR-FOCA are old AK-47s, hand grenades, rocket-propelled grenades, 60/81/120 mm mortars and automatic machine guns.

42. The Group is aware that many FARDC elements have no links with FDLR-FOCA. Yet, based on information collected by members of the Group from MONUC and other United Nations agencies, FARDC and other regional armed forces, Congolese National Police, interlocutors in the diplomatic community, non-governmental organizations, FDLR and CNDP, the Group has strong indications that there are close links between some FARDC elements and FDLR-FOCA. These links include, inter alia, individual FARDC elements providing arms to FDLR-FOCA fighters and ad hoc revenue-sharing arrangements between FARDC elements and FDLR-FOCA.

43. According to the Group's investigations and to FARDC, Congolese National Police, Government sources and customs authorities, MONUC, members of the

business community and environmental non-governmental organizations, there are smuggling networks both within the Democratic Republic of the Congo and between the eastern part of the Democratic Republic of the Congo, neighbouring countries and other countries in Africa. These sources informed the Group that many smuggled weapons are supplied via these networks to illegal armed groups in the eastern part of the Democratic Republic of the Congo. The networks also smuggle goods ranging from household and electrical appliances to minerals, drugs, ivory and weapons. These goods enter and circulate within the Democratic Republic of the Congo by both land and lake routes. The Group intends to further investigate these smuggling networks. The Mission's Lake Surveillance Unit informed the Group of continuous smuggling activities facilitated by the lack of radar detection and land-based mobile patrol teams to assist lake surveillance units. MONUC reports frequent seizures of arms on roads both leading to the lakes and surrounding areas. On 10 and 12 October 2007, for instance, fishermen were arrested by Congolese security forces in Katanga hiding 19 weapons in their baskets. The customs authorities of the Democratic Republic of the Congo also informed the Group that smuggling was facilitated by a lack of sufficient customs storage and inspection facilities (see paras. 92 and 93).

44. According to Government sources, FARDC, MONUC and non-governmental organizations, FDLR-FOCA uses a number of trade routes for both its commodity exports and imports, as illustrated below:

**South Kivu**

Kanvinvira-Uvira-Bukavu-Hombo-Itebero-Kibua

Uvira-Kilembwe

**North Kivu**

Ishasha-Nyabiondo-Remeka-Kibua

Ishasha-Nyabiondo-Kimua-Kibua

Ishasha-Nyabiondo-Kishanga

Ishasha-Nyabiondo-Pinga

Kasindi-Butembo-Lubero-Kasuo

Kasindi-Butembo-Lubero-Kasuo-Ikore-Pinga-Nyabiondo

**3. Cross-border recruitment**

45. According to evidence provided by Government civilian and military sources and MONUC, individuals cross into the Democratic Republic of the Congo from neighbouring countries to assist illegal armed groups. The Group was able to meet with several nationals detained by Congolese authorities on suspicion of cooperation with armed groups, some of whom admitted having been recruited by FDLR-FOCA. Government sources in Goma, Bukavu and Uvira informed the Group that they had arrested Burundian and Rwandan nationals for allegedly endangering the security of the State. The Group was able to interview some of these suspects. A representative of an ex-combatant association in Burundi also informed the Group that armed groups in the region continued to recruit former combatants.

#### 4. Financing

46. According to MONUC and other United Nations entities, civilian and military authorities, FDLR-FOCA and CNDP, interlocutors in the diplomatic community and non-governmental organizations, FDLR-FOCA has become well-entrenched in the eastern part of the Democratic Republic of the Congo and has developed diversified sources of financing. These sources include, inter alia:

(a) Control of mineral deposits at which either FDLR-FOCA or its civilian associates do the digging themselves, or where they tax the output of local diggers. The deposits include: inter alia, some cassiterite deposits north of Lulingu, in Shabunda region, South Kivu, in Nyabiondo, Walikale region, North Kivu, and in Lemera, South Kivu, and gold deposits in Kilembwe, South Kivu. Mineral output from mines controlled by FDLR-FOCA is transported to general collection points near the mining deposits. The output is typically transported by road and air by *comptoirs* (buying houses) to their headquarters, many of which are located in Goma and Bukavu;

(b) Deploying roadblocks to tax trade passing along roads under the control of FDLR-FOCA. The Group received evidence in Shabunda and Lulingu from a number of sources confirming the presence of six FDLR-FOCA roadblocks along the Shabunda-Bukavu road. Traders in Shabunda reported that, as a result, the costs were sufficiently prohibitive and that it was less expensive to transport goods by air, despite high air freight tariffs;

(c) Taxing markets in areas under the control of FDLR-FOCA, including Kibua, and Nyabiondo in North Kivu, Kahungwe, Sange and Kilembwe in South Kivu;

(d) Civilian associates of FDLR-FOCA produce a range of agricultural goods, including cannabis, both for their and the militia's own subsistence needs and for sale at regional markets;

(e) FDLR-FOCA and its civilian associates exploit timber in Pinga territory;

(f) FDLR-FOCA poaches hippopotamuses for both meat and ivory in areas under its control along Lake Albert in Lubero;

(g) FDLR-FOCA elements periodically steal from civilians and loot their homes.

#### 5. Recruitment and use of children

47. According to testimonies from former FDLR-FOCA child soldiers and international child protection agencies, since mid-2007 FDLR-FOCA, which previously used to recruit boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. One of the training camps is in Kilembwe, South Kivu. The child soldiers receive three to six months training. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline.

48. International child protection agencies and local human rights groups informed the Group of Experts that girls recovered from FDLR-FOCA had previously been abducted and sexually abused. According to these sources, the overall level of sexual abuse for girls is very high, with 2,133 reported cases of rape in the first six

months of 2007 in South Kivu alone. In 20 per cent of the cases, the abuse was so violent that surgery was required.

#### **6. Associated illegal armed groups**

49. According to numerous reliable sources, including MONUC, Congolese security, Government and diplomatic interlocutors, FDLR-FOCA operates as part of an informal network of armed groups, as highlighted below.

##### **Coalition of Congolese Patriotic Resistance**

50. Sources indicate that an important new armed group with close links with FDLR-FOCA is the Coalition of Congolese Patriotic Resistance (PARECO), formed in 2007 essentially by former Mai-Mai militia. PARECO reportedly operates under the orders of Sikuli Lafontaine (at Bingi in Lubero). PARECO is reportedly based in Kibua, near the FDLR-FOCA high command. MONUC has reported instances of sexual abuse in areas where PARECO operates.

##### **“Rastas”**

51. One extremely violent group which also has close operational links to FDLR-FOCA, is the so-called “Rastas”, reportedly comprised of ex-FDLR and Congolese nationals operating in South Kivu’s Mugabo forest, between Walungu and Kabare territories, particularly in Kanyola, Nyamaregwe, Ningja and Bunyakiri. The Rastas have acquired a reputation for brutally gang-raping underaged girls and confining them for months as sex slaves. In May 2007, the Rastas attacked Kanyola, killing 20 people and abducting 9 females, including 3 girls. According to former sex slaves interviewed by child protection agencies, girls abducted by the Rastas are sometimes “given” to FDLR-FOCA.

