



## 安全理事会

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### 2014年6月19日安全理事会关于刚果民主共和国的第1533(2004)号决议所设委员会主席给安全理事会主席的信

我谨代表安全理事会关于刚果民主共和国的第1533(2004)号决议所设委员会，并依照安全理事会第2136(2014)号决议第5段的规定，转递刚果民主共和国问题专家组的中期报告。

请提请安全理事会成员注意本信和报告并将其作为安理会文件分发给荷。

安全理事会关于刚果民主共和国的  
第1533(2004)号决议所设委员会

主席

扎伊德·拉阿德·扎伊德·侯赛因(签名)

\* 由于技术原因于2014年7月17日重发。



2014 年 5 月 30 日刚果民主共和国问题专家组给安全理事会关于刚果民主共和国的第 1533 (2004) 号决议所设委员会主席的信

刚果民主共和国问题专家组成员谨此转递专家组依照安全理事会第 2136 (2014) 号决议第 5 段编写的中期报告。

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## 刚果民主共和国问题专家组的中期报告

### 摘要

2014 年 1 月中旬以来，刚果民主共和国武装部队(刚果(金)武装部队)一直在北基伍省贝尼县开展打击民主同盟军(民主同盟军)的行动。刚果(金)武装部队遭受重大伤亡，但已将民主同盟军赶出其已知的所有基地。刚果民主共和国问题专家组注意到，目前尚未对有关民主同盟军及其盟友的行動的说法进行独立、严谨的分析，在战略和业务层面作出的决定可能因此受到误导和无法取得实效。

根据对民主同盟军过去的三个营地进行的视察、对在这些营地发现的文件所作的初步分析、对简易爆炸装置和民主同盟军的其他武器的评价、以及与了解情况的主管部门和当地居民进行的约谈，专家组无法确定民主同盟军是否与青年党或基地组织存在关联或得到了他们的支持。

尽管人们预期，刚果(金)武装部队和联合国刚果民主共和国稳定特派团(联刚稳定团)将在 2014 年初对解放卢旺达民主力量(卢民主力量)实施打击，但刚果民主共和国政府尚未下令开始一项重大行动。

卢民主力量是一个受制裁实体，已与比利时和卢旺达境内的卢旺达反对党结成联盟。专家组认为，采取这个行动是为了争取国际支助，以主动防止对其采取的军事行动，并迫使卢旺达政府进行谈判，不过卢旺达坚称，将不与卢民主力量谈判。

卢民主力量多次表示已做好解除武装的准备，却反而继续招募和训练包括儿童在内的战斗员。此外，前战斗员告诉专家组说，卢民主力量领导人表示，其主要目标仍然是攻击卢旺达。另有证据显示，刚果(金)武装部队和卢民主力量之间继续在开展地方一级开展协作。

专家组注意到，自上一个专家组提交最后报告以来，为解决卢旺达和乌干达境内“3·23”运动前战斗员和政治干部的归宿问题所作的努力取得缓慢进展。出现了若干问题，包括“3·23 运动”成员逃离卢旺达境内的营地、乌干达境内“3·23”运动成员人数增加并有证据显示他们正在重组、以及乌干达境内“3·23”运动前战斗员名单中没有重要的“3·23”运动军官。

专家组对伊图里县马伊-马伊民兵摩根派领导人 Paul Sadala(别名摩根)在 4 月 14 日死亡一事进行调查。专家组发现，刚果(金)武装部队方面的规划不善和疏忽导致摩根的死亡，并担心他的死亡对伊图里的安全局势和解除战斗员武装的努力造成不良影响。

关于自然资源问题，专家组注意到区域认证机制的执行工作出现延误。专家

组发现，大湖区问题国际会议(大湖区问题国际会议)秘书处存在一些结构性弱点以及大湖区问题国际会议成员国缺乏政治意愿等问题，都是造成这一局势的主要原因。

刚果民主共和国政府已建立矿产认证制度，并通过这一制度检查矿址，授权进行采矿活动。此举使得出口南北基伍出产的锡和钽成为可能，但由于伊图里县等其他地区缺乏认证，使得各公司无法从事合法出口。这一情况助长了继续通过邻国进行走私。在这方面，专家组注意到乌干达政府未能遏制本国境内的刚果黄金非法走私。

然而，专家组通过与乌干达政府的合作，认定一名刚果商人对把 2013 年 10 月在坎帕拉查缴的 2 903 公斤象牙从刚果民主共和国运输出境承担责任。

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## 一. 背景

1. 根据安全理事会第 2136(2014)号决议第 5 段的规定，刚果民主共和国问题专家组谨此通过安理会关于刚果民主共和国的第 1533(2004)号决议所设委员会向安理会提交其中期报告。本报告的依据是在布隆迪(布琼布拉)、刚果民主共和国(伊图里、金沙萨、北基伍、南基伍)和乌干达(坎帕拉)进行的为期四周的调查。
2. 依照安理会第 2136(2014)号决议第 27 段的要求，专家组与科特迪瓦问题专家组和中非共和国专家组交流了关于自然资源的信息。专家组还与咨询了利比亚问题专家组、朝鲜民主主义人民共和国问题专家组、索马里和厄立特里亚问题监测组和苏丹问题专家小组。本报告附件 1 载有乌干达政府对上一个专家组最后报告(见 S/2014/42)的批评，附件 2)载有本专家组对批评的答复。
3. 专家组使用了安全理事会关于制裁的一般性问题工作组建议采用的证据标准(见 S/2006/997)。专家组调查结果以各种文件为依据，并在可能的情况下依据各位专家第一手现场观察。如果无法做到这一点，专家组利用至少三个独立可靠消息来源对资料加以证实。
4. 鉴于刚果民主共和国冲突的性质，可以确凿证实武器转让、招募及非法开采自然资源的文件少而又少。因此，专家组依赖了当地社区成员及武装团体前战斗员和当前成员的目击者证词。专家组还审议了大湖区各国政府官员和军官和及联合国消息来源提供的专家证词。

## 二. 外国武装团体

### A. 民主同盟军

5. 自 1 月中旬发动打击民主同盟军行动以来，刚果民主共和国武装部队(刚果(金)武装部队)报告称，己方遭受重大伤亡，但已将民主同盟军赶出所有已知的基地并消灭许多战斗员。同时，大量出现了许多关于民主同盟军与外国恐怖团体存在关联、民主同盟军的简易爆炸装置非常精密有效、以及民主同盟军将许多人扣为人质的说法，但缺乏确凿证据和可信的分析。
6. 在 2014 年 4 月和 5 月，专家组对民主同盟军以前的营地进行了三次视察，并收集了数百页的文件和录音。专家组目前没有能力将其中许多文件和录音进行翻译。但是，专家组在对收集的资料作出初步分析以及进行实地访问和约谈后，没有发现民主同盟军与青年党或基地组织存在关联，或得到了他们的支持，这与上一个专家组最后报告(见 S/2014/42，第 72 段)的调查结果是一致的。

7. 专家组继续调查其余民主同盟军分子(包括受到制裁个人 Jamil Mukulu)的行踪以及民主同盟军目前的规模和兵力。专家组打算继续调查民主同盟军在北基伍的金融和商业联系、及其与该国外个人的联系(见 S/2014/42, 第 88 段, 及 S/2011/738, 第 57-65 段)。尽管有报告称刚果(金)武装部队打击民主同盟军的行动取得进展,但专家组认为,民主同盟军的指挥和控制架构依然完好无损,并且有可能重新组建,就像在 2010 年“鲁文佐里行动”之后的做法一样(见 S/2010/596, 第 29 段, 及 S/2011/738, 第 50 段)。

### “扫荡一号”行动

8. 2014 年 1 月 17 日,刚果(金)武装部队在北基伍省贝尼县发起打击民主同盟军的“扫荡一号”行动。这次行动的执行得到了联合国刚果民主共和国稳定特派团(联刚稳定团)的有限后勤支助,其中包括一次向戈马医疗后送的任务。联刚稳定团部队干预旅的部队驻扎在马维维和 Kamango,但到编写本报告时为止没有参加地面作战。

9. “扫荡一号”行动沿着两个阵线进行。在南方阵线,刚果(金)武装部队扫清了 Mbau 至 Kamango 的路线,然后向北推进,进入民主同盟军据点(见附件 3)。北方阵线的起点是 Eringeti 以东,向南推进进入民主同盟军的地盘。刚果(金)武装部队已控制十几个营地和基地,包括 Chuchubo、Nadui、Canada、Commander Ibrahim Battle Group(CIBG)和 Madina 等主要地点。<sup>1</sup>

10. 据称已有数百人在这次行动中伤亡,其中主要是军人,但尚未对这些数字进行独立核实。刚果(金)武装部队军官告诉专家组,截至 5 月 7 日,刚果(金)武装部队有 217 名士兵阵亡,另有 416 人受伤。<sup>2</sup> 刚果(金)武装部队军官还指出,这些数字包括若干“友军误击”造成的伤亡。通过访谈刚果(金)武装部队官兵以及查阅刚果(金)武装部队军人病例,专家组认为这些数字是相当准确的。

11. 刚果(金)武装部队军官告诉专家组,截至 5 月 7 日,531 名民主同盟军战斗员在这次行动中被击毙。根据专家组的初步调查——包括三次视察 Kabila 和 Madina 和一次视察 AKBG 营地期间的观察,专家组认为,这一数字可能被夸大。此外,专家组无法确认民主同盟军的伤亡人数,但认为这一数字应该很高。此外,专家组无法确认民主同盟军发生伤亡的地点,伤亡人数应该很高。<sup>3</sup> 根据专家组的观察,有证据表明在以前的民主同盟军阵地发生战斗,但只记录了约 40 个被认定为民主同盟军人员的坟墓,这些坟墓位于三个营地或营地之间的

<sup>1</sup> 必须指出,联刚稳定团和刚果(金)武装部队所使用的民主同盟军所在地的名称有所不同,有时出现变化。

<sup>2</sup> 这一比率为 1:1.92,即每有 1 名刚果(金)武装部队士兵死亡,就有 1.92 人受伤。

<sup>3</sup> 如果采用刚果(金)武装部队所说的 1:9 的比率,就有 1 018 名民主同盟军人员受伤。



小路两边。<sup>4</sup> 这一看法与刚果(金)武装部队将领的说法形成对照。第 8 军区指挥官 Bahuma 将军表示,他的士兵仅在攻击 Madina 营地期间就击毙了 300 名民主同盟军战斗员。<sup>5</sup>

12. 刚果(金)武装部队军官告诉专家组说,被击毙的绝大多数民主同盟军战斗员是男子。战斗结束后,刚果(金)武装部队在民主同盟军的杰里科阵地抓获一名男童。然而,与该名男童进行面谈的联刚稳定团消息人士表示,他不是一名战斗员。联刚稳定团儿童保护科告诉专家组,该科已确定了四个儿童兵的身份,他们是在 2013 年 12 月 1 日至 2014 年 3 月 31 日脱离民主同盟军的。

13. 尽管这次行动被认为取得成功,但刚果和乌干达的官员告诉监测组,民主同盟军的指挥架构依然完好无损。无论是刚果(金)武装部队还是与刚果(金)武装部队密切合作的乌干达当局都不能证实民主同盟军高级领导人已经死亡,也不能查明他们的可能行踪;刚果(金)武装部队则认为,这些高级领导人与可能数百名战斗员及其家属去了阿比亚以南的贝尼县东北部地区。刚果(金)武装部队和联刚稳定团发布未经核实的报告,指出一些民主同盟军战斗员已北行进入伊图里县。4 月,一名乌干达政府发言人声称,民主同盟军领导人和受制裁个人 Jamil Mukulu 已离开刚果民主共和国。专家组没有发现可以证实这一说法的证据(见附件 41)。

14. 刚果(金)武装部队已经夺取了所有已知的民主同盟军营地,但几乎没有捉到俘虏。专家组约谈了在 2014 年 2 月抓获的一名民主同盟军乌干达籍前战斗员。专家组与另外三名所谓的民主同盟军俘虏交谈,他们都是乌干达国籍;然而,其中一人患有精神疾病,<sup>6</sup> 一人拒绝讲话,而第三个人从他向专家组提供的信息来看,似乎不是民主同盟军成员。专家组将继续调查在这次行动期间没有捉到俘虏的理由。

15. 同样,这次行动也几乎没有抓到从民主同盟军逃脱的人(见 S/2014/42, 76 段)。<sup>7</sup> 专家组约谈了三名儿童,他们告诉专家组说,自己遭到绑架;其中两人在向民主同盟军运送掠夺物品后,在几天内获释,而第三个人在大约一个月后逃脱。专家组查看了 2013 年 7 月在 Kamango 遭绑架的一名无国界医师组织工

<sup>4</sup> 刚果(金)武装部队军官认定为民主同盟军分子的坟墓。

<sup>5</sup> 其他刚果(金)武装部队高级军官告诉专家组说,刚果(金)武装部队在 Madina 消灭了 80 名民主同盟军分子。

<sup>6</sup> 应当指出,2013 年期间,“玛伊-玛伊”团体也在同一地区绑架人员(见 S/2013/433, 第 66 段)。刚果(金)武装部队军官和贝尼的民间社会代表告诉专家组说,数十人已经逃脱,但保持较低姿态,以避免遭到逮捕并被控与民主同盟军合作。

<sup>7</sup> 应当指出,2013 年期间,“玛伊-玛伊”团体也在同一地区绑架人员(见 S/2013/433, 第 66 段)。刚果(金)武装部队军官和贝尼的民间社会代表告诉专家组说,数十人已经逃脱,但保持较低姿态,以避免遭到逮捕并被控与民主同盟军合作。

作人员的身份证(见 S/2014/42, 第 146 段)。刚果(金)武装部队告诉专家组, 身份证是在 Madina 营地 Jamil Mukulu 的住处找到的。

16. 自从“扫荡一号”行动开始以来, 被民主同盟军绑架者的估计数已大幅增加, 刚果(金)武装部队、联刚稳定团和当地消息来源现在通常表示, 有 600 至 1 000 人被绑架。专家组未能获得可以证明这些数字的任何文件。专家组获得了当地组织编写的两份文件, 其中有一份据称是遭民主同盟军绑架人员的名单。一份名单上有 350 个名字, 另一份名单上有 102 个名字。

#### 对联合国刚果民主共和国稳定特派团的袭击

17. 对联刚稳定团工作人员的两次袭击被认为是民主同盟军所为, 但联刚稳定团无法证实民主同盟军对此负责。第一起事件发生在 2014 年 2 月 5 日, 一名身份不明的枪手开枪打死 Katsambya Hamza, 这是一名驻贝尼的联刚稳定团刚果籍工作人员。第二起事件发生在 3 月 3 日, 当时一名骑摩托车的男子向一辆联刚稳定团小卡车的后部投掷一枚手榴弹, 造成六名联刚稳定团尼泊尔籍士兵受伤。

18. 联刚稳定团采取的对策是, 把非必要的国际和本国工作人员从贝尼撤到戈马, 并对其余工作人员实施严格的安全措施。根据与联刚稳定团工作人员和贝尼的社区领袖进行的约谈, 专家组认为这一行动严重限制了联刚稳定团与地方社区互动以及获取关于民主同盟军的行动和意图的信息的能力。

#### 武器和弹药

19. 刚果(金)武装部队军官告诉专家组说, “扫荡”行动期间, 民主力量同盟战斗员主要使用 AK-47 步枪、PK 型机枪和简易爆炸装置。他们还使用了数量有限的迫击炮和火箭榴弹。2014 年 5 月初, 刚果(金)武装部队从民主力量同盟的武器藏匿处收缴了各种武器, 包括南斯拉夫制造的 TMA-5 型反坦克地雷(见第 28 段)。

20. 使用简易爆炸装置是民主力量同盟的新动向(S/2014/42, 第 79 段)。为了对这些装置进行技术分析, 专家组咨询了四位弹药技术干事。他们根据专家组提供的照片证据提出了反馈意见, 补充了专家组在实体检查爆炸装置基础上所作的分析。

21. 专家组检查了由刚果(金)武装部队保管的两个完整的简易爆炸装置和另一个未组装装置(见附件 4)。简易爆炸装置是在当地生产的, 导爆索开始使用商业等级的雷管, 所使用的炸药可能是硝酸铵和燃油或硝酸铵和铝。两个装置使用了带盖的薄体铝锅, 而未组装的装置的容器则是一个较厚的金属锅。在其中一个组装完毕的装置中, 专家组发现了疑似刚果(金)武装部队攻击直升机所使用的 S8 型火箭的金属碎片。专家组在 Madina 营地看到一些发射过的此类火箭。用来制造所有三个装置的其他金属碎片包括金属块、电池、弹壳和小武器弹药。

22. 在听取了弹药技术干事提供的意见后，专家组所作的初步分析显示，虽然简易爆炸装置能够在爆炸物附近造成重大人身伤害，但这些装置并不复杂，表明不存在技能和知识转让，而如果民主力量同盟与基地组织或青年党有关联或合作，则应该会有技能和知识转让。这些简易爆炸装置没有采取最大限度发挥爆炸威力或导致很高成功引爆率的制作方式。

23. 专家组就地检查了 **Madina** 营地附近的四个疑似简易爆炸装置。其中一个 是丢弃的锅子而非简易爆炸装置，一个是未爆手榴弹，另一个所处的位置使得通过目测检查无法鉴别该装置。第四个装置所处的位置显示土壤近期没有被翻动的痕迹，也没有引线的迹象；因此，专家组无法确定其是否曾在那里埋放过装置。

24. 刚果(金)武装部队军官告诉专家组说，简易爆炸装置给刚果(金)武装部队造成大量伤亡。刚果(金)武装部队无法向专家组提供迄今已使用的简易爆炸装置的估计数量或规模，也无法提供这些装置造成的士兵伤亡确切人数。

25. 为估算简易爆炸装置造成的伤害人数，专家组三次访问了设在贝尼的刚果(金)武装部队军事医院，因为大多数伤兵被送到那里。专家组查看了 1 月 22 日至 4 月 14 日期间 351 名病人(350 名刚果(金)武装部队人员和 1 名民主力量同盟人员)的入院登记表。根据登记表的记录，155 人(44%)的受伤原因是枪伤；25 人(7%)的受伤原因由“炸弹”引起；21 人(6%)的受伤原因是来源不明的弹片。<sup>8</sup> 151 条(43%)入院记录没有具体说明受伤原因；然而，这些记录条目中的大多数都确定有贯通伤，符合枪击或者简易爆炸装置或其他爆炸装置的碎片造成的伤口特点。根据记录，有 17 人因伤不治。

26. 在记录的“炸弹”和弹片伤害中，很难确定有多少人是因简易爆炸装置受伤，有多少是被民主力量同盟发射的其他爆炸性弹药所伤，有多少是由于“友军误击”受伤。此外，关于刚果(金)武装部队所报、<sup>9</sup> 但在贝尼入院登记册中没有记录<sup>10</sup> 的另外 66 名受伤人员，专家组没有任何相关资料。刚果(金)武装部队没有发布任何正式声明，说明该部队 217 名士兵的死亡原因。因此，目前没有充分信息支持刚果(金)武装部队人员的大多数伤亡是简易爆炸装置造成的这一说法。但是，民主力量同盟显然使用了这种装置，并且这些装置导致了刚果(金)武装部队士兵伤亡。

<sup>8</sup> 据记载，一名刚果(金)武装部队士兵被一颗子弹击中并被炸弹所伤。

<sup>9</sup> 刚果(金)武装部队告诉专家组说，有 416 名士兵受伤，而专家组在入院记录中看到了 350 名士兵，因此，还有另外 66 名士兵受伤。

<sup>10</sup> 受轻伤的士兵在瓦沙医院接受治疗。

27. 2014 年 4 月 24 日，刚果(金)武装部队军官告诉专家组，从行动开始以来，它们已从民主力量同盟那里收缴了约 100 件自动武器。专家组检查了其中五件武器，全部是老旧且养护不善的不同型号 AK-47 步枪。专家组在 4 月 24 日访问 Madina 营地时，还发现了 60 毫米口径迫击炮的底座和 TMA-5 型反坦克地雷的塑料外壳(见附件 5)，以及其他两枚 TMA-5 型地雷的证据。

28. 5 月初，刚果(金)武装部队从阿比亚镇附近森林中的武器藏匿处收缴了武器。最重要的发现是 5 枚 TMA-5 型地雷(见附件 6)，其外壳与专家组之前在 Madina 营地发现的一样。专家组在贝尼的刚果(金)武装部队基地检查了这些地雷，确定这些地雷没有安装引信，因此无法使用。此外，刚果(金)武装部队还收缴了 AK-47 步枪(53 支)、火箭榴弹(37 枚)、60 毫米口径迫击炮(15 门)和 12.7 毫米口径高射炮(2 门)。专家组还检查了这些武器，注意到它们十分老旧，可能已经不能使用。

#### 在民主力量同盟营地发现的证据

29. 2014 年 4 月和 5 月期间，专家组访问了民主力量同盟营地，由于刚果(金)武装部队提供合作，专家组获得了数百页的文件以及录音带。文件是用英文、卢干达语、斯瓦希里语、阿拉伯文和阿拉伯文拼音(即用拉丁字母书写的阿拉伯文)写成；录音带中的录音是卢干达和阿拉伯语。专家组已开始分析英文文件，并请人对一些选定的阿拉伯文文件进行翻译(见附件 7)，但没有办法对其所掌握的大量信息进行翻译。这实质上意味着，虽然专家组提出了初步意见，但其依据只是现有文件和记录中的一小部分。

30. 根据对文件的初步查阅以及在民主力量同盟前营地的观察，有几个问题值得注意。最重要的是，迄今为止取得的证据没有提及青年党或基地组织。<sup>11</sup> 此外，刚果(金)武装部队高级军官告诉专家组，他们在行动中没有发现任何证据证明存在这种联系。

31. 对民主力量同盟的初步总体印象是，这是一个贝尼县森林中多语言的伊斯兰“国中国”，试图保护其自身的存在，而不是从一个相当有限的地区向外出击。民主力量同盟经营着一系列营地，这些营地实际上是由网状小径所连接的一系列村庄(见附件 8)。Madina 营地是民主力量同盟的总部，据说 Jamil Mukulu 就住在那里。据专家组估计，Madina 的人口在行动开始之前有 500 至 700 人，<sup>12</sup> AKBG 营地的人口不足 100 人。专家组无法估计卡比拉营地的规模，因为刚果(金)武装部队在在那里建造了自己的基地，之前营地的痕迹被抹去。

<sup>11</sup> 专家组承认，民主力量同盟也有可能撤离营地之前清除了此类证据。

<sup>12</sup> Bahuma 将军表示，Madina 营地的人口超过 1 000 人。

32. 根据专家组对民主力量同盟前营地的观察和文件分析，民主力量同盟似乎在组织上划分成不同部门(见附件 9)。民主力量同盟保有至少三所医院，<sup>13</sup> 有自己的法院体系和监狱，并开办学校向男孩、女孩和成年人教授课程(见附件 10)。几份文件载有军事命令或指导(见附件 11)；然而，专家组尚未发现任何文件与制造或使用简易爆炸装置有关，或显示民主力量同盟与外国恐怖团体有关联。

33. 专家组获得的文件反映了民主力量同盟有其信奉宗教的一面。迄今已经分析的宗教文件包括阿拉伯语祈祷文和关于端正行为的教导。阿拉伯文教导似乎是宗教教导的组成部分，但在世俗学校体系中不教授阿拉伯文。

34. 经过分析的文件表明，民主力量同盟的记录保存非常全面。虽然许多记录只是列举购买糖和食用油等消费品的日常活动，但其他记录提到区域旅行；例如，在 2013 年，一名民主力量同盟间谍在戈马界内旅行并越过边界进入卢旺达吉塞尼。专家组将继续翻译和分析所掌握的民主力量同盟财务记录。

#### 关于民主力量同盟的说法及其影响

35. 关于民主力量同盟行动和能力的陈述似乎已脱离了可靠信息和可信分析。这一点最明显地体现在关于民主力量同盟与青年党和基地组织有关联的说法上。乌干达政府一再断言存在这种关联(见附件 1 和 40)，<sup>14</sup> 但并没有向专家组提供能证明此种关联的证据(见 S/2014/42，第 72 段)。5 月 8 日，乌干达人民国防军上校在贝尼举行的一次联刚稳定团和刚果(金)武装部队军官会议上宣称，**Jamil Mukulu** 是基地组织的第五号人物，负责基地组织在非洲中部和东部的全部行动。乌干达政府向专家组否认该名乌国防军上校发表过这种言论(见附件 40)；但专家组证实确曾发表过上述言论(见附件 41)。

36. 此外，专家组未能确认，任何组织曾经努力查明绑架行为受害者的说法的真实性、有多少受害者可能已经返回家园、以及有多少人可能自愿加入了民主力量同盟。<sup>15</sup> 如上文所述，宣称的被绑架人数比现有清单中所列的据称受害者人数高出两至三倍。

