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Lettre datée du 31 mai 2024, adressée au Président du Conseil de sécurité par le Groupe d'experts sur la République démocratique du Congo

Les membres du Groupe d'experts sur la République démocratique du Congo, dont le mandat a été prorogé en application de la résolution [2688 \(2023\)](#) du Conseil de sécurité, ont l'honneur de vous faire tenir ci-joint, en application des dispositions du paragraphe 6 de ladite résolution, le rapport final sur leurs travaux.

Le présent rapport a été communiqué le 29 avril 2024 au Comité du Conseil de sécurité créé par la résolution [1533 \(2004\)](#) concernant la République démocratique du Congo, qui l'a examiné le 24 mai 2024.

Le Groupe d'experts vous serait reconnaissant de bien vouloir porter le texte de la présente lettre et du rapport à l'attention des membres du Conseil de sécurité et de le faire publier comme document du Conseil.

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Rapport final du Groupe d'experts sur la République démocratique du Congo

Résumé

Les conditions de sécurité et la situation humanitaire qui règnent dans l'est de la République démocratique du Congo, toujours en proie à une violence intense, ont continué de se détériorer. Les tensions régionales ont exacerbé le conflit et les combats dans les trois provinces orientales. Dans l'ouest de la République démocratique du Congo, le conflit larvé à Maï-Ndombe s'est poursuivi.

Au Nord-Kivu, les Forces démocratiques alliées (ADF), groupe armé faisant l'objet de sanctions, ont intensifié leurs attaques contre les centres urbains de la République démocratique du Congo et poursuivi leurs opérations en Ouganda. Elles ont causé le plus grand nombre de morts, principalement des civils. Elles ont établi de solides réseaux dans les prisons, en particulier à Kinshasa, où les détenus qui leur sont affiliés ont recruté et mobilisé des combattants et des collaborateurs.

Le Gouvernement congolais emploie officiellement des groupes armés Wazalendo pour combattre le Mouvement du 23 mars (M23) ; ce qui fait que dans l'est de la République démocratique du Congo, des groupes armés se prévalent de cette appellation pour justifier leur existence et leurs activités criminelles.

L'escalade rapide de la crise du M23 risquait de déclencher un conflit régional plus vaste. Le M23, aux côtés de la Force de défense rwandaise (RDF), et les Forces armées de la République démocratique du Congo (FARDC) ainsi que la coalition de groupes armés locaux Wazalendo, les Forces démocratiques de libération du Rwanda (FDLR), groupe faisant l'objet de sanctions, et la Force de défense nationale du Burundi ont continué de s'opposer dans de violents combats. Les FARDC ont reçu un soutien opérationnel et militaire de sociétés militaires privées et des contingents de la Communauté de développement de l'Afrique australe, déployés en décembre 2023.

Ne se bornant plus à apporter un simple soutien aux opérations du M23 dans les territoires de Rutshuru, de Masisi et de Nyiragongo, la RDF s'implique désormais directement et de façon décisive, ce qui a permis aux deux groupes de dominer militairement dans le Petit Nord et d'étendre rapidement leur territoire jusqu'aux rives du lac Édouard. S'appuyant sur des technologies et du matériel militaires de pointe, le M23 et la RDF ont renforcé leurs opérations conjointes, modifiant ainsi la dynamique du conflit ; ils ont notamment cloué au sol tous les moyens aériens militaires des FARDC. Un nouveau mouvement politico-militaire, l'Alliance Fleuve Congo (AFC), n'a pas réussi à unir la majorité des acteurs politiques et armés contre le Gouvernement congolais.

Le Gouvernement a continué d'utiliser comme supplétifs les groupes Wazalendo et les FDLR pour combattre le M23 et la RDF. Aucune suite n'a été donnée à la consigne du chef d'état-major des FARDC de mettre fin à la collaboration avec les FDLR. Bien que sous pression, celles-ci ont continué de jouer un rôle important dans le conflit.

La participation de la Force de défense nationale du Burundi (FDNB) aux opérations contre le M23 et la RDF a exacerbé les tensions entre le Rwanda et le Burundi.

La violence armée prolongée a intensifié la crise humanitaire déjà très grave. En mars 2024, près de 1,7 million de personnes déplacées se trouvaient dans le Petit Nord comptait ; un autre demi-million de personnes déplacées dans le Sud-Kivu voisin. La criminalité et les troubles civils ont augmenté à Goma, principalement du

fait de la prolifération des combattants Wazalendo et d'éléments indisciplinés des FARDC, qui jouissaient d'une impunité générale pour leurs actes. La proximité des combats et les tirs d'artillerie fréquents dans les zones urbaines et près des sites de personnes déplacées ont fait de nombreuses victimes civiles.

Tous les acteurs armés ont recruté et utilisé des enfants dans le cadre des hostilités à une échelle sans précédent. Le M23 et la RDF ont continué à punir les civils qu'ils soupçonnaient de collaborer avec les groupes armés ennemis, en particulier les Hutus, perçus comme proches des FDLR ou des Nyatura. Ils les ont exécutés, torturés, détruit leurs villages, pillé leurs biens ou les ont détenus de manière arbitraire. Les groupes Wazalendo ont appliqué une économie de guerre violente dans leurs zones d'influence (pillages, rackets, enlèvements et assassinats de civils), ce qui leur a permis de prospérer.

La plupart des acteurs armés opérant dans le Petit Nord tiraient illégalement profit de l'exploitation forestière ou de l'impôt sur le transport du bois dans les zones qu'ils contrôlaient, rien qu'une partie des possibilités encore plus grandes de création de revenus offertes par la crise actuelle dans le Petit Nord.

À Rubaya, la production de minerais sous le contrôle de la Coalition des patriotes résistants congolais-Force de frappe (PARECO-FF) et le commerce de minerais sous le contrôle de la PARECO-FF, des Wazalendo et du M23 se sont poursuivis sans relâche, de sorte que ces minerais ne remplissaient plus les conditions pour être commercialisés. Par ailleurs, la chaîne d'approvisionnement risquait d'être gravement contaminée.

En Ituri, les deux principaux groupes armés, le groupe Zaïre et la Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO/URDPC) ont repris leurs affrontements armés et leurs rivalités, notamment autour de sites d'exploitation aurifère lucratifs. Le groupe Zaïre a promis de s'engager dans le processus de paix, mais cette promesse s'est avérée fautive et de courte durée, car le groupe a renforcé sa mobilisation et lancé des offensives. Le groupe CODECO/URDPC s'est également souvent heurté aux FARDC, a attaqué les soldats de la paix de la Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo et a mené des attaques aveugles et meurtrières contre des civils, dont des enlèvements et des exécutions. Des éléments des FARDC et de la Garde républicaine ont participé aux activités d'extraction de l'or. Les ressources financières et les soldats des FARDC ont été détournés de la lutte contre les groupes armés pour protéger des intérêts privés dans le secteur minier.

Dans le Sud-Kivu, la crise liée au M23 a continué d'influer sur la dynamique des groupes armés. Les vives tensions entre le Burundi et le Rwanda ont amené ces deux pays à se rapprocher des groupes armés étrangers basés au Sud-Kivu. Le Rwanda a notamment renouvelé son soutien à la Résistance pour un État de droit au Burundi (RED Tabara) et le Burundi a repris sa collaboration avec le Conseil national pour le renouveau et la démocratie-Forces de libération nationale (CNRD-FLN). Les liens entre les groupes armés locaux (M23, AFC) et le Rwanda ont créé de nouvelles tensions entre les groupes armés du Sud-Kivu. La mutuelle Banyamulenge « Shikama » à Uvira finançait les Twirwaneho dans les Hauts Plateaux du territoire de Fizi. Des chefs des groupes armés du Sud-Kivu, comme William Yakutumba, visé par des sanctions, se sont personnellement enrichis en imposant des taxes illégales sur les mineurs et leur production.

Dans le secteur minier, le développement du phénomène Wazalendo a fait peser de graves menaces sur le principe de diligence raisonnable. Les acteurs économiques s'en sont remis aux groupes armés pour leur sécurité.

Les exportations de la société Primera Gold ont fortement diminué depuis le rapport à mi-parcours du Groupe d'experts. La société a été affaiblie par des divergences avec ses partenaires des Émirats arabes unis. Ses prix sont devenus moins compétitifs par rapport aux prix pratiqués dans d'autres pays de la région. La contrebande d'or s'est donc poursuivie, notamment vers le Rwanda et l'Ouganda.

Le conflit larvé à Maï-Ndombe s'est poursuivi, les milices Mobondo continuant d'occuper plusieurs groupements Teke dans le territoire de Kwamouth. Les Mobondo ont continué à attaquer des civils et ont mené des combats violents avec les FARDC et la Garde républicaine, acquérant une puissance de feu importante grâce à des attaques réussies contre des positions militaires. À la mi-mars 2024, le Président de la République démocratique du Congo, Félix-Antoine Tshisekedi, a mené des négociations de paix entre les chefs coutumiers Teke et Yaka et les membres de la milice Mobondo, qui ont abouti à un accord de cessez-le-feu. Cependant, la viabilité du processus de paix a été remise en question lorsque les milices Mobondo ont tué plusieurs civils le lendemain de la signature de l'accord. Plusieurs chefs Teke ont contesté l'initiative de paix, estimant qu'elle n'était pas suffisamment inclusive ou équitable.

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* Les annexes sont distribuées uniquement dans la langue de l'original et n'ont pas été revues par les services d'édition.

I. Introduction

1. Dans sa résolution [2688 \(2023\)](#), le Conseil de sécurité a reconduit, le 27 juin 2023, le mandat du Groupe d'experts sur la République démocratique du Congo. Le 27 juillet 2023, le Secrétaire général a nommé six membres du Groupe d'experts (voir [S/2023/567](#)). À la suite de la démission d'un expert en ressources naturelles et questions financières, un autre a été nommé le 25 octobre 2023 (voir [S/2023/801](#)).

2. Le rapport final du Groupe d'experts est présenté en application du paragraphe 6 de la résolution [2688 \(2023\)](#). Le Groupe d'experts a échangé des informations avec les groupes d'experts sur Haïti, sur la Libye, sur la République centrafricaine, sur la Somalie, sur le Soudan du Sud et sur le Yémen.

Coopération avec la Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo

3. Le Groupe d'experts remercie la Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo (MONUSCO) de l'aide qu'elle lui a apportée.

Réponses aux demandes d'information du Groupe d'experts

4. Le Groupe d'experts s'est entretenu avec des représentants de gouvernements, des acteurs du secteur privé et des représentants d'organisations de plusieurs pays. Il a adressé 55 courriers officiels à 25 États Membres, organisations internationales et entités privées. Au moment de l'établissement du présent rapport, il avait reçu 18 réponses.

5. Le Groupe d'experts déplore le faible nombre d'acteurs du secteur privé ou d'États Membres ayant répondu à ses demandes officielles d'information et rappelle que ces réponses sont essentielles à ses enquêtes. Il déplore que les demandes officielles de visite au Kenya et en République-Unie de Tanzanie soient restées sans réponse.

Méthodologie

6. Le Groupe d'experts a appliqué les règles de preuve recommandées par le Groupe de travail informel du Conseil de sécurité sur les questions générales relatives aux sanctions (voir [S/2006/997](#)). Il a fondé ses conclusions sur des documents et corroboré les informations obtenues en se servant d'au moins trois sources indépendantes et fiables.

7. Compte tenu de la nature du conflit en République démocratique du Congo, peu de documents apportent une preuve définitive des activités illégales sur lesquelles le Groupe d'experts enquête. Le Groupe d'experts a donc dû s'en remettre aux déclarations de témoins oculaires de diverses origines. Il a également pris en compte le témoignage averti d'agents de l'État et d'officiers militaires de pays de la région des Grands Lacs et d'autres pays, ainsi que d'organismes des Nations Unies.

8. Le présent rapport couvre les enquêtes menées jusqu'au 10 avril 2024. En raison de la limite imposée au nombre de mots, certaines conclusions et preuves figurent dans les annexes.

II. Nord-Kivu

A. Forces démocratiques alliées

Nouveaux faits opérationnels en République démocratique du Congo et en Ouganda

9. Depuis la mi-octobre 2023, les opérations militaires des Forces démocratiques alliées (ADF) se sont intensifiées, en particulier dans la partie nord du territoire de Beni et dans le sud de la province de l'Ituri (S/2023/990, par. 16). Les ADF restent le groupe armé qui tue le plus en République démocratique du Congo en 2023 : plus de 1 000 personnes tuées, principalement des civils¹. Le Groupe d'experts constate avec préoccupation que si les ADF ont considérablement réduit leurs attaques contre les acteurs de la sécurité depuis le début de l'opération Shuja en novembre 2021 (S/2022/479, par. 21), elles ont parallèlement augmenté les meurtres de civils², dans le droit fil de leur stratégie, qui consiste à se venger sur les civils des opérations militaires menées contre elles (S/2023/990, annexe 8). Les ADF ont essayé d'éviter les contacts directs avec les Forces armées de la République démocratique du Congo (FARDC) et les Forces de défense populaires de l'Ouganda (UPDF), comme le montre la diminution du nombre d'attaques contre les acteurs de la sécurité.

10. Les ADF ont continué d'être extrêmement mobiles (voir annexe 1). Certes, cette mobilité forcée a affaibli le groupe armé visé par des sanctions (S/2023/990, par. 15), mais elle a également eu des répercussions négatives sur la population, que les ADF attaquent systématiquement lors de leurs déplacements, provoquant ainsi panique et déplacements massifs.

11. Les ADF ont également mené plusieurs attaques très meurtrières contre des centres urbains plus densément peuplés, notamment dans le périmètre d'un nouveau « triangle de la mort » (voir annexe 2)³. En particulier, elles ont intensifié la pression autour des zones de Mavivi et de Beni le long de la Route nationale 4, un couloir de transit entre les camps des ADF à l'ouest d'Oicha et la position d'Abwakasi, qui s'est replié de Mwalika (S/2023/990, annexe 8) vers la zone de Mbau-Kamango. Il en a résulté d'importants déplacements de population vers la périphérie de Beni, où les personnes déplacées ont établi des campements que les ADF ont ensuite attaqués à plusieurs reprises, notamment sous prétexte qu'ils abritaient des éléments Wazalendo⁴. Selon plusieurs sources, les ADF ont porté essentiellement leurs attaques sur les centres urbains pour détourner l'attention de l'opération Shuja vers ces zones, à la suite des annonces publiques faites en fin 2023 selon lesquelles les attaques se concentreraient sur les bastions des ADF dans la province de l'Ituri⁵.

12. Les ADF ont poursuivi leurs opérations en Ouganda, notamment par des attaques contre des civils et des tentatives d'attentats à la bombe (voir annexe 3). Toutefois, ces attaques ont diminué après que les UPDF ont tué et arrêté à la fin de l'année 2023 plusieurs combattants ayant commis des attaques.

¹ Sources : organismes des Nations Unies.

² Sources : forces armées de la République démocratique du Congo (FARDC), Police nationale congolaise, soldats des Forces de défense populaires de l'Ouganda (UPDF) ou de la Mission de stabilisation de l'Organisation des Nations Unies en République démocratique du Congo (MONUSCO).

³ Anciennement situé entre Oicha, Eringeti et Kamango (S/2019/469, par. 17).

⁴ Sources : FARDC, UPDF, société civile, services de renseignement, chercheurs et sources de l'ONU.

⁵ Sources : ex-combattants des Forces démocratiques alliées (ADF) et personnes enlevées, FARDC, UPDF, services de renseignement, chercheurs, milieux diplomatiques et organismes des Nations Unies.

Réseaux de financement, de réapprovisionnement et de collaborateurs des Forces démocratiques alliées

13. Les ADF ont continué à dépendre de collaborateurs pour le réapprovisionnement, y compris en nourriture, qui les ont soutenus par exemple pour la pose d'engins explosifs improvisés (S/2023/990, par. 20). Plusieurs collaborateurs ont été recrutés par des agents des ADF détenus (voir par. 18), tandis que d'autres ont été enlevés et forcés à devenir des collaborateurs s'ils voulaient être libérés (voir annexe 4)⁶.

14. Butembo est resté le centre de gravité des collaborateurs des ADF. Par ailleurs, les ADF ont étendu leur réseau de collaborateurs à l'Ituri, en s'appuyant en particulier sur les mêmes réseaux Nande d'hommes d'affaires et de notables du Grand Nord, avec lesquels elles avaient forgé des liens au fil des ans (S/2011/738, par. 52)⁷. Ainsi, l'expansion et le réapprovisionnement du groupe ont été facilités dans le sud d'Irumu, à Mambasa et à Bunia, où les réseaux Nande exerçaient une forte influence économique et politique.

15. Cela dit, plusieurs sources ont indiqué que les ADF avaient connu des difficultés financières (voir annexe 5).

Réseaux des Forces démocratiques alliées dans les prisons

16. Les réseaux des ADF dans les prisons ont été particulièrement actifs, notamment à Kinshasa, où des détenus importants du groupe avaient été transférés depuis l'évasion de la prison de Kangbayi en octobre 2020 (S/2021/560, annexe 19).

17. Le Groupe d'experts a interrogé plusieurs ex-combattants et collaborateurs des ADF détenus, qui ont expliqué que dans chaque prison, ils avaient établi un système d'organisation avec un « chef » et un adjoint (voir annexe 6). Les chefs étaient désignés par le chef des ADF visé par des sanctions, Baluku (CDi.036), avec qui ils communiquaient régulièrement, soit directement soit par des intermédiaires tels qu'Amigo, pour organiser le soutien aux détenus des ADF et continuer à les mobiliser⁸. La plupart des éléments des ADF en détention ont continué à avoir accès à des téléphones et à d'autres dispositifs, souvent avec la complicité des autorités pénitentiaires, judiciaires et de renseignement, qu'ils ont soudoyées ou qui étaient également en contact direct avec les dirigeants des ADF dans le maquis. Grâce à ces contacts, les ADF ont orchestré l'évasion de plusieurs de leurs éléments clés, dont Hamuli, l'un des proches conseillers de Baluku (voir annexe 7)⁹.

18. De plus, les détenus des ADF ont continué à recruter et à former des combattants et des collaborateurs à l'intérieur et à l'extérieur de la prison, souvent en passant par les liens familiaux ou amicaux, principalement dans le Grand Nord (voir annexe 8)¹⁰. Ils ont reçu des transferts d'argent mobile de la part des dirigeants des ADF et redistribué ces fonds pour le recrutement et la mobilisation.

Influence des Forces démocratiques alliées sur la dynamique des groupes armés et sécurité en Ituri et dans le Grand Nord

19. Les ADF ont continué de profiter de la présence fragmentée des entités de l'État chargées de la sécurité sur le terrain, en particulier en Ituri, celles-ci étant écartelées

⁶ Sources : ex-combattants des ADF et personnes enlevées, FARDC, UPDF, services de renseignement, chercheurs, société civile et organismes des Nations Unies.

⁷ Ibid.

⁸ Sources : ex-combattants et collaborateurs des ADF, FARDC, chercheurs, services de renseignement et de sécurité.

⁹ Ibid.

¹⁰ Sources : ex-combattants et collaborateurs des ADF, FARDC, chercheurs, services de renseignement et de sécurité, organismes des Nations Unies.

du fait notamment de l'opération Shuja, qui a dû se déployer sur une zone d'opérations beaucoup plus large que prévu pour faire face aux mouvements des ADF. De surcroît, l'opération Shuja a perdu l'appui de nombreuses troupes des FARDC, qui ont dû continuer à être déployés dans le Petit Nord contre le Mouvement du 23 mars (M23) et la Force de défense rwandaise (RDF)¹¹.

20. Les opérations des ADF, en particulier leur expansion en Ituri et les récentes attaques à la périphérie de Beni, ont influé sur la dynamique et les opérations d'autres groupes armés, renforcées par le vide sécuritaire existant. Les ADF ont également exploité et alimenté les tensions intercommunautaires et locales, comme on l'a déjà vu (S/2022/479, par. 30), poussant les groupes armés locaux à s'impliquer.

21. Les Maï-Maï et d'autres groupes ont multiplié leurs opérations dans de nombreuses régions où les ADF étaient actives¹². Des groupes armés, tels que les Forces patriotiques populaires-Armée du peuple (FPP/AP), la Force de résistance patriotique de l'Ituri et l'Union des patriotes pour la libération du Congo, se sont servis de l'étiquette « Wazalendo » et pris pour prétexte la lutte contre les ADF pour tenter de justifier leur expansion et leurs opérations (voir par. 60). En particulier, les FPP/AP ont quitté le territoire de Lubero pour l'Ituri vers 2022, principalement pour protéger les intérêts de certains hommes d'affaires Nande autour de Biakato et de Mangina, avant d'étendre leurs activités à Mambasa et à Komanda en 2023 (voir annexe 9)¹³, entraînant des combats avec les FARDC, que les FPP/AP estimaient incapables de protéger la population. Les FPP/AP ont également eu des escarmouches avec la Force de résistance patriotique de l'Ituri, qui a commencé à étendre ses opérations vers Komanda, sous le couvert de la lutte contre les ADF. En janvier 2024, les FPP/AP et Chini ya Tuna ont officiellement accepté de collaborer avec les FARDC contre les ADF, ce qui prouve que les autorités congolaises ont continué d'utiliser des supplétifs (voir annexe 10).

22. Sous prétexte de protéger la population, ces groupes armés ont commis des violations (meurtres, enlèvements et impôts illégaux)¹⁴. Indissociables de la dynamique locale et souvent manipulées par les autorités locales, les FARDC, les hommes d'affaires et les politiciens, leurs activités ont exacerbé les tensions et la violence au travers des médias sociaux. Les violations et les fautes commises par les troupes des FARDC ont également aggravé les conditions de sécurité¹⁵. De fréquentes rumeurs et allégations selon lesquelles des groupes armés et des troupes des FARDC seraient responsables d'attaques attribuées à l'origine aux ADF ont conduit à des pics de violence, comme à Mangina depuis novembre 2023. On ne connaît toujours pas l'identité des assaillants responsables des attaques à Mangina¹⁶.

¹¹ Sources : FARDC, services de renseignement, chercheurs, société civile, milieux diplomatiques et organismes des Nations Unies.

¹² Sources : FARDC, services de renseignement, chercheurs, société civile et organismes des Nations Unies.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Sources : FARDC, UPDF, services de renseignement, chercheurs, société civile, milieux diplomatiques et organismes des Nations Unies.

¹⁶ Ibid.

B. Alliance Fleuve Congo

23. Le 15 décembre 2023, quelques jours avant les élections générales du 20 décembre, Corneille Nangaa Yobeluo, ancien chef de la Commission électorale nationale indépendante de la République démocratique du Congo, a lancé un mouvement politico-militaire nommé Alliance Fleuve Congo (AFC) lors d'une conférence de presse à Nairobi (voir annexe 11).

24. L'AFC s'est engagée à unir les groupes armés, les partis politiques et les organisations de la société civile, dans le but de reconstruire l'État et de s'attaquer aux problèmes sous-jacents qui alimentent les conflits récurrents, afin de parvenir à une paix durable en République démocratique du Congo¹⁷.

25. L'AFC a vu le jour après des mois de préparation, au cours desquels son chef, Nangaa, s'est rendu dans plusieurs pays, à l'intérieur et à l'extérieur de la région des Grands Lacs (voir annexe 12), afin d'obtenir le soutien de divers acteurs. Il a notamment entrepris de longues négociations avec le M23 (CDe.006), qui fait l'objet de sanctions¹⁸. Selon plusieurs sources, le M23 et le Gouvernement rwandais ont vu en l'AFC la possibilité de légitimer le M23 et ses revendications, tout en minimisant le rôle du Rwanda dans la crise. De plus, si l'AFC obtenait le soutien d'une large coalition de parties prenantes congolaises, le M23 serait considéré comme un problème congolais¹⁹. D'éminentes personnalités en Ouganda et au Kenya auraient également soutenu la création de l'AFC²⁰. Le lancement de l'AFC au Kenya a envenimé les relations diplomatiques entre le Kenya et la République démocratique du Congo (voir annexe 13).

26. Le chef politique du M23, Bertrand Bisimwa, était aux côtés de Nangaa lors du lancement de l'AFC, confirmant ainsi l'alliance entre le M23 et l'AFC. Des représentants de plusieurs groupes armés du Sud-Kivu étaient également présents (voir par. 186). Dans sa déclaration initiale, rapidement supprimée d'Internet, l'AFC a dit que plusieurs groupes armés et entités politiques soutenaient le mouvement et les a cités, mais nombre d'entre eux ont rapidement démenti toute affiliation ou tout soutien (voir annexe 14).

27. Peu après le lancement, Nangaa a été nommé coordonnateur national de la coalition AFC-M23. Bisimwa est devenu le coordinateur politique adjoint et Lawrence Kanyuka, porte-parole politique du M23, est devenu le responsable de la communication de l'AFC. Plusieurs chefs du M23 ont eu des postes à responsabilités dans l'AFC (voir annexe 15). Le Groupe d'experts fait remarquer qu'apporter un soutien au M23, visé par des sanctions, constitue un acte passible de sanctions.

28. Depuis décembre 2023, les représentants de l'AFC parcourent le Sud-Kivu, le Nord-Kivu et l'Ituri, ainsi que le Kenya, le Rwanda, la République-Unie de Tanzanie et l'Ouganda, pour obtenir l'appui des groupes armés, des acteurs politiques et des chefs locaux. Nangaa a beaucoup voyagé dans la région et dans les zones contrôlées par le M23 (voir annexe 16). Fin mars 2024, l'AFC a organisé un rassemblement à Kiwanja, dans le territoire de Rutshuru, où Nangaa a menacé de prendre Goma et Kinshasa, laissant présager un coup d'État (voir annexe 17). À cette réunion, Nangaa est apparu aux côtés de personnalités politiques de premier plan qui avaient rejoint

¹⁷ Voir <https://alliancefleuvecongo.org/a-propos>.

¹⁸ Sources : Alliance Fleuve Congo, milieux diplomatiques, acteurs politiques, chercheurs et services de renseignement et de sécurité, organismes des Nations Unies.

¹⁹ Sources : services de renseignement et de sécurité, milieux diplomatiques, organismes des Nations Unies, chercheurs, personnes proches du Mouvement du 23 mars (M23) et du Rwanda.

²⁰ Ibid.

l'AFC (voir annexe 18). D'autres acteurs politiques ont également annoncé leur adhésion au groupe ou ont été cités comme l'ayant fait (voir annexe 19).

29. Si la plupart des groupes armés cités dans la déclaration initiale ont nié avoir adhéré à l'AFC, certains ont par la suite rejoint le groupe ou envisagé de le faire (voir par. 187 et 188). Au moment de l'établissement du présent rapport, l'AFC n'avait pas réussi à avoir un impact significatif sur le paysage politique et militaire de la République démocratique du Congo.

C. Mouvement du 23 mars et Force de défense rwandaise

Expansion territoriale et opérations

30. La crise du M23 s'est intensifiée depuis le rapport à mi-parcours du Groupe d'experts (S/2023/990), augmentant le risque d'une nouvelle escalade, y compris un élargissement du conflit régional, malgré les initiatives régionales de consolidation de la paix (voir annexe 20).

31. Fin janvier 2024, de violents combats ont repris entre le M23, aux côtés de la RDF, et les FARDC soutenues par des groupes armés locaux réunis sous la bannière « Wazalendo » ainsi que par les Forces démocratiques de libération du Rwanda (FDLR), deux sociétés militaires privées et la Force de défense nationale du Burundi (FDNB) (voir par. 81 à 87 ; et S/2023/990, par. 43 à 46 et résumé). Des troupes de la Communauté de développement de l'Afrique australe (SADC) ont été déployées le 15 décembre 2023 contre le M23. Un cessez-le-feu temporaire, négocié en décembre 2023, a été de courte durée (voir annexe 21).

32. Malgré la présence de plusieurs acteurs militaires soutenant le Gouvernement congolais (S/2023/431, par. 47 et 48), le renforcement militaire du M23 et de la RDF et la supériorité de leur force de combat (voir par. 37 et 43 à 54) leur ont permis d'étendre rapidement les zones sous leur contrôle. En février 2024, le M23 et la RDF ont pris de nouvelles zones autour de Sake après de violents combats avec les FARDC, les groupes armés Wazalendo et les FDLR, coupant ainsi la ville de Goma de la dernière route de ravitaillement qui la reliait au Sud-Kivu (voir par. 41). Les attaques du M23 contre des bateaux civils et militaires sur le lac Kivu, près de Minova, au Sud-Kivu, ont eu d'autres répercussions sur la logistique militaire et le commerce des populations le long des axes du sud²¹.

33. Début mars 2024, le M23 et la RDF ont rapidement progressé au nord de Goma, prenant de nouvelles zones et villes stratégiques – bastions des FDLR et des Nyatura – dans le territoire de Rutshuru, y compris Nyanzalé, Kibirizi et Rwindi (voir par. 42 et 62), ainsi que Vitshumbi sur les rives du lac Édouard. Les FARDC ont quitté leur principal camp militaire à Rwindi, avant l'arrivée de la RDF et du M23, évitant les combats et abandonnant du matériel logistique militaire (voir par. 42).

34. Début avril 2024, la zone d'influence du M23 et de la RDF était la plus vaste jamais enregistrée, représentant une augmentation de 70 % par rapport à novembre 2023, y compris de nouvelles zones qu'ils n'avaient jamais contrôlées auparavant (voir annexe 22). Le M23 et la RDF ont de facto encerclé Goma, contrôlant progressivement toutes les voies d'accès et d'approvisionnement, à l'exception d'une route menant directement au Rwanda. Il y a encore de fortes chances que le M23 et la RDF prennent Kanyobagonga, pénètrent dans le territoire de Lubero et poussent plus au sud le long de la route Sake-Minova²². L'expansion territoriale du M23 et de

²¹ Sources : témoins oculaires, organismes des Nations Unies, FARDC et services de sécurité.

²² Sources : témoins oculaires, organismes des Nations Unies, FARDC, services de sécurité et de renseignement et combattants du M23.

la RDF a entraîné des combats persistants et des tirs d'artillerie lourde entre ceux-ci et la coalition des FARDC sur plusieurs fronts dans les territoires de Rutshuru, de Masisi et de Nyiragongo, causant un grand nombre de victimes civiles et des déplacements massifs de population (voir par. 93 à 98)²³. Elle a également causé de lourdes pertes parmi toutes les parties belligérantes (S/2023/990, par. 30)²⁴.

Mouvement du 23 mars : réorganisation, formation et recrutement

35. Les frappes réussies de drones CH-4 des FARDC, avec l'aide de sociétés militaires privées, contre les bases, les dépôts d'armes, les centres de recrutement et le commandement du M23 à la fin de 2023 et au début de 2024 ont contraint le M23 à se réorganiser (voir annexe 23). Le 16 janvier 2024, le « colonel » Castro Mberabagabo, chef du renseignement militaire du M23, a été tué lors d'une attaque de drone, qui a également blessé Erasto Bahati Musanga, chef des finances du mouvement, et blessé et tué de nombreux combattants du M23. Il a fallu procéder à de nouvelles nominations et promotions parmi le personnel militaire et civil du M23. Cette restructuration a fait l'objet d'une large publicité afin de remonter le moral des troupes et de consolider l'autorité politico-militaire du mouvement (voir annexe 24) et son administration parallèle (voir annexe 25 ; et S/2022/967, annexe 23). Le « colonel » Imani Nzenze a remplacé Castro, devenant chef des renseignements « G2 » du M23, un poste clé au sein du mouvement.

36. Le M23 est resté sous le commandement militaire global du « général » Sultani Makenga (CDi.008) visé par des sanctions, à Tchanzu. Critiqué par les officiers de la RDF qui l'accusaient de ne pas être proche de ses troupes, celui-ci s'est rendu à Bunangana, à Kitshanga et à Rumangabo²⁵. Le « colonel » Imani Nzenze, le « général » Gacheri Erasto (adjoind du « général de brigade » Bernard Byamungu), Bahati Erasto (finances), Benjamin Nzabonimpa (secrétaire exécutif) et le « colonel » Jeff Kabayiza (logistique) étaient les plus proches collaborateurs et confidents de Makenga²⁶. Le « général de brigade » Bernard Byamungu et le « général » Baudoin Ngaruye étaient les principaux commandants chargés de coordonner les opérations militaires (voir par. 53 et 107). Ngaruye est resté très proche du Rwanda, qui aurait eu plus confiance en lui qu'en Makenga (S/2023/990, annexe 17)²⁷.

37. Les capacités militaires du M23 ont été renforcées par le recrutement, tant forcé que volontaire, y compris d'enfants, au Nord-Kivu, en Ouganda et au Rwanda (voir par. 100 à 108), ainsi que par la formation des nouvelles recrues. Au début du mois d'avril 2024, on estimait à 3 000 le nombre de combattants du M23 actifs dans le Petit Nord²⁸.

38. Les nouvelles recrues du M23 ont été formées dans la principale base militaire du mouvement à Tchanzu (voir annexe 26). Il y a eu des formations dans d'autres centres militaires, par exemple à Rutshuru, à Bwito, à Bwiza ou à Nyongera²⁹. L'entraînement, qui a duré plusieurs mois, sauf en cas d'accélération pour des besoins opérationnels, comprenait la parade, la discipline, l'entraînement tactique, l'idéologie et l'endoctrinement³⁰.

²³ Sources : organismes des Nations Unies, FARDC et services de sécurité, combattants Wazalendo et du M23 et documents confidentiels.

²⁴ Ibid.

²⁵ Sources : personnes proches du M23 et du Rwanda.

²⁶ Ibid.

²⁷ Sources : personnes proches du M23 et du Rwanda et services de renseignement.

²⁸ Sources : services de renseignements, M23 et documents confidentiels.

²⁹ Sources : anciennes recrues et sources confidentielles.

³⁰ Sources : anciennes recrues et sources confidentielles, organismes des Nations Unies, militaires et services de renseignement.

39. Des combattants du M23 récemment capturés ou qui se sont rendus ont confirmé que le « colonel » Léon Kanyamibwa dirigeait toujours la formation militaire, avec le soutien du « capitaine » Ernest Sebagenzi et du « colonel » Moïse Byinshi, entre autres (voir par. 106 à 108 ; et S/2023/431, par. 51)³¹. Les combattants du M23 ont également signalé la présence d'officiers instructeurs de la RDF à Tchanzu (voir par. 108 ; et S/2023/990, par. 28)³². Au moment de l'établissement du présent rapport, la RDF organisait une « formation au leadership » à Bunangana³³.

Force de défense rwandaise : appui critique au Mouvement du 23 mars et occupation du territoire

40. Le Groupe d'experts a obtenu d'autres preuves – photographies authentifiées, images de drones, enregistrements vidéo, témoignages et renseignements – confirmant les incursions systématiques de la RDF à la frontière et sa présence renforcée dans le Petit Nord, le nombre de ses troupes égalant, voire dépassant, celles du M23 (voir par. 37 et 43). Positionnée en première ligne, la RDF a utilisé des armes de haute technologie et participé directement aux combats. Sa présence a été déterminante pour repousser les attaques conjointes des FARDC et des Wazalendo et conquérir de nouveaux territoires dans le Petit Nord (voir annexe 27).

41. En janvier 2024, au moins 1 000 soldats de la RDF entrés en République démocratique du Congo par divers postes frontaliers à l'est de Kibumba, dans le territoire de Rutshuru, ont été déployés sur des positions militaires clés. À la suite de ce renforcement, le 3 février, la RDF et le M23 ont pris le contrôle de Shasha, un village ayant un accès stratégique au lac Kivu. La RDF a maintenu des positions de combat sur les collines autour de Sake, qu'elle occupait encore au moment de l'établissement du présent rapport. Au début du mois d'avril 2023, la RDF a pris le contrôle de trois positions au nord-ouest de Sake, abandonnées par la MONUSCO (voir annexe 28). Au moment de l'établissement du présent rapport, 500 soldats de la RDF et 500 combattants du M23, ceux-ci sous le commandement de Baudoin Ngaguye (CDi.019) et de Bernard Byamungu (CDi.038), qui font l'objet de sanctions, et de Julien Mahano Baratuje, contrôlaient les zones situées au nord, à l'ouest et au sud de Sake³⁴.

42. Une grosse colonne de soldats de la RDF bien équipés a été filmée arrivant à Rwindi, au nord de Rutshuru, le 9 mars 2023 (voir annexe 29). Les troupes, sous le commandement du colonel Callixte Migabo de la RDF, ont établi des positions et occupé la zone, suivies par l'arrivée des combattants du M23 un jour plus tard. La RDF et le M23 se sont particulièrement intéressés à la piste d'atterrissage de Rwindi, capable d'accueillir des bombardiers. De même, le M23 avait manifesté un intérêt pour la piste d'atterrissage de Katale, plus petite. Après la prise de Rwindi par la RDF, les FARDC se sont retirées de Vitshumbi, ce qui a permis au M23, sous le commandement du « colonel » Ernest Sebagenzi, d'occuper la ville située sur les rives du lac Édouard, connue pour ses pêcheries lucratives.

43. Selon une estimation prudente, 3 000 à 4 000 soldats de la RDF étaient déployés dans les territoires de Nyiragongo, de Rutshuru et de Masisi au moment de l'établissement du présent rapport³⁵. Nombre d'entre eux appartenaient à la deuxième

³¹ Sources : combattants du M23 et documents confidentiels. Voir également S/2023/431, par. 51).

³² Sources : combattants du M23, officier de la Force de défense rwandaise (RDF) et documents confidentiels.

³³ Sources : officier de la RDF et services de renseignement.

³⁴ Sources : documents confidentiels, organismes des Nations Unies, services de sécurité, FARDC et Wazalendo.

³⁵ Sources : services de renseignement et de sécurité, personnes proches du M23 et de la RDF et documents confidentiels.

et à la troisième divisions, cette dernière étant commandée par le général de division Eugène Nkubito. Les forces spéciales de la RDF étaient commandées par le lieutenant-colonel Augustin Ryarasa Migabo, qui rendait compte au major-général Ruki Karusisi (S/2023/431, par. 59 ; et S/2023/990, par. 30)³⁶. On trouvera à l'annexe 30 des informations supplémentaires concernant les officiers de la RDF participant à la planification ou au commandement des opérations en République démocratique du Congo, les brigades et bataillons de la RDF déployés et les équipes d'appui tactique et de reconnaissance composées d'anciens combattants des FDLR.

44. Les interventions et opérations militaires de la RDF dans ces trois territoires ont été déterminantes pour l'impressionnante expansion territoriale réalisée entre janvier et mars 2024 (voir par. 34)³⁷. Des combattants du M23 et deux officiers de la RDF ont expliqué que la capacité du M23 à opérer simultanément sur plusieurs axes et champs de bataille dépendait du soutien militaire et stratégique de la RDF. En février et mars 2024, plusieurs pays ainsi que le Haut Représentant de l'Union européenne pour les affaires étrangères et la politique de sécurité ont exigé que le Rwanda cesse tout soutien au M23 et retire immédiatement tout le personnel de la RDF de la République démocratique du Congo (voir annexe 31)³⁸. Le 5 avril, le Conseil de sécurité a condamné « l'appui militaire extérieur fourni au M23 » (voir annexe 32).

45. Le Groupe d'experts fait observer que le soutien systématique et la participation de la RDF à la conquête territoriale du M23 est un acte passible de sanctions. De plus, le déploiement de la RDF, forces armées nationales du Rwanda, sur le territoire de la République démocratique du Congo viole la souveraineté et l'intégrité territoriale de ce pays. Le contrôle et la direction que la RDF exerce de facto sur les opérations du M23 rendent également le Rwanda responsable des actes du M23.

Recours à des technologies et à du matériel militaires sophistiqués

46. Le Groupe d'experts a établi que le M23 et la RDF ont continué d'utiliser de plus en plus des technologies et du matériel militaires sophistiqués dans les zones sous leur contrôle (S/2023/990, par. 31 et 32), apportant ainsi une preuve supplémentaire et sans conteste de l'appui tactique extérieur fourni au M23, principalement par la RDF, en violation de l'embargo sur les armes.

Systemes de defense antiaérienne à courte portée

47. Le 7 février 2024, un système mobile de défense antiaérienne à courte portée, doté d'un radar rotatif monté et d'un missile sol-air, a été vu par un drone à Bumbi, dans le territoire de Rutshuru, une zone alors contrôlée par le M23 et la RDF (voir annexe 33). Deux autres systèmes de défense antiaérienne à courte portée ont été signalés près de Kibumba et de Mabenga, dans le territoire de Rutshuru³⁹. Le 6 février, un système de défense antiaérienne à courte portée a abattu un drone armé CH-4 des FARDC (voir par. 35) et, le 7 février, il a pris pour cible et raté un drone de la MONUSCO, c'est-à-dire un moyen des opérations de maintien de la paix des Nations Unies (voir annexe 34).

³⁶ Sources : un officier de la RDF, services de renseignement, M23 et documents confidentiels.

³⁷ Sources : services de renseignement et de sécurité, FARDC, Wazalendo, société civile, M23 et témoins oculaires.

³⁸ Communiqués des Etats-Unis d'Amérique (voir www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo) et de la France (voir www.diplomatie.gouv.fr/fr/dossiers-pays/republique-democratique-du-congo/evenements/article/republique-democratique-du-congo-situation-a-l-est-du-pays-20-02-24).

³⁹ Sources : organismes des Nations Unies, société civile, services de sécurité et de renseignement et documents confidentiels.

48. D'après des sources provenant des services de sécurité et de renseignement, c'est la RDF qui manœuvrait le système de défense antiaérienne à courte portée⁴⁰. Dans un communiqué publié le 17 février 2024, les États-Unis d'Amérique ont demandé au « Rwanda de retirer immédiatement [...] ses systèmes de missiles sol-air, qui menacent la vie des civils, des forces de maintien de la paix [des Nations Unies] et d'autres forces régionales, des acteurs humanitaires et les vols commerciaux dans l'est de la [République démocratique du Congo] » ; un appel repris par d'autres pays⁴¹.

49. Le déploiement de systèmes de défense antiaérienne à courte portée, parallèlement à d'autres moyens antiaériens du M23 et de la RDF dans la région (voir annexe 35), a considérablement renforcé la capacité opérationnelle du M23 et de la RDF et a influé sur la dynamique des conflits dans le Petit Nord. Les FARDC et les sociétés militaires privées ont décidé d'immobiliser temporairement tous leurs moyens aériens, ce qui a permis au M23 et à la RDF de se réorganiser et de se renforcer⁴². Ce système de défense antiaérienne à courte portée expose les moyens aériens de la MONUSCO, qui pourraient être pris pour cible, comme l'a fait à plusieurs reprises le M23⁴³.

Obus de mortier transportés par drone

50. Dans la nuit du 17 au 18 février 2024, un obus de mortier de 81 mm a frappé et mis hors service un avion Sukhoi des FARDC sur le tarmac de l'aéroport de Goma (voir annexe 36). Un deuxième obus a raté un hélicoptère des FARDC⁴⁴. Les obus de mortier ont été largués par un drone aérien commercial équipé de quatre hélices⁴⁵. Le M23 et des services de renseignement, notamment du Rwanda, ont dit au Groupe d'experts que l'attaque avait été commise par le M23.

51. Avant février 2024, rien n'attestait de l'utilisation dans le pays de drones aériens commerciaux équipés d'obus de mortier ou d'autres explosifs, y compris d'engins explosifs improvisés tels que ceux utilisés contre la MONUSCO par l'unité spéciale de la Garde républicaine de la République démocratique du Congo à Kimoka (voir annexe 37). Le Groupe d'experts estime que la multiplication des attaques de drones aériens pourrait considérablement modifier la dynamique des conflits dans le Petit Nord. Cette attaque de drone fait également ressortir la vulnérabilité de l'aéroport international de Goma, que le M23 et la RDF ont déjà menacé de prendre⁴⁶.

Obus de mortier guidés

52. Le Groupe d'experts a également établi l'utilisation par le M23 et la RDF d'obus de mortier guidés de 120 mm offrant une capacité de frappe précise et une forte létalité ; un type d'obus de mortier qui n'avait pas été signalé auparavant sur le territoire de la République démocratique du Congo (S/2023/990, par. 31 et 32). Les obus de mortier trouvés sont similaires aux obus de type IMI fabriqués par la compagnie israélienne Elbit Systems (voir annexe 38).

⁴⁰ Sources : services de renseignement et personnes proches du Rwanda.

⁴¹ Communiqué des États-Unis (voir www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo).

⁴² Sources : M23, FARDC, services de sécurité et de renseignement, documents et images confidentiels.

⁴³ Voir https://x.com/lawrencekanyuka/status/1750042492416704626?s=46&t=_n75XfLAIYYaxKQtM7ZzVg.

⁴⁴ Sources : services de sécurité et FARDC.

⁴⁵ Sources : services de sécurité, FARDC et témoins oculaires.

⁴⁶ Sources : services de sécurité et de renseignement et personnes proches du M23 et de la RDF.

53. Les images confirment les rapports d'un officier de la RDF et de combattants du M23 selon lesquels la RDF avait des mortiers guidés qu'elle a utilisés à Petit Nord (voir annexe 39). Des mortiers de 120 mm ont également été utilisés contre les troupes de la SADC (voir annexe 40). L'unité du « général » Baudoin Ngaruye du M23, qui fait l'objet de sanctions, (S/2023/431, par. 50), était également équipée de systèmes de mortiers guidés (voir annexe 41).

54. On trouvera des informations supplémentaires sur l'arsenal du M23 et de la RDF à l'annexe 42.

Ouganda : appui au Mouvement du 23 mars et à l'Alliance Fleuve Congo

Forces de défense populaires de l'Ouganda et appui aux chefs du renseignement militaire

55. Depuis la résurgence de la crise du M23, l'Ouganda n'a pas interdit les troupes du M23 et de la RDF ni leur passage sur son territoire, y compris lorsque le M23 a pris Bunangana, le 12 juin 2022, avec l'appui de la RDF (S/2022/967, par. 52).

56. Malgré les preuves attestant du passage régulier de troupes, de véhicules et de matériel militaire du M23 et de la RDF sur le territoire ougandais, le Gouvernement ougandais, y compris son service de renseignement militaire, dément la présence de troupes ou de matériel étrangers sur son territoire depuis le début de la crise du M23⁴⁷. Toutefois, l'ampleur et la fréquence des mouvements font qu'il y a peu de chances qu'une telle présence passe inaperçue. Par exemple, depuis 2022, les combattants du M23 ont régulièrement dit que les fournitures et les nouvelles recrues acheminées vers leurs camps passaient par les villes frontalières ougandaises de Kisoro et de Bunangana.

57. Le Groupe d'experts a également obtenu des preuves confirmant le soutien actif donné au M23 par certains responsables des UPDF et le commandement des services de renseignement militaire. Des sources de renseignement et des personnes proches du M23 ont également confirmé la présence d'officiers du renseignement militaire ougandais à Bunangana depuis au moins la fin de l'année 2023 pour assurer la coordination avec les chefs du M23, fournir de la logistique et transporter les chefs du M23 vers les zones contrôlées par le M23. En outre, le 27 janvier 2024, plusieurs sources ont vu des soldats ougandais passer par Kitagoma pour se rendre en République démocratique du Congo et mener des opérations dans les zones contrôlées par le M23, en particulier le groupement Busanza et la ville de Rutshuru, d'où un groupe est allé vers Tongo et l'autre vers Mabenga⁴⁸.

58. Il convient de noter que des chefs du M23, y compris Sultani Makenga, qui fait l'objet de sanctions, se sont rendus à Entebbe et à Kampala en violation de l'interdiction de voyager⁴⁹.

Mouvement du 23 mars et Alliance Fleuve Congo à Kampala

59. Au cours de la période considérée, il a été prouvé que le M23 et l'AFC menaient fréquemment des opérations sur le territoire ougandais. Les chefs de l'AFC, dont Corneille Nangaa, qui récemment habitait encore à Kampala, ont tenu des réunions avec des représentants de groupes armés congolais et des individus très proches du

⁴⁷ Réunion entre le Groupe d'experts, le Gouvernement ougandais et les représentants des UPDF à Kampala, le 5 mars 2024.

⁴⁸ Sources : population, témoins oculaires étrangers et combattants du M23, confirmation par des services de renseignement étrangers.

⁴⁹ Sources : services de renseignement, milieux diplomatiques et personnes proches du M23.

M23. Nangaa et Lawrence Kanyuka⁵⁰ ont bénéficié du soutien de la personnalité publique ougandaise, Andrew Mwenda, pour contacter plusieurs ambassades à Kampala en mars 2024 afin de contester les sanctions imposées aux chefs du M23 et plaider la cause de l'AFC et du M23⁵¹. On sait depuis longtemps que c'est Mwenda qui assure la liaison entre les autorités ougandaises et rwandaises⁵².

D. Utilisation de supplétifs par le Gouvernement et multiplicité des acteurs militaires sur le terrain

Groupes armés Wazalendo supplétifs du Gouvernement de la République démocratique du Congo

Collaboration entre les Wazalendo et les Forces armées de la République démocratique du Congo et opérations conjointes

60. Le Gouvernement congolais a continué d'utiliser les groupes armés du Nord-Kivu, y compris les FDLR (CDe.005), qui font l'objet de sanctions (voir par. 70 à 79), pour combattre le M23 et la RDF (S/2023/990, résumé et par. 33 à 40). En septembre 2023, le Gouvernement a choisi des membres des groupes armés Wazalendo du Nord-Kivu pour créer les Volontaires pour la défense de la patrie (VDP), servant de force supplétive « officielle ». Cette nouvelle appellation visait à les distinguer des autres groupes armés congolais sous la bannière Wazalendo (S/2023/990, par. 39). La collaboration entre les FARDC et les VDP a été systématique et coordonnée⁵³. Les VDP ont donc été convaincus qu'ils seraient rapidement intégrés dans la force de réserve de la défense nationale, connue sous le nom de Réserve armée de la défense de la République démocratique du Congo (voir par. 80 ; et S/2023/990, par. 41). Cependant, les termes « VDP » et « Wazalendo » ont continué à être utilisés de manière interchangeable par les acteurs sur le terrain. Dans le présent rapport, le terme VDP désigne la force supplétive officiellement créée par le Gouvernement (S/2023/990, par. 39). Outre les VDP, de nombreux autres combattants Wazalendo ont également participé aux combats.

61. Le commandement militaire général des VDP est passé au chef du groupe Nduma défense du Congo-Rénové (NDC-R), Guidon Shimiray Mwissa (CDi.033), qui fait l'objet de sanctions, (voir annexe 43)⁵⁴. Le chef de l'Alliance des patriotes pour un Congo libre et souverain (APCLS), Janvier Karairi Boingo, est devenu chef des services de renseignement ; le chef du Nyatura-Collectif des mouvements pour le changement-Forces de défense du peuple (CMC-FDP), Dominique Ndarurutse (alias Domi), a coordonné les opérations militaires, l'administration et la logistique ; et le porte-parole du CMC-FDP, Jules Mulumba, a servi de porte-parole des VDP et d'officier de liaison avec les autorités de la République démocratique du Congo à Kinshasa. Mulumba s'est rendu régulièrement à Kinshasa pour des réunions avec le Président, Félix-Antoine Tshisekedi, le général Franck Ntumba, chef de la Maison militaire, et le général Christian Tshiwewe Songhesha, chef d'état-major de l'armée (voir annexe 44 ; et S/2023/990, annexes 23 et 24).

⁵⁰ Lawrence Kanyuka était à Kampala le 18 mars 2024.

⁵¹ Sources : milieux diplomatiques.

⁵² Sources : services de renseignement, milieux diplomatiques et chercheurs. Voir également http://democracyinfrica.org/wp-content/uploads/2021/09/The-Shadow-State-in-Africa-Report_FOR-INSTANT-UPLOAD_COMPRESSED_10-November_COMPRESSED.pdf, p. 79.

⁵³ Sources : FARDC, Wazalendo, services de sécurité et de renseignement et fonctionnaires de la République démocratique du Congo.

⁵⁴ Sources : combattants, services de renseignement militaire, FARDC, société civile et chercheurs.

62. De décembre 2023 à avril 2024, les VDP, aux côtés d'autres combattants Wazalendo, ont participé activement aux combats, en particulier autour de Rusayo, de Karuba, de Mweso, de Mushaki, de Rwindi, de Nyanzalé et de Sake. Seuls ou avec les FARDC et les troupes burundaises, les VDP et d'autres combattants Wazalendo ont défendu des villes stratégiques telles que Minova et Sake (voir par. 32 et 83), se sont positionnés stratégiquement pour bloquer la progression du M23 et de la RDF vers le Sud-Kivu et ont mené des attaques pour reprendre les zones contrôlées par le M23 et la RDF (Rwindi ou Nyanzalé), où des combats actifs se déroulaient au moment de l'établissement du présent rapport (voir par. 42 et annexe 45). De nombreux VDP et combattants Wazalendo ont été tués ou blessés (S/2023/431, par. 84).

63. Le bureau du Gouverneur du Nord-Kivu, le général de division Peter Cirimwami, a coordonné les opérations des VDP⁵⁵. Le colonel Cyprien Sekololo, de l'état-major des FARDC à Goma, a assuré la liaison directe entre les FARDC et les VDP et a également fourni le matériel militaire (S/2023/990, annexe 25). D'après certaines sources provenant des VDP, le bureau de Cirimwami recevait 300 000 dollars par mois pour gérer les VDP. D'après d'autres sources, cependant, le Gouvernement dépenserait au moins le double de ce montant pour le financement des groupes armés⁵⁶.

64. Les FARDC ont continué à fournir des armes et des moyens logistiques aux chefs et aux combattants des VDP (voir annexe 46 ; et S/2023/990, par. 39).

65. Les officiers des FARDC et les représentants du Gouvernement ont dit maintes fois que la participation des VDP aux combats, l'armement et les moyens logistiques fournis par les FARDC à cette coalition de groupes armés, tous des actes passibles de sanctions, étaient un « mal nécessaire ». Le Groupe d'experts fait observer que cette dépendance à l'égard des groupes armés montre le dysfonctionnement structurel et la faiblesse des forces armées et de sécurité de la République démocratique du Congo, comme l'ont reconnu des officiers des FARDC et des personnes proches de la présidence (S/2023/431, par. 84 et 85). Dans ce contexte, le 9 février 2024, le moratoire de 21 ans sur l'exécution des peines de mort a été levé pour les cas de défection et de « trahison » au sein des forces de défense et de sécurité (S/2022/967, par. 38). D'après des représentants du Gouvernement et des sources des FARDC et des services de sécurité, l'objectif était de dissuader de nouvelles défections et trahisons en faveur du M23 (voir annexe 47).

Dissensions au sein des Volontaires pour la défense de la patrie

66. Malgré une structure de commandement et de coordination, les VDP sont restés une coalition informelle, chaque groupe armé conservant sa propre hiérarchie (S/2023/431, par. 75 à 78 ; et S/2023/990, par. 33 à 40). Au front, les groupes des VDP opéraient souvent sous un commandement conjoint, comme à Sake, où Kambuzi (APCLS) et Shangwe Dynamique, également connu sous le nom de Defender (Forces de défense des droits du peuple), auraient commandé les opérations (voir par. 112).

67. Les chefs et les combattants des VDP et Wazalendo se sont plaints à plusieurs reprises de l'inefficacité de la coordination et du manque de cohésion, de confiance et de discipline au sein de la coalition. Les antagonismes personnels au sein du commandement des VDP et la concurrence entre les groupes armés sont devenus constants, chaque groupe souhaitant protéger ses propres intérêts, gérer la collecte des impôts dans les zones qu'il contrôlait et profiter au maximum des ressources

⁵⁵ Sources : services de sécurité, FARDC et Wazalendo.

⁵⁶ Sources : services de sécurité et de renseignement.

fournies par le Gouvernement de la République démocratique du Congo (voir par. 131, 132 et 140 à 144)⁵⁷.

68. Fin décembre 2023, plusieurs groupes armés et leurs chefs, le « général » Kasereka Kasyano Kabidon (Front patriotique pour le peuple/Armée du peuple, FPP/AP), le « général » Mapenzi (NDC-R/Bwira), Ephrem Izabayo Kabasha (Mouvement populaire de l'autodéfense/Armée populaire de l'autodéfense, MPA/APA), le « général de division » Bigabo (CMC/Forces armées du peuple congolais), Maï-Maï Kifuafua et Raïa Mutomboki Hamakombo, ont quitté les VDP pour créer une nouvelle alliance, le Front commun de la résistance (FCR). L'objectif déclaré de cette coalition était de « s'attaquer aux causes profondes de l'insécurité et de promouvoir la coexistence pacifique dans l'est de la [République démocratique du Congo] » (voir annexe 48). Entre-temps, d'après plusieurs sources, ce schisme aurait été dû à des soupçons selon lesquels certains chefs des VDP auraient été contactés par l'AFC, le M23 ou le Rwanda et seraient en train de faire défection⁵⁸. Le chef du Mouvement populaire de l'autodéfense/Armée populaire de l'autodéfense, Ephrem Kabasha, a dit au Groupe d'experts qu'il avait rejoint les rangs de l'AFC.

Rencontre entre le Gouvernement et les Volontaires pour la défense de la patrie et les groupes Wazalendo

69. Le 8 avril 2024, 48 chefs de groupes armés du Sud-Kivu, du Nord-Kivu et de l'Ituri se sont rendus à Kinshasa à la demande de la présidence. Ils ont parlé, notamment, du renforcement de la cohésion entre les groupes Wazalendo et précisé que le groupe armé Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi (FDLR-FOCA), qui fait l'objet de sanctions, était un allié, malgré la pression internationale exercée sur le Gouvernement congolais pour qu'il cesse de collaborer avec lui. La réunion visait également à préparer de nouvelles opérations contre le M23 et la RDF (voir annexe 49).

Utilisation par Gouvernement de la République démocratique du Congo des Forces démocratiques de libération du Rwanda comme force supplétive

Poursuite de la coopération entre les Forces armées de la République démocratique du Congo et les Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi

70. Le 21 novembre 2023, à la suite de pressions diplomatiques exercées pour que le Gouvernement congolais prenne ses distances avec les FDLR-FOCA (S/2023/990, par. 33 à 36), le lieutenant général Christian Tshiwewe, chef d'état-major des FARDC, a publié des instructions interdisant toute collaboration entre les FARDC et les FDLR (voir annexe 50)⁵⁹. Toutefois, au moment de l'établissement du présent rapport, les FDLR-FOCA faisaient toujours partie de la coalition soutenant les FARDC et continuaient d'occuper des positions de première ligne, y compris à la demande des FARDC⁶⁰.

71. Les combattants des FDLR-FOCA ont participé à des combats avec le M23 et la RDF, seuls ou aux côtés des troupes des FARDC, des VDP et de la FDNB, notamment dans les régions de Karengera, de Rusayo, de Kibati et de Kanyamahoro, toutes des bastions traditionnels des FDLR-FOCA. Les FDLR-FOCA ont également

⁵⁷ Sources : chefs et combattants des VDP, services de sécurité et organismes des Nations Unies.

⁵⁸ Sources : combattants, société civile, FARDC, services de renseignement militaire, organismes des Nations Unies et chercheurs.

⁵⁹ Sources : milieux diplomatiques et services de renseignement.

⁶⁰ Sources : combattants, chefs des Forces démocratiques de libération du Rwanda (FDLR), services de sécurité, FARDC, société civile, services de renseignement et chercheurs.

participé à des combats dans des endroits stratégiques du territoire de Nyiragongo, en particulier autour de Sake⁶¹.

72. Le commandant des FDLR, Fidel Sebagezi, a assuré la liaison entre les FDLR-FOCA et les VDP, ainsi qu'entre le commandant militaire des FDLR-FOCA, le « général de division » Ntawunguka Pacifique, alias Omega Israel (CDi.024), qui fait l'objet de sanctions, et le Gouverneur du Nord-Kivu, le général de division Cirimwami. Les FARDC ont également fourni du matériel militaire et des financements aux FDLR-FOCA en échange de leur participation à la lutte contre le M23, en violation de l'embargo sur les armes⁶².

Structure et réorganisation des Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzia

73. Depuis les premières attaques du M23 et de la RDF contre les bases des FDLR-FOCA en 2022 (S/2023/431, par. 86-90), les principaux chefs des FDLR-FOCA et de nombreux combattants ont été tués. Les FDLR-FOCA ont également perdu des positions clés (S/2022/479, par. 73 et 74 ; et S/2023/431, par. 86) et ont été contraintes de déplacer leur quartier général de Tongo à Shove, plus au sud dans le territoire de Rutshuru⁶³. Pour éviter que leurs forces ne soient anéanties, le commandement des FDLR-FOCA a décidé de se diviser géographiquement. Un commandement opérationnel a été établi à Rusayo, dans le territoire de Nyiragongo, sous le contrôle du « colonel » Sirkoof (alias Gustave Kubwayo). Un deuxième a été réinstallé à Mubambiro et Sake, dans le territoire de Massisi, sous le contrôle du « colonel » Oreste Ndatuhoraho (alias Marinet)⁶⁴.

74. Le « général de division » Omega Israel, qui fait l'objet de sanctions, est resté le commandant militaire général des FDLR-FOCA, et le « général » Victor Byiringiro (alias Rumuri ou Rumuli) a continué d'exercer les fonctions de président par intérim de l'aile politique des FDLR-FOCA. Le « général de division » Cyprien Uzabakiriko (alias Ave Maria ou Mugisha Kolomboka) était l'adjoint de Rumuri et l'officier de renseignement des FDLR-FOCA. Niyiturinda Placide (alias Cure Ngoma) était le porte-parole des FDLR-FOCA (voir annexe 51)⁶⁵.

75. Le 2 décembre 2023, Protogène Ruvugayimikore (alias « colonel » Gaby Ruhinda) (CDi.037), qui faisait l'objet de sanctions, alors commandant de l'unité spéciale des FDLR-FOCA connue sous le nom de Commando de recherche et d'action en profondeur (CRAP), a été assassiné par un combattant des FDLR-FOCA⁶⁶. En mars 2024, le « colonel » Sirkoof (alias Gustave Kubwayo) avait été nommé nouveau commandant du CRAP, avec comme adjoint, Ngabo Guillaume (alias Bagdad)⁶⁷.

76. La mort du « colonel » Ruhinda a déclenché des tensions au sein des FDLR-FOCA. Outre les pertes humaines, les FDLR-FOCA ont déploré également des rivalités internes entre leurs chefs au moment de l'établissement du présent rapport,

⁶¹ Sources : combattants, services de renseignement, services de sécurité, organismes des Nations Unies, société civile et chercheurs.

⁶² Sources : ex-combattants, services de renseignement militaire, chercheurs et société civile.

⁶³ Sources : ex-combattants des FDLR, société civile et chercheurs. Outre leur quartier général, les FDLR-Forces combattantes abacunguzi (FDLR-FOCA) ont également vu leurs secteurs opérationnels, dont « Samariya » et « Jericho », être démantelés.

⁶⁴ Sources : FDLR et organismes des Nations Unies.

⁶⁵ Sources : FDLR, organismes des Nations Unies, combattants Wazalendo et chercheurs.

⁶⁶ Sources : chefs des FDLR, combattants, chercheurs et photographies du corps de Ruhinda vues par le Groupe d'experts.

⁶⁷ Sources : ex-combattants, société civile, services de renseignement militaire, organismes des Nations Unies et chercheurs.

notamment parce que plusieurs combattants des FDLR soupçonnaient le « général » Omega d'avoir tué Ruhinda, à la demande du Gouvernement rwandais⁶⁸.

77. Néanmoins, les FDLR-FOCA sont restées un groupe armé influent dans le Petit Nord, comptant environ 1 000 à 1 500 combattants, regroupés en trois bataillons, chacun en charge d'un des trois axes suivants : a) « Samariya » (Kishishe, Kalengera, Kibirizi et Mabenga) ; b) « Jericho » (Rwindi, Nyanzale) ; et c) « Médaille » (Sake, Mubambiro et Karuba)⁶⁹. L'unité du CRAP est estimée à 350 à 500 combattants. Fin janvier 2024, 600 nouveaux combattants, pour la plupart des ressortissants congolais ayant reçu une formation militaire dans un centre à Mihanja (territoire de Masisi) ont rejoint les rangs des FDLR-FOCA pour compenser les nombreuses pertes au combat⁷⁰.

78. Les FDLR-FOCA ont continué à se financer en grande partie grâce à l'exploitation du charbon de bois et des planches de bois dans le parc national des Virunga, aux enlèvements contre rançon et aux taxes perçues illégalement aux postes de contrôle (voir par. 134 à 136).

79. Pendant ce temps, des combattants des FDLR-FOCA démobilisés ont continué d'être affectés au M23 et à la RDF, qui comptaient sur eux pour trouver les positions des FDLR, des FARDC et des Wazalendo (voir par. 43 ; et S/2023/990, par. 30)⁷¹. Par exemple, le « colonel » Bimenyimana (alias Cobra), qui a suivi le processus de désarmement, de démobilisation et de réintégration en 2003, a été vu lors de combats à Kitshanga, en 2023.

Point sur la force de réserve de la défense nationale

80. Au moment de l'établissement du présent rapport, la Réserve armée de la défense de la République démocratique du Congo était encore à l'état de projet (S/2023/990, par. 41 et 42). On trouvera un point de la situation à l'annexe 52.

Forces armées du Burundi (Force de défense nationale du Burundi)

81. Le Groupe d'experts a obtenu des preuves supplémentaires du déploiement secret de troupes de la FDNB à Petit Nord, en dehors du cadre du mandat de la Force régionale de la Communauté de l'Afrique de l'Est (voir par. 89). Ce déploiement a été initialement démenti par l'état-major congolais et par le Gouvernement burundais (voir annexe 53 ; et S/2023/990, par. 43 à 46).

82. À la suite de l'annonce du retrait de la Force régionale de la Communauté de l'Afrique de l'Est, les troupes burundaises de la Force régionale déployées à Petit Nord ont quitté les lieux les 9 et 10 décembre 2023. Avant le retrait officiel, certaines troupes de la FDNB ont déserté leurs positions à Kitshanga, à Mweso et à Kilolirwe au début du mois de novembre 2023. À leur arrivée au Burundi, entre 300 et 500 militaires de la FDNB ont été emprisonnés à Cibitoke pour désertion et sont depuis lors détenus au secret (voir annexe 54).

83. Après le retrait des Forces régionales, les troupes de la FDNB ont été ouvertement déployées dans le cadre d'un accord bilatéral entre la République démocratique du Congo et le Burundi, dans le cadre des opérations conjointes du groupement tactique FARDC-FDNB. La FDNB a été chargée de mener des attaques contre le M23 et la RDF sur l'axe nord Rwindi-Mabenga et de contenir le M23 et la

⁶⁸ Ibid.

⁶⁹ Sources : combattants et chefs des FDLR et organismes des Nations Unies.

⁷⁰ Sources : ex-combattants, services de renseignement militaire, chercheurs et société civile.

⁷¹ Ibid.

RDF sur l'axe sud Sake-Minova⁷². D'autres troupes de la FDNB sont arrivées à Goma entre décembre 2023 et février 2024 (voir annexe 55) et ont été transportées par bateau et par camion de Goma vers, entre autres, Minova au Sud-Kivu et Sake dans le territoire de Masisi. Le général de brigade Elie Ndizigiye commandait les opérations de la FDNB au Nord-Kivu.

84. Les troupes de la FDNB ont été déployées au sud de Karuba et au nord-ouest de Minova, dans le territoire de Masisi⁷³. Au moment de l'établissement du présent rapport, elles n'avaient pas été déployées dans la région de Rwindi-Mabenga, comme il avait été initialement prévu. À partir de janvier 2024, les troupes de la FDNB, aux côtés des FARDC et des groupes Wazalendo, ont été activement engagées dans des opérations défensives le long de la route Sake-Minova pour empêcher l'expansion du M23 et de la RDF vers le Sud-Kivu. La FDNB a également lancé des offensives pour réoccuper les territoires perdus par les FARDC dans la région de Sake-Minova⁷⁴.

85. La FDNB a subi de nombreuses pertes⁷⁵. Des sources du M23 et des sources proches du Rwanda ont rapporté que la RDF avait reçu pour instruction de cibler les troupes de la FDNB sur le champ de bataille⁷⁶. Le M23 a également désigné la FDNB comme un de ses ennemis et gardait encore, au moment de l'établissement du présent rapport, certains de ses hommes dans la prison de Rutshuru (voir annexe 56).

86. Le Groupe d'experts note que le déploiement de la FDNB au Nord-Kivu contre le M23 et la RDF, dénoncé maintes fois par le M23 et les autorités rwandaises (S/2023/990, par. 44), a encore avivé les tensions entre les deux pays (voir par. 178 à 183).

87. Répondant aux questions du Groupe d'experts, le Gouvernement burundais a déclaré que la FDNB avait été déployée au Nord-Kivu le 5 mars 2023 dans le cadre de l'intervention de la Force régionale de la Communauté de l'Afrique de l'Est. Il a dit également qu'en février 2024, après le départ de la Force régionale, la FDNB a mené des opérations de traque des forces hostiles burundaises en réponse à l'alliance des Forces nationales de libération burundaises et des « groupes terroristes » RED Tabara avec d'autres « forces hostiles » (en référence au Rwanda) dans la sous-région.

Mission de la Communauté de développement de l'Afrique australe en République démocratique du Congo, opération Springbok et Force régionale de la Communauté de l'Afrique de l'Est

88. Lors de son sommet extraordinaire, qui s'est tenu le 8 mai 2023 à Windhoek, la SADC a décidé de déployer des troupes en République démocratique du Congo pendant 12 mois. Contrairement à la Force régionale de la Communauté de l'Afrique de l'Est, la Mission de la SADC en République démocratique du Congo dispose d'un mandat offensif lui permettant d'aider le Gouvernement à rétablir la paix et la sécurité dans l'est du pays. On trouvera à l'annexe 57 des précisions sur le déploiement et les opérations de la Mission.

89. Le déploiement de la Mission s'est fait à la suite du retrait forcé de la Force régionale en décembre 2023, qui a coïncidé avec la détérioration continue des conditions de sécurité dans le Nord-Kivu, malgré le lancement par la MONUSCO et les FARDC, en novembre 2023, de l'opération portant le nom de code Springbok. On

⁷² Sources : FARDC et documents.

⁷³ Sources : FARDC, services de sécurité, société civile, organismes des Nations Unies et chercheurs.

⁷⁴ Sources : FARDC et services de sécurité.

⁷⁵ Sources : FARDC, services de sécurité et de renseignement.

⁷⁶ Sources : M23, services de renseignement et chercheurs.

trouvera à l'annexe 58 des précisions sur le retrait de la Force régionale et l'opération Springbok.

E. Crise humanitaire sans précédent et graves violations à l'encontre des civils

90. La crise humanitaire au Nord-Kivu a atteint une gravité sans précédent en raison des combats persistants entre le M23 et la RDF et la coalition FARDC-Wazalendo⁷⁷, qui ont entraîné le déplacement d'un million de civils supplémentaire depuis octobre 2023 (voir annexe 59)⁷⁸. L'afflux de personnes déplacées a surchargé les camps de déplacés déjà surpeuplés, plus de 100 sites officiels et informels étant recensés autour de Goma⁷⁹.

91. La crise humanitaire s'est aggravée à la suite d'un changement des moyens de guerre : on est passé à l'artillerie lourde et aux attaques au mortier contre des zones densément peuplées, y compris les alentours de Goma (voir par. 93 à 98). Les enfants sont les plus touchés par le conflit, notamment parce qu'ils sont recrutés par les groupes armés⁸⁰. Les cas de violence sexuelle ont atteint des niveaux sans précédent, la plupart touchant les personnes déplacées, commis par des groupes armés, notamment des éléments Wazalendo ou des FARDC (voir annexe 60 ; et S/2023/431, annexe 17)⁸¹.

92. Tous les groupes armés ont continué à enfreindre le droit international humanitaire et le droit international des droits de l'homme, le plus souvent en toute impunité⁸². Les deux parties belligérantes ont commis, notamment, les violations suivantes : a) attaques aveugles à l'aide d'armes explosives ; b) persécutions et représailles systématiques à l'encontre de civils soupçonnés d'opposition aux groupes armés, notamment meurtres, torture, châtiments corporels, enlèvements et détentions arbitraires ; c) viol ; d) recrutement et utilisation d'enfants, y compris dans le cadre d'hostilités ; e) pillage et extorsion ; et f) travail forcé. Ces actes sont passibles de sanctions.

1. Attaques aveugles à l'aide d'engins explosifs dans des zones peuplées

93. Depuis octobre 2023, les deux parties belligérantes emploient fréquemment des engins explosifs (mortiers, lance-roquettes et drones aériens) à l'intérieur ou à proximité de zones densément peuplées, y compris dans des camps de personnes déplacées, causant de nombreuses victimes civiles. Entre janvier et mars 2024, le

⁷⁷ Sources : organismes des Nations Unies et organisations humanitaires. Voir également S/2024/251, par. 95 ; et <https://dtm.iom.int/reports/drc-north-kivu-m23-crisis-analysis-15-march-2024>.

⁷⁸ Voir <https://dtm.iom.int/reports/drc-north-kivu-m23-crisis-analysis-15-march-2024>; <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-overview-humanitarian-situation-january-2024>; et www.intersos.org/en/ddrc-escalating-conflict-exacerbates-the-emergency-in-north-kivu.

⁷⁹ Sources : organisations humanitaires.

⁸⁰ Voir www.unicef.org/press-releases/dr-congo-children-killed-injured-abducted-and-face-sexual-violence-conflict-record; <https://reliefweb.int/report/democratic-republic-congo/drc-least-78000-children-displaced-and-families-ripped-apart-fighting-escalates> ; <https://reliefweb.int/report/democratic-republic-congo/drc-least-78000-children-displaced-and-families-ripped-apart-fighting-escalates>; et www.savethechildren.net/news/drc-violence-north-kivu-forces-over-500-schools-close-teachers-kidnapped-and-students-terrified#:~:text=The%20current%20wave%20of%20violence,includin%20at%20least%20500%20C000%20children.

⁸¹ Sources : organisations humanitaires, organismes des Nations Unies, société civile et chercheurs.

⁸² Voir <https://dictionnaire-droit-humanitaire.org/content/article/2/groupes-armes-non-etatiques/>.

Groupe d'experts a recensé plus de 30 incidents liés à l'utilisation d'armes explosives par les deux parties qui ont fait des victimes civiles. La majorité de ces incidents se sont produits dans des zones à forte concentration de personnes déplacées et dans des centres-villes, et certains à proximité d'installations médicales. Plus de 50 civils ont été tués, des centaines ont été blessés et des infrastructures civiles ont été détruites⁸³. Parmi les centaines de blessures traitées depuis janvier dans les établissements médicaux de Goma, au moins 40 % étaient dues à des explosions (voir annexe 61).

94. Le M23 et la RDF ont fait des tirs aveugles de mortier et de roquettes contre des zones urbaines, notamment à Bambo, dans le territoire de Rutshuru, le 26 octobre 2023. Entre janvier et mars 2024, le M23 et la RDF ont systématiquement tiré sur des zones urbaines à la périphérie de Sake et de Goma. Les FARDC ont également été responsables de plusieurs tirs indiscriminés ou imprécis, comme à Bambo, le 7 novembre 2023, et à Mweso, le 25 janvier 2024. On trouvera des précisions sur ces incidents à l'annexe 62.

95. Il convient de noter les circonstances suivantes entourant les attaques systématiques au mortier par le M23 et la RDF : a) les armes ont été utilisées par des éléments entraînés (voir par. 46 et 52 à 54) ; b) des zones densément peuplées ont été ciblées ; c) on savait que des personnes se trouvaient dans les zones ciblées ou à proximité de celles-ci ; d) la population n'a pas été prévenue de l'imminence d'une attaque ; et e) des rapports avaient déjà établi que des attaques antérieures avaient fait des pertes civiles massives.

96. Il en est de même pour les attaques des FARDC, à ceci près que les éléments des FARDC qui opéraient l'armement n'avaient pas reçu une formation adéquate, ce qui augmente la probabilité d'erreurs de cibles et d'exécution. Bien que conscient de ces lacunes, le haut commandement des FARDC a accepté les risques liés à l'emploi d'armes lourdes dans des zones urbaines ou à proximité de celles-ci, en invoquant la nécessité militaire (voir annexe 62)⁸⁴.

97. Les deux parties belligérantes n'ont pas réussi à minimiser de manière adéquate les dommages causés aux civils, en mettant en place des systèmes d'alerte préalable ou en donnant le temps aux civils de quitter les zones ciblées. Malgré les mises en garde répétées des acteurs humanitaires contre l'utilisation d'armes explosives dans les zones peuplées, notamment à proximité des hôpitaux, des écoles et des camps de déplacés, les bombardements ont continué⁸⁵. Le M23 et la RDF d'une part et les FARDC et les Wazalendo d'autre part ont même parfois établi des positions militaires à l'intérieur ou à proximité d'installations civiles, y compris des camps de personnes déplacées, exposant les civils à des attaques de représailles et à des dommages collatéraux (voir annexe 63).

98. Lorsqu'ils utilisent des armes à caractère non discriminatoires, telles que des engins explosifs, les acteurs armés doivent prendre en compte les risques pour les civils et minimiser les dommages. Faire fi des mesures de précaution efficaces, notamment ne pas choisir des moyens et des méthodes d'attaque qui limitent les pertes civiles, correspond à la définition d'une attaque indiscriminée au sens du droit international humanitaire (voir annexe 64). Le respect des principes de distinction, de précaution et de proportionnalité est une obligation fondamentale qui incombe aux

⁸³ Sources : organismes des Nations Unies, organisations humanitaires et non gouvernementales, chercheurs, victimes, témoins oculaires et preuves photographiques et vidéo.

⁸⁴ Sources : sources confidentielle et militaires.

⁸⁵ <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-drc-increased-conflict-intensity-ocha-icrc-ingo-forum-echo-daily-flash-14-february-2024>; <https://www.icrc.org/fr/document/nord-kivu-intensite-affrontements-provoque-afflux-de-blesses-vers-goma>; et <https://www.icrc.org/fr/document/republique-democratique-du-congo-armes-lourdes-civils-dans-la-ligne-de-mire>.

commandants militaires pendant les hostilités et l'émission des ordres d'attaque. Ignorer ces principes peut entraîner une responsabilité pénale individuelle pour d'éventuels crimes de guerre, et satisfait également aux critères de désignation pour l'inscription sur la Liste des sanctions.

2. Recrutement et utilisation d'enfants dans le cadre d'hostilités

99. Le recrutement et l'utilisation d'enfants ont atteint des niveaux alarmants au début de l'année 2024, en raison de l'escalade du conflit⁸⁶. Les preuves recueillies par le Groupe d'experts confirment l'augmentation du recrutement, y compris d'enfants, en 2023 et 2024, tant par le M23 et la RDF que par les groupes armés de la coalition Wazalendo (S/2023/431, par. 72 à 74 et 146)⁸⁷.

Recrutement et utilisation forcés d'enfants par le M23 et la RDF

100. Les activités de recrutement du M23 et de la RDF se sont intensifiées à la suite de l'offensive qu'ils ont lancée en octobre 2023 (S/2023/990, par. 27 et 90), notamment le recrutement de mineurs dans l'est de la République démocratique du Congo, au Rwanda et en Ouganda⁸⁸.

Recrutement en République démocratique du Congo par le Mouvement du 23 mars

101. Le M23 a systématiquement enlevé des hommes, des adolescents et des enfants dans les territoires conquis, principalement dans les territoires de Rutshuru et de Masisi⁸⁹. Des centaines d'hommes et de garçons âgés de 10 à 12 ans ont été enlevés dans les zones rurales alors qu'ils travaillaient dans les champs ; ils ont été pris individuellement ou en groupe, comme l'ont confirmé plusieurs ex-combattants du M23 recrutés de cette façon⁹⁰. Dans les grandes zones urbaines telles que Kiwanja et Rutshuru, le M23 a attiré les jeunes par l'appât du gain⁹¹. Le M23 a également organisé des campagnes de sensibilisation par l'intermédiaire de chefs locaux ainsi que des réunions publiques⁹². Malgré ces initiatives d' enrôlement « volontaire », les enlèvements systématiques d'hommes et d'enfants à partir de 12 ans se sont multipliés depuis décembre 2023⁹³. Quand une recrue tentait de s'échapper, elle risquait d'être exécutée (voir annexe 65)⁹⁴.

102. D'après des sources confidentielles, le « colonel » Bahati Erasto et le « colonel » Castro (aujourd'hui décédé) se trouvaient dans la région de Mweso-Kitshanga au début du mois de janvier 2024 (voir par. 35), notamment pour superviser

⁸⁶ Sources : organismes des Nations Unies. Voir également S/2024/251, par. 32 ; <https://reliefweb.int/report/democratic-republic-congo/drc-remains-epicentre-child-suffering-war-country-tops-world-list-grave-violations-against-children>; et <https://watchlist.org/publications/children-and-armed-conflict-monthly-update-december-2023>.

⁸⁷ Sources : organismes des Nations Unies, anciens enfants-soldats, combattants et ex-combattants, militaires, services de renseignement, société civile, chercheurs, acteurs de la protection de l'enfance, preuves photographiques et vidéo et observations directes du Groupe d'experts.

⁸⁸ Sources : ex-combattants du M23, dont cinq mineurs, anciens membres de la RDF, services de renseignement, militaires, organismes des Nations Unies, chercheurs, acteurs de la société civile et de la protection et chefs de groupes armés.

⁸⁹ Sources : sources confidentielles.

⁹⁰ Sources : sources confidentielles, organismes des Nations Unies, ex-combattants et personnes qui avaient été enlevées.

⁹¹ Sources : sources confidentielles, organismes des Nations Unies et anciennes recrues du M23.

⁹² Sources : sources confidentielles, organismes des Nations Unies, population locale et ex-combattants.

⁹³ Sources : organismes des Nations Unies, sources confidentielles et ex-combattants.

⁹⁴ Sources : ex-combattants du M23, dont cinq mineurs, anciens membres de la RDF, services de renseignement, militaires, organismes des Nations Unies, chercheurs, société civile, acteurs de la protection et chefs de groupes armés.

les activités de recrutement. Ils auraient incité les jeunes de la région à rejoindre le M23 et demandé aux chefs de quartier de dresser des listes d'hommes âgés de 15 à 60 ans en vue de leur recrutement⁹⁵.

Recrutement dans les camps de réfugiés rwandais et ougandais

103. Le M23 a continué de recruter à l'étranger (S/2023/431, par. 146 à 149), notamment dans les camps de réfugiés au Rwanda⁹⁶ et en Ouganda⁹⁷, ciblant principalement les réfugiés congolais⁹⁸. Les services de renseignement, d'anciens membres des FDR et cinq enfants recrutés dans des camps de réfugiés ont confirmé que des activités de recrutement se déroulaient dans presque tous les camps de réfugiés du Rwanda, notamment à Mahama⁹⁹, à Gisagara, à Kizimba et à Gihembe.

104. Les agents de la RDF appâtaient leurs recrues essentiellement en leur faisant miroiter un salaire ou un emploi¹⁰⁰. Un ancien officier des FDR a confirmé que les recruteurs étaient des agents de renseignement formés à la persuasion idéologique, qui utilisaient des incitations financières ou des tactiques d'endoctrinement pour convaincre les recrues. Ceux qui n'acceptaient pas de plein gré étaient emmenés de force¹⁰¹. Quatre enfants enlevés dans différents camps de réfugiés au Rwanda ont décrit comment des enfants âgés de 12 ans et plus avaient été attirés par des recruteurs dans les écoles des camps de réfugiés et emmenés à Musanze (également connu sous le nom de Ruhengeri), au Rwanda. De là, des soldats les ont conduits à pied jusqu'à Tchanzu pour un entraînement militaire. Musanze a donc servi de point de transit pour les recrues destinées à Tchanzu, qui se trouve directement de l'autre côté de la frontière, en République démocratique du Congo (voir annexe 66)¹⁰².

105. Des activités de recrutement similaires ont été signalées dans les camps de réfugiés en Ouganda, notamment à Kyaka II¹⁰³ dans l'ouest de l'Ouganda et à Nakivale¹⁰⁴ près de la frontière sud du Rwanda. D'après diverses sources, des recrues, y compris des enfants, attirées par de fausses promesses financières, étaient amenées en République démocratique du Congo depuis 2022, principalement via Bunangana¹⁰⁵. Les mêmes circuits servaient également au recrutement des jeunes Banyamulenge, y compris des mineurs (S/2023/431, par. 146 à 149).

Entraînement militaire des enfants

106. D'anciennes recrues, dont des enfants formés à Tchanzu (voir par. 38 et 39), ont confirmé la présence d'enfants de 10 à 12 ans dans les camps d'entraînement, y compris des enfants recrutés au Rwanda. Des preuves corroborées indiquent que

⁹⁵ Sources : une source confidentielle et une ancienne recrue du M23.

⁹⁶ Voir www.unhcr.org/rw/list/where-we-work.

⁹⁷ Voir <https://data.unhcr.org/en/country/uga>. et <https://reliefweb.int/report/uganda/unhcr-uganda-factsheet-june-2023>.

⁹⁸ Sources : ex-combattants, anciens enfants-soldats, militaires, services de renseignement et organismes des Nations Unies.

⁹⁹ Voir <https://reliefweb.int/report/rwanda/unhcr-rwanda-mahama-refugee-camp-factsheet-february-2023>.

¹⁰⁰ Sources : un officier de la RDF et d'anciens enfants-soldats recrutés dans ces camps.

¹⁰¹ Ibid.

¹⁰² Sources : anciens enfants-soldats.

¹⁰³ Voir <https://data.unhcr.org/en/documents/details/71912>; and <https://data.unhcr.org/en/documents/details/91326>.

¹⁰⁴ Voir <https://data.unhcr.org/en/documents/download/48488>.

¹⁰⁵ Sources : témoins, militaires, services de renseignement, organismes des Nations Unies, anciens recrues et chercheurs.

plus de 1 000 recrues ont été formées à Tchanzu en 2023 et 2024, dont au moins 20 % seraient des mineurs¹⁰⁶.

107. Des recrues âgées de 15 ans et plus ont été entraînées au combat et envoyées au front¹⁰⁷. On leur attribuait également des travaux lourds, comme creuser des tunnels et des tranchées. Les enfants les plus jeunes, généralement âgés de moins de 15 ans, ne recevaient pas d'entraînement tactique complet, mais effectuaient des tâches ménagères et servaient d'accompagnateurs ou de domestiques aux commandants jusqu'à ce qu'ils soient « mûrs » pour le combat¹⁰⁸. Un garçon de 16 ans a témoigné avoir servi d'accompagnateur à Baudoin Ngaruye. Une ancienne recrue a également dit que le « colonel » Jeff (voir par. 36) utilisait des mineurs comme accompagnateurs.

108. La plupart des instructeurs étaient des soldats de la RDF, accompagnés de formateurs congolais (voir par. 38 et 39), qui formaient ensemble adultes et enfants¹⁰⁹. D'anciennes recrues ont également déclaré avoir vu Makenga sur le terrain d'entraînement de Tchanzu, y compris en présence d'enfants.

Recrutement et utilisation d'enfants par les groupes Wazalendo

109. Les groupes Wazalendo ont encore intensifié leur recrutement compte tenu de l'escalade du conflit (S/2023/431, par. 72 à 74 et 87), diverses sources confirmant que presque tous les groupes Wazalendo utilisaient des enfants¹¹⁰. Du fait de la fermeture des écoles, des déplacements, de l'insécurité alimentaire et de la violence, les enfants sont plus vulnérables, les familles approuvant l'enrôlement en raison de l'insécurité chronique et de la pénurie de ressources. Dans les territoires de Masisi, de Rutshuru et de Walikale, les Wazalendo ont recruté par la sensibilisation et la promesse d'avantages¹¹¹.

110. Les opérations conjointes des différents groupes Wazalendo et la cohabitation entre eux compliquent l'attribution des responsabilités ; de ce fait, le Groupe d'experts n'a pu désigner tel ou tel groupe que lorsque sa responsabilité avait été clairement établie. Le Groupe d'experts a pu établir que le NDC-R de Guidon, l'APCLS, les FDLR-FOCA, le CMC-Domi, l'Union des patriotes congolais pour la reconstruction du Congo libre (UPCRL), la Force d'action rapide-Wazalendo (FAR-W) et le Nyatura-Abazungu de Jean Marie (voir annexe 67) ont utilisé des enfants-combattants.

111. La présence d'enfants armés a été largement signalée autour de Goma et de Sake, à l'intérieur ou à proximité des positions militaires et des camps de personnes déplacées¹¹². Des enfants portant des fusils d'assaut de type AK accompagnaient les soldats des FARDC ou allaient et venaient ouvertement devant eux, comme l'a également constaté le Groupe d'experts lors de missions dans la région en mars 2024 (voir annexe 67).

112. Des sources ont confirmé que des enfants avaient été utilisés à Sake dans les rangs de l'APCLS du « colonel » Kambuzi et des Forces de défense des droits du

¹⁰⁶ Ibid.

¹⁰⁷ Sources : anciennes recrues, sources confidentielles et organismes des Nations Unies.

¹⁰⁸ Sources : anciennes recrues, sources confidentielles, organismes des Nations Unies, militaires et services de renseignement.

¹⁰⁹ Sources : anciennes recrues et services de renseignement.

¹¹⁰ Sources : organismes des Nations Unies, société civile, population locale, militaires, combattants, ex-combattants, y compris des enfants, témoins oculaires, preuves photographiques et chefs de groupes armés.

¹¹¹ Sources : organismes des Nations Unies, population locale, acteurs de la protection et anciens enfants-soldats.

¹¹² Sources : organismes des Nations Unies, population locale, société civile, témoins oculaires et acteurs de la protection.

peuple (FDDP) du « général » Defender¹¹³. Deux enfants-combattants, à l'hôtel « Chez JC », dans le quartier Mubambiro de Sake, ont déclaré être des combattants du FDDP du « général » Defender¹¹⁴. Diverses sources ont également signalé la présence régulière d'enfants combattants à l'hôtel¹¹⁵, utilisé comme base par des éléments des FDDP, de l'APCLS, des FDLR-FOCA, de la CMC et des FARDC¹¹⁶. Le colonel Sekololo des FARDC (voir par. 63) a admis qu'il tenait régulièrement des réunions de coordination à l'hôtel avec les commandants Wazalendo Defender, « Seigneur de Guerre » (FDLR-FOCA) et Obedi (APCLS) (voir annexe 67).

L'impunité exacerbe l'utilisation des enfants

113. Même si les FARDC et certains chefs de groupes armés ont apparemment interdit le recrutement et l'utilisation d'enfants¹¹⁷ et que certains groupes ont officiellement accepté de libérer les enfants dans leurs rangs¹¹⁸, le Groupe d'experts n'a rien trouvé prouvant que ces initiatives avaient été mises en œuvre par l'un des groupes Wazalendo, et a continué de constater la présence d'enfants (voir annexe 68)¹¹⁹.

114. Le Gouvernement n'a pas encore pris de mesures efficaces pour que ces groupes libèrent immédiatement tous les enfants de moins de 18 ans et pour arrêter les commandants responsables de ces pratiques, bien qu'il ait été informé de l'utilisation d'enfants combattants par les groupes Wazalendo. Cette situation est contraire à la législation du pays, qui impose aux autorités de l'État qu'elles veillent à ce que les forces et les groupes armés libèrent les enfants dans leurs rangs (voir annexe 69)¹²⁰.

115. Les officiers supérieurs des FARDC interrogés par le Groupe d'experts ont déclaré que le Gouvernement donnait la priorité à la sécurité plutôt qu'aux impératifs de justice et que, jusqu'à ce que leurs objectifs soient atteints, ils étaient obligés d'accepter et de gérer les « petits caprices » et les transgressions des Wazalendo¹²¹. Le Président de la République démocratique du Congo a justifié la participation des enfants aux combats armés par les mêmes arguments de force majeure¹²².

3. Autres violations du droit international humanitaire et du droit international des droits de l'homme

Mouvement du 23 mars et Force de défense rwandaise

116. Le M23 a fréquemment enlevé, emprisonné, torturé et exécuté des civils accusés de collaborer avec les groupes armés Wazalendo ou les FARDC¹²³, poursuivant le schéma précédemment signalé de meurtres et d'enlèvements d'ennemis présumés (S/2023/431, par. 65). Le M23 et la RDF ont spécifiquement ciblé des localités majoritairement habitées par des Hutus dans des zones connues pour être des bastions

¹¹³ Sources : combattants Wazalendo, société civile et population locale.

¹¹⁴ Sources : combattants Wazalendo, y compris des enfants, militaires, population locale, société civile, observations directes et photographies.

¹¹⁵ Sources : population locale et chercheurs.

¹¹⁶ Sources : combattants, population locale et militaires.

¹¹⁷ Sources : un chef du Collectif des mouvements pour le changement, sources confidentielles et population locale.

¹¹⁸ Sources : organismes des Nations Unies et une source confidentielle.

¹¹⁹ Sources : organismes des Nations Unies, population locale, société civile, témoins oculaires et acteurs de la protection.

¹²⁰ Sources : acteurs de la protection de l'enfance et rapports publics. Voir aussi S/2023/363.

¹²¹ Sources : FARDC, population locale et acteurs de la protection.

¹²² Voir www.lemonde.fr/afrique/article/2024/03/30/felix-tshisekedi-president-de-la-rdc-le-rwanda-n-est-pas-seul-responsable-des-malheurs-du-congo_6225115_3212.html.

¹²³ Sources : témoins, chercheurs et population locale, organismes des Nations Unies et sources confidentielles.

des FDLR et des groupes Nyatura, comme les localités et groupements de Bukombo, de Burambo et de Nyanzalé, dans la chefferie de Bwito, et de Busanza, dans la chefferie de Bwisha, dans le territoire de Rutshuru ; de nombreuses exécutions et destructions de villages ont été signalées (voir annexe 70)¹²⁴. Ces formes de peine collective appliquées aux civils sont des actes passibles de sanctions et peuvent constituer des crimes de guerre.

117. Le M23 a poursuivi son enrôlement de civils à grande échelle pour le travail forcé (S/2023/431, par. 70 et annexe 45), des centaines de civils étant systématiquement contraints de participer à des travaux communaux appelés « Salongo »¹²⁵.

Wazalendo et Forces armées de la République démocratique du Congo

118. Les groupes armés Wazalendo ont commis de graves violations, notamment des enlèvements contre rançon, des extorsions, des pillages, des emprisonnements illégaux, des tortures, des viols, des meurtres, des exécutions en représailles et des exécutions de civils accusés de collaborer avec l'ennemi¹²⁶. Les Wazalendo n'ont visé aucun groupe ethnique en particulier (voir annexe 71).

119. La plupart des violations avérées, y compris les meurtres, se sont produites dans le cadre d'affrontements entre des groupes Wazalendo luttant pour la domination territoriale (voir par. 67), de règlement de conflits locaux ou de comptes personnels, ou de harcèlement de la population locale assortis d'intentions prédatrices telles que le pillage, l'imposition de taxes, l'extorsion ou le viol. Les groupes de la NDC-R de Guidon et de Nyatura-Abazungu ont été le plus souvent cités comme ayant commis de graves violations contre les civils¹²⁷.

120. Les groupes Wazalendo ont prospéré en appliquant une économie de guerre violente dans les territoires qu'ils contrôlaient. Ils ont augmenté la collecte de taxes illégales pour financer l'achat d'armement¹²⁸. Les groupes armés opérant dans la partie nord de Goma et de Nyiragongo (APCLS, UPCRL, FDLR et CMC) ont systématiquement commis des enlèvements contre rançon, des détentions arbitraires et des exécutions (voir annexe 72).

121. La prolifération des combattants Wazalendo et des troupes des FARDC, qui se sont repliés pour défendre des positions autour de Goma et de Sake, a entraîné une forte augmentation de la criminalité à Goma et dans les camps surpeuplés de personnes déplacées. Leur présence a également entraîné une violation systématique du caractère civil et humanitaire de ces sites, les éléments armés Wazalendo et des FARDC soumettant les personnes déplacées vulnérables à des maltraitements et à des violations graves, y compris des niveaux sans précédent de violence sexuelle (voir annexe 60) et de prédation économique¹²⁹.

122. Reconnus par le Gouvernement et le grand public comme des « patriotes » luttant pour la libération du pays, les Wazalendo ont trouvé l'excuse qu'il leur fallait

¹²⁴ Ibid.

¹²⁵ Sources : ex-combattants du M23, population locale, organismes des Nations Unies, sources confidentielles, chercheurs et vidéos.

¹²⁶ Sources : organismes des Nations Unies, organisations humanitaires, sources confidentielles, organisations communautaires et non gouvernementales, témoignages de victimes, témoins et chercheurs.

¹²⁷ Ibid.

¹²⁸ Ibid.

¹²⁹ Ibid.

pour agir en toute impunité, les services de sécurité de l'État ne pouvant ou ne voulant pas arrêter les coupables (voir par. 115)¹³⁰.

4. Attaques contre la Mission de l'Organisation des Nations Unies pour la stabilisation en République démocratique du Congo

123. Le personnel, les biens et les opérations de la MONUSCO ont été attaqués à la fois par le M23 et la RDF d'une part (voir par. 49 et 51) et par les FARDC et les Wazalendo d'autre part, exposant à de gros risques les soldats de la paix et les biens des Nations Unies. Les preuves des attaques systématiques des contingents de la MONUSCO par les FARDC et les groupes Wazalendo autour de Sake font ressortir une action stratégique concertée visant à entraver les mouvements de la MONUSCO et l'exécution de son mandat (voir annexe 73). Le Groupe d'experts rappelle que les attaques contre les soldats de la paix et le personnel des Nations Unies constituent des actes passibles de sanctions.

F. Barrages routiers, impôts illégaux et exploitation forestière illégale par des groupes armés et des acteurs gouvernementaux

124. Tous les acteurs armés actifs dans le Petit Nord ont bénéficié de la production ou de la taxation illégales de planches de bois dans les zones qu'ils contrôlaient (voir annexe 74). Depuis que le M23 a commencé à occuper une grande partie des territoires de Rutshuru, de Nyiragongo et de Masisi, des taxes illégales ont été prélevées sur les transporteurs de planches de bois, ce qui a entraîné une augmentation de 40 à 50 % des prix de vente finaux à Goma. De ce fait, l'impact économique du conflit sur les populations de Goma et de ses environs a été décuplé (voir annexe 75)¹³¹. Les impôts illégaux ont rapporté d'importants bénéfices aux groupes armés, qui les ont utilisés pour entretenir leurs troupes et renforcer leurs capacités militaires.

125. L'exploitation forestière illégale et incontrôlée a également entraîné la destruction de vastes étendues de forêt vierge dans les zones protégées du parc national des Virunga. Les données montrent que depuis le début de la crise liée au M23 en 2021, la déforestation dans les territoires de Nyiragongo et de Rutshuru a atteint des niveaux sans précédent (voir annexe 76).

126. Les cas présentés plus bas concernent uniquement les impôts, la production et le commerce illégaux de planches de bois, bien que les débouchés économiques illégaux générés par la crise dans le Petit Nord soient bien plus vastes. Les impôts illégaux prélevés par des acteurs armés dressant des barrages routiers touchent tous les types d'usagers de la route, notamment les transporteurs. De même, les recettes provenant de l'exploitation illégale des ressources naturelles comprennent, entre autres, la production de charbon de bois, l'élevage de bétail, l'agriculture, l'accaparement de terres et l'exploitation minière. Les bénéfices tirés de l'exploitation forestière et des taxes ne représentent donc qu'une fraction des revenus des acteurs armés dans le Petit Nord.

Mouvement du 23 mars : taxes et exploitation forestière illégales

127. Le M23 a pratiqué l'exploitation forestière illégale, notamment dans le parc national des Virunga, et a imposé de lourdes taxes aux camions transportant des planches dans les zones qu'il contrôlait.

¹³⁰ Ibid.

¹³¹ Sources : grossistes à « Chez Modé », aux marchés de Kihisi et de Mugunga, à Goma.

128. Le M23 a imposé une taxe illégale de 520 dollars sur chaque camion Fuso transportant des planches de bois. Les camions en provenance du territoire de Lubero étaient taxés aux barrages routiers de Kitshanga (territoire de Rutshuru) ou de Kirokirwe (territoire de Masisi). Ceux qui venaient du territoire de Walikale étaient taxés à Mushaki, dans le territoire de Masisi¹³². En moyenne, 12 camions transitaient chaque semaine par Kitshanga, tous taxés par le M23 (voir annexe 77). De janvier à la mi-mars 2024, le M23 a prélevé des taxes illégales sur plus de 125 camions, pour un montant de plus de 65 000 dollars (soit une moyenne de plus de 300 000 dollars par an).

129. Le M23 contrôlait l'exploitation forestière et la production illégales de planches dans tout le secteur de Mikeno du parc national des Virunga, le long de la frontière entre les territoires de Nyiragongo et de Rutshuru. Le groupe armé a abattu 40 tonnes de bois par semaine, ce qui correspond à 450 poutres, d'une valeur totale de 40 000 à 50 000 dollars au prix de gros à Goma¹³³.

130. Après sa poussée territoriale vers Nyanzalé (voir par. 33), le M23 a commencé à occuper des zones d'exploitation forestière illégale le long de la route Kalengera-Tongo dans le territoire de Rutshuru, à l'intérieur du secteur principal du parc national des Virunga. L'exploitation forestière illégale dans cette zone produirait également 40 tonnes de bois par semaine, soit une valeur économique similaire à celle de l'exploitation forestière dans le secteur de Mikeno¹³⁴.

Wazalendo : taxes et exploitation forestière illégales

131. Les combattants Wazalendo appartenant à la CMC-FDP et à l'APCLS ont imposé une taxe de 74 dollars à Kingi, dans le territoire de Masisi, sur chaque camion transportant des planches vers Goma¹³⁵. Pour les chauffeurs routiers, cette taxe s'ajoutait à celle déjà prélevée par le M23, Kingi étant situé en contrebas de la route allant de Kitshanga à Sake. De janvier à la mi-mars 2024, les taxes sur 125 camions ont rapporté 9 260 dollars, soit une moyenne de 44 000 dollars par an. Les deux groupes armés ont taxé les camions en provenance du territoire de Walikale au même barrage routier de Buhumba, au nord-ouest de Rubaya (territoire de Masisi), avant le barrage routier du M23 à Mushaki (voir annexe 78).

132. Au cours de la période considérée, la CMC-FDP a abattu 30 tonnes de bois par semaine dans le territoire de Rutshuru, entre Bukombo (centre de commandement de Domi, chef de la CMC-FDP), Pinga, Kitshanga et Peti¹³⁶, soit 330 poutres, d'une valeur hebdomadaire estimée à 37 500 dollars au prix de gros à Goma, soit une moyenne de 1 950 000 dollars par an. Domi possédait un dépôt-vente de planches à Goma¹³⁷.

Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi : taxes et revenus de l'exploitation forestière illégaux

133. Les combattants des FDLR-FOCA n'étaient pas directement engagés dans la production de planches, mais vendaient plutôt à des grossistes le « permis » d'abattre

¹³² Sources : transporteurs routiers, grossistes, Ministère de l'environnement et acteurs de la société civile.

¹³³ Sources : société civile, organismes des Nations Unies, Ministère de l'environnement et chercheurs.

¹³⁴ Sources : société civile, organismes des Nations Unies, Ministère de l'environnement, chercheurs et transporteurs routiers.

¹³⁵ Ibid.

¹³⁶ Ibid.

¹³⁷ Sources : témoins oculaires, grossistes et propriétaires de planches.

des arbres le long de la frontière du parc national des Virunga, au sud-ouest de Kibumba (territoire de Nyiragongo) (voir annexe 79).

134. Quelque 30 tonnes de bois de coffrage et de bois d'oeuvre ordinaire ont été coupés chaque semaine sous le contrôle des FDLR-FOCA¹³⁸. En supposant qu'une part égale des deux qualités de bois soit produite, cela correspond à 5 150 dollars par semaine pour les FDLR-FOCA, soit une moyenne de 268 000 dollars par an.

135. La production de planches contrôlée par les FDLR-FOCA dans le territoire de Nyiragongo était vendue à des grossistes et récupérée par des transporteurs à Rusayo. Ces derniers devaient payer 407 dollars aux FDLR-FOCA avant de charger des planches destinées à Goma. Les FDLR-FOCA à Rusayo gagnaient en moyenne 1 425 dollars par semaine, soit 74 000 dollars de taxes illégales par an.

136. Les FDLR-FOCA ont gagné environ 340 000 dollars par an grâce à l'exploitation forestière et à la taxation illégales.

Agences de l'État : taxes illégales

137. Selon un arrêté du 24 mai 2022 du Gouverneur du Nord-Kivu, les camions étaient interdits sur la route Goma-Rutshuru (RN2). Pourtant, on estime que deux à trois camions transportant illégalement des planches de bois transitaient chaque jour, avec la complicité des agents de l'État opérant le poste de contrôle connu sous le nom d'« OPRP », à Kanyaruchinya, dans le territoire de Nyiragongo¹³⁹. À l'arrivée, la nuit, les transporteurs payaient 160 dollars aux agents au poste de contrôle (voir annexe 80)¹⁴⁰. Au cours du premier trimestre 2024, les agents ont collecté entre 25 000 et 37 000 dollars de taxes illégales auprès des transporteurs de planches, soit une moyenne de 100 000 à 150 000 dollars par an¹⁴¹.

G. Exploitation et commerce illégaux de minerais à Rubaya

138. Les sites miniers de la région de Rubaya sont restés sous le contrôle du groupe armé Coalition des patriotes résistants congolais-Force de frappe (PARECO-FF), qui a continué à superviser l'exploitation minière à Rubaya (S/2023/990, par. 60 à 65). Le M23 et la PARECO-FF ont établi une collaboration opportuniste pour le transport des minerais extraits à Rubaya vers Mushaki, qui est devenu une plaque tournante de la contrebande des minerais de Rubaya. La contrebande entre Mushaki et la destination finale, via Tongo-Kalengera, était exclusivement sous le contrôle du M23. Les minerais de Rubaya ne pouvaient donc plus être commercialisés selon les lignes directrices du Groupe d'experts en matière de diligence raisonnable¹⁴².

139. Début avril 2024, les autorités nationales ont réautorisé le commerce des minerais en provenance de Rubaya, à la suite de l'ouverture d'une voie de transit à travers les zones contrôlées par les FARDC et les groupes armés Wazalendo. Les minéraux étaient transportés de Rubaya à Minova, dans le nord du Sud-Kivu, et de Minova à Goma, via le lac Kivu.

¹³⁸ Sources : société civile et Ministère de l'environnement.

¹³⁹ Ibid.

¹⁴⁰ Sources : membres des FARDC détenus, justice militaire des FARDC, Ministère de l'environnement et société civile.

¹⁴¹ 2-3 camions x 6 jours x 13 semaines x 160 dollars = 24 960 à 37 440 dollars.

¹⁴² Voir https://www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/SC_document_files/diligence.pdf

Contrôle des sites miniers à Rubaya par la Coalition des patriotes résistants congolais-Force de frappe

140. D'après des images de surveillance aérienne de janvier 2024 et des témoignages d'habitants de Rubaya, l'exploitation minière s'est poursuivie à Rubaya (S/2023/990, par. 60 à 65) et de nouveaux sites se sont ouverts sur les pentes sud-est de la colline de Rubaya et au site connu sous le nom de « D2 Bibatama », situé à l'intérieur du permis d'exploitation PE 4731¹⁴³. On trouvera à l'annexe 81 des preuves de la poursuite de l'exploitation et du contrôle des mines par les combattants de la PARECO-FF, commandés par Shamamba Barigaruye Enoch, Président de la PARECO-FF (S/2023/990, annexe 43 ; S/2021/560, par. 62). L'Initiative de la chaîne d'approvisionnement en étain a informé le Groupe d'experts que de décembre 2023 à janvier 2024, les coopératives minières membres de l'Initiative avaient enregistré environ 46 tonnes de minéraux extraits à Rubaya¹⁴⁴.

Coalition des patriotes résistants congolais-Force de frappe et Mouvement du 23 mars : contrôle des routes de commerce des minerais

141. En décembre 2023, le M23 a pris le contrôle de Mushaki et de Karuba, coupant ainsi la dernière voie d'acheminement des minerais de Rubaya vers les points d'exportation de Goma. En conséquence, deux services publics congolais, le Service d'assistance et d'encadrement de l'exploitation minière artisanale et à petite échelle et la Division des mines, qui réglementent tous deux les activités minières artisanales, se sont retirés de Rubaya, amenant l'Initiative à suspendre l'étiquetage dans le territoire de Masisi à partir du 8 décembre 2023 (voir annexe 82). Cependant, l'exploitation et le commerce des minerais se sont poursuivis sans relâche (voir annexe 83). Certains négociants ont continué à transporter des minerais non étiquetés de Rubaya à Goma, s'exposant ainsi aux taxes illégales prélevées par le groupe PARECO-FF, le NDC-R Mapenzi et le M23. Au moment de l'établissement du présent rapport, 36 tonnes de minéraux non étiquetés, extraits après la suspension, avaient été mis en quarantaine dans un entrepôt désigné par la Commission nationale de lutte contre la fraude à Goma.

142. Le 17 février 2024, le groupe PARECO-FF a tenté d'étendre son contrôle au commerce de minerais entre Rubaya et Mushaki (voir annexe 84). Ainsi, le 28 février 2024, des combattants du groupe ont arrêté un camion chargé de 3 tonnes de coltan à Bihambwe, dans le territoire de Masisi¹⁴⁵.

143. Toutefois, rejetant le monopole du groupe PARECO-FF sur le commerce entre Rubaya et Mushaki, le NDC-R Mapenzi a dit qu'il refusait de faire passer les minerais via les zones contrôlées par le M23. Le Groupe d'experts constate que jusqu'au début du mois d'avril 2024, quand les minerais ont commencé à être commercialisés via le lac Kivu, ils l'avaient été exclusivement par les routes sous le contrôle du M23. Les négociants qui récupéraient les minéraux à Rubaya passaient par Mushaki, sous le contrôle du M23, avant de continuer vers Kibumba, via Kilolirwe, Bwiza, Tongo et Kalengera¹⁴⁶. Une partie au moins des minerais de Rubaya était ensuite passée en contrebande par la frontière rwandaise¹⁴⁷.

¹⁴³ Sources : images aériennes, société civile et habitants de Rubaya.

¹⁴⁴ Réponse de l'Association internationale de l'étain à la demande d'information du Groupe d'experts.

¹⁴⁵ Sources : FARDC, société civile, organismes des Nations Unies et chercheurs.

¹⁴⁶ Sources : population locale, organismes des Nations Unies, société civile, Direction générale des migrations, FARDC et chercheurs.

¹⁴⁷ Sources : société civile, organismes des Nations Unies, chercheurs et transporteurs de minerais.

144. Le Groupe d'experts constate qu'en 2023, le Rwanda a enregistré une hausse sans précédent de ses exportations de coltan, soit une augmentation de 50 % par rapport à 2022.

Reprise des échanges en avril 2024 et risques pour la chaîne d'approvisionnement

145. Au début du mois d'avril 2024, le Gouverneur du Nord-Kivu a décidé d'ouvrir une nouvelle route pour transporter les minerais de Rubaya jusqu'à Goma (voir par. 139) et a ainsi réintroduit les minerais de Rubaya dans la chaîne d'approvisionnement (voir annexe 85). Cette décision n'a pas tenu compte du contrôle avéré que le groupe PARECO-FF exerçait sur les sites d'exploitation de Rubaya. Et donc le Groupe d'experts fait observer qu'étant donné cette situation, les minerais produits à Rubaya ne remplissent plus les conditions pour être commercialisés.

146. De plus, des mineurs, des négociants et des représentants de la société civile ont signalé l'existence d'une contrebande entre concessions à Rubaya (S/2021/560, annexe 49), comme le confirme également l'analyse des données de production détaillée à l'annexe 86¹⁴⁸.

147. Le Groupe d'experts a présenté à l'Initiative de la chaîne d'approvisionnement en étain ses conclusions et sur la contrebande entre les concessions et sur le contrôle par les groupes armés de l'itinéraire commercial des minerais, mais l'Initiative a affirmé n'avoir reçu aucun rapport sur un contrôle exercé par des groupes armés Wazalendo sur les sites qu'elle supervise. Elle a également fait observer que l'absence de contrôle de l'État sur le site PE 4731 présentait toujours des risques importants pour les sites qu'elle supervisait. Elle a dit avoir clairement fait part de ces risques à ses entreprises membres afin qu'elles apportent toute la diligence raisonnable voulue.

148. Le 7 mars 2024, la Responsable Minerals Initiative, l'une des principales alliances des industries en aval, a publié une note à l'intention de ses membres, les alertant sur le risque que des minerais ne répondant pas aux critères pour être commercialisés – provenant de la province du Nord Kivu, en particulier de la région de Rubaya – pourraient se retrouver dans les chaînes d'approvisionnement (voir annexe 87).

III. Ituri

A. Faux engagement du groupe armé Zaïre en faveur de la paix

149. En janvier 2024, le groupe Zaïre s'est présenté comme « groupe armé d'autodéfense » et a manifesté son intention de rejoindre le processus de paix (S/2022/479, par. 101 à 104). Il s'est engagé à faciliter la libre circulation des civils, à interdire à ses combattants de porter des armes et à procéder au désarmement, entre autres mesures (voir annexe 88). L'engagement, apparemment faux dès le départ, pris par le groupe Zaïre de mettre fin aux hostilités a été de courte durée. Le groupe Zaïre est resté armé et actif dans les territoires de Djugu, de Mahagi et d'Aru (S/2022/967, par. 87 à 91 ; et S/2023/990, annexes 49 et 50). Il a continué à attaquer ou à repousser les incursions de la Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO/URDPC), à défendre des sites miniers ou à se battre pour le contrôle de nouvelles zones.

¹⁴⁸ Sources : mineurs et habitants de Rubaya, société civile et organismes des Nations Unies.

Armement et mobilisation du groupe Zaïre

150. D'après plusieurs sources, alors que le groupe Zaïre se préparait à l'initiative de paix à Bunia en janvier 2024, ses chefs récupéraient des armes défectueuses qu'il remettait aux autorités provinciales, pour faire croire à de véritables efforts de désarmement¹⁴⁹. Parallèlement, le groupe multipliait ses achats d'armes. Le Groupe d'experts a reçu des témoignages selon lesquels le groupe Zaïre continuait d'acheter du matériel de guerre par l'intermédiaire de réseaux de trafiquants au Rwanda, en Ouganda et au Soudan du Sud¹⁵⁰. D'après plusieurs sources, des armes obtenues via des réseaux régionaux ou locaux ont été stockées à Mbidjo et à Mabanga, dans le territoire de Djugu¹⁵¹. Le Groupe d'experts a également authentifié des enregistrements vidéo datant de mars 2024 montrant des combattants du groupe Zaïre lourdement armés à bord d'une barque motorisée et d'un véhicule pick-up (voir annexe 89). Le 10 février 2024, le commandement du groupe Zaïre a tenu une réunion à Mbidjo pour affiner sa stratégie militaire et distribuer de nouveaux uniformes aux combattants¹⁵².

151. Les chefs du groupe Zaïre ont décidé de continuer à collecter de l'argent auprès de la communauté Hima pour financer leur effort de guerre ; ils ont déployé des combattants armés pour garder des sites miniers et repousser les incursions de la CODECO/URDPC¹⁵³. L'exploitation minière est restée la principale source de financement du groupe Zaïre, qui contrôlait près de 300 sites miniers à Dala, à Mabanga, à Mbidjo et à Nyaka, entre autres (voir par. 167 à 170)¹⁵⁴.

Contacts de l'Alliance Fleuve Congo avec le groupe Zaïre

152. En décembre 2023, à la suite du lancement de l'AFC, les groupes armés basés en Ituri, dont le groupe Zaïre, ont démenti qu'ils appartenaient à l'AFC (voir annexe 90). Néanmoins, l'AFC ne s'est pas découragée ; elle a continué de chercher à établir ou à consolider des alliances, y compris avec le groupe Zaïre (voir par. 28). Début février 2024, des représentants de l'AFC se sont rendus à Dala pour rencontrer des chefs du groupe Zaïre, et début mars 2024, ceux-ci, dont Logo Marine, ont rencontré Corneille Nangaa à Kampala¹⁵⁵. Il convient de noter que certains chefs du groupe Zaïre avaient des liens historiques avec des chefs du Congrès national pour la défense du peuple (CNDP), intégrés au commandement actuel du M23. De plus, des combattants du groupe Zaïre avaient précédemment suivi un entraînement militaire dans les camps du M23 à Bunangana et à Tchanzu (S/2023/990, par. 77). Des sources ont dit au Groupe d'experts qu'une éventuelle alliance entre l'AFC et le M23 ne faisait pas l'unanimité au sein du G5 (S/2023/431, par. 110), notamment dans la communauté Hima¹⁵⁶.

¹⁴⁹ Sources : FARDC, services de renseignement, société civile, organismes des Nations Unies, combattants de groupes armés et chercheurs.

¹⁵⁰ Ibid.

¹⁵¹ Sources : société civile, chercheurs, services de renseignement et anciens combattants.

¹⁵² Sources : services de renseignement, FARDC et groupes armés. Voir également S/2023/990, par. 77).

¹⁵³ Sources : FARDC, services de renseignement, organismes des Nations Unies, société civile, combattants de groupes armés et chercheurs.

¹⁵⁴ Sources : ex-combattants et société civile.

¹⁵⁵ Sources : groupe Zaïre et service de renseignement.

¹⁵⁶ Sources : groupe Zaïre, services de renseignement, société civile, FARDC et chercheurs.

B. Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais

153. La CODECO/URDPC est restée une organisation violente ; elle a continué à s'attaquer de manière indiscriminée à des civils, à des camps de personnes déplacées et à des travailleurs humanitaires (voir par. 159) ainsi qu'aux forces de sécurité (S/2023/431, par. 104 à 112 ; et S/2023/990, par. 76 et 77 et annexes 49 et 50). Les attaques de la CODECO/URDPC ont augmenté en intensité, principalement autour des sites miniers, mettant fin à une période de calme relatif.

154. Bassa Zurkpa Gershom et Desire Nkuna Kiza, respectivement porte-parole et secrétaire à la défense de la CODECO/URDPC, ont dit que le mouvement restait sous le commandement général du « général » Bahati Charite, qui coordonnait les différentes factions depuis le siège de la CODECO/URDPC à Ndalo, dans le territoire de Djugu, et que toutes les décisions étaient prises au siège¹⁵⁷. Ils ont affirmé que la CODECO/URDPC ne faisait que se défendre, mais restait déterminée à mettre fin aux hostilités, à condition que son groupe armé rival, le groupe Zaïre, rende les armes et que les FARDC cessent de cibler la communauté Lendu. Les deux chefs ont d'ailleurs reconnu la participation de la CODECO/URDPC à l'attaque de Lala, mais celle-ci affirme qu'aucun civil n'avait été ciblé (S/2023/990, par. 78 à 80).

155. La CODECO/URDPC a continué à recruter des combattants, de gré ou de force, à les former et à leur donner des armes¹⁵⁸. Elle a également continué à participer aux combats pour le contrôle des zones minières, comme le montre l'annexe 91.

156. Pour tenter d'enrayer la violence armée en Ituri, les FARDC et la MONUSCO ont lancé des opérations militaires contre la CODECO/URDPC, qui ont eu un succès limité (voir annexe 92). Néanmoins, les groupes armés sont restés actifs sur l'ensemble du territoire de Djugu et ont continué à opérer par défi¹⁵⁹.

C. Violations du droit international humanitaire et du droit international des droits de l'homme

157. La CODECO/URDPC, composée de diverses factions qu'elle commandait et contrôlait (voir par. 154), a continué à commettre de graves violations du droit international humanitaire et du droit international des droits de l'homme, notamment : a) des attaques indiscriminées contre des civils, constituant des actes passibles de sanctions (meurtres, exécutions, enlèvements, tortures, pillage et destructions de biens ; b) des attaques contre le personnel humanitaire et les hôpitaux, entravant l'accès à l'aide humanitaire vitale ; et c) des attaques contre les soldats de la paix protégeant les civils.

158. Le groupe Zaïre a participé à des incidents sporadiques au cours desquels des civils ont été tués ou enlevés ou des biens pillés, mais sa participation a été bien moindre que celle de la CODECO/URDPC¹⁶⁰.

159. Les combats entre la CODECO/URDPC et le groupe Zaïre ont repris depuis janvier 2024. Fidèle à son modus operandi (S/2023/431, par. 125), la

¹⁵⁷ Sources : réunion du Groupe d'experts avec deux chefs de la Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais.

¹⁵⁸ Sources : organismes des Nations Unies, organisations humanitaires, FARDC et services de renseignement, responsables locaux et chercheurs.

¹⁵⁹ Sources : organismes des Nations Unies, organisations humanitaires, FARDC et services de renseignement, responsables locaux et combattants.

¹⁶⁰ Sources : organismes des Nations Unies, organisations humanitaires, FARDC, services de renseignement, société civile, responsables locaux, chercheurs et combattants.

CODECO/URDPC a répondu en attaquant brutalement des civils (voir par. 160 et 161)¹⁶¹. Elle a systématiquement tué, enlevé et pillé les personnes déplacées dans le territoire de Djugu, en particulier autour de Drodoro et de Bule, en particulier lorsqu'elles travaillaient dans les champs ou faisaient leur commerce¹⁶². En outre, la CODECO/URDPC a fréquemment attaqué le personnel et les véhicules des organisations humanitaires (voir annexe 93). Le 6 mars, elle a attaqué et pillé l'hôpital de Drodoro, le principal établissement médical accueillant les nombreuses personnes déplacées, tuant sur son lit d'hôpital une vieille patiente Hima. En conséquence, les principales organisations humanitaires ont quitté la région, privant l'hôpital et les centres de santé situés dans les camps de personnes déplacées d'un soutien essentiel (voir annexe 94)¹⁶³. La CODECO/URDPC a également tendu des embuscades aux soldats de la paix de la MONUSCO déployés pour protéger les civils de ses attaques¹⁶⁴.

Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais

160. Le 16 février 2024, des combattants de la CODECO/URDPC ont enlevé 25 civils au barrage routier de Tali, qu'ils contrôlaient, dans la chefferie de Bahema-Nord, pour se venger du meurtre de trois de leurs combattants par le groupe Zaïre. Au moins 15 civils ont été enterrés vivants dans une fosse ; la plupart sont morts d'asphyxie. Le sort des autres victimes enlevées reste inconnu. Le « général » Awilo et les commandants Serge Dekana et son adjoint Dany de la 3^e brigade de la CODECO/URDPC positionnée à Tali auraient ordonné l'enlèvement et l'exécution de ces personnes (voir annexe 95)¹⁶⁵.

161. Le 6 avril 2024, des combattants de la faction « Bon Temple » de la CODECO/URDPC, dirigée par le commandant Kadogo (S/2023/431, par. 105 et 107), ont tué au moins 15 personnes et enlevé 18 autres civils lors d'une attaque à Galay, dans le secteur de Banyali-Kilo. Les personnes enlevées ont été emmenées à la base de la faction, à Andisa. Le 8 avril, 15 otages, dont trois femmes et un nouveau-né, ont été brûlés vifs à Andisa (voir annexe 96)¹⁶⁶.

D. Enrichissement des groupes armés et des éléments des Forces armées de la République démocratique du Congo par l'exploitation et le commerce de l'or

162. L'exploitation et le commerce de l'or ont continué à être une source importante d'enrichissement pour les groupes armés et certains membres des FARDC dans la province de l'Ituri (S/2023/990, annexe 50 ; et S/2022/479, par. 107 à 123).

163. Dans le territoire de Djugu, sur les 36 sites miniers étudiés par le Groupe d'experts, des membres des FARDC, du groupe Zaïre et de la CODECO/URDPC contrôlaient une production hebdomadaire d'or de plus de 29 kg (voir annexe 97). La plupart des chefs de groupes armés, dont beaucoup étaient auparavant dans le

¹⁶¹ Ibid.

¹⁶² Sources : MONUSCO, organisations humanitaires, société civile, services de renseignement et responsables locaux.

¹⁶³ Ibid.

¹⁶⁴ Sources : organismes des Nations Unies, FARDC et services de renseignement.

¹⁶⁵ Sources : organismes des Nations Unies, FARDC, services de renseignement, société civile, population locale et preuves photographiques.

¹⁶⁶ Ibid.

commerce de l'or ou l'exploitation minière, ont profité de leur position de force pour contrôler la production et le commerce¹⁶⁷.

Le « général » Lango de la Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais

164. En janvier 2024, le « général » Lango, un commandant de la CODECO/URDPC basé à Mbau, contrôlait effectivement la mine « Morgue » dans le groupement Sésélé, s'enrichissant lui-même et la CODECO/URDPC en taxant illégalement les exploitants de la mine.

165. Lango a confié à des combattants la responsabilité de superviser la collecte des impôts. Les mineurs du site ont dit qu'ils devaient verser 30 % de leur production à la CODECO/URDPC¹⁶⁸. Lango demandait en outre un paiement mensuel de 100 dollars aux propriétaires des gisements en activité. Les creuseurs et les propriétaires des gisements ont dit que 40 gisements étaient opérationnels, rapportant en moyenne 4 000 dollars par mois à Lango. Un propriétaire de gisement a déclaré que lui et sa famille avaient été harcelés par les associés de Lango pour avoir refusé de payer la taxe.

166. Des taxes plus élevées étaient parfois imposées aux creuseurs non Lendu, minoritaires. En janvier 2024, par exemple, les combattants de Lango ont demandé à des creuseurs Hima de payer l'équivalent de 180 dollars, soit près du double de la taxe imposée aux creuseurs Lendu.

Le commandant Baraka Maki du groupe Zaïre

167. Baraka Maki est un commandant du groupe Zaïre basé dans la région de Mabanga. Il a mis en place un système de prédation autour de l'exploitation de l'or, taxant les mineurs artisanaux et semi-industriels et exploitant directement les sites miniers.

168. Plusieurs sources, dont des fonctionnaires de l'administration minière, des acteurs de la société civile et des acteurs économiques opérant dans le secteur minier de la région ont dit que Baraka possédait des excavateurs mécaniques pour l'extraction de l'or sur la rivière Shari, dans les environs de Mabanga. À son apogée, cette activité a généré une production hebdomadaire de 5 kg d'or, d'une valeur moyenne de plus d'un million de dollars par mois au prix du marché. Les autorités minières de l'Ituri ont dit que Baraka leur avait refusé l'accès aux sites sous son contrôle lors d'une tournée d'inspection. Auparavant, Baraka vendait son or directement à Kampala. En 2023, il a cessé de se rendre en Ouganda pour des raisons de sécurité. Actuellement, son principal acheteur est un négociant appelé « Yakee », basé à Iga-Barrière¹⁶⁹.

169. Plusieurs sources ont rapporté que les combattants du groupe Zaïre commandés par Baraka ont prélevé des taxes sur la production artisanale dans tous les sites actifs de la région de Mabanga, notamment une taxe fixe qualifiée par le groupe armé de « taxe de sécurité », qui correspondait à environ 20 % de la production¹⁷⁰.

170. En outre, chaque opérateur semi-industriel devait verser en moyenne 1 500 dollars par mois à Baraka. Cette taxe était complétée par des taxes ponctuelle plus élevées, qui pouvaient occasionnellement aller jusqu'à 5 000 dollars¹⁷¹. Un acteur

¹⁶⁷ Sources : acteurs économiques, chercheurs et sources confidentielles.

¹⁶⁸ Sources : creuseurs.

¹⁶⁹ Sources : acteurs économiques, société civile et chercheurs.

¹⁷⁰ Sources : administration minière, creuseurs et société civile.

¹⁷¹ Ibid.

économique interrogé par le Groupe d'experts a confirmé avoir versé 5 000 dollars directement à Baraka en décembre 2023. Il a indiqué que tous les autres opérateurs économiques de la région étaient parfois tenus de verser ces contributions, de crainte de ne pouvoir exercer leur activité.

Transactions des Forces armées de la République démocratique du Congo dans le secteur minier de l'Ituri

171. Comme indiqué dans des rapports précédents (S/2022/967, par. 97 à 101), on continue de trouver très souvent des officiers et soldats des FARDC opérant dans le secteur minier et ayant d'autres activités économiques illicites en Ituri. Plusieurs sources des FARDC et des services de sécurité ont dit que de ce fait, les troupes étaient détournées des opérations militaires prévues dans la province. Selon une étude des services de renseignement congolais, 70 % des troupes des FARDC déployées en Ituri prélevaient des taxes sur les transports et assuraient la sécurité des entreprises minières privées contre rémunération. Une correspondance du Gouverneur militaire a signalé l'ampleur de ce problème dans la province d'Ituri (voir annexe 98).

172. Le Groupe d'experts a également été informé de la participation illicite, depuis 2023, de soldats de la Garde républicaine dans l'exploitation de l'or dans le permis d'exploitation PE 39, situé à Djalasiga, dans le territoire de Mahagi. Des soldats de la Garde républicaine auraient protégé la mine pour le compte de personnalités politiques et d'acteurs économiques¹⁷². Ils avaient établi des positions fixes sur ces sites jusqu'en novembre 2023. Ils ont depuis déplacé leur base à Aungba, effectuant des visites sporadiques sur ces sites pour contrôler illégalement l'activité minière.

173. Le « Président » de l'AFC, Corneille Nangaa (voir par. 23), a informé le Groupe d'experts qu'il était propriétaire du permis d'exploitation PE 39 par l'intermédiaire de la coentreprise « Codo Resources », partenaire de la Société minière de Kilo Moto (Sokimo), mais que celui-ci lui avait illégalement retiré fin 2019.

174. D'après plusieurs sources, la Garde républicaine aurait également demandé à un homme appelé Mugisha Saidi de percevoir 30 % de la production minière artisanale de la région¹⁷³. Les mêmes sources ont dit au Groupe d'experts que cette collecte visait principalement les gisements actifs des sites de Kolwezi, de Zani et de Codo.

IV. Sud-Kivu

A. Impact de la crise liée au Mouvement du 23 mars, tensions entre le Burundi et le Rwanda et liens entre le Mouvement du 23 mars, l'Alliance Fleuve du Congo et les groupes armés

Groupes armés dans le nord du Sud-Kivu

175. Les groupes armés opérant dans les territoires du nord du Sud-Kivu, principalement le groupe Raïa Mutomboki (RM) et le Mouvement congolais pour la défense du peuple et de l'intégrité nationale (MCDPIN), ont continué à se mobiliser et à intensifier leurs activités, utilisant la crise du M23 et le statut de « Wazalendo » pour asseoir leur légitimité et demander le soutien des autorités de la République démocratique du Congo (S/2023/990, par. 83). Lors des réunions qui ont eu lieu avec le Groupe d'experts en janvier 2024, les chefs de la RM et du MCDPIN ont confirmé

¹⁷² Sources : témoins oculaires, creuseurs, services de sécurité et société civile.

¹⁷³ Ibid.

qu'ils s'étaient remobilisés après l'appel du Président de la République démocratique du Congo à combattre le M23 (S/2022/967, par. 34).

176. Certains de ces groupes armés ont envoyé des combattants au Nord-Kivu en octobre 2023 (S/2023/990, par. 86 et 87). Cependant, ceux-ci étaient presque tous revenus au Sud-Kivu en l'espace de deux semaines. Les chefs de la RM et du MCDPIN ont dit qu'ils ont pris contact avec les autorités des FARDC dès leur arrivée au Nord-Kivu, notamment avec Constant Ndimba, alors Gouverneur militaire, mais qu'ils n'ont pas reçu le soutien escompté et ont donc dû revenir au Sud-Kivu (voir annexe 99).

177. Début 2024, plusieurs chefs de la RM ont décidé d'envoyer à nouveau des troupes au Nord-Kivu. Cependant, au lieu d'engager leurs troupes dans le combat contre le M23 et la RDF, ils ont étendu leur territoire, augmenté les impôts, exploiter les ressources naturelles et intensifié le recrutement, y compris d'enfants¹⁷⁴. Par conséquent, il y avait de fréquents affrontements entre factions de la RM et du MCDPIN et dans leurs propres rangs. Depuis février 2024, les autorités de la République démocratique du Congo ont émis plusieurs mandats d'arrêt contre des chefs de la RM et du MCDPIN, ce qui a abouti à l'arrestation du chef de la RM, Shabani, en mars 2024 (S/2023/990, annexe 52)¹⁷⁵.

Effets des tensions entre le Burundi et le Rwanda

178. Les tensions entre le Burundi et le Rwanda (voir annexe 100) ont influé sur la dynamique des groupes armés au Sud-Kivu. Les deux pays ont repris ou intensifié leurs contacts avec les groupes armés opérant en République démocratique du Congo ainsi que le soutien qu'ils leur apportaient, afin d'exercer une plus grande influence sur eux¹⁷⁶, d'où le risque décuplé que la guerre par procuration ne s'étende au Sud-Kivu (voir par. 81 à 87).

Soutien du Rwanda à la RED Tabara

179. Après avoir apporté son soutien à la RED Tabara en 2015 et 2016 (S/2016/466, par. 46 à 50), puis en 2018 et 2019¹⁷⁷, le Rwanda a renouvelé son soutien au groupe armé à la fin 2022 (S/2023/431, par. 140). Il a pris contact avec le « général » Gisiga (également connu sous le nom de « Kisiga »), le commandant des opérations de la RED Tabara (S/2021/560, par. 159), et lui a proposé un soutien militaire en échange de son adhésion au M23 avec ses combattants, en collaboration avec les Twirwaneho (S/2023/431, par. 139)¹⁷⁸. Gisiga a convaincu plusieurs officiers et combattants de la RED Tabara de rejoindre le M23 sans en informer au préalable les commandants de la RED Tabara, notamment Jean-Claude Bayanga et Alexis Sinduhije (S/2019/469, par. 80)¹⁷⁹. Ayant échoué, Gisiga a été exécuté à l'issue d'un procès sommaire par les chefs de la RED Tabara, qui, à l'époque, avaient rejeté la proposition du Rwanda (voir annexe 101)¹⁸⁰. Plusieurs sources ont confirmé que la RED Tabara avait depuis lors

¹⁷⁴ Ibid.

¹⁷⁵ Sources : chercheurs, société civile et organismes des Nations Unies.

¹⁷⁶ Les deux pays ont démenti cette collaboration.

¹⁷⁷ Sources : FARDC, chercheurs, services de sécurité et de renseignement, milieux diplomatiques et organismes des Nations Unies.

¹⁷⁸ Sources : Alexis Sinduhije, chercheurs et services de renseignement, milieux diplomatiques et organismes des Nations Unies.

¹⁷⁹ Sinduhije a nié être l'un des chefs de la RED Tabara lors d'une réunion avec le Groupe d'experts.

¹⁸⁰ Sources : Alexis Sinduhije, chercheurs et services de renseignement, milieux diplomatiques et organismes des Nations Unies.

revu sa position et qu'elle avait bénéficié du fait que le Rwanda facilitait la logistique, le recrutement¹⁸¹ et le mouvement des combattants sur son territoire¹⁸².

180. En particulier, des sources ont rapporté qu'à la suite du déploiement de la FDNB à Petit Nord (voir par. 81 à 87), le Rwanda a facilité le passage au Burundi de combattants de la RED Tabara qui ont pris part à des attaques au Burundi, aux côtés d'autres combattants de la RED Tabara venant de la République démocratique du Congo. Il s'agit notamment de l'attaque menée à Vugizo en décembre 2023, au cours de laquelle 20 civils auraient été tués¹⁸³. Le Président du Burundi, Évariste Ndayishimiye, a publiquement dénoncé l'appui que le Rwanda apportait à la RED Tabara, qui a été démenti par le Rwanda. La RED Tabara s'est empressée de revendiquer l'attaque contre une position militaire^{184,185}, mais a nié toute collaboration avec le Rwanda et le M23, accusant les militaires burundais d'être responsables des tueries (voir annexe 102)¹⁸⁶.

181. Peu après l'attaque de Vugizo, le Président du Burundi a décidé de fermer les frontières burundaises avec le Rwanda et de déployer plus ouvertement ses militaires au Nord-Kivu (voir par. 83). Les deux pays ont commencé à renforcer leurs troupes le long de leurs frontières communes et à l'intérieur de la République démocratique du Congo (voir annexe 103).

Collaboration du Burundi avec le Conseil national pour le renouveau de la démocratie-Forces de libération nationale/Jeva

182. Depuis que le Rwanda a repris son appui à la RED Tabara, le Burundi a renoué la collaboration avec le Conseil national pour le renouveau et la démocratie-Forces de libération nationale (CNRD-FLN), dirigé par Jeva (S/2023/431, par. 133), avec lequel il entretenait des liens de longue date. Plus particulièrement, le CNRD-FLN a facilité les opérations de la FDNB contre la RED Tabara au Sud-Kivu au début de l'année 2023 (voir annexe 104)¹⁸⁷. En outre, plusieurs sources ont dit que le Burundi avait formé les troupes du CNRD-FLN depuis fin 2023, pour lutter contre le M23¹⁸⁸.

Collaboration du Rwanda avec le Conseil national pour le renouveau de la démocratie-Forces de libération nationale/Hamada

183. Plusieurs sources ont dit que la collaboration entre le Rwanda et Hamada, l'ancien commandant militaire du CNRD-FLN, s'était intensifiée tout au long de l'année 2023, notamment face aux contacts croissants entre le Burundi et le CNRD-FLN dirigé par Jeva¹⁸⁹. Le Rwanda a également encouragé la collaboration entre Hamada et les groupes armés d'opposition burundais. Hamada, qui s'était séparé du groupe principal dirigé par Jeva en 2023, était soupçonné par les chefs du CNRD-FLN de collaborer avec le Rwanda (S/2023/431, annexe 72). À la scission, Hamada s'était installé à Hewa Bora, dans le Sud-Kivu, avec un nombre limité de combattants

¹⁸¹ En particulier dans le camp de réfugiés de Mahama, au Rwanda. Voir également S/2016/466, par. 46.

¹⁸² Sources : chercheurs, services de sécurité et de renseignement, milieux diplomatiques et organismes des Nations Unies. Sinduhije a démenti cette information auprès du Groupe d'experts.

¹⁸³ Voir <https://twitter.com/NtareHouse/status/1738612276284756360>.

¹⁸⁴ Voir https://twitter.com/Red_Tabara/status/1738543742544412921.

¹⁸⁵ Voir https://twitter.com/Red_Tabara/status/1738543742544412921.

¹⁸⁶ Voir https://twitter.com/Red_Tabara/status/1740784144794239460.

¹⁸⁷ Sources : autorités locales congolaises, chercheurs et société civile et organismes des Nations Unies.

¹⁸⁸ Sources : chercheurs, services de renseignement, services de sécurité et organismes des Nations Unies.

¹⁸⁹ Sources : services de sécurité, milieux diplomatiques et organismes des Nations Unies.

et de matériel, et cohabitait avec le groupe armé d'opposition burundais, les Forces nationales de libération¹⁹⁰.

Volte-face du Burundi à l'égard des groupes armés congolais

184. Compte tenu du récent accord militaire entre le Burundi et la République démocratique du Congo (voir par. 81), le Burundi n'a plus besoin de recourir aux groupes armés congolais comme supplétifs ou éclaireurs pour mener des opérations en République démocratique du Congo (S/2023/431, par. 138)¹⁹¹. La plupart de ces groupes armés, basés dans la plaine de la Ruzizi, intensifiant leurs exactions contre la population (meurtres, enlèvements, extorsions et pillage de bétail), en particulier contre la communauté Banyamulenge, le Burundi a arrêté plusieurs chefs Maï-Maï au Burundi. Il a également communiqué des informations aux autorités congolaises, qui ont permis aux FARDC d'arrêter des chefs Maï-Maï, dont Kijangala, Kapapa et Buhirwa, entre avril 2023 et janvier 2024¹⁹².

Les liens entre les groupes armés locaux, le Mouvement du 23 mars, l'Alliance Fleuve du Congo et le Rwanda, et les tensions qui en découlent

185. Les autorités rwandaises, le M23 et l'AFC ont gardé le contact avec les groupes armés congolais basés au Sud-Kivu, ou continuer de collaborer directement ou indirectement avec eux (S/2023/431, par. 142), notamment pour les convaincre de rejoindre l'AFC¹⁹³.

186. Plusieurs représentants de groupes armés du Sud-Kivu se sont rendus à Nairobi pour participer aux réunions préparatoires qui ont conduit à l'annonce de la création de l'AFC en décembre 2023 (voir par. 23)¹⁹⁴. Il s'agit, notamment, de Mkangya Nyamachabo, alias Microbe, représentant le « général » Ebuela, chef des Forces des patriotes pour la défense du Congo, ainsi que de Jacques Naluhogola, Président des Forces armées Biloze Bishambuke¹⁹⁵. En janvier 2024, Microbe a été arrêté par les autorités congolaises, qui ont trouvé à son domicile des documents de voyage sous un faux nom portant des cachets d'entrée au Kenya, en Ouganda et au Rwanda en décembre 2023.

187. Les liens avec le M23, le Rwanda et l'AFC reflètent la collaboration opportuniste entre les chefs de groupes armés (voir annexe 105).

188. Ces liens avec le M23, le Rwanda et l'AFC ont conduit à des tensions croissantes entre les groupes armés du Sud-Kivu au cours des derniers mois, et en leur sein. D'une part, des rumeurs persistantes sur l'ouverture par le M23 d'un second front au Sud-Kivu, où les Twirwaneho seraient utilisés comme supplétifs, ont conduit à une reprise des affrontements entre les Twirwaneho et les groupes Maï-Maï depuis décembre 2023. D'autre part, les chefs de groupes armés ont pris pour prétexte les accusations d'avoir des liens avec le M23, le Rwanda et l'AFC pour régler leurs

¹⁹⁰ Sources : commandement du Conseil national pour le renouveau et la démocratie, FARDC, services de sécurité, société civile, organismes des Nations Unies et chercheurs.

¹⁹¹ Sources : autorités locales congolaises, services de renseignement, services de sécurité, organismes des Nations Unies et chercheurs.

¹⁹² Sources : FARDC, autorités locales congolaises, chercheurs, services de renseignement, services de sécurité, société civile et organismes des Nations Unies.

¹⁹³ Sources : chefs des groupes armés du Sud-Kivu, FARDC, chercheurs, services de renseignement, services de sécurité, société civile, milieux diplomatique et organismes des Nations Unies.

¹⁹⁴ Sources : représentants de groupes armés, chercheurs, services de renseignement, services de sécurité, milieux diplomatiques et organismes des Nations Unies.

¹⁹⁵ Les Forces armées Biloze Bishambuke feraient partie des groupes armés contactés par le colonel Mirindi au début de l'année 2023 pour collaborer avec le M23. Voir également S/2023/431, annexe 74.

comptes et éliminer leurs rivaux, provoquant de nouvelles tensions et de nouveaux affrontements (voir annexe 106)¹⁹⁶.

B. Participation des groupes armés à l'exploitation et au commerce de l'or à Fizi

189. Des acteurs armés ont continué à contrôler l'exploitation et le commerce de l'or dans le territoire de Fizi. Le groupe armé Maï-Maï Yakutumba, dirigé par William Amuri Yakutumba (CDi.043), qui fait l'objet de sanctions, contrôlait la plupart des activités d'extraction de l'or dans le territoire de Fizi, d'où des tensions régulières avec d'autres groupes armés frustrés par la répartition inéquitable des revenus de l'extraction illégale de l'or (voir annexe 107). Le contrôle exercé par les groupes armés a également entraîné la contamination de la chaîne d'approvisionnement en or.

Un système fiscal illégal et rentable

190. Tous les groupes armés présents sur le territoire de Fizi ont prélevé des taxes illégales sur diverses activités économiques, en particulier l'extraction de l'or (voir annexe 108). Sur le site de Kachanga, le plus important de la région de Misisi, comptant plus de 10 000 creuseurs et plusieurs centaines de gisements actifs, une centaine de combattants Maï-Maï Yakutumba étaient présents (voir annexe 109). Les combattants et les soldats des FARDC ont prélevé des taxes sur les creuseurs, les travailleurs auxiliaires, le matériel et la production, sous prétexte qu'il le fallait pour assurer la sécurité sur le site ou dans ses environs (voir annexe 110).

191. Plusieurs propriétaires de gisements ont rapporté qu'une fois leur gisement jugé productif, les combattants Maï-Maï Yakutumba les obligeaient à l'abandonner plusieurs heures par jour, pendant lesquelles ils s'appropriaient tous les minerais. Puis, la production de la colline de Kachanga a été transportée jusqu'à la plaine de Miba, où le minerai a été traité par des propriétaires de concasseurs pour récupérer l'or.

192. Chaque propriétaire de concasseurs devait payer l'équivalent de 18 dollars par mois aux Maï-Maï Yakutumba ; cette taxe à elle-seule a dû générer au moins 10 000 dollars par mois¹⁹⁷.

193. Les Maï-Maï Yakutumba ont trouvé une autre source de revenus en mettant une taxe sur les cuves des coopératives destinées au traitement chimique des résidus déversés par les mineurs artisanaux. Les quatre principales cuves actives dans la région de Misisi ont dû verser l'équivalent d'au moins 45 000 dollars par an au groupe armé.

194. Des personnes proches de William Yakutumba ont dit que les taxes et l'or collectés par les combattants étaient remis directement à Yakutumba en personne, qui s'en servait pour payer ses troupes et leur fournir du matériel militaire¹⁹⁸.

Contamination de la chaîne d'approvisionnement par l'or des Maï-Maï Yakutumba

195. Des témoins oculaires actifs dans le commerce de l'or ont expliqué que la majeure partie de l'or exploité par les Maï-Maï Yakutumba était acheminée de Talama-Lubanda (territoire de Fizi) vers la République-Unie de Tanzanie via le lac

¹⁹⁶ Sources : services de renseignement, services de sécurité, société civile et organismes des Nations Unies.

¹⁹⁷ Sources : creuseurs et société civile.

¹⁹⁸ Sources : services de sécurité, société civile, combattants Maï-Maï Yakutumba et chercheurs.

Tanganyika¹⁹⁹. La République-Unie de Tanzanie n'a pas répondu à la demande de visite du Groupe d'experts. Celui-ci n'a donc pas été en mesure de vérifier ces allégations.

196. Une autre partie de l'or de Yakutumba était transportée à Uvira. Deux intermédiaires actifs dans le commerce de l'or exploité à Nyange et Misisi, deux zones du territoire de Fizi contrôlées par les Maï-Maï Yakutumba, ont déclaré qu'en septembre 2023 et février 2024, ils ont transporté un total de 7 kg d'or de Misisi à Uvira, que des acteurs économiques basés à Bukavu et Bujumbura ont achetés. Des combattants Maï-Maï, propriétaires de l'or, accompagnaient les intermédiaires durant le transport.

Défis à l'application du principe de diligence raisonnable à Misisi

197. Comme les Maï-Maï Yakutumba contrôlent l'exploitation de l'or dans la région et que William Yakutumba a interdit la présence de la police minière congolaise et de représentants du pouvoir judiciaire dans plusieurs zones minières de la région de Misisi²⁰⁰, la conformité de la chaîne d'approvisionnement avec les lignes directrices du Groupe d'experts en matière de diligence raisonnable concernant la chaîne d'approvisionnement a été compromise²⁰¹.

198. Cinq acteurs économiques opérant à Misisi ont unanimement déclaré avoir effectué des paiements, y compris en or, aux Maï-Maï Yakutumba, qu'ils considéraient comme un groupe Wazalendo légitime assurant leur sécurité. Le Groupe d'experts note que faire des paiements à des individus faisant l'objet de sanctions constitue un acte passible de sanctions.

C. Financement des Twirwaneho

199. Le Groupe d'experts a établi que le groupe armé Twirwaneho recevait un soutien financier et matériel par l'intermédiaire d'une société mutuelle banyamulenge appelée « Shikama », basée à Uvira. Les Twirwaneho ont également continué à imposer des taxes illégales dans les zones qu'ils contrôlaient.

Impôt local

200. Les taxes illégales imposées aux membres de la communauté Banyamulenge vivant dans les zones contrôlées par les Twirwaneho ont continué d'être une source importante de financement pour le groupe armé (S/2023/431, par. 159). Ainsi, quelque 1 360 membres du personnel scolaire de Minembwe ont été contraints de payer une contribution de 5 000 francs congolais par mois, soit un total de 2 517 dollars par mois. Les taxes étaient collectées par un enseignant et remises directement à Welcome Ndakize Kamasa, le coordonnateur des Twirwaneho²⁰². Par ailleurs, les civils incapables de faire les patrouilles obligatoires devaient payer une amende de 5 000 francs congolais (S/2023/431, par. 154).

Financement par Shikama Uvira

201. Le Groupe d'experts a examiné deux documents montrant que la société Shikama Uvira avait financé des articles et des services, comme de la « nourriture », des « médicaments » et des « hôpitaux », destinés à des zones des Hauts Plateaux

¹⁹⁹ Sources : services de sécurité, chercheurs, creuseurs et négociants.

²⁰⁰ Sources : la police des mines et un procureur qui a quitté Misisi après avoir reçu des menaces directes de William Yakutumba.

²⁰¹ Voir <https://www.un.org/securitycouncil/fr/sanctions/1533/due-diligence-guidelines..>

²⁰² Sources : population locale à Minembwe, à Uvira et à Bukavu.

(Minembwe, Rurambo, Bwegera, Bikobogobo et la forêt de Muchohagati-Bijabo), où les chefs des Twirwaneho étaient basés²⁰³. D'après plusieurs sources, certains articles et services mentionnés dans les deux documents étaient en fait des mots codés désignant des articles militaires ou à double usage destinés aux Twirwaneho (voir annexe 111), dans le but d'éviter qu'ils ne soient détectés par les services de police nationaux²⁰⁴. Interrogée par le Groupe d'experts, Shikama Uvira a démenti cette allégation.

202. Les transferts susmentionnés se sont élevés à 104 412 dollars de janvier à novembre 2023. La société Shikama Uvira a indiqué qu'elle n'avait pas de budget ordinaire, mais qu'elle avait recours à des contributions externes, comme l'ont confirmé plusieurs sources²⁰⁵. L'argent liquide était transporté à la main de Bujumbura, au Burundi, à Uvira, de l'autre côté de la frontière. D'autres fonds étaient transférés au moyen de services internationaux d'envoi de fonds et d'argent mobile²⁰⁶.

203. L'analyse des mots de code contenus dans les deux documents a révélé que, de janvier à novembre 2023, Shikama Uvira a distribué 31 981 dollars (31 % du montant total) pour la fourniture d'armes et de matériel, d'uniformes militaires, d'outils de renseignement et de communication aux Twirwaneho ; 29 350 dollars (28 %) pour des soins de santé et des fournitures destinés à la population et aux Twirwaneho, et 43 081 dollars (41 %) au titre de l'assistance humanitaire pour les Hauts Plateaux²⁰⁷.

V. Contrebande d'or transfrontalière

204. Le Groupe d'experts a continué de rassembler des preuves sur le commerce illégal de l'or extrait en République démocratique du Congo via ses pays voisins, en particulier le Rwanda et l'Ouganda (S/2019/469, par. 178 à 184). Le Groupe d'experts a également suivi les achats et les exportations d'or par la société Primera Gold DRC.

Commerce transfrontalier vers le Rwanda

205. Pendant la visite du Groupe à Kigali en mars 2024, les autorités rwandaises ont fait observer qu'aucune importation ou aucun transit d'or de la République démocratique du Congo n'avait été enregistré dans les statistiques nationales au cours des derniers mois. Toutefois, les sources interrogées par le Groupe d'experts au Rwanda ont dit que l'or congolais transitait au moins par le Rwanda (S/2016/466, par. 151 à 155 ; et S/2018/531, par. 127 et 128)²⁰⁸. Le Président du Rwanda, Paul Kagame, en a également parlé dans un discours (voir annexe 112).

206. Des négociants de Bukavu ont indiqué que le manque de compétitivité du marché local de l'or les incitait à vendre l'or collecté dans le Sud-Kivu à des acheteurs basés à Kigali ou à Cyangugu, au Rwanda. Les acheteurs de Cyangugu qui ont acheté l'or à Bukavu étaient liés à des individus arrêtés en mai 2023 (voir annexe 113)²⁰⁹.

²⁰³ Sources : documents et personnes connaissant les rapports financiers et les activités de Shikama Uvira.

²⁰⁴ Sources : population locale à Minembwe, Uvira, Bukavu, Baraka et Goma, et sources de Shikama et Gakondo.

²⁰⁵ Ibid.

²⁰⁶ Ibid.

²⁰⁷ Ibid.

²⁰⁸ Sources : société civile et sources confidentielles.

²⁰⁹ Sources : acteurs économiques, services de sécurité et société civile.

Raffinerie d'or de Gasabo

207. À la suite de la fermeture de la raffinerie d'or d'Aldango (S/2020/482, par. 90), la raffinerie d'or de Gasabo (Kigali), a commencé ses activités de raffinage le 1^{er} juin 2022. Le Groupe d'experts a rencontré la direction de l'entreprise et correspondu avec elle, ce qui lui a permis de conclure que la politique de diligence raisonnable de la raffinerie d'or de Gasabo présentait des lacunes.

208. En particulier, les responsables de la raffinerie d'or de Gasabo ont dit qu'il n'y avait pas de procédure établie permettant de retracer l'origine exacte de l'or livré à la raffinerie. Étant donné que de l'or importé frauduleusement de la République démocratique du Congo se trouve à Kigali et que Gasabo Gold Refinery est la seule raffinerie d'or du Rwanda, il est très probable que de l'or à raffiner avant exportation se soit retrouvé à la raffinerie²¹⁰.

Commerce transfrontalier vers l'Ouganda

209. D'après plusieurs sources, Kampala est restée une voie de transit pour l'or importé illégalement de la République démocratique du Congo (S/2018/1133, par. 97 à 104 ; et S/2018/531, par. 120 et 121 ; et S/2017/672/Rev.1, par. 119 à 126)²¹¹. La porosité des frontières entre la République démocratique du Congo et l'Ouganda a facilité ce trafic.

210. En janvier 2024, le Groupe d'experts s'est rendu dans la ville de Mahagi, en Ituri, plaque tournante pour les individus transportant de l'or de Bunia vers l'Ouganda. D'après les services de sécurité congolais, des centaines d'itinéraires empruntés pour le trafic allant du territoire de Mahagi vers l'Ouganda échappaient à leur contrôle. Plusieurs sources ont confirmé qu'elles utilisaient ces itinéraires par exemple pour vendre de l'or à des négociants basés à Paidha, en Ouganda²¹².

Metal Testing and Smelting Co. Ltd.

211. D'après plusieurs sources, la plupart des acteurs du secteur de l'or basés à Kampala achetaient sciemment de l'or de contrebande en provenance de la République démocratique du Congo²¹³. On a souvent dit que la société Metal Testing and Smelting Co. Ltd. et ses directeurs achetaient régulièrement de l'or extrait en République démocratique du Congo.

212. La société Metal Testing est l'une des principales exportatrices d'or à Kampala. L'entreprise appartient à Himat Dhedi, également connu sous le nom de Patel Himat. Plusieurs sources, y compris des fonctionnaires de la République démocratique du Congo et des sources judiciaires, ont informé le Groupe d'experts d'une transaction entre les administrateurs de la société et un fournisseur d'or basé à Bukavu, dans laquelle la société Metal Testing a préfinancé la fourniture d'or. Cet accord entre Dhedi et le trafiquant a duré jusqu'à la mi-2023.

213. Trois personnes basées à Kampala ont également décrit comment, à plusieurs reprises en 2022 et 2023, les directeurs de la société Metal Testing les ont envoyés à Arua, à la frontière entre l'Ouganda et la République démocratique du Congo, pour acheter de l'or à des trafiquants. Elles se contentaient de vérifier l'authenticité de l'or et de transférer l'argent, soit en espèces soit par virement bancaire. Ces personnes ont

²¹⁰ Sources : société civile et sources confidentielles.

²¹¹ Sources : acteurs économiques, services de renseignement, services de sécurité, société civile et responsables de l'exploitation minière.

²¹² Sources : transporteurs et courtiers.

²¹³ Sources : acteurs économiques, société civile, services de sécurité et de renseignement en République démocratique du Congo et en Ouganda.

fait état de plusieurs opérations hebdomadaires d'une valeur de 20 kg d'or chacune. Le Groupe d'experts n'a pas pu aborder la question avec la société Metal Testing.

Point sur la société Primera Gold DRC

214. Depuis la publication de son rapport à mi-parcours (S/2023/990, par. 91 à 97), le Groupe d'experts a obtenu un rapport détaillé de la société Primera Gold DRC sur les mesures qu'elle entendait mettre en place pour remédier aux déficiences de sa chaîne d'approvisionnement. L'efficacité de ces mesures reste à voir.

215. Le Groupe d'experts s'est entretenu avec la société Primera du risque de contamination de sa chaîne d'approvisionnement dans le territoire de Shabunda (République démocratique du Congo) (voir annexe 114).

216. Les exportations d'or de la société Primera ont considérablement diminué depuis octobre 2023 (voir annexe 115). De mai à octobre 2023, elle a exporté en moyenne 500 kg par mois. En mars 2024, elle n'en a exporté que 164. D'après plusieurs sources, la société Primera offrait un prix inférieur à celui du marché noir (S/2023/990, par. 99) ou aux prix proposés par les négociants au Burundi, en Ouganda et au Rwanda. Les acteurs du commerce de l'or ont donc choisi d'exporter de l'or en contrebande vers ces trois pays, d'où la baisse des exportations de la société Primera²¹⁴.

217. Cette baisse des exportations reflétait également les tensions entre la société Primera et ses partenaires des Émirats arabes unis, Primera Group et AuricHub (S/2023/431, par. 173). Depuis son rapport à mi-parcours, dans lequel le Groupe d'experts a souligné les lacunes de la société Primera (S/2023/990, par. 91 à 100), la société AuricHub a eu du mal à vendre l'or importé de la République démocratique du Congo à la fois aux clients étrangers et au marché des Émirats arabes unis²¹⁵. Des sources ont également indiqué que le groupe Primera souhaitait arrêter l'exploitation artisanale de l'or en République démocratique du Congo pour se concentrer sur les minerais critiques, plus lucratifs. Cela explique en partie pourquoi le groupe Primera a envoyé moins d'argent à la société Primera DRC²¹⁶.

218. Le négociant d'or Sibtein Alibhai (S/2023/990, annexe 60) entretenait des liens économiques avec Raza Saqlain Bhai, un acteur économique basé à Kigali. Au nom d'Alibhai, Saqlain Bhai a facilité le transport de l'or congolais de Kigali à Doubaï. Le Groupe d'experts n'a pas pu aborder la question avec Saqlain Bhai.

219. Alibhai est resté un acteur central du groupe Primera malgré sa démission en juin 2023. Par exemple, en février et mars 2024, au nom du groupe Primera, il a contacté plusieurs trafiquants d'or et leur a fait des propositions commerciales²¹⁷. Primera Group et AuricHub n'ont pas répondu aux questions du Groupe d'experts concernant leurs relations actuelles avec Alibhai.

²¹⁴ Sources : acteurs économiques et sources confidentielles.

²¹⁵ Sources : sources confidentielles aux Émirats arabes unis.

²¹⁶ Sources : sources confidentielles aux Émirats arabes unis et sources proches de Primera Gold.

²¹⁷ Sources : services de sécurité, sources confidentielles et société civile.

VII. Recommandations

220. Le Groupe d'experts fait les recommandations ci-après :

Gouvernement de la République démocratique du Congo

a) Enquêter, en coopération avec les partenaires internationaux, sur l'utilisation d'armes explosives, y compris les explosifs transportés par drone, et s'abstenir de les utiliser dans des zones peuplées (voir par. 50, 51, 93, 94 et 96 à 98) ;

b) Cesser toute collaboration avec l'ensemble des groupes armés, en particulier les FDLR-FOCA (voir par. 21 et 60 à 79) ;

c) Enquêter sur les individus, y compris les éléments des FARDC, responsables de violations du droit international humanitaire et du droit international des droits de l'homme, ainsi que ceux impliqués dans des activités minières illégales, et les poursuivre (voir par. 118 à 121, 123 et 171 à 174) ;

d) Appliquer la législation nationale (loi n° 09/001 de 2009) en enquêtant sur toutes les personnes responsables du recrutement, de l'entraînement et de l'utilisation d'enfants soldats, et les poursuivre ; et prendre des mesures immédiates pour obtenir la libération de ces enfants (voir par. 99 à 115) ;

e) Démanteler les réseaux des ADF dans les prisons et enquêter sur les autorités facilitant, directement ou indirectement, les activités illégales des détenus des ADF, et les poursuivre (voir par. 16 à 18) ;

Gouvernement de la République démocratique du Congo et partenaires internationaux

f) Donner la priorité à la réforme du secteur de la sécurité et mettre en place un système de contrôle très strict pour que la Réserve armée de la défense de la République démocratique du Congo exclue les individus ayant commis des violations avérées du droit international humanitaire et du droit international des droits de l'homme (voir par. 65 et 80) ;

États Membres de l'Organisation des Nations Unies

g) Empêcher le financement ou le soutien qui pourraient faciliter les opérations de la RDF en République démocratique du Congo (voir par. 40 à 54) ;

h) Organiser des réunions avec des associations industrielles représentatives et des organisations internationales afin de faire comprendre aux acteurs en amont et en aval de la chaîne d'approvisionnement en minerais qu'il leur faut appliquer leur propre diligence raisonnable renforcée lorsqu'ils s'approvisionnent en minerais dans la région de Rubaya (voir par. 148) ;

Gouvernement rwandais

i) Retirer ses forces armées et son arsenal de la République démocratique du Congo (voir par. 40 à 54) ;

j) Demander à la société Gasabo Gold Refinery de se conformer aux lignes directrices du Groupe d'experts en matière de diligence raisonnable, notamment en ce qui concerne la vérification de l'origine de l'or (voir par. 207) ;

Gouvernements rwandais, burundais et ougandais

k) Cesser ou empêcher la collaboration avec les groupes armés étrangers et locaux actifs en République démocratique du Congo ou le soutien qui leur est apporté (voir par. 196, 206, 211 à 213 et 218) ;

l) Enquêter sur les individus et les réseaux impliqués dans la contrebande d'or en provenance de la République démocratique du Congo et les poursuivre (voir par. 204 à 219) ;

m) Enquêter sur le recrutement et le trafic transfrontalier de mineurs recrutés dans les camps de réfugiés pour le compte du M23 (voir par. 103 à 105).

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- Annex 110 (para. 190) - Illegal taxation by FARDC in Misisi
- Annex 111 (para. 201) - Codewords used in Shikama Uvira's financial statements
- Annex 112 (para. 205) - Extract from the speech of President Paul Kagame
- Annex 113 (para. 206) - Operation against gold smuggling in Bukavu

Annex 114 (para. 215) - Risk regarding Primera Gold DRC supply chain in Shabunda

Annex 115 (para. 216) - Primera Gold DRC Exports (May 2023 – March 2024)

Annex 1 (para. 10)**ADF operational mobility****Mobilité opérationnelle des ADF**

During the reporting period, ADF conducted pendular movements in both directions of the RN4 (Beni-Komanda road) and from Ituri province to Beni territory, in North Kivu (see map 1 below).¹ For example, several ADF ex-combatants and abductees explained that the group led by Mzee Meya frequently conducted operations back and forth between Ituri province and Beni territory, including as far as the Mbau-Kamango road. However, until recently, Mzee Meya's group had been mainly operating in Ituri, notably west of RN4 ([S/2023/990](#), annex 9). Since their dislodging from Mwalika camps, the Amigo and Abwakasi groups ([S/2023/990](#), annex 8) were also roaming along the RN4, particularly at the border between Ituri province and Beni territory. The presence of some of Amigo's and Abwakasi's combatants was reported near Oïcha, where they conducted the deadly October 2023 attack ([S/2023/990](#), annex 8).² These combatants were also mainly responsible for the attacks around Mavivi and Beni (see para 11).

