

Letter dated 12 December 2013 from the Group of Experts on the Democratic Republic of the Congo addressed to the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo The members of the Group of Experts on the Democratic Republic of the Congo have the honour to transmit the final report of the Group, prepared in pursuance of paragraph 5 of Security Council resolution 2078 (2012).

FINAL REPORT

I. Executive Summary

The most significant event of the year was the military defeat of the M23 rebel movement in DRC and its flight to Rwanda and Uganda. The Group documented human rights abuses by M23 during 2013, and confirmed that M23 received various forms of support from Rwandan territory, including recruitment, troop reinforcement, ammunition deliveries and fire support. As of the writing of this report, the Group has received credible information that sanctioned M23 leaders are moving freely in Uganda, and that M23 has continued to recruit in Rwanda.

The victory of the Congolese armed forces (FARDC) over M23, which was supported by MONUSCO's Force Intervention Brigade (FIB), has sent a strong message to other armed groups in eastern DRC. While some have become more aggressive and others have moved into defensive postures as a result of fears of attack by FARDC and FIB, several armed groups have started to surrender and expressed willingness to integrate into the Congolese army and police. Numerous armed groups in eastern DRC – particularly Forces démocratiques de libération du Rwanda (FDLR), Allied Democratic Forces (ADF), and Kata Katanga – continue to pose threats to security. These groups are responsible for grave human rights abuses and massive displacement.

Many armed groups in eastern DRC have derived funding from the production and trade of natural resources. With respect to gold, the Group notes that many mining sites are in post-conflict areas, but that production from these areas is blended with production from conflict areas, particularly in the larger trading towns of eastern DRC and the transit countries of Uganda, Burundi and Tanzania. The lack of transparency in the gold trade makes it difficult to distinguish conflict gold from conflict-free gold. The Group estimates that 98 percent of the gold produced in DRC is smuggled out of the country, and that nearly all of the gold traded in Uganda – the main transit country for Congolese gold – is illegally exported from DRC. As a result, the governments of DRC and Uganda are losing millions of dollars annually in tax revenue, and tolerating a system that is financing armed groups in DRC.

While initiatives by OECD and ICGLR have advanced the validation of mining sites and improved adherence to conflict-free and child labor-free international standards, armed groups and the FARDC continue to control many mining sites and to profit from mining and the minerals trade. Smuggling of minerals – particularly tin, tungsten, and tantalum – from eastern DRC through neighboring countries continued during 2013, and undermines the

credibility and progress of international certification and traceability mechanisms. The Group also investigated the widespread killing of elephants for ivory in eastern DRC, which finances armed groups and criminal networks in the region.

In accordance with its mandate, the Group also documented serious violations of international humanitarian law, including the recruitment and use of child soldiers, summary executions, sexual violence, and targeting of civilian populations. While armed groups carried out many of these crimes, the Group also identified the FARDC as a party to numerous violations.

II. Introduction

1. Pursuant to paragraph 5 of Security Council resolution 2078 (2012), the Group of Experts hereby submits its final report to the Council, through the Committee established pursuant to resolution 1533 (2004). In accordance with the Security Council's request in paragraph 21 of resolution 2078, the Group exchanged information about natural resources with the Group of Experts on Côte d'Ivoire. The Group also consulted with the Monitoring Team on Al Qaeda, the Somalia and Eritrea Monitoring Group, and the Panel of Experts on Sudan. To ease identification of the sites named in this report, the Group has included a series of maps in annex 1.

Standards of Evidence

2. The Group used evidentiary standards recommended by the report of the Informal Working Group of the Security Council on General Issues of Sanctions (S/2006/997). The Group based its findings on documents and, wherever possible, first-hand, on-site observations by the experts themselves. Otherwise, the Group corroborated information by using at least three independent and reliable sources.

3. Given the nature of conflict in DRC, there are few documents that provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses, and 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 also considered expert testimony by government officials and military officers from the Great Lakes region, and UN sources. The Group sent 121 requests for information to governments and companies and received varying levels of compliance with its requests, as described in annex 2. For the duration of the mandate, the Government of Rwanda did not allow the Regional Issues expert and the Armed Groups expert to enter Rwanda on official visits.

III. Congolese Armed Groups

M23

4. The M23 rebellion grew progressively weaker until November, when it was militarily defeated. The main factors leading to M23's eventual defeat were the March 2013 division of the movement, which led former-leader Bosco Ntaganda and 788 of his loyalists to flee to Rwanda; good collaboration and military operations against M23 by FARDC and FIB; and increased international pressure on the Rwandan government that contributed to reduced support to M23 from within Rwanda. The Group documented continued support from Rwandan territory to M23 until late October, including the arrival of Rwandan Defence Forces (RDF) soldiers in the DRC in August, and the delivery of ammunition in June, July, and August. The Group wrote to the Government of Rwanda to clarify this matter; as of the time of writing, the Group had not received a reply. Although M23 declared an end to its rebellion on 5 November, the Group has credible information that its remnants and allies are continuing to recruit in Rwanda.

Sources

5. During 2013, the Group interviewed 71 M23 ex-combatants and political cadres, of whom 34 were recruited in DRC, 23 in Rwanda, and 14 in Uganda. In March, the Group interviewed an additional 14 ex-M23 combatants and political cadres who surrendered in Rwanda. The Group also interviewed 3 RDF deserters, one demobilized RDF, as well as political cadres and members or ex-combatants of other armed groups with knowledge of

M23.

6. The Group interviewed residents of areas under M23 control, including civil society leaders and villagers, as well as displaced people. The Group also interviewed community leaders in North Kivu, Congolese government officials, Extended Joint Verification Mechanism (EJVM) members, and UN officials. The Group discussed M23 during two official visits to Rwanda, and three official visits to Uganda. The Group wrote 13 letters requesting information about M23 to governments and corporations. The Group also took and obtained photographs in M23 positions; made observations on the ground in and adjacent to M23-held areas; reviewed reports generated by UN agencies and EJVM; and analyzed documents retrieved from former M23 positions after their defeat.

Beginning of the End

7. Following the Mutaho battle in May (see S/2013/433, p. 12), there was relatively little fighting during June and early July. FARDC and M23 generally spent these months reinforcing their positions. During June and July, the FIB continued to deploy around Goma and Sake.

8. Fighting resumed in mid-July, and by the end of August, M23 lost territory, troops, and morale due to combat with FARDC, FIB, and armed groups in Rutshuru. On 14 July, M23 attacked FARDC to dislodge them from Mutaho hill and the Kanyarucinya area, north of Goma. After three days of intense fighting, during which FARDC employed three attack helicopters, FARDC repulsed M23 and took additional territory, including strategic points

north of Munigi. On 24 July, FARDC used helicopters to attack M23 positions at Cavalry Lines, Rumangabo, 35 km north of Goma. Rounds shot by an FARDC helicopter landed in a civilian area, and injured at least 7 civilians.

9. On 21 August, fighting restarted at Kibati, approximately 15 km north of Goma. Starting on 22 August, numerous rounds shot from the frontlines landed in civilian areas of Rwanda and DRC (see box). Between 22-24 August, FIB artillery and attack helicopters backed FARDC ground troops in intense fighting in the Kibati area. Between 24 and 27 August, fighting subsided. M23 suffered losses of equipment and leadership, including at least 17 officers killed during this period.

10. On 28 August, FARDC and FIB used tanks, APCs, attack helicopters, mortars and ground troops in a fresh attack on M23 positions along the Kibati frontline. M23 resisted strongly using its full arsenal, including anti-tank weapons, which caused the deaths of two Tanzanian FIB officers. On 28 August, M23 shot rounds into Goma, injuring several people (see box), and into MONUSCO's base at Munigi, wounding two South African and two Tanzanian peacekeepers. On 30 August, FARDC succeeded in taking the "3 Towers" hill at Kibati, forcing M23 to retreat north toward Kibumba and Kanyamahoro (annex 3). This victory pushed M23 artillery out of range of Goma, and after this date, there were no additional shelling incidents in either Goma or Rwanda (see box).

11. Eight former M23 combatants told the Group that wounded soldiers were transported to either Rumangabo or Tshanzu. Former combatants also told the Group that some dead and wounded Rwandan soldiers were transported back to Rwanda for burial or medical care.

12. Following FARDC's gains against M23, international pressure led to a suspension of hostilities in order to re-start negotiations in Kampala, which resumed on 10 September. There were skirmishes between FARDC and M23 along the frontline on 16, 21, 23, and 25 September, but in general, the situation was calm as negotiations took place. On 21 September, M23 reinforced its positions around Kibumba and Kahunga. Local residents in Kiwanja and UN sources told the Group about numerous cases of M23 troops looting, assaulting, abducting, and arbitrarily arresting local people in their shrinking area of control.

BOX

Shelling of DRC and Rwanda

Between 22 and 30 August, the Rwandan government and UN sources estimate that at least 43 rounds shot from the frontlines in DRC landed in civilian areas of Rwanda and DRC. These rounds killed two people in DRC and one in Rwanda, and injured 13 in DRC and two in Rwanda. Other rounds shot by M23 impacted UN camps and positions, causing casualties (see para. 150).

A report dated 1 October by EJVM about the August shelling events in Rwanda and Goma reported: “From the sites where the direction of the firing could be determined, 80% of this firing came from the Kibati-Kibumba combat zone where M23 was positioned during the fighting.”

Regarding the impact sites in Rwanda and Goma, EJVM further concluded: “Military objectives were not targeted, however the shelling was judged to be deliberate” (see annex 4).

On 30 September, the Government of Rwanda responded to a request for information from the Group by providing a list of 36 locations where, between 22 and 29 August, artillery, mortar, and tank rounds shot from DRC landed on Rwandan territory. According to Rwanda, 7 of these impacts were by mortar rounds; 9 by tank rounds; 18 by “cannon/howitzer”; 1 by rocket launcher; and 1 unknown. Of the 36 rounds, 27 exploded. All but two rounds impacted fields, rocks, or trees; one round landed in Kivu village, wounding one man, and another round impacted Ihumure village, killing a woman and seriously injuring her child. The Government of Rwanda claimed that some of the rounds that landed in Rwanda were fired by FARDC, and consequently threatened to intervene in DRC; however, MONUSCO military sources and a former RDF soldier informed the Group that M23 shot some or all of the rounds.

Between 22 and 30 August, seven rounds impacted Congolese territory south of the frontlines all the way to Goma. These rounds, which MONUSCO military and DRC sources state were fired by M23, landed in civilian areas of Goma, including in the vicinity of camps housing displaced people on the outskirts of town. They damaged one school and several houses in Goma (annex 5). Fire from M23 positions also damaged two UN ambulances, two UN armored personnel carriers (APC), two other UN vehicles, and the residence of a MONUSCO staff.

The United Nations Mine Action Coordinating Centre (UNMACC) investigated the shelling of Goma, and determined that M23 likely fired the rounds from their positions in Kibati (annex 6).

End Box

Collapse

13. The end of M23 came quickly after the collapse of negotiations on 21 October in Kampala. During the lull in fighting between early September and late October, all parties reinforced their positions and prepared for battle. M23 took advantage of the negotiations to deploy heavy weapons, including cannons. On 18 October, M23 prevented an EJVM delegation from traveling to Tshanzu to examine M23’s weapons depot (annex 7). Also on 18 October, M23 fired at but did not hit two South African FIB helicopters near Kanyamahoro.

14. Early in the morning of 25 October, M23 attacked two FARDC positions in Kanyamahoro. FARDC repulsed M23's attacks and went on the offensive. Some M23 positions were strategically located near the DRC-Rwanda border, including at Kabuye and Mount Hehu (see annex 8), which made it difficult for FARDC to strike without firing into Rwanda. From 25-27 October, M23 also received fire support from RDF tanks at the Rwanda-DRC border at Kabuhanga-Kabuye (see below).

15. During the final battles, armed groups operating in Rutshuru also attacked M23 positions (annex 9). By 28 October, FARDC had rapidly advanced and pushed M23 back to their strongholds in Tshanzu and Runyoni, close to the borders with Uganda and Rwanda. M23 destroyed their T-55 tank as they retreated from Kibumba (annex 10). On 30 October, FARDC captured Bunagana, on the border with Uganda, which had been M23's political headquarters.

16. When M23 intentionally shelled civilian areas in Bunagana on 4 November, FIB shelled Tshanzu using attack helicopters. FARDC kept up the pressure, using artillery and tank fire, and succeeded in capturing Tshanzu and Runyoni by 5 November. M23 abandoned a large stockpile of ammunition at Tshanzu (see annex 11). Although some M23 surrendered in DRC, and some retreated to Rwanda, on 5 November, the bulk of the remaining force under "Gen." Sultani Makenga crossed into Uganda (see box, annex 12).

17. The FARDC victory over M23 is due to several factors. First, FARDC had superior numbers and firepower. FARDC had at least 6,000 troops during the final operation, who were supported by the FIB, which had 400 troops on the ground. FARDC and FIB used helicopters to gather intelligence, transport and resupply, as well as carry out aerial attacks. FARDC also used tanks, artillery and mortars to great effect. Second, FARDC and MONUSCO military leadership demonstrated good coordination and collaboration in the planning and execution of the operation. Third, in spite of continuous recruitment, M23 suffered declining numbers due to casualties and desertions, as well as low morale among the rank and file.

Box

M23 surrenders

FARDC officials told the Group that as of 25 November, 284 M23 military and police surrendered to FARDC at Kanyarucinya and Bweremana. Another 55 M23 had surrendered to MONUSCO during October and November. Congolese government officials and MONUSCO military sources estimate fewer than 400 M23 troops crossed into Uganda.

On 19 November, the Government of Uganda replied to a request for information from the Group by stating that on 5 November, 1,445 M23 combatants entered Uganda, including Makenga and "Col." Innocent Kaina. The government further stated that the M23 combatants had surrendered their weapons (annex 13). During 13-14 November, Ugandan authorities moved the ex-combatants from Kisoro to Hima, in the Kasese District. The Group

has asked the Government of Uganda for a list of these combatants and a clarification of their status, but as of the writing of the report, has not received an answer.

End Box

Recruitment

18. The Group interviewed 71 ex-M23 combatants who surrendered during 2013 and provided information about their recruitment during 2012 and 2013 in DRC, Rwanda and Uganda. These individuals joined M23 as a result of being forcibly recruited, accepting false promises of employment, and volunteering. Recruits told the Group they would then be trained in groups of around 80 people, notably at Rumangabo training camp. They identified the head trainer as Major Magido. The Group obtained copies of M23 recruit training notebooks (see annex 14). A document obtained by the Group and dated 4 July 2013 shows that M23 allocated funds for recruitment and the transport of the recruits (see annex 15).

DRC

19. The Group interviewed 34 Congolese citizens who were either forced to join M23, or joined voluntarily. Of these 34, one was a woman, and two were boys aged 15 and 16; the rest were adult men. In late July, UN sources reported that M23 was forcibly recruiting civilians – and shooting those who resisted – in Bushama and Rutovu villages, Kibumba. The Group obtained a receipt dated 2 November 2012 showing that Kevin Bitabwa, a political cadre in M23, received \$750 to help cadres recruiting for M23 in Goma (see annex 16).

Rwanda

20. The Group interviewed 23 people from Rwanda who served in M23. Of these, 18 were Rwandan citizens and five were Congolese citizens living in Rwanda. The Group also interviewed 31 ex-combatants from DRC, Uganda, and Burundi who told the Group there were Rwandan citizens and/or Congolese refugees from Rwanda serving with them. Between 1 January and 8 December 2013, MONUSCO repatriated 78 Rwandan citizens who had served with M23.

21. Of the 23 recruits from Rwanda, 18 were adults and 5 were children. They ended up serving with M23 through a variety of means. The Group interviewed 3 Rwandan citizens who were forced to join M23, including one 16-year-old boy. The Group also interviewed 13 Rwandan citizens who joined M23, including boys aged 13, 15 and 17, who were recruited either as volunteers or through false promises of employment. The Group interviewed one RDF Special Forces soldier who deployed at the Rwanda-DRC border in August 2013 during an RDF deployment into DRC in support of M23, and later deserted.

The Group also interviewed 5 Congolese citizens recruited in Rwanda, including one 17-year-old boy.

22. The Group has confirmed that some of the M23 recruits from Rwanda were demobilized RDF soldiers (see S/2013/433, paras. 40-42). Former M23 officers and soldiers told the Group that demobilized RDF soldiers served in M23 as trainers and operators of heavy weapons. Four ex-M23 combatants told the Group that Maj. Kalissa Rwema is one ex-RDF officer who served as a trainer for M23 at Rumangabo. UN sources and two ex-M23 officers told the Group that an ex-RDF soldier known only by his nickname “Kifaru” was a crewmember in the T-55 tank that M23 used in combat (see S/2013/433, annex 5).

23. The Group previously reported that Rwandan nationals who deserted M23 and returned directly to Rwanda were forcibly sent back to M23 by RDF officers (see S/2013/433, para. 38). Two RDF officers who had deserted, a demobilized RDF officer, a former M23 officer, and a M23 recruiter of Rwandan nationality told the Group that RDF officers have also recruited for M23 and have facilitated recruitment by M23 recruiters by allowing them safe passage in Rwanda.

24. M23 paid Emmanuel Ngabo \$750 to help cadres recruiting for M23 in Gisenyi, Rwanda (see annex 16). Gaspard Karemera, the M23-appointed Administrator of the Nyragongo Territory, also travelled to Rwanda to recruit and facilitate the crossing of the recruits through the Kabuhanga border. After M23’s military defeat in November, MONUSCO officials informed the Group that they had recovered Rwandan national identity cards in former M23 positions at Rumangabo (see annex 17). FARDC also recovered such cards. The Group is investigating reports of continued recruitment in Rwanda after M23’s defeat.

Uganda

25. The Group interviewed 14 men who were recruited in Uganda by pursuing false offers of employment. Of these 14, 13 were Ugandan citizens, and 1 was Burundian. Between 1 January and 8 December 2013, MONUSCO repatriated 23 Ugandan citizens who were members of M23.

26. M23 maintained a recruiting network in Kampala that promised men lucrative jobs as security guards with the UN or oil exploration companies in DRC, or as drivers or mechanics. Ex-combatants identified “Mufuruki” (see S/2013/433 para. 39), “Grace”, “Emmanuel”, and “Agnes” as the main recruiters in Uganda. Several men recruited this way had previously served as security guards at U.S. installations in Iraq, and were specifically recruited because they had some military training.

27. Recruiters would assemble groups of 10 to 15 men who had accepted the employment offers and accompany them on a bus from Kampala to Kisoro, close to the DRC border. In Kisoro, Kazungu, an M23 officer, would receive them (see S/2013/433, para. 39) and escort them across the border. Upon arrival in Bunagana, M23 members took the identity documents, phones, and money from the new arrivals, and then sent them to Rumangabo to undergo training. The Group interviewed three men who had served in Iraq, one of whom

told the Group that he and three other Iraq veterans initially resisted and demanded to go back to Uganda, but were threatened at gunpoint and consequently relented.

Support from Rwandan territory

28. The Group has documented that M23 received continued support from Rwandan territory. The most consistent forms of support were through recruitment (see above) and provision of arms and ammunition, particularly during periods of combat. M23 also received direct troop reinforcement by Rwandan soldiers in August. During the October fighting, Rwandan tanks fired into DRC in support of M23.

29. In August, RDF soldiers crossed into DRC for short periods of time to join M23 and participate in combat operations. Ten local residents in Kibumba, and four ex-M23 combatants told the Group they witnessed these arrivals during the fighting in August, including between 22 and 24 August and on 27 August. Troops came notably through Rwanda's Kabuhanga border post. In addition, a Rwandan Special Forces soldier – who previously served with the RDF in Darfur as part of the UNAMID peacekeeping force (see annex 18) – told the Group he deployed in August from Mudende as part of a reinforcement operation. While some RDF soldiers directly joined M23, he escorted a commander to the slopes of the Karisimbi volcano, from where they had visual surveillance of the M23-controlled area and communication links with RDF forces operating with M23. RDF reinforcements were also confirmed by two additional RDF deserters, one demobilized RDF officer, FARDC officers as well as MONUSCO sources.

30. The Group documented that during the final combat, RDF tanks were present at the Rwanda-DRC border, in Kabuhanga, Rwanda and Kabuye, DRC. Numerous eyewitnesses in Kabuye pointed out to the Group where, on 25 October, two RDF tanks had crossed the border and entered Kabuye; additional RDF tanks were positioned just on the other side of the border, in Kabuhanga. According to corroborating testimonies from 15 people displaced from the border area to Goma, and 10 local residents who stayed at Kabuye, on 25 October, the RDF tanks in DRC and Rwanda fired toward FARDC positions. In addition, FARDC commanders and troops, a foreign journalist on the ground, and a diplomat confirmed that RDF tanks had fired from the border at Kabuhanga and Kabuye starting on the afternoon of 25 October and continuing until 27 October. The tank fire prompted most of the population of Kabuye and other border villages to flee to Goma and to neighbouring villages in Rwanda.

On 6 November, the Group wrote to the Government of Rwanda to clarify this event; however, as of the writing of this report, the Group has not received a reply.

31. Twenty-eight former M23 combatants, local people living in DRC close to the Rwandan and Ugandan borders, Congolese authorities, and UN sources told the Group that

M23 had received deliveries of arms and ammunition through the Kabuhanga-Kabuye border crossing with Rwanda and the Bunagana border with Uganda. These sources stated

that ammunition usually came at night in trucks, and included rifle and machine gun ammunition, 12.7 mm rounds, anti-tank rounds and rocket-propelled grenades. Six ex-combatants told the Group they saw white trucks bringing ammunition through the Kabuhanga border crossing from Rwanda during June, July, and August. Several former M23 combatants told the Group they personally ferried ammunition from Kabuhanga, Rwanda into Kibumba, DRC.

Finance

32. During 2013, M23 primarily financed its rebellion by levying taxes on and looting the population in its area of control, with notable parallels to Congrès national pour la défense du peuple (CNDP) financing in 2008 (see S/2008/773, paras. 33, 35-47). Three former M23 officers told the Group that during 2013, M23 mainly derived its income from household taxes, transport taxes, and revenue from businesses and properties (see annex 19). The Group found no evidence that M23 was engaged in the trade of minerals in 2013.

33. Three ex-M23 officers, Congolese authorities, and UN sources told the Group that M23 demanded money from vehicles passing through barriers at Kitoboko, Nyongera, Nyamabongo, Kibati and Bunagana; the Group also witnessed M23 collecting money at numerous roadblocks. The amount M23 demanded depended upon the contents of the vehicles, ranging from \$400 to \$1,200 according to three former M23 combatants. The Group also obtained a receipt for a payment of \$420 in May by a truck owner (see S/2013/433, annex 22). In July, M23's chief of finance, Erasto Bahati (see S/2012/738, para. 310), wrote a memo complaining that the activities of Mai Mai and Nyatura groups were causing less traffic through M23 territory, and consequently less tax collection (see annex 20).

34. Ugandan authorities told the Group that, in November 2013, Uganda closed the Bunagana border, including to all commercial vehicles of more than 2 tonnes; however, former M23 combatants, local residents, and observations by the Group at Bunagana confirmed that many trucks passed through the Bunagana border daily, providing revenue to M23. M23 had controlled Bunagana from June 2012 to early November 2013. Prior to the M23 takeover – from January to June 2012 – Congolese customs collected 3.5 billion FC (\$3.9 million) at the Bunagana border post from taxes on trucks entering from Uganda (see annex 21). This suggests that the Congolese government lost approximately \$650,000 in revenue per month during the M23 occupation of Bunagana.

35. Two former M23 officers told the Group that the household tax consisted of either 800-1,000 FC (\$0.89 to \$1.11) per household per month, or an in-kind donation of food, from the households in areas under M23's control. One of these officers, who was in charge of keeping M23's household tax records, told the Group in September that although not every household paid every month, the tax provided approximately \$3,000 per month between November 2012 and August 2013. Despite collecting money from various taxes, former M23

combatants told the Group that they were never paid during their service. One former M23 officer told the Group: “we were sustained on hope that one day they would pay us.”

36. M23 also looted money and goods from local populations. People living in areas controlled by M23 and UN sources told the Group that M23 combatants robbed houses and people, particularly between July and October, when M23 lost strength.

37. The assistant of M23’s chief of finance was Castro Mberabagabo Mbera, who, during the CNDP rebellion, was in charge of finance, including gathering revenues at the Bunagana border post (see S/2008/773, paras. 21, 36) and who lived in and has family in the UK.

Post-M23

38. Although M23 was militarily defeated on 5 November, new challenges related to their rebellion have emerged. The Group has received credible reports from UN sources and Congolese authorities that M23 cadres and their allies are recruiting in Rwanda.

39. As of the writing of this report, there was still no agreement between M23 and the Congolese government at the Kampala talks. On 13 November, M23’s Permanent Secretary, Serge Kambasu Ngeve, released a communiqué signaling his willingness to sign a peace agreement with the Congolese government. On 27 November, Sultani Makenga issued a communiqué from Kampala supporting the decision of M23 president Bertrand Bisimwa to suspend Kambasu Ngeve and Jérôme Mashagiro Nzeyi for “indiscipline and high treason” (see annex 22).

40. Since the M23 defeat, several armed groups have started to surrender, and others have expressed a willingness to surrender, with the notable exception of ADF. On 20 November, FARDC commander Gen. Didier Etumba issued a call for all armed groups to surrender (see annex 23). By 30 November, approximately 2,230 combatants from Nduma Defence of Congo (NDC), APCLS (Alliance pour un Congo libre et souverain), PARECO, Mai Mai Hilaire, Raia Mutomboki, and other small Mai Mai groups had surrendered to FARDC in North Kivu (at Beni, Bweramana, and Kanyaruchinya) and South Kivu (Nyamunyunyi). The Government of DRC has a new disarmament, demobilization, and reintegration (DDR) programme, called DDR III, but the Group is concerned about the lack of clarity about the programme, given past integration failures (see annexes 24 and 25; S/2009/603, paras. 12; S/2011/738, paras. 278-331).

41. The Group is also concerned about reports of large amounts of explosive remnants of war (ERW) in the area previously occupied by M23, notably the M23 stockpile at Tshanzu (see annex 11). UNMACC is currently conducting an assessment of ERW in the M23 zone.

Nduma Defence of Congo

42. Sanctioned individual Sheka Ntabo Ntaberi, who leads NDC, established his headquarters at Pinga, on the boundary between Walikale and Masisi territories. During 2013, NDC has

continued committing crimes against civilian populations. In September and October, MONUSCO documented the killing of 72 civilians, including 36 children; the rape of 15 women; and systematic arson of 185 houses by NDC.

43. A former NDC soldier and NDC cadres told the Group that Ntaberi's main objective is to fight against the FDLR. NDC cadres told the Group that NDC took control of 13 of the 15 "Groupements" in Walikale from FDLR, and still needed to "liberate" from the FDLR the two "Groupements" of Ikobo and Kisimba.

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44. NDC have allied with the Raia Mutomboki from Walikale, with whom they share the same objective of combating the FDLR, according to NDC and Raia Mutomboki cadres. NDC had allied with M23 until the March 2013 division of the movement, after which the ties weakened. In Pinga, repeated clashes have taken place between NDC and the FDLR, APCLS, and Nyatura (see para. 99). Ethnic tensions between Nyangas and Hundes have also prompted Ntaberi to carry out violent attacks in APCLS-held areas inhabited by ethnic Hundes.

45. According to three former NDC combatants, civil society representatives and UN sources, NDC controls and taxes dozens of mines, including Montjolie and Irameso, in Walikale territory.

46. On 6 November, the day after FARDC defeated M23, Ntaberi sent a letter to the Government of DRC that listed several demands, including amnesty for all NDC members and integration into FARDC or PNC, with recognition of all (self-proclaimed) ranks (see annex 26). During the last week of November, Ntaberi sent 140 troops to surrender to MONUSCO in Pinga, including at least ten children. Ntaberi himself did not surrender, and the troops he sent had only 12 weapons, all of which were unserviceable.

Kata Katanga

47. In Katanga Province, the armed movement known as Kata Katanga is responsible for serious human rights abuses and war crimes. While Kata Katanga militants have carried out small-scale attacks during 2013 in Lubumbashi (the capital of Katanga Province), they have primarily targeted civilians living in rural areas of Manono, Mitwaba, Moba, and Pweto territories. Kata Katanga is under the military command of Kyungu Mutanga, alias Gédéon (see S/2013/433, para. 83), but receives various forms of support from General John Numbi Banza Tambo, former Inspector General of the Police nationale congolaise (PNC) (see annex

27) and other politicians. According to UN sources, Kata Katanga attacks, along with FARDC operations, have displaced more than 360,000 people in Katanga as of 30 September.

48. Kata Katanga (a Swahili phrase meaning “cut off Katanga”) is a loose network of armed groups and political movements that officially advocate secession for Katanga province. The struggle for Katanga’s independence has existed for decades and is supported by some intellectuals and political leaders in Lubumbashi, who told the Group in May and October 2013 that Kata Katanga is the militant wing of the independence movement (see S/2013/433, paras. 85-86; S/2011/738, paras. 272-277).

49. While local residents and leaders in Mitwaba territory and in Lubumbashi told the Group that Gédéon is the overall military commander of Kata Katanga, various local groups operating under the Kata Katanga banner appear to operate semi-autonomously. During 2013, Gédéon has been active in his native Manono territory; however in late October 2013, numerous government and local sources told the Group that Gédéon had moved to the outskirts of Lubumbashi, near Kinsevere. In addition to Gédéon, other important Kata Katanga field commanders are: Kasompobe (Manono territory), Gérard Yorgo Kisimba (Manono territory), Bakwanga (Moba territory), Katenda (Moba territory), Kafindo (Pweto territory), Kele Kele (Mitwaba-Pweto territories), Kalenge (Pweto territory), and Totché (Manono-Moba-Mitwaba territories).¹ Ferdinand Ntanda Imena, whose loyalists organized the 23 March 2013 protest in Lubumbashi (see S/2013/433, paras. 84, 88), also commands some influence, but is considered much less powerful than Gédéon.

50. Kata Katanga includes CORAK (Coordination pour le référendum et l’autodétermination du Katanga) (see S/2011/738, para. 273), which is based in Lubumbashi and has a military wing and a political branch. The leader of the military wing, called CORAK Kata Katanga, is Tshinyama Ngonga Ya Cingo Gédéon (not to be confused with the aforementioned Gédéon), who told the Group in May 2013 that he had led several commando attacks in 2011 and 2012 in Lubumbashi (see S/2011/738, paras. 274-275). On 7 September 2013, FARDC tried unsuccessfully to kill Tshinyama. In an 11 July 2013 letter to MONUSCO, CORAK’s political leader, Matuka Munana Tshitshi Simon, threatened attacks against MONUSCO because of its support for the DRC government and a unified Congo (see annex 28).