37. 关于民主力量同盟使用简易爆炸装置能力的说法产生了令人质疑的诉称。2014 年 4 月，乌干达官员告诉专家组，民主力量同盟培训 200 多人“使用”简易爆炸装置，而且这种装置是造成刚果(金)武装部队人员伤亡的主要原因。乌

<sup>13</sup> 民主力量同盟的文件将医疗设施称为“医院”，但根据专家组在 Madina 和 AKBG 营地的观察，“诊所”一词能更精确地体现这些设施的规模和能力。

<sup>14</sup> 附件 40 和 41 是在提交本报告的截止日期前才添加的，因此，这两个附件的编号没有按顺序排列。

<sup>15</sup> 专家组注意到，自 2013 年 7 月以来，无国界医生组织一直试图确定其在 Kamango 被绑架的工作人员命运(S/2014/42，第 146 段)。

干达政府在 2014 年 5 月给专家组的信中改变这一说法，表示“相当多的民主力量同盟成员”接受了制造和使用这种装置的培训(见附件 40)。刚果(金)武装部队关于简易爆炸装置的使用及其造成的伤亡人数的说法缺乏根据。

38. 最后，一些无法查明实施者身份的袭击事件和犯罪行为也被归咎于民主力量同盟。刚果政府官员起初指责民主力量同盟于 2014 年 1 月 2 日在贝尼附近的一次伏击中杀害了刚果(金)武装部队上校 Mamadou Ndala。刚果(金)武装部队军官和贝尼的地方领导人告诉专家组说，有可能是其他武装行为体，包括刚果(金)武装部队人员，杀害了 Mamadou Ndala。如上文所述，联刚稳定团一些消息来源认定民主力量同盟应为杀害一名联刚稳定团工作人员以及在贝尼袭击联刚稳定团维和人员负责；但是，所做调查未能查明上述任何一次袭击的实施者的身份。联刚稳定团和刚果官员还将 3 月和 4 月期间在贝尼发生的其他袭击归责于民主力量同盟，但并没有证据明确表明民主力量同盟与这些袭击有关。几位国际工作人员和联刚稳定团工作人员告诉专家组说，目前的局势导致“把一切事情都怪罪到民主力量同盟头上”。

39. 专家组注意到，对有关民主力量同盟的各种说法目前缺乏独立和严谨的分析。在缺乏此类分析的情况下，关于民主力量同盟的盟友、行动、能力和意图的未经证实或毫无根据的说法可能造成在战略和业务层面作出的决定受到误导和没有成效。

## B. 解放卢旺达民主力量

40. 在 2013 年 11 月“3·23”击溃运动后，解放卢旺达民主力量(卢民主力量)发布新闻稿，表达了其和平意愿，并表示随时准备与卢旺达政府进行谈判(见 S/2014/42，第 93 段)。该声明与国际社会内部关于刚果(金)武装部队和联刚稳定团很快将打击卢民主力量的预期相吻合。尽管联刚稳定团已经做好准备对卢民主力量采取行动，但到本报告编写时为止，刚果民主共和国政府尚未授权对卢民主力量实施重大行动。

41. 2014 年初，卢民主力量坚持这一战略，特别是声称它存储武器是为了将来交出武器，并且，卢民主力量正在寻求国际社会的援助，以实现与卢旺达政府达成政治解决办法(见下文第 45 段)。然而，在 4 月和 5 月，卢民主力量前战斗员告诉专家组说，卢民主力量领导人还在继续招募、训练人员，并谈论攻击卢旺达。专家组因此认为，卢民主力量正试图使自己获得合法政治行为体的地位，同时又保持军事上的备战状态。

42. 虽然 2014 年初持续存在脱队情况，但卢民主力量的招募互动也在继续。2014 年 1 月至 4 月间，联刚稳定团的解除武装、复员、遣返、安置和重返社会方案接收了 165 名卢民主力量战斗员，其中包括 89 名外国人和 76 名刚果人。然而，6 名卢民主力量前战斗员和联刚稳定团消息来源告诉专家组说，在同一



期间，卢民主力量仍在继续招募人员；这些前战斗员还说，招募的对象包括儿童。专家组认为，卢民主力量的兵力仍有大约 1 500 名战斗员，这与上一个专家组最后报告的结论一致(见 S/2014/42，第 90 段)。

43. 2014 年初，卢民主力量的两名重要的高级军官重返该武装团体。上一个专家组在最后报告指出，刚果(金)武装部队于 2013 年 9 月逮捕了 Ferdinand Nsengiyumva “中校”，他是卢民主力量在南基伍的行动负责人(见 S/2014/42，第 89 段)。3 月初，他逃脱羁押，重新加入卢民主力量。专家组还指出，南基伍区指挥官 Hamada Habimana 上校于 2013 年 11 月脱队；但他也在 3 月份重返卢民主力量。

#### 政治领导人在刚果民主共和国的活动

44. 2013 年 12 月 30 日，卢民主力量发表了一项声明，由临时主席 Victor Byiringiro (又名 Gaston Iyamuremye “将军”，是一名受制裁个人)签署。该声明宣称卢民主力量承诺放下武器，领导政治斗争，并且不希望发生战争(见附件 12)。这种宣称使人想起卢民主力量在 2005 年《罗马宣言》(见附件 13)中的承诺，也令人想到卢民主力量前领导人在欧洲采取的相似战略(见 S/2008/773，第 70 段)。

45. 卢民主力量最近的公共关系努力包括与外国记者会面并交谈，并且向新闻界发布声明。2014 年 2 月和 3 月，Victor Byiringiro 在位于瓦利卡莱县 Buleusa 的卢民主力量总部会晤了国际记者，告诉他们卢民主力量目前正在解除武装，希望国际社会对卢旺达政府施加压力，以开展谈判。

46. 此种表示与 2 月会议时拍摄的照片形成对照，照片中是一些全副武装的男子(见附件 14)以及少量用以证明卢民主力量已放下武器“储存”的武器(见附件 15)。专家组与 7 名卢民主力量前战斗员交谈，其中 2 人以前驻扎在 Buleusa，他们强调指出，指挥官仍然说卢民主力量的目的是攻击卢旺达。在专家组约谈的 11 名卢民主力量逃兵中，只有一人知道卢民主力量有意与卢旺达政府进行谈判。

47. 卢民主力量领导人表示愿意解除武装，却又拒绝实施解除武装、复员、遣返、重新安置和重返社会方案或向联刚稳定团交出武器。专家组获取了 Victor Byiringiro 于 2014 年 2 月 23 日发出的电子邮件，其中表示卢民主力量拒绝接受刚果民主共和国政府提出的让其就交出武器以及其战斗员进驻营地事宜与联刚稳定团联络的要求(见附件 16)。该电子邮件提到，刚果官员是 2 月 22 日在 Buleusa 与卢民主力量会晤期间提出这一要求的，但卢民主力量如不能与卢旺达政府进行政治对话，就拒绝解除武装。Victor Byiringiro 在 3 月 12 日给秘书长刚果民主共和国问题特别代表兼联刚稳定团团团长科布勒的信中再次强调，卢民主力量“不想打仗(……)我们的希望以适当方式返回在卢旺达的家园，但不是通过解除武装、复员、遣返、重新安置和重返社会(复员遣返方案)进程。我们

知道并且意识到了这一点。这种方式有利于卡加梅和基加利的卢旺达爱国阵线。这不是政治解决办法”(原文如此)。

48. 2014 年 4 月 18 日, Victor Byiringiro 宣布卢民主力量将于 5 月 30 日开始在北基伍和南基伍向南部非洲发展共同体“的移交其武器和有关战斗员”, 并邀请其他利益攸关方见证这一活动(见附件 17)。5 月 21 日, 卢民主力量发言人 La Forge Fils Bayeze 向专家组确认, 南部非洲发展共同体将出席这次活动。

#### 刚果民主共和国境外的政治支持

49. 为努力动员国际社会提供支持以迫使卢旺达政府进行谈判, 卢民主力量已逐步与在比利时和卢旺达的一些卢旺达反对派建立正式联系。

50. 2012 年 7 月 1 日, 卢民主力量与一个卢旺达反对党 Imberakuri 社会党 (PS-Imberakuri) 成立联盟, 并称之为 FCLR-Ubumwe(解放卢旺达和卢旺达人民共同阵线)。根据 2014 年 1 月 12 日联合发表的新闻稿(见附件 18), FCLR-Ubumwe 的主席是 Victor Byiringiro, 副主席是 PS-Imberakuri 第一副主席 Alexis Bakunzibake。这个新政党宣称其目标是“在卢旺达实现和平权力更迭”, 但又在新闻稿中表示, “如果国际社会继续无视其困境, 它将不得不利用其所掌握的一切手段”。

51. 2013 年 11 月 8 日, PS-Imberakuri 与卢旺达前总理福斯坦·特瓦吉拉蒙古领导下的卢旺达另一个反对党卢旺达之梦倡议发布了一份联合声明, 表示支持卢民主力量(见附件 19)。在新闻稿中, 两个政党对即将进行的打击卢民主力量军事行动表示关切。它们重申, “卢民主力量以及卢旺达其他政治力量的斗争具有合法性, 它们力争促成所有流亡国外的卢旺达人在开启多元化政治空间、允许言论自由及尊重人权等可接受条件下回国”, 并且呼吁“紧急提出刚果民主共和国境内卢旺达难民问题的解决办法”。

52. 2014 年初在他布鲁塞尔举行了一系列协商会议, 结果是在 3 月 1 日设立了卢旺达各政党推动改革联盟, 其成员包括卢旺达之梦倡议、FCLR-U 部门和卢旺达民主同盟(RDU-UDR)(见附件 20)。该联盟的明确目标是, 迫使基加利就刚果民主共和国境内卢旺达难民的处境问题进行谈判。该联盟在新闻稿中表示, 卢旺达所有反对党结成联盟实际上是 RDU-UDR 的主意(见附件 21)。Paulin Murayi 在辞去卢旺达全国大会比利时分会负责人的职务后, 于 2014 年 2 月 14 日与妻子 Winnie Kabuga(即 Felicien Kabuga 的女儿)共同创建 RDU-UDR。

53. Victor Byiringiro、福斯坦·特瓦吉拉蒙古和 Paulin Murayi 分别代表卢民主力量、RDI-Rwanda Rwiza 和 RDU-UDR 在新闻稿上签名。福斯坦·特瓦吉拉蒙古担任该联盟主席, 副主席由一名 FCLR-UBUMWE 部门成员担任。联盟总书记、政治和防务委员会管理团队及发言人也由 FCLR-UBUMWE 委派。出席会议的其他几个政党拒绝加入。2014 年 5 月, 福斯坦·特瓦吉拉蒙古告诉专家组



说，他知道卢民主力量是受制裁实体且 Sylvestre Mudacumura 受到国际刑事法院通缉，但他说不知道卢民主力量仍在招募人员，包括招募儿童。他还表示他不赞同这一做法，并要求提供进一步资料。

### 解放卢旺达民主力量与刚果民主共和国武装部队的关系

54. 上一个专家组的各份报告记录了卢民主力量与刚果(金)武装部队成员在地方一级的协作，包括在打击“3·23”运动的行动期间开展的合作，以及刚果(金)武装部队向卢民主力量提供弹药的情况(见 S/2013/433，第 106-109 段，及 S/2014/42，第 97-98 段)。2014 年 4 月和 5 月，来自北基伍和南基伍的 7 名卢民主力量前战斗员告诉专家组，刚果(金)武装部队士兵继续向卢民主力量出售或与其交换物资，包括弹药、武器和(或)制服。

55. 其中一个例子是，两名前卢民主力量战斗员和两名地方官员告诉专家组，卢民主力量和刚果(金)武装部队人员在通戈地区建立了协作关系。卢旺达当局称，刚果(金)武装部队和卢民主力量 2014 年 3 月 9 日在通戈发生冲突时，刚果(金)武装部队人员曾向卢民主力量发出他们会发起行动的警告；专家组约谈了在通戈的 1 名卢民主力量前战斗员，他证实了这一点。据地方官员和卢民主力量战斗员称，3 月 9 日袭击事件发生后，卢民主力量人员继续穿着便装、不带武器进入通戈和附近村庄，尽管那里驻有刚果(金)武装部队。专家组打算继续调查卢民主力量与刚果(金)武装部队之间的关系。

## 三. 刚果武装团体

### A. “3·23”运动

56. 专家组注意到，自上次报告以来，为解决在卢旺达和乌干达境内“3·23”运动前战斗员和政治干部的归宿问题所做的努力进展缓慢。在这一进程中出现了几个问题，包括“3·23”运动成员从卢旺达的营地逃跑；乌干达境内“3·23”运动成员数目增加，并有证据显示他们正在进行重组；乌干达境内“3·23”运动前战斗员的名单中没有列入重要的“3·23”运动军官。

57. 2013 年 3 月逃到卢旺达和 2013 年 11 月逃到乌干达的“3·23”运动前战斗员的归宿问题在很大程度上仍然没有得到解决，特别是因为在执行 2013 年 12 月 12 日签署的《内罗毕宣言》的规定方面存在拖延。例如，为落实解除武装、复员和重返社会，需要对乌干达和卢旺达境内“3·23”运动前战斗员进行身份查验。这项工作本应在 4 月进行，但到 5 月中旬还没有开始，因而不得不推迟向刚果民主共和国进行遣返的工作。<sup>16</sup>

<sup>16</sup> 4 月，乌干达政府向专家组表示，其对“3·23”运动成员继续滞留乌干达以及为“3·23”运动提供福利而给国防部预算带来的财政负担感到沮丧。

58. 在卢旺达，2013 年以来已有数十名“3·23”运动成员离开恩戈马营地。根据卢旺达政府向上一个专家组提供的一份名单以及刚果当局提供的一份名单，2013 年下半年和 2014 年初，至少有 48 名“3·23”运动前战斗员逃出恩戈马营地(见附件 22)。由于时间安排有冲突，专家组未能前往卢旺达，与卢旺达政府讨论这一问题。2014 年 5 月 20 日，卢旺达政府对专家组索要出逃者最新名单的请求作出答复，称 5 月 19 日开始了分析清查工作，完成工作后将向专家组提供结果。

59. 尚不清楚在乌干达境内有多少“3·23”运动战斗员，这一数字过去六个月不断波动(见附件 40 和 41)。2013 年 11 月 19 日，乌干达政府在给专家组的一封信中指出，1 445 名“3·23”运动前战斗员进入了乌干达(见 S/2014/42，方框 2)。根据扩大联合核查机制的报告(见附件 23)，乌干达武装部队在 11 月 20 日宣布接收了 1 375 名“3·23”运动前战斗员，其中包括 52 名儿童。<sup>17</sup> 后来由于将儿童与成年人分开，前战斗员的数目减至 1 323 人，<sup>18</sup> 其中不包括 Sultani Makenga “将军”和 Innocent Kaina “上校”。扩大联合核查机制方面在 12 月进行人数统计，确认共有 1 302 名前战斗员，包括 17 名妇女。

60. “3·23”运动成员的数目不清，部分原因是“3·23”运动领导人获准自建名单。专家组获得了两份“3·23”运动点名单：一份是 2014 年 2 月 3 日之前建立的，另一份是乌干达武装部队 4 月份交给专家组的。乌干达武装部队告诉专家组，这两份名单都是“3·23”运动建立的，但在点名时有乌干达武装部队军官在场。在两份名单上，“3·23”运动都宣称，它由三个营和一个指挥部单位组成。

61. 专家组发现，2 月和 4 月的两份名单之间存在一些重大差异。首先，2 月份名单上列有 1 325 名战斗员，这与乌干达武装部队先前向扩大联合核查机制通报的数字一样，但 4 月份名单上列有 1 343 个人名(见附件 24)。4 月份名单增列的人员包括四名新的“中校”：Mugabo Damascene、Shaba Ndombi Georges、Ibrahim Rwagati 和 Kikuni Butembezi。

62. 其次，虽然 4 月份名单看似只增列了 18 个人，但实际增加的人数更多，因为 2 月至 4 月期间，有些人从名单上彻底消失了。<sup>19</sup> 例如，专家组发现，在 2 月份名单上指挥部单位的 157 个名字中，有 23 个没有列入 4 月份名单。专家组还确定，指挥部单位名单上增加了 39 个名字，这样 4 月份名单上的总人数达到 173 人。专家组发现，在这 39 人中，有 30 个名字是全新的，即他们根本没出现在 2 月份名单上。其余 9 个名字列在 2 月名单中，但所属营不同。

<sup>17</sup> 11 月 13 日和 14 日，乌干达政府将“3·23”运动战斗员转移至 Kasese 区。

<sup>18</sup> 包括在坎帕拉附近住院的 42 名战斗员。

<sup>19</sup> 在本报告编写完成之时，专家组尚未完成名单分析工作。

63. 第三, 4 月份名单显示, 自编制第一份名单以来, “3·23” 运动进行了重组, 军官和士兵在各单位之间调动, 就像指挥部单位的情况那样。专家组正在调查是谁下令进行这种改组、其目的为何, 特别是考虑到遣返在即。

64. 5 月, 专家组致函乌干达政府, 要求澄清各部队的人数变动和调整情况。乌干达政府作了答复(见附件 40), 但专家组认为, 这一答复更加令人担忧, 即专家组发现了问题, 但没有解决这些问题(见附件 41)。

65. 专家组发现, 2 月份和 4 月份名单中还存在其他不正常现象。“3·23” 运动情报主任 Antoine Manzi “上校”(见 S/2014/42, 第 154 段)在两份名单上均被列为军官, 但在坎帕拉政治干部名单上却没列出他的军衔(见附件 25)。专家组关切地注意到, 两份名单上都没有列入两名重要军官, 即 Fred Ngenzi Kagorora “少校”和 Castro Mberagabo Mbera “中校”(见 S/2014/42, 第 37 段, 及 S/2008/773, 第 21 和 36 段, 以及本报告附件 40 和 41)。

66. 12 月下旬, 乌干达当局将 “3·23” 运动前战斗员转移至乌干达武装部队在 Bihanga 的一个培训中心, 但在那里, 这些人可以自由进出营地。虽然大多数 “3·23” 运动前战斗员都住在 Bihanga, 有一些成员住在 Bombo 的一所军医院, 但某些 “3·23” 运动军官和政治干部住在坎帕拉。乌干达当局称, 受制裁个人的 Sultani Makenga 和 Innocent Kaina 住在坎帕拉。扩大联合核查机制 2013 年 12 月的报告指出, 乌干达当局将 Makenga 调离他的部队, 目的是 “使他不能指挥和控制部队和军官”。乌干达当局告诉专家组, Makenga 和 Kaina 没有行动自由; 但是, 接近 Makenga 的军官, 比如 Castro Mberagabo Mbera 可以自由行动。专家组对 “3·23” 运动前战斗员目前在乌干达可以自由行动感到关切, 特别是考虑到 “3·23” 运动的成员人数和组成不断变化(见附件 41)。

67. 2014 年 2 月 11 日, 刚果民主共和国政府颁布大赦法, 其中规定申请大赦的人须填写并签署一份声明, 申明他们不再参与叛乱和战争行为。如违反这些规定, 获得的大赦即失效。4 月, 该国政府公布了几份大赦名单, 其中包括 “3·23” 运动前战斗员。

#### 乌干达境内的 “3·23” 运动武器

68. 专家组检查了乌干达政府从逃到乌干达的 “3·23 运动” 战斗员那里收缴的 “3·23” 运动的武器、弹药和物资。对这些武器的分析表明, 它们与乌干达方面记录的 “3·23” 运动部队的人数基本对应。数量最多的物项是 AK-47 改装型步枪(847 枝)、PK 型机枪(86 挺)和火箭榴弹发射器(64 件)(见附件 26)。没有发现去年在 Chanzu 等 “3·23” 运动地点发现的任何重型武器和系统(见 S/2014/42, 第 41 段)。专家组认为, 这符合实际情况, 即 “3·23” 运动在面临迫在眉睫的攻击时撤退, 而且必须随身携带武器。注意到的唯一异常情况是, 4

挺杜什卡 12.7 毫米口径重机枪的弹药数量极少。由于机枪每分钟的循环射速是 600 发子弹，两箱弹药(每箱大约 50 发子弹)几乎毫无用处。

## B. “玛伊-玛伊”民兵摩根派

69. 上一个专家组在过去的报告中记录了 Paul Sadala(别名摩根)与包括 Jean Claude Kifwa 少将在内的刚果(金)武装部队第九军区(东方省)高级领导人的关系，以及摩根犯下的性奴役、招募儿童兵、偷猎和贩运象牙和黄金等行为(见 S/2014/42，第 64-67 段，及 S/2012/843，第 128-132 段)。2014 年 4 月 14 日，摩根在刚果(金)武装部队劝其投降未果后身亡。专家组认为，摩根的死亡情况会影响到刚果民主共和国政府为使武装团体投降、不再违反军火禁运所作的努力，也会对伊图里省曼巴萨县的长期安全与稳定产生影响。

70. 专家组获得了有关这一案件的书面证据，包括 4 月 12 日至 14 日期间拍摄的录像和照片，并约谈了几位目击者，包括伊图里行动区指挥官 Fall Sikabwe 上将。

71. 2014 年初，贝尼县的地方领导人充当刚果(金)武装部队 Fall Sikabwe 上将与摩根之间谈判的中间人。4 月初，摩根同意亲自就他提出的各项要求与刚果(金)武装部队谈判，包括按上将军衔将其编入刚果(金)武装部队(见附件 27)。4 月 12 日，摩根与大约 40 名“马伊-马伊”民兵一道，从他位于 Muchacha 金矿的基地抵达 Badengaido。

72. 4 月 14 日上午，Fall 上将的使者 Miziamo 上校说服摩根与 Fall 上将在 Badengaido 东部的 Molokay 会面。摩根和一些“玛伊-玛伊”民兵(其中 6 人携带武器)与许多刚果(金)武装部队士兵一道，乘坐刚果(金)武装部队的车辆前往。到达 Molokay 后，Fall 上将与摩根在前者的车上会面，讨论摩根提出的投降条件(见附件 28)。Fall 告诉专家组，摩根拒绝与刚果(金)武装部队一道前往埃普卢或布尼亚，并在上午 11 时至 11 时 30 分之间的某个时候下了车。Fall 上将要阻止摩根返回丛林，便命令手下向摩根的腿部开枪。Fall 上将的手下奉命开枪，双方短暂交火，几名刚果(金)武装部队士兵和“马伊-马伊”民兵被打死或打伤。摩根两腿均被射中。照片证据显示，他身体其他部位、包括左臀部也受了伤，大量流血。但专家组无法确定其他这些伤处的来由。专家组向 Fall 上将问及摩根臀部受伤一事，他说医生跟他提过此事，但他也说不清伤口的来历，因为摩根只是腿部中枪。

73. 刚果(金)武装部队士兵将摩根和其他受伤人员放到一辆皮卡车的后部。车队向东行驶，在曼巴萨短暂停车放下伤者。<sup>20</sup> 途中为摩根做了最起码的急救，

<sup>20</sup> Fall 上将告诉专家组，因担心当地民众会攻击摩根，所以未让他与其他伤者一道在曼巴萨下车。

给他的两条腿绑了简易止血带。下午 3 时左右，即枪击发生后约三个半小时，刚果(金)武装部队的车队到达联刚稳定团在科曼达的基地。

74. 联刚稳定团一名医务干事说，摩根到达科曼达时已经奄奄一息，联刚稳定团医务人员提供了医疗救助。但是，摩根在抵达后不久，还没等到联刚稳定团直升机将他送至布尼亚就死了。<sup>21</sup>

75. 根据专家组对图片和录像证据的分析以及与刚果(金)武装部队和联刚稳定团官员的约谈，专家组认为，迫使摩根走出丛林的计划设计不周，导致对他实施逮捕时不当使用武力、在其被移送期间受到虐待以及在治疗枪伤时出现疏忽。专家组的结论是，摩根之死带来了若干不利后果，包括他的其余追随者不愿投降、以及被该团体拘押的妇女和儿童得不到释放。它还可能传递一种讯号，即与刚果(金)武装部队谈判不可信，因而会阻碍伊图里地区其他地方的解除武装、复员和重返社会进程。

76. 刚果(金)武装部队和联刚稳定团官员告诉专家组，摩根死后，他的追随者进行了重组，可能已选出新的领导人。专家组继续调查造成摩根死亡的情况以及其生前所领导团体的活动。

## 四. 自然资源

### A. 矿物认证

#### 南北基伍省和卢旺达的区域认证机制

77. 区域认证机制是大湖区问题国际会议自然资源区域举措的一项内容，其目的是为区域内各国提供一个进行锡石、钨锰铁矿石、钶钽铁矿石<sup>22</sup> 和黄金供应链尽职调查的统一办法。该机制要求各国进行矿址检查，确保开展适当的监管链管理，核证矿物出口货运，并与大湖区问题国际会议秘书处分享信息。

78. 2014 年 1 月 20 日，刚果民主共和国启动了认证方案，使其成为继卢旺达之后第二个利用这一进程的国家。卢旺达在 2013 年 11 月 5 日发放了第一份证书。在刚果民主共和国，大湖区问题国际会议证书取代了以前使用的“原产地证书”。2014 年 2 月至 5 月中旬，在南基伍省发放了 4 份从 Kalimbi 锡石矿区对外出口的证书。这些证书分别发给两家商行，一个是 Willem Minerals Company(前称世界采矿公司)，它向卢森堡出口了三批货；另一个是 Nguma Bakulikira，它向马来西亚出口了一批货。在北基伍省，该国政府发给 Mwangachuchu Hizi International(MHI)两份证书，可凭每份证书从 Rubaya 向香港出口 24 750 公斤

<sup>21</sup> 由于调查还在继续，联刚稳定团拒绝向专家组提供资料，说明其对摩根施行救治的情况。

<sup>22</sup> 刚果(金)境内锡石、钨锰铁矿石和钶钽铁矿石储量丰富。这些矿石可分别提炼成锡、钨和钽，通称为“3T”。



钨钽铁矿石(见附件 29)。2014 年 5 月 20 日,卢旺达政府告诉专家组,该国自 2013 年 11 月以来已发放 15 份证书。

79. 尽管两国在发放证书方面取得进展,但总体而言,在执行自然资源区域倡议方面仍缺乏进展。2014 年 4 月,专家组访问了在布琼布拉的大湖区问题国际会议秘书处,并了解到,区域矿产追踪数据库未能反映这些情况,尽管大湖区问题国际会议将这一数据库称为“跟踪和平衡出口商、矿区、采矿区域和成员国的生产、采购和出口情况”的工具。专家组还确认,大湖区问题国际会议认可的审计师没有评估刚果民主共和国和卢旺达的国家采矿机制;因此,专家组作出结论,即如果没有第三方审计,大湖区问题国际会议秘书处不能证实两国经核证的矿址是否满足大湖区问题国际会议的所有认证要求。

80. 专家组与刚果民主共和国高级官员、国际伙伴、民间社会组织和大湖区问题国际会议等利益攸关方讨论了区域认证机制的现状。专家组的结论是,该机制缺乏进展的原因是,大湖区问题国际会议秘书处存在结构性弱点以及成员国缺乏政治意愿,这可能导致继续通过邻国进行走私,而上一个专家组在报告中记录了这种情况(见 S/2014/42, 第 189、195 和 219 段,及 S/2012/843, 第 163、178 和 180 段)。专家组了解到,为了消除结构性弱点,大湖区问题国际会议正在努力改善区域认证机制,为此,于 2014 年 4 月在布琼布拉大湖区问题国际会议秘书处设立了一个专门的自然资源股。专家组将继续监测该机制的执行情况及其对成员国之间建立信任和打击走私工作产生的影响。

## 矿区认证

81. 2014 年 4 月和 5 月,专家组访问了南基伍和北基伍两省,调查矿区认证情况。刚果民主共和国政府采用经济合作与发展组织指南和区域认证机制中提出的色基认证机制。根据这一机制,矿产出口证书只能发给符合所有国际标准的“绿色”矿山,其中包括无武装团体存在、无童工和孕妇在矿区工作等标准。若发现有违规行为,则将该矿定为“黄色”。黄色矿山仍可出口经认证的矿物,但有六个月的时间来纠正违规行为。被认定犯有严重违规行为的“红色”矿区不得正式出口矿物。改变颜色的条件多种多样。大湖区问题国际会议认为,矿区的红色应保持最少六个月,直到进一步检查认定违规问题已得到解决。该国政府认为,如果问题已经解决,则可在任何时候组织一次新检查。

82. 迄今为止,刚果民主共和国政府认证了南基伍和北基伍生产锡石、钨锰铁矿石、钨钽铁矿石或黄金的 39 个矿区。<sup>23</sup> 其中,25 个是绿色,2 个是黄色,10 个是红色,还有 2 个仍未分类(见附件 30)。

<sup>23</sup> 专家组尚未能够调查加丹加和马尼埃马其他有资质的矿点。

83. 认证制度只是获得从某个矿区正式出口矿产和黄金的许可证的条件之一。另一个关键因素是具备供应链管理。然而，在南北基伍和其他省份，没有为黄金制定这种机制。例如，专家组在伊图里县发现，自必须持有大湖区问题国际会议颁发的证书以来，*Métaux Précieux* 和 *Cut Congo Mining and Exploration SPRL* 这两个官营黄金商行一直无法正式出口，因为在东方省、包括伊图里县没有经过认证的手工金矿。因此，专业评鉴认证中心不能颁发证书，授权这两个商行出口黄金。如上一个专家组的最后报告(见 [S/2014/42](#)，第 174 段)所述，这种情况对商行而言是不可持续的，会进一步鼓励向乌干达走私。

84. 关于其他矿物，采用的唯一机制是国际锡研究所施行的“装袋/标签”机制。该机制又被称作国际锡研究所锡供应链倡议，有三个组成部分：产销监管数据收集链(可追踪)、风险评估和独立第三方审计。专家组指出，由于该倡议是已建立的唯一机制，买方只能从该倡议认证的矿区购买矿物。矿业主管部门和矿业公司的代表告诉专家组，他们赞同在这一制度外提供其他选项。

## B. 矿物

### Rubaya

85. 上一个专家组在其最后报告中报告，拥有 Rubaya 矿区所有权的 *Mwangachuchu Hizi International* 公司和在 Rubaya 矿区组织矿工的 *Cooperamma* 合作社之间的冲突已得到解决(见 [S/2014/42](#)，第 203 段，及本报告附件 31)。自开始执行授权任务以来，专家组就注意到在 Rubaya 取得了其他进展，但各种挑战依然存在。

86. 在 5 月访问 Rubaya 期间，专家组未见到矿区周边有武装团体或刚果(金)武装部队的迹象。专家组与矿工和商人讨论了经营状况，他们都愿意加入可以合法出口钶钽铁矿的正式矿区。2 月份出口仅有 9 吨，但是在标签制度开始的 3 月，出口升至 59 吨，然后在 4 月又翻了一番多，增至 129 吨。

87. 尽管在 Rubaya 有所进展，但专家组也发现了一些有待解决的问题。追踪制度规定，每包矿物要放两个标签：一个是矿山标记，一个是商人标记(见附件 32)。但专家组注意到，在 Rubaya 的 Luwowo 矿山生产的某些矿物不是在原地、而是在 Rubaya 及其周边地区标记的(见附件 33)。这种情况使得其它矿区出产的矿物和 Rubaya 的出产矿物可能在标记前混在一起。另一个问题是，商人标签不是在 Rubaya、而是在 *Cooperamma* 合作社戈马办事处加上的。非 Rubaya 的矿物又有可能在标记前进入供应。专家组与 *Mwangachuchu Hizi International* 公司管理层讨论过这些问题，并会继续监测矿区进展情况。

### Ngungu

88. 2014 年 4 月和 5 月，专家组调查了刚果(金)武装部队士兵在马西西县 Ngungu 附近参与采矿的报告，而国家采矿法规、经济合作与发展组织指南和大

湖区问题国际会议议定书均禁止士兵采矿。当地领导人、警察和行政管理人员告诉专家组，2014 年 2 月，约有 15 名士兵来到 Rwangara 矿山(这本身就是一个非法采矿点)，在 1 公里远处建立了一个营地，有时来这个矿迫使人们为他们干活。专家组于 4 月参观了这一矿山，尽管那里没有士兵，但专家组证实了该营地的地点(见附件 34)。专家组在继续调查此案。

### 查缴行动

89. 上一个专家组的最后报告记录了查获从刚果(金)走私矿物进入卢旺达的矿物的案件(见 S/2014/42，第 214-218 段)。此后，刚果当局告诉专家组，有一次在戈马查获了钶钽铁矿(2013 年 12 月)，有两次在布卡武查获了锡石(2014 年 4 月和 5 月)(见附件 35)。5 月 20 日，卢旺达政府告诉专家组，自 2013 年 11 月以来，“(卢旺达当局)未查获刚果民主共和国出产的矿物”。

## C. 乌干达境内的黄金走私

90. 上一个专家组在其最后报告中指出，乌干达仍是刚果民主共和国出产黄金的一个主要中转站和交易中心，但几乎所有这些黄金都是非法交易且偷运出乌干达(见 S/2014/42，第 182 和 183 段)。此外，专家组注意到，Uganda Commercial Impex 和 Machanga 这两个受制裁实体的业主在坎帕拉仍是刚果出产黄金的主要贸易商(见 S/2014/42，第 184-185 段)。专家组已要求乌干达政府对专家组的调查结果作出回应，但在本报告截止日期前没有收到回复(见附件 41)。4 月，乌干达官员告诉专家组，在 2013 年正式出口了 84.78 公斤黄金，低于乌干达 2013 年向上一个专家组提供的数据(见 S/2014/42，附件 71 和 36)。这些官员还告诉专家组，2014 年 1 月 1 日至 3 月 31 日期间没有正式出口黄金。

## D. 象牙

91. 上一个专家组的最后报告记录了乌干达政府于 2013 年 10 月 17 日在坎帕拉查获了重达 2 903 公斤的 832 件象牙(见 S/2014/42，附件 107)。乌干达当局与专家组分享关于象牙和走私贩与刚果(金)之间的关联的补充信息。

92. 12 月，一名乌干达律师代表一位名叫 Emile Kayumba Ogane 先生的刚果商人提出索偿，该名商人所列住址为北基伍省戈马(见附件 37)。Ogane 先生声称，象牙为他所有，他是合法出口象牙，而乌干达政府不正当地查缴了他的财产。专家组指出，刚果(金)和乌干达都加入了《濒危野生动植物种国际贸易公约》(《濒危物种公约》)，该公约规定禁止象牙贸易，而且这两个国家在 2012 年或 2013 年享有出口豁免。

93. 为了支持自己的诉讼案件，Ogane 先生提交了文件，其中包括一份 2012 年 11 月 20 日由国家环境、自然保护和旅游部北基伍署签发的文件，其中批准“以科研和文化保护为目的向非洲国家”出口 4 000 公斤象牙(见附件 37)。时任该



部戈马署署长的 Athanga Pene Wila 先生签署了授权书。该部新任北基伍署署长告诉专家组，Wila 先生于 2013 年 12 月退休，并补充说，这种授权书只能由金沙萨的环境、自然保护和旅游部、而非地方分部签发。乌干达法院支持 Ogane 先生的立场，但乌干达政府对裁定提出了上诉。该案到编制本报告时尚未结案。

94. Ogane 先生的律师在信中称，象牙运经布纳加纳边防哨所。“3·23”运动反叛组织于 2012 年 6 月(在 Ogane 先生收到其出口许可证前)至 2013 年 10 月 30 日(在 Ogane 先生的象牙被扣在乌干达后)期间控制了布纳加纳边防哨所(见 S/2014/42，第 15 和 34 段)。尽管有证据表明，Ogane 先生在“3·23”运动控制边境哨所时将象牙经布纳加纳运出，但专家组会继续调查此案，并会跟踪乌干达法院的下一个裁定。

95. 乌干达政府告诉专家组，2013 年 12 月 20 日，该国政府在恩德培国际机场再次查获大量象牙。在这起案件中，政府特工人员发现，被标记为个人物品的 14 个箱子实际上内装 440 件原生象牙、372 件抛光象牙和 15 件犀牛角。这些箱子将要经亚的斯亚贝巴被空运到尼日利亚拉各斯，然后再运往马来西亚。乌干达政府还另外查获了象牙及其他动物产品(见附件 38)。

## 五. 建议

96. 大湖区问题国际会议成员国应每月向大湖区问题国际会议提交关于锡石、钨锰铁矿石、钨钽铁矿石和黄金的产量和进出口的详细清单，以列入其区域数据库。

97. 刚果民主共和国政府应调查 2013 年 10 月在坎帕拉查获的非法出口象牙一事，并起诉那些为获取象牙而杀死大象、授权出口象牙以及将象牙运输至乌干达的人。

98. 乌干达政府应：

(a) 普查所有“3·23 运动”前战斗人员和政治干部的情况，包括人口资料，并将结果提交给安全理事会第 1533(2004)所设关于刚果民主共和国的委员会；

(b) 阐明“3·23 运动”前战斗人员和政治干部在 Bihanga、Bombo 和坎帕拉的自由行动规定，并就此向委员会提交报告；

(c) 向委员会报告为处理 Uganda Commercial Impex 和 Machanga 这两个受制裁实体的业主走私黄金问题所采取的措施。

99. 联合国组织刚果民主共和国稳定特派团应：

(a) 在贝尼设立一个情报联合小组，对民主同盟军和地方武装组织进行循证分析，并制定理由充分的战略和行动应对措施(见附件 39)；

(b) 在部队炸药安全干事的指导下，向刚果(金)武装部队提供简易爆炸装置和地雷的安全拆除和“安全处理”程序方面的技术援助。

**Annex 1****Government of Uganda letter to the Security Council**

United Nations

S/2014/27

**Security Council**Distr.: General  
16 January 2014

Original: English

**Letter dated 15 January 2014 from the Chargé d'affaires a.i. of the Permanent Mission of Uganda to the United Nations addressed to the President of the Security Council**

I have the honour to transmit to you a letter from the Minister of State for Foreign Affairs in charge of International Affairs of the Republic of Uganda, Okello Henry Oryem, in response to the recent report of the Group of Experts on the Democratic Republic of the Congo that has been leaked (see annex).

I will be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(Signed) John L. Mugerwa  
Counsellor  
Chargé d'affaires a.i.

14-00040 (E) - 170114



8/2014/27

**Annex to the letter dated 15 January 2014 from the Chargé  
d'affaires a.i. of the Permanent Mission of Uganda to the  
United Nations addressed to the President of the Security Council**

I write to you in response to the report authored by the Group of Experts on the Democratic Republic of the Congo that has been leaked. The leaked report contains baseless and fabricated allegations against my Government.

From 16 to 18 September 2013, the Group of Experts visited Uganda. Ready and willing to cooperate with the Group, the Government of Uganda went to great lengths to prepare for the visit. It arranged for the Group to meet and engage with a broad range of stakeholders. Field visits were organized and various pieces of information requested were provided.

However, the leaked report by the Group clearly demonstrates that the efforts made and information shared with it were disregarded. The report contains an old narrative making baseless and false allegations, circuitously questioning the credibility of information given to the Group by my Government. I will cite some examples.

On the Mouvement du 23 mars (M23), for example, in addition to the information provided to the Group, arrangements were made for the Group to meet and interview M23 combatants and also visit Luzira Government Prison to meet and interview interned M23 recruits. Information was provided to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo and the Group of Experts when M23 combatants fled to Uganda in November 2013. The Expanded Joint Verification Mechanism, of which the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo is a member, was also invited to verify their presence. However, the Group disregarded all this and instead chose to draw its conclusion from other sources. I must also add that the M23 combatants have been moved further away from the border area so that they do not constitute a threat to the Democratic Republic of the Congo. We expect that, with the conclusion of the Kampala talks, modalities will be finalized quickly to resolve the issue of these M23 combatants.

On the Allied Democratic Forces (ADF), substantial information was shared with the Group on the terrorist activities of ADF. The report underrates ADF terrorist links with Al-Qaida and its threat to the Democratic Republic of the Congo and Uganda. It does not give a full and true picture of the threat posed by ADF. It ironically draws no "conclusions", as it does elsewhere in the report for a group responsible for the rape and murder of over 20 people in Beni, eastern Democratic Republic of the Congo, as recently as December 2013.

On natural resources, information provided on the efforts undertaken by Uganda to curb smuggling, promote awareness and regulate the sector to facilitate the implementation of the International Conference on the Great Lakes Region regional traceability mechanism was ignored. The Group also ignored information shared with it in relation to the closure of the border at Bunagana, where restrictions put by the Government still apply, as the Uganda side of the border is still closed. The Group was provided with information regarding ivory seizures at the time of its visit and information on national and regional efforts undertaken to curb all trade in ivory. This was ignored.

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S/2014/27

It is important to emphasize that the Group was not only provided with information during and after its visit, but it was fully aware of the readiness of Uganda to engage with it through the relevant focal points in the Ministry of Foreign Affairs and the Permanent Mission in New York. Regrettably, the Group did not share this information and it is not the first time this has happened. In its report of July 2013, while the Group annexed the letter written by the Prime Minister of Uganda dated 23 October 2012, it did not annex his letter of 12 November 2012, which contained the detailed response of the Government of Uganda to the specific allegations contained in the Group's final report of November 2012. This is an important record that should be put right.

It is difficult to understand why the Group came up with falsehoods and misconceived conclusions against Uganda in this way. The recommendations related to Uganda in the report are pointless and should be ignored. The report clearly fails to acknowledge political realities on the ground, including the unwavering efforts of Uganda in pursuit of peace, stability and security in eastern Democratic Republic of the Congo.

Finally, the work by the Group of Experts is lacking in objectivity, impartiality and transparency. The Group's work method even denies Uganda a right of reply. We question its motives and the reasons for the constant leaks of the Group's report. The report in our view is obstructive in the ongoing efforts of the region, the Security Council and the wider international community in bringing peace and stability to the Democratic Republic of the Congo. I hope that this experience, which is not the first, will provide lessons for the Security Council and its sanctions committees on the working methods of the Group of Experts.

I would be grateful if this letter could be circulated to the members of the Security Council at the earliest opportunity so that it can inform the members of the Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, who will be discussing the report.

(Signed) Okello Henry Oryem  
Minister of State for Foreign Affairs  
International Affairs

## Annex 2

### Group of Experts response to the Government of Uganda

The Group of Experts on the Democratic Republic of the Congo (DRC), extended pursuant to Security Council resolution 2136 (2014), expresses appreciation to the Government of Uganda (GoU) for its comments on the 2013 final report of the Group of Experts on DRC (S/2014/42), as contained in its letter dated 15 January 2014 addressed to the President of the Security Council (published as Council document S/2014/27).

The current Group wishes to acknowledge the support the last Group received during 2013 from the GoU, including during official visits.

In its 15 January 2014 letter and annex, the GoU commented on a leaked version of the last Group's final report. The leaked version was not the final version of the report, and did not include annexes, which contained documents and other evidence supporting the Group's findings. The Group has expressed its concerns to the 1533 Committee about the fact that its reports are routinely leaked before they are finalized and officially published, and sincerely hopes that leaks will not take place in the future. The Coordinator conveyed the final version of the Group's report on 22 January 2014 to the President of the Security Council, and the report was published on 27 January 2014 (S/2014/42).

On M23, the GoU wrote that the last Group "disregarded" information provided to it. While acknowledging the GoU position, the current Group disagrees with this assessment. Furthermore, the current Group wishes to make the following additional points. The GoU notes that it facilitated a visit by the Group to Luzira prison to interview alleged M23 recruiters; however, the Group determined that their testimonies failed to corroborate the allegations made by the GoU. In addition, the GoU presented 12 individuals to the Group that it claimed were M23 combatants; however, questioning of the first interviewee established that the individuals fled to Uganda in March 2012, prior to the start of the M23 rebellion. Finally the Group identifies that the 2013 mid-term report specifically welcomed efforts made by the Ugandan government to tackle the issue of recruitment by M23 on its territory (S/2013/433, paras. 32, 39).

The GoU wrote that last Group's final report "underrates ADF terrorist links with Al-Qaida and its threat to the Democratic Republic of the Congo and Uganda. It does not give a full and true picture of the threat posed by ADF". The current Group notes that the last Group found no evidence supportive of an Al-Qaida link. Moreover, the last Group did not receive any such evidence from the GoU despite requests in writing and orally during official visits. In verifying possible linkages, the Group also consulted UN panels for Somalia and Al-Qaida, who stated they had no evidence of ADF's links to either Al-Shabaab or Al-Qaida (S/2014/42, para. 72). The current Group believes that the 2013 final report provides an accurate picture of the actions and capabilities of ADF. Specific to the threat represented by ADF, the last Group documented numerous crimes committed by ADF, including kidnappings, killings, attacks on medical facilities, and attacks on MONUSCO peacekeepers.

On natural resources, the GoU claims the last Group ignored information presented to it about ivory seizures, notwithstanding the Group's highlighting of

GoU's noteworthy seizures of ivory during 2013 in both its final report (S/2014/42, para. 237; annexes 106-107) and interim report (S/2013/433, para. 199; annex 86).

GoU also stated the Group did not acknowledge information about due diligence efforts. The current Group believes that the last Group's report accurately reflected the failure of the Ugandan government to address gold smuggling in Uganda, including smuggling by the former owners of two sanctioned entities (S/2014/42, paras. 182-188; annexes 71-73).

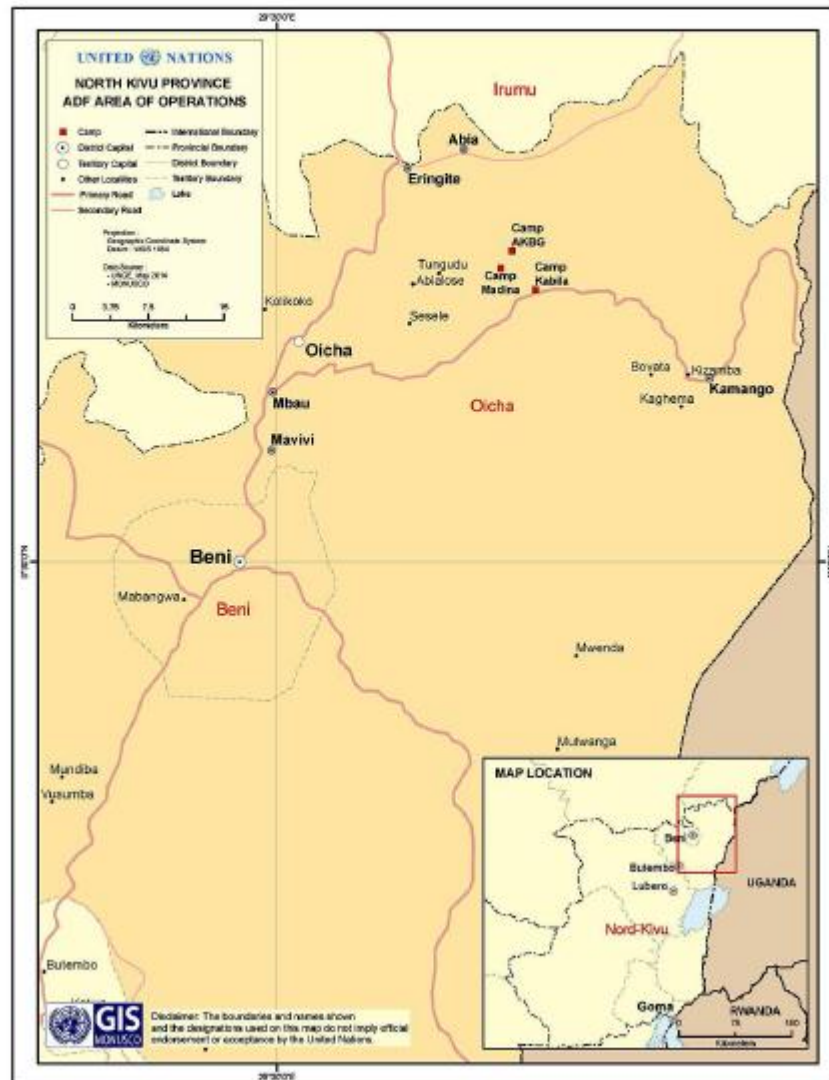
The GoU also criticized the last Group for not publishing as an annex a statement by the Ugandan Prime Minister, dated 12 November 2012. The current Group notes that the last Group published an eight-page letter from the Ugandan Prime Minister, dated 23 October 2012, as annex 1 of the Group's mid-term report (S/2013/433, annex 1). In the same annex, the Group acknowledged receipt of the 12 November letter, and stated it would be placed in the UN archives.