ADF also continued to be active west of RN4, in Ituri province, including along RN44 (the Biakato-Mambasa road) and along the Mambasa-Komanda road, and in the area between Luna and Mambasa.³ Baluku's camp, also called Madina (see [S/2021/560](#), annex 3) was reported to have relocated at the end of 2023 between RN44 and RN4, to the west of RN4 and the Ituri river, (see map 2 below). Similarly, in Beni territory, the ADF "death triangle", formerly located between Oïcha, Eringeti and Kamango ([S/2019/469](#), paras. 17), shifted west of RN4 between Oïcha, Mamove and Samboko (see annex 2).

These areas in Ituri and in the new "death triangle" offered many advantages to ADF, such as access to the above-mentioned roads as well as dense forests, providing protection to its combatants, particularly to hide from drones operated by the FARDC and/or UPDF. ADF also benefitted from sufficient water supplies and access to food along the Ituri river and the numerous farm fields which they raided in these areas.⁴ ADF also took advantage of the scarce presence of security forces, particularly as Operation Shuja maintained its presence east of RN4, although it was initially meant to extend further west of RN4 at the end of 2023. According to several sources, the failure of Operation Shuja to expand west of RN4 was notably due to growing tensions between UPDF and FARDC, the latter wanting to keep UPDF closer to the Ugandan border.⁵

Several sources reported the presence of a landing strip close to Madina camp and to several other ADF camps concentrated in the area.⁶ While the Group could not yet ascertain whether ADF used this landing strip, it notes that in the past, several ex-combatants, collaborators and abductees already reported the existence of several landing strips used by the ADF, notably to transport supplies.

¹ ADF ex-combatants, ADF collaborators, former abductees, FARDC, intelligence, researchers, civil society, diplomatic and UN sources.

² ADF ex-combatants, ADF collaborators, former abductees, FARDC, intelligence, researchers, and UN sources.

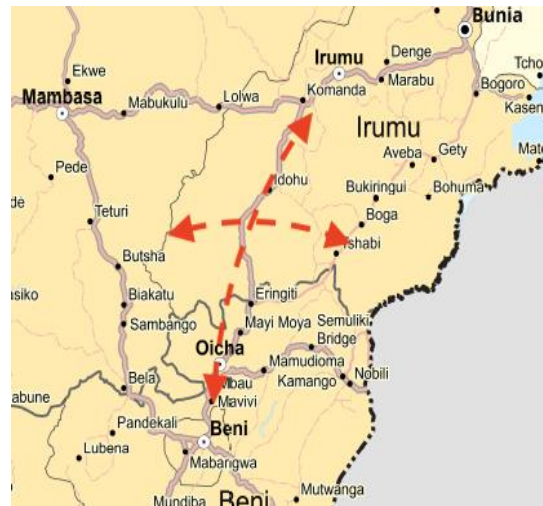
³ ADF ex-combatants, ADF collaborators, former abductees, FARDC, intelligence, researchers, civil society, diplomatic and UN sources.

⁴ Idem

⁵ FARDC, UPDF, intelligence, researchers and UN sources.

⁶ ADF ex-combatant, FARDC, UPDF, researchers and UN sources.

Map 1 - ADF pendular movements on both sides of RN4, and between Ituri province and Beni Territory



Source: MONUSCO. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 2 - Location of Madina and several ADF camps in Ituri (early 2024)



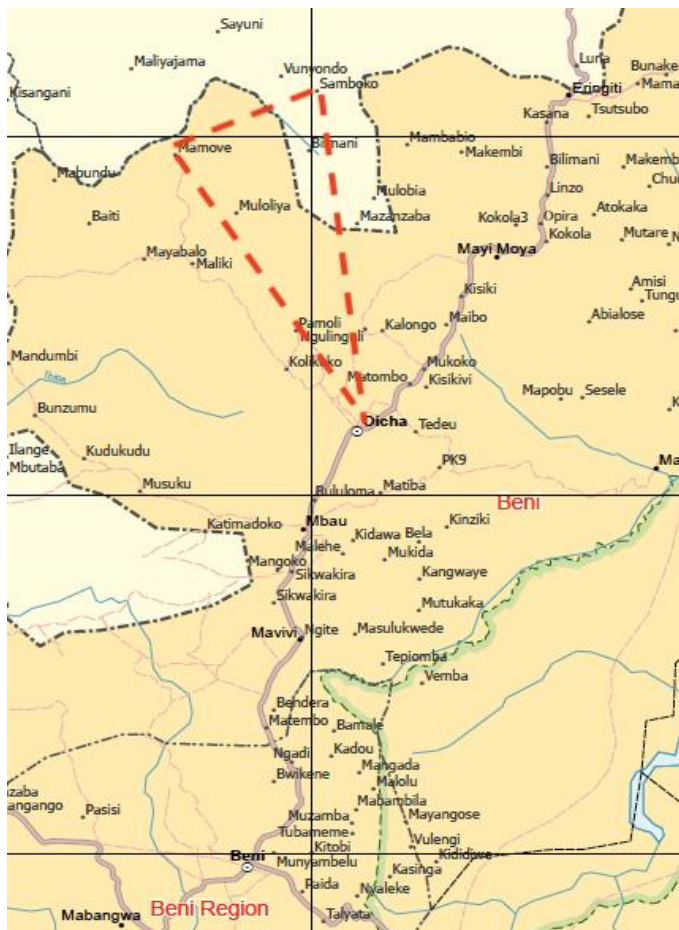
Map Data: Google, ©2024 Source, Imagery Date: 10042024
Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Annex 2 (para. 11)

ADF new “Death triangle” between Mamove, Samboko and Oïcha and attacks against urban centres

Nouveau « Triangle de la mort » des ADF entre Mamove, Samboko et Oïcha et attaques contre les centres urbains



Source: MONUSCO. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

In addition to ambushes along roads and attacks against farmers ([S/2023/990](#), para. 15), ADF conducted multiple attacks against urban centres since October 2023. This included the Oïcha attack of October 2023, and an attack against the nearby village of Baeti at the end of January 2024, during which ADF elements killed five worshipers in a church and reportedly also abducted the pastor and his wife.⁷ On 13 November 2023, ADF attacked Kistanga village, on the Mbau-Kamango road, killing 37 civilians, including 11 women, five boys and three girls.⁸ According to multiple sources, by focusing attacks on urban centres, ADF intended to divert the focus of Operation Shuja towards these areas, subsequent to public announcements in late 2023 that operations would concentrate on ADF strongholds in Ituri province.⁹

⁷ FARDC, intelligence, civil society and UN sources.

⁸ FARDC, intelligence, civil society and UN sources.

⁹ ADF ex-combatants and abductees, FARDC, UPDF, intelligence, researchers, diplomatic and UN sources.

Annex 3 (para. 12)

ADF operational activities in Uganda

Activités opérationnelles des ADF en Ouganda

Following a series of ADF attacks and failed bombing attempts in Uganda, in October 2023 UPDF killed several combatants and arrested others in Uganda who were responsible for the attacks at the end of 2023 ([S/2023/990](#), paras 17-18). This included ADF commander Musa Kamusi, killed in December 2023 in Kibale National Park in Uganda, after a manhunt.¹⁰ Before being killed, Musa Kamusi and some ADF combatants had however managed to carry out other deadly attacks against civilians in western Uganda.¹¹

In early 2024, a new group of combatants infiltrated Uganda.¹² Ex-combatants and security sources reported that ADF planned to continue targeting tourist areas and intended to establish a permanent operational presence in Uganda, leveraging the extensive network of ADF cells within the country.

¹⁰ ADF ex-combatants, UPDF, FARDC, intelligence, researchers, diplomatic and UN sources.

¹¹ Ibid.

¹² FARDC, UPDF, intelligence sources and researchers.

Annex 4 (para. 13)**ADF abductees turned into collaborators****Les personnes enlevées par les ADF utilisés comme collaborateurs**

Ex-combatants and abductees reported to the Group that recently ADF had released several abductees on the condition that they would become ADF collaborators. For example, a nurse abducted in Ituri in 2023, was quickly released and tasked to return to the health centre where she worked, in exchange for providing ADF with medical supplies.

Similarly, during the dismantling of a few key ADF collaborators' networks by FARDC intelligence and judicial prosecutors in the last months, several former abductees were identified as collaborators, including from the 104 abductees liberated in September 2023 (S/2023/990, annex 9). Following the release of certain abductees, the DRC intelligence and judicial authorities in Beni territory put in place an elaborate system of surveillance because they suspected that some had been turned into collaborators. This surveillance system allowed the authorities to identify some released abductees who had become ADF operatives. This included a young man who reported having been abducted during the Oïcha attack in October 2023 (see annex 2) and who was found with two IEDs handed to him by Abwakasi with the objective of detonating them in Beni. He explained to the DRC authorities that a dozen other young men had also been abducted during the Oïcha attack and were given a similar mission to infiltrate other urban areas with IEDs.

Screenshots of a video filmed by FARDC to present several ADF collaborators arrested early 2024 including a recently released abductee.

Video provided to the Group by security sources

Annex 5 (para. 15)**ADF financial struggles****Les difficultés financières des ADF**

Several sources reported that ADF was struggling financially, notably due to the dismantling of several key ADF networks by the DRC authorities, which ADF was not always able to quickly replace given the military operations against the armed group. Sources also stated that the killing of Al-Sudani had disrupted some financial support that ADF had received from ISIL/Da'esh (S/2023/431, paras. 29-33).¹³ Consequently, ex-combatants and abductees, including farmers, informed the Group that ADF faced financial difficulties and was struggling to resupply food and essential items.

As a result, ADF has ventured into new business activities, such as the illicit trade of cocoa, a practice the armed group had avoided until now (S/2021/560, paras. 32-38).¹⁴ Although ADF's involvement in the illicit trade of cocoa remained on a small scale, the armed group collected, or forced farmers to collect, cocoa in their fields. To minimize resistance, they sometimes killed farmers in an area, sparing only one or two individuals¹⁵ who were then compelled to harvest, collect and sell the cocoa in towns on behalf of ADF.¹⁶ ADF also increasingly resorted to kidnappings for ransom. Mzee Meya and his group were frequently cited as resorting to such practices.¹⁷ They demanded amounts ranging from USD 200 to 10,000, including from small-scale traders, motorbike drivers and farmers, who often had to incur debts or sell their families' possessions to be freed.¹⁸ Those unable to pay the ransom were executed.

¹³ ADF ex-combatants, researchers, FARDC, UPDF, intelligence, researchers, diplomatic and UN sources.

¹⁴ ADF ex-combatants, collaborators and abductees, researchers, FARDC, UPDF, researchers, civil society and UN sources.

¹⁵ ADF also resorted to this tactic more generally, with other types of crops. Systematic ADF attacks against farmers, resulted in the regular disruption farming activities, which greatly affected the population.

¹⁶ ADF ex-combatants, collaborators and abductees, FARDC and UN sources.

¹⁷ Idem.

¹⁸ Idem.

Annex 6 (para. 17)

ADF organizational system in prison

Le système organisationnel des ADF en prison

ADF has established organizational systems in prisons where ADF detainees are present, particularly in Kinshasa which is far away from the armed group's traditional area of influence. This system was designed to provide support to ADF detainees and continue exerting control over them, including in the event of their release.¹⁹

ADF ex-combatants and collaborators in prison explained to the Group that a leader and a deputy were usually designated by ADF overall leader Musa Baluku to communicate directly with the "bush". For the Makala prison in Kinshasa, Musa Kasereka, alias Kasereka Kanubo Jadot (see picture below), admitted to the Group being the designated ADF leader. In Ndolo, Musa Swabiro was cited as being the designated ADF leader and Alpha Kayonga his deputy,²⁰ although they denied this to the Group. Other responsibilities were assigned to ADF detainees, such as collecting money sent to prison by ADF leadership to support ADF detainees and distributing it upon instructions of the ADF leader of the prison. This assistance was intended to help detainees pay for their food, a better cell, a bed or legal expenses. For a few key ADF operatives, the support went as far as to help them bribe the penitentiary or judicial authorities to organize their release or escape (see annex 7).

There were regular power struggles and rivalries among ADF detainees, who searched to receive favors from ADF leadership in the bush. Moreover, not all ADF detainees received support, as a system was put in place to identify ADF combatants and collaborators who had either deserted or provided information on the armed group to the DRC authorities.

Upon their arrival in prison, ADF detainees were photographed, generally by the ADF leader of the prison who sent their pictures to Musa Baluku. If the picture was sent back with a cross, these ADF detainees were excluded from any support and were generally not allowed to integrate into the main group. An ADF ex-collaborator who had provided information on other ADF operatives, leading to their arrests, told the Group that he had seen his picture with a cross and was thus an outcast. This also created tensions among ADF detainees, who sometimes denounced one another to penitentiary authorities. For example, one of the outcast ADF detainees accused another of using a telephone, hoping that the phone would be confiscated. Several ADF detainees also mentioned that they had been forbidden by ADF leadership to speak with ADF ex-leader Benjamin Kisokeranio ([S/2022/479](#), paras. 43), detained in Makala.

This support to ADF detainees was made possible by the passive, and sometimes active facilitation or complicity of penitentiary and intelligence authorities. In general, in Makala, most detainees could bribe the guards to buy or let in telephones. While this was more difficult in Ndolo, which is a military prison with tighter controls, this facilitation or complicity also occurred on several occasions. An ex-combatant explained that one of the Ndolo guards used his wife to bring phones to the prison.

Several sources, including ADF detainees, reported that a religious leader²¹ in Kinshasa also provided support to ADF in prison, in coordination with ADF leadership. He also encouraged ADF detainees who were released in Kinshasa to then join his prayer place, which echoed concerns among the DRC authorities that an ADF Kinshasa cell was being established to conduct actions in the capital.

¹⁹ ADF ex-combatants, collaborators and abductees, FARDC, researchers, intelligence, security, diplomatic and UN sources.

²⁰ Alpha Kayonga was arrested in 2014. In September 2023 shortly before the jailbreak, he had been removed from Kangbayi prison in Beni to another facility in Beni, as he had already been identified as one ADF main focal point.

²¹ The Group is still confirming the identity of this individual.

Picture of Musa Kasereka



Picture provided to the Group by security sources

Annex 7 (para. 17)

Escape from detention of an ADF operative**Évasion de détention d'un membre des ADF**

Multiple sources, including ADF detainees, informed the Group about the escape from detention of a prominent ADF operative, Hamuli Balume Guylain, alias Kanane, alias Charles Saidi Sindani, in mid-2022.²² Hamuli was one of the rare ADF commanders with a Congolese nationality,²³ and he was a close advisor to Baluku.

Former ADF leader Benjamin Kisokeranio told the Group that Hamuli had killed Jamil Mukulu's children after they were sentenced to death by Baluku for refusing ADF's pledge of allegiance to Da'esh in 2017. As Benjamin Kisokeranio had also refused this allegiance to Da'esh and had fled the ADF camps to South Kivu where he was in hiding, Baluku sent Hamuli in pursuit to kill Kisokeranio. Hamuli however failed and returned to ADF's area of operations. Sources also mentioned that Hamuli was often outside of ADF camps, including outside DRC, collecting intelligence for ADF leadership and providing support with the recruitment of foreign recruits, possibly even Abwakasi.²⁴ Hamuli also supported with resupply, particularly in Bunia where he was arrested in March 2020. According to the military prosecutor who headed the investigations leading to Benjamin Kisokeranio's arrest, Hamuli revealed Kisokeranio's whereabouts and the fake name he was using in South Kivu. His revelations were instrumental in Benjamin Kisokeranio's arrest in January 2022.

After Hamuli was transferred to Makala in Kinshasa in 2020, ADF tried to liberate him.²⁵ ADF leadership sent him fake documents through a guard, but Hamuli refused to use them, possibly because at the time he did not wish to return to the bush. In 2022, Hamuli was removed from prison and placed in a safehouse by the FARDC and the *Conseil National de Sécurité* (CNS).²⁶ A few months later he escaped from the safehouse with the help of some FARDC elements and returned to the bush.²⁷ The news of his escape circulated briefly on social media, but went rather unnoticed (see picture below).

Sources close to ADF and ADF detainees reported that Amigo, who was also close to Hamuli, played an important role in both attempts to liberate Hamuli and used his connections at the highest levels of the FARDC to do so, possibly including sanctioned individual Muhindo Ak Ili Mundos (CDi.032), as reported by Hamuli to a source (see also [S/2015/797](#), para 93-97, [S/2016/466](#), para 198-204 about Mundos and ADF). This illustrates that over the years, ADF has established close links with several FARDC elements and DRC authorities, including prominent figures, most of whom had served in Beni territory.

Example of a post on social media regarding Hamuli's escape

Screenshot of a post on X (then Twitter), published in August 2022²⁸

²² FARDC, ADF detainees, sources close to ADF, researchers, intelligence, security and diplomatic sources.

²³ Most ADF commanders are Ugandans.

²⁴ FARDC, ADF detainees, sources close to ADF, researchers, intelligence and diplomatic sources.

²⁵ Sources close to ADF, ADF detainees, researchers, intelligence security and diplomatic sources.

²⁶ Idem.

²⁷ Idem.

²⁸ <https://twitter.com/KabMuanza/status/1558523001020219393> (last access by the Group on 18 April 2024)

Annex 8 (para. 18)**Recruitment and mobilization by ADF detainees****Recrutement et mobilisation par des détenus ADF**

Multiple sources, including ADF detainees, Congolese intelligence and judicial authorities, ex-collaborators and sources close to ADF stated that ADF detainees continued being active in detention. This included activities of recruitment and mobilization of combatants and collaborators.²⁹

For example, in late 2023, Kasereka Kiwere Je t'aime, alias Al Bashir (see picture 1 below), a trusted ADF collaborator arrested in 2020 in Butembo with ammunition intended for Amigo and Abwkasi, recruited two individuals, including a childhood friend. The two admitted to the Group that Al Bashir had recruited them from Makala prison and directed them to go to Uganda and then Kenya. DRC authorities suspected that their final destination was Da'esh in Somalia.

Similarly, Fabrice Kamulete ([S/2021/560](#) annex 19), another ADF collaborator, who was himself recruited in prison in Beni in 2020, was involved in the recruitment and mobilization of at least a dozen individuals (see picture 2 below).³⁰ For example, from Makala he directed several individuals who were personally involved in the Kasindi and Beni bombings in January 2023, including Mbusa Mupalalo (see [S/2023/431](#) paras. 24-28), notably by linking these individuals and giving instructions on behalf of ADF leadership. Kamulete was also cited by several sources, including ADF detainees, for his involvement in a plot to attack the Pope during his planned visit in Kinshasa in early 2023, possibly in collaboration with a prominent religious figure based in Kinshasa (see annex 6).³¹ Kamulete also used his relatives, including his wives or cousins, to buy supplies in Beni territory for ADF such as food and medicine. He possessed more than two phones, using several to receive instructions from ADF leadership and conduct his activities.³² In early 2024, he was transferred from Makala to Ndolo for possession of these phones and due to his continued role as ADF operative from within Makala prison.

ADF detainees regularly received money from ADF leadership, specifically to carry out these recruitment and mobilization activities. The Group had already identified that thousands of dollars had been sent in late 2021 to phone numbers belonging to ADF operatives in Kangbaya and Makala prisons, including Hamuli (see annex 7), in the framework of a larger scheme involving a SIM card belonging to an ADF combatant ([S/2022/479](#), para 42).

This ADF activism was enabled either by the direct complicity of penitentiary authorities or either by lax enforcement of prison rules, including those prohibiting the use of personal phones or receiving money above the limit authorized per day to cover detainees' basic needs. ADF detainees told the Group that penitentiary authorities in Makala, Beni and Bunia, including at director level, benefitted from this general corruption.³³

²⁹ ADF detainees, ADF ex-collaborators, FARDC, penitentiary authorities, researchers, intelligence, diplomatic and UN sources.

Although he denied to the Group any involvement in any illegal activity since his arrest.

³⁰ ADF detainees, ADF ex-collaborators, FARDC, researchers, intelligence and UN sources.

³¹ ADF detainees, FARDC, intelligence and diplomatic sources.

³² ADF detainees, ADF ex-collaborators, FARDC, penitentiary authorities.

³³ This corruption and laxism did not only apply to ADF, but to all detainees in general.

Picture 1 of Kasereka Kiwere Je t'aime, alias Al Bashir



Picture provided to the Group by security sources

Picture 2 of Fabrice Kamulete



Picture provided to the Group by security sources

Annex 9 (para. 21)**FPP/AP expansion to Ituri****Expansion des FPP/AP en Ituri**

In 2022, a group of FPP/AP combatants arrived in Ituri, mainly in Irumu territory along the RN4 Eringeti-Ndimbo. They had replied to the call of Nande businessmen, mostly from Butembo, who were seeking protection against ADF for their businesses in gold mines but also their interests in coffee and cocoa production and trade. Until then, the FPP/AP had rather operated in Lubero territory (North Kivu), as well as towards Petit Nord, as part of the Wazalendo coalition since the M23 crisis had also expanded south ([S/2023/990](#), annexes 19 and 24).

Sources revealed that FPP/AP combatants' arrival was facilitated by FARDC, which considered FPP/AP as one of the more structured and disciplined armed groups in North Kivu.³⁴ Their arrival in Ituri also corresponded with increased tensions over the growing abuses by FPP/AP in Lubero territory following the important security vacuum left by the massive redeployment of FARDC to Petit Nord, as well as a power struggle with other armed groups and organizations linked to the Nande community in Lubero, such as Kyaghanda Yira.³⁵

As such, FPP/AP first arrived to secure the areas where these businessmen had their businesses, but in 2023 FPP/AP started using its Wazalendo status to legitimize its presence and expansion to other areas of Ituri, including to get closer to other mining areas.³⁶ FPP/AP claimed to be conducting regular patrols to protect civilians against ADF, however they only clashed a few times with ADF, for example in mid-2023 around Libanda Forest, close to Idohu and Biakato. In Irumu territory, FPP/AP conducted joint patrols with FARDC. However, in Mambasa territory, relations with FARDC were more tense, as FPP/AP accused FARDC of not protecting the population. Yet, sources explained that tensions with FARDC and FPP/AP in Mambasa were rather linked to control over mining sites.³⁷ Consequently, FPP/AP clashed with FARDC on several occasions in December 2023 and January 2024 in Mambasa territory (see annex 10).

At time of drafting, FPP/AP's presence was divided into several sectors in Mambasa and Irumu territories. Sources reported that the total of combatants was between 300 to 1,000, as they had conducted recruitment campaigns amongst the youth, mainly in Lubero territory, using the appeal of the Wazalendo status.³⁸ Under the overall leadership of Kasanyo Kabidon ([S/2023/990](#), annexes 19 and 24), still based in North Kivu, these combatants were notably led by Commander Muhindo "Guépard" for Irumu territory, whose headquarters was located around Mambelenga and Ndimbo, on the RN4 Eringeti-Komanda road.

³⁴ FARDC, intelligence, researchers and civil society sources.

³⁵ Researchers, civil society and UN sources.

³⁶ FARDC, intelligence, researchers and civil society and UN sources.

³⁷ Researchers, civil society and UN sources.

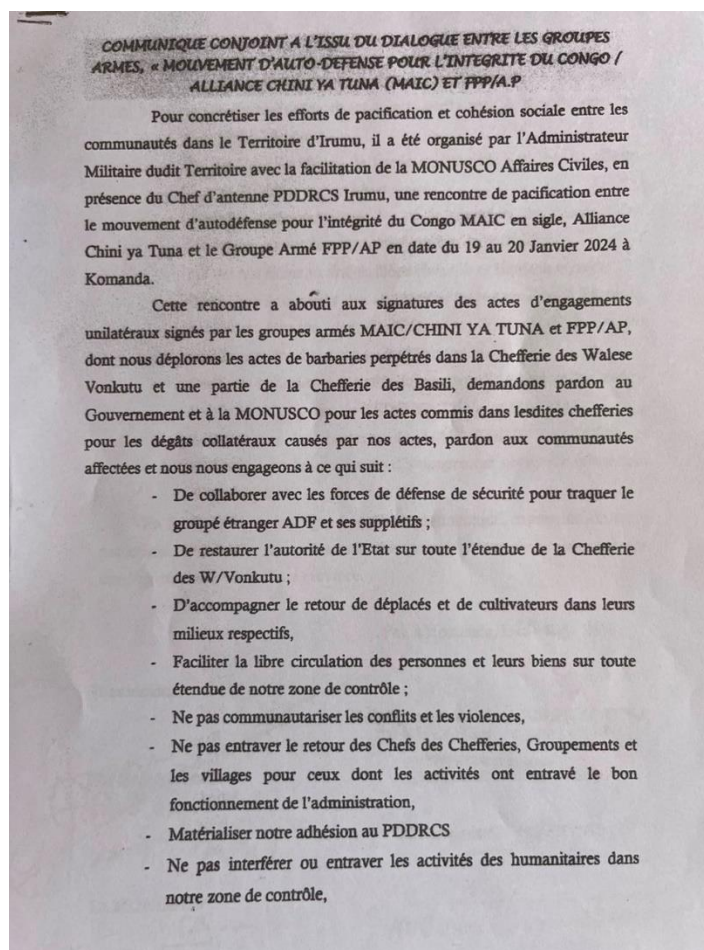
³⁸ FARDC, researchers, civil society and UN sources.

Annex 10 (para. 21)

Agreement between FPP/AP and Chini ya tuna to collaborate with FARDC to track down ADF**Accord entre FPP/AP et Chini ya tuna pour collaborer avec les FARDC contre les ADF**

On 21 January 2024, during a meeting between Lesse and Nande community leaders held in Komanda under the auspices of FARDC and MONUSCO, to advance social cohesion and peace efforts, FPP/AP and Chini Ya Tuna agreed to collaborate with FARDC to track down ADF. The meeting followed clashes between FPP/AP and FARDC in December 2023 and January 2024 (see annex 9), and between FPP/AP and Chini Ya Tuna over the limits of their area of operations.³⁹ The clashes between FPP/AP and Chini Ya Tuna had exacerbated already existing tensions between the Nande and Lesse communities, mainly represented in these two armed groups respectively.⁴⁰

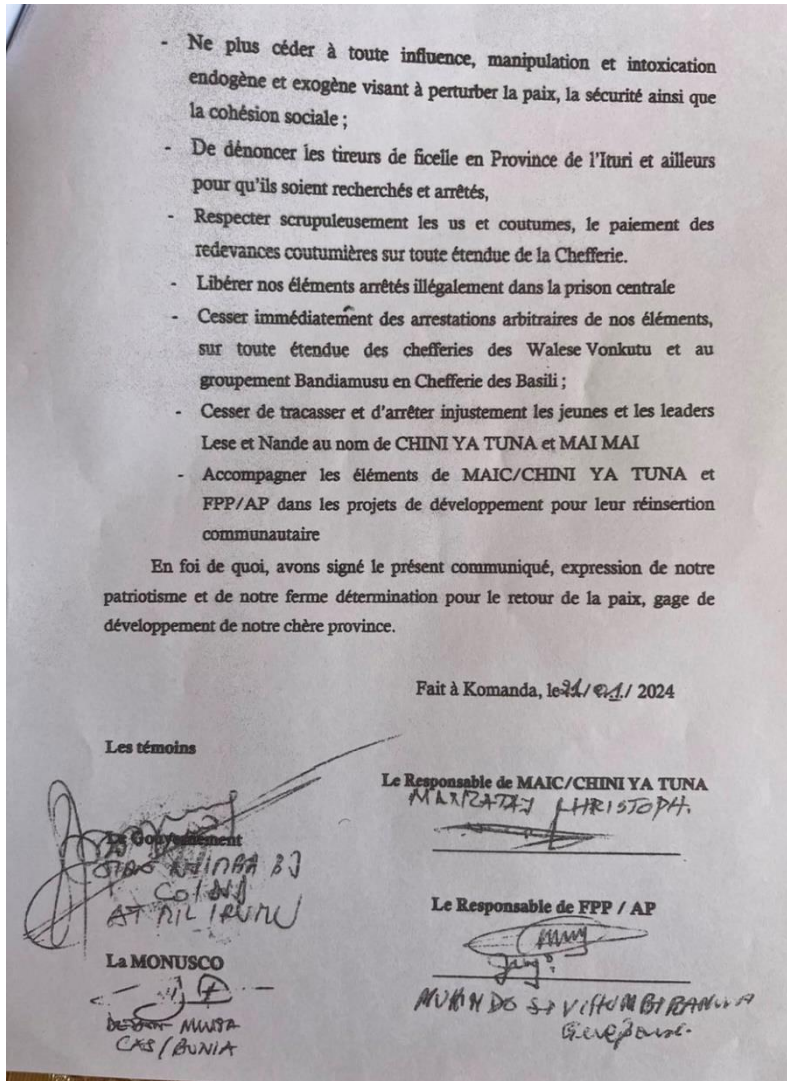
In a joint communiqué (see below) read by the FPP/AP Commander in Ituri, Muhindo Guépard, FPP/AP and Chini Ya Tuna committed to collaborate with “the defense and security forces” to track down ADF. Although they also committed to facilitate free movement of persons and goods and to adhere to the *Programme de Démobilisation, Désarmement, Réinsertion Communautaire et Stabilisation* (PDDRCS), multiple sources stated that this was merely for communication purposes, and that the key objective of both groups was to officialize their status and activities in Ituri.⁴¹



³⁹ FARDC, intelligence, researchers, civil society and UN sources.

⁴⁰ Idem.

⁴¹ Researchers, civil society and UN sources.



Communiqué provided to the Group by security sources

Annex 11 (para.23)

Transcript of the declaration of Corneille Nangaa at a press conference held in Nairobi on 15 December 2023

Transcrit de la déclaration de Corneille Nangaa à la conférence de presse tenue à Nairobi le 15 décembre 2023



<https://www.youtube.com/watch?v=l-UKfwrc2II>

Transcript of statement made by Corneille Nangaa in the video above [from 00:00 to 06:41], representing a summary of the declaration made in French [see the French text of the declaration below the English summary]:

“CALL FOR NATIONAL UNITY FOR THE STABILITY OF THE DRC

Driven by our desire to save our country, our nation in danger and to restore the dignity of the people of Congo, as a state,
Driven by the desire, moved by the will to live together in DRC, to unite, to achieve national cohesion, and to finally end insecurity, widespread killing and massacre of citizens, genocide ideology,

Driven by negative forces aligned with the regime in Kinshasa which has resulted in internal displacement of people and turning citizens into refugees particularly in the Eastern part of Congo

Convinced that the responsibility to save the state as well as the well-being of the DRC depend on Congolese themselves and not none other,

Noting that insecurity and instability because of weakening if not the absence of the state has lasted for more than 3 decades, without any lasting solutions.

Considering the deficit of governance in national institutions particularly in Kinshasa and their inability to restore the authority of the state throughout the whole territory and to reassure our citizens.

Whereas, it is unfortunately established that the regime of Tshisekedi has opted for a mode of governance characterized by tribalism and as well as corruption, embezzlement of the funds, public funds, dispossession of public and private properties, discrimination, lies, tribalism, witch-hunt, the exploitation of public services and institutions, tribalization and manipulation of justice, arbitrary arrests, assassinations, economic crimes, linguistic discrimination and exclusion and divisions and impoverishment of population,

Given that Kinshasa regime has deliberately chosen to outsource national security, by using war as a business, undermining the armed forces of the Democratic Republic of the Congo, for the benefits of foreign mercenaries and other negative forces, which preyed upon the eastern part of the country, sowing death, and desolation,

Given that the government of the DRC, violates the constitution, the laws of the republic and all international treaties, acceded by our country,

Being all witnesses to the hijacking of the electoral process at all levels by the same government and its decision to carry out an electoral coup d'état,

Based ourselves on article 64 of our constitution, we launch on this day a call for unity for all political, social, and military forces of the Democratic Republic of the Congo,

We have indeed decided to work together to establish a structured force for the rebuilding of the state and the resolve the root causes of the recurring conflicts so as to ensure lasting peace in the Democratic Republic of Congo,

Our platform is to be known as Alliance fleuve Congo (AFC), in French, we can say it in English, Congo River Alliance,

Our call is specifically aimed at the following groups: political parties, civil society organisations and platforms, resistance forces and community self-defense forces, armed forces of the Democratic Republic of Congo, community, and diaspora youth.

To all patriots sharing this urgent need to change, you are invited to join us without delay to save our country and to establish cohesive governance in unity and peace, in rebuilding of our state that resist to its seven responsibilities on the basis of the law, and which assure safety of all.

We are so many components already, armed groups, political groups, political parties, we have already about 70 political groups have already joined us, we have political personalities, civil society organizations and the diaspora leaders.

Thank you very much!"

Statement in French:

APPEL À L'UNITÉ NATIONALE POUR LA STABILITÉ DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

Mus par la volonté de sauver la Nation en danger et de restaurer la dignité du Congolais et de la République Démocratique du Congo en tant qu'Etat;

Animés par la volonté du vivre-ensemble, de l'unité, de la cohésion nationale et d'en finir définitivement avec l'insécurité généralisée, les tueries et massacres massifs des populations ainsi que les idéologies génocidaires véhiculées par les forces négatives alliées au régime de Kinshasa avec comme conséquences des déplacés internes et des refugies congolais, principalement dans la partie orientale du pays;

Convaincus que le salut et le bien-être du Congo ne dépendent que des Congolais eux-mêmes et pas d'autres;

Considérant que la problématique de l'insécurité et de l'instabilité consécutives à la faiblesse sinon à l'absence de l'État dure depuis plus de 3 décennies sans aucune solution durable;

Considérant le déficit de gouvernance des institutions nationales et leur incapacité à restaurer l'autorité de l'Etat sur l'ensemble du territoire national et à rassurer nos populations;

Attendu qu'il est malheureusement établi que le régime actuel de Kinshasa a instauré plutôt en mode de gouvernance, des antivaleurs telles que la corruption, le détournement des deniers publics, la spoliation des biens publics et privés, le tribalisme, la discrimination, le mensonge, la chasse à l'homme, l'instrumentalisation des institutions et des services d'État, la manipulation tribalisée de la justice, les arrestations arbitraires, les assassinats, les crimes économiques, la glottophobie et l'exclusion ainsi que la division et l'appauvrissement de la population;

Vu que le régime de Kinshasa a fait le choix délibéré de sous-traiter la Sécurité nationale en utilisant la guerre comme un fonds de commerce, sacrifiant les Forces Armées de la République Démocratique du Congo (FARDC) au profit des mercenaires étrangers et des Forces négatives qui écumant l'Est du pays y semant mort et désolation;

Etant donné que le gouvernement de la RDC viole délibérément la Constitution, les lois de la République et tous les traités internationaux conclus par notre pays;

Etant tous témoins de la confiscation du processus électoral en cours par le même régime à tous les niveaux et sa décision d'opérer un coup d'état électoral;

Nous basant sur l'article 64 de la Constitution de la République Démocratique du Congo:

- LANÇONS CE JOUR UN APPEL À L'UNION DE TOUTES LES FORCES POLITIQUES, SOCIALES ET MILITAIRES DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO ;
- DÉCIDONS D'ŒUVRER ENSEMBLE POUR LA MISE EN PLACE D'UNE DYNAMIQUE STRUCTURÉE POUR LA REFONDATION DE L'ÉTAT ET LA RÉOLUTION DES CAUSES PROFONDES DES CONFLITS RÉCURRENTS POUR LE RETOUR DE LA PAIX DÉFINITIVE EN RÉPUBLIQUE DÉMOCRATIQUE DU CONGO.
- NOTRE PLATEFORME EST DÉNOMMÉE "ALLIANCE FLEUVE CONGO" en abrégée AFC.

Notre appel s'adresse précisément aux groupes et sensibilités ci-après :

- Partis politiques;
- Plateformes de la Société Civile;
- Forces de résistance et d'autodéfense populaire;
- Forces Armées de la République Démocratique du Congo;
- Leaders communautaires et de la Diaspora;

Tous les patriotes partageant cette urgence de changement sont invités à nous rejoindre sans délai pour sauver notre pays et y instaurer une gouvernance cohésive dans l'unité et la paix, la refondation d'un État qui assume ses responsabilités régaliennes fondées sur la loi et qui assure la sécurité de tous.

Fait à Nairobi, ce vendredi 15 décembre 2023.

JE VOUS REMERCIE."

Annex 12 (para. 25)

Countries visited by Corneille Nangaa in connection with the launching AFC

Les pays visités par Corneille Nangaa en connection avec le lancement de l'AFC

Prior to launching the AFC, Corneille Nangaa visited several countries to garner support, harness resources and mobilise followers among Congolese nationals living in the diaspora, political actors, prominent individuals and armed groups.

Multiple sources informed the Group that a few months before the creation of the AFC, Nangaa travelled to Belgium, Egypt, Ghana, Italy, Kenya, Uganda, the United Arab Emirates and South Africa.⁴²

In Belgium, where he travelled from mid- to late 2023, Corneille Nangaa reportedly organised preparatory meetings for the creation of AFC during which he reportedly engaged with Eric Nkuba and Jean-Jacques Mamba,⁴³ as well as other high-profile individuals of the Hema community.

In Kampala, Uganda, where he travelled to between May 2023 and March 2024, Corneille Nangaa also conducted a series of meetings with other individuals of his movement, M23 cadres and other armed groups active in the DRC. Ugandan authorities confirmed Nangaa's first recorded entry into Uganda on 7 May 2023, arriving from Kinshasa. His last departure recorded by Ugandan authorities was on 2 February 2024, departing to Brussels via Nairobi.

⁴² The Group sent requests for information to some of these countries and is still waiting for the replies, except for Uganda which replied in April 2024.

⁴³ Both individuals reportedly facilitated the travel to Kinshasa of three M23 emissaires in 2022 ([S/2022/479, para. 69](#)).

Annex 13 (para.25)**Diplomatic tensions between Kenya and the DRC following the launching of the AFC****Tensions diplomatiques entre le Kenya et l'AFC suite au lancement de l'AFC.**

The launching of AFC in Kenya soured the diplomatic relations between Kenya and the DRC. The Congolese government raised concerns over some Kenyan authorities' role in and alleged support of the AFC's launching. Congolese authorities also summoned the Kenyan Ambassador in Kinshasa and recalled the DRC's representative in Nairobi to protest the creation of the new coalition in Nairobi.

At the same time, AFC leaders engaged in a diplomatic offensive, sending letters to the DRC government's partners to warn against support to the full deployment of the Southern African Development Community Mission in the DRC (see para. 88) or to mobilise international support for the AFC. Diplomatic sources informed the Group about the presence of AFC delegates, notably Corneille Nangaa, sometimes alongside M23 leaders, including Lawrence Kanyuka, in neighbouring countries requesting meetings and soliciting support (see para. 59).

Annex 14 (para. 26)

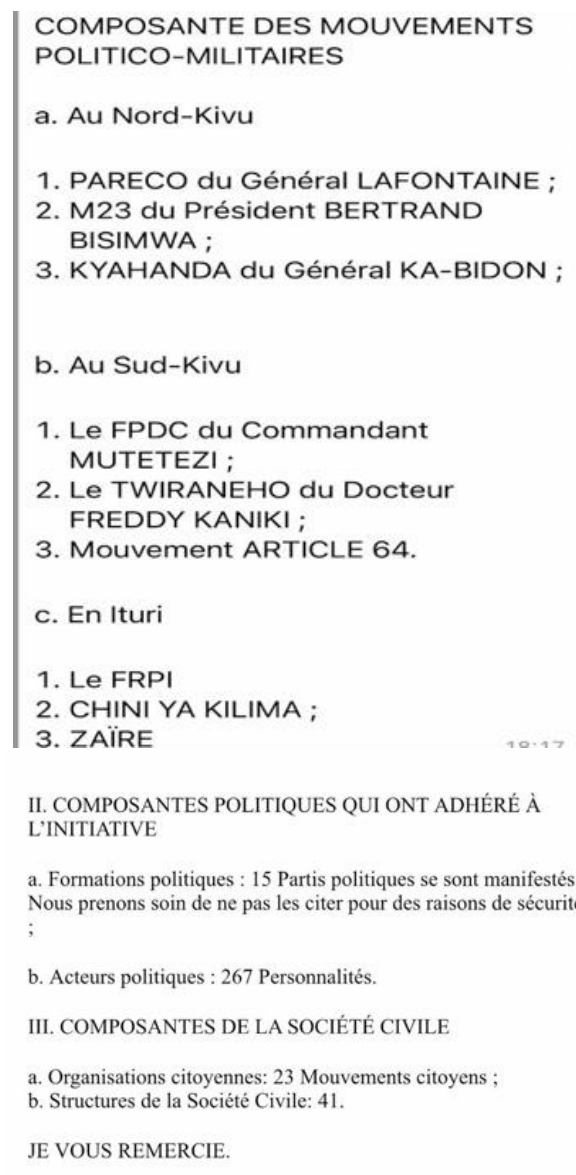
Armed groups initially cited as members of the AFC and their denials

Les groupes armés initialement cités comme membres de l’AFC et leurs démentis

Following the press conference announcing the launch of the AFC, the names of the armed groups and other personalities composing the AFC widely circulated on social media (see below). Some armed groups cited in this message denied being part of the AFC (see below).

AFC’s initial declaration was soon deleted from the web.

Screenshot of AFC initial message with the the components of the politico-military party provided to the Group:



Screenshot of AFC initial message provided to the Group by several sources and circulating widely on social media

Communiqués of armed groups denying their support to or affiliation with AFC:



COMMUNIQUE DE PRESSE N°05/VDP-RDC/2023

Nous, Volontaires pour la Défense de la Patrie VDP en sigle, réunis à KASHUGA ce jour ;

Ayant suivi avec attention la déclaration anti patrie faite à Nairobi en date du 15 Décembre 2023 par monsieur Corneille NANGAA qui, en perte de vitesse et nostalgique du pouvoir par tous les moyens y compris la forfaiture, commence à monter des stratagèmes voulant faire croire à l'opinion tant nationale qu'internationale de son plan diabolique et contribuer à la balkanisation de la RDC, notre pays.

Cela étant dit, nous, VDP, portons à la connaissance de l'opinion publique ce qui suit :

1. Aucun VDP ni mouvement des patriotes résistants n'est, ni de près ni de loin avec Corneille NANGAA, désormais bourreau au peuple congolais ;
2. Dénonçons avec véhémence ce énième plan de balkanisation de notre pays par les ennemis de la République en quête des intérêts partisans ou égoïstes avec des motifs éhontés et infondés.
3. Condamnons cette énième déstabilisation de notre cher pays, à des fins inavoués et aux conséquences incalculables après que plusieurs autres tentatives précédentes aient échouées faute de l'adhésion du peuple congolais.
4. Considérons l'alliance fleuve Congo NANGAA – M23/RDF comme de contre nature, de terroriste, de sanguinaire et nous nous engageons à la combattre avec la dernière énergie de la même manière que nous combattons le mouvement terroriste M23/RDF.
5. Demandons à la population congolaise longtemps meurtrie et clochardisée par le M23/RDF, auteur de tant d'exactions entre autres : des assassinats, crime de génocide, pillages, viols, démantèlement du pouvoir coutumier, déplacements massifs des populations, etc, à rester vigilante, à ne pas céder à la manipulation ou tomber dans les pièges de l'ennemi et l'invitons à signaler toute présence ennemi sur le territoire congolais.
6. Mettons en garde Monsieur Corneille NANGAA, ses acolytes, parrains et tout autre aventurier qui tenterait d'adhérer à son plan macabre et les rendons responsables des conséquences tragiques qui en découleront.
7. Rappelons à l'opinion publique que la République Démocratique du Congo reste et restera un et indivisible en dépit des complots dont elle est victime.

Ne jamais trahir le Congo.

La patrie ou la mort.

Fait à KASHUGA, le 18 Décembre 2023




 Guillon **SIMIRAY MWISSA**
 Lt. Gén
 Commandant des V.D.P



DECLARATION CONJOINTE DE L'ALLIANCE DES FORCES PATRIOTIQUES POUR LA DEFENSE DU CONGO PORTANT DENONCIATION DE TENTATIVE DE MANIPULATION DE GROUPES ARMÉS DE L'ITURI

Les membres de l'Alliance des Forces Patriotiques pour la Défense du Congo, A.F.P.D.C, constitué de différents groupes armés de l'Ituri dont la FRPI, URDPC-CODECO, FPIC, ZAIRE, MAI-MAI SIMBA-FDDP, URC-FPC, MAPI, réunis à la date ci-dessous en Ituri, pour consolider leur unité dans l'objectif de soutenir les efforts de pacification de l'Ituri tel que proné par le chef de l'Etat;

Ayant été surpris de voir circuler sur les réseaux sociaux des textes politiques reprenant sans consensus les noms de certains groupes armés de l'Ituri dont FRPI, ZAIRE et TCHINI YA KILIMA, pourtant engagés au sein de l'A.F.P.D.C, pour promouvoir la Force-Wazalendu-Reserviste de l'Ituri;

Dans le souci majeur de prouver au monde entier sa détermination pour défendre le territoire national congolais en union avec la FARDC;

Déclare unanimement ce qui suit:

1. L'Alliance des Forces Patriotiques pour la Défense du Congo, A.F.P.D.C, en sigle met en garde tout politicien congolais avide d'argent et de pouvoir qui vise à intoxiquer et surtout à détruire le processus de pacification de l'Ituri en cours, en faisant campagne médiatique mensongère et diffamatoire au nom des groupes armés de l'Ituri.
2. Dément farouchement toute implication et toute participation des groupes armés de l'Ituri composant l'A.F.P.D.C, aux alliances traîtres conclues à Nairobi entre les M 23 et un nouveau mouvement politico militaire attribué au leadership de Corneille NANGA.
3. L'A.F.P.D.C réitère son engagement pour la Défense décisive de l'intégrité territoriale du Congo, en franche collaboration avec les Forces Armées de la République Démocratique du Congo, FARDC en sigle, pour faire preuve de son adhésion au sein des Forces réservistes Congolaises.
4. L'A.F.P.D.C attend juste voir la mise en place de l'équipe de la Coordination provinciale des Forces réservistes Congolaises en Ituri, pour actualiser son engagement.

Ou le salut de notre RDC ou la mort.

Pour l'A.F.P.D.C
Le Porte-parole

Above documents received from armed group sources

Annex 15 (para.27)

Appointment of AFC leaders

Nomination des dirigeants de l'AFC

**COMMUNIQUÉ OFFICIEL DU 22 FÉVRIER 2024**

GRANDE REUNION DE COMMANDEMENT POLITICO-MILITAIRE, DE STRUCTURATION, D'ORIENTATION ET DE MORALISATION DES HAUTS CADRES DE L'ALLIANCE FLEUVE CONGO (AFC) A TCHANZU CE JEUDI 22 FEVRIER 2024.

1. Sous la direction de son Coordonnateur politique en la personne de Monsieur Corneille NANGAA YOBELUO, l'Alliance Fleuve Congo (AFC) a tenu sa réunion de commandement, de structuration, d'orientation et de moralisation de son leadership ce jeudi 22 février 2024 à Tchanzu, dans le territoire de Rutshuru, province du Nord-Kivu.
2. A cette occasion, l'AFC a levé l'option de rendre publics ses Actes fondateurs, notamment l'Acte Constitutif et son organigramme.
3. Outre son Coordonnateur politique en la personne de Monsieur Corneille NANGAA YOBELUO et son Coordonnateur Militaire en la personne du Général-Major SULTANI MAKENGA, deux Coordonnateurs Adjoints ont été investis : L'un chargé des questions politiques et diplomatiques en la personne de Monsieur BERTRAND BISIMWA et l'autre chargé de l'économie, finances et développement.
4. Au regard du nombre de plus en plus croissant d'adhérents en RDC et à travers le monde, l'AFC a institué et installé un Secrétariat Permanent co-animé par deux Secrétaires. Monsieur BENJAMIN MBONIMPA en assure la supervision. Le Secrétariat Permanent supervisera cinq (5) Commissions Permanentes ci-après :
 - Commission Politique et Diplomatique ;
 - Commission Economique, Financière et de Développement ;
 - Commission de Mobilisation, Formation idéologique et Implantation dont le point focal est Monsieur Adam CHALWE MUNKUTU ;
 - Commission Juridique, Sociale et de Droit de l'homme ;
 - Commission de Communication dont Monsieur Lawrence KANYUKA est le point focal.
5. Au regard des urgences humanitaires de l'heure et l'exacerbation des discours de haine ethnique, de division et de discrimination, l'AFC a décidé de la mise en place d'une commission ad hoc chargée de préparer un Plan de Pacification, de Réconciliation Nationale et convivialité en vue de la prise en charge du retour de tous les déplacés internes et des réfugiés congolais dans leurs milieux respectifs.
6. Avant de lever de la séance, le Coordonnateur de l'AFC, Monsieur Corneille NANGAA YOBELUO a tenu une causerie morale à l'attention des officiers membres de la Coordination militaire de l'Alliance, en présence du Coordonnateur Adjoint en charge des questions politiques et diplomatiques. Un tour d'horizon de la situation sécuritaire de l'espace AFC a été fait.



Fait à Tchanzu, le 22 février 2024.

Pour l'Alliance Fleuve Congo (AFC)

LAWRENCE KANYUKA

Point-Focal Communication



E-mail : alliancefleuvecongo@gmail.com

Téléphone : +243 899 411 093

Communique posted on the X 9formerly twitter)'s page of AFC
<https://x.com/afcongo/status/1760775346851385754?s=48&t=oT9StWa0RjcInyuvFVEygQ>

Annex 16 (para.28)

AFC delegates touring regional states and M23-controlled areas since late December 2023

Les délégués de l’AFC visitent les États régionaux et les zones contrôlées par le M23 depuis fin décembre 2023.

According to multiple sources, Nangaa returned to Uganda in early March 2024. On this occasion, Corneille Nangaa held meetings with representatives of the Zaïre armed group from Ituri, including Zaïre leader Logo Marine (see para. 152). Nangaa also met with an individual who is known to have been associated not only with key figures in the former M23 rebellion in 2012, but also with individuals from former RCD-KML⁴⁴ networks and with Mbusa Nyamwisi (see also [S/2013/433](#) paras. 62-71 and [S/2016/466](#), para 193).

Corneille Nangaa was also seen alongside M23’s political leader Bertrand Bisimwa, M23 “general” Sultani Makenga and M23 “colonel” Nzenze in Rutshuru, in late December 2023 (see picture below).



From left to right: Corneille Nangaa (in blue), unknown, M23 “general” Sultani Makenga, Bertrand Bisimwa, Eric Nkuba and M23 “colonel” Nzenze

Picture provided to the Group by Erik Nkuba

⁴⁴ RCD-Kisangani Liberation Movement

Annex 17 (para. 28)**AFC rally in Kiwanja, Rutshuru territory on 28 March 2024****La réunion AFC à Kiwanja, en territoire de Rutshuru le 28 mars 2024**

On 28 March 2024, AFC held its first rally in Kiwanja, Rutshuru territory. At that meeting, Corneille Nangaa, threatened to conquer Goma and Kinshasa. This declaration hinted at the AFC-M23 objective to destabilize and undermine the Government of the DRC. On a video shot⁴⁵ during this rally, Nangaa appears claiming:

“We will conquer Goma and Kinshasa.”

“Nous allons prendre Goma et marcher sur Kinshasa”



Pictures received from sources linked to M23

⁴⁵ On file with the Secretariat.

Annex 18 (para. 28)

Prominent political figures joining AFC

D'éminentes personnalités politiques rejoignent l'AFC

At the rally held in Kiwanja on 30 March 2024, AFC leader Nangaa appeared alongside prominent political figures including Adam Chalwe, Yannick Tshisola and Henry Maggie Walifetu, of the former DRC ruling party, People's Party for Reconstruction and Democracy (PPRD).



From left to right: Adam Chalwe, Yannick Tshisola and Henry Maggie Walifetu, all members of former ruling party, Parti du Peuple pour la Reconstruction et la Démocratie (PPRD) in Kiwanja on 30 March 2024.

Picture provided to the Group by Civil Society

Annex 19 (para. 28)**Other political actors joining AFC: Jean-Jacques Mamba Kamamba defecting MLC and assuming official AFC membership****D'autres acteurs politiques rejoignent l'AFC : Jean-Jacques Mamba Kamamba quitte le MLC et devient officiellement membre de l'AFC**

On 26 February 2024, Jean-Jacques Mamba Kamamba, a former member of the *Mouvement pour la libération du Congo* (MLC) who was a candidate in the December 2023 legislative elections, announced his adhesion to AFC during a press conference that he organized in Brussels.

Lawrence Kanyuka, in an official communiqué on 26 February 2024, announced that Jean-Jacques Mamba Kamamba officially adhered to AFC as “high cadre of the Alliance (AFC)”. AFC leadership issued a welcoming letter to that effect (see below).



COMMUNIQUÉ OFFICIEL DU 26 FÉVRIER 2024

1. En ce jour du lundi, 26/02/2024, L'Alliance Fleuve Congo (AFC) a pris acte de l'adhésion officielle du camarade JEAN-JACQUES MAMBA KABAMBA en qualité de Haut Cadre de l'Alliance et lui présente ses vives et sincères félicitations.
2. Dans sa réaction officielle et au nom du Coordonnateur CORNEILLE NANGAA, le Coordonnateur Adjoint de l'AFC chargé des questions politiques et diplomatiques, Monsieur BERTRAND BISIMWA, s'est exprimé en ces termes : « Nos chaleureuses félicitations à notre distingué compatriote Honorable Jean-Jacques MAMBA KABAMBA pour avoir rejoint notre combat pour la refondation de l'État congolais et la résolution des causes profondes des conflits dans l'Est du pays. Nous lui souhaitons la bienvenue parmi nous au sein de l'Alliance Fleuve Congo », fin de citation.
3. L'Alliance Fleuve Congo (AFC) renouvelle son appel à toute la population congolaise afin qu'elle se joigne à la révolution sans distinction d'ethnies ni de tribus.
4. L'AFC rassure le Peuple Congolais que son combat est une révolution constitutionnelle (Article 64) qui tient à libérer le pays de toutes ses infirmités qui ravagent sa gouvernance démocratique et qui sont régulièrement déplorées par la population congolaise à tous les niveaux. Les violations incessantes de la Constitution font le lit de l'instabilité démocratique et de l'insécurité généralisée dont les causes profondément récurrentes écumant l'Est du pays à travers des conflits de tous ordres avec leur lot de déplacés et réfugiés.



Fait à Rutshuru, le 26 février 2024.

Pour l'Alliance Fleuve Congo (AFC)

LAWRENCE KANYUKA

Point-Focal Communication



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Téléphone : +243 899 411 093

Communiqué published on 26 February 2024

<https://x.com/lawrencekanyuka/status/1776589059806105692?s=48&t=oT9StWa0RjcInyuvFVEygQ>

Annex 20 (para. 30)**Update on regional initiatives****Mise à jour sur les initiatives régionales**

Regional initiatives to improve peace and security in the region intensified from February 2024 onwards (see also [S/2023/431](#), annex 16 and [S/2022/967](#), annex 22).

Initiatives such as the African Union Heads of State summit in Addis Ababa on 17 February 2024 and the Heads of State meeting in Angola on 27 February, organized by AU mediator and President of Angola President Joao Lourenco, aimed at relaunching the peace process and initiating a direct dialogue between the governments of the DRC and Rwanda.

A ministerial meeting on the security and peace situation in eastern DRC was held in Luanda on 21 March 2024 under the auspices of the African Union. The meeting was facilitated by the Minister of Foreign Affairs of the Republic of Angola and attended by delegations from the DRC and Rwanda, led by their respective Ministers of Foreign Affairs. According to the minutes of the meeting obtained by the Group (see below), participants proposed concrete commitments to the heads of state of the DRC and Rwanda, namely that:

- (1) the Luanda and Nairobi Processes remain the main reference instruments for achieving peace and security in the eastern part of the DRC;
- (2) cessation of hostilities, including a supervised ceasefire, accompanied by a process of disengagement of forces;
- (3) the DRC delegation committed to present a plan to neutralize the FDLR accompanied by a program of action to be presented at the next ministerial meeting;
- (4) following the implementation of this plan to neutralize the FDLR, the Rwandan delegation committed to review the measures and arrangement adopted to ensure its defense and security;
- (5) the adoption and reinforcement of confidence-building measures between the parties, including
 - (a) the joint information exchange cell created as part of the American initiative. Participants proposed to the Heads of State the integration of Angola in this cell;
 - (b) a mutual security guarantee mechanism between the DRC and Rwanda;
 - (c) the establishment of a climate of appeasement avoiding, in particular, hate speech and verbal attacks between the two parties;
- (6) pursue discussions with a view to finding a peaceful and lasting solution to the challenges of peace and security in the eastern part of the DRC;
- (7) the holding in Luanda of a second ministerial meeting in preparation for the next summit of heads of state to be held in Luanda, Angola, in April 2024.

At the ministerial meeting, the two parties also noted the following dissents over the cessation of hostilities:

- (1) For the DRC delegation, the disengagement of forces implies the withdrawal of RDF from DRC territory;
- (2) For the Rwandan delegation, the cessation of hostilities implies a supervised ceasefire between the FARDC and the M23, accompanied by a process of disengagement of forces.

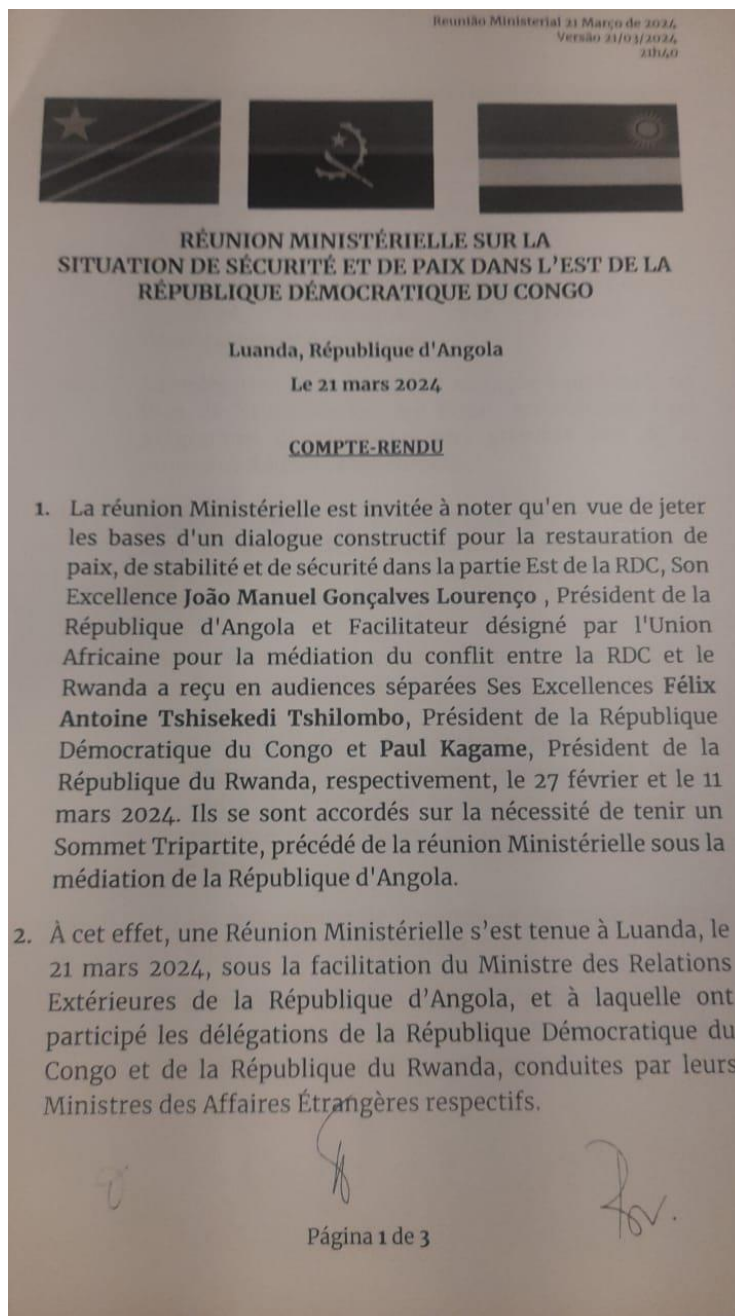
It is noteworthy that the minutes of the ministerial meeting refer to “the two parties”, i.e., Rwanda and the DRC, sitting at the negotiation table, discussing the “cessation of hostilities”, “a supervised ceasefire” and the “disengagement of

forces". This asserts Rwanda's role as a key party to the conflict. The Group also notes that the ability to negotiate and implement a ceasefire demonstrates the Rwandan Government's effective authority and control over the troops present on DRC territory, engaged in combat (see also annex 21).

At the time of drafting, the Presidents of the DRC and Rwanda had expressed their readiness to meet, albeit under certain conditions.

The Group notes that at time of drafting, there existed a real risk of further escalation of the conflict into a wider regional conflict involving Rwanda, Burundi, Uganda and the DRC, as documented in the report.

Annex 21 provides information on other confidence-building measures.



3. À l'issue de leurs discussions, les participants ont proposé ce qui suit à leurs Chefs d'État respectifs:

- (i) Le **Processus de Luanda** et le **Processus de Nairobi** demeurent les principaux instruments de référence pour parvenir à la paix et à la sécurité dans la partie Est de la RDC;
- (ii) La cessation des hostilités, y compris un Cessez-le-feu supervisé, accompagnés d'un processus de désengagement des forces ;
- (iii) La délégation de la RDC s'est engagée à présenter un Plan de Neutralisation des FDLR, accompagné d'un programme d'actions qui sera présenté lors de la prochaine Réunion Ministérielle;
- (iv) Consécutivement à la mise en œuvre du Plan susmentionné, la délégation du Rwanda s'est engagée à revoir les mesures et le dispositif pris pour assurer sa défense et sa sécurité;
- (v) L'adoption et le renforcement de mesures de confiance entre les parties, telles que:
 - a) La Cellule Conjointe d'Échange de Renseignements, créée en décembre 2023 dans le cadre de l'initiative américaine. La réunion a proposé aux Chefs d'État l'intégration de l'Angola;
 - b) Un Mécanisme de Garantie de Sécurité Mutuelle entre la RDC et le Rwanda.
 - c) L'instauration d'un climat d'apaisement évitant, notamment, les discours de haine et les attaques verbales entre les deux parties.



- (vi) Poursuivre les discussions, en vue de parvenir à une solution pacifique et durable aux défis de paix et de sécurité dans la partie Est de la RDC.
- (vii) La tenue, à Luanda, d'une deuxième Réunion Ministérielle, en vue de préparer le prochain Sommet des Chefs d'État, qui se tiendra au courant du mois d'avril 2024, à Luanda, en Angola.

4. Points de divergence

Les parties ont noté leur divergence au sujet de la cessation des hostilités:

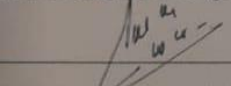
a) Pour la délégation de la RDC:

Le désengagement des forces implique le retrait des Forces de Défense du Rwanda du territoire de la RDC ;

b) Pour la délégation du Rwanda:

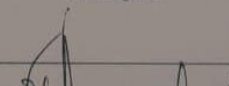
La cessation des hostilités implique un Cessez-le-feu supervisé entre les FARDC et le M23, accompagnés d'un processus de désengagement des forces.

Pour la République
Démocratique du Congo


E. Christophe Lutundula
Apala Pen'Apala

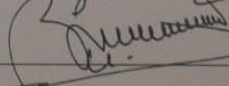
Vice-Premier Ministre,
Ministre des Affaires
Étrangères et de la
Francophonie

Pour la République
d'Angola


S.E. Amb. Tete António

Ministre des Relations
Extérieures

Pour la République du
Rwanda


S.E. Vincent Biruta

Ministre des Affaires
Étrangères et de la
Coopération
Internationale

Document received from confidential source

Annex 21 (para. 31)**Temporary ceasefire brokered between the DRC and Rwandan Presidents in November and December 2023****Cessez-le-feu temporaire négocié entre les Présidents de la RDC et du Rwanda en novembre et décembre 2023**

- In November 2023, confidence-building measures were agreed upon by the Rwandan and Congolese governments under the aegis of the United States. Diplomatic and intelligence sources informed the Group that the agreement included (a) the withdrawal of RDF troops from Petit Nord; (b) the engagement of FARDC to stop collaborating with, and supporting, the FDLR (see also paras. 70-80); and (c) the engagement of the DRC government to keep its CH4 armed drones grounded for an initial 4-day ceasefire period. The latter engagement was subsequently extended to 28 December 2023. The U.S. government made explicit reference to (b) as being one of the terms of the negotiations when, in a statement⁴⁶ issued on 17 February 2024, it called on the DRC government “to continue to support confidence building measures, including ceasing all cooperation with the Democratic Forces for the Liberation of Rwanda (FDLR)”⁴⁷ (see also full text of the statement below).
- The agreement under the aegis of the United States was driven by the desire to ensure stability during the electoral process and the presidential elections which were held on 20 December 2023. In light thereof, a further escalation of the tensions between the DRC and Rwanda had to be avoided.
- On 11 December 2023, the U.S. National Intelligence Director Avril Haines and other US officials brokered a temporary (72 hours) ceasefire between the Presidents of the DRC and Rwanda and called for M23’s withdrawal from several localities including Karuba and Bihambwe, north-west of Goma. Diplomatic, intelligence and security sources also reported that the engagement of the DRC government to keep its CH4 armed drones grounded was extended.

⁴⁶ <https://www.whitehouse.gov/briefing-room/statements-releases/2023/12/11/statement-from-nsc-spokesperson-adrienne-watson-welcoming-the-ceasefire-in-eastern-democratic-republic-of-the-congo/>

⁴⁷ <https://www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo/>

DECEMBER 11, 2023

Statement from NSC Spokesperson Adrienne Watson Welcoming the Ceasefire in Eastern Democratic Republic of the Congo



BRIEFING ROOM ▸ STATEMENTS AND RELEASES

The United States welcomes the 72-hour ceasefire committed to by the parties to the conflict in eastern Democratic Republic of the Congo (DRC). This development is a follow-up to the confidence building measures secured during Director of National Intelligence (DNI) Avril Haines' travel November 19-20 to the DRC and Rwanda, and her subsequent engagements with Presidents Felix Tshisekedi of the DRC and Paul Kagame of Rwanda.

Today, starting at noon Central Africa Standard Time (GMT+2), armed forces and non-state armed groups ceased fighting to facilitate the withdrawal of forces occupying the locality of Mushaki and the RP1030 road (Kiorlwire-Kitchanga).

The DRC and Rwanda have expressed support for the U.S. proposal of a 72-hour ceasefire to advance the implementation of the confidence building measures to protect civilians and de-escalate tensions in eastern DRC.

The U.S. Government will use its intelligence and diplomatic resources to monitor the activities by armed forces and non-state armed groups during the ceasefire. In addition, the United States supports the resumption of the Nairobi and Luanda processes, which seek to address the current and historic factors perpetuating this longstanding crisis.

Statement also available [online](#)

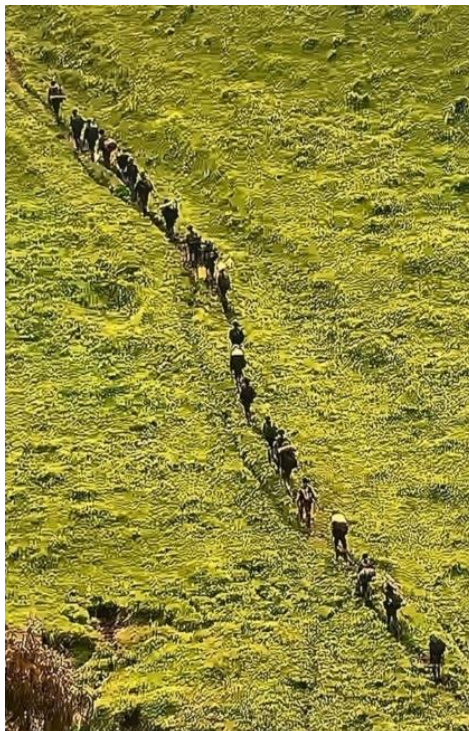
- Immediately after the announcement of the temporary ceasefire, several hundreds of RDF soldiers retired from RDF main positions in Masisi territory,⁴⁸ including from the “*trois antennes*” area in Mushaki and from their positions in Kilolirwe, as shown on the picture below.⁴⁹ Aerial footage of 14 December 2023 also showed 150 to 180 RDF soldiers in Mabenga, Rutshuru territory, in two trucks which thereafter moved towards Kahunga, prior to returning to Rwanda.⁵⁰ Other RDF troops, however, remained at their positions, including in Kibumba area, as shown on a video shot on 17 December 2024.⁵¹
- Aerial footage of 15 December also showed RDF soldiers retreating in the vicinity of Kilolirwe (see screenshot below).

⁴⁸ Security, intelligence and UN sources, and confidential documents.

⁴⁹ Security and intelligence sources.

⁵⁰ Intelligence, diplomatic and security sources.

⁵¹ Aerial footage on file with the Group.



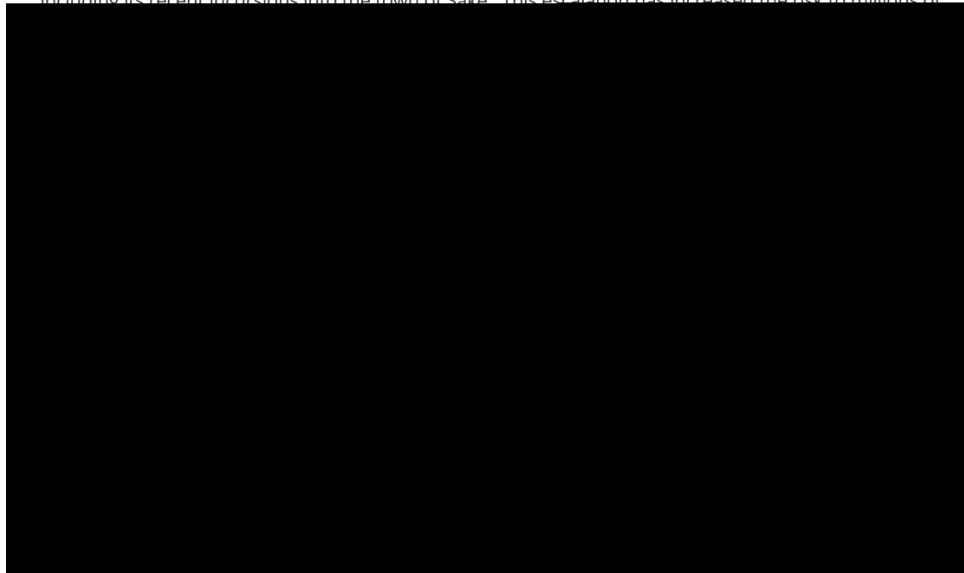
Screenshot of the 15 December aerial footage provided to the Group by a confidential source

- Following the end of the ceasefire on 28 December 2023 which had triggered a partial retreat of the RDF, RDF elements again entered DRC territory and recaptured their previously abandoned positions, following which M23 and RDF were able to rapidly extend the area under their control (see annex 22 and annexes 27 to 29).
- It is noteworthy that in the context of the negotiations brokered by the United States in December 2023, it was not publicly discussed in what capacity Rwanda's president Paul Kagame was sitting at the negotiating table, agreeing to a ceasefire, while continuing to deny any involvement in the conflict, and while the United States did not hold any negotiations with M23 representatives. The United States explicitly acknowledged having negotiated with the two Presidents, Felix Tshisekedi of the DRC, and Paul Kagame of Rwanda. Consequently, Rwanda negotiating a ceasefire agreement and effectively implementing it – albeit temporarily – asserts Rwanda's role as a key party to the conflict. The Group notes that the ability to negotiate and implement a ceasefire, with immediate effect, leading to troop withdrawals, demonstrates the Rwandan government's effective authority and control over the troops present on DRC territory and engaged in combat.
- On 17 February 2024, the escalation of fighting led to the United States once again publicly⁵² condemning Rwanda's involvement in the conflict through its support to M23 and called on Rwanda to “immediately withdraw all Rwanda Defense Force personnel from the DRC and remove its surface-to-air missile systems, which threaten the lives of civilians, UN and other regional peacekeepers, humanitarian actors, and commercial flights in the eastern DRC”.

⁵² <https://www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo/>



The United States strongly condemns the worsening violence in the eastern Democratic Republic of Congo (DRC) caused by the actions of the Rwanda-backed, U.S.- and UN-sanctioned M23 armed group, including its recent incursions into the town of Sake. This escalation has increased the risk to millions of



Statement accessible at <https://www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo/>

- In a statement issued the following day, on 18 February 2024 (see below), Rwanda swiftly responded to the US government's specific request to remove its surface-to-air missiles systems from the DRC, in addition to immediately withdrawing all its Rwanda Defence Force (RDF) personnel (see full text of the statement below). Rwanda retorted that it was exercising its right to self-defence, and faced with threats from and by the DRC, it "has adjusted its posture accordingly", including "measures **to ensure complete air defense of Rwandan territory, and to degrade offensive air capabilities, following the introduction of advanced Chinese CH-4 attack drones by DRC in 2023**, and repeated violations of Rwandan airspace by Congolese fighter jets" [emphasis added]. The Group recalls that the last CH4 armed drone was shot down 7 February 2024 by a highly sophisticated mobile short-range air defense system (SHORAD) with a mounted, rotating radar and surface-to-air missile (see paras. 47-48, annex 23, and annexes 33 to 35).
- The Group recalls that such a sophisticated weapon system could have only entered DRC territory by road, through a neighbouring country, and its presence was recorded for the first time in eastern North Kivu, in M23- and RDF-controlled territories. The Group sent a request for information to the Government of Rwanda on 12 April 2024 regarding the diversion of military materiel from its intended legal and end-user and/or end-use, including with regards to the SHORAD system. The Government of Rwanda responded on 25 April 2024, dismissing the Group's inquiry in the following terms: "Regarding short-range air defence (SHORAD) systems allegedly identified in Bumbi, Rutshuru Territory, the Government of Rwanda rejects the use of drone imagery from undisclosed sources to give credence to pre-conceived narratives regarding Rwanda's advanced weaponry in DRC. The Government of Rwanda does not attach any credibility or importance to such unverified evidence."

RWANDA CLARIFIES SECURITY POSTURE

Kigali, 18 February 2024

Rwanda is deeply concerned by the abandonment of the Luanda and Nairobi Processes by the Government of the Democratic Republic of Congo, and by the international community's indifference to DRC's dramatic military build-up.

DRC has launched massive combat operations in North Kivu, in contravention of the decisions of regional mechanisms, and clearly aims to expel M23 and Congolese Tutsi civilians into neighboring countries, working in concert with the Democratic Forces for the Liberation of Rwanda (FDLR), a Rwandan ethnic militia which is directly linked to the genocide against the Tutsi in Rwanda in 1994. The recent M23 advances are due to the DRC's decision to expel the East African Community Regional Force in December 2023, which oversaw ceasefire and withdrawal efforts.

Protecting the rights and lives of Congolese Tutsi is the responsibility of the Democratic Republic of Congo. The consistent failure to do so has exposed the entire Great Lakes Region to thirty years of conflict and instability. Hundreds of thousands of Congolese Tutsi have lived as refugees in East Africa for decades, essentially forgotten. Hate speech and crude tribalism have become the currency of Congolese politics under the administration of President Félix Tshisekedi, and ethnic discrimination and targeted arrests and killings have become routine. FDLR is fully integrated into the Congolese Armed Forces (FARDC), as repeatedly documented by the UN Group of Experts.

Taken together, these facts represent a serious threat to Rwanda's national security. Because of that growing risk, Rwanda's position is that the M23 issue must be resolved politically amongst Congolese. It will not be accepted for the problem to be externalized into Rwanda, by force, once again.

The Congolese political and military leadership, including President Félix Tshisekedi, has also repeatedly declared their intention to invade Rwanda and change its government by force. Rwanda takes their word, and has adjusted our posture accordingly. This includes measures to ensure complete military and to defend ourselves in applying to the United Nations for the issuance of Resolution 2464 attack drones by DRC in 2023, and repeated violations of Rwandan air space by advanced Chinese CH-53E and Congolese fighter jets.

The statement issued by the U.S. Department of State on 17 February 2024 fundamentally distorts these realities and stands in puzzling contradiction with the substance and tone of the confidence building

created a process initiated by the U.S. Director of National Intelligence in November 2023, which government to productive framework for de-escalation. Rwanda will seek clarification from the U.S. Government to ascertain whether its statement represents an abrupt shift in policy, or simply a lack of internal coordination.

ALIR a.k.a. It was the U.S. Department of State which in December 2001 added FDLR – then known as “Interahamwe, ex-FAR” – to the Terrorist Exclusion List under the provisions of the Patriot Act. The group murdered, and in some cases raped, eight Western tourists in Bwindi, Uganda, including two Americans.

‘ative force’ To characterize this genocidal and terrorist outfit merely as an “armed group named as a ‘negotiated’ by regional bodies and the government of the DRC” is a shocking and cynical act of realpolitik, which calls into question the ability of the United States to serve as a credible mediator in the Great Lakes Region.

Congolese DRC support to FDLR is a matter of state policy, not the choice of individual actors. Ending state support for FDLR, and ensuring their demobilization and repatriation to Rwanda, is a negotiable requirement to protect Rwanda’s territorial integrity and guarantee the preservation of our hard-won national unity for future generations. Accordingly, Rwanda reserves the right to take any legitimate measures to defend our country, so long as this threat exists.

rs, notably Rwanda appreciates and fully supports the tireless mediation efforts of regional leaders, notably President João Lourenço of Angola. Rwanda is committed to taking extraordinary steps to achieve security and stability in our region by addressing the root causes of the conflict.

END

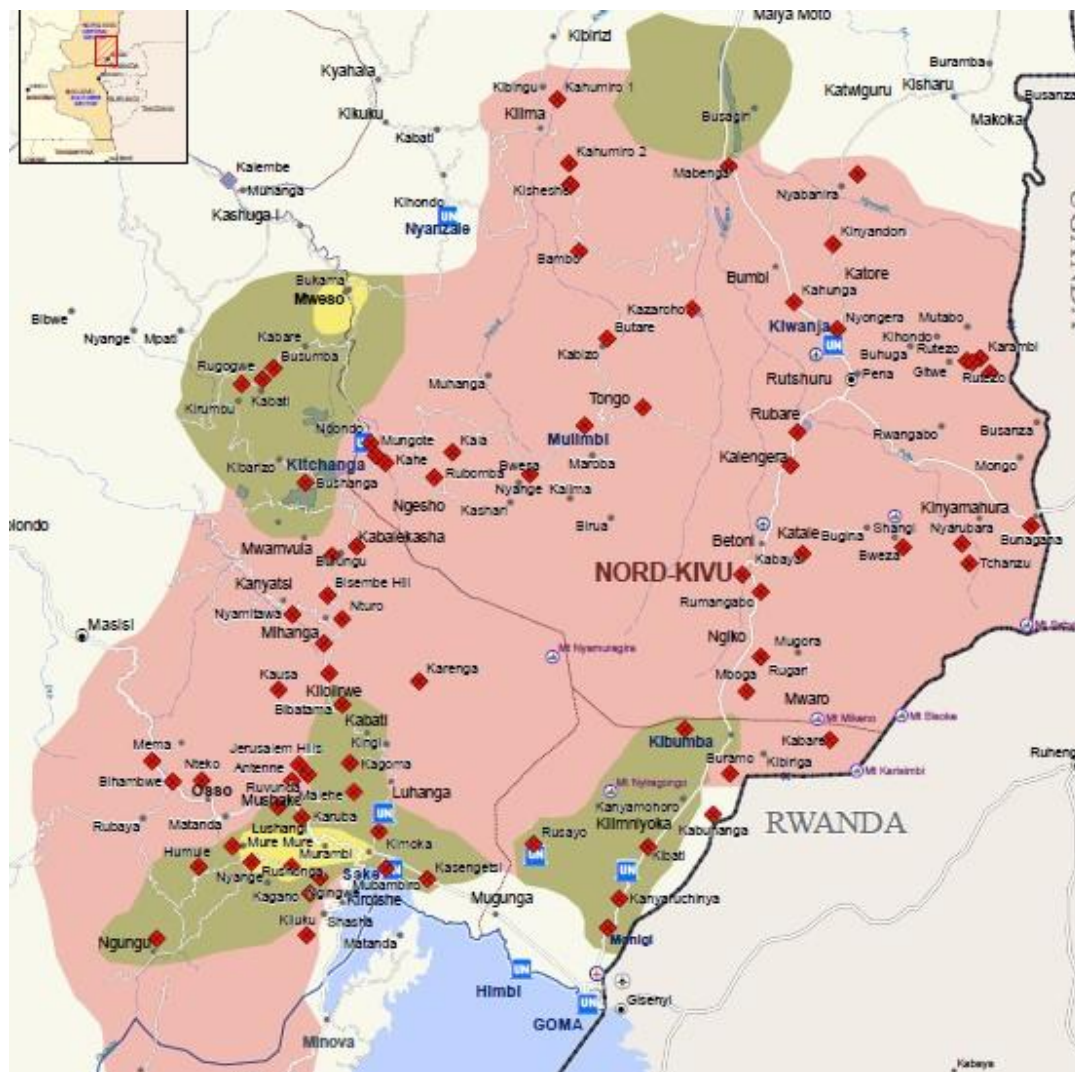
Accessible at <https://www.minaffet.gov.rw/updates/news-details/rwanda-clarifies-security-posture>

Annex 22 (para. 34)

Maps showing the M23/RDF area of influence and the encirclement of Goma town, and details regarding the increase of M23/RDF area of influence

Cartes montrant la zone d'influence du M23 et des RDF et l'encerclement de la ville de Goma, et détails concernant l'augmentation de la zone d'influence des M23 et RDF

- Map of M23 and RDF area of operations in February 2024 showing the encirclement of Goma



Map received by the Group from confidential source on 18 February 2024

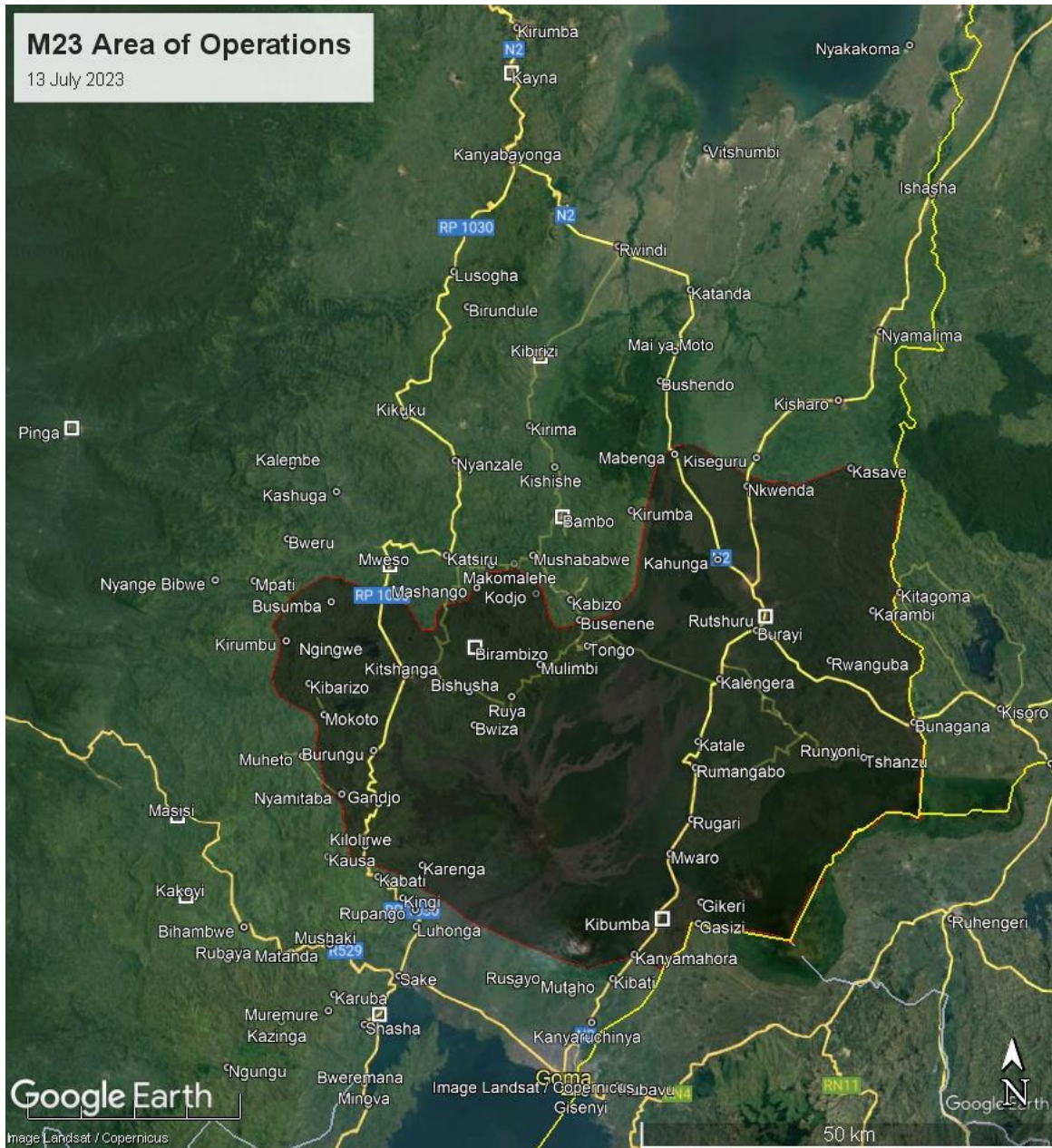
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- Red bullets: M23 and/or RDF presence
- Red areas: M23 and RDF areas of influence
- Green areas: Projected clashes [as of February 2024]
- Yellow areas: Contested areas

- The Group notes that as of 10 April 2024, when the present report was finalized, M23 and RDF's area of influence was the largest ever recorded and included (see also a visual illustration on the map below):
 - most of Rutshuru territory
 - eastern Masisi territory
 - northern Nyiragongo territory
 - part of Lake Kivu (Minova area)
 - part of Lake Edward (Vitshumbi area).
- Between November 2023 and 12 March 2024, M23 and RDF's area of influence increased by almost 70 percent.
- The map of M23 and RDF's area of operations mid-March 2024 (below-map 2) showed significant expansion towards the north, which increased M23 and RDF's area of influence by 30 percent in one single week (4-11 March 2024).
- By comparison, the maps below illustrate the M23 and RDF's area of influence in March 2024 (below-map 2) and July 2023 (below - map 1). The Group notes that M23/RDF did not increase its area of operations between 12 March and 10 April 2024.⁵³

⁵³ The present report covers investigations conducted up to 10 April 2024.

Map 1 - M23 and RDF's area of operations in July 2023

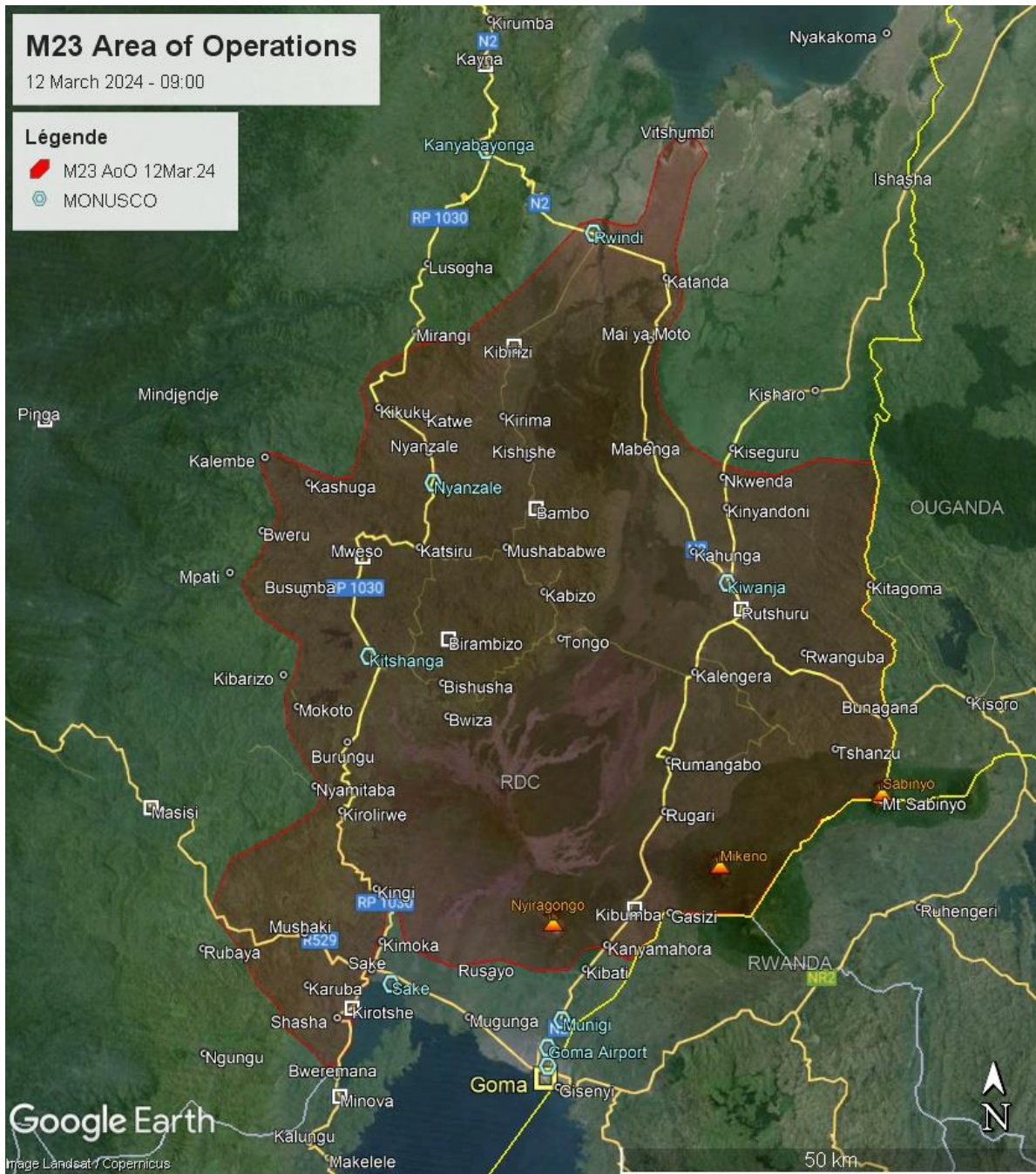


Maps received from confidential sources

Map Data: Google, ©2024 Source, Imagery Date: 13072023

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Map 2 - M23 and RDF's area of operations in mid-March 2024



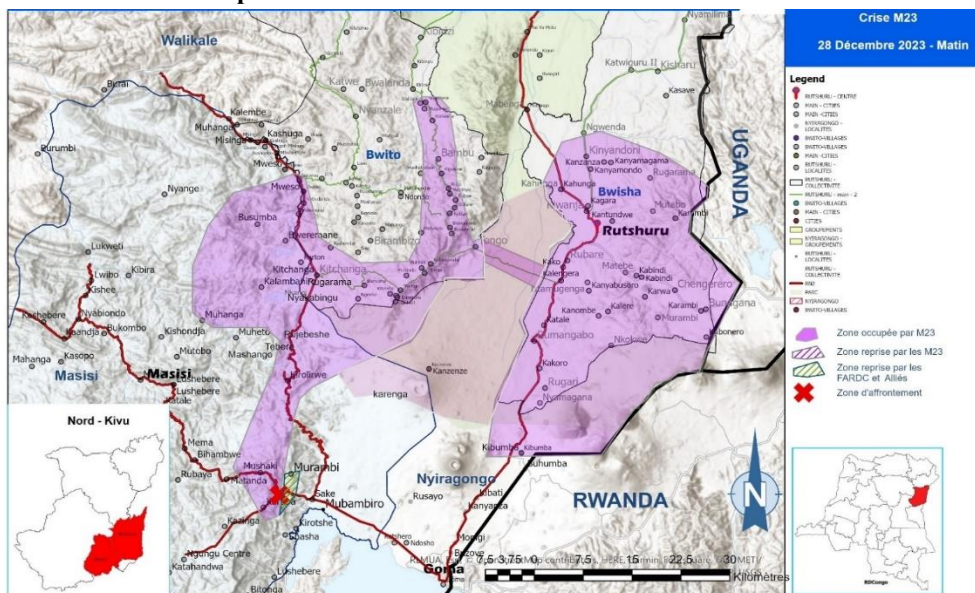
Map received from confidential sources

Map Data: Google, ©2024 Source, Imagery Date: 12032024

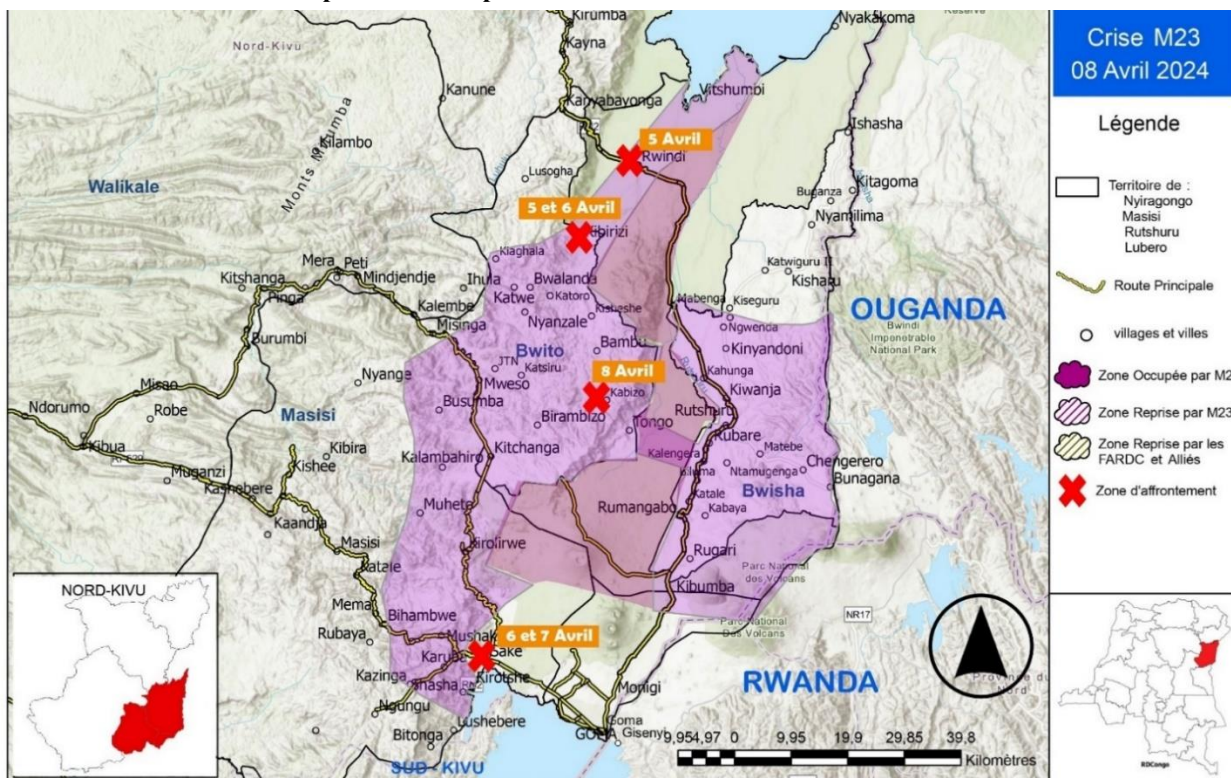
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- For another comparison, the maps below, obtained from another source, illustrate the M23 and RDF's occupied areas on 28 December 2023 (map 1) and 8 April 2024 (map 2):

Map 1 - M23 and RDF's area of operations in December 2023



Map 2 - M23 and RDF's area of operations in April 2024



Maps received by the Group from a confidential source

The boundaries and names shown and the designations used on these maps do not imply official endorsement or acceptance by the United Nations.

- The Group recalls that information regarding M23 infiltrations in other areas including Kalehe territory (northern South Kivu), Beni territory, Kisangani area (13 km north-east of Kanyabayonga) were regularly reported at time of drafting, however the Group was not yet able to corroborate this to the required standard of proof.
- Several recently captured or surrendered M23 combatants, as well as an RDF officer captured by the FARDC in January 2024, conveyed to the Group that seizing Goma remained one of the stated objectives of M23, although this was denied by an M23 communiqué (see below). In this regard, several sources claimed that RDF's objective was also to capture Goma and Bukavu, but other sources, however, reported that the Rwandan authorities were reluctant to seize both cities. In the meantime, AFC coordinator, Corneille Nangaa, during a public meeting in Kiwanja on 28 March 2024, announced that they would soon take Goma, among other locations.
- All M23 combatants reported that M23 alone did not have the military capacity to take Goma or Bukavu. This analysis was confirmed by researchers, RDF officers, sources close to Rwanda, intelligence and security sources.

M23 communiqué refuting allegations that M23's intention was to seize Goma



Document received from M23 source and available on social media

Annex 23 (para. 35)

Examples of CH4 drone strikes targeting M23

Exemples de frappes de drones CH4 visant le M23

- On 6 January 2024, 22 M23 combatants, including several young trainees and several RDF officers, were killed in a CH4 drone strike carried out by the FARDC on M23 positions in Nyongera military camp, 2 kilometres north of Kiwanja.⁵⁴ According to intelligence and security sources, the drone strike was carried out because FARDC had received information regarding the holding of a meeting in Nyongera that day, and also because Nyongera reportedly hosted an M23 ammunition depot.
- On 16 January 2024, “colonel” Castro Mberabagabo, M23’s military intelligence chief, was killed in a second CH4 drone strike carried out by the FARDC. Another high-ranking M23 officer, Erasto Bahati Musanga, M23’s chief of finance, was severely wounded, along other M23 soldiers. During a conversation with the Group that same day, sanctioned individual Willy Ngoma (CDi.044), M23 military spokesperson, acknowledged the killing of Castro and Bahati.
- In a communiqué of 17 January 2024 (see below), M23 reported the killing of two of its commanders and qualified the CH4 drones strike as a violation of the ceasefire (see below). However, information obtained later by the Group revealed that Erasto Bahati had been severely wounded but not killed during the drone strike. After his recovery in a hospital, Erasto Bahati returned to M23-controlled territory. On 28 March 2024, he appeared publicly during a meeting organized by AFC in Kiwanja.
- On 18 January 2024, a third CH4 drone strike targeted M23 positions close to Rumeneti and Kilolirwe. Security and intelligence sources reported that M23 stored weaponry and ammunition in these positions, which was the reason for this new drone strike.
- The Group notes that at time of drafting, all three CH4 drones of the DRC Government ([S/2023/990](#), annex 20) had been neutralized, setting back the FARDC air attack capabilities to previous levels. On 6 January 2024, the first CH4 drone was neutralized by M23 or RDF while operating at 7 kilometers north-west of Kibumba, Rutshuru territory. On 24 January 2024, the second CH4 drone crashed on the airstrip in Kavumu, South Kivu, following a collision with a fire-fighting vehicle while landing. On 7 February 2024, a mobile short-range air defence system (SHORAD) in Kahunga, 5 km north of Kiwanja, shot down the last CH4 drone.

⁵⁴ Security and M23 sources.



OFFICIAL COMMUNIQUE OF JANUARY 17th, 2024

The M23 Movement Directorate expresses its gratitude to the Regional Leaders and International Partners for their endless efforts to resolve the ongoing conflict in Eastern DRC peacefully by addressing the root causes of the conflicts. We, hereby, inform the public of the following:

1. The M23 has respected the Regional leaders' and International Partners imposed ceasefire which the Kinshasa regime flouted and ignored. On Tuesday, January 16th, 2024, the Kinshasa régime violated yet again the imposed ceasefire by attacking our forces on the front lines and carrying out acts of assassination behind our front lines, killing two of our commanders.
2. From the foregoing, the M23 has understood the message sent to it by the Kinshasa regime and will respond accordingly.

Bunagana, January 17th, 2024

The M23 Movement Spokesperson

A handwritten signature in black ink, appearing to read 'Lawrence Kanyuka'.



Lawrence KANYUKA

Tél : Porte-Parole Politique +243899411093, Porte-Parole militaire +243814946907 Email : mouvementdu23mars2@gmail.com

Document received from M23 source and published on social media

Annex 24 (para. 35)

Appointments and promotions among M23 military and civilian staff

Nominations et promotions au sein du personnel militaire et civil du M23

- On 23 January 2024, M23 leadership announced the promotion of the following M23 officers, “considering the need to regularize the administrative situation of officers of the Congolese Revolutionary Army (ARC) for their bravery and feats of arms in the performance of their mission” (see below):
 - “Brigadier-General” Gacheri Musanga Justin (previously “colonel”)
 - “Colonel Nsanze Nzamuye Jimmy (previously “lieutenant-colonel”)
 - “Colonel” Karangwa Bihire Justin (previously “lieutenant-colonel”)
 - “Lieutenant-colonel” Nsengiyuva Mutekano Innocent (previously “major”)
 - “Lieutenant-colonel” Mbanjimbere Innocent (previously “major”)
 - “Lieutenant-colonel” Makomari Ruben (previously “major”)
 - “Lieutenant-colonel” Kasongo Papy (previously “major”)
 - “Lieutenant-colonel” Mwiseneza Gakwaya Christin (previously “major”)
 - “Lieutenant-colonel” Ngoma Willy (previously “major”)
- The Group notes that Willy Ngoma is a sanctioned individual (CDi.044)



Document received from M23 source

- On 23 January 2024, the M23 leadership also announced appointments of M23 department heads and deputy department heads (see below):



PRESIDENCE

DECISION N° 033/PRES-M23 /2024 du 23 Janvier 2024 portant nomination des Chefs de Département et Chefs de Département adjoint du Mouvement du 23 mars

Le Président du Mouvement

Vu les Statuts et Règlement Intérieur du Mouvement du 23 mars,

Vu la décision N°014 /HCM/M23/2013 du 7 mars 2013 portant désignation du Président du Mouvement du 23 mars ;

Considérant les conclusions du Congrès Extraordinaire du Mouvement du 23 mars tenu le 7 mars 2013 portant entérinement de la Décision N°014/HCM/M23/2013 du 7 mars 2013 portant désignation du Président du Mouvement du 23 mars ;

Considérant le besoin de renforcer les activités politiques du Mouvement du 23 mars en vue d'en maximiser les résultats ;

Le Haut-Commandement Militaire du Mouvement entendu en ses avis et considérations,

Vu la nécessité et l'urgence ;

DECIDE :

Art 1^{er} :

Sont nommés aux fonctions en regard de leurs noms, les camarades ci-après :

- Département de la Mobilisation, formation idéologique des cadres et Implantation du Mouvement

Chef de Département : **RUKOMERA Désiré** ;

Chefs de Département Adjoint :

- **UZAMUKUNDA Pascal**
- **KULU Jean-Louis**

- Département de la Communication et Médias

Chef de Département : **KANYUKA Lawrence**

Chef de Département Adjoint : **BALINDA Oscar**

- Département des Finances et Production :

Chef de Département : **BAHATI MUSANGA**

Chef de Département Adjoint : **NZABONIMPA MUPENZI Jean-Bosco**

Art 2^e :

Toutes les dispositions antérieures contraires à la présente décision sont abrogées ;

Art 3^e :

Le Secrétaire Exécutif du Mouvement du 23 mars est chargé de l'exécution de la présente décision qui sort ses effets à la date de sa signature.

Fait à Bunagana, le 23 Janvier 2024

Le Président du Mouvement du 23 mars

A handwritten signature in blue ink, appearing to read 'Bertrand Bisimwa', with a horizontal line underneath.

Bertrand BISIMWA

Document received from M23 source

Annex 25 (para. 35)**M23 parallel administration, and heavy-handed control over civilians and humanitarian actors****Administration parallèle du M23, et un contrôle rigoureux sur les civils et les acteurs humanitaires**

- **M23 parallel administration**

M23 continued to operate and develop its parallel administration, and taxed civilians and economic actors in all areas under its control (paras. 127-130 and 141-144). The parallel administration established by M23 also included intelligence networks, as confirmed by civil society sources and eyewitnesses in M23 controlled areas. In the area under its control, M23 seized by force public and private properties to install its administration and parallel services.

Several *administrateurs de territoires*, *chefs de groupements*, *chefs de localité*, security officers and other local authorities were installed by M23, for example:

In Rutshuru territory:

- M23 Territorial Administrator; Prince Mpabuka

In Kitchanga town (Masisi territory):

- M23 Chief of Kitchanga cité; Mangunga Kibanja Patient
- M23 Deputy Chief of Kitchanga cite: Batachoka Niyomugabo Faustin

In Bweza *groupement* (Bwisha *chefferie*, Rutshuru territory) :

- M23 Chief of Bweza *groupement*: Nsengiyunva Rukeribuga Emmanuel
- M23 Chief of Tanda locality: Bahati Sinabajje
- M23 Chief of Ntamugenga locality: Habarugira Gasigwa Jean-Mondo
- M23 Chief of Kabasanza locality: Kabirigi Senyamarwa
- M23 security officers of Rutsiro locality: Bizamana Sebaya
- M23 security officer of Ntamugenga center: Innocent Kibirima
- M23 Chief ANR in Rutshuru territory: Ntiriniga Bashoboye Papias
- M23 Chief agriculture of Bweza *groupement*: Nsanzimana Sekinanira
- M23 Chief peace and security Bweza *groupement*: Dusabe Muvuzankawaya

In Gisigari *groupement* (Bwisha *chefferie*, Rutshuru territory) :

- M23 Chief of Gisigari *groupement*: Nzamuye Kabaya
- M23 Police commissioner and Chief peace and security of Gisigari *groupement*: Charigufi Baraka
- M23 Chief of Rubare village: Maguru

In Kalengera locality (Gisigari *groupement*, Bwisha *chefferie*, Rutshuru territory), M23 nominated four chiefs as the locality was split into 4 sections by M23:

- Ndazeya Kanuma, Kigani Bodoue, Kabera Batega and Nyabade.

In Kako locality (Gisigari *groupement*, Bwisha *chefferie*, Rutshuru territory), M23 nominated two chiefs as the locality was split into 2 sections by M23:

- M23 Chief of Kako Nord: Kasengele Birusha Nyarubwa
- M23 Deputy Chief of Kako Nord: Dogo Mayaka
- M23 Chief of Kako Sud: Bahati Bideri
- M23 Deputy Chief of Kako Sud: Sibomana Mafara. The Group notes that Bahati Bidera was arrested by M23 in early March 2024 because he was accused of collaborating with FDLR. He has remained incommunicado since.

In Jomba groupement (Bwisha chefferie, Rutshuru territory):

- M23 Chief of Jomba groupement: Mwambutsa
- Chief of Bunagana town: Désiré Kanyamarere
- Chief of Bunagana locality: Sekabara Rumazimisi
- Deputy Chief of Bunagana locality: Nziza

Example of a M23 communiqué announcing appointments of individuals part of the parallel administration network:



PRESIDENCE

DECISION N° 034/PRES-M23 /2024 du 23 Janvier 2024 portant mise en place au sein de l'Administration Territoriale de la Zone Libérée

Le Président du Mouvement

Vu les Statuts et Règlement Intérieur du Mouvement du 23 mars,

Vu la décision N°014 /HCM/M23/2013 du 7 mars 2013 portant désignation du Président du Mouvement du 23 mars ;

Considérant les conclusions du Congrès Extraordinaire du Mouvement du 23 mars tenu le 7 mars 2013 portant entérinement de la Décision N°014/HCM/M23/2013 du 7 mars 2013 portant désignation du Président du Mouvement du 23 mars ;

Considérant le besoin de garantir la continuité des services publics aux administrés des zones libérées par le Mouvement du 23 mars ;

Le Haut-Commandement Militaire du Mouvement entendu en ses avis et considérations,

Vu la nécessité et l'urgence ;

DECIDE :

Art 1^{er} :

Sont nommés aux fonctions en regard de leurs noms, en territoire de RUTSHURU, les camarades ci-après :

1. Administrateur du Territoire : **Prince MPABUKA** ;
2. Administrateur du Territoire Adjoint : **Docteur BOLINGO Salomon** ;
3. Chef de Cité de BUNAGANA : **KANYAMARERE Désiré** ;
4. Chef de Cité de KIWANJA : **KATEMBO Julien** ;
5. Chef de Cité de RUBARE : **MAGURU Célestin**.

Art 2^e :

Les Comités Paix et Sécurité sont transformés en Comités Locaux de Développement sous la responsabilité de l'Administrateur du Territoire ;

Art 3^e :

Toutes les dispositions antérieures contraires à la présente décision sont abrogées ;

Art 4^e :

Le Secrétaire Exécutif du Mouvement du 23 mars est chargé de l'exécution de la présente décision qui sort ses effets à la date de sa signature.

Fait à Bunagana, le 23 Janvier 2024

Le Président du Mouvement du 23 mars

Bertrand BISIMWA

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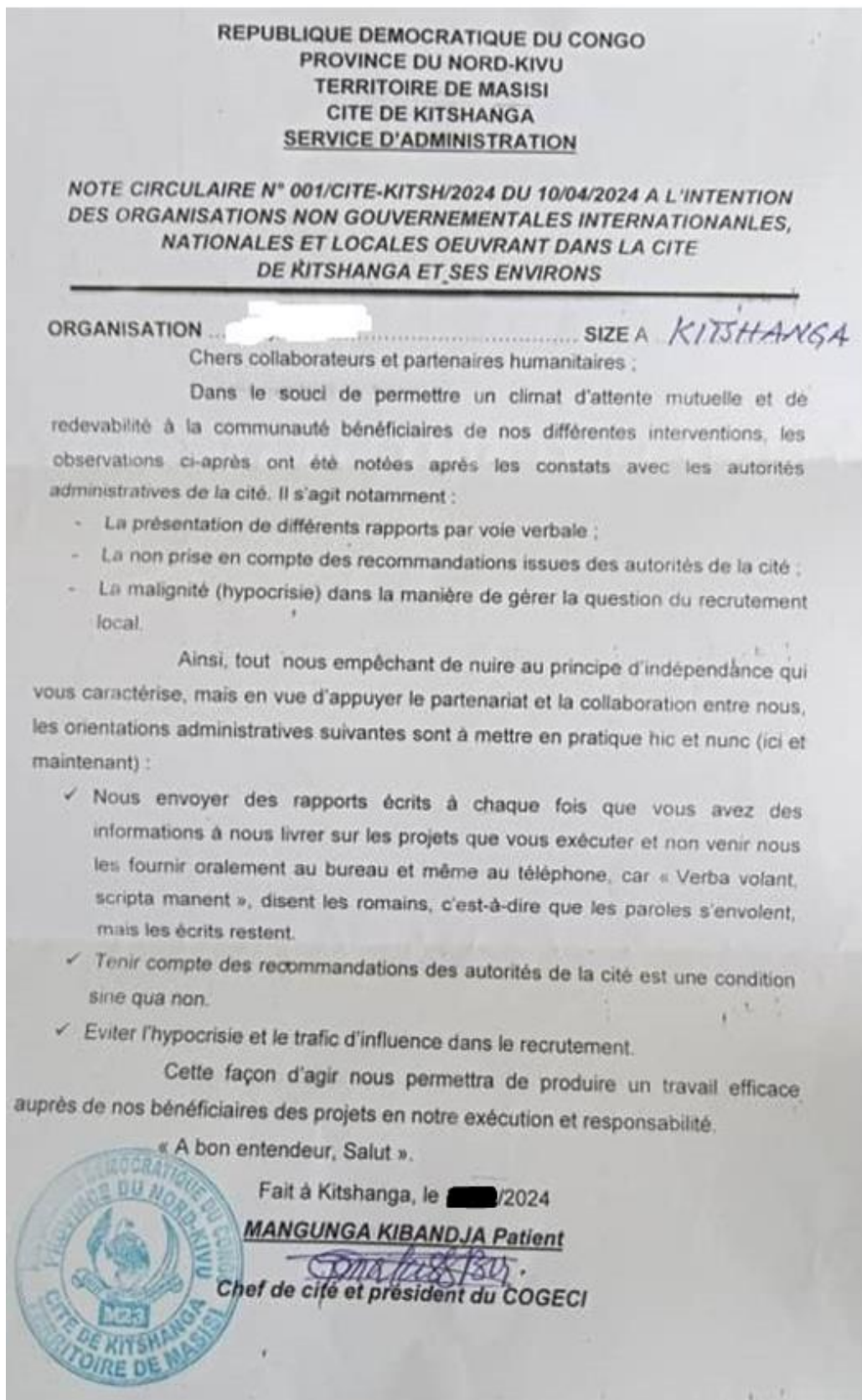
Document received from M23 source

- **Heavy-handed control over civilians and humanitarian actors**

Multiple sources reported that M23 increased its heavy-handed control over the populations living in the territories it controls, in particular since the 16 January CH4 drone strike (para. 35). On several occasions, civilians were forced to attend public coordination and/or public outreach meetings organized by M23. During these meetings, instructions and orders were given, including instructions to send youth to training centres, curfew orders and orders to participate in communal works called “Salongo” (para. 117).

In parallel, M23 drastically decreased the free movement of humanitarian agencies and NGOs in M23-controlled areas, and increased pressure on, and control of, humanitarians in these areas. Multiple sources reported that heavy-handed control over humanitarian actors increased since the CH4 drone strikes of January 2024, i.e., since “colonel” Imani Nzenze Idi became the M23’s liaison with NGOs and humanitarian agencies after the killing of “colonel” Castro Mberabagabo. Between January and April 2024, five NGO staff were arrested by M23. They had been released at time of drafting. M23 aimed at controlling all activities of NGOs and humanitarian agencies on the ground and prevented the holding of some activities. M23 also tried to orient aid distribution, which was refused by humanitarian actors involved at time of drafting, putting pressure on their relationship with M23 leaders and combatants on the ground. At the time of drafting, NGOs and humanitarian agencies were still subject to cumbersome conditions for access to M23 controlled areas.

The M23 communiqué below is an illustration of instructions given to NGOs in M23 controlled areas, and criticism levelled at NGOs:



Document received from confidential source

Annex 26 (para. 38)

Military training camp at Tchanzu

Camp d'entraînement militaire a Tchanzu

Aerial imagery captured on 19 December 2023 confirmed the existence of a well-established M23 military camp and associated training ground in Tchanzu (see below). The first image depicts the main hilltop section of Tchanzu military camp, occupied by M23. The large gatherings of men in the second and third image, depicting more than 60 persons in organized formation, is consistent with testimonies describing ongoing military training at that location during that period.

Former M23 combatants, who have spent weeks to months at the camp, confirmed details about its location, layout, and organization. This camp, serving as M23's primary training centre, also houses the largest prison and an important medical facility.





Source: Aerial images provided by UN sources.

Annex 27 (para. 40)

Additional information on the presence and strategic positioning of RDF elements in Petit Nord, including aerial footage and photographic evidence**Informations supplémentaires sur la présence et le positionnement stratégique des éléments des FDR à Petit Nord, y compris des images aériennes et des preuves photographiques**

- **Regarding the presence of RDF soldiers on DRC territory, see also:**

- [S/2022/967](#), paras. 47-51 and annexes 29-32.
- [S/2023/431](#), paras. 54-61 and annexes 28-35.
- [S/2023/990](#), paras. 29-30 and annex 17.
- Present report, annex 22, annexes 28 and 29, and annex 42

- **RDF soldiers' presence at an elementary school in Kibumba, October 2023**

Aerial footage taken on 29 October 2023 showed RDF soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment sitting next to (*picture 1*), and marching/standing in close vicinity of (-1.493924°-29.340560°) (*picture 2*) the Emmaüs elementary school in Kibumba (-1.4923371-29.339487°). Aerial footage also shows a vehicle on the primary school grounds (*picture 3*) and a vehicle with RDF soldiers sitting in the back in close vicinity of the school (-1.492741°-29.339585°) (*picture 4*).

Civil society sources, eyewitnesses and intelligence sources identified the uniformed men in/around the elementary school in Kibumba as RDF soldiers, and reported that the elementary school was used by RDF as a logistical base.

Picture 1

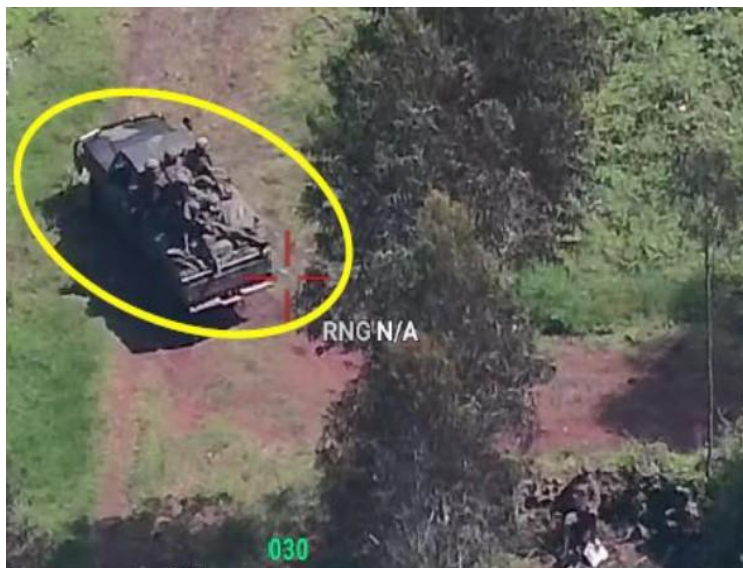
Picture 2



Picture 3



Picture 4



Above: Screenshots of aerial footage received from confidential source



Map indicating the location (in red) of the elementary school Emmaüs

Map data ©2024 Google

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- **RDF south of Kilolirwe, November 2023**

Aerial footage shot on 22 November 2023 showed a large gathering of RDF soldiers (*pictures 1 and 2*), as well as RDF soldiers marching in columns on a road south of Kilolirwe carrying boxes, most likely boxes of ammunition (*pictures 3*) (-1.4374778°-29.0189361°). The soldiers in the imagery were equipped with uniforms and helmets similar to standard RDF-issued equipment and were identified as RDF soldiers by eyewitnesses, civil society, security and intelligence sources.

Pictures 1 and 2

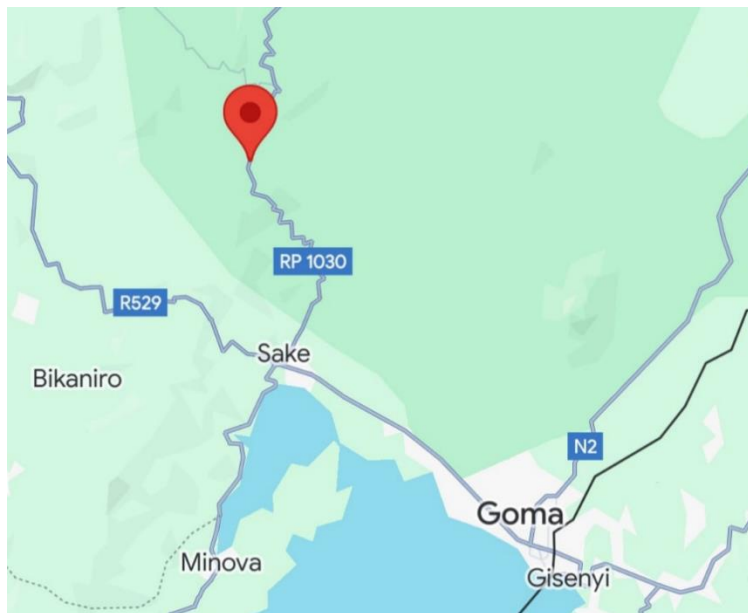




Picture 3



Screenshots of aerial footage received from a confidential source



Map indicating the location (in red) of the RDF on 22 November 2023 in the vicinity of Kilolirwe

Map data ©2024 Google

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United

- **RDF east of Kilolirwe, December 2023**

Aerial footage taken on 23 and 25 December 2023 showed RDF soldiers few kilometres east of Kilolirwe (1°24'45.04"S-29°01'08.03"E), some carrying ammunition. The soldiers were equipped with uniforms, helmets and backpacks similar to standard RDF-issued equipment, and were identified as RDF soldiers by eyewitnesses, civil society, security and intelligence sources.





Screenshot of aerial footage received by the Group from a confidential source.

- **RDF in Bunagana, DRC, December 2023**

On 21 December 2023, soldiers and new vehicles were spotted in Bunagana. Intelligence and M23 sources informed the Group of RDF and UPDF presence in Bunagana during that time.



Picture received by the Group from a confidential source

- **RDF east of Kilolirwe in January 2024**

On 27 December 2023 (*picture 1*), as well as on 5 January (*picture 2 and 3*), 9 January (*picture 4*), 15 January (*picture 5*) and 20 January 2024, soldiers in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment were spotted east ($1^{\circ}24'53.80\text{S}-29^{\circ}01'34.88''\text{E}$) and southeast of Kilolirwe ($1^{\circ}24'54.05''\text{S}-29^{\circ}01'32.02''\text{E}$). Intelligence and civil society sources identified the soldiers as RDF soldiers.

Picture 1



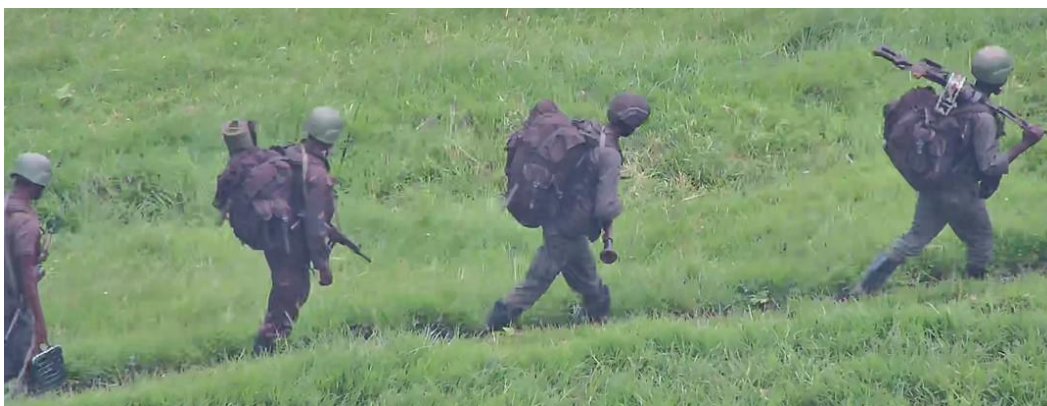
Picture 2



Picture 3



Picture 4



Picture 5



Screenshots of aerial footage received by the Group from confidential sources

- **RDF on the Kalengera-Tongo road**

On 27 January 2024, eyewitnesses, civil society and intelligence sources reported the movement of some 800 RDF soldiers on the road linking Kalengera and Tongo, in Rutshuru territory, through the Virunga National Park (VNP). The Group notes that the road linking Kalengera and Tongo was frequently used by RDF to transport logistics from Rutshuru territory into Masisi territory. The Group received multiple reports of a supply of both manpower and logistics through this road. The RDF soldiers observed on 27 February reportedly belong to the RDF Special Forces.⁵⁵

- **RDF on strategic positions**

Since the reinforcement of RDF troops in Petit Nord in late December 2023 and early January 2024, RDF presence was observed at several positions close to the frontline (see also annexes 28 and 29, and annex 42).⁵⁶

The following annexes provide additional information on RDF presence and strategic positioning of RDF troops.

⁵⁵ Intelligence and security sources.

⁵⁶ Confidential documents including aerial footage, FARDC and security sources, Wazalendo combatants and intelligence sources.

Annex 28 (para. 41)**RDF troops entering the DRC in January 2024, and RDF and M23 elements taking control over additional areas around Sake and North of Sake****Entrée des troupes du RDF en RDC en janvier 2024, et prise de contrôle par le RDF et M23 de zones supplémentaires autour de Sake et au nord de Sake**

- Aerial footage shot on 6 (*picture 1 and 3*), 17 and 20 January 2024 (*picture 2*) showed soldiers in Kibumba in uniforms equipped with weaponry and backpacks similar to standard RDF-issued equipment, and a vehicle carrying RDF soldiers. An earlier video shot on 23 December 2023, on file with the Secretariat, also showed a column of soldiers in uniforms crossing the road from the east (border with Rwanda) to the west (DRC).
- In the second half of December 2023 and January 2024, civil society sources, local authorities and eyewitnesses reported that RDF troops and RDF vehicles arrived from the Rwandan side of the border and entered the DRC through Kabuhanga, south of Kibumba, and other border crossings in Kibumba/Buhumba. Aerial footage shot on 25 January 2024, on file with the Secretariat, showed 90 RDF soldiers crossing a road in Kibumba from the east to the west, into Virunga National Park. On two other videos (*pictures 4 and 5*) shot on 25 January 2024, three pick-up vehicles and three trucks with RDF soldiers were observed on the same road going towards the north.

Picture 1

Picture 2



Picture 3



Pictures 4 and 5



Screenshot from aerial footage received by the Group from a confidential source

- In the first days of February 2024, RDF took control of a large number of hills southwest of Sake, including Ngingwe and Kiluku, close to Minova. On 3 February 2024, following heavy fighting with the FARDC, the Wazalendo armed groups and the FDLR, M23 and RDF took control of Shasha and Kirotshe villages in Masisi territory, southwest of Sake and only few kilometres away from the border with South Kivu, thus cutting off access to the road connecting Goma to Bukavu in South Kivu. Since the takeover of Shasha village, heavy fighting resumed (see also [S/2023/431](#), para. 42) in the vicinity of Sake, only 20 kilometres from Goma, and was ongoing at time of drafting
- The Group notes that RDF interventions were critical to the M23 advances southwest of Sake, including taking control of Shasha on the RN2. This was confirmed by M23, intelligence, security, FARDC and Wazalendo sources, as well as by sources close to Rwanda and one RDF officer.
- Following the deployment of additional RDF and M23 troops in the area, on 7 February 2024 M23 and RDF attacked FARDC and Wazalendo positions on Jerusalem, Malehe and Nenero hills, only a few kilometres north of Sake. FARDC positions soon collapsed under the military pressure, and FARDC withdrew towards the Sake-Kitchanga road. Consequently, MONUSCO defensive positions were the only ones remaining to block further advancements by M23 and RDF towards Sake and Goma at that time.⁵⁷ On the same day, M23 and RDF advanced towards the so-called “three-antennas” area, 5 kilometres northwest of Sake. Clashes were reported in several areas in close vicinity of Sake and along the Sake-Mushaki axis. The 7 February clashes were particularly deadly, leaving around 150 fighters killed, including FARDC, “Wazalendo”, PMC elements, M23 combatants and RDF soldiers.
- On 12 February 2024, M23 with RDF support relaunched offensive operations in the direction of Sake on the northern, northwestern and western axes.⁵⁸ On the northern road, they captured Luhanga, 10 km north of Sake. On the western axis, they reached Mitumbala, 5 kilometres west of Sake. On the northwest axis, they advanced on the Malehe and Nenero ridges.⁵⁹
- The Group notes that since the reinforcement of RDF troops in early January 2024, RDF presence was observed at several positions close to the frontline, in particular around Sake. This was a shift in operational strategy, as RDF troops were previously positioned mainly on more remote positions, leaving M23 at frontline positions, with RDF intervening only to capture new territories and withdrawing again to the more remote positions.⁶⁰ In mid-February 2024, most RDF positions at the frontline around Sake were again handed over to M23. However, since mid-March 2024 RDF had returned to frontline positions and were involved in fighting around Sake. At the time of drafting, around 500 RDF and 500 M23 were reportedly positioned in Sake-Karuba.

⁵⁷ UN report, security and FARDC sources.

⁵⁸ Idem

⁵⁹ Idem.

⁶⁰ Confidential documents including aerial footage, FARDC and security sources, “Wazalendo” combatants and intelligence sources.

- During the offensives against the FARDC and Wazalendo, heavy weaponry such as mortars, artillery, and 120/122 mm rockets, as well as sniper fire, were used, thus showing that M23, besides receiving support in manpower, also received substantial material support (see para. 46-54).
- Since the escalation of the conflict in Sake area early February 2024, clashes between M23 and FARDC, Wazalendo elements, SAMIDRC and MONUSCO were recurrent, as there were also repeated exchanges of artillery shelling involving FARDC/SAMIDRC and M23/RDF in the vicinity of Sake and Minova, ongoing at the time of drafting.
- On 4 April 2024, RDF took over MONUSCO blocking positions northwest of Sake after the Indian contingent of MONUSCO had withdrawn from those positions. RDF and some M23 were still positioned at the three positions at the time of drafting.

Annex 29 (para. 42)

RDF troops providing critical support in the occupation of Rwindi in March 2024, and FARDC withdrawal**Les troupes du RDF apportant un soutien essentiel à la conquête et à l'occupation de Rwindi en mars 2024, et retrait des FARDC**

- **RDF entering Rwindi, and RDF and M23 occupation leading to massive population displacement**
- Two videos filmed by a MONUSCO peacekeeper on 9 March 2024, i.e., one day after the RDF's takeover of Rwindi, showed a large column of RDF soldiers passing in front of MONUSCO FIB position in Rwindi (see picture below). Eyewitnesses reported that the soldiers spoke English, wore RDF uniforms, and identified themselves as being Rwandan.



Screenshot of video received from UN source and on file with the Secretariat

- Subsequently, RDF soldiers occupied Rwindi and established positions, including some positions immediately adjacent to MONUSCO bases.
- Several sources reported that the RDF troops which were deployed and active at the northern front, notably Mabenga, Rwindi and Katanda, included members the 201st brigade as well as members of the RDF Reserve Force, totaling an estimated 1,000 soldiers. They had come from Kibuye, Rwanda. RDF troops of the 405th brigade were also active on the Mabenga-Rwindi axis.
- Eyewitnesses, MONUSCO and security sources reported that M23 arrived only after RDF had taken and occupied Rwindi, and that both RDF and M23 settled in Rwindi. M23 troops on the Rwindi-Mabenga road were reportedly commanded by “colonel” Ernest Sebagenzi, commander of the 1st M23 Brigade. At the time of drafting, Sebagenzi was based in Vitshumbi, further towards the North.
- In March 2024, there were several reports of M23 reinforcements in the Rwindi area. In late March 2024, the total number of both M23 and RDF in the Nyanzale-Rwindi area was estimated at 2000 in total.⁶¹ RDF and M23 still occupied Rwindi at time of drafting.
- Nearly the entire population of Rwindi vacated the town prior to, and immediately after, the arrival and occupation by RDF and M23 of Rwindi and its vicinity. Humanitarian sources reported that on 10 March, an additional 76,810 IDPs had been displaced towards Kanyabayonga and 6,000 persons had fled further north towards Kirumba, in Lubero territory.

⁶¹ Eyewitnesses, security sources, UN sources and confidential documents.

- Eyewitnesses and security sources informed the Group that RDF and M23 had expressed particular interest in taking over Rwindi's ICCN⁶² airstrip, which is able to receive bomber aircraft. Earlier, M23 also showed interest in the smaller Katala airstrip which they still occupied at time of drafting. M23 took measurements of Katala airstrip.

- **FARDC withdrawal prior to RDF arrival and FARDC military logistics left behind**

- FARDC had retreated, without fighting, from their main military camp in Rwindi prior to RDF and M23's arrival. While FARDC retreated towards Kanyabayonga with most of their military supplies, they left some supplies behind, as reported to the Group by several sources on the ground. When M23 arrived in Rwindi, it recovered weapons and ammunition abandoned by FARDC, poorly hidden in a small building with a small locker, including:
 - 28 small arms and light weapons
 - 12 boxes with 12.7 mm ammunition
 - 7 SPG9 bombs
 - 3 bombs 82mm
 - 50 anti-tank grenades
 - 20 bombs (type unknown)
 - 4 boxes of 7.62x39 mm ammunition
 - 5 boxes of 7.62x54 mm ammunition

- General Chiko Tshitambwe ([S/2023/431](#), para. 80), FARDC commander of the Rwindi axis, was called back to Kinshasa on 20 March 2024.

- **MONUSCO FIB challenged position in Rwindi**

- The MONUSCO FIB elements had been deployed in October 2023 in Rwindi as part of operation "Springbok" to block any advance by M23 further north. Documents consulted by the Group corroborated that MONUSCO FIB peacekeepers did not engage with RDF troops on 8 March 2024 when they arrived in Rwindi.

- While MONUSCO was criticized on social media after Rwindi's takeover, the Group notes that the MONUSCO FIB had received orders to use all methods at its disposal to neutralize any sighted M23 elements, including "firing upon armed groups". The orders given, and the actual strength of MONUSCO FIB deployed at blocking positions in Rwindi (400 soldiers and mortar platoon), showed MONUSCO's firm engagement and readiness to stop M23's territorial conquest (see below). However, FARDC troops had already retreated from the area prior to RDF's arrival, leaving the MONUSCO FIB alone facing RDF troops. RDF's overwhelming combat strength reportedly prevented the planned military engagement by MONUSCO and compelled the MONUSCO FIB to leave the positions in Rwindi, as also requested by the FARDC hierarchy.

- RDF, and subsequently M23, occupied Rwindi without any opposition from either FARDC or MONUSCO.

- **Counter-offensive**

- In early April 2024, FARDC launched a counter-offensive to recover lost territories in Rutshuru. On 3 April, exchanges of indirect fire between M23 and FARDC were reported in Rwindi area. Two days later, on 5 April, in the area north of Kibirizi, FARDC clashed with M23/RDF.

- Prior to the counter-offensive, on 10, 16 and 17 March and the week of 18 March 2024, almost 3,000 FARDC had been sent from Goma and Kisangani to Beni, with the objective of reaching Rwindi area through Lubero territory.

⁶² Congolese Institute for Nature Conservation

Annex 30 (para. 43)**RDF division, brigades and battalions, RDF officers, and former FDLR combatants involved in operations in Petit Nord****Division, brigades et bataillons des RDF, officiers des RDF et anciens combattants des FDLR impliqués dans les opérations dans le Petit Nord****1. Additional information on combat support and reconnaissance teams, RDF use of former FDLR combatants, and mobilization of reservists**

- *Combat support and reconnaissance teams and use of former FDLR combatants*

In its previous reports, the Group documented that RDF and M23 were supported by several combat support and reconnaissance teams totaling 250 former FDLR combatants, and operating under the command of the Rwanda Defence Intelligence Department (DID) ([S/2023/990](#), para. 30). These combat support and reconnaissance teams were first formed in April 2023.

The Group documented the continued return to Petit Nord of formerly demobilized ex-FDLR-FOCA in support of M23 and RDF operations. Several ex-FDLR/FOCA individuals interviewed by the Group and/or interviewed by UN sources reported that they had been demobilized in earlier years and repatriated to Rwanda. When repatriated, they were sent to demobilization/training centers, such as the one in Mutobo, Rwanda, managed by the Government of Rwanda, as witnessed by the Group during its visit in Rwanda.⁶³ Demobilised FDLR/FOCA combatants reported that in late 2023 they were called upon by Rwandan authorities and sent to training camps, including in the Mukamira Military base in Rwanda. After the military training, which lasted several weeks, they were sent back to the DRC as members of RDF's reserve force and were actively engaged in search and/or military operations against FDLR/FOCA combatants.

The Expanded Joint Verification Mechanism (EJVM) also documented the case of a former FDLR/FOCA combatant who was demobilized in 2011. In 2023, he was remobilized by Rwandan intelligence to collect information on the cooperation between FARDC/PMC and FDLR/FOCA.⁶⁴

- *Mobilization of reservists*

On 30 December 2023 and 31 January 2024, RDF summoned RDF reservists (former RDF who had retired) to reinforce RDF units deployed in Petit Nord. This mobilization of reservists was reported by several sources, including a retired RDF officer who was mobilized in December 2023. Summoned reservists received a refresher course at the military base of Gabiro, Rwanda, before being sent to the DRC. This summoning resulted in two new battalions totaling 500 RDF being trained in Rwanda and sent to the DRC in January 2024.

2. RDF Division, brigades and battalions, and RDF officers involved in operations in Petit Nord

- RDF troops and officers from the 2nd and 3rd RDF Divisions, RDF Special Forces, the Reserve force (see above), as well as combat support and reconnaissance teams with former FDLR-FOCA combatants (see above), were deployed and conducted operations in Nyiragongo, Rutshuru and Masisi territories (Petit Nord).

- The 3rd Division was commanded by Major-General Eugene Nkubito.⁶⁵

⁶³ Mission to Mutobo, March 2024.

⁶⁴ Confidential documents.

⁶⁵ The Group notes that prior to his appointment as 3rd Division commander, Major-General Nkubito was the overall commander of Rwandan forces in Cabo Delgado province, Mozambique. Major-General Nkubito was replaced by Major-General Alexis Kagame who became the commander of Rwandan troops in Cabo Delgado. The Group notes that Alexis was involved in operations in Kibumba, DRC, in May 2022 (S/2022/967, annex 32). The Group notes that other RDF officers, such as for example Brigadier General Pascal Muhizi, were involved in operations in Petit Nord, DRC and Cabo Delgado, Mozambique.

- RDF special forces were commanded by Lieutenant-Colonel Augustin Ryarasa Migabo (Deputy Special Force Commander) who reported directly to Major-General Ruki Karusisi (Special Force Commander) ([S/2023/431](#), para. 59 and [S/2023/990](#), para 30).
 - RDF combat support and reconnaissance teams have been commanded and/or planned by Major John Nkurunziza (2nd Division intelligence officer), who reported to DID Head of Operations Emmanuel Ruzindana. Lieutenant-Colonel Sam Ruhunga (DID) organized their training (see also below). Lieutenant-Colonel Charles Rutagisha (3rd Division), Lieutenant-Colonel Augustin Ryarasa Migabo and Major Jean Paul Shyaka were also involved in commanding and planning the combat support and reconnaissance teams.
- Deployed RDF troops included members of the 201st, 301st, 405th and 509th Brigades.
 - More specifically, RDF soldiers of the 3rd, 4th, 7th, 19th, 25th, 37th, 41st, 67th and 101st battalions were deployed until at least July 2023.⁶⁶ From October 2023 onwards, RDF soldiers of the 11th, 17th, 31st, 39th and 83rd battalions were deployed in Petit Nord.⁶⁷
 - Following the US-brokered ceasefire (see annex 21), RDF soldiers of the 11th, 17th and 39th battalions retreated to Rwanda. However, in mid-January 2024, new RDF soldiers of the 201st and 305th brigades and special forces were sent to Petit Nord and engaged in operations.
 - The following RDF officers have also commanded operations in Petit Nord in 2023 and/or 2024: Colonel Emery Kayumba (11th battalion), Lieutenant-Colonel Emmanuel Mugabo (71st battalion), Lieutenant-Colonel Alphonse Kigenza (101st battalion), Colonel Rugambwa (201st brigade), Colonel Nelson Rwigema (305th brigade), and Captain Ibrahim Sinzabakwira (special forces).⁶⁸

3. RDF training to M23

- Lieutenant-Colonel Sam Ruhunga (DID) was one of the instructors identified as providing command and leadership training to M23 cadres (see also para. 39).

4. Rwandan officers involved in organizing operations in Petit Nord

- Regarding the design and coordination of the RDF operations in Petit Nord, see [S/2023/431](#), para. 60.

⁶⁶ These battalions were not all deployed at the same time.

⁶⁷ It is noteworthy that RDF battalions are regularly transferred between divisions depending on operational needs.

⁶⁸ This list is non-exhaustive.

Annex 31 (para. 44)

Governments and the EU calling upon Rwanda to halt support to M23 and withdraw RDF from DRC territory**Appel des gouvernements et l'UE au Rwanda de cesser le soutien au M23 et le retrait du RDF du territoire de la RDC**

On 17 and 20 February 2024 respectively, the United States and France, among other governments, called upon Rwanda to halt all support to M23 and immediately withdraw all RDF personnel from the DRC. On 4 March, the EU High Representative of the Union for Foreign Affairs and Security Policy/Vice-President of the European Commission (HR/VP) also issued a statement urging Rwanda to immediately withdraw all its military personnel from the DRC, as well as to terminate support to and cooperation with M23:

- **U.S. Department of State Press Statement on the escalation of hostilities in Eastern DRC, 17 February 2024:**⁶⁹

“The United States strongly condemns the worsening violence in the eastern Democratic Republic of Congo (DRC) caused by the actions of the Rwanda-backed, U.S.- and UN-sanctioned M23 armed group, including its recent incursions into the town of Sake. This escalation has increased the risk to millions of people already exposed to human rights abuses including displacement, deprivation, and attacks. We call on M23 to immediately cease hostilities and withdraw from its current positions around Sake and Goma and in accordance with the Luanda and Nairobi processes. The United States **condemns Rwanda’s support for the M23 armed group and calls on Rwanda to immediately withdraw all Rwanda Defense Force personnel from the DRC and remove its surface-to-air missile systems (Group’s emphasis)**, which threaten the lives of civilians, UN and other regional peacekeepers, humanitarian actors, and commercial flights in eastern DRC.

It is essential that all states respect each other’s sovereignty and territorial integrity and hold accountable all actors for human rights abuses in the conflict in eastern DRC. We call on the government of the DRC to continue to support confidence building measures, including ceasing cooperation with the Democratic Forces for the Liberation of Rwanda (FDLR), an armed group named as a “negative force” by regional bodies and the government of the DRC, and which exposes the civilian population to risk. We continue to support regional diplomatic efforts that promote de-escalation and create the conditions for lasting peace in DRC and we call on all sides to participate constructively in reaching a negotiated solution.”

- **France Diplomatie – RDC: Situation a l’Est du pays, 20 février 2024 :**⁷⁰

Original statement in French [English translation below] :

“La France est très préoccupée par la situation dans l’Est du Congo, dans le Nord Kivu et en particulier autour de Goma et de Saké. Les atteintes à l’intégrité territoriale de la RDC et la situation des populations civiles sont inadmissibles. La France condamne la poursuite des offensives du M23 **avec le soutien du Rwanda, et la présence des forces rwandaises sur le territoire congolais (Group’s emphasis)**.

Le M23 doit cesser le combat immédiatement, et se retirer de toutes les zones qu’il occupe, conformément aux décisions prises dans le cadre du processus de Luanda. **Nous appelons le Rwanda à cesser tout soutien au M23 et à se retirer du territoire congolais (Group’s emphasis)**. La France appelle l’ensemble des groupes armés à mettre un terme aux violences. Conformément à leurs engagements, les forces armées de RDC doivent cesser toute collaboration avec les FDLR, mouvement issu des milices ayant commis le génocide perpétré contre les Tutsi au Rwanda en 1994.

La France réitère son plein soutien aux processus régionaux de médiation pour trouver une solution négociée au conflit.”

⁶⁹ Escalation of Hostilities in Eastern Democratic Republic of the Congo - United States Department of State;

⁷⁰ République démocratique du Congo – Situation à l’Est du pays (20.02.24) - Ministère de l’Europe et des Affaires étrangères (diplomatie.gouv.fr)

Unofficial English translation :

"France is very concerned about the situation in eastern Congo, in North Kivu and in particular around Goma and Saké. The attacks on the territorial integrity of the DRC and the situation of the civilian population are unacceptable. France condemns the continuing offensives by the M23 **with the support of Rwanda, and the presence of Rwandan forces on Congolese territory (Group's emphasis)**.

The M23 must stop fighting immediately and withdraw from all the areas it occupies, in accordance with the decisions taken as part of the Luanda process. **We call on Rwanda to cease all support for the M23 and to withdraw from Congolese territory (Group's emphasis)**. France calls on all armed groups to put an end to the violence. In accordance with their commitments, the armed forces of the DRC must cease all collaboration with the FDLR, a movement derived from the militias that committed the genocide against the Tutsis in Rwanda in 1994.

France reiterates its full support for the regional mediation processes aimed at finding a negotiated solution to the conflict."

- **Statement by the HR/VP on behalf of the EU on the escalation of hostilities in the eastern part of the country, 4 March 2024.**⁷¹

"The EU is extremely concerned by the escalation of violence in the east of the Democratic Republic of the Congo (DRC) and the worsening of the humanitarian situation exposing millions of people to human rights abuses including displacement, deprivation, and gender-based violence. The military build-up as well as the use of advanced ground to air missiles and drones is a worrying escalation that further endangers the situation, in particular around Sake and Goma.

The EU reaffirms its steadfast support to the Luanda and Nairobi processes. There is no military solution to this crisis, only a political one: this must be reached through an inclusive dialogue between DRC and Rwanda to address the root causes of conflict, aimed at implementing the decisions taken within the regional peace initiatives and ensuring the respect of the sovereignty, unity and territorial integrity of all the countries in the region. Existing roadmaps must be implemented; existing verification mechanisms must be reactivated.

The EU condemns the latest offensive by M23 and reiterates its strong condemnation of the actions by armed groups in eastern DRC. These groups must cease all hostilities, withdraw from the areas they occupy and disarm in accordance with the decisions taken within the Luanda and Nairobi processes.

The EU underscores the obligation for all States to stop any support to these armed groups. In particular the EU **condemns Rwanda's support for M23 and military presence on Congolese territory. It strongly urges Rwanda to immediately withdraw all its military personnel from the DRC as well as to terminate all support to and cooperation with M23 (Group's emphasis)**. It strongly urges the DRC and all regional players to terminate all support to and cooperation with the FDLR, who have their roots in the genocide against the Tutsi, and any other armed group.

All parties must do their utmost to protect civilians, prevent violations of international law and ensure safe and unhindered access for humanitarian assistance to all those in need immediately and without preconditions.

The EU reiterates in unequivocal terms its condemnation of hate speech and xenophobia, as well as ethnic-based politics. The EU urges all political and civil society actors to contribute to a peace-oriented dialogue and refrain from escalation. The EU calls upon all sides to refrain from confrontational and inflammatory rhetoric including threats of military escalation.

The EU remains committed to support peace, stabilisation and sustainable development of Eastern DRC and the region as a whole. This includes addressing all the root causes of insecurity and regional instability including poor governance and corruption, lack of inclusive institutions, entrenched impunity and abuse of power, and violent competition for

⁷¹ [Democratic Republic of the Congo \(DRC\): Statement by the High Representative on behalf of the EU on the escalation of hostilities in the eastern part of the country - Consilium \(europa.eu\)](#)

access to and control of land and other natural resources as well as the use of illicit networks for the trafficking of natural resources.

The EU condemns the recent attacks as well as the dis- and misinformation targeting some EU Embassies and MONUSCO. The EU underscores the legal responsibility of all states to protect the security of foreign citizens, as well as of the personnel and assets of diplomatic missions.

The candidate countries North Macedonia, Montenegro, Serbia, Albania, Republic of Moldova, Bosnia and Herzegovina¹ and Georgia, the EFTA countries Iceland, Liechtenstein and Norway, members of the European Economic Area, as well as Armenia align themselves with this statement.”

- **Message of Minister Hadja Lahbib, Minister of Foreign Affairs of Belgium, 7 mars 2024:**⁷²

Original statement in French [English translation below]:

“ Je dénonce et condamne la poursuite des violences a l’est de la RDC et l’impact sur les civils, comme autour de Nyanzale.

Nous appelons le M23 a cesser les hostilités et **le Rwanda a mettre fin a tout soutien au M23 (Group’s emphasis).**

Les forces armées rwandaises doivent se retirer de la RDC (Group’s emphasis).”

Unofficial English translation:

“I denounce and condemn the continuing violence in the east of the DRC and its impact on civilians, as around Nyanzale.

We call on the M23 to cease hostilities **and on Rwanda to end all support for the M23.**

The Rwandan armed forces must withdraw from the DRC (Group’s emphasis).”

⁷² <https://x.com/hadjalahbib/status/1765674042369966471?s=48&t=QtBJqV8EG4vH-D6-PJD9UQ>

Annex 32 (para. 44)

Security Council press statement on the situation in the DRC

Communiqué de presse du Conseil de sécurité sur la situation en RDC

“The members of the Security Council met on 27 March 2024 to discuss the situation in the Democratic Republic of the Congo. They were briefed by the Special Representative of the Secretary-General in the Democratic Republic of the Congo and Head of MONUSCO, Bintou Keita.

The members of the Security Council strongly condemned the resumption of attacks by the March 23 Movement (M23) in North Kivu and in other areas, worsening security and stability in the region and exacerbating the current dire humanitarian situation. They also condemned all armed groups operating in the country. They demanded the immediate cessation of hostilities and of any further advances by the M23 and its unconditional withdrawal from all occupied areas as agreed through the African Union-endorsed Luanda Process.

The members of the Security Council expressed concern at the number of internally displaced persons in the provinces of Ituri, North Kivu, and South Kivu, and called on all donors to scale up support in response to the 2024 Humanitarian Response Plan. They called on all parties, in particular the M23 and the Congolese armed groups, to allow, in accordance with international law, including applicable international humanitarian law, and consistent with the guiding principles of humanitarian assistance, safe, timely and unhindered humanitarian access to those in need, and to refrain from any violence against civilians.

The members of the Security Council expressed concern about continued violations of international humanitarian law and violations and abuses of human rights, including gender-based violence and sexual violence in conflict, recruitment and use of children. They further expressed concern about the intensification of misinformation and disinformation. They renewed their condemnation of hate speech targeting any community and fueling intercommunal violence. They emphasized the importance of protection of civilians and ensuring accountability for these violations, including sexual violence in conflict and post-conflict situations.

The members of the Security Council **condemned foreign military support provided to M23 and any other armed group operating in DRC (Group’s emphasis)** and demanded the cessation of such support and the immediate withdrawal of any such external party from the DRC. They expressed deep concern at the reports of the Group of Experts on the DRC on foreign military support for M23 and direct military interventions on DRC territory. They also condemned support, notably provided by military forces, to certain armed groups such as the FDLR and demanded the cessation of such support.

The members of the Security Council condemned in the strongest terms recent attacks against MONUSCO, its personnel and its assets, resulting in severe injuries among peacekeepers and wished a speedy and full recovery to those injured. They reiterated their strong support for the active steps taken by MONUSCO to implement its mandate, including targeted offensive operations in the DRC to neutralise armed groups. They requested the Secretary-General, Member States, and the Government of DRC to take all appropriate measures to ensure the safety and security of MONUSCO’s personnel, in line with resolution 2518 (2020), in line with UN guidelines and best practices to improve safety of peacekeepers. They reiterated the importance of enhancing MONUSCO’s local community engagement in its use of strategic communications and stressed the importance of preventing and countering disinformation campaigns and misinformation aimed at undermining the mission’s credibility and hindering the implementation of its mandate.

The members of the Security Council reiterated their support to the gradual, responsible and sustainable withdrawal of MONUSCO. In this regard, they emphasized the importance of enhanced communication among MONUSCO, T/PCCs and DRC authorities in this process. They strongly encouraged DRC authorities to take concrete action, including acceleration of the security sector reform and timely implementation of the *Programme national de désarmement, de démobilisation, de relèvement communautaire et de stabilisation* (P-DDRCS), in accordance with the disengagement plan to avoid any security gaps in South Kivu in order to ensure effective protection of civilians, especially women and children. They reiterated their readiness to consider further steps of this process at the end of this first phase based upon progress towards satisfying the objectives and criteria set out in the disengagement plan and taking into consideration the situation on the ground.

The members of the Security Council called on all parties to maintain diplomatic dialogue and to engage on concrete steps towards de-escalation. They expressed support to all efforts aimed at reaching a cessation of hostilities, and commended in particular the efforts of the president of Angola and Chair of Southern African Development Community (SADC), H.E. João Lourenço, to mediate between DRC and Rwanda through the Luanda Process. They welcomed the meeting between the Foreign Ministers of DRC and Rwanda in Luanda on 21 March and encouraged further progress between the two countries in furtherance of durable peace in the region. They further emphasised the crucial role of regional peace processes, in particular Luanda and Nairobi processes, and their continued support by Angola, MONUSCO, the Office of the Special Envoy for the Great Lakes, and international partners.

The members of the Security Council took note of the African Union Peace and Security Council communiqué adopted after the meeting on the situation in DRC held on 4 March 2024. They also took note of the communiqué of the Extra-Ordinary Summit of the Southern African Development Community (SADC) Organ Troika Plus SADC Troika of 23 March 2024. They acknowledged steps taken to operationalise SAMIDRC and expressed concern at reports regarding the attack on a SAMIDRC base on 27 March. They stressed the importance of protection of civilians and of coordination and information sharing with MONUSCO and the need to carry out all operations in strict compliance with international law, including international humanitarian law and international human rights law, as applicable. They recalled the provisions outlined in resolution 2717 regarding the conditions under which MONUSCO could provide its support to an AU mandated regional force deployed in DRC.

The members of the Security Council reaffirmed their strong commitment to the sovereignty, independence, unity, and territorial integrity of the Democratic Republic of the Congo as well as all States in the region. They reiterated their full support to the Special Representative of the Secretary-General, Bintou Keita, and for the stabilising actions of MONUSCO.”

5 April 2024

Annex 33 (para. 47)

Characteristics of the SHORAD system spotted in Bumbi

Caractéristiques du système SHORAD repéré à Bumbi

- The SHORAD detected in Bumbi included a rotating antenna acquisition radar and surface-to-air missile and was mounted on an armored infantry vehicle.
- By design, the SHORAD system's first mission is "to provide low-altitude protection for armored units against fixed-wing aircraft, helicopters, unmanned aerial vehicles and other airborne threats [...] the system also has an anti-cruise missile capability".⁷³ As shown on the imagery below, the system "consists of eight canister-launched TY-0 infrared homing missiles and two sensor systems mounted on a turret [and] the radar systems include a rotating antenna acquisition radar on top".⁷⁴ The range is between 300 and 6000 meters. Four crew, i.e. one commander, two operators and a driver, man the system.⁷⁵
- Schematic overview of the SHORAD system observed on 7 February 2024:



Source: UAV footage received from UN source

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

- Analysis of the drone imagery shows that (1) the SHORAD system has characteristics virtually identical to the Norinco Type 92 Yitian TL-6; and (2) the SHORAD system was mounted on a vehicle identical to a WMZ-551 6x6 vehicle, both of Chinese manufacture (see below).
- The Group notes that, even if it was confirmed that the SHORAD system and/or the vehicle were of Chinese manufacture, this does not mean that the material was transferred to an armed group in violation of the sanctions regime. Rather, if confirmed, it would imply that the materiel was diverted from its intended legal end-use (see also below).

⁷³ ODIN - OE Data Integration Network (army.mil)

⁷⁴ Ibid.

⁷⁵ Ibid.

- Schematic overview of the Norinco Type 92 Yitian TL-6 and WMZ-551 vehicle



Schematic overview received from UN source

- The Group notes that a representative of the Permanent Mission of the People's Republic of China to the United Nations informed that Group that "after verification by Chinese competent authority, based solely on the information provided [i.e. drone footage] [...], we cannot confirm whether the SHORAD system mentioned [...] is produced in China". It was also stressed that "the Chinese government has all along taken a prudent and responsible attitude towards military exports, rigorously managed the relevant exports in accordance with China's international obligations and domestic regulations, and strictly followed the three principles of arms exports, namely that the exports should be conducive to the legitimate self-defense capability of the recipient country; the exports should not undermine peace, security and stability in the region concerned and the world as a whole; and that the exports should not be used to interfere in the internal affairs of the recipient country".
- The Group sent a request for information to the Government of Rwanda on 12 April 2024 regarding the diversion of military materiel from its intended legal and end-user and/or end-use, including with regards to the SHORAD system. The Government of Rwanda responded on 25 April 2024, dismissing the Group's inquiry in the following terms: "Regarding short-range air defence (SHORAD) systems allegedly identified in Bumbi, Rutshuru Territory, the Government of Rwanda rejects the use of drone imagery from undisclosed sources to give credence to pre-conceived narratives regarding Rwanda's advanced weaponry in DRC. The Government of Rwanda does not attach any credibility or importance to such unverified evidence."

Annex 34 (para. 47)

Drone footage of SHORAD system that failed to strike MONUSCO drone, and picture of SHORAD system in Kitshanga**Images de drone montrant le système SHORAD qui a échoué à frapper un drone de la MONUSCO, et photographie du système SHORAD à Kitshanga.**

Screenshots of drone footage video received from confidential source

- On 7 February 2024, a mobile surface-to-air missile (SAM) was fired at a MONUSCO surveillance drone while the latter was taking footage of that SHORAD system (see screenshot above). One day earlier, the SHORAD system had been detected in a compound controlled by RDF and M23 (1°06'31.0"S, 29°23'37.0"E), close to Bumbi, along the RN2, where the SHORAD system relocated to after the failed strike targeting MONUSCO UAV.
- The SHORAD system fired one missile at the MONUSCO drone on 7 February, as shown by video footage on file with the Secretariat.

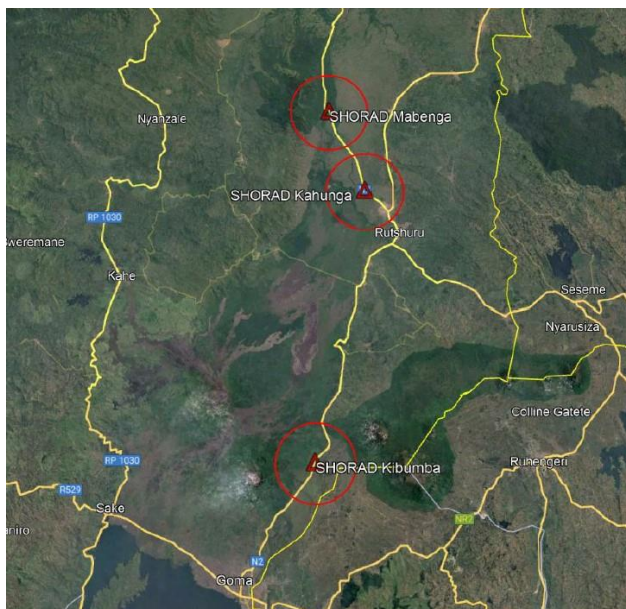


Map indicating the location of the SHORAD system in Bumbi

Map Data: Google, ©2024 Source, Imagery Date: 10042024

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- During the same period, intelligence, civil society and security sources reported the presence of three SHORAD systems along the RN2 between Kibumba and Mabenga, Rutshuru territory. The locations of the reported presence of SHORAD systems are indicated on the map below. On 12 February 2024, a SHORAD system was photographed in Kitshanga (picture below).



Map indicating the location of SHORAD systems observed along the RN2

Map Data: Google, ©2024 Source, Imagery Date: 10042024

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations



Photograph of a SHORAD system circulating widely on social media

Annex 35 (para. 49)

Anti-air capabilities of M23 and RDF

Capacités anti-aériennes du M23 et des RDF

Besides anti-aircraft systems, small arms and light weapons continue to pose a major threat to air assets in Petit Nord (see also [S/2022/967](#), annex 15).

As documented by the Group, on 17 June 2022 one FARDC Mi-24 helicopter was shot down and crashed near Kabindi, Rutshuru territory, after having conducted a bombing raid on Tchengerero which was then under M23 control. M23 issued a communiqué only few hours after the crash claiming that “with our RPG-7 weapons, our forces have destroyed a FARDC combat helicopter that had come to attack our positions in Kabindi and Tchengerero” (see also [S/2022/967](#), annex 15 for further details).

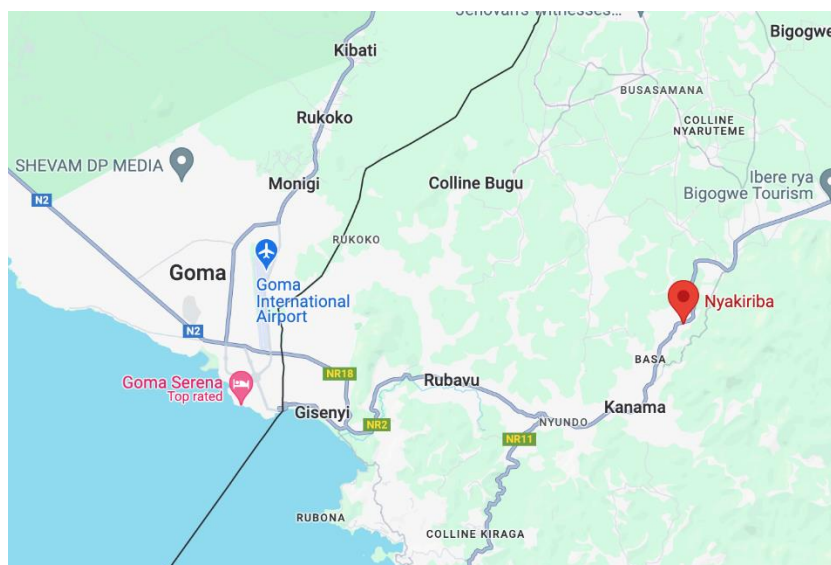
Two months earlier, on 29 March 2022, direct fire originating from a hill under M23 control had also hit a MONUSCO helicopter causing its crash, during which eight peacekeepers were killed (for further details, see [S/2022/479](#), para. 63).

M23 and RDF small arms and light weapons threats to air assets are, amongst others, AK-type assault rifles, RPG’s, PKM’s, SPG-9’s, M-20’s and 14.5 mm AA guns, which remain a significant threat to low flying air assets.

More advanced anti-air capabilities documented in the areas under control of M23 and RDF are man-portable air-defence systems (MANPADS).

The most advanced anti-air capability documented in the areas under control of M23 and RDF are the SHORAD systems.

Eyewitnesses also reported that RDF had installed artillery (25-30 kilometre range) close to the DRC border, including on the road between Gisenyi center and Bralirwa brewery in the hills east of Gisenyi – in direct firing range of Goma International Airport (see map below).



Map indicating [location of the Bralirwa brewery](#)

Map Data: Google, ©2024 Source

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Annex 36 (para. 50)

Picture of the remnant of a 81mm mortar shell hitting a Sukhoi aircraft on the tarmac at the airport of Goma on 17-18 February 2024

Photo des restes d'un obus de mortier de 81 mm frappant un avion Sukhoi sur le tarmac de l'aéroport de Goma le 17-18 février 2024



Picture received from FARDC and security sources

As markings on the remnant of the 82 mm mortar shell with fins were not visible, the precise origin of the mortar shell could not be identified. The Group notes that the 82 mm mortar shell has most likely been diverted from its intended legal end-use.

The black collar under the mortar shell corresponds with an anchoring point for a transport and release/drop off by a commercial drone. Elements of the PMC Congo Protection, FARDC and other eyewitnesses reported to have seen and heard a drone when flying. The reported advantage of a drone drop is its precision compared with conventional mortar fire, as well as the complexity to trace the flight direction of the drone.

82 mm mortar shells are documented as being part of the FARDC and RDF arsenal and have also been documented as part of the arsenal of several armed groups active in eastern DRC, including the M23.

The Group notes that the explosions occurred at 2 a.m. at night (17-18 February 2024) when airport activities were low and when no commercial flights were operating. This could eventually show the intent of the perpetrator not to disrupt airport activities on that occasion, and/or to avoid damage to civilian assets.

The Group sent a request for information to the Government of Rwanda on 12 April 2024 regarding the diversion of military materiel from its intended legal and end-user and/or end-use, including with regards to the 81 mm mortar shell dropped by a commercial drone mid-February 2024. The Government of Rwanda responded on 25 April 2024, dismissing the Group's inquiry in the following terms: "the Government of Rwanda does neither have any details on the incident nor does it understand why Rwanda should be asked to explain anything about the presence of different forms of weapons and ammunition in areas that the DRC Government has outrageously weaponized."

Annex 37 (para. 51)

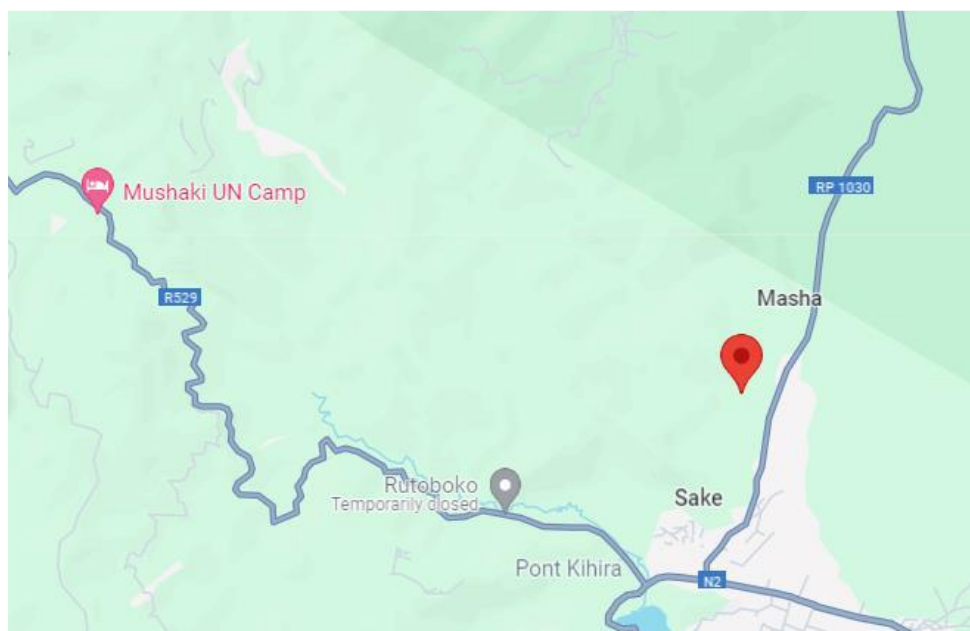
Drone-borne IEDs used by the DRC Republican Guard Regiment Special Unit in Kimoka**Engins explosifs improvisés transportés par drone utilisés par l'unité spéciale du régiment de la garde républicaine de la RDC à Kimoka**

- **Facts and Figures of the attack**

On 12 February 2024, between 11.30 a.m. and 1.00 p.m., three MONUSCO blocking positions in Kimoka (5 km north-west of Sake - see map below), part of operation “Springbok” (see para. 89), were attacked by eight drone-borne IEDs or so-called “kamikaze drones”. Eyewitnesses and analysts reported that the attack with multiple drones was meticulously coordinated. Drone-born IEDs had not been documented in the DRC before that date. The Group notes that drone-borne IED attacks were documented in other conflict areas, including in CAR, Sudan and Ukraine.

The three MONUSCO camps in Kimoka were attacked simultaneously. A total of eight drone-borne IEDs, but also 122 mm rockets and small arms, were used during the attack. According to UN sources, five drone-borne IEDs attacked the Kimoka “Top camp” and three others attacked Kimoka “Spur position”. Six drone-borne IEDs detonated on MONUSCO tents or in their close vicinity. One drone was intercepted and neutralized by the Indian battalion of MONUSCO, while another one remained intact upon impact in Kimoka Top camp, as the charge did not detonate.

After the drone attacks, 122 mm rockets hit the three positions. About 15 minutes later, VDP combatants, some wearing FARDC uniforms, attacked the three positions with small arms and light weapons (SALW). About 25 VDP combatants also entered the Kimoka positions and set the MONUSCO tents on fire.



Map indicating position of the drone-borne IED attacks at Kimoka received from UN source

Map Data: Google, ©2024 Source

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations



Picture received from UN source of one of the damaged MONUSCO tents

- **Elements regarding the perpetrators of the sanctionable attacks against peacekeepers**

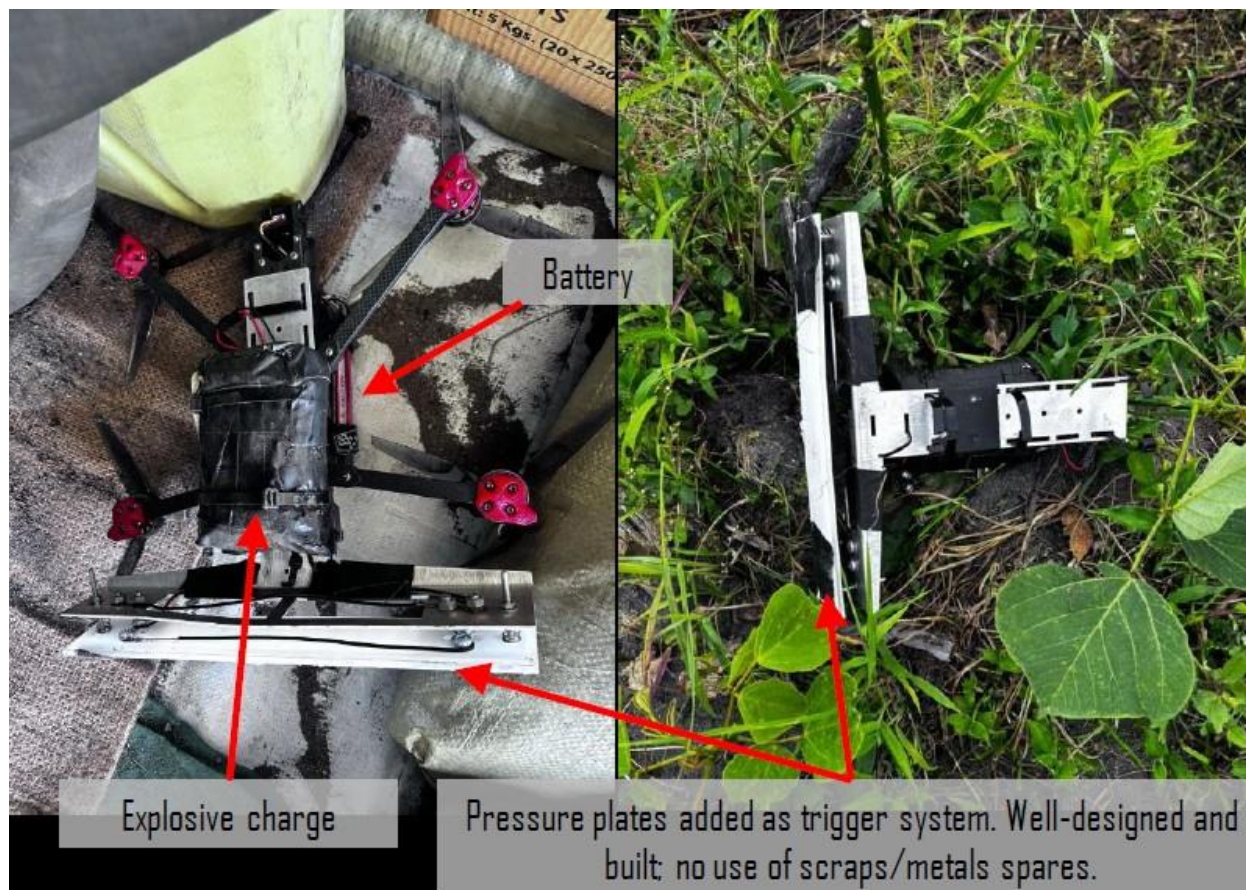
While the FARDC and Republican Guard did not officially claim the 12 February attack, several sources – including FARDC, security and intelligence sources – informed the Group that the drone-borne IEDs were piloted by the Republican Guard Regiment Special Unit, also known as the “Hiboux” (see also [S/2023/990](#), para. 56-58). Other elements also point at the involvement of the Hiboux in conducting the drone-borne IED attack:

- Security sources informed the Group that Congolese Special Forces and the Republican Guard Regiment Special Unit do possess commercial drones and have necessary expertise to modify commercial drones and add explosives;
- Security sources and FARDC reported to the Group that the Republican Guard Regiment Special Unit does have drone-borne IED capacities;
- Several sources informed the Group that a “Hiboux” unit was near Kimoka positions prior to the attack;
- Flight recorder data extracted from one of the recovered drones’ black boxes show that the starting point of one of the drones’ flight paths was located at hills controlled by the FARDC at that time;
- Flight recorded data extracted from one of the drones’ black boxes also geo-located the drone to the Kimbembe camp near Lubumbashi, Haut Katanga province. Kimbembe camp is a Republican Guard training camp.
- The “Hiboux” received training in operating surveillance drones in 2023 in the Kimbembwe camp, also near Lubumbashi.
- The aftermath of the drone-borne IED attack was recorded by a drone piloted by Congo Protection, one of the PMCs in support of the FARDC and the Republican Guard. UN sources reported that a drone surveilling the unfolding attack had indeed been observed.
- General Fall Sikabwe, the commander of FARDC operations in North Kivu, acknowledged the involvement of the Republican Guard in the drone-borne IED attack to several sources of the Group.

The stated objective of the drone-borne IED attack was an act of revenge against the MONUSCO peacekeepers of the Indian contingent, which manned the Kimoka positions, and which the FARDC special forces accused of collaborating with M23 and RDF,⁷⁶ and of being responsible for an earlier attack against the FARDC (see below).

Additional elements regarding the drone-borne IEDs, characteristics and use

The drones used are commercial drones that were modified, as they were equipped with an IED and pressure-plate trigger mechanism. The explosive charge activated upon impact against an object on the ground:



Picture and schematic overview of the drone-borne IED that failed to explode in Kimoka received from confidential source

⁷⁶ FARDC, security, Wazalendo, M23 combatants and confidential sources.

The drone recovered is a IFLIGHT Chimera7 Pro V2 6S which has a maximum range of 18km. The figure below provides the specifics of the drone model:



CHIMERA7 PRO V2 HD 6S DJI (various similar models with different specs)

Range: up to 18 km depending on specific model

Battery: 30 minutes (possible to add extra battery)

Possible to load at least 1kg of extra 'cargo' to the chassis

Speed: Up to 140km/h

GPS system depending on the model

Scheme received from confidential source

Drone-borne IEDs are low-cost and low-tech explosives and provide precision-strike capability. Analysts stated that these drone-borne IEDs are able to target small spaces and can thus typically be used against trenches and bunkers, such as those used against MONUSCO blocking positions.

The Group stresses that these new tactics, techniques and procedures (TTP's) could – if their use is confirmed – significantly alter conflict dynamics in the near future. Notably, cost-risk calculations for the safety and security of UN civilian and military personnel, as well as for FARDC, SAMIDRC troops, other deployments and civilian populations, could be reassessed and reshaped.

Annex 38 (para. 52)**Analysis of the recovered 120 mm guided mortar shells****Analyse des obus de mortier guidé de 120 mm récupérés**

- Photo of unexploded 120 mm guided mortar shell recovered in Murambi, close to Mushaki, Masisi territory (picture 1) and a sample photo of a similar, functional 120 mm guided mortar shell (picture 2). See also [S/2023/990](#), annex 18.



Pictures provided by UN source

Type of ammunition: Guided Mortar

Size of ammunition: 120 mm

Condition: UXO

Effect of ammunition: HE or HE-FRAG

Addition: the ammunition contains electrical and electronic components for laser and GPS-measurements

- Photo of the remnants of the 120 mm mortar recovered on 24 October 2023 some 15 metres from the FARDC camp in Kanyamahoro. See also [S/2023/990](#), annex 18.



Pictures provided by confidential source

Type of ammunition: Guided Mortar
Size of ammunition: 120 mm
Marking on the base of the drive unit: I.M.I 1-21
Year of Manufacture: 2021

- The Group notes that both mortar shells are similar to the Israeli “IMI” or “Elbit Systems” (depending on model and year of production)-made “120 mm Guided Mortar Munition”. The type of ammunition could be “DOKRAN” or “STYLET”, and the color pattern might be final-user specific.
- Characteristics of the high-precision 120 mm guided mortar munition, as articulated on the [website](#) of Elbit Systems, are the following:
 - 1 to 9 km range depending on the mortar system
 - Guidance-based GPS
 - First bomb effective without targeting
 - Minimal collateral damage
 - High lethality by enhanced precision and multi-mode (PD/PRX) fuze
 - 5 charge propulsion system
 - Multi target assault with single position
- The Group requested the Government of Israel to provide information regarding when, and to which end-user, it authorized the sale or transfer of the materiel, in particular export details of 120 mm mortar munitions to Rwanda, DRC and Uganda between 2020 and 2024. At time of drafting, the Group had not received a response.

Annex 39 (para. 53)**Imagery confirming the use of 120 mm guided mortars by RDF units****Images confirmant l'utilisation de mortiers guidés de 120 mm par les unités des RDF**

The Group obtained video imagery of RDF units⁷⁷ in Karuba, Masisi territory, firing 120 mm guided mortar shells from their position (RDF position coordinates: 1°34'24" S – 28°59'27" E) towards the south (1°35'27"S – 29°00'46") on 2 February 2024. The RDF units left this position 20 minutes after the shelling, as they were most likely informed about the planned FARDC CH4 drone attack to target their mortar system. The FARDC CH4 drone neutralized the 120 mm mortar on the same day.



Screenshots of a video received from security source and on file with the Secretariat

The Group sent a request for information to the Government of Rwanda on 12 April 2024 regarding the diversion of military materiel from its intended legal and end-user and/or end-use, including with regards to 120 mm mortar shells recovered. The Government of Rwanda responded on 25 April 2024, dismissing the Group's inquiry in the following terms: "While the Government of Rwanda reserves the right to take any necessary measures to defend its territory from attacks such as those indicated above (...) it does not "control hills" in DRC and cannot be held responsible for alleged findings in the indicated areas."

⁷⁷ Security, intelligence and M23 sources confirmed that RDF soldiers manned that specific position in Karuba.

Annex 40 (para. 53)

Use of 120 mm mortars against SADC troops

Utilisation de mortiers de 120 mm contre les troupes de la SADC

On 27 February 2024, four 120 mm mortar bombs landed in the SAMIDRC camp of the SAMIDRC's South African contingent in Mubambiro, near Sake. One armoured personnel carrier (APC) was destroyed and four South African soldiers were wounded. The suspected mortar position from where the shelling originated was identified by aerial footage on 18 March 2023. The position was manned by RDF soldiers at the hilltop called "Muremure" which overlooked Sake, Mubambiro military camp, Lake Kivu, Shasha and parts of Kalehe.

The MONUSCO base in Sake, as well as the FARDC and SADC positions in Mubambiro, were repeatedly hit by mortar fire in March 2024, resulting in MONUSCO, SAMIDRC and FARDC elements being injured. On 27 February 2024, mortar shelling of Mubambiro center also resulted in 15 civilians being wounded and two others killed (para. 94).

The photo below showed the remnants of one 120 mm mortar recovered on 27 February 2024 at the SAMIDRC camp in Mubambiro. While military analysts refer to the 120 mm mortars as being guided mortars, the Group could not confirm this.



Photo received from UN source



Screenshot of aerial footage of the RDF concealed mortar position on Muremure hill received from UN source

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

On 6 April 2024, SADC troops positioned in Mubambiro, close to Sake, were again attacked with 120 mm mortars. SADC announced that three SAMIDRC soldiers were killed in the attack and three others injured. The Group could not confirm whether the 120 mm mortars were guided.



PRESS RELEASE

Four SADC Mission in the Democratic Republic of Congo (SAMIDRC) soldiers died and three injured in Eastern DRC

08th April, 2024, Gaborone, Botswana: The Southern African Development Community (SADC) Mission in the Democratic Republic of Congo (SAMIDRC) sincerely regrets to inform the public of the passing on of three of its soldiers and three that got injured from the United Republic of Tanzania. This unfortunate incident happened after a hostile mortar round had fallen near the camp they were staying. SAMIDRC hereby also informs the public of the passing on of a South African soldier who died while receiving treatment due to health challenges in a Hospital in Goma, DRC.

The soldiers were/are deployed under the auspices of SADC as part of a regional response to address the unstable and deteriorating security situation prevailing in the Eastern DRC.

The SADC family expresses its heartfelt condolences to the beloved families and the Governments of the Republic of South Africa and United Republic of Tanzania on the irreplaceable loss of the deceased soldiers and, at the same time, wishes the three injured soldiers speedy recovery.

The SAMIDRC remains focused on carrying out its mandate as per the principle of collective self-defence and collective action outlined in the SADC Mutual Defence Pact (2003).

Document received by the Group from SADC
<https://www.sadc.int/media-releases-and-statements>

Annex 41 (para. 53)

The use of guided mortars by Baudoin Ngaruye's M23 unit

L'utilisation de mortiers guidés par l'unité M23 de Baudoin Ngaruye

Captured and surrendered M23 combatants repeatedly reported the use by RDF of 120 mm guided mortars (see above).

Captured and surrendered M23 combatants also described the use of 120 mm guided mortars by M23, including in Mushaki. They reported that the unit of sanctioned individual Baudoin Ngaruye (CDi.019), based in Rumeneti, had several 120 mm guided mortars and a mortar system.

Within Baudoin Ngaruye's unit, the M23 combatant in charge of the 120 mortars was known as "Burora". M23 combatants reported that 120 mm guided mortars were used only for "special operations" such as the one against the FDNB and FARDC based in Mushaki in November 2023 (see para. 82).

The Group recalls 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; and the use of the weapon system requires extensive training ([S/2023/990](#), annex 18). The Group therefore concludes that M23 was unable to either possess or use this weapon system without external support.

Annex 42 (para. 54)

Additional information on RDF and M23 weaponry

Informations complémentaires sur les FRD et l'armement du M23

- **Information on M23 and RDF weaponry:** see also [S/2022/479](#), para. 68; [S/2022/967](#), annex 30; [S/2023/431](#), annex 26; [S/2023/990](#), annex 17.
- **The use of 122 mm rockets by RDF and M23 and shelling of Goma neighbourhood:**

On 7 April 2024, at 5.45 am, the Mugunga neighbourhood of Goma was shelled with a 122 mm rocket. Sake town and Mubambiro were also shelled.

The shelling was most likely carried out in reprisal for earlier FARDC and SAMIDRC artillery strikes on M23 and RDF positions located west and northwest of Sake on 6 and 7 April 2024. Two months earlier, another 122 mm rocket also fell in Mugunga neighbourhood which resulted in one civilian killed and two others wounded.

The 7 April shelling originated from a position north of Karuba (1°33'31.36"S-28°59'27.93"E), known to be manned by RDF soldiers and where the presence of a 122 mm rocket launcher was documented on 25 March and 8 April 2024.⁷⁸

Imagery showed that RDF troops, amongst others those observed in Mushaki, were carrying what is likely to be 2 single-tube 122mm rocket launchers on 22 March 2024:



Picture received by the Group from a confidential source

⁷⁸ Confidential document.

On 26 December 2023, RDF troops were carrying what is likely to be a 122mm rocket launcher close to Karuba:



Picture received from confidential source

On 19 March 2024, one 122 mm rocket was fired on on Nzulo (-1.601947°, 29.119027°), Lac vert neighbourhood, close to Goma town (see also paras. 93-98):



Picture received from confidential source

During the takeover by RDF and M23 of Rwindi (see annex 29) in early March 2024, a 122 mm rocket was fired on the FARDC base:



Picture received from confidential source

- **RDF and M23 sniper fire, use of surveillance drones and night-vision goggles**

RDF and M23 operations were generally preceded by commercial drone overflights, allowing them to conduct precise attacks.⁷⁹ RDF also used night-vision binoculars and VHF radios⁸⁰ (see picture below)

The Group also received several reports, including from eyewitnesses, security and intelligence sources, of RDF and/or M23 sniper fire, killing FARDC, armed group combatants and PMC personnel on the ground, but also being used against air assets. For example, two PMC Congo Protection elements were killed on 8 February 2024 by sniper fire. Also, in 2023, suspected M23 or RDF sniper fire killed one crew member of a MONUSCO Oryx utility helicopter and wounded another.

On 8 November 2023, an RDF soldier carrying a precision rifle with telescopic site/scope and marching with other RDF and M23 was seen in Kilolirwe (see picture below). Civil society sources, eyewitnesses and confidential sources had reported the presence of RDF troops in the area. See also [S/2023/990](#), annex 17.

⁷⁹ M23 and RDF sources, UN, FARDC and security sources, eyewitnesses.

⁸⁰ The picture was taken on 25 December 2023, close to an RDF position west of Kilolirwe (1°24'43.63"S-29°01'02.47"E):



Photos received by the Group from a confidential source

- **Additional weaponry observed**

- Mortar bomb container observed on 25 December 2023 close to an RDF position west of Kilolirwe (1°24'43.63"S-29°01'02.47"E):



- SVD Dragunov (sniper rifle) observed on 25 December 2023 close to an RDF position west of Kilolirwe (1°24'43.63"S-29°01'02.47"E):



Pictures obtained by the Group from confidential source

- Anti-tank missile container, observed on 23 December 2023 close to an RDF position west of Kilolirwe (1°24'43.63"S-29°01'02.47"E):



- Multi-rocket launcher (107mm) observed on 31 January 2024 close to an RDF position west of Kilolirwe (1°24'43.63"S-29°01'02.47"E):



Pictures obtained by the Group from confidential source

- 12.7 mm machine gun, observed on 26 December 2023 in Karuba:



- 5.56 x45mm assault rifle, observed on 6 December 2023 on an RDF position north-east of Mushaki (1°30'23.07"S-28°58'56.69"E):



Pictures obtained by the Group from a confidential source

- Possible anti-tank missiles, observed on 27 December 2023 close to an RDF position east of Kilolirwe (1° 24'53.52S-29°01'30.63)



Picture obtained by the Group from a confidential source

Annex 43 (para. 61)

Letter signed by Guidon Shimiray Mwisu as VDP “commander”

Lettre signée par Guidon Shimiray Mwisu en tant que « commandant » des VDP

In the letter dated 12 February 2024 (see below), sanctioned NDC-R/Guidon leader and “the commander of the VDP”, Guidon Shimiray Mwisu, called for the general mobilization to defend the country [excerpt with translation by the Group]:

“[...] our country is threatened, under attack and in danger of unprecedented balkanization. It’s now or never that the fatherland needs the involvement of everyone, anyone and everyone animated by the spirit of patriotism. That’s why, as Commander of the Patriotes résistants et Volontaires pour la défense de la Patire (VDP), I’m calling for the general mobilization of all young people in the DRC, wherever they may be [...]”



Document received from civil society source

Guidon Shimiray Mwisa has been part of VDP's leadership since its creation (S/2023/990, annexes 23-25) and has remained in close contact with FARDC leadership (S/2023/990, annex 25).⁸¹ The Group notes that in April 2024, Guidon was transported by an FARDC helicopter with PMC Agemira crew, to his headquarters after he had returned from Kinshasa, where he attended the meeting with Wazalendo armed groups organized at the Presidency's request (see para. 69).



Screenshot of video received from Wazalendo source

⁸¹ FARDC, security and VDP sources and government officials.

Annex 44 (para. 61)

On 7 December 2023, Jules Mulumba, VDP Spokesperson, met with President Felix Tshisekedi in Kinshasa

Le 7 décembre 2023, Jules Mulumba, le porte-parole des VDP, a été reçu en audience par le Président Felix Tshisekedi à Kinshasa



Picture circulated on social media

Annex 45 (para. 62)

Examples of VDP attacks to recapture areas controlled by M23 and RDF

Exemples d'attaques des VDP pour reprendre les zones contrôlées par M23 et RDF

VDP and M23/RDF often clashed in Nyaragongo, Rutshuru and Masisi territories since the armed confrontation resumed in late December 2023.

For example, from January to March 2024, the VDP as well as other Wazalendo combatants were mobilized by the FARDC to defend strategic towns such as Sake in Masisi territory and to thwart M23 and RDF progress towards South Kivu (see also paras. 62, 71 and 83).

In February and March 2024, the VDP also launched several attacks in Bindja, Kansiru and Nyazale, Kihondo *groupements*, Rutshuru territory, with the intention of recovering some villages controlled by M23 and RDF. In March 2024, during a mission of the Group in Sake and Mubambiro, many VDP combatants carrying weapons and wearing uniforms, including FARDC uniforms, reported to be engaged in fighting M23 positions on the Sake-Minova road.

Also, in March 2024, VDP clashed with M23 around Kitshanga, Bashali Mokonto *groupements*, Masisi territory. In early March, VDP combatants attacked M23-RDF positions on the Mbushi hills in Mweso. Around the same period, VDP and FDLR-FOCA were involved in combats around Rwindi, Bambo and Katsiru, Rutshuru territory.

VDP combatants, other Wazalendo combatants, FARDC and security sources informed the Group that VDP combatants and other Wazalendo combatants were often engaged at frontline positions while FARDC troops were at more backward positions. This resulted in many VDP and other Wazalendo combatants having been killed during clashes, as also corroborated by photographs on file with the Group.

Whereas the VDP has been successful in stopping M23 and RDF advances towards South Kivu, Sake and Goma, VDP attacks to recover M23- and RDF-controlled areas were rather unsuccessful given RDF's and M23 superior combat strength (see also paras. 32 and 40-54).

Annex 46 (para. 64)

Arms, logistics, training, and cash money provided to the VDP armed groups fighting in Petit Nord against the M23 and RDF**Armement, munitions, entrainement et argent liquide fourni aux groupes armés VDP actifs dans le Petit Nord contre le M23 et les RDF**

The FARDC continued to provide arms, logistics and cash to VDP leaders and combatants (see also [S/2023/990](#), para. 39 and annex 25, and [S/2023/431](#), paras. 79-84), in violation of the arms embargo and the asset freeze.

VDP armed groups were regularly requested to identify their needs in terms of armament and logistics and submit them to FARDC authorities. For example, in early January 2024, at the request of the military authorities, VDP armed groups submitted detailed lists of logistics and military equipment they needed. These lists (see one reflecting the request made by CMC/FDP below), consulted by the Group, were given to the office of the Military Governor of North Kivu and included boxes of ammunition, mortars and rockets, which the FARDC Etat-Major provided to the VDP.⁸²

- Cartouches 7.62x39 : 100 caisses
 - 7.62x54 mm : 88 caisses
 - 12.7mm : 52 caisses
 - Roq 40 mm : 14 mm
 - ATK : 17 caisses
 - Gren casto multiples : 10 caisses
 - Mor 60mm :17 caisses
 - Mr 82 mm= 10 caisses
 - Fait a Goma le 3 février 2024 ; du CMC/FD &
 ANCDH
 pour ProGouv Mil.
 Et par ordre, col. Semasaka Sadiki, Admin Log
 CMC/FDP

Transcript from a confidential document seen by the Group

The Group notes that at least two VDP armed groups, APCLS and CMC/FDP, were given surveillance drones which they operated in their areas. VDP combatants tasked with piloting the surveillance drones were trained by the FARDC for that purpose, with the support of the PMCs.⁸³

VDP and government sources reported that \$2,000 in cash money was distributed to each of the 48 VDP leaders who travelled to Kinshasa on 8 April 2024 at President Tshisekedi's request (see para. 69).

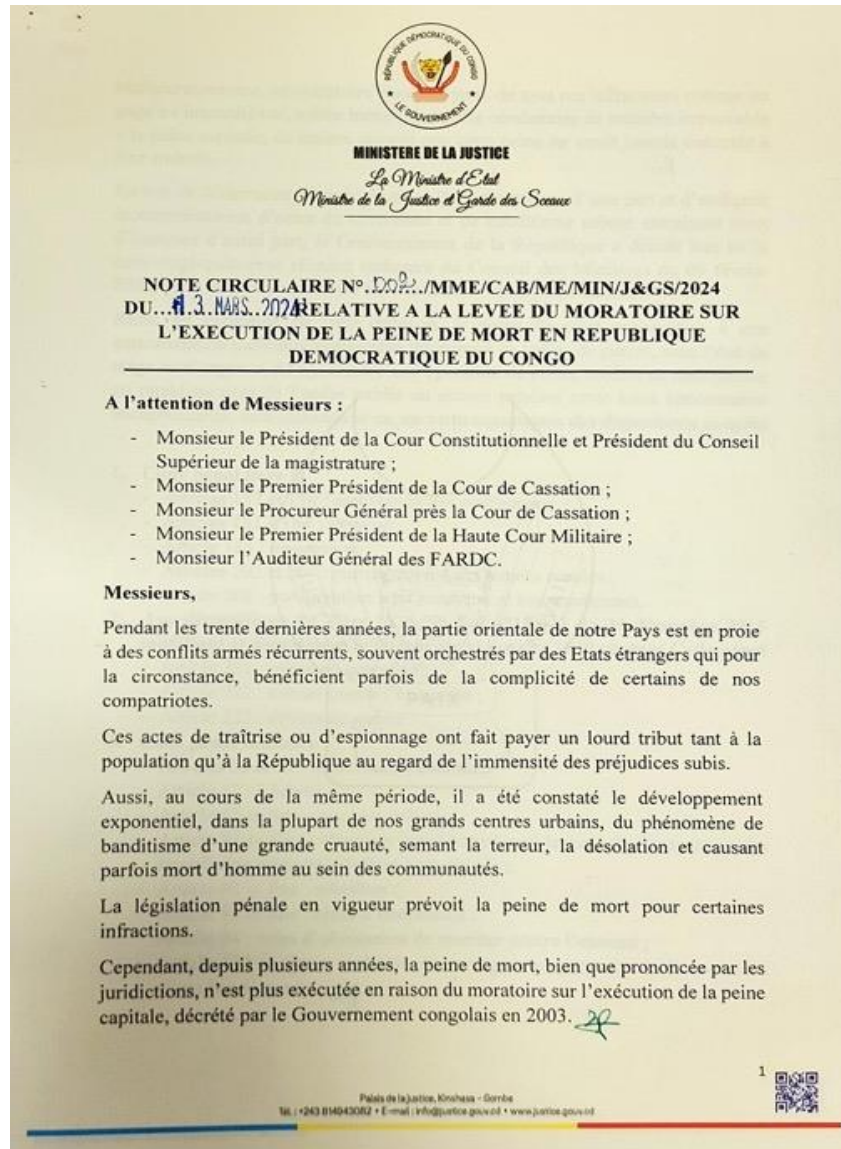
⁸² VDP combatants and leaders, FARDC, security and intelligence sources.

⁸³ Security sources, VDP leaders and combatants, eyewitnesses.

Annex 47 (para.65)

Lifting of the moratorium on the execution of death penalty sentences

Levée du moratoire sur l'exécution des condamnations à la peine de mort



Suite

Malheureusement, ce moratoire était aux yeux de tous ces infracteurs comme un gage à l'impunité car, même lorsqu'ils ont été condamnés de manière irrévocable à la peine capitale, ils étaient assurés que cette peine ne serait jamais exécutée à leur endroit.

En vue de débarrasser l'armée de notre Pays des traîtres d'une part et d'endiguer la recrudescence d'actes de terrorisme et de banditisme urbain entraînant mort d'hommes d'autre part, le Gouvernement de la République a décidé lors de la cent-vingt-quatrième réunion ordinaire du Conseil des Ministres du 09 février 2024, de la levée du moratoire sur l'exécution de la peine de mort.

Ainsi, en exécution de cette décision, la peine de mort consécutive à une condamnation judiciaire irrévocable intervenue en temps de guerre, sous l'état de siège ou d'urgence, à l'occasion d'une opération de police tendant au maintien ou au rétablissement de l'ordre public ou encore pendant toute autre circonstance exceptionnelle, sera exécutée et ce, en vertu notamment des dispositions ci-après :

1. Code pénal livre II

- Articles 157 et 158 : association des malfaiteurs ;
- Articles 181 à 184 : trahison ;
- Article 185 : espionnage ;
- Articles 202 et 204 : participation à des bandes armées ;
- Article 208 : participation à un mouvement insurrectionnel.

2. Les dispositions du Titre IX de la Loi n°15/022 du 31 décembre 2015 modifiant et complétant le Décret du 30 janvier 1940 portant Code pénal

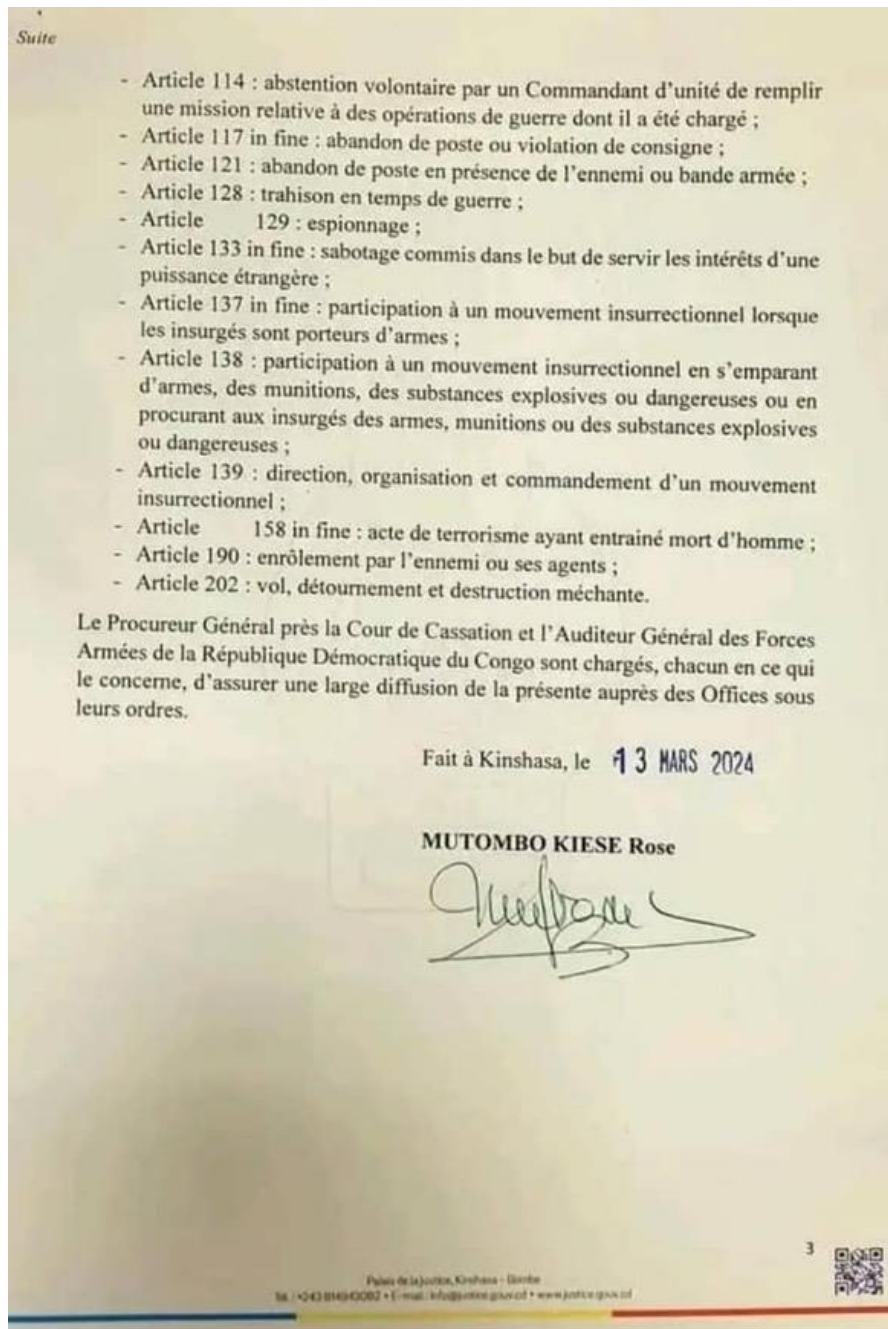
- Article 221 : crime de génocide ;
- Article 222 : crimes contre l'humanité ;
- Article 223 : crimes de guerre.

3. Code pénal militaire

- Articles 50 et 51 : désertion à l'ennemi ;
- Article 57 : Lâcheté ;
- Article 62 in fine : complot militaire ;
- Article 91 in fine : rébellion ayant occasionné la mort de l'autorité contre laquelle les actes de rébellion sont dirigés ;
- Article 92 in fine : rébellion ;
- Article 93 in fine : refus d'obéissance ;
- Article 94 : refus d'obéissance de marcher contre l'ennemi ;
- Article 113 in fine : violation de consignes en présence de l'ennemi ou d'une bande armée ;

2





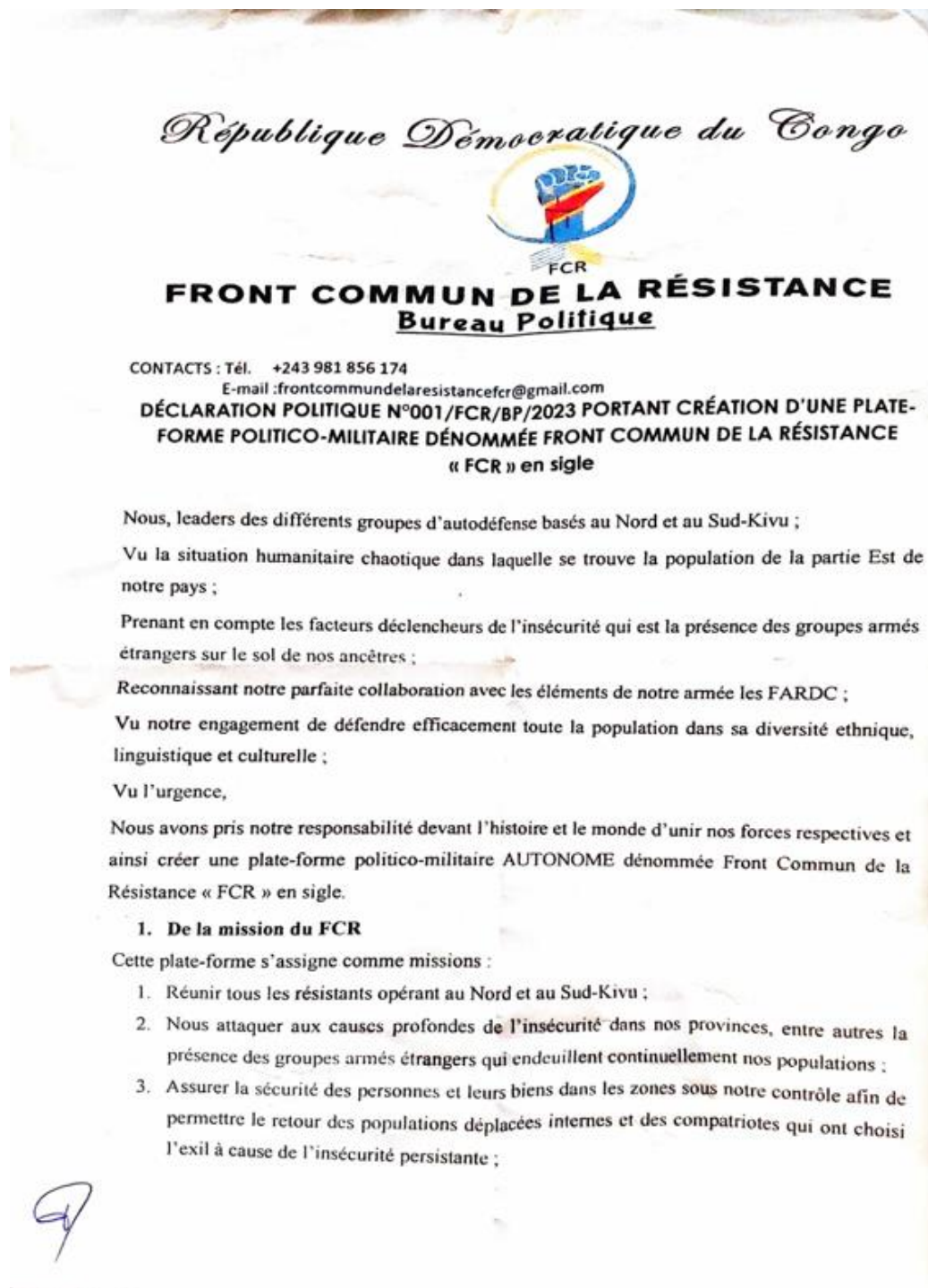
Document received from FARDC source

Annex 48 (para. 68)

Communiqué of the Front Commun de la Résistance (FCR) of 29 December 2023

Communiqué of the Front Commun de la Résistance (FCR) du 29 décembre 2023

The Group notes that in this communiqué, the FCR stress their “perfect collaboration with the FARDC”.



4. Œuvrer pour la cohabitation pacifique des populations ;
5. Combattre les discours de haines et encourager les projets d'intérêt général.

2. Des organes du FCR

1. Le Bureau politique ;
2. Le haut commandement militaire ;
3. Le secrétariat exécutif.

Ainsi, appelons toutes les forces de la résistance de se joindre à nous afin de barrer route aux ennemis de la paix.

Fait à Hewani, ce vendredi 29 décembre 2023

Les membres fondateurs

1. FPP/AP
2. NDC-R/M
3. MPA
4. CMC/FAPC
5. Mai Mai KIFUAFUA
6. R.M HAMAKOMBO



Document provided by armed group source

Annex 49 (para.69)**VDP and Wazalendo meeting with the Government on 8 April 2024****Rencontre entre le Gouvernement et les VDP/Wazalendole 8 avril 2024**

On 8 April 2024, 48 armed groups leaders from South Kivu, North Kivu and Ituri, including sanctioned individual Guidon Shimiray and one leader of the sanctioned armed group FDLR, travelled to Kinshasa at President Tshisekedi's request. On 10 April 2024, a preparatory meeting gathered these armed group leaders and representatives and Government officials including Mwindo Nzangi (Minister of Education), Crispin Bindul, (Member of Parliament) and Jules Mulumba (VDP Spokesperson and Liaison Officer).

During that meeting, Government officials told the armed group leaders and representatives that there was pressure on the Government to dissociate itself from the Wazalendo. Government officials added however that this was not their intention and advised the armed groups to protect the FDLR as Wazalendo's ally on the battleground.

A follow-up meeting took place on 16 April 2024 between armed group leaders and Jean-Pierre Bemba (Vice-Prime Minister and Minister of Defence), General Padiri (Reserve Defense Force's national coordinator), Jacquain Shabani (advisor to the President) and Kahumbu Mandungu Bula, known as Kao (advisor to the President). The Government representatives and advisors to the President reiterated (1) the need for the Wazalendo to remain mobilized as the ongoing war could last and to continue mobilizing "young" recruits; and (2) the need to remain united and not fight other VDP or Wazalendo groups.

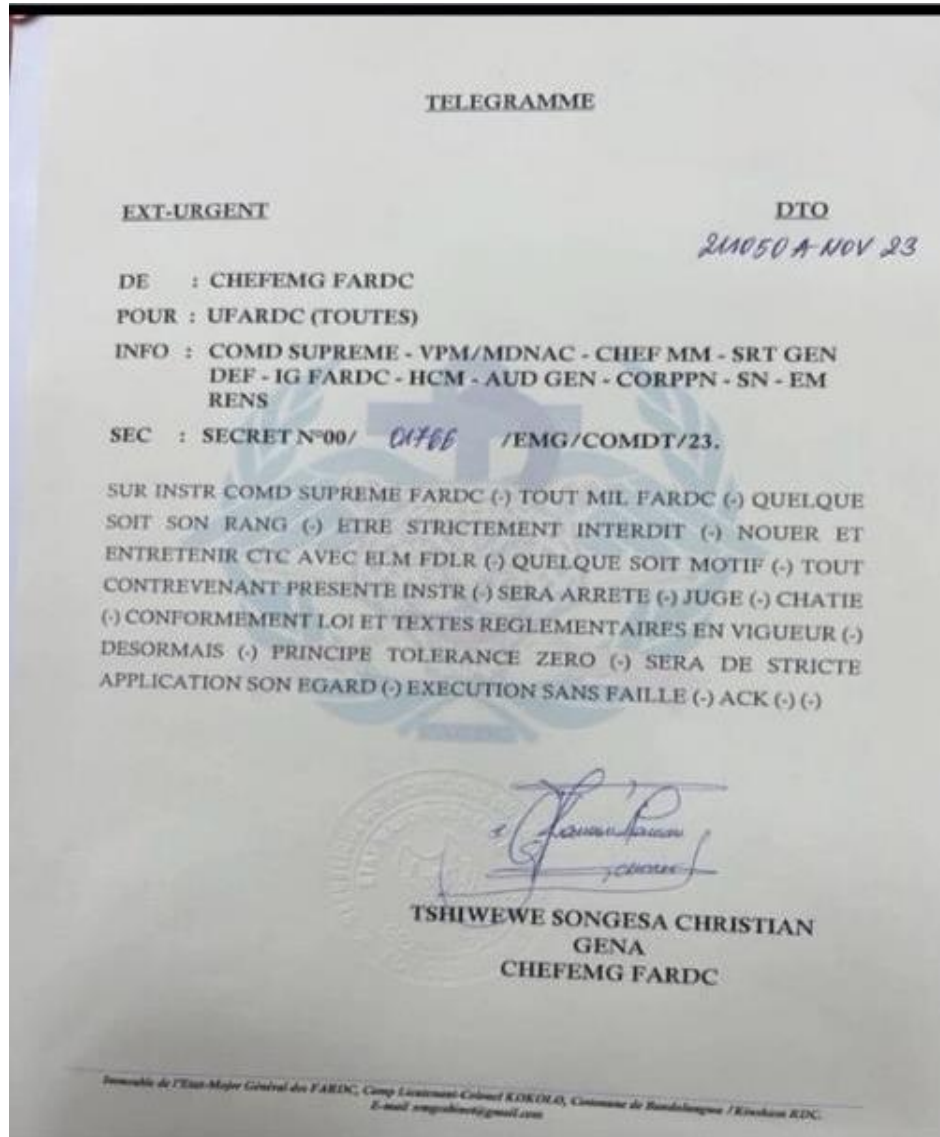
The Government representatives and advisors to the President also told the armed group leaders during that 16 April meeting that at the end of the conflict, they could join the RAD through the Disarmament, Demobilization, Community Recovery and Stabilization Program (PDDRCS). Armed group leaders were thus requested to prepare the list of their combatants for the RAD and PDDRCS processes. Furthermore, the authorities explained to the armed group leaders that while their demands for positions within FARDC would be examined, they should not be too ambitious. A joint RAD-PDDRCS team would be set up to manage the process, and the Government would mobilise the resources.

Finally, armed groups were advised not to target MONUSCO and SAMIDRC as they were the Government's partners.

Annex 50 (para. 70)

FARDC Chief of Staff's instructions banning collaboration with the FDLR

Les instructions du Chef d'Etat Major des FARDC interdisant toute collaboration avec le FDLR



Document received from FARDC source

Arrest of General Bruno Mpezo following the instruction to halt collaboration with the FDLR

On 30 December 2023, General-Major Bruno Mpezo, Commander of the 34th Military Region, was arrested, reportedly because he collaborated with FDLR/FOCA. However, sources with knowledge of the matter casted doubts over these allegations and claimed that he had in fact been arrested on suspicion of corruption. The official announcement that he was arrested because of his collaboration with the FDLR was driven by the DRC authorities' desire to prove that they really planned to end FARDC-FDLR collaboration.⁸⁴ However, the Group obtained extensive information attesting to the continued FARDC-FDLR collaboration.

⁸⁴ FARDC, security and government sources.



Document received from FARDC source

Annex 51 (para. 74)

FDLR-FOCA Leadership

Les dirigeants de FDLR-FOCA

- Ad interim President of the political wing: “general” Victor Byiringiro (alias Rumuri, alias Rumuli)
- Military wing of the FDLR/FOCA: “major-general” Pacifique Ntawunguka (alias Omega Israel)
- Secretary-General: “brigadier general” Sibomana Stany (alias Gakwerere)
- Defence commissioner: “general” Hakizimana Apollinaire (alias Amikwe Lepi, alias Poète)
- Military spokesperson: “lieutenant-colonel” Sacramento Mahongue
- Political spokesperson: Cure Ngoma
- G2 (military intelligence): “general” Nyembo
- G3 (operations): “colonel” Parker
- Liaison officer: Fidele Sebagenzi

Annex 52 (para.80)**Update on the national defence reserve force (RAD)****Mise à jour de la force de réserve de la défense nationale (RAD)**

The national Defence Reserve Force (RAD) remained in its conceptual phase at time of drafting ([S/2023/990](#), paras. 41-42). On 4 December 2023, a presidential ordinance appointed Lieutenant-General David Padiri Bulenda and Major-General Janvier Mayanga, respectively, as the national coordinator and deputy national coordinator in charge of planning and intelligence for the RAD. Brigadier-General Emery Godas Nsumpa was also appointed with the responsibility of coordinating recruitment, mobilisation and logistics.

Many VDP combatants and leaders saw these appointments as a step toward the conversion of the VDP into the RAD. While they were convinced that all, including sanctioned individual Guidon Shimiray, would be offered official positions,⁸⁵ as reportedly promised in exchange for their support in fighting M23 and RDF, Government officials told the Group that perpetrators of human rights and IHL violations would be excluded through a vetting procedure.

⁸⁵ Combatants, civil society and FARDC sources, researchers.

Annex 53 (para. 81)**Additional information on the covert FDNB deployment and analysis of the minutes of the FARDC-FDNB meetings****Informations supplémentaires sur le déploiement secret de la FDNB et analyse des procès-verbaux des réunions FARDC-FDNB**

- **FDNB covert deployment**

FDNB covert deployment was agreed upon following a bilateral DRC-Burundi agreement to jointly combat M23 and RDF ([S/2023/990](#), paras.43-46). While this covert deployment outside the scope of the East African Community Regional Force (EACRF) was initially denied by both DRC military headquarters and the Government of Burundi,⁸⁶ a confidential FARDC-FDNB document of November 2023 stipulated that one FDNB brigade intended to be deployed in South Kivu had instead been sent to North Kivu “given the M23/RDF aggression”. The same document also confirmed that FDNB troops were provided with FARDC uniforms, as reported by the Group in its previous report ([S/2023/990](#), para. 43), and that joint operations were “successfully carried out”. Covert FDNB deployment was confirmed by multiple sources.⁸⁷

- **FARDC-FDNB meetings in June and November 2023 providing additional information on covert FDNB deployment**

A meeting of FARDC and FDNB military experts was held in Goma on 29 and 30 November 2023 to evaluate past joint FARDC-FDNB operations and plan future ones (“Task Force Joint Operations”- TaFOC-CB”). The meeting was led by FARDC Lieutenant-General Sikabwe Fall and FDNB Major-General Sibomana Ignace, who opened the meeting referring to the “joint and historical past of the DRC and Burundi”.

The minutes of the meeting (see below) referred to an earlier meeting of the FARDC and FDNB Chiefs of Staff held in Bujumbura on 30 June 2023 during which the deployment of two FDNB brigades in South Kivu “with extension to North Kivu” was decided.

The same document also states that given “the M23/RDF aggression”, one of the two brigades intended for the deployment in South Kivu had been switched to North Kivu, and that “TaFOC-CB received weapons, ammunition, FARDC uniforms [...]” thus confirming that FDNB troops were allocated with FARDC uniforms (see also [S/2023/990](#), para. 43).⁸⁸

The November 2023 document states that “regarding TaFOC North Kivu, thanks to joint planning, an operation [i.e. FDNB-FARDC; not EACRF] to halt the M23/RDF enemy advance towards Rusayo and Sake was successfully carried out”.

The headquarters of TaFOC-CB North Kivu was established in Mubambiro, close to Sake in Masisi territory.

The document also stated that BURCON/EACRF had been compelled by M23/RDF to withdraw from its area of deployment in Kilolirwe-Kitchanga-Mweso, and reorganized in Mushaki, and that EACRF, scheduled to depart the DRC on 8 December 2023, could “grant certain facilities to M23/RDF in order to justify its [i.e. EACRF] importance”.

The document referred to the TaFOC-CB being reconfigured into TaFOC (i.e. “Task Force Opérations Conjointes”).

Several recommendations in the document clarified the objectives of TaFOC and mandate/tasks assigned to FDNB, i.e.:

- Send two new FDNB battalions to TaFOC North Kivu;
- Take all necessary measures by TaFOC North Kivu following the planned departure of EACRF;

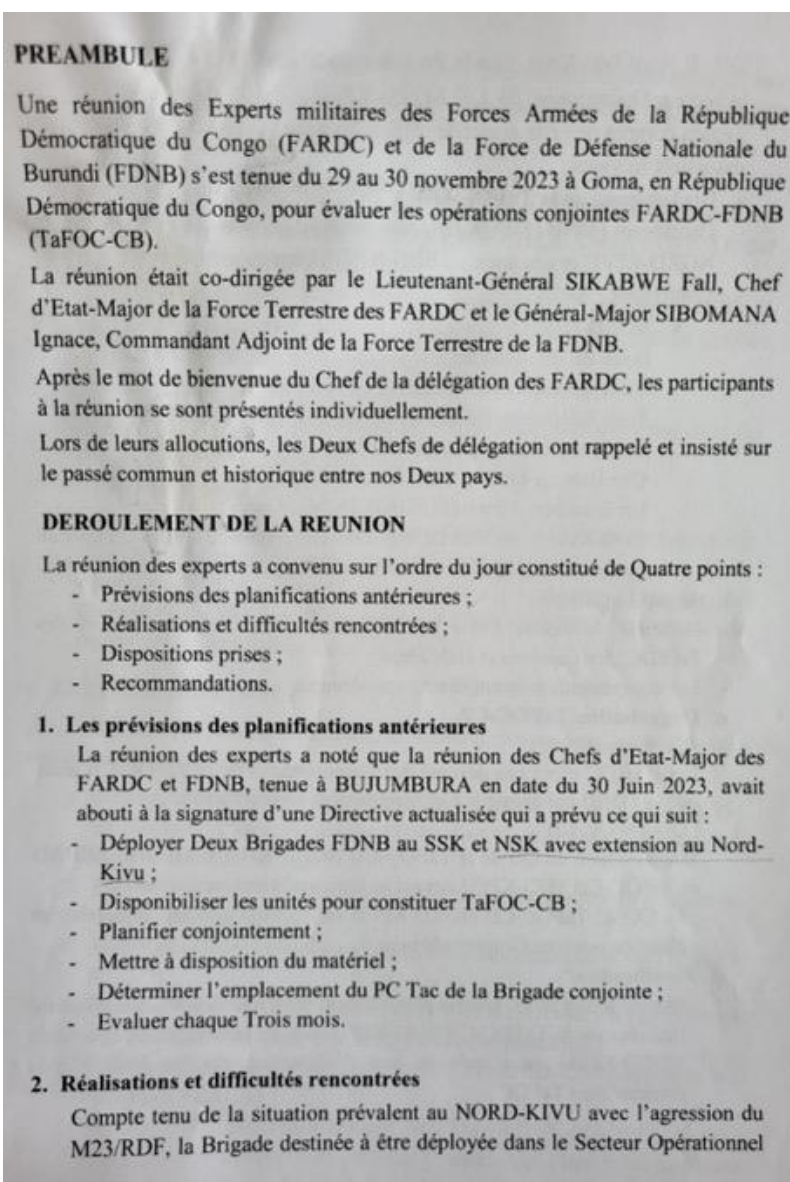
⁸⁶ Burundi acknowledged to the Group that FDNB troops were deployed in North-Kivu in February 2024 following a bilateral DRC-Burundi agreement. However, the Group documented the presence of bilaterally deployed FDNB troops in North Kivu since early October 2023, as documented in [S/2023/990](#), paras.43-46.

⁸⁷ FARDC, security, intelligence and civil society sources, eyewitnesses and researchers.

⁸⁸ FARDC, security, intelligence and civil society sources, eyewitnesses and researchers.

- Focus the main effort on the northern axis (Rwindi-Mabenga) with an offensive operation, and contain the enemy on the southern axis with a firm defence, possibly followed by local offensive actions;
- Rehabilitate the Bukavu-Goma road;

Multiple sources – namely FARDC, intelligence, security, civil society, UN and eyewitnesses – confirmed the continued covert deployment of FDNB in November and early December 2023, as described in the Group’s midterm report dated 30 December 2023 ([S/2023/990](#), paras.43-46).



SKL II Nord Sud-Kivu dans la Province du SUD-KIVU a été basculée dans le Secteur Opérationnel SKL II NORD-KIVU.

Tenant compte de cette nouvelle réalité, les experts ont observé les éléments essentiels suivants :

a. Déploiement de la TaFOC-CB

- Contingent FDNB : DEUX Brigades ont été déployées dont une Brigade au NORD-KIVU et une autre au SUD-KIVU, bien qu'insuffisantes.
- Contingent FARDC :
 - NORD-KIVU :
 - Deux Bn Inf Avancée ;
 - Un Régiment Force Spéciale ;
 - Trois Régiments Inf Couv ;
 - Une Batterie lance-roquette BM21 ;
 - Une Batterie Obusier 122 mm ;
 - Un Escadron Aérien (SUKHOI 25, MI24...).
 - SUD-KIVU : les FARDC ont connu un problème d'effectifs suite au prélèvement au profit du NORD-KIVU qui nécessite d'être comblé.

b. Appui Logistique

- Dotation : la TaFOC-CB a bénéficié des armes, munitions, tenues des FARDC, Six Camions et Huit Jeeps ;
- Les équipements à reconstituer : voir Annexe.

c. Organisation TaFOC-CB.

- Commandement :

Les FARDC n'ont pas désigné des Commandants de la TaFOC-CB alors que la FDNB qui assure le Commandement second l'a faite ;
- QG TaFOC-CB
Etablissement du QG de la TaFOC-CB NORD-KIVU à MUMBAMBIRO et TaFOC-CB SUD-KIVU devant se faire après reconnaissance.
- Le CCOC TaFOC-CB NORD-KIVU est opérationnel depuis la mise en place du nouveau Commandement.

d. Planification.

- Depuis Juillet 2023, aucune planification conjointe ni opération n'ont été réalisées par la TaFOC-CB SUD-KIVU suite au prélèvement au profit du NORD-KIVU ainsi qu'à la non désignation, par les FARDC, du commandant TaFOC ;

- Pour la TaFOC NORD-KIVU, grâce à une planification conjointe, une opération pour stopper la progression ennemie M23/RDF vers RUSAYO et SAKE a été menée avec succès.

e. EACRF.

- Le BURCON/EACRF a été contraint par le M23/RDF de quitter son secteur de déploiement de KILOLIRWE-KITCHANGA-MWESO pour se retrouver à MUSHAKI ;
- Au 08 Décembre 2023, l'EACRF peut ou ne pas quitter la RDC. Il existe ainsi un risque que ladite Force puisse accorder certaines facilités au M23/RDF afin de justifier son importance.

f. Menace au processus électoral.

L'ennemi M23/RDF pourrait perturber la tenue des élections dans les environs de GOMA.

3. DISPOSITIONS PRISES

- Reconfiguration de la TaFOC-CB en Task Force Opérations Conjointes (TaFOC) par rapport aux nouveaux acteurs en présence ;
- Ajustement du Commandement TaFOC qui relève désormais des Commandants Régions Militaires des FARDC, secondés par chacun des responsables des Contingents de la TaFOC ;

4. RECOMMANDATIONS

Aux vues des difficultés constatées, la réunion des experts a formulé des recommandations suivantes :

- a. Envoyer au moins une nouvelle Brigade FARDC au sein de la TaFOC SUD-KIVU et Trois Bataillons FDNB dont Un à la TaFOC SUD-KIVU et Deux à la TaFOC NORD-KIVU ;
- b. Prendre en compte les besoins logistiques urgents, exprimés en Annexe, dans un bref délai ;
- c. Mettre en place et opérationnaliser le Commandement de la TaFOC SUD-KIVU ;
- d. Mettre en place le CCOC au sein de la TaFOC SUD-KIVU (les Officiers d'Etat-Major dont Rens, Ops et Log en seront membres) ;
- e. Prendre toutes les dispositions par la TaFOC NORD-KIVU face au départ ou non de l'EACRF ;
- f. Mettre l'effort principal sur l'axe NORD (RWINDI-MABENGA) avec une opération offensive et contenir l'ennemi sur l'axe SUD avec une

- défense ferme qui pourrait éventuellement être suivi par des actions offensives locales ;
- g. Réhabiliter la route BUKAVU-GOMA ;
 - h. Réhabiliter le Centre d'Entraînement de LUBERIZI pour accueillir les éléments TaFOC pour la mise en condition opérationnelle ;
 - i. Accélérer la réhabilitation de l'aéroport de KAVUMU ;
 - j. Prendre contact avec le Commandant EACRF afin de retourner à leur base de MUMBAMBIRO les éléments du BURCON/EACRF présentement à MUSHAKI ;
 - k. Respecter le chronogramme des rencontres d'évaluation tel que défini dans la Directive opérationnelle conjointe à savoir :
 - Niveau stratégique : trimestriellement ou à la demande d'une partie ;
 - Niveau opératif : après 45 jours ou en cas de nécessité ;
 - Niveau tactique : après 15 jours ou selon l'évolution des opérations.

CONCLUSION

Afin de s'adapter à la réalité suite à l'intégration d'autres acteurs, la TaFOC-CB a été reconfiguré en TaFOC. Ainsi, la TaFOC est subdivisée en Deux entités, la TaFOC NORD-KIVU et la TaFOC SUD-KIVU. La structure de la TaFOC NORD-KIVU est opérationnelle depuis le 08 Novembre 2023 ; alors que celle de la TaFOC SUD-KIVU le sera à dater de la première quinzaine du mois de Décembre.

Fait à Goma, le 30 Novembre 2023

POUR LES FORCES ARMEES DE LA
REPUBLIQUE DEMOCRATIQUE DU
CONGO

Lieutenant-Général
SIKABWE ASINDA Fall

POUR LA FORCE DE DEFENSE
NATIONALE DU BURUNDI

Général-Major
SIBOMANA Ignace

Document received from confidential source

Annex 54 (para. 82)**FDNB EACRF troops' withdrawal from Kitchanga, Mweso and Kilolirwe, and arrest of FDNB troops in Burundi****Retrait des troupes de FDNB EACRF de Kitchanga, Mweso et Kilolirwe, et arrestation des troupes des FDNB au Burundi**

On 8 November 2023, the Burundian troops of EACRF withdrew from their bases in Kitchanga, Mweso and Kilolirwe, towards Busumba and Lushebere, Masisi territory.

On 9 November 2023, a total of 526 FDNB soldiers were transported by air (2 flights) from Goma to Burundi. Eyewitnesses also reported the transport by boat from Goma to Bukavu of several hundreds of FDNB in mid-November 2023, from where they continued to Burundi. Other FDNB priorly deployed in North Kivu were seen in Kamanyola, on the road between Bukavu and Bujumbura, Burundi, in November 2023.

On 9 November 2023, the FDNB spokesperson, Floribert Biyereke, stated in a communiqué (see copy below) that “for some time now, clashes between the M23 and other armed groups have been resuming in several locations in North Kivu in the DRC”, and that the fighting “is having a negative impact on the execution of EACRF’s mandate”. He stated that “on October 21, 2023, the convoy of the Burundian contingent of the EACRF carrying supplies to Kitchanga and Mweso was refused passage by the M23, who blocked the road leading to these two towns. The same thing happened again on October 30, 2023, when a convoy of the same contingent heading for the same positions was blocked by the same M23 elements. The EACRF commander was called in to resolve the matter but was unable to bring the M23 to its senses.” Several sources confirmed FDNB’s discontent with EACRF’s management and constant M23/RDF pressure against them (see also below).

Floribert Biyereke announced that “this situation cannot continue. The Burundian contingent deployed as part of the EACRF is obliged to take appropriate action”, i.e., the withdrawal of FDNB troops. The communiqué concludes as follows: “despite the above-mentioned challenges, the FDNB reminds the command of the Burundian contingent of the EACRF to scrupulously follow the orders of the EACRF command”.

The FDNB withdrawal was the first EACRF contingent withdrawn since EACRF’s deployment in the DRC in late 2022.

FDNB’s withdrawal occurred in a context of repeated M23/RDF attacks against the Burundian contingent, which resulted in the killing and kidnapping of FDNB soldiers, as also reported in the Group’s last report ([S/2023/990](#), annex 27). In this regard, combatants of the Wazalendo armed groups, ex-M23 combatants, security sources and researchers reported to the Group that FDNB were often the first in line on the frontlines.

Several sources, including in Burundi, informed the Group that between 300 and 500 FDNB, as part of EACRF, were imprisoned upon arrival in Burundi, on charges of desertion. At time of drafting, many were reportedly still held in Cibitoke prison.

REPUBLIQUE DU BURUNDI

Bujumbura, le 09 novembre 2023



FORCE DE DEFENSE NATIONALE
DU BURUNDI
ETAT MAJOR GENERAL

COMMUNIQUE DE PRESSE

1. Depuis un certain temps, des affrontements entre le M23 et les autres groupes armés ont repris dans plusieurs localités du Nord Kivu en République Démocratique du Congo.
2. Ces combats affectent le vécu quotidien des populations vivant dans les localités touchées et ont de fâcheuses répercussions sur l'exécution du mandat de la Force Régionale de la Communauté Est Africaine.
3. Ainsi, en date du 21 octobre 2023, le convoi du contingent burundais de la Force Régionale de la Communauté Est Africaine qui acheminait le ravitaillement en vivres à KITCHANGA et MWESO s'est vu refuser le passage par le M23 qui a bloqué la voie de communication menant à ces deux localités. Le même fait s'est reproduit le 30 octobre 2023 quand un convoi du même contingent qui se dirigeait vers les mêmes positions a été bloqué en cours de route par les mêmes éléments du M23. Le commandement de la Force Régionale de la Communauté Est Africaine a été saisi pour résoudre cette question mais n'a pas pu ramener à la raison le M23.
4. La FDNB fait savoir que cette situation ne peut pas perdurer. Le contingent burundais déployé dans le cadre de la Force Régionale de la Communauté Est Africaine est obligé de prendre des mesures qui s'imposent.
5. Malgré les défis ci-haut cités, la FDNB rappelle au commandement du contingent burundais de la Force Régionale de la Communauté Est Africaine de suivre scrupuleusement les ordres du commandement de la Force Régionale de la Communauté Est Africaine.

Floribert BIYEREKE
Colonel
Porte-parole de la FDNB



Document obtained from FARDC source

Annex 55 (para. 83)

Additional information on FDNB deployments from December 2023 onwards, and FDNB command
Informations complémentaires sur les déploiements de FDNB à partir de décembre 2023 et sur le commandement des FDNB

- FARDC, security and intelligence sources informed the Group on the following transports – by air and by boat – of FDNB troops from Burundi to Goma, and from Goma to Minova:
 - 17 December 2023: Flight from Burundi to Goma with 241 FDNB troops
 - 18 January 2024: Transport by boat from Bukavu to Goma of 90 FDNB troops
 - 3 February 2024: Flight (Iliouchine fixed-wing aircraft) from Burundi to Goma with 340 FDNB troops
 - 3 February 2024: Transport by boat (“Espérance”) from Goma to Minova of an unknown number of FDNB troops
 - 5 February 2024: Transport by boat from Goma to Minova of 250 FDNB troops
 - 7 February 2024: Transport by boat (“Anglebert”) from Goma to Minova of unknown number of FDNB troops
 - 7 February 2024: Flight (Iliouchine fixed-wing aircraft) from Burundi to Goma with 349 FDNB troops
 - 12 February 2024: Flight (M30 helicopter) from Burundi to Goma with 21 FDNB troops

The Group also obtained a list of 614 soldiers of the FDNB from the 9th TaFOC battalion, deployed around Sake, Masisi territory, and in Minova in South Kivu. The order for their deployment (see below), signed by FDNB General Prime Nyiongabo, was signed on 2 February 2024. The Group also observed several trucks transporting FDNB soldiers in Goma in January and March 2024.

According to information received by the Group, most of the FDNB sent to the DRC to fight the RDF and M23 were deployed to Minova, on the border between South Kivu and North Kivu, to carry out operations in North Kivu. Other FDNB units were deployed in and around Sake, and in Goma.

Brigadier General Elie Ndizigiye, formerly a member of the EAC Verification Mechanism (EAC-MVM), was the commander of the FDNB’s North Kivu operations within the TaFOC at time of drafting. This was acknowledged by Burundian authorities. According to the Group’s information, General Ndizigiye had also been the commander of FDNB’s covertly deployed troops (i.e. FDNB troops deployed bilaterally in parallel to FDNB-EACRF troops).⁸⁹

The TaFOC North Kivu headquarters were based in Mubambiro, near Sake, in Masisi territory.

⁸⁹ Security, FARDC and intelligence sources.

REPUBLIQUE DU BURUNDI



FORCE DE DEFENSE NATIONALE
DU BURUNDI
ETAT MAJOR GENERAL

Bujumbura, le 02 Févr. 2024

N° 308/01.19.0

Objet: Ordre de Bataille du 9Bn TAFOC

Au: Comd FT

Info: MDNAC
Bn QG

Je vous transmets en annexe à la présente l'Ordre de Bataille du 9Bn TAFOC.

4DIV

Le Chef de la Force de Défense
Nationale du Burundi

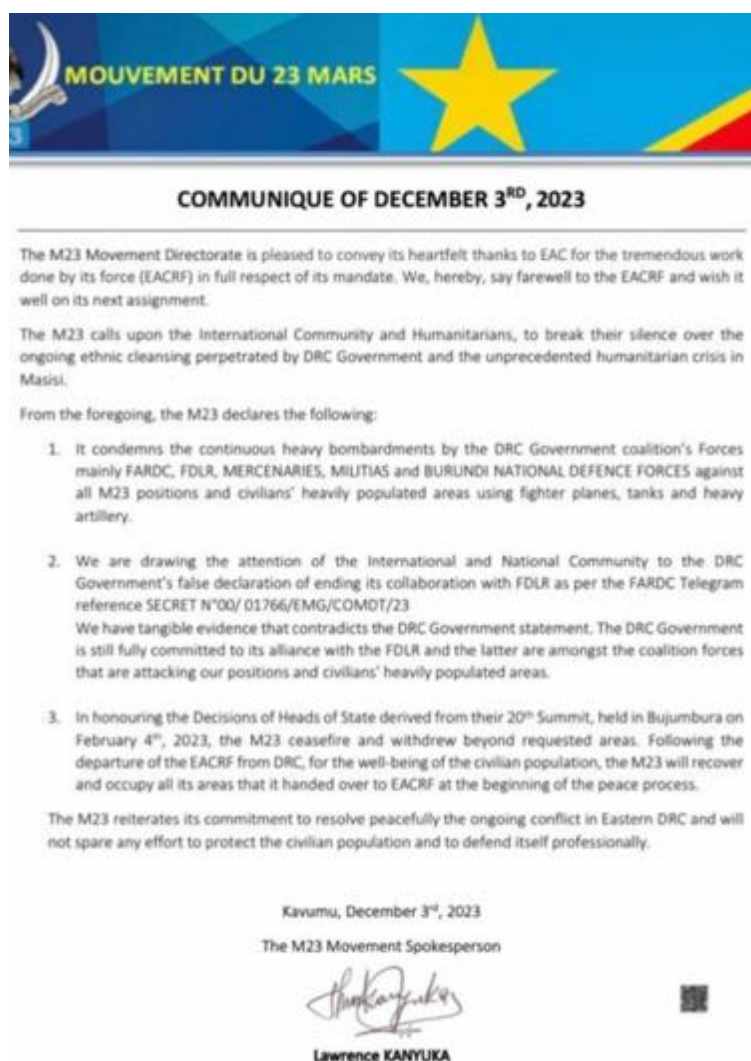
Prime NIYONGABO
Général

Document obtained from security source

Annex 56 (para. 85)

Examples of M23 communiqués identifying FDNB, alongside FARDC, FDLR and PMC, as its enemy, and additional information in FDNB killed or captured by M23**Exemples de communiqués du M23 désignant les FDNB, aux côtés des FARDC, des FDLR et des PMC, comme son ennemi, et informations complémentaires sur les FDNB tuées ou capturées par le M23.**

In a communiqué of 3 December 2023, Lawrence Kanyuka, M23 political spokesperson, conveyed “its heartfelt thanks to EAC for the tremendous work done by its force (EACRF) in full respect of its mandate” and simultaneously condemned the heavy bombardment by the DRC Government coalition’s Forces, “mainly FARDC, FDL, mercenaries, militias and Burundi national defence forces”:



Document received from M23 source

On 29 December 2023, M23 “President” Bertrand Biwimwa, claimed that “the FDNB joined the FARDC-led coalition of local and foreign armed groups, including the FDLR, which is seeking to uproot Congolese Tutsis under the pretext

of fighting the M23. Since October 2023, the FARDC-led coalition has launched attacks against the M23 but has lost territory, while several FDNB soldiers have been killed or captured by the M23.”⁹⁰

On 19 January 2023, Lawrence Kanyuka, M23 political spokesperson, stated that “the coalition forces of the Kinshasa regime, in particular the FARDC, FDLR, mercenaries, militias, Burundi’s national defence forces and SADC forces, are continually massacring the civilian population in Masisi”,⁹¹ thus counting the FDNB and SADC troops as adversaries.

The Group also obtained additional information indicating that during the operations, a significant number of FDNB - deployed as part of the EAC Regional Force and/or under the DRC-Burundi bilateral agreement - were killed or captured by the M23. For example, late January 2024, around 70 FDNB were killed by M23 and RDF around Sake-Minova. On 4 February 2024, the bodies of several FDNB killed by M23 and RDF were transported by boat between Goma and Bukavu, and then by road between Bukavu and Bujumbura.⁹²

Several of the captured FDNB soldiers were still imprisoned by M23 in Rutshuru at time of drafting (see also [S/2023/990](#), annex 27).

⁹⁰ Bertrand Bisimwa sur X : "President Ndayishimiye is looking an excuse to continue his massacres against Congolese tutsi in DRC. On 29 Dec 23, President Évariste Ndayishimiye accused Rwanda of supporting and training the rebels of RED-Tabara he accused of killing elderly people, pregnant women, and... <https://t.co/HVktLQsXkI>" / X (twitter.com)

⁹¹ <https://twitter.com/LawrenceKanyuka/status/1750042492416704626>

⁹² Intelligence, security and FARDC sources.

Annex 57 (para. 88)**SAMIDRC deployment and operations****Déploiement et opérations de SAMIDRC**

SAMIDRC deployment commenced in December 2023. In January 2024, the first SAMIDRC troops were deployed in and around Goma. On 13 February 2024, the South African Government announced the deployment within the SAMIDRC framework of an additional 2,900 troops for one year.⁹³ Malawi and Tanzania also contributed troops to SAMIDRC. At time of drafting, SAMIDRC had not reach its full deployment capacity, neither in manpower nor logistics. The full deployment of the initial 5,000 SAMIDRC troops was delayed due to difficulties in mobilizing resources, uncertainties regarding SAMIDRC's operationalization, and formulation of rules of engagement.⁹⁴

The Government of Rwanda firmly opposed the deployment of SAMIDRC. In early March 2024, Rwandan authorities sent letters to both the African Union (AU) and the United Nations Security Council raising concerns over the international community's support to the deployment (see below). However, the AU endorsed and supported the SADC mission.

RDF and M23, in anticipation of the SADC troop deployments and reinforcements, escalated their attacks and accelerated their territorial expansion. This, in turn, prompted SAMIDRC's first active engagement on 15 February 2024, as M23 and RDF captured the hills around Sake and reportedly planned to also take Sake. Similar to MONUSCO a few days earlier, SAMIDRC faced M23 and RDF mortar attacks and suffered casualties (see below). M23 and RDF shelling of SAMIDRC positions was ongoing at time of drafting.

⁹³ <https://www.sanews.gov.za/south-africa/sa-deploys-2900-troops-eastern-drc>

⁹⁴ Researchers and diplomats.

Mandate of Southern African Development Community Mission in the DRC (SAMIDRC):



**SADC MISSION IN THE DEMOCRATIC REPUBLIC OF CONGO
(SAMIDRC)**

Mandate

1. **NOTING** the record of the meeting of the Extraordinary Organ Troika Summit plus SADC Troika and SADC Troop Contributing Countries (TCCs) to the Force Intervention Brigade (FIB) of MONUSCO and the Democratic Republic of Congo (DRC) held in Windhoek, Republic of Namibia on 8th May 2023 on the security situation in the DRC, noted, *inter alia*:
 - (a) with great concern about the security situation prevailing in the Eastern DRC as presented by the Government of the DRC; and
 - (b) the immediate need for SADC regional support to DRC ahead of the upcoming national elections scheduled for December 2023.

2. **FURTHER NOTING THAT** the Extra-Ordinary Organ Troika Summit plus SADC Troika and SADC Troop Contributing Countries (TCCs) to the Force Intervention Brigade (FIB) of MONUSCO and the Democratic Republic of Congo (DRC), at the same meeting referred to in Paragraph 1 above:
 - (a) condemned the upsurge of conflicts and activities of the M23 rebels and other armed groups and support provided by foreign aggressors in the DRC;
 - (b) reiterated its call for an immediate cessation of hostilities by all armed groups and unconditional withdrawal from current occupied areas.

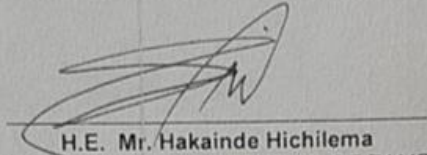
3. **NOTING** the record of the Extra-Ordinary Organ Troika Summit Plus SADC Troika, SADC Troop Contributing Countries (TCCs) to the Force Intervention Brigade (FIB) of MONUSCO and SADC Mission to Mozambique (SAMIM) at its meeting held virtually on 11 July 2023.

4. **FURTHER NOTING** the need to restore peace and security to prevent unnecessary loss of lives and properties as well as displacement of civilian population in the Eastern DRC to make DRC and the SADC region at large stable from instability for social-economic development.
5. **ACTING PURSUANT TO:**
- (i) Articles 2 (1) and (2) a), f) and h) and 11 (1) a) and (3) e) of the Protocol on Politics, Defence and Security Cooperation, 2001;
 - (ii) Article 4 (f) of the Memorandum of Understanding Amongst SADC Member States on the Establishment of the SADC Standby Brigade, 2007;
 - (iii) Guideline 16 (f) of the SADC Standby Force Operational Guidelines;
 - (iv) Article 6 (1), (2), and (3) of the SADC Mutual Defence Pact, 2003;
 - (v) Article 4 (h) and (o) of the Constitutive Act of the African Union, and;
 - (vi) Article 42 of Chapter VII of the United Nations Charter, 1945.
6. **RECOGNISING THAT** the Extra-Ordinary Organ Troika Summit plus SADC Troika and Force Intervention Brigade Troop (FIB) Contributing Countries (TCCs) and the DRC, at their meeting referred to in Paragraph 1 above, approved the deployment of a brigade size (+) force with critical air and artillery support capabilities, logistical support (road transport capabilities, repair and recovery capabilities, casualties/medical evacuation (CASEVAC/MEDEVAC)), Intelligence acquisition means and Quick Reaction Force in support of the DRC.
7. **RECOGNISING ALSO THAT** the Extra-Ordinary Organ Troika Summit Plus SADC Troika, SADC Troop Contributing Countries (TCCs) to the Force Intervention Brigade (FIB) of MONUSCO and SADC Mission to Mozambique (SAMIM) at the meeting referred to in Paragraph 3 above approved the Mandate and other legal instruments for the deployment of SAMIDRC.
8. **The 43rd Summit of the SADC Heads of State and Government held in Luanda, the Republic of Angola on 17 August 2023:**
- (i) **Welcomed** the recommendations of the Extra-Ordinary Organ Troika Summit plus SADC Troika and Force Intervention Brigade (FIB) Troop Contributing Countries (TCCs) and the DRC at the meeting referred to in Paragraph 1 above;

- (ii) **Noted** the recommendations and approvals made by the Extra-Ordinary Organ Troika Summit Plus SADC Troika, SADC Troop Contributing Countries (TCCs) to the Force Intervention Brigade (FIB) of MONUSCO and SADC Mission to Mozambique (SAMIM) at its meeting referred to in Paragraph 3 above; and
- (iii) **Endorsed** the deployment of the SADC Mission in DRC (SAMIDRC), for an initial period of twelve (12) months, subject to extension for further periods depending on the evolution of the security situation on the ground following an assessment, consisting of Brigade (+) force with critical maritime, air and artillery support capabilities, logistical support (road transport capabilities, repair and recovery capabilities, casualties/medical evacuation (CASEVAC/MEDEVAC)), Intelligence acquisition means and Quick Reaction Force in support of the DRC, under scenario 6 of the SADC Standby Force, with the mandate to:
- (a) support the Democratic Republic of Congo to neutralize negative forces and armed groups in the Eastern DRC in order to restore and maintain peace and security to create a secure environment;
 - (b) support FARDC by providing logistic, land, air and maritime assistance in order to enhance its military operational capabilities;
 - (c) provide support to the efforts of the Government of the Democratic Republic of Congo to continue creating a conducive environment for humanitarian assistance and providing humanitarian relief to the population affected by the military and paramilitary activities in the Eastern DRC, including the internally displaced persons;
 - (d) protect critical infrastructure in the Eastern DRC, and
 - (e) protect civilians and their properties under imminent threat of attacks.
9. The Troops Contributing Countries shall provide military personnel and equipment following the required capabilities.
10. Two (2) months before the expiry of the initial deployment period, an assessment shall be conducted to advise the Mission leadership/ the Special Representative of the Chairperson of the Organ through the Executive Secretary of SADC on the need to extend/review the mission mandate duration, if deemed necessary.

IN WITNESS WHEREOF, I, the undersigned, duly authorised by Summit, have signed this SADC Mission Mandate to deploy.

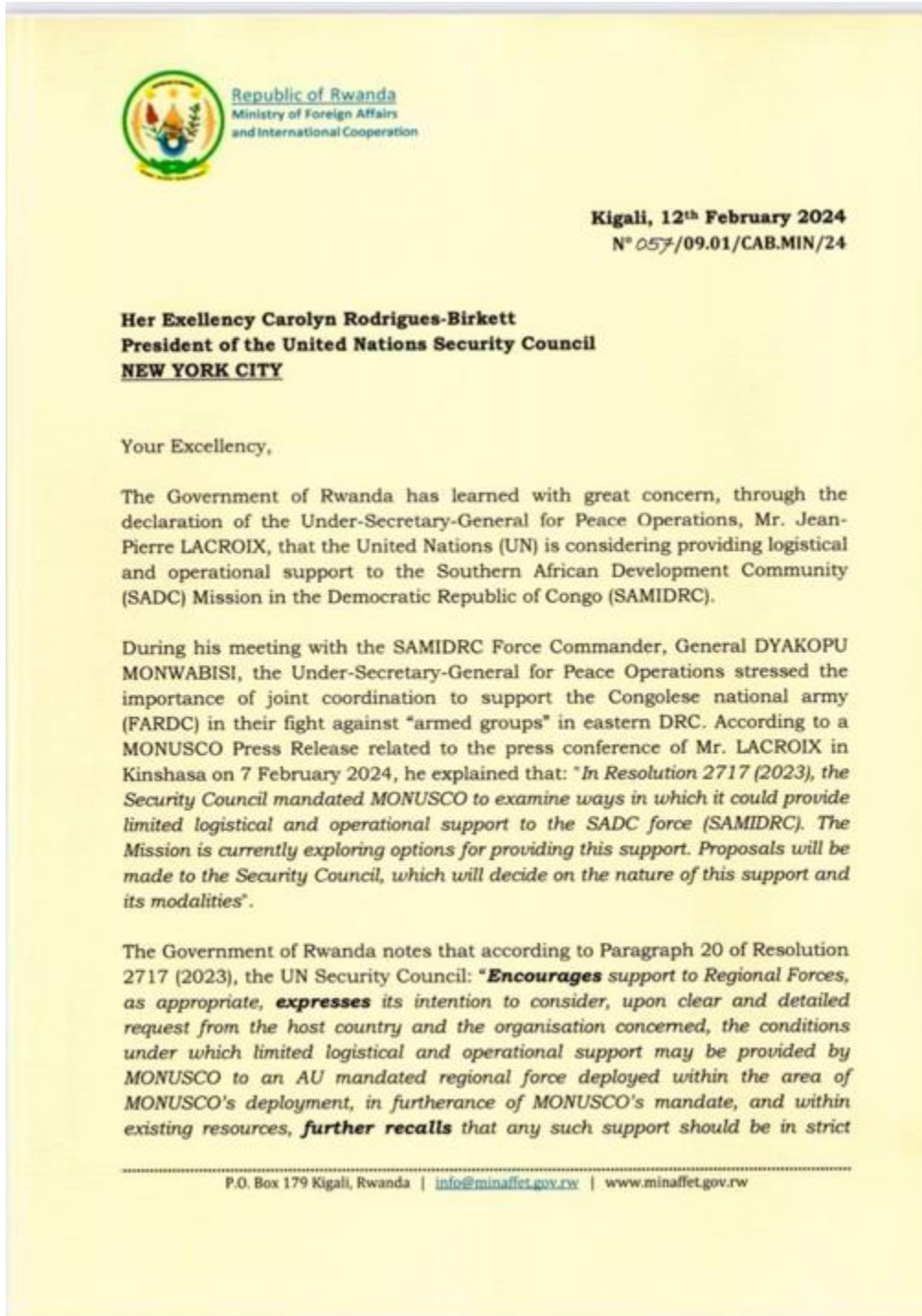
Signed at Lusaka on this 14th day of December 2023 in three original text in English, French and Portuguese languages, both texts being equally authentic.



H.E. Mr. Hakainde Hichilema
PRESIDENT OF THE REPUBLIC OF ZAMBIA
Chairperson of the SADC Organ on Politics, Defence and Security Cooperation

Document received from security source

Rwanda's letter dated 12 February 2024 protesting SAMIDRC deployment:



*compliance with the United Nations HRDDP, and **further stresses** the importance of the protection of civilians, of close coordination and information sharing between deployed regional forces, the FARDC, Burundi National Defence Forces, Uganda Peoples' Defence Forces and MONUSCO, including to deconflict operations and to ensure MONUSCO mandate implementation, and of the need to carry out all operations, joint or unilateral, in strict compliance with international law, including international humanitarian law and international human rights law, as applicable."*

The Government of Rwanda further notes that according to Paragraph 48 of the same Resolution, the UN Security Council: **"Requests** the Secretary-General, in consultation with stakeholders, including the AU and regional organizations, to report to the Security Council by 30 June 2024 on possible logistical and operational support the United Nations can provide to regional forces present in DRC at the request of the host country and the organization concerned, in line with the Secretary-General's 2 August 2023 report, including recommendations to ensure, in such case, coherence, coordination, complementarity and efficient articulation of efforts between MONUSCO and these forces."

While the Government of Rwanda would naturally have no issue with the UN providing support to regional Forces, if they were genuinely intended to bring peace in eastern DRC, it wishes to draw the attention of the UNSC that SAMIDRC is not a neutral force in the current crisis. Its mission is to support the Government of DRC's belligerent posture, which bears the potential for further escalation of the conflict and increased tensions in the region.

While there are more than 260 armed groups in the eastern DRC, SADC Forces, like in 2013, are selectively supporting the DRC Armed Forces (FARDC) in the fight against M23 rebels, along with Burundian Forces (FDNB), European mercenaries, Rwandan genocidal forces (FDLR and its splinter groups) and a host of ideologically and ethnically-charged local armed groups known as Wazalendo. These Wazalendo groups include the notorious Congolese Hutu militia Coalition of Movements for Change (CMC-Nyatura) whose creation was inspired and facilitated by FDLR. They have vowed to cleanse the eastern DRC of Congolese Tutsi, whom they consider as Rwandans, and they are involved in horrible scenes of ethnic killings reminiscent of events that preceded the 1994 Genocide against Tutsi in Rwanda. SAMIDRC has been conducting joint operations with these negative groups against M23, in support of the Government of DRC's resolve to pursue a military solution, in violation of the recommendations of both EAC-led Nairobi Process and Angola-led Luanda initiative.

In her statements dated 30 November 2022 and 24 January 2023 respectively, the United Nations Special Adviser on the Prevention of Genocide, Alice WAIRIMU NDERITU, indicated to have received *"alarming reports on multiple attacks against civilians along ethnic lines in Ituri, North Kivu and South Kivu Provinces, in eastern DRC"*. She warned that *"the conditions necessary for the commission of atrocity crimes continue to be present in a region where a genocide happened in 1994"*. In her statement of 24 January 2023, the Special Adviser recalled her visit to the DRC in 2022 as well as the technical-level mission by her Office in the same year which established that *"indicators and triggers contained in the UN Framework of Analysis for Atrocity Crimes are present in DRC including: dissemination of hate speech and absence of independent mechanisms to address it; politicization of identity; proliferation of local militias and other armed groups across the country; widespread and systematic attacks, including sexual violence"*. The Government of Rwanda wishes to put to the attention of the UNSC that this violence is particularly directed against Congolese Tutsi, including the Banyamulenge in South Kivu and Hema in Ituri, as reported by the UN Group of Experts on DRC and the United Nations Special Adviser on the Prevention of Genocide, on the basis of their ethnicity and perceived allegiance with neighboring countries and intergroup tensions.

The escalation of the conflict in the eastern DRC comes in the context of public declarations by the presidents of DRC and Burundi to support a regime change in Rwanda and heightened ethnic tensions in the region. The hyper-militarization of the eastern DRC with presence of ethnically motivated forces, both state and non-state is a serious concern to Rwanda. The Government of Rwanda is concerned that instead of condemning the ethnic killings in eastern DRC and belligerent declarations of the presidents of DRC and Burundi, the UN intends to support the coalition that is behind this escalation.

By associating itself with and supporting a coalition including SAMIDRC, FDNB and FDLR, the UN is acting on wrong premises and risks lending a hand to a coalition of forces whose sole objective is to uproot Congolese Tutsi in eastern DRC and which has declared its intention to destabilize Rwanda. The Government of Rwanda wishes to note that the conflict has persisted because the international community has deliberately ignored the root causes of the conflict, which include among others support to and preservation of Rwandan genocidal forces in eastern DRC, refusal of the Government of DRC to address genuine grievances of Congolese Rwandophones, especially Tutsi, and refusal to repatriate hundreds of thousands of Congolese refugees living in the region.

Rwanda hosts around 100,000 of these refugees, some of whom have lived in Rwanda for almost thirty years now, including more than 13,000 who fled ethnic cleansing in eastern DRC during the last four months.

The intended UN logistical and operational support to the FARDC allied forces emboldens the Government of DRC in pursuing a military solution in place of a negotiated and peaceful solution of the crisis. The Government of Rwanda wishes to draw the attention of the UNSC members on the dangers of such move, including erosion of any peaceful settlement of the decades-long crisis in the eastern DRC, resurgence of ethnic confrontation and risk of a regional conflict given the determination of the presidents of DRC and Burundi to cause a regime change in Rwanda.

The Government of Rwanda would like to request the UNSC to avert the escalation of the conflict in eastern DRC, by not reconsidering the request to provide logistical and operational support to the FARDC-led coalition, which could only feed into more escalation. The UN Security Council should instead encourage the Government of DRC to pursue a peaceful solution within the Nairobi and Luanda processes.

The Government of Rwanda is willing and ready to play its role in supporting a peaceful resolution of the conflict in the eastern DRC. In the meantime, the Government of Rwanda will continue to undertake preventive and defensive measures against the declared intention of the presidents of DRC and Burundi to remove the Government of Rwanda and the threat posed by the Rwandan genocidal forces operating in the eastern DRC.

Please accept, Your Excellency, the assurances of my highest consideration.




Vincent BIRUTA
Minister

CC:
The United Nations Secretary General
New York City

Document received from confidential source

African Union's Communique dated 4 March 2024 endorsing SAMIDRC Deployment

AFRICAN UNION
الاتحاد الأفريقي
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UNION AFRICAINE
UNIÃO AFRICANA
UNIÓN AFRICANA


Addis Ababa, Ethiopia. P.O. Box: 3243 Tel.: (251-11) 5513 822 Fax: (251-11) 5519 321
Email: situationroom@africa-union.org

PEACE AND SECURITY COUNCIL
1203RD MEETING

4 MARCH 2024
ADDIS ABABA, ETHIOPIA

PSC/PR/COMM.1203 (2024)

COMMUNIQUÉ



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PSC/PR/COMM.1203 (2024)

COMMUNIQUÉ

Adopted by the Peace and Security Council (PSC) of the African Union (AU) at its 1203rd meeting held on 4 March 2024, on Consideration of the Situation in the Eastern Democratic Republic of Congo (DRC) and the Deployment of the Southern African Development Community Mission in the DRC (SAMIDRC).

The Peace and Security Council,

Recalling all its previous decisions and pronouncements on the situation in the Eastern DRC, particularly Communiqués [PSC/PR/COMM.1145 (2023) adopted at its 1145th meeting held on 31 March 2023 and [PSC/HoSG/COMM.1040 (2023)] adopted at its 1140th meeting held at Heads of State and Government level, on 17 February 2023;

Further recalling the 50th Anniversary Solemn Declaration of the Organisation of African Unity (OAU) in which the Heads of State and Government of the AU pledged their determination to achieve the goal of a conflict-free Continent, to make peace a reality for all of Africa's citizens and not to bequeath the burden of conflicts to future generations;

Deeply concerned by the scourge of conflicts on the Continent and their impediment to socio-economic development and **reaffirming** commitment to realise Agenda 2063 and its flagship projects, including Silencing the Guns by 2030;

Noting the opening remarks by H.E. Ambassador Emilia Mkusa, Permanent Representative of the Republic of Namibia to the AU and Chairperson of the PSC for March 2024 and the introductory statement by Dr. Alhaji Sarjoh Bah, Director of the Conflict Management Directorate on behalf of H.E. Ambassador Bankole Adeoye, Commissioner for Political Affairs Peace and Security; **also noting** the statement by H.E. Christophe Lutundula Apala Pen'Apala, Vice Prime Minister and Minister of Foreign of the Democratic Republic of Congo, H.E. Ambassador Rose Sakala, Permanent Representative of the Republic of Zambia, representing the SADC Chair of the Organ on Politics, Defence and Security Affairs, as well as Professor Kula Ishmael Theletsane, Director of the SADC Organ on Politics, Defence and Security Affairs;

Reaffirming the unwavering commitment of the AU to respect the sovereignty, unity and territorial integrity of the DRC and the solidarity of the AU with the people and the Government of the DRC in their legitimate aspirations for peace, stability, and socio-economic development; and

Acting under Article 7 of its Protocol, the Peace and Security Council:

1. **Commends** the people and the government of the Democratic Republic of Congo (DRC) for the successful conduct of elections in December 2023 and **congratulates** H.E. Félix Antoine Tshisekedi Tshilombo on his re-election as the President of the DRC for a second term;
2. **Expresses deep concern** over the resurgence of the March 23 Movement (M23) in the eastern DRC; **strongly condemns** the human rights abuses committed by the M23, the Allied Democratic Forces (ADF), the Forces Démocratiques de Libération du Rwanda (FDLR), and other negative forces and armed groups active in the Eastern DRC;
3. **Also expresses grave concern** over the worsening insecurity due to the debilitating activities of M23, ADF, FDLR, other negative forces and armed groups in the eastern DRC and the resultant dire humanitarian situation that continues to adversely impact the population in affected communities; **calls on** the AU Commission, Member States, in position to do so, and the international community to

contribute towards the provision of humanitarian assistance to alleviate the suffering of the affected population;

4. **Calls for** the immediate and unconditional cessation of hostilities, as well as the creation of humanitarian corridors to facilitate the provision of humanitarian assistance to the affected population; and **also calls** for the urgent cantonment and disarmament of M23, ADF, FDLR and all other armed groups active in the eastern DRC;

5. **Reaffirms** the continued relevance of the 2013 Peace, Security and Cooperation Framework for the DRC and the Region, as a viable framework for addressing the perennial insecurity in the Eastern DRC and the Region; **calls** for its revitalisation; and **encourages** the signatory countries and the international community to redouble their efforts to fully implement their commitments;

6. **Reiterates** that there can be no sustainable military solution to the situation in eastern DRC and, in this respect, **stresses** the importance of the Nairobi and Luanda processes which are aimed at finding a diplomatic solution to the conflict; in this regard, **applauds** the efforts by H.E. João Manuel Lourenço, President of the Republic of Angola and AU Champion for Peace and Reconciliation, in mediating between the two sisterly countries through the Luanda Process; **calls** for an urgent follow-up meeting to continue the diplomatic efforts in this regard;

7. **Also applauds** the mediation efforts of H.E. Uhuru Kenyatta, former President of the Republic of Kenya and Facilitator of the EAC-led Nairobi Process; and **reiterates** the importance for all parties to respect and implement decisions of the Summit and obligations agreed upon in previous meetings of Heads of State and other established instruments in resolving the situation in eastern DRC;

8. **Stresses the need** for the implementation of the outcome of the Quadripartite Summit of the East African Community (EAC), Economic Community of Central African States (ECCAS), International Conference on the Great Lakes (ICGLR) and SADC, under the auspices of the AU, held on 27 June 2023, in Luanda, Republic of Angola; **underscores** the imperative of enhanced coordination of efforts within the framework of the Quadripartite Mechanism; and **requests** the AU Commission to convene a second Quadripartite Summit to follow up on progress on the implementation of commitments made during the 1st Summit of the Quadripartite;

9. **Takes note** of the Communique of the Extraordinary Organ Troika Summit, plus SADC Troika and Force Brigade (FIB) troop-contributing countries (TCCs) held on 8 May 2023, approving the deployment of a SADC Force, within the framework of the SADC Standby Force as a regional response in support of the DRC to restore peace and security in the DRC, and the subsequent deployment of the Southern African Development Community Mission (SAMIDRC) on 15 December 2023; **endorses** the deployment of SAMIDRC in the eastern DRC; and **requests** the AU Commission to mobilise requisite support for SAMIDRC, including from the AU Peace Fund Crisis Reserve Facility;

10. **Also requests** the AU Commission to expedite the transfer of the equipment donated to SADC, which is still at the AU Continental Logistics Base in Douala, Cameroon, to support in efforts of ensuring effective implementation of SAMIDRC mandate;

11. **Pays tribute** to the SAMIDRC Troop contributing countries (TCCs), namely Malawi, South Africa and Tanzania, for their commitment to promoting peace, security and stability in the region; **also pays tribute** to the forces who have paid the supreme price; **expresses sincere condolences** to their bereaved families and Governments and **wishes** a speedy recovery to those nursing injuries;

PSC/PR/COMM.1203 (2024)

12. **Requests** the AU Commission, working in close collaboration with SADC, to devise practical modalities of AU support to SAMIDRC and to provide regular briefings, at least every quarter, to the Council on the activities of SAMIDRC;
13. **Also requests** the AU Commission to transmit this Communique to the United Nations Security Council (UNSC) for information and to request the UNSC to provide the required material and financial resources to enable SAMIDRC to effectively discharge its mandate; and
14. **Decides** to remain actively seized of the matter.

Document available of the AU website <https://www.peaceau.org/en/article/communique-of-the-1203rd-meeting-of-the-psc-held-on-4-march-2024-on-consideration-of-the-situation-in-the-eastern-democratic-republic-of-congo-drc-and-the-deployment-of-the-southern-african-development-community-mission-in-the-drc-samidrc>

Annex 58 (para. 89)

EACRF withdrawal and Springbok

Retrait de l'EACRF et Springbok

SAMIDRC deployment followed the forced withdrawal of the EACRF in December 2023. DRC authorities had raised concerns over EACRF's inaction and ineffectiveness in containing M23 and called for its departure by 8 December 2023. The EACRF also faced attacks by armed groups, along with mounting pressure from civil society activists demanding its withdrawal.

The withdrawal of the EACRF coincided with the continuous deterioration of the security situation in North Kivu, despite the launch by MONUSCO and the FARDC, in November 2023, of the operation code-named "Springbok", still operational at the time of drafting. Springbok's objective was to prevent M23 from capturing Sake and Goma before the full deployment of the SAMIDRC troops.⁹⁵ As part of this operation, MONUSCO peacekeepers were deployed in defensive positions to counter any advances by M23 towards Sake and Goma (see para. 34).

⁹⁵ <https://peacekeeping.un.org/en/north-kivu-monusco-and-fardc-launch-codenamed-operation-springbok-to-protect-city-of-goma>

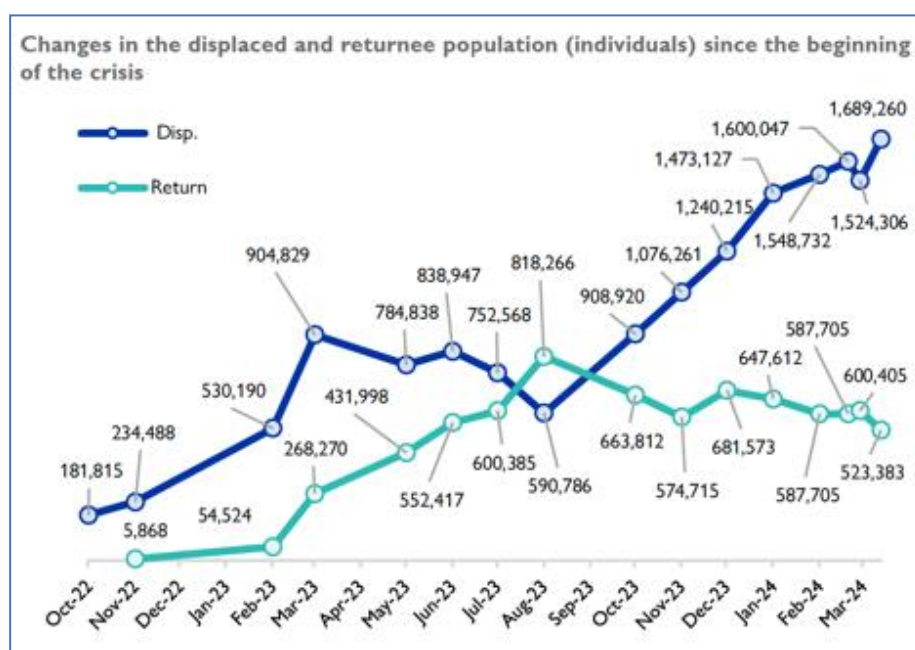
Annex 59 (para. 90)

Changes in the movement of the displaced population in North Kivu since the beginning of the M23 crisis**Évolution du mouvement de la population déplacée au Nord-Kivu depuis le début de la crise du M23**

By the end of March 2024, the intensity of the M23-related conflict led to nearly 1.7 million internally displaced persons (IDPs) in North Kivu.⁹⁶

Data published by the International Organization for Migration (IOM) shows a surge of over 830 per cent in population displacement since the onset of M23's territorial expansion in North Kivu that began in October 2022 (see infographic below). Displacement dynamics are in direct correlation with the intensification of the fighting triggered by M23 and RDF's territorial expansion. For example, from October 2023 onwards, when M23 resumed fighting with RDF support, a surge of over 1 million IDPs was recorded, at least half of them children,⁹⁷ with the number of displaced growing in a steady upward curve.

As a result of the ongoing fighting, in addition to the displacement recorded in North Kivu,⁹⁸ the Kalehe territory in the northern part of South Kivu province accounted for over 538,000 IDPs, accommodating the influx of civilians fleeing the conflict in North Kivu, notably from the direction of Sake and Minova.⁹⁹ IDP movements also expanded towards Lubero territory.¹⁰⁰



Infographic depicting changes in the displaced and returnee population in North Kivu affected by the M23 crisis, from October 2022 to March 2024. Source: IOM, dated 15 March 2024. See <https://dtm.iom.int/reports/drc-north-kivu-m23-crisis-analysis-15-march-2024>

⁹⁶ IOM <https://dtm.iom.int/reports/drc-north-kivu-m23-crisis-analysis-15-march-2024> (DRC -North Kivu: M23 Crisis Analysis 15 March 2024); OCHA (<https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-overview-humanitarian-situation-january-2024>), UNHCR <https://www.intersos.org/en/ddrc-escalating-conflict-exacerbates-the-emergency-in-north-kivu/>

⁹⁷ As reported by Save the Children in March 2024. See also report of February 2024.

⁹⁸ See also OCHA at <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-overview-humanitarian-situation-january-2024>.

⁹⁹ Source: OCHA at <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-south-kivu-humanitarian-snapshot-31-january-2024>.

¹⁰⁰ See S/2024/251, paras. 35-36, humanitarian and civil society sources.

Annex 60 (para. 91)**Unprecedented levels of conflict-related sexual violence****Des taux sans précédent de violences sexuelles liées aux conflits**

1. Conflict-related sexual violence reached alarming levels in North Kivu, particularly affecting IDPs ([S/2023/431](#), paras. 68-69, annexes 17 and 43).¹⁰¹ Rapes became endemic in the IDP settlements. Due to the extreme poverty and poor living conditions in the camps, many women and girls resorted to engaging in transactional sex, leading to the emergence of thousands of brothels (“*maisons de tolérance*”).¹⁰²
2. Masisi and Nyiragongo territories, as well as Goma – areas hosting the highest concentration of IDPs in the Petit Nord¹⁰³ – had the highest number of cases of rape recorded by humanitarian organizations in 2023. Since the renewed fighting in October 2023, cases of sexual violence further increased due to the proliferation of Wazalendo armed groups around Goma, including in and near IDP settlements.¹⁰⁴ For example, Nyiragongo health district recorded approximately 100 cases per month in November and December 2022 (see [S/2023/431](#), annex 17), whereas in the second half of 2023, medical and psycho-social service providers reported receiving well over 100 cases *daily*.¹⁰⁵
3. Statistics however only reflect a fraction of the actual violations. Reporting was strongly influenced by factors such as physical access to survivors or the presence of protection actors in a certain area, security challenges, fear of reprisals and stigma among survivors.¹⁰⁶ Cases reported to MONUSCO or Congolese judicial authorities were only a small fraction of figures reported by humanitarian actors providing medical or psycho-social support to survivors.¹⁰⁷

Challenges in identifying perpetrators

4. Community leaders, women’s representatives and humanitarian agents working in the IDP camps have all stressed that the presence of armed Wazalendo and FARDC elements was the primary cause of insecurity, rampant criminality and increase in sexual violence in IDP settlements.¹⁰⁸ Out of hundreds of sexual violence cases recorded by protection actors between November 2023 and March 2024, the vast majority have been committed by unidentified members of armed groups or military personnel.¹⁰⁹

¹⁰¹ See also the Report of the Secretary General on Conflict-related sexual violence, 22 June 2023, [S/2023/413](#) paras. 32-34. See also <https://www.stoprapenow.org/wp-content/uploads/2023/07/Twenty-Four-UN-entities-urge-immediate-action-to-protect-women-and-girls-from-sexual-violence-in-and-around-IDP-camps-in-eastern-DRC-EN.pdf>.

¹⁰² Humanitarian and civil society sources, medical professionals, testimonies of survivors, individuals and organizations working with sexual violence survivors in IDP camps around Goma. See also [S/2024/292](#), paras. 10-11.

¹⁰³ UN sources. At the time of writing, there were more than 104 registered IDP sites around Goma, not counting the numerous makeshift sights that were not yet accounted for.

¹⁰⁴ UN sources, humanitarian and civil society sources, medical professionals, testimonies of survivors, individuals and organizations working with sexual violence survivors in IDP camps around Goma. See also <https://www.doctorswithoutborders.org/latest/why-sexual-violence-rise-gomas-displacement-camps> and <https://www.msf.org/drc-alarming-numbers-sexual-violence-victims-camps-around-goma>

¹⁰⁵ In addition, Doctors Without Borders (MSF) reported that it was treating an average of 1,500 female survivors of sexual violence monthly, in only three IDP sites near Goma, according to statistics published in September 2023 – see <https://www.doctorswithoutborders.org/latest/why-sexual-violence-rise-gomas-displacement-camps>. See also [S/2024/292](#), para.34.

¹⁰⁶ See the Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, 21 March 2024, [S/2024/251](#), para. 33. See also [S/2023/413](#) paras. 12 and 32.

¹⁰⁷ [S/2024/251](#), para. 33; Humanitarian actors, including individuals working sexual violence survivors. See also a Report by Doctors Without Borders (MSF) dated 18 September 2023 reporting that MSF treated 1,500 female survivors of sexual violence in only three IDP sites near Goma in July 2023 alone.

¹⁰⁸ UN sources, military sources, humanitarian and civil society sources, community leaders, researchers, and as observed by the Group during visits to displacement sites between Goma and Sake, in March 2024.

¹⁰⁹ Records and statistics examined by the Group, provided by a humanitarian NGO providing medical, psycho-social and judicial support to survivors of sexual violence, and confirmed by three other community-based NGOs working with survivors in the IDP camps.

5. However, identifying perpetrators posed significant challenges (see also [S/2023/431](#), annex 17), as most survivors were unable to identify the perpetrators beyond distinctive features such as wearing a uniform or carrying a weapon. Discerning the specific affiliation of armed actors was notably difficult in the case of Wazalendo armed groups, due to challenges in determining the area of control of a particular group, given their frequent shift in operational zones, compounded by the cooperation and mixing of multiple groups (see para. 110), including joint operations with FARDC soldiers and the adoption of similar uniforms.
6. Identifying the affiliation of armed actors was more straightforward in the case of M23 and RDF, as they were the sole armed actors present in areas they controlled, where rape cases, including on minors, continued to be documented.¹¹⁰ Additionally, distinctive features such as physical appearance, attire, equipment, or spoken language aided in their identification (see [S/2023/431](#), paras. 68-69, and annexes 43 and 44). Similarly, in areas under the control of a single Wazalendo armed group, attribution of responsibility was less challenging,¹¹¹ such as in the case of NDC/R or certain Nyatura groups operating in Masisi and Walikale, who were most often cited as perpetrating sexual violence.¹¹²
7. Similarly, multiple sources implicated combatants of FDDP (led by commander Defender), APCLS (of commander Kambuzi), FDLR-FOCA (of commander “Seigneur de Guerre”), as well as FARDC soldiers, all operating in Sake (see also paras. 112 and 121 of this report), in the conduct of rapes perpetrated against women residing in IDP sites situated within their area of operations; i.e., along the main road leading from Goma to Sake.¹¹³ In the area of Kanyaruchinya, APCSL, UPCRN, as well as FARDC elements were most often cited.¹¹⁴
8. Judicial authorities were unable, and occasionally unwilling, to investigate and prosecute perpetrators of sexual violence, including FARDC elements (see also para. 115 of this report). Widespread impunity regarding incidents of sexual violence fosters the continuation of this phenomenon.¹¹⁵

¹¹⁰ UN sources, confidential and community-based sources.

¹¹¹ UN sources, humanitarian and civil society sources, community leaders, researchers.

¹¹² *Idem*

¹¹³ Community leaders, humanitarian and civil society sources, researchers, individuals working with sexual violence survivors in the area.

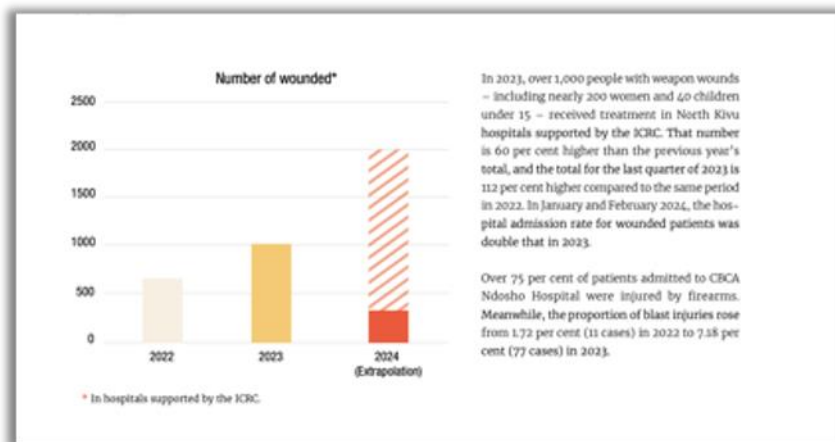
¹¹⁴ *Idem*

¹¹⁵ UN sources, FARDC source, humanitarian and civil society sources, community leaders, researchers, individuals working with sexual violence survivors in the area

Annex 61 (para. 93)

Rise in civilian casualties due to use of heavy artillery in or near urban areas**Augmentation du nombre de victimes civiles en raison de l'utilisation de l'artillerie lourde dans les zones urbaines ou à leur proximité**

Humanitarian, medical, and civil society actors highlighted the alarming increase in civilian casualties since the fighting drew closer to the provincial capital of Goma, notably as of January 2024. In January and February 2024, the rate of hospital admissions for wounded patients was already double the number recorded for the entire year in 2023.¹¹⁶



In early 2024, the ICRC observed that 40 per cent of patients admitted to CBCA Ndosho Hospital had been injured by heavy artillery. Fighting in urban areas is causing countless civilian deaths and intense suffering. When towns, villages and displacement camps are bombarded or shelled, the vast majority of the victims are civilians. The use of wide impact explosive weapons – large bombs, missiles, rockets, mortars and artillery shells – often has indiscriminate effects. Such weapons were designed for open battlefields. When they are used in densely populated urban areas, they can cause extensive destruction, injury and death.

Excerpts from ICRC report, published on 1 March 2024, highlighting the alarming rise in number of victims injured by heavy artillery. Full report accessible at

[“THE FORGOTTEN PEOPLE OF NORTH KIVU”](#)

With regards to the humanitarian consequences, the International NGO Forum in Congo – a group of non-governmental organizations working in the region – also highlighted that the escalation in fighting, involving artillery attacks on civilian settlements and causing a heavy toll, forced many health and aid workers to withdraw.¹¹⁷

¹¹⁶ See ICRC report of 1 March 2024, “The Forgotten People of North Kivu”, page 4. See also <https://www.intersos.org/en/ddrc-escalating-conflict-exacerbates-the-emergency-in-north-kivu/>

¹¹⁷ <https://www.hi.org/en/news/escalating-conflict-in-eastern-drc-raises-concerns-for-civilian-safety-and-humanitarian-access>

Annex 62 (Para. 94)**Incidents involving heavy artillery fire by M23, RDF and FARDC, resulting in civilian casualties****Incidents impliquant des tirs d'artillerie lourde par le M23, les RDF et FARDC, entraînant des pertes civiles**

1. As M23 and RDF were rapidly expanding the areas under their control, heavy fighting, including the use of heavy artillery, affected civilians in the areas where clashes between M23/RDF and the FARDC/Wazalendo coalition occurred. For example, in October and November 2023, fighting over control of key road axes in Rutshuru led to heavy fighting around Bambo (see also [S/2023/990](#), para. 25), and incidents of heavy shelling were reported (see below paras 13 and 32).
2. Since early January 2024, localities along the strategic Mweso-Kitshanga-Sake-Goma axis have been the sites of heavy artillery shelling (see also [S/2023/431](#), para. 42). Mweso, Sake, and the northwestern suburbs of Goma were the areas most affected by the systematic use of heavy artillery.¹¹⁸
3. In January and early February 2024, FARDC carried out several airstrikes over various areas occupied by M23 and RDF (see annex 23). A precision airstrike targeting an M23 position in Kitchanga on 16 January 2024 killed and wounded several high-ranking M23 officers, and destroyed an important arms depot, leading the M23 leadership to vow retaliation (see also paragraph 35 of this report).¹¹⁹ Multiple testimonies confirmed that M23 changed its tactics after this deadly airstrike and began moving its bases, including the officer's quarters and weapon stockpiles, into civilian dwellings to avoid being targeted by FARDC airstrikes. This M23 tactic exposed civilians to the risk of FARDC bombardments (see also para. 97, and annexes 27 and 63).
4. On 3 February 2024, following heavy fighting against FARDC, the Wazalendo groups and FDLR-FOCA, M23 and RDF took control of Shasha village in Masisi territory, only a few kilometres from the border with South Kivu, cutting off access along the road connecting Goma to Bukavu in South Kivu (see also [S/2023/431](#), para. 42).
5. In particular, since the takeover of Shasha village in early February 2024,¹²⁰ heavy fighting resumed in the vicinity of Sake, only a few kilometres from Goma, with frequent incidents of M23/RDF shelling populated areas (see below paras 17-31 below).
6. FARDC and SAMIDRC forces repeatedly shelled M23/RDF positions from their Mubambiro military base in Sake, as well as from artillery positions located along the main road in Sake, including in proximity of IDP camps (see map below).¹²¹ M23/ARC responded by firing heavy artillery rounds, including mortars and rockets (see paras. 50-54 of this report), that landed in populated areas, causing significant civilian casualties (see para. 18 below). According to reports received by the Group, FARDC artillery also inadvertently released rounds that landed in populated areas near Sake on a few occasions.¹²² The FARDC positions were eventually moved from these locations on 18 February 2024 in order to minimize the exposure of the civilian population to collateral damage.¹²³

¹¹⁸ UN sources, humanitarian sources, civil society sources, researchers, victims and witnesses.

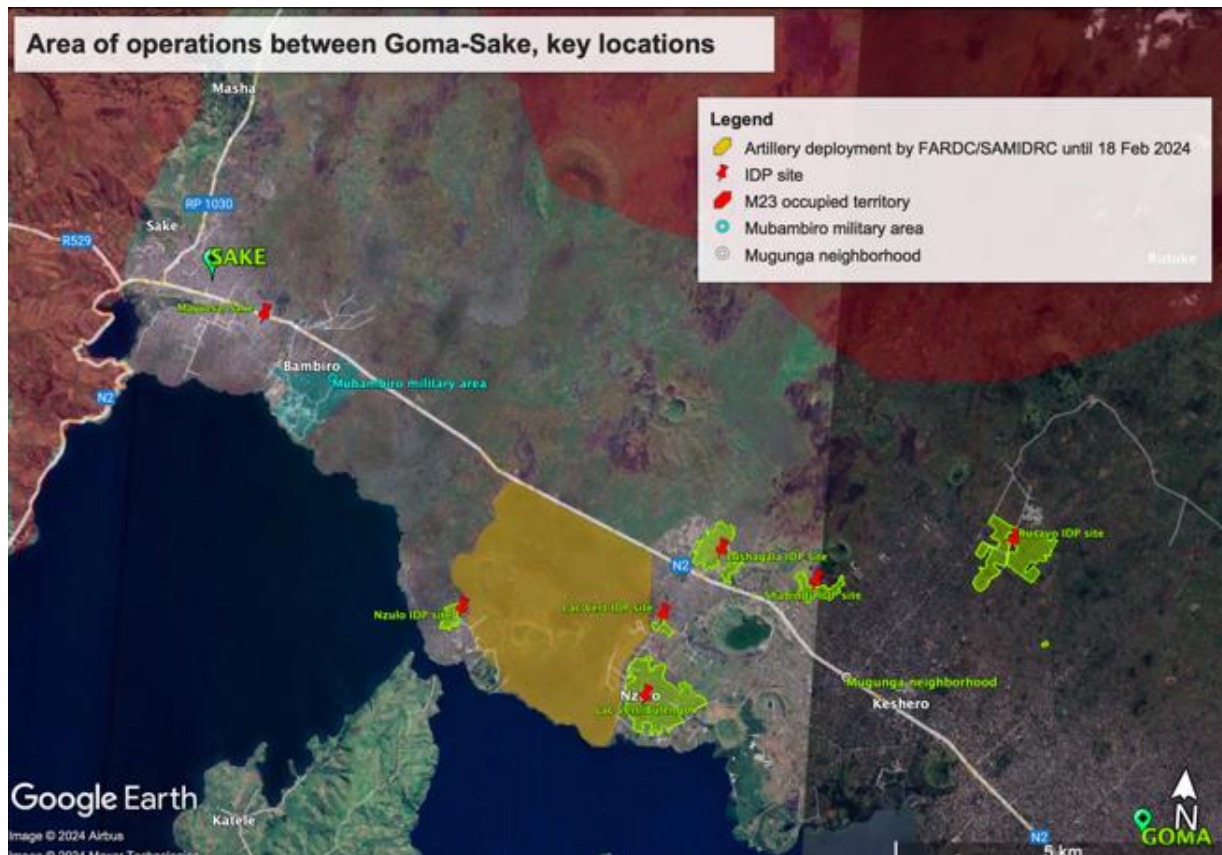
¹¹⁹ In a public communique dated 17 January 2024, Lawrence Kanyuka, the M23 Mouvement Spokesperson stated that "the M23 has understood the message sent to it by the Kinshasa regime and will respond accordingly". See <https://twitter.com/lawrencekanyuka/status/1747525428409958876?s=48&t=oT9StWa0RjcInyuvFVEygQ>

¹²⁰ The Group documented clashes also in January 2024 in vicinity of Sake.

¹²¹ Direct witnesses, military sources, UN sources, humanitarian and civil society sources

¹²² UN sources, local sources, researchers, witnesses.

¹²³ Military and intelligence sources, and a confidential source



Google Earth map annotated by the Group depicting existing IDP sites and other key locations along the Goma – Sake road (N2), as well as areas occupied by M23 and known FARDC/SAMIDRC artillery positions in proximity of IDP sites, up until 18 February 2024¹²⁴

Map Data: Google, ©2024 Source, Imagery Date: 18022024

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

7. On 7 February 2024, heavy fighting and frequent detonations of heavy artillery around Sake caused panic among the population, with thousands of civilians fleeing Sake towards Goma and Minova.¹²⁵ On the same day, in the Ndolero neighbourhood of Kimoka locality in Sake, at least six civilians were killed, including children, and more than 15 were gravely injured by exploded ordnance. The Group was unable to ascertain the provenance of the shelling that caused the civilian casualties due to the heavy exchange of fire between the two warring sides.¹²⁶
8. Between January and March 2024 alone, the Group documented over 30 incidents of explosive weapons used by both sides in densely populated areas that caused civilian casualties, including many women and children.¹²⁷

¹²⁴ Military and intelligence sources, community-based sources from the Goma and Sake area, confidential sources, direct observations by the Group.

¹²⁵ Humanitarian sources estimated that at least 135.000 individuals fled Sake that day in the direction of Goma, which included at least 75.000 IDPs who had previously sought shelter in Sake.

¹²⁶ UN sources, military sources, humanitarian and civil society sources, community leaders.

¹²⁷ UN sources, humanitarian and NGO sources, researchers, victims and eyewitnesses, photographic and video evidence. See also <https://www.icrc.org/en/document/dr-congo-civilians-firing-line-use-heavy-weapons-signals-alarming-new-phase-armed-conflict>; <https://www.rfi.fr/fr/afrique/20240209-rdc-la-situation-sécuritaire-à-l-est-du-pays-est-de-plus-en-plus-inquiétante-alerte-msf>; <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-drc-increased-conflict-intensity-ocha-icrc-ingo-forum-echo-daily-flash-14-february-2024>

9. The Group was not able to ascertain attribution of liability under IHL¹²⁸ for all the incidents documented, mainly due to insufficient evidence allowing it to ascertain the source of the artillery fire, including the inability to conduct impact analysis, lack of access to witnesses or material evidence, partial insight into military planning and execution processes, or a combination of these factors. In most cases, material evidence, such as remnants of explosive ordnance, were either not preserved or the chain of custody was tainted.
10. The Group considers that the incidents listed below which are attributed to perpetrators have been proven to the requisite standard of proof, in line with the Group's methodology as referenced in paras. 6-8 of this report.
11. The circumstances of the attacks detailed below, carried out both by M23/RDF (section 1 below) and by FARDC (section 2 below) – including the targeting of densely populated areas without prior warning, with awareness of the civilian population's presence near the military position(s), along with the apparent failure to take all feasible precautionary measures in selecting means and methods of attack to avoid or to minimize civilian casualties, injuries, and damage to civilian property – constitute indiscriminate attacks prohibited by international humanitarian law¹²⁹ and amount to sanctionable acts.
12. The Group notes that despite the ability and willingness of M23 to issue communiqués, including warnings to the public, no such warnings were issued prior to artillery operations that subsequently led to significant civilian casualties, denoting a failure to consider the indiscriminate effects of such operations. M23 has, on occasion, issued warnings to civilians to vacate areas that were predictably going to be affected by armed clashes.¹³⁰ Although M23 also issued curfews and restrictions of movement to the population in areas under its control – arguably to minimize exposure of civilians to consequences of potential armed clashes, the imposition of such measures coincided with massive RDF reinforcements in the affected areas (see also para. 41 of the report), and the primary intention thus would have been to maximize the secrecy of such operations. For example, the M23 issued a statement signed by its Executive Secretary Benjamin Mbonimpa on 20 January 2024 imposing a curfew from 6:30 p.m. to 6 a.m. throughout the area under M23 control, announcing that all civilian activities, without exception, were to start at 6 a.m. and end at 6:30 p.m. It was emphasized that those who violated the curfew would be severely punished.¹³¹ Around that same time, RDF troops entered the DRC and moved along roads in areas controlled by M23, mostly at night (see paras. 40-45 of this report). The curfew was subsequently lifted on 17 February 2024.¹³²
13. Similarly, the FARDC did not issue any specific warnings and did not take any preventive measures to protect civilians in the context of the attacks detailed in section 2 below.

(1) Indiscriminate use of heavy artillery by M23/RDF

Attack on Bambo town, Rutshuru territory, on 26 October 2023

14. On 26 October 2023, Bambo town in Rutshuru territory was attacked by M23, causing thousands of civilian inhabitants to flee. According to witnesses present in Bambo at the time, the attack began around noon, without any advance warning, targeting FARDC positions in the centre of town with mortar fire. Two persons were killed by an exploding bomb behind the primary school of Bambo, two young children were injured, and at least seven houses destroyed in the centre of town.¹³³ Unexploded ordnance was subsequently found inside the CEBCE church,

¹²⁸ Additional Protocol I, art.51 and art.57

¹²⁹ Additional Protocol I, article 51 outlining the prohibition of indiscriminate attacks, and article 57 outlining the precautions to be taken in case of a planned attack. In addition, see also rule 7 and rules 71 and 72 of the Customary International Humanitarian Law on the prohibition of indiscriminate attacks and of certain means and methods of warfare, as applicable to all belligerent parties, including non-state armed groups.

¹³⁰ For example, M23 issued a warning to civilians nearby the M23 headquarters in Kirumbu to vacate the area on 21 September 2023. Source: UN sources and confidential local sources.

¹³¹ Reported independently by 3 confidential sources.

¹³² Public communique issued by M23 on 17 February 2024. See https://fr.igihe.net/local/cache-vignettes/L852xH1080/whatsapp_image_2024-02-17_at_18.53_21-17308.jpg?1708272756

¹³³ Confidential sources, eyewitnesses, photographic evidence

and in at least two other locations in town, including close to the Bambo primary school and the general hospital. Traces of two explosions were also documented close to the Bambo hospital, with no reports of casualties.¹³⁴

15. Subsequently, Medecins Sans Frontieres (MSF) condemned the use of heavy weapons in, around or against healthcare facilities, such as the immediate vicinity of Bambo hospital on 26 October, limiting access for patients to receive medical care and endangering the lives of patients and medical staff.¹³⁵
16. Witnesses attributed the mortar fire to M23 forces, as FARDC soldiers and policemen were seen fleeing alongside the population, abandoning their positions in the centre of Bambo.¹³⁶ The Group in its previous report presented visual evidence of the presence of RDF forces in the vicinity of Bambo, advancing along the Tongo-Kalengera axis, prior to the attack (see [S/2023/990](#), para. 25 and annex 17). Their presence in the area was also confirmed by testimonial evidence.

Systematic mortar and rocket attacks on Sake and Goma suburbs, between January and March 2024

17. On 3 February 2024, following heavy fighting against FARDC (together with the Wazalendo armed groups and the FDLR), M23 and RDF took control of Shasha village, few kilometres south of Sake. Heavy fighting resumed in the vicinity of Sake, also affecting the nearby towns of Bweremana and Minova.
18. From the end of January 2024, FARDC and allied SAMIDRC forces began shelling M23 positions established on the hills located west of Sake,¹³⁷ nearly on a daily basis.¹³⁸ FARDC carried out shelling from its military base in Mubambiro, as well as from artillery positions set up along the main road in Sake, including in proximity of the Bulengo and Nzulo (Lac Vert) IDP camps. M23/RDF responded by firing heavy artillery rounds, including mortars and rockets, that landed in densely populated areas around Sake (including Mayutsa neighbourhood) and the north-western suburbs of Goma such as Mugunga, Bulengo, and Nzulo (see map above) causing civilian casualties, including children.¹³⁹
19. The Group documented the following incidents attributed to M23/RDF that caused civilian casualties:
 - (1) *Mayutsa (Sake), 27 January 2024*
20. In the afternoon of 27 January 2024, two explosive projectiles fired by M23/RDF from their positions west of Sake landed in the Mayutsa neighbourhood of Sake, killing a 10-year-old girl and gravely injuring two other young girls.¹⁴⁰
21. According to witnesses, the incident occurred in the context of an exchange of fire between M23/RDF and FARDC forces based in Mubambiro. The latter bombed M23/RDF positions towards Mushaki hill. M23/RDF responded with heavy artillery, aiming at FARDC and SAMIDRC positions in Mubambiro (see also para. 53 of this report).¹⁴¹ At least two shells fired by M23/RDF landed in Mayutsa neighbourhood, which at the time hosted a high concentration of IDPs, situated in the direct line of fire between FARDC positions in Mubambiro and M23 positions located on the hills above Sake (see map above).

- (2) *Mayutsa (Sake), 29 January 2024*

¹³⁴ Confidential sources, photographic evidence.

¹³⁵ See <https://x.com/MSFcongo/status/1717941928560374104> and <https://x.com/MSFcongo/status/1717941920436007100>

¹³⁶ Confidential sources, eyewitnesses.

¹³⁷ Local and military sources reported M23/RDF positions westwards of Sake including in Mushaki (9 km northwest of Sake), Karuba (7 km southwest of Sake) and Muremure (13 km southwest of Sake). These positions were used by M23/RDF to launch heavy artillery fire onto various targets within Sake.

¹³⁸ UN and military sources, humanitarian and civil society reporting

¹³⁹ Direct witnesses, military sources, UN sources, humanitarian and civil society sources

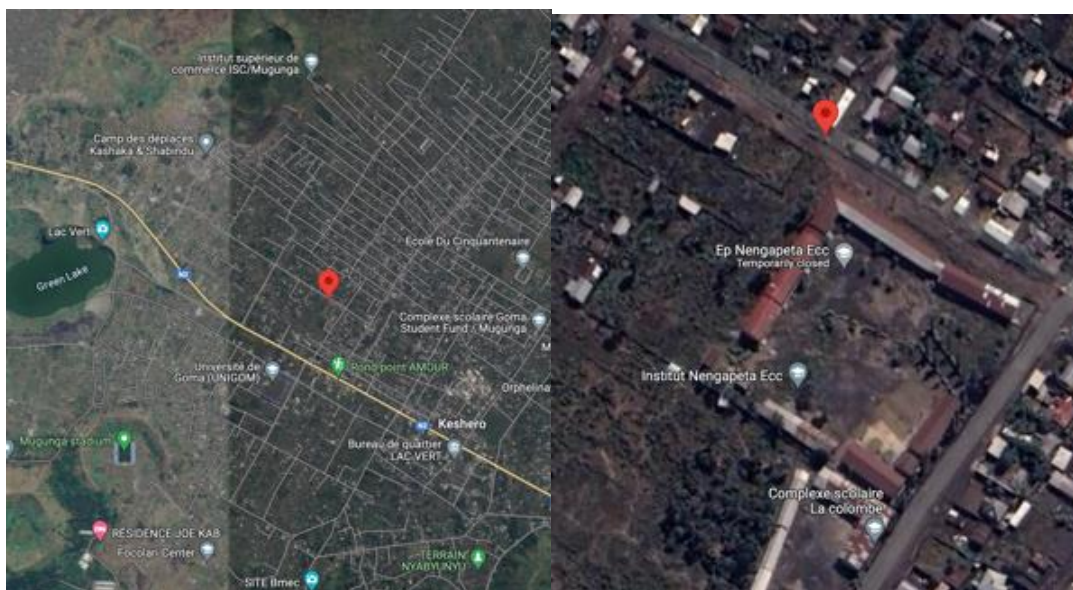
¹⁴⁰ Three confidential sources, researchers. See also <https://aupicinfo.com/guerre-du-m23-une-fillette-de-10-ans-tuee-et-deux-autres-blessees-dans-un-bombardement-du-m23-a-sake/>

¹⁴¹ Confidential sources, researchers, UN sources, military source.

22. In the late afternoon of 29 January 2024, explosive projectiles fired by M23/RDF again landed in the Mayutsa neighbourhood of Sake, near a school known as “Institut Mululu”. At least 8 civilians were seriously injured, including 6 children. A 12-year-old girl later succumbed to her injuries. At least two civilian houses were destroyed.¹⁴²
23. Three independent sources confirmed that the bombs were launched from the M23/RDF positions on the hills above Sake, after clashes between FARDC and M23/RDF were recorded earlier that day.¹⁴³

(3) Nengapeta school in Mugunga neighbourhood, Goma, 2 February 2024

24. During the afternoon of 2 February 2024, a rocket shell landed in the Mugunga neighbourhood of Goma, in the vicinity of the Nengapeta school, killing one person and injuring at least two others. In addition, several civilian dwellings were damaged, including the school building. Witnesses attributed the firing to M23/RDF.¹⁴⁴
25. Military sources ascertained that the artillery shell which landed near the school was likely a 122 mm calibre rocket round (see also [S/2023/990](#), paras. 31-32).



Maps (area map and zoom-in on impact location) indicating the impact location of the rocket near the Nengapeta primary school in the Mugunga neighborhood of Goma.

Map Data: Google, ©2024 Source, Imagery Date: 10042024

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

¹⁴² Three confidential sources, photographic evidence.

¹⁴³ Two confidential sources, UN source.

¹⁴⁴ Five confidential sources. See also <https://actualite.cd/2024/02/04/bombardement-dune-ecole-goma-denis-mukwege-denonce-une-violation-grave-du-droit-des>; <https://linterview.cd/explosion-dune-bombe-a-goma-un-mort-et-trois-blesses-en-bilan-provisoire/>



Remnants of the exploded artillery shell, identified by military experts as a 122mm rocket round. Source: video and photographs received by the Group from a confidential source.

(4) *Mayutsa (Sake), 25 February 2024*

26. Local sources reported that in the evening of 25 February 2024, a artillery projectile fired by M23/RDF from the direction of Vunano hill in Sake landed in a residential area in the Mayutsa neighbourhood of Sake, near the Mululu Institute (see also paras. 22-23 above). The explosion killed a 27-year-old woman and seriously injured two of her children and two neighbours. The previous day, local sources reported that at least 20 bombs fired by M23/RDF landed in various locations in Sake, without any civilian casualties reported.¹⁴⁵

(5) *Minova, 20 March 2024*

27. Four independent sources reported that on 20 March 2024, in the context of ongoing clashes between M23/RDF and FARDC/Wazalendo, an explosive artillery shell fired from a nearby hill occupied by M23/RDF landed in Minova town, instantly killing a woman and injuring her two children.

(6) *Mubambiro, village of Shove, 27 March 2024*

28. On 27 March, heavy combat was reported in the hills surrounding Sake, as FARDC and Wazalendo attempted to retake control of key road axes in the area. In this context, M23/RDF retaliated by firing rocket and mortar shells towards FARDC and SAMIDRC positions in Kimoka and Mubambiro. An explosive ordnance that landed near the Mubambiro camp, at the entrance to the village of Shove, killed three civilians and injured at least five others. The victims were allegedly IDPs who had returned to search for household items in their abandoned homes.¹⁴⁶ That same day, at least two mortar shells landed near the SAMIDRC base (see annexes 28 and 32).¹⁴⁷

(7) *Sake and IDP sites near Goma, 6 and 7 April 2024*

29. On 6 and 7 April 2024, as FARDC and SAMIDRC troops conducted offensive attacks on M23/RDF positions west and north-west of Sake, M23/RDF retaliated with rocket fire that hit several locations in Sake, Mubambiro as well as locations sheltering IDPs in the vicinity of Lac Vert.¹⁴⁸
30. On 6 April, at least 17 houses burnt down in Sake as a result of an exploded ordnance in the Birere neighbourhood,¹⁴⁹ and several IDPs were severely injured by bombs that landed in the midst of the IDP shelters in

¹⁴⁵ Confidential sources.

¹⁴⁶ Confidential sources.

¹⁴⁷ Confidential sources, UN source, photographic evidence.

¹⁴⁸ UN source, military sources, civil society, and video evidence. See also <https://estinfo.net/2024/04/07/nord-kivu-plus-de-17-bombes-larguees-en-une-journee-sur-des-habitations-civiles-a-sake-et-a-mugunga/>

¹⁴⁹ Testimonial and video evidence, UN source, civil society and military sources.

the Lushagala IDP site (see location on the map above), killing four civilians and injuring 14 others.¹⁵⁰ On the same day, RDF also shelled SAMIDRC positions in Mubambiro, injuring four SAMIDRC elements (see annex 40). On 7 April, another shell landed in the midst of an IDP site in Mugunga, Goma.¹⁵¹ Video footage received by the Group depicts severely injured civilians, including children, being evacuated by members of the crowd. One civilian was killed and several wounded.¹⁵²

31. Confidential military sources reported that the artillery fire on 7 April originated from the hills around Sake, north of Karuba, involving 122 mm precision-guided rockets¹⁵³ fired by RDF units (see also annex 42).



Screenshot from video received by the Group from a confidential source, depicting the damage caused to civilian dwellings in Sake, on 6 April 2024



Screenshots from a video received by the Group on 7 April 2024 from a confidential source, depicting the shell impact's location within the overpopulated IDP camp in Mugunga neighbourhood in Goma on 7 April 2024 (left), and the remnants of the exploded shell found at the site of the explosion (right), which was inspected by military experts (see annex 42).

¹⁵⁰ Idem

¹⁵¹ Civil society sources and a military source.

¹⁵² Military and civil society sources.

¹⁵³ According to military experts, this rocket has a 20km reach.

(2) Indiscriminate use of heavy artillery attributed to the FARDC/Wazalendo coalition***Attack on Bambo town, Rutshuru territory, on 7 November 2023***

32. On 7 November 2023, the Wazalendo armed groups supported by FARDC soldiers launched a counter-offensive against M23/RDF positions in Bambo with the intention of retaking control of the town, following its capture by M23/RDF on 26 October 2023 (see above paras. 14-16). By this time, part of the population that had fled the attacks of 26 October had returned to Bambo.¹⁵⁴
33. While heavy artillery rounds were reportedly used by both sides, local sources including eyewitnesses reported that projectiles fired by FARDC since the morning of 7 November had landed in areas inhabited by civilians, in the centre of town and near the local health centre. One local source reported that FARDC was bombing “the community” since early morning, and by noon they had already counted 4 civilians killed and 17 injured. By the time the attack was over later that day, the shelling had claimed the lives of five civilians, including four children, and injured over 30 persons. This included over a dozen civilians injured within the concession of the CBCA Bambo health centre, where they sought refuge along with more than 240 households. Several civilian homes were also destroyed, and the Bambo health centre was partially damaged.¹⁵⁵
34. A few days prior to the aforementioned incident, on 2 November 2023, the Group had obtained intelligence from sources affiliated with Wazalendo, which indicated that three out of four military installations previously established by M23 within Bambo town (subsequent to its capture on 26 October 2023) had been relocated to the nearby Mburamazi hill, situated approximately 2 kilometres away from Bambo. According to this intelligence, only a singular hostile position remained within Bambo town prior to the attack launched by FARDC.

Attack on Mweso, 22-25 January 2024

35. M23/RDF fought against FARDC/Wazalendo over control of Mweso town between 22 and 25 January 2024, with both sides resorting to the use of heavy artillery.
36. Witnesses reported that on 22 January, FARDC fired two bombs, allegedly by mistake, that killed two civilians.¹⁵⁶ The following day heavy artillery fire was again heard over Mweso, without any civilian casualties being reported. On 24 January, FARDC Colonel Senzira, involved in the military operations in Mweso, had called someone in Mweso warning them that fighting would continue, but did not specify that there would be any fighting or shooting of heavy artillery in town.¹⁵⁷
37. The town was encircled by belligerent forces and the population did not evacuate.¹⁵⁸
38. On 25 January, the presence of M23/RDF was reported very close to the centre of Mweso, including in the vicinity of the general hospital, where a large number of civilians had already taken refuge. M23 confirmed in a public statement issued on 25 January 2024 that the armed group was firmly in control of Mweso.¹⁵⁹ FARDC troops based in Katsiru fired several rounds of heavy artillery to support Wazalendo troops who were fighting M23 on the ground.¹⁶⁰ At least three rounds fell onto populated areas of Mweso that day, including close to the hospital, presumably targeting M23/RDF positions.¹⁶¹
39. According to witness testimonies, the first round landed on a brick house in the Himbi neighbourhood, killing 10 persons, injuring another 13, and completely destroying the house. The victims were all civilians who had sought

¹⁵⁴ Local sources

¹⁵⁵ UN sources, confidential sources, researchers, victims and eyewitnesses.

¹⁵⁶ Reported by two confidential sources

¹⁵⁷ Confidential source

¹⁵⁸ Confidential sources.

¹⁵⁹ See statement by Lawrence Kanyuka, M23 spokesperson, posted in the morning of 25 January 2024, at

<https://x.com/LawrenceKanyuka/status/1750388870913421649>

¹⁶⁰ Eyewitnesses, FARDC sources, researchers, confidential sources.

¹⁶¹ Confidential sources.

shelter in this house, as it was one of the few solid constructions in town. A second round hit the house of a protestant pastor in the Kadaf neighbourhood, where 3 civilians were killed and at least another five injured. At least 13 civilians were killed and 17 injured that day,¹⁶² with a final death toll of 19 civilians subsequently reported.¹⁶³

40. On the day of the attack, M23/RDF positions were located on hills surrounding Mweso town, including the Bushanga hill in Mweso, and on a hill commonly called “Chaine Gaza”. Mweso town lies nestled beneath these hills. FARDC elements were positioned in Katsiru and a tea plantation commonly referred to as “JTN” (*Jardin Theicole de Ngeri*), located approximately 10-15 kilometres east of Mweso. Witnesses reported the presence of mortars at these locations, and of a 12-tube multiple rocket launcher in the FARDC arsenal based in Katsiru. The troops based in Katsiru were under the command of FARDC Colonel Bwira of the 3412th regiment.¹⁶⁴ Several sources confirmed that the mortar rounds that killed the civilians on 25 January were fired by FARDC who was targeting M23 positions in Mweso and on the surrounding hills.¹⁶⁵ In addition, confidential sources, including military sources, confirmed that the FARDC hierarchy acknowledged that it was a mistake in targeting, and claimed to have removed the person who fired the weapons from his post, because he was “undisciplined” and had made such mistakes before.¹⁶⁶
41. Despite this acknowledgment, FARDC issued a statement blaming the M23 for the bombing and civilian casualties in Mweso (see copy of the statement below).¹⁶⁷ In a communiqué issued on the same day (see copy of the communiqué below), M23 vehemently denied this claim, accusing in turn the FARDC and the armed forces supporting it of bombarding Mweso with “mortar 120 mm, 107 mm rockets (Katiusha) and 122 mm (BM)”.¹⁶⁸ The Group could not verify the calibre of the shells used.
42. Several sources also reported that the following day, on 26 January 2024, the FARDC ordered the evacuation of civilians granting them three hours to leave Mweso, and that M23 allowed the civilians to leave. Local sources and witnesses confirmed that most civilians evacuated Mweso on 26 January. While such a measure may have contributed to preventing casualties, it further denotes the negligence of FARDC commanders in considering proportionality or taking all precautions prior to issuing attack orders (see para. 96 of the report).

¹⁶² Eyewitnesses, FARDC sources, researchers, confidential sources.

¹⁶³ UN source, humanitarian and civil society sources, reported publicly. See

<https://www.radiookapi.net/2024/01/29/actualite/societe/nord-kivu-la-communaute-humanitaire-profondement-troublee-par-les>; and <https://www.rfi.fr/fr/afrique/20240209-rdc-la-situation-securitaire-a-l-est-du-pays-est-de-plus-en-plus-inquietante-alerte-msf>

¹⁶⁴ Two confidential sources

¹⁶⁵ Ten confidential sources, and military intelligence source

¹⁶⁶ Confidential military source, direct witness

¹⁶⁷ See <https://estinfo.net/2024/01/25/masisi-voici-la-reaction-des-fardc-apres-le-bombardement-des-civils-a-mweso/>

¹⁶⁸ See <https://x.com/LawrenceKanyuka/status/1750750646251221386>



Official FARDC communiqué signed by Lt-Col Ndjike, FARDC/Nord Kivu Spokesperson, issued on 25 January 2024, blaming M23 and RDF for the bombing in Mweso



OFFICIAL COMMUNIQUE OF JANUARY 25th, 2024

The M23 Movement Directorate is extremely concerned by the ongoing slaughtering of the civilian population by the Kinshasa regime, using heavy artillery (*Mortar 120mm, 107mm (Katiusha) and 122mm (BM)*), combat drones, combat tanks and combat aircraft, hence, it informs the public of the following:

1. The M23 condemns in the strongest terms, the horrific crime against humanity perpetrated on January 25th, 2024, in MWESO by the coalition forces of the Kinshasa regime (*FARDC, FDLR, MERCENARIES, MILITIAS, BURUNDI NATIONAL DEFENCE FORCES and THE SADC FORCES*), under the total silence of the International Community and the support of MONUSCO (UNITED NATIONS Mission in DRC).
2. Bodies of babies, women and men lie on the floor, the houses, churches and schools are destroyed. The provisional toll of the Kinshasa regime apocalyptic attacks in MWESO is:
 - 20 civilians killed
 - 17 civilians severely wounded
 - Many displaced and others uncounted for
3. It has been evidenced that the Kinshasa regime coalition's forces have lamentably failed on the battlefield, being unable to shake M23 defence lines, the said coalition's forces have changed their tactics and targeted civilian populations instead. The M23 has warned many times the International and National Community of this new Modus Operandi of the Kinshasa regime coalition's forces that continue to commit war crimes and crimes against humanity in broad daylight.
4. The M23, yet again, is calling on the International Community to break its silence on the ongoing ethnic cleansing, war crimes and crimes against humanity that continue to be committed by Monsieur Félix Antoine TSHISEKEDI TSHILOMBO and he must right now stand trial for these horrendous butchering of the civilian population.

The Kinshasa regime, through its North Kivu military spokesperson, rushed to publish a laconic press release to deny the carnage it had just perpetrated against the population of Mweso. The victim population eyewitnesses the perpetrators of these heinous crimes. Kinshasa regime bears all the responsibility. The M23 is unequivocally determined to protect the civilian population and will not tolerate these repeated crimes.

Bunagana, January 25th, 2024

Head of the Department of Communication and Media
M23 Movement Spokesperson

Lawrence KANYUKA

Official M23 communiqué issued on 25 January 2024 related to the bombing in Mweso

Annex 63 (para. 97)**Military positions established near or within civilian settlements****Positions militaires établies à proximité ou à l'intérieur d'agglomérations civiles**

Military positions were often established close to civilian settlements, significantly increasing the exposure of civilians to indiscriminate or targeted attacks. In armed conflict situations, IHL prohibits the use of civilian property and possessions as a shield for military operations or objectives.¹⁶⁹

Regarding the installation of artillery positions near civilian settlements by FARDC and SAMIDRC, until their removal on 18 February 2024, see annex 62, paragraph 6.

The Group received testimonies from multiple sources, including witnesses in M23/RDF-controlled territories, confirming the tendency of M23 to set up bases near or in civilian settlements, and housing officers and/or ammunition in civilian dwellings, to protect them from aerial bombings (see annex 27, and annex 62, para. 3).

Aerial imagery confirmed that as M23 was consolidating its positions after recapturing Kitchanga on 21 October 2023 (see also [S/2023/990](#), para. 26), it was setting up military positions in the immediate vicinity of IDP camps. As shown on the images below captured on 6 November 2023, a M23 camp was set up between two IDP camps on a hilltop around Kitchanga, as the digging of trenches around the camp was still ongoing.



¹⁶⁹ Additional Protocol 1, article 51.



Aerial images above provided by UN source

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex 64 (para. 98)

International Humanitarian Law provisions regarding use of indiscriminate weapons

Dispositions du droit international humanitaire relatives à l'utilisation d'armes à caractère non discriminatoire

Explosive weapons such as bombs, missiles and artillery shells, are considered indiscriminate by design because they have a wide area of impact and cannot be precisely targeted to minimize harm to civilians and civilian objects. As a result, collateral damage from their use, including civilian casualties and damage to civilian infrastructure, is both likely and predictable, especially in densely populated urban areas where civilians are more concentrated.

Failure to adopt effective precautionary measures in selecting means and methods of attack to mitigate civilian casualties, injuries, and property damage aligns with the definition of an indiscriminate attack under International Humanitarian Law, notably Additional Protocol I, articles 51 and 57, as well as I rules 7, 71 and 72 of the Customary International Humanitarian Law on the prohibition of indiscriminate attacks and of certain means and methods of warfare.¹⁷⁰

¹⁷⁰ The large-scale commission of such acts can constitute war crimes, in virtue of article 8(2)(b)(iv) or (v) of the Rome Statute of the International Criminal Court.

Annex 65 (para. 101)

M23 child recruitment in DRC**Recrutement des enfants par M23 en RDC**

1. Multiple sources, including several former M23 combatants, some minors at the time of their recruitment, described a heavy recruitment drive by M23 which has intensified in recent months. The sources reported incidents of forced recruitment as well as recruitment by deceit, whereby recruits were promised the payment of several hundreds of dollars in return for joining M23, money which was subsequently not paid. Most children were forcibly recruited.¹⁷¹ An ex-M23 combatant, recruited by deceit into the group commanded by M23 “colonel” Erasto, reported that over 70 Hutu recruits were taken from Mweso to Tchanzu for training in 2023.
2. On 18 December, 450 local authorities, community leaders, including village and locality chiefs, were reportedly taken by M23 throughout Bwisha *Chefferie*, in Rutshuru territory, and sent to Tchanzu for training. Aerial imagery taken on 19 December 2023 of Tchanzu shows ongoing trainings of groups of men in civilian clothing (see annex 26).¹⁷² In January 2024, recruitment of young civilians was still ongoing in the Bwisha and Bwito chiefdoms.¹⁷³ Several hundred men, including children, were reportedly recruited in such circumstances and sent to military training centres, notably to Tchanzu and Bwiza (see paras. 37 to 39 of this report).¹⁷⁴

Sensitization campaigns led by M23 through local leaders and public meetings

3. Since November 2023, it was reported that M23 had convoked the local population in several areas under their control, demanding local authorities and community leaders to mobilize young men to join the M23, including by setting minimum quotas for recruitment.¹⁷⁵ In December 2023, local sources reported that more than 100 young men had fled their villages in the Groupement de Jomba, Bweza and Kisigari, in Rutshuru territory, to seek refuge elsewhere for fear of being recruited into the M23, as awareness-raising campaigns promoting the recruitment of young people were underway in M23 areas through local chiefs.¹⁷⁶
4. Witnesses reported that such campaigns were ongoing from January 2024 in the Bwisha, Bwito and Jomba chiefdoms in Rutshuru territory, and Mweso-Kitchanga area in Masisi.¹⁷⁷ Similarly, M23 requested neighbourhood leaders (“Nyumbakumi”)¹⁷⁸ to identify youth from each household for recruitment. Witnesses reported that compliance was mainly due to fear of reprisals; namely, those who did not comply were abducted.¹⁷⁹ Sources also reported that ideological training was provided to local leaders who accepted allegiance to M23, such as in Nyongera and Tchanzu in early January 2024. These leaders were then used for sensitization and recruitment efforts in their communities.¹⁸⁰ Recruitment, as well as ideological and military training for M23 recruits, continued to be documented after January 2024 (see para. 38 of this report).¹⁸¹
5. It is noteworthy that on 23 January 2024, Bertrand Bisimwa, president of M23, issued a decision – “considering the need to strengthen the political activities of the [M23] in order to maximise its results”, in consultation with the high military command, “having regard to the necessity and urgency” of the matter – naming Rukomera Désiré and Kulu Jean-Louis as the head and deputy, respectively, of the “Department for mobilisation, ideological training of leaders and setting up the movement” (see annex 25).

¹⁷¹ Former M23 combatants, UN, FARDC, humanitarian and NGO sources, researchers, local sources including eyewitnesses, and community leaders.

¹⁷² UN source. The camp grounds on the images matched descriptions of Tchanzu camp by former conscripts, including children.

¹⁷³ UN sources, Local and confidential sources, UN

¹⁷⁴ Former M23 combatants.

¹⁷⁵ Former M23 combatants, local sources, researchers, confidential sources, UN, NGO and humanitarian sources.

¹⁷⁶ Local sources, confidential sources, UN source.

¹⁷⁷ Confidential local sources, UN sources, civil society sources

¹⁷⁸ Traditional chief ruling over 10 households.

¹⁷⁹ Confidential local sources, demobilized combatants, UN sources

¹⁸⁰ UN and confidential local sources

¹⁸¹ Former M23 combatants, local sources, researchers, confidential sources, UN, NGO and humanitarian sources.

6. In reaction to widespread reports of forced recruitment on a massive scale conducted by M23, civil society actors and FARDC publicly alerted and condemned the systematic practice of forced recruitment and training, including of children. See below a statement issued by FARDC on 19 January 2024 and a statement issued on 6 April 2024 by the representative of the Youth Council of Rutshuru territory.



Press statement issued by FARDC/Nord Kivu spokesperson on 19 January 2024, denouncing the practice of forced recruitment, as well as the recruitment by deceit, of youth and minors by M23/RDF in areas under their control.



**CONSEIL TERRITORIAL DE LA JEUNESSE
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Dénonciation et Alerte !!!!!

Le Conseil Territorial de la Jeunesse du Territoire de Rutshuru dénonce fermement l'organisation par le mouvement terroriste du M23-AFC de la formation de cadres politiques en idéologie de la quatrième cohorte, regroupant plus de 1000 jeunes recrutés dans tout le coin de la République Démocratique du Congo. Cette formation qui débute ce dimanche 07 avril 2024 au Camp Militaire PENA à Rutshuru Centre et au Camp Nyongera à Kiwanja quartier Mabungo, durera deux mois.

Le CTJ-Rutshuru alerte le Gouvernement Congolais sur ce danger qui menace notre république. Après cette formation, ces jeunes retourneront dans leurs Villes et Territoires pour travailler au compte du mouvement terroriste du M23-AFC et recruter d'autres jeunes. Nous exhortons la jeunesse du Nord-Kivu et du territoire de Rutshuru en particulier à ne pas céder à cette manipulation des sanguinaires du M23-AFC-RDF-UPDF et à rester toujours aux côtés du Gouvernement congolais.

Nous demandons à toutes les autorités compétentes de prendre des mesures immédiates pour stopper cette formation et empêcher le recrutement de jeunes par des groupes terroristes. Ensemble, combattons le terrorisme et préservons la paix et la stabilité de notre pays. Nous comptons sur la mobilisation de tous pour contrer cette menace. Restons vigilants et unis contre ces ennemis de la démocratie.

Fait à Goma, 06 avril 2024

Pour le Conseil Territorial de la Jeunesse de Rutshuru

TWIZERE SEBASHITSI Patient
Président



Statement by the president of the *Conseil Territorial de la Jeunesse de Rutshuru* dated 6 April 2024. Document provided by confidential source

Annex 66 (para. 104)

Recruitment of children by RDF officers in refugee camps in Rwanda

Recrutement d'enfants par des agents RDF dans les camps de réfugiés au Rwanda

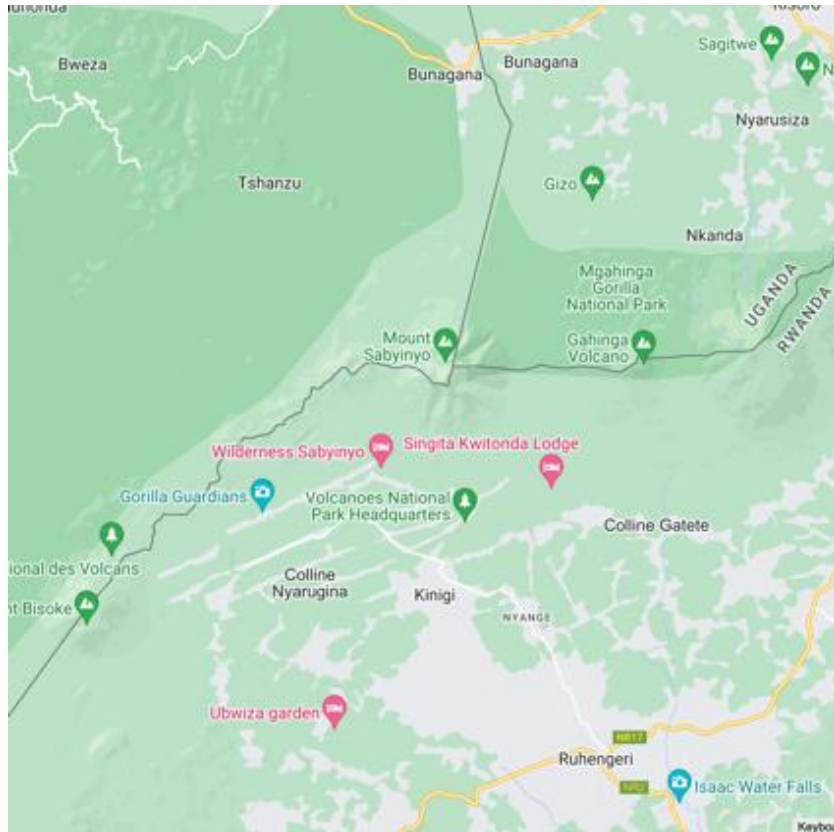
1. A former RDF officer interviewed by the Group explained that recruitment in Rwandan refugee camps is conducted by trained RDF intelligence officers, who chose the subjects to recruit. He explained that recruitment is carried out in secret, but even when families become aware of the recruitment, they are not allowed to object, as it is considered a “violation”. The recruiters confiscated the phones of the recruits and forbade them to be on social networks.

Testimonies of children recruited by RDF in Rwanda about the recruitment scheme and smuggling route to Rwanda

2. Five children ranging from the ages of 14 to 17 testified having been recruited in refugee camps in Rwanda – three in the Mahama refugee camp, and two in the Gisigara camp. The boys all reported having been taken in similar circumstances. They described having been taken from the refugee camp – the majority from school and together with other children of their age – by Rwandan men (speaking Kinyarwanda), who were in fact soldiers dressed in civilian clothing, driving black pick-up trucks. They were all taken to Tchanzu for training, where they have all testified having met many other children recruited by force, some as young as 10.
3. Three children – two recruited in Gisagara and one in Mahama – claimed having been driven to the border between Rwanda and DRC, in a place called Musanze, Rwanda [also known as Ruhengeri],¹⁸² and from there taken to Tchanzu, on foot, without crossing any official borders. The Group notes that Musanze (or Ruhengeri) is directly opposite from Tchanzu, on the other side of the border, in DRC. The two localities are only separated by Mount Sabinyo (see map below), M23's historical stronghold. The existence of footpaths linking Tchanzu to Rwanda, used by M23 and RDF, has been confirmed by multiple sources.¹⁸³

¹⁸² https://en.wikipedia.org/wiki/Musanze_District

¹⁸³ Intelligence sources, ex-combatants, UN source.



Map depicting the area of Musanze /Ruhengeri (Rwanda), near the border with DRC and Uganda, directly opposite from Tchanzu (DRC) and in proximity to Bunagana (Uganda)

Map data ©2024 Google

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Annex 67 (para. 110)**Recruitment and use of children by Wazalendo groups in Petit Nord****Recrutement et utilisation des enfants par les groupes du Wazalendo dans le Petit Nord**

1. The recruitment and use of children by Wazalendo armed groups has been widely reported. Most armed groups increased their recruitment drive to replenish their troops, considering their active engagement in ongoing fighting. Children were an easy target for mobilisation, and the majority joined voluntarily, not by force. Many children who were separated from their families due to the conflict ended up joining the Wazalendo groups. Amidst chronic insecurity and ethnic tensions, parents and communities accepted or even encouraged children to join armed groups, viewing it as their obligation to offer one or more children to a group claiming to defend their community.¹⁸⁴

Challenges in attributing responsibility

2. The Group's findings on the use of children by Wazalendo groups are first and foremost based on direct observations by members of the Group during field missions, including in various locations and IDP camps around Goma and Sake. The Group also interviewed children separated from the armed groups, and interacted with children carrying weapons and wearing uniforms, operating alongside other adult Wazalendo armed group members and/or FARDC elements. The Group has a database of photographs depicting very young children wearing uniforms and/or weapons, on active military duty in various locations in Goma and Sake. Photographs are not published to protect the identity of the children, but they remain on file with the Secretariat. The Group also collected information on child soldiers from adult ex-combatants who served in armed groups, active combatants, community and civil society leaders, IDPs, FARDC officers and eyewitnesses. The Group also consulted UN agencies and partners, including local transitory care centres for children associated with armed groups.
3. While the recruitment and use of children was widely reported and acknowledged by the community and armed group members alike,¹⁸⁵ attribution of responsibility was challenging, as several groups often operated together and were referred to globally as "Wazalendo" or "VDP" (see also para. 60). Further identification was sometimes possible based on names of commanders or location. For example, a 17-year-old boy from Walikale was lured by his friend into joining a Wazalendo group in Kibati. He underwent military training and in December 2023 participated in combat near Mubambiro. He had spent several weeks in the armed group, yet he was unable to identify the group beyond its Wazalendo denomination.¹⁸⁶
4. Sometimes the combatants themselves intentionally hid behind the Wazalendo banner to avoid identification. For example, a child combatant, armed and wearing a uniform and a Wazalendo armband, identified himself only as a Wazalendo combatant.¹⁸⁷ The Group also witnessed on two occasions how FARDC soldiers and adult Wazalendo combatants were hiding or chasing away the child combatants, whom they called "kadogo" in Swahili¹⁸⁸ in the presence of the Group, to prevent them from interacting with the Group.¹⁸⁹

Identification of armed groups using children

5. Several sources identified the presence of children within the ranks of NDC/R of Guidon, notably in Pinga, and reported the recruitment of at least 9 minors in March 2024 in Walikale, as part of an ongoing recruitment effort.¹⁹⁰ Similarly, the presence of children among the Nyatura Abazungu of Jean-Marie, APCLS of Janvier, CMC of Domi, UPCR/Nyiragongo, FDLR-FOCA, FAR-W were consistently reported, including by several Wazalendo combatants and leaders.¹⁹¹

¹⁸⁴ UN, civil society, community and military sources, combatants, ex-combatants including children, eyewitnesses, photographic evidence, armed group leaders

¹⁸⁵ Interviews conducted by the Group

¹⁸⁶ Child interviewed by the Group

¹⁸⁷ Interaction by the Group with a child soldier in Goma

¹⁸⁸ Swahili term for "small" or "child", generally used to identify child soldiers.

¹⁸⁹ In Goma and in Sake, in March 2024.

¹⁹⁰ Community sources, confidential sources, a high-ranking member of an armed group.

¹⁹¹ Community sources, UN and confidential sources, members of armed groups, demobilized children, individuals working with armed groups.

6. The presence of children among the Wazalendo groups operating in Nyiragongo and the wider Sake area was easier to document due to the proximity of these locations to Goma, where protection actors as well as the Group could have direct access to witnesses, and witness first-hand the presence of the children.

Wazalendo armed groups operating in the area of Nyiragongo

7. Nyiragongo was dominated by the presence of UPCRN under commander Gentil, CMC/Domi, FDLR-FOCA, FAR-W and APCLS.¹⁹² FDLR-FOCA commander Gaston had a child soldier among his escorts.¹⁹³ One source closely affiliated with the group of CMC/Domi stated that these groups were “making the law” in the Nyiragongo, operating visibly including within the vast IDP settlements north of Goma, such as in and around Kanyaruchinya.¹⁹⁴ Several sources cited the well-known case of a 15-year-old boy called Dieudonne Kasereka Byaluba, a child combatant within the ranks of FAR-W/Nyiragongo, who was killed in combat in February 2024. Images of the child wearing a t-shirt with the FAR-W inscription and a Wazalendo logo, holding a weapon was also posted on social media.¹⁹⁵ An obituary announcement celebrated him as a hero (see photographs below).



Photographs provided to the Group by a confidential source

¹⁹² Idem

¹⁹³ Source close to FDLR-FOCA leadership.

¹⁹⁴ Community sources, confidential sources, members of armed groups, demobilized children, individuals working with armed groups.

¹⁹⁵ https://x.com/maishardc/status/1756243448707858830?s=46&t=_n75XfLAIYyaxKQtM7ZzVg

Wazalendo armed groups operating in the area of Sake

8. The main Wazalendo armed groups operating in Sake area, which was the most active theatre of operations over the last few months, were APCLS under the command of “general” Kambuza, FDDP of “general” Defender (see para. 66), UPCRN under the command of “general” Black, Nyatura Abazungu under the command of “general” Ignas, FDLR-FOCA, and CMC.¹⁹⁶
9. The Group has seen, interacted with, and photographed very young children who appear to be well under 18 years of age, with weapons and occasionally in full military uniform, in Goma and Sake (see also para. 111). Photographs are not published to protect the identity of the children but remain on file with the Secretariat.
10. For example, on 10 March 2024 the Group visited various locations in Sake, including the military camp in Mubambiro and other locations reportedly used by Wazalendo combatants, such as the “Chez JC” hotel near Mubambiro. The presence of many children in military uniform and carrying weapons at this location had been reported to the Group prior to this visit. The Group was able to confirm the presence of two children, visibly under 18 years of age, among other adult combatants. Both children were wearing full military uniforms and assault rifles. The Group interacted with the children, who claimed to be members of FDDP group of “general” Defender. Among the over a dozen adult combatants who were present, the majority identified as FDDP combatants, and a few as APCLS. The Group also observed the presence within the compound of at least six FARDC soldiers with a FARDC pick-up vehicle. Some were aggressive towards the Group and asked the Group not to interact with the child combatants who were present. Individuals based in the area confirmed that the hotel was used as a base by Wazalendo combatants, and that child soldiers were regularly among them.¹⁹⁷
11. Multiple sources confirmed that FARDC Colonel Cyprien Sekololo (see paras. 63 and 112 of the report) has been using “Chez JC” as his base to conduct meetings with Wazalendo groups. FARDC Colonel Sekololo admitted to this fact himself, stating that the Wazalendo combatants could not be seen within the FARDC camp at Mubambiro.¹⁹⁸ Colonel Sekololo denied having seen any children at the hotel, and claimed that it was the first time he heard about the presence of children among the Wazalendo.¹⁹⁹

Presence of child combatants among Wazalendo groups in Goma

12. The Group also observed the presence of a child combatant in the centre of Goma, at the entrance of an FARDC base. The child was wearing full military uniform, an armband with the Wazalendo inscription, and carrying a weapon. The Group saw him exiting the military camp in the company of other soldiers, and in plain sight of the FARDC elements guarding the entrance of the base. The Group briefly interacted with the child, until the FARDC guards noticed the interaction and ordered the child to go away, threatening the Group to immediately leave and not take pictures. They addressed the child in Swahili, calling him “kadogo”. The Group was able to take photographs of the child, which remain accessible in the Group’s confidential database.
13. A similar incident was reported to the Group by a confidential source, who was present in Sake and witnessed FARDC Lieutenant-Colonel Ndjike Guillaume, spokesperson of FARDC/Nord Kivu, ordering “kadogos”, armed and wearing military uniforms, to leave since foreigners were present in the area. Photographs of the children in question are on file with the Secretariat.

¹⁹⁶ FARDC, members of armed groups, individuals working with armed groups, community-based confidential sources, civil society, UN sources, researchers, and direct observations by the Group.

¹⁹⁷ Three confidential sources

¹⁹⁸ Interview with the Group of experts in March 2024

¹⁹⁹ Idem

Annex 68 (para. 113)**Impunity exacerbating the use of children****L'impunité aggrave l'utilisation des enfants**

1. Wazalendo commanders were more reluctant to release children from their ranks since the Wazalendo/VDP were recognized by the Government, and praised their contributions in the fight against M23. In some cases, initiatives by protection actors advocating for the release children from the armed groups yielded limited and temporary results, as most children returned to the armed group shortly after release.²⁰⁰ Other sources reported that commanders were often hiding the children from the FARDC command or other actors who could oppose or report the use of children (see also annex 67 above).²⁰¹
2. Such initiatives proved insufficient and ineffective.
3. For example, a high-ranking member of CMC/Domi claimed that the group's leadership prohibited the use of minors, but at the same time he was unaware what the punishment would be in case of transgression. He also stated that the most recent instance of FARDC issuing instructions against using children was in December 2022 in Kitchanga. He denied the presence of children, although various sources reported the continued presence of children within the ranks of CMC/Domi (see para. 110). Nevertheless, he stated that all the other Wazalendo groups were using children.
4. A civil society representative from Sake informed the Group that the presence of child combatants among the Wazalendo groups operating in Sake was reported to an FARDC commander called Papy, who was coordinating operations with the Wazalendo groups in Sake. In response, commander Papy informed the Wazalendo during a meeting in December 2023 that it was forbidden to use children, but his verbal instructions were not followed up by any action. The commander left the area soon after the meeting and the presence of children continued to be reported.
5. During an interview with the Group in March 2024, FARDC Colonel Sekololo, provincial coordinator of the Wazalendo and reporting directly to the Governor of North Kivu (see para 63), declared that he was responsible for all matters related to the Wazalendo, including discipline. He denied the presence of child soldiers but admitted there were "disciplinary issues" with the "Wazalendo". He declined to respond when asked about these "disciplinary issues" and measures taken in response to transgressions/violations committed by Wazalendo.

²⁰⁰ Community-based source working with armed groups

²⁰¹ Community-based sources, civil society representatives, UN source

Annex 69 (para. 114)**DRC Legal framework on the prohibition to recruit and use children in armed conflict****Cadre juridique de la RDC relatif à l'interdiction de recruter et d'utiliser des enfants dans les conflits armés**

The DRC ratified numerous binding international and regional legal instruments regarding the involvement of children with armed forces and groups,²⁰² constitutionally setting the minimum age for voluntary recruitment at age 18. Notably, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict, and the Paris Principles and Guidelines on the association of children with armed forces and armed groups. These instruments establish clear standards for the protection of children during armed conflict and require state parties to take measures to prevent the recruitment and use of children in hostilities. Violations of these provisions are subject to penalties under national laws, with the aim of ensuring the safety and well-being of children in conflict-affected areas.

Enacted in 2009, DRC's Child Protection Code²⁰³ strictly prohibits the recruitment or use of children under the age of 18 by armed forces and armed groups. Violations of this prohibition carry severe penalties ranging from 10 to 20 years of imprisonment (Article 187). The Code criminalizes abduction, arbitrary arrest, rape, and torture of children under Article 53. These offences are atrocities often experienced by child soldiers.

The Code considers a "child" as any person under the age of eighteen, and recognizes the category of "child in exceptional circumstances", referring to children in situations of armed conflict, tension, civil unrest, natural disasters, or significant and prolonged deterioration of socio-economic conditions. Children in this category receive enhanced protection under the Code, and offenses committed against them are subject to more severe punishments. Furthermore, the Code mandates state authorities to ensure the release and reintegration of children from armed forces and groups (article 71).

On 4 October 2012, the DRC also signed an Action Plan with the United Nations to prevent the recruitment and use of children and sexual violence against children by the FARDC. A Road map to accelerate the implementation of the Action Plan was adopted in September 2015.²⁰⁴

²⁰² The DRC has ratified the Convention of the Rights of the Child (1990), International Labour Organization Convention 182 (2001), the Additional Protocols to the Geneva Conventions (1982 and 2002). It is a signatory to the African Charter on the Rights and Welfare of the Child.

²⁰³ [Loi No. 09/001 du 10 janvier 2009 portant protection de l'enfant](http://www.leganet.cd/Legislation/JO/2009/L.09.001.10.01.09.htm). Full text accessible at <http://www.leganet.cd/Legislation/JO/2009/L.09.001.10.01.09.htm>

²⁰⁴ <https://childrenandarmedconflict.un.org/wp-content/uploads/2016/02/DRC-Fact-Sheet-September-2016.pdf>

Annex 70 (para. 116)

M23 and RDF targeting of civilians, notably killings and executions**Les M23 and RDF prennent pour cible les civils, notamment les meurtres et les exécutions**

1. Similar to their previously documented *modus operandi* (see [S/2023/431](#), para. 65), M23 and/or RDF continued to attack predominantly Hutu areas, where they systematically abducted, tortured and executed men and destroyed villages, predominantly in FDLR-FOCA and Nyatura-CMC strongholds.²⁰⁵ M23/RDF undertook these operations with the aim of either punishing civilians suspected of having ties with FDLR or Nyatura groups, suppressing perceived dissent against their territorial authority, targeting individuals viewed as threats, or instilling fear in the civilian population to ensure compliance and obedience.²⁰⁶
2. The pattern of attacks documented by the Group reveals a particular concentration of incidents in the localities of Bukombo,²⁰⁷ Burambo and Nyanzale in the Bwito *chefferie* (Rutshuru), in Busanza, *chefferie* of Bwisha (Rutshuru), traditionally considered FDLR-FOCA and Nyatura strongholds. The majority of victims killed, documented by the Group, were of Hutu ethnicity. It is noteworthy that Bukombo is the native area of CMC leader “general” Domi.²⁰⁸ Killings, including executions, were however recorded in other areas as well.
3. Below is a selection of the most representative incidents, although it is not an exhaustive account of all the incidents documented by the Group.

Bwito collectivity

4. On 15 July 2023, M23 elements abducted 15 persons from neighbouring villages, forcing them to carry baggage. Of the 15 individuals, the bodies of 11 male victims were later found on Rubona hill, near Bukombo centre. The victims were identified by local sources.²⁰⁹ Several victims presented gunshot wounds to the head.²¹⁰ The fate of the other four individuals remains unknown. The killings were preceded by clashes between Nyatura-CMC and M23, and the victims would have been abducted as M23 were retreating towards their position on Rubona hill, which they eventually abandoned. The bodies were discovered after M23 vacated the hill.²¹¹ In the village of Kashavu, several houses of civilians were burned down.²¹²
5. On 25 November 2023, 13 civilians who were fabricating charcoal in the Virunga National Park, were shot and killed in Burambo by M23. Among the victims, presumed to be associated with enemy armed groups,²¹³ were nine men, three women and a young girl.
6. Between 17 and 27 December 2023, at least nine civilians were executed by M23 in the Bwito *chefferie*, on grounds that they were supporting Nyatura-CMC. Among the victims was the village chief of Shonyi, who was abducted and subsequently killed.²¹⁴
7. On 3 January 2024, in Mashiga, *groupement* of Bukombo in the *chefferie* of Bwito, three civilians were executed by M23 combatants. The victims were strangled. The men were abducted to carry baggage and were subsequently killed, as they were accused of supporting Nyatura-CMC and FDLR.²¹⁵

²⁰⁵UN and confidential sources, military sources, witnesses, community-based confidential sources, researchers, photographic evidence.

²⁰⁶ Confidential sources, witnesses, community-based confidential sources, researchers

²⁰⁷ Bukombo is comprised of the following localities: Bukombo, Karambi-Kahemba, Katsiru, Makomalehe, Mashiga.

²⁰⁸ According to sources close to “general” Domi.

²⁰⁹ Identified by name in the document listing victims of killings in the Bukombo *groupement*, on file with the Group.

²¹⁰ UN sources, community-based confidential sources, researchers, video and photographic evidence.

²¹¹ Community-based source, video evidence, UN source.

²¹² Idem.

²¹³ UN sources, confidential community-based source

²¹⁴ UN sources, confidential community-based source. Victims are identified by name in a document listing victims of killings in the Bukombo *groupement*, on file with the Group.

²¹⁵ Five community-based sources, UN sources, video evidence.

8. On 5 March 2024, in Nyanzale, 18 civilians were reportedly killed²¹⁶ in the context of fighting between M23/RDF and FARDC supported by armed groups, mainly Nyatura-CMC who have been based in Nyanzale. While the majority were killed by bombs launched by M23 targeting Nyanzale, at least four were victims of targeted killings by M23, who accused them of being family members of armed groups fighting against M23 in the area, notably Nyatura-CMC collaborators.²¹⁷
9. During the night of 30 March 2024, M23/RDF elements killed at least four civilians in the village of Kiringa,²¹⁸ *groupement* of Kihondo, Bwito *chefferie* in Rutshuru territory. Witnesses reported that M23/RDF raided Kiringa in search for members of enemy armed groups. However, they tied up civilians and began executing them. Two civilians managed to escape and reported the incident. Four bodies were found burnt inside a house that was also burnt to the ground. Houses in the village had been set on fire or destroyed.²¹⁹ Photographic evidence received by the Group from confidential sources depict burnt houses and at least two male burnt bodies inside a burnt dwelling. One visibly had his arms tied behind his back.

Bwisha collectivity

10. On 2 February 2024, the mutilated bodies of 13 Hutu male victims, including a 15-year-old boy, were found in Nyuondo, *groupement* of Busanza, *collectivité* of Bwisha, in Rutshuru territory. Some of the victims had their hands tied behind their backs,²²⁰ as clearly seen on photographs received by the Group, leading to conclude that they were executed. The Group received a list with the age and the identity of 12 of the 13 victims. The victims were identified as shepherds and farmers from the area, who were ambushed on their way home from their fields.²²¹ Busanza was firmly under the control of M23 at the time of the incident. However, a Nyatura breakaway group, MPA, who had allied itself with M23 and was following M23 orders, was also active and seen in the area during the time of the incident. One source attributed the killings to this group, while other local sources attributed it to the M23.²²²

²¹⁶ The Group received a list with the identities of the 18 victims killed that day, from a confidential source from the area.

²¹⁷ UN sources, confidential source and community-based source.

²¹⁸ Rwanguba locality

²¹⁹ UN sources, community-based sources, three confidential sources, photographic evidence.

²²⁰ UN sources, civil society and community-based sources, photographic evidence.

²²¹ *Idem*

²²² UN sources

Annex 71 (para. 118)
The Wazalendo did not target any particular ethnic group
Les Wazalendo n'ont ciblé aucun groupe ethnique en particulier
On allegations of targeting the Tutsi population

1. The Group found no evidence of systematic targeted killings by the Wazalendo armed groups of a particular ethnic group.
2. Conscious of systematic public accusations by M23 and Rwanda of an ongoing genocide against the Tutsi in the DRC, the Group took steps to ensure that potential crimes against the Tutsi population were not overlooked. The Group was aware of the potential risk that the local population sympathising with the Wazalendo would be reluctant to report crimes (notably killings) against ethnic groups perceived to support M23, notably the Tutsis, although such incidents have been reported in the past. The Group interviewed several leaders of the Tutsi community in North Kivu, who stated that while the threat of reprisal killings continued to be real, they had not reported any incidents of targeted killings by Wazalendo armed groups since October 2023 (see [S/2023/990](#), para. 54). Another determining factor may be the fact that most ethnic Tutsi had already fled the areas under the control of Wazalendo armed groups.
3. In addition, the Group was informed that prominent Tutsi leaders from North Kivu had either been arrested by the Congolese authorities or had fled for fear of persecution by these authorities, who systematically accused and arrested Tutsi individuals on suspicion of collaborating with M23/RDF.²²³ The Group obtained a nominal list of over 170 Tutsi individuals currently detained in prisons in Kinshasa and Goma.²²⁴ The Group was unable to independently verify the status of these detentions or whether the due process rights of the detainees had been respected.

Targeting of FARDC officers of Tutsi origin: incidents of mob violence

4. The Group documented several cases of public harassment, assassinations or lynching of FARDC officers of Tutsi or Banyamulenge origin. The below excerpts were provided to the Group by a leader of the Tutsi community from North Kivu. The majority of these incidents were also reported on social media and were confirmed by various sources.²²⁵ The Group found no evidence of direct involvement by Wazalendo armed group members in these incidents.

²²³ Public reporting or interviews with the concerned individuals.

²²⁴ Provided by a representative of Tutsi civil society. The list is available in the Group's archives.

²²⁵ UN sources, civil society, researchers, in some cases family members of the victim.

18 : Le 9 Novembre 2023 : Le Cap FARDC GISORE RUKATURA Patrick alias KABONGO, à Goma, est pris en présence de ses collègues de service par des éléments wazalendo, qui l'ont lynché, et enroulé dans les pneus pour être brûlé. Aucune enquête initiée.



19 : Le 11 Novembre 2023 : Le Soldat FARDC GISORE (cousin de GISORE RUKATURA) en provenance du Bas-Congo pour Kinshasa, a été exfiltré du véhicule par des jeunes radicalisés, qui l'ont bastonné à coups des bâtons, jusqu'à ce qu'il est mort. Aucune enquête.



The lynching on 9 November 2023 of FARDC Captain Gisore in Goma was documented and widely publicised on social media.²²⁶ The Group has yet to verify the killing of FARDC soldier Gisore, allegedly the cousin of Captain Gisore.

21: Le 20 février 2024 : Le Policier KAZUNGU, surnommé KAMUNGU, dans le Village de Bugamba, est pris par les jeunes Wazalendo, qui l'ont lynché et brûlé à côté de son bureau de PNC Où il faisait la garde. Aucune enquête initiée.



22 : Le 4 Mars 2024 : Un Soldat Farde, est pris par des jeunes dans les rues de ma campagne à Kinshasa, qui l'ont mis par terre en le questionnant sur ses origines ethniques tutsies, et comment il s'est retrouvé dans l'armée congolaise, pourtant un tutsi. Aucune enquête initiée, ni une condamnation des Farde ou des autorités congolaises.



Location of the first incident is Goma, confirmed by several sources;²²⁷ the second incident occurred in Kinshasa and the video was widely publicised on social media²²⁸

²²⁶ https://x.com/kivuresidence/status/1723036790708228330?s=46&t=_n75XfLAIYYaxKQtM7ZzVg

²²⁷ Civil society, UN sources, published on social media.

²²⁸ Video on file with the Group. Also published on social media at

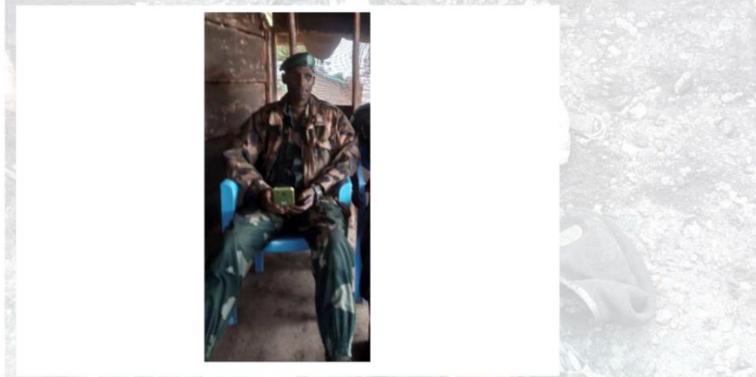
https://x.com/kivunews24/status/1765138800072589546?s=46&t=_n75XfLAIYYaxKQtM7ZzVg . The Group received an unofficial translation of the conversation taking place between the soldier and an unknown person: "You were in the first defence zone of the FARDC, how did you end up here?"

23: Le 17 Mars 2024 : Le Policier SEBANDORE SENGIYINVA Jean-Luc, à Goma, est pris par des jeunes des groupes des vigilances, et les wazalendo, qui l'ont copieusement tabassé, avant d'être brûlé vif. Aucune enquête initiée.



Location of the incident is the Ndosho neighbourhood of Goma²²⁹

24: Le 24 Mars 2024 : Le Major FARDC KIGABO Eric, à Beni, Province du Nord-Kivu, est fusillé à bout portant par son escorte. Celui-ci avant d'être tué, était trop menacé par des groupes wazalendo, et certain de ses collègues, qu'il est un "Rwandais". Selon un proche de sa famille.



Location of the incident is Beni, North Kivu

Q: Looking at you like that you're not Congolese, how did you end up in the Congolese army?

A: I found myself in the Congolese army in this way when I was growing up in 2014 I was 16 years old, I joined the army of the DRC because I wanted to be a soldier but I did not know how to join the army. To get in I gave a sum of 5000fc, we came to Kinshasa in 2014, we went to Maluku, in Maluku we did the parade after the parade we came here to the place where there was a stand.

Q: Who was the Congolese head of state? A: it was Joseph Kabila

Q: who was the chief of staff? A: Didier Etumba

Q: Is that where you became a soldier? A: Yes. I went to Kitona where I did training.

[Unknown speaker]: Leave him alone, what do you drink? A: I drink everything.

[Unknown speaker]: Take some water, drink, don't say we put things in there to poison you, drink too to show there's nothing there.

He said he drinks everything, we offered him the time we needed to finish the discussion. We are Congolese, Bantu, we have no

problem with anyone. You are Hutu or Tutsi? A: I know I'm Tutsi according to the ideology.

Q: So you're part of Kagame's family line? A: Yes"

²²⁹ Incident confirmed by local sources.

Annex 72 (para. 120)

Kidnappings for ransom, arbitrary detentions, and executions perpetrated by Wazalendo armed groups**Enlèvements contre rançon, détentions arbitraires et exécutions perpétrés par les groupes armés du Wazalendo**

1. All Wazalendo armed groups committed serious abuses against the civilian population in areas under their control, including killing/executing civilians accused of cooperating with M23/RDF, with full impunity.
2. Although incidents were widespread and frequent, the targeting and killing of civilians as a form of punishment was not recorded on a systematic scale, or with a *modus operandi* comparable with the killings perpetrated by M23/RDF (see annex 70).
3. Most killings were recorded in the context of either clashes between rival Wazalendo groups, robberies, punishment of civilians for their perceived dissent against the territorial authority of the armed groups' leadership (such as refusing to pay taxes), or to settle personal scores that members of armed groups had with targeted civilians. These killings most often occurred following kidnappings. The armed groups that were most frequently involved in such incidents documented by the Group were NDC-R, APCLS, CMC, UPCRN, Nyatura Abazungu, and FDLR-FOCA.²³⁰

Execution of civilians on accusation of collaboration with M23

4. The Group documented several incidents of civilians executed by Wazalendo armed groups on suspicion of collaboration with M23. One individual witnessed a woman being executed – beaten to death – in November 2023 on commander Gaston's orders because she was accused of being an M23 spy. The same individual witnessed another five persons executed within two days, three of whom were women.
5. Two sources close to the FDLR-FOCA leadership reported that FDLR-FOCA executed several individuals on suspicion of being M23 spies,²³¹ summarily executing them.
6. In one incident on 24 February 2024, in Butale village, *chefferie* of Bashali, in Masisi territory, elements of Jean Marie Bonane's Nyatura group killed five people, including two women and seriously injured another person, all of Hutu ethnicity. The combatants killed the three men on suspicion of being M23 collaborators, together with their wives. The commander in the area where the killing took place was Commander Ignas.²³²
7. On 4 March 2024, elements of Jean Marie Bonane's Nyatura group killed a man and his child after they accused the father of being an M23 collaborator. The incident took place in Mpati village, Bashali-Mukoto *groupement* in the Bashali chiefdom, Masisi territory. The elements were under the command of Bigirabagabo.²³³

Kidnappings for ransom as source of revenue

8. Kidnappings for ransom as a means of securing income became widespread, and particularly affected the area north of Goma and Nyiragongo. The groups operating in the area that were involved in such practices were APCLS, UPCRN, FDLR-FOCA, and CMC. These kidnappings were often accompanied by violence, including torture and sometimes executions.²³⁴ Sources reported that hundreds of individuals had been kidnapped in such circumstances over the last few months.²³⁵

²³⁰ UN sources, civil society, researchers, individuals working with armed groups, military sources.

²³¹ The sources were unable to give specific numbers, merely pointed out that it was a frequent occurrence.

²³² Civil society sources

²³³ Idem

²³⁴ UN sources, sources close to these armed groups, a victim of kidnapping, community leaders, civil society sources

²³⁵ Idem

-
9. Several sources reported the existence of underground prisons, called “kiboro” (a dungeon), where prisoners and kidnapped individuals were kept.²³⁶
 10. Sources informed the Group of the existence of a “kiboro” in the Ka-Lac area of Nyiragongo, close to the volcano, which served as a detention site for individuals kidnapped by APCLS, UPCRN, FDLR-FOCA and CMC. The chief of the prison was commander Biringiro of CMC.²³⁷ FDLR-FOCA leader Gaston and CMC leader Domi were aware of the existence of this prison, where individuals were also executed.²³⁸

²³⁶ Sources working with FDLR-FOCA and CMC, and a victim of kidnapping.

²³⁷ Confidential source, a victim of kidnapping.

²³⁸ See incident mentioned at para. 8 above.

Annex 73 (para. 123)**Systematic attacks on MONUSCO****Attaques systématiques contre la MONUSCO**

During the reporting period, MONUSCO has been systematically targeted by both M23/RDF and by FARDC and Wazalendo, the latter particularly around Sake (see also annex 32), seriously hampering MONUSCO's mandate implementation.²³⁹

Non-exhaustive list of threats and attacks on MONUSCO by FARDC and Wazalendo groups²⁴⁰

- On 8 November 2023, FARDC elements fired on a MONUSCO convoy which was part of Operation “Springbok” in the Kibati area, northeast of Goma along the RN2 national road, while escorted by FARDC. FARDC reportedly wanted to inspect the vehicles. FARDC fired on the convoy, causing damage to vehicles.
- On 14 November 2023, in the Kibati area, approximately 10-15 Wazalendo elements, presumably Nyatura CMC/FDP, threatened to open fire on MONUSCO contingents who were in the process of establishing a blocking position as part of Operation “Springbok”. The FARDC elements who were escorting the MONUSCO troops reportedly tried to convince them that they were aware of the deployment. Nevertheless, the Wazalendo elements asserted that the zone fell under their jurisdiction, and that no other forces could deploy there. The MONUSCO contingents aborted the mission and returned to their base.
- On 10 December 2024, Wazalendo elements and the local population hindered attempts by MONUSCO to establish a new “Operation Springbok” blocking position on the Sake-Minova axis. FARDC elements also harassed UN peacekeepers twice that same day.
- On 6 February 2024, UN vehicles were stopped at a checkpoint near a FARDC position, and staff were forcibly removed from their vehicle, brutalized and robbed.
- On 8 February 2024, intoxicated FARDC and Wazalendo elements breached a MONUSCO position in Kimoka, threatening peacekeepers with a hand grenade and stealing valuables.
- On 7 February 2024, Wazalendo fired hundreds of small arms rounds and RPG rockets towards a MONUSCO blocking position at Lushangi.
- On 8 February 2024, intoxicated armed FARDC personnel and MaiMai cadres fired off rounds to intimidate UN staff at MONUSCO's blocking position at Kimoka and threatened the peacekeepers with a hand-grenade, while searching their position for alleged M23 elements.
- On 9 February 2024, Wazalendo fired RPGs, machine guns and assault rifles at MONUSCO's blocking position at Kimoka, while later that day Wazalendo indiscriminately fired on the MONUSCO's blocking position at Lushangi.
- From 9 to 18 February 2024, over 14 incidents were recorded against or involving peacekeepers in the wider Sake area. The frequency of the incidents escalated from two incidents to three incidents per day. Several Operation “Springbok” positions were targeted including by RPG, mortar, and machine gun fire,

²³⁹ [pr_united_nations_condemn_attacks_against_its_personnel_in_kinshasa_and_calls_for_investigations.pdf](#) See also S/2024/251 para. 23.

²⁴⁰ MONUSCO sources, unless otherwise indicated

and drone-borne IEDs. During the same week, several MONUSCO peacekeepers were wounded. The MONUSCO convoy evacuating the wounded was fired upon by Wazalendo while evacuating, but the convoy managed to move through. High-level engagement with FARDC by MONUSCO, a field visit by Military Governor Major General Peter Cirimwami to Sake, meeting with VDP members and FARDC units there, as well as joint public relations of MONUSCO, DRC Ministry of Defence and FARDC did not deter further attacks.

- On 18 February 2024, a MONUSCO convoy was blocked by Wazalendo combatants on the way to Sake, forcing the convoy to return to Goma.²⁴¹
- On 19 February 2024, a group of 30-40 Wazalendo combatants indiscriminately fired between 100 to 150 small arms rounds and 5 to 8 RPG rounds upon MONUSCO's Kimoka camp.
- On 25 February 2024, MONUSCO troops reported between 10 to 15 rounds of RPG and 700 to 800 rounds of small arms fire against a MONUSCO logistics convoy.
- Between 26 February and 3 March 2024, several MONUSCO blocking positions were targeted every day by Wazalendo/FARDC, sometimes several times a day, with the firing of small arms ammunition, RPG rockets, machine guns, and automatic weapons. A total of 14 firing incidents were reported, with thousands of rounds of ammunition fired. In five out of the 14 incidents, the involvement of FARDC elements in addition to Wazalendo, was reported.
- On 9-10 March 2024, further attacks by Wazalendo elements on MONUSCO blocking positions were reported, with at least 1,500 small arms rounds as well as RPG rounds fired towards Kimoka and Lushangi blocking positions.
- On 21 and 24 March 2024, MONUSCO supply convoys moving on the Sake-Kimoka axis were fired upon by Wazalendo elements.²⁴²
- See also para. 51 and annex 37

Threats and attack by M23/RDF

- In a message posted on X on 24 January 2024, M23 Spokesperson Lawrence Kanyuka issued a warning to MONUSCO, "whose surveillance drones continue to collect and transmit information on M23/ARC positions and activities to Tshisekedi Tshilombo's coalition forces". He added that "The biased and bellicose behaviour of the UN peacekeepers, as well as the killings of the civilian population, have forced us [M23/ARC] to take appropriate measures for self-defence and protection of the targeted civilian population."²⁴³
- On 2 February 2024, M23/RDF shot at a MONUSCO helicopter that was performing evacuation of wounded FARDC elements near Karuba, gravely injuring two peacekeepers and killing one, and causing significant damage to the helicopter. The helicopter was flying over an area controlled by M23/RDF.²⁴⁴
- On 7 February 2024 a mobile and radar guided short-range air-defence system SHORAD, shot at, but missed a MONUSCO drone (see annex 34).

²⁴¹ MOSNUCO sources, video footage

²⁴² <https://news.un.org/en/story/2024/03/1147651>

²⁴³ <https://x.com/LawrenceKanyuka/status/1750042492416704626>

²⁴⁴ See MONUSCO press release of 2 February 2024 at [pr_monusco_denounces_attack_on_helicopter_which_wounds_two_un_peacekeepers_in_north_kivu.pdf](https://www.un.org/press/docs/2024/240202.monusco.denounces.attack.on.helicopter.which.wounds.two.un.peacekeepers.in.north.kivu.pdf)

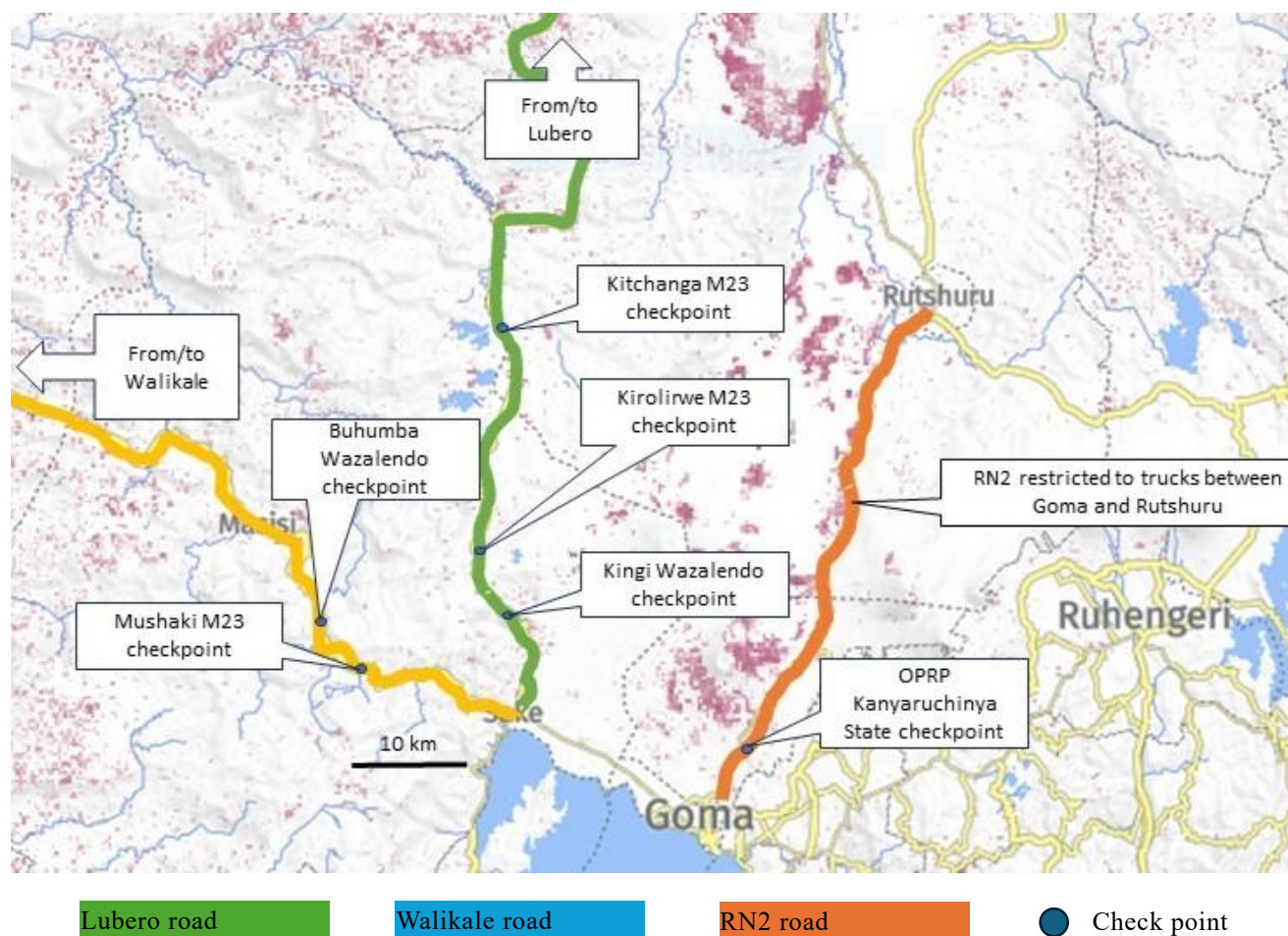
- On 16 March 2024, eight peacekeepers were wounded in Sake, after mortars presumably fired by M23-ARC landed inside the MONUSCO base in Sake.²⁴⁵
- On 17 March 2024, in a communiqué signed by Lawrence Kanyuka, the AFC spokesperson, accused MONUSCO of lending its bases to the FARDC and their allies, explicitly mentioning FDLR, mercenaries, militias, FDNB and SADC, who would be using them as rear bases and refuge from which they would conduct attacks on civilians. AFC called on MONUSCO to stop.

²⁴⁵ [pr_monusco_condemns_the_attack_that_wounded_8_peacekeepers_in_sake_north_kivu.pdf](#)

Annex 74 (para. 124)

Map of the transport routes of wooden planks and checkpoint locations

Carte des routes de transport des planches et emplacement des check points



Source: Global Forest Watch. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations

Annex 75 (para. 124)**Type, size and prices of wooden planks sold at wholesale markets in Goma****Types, dimensions et prix des planches de bois dans les marchés de gros de Goma**

Illegal taxes paid by wooden plank transporters to armed actors operating in Rutshuru, Nyiragongo and Masisi since the beginning of the M23 crisis led to a significant spike in prices at markets in Goma. On the 400 km stretch of route between Lubero and Goma, each 8-ton Fuso truck driver was compelled to pay approximately \$1,000 in taxes to different state actors and armed groups.²⁴⁶ Heavier duty trucks or “ten wheels” with a payload of 14 tons each paid \$1,500 in taxes on the same road.²⁴⁷ Several wholesale traders revealed having trucks waiting in Lubero for the money to cover the illegal taxes along the route, causing significant delays in the supply.

8-ton Fuso trucks were the most widely used form of transportation for wooden planks, because they can withstand any road condition. Fuso trucks can carry 110 to 120 “driers” (beams) of redwood. The Group observed at the “Chez Modé” and Kihisi wholesale market in Goma that a beam of redwood weighs an average of 90 kilos (a density of 700 kilos per cubic meter), while planks of ordinary wood, which have a density of 400 to 450 kilos per cubic meter depending on the age of the tree logged, weigh 22 (shuttering wood quality) to 28 kilos.

Trees were transformed into planks directly at the logging sites. A log was first cut into smaller portions measuring 4 to 6 meters, called « grimes ». Each « grime » was then chopped down into beams, called « driers ».²⁴⁸ The typical redwood “drier” would measure 450x30x10cm. Wooden beams intended for exports to Uganda, Kenya and Tanzania were chopped into a measure called « Size » of 560x32x6 to 7 cm. A cubic meter, or ton, of redwood yields 14 to 15 “driers”.

The price increase resulting from the illegal taxes was added to the final cost of the wooden planks. This price increase affected all types and qualities of wooden planks sold, which further aggravated the economic strain of dwellers in Goma. For example, a beam of the highest quality timber, called “red wood (mahogany)”, “afromosia” or “muvula”, which was sold at \$85 before 2022, was sold at \$125; the intermediate “Libuyu (yellow wood)” saw its price ramp up from \$65 to \$85, while the ordinary “Licheche” rose from \$20 to \$32. The lowest qualities “bois de coffrage” (shuttering wood) and “bois local” (framework wood) rose from \$5-7 to \$7.5-12.

Type, size, origin, and prices of wooden planks in March 2024:Red wood quality

- Afromosia redwood 320x35x12/15cm beam– from Grand Nord and Kisangani, is worth \$100-110 per beam. A beam weighs 94 kilos.
- Libuyu or “bois jaune” (yellow wood) 450x30x9cm beam– from Beni, \$80 -90 per beam
- Muvula (acajou /mahogany) – same size and price as Libuyu – from Beni and Kindu

Licheche quality

- Widely used in carpentry and wooden tools making. Origins from Beni (Nord-Kivu) and Bunyakiri, Hombo (Sud-Kivu). Sold in 415x15x9 cm beam or 400x40-35x5-4cm plank « panneau » - both worth \$28 – 32 per unit.

“Bois de coffrage” quality (Greveria, Mutiku, Muhazi, Musave)

- 360-420x35-40x2-5cm plank « panneau » - from Pinga (Walikale), Lubero territory and Rutshuru territory was sold at \$12. A plank weighs 22 kilos.

²⁴⁶ \$1 = 2700 Congolese francs as of 28 March 2024.

²⁴⁷ Ibid.

²⁴⁸ Interviews with wholesale plank retailers in Goma, Ministry of Environment, civil society actors and researchers.

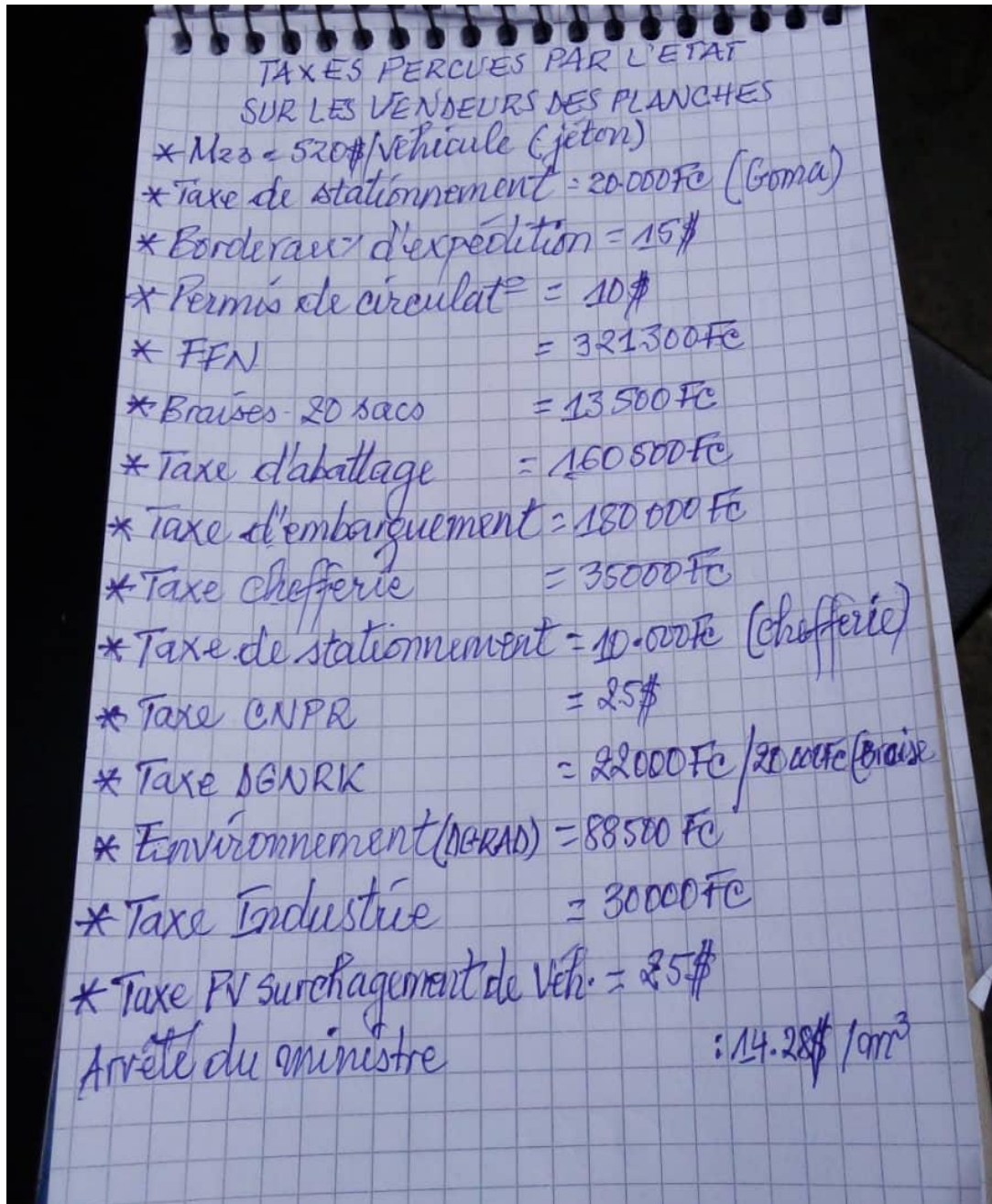
“Bois local” quality (generally eucalyptus)

- 340-360x18-20x4/6cm, is the most widely used for housesframes. They were logged everywhere in Masisi, Rutshuru and Nyiragongo territories and, in particular, in Kisharo and Nyamilima in the Bwisha chefferie of Rutshuru territory, Kibumba in Bukumu chafferie of Nyiragongo territory and Kalembe between Wanianga (Walikale) and Bwito (Masisi) chefferies. A beam weighs 28 kilos and was sold between \$7.5 and 12.

Legal and illegal taxes paid on the Lubero-Goma axis for which receipts were issued:



Documents received from a transporter at “Chez Modé” wholesale plank market in Goma



Transcription by the Group of the different taxes

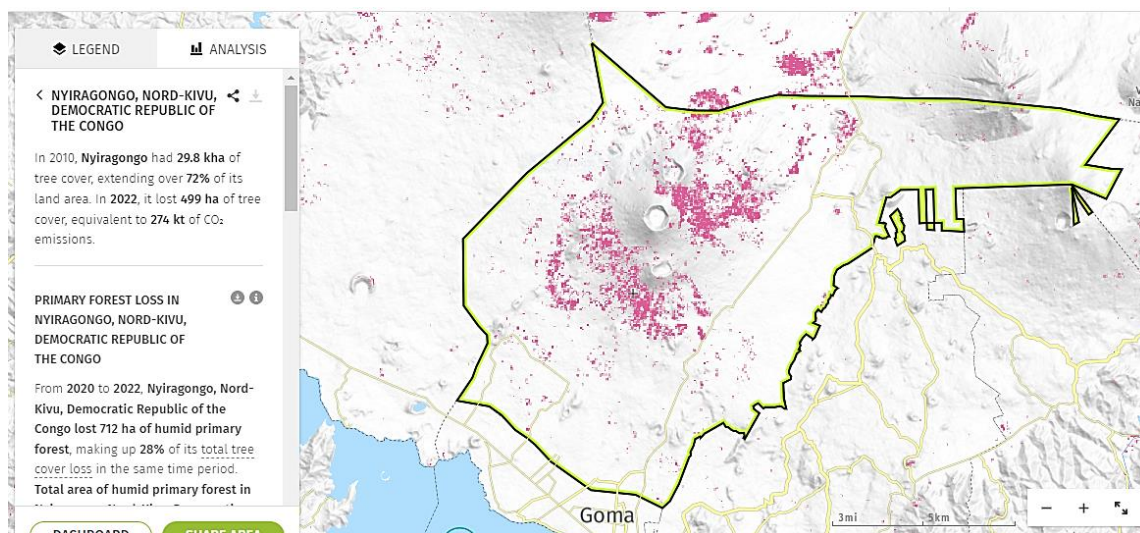
Annex 76 (para. 125)

Net forest loss in Petit Nord

Perte nette de forêt dans le Petit Nord

Data from DRC Ministry of Environment, the Congolese Institute for Nature Conservation (ICCN) and the non-governmental organization Global Forest Watch, as well as change detection from Sentinel 2 satellite imagery, concur in showing that since 2020 and the resumption of M23 activity in the area, deforestation in Nyiragongo and Rutshuru territories has reached unprecedented levels.

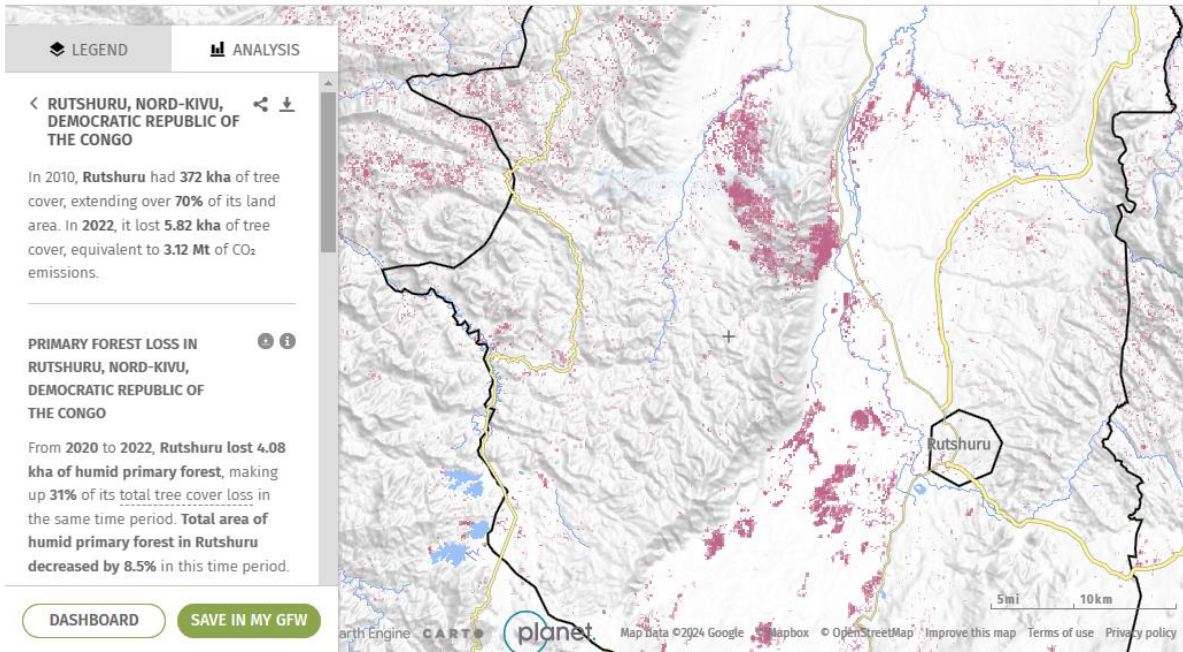
Deforestation clusters in Nyiragongo territory in March 2024 (below):



Source: Global Forest Watch and Copernicus. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

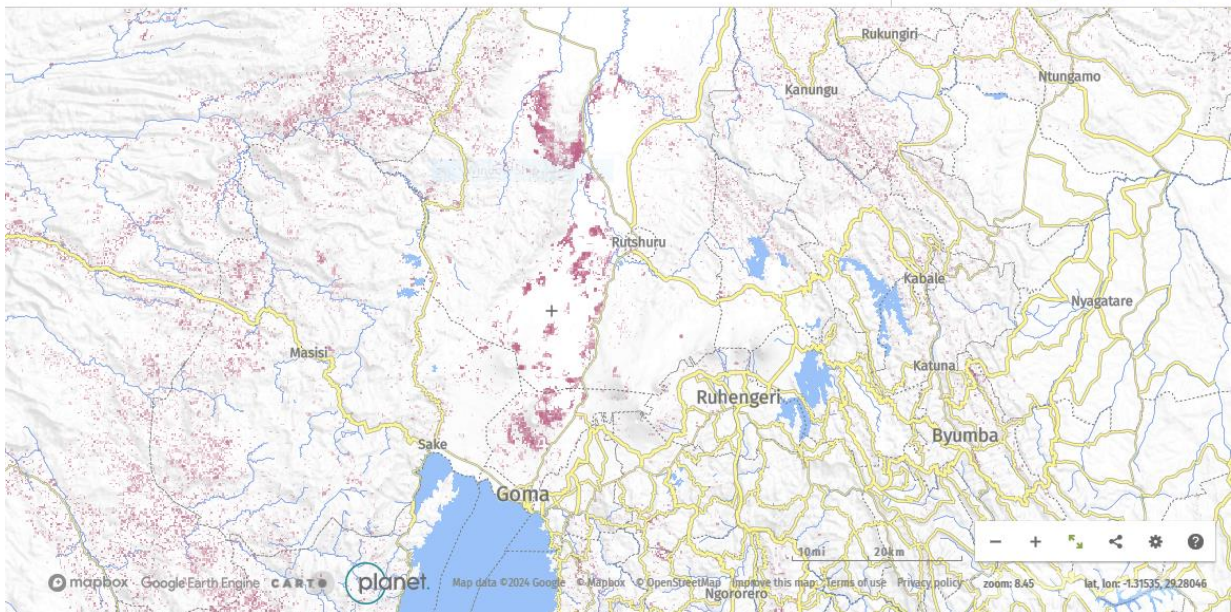
Deforestation clusters in Rutshuru territory in March 2024 (below):



Source: Global Forest Watch and Copernicus. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Deforestation in the Virunga National Park in March 2024 (below):



Source: Global Forest Watch and Copernicus. Map annotated by the Group

The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

Annex 77 (para. 128)

Receipts of illegal taxes levied by M23 on trucks transporting wooden planks

Recettes des taxes illégales prélevées par le M23 sur les camions transportant des planches de bois

The proofs of payment issued by M23, seen by the Group (see pictures below), were from receipt books printed in English, a kind not found in the DRC, and rubber stamped with the mention in French “Department of Finance”. To protect the sources, the exact details (serial number, date, plate number of the taxed truck) were redacted by the Group. Original documents are on file with the Secretariat.

The serial number observed by the Group on a proof of payment delivered by M23 in early March 2024 was smaller than one from a similar proof delivered in September 2023, thus suggesting that serial numbers were periodically reset.

Trucks coming from Lubero were taxed in Kitchanga, while those logging within the Viruga National Park were usually taxed in Kirokirwe, which also served as control point for M23 to check that the tax had been paid in Kitchanga.

14 tons “ten wheels” trucks were taxed between \$700 and 800.



Receipts from 2023 and 2024 taxed Fuso trucks

Annex 78 (para. 131)

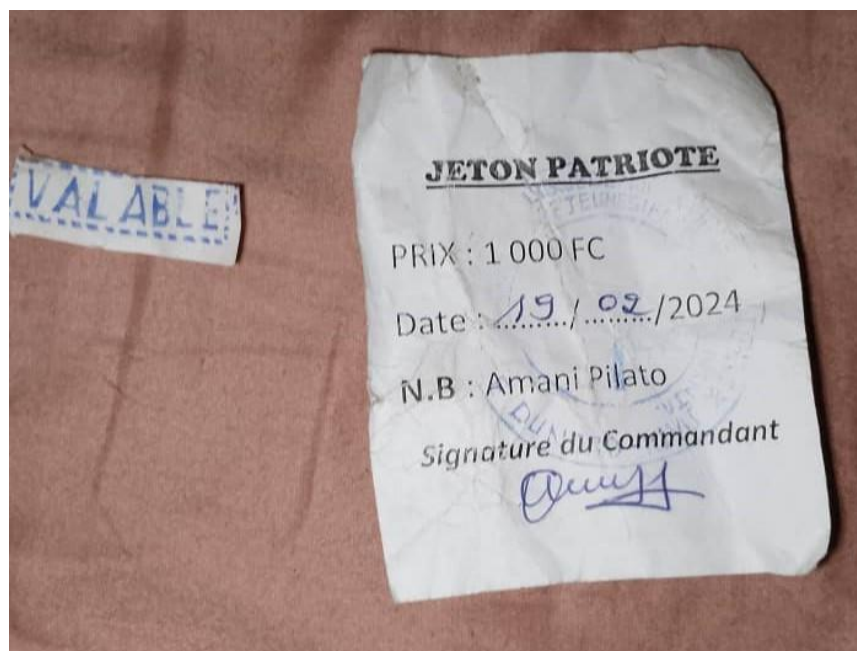
Receipts of illegal taxes levied by the Wazalendo armed groups

Recettes des taxes illégales prélevées par le Wazalendo armed groups

The various armed groups comprising the Wazalendo coalition imposed illegal taxation on road users in the areas they controlled. The Group obtained several proofs of payment of illegal taxes levied on pedestrians and motorbikes at roadblocks in Rutshuru and Masisi territories by the different Wazalendo armed groups, notably by CMC/FDP in Kitshanga, by FPP/AP “Etat major” in Mbwavinwa, by Front Populaire pour la Libération du Congo (FPLC) in Binza, and by the “Jeunesse patriote”.²⁴⁹

Notwithstanding the proofs of payment shown below, the Wazalendo did not deliver “jetons” or proofs of payment to truck drivers for the illegal taxes levied on planks.

“Jeunesse patriote” proof of payment (below):



“Jeton” (proof of payment) received from a taxed moto driver

²⁴⁹ Some self-proclaimed Wazalendo youth that mostly tax road users.

FPLC proof of payment in Binza, Rutshuru territory (below):



“Jeton” (proof of payment) received from a taxed moto driver

FFP/AP proof of payment (below):



“Jeton” (proof of payment) received from a taxed moto driver

CMC/FDP proof of payment in Kitshanga, Walikale territory (below):



“Jeton” (proof of payment) received from a taxed transporter

Annex 79 (para. 133)

Illegal logging in FDLR/FOCA controlled areas

Abattage illégal dans les zones contrôlées par les FDLR/FOCA

In areas under FDLR/FOCA control, an average of 55 young and 12 mature eucalyptus trees were felled every week²⁵⁰. This corresponded to 680 planks of shuttering wood, worth \$6,500, and 535 planks of ordinary wood, worth \$15,000, at wholesale prices in Goma per week, or up to \$1,118,000 per year.

In particular, in areas under the control of FDLR/FOCA, young eucalyptus from the outskirts of VNP that can yield 10 to 15 planks, and which usually sold in wholesale markets in Goma as “bois local” (ordinary wood) quality between \$7.5 and \$12 each, were now sold at \$50.

Older, bigger trees from within the VNP that can yield 40 to 50 planks, sold as “bois de coffrage” (shuttering wood) or Licheche quality and usually priced between \$12 and 28 per plank, were now valued \$200 or more²⁵¹.

Another factor which influenced the price of a tree was the distance from, or ease of transport to, a main road, with a tree closer to a transport route being sold at a higher price than the same yielding one located in a less accessible area which requires logs to be manually transported up to the point where they can be loaded onto trucks²⁵².

²⁵⁰ 55 trees * \$50 + 12 trees * \$200 = \$2750 + 2400 = \$5,150 per week.

²⁵¹ Civil society in Nyiragongo territory, Ministry of Environment, researchers and UN sources.

²⁵² Ibid.

Annex 80 (para. 137)

Illegal taxes paid by road users at OPRP check point in Kanyaruchinya

Taxes illégales payées par les usagers de la route au poste de contrôle OPRP à Kanyaruchinya

Truck drivers informed the Group that transit between plank-producing areas in Beni and Goma via the national road 2 (RN2) along the Kanyabayonga-Kiwandja-Kibumba-Goma road required 350 litres of fuel, in comparison with 850 litres needed to cover the only authorized route through Lubero – Kibirizi – Nyanzale – Mweso – Kitchanga – Sake – Goma. This was cited among the reasons why trucks continued to transit through Kanyaruchinya despite the 24 May 2022 ban.²⁵³

State agents that manned a checkpoint known as “OPRP” in Kanyaruchinya belonged to the general tax agency of the North Kivu Province (DGR-NK), ANR, FARDC, Police Frontière, the national forestry fund (FFN) and Chefferie. The bulk of the illegal taxation was paid to the DGR-NK, while the FARDC received a share of \$10 to \$20.

State agents did not deliver proofs of payment to truck drivers for the illegal taxes levied.

²⁵³ Transit at OPRP check point was still authorized only until 6.00PM for vehicles and 10.00PM for pedestrians.

Annex 81 (para. 140)**Incident records from mining pits belonging to Shamamba in Rubaya and evidence of continued exploitation and control of mines by PARECO-FF****Rapports d'incidents dans les mines appartenant à Shamamba à Rubaya et des preuves de la poursuite de l'exploitation et du contrôle des mines par le PARECO-FF**

- (1) The Group received reports from medical sources and miners in Rubaya of incidents at mining pits in Rubaya. Multiple sources confirmed that these sites operated under the control of PARECO-FF's "president" Shamamba.

a. Medical report from an incident on D4 Gakombe mining site, inside PE-4731

Excerpt reproduced from the original document, in French [see below for English translation]. "xx" indicates information omitted to protect the person's identity.

Original text in French:

« [Nom XX] 18 ans, creuseur, provenance de bunje/lumbishi Sud Kivu adresse actuelle [xx], chef de puits [nom xx] ce lundi le xx/xx/2024 vers 10h15 suis blessé au niveau de la tête par un coup de pierre qui aurait tombé sur lui dans une fosse minière dans le site minier de D4 Gakombe dans le chantier Hazarani à 50m de profondeur ce victime est hospitalisé au poste de santé de Kalambairo, numéro de téléphone de l'infirmier [nom xx], numéro de téléphone de chef de puits [nom xx] [numero xx] »

English translation:

"[XX] 18 years old, digger, from bunje/lumbishi South Kivu current address [xx], pit manager [xx], this Monday xx/xx/2024 around 10:15 am injured in the head by a blow of stone which would have fallen on him in a mining pit in the mining site of D4 Gakombe in the Hazarani site at 50m depth this victim is hospitalized at the health post of Kalambairo, nurse's telephone number [xx], pit manager [xx]'s telephone number [xx]"

Photographs of the miner and the injuries he sustained are on file with the Secretariat.

b. Text message from a miner in Rubaya on an incident in D2 Bibatama mining site, inside PE-4731

Below is the redacted version of a text message sent to the Group by a source in Rubaya, which relates a deadly landslide that occurred on 14 February 2024 in D2 Bibatama mining site at PE/4731 in Rubaya. The source specified that the site was under PARECO control.

Original text in French :

BJR PAPACE MERCREDI LE14/2/2024 VERS 13H DANS LE SITE MINIER DE D2 BIBATAMA UN EBOULEMENT A ENSEVELI PLUSIEUR CREUSEURS ET DES FEMMES QUI VENDENT DE LA NOURITURE ET CHERCHE DES PIERRES PRECIEUX PARMIS LES VICTIMES IL YA JEAN DE DIEU ***** 22ANS SA FEMME ELISEE ***** LAISSE 1ENFANT, GULAIN ***** 24ANS SA FEMME ASIFIWE ***** LAISSE 1ENFANT DE 2SEMAINES, LES SURVIVANTS IL YA ***** JUMA, ***** EDOUARD, JEAN DE DIEU ***** , MANI *****

English translation:

Morning PapaThis Wednesday 4/2/2024 around 13H in the D2 BIBATAMA mining site a landslide buried several diggers and women who sold food and sought after precious stones. Among the victims

there is Jean de Dieu ***** 22 years old his wife Elisée ***** is survived by a son, Gulaine ***** 24 years old her wife Asifiwe ***** leave a 2-week baby, among the survivors there are ***** Juma, ***** Edouard, Jean de Dieu ***** , Mani *****

- (2) The Group obtained proofs of payment of taxes imposed by PARECO-FF and APCLS in Rubaya. Rubaya dwellers and miners shared evidence with the Group of taxes levied by PARECO-FF on both sites, PE4731 and PE76, such as a monthly fee referred to as a contribution to community development in mining areas, amounting to \$10 per month.
 - a. **Contribution to community development in mining areas, levied in Nyagisenyi, inside PE-76 by PARECO-FF:**



Proofs of payment (“jeton”) received from a miner in Nyagisenyi at PE-76 in Rubaya

b. Capitation tax "Lala salama" ("sleep peacefully") – PARECO-FF:



Proof of payment (jeton) received from a Rubaya dweller

c. Issued and blank receipt for the taxation of motorbikes issued by APCLS and PARECO-FF:



Proofs of payment (jetons) provided by users of the roads between Rubaya and Mushaki

Annex 82 (para. 141)

Communiqué on the suspension of ITSCI Program in all of Masisi territory

Communiqué d'ITSCI Suspension du Programme ITSCI dans le territoire de Masisi

Below is the reproduction of the text of the ITSCI communiqué, which is available to consult online at https://www.itsci.org/wp-content/uploads/2023/12/Public-statement_ITSCI-suspended-in-Masisi_Dec-2023_final.pdf

Public statement

Suspension of the ITSCI Programme in Masisi territory, North Kivu (DRC) for security reasons related to the non-state armed group M23

15 Dec 2023

In early 2023, the ITSCI programme was [suspended](#) for a time in Masisi, North Kivu, and later [resumed](#) due to an improved situation as reported. In recent weeks, fighting between non-state armed group M23 and the Congolese army and their allies have intensified in Masisi territory, North Kivu Province, DRC. Early December, M23 retook control of two locations in that territory: the town of Mushaki, an important transport point for minerals transported to Goma; and the mineral trading town of Karuba.

Due to the precarious security situation, most agents from DRC state services SAEMAPE and the Mine Division, responsible for the oversight over artisanal mining activities, returned to Goma to report to their leadership and, as a result, tagging stopped at all mine sites. The ITSCI Programme is suspended at all ITSCI sites in Masisi territory until further notice.

The ITSCI Programme continues to actively engage with local stakeholders, including the North Kivu Government, to support local agreement on, and implementation of, risk avoidance and mitigation actions. Positive actions were taken in recent days, which allow for the planned return of state services to some areas in Masisi, working towards establishing alternative mineral transport routes and resuming tagging and monitoring, where and as soon as possible.

The overall situation remains very volatile and is **evolving on a daily basis**. ITSCI monitors the situation very closely, working together with local companies, mining operators, civil society, state services and the government to support responsible sourcing of minerals and avoid unnecessary disengagement and a de facto embargo on mineral supply chains from North Kivu Province.

For more information, please contact: Mickaël Daudin, ITSCI Programme Manager, mickael.daudin@internationaltin.org

Suspension du Programme ITSCI dans le territoire de Masisi, au Nord-Kivu (RDC) pour des raisons de sécurité liées au groupe armé non étatique M23

15 déc. 2023

Au début de l'année 2023, le programme ITSCI a été [suspendu](#) pendant un certain temps dans le territoire de Masisi, au Nord-Kivu, [avant de reprendre](#) en raison d'une amélioration de la situation, comme cela a été rapporté. Ces dernières semaines, les combats entre le groupe armé non étatique M23 et l'armée congolaise et ses alliés se sont intensifiés dans le territoire de Masisi, dans la province du Nord-Kivu, en RDC. Début décembre, le M23 a repris le contrôle de deux localités de ce territoire : la ville de Mushaki, un important point de transport pour les minerais acheminés vers Goma, et la ville de Karuba, point de vente des minerais.

En raison de la situation sécuritaire précaire, la plupart des agents des services de l'état de la RDC – le SAEMAPE et la Division des mines – responsables de la supervision des activités minières artisanales, sont retournés à Goma pour faire rapport à leur hiérarchie et, par conséquent l'étiquetage a stoppé dans tous les sites miniers. Le programme ITSCI est suspendu sur tous les sites ITSCI du territoire de Masisi jusqu'à nouvel ordre.

Le programme ITSCI continue à s'engager activement avec les parties prenantes locales, y compris le gouvernement du Nord-Kivu, pour soutenir l'accord et la mise en œuvre au niveau local d'actions pour éviter ou atténuer les risques. Des mesures positives ont été prises ces derniers jours, permettant de prévoir le retour des services publics dans certaines zones de Masisi, visant à la mise en place d'itinéraires alternatifs pour le transport des minerais et la reprise de l'étiquetage et du suivi, là où c'est possible et dès que possible.

La situation générale reste très volatile et évolue quotidiennement. L'ITSCI suit la situation de très près et collabore avec les entreprises locales, les opérateurs miniers, la société civile, les services de l'état et le gouvernement pour soutenir l'approvisionnement responsable en minerais et éviter un désengagement inutile et un embargo de fait sur les chaînes d'approvisionnement en minerais en provenance de la province du Nord-Kivu.

Pour plus d'informations, veuillez contacter Mickaël Daudin, gestionnaire de programme ITSCI, mickael.daudin@internationaltin.org

Annex 83 (para. 141)

Screenshots from videos showing mineral smuggling from Rubaya

Captures d'écran de vidéos montrant la contrebande de minerais à partir de Rubaya

This video was shot in December 2023, after the suspension of mineral-tagging operations in Masisi. It shows some 60 motorbikes loaded with minerals from Rubaya transporting them to Mushaki. The Group authenticated this video through testimony and analysis from Rubaya dwellers, miners and traders, civil society actors in Masisi and UN sources.



Selected screenshots from a December 2023 video received from civil society sources

Annex 84 (para. 142)

Communiqué by PARECO-FF against mineral trading from Rubaya

Communiqué de PARECO-FF contre le commerce des minerais de Rubaya

Shamamba Barigaruye Enoch was a former employee of mining cooperative COOPERAMMA,²⁵⁴ who owns several mining pits in Rubaya, and led mineral exploitation in the area since the occupation of Rubaya by the PARECO FF armed group (see [S/2021/560](#), para.62).

Several sources reported to the Group that since the beginning of the M23 crisis, individuals close to COOPERAMMA, led by Shamamba and MP Justin Ndaishimiye ([S/2021/560](#), para.64) incited young people, including miners, to join the Nyatura armed group to fight against the M23 ([S/2023/990](#), para 70 and annex 43).

²⁵⁴ Coopérative des Exploitants Artisanaux Miniers de Masisi. In a few instances in previous reports by the Group, and more frequently in literature, COOPERAMMA is misspelled as COOPERAMA.

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
TERRITOIRE DE MASISI

COALITION DES PATRIOTES RESISTANTS
CONGOLAIS (PARECO)
ETAT MAJOR COMMANDEMENT
AXE RUBAYA
Contact : 0899552099
Mail : rdcpareco@gmail.com



COMMUNIQUE DE PRESS N° 13 /PARECO/RUBAYA/2024

Nous, coalition des Patriotes Résistants Congolais PARECO en sigle ; Tenons à informer les Négociants et Petits Négociants sur rumeurs faisant le trafic illégitime des minerais passant par la zone occupée par L'ennemi RDF/M23 surtout à MUSHAKI ;

Nous avons pris des mesures pour arrêter les délinquants et quiconque appréhendé sera puni conformément à la loi.

Fait à Rubaya le 17/02/2024

SHAMAMBA BARIGARUYE Hénoek

Président de mouvement



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
TERRITOIRE DE MASISI

COALITION DES PATRIOTES RESISTANTS
CONGOLAIS (PARECO)
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Mail : rdcpareco@gmail.com



TANGAZO

Sisi coalition des Patriotes Résistants congolais PARECO ; Tunatangazia wafanya byashara ya madini (Négociants et petits Négociants) yakwamba kuna fununu ya kupitiza madini kimagendo ndani ya maeneo ambazo zinazibitiwa na adui RDF/M23 zaidi sana pa Mushaki.

Tumetiya mbimu nakufuatiya sana atakaye naswa atazibiwa kulingana na sherhiya za inchi

Imefanyika pa Rubaya le 17/02/2024

SHAMAMBA BARIGARUYE Hénoek

Président de mouvement




PARECO-FF communiqué

Annex 85 (para. 145)

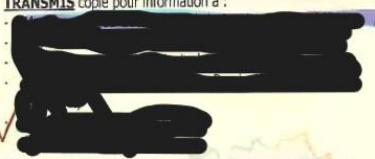
Communication dated 5 April 2024 on the resumption of mineral trade from Rubaya to Goma via Minova and Lake Kivu

Communication du 5 avril 2024 relative à la reprise du commerce des minerais de Rubaya à Goma via Minova et le Lac Kivu

REPUBLIQUE DEMOCRATIQUE DU CONGO

PROVINCE DU NORD-KIVU

 Le Gouverneur

Goma, le **05 APR 2024**
 N° 01/ *316* /CAB/GP-NK/2024

TRANSMIS copie pour information à :


OBJET :
 Désignation d'un Officier Militaire en la personne du Major MULIRO KYAHI Patrick, Matricule : 1779693715-86 comme membre en appui aux opérations d'encadrement menées par la CNLFM/NK.

A Monsieur le Coordonnateur de la Commission Nationale de Lutte contre la Fraude Minière (CNLFM) à **GOMA**.

 Accusé de réception.

Monsieur le Coordonnateur,


J'ai l'honneur d'accuser réception de votre lettre n° CNLFM/COORD-NK/007/03/2024 du 08 mars 2024 au sujet de l'objet en concerne et vous en remercie.


Y faisant suite, je mets à la disposition de la CNLFM, le Major MULIRO KYAHI Patrick, Matricule : 1779693715-86 en vue d'appuyer les opérations d'encadrement de la lutte contre la fraude minière en Province du Nord-Kivu.

Sans toutefois déroger à ses missions statutaires d'Officier Militaire, il sera chargé de :

- Assurer l'encadrement et l'escorte des cargaisons en circulation sur le tronçon Ngungu-Lumbishi-Numbi-Kalungu-Minova, par voie routière et Minova-Goma par voie lacustre et cela en collaboration avec les autres Services Membres de la CNLFM/NK ;
- Veiller au respect des normes tant nationales, régionales qu'internationales de traçabilité ;
- Appuyer les services compétents relevant du Ministère des Mines dans le contrôle des documents de traçabilité qui accompagnent toute cargaison des substances minérales ;
- Permettre la mise en œuvre de notre plan stratégique de lutte contre la fraude tout au long de cette voie alternative d'évacuation des minerais.

 Veuillez agréer, Monsieur le Coordonnateur, l'expression de mes sentiments patriotiques.

LE GOUVERNEUR DE PROVINCE a.i.

PETER NKUBA Peter : =
 Général-Major


 République Démocratique du Congo
 Cabinet du Gouverneur de Province
 PROVINCE DU NORD-KIVU

Adresse : Avenue du Lac, Quartier Minzi, Commune de Goma/GOMAN/DC
 Site web Province : www.kivu.province.cd E-mail : ccs@kivu.province.cd

Document obtained from confidential source

Annex 86 (para. 146)**Production data from selected sites in Masisi that show inconsistency of tagged production****Données de production provenant de sites sélectionnés dans le Masisi qui montrent une incohérence de la production étiquetée**

Mining sites under the Congo Fair Mining (CFM) PE-76 concessions and the artisanal exploitation zone (ZEA) in Rubaya are covered by the tagging of origin and supply chain integrity system provided by the ITSCI program. Sites in the PE-4731 (which belonged to SMB until cancelled in August 2023) were also monitored under the ITSCI program until December 2018.

The Group had informed ITSCI multiple times about doubts on the tagged mineral production originating from these sites, since the levels of tagged production appeared consistently too high compared with the observed levels of activity at these sites ([S/2022/479](#), paras 78 to 80 and annexes 44 and 45; [S/2021/560](#), paras 59 to 70 and annexes 41 to 49; [S/2020/1283](#), paras. 42-44; [S/2020/482](#), paras. 102-107; [S/2019/469](#), paras. 149-164).

By contrast, ITSCI maintained that the volumes tagged were within the limits of each site's expected production, assessed periodically by the teams supporting the implementation of the ITSCI program in the field. The following are discrepancies between level of activity and tagged production:

During the period under review, the Group analysed production data from all the sites in Rubaya area, which showed monthly fluctuations compatible with cross-concession smuggling reported. In particular, the site of Mushuawu (also spelled Mushwau), located in the ZEA outside both PE-4731 and PE-76, recorded positive variation in production volumes of 7,727.95 percent since the first recorded production in April 2022. In particular, Mushuawu recorded a monthly production increase of 6,956 percent in February 2023, in conjunction with the suspension of activity at SMB sites at PE4731. Such ample variations in monthly production should have raised ITSCI's awareness.

Production at the site of Mushuawu increased from 174 to 4,099 kilogrammes between May and July 2022, before dropping to almost zero in December 2022 and January 2023, and finally peaking at 3,528 Kg (a 6,956 percent increase) the following month (February 2023), in conjunction with the suspension of activities at SMB, peaking well above five tons in June and July 2023, to then drop to 378 Kg (minus 93.54%) in August 2023. The magnitude of these variations is beyond geological explanation and suggests that minerals of different origins, and likely not eligible for trade, were brought to Mushuawu to be tagged as originating from there and then sold. This should have raised ITSCI's awareness.

The Group also observed that the production tagged under the ITSCI programme at the sites within the PE-76, notably Nyagisenyi, Mutanga 1, Mululu, Mayi Vuno and Bihula was approximately five times higher than what could realistically be expected, considering the observed level of activity in those sites during the period under review. The same discrepancies between level of activity and tagged production have been observed on sites outside of the CFM concession, and notably Mutanga 2, Biholo, Bitonga, Lutso, Kasholero and, as detailed above, Mushawu. There, the tagged production was well over ten times higher than the production estimated in accordance with the observed activity levels.

In its April 2024 reply to the Group's inquiries, ITSCI rejected these findings, claiming that the production levels in all the above-mentioned sites were plausible.

Annex 87 (para. 148)

Responsible Minerals Initiative (RMI) statements

Communiqués du RMI

On several occasions, from 18 December 2023 onwards, RMI recalled the obligation to enforce supply chain due diligence to its members in order to qualify for RMI's Responsible Minerals Assurance Process (RMAP). RMI also widely informed its members of the suspension of ITSCI recognition for the purpose of meeting RMAP standards, and that it was ready to support its members with technical actions needed to enforce their due diligence.

To assist upstream industry in meeting the challenges of the suspension of tagging of minerals from Masisi and RMI suspension of ITSCI's recognition, RMI organized a workshop in Goma from 12 to 14 March 2024 to sensitize the exporters (*entités de traitement*) on the need and techniques to enforce their own due diligence.

On 18 December 2023, RMI issued a press release to its members reminding them that solely declaring adherence to ITSCI would not be deemed sufficient to qualify for the RMAP. RMI affirmed in the press release that it “remains open to constructive engagement with ITSCI and other stakeholders to support due diligence of all supply chain actors and responsible sourcing from the African Great Lakes Region”. The full text of the document is available to consult on [RMI website](#).

Excerpt from RMI's communiqué to its members on 7 March 2024 (below):



To: RMI Members
From: The Responsible Minerals Initiative
Date: 7 March 2024
Subject: Alert on risk of conflict minerals entering supply chains, recommended actions for downstream companies, and RMI actions

Dear RMI Members:

We are writing with an alert to serious reports of conflict minerals risk for supply chains and suppliers sourcing from the North Kivu province of the Democratic Republic of the Congo (DRC), and possibly other regional sites linked via transport and illegal trade.

As shared in the RMI member plenary, the midterm report of the UN Group of Experts on the DRC (available in [English, multiple languages](#)) was published on 3 January 2024. This report includes important findings regarding violence and armed group activities, humanitarian crises, gaps in minerals due diligence implementation, and related impacts to the minerals sector for tin, tantalum, tungsten, and gold from a number of areas in the Great Lakes Region.

Further to that report, the RMI received on 20 February additional information from the UN Group of Experts detailing the mobilization of armed groups in the Rubaya area, Masisi territory, North Kivu, DRC from November 2022 onwards. This additional information from the Group underscored risk that a "large quantity of minerals from the PE-4731 sites [controlled by armed group PARECO] have entered the supply chains through the ITSCI-covered Congo Fair Mining (CFM) PE-76 sites," from April 2023 to at least mid-December 2023. The Group further notes that "there remains an increased risk of minerals fraudulently mined in the Rubaya area entering official supply chains via sites in South Kivu and Rwanda."

The RMI has requested information from ITSCI on North Kivu risks and ITSCI responses to this context for several months and will continue this dialogue, including seeking their response to these serious and specific reports from the UN Group of Experts.

The RMI is sharing this alert with members, 3T smelters in the RMAP program, and RMAP assessment firms to support enhanced due diligence and risk mitigation by supply chain actors. Below, we provide information from the Group and offer guidance on example risk assessment and management actions.

The RMI continues to support responsible sourcing from the Great Lakes Region and other conflict-affected and high-risk areas, while recognizing that in accordance with OECD Guidance and the UN Group of Experts due diligence guidelines, any reasonable risks of direct or indirect support to non-state armed groups calls for mitigation via disengagement if found in a supply chain, while risks of fraud may be mitigated through other time-bound efforts while continuing sourcing relationships.

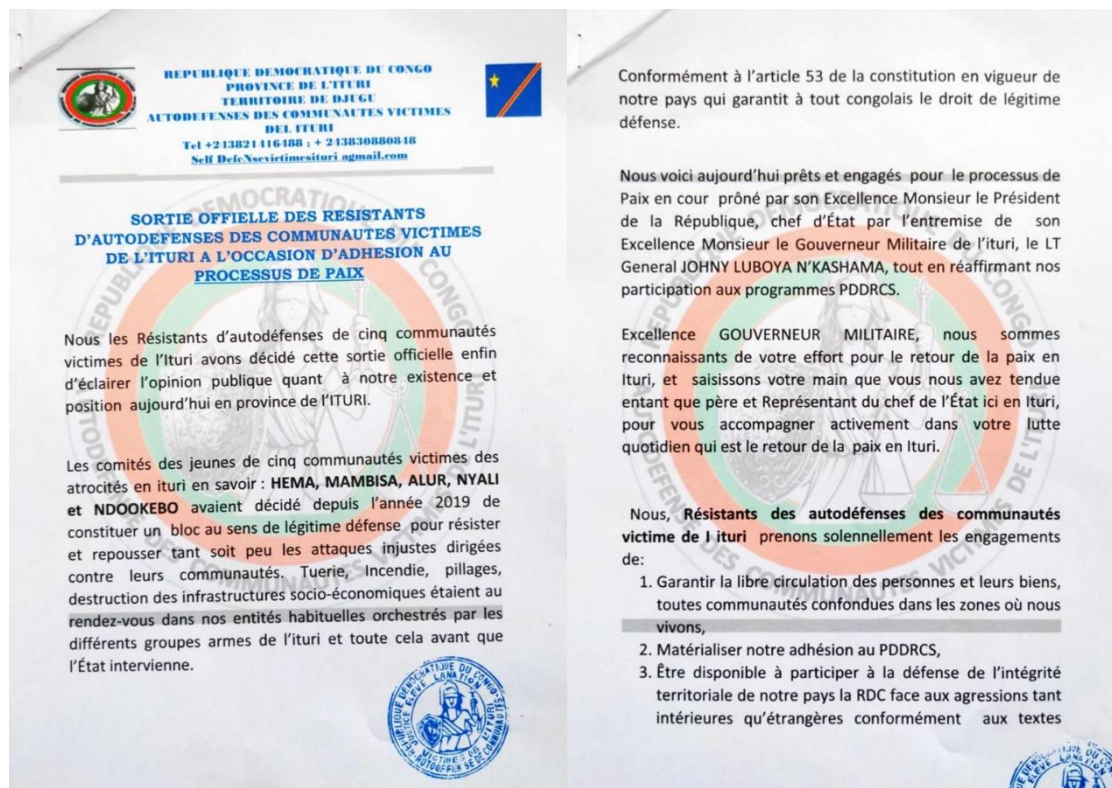
1

Document shared with the Group by RMI

Annex 88 (para. 149)

Zaire armed group's letter of commitment to adhere to the peace process.

Lettre d'engagement du groupe armé Zaïre en faveur du processus de paix



légaux en matière cfr l'article 63 de la constitution de notre pays.

Nous en profitons en demandant ce qui suit :

1 .Au Gouvernement congolais :


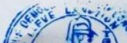
- De faciliter la libération de tous les jeunes Résistants d'autodéfenses qui croupissent en prison et garantir la protection de la population civile et ses biens ;
- De faciliter la levée les différents mandats émis à nos charges par l'auditorat militaire de Bunia ;
- De faciliter le retour de déplacés dans leurs villages respectifs,
- De diligenter une enquête afin de dénicher les vrais instigateurs et auteurs des génocides contre les communautés victimes et les déferer devant les juridictions compétentes afin qu'ils réponde de leurs actes.

2. A la communauté internationale

- D'ouvrir un tribunal spécial pour la Province de l'Ituri afin de juger sans complaisance les crimes commis contre les civils innocents en Ituri.

4. AUX DIFFERENTS GROUPES ARMES

- De respecter strictement les actes d'engagement que eux-mêmes avaient signé volontairement car le non-respect de ces engagements risque de plonger la province de l'Ituri à une escalade des violences.
- De travailler pour le développement de leurs entités au lieu de perdre leurs énergie en tuant sans raisons valable leurs semblables tout en détroussant les infrastructures socio-économiques des entités voisines ,chose qui pourra plonger toutes les générations dans le désespoir total.
- De libérer les entités qu'ils occupent illégalement enfin de permettre le retour de chefs coutumiers de ces entités et de déplacés chose qui est un indicateur important de la paix.
- De stopper de façon stricte et démocratique des attaques des populations civiles tout en cultivant un réel amour patriotique envers votre patrie, la République Démocratique du Congo notre Patrimoine Commun.
- De faire preuve de la citoyenneté Congolaise, tout en travaillant pour un développement et le

fonctionnement des institutions publiques de la République Démocratique du Congo.

4. AUX JEUNES ITURIENNES

- d'éviter de jouer au jeu de cache-cache et de l'hypocrisie dans le but de traumatiser leurs camarades enfin d'intoxiquer ceux-ci contre leurs provinces.
- de cultiver l'esprit de l'amour du prochain qui est un gage du développement de la Province de l'Ituri.

Fait à BUNIA, le 29 /01 /2024

Pour les autodéfenses des communautés victimes

Le président titulaire Provincial
LOGO MUGENYI Marine

(Signature)
(Représentant des jeunes de la communauté HEMA)

1^{er} vice-président provincial
MAKI BARAKA Amos

(Représentant des jeunes de la communauté MAMBISA)

2eme vice-président provincial
TUAMBE PATRICK Josué

(Représentant des jeunes de la communauté ALUR)

3eme vice-président provincial
MAGABUSINI BASINI Bienvenu

(Représentant des jeunes de la communauté AKONGO/NYALI)

4eme vice-président provincial
LONDJIRINGA RITCHE Dieudonné

(Représentant des jeunes de la communauté NDO OKEBO)

DZDIFU NGADJOLE Jean Marie

LE PORTE PAROLE PROVINCIAL




Document received from a civil society source

Annex 89 (para. 150)

Zaire armed combatants in a speedboat and pickup vehicle

Des combattants armés de Zaïre avec une barque motorisée et un véhicule pick-up




Screenshots of videos received by the Group from an armed group source

Annex 90 (para. 152)


Ituri-based armed groups rejecting their alleged membership in AFC

Les groupes armés de l'Ituri démentent leur soutien à l'AFC





REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTRE DE DE FENSE
FORCE TERRESTRE
PROVINCE DE LITURI
TERRITOIRE D'IRUMU




FORCE PATRIOTIQUE ET INTEGRATIONNISTE DU CONGO (FPIC /SCN)

**MISE AU POINT DELA FPIC SUR LES ALLEGATIONS DE MONSIEUR
Cornelle NANGA.**

Nous FPIC ; interdisons formellement monsieur NANGA Cornelle et qui que ce soit qui font des fausses allégations pour nous salir. Nous sommes patriotes et nous ne céderons jamais aux manipulations ni aux intoxications et nous ne trahisons pas notre cher pays. Nous respectons nos engagements de paix avec le gouvernement et pour suivons le processus selon l'orientation de ce dernier. Sur ce, Nous informons l'opinion tant internationale, nationale que locale ; que la FPIC ressemble à une eau stagnante, si rien ne tombe de dans elle ne peut jamais bouger ; alors nous ne voulons pas nous provoquer par vos sales politiques pour déstabiliser notre patrie.

D' ailleurs NANGA parle de CHINI YA KILIMA or, nous ; nous somme FPIC CHAMBRE NOIRE car CHINI YAKILIMA est tout un groupement bien reconnu par gouvernement. Répétons encore à monsieur NANGA que la perte d'une patte de la mille pattes ne lui empêchera pas d'atteindre son objectif.



N. NANGA KUNDE le 19/12/2023
Pour la FPIC/SCN
HETABO TONDABO
Le responsable

Copie conforme à, au.

- MONUSCO ;
- Gouverneur militaire de la province ;
- Cordon provincial de la PDDRCs ;
- A.T. militaire du territoire d'IRUMU ;
- Commandant de la 32^{ème} Région militaire ;
- Mituel ZUNANA ;
- Leaders communautaires de la communauté Bira tous.



DECLARATION CONJOINTE DE L'ALLIANCE DES FORCES PATRIOTIQUES POUR LA DEFENSE DU CONGO PORTANT DENONCIATION DE TENTATIVE DE MANIPULATION DE GROUPES ARMÉS DE L'ITURI

Les membres de l'Alliance des Forces Patriotiques pour la Défense du Congo, A.F.P.D.C, constitué, de différents groupes armés de l'Ituri dont la FRPI, URDPC-CODECO, FPIC, ZAIRE, MAI-MAI SIMBA-FDDP, URC-FPC, MAPI, réunis à la date ci-dessous en Ituri, pour consolider leur unité dans l'objectif de soutenir les efforts de pacification de l'Ituri tel que proné par le chef de l'Etat;

Ayant été surpris de voir circuler sur les réseaux sociaux des textes politiques reprenant sans consensus les noms de certains groupes armés de l'Ituri dont FRPI, ZAIRE et TCHINI YA KILIMA, pourtant engagés au sein de l'A.F.P.D.C, pour promouvoir la Force-Wazalendu-Reserviste de l'Ituri;

Dans le souci majeur de prouver au monde entier sa détermination pour défendre le territoire national congolais en union avec la FARDC;

Déclare unanimement ce qui suit:

1. L'Alliance des Forces Patriotiques pour la Défense du Congo, A.F.P.D.C, en sigle met en garde tout politicien congolais avide d'argent et de pouvoir qui vise à intoxiquer et surtout à détruire le processus de pacification de l'Ituri en cours, en faisant campagne médiatique mensongère et diffamatoire au nom des groupes armés de l'Ituri.
2. Dément farouchement toute implication et toute participation des groupes armés de l'Ituri composant l'A.F.P.D.C, aux alliances traîtres conclues à Nairobi entre les M 23 et un nouveau mouvement politico-militaire attribué au leadership de Corneille NANGA.

3. L'A.F.P.D.C réitère son engagement pour la Défense décisive de l'intégrité territoriale du Congo, en franche collaboration avec les Forces Armées de la République Démocratique du Congo, FARDC en sigle, pour faire preuve de son adhésion au sein des Forces réservistes Congolaises.

4. L'A.F.P.D.C attend juste voir la mise en place de l'équipe de la Coordination provinciale des Forces réservistes Congolaises en Ituri, pour actualiser son engagement.

Ou le salut de notre RDC ou la mort.

Pour l'A.F.P.D.C
Le Porte-parole

Documents obtained by the Group from civil society sources

Annex 91 (para. 155)**Examples of CODECO-URDPC Attacks****Exemples d'attaques menées par la CODECO-URDPC**

Security sources informed the Group that following the arrest in December 2023 of three CODECO-URDPC combatants suspected of being involved in arms trafficking in Mona village, Mahagi territory, CODECO-URDPC retaliated by abducting 20 civilians of the Alur community. Concomitantly, in Kpandroma, Mahagi territory, CODECO-URDPC combatants abducted five individuals including two priests and a police officer, obtaining in exchange the immediate release of their combatants.²⁵⁵

In addition to kidnappings and retaliatory attacks causing the deaths of dozens of civilians, CODECO-URDPC targeted gold mining sites and workers, including in areas under the control of the rival Zaïre armed group. In early January 2024, the CODECO-Bon Temple faction attacked the Kombokombo mining site in Bayali Kilo *chefferie*, in Mongbwalu. During the attack, nine mine workers were killed and their gold was looted.²⁵⁶ Between February and March 2024, there were several other attacks around mining areas including in Gbado, Mbinza, and Mbijo, Mabendi *chefferie*. In particular, the attacks in Gbado resulted in eight mine workers killed, 12 individuals kidnapped and mine materiel destroyed. A CODECO-URDPC group under the command of Lango, gained control over a gold mine in Morgue, Djugu territory and chased away workers from Hema community.

²⁵⁵ FARDC, UN and civil society sources, researchers and combatants.

²⁵⁶ Ibid

Annex 92 (para. 156)

FARDC Spider I and II operations against armed groups

Opérations Spider I et II des FARDC contre les groupes armés

In attempts to curb armed violence in Ituri, and in parallel with dialogue and other non-military initiatives, FARDC with the support of MONUSCO Force Intervention Brigade (FIB) launched military operations codenamed Spider I and Spider II in October 2023 and March 2024, respectively. The Spider I operation resulted in eight killed CODECO combatants and camps in Masikini and Mbau mountain destroyed. Spider II operation was still ongoing at time of drafting.

Despite these operations, armed groups remained active across Djugu territory and combatants continued to operate defiantly, such as in Masubuko where the 3002nd FARDC regiment was commanded by Colonel Sibambe Willy; in Pimbo, Walendu Djatsi sector, where the 3401st regiment was commanded by Colonel Butare Remi; and in Mongwalu where the 1301st regiment was commanded by Colonel Bahati Nuru.

During a meeting with the Group in Masubuko, the FARDC leadership clarified that FARDC only engaged armed groups, in particular CODECO-URDPC, when armed groups attacked FARDC and that it did not have the mandate to initiate attacks or disarm armed individuals.

The Group raised this issue with the Governor of Ituri who noted that clear instructions had been issued to target armed groups, adding that the Government opted for both military and non-military approaches.

The Group is of the view that in light of logistical problems, shortage of manpower, and dysfunctional FARDC command and control, the balance of power in the area remained in favour of armed groups.

Annex 93 (para. 159)**CODECO-URDPC attacks on humanitarian vehicles and personnel****Attaques de CODECO-URDPC contre des véhicules et du personnel humanitaires**

Several attacks on humanitarian vehicles by CODECO-URDPC occurred during the reporting period, along a strategic road often referred to as the “Lidha road” or the “triangle of death”. Lidha is situated in the Bahema Badjere collectivity, at the intersection of three roads that connect the Walendu-Tatsi, Walendu-Jatsi and Walendu-Pitsi collectivities.²⁵⁷ It remains the only practicable road leading from Rho and Drodro to Bule and is frequently used by the local population, merchants and humanitarians. The road was also used for transportation and trade activities to and from Kampala, Uganda. CODECO-URDPC combatants used the road to move among the three Walendu collectivities, where strategic CODECO-URDPC bases are located, notably at Pitso, Jiba, Pimbo, Petro, and Sambuso. CODECO-URDPC frequently ambushed FARDC on the road, killing soldiers and looting weapons and ammunition. Passengers, merchants and trucks were also targeted and regularly looted.²⁵⁸

On 21 November 2023, CODECO-URDPC combatants attacked a vehicle of the NGO Mercy Corps on the Lidha road. The vehicle was marked with the logo and the flag of the organization, clearly indicating its humanitarian status.²⁵⁹ The staff in the vehicle were held at gunpoint and robbed of their belongings.²⁶⁰ On 16 December 2023, the vehicle of the humanitarian NGO CARITAS was ambushed by the same CODECO-URDPC combatants. They robbed all the belongings of the staff and a generator.²⁶¹ Similarly, a vehicle of the NGO Solidarités International was attacked in similar circumstances along the same stretch of road. All these NGOs operate in the area serving the tens of thousands of IDPs living in the areas of Drodro and Bule, and use the road regularly to travel between the various IDP sites.

On 3 January 2024, a World Food Programme (WFP) truck transporting food items for humanitarian aid was ambushed along the same road, looted and set on fire by CODECO-URDPC combatants.²⁶²

These frequent attacks on civilians and humanitarians alike severely impacted movement in the area, including the distribution of aid, which was already reported to be rare and challenging to organize. The civilians and merchants circulating on the road were offered protection by FARDC against CODECO-URDPC attacks in exchange for payment of taxes. Sources reported that taxes amounted to minimum 15,000 Congolese francs per motorcycle, and at least \$200 US per truck.²⁶³

When the Group visited the area in January 2024, it travelled along the Lidha road and observed first-hand the signs of roadblocks and prior ambushes, and noted the presence of armed CODECO-URDPC combatants from afar, in the forest.²⁶⁴

Multiple sources reported that commander Chura of CODECO-URDPC²⁶⁵ was in charge in the area of Lidha, leading all the attacks along the road.²⁶⁶ Commander Chura reported to the CODECO-URDPC command in Jiba,²⁶⁷ who had authority over Chura and his men, including ordering them to move, withdraw troops or disengage from attacks.²⁶⁸ CODECO-URDPC leadership denied any involvement in the attacks on humanitarians along this road.²⁶⁹

²⁵⁷ UN, FARDC, intelligence, humanitarian sources, civil society, community leaders, researchers.

²⁵⁸ Ibid.

²⁵⁹ UN, FARDC, NGO source.

²⁶⁰ The stolen goods were subsequently recovered, after the intervention of the Walendu-Djatsi sector leader, who negotiated with CODECO-URDPC leaders to return the goods. See <https://lesvolcansnews.net/2023/11/23/ituri-des-biens-des-agents-de-mercy-corps-pilles-pres-de-lidda-par-la-codeco-retrouves-autorite-coutumiere/>

²⁶¹ UN, FARDC, NGO source.

²⁶² WFP, UN, FARDC and civil society sources.

²⁶³ Community-based sources, local leaders, civil society, FARDC, UN sources.

²⁶⁴ FARDC soldiers indicated that those were CODECO-URDPC combatants surveilling the road.

²⁶⁵ Not to be confused with Zaïre commander Chura, cited in the context of the Lala attack of 12 June 2023 (S/2023/990, paras. 79 and 81)

²⁶⁶ FARDC, civil society, community-based and UN sources.

²⁶⁷ FARDC, intelligence, UN sources.

²⁶⁸ UN and intelligence sources.

²⁶⁹ Statement made by Basa Guersom, spokesperson, and Désire Londroma, defence secretary of CODECO-URDPC, during a meeting with the Group on 22 January 2024.

Annex 94 (para. 159)**Attack on Drodro hospital during the night of 6-7 March 2024****Attaque de l'hôpital de Drodro pendant la nuit de 6-7 mars 2024**

During the night of 6 to 7 March 2024, CODECO-URDPC combatants attacked Drodro, including the General Hospital, the primary medical facility which serves the extensive IDP population living in the area. Armed assailants broke into the hospital and killed an elderly Hema woman in intensive care who could not be evacuated. She was shot on her hospital bed. The rest of the patients and the medical personnel were evacuated to the Rho IDP camp. The attackers looted the hospital building, taking mattresses and medical equipment.²⁷⁰

According to witnesses, the hospital was attacked twice in the same day. At first, the assailants entered the hospital but did not harm the patients and the medical staff. As fighting continued with FARDC and MONUSCO, who attempted to push back the assailants, reinforcements arrived and CODECO-URDPC continued to fight. It is during this second assault that CODECO-URDPC killed the elderly lady.²⁷¹

Eyewitnesses, FARDC and MONUSCO peacekeepers told the Group that they had seen the CODECO-URDPC combatants converging on Drodro from several directions, in a coordinated attack. Zaïre combatants also engaged in repelling the attackers. FARDC and MONUSCO engaged in heavy fighting against the attackers. CODECO-URDPC reinforcements arrived the morning after the attack to retrieve bodies of fallen combatants.²⁷²

The attack had a profound impact on thousands of civilians around Drodro and in IDP sites and disrupted the provision of humanitarian assistance. Thousands fled to the Rho IDP camp, which was already massively overpopulated and struggling to ensure basic needs for the over 60,000 IDPs.

The hospital resumed its activities one week following the attack, after the provincial government donated mattresses and reinforced FARDC personnel to secure it.²⁷³ Immediately following the attack, at least six humanitarian NGOs temporarily withdrew from the area or restricted their activities due to threats and risk to their personnel. Only one NGO remained, albeit with reduced personnel and serious restrictions to its activities. Doctors Without Borders (MSF) remained present in the area but suspended its activities at the General Hospital, relocating most of its medical operations away from Drodro.²⁷⁴ According to humanitarian sources, the humanitarian and security implications of this attack have been immeasurable, leaving civilians without medical care.²⁷⁵

²⁷⁰ Confidential sources, including medical staff, local community-based sources, civil society, UN and intelligence sources.

²⁷¹ Confidential sources, including medical staff.

²⁷² Confidential sources, humanitarian sources, FARDC and UN sources.

²⁷³ Humanitarian sources.

²⁷⁴ Humanitarian sources.

²⁷⁵ <https://www.msf.org/democratic-republic-congo-msf-calls-protection-patients-medical-facilities-and-civilians>

Annex 95 (para.160)**Kidnapping and killing of civilians at Tali****Enlèvement et assassinat des civils à Tali**

Clashes between CODECO-URDPC and Zaïre combatants increased in early February 2024, notably in eastern Djugu territory, in areas along the shores of Lake Albert,²⁷⁶ where the two armed groups have been fighting over areas of influence (see [S/2023/431](#), para. 128 and annex 69).

Between 11 and 16 February 2024, the two armed groups clashed around Kafé and Mbogi,²⁷⁷ when Zaïre attacked CODECO-URDPC to dislodge them from the area. At least five CODECO-URDPC combatants were killed.²⁷⁸ In a spirit of vengeance consistent with their *modus operandi* ([S/2023/431](#), paras. 125 and 127, and annex 69), CODECO-URDPC combatants based in Tali village²⁷⁹ kidnapped at least 25 civilians at one of the roadblocks they had erected along the road passing through the village.

The abductees were held hostage for a short period of time at a nearby location. Several abductees managed to escape and alerted MONUSCO and the authorities. According to the testimony of a survivor, the abductees were ordered to undress and to gather around a large, several meters deep pit. Thereafter several were thrown into the pit and buried alive.²⁸⁰

MONUSCO and FARDC only managed to identify the location the day after the attack, and discovered the bodies of 15 individuals buried in a pit.²⁸¹ Videos of the unearthing of the bodies confirms that all 15 victims, including one woman, were undressed. Forensic analysis confirmed that most of the victims died of asphyxiation, although several also had wounds suggesting that they were either tortured or shot before being buried.²⁸² The victims were Hema, except one from the Nande community.²⁸³

The CODECO-URDPC combatants responsible for these killings were identified as elements from the 3rd CODECO-URDPC Brigade, under the general command of Serge Dekana, seconded by a commander known as Dany. Some of these elements participated in the fighting at Kafé and Mbogi the previous days and had lost comrades in the fighting. The CODECO-URDPC position at Tali already existed prior to the attack, with combatants manning roadblocks and guarding a nearby gold mine belonging to a Lendu businessman.²⁸⁴ Several sources confirmed that the attack was premeditated by combatants who wanted to seek vengeance against Hema civilians over the killing of their fellow CODECO-URDPC combatants.²⁸⁵ The commander in charge of the position at Tali, an individual named Awilo, was cited by multiple sources, including FARDC military justice, as having organized the kidnapping of the 25 civilians and execution of the 15 victims.²⁸⁶ According to an eyewitness, he was also present when FARDC unearthed the bodies.

The incident led to the complete suspension of civilian traffic for days and triggered retaliatory acts by Zaïre and further clashes between the two armed groups.²⁸⁷

²⁷⁶ Notably in the localities of Kafé and Mbogi

²⁷⁷ Situated in Lossandrema *groupement* of Bahema Nord collectivity. Also referred to as “Café”.

²⁷⁸ FARDC, intelligence, civil society and UN sources.

²⁷⁹ Locality in the Singo *groupement* of Bahema Nord collectivity, situated along the Bunia - Katoto-Kparanganza -Saliboko axis leading to Drodro, largely controlled by CODECO-URDPC combatants.

²⁸⁰ FARDC, intelligence source, UN and civil society source sources.

²⁸¹ FARDC and UN sources, video evidence.

²⁸² FARDC and intelligence sources. Two victims had visible headwounds and traces of blood were found in the vicinity of the burial site.

²⁸³ FARDC, intelligence, UN and civil society sources.

²⁸⁴ The nearby Kparanganza gold mining area was under CODECO-URDPC control. Community-based source, civil society.

²⁸⁵ FARDC, intelligence and civil society sources

²⁸⁶ FARDC investigation report consulted by the Group.

²⁸⁷ FARDC, intelligence, UN and civil society sources.

Annex 96 (para. 161)**Kidnapping and killing of 15 civilians at Galay and Andisa****Enlèvement et assassinat de 15 civils à Galay et Andisa**

Tensions that have been broiling in the Banyali-Kilo sector, in the western part of Djugu territory (see para. 149), escalated in early April 2024.

On 6 April 2024, CODECO-URDPC combatants of the Bon Temple faction, coming from Andisa and Mbau-Kodolu in the Banyali-Kilo sector,²⁸⁸ attacked Galay village in the early morning.²⁸⁹ According to FARDC and intelligence sources, the attackers killed at least 18 persons during the attack, including 15 civilians of whom four women, as well as two Zaïre combatants, and a FARDC soldier who succumbed from his injuries one day later. During the same attack, the assailants kidnapped another 18 civilians who were forced to carry looted goods to the CODECO Bon Temple's base in Andisa. On 8 April, news of the killing of 15 hostages was reported, of whom were 12 men, two women and a two-week-old baby. The hostages were reportedly burnt alive.²⁹⁰

Andisa and Mbau-Kodolu have been under the command and control of CODECO Bon Temple commander Kadogo over the past year.²⁹¹ Commander Kadogo controlled the southwest part of Banyali-Kilo sector, from where he attacked key Zaïre positions in Pluto, Lodjo (headquarters of Zaïre leader Logo Marine), Mbidjo and Galay, in attempts to control the key mining areas in the region.²⁹²

²⁸⁸ West of the national road RN17 leading from Bunia to Djugu

²⁸⁹ Mabilindey *groupement*, Banyali Kilo sector, approximately 40 km North-West of Mongbwalu.

²⁹⁰ FARDC, intelligence, civil society and UN sources

²⁹¹ FARDC and intelligence sources.

²⁹² FARDC, intelligence and UN sources.

Annex 97 (para. 163)

Weekly production on a few mining sites in Djugu territory

Production hebdomadaire sur quelques sites dans le territoire de Djugu

	Mining sites	Groupement	Weekly production (g)
Zaire	Lyikidha	Gayi	420
	Dix sept	Mabilindey	800
	Désert	Mabilindey	1500
	Paradiso	Mabilindey	3500
	Nokono	Mabilindey	1200
	Bianda	Mabilindey	540
	Kopi	Mabilindey	410
	Belgica	Mabilindey	300
	Itendey	Agonema	420
	Penge	Agonema	420
	Lony mokili	Mandje	2800
	Dhalo	Kpandhinga	160
	Usine	Mandje	450
	Shabani	Mandje	230
	FM Bogoro	Mandje	380
	Budjokpa	Taratibo	220
CODECO	Gbado	Kilongozi	320
	Mayolo	Anyolo Tchulu	80
	Amena	Anyolo Tchulu	140
	Sodu	Anyolo Tchulu	230
	Andasia	Anyolo Tchulu	50
	Makako	Kabakaba	400
	Kimbangu	Anylo Tchulu	120
	Mondinga	Anyolo Tchulu	140
	Banya	Anyolo Tchulu	140
	Mayolo	Anyolo Tchulu	155
	Amérique	Anyolo Tchulu	90
	Brésil	Mabilindey	150
FARDC	Beberse	Wazabo	500
	Makala	Wazabo	3500
	Senzere	Wazabo	3200
	Mulanday	Mabilindey	920
	Kpangba	Tchibitchibi	2200
	Lony mokili	Mandje	2800
	Usine	Mandje	450
	FM Bogoro	Mandje	380

Table prepared by the Group based on information collected during its investigations

Annex 98 (para. 171)

Selection of correspondence relating to the involvement of FARDC in mining activities

Exemples de courriers sur l'implication des FARDC dans les activités minières

TELEGRAMME

TE-HEURE
02 24

EXT-URGENT

GROUPE-DA
29 16308

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32REN MIL-COMPROV PNC ITURI
INFO : VPM/MDNAC - CHEFEMG FARDC - COMGEN PNC -
 - IG FARDC - AUDIGEN HCM - COMD CORPPN -

CHEF MM
SECT OPS

PROGOU/PI/2024

SEC : SECRET N° 01-082

DU 14 FEV 2024 (-)
 HES DANS MINES
 S CESSANTES (-)
 COMMIS A LA
 ENOIS ET LEURS
 AP ETRE ATTENDU

REF LETTRE N° VPM / MDNAC / CAB / 0857 / 2024
 RELATIVE (-) PRESENCE MIL ET POLICIERS DETAC
 RFO (-) VOUS INSTRUIS (-) TOUTES AFFAIRE
 RETIRER SANS DELAI (-) ELM FARDC ET PNC
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 COMPLICES (-) DANS RESERVE FAUNE A OKAPI (-) R
 EXECUTION CORRECTE (-) ACK (-) (-)

JOHNNY
PROGOU ITURI

BOYA NKASI
COMD OPS ET



MINISTÈRE DE LA DÉFENSE NATIONALE ET ANCIENS COMBATTANTS

Le Vice-Premier Ministre

Kinshasa, le 11 02. 2024

N°VPM/MDNAC/CAB/0857/2024

Transmis copie pour information à :

- Monsieur le Vice-Ministre de la Défense Nationale ;
 - Monsieur le Chef d'Etat Major Général des Forces Armées de la République Démocratique du Congo ;
 - Monsieur le Commissaire Général de la Police Nationale Congolaise ;
 - Monsieur l'Auditeur Général des Forces Armées de la République Démocratique du Congo ;
 - Monsieur le Commandant du Corps pour la Protection des Parcs Nationaux et Réserves Naturelles Apparentées.
- (Tous) à **KINSHASA**

A Monsieur le Gouverneur Militaire de la Province de Ituri à BUNIA

Objet : Présence des militaires et policiers détachés dans les mines de la RFO.

Excellence Monsieur le Gouverneur,

J'ai l'honneur de vous saluer et de vous informer qu'au cours de la réunion d'évaluation de la situation sécuritaire dans les Provinces sous Etat de Siège du 15 Nov. 2023, j'ai instruit le Commandant du Corps pour la Protection des Parcs Nationaux de procéder à l'arrestation des chinois et leurs complices qui exploient illégalement les minerais dans les Parcs Nationaux.

Il se fait qu'en cours de l'exécution de cette mission dans la RFO, les éléments armés des Forces Armées et de la Police Nationale commis illégalement à la protection de ces individus l'en ont empêché. Cette situation a failli provoquer une confrontation entre Forces armées (Eco-gardes contre FDS).

Pour mettre fin à cet état des choses, je vous saurais gré d'ordonner à tous les Commandants d'Unités de mettre sans délai, sous les hommes de troupes et policiers commis à la protection des exploitants illégaux Chinois et leurs complices dans la Réserve de Faune à Okapi.

l'expression de mes sentiments patriotiques.

Veuillez agréer Excellence Monsieur le Gouverneur,

Jean-Pierre BEMBA COMBO





MINISTRE DE LA DEFENSE NATIONALE ET ANCIENS COMBATTANTS
CORPS POUR LA PROTECTION DES PARCS NATIONAUX ET RESERVES NATURELLES
CORPPN

Communiqué

Kinshasa, le 05 FEB 2024



N°0628 F ICCN/CORPPN/COMDT/24

Transmis copie pour information à :

- Son Excellence Madame le Ministre de l'Environnement et Développement Durable ;
- Monsieur le Chef d'Etat-Major Général des FARDC ;
- Monsieur le Commissaire Général de la PNC ;
- Monsieur le DG ICCN

Référence: Compte rendu réunion évaluation état de siège du 15 novembre 2023

Objet: Exploitation illégale des minerais à la RFO

A Son Excellence Monsieur le Vice-Premier Ministre et Ministre de la Défense Nationale

Excellence Monsieur le Vice-Premier Ministre,

J'ai l'honneur de porter à votre autorité l'exécution de vos instructions émises au Commandant Corppi au cours de la réunion d'évaluation de la situation sécuritaire et opérationnelle des Provinces en état de siège du 15 novembre 2023.

En effet, en exécution de vos instructions les Eco-gardes du Détachement Corppi RFO, à l'arrondissement des exploitants illégaux dans la Réserve de Faune à OKAPI (RFO) située à EPULEI, Territoire de MAMBASA, Province de ITURI.

Toutefois, au cours de l'exécution de leur mission, il a été fait que ces exploitants illégaux des minerais dans la RFO, dont les sujets chinois se trouvent être gardés par les éléments des FARDC et de la PNC, en dépit des directives du Chef d'Etat-Major Général des FARDC et du Commissaire Général de la PNC, interdisant les hommes en uniformes dans les zones d'exploitation minière.

Copie pour le Président des Parcs Nationaux et Réserves Naturelles, le Directeur de l'Environnement, le Directeur de la Défense, le Directeur de la Gendarmerie, le Directeur de la Sécurité, le Directeur de la Santé, le Directeur de la Justice, le Directeur de l'Énergie, le Directeur de l'Économie, le Directeur de l'Éducation, le Directeur de la Culture, le Directeur de la Communication, le Directeur de la Coopération Internationale, le Directeur de la Recherche Scientifique et Technologique, le Directeur de la Formation, le Directeur de la Santé Publique, le Directeur de la Santé Animale, le Directeur de la Santé Végétale, le Directeur de la Santé des Forêts, le Directeur de la Santé des Écosystèmes, le Directeur de la Santé des Ressources Aquatiques, le Directeur de la Santé des Ressources Terrestres, le Directeur de la Santé des Ressources Atmosphériques, le Directeur de la Santé des Ressources Géologiques, le Directeur de la Santé des Ressources Biologiques, le Directeur de la Santé des Ressources Culturelles, le Directeur de la Santé des Ressources Historiques, le Directeur de la Santé des Ressources Artistiques, le Directeur de la Santé des Ressources Littéraires, le Directeur de la Santé des Ressources Scientifiques, le Directeur de la Santé des Ressources Technologiques, le Directeur de la Santé des Ressources Industrielles, le Directeur de la Santé des Ressources Commerciales, le Directeur de la Santé des Ressources Financières, le Directeur de la Santé des Ressources Humaines, le Directeur de la Santé des Ressources Sociales, le Directeur de la Santé des Ressources Politiques, le Directeur de la Santé des Ressources Religieuses, le Directeur de la Santé des Ressources Spirituelles, le Directeur de la Santé des Ressources Morales, le Directeur de la Santé des Ressources Éthiques, le Directeur de la Santé des Ressources Philosophiques, le Directeur de la Santé des Ressources Artistiques, le Directeur de la Santé des Ressources Littéraires, le Directeur de la Santé des Ressources Scientifiques, le Directeur de la Santé des Ressources Technologiques, le Directeur de la Santé des Ressources Industrielles, le Directeur de la Santé des Ressources Commerciales, le Directeur de la Santé des Ressources Financières, le Directeur de la Santé des Ressources Humaines, le Directeur de la Santé des Ressources Sociales, le Directeur de la Santé des Ressources Politiques, le Directeur de la Santé des Ressources Religieuses, le Directeur de la Santé des Ressources Spirituelles, le Directeur de la Santé des Ressources Morales, le Directeur de la Santé des Ressources Éthiques, le Directeur de la Santé des Ressources Philosophiques.

Aux risques d'affrontements armés entre de Ituri en état de siège, les Eco-Gardes ont rapporté la délicate situation trouvée sur terrain.

De ce fait, je sollicite de votre Autorité que le Gouverneur Militaire et Commandant Opérationnel de toutes les Forces de Défense et de sécurité stationnées dans la Province de ITURI en état de siège, d'entraîner tous les commandants de retirer leurs hommes commis à la garde des sujets chinois exploitants illégaux les minerais de la Réserve de faune à OKAPI, site du patrimoine mondial de l'humanité et de prêter main forte aux Eco-Gardes dans l'accomplissement de cette mission.

Je prie de croire, Monsieur le Vice-Premier Ministre et Ministre de la Défense Nationale, l'assurance de mon profond respect.



Le Commandant en Chef des Forces Armées
Général MAJI MAMBA ABERY
Commandant en Chef des Forces Armées



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DE L'ITURI



TELEGRAMME

EXT-URGENT GROUPE-DATE-HEURE
DE : COMD OPS ET PROGOU ITURI 25/02/24 05 24
POUR : CHEFEMG FARDC
INFO : VPM/MDNAC - CHEF MM - COMD 3ZDEF
SEC : SECRET N°01 / 0243 / PROGOU / PI / 2024

HONNEUR VOUS SALUER ET ACCUSER RECEPTION T6 N°01/0241/EMG/DEPT OPS/24 DU 08 FEB 24 (-) RELATIF (-) DIRECTIVE INTERDISANT DETACHEMENT MIL ALPRES EXPLOITANTS ILLEGAUX DANS RFO (-) EXECUTION ETRE EN COURS (-) PROFONDS RESPECTS (-) (-)



BOYA NYASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DE L'ITURI



TELEGRAMME

EXT-URGENT GROUPE-DATE-HEURE
DE : COMD OPS ET PROGOU ITURI 25/02/24 03 24
POUR : COMD 3286N MIL - COMPROV PNC ITURI - COMD SECT OPS ITURI - COMD 3180E DP
INFO : VPM/MDNAC - CHEFEMG FARDC - CHEF MM - COMD 3ZDEF
SEC : SECRET N°01 / 0243 / PROGOU / PI / 2024

VOUS REPRODUIS IN EXTENSO (-) T6 N°01/0241/EMG/DEPT OPS/24 DU 081213A FEB 24 (-) CITATION (-) REF LETTRE N°0628/ICCN/CORPPN/COMDT/24 (-) IL ETRE CONSTATE (-) MIL FARDC CONTINUENT GARDER SITES EXPLOITATION ILLEGALE MINERAIRES DANS RFO (-) DES RECEPTION PRESENT MSG (-) VOUS DEMANDE (-) INTERDIRE DETACHEMENT MIL ALPRES EXPLOITANTS ILLEGAUX DANS RFO (-) TOUT CONTREVENANT PRESENTE DIRECTIVE DEVOIR ETRE SEVEREMENT SANCTIONNE (-) EXECUTION SANS FAILLE (-) FIN CITATION (-) VOUS ENJOINS (-) STRICTE APPLICATION DITE DIRECTIVE (-) EXECUTION URGENTE (-) ACK (-) (-)



BOYA NYASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

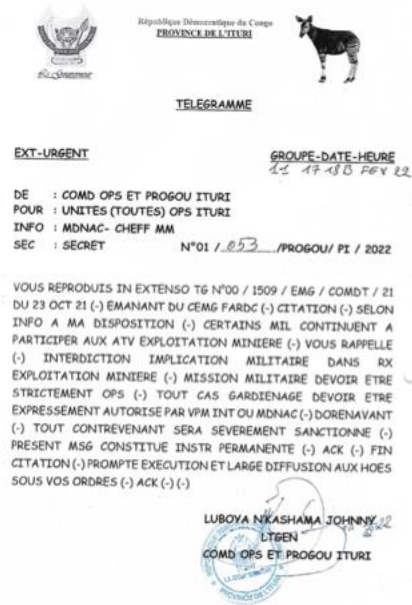
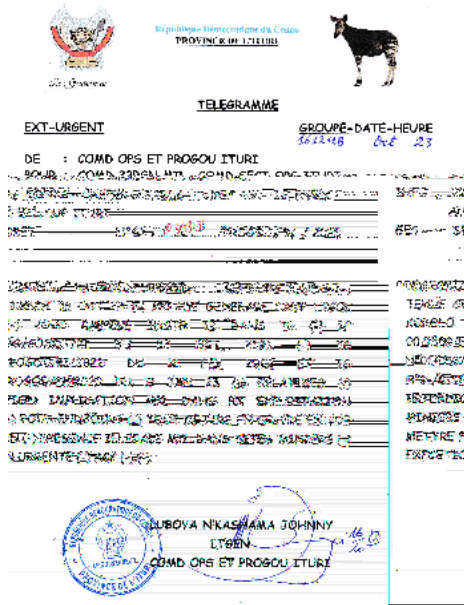


TELEGRAMME

EXT-URGENT GROUPE-DATE-HEURE
DE : CHEFEMG FARDC
POUR : PROGOU MIL ITURI
INFO : VPM/MDNAC - CHEF MM - COMD 3ZDEF
SEC : SECRET N°01 / 0241 / EMG/DEPT OPS/24

REF LETTRE N°0628/ICCN/CORPPN/COMDT/24 (-) IL ETRE CONSTATE (-) MIL FARDC CONTINUENT GARDER SITES EXPLOITATION ILLEGALE MINERAIRES DANS RFO (-) DES RECEPTION PRESENT MSG (-) VOUS DEMANDE (-) INTERDIRE DETACHEMENT MIL ALPRES EXPLOITANTS ILLEGAUX DANS RFO (-) TOUT CONTREVENANT PRESENTE DIRECTIVE DEVOIR ETRE SEVEREMENT SANCTIONNE (-) EXECUTION SANS FAILLE (-) ACK (-) (-)

COPIE : SCHEFEM BERR
TSHIWEWE SONGESA CHRISTIAN
GENA
CHEFEMG FARDC



Documents received from confidential sources

Annex 99 (para. 176)

Return of armed groups from North Kivu

Retour des groupes armés du Nord Kivu

In late October 2023, several armed groups of northern South Kivu sent combatants to North Kivu, mainly around Sake and Bweremena, to fight against M23 and RDF (S/2023/990, paras 86-87 and annex 54). This included several RM and MCDPIN factions and Mai-Mai leader “General Kirikicho”. However, in early November 2023 all RM and MCDPIN factions had returned to South Kivu except for “General Kirikicho”, who remained in North Kivu until he was wounded in January 2024.²⁹³

RM and MCDPIN leaders explained to the Group that they had not received the expected support by the DRC Government. In particular, in mid-2023 in Bukavu, RM was promised support during a meeting with South Kivu authorities, notably the Governor, Theo Ngwabidje Kasiand, and the commander of the 33rd military region, General Yav Avul who had encouraged RM factions to unite under one command and send troops to North Kivu. RM leaders admitted having received a few weapons and ammunition as well as food, but reported that some of the support they were meant to receive had been diverted notably by General Clément Bitangalo, the commander of the FARDC’s 32nd military region in North Kivu. On the other hand, several sources reported that RM and MCDPIN had never intended to remain in North Kivu but were pressured to do so by DRC authorities, who had given them an ultimatum to send troops to North Kivu in order to be considered as Wazalendo and hence avoid forced disarmament.²⁹⁴ Several sources explained that the recent arrest warrants against RM and MCPDIN leaders (see para. 177) were a consequence of RM and MCPDIN’s inaction or reluctance to send troop to North Kivu.

RM and MCDPIN continued to claim that they would send troops to North Kivu (see para 176) and refused to participate in the P-DDRCS in light of the ongoing M23 crisis. RM and MCDPIN leaders also told the Group that there would be consequences if they did not promptly receive similar support in weapons and ammunition as the support provided to the Wazalendo armed groups in North Kivu. They explained that meanwhile, some of the taxes they imposed on the population, including at illegal checkpoints erected on their way back to South Kivu between Sake and Bweremena, served the purpose of maintaining themselves.²⁹⁵

Several sources also reported that since their return to South Kivu, MCDPIN and especially RM combatants were more violent, increasingly committing human rights abuses and acting as *de facto* authorities in a number of areas, including the exploitation of and trade in natural resources.²⁹⁶ They were sometimes wearing FARDC uniforms.²⁹⁷

²⁹³ RM and MCDPIN leaders, FARDC, security, intelligence, researchers, civil society and UN sources.

²⁹⁴ FARDC, security, intelligence and researchers.

²⁹⁵ At time of drafting, M23 had taken control over that area.

²⁹⁶ FARDC, security, researchers, civil society and UN sources.

²⁹⁷ Ibid.

Annex 100 (para. 178)**Tensions between Burundi and Rwanda****Tensions entre le Burundi et le Rwanda**

Since mid-2023 tensions between Burundi and Rwanda have exacerbated. Although rooted in years of complex regional dynamics, these more recent tensions have been the consequence of several converging factors, some of which are presented below.

Multiple sources interviewed by the Group reported deep political divisions within the Burundian ruling party *Conseil national pour la défense de la démocratie – Forces de défense de la démocratie* (CNDD-FDD) which have had direct repercussions on regional dynamics. These political divisions were notably linked to the relations between Burundi and Rwanda. Indeed, in order to gain importance within his own party, President Ndayishimiye tried a rapprochement with Kigali shortly after his election as President of Burundi in mid-2020. One of his objectives was to obtain the extradition of the alleged putschists of 2015 hosted by Rwanda, notably Général Godefroid Niyombare. Although Rwanda had been amenable to the request at first, it suddenly shut it down in the first quarter of 2023. This was considered as a political failure and humiliation for President Ndayishimiye. The majority in his party, notably the secretary-general Révérien Ndikuriyo, considered that President Ndayishimiye had been outsmarted by Rwanda and started pressuring him to distance himself from Rwanda. This impression was further worsened by the resumption of Rwanda's support to the armed group Red-Tabara.

President Ndayishimiye thus began getting closer to President Tshisekedi and agreed to send FDNB troops to North Kivu to support FARDC in the fight against M23 and RDF ([S/2023/990](#), paras 43-46 and paras 81-87 of the present report). Several sources reported that President Ndayishimiye received economic incentives by President Tshisekedi, for him personally and for troops to be deployed and economic trade. For example, officials involved in the fight against gold smuggling in South Kivu have been instructed not to expose the networks linked to Burundi, in order to preserve the security partnership between the two countries.²⁹⁸ The sending of FDNB troops and subsequent recruitment campaigns were however unpopular within the CNDD-FDD and the FDNB leadership. Several FDNB soldiers and Imbonerakure also refused to join operations in North Kivu.

Tensions between Burundi and Rwanda reached a peak after the refusal by President Kagame to intervene for the liberation of FDNB soldiers taken hostage by M23 in November 2023 (see para 85) as well as after the Red-Tabara attack in Vugizo in December 2023 (see para. 180). Shortly after, President Ndayishimiye unilaterally decided to close land borders with Rwanda, which was also not unanimously approved within his own party. The closing of the borders had a significant impact on economic activities, including for DRC nationals who used to pass through Rwanda to enter in Burundi around the Ruzizi plain.

²⁹⁸ Confidential and security sources

Annex 101 (para. 179)**Rwanda's offer to support Red-Tabara and parallel initiative****Offre du Rwanda de soutenir Red-Tabara et initiative parallèle**

In parallel with the offer of support by Rwanda to Red-Tabara leader Gisiga (Nicolas Niyukuri) in exchange for Red-Tabara combatants joining M23 (para 179), Rwanda encouraged Gisiga to surrender to Burundi in early 2023, along with other of his combatants.²⁹⁹ Rwandan intelligence services facilitated the negotiations with Burundian intelligence services through several intermediaries, including Mai-Mai commander Demayi who was close to FDNB,³⁰⁰ an individual called Madame Dorcas Ndausso,³⁰¹ and the UN Special Envoy for the Great Lakes region. During the negotiations, over 200 Red-Tabara and possibly FNL combatants were identified for demobilization.³⁰² However, shortly after, the initiative failed.

Several sources stated that the initiative was meant to fail, as it was a manipulation by Rwandan intelligence services to distract Burundi from its rapprochement with DRC. Some sources also attributed the failure of this initiative to the growing tensions between Rwanda and Burundi, while others, including Alexis Sinduhije, explained that the Red-Tabara leadership had rejected the demobilisation initiative as well as the original offer of support by Rwanda in exchange for Gisiga and his combatants to join M23. Red-Tabara leadership thus arrested and summarily tried Gisiga³⁰³ as well as a dozen Red-Tabara officers, including the Red-Tabara spokesperson, Patrick Nahimana. At their trial, Gisiga and Révérien, Red-Tabara's officer in charge of logistics, were both sentenced to death and executed in May 2023.³⁰⁴

²⁹⁹ Alexis Sinduhije, intelligence, researchers, diplomatic and UN sources. Rwanda however denied any involvement in such initiative in a letter to the Group in April 2024.

³⁰⁰ Demayi used to be in charge of logistics in MM Buhirwa and as such facilitated FDNB infiltrations in DRC in the Ruzizi plain (S/2022/479, para. 74).

³⁰¹ Former combatant during the Second Congo war, she remained close to armed groups, particularly from the Bafuliiru community.

³⁰² Alexis Sinduhije, intelligence, researchers, diplomatic and UN sources.

³⁰³ Alexis Sinduhije, intelligence, researchers, diplomatic and UN sources.

³⁰⁴ Alexis Sinduhije.

Annex 102 (para. 180)**Reactions to Red-Tabara attacks in Burundi****Réactions aux attaques de Red-Tabara au Burundi**

Following the Vugizo attack in December 2023, the Burundian government immediately condemned the attack and accused Red-Tabara of killing 20 civilians, including 11 children.³⁰⁵ On 29 December, President Ndayishimiye went further during a press conference, denouncing Rwanda's support of the Vugizo attack and calling on Burundians to support DRC in the fight against M23.³⁰⁶ As mentioned in para. 179, while Red-Tabara quickly claimed the attack, it denied any collaboration with Rwanda or M23, and accused Burundian soldiers of being responsible for the killings, calling for an independent investigation.³⁰⁷

Several sources, including one with access to eyewitness testimonies, also stated that Red-Tabara had only attacked the military position at the entrance of the village, fleeing shortly afterwards, and that it was the FDNB together with Imbonerakure who had killed the civilians.³⁰⁸ Other sources claimed that the Burundian authorities purposefully arrived almost an hour later at the scene of the incident to use this attack as an excuse to escalate tensions with Rwanda and further justify their involvement in fighting M23 and RDF in the DRC.³⁰⁹ A few days later, Rwanda rejected Burundi's accusations.³¹⁰ Both countries continued blaming each other in a series of communiqués and press conferences between January and March 2024.

During a meeting with the Group, Sinduhije warned that Red-Tabara attacks in Burundi would increase as Red-Tabara had recruited new combatants and was receiving additional financial support from the diaspora. He also explained that the current tensions between Burundi and Rwanda had offered Red-Tabara an opportunity to conduct attacks in order to force Burundi to change its strategy towards the armed group. Similarly, multiple sources considered that the Government of Rwanda had an interest in reactivating Red-Tabara's threat, in order to provide a distraction for FDNB operations in North Kivu.

³⁰⁵ <https://twitter.com/NtareHouse/status/1738612276284756360>.

³⁰⁶ <https://www.facebook.com/PresidenceBurundi/videos/7530037490360256/>.

³⁰⁷ https://twitter.com/Red_Tabara/status/1738543742544412921.

³⁰⁸ Researchers, civil society and UN sources.

³⁰⁹ Researchers, security, diplomatic and UN sources.

³¹⁰ <https://www.gov.rw/blog-detail/no-truth-whatsoever-in-burundian-presidents-allegation-referring-to-rwanda>

Annex 103 (para. 181)

Troop reinforcements along the borders of Rwanda, Burundi and DRC

Renforcement des troupes le long des frontières du Rwanda, du Burundi et de la RDC

Following the unilateral closing of the borders between Burundi and Rwanda, both countries intensified the reinforcement of their troops along their mutual borders and with DRC's South Kivu borders. In a letter to the Group, Rwanda acknowledged "any RDF deployment is guided by the need to counter the threats to Rwanda's territorial integrity. Following the plan and public announcements by the Presidents of DRC and Burundi to support regime change in Rwanda, the Government of Rwanda has taken appropriate defensive measures".

The RDF deployment at DRC's borders created nervousness among the DRC security forces, the population and armed groups in South Kivu which considered these troop reinforcements as a possible sign of additional infiltrations by Rwanda and M23, amidst persistent rumors of the opening of a second front in the area.³¹¹

For example, Rwanda regularly sent reinforcement of troops to Nkombo island, just south of DRC's Ibindja island on Kivu Lake, close to Bukavu. This triggered FARDC deployment of troops in the area.

In February 2024, FARDC also jointly deployed with FDNB on Idjwi island.³¹² More generally, FDNB not only reinforced troops at its border with DRC to prevent Red-Tabara attacks, but also intensified joint patrols with FARDC at the borders between Burundi and DRC and in some cities such as Baraka. This sometimes led to restrictions of movement of the local population and suspension of farming activities.

In northern Burundi, FDNB troops were reportedly mixed with Imbonerakure, particularly in Kirondo province.

³¹¹ Mai-Mai representatives, FARDC, researchers, civil society, local authorities and UN sources.

³¹² FARDC, local authorities and UN sources.

Annex 104 (para. 182)**Background on Burundi collaboration with CNRD-FLN****Historique de la collaboration entre le Burundi et le CNRD-FLN**

In the past, CNRD-FLN used Burundi as a safe haven, including for the armed group's relatives, and as a rear base for training and launching attacks against Rwanda.³¹³ During the rapprochement attempt of Burundi with Rwanda in 2022 and early 2023, Burundi distanced itself from CNRD-FLN. However, since the renewal of Red-Tabara support by Rwanda and the exacerbation of tensions between Burundi and Rwanda, collaboration between Burundi and CNRD-FLN also restarted.³¹⁴

In early 2023, Burundi notably used CNRD-FLN to facilitate its operations against Red-Tabara in DRC and to coordinate with other Mai-Mai groups. One of the key CNRD-FLN officers was "colonel" Fabien Mukeshimana, alias Kamayi, alias Kamari, who was based in Kibira forest with Jeva. In March and April 2024, Mukeshimana, crossed several times into DRC to organize meetings with FDNB and local armed groups that Burundi used as proxies or scouts, such as Mai-Mai Makanaki, Mai-Mai Kijangala, Mai-Mai Kapapa and Gumino ([S/2023/431](#), para 138).³¹⁵ Kamari was however arrested in Cibitoke by the Burundian authorities in mid-April 2023.³¹⁶ Despite Rwanda's requests, Burundi did not transfer Kamari and released him shortly after his arrest, which added to the already existing tensions between the two countries. Rwanda confirmed in a letter to the Group that Kamari continued "enjoy(ing) the freedom of action and movement in Burundi and lives in Bujumbura, supervising CNRD-FLN activities and serving as a Liaison Officer."

³¹³ Researchers, civil society, intelligence, diplomatic and UN sources.

³¹⁴ DRC local authorities, researchers, civil society and UN sources.

³¹⁵ Mai-Mai leaders, researchers, civil society, intelligence and UN sources.

³¹⁶ Although the Burundian authorities denied the arrest and even knowing of Kamari's existence in a letter to the Group.

Annex 105 (para. 187)

Example of opportunism of Congolese armed groups based in South Kivu

Exemple de l'opportunisme des groupes armés congolais basés au Sud Kivu

The links between M23, AFC and Rwanda and several Congolese armed groups based in South Kivu demonstrate the opportunistic approach of some of these Congolese armed group leaders. Over the years, they have constantly echoed and used xenophobic rhetoric against “balkanization” and foreign infiltrations, in particular against Rwandophones and Tutsis ([S/2021/560](#), paras 153-155) and therefore continued clashing with Twirwaneho and attacking the Banyamulenge population (see para. 188). However, they were ready to collaborate with their so-called enemies as soon as they could gain from it.

For example, “General” Ebuela Mtetezi, leader of FDPC whose collaboration with Twirwaneho, Rwanda and AFC were reported by multiple sources,³¹⁷ issued several communiques and appeared over the years in many videos openly attacking the Banyamulenge community and Rwanda infiltrations.

As an additional example to the videos linked in the Group’s final report of 2021 ([S/2021/560](#), annexes 99 and 101), Ebuela explained in a 2023 propaganda video that largely circulated on social media that he was “going on operations” (i.e., against Twirwaneho and the Banyamulenge community) because Makanika “gathered all his Rwandan brothers who call themselves Banyamulenge who are those spreading destruction amongst our populations by killing and raping”. This is a common discourse in South Kivu, inciting hatred, discrimination, hostility and violence, by amalgamating Banyamulenge with Rwandans and thus as enemies ([S/2022/967](#), paras. 72-77).





Video sent to the Group by several sources

Ironically, in response to a letter of one FDPC’s deputy commanders, Justin Kakobanya ([S/2021/560](#), annex 99) accusing Ebuela to collaborate with the M23 “terrorists and aggressors” (see annex 106), Ebuela continued a similar discourse of “balkanization” and “Machiavellian plans” referring to M23, Rwanda and Twirwaneho. He also referred to them as the “terrorist and genocidal enemy” (see below).

³¹⁷ Armed group representatives, researchers, intelligence, security, diplomatic and UN sources. In addition, the collaboration of several of the collaborators and commanders of his coalition FDPC with M23 and Rwanda was also reported. For example, in 2022, Samy Bakasane, the then president of FDPC was arrested in Goma as he was returning from Rwanda where he had held meetings with authorities and M23 representatives.

REPUBLIQUE DEMOCRATIQUE DU CONGO
 COALITION DE FORCES DES PATRIOTES POUR LA DEFENSE DU CONGO- MOUVEMENT DE LIBERATION
 « FPDC-ML ».
 ARMEE DE L'ESPOIR DU CONGO
 « AEC ».
 ETAT – MAJOR GENERAL
 COMMANDEMENT DES FORCES COALISEES

COMMUNIQUE OFFICIEL DU 24. FEVRIER, 2024

CONCERNE : Mise au point par rapport à la lettre N°/Ref. 001/FDCC/ CommdFce/SK/2024 Signifiant le retrait de Force D'autodéfense Communautaire au Congo « FDCC» dans la coalition FPDC-ML.

La coalition FPDC-ML, lu sans surprise la lettre susmentionnée pour de raison tribale et/ou communautaire de course au pouvoir et avons l'obligation d'y réserver notre réaction libellée en des points ci-dessous :

1. FPDC-ML, restera toujours la coalition résistante de la République Démocratique du Congo fondée sur le patriotisme-nationalisme ;
2. Du 17 au 18 Novembre 2023 dans la réunion tenue à Kitasha groupement Balala Nord , Secteur de Tanganyika, Territoire de Fizi. La coalition FPDC-ML a chargée le signataire de ladite lettre d'ouvrir l'enquête sur les personnes qui collaborent avec les ennemis de la République jusqu'à maintenant le résultat d'enquête tarde malgré l'urgence sécuritaire mais à ma connaissance son grand frère et une longue liste des personnes chargées de la politique de FDCC, collaborent avec le RDF/M23 via le colonel déserteur MAKANIKA et les groupes armés étrangers sous la facilitation de leurs frères qui travaillent avec ces groupes armés qui n'ont jamais été les groupes résistants pour le Congo sous prétexte de la recherche de la paix à Kitasha dont hébergement et passage libre de ces derniers dans cette entité libère par FPDC-ML au su et au vu de tout le monde.
3. la désertion du colonel MAKANIKA et la présence des groupes armés étrangers dans la province du Sud-Kivu, en particulier dans les hauts plateaux d'Uvira-Fizi-Itombwe/Mwenga témoignent les positions avancées de RDF/M23, AFC et UPDF dans l'accomplissement de leurs plans machiavéliques de l'agression et balkanisation, choses que la coalition FPDC-ML, est le premier à combattre et à dénoncer depuis leur présence dans la zone jusqu'à nos jours. FPDC-ML, tient au processus de NAIROBI.
4. En fin FPDC-ML, invite les patriotes résistants Congolais à la vigilance afin d'éviter de tomber ~~dans les pièges et jeux de l'ennemi agresseur terroriste et génocidaire, animés par l'esprit patriotique et nationalistes.~~

Fait à milima ya mababu le 24/02/2024

Pour FPDC-ML
 Lt. Général MTETEZI KIBUKILA WA SEBA TRESOR
 Commandant de forces coalisées



Cc:

- A son excellence Monsieur le haut mandataire de chef de l'Etat dans le processus de Nairobi à **Kinshasa**;
- A Tous les membres de conseil de sécurité nationale à **Kinshasa** ;
- A Tous les membres de conseil de sécurité provinciale à **Bukavu**;
- A Tous les membres de conseil de sécurité territoriale d'Uvira-Fizi et Mwenga ;
- A Tous les commandants des patriotes congolais (wazalendo) ;
- A Tous les médias Internationaux, Nationaux et locaux.

Coalition force des patriotes pour la défense du congo mouvement de liberation FPDC-ML; e-mail: fpdcmlrdkongo@gmail.com

Document provided to the Group security sources

Annex 106 (para. 188)**Examples of Congolese armed groups using accusations of collaboration with M23 to settle internal rivalries****Exemples of de groupes armés Congolais utilisant les accusations de collaboration avec le M23 pour régler des rivalités internes**

In some cases, accusations of links with M23, Rwanda or AFC were used to settle internal rivalries between armed groups and within their own ranks.

For example, in February 2024 Kakobanya, one of FDPC's deputy commanders (and leader of his own group, FDDC), denounced the collaboration of Ebuela with M23 and declared the dissolution of the FDPC coalition (see below). While multiple sources reported that the accusation was true (see annex 105), some also mentioned that the underlying reason for this dispute was related to tensions between Kakobanya and Ebuela regarding the management of gold mines and other financial interests, and that this accusation was the most efficient way to cast aside Ebuela.³¹⁸ FDPC's spokesperson had already mentioned this in a communiqué published in January 2024, stating notably that accusations against Ebuela were linked to "jealousy", and then accused the "detractors" of being themselves allied with "M23, TWIRWANEONGumino/AFC" (see below). In a counter-communicé of February 2024, Ebuela also claimed that the accusations against him were linked to a "tribal and/or community power struggle" (see annex 105). In March 2024, following the reported collaboration of Ebuela with M23, FARDC/FNDB planned operations against his headquarters in Kipupu, resulting in Ebuela fleeing the area and an important group of his combatants joining other Mai-Mai groups considered as still fighting M23.³¹⁹

Similarly, infighting between FABB leaders broke out early 2024. First, in March 2024, FABB military commander, Ngomanzito, suspended FABB president, Naluhogola, for allegedly collaborating with "the invaders" (see communiqué below), although Ngomanzito had sent Naluhogola to represent him in Nairobi for the announcement of AFC in December 2023. Sources reported that tensions had arisen between the two, following the AFC meeting, as Naluhogola had not shared the money he received in Nairobi to seal the collaboration with FABB.³²⁰ In addition, shortly after, FABB commander Hassani Mbakani Célestin ([S/2021/560](#), para 139) clashed with Ngomanzito as Hassani refused to continue collaborating with Red-Tabara, and thus with M23 and Rwanda.³²¹ Indeed, since the dislodging of Red-Tabara around Bijombo by FDNB in January 2023, Red-Tabara and FABB have been closely collaborating, especially for the exploitation of gold mines in Bigaragara and Rugezi.³²² This collaboration between FABB and Red-Tabara had already created tensions with Yakutumba in December 2023, with which FABB was in alliance too. However, the tensions between Ngomanzito and Hassani were also related to a broader power struggle and financial issues, as Ngomanzito had replaced Hassani as FABB military commander in 2022 and had moved to Hassani's area of operations around Bigaragara, where he benefitted from most of the revenues of the illegal mining, creating tensions between the two individuals.³²³

³¹⁸ Mai-Mai representatives, intelligence, researchers and UN sources.

³¹⁹ Mai-Mai representatives, FARDC, intelligence, security, researchers and UN sources.

³²⁰ Mai-Mai representative, researchers, intelligence and security sources.

³²¹ Mai-Mai representatives, intelligence, security, researchers and UN sources.

³²² Mai-Mai representatives, FARDC, intelligence, security, local authorities, civil society, researchers and UN sources.

³²³ Mai representative, researchers and security sources.

Kakobanya communiqué of 21 February 2024 accusing Ebuela of collaborating with M23



Commandant force FDCC
N/Réf :001/FDCC/CommdFce/SK/2024

Kitasha, le 21 Février 2024

Transmis copie pour information à :

- Son Excellence Monsieur le Ministre National de l'Intérieur à **Kinshasa** ;
- Excellence Monsieur le Ministre Provincial de l'Intérieur à **Bukavu** ;
- Messieurs les Administrateurs de Territoire (Tous)
- Monsieur le Coordinateur National des Réservistes(wazalendo)à **Kinshasa**
- Monsieur le Général des FARDC à **Bukavu** ;
- Monsieur le Général des FARDC à **Uvira** ;
- Monsieur le Commandant sous-Secteur des FARDC à **Fizi-Centre**
- Monsieur le Général des FARDC à **Minembwe** ;
- Monsieur le Commandant Régiment des FARDC à **Baraka** ;
- Messieurs les wazalendo :
 - Général AMURI YAKUTUMBA/CNPCC
 - Général NGOMANZITO/CPLC-FABB ;
 - Général MEDI/CPDC,(Tous) Territoire de **Fizi-Mwenga**;
- Médias locaux et nationaux de la RD Congo.

Objet : Rupture de la coalition entre la Force de Patriote pour la Défense du Congo/Armée Espoir du Congo et FDCC

A Monsieur le Commandant de Force de Patriote pour la Défense du Congo/ Armée Espoir du Congo « FPDC » à **Milima ya Mababu**

Partant des rumeurs qui circulent sur les réseaux sociaux annonçant la coopération des certains mouvements de réservistes (Wazalendo) avec les terroristes M23 et agresseurs de notre unique et pays de nos ancêtres, la République Démocratique du Congo. Par l'honneur, nous saisissons cette occasion de venir auprès de votre magnanimité, exprimer ce dont repris à l'objet.

Nous, mouvement des Forces D'autodéfense Communautaire au Congo « FDCC » en sigle, œuvrant dans les hauts et moyens plateaux de Fizi, Uvira et Mwenga. La présente correspondance marque la rupture de la coalition entre la Force de Patriote pour la Défense du Congo/Armée Espoir du Congo, FPDC dirigée par le Général EBUELA WA SEBA Mtezi et notre mouvement des Forces D'autodéfense Communautaire au Congo, souder au principe de « Ne jamais trahir le Congo. Dès maintenant, chaque mouvement reste neutre, indépendante et autonome.

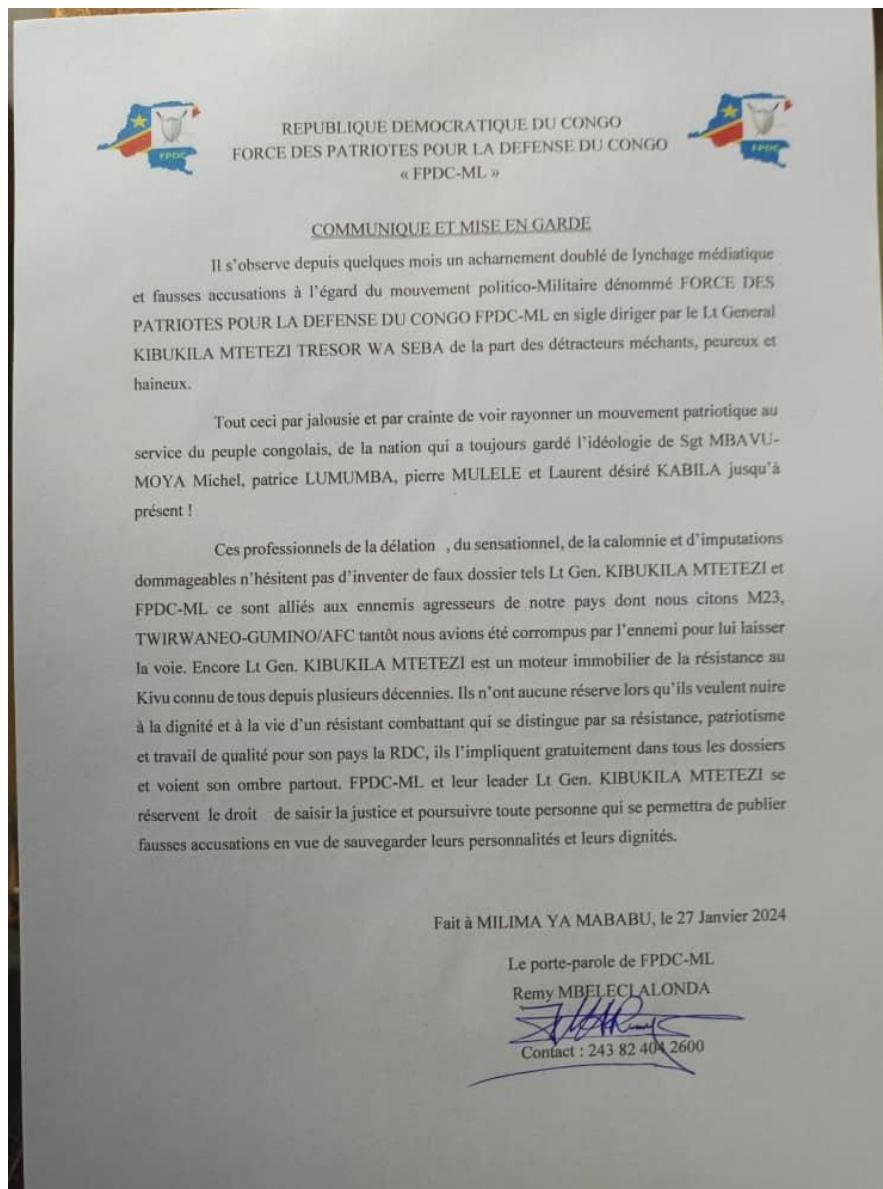
Veillez agréer, Monsieur, l'expression de nos sentiments civiques et patriotiques.

Pour les Forces D'autodéfense Communautaire au Congo

 **Justin KAKOBANYA NAKALAMBI**
[Signature]
Commandant force du Mouvement FDCC

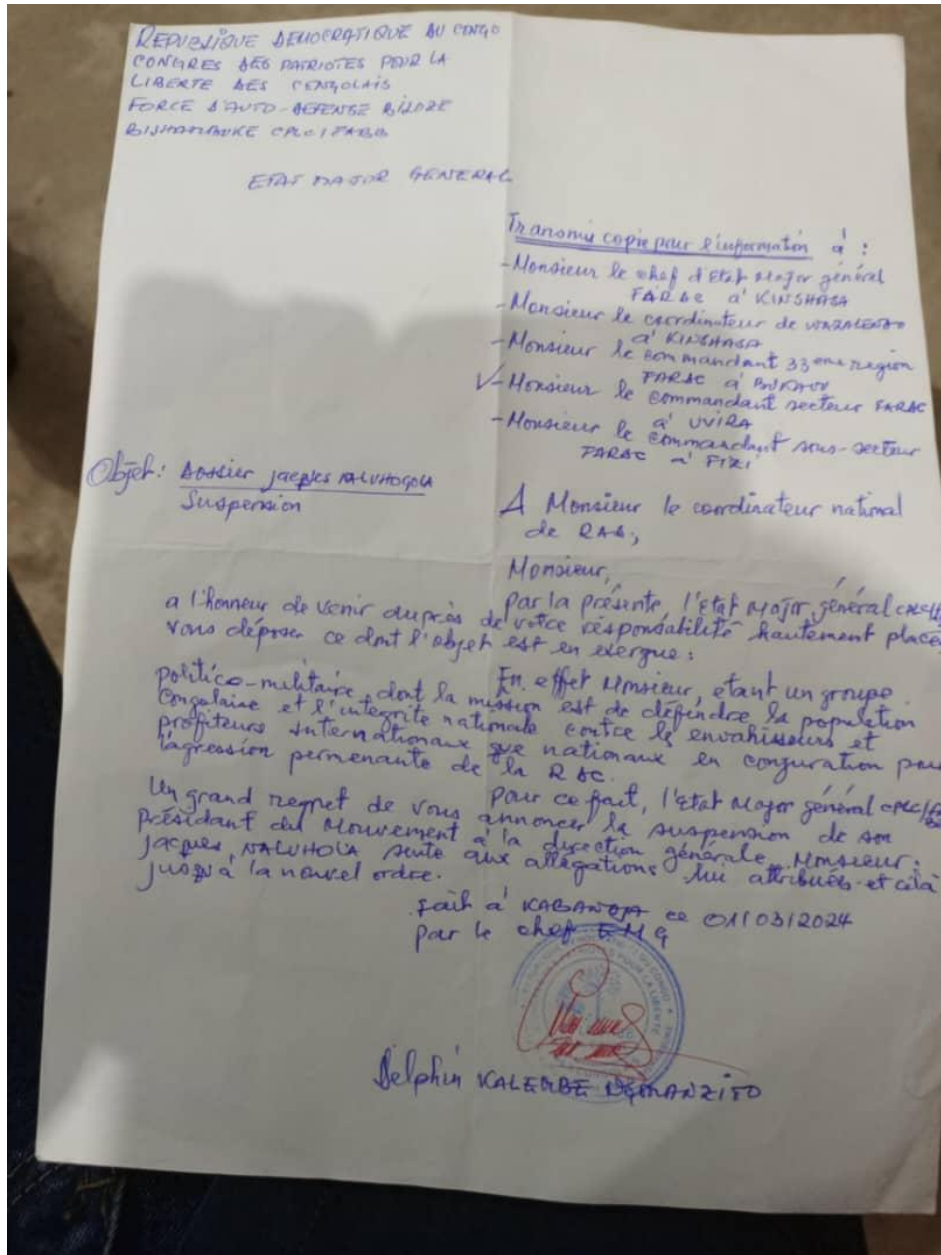
Document sent to the Group by several sources

FDPC's spokesperson communique of 27 January 2024 defending Ebuela against accusations of collaboration with M23



Document received by the Group from several sources

Ngomanzito communiqué of 1 March 2024 accusing Naluhogola of collaborating with M23



Document received by the Group from several sources

Annex 107 (para. 189)**Clashes between groups over the gold revenue sharing****Affrontements entre les groupes armés pour le partage des revenus générés par l'exploitation de l'or**

The Group was informed of clashes between armed groups operating in Fizi territory, most of them essentially motivated by disagreements over gold revenue-sharing.³²⁴ For example, on 24 August 2023, FABB elements clashed with Mai Mai Yakutumba elements around gold mining sites in Nyange. Several sources told the Group that FABB had launched the attack to force Mai-Mai Yakutumba's group to leave the area for a few days in order to allow FABB to collect taxes from artisanal miners.³²⁵

³²⁴ Armed groups leaders and security sources.

³²⁵ Miners, security and confidential sources.

Annex 108 (para. 190)

Receipts of illegal taxes levied by Mai Mai Yakutumba

Reçus des taxes illégales prélevées par les Mai Mai Yakutumba



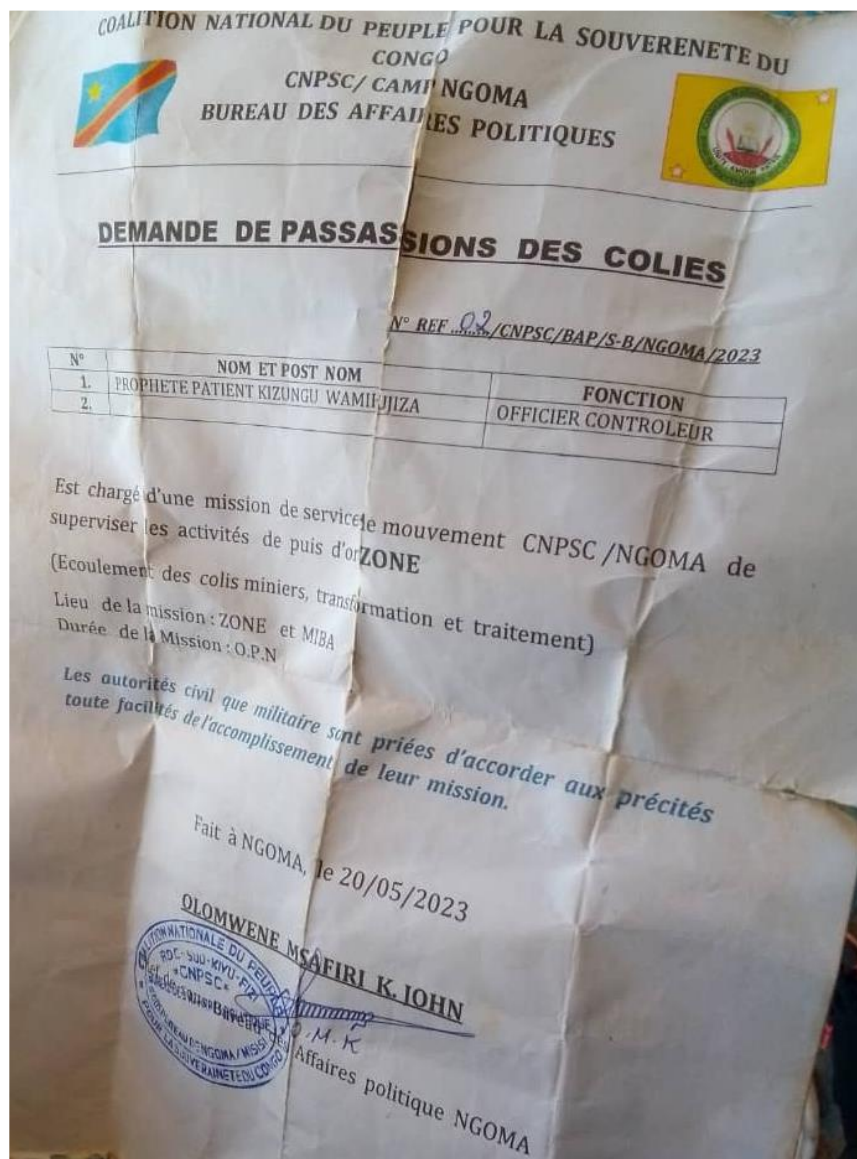
Receipts received from confidential sources

Annex 109 (para. 190)

Mission order confirming the presence of Mai Mai Yakutumba on the mining sites Zone and Miba

Ordre de mission confirmant la présence des Mai Mai Yakutumba sur les sites miniers Zone et Miba

The document below, authenticated by the Group, is a pass issued by a leader of Mai Mai Yakutumba to one of its members to allow the latter to move freely between one of the hills where gold is mined in Zone and Miba, where mineralized ore is processed.



Document provided to the Group by a confidential source

Annex 110 (para. 190)

Illegal taxation by FARDC in Misisi

La taxation illégale par les éléments FARDC à Misisi

FARDC elements stationed in Misisi mining area, Fizi territory, benefitted from revenues collected at a checkpoint between Miba and the Katchanga hill. FARDC members charged bicycles carrying mineralized ore (see below), i.e., the equivalent of \$0.50 per bicycle per crossing. The Group estimates that at least 4,000 bicycles crossed the checkpoint every day, yielding at least \$2,000 daily.

The image below shows a demonstration on 9 April 2024 of bicycle owners in Misisi area against the illegal taxation imposed by FARDC members.



Screenshot of a video received from a confidential source

Annex 111 (para. 201)

Codewords used in Shikama Uvira's financial statements

Mots codés utilisés dans les états financiers de Shikama Uvira

Several sources, including members of different mutual societies (“Shikama”) in the DRC and other countries, community members in Minembwe, Uvira, Goma, Bukavu and Kinshasa and FARDC elements provided a converging interpretation of the codewords used in documents provided to and reproduced by the Group (see below). The excerpts from the financial statements presented below were redacted to preserve the identity of the sources.

The statements used codewords to designate military support activities. For example, the word “ibishimbo”, translated “beans”, designates ammunition; “amahuzu”, translated “jobs”, designates military fatigues. The statements also referred to “inkoni” (sticks), and “umutekano” (security).³²⁶

The statements referred to several military support items and services including ammunition, military fatigues, arms, intelligence missions in the DRC, Rwanda and Burundi, as well as money paid to the FARDC not to attack the Twirwaneho, military communications and transport.³²⁷

The statements refer to humanitarian aid provided, including seeds, sugar, school and “aid” to population. The Group also obtained records of \$8,000 sent to obtain the release of four Banyamulenge civilians abducted by a Mai Mai group.³²⁸

Some items referenced in the statements designated activities that were meant for both civilians and combatants, such as food and medical treatment. For example, “kuvuza abagway” (treatment for patient), defined medical treatment, although without specifying clearly civilian or military destination. Nonetheless, sources informed that health-related aid was mainly meant for the Twirwaneho, since wounded civilians were usually already taken care of by international humanitarian organizations active in the DRC³²⁹. Likewise, sources informed that the word “ibitaro / imiti” (hospital and medicines), designated services intended for use by Twirwaneho combatants.³³⁰

³²⁶ Shikama and Gakondo sources, community sources in Minembwe, Uvira, Bukavu, Baraka and Goma.

³²⁷ Ibid.

³²⁸ Ibid.

³²⁹ Shikama Uvira, humanitarian sources and community sources in Minembwe, Uvira, Baraka, Bukavu and Goma.

³³⁰ Community sources in Minembwe, Uvira, Baraka, Bukavu and Goma, and interview with a detained Shikama Uvira member.

Information provided in the financial statement covering the period from January to June 2023 (see below):³³¹

IBYAGUZWE	AMAFARANGA
IBYOKURYA	\$2,087
IBISHIMBO	\$4,473
AMAHUZU	\$3,213
IBITAR0/IMITI	\$11,150
COMINICATION	\$1,750
INKONI	\$3,500
UMUTEKANO	\$4,050
MISSION ZAKAZI	\$1,900
ABATURAGE BAKARERE	\$2,500
ISUKARI	\$6,000

Information provided in the financial statement covering the period from July to November 2023 (see below):³³²

ICHAGUZWE	MONTANT
UMUTEKO	\$11,345
IMBUTO KUBAHINZI	\$15,124
KUVUZA ABAGWAYI	\$10,200
AMATA YABANA	\$6,900

Translation and interpretation of the codewords provided in the two financial statements (see below):

ORIGINAL	Translation	Purpose
COMINICATION	Military communication equipment and fees.	Military
MISSION ZAKAZI	Intelligence missions in the DRC, Rwanda and Burundi	Military
INKONI	Literally “sticks”, defines weapons.	Military
IBITAR0/IMITI	Hospital / Medicines	Mixed civilian and military
ABATURAGE BAKARERE	Support to displaced population	Humanitarian
IBYOKURYA	Food	Mixed civilian and military
AMAHUZU	Literally “jobs”, defines military fatigues, uniforms	Military
ISUKARI	Sugar ³³³	Humanitarian
UMUTEKANO	Money paid to the FARDC not to attack the Twirwaneho	Military
IBISHIMBO	Literally “beans”, defines ammunitions	Military

³³¹ The information has been reproduced by the Group in order to protect the sources.

³³² The information has been reproduced by the Group in order to protect the sources.

³³³ Sugar has a separate entry from food because of its traditional importance in the Banyamulenge society.

ORIGINAL	Translation	Purpose
UMUTEKO	Similar to Umutekano above	Military
MBUTO KUBAHINZI	Food for farmers	Mixed civilian and military
KUVUZA ABAGWAYI	Treatment of patients (similar to Ibitaro / Imiti above)	Mixed civilian and military
AMATA YABANA	Infant milk	Humanitarian

Annex 112 (para. 205)

Extract from the speech of President Paul Kagame

Extrait d'un discours du Président Paul Kagame

During the swearing-in of new Ministers of the Government of Rwanda on 30 November 2022, President Paul Kagame made the following statement (see below). The [video](#) was last accessed by the Group on 22 April 2024.

« Some people come from Congo, whether they smuggle or go through the right channel, they bring minerals but most of it goes through here but does not stay here. It goes to Dubai, to Brussels, to Tel Aviv ... »

Annex 113 (para. 206)

Operation against gold smuggling in Bukavu

Opération contre la fraude aurifère à Bukavu

On 1 May 2023, the DRC security services arrested several government officials and economic actors in Bukavu on suspicion of gold smuggling or fraud. The Group consulted a confidential document prepared in advance of the operation, which identified 30 Indian and DRC nationals. Some worked for the Audisha, Socrat, Namukaya, Kivu Com or Wanainchi *comptoirs*. Others worked for the DRC Customs office, the governor of South Kivu province, or the FARDC.

Several sources reported to the Group that this anti-gold smuggling operation, which was coordinated by the DRC military intelligence services based in Kinshasa, was primarily aimed at targeting the *comptoirs* that facilitated gold smuggling from Bukavu to Rwanda.³³⁴

On 5 May 2023, the DRC authorities presented 25 individuals to the press and announced that they had seized 4 safes, 15 computers, 41 telephones, 26 kg of gold, \$406,000 in cash and more than 6 million Congolese francs in cash. Five individuals (3 Indians and 2 Congolese) who reportedly had been warned in advance of the operation were not arrested.³³⁵

On 10 January 2024, the Military Court in Kinshasa convicted all 25 individuals for having violated Law no 22/068 of 22 December 2022 regarding the fight against money-laundering, the financing of terrorism and the proliferation of weapons of mass destruction. According to the DRC military justice, by facilitating gold smuggling to Rwanda, all convicted individuals had also enabled Rwanda to buy weapons for M23.

At the time of drafting, all 25 convicted individuals had appealed the judgement.

³³⁴ Bukavu-based mining administration and intelligence.

³³⁵ Ibid and economic actors.

Annex 114 (para. 215)

Risk regarding Primera Gold DRC supply chain in Shabunda

Risque associé à la chaîne d’approvisionnement de Primera Gold DRC à Shabunda

Most of the gold that entered Primera’s supply chain originated from Shabunda territory, South Kivu. Primera DRC reported to the Group that between January and March 2024, the company purchased gold from 87 mining sites in total, including 56 based in Shabunda territory. Some 348.92 kg of this gold came from the mining sites in Shabunda territory and represented more than half of the total purchase.

The risk of contamination of the chain was exacerbated by the weak presence of DRC state services, in particular the Mining Police and SAEMAPE, at production sites in Shabunda territory.

In addition, the system of *négociants* sending illegal agents, also called *remiseurs*, to the sites in Shabunda to purchase gold resulted in challenges to trace the exact origin of the purchased gold. Still, this gold purchased in Shabunda territory was sold by the *négociants* to Primera’s buyers.

Primera DRC reported to the Group that it only purchased gold from validated mining sites and from *négociants* recognized by the national mining administration. The company also said that it had 11 local focal points who regularly monitored all the risks including the role of *remiseurs* associated with its supply chain.

Annex 115 (para. 216)

Primera Gold DRC Exports (May 2023 – March 2024)

Exportations de Primera GOLD DRC (mai 2023 - mars 2024)

Month and year	Export (Kg)
May 2023	549,08
June 2023	623,07
July 2023	574,23
August 2023	596,7
September 2023	626,23
October 2023	545,73
November 2023	371,37
December 2023	380,35
January 2024	248,64
February 2024	237,15
March 2024	164,28

Table by the Group based on information provided by Primera