##### **Rally for Unity and Democracy-Urunana**

52. The Rally for Unity and Democracy (RUD-Urunana) is a group with a reputation for extreme violence. The group, which officially split from FDLR-FOCA in 2004 and which comprises a few hundred elements, is politically headed by Jean-Marie Vianney Higiro and Felicien Kanyamibwa, and the military commander Jean Damascene Ndibabaje (nicknamed Musare). RUD-Urunana’s political leadership in the United States denies that it has a military presence in the Democratic Republic of the Congo, but combatants in the Democratic Republic of the Congo claim that they belong to RUD-Urunana, and MONUC has repatriated a number of them to their home countries in the Great Lakes region.

#### **B. Case study 2: Forces of the National Congress for the Defence of the People**

53. The Group gathered information about Nkunda’s forces from numerous sources, including MONUC, Congolese civilian and military services, members of the diplomatic community, CNDP, FDLR-FOCA, non-governmental organizations and civil society organizations. CNDP, which describes itself as a political party, recognizes Laurent Nkunda as its leader. According to these sources, Nkunda, who is listed by the Committee, commands from 4,000 to 7,000 combatants in North Kivu, who constitute the CNDP military wing. The same sources indicated to the

Group that Nkunda's listing has had no discernible impact on his ability to command his forces in the ongoing conflict in North Kivu.

### **1. Structure**

54. Bosco Ntaganda, whose name is contained in the Committee's list, is, according to sources, the CNDP military wing operations commander. Frank Kakolele Bwambale, a former Congolese Rally for Democracy-Liberation Movement (RCD-ML) leader who is also on the Committee's list, belongs to the leadership of CNDP. CNDP's military wing has five brigades, headed by Innocent Kakundi, Sultani Makenga, Claude Micho, Wilson Sengiyumva and Faustin Muhindo. The headquarters is in Bwiza and the CNDP forces are located nearby, based in the hills around Kitchanga (between Masisi and Rutshuru towns, Walikale, North Kivu) stretching to the border post with Uganda of Bunagana (Rutshuru, North Kivu) (see annex II).

### **2. Weapons**

55. The sources cited above informed the Group that the CNDP military wing has often obtained FARDC armaments by collecting weapons abandoned by FARDC troops during combat. FARDC weapons were also officially transferred to the CNDP military wing during the mixage process in the first half of 2007. During that period, CNDP military wing elements operated as FARDC and, as such, were entitled to receive support (including arms and ammunition) from FARDC.

56. As discussed in the FDLR-FOCA case study, internal and regional smuggling networks are supplying weapons to illegal armed groups in the eastern part of the Democratic Republic of the Congo. These also include CNDP. MONUC, national and military authorities reported to the Group that Nkunda's forces have been receiving weapons via the border areas of Bunagana, Uganda, and Runyoni, Rwanda. The Governments of Uganda and Rwanda have explicitly denied any official cooperation between their armed forces and the CNDP military wing.

### **3. Cross-border military recruitment**

57. In July 2007 Laurent Nkunda publicly acknowledged that he had received recruits from North Kivu's refugee camps in Rwanda. This was documented in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo dated 28 June 2007 (S/2007/391), which highlighted the role of the Association des jeunes réfugiés congolais in this recruitment. National civilian and military authorities in Goma informed the Group that they had arrested 9 soldiers and 13 civilians from neighbouring States between June and November 2007, allegedly for endangering State security. The Group has interviewed detained Rwandan nationals, some holding Rwandan Defence Force identity cards, who were arrested in North Kivu by FARDC and admitted having fought for CNDP.

58. The Government of Rwanda does not deny the recruitment from refugee camps on its territory, but is adamant that it neither facilitates nor supports it. The Government has also denied facilitating the deployment on behalf of CNDP of any Rwanda Defence Force personnel in North Kivu.

#### 4. Financing

59. Information gathered and analysed by the Group from a number of sources, including MONUC, diplomatic sources, non-governmental organizations, sources close to CNDP and local civil society organizations, attested to continued material and financial support for CNDP from individuals and entities in the Democratic Republic of the Congo, Africa, North America and Europe. The Group is currently pursuing investigations into this matter.

60. These sources, along with direct testimony from farmers and Goma-based business people, indicate that much of the financial and material support for CNDP comes from both ordinary North Kivu citizens and prominent members of the North Kivu business community. Reportedly, money and contributions in kind are collected in Goma; some are voluntary, others are acquired by force. The Group has strong indications that contributors include some livestock holders, farmers, several leading Goma hotel owners, commercial landlords, Goma-based mineral *comptoir* owners, a prominent security company and Goma-based petrol wholesalers and retailers. According to the same sources, some of the Goma landlords are renting their premises to international organizations and non-governmental organizations.

61. According to the same sources, another important source of revenue for Nkunda's forces has reportedly been the taxing of traders travelling routes under CNDP control and the taxing of border crossings, including Bunagana. One former CNDP officer testified to the Group that in 2006 FDLR had paid CNDP for the safe passage of goods.

#### 5. Recruitment and use of children

62. According to MONUC, national civilian and military authorities and international child protection and human rights organizations, the CNDP military wing makes extensive use of child soldiers, and has used the Association des jeunes réfugiés congolais to recruit children under false pretences from refugee camps in the Democratic Republic of the Congo and Rwanda. During the mixage process, 150 children were demobilized from the CNDP military wing, but hundreds more remain. In late 2007, CNDP stepped up efforts to recruit children, kidnapping large groups of boys in and around schools and refugee camps. In October 2007, the Nyamitaba and Burungu Primary Schools in North Kivu were raided by Nkunda's forces and several boys were abducted. According to MONUC, on 17 December 2007 200 boys were abducted by Nkunda's troops from the Tongo Secondary School in Rutshuru. Abducted children are reportedly trained for a month in Itebero and Bwiza under brutal conditions, with some, according to testimonies from those who escaped the training, killed with whips or clubs.

63. The Group met in the presence of child protection officers with some children who had escaped or been retrieved by child protection officers. All the children interviewed said that they had been trained to use weapons and some said that they had been involved in active combat. Some of those children had served in Makenga's Brigade. According to child protection organizations, of all the CNDP commanders during the mixage process, Makenga was the least cooperative in allowing children to return to civilian life. As referred in the report of the Secretary-General on children and armed conflict in the Democratic Republic of the Congo (S/2007/391), on 22 March 2007, Makenga personally pulled six children out from a MONUC child protection vehicle and threatened three child protection officers.

## **6. Associated illegal armed groups**

64. MONUC, national civilian and military sources, and sources close to CNDP indicated that the CNDP military wing had close links with other illegal armed groups in the eastern part of the Democratic Republic of the Congo. The CNDP website states that Nkunda's movement incorporates elements of the Congolese Revolutionary Movement from Ituri, and "Mudundu 40", a Mai-Mai militia group from Walungu, South Kivu.

65. According to national civilian and military sources, Nkunda has been in contact with the "Moramvia Group" (now Forces republicaines fédéralistes) from Minembwe, South Kivu. The "Moramvia Group" is headed by Venant Bisogo and Michel Rukunda. This group is said by South Kivu local government officials and FARDC to have received heavy weaponry in late 2007 from Bibokoboko in South Kivu. According to the same sources, the "Moramvia Group" uses two infiltration channels for goods and people from neighbouring countries, via Bwegera-Kakamba, and via Rumingo-Kitoga-Bibangwa-Bishombo, to its base in Kamombo.

## **VII. Case studies concerning deliveries of military equipment to the Government of the Democratic Republic of the Congo**

66. In paragraph 4 of resolution 1596 (2005), reiterated in resolution 1771 (2007), the Security Council decided "that all future authorized shipments of arms and related materiel ... shall only be made to receiving sites as designated by the Government ... in coordination with MONUC". Additionally, by paragraph 2 (g) of resolution 1756 (2007), reiterated by resolution 1794 (2007), MONUC is mandated, inter alia, to monitor the implementation of the arms embargo, in cooperation, as appropriate, with the Governments concerned and with the Group of Experts. This includes MONUC inspecting the cargo of aircraft and of any transport vehicle using the ports, airports, airfields, military bases and border crossings in North and South Kivu and in Ituri. In this regard, the Group of Experts considers it indispensable, in order for MONUC to effectively implement its mandate, that the Government of the Democratic Republic of the Congo systematically inform MONUC of all incoming shipments of military equipment.

67. The Committee requested that the Group further investigate several cases reported by MONUC of military supplies delivered to the Government of the Democratic Republic of the Congo, primarily in Kisangani and Matadi, during the period from August to November 2007. In response, the Group conducted a number of investigations, including the sending of requests for information to alleged supplier States and meeting with their diplomatic representatives. In this connection, the Group endeavoured to obtain more information from the Congolese authorities on the details of the above-mentioned shipments, but was informed that as a sovereign State, the Democratic Republic of the Congo considers it has no obligation to disclose this information. Furthermore, the Congolese authorities noted that they had no obligation to notify MONUC of incoming shipments of military equipment.

## **A. Azza Air Transport**

68. The Group investigated the case of Azza Air Transport's deliveries to Kisangani. According to MONUC, there were five such deliveries, done both in Azza aircraft and aircraft leased by Azza from Faso Airways.

69. According to MONUC, on 10 September 2007 a cargo flight, an IL-76 XT-FCB owned by Faso Airways, allegedly originating in Tripoli, landed at Kisangani airport following a stop in Khartoum. Reportedly, around 41 tons of ammunition and military equipment were subsequently stored in the warehouse at the FARDC Logistics Base at Kisangani airport. MONUC informed the Group that it had been denied permission to inspect the shipment. According to MONUC, an FARDC logistics officer in Kisangani did not deny that FARDC had received military equipment. He added that the Government of the Democratic Republic of the Congo had not informed MONUC about what was received or how it was distributed in order to preserve confidentiality and "national security".

70. Corroborating the MONUC information, records that the Group obtained from airport authorities at Kisangani-Bangboka airport indicate that the same aircraft had landed in Kisangani on 10 September 2007 from Khartoum and returned to Khartoum the same day. The Group received information that Azza Air Transport had leased the XT-FCB on a number of occasions and was in the process of purchasing the aircraft.

71. The Group has requested information from the authorities of Burkina Faso regarding the activities of this particular aircraft, and at the time of writing had received a preliminary response.

72. Regarding planes owned by Azza Air Transport, on 22 November 2007 the Group arrived in Kisangani and witnessed large green boxes being unloaded into military trucks guarded by FARDC from an IL-76 aircraft, operated by Azza Air Transport and registered as ST-APS (see the photograph). According to MONUC and local informants, those boxes contained weapons, ammunition and military equipment. Records that the Group obtained from airport authorities at Kisangani-Bangboka airport indicate that Azza aircraft IL-76 ST-APS landed four times in Kisangani on same-day return flights coming from Kinshasa (13 September 2007) and Khartoum (19, 22 and 23 November 2007) (see annex III).



**Azza aircraft ST-APS at Kisangani airport, 22 November 2007**

73. The Group wrote to the Government of the Sudan concerning these shipments. In response, the Government of the Sudan maintained that “no ammunition or military equipment” was being transported from the Sudan to the Democratic Republic of the Congo via Azza Air Transport. The Government of the Sudan stated that, contrary to MONUC findings, the Azza aircraft were transporting “general items”, including furniture and food. In response to the Group’s request for further information about the shipments, the Libyan Arab Jamahiriya replied that it had referred the request to the relevant authorities for investigation.

74. The Group is not aware that the Committee was notified of these shipments by the alleged supplier States, in apparent violation of paragraph 4 of Security Council resolution 1771 (2007). In addition, MONUC has indicated to the Group that at no stage was it informed by the Congolese authorities of any of these shipments, making it difficult to monitor the arms embargo.

## B. ICAR Air

75. Another case brought to the Committee's attention by MONUC, and which the Committee asked the Group of Experts to investigate, concerned a reported shipment of military equipment to the Democratic Republic of the Congo between 3 and 4 August 2007. MONUC received the letter from the Congolese authorities regarding the shipment two days after its arrival, on 6 August 2007. The authorities informed MONUC that the flight was operated by ICAR Air, a company registered in Bosnia and Herzegovina, and came from Pretoria, South Africa.

76. Responding to a letter from the Group, the Government of Bosnia and Herzegovina confirmed the shipment and informed the Group that the flight had originated in Serbia and travelled via the Libyan Arab Jamahiriya. The Group further confirmed that the flight had travelled from Nis, Serbia, to Sebha, Libyan Arab Jamahiriya. As shown in annex IV, the aircraft further travelled from Sebha to Kinshasa. The shipment details are as follows:

- (a) Consignment: 5,000 AK-47 and 100 M-84 machine guns (see annex V);
- (b) Manufacturer: ZASTAVA (Kragujevac, Serbia);
- (c) Exporter: "Mile Dragić" company;
- (d) Carrier: Intereuropa;
- (e) Flight operator: ICAR Air, an airline registered in Bosnia and Herzegovina, leased the IL-76 YU-AMJ from a Serbian company, Air Tomisko;
- (f) Route: According to civil aviation documents, ICAR requested overflight and landing permits in Serbia (see annex VI), the Libyan Arab Jamahiriya (annex VII), Chad (annex VIII) and the Democratic Republic of the Congo (annex IX) for 3 August 2007, but the plane's actual flight plan was Nis, Serbia-Sebha, Libyan Arab Jamahiriya-Kinshasa, the Democratic Republic of the Congo;
- (g) End-user: Government of the Democratic Republic of the Congo, Ministry of National Defence and ex-combatants (see annex V);
- (h) Amount: US\$ 1,296,000.

77. The Group has preliminarily established that the ICAR Air shipment originated not from South Africa, as stated by the Congolese authorities to MONUC, but from Serbia and the Group is awaiting the confirmation of the South African civil aviation authorities. The Group has further concluded that because the Committee was notified by Serbia, there was no violation of paragraph 4 of resolution 1771 (2007).

78. The Group considers that this case highlights the Mission's difficulties in monitoring the arms embargo in the absence of timely and accurate notification by the Democratic Republic of the Congo authorities of arms shipments to the country. The case also illustrates the need for close communication between the Committee and MONUC regarding arms shipments to the Democratic Republic of the Congo.

### C. Other case studies

79. According to national authorities, MONUC, Chinese and other diplomatic sources, on 30 September 2007 the cargo ship *Saint George* docked at Matadi port, Democratic Republic of the Congo, and unloaded 10 green military trucks manufactured in China (manufacturer: Dong Feng, registration numbers: YO-63-DF from 001 to 010), together with 4 containers of helmets manufactured in China. The Group is not aware that the Committee was notified of this shipment. Furthermore, MONUC reported that it had not been informed of the shipment, and that its military observers in Matadi had been denied access to the shipment, with FARDC officials declining to show them a cargo manifest.

80. According to MONUC, the Congolese customs and police, arms and ammunition unloaded at Matadi port have on occasion been delivered without customs declaration and placed under the control of FARDC rather than port or customs officers. MONUC has reportedly never been officially informed of these imports, which has made more difficult the implementation of its mandate to monitor the arms embargo.

## VIII. Natural resources and violations of the arms embargo in the eastern part of the Democratic Republic of the Congo

81. According to Congolese civilian and military sources, MONUC, United Nations agencies, non-governmental organizations and members of illegal armed groups, the exploitation of mineral deposits, forestry resources and indigenous fauna of the Kivus plays an important role in the financing of illegal armed groups in these provinces. FDLR-FOCA reportedly earns substantial revenue from its control and taxation of mineral deposits in North and South Kivu (see paras. 37-65). In addition, both FDLR-FOCA and CNDP indirectly profit from natural resources via roadblocks and forced or voluntary contributions from companies, *comptoir* owners and others involved in their trade (see paras. 66-80).

82. In connection with the Group's mandate to monitor the arms embargo, including sources of financing such as natural resources that are funding the illicit trade of arms, the Group gathered information from Congolese civilian and military sources, MONUC, United Nations agencies, non-governmental organizations and members of illegal armed groups to the effect that the revenues earned from natural resource exploitation were used by armed groups to rearm themselves. The Group would need to further investigate this information.

83. According to national civilian and military authorities and MONUC, even in areas with a strong rebel presence, not all the mineral deposits are controlled by illegal armed groups. Reportedly, these areas include Masisi and Walikale in North Kivu, and Lulingu, Lemera and Kilembwe in South Kivu. However, purchasers of mineral output from the eastern part of the Democratic Republic of the Congo interviewed by the Group maintain that they do not knowingly buy minerals from deposits controlled or taxed by illegal armed groups.

84. In the Kivus, the Centre d'évaluation, d'expertise et de certification, which monitors the origin and quality of national mineral output, is currently only present in Goma and Bukavu. According to CEEC officials and commercial sources, by the

time mineral output reaches those cities, material from militia-controlled mines in the eastern part of the Democratic Republic of the Congo has often already been mixed with other material. To overcome this problem, CEEC needs to register the origin of mineral output with greater precision. This will require CEEC to increase its capacity and expand its presence closer to the Kivus' mining sites. In this context, the Group acknowledges the World Bank's commitment to provide technical assistance to CEEC, which will assist with this process.

85. The Group considers that individuals and entities buying mineral output from areas of the eastern part of the Democratic Republic of the Congo with a strong rebel presence are violating the sanctions regime when they do not exercise due diligence to ensure their mineral purchases do not provide assistance to illegal armed groups. The Group further considers that due diligence entails the following steps. First, companies buying from areas at risk in the eastern part of the Democratic Republic of the Congo (see para. 84 above) determine the precise identity of the deposits from which the minerals they intend to purchase have been mined, rather than simply the territory of origin, as currently registered by CEEC. Second, once the precise identities of the mineral deposits are known, purchasers establish whether or not these deposits are controlled and/or taxed by illegal armed groups. Third, purchasers refuse to buy minerals known to originate — or suspected to originate — from deposits controlled/taxed by these armed groups. Purchasers similarly exercise due diligence by refusing to purchase mineral output known or suspected to have been taxed by illegal armed groups en route to *comptoirs*. Failure to follow these steps constitutes a lack of due diligence, and in the Group's view puts purchasers in violation of the arms embargo for provision of assistance to armed groups.

## **IX. Monitoring of targeted sanctions against listed individuals and entities**

### **A. General**

86. The Central Banks of the Democratic Republic of the Congo, Rwanda and Uganda informed the Group of Experts that they were unaware of the individuals and entities whose assets were to be frozen under paragraph 15 of Security Council resolution 1596 (2005). Accordingly, the Group met with senior officials of the Congolese, Rwandese and Ugandan Central Banks to convey the list of sanctioned individuals and entities. The Group requested the Central Banks to take appropriate measures so that commercial banks under their oversight comply with paragraph 15 of resolution 1596 (2005). Due to time constraints, the Group was unable to meet with representatives of the Central Bank of Burundi.

### **B. Uganda Commercial Impex Ltd. and Machanga Ltd.**

87. Because of its short mandate, the Group was able to meet only with officials of the Government of Uganda and the companies Uganda Commercial Impex Ltd. (UCI) and Machanga Ltd. and was therefore unable to investigate this matter fully. According to these sources, since the imposition by the Committee of sanctions against UCI and Machanga Ltd. on 29 March 2007, the companies' gold buying

activities had halted. UCI further informed the Group that it had through the focal point established by resolution 1730 (2006) petitioned the Committee to be delisted. The company also informed the Group that it had requested a waiver from the Committee to enable UCI to service a loan. UCI claims that since its listed Congolese business partner Kisoni Kambale was killed on 5 July 2007 in Butembo, and its business activities with an illegal armed group associate had been terminated, there was no further purpose to include the company on the sanctions list. UCI also informed the Group that additional funds worth US\$ 780,000 were still being held by Hussar Ltd. (see also S/2007/423, para. 136) for gold purchased from UCI.

### **C. Other listed individuals and entities**

88. According to national civilian and military sources, information provided by sources in the Government of the Democratic Republic of the Congo, FARDC, the diplomatic community and informants from illegal armed groups:

(a) Bosco Ntaganda, listed by the Committee for being a member of an illegal armed group and for arms trafficking, has become the CNDP chief of military operations;

(b) Frank Kakolele Bwambale, listed by the Committee for being a member of an illegal armed group and for arms trafficking, is currently in the leadership of CNDP;

(c) Matthieu Ngudjolo, listed by the Committee for being a member of an illegal armed group and for arms trafficking, was receiving training as of late 2007 at the Centre Supérieur Militaire in Kinshasa. When the two militias he commanded were integrated into FARDC in August and October 2007, 84 children were discovered among their ranks;

(d) Tous pour la Paix et le Développement, listed by the Committee for its implication in the violation of the arms embargo and for distributing weapons, has largely ceased its activities. However, some of its former members have joined armed movements. Three have become commanders in CNDP: Faustin Muhindo, Makenga Sultani and Claude Micho, while another, Mugabo, is now with PARECO;

(e) Douglas Mpamo and his company, the Great Lakes Business Company, were listed by the Committee for supplying weapons to illegal armed groups. The Group of Experts has established that the Government's Régie des voies aérienne (RVA) grounded the Great Lakes Business Company's fleet for technical reasons rather than as a result of its having been listed. However, during the Group's stay in Goma, FARDC officers ordered the Business Company's aircraft to fly again despite the RVA opposition;

(f) Jérôme Kakwavu Bukande, listed by the Committee for his involvement in arms trafficking, remains in FARDC;

(g) Germain Katanga, listed by the Committee for being a member of an illegal armed group and for arms trafficking, was transferred to the International Criminal Court by the Government of the Democratic Republic of the Congo on 17 October 2007;

(h) Kisoni Kambale, listed by the Committee for militia financing, was killed on 5 July 2007 in Butembo;

(i) Thomas Lubanga, listed by the Committee for being a member of an illegal armed group and for arms trafficking, was transferred to the International Criminal Court by the Congolese authorities on 17 March 2006;

(j) Panga Khawa Mandro, listed by the Committee for being a member of an illegal armed group and for arms trafficking, was arrested by the Congolese authorities in October 2005;

(k) Sylvestre Mudacumura, listed by the Committee for being a member of an illegal armed group and for arms trafficking, continues to serve as the military commander of FDLR-FOCA in Kibua;

(l) Ignace Murwanashyaka, listed by the Committee for being a member of an illegal armed group and for arms trafficking, currently resides in Germany and is still recognized by FDLR-FOCA as the President of the armed group's political branch;

(m) Straton Musoni, listed by the Committee for being a member of an illegal armed group and for arms trafficking, currently resides in Germany and is still recognized by FDLR-FOCA as the Vice-President of the armed group's political branch;

(n) Laurent Nkunda, listed by the Committee for being a member of an illegal armed group and for arms trafficking, commands CNDP in North Kivu;

(o) Butembo Airlines and the Compagnie Aérienne des Grands Lacs, listed for provision of assistance for illegal armed groups, no longer hold aircraft operating licences in the Democratic Republic of the Congo.

Due to its short mandate, the Group was not able to monitor the implementation of targeted sanctions in connection with the following individuals and entities listed by the Committee: CongoCom Trading House, Ozia Mazio, Jules Mutebutsi, Floribert Njabu and James Nyakuni.

## **X. Monitoring of aircraft operations in the Democratic Republic of the Congo**

89. With reference to paragraph 6 of Security Council resolution 1596 (2005), and on the basis of information provided by the Congolese civil aviation authorities, the Group established that many aircraft still operate in the Democratic Republic of the Congo in violation of national and international civil aviation standards, including, inter alia, flight authorizations and maintenance. This led during 2007 to a series of aircraft crashes in the Democratic Republic of the Congo, which were due, inter alia, to lack of maintenance, technical failures, human error, inadequate infrastructure and excessive cargo.

90. Based on the same information, the Group was also able to determine that some aircraft used false registration numbers. The Government of Burundi also provided the Group with cancellation certificates of the registration of two Antonov-12 aircraft (registered as 9U-BHN and 9U-BHO) operated by a Congolese airline company Mango Mat. Despite the cancellation of their registration, one of

these planes has continued to operate in the Democratic Republic of the Congo while the other has crashed. Mango Mat was further mentioned by MONUC as having transported arms from Kisangani to Bukavu on 11 September 2007.

91. According to the Régie des voies aériennes, there were also numerous air traffic services incidents during this period. The Group considers that these incidents demonstrate the Government's lack of capacity to monitor its airspace, in part due to insufficient and the limited range of communications equipment.

## **XI. Customs and border control issues**

92. According to customs officials in the Democratic Republic of the Congo, smuggling is prevalent in the country in part because of the porosity of its borders. Another reason in some places, reportedly, is the lack of specific, functioning customs areas and warehouses where merchandise can be unloaded and controlled under customs supervision, in accordance with international customs regulations.

93. For instance, in Goma, because the customs warehouses were destroyed during the last eruption of a volcano near there, trucks transporting un-inspected containers habitually stretch out along the road towards town without customs supervision. The duty of the customs office in Goma is to complete customs formalities for merchandise arriving by road and air. However, due to the lack of warehousing facilities, after the declaration of goods and payment of taxes by the transporter, the goods are directly delivered to the end-user without any further physical verification by customs officials. This system allows all kinds of abuses, and particularly false declarations. According to customs officials, this lack of infrastructure makes possible the import and export of prohibited goods, including weapons and minerals. For example, customs officers in Goma informed the group that based on informant's tip-off, in September 2007, they had seized from trucks a significant quantity of cassiterite destined for export, which had not been declared to the customs authorities nor inspected.

## **XII. Recommendations**

### **Arms**

**94. To strengthen the monitoring of the arms embargo, the Group of Experts recommends that the Committee inform the Group and MONUC of notifications that the Committee receives pursuant to paragraph 4 of Security Council resolution 1771 (2007).**

**95. The Group recommends that the Committee request the Government of the Democratic Republic of the Congo to enhance the arms embargo monitoring capacity of MONUC by notifying MONUC of all incoming shipments of military supplies in a timely fashion.**

**96. The Group recommends that the Security Council request the Government of the Democratic Republic of the Congo and its international cooperation partners to reactivate an effective process of disarmament, demobilization and reintegration of members of illegal armed groups.**

#### **Customs and border control**

97. The Group recommends that the Committee encourage the Government of the Democratic Republic of the Congo and its international cooperation partners to establish sufficient customs storage facilities and equip its customs administration and law enforcement institutions with appropriate operational equipment for the fulfilment of their missions. These should include radar surveillance systems on Lakes Albert, Edward, Kivu and Tanganyika, and modern means and methods of targeting and rummaging vehicles (including boats and aircraft) as well as containers (including scanners).

98. The Group recommends that the Committee encourage the Governments of the Democratic Republic of the Congo and neighbouring States to establish closer cooperation among their respective customs authorities with a view to improving implementation of the arms embargo and targeted travel and finance measures.

#### **Recruitment of child soldiers**

99. The Group recommends that the Committee request the Governments of the Democratic Republic of the Congo and regional States to take appropriate measures to prevent cross-border recruitment of child soldiers.

100. The Group recommends that the Committee request child protection organizations in the Great Lakes region to strengthen their cooperation in the field to prevent cross-border recruitment of child soldiers.

#### **Listed individuals and entities**

101. The Group recommends that the Committee request all Member States to circulate to their relevant authorities the list of individuals and entities subject to the measures imposed by paragraphs 13 and 15 of Security Council resolution 1596 (2005),<sup>3</sup> with a view to increasing national implementation of targeted sanctions.

#### **Finance**

102. The Group recommends that the Committee request Member States to ensure that individuals and entities under their jurisdiction that purchase minerals and precious stones from districts in the Democratic Republic of the Congo with a strong rebel presence conduct due diligence to ensure that their purchases do not profit illegal armed groups.

---

<sup>3</sup> [http://www.un.org/sc/committees/1533/pdf/1533\\_list.pdf](http://www.un.org/sc/committees/1533/pdf/1533_list.pdf).



## Annex I

### Meetings and consultations<sup>a</sup>

#### **Belgium**

##### *Government*

Ministère des Affaires étrangères

##### *Organizations*

International Peace Information Service (IPIS)

#### **Burundi**

##### *Government*

Ministry of External Relations and International Cooperation

Forces de Défense Nationale TK

Service National de Renseignement

Ministère des Finances

Services des voies aériennes

##### *Organizations*

BINUB

UNDP

##### *Private sector*

Chambre du Commerce

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

##### *Government*

Administration Provinciale de Nord Kivu

Administration Provinciale de Sud Kivu

Administration Provinciale d'Orientale

Agence nationale de renseignement

Banque Centrale du Congo

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

Délégation générale du Gouvernement chargée de liaison avec la MONUC

Direction de l'aéronautique civile

Direction générale de migration

Forces armées de la République Démocratique du Congo

Garde Républicaine

Régie des voies aériennes

Office des douanes et accises

Police nationale Congolais

Ministère des Mines

<sup>a</sup> For security reasons, the names of certain individuals who have provided information or statements to the Group of Experts cannot be listed.

*Organizations*

International Monetary Fund  
Médecins sans frontières  
MONUC  
Office for the Coordination of Humanitarian Affairs  
Office of Internal Oversight Services  
Oxfam  
Office of the United Nations High Commissioner for Refugees  
United Nations Children's Fund  
United Nations Development Programme  
Pole Institute  
World Food Programme  
World Bank

*Diplomatic representations*

British Embassy  
Embassy of Belgium  
Embassy of China  
Embassy of the Czech Republic  
Embassy of France  
European Union  
Embassy of South Africa  
Embassy of the United States of America

*Private sector*

ACOGENOKI  
BIC  
FEC  
SODEEM  
SODEXMIN

**Niger**

*Government*

Aviation Civile

*Organizations*

Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA)

**Rwanda**

*Government*

Banque Nationale du Rwanda  
Office of the President  
Ministry of Foreign Affairs  
Ministry of Finance  
Ministry of Internal Affairs  
Police

Rwandan Defence Force  
Rwanda Demobilization and Reintegration Commission  
Rwanda Revenue Authority

*Organizations*

MONUC

*Diplomatic representations*

British Embassy  
Embassy of Belgium

**Senegal**

*Organizations*

Agency for the Safety of Air Navigation in Africa and Madagascar (ASECNA)  
International Civil Aviation Organization

**Uganda**

*Government*

Bank of Uganda  
Civil Aviation Authority  
Ministry of Foreign Affairs  
Ugandan People's Defence Force  
Uganda Revenue Authority

*Organizations*

MONUC

*Private sector*

Machanga Limited  
Uganda Commercial Impex (UCI)

**United States of America**

*Diplomatic representations to the United Nations*

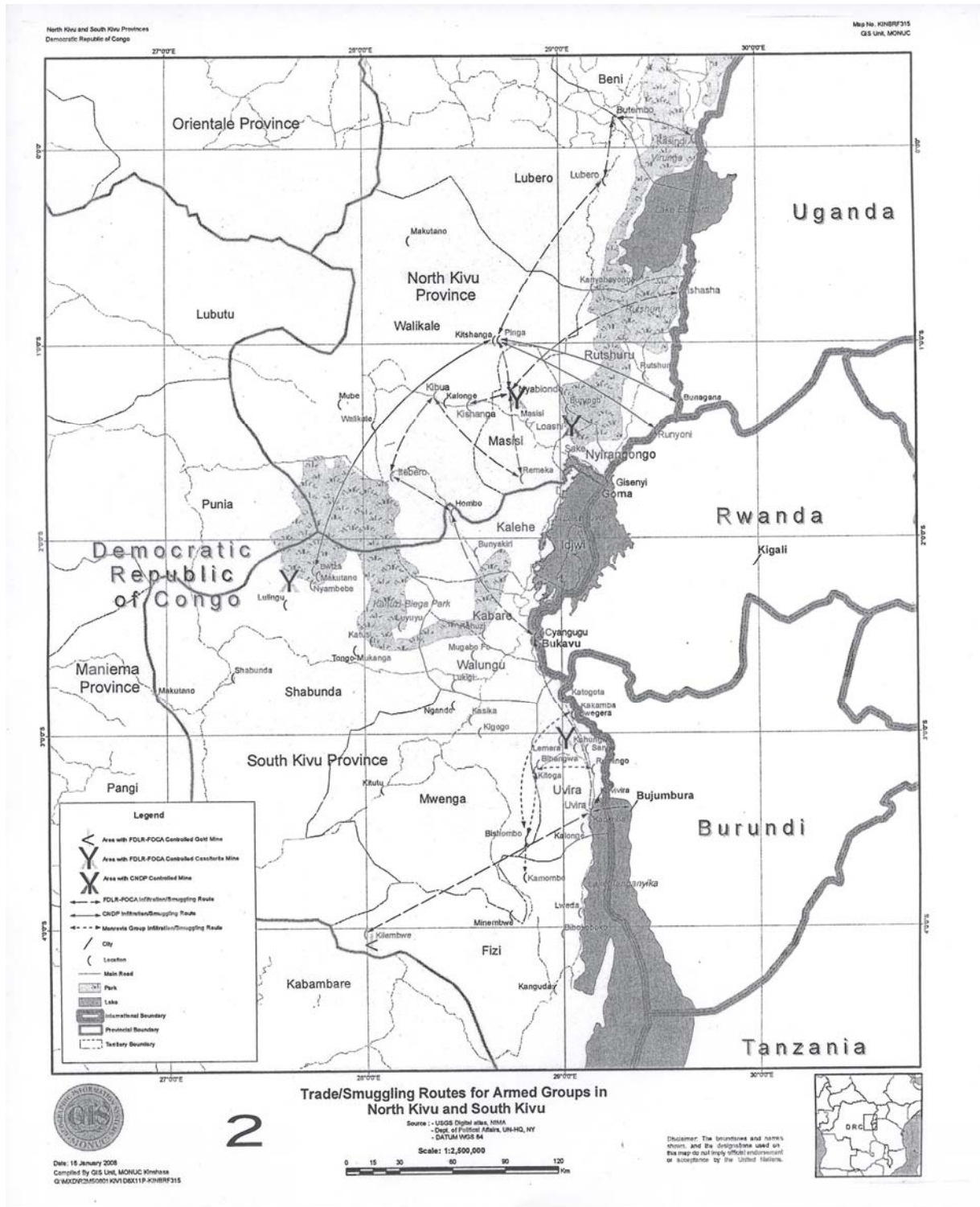
Permanent Mission of the Democratic Republic of the Congo  
Permanent Mission of Belgium  
Permanent Mission of France  
Permanent Mission of Germany  
United States Mission

*United Nations Headquarters*

Department of Peacekeeping Operations  
Department of Political Affairs  
Office of Legal Affairs

## Annex II

### Trade/smuggling routes for armed groups in North Kivu and South Kivu



## Annex III

### Statistics on traffic at Kisangani/Bangboka airport by aircraft operated by Azza Air Transport

<b><u>IL 76 XT-FCB</u></b>				
<b>Date</b>	<b>Provenance</b>	<b>Destination</b>	<b>H.arrivée</b>	<b>H.départ</b>
10.09.2007	Khartoum	Khartoum	0742 TU	1436 TU
<b><u>IL 76 ST-APS</u></b>				
<b>Date</b>	<b>Provenance</b>	<b>Destination</b>	<b>H.arrivée</b>	<b>H.départ</b>
13.09.2007	Kinshasa	Kinshasa	1608 TU	1806 TU
19.11.2007	Khartoum	Khartoum	0749 TU	1040 TU
22.11.2007	Khartoum	Khartoum	0754 TU	1212 TU
23.11.2007	Khartoum	Khartoum	0721 TU	1102 TU

Source: Régre des voies aériennes.

**Annex IV****Excerpts of air traffic statistics (Agency for the Safety of Air Navigation in Africa and Madagascar)**

Date	Call sign	Registration	Type of Aircraft	Company	Origin	Destination
04-Aug-07	3DMSC	3DMSC	L410	EASTERN TRADE ANSTALT VADUZ	FTTJ	FZAA
<b>04-Aug-07</b>	<b>TOH0215</b>	<b>YUAMJ</b>	<b>IL76</b>	<b>CIES AERIENNES COM.ET CHARTERS</b>	<b>HLLS</b>	<b>FZAA</b>

Source: Agency for the Safety of Air Navigation in Africa and Madagascar.

## Annex V

## End-user certificate (Ministry of Defence, Democratic Republic of the Congo)

END USER CERTIFICATE N° MDNAC/CAB/ 0256 /2007

1. Nom et adresse complète de l'utilisateur final : Ministère de la Défense Nationale et des Anciens Combattants de la République Démocratique du Congo à KINSHASA/INCOALIERNA
2. Nom et adresse complète de l'exportateur : Société Mlle Dragic Production MAKEDONSKA 11, 23000 ZRENJAJIN en SERBIE

3. Nom et description complète des objets commandés : Equipements militaires, armes

NO. SÉRIE	DESCRIPTION	QUANTITÉ
ARMES D'INFANTERIE		
1.	AK 47 (traité en usine)	5.000
2.	PKM	100

4. Destination des objets commandés : République Démocratique du Congo.
5. Les articles commandés seront utilisés uniquement par les Unités des Forces Armées de la République Démocratique du Congo.
6. L'utilisateur des biens garantit ici que les articles spécifiés au point 3 ne sont pas utilisés pour des besoins autres que ceux précisés au point 5 et ne seront pas transférés à une tierce partie en République Démocratique du Congo ni réexportés sans la permission de la Société MLE DRAGIC Production.

Le Ministre de la Défense Nationale  
et des Anciens Combattants

CHIEF DE BUREAU

Titre

Signature

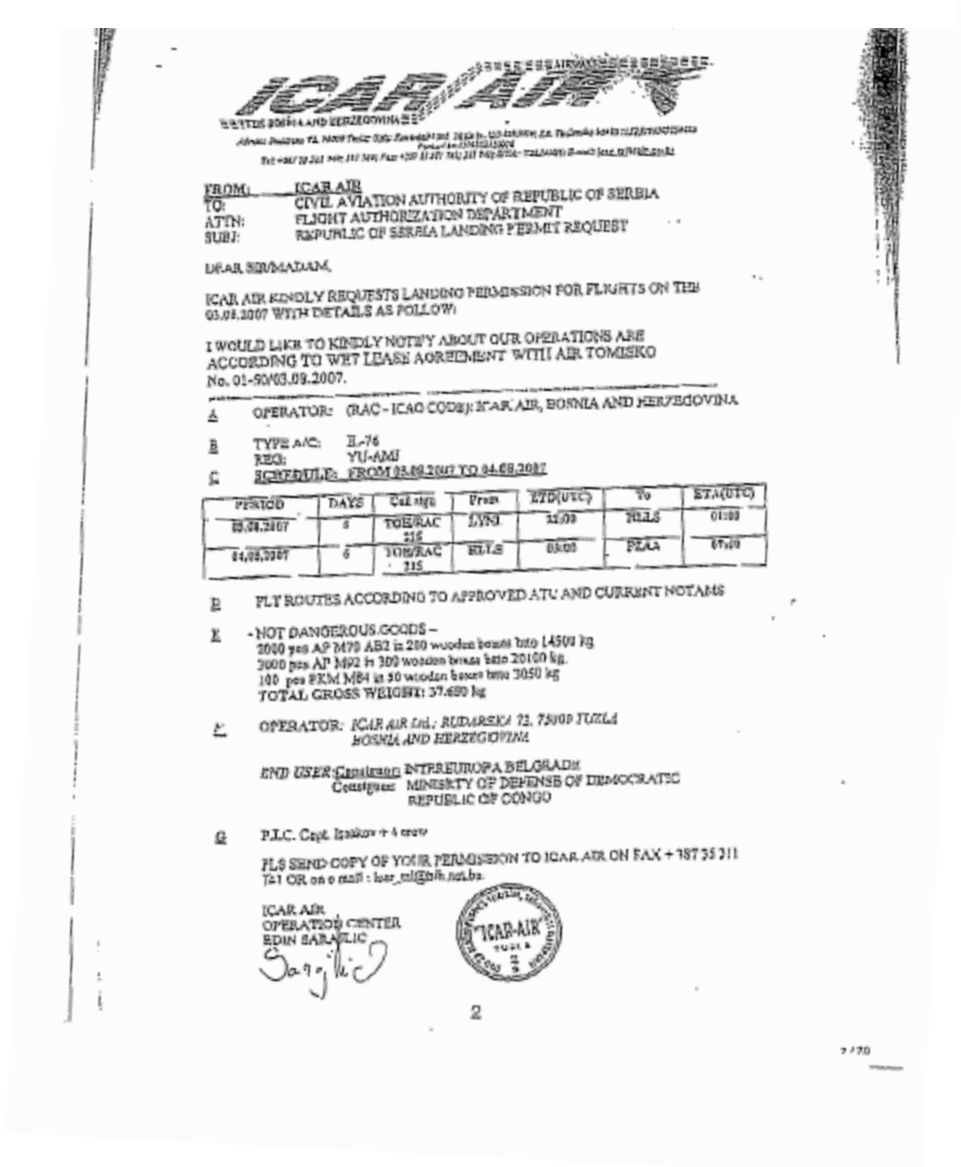
Nom

Date : 1 MAY 2007

Cachet

Annex VI

ICAR Air request for landing authorization, Serbia





Annex VII

ICAR Air request for landing authorization,  
Libyan Arab Jamahiriya

**ICAR AIR**

BOŠNJA I HERCEGOVINA  
Adresa: Ruzicka 72, 75000 Tuzla (Bosna i Hercegovina) | Telefon: +386 (0)52 211 111 | Fax: +386 (0)52 211 112 | E-mail: [icair@bih.net.ba](mailto:icair@bih.net.ba)

FROM: ICAR AIR  
TO: CIVIL AVIATION AUTHORITY OF LIBYA  
ATTN: FLIGHT AUTHORIZATION DEPARTMENT  
SUBJ: LIBYA LANDING PERMIT REQUEST - TECHNICAL FLIGHT

DEAR SIR/MADAM,

ICAR AIR KINDLY REQUESTS LANDING PERMISSION FOR FLIGHTS IN THE  
03.08.2007 WITH DETAILS AS FOLLOWS:

I WOULD LIKE TO KINDLY NOTIFY ABOUT OUR OPERATIONS ARE  
ACCORDING TO WET LEASE AGREEMENT WITH AIR TOMISKO  
No. 01-50/03.08.2007.

A OPERATOR: (IAC - ICAO CODE): ICAR AIR, BOSNIA AND HERZEGOVINA

B TYPE A/C: IL-76  
RBG: YU-AMU

C SCHEDULE: FROM 03.08.2007 TO 04.08.2007

PERIOD	DAYS	Call sign	From	ETD(UTC)	To	ETA(UTC)
03.08.2007	5	TOH/RAC 215	LVNI	22:00	HLLS	01:00
04.08.2007	6	TOH/RAC 215	HLLS	03:10	PZAA	07:50

D FLT ROUTES ACCORDING TO APPROVED ATC AND CURRENT NOTAMS

E - NOT DANGEROUS GOODS -  
2000 pcs AP M70 AB2 in 200 wooden boxes bwa 14500 kg  
3000 pcs AP M92 in 300 wooden boxes bwa 20100 kg  
100 pcs PICM M84 in 50 wooden boxes bwa 3050 kg  
TOTAL GROSS WEIGHT: 37,650 kg

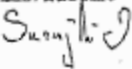
F OPERATOR: ICAR AIR Ltd; RUDARSKA 72, 75000 TUZLA  
BOSNIA AND HERZEGOVINA

END USER: ~~Comandant~~ INTEREUROPA BELGRADE  
Consignee: MINISTRY OF DEFENSE OF DEMOCRATIC  
REPUBLIC OF CONGO

G P.I.C. Capt. Isakov + 4 crew

PLEASE SEND COPY OF YOUR PERMISSION TO ICAR AIR ON FAX +387 35 311  
741 OR on e mail : [icair@bih.net.ba](mailto:icair@bih.net.ba)


ICAR AIR  
OPERATION CENTER  
EDEN SARAJLIC



R

Annex VIII

ICAR Air request for landing authorization, Chad



**ICAR AIR**

UČENJE BOSNIA AND HERZEGOVINA

Adresa: BEOGRAD 10, 75000 Tuzla, 15000 Zrenjanin, 17000 Novi Sad, 11000 Beograd, 20000 Podgorica, 11000 Zagreb, 11000 Ljubljana  
 Phone: +381 11 212 740; 212 741; Fax: +381 11 212 741; 212 740; E-MAIL: TEL@ICAR.BA; WWW: WWW.ICAR.BA

**FROM:** ICAR AIR  
**TO:** CIVIL AVIATION AUTHORITY OF CHAD  
**ATTN:** FLIGHT AUTHORIZATION DEPARTMENT  
**SUBJ:** CHAD LANDING PERMIT REQUEST

DEAR SIR/MADAM,

ICAR AIR KINDLY REQUESTS LANDING PERMISSION FOR FLIGHTS IN THE  
 03.08.2007 WITH DETAILS AS FOLLOWS:

I WOULD LIKE TO KINDLY NOTIFY ABOUT OUR OPERATIONS ARE  
 ACCORDING TO WET LEASE AGREEMENT WITH AIR TOMISKO  
 No. 01-50/03.08.2007.

**A OPERATOR:** (IAC - ICAO CODE): ICAR AIR, BOSNIA AND HERZEGOVINA  
**B TYPE A/C:** IL-76  
**RH:** YU-AMJ  
**C SCHEDULE:** FROM 03.08.2007 TO 04.08.2007

PERIOD	DAYS	CSN/sign	FROM	ETD(UTC)	TO	ETA(UTC)
03.08.2007	5	TOB/RAC 215	LYNI	11:00	RLIS	01:00
04.08.2007	6	TOB/RAC 215	RLIS	01:00	PZAA	07:00

**D FLT ROUTES** ACCORDING TO APPROVED ATC AND CURRENT NOTAMS

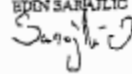
**E -NOT DANGEROUS GOODS -**  
 2000 pcs AP M70 ABZ in 200 wooden boxes into 14500 kg  
 3000 pcs AP M92 in 300 wooden boxes into 20100 kg  
 100 pcs PKM M94 in 50 wooden boxes into 3050 kg  
**TOTAL GROSS WEIGHT: 37.650 kg**


**F OPERATOR:** ICAR AIR Ltd.; RUDARSKA 72, 75000 TUZLA  
 BOSNIA AND HERZEGOVINA

**END USER:** ~~CONSIGNEE~~ INTEREUROPA BELGRADE  
**Consignee:** MINISTRY OF DEFENSE OF DEMOCRATIC  
 REPUBLIC OF CONGO

**G P.I.C. Capt Isakov + 4 crew**

PLS SEND COPY OF YOUR PERMISSION TO ICAR AIR ON FAX + 381 33 311  
 741 OR on e mail: [icair\\_bd@bih.net.ba](mailto:icair_bd@bih.net.ba)

ICAR AIR  
 OPERATION CENTER  
 EDEN SARAJLIC  




8

## Annex IX

## ICAR Air request for overflight authorization, Democratic Republic of the Congo



FROM: ICAR AIR  
 TO: CIVIL AVIATION AUTHORITY OF DEMOCRATIC REPUBLIC OF CONGO  
 ATTN: FLIGHT AUTHORIZATION DEPARTMENT  
 SUBJ: DEMOCRATIC REPUBLIC OF CONGO OVERFLIGHT PERMIT REQUEST

DEAR SIR/MADAM,

ICAR AIR KINDLY REQUESTS OVERFLIGHT PERMISSION FOR FLIGHTS IN THE  
 03.08.2007 WITH DETAILS AS FOLLOW:

I WOULD LIKE TO KINDLY NOTIFY ABOUT OUR OPERATIONS ARE  
 ACCORDING TO WET LEASE AGREEMENT WITH AIR TOMISKO  
 No. 01-50/13.08.2007.

- A OPERATOR: (IAC - ICAO CODE): ICAR AIR, BOSNIA AND HERZEGOVINA  
 B TYPE A/C: IL-76  
 REG: YU-AMJ  
 C SCHEDULE: FROM 03.08.2007 TO 04.08.2007

PERIOD	DAYS	Call sign	From	ETD(UTC)	To	EFA(UTC)
03.08.2007	5	TOH/RAC 215	LYM	05:00	HLLS	07:00
04.08.2007	6	TOH/RAC 215	HLLS	05:00	PZAA	07:50

D FIT ROUTES ACCORDING TO APPROVED ATC AND CURRENT NOTAMS

E -NOT DANGEROUS GOODS -  
 2000 pcs AP M70 AB1 in 100 wooden boxes b/w 14500 kg  
 3000 pcs AP M52 in 300 wooden boxes b/w 20100 kg  
 100 pcs PKM M34 in 50 wooden boxes b/w 3050 kg  
 TOTAL GROSS WEIGHT: 37.650 kg

F OPERATOR: ICAR AIR Ltd.; RUDANSKA 73, 75000 TUZLA  
 BOSNIA AND HERZEGOVINA

END USER: ~~Condorair~~ INTEREUROPA BELGRADE  
 Consignee: MINISTRY OF DEFENSE OF DEMOCRATIC  
 REPUBLIC OF CONGO

G P.I.C. Capt. Isakovic + 4 crew

PLS SEND COPY OF YOUR PERMISSION TO ICAR AIR ON FAX + 385 35 511  
 741 OR on e mail: touz\_ba@bih.net.ba

ICAR AIR  
 OPERATION CENTER  
 EDIN GALJIC