## Annex 3

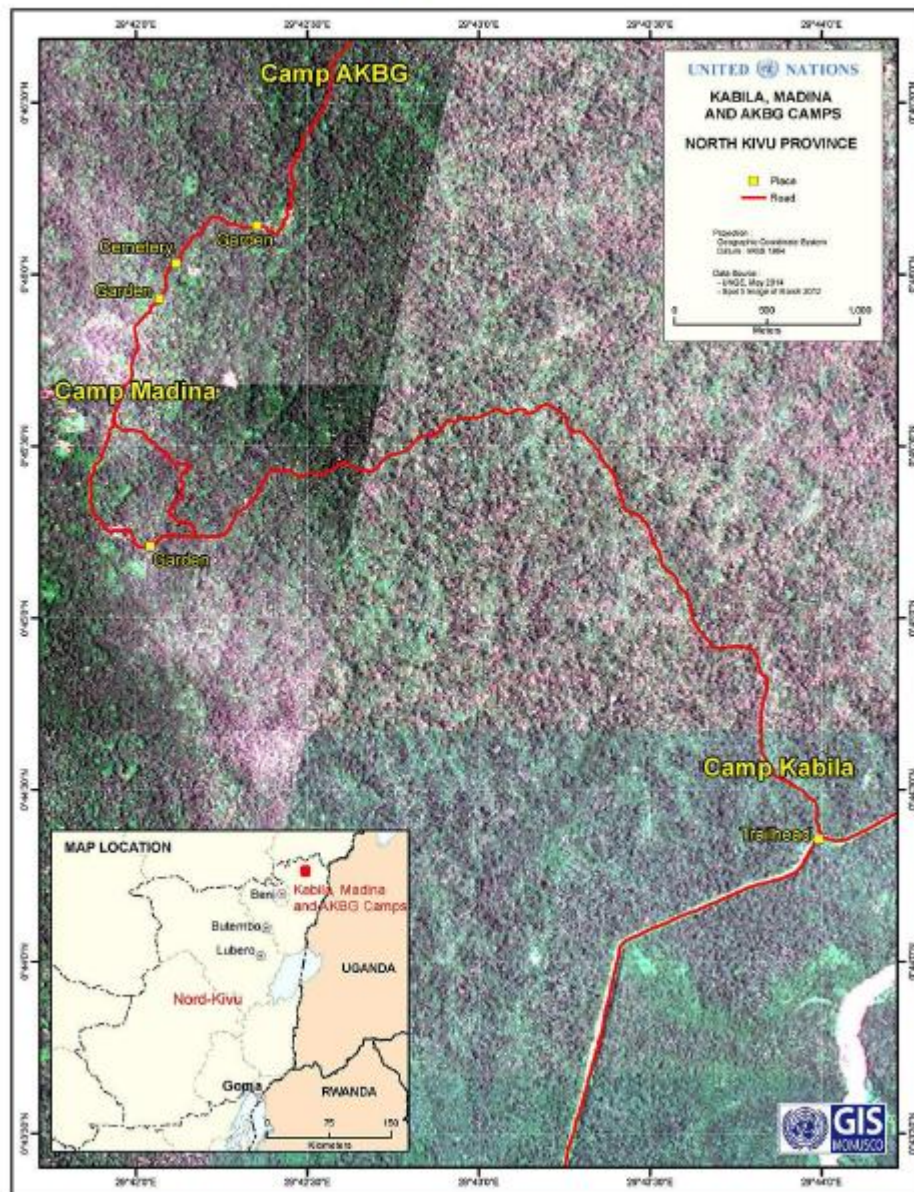
## ADF-related maps

This map, created by MONUSCO's GIS section in Goma, shows the area of FARDC operations against ADF. Three ADF camps are identified: AKBG, Madina, and Kabila.





This map, created by MONUSCO's GIS section in Goma, shows the routes between camps, as recorded by the Group during its visits to camps Kabila (17 and 22 April, 8 May), Madina (17 and 22 April, 8 May), and AKBG (8 May).



## Annex 4

### ADF IEDs (photos taken by the Group)

IED components, photographed in Kinshasa, 16-17 April 2014



Explosive (left), pot and command wiring (top), and bullets and fragments (center).



Explosive.



Bottom of pot with hole for detonator cord.



Top of pot.



Cord with detonator.



Scrap intended for use in IED, including small arms ammunition, cartridges, batteries, and pieces of metal.



IED 1, photographed in Beni, 24 April and 9 May



Top view, showing explosive (in plastic bag) and contents.



IED with top on.

IED 2, photographed in Beni on 9 May



Top view of the IED.



View of the bottom of the IED, showing the command wire entering the pot.



Suspected ANFO or ANAL explosive mixture.



IED showing pieces of S8 rocket material.



Fragments from suspected S8 Rockets used by FARDC Mi24 Attack helicopters on Camp Madina.



S8 Rockets observed in Madina Camp.

**Annex 5**

**TMA-5 mine casing (photo by the Group)**



The Group found this case for a Yugoslav-made TMA-5 anti-tank mine on 22 April at the Madina camp.

## Annex 6

### ADF arms cache and mines

FARDC found an arms cache in mid-May 2014 near the town of Abia, which included TMA-5 anti-tank land mines, and a variety of arms, most of which the Group deemed inoperable. The Group also noted the near complete lack of ammunition for the weapons in this cache.



Hole from which FARDC recovered arms; according to FARDC, they were likely ADF arms (photo by FARDC).



View of the mines shows the green casing, similar to what the Group found in Madina camp (photo by FARDC).



Close-up of one TMA-5 mine, showing the explosive charges on both sides. FARDC had relocated the mine to Beni (photo by the Group).



The five TMA-5 mines, which had been relocated to the FARDC base in Beni (photo by the Group).





Mortars, showing neglect, that were taken from the alleged-ADF arms cache (photo by FARDC).



Mortar rounds (without fuzes) and RPG launchers, relocated by FARDC to Beni (photo by the Group).



Five small arms from the arms cache, relocated to the FARDC base in Beni (photo by the Group).



Small arms taken from the arms cache, and relocated to FARDC's base in Beni (photo by the Group).

## Annex 7

## ADF documents

## 1. Mixed language document from Madina camp

On 22 April 2014, the Group recovered this document in a bunker inside a building identified by FARDC as a prison. The Swahili translation is by a MONUSCO officer; the Arabic translation is by the UN Secretariat.

*Top (Arabic):*

In the name of God, the Merciful, the Compassionate

*Second part (Swahili):*

Lessons to remember for the month of March 2014

When the prophet a.s.s was waiting to go to war, he dug caves and as he was carrying the soil from the caves, he was singing these songs that you have been ordered to memorize and keep in your heart. The test is coming on 20 March 2014. I.A.t.

*Third part (Luganda):*

[The Group lacks the means to translate Luganda.]

*Fourth part (Arabic):*

By God, were it not for God, we would not have been guided, would not have fasted, would not have prayed, would not have given alms; so bestow your serenity upon us, and make our feet firm when we come face to face [with the enemy]. The

polytheists have turned against us; if they want discord, we reject it, we reject it, we reject it!<sup>24</sup>

*Fifth part (Swahili):*

And here ALLAAH would have not been ALLAAH if we were not faithful or we would have not been able to fast, pray or give our offerings. We pray to you ALLAAH that you may bring peace in our hearts and answer our prayers when we meet with the sinners in the war. These sinners are the ones attacking us. If they want to make us sinners, we refuse, we refuse and we refuse. [You raise your voice when repeating these three last words]

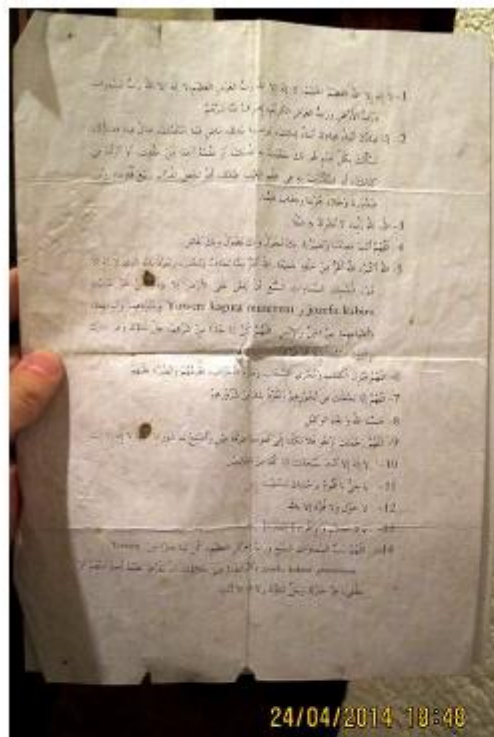
*Sixth part (Luganda):*

[The Group lacks the means to translate Luganda.]

## **2. Arabic document**

The Group photographed this undated document, which FARDC stated it had recovered from ADF positions, on 24 April 2014 in Beni. The UN Secretariat translated the document. The Group wishes to point out that while the document refers to Joseph Kabila and Yoweri Museveni, it does not mention other leaders, foreign groups, or governments.





*Translation as it was received by the Group from the UN Secretariat:*

1. There is no god but God, who is mighty and forbearing. There is no god but God, lord of the exalted throne. There is no god but God, lord of the heavens, lord of the Earth, lord of the noble throne; avert from us their evil.
2. We are your servants, the sons of your servants, the sons of your handmaidens. Our forelocks are in your grasp, your command is binding upon us, and your judgment is justice to us. We beseech you by all of the names you have called yourself, and by all of the names that you have taught to your creatures, or revealed in your Book, or kept to yourself in the unseen world, to make the Koran a springtime for our hearts and a light for our chests, to lift our sorrows and dispel our grief.
3. God is our lord, and we worship none besides Him.
4. O God, you are our support and our succour. It is through you that we move, through you that we pounce, through you that we fight.
5. God is greatest. God is mightier than all of His creation. God is greater than all that we fear. We seek refuge with God — you who are the only God, who holds up the seven heavens lest they fall onto the earth except with your permission — from the evil of your two servants, Jozefu Kabira and Yoweri Kaguta Museveni, and their soldiers, followers and partisans among the spirits and humanity. O God, protect us from their evil, exalted is your praise, great is your protection, blessed is your name; there is no god but you.

6. O God, revealer of scripture, bestower of clouds, subduer of hosts: defeat them and let us prevail over them.
7. O God, we set you at their throats and we seek your help from their evil.
8. God is enough for us, and he is the best guardian.
9. O Lord, we beseech your mercy. Do not leave us to ourselves for the blink of an eye. Make our workings successful; there is no god but you.
10. There is no god but you. Almighty are you; we are wrongdoers.
11. O living one, o everlasting one; we appeal to your mercy.
12. There is no power and strength save in God.
13. O glorious and generous one, come to our aid.
14. O God, lord of the seven heavens, lord of the exalted throne, protect us from Yoweri Museveni and Josefu Kabila and their partisans among creation, lest any of them should fall upon us. Great is your protection, exalted is your praise; there is no god but you.

## Annex 8

### ADF camps

The Group visited three former ADF camps: Kabila, Madina, and AKBG. The dates of the visits were 17 April, 22 April, and 8 May. At these camps, the Group found no evidence of links to foreign groups such as Al-Shabaab or Al-Qaida.



Entrance to a part of Madina camp that FARDC told the Group was the compound of Jamil Mukulu. Photographed by the Group on 8 May.



The "parade ground" at Madina camp, photographed by the Group on 22 April.



Building identified as a mosque by FARDC, at Madina camp. Photographed by the Group on 22 April.



Interior view of a building identified by FARDC as a mosque, at Madina camp. Photographed by the Group on 22 April.





Wooden objects of unknown purpose. The Group found numerous such objects inside buildings FARDC identified as mosques. The Group also found other, similar wooden objects that were decorative, or had been used as tools. This Group took this photo on 22 April in Madina camp.



Entrance to bunkers that appear to have been constructed as air raid bunkers, at Madina camp. The Group identified such bunkers at Madina camp but did not see evidence of them at Kabila or AKBG camps. The bunkers appear to have been recently constructed. The Group also identified other underground bunkers that appear to have been used for storage, or as holding cells for prisoners. The Group took this photo on 22 April.



The Group found artwork inside and outside many structures at Madina camp. This photo, taken by the Group on 8 May, includes the words "Show me love".



Another example of artwork at Madina camp. The Group took this photo on 22 April.



One of three gardens near Madina camp identified by the Group. This garden was located between Madina and AKBG camps. The Group took this photo on 8 May.



FARDC told the Group this area of disturbed ground just north of Madina camp was a cemetery, where ADF had buried people killed during combat. The Group took this photo on 8 May.



View of a structure at AKBG camp. The Group took this photo on 8 May.







Area at AKBG camp identified by FARDC as the cemetery for four ADF combatants killed defending the camp. The Group took this photo on 8 May.





## Annex 9

### ADF departments

The Group has identified stamps on various administrative documents, which appear to represent ADF's different departments. The Group believes the "M.T.M." at the top of the stamp stands for Madinat Tawheed Muwaheedina, which is another name for ADF's Madina camp. The Group has not determined the meaning of the "S" or the "F" on the sides of the stamps. The Group is continuing to investigate the meanings of the letters and words at the bottom of the stamps; however, the Group believes they are administrative departments of the ADF structure.

<p><b>AC</b></p> <p>From a document recovered by the Group at Madina camp, 22 April 2014.</p>	
<p><b>II DEPT.</b></p> <p>From a document recovered by the Group at Madina camp, 22 April 2014.</p>	
<p><b>OA</b></p> <p>From a document recovered by the Group at Madina camp, 22 April.</p>	
<p><b>SV SCH.</b></p> <p>This stands for Salaf Victory School, based on documents found at Madina camp. From a document recovered by the Group at Madina camp, 22 April.</p>	

<p><b>COURT A</b></p> <p>From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.</p>	
<p><b>CCO</b></p> <p>From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.</p>	
<p><b>Unknown 1</b></p> <p>The letters on this stamp are not clear, although "CTZN" are visible. The red ink is also unique to this stamp.</p> <p>From a document recovered by FARDC, reportedly at Madina camp, and photographed by the Group in Beni on 9 May.</p>	



The following document is a mission order from 2013, and provides an example of an administrative document containing stamps. The document is in Swahili and English, and was recovered by the Group on 22 April in Madina camp. It is an authorization for three individuals to travel. "Bayendamu" appears to be the name of a village or camp, and CIBG is a known ADF camp. The order was allowed by II Dept., and "signed" by three "departments": II, CCO, and AC.

 <p>Handwritten text in Swahili and English on a piece of paper. At the top, it says "Kubwa MO 2976 9/5/2013". Below that, "Bayendamu CIBG". Then, "Allowed by II Majidu Abdul (unknown word)". Below that, "Comm Dr. Gute", "Hamisi Munvu", and "Hadiju Tungu". At the bottom, there are two circular stamps. The left one says "II DEPT." and the right one says "AC". There is also a date stamp "22/04/2014" and the phrase "Confirmed by AC".</p>	<p>Mission Order MO 2976 9/5/2013          Bayendamu CIBG          Allowed by II Majidu Abdul          (unknown word)          Comm Dr. Gute          Hamisi Munvu          Hadiju Tungu          Sign II          Sign C.CO          Confirmed by AC</p>
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## Annex 10

## ADF schools, hospitals, prison

ADF operated schools, hospitals and a prison. During its three visits to former ADF camps in April and May 2014, the Group recovered documents mentioning Salaf Victory Primary School and Salaf Victory Adult School, which were the names of ADF's schools. The Group also recovered additional documents relating to ADF's education system.

SECULAR TEACHERS AND THEIR SUBJECTS						
UPPER CLASSES						
SUBJECTS	P.1 BOYS	P.1 BOYS	P.2 BOYS	P.2 GIRLS	P.3 BOYS	P.3 GIRLS
MATHEMATICS	MR MUTEBI	MR MUTEBI	MR MUTEBI	M/HEIDA	MUMMY JOWEY	MUMMY JOWEY
ENGLISH	MR RICHARD	MR RICHARD	MR RICHARD	M/HEIDA	MUMMY JOWEY	MUMMY JOWEY
SCIENCE	MR MUTEBI	MR MUTEBI	MR MUTEBI	MADAM SAFINA	MUMMY JOWEY	MUMMY JOWEY
SOCIAL STUDIES	MR RECOLEANCE	MR RECOLEANCE	MR RECOLEANCE	MADAM SAFINA	MUMMY JOWEY	MUMMY JOWEY
KISWAHILI	MR RICHARD	MR RICHARD	MR RICHARD		MUMMY JOWEY	MUMMY JOWEY
COMPUTER	MR RICHARD			MR RICHARD		
NURSERY CLASSES						
SUBJECTS	TOP BOYS	TOP GIRLS	MIDDLE BOYS	MIDDLE GIRLS	BADY BOYS	BADY GIRLS
READING	MADAM SAFINA	MAMA BIRLA	MAMA YUSUF	MADAM CHINA	MAMA JOHNY	MADAM RUFANA
WRITING	MADAM SAFINA	MAMA BIRLA	MAMA YUSUF	MADAM CHINA	MAMA JOHNY	MADAM RUFANA
DRAWING	MADAM SAFINA	MAMA BIRLA	MAMA YUSUF	MADAM CHINA	MAMA JOHNY	MADAM RUFANA
ENGLISH	MADAM SAFINA	MAMA BIRLA	MAMA YUSUF	MADAM CHINA	MAMA JOHNY	MADAM RUFANA
MATHEMATICS	MADAM SAFINA	MAMA BIRLA	MAMA YUSUF	MADAM CHINA	MAMA JOHNY	MADAM RUFANA

NB:- REMEMBER: NO MAN IS RICH ENOUGH TO BUY TIME PAST, USE TIME PRESENT TO PLAN TIME FUTURE.

The Group photographed the above schedule for the secular school system (Salaf Victory Primary School) on 22 April in the "parade ground" at Madina camp. It shows that "Upper Classes" for boys and girls covered six subjects: mathematics, English, science, social studies, Kiswahili, and computer. For the "Nursery Classes", the subjects were reading, writing, drawing, English, and mathematics.

Based on documents the Group analysed, as well as observations during visits to former ADF camps, the Group believes ADF operated at least three "hospitals" (which the Group determined are more accurately described as clinics given their size and scope): Madina, CIBG, and I.K. ADF also had a pharmacy at Madina camp.

NAME	ADDRESS	PHONE	EMAIL
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN
JOHN	JOHN	JOHN	JOHN

The Group recovered documents with names of ADF's medical staff. In the above document, collected by the Group on 8 May at Madina camp, the rotational schedule for ADF medical staff include mention of "Nuru", who the Group believes is Nooh Moses a.k.a. Abubakar Noor, the director of health for ADF.

The Group also observed what FARDC stated was ADF's prison in Madina camp. The prison consisted of a long building with two large rooms. In each room, a dirt floor covered two separate underground bunkers. FARDC told the Group that one side was for female prisoners and the other side for male prisoners; however, the Group was not able to verify this claim. The Group did see signs of human habitation in the holes on the side of the prison identified by FARDC as the female prison.



Iron Maiden (a presumed torture device consisting of a cabinet with a spiky interior) recovered by FARDC at Madina camp. Photographed by the Group on 24 April in Beni.



The Iron Maiden at Madina camp, photographed by the Group on 17 April.



View of the "women's prison" at Madina camp, with holes leading to underground bunkers.



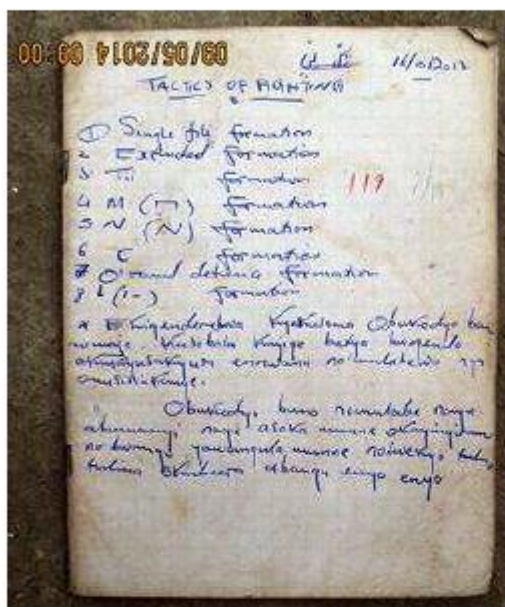
View of the entrance to the underground "men's prison" at Madina camp.



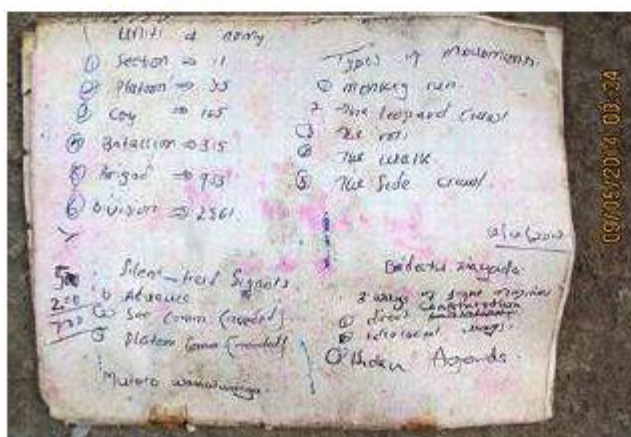
## Annex 11

## ADF military-related documents

The Group photographed the following documents on 9 May in Beni town. FARDC told the Group it had recovered the documents in former ADF camps. The Group did not find any documents suggesting links to foreign groups, such as Al-Shabaab or Al-Qaida. The Group recovered other documents mentioning weapons, but continues to analyse these documents.



The Group currently lacks the means to translate the Luganda sentences at the bottom of the document, above.



## Annex 12

## FDLR declaration, 30 December 2013



**DECLARATION OF THE DEMOCRATIC FORCES FOR THE  
LIBERATION OF RWANDA ON THE 30th DECEMBER 2013**

We, the DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA (FDLR) :

Seeing that FDLR was founded on the 01st May 2000 as a freedom – fighters organisation, both political and military,

- Always concerned of contributing to the efforts of seeking peace in the region and continuously advocating pacific resolutions to conflicts,

Deeply convinced that the best ways of pacifically resolving a conflict is to tackle the genesis - root causes thereof rather than its effects and consequences,

Determined once more to witness to the whole world that FDLR combatants have been and are still peace makers,

Taking God for witness and before both history and Rwandan people,

**WE SOLEMNLY DECLARE :**

1.FDLR does not want war neither against DRC, nor MONUSCO nor RWANDA.

2.FDLR has never ceased to enrol for peace but has always encountered resistance , prejudices and misunderstanding. By way of illustration , let us recall :

- The quartering of more than 2500 FDLR's combatants at KAMINA Military Base in 2001 and the destruction of more than 1000 weapons in KINSHASA in 2002,
- Continual solicitations as to hold an inter – Rwandan political dialogue, frank, sincere and highly inclusive,
- The ROME declaration of 31 March 2005 and the terms and conditions of its implementation of the 02<sup>nd</sup> April 2005.

3.Now, with the obvious will from the International Community as to restore regional peace by all means, FDLR dares hoping that the same International Community will now hear them out , as from now on. In this regard , **FDLR combatants have committed themselves to put down their weapons and rather undertake a political struggle.** For the needs of the present noble cause, FDLR humbly and heartedly requests help and support, from all the Heads of

African States, United Nations (UN), the African Union (AU), the European Union (EU), the SADC, the International Conference on the Great Lakes Region (ICGLR) as to assist them all along the process of implementing the present peace commitment.

4. Moreover, FDLR regrets the United High Commission for Refugees (UNHCR) decision related to the Cessation Clause with regard to Rwandan refugees, under assumptions that circumstances which had caused their respective flight have now ceased to exist. Additionally, FDLR salute both the insight and humanitarian sense of countries who were very reluctant as to implement the so - called Cessation Clause, and equally encourage other countries to follow that humanitarian example. FDLR is hereby pleading with the Government of the Democratic Republic of the Congo (DRC) , with UNHCR, with all humanitarian Non - Government Organisations (NGOs) to acknowledge , protect and assist all the Rwandan refugees which had been neglected and abandoned to their own, sad and miserable fate and plight.

5. Furthermore, FDLR would love to convey its heartfelt gratitudes to DRC and Congolese people for the welcome and hospitality which have been reserved to Rwandan refugees since their arrival in 1994 up to date.

In conclusion, FDLR is equally thankful, to all who have contributed in one way or the other, to the organisation and realisation of the present meeting of Walikale, and hereby is conveying its best wishes for the New Year 2014.

MAY GOD BLESS YOU RICHLY.

Done in Walikale, on the 30th December 2013.