51. The Group has obtained credible information from four senior Congolese military, intelligence, and political sources that General Numbi provides military, financial, and logistical support to Kata Katanga militants. On 2 April 2013, Numbi’s lawyers held a press conference in Lubumbashi to reject accusations of any link between their client and Kata Katanga.

52. Numbi has held numerous positions in the DRC government (see S/2004/551, paras. 55-59; S/2009/603, para. 197), including Inspector General of the PNC, but currently resides on his farm outside Lubumbashi. The aforementioned high-level sources and civil society leaders in Lubumbashi told the Group that they believe Numbi is untouchable because of his

close ties to top officials. Indeed the Group found that local people and government officials are afraid to speak about Numbi and his support of Kata Katanga.

53. Numbi has provided arms and ammunition to Kata Katanga militants and used his farm outside of Lubumbashi as a base for Kata Katanga. The aforementioned sources told the Group that Kata Katanga elements stayed at Numbi's farm prior to the 23 March protest march in Lubumbashi (see S/2013/433, annex 48). Numbi also aided the militants who attacked the house of an FARDC Lt. Colonel on 28 October in Lubumbashi by enabling them to plan and launch the operation from his farm (see annex 29). Three high level sources told the Group that Numbi has an arms cache at his farm, but government security forces do not have authorization to raid the farm.

54. The links between Numbi and Kata Katanga highlight the fact that Kata Katanga is not simply a secessionist movement, but serves multiple political and economic agendas. At the local level, individual Kata Katanga groups attack villages and populations that oppose a secessionist agenda, that consist of populations the militants consider "foreign" to Katanga, 1 In November 2013, Totché surrendered to Congolese authorities and that host or have hosted FARDC soldiers. Several local leaders in the territories of Malemba Nkulu and Mitwaba, as well as sources in Lubumbashi, reported that Kata Katanga also frequently attack villages as part of local struggles for power and political leadership. At the provincial level, Kata Katanga attracts followers mainly in north-central Katanga, where there is less wealth and development than in southern Katanga. The movement thus embodies the north-south tensions that exist within Katanga, particularly over questions of federalism and decentralization (see S/2013/433, para. 85).

55. At the national level, the tolerance of Numbi's support indicates acquiescence at the highest levels of government. The Kata Katanga movement became active just before the 2011 elections, and several well-placed sources and local leaders in Katanga believe the group serves the interests of political-economic elites at the national and provincial levels. These elites may use Kata Katanga to create instability, or conversely, stability, depending on their needs. As an example of the former, following the 28 October attack in Lubumbashi (see annex 29), President Jacob Zuma of South Africa and a delegation of South African businessmen canceled their planned 29 October visit to Lubumbashi to negotiate business deals. As an example of the latter, UN sources report that on 17 November 2013, Zoe Kabila (President Kabila's younger brother), met with commander Totché (mentioned above), who surrendered in Manono a few days before, along with several hundred of his militants.

56. Dozens of villagers in Mitwaba and Pweto territories, local leaders in Mitwaba, and UN sources told the Group that FARDC in Katanga are responsible for numerous abuses. FARDC soldiers have raped dozens of women and girls during the course of their operations in 2013 against Kata Katanga in Mitwaba territory (see para. 140). Due to inadequate logistical

support, FARDC soldiers conducting operations in rural areas routinely demand food, transport, housing and other goods and services from local populations.

57. FARDC is also present at some tin mines in Mitwaba territory. Two tin miners and a local resident told the Group that FARDC had a camp inside the mine at Kansowe which is forbidden by the national mining code. These same sources and a local leader in Mitwaba told the Group that FARDC soldiers were present at and engaged in mining at Kifinga. They said Kata Katanga attacked Kifinga on 16 October just a few days after the FARDC detachment had left.

Forces de résistance patriotiques en Ituri

58. In its mid-term report, the Group noted the lack of progress in addressing the Forces de résistance patriotiques en Ituri (FRPI), a rebel group in the Ituri District's Irumu territory (see S/2013/433, para. 79). Starting in August, FARDC launched an operation against 300-500 FRPI rebels, which weakened but did not defeat the armed group. The operation has caused a humanitarian crisis, and OCHA and a Congolese civil society group told the Group that by late September, approximately 150,000 people had been newly displaced because of the fighting.

59. FRPI controlled a part of Irumu territory that included gold mines (see para. 164), and part of "Block III," an oil exploration area that stretches from northeastern North Kivu into southern Ituri. At a public meeting in June at Bunia, representatives from Total, the French oil company that has rights to Block III, told local civil society leaders that they planned to start exploration by the end of 2013, but needed the government to first solve the FRPI problem. Total did not respond to the Group's requests for clarification of its position, and for release of its social and environmental assessment of the zone controlled by FRPI.

60. The FARDC operation began on 23 August. FARDC officers and UN sources told the Group that during the operation FRPI used child soldiers, and utilized civilian populations as human shields. In May, the Group also observed child soldiers during a visit to FRPI held territory. In addition, FARDC committed crimes including summary execution, illegal taxation, and large-scale destruction of property.

61. Government forces initially advanced rapidly as FRPI troops retreated toward Aveba (see annex 30). On 27 August, FRPI forces near Aveba blended in among the displaced population, and then attacked FARDC. FRPI cut off part of the retreating FARDC army and inflicted heavy casualties. Within a few days, FRPI had re-taken most of the territory liberated by FARDC. In late September, FARDC counter-attacked and retook all of southern Irumu's main towns. As of the end of November, FRPI continued to wage a guerilla war, but is severely weakened, and confined to remote areas southeast of Gety and south of Aveba.

62. FARDC planned and launched the operation unilaterally, and informed MONUSCO and the humanitarian community only the day before launching its attack. FARDC started the

operation with insufficient logistical support, which limited battlefield progress and led to predatory behavior by soldiers who demanded food and money from local populations. FARDC Gen. Fall Sikabwe told the Group this was a joint operation with MONUSCO; however, MONUSCO military leaders told the Group this was not a joint operation. MONUSCO was not involved in the planning of the operation, but following its launch, provided food and fuel for FARDC soldiers, used its helicopters to deliver supplies, and evacuated and treated wounded troops.

63. The suddenness of the operation and its deterioration into a guerilla war has caused a humanitarian crisis. UN agencies were slow to respond to this crisis because MONUSCO prohibited traveling or delivering aid to the affected areas. Only the humanitarian groups Médecins sans Frontières (MSF) and Medair delivered supplies directly to affected populations. The greatest needs have been for food and health care, but UN sources and Catholic Church officials

Mai Mai Morgan

64. Since the Group's mid-term report, militias associated with Paul Sadala (aka Morgan) have continued to attack local populations in and around the Okapi Fauna Reserve (OFR) in the Haut Uélé and Ituri districts of Orientale province.

65. Morgan is infamous for poaching elephants in OFR, but during 2013, has shifted his focus to attacking gold mines (see annex 31). In September and October, Morgan and his men attacked several gold mines, including at Mutshatsha, Kulungu and Lubumbashi (a site on the border between Lubero and Mambasa territories). In these attacks, Morgan's men typically steal gold, pillage food and other goods, rape women and girls, kidnap people to carry looted goods, and force women into sexual slavery to be "wives" for militia members. In one attack on 22 October at Sohuma, in a gold mining area southwest of Mambasa town, Manu Mboko led an attack in which 6 women were raped and 50 people taken hostage; the hostages were released upon payment of money or gold.

66. Despite his record of human rights violations, Morgan persists in his activities because he has close relationships with senior leaders in the FARDC 9th Military Region at Kisangani, including Major General Jean Claude Kifwa. Throughout its investigations of the relationship between Morgan and Kifwa, the Group has noted reluctance by people who know about Kifwa's actions to speak openly about Kifwa. As one Congolese official told the Group, "people are afraid to talk about him because of his methods."

67. Nonetheless, five Congolese government officials, including an FARDC officer, confirmed to the Group that Kifwa provides logistical support for Morgan, and hinders government efforts against Morgan. These officials stated that through loyal FARDC officers, Kifwa provides arms and ammunition to Morgan in exchange for gold; in the past they traded arms for ivory (see S/2012/843, para. 129). In January 2013, a joint operation by FARDC, Agence nationale de renseignements (ANR), and PNC raided Morgan's house in Kisangani (at Plot 42,

7th route, Kabondo) and arrested several people suspected to be Morgan's family members. The following day, FARDC officials in Kisangani liberated those who had been arrested. Three Congolese officials and several civil society leaders told the Group that Kifwa enjoys impunity because he is President Kabila's cousin.

Raia Mutomboki

68. In 2013, the Group monitored the activities of Mai Mai Raia Mutomboki (RM), a loose network of groups initially formed in Shabunda to oppose FDLR, and documented several cases of attacks against the FARDC and the local populations in South Kivu, and against local populations in North Kivu (see S/2013/433, paras. 60-61). In one noteworthy attack on 5 November, armed men under RM commander Sisawa attacked FARDC soldiers of 1010th Regiment near the Shabunda helipad when a MONUSCO helicopter was landing. The faction believed MONUSCO was trying to bring M23 combatants to Shabunda.

69. The various RM warlords finance their rebellion through taxes imposed on mines and taxes collected from roadblocks. A civil society member, the local administrator and a Congolese intelligence agent told the Group that RM in Shabunda are not engaged directly in the exploitation of minerals.

70. In September and October, members of civil society, local leaders, local security committee, and local authorities carried out a sensitization campaign aimed at convincing the different factions of RM to disarm. This campaign culminated in a meeting on 18-21 November in Byangama, Shabunda. At this meeting, local leaders asked RM commanders – who had arrived with 742 armed militia – to disarm, because FDLR is no longer present in Shabunda. The RM leaders demanded a formal disarmament programme to help their militias reintegrate into civilian life. As a result of the meeting, some RM have disarmed, and RM leader and former M23-ally Albert Kahasha (alias FOCA Mike, see S/2012/348, para. 126) surrendered to Congolese authorities.

IV. FOREIGN ARMED GROUPS

Allied Democratic Forces

71. During 2013, the ADF have grown stronger and become more aggressive, kidnapping dozens of local people; targeting medical facilities, shipments, and staff; abducting humanitarian workers; and attacking MONUSCO peacekeepers. According to Ugandan officials and UN sources, ADF has an estimated strength of 1,200 to 1,500 armed fighters located in northeast Beni Territory of North Kivu province, close to the border with Uganda. These same sources estimate ADF's total population – including women and children – to be between 1,600 and 2,500. The sanctioned ADF leader, Jamil Mukulu, remains in DRC.

72. The Group determined that during 2013, foreign, Arabic-speaking men have conducted military training courses and operations with ADF; however, the Group was not able to firmly establish the nationalities of these foreigners or their organizational affiliation(s). As of the writing of the report, the Group had not found evidence that ADF has links with either Al Shabaab or Al Qaeda. The Group consulted with the UN Somalia and Eritrea Monitoring Group, which has no evidence of links between ADF and Al Shabaab. The Group also consulted with the UN Al Qaeda Monitoring Team, which has no evidence to link Al Qaeda with ADF. UN sources and foreign diplomats also told the Group they have no evidence of links between ADF and Al Shabaab or Al Qaeda.

73. As a result of offensive military operations conducted during 2013, ADF now controls approximately 420 km² in Beni Territory. ADF's geographic expansion has mainly focused on the area between Mbau and Kamango, and close to the Ugandan border near Kamango. In late November, MONUSCO sources and Congolese officials told the Group that ADF evacuated its main bases in anticipation of an attack by FARDC and FIB.² ADF has dispersed its troops to numerous smaller bases,³ and moved women and children to areas west of Beni, and along the Ituri-North Kivu border. MONUSCO sources further informed the Group that ADF has deployed combatants to large towns in Beni Territory, including Beni and Butembo, and has threatened to attack MONUSCO in Beni in the event of military operations against ADF.

74. Former ADF members and Ugandan authorities told the Group that ADF leadership claims their objective is to overthrow the Ugandan government and establish an Islamist state in Uganda (see S/2010/596, para. 108; S/2011/738, para. 41). Since 1995, when it formed with the help of the Mobutu regime and Sudanese government, ADF has made remarkably 2 ADF's main bases were Madinat Tawheed Muwaheedina (MTM) (formerly called Nadui), Canada (formerly called Chutchubo, for ADF Special Forces), and Commander Ibrahim Battle Group (CIBG) (formerly called Makoyoba). 3 During 2013, ADF established new bases at Kambi ya Jua, Lwanoli, Semuliki, Bundwasana, Kichanga, and Gawa. ADF also maintained older bases at Bundiguya, Buvata, Mutara, Madowadowa, Saa Sita, and Mamundioma.

Little progress toward this goal. Nonetheless, ADF has emerged as a large, highly organized, and dangerous force, which has destabilized both Beni Territory and neighboring areas of Uganda.

75. In March 2013, Mukulu promoted Jaber Ali Nansa (aka Jaberi Alnsa, Katyusha) to be ADF's new military commander. Mukulu made the new appointment after a disagreement with the former commander, David "Hood" Lukwago (see S/2011/738, para. 42); however, Lukwago reportedly remains a senior member of ADF (see annex 32). UN sources told the Group that Jaber has been to both Afghanistan and Saudi Arabia; however, the Group was not able to determine if Jaber has links with Al Qaeda or other extremist militants. Benjamin Kisokerano is ADF's chief intelligence officer (see S/2013/433, para. 96).

76. According to ex-ADF combatants, UN sources, and Ugandan officials, ADF recruits Muslims from Uganda, DRC, and other east African countries to voluntarily join its ranks. The Group interviewed three former ADF combatants who escaped during 2013, who confirmed that ADF recruiters in Uganda also lure people to Congo with false promises of employment (for adults) and free education (for children), and then force them to join ADF. According to local civil society groups and UN sources, ADF is responsible for a large proportion of the more than 300 people kidnapped in Beni territory since early 2013. Former combatants and UN sources told the Group that many of those kidnapped are forced to join ADF as either soldiers or staff.

77. Very few people manage to escape from ADF because they are thoroughly indoctrinated and terrorized by ADF leaders, who brutally kill people who are caught trying to escape by beheading or, according to one ADF escapee, crucifixion. Between 1 January and 8 December 2013, MONUSCO repatriated only 3 ADF combatants to Uganda.

78. ADF subjects the people it recruits or abducts to a four-month training regimen. This training includes instruction on the Koran (in Arabic), but is mainly focused on military skills. Former ADF combatants told the Group that the training groups typically include adult men and boys, and involve skills such as marching, hand-to-hand fighting, and shooting a variety of guns. Upon completion of basic training, graduates are assigned to one of ADF's numerous camps. Muhammed Luminsa is ADF's training commander (see annex 32), but two boys who escaped from ADF in 2013 told the Group a man called Kalume trained them.

79. In addition to basic training, ADF conducts specialized training sessions, sometimes led by foreign trainers. One former ADF child soldier told the Group that a foreign trainer who spoke Arabic gave instruction on how to conduct covert operations, including in large towns such as Beni. Ugandan authorities told the Group that during 2013, Arabic speaking trainers have given trainings in the construction of improvised explosive devices; however, there is no evidence ADF has used such devices to date.

80. Starting in June, ADF intensified attacks on FARDC positions along the Mbau- Kamango road, killing several soldiers and forcing FARDC to abandon outposts. On 14 July, ADF ambushed a MONUSCO patrol on this road, resulting in the loss of one APC and one Land Cruiser pickup, as well as three injured Nepalese peacekeepers (see para. 149, annex 33). On 15 July, ADF shot at and hit two MONUSCO helicopters sent to reconnoiter the site.

81. ADF also attacked numerous villages, including Kamango, which prompted more than 66,000 people to flee into Uganda. These attacks depopulated a large area, which ADF has since controlled by abducting or killing people who return to their villages to collect food from their gardens. Between July and September, ADF decapitated at least five people in the Kamango area (including the local Chief), shot several others, and kidnapped dozens more. These actions have terrorized the local population, and deterred people from returning home.

Attack on Kamango

82. ADF's most significant attack of 2013 took place on 11 July at Kamango. Kamango is the capital of Watalinga Chiefdom, located 10km from the Uganda border, and had a population of approximately 9,200 people (see annex 34). According to one eyewitness, local authorities, Congolese officials, and UN sources, the primary objective of this attack was to loot Kamango's hospital and pharmacies (see para. 143). At around 05:30, a force of 60 men entered the town, shooting in the air, and crying out "Allahu Akbar". A man speaking into a megaphone summoned Muslims to the mosque to pray; however, by all accounts the population tried to flee as ADF attacked. A reserve force of 40 men entered the town after it had been secured.

83. ADF captured and tortured several people to obtain information about the whereabouts of government agents and soldiers. One detainee told the Group that the main interrogator spoke Arabic, and that a Ugandan man translated the questions into Swahili. After several hours of interrogation, the ADF released their captives with messages, including telling FARDC to allow ADF safe passage to Uganda, and telling the local population to leave the area. ADF also arrested the local Chief of Bawisa Groupement, Baliebula Kwambuka Nelson, and his family. After releasing the Chief's family, ADF beheaded him. In total, ADF killed 12 people during this attack.

84. FARDC forces liberated Kamango the evening of 12 July. During a short firefight, FARDC suffered four dead and twelve wounded, who were evacuated the following day by MONUSCO. FARDC forces killed two and captured two ADF. After FARDC took control of Kamango, soldiers recovered some documents from a place where ADF had camped. One document (undated) contains instructions for conducting an ambush (see annex 35), and is noteworthy for its disciplined and professional directives. Another document (dated 23 June 2012) is a list of transfer orders (see annex 36), and is important for listing the names of a several ADF commanders, and for demonstrating how ADF transfers personnel between bases. The third document is an examination for translating Luganda to Arabic (see annex 37), and is interesting for the nature of the questions asked.

85. The attack on Kamango is significant for three reasons. First, it was the largest of several recent ADF attacks on medical facilities and supplies. ADF is clearly stockpiling drugs and medical equipment. Sources from the Congolese government and UN believe these 4 UN sources report that in early November, 1,800 families returned to the Kamango area from Uganda; however, ADF has attacked and killed some returnees, claiming they have collaborated with FARDC.

seizures are evidence that ADF is either preparing to be attacked by the FIB, or preparing to undertake offensive military action. Second, the Kamango attack effectively depopulated a large area around Kamango, close to the Ugandan border. This has given ADF more room to

operate freely, to establish new bases in abandoned towns, and to steal food from vacated villages and farm plots.

86. Third, the killing of the local chief exposes the ties between local authorities and ADF. Congolese and UN sources told the Group that ADF has agreements with local chiefs in and around their area of control, which allow ADF to move freely and engage in business. In the case of Kamango, these sources told the Group that ADF had told chief Nelson to allow them to move into the Kamango area, but the chief informed FARDC about the directive. ADF killed the Chief to send a message to those who would refuse to abide by their terms.

87. ADF has also assassinated other people with whom it has had disagreements. Congolese officials and UN sources told the group that in February 2013, ADF killed a FARDC intelligence officer named Abdou, who had arrested 5 ADF collaborators in Butembo. Ugandan officials told the Group that between July and August 2012, ADF killed three Sheikhs in Bugiri District, Uganda, after a falling out with ADF leader Jamil Mukulu.

Sources of support

88. ADF finance their activities through a network of businesses and connections in North Kivu. The Group has previously documented some of these networks (see S/2013/433, para. 96; S/2011/738, paras. 57-65). During 2013, former ADF combatants, Congolese officials, UN sources, and Ugandan officials told the Group that ADF maintains businesses and support networks in the towns of Butembo, Beni, and Oicha. These networks consist of businesses that give money and goods to ADF, motorcycle and car taxis that produce funding for ADF, small-scale gold mining, and sale of rights for timber harvesting. Based on information the Group obtained during its investigation of the Kamango attack, the Group also thinks that some local authorities in Beni territory collaborate with ADF (through coercion or voluntarily) to facilitate business transactions, as well as the transport of supplies to ADF bases.

Forces démocratiques de libération du Rwanda

89. During 2013, several events further weakened FDLR, notably in South Kivu. In early February, the FDLR deputy commander, sanctioned individual “Gen.” Stanislas Nzeyimana, alias Izabayo Bigaruka, disappeared in Tanzania. In September, the FARDC arrested “Lt. Col.” Ferdinand Nsengiyumva, alias Bemba Bahizi, who was in charge of operations in South Kivu. In late November, the South Kivu sector commander, “Col.” Hamada Habimana deserted to join his family in Kenya. Also in late November, the Forces nationales de libération (FNL) killed their former ally Mazuru (see S/2009/603, para. 70), who was the FDLR liaison officer in the Ruzizi Plains (see S/2012/843 para. 113). In December 2012, the UN Security Council placed FDLR as an entity on the sanctions list, joining eight senior FDLR leaders previously

subjected to sanctions, including military commander and FDLR vice-president “Major General” Sylvestre Mudacumura (see annex 38).

90. Based on interviews with ex-FDLR combatants and UN sources, the Group estimates FDLR has approximately 1,500 combatants in both provinces (see S/2013/433, para. 97); of these, approximately 1,000 are in North Kivu. The Government of Rwanda told the Group that FDLR has 4,000 to 4,200 combatants.

91. As a consequence of the 2009 arrests of Ignace Murwanashyaka and Straton Musoni by German authorities (see S/2010/596, para. 75), the FDLR political branch is now hosted in North Kivu. In 2013, “Gen.” Gaston Rumuli is the FDLR president (see S/2011/738, para. 74). “Col.” Laurent Ndagijimana, alias Wilson Irategeka, who replaced Callixte Mbarushimana (see S/2011/738, paras. 28, 74), is the Congo-based FDLR Executive Secretary.

92. During 2013, former FDLR combatants consistently told the Group that morale is very low among the rank and file, that living conditions are difficult, and that they mostly have old weapons and uniforms. For example, one Congolese ex-combatant previously based near Ngungu described the divide between Rwandan commanders who own fields and the rest of the troops who are told to loot to survive. These combatants and UN sources told the Group that FDLR has difficulty recruiting. While the rank and file are generally young and willing to disarm, the senior FDLR leadership is older and refuses to surrender. In order to motivate troops, in 2013, FDLR leadership decided that all grades up to Colonel received a promotion.

93. Until the defeat of M23, FDLR leadership continued to promote the armed struggle against the Rwandan government. The Group previously reported on FDLR attacks in Rwanda (see S/2013/433 paras. 101-105). However, as a sign of FDLR’s weakness and vulnerability, on 12 November – seven days after FARDC defeated M23 – an FDLR release expressed a desire to negotiate (see annex 39). The release, signed by Irategeka, asked the DRC government and MONUSCO to refrain from military action. FDLR has asked for negotiations with the Rwandan government; nonetheless, the government repeatedly stated it will not negotiate with FDLR.

94. During 2013, the Group interviewed 35 former FDLR combatants in DRC, and in Rwanda at the Mutobo demobilization center. Between 1 January and 8 December, MONUSCO demobilized 531 FDLR combatants, of whom 345 were Rwandan nationals, 184 were Congolese, and 2 were Ugandan. During the same period, MONUSCO repatriated 426 FDLR dependents, of which 422 were Rwandan and 4 Congolese.

95. From interviews with former FDLR combatants, the Group confirmed that during 2013, FDLR recruited combatants including children (see para. 157). Former FDLR combatants told the Group that FDLR recruits in Uganda and among Rwandan refugees in Congo, and enlists young boys.

96. Several ex-combatants told the Group that FDLR sustains itself in North Kivu primarily through looting, gold mining, and illegal taxation, as well as agriculture and charcoal production. These sources also stated that gold mined by FDLR around Kasugho is traded in Butembo and then Kampala, and that FDLR collaborates with Mai Mai leaders, including “Major General” Kakule Sikula Lafontaine and “Brigadier General” Hilaire Kombi, in the exploitation and trade of gold (see S/2013/433, para. 71). In South Kivu, former FDLR combatants told the Group that FDLR mines gold at Birara, and collects taxes from mines at Miki and Kitopo. These former combatants also told the Group that FDLR regularly collects money from Rwandan refugees in South Kivu.

Collaboration with FARDC and armed groups

97. During 2013, the Group documented cases of local-level collaboration between FDLR and FARDC. For most of the year, some FDLR units cohabited and/or collaborated with FARDC troops. In its mid-term report, the Group documented examples of such collaboration, including provision of ammunition (see S/2013/433, paras. 106-109). In September and October, three ex-combatants told the Group that FDLR buys ammunition from FARDC soldiers for between 50 and 100 CF (\$0.05-0.11) per bullet. The Government of Rwanda informed the Group of examples of the provision of ammunition to FDLR during late 2012 and early 2013. The Government of Rwanda also told the Group that FDLR troops are serving in FARDC; however, the Group was not able to confirm this allegation, which the FARDC denied.

98. During September and October, MONUSCO military sources reported that FDLR clashed with M23 on several occasions at Rubare and Rugari. The Group received information that FDLR coordinated attacks and ambushes against M23 with local FARDC commanders, notably in August. By November, however, when FARDC defeated M23, evidence of FARDC-FDLR collaboration diminished. In November, FARDC ended its passivity and attacked FDLR rebels at several locations in South Kivu.

99. FDLR has also worked with other armed groups. Former FDLR combatants told the Group that FDLR has had alliances with APCLS and Nyatura. During September and October, UN sources confirmed that FDLR fought alongside APCLS against NDC in Walikale territory (see para. 44). On 20 October, FDLR attacked Pinga town in Walikale territory along with APCLS combatants. Their troops initially pushed NDC combatants out of parts of Pinga; however, NDC troops counterattacked and took back the town. In September, “Col.” Aigle Rouge, who leads the Mai Mai Ngulima group in Misingi-Misinga, Masisi Territory, told the Group he collaborates with FDLR in his area.

100. In South Kivu, FDLR collaborated with the FNL; however, toward the end of the year, FDLR distanced itself from FNL. In retaliation, the FNL killed FDLR liaison officer Mazuru in the Ruzizi Plains. This assassination is likely to further strain the relations of the two groups (see para. 89).

Deployment

101. FDLR is organized into the Apollo sector in North Kivu and the Jakarta sector in South Kivu. According to ex-FDLR combatants, there is no troop movement between the two provinces – only communication via satellite phone. In North Kivu, FDLR is primarily deployed in Walikale, Lubero and Rutshuru territories. The command headquarters is in Nganga, in Walikale territory. Sanctioned “Gen.” Leopold Mujiyambere, alias Achille, is the Chief of Staff and Acting Deputy Commander since Bigaruka’s disappearance. Sanctioned “Col.” Pacifique Ntawunguka, alias “Omega”, leads Apollo sector, in the Bambu area. Within Apollo sector, “Col.” Serge Gashirabake, also known as Bernard Rishirabake (see S/2009/603 para. 319) commands the Canaan Sub-Sector, which is based at Tongo. “Lt. Col.” Kubwayo Gustave, alias Sirkoff, commands the Sinai Sub-sector in the Virunga National Park, near Tongo. “Col.” Lucien Nzabamwita, alias André Kalume, leads Comet Reserve Sub-sector, in the Malemo hills, near FDLR’s training school. FDLR also maintains a deployment force at Ishasha, at the border with Uganda.

102. FDLR has maintained *Commando de recherche et d’action en profondeur* (CRAP) companies and platoons, composed of experienced soldiers and deployed in areas of strategic importance in North and South Kivu. In addition, FDLR keeps *Postes d’intervention populaire* (PIP), to protect Rwandan Hutu refugee populations. Near the Ishasha border with Uganda, “Major” Logo Ninja carries out intelligence gathering, as well as facilitates the crossing of FDLR recruits from Uganda into DRC.

103. In South Kivu, FDLR is primarily deployed in Mwenga, Uvira and Fizi territories. FDLR has about 500 combatants in South Kivu. The South Kivu headquarters is located in Kadashomwa, Mwenga territory. Following the desertion in late November 2013 of “Col.” Habimana Hamada, his second in command, “Col.” Mugabonake Boniface, alias Hagenimana Josue, became the new commander. “Col.” Fred Irakiza commands the First Sub-Sector, located in Mulenge, in Uvira territory. “Col.” Munyaneza Job commands the Second Sub-Sector, based in Mugutu, Mwenga territory.

104. In late 2012 and early 2013, the headquarters battalion, the second Sub-Sector, and several thousand refugees moved unhindered south from Kabare territory to join “Col.” Hamada in Kadashomwa, before he deserted. In July, FDLR units in South Kivu moved into areas in Mwenga territory that had been vacated by Raia Mutomboki factions. According to a former FDLR commander and UN sources, FARDC refrained from attacking FDLR, who operated openly in some towns. FDLR combatants looted villages, abducted villagers, robbed passengers of motor vehicles, and displaced miners from the Miza gold mine.

105. In November, as FARDC were on the verge of defeating M23, FDLR units in South Kivu began to converge in the Itombwe forest area, on the frontier of Mwenga and Fizi territories. MONUSCO military officials believe this is a defensive posture, because the area

is heavily forested and difficult to access. Also in November, FARDC units attacked FDLR units on several occasions, killing and capturing several FDLR soldiers.

106. In Katanga, some FDLR combatants who came from South Kivu operate north of Kalemie, just south of the border with South Kivu. Between July and September, these troops looted local populations, and operated at several gold mines.

107. In November, a senior UN military official told the Group that FDLR in North Kivu and South Kivu would be a harder target than M23, because FDLR troops are dispersed, and scatter into the forest when attacked. In addition, FDLR combatants live with their women and children; military operations risk causing collateral damage. This source identified about 22 small FDLR locations (11 in South Kivu and 11 in North Kivu), in which combatants often stay with their families.

Diaspora

108. FDLR combatants told the Group the movement continues to receive support from the diaspora, notably funds from Europe. The Group also reviewed phone logs that showed contacts between Faustin Murego, a Belgian national of Rwandan origin, and senior FDLR officers (see annex 40). Murego has previously sent money to Bigaruka and his wife (see S/2009/603, para.102; S/2012/843, para. 101). According to an analysis of satellite phone records obtained by the Group, Bigaruka phoned Murego on 15 October 2012; on 25 November 2012 and again on 15 February 2013, “Gen.” Omega, the Apollo Sector commander, called Murego and had lengthy conversations with him.

Disappearance of sanctioned FDLR leader Stanislas Nzeyimana (Bigaruka)

109. While FDLR officers and intelligence sources from the region had told the Group that Rwandan officials were detaining Bigaruka (see S/2013/433, para. 99), other FDLR sources alleged that Tanzanian security services placed Bigaruka under house arrest in Dar Es Salaam. The Group attempted to confirm this allegation with the Tanzanian authorities, which told the Group they were not aware of Bigaruka’s travel and stay in Dar Es Salaam, and had no information about his disappearance or whereabouts.

110. The Group however documented Bigaruka’s travel to Tanzania in violation of the travel ban. Three individuals, including Joseph Nzabonimpa (see S/2012/843, para. 101; Annex 40), told the Group that they – along with Faustin Murego – travelled to Dar es Salaam in January 2013 and met Bigaruka to discuss demobilization and disarmament as well as the issue of child soldiers (see annex 41). At the beginning of his stay in Dar es Salaam, Bigaruka stayed in the house of Tanzanian reverend Christopher Mtikila, which the

reverend acknowledged to the Group (see annex 42). In early February, after these meetings, Bigaruka disappeared. The Group continues to investigate the matter.

Ralliement pour l’unité et la démocratie

111. The FDLR splinter group, Ralliement pour l'unité et la démocratie (RUD), is based at Mashuta in North Kivu. The overall military commander of RUD is "Gen." Jean-Damascene Ndibabaje, alias Musare (see annex 43). MONUSCO DDR/RR sources told the Group that other military leaders include second in command and operations chief, "Col." Jean-Michel Africa; the intelligence officer, "Captain" Ryango; and "Major" Bitanganya. MONUSCO military sources and Rwandan officials estimate the strength of RUD to be around 300 combatants. RUD has a battalion deployed at Bikuyu in Lubero territory, commanded by "Major" Kagoma, while the second is in Mukwamimbi, in Walikale territory.

112. The Group interviewed 7 RUD ex-combatants who confirmed that during 2013, RUD recruited adults and children in Uganda through false promises of employment. One 16-year old boy told the Group that in early 2013, he was tricked by a man promising him a job, who took him from his hometown in Uganda to Congo, and forced him and several other children to join RUD. An adult told the Group he was recruited in April on the premise of becoming a gold miner, only to be pressed into the service of RUD. A third adult, who surrendered to MONUSCO in September, told the Group he was recruited in 2011 in Uganda by being told he would tend cows in Congo, but was forced instead to join RUD.

113. According to ex-combatants, RUD sustains itself through looting, taxation, and gold mining. During the second half of 2013, RUD has looted crops, robbed and kidnapped people, and conducted a joint operation with Mai Mai PARECO militants in Lubero territory.

114. According to UN sources, in mid-July, M23 killed Soki Sangano Musohoke, a deserter from RUD, who was in charge of a small group of armed men in Rutshuru territory (see S/2011/738, para. 135). Following Soki's death, "Col." Kasongo took control of his group, and reportedly changed its name to FPP. 5

Lord's Resistance Army

115. The Lord's Resistance Army (LRA) remains small in number and its violent attacks declined during 2013 in DRC (see annex 44). Nonetheless, the LRA still inspires fear, and OCHA identifies the movement as the cause of more than 15,000 displacements during 2012 and 2013 in Haut-Uélé and Bas-Uélé districts in Orientale Province, adding to 240,000 previous displacements. Approximately 200 LRA – including leader Joseph Kony – operate in the Central African Republic (CAR) and South Sudan. According to UN sources and the NGO non-governmental organization Invisible Children, links between LRA in CAR and DRC were severely affected by the January 2013 killing of Lt. Col. Vincent Okumu, aka Binany, by Ugandan troops.

116. UN sources told the Group there are currently 60-90 LRA in the DRC, including women and children, which is roughly the same number since early 2011.⁷ Out of the 60-90 LRA, 40-50 are considered armed fighters. There are three groups of LRA under the command of "Major" Obol (40-48 people – formerly the Odano group), "Lt. Col." Ladere (10-20 people), and "Capt." Mandela (10-20 people).

117. In October, the Ugandan government told the Group “the LRA militarily is reduced to a marauding outfit.” This description is borne out by information suggesting LRA’s main crimes are pillaging and abducting people to carry looted goods (see annex 45), although they have also committed unlawful killing and poaching of elephants (see para. 231). UN sources and local leaders in Dungu told the Group that most abducted people are released by the LRA within hours or days of abduction. This was the case with 33 people abducted between 1-3 October northwest of Ango; all were released as of 8 October.

118. In February 2013, the Congolese government assigned 500 FARDC soldiers to the African Union Regional Task Force (AU-RTF). The AU-RTF consists of approximately 3,350 soldiers from CAR (350), South Sudan (500), and Uganda (2000). The FARDC soldiers are based in Dungu, and solely devoted to hunting the LRA in Congo. UN sources and a local leader in Dungu told the Group that U.S. Special Operations troops from Africa Command (AFRICOM) have been training these FARDC, and helping them to plan and execute operations. The Group notes that the United States government did not inform the sanctions Committee about this training.

119. On 27 July, the top LRA commander in Congo was killed in Garamba National Park. Public accounts claimed that a group of hunters from South Sudan randomly stumbled upon Major Thomas “Okello” Odano, killed him in a shootout, “rescued” two women and two children, and took them back to South Sudan. Four sources told the Group that Odano was actually killed by a group of armed “Arrow Boys” from the Nzara area of South Sudan. The Arrow Boys are local self-defense militias who have worked with the AU-RTF and AFRICOM in anti-LRA operations. In this case, they crossed the border into the DRC, hunted down Odano, and returned to South Sudan with the four people they captured during the operation.

120. The Group wrote to the U.S. government about its support of the Arrow Boys and the death of Odano. In its response, the U.S. government acknowledged collaborating with the Arrow Boys and other groups in South Sudan to address the LRA threat, but denied assisting the Arrow Boys with any specific pursuit activities inside the DRC.

121. On 19 September 2013, AU-RTF forces and AFRICOM advisors conducted operations in two areas of the DRC. In September, U.S. advisors accompanied RTF troops on two separate missions in Garamba National Park, but neither mission encountered the LRA. In one mission, a group of South Sudanese-RTF commandoes and U.S. advisors crossed from Sudan into Congo. As part of the second operation, a team of Belgian tracking dogs and their handlers (funded by the Bridgeway Foundation) were flown to Garamba from outside DRC. The Group notes that the United States government did not inform the Sanctions Committee about this provision of support to anti-LRA operations.

122. In a separate operation in September, FARDC-RTF troops with U.S. advisors dislodged suspected LRA from a settlement north of Ango town. The operations were due to end on 14 November, but were extended due to a small surge in LRA attacks in mid-November.

123. In addition to this campaign, there has been a massive effort to encourage LRA to surrender. The group Invisible Children has printed 1.2 million fliers since 2011 (see annex 46). During 2013, Invisible Children has dropped approximately 300,000 fliers in DRC and CAR from chartered aircraft, and provided approximately 100,000 fliers to MONUSCO, which has dropped the fliers over suspected LRA areas. MONUSCO and the U.S. State Department have also printed their own fliers. In addition, messages encouraging the 60-90 LRA to surrender are regularly broadcast by radio from mobile MONUSCO bases, and from helicopters fitted with loudspeakers. Despite these efforts, between 1 January and 8 December 2013, MONUSCO only repatriated 1 LRA combatant and 6 dependents.

Forces nationales de libération

124. According to MONUSCO and Burundian intelligence, in spite of nearly 70 combatants captured or surrendered to the FARDC in 2013, the FNL currently has 300 combatants, following recruitment in Burundi. "Gen." Aloys Nzamapema remains the military commander-in-chief. Since mid-August, FARDC, as part of the joint operation "Kamilisha Usalama" with MONUSCO, conducted attacks against FNL. FARDC displaced the FNL headquarters from Mushule to Kiriama, north of Sange in South Kivu, where the FDLR were also located until recently.

125. In August 2013, former FNL president Agathon Rwasa returned on the Burundian political scene and attempted to regain the leadership of his party. Rwasa had fled to South Kivu in July 2010, before the Burundian presidential elections and after a pro-government wing emerged in FNL, which was led by Emmanuel Miburo. In January 2013, the FNL armed forces based in DRC dismissed Rwasa as president and replaced him with Isidore Nibisi, who lives in France (see S/2013/433 para 110). In an interview with the Group however, Rwasa denied he had ever been in contact with Nzamapema after the latter had left Burundi to proceed to DRC. He also condemned the looting activities of the FNL in the DRC.

126. Ex-FDLR and FNL combatants told the Group that collaboration between FNL and FDLR continued during 2013 in Fizi territory. The Group is aware of two meetings between FDLR and FNL, in February and April 2013, in Kadashomwa, where Nzamapema was present. However, when the FNL moved to Kiriama, the FDLR moved its camp in order to avoid being attacked by FARDC (see para. 89).

127. The Front du peuple murundi (FPM) have significantly weakened during 2013 (see annex 47).

V. Integration Challenges (see annexes 24 and 25)

VI. Stockpile Management

128. FARDC continues to face challenges in securing its arms and ammunition. After the occupation of Goma by M23 and looting of FARDC arms stocks (see S/2013/433, p. 6), FARDC started using makeshift armories, which facilitates the diversion of weapons.

129. The Group visited the ports of Matadi and Boma on the Atlantic coast, where the DRC authorities receive official arms and ammunition imports, with a view to assessing the processes used in inspecting incoming cargo. In both ports, this inspection is done manually, which renders it difficult to detect possible violations of the arms embargo. The Group notes that the Congolese government is not using a scanning system present at the Matadi port (see annex 48), which would improve tracking of cargo and facilitate detection of illegal shipments, including arms.

130. In both ports, incoming cargo belonging to the Ministry of Defence is never subjected to screening. A FARDC logistics office based at the ports confidentially handles military cargo.

131. The most common weapon used by armed groups in DRC is the AK-47 assault rifle, and small caliber 7.62 mm ammunition for AK-47s is widely available in eastern DRC. During 2013, the Group documented 7.62 mm ammunition from at least 14 countries held by armed groups, which was manufactured between 1951 and 2008 (see annex 49). The Group concludes some of this ammunition originates from diversion from FARDC stockpiles (see S/2009/603, para. 23), and stocks brought into DRC from neighbouring countries and international arms dealers (see para. 31; S/2005/30, para. 66).

132. The FARDC remains the main source of ammunition for armed groups in eastern DRC. In some cases, armed groups obtain arms and ammunition after attacking FARDC; however, in other cases, FARDC soldiers or their intermediaries sell weapons and ammunition. Four ex-combatants from APCLS (from Masisi), three from FDLR (in Tongo) and three Raia Mutomboki (from Shabunda) told the Group they purchased AK-47 ammunition from FARDC soldiers or their intermediaries.

133. In addition to the AK-47 and its ammunition, the Group documented other diversions of arms and ammunition in eastern DRC, as cited in para. 97. For example, M23 stole an FARDC T-55 tank during its occupation of Goma (see S /2013/433, para 17 and annex 5).

VII. Violations of international humanitarian and human rights law

Massacres/violence

Attacks by Kata Katanga

134. During 28-29 October, the Group investigated attacks by Kata Katanga during visits to eleven villages in Mitwaba and Pweto territories of Katanga Province (see annex 50). The

Group assessed the damage caused in the village of Kabola (Pweto territory), which was attacked and burned the morning of 23 October (see annex 51). According to eyewitness accounts, several dozen attackers – some armed with AK-47s but most armed with spears, machetes, or bows and arrows – entered the village after firing a few shots in the air, and proceeded to set houses on fire. The Group counted at least 210 burned homes and businesses, and heard from displaced residents that the attackers had targeted the town because FARDC had previously been stationed there; the Group confirmed the presence of the former FARDC installation (see annex 52). The attackers also burned the Kabola Primary School. Based on interviews with displaced residents, the Group estimates that approximately 1,000 people were forcibly displaced from Kabola as a result of this attack.

135. The Group also visited Katendeji village (Pweto territory), which was attacked and burned the morning of 24 October (see annex 53). The Group counted at least 203 houses and businesses burned during this attack. Based on interviews with displaced residents, the Group estimates at least 1,500 people were forcibly displaced as a result of this attack.

136. The Group talked to local leaders and inhabitants of Mupanga and Mukumbo villages (Mitwaba territory) (see annex 54), the populations of which fled on 24 October following the attack on Kabola. The Group confirmed the populations of Kilolo, Kamifio, and Kabale also vacated following Kata Katanga attacks. The Group documented additional villages in the Mitwaba-Pweto boundary area affected by Kata Katanga during October 2013, including the burned villages of Kisele, Kifinga, Mubidi, Manda, and Kamazanga.

137. In contrast to the Group's observations, FARDC Lt. Col. Lwamba Butalele, Commander of the 43rd Rapid Intervention Battalion based in Mitwaba town, told the Group that the security situation in Mitwaba territory was calm. The Group noted a large presence of FARDC in Mitwaba town, but no presence of FARDC in the affected areas of Mitwaba territory it visited.

Attacks in Masisi

138. The Group documented attacks of several villages in southern Masisi territory by a Raia Mutomboki faction, based in Remeka, under the command of Batembo Joseph Misati and "Gen." Birikoriko. From the night of 13-14 October until 18 October, these men led forces that attacked and burned localities including Mushebere, Ntambike, Mahiga, Bumba, Miruta, Nguliro, Lubuu and Mutuza, killing at least 17 people and injuring many others. On the morning of 25 October, the same combatants attacked villages surrounding Ngungu. The Group observed thousands of people fleeing from Ngungu, and saw 3 FARDC attack helicopters circling the area.

Sexual Violence

139. The Group received information that members of NDC, Nyatura, FRPI, FDLR, Mai Mai Morgan, and M23 carried out rapes during 2013. MONUSCO documented the rape of 15

women by NDC in September and October (see para. 42), and the rape of 6 women by Mai Mai Morgan in October (see para. 65). UN sources told the Group about many cases of rape and forced marriage by Raia Mutomboki forces in Shabunda, a territory where there is little state authority.

140. In addition to the problem of rape, many girls and women are kidnapped and forced to become sex slaves. The Group previously documented sexual slavery by Mai Mai Morgan (see S/2013/433 paras. 133-135), and received reports from UN sources about FDLR forcing women to become “wives” for militia members. The MONUSCO Child Protection Section (CPS) also documented the abduction in February and March of underage girls for sexual purposes by seven FARDC deserters from FARDC’s 810th Regiment in Bweremana.

141. Government security forces, particularly FARDC, remain a significant source of sexual violence, notably against minors. During 2013, there was no reported case of mass rape committed by FARDC, but soldiers were responsible for many isolated attacks on women and girls, particularly during operations. In Katanga, local officials and residents told the Group that FARDC soldiers have raped dozens of women and girls during operations against Kata Katanga in Mitwaba territory; the Group has archived a list of these women and girls. FARDC Lt. Col. Lwamba Butalele is Commander of the 43rd Rapid Intervention Battalion based in Mitwaba town. In Ituri, local leaders and UN sources told the Group about 3 rapes committed by FARDC troops in southern Irumu during operations against FRPI under the command of FARDC Gen. Fall Sikabwe.

142. In the case of rapes committed by the FARDC, military justice has arrested and sentenced several offenders. However, the Group notes that some of those accused or sentenced in 2013 have escaped from custody.

143. On 20 November, exactly a year after the mass rape at Minova in South Kivu following the M23 takeover of Goma (see S/2013/433, para. 132), a military court in Goma opened proceedings against 40 FARDC soldiers, including four Lieutenant Colonels, for murder, rape and other war crimes.

Attacks on medical facilities and staff

144. Between June and September 2013, ADF targeted several medical facilities and shipments, as well as pharmacies, in a series of attacks along the Mbau-Kamango axis. On the night of 16-17 June, UN sources reported that ADF broke into the health center at Kahongo village (in the Kamango Health Zone) and stole all the medicines, as well as medical equipment and money. On 20 June, ADF stopped a truck east of Mbau that was on its way from Beni to deliver medicines to Kamango. The attackers looted drugs valued at more than \$13,000, including therapeutic milk for malnourished children, and abducted the passengers and burned the truck. On 14 July, ADF attacked the town of Kikingi, south of Kamango, looted its pharmacies and shops, and ordered the local population to leave. On 28 September, five combatants kidnapped two male nurses from the health center at Maleki,

near Oicha. One of the nurses escaped the following night and stated that the kidnappers were ADF, but the fate of the other nurse is unknown.

145. ADF's most significant attack against medical facilities and staff was on 11 July at Kamango (see para. 82). Over the course of two days, ADF systematically looted the hospital and pharmacies in Kamango. Observations by Group members confirmed statements by an eyewitness and local authorities that ADF emptied the hospital's pharmacy and piled the drugs outside one of the hospital's buildings; medical equipment and other supplies were also piled at this spot (see annex 34). ADF forces also looted two pharmacies in Kamango town, seized two vehicles, loaded them with drugs and medical supplies, and drove west towards Mbau. One car had belonged to the chief, and the other car belonged to Médecins sans Frontières (MSF), which had a small team in town.

146. On 10 July, an MSF team arrived in Kamango to conduct an assessment of medical needs. The team consisted of two nurses, a logistician, and a driver; three are Congolese and one Malagasy. As of the writing of the report, the Group had no information about the whereabouts of the MSF staff. Sources from the United Nations and the Congolese and Ugandan governments believe these humanitarians are still alive, because ADF will seek to use their skills, particularly those of the nurses.

Attacks on MONUSCO

147. The Group documented numerous attacks on MONUSCO and humanitarian workers during the course of its mandate. These attacks – which took place during combat and noncombat situations – have not only caused death and injury, but have impeded the work of the UN and humanitarian actors.

148. The Group notes with concern that FARDC officer Willy Bonane Habarugira, whom the Group identified as “participating in and organizing the looting of UN and humanitarian facilities and homes” in November 2012 at Bunia (see S/2013/433, annexes 65 and 66), was promoted in July 2013 from the rank of Colonel to the rank of Brigadier General. General Bonane has never been held accountable for his actions in Bunia.

149. In addition to the attacks that the Group documented in its mid-term report (see S/2013/433, paras. 136-139), several serious attacks took place during the second half of 2013. Three of those attacks are summarized here, and these and other attacks are described in annex 55.

150. On 14 July, ADF attacked a Nepalese MONUSCO patrol on the Mbau-Kamango road (see annex 33). During the retreat and rescue of the peacekeepers, the Nepalese troops were forced to abandon their damaged vehicles – an APC and a pick-up truck – which were then burned by ADF. Three peacekeepers were injured, including two by bullet wounds. The following day, 15 July, ADF shot and hit two MONUSCO attack helicopters that had deployed

from Goma. Both helicopters suffered minor damage; there were no injuries to peacekeepers.

151. On several occasions in August, M23 attacked the MONUSCO base at Munigi, north of Goma. On 22 and 23 August, M23 engaged the UN base with machine guns and self-propelled guns, damaging one MONUSCO ambulance. On 24 August and 28 August, M23 shot mortar rounds into the base, which injured at least six peacekeepers. On 28 August, in Kibati, M23 combatants targeted a MONUSCO APC with a self-propelled gun, killing two Tanzanian peacekeepers and injuring one. On 28 October, M23 killed another Tanzanian peacekeeper during an ambush in Kiwanja.

152. During July and August, local people attacked MONUSCO staff and vehicles on the streets of Goma (see annex 56). Most of the attacks took place on 2 and 24 August, and were part of broader demonstrations against the lack of progress in the fight against M23. Twentyone cars were damaged in 23 incidents, and at least two UN staff suffered injuries from broken glass and thrown rocks.

M23 summary executions

153. The Group visited the Rumangabo detention center immediately after M23 combatants evacuated it on 28 October (see annex 57), and documented cases of summary executions of prisoners and recruits carried out by M23 officials. The center housed approximately 250 mainly civilian prisoners.

154. Ex-prisoners described to the Group their inhuman life conditions and claimed that many prisoners died of thirst and starvation. Furthermore, they detailed how prisoners were occasionally removed during the night, and disappeared. Several eyewitnesses told the Group how M23 soldiers stabbed prisoners to death in the room at the entrance of the prison building. Other eyewitnesses showed to the Group where they were forced to bury dead bodies. According to corroborating testimonies from several witnesses, the two most recent nightly executions happened on 5 September (5-8 cases) and 12 October (10-13 cases).

Executed detainees included two Congolese Red Cross workers arrested by M23 on 6 July in Kanyaruchinya and imprisoned in Rumangabo before being killed in August. The chief of intelligence, "Col." Antoine Manzi, and his deputy, "Lt. Col." Willy Mihigo Secoper, were in charge of the prison at that time and reportedly gave the orders to execute prisoners. In Rumangabo, the Group also documented the summary execution of at least two individuals during the few hours prior to the FARDC takeover of the camp (see annex 58).

155. The Group visited Kiwanja and documented lootings and three summary executions by M23 combatants when they fled on 26-27 October 2013. Moreover, M23 troops had ransacked administration offices and many government buildings.

156. The Group interviewed 12 M23 ex-combatants, including 4 children, who stated that during their stay in Rumangabo military camp, those who were caught attempting to escape were imprisoned, and some were publicly executed as a way of discouraging potential escapees. Seven M23 ex-combatants told the Group they witnessed 13 summary executions of recruits.

Child soldiers

157. During 2013, the Group documented that children have served a variety of functions in armed groups, including as combatants, porters, escorts, cooks and spies. Between 1 January and 29 November 2013, MONUSCO's Child Protection Section (CPS) documented recruitment of 459 children by armed groups. Of these, the majority were Congolese, 14 were Rwandan, and 5 were Ugandan. The children were aged 9 to 17 years old, and many were under the age of 15. Of the total, 403 were boys, and 56 were girls.

158. The armed groups that recruited children were: Mai Mai groups (194 including 43 girls) Nyatura (112 including 4 girls), Mayi Mayi Kata Katanga (39), FDLR (30), Raia Mutomboki (25), M23 (24), APCLS (13), PARECO (12), FARDC deserters (7 all girls) LRA (2 girls) ADF (1).

159. In addition to the statistics from CPS, during November, the Group confirmed additional cases of child soldiers in eastern DRC. On 24 November, FARDC screened Mai Mai surrenderers in Bweremana (Masisi Territory). Out of 1,211 combatants, FARDC identified 27 children between the ages of 15 and 17, of whom 3 were girls. These children had been members of FDIPC8 under the command of "Col." Baisengue Senzoga (1); FPC under the command of "Col." Bafakururimi (7); MPA under the command of "Col." Alexis Bisengo (4), and the remainder from two Nyatura groups under the commands of "Col." Habarugira and "Col." Muchoma (11). UNHCR reported that it separated 36 children from the M23 combatants who surrendered in November in Uganda.

160. Raia Mutomboki, FDLR, Nyatura and APCLS generally recruit children with the tacit acquiescence of parents and/or guardians. The Group, with the assistance of CPS, interviewed three minors from FDLR, two from M23, and four from Nyatura, all between 10 and 16 years old.

IX. Natural Resources

Gold

161. Gold produced artisanally in conflict and post-conflict areas of eastern DRC is blended in Congo's main trading towns and neighbouring transit countries. Although there are some efforts underway to promote due diligence and traceability in the gold sector, gold smuggling remains a major problem due to the failure of the governments of DRC and neighbouring States to enforce existing laws and end impunity for illegal traders and smugglers.

Involvement of FARDC in gold exploitation

162. In the gold mining area of Misisi, in Fizi territory, FARDC officers and soldiers are involved in the production and trade of gold, in violation of the DRC Mining Code. In August 2013, when the Group visited Misisi and the nearby gold processing site of Miba (see annex 59), local authorities and miners told the Group that military officers, including Col. Rugo Heshima and Col. Sammy Matumo (see S/2012/843, para.185; S/2009/603, annex 124), own several machines that crush gold-bearing rock. By renting out the machines to miners, these officers can obtain \$4,800 per month, per machine. The same sources told the Group that soldiers work as diggers at the Misisi mine (in civilian clothes), or oversee the gold separator. According to mining operators, some soldiers also arbitrarily arrest miners and demand gold as a pre-condition for their release.

163. Gold produced in Misisi is traded through Bujumbura (Burundi) via Bukavu or Uvira, Tanzania via Kigoma (see para. 195). Buyers of gold from Misisi and based in Bukavu include the Mining Congo comptoir; Mizinzi; Buganda Bagalwa; and Bashi Jules (see S/2012/843, para. 187) (see para. 171, annex 60). Another gold buyer is Etablissement Namukaya (see S/2012/843, para. 183).

164. The Mukungwe gold mine, which is on the concession of the Banro mining company, has continued to be a source of income for FARDC officers of the 10th Military Region. The Group has reported how FARDC became involved in local struggles for control of the Mukungwe mine (see S/2011/738, paras. 528-532), and how FARDC soldiers levied taxes on miners (see S/2013/433, para. 165). In September, FARDC withdrew all soldiers from the Mukungwe site, and arrested three soldiers who had continued activities there.

Involvement of armed groups in gold exploitation

165. Until late August (see para. 58), FRPI was deriving revenue from gold mining. Local civil society leaders from Gety and Bunia told the Group that FRPI was directly exploiting gold at Bavi, Soke, Singo, and Songolo in southern Irumu territory. FRPI officers also collected a tax of 3-5 grams of gold per week from other mining sites within their area of control. Traders sell this gold in Bunia and Butembo; gold from these towns is then traded in Kampala.

166. In addition to Ntaberi's NDC (see para. 46), another armed group in Walikale is involved in gold exploitation. According to one "drague" (floating dredge) owner, one civil society member and one independent researcher, Mai-Mai Simba, a Mai-Mai group based in Maiko National Park (see S/2011/738, paras. 246-251), is heavily involved in the exploitation of gold on the Osso River, which runs through the park. "Gen." Mando Mazaro, the leader of Simba in Maiko Park, is based at Mbuju, near the Osso River.

167. Until June or July 2013, Mando levied taxes on more than 60 gold dragues on the Osso River (see annex 61). As documented in the 2011 report (see S/2011/738, para. 250), and according to civil society leaders in Walikale and one drague owner, FARDC in Biruwe

continue to collaborate with the Simba, exchanging minerals for ammunition (see S/2011/271, para. 250). According to a civil society leader in Walikale, a gold trader in Kisangani and a drague owner, gold from Osso is traded in Kisangani.

168. Raia Mutomboki controls most of the gold mines in Shabunda territory in South Kivu. Local commanders of Raia Mutomboki factions levy taxes on production at mining sites. Two civil society leaders and mining authorities told the Group that buyers of gold from Shabunda include Bukavu-based comptoirs DTA and Mining Congo. According to a list of Mining Congo suppliers seen by the Group, 16 out of 38 of its suppliers buy gold in Shabunda.

169. The Group also received information from mining and cooperative officials, as well as miners, that Yakutumba's wife supervises several crushers in Miba (see para. 161). In March and April, Yakutumba collected taxes for his "war effort" in the Misisi area (see annex 24).

In addition, a gold trader, a Yakutumba ex-combatant, and an FARDC officer also stated that Yakutumba controls gold areas in Fizi, and that this gold is traded through Tanzania.

Gold trade in Congo

Official exports

170. The networks engaged in gold smuggling from DRC through neighboring countries are now more than twenty years old, and deeply entrenched. As a result, during 2013, artisanal gold production continued to be largely smuggled out of DRC through neighboring countries. According to the U.S. Geological Survey, artisanal miners in Congo produce an estimated 10,000 kg of gold per year; however, from January to October 2013, official exports totaled only 180.76 kg (see annex 62).

Unofficial trade

171. The Group estimates that during 2013, 98 percent of artisanally produced gold was smuggled out of DRC (see annexes 63, 64). The Group also estimates the value of gold smuggled out of Congo during 2013 to be between \$383 and \$409 million. Based on this estimated value, the Group estimates the Congolese government lost \$7.7 to \$8.2 million in tax revenue during 2013. The main trading towns in eastern DRC for gold smuggling are Bukavu, Butembo, Bunia, Ariwara, and Kisangani.

172. In South Kivu, the main trading town is Bukavu. Gold traded in Bukavu comes from mines in South Kivu and Maniema. The Group has a list of 64 individuals who are illegally trading in gold in Bukavu. Of these traders, the biggest gold traders are Bashi Jules, Buganda Bagalwa, and Mange Namuhanda (see S/2012/843, para. 187).

173. In North Kivu, the main trading towns are Butembo and Beni. The gold traded in Butembo and Beni comes from mines in North Kivu, Maniema, and Orientale provinces. The

Group identified dozens of gold traders operating openly in Butembo (see annex 65), particularly around the central market, but notes that official exports from North Kivu totaled only 2.1 kg between January and September 2013.

174. In Orientale province, there are three main gold trading centres. The gold traded in Bunia comes from mines in eastern Orientale province, principally in Irumu, Mambasa and Djugu territories. The largest gold traders are Banga Djelo (see S/2012/843, para. 187), Justin Peke (see S/2012/843, para. 187), Karte (aka Carter), Exodus Deba (see S/2009/603, para. 244), Lombela, Manu Soba, and Edmond Kasereka (see S/2009/603, para. 244). Ariwara is a major trading town for gold from mines in Ituri (Aru territory) and Haut-Uélé districts. The gold traded in Kisangani comes from mines throughout Orientale province, as well as Walikale territory in North Kivu. Although there are legal comptoirs operating in all three locations, gold traders in Congo told the Group that the vast majority of the gold traded in these towns is smuggled out of Congo.

175. The Group notes that the lack of action of the Government of DRC against gold traders operating illegally in the aforementioned trading towns. In each location, gold traders work openly, but government authorities fail to arrest these traders, or otherwise compel them to legally trade in gold.

Seizures of smuggled gold in Congo

176. On 23 October 2013, mine agents near Bukavu stopped and searched a truck on the Bukavu-Kamanyola road that was coming from the Misisi mining area, and found 64 hidden parcels containing a total of 15-20 kg of gold. The parcels were labeled with names of négociants in Bukavu, including Buganda Bagalwa and Jules Bashi, but the parcels did not have any official documents. This was the third gold seizure in October in South Kivu. Mining authorities told the Group that “high ranking officials” intervened after the first two seizures and released the gold and the traffickers (see annex 66). The gold parcels were impounded, but later refunded to the owners without any investigation to determine their origins or their exporting destinations. The Group obtained a list of the 64 individuals who retrieved the parcels (see annex 60).

Gold Trade

Fraud in the Gold Trade

177. The common explanation for why legally registered gold comptoirs in Congo cannot compete with illegal traders is that the illegal traders can offer a better price, of approximately 2 percent, because they do not have to pay export tax. The Group has also determined that illegal gold buyers can afford to offer a better price than legal comptoirs because the lack of regulation of the trade facilitates fraud at the local, intermediate, and regional levels.

178. At the mine sites and main trading town levels, the intentional and unintentional fraud in the gold trade stems from the visual estimations of gold purity, the use of weights of varying – and misrepresented – mass in hand-held scales, the use of electronic scales and density testing machines that are not inspected and validated, and the use of manipulated tables (see annex 67). This fraud benefits the main gold traders, but the losses accumulate upstream.

179. In Kampala, where gold buyers use density testers and electronic scales, the lack of regulation means there is no certainty about the accuracy of the machines and scales, thus creating the potential for fraud. Gold traders told the Group that the main buyers in Kampala (see paras. 182-186) often use calculators to determine a price based on a purity value derived from a machine; however, the Group has also determined that at least one major gold buyer in Kampala uses a table to estimate gold purity that contains fraudulent values, thus enabling fraudulent transactions.

180. The Kampala gold table (KGT) deceives gold sellers and benefits gold buyers by offering fraudulent gold purity values for gold density values (see annex 68). For example, if a gold seller had a gold ingot of 86 percent purity, the KGT would declare the sample to be 81.2 percent pure. If a gold seller had a 10 kg gold ingot of 86 percent purity, he would lose more than \$20,000 (480 g of gold) in the transaction because of the fraudulent values in the KGT (see annex 69).

181. The Group estimates that major gold buyers would cheat sellers out of more than 200 kg of gold each year by using the KGT (see annexes 70, 71). Based on the average market price between July and November 2013, Kampala's major gold buyers could therefore skim between approximately \$5 and \$13 million each year from unsuspecting sellers.

Regional gold trade

Uganda

182. Since 1997, Kampala has been a major trading location and transit hub for Congolese gold. In 2006, Uganda exported 6,936 kg of gold, but after March 2007, when the Security Council imposed sanctions on Uganda's two largest gold exporters, Uganda's official gold trade went into steep decline from which it has not recovered. Between 1 January and 28 November 2013, the Ugandan government told the Group it exported only 161 kg of gold (see annexes 71).

183. In effect, imposition of the sanctions prompted Uganda's main gold traders to continue their operations illegally; however, they have been able to do this because the Ugandan government has failed to acknowledge and address the illegal gold trade. Based on the Group's investigations, the three major families exporting gold in 2006 – the Lodhias, Vayas, and Bhimjis – remain the three major illegal gold exporters in 2013.

184. In 2006, Uganda's leading gold exporter was Uganda Commercial Impex (UCI) Limited (see annex 70), which was led by Mr. Jamnadas V. Lodhia (aka Chuni). In March 2007, the Security Council designated UCI on its sanctions list; however, Chuni continued to buy Congolese gold after this listing (see S/2009/603, paras. 133, 243). Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that in 2013, Chuni continues to illegally buy smuggled gold from Congo at the office of Aurum Roses (see annex 72), which is a company owned by Chuni and his two sons, Jitendra J. Lodhia and Kunal J. Lodhia.

185. Uganda's second leading exporter in 2006 was Machanga Limited, which was led by Mr. Rajendra Vaya (aka Raju). In March 2007, the Security Council placed Machanga on its sanctions list; however, Raju continued to buy gold after his company was sanctioned (see S/2008/773, para. 91-92; S/2009/603, paras. 133, 243). Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that in 2013, Raju and his representatives purchase gold at an office on Upper Kololo Terrace in Kampala (see annex 73).

186. Uganda's third leading exporter in 2006 was A.P. Bhimji Limited, which was led by A.P. Bhimji, a British citizen. Gold traders in Bunia and Butembo, as well as civil society leaders in Kampala, told the Group that A.P. Bhimji's son – Sameer Bhimji (aka Sammy) – illegally buys smuggled gold from Congo, and is estimated to be the third largest buyer after Chuni and Raju (see S/2012/843, para. 193). On 18 January 2008, Sammy incorporated Midas All Minerals Limited with Lata Bhimji. On 18 April 2011, Sammy legally exported 3.0 kg to Dubai, United Arab Emirates (using his name, not Midas All Minerals), but neither he nor his company recorded any official gold exports in 2012 or 2013. Sammy buys gold at the office of Midas All Minerals, and at a location in the Kamwokya area of Kampala.

187. In October, Ugandan government officials told the Group they had no information about Kampala-based traders named in previous Group reports – namely Chuni, Raju, and Sammy – being currently engaged in in gold trading. The same officials told the Group they had not seized any smuggled gold during 2013, and had not arrested anyone for smuggling gold from Congo. The officials told the Group they are undertaking a number of measures to combat smuggling, including formalizing artisanal mining and working with ICGLR.

188. Based on the level of official exports in 2006, the year before Uganda's gold market went underground, the Group estimates that during 2013, 6,761 kg of gold were smuggled out of Uganda; thus an estimated 97.5 percent of domestic and foreign gold was smuggled out of Uganda (see annex 71). The Group estimates the value of gold smuggled out of Uganda during 2013 is approximately \$271 million, and estimates the Ugandan government lost an estimated \$2.7 million in tax revenue during 2013.

Burundi

189. Burundi is a major transit country for gold coming out of eastern DRC. Some Congolese gold is blended into the official gold supply trade in Burundi, and legally exported as Burundian gold, while some Congolese gold is directly smuggled out of Burundi. Burundian intelligence officials and a gold trader told the Group that most of the Congolese gold smuggled through Burundi is exported to Dubai. There is no production data for gold in Burundi, nor is there a traceability scheme in place yet (see S/2013/433, para.163), which makes it difficult to determine the level of smuggling of Congolese gold. In order to combat smuggling through Bujumbura's airport, in October 2013, the government launched a new program of weighing gold exports, and sealing packages in the presence of numerous government agents at the comptoir. The packages are then re-weighed at the airport.

190. According to official statistics, from January to October 2013, 17 comptoirs and individuals in Burundi exported 2,539 kg of gold worth \$73.9 million (see annex 74). Of this export volume, 2,537 kg went to Dubai; 1 kg went to Lebanon and 1 kg to Kenya. The Group estimates that the Burundian government should have collected \$529,350 of taxes between January and October 2013, based on a 0.5 percent tax on gold exports. One Bukavu-based exporter, Mining Congo, buys gold from Misisi (see para. 161); the owner of Mining Congo,

Jean Claude Nzeyimana, also individually exported 64 kg of gold from Burundi as of October 2013.

191. The figure of 17 gold comptoirs exporting gold in 2013 is in sharp contrast with previous years, when Mutoka Ruyangira dominated the gold market in Burundi (see S/2008/773 para. 93; S/2009/603, para. 140). In an April meeting, and in a letter to the Group, Mutoka Ruganyira stated that he sold his company BERKENRODE bvba S.A. in January 2011 to Ntakangwa Sprl and that he was no longer involved in the gold trade. The Group continues to investigate the matter.

192. One gold buyer in Bujumbura – Etablissement Jean Jbeili (see annex 75) – told the Group it was not exporting gold in 2013; however, the Group obtained an export document from April showing it had in fact exported gold (see annex 76). Official export statistics also show that Etablissement Jean Jbeili legally exported 45 kg between January and October, including 1 kg to Lebanon; however, Lebanon did not report any import from Burundi for 2013. Jbeili has yet to start activities at its refinery (see S/2013/433 para. 163); according to its license it must implement traceability regulations.

193. On 15 October, the Burundian government adopted a new Mining Code, which increased the tax on the value of precious metals from 0.3 to 2 percent – making it the same as the tax in DRC. The new code also penalizes smugglers with sentences of up to 20 years and/or a fine of up to \$13,000. However, the Group notes that the new Code does not make any reference to due diligence or the ICGLR Regional Certification Mechanism.

Tanzania

194. Tanzania is a major gold producer; it is also a transit country for gold smuggled out of eastern DRC. During the Group's official visit to Tanzania in August, Tanzanian authorities told the Group they had not seized any gold or minerals coming from Congo, and that there is no illicit trade in Tanzania in gold or minerals coming from Congo. After this visit, the Group sent a request to the Tanzanian government for statistics for 3Ts and gold; however, by the time of this report, the authorities had not responded to the Group's request.

195. Congolese gold is smuggled from South Kivu into Tanzania primarily by boat across Lake Tanganyika to Kigoma. A gold trader, a Mai Mai ex-combatant, and a civil society leader told the Group that traders in these towns take the gold to Dar es Salaam, from where it is exported to Dubai. One Congolese gold trader in Dar es Salaam explained to the Group how he buys up to 5 kg of gold every month from rebel-held areas of Fizi territory in South Kivu.

196. During its visit in Kigoma in August, the Group confirmed from four local jewelers that they buy Congolese gold. A gold trader and one of his staff confirmed to the Group that Jafar (see annex 77), who was mentioned in the Group's 2009 final report (S/2009/603, paras. 161-162), remains a major trader of Congolese gold in Kigoma. The Group confirmed that another jewelry shop in Kigoma, owned by Maulid Seif Kuziga (see annex 78), buys gold from Misisi in South Kivu.

197. As in Burundi, Congolese gold smuggled into Tanzania is blended into official exports, and separately smuggled out of the country. One Tanzanian transport company owner told to the Group that he could easily obtain official documents from Tanzanian mining authorities to export Congolese gold.

Export destinations

198. The main downstream destination of artisanally mined Congolese gold remains the United Arab Emirates (UAE); other destinations are Lebanon and Asian markets including India. The Group wrote letters to the UAE, India and Lebanon requesting statistics for gold imports, exports, re-exports and transit, covering the period January 2012 to August 2013. Only Lebanon replied to the Group's request; UAE and India, in spite of reminders, did not reply.

199. The Group wrote the Government of Lebanon to request gold statistics. In response, the Lebanese government provided the Group with two sets of data, one of which showed 151.0 kg of imports from Congo between January and August 2013, and a second that showed 27.2 kg of imports from January through 13 November. Lebanon had no gold imports from Uganda, Burundi, Tanzania or South Sudan. The Group wrote to Lebanon to ask clarification as to the importers of gold as well as the origin in Congo of the gold. At the time of the writing, it had not received a reply.

3Ts

200. Eastern DRC has large deposits of the 3Ts – tin, tungsten, and tantalum. While progress has been made to promote due diligence and traceability for 3Ts in DRC (see annex 79), many problems remain with respect to the production and trade of 3Ts. During 2013, the Group confirmed a continuing pattern of smuggling to Rwanda, and documented seizures made by the DRC authorities of minerals being smuggled to Rwanda (see S/2012/843, para. 163-177). While there is residual smuggling to Uganda and Burundi, a key incentive for smuggling to Rwanda is the price differential between DRC, where few minerals are tagged, and Rwanda, where all minerals are tagged. For example, in October, the tin price at South Kivu mines was \$4, but was \$8 at trading houses in Bukavu, and \$15 in Kamembe, Rwanda.

DRC

Official exports

201. Between January and September 2013, DRC officially exported 5,388.5 tonnes of tin. Comptoirs from Katanga accounted for the greatest volume of exports (2,694.2 tonnes), followed by Maniema (1,233.5 tonnes), South Kivu (839.9 tonnes) and North Kivu (620.9 tonnes) (see annex 80). For tantalum, the only official exports came from comptoirs in Katanga (319.6 tonnes) and North Kivu (139.2 tonnes). For tungsten, official exports came from Katanga (60.2 tonnes) and North Kivu (35.0 tonnes).

Smuggling

Rubaya

202. In August, the Group visited the town of Rubaya and the tantalum mine of Luwowo (see annex 81), in Masisi, North Kivu. There were two important issues regarding tantalum mines in the area.

203. First, there is a long-standing dispute regarding the mines in the area of Rubaya between Mwangachuchu Hizi International (MHI) and the mining cooperative called COOPERAMMA. The disagreement between MHI and COOPERAMMA over who has legal rights to mine these sites was resolved in late 2013, when both parties agreed that COOPERAMMA can continue to artisanally mine the sites, but must sell all production to MHI. In the event that MHI cannot buy the production, COOPERAMMA can sell minerals elsewhere.

204. Second, tantalum from the Rubaya area is being smuggled to Rwanda via Goma. The Group confirmed this through interviews with a négociant in Rubaya, a négociant in Goma, two mining officials in North Kivu, and a Goma resident who witnessed smuggling taking place in September. This smuggling takes place by truck at small border crossings, such as Makoro and ITG cemetery (see annex 82), and normally involves transferring bags of tantalum between trucks close to the border, and payment in cash to Congolese and

Rwandan soldiers stationed at the transit point. The smuggled tantalum is then taken to warehouses in Gisenyi where it is tagged.

205. The Group also learned from négociants that COOPERAMMA works closely with some mining agents to understate actual production and export levels from the Rubaya mines in official reports. This cooperation enables COOPERAMMA and mining agents to harmonize statistics, and thereby hide a certain amount of production, which is smuggled through Goma to Rwanda. The Group asked MHI what measures it would take to address these problems now that it is the sole buyer of COOPERAMMA's tantalum. MHI replied that it was planning to deploy more staff to make sure people are not stealing minerals.

Bisie

206. Bisie has major deposits of tin ore, but because it has not been validated, production is prohibited. However, during 2013, the Group has obtained photos taken in August that confirm the production and transport of tin from Bisie (see annex 83, S/2013/433, paras. 177- 178). This is further confirmed by the addition to minerals stocks after February 2013, when the Stock Verification Commission (Commission de vérification des stocks) counted 355.4 tonnes of red tin ore in storage at Bisie. Between 1 July and 30 September, mine operators shipped 776.2 tonnes of red tin ore from Bisie, which means 420.8 tonnes were added to Bisie's stocks after February, in spite of the ban on production.

Maniema

207. Two négociants, a provincial authority, and local mine agents told the Group that during 2013, the smuggling of minerals out of the province by road and air was considerably reduced. This reduction is due to actions by the provincial and national mining authorities to ban the transport by air of minerals out of Maniema, and to implement traceability of minerals in Maniema province. The Group also notes that there are no reports of illegal taxation at the 3T mines in Maniema, no presence of armed groups, and no illegal involvement of local administrators, PNC and FARDC in the 3T artisanal mining sector in the province.

208. However, the Group has confirmed that some smuggling continues. The sources listed above informed the Group that tin and tantalum from Punia and Kasese are smuggled by boat on the Congo River to Kisangani, and then by road to Goma. In Lubutu Territory, tin is smuggled by boat to Kisangani, and then by road to Rwanda, via Bukavu (see para. 216).

Idjwi

209. During its field visit to the Island of Idjwi on Lake Kivu in October, local mining agents, Direction générale des migrations (DGM) and ANR agents told the Group that smugglers take tungsten from the Kamole mine to Goma and Gisenyi, Rwanda (see S/2013/433, para. 190). These sources told the Group that the primary smugglers are Deogratias Magayane Simagari

(see annex 84), Mushaki Kabano Claude and Mututa, who are all négociants based in Bukavu. These smugglers operate with the complicity of elements of the Congolese Naval Force stationed along the coastline of the Island.

Shabunda

210. Tin, and to a lesser degree tantalum, are smuggled out of Shabunda territory by air from Lulingu and Shabunda town airstrips. Planes carrying consumer goods arrive at Lulingu and fly out with tin and tantalum to either Shabunda town or to Goma (see S/2013/433, para.196). In addition, planes carrying minerals fly from Shabunda town to Bukavu or to Goma.

Kalimbi Mine

211. The Kalimbi mine in Nyabibwe remains the only mine where tagging is practiced in South Kivu despite the validation of other mines around Kalimbi (see annex 85), and the Kamole and Lemera mines in Idjwi Island by the validation team in July and August 2013. The comptoir World Mining Company (WMC) was the sole buyer of tagged tin from the mine.

212. However, though the minerals from the mine are considered conflict-free, the Group has continued to document cases of smuggling of untagged minerals from the mine to Goma onto Rwanda (see para. 216). Provincial mining authorities and a member of the cooperative at Kalimbi told the Group that local mining agents at Nyabibwe facilitate the smuggling. The Group listened to conversations during which Rwandan traders discussed ways to purchase

Kalimbi's tin.

213. On 15 August, the South Kivu Provincial government increased taxes on mineral production from \$0.01 per kg, to \$0.05 per kg (see annex 86). The government decree requires miners to pay half of this amount, and traders to pay the other half. Miners have reacted angrily to this decision, and traders have stopped buying minerals from Kalimbi until the tax is cancelled or reduced. This has resulted in reduced production at Kalimbi, and increased smuggling, as shown by recent seizures. At the time of writing, the tax increase remains in place.

Seizures

214. On 4 September, Government authorities found a container with 30 kg of tantalum in a package at Goma airport. The package had arrived on a flight with the Mango Express Company from Kasese in Maniema Province to Goma. The Congolese authorities sent the tantalum back to Kindu (see annex 87).

215. On 26 September, DRC authorities (Direction générale des douanes et accises, DGDA) seized 368 kg of tantalum hidden inside a car at the Goma border post between DRC and Rwanda (see annex 88). The car had specially designed compartments under the car seats;

according to DRC authorities, this indicated the car was used frequently for smuggling (see annex 89). According to Congolese mining authorities, the smuggled tantalum came from the Rubaya area

216. Also on 26 September, an agent from the mines administration in Nyabibwe seized 2 sacks of 90 kg each containing tin from Kalimbi. The agent intercepted the sacks in the village of Kinyezire, along the Nyabibwe-Goma axis (see annex 90). However, a group of youths attacked the mines agent and seized the minerals; the youths were subsequently arrested but the tin disappeared.

217. On 6 October, a member of the Anti-Fraud commission arrested Mr. André Tshibangu wa Tshibangu at the Ruzizi I border post in Bukavu while he was attempting to cross into Rwanda. He had 420 kg of tin hidden in secret compartments in his vehicle (see annex 91). The Group interviewed Mr. Tshibangu, who told the Group he bought the minerals for \$8/kg in Bukavu, and expected to receive \$15/kg in Kamembe, Rwanda, where there are many businessmen buying tin from Congo. He said the minerals originally came from Kamituga.

218. On 15 October, a mines administration agent seized 15 kg of tin at a checkpoint in Kalungu town; the minerals were repatriated back to Nyabibwe (see annex 92).

Rwanda

219. In previous years, as in 2013, the Group documented cases of smuggling of tin, tungsten and tantalum from Congo to Rwanda (see S/2012/843, paras. 163-177; S/2011/738, para. 478).

Official exports

220. Throughout its mandate, the Group tried to ascertain the level of production in Rwanda in order to compare with declared production and sales to Rwandan comptoirs. Assuming production data is sound, this could be one of the clearest ways to assess the exact extent of smuggling of DRC minerals into Rwanda. To this effect, the Group addressed two letters to ITRI, the first requesting production per 3Ts, and the second requesting production per mine.

221. On 18 July and on 12 September, ITRI responded to the first letter that “mine production figures cannot be separated into individual types (cassiterite, wolframite, tantalite) since Rwanda has a complex geology and a large proportion of the mines do not produce individual mineral but mixed minerals. There will always be uncertainty over which exact mix of minerals is being produced or traded. In an effort to improve our understanding of the mixed mineral sources and overall plausibility of production we have agreed with the Rwandan Government to carry out a basic sampling programme at all mines to provide assay data; this has recently begun”.

222. On 19 November, ITRI provided the Group with information about Rwanda's minerals industry. This aggregated data shows that between June 2011 and April 2013, Rwanda's official production and export of minerals dropped, and then increased (see annex 93). Between June and December 2011, Rwanda exported 583 tonnes more minerals than it produced; the Group could not determine the origin of these excess minerals. Production and export quantities were roughly equal during 2012, but for the first four months of 2013, Rwanda officially produced 198 more tonnes than it exported.

223. On 30 September, the Group sent a letter to the Rwandan Ministry of Mines requesting the estimated monthly/yearly production per mine for all 3Ts mines in Rwanda (as well as number of diggers, and all tags at mines and at comptoirs). As of the writing of this report, the Ministry of Mines had not responded to the Group's request.

Seizures

224. On 22 October 2013, Rwandan authorities informed the Group there had been no seizures during 2013. The same day, Rwandan customs authorities told the Group that they had obtained no answer from their Congolese counterpart regarding the return of 8.4 metric tonnes of minerals seized in 2012 (see S/2013/433, para. 192). On 30 October, the Group wrote to the Congolese government inquiring about their lack of action relating to a request from the Rwandan government about the return of the minerals. In November, Rwandan authorities handed these minerals over to Congolese authorities in Goma.

Ivory

225. The slaughter of Congo's elephants is one of the most tragic consequences of years of war and poor governance. Driven by growing demand in Asia and increases in prices, poaching by armed groups and criminal networks has decimated elephant populations throughout eastern DRC. Despite the efforts of international conservationists and some Congolese authorities, the killing continues on a daily basis. The Congolese Institute for the Conservation of Nature (ICCN), which oversees Congo's national parks, identified 310 cases of elephant poaching between January 2012 and October 2013 (see annex 94); however, since park authorities have a limited ability to patrol most of Congo's parks, this number is likely considerably below the actual level of poaching.

Garamba National Park

226. Garamba National Park is situated in northeast Province Orientale, and shares a border with South Sudan (see annex 95). In the 1960s, Garamba park had a population of approximately 22,000 elephants and more than 2,000 rhinoceroses. In October 2013, park authorities told the Group that a 2012 census showed fewer than 2,000 elephants are left. Park authorities saw one rhinoceros in 2006, and have neither seen nor found traces of any rhinos since then.

227. Park authorities are severely limited in their ability to address poaching due to a lack of serviceable weapons, ammunition, and an inability to patrol two-thirds of the park. Park rangers conduct foot patrols only in the southern third of Garamba park, south of the Garamba river. During 2012, park authorities confirmed 49 elephants killed by poaching in this section of the park; between January and September 2013 they recorded 16 cases of elephant poaching (see annex 96). In addition, three “Domaines de chasse” (hunting domains) surround Garamba park, in which local populations have limited rights to use and access resources, but are prohibited from killing elephants. Park authorities told the Group they do not have authority to patrol the domains, but believe that poaching in those areas is unchecked and rampant. Dozens of gold mines have appeared in two of these reserves, with many right along the border of the park (see annex 97), which has increased poaching for food, and according to park authorities, for ivory because elephants migrate through the new mining areas.

Poachers

228. Park authorities, local leaders in Dungu, and UN sources informed the Group that the three main actors poaching elephants in Garamba Park are local poachers, FARDC, and “international” poachers from South Sudan. Three lesser actors in poaching are the LRA, park rangers, and unknown aerial hunters. Between January and November 2013, park rangers had 9 encounters with poachers in the southern third of Garamba park (see annex 98).

229. The sources listed above all believe local poachers are responsible for a large share of poaching in the hunting domains and Garamba Park. These poachers, usually armed with AK-47 assault rifles, operate from villages and towns close to park boundaries. The sources cited above told the Group that local poachers work closely with FARDC soldiers, who provide them with guns and bullets in exchange for ivory and/or bushmeat.

230. FARDC soldiers also directly poach elephants and other animals inside the park and the surrounding hunting domains. Park authorities report several encounters with FARDC in recent years. For example, on 27 February 2013, park rangers encountered a group of FARDC soldiers inside the park, who had poached two hippos in the Dungu River. During a short firefight, park rangers killed one FARDC officer. The soldiers ran and left behind uniforms, weapons, and a large quantity of meat (see annex 99).

231. Poachers from South Sudan are believed to be responsible for a large share of elephant poaching. Numerous sources told the Group that South Sudanese poachers are most active in the northern and eastern areas of Garamba Park, and the Mondo Missa hunting domain. On 13 October, park rangers had a shootout with Sudanese poachers, after which they captured an AK-47 rifle and South Sudanese army uniforms (see annex 100). A South Sudanese man named Tabani was leader of a group of 25-40 poachers; however, park authorities told the Group that he was killed in November 2013.

232. Other actors also engage in elephant poaching in Garamba Park on a smaller scale. The LRA has maintained bases in Garamba Park (see para. 120), and engaged in some poaching of elephants and other animals. Garamba Park rangers have tracked LRA inside the park and raided LRA camps (see annex 101). Ugandan authorities told the Group that in February 2013, Ugandan and U.S. forces recovered six ivory tusks in CAR, which were reportedly stashed by LRA members who came from Congo. On 18 May, park rangers had a firefight with LRA inside the park, killing two girls, and wounding and capturing an 18-yearold boy. In July 2012, park authorities arrested two park rangers who had poached two elephants and a lion. During 2012-2013, there has also been one recorded instance of elephant poaching from a helicopter, in the biggest single mass killing of elephants recorded in recent years (see annexes 102, 103, 104).

Trade

233. Park authorities and local leaders in Dungu told the Group there are three main trading routes for ivory poached in and around Garamba National Park. The South Sudanese poachers normally take ivory back to South Sudan, from where it is traded either in Juba or Khartoum, Sudan. The second major trading route is through the town of Ariwara in Ituri's Aru territory. The price for ivory in Ariwara declined during 2013 from \$150 per kg to \$40-60 by the end of October, due to large seizures in Kenya and Uganda, which caused concern among ivory traders (see para. 236). Congolese and Ugandan traders sell ivory to buyers in Aru or Kampala, Uganda. The third trading route, which is considered minor compared to the other two, is through Dungu town. Local sources in Congo and government authorities in Uganda told the Group that ivory poached in DRC is generally shipped to Asia.

Virunga National Park

234. The Group previously documented ivory poaching in Virunga National Park, and the role of Congolese businessman Muhindo Kasebere in the ivory trade (see S/2013/433, para. 200). Congolese officials in Beni and Kasindi told the Group they have not seen Kasebere since March 2013, when he fled to Uganda; however, Ugandan officials told the Group in October 2013 that they have not been able to find Kasebere on their territory. Three local officials identified the building in Kasindi where Kasebere had stored and traded ivory (see annex 105).

235. One former poacher, three local officials in Beni and Kasindi, and a UN source told the Group that Kasebere had worked with Dura Mawa Muhindo, a former UPDF Lt. Col. who is currently the Kasese District Local Council Chairman, to transport ivory from Kasindi, at the DRC border, to Kampala. According to these sources, Kasebere would call Chairman Muhindo, who would provide an armed escort at Mpondwe, just across the border from Kasindi, to ensure safe transport for the ivory to Kampala. In October 2013, the Group met with Chairman Muhindo, who denied these claims. Chairman Muhindo told the Group that while he has many contacts in Congo, he is not engaged in business, and believes that claims

about his involvement in the ivory trade come from people who want to tarnish his image because of his efforts to fight against the ADF and bring stability to the Kasese area.

Okapi Fauna Reserve

236. The Group previously documented elephant poaching in the Okapi Fauna Reserve (RFO) (see S/2013/433, para. 77, S/2012/843, para. 129). Poaching has continued unabated during 2013 in RFO, with major actors including Morgan (para. 64), Maitre, and “Jesus” (see annex 31). Ivory is generally traded to the west, through Kisangani, to the east through Bunia, or the south through Beni and Butembo.

Uganda

237. Uganda is the main transit country for ivory coming from DRC. During 2013, the Ugandan government has made numerous seizures of ivory (see annex 106), including the seizure of 832 pieces of ivory weighing 2,903 kg on 17 October in Kampala (see annex 107). Ugandan authorities told the Group that Kenyan national Owino Odhiambo was responsible for this shipment, which was hidden in a container destined for Mombasa, Kenya, from where it was to be shipped to Malaysia. In addition, in July, Kenyan authorities seized approximately 1,300 kg of ivory in Mombasa, which had come from Uganda and was destined for Malaysia.

Kenya

238. The Group made repeated phone calls, and sent numerous letters and emails during 2013 to the Government of Kenya for information about ivory seizures and smuggling, the Kenyan government did not respond to any of the Group’s requests.

1. Recommendations

The Group of Experts makes the following recommendations:

To the Security Council

1. Extend the mandate of the FIB for another year in order to support FARDC operations against armed groups in eastern DRC.

To Member States of the Great Lakes region:

2. As per the ICGLR Regional Initiative against the Illegal Exploitation of National Resources (RINR), prioritize implementation of the Regional Certification Mechanism;

3. Strengthen and harmonize penalties for ivory trafficking, and coordinate efforts to identify and address ivory trafficking networks.

To the ICGLR:

4. Create a commission to investigate and address cross-border trafficking of minerals, as per the Lusaka Declaration of 2010;
5. Work with Member States to harmonize taxes on gold in the region in order to reduce incentives for smuggling.

To the Governments of Rwanda and Uganda:

6. Create an updated list of M23 members who took refuge on their territories, and share the information with the Committee, including biodata of sanctioned individuals with a view to updating the sanctions list;
7. Extradite Congolese M23 members pursuant to international arrest warrants;
8. Investigate and prosecute individuals who have provided support to M23 from within the territory of Rwanda and Uganda.

To the Government of Uganda:

9. Share a list of the weapons surrendered by M23 with the Group of Experts, as requested by the Committee;
10. Demonstrate progress in combatting gold smuggling, legalizing its gold trade, and reporting to the Committee on progress.

To the Government of the DRC:

11. Issue arrest warrants and extradition warrants, when applicable, against all armed group leaders who have committed serious violations of international humanitarian law;
12. Investigate and prosecute FARDC commanders who have collaborated with the FDLR and other armed groups;
13. Demonstrate progress in combatting gold smuggling, legalizing its gold trade, and reporting to the Committee on its progress.
14. Process reports from Validation Teams for approval of mining sites as conflict-free within 3 months of receiving the reports;
15. Recruit and train more mining agents and mining police to cover all validated mines;
16. Implement the Action Plan concluded in October 2012 concerning child recruitment and other violations of international humanitarian law, including abuses toward children;
17. Improve efforts to negotiate with armed groups by appointing small teams of officials specifically focused on one armed group, who would liaise with and coordinate the actions of local authorities, MONUSCO, and UN agencies to secure each armed group's surrender;

18. Acquire the technical capacity to better track the source of artillery and tank fire in eastern DRC, with a view to resolving disputes between the DRC and Rwanda regarding allegations of cross-border firing;

19. Allow customs officials (DGDA), Office congolais de contrôle (OCC), and the Société congolaise de transports et des ports (SCTP) to have access to containers transporting military equipment.

To the Government of Burundi

20. Investigate and report back to the Committee on progress made in addressing Congolese gold smuggling in Burundi.

To the Government of Tanzania:

21. Share gold production and trade statistics with the Group of Experts, and report back to the Committee on progress made in addressing Congolese gold smuggling.

To international donors:

22. Finance and technically supervise the demobilization plan and demobilization centers for Congolese armed groups in eastern DRC;

23. Support and technically supervise Security Sector Reform in the DRC;

24. Finance the marking and creation of an electronic inventory of all DRC state-owned arms and ammunition;

25. Finance DDR/RR deployments before and during FIB operations against the FDLR, in areas where the FDLR are deployed, to facilitate surrenders;

26. Provide technical and financial support to EJVM.

To MONUSCO:

27. Assist the DRC Government in registering and tracing arms and ammunition recovered from rebel groups and share data with the Group of Experts;

28. Increase human rights monitoring and protection activities prior to and during FIB operations against armed groups.

To companies

29. Conduct due diligence in minerals purchase in the Great Lakes region, in addition to investing in traceability schemes.