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Letter dated 15 December 2023 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

The members of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution [2688 \(2023\)](#), have the honour to transmit herewith, in accordance with paragraph 6 of that resolution, the midterm report on their work.

The report was provided to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo on 20 November 2023 and was considered by the Committee on 7 December 2023.

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

(Signed) Mélanie **De Groof**
Coordinator

Group of Experts on the Democratic Republic of the Congo

(Signed) Zobel **Behalal**
Expert

(Signed) Maïa **Trujillo**
Expert

(Signed) Krisztina **Varga**
Expert

(Signed) David **Zounmenou**
Expert



Midterm report of the Group of Experts on the Democratic Republic of the Congo

Summary

The provinces of the eastern Democratic Republic of the Congo and Mai-Ndombe Province were affected by episodes of intense violence. In the context of ongoing armed violence and political tensions, the organization of upcoming general elections scheduled for 20 December 2023 was negatively impacted. The Group remained concerned that the electoral process might further trigger violence.

The humanitarian crisis in the Democratic Republic of the Congo continued to deteriorate, in particular in North Kivu, Ituri and Mai Ndombe Provinces. The number of internally displaced persons reached nearly 7 million across the country, the highest number ever recorded in the Democratic Republic of the Congo, and one of the largest internal displacement crises in the world.

The armed conflict in Mai-Ndombe Province extended into the neighbouring provinces, including Kinshasa Province, leaving hundreds of civilians dead and hundreds of villages, schools and medical facilities destroyed. Both the Teke and Yaka communities remained armed and mobilized. Captured or surrendered Mobondo combatants were conscripted into the Armed Forces of the Democratic Republic of the Congo (FARDC), trained and sent to North Kivu to fight the Mouvement du 23 mars (M23).

In Ituri Province, intercommunity dialogues aimed at curbing rampant violence failed. The armed group Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO-URDPC) increased attacks on civilians, including at internally displaced persons camps. The Zaïre armed group, still opposed to all peace initiatives, continued to arm and train its combatants.

In North Kivu and Ituri, the intensification of Operation Shuja against the Allied Democratic Forces (ADF) continued to impact the sanctioned armed group. However, ADF remained resilient, adapting its strategies and tactics, including through increased attacks in Uganda.

In the context of the struggle to “liberate” territories from the grip of “foreign” armed groups, such as M23, Congolese armed groups adopted the Wazalendo or “true patriots” banner to gain legitimacy and better position themselves for possible future integration within FARDC.

In North Kivu, all parties to the conflict breached the ceasefire agreement. The newly created and Government-sponsored armed group coalition Volontaires pour la défense de la Patrie (VDP) triggered a flareup of violence. Heavy fighting resumed between M23, supported by the Rwandan Defence Force (RDF) and FARDC supported by VDP, Forces démocratiques de libération du Rwanda (FDLR), private military companies and Force de défense nationale du Burundi (FDNB) troops. Civilians belonging to all communities found themselves in the crosshairs of the different parties to the conflict, exposed to retaliation and forced to flee. Indiscriminate shelling, kidnappings and targeted assassinations were committed by both sides.

Special forces of the Republican Guard killed over 57 unarmed demonstrators in Goma, following rumours they had been infiltrated by M23.

In South Kivu, the M23 crisis had an impact on armed group dynamics, in particular in its northern territories. Armed groups tried to benefit from their Wazalendo status to further recruit, expand their influence and conduct criminal activities. Combatants of several Raia Mutomboki factions and Mai-Mai Kirikicho reached North Kivu to fight M23. In parallel, the collaboration between Twirwaneho and M23 was confirmed.

Armed groups and criminal networks continued to be involved in the exploitation and trade of natural resources. In Rubaya, Wazalendo armed groups controlled sites within the main exploitation perimeters, thus compromising the tin, tantalum and tungsten supply chain. The mining ban imposed by the Government of the Democratic Republic of the Congo was not respected, and the supply chain was contaminated by minerals whose exploitation benefited these Wazalendo groups.

Primera Gold DRC continued to boost official gold exports from the Democratic Republic of the Congo. However, there were important shortcomings in the implementation of the company's due diligence obligations, notably relating to the origin of traded gold.

Acts of defiance towards mining officials could impact the fight against gold smuggling, which continued, notably owing to prefinancing involving money-laundering by individuals and regional/international networks.

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

I. Introduction

1. The mandate of the Group of Experts on the Democratic Republic of the Congo was extended on 27 June 2023 by the Security Council in its resolution [2688 \(2023\)](#). Six members of the Group of Experts were appointed by the Secretary-General on 27 July 2023 ([S/2023/567](#)). Following the resignation of a natural resources/finance expert, a new expert was appointed on 25 October 2023 ([S/2023/801](#)).

2. The midterm report of the Group is submitted pursuant to paragraph 6 of resolution [2688 \(2023\)](#). In accordance with the request made by the Council in paragraph 8 of resolution [2360 \(2017\)](#), as reaffirmed in resolution [2688 \(2023\)](#), the Group continued to exchange information with the panels of experts on the Central African Republic, Libya, Somalia, South Sudan and Yemen.

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

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

Methodology

4. The Group of Experts used the evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions ([S/2006/997](#)). It based its findings on documents and corroborated information by using at least three independent and reliable sources.

5. Given the nature of the conflict in the Democratic Republic of the Congo, few documents provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, former combatants and current members of armed groups. The Group of Experts has also considered expert testimony by government officials and military officers of countries in the Great Lakes region and other countries, as well as by United Nations sources.

6. The present report covers investigations conducted up to 5 November 2023. Owing to word count limitations, the Group of Experts has detailed some of its findings and evidence in the annexes.

II. Mai-Ndombe

7. The conflict that started in mid-2022 in Kwamouth territory, Mai-Ndombe Province, principally opposing the Teke and Yaka communities ([S/2023/431](#), paras. 9–10), intensified and expanded into the neighbouring Provinces of Kwango, Kwilu, Kinshasa, and Kongo Central (see annex 1).¹ The violence threatened to engulf the capital city of Kinshasa, where members of both Teke and Yaka communities live, including thousands of civilians displaced by the conflict.² The emergence of the Mobondo, a group of predominantly Yaka fighters (see paras. 11–13 below), hampered reconciliation efforts. Both communities remained armed and mobilized.

¹ Forces armées de la République démocratique du Congo (FARDC), United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), researchers, government sources, civil society and testimonies.

² Particularly in the communes of Maluku, Kimbaseke, Masina and Ndjili.

8. Although inter-community tensions remained pronounced, economic interests, such as access to land and goods, as well as political interests, including reinstating customary power, had a marked influence on the continuation of the conflict (see annex 2). Increasing Mobondo attacks on FARDC prompted the military authorities to describe the conflict as “insurrectionary”.³

9. Deadly attacks by both the Teke and Yaka led to massive population movements, worsening the dire humanitarian crisis (see annex 3). Since the onset of the conflict, entire villages were burned, and checkpoints were set up by both the Teke and Yaka in search of members of other communities deemed hostile.⁴ In Kwamouth territory and Maluku commune of Kinshasa, nearly half of all villages were destroyed.⁵ Hundreds of schools and medical centres were destroyed or forced to close. Serious human rights violations, including sexual violence, kidnappings for ransom, and torture, were reported.⁶

10. Hundreds of civilians were killed on both sides.⁷ Numbers are likely much higher, as the violence and crimes remained significantly underreported, and attribution of responsibility difficult owing to lack of access to conflict areas.

11. Teke attacks on what they considered “non-native” communities prompted violent retaliation by the Yaka, which began organizing the Mobondo, a group of fighters, drawing in members of other allied communities such as the Suku, Mbala, Ndinga, Songe and Ngongo. The organization and modus operandi of the Mobondo are further detailed in annex 4 to the present report.

12. Throughout 2023, the Mobondo became more organized, increased its military capabilities, and executed military-style attacks.⁸ However, it is yet unclear whether the Mobondo is a hierarchically structured, homogeneous group, or rather a coalition of like-minded gangs without a central command.

13. FARDC operations led to the disarmament and arrest of hundreds of armed combatants, mainly from the Mobondo. While some were imprisoned and stood trial, many were instead transferred to FARDC training centres, mainly to Kitona. In addition, Fabrice Zombi “Mini Kongo”, designated by the President of the Democratic Republic of the Congo as chief negotiator between the Yaka and the Teke, mobilized hundreds of Mobondo to join the FARDC training camps (see annex 5). “Mini Kongo” is a traditional Suku chief, recognized by the Yaka as a figurehead. Therefore, the Teke accused him of collaborating with, and arming, the Mobondo.⁹

14. The Group documented that over 1,000 combatants from Mai-Ndombe and beyond, including surrendered Mobondo, were conscripted, trained and sent to North Kivu in eastern Democratic Republic of the Congo to fight the M23, without any prior vetting. Their presence in North Kivu among recently deployed FARDC troops has been confirmed by the Group.¹⁰

³ FARDC source.

⁴ Eyewitnesses, researcher, MONUSCO and civil society sources.

⁵ Government sources, provincial representative of Mai-Ndombe, civil society and eyewitnesses.

⁶ FARDC, MONUSCO, researchers, government sources, civil society and testimonies.

⁷ MONUSCO, humanitarian and civil society sources, researchers and government sources.

⁸ FARDC, researchers, civil society and MONUSCO sources.

⁹ See annex 2.

¹⁰ FARDC, intelligence sources, researchers, civil society, eyewitnesses.

III. North Kivu

A. Allied Democratic Forces

Operational developments in the Democratic Republic of the Congo

15. The sanctioned armed group ADF (CDe.1) remained resilient, despite the intensification and geographical expansion of Operation Shuja which affected it (S/2023/431, paras. 11 and 12). The Uganda People's Defence Force (UPDF) reported that it had killed over 550 ADF combatants since the beginning of the operation claiming that "ADF will soon get into the books of the past" (see annex 6). According to UPDF and the President of Uganda, Yoweri Museveni, key ADF leaders, such as Mulalo¹¹ and Meddie Nkalubo,¹² were killed (see annex 7). The Group of Experts could not, however, confirm their deaths. ADF continued moving west, away from military pressure, adapting its tactics, operating in small mobile groups and conducting sporadic attacks, mostly in remote areas and along roads (particularly the Beni-Komanda-Mambasa national road) and in agricultural fields, exploiting the absence of State authority (see annex 8).¹³

16. The leadership of ADF decided to reduce attacks in the Democratic Republic of the Congo, notably to win "hearts and minds" (see annex 9) and to focus on attacks in Uganda (paras. 17 and 18). This resulted in intermittent lulls in ADF attacks in Ituri and particularly Beni territory since July 2023.¹⁴ At the time of drafting of the present report, attacks had resumed again.

Allied Democratic Forces attacks in Uganda

17. Since December 2022, ADF combatants have regularly infiltrated Uganda, where they have conducted at least five deadly attacks, including on a school in Mpondwe in June 2023 (see annex 10 and para. 19). This marked an important shift, as for more than a decade ADF attacks had been mainly concentrated in the Democratic Republic of the Congo. These recent attacks in Uganda were also operationally different from both targeted assassinations, improvised explosive device attacks or attempted attacks (S/2022/479, annex 26) on Ugandan soil in recent years attributed to ADF. The five attacks were conducted by ADF combatants based in the Democratic Republic of the Congo who crossed into Uganda, as opposed to past attacks where ADF mobilized collaborators based in Uganda to conduct killings or place improvised explosive devices in the Democratic Republic of the Congo.

18. The recent attacks in Uganda reflected already documented ADF strategies with the double objective of avenging UPDF and FARDC operations and diverting the focus of these operations away from ADF areas in the Democratic Republic of the Congo (S/2022/967, para. 7).¹⁵ In addition, these attacks were reportedly intended to demonstrate that ADF had retained its capacity to conduct large-scale and/or mediatic attacks, and thereby embarrass the Government of Uganda which has been very vocal about its victories against ADF in the Democratic Republic of the Congo. The attacks in Uganda were also part of a new strategy by ADF to shift focus onto Uganda over the Democratic Republic of the Congo.

¹¹ See S/2021/560, annex 4.

¹² See S/2023/431, paras. 32 and 38.

¹³ ADF ex-combatants, ADF collaborators and internal sources, former abductees, FARDC, researchers, civil society, diplomatic and MONUSCO sources.

¹⁴ ADF ex-combatants, former abductees, FARDC, researchers, MONUSCO and diplomatic sources.

¹⁵ Ibid. See also statements by the President of Uganda, Yoweri Museveni, of 18 June and 14 July 2023.

Internal dynamics of the Allied Democratic Forces

19. Multiple sources reported growing internal tensions within ADF, notably between the central leadership and ADF commanders based in Mwalika, North Kivu, including commanders Amigo¹⁶ and Abwakasi.¹⁷ The tensions were also reflective of some lines of division between, on the one hand, ADF leaders coming from Uganda, notably historical commanders, and, on the other hand, non-Ugandan leaders such as Bonge la Chuma (S/2022/967, para. 23) and some of the more radical ADF leaders that joined the group more recently.¹⁸ For example, according to sources, including those from inside ADF, the Mpondwe attack in Uganda was planned by ADF commander Abwakasi without prior instruction or approval from sanctioned individual Musa Baluku (CDi.036), the overall leader of ADF.

Allied Democratic Forces networks

20. The Group continued investigating ADF collaborator networks. Two case studies (see annex 11) illustrate the capacity of ADF to mobilize collaborators, even outside their traditional strongholds, notably in South Kivu and in neighbouring countries. Rather than using ideology, ADF mainly recruited and motivated its collaborators in the Democratic Republic of the Congo using money and encouraging them to co-opt new collaborators, thus enabling the constant renewal of their networks.

Indoctrination, sexual slavery, local and cross-border recruitment, including of children

21. ADF continued its recruitment drive, both in the Democratic Republic of the Congo and abroad (S/2021/560, para. 15) and engaged in the systematic exploitation of abducted girls and women as sexual slaves, overseen by commanders, as detailed in annex 12 to the present report.

B. Crisis related to the Mouvement du 23 Mars

Violations of the ceasefire agreement

22. At the time of drafting the present report, all parties to the conflict had breached the ceasefire agreement, which came into effect in March 2023.

23. The Government of the Democratic Republic of the Congo was instrumental in creating the Volontaires pour la défense de la Patrie (VDP) in late September 2023 with the purpose of deflecting accusations of preparing offensive actions in violation of the ceasefire between FARDC and M23 (paras. 37 and 40).

24. The Expanded Joint Verification Mechanism of the International Conference on the Great Lakes Region declared that occupation by M23, on 26 September 2023, of Kanyamahoro hill, located in the neutral zone between the FARDC and M23, constituted a violation of the ceasefire agreement (see annex 13 and S/2023/431, annex 18). In addition, after a Kenyan peacekeeper was killed during clashes in Kanyamahoro, the East African Community Regional Force stated in a press release that “on Tuesday 24 October 2023, the ceasefire agreement between the FARDC and the M23 Armed Group was breached”¹⁹ (see annex 14).

¹⁶ S/2023/431, para. 17.

¹⁷ See notably S/2021/560, annex 4 and S/2023/431, paras. 24–37.

¹⁸ ADF ex-combatants, internal sources, former abductees, FARDC, researchers, civil society and diplomatic sources.

¹⁹ At the time of drafting, M23 and RDF were still present and active in and around Kanyamahoro (see annexes 17 and 32).

25. After several months of relative calm ([S/2023/431](#), paras. 40–46), from early October 2023 onward, fighting between M23 and various armed groups resumed, particularly around Kitchanga, Kibumba and Tongo. On 21 and 22 October, heavy fighting was reported between M23, supported by RDF and FARDC, supported by local armed groups, FDLR, private military companies and the Force de défense nationale du Burundi (FDNB) (paras. 33–51). At the time of drafting, fighting was ongoing along several frontlines, notably at Kanyamahoro-Kibumba-Rusayo in Nyiranongo territory; Kalengera-Tongo-Bwiza and Bambu-Kishishe-Kibirisi-Rwindi in Rutshuru territory; and Kilolirwe-Burungu-Kitchanga in Masisi territory. Heavy casualties were recorded among FARDC, Rwanda Defence Force (RDF) and M23, including several M23 officers (see annex 15).

Mouvement du 23 mars operations with support from the Rwanda Defence Force

Mouvement du 23 mars territorial control

26. The Mouvement du 23 mars remained in control of strategic positions ([S/2023/431](#), paras. 41 and 57), regained lost territory and conquered additional areas, despite significant FARDC reinforcements and its use of proxies (paras. 33–51). For example, M23 launched a counteroffensive and recaptured Kitchanga on 21 October, killing at least 30 FARDC special forces. M23 also reconquered several localities in the Tongo area, Rutshuru territory, and advanced further north, taking control of Bambo on 26 October 2023. At the time of drafting, heavy fighting in Kibumba and its surroundings along the Rwandan border mounted the pressure on Goma.

Training and recruitment

27. The Mouvement du 23 mars further consolidated its military capacity, including through recruitment and training. The armed group organized a 3-month long military “refresher course” in Tshanzu in early May 2023 (para. 77), and trainings in urban combat techniques.²⁰ Surrendered M23 combatants, the M23 military spokesperson and intelligence sources reported that the military objective of M23 was to take control of Kavumu airport, Goma and Bukavu, including through infiltrating the towns. The planned infiltration team was to be led by “Major” Mirindi ([S/2023/431](#), annex 25) and “Colonel” Zairois.²¹ The latter was killed in combat in Kilolirwe (para. 25).

28. From early May to early June 2023, M23 were also trained at the RDF Military Academy in Gako, Rwanda, according to one RDF officer, security and intelligence sources.

Rwanda Defence Force continued support to Mouvement du 23 mars

29. The Government of Rwanda continued to claim that “Rwanda does not support M23 and does not have troops in the Democratic Republic of the Congo” (see annex 16). Yet, the Group of Experts obtained further evidence – including aerial footage and photographic evidence – of direct interventions and troop reinforcements by the RDF on Democratic Republic of the Congo territory, in particular Masisi, Rutshuru and Nyiragongo territories ([S/2023/431](#), paras. 54–61). RDF presence and operations were confirmed by surrendered M23 combatants, former RDF, as well as intelligence, civil society and East African Community Regional Force sources, armed group leaders and combatants and eyewitnesses (see annex 17).

²⁰ Surrendered M23 combatants and intelligence sources.

²¹ Ibid.

30. According to former M23 combatants and intelligence sources, since early October 2023, RDF soldiers from five different battalions were deployed in Nyiragongo, Rutushuru and Masisi territories. RDF and M23 were supported by several combat support and reconnaissance teams totalling 250 former FDLR combatants and operating under the command of the Rwanda Defence Intelligence Department (DID).²² Eyewitnesses, one RDF officer and diplomatic sources informed the Group that several dozen RDF members were wounded and killed following armed group ambushes in Virunga National Park and the bombing of RDF positions by FARDC in Nyiragongo territory. The wounded and killed were evacuated by road to Rwanda.

High-tech weaponry

31. In June 2023, an unexploded 120 mm guided mortar shell was recovered in Murambi, close to Mushaki, Masisi territory, where active fighting, including RDF and M23 presence and operations were documented (S/2023/431, paras. 56–57 and annex 26). On 24 October 2023, remnants of a similar 120 mm guided mortar were recovered 15 metres from the FARDC camp in Kanyamahoro, which had been shelled from hills controlled by RDF the same day (see annex 18).

32. The Group notes that this type of mortar shell, which contains components for laser and global positioning system-measurements and thus provides precision strike capability and high lethality, was not previously documented on Democratic Republic of the Congo territory, neither as part of the FARDC arsenal.

Armed groups used as proxies by the Government of the Democratic Republic of the Congo

33. During the reporting period, the Group of Experts documented the intensified mobilization and use by the Government of the Democratic Republic of the Congo, of armed groups, including FDLR as proxies to fight the M23 and RDF (S/2023/431, paras. 79–85). These are the same armed groups that have been involved in perpetuating the conflict in North Kivu and carried out past attacks against civilians and FARDC (S/2017/672/Rev.1, paras. 52–61, S/2018/531, paras. 70–85)

34. Initially known as the Alliance des Résistants de la Patrie (ARP) (S/2022/967, paras 64–71 and S/2023/431, paras. 75–78), the coalition of armed groups started calling itself Wazalendo since March 2023 (see Summary above). It gained notoriety as additional groups from both North and South Kivu joined (see annex 19 and paras. 83–87).

35. Following the increase in M23 attacks and their territorial expansion from early 2023 (S/2023/431, paras. 40–46), the FARDC started planning operations aimed at “neutralizing the enemy” and “conquering lost positions” (see annex 20). In closed meetings, the military hierarchy also expressed the need to mobilize the Wazalendo against the M23 and RDF.²³ Since June 2023, the FARDC Chief of Army Staff, General Tshiwewe Songesha, coordinated several meetings (S/2023/431, para. 79) with most leaders of armed groups active in the Petit Nord hostile to M23 (see annex 21).

36. In late September 2023, a gathering in Goma of these armed group leaders was called by the newly appointed Governor ad interim and North Kivu Operations Commander, General Peter Nkuba Cirimwami (see annex 22). Sanctioned individuals such as Nduma défense du Congo-Rénové (NDC-R) leader Guidon Shimiray Mwisu (CDi.033) and Forces démocratiques de libération du Rwanda-Forces combattantes

²² Ibid. Ex-M23 combatants.

²³ Sources close to the FARDC command, armed group leaders, FARDC and MONUSCO sources.

abacunguzi (FDLR/FOCA) leaders (see annex 23) also attended, as observed by the Group of Experts. Twenty-one armed group leaders and combatants were airlifted by an FARDC helicopter to attend the meetings.²⁴

37. The FARDC military hierarchy claimed that this gathering was organized within the framework of Demobilization, Disarmament, Community Recovery and Stabilization Programme to sensitize armed groups to disarm.²⁵ However, sources reported that the Programme was a disguise to avoid accusations of committing sanctionable acts or preparing offensive actions in violation of the ceasefire between the FARDC and M23, which came into effect in March 2023.

38. The Group of Experts notes that Demobilization, Disarmament, Community Recovery and Stabilization Programme officials were not present at the meeting. In addition, sources confirmed that de facto the meeting focused on developing a joint FARDC-Wazalendo operational strategy to fight M23 and RDF. The strategy defined the respective areas of responsibility, operations, logistics and weapon supplies of the Wazalendo (para. 39 and [S/2023/431](#), paras. 79–85).²⁶ It also created the VDP, composed of 8,000 Wazalendo combatants, led by Janvier Karairi Boingo of the Alliance des patriotes pour un Congo libre et souverain (APCLS), Dominique Ndaruhutse alias Domi of the Nyatura-Collectif des mouvements pour le changement-Forces de défense du peuple (CMC-FDP) and Guidon Shimiray Mwisa (see annex 24), to serve as a proxy force of FARDC.

39. In early October 2023, a week after the Goma meeting, VDP armed groups launched offensive operations against M23 positions. The North Kivu Governor's office coordinated the VDP operations. VDP and other Wazalendo combatants, sometimes with the FARDC, deployed in Walikale, Nyiragongo, Masisi and Rutshuru territories, including in East African Community Regional Force deployment zones ([S/2023/431](#), paras. 44–46), either to defend strategic positions such as Kibumba and Goma, or to attack and recover M23-controlled areas, such as Kilolirwe, Kirumbu, Kibarizo, Kitchanga and Bwisa. The FARDC provided arms, logistics and cash to VDP leaders and combatants, under the coordination of Colonel Christophe Kenge, Military Territorial Administrator of Masisi and FARDC Colonel Salomon Tokolonga, (see annex 25), in violation of the arms embargo and sanctions regime. VDP combatants, the majority wearing FARDC uniforms, had distinctly coloured arm bands for identification (see annex 26). The Group of Experts documented abuses committed by VDP combatants against civilians in the areas under their control (see para. 54 below).

40. The Group was informed that the use of VDP as a proxy was supported by the highest army officials to secure a military victory over M23 and RDF ahead of the presidential elections.²⁷ Until late October 2023, FARDC claimed to abide by the ceasefire agreement “as requested by the political hierarchy”.²⁸

National defence reserve force

41. The law instituting a national defence reserve force, known as RAD,²⁹ was published in the Official Journal of the Democratic Republic of the Congo in July

²⁴ Ibid.

²⁵ North-Kivu Military Governor Cirimwami, Minister in charge of National Defence and FARDC sources.

²⁶ Sources close to the FARDC command, armed group leaders and combatants, civil society and intelligence sources.

²⁷ Ibid.

²⁸ FARDC sources and sources close to the FARDC command.

²⁹ La Réserve Armée de la Défense de la République démocratique du Congo.

2023.³⁰ Its draft implementation decree, consulted by the Group of Experts, was tabled for discussions with the Government at the time of drafting the present report. The Group noted with concern that the draft decree excludes eligibility for the RAD of only those individuals “convicted” for war crimes, crimes against humanity or genocide. This will not exempt most armed group combatants or leaders, such as Guidon Shimiray Mwisa, Janvier Karahiri and Dominique Ndarurutse, who are notorious for having committed such crimes but have evaded justice.

42. Confusion about the actual legal status of the RAD was exploited by armed groups. Although official registration for the RAD was not launched, several leaders and combatants proclaimed that they were already members of the RAD and cited it to justify their involvement in military operations. The Group was informed that several armed group leaders, including sanctioned individual Guidon Shimiray, were promised key positions within the RAD in exchange for their support in fighting M23.

Burundi National Defence Force support to the Armed Forces of the Democratic Republic of the Congo

43. Sources close to the FARDC command, corroborated by multiple sources,³¹ reported that 1,070 FDNB troops, wearing FARDC uniforms, were covertly deployed since early October 2023 along the Sake-Kitchanga road with the aim of securing Masisi territory against M23 and RDF attacks, together with FARDC and Wazalendo. This deployment was outside the East African Community Regional Force framework.

44. According to the East African Community Regional Force commander, Burundian troops involved in the Masisi area of operations were considered as legitimate forces only if part of East African Community Regional Force. Military headquarters and the Government in Burundi denied FDNB deployment in North Kivu outside the East African Community Regional Force framework (see annex 27). Similarly, the Democratic Republic of the Congo Minister of Defence, Jean-Pierre Bemba, and General Cirimwami told the Group they were unaware of any bilateral FDNB-FARDC cooperation in Petit Nord (see annex 28). However, according to sources close to FARDC command, FARDC and armed group sources, Cirimwami ordered and commanded FDNB deployment upon instruction of his military hierarchy. M23 and Rwandan officials denounced FDNB deployment outside the East African Community Regional Force framework (see annex 29).

45. Starting from 21 September, FDNB troops were airlifted from Bujumbura to Goma by FARDC aircraft containing FARDC uniforms and equipment (see annex 30), and deployed in and around Minova, in South Kivu ([S/2023/431](#), para. 42).³²

46. On 7 October 2023, two FDNB companies deployed from Minova to Kabati, several kilometres east of Kitchanga.³³ On 16 October 2023, at the FARDC’s request, the private military company Congo Protection transported six trucks of FDNB troops wearing FARDC uniforms to Kitchanga.³⁴ FDNB deployment continued until at least 20 October 2023. FDNB troops, alongside FARDC and Wazalendo, were subsequently involved in clashes with M23 around Kitchanga and Kilolirwe.³⁵

³⁰ See [S/2023/431](#), Annex 51.

³¹ Security and intelligence sources, researchers and sources close to the FARDC command.

³² Security and intelligence sources, sources close to FARDC command.

³³ Intelligence, security and FARDC sources, armed group combatants.

³⁴ Ibid. Sources close to the FARDC command.

³⁵ Armed group leaders, security, FARDC and civil society sources.

Private military companies tactical support to the Armed Forces of the Democratic Republic of the Congo counteroffensive

47. Two private military companies, Agemira RDC and Congo Protection, intensified their strategic and tactical support to the FARDC counteroffensive against the M23 and RDF in Petit Nord (see annex 31 and [S/2023/431](#), paras. 41, 47 and 48).

48. Besides training and instructing FARDC units ([S/2023/431](#), annex 23), Congo Protection supervised artillery strikes against M23 and RDF positions, ordered by FARDC upon strategic advice by Agemira RDC. For example, on 6 October 2023, following the 120 mm mortar shell strikes on an FARDC position at Kanyamahoro, FARDC launched 27 82-mm and ten 120 mm mortar shells on a mixed M23-RDF position (annex 32).

49. FARDC hierarchy and Agemira RDC requested the deployment of Congo Protection in combat zones such as Kitchanga and Rwindi. After a reconnaissance mission, this was refused by the Congo Protection leadership.³⁶ Congo Protection instead agreed to transport FARDC Special Forces and FDNB to Kitchanga and surroundings. Since August 2023, 80 Congo Protection personnel were deployed to protect Kavumu airport, Bukavu, against an expected M23 attack.

50. The refurbishing by Agemira RDC of FARDC military air assets allowed for targeted air operations against M23 and RDF positions. For example, on 28 October 2023, with the support of Agemira RDC, the FARDC planned and executed air strikes using a SukhoiSu-25 aircraft. It dropped two 250 kg and two 500 kg bombs and 57 mm rockets on a mixed M23-RDF position along the Rutshuru-Bunagana national road close to Kibumba (see annex 33).

51. Agemira's leadership also provided strategic support to the planning and command of FARDC operations in Petit Nord, conducted real time ground reconnaissance, planned weapon supplies, FARDC training and logistics in view of these operations.³⁷

C. Incitement to hostility and violence

52. The proliferation of hate speech and incitement to violence, particularly against Rwandophone populations ([S/2022/967](#), paras. 72–77 and [S/2023/431](#), paras. 98–103), continued.

53. Justin Bitakwira,³⁸ Member of the National Assembly, continued engaging in hate speech, using exclusionary language, encouraging discrimination and hostility towards the Tutsi and Banyamulenge communities ([S/2021/560](#) para. 154, [S/2022/967](#), para. 73), notably during an interview aired on YouTube on 6 July 2023 (see annex 34). On 20 July 2023, Bitakwira was summoned by the public prosecutor's office at the Cour de cassation and questioned on his usage of "tribal language" against the Tutsi community (see annex 35).³⁹ The authorities did not pursue legal action against Bitakwira.

54. In the context of renewed fighting in Petit Nord from early October 2023, belligerent rhetoric targeting the Tutsi community, perceived to collectively support M23 ([S/2023/431](#), paras. 100 and 101), resurfaced. In the aftermath of the 4 and 5 October VDP takeover of Kitchanga, the Tutsi community living in the area⁴⁰ once

³⁶ Private military companies, FARDC, security and government sources.

³⁷ Ibid.

³⁸ Justin Bitakwira is under EU sanctions for propagating hate speech.

³⁹ Justin Bitakwira statement on 20 July 2023.

⁴⁰ In villages such as Nturo, Kilorirwe, Burnugu, Kitchanga, Kabarekasha.

again fled (see annex 36) and houses belonging to Tutsi were destroyed.⁴¹ A disabled elderly man was brutally murdered in his house in Burungu because he was Tutsi⁴² and the village of Nturo was burned down by the VDP under the pretext that the Tutsi harboured M23 elements (see annex 37).

D. Massacre of unarmed demonstrators by the Republican Guard

55. The mystic-religious sect Foi Naturelle Judaïque Messianique vers les Nations (FNJMN) planned a demonstration on 30 August 2023 against MONUSCO and certain United Nations agencies.⁴³ Unsubstantiated information in military files that the sect was infiltrated by M23 elements led to a brutal attack against the members of the sect by the special forces of the Republican Guard, who killed over 57 unarmed civilians on 30 August 2023. For a detailed description of the incident see annex 38.

56. The military justice initiated in flagrante delicto criminal proceedings against two Republican Guard officers, Colonel Mikombe Mike, commander of the joint Republican Guard military command (*commandant interarmées*) in North Kivu, and Lieutenant-Colonel Bawili Donatien, commander of the Republican Guard 19th Regiment Special Unit, also known as the “Hiboux”, and four soldiers. In early October, the military court sentenced Colonel Mikombe to death while acquitting Lieutenant-Colonel Bawili of all charges. The Group of Experts’ investigations based on video and eyewitness testimonies confirmed that both officers were present at the scene of the crime.

57. Further inquiries into orders given by the high command of the Republican Guard were not conducted by the Military Prosecutor, including into the role of Major General Ephraïm Kabi, Commander of the Republican Guard. Inquiries into other potential suspects, identified by the Group on video evidence available, were also not pursued (see annex 39).

58. The Group of Experts notes that the Hiboux Special Unit of the Republican Guard that was involved in the massacre remained engaged in combat in North Kivu against the M23, at time of drafting.

E. Collapse of due diligence in the tin, tantalum and tungsten sector in Rubaya

59. During the period under review, due diligence was seriously compromised at the two existing mining exploitation permits in Rubaya, notably PE4731 and PE76, owing to the widespread interference of armed groups and other criminal networks in the exploitation and trade of tin, tantalum and tungsten (see annex 40).

Armed groups in Rubaya

60. In September 2023, the Group of Experts observed that combatants of the Wazalendo coalition, the majority of whom were wearing FARDC uniforms, were in control of the Rubaya area, roaming freely and controlling checkpoints where they taxed civilians.

61. Wazalendo combatants of the armed groups Nyatura Abazungu (ANCDH) and Coalition des patriotes résistants congolais-Force de Frappe (PARECO-FF), among others, were involved in mining activities at PE4731 and PE76. Miners, civil society

⁴¹ MONUSCO, civil society and humanitarian sources.

⁴² Civil society, MONUSCO and humanitarian sources.

⁴³ MONUSCO, FARDC, civil society and witnesses.

and other sources⁴⁴ reported the activities of the Wazalendo combatants in several mining sites located within PE4731, including D4 Gakombe, Luwowo, Bundjali, Koyi, D2 Bibitama, D3 Bibitama and D2 Mataba. The same sources mentioned the growing involvement of PARECO-FF combatants in Bihula, a mining site located at PE76. PARECO-FF has controlled the area since June 2023, when the combatants left the PE4731 site following disagreements between its leader, Sendugu Museveni, and two Nyatura leaders, “Generals” Mahoro and Mutayombwa, mainly over revenue-sharing from taxation.

62. Since May 2023, the Wazalendo requested each group of 2–5 diggers, known as *kinamba*, to pay 10,000 Congolese Francs (\$4) per day to be granted access to the mines, and for their “security”. Local sources estimated that a minimum of 100 diggers worked at each of these sites, generating an estimated \$15,000 to \$20,000 per month for the armed groups. Traders and pit managers were also required to pay \$100 to \$150 per month in addition to the \$40 to be paid when pits were in operation.⁴⁵

63. Wazalendo combatants, some former miners, forcibly accessed minerals. For example, Nyatura “General” Mutayombwa demanded part of the production from diggers at Gakombe site.⁴⁶

64. The Group of Experts observed civilians welcoming the presence of the Wazalendo in Rubaya area. Collaboration between Wazalendo combatants and government authorities was also widely reported. For example, sources and eyewitnesses reported joint Wazalendo-FARDC night patrols and the presence of Wazalendo leaders and combatants at security meetings in Rubaya organized by the representative of the military Governor, Selkali Biame.

65. Mining administration representatives were absent from the sites that were controlled by armed groups. The Group of Experts notes that this violates its recommendations on guidelines for due diligence endorsed by the Security Council.⁴⁷

Mining activities breaching the regulatory framework

66. On 15 June 2023, provincial authorities reiterated the ban on all mining activities in PE4731 mining sites (S/2023/431, paras. 91–97). Yet, mining activities and transport of minerals from PE4731 sites to Rubaya centre continued, as observed by the Group of Experts in September 2023.

67. The production from PE4731 sites was either smuggled to Rwanda or laundered into the official supply chain using the International Tin Association Tin Supply Chain Initiative tags for minerals produced in PE76, where mining activities were still authorized (see annex 41).⁴⁸

68. Mineral transporters working at Rubaya reported that the route for the fraudulent smuggling of minerals to South Kivu, increasingly used since M23 occupied Mushaki (see S/2023/431, para. 97), was gradually abandoned in favour of comptoirs based in Goma, which again became a transit point for smuggling to Rwanda (S/2021/560, para. 74).

⁴⁴ Civil society sources and miners.

⁴⁵ Civil society sources, miners and economic actors.

⁴⁶ Three miners.

⁴⁷ <https://www.un.org/securitycouncil/sanctions/1533/due-diligence-guidelines>.

⁴⁸ Miners and intermediaries working for *négociants*, civil society actors, mining administration officials.

Ownership disputes in Rubaya

69. On 14 July 2023, the Ministry of Mines stripped the Société Minière de Bisunzu (SMB)⁴⁹ of its mining permit on PE4731, giving it 30 days to appeal (see annex 42). SMB appealed but did not receive a reply at the time of drafting.

70. According to officials within the mining administration and government sources, the Government was unwilling to reverse its decision of stripping SMB of its permit, as it preferred granting PE4731 and PE76 permits to companies belonging to certain politically exposed persons and Primera Mining Limited, a public-private joint venture and partnership between the United Arab Emirates and the Democratic Republic of the Congo. Certain government officials also invoked long-standing tensions between SMB and Coopérative des Exploitants Artisanaux Miniers du Masisi (see annex 43), to privilege Primera Mining over SMB.

71. On 17 July 2023, the Democratic Republic of the Congo Government, Primera Mining and Société Aurifère du Kivu et du Maniema signed an agreement creating a joint venture for the exploitation of several mining areas, including the one covered by PE76. The agreement was contested by several actors (see annex 44).

IV. Ituri

A. Failed Aru peace initiative and upsurge of violence

72. Initiated in 2022, the Nairobi peace process and several other local peace dialogues which followed and were aimed at halting violence in Ituri, have failed (see annex 45).⁵⁰ Armed group violence has claimed the lives of over 1,100 civilians in Ituri Province since January 2023.⁵¹ Increased fighting around mining and internally displaced persons sites continued to severely impact civilians.

73. The authorities of the Democratic Republic of the Congo, with MONUSCO support, organized another peace dialogue with armed groups active in Ituri Province in Aru, from 25 May to 1 June 2023. Representatives of the armed groups Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO-URDPC), the Front patriotique et intégrationniste du Congo (FPIC), the Front de résistance patriotique de l'Ituri (FRPI) and the Mouvement d'autodéfense populaire de l'Ituri (MAPI) attended.

74. Participants signed a deed of commitment vowing to end hostilities (see annex 46). Zaïre did not attend the Aru gathering, allegedly to protest the creation of MAPI and the general lack of recognition of what they consider to be an ongoing genocide against the Hema community.⁵² Subsequently, Zaïre sought to sabotage the agreement by provoking MAPI and CODECO/URDPC (see annex 47).

75. The commitments made were once again short-lived, as the cycle of provocation and revenge attacks resumed. CODECO/URDPC, FPIC (see annex 48), as well as the non-signatory Zaïre factions continued to acquire weapons, train combatants and launch deadly attacks on FARDC, police, rival armed groups and civilians, such as the attacks on the Lala internally displaced persons site (paras. 78–80).

⁴⁹ The Group received a letter from SMD clarified to the Group that Edouard Mwangachuchu is no longer holding a position within the company.

⁵⁰ See S/2023/431, paras. 104–110.

⁵¹ MONUSCO and humanitarian sources.

⁵² See S/2023/431, paras. 114–116.

B. Consolidation of the central command of the Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais and continued reinforcement of Zaïre

76. CODECO/URDPC remained the most belligerent armed group in Ituri, responsible for most attacks and civilian casualties. Zaïre also remained active and refused to disarm. It continued consolidating its military capacity, including recruiting and training combatants domestically and abroad. For additional information on developments within CODECO/URDPC and Zaïre, see annexes 49 and 50, respectively.⁵³

C. Zaïre links with Mouvement 23 mars

77. Zaïre capitalized on its historical connections with some M23 leaders, by sending combatants to North Kivu for training by M23. For example, commander Logo Marine, one of Zaïre's leaders and former member of the Union des Patriotes Congolais (UPC),⁵⁴ sent 50 Zaïre elements for training by M23 in Bunagana, Democratic Republic of the Congo, between May and June 2023.⁵⁵

D. Attack on internally displaced persons site at Lala

78. During the night of 11 June and early morning of 12 June 2023, CODECO/URDPC combatants attacked the Lala internally displaced persons site located near Bule, primarily inhabited by members of the Hema community. They massacred 46 civilians, half of them children, burned down more than 240 houses and pillaged livestock.⁵⁶

79. The day prior to the massacre, Zaïre combatants from Bule led by commander Chura had killed five Lendu civilians in Walendu-Djatsi *groupement* and one in Petro, Walendu-Pitsi *groupement*. To avenge those killings, CODECO/URDPC planned a reprisal attack on the IDP site, as some Zaïre combatants led by Chura retreated inside the Lala camp, mingling with IDPs.⁵⁷ In a coordinated effort, CODECO/URDPC combatants converged from several directions, notably from Petro, Gokpa and Djanda in the Walendu-Djatsi to attack the internally displaced persons site (see annex 51).

80. Prior to the massacre, the internally displaced persons community had been voicing fear that a large-scale reprisal attack by CODECO/URDPC was imminent, as sporadic killings of internally displaced persons commuting in the area were regularly reported, together with the killing of Lendu civilians by Zaïre elements.⁵⁸

Breach of the humanitarian character of internally displaced persons sites

81. Multiple sources reported the presence, in and around internally displaced persons camps in Bule, including at Lala, of armed Zaïre combatants led by Chura, officially the leader of the Hema youth in Bule.⁵⁹ Allegedly, their aim was to defend internally

⁵³ MONUSCO, intelligence, humanitarian sources and civil society sources, researchers. See also [S/2023/431](#), paras. 114–116.

⁵⁴ See [S/2022/479](#), para. 103.

⁵⁵ Armed groups leaders, former M23 combatants, security and civil society sources.

⁵⁶ FARDC, intelligence, civil society, researchers, humanitarian and MONUSCO sources.

⁵⁷ FARDC, intelligence, civil society, researchers, humanitarian, MONUSCO sources and eyewitnesses.

⁵⁸ FARDC, intelligence, local and MONUSCO sources and researchers.

⁵⁹ Intelligence sources, Zaïre and CODECO combatants and eyewitnesses.

displaced persons sites around Bule, notably the Plaine Savo ([S/2022/479](#), paras. 90–93) and Lala sites. However, combatants were regularly seen with firearms and bladed weapons not only around but also within the sites, thus violating their civilian-humanitarian character and prompting retaliatory attacks by CODECO/URDPC. The local community denied the presence of armed Zaïre combatants at the internally displaced persons sites, fearing punishments and/or because they relied on them for protection.⁶⁰

82. The Group is concerned that the civilian and humanitarian character of internally displaced persons sites in Djugu territory⁶¹ is increasingly compromised by the presence of armed combatants and the proximity of armed activities, resulting in massive loss of life and livelihoods among the internally displaced persons through repeated attacks directed against them ([S/2022/479](#), paras. 87–93), and adversely affecting humanitarian actors.

V. South Kivu

A. Impact of the Mouvement 23 mars-related crisis on armed groups dynamics

83. The M23 crisis continued to foster the reactivation of armed groups in Kalehe, Kabare and Shabunda, the northern territories of South Kivu, during the reporting period ([S/2023/431](#), annex 73). These groups, mainly Raia Mutomboki factions and Nyatura groups, took advantage of the M23 crisis to remobilise and intensify their respective activities (see annex 52).⁶²

84. In addition, most armed groups in South Kivu also started calling themselves Wazalendo in order to receive support from FARDC and local authorities, and to increase the legitimacy of their actions and better position themselves in view of future negotiations with the Government and possible integration within FARDC or RAD (paras. 34, 41 and 42).⁶³

85. Widespread rumours about M23 and/or RDF infiltrations and operations in South Kivu, some confirmed by the Group of Experts (paras. 88–90), and the ensuing paranoia, sometimes intentionally fed by armed groups themselves (see annex 53), contributed to the proliferation of the Wazalendo phenomenon.

86. However, until recently only few of these armed groups attempted to reach North Kivu to fight against M23 and RDF (para. 34). Rather, they used their newly self-proclaimed Wazalendo status to recruit, expand their area of influence, act as de facto authorities and boost their criminal activities.⁶⁴ The latter included exploitation of natural resources and numerous attacks and abuses against the population, including sexual violence, child recruitment, killings and mistreatment of civilians, kidnappings for ransom, extortion and illegal taxation of the population. Confrontations between armed groups were also frequent.⁶⁵ The weakness or absence of State authorities, notably of security services throughout South Kivu, including because of FARDC focus on fighting M23 in North Kivu, exacerbated this situation.

⁶⁰ Ibid.

⁶¹ Including Pleine Savo and Rhoe, IDP sites around Bule, Drodro and Blukwa.

⁶² FARDC, security, intelligence, researcher, civil society and MONUSCO sources.

⁶³ Wazalendo leader, FARDC, local authorities, security, intelligence, researchers, civil society and MONUSCO sources.

⁶⁴ Ibid.

⁶⁵ Ibid.

The upcoming elections and the planned withdrawal by MONUSCO from South Kivu is likely to worsen the situation in South Kivu.

87. In October 2023, hundreds of combatants of the Force d'Autodéfense Biloze Bishambuke (FABB) were blocked in Baraka as they attempted to join the Wazalendo in North Kivu.⁶⁶ In October and early November, hundreds of Raia Mutomboki combatants went to North Kivu, sometimes transported by vehicles provided by local authorities.⁶⁷ FABB and Raia Mutomboki coordinated with Wazalendo group leaders in North Kivu, such as Janvier Karahiri and Guidon Shimiray Mwisu, as well as with military and provincial authorities to authorize and facilitate their movements (see annex 54).⁶⁸

B. Twirwaneho and Mouvement 23 mars collaboration

88. The Group of Experts documented collaboration between Twirwaneho and M23. Multiple sources, including M23 and Twirwaneho ex-combatants and individuals close to both groups, corroborated that the leadership of both groups, in particular Charles Sematama (S/2023/431, para. 143) for Twirwaneho and sanctioned individual Sultani Makenga (CDi.008) for M23, were in regular contact.

89. Twirwaneho commander “colonel” Thomas Ndori confirmed the links between the two groups in an audio message leaked in June 2023, authenticated by the Group. “Colonel” Ndori asserted that “there is no difference between us”, and that Twirwaneho was expecting the arrival of mixed troops, including Banyamulenge combatants coming from Masisi led by a colonel who would bring weapons and ammunition. The colonel was Moïse Byinshi Gakunzi,⁶⁹ a Munyamulenge FARDC deserter, considered as one of the instrumental links between the two groups since he joined M23 in March 2023 (S/2023/431, para. 145). The audio led to Ndori’s arrest by Twirwaneho leadership for several months.⁷⁰

90. Regional recruitment of Banyamulenge youth for use by M23, with the support of individuals close to Twirwaneho, continued. Some of these new recruits were recently killed in combat in Rutshuru and Masisi territories (S/2023/431, paras. 146–149).⁷¹ In addition, several sources reported that Twirwaneho and M23 representatives participated in several trainings and meetings organized in several locations in Rwanda and in Tshanzu, Rutshuru territory, from May 2023 onward (para. 28).⁷² Twirwaneho coordinator Kamasa Ndakize (S/2021/560, annex 95) was consistently cited as one of the Twirwaneho representatives who participated in a meeting in mid-2023 to discuss coordination between M23 and Twirwaneho, and possible operations against FARDC in South Kivu.⁷³

⁶⁶ Wazalendo leaders and FARDC.

⁶⁷ Researcher, civil society and security sources.

⁶⁸ Wazalendo leaders, FARDC, security, civil society and MONUSCO sources.

⁶⁹ Twirwaneho ex-combatants, security, intelligence, researcher and civil society sources.

⁷⁰ Twirwaneho ex-combatants, researcher, security and civil society sources.

⁷¹ Ibid.

⁷² Twirwaneho and M23 ex-combatants, intelligence, security and civil society and MONUSCO sources.

⁷³ Twirwaneho ex-combatants, intelligence, security and civil society and MONUSCO sources.

C. Developments in Bukavu gold trading hub

Primera Gold DRC

91. Since the Group of Experts' previous report ([S/2023/431](#)), Primera Gold DRC continued to boost official gold exports from the Democratic Republic of the Congo. It exported more than 4 tons of gold between January and October 2023. Primera informed the Group that more than 90 per cent of the transactions were carried out through bank channels, guaranteeing financial traceability. However, the Group identified shortcomings in Primera's due diligence obligations.

De facto monopoly

92. Primera's institutionalized advantages, tax benefits, and *de facto* monopoly on official Democratic Republic of the Congo gold exports ([S/2023/431](#), para. 172) have been criticized by multiple actors.⁷⁴

93. Political voices, such as national MP Alfred Maisha (see also para. 71 above), spoke out publicly against the exclusivity granted to Primera. While Primera paid the single tax of 0.25 per cent of the value of the goods to be exported, other exporters paid over six per cent, prompting discontent among economic actors. The Government of the Democratic Republic of the Congo rebutted such criticisms (see annex 55).

94. Primera's *de facto* monopoly resulted in some of its managers and buyers adopting a privileged posture in defiance of the Democratic Republic of the Congo mining authorities. Several mining officials informed the Group of Experts that they were hampered in their work, fearing reprisals by Primera representatives. For example, on 14 August 2023, a Primera manager reprimanded a mining officer from Fizi territory who had arrested an individual suspected of transporting illegal gold. Regarding this incident, Primera told the Group that its director intervened in order to protest against an illegal checkpoint. This is contradicted by the Group's findings (see annex 56) which note that such incidents hamper the fight against gold smuggling.

The compromised origin of gold

95. The Group of Experts identified a series of deficiencies in Primera's supply sources and communicated them to the company. First, Primera can only purchase and export artisanally-mined gold unless the company obtains an exemption to buy elsewhere.⁷⁵ However, according to the information received by the Group of Experts, there is a serious risk that Primera did not comply with this requirement in its business relationship with Tanganyika Gold (see annex 57).

96. The second deficiency related to Primera's lack of transparency in the origin of gold purchased at several sites. One of Primera's main suppliers, Regimalic, which sold the equivalent of nearly \$6 million in January and February 2023 to Primera, did not specify the origin of the gold in documents consulted by the Group. Other suppliers, including Coopérative Minière de Kimbi, similarly failed to specify the origin of gold sold to Primera. Several sources reported that these suppliers obtained most gold from mining sites in Fizi territory, an area controlled by Mai Mai Yakutumba. In response to the Group's concerns, Primera reported that the gold originated from validated sites.

⁷⁴ Mining administration, civil society sources, economic and political actors.

⁷⁵ As confirmed by Primera to the Group of Experts.

97. Similarly, the Group of Experts confirmed that on several occasions, Primera purchased gold sourced illegally by Coopérative Minière Emmanuel du Kivu (COOPEMEK) in Lugushwa sites located at Wamuzimu, Mwenga territory. The Group obtained a letter from a mining authority stating that mining by COOPEMEK in that area was illegal (see annex 58). In October 2023, Primera informed the Group that it was in negotiations with the site's owners.

Continued gold smuggling with foreign funds

98. Primera Gold's activities did not significantly curb gold smuggling in the region as intended by the original agreement. The négociants and comptoirs (buyers and trading houses) sold only 50 per cent of collected gold to Primera; an estimated 50 per cent of collected gold was exported through smuggling routes.⁷⁶

99. Négociants and comptoirs preferred not to sell to Primera because they preferred retaining cash, whereas Primera banked its payments, which were further burdened by bank taxes on transactions. Primera also offered a lower price compared with the black market. Primera provided additional background on this aspect (see annex 59).

100. Smuggling continued to thrive, as economic actors involved in gold trade continued receiving substantial pre-financing from abroad. The Group of Experts had access to the accounts of several Bukavu-based comptoirs and noted, for example, that between 3 January and 26 April 2023, comptoir SOCREAT received more than \$14 million from Kigali-based networks, and \$26 million from Dubai-based individuals. Comptoir Namukaya received more than \$23 million from Kigali-based networks between 14 November 2022 and 7 March 2023. Most such transfers escaped the official banking channels, limiting their traceability.

Update on Congo Gold Raffinerie

101. The Congo Gold Raffinerie was expected to start operations in 2022 (S/2022/479, para. 178). The latest developments point to a halt in the refinery's activities (see annex 60).

VI. Recommendations

102. The Group of Experts makes the recommendations set out below.

Government of the Democratic Republic of the Congo

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

- (a) Provide information to the Group of Experts on weapons and ammunition recovered on the battlefield and/or seized from surrendered/captured combatants to allow proper tracing of the origin of the arms (see paras. 30, 31 and 32 above);
- (b) Immediately halt the use of armed groups as proxies, and their supply with weaponry, and urge armed groups to abide by the Disarmament, Demobilization, Community Recovery and Stabilization Programme (see paras. 33–42 above);
- (c) Initiate a vetting and selection process for recruitment within the ranks of the Congolese security forces, including the RAD, and ensure that armed group combatants and leaders suspected of having committed international crimes or serious human rights abuses are excluded from recruitment (see paras. 41 and 42 above);

⁷⁶ Bukavu-based economic actors and sources familiar with the issue.

(d) Investigate and prosecute individuals supporting armed groups involved in illegal mining at Rubaya (see para. 70 above);

(e) Work with transit and destination countries of minerals originating from Rubaya, to align the supply chain with the Group's due diligence guidelines (see paras. 60–65 above).

Government of the Democratic Republic of the Congo and the Security Council

104. The Group of Experts recommends that the Government of the Democratic Republic of the Congo and the Security Council maintain a human rights and analytical capacity of MONUSCO in South Kivu, and a projection capacity in case of violations that could threaten stability in South Kivu (see para. 86 above).

Government of the Democratic Republic of the Congo, with the support of United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and other international partners

105. The Group of Experts recommends that the Government of the Democratic Republic of the Congo, with the support of MONUSCO and other international partners:

(a) Strengthen the means of judicial and intelligence services involved in investigating and dismantling ADF networks (see paras. 15–20 above);

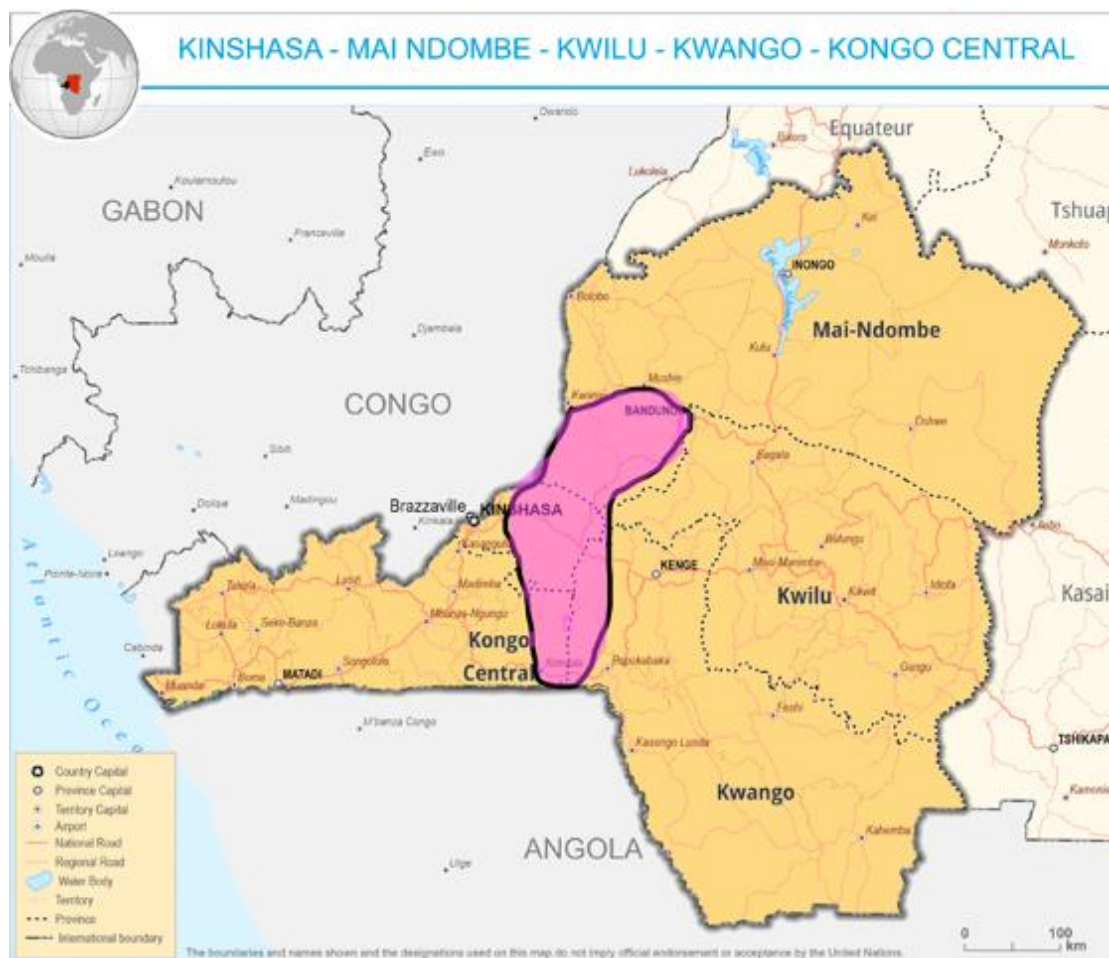
(b) Develop comprehensive guidelines on integrating international humanitarian law into all military instruction programmes and into all aspects of military decision-making (see paras. 55–58 above);

(c) Improve measures aimed at safeguarding the civil and humanitarian character of sites hosting internally displaced persons (see paras. 78–82 above).

Annex 1 (para. 7)

Map of the five provinces affected by the conflict that originated in Kwamouth, Mai-Ndombe province**Carte des cinq provinces touchées par le conflit qui a commencé à Kwamouth, dans la province de Mai-Ndombe**

Throughout 2023, the conflict that originated in the **Mai-Ndombe** province in 2022 expanded into the neighbouring provinces of **Kwilu**, **Kwango**, **Kinshasa**, and **Kongo Central**.



Map of the Democratic Republic of Congo, showing the western provinces of Kongo Central, Kinshasa, Kwango, Kwilu and Mai-Ndombe.

The approximate demarcation of the area affected by the conflict is indicated in pink color and has been added by the Group of Experts

Map provided by MONUSCO

Annex 2 (para. 8)**Conflict fueled by economic and political interests****Le conflit alimenté par des intérêts économiques et politiques****Disagreements over the payment of customary taxes and land ownership**

As previously reported (see [S/2023/431](#), paras. 9-10), the spark that ignited the conflict in Mai-Ndombe province around May 2022 was a disagreement over a customary tax on agricultural products imposed by the so-called “native” Teke community (considered as the customary landowners) who settled in the area⁷⁷ before the “non-native” communities, in majority the Yaka, but also the Suku, Mbala and Songe (originally from the Kwango and Kwilu provinces), who came to work as farmers on the fertile lands of the Bateke Plateau over five decades ago. The farmers “rented” the land from the Teke chiefs in exchange for the payment of this customary tax. Until recently, the communities lived in harmony and the various communities inter-married.⁷⁸

According to local sources and researchers, the first disagreements arose already in 2021 and escalated in early 2022 when “non-native” communities refused to pay the increased tax. The Teke tried to forcefully recover the tax payments, supported by some local members of the Congolese National Police (PNC) and FARDC elements,⁷⁹ and the Teke chiefs began asking farmers who did not want to pay to leave their lands.⁸⁰ The Yaka, in turn, presented a letter purportedly issued by the Ministry of the Interior, Security, Decentralization and Customary Affairs, which would have exempted its holders from the payment of customary taxes. This letter was not signed by the Minister, and it has since been proven to be fake.⁸¹ Nevertheless, the letter created a climate of mistrust between the Teke and the other communities.

The violence started on 9 June 2022 in the village of Masia-Mbe, in the Bateke Sud sector of Mai Ndombe, where a Yaka farmer was injured during the collection of the taxes on behalf of Teke customary chief. In revenge, farmers attacked the chief’s brother, who shot a farmer from Kwilu in self-defence. In retaliation, Yaka farmers set houses on fire and the villagers fled.⁸²

Emboldened by the lack of resistance of the villagers, who preferred abandoning their village rather than facing more violence, the Yaka farmers began inciting others to refuse the payment of taxes. The issue of tax payments soon morphed into a land issue, with farmers - mainly Yaka - beginning to claim the lands owned by the Teke. Another complaint of the Yaka farmers was that the landowners – generally the Teke – had been selling off the land to rich investors, although that land already belonged to the Yaka. Several sources reported that Yaka and other “non-native” farmers began organizing gatherings and inciting members of their community to claim that in the past, Kwamouth in Mai Ndombe province used to belong to the Yaka.⁸³

⁷⁷ A vast area called the Bateke Plateaux, named after the Teke people. The Bateke Plateaux spans three countries, notably Gabon, Republic of Congo and DRC. The area referred to as Bateke Plateau in the DRC stretches from the commune of Maluku in Kinshasa province to the Mai-Ndombe and the Kwango river.

⁷⁸ Local sources, researchers, UN sources, civil society, open-source research.

⁷⁹ Ibid.

⁸⁰ A provincial member of parliament, researchers, civil society.

⁸¹ Local sources, researchers, civil society. See also <https://congovirtuel.com/information/rdc-kwamouth-une-fausse-correspondance-a-la-base-du-conflit-entre-teke-et-yaka/?amp=1>

⁸² Local sources, researchers, civil society. See also <https://ouragan.cd/2022/10/kwamouth-huit-8-lecons-et-sept-7-recommandations-de-fridolin-ambongo>

⁸³ MONUSCO and civil society, sources, local notables, researchers.

Subsequently, attacks on Teke villages, notably along the RN17 road, began multiplying.⁸⁴ Reports began emerging that the non-Teke farmers began to organize, arm, and incite other members of their community to join their group, with the intention of forcefully driving out all the Teke from their lands.⁸⁵

Thereafter, incidents of Teke attacking Yaka and vice-versa have multiplied.

According to several members of the Teke community interviewed by the Group, the Yaka realized that killing Teke village chiefs would lead to members of these chiefs' community leaving the village, without much resistance, thus allowing the Yaka to occupy the farms and lay claim to their ownership. According to the same sources, additional proof of the Yaka's intent to appropriate all the lands and chase out the Teke were the burning and destruction of Teke villages, the installation of new Yaka chiefs in the abandoned villages and giving Yaka names to the conquered villages.

Customary power

According to Congolese law, customary chiefs wielded significant institutional and political power. Among their prerogatives recognized by the law were the collection of taxes and the management of the land.⁸⁶

- *The Yaka King or "Kiamvu"*

The Yaka people, descendants of the Lunda Kingdom, lived in the territory south of the Kwango river since the 17th century in the modern-day provinces of Kwilu, Kwango and Kongo Central of the DRC, and the north-western part of Angola.⁸⁷ The traditional king of the Yaka, who carries the title of "Kiamvu", rules over all the Yaka people.⁸⁸

After the death of the last ruling Kiamvu in December 2021,⁸⁹ the title was claimed by Odon Kimona. However, he was accused of being a "fake" Kiamvu,⁹⁰ allegedly having usurped the title with the help of the Suku king, Mini-Kongo.⁹¹

Kiamvu Odon has been widely cited as the instigator of the Teke-Yaka conflict and was accused of being among the founders of the group of Mobondo fighters, with the intention of chasing the Teke off their land (see also annex 4 below). Several local sources reported that since early 2022, Kiamvu Odon began organizing the Yaka and other "non-native" farmers to take up arms and that he was instrumental in unearthing the "mobondo" formula that is believed to have enabled the Yaka to resist the settlers' firearms.⁹² In September 2022, a Teke chief, head of the *Twa groupement* in MaiNdombe province, denounced an annihilation plan devised by the King Kiamvu, i.e. Odon Kimona, with the aim of establishing the hegemony of the Yaka communities throughout the Bateke Plateau. He claimed that the Yaka chief wanted to change the name of the area from "Bateke Plateau" to "Lunda Plateau"⁹³ – with reference to the ancient Lunda Kingdom to which the Yaka belonged.⁹⁴

⁸⁴ MONUSCO sources, local sources, including a member of the provincial parliament, researchers, civil society.

⁸⁵ Local sources, civil society, UN sources, researchers, and a local member of Parliament.

⁸⁶ See the text of the *Loi N° 15/015 du 25 aout 2015 fixant le statut des chefs coutumiers*
<https://leganet.cd/Legislation/Droit%20Public/Administration.ter/Loi.15.015.25.08.2015.html>

⁸⁷ See https://en.wikipedia.org/wiki/Kingdom_of_Lunda

⁸⁸ See <https://lemandat.cd/2022/01/19/programme-dinhumation-du-roi-des-bayaka-ikomba-diwulu-tintin/>

⁸⁹ Idem.

⁹⁰ The Minister of the Interior, Security, Decentralization and Customary Affairs has officially recognized Frederik Inkani of Kasongo-Lunda as the real Kiamvu, King of the Yaka people. See <http://voiceofcongo.net/conflict-teke-yaka-le-vpm-daniel-asele-annonce-la-preparation-de-la-table-ronde-intercommunautaire-entre-les-yaka-et-les-teke>

⁹¹ See <https://congointer.info/2022/09/25/conflict-teke-yaka-le-ministere-de-linterieur-accuse-le-mini-kongo-fabrice-kavabioko-davoir-presente-un-faux-chef-yaka/>, and <https://www.election-net.com/article/rdc-la-cenco-accuse-le-pouvoir-detre-complice-du-conflict-teke-yaka>

⁹² Local sources, civil society sources, researchers, a provincial member of parliament, community leaders.

⁹³ See <https://7sur7.cd/index.php/2022/09/14/mai-ndombe-le-roi-kiamfu-cite-comme-instigateur-du-conflict-teke-yaka> ; and

⁹⁴ See https://en.wikipedia.org/wiki/Kingdom_of_Lunda

A search warrant was issued by the police against Odon Kiamvu for his alleged involvement in the conflict.⁹⁵

- *The Suku King or Mini-Kongo*

The King of the Suku people, allied with the Yaka, is the descendant of the kings who ruled the ancient Kingdom of Kongo, which existed until 1914.⁹⁶ According to the website representing the Kingdom of Mini-Kongo, the King is recognized by the traditional chiefs of the Kwango and Kwilu provinces as their representative at a higher level.⁹⁷ That would include Kiamvu Odon, who rules over the Yaka in the Kwango and Kwilu.

The current King Mini-Kongo, Kavabioko Fabrice Zombi, wields significant political influence in Kinshasa,⁹⁸ including through his aunt Nana Manwanina Kiumba, Minister to the President of the Republic and representative of the Head of State.⁹⁹ Mini-Kongo was personally appointed by the President to lead a commission for the resolution of the conflict in the Mai-Ndombe.¹⁰⁰ However, he was accused of having been an instigator of the conflict and one of the main figureheads of the Mobondo, who allegedly worship him and chant his name. He was cited, alongside the Kiamvu Odon, as the main *fetisheurs* of the fighters.¹⁰¹

The Teke vehemently denounced the nominations of Fabrice Zombi Mini-Kongo, Minister Nana Manwanina and Kiamvu Odon in official reconciliation efforts, accusing them of only representing the interests of the Yaka, Suku and other allied communities.¹⁰²

Fetishism¹⁰³ emboldening fighters

Rituals and fetishism play a central role in the culture of both the Yaka and Suku communities, which are closely related and have lived together for centuries.¹⁰⁴ Both communities believe in the power of fetishes to make them stronger, invisible, and invincible to the enemy.

- *The Suku “Kakuungu” mask*

In June 2022, the Kingdom of Belgium returned to the DRC a traditional Suku mask (the Kakuungu). The mask, revered by both the Suku and the Yaka as having enormous spiritual powers, was ceremonially received by President Tshisekedi.¹⁰⁵ Minister Nana Manwanina, member of the Suku royal family, was instrumental in organizing celebrations for the subsequent visit to the mask by the Suku, on 20 August 2022, represented by King Mini-Kongo, who was accompanied by other traditional chiefs (see images below).

⁹⁵ See <https://actualite.cd/2022/11/25/violences-communautaires-kwamouth-la-police-recherche-6-presumes-auteurs-intellectuels>

⁹⁶ See https://en.wikipedia.org/wiki/Kingdom_of_Kongo

⁹⁷ See the official website of the Kingdom of Mini-Kongo, at <https://minikongu.com/I/le-roi/>.

⁹⁸ Local sources, researchers, civil society, MONUSCO sources.

⁹⁹ See <https://liberteplus.net/2021/04/29/rdc-professeur-nana-manwanina-nouveau-ministre-pres-le-president-de-la-republique-nous-connaissons-ce-que-nous-devons-faire-pour-accompagner-efficacement-le-chef-de-letat-dans-sa-lourde-r/>

¹⁰⁰ See <https://infocongo.net/2023/06/15/envoye-special-de-tshisekedi-dans-les-conflits-de-kwamouth-le-roi-mini-kongo-fabrice-zombi-aux-arrets/>

¹⁰¹ FARDC, MONUSCO sources, local and civil society sources, community leaders, eyewitnesses, video footage .

¹⁰² Members of the Teke community, civil society, researchers, MONUSCO sources. See also <https://www.afriwave.com/2023/05/18/rdc-le-phenomene-milice-mobondo-aux-portes-de-kinshasa-le-role-trouble-de-fabrice-zombi/>, and <https://congovirtuel.com/information/rdc-mai-ndombe-controverse-autour-des-chefs-coutumiers-yakas-recus-a-kinshasa/>

¹⁰³ “Fetishism” is used with the meaning of worship of or belief in magical fetishes, namely objects believed to have supernatural powers, or in particular, a human-made object that has power over others, used in rituals.

¹⁰⁴ According to information on the official website of the Kingdom of Mini-Kongo, at <https://minikongu.com/I/origine/>

¹⁰⁵ See <https://culturecongo.com/tradition-masque-suku-kakuungu-porteur-denormes-vertus-spirituelles/> The mask was most used as an “instrument of terror” by the Suku community, but also by the Yaka and the Nkanu, during circumcision initiation rituals.



King Mini-Kongo (on the left), Minister Nana Manwanina (in the middle) and Prime Minister Sama Lukonde (on the right), during the ceremonial visit of the Suku mask, on 20 August 2022

Source: <https://www.facebook.com/profile/100067140183263/search/?q=masque%20suku>



Screenshot from the official Facebook page of Minister Nana Manwanina, posting about the event organized for the official visit of the Suku mask.

Source: <https://www.facebook.com/profile/100067140183263/search/?q=masque%20suku>

In an interview focusing on the significance of the mask and its return to the Suku people, Minister Nana Manwanina explained the power of fetishes, feared and revered in her culture. She stated that the mask had enormous significance for the social cohesion of the Suku, as even those who were divided gathered around the mask. According to her Suku ancestors, the Minister explained, the mask was designed for war, when the ancient king Mini-Kongo¹⁰⁶ remained alone to confront the white man – the mask gave the power to disappear, alone or in a group, and this is how Mini-Kongo was able to resist the colonizers. It was also used in rituals (circumcision, initiation) and to help heal the wounds quickly. Minister Nana emphasized that the Suku firmly believe in this story. She added that the Suku were a forgotten people, neglected and little known, but when the President Tshisekedi worked to bring back the Suku mask, it gave power back to the Suku people, like in the story of the lost child.¹⁰⁷



Screenshot from the interview posted online with Minister Nana Manwanina, where she talked about the significance of the Suku mask and the power of *fetisheurs*

Source: <https://www.youtube.com/live/V0DaHMZSmgs?si=-YgmHLNU98yE3rA9>, streamed live on 2 September 2022

¹⁰⁶ In the Suku tradition, since the 5th century, every Suku king takes the royal title “Mini-Kongo” (or formerly Meni-Kongo), which means “Congo is me”. See <https://minikongu.com/l/origine/>

¹⁰⁷ See <https://www.youtube.com/live/V0DaHMZSmgs?si=-YgmHLNU98yE3rA9>

Annex 3 (para 9)

Humanitarian crisis in provinces affected by the conflict

Crise humanitaire dans les provinces touchées par le conflit

According to humanitarian sources, at least 160,000 persons, including more than 55,000 children, have reportedly been displaced, including over 60 percent of the population in the territory of Kamouth.¹⁰⁸

Gathering accurate data on the displaced and returnees, as well as the number of casualties and the extent of destruction, remained a major challenge as reported by humanitarian agencies, due to extremely limited access to the conflict areas. A significant part of the population fled into the forests or farms in remote areas, and many have taken refuge with host families in larger cities, including in Kwamouth city, Bandundu, Kinshasa and Kikwit.¹⁰⁹

Humanitarian sources and members of the affected communities reported that displaced population was affected by famine, as local agricultural activities have been suspended for more than two harvest seasons, and the distribution of humanitarian aid was insufficient.

The prevailing insecurity and the large-scale destruction of schools has prevented displaced children from attending school or participating in school exams.¹¹⁰

¹⁰⁸ Humanitarian and MONUSCO sources, civil society.

¹⁰⁹ Humanitarian sources, civil society, researchers, local sources, and MONUSCO sources.

¹¹⁰ Idem.

Annex 4 (para. 11)

The organisation and *modus operandi* of the Mobondo

L'organisation et le mode opératoire des Mobondo

The “Mobondo” emerged in mid-2022, organized around the self-proclaimed Yaka king, Odon Nkumbu, who carries the title of “Kiamvu” (see above annex X). The police issued search warrants on Odon Kiamvu and against five other suspects, including the individuals known as Cobra and Saddam, for their alleged leadership of “Mobondo”.¹¹¹ Odon Kiamvu was accused by the Teke of aiming to establish the hegemony of the Yaka communities throughout the Bateke Plateau, by chasing the Teke out of their land.¹¹²

The Kiamvu is also the spiritual chief (*feticheur*) of the Yaka, with the prerogative of administering fetishist rituals called “bondo” to fighters.¹¹³ The Yaka and the Suku believe in the ancestral power of fetishes that can render them invisible to the enemy and immune to bullets.¹¹⁴ Kiamvu Odon was accused of having been instrumental in reviving the powerful Mobondo formula that enabled the Yaka to resist the settlers' firearms (see annex 2 above, regarding the importance of fetishism).

In a video circulating on social media, a Mobondo fighter explained the significance of fetishes, what they are and how they are administered, and that it is the Kiamvu and Mini-Kongo who make them perform those rituals before going to fight. He said that the fetishes make them invisible (“if you see me as one person, we are in fact 100”), and insensitive (“you no longer have a heart – and then you start cutting”). He explained that the Kiamvu takes them to the cemeteries for rituals - he depicted with hand gestures some of the rituals, how they sleep in the cemeteries - and when they come out of the cemeteries, no one can catch them.

The Mobondo fighter also explained that they kill because their land is “sold off jokingly”, whereas that land belongs to the Mobondo – so they kill “them” (the Teke) to bring peace to the village.



Screenshot from video where Mobondo fighters explain the fetishist rituals given to them by the Kianvu and Mini-Kongo before going into battle

Source: <https://www.facebook.com/100090430952899/videos/2432117686953462/?mibextid=rS40aB7S9Ucbxw6v>

¹¹¹ FARDC, MONUSCO, researchers, community leaders, civil society sources.

¹¹² Civil society, researchers, and local sources. See also <https://sur7.cd/index.php/2022/09/14/mai-ndombe-le-roi-kiamfu-cite-comme-instigateur-du-conflit-teke-yaka>.

¹¹³ FARDC, MONUSCO, researchers, community leaders, civil society sources.

¹¹⁴ Idem.

Mobondo organisation and recruitment

Throughout 2023, the Mobondo continued to grow in numbers and expand geographically. Since August 2023, the Mobondo controlled a vast territory, including over half of Kwamouth territory (the Bateke Sud *groupement*) and Bandundu territory in the north, westwards to the periphery of Maluku commune of Kinshasa, and southwards to the vicinity of Kimvula and Popokabaka in Kongo Central.¹¹⁵ FARDC controlled the river coastline from Kwamouth to Bandundu, and patrolled the national roads RN17 and RN1, but the rest of Kwamouth territory was entirely under Mobondo control. Mobondo also controlled the area of Mongata and Mbakana,¹¹⁶ a key junction between the RN1 and RN17 linking several provinces in the area.

At the time of drafting, the Mobondo had various bases, each with a commander. They occupied abandoned farms where they gathered and planned attacks. They executed military-like attacks and withdrew once their goal was achieved. They allegedly established lists of targets, notably of villages, chiefs and farms they intended to attack.¹¹⁷ However, it was yet unclear whether the Mobondo was a hierarchically structured, homogenous group, or rather a coalition of like-minded gangs without a central command.

The Mobondo have become more organized and gradually increased their military capabilities by attacking FARDC and police elements, stealing weapons and ammunition. Initially, they were armed with machetes and 12-calibre hunting rifles, but the Mobondo's current arsenal includes AK-type assault rifles, PKM machine guns and grenade launchers.¹¹⁸ They sold part of the looted goods to purchase ammunition and have been seen conducting business with some FARDC elements.¹¹⁹ The Group notes that transfers of weapons and ammunition from the FARDC to the Mobondo constitute a violation of the arms embargo. They also increased recruitment of the youth, who are particularly vulnerable to voluntary recruitment due to the prevailing economic hardships. The Mobondo also recruited by force, including minors as young as 14 years old. They radicalized new recruits and imposed the practice of fetishism.¹²⁰

The FARDC deployed substantial troops along the main axes RN1 and RN17, and to the Mobondo-affected areas, particularly to Kwamouth territory and Kwango province. Deployments were also aimed at preventing the conflict from reaching the capital Kinshasa.¹²¹ However, despite the FARDC deployment and operations against them, the Mobondo maintained their ability to successfully strike by adapting their *modus operandi* to FARDC tactics. While its operations have temporarily lowered the frequency of clashes, FARDC has failed to retake control of Mobondo-controlled areas and has suffered serious losses.¹²²

¹¹⁵ FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

¹¹⁶ Local witnesses, civil society, member of the provincial parliament for Mai-Ndombe.

¹¹⁷ FARDC, MONUSCO sources, researcher, local residents and notabilities, civil society sources.

¹¹⁸ I FARDC, MONUSCO sources, researchers, community leaders, civil society, eyewitnesses.

¹¹⁹ Several eyewitnesses, community leaders, researcher.

¹²⁰ MONUSCO, researchers, community leaders, civil society sources, eyewitnesses.

¹²¹ FARDC, MONUSCO sources, civil society sources, researchers.

¹²² Idem.

Annex 5 (para. 13)**Mobondo conscription into FARDC****Enrôlement des Mobondo dans les FARDC**

On 29 January 2023, a delegation led by Minister Nana Manwanina Kiumba and Fabrice Zombi, the King Mini-Kongo, oversaw the handover to the Etat-Major of the FARDC of over 50 young recruits, who expressed their desire to help fight and “finish the enemy”; namely the Rwandans and their allies the M23 in eastern DRC. The young recruits were flown to Kitona military base for training.¹²³

The Minister reiterated that recruitment of young fighters was the explicit desire of President Tshisekedi and announced that with the voluntary conscription of young fighters, peace was returning to the conflict-affected region in the west of the DRC.¹²⁴

This was the third transport of recruits from Mai-Ndombe to the Kitona military base.¹²⁵ For example, on 9 January 2023, it was reported that at least 100 surrendered fighters had been received at the military base in Kitona, following the intervention of the delegation mandated by the Minister of Interior.¹²⁶

Below: Selection of screenshots from a video reporting of the ceremonial departure of young fighters from Kinshasa airport, on 29 January 2023, accompanied by a delegation led by the Minister and the King Mini-Kongo. Source:

<https://fb.watch/oIG7GVOLYg/>



Above: Fabrice Zombi Mini-Kongo (on the left) and Minister Nana Manwanina (center)

¹²³ See <https://fb.watch/oIG7GVOLYg/>

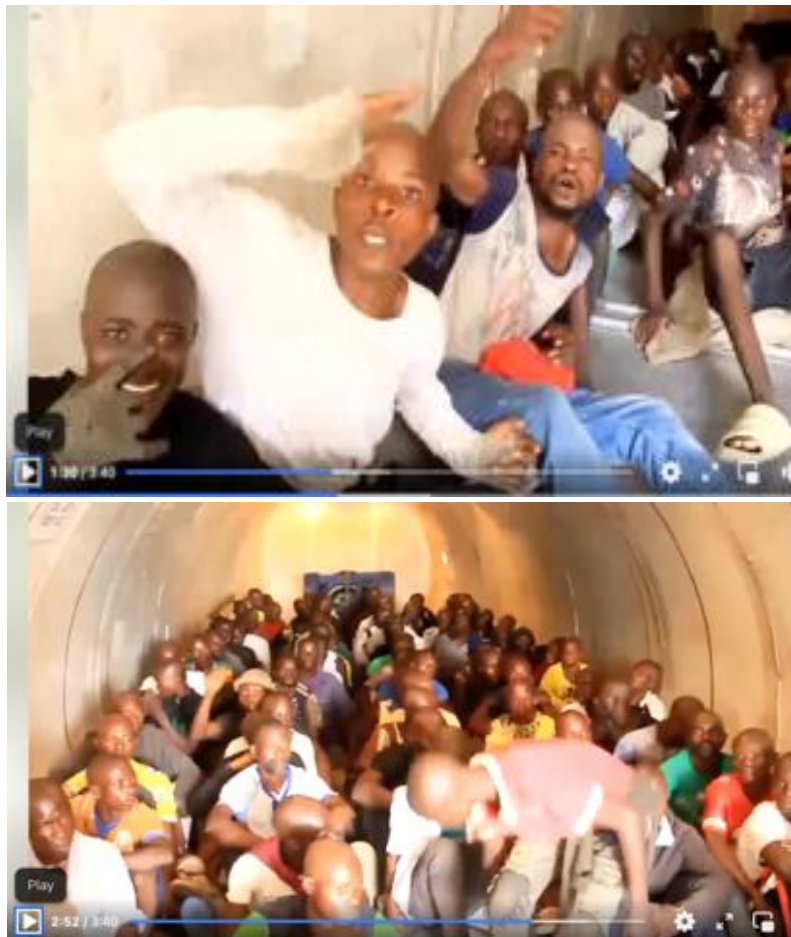
¹²⁴ Idem.

¹²⁵ Idem.

¹²⁶ See <https://actualite.cd/2023/01/08/rdc-kwamouth-plus-de-100-assaillants-qui-setaient-rendus-aux-fardc-ont-ete-recus-kitona>



Above : Mini-Kongo addressing the young fighters at Kinshasa airport



Above: images depicting the young recruits aboard a transport aircraft on their way to the Kitona military base

Annex 6 (para. 15)

UPDF press release of 17 August 2023 on Operation Shuja results

Communiqué de l'UPDF du 17 août 2023 sur l'opération Shuja



The joint operation codenamed 'Operation Shujaa' by the Uganda Peoples' Defence Forces (UPDF) and the Armed Forces of the Democratic Republic of Congo (FARDC) have so far recovered 9500 rounds of ammunition from the ongoing operation against the Allied Democratic Forces (ADF) that begun on the 30th November 2021.

The Commander of the UPDF Mountain Division and Operation Shujaa, Major General Dick Olum said that the operation has degraded ADF's capacity to cause war. "The ADF will soon get into the books of the past. We have reduced their capacity to cause war, we have depleted their manpower, their weaponry and their morale is at the lowest."

Maj Gen Olum made the remarks yesterday while displaying a catchment of the weaponry and equipment captured from the ADF at the UPDF Mountain Division Headquarters, Muhooti Barracks Fort Portal.

In addition to the ammunition, 548 ADF terrorists have been put out of action (POA), 50 have been captured alive and 31 have surrendered to the joint forces after intense pressure.

The weapons recovered from the enemy are 151 including 142 submachine guns (SMG), 08 pieces of PMK Machine gun and 01 piece of 60 millimetres mortar. Also, recovered are 111 military radios from the ADF, 45 radio charger ports and 10 batteries.

The joint forces have so far rescued 156 persons including women and children. The children, most of whom were in bad health conditions are currently receiving medical care from the various health facilities of the Uganda Peoples' Defence Forces.

According to the overall UPDF Commander of Operation Shujaa, Major General Dick Olum, the figures above do not include weapons and equipment under the FARDC. "The figures are only inclusive of what we have recorded and we have in our custody as UPDF. FARDC has weapons and equipment captured from ADF and are in DRC, so the figures could be double what we have just given you," said Maj Gen Olum.

Maj Gen Olum added that "For those ADF put out of action, we only count the dead bodies. those we fight with and ran in the wild and die from there are excluded. Therefore, each figure could be double what we have as UPDF."



Available on UPDF's website

<https://www.updf.go.ug/operation-shujaa/adf-will-soon-be-history-major-general-dick-olum/> (Last accessed by the Group on 10 November 2023)

Annex 7 (para. 15)

President Museveni's tweet of 23 September 2023 on the killing of Meddie Nkalubo

Tweet du président Museveni du 23 septembre 2023 sur la mort de Meddie Nkalubo



Yoweri K Museveni ✓
@KagutaMuseveni

...

Fellow Ugandans and, especially the Bazzukulu.

This is to inform you that last Saturday, the 16th of September, 2023, our Air Force attacked four ADF terrorists' targets that were between kms 100 and kms 150 from the Ugandan border on the Ntoroko side. These targets had been located by assets from our Special Duties Regiments (SDR) that have good reconnaissance assets.

According to subsequent intelligence, it seems that alot of terrorists were killed, including the notorious Meddie Nkalubo, who has been the author of the bombs in Kampala – e.g. those near the Police Station in Kampala, that one near Parliament and the ones that were discovered recently near Kayanja's Church and in the Bunamwaya area.

These uninformed People, have been playing with deadly fire for a long time. They will now discover that killing Ugandans is not a good hobby. In this part of the World, there is nowhere we cannot get them, if we coordinate with the Governments of the sister countries.

We salute His Excellency Felix Tshisekedi for allowing us to work with the Congo Army to liberate this part of Congo from these mindless criminals and also punish them for killing Ugandans using infiltrators. You remember the recent killing of the Nyabugaando children by cutting them with pangas, the Sheikhs, Major Kiggundu, Gen. Katumba's daughter, Joan Kagezi, etc. All those involved will perish unless they surrender.

Signed:

Yoweri K. Museveni

Gen. (Rtd) Ssaabalwany

[Traduire le post](#)

11:02 AM · 23 sept. 2023 · 240,1 k vues

Available on X (formerly Twitter)

<https://twitter.com/KagutaMuseveni/status/1705507889316573584?s=20>

(Last accessed by the Group on 10 November 2023)

Annex 8 (para. 15)

ADF attacks and movements in the DRC

Attaques et mouvements des ADF en RDC

In **Ituri**, ADF continued attacking civilians, often in retaliation for military action against them or to resupply, as observed in the past (see [S/2022/967](#), para. 12 and [S/2023/431](#), paras. 18 and 20). Intermittent lulls in attacks were also observed.¹²⁷ ADF generally tried avoiding contact with FARDC and UPDF, regularly moving west, away from FARDC/UPDF operations, to reach some of their strongholds around Butani, Monge and Otomaber. On their way, they often killed civilians on the road and farmers tending their fields. In August 2023, ADF raided mining sites around that area, including *Independent* and *Russie mining sites*, abducting hundreds of civilians,¹²⁸ some of whom were later released (see annex 9). According to several sources, including abductees' testimonies, ADF were not interested in the gold at these mining sites, but rather in food and other subsistence goods.

ADF's expansion in Ituri, and particularly their presence around mining sites, where they established some of their camps, attracted the presence of the armed group *Front des Patriotes pour la Paix/Armée du Peuple* (FPP/AP) from Lubero since a few months, notably at the request of Nande businessmen from Beni and Butembo, who want to protect their economic interests.¹²⁹ ADF and FPP/AP clashed on several occasions since May 2023.

In **Beni territory**, ADF attacks considerably reduced since the end of July 2023,¹³⁰ particularly as one of ADF's most important strongholds, Mwalika (see [S/2021/560](#) annex 3), was repeatedly hit by Operation Shuja, temporarily dislodging ADF from the area.¹³¹ Since July 2023, important movements of ADF combatants and dependents were reported from east to west of RN4, including into Ituri, some coming from the camps recovered by FARDC and UPDF.¹³² These ADF groups were mobile, fast and able to split and regroup as necessary.

In their movement westward, they abducted and killed numerous civilians, particularly on and around the Kainama-Eringeti road and the RN4 around Eringeti and Luna. ADF, however, maintained and/or reconstituted a presence in the Beni-Mbau sector and in the areas south of Eringeti and of Oicha and Mamove, from where they conducted attacks, including the deadly 23 October attack in Oicha.¹³³ This attack, during which they killed 26 civilians, including 12 children, contrasted with the more sporadic attacks of the last months and with ADF's strategy to rather concentrate on Uganda (see para 16-18).

At the time of drafting, ADF attacks had resumed in Beni territory, as FARDC and UPDF intensified their operations in Ituri and west of RN4, where ADF leadership was mainly concentrated. In line with their usual strategies, the surge of ADF attacks aimed at redirecting the focus of the operations towards other areas. The arrest and killing by UPDF on 2 November 2023 in Uganda of several ADF combatants who were part of the unit conducting attacks in Uganda, as well as the reinforcement of UPDF troops in strategic areas of Uganda at the border with DRC, may also in part explain the recent multiplication of attacks in the DRC.

¹²⁷ FARDC, researchers, civil society, intelligence, diplomatic and UN sources.

¹²⁸ Ex-ADF abductees, FARDC, researchers, civil society, intelligence and UN sources.

¹²⁹ FARDC, researchers, civil society, intelligence and UN sources.

¹³⁰ Ex-ADF abductees, FARDC, researchers, civil society, diplomatic, intelligence and UN sources.

¹³¹ Although during the drafting of this report, the Group received information that Amigo's group was attempting to go back to Mwalika.

¹³² FARDC, researchers, civil society, intelligence and UN sources.

¹³³ FARDC, researchers, civil society and UN sources.

Annex 9 (para. 16)**Release of 104 abductees by ADF in September 2023****Libération de 104 personnes enlevées par les ADF**

In mid-September 2023, ADF freed over 100 abductees in Ndalya, Ituri province, at the border with Beni territory. The FARDC and UPDF claimed that the release was a result of their operations. However, this liberation was decided by the ADF leadership.¹³⁴ As stated by ADF leader Mzee Mayor, alias Mzee Meya (see [S/2021/560](#) annex 4), in one of the videos filmed by ADF moments before the release of the abductees, their intention was to “win hearts and minds”, and to appear merciful. The video was largely circulated on social media.

In the video, Mzee Mayor proclaimed, speaking to the abductees, that “no one forced him to free you, and no one was tortured! You are released thanks to the good will of the Mzee”, referring to Musa Baluku. Anticipating that the FARDC and UPDF would try to attribute the success of the release to their operations, Mzee Mayor emphasized in the video that FARDC-UPDF spokesperson will “tell on the radio that the FARDC led to the release of the hostages and killed ADF and recovered weapons, although these weapons actually come from FARDC storage and they will kill civilians that they will dress with uniforms to show that they killed ADF, and then you will applaud the FARDC, although their propaganda only aims at killing the population.” The video also contained a title in French translated as “refuting UPDF / FARDC lies”.

Among the abductees, the majority had been taken hostage at the end of August 2023, in and around the mines and fields of *Independent* and *Elake*, Ituri province, by a group of ADF combatants led by a certain Sereka, under the leadership of Mzee Meya. They were almost immediately told that they would shortly be released.

Screenshot of the video in which Mzee Mayor explaining the release of the abductees

Video circulating in the social media and provided to the Group by security sources.

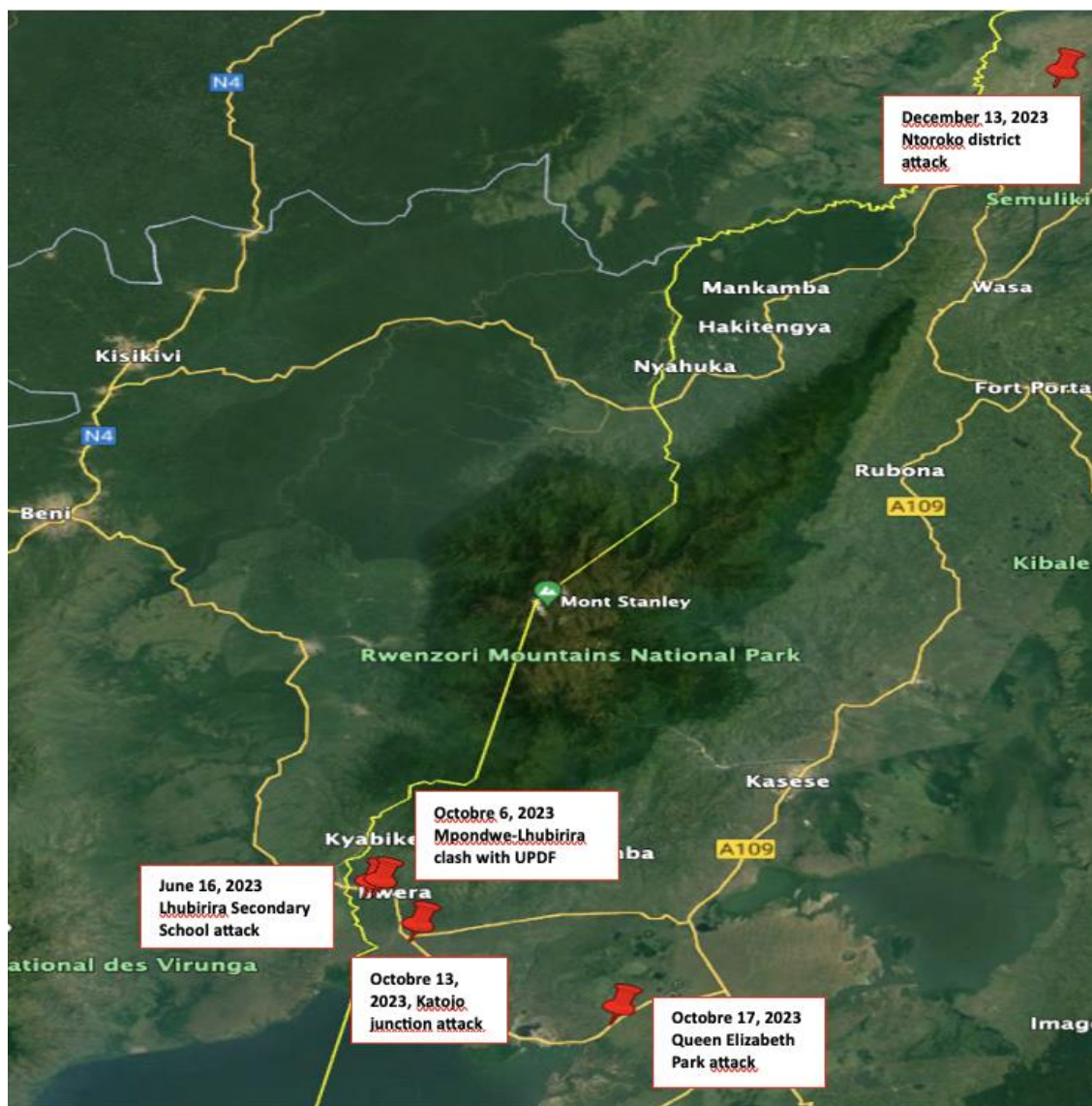
¹³⁴ ADF ex-abductees, ADF internal sources, FARDC, intelligence and UN sources.

Annex 10 (para. 17)

ADF attacks in Uganda

Attaques ADF en Ouganda

Since December 2022, several attacks were conducted by ADF combatants who infiltrated Uganda from the DRC territory on several occasions, taking advantage of the porous border between Uganda and the DRC.



Map made by the Group

Failed attack in Ntoroko, December 2022

On 13 December 2022, a group of over 30 ADF combatants and 10 female dependents infiltrated Uganda in Ntoroko district to conduct attacks in the area. Yet, local population alerted the UPDF which pursued the group, killing some and capturing the rest. Many of these ADF combatants and female dependents were children who

had been abducted in the DRC by the ADF in 2021 and 2022. Some were militarily trained. The commanders of the group - Yakuti, Mediso and Abu Shaku - were Ugandans. Mediso and Abu Shaku were killed during combat with the UPDF, while Yakuti was arrested, along with over a dozen ADF combatants and dependents. According to those arrested, Mzee Mayor had planned the attack in Ntoroko, selecting the team that was composed of combatants from his camp in Ituri, and some of their dependents. He instructed them to conduct attacks against UPDF positions or alternatively against civilians, hoping that as a result the UPDF would withdraw from the DRC back into Uganda to protect their citizens.

Attack on Lhubirira boarding school in June 2023

On 16 June 2023, armed assailants killed over 40 civilians including 37 students¹³⁵ attending the Lhubirira Secondary School in Mpondwe town.¹³⁶ At least 20 female students were hacked or bludgeoned to death, including 13 minor girls aged between 12 and 17 years of age. In addition, 17 bodies burnt beyond recognition were retrieved from the school, while some victims also displayed gunshot or cut wounds. DNA analysis allowed for the identification of 13 of the burned victims, all males, confirming the narrative that the male dormitory was set on fire while the victims were locked inside. Six critically injured civilians were evacuated to Bwera hospital by the UPDF; two subsequently succumbed to their injuries. Only four students were found alive. At least six students were abducted during the attack.

Investigations revealed that at approximately 10:30pm on Friday 16 June 2023, after the 60 students in Lhubirira school's dormitories had retired to sleep, a small group of about 10 ADF combatants entered the school, first killing the guard. They then knocked on the door of the male dormitory, but as the students refused to open, the assailants forced their way in, firing several rounds of gunshots. They then began hacking students to death and set the dormitory on fire (see picture below). Only four male students were able to escape, one of whom alerted the nearby police. The assailants also attacked the female student dormitory, killing 20 female students using machetes and other blunt objects.

The headmaster's wife,¹³⁷ who was living at the premises of the school, testified that an ADF combatant, wearing military trousers and armed with an assault rifle, entered her house and looted money and phones. He intended to kill her but decided to spare her when he realized she had an infant child, claiming that they are "rebels from the Congo" and as Muslims, they do not kill a mother who has babies.¹³⁸ He told her to convey this message in the morning when she would tell others what had happened. She, as well as a civilian living near the school, reported having heard the assailants crying out "Allahu Akbar".¹³⁹

The attack lasted for about an hour and a half and ended around midnight. While the assailants retreated on foot to the DRC territory, they looted shops and wounded and killed several shop keepers and villagers. According to UPDF and FARDC sources, the military chased the assailants into the Virunga National Park in the DRC.

The body of one of the abducted students, a 17-year-old female, was found hacked to pieces, on 19 June 2023, three days after the attack, on DRC territory. The Group is yet to confirm whether any additional abductees from the attack in Uganda are still alive. The timing and location of the killings, as well as the number of reported students killed, could coincide with the students abducted from Lhubirira School.

Information on the assailants

In addition to the investigations conducted by Ugandan and DRC authorities, which attributed the attack to ADF, multiple sources, including ADF sources, confirmed that ADF had planned and executed the attack. According to these sources, the attack had been planned by ADF commander Abwakasi (see para. 19), while some mentioned that Musa Kamusi was the commander who executed the operation (see [S/2022/479](#), para. 42 and [S/2023/431](#), annex 5).

¹³⁵ <https://www.upf.go.ug/lhubirira-school-terror-attack-death-toll-still-stands-at-42-and-not-50-as-alleged-25-bodies-identified-so-far/>
<https://www.upf.go.ug/death-toll-from-terrorist-attack-on-lhubirira-ss-rises-to-44/>. Last accessed by the Group on 5 November 2023.

¹³⁶ Located in Kasese district in Uganda, less than 10km south-west of Kasindi, DRC.

¹³⁷ According to the account of a source who interviewed the victim.

¹³⁸ The Group would however like to recall that despite this statement, ADF have repeatedly killed mothers with infants as well as infants themselves.

¹³⁹ According to the account of a source who interviewed the victim and the neighbor.

According to UPDF Major-General Fick Olum, commander of the Mountain Division covering the Mpondwe sector, and also alluded to by President Museveni, ADF were led to the school by local collaborators after having spent two days in the area.¹⁴⁰ Over 20 individuals characterized as local collaborators, including the Director of the school, were arrested in the following days by Ugandan authorities.

As mentioned in para. 18 of this report, the attack intended to avenge UPDF/FARDC operations conducted against ADF, particularly around Mwalika and Rwenzori, and to divert the focus of these operations by having the UPDF retreating to Uganda.¹⁴¹ By attacking a boarding school hosting a large number of unarmed and unsuspecting students, ADF undoubtedly intended to inflict the maximum number of civilian casualties, as well as raising their profile and the threat on Ugandan territory, all the while avoiding an armed confrontation with UPDF.

In his 18 June 2023 address to the nation, President Museveni stated that the presumed ADF objective to recall UPDF to Uganda had failed, and that Uganda would send even more troops to fight ADF.¹⁴²



Pictures of the male dormitory of Lhubirira Secondary School set on fire by the ADF, which were provided to the Group by a researcher who visited the site of the attack a few days later.

¹⁴⁰ <https://www.youtube.com/watch?v=ICFH0cv7Zpk> and <https://twitter.com/KagutaMuseveni/status/1670417511001513984>.

Last accessed by the Group on 5 November 2023.

¹⁴¹ See S/2021/560, para. 12 and S/2022/967, para. 8. See also Museveni's statements of 18 June and 14 July 2023 on the attack.

¹⁴² <https://twitter.com/KagutaMuseveni/status/1670417511001513984>. Last accessed by the Group on 5 November 2023.

Attacks conducted in October 2023

In October 2023, a small ADF unit infiltrated again into Uganda, where it conducted several attacks, including the Queen Elizabeth Park attack.¹⁴³ In addition, several attempted attacks were spoiled by prompt intervention of the UPDF.

Attacks in in Mpondwe area

On 6 October, the ADF unit attempted to attack a neighbourhood of Mpondwe Lhubirira town, a few kilometers from the Kasindi border with the DRC and from the Lhubirira Secondary School. The UPDF intervened immediately after the unit crossed the border and exchanged fire with ADF.

A week later, during the night of 12-13 October, ADF combatants attacked a truck and killed at least two of its occupants, still in the Mpondwe Lhubirira area, at the Katojo junction, Kasese district. Da'esh claimed this attack. Shortly after the attack, Ugandan authorities, including President Museveni, warned the population about possible future attacks and requested maximum vigilance.¹⁴⁴



Picture of the site of the attack provided to the Group by security sources



“By the grace of God Almighty, the soldiers of the Caliphate ambushed the infidel Christians, near the village of Kinyamasiki in the Kasese area of western Uganda yesterday, and targeted them with machine guns, which led to the killing of two people, the injury of another, and the burning of a truck, and praise be to God.”

Translation of Da'esh's claim made by the Group

¹⁴³ FARDC, security, intelligence, diplomatic, researchers and civil society sources.

¹⁴⁴ <https://twitter.com/KagutaMuseveni/status/1713520225239351354?s=20> . Last accessed by the Group on 5 November 2023.

Attack in the Queen Elizabeth National Park

On 17 October 2023, ADF combatants ambushed and killed a newlywed couple visiting Queen Elizabeth National Park from the United Kingdom and South Africa, respectively, as well as their Ugandan guide. The attack took place around Nyamunuka, along Katwe Road, about 30km southeast from the site of the 13 October attack. This attack was the first documented by the Group where ADF targeted foreigners in Uganda. On 18 October, Da'esh claimed responsibility for the attack.

Multiple sources, including internal ADF sources, confirmed that Abwakasi had also planned the aforementioned October attacks, sending combatants under his command, based in Mwalika. They also confirmed that for the October attacks including the attack in the Queen Elizabeth National Park, the decision to conduct them was ordered by the main ADF leadership, including Musa Baluku, contrary to the attack against Lhubirira Secondary School in June 2023, which was without prior instruction or approval from Musa Baluku. (see para 20).

Several sources reported that Musa Kamusi was the main commander of the ADF unit that carried out the attack in the Park, and possibly also the Lhubirira Secondary School.¹⁴⁵ This would mean that Musa Kamusi evolved in a short period of time from being an ADF collaborator to a key ADF commander leading attacks in Uganda.¹⁴⁶ Musa Kamusi was the imam of Kasindi helping with recruitment, and was arrested in January 2020. He then became one of ADF's main coordinator of collaborators along the Beni-Kasindi road.

On 1 November, the UPDF arrested and killed several ADF combatants who were part of the ADF unit that conducted the October attacks; several others were able to escape. According to several sources, the ADF combatants, when arrested or killed, were returning to the DRC through Lake Edward, using a pirogue.¹⁴⁷ One of the arrested combatants, a Ugandan national called Kyoto Abdul Rashid alias Njovu, was allegedly carrying some of the documents belonging to the couple and the guide killed in Queen Elizabeth National Park.



Picture of the attack site provided to the Group by security sources

¹⁴⁵ Ibid.

¹⁴⁶ Musa Kamusi was the imam of Kasindi helping with recruitment, and was arrested in January 2020, he then escaped from Kangbaya during the October 2020 jailbreak (see S/2021/560, para. 28 and annex 19) and joined ADF in the bush where he grew close to Amigo and Abwakasi and became one of ADF's main coordinator of collaborators along the Beni-Kasindi road.

¹⁴⁷ FARDC, intelligence, security, researchers and UN sources.


 ISLAMIC STATE

مقتل 3 نصاري أحدهم بريطاني بهجوم جديد لجنود الخلافة غربي أوغندا

ولاية وسط إفريقية الأربعاء 3 ربيع الآخر 1445 هـ

بتوفيق الله تعالى، هاجم جنود الخلافة آلية كان يستقلها 3 من السياح النصاري أحدهم بريطاني، بين منطقتي (مويا) و(كيكورونغو) في (كاسيسي) غربي أوغندا أمس، حيث استهدفوهم بالأسلحة الرشاشة، ما أدى لمقتلهم، وأحرق المجاهدون آليتهم، وعادوا إلى مواقعهم سالمين، ولله الحمد والمنة.

“By the grace of God Almighty, the soldiers of the Caliphate attacked a vehicle in which 3 Christian tourists, one of whom was British, were traveling, between the areas of Muya and Kikurongo in Kasese in western Uganda, yesterday, where they targeted them with machine guns, which led to their deaths. The Mujahideen burned their vehicle and returned to their positions. We are safe, praise be to God.

Translation of Da'esh's claim made by the Group



Picture of Njovu following his arrest on a boat by UPDF on 2 November 2023.

Picture circulating on social media and provided to the Group by a security source.

Annex 11 (para. 20)

Case studies on ADF networks

Cas d'étude sur les réseaux ADF

Two case studies illustrate how ADF collaborators are recruited and coordinated, including by Abwakasi or Meddie Nkalubo. The Group is concerned, inter alia, about the fact that ADF continued to recruit new collaborators in prison, by using their existing collaborators or combatants. The Group's investigations also revealed that ADF mainly used financial incentives to recruit collaborators, exploiting the difficult living conditions in the DRC to attract individuals looking for quick cash and thus willing to transport recruits, supplies, improvised explosive devices (IEDs) and IED components for just a few dollars.

The different cells of ADF collaborator networks did not usually communicate with each other, in order to avoid the total dismantlement of the network in case of the arrest of one or more collaborators. ADF chose to rely only on some trusted collaborators to communicate with and/or coordinate several cells.

As a result, ADF were able to easily recruit and restructure their networks (crucial for ADF's survival and expansion), rendering more difficult the work of intelligence and judicial actors working on dismantling ADF networks.

ADF collaborators network linked to the 25 January 2023 bombing in Beni town

In April 2023, the FARDC intelligence and judicial services in Beni dismantled a network of ADF collaborators linked to the 25 January 2023 bombing in the market of Beni town's sub-district called *Ma Campagne* ([S/2023/431](#), para. 27), during which at least 18 civilians, including ten children, were injured. Three ADF elements were involved and played a key role: Erick Muhindo Kamabu, Oscar Katembo Sivalingana and Alpha Mumbere Midugi. The Group interviewed all three individuals.

Erick Muhindo Kamabu was the first to be recruited by ADF, following a short stay in Kangbayi prison in Beni in 2022, where he met ADF collaborator Erasme Mumbere Bolingo. After Erick's release from prison in December 2022, Erasme facilitated his recruitment by putting him in contact with Abwakasi. The latter initially sent Erick some money destined for Erasme. Abwakasi then continued exchanging with Erick, including through the phone of Alpha, Abwakasi's brother-in-law. Alpha had a smartphone, which allowed Erick and Abwakasi to communicate through Whatsapp. In parallel, Erick recruited Alpha, who was a moto taxi driver, to drive him around on his motorbike for the errands provided to him by Abwakasi, although at first, Erick did not reveal the identity of Abwakasi to Alpha.

Shortly after the Kasindi bombing ([S/2023/431](#), paras. 22-28), Abwakasi asked Erick to pick up a package in Butembo in exchange for \$US 200. Erick called Alpha, as well as his friend Oscar to go with him to Butembo, where he received the package, most probably from Yahya, one of Abwakasi's trusted collaborators ([S/2023/431](#), annex 5). The three individuals transported the package, which contained an improvised explosive device (IED), back to Beni. There they decided to store it at Oscar's house in *Ma Campagne*.

Soon after, Abwakasi called Erick and Oscar to explain how to assemble and activate the IED through the use of a telephone, as reported by the Group in its last final report ([S/2023/431](#), para. 27). Abwakasi then instructed them to place the IED in a crowded area, to ensure it killed a maximum number of persons. They thus decided to place it at *Ma Campagne* market and detonated it a few minutes later. Shortly after, Abwakasi wrote to Alpha's phone, congratulating them for their work, and sent him \$US 100, which Alpha shared with the two others.

Subsequently, Oscar and Erick continued exchanging with Abwakasi using other phones. They were arrested in April 2023 as Oscar was picking up another IED in Kyondo, between Butembo and Kasindi, which he claimed Abwakasi had ordered him to deliver to Erick in Beni. This time, Oscar had used another motorbike driver that he had recruited to run his errands. The IED that he was going to retrieve was assembled using components bought by yet another ADF collaborator, Patrick Bahati, who was outside this cell, although also in contact with Yahya, who had recruited Bahati.

When asked by the Group about their motivations to collaborate with ADF, while Alpha denied having full knowledge of what was happening, Erick, Oscar, Alpha and Patrick acknowledged that they had been financially motivated to execute their tasks.

ADF collaborators network in South Kivu

In August 2023, DRC authorities arrested Rashidi Kupa Patrick alias Pili Pili, one of ADF's main collaborators in South Kivu, whom the Group also interviewed. Pili Pili was part of a large collaborator network in Burundi, Mozambique, South Africa, Tanzania, as well as in South Kivu, Goma, and Butembo in the DRC, to facilitate the recruitment and transit of recruits, goods, including IED components and money, to ADF camps.

Initially, Pili Pili had been recruited in 2015 by his uncle, Sumaili Husseini, whom he described as a former Burundian military officer, who had established an ADF training camp in Kafulo, near Baraka in Fizi territory, along with several Tanzanian individuals. Although Pili Pili denied being aware of their activities, he acknowledged helping them to transport food and other goods to their camp in Kafulo. In 2017, following the dismantlement of the camp by the DRC authorities, who had been alerted by the local population, some Tanzanian individuals who had founded the camp fled to Mozambique and Tanzania.

In 2019, Pili Pili was contacted by one of these Tanzanian individuals, Abu Suleifa, who was in Mozambique in another "Muslim camp". Abu Suleifa put Pili Pili in touch with Meddie Nkalubo to coordinate the sending of 25 Motorola radios to Mozambique. Pili Pili, who was then living in Uvira, explained that the radios were sent to him from Goma, and that Meddie Nkalubo had ordered him to send them to Mozambique through Tanzania by boat.

A few months later, Pili Pili was contacted by two other Tanzanian individuals, Bonge and Abdulaziz, who had returned to Tanzania after the dismantling of the Kafulo camp and were active ADF collaborators. They asked Pili Pili to contact Masika, one of the ADF collaborators involved in the Katindo bombing in Goma on 7 April 2022 (see [S/2022/967](#), paras 64-71), with whom they were collaborating. Shortly after, Masika put Pili Pili in touch with Abwakasi and again with Meddie Nkalubo, with whom Pili Pili had lost contact. Masika also put Pili Pili in contact with a certain Mashaka, alias Abu Rashid Muslim, alias Mashata Leonard Rashidi, an ADF collaborator based in Baraka working as a fisherman, which provided an easy cover for his activities.

Mashaka was responsible for receiving recruits, supplies and money arriving at Baraka port mainly from Burundi and Tanzania, including with the help of Bonge and Abdulaziz. He then coordinated with Masika who picked up the recruits and sometimes supplies in Uvira or Bukavu and facilitated their transportation to ADF camps, passing through Masika's house in Goma. According to several sources, Pili Pili became another intermediary in this network, facilitating the transit through South Kivu, principally from Kalemie to Uvira.

Pili Pili also acknowledged that in January 2023, Abwakasi had asked him to facilitate the transport of fertilizers coming from Dar es Salaam in Tanzania to Beni, through South Kivu.

Although of Muslim faith, Pili Pili asserted that he was not ideologically motivated but rather was interested in earning money and as result was regularly contacting Abwakasi and Meddie Nkalubo.

Annex 12 (para. 21)

ADF recruitment, including of children, and sexual exploitation of women and girls**Recrutement des ADF, y compris des enfants, et exploitation sexuelle des femmes et des filles***Abductions during attacks*

ADF continued its recruitment drive, both domestically and abroad, despite the continuous threat posed by Operation Shuja,¹⁴⁸ which led to a significant increase in the number of abductees escaping from ADF camps¹⁴⁹ (see [S/2021/560](#), para. 15).

During raids on villages, ADF systematically abducted civilians, mainly children and young adults, considered to be more malleable to indoctrination than adults.¹⁵⁰ Survivors interviewed by the Group reported that civilians abducted by ADF during attacks were forced to carry loot, and once reaching an area considered safe from reprisals, or their camps, the abductees were “sorted out” and categorized according to necessity: adults or weak individuals were left behind or killed; boys and young adults were recruited into the ranks of ADF, trained in warfare and indoctrinated; girls from the ages of 10-12 were separated and given by the leaders as wives to combatants (see below),¹⁵¹ in continuation of a practice documented by the Group in the past ([S/2020/1283](#) paras. 11 and 20, and [S/2019/469](#), paras. 100-101 and 113-115).

Children aged between 6 and 17, abducted in 2022, reported having been abducted and taken to camps under the leadership of commanders Mulalo, Baluku, Amigo, Defender¹⁵² or “Difenda” (see picture below), Seka Hassani, and Chalamanda,¹⁵³ among others. This practice was also reported in the camp led by commander Audi (see picture below) by his real name Hassan Nianzy,¹⁵⁴ alias Isaac, the son of the “great ADF leader”, Jamil Mukulu.

The commanders controlled everything in their respective camps, including the indoctrination, military training, and the distribution of abducted girls to be given as wives to combatants. The children all reported having to participate daily in religious ceremonies, praying, and studying the Quran. Those who refused were tortured (see also [S/2015/19](#), para. 137). They were all given new names to reflect the Muslim faith that was forced upon them. All the abductees had to carry out forced labour, such as carrying loot, working in the fields, cooking, or fetching water, under strict supervision¹⁵⁵ (see also [S/2019/469](#) para. 101, and [S/2015/19](#), para. 133). Many took the opportunity to escape when sent on chores outside the camps. Those who were caught were executed on the orders of commanders.¹⁵⁶

Recruitment abroad

Recruitment abroad also continued through a network of recruiters operating in Uganda, including by deceiving victims with false promises.¹⁵⁷ This practice followed the *modus operandi* of similar operations conducted by recruiters and focal points along the Kenyan and Tanzanian coastlines and in Burundi, as previously reported (see [S/2022/479](#), para. 35). Several children who escaped from ADF camps reported to the Group having been lured by recruiters from their homes in Uganda with promises of free schooling or work opportunities.

¹⁴⁸ See [S/2023/431](#), para. 11.

¹⁴⁹ MONUSCO sources, NGO source.

¹⁵⁰ According to statements of former ADF abductees.

¹⁵¹ Statements of five minors, former ADF abductees; MONUSCO and NGO sources

¹⁵² See [S/2015/19](#), annexes 4 and 9.

¹⁵³ [S/2021/560](#), annexes 18 and 20.

¹⁵⁴ Commander Audi was leader of an ADF splinter group called “Puli”, that has re-joined ADF in early 2023. See also [S/2015/19](#), annex 3 and [S/2021/560](#), para. 15 and annex 5.

¹⁵⁵ Statements of 71 children, former ADF abductees

¹⁵⁶ FARDC, MONUSCO and NGO sources; statements of former ADF abductees.

¹⁵⁷ See [S/2021/560](#), para. 16 and annex 6.

The accounts of the children depicted the existence of a well-organized recruitment scheme, targeting school-aged children as well as adults in impoverished villages in Uganda. The recruiters used an elaborate scheme to convince the children and their parents that their intentions were genuine and moved the children through several locations and several intermediaries before handing them over to ADF combatants in the Rwenzori Park along the DRC border, who then smuggled them into the DRC. Recruiters in Uganda working on behalf of the “Puli” splinter group, led by commander Audi (see para. 25), often used a transportation company called “Link Bus Services”¹⁵⁸ based in Kampala to transport the children.¹⁵⁹ Four children interviewed by the Group reported having been recruited in such circumstances into the splinter group led by commander Audi, in 2022.

ADF occasionally selected women or men, released them from ADF camps with strict instructions not to reveal their links to ADF, and tasked them with intelligence-gathering or recruitment.¹⁶⁰ A child who had spent several years in an ADF camp led by commander Audi told the Group that her mother¹⁶¹ was an agent recruiting for commander Audi in Kampala. Another child identified the same woman as the person who had recruited him in 2022 and facilitated his transport from Uganda to Nyabugando, on the DRC border.¹⁶²

Systematic practice of sexual slavery in ADF camps

The Group documented a well-established practice of sexual slavery by ADF, whereby all girls from the age of 12, the majority abductees, were systematically assigned as wives to combatants (see also [S/2015/19](#), para. 139). Each ADF combatant was given a wife, and higher-ranking commanders would generally keep multiple wives. Unmarried girls younger than 12 years of age were segregated from boys and men, and entrusted to women who were responsible for indoctrinating them into the faith of Islam and grooming them to become wives of combatants and commanders when they become older.¹⁶³ A 7-year-old girl who escaped from an ADF camp identified her elder sister, the wife of commander Audi (see photograph below), as one of the women in charge of grooming girls to become wives.

Survivors of sexual slavery and former abductees interviewed by the Group reported that camp commanders decided the fate of each hostage and were the ones distributing the girls and women to combatants. Love affairs outside marriage or rape were not permitted and were punished by death. Survivors reported that commanders Mulalo and Musa Kamusi (see [S/2022/479](#), para. 42 and annex 11) had forcefully taken minor girls as wives, and that Kayiira,¹⁶⁴ Chalamanda, Yusufu, among others, were commanders who had ordered the assignment of minor girls to combatants.¹⁶⁵ This practice was established in all ADF camps, including in the camp of commander Audi.

¹⁵⁸ [Facebook page](#) of Link Bus Services Ltd, Uganda.

¹⁵⁹ Testimonies of three children, former ADF abductees.

¹⁶⁰ MONUSCO and NGO sources.

¹⁶¹ The name of the woman is on file with the Group but withheld from this report to protect the identity of the child.

¹⁶² 7-year-old child who escaped from an ADF camp.

¹⁶³ Statements of survivors, MONUSCO sources, NGO sources, FARDC, researcher .

¹⁶⁴ See [S/2021/560](#), annex 4.

¹⁶⁵ Testimonies of five children, former ADF abductees; and statements by seven survivors of sexual slavery who escaped from ADF.

Photograph of Defender alias “Difenda”:



Picture provided by security sources

Photograph of ADF commander Hassan Nyanzi, alias Isaac, alias Audi:

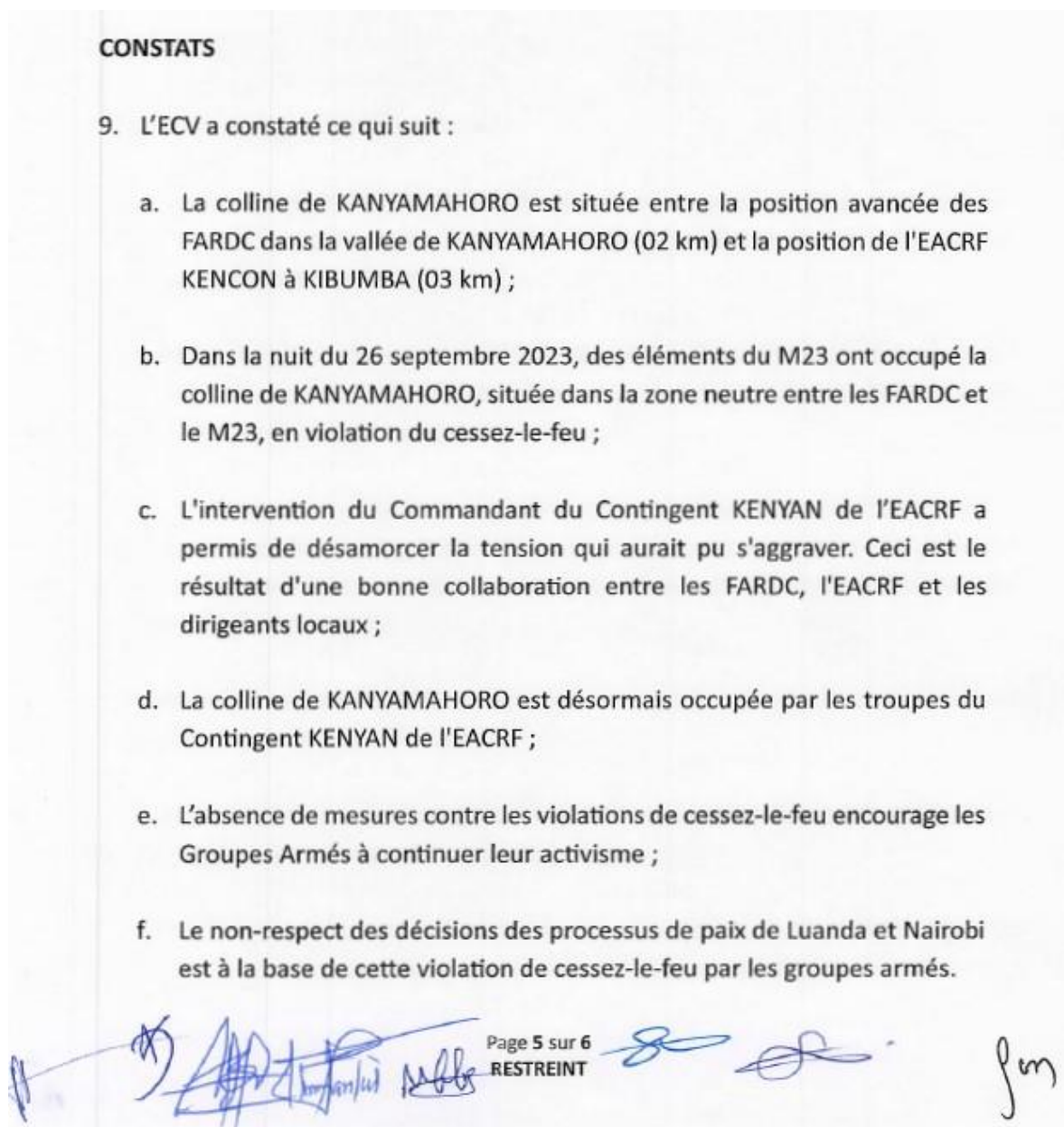


Picture provided by security sources

Annex 13 (para. 24)

Excerpt of the 29 September 2023 findings of the Expanded Joint Verification Mechanism on the violation of the cease-fire agreement¹⁶⁶

Extrait des conclusions du Mécanisme conjoint de vérification élargi sur la violation de l'accord de cessez-le-feu du 29 septembre 2023



Annex 32 provides additional information on the EJVM findings and occupation by M23 of positions in Kanyamahoro and Kibumba area.

Provided to the Group by DRC Government sources.

¹⁶⁶ Report on the file the Secretariat.

Annex 14 (para. 24)

EACRF Press Release referring to a violation of the cease-fire agreement

Communiqué de presse de la force régionale de la Communauté des États de l'Afrique de l'Est faisant état d'une violation de l'accord de cessez-le-feu



PRESS RELEASE

OPERATIONAL UPDATE

Wednesday, 25 October 2023: On Tuesday 24 October 2023, the ceasefire agreement between the Armed Forces of the Democratic Republic of Congo (FARDC) and the M23 Armed Group was breached.

The hostile clashes fatally wounded a Kenyan Peacekeeper stationed at Kanyamahoro, near Kibumba, 15Km North East of Goma. Consequently, investigations to establish circumstances under which this incident occurred have commenced.

The East African Community Regional Force (EACRF) calls for the return to ceasefire agreement and cessation of hostilities between the Armed Forces of the Democratic Republic of Congo (FARDC) and the M23 Armed Group.

EACRF remains committed to the Protection of Civilians in line with its mandate.

– END –

Press release provided to the Group by EACRF sources

Annex 15 (para. 25)

Additional information on M23 combatants, RDF and FARDC soldiers killed in combat

Informations complémentaires sur les morts au combat des combattants M23, et des soldats RDF et FARDC

Despite substantive FARDC reinforcements sent to *Petit Nord*, many FARDC, notably FARDC Special Forces, were killed during clashes, notably in the Kitchanga area according to FARDC sources, sources close to the FARDC command, armed group leaders and combatants, and civilian society sources.

For example, during fighting in Kilolirwe area on 8 October 2023, five special forces were killed and 20 special forces were wounded in combat against M23 and/or RDF. More precisely, the FARDC special forces were killed in the close vicinity of the location named “**Pos 1**” on the map below:

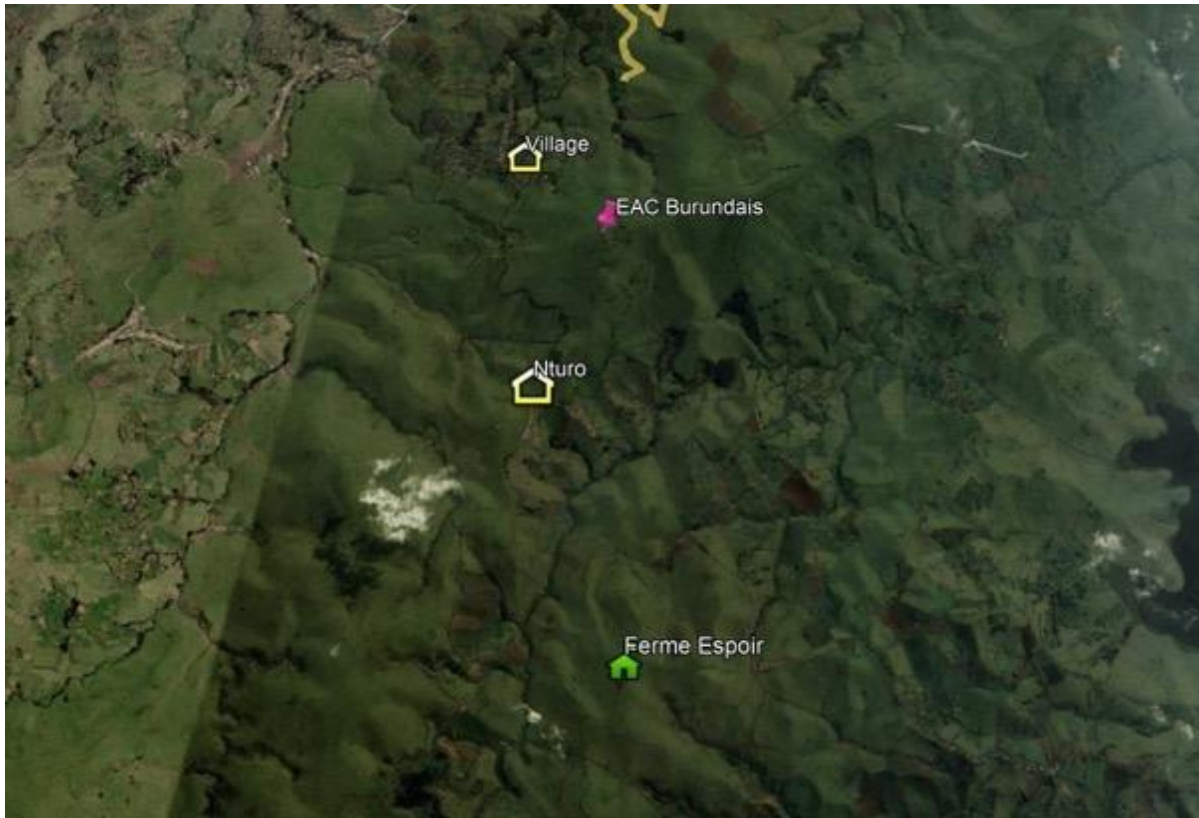


Also, on 16-17 October 2023, in the area between Kitchanga and Bwiza, as FARDC fled during an RDF counter-offensive, FARDC Special Forces were left without substantial protection. During the attack, 13 Special Forces were killed and many wounded.

Armed group leaders informed the Group that during fighting in Nturo area, south of Kilolirwe, on 5-6 October 2023, VDP combatants killed M23 “Colonel” Zaïrois Ngabo, amongst other M23 combatants. Sources close to M23 and armed groups in the area informed the Group that during fighting in Nturo at least 70 M23 combatants were killed. The Group received pictures of killed M23 combatants, on file with the Secretariat.

Multiple sources, including eyewitnesses, one RDF officer and diplomatic sources, informed the Group that several dozen RDF were wounded or killed following ambushes by armed groups in Virunga National Park, and FARDC’s bombing of RDF positions in Nyiragongo territory (see also [S/2023/431](#), annex 29). The dead and wounded were evacuated by road to Rwanda (see also para. 30).

A video from early November showed RDF soldiers south of Nturo, close to “**Ferme Espoir**” (see the first map below), marching as part of a column and carrying 6 dead or wounded soldiers (screenshot of the video below):



Screenshot of video footage obtained from a confidential source with knowledge of the matter.

The Group obtained pictures of dead M23 combatants or RDF soldiers at a mixed M23/RDF position. The picture below shows a dead RDF or M23 combatant in a position east of the three antennas area, Nyiragongo territory (1.505255 S-29.291441 E):



Footage obtained from a confidential source with knowledge of the matter.

Annex 16 (para. 29)

Excerpts of remarks by Vincent Biruta, Rwandan Minister of Foreign Affairs and International Cooperation, on 11 October 2023 in Kigali

Extraits de l'intervention de Vincent Biruta, ministre rwandais des Affaires étrangères et de la Coopération internationale, le 11 octobre 2023 à Kigali

**Remarks by Vincent Biruta, Minister of Foreign
Affairs and International Cooperation**

DIPLOMATIC BRIEFING

11 October 2023

We are aware of efforts by some to keep accusing Rwanda of supporting M23 and being in Eastern DRC. We wish to remind the international community that this approach is unproductive and does not contribute to bringing peace in the DRC.

M23 is a Congolese problem, involved in the issues of Congolese citizens. Rwanda does not support M23 and does not have troops in the DRC.

Finally, Rwanda takes the security of our citizens and residents very seriously. This is why the defensive and preventive mechanisms in place at our borders will remain, to counter any spillover into Rwanda from any armed group.

Rwanda will not initiate an escalation with the DRC. However, should our security be endangered, we reserve the right to retaliate significantly.

I will now give the floor to the Permanent Secretary of the Ministry of Emergency Management for his update.

I thank you for your kind attention.

Remarks by Minister Vincent Biruta, provided by a diplomatic source.

Annex 17 (para. 29)

Examples of aerial footage and photographic evidence confirming the presence of RDF soldiers on DRC territory, and additional information on the presence of RDF elements in North Kivu

Exemples de séquences aériennes et de preuves photographiques confirmant la présence de soldats des FRD sur le territoire de la RDC, et informations complémentaires sur la présence d'éléments des FRD au Nord-Kivu

Regarding the presence of RDF soldiers on DRC territory, see also [S/2022/967](#), paras. 47-51 and annexes 29-32, as well as [S/2023/431](#), paras. 54-61 and annexes 28-35.

Aerial footage shot on 17 October 2023 shows columns of soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment, marching from Kalengera towards Tongo, Rutshuru territory, through Virunga National Park. The imagery also shows two objects considered to be 120mm mortars (see also annex 18).

Civil society sources and eyewitnesses reported that on 16 October 2023, an RDF column came from the Bunagana area, passed through Rukoro, close to Rutshuru, and was then spotted on the Kalengera-Tongo axes the following day. The sources identified the armed and uniformed men, estimated at around 250, as RDF soldiers because of their distinct military equipment and uniforms, their organized structure and *modus operandi*.





Video footage obtained from a confidential source

The Group obtained photographic evidence and eyewitness reports of RDF presence in the Kanyamahoro and Kibumba areas in October and November 2023. Civil society sources and eyewitnesses identified the armed and uniformed men in the area as RDF personnel because of their distinct military equipment and uniforms, their organized structure, *modus operandi* and spoken language. The presence of RDF soldiers in the Kanyamahoro and Kibumba areas was confirmed to the Group by intelligence sources, who reported an important increase of RDF in the area in October and November 2023.

For example, on 29 October 2023, RDF soldiers were spotted at a position between Kibumba and Kanyamahoro (1.505486 S – 29.284994 E and 1.505486 S – 29.285275 E):



Footage obtained from a confidential source

On 30 October 2023, RDF soldiers were spotted at a position west of the “three antennas” area of Kibumba (1.505350 S-29.285125 E) (see also [S/2023/431](#), annex 34). The imagery also shows 82mm mortars and a VHF radio:



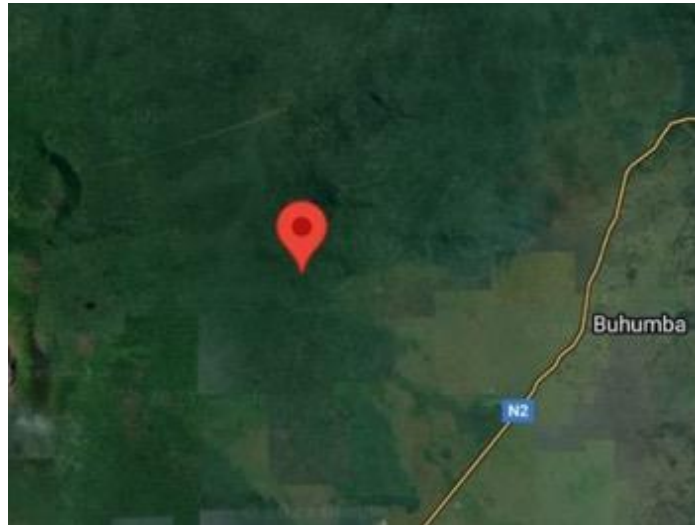




Footage obtained from a confidential source

Eyewitnesses, civil society actors and local authorities reported that on 29 October 2023, a large number of RDF troops marching in columns arrived from the Rwandan side of the border and passed through Buhumba, south of Kibumba, Nyiragongo territory, to move to the “three antennas” area of Kibumba to reinforce positions further west (see also [S/2023/431](#), Annex 34). One video of 29 October 2023 shows more than 70 soldiers in uniform equipped with weaponry and backpacks similar to standard RDF-issued equipment marching as part of a column and carrying goods. The video is on file with the Secretariat.

Drone footage of 28 October 2023 shows at least 50 soldiers in uniform equipped with weaponry and backpacks similar to standard RDF-issued equipment posted in trenches on a hill located west of the RN2, at the level of Buhumba (see map below):



Footage obtained from a confidential source

In early November 2023, more than 70 soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment were spotted northeast of Kilolirwe:





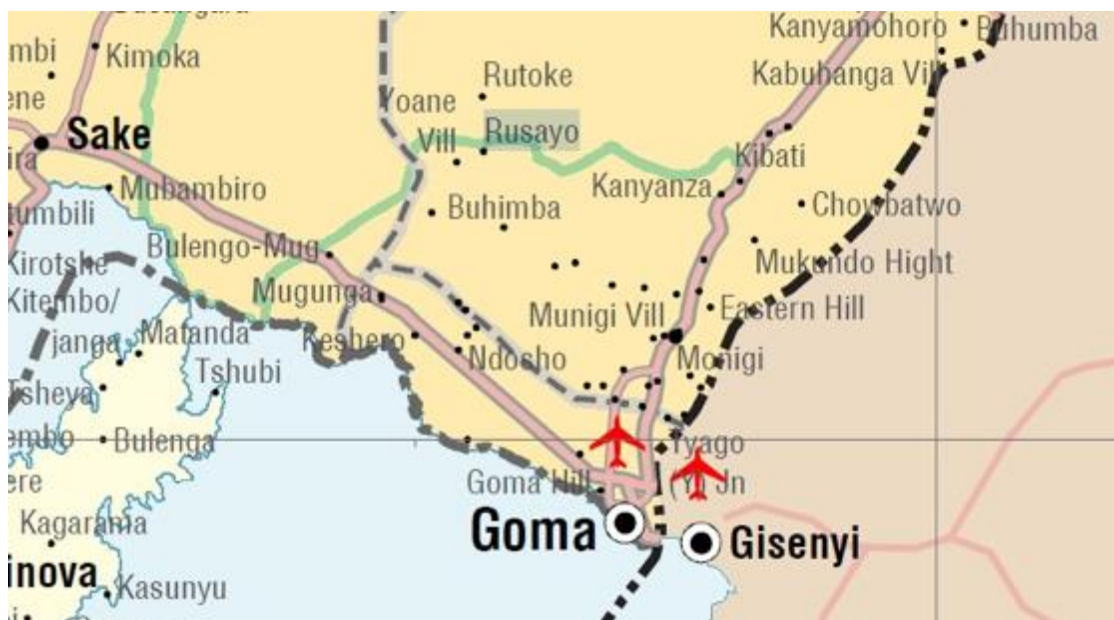
Footage obtained from a confidential source

According to intelligence sources and sources with knowledge of the matter, RDF troops deployed on DRC territory belonged to five different battalions as well as RDF special forces (see also [S/2022/967](#), Annex 29). In addition, the same sources reported that RDF and M23 units were supported by “combat/recce teams” totaling 250 former FDLR combatants and operating under the Rwanda Defence Intelligence Department (DID) (see para. 30 and also [S/2023/431](#), para. 59).

Sources close to the M23 and intelligence sources reported to the Group that from September 2023 onwards, there was a sharp increase in the contacts and coordination between RDF officers responsible for the coordination of the operations in North Kivu and M23 leadership – notably “Brigadier-General” Bernard Byamungu, “Colonel” Castro Mberabagago and sanctioned individual Baudoin Ngaruye (CDi.019) (see also [S/2023/431](#), para. 61, 50 and Annex 25).

Multiple sources reported that RDF troops continued to enter DRC territory through Kabuhanga, south of Kibumba, Nyiragongo territory, which the Group had already documented as one of the RDF entry points (see also [S/2023/431](#), Annex 34).

Civil society and intelligence sources reported that RDF’s increased presence in the Kibumba-Kanyamahoro area and the creation of new RDF positions west of the RN2 aimed at securing RDF access to Rusayo, a location situated between the two principal roads leading to Goma, i.e., the Goma-Kanyamahoro-Rutshuru road and the Goma-Sake road. This, in turn, would allow the RDF to eventually cut access to both roads:



Annex 18 (para. 31)**Additional information on several recovered 120mm mortars****Informations complémentaires sur plusieurs mortiers de 120 mm retrouvés**

Picture of unexploded 120mm guided mortar shell recovered in Murambi, close to Mushaki, Masisi territory (picture 1) and a sample picture of a similar, functional 120mm guided mortar shell (picture 2):



Pictures provided by MONUSCO

Picture of the remnants of the 120mm mortar recovered on 24 October 2023 some 15 meters from the FARDC camp in Kanyamahoro:



Pictures obtained from a confidential source

The Group is working on tracing the origins of these 120mm mortar shells.

The Group notes that this weapon system is new and expensive; the transport of this system, as well as its storage, is complicated and sensitive, due to its electrical and electronical components ; the use of the weapon system requires extensive training. It is therefore highly unlikely that local armed groups or the FDLR possess and/or use this type of weapon system.

The Group notes that on 27 February 2023, north of Sake (1°31'26.1" S – 29°04'24.1" E), Masisi territory, a T-54 tank belonging to the FARDC was hit by a mortar strike. Active fighting, including RDF and M23 presence and operations, was documented in that area at that time (see [S/2023/431](#), Annex 26). Given the high precision strike, military analysts concluded that the T-54 tank was most likely hit by a guided mortar shell containing the components for laser and GPS-measurements.



Screenshot of a video of the 27 February 2023 strike provided by a confidential source with knowledge of the matter



Map indicating the location (in red) of the 27 February 2023 strike

Annex 19 (para. 34)

Non-exhaustive list of armed groups from North Kivu and South Kivu provinces part of the “Wazalendo coalition”**Liste non-exhaustive des groupes armés des provinces du Nord-Kivu et du Sud-Kivu faisant partie de la "coalition Wazalendo"**

Armed groups active in North Kivu continued to build and strengthen their coalition against the M23. This resulted in a loose umbrella group of armed groups calling themselves the Alliance of Resistant and Patriots (*Alliance des résistants de la patrie* or ARP) (see also [S/2023/431](#), paras.75-78), which came to be known by the local population as the “Wazalendo” (patriots in Swahili). Over time, this armed group alliance has grown to include more armed groups (see below) totalling 28,700 local and foreign combatants. These groups also continued to communicate with, and receive support from, FARDC military hierarchy (see annexes 22 and 25 below and [S/2023/431](#), paras. 79-85). The Group notes that this support constitutes a violation of the arms embargo and sanctions regime.

According to armed group leaders and combatants, civil society sources, sources close to the FARDC command and intelligence sources, the following armed groups were part of the Wazalendo coalition and deployed in North Kivu:

Armed group	Commander	Area of operations
Alliance du Peuple pour un Congo Libre et Souverain (APCLS)	“General” Janvier Buingo Karahiri	Walikale / Masisi
Nduma Defense du Congo - Renove (NDC-R)	Guidon Shimirayi Mwisa	Walikale / Masisi
Collectif des mouvements pour le changement/ Forces de défense du peuple (CMC/FDP)	“General” Dominique Ndaruhuste, alias Domi	Walikale / Masisi
Alliance des nationalistes congolais pour la défense de droits humains/Alliance de force de défense du peuple	Jean-Marie Bonane	Walikale / Masisi
Mai-Mai Kifuafula		Walikale / Masisi
Union des peuples congolais libres de la nation (UPCLN)	“General” Janvier Mayanga	Masisi
Nyatura Abazungu	“General” Mahoro	Masisi
Patriotes résistants congolais-Forces de frappe (Pareco-FF)	Sendugu Hakizimana (alias Museveni)	Masisi
Mouvement patriotique d’autodéfense (MPA)	“General” Nyonzima Janvier	Rutshuru
Collectif des mouvements pour le changement/Forces armées du peuple congolais (CMC/FAPC)	“General” Bigabo	Rutshuru
Nduma Defense du Congo-Renove (NDC-R/Bwira)	“General” Mapenzi	Rutshuru
Forces démocratiques de Libération du Rwanda (FDLR-FOCA)	“Colonel” Protogene Ruvugayimikore Ruhinda	Rutshuru
Union des Patriotes Congolais pour la reconstruction du Congo (UPCRL)	“General” Mugabo	Rutshuru
Eveil patriotique pour la libération du Congo (EPLC)	Florentin Mzembe	Rutshuru
Brigade Humanitaire (BH)	“Colonel” Makasi	Rutshuru
Coalition des forces unies wazalendo (CF’UW).	“General” Mhuindo	Rutshuru

Coalition Nationale du Peuple pour la Souveraineté du Congo, abbreviated as the (CNPSC) also known as Mai Mai Yakutumba	“General” William Amuri Yakutumba	Rutshuru
Front des Patriotes pour la Paix/Armée du Peuple (FPP-AP)	Kabidon	
MRP	Lumoo motata alias Chinois	
Corps de patriotes congolais (COPACO)-Sud Kivu	John Kudia	Massisi
Union de Forces Patriotique du Congo (UFDPC)	Mbokani Cimanuka Grâce	Nyiragongo
UPLC	Kambale Mayani	

Annex 20 (para. 35)

Additional information on FARDC planned operations in July 2023 and September/October 2023

Informations supplémentaires sur les opérations planifiées par les FARDC en juillet 2023 et septembre/octobre 2023

In July 2023, the Group received information and reviewed documents, on file with the Secretariat, regarding the preparation of FARDC operations in North Kivu Province aimed at (i) neutralizing the enemy (i.e. M23); (ii) conquering lost positions; (iii) controlling strategic positions; (iv) protecting the civilian population and returning to normal activities of daily living; and (v) re-establishing State authority. The FARDC documents dating from July 2023 referred to an “aggression” by two neighbouring countries, Rwanda and Uganda, using a “pseudo-rebellion”, and stated that despite the relative calm in the area, the “RDF/M23 and UPDF allies continued to strengthen their ranks” which meant that “they are preparing a violation of the cease-fire”.

According to FARDC sources and confidential sources with knowledge of the matter, in July 2023 the plan was to launch operations in the event of attacks on the Kibumba, Sake, Kitshanga or Mabenga roads, on an FARDC position, or against Goma town. Other scenarios - such as an M23 cantonment refusal, the worsening of the humanitarian situation of the IDPs, or M23 movements towards FARDC and EACRF positions - could *de facto* also trigger the operations. The preceding information was reported to the Group in July 2023.

In July 2023, the strategy was to reinforce FARDC troops with 2,000 Republican Guards¹⁶⁷ and 1,000 Special Force combatants. Moreover, military contractors from the private military companies Congo Protection (numbering around 900 in October 2023) and Agemira (numbering around 100 in October 2023 (see [S/2023/431](#), annex 23) were also envisaged to provide substantial reinforcement to the FARDC’s military operations, the former on the ground and the latter through strategic advice and support to airstrikes (see also paras. 47-51).

In September and October 2023, the Group was informed that 2,000 FARDC Special Forces would be deployed instead of the 1,000 originally envisaged.

On 21 September 2023, the Group was informed by sources close to the FARDC hierarchy that the military operation, by land and air, against the M23 would start “after 28 October 2023” and that these operations were called for by President Tshisekedi and Minister of Defence Bemba. The concept of operations was approved by the Chief of Army Staff, General Christian Tshiwewe Songesha, on 12 October 2023 (see also [S/2023/431](#), para. 79). The initial plan was to liberate the RN2 and protect the borders, including by taking control of Bunagana and Kitagoma border crossings.

Five conditions were articulated for the launching of full-scale military operations: (i) the availability of armed drones; (ii) the availability of sufficient armoured personnel carriers to ensure increased mobility of FARDC troops; (iii) the deployment of 2,000 FARDC Special Forces in *Petit Nord*; (iv) clarification of the EAC position in view of full-scale military operations, in particular the status of EACRF troops in the area, since operations would impinge on the agreed EACRF buffer zones; (v) clarification of the position of the Ugandan Government in view of planned operations at the DRC-Uganda border.

The Group notes that three CH-4 drones arrived from Kinshasa to Goma, and further to Kavumu, in early November. The armed drones were supposed to be operational around 20 November 2023. In addition, several armoured vehicles were transported to Goma in October, and an additional 10 were supposed to arrive early November 2023. The number of Mi24 helicopters were planned to be increased to 6 (4 in addition to the ones present in Goma in October 2023); the number of Mi8 helicopters increased to 4 (2 extra to the ones present in Goma in October 2023).

¹⁶⁷ 1000 deployed in Goma area, and 1000 coming from Beni.

Annex 21 (para 35)**Meetings between the FARDC Chief of Staff and the Wazalendo armed groups****Réunions entre le chef d'état-major des FARDC et les groupes armés du Wazalendo**

Combatants and ex-combatants from the Wazalendo coalition interviewed in June 2023 confirmed that following the M23 attacks and the subsequent occupation of Kitchanga in late January 2023, the FARDC Chief of Staff, General Christian Tshiwewe Songesha, instructed local armed groups to remobilize and to defend their communities. On the 8 and 15 June 2023, in Bukobo and Tongo respectively, Tshiwewe Songesha held coordination meetings with the “Wazalendo” and instructed them to remobilize, defend their communities and the DRC’s territorial integrity.¹⁶⁸ The military authorities tolerated the Wazalendo’s presence in parts of eastern DRC with weapons, including in Goma, and tolerated that Wazalendo imposed illegal taxation on communities, including in the Rubaya mine area (see paras 59-71).

¹⁶⁸ VDP combatants and ex-combatants, sources close to FARDC command, civil society sources and researchers.

Annex 22 (para. 36)**Additional information on the Goma meeting and the role of Major-General Cirimwami****Informations complémentaires sur la réunion de Goma et le rôle du Major-Général Cirimwami**

On 16 September 2023, Major-General Peter Nkuba Cirimwami was appointed Military Governor *ad interim* and North Kivu Operations Commander. For additional information on Major-General Cirimwami, see also [S/2022/967](#), annexes 19, 41 and 50.

Upon his arrival in Goma, Major-General Cirimwami toured the frontline in Petit Nord and called for several meetings with nearly all Congolese armed groups active under the “Wazalendo” banner there (see the introductory Summary of the report), as well as the FDLR. Meetings were held on 22 and 23 September 2023 at several locations, including the Serena Hotel (Goma), the Hotel Grand Lac (Goma), the Governor’s office (Goma) and the P-DDRCS site in Mubambiro. Armed group leaders were hosted in hotels in Goma, which were guarded by FARDC soldiers, as observed by the Group. For example, on 24 September, the Group spoke with sanctioned individual Guidon Shimiray Mwisu (CDi.033) at the Hotel Grand Lac and saw Dominique Ndarurutse alias Domi there.

Armed group leaders arrived on 20, 21 and 22 September 2023, either by road or air-lifted by a FARDC Mi-8 transport helicopter. On 25 September 2023, 21 armed group leaders and combatants were transported back to the field by a FARDC Mi-8 transport helicopter. The Group was told that initially the transport by air of a total of 40 armed group leaders and combatants had been planned that same day, but only 21 took the helicopter. Instead, some armed group representatives travelled back to their respective areas by road. The Group notes that FARDC provided transport, including through helicopters and vehicles, to several UN-, US- and EU-sanctioned individuals. According to the official narrative presented by all parties involved, the Goma gathering aimed at sensitising rebels toward disarmament through the P-DDRCS (see paras. 37-38). However, *de facto*, the meetings focused on developing a joint FARDC-Wazalendo operational strategy to fight M23 and RDF, and the creation of the “Volontaires pour la défense de la Patrie (VDP)” composed of 8,000 Wazalendo combatants to serve as a proxy force for the FARDC. The operational strategy also involved the FDLR, although officially they were not part of the Wazalendo or VDP coalition. The Group notes, however, that the FDLR was also tasked to operate against the M23 and RDF, either unilaterally or jointly alongside the VDP armed groups.

The operational strategy discussed and agreed upon during the Goma meetings included, amongst others, the allocation of operational axes to the different armed groups (see annex 24).

When asked by the Group of Experts about the cooperation between the FARDC and the armed groups, Major-General Cirimwami pointed out that the involvement of the armed groups labelled “Wazalendo” or VDP was not a government initiative but was triggered by M23’s provocations. He also reiterated the Government’s call for the cantonment and disarmament of armed groups. When asked about the weaponry of the armed groups in *Petit Nord*, Major-General Cirimwami informed the Group that the weapons in the hands of the VDP had been found on the battlefield or seized from the M23 during fighting. The Group notes that Major-General Cirimwami’s statements are contradicted by its own findings.

Annex 23 (para. 36)**Armed groups, armed group leaders and representatives documented as having participated at the Goma meeting and related meetings****Groupes armés, chefs et représentants de groupes armés ayant participé à la réunion de Goma et aux réunions connexes**

According to armed group leaders and combatants, civil society sources, intelligence sources and sources close to the FARDC command, the following armed groups participated to the Goma meeting and break-out sessions:

ARMED GROUP	REPRESENTATIVE AT GOMA MEETING
APCLS	- Elie
ANCDH/ABAZUNGU	- Identity unknown
CMC-FDP	- Dominique “Domi” Ndaruhutse - Jules Mulumba
CMC-FAPC	- Bigabo
EPLCS	- Identity unknown
FDLR/FOCA	- Identity unknown
FDDH / Delta	- Libende
FDDP	- Identity unknown
FPP/AP	- Kabidon Kisanyo - Raus
FPLC	- Identity unknown
NDC-R / Mapenzi	- Desire Ngabo
PARECO	- Mahoro
PARECO-FF	- Innocent Kigingi
UPCRN	- Identity unknown
MAC	- Identity unknown
MAI-MAI UHURU	- Identity unknown
MPA	- Nzamuye Bahati - Janvier Niyonzima
NDC-R / Guidon	- Guidon Shimiray Mwisa

Annex 24 (para. 38)**Leadership of the VDP coalition and repartition of operational zones****Commandement de la coalition du VDP et répartition des zones d'opération**

VDP's command was placed in the hands of the main armed groups active in *Petit Nord*, i.e., NDC-R/Guidon, CMC-FDP of Dominique Ndarahutse, FPP/AP of Fidele Mapenzi and Kabidon Kasanyo, APCLS of Janvier Karairi Boingo and ANCDH of Jean-Marie Bonane.

While the official leadership of the VDP had not yet been announced at time of drafting, multiple sources informed the Group that Janvier Karairi Boingo of APCLS served as the overall leader of the VDP, while CMC-FDP leader Dominique Ndarurutse was his deputy entrusted with logistics. NDC-R's leader and sanctioned individual Guidon Shmiray Mwisa (CDi.033) was reported to be in charge of the military operations (see also [S/2023/431](#), para.75). Jules Mulumba, the spokesperson of the CMC-FDP, served as the coordinator and communication officer of the VDP.

Armed group leaders and combatants, as well as sources close to the FARDC command, reported the division of operational axes as follows:

- **Pinga-Kashuga-Mweso-Kitchanga axis:** NDC-R/Guidon of Guidon Shimiray Mwisa;
- **Bukombo-Tongo-Kalengera axis:** CMC-FDP of Domi Ndaruhutse;
- **Rwindi-Nyamilima axis:** FPP/AP of Kabidon Kazanyo and NDC-R of Fidel Mapenzi;
- **Masisi-Sake axis:** APCLS of Janvier Karairi;
- **Busumba-Burungu axis:** ANCDH of Jean-Marie Bonane.

Armed group combatants also reported some additional axes and locations to be included in the VDP and Wazalendo's area of responsibility:

Tuesday 21 الثلاثاء ٢١ شعبان ١٤٤٤ هـ		
GRUPE	Comd/Nom.	Positionnement
FDDH	Delta	Kazinga
UPCRN	Divin Kany andekwe	Haut plateau de Bishanga
MRP	Col Pascal (FARDC) & LUMOO MATATA chinois	Bweremana Mindva
PARECO/FF	Maroc	Ruebaya
CMC-NYIRAGO NGO	Janvier	Kitarva/ Nyiragongo
UPCRN	Flony	Murambi/ NYIRAGONGO
UPCRN	Col NZABI	KIBEX & RUGARI
FAR-W	Gen love	Kanyangoma/ Nyiragongo
EPLC	cherubin	Kanyangoma/ Nyiragongo
NDC-RMA PENZI	LIKUWE MAPENZI	Kinyumba KUBERO

Wednesday 22 الأربعاء ٢٢ شعبان ١٤٤٤ هـ		
FDDP	Defender & MKA	Kingi Kaussa

Document obtained from combatants active in Nyiragongo territory and confirmed by APCLS leaders, civil society and FARDC sources

Annex 25 (para. 39)**Additional information on weaponry, logistics and cash money provided to the armed groups active in *Petit Nord* against the M23 and RDF****Informations complémentaires sur l'armement, la logistique et l'argent liquide fournis aux groupes armés actifs dans le Petit Nord contre le M23 et les FDR**

The Group notes that the mobilisation and coordination of armed groups active in *Petit Nord* by the FARDC, as well as the provision of weapons, logistics and financial support to these armed groups, was documented prior to the Goma gathering (see also [S/2023/431](#), paras. 79-85).

For instance, in mid-May 2023, the Group received authenticated video footage showing an FARDC helicopter delivering food and other materiel to the NDC-R leader, sanctioned individual Guidon Shimiray Mwisu (CDi.033), in Pinga, Masisi territory:



Screenshots of a video showing Guidon Shimiray Mwisu (texting on his mobile phone) provided to the Group by a confidential source

When Major-General Peter Nkuba Cirimwami was appointed Military Governor *ad interim* and North Kivu Operations Commander, armed groups were requested to identify their needs in terms of armament and logistics and submit them to FARDC authorities.¹⁶⁹

¹⁶⁹ Armed group leaders and combatants, sources close to FARDC command, intelligence sources and researchers.

Armed group combatants and sources close to the FARDC command reported that Colonel Christophe Kenge, Military Territorial Administrator of Masisi, was appointed to channel food and ammunition supplies to the armed groups, which he executed. For example, on 16 October 2023, the Group viewed a photo showing a transfer of four boxes of ammunition, stored in the vehicle of Colonel Christophe Kenge, to Mai-Mai combatants in Sake on 15 October 2023. Colonel Christophe Kenge denied being in touch with the armed groups in *Petit Nord*. He also reported to be unaware of the presence of Wazalendo armed groups in Kitchanga in the aftermath of the 4-5 October 2023 VDP takeover of the town, although the town falls within his area of responsibility.

Armed group combatants and sources close to the FARDC command also reported the continued role of Colonel Salomon Tokolonga as relay for the cooperation between the FARDC on the one hand, and the VDP and the FDLR on the other (see also [S/2022/967](#), paras. 65 and annex 41; [S/2023/431](#), paras. 81 and annex 49).

The Group documented the transfer of boxes of ammunition, cash money and goods, on several occasions. For example, in Sake and Rwindi, in late September and early October 2023 respectively, meetings took place between armed group leaders and FARDC representatives during which armed groups leaders were provided with new materiel, financial support, goods and foodstuffs.

The Group notes that in the aftermath of the Goma meetings, the Wazalendo armed group leaders and combatants appeared well-armed, mostly dressed with FARDC uniforms and carrying radios, as illustrated in the following pictures/screenshots:

- 5 October 2023, Tongo, CMC/FDP combatants (pictures 1 and 2)
- 5 October 2023, Busumba, NDCR-Colonel Guidon Shimiraye (picture 3)
- 6 October, Kitchanga, ANDCH Colonel Bigirabagabo Nzita (picture 4)
- 6 October 2023, APCLS “general” Janvier Karahiri and FARDC colonel Salomon Tokolonga leaving an FARDC vehicle (picture 5)
- 16 October 2023, Kitchanga, NDCR-Guidon combatant called “Effacer” (picture 6)

Picture 1 :



Picture 2 :



Picture 3 :



Picture 4 :



Picture 5 :



Picture 6:



The Group directly observed the distribution of envelopes by an FARDC commander to armed group leaders on 24 September 2023 at the Hotel Grand Lac in Goma. Armed group combatants reported that the FARDC commander was distributing cash. The FARDC commander was identified by several sources as Colonel Sokololo, T1 of the FARDC Etat-Major in Goma:

Picture 1 below: Colonel Sokololo on the terrace of Grand Lac Hotel in Goma, about to hand over money to a person approaching on his right.¹⁷⁰



Picture 2: Picture taken few seconds after Picture 1 above. Colonel Sokololo handed over a bundle of cash to the person approaching on his right.¹⁷¹ In the foreground, CMC-FDP commander Domi Ndaruhutse passing by.



¹⁷⁰ Witnessed by members of the Group.

¹⁷¹ Ibid.

Pictures 3 and 4: Pictures taken at the same location (different angle), several hours later, depicting Colonel Sokololo (on the left of the image, partially visible, wearing the same red striped-shirt and sitting at the same table) still distributing cash to other armed group members, with both parties signing in a notebook.

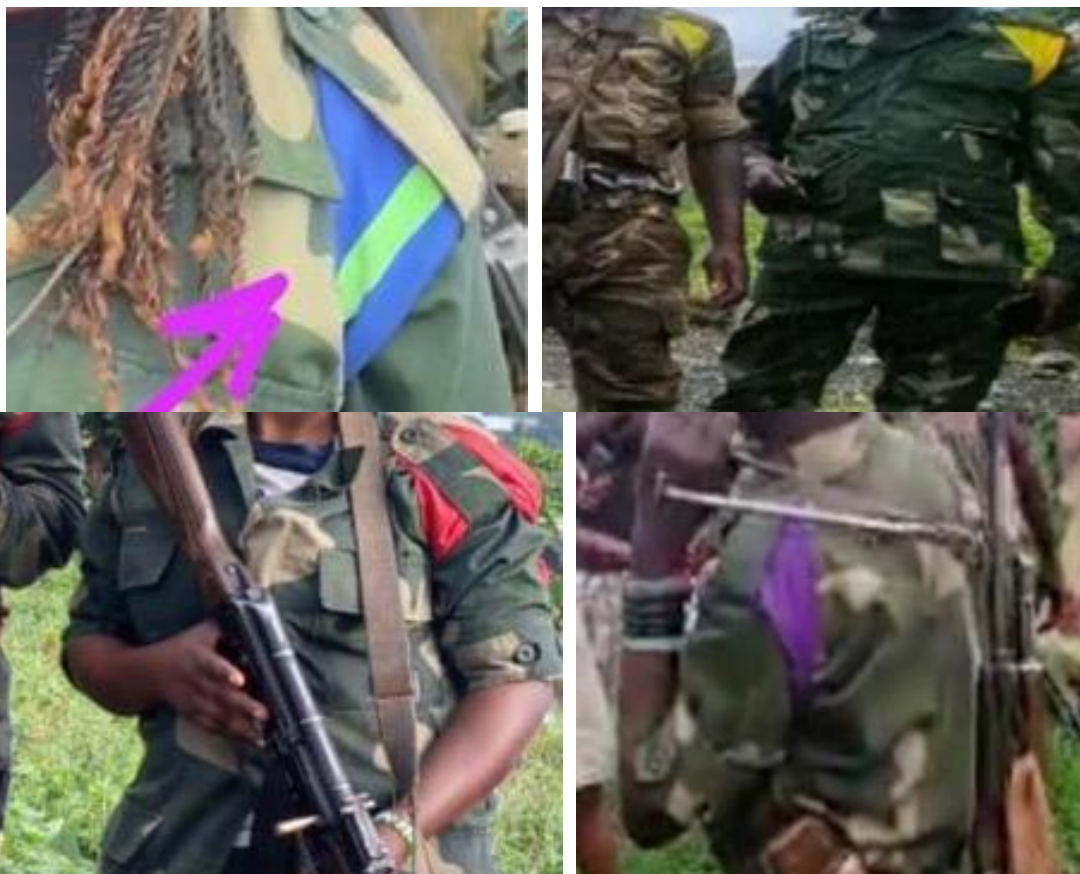


Pictures 1 to 4 above taken by the Group of Experts at the Grand Lac Hotel in Goma, on 24 September 2023

Annex 26 (para. 39)

VDP samples of armbands

Échantillons de brassards VDP



Blue-green: NDCR-Guidon

Yellow: APCLS

Purple: CMC-Domi

Red: ANCDH

Annex 27 (para. 44)

Press statement of the FDNB spokesperson on the deployment of FDNB troops within EACRF framework and elements provided by the Government of Burundi following information requests by the Group of Experts

Communiqué de presse du porte-parole de la FDNB sur le déploiement des troupes de la FDNB dans le cadre de la force régionale de la Communauté de l'Afrique de l'Est et éléments fournis par le Gouvernement du Burundi suite aux demandes d'information du Groupe d'experts

REPUBLIQUE DU BURUNDI

Bujumbura, le...../10/2023



**FORCE DE DEFENSE NATIONALE
DU BURUNDI
ETAT MAJOR GENERAL**

COMMUNIQUE DE PRESSE

1. Depuis la décision des Chefs d'Etat de la Communauté Est Africaine (EAC) de déployer à l'Est de la République Démocratique du Congo une Force Régionale de l'EAC pour soutenir le gouvernement de la République Démocratique du Congo dans la restauration de la paix dans cette partie de ce pays, le Burundi a déployé un contingent au Nord Kivu au mois de mars 2023.
2. Ce contingent burundais accomplit sa mission conformément au cadre légal régissant la Force Régionale de la Communauté de l'Afrique de l'Est. Sous les ordres du commandement de cette Force Régionale, les militaires burundais exécutent entre autres missions: assurer la sécurité de la population et de ses biens, la libre circulation des personnes et des biens sur les principaux axes routiers dans leur secteur de responsabilité. Ils exécutent leurs missions dans le strict respect du mandat de la Force Régionale de l'EAC.
3. Partout où les militaires burundais sont déployés à l'Est de la République Démocratique du Congo, ils sont hautement appréciés par les populations qu'ils protègent contre toute menace y compris le vol de leurs biens par les groupes armés.
4. Les militaires burundais agissent en tout lieu et à tout moment avec professionnalisme, l'une des valeurs principales de la Force de Défense Nationale du Burundi.

Colonel BIYEREKE Floribert

Porte-parole de la FDNB

P.O
Lt-col GATHONGA Emmanuel
SS 1044

- *Regarding the deployment of FDNB troops outside the EACRF framework:*

In reply to information requests of the Group regarding the deployment of FDNB troops outside the EACRF framework, on 7 November 2023 the Government of Burundi stated, inter alia, the following:

“At the EAC Heads of State summit held in Nairobi on 20 June 2022, the concept of operations (CONOPS) was validated and a decision was taken on the deployment of a regional force (EACRF) in eastern DRC to combat all local and foreign armed groups that have not signed up to the Nairobi peace process. It is within this framework that the FDNB has deployed troops on the Congolese territory, particularly in South Kivu, as described in the CONOPS.”¹⁷²

“With the upsurge in fighting between the FARDC and armed groups, including the M23, in North Kivu, the Heads of State of the EAC partner countries have decided to create a multinational sector where the Regional Force will focus on tackling this situation of insecurity. It is in this regional context that the FDNB has deployed another contingent in North Kivu in the sector comprising the localities of Kitchanga, Kilolirwe and Sake.”¹⁷³

The Government thus denied the deployment outside the EACRF framework, contrary to the Group’s findings.

- *Regarding FDNB soldiers wearing FARDC uniforms:*

In reply to an information request by the Group regarding uniforms and military equipment of the FDNB troops deployed outside the EACRF framework, the Government of Burundi stated the following:

“The FDNB has deployed troops in North and South Kivu as part of the Regional Force under the command of EACRF. However, FDNB contingents, like other contingents deployed in the DRC, wear their own uniforms.”¹⁷⁴

The Government thus denied that its deployed FDNB soldiers wear FARDC military uniforms, contrary to the Group’s findings.

- *Regarding confrontation between Burundian troops and armed groups:*

The Government of Burundi, in reply to the Group’s information requests, informed the Group that “no confrontations with armed groups have yet been reported, and consequently no loss of men and/or equipment has been incurred in the Burundi contingent’s area of responsibility.”¹⁷⁵

The Group notes that it obtained information from multiple sources that FDNB soldiers were killed on the battlefield. For example, on 5 November 2023, at least 10 Burundian soldiers were killed in confrontations with the M23 and/or RDF south of Kitchanga.

In early November 2023, EACRF sources also informed the Group that “Lance Corporal Emerance Ndikumwibana¹⁷⁶, Army Nr. HR 83678, from Burundian Army but not EACRF”, had been captured by M23 as a prisoner of war. This was confirmed to the Group by sources close to the FARDC and later relayed by M23 in a video, taken off the Internet shortly after.¹⁷⁷ The Group was able to confirm that the soldier portrayed in the video, wearing an FARDC uniform, belongs to the FDNB. This was also stated by the soldier himself.

The soldier declared that his contingent had departed Burundi on 19 September and arrived in North Kivu on 20 September 2023. In the video, he also declared that they were asked to dress in FARDC military attire at the airport in Bujumbura, and that their mission was to fight the M23.

He noted that upon arrival at Goma airport, they were brought to a military camp and thereafter deployed to the battlefield, where he was captured by M23. His contingent was composed of 300 soldiers. He declared that they left their weapons in Burundi and were provided with other weapons upon arrival in the DRC.

¹⁷² Translation from French into English by the Group.

¹⁷³ Ibid.

¹⁷⁴ Ibid.

¹⁷⁵ Ibid.

¹⁷⁶ Note: M23 communications refer to the soldiers as “Ndikumana”.

¹⁷⁷ Video on file with the Secretariat. Part of the video can be watched on [Youtube](#).

The M23 military spokesperson, Willy Ngoma, told the Group that the M23 had captured “many Burundian soldiers and many FARDC”. He was, however, unwilling to provide any further details and/or evidence to substantiate these allegations.

Annex 28 (para. 44)**Bilateral Defence Agreements between the DRC and Burundi****Accords bilatéraux de défense entre la RDC et le Burundi**

Both the DRC Minister of Defence, Jean-Pierre Bemba, and the Governor *ad interim* and then North Kivu Operations Commander, Major-General Peter Nkuba Cirimwami, told the Group that they were unaware of this bilateral FDNB-FARDC cooperation in Petit Nord. This is in contradiction with the findings of the Group.

In addition, the Group notes that in August 2023, the Governments of the DRC and Burundi signed a technical agreement on reinforced military cooperation and defence assistance, the latter made under the bilateral defence cooperation agreement of 6 March 2023.¹⁷⁸

In this August 2023 agreement, the parties undertake to continue and intensify their joint military operations to combat all forms of aggression on the territory of either Party; to combat terrorism and insurgency; to coordinate, plan and effectively execute concerted missions (Article 3.1).

In Article 5, the parties also agreed to strengthen their commitment to provide assistance in the event of a direct threat or armed aggression against one of them (Article 5.1). In the event of such a direct threat or armed aggression against one of the Parties, the other Party undertakes to provide military, humanitarian, logistical or diplomatic assistance (Article 5.2). The specific procedures and modalities for providing this assistance are detailed in joint operational plans, notably the Status of Forces Agreement (SOFA), the Concept of Operations (CONOPS) and the Rules of Engagement (ROE) (Article 5.3).

The Group did not obtain these operational plans.

Since both the DRC Government and the Government of Burundi have not acknowledged the presence of FDNB troops in North Kivu outside the EACRF framework, it is unknown whether the deployment of some 1,070 FDNB troops in the context of the M23-related crisis was agreed based on the concluded defence agreements.

The Group notes, however, that the above-mentioned articles do refer to “forms of aggression” and “direct threat or armed aggression”, most likely a reference to the RDF support to the M23.

¹⁷⁸ On file with the Secretariat.

Annex 29 (para. 44)

M23 open letter addressed to the UN Secretary-General and Rwandan media referring to FDNB deployment**Lettre ouverte du M23 adressée au Secrétaire général des Nations unies et médias rwandais évoquant le déploiement de la FDNB**

Object: Ongoing Ethnic Cleansing in Eastern Democratic Republic of Congo (DRC)

The M23 Movement Directorate acknowledges Your Excellency's endless efforts to find a peaceful resolution to the ongoing conflict in the Eastern Democratic Republic of Congo. Following the accusations mentioned therein our correspondence to your Excellency on October 11th, 2023, reference: 119/PDT/M23/2023 (herein attached). The M23 draws Your Excellency's attention to the following:

1. The ethnic cleansing continues, perpetrated by Président Tshisekedi Tshilombo's coalition forces of FARDC, FDLR, MERCENARIES, MILITIAS and BURUNDI NATIONAL DEFENSE FORCES under the total silence of the International Community.
2. As evidence: we, hereby, confirm Your Excellency that while defending ourselves and protecting the targeted civilian population by the said coalition in Kitchanga, Bwiza, Burungu and their surroundings, our forces (M23/ARC) have captured a BURUNDI NATIONAL DEFENSE FORCES' soldier who was embedded within the DRC government forces during their slaughtering of the innocent civilian population. Here is his identity:

Rank: 1st class

Names: KUBWIMANA MERENCE

Army Number: 83678HR 27742

Unit of origin in Burundi:

4th Division

Bataillon: 412

2nd company

Platoon One

Section One

Deployed to DRC under the 6th Bataillon TAFOC

3. The Humanitarian crisis has reached an unprecedented level in Bwiza and its surroundings.
4. War crimes continue to be committed by the said coalition under the watchful eyes of the International Community

The evidence raises tremendous concern Your Excellency, regarding the implication of the States in ethnic cleansing against a section of the population (TUTSI COMMUNITY) in this 21st century. Surprisingly the said countries are United Nations' State members, ICGLR members, EAC Chair State and EAC members.

The M23 continues to defend itself and protect the civilian population against this extermination ideology.



OPEN LETTER TO UN SECRETARY-GENERAL ANTÓNIO GUTERRES

H.E. Mr. Antonio Guterres
United Nations Secretary-General
42nd Street,
New York, NY 10017

Reference: 120/PDT/M23/2023

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The M23 continues to defend itself and protect the civilian population against this extermination ideology.

Please accept, Your Excellency, the expression of our highest consideration.

Kavumu, November 7th, 2023

The Chairman of M23 Movement

Bertrand BISIMWA

Great Lake Eye article:

“On October 6, Congolese soldiers, local militia and Wazalendo, were seen entering Kitchanga, a town in the Rutshuru Territory of North Kivu Province in eastern DRC, armed to the teeth with guns and other traditional weapons.

Videos circulating in the media showed ‘a triumphant entry’ of the militia groups and Congolese troops, who are ready to fight the M23 rebels, in violation of a ceasefire earlier established by the Nairobi and Luanda peace initiatives.

Kitchanga, like many other areas, in eastern DRC, has been in control of the East African Community Regional Force (EACRF). A Burundi contingent of the EAC Regional Force is deployed to the area.

During their 22nd Ordinary Meeting held on July 22, 2022 in Arusha, Tanzania, the Summit of East African Community (EAC) Heads of State directed to expeditiously deploy a joint regional force in eastern DRC to restore peace and security.

The first troops, a Kenyan contingent, under the regional force landed in Goma, in November 2022.

They were joined, a few months later, by contingents from Burundi, Uganda and South Sudan.

The EAC Regional Force’s mandate and mission was simple; to create a buffer zone to prevent confrontations between the government forces (FARDC) and M23 rebels, take over areas the rebels withdrew from, prepare and observe the pre-cantonment process, all the while protecting civilians from armed groups.

In May, the EAC noted that EACRF has made tremendous progress in its efforts to restore peace and stability in eastern DRC as envisaged by the Summit of EAC Heads of State.

“In line with Decisions of the Summit, the EACRF has continued to ensure observance of ceasefire and in addition overseeing the withdrawal of armed groups who have handed over to the EACRF most of the areas that were under their control. These areas include Karuba, Mushaki, Kiloriwe, Kitchanga, Mweso, Kishishe, Bambo, Mnagana, Tchengerero, Kiwanja and Kinyandoni. These areas have since been under the control of various EACRF contingents which will now enable residents to return to their homes and businesses,” stated an EAC statement in May.

“The EAC is proud of the work that has so far been accomplished by the EACRF towards restoration of Peace and Security in the eastern DRC.”

Five months later, however, the situation in eastern DRC is worrying.

Despite the EAC stressing that it is “fully committed to ensure restoration of peace and security in eastern DRC and any other part of the region,” the Burundian contingent has failed to adhere to the regional bloc’s mandate and has failed the Congolese civilians they were expected to protect.

Upon landing in Goma in March, the Burundi National Defence Force (FDNB) were immediately deployed to take control of Kitchanga and Sake areas from the M23 rebels, who had voluntarily withdrawn from the areas.

However, since October 1, fighting between FARDC, their allies comprising of genocidal FDLR, Wazalendo and other militias, against the M23 erupted. The rebels were attacked at Kilolirwe, Nturo, Gicwa, and some other areas in Masisi Territory. In addition to the fighting, houses of Congolese Tutsi communities were set on fire in the town of Nturo. The government coalition killed a number of unarmed civilians and looted their property.

All the fighting and atrocities happened in the areas under the control of the Burundian contingent.

The Burundian government also deployed more than 1,000 other troops to North Kivu and South Kivu provinces outside the framework of the EAC, to support the Congolese army.

Sources from Gitega and Kinshasa confirmed that this bilateral military agreement will see Burundian soldiers fighting alongside the FARDC, wearing the latter's uniform.

The Burundian troops under this bilateral arrangement receive instructions directly from Kinshasa. Their mission is directed by Congolese President Felix Tshisekedi. They will not be constrained by any regional protocols and regulations.

Amid the crisis the Burundian army released a statement, on October 6, claiming that their soldiers under EACRF operate professionally.

“Wherever Burundian soldiers are deployed in eastern DRC, they are highly appreciated by the populations they protect against any threat, including the theft of their property by armed groups,” read part of the statement.

But for the Congolese civilians co-habiting with the Burundian soldiers, many questions remain unanswered. How can they claim to be acting professionally when the Congolese Tutsi are being killed in their presence? How do they explain the pillaging of cows, burning of houses of these people? Why have they ceded the areas under their control to FARDC and its militia allies?

What's now clear is that Burundi's actions encouraged the FARDC's belligerence to violate the ceasefire in place since February. If nothing changes, for the better, Burundi's stance in eastern DRC threatens to make a bad situation worse by minimizing the progress already made.

Observers of the peace process in the DRC had already painted a complex picture of the conflict, with parties routinely shifting bases or allegiance depending on interests.

The situation is very complicated, with very many forces and interests at play.

But it gets even worse, with some countries in the region and the larger international community paying lip service to peace, and actually ending up complicating matters, which undermines the regional processes.”

Source: <https://thegreatlakeseye.com/post?s=Shifting--allegiance%3F--Burundi's--actions--in--eastern--DRC--look--to--undermine--regional--peace--efforts--> 1164

Annex 30 (para. 45)

Information on flights transporting FDNB troops

Informations sur certains vols transportant des troupes de la FDNB

FARDC and security sources informed the Group regarding the following flights transporting Burundian troops outside the EACRF framework, as also confirmed by intelligence sources:

- 21 September 2023, 02h38: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 21 September 2023, 05h30: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 23 September 2023, 21h08: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 24 September 2023, 21h26: Flight from Burundi to Goma with 150 FDNB troops; flight tzero 9T-TCR
- 24 September 2023, 23h40: Flight from Burundi to Goma with 76 FDNB troops; flight 9T-TCR

The Iliouchine fixed-wing aircraft with tail number 9T-TCR, known as “Tolerance Zero”, belongs to the FARDC.



Above: Iliouchine fixed-wing aircraft photographed landing at Goma airport on 19 October 2023, at 13h12.

Picture taken and provided to the Group by a confidential source

The Group notes that information provided by EACRF and the Government of Burundi confirms that the above flights transported FDNB troops to Goma outside the EACRF framework:

EACRF informed the Group that part of the Burundian contingent, part of EACRF, was airlifted by the Kenya Air Force on 5 and 6 March 2023. Other Burundian personnel arrived by road during the same period. EACRF also informed the Group that on 15 and 16 March 2023 part of the Burundian contingent, which was claimed to be part of EACRF, was airlifted by the FARDC. EACRF informed the Group that beyond the above-mentioned dates (5, 6, 15

and 16 March), no elements of the Burundian contingent part of EACRF were transported by plane, or arrived by road to North Kivu.

In reply to information requests of the Group, the Government of Burundi stated on 7 November 2023 that “the deployment in the framework of the Regional Force of the EAC was carried out following the EACRF-CONOPS (...); in North Kivu in the multinational sector was done on 05 March 2023 with a contingent of 900 soldiers”.¹⁷⁹

¹⁷⁹ Translation from French into English.

Annex 31 (para. 47)**Additional information on the negotiations conducted by Erik Prince****Informations complémentaires sur les négociations menées par Erik Prince**

In late June and mid-July 2023, the Group was informed by several sources with knowledge of the matter that the plan of the DRC authorities to send 2,500 military contractors from Colombia, Mexico and Argentina to North Kivu,¹⁸⁰ aimed at stopping the M23 advance and secure mining areas in eastern DRC (see [S/2023/431](#), annex 23), was reinitiated. Military barracks in Mubambiro were in construction, close to Sake, next to Congo Protection's training camp, to host the first 250 contractors who were intended, at first, to arrive late July 2023. Containers with equipment had already arrived at the site in July 2023.

The Group obtained evidence that Erik Prince, founder of the former security firm Blackwater and currently head of Frontier Resources Group (FSG), was leading the negotiations for this deployment, which had been promoted and engineered by Kahumbu Bula Mandungu, alias "Kao", the Privy Councillor of President Félix Tshisekedi.

The Group also obtained evidence that around that time, Erik Prince was searching for evidence – such as photos, video and audio files – that could be used against MONUSCO, so as to precipitate MONUSCO's departure in favour of the deployment of his military contractors.

The Group was informed that the plan to conclude a contract with Erik Prince has been halted.

¹⁸⁰ The Group notes that the contractors did not travel to the DRC.

Annex 32 (para. 48)**Additional information on 6 October mortar strikes in Kibumba-Kanyamahoro area****Informations complémentaires sur les tirs de mortier du 6 octobre dans la région de Kibumba-Kanyamahoro**

In late September 2023, M23¹⁸¹ was posted on a hill in Buhumba (see “**Position 3**” on the map below), about 4 kilometers northeast of the FARDC position in Kanyamahoro (see “**position FARDC Kanyamahoro**” on the map below) and 1.5 kilometers southeast from the Kenyan contingent of EACRF in Kibumba (see “**EAC Buhumba**” on the map below).¹⁸²

The FARDC position in Kanyamahoro also served as a training camp where FARDC have been trained by, and receive instructions from, Congo Protection instructors.

On the night of 26-27 September, M23 also occupied another position (see “**Position 2**” on the map below), as confirmed to the Group by EACRF, FARDC, PMC and civil society sources. Position 2 is located 2 kilometers north from FARDC position in Kanyamahoro and 3 kilometers southwest from EAC position in Buhumba.¹⁸³

The Group notes that Position 3 and Position 2 were located inside the neutral zone between FARDC and M23 positions.

The FARDC commander of the 3408th Infantry Regiment reported to the Joint Verification Team of the EJVM that on 27 September 2023, approximately 110 M23 combatants were posted on a hill in Kanyamahoro, and 50 M23 combatants in the adjacent portion of the Goma-Kibumba road (RN2).¹⁸⁴ The commander of the Kenyan contingent of the EACRF estimated the visible number of M23 elements occupying Kanyamahoro hill and the surrounding area at around one company.¹⁸⁵

The commander of the Kenyan contingent of EACRF, informed about the situation, intervened to assess the situation and established that the M23 had occupied the Kanyamahoro hill.

After an 8-hour negotiation between EACRF and M23, M23 left Position 2 that same day. Subsequently, the Kenyan contingent of the EACRF deployed to Position 2.¹⁸⁶ M23 did not withdraw from Position 3.¹⁸⁷

On 5 October 2023, EACRF troops left Position 2 following fighting further west of the RN2 between M23 and some Wazalendo armed groups. That same day, M23 reoccupied Position 2.

On 6 October 2023, M23 based in Position 2 and Position 3 launched attacks, including four 120-mm mortar attacks, on the FARDC position at Kanyamahoro. Two mortar shells landed 200 meters from the FARDC camp; two others 300 meters from the same camp. That same day, the FARDC, trained and supervised by Congo Protection, fired back.

While EACRF troops went back to Position 2 to renegotiate the departure of M23, the FARDC position at Kanyamahoro continued to be attacked by M23 stationed at Position 3, and by M23 deployed west from Position 2.

In total, 27 mortar shells of 82mm and 10 mortar shells of 120-mm calibre were launched on Position 2 by the FARDC controlled and supervised by Congo Protection.

¹⁸¹ The Group notes that according to multiple sources M23 was operating together with RDF in that area at that time.

¹⁸² FARDC, EACRF, PMC and civil society sources.

¹⁸³ FARDC, EACRF, PMC and civil society sources.

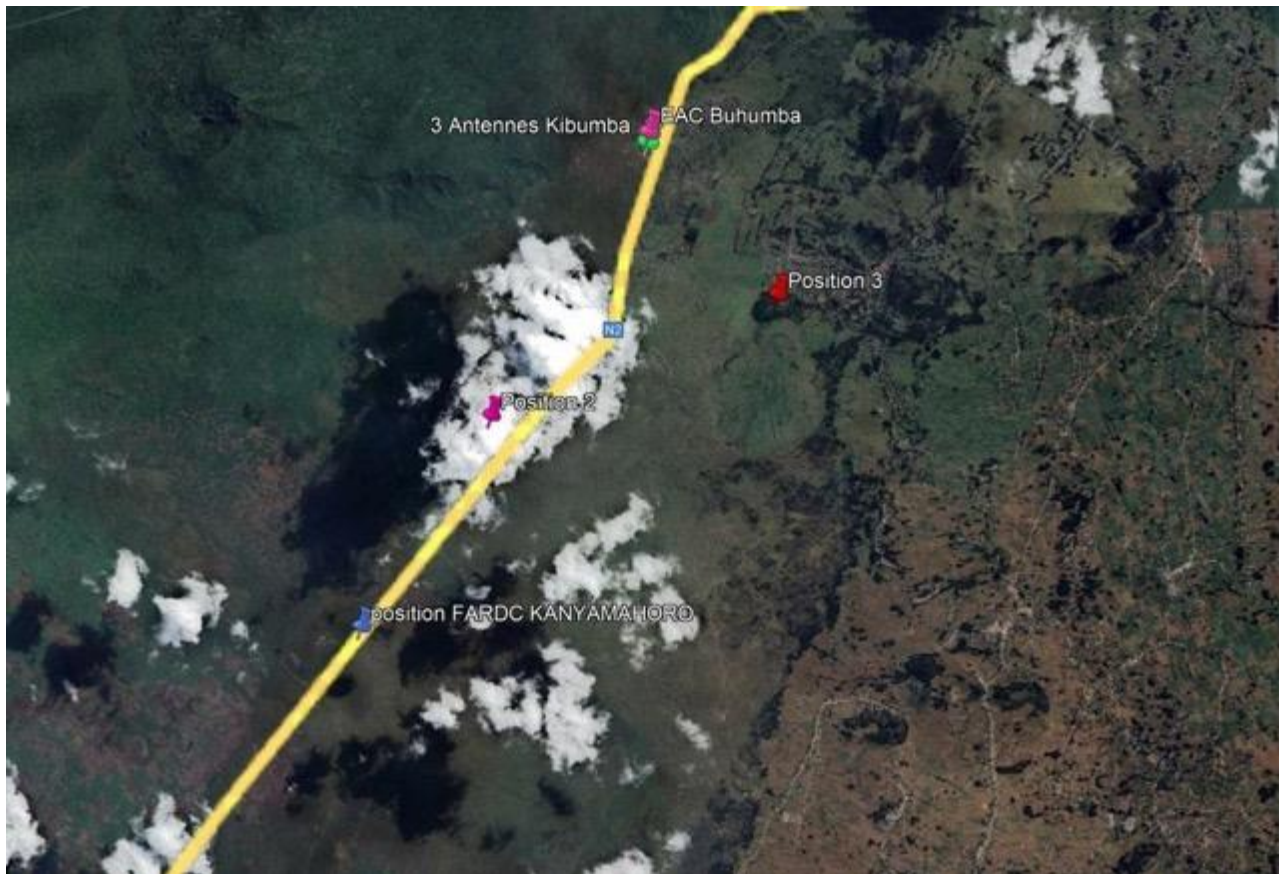
¹⁸⁴ Expanded Joint Verification Mechanism report of 29 September 2023, on file with the Secretariat.

¹⁸⁵ Ibid.

¹⁸⁶ Expanded Joint Verification Mechanism report of 29 September 2023, EACRF and PMC sources.

¹⁸⁷ Ibid.

- Map indicating Position 3 and Position 2:



- Below: Picture of one of the 120 mm mortar shells launched on the FARDC position in Kanyamahoro



Picture provided by a confidential source

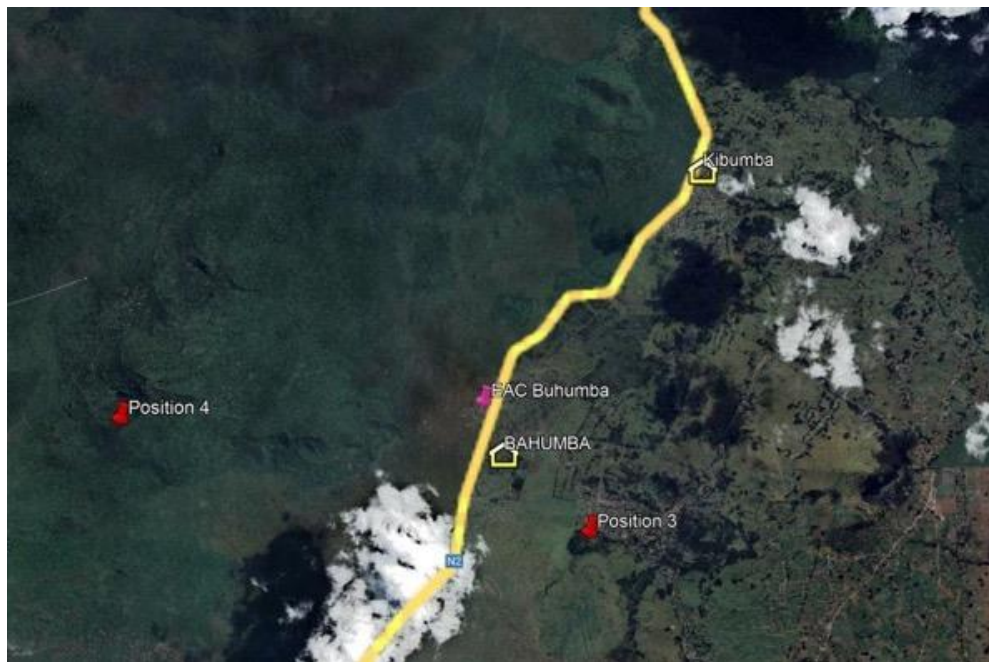
Annex 33 (para. 50)

Additional information on the 28 October 2023 air strikes

Informations complémentaires sur les frappes aériennes du 28 octobre 2023

On 28 October 2023, with the support of Agemira, the FARDC planned and executed air strikes using an SU25 aircraft on a mixed M23-RDF position. They dropped two 250 kgs bombs, two 500 kgs bombs and launched 57-mm rockets on the position, located west of the RN2 (see “**Position 4**” on the map below).

The M23/RDF position, labelled “Position 4”, was targeted on 28 October 2023:



Document obtained from sources with knowledge of the matter

On the right, in the red-coloured circle, the impact of the bombing of Position 4 on 28 October 2023. On the left, in the green-colored circle, the M23/RDF position which was still occupied by RDF troops at the time of the Group’s drafting of this report.



Document obtained from a confidential source

Annex 34 (para. 53)

Justin Bitakwira interview on *Bosolo na Politik avec Mutombo Israël*, posted on Youtube on 6 July 2023**Interview de Justin Bitakwira sur *Bosolo na Politik avec Mutombo Israël*, postée sur Youtube le 6 juillet 2023**

1. On 6 July 2023, Justin Bitakwira appeared in a televised interview moderated by Mutombo Israël,¹⁸⁸ investigative journalist at *Bosolo Télévision*.¹⁸⁹ The interview was re-posted on the Youtube channel *Bosolo na Politik Officielle* on 24 July 2023.¹⁹⁰
2. During the interview, which lasted nearly two hours, Bitakwira exposed what he called the “autopsy of a nation in danger”.¹⁹¹ Bitakwira presented himself as an “indispensable political solution” for the country because, he claimed, he holds “secrets” and “expertise” that could solve the social and security problems in the context of the war raging in the east of the DRC.¹⁹² He claimed that the war in the east was a problem between the Bantu and the Nilotic tribes.¹⁹³ He blamed former President Joseph Kabila for removing Mai-Mai generals from eastern DRC and replacing them with Rwandophones, and stated that until the Congolese army was not “cleaned” of Rwandophones, the east would not be liberated.¹⁹⁴ He embarked on an antagonizing speech, framed in terms of “us” (the Bantu tribes, legitimate Congolese) and “them” (the Tutsi and Banyamulenge, labelled as refugees, foreigners, with a genocidal past and genocidal intentions towards the real Congolese), blaming all the historical and present misfortunes of the country on the two communities, the Tutsi and Banyamulenge, accusing them of alliance with the enemy (labelled as “the Kagame virus”), thereby implying an imminent threat to the safety and physical integrity of the Congolese (“us”).¹⁹⁵
3. He depicted the Banyamulenge and the Tutsi as a power-thirsty ethnic group which has “exterminated people like [he] had never heard of in history”, and no Tutsi can ever be trusted. When the moderator asked whether one should therefore be wary of a Tutsi, Bitakwira stated that they [the Tutsi] are all natural-born criminals, and that their creator must have been the one who also created the devil. Justin Bitakwira then went on to depict in detail how “those people” [the Tutsi] would skin their enemies with a sharp knife, like they do with cows.¹⁹⁶
4. With his statements, the intention of Justin Bitakwira’s speech was to defame and to generate hatred and hostility towards an entire section of the population, notably the Tutsi and Banyamulenge.
5. The Group recalls that Justin Bitakwira has had a long history of virulent anti-Banyamulenge and anti-Tutsi statements, denying their right to Congolese citizenship and suggesting that they should be removed from the country (see [S/2021/560](#), para. 154 and annex 113, and [S/2022/967](#), para. 73 and annex 53). The Group recalls that such fearmongering propagated by a public figure with a substantial following is extremely dangerous in the context of the brewing ethnic tensions and ongoing armed violence. The interview had 79,910 views, as last consulted by the Group on 12 November 2023.
6. The declarations listed above may at least constitute incitement to discrimination, hostility, and violence, and thus sanctionable acts under paragraphs 7 (e) of Security Council resolution 2293 (2016), as renewed by Council resolution 2688 (2023).
7. The Group reiterates its recommendation that concrete steps should be taken by the Congolese government to deter such practices and curb the propagation of ethnic hatred (see [S/2023/431](#), para. 188(d)), including by prosecuting individuals responsible.

¹⁸⁸ <https://brothermyephre.com/2023/07/07/rdc-interview-de-justin-bitakwira-face-au-journaliste-israel-mutombo-de-ce-jeudi-06-juillet-2023-video-complete/>

¹⁸⁹ Bosolo Télévision is advertised as an investigative television channel in the DRC. See www.youtube.com/@BOSOLOTV

¹⁹⁰ Full length interview with Justin Bitakwira posted on Youtube at <https://youtu.be/1ztbPXeolKU?si=6ItUYz8y6nVGkq0v>.

¹⁹¹ See video at timestamp 1:04:41.

¹⁹² See from timestamp 00:17:40.

¹⁹³ See from timestamp 00:49:00.

¹⁹⁴ See from timestamp 00:47:15.

¹⁹⁵ See from timestamp 01:00:00.

¹⁹⁶ See from timestamp 01:17:00.



Above: screenshot taken from the interview of Justin Bitakwira of 6 July 2023, re-posted on the Youtube channel *Bosolo na politik officielle* on 24 July 2023 (last accessed by the Group on 12 November 2023)

Note: The video, initially aired on 6 July 2023 on Bosolo TV, is no longer available for public viewing online (see <https://brothermyephre.com/2023/07/07/rdc-interview-de-justin-bitakwira-face-au-journaliste-israel-mutombo-de-ce-jeudi-06-juillet-2023-video-complete/>)

Annex 35 (para. 53)

Justin Bitakwira speech upon leaving the *Cour de cassation* on 20 July 2023Discours de Justin Bitakwira lors de son départ de la *Cour de cassation* le 20 juillet 2023

1. On 20 July 2023, Justin Bitakwira was summoned to the *Cour de Cassation* for questioning over the statements he made during the interview of 6 July 2023 on *Bosolo na Politik* with Mutombo Israël (see annex 33 above).
2. In a video available on Youtube, Justin Bitakwira shared his comments on the hearing, upon exiting the meeting at the public prosecutor's office at the *Cour de Cassation* on 20 July. He stated that he had only done his job to inform and enlighten the national and international opinion about the tragedy that Kagame's Rwanda has been committing for over 20 years in the Democratic Republic of Congo (translation from French by the Group):

"I was well received by the inspector who interviewed me, and then I was received by the public prosecutor. It was about my television program on Bosolo na Politik with Mutombo Israël. I told the inspector that I couldn't answer the various questions he was going to ask me if he hadn't yet read the book Holocauste au Congo by Charles Onana. Because all I did was comment on what was written in the book Holocauste au Congo. When you have read this book, we will have the same understanding. (...) We're talking about giving them maybe two weeks to finish reading this book that I'm just paraphrasing."

Original in French:

« J'ai été bien reçu par l'inspecteur qui m'a auditionné, ensuite, j'ai été reçu par le Procureur général. Il s'agissait de mon intervention à la télévision dans le programme Bosolo na Politik avec Mutombo Israël. J'ai dit à l'inspecteur que je ne saurais répondre aux différentes questions que qu'il allait me poser s'il n'avait pas encore lu le livre Holocauste au Congo de Charles Onana. Parce-que je n'ai fait que commenter ce qui est écrit dans le livre Holocauste au Congo. Quand vous aurez lu ce livre, nous aurons la même compréhension. (...) Il est question de leur donner peut-être deux semaines, qu'il termine de lire ce livre que je ne fais que paraphraser », a-t-il dit, au sortir du Parquet. »



Video of Justin Bitakwira's comments upon exiting the *Cour de Cassation* on 20 July 2023 (poasted on Twitter at <https://x.com/sergesindani01/status/1682101603870949376?s=20>)

Annex 36 (para. 54.1)

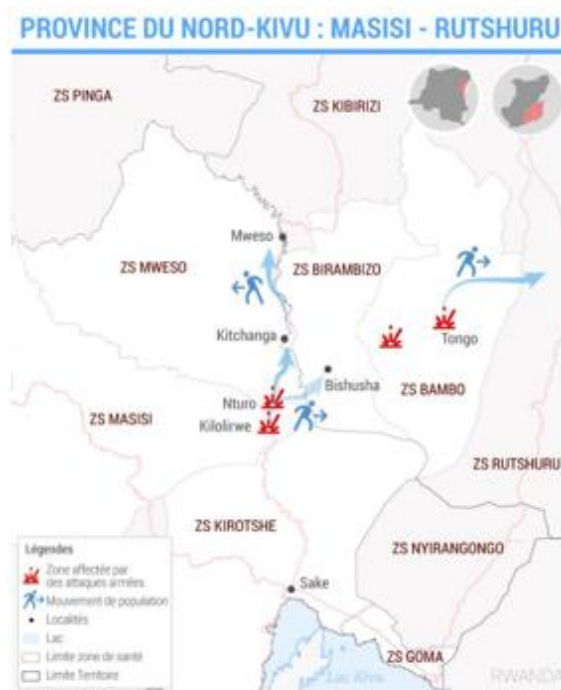
The Tutsi community fleeing VDP operations

La communauté tutsie fuyant les opérations du VDP

Since 1 October 2023, as fighting between the M23 and VDP combatants intensified in Masisi and Rutshuru territories, the Tutsi population living in the area of Kitchanga and Kilorirwe, and in villages such as Nturo, Burnugu, Kabarekasha,¹⁹⁷ was once again forced to flee.¹⁹⁸

More than 4,500 households from the Tutsi community, amounting to over 20,000 individuals, fled before the arrival of the VDP, the majority seeking shelter in the mountains of Bwiza.¹⁹⁹ Encircled from all sides by hostile armed groups, they were left stranded for days without food and shelter. Members of the community raised concerns about their survival due to fears that they will be attacked by VDP combatants. As previously recorded, the displaced Tutsi community chose not to converge towards the large IDP sites, in fear of being targeted by members of other communities who continued associating them with the M23 (see [S/2023/431](#), annex 54).²⁰⁰

Several villages were burned down by VDP combatants, including the village of Nturo, inhabited mainly by Tutsi (see annex 37 below). Several houses belonging to Tutsi inhabitants in Kitchanga were also destroyed.²⁰¹



Above: Infographic on the internal population displacement due to ongoing fighting in Masisi and Rutshuru territories, as on (information published on [8 October 2023](#) by the [UN Office of Coordination for Humanitarian Affairs](#))

¹⁹⁷ MONUSCO, humanitarian sources, civil society, researchers, local sources, and photographic and video evidence

¹⁹⁸ The majority had fled the area in January 2023 under the threat of hostile armed groups, as they were accused of collaborating with the M23. They had returned under EAC protection during the ceasefire. Sources: local sources, civil society and humanitarian sources, researchers.

¹⁹⁹ Local sources, civil society, MONUSCO, and humanitarian sources.

²⁰⁰ Sources from the Tutsi community.

²⁰¹ Local sources, civil society, humanitarian sources.

Annex 37 (para 54.2)

VDP burning down the village of Nturo on 7 October**VDP brûlant le village de Nturo le 7 octobre**

Between 4 and 8 October 2023, heavy fighting was ongoing between the coalition of VDP combatants and M23 around Kitchanga, Kilorirwe and Bwiza. The VDP coalition took over the village of Nturo, close to Kilorirwe, around 5 October, and burnt down the entire village which was inhabited by the Tutsi community. The armed groups NDC-R of Guidon, Nyatura Abazungu and APCLS, all members of the VDP coalition, participated in the operations in the area.

Videos of the VDP burning the village of Nturo circulated on social media. The Group obtained two videos (on file with the Secretariat) on which VDP combatants explain that they have burnt down Nturo.

Video 1 – showing images of Nturo village burning [several sources confirmed that it is the village of Nturo, often referred to as Kilorirwe since it is how the wider area is known; Nturo is identified based on the topography and the proximity of the antennas, visible in the video]. The person filming the video states the following (translation obtained by the Group):

“Right now, we're in Kirolirwe, we're sabotaging Kirolirwe, these people thought they were strong...but God gave us power. We are going to hit them until they feel it. We're going to burn down [the village] without leaving any houses. They came from Rwanda. God gave us the power to hit the Rwandans, we must hit them until they cross into their own country [followed by victory cries].”



Above: Screenshots from Video 1, depicting the village of Nturo burning and VDP combatants converging towards the village



Above: VDP groups converging towards the village of Nturo. Some are seen wearing blue-green armbands, the distinctive mark of NDC-R fighters under the command of Guidon



Above: screenshot of a commander with a handheld radio, seen among the VDP combatants heading towards the burning Nturo village. He was identified by a member of the VDP as Colonel Gady of the Nyatura Abazungu armed group

Video 2: showing images of Nturo village burning. The person filming the video states the following (translation obtained by the Group):

“Right now, we're in Nturo, we're burning down the houses where the Tutsis were hiding, we were just hearing gunshots without knowing where they were coming from. Thankfully we have just burned this place down. This was the place that was not easy to take, at the antennas in Nturo.”



Above: screenshot from the video showing the burning houses in the village of Nturo



Above: The ruins of Nturo village. Photographs taken in Nturo several days after the incident, by a confidential source

VDP communiqué denying the involvement of VDP in the burning of Nturo village

After the circulation on social media of the videos depicting the burning of Nturo village by VDP combatants (see videos 1 and 2 above), a press statement was issued in the name of the VDP and of the “chief of the ‘Wild Geese’ operations” (*commandant des opérations des Oies Sauvages*), Guidon Shimiray Mwisa, denying the involvement of VDP combatants in the burning of villages inhabited by the Tutsi community. The video containing the press statement was shared on social media and is on file with the Secretariat.

The press statement was read by a female combatant introducing herself as assistant to the Chief of “the Wild Geese” operations and commander of the VDP, Lt-gen Guidon Shimiray Mbwise. She is seen wearing military attire and a blue-green armband, the distinctive insignia of NDC-R combatants (see also annex 26) identical to the ones seen on combatants on Video 1 above, filmed at Nturo when the village was being burnt.

English translation [original French transcript below]: *“I am the assistant to the commander of the ‘Wild Geese (Les Oies Sauvages)’ operations and the VDP, the Volunteers for the Defence of the Homeland (Volontaires Pour la Défense de la Patrie). Press release Nr 001/VDP/LesOiesSauvages/2023. We have learned through the airwaves and social networks of rumors according to which the VDP, the Volontaires Pour la Défense de la Patrie, are in the process of setting fire to the homes of Tutsis on the battlefield. With this message, we are telling both national and international opinion that these reports are false. As we are well informed and trained in international humanitarian law, we cannot commit such despicable acts. This is why we vehemently condemn these ill-intentioned people who once again want to tarnish the image of the Volontaires Pour la Défense de la Patrie. We call on the population to be vigilant and to continue to trust us, as we remain at the service of the nation. We know that there are Congolese Tutsis who have the right to be protected like so many other Congolese. Long live the DRC, long live the VDP, long live the commander of the VDP, Lieutenant-General Guidon Shimiray Mwisa.”*

Original French transcript: *« Je suis l'assistante du commandant des opérations « Les Oies Sauvages » et des VDP, les Volontaires Pour la Défense de la Patrie. Communiqué de presse Nr 001/VDP/Les Oies Sauvages/2023. Nous avons appris par les voies des ondes et les réseaux sociaux des rumeurs selon lesquelles les VDP, les Volontaires Pour la Défense de la Patrie, sont en train d'incendier les maisons des Tutsis sur le champ de bataille. Par ce message, nous signifions à l'opinion tant nationale qu'internationale que ces informations sont fausses. Nous sommes d'ailleurs bien informés et formés sur le droit international humanitaire, nous ne pouvons pas commettre des actes si ignobles. C'est pourquoi nous condamnons avec véhémence ces personnes mal intentionnées qui veulent encore une fois ternir l'image des Volontaires Pour la Défense de la Patrie. Nous appelons la population à la vigilance et à continuer de nous faire confiance car nous restons au service de la nation. Nous savons qu'il y a des Tutsi Congolais qui ont le droit de jouir de la protection comme tant d'autres Congolais. Vive la RDC, vive les VDP, vive le commandant des VDP, le lieutenant-général Guidon Shimiray Mwisa ».*



Above: Screenshot from the video containing the VDP press release, depicting the person reading out the press release, identifying herself as assistant to the “Chief of the Wild Geese operations, Lt-gen Guidon Shimiray Mbwise, commander of the VDP”.

Note: She is depicted wearing a blue-green armband identical to the one worn by Guidon Shimiray and some of the combatants at Nturo (see below)



Above: Image of “Lieutenant-general” Guidon Shimiray Mwisa, NDC-R, wearing the same blue-green armband



Above: screenshot depicting VDP fighters at Nturo, wearing blue-green armbands

Annex 38 (para. 55)

Massacre of demonstrators by the Republican Guard in Goma on 30 August 2023

Massacre de manifestants par la Garde républicaine à Goma le 30 août 2023

The FNJMN's anti-MONUSCO agenda and prior demonstrations

1. The mystic-religious group *Foi Naturelle Judaïque Messianique vers les Nations/ Agano La Uwezo wa neno* (FNJMN), self-declared as “messianic Wazalendo”,²⁰² was led by pastor Efraim Bisimwa. The sect had more than 1,000 followers²⁰³ who regularly frequented the FNJMN temple in the Nyabushongo neighbourhood of Goma. The FNJMN also operated a local radio station, Radio-Television Uwezo Wa Neno (RTUN), based in the Ndoshu neighbourhood in Goma, which also regularly transmitted audio-visual material online, including on Youtube.²⁰⁴
2. In mid-2023, FNJMN emerged and suddenly became vocal against the United Nations. On 30 June 2023, over 600 FNJMN sect members demonstrated in front of MONUSCO's Logistical Base in Goma, known as “RVA”, demanding the allocation of the RVA parcel for the construction of a monument in the memory of Lumumba, revered by FNJMN as a national hero. The demonstrators dispersed peacefully after performing mystical rituals and animal sacrifices.²⁰⁵ They handed over a 12-page manifesto to MONUSCO accusing the UN, MONUSCO and certain UN agencies (FAO, UNESCO, WFP, UNHCR) of being responsible for the insecurity in eastern DRC.²⁰⁶
3. On 30 July 2023, FNJMN organized another demonstration at the BDGL roundabout in Goma, gathering more than 1,000 followers. Efraim Bisimwa announced the FNJMN's intention to participate in the struggle for the departure of MONUSCO by latest 31 December 2023.²⁰⁷ On that occasion, he also announced the demonstration to be held on 30 August 2023 with the intent of installing the movement's general headquarters at MONUSCO's RVA parcel in Goma.²⁰⁸

Operational plan to contain the demonstration

4. In an official communiqué issued on 23 August 2023, the mayor of Goma banned the demonstration planned for 30 August.²⁰⁹ Given the ban, Efraim Bisimwa claimed he intended to suspend the demonstration and submit a memo addressed to MONUSCO instead. Subsequent negotiations with a representative of the DRC Police (PNC) led to an agreement that the PNC would accompany an FNJMN delegation to hand in the memo to MONUSCO and the authorities.²¹⁰ On the evening of 29 August, Bisimwa asked his followers not to march through town, but to gather at a church at 7am the next day.²¹¹

²⁰² As described in a letter addressed by FNJMN to the President of the Republic, according to MONUSCO sources

²⁰³ Estimate based on accounts of sect members, and on the number of individuals that attended demonstrations. According to Efraim Bisimwa, the sect has more than 5,000 followers.

²⁰⁴ See [RTUN channel on Youtube](#)

²⁰⁵ MONUSCO, local sources, researchers, open sources/media.

²⁰⁶ MONUSCO sources. The manifest was also partially read out by an elderly figurehead during the sit-in, [see Youtube video](#).

²⁰⁷ MONUSCO, local and open sources, media.

²⁰⁸ MONUSCO, local sources.

²⁰⁹ A copy of the official communiqué signed by Kapend Kamand Faustin, Mayor of Goma, is on file with the Group.

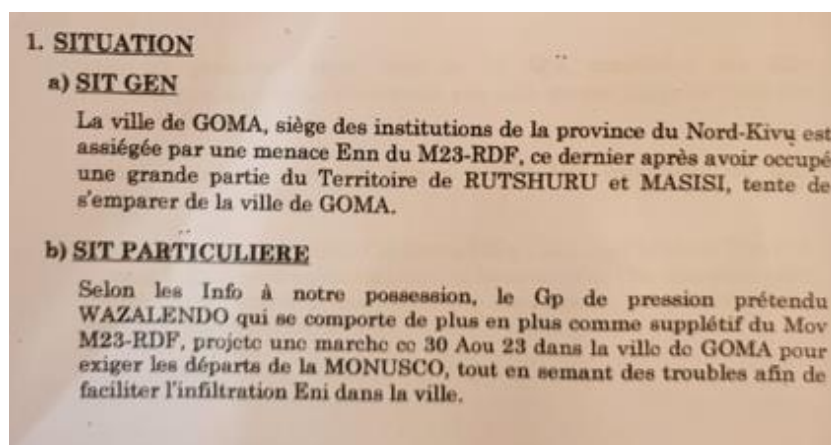
²¹⁰ FARDC, MONUSCO, local sources, and Efraim Bisimwa.

²¹¹ Efraim Bisimwa and two members of the sect.

5. Fearing that despite the interdiction, the FNJMN would proceed with the demonstration and that it might escalate into violence, Lt-Gen Constant Ndima, then Governor and Commander of military operations in North Kivu, gave instructions to the FARDC and PNC to develop an operational plan to contain the situation.

Roles assigned to FARDC and PNC

6. In military documents consulted by the Group and on file with the Secretariat, on 23 August the Governor gave instructions to the Commander of the 34th Military Region (34 Reg Mil) and to the PNC Provincial Commissioner to take appropriate measures in response to the planned demonstration, and to urgently engage with the leaders of the sect. The Governor's instructions did not include the *Garde Républicaine* (GR) in this operational order as, according to the Governor, it was not within the GR's prerogatives to be involved in law-and-order operations.
7. On 25 August, a telegram was dispatched by the Governor to the Commander of the 34th Regiment Militaire to the Commander of the Sukola II operations in North Kivu and to the PNC Commissioner, informing that the sect had "pro-terrorist M23/RDF" tendency and there was risk of an M23/RDF infiltration to "cause trouble" in Goma. Consequently, it instructed to secure MONUSCO facilities and deploy a "security apparatus" in Goma.²¹²
8. The PNC Commissioner and the 34 Reg Mil Commander prepared their mission and issued their respective operational orders. Both framed the projected demonstration within the context of the M23/RDF aggression. They both foresaw the potential intervention of the GR as a supplementary force in the operations (see excerpts below), with the 34 Reg Mil referring to the "BIA GR" (*Brigade interarmées*, under the command of Mike Mikombe – see para. 56 of the report) and the PNC referring to the "Bn GR" (GR battalion). Several military sources confirmed to the Group that the GR was not supposed to intervene unless there was a serious armed threat or attack.
9. An FARDC military intelligence officer told the Group that the FARDC was on high alert due to rumours which suggested a potential risk of M23 infiltration in Goma, projected for the 30 August, thus coinciding with the planned demonstration. However, these reports were not based on verified information and turned out to be false.
10. Below: excerpts from the 34 Reg Mil operational order, dated 28 August 2023.²¹³



²¹² Copy of the telegram on file with the Group.

²¹³ Document dated 28 August 2023, on file with the Group.

COMPOSITION ET ARTICULATION DES FORCES		
<u>Unités Organiques</u>	<u>U S Comdt Ops</u>	<u>U S Ctl Ops</u>
• Bn PM	• 33 Gpt Nav	• PNC
• Bn QG	• BIA GR	
• Bn AC		
• Cie Recce	• 31 Regt Gn	
• Cie Interv		

Instructions to regular FARDC forces:

Interdire l'incursion Eni, sur toutes les voies probables et possibles menant vers la ville de GOMA.

A cet effet,

- Dans un premier temps, avec le Bn QG, constituer des Elm d'interdiction sur différentes voies pouvant mener jusqu'en ville sur différents S/Axes.
- Deuxième temps, avec Cie Interv 34Rgn Mil, constituer un Elm d'intervention rapide.
- Ensuite, avec les Elm PNC, Cie Recce 34Rgn Mil, Bn PM et les Elm FN, assurer le CtlZ permanent terrestre et lacustre (Pat Cbt, dispersion des manifestants, érection des barrières improvisées, sécurisation des installations MONUSCO).

Operations envisaging the intervention of GR as a **supplementary** force:

Avec le Det BIA GR et la FN, être EMD assurer Sp Feu aux unités engagées soit dans la ZAcn 34Rgn Mil, soit dans la ZAcn Sect Ops SUKOLA II NK.

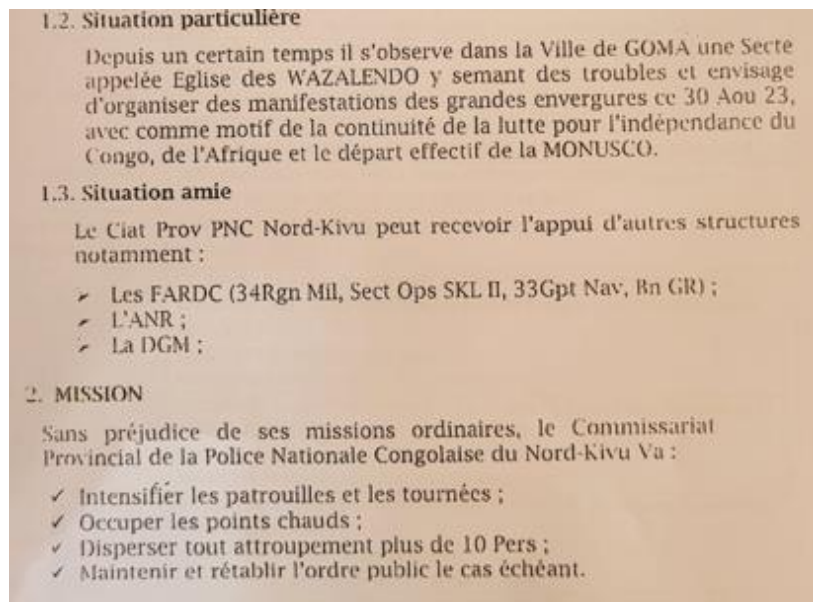
Specific instructions on rules of engagement:

c) Instruction de coordination

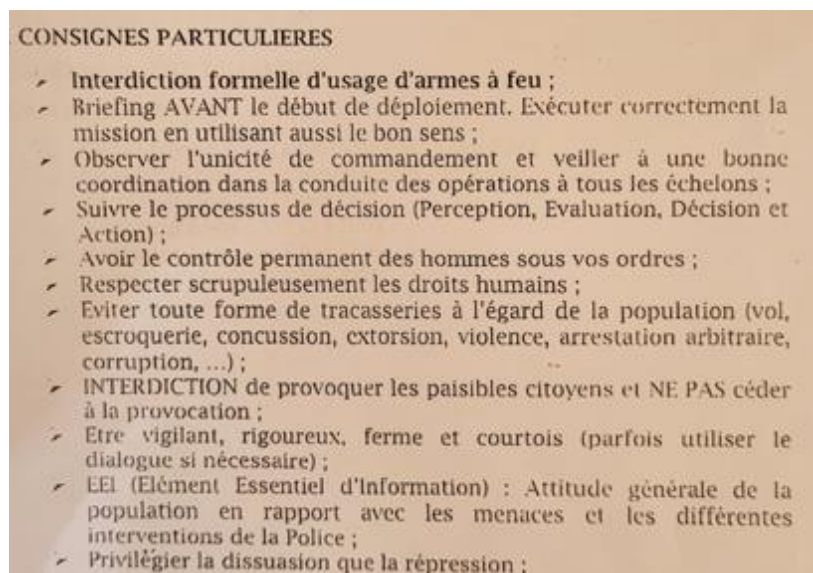
- a) Tr Rap immédiatement en cas d'un incident ou arrestation
- b) Ne faire l'usage d'armes à feu qu'en cas de légitime défense
- c) Respect strict de règles d'engagement et de comportement
- d) Fin Ops sur Ordre

11. Below: excerpts from the PNC operational orders²¹⁴ regarding the planned demonstration:

²¹⁴ Document on file with the Group.



Specific instructions on rules of engagement of PNC elements:



The role of the Garde Républicaine

12. On 29 August 2023, the North Kivu Chief of Staff of the *Brigade interarmées* (BIA), under the command of Colonel Mike Mikombe, issued its operational orders in response to what it described as the “presence of a hostile pressure group” that acts like a substitute of M23/RDF and seeks to “cause trouble [in Goma] and facilitate the infiltration of the enemy”.²¹⁵ Its stated mission was to conduct a “motorized dissuasion march” on the main axes of Goma. In terms of execution of the mission, it foresaw the deployment of the 121st Bn Inf (infantry battalion), the “1st Bn Interv” (intervention battalion), and the “19Regt FS” (the 19th Regiment Special Forces, under the command of Colonel Bawili – see para. 55 of the report), including “Un Bn FS” (FS Battalion). The latter was designated as “OPCON”,

²¹⁵ “Ordre de mouvement routier” issued by the GIA command on 29 August 2023, at 13:34. Document on file with the Group.

which in military jargon means an authority to perform functions of command over subordinate forces.

13. The BIA foresaw to deploy its forces to the main arteries of Goma, to “nip in the bud the attempt of the MESSIANIC pressure group”.²¹⁶ It planned to deploy forces starting at 4:00 a.m., until 11:30 a.m. on 30 August 2023. The general gathering was planned at the Etat-Major (EM) of the BIA, with a briefing by the Commander BIA. Instructions were given to only use firearms on explicit orders, or in case of legitimate defence.
14. A high-ranking military official with knowledge of the matter told the Group that the involvement of the GR was ordered by the GR hierarchy in Kinshasa, notably by Maj-Gen Ephraïm Kabi (see para. 57 of the report), and that as a result, Colonel Mike Mikombe refused obey the Governor’s orders. Other high-ranking military officials and sources close to the FARDC command stated that Mike Mikombe could not have taken such initiative without expressed orders from his hierarchy.

Events leading up to the killing of demonstrators on 30 August 2023

15. During the night of 30 August 2023, at around 3:30–4:00 a.m., the RTUN radio station in Ndosho was raided by a group of military men in combat gear, some wearing balaclavas. According to FNJMN pastor Efraim Bisimwa, who was at the radio station along with nine others (the staff working at the radio and some of their relatives), the group of soldiers invaded the premises through the neighbouring properties, in a commando-style operation, held them at gunpoint and threatened to kill them. The soldiers rounded up everyone at the radio, tied them up and pillaged the premises, taking all the equipment, documents and more than USD 25,000 in cash. Before being tied up, Efraim Bisimwa managed to send out a message to his followers on a WhatsApp group informing them that the radio was under attack. The hostages were then taken outside and forced to sit on the pavement, in front of the CBCA Ndosho hospital, where at least five military jeeps were parked.
16. According to credible reports²¹⁷ and based on the eyewitness testimony of Efraim Bisimwa, some members of the local population and members of the sect who rushed to the scene after receiving the alert from the radio began claiming the liberation of the hostages. Subsequently, the soldiers began shooting and executing some of the hostages. After the shooting stopped, Efraim Bisimwa and another individual were loaded on the jeeps and driven away. Several confidential sources, including a GR soldier, confirmed that the hostages were taken to Mike Mikombe’s base near the airport.
17. At least six people were executed during this raid at the radio station.²¹⁸
18. At around 6:00-7:00 a.m., FARDC and GR units deployed around the FNJMN temple. Hundreds of sect members were gathered inside the temple, and a large crowd of demonstrators blocked the road leading to the temple. A stand-off between the sect members and the security forces ensued. Colonel Frank Mutunda, director of military intelligence at the 34 Reg Mil, engaged in lengthy negotiations with the leaders of the demonstrators. Video recordings of the stand-off confirmed that Colonel Frank’s attempts to negotiate with the unarmed demonstrators were suddenly interrupted by Colonel Mike Mikombe, who ordered the negotiators to step aside and verbally aggressed the demonstrators.²¹⁹ Eyewitness testimonies confirmed that minutes later the GR, including elements of the 19 Rgt FS special forces, in the presence of Colonel Mike Mikombe and

²¹⁶ Language used in the document

²¹⁷ Local sources and researchers

²¹⁸ Photographic evidence, medical records, FARDC sources

²¹⁹ Videos are on file with the Secretariat.

Lieutenant-Colonel Bawili, opened fire on the unarmed demonstrators. An FARDC eyewitness, Colonel Yves Rubenga testified during the trial of Colonel Mike Mikombe that he heard the latter giving order to the soldiers to shoot.

19. When the shooting stopped, after several minutes of continuous firing, eyewitnesses from the FARDC reported having counted 42 civilians killed, including women and children. One seriously wounded civilian died shortly thereafter, raising the immediate death toll to 43. On videos depicting partial scenes of the shooting, the sound of machine gun fire is distinguishable.²²⁰ Below are images of the FS soldiers and their weaponry, filmed at the scene of the crime minutes before the shooting:



Above: Screenshots depicting members of the GR Special Forces (FS) and their weaponry, as filmed at the scene of the stand-off, minutes before the shooting began

²²⁰ Video footage on file with the Secretariat.

20. Concomitantly with the standoff between the sect members and the security forces, a crowd close to the temple captured a police officer, allegedly involved with three other PNC members in the killing of a sect member. The captured officer was stoned to death by the crowd.²²¹
21. Around 7:00 am, the temple was also raided, and eyewitnesses reported that an unknown number of civilians were killed after they were forced out of the temple. Many others were arrested, including children.²²² The death toll could not be confirmed.
22. GR elements collected the bodies and loaded them onto “Kamaz” military trucks parked nearby. Eyewitnesses claimed that some of the wounded were executed.²²³ Video footage captured GR soldiers dragging the bodies and throwing them onto the trucks, treating them with visible contempt. Video footage²²⁴ and eyewitnesses also confirmed that the wounded and the hostages were loaded onto the same trucks with the bodies of the deceased.
23. The GR elements were also seen looting goods and livestock. Around 10 a.m., they set the FNJMN temple on fire.²²⁵
24. The Group could not independently establish the total death toll, which was likely higher than the 57 presented by the Congolese authorities (see para. 55 of the report). Some families were unable to find the bodies of their family members who were at the temple, and who have been missing since the killings. The bodies of the victims were kept for several weeks and presented to their families for identification in a state of advanced putrefaction.²²⁶
25. FARDC sources confirmed that no firearms were found on the demonstrators or at the temple.
26. The Group notes that the military authorities have thus failed to take all possible measures to prevent the dead from being despoiled and did not take any measures to facilitate the identification and the proper disposal of the victims’ remains.
27. *The GR chain of command*: The Group established the command structure of the GR as follows, starting with the highest-ranking officer, followed in decreasing order by subordinate commanders²²⁷:
 - a. Major-General Ephraïm Kabi, Chief Commander of the GR, based in Kinshasa;
 - b. Colonel Mike Mikombe, Commander of the GR Brigade, and commander of the joint GR military command (or *Brigade interarmées*, GIA), chief of GR units in Goma;
 - c. Lieutenant-Colonel Donatien Bawili, commander of the GR’s 19th Regiment Special Unit, also known as the « Hiboux », based in Goma;

²²¹ The incident was captured on video, on file with the Group.

²²² The Group obtained video footage of several hostages, including small children, stripped from their shirts and with their hands tied up, being led in a file by GR elements.

²²³ One eyewitness interviewed by the Group has seen two women being executed by a soldier on the back of a truck.

²²⁴ Videos on file with the Group.

²²⁵ Eyewitnesses, photographic and video evidence, FARDC sources. A confidential source with knowledge of the matter claimed that there were prior orders to neutralize the demonstrators and burn down the temple.

²²⁶ Military, medical, and eyewitness testimonies, as well as public media reports.

²²⁷ FARDC and military intelligence sources.

d. Major Peter, commander of the 192nd GR Battalion (part of the 19th Regiment), responsible for the GR Special Forces (FS), based in Goma.

28. The above commanders, notably Colonel Mike Mikombe, Lieutenant-Colonel Donatien Bawili, and Major Peter, were all present during the events of 30 August 2023. According to the BIA operational orders for the 30 August 2023, the FS Battalion was designated as “OPCON” (see also para. 12 above). According to eyewitness testimonies and video evidence, Major Peter was the “closest” to the FS armed soldiers that were at the scene during the standoff. An eyewitness claimed to have heard Major Peter giving orders to shoot, but the Group was unable to corroborate this claim, which is contradicted by another testimony (see point 18)
29. The image below depicts Colonel Mike Mikombe arriving at the scene of the stand-off near the temple, interrupting the negotiations:



Above: screenshot of video depicting Colonel Mike Mikombe (on the left of the image, in military uniform, with right arm raised)

30. The image below depicts Major Peter at the scene of the stand-off:



Above:

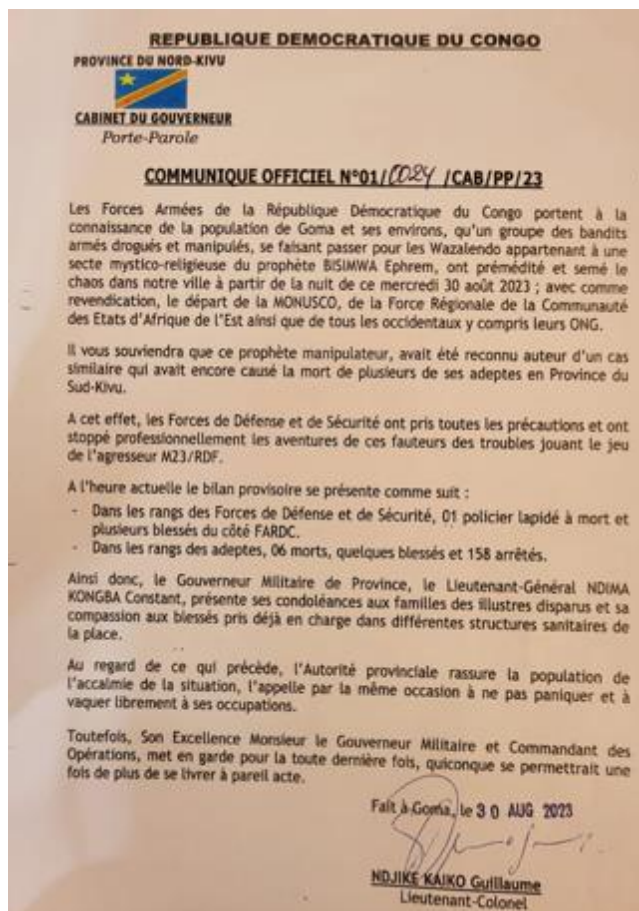
Image 1 (on the left): Screenshot depicting Major Peter in military uniform, in the center of the image, during discussions with the members of FNJMN

Image 2 (on the right): Screenshot depicting Major Peter (in the center-left of the image, in military uniform without combat gear) discussing with members of the FNJMN, behind him his FS soldiers in full combat gear



Above: Screenshot from video showing the loading of the bodies into a “Kamaz” truck. Major Peter is seen in the middle of the picture, overseeing the loading of the bodies, surrounded by FS soldiers in combat gear.

31. Less than two hours following the massacre, FARDC spokesperson Lieutenant-Colonel Guillaume Ndjike Kaiko, issued a first public statement about the events and presented some of the arrested FNJMN members to the press. A written official communiqué issued concomitantly on behalf of the Cabinet of the Governor of North Kivu, signed by its spokesperson Lieutenant-Colonel Ndjike, praised the Defense and Security Forces for having “professionally stopped the adventures of [the] troublemakers who played the game of the M23/RDF aggressor”. It presented the members of FNJMN as a “group of bandits, armed, drugged and manipulated, posturing as Wazalendo” who had premeditated and brought chaos upon the city of Goma during the night of 30 August 2023. It presented a death toll of six FNJMN members killed, a few injured and 158 arrested; and one PNC stoned to death and a few injured FARDC. See the full text of the communiqué below.



Annex 39 (para. 57)

The judicial process and the lack of inquiry into other potential suspects of the 30 August 2023 killings in Goma

La procédure judiciaire et l'absence d'enquête sur d'autres suspects potentiels des meurtres du 30 août 2023 à Goma

32. On 2 September 2023, an inter-ministerial commission of inquiry arrived in Goma to investigate the events of 30 August 2023. The commission, sent on the orders of President Tshisekedi, was led by the Deputy Prime Minister and Minister of Interior, Peter Kazadi, and was composed of the Deputy Prime Minister for Defence, the Minister for Human Rights, the Minister of State for Justice, and the Auditor General of the FARDC.²²⁸ The commission conducted investigations and made recommendations upon its findings, which led to the opening of a trial in *flagrante delicto* against six suspects, including Colonel Mike Mikombe and Lieutenant-Colonel Donatien Bawili.
33. On 5 September 2023, it was announced that the Governor of North Kivu, General Constant Ndimba, had been recalled to Kinshasa, following the events of 30 August.²²⁹ On 16 September 2023, Major-General Peter Nkuba Cirimwami was appointed as new Military Governor *ad interim* and Commander of the North Kivu Operations (see annex 22).

The military trial

34. The Group notes that the trial of the two officers, Mike Mikombe and Donatien Bawili, and of four GR soldiers, did not inquire into the role played by other military personnel including of the hierarchy, potentially complicit in the commission of the crimes.
35. As stated above (see paras. 27, 28 and 30 of this annex), Major Peter was present during the stand-off and the shooting of the demonstrators near the temple, and oversaw the collection of the bodies (as shown in the image above, at para. 30 of this annex). Given the video and testimonial evidence of other crimes and misconduct - potential execution of wounded civilians loaded onto the trucks, the burning of the temple, the allegations of mistreatment of prisoners who were forced onto the trucks containing the dead bodies, and the looting by the FS soldiers – further investigations would have been warranted.
36. In addition, the implication of other individuals identifiable on the videos of the shooting and of the collection of the bodies were not investigated. Other shortcomings of the investigation – such as the lack of in-depth video analysis, lack of proper identification of the bodies (including photographing the victims for subsequent identification and conducting autopsies), or the failure to conduct an exhaustive body count – have called into question the integrity of the judicial process. In addition, given that GR units involved in the shooting remain engaged in combat in North Kivu against the M23, the lack of judicial or disciplinary accountability of all those involved raises legitimate concerns about the risk of further crimes against civilians being committed by these units.

The trial of FJNMN sect members and of their leader, Efraim Bisimwa

37. In parallel with the trial of the officers, judicial proceedings were initiated against 115 members of the FJNMN, accused of killing a police officer and participation in an insurrectional movement. Half of the accused were sentenced for murder, although no evidence was presented at trial ascertaining their direct participation in the

²²⁸ See <https://www.radiokapi.net/2023/09/03/actualite/securite/repression-militaire-du-30-aout-une-commission-interministerielle-goma>

²²⁹ See <https://www.radiokapi.net/2023/09/05/actualite/securite/repression-militaire-du-30-aout-le-gouverneur-constant-ndimba-rapporte>

mob killing of the police officer. The leader of FNJMN, Ephraim Bisimwa, was sentenced to death,²³⁰ including for the lynching of the police officer, although he had already been captured by the GR hours prior to the lynching.

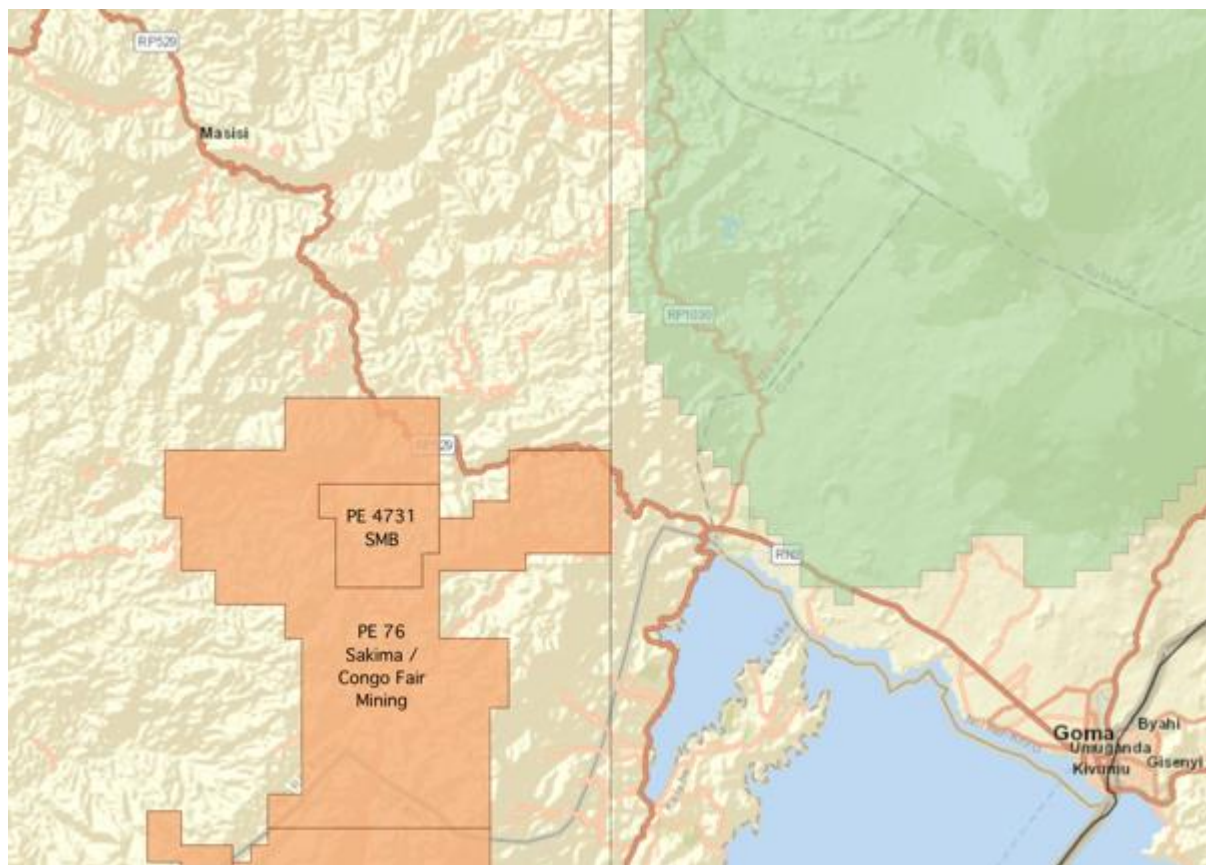
²³⁰ Although Congolese law still foresees the death sentence, since 2003 there has been a *de facto* moratorium on the execution of death sentences, which are automatically commuted to life imprisonment.

Annex 40 (para 59)

Mining Exploitation permits

Permis d'exploitation minière

The two key mining concessions in Rubaya are Exploitation Permit 4731 and Exploitation Permit 76. PE 4731 was operated until early 2023 by Société minière de Bisunzu (SMB). PE 76 belongs to Sakima, a state-owned mining company, and is currently operated in collaboration with Congo Fair which submits to the International Tin Association's Tin Supply Chain Initiative (ITSCI), and physically wraps around the SMB site.



Source: www.congomines.org with additions from Group of Experts

Annex 41 (para. 67)

Laundering of minerals using ITSCI program

Blanchiment des minerais à travers ITSCI

Two diggers and a transporter based in Rubaya confirmed that they transported minerals from Rubaya to Kibabi, a location where minerals produced in PE76 are tagged. The transporter brought a total of 400 kg of coltan to Kibabi. This coltan belonged to a trader from Goma who had bought the minerals in Rubaya.

The Group presented its findings to ITSCI program. In a letter sent to the Group early November 2023, ITSCI declared that “the only instance of PARECO involved in, and controlling mining activities, is at PE 4731. ITSCI does not have any information or did not receive any reports of cases of PARECO controlling or involved in mining activities at ITSCI sites in Masisi territory”.

The Group understands from the information provided by ITSCI that the latter is aware of the tense security situation in the area, which led to the suspension of ITSCI’s activities in February 2023. ITSCI also declared that since April 2023, when ITSCI’s activities resumed, “a total of 19 ITSCI incident were opened in relation to the presence of state or non-state armed groups controlling mineral transport routes in Masisi territory, thus creating risks of illegal taxation by these groups of passers-by, including mineral transporters.”

Annex 42 (para. 69)

Withdrawal of the SMB permit on PE4731

Déchéance du permis de SMB sur le PE4731



Document provided to the Group by an economic entity

Annex 43 (para 70)**Disputes between SMB and COOPERAMMA****Tensions entre la SMB et la COOPERAMMA**

COOPERAMMA always refused to recognize the right of SMB and its predecessor, Mwangachuchu Hizi International (MHI), to exploit mining sites in the area, even though they held a valid mining license. Overall, COOPERAMMA's stance was explained by the frustration that the rights of the artisanal workers who had always operated on these sites were not properly considered by SMB. COOPERAMMA also denounced the fact that SMB had acquired the title after the area had been occupied by an armed group, *Rassemblement Congolais pour la Démocratie* (RCD).

Efforts to settle these disputes were the subject of a past memorandum of understanding between COOPERAMMA and SMB, which did not lead to a resolution and was terminated in 2019.

Several sources told the Group that since the beginning of the M23 crisis, individuals close to COOPERAMMA had incited young people, including miners, to join the Nyatura armed group to fight against the M23, attack SMB and force it to abandon its mining sites. Shamamba Barigaruye Enoch (see [S/2021/560](#), para.62) and MP Justin Ndaishimiye²³¹ (S/2021/560, para.64) were pointed out as some of the instigators of this plan.

²³¹ He is also the promoter of another cooperative in Rubaya: Coopérative Minière des Terriens (CMT)

Annex 44 (para 71)**Dispute over Sakima-Primera agreements****Contestation de l'accord entre Sakima et Primera**

On 17 July 2023, the DRC Government, Primera Mining Limited and Société Aurifère du Kivu et du Maniema (SAKIMA) signed an agreement creating a joint venture for the exploitation of several mining areas, including the one covered by PE76.

This agreement has been denounced by the Coopérative des artisanaux miniers du Congo (CDMC), which holds the mining rights to this PE (see below).

Subsequently, on 23 August 2023, national MP Alfred Maisha Bishobibiri (from South Kivu) sent a written question to three ministers: Nicolas Kazadi of finance, Antoinette N'Samba of mines and Adèle Kayinda of the State portfolio. He also gave several interviews to the national and local media. He was also seen at public demonstrations with *negociants* from South Kivu province. The MP denounced both this agreement and the one on gold with Primera Gold. The Group was unable to speak with the MP at the time of drafting.

Economic actors, as well as sources at the Presidency and at the central mining administration, told the Group that protests against the agreement had forced the Government to re-evaluate the accord and remove the controversial clauses, in particular those depriving companies of their rights resulting from agreements with SAKIMA. At the time of drafting, a final decision was not made on the matter.

1. Nous, Entreprises minières privées de droit congolais, implantées en République Démocratique du Congo, plus précisément dans les provinces du Nord-Kivu, du Sud-Kivu et du Maniema, partenaires de l'entreprise du Portefeuille de l'Etat congolais SAKIMA SA (Société Aurifère du Kivu et du Maniema) sur fond de divers accords et contrats valides et en cours, notamment les accords de joint-venture (JV) et contrats d'amodiation en vue du développement des projets industriels, avons suivi la signature d'un accord de joint-venture entre SAKIMA SA et PRIMERA MINING LIMITED en date du 17 juillet 2023.
 2. Diffusée sur les antennes de la télévision nationale, cette signature a revêtu un caractère plus que solennel parce que le Président de la République et Chef de l'Etat, Son Excellence Monsieur Félix Antoine TSHISEKEDI TSHILOMBO, a rehaussé de sa présence la cérémonie y relative.
 3. Nous saluons toute initiative qui va dans le sens d'impulser la politique minière du Gouvernement pour la maîtrise continue du flux des minerais congolais sur le territoire national aux fins, d'une part, d'endiguer la fraude et la contrebande minières, et, d'autre part, de créer la plus-value par la mise en œuvre des projets de transformation et d'exploitation minière industrielle afin de doter l'Etat congolais des ressources suffisantes pour la réalisation de son programme socio-économique visant principalement le bien-être de son peuple.
 4. Mais en lieu et place de s'inscrire dans la dynamique observée depuis 2018 qui a vu la RDC, de par les efforts des entreprises minières existantes, devenir premier producteur mondial du coltan et huitième producteur mondial de la cassitérite, ce qui constitue une preuve éloquentes des retombées positives des efforts de renforcement du contrôle et de la transparence de la chaîne d'approvisionnement initiés par le Gouvernement depuis la mise en œuvre du Mécanisme Régional de Certification de la CIRGL en 2011, cette signature vient, au mépris de la loi, briser l'élan ainsi pris du fait que l'accord de joint-venture entre SAKIMA SA et PRIMERA MINING LIMITED a lieu dans l'ignorance de ceux antérieurs encore valides et en cours qui portent sur des Périmètres d'Exploitation (PE) irrévocables et dont les titres, notamment, ne sont plus au nom de SAKIMA SA ou sont régulièrement enregistrés sous contrat d'amodiation durant toute la durée concernée par les projets.
 5. Pis encore, SAKIMA SA a postposé la procédure unilatérale de résiliation des contrats avec ses partenaires après la signature de ladite JV, faisant ainsi fi de ses obligations envers eux.
- En effet, c'est à partir du 18 juillet 2023, soit un jour après la signature officielle de l'accord de joint-venture avec PRIMERA MINING LIMITED, que SAKIMA SA a



commencée, de manière inappropriée, à écrire à ses différents partenaires pour leur signifier son retrait des différents accords et contrats qui les lient à elle. Et cela sans signification, concertation et évaluation préalables tel que le recommandent le bon sens, les termes de ces différents accords et les lois de la République.

6. Tout en reconnaissant à l'Etat congolais le droit de signer des protocoles, contrats et accords avec des partenaires de son choix dans la perspective de sa vision sur le développement de l'activité minière, il sied cependant de souligner que cela importe d'être fait dans le respect de ses propres lois et règlements.
7. Ainsi donc, nous tenons à faire savoir que l'accord de joint-venture SAKIMA SA – PRIMERA MINING LIMITED porte sur des périmètres couverts par nos accords de joint-venture et contrats d'amodiation encore valides contractuellement et légalement en date du 17 juillet 2023.

Par ailleurs, il y a lieu de souligner que ledit accord ignore que les gisements miniers concernés ne sont plus la propriété exclusive de SAKIMA SA dont elle peut disposer à sa guise, sans concertation avec nous ses partenaires.

8. De ce fait, nous invitons :

Primo :

SAKIMA SA à revenir à la raison et au bon sens en se conformant aux différents instruments juridiques en sa possession, aux accords et aux contrats librement signés qui la lient aux tiers et à opter pour une voie conduisant à calmer la tempête qu'elle a semée. La voie de la résiliation unilatérale ne doit pas pour autant occulter les divers financements et sacrifices engagés par ses partenaires pour le développement de différents projets au titre, notamment, de paiement de pas de porte, des droits superficiaires, des impôts et taxes, de paiement des salaires de ses agents, de signature des cahiers de charges, voire des études amorcées et arrêtées pour cas de force majeure avec la résurgence de la guerre dans certaines parties du Kivu.

Par ailleurs, il est à peine compréhensible que SAKIMA SA ne puisse, avec un portefeuille important de concessions, s'acharner que sur les quatorze PE couverts par des accords et contrats encore valides et en cours, au lieu de conduire le nouveau partenaire vers des sites libres de tout engagement.

Secundo :

PRIMERA MINING LIMITED, de ne pas faire fi de nos revendications légitimes au risque de se retrouver devant une montagne d'obstacles et de contentieux interminables sur le plan tant national qu'international, d'autant que les entreprises

détentrices des titres en passe de lui être attribués illégalement ont également des partenaires sur le plan international.

D'autre part, il est, à la limite, impensable que PRIMERA MINING LIMITED, avec sa grande renommée sur le plan international, notamment en matière d'expertise, puisse signer un contrat sur des concessions qui n'appartiennent plus substantiellement à SAKIMA SA.

9. Enfin, nous lançons un pressant et pathétique appel à Son Excellence Monsieur le Président de la République qui voit ainsi sa religion être éclairée par la présente Déclaration de s'impliquer, en sa qualité de Garant de la Nation, des lois de la République et de Magistrat suprême, et d'œuvrer pour contenir cet énorme contentieux que vient d'engendrer l'accord sus-indiqué qui sape déjà l'image du pays aussi bien sur le plan national qu'international et décourage davantage les investisseurs.
10. Nous profitons de l'occasion pour solliciter une rencontre avec le Chef de l'Etat et les Autorités gouvernementales afin de leur présenter la vraie situation et les perspectives de nos partenariats avec SAKIMA SA.

Avec l'expression de notre très haute considération

Fait à Kinshasa, le 27 juillet 2023

Pour les entreprises minières privées du Nord-Kivu, du Sud-Kivu et du Maniema,
partenaires de SAKIMA SA :

- STONE MINING COMPANY SARL

 NACHIK MUNINDE

- CDMC SARL

 KULUBA KIKONDAY SERGE.

- AMUR SARL

 RUTERA ANTOINE.

- DFSA MINING GONGO

 EHIKE KARAYI T.

Document provided to the Group by the companies

Annex 45 (para. 72)

Withered community dialogues and peace initiatives

Dialogues communautaires et initiatives de paix dans l'impasse

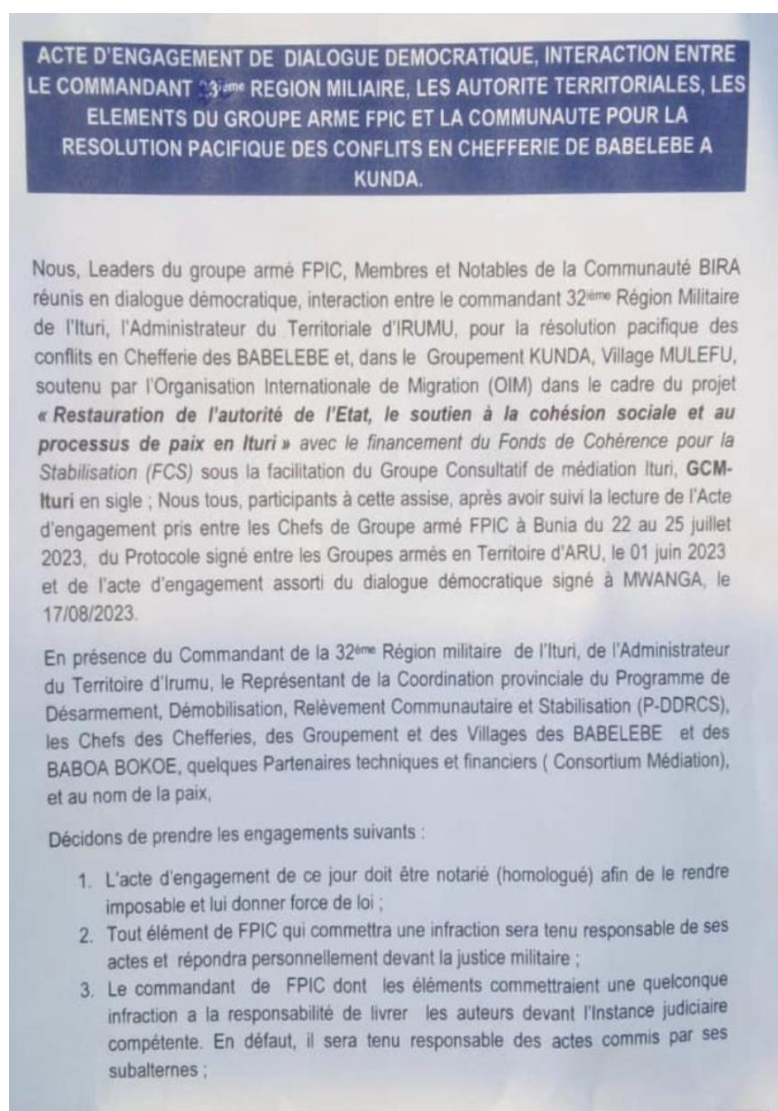
Mahagi meeting, 4-6 September 2023:

From 4 to 6 September 2023, armed groups and community leaders met in Mahagi to resolve divergences and chart a path to reconciliation between communities in Mahagi and Djugu territories. The social dialogue aimed at curbing the widespread violence affecting all the communities in Djugu, Aru and Mahagi territories.

Babelebe Chefferie intercommunity Dialogue, August 2023:

Another community dialogue took place in August 2023 resulting in a commitment to end hostilities between FPIC and the community of the Babelebe *chefferie*, signed on 17 August 2023. Despite this, tensions remained among FPIC factions.

The Group noted that neither this meeting, nor the previous ones held elsewhere brought the violence to an end. Recurrent attacks between or within armed groups continued with dire consequences for the civilians.



4. Tout notable, acteur politique ou leader communautaire (d'une des Entités Bira) qui serait en connivence avec les groupes armés dans la commission des forfaits doit être arrêté et jugé conformément aux lois de la République Démocratique du Congo ;
5. Le groupe armé FPIC accepte de laisser libre passage aux acteurs politiques afin de battre campagne lors de ce processus électoral 2023 ;
6. Toute attaque contre les édifices publics (Écoles, Hôpitaux, Centres de Santé, Églises, marchés, bureaux administratifs, ...) ou trouble de la rentrée scolaire 2023-2024 est considéré comme un acte de crime de guerre ;
7. Toute personne qui toucherait aux Chefs des Entités Bira : Chefferies, Groupements et Villages doit être arrêtée et déférée devant la justice pour répondre de ses actes ;
8. Interdiction formelle à tous les éléments de la FPIC de commettre des tracasseries contre la population à travers les barrières érigées sur les axes routiers dans les entités BIRA et ailleurs en vue d'assurer la libre circulation de la population ;
9. Le redressement et la codification de l'arbre généalogique des chefs coutumiers à travers les entités Bira en conflit de pouvoir coutumier seront suivis par l'Administrateur du territoire dans le respect des règles de succession.

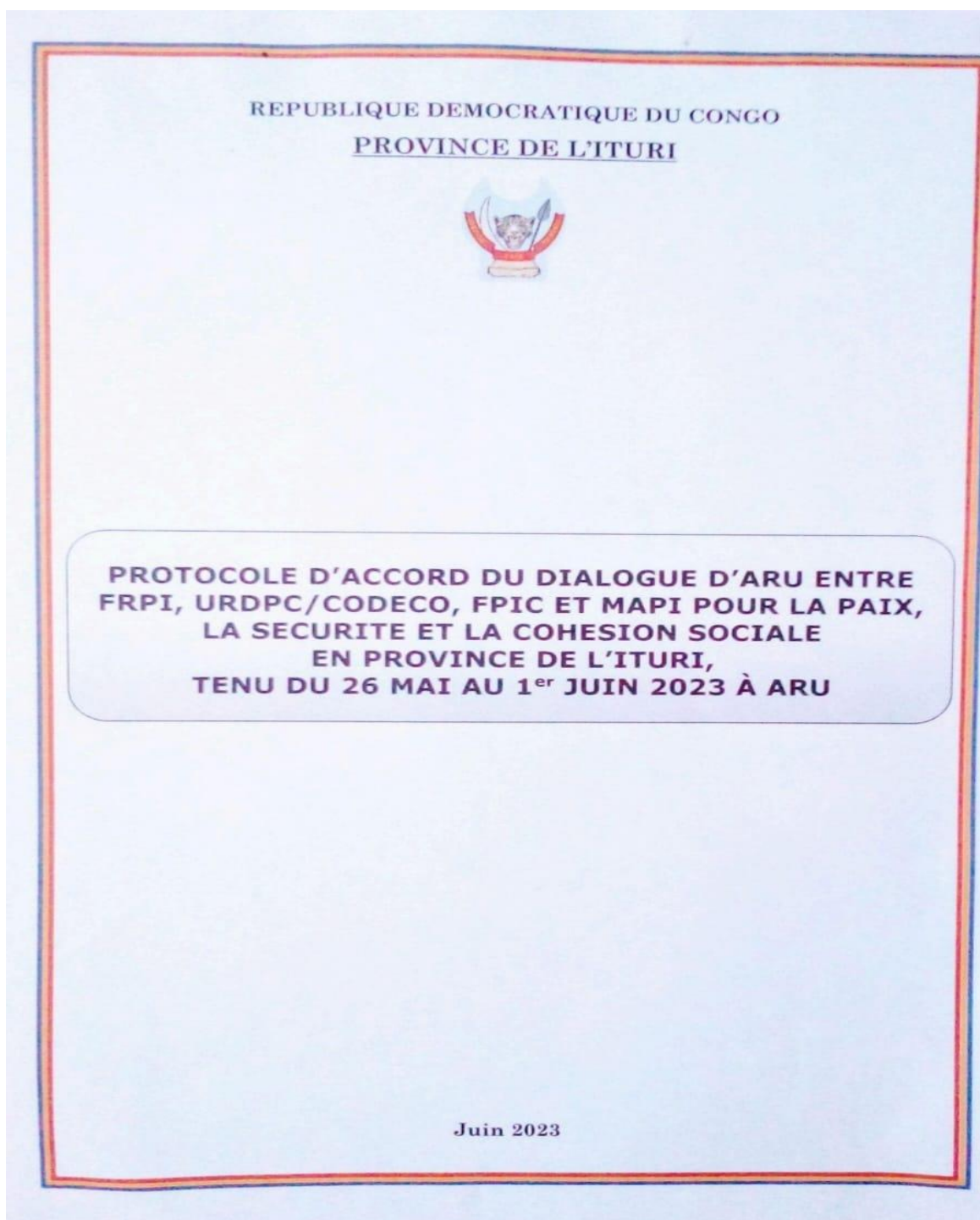
Fait à MWANGA, le 17 août 2023

Document provided to the Group by a civil society source

Annex 46 (para.74)

Memorandum of understanding of the Aru dialogue between FRPI, URDPC/CODECO, FPIC and MAPI for peace, security, and social cohesion in Ituri Province, held from May 26 to June 1, 2023

Protocole d'accord du dialogue d'Aru entre FRPI, URDPC/CODECO, FPIC et MAPI pour la paix, la sécurité et la cohésion sociale en Province de l'Ituri, tenu du 26 mai au 1^{er} juin 2023



Nous, FRPI, URDPC/CODECO, FPIC et MAPI, participants au dialogue tenu du 26 mai au 1^{er} juin 2023 à Aru, Chef-lieu du Territoire portant le même nom, devant nos responsabilités respectives et devant la nation, prenons les engagements et les résolutions de :

01. Cesser, pour ceux qui s'y sont livrés, toute hostilité et toute violence contre les populations civiles, les forces de défense et sécurité dans le respect des instruments juridiques nationaux et internationaux.
02. Faciliter la libre circulation des personnes et leurs biens sur toute l'étendue de la Province de l'Ituri.
03. Favoriser le retour des déplacés et le rapatriement volontaire des réfugiés dans leurs milieux respectifs.
04. Ne plus communautariser les conflits et les violences.
05. Ne pas entraver le retour des Chefs des Secteurs, Chefferies, Groupements et Villages, pour ceux dont les activités ont entravé le bon fonctionnement de l'administration.
06. Ne plus circuler avec les armes et ne plus porter les indices militaire et policier.
07. Matérialiser notre adhésion au PDDRCS.
08. Ne pas interférer ou entraver l'organisation des élections libres, démocratiques et transparentes sur toute l'étendue de la Province.
09. Etre disponible à participer à la défense de la patrie conformément aux textes légaux en la matière.
10. Ne plus céder à toute influence, manipulation et intoxication endogène et exogène visant à perturber la paix, la sécurité ainsi que la cohésion sociale et dénoncer les tireurs de ficelle en Province de l'Ituri pour qu'ils soient recherchés et arrêtés.

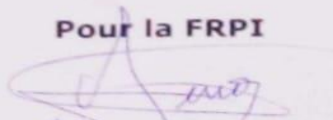
Nous encourageons les leaders de toutes les communautés au pardon et au vivre ensemble pour la restauration d'une paix durable à travers la justice transitionnelle.

Nous demandons aux autorités provinciale et nationale ainsi qu'à la communauté internationale d'appuyer la mise en œuvre de la feuille de route du présent dialogue.

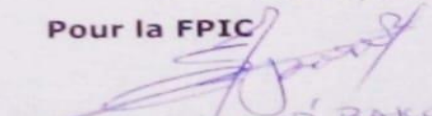
En foi de quoi, avons signé le présent Protocole d'accord, expression de notre patriotisme et de notre ferme détermination pour le retour de la paix, gage de développement de notre chère Province.

Fait à Aru, le 01 juin 2023

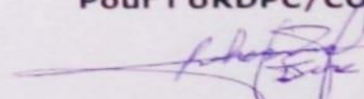
Pour la FRPI


ABIBOBU-MBATELE

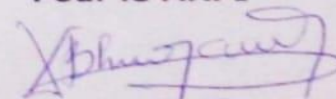
Pour la FPIC


ALKANI BAKO NAYANI

Pour l'URDPC/CODECO


ISAAC ROHEMA

Pour le MAPI


BAHATI LONAJIRINGA

Annex 47 (para. 74)

Tensions between the *Mouvement pour l'autodéfense de la province de l'Ituri* (MAPI) and Zaïre²³²

Tensions entre le Mouvement pour l'autodéfense de la province de l'Ituri (MAPI) et Zaïre

MAPI became an armed group:

The Provincial government's call for disarmament led to disagreements among Zaïre leaders, leading to a split within the armed group, and the creation of MAPI. MAPI's commitment to join the peace process, including its participation in the Aru peace initiative, heightened tensions between MAPI and Zaïre.²³³

Headquartered in Lokpa, between Lingo and Iga-barriere, MAPI had its own command and control structure distinct from that of Zaïre.²³⁴ The armed group was under the leadership of Ndjangu Liripa Geremi. MAPI leadership was made of former UPC members.²³⁵

At the time of drafting the report, MAPI leaders claimed to have between 3,000 and 5,000 combatants, most of whom were armed and prepared to defend its positions.

Disputes also arose over mining sites in Djugu, Mahagi and Aru territories. Several clashes were also reported between Zaïre elements and MAPI combatants in Pluto, a Zaïre stronghold, and Iga-Barriere, a MAPI stronghold, between June and August 2023.

In early September 2023, violent clashes in Mbidjo between Zaïre and MAPI resulted in the killing of commander Joballo, one of the Zaïre leaders. Certain sources claimed that CODECO-URDPC was also involved, helping MAPI during the attack.

Beyond skirmishes between Zaïre and MAPI, tensions were also on the rise between MAPI and some Hema community leaders due to MAPI's participation in peace initiatives.

Tensions between MAPI and Zaïre's factions have created further insecurity for civilians in Ituri.

Kidnapping of MAPI leader Roger Mokili

On 2 June 2023, the armed group Zaïre kidnapped Roger Mokili, one of MAPI's leaders, on his return from the Aru peace talks (see para. 78 of the report), in a move that signified Zaïre's staunch opposition to any peace initiative on behalf of the Hema community.

Roger Mokili was detained for several days at Mabanga, at commander Baraka's headquarters, questioned, and subjected to ill-treatment. Zaïre's military command accused him of having betrayed the Hema community by participating in the Aru peace talks. Several Zaïre commanders including Pharaon, Fidele Babala and Logo Marine Mungeyi held a council to decide on Mokili's fate. Some of the radical Zaïre members wanted to have him killed. Commander Baraka wielded his influence within the group to save him, as they were both members of the former UPC and close collaborators at the time. Roger was subsequently released.²³⁶

²³² See [S/2023/431](#), para. 113

²³³ Civil society, researchers, Intelligence, armed groups elements sources.

²³⁴ See [S/2023/431](#), paras. 113-116

²³⁵ See [S/2023/431](#), paras. 115 and also Anne 62. Sources informed the Group that most of MAPI leaders were battalions' commanders with UPC.

²³⁶ Armed groups elements, intelligence, FARDC, MONUSCO and civil society sources

Annex 48 (para.75)

Front Patriotique et Intégrationniste du Congo (FPIC) internal conflict

Les dissensions internes du Front Patriotique et Intégrationniste du Congo (FPIC)

FPIC continued to face internal dissensions and remained a threat to peace in Ituri.

Since the dismissal of its leader “General” Somgabele Malali in 2022, the armed group was under the command of Kakani Tondabo alias « General » Herode, who established his Headquarters in Nyakunde.²³⁷ « General » Herode renamed the FPIC to *Sanduku Chambre Noire*. He also attempted since to consolidate his control in Nyakunde and Mwanga. .

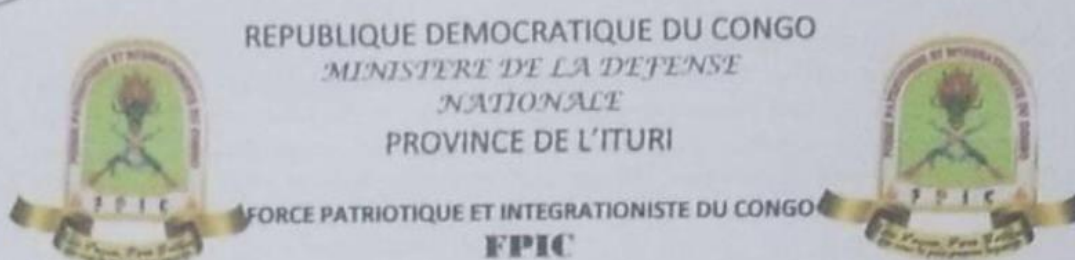
Herode’s ambition faced resistance by the commander of Mwanga, who challenged Herode’s authority and called for his dismissal from the movement (see letter below).

Since August 2023, the internal rift led to armed clashes between the two factions, resulting in 23 civilians killed, nine wounded and seven kidnapped in Babelébe and Baboa-Bokoe *chefferies* in Irumu territory. Several houses were set ablaze, forcing the displacement of civilians.²³⁸

Below: Letter issued by “General Saddam calling for the destitution of “General” Herode:

²³⁷ See [S/2023/567](#), paras 118-123.

²³⁸ MONUSCO, Intelligence, FARDC, armed groups and civil society sources.



Transmis copie pour information

- A Son Excellence Monsieur le Gouverneur militaire de la Province de l'Ituri ;
- A Monsieur le Directeur Provincial de L'ANR Ituri ;
- A Monsieur le Commandant de la 32eme région militaire ;
- A Monsieur le DIRENS FARDC (Tous à Bunia) ;
- A Monsieur le Commandant Régima 32 01 basé à MARABO ;
- A leurs Majestés Chefs des chefferies des Entités Bira tous ;
- ✓ ➤ A Monsieur HERABO TONDABO Alias HERODE à NYANKUNDE

Objet : Désaveu de Mr. HERABO TONDABO alias A Monsieur l'Administrateur Militaire du Territoire Hérode à la tête de la FPIC et la suppression d'Irumu à Irumu.
du nom « Chambre noire Sanduku » dans le mouvement

Mon colonel,

J'ai l'honneur de venir auprès de votre autorité présenter ce dont l'objet est ci haut repris en marge.

En effet, c'est avec un sentiment de regret que nous vous informons de la restructuration de notre mouvement et la dénomination originale de cet dernier suite à l'irresponsabilité notoire d'un parvenu commandant se prétendant chef d'Etat-major général de la FPIC dit CHAMBRE NOIR SANDUKU que nous croyions sérieux, for malheureusement nous nous sommes rendu compte que nous avions à faire à un détraqué mental au sens strict et réel du mot, à la tête du mouvement.

Monsieur l'administrateur, vous vous souviendrez qu'à l'espace seulement de six mois que Mr HERODE a dirigé notre mouvement après sa campagne mensongère dans les cinq chefferies, entre autre : *la restauration de salaire des éléments, remise de pouvoir des chefs coutumiers, cessation de tracasserie de la population*, et. Nous avons constaté avec beaucoup des douleurs que sa gestion est de très loin cruelle et irresponsable que le régime de SONGAMBELE durant trois ans. Pour preuve, en voici quelques griefs terrifiants lui reprochés :

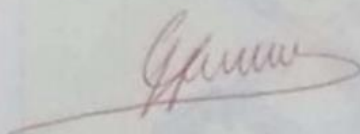
1. Massacre systématique et clandestin de plus de 200 personnes dans Irumu centre et ses environs ;
2. Tirs à bout portant sur la population et les éléments FARDC de façon délibérée et répétée ;
3. La manipulation du mouvement FPIC sous la dictature d'un seul parti politique dont nous taisons expressément le nom, pour les besoins électoralistes qui pointent à l'orison en prenant en otage toute la population des entités Bira ;
4. Assassinat des officiers supérieurs parmi lesquels le Chef MAKIZALA de LENGABO, FLAURENTIN et le Général DACHABO CHUKISABO Dieu donné en tant que Chef de la délégation FPIC au processus de paix de Nairobi 3 sous prétexte qu'ils sont en connivence avec le PDDRCS ;
5. Viol systématique des femmes de ses officiers sous prétexte qu'ils n'ont pas le droit d'avoir des jolies femmes appart lui-même en tant que Chef d'Etat-major ;
6. Divagation des éléments en tenue militaire et la prolifération des armes au vue et au su de tout le monde la nuit comme la journée comme si nous n'étions pas dans le processus de paix ;
7. Tracasserie en outrance des commerçants et la population locale dans les entités Bira comme si tous les habitants étaient devenus ses esclaves ;
8. La profanation des notables et chefs coutumiers en présence de la population sans aucun respect à leur égard dont le cas récent remonte à NYAKUNDE au mois de mai dernier, où le chef de chefferie des Andisoma a été giflé en plein visage par Mr HERODE lui-même devant sa population, un acte qui nous a très énervé et déshonoré ;
9. Esprit patrimonialiste toujours de Mr Hérode de tout l'arsenal militaire (arme et munition) de la FPIC pour son prestige personnel au détriment de la sécurité de la population ;
10. Pillage en répétition des sites miniers des sociétés chinoises installées dans la chefferie des Babelébe et Baboa/bokoe ;
11. Discrimination ouverte vis-à-vis des éléments qui ne sont pas originaires de sa chefferie ;
12. Blocage de développement dans d'autres entités Bira en interdisant la fréquentation intercommunautaire en dehors des Andisoma, une façon de saper la réputation d'autres chefferies qui ont aussi besoin de s'épanouir ;
13. Non intervention d'état-major sur les éléments en cas de détresse ;
14. Non intervention d'état-major lors d'attaque de neuf villages dans la chefferie des Babelébe et Baboa/bokoe par la CODECO ;
15. Manque de considération vis-à-vis des autorités politico sécuritaires ;
16. Dissipation des munitions en outrance ;
17. Népotisme exagéré en installant ses frères dans toutes les entités Bira pour installer une sorte de colonisation qui ne dit pas son nom ;

Sur ce, en dépit de toutes ces humiliations et la répétition de notre mouvement par ce détraqué mental, nous informons à l'opinion publique ce qui suit :

- Le mouvement FPIC est désormais dirigé sous le commandement du nouveau chef d'Etat-major Général à la personne du Général Major SADAM KALEBE ;
- Il est strictement interdit à tous les éléments FPIC de se rendre à NYAKUDE pour remonter les rapports chez HERODE qui est désormais déchu et par conséquent, tous les foulards islamistes doivent disparaître sur toute l'étendue des entités Bira y compris le nom de CHAMBRE NOIR SANDUKU ;
- Il est strictement interdit à Mr. HERODE de circuler en dehors de Nyakunde sous peine d'inciter la colère des opprimés.

Fait à MWANGA, le 26/06/2023

POUR L'ETAT MAJOR GENERAL DE LA FPIC



Gén Maj SADAM KALEBE
CHEF EMG

*S'iez Pacem, Para Bellam
qui veut la paix, prépare la guerre*

Letter provided to the Group by confidential source

Annex 49 (para. 76)

Recent dynamics within CODECO/URDPC

Dynamiques récentes au sein de CODECO/URDPC

CODECO/URDPC's well-established command (see [S/2023/431](#), paras 104-105) centralised its communication strategy with one spokesperson, Basa Zukpa Gerson, issuing communiques and social media messages on behalf of all factions (see excerpts from Twitter below).²³⁹



Source: https://twitter.com/gerson_basa/status/1664541325813850112?s=48&t=oT9StWa0RjcInyuvFVEygQ



Source: https://twitter.com/gerson_basa/status/1669952463275716608?t=nRfjkcDQo_M4US9dHBFolg&s=08

²³⁹ Civil society, armed groups, FARDC, intelligence sources.



Gerson Basa
@gerson_basa

L'URDPC/CODECO vient de déloger les #FARDC qui avaient attaqué et incendié les 7 localités de PETRO, W/PITSI avant-hier et les a pourchassé près de BULE où une position des FARDC est aussi incendiée. Enfin L'URDPC/CODECO demande à tous ses éléments de se réveiller 🔥🔥🔥

[Translate post](#)



6:11 AM · Jun 19, 2023 · 636 Views

https://twitter.com/gerson_basa/status/1670736062065278976?t=zQ6pl1KJ_vJKutGSP8y7kQ&s=08

The above message were also provided to the Group by CODECO/URDPC leaders.

CODECO/URDPC also continued to expand its territorial control, occupying 10 of the 13 *groupements* of Djugu territory.²⁴⁰ Five main brigades of CODECO/URDPC fighters were reported in these *groupements*. These included the first CODECO/URDPC brigade, located at the armed group's headquarters in Jiba, the second in Rethy under the command of « General » Maki Kasongo, the third in Tslaka and Hiro under the command of « General » Serge, the fourth in Mbau and Budhu under « Colonel » Lango, and the last brigade in the area between the Kambala forest, Berunda and Jukoth 2 (in Mahagi territory) respectively under « Colonel » Dhelo and “Colonel” Agenongha Maneno. The ultimate objective of CODECO/URDPC was to control the entirety of Djugu territory and the key axis along the RN27.²⁴¹

²⁴⁰ Ibid.

²⁴¹ Ibid.

Annex 50 (para. 76)

Continued reinforcement of Zaïre

Renforcement continu de Zaïre

Zaïre remained active and radical, refusing to disarm. It continued consolidating its capacity to resist or launch attacks on CODECO factions, FARDC and civilians.²⁴²

Zaïre continued to recruit and to train combatants in Lalu, Mabanga, Dala and Iga-Barriere, under the command of an individual known as Mugavu.²⁴³ Zaïre also benefited from training by foreign instructors, notably from Uganda, and has sent hundreds of combatants for training in Uganda, since 2022.²⁴⁴

One of the main weapons suppliers of Zaïre, Baraka Jérémy, alias “*le commerçant*”, was arrested in August 2023. Baraka trafficked weapons, ammunition and military uniforms through Uganda and Rwanda to Ituri.²⁴⁵ His trial was ongoing in Bunia at the time of drafting (see details below).

Mabanga, a strategic gold mining area, became Zaïre’s stronghold. It is where Zaïre leaders stocked up most of their weaponry and held strategic meetings, including for planning attacks.²⁴⁶ Gold mining in Mabanga provided resources to purchase military equipment. Money collected elsewhere by Zaïre, including through membership fees and illegal taxation, was often sent to Mabanga.²⁴⁷

Multiple sources pointed at leaders of the “G5”²⁴⁸ (S/2023/431, para. 110), and its *Chambre de conseil*, such as President Christian Uteki and spokesperson Vicky Ngona,²⁴⁹ as masterminds behind Zaïre and instigators of community violence. The military prosecutor issued arrest warrants against individuals suspected of fueling violence through Zaïre, including Christian Uteki, who was subsequently arrested.

During the arrest of Christian Uteki, Zaïre mobilised its armed combatants to force his release, threatening to attack Bunia, but were dissuaded by some community leaders and government authorities. The military prosecutor used this element as one of the key pieces of evidence in its attempt to prove Uteki’s influence on Zaïre. His trial was ongoing in Bunia at the time of drafting.

Case of Baraka Jérémy alias “le commerçant”:

The Group gathered information on an individual named Baraka Jérémy, also known as “Baraka “*le commerçant*”, who for many years has played a central role in the weapons, ammunition, and uniforms supply network for Zaïre, with the support of G5 community leaders.

According to several sources closed to Baraka, he was one of the main logistics providers to Zaïre under the cover of his trading activities. He sourced arms, ammunition, and uniforms through informal networks in Uganda and Rwanda for Zaïre combatants.

Interviewed by the Group, Baraka denied being involved in the networks and claimed he was merely trading in trucks and commodities between Rwanda, the DRC and Uganda. Yet, as stated above, several sources recognised him as one of the masterminds of the trafficking for Zaïre.²⁵⁰

²⁴² See S/2022/479, para. 101 and S/2022/967, Paras. 87-91.

²⁴³ Armed groups elements, researchers, civil society, FARDC and intelligence sources.

²⁴⁴ Zaïre combatants, armed groups elements, and video footage on file with the Group.

²⁴⁵ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

²⁴⁶ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

²⁴⁷ Ibid.

²⁴⁸ Organisation representing the five communities that had been victims of attacks by the various CODECO factions

²⁴⁹ S/2022/967, para 91

²⁵⁰ Zaïre combatants, FARDC, intelligence, researchers, civil society sources.

The Group received and reviewed videos and photos of Zaïre combatants parading, some well-armed and in new uniforms, which according to sources were obtained through Baraka's trafficking network. See images below of Zaïre commander Pharaon wearing one of the newly acquired uniforms.

Below: On the first photograph on the left, Zaïre leader Pharaon speaking on the phone. On the second photograph a Zaïre leader on the left, with his escort on the right, both wearing newly acquired uniforms.



Below: Screenshot from a video depicting Pharaon's escorts wearing the newly acquired uniforms:



All screenshots are from a video provided to the Group by a Zaïre combatant, on file with the Secretariat.

Annex 51 (para. 79)

CODECO/URDPC attack on Lala IDP camp near Bule, Bahema Badjere *groupement*, 12 June 2023**Attaque par CODECO/URDPC du camp de déplacés de Lala, près de Bule, dans le *groupement* de Bahema Badjere, le 12 juin 2023**

During the weeks preceding the attack on the Lala IDP site, significant CODECO/URDPC movements and threats to IDP settlements were reported around Drodro and Bule, in the vicinity of IDP camps, and merely a few kilometers from the Lala camp. Sporadic killings of IDPs commuting in the area were also reported almost on a weekly basis.²⁵¹ Concomitantly, Zaïre elements based in and around Bule have been attacking Lendu civilians in the area. Given CODECO/URDPC's track-record of disproportionately responding to attacks by Zaïre militias (see S/2023/431, para. 125-126), any provocation was predicted to trigger a large-scale retaliatory attack.²⁵²

According to Government authorities, prior to the attack, Zaïre combatants met at Dala to plan a series of incursions into Lendu dominated areas,²⁵³ notably in the Gokpa and Ndjauda *groupements*, in the Walendu Pitsi sector, Djugu territory (neighboring the small Bahema Badjere collectivity where the Lala site is located). Zaïre combatants, intelligence sources and civil society actors confirmed that a certain Chura, leader of the Zaïre faction in Dala, planned, coordinated, and conducted incursions into CODECO/URDPC areas.²⁵⁴ For example, several days prior to the Lala massacre, Zaïre combatants had paraded the severed arm of a Lendu in the center of Bule.²⁵⁵ CODECO/URDPC planned a coordinated reprisal attack to punish Zaïre combatants operating from Bule, some of whom were seen retreating inside Lala camp, mingling with the IDPs.

Local sources, eyewitnesses, and civil society sources interviewed by the Group, as well as Congolese judicial authorities who had investigated the incident, confirmed that on the eve of the attack, CODECO/URDPC combatants began mobilizing in various Lendu localities, and gathering in Petro, Walendu Pitsi *groupement*, and Gokpa and Djanda in the Walendu-Djatsi *groupement*, with the intent of carrying out a revenge attack on Bule. An eyewitness saw more than a dozen motorbikes with CODECO/URDPC armed combatants driving through Drodro, coming from the direction of Masumbuko and heading towards Bule, just hours before the attack. The same witness stated that he had received alerts from a person in Pimbo, the evening before the attack, alerting that combatants in Pimbo were preparing for an attack. Other sources conveyed similar alerts from Masumbuko. In addition, a source had intercepted Motorola communications among Lendu combatants who were saying that they will go "play football in Bule". Other sources have confirmed that messages were intercepted in the leadup to the attack, with CODECO/URDPC menacing to attack Bule.

The assailants attacked during the night of 12 June, killing 46 people, including 23 children (12 boys and 11 girls); 13 people were burned to ashes. According to reliable sources, the CODECO/URDPC combatants did exchange fire with Zaïre combatants at the site, and even killed an FARDC soldier. However, women and children were mostly killed by machetes, and the assailants had time to set hundreds of shelters on fire, pillage, and retreat with at least 96 stolen goats. Although several alerts preceded the attack, intervention by FARDC and MONUSCO arrived late, hours after the attack had ended.

The above is consistent with the usual *modus operandi* of CODECO/URDPC combatants, who mobilize and plan larger attacks in advance, gather in strategic locations close to their target, and execute the attacks in a well-coordinated fashion.

The Group notes that the CODECO/URDPC leadership did not publish any denials of their involvement in the attack, as they have done for other attacks in the past, such as the attack on Plaine Savo IDP camp in January 2023.²⁵⁶

²⁵¹ FARDC, intelligence sources, MONUSCO sources, researchers, and local sources.

²⁵² See S/2022/967, paras. 82-86; S/2023/431, paras.104-112.

²⁵³ According to FARDC and PNC sources, the attacks on the IDPs site of Lala stemmed from attempts by Zaïre combatants to undermine the Aru peace initiative and to promote the genocide narrative against the Hema community.

²⁵⁴ FARDC, intelligence, civil society, researchers, humanitarian and MONUSCO sources, Twitter account of Basa Zukpa Guerson, CODECO/URDPC's spokesperson.

²⁵⁵ MONUSCO and civil society sources.

²⁵⁶ See the Twitter account of the CODECO/URDPC spokesperson, Basa Zukpa Guerson, @BasaZukpa, notably the statements issued on 19 January 2023, denying responsibility for the massacre of civilians at Plaine Savo near Bule, and on 13 February 2023 denying involvement in the killing of civilians at Mongwalu.

Annex 52 (para. 83)

Continued remobilization and reorganization of Raïa Mutomboki and Nyatura groups

Poursuite de la remobilisation et de la réorganisation des groupes Raïa Mutomboki et Nyatura

Following their remobilization since at least mid-2022 (see S/2023/431, annex 73) and in parallel with their adoption of “Wazalendo” status, some Raïa Mutomboki (RM) factions reinforced their coordination and reorganized into several different movements, which triggered internal tensions. Between July and October 2023, several RM leaders participated in meetings to restructure their movements and reassign roles and responsibilities. For example, RM leaders Kasereka Maliyababa, Matabaro Fiston alias Jésus and Blaise Lukisa alias Gaston reorganized under the name of *Alliance des Patriotes pour la Défense du Congo* (ADPC).²⁵⁷ They tried to also rally other RM leaders, such as Shabani Mirasano alias Ouragan, who had himself reorganised his group under the name of *Mouvement Patriotique pour le Changement et la Défense du Congo* (MPCDC) and refused to join them.²⁵⁸ As a result, while many RM factions decided to reach North Kivu with their combatants and commanders to fight M23 (see annex 54 below), Shabani remained in South Kivu with his troops.²⁵⁹

Similarly, several Nyatura groups active in Kalehe territory also remobilised and reorganised under the name of *Mouvement Congolais pour la Défense du Peuple et de l'Intégrité Nationale* (MCDPIN) with their main headquarters around Lumbishi.²⁶⁰ MCDPIN was mainly represented by four “Generals” who divided the areas under their control. “General” Mathias Karume, based in Lumbishi, was the leader of the movement until his natural death on 2 November 2023.²⁶¹ At the time of drafting, his replacement was still uncertain. “General” Yakaremie, “General” Bahige and “General” Nzabona were the other leaders of MCDPIN, along with a certain *Monsieur* Grevisse, civilian coordinator and president of the movement.²⁶² “General” Yakaremie’s group was partly based in Kahuzi Biega national park.

Regardless of these dynamics, which were merely a new cycle of the known continuous reconfiguration of armed groups in South Kivu, all RM factions and Nyatura groups that recently remobilized have been responsible of serious abuses against the population in Kalehe, Shabunda and Kabare territories. These abuses included killings, sexual violence, ill-treatment, forced recruitment of children, kidnappings for ransom and illegal taxation. RM factions and Nyatura groups were also involved in the illegal exploitation of natural resources, particularly in the Kahuzi-Biega national park. Clashes and tensions between these groups were also regularly reported. The Group notes that the above undermined the security and stability of Kalehe, Shabunda and Kabare territories and contributed to revive tensions between communities living in these territories. In particular, tensions were reported between the Tembo communities, generally affiliated to RM, and the Hutu communities considered close to Nyatura groups.

²⁵⁷ FARDC, security, intelligence, researchers, civil society and UN sources.

²⁵⁸ Security, intelligence, civil society and UN sources.

²⁵⁹ Security and civil society sources.

²⁶⁰ FARDC, security, intelligence, researchers, civil society and UN sources.

²⁶¹ Ibid.

²⁶² Ibid.

Annex 53 (para. 85)

Example of rumours and manipulation by armed groups about M23 and RDF presence in South Kivu

Exemple de rumeurs et de manipulations par des groupes armés sur la présence du M23 et des RDF au Sud-Kivu

In September 2023, MCDPIN issued a press release about the infiltration of RDF troops in the Kahuzi-Biega national park, with the support of Shabani from Raïa Mutomboki. The press release refers to the RDF plan to attack Kavumu airport.

In response, Shabani's movement, MPCDC (see annex 52 above), also issued a press release, accusing MCDPIN of collaborating with M23 and Rwanda. However, multiple sources confirmed that these mutual accusations were part of internal struggles within MCDPIN, as well as tensions between MCDPIN and MPCDC, who mutually accused the other of collaboration with M23 and Rwanda to tarnish the reputation of the opposite group and in the hopes that FARDC might conduct attacks against the accused group.

RÉPUBLIQUE DÉMOCRATIQUE DU CONGO
PROVINCE DU SUD KIVU
MOUVEMENT CONGOLAIS POUR LA DÉFENSE DU PEUPLE ET DE L'INTÉGRITÉ NATIONALE
<<MCDPIN>> en sigle

COMMUNIQUÉ DE PRESSE N° 02/09/2023

Le mouvement congolais pour la défense du peuple et de l'Intégrité Nationale dénonce et alerte l'opinion nationale qu'internationale sur le plan odieux des infiltrés du RDF à travers ses supplétifs du M23 qui ont formé depuis le 01/09 année en cours un groupe armé nommé RS MUTETEZI, ces criminels étant Vénus du Rwanda et acostant à KASHEKE sont passés par Chayi plantation du nommé MUYEYE et s'installent à présent dans le parc national de KAUZIBIEGA dans les lieux : KARAWA, NYAWEZA communément appelé kuki Vocat et à TINGITINGI où l'hélicoptère les amène des vivres et munitions de guerre nuitamment. Ainsi il convient de préciser que tout comme ces envahisseurs un nommé SHABANI ancien combattant aux côtés du Gen BUTACHIBERE dans le groupe armé maimai à Hombo reste leur incontournable éclaireur dans la forêt. Cependant, il est à noter qu'après beaucoup de crimes dans les différentes entités de Masisi et Ruchuru en Province du Nord Kivu un autre plan d'agression de la RDC par le Rwanda vient de voir le jour en voulant commencer ses exactions dans cet autre coin du pays avec l'objectif de déstabiliser la situation sécuritaire pendant cette période pré-électorale dans le but de conquérir l'aéroport de KAVUMU tel que nous renseignent nos sources.

Au regard des renseignements à notre disposition, les forces patriotiques réservistes ne cessent de dénoncer, d'alerter et promettent au peuple congolais des réactions incessantes afin de traquer et/ou d'empêcher ces criminels à commettre d'autres atrocités dans cette partie du territoire national.

Nonobstant, les patriotes du MCDPIN demandent à la population congolaise de rester vigilant et dénoncer toute réalité y relative à temps convenable.

La patrie ou la mort

Fait à Lumbishi le 20/09/2023

Le Porte parole

Augustin BUDENGERI



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU SUD-KIVU



MOUVEMENT PATRIOTIQUE POUR LE CHANGEMENT ET LA DEFENSE DU CONGO

« M.P.C.D.C »

Tel +243994399562, +243999772938

COMMUNIQUE DE PRESSE N°08/MPCDC/2023

Le mouvement patriotique pour le changement et la défense du Congo MPCDC en sigle a avec consternation lu le communiqué de presse N°02/09/2023 d'un groupe armé étranger dénommé MCDPIN.

Le mouvement patriotique pour le changement et la défense du Congo alerte l'opinion locale, nationale et internationale que le groupe armé dénommé MCPDPIN sous la responsabilité d'un certain général KARUME BARIGE résident à LUMBISHI secondé par BAHIGE MWAGURU résident à KATASOMWA est un groupe armé soutenu par le RWANDA et en étroite collaboration avec M23 via leurs éléments représentantes au M23 par le MAJOR (M23) GAKWERERE DEBENI BUCHIBABA fils de BUGIMBI BUCHIBABA résident à BUSHAKU II (MUCHACHA).

Le MPCDC rappelle au public que depuis son installation à TCHIBATI, le plan de ces collaborateurs du M23 (MCDPIN) a été déstabilisé car ils avaient le plan d'attaquer l'aéroport de KAVUMU et la ville de BUKAVU en passant par le parc national de KAHUZI BIEGA.

On ne sait pas où est ce que le responsable de MCDPIN ont tiré le nom du commandant du MPCDC à la personne de SHABANI, sans savoir son parcours dans la lutte de libération du Congo d'où leurs tâtonnement, ils montrent qu'il est anciens combattant au cote du général BUTACHIBERA dans le mouvement MAI-MAI à HOMBO ; nous rappelons que le général SHABANI est un grand laideur dans la défense de notre pays mais nous savons que beaucoup de gens lui prennent a mauvais messier suite à son esprit patriotique et comme il décisif elle exceptent pas de collaborer avec les ennemis de la nation congolais, c'est par là que ceux qui collaborent avec les ennemis du Congo lui prennent en ennemi et lui créent souvent de motif non valable voulant lui salir dans sa digne lutte de défendre notre nation.

Alors toutes ces mauvaises actions envers notre leader ne nous décourageront jamais dans notre noble lutte de défendre notre pays.

Alors, pour distraire la population ces ennemis du pays veulent accuser les vrais patriotes.

En outre, le mois passé le MPCDC via son responsable le général SHABANI à arrêter un groupe de quinze personnes envoyées par le MCDPIN pour exploiter les minerais dans le parc national de KAHUZU-BIEGA et qui ont été remis entre les mains du responsable du parc ; ce même groupe armé est à la base de coup de bois et destruction de l'environnement dans le PNKB.

Enfin, le MPCDC dément toute information selon laquelle il collabore avec le M23 et prêt à défendre son pays, sa province et mettre hors d'état de nuire l'ennemi du peuple congolais.

Ne jamais trahir le Congo

Pour le MPCDC

COL. WILLIAM MBESHE

Porte-parole

Press release circulated on social media

Annex 54 (para. 87)**South Kivu armed groups mobilization to reach North Kivu****Mobilisation des groupes armés du Sud-Kivu pour atteindre le Nord-Kivu**

Since March 2023, most armed groups in South Kivu started calling themselves “Wazalendo” (see para 84). However, since the arrival of several Mai-Mai Yakutumba combatants in Goma, documented in the Group’s last final report (see S/2023/431, annex 73), and until October 2023, no other movements of armed groups from South Kivu to North Kivu were reported .

In October 2023, however, several armed groups sent or attempted to send combatants to North Kivu. On 20 October 2023, combatants²⁶³ of the Force d'auto-defense Biloze Bishambuke (FABB) arriving from their headquarters in Fizi territory and intending to reach North Kivu were stopped in Baraka by the FARDC. They immediately published a press release regretting the refusal to let them proceed to North Kivu to “reinforce the Wazalendo of North Kivu” and called on the relevant authorities to facilitate their movement. FARDC authorities in Baraka said that they had not been notified by their military hierarchy to authorise this movement of FABB combatants, and therefore had blocked their passage until further notice. During a conversation with the Group late October 2023, FABB spokesperson and commander of these combatants, Aimable Nabulizi, confirmed that they were in contact with the Governor of South Kivu and the Commander of the 33th military region, General Robert Yav Avula Ngola. According to Aimable Nabulizi, General Robert Yavr was waiting for the authorisation of the military leadership of North Kivu, who is “the one recruiting the Wazalendo”, to then authorise the FABB combatants to go to North Kivu. Aimable Nabulizi also mentioned that they were in contact with one of the “Wazalendo” leaders in North Kivu, NDC-R leader Guidon Shimiray Mwisu (Cdi. 33) who would assign them their deployment area. Aimable Nabulizi also explained that they would receive most of their weapons and ammunition once in North Kivu, “as the other Wazalendo in North Kivu”. Finally, he also informed that the Mai-Mai Yakutumba combatants who arrived in March 2023 were now deployed in Kibumba.

End of October, Mai-Mai leader “General” Kirikicho and several Raïa Mutomboki (RM) leaders such as “General” Butachibera and “General” Mungoro, mobilized their combatants in Kalehe and Kabare territories, and led them to North Kivu to fight against M23 (see below).²⁶⁴ According to several sources, this followed a meeting early October and was the result of Kirikicho’s advocacy to join the “Wazalendo” in North Kivu following coordination with APCLS leader, Janvier Karahiri.²⁶⁵ Local authorities, including FARDC, encouraged the mobilisation and/or facilitated the transport of some of the combatants to North Kivu.²⁶⁶ In North Kivu, “General” Kirikicho and several RM leaders deployed to several areas with their combatants, such as Sake.²⁶⁷ However, at the time of drafting, some had already returned to South Kivu following disagreements on the support they were expecting to receive from the Wazalendo of North Kivu and FARDC.²⁶⁸

²⁶³ Around 60 according to the FARDC authorities, while FABB claimed to have over 130 combatants.

²⁶⁴ FARDC, civil society, researchers, intelligence and security sources.

²⁶⁵ FARDC, civil society and security sources.

²⁶⁶ Ibid.

²⁶⁷ CMC leader, civil society, intelligence and security sources.

²⁶⁸ Civil society, researchers, intelligence and security sources.

Screenshots of two videos showing the mobilization of RM combatants under “General” Butachibera leadership in Bunyakiri in October 2023



David Bakenzanya,²⁶⁹ a local customary authority in Bunyakiri, Kalehe territory, appears in the video’s screenshots above and below (left) encouraging RM combatants under the leadership of “General” Butachibera (see below in FARDC uniform) to fight M23 in North Kivu on 26 October 2023.



Videos circulating on WhatsApp and provided to the Group by civil society sources.

²⁶⁹ In the video, David Bukenya claims that he is also speaking on behalf of other local authorities, such as Ntale Shosho Kamirogosa and Katora Ndalemwa, customary chief and *chef de groupement*, respectively.

Screenshot of a video and picture showing the mobilization of RM combatants under “General” Gaston’s leadership in October 2023



On the video screenshot above: Combatants under the leadership of “General” Blaise Lukisa alias Gaston, currently one of the leaders of the RM faction called *Alliance des Patriotes pour la Défense du Congo* (ADPC). The video was reportedly shot around Kavumu, Kabare territory,²⁷⁰ before the combatants’ travel to North Kivu. In the video, a man is speaking. He claimed that a delegation representing NDC-R leader Shimiraye Guidon was present alongside the leadership of APDC, including Jesus alias Matabaro Fiston, appearing in the picture below (third from the left with the green hat and the glasses).



Video and picture circulated on WhatsApp and provided to the Group by civil society sources.

²⁷⁰ Civil society, researchers and security sources.

Screenshot of a video showing the mobilization of RM combatants under “General” Mungoro’s leadership in October 2023



On the video screenshot above, RM combatants after their arrival in Bweremana, Kalehe territory, north of Minova at the border between South Kivu and North Kivu, en route towards Goma. In the video, “General” Mungoro Matafari Bernard is explaining that the combatants are under his leadership, that they arrived from Bunyakiri to fight for their country, and that they are behind President Felix Tshisekedi, to whom they request support. He then gives the floor to “General” Imani Kachamba Samson, chief of operations (T3) of their RM group who encourages the combatants to fight against M23, reminding that President Tshisekedi “gave them the power” and reiterating the support of their customary chiefs in Kalehe territory, namely Ntale Shosho Kamirogosa and Katora Ndalemwa (similarly to David Bakenzanya in the first video of this annex).

Video circulated on social media and provided to the Group by civil society sources.

Annex 55 (para. 93)

Reaction from the DRC Government on criticisms regarding Primera's monopoly

Réaction du Gouvernement de la RDC sur les critiques concernant le monopole de Primera

On 28 August 2023, the Minister of Finance, Nicolas Kazadi, the Minister of Communication, Patrick Muyaya and the Deputy chief of staff of the Office of the President of the Republic, André Wameso, held a press conference during which they discussed developments relating to Primera Gold.

According to the Government, this project was part of a sustained strategy of the top State leaders to recover the DRC's economic sovereignty, and to fight against smuggling which contributes to fueling the conflict in eastern DRC.

Government representatives further said that they were convinced that the tax measures granted to Primera would enable it to compete more effectively with the low prices offered by criminal networks based in neighboring countries.

Annex 56 (para. 94)**A director of Primera abusively reprimanding a local mining official****Un directeur de Primera blâme abusivement un responsable local des mines**

The Group obtained an audio recording, which it could authenticate, in which Mr. Amisi, who introduced himself as the deputy director of Primera Gold, reprimanded a local mining official in Fizi territory about the arrest of a gold transporter. The Group also consulted detailed reports of the incident and interviewed some persons involved in this specific case.

The transporter did not have the required documentation authorizing him to transport minerals. Accordingly, the mining officers, who are responsible for the fight against gold smuggling, had the right/duty to arrest the transporter. According to the Group's information, in this particular case, the transporter had not been instructed to deliver the minerals to Primera, but to a Bukavu-based woman with no connection to Primera.

The arrest of the transporter revealed one of the strategies used by the *negociants* to smuggle gold. Although mining officials seized 1,118.00 grams of gold, it turned out that only 68.09 grams had actually been declared in Nyange, where the gold was produced. The traders thus falsely declared only 68.09 grams, hoping to fraudulently sell the remaining 1049.91 grams.

The Group also confirmed that in another incident, one of Primera's appointed buyers, Chikonza Muka Adhemar, dissuaded a mining officer from controlling a *negociant* who sold gold to Primera.

Annex 57 (para. 95)

Primera and Tanganyika Gold

Primera et Tanganyika Gold

Primera told the Group that it had received 32 kg of gold from Tanganyika Gold, which the company decided to purchase after receiving confirmation from the seller and the mining authorities that the gold was from artisanal production.

Several sources familiar with the matter, including mining officials, *negociants* and individuals close to Tanganyika Gold, reported to the Group that gold from Tanganyika Gold was produced in the small scale mine operated by Tshisangama Simeon Mining (TSM) in Fizi territory, and was accordingly not from artisanal production.

The Group consulted an internal report dated 7 June 2023, drawn up following a fact-finding mission to TSM by the mining authorities. This report indicates, among other things, that TSM's production was transported without authorization to Kalemie, where Tanganyika Gold is based.

Annex 58 (para. 97)

Letter from SAEMAPE declaring illegal mining by COOPEMEK in Lugushwa

Lettre du SAEMAPE déclarant illégale l'activité de COOPEMEK à Lugushwa

République Démocratique du Congo

Ministère des Mines



*Service d'Assistance et d'Encadrement
de l'Exploitation Minière Artisanale et à Petite
Echelle
Direction Provinciale du Sud-Kivu*

Bukavu, le 13.01.2023

N/Réf : SAEMAPE-SK/DPSK/002/DPI/2023

Transmis copie pour information à :

- Son Excellence Monsieur le Gouverneur de la Province du Sud-Kivu ;
- Son Excellence Monsieur le Ministre Provincial en charge des Mines ;
- Monsieur le Chef de Division Provinciale des Mines et Géologie de la Province du Sud-Kivu ;
- Monsieur le Procureur Général Près la Cour d'Appel du Sud-Kivu ;
- Monsieur le Directeur Provincial de l'ANR au Sud-Kivu ;
- Monsieur le Directeur Provincial de la DGM au Sud-Kivu ;
- Monsieur le Commandant de la 33^{ème} Région Militaire du Sud-Kivu ;
- Monsieur le Secrétaire Exécutif du Gouvernement Provincial ;
- Monsieur le Directeur Provincial du CEEC et Coordonnateur de la CNLFM au Sud-Kivu
(Tous) à **BUKAVU**

**Concerne : Information sur nos activités et
partenariat avec la Société
LOUIS SARL à Lugushwa
ACCUSE DE RECEPTION**

A Monsieur le Président de la Coopérative
Minière Emmanuel du Kivu

Monsieur le Président de la Coopérative,

J'accuse la réception de votre lettre sans
numéro du 24 Novembre 2022, dont l'objet est bien repris en concerne et vous en remercie.

En effet, après analyse de votre
correspondance, je tiens à vous préciser que la Coopérative minière ne peut être opérationnelle que
dans une Zone d'Exploitation artisanale lui attribuée conformément aux dispositions de l'article 10 du

SAEMAPE Direction Provinciale du Sud-Kivu. E-mail : saemapsudkivu@gmail.com Twitter : @SaemapeSud
Av. de la Résidence, N° 54 A, Q. Nyalukemba, Commune d'Ibanda, Ville de Bukavu
Portables : + 243 819 749 502 ; +243 977 136484

du code minier en vigueur, et non sur base de ses relations avec la Communauté locale ou une éventuel partenaire dont nous n'avons d'ailleurs aucun document juridique le concernant.

Qui plus est, je vous informe si pas vous rappeler que ses sites miniers alluvionnaires de Lugushwa dans lesquels souhaite travailler votre coopérative se situent dans le Périmètre d'Exploitation 38 appartenant à la société BANRO et que STRATAGOS Group venait d'acquérir, par conséquent, le SAEMAPE Sud-Kivu ne saurait vous accompagner dans vos activités qui se trouvent en marge des dispositions légales, à moins de trouver une autorisation expresse du détenteur du titre minier conformément à l'article 30.e du code Minier en vigueur.

Agréez, Monsieur le Président de la COOPEMEC, l'expression de mes sentiments patriotiques.

Pour le Directeur Provincial en Mission,

Bert CIZUNGU MUGISHO
 Chef de Division chargé des Techniques

SAEMAPE Direction Provinciale du Sud-Kivu. E-mail : saemapsudkivu@gmail.com Twitter : @SaemapeSud
 Av. de la Résidence, N° 54 A, Q. Nyalukemba, Commune d'Ibanda, Ville de Bukavu
 Portables : + 243 819 749 502 ; + 243 977 136484

Scanné avec CamScanner

Document provided to the group by a confidential source

Annex 59 (para. 99)**Response from Primera on the price of gold****Réponse de Primera sur le prix de l'or**

Primera confirmed to the Group that the price of purchased gold is currently lower than before Primera's arrival in South Kivu. The reason for the decrease of the price of purchased gold was reported by Primera to be the following: for several years, funds entering the gold market were untraced and untaxed, which in turn allowed gold prices to be higher than those on the international market.

Annex 60 (para. 101)**Update on Congo Gold Refinery****Etat des lieux sur Congo Gold Refinery**

During the period under review, the Group visited Congo Gold Refinery (CGR) and was told by its managers that it was ready for operation. On 25 July 2023, a decree issued by the Minister of Mines (see below) withdrew CGR's license, forcing the company to cancel the opening ceremony scheduled for the following day.

The DRC authorities informed the Group that this measure resulted from a recommendation by CENAREF (see below) pending the completion of investigations into the refinery's owners and shareholders. CGR managers told the Group that CENAREF's letter did not take into account the changes in the list of shareholders ([S/2022/479](#), annex 86) and that it had appealed the decision. CGR did not receive a reply to their appeal at the time of drafting.

Mining administration officials told the Group that CGR's owner, Karim Somji (see [S/2020/482](#), para. 89 and [S/2013/433](#), annex 70), remained controversial. However, several sources told the Group that the blocking of CGR's activities was primarily due to the Government's desire not to allow a potential competitor to Primera Gold to operate. These same sources also explained to the Group that, in order to avoid attracting criticism due to the presence of Sibtein Alibhai, a former partner of Karim Somji, at the head of Primera Group's Board of Directors, Sibtein was asked to resign in June 2023.

Decree by the Minister of Mines



MINISTÈRE DES MINES
Le Cabinet du Ministre

02374

N/RÉC : CAB/MIN/MINES/MCN/...../03/2023

Kinshasa, le 25 JUL 2023

Transmis copie pour information à :

- Son Excellence Madame la Ministre des Mines ;
- Son Excellence Monsieur le Vice-ministre des Mines ;
- Monsieur le Coordonnateur de la CTCPM ;
- Monsieur le Directeur-Chef de Service des Mines
(Tous) à Kinshasa/Gombe

Objet : Transmission Arrêté Ministériel.

A Monsieur le Secrétaire Général aux Mines
à Kinshasa/Gombe

Monsieur le Secrétaire Général,

Je vous transmets, en annexe à la présente, pour dispositions utiles et compétence, l'Arrêté Ministériel n°00267/CAB.MIN/MINES/01/2023 du 24 juillet 2023 portant déchéance de la Société CONGO GOLD RAFFINERIE « CGR » de son agrément au titre d'Entité de traitement catégorie B.

Je vous en souhaite bonne réception.

Veuillez agréer, Monsieur le Secrétaire Général,

l'expression de mes sentiments patriotiques.

Michel KIBONGA NYEKUMA

Directeur de Cabinet





MINISTÈRE DES MINES

Le Ministre

ARRETE MINISTERIEL N° 00267 /CAB.MIN/MINES/01/2023
DU 24 JUIL 2023 PORTANT DECHEANCE DE LA SOCIETE CONGO GOLD
RAFFINERIE « CGR » DE SON AGREMENT AU TITRE D'ENTITE DE
TRAITEMENT CATEGORIE B

LA MINISTRE,

Vu la Constitution, telle que modifiée par la Loi n°11/002 du 20 janvier 2011 portant révision de certains articles de la Constitution de la République Démocratique du Congo du 18 février 2006, spécialement en ses articles 93, 202 point 36 litera f et 203 point 16 ;

Vu la Loi n°007/2002 du 11 juillet 2002 portant Code Minier, telle que modifiée et complétée par la Loi n°18/001 du 19 mars 2018 spécialement en ses articles 10 litera b ;

Vu l'Ordonnance n°22/002 du 07 janvier 2022 portant organisation et fonctionnement du Gouvernement, modalités de collaboration entre le Président de la République et le Gouvernement ainsi qu'entre les Membres du Gouvernement ;

Vu l'Ordonnance n°22/003 du 07 janvier 2022 fixant les attributions des Ministères, spécialement en son article 1^{er} B, point 35 ;

Vu l'Ordonnance n° 21/012 du 12 avril 2021 portant nomination des Vice-Premiers Ministres, des Ministres d'Etat, des Ministres, des Ministres Délégués et des Vice-Ministres, telle que modifiée et complétée par l'Ordonnance n°23/030 du 23 mars 2023 ;

Vu le Décret n°038/2003 du 26 mars 2003 portant Règlement Minier, tel que modifié et complété par le Décret n° 18/024 du 08 juin 2018, spécialement en son article 561 ;

Vu l'Annexe XVII du Règlement Minier portant Directive relative au modèle-type de cahier des charges de responsabilité sociétale ;

Vu l'Arrêté Ministériel n°00131/CAB.MIN/MINES/01/2023 du 19 avril 2023 portant réglementation des Activités de l'Entité de Traitement ;

Revu l'Arrêté Ministériel n° 0010/CAB.MIN/MINES/01/2022 du 15 février 2022 portant renouvellement d'agrément au titre d'entité de traitement catégorie B dans la Province du Sud-Kivu au profit de la Société CONGO GOLD RAFFINERIE SARL ; *aux*



00267

Page 2 de l'Arrêté Ministériel n°/CAB.MIN/MINES/01/2023

Attendu que la Société CONGO GOLD RAFFINERIE « CGR » n'a pas respecté ses obligations sociales, notamment celles relatives à l'élaboration du cahier des charges des responsabilités sociétales ;

Considérant la lettre de mise en demeure n° Réf.: CAB.MIN/MINES /ANSK/01512/01/2022 du 06 mai 2022, relative à l'exécution du Cahier des charges des Responsabilités Sociétales ;

Considérant l'expiration de délai de 6 mois suivant la mise en demeure adressée notamment à la Société CONGO GOLD RAFFINERIE « CGR » ;

ARRETE :

Article 1^{er} :

Sans préjudice d'autres sanctions prévues par les dispositions des Code et Règlement Miniers ainsi que de l'Arrêté Ministériel n°00131/CAB.MIN/MINES/01/2023 du 19 avril 2023 portant réglementation des Activités de l'Entité de Traitement, la Société CONGO GOLD RAFFINERIE « CGR » est déchue de son agrément au titre d'Entité de traitement catégorie B.

Article 2 :

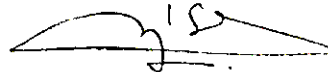
La Société CONGO GOLD RAFFINERIE « CGR » dispose d'un délai de 30 (trente) jours à compter de la notification du présent Arrêté par le Secrétaire Général aux Mines pour exercer son droit de recours.

Article 3 :

Le Secrétaire Général aux Mines est chargé de l'exécution du présent Arrêté qui entre en vigueur à la date de sa signature.

Fait à Kinshasa, le 24 JUL 2023

Antoinette N'SAMBA KALAMBAVI



Ampakasa :

-	Cabinet du Président de la République	: 1;
-	Cabinet du Premier Ministre	: 1;
-	Cabinet du Ministre des Mines	: 2;
-	Secrétariat Général des Mines	: 1;
-	Cadastre Minier	: 1;
-	CTCPM	: 1;
-	Div Prov. des Mines & Géologie du ressort	: 1;

Investigation report from CENAREF

REPUBLIQUE DEMOCRATIQUE DU CONGO



CELLULE NATIONALE
DES RENSEIGNEMENTS FINANCIERS
(CENAREF)

Le Secrétaire Exécutif

Kinshasa, le 24 JUL 2023

N/Réf : 0581/CENAREF/S.E./2023-

Transmis copie pour information à :

- Son Excellence Monsieur le Président de la République,
Chef de l'Etat
(Avec l'expression de mes hommages les plus déférents)
Palais de la Nation
- Son Excellence Monsieur le Premier Ministre, Chef du
Gouvernement
(Avec l'expression de ma très haute considération)
Hôtel du Gouvernement
- Monsieur le Procureur Général près la Cour de
Cassation
- Monsieur l'Auditeur Général près la Haute Cour
Militaire
- Son Excellence Monsieur le Vice-Premier Ministre,
Ministre de l'Intérieur, Sécurité, Décentralisation et
Affaires Coutumières
- Son Excellence Monsieur le Vice-Premier Ministre,
Ministre de la Défense Nationale et des Anciens
Combattants
- Son Excellence Madame le Ministre d'Etat, Ministre de
la Justice et Garde des Sceaux
- Son Excellence Madame le Ministre des Mines
- Monsieur l'Administrateur Général de l'Agence
Nationale de Renseignement, « ANR »
- Monsieur le Sous-Chef d'Etat-Major chargé de
Renseignement Militaire
- Son Excellence Madame le Vice-Ministre des Finances
- Monsieur le Secrétaire Général aux Mines
- Monsieur le Secrétaire Exécutif Adjoint de la
CENAREF ;
(Tous) à **Kinshasa/Gombe**

Kinshasa, le

Le Secrétaire Exécutif

KISULA BETIKA YEYE Adler

Premier Avocat Général près la Cour de Cassation

A Excellence Monsieur le Ministre des Finances
à **Kinshasa/Gombe**

OBJET : Rapport partiel de l'enquête en cours sur les activités de la Société CONGO GOLD
RAFFINERIE SARL

- 2 -

Excellence Monsieur le Ministre,

J'ai l'honneur de porter à votre connaissance que la CENAREF mène des investigations relativement aux activités de la Société CONGO GOLD RAFFINERIE SARL basée dans la Province du Sud-Kivu. Celle-ci est une entité de traitement de Catégorie B suivant l'Arrêté Ministériel n° 0503/CAB.MIN/MINES/01/2019 du 19 juillet 2019.

Des informations à notre possession, tirées principalement des rapports des experts des Nations-Unies et de Global Witness, la Société CONGO GOLD RAFFINERIE SARL est détenue indirectement par deux Sociétés, chacune faisant partie de différents réseaux dont :

- GLOBAL INVESTMENT CONGO qui compte parmi ses actionnaires des entités gérées par Messieurs Alain WAN (partenaire du millionnaire américain Erik PRINCE, homme d'affaires qui aurait par le passé été l'un des intermédiaires de l'ancien président congolais et un trafiquant d'or présumé) et LIU ZHIGANG, un haut Responsable de Frontier Service Group, une société de sécurité créée par le millionnaire Erik PRINCE qui œuvre dans le secteur de sécurité privée ;
- MARATHON SARL qui appartient à un sujet belgo-burundais du nom de KARIM SOMJI, lequel aurait par le passé fait de la contrebande d'or, à Robert MUTESA, l'associé-gérant d'une compagnie aérienne qui aurait assuré le transport d'armes pendant la deuxième guerre du Congo et Joyce OTSHIMO EKANGA, un homme d'affaires, fils d'un ancien dignitaire du régime passé.

Selon Jean-Luc BLAKEY, Responsable senior des Campagnes à Global Witness, CONGO GOLD RAFFINERIE SARL « est détenue ou gérée par différents personnages aux antécédents qui soulèvent des questions. Cela va des personnes accusées de contrebande d'or congolais à un proche associé de l'ancien président, en passant par un cadre supérieur d'une compagnie créée par l'un des mercenaires les plus notoires au monde ».

En effet, les Statuts de la Société CONGO GOLD RAFFINERIE SARL déposés au Ministère des Mines renseignent Messieurs KARIM SOMJI et Dieudonné KASEMBO NYEMBO comme les deux actionnaires à parts égales de la Société.

L'organisme IMPACT renseigne que KARIM SOMJI est parmi les personnes impliquées dans le commerce illicite des minerais aurifères de la RDC depuis plus de deux décennies en connivence avec certains pays voisins, notamment le Rwanda, et qu'il a été associé dans nombreuses sociétés de commerce et d'exportation d'or dans la région, dont AR GOLD SARL à Goma, GOLDEN GOLD à Bujumbura, GOLDEN GOLD LTD au Rwanda ainsi que GOLDEN GOLD ET MINES PROPRES SARL à Bukavu en RDC.

Selon IMPACT, plusieurs sources renseignent que KARIM SOMJI a créé sur divers territoires de la région des Sociétés qui exportent de l'or à des nombreuses entreprises situées à Dubaï portant toutes un nom différent, que les activités de commerce et d'exportation passent régulièrement d'une société à l'autre et qu'aucune de ces entreprises ne génère un volume suffisamment important pour attirer l'attention du Groupe d'experts des Nations-Unies ou d'autres organismes chargés de l'application de la loi.

Aussi, le rapport du Secrétaire Général aux Mines nous transmis par la lettre n° BUR/SG.MINES/01/1111/2023 du 20 juillet 2023, fait état de ce que la Société CONGO GOLD RAFFINERIE SARL est sans activités, car le Secrétariat Général aux Mines ne détient aucune donnée statistique d'achat, de traitement ni de stockage d'or la concernant.

- 3 -

Au regard de ce qui précède et tenant compte de la situation sécuritaire à l'Est de la RDC, envahi par plusieurs groupes armés et par les terroristes du M23 soutenus par le Rwanda, il y a lieu de surseoir aux activités de CONGO GOLD RAFFINERIE SARI, afin de pousser plus loin les enquêtes sur ses activités récentes dans la région et sur les bénéficiaires effectifs des activités de ladite Société conformément à la Loi n°22/068 du 27 décembre 2022 portant lutte contre le blanchiment de capitaux et le financement du terrorisme et de la prolifération des armes de destruction massive, spécialement à son article 40.

Pour ce, la CENAREF poursuit ses investigations auprès de banques commerciales, de services de l'Etat et d'autres structures internationales dont la Cellule sœur des Emirates Arabes Unis. Le résultat de ces investigations vous seront communiquées au fur et à mesure.

Veillez agréer, **Excellence Monsieur le Ministre**, l'expression de ma haute considération.

Le Secrétaire Exécutif

KISULA BETIKA YEYE Adler

Premier Avocat Général près la Cour de Cassation