BYIRINGIRO Victor  
  
 General Major  
 Président ai des FDLR

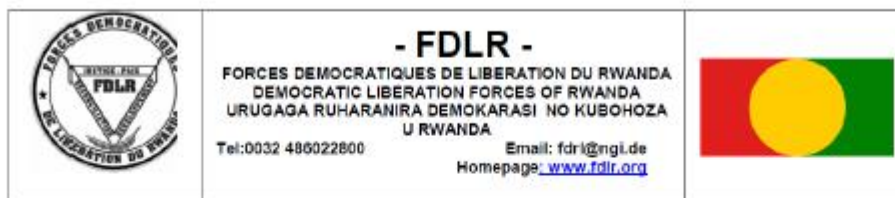
Telephone: +24 381 145 2213

Email: [fdlrsrt@gmail.com](mailto:fdlrsrt@gmail.com) or [humura2020@gmail.com](mailto:humura2020@gmail.com)

## Annex 13

## FDLR Rome Declaration, 31 March 2005

## APPENDIX

DECLARATION DES FORCES DÉMOCRATIQUES DE  
LIBÉRATION DU RWANDA (FDLR)

le gouvernement de la RDC sous la facilitation de la Communauté de Sant'Egidio,

- **Attendu** que tous les hommes sont égaux devant Dieu et devant la loi, et que le droit à la vie est un droit sacré,
- **Conscientes** de la situation humanitaire catastrophique que traverse la région des Grands Lacs depuis plus d'une décennie;
- Interpellées** par les souffrances indescriptibles auxquelles sont soumises des dizaines de milliers d'homme, de femmes et d'enfants que les guerres autant
  - Nous, Forces Démocratiques de Libération du Rwanda, en sigle FDLR, réunies à Rome avec fratricides qu'inutiles a jetés hors de leurs foyers,
  - **Soucieuses** de nous associer aux nombreuses initiatives de recherche de paix, de dialogue et de réconciliation dans la sous région;
  - **Vu** que tous les peuples aspirent au respect effectif des droits et libertés tels qu'énoncés dans la déclaration universelle des droits de l'homme du 10 décembre 1948,
  - **Convaincues** que les problèmes des Grands Lacs et en particulier les problèmes rwandais sont des problèmes politiques et requièrent donc des solutions politiques,

**Devant Dieu, l'histoire et le peuple rwandais, déclarons solennellement :**

1. Les FDLR s'engagent à cesser la lutte armée.  
Les FDLR décident désormais de transformer leur lutte en combat politique. Au fur et à mesure que les mesures d'accompagnement seront identifiées et mises en œuvre les FDLR acceptent le désarmement volontaire et le retour pacifique de leurs forces au Rwanda.  
D'ores et déjà elles annoncent qu'elles s'abstiennent de toute opération offensive contre le Rwanda.
2. Les FDLR condamnent le génocide commis au Rwanda et leurs auteurs.



Elles s'engagent à lutter contre toute idéologie de haine ethnique et renouvellent leur engagement à coopérer avec la justice internationale.

3. Les FDLR condamnent le terrorisme et les autres crimes de droit international commis dans la région des Grands Lacs. Et pour marquer leur ferme volonté à lutter contre toute forme d'impunité, elles demandent l'ouverture dans les meilleurs délais d'une enquête internationale pour qualifier ces crimes, identifier et punir leurs auteurs
4. Les FDLR souhaitent le retour des réfugiés rwandais dans leur pays selon les normes internationales dans la matière et dans le respect des droits et libertés de la personne humaine. Et en conséquence, elles s'engagent à s'impliquer activement dans le programme de leur retour volontaire selon les modalités à convenir avec le gouvernement de la RDC, le gouvernement du Rwanda et la communauté internationale.

En conclusion, en optant pour la lutte politique au détriment de la lutte armée, les FDLR expriment la ferme volonté à apporter leur concours à la résolution durable et pacifique des conflits non seulement au Rwanda mais aussi dans la région des Grands Lacs. Et pour ce faire, un espace politique leur est nécessaire.

Fait à Rome le 31 mars 2005  
Pour les FDLR  
Dr. Ignace Murwanashyaka  
Président

## Annex 14

### Armed FDLR in Buleusa

These photos were taken in February 2014, and were posted on the Al-Jazeera website <http://www.aljazeera.com/indepth/inpictures/2014/03/pictures-fdlr-rebels-dr-congo-20143683630183375.html>.



## **Annex 15**

### **FDLR weapon storage in Buleusa**

This photo was taken in February 2014, and posted on the Al-Jazeera website <http://www.aljazeera.com/indepth/inpictures/2014/03/pictures-fdlr-rebels-dr-congo-20143683630183375.html>.



## Annex 16

### FDLR e-mail, 23 February 2014

The Group blacked out the names of the DRC delegation because it was not able to contact all the individuals named to confirm their participation in this meeting.

On Sunday, February 23, 2014 9:32 AM, Umuryango Ubumwe <fdlrst@gmail.com> wrote:  
On Saturday 22rd Feb 2014 at Buleusa north Kivu Goma took Place a meeting between FDLR Delegation which was mandated by FDLR President Gen maj. Victor Byiringiro namely [REDACTED]  
[REDACTED]  
[REDACTED]  
[REDACTED]

The objective of the meeting was actually to ask FDLR to write a request to MONUSCO, FRDC and FIB asking them to (i) come and have all the weapons that FDLR leniently lay down (i) so that they can be destroyed, (iii) to have all FDLR members and their dependents and be grouped into destined Competent barracks.

The Present meeting wasn't successful as anticipated, as it got obvious that this meeting had a strategic smart hidden agenda jointly master-minded by UN security council and Rwanda with intention to forcibly repatriate FDLR combatants (Freedom fighters).

The Representative of FDLR suggested that the initiative of FDLR of the 30<sup>th</sup> December 2013 according to Lusamambo declaration be implemented instead.

Additionally as maintained by FDLR delegation, FDLR is more than willing to hand those laid down weapons to whosoever it may concern as long as Political dialogue take place between Rwanda and FDLR.  
DRC delegation went back unhappy and said they would rather threaten of launching arms attacks on FDLR within 2 weeks.

Please Ref to DDR/DDRRR this is what we see they are willing to do while we do Respect your genuine peace maker project  
Be Blessed

Gen Maj. Victor Byiringiro  
The President of FDLR

## Annex 17

## FDLR disarmament declaration, 18 April 2014



DEMOCRATIC FORCES FOR THE LIBERATION OF RWANDA

(FDLR)

Kigali, April the 18<sup>th</sup>, 2014

Her Excellency Madame Joyce BANDA, President of the Republic of MALAWI and Chairperson of SADC;

His Excellency Mr Ban KI-MOON, Secretary General of the United Nations;

Her Excellency Madame Sylvie LUCAS, Chairperson of the UN Security Council;

His Excellency Mr Herman Van RUMPY, Chairperson of the European Union Council

Her Excellency Madame Doctor Nkosazana Dlamini ZUMA, Chairperson of the African Union Commission;

His Excellency Mr Robert MUGABE, President of the republic of ZIMBABWE; Deputy-Chairperson of the African Union Commission and Deputy-Chairperson of SADC

His Excellency Mr José Eduardo DOS SANTOS, President of the republic of ANGOLA and Chairperson of International Conference for the African Great Lakes Region;

His Excellency Mr Joseph KABILA KABANGE, President of the Democratic Republic of the Congo (DRC).

**SUBJECT: INVITATION TO WITNESS THE HANDING OVER OF WEAPONRY AND RELEVANT EX-COMBATANTS TO SADC**

Your Excellencies,

As sustained in their various recent communiqués and official letters addressed to international relevant authorities and institutions, the Democratic Forces for the Liberation of Rwanda (FDLR) as peacemakers would love to confirm it again today, that they took a unilateral commitment to lay down their weaponry and consecrate themselves to political struggle.

By ways and means of the "Lusamambo Peace Offer Declaration" of 30<sup>th</sup> December 2013, FDLR as a politico-military organisation, whose combatants are exclusively freedom fighters, initiated a benchmark peace process, whose outcomes will fully depend on the good will of the international community, more particularly organisations and institutions which you represent and of the solidarity of Heads of States mainly African, and your respective ability to make RPF-INKOTANYI/Rwandan current regime to realise both the need and necessity of providing free, safe and secure physical and political space which for ages has been longed for by all Rwandans as a nation and more particularly by the whole Rwandan political opposition.

Your Excellencies,

The present letter serves as an invitation to you as to come and witness live the handing over of FDLR's weaponry to the international-African relevant authorities, namely SADC. The event in question is expected to take place at Bukensa/Katiki in north kivu and at Lubumba in south Kivu same day on the 30th May 2014 in republic democratic of Congo (DRC).

Furthermore, inasmuch as FDLR has already laid down its weaponry and embarked on political struggle as from end of December 2013, FDLR would love to take the same opportunity and request a humanitarian assistance from SADC with regard to both legal and social protection of thousands of Rwandan refugee families (mostly women and children) who have been totally abandoned by the international community since 1996 up to date, but however, as they were under FDLR protection, have managed to survive by the grace of God while facing their daily miserable fate within the eastern DRC.

Additionally, FDLR would like to request a favour from SADC as it intends to commit all its ex-combatants under its (SADC) protection by means of quartering them in safe place under SADC management, until the wished and hoped for "inter-Rwandan political dialogue", frank, sincere and highly inclusive, between RPF-INKOTANYI current Rwandan regime and FDLR together with all Rwandan political opposition organisations will have taken place and have yielded substantial outcomes.

Your Excellencies,

Finally, FDLR would love once more to reiterate its heartfelt convictions as to what only and only genuine political dialogue between Rwandan incumbent President-General Paul KAGAME and his political opposition (more particularly FDLR, which must be considered an unavoidable stake holder as far as Rwandan political issues are concerned) is the only efficient (and apparently sufficient) means of restoring peace and stability within the African Great Lakes Region, as on the one hand, it would obviously enable Rwandan refugees to voluntary repatriate back to their darling mother land, with respect and human dignity, and on the other hand, it would also prevent for good those perpetuating attacks of Rwandan troops on DRC.

Your Excellencies,



While FDLR is looking forward to having all your support as to materialise the present noble endeavour for the needed and sooner restoration of peace and stability within the African Great Lakes Region, FDLR begs you once more please to accept its heartfelt expression of its highest consideration.

Walikale, April the 18<sup>th</sup>, 2014

BYIRINGIRO Victor  
  
 General Major  
 Président ar des FDLR

Telephone: +24 381 145 2213

Email: [fdlrsrt@gmail.com](mailto:fdlrsrt@gmail.com) or [humura2020@gmail.com](mailto:humura2020@gmail.com)

CC:

His Excellency Mr Herman Van RUMPUY, Chairperson of the European Union Council;

His Excellency Mr Emmanuel BAROSSO, Chairperson of the European Union Commission

His Excellency Mr Uhuru KENYATTA, President of the republic of KENYA and Chairperson of the East African Community

His Excellency Mr Jacob ZUMA, President of the republic of South Africa;

His Excellency Mr Ammaudo Guebuza , President of republic of Mozambique

His Excellency Mr Hifikepunye Pohamba, President of republic of Namibia

His Excellency King Mswati III King of Swaziland

His excellency Mr Seretse Khama Ian Khama President of republic of Botswana

His Excellency Jakaya M. KIKWETE, President of the United Republic of Tanzania;



## Annex 18

## FCRL-UBUMWE press release, 13 January 2014

<http://ps-imberakuri.net/fr/nouvelles/92-communique-de-presse-nd-00114crfclr-ubumwe-communique-de-presse-nd-00114crfclr-ubumwe.html>



## PRESS RELEASE N° 001/14/CR/FCLR-UBUMWE: THE FCRL - UBUMWE OFFICIALLY DECLARES ITS ACTIVITIES

Monday, 13 January 2014 11:30 | Written by PS-Imberakuri | | |

6 people like this.

- Referring to the false allegations and the terrorist activities of the Kigali Government intended to silence the opposition, considering that any opposition voice is directly accused of genocide, enemy of the country and other crimes of that kind;

- Returning to the ongoing recruitment activities of the youth to strengthen the rebels of the M23 currently refugees in Rwanda and the fact that a lot of information confirm that the Kigali Government is planning to resume fighting's against the Congo claiming the presence of the FDLR in this country as it has always been the case since 2000 ;

- Returning to the fundamental rights of the human rights which are regularly flouted : no opposition party, no agency for the defense of the human rights or an independent press is authorized to exercise its activities officially, journalists and political leaders of the opposition parties inside and outside the country are either imprisoned, murdered, and/or persecuted ;

- Returning to the permanent injustice regularly inflicted to the population by the government especially through different discriminatory programs aimed to make the population disappear slowly by hunger or poverty (ex: the monoculture, the forced displacement of the population without expropriation, the disproportionate tax, vasectomy, discrimination in the granting of scholarships for the high schools and universities, the persecution in private entrepreneurship, etc);

- Returning particularly on discrimination linked to massacres and genocide of 1994, where up to date only the Tutsis have the right to mourn their relatives while all the Hutus are globally called genocidals. In that manner, the Kigali Government officially launched its program of apartheid hereinafter called "Ndi Umunyarwanda - I am Rwandan" which aims to push all Hutus to live in the shame by always kneeling to the Tutsis and asking them forgiveness. At the same time, the Tutsis who did not support that ideology are banned and excluded from the ruling sphere to the detriment of the Hutus of service who become the speaker of that ruling cast;

- Returning back on the terrorist acts of the violation of human rights perpetrated in Rwanda, and then exported to the Congo aiming the Rwandan refugees and the Congolese people, recall the unwavering support that the Kigali Government continues to make in the creation and support of armed groups who pursue macabre exactions against the Rwandan refugees and the Congolese population in the east of the Congo claiming it want to eradicate the FDLR;

- On July 01, 2012, the parties FDLR and PS IMBERAKURI sat together and put on the front FCLR - UBUMWE (the Common Front for the Liberation of Rwanda and the Rwandese) whose existence was declared February 04, 2013 at Musanze. The Front FCLR - UBUMWE aims peaceful change of power in Rwanda (cfr press release n° 001/13/COORD/FCLR-UBUMWE of February 04 2013);

- In the foregoing view, and considering that since its declaration of February 2013, the free and tenacious patriots, INDATSIMBURWA (the member of the Front FCLR - UBUMWE), have initiated talks and negotiations of all edges to develop the modalities of operation. This called for the prudence and patience. Considering the current evolution, deeply dismayed by the policy of humiliation and exclusion in progress in Rwanda as erected by the criminal and dictatorial government of the RPF led by General Paul Kagame and his clique, the Front FCLR - UBUMWE found that it's the right time to make a new step and start to work publicly. It's the only way to reassure and free the Rwandan people from the fear so that the latter may itself become the indisputable author of rapid peaceful change in Rwanda.

To do this, the Front FDLR - UBUMWE request:

- To Rwandans and friends of Rwanda especially the United Nations (UN), the United Nations Security Council (UNSC), the European Union (EU), the African Union (AU), the Southern African Development Community (SADEC), the International Conference on the Great Lakes Region (ICGLR) to put pressure on the government in Kigali so that it accepts without condition to open the political space and guarantee the freedoms of association and expression in Rwanda. This implies the unconditional release of all political prisoners and opinion prisoners in order to prepare and to take the dialog between the Rwandan government and the political opposition so that to agree on the voice and ways of running the Rwanda under the leadership of democracy, justice and freedom.

The Rwandans need to discuss on their history. In the present case, they need to tell the truth on the contours of the massacres between the Hutus and the Tutsis. In order to take all the necessary measures to build the Rwanda which respects the rules, which respects the right of everyone, which guaranty the justice and the freedom of association and expression, it is in fighting against the policy of impunity that we can build the future of Rwanda. The Rwandans need a country where everyone is free to live in dignity, a country ensuring the security of the everybody, a country respecting the fundamental rules of democracy, a country that puts forward the peaceful coexistence with its neighbors.

- To each one, in this case the Rwandans, to understand that the objective of the ruling government of the RPF in Kigali is to subjugate the people of Rwanda and the submit to the ruling cliques after concerned of genocidal. Everyone should remember that the FDLR have been created and have taken up arms to protect the Rwandan refugees against the atrocities directed against them by the army of the RPF/RPA/RDF in the Congo. Several credibles reports such as "DRC Mapping Exercise Report 1993 - 2003" give details. No one can ignore that the little respite available to the people of Rwanda is that the RPF knows that the FDLR can rescue them in case of need.

- To the Rwandan politicians to join their efforts so that together we can rescue Rwandan both from inside and outside the Rwanda. The fact that the Rwandan opposition continues to be divided, the fact that the opposition continues to act each in his corner has no purpose other than strengthen the clique in power that continues to crush and denigrate its population.

- To all the Rwandans from the inside and from the outside, to understand the seriousness of the situation in Rwanda and to overcome fear, to cultivate in them the spirit of love and mutual assistance in order that together we unite our efforts to carry out this noble mission of freeing the Rwanda and the Rwandan people.

In summary, the Front FDLR - UBUMWE puts forward the peaceful ways to resolve the problems of Rwanda and of the sub-region. That is why, of his own will, the FDLR have decided to desarm. But, if the international community continues to ignore his suffering, it will have no other choice than to use all means at its disposal. We are putting in front the fact that the fundamental rights must be provided to everyone by a government which respects the laws in order to avoid resorting to suicidal methods in an attempt to move out of the dictatorship and oppression of power (cf. point 3 of the preamble to the universal declaration of human rights 217A(II) of 10 December 1946).

In case of need, each one must fight to ensure its fundamental rights. In our turn, together, in freedom, fight for the Peace and Unity of Rwanda and the Rwandese people.

Done at Kigali and at Walikale, January 12, 2014

Alexis BAKUNZIBAKE

First Vice President of the PS IMBERAKURI.

Kigali-Rwanda

Major General Victor BYIRINGIRO

el President of the FDLR.

Walikale-DR Congo

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## Annex 19

## RDI and PS press release, 11 March 2014

## PRESS RELEASE: Support of Two Rwandan Political Parties to FDLR

Posted on March 11, 2014



The political parties RDI – RWANDA RWIZA and Social Party PS – IMBERAKURI call for an urgent solution to the problem of Rwandan refugees in the Democratic Republic Congo.

The political parties RDI and PS, Considering the recent developments in the African Great Lakes region marked in particular by the military victory of the government army of the Democratic Republic of Congo (DRC) over the M23 rebels,

Highly concerned by statements dated November 5, 2013 by Mr. Lambert MEMBE, Minister of Communication and Spokesperson of the Government of the DRC, stating that the Congolese armed forces (FARDC) would start "shortly" an offensive against Rwandan Hutu rebels of the Democratic Forces for the Liberation of Rwanda (FDLR) to disarm them.

Also taking into account the equally disturbing announcement dated November 6, 2013 by Mr. Martin Rikhter, Head of the UN Mission for Stabilization of Congo (MONUSCO), which reported that peacekeepers would strengthen border control to prevent the Democratic Forces for the Liberation of Rwanda (FDLR) to go to Rwanda;

Condemning the irresponsible attitude of the government in Kigali illustrated, among others, by the request to the UN Security Council made by the Ambassador of Rwanda to the United Nations, Mr. Eugene- Richard GASHAKA to direct the intervention brigade embedded into MONUSCO to tackle the FDLR after the defeat of M23 group.

Reaffirming that the FDLR and civilians under their protection are Rwandan Hutu refugees who survived the massacres perpetrated by the army of General Kagame on the territory of the DRC sufficiently documented in the "Mapping Report" published by the United Nations on October 1, 2010;

Also reaffirming that most of the refugees were born in exile or were toddlers when they fled Rwanda in 1994 and therefore, that they have nothing to do with the genocide that the Kigali regime seeks to impose on them collectively. During his press brief on October 15, 2013, President Kagame did not hesitate to compare them to Nazis;

Denouncing all obstacles to a safe and voluntary repatriation with dignity erected by the dictatorial regime in Kigali against the Rwandans who will soon have spent nearly two decades in the Congolese

<http://rdrwandrwa.com/archives/1006>



21/9/2014

PRESS RELEASE: Support of Two Rwandan Political Parties

single, in total destitution, shorn by their own country and abandoned by the High Commissioner for Refugees (UNHCR) and the entire international community;

Reaffirming the legitimacy of the FDLR's struggle and other Rwandan political forces struggling in favor of returning to their country for all Rwandans in exile in acceptable conditions including opening of a pluralistic political space allowing free speech and respect of human rights.

The two political parties would like to bring to the attention of the Rwandan people and to the international community the following:

1. It is becoming increasingly urgent to find a solution to the problem of Rwandan refugees in general and especially those on the territory of the DRC. Therefore, the Rwandan government must embark resolutely on the path suggested by Tanzanian President Jakaya Kikwete, who in May 2012 urged Rwandan President Kagame to start political negotiations between his government and the FDLR rebels and all opposition political parties.

2. What is needed is a fair and equitable political solution that reassures all components of the Rwandan society. To this end, it will be beneficial for Rwanda to return to the spirit of the Arusha Peace Agreement of August 1993 and organizing a National Conference "Ruhukoma" for the advent of a new democratic regime based on a rule of law and sharing to guarantee a lasting peace, not only for Rwanda, but also for the people of neighboring countries.

3. The Kigali regime cannot shirk indefinitely its responsibility to guarantee fundamental rights to all its citizens. The Kigali regime has to reconsider its position on the issue of refugees and has to stop labeling as "genocidaires" or "divulgers" any Hutu who dares to oppose government segregationist policies. Moreover, Rwandans who are peace-loving have the right to use all legitimate means of defense to look for freedom and democracy, as long as the dictatorial regime in Kigali maintains its flagrant violations of freedom of expression and freedom of association, as evidenced by, among others, imprisonment of political opponents and independent journalists, refusal to register opposition political parties, and denial of the right to certain individuals to return home.

4. The responsibilities of the UN and the Congolese government are at stake. Both players should at least for humanitarian purposes, support the Rwandan people in distress on Congolese territory by creating acceptable conditions for their safety and voluntary return to Rwanda instead of trying to hunt them down like beasts under the cover of disarming those who for almost 15 years ensure their protection.

5. The political parties RDI - RWANDA RWIZA and PS- IMBERAKURI call on the international community to fully support these proposals highlighted above. In particular, countries and organizations that care about the political future of Rwanda and the entire Great Lakes region are invited to press the Rwandan government and all other stakeholders, so that a relevant, balanced and peaceful solution is quickly found to the question of the FDLR and other Rwandan refugees in DRC, once and for all.

Done in Brussels and Kigali, November 8, 2013.

<sup>29</sup>Pfisterer TWAGIRAMUNGU

<sup>30</sup>President of the RDI - RWANDA RWIZA (Sig)

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<http://rwandanrwiza.com/archives/1065>



## Annex 20

## RDU-UDR press release, 1 March 2014

<http://rdu-rwanda.org/cpc.html>



Publications > CPC

# PRESS RELEASE

1<sup>st</sup> March 2014

## CREATION OF COALITION OF RWANDAN POLITICAL PARTIES FOR CHANGE (CPC)

A consultation meeting of Rwandan opposition political parties was held for the third time in Brussels, on March the 1<sup>st</sup>, 2014. The meeting established a formal framework for collaboration, able to work effectively for the long-awaited political change in Rwanda.

Following political parties were present at the meeting:

1. United Democratic forces (FDU - Inkungu);
2. Forces Democratic of Liberation of Rwanda (FDLR);
3. Democratic People's Pact (PDP - Inama);
4. Party for Democracy in Rwanda (PDR - Ihama);
5. Social Party (PS - Imberakuri);
6. Rwandan Dream Initiative (RDI - Rwanda Rwanda);
7. Rwandan Democratic Union (UDR).

As a reminder, the FDLR and PS - Imberakuri parties are grouped in the FDLR - Uburuswe (Common Front for the Liberation of Rwanda).

At the beginning of the meeting, all participants responded positively to the initiative of the UDR (Rwandan Democratic Union) the party that had come out with the proposal of establishing a coalition of Rwandan opposition parties during the meeting of the 1<sup>st</sup> of February 2014.

After reviewing the report of the steering committee established on the 15<sup>th</sup> February 2014 in order to establish a formal framework for collaboration between Rwandan opposition political parties, the meeting decided the followings:

1. The present parties unanimously reaffirmed the urgent need for close collaboration between the Rwandan political opposition in accordance of the project initially launched on the 1st February 2014. They also noted with great satisfaction the enormous hope raised in the Rwandan people about this initiative and its noble objectives, which it wishes to achieve successful results.

2. Three political parties, namely the FDU-Inkingi, the PDP-Inyanga and FDLR-Ihu have expressed their concerns regarding their immediate adhesion into an the new collaboration framework bringing together political opposition parties. They each mentioned some prerequisites they wish to be satisfied prior they could join the new structure.

However, the three parties have clearly emphasized that they fully support the proposed coalition of Rwandan political opposition parties. These three political parties were requested to contribute to solutions, which will help them to contribute to the ongoing talks until conditions of their participation in the new coalition structure are met.

3. The four other political parties considered that the time was suitable for the establishment of a formal framework for collaboration. They took action by creating a structure called Coalition of Rwandan Political Parties for Change (CPC). They also expressed their gratitude to the parties FDU, PDR and PDP for their continued efforts in looking for solution to the many problems that the people of Rwanda face. They also stressed that the doors of the Coalition remained open while waiting for their entry into the new structure, the three parties would soon be informed of the terms of their continued collaboration with their partners now grouped within the CPC.

#### 4. Structure and Management within the CPC

- ✓ President: RDI - Rwanda Rwanda
- ✓ First Vice-President: FCLR - Ubumwe
- ✓ Second Vice-President: UDR
- ✓ General Secretary: FCLR - Ubumwe

The management team will be supported by the following committees in which the following relevant fields:

- ✓ Politics: FCLR - Ubumwe
- ✓ Finance: RDI - Rwanda Rwanda
- ✓ Defence: FCLR - Ubumwe
- ✓ External Relations: UDR
- ✓ The Coalition will also be a spokesperson from the ranks of FCLR - Ubumwe.

The meeting welcomed the election of Mr Twagiramungu as President of the CPC. Other names of other management team will be made public along with the political program of the Coalition at the press conference in Brussels on 19 March 2014.

Date at Brussels, 1 March 2014

For FCLR- Ubumwe: Victor Byiringiro  
For RDI- Rwanda Rwanda: Faustin Twagiramungu  
For UDR: Dr Paulin Murya



## Annex 21

## RDU-UDR creation, 14 February 2014

<http://rdu-rwanda.org/creation-of-the-rdu.html>



The screenshot shows the RDU-UDR website. At the top is the RDU logo, which features a circular emblem with a sun, stars, and the acronym 'RDU'. Below the logo is the text 'RDU - UDR'. To the right is a black box with the text '© Rwandan Democratic Union' and a yellow 'Donate' button. Below the logo are social media icons for Facebook, Twitter, LinkedIn, Google+, Pinterest, YouTube, and Email. Below the social media icons is the text 'Publications » Creation of the RDU'. The main heading is 'Creation of the RDU' in a large, bold, red font. Below this is the subheading 'PRESS RELEASE' in a bold, black font. The main text of the press release is in a black font and discusses the creation of the RDU as a new political party, its objectives, and its stance on the current Rwandan government.

**Creation of the RDU**

**PRESS RELEASE**

**CREATION OF RWANDAN DEMOCRATIC UNION "RDU" A NEW POLITICAL PARTY**

We, the signatories of this declaration, have met in Brussels February 14, 2014 to create a political party that we called RDU "RWANDAN DEMOCRATIC UNION".

RDU has the objective to emerge a new generation of Rwandan politicians able to promote democracy and an inter-Rwandan dialogue inline of their core values of equality, justice, liberty and fraternity. All our actions will be driven by social compromises that can lead to a lasting peace.

A close look at the Rwandan society enabled us to find that the democracy as a fundamental value for the development of all people is now a luxury that seems unattainable for the Rwandan people.

Socio-economic policies in Rwanda are currently exercised unequally and deny Rwandans their rights of democracy and participation, which consequently raises fears of further violent conflicts.

Power in Rwanda remains in the hands of the Rwandan Patriotic Front and a small group of privileged people who control all institutions, economy, public services, justice and media among other things and this gives no chance to the other Rwandan people to access their fundamental rights.

The Rwandan people live in fear: the ruling RPF Inkotanyi monitors everyone suppresses freedom of expression of citizens through repressive laws, oppression, persecution, imprisonments, torture and physical elimination of political opponents.

Even if they manage to escape the regime to flee abroad, the current regime pursues them in order to forcibly repatriate them and eventually torture or kill them.

Impunity, injustice and the lack of respect of human rights have become characteristics of the current governance system in our country. Considering Rwanda's dark history, the current regime should have established a system that would have learnt from past mistakes in order to avoid a cycle of violence that caused suffering to most of Rwandans for over half a century.

The current government prefers lies, manipulation and division between Rwanda, humbling a class of population turned into subhuman, sentenced to seek forgiveness for crimes they did not commit, while crimes committed by the government persist. Meanwhile the ones responsible for wrongdoing remain free, protected and rewarded by the state.

On the other hand, having identified that many Rwandan political parties remain prisoners of their past or that of their leaders, that there are often motivated by personal interests of their leaders rather than interests of the Rwandan people.

We decided to establish "The RWANDAN DEMOCRATIC UNION" to bring out a new generation of Rwandan politicians who are focusing to the future, aspiring to bring a true reconciliation that achieves lasting peace and democracy in Rwanda, alleviates the suffering of our people in distress and promotes national unity.

**Some points of our action plan deserve special attention:**

The problem of Rwandan refugees who are still many outside the country must be resolved quickly so that they can return peacefully with dignity.

We commit ourselves to work for peace, to primarily focus on the dialogue between Rwandan and social compromise, in order to find all solutions to end the cycles of violence that is perpetual for Rwandan refugees and allow their return to their homeland.

The proposed change to the people of Rwanda is based on the primacy of human life, the truth about our common history, lasting peace, freedom, equality and unity of the Rwandan people.

We are committed to promote an unequivocal democracy in Rwanda, to open a new era of harmony with true reconciliation of the people who want to live together in mutual respect, dignity and prosperity.

The new Rwanda that RDU offers will be on a path of depth transformation of Justice and all institutional bodies; including the Army and Police so that they can be able to reflect all components of the Rwandan society. All Rwandan citizens shall enjoy the same rights, the same treatment and have the same duties.

We, the signatories of this declaration, we are committed to promote respect for fundamental rights. We recognize the need to release all political prisoners, to return the property of Rwandan citizens which have been confiscated illegally and fraudulently and take into account the responsibility of all the actors who spread hatred and divisions that previously led to suffering of Rwandians, during and after all the horrors that have marked the Rwandan society without distinction and without any form of discrimination.

We are committed to:

- Working for a sustainable peace in Rwanda and throughout the Great Lakes region, to promote the policy of social compromise, good neighborliness, cooperation and regional integration with neighboring countries for a lasting peace in the beautiful region Great Lakes so that people can live in harmony and respect for their integrity and sovereignty of each country.
- Eradicate all sorts of corruption and partisan spirit in order to engage the country on an equitable pathway and equal opportunity in provision of public contracts, employment, investment and the opportunity to do business unimpeded or without pressures in order to achieve a prosperous Rwanda.
- Implement economic reforms necessary in order to facilitate competitively and attract foreign investors, ease taxes in order to facilitate growth and privilege the promotion of our products and services in regional and international markets.
- Strengthen the separation of powers in order to facilitate control of actions of the government, free and fair democratic elections in order to give the people the choice to choose their leaders and representatives at all levels in their society.
- Establish a reformed Rwandan army and the police so that they can be representative of the true Rwandan society and protect all Rwandans.
- Finally we will embark on a reform of the national education so that all children enjoy the same rights for education, have opportunities to access the different and all education institutions now reserved for a small segment of the population.

We, the founding members of the RWANDAN DEMOCRATIC UNION have unanimously adopted this declaration and have set up a temporary executive committee composed by:

- President: **Dr Paulin Muryi** – Living in Belgium
- Vice President: **Mr Aloys Manzi** – Living in UK
- Executive Secretary: **Mr Saleh Karuranga** - Living in Belgium
- General Treasurer: **Ms Claudette Mukamutesi** - Living in France

Done in Brussels on 14<sup>th</sup> February 2014

- Paulin Muryi  
 - Mr Aloys Manzi  
 - Mr Saleh Karuranga  
 - Claudette Mukamutesi  
 - Eric Ndagijimana  
 - Jean Mukasa



## Annex 22

### M23 escapees

The list below is the Group's determination of the names of the M23 ex-combatants and cadres who have escaped from the Ngoma camp in Rwanda. The sources of information for escapees are the Government of Rwanda (23 October 2013) or the DRC Agence nationale de renseignements (ANR) (April 2014). The Group notes that some of the people identified by the Government of Rwanda in October as having escaped were not on the Government of Rwanda's list of M23 elements who crossed into Rwanda in March 2013.

<i>Number</i>	<i>Name</i>	<i>Escape date</i>	<i>Source</i>	<i>On 1 April 2013 Rwanda M23 List</i>
1	MUGABE Robert	4/2/13	Rw/DRC (ANR)	Yes
2	KABANO Salim	4/2/13	Rw	NO
3	KANYAMARERE Janvier	4/2/13	Rw/DRC (ANR)	Yes
4	KARANGWA David	4/7/13	Rw	Yes
5	NGAMIJE Thierry	4/7/13	Rw	NO
6	MUSHABE Dickson (or Dickoni)	4/7/13	Rw	Yes
7	GATETE Sam	5/17/13	Rw	NO
8	BIMENYIMANA Jean Claude	5/17/13	Rw	Yes
9	USIOGOPE Eric	6/9/13	Rw/DRC (ANR)	Yes
10	NGABO Janvier	6/9/13	Rw	Yes
11	NDIKUBWIMANA Emmanuel	6/9/13	Rw	Yes
12	MENDE Shomari Eloge	8/10/13	Rw/DRC (ANR)	Yes
13	MBABEJENDE Alexis	9/2/13	Rw	NO
14	HAKIZIMANA Theogene	10/20/13	Rw	Yes
15	NDERERIMANA Evode	10/22/13	Rw	NO
16	SIMPARIKA Innocent	1/20/14	DRC (ANR)	NO
17	DUSHIME Michel	1/22/14	DRC (ANR)	Yes
18	NDUWAMUNGU Hasan (or Hassan)	1/23/14	DRC (ANR)	Yes
19	NGABOYMANZI (or NGABO) Jimmy	1/23/14	DRC (ANR)	Yes
20	KAYUMBA Augustin	1/25/14	DRC (ANR)	Yes



<i>Number</i>	<i>Name</i>	<i>Escape date</i>	<i>Source</i>	<i>On 1 April 2013 Rwanda M23 List</i>
21	KAMBALE KALIMWABENE Heritier	1/25/14	DRC (ANR)	Yes
22	KAMANZI Felix (?)	1/25/14	DRC (ANR)	NO
23	BIKORIMANA Ismael	1/25/14	DRC (ANR)	Yes
24	NKURIZA (or NKURIWA) Jean Pierre	1/25/14	DRC (ANR)	Yes
25	SIBOMANA Athanase	1/25/14	DRC (ANR)	Yes
26	KIZA (or CYIZA) Jean Pierre	1/30/14	DRC (ANR)	Yes
27	MUHIRE Olivier	2/5/14	DRC (ANR)	Yes
28	RUBANGURA Jean Paul	2/5/14	DRC (ANR)	Yes
29	MUPENZI Dieudonne	2/5/14	DRC (ANR)	Yes
30	MUSABYIMANA J. Damour (or Jean d'Amour)	2/5/14	DRC (ANR)	Yes
31	AKUMUCYO Celestin	2/7/14	DRC (ANR)	Yes
32	MUSHIMIYE Richard	2/9/14	DRC (ANR)	Yes
33	DUSHIME Gentil	2/9/14	DRC (ANR)	Yes
34	MUGABO Alexis (or Alexie)	2/9/14	DRC (ANR)	Yes
35	NSABABARA Egide	2/10/14	DRC (ANR)	NO
36	SAFI Salimu (or Sarim)	2/10/14	DRC (ANR)	Yes
37	KASEREKE (or KASEREKA) Fabrice	2/12/14	DRC (ANR)	Yes
38	MUNYAMAHORO Justin	2/12/14	DRC (ANR)	Yes
39	IRANZI Faustin	2/13/14	DRC (ANR)	Yes
40	BIMENYIMANA Randward	3/1/14	DRC (ANR)	NO
41	NYANDWI Viateur	3/1/14	DRC (ANR)	Yes
42	TUYIZERIMANA Radjabu	3/9/14	DRC (ANR)	Yes
43	BYIRINGIRO Theoneste	3/9/14	DRC (ANR)	Yes
44	NSHIMIYIMANA Claude	na	DRC (ANR)	Yes
45	BADAGA Jonas	na	DRC (ANR)	Yes
46	SALUM Said Kamanzi	na	DRC (ANR)	NO

<i>Number</i>	<i>Name</i>	<i>Escape date</i>	<i>Source</i>	<i>On 1 April 2013 Rwanda M23 List</i>
47	RUKUNDA Gaby	na	DRC (ANR)	Yes
48	NDAYIZEYE Theogene	na	DRC (ANR)	NO, but found a NDAYIBIGIJE Theogene
49	MIGABO Fred	na	DRC (ANR)	Yes
50	URAGIWENIMANA Jean Marie Vianney	na	DRC (ANR)	Yes
51	MAZIMPAKA Edmond	na	DRC (ANR)	Yes
52	NSANZABANDI Innocent	na	DRC (ANR)	Yes
53	TUYISHIMIRE Munezero	na	DRC (ANR)	Yes
54	NDARUHUTSE Dieudonne	na	DRC (ANR)	Yes
55	SIBOMANA Jackson	na	DRC (ANR)	Yes
56	NYIONSABA Alon (or Aroni)	na	DRC (ANR)	Yes
57	BIYRINGIRO Chance	na	DRC (ANR)	Yes
58	MUGISHA Claude	na	DRC (ANR)	Yes

## Annex 23

## EJVM report, 6 December 2013

This is an excerpt of the 6 December 2013 EJVM report on M23 ex-combatants in Uganda, who were then cantoned in the Kasese district. The Group notes that EJVM identified 1,323 M23 elements in Kasese, and two individuals — “Gen.” Sultani Makenga and “Col.” Innocent Kaina — in Kampala.



<p style="text-align: center;"><b>DIFFUSION RESTREINTE</b></p> <p><b>CONTENU</b></p> <ol style="list-style-type: none"> <li>Composition de l'équipe;</li> <li>Vérification du personnel du M23 dans le district de Kasese;</li> <li>Vérification de la présence des Cadres Militaires du M23 à Kampala;</li> <li>Vérification de l'équipement;</li> <li>Vérification des blessés M23 admis à l'Hôpital Militaire UPDF;</li> <li>Observations;</li> <li>Recommandations;</li> <li>Conclusion;</li> </ol> <p><b>COMPOSITION DE L'EQUIPE</b></p> <p>L'équipe était composée de tous les membres du MCV-E présents.</p> <p><b>VERIFICATION DU PERSONNEL DU M23 DANS LE DISTRICT DE KASESE</b></p> <p>L'équipe a d'abord reçu un briefing de la part du Commandant de la 305<sup>ème</sup> Brigade des UPDF de KASESE qui l'a informé qu'en date du 20 Novembre 2013, que 1 375 combattants du M23 ont été reçus dans, cinquante-deux (52) non combattants mineurs, dont (89) qui avaient été arrêtés en peu près à Kampala et deux (02) qui se sont rendus volontairement à Kasese. La répartition du personnel présent à partir du 1<sup>er</sup> Décembre 2013 était de 1323 comme indiqué dans l'annexe «A».</p> <p>L'équipe a été informée que depuis le 20 Novembre 2013, 42 combattants blessés ont été transférés à l'hôpital militaire de l'UPDF et les 58 mineurs ont été transférés au UNHCR qui sont actuellement dans le camp des réfugiés de KYAKA, tandis que 62 mineurs et 43 combattants sont absents du camp de regroupement de Kasese.</p> <p>Le commandant de la 305<sup>ème</sup> Brigade UPDF a présenté de nombreux défis parmi lesquels, l'indiscipline généralisée des combattants et leurs Commandants, l'absence de commandement, de contrôle, leur absence de régularité, la redondance et l'anarchie prévalant dans les forces des différents pays. L'aspect de prison en</p> <p style="text-align: center;">1 <b>DIFFUSION RESTREINTE</b></p>	<p style="text-align: center;"><b>DIFFUSION RESTREINTE</b></p> <p>change de ces combattants qui que limitée au niveau des soins médicaux aucune aussi du déficit au niveau de la literie et l'hébergement.</p> <p>L'équipe a effectué un comptage physique des combattants présents et a observé que ces derniers étaient au nombre de 1302 combattants dont dix-sept (17) étaient des femmes.</p> <p>Cependant, le MCV-E a constaté que ceux qui étaient absents lors de ce contrôle étaient allés chercher leurs deux (02) collègues qui avaient été portés disparus après avoir été surpris entrain de voler du matériel dans les champs de la population locale.</p> <p>Les actions pour réhabiliter les mineurs d'âge avec leurs familles ont été menées par l'UNHCR qui a identifié certains de leurs familles dans les camps de réfugiés de NYAKABANDÉ et KIGEMÉ en Ouganda ainsi qu'au Rwanda. Le MCV-E dans son rapport du 7 Novembre 2013 avait identifié le personnel de police du M23 qui s'était rendu aux autorités de l'UPDF à KISORO. Ce groupe composé de vingt-quatre (24) agents de police sont actuellement dans le camp de réfugiés de NYAKABANDÉ en Ouganda sous la surveillance de l'UNHCR.</p> <p><b>VERIFICATION DE LA PRESENCE DES CADRES MILITAIRES DU M23 A KAMPALA</b></p> <p>Les Autorités de l'UPDF se sont engagées à coopérer au maximum avec le MCV-E pour toute vérification future et sur toutes les questions. Le MCV-E a pu vérifier la présence effective de Sahani MAKENGA Commandant du M23 et de son Adjoint Innocent KAINA. Commandant des opérations du M23 qui sont sous la garde des autorités de l'UPDF qui leur ont montré au MCV-E. Le Commandant MAKENGA est séparé de l'ensemble du personnel du M23 afin qu'il n'encore plus les commandements et contrôle sur ses officiers et soldats.</p> <p><b>VERIFICATION DE L'EQUIPEMENT</b></p> <p>Une liste de l'équipement a été donnée au MCV-E qui a ensuite vérifié physiquement en comptant l'équipement. L'équipe a pris des échantillons de munition d'artillerie et a confirmé qu'il s'agit bien et bien de la liste de l'inventaire</p> <p style="text-align: center;">3 <b>DIFFUSION RESTREINTE</b></p>
<p style="text-align: center;"><b>DIFFUSION RESTREINTE</b></p> <p>établi par les autorités de l'armée ougandaise (UPDF). Les détails sont fournis en annexe «B».</p> <p><b>VERIFICATION DES BLESSES M23 ADMIS A L'HOPITAL MILITAIRE UPDF</b></p> <p>Le MCV-E a visité les blessés à l'hôpital général militaire de l'UPDF et a compté physiquement Quatre-vingt et un (41) blessés militaires. Cependant, le Commandant Innocent KAINA chargé des opérations du M23 faisait partie des 42 blessés à KASESE.</p> <p><b>OBSERVATIONS</b></p> <ol style="list-style-type: none"> <li>Compte tenu de manque de données des installations où sont détenus les combattants du M23 à KASESE; le taux de détention envisagé est arbitraire, mais susceptible d'augmentation.</li> <li>La prise en charge des combattants a été jugée insuffisante, malgré les efforts déployés par les autorités Ougandaises.</li> <li>Le MCV-E félicite le Gouvernement de l'Ougande pour le soutien et les efforts qu'il entreprend dans la gestion des restes du M23.</li> <li>Bien que les autorités Ougandaises aient annoncé des difficultés d'établir la liste du personnel du M23 qui cherchent des armes et des munitions à chaque appel, elles ont soutenu leur volonté d'établir une liste complète. Il est nécessaire au MCV-E d'avoir rapidement la copie finale.</li> </ol> <p><b>RECOMMANDATION</b></p> <p>Le MCV-E recommande un règlement rapide de toutes les questions liées à ces combattants du M23 réfugiés en Ouganda afin d'éviter davantage des cas de détention dans le camp et réduire la pression qu'exerce ces derniers sur les autorités Ougandaises dans leur prise en charge.</p> <p style="text-align: center;">4 <b>DIFFUSION RESTREINTE</b></p>	<p style="text-align: center;"><b>DIFFUSION RESTREINTE</b></p> <p><b>CONCLUSION</b></p> <p>Le MCV-E témoigne de la présence physique du personnel du M23 rendu en Ouganda ainsi que leur équipement saisi par les autorités ougandaises, et apprécie la bonne coopération de ces derniers avec le MCV-E.</p> <p style="text-align: center;">5 <b>DIFFUSION RESTREINTE</b></p>

## Annex 24

## Comparison of February and April 2014 M23 lists

The Government of Uganda provided the Group with the lists of M23 ex-combatants and political cadres, from which the Group created the tables below.

M23 roll call taken before 3 February																			
Unit	Bde Gen	Col	Lt Col	Maj	Capt	Lt	2Lt	WO1	WO2	ISM	SM	ISGT	SGT	CPL	Pte	Cmd	2CL	cadres	Total
HQ	1	2	24	36	16	9	12	19	5	0	1	2	7	11	0	5	0	7	157
1st Bn	0	0	3	13	39	46	43	60	25	2	9	10	13	89	20	1	0	0	373
2nd Bn	0	0	4	14	44	36	65	56	27	5	15	3	21	102	0	0	0	0	392
3rd Bn	0	0	3	10	23	44	26	63	13	6	11	0	12	161	28	3	0	0	403
Total	1	2	34	73	122	135	146	198	70	13	36	15	53	363	48	9	0	7	1325

Table created by the Group on the basis of the list given by UPDF in April																			
Unit	Bde Gen	Col	Lt Col	Maj	Capt	Lt	2Lt	WO1	WO2	ISM	SM	ISGT	SGT	CPL	Pte	Cmd	2CL	cadres	Total
HQ	1	2	28	43	19	10	10	20	5	2	3	2	4	13	0	7	1	5	173
1st Bn	0	0	3	12	40	42	47	58	29	3	8	9	15	55	54	1	0	0	376
2nd Bn	0	0	4	13	41	42	62	53	27	4	15	3	22	99	1	0	0	0	386
3rd Bn	0	0	2	10	25	45	34	65	14	1	11	2	13	81	102	3	0	0	408
Total	1	2	37	76	125	139	153	196	75	10	37	16	54	248	157	11	1	5	1343

Unit	February list	April list	Difference
HQ	157	173	16
1st Bn	373	376	3
2nd Bn	392	386	-6
3rd Bn	403	408	5
Total	1325	1343	18



**Annex 25****List of M23 cadres in Kampala**

Provided by the Government of Uganda to the Group in April 2014.

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**M23 Cadres in Kampala**

1. Bisimwa Bertrand
2. Elie MUTELA,
3. Ephraim KAYUMBA,
4. Victor TSHIPAMBA,
5. Joel Malembe,
6. Flor MUYINDA,
7. Christian MABUNDU,
8. Arson TAGOYA,
9. Alidor MUTUDI,
10. Alex MUBALAMA,
11. Nicholas KASHANDO,
12. Alex KIMANUKA,
13. Ali MUSAGARA,
14. Kingston KANYUKA,
15. Pamela MUHOZI,
16. Sylvie MIHIGO,
17. Oscar BALINDA,
18. Claude MANZI,
19. Désire RWIGEMA,
20. Jean MUHIRE,
21. Antoine MANZI,
22. Fanette MURAZA.

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## Annex 26

### M23 weapons in Kampala

(photos by the Group)



AK-47s



PKM machine guns



Rocket propelled grenade launchers



12.7 mm anti-aircraft guns

## Annex 27

## Letter to President Kabila from Morgan

REPUBLICAIN DEMOCRATIQUE DU CONGO  
 ETAT MAJOR GENERAL MORGAN  
 UNITE MAI- MAI LUMUMBA SIMBA

DECLARATION YA GENERAL  
 MORGAN  
 KUREKA YA KURESHINWA  
 RAISI Joseph KABILA KABANGE.

Na sikia ukweli wako juu ya damayetu sisi wa kongo siani.  
 Imaye mwanika siku kuu siku, Na nili paka jundi na kufuraha kidege wakati  
 alilikia kusewa sisi mchicha ya wa rebelles kutea tu funguwa tena;  
 se kutu una tena: GHE d! ET uko papa nira kura chini ya siku yako.  
 Kikika ile suti kusewa shi juu yamini nika na jilwa nje ili mipatia tuma  
 yaku teka imje juu nime ukweli.  
 Na sinakuya na nima juu ya kama ile kongo juu kama iko kweli J.PIERRE BEMBA  
 BEMBA alikha funguliwa, NA TOMA LUBANGA na WENDUKE siki wangu.  
 Mami ya kufa yangu, na mami ya suti langu kwake kaba, ni hii:

- 1) hakikisha pata yangu ya general
- 2) Na unitume mavari ya hi joni
- 3) Na unitume silaha za aina yote.

Kuhusisha kama nika utete yako na kama miko tayari unitume fasi yote  
 kwenye wote ya ndi yako iko.

Kisha kutana ile mambi za nje

## Translation from original Swahili by MONUSCO staff

Democratic Republic of the Congo

Headquarters General Mumbiri

Mai Mai Lumumba Simba

## Declaration of General Morgan to His Excellency Rais Joseph Kabila Kabange

I heard your testimony about the blood of us Congolese which is spilled every day. I was happy when I learned that small rebel groups like ours would no longer be arrested or killed. Head of State, you are our father and we come at your feet to listen to your voice Ah! Why do we kill each other, it gave me the desire to leave (the forest) and find out the truth. I come, knowing it is false — but if it was true J. Pierre Bemba would be freed already, Toma Lubanga and all the others are still there. My request to my father is this one:

- 1) Confirm my grade of general
- 2) Give us military uniforms
- 3) Supply us with all sorts of weapons




And to show that I am your son and that I am ready, send me everywhere your enemy is.

After having sent you my request...

## Annex 28

## Morgan's last day, 14 April 2014

The Group obtained photographic and video evidence from various sources in the Ituri District. The images below include photos and images from videos. Where the time could be determined, it is provided; however, for some videos and photos, the precise time was not indicated. The Group reconstructed this sequence of events starting from Morgan's arrival at Molokay, and ending with his death in Komanda.

Description	Picture
Morgan (black shirt and dark blue jeans) meets Gen. Fall (standing on the right, wearing FARDC military uniform, with red insignia on the shoulder) at Molokay.	 A photograph showing Morgan, a man in a black shirt and dark blue jeans, standing in the center. To his right is Gen. Fall, wearing a green FARDC military uniform with red insignia on the shoulder. They are outdoors, surrounded by other soldiers in green uniforms.
An unarmed Morgan and Gen. Fall get into Gen. Fall's car for private discussion, surrounded by FARDC soldiers.	 A photograph showing Morgan and Gen. Fall getting into a white car. Morgan is on the left, wearing a black shirt and jeans. Gen. Fall is on the right, in his military uniform. They are surrounded by several FARDC soldiers in green uniforms.
Morgan in Mambasa, approximately 2 hours post shooting. Morgan is seated with other wounded persons in the back of a pickup-truck, wearing black shirt and underpants.	 A photograph showing Morgan seated in the back of a pickup truck. He is wearing a black shirt and dark pants. He is surrounded by other wounded persons and soldiers in green uniforms.



<p>Crowd gathers in front of the Mambasa health facility (Centre de dépistage SIDA) where some wounded are dropped off. Morgan is not treated here and continues the journey at the back of the truck.</p>	
<p>14h54: Gen. Fall at the entrance of MONUSCO camp in Komanda.</p>	
<p>15h05: Picture taken ten minutes post arrival in Komanda. Morgan is barely alive and appears to have moved his arms.</p>	
<p>15h05: MONUSCO provides medical assistance in Komanda.</p>	



<p>16h01: FARDC and MONUSCO soldiers transport Morgan transported on a stretcher. A MONUSCO soldier holds a drip, and bandages are apparent on Morgan's leg and hip.</p>	 A photograph showing several soldiers in camouflage uniforms and blue helmets. They are carrying a person on a stretcher. One soldier is holding a medical drip. The person on the stretcher has bandages on their leg and hip.
<p>16h01: The MONUSCO helicopter is visible, which brought an Air Medical Evacuation Team (AMET) to Komanda.</p>	 A photograph showing soldiers in camouflage uniforms and blue helmets. In the background, a helicopter is visible. A black circle is drawn around the helicopter in the image.
<p>16h07: Morgan on the ground near the helicopter.</p>	 A photograph showing a person lying on a stretcher on the ground. The person is wearing a dark shirt and shorts. They have bandages on their leg and hip. Several soldiers in camouflage uniforms and blue helmets are standing around the person.
<p>A medical officer from the AMET tries to resuscitate Morgan</p>	 A photograph showing a medical officer in a white shirt and blue pants. The officer is kneeling on the ground, trying to resuscitate a person lying on a stretcher. The person is wearing a dark shirt and shorts. They have bandages on their leg and hip. Several soldiers in camouflage uniforms and blue helmets are standing around the person.

Resuscitation attempt continues.



The AMET continues resuscitation attempt.



16h48: Morgan is in the helicopter.



## Annex 29

## DRC ICGLR certificate of export

REPUBLIQUE DEMOCRATIQUE DU CONGO  
DEMOCRATIC REPUBLIC OF CONGO  
MINISTRE DES MINES  
MINISTRY OF MINES  
CENTRE D'EXPERTISE, D'EVALUATION ET DE CERTIFICATION  
CERTIFICAT DE LA CONFERENCE INTERNATIONALE  
SUR LA REGION DES GRANDS LACS  
CERTIFICATE OF THE INTERNATIONAL CONFERENCE ON THE GREAT LAKES REGION  
PRODUIT/PRODUCT: COBALT

Proclamation que le chargement a été effectué en l'état tel qu'il est déclaré ci-dessous  
Proclamation that the cargo has been loaded as declared below

Nom et adresse de l'origine: MASISI, Nord-Kivu  
Name and address of origin: MASISI, Nord-Kivu

Nom et adresse de l'exportateur: MINERAIRIE INTERNATIONALE DU LAC KAHUNZU, RUE COMMUNE  
Name and address of exporter: MINERAIRIE INTERNATIONALE DU LAC KAHUNZU, RUE COMMUNE

Nom et adresse de l'importateur: [REDACTED]  
Name and address of importer: [REDACTED]

N° de la licence d'exportation: 0000000000  
Export license number: 0000000000

Date d'expiration: 2014/05/14  
Expiry date: 2014/05/14

Date d'émission du certificat: 12/05/14  
Date of issue of certificate: 12/05/14

Nom du transporteur: RAMADA TRANSPORT LTD T19 BUT/TAH BUC  
Carrier name: RAMADA TRANSPORT LTD T19 BUT/TAH BUC

Transit (par voie d'eau): [REDACTED]  
Transit (by water): [REDACTED]

Valeur déclarée (en \$) (Value declared in \$): [REDACTED]  
Declared value (in \$): [REDACTED]

Contenu: [REDACTED]  
Content: [REDACTED]

Minéraux Minerals	Symbole chimique Chemical symbol	Poids net (kg) Net weight	Teneur (%) Content	Métal contenu Metal content	Valeur US\$ Value US\$
Cobalt Cobalt	Co	24 750 000	[REDACTED]	7A	[REDACTED]
		24 750 000			

MINISTRE DES MINES (ou son Délégué)  
Ministry of Mines (or his Delegate)  
NDIMUBANDI NGORORWA EMBIMANZI

Signature à l'exportation: [Signature]  
Export signature: [Signature]

Signature à l'importation: [Signature]  
Import signature: [Signature]

0000000000



## Annex 30

### Mine site validation

  
**MINISTÈRE DES MINES**  
*L. Hamara*

**ANNEXE A L'ARRETE MINISTERIEL N° 022/CAB/MIN/MINES/01/2014 DU 18.12.2014 PORTANT REQUALIFICATION ET REVALUATION DES SITES MINIERES DU TERRITOIRE DE KALEHE DANS LA PROVINCE DU SUD-KIVU**

N°	Désignation	Territoire	Sites miniers		Qualification/Validation		Observations
			Minerais extraits	Code	Vert, Jaune, Rouge	Valable ou non valide	
01.	Site de Kalembi	Kalehe	Cassitérite	CN/NYAB/SK/MINES/SMK/Cert/003/2014	Vert	Valide	
02.	Site de Nkoro	Kalehe	Cassitérite	CN/NYAB/SK/MINES/BAM/Cert/004/2014	Vert	Valide	
03.	Site Munga	Kalehe	Cassitérite	CW/NYAB/SK/MINES/BAM/Cert/005/2014	Vert	Valide	


**Légende :**

CN	Centre de Régulation
SK	Nyabingi
SK	Sud-Kivu
S/M	Secteur
BAM	Bain Minier
Cert	Certificat

Fait à Kinsasha, le 18.12.2014

Martin KABINDU

"Nous sommes convaincus que l'industrialisation est la seule voie pour le développement durable."  
 Dr. Jean-Marie KAMUKUZI  
 Président de la République

*République Rwandaise*  
  
MINISTÈRE DES MINES  
*L. Ndirakobuca*

028/CAR/MIN/MINES/01/2014 DU 13 08 2014... PORTANT QUALIFICATION ET  
VALIDATION DES SITES MINIERS RELEVANT DU POINT DE VENTE D'IGIRI DANS LE TERRITOIRE D'IGIRI EN PROVINCE DU SUD-KIVU

ANNEE A L'ARRET MINISTÉRIEL N°

N°	Sites miniers			Qualification, Validation		Observations	
	Dénomination	Territoire	Minéral extraits	Code	Vert, Jaune, Rouge		
01.	Site de Kamukohi	Igwi	Wolframite	P.V.101/SK/MINES/KAM/Cert/001/2014	Vert	Validé	
02.	Site de Lomera	Igwi	Cassitérite	P.V.101/SK/MINES/LEM/SHK/Cert/002/2014	Vert	Validé	

**Légende :**  
P.V. : Point de vente  
IGWI : Igwi  
SK : Sud-Kivu  
KAM : Kamukohi  
LEM : Lomera  
SHK : Shamba  
Cert : Certifié

Fait à Kinshasa le 14 FEB 2014  
Martin KABWITU

Par l'intermédiaire d'un représentant autorisé, le Directeur des Mines, le 14 FEB 2014  
Le Directeur des Mines, le 14 FEB 2014  
Le Directeur des Mines, le 14 FEB 2014

*République Démocratique du Congo*

**MINISTÈRE DES MINES**  
*Le Ministre*

ANNEXE A L'ARRETE MINISTERIEL N° 6129/CAB MIN/MINES/01/2014 DU 11/01/2014 PORTANT QUALIFICATION ET VALIDATION DES SITES MINERS RELEVANT DU POINT DE VENTE DU CENTRE DE NEGOCIE DE MUGOGO ET DE POINT DE VENTE DE NYAMUSIALE/LUBOMA DANS LE TERRITOIRE DE WALUNGU EN PROVINCE DU SUD-KINU

N°	Désignation	Territoire	Sites miniers		Qualification/Validation		Observations
			Minerais extraits	Code	Vert, Jaune, Rouge	Validé	
01.	Site de Nyakibindi	Walungu	Or	CN/Mug/SK/MINES/NYAK/Cent/006/2014	Vert	Validé	Passage réparti des minéraux vers l'AREC qui se limitent à l'exploitation locale pour leur compte. Ils récupèrent une quantité de la production de l'or.
02.	Site de Nyamushale/Luboma	Walungu	Or	NEANT	Rouge	Non Validé	

**Légende :**  
P.V. : Point de vente  
Wal : Walungu  
SK : Sud-Kivu  
Nyak : Nyakibindi  
Cent : Centre  
CN : Centre de Négocie  
Mug : Mugogo

Fait à Kinshasa, le 11/01/2014  
**Martin KABWELULU**

1<sup>er</sup> Imprimerie Générale par 1000000, Imprimerie 8 Ave. Ntshamba/Carle - KDC  
Tél : 00243 (0) 211 471  
Fax : 00243 (0) 211 471  
Email : info@imprimerie8c.com

*République Démocratique du Congo*

**MINISTÈRE DES MINES**  
*Le Ministre*

ANNEXE A L'ARRETE MINISTERIEL N° 6130/CAB MIN/MINES/01/2014 DU 11/01/2014 PORTANT QUALIFICATION ET VALIDATION DES SITES MINERS DU TERRITOIRE D'UVIRA EN PROVINCE DU SUD-KINU

N°	Désignation	Territoire	Sites miniers		Qualification/Validation		Observations
			Minerais extraits	Code	Vert, Jaune, Rouge	Validé	
01.	Lemera/Kegunga	Uvira	Cassitérite	PEPM/8388/GOL/SK/MINES/Cent/305/2014	Vert	Validé	Site min abandonné
02.	Katagete/Rupungu	Uvira	Cassitérite	P.V. LEM/SK/MINES/Cent/007/2014	Vert	Validé	
03.	Mutunda	Uvira	Cassitérite		-	Non validé	
04.	Kigoma	Uvira	Cassitérite, Galène, Pyrite		-	Non validé	

**Légende :**  
S.K. : Sud-Kivu  
GOL : Groupe Oliver  
Cent : Centre  
PEPM : Permis d'Exploitation de Petite Mine  
P.V. : Point de Vente

Fait à Kinshasa, le 11/01/2014  
**Martin KABWELULU**

1<sup>er</sup> Imprimerie Générale par 1000000, Imprimerie 8 Ave. Ntshamba/Carle - KDC  
Tél : 00243 (0) 211 471  
Fax : 00243 (0) 211 471  
Email : info@imprimerie8c.com



Republique Démocratique du Congo

MINISTÈRE DES MINES  
Le Ministre

Recu par M. B. Sifir 2014  
Dr. O. Sifir 2014  
[Signature]

ANNEXE A L'ARRETE MINISTERIEL N° 0078/CAB.MIK/MINES/01/2014 DU 21 FEB 2014 PORTANT QUALIFICATION ET VALIDATION DES SITTS MINERS DU TERRITOIRE DEMASISI EN PROVINCE DU NORD Kivu

N°	Dénomination	Territoire	Sitts miniers		Code	Qualification/Validation		Observations
			Minerals	Souffrance		Vert	Violet	
01.	D3 Basalama	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/001/2014	Vert	Validé	
02.	D2 Matuba	Masisi	Cottan et Cassitérite		PE/4731/MI/NK/Mines/Cert/002/2014	Vert	Validé	
03.	D2 Basalama	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/003/2014	Vert	Validé	
04.	D4 Gikombe	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/004/2014	Vert	Validé	
05.	Luvuvu	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/005/2014	Vert	Validé	
06.	Bundjali	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/006/2014	Vert	Validé	
07.	Kori	Masisi	Cottan		PE/4731/MI/NK/Mines/Cert/007/2014	Vert	Validé	
08.	Rwandanda	Masisi	Cottan		Néant	Rouge	Non Validé	
09.	Bihula	Masisi	Cottan et Cassitérite		CN/Rub/NK/Mines/Cert/008/2014	Vert	Validé	
10.	Uwishi	Masisi	Cassitérite		Néant	Jaspe	Non Validé	
11.	Mukulu	Masisi	Cottan		CN/Rub/NK/Mines/Cert/009/2014	Vert	Validé	
12.	D6 Mufusi	Masisi	Cottan		CN/Rub/NK/Mines/Cert/010/2014	Vert	Validé	
13.	Katavinda	Masisi	Cassitérite		PE/4731/MI/NK/Mines/Cert/011/2014	Vert	Validé	

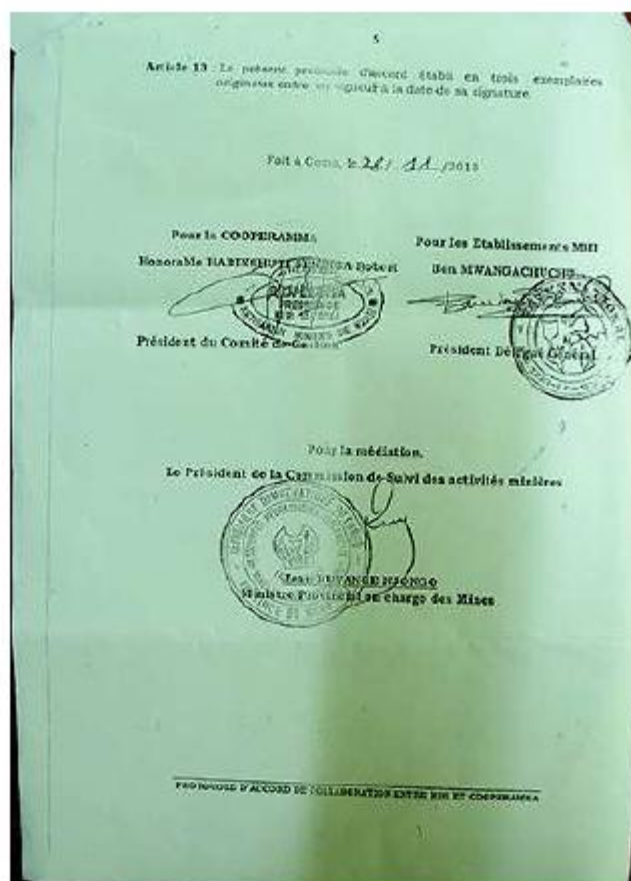
[Signature]

Ministère du Commerce de l'Industrie, des Mines et de l'Energie - RDC  
B.P. 2000-01 - Kinshasa  
Tél : 380.0.0 - 380.0.0  
Fax : 380.0.0 - 380.0.0

N°	Dénomination	Terminé	Statut minier		Qualification/Validation		Observation
			Mines	Code	Vert	Validé	
			Mines extérie		Jaune		
					Rouge		
14.	Bichasha	Nyusi	Wolframite	PE76/SAK/NK/Mines/Cert/012/2014	Vert	Validé	
15.	Nyamukubi	Nyusi	Cassitérite	PE76/SAK/NK/Mines/Cert/013/2014	Vert	Validé	
10.	Iwimbika	Nyusi	Or	PE76/SAK/NK/Mines/Cert/014/2014	Vert	Validé	
17.	Wali	Nyusi	Or	PE76/SAK/NK/Mines/Cert/015/2014	Rouge	Non validé	
18.	Kamitale	Nyusi	Coltan et Cassitérite	Néant	Rouge	Non validé	
29.	Kemuluko/Kemembe	Masi	Coltan et Cassitérite	Néant	Rouge	Non validé	
30.	Bianze	Nyusi	Coltan	PE76/SAK/NK/Mines/Cert/016/2014	Rouge	Non validé	
31.	Katambo	Nyusi	Coltan	PE76/SAK/NK/Mines/Cert/017/2014	Vert	Validé	
72.	Kuruba-Leshaga	Nyusi	Coltan	Néant	Jaune	Non validé	
73.	Mwabate	Nyusi	Coltan	Néant	Rouge	Non validé	
74.	Katovi/Kabaka	-	-	Néant	Rouge	Non validé	
75.	Katuwindi	-	-	Néant	Rouge	Non validé	
76.	Mutini	-	-	Néant	Rouge	Non validé	
27.	Tanzania	-	-	Néant	Rouge	Non validé	
28.	Luhutu	-	-	Néant	Rouge	Non validé	

### MHI-Cooperamma agreement

14-54369 (C)



## **Annex 32**

### **Tagged bag of coltan**

This tag was on a bag of coltan that originated from Rubaya. Photo taken by the Group in Goma on 5 May at the Cooperama office.





**Annex 33****Untagged bag in Rubaya**

A porter carrying minerals from Luwowo to Rubaya without the mine's tag. Photo taken by the Group on 30 April in Rubaya. The Group confirmed this bag had no tag.



### **Annex 34**

#### **FARDC position near Rwangara mining site**


These photos show an empty FARDC position 1 km from Rwangara. The Group took these photos on 28 April 2014.



## Annex 35

## Mineral seizures in Goma and Bukavu

These documents provide information about minerals seizures in Bukavu and Goma.

<p style="text-align: center;">"AU"</p> <p>REPUBLIQUE DEMOCRATIQUE DU CONGO FORCES ARMÉES FORCE TERRESTRE DIXIEME REGION MILITAIRE ETAT MAJOR T2</p>	<p>BUKAVU, le 05 Mai 2014</p> <p>N° 058/10107 /EM 10 Rgt Mil/T2/2014</p> <p><u>Transmis copie pour information à :</u></p> <ul style="list-style-type: none"> <li>- Son Excellence Monsieur le Gouverneur de la Province du Sud-Kivu à BUKAVU ;</li> <li>- Son Excellence Monsieur le Ministre Provincial de Mine du Sud-Kivu à BUKAVU.</li> </ul> <hr/> <p>Objet : Transfert onze colis de 50Kgs CASSITERITES</p> <p>A Monsieur le Chef de Division Provinciale des Mines du Sud-Kivu à BUKAVU</p> <p>Monsieur le Chef de Division,</p> <p>En date du 01 Mai 2014 vers 2130 heures au niveau de poste frontalier RUZIZI III, quartier NGUBA, commune d'IBANDA à BUKAVU, nos services de Renseignement Militaire T2 10<sup>ème</sup> Région Militaire ont saisi onze colis de cassitérites appartenant à Monsieur LUHINDJA voulant le faire traverser au Rwanda, ce dernier avait pris fuite quelques minutes avant la saisie desdits colis.</p> <p>En effet, en référence note n°250/CAB/MIN-PRO/EMHC/SK/2012 relative à l'implication du Commandant 10<sup>ème</sup> Région Militaire sur le désengagement des sites miniers par les FARDC et la transabilité des minerais. C'est dans ce cadre que nous vous transérons pour compétence les onze colis de cassitérites et dont le responsable est en fuite cette même nuit.</p> <p>Franches collaborations.</p> <div style="text-align: right;">  <p>Commandant de la 10<sup>ème</sup> Région Militaire MASUNZU PACIFIQUE Général Major</p> <p style="text-align: right;">05.14 62</p> </div>
--	---

REPUBLIQUE DEMOCRATIQUE DU CONGO  
MINISTÈRE DES FINANCES  
DIRECTION GÉNÉRALE DES DOUANES ET ACCISES  
DGDA

Goma, le 10/12/2013

DIRECTION PROVINCIALE DU NORD-KIVU  
SOUS-DIRECTION DE LA BRIGADE ET  
LUTTE CONTRE LA FRAUDE  
INSPECTION DE LA BRIGADE DE SURVEILLANCE  
DES FRONTIÈRES

ATK  
10/12/2013

N° 244/DP-NK/SDBLE/IBSE/2013

À Monsieur le Sous-directeur de la  
Brigade Douanière de Lutte contre la  
Fraude à Goma/Nord-Kivu,

Concerne: Transmission Rapport  
Circonstancié

Monsieur le Sous-directeur,

Par la présente, j'ai l'honneur de vous  
transmettre en annexe pour dispositions, le rapport relatif à la saisie d'un véhicule  
contenant les matières minérales (deux cotés de coltant), et qui a été acheminé à la  
Direction Provinciale de la DGDA Nord-Kivu en date du 10 décembre 2013 par les  
agents de la brigade de surveillance des frontières de la Grande Barrière.

Je vous en souhaite bonne réception.

L'inspecteur de la Brigade de Surveillance,  
MARTINO BANYWESTZE

C.C. : Monsieur le Directeur Provincial de la DGDA/Nord-Kivu



## 14-54369 (C)

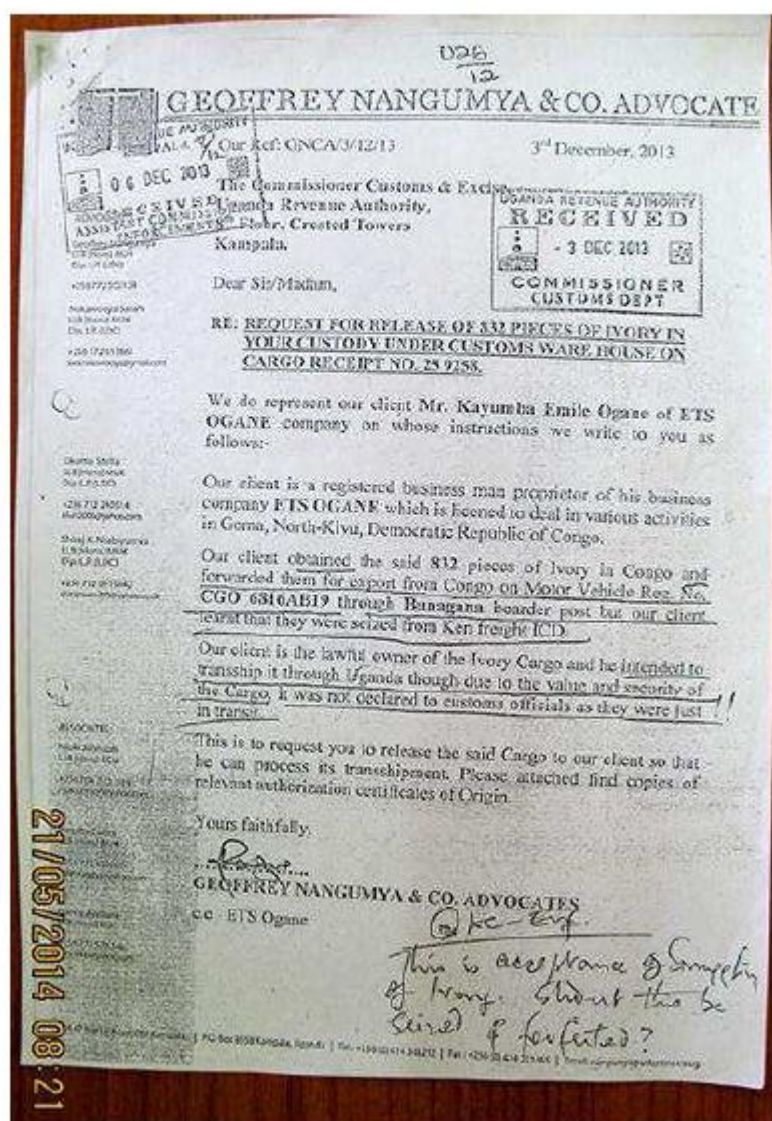
## 14-54369 (C)

14-54369 (C)

14-54369 (C)

### Congolese ivory trafficker documents

14-54369 (C)



Export certificate signed by Mr. Athanga Pene Wila, dated 20 November 2012, authorizing Emile Kayumba to export up to 4,000 kg of ivory from DRC.

**21/05/2014 08:18**

**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
 MINISTRE DE L'ENVIRONNEMENT,  
 CONSERVATION DE LA NATURE  
 ET TOURISME

DIVISION PROVINCIALE  
 DU NORD-KIVU  
 B.P. 144 GOMA

Certificat N°03/2012

**CERTIFICAT LEGITIME A L'EXPORTATION**  
 Loi N°82-0002 du 28 mai 1982

1. Déclarant (1) : Quatre mille Kilogrammes des  
 défenses d'éléphants de forêt

2. Propriétaire (1) : KAYUMBA Emile

3. Permis de chasse : 05/2012 relatif au ramassage sur  
 animaux morts et/ou dépeuplés  
 d'éléphants de forêt à l'exclusion des  
 Parcs Nationaux, réserves intégrales  
 et de tous domaines de chasse.

4. Trophées (2) : Défenses d'éléphants.

Nom commun	Nom scientifique	Quantité	Origine
Défenses d'éléphants de forêt	Loxodonta africana cyclotis	4.000 kg	Congolaise (Masisi, Walikale et Lubero)

5. Destination : Pays Africains pour recherches  
 scientifiques et protection de la  
 culture.

6. Agent recevant la déclaration (1) : OMARI DJABILI Janvier, Inspecteur  
 Territorial de la chasse de Walikale.

Fait à Goma, le 20 novembre 2012

Signature du Titulaire

**ATHANGA PENE WILA**  
 Chef de Division



**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
 MINISTRE DE L'ENVIRONNEMENT,  
 CONSERVATION DE LA NATURE  
 ET TOURISME

  
 DIVISION PROVINCIALE  
 DU NORD-KIVU  
 B.P. 114 GOMA

Licence N°05/2012

**LICENCE D'AGREMENT D'EXPLOITATION DE LA  
 FAUNE SAUVAGE**

Je soussigné, **ATHANGA PENE WILA**, Chef de Division Provinciale de l'Environnement, Conservation de la Nature, Eaux et Forêts, certifie par la présente que Monsieur **KAYUMBA Emilo**, des **Etablissements OGANE** est reconnu comme exploitant transformateur des sous produits et/ou trophées de la faune sauvage conformément à la loi N° 82-002 du 28 mai 1982.

La présente Licence est valable sur toute l'étendue de la Province du Nord-Kivu à l'exclusion des aires protégées (Parcs Nationaux, réserves intégrales et de tous domaines de chasse pour une durée de validité d'une année.

La taxe perçue : LISS 500 (Dollars Américains Cinq cents) Bordereau de versement en annexe.

Fait à Goma, le 20 novembre 2012

  
**ATHANGA PENE WILA**  
 Chef de Division

(1) Nom et qualité de la personne physique ou morale ;  
 (2) Biffer la mention inutile.

21/05/2014 08:21



## Annex 38

### Uganda wildlife product seizures

In April 2014, the Government of Uganda provided the Group with a list of recent wildlife product seizures.

<i>Number</i>	<i>Product</i>	<i>Weight</i>	<i>Location</i>
1	440 pieces raw ivory 372 pieces polished ivory 15 pieces of rhino horn	1,424 kgs (total for entire seizure)	Entebbe International Airport
2	4 pieces of ivory	20 kgs	Anaka-Nwoya district
3	Hippo teeth	15 kgs	Kampala
4	Pangolin scales	171 kgs	(not specified)
5	Pangolin scales	11.3 kgs	Kampala
6	Pangolin scales	26 kgs	Kampala (Nakawa)
7	Pangolin scales	10 kgs	Kabarole District

## Annex 39

### Intelligence fusion cell

To address concerns about the lack of objective information gathering and analysis regarding ADF, the Group recommends that MONUSCO create an Intelligence fusion cell (IFC). The purpose of the IFC would be to bring together those actors from within MONUSCO but also the FARDC, PNC, religious leaders from the Muslim and Christian communities, civil society and UPDF, who can consistently contribute quality information.

The IFC would be responsible for the collection, analysis and recommendations of intelligence led activities for implementation by MONUSCO. To do this the IFC would require a clear and established line of communication or chain of command that would allow for information flow from the IFC to military and civilian decision makers within MONUSCO, but also information flow from actors such as Military Observers and TCC at the patrol level to the IFC.

Effective information flow would be enhanced by IFC operating principles that regard collaborative interaction as more important than hierarchy while emphasizing speed of information flow.

The Group further recommends that IFC develop and direct Mixed Engagement Teams and specifically Female Engagement Teams consisting of a mix of civilian staff and military staff. Engagement Teams would provide an optimum development of information flow, thereby substantively improving data collected for analysis by the IFC.

The Group recommends establishing Key Actor mapping with strategies for engagement and allocation of appropriate resources to foster long-term relations.

The Group recommends that IFC designs and implements a comprehensive and proactive information campaign or Influence Operation. This action could significantly improve MONUSCO's situational awareness and reduce possible misinformation<sup>b</sup> in the community and undermine potential attempts at disinformation.

The Group believes that an IFC with these attributes would make a significant contribution to understanding the ADF and its links into local communities and regional networks, and to informing MONUSCO decision making at both the strategic and operational levels.

---

<sup>b</sup> An example of this would be the current role of the FPU in support of current PNC/FARDC operations in Beni. While MONUSCO correctly identifies that such support is done to ensure no HR violations occur, the same action can be perceived as linking MONUSCO to government actions that may become increasingly seen as hostile and punitive.

**Annex 40**

**Government of Uganda on M23 and ADF**



REPUBLIC OF UGANDA

OUR REFERENCE  
YOUR REFERENCE

PERMANENT MISSION OF THE REPUBLIC OF UGANDA TO THE UNITED NATIONS

UN/SC/18/A

UGANDA HOUSE  
334 EAST 45<sup>TH</sup> STREET  
NEWYORK, N.Y. 10017

Tel: (212) 949-0110  
Fax: (212) 647-4517  
E-mail: [ugandaunv@un.int](mailto:ugandaunv@un.int)

May 27, 2014

Mr. Daniel Fahey,  
Coordinator, Group of Experts on the  
Democratic Republic of the Congo pursuant to  
Security Council resolution 2136 (2014)  
UN Secretariat  
New York

Dear Mr. Fahey,

I have the honour to transmit, for your attention, the attached Response by the Government of Uganda to the issues raised in your letter S/AC.43/2014/GE/OC.38 dated May 9, 2014.

Please accept the assurances of my highest consideration.

John L. Mugerwa  
For: Charge d'Affaires a.i.

RESPONSE TO ISSUES RAISED BY THE UN GROUP OF EXPERTS ON  
DEMOCRATIC REPUBLIC OF CONGO (DRC).

Introduction

1. In responding to the latest communication from the UN Group of Experts on DRC (GOE) of May 9, 2014, the Government of Uganda (GOU) wants to explicitly state that as a matter of policy the GOU always acts transparently. It will be recalled that on many occasions the GOU has been falsely accused by a number of partners including the UN in regard to M23 and ADF. For example when the M23 ex-rebels fled to Uganda in November 2013 there was insinuation that these were not M23 because their numbers far exceeded estimates by MONUSCO, and that Uganda was playing games. Similarly when ADF attacked Kamango in Eastern DRC last year, false reports were spread that the attack was by M23 operating from Uganda and not ADF.

2. It took a team of the Expanded Joint Verification Mechanism (EJVM) to travel to Uganda and to cross to Eastern DRC on 18 Jan 14, and hear for themselves from FARDC commanders that indeed Kamango had been attacked by ADF for the truth to be accepted. This was further confirmed by a team from MONUSCO led by the Deputy Special Representative of the Secretary-General (DSRSG) for



Operations in Eastern Congo, that travelled to Uganda on 31 Jan 14 and made similar field visits.

3. In line with its transparent policy the Government of Uganda has shown the M23 ex-rebels and their arms to all interested parties including MONUSCO, UNSC GOE on DRC, Defence Advisers from the Missions of the five Permanent Members of the UN Security Council and EJVM. To date the Government of Uganda has not received any word of apology from those who were peddling the falsehoods about Uganda.

4. For avoidance of doubt the Government of Uganda categorically states that it has acted transparently and openly in regard to M23 ex-rebels and believes it has played a significant role, through the leadership of the ICGLR in assisting to stabilise the situation in Eastern DRC. The Government of Uganda also firmly believes that ADF which is based in DRC is a terrorist organization with links to Al Qaeda and Al Shabaab networks. The Government of Uganda reiterates its commitment in the struggle against these negative forces until they are eliminated.

Therefore, in line with the right of reply to the issues raised by the GoE in its correspondence of May 9, 2014, Government of Uganda wishes to clarify as follows:

**Claims on M23**

5. The GoE's claim of inconsistencies in reporting by the Government of Uganda regarding the size and composition of M23 ex-rebels who entered Uganda is inaccurate and misleading. The figures provided are factual and accurate. On 06 Nov 2013, M23 ex-rebels fled from their locations in Eastern DRC to Mgahinga National Park in Uganda. A total of 1456 M23 ex-rebels, that included 135 juveniles, was registered on 06 Nov 14. The figure of M23 ex-rebels registered kept varying due to the following factors:

**a. Separation of Juveniles from the Main Force:**

Of the total number of 1456 M23 Ex-rebels who entered Uganda on 06 Nov 13, 135 were Juveniles. These were separated from the main force and transferred to Nyakabande Transit Refugee Camp on 08 Nov 13. Of these, 54 juveniles who were Congolese, were handed over to UNHCR at Nyakabande in Kisoro district. On 30 Nov 13, 50 juveniles claiming to be Rwandese were relocated to Kyaka II Settlement Centre by ICRC from Hima military barracks in

Kasese District. 31 juveniles escaped from the holding centres prior to the hand-over. This separation of juveniles from the main force affected the subsequent total figure of M23 ex-rebels on subsequent records. See Annex A.

**b. Escape of M23 ex-rebels from Hima Barracks**

Another aspect that caused variations in figures on the lists of the M23 ex-rebels, was the occasional escape of some M23 ex-rebels from the holding facility at Hima, Kasese. Between 14 Nov 13 and 17 Dec13, 57 M23 ex- rebels escaped from Hima to the refugee camps where some had relatives, while others hid within the local communities. Subsequently, operations were launched leading to the arrest of some, others returned voluntarily at different times, while some remained in hiding until the amnesty registration exercise by the DRC Government started in Apr 14.

c. Reporting to UPDF at different Intervals

An unspecified number of ex rebels did not initially report to the UPDF on arrival in Uganda on 06 Nov 13 in Mgahinga, but disguised as civilian refugees. They went to Nyakabande Transit Camp in Kisoro and were later relocated among the civilian refugees to Rwamwanja refugee camp in Kabarole District. Some M23 ex-rebels also hid within the local communities, especially in Kisoro District. Later a number of these ex rebels rejoined their colleagues at Bihanga Military facility on different occasions. For instance, between 17 Dec 13 and 27 March 14, a total of 106 M23 ex-rebels reported to Bihanga military facility at different intervals.

d. Transfer of 9 M23 Ex Combatants from Makindye Military barracks to Hima Military Barracks.

At the outbreak of the conflict between M23 and FARDC in 2012, 9 M23 rebels crossed the border into Uganda and were arrested by



UPDF in Kisoro. They were transferred to Makindye Military Detention Centre in Kampala, where they were kept until 20 Nov 13 when they were reintegrated with their colleagues at Hima, Kasese.

The above factors explain the variations in the figures on the lists of the M23 ex rebels submitted to different delegations (EJVM, MONUSCO and the UN-GOE on DRC) who visited at different times.

6. The issue of the four "Lt. Cols" mentioned by the GoE in its letter of is a result of reporting to the UPDF at different intervals as reflected in 5 (c) above. The individuals reported as follows:

- a. Lt Col Shaba Ndombi Georges--reported from Kisoro on 03 Feb 2014;
- b. Lt Col Kikuni Butembezi--reported from Mbarara on 17 Feb 2014;

c. Lt Col Mugabo Damascene--reported from Kisoro on 19 Feb 2014;

d. Lt Col Ibrahim Rwagati--reported from Kisoro on 03 March 2014.

Since the M23 lists which were presented to the various visiting delegations only include individuals that were physically present, the above mentioned were therefore not reflected on the earlier lists.

7. Regarding the absence of three individuals ("Lt Col" Ngaruye Mathieu, Cedric Kakule and Abdou Mutundi) on the list given to the GoE on 29 Apr 13, yet they appear on the list given to MONUSCO on 30 Jan 14, the clarification is that Lt Col Ngaruye was not physically present in Bihanga at the time the list was generated. He had been sick and obtained a pass to Kisoro to get treatment. On the other hand "Cedric Kakule" and "Abdou Mutundi" appear on the list given to the GoE on page 35, as CADRE KAKURE JONATHAN and CADRE MUTSINZI ABDOUR. Their names were wrongly written in the previous lists. They are civilian cadres with the M23 militants in Bihanga.

8. The absence of Major Fred Ngenzi Kagorora and "Major/Lt Col" Castro Mberagabo on both lists is because these individuals though soldiers, were not actively involved in military activities but were attached to the Political leadership of M23. They are currently in Kampala with Mr. Bertrand Bisiimwa (Chairman M23). They are among the M23 cadres who applied for amnesty in the recent exercise administered by the DRC Officials.

9. The Government of Uganda is not aware of the apparent reshuffle within the M23 Military structure as claimed by the GoE and has not seen any evidence to that effect.

#### Claims on ADF

10. The government of Uganda notes that the UN GoE on DRC doubts the fact that ADF has trained some of its fighters in the fabrication and use of IEDs and that there are links between ADF and Al-Shabaab as indicated in points 1 and 4 of its letter.

11. The government of Uganda is concerned at the persistent failure by the GoE to appreciate the link between ADF and Al-Shabaab/Al-Qaeda in spite of the obvious evidence provided to them on previous occasions and other key pointers which the GoE also acknowledges in its reports. For example, whereas in its Jan 14 report, the GoE acknowledged the presence of foreign Arab speaking men conducting Military Training Courses and Operations within the ADF camps in Eastern DRC, the GoE surprisingly avoids drawing a nexus between the foreigners and the Al-Shabaab/Al-Qaeda.

12. In addition, the GoE does not appreciate the undisputable information shared with it by Government of Uganda about the Al-Qaeda operatives from the Maghreb, of Moroccan nationality who were arrested in Dakar, Senegal en-route to ADF camps in Eastern DRC in July 2009. These were: Bright Mohamed, Nadane Si Mohamed and Eladini Moulay Abdel Halim. The trio had been issued with travel itinerary and contacts of the ADF by Omar Awadh Omar aka Abu Sahal, a Kenyan National, a member of Al-Qaeda East Africa

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and one of those arrested in the Al-Shabaab perpetrated July 11 2010 Kampala bombings. Upon search, the trio were found with a Congolese telephone number +243 811 863 694. Subsequent interview of the suspects revealed that, the above telephone number had been given to them by Omar Awadh Omar aka Abu Sahal, to contact the owner of the telephone number for reception in DRC. Intelligence also established that, the telephone number belonged to Benjamin Muhindo Kisokeranio, the in-charge of ADF Internal Intelligence.

13. Furthermore, the Uganda government had earlier presented to the GoE information about one Miqdad Mohammed Saad (ADF collaborator), based in Kenya, who was communicating with Islamic extremists in Somalia soliciting support for ADF. The information provided included the email address he was using ([nurusnem@gmail.com](mailto:nurusnem@gmail.com)) and also the person he was communicating to in Somalia (one Tariq alias Shaakir) who uses Tel Nos +252 618 133



729 and +252 156 522 30. Miqdad Saad is a maternal uncle of Omar Awadh Omar.

14. One Abdallah Kasuja, the ADF bomb expert specialized in Improvised Explosive Devices (IEDs) is one of the ADF leaders who received training in Pakistan and fought alongside the radical Mujahideen in Afghanistan against the Soviet Union in 1978. He has been instrumental in training ADF operatives in the assembling and use of IEDs for urban terrorism.

15. Credible reports have continuously indicated the presence of Al-Shabab trainers in various ADF camps in Eastern DRC. For instance in June 2013 one Mohamed Ali from Mombasa, Kenya linked to Al-Shabaab was training a group of nine ADF rebels on how to assemble and use IEDs in Mwalika camp. This information is acknowledged by the GoE in paragraph 72 of its final report reference S/2014/42 of Jan 14. This is further confirmed by the photographic evidence provided by FARDC authorities showing corpses of two Somali Nationals who were killed when FARDC attacked a specialized

ADF Unit at 'Madina' camp. The two Somali nationals were identified to have been experts in the fabrication and use of IEDs by one of the ADF survivors of the attack. (Source: Military briefing by FARDC on 07 May 14). **See Annex B.**

16. In the absence of any information that disputes the above demonstrated links, the Government of Uganda maintains that there is a clear link between ADF and Al-Shabaab/ Al-Qaeda.

17. In the meeting of 29 Apr 14 which the GoE quote the issue of IEDs was discussed but the Ugandan authorities did not state any figure in relation to the number of ADF trained in their use. However, the Ugandan authorities did reiterate that the ADF had employed IEDs against FARDC in Eastern DRC and that quite a number of ADF fighters had received training in their fabrication and use.

18. The Government of Uganda is surprised that the GoE has continued to claim that it has not found any evidence relating to the training of ADF elements in the fabrication and use of IEDs in spite of the photographic evidence of IED materials recovered from ADF

camps by FARDC during the current Anti-ADF operations. This is in addition to credible reports shared with the GoE during their previous visits to Uganda in Feb and Oct 13.

19. In regard to ADF commanders Ibra Baza, Kategaya and Abdarahaman Kabanda, Uganda Intelligence is actively monitoring the activities of ADF in the region. It is in this respect that credible intelligence obtained indicated that in 2013, the above ADF commanders went to Sudan for military training, specifically in handling SPG9 gun among others and returned to Eastern DRC in February 2014.

20. Whereas there were reports that Al Qaeda considered appointing Jamil Mukulu to replace late Harun Fazul as the Al Qaeda leader for East Africa, there is no clear information about his position in the Al Qaeda hierarchy. The UPDF officers in Beni deny conducting any briefing on this issue on the 09 May 2014 as claimed by the GoE in its letter.

21. In respect to the claim that Jamil Mukulu had left DRC for another country, and did so with the help of "International allies", the GoE raised the matter during the meeting of 29 April 2014 as a media report. The Government of Uganda officials informed the GoE that they were also aware of the same press report, but that there was no corroborating evidence. The GoE was advised to treat the matter as media speculation. It is surprising therefore, that the GoE has raised the same issue again. Furthermore, although Maj Ronald Kakurungu acknowledges talking to a Reuter's reporter, he denies what was attributed to him by the journalist.

#### CONCLUSION

22. The government of Uganda is very much concerned about the existence and the activities of ADF and all other negative forces operating in the region. For this reason the Government of Uganda is fully committed, as always, to cooperate with the UN and any other

International or Regional bodies in finding a lasting solution to the security threat posed by these forces. It is therefore in the interest of the Government of Uganda to provide accurate and reliable information to any party that is an ally in regional peace and security.





**CADRES ADF D'ORIGINE  
SOMALIENNE,EXPERTS EN BOMBE  
ARTISANALE)**



ANNEX B

## Annex 41

### Group of Experts response to the Government of Uganda on M23 and ADF

In May, the Group of Experts wrote two requests for information to the Government of Uganda (GoU) prior to publication of this report. On 5 May, the Group asked the GoU for an update on seizures or arrests related to the Group's 2013 final report, which noted the continuation of gold smuggling in Uganda (S/2014/42, para. 183). On 9 May, the Group asked the GoU for clarification on changing numbers and reorganization of M23 in Uganda, and for substantiation of GoU claims about ADF links to Al-Qaida and Al-Shabaab. On 27 May, GoU responded to the Group's request for clarification on M23 and ADF (annex 40); however, GoU did not respond to the Group's questions on gold smuggling prior to the deadline established for this report.

#### M23

The Group notes that the information provided by the GoU includes significant new details, but also raises new questions. Overall, the Group is concerned that M23 remains a fluid organization, with people leaving and joining the armed group on a regular basis. The significance of this finding remains unclear; however, the Group believes that given the history of armed conflict in the Great Lakes Region, and the fact that many M23 have served in multiple armed groups over time, the shifting numbers and reorganization of M23 gives cause for concern.

While appreciating the clarifications made by the GoU, the Group's concerns remain extant.

First, while the GoU has stated how several events, such as escapes, affected the overall number of M23 combatants in Uganda at different points in time, it does not provide a current figure in its answer. The Group is therefore concerned that the GoU cannot confirm how many M23 ex-combatants and political cadre are currently on its territory. GoU's response also contains inconsistencies. For example, according to the new information, the Group calculated that, as of 27 March 2014, there were a minimum of 1,379 and a maximum of 1,436 M23 in Uganda. Yet a list provided by the GoU to GoE on 30 April contained the names of 1,343 M23. In addition, the GoU does not clearly identify those M23 who have escaped, been rearrested, or returned to camps. The Group presents the changing numbers in table 1, below.

Second, GoU states that two important M23 military officers — "Maj." Fred Ngenzi Kagorora and "Lt. Col." Castro Mberagabo — do not appear on any M23 lists because they are acting as political cadre in Kampala. The Group questions this explanation, because the GoU provided the Group with a list of M23 political cadre in Kampala that includes neither Kagorora nor Mberagabo (annex 25 of this report).

Third, GoU states it has seen no evidence of M23 reorganization. While respecting the GoU position, the Group notes in the present report that such reorganization has in fact taken place, as is evident through comparison of the February and April 2014 lists (paras. 62-63).

Table 1  
Changing numbers of M23 in Uganda, Nov. 2013-April 2014

<i>Number</i>	<i>Date for estimated number</i>	<i>Date estimated number was reported</i>	<i>Source</i>	<i>Remarks</i>
1,445	5 Nov. 2013	19 Nov. 2013	GoU letter to GoE	GoU reported 1,443 plus Makenga and Kaina. $1,443+2=1,445$
1,456	6 Nov. 2013	27 May 2014	GoU letter to GoE	
1,375	20 Nov. 2013	6 Dec. 2013	EJVM, as reported by GoU (current report, annex 23)	EJVM noted that 52 children were removed from this group, but that the overall number did not include Makenga or Kaina. $1,375-52=1,323$ $1,323+2=1,325$
1,302	30 Nov.- 4 Dec. 2013	6 Dec. 2013	EJVM headcount (current report, annex 23)	
1,325	Feb. 2014	3 Feb. 2014	GoU provided to MONUCSCO	
Min: 1,379 Max: 1,436	27 Mar. 2014	27 May 2014	GoU letter to GoE	This number is calculated based on information contained in GoU's 27 May 2014 response to the Group of Experts. <sup>a</sup>
1,343	Apr. 2014	30 April 2014	GoU provided to GoE	Roll call of M23 combatants.

<sup>a</sup> GoU states this number included 135 juveniles who were separated from the main group in Nov. 2013:  $1,456-135=1,321$ . GoU further states that 57 ex-combatants escaped from camps in Nov.-Dec. 2013, and that some returned or were arrested; however, GoU does not state how many returned or were arrested.  
Minimum:  $1,321-57=1,264$   
Maximum:  $1,321-0=1,321$   
GoU states 106 ex-M23 reported to Bihanga camp between Dec. 2013-Mar. 2014.  
Minimum:  $1,264+106=1,370$   
Maximum:  $1,321+106=1,427$   
GoU states an additional 9 ex-M23 who arrived in Uganda in 2012 were added to M23 in Nov. 2013.  
Minimum:  $1,370+9=1,379$   
Maximum:  $1,427+9=1,436$

## ADF

The Group notes that GoU misinterpreted the Group's request regarding ADF's use of IEDs. GoU states: "The government of Uganda notes that the UN GoE on DRC doubts the fact that ADF has trained some of its fighters in the fabrication and use of IEDs" (para. 10 of GoU letter). In the present report, the Group notes that it inspected two intact IEDs and parts of a third, and clearly identified ADF's use of IEDs. The Group does not dispute that ADF has trained some of its fighters to

fabricate and use IEDs, but questions GoU's claim that representatives of Al-Shabaab or other groups have provided this training.

Regarding links between ADF and Al-Qaida and Al-Shabaab, the Group stands by its statements in this report about a lack of evidence demonstrating links between ADF and foreign terrorist groups. GoU asserts there is a "clear link" between ADF links and both Al-Qaida and Al-Shabaab (para. 16), demonstrated in part by ADF's use of IEDs (paras. 14-15); however, the Group has not established such a link, and has consulted the UN Somalia and Eritrea Monitoring Group, which has also not found any link (see also S/2014/42, para. 72). The Group views the crude nature of the ADF IEDs examined by the Group as evidence of the absence of such links.

The Group had asked GoU to clarify remarks made on 9 May by a UPDF Col. in Beni about Jamil Mukulu being the fifth most senior leader in Al-Qaida. The GoU states the Col. has denied making such statements; however, the Group has confirmed that the Col. did make this claim publicly in front of FARDC and MONUSCO officers in Beni.

## Conclusion

Given the self-identified concerns of the GoU regarding M23 present in Uganda, the Group is concerned that GoU has not taken steps to address the shifting numbers and reorganization of M23 on its territory. In addition, GoU's response to GoE regarding ADF does not change the Group's findings contained in this report. The Group however, remains available and willing to review any information that would substantively support the GoU position. The Group also reiterates its ongoing concern about the issue of mineral smuggling in Uganda, and sincerely hopes for meaningful engagement with the GoU on this topic.