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Letter dated 31 May 2024 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

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

The report was provided to the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo on 29 April 2024 and was considered by the Committee on 24 May 2024.

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

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

Summary

The security and humanitarian situation in the eastern Democratic Republic of the Congo, which remained affected by intense violence, continued to deteriorate. Regional tensions negatively affected the conflict and fighting in the three eastern provinces. In the western Democratic Republic of the Congo, the conflict in Mai-Ndombe simmered on.

In North Kivu, the sanctioned armed group the Allied Democratic Forces (ADF) intensified attacks against urban centres in the Democratic Republic of the Congo and continued to be active in Uganda. ADF committed the highest number of killings, mainly of civilians. The armed group established strong networks in prisons, particularly in Kinshasa where ADF detainees were active in recruiting and mobilizing combatants and collaborators.

The official use of Wazalendo armed groups by the Government of the Democratic Republic of the Congo to fight the Mouvement du 23 mars (M23) resulted in armed groups across the eastern Democratic Republic of the Congo calling themselves Wazalendo to legitimize their existence and criminal activities.

The rapidly escalating M23 crisis carried the risk of triggering a wider regional conflict. Heavy fighting continued between M23, alongside the Rwanda Defence Force (RDF), and the Armed Forces of the Democratic Republic of the Congo (FARDC) together with the Wazalendo coalition of local armed groups, the sanctioned Forces démocratiques de libération du Rwanda (FDLR) and Burundi National Defence Force troops. Private military companies and troops of the Southern African Development Community, which were deployed in December 2023, provided operational and military support to FARDC.

RDF military interventions and operations in Rutshuru, Masisi and Nyiragongo territories extended beyond mere support for M23 operations to direct and decisive involvement, allowing RDF and M23 to achieve military dominance in Petit Nord and rapid territorial expansion to the shores of Lake Edward. The deployment of advanced military technology and equipment bolstered joint M23-RDF operations, altering conflict dynamics, including by grounding all FARDC military air assets. A newly created politico-military movement, the Alliance Fleuve Congo (AFC), failed to coalesce the majority of political and armed actors against the Government of the Democratic Republic of the Congo.

The Government continued to use Wazalendo groups and FDLR as proxies in the fight against M23 and RDF. The instructions of the FARDC chief of staff to end collaboration with FDLR were not heeded. Although FDLR came under pressure, it remained an important actor in the conflict.

The engagement of the Burundi National Defence Force in operations against M23 and RDF exacerbated the tensions between Rwanda and Burundi.

The protracted armed violence worsened the already dire humanitarian crisis. By March 2024, Petit Nord accounted for nearly 1.7 million internally displaced persons. An additional half a million internally displaced persons spilled over into neighbouring South Kivu. Goma faced escalating criminality and civil unrest due primarily to the proliferation of Wazalendo combatants and undisciplined FARDC elements, who enjoyed general impunity for their acts. Combat proximity and

frequent artillery fire in urban areas and near sites for internally displaced persons caused heavy civilian casualties.

All armed actors recruited and used children in hostilities on an unprecedented scale. M23 and RDF continued to punish civilians perceived as having collaborated with enemy armed groups, particularly among the Hutu population perceived as associated with FDLR or Nyatura, in the form of executions, torture, destruction of villages, pillaging or arbitrary detentions. Wazalendo groups thrived on a violent war economy in their areas of influence, looting, extorting, kidnapping and murdering civilians.

Most armed actors active in Petit Nord benefited from illegal logging and/or taxation of the transport of wooden planks in the areas that they control. This source of income is part of bigger revenue generation opportunities stemming from the ongoing crisis in Petit Nord.

In Rubaya, mineral production under the control of the Coalition des patriotes résistants congolais-Force de frappe (PARECO-FF) and mineral trade under the control of PARECO-FF, Wazalendo and M23 continued unabated, rendering the minerals ineligible for trade. There also existed a serious risk of supply chain contamination.

In Ituri, the two main armed groups, Zaïre and Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO/URDPC), resumed their armed confrontations and rivalry, including over lucrative gold mining sites. Zaïre's brief pledge to engage in the peace process proved disingenuous, as illustrated by the group bolstering its mobilization and launching offensives. CODECO/URDPC also frequently clashed with FARDC, targeted United Nations Organization Stabilization Mission in the Democratic Republic of the Congo peacekeepers and carried out indiscriminate and deadly attacks on civilians, including kidnappings and executions. FARDC and Republican Guard elements were involved in gold mining activities. FARDC financial resources and soldiers were diverted from the fight against armed groups to the protection of private interests in the mining sector.

In South Kivu, the M23-related crisis continued to have an impact on armed group dynamics. Exacerbated tensions between Burundi and Rwanda led both countries to resume their contacts and collaboration with foreign armed groups based in South Kivu. Rwanda notably renewed support for the Résistance pour un État de droit au Burundi (RED Tabara), and Burundi resumed collaboration with the Conseil national pour le renouveau et la démocratie-Forces de libération nationale (CNRD-FLN). Links between local armed groups, M23, AFC and Rwanda created further tensions between armed groups in South Kivu. The Banyamulenge mutual society "Shikama" in Uvira financed Twirwaneho in the Hauts Plateaux of Fizi territory. Armed group leaders in South Kivu, including the sanctioned individual William Yakutumba, personally enriched themselves by imposing illegal taxes on miners and their production.

In the mining sector, the development of the Wazalendo phenomenon posed serious threats to the implementation of due diligence. Economic actors trusted armed groups for their security.

Primera Gold's exports have fallen sharply since the Group of Experts issued its midterm report. Primera Gold was weakened by differences with its partners in the United Arab Emirates. The company became less competitive in comparison with prices offered in some other countries in the region. As a result, gold continued to be smuggled, notably to Rwanda and Uganda.

The conflict in Mai-Ndombe simmered on, with the Mobondo militia continuing to occupy several Teke *groupements* in Kwamouth territory. Mobondo continued to attack civilians and engaged in violent clashes with FARDC and the Republican Guard, acquiring significant firepower through successful attacks on military positions. In mid-March 2024, the President of the Democratic Republic of the Congo, Félix-Antoine Tshisekedi, spearheaded peace negotiations involving Teke and Yaka customary chiefs and Mobondo militia members, resulting in a ceasefire agreement. However, the viability of the peace process was called into question when Mobondo militias killed several civilians the day after the agreement was signed. Several Teke chiefs contested the peace initiative as not being sufficiently inclusive or fair.

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

I. Introduction

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

2. The final report of the Group is submitted pursuant to paragraph 6 of resolution 2688 (2023). The Group exchanged information with the panels of experts on the Central African Republic, Haiti, Libya, Somalia, South Sudan and Yemen.

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

3. The Group expresses its gratitude for the support provided by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

Compliance with the requests of the Group of Experts for information

4. The Group met with government officials, private sector actors and organizations of several countries. The Group addressed a total of 55 official communications to 25 Member States, international organizations and private entities. At the time of drafting the present report, the Group had received 18 responses.

5. The Group regrets the low overall number of substantial responses to its official requests for information from private sector actors and Member States, and underlines that responses to such requests are essential to its investigations. The Group regrets that official requests to visit Kenya and the United Republic of Tanzania remained unanswered.

Methodology

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

7. Given the nature of the conflict in the Democratic Republic of the Congo, few documents exist that provide definitive proof of the illegal activities that the Group is mandated to investigate. The Group therefore relied on eyewitness testimony from a variety of sources. The Group also considered expert testimony, including by government officials and military officers of countries in the Great Lakes region and other countries, as well as United Nations sources.

8. The present report covers investigations conducted up to 10 April 2024. Owing to word count limitations, the Group has placed certain evidence and findings in the annexes.

II. North Kivu

A. Allied Democratic Forces

Operational developments in the Democratic Republic of the Congo and Uganda

9. Since mid-October 2023, Allied Democratic Forces (ADF) military activities have reintensified, particularly in the northern part of Beni territory and the south of

Ituri Province (S/2023/990, para. 16). ADF remained the armed group committing the highest number of killings in the Democratic Republic of the Congo in 2023, with over 1,000 persons killed, mainly civilians.[1] The Group notes with concern that, despite a significant reduction in the number of ADF attacks against security actors since Operation Shuja started in November 2021 (S/2022/479, para. 21),[2] there has been a simultaneous increase in the number of civilians killed by ADF. This is in line with the ADF strategy of retaliating against civilians in response to military operations against ADF (S/2023/990, annex 8). ADF tried to avoid direct contact with the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Uganda People's Defence Forces (UPDF), as demonstrated by the decreased number of attacks against security actors.

10. ADF remained highly mobile (see annex 1). While this forced mobility weakened the sanctioned armed group (S/2023/990, para. 15), it also had an adverse impact on the civilian population, systematically attacked by ADF during its movements, causing panic and resulting in mass displacements.

11. ADF also conducted several highly lethal attacks against more densely populated urban centres, notably within the perimeters of a new "death triangle" (see annex 2).[3] In particular, ADF intensified pressure around the Mavivi and Beni areas along RN4, a transit corridor between ADF camps west of Oicha and the position of Abwakasi, who relocated from Mwalika (S/2023/990, annex 8) to the Mbau-Kamango area. This caused important population displacements towards the outskirts of Beni, where internally displaced persons established settlements that ADF then repeatedly attacked, including presumably owing to the presence of Wazalendo elements inside these settlements.[4] 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.[5]

12. ADF continued to operate in Uganda, including by conducting attacks against civilians and through bombing attempts (see annex 3). However, these activities declined after UPDF killed and arrested several combatants responsible for attacks in late 2023.

Allied Democratic Forces finance, resupply and collaborator networks

13. ADF continued to rely on collaborators for resupply, including of food, and supported them in activities such as planting improvised explosive devices (S/2023/990, para. 20). Several collaborators were recruited by detained ADF operatives (see para. 18), while others were abducted and forced to become collaborators in exchange for their release (see annex 4).[6]

14. Butembo remained the gravitational centre of ADF collaborators. Additionally, ADF expanded its collaborator network into Ituri, particularly leveraging the same Nande networks of businessmen and notables in Grand Nord with whom it had forged

[1] United Nations sources.
[2] Armed Forces of the Democratic Republic of the Congo (FARDC), Congolese National Police, Uganda People's Defence Forces (UPDF) and/or United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) troops.
[3] Formerly located between Oicha, Eringeti and Kamango (S/2019/469, para. 17).
[4] FARDC, UPDF, civil society, intelligence, researchers and United Nations sources.
[5] Allied Democratic Forces (ADF) ex-combatants and abductees, FARDC, UPDF, intelligence, researchers and diplomatic and United Nations sources.
[6] ADF ex-combatants, collaborators and abductees, FARDC, UPDF, intelligence, researchers, civil society and United Nations sources.

links over the years (S/2011/738, para. 52).[7] This facilitated the group's continued expansion and resupply in southern Irumu, Mambasa and Bunia, where Nande networks wielded strong economic and political influence.

15. Nevertheless, multiple sources reported that ADF had struggled financially (see annex 5).

Allied Democratic Forces networks in prisons

16. ADF networks in prisons were particularly active, notably in Kinshasa, where key ADF detainees had been transferred since the Kangbayi jailbreak in October 2020 (S/2021/560, annex 19).

17. The Group interviewed several detained ADF ex-combatants and collaborators, who explained that in each prison they had established an organizational system with a "leader" and a deputy (see annex 6). The leaders were designated by the sanctioned ADF leader Baluku (CDi.036), with whom they were regularly communicating, either directly or through intermediaries such as Amigo, to organize support for ADF detainees and to continue to mobilize them.[8] Most ADF elements in detention continued to access telephones and other facilities, often with the complicity of penitentiary, judicial and intelligence authorities, whom they bribed or who were also in direct contact with the ADF leadership in the bush. Through these connections, ADF orchestrated the escape of several key ADF elements, including Hamuli, one of Baluku's close advisers (see annex 7).[9]

18. Moreover, ADF detainees continued to recruit and instruct combatants and collaborators inside and outside the prison, often using family and friendship ties, mainly in Grand Nord (see annex 8).[10] ADF detainees received mobile money transfers from the ADF leadership and redistributed funds for recruitment and mobilization.

Armed group dynamics affected by the Allied Democratic Forces, and the security context in Ituri and Grand Nord

19. ADF continued to leverage the fragmented presence of State security actors on the ground, particularly in Ituri, including owing to the overstretched capacities of Operation Shuja, which had to cover a far broader area of operations in response to ADF mobility. Moreover, Operation Shuja has been depleted of many FARDC troops, which continued to be deployed to Petit Nord to combat the Mouvement du 23 mars (M23) and the Rwanda Defence Force (RDF).[11]

20. ADF activities, in particular its expansion in Ituri and recent attacks on the outskirts of Beni, influenced the dynamics and activities of other armed groups, exacerbated by the existing security vacuum. ADF also exploited and contributed to fuelling inter-community and local tensions, as observed in the past (S/2022/479, para. 30), triggering the involvement of local armed groups.

21. Increased activities by Mai-Mai and other groups were reported in many areas where ADF operated.[12] Armed groups, such as the Forces patriotiques populaires-Armée du people (FPP/AP), the Force de résistance patriotique de l'Ituri and the Union des patriotes pour la libération du Congo, used the "Wazalendo" status and the

[7] Ibid.
[8] ADF ex-combatants and collaborators, FARDC, researchers, intelligence and security sources.
[9] Ibid.
[10] ADF ex-combatants and collaborators, FARDC, researchers and intelligence, security and United Nations sources.
[11] FARDC, intelligence, researchers, civil society and diplomatic and United Nations sources.
[12] FARDC, intelligence, researchers, civil society and United Nations sources.

excuse of fighting ADF in an attempt to legitimize their expansion and activities (see para. 60). In particular, FPP/AP moved from Lubero territory to Ituri around 2022, mainly to protect some Nande businessmen's interests around Biakato and Mangina, and subsequently expanded towards Mambasa and Komanda in 2023 (see annex 9).[13] This triggered clashes with FARDC, which FPP/AP considered unable to protect the population. FPP/AP also clashed with the Force de résistance patriotique de l'Ituri, which began expanding towards Komanda under the guise of fighting ADF. In January 2024, FPP/AP and Chini ya Tuna formally agreed to collaborate with FARDC to fight ADF, illustrating the continued use of proxies by Democratic Republic of the Congo authorities (see annex 10).

22. While claiming to protect the population, these armed groups committed abuses such as killings, kidnappings and illegal taxation.[14] Their actions were also intertwined with local dynamics and often manipulated by local authorities, FARDC, businessmen and politicians, exacerbating tensions and violence through social media. Abuses and misconduct by FARDC troops also worsened the security situation.[15] Frequent rumours and allegations that armed groups and FARDC troops were responsible for attacks originally attributed to ADF have led to spikes of violence such as in Mangina since November 2023. The identity of the assailants responsible for the attacks in Mangina remains contested.[16]

B. Alliance Fleuve Congo

23. On 15 December 2023, several days prior to the general elections on 20 December, Corneille Nangaa Yobeluo, the former head of the Independent National Electoral Commission of the Democratic Republic of the Congo, launched a politico-military movement named Alliance Fleuve Congo (AFC) during a press conference in Nairobi (see annex 11).

24. AFC pledged to unite armed groups, political parties and civil society organizations, with the aim of reconstructing the State and addressing the underlying issues fuelling recurring conflicts, to achieve lasting peace in the Democratic Republic of the Congo.[17]

25. AFC emerged after months of preparations, during which its head, Nangaa, travelled to several countries within and outside the Great Lakes region (see annex 12) to garner support from various actors. In particular, he engaged in lengthy negotiations with the sanctioned M23 (CDe.006).[18] According to multiple sources, M23 and the Government of Rwanda regarded AFC as an opportunity to legitimize M23 and its claims, while diminishing the role of Rwanda in the crisis. Additionally, if AFC garnered support from a broad coalition of Congolese stakeholders, M23 could be reframed as a Congolese problem.[19] Prominent figures in Uganda and Kenya were also cited as having supported the creation of AFC.[20] The launch of AFC in Kenya

[13] Ibid.
[14] Ibid.
[15] FARDC, UPDF, intelligence, researchers, civil society and diplomatic and United Nations sources.
[16] Ibid.
[17] See https://alliancefleuvecongo.org/a-propos.
[18] Alliance Fleuve Congo, diplomatic sources, political actors, researchers and intelligence, security and United Nations sources.
[19] Intelligence, security, diplomatic and United Nations sources, researchers, individuals close to the Mouvement du 23 mars (M23) and Rwanda.
[20] Ibid.

soured diplomatic relations between Kenya and the Democratic Republic of the Congo (see annex 13).

26. The political leader of M23, Bertrand Bisimwa, was by Nangaa's side at the AFC launch, confirming the alliance between M23 and AFC. Representatives of several armed groups from South Kivu also attended (see para. 186). The initial AFC declaration – soon deleted from the Internet – named several armed groups and political entities as supporting the movement, although many quickly denied affiliation with or support for it (see annex 14).

27. Soon after the launch, Nangaa was appointed national coordinator of the AFC-M23 coalition. Bisimwa became the deputy political coordinator and Lawrence Kanyuka, the M23 political spokesperson, became the AFC communication focal point. Several M23 leaders were appointed as AFC officials (see annex 15). The Group notes that support for the sanctioned M23 group constitutes a sanctionable act.

28. Since December 2023, AFC delegates have been touring South Kivu, North Kivu and Ituri, as well as Kenya, Rwanda, the United Republic of Tanzania and Uganda, to continue to garner support from armed groups, political actors and community leaders. Nangaa travelled extensively within the region and in M23-controlled areas (see annex 16). In late March 2024, AFC held a rally in Kiwanja, Rutshuru territory, where Nangaa threatened to conquer Goma and Kinshasa, foreboding a coup d'état (see annex 17). At that meeting, Nangaa appeared alongside prominent political figures who had joined AFC (see annex 18). Other political actors also announced their membership or were cited as having joined AFC (see annex 19).

29. While most armed groups cited in the initial declaration denied having joined AFC, some subsequently accepted or were envisaging adherence to AFC (see paras. 187 and 188). At the time of drafting, AFC had not achieved its objective of having a significant impact on the political and military landscape of the Democratic Republic of the Congo.

C. Mouvement du 23 mars and Rwanda Defence Force

Territorial expansion and operations

30. The M23 crisis has intensified since the drafting of the Group's midterm report (S/2023/990), increasing the risk of further escalation, including into a wider regional conflict, despite regional peacebuilding initiatives (see annex 20).

31. In late January 2024, heavy fighting resumed between M23, alongside RDF, and FARDC supported by local armed groups coalesced under the "Wazalendo" banner, as well as the Forces démocratiques de libération du Rwanda (FDLR), two private military companies and the Burundi National Defence Force (FDNB) (see paras. 81–87; and S/2023/990, paras. 43–46 and summary). Troops from the Southern African Development Community (SADC) deployed on 15 December 2023 to combat M23. A temporary ceasefire brokered in December 2023 was short-lived (see annex 21).

32. Despite the presence of multiple military actors supporting the Government of the Democratic Republic of the Congo (S/2023/431, paras. 47 and 48), the M23 and RDF military build-up and superior combat strength (see paras. 37 and 43–54) enabled them to rapidly expand the areas under their control. In February 2024, M23 and RDF conquered new areas around Sake after heavy fighting with FARDC, the Wazalendo armed groups and FDLR, thereby cutting off Goma from the last supply road connecting it to South Kivu (see para. 41). M23 attacks on civilian and military

boats on Lake Kivu near Minova, South Kivu, had a further impact on military logistics and civilian trade along the southern axes.[21]

33. In early March 2024, M23 and RDF rapidly progressed north of Goma, conquering new strategic areas and towns – FDLR and Nyatura strongholds – in Rutshuru territory, including Nyanzale, Kibirizi and Rwindi (see paras. 42 and 62), as well as Vitshumbi on the shores of Lake Edward. FARDC retreated from its primary military camp in Rwindi before the arrival of RDF and M23, avoiding combat and leaving some military logistical equipment behind (see para. 42).

34. By early April 2024, the M23 and RDF area of influence was the largest ever recorded, representing a 70 per cent increase compared with November 2023, including new areas that they had never controlled before (see annex 22). M23 and RDF de facto encircled Goma, progressively controlling all access and supply routes leading to it, except one road leading directly to Rwanda. The risk of M23 and RDF taking Kanyobagonga, entering Lubero territory and pushing further south along the Sake-Minova road remained high.[22] M23 and RDF territorial expansion triggered persistent clashes and heavy artillery shelling between M23/RDF and the FARDC coalition on multiple fronts in Rutshuru, Masisi and Nyiragongo territories,[23] causing high civilian casualties and massive population displacement (see paras. 93–98). It also caused heavy casualties among all warring sides (S/2023/990, para. 30).[24]

Mouvement du 23 mars reorganization, training and recruitment

35. Successful private military company-supported FARDC CH-4 drone strikes on M23 bases, arms depots, recruitment centres and leadership in late 2023 and early 2024 compelled M23 to reorganize (see annex 23). On 16 January 2024, "Colonel" Castro Mberabagabo, the M23 military intelligence chief, was killed in a drone strike that also wounded Erasto Bahati Musanga, the movement's chief of finance, and wounded and killed many M23 combatants. This event triggered new appointments and promotions among M23 military and civilian staff. The restructuring was widely publicized to boost morale and consolidate the movement's politico-military authority (see annex 24) and the M23-installed parallel administration (see annex 25; and S/2022/967, annex 23). "Colonel" Imani Nzenze replaced Castro, becoming the "G2" intelligence chief of M23, a key position within the movement.

36. The M23 leadership remained under the overall military command of the sanctioned individual "General" Sultani Makenga (CDi.008), based in Tchanzu. Criticized by RDF officers for not being close to his troops, he travelled to Bunagana, Kitshanga and Rumangabo.[25] "Colonel" Imani Nzenze, "General" Gacheri Erasto (deputy to "Brigadier General" Bernard Byamungu), Bahati Erasto (finance), Benjamin Nzabonimpa (executive secretary) and "Colonel" Jeff Kabayiza (logistics) were Makenga's closest collaborators and confidants.[26] "Brigadier General" Bernard Byamungu and "General" Baudoin Ngaruye were the top commanders coordinating military operations (see paras. 53 and 107). Ngaruye remained in close contact with Rwanda, which reportedly trusted Ngaruye more than Makenga (S/2023/990, annex 17).[27]

37. The M23 military capacity was further consolidated through recruitment, both forced and voluntary, including of children, in North Kivu, Uganda and Rwanda (see

[21] Eyewitnesses, United Nations, FARDC and security sources.
[22] Eyewitnesses, United Nations, FARDC, security and intelligence sources and M23 combatants.
[23] United Nations, FARDC and security sources, Wazalendo and M23 combatants, and confidential documents.
[24] Ibid.
[25] Sources close to M23 and Rwanda.
[26] Ibid.
[27] Sources close to M23 and Rwanda, and intelligence sources.

paras. 100–108), as well as by training new recruits. In early April 2024, an estimated 3,000 M23 combatants were active in Petit Nord.[28]

38. New M23 recruits were trained at the movement's main military base in Tchanzu (see annex 26). Training was also organized at other military centres such as in Rutshuru, Bwito, Bwiza or Nyongera.[29] Training, which lasted several months, except when accelerated for operational needs, included parading, discipline, tactical training and ideology and indoctrination.[30]

39. Recently captured or surrendered M23 combatants confirmed that "Colonel" Léon Kanyamibwa still commanded military training, with the support of "Captain" Ernest Sebagenzi and "Colonel" Moïse Byinshi, among others (see paras. 106–108; and S/2023/431, para. 51).[31] M23 combatants also reported the presence of RDF training officers in Tchanzu (see para. 108; and S/2023/990, para. 28).[32] At the time of drafting, RDF was conducting "leadership training" in Bunagana.[33]

Rwanda Defence Force critical support for the Mouvement du 23 mars and territorial occupation

40. The Group obtained further evidence – authenticated photographs, drone footage, video recordings, testimony and intelligence – confirming systematic border incursions by RDF and its reinforced presence in Petit Nord, with RDF matching, if not surpassing, M23 in numbers (see paras. 37 and 43). RDF positioned itself at the front lines, operated high-tech weaponry and directly engaged in combat. Its presence was critical in repelling joint FARDC-Wazalendo offensives and occupying new territories in Petit Nord (see annex 27).

41. In January 2024, at least 1,000 RDF troops entered the Democratic Republic of the Congo through various border crossings east of Kibumba, Rutshuru territory, and were deployed to key military positions. Following this reinforcement, on 3 February, RDF and M23 took control of Shasha, a village with strategic access to Lake Kivu. RDF maintained combat positions on the hills around Sake, which it still occupied at the time of drafting. In early April 2023, RDF took control of three vacated MONUSCO positions north-west of Sake (see annex 28). At the time of drafting, 500 RDF and 500 M23 combatants, the latter commanded by the sanctioned individuals Baudoin Ngaguye (CDi.019) and Bernard Byamungu (CDi.038) and Julien Mahano Baratuje, controlled the areas north, west and south of Sake.[34]

42. A large column of well-equipped RDF soldiers was filmed arriving in Rwindi, northern Rutshuru, on 9 March 2023 (see annex 29). The troops commanded by RDF Colonel Callixte Migabo established positions and occupied the area, followed by the arrival of M23 combatants one day later. RDF and M23 showed particular interest in the Rwindi airstrip, capable of accommodating bomber aircraft. Similarly, M23 had shown interest in the smaller Katale airstrip. Following the RDF takeover of Rwindi, FARDC retreated further from Vitshumbi, enabling M23 commanded by "Colonel" Ernest Sebagenzi to occupy the town on the shores of Lake Edward, known for its lucrative fisheries.

43. A conservative estimate of 3,000 to 4,000 RDF troops were deployed in Nyiragongo, Rutshuru and Masisi territories at the time of drafting.[35] Many belonged

[28] Intelligence, M23 sources and confidential documents.
[29] Ex-recruits and confidential sources.
[30] Ex-recruits and confidential, United Nations, military and intelligence sources.
[31] M23 combatants and confidential documents. See also S/2023/431, para. 51).
[32] M23 combatants, a Rwanda Defence Force (RDF) officer and confidential documents.
[33] An RDF officer and intelligence sources.
[34] Confidential documents and United Nations, security, FARDC and Wazalendo sources.
[35] Intelligence and security sources, sources close to M23 and RDF and confidential documents.

to the 2nd and 3rd Divisions, the latter commanded by Major General Eugène Nkubito. RDF special forces were commanded by Lieutenant-Colonel Augustin Ryarasa Migabo, who reported to Major-General Ruki Karusisi (S/2023/431, para. 59; and S/2023/990, para. 30).[36] Annex 30 provides additional information regarding RDF officers involved in planning and/or commanding operations in the Democratic Republic of the Congo, deployed RDF brigades and battalions and support and reconnaissance teams composed of former FDLR combatants.

44. RDF military interventions and operations in these three territories were critical to the impressive territorial expansion achieved between January and March 2024 (see para. 34).[37] M23 combatants and two RDF officers explained that the capacity of M23 to simultaneously operate on several axes and battlefields depended on RDF military and strategic support. In February and March 2024, several Governments and the High Representative of the European Union for Foreign Affairs and Security Policy demanded that Rwanda halt all support for M23 and immediately withdraw all RDF personnel from the Democratic Republic of the Congo (see annex 31).[38] On 5 April, the Security Council condemned the "foreign military support provided to M23" (see annex 32).

45. The Group notes that the systematic support and presence of RDF in the territorial conquest of the designated group M23 is a sanctionable act. Furthermore, the deployment of RDF, the national armed forces of Rwanda, on Democratic Republic of the Congo territory violates the sovereignty and territorial integrity of the Democratic Republic of the Congo. RDF de facto control and direction over M23 operations also renders Rwanda liable for the actions of M23.

Use of advanced military technology and equipment

46. The Group documented the further proliferation and use of advanced military technology and equipment by M23 and RDF in areas under their control (S/2023/990, paras. 31 and 32), providing additional and unequivocal evidence of external combat support for M23, mainly by RDF, constituting a violation of the arms embargo.

Short-range air defence systems

47. On 7 February 2024, a mobile short-range air defence system with a mounted, rotating radar and surface-to-air missile was observed by a drone in Bumbi, Rutshuru territory, an area under M23/RDF control at that time (see annex 33). Two other short-range air defence systems were reported near Kibumba and Mabenga, Rutshuru territory.[39] On 6 February, a short-range air defence system shot down an FARDC CH-4 armed drone (see para. 35), and on 7 February it targeted, but failed to strike, a MONUSCO drone, i.e. a United Nations peacekeeping asset (see annex 34).

48. Security and intelligence sources reported that RDF operated the short-range air defence system.[40] In a communiqué issued on 17 February 2024, the United States of America called on "Rwanda to immediately […] remove its surface-to-air missile systems, which threaten the lives of civilians, [United Nations] and other regional

[36] An RDF officer, intelligence and M23 sources and confidential documents.
[37] Intelligence, security, FARDC, Wazalendo, civil society and M23 sources and eyewitnesses.
[38] Communiqués from the United States of America (see www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo) and France (see 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] United Nations, civil society, security and intelligence sources and confidential documents.
[40] Intelligence sources and sources close to Rwanda.

peacekeepers, humanitarian actors, and commercial flights in eastern [Democratic Republic of the Congo]" – a call later repeated by other Governments.[41]

49. The deployment of short-range air defence systems, alongside other M23 and RDF anti-air capabilities in the area (see annex 35), significantly boosted M23 and RDF operational capability and had an impact on conflict dynamics in Petit Nord. FARDC and private military companies decided to temporarily ground all their air assets, which in turn allowed M23 and RDF to reorganize and reinforce.[42] The short-range air defence system also increased risks of MONUSCO air assets being targeted, as repeatedly done by M23.[43]

Drone-borne mortar shells

50. During the night of 17–18 February 2024, an 81 mm mortar shell hit and disabled an FARDC Sukhoi aircraft on the tarmac of Goma airport (see annex 36). A second shell failed to strike a FARDC helicopter.[44] The mortar shells were released by a commercial drone fitted with four propellers.[45] M23 and intelligence sources, including from Rwanda, informed the Group that the attack was perpetrated by M23.

51. The use of commercial drones equipped with mortar shells or other explosives – including improvised explosive devices such as those used against MONUSCO by the special unit of the Democratic Republic of the Congo Republican Guard in Kimoka (see annex 37) – had not been documented in the country prior to February 2024. The Group notes that the proliferation of such drone attacks could significantly alter the conflict dynamics in Petit Nord. This drone attack also underscores the vulnerability of Goma international airport, which M23 and RDF previously threatened to besiege.[46]

Guided mortars shells

52. The Group also documented the use by M23 and RDF of 120 mm guided mortar shells providing precision strike capability and high lethality – a type of mortar shell not previously documented on Democratic Republic of the Congo territory (S/2023/990, paras. 31 and 32). Documented mortar shells are similar to IMI or Elbit Systems of Israeli manufacture (see annex 38).

53. Imagery confirms the reporting by an RDF officer and M23 combatants that RDF was equipped with, and used, guided mortars in Petit Nord (see annex 39). 120 mm mortars were also used against SADC troops (see annex 40). The unit of the sanctioned M23 "General" Baudoin Ngaruye (S/2023/431, para. 50) was also equipped with guided mortar systems (see annex 41).

54. Annex 42 provides additional information on M23 and RDF weaponry.

[41] Communiqué from the United States (see www.state.gov/escalation-of-hostilities-in-eastern-democratic-republic-of-the-congo).
[42] M23, FARDC, security and intelligence sources, confidential documents and imagery.
[43] See https://x.com/lawrencekanyuka/status/1750042492416704626?s=46&t=_n75XfLAIYYaxKQtM7ZzVg.
[44] Security and FARDC sources.
[45] Security and FARDC sources and eyewitnesses.
[46] Security and intelligence sources and sources close to M23/RDF.

Ugandan involvement in support of the Mouvement du 23 mars and the Alliance Fleuve Congo

Uganda People's Defence Forces and Chieftaincy of Military Intelligence support

55. Since the resurgence of the M23 crisis, Uganda has not prevented the presence of M23 and RDF troops on its territory or passage through it, including during the takeover of Bunagana on 12 June 2022 by M23, supported by RDF (S/2022/967, para. 52).

56. Despite evidence documenting the regular transit of M23 and RDF troops, vehicles and military supplies through Ugandan territory, the Government of Uganda, including its military intelligence service, claimed not to have recorded the presence of any foreign troops or materiel on its territory since the beginning of the M23 crisis.[47] However, the extent and frequency of the movements render such a presence highly unlikely to go undetected. For example, since 2022, M23 combatants have consistently reported that supplies and new recruits brought to their camps came through the Ugandan border towns of Kisoro and Bunagana.

57. The Group also obtained evidence confirming active support for M23 by certain UPDF and Chieftaincy of Military Intelligence officials. Intelligence sources and individuals close to M23 also confirmed the presence of Ugandan military intelligence officers in Bunagana since at least late 2023 to coordinate with M23 leaders, provide logistics and transport M23 leaders to M23-controlled areas. Additionally, multiple sources witnessed Ugandan soldiers crossing into the Democratic Republic of the Congo through Kitagoma on 27 January 2024 and operating in M23-controlled areas, in particular the Busanza *groupement* and the town of Rutshuru, from where one group moved towards Tongo and the other towards Mabenga.[48]

58. It is noteworthy that M23 leaders, including the sanctioned individual Sultani Makenga, travelled to Entebbe and Kampala in violation of the travel ban.[49]

Mouvement du 23 mars and Alliance Fleuve Congo in Kampala

59. During the period under review, evidence emerged of frequent M23 and AFC activities on Ugandan territory. The AFC leadership, including Corneille Nangaa, who recently resided in Kampala, held meetings with representatives of Congolese armed groups and individuals closely linked with M23. Nangaa and Lawrence Kanyuka[50] benefited from the support of the Ugandan public figure Andrew Mwenda in approaching several embassies in Kampala in March 2024 to contest sanctions imposed on M23 leaders and to elicit sympathy for the cause of AFC and M23.[51] Mwenda has long been known as the liaison between the Governments of Uganda and Rwanda.[52]

[47] Meeting between the Group and the Government of Uganda and UPDF officials in Kampala, 5 March 2024.

[48] Community-based sources, foreign eyewitnesses and M23 combatants, confirmed by foreign intelligence.

[49] Intelligence and diplomatic sources and individuals close to M23.

[50] Lawrence Kanyuka was in Kampala on 18 March 2024.

[51] Diplomatic sources.

[52] Intelligence, diplomatic source and a researcher. See also http://democracyinafrica.org/wp-content/uploads/2021/09/The-Shadow-State-in-Africa-Report_FOR-INSTANT-UPLOAD_COMPRESSED_10-November_COMPRESSED.pdf, p. 79.

D. Government use of proxies, and multiplicity of military actors on the ground

Wazalendo armed groups as proxies for the Government of the Democratic Republic of the Congo

Wazalendo and Armed Forces of the Democratic Republic of the Congo collaboration and operations

60. The Government of the Democratic Republic of the Congo continued to use North Kivu armed groups, including the sanctioned FDLR (CDe.005) (see paras. 70–79), to fight M23 and RDF (S/2023/990, summary and paras. 33–40). In September 2023, the Government created the Volontaires pour la défense de la patrie (VDP) from select members of Wazalendo armed groups from North Kivu to serve as its "official" proxy force. The new denomination aimed to distinguish them from other Congolese armed groups that had also adopted the Wazalendo banner (S/2023/990, para. 39). Collaboration between FARDC and VDP was systematic and coordinated.[53] This nurtured the VDP armed groups' conviction that they would be swiftly integrated into the national defence reserve force, known as the Réserve armée de la défense de la République démocratique du Congo (see para. 80; and S/2023/990, para. 41). However, the terms "VDP" and "Wazalendo" continued to be used interchangeably by actors on the ground. In the present report, the term VDP is used to refer to the proxy force formally established by the Government (S/2023/990, para. 39). Besides the VDP core proxy force, many other Wazalendo fighters were also involved in fighting.

61. The VDP overall military command passed into the hands of the sanctioned Nduma défense du Congo-Rénové (NDC-R) Guidon leader Guidon Shimiray Mwissa (CDi.033) (see annex 43).[54] The Alliance des patriotes pour un Congo libre et souverain (APCLS) leader Janvier Karairi Boingo became head of intelligence, the Nyatura-Collectif des mouvements pour le changement-Forces de défense du peuple (CMC-FDP) leader Dominique Ndarurutse (alias Domi) coordinated military operations, administration and logistics, and the CMC-FDP spokesperson Jules Mulumba served as VDP spokesperson and liaison officer with Democratic Republic of the Congo authorities in Kinshasa. Mulumba travelled regularly to Kinshasa for meetings with the President, Félix-Antoine Tshisekedi, General Franck Ntumba, head of the Maison militaire, and General Christian Tshiwewe Songhesha, the army chief of staff (see annex 44; and S/2023/990, annexes 23 and 24).

62. From December 2023 to April 2024, VDP, alongside other Wazalendo combatants, was actively engaged in fighting, in particular around Rusayo, Karuba, Mweso, Mushaki, Rwindi, Nyanzale and Sake. Either alone or jointly with FARDC and Burundian troops, VDP and other Wazalendo combatants defended strategic towns such as Minova and Sake (see paras. 32 and 83), strategically positioned themselves to thwart M23 and RDF progress towards South Kivu and led attacks to recapture M23- and RDF-controlled areas such as Rwindi and Nyanzale, where active fighting was going on at the time of drafting (see para. 42 and annex 45). Many VDP and Wazalendo combatants were killed or wounded (S/2023/431, para. 84).

63. The office of the Governor of North Kivu, Major General Peter Cirimwami, coordinated VDP operations.[55] Colonel Cyprien Sekololo of the FARDC État-major in Goma was the direct liaison between FARDC and VDP and also responsible for providing military equipment (S/2023/990, annex 25). VDP sources reported that

[53] FARDC, Wazalendo, security and intelligence sources and Democratic Republic of the Congo officials.

[54] Combatants, military intelligence, FARDC and civil society sources and researchers.

[55] Security, FARDC and Wazalendo sources.

Cirimwami's office received $300,000 monthly to manage the VDP armed groups. Other sources, however, reported that government financing in support of armed groups was at least twice that amount.[56]

64. FARDC continued to provide arms and logistics to VDP leaders and combatants (see annex 46; and S/2023/990, para. 39).

65. VDP engagement in combat, and the weaponry and logistics supplies provided by FARDC to this coalition of armed groups – all sanctionable acts – were repeatedly labelled as a "necessary evil" by FARDC officers and government officials. The Group notes that this reliance on armed groups reflects the structural disorganization and weakness of Democratic Republic of the Congo security and armed forces, as acknowledged by FARDC officers and individuals close to the presidency (S/2023/431, paras. 84 and 85). In this context, on 9 February 2024, the 21-year moratorium on the execution of death penalty sentences was lifted for cases of defection and "treason" among the defence and security forces (S/2022/967, para. 38). Government officials and security and FARDC sources reported that the aim of the lifting was to dissuade new defections and treason in favour of M23 (see annex 47).

Dissensions within the Volontaires pour la défense de la patrie

66. Despite the establishment of a command and coordination structure, VDP persisted as a loose coalition, with each armed group maintaining its own independent command structure (S/2023/431, paras. 75–78; and S/2023/990, paras. 33–40). On the front lines, VDP groups often operated under joint command, such as in Sake where Kambuzi (APCLS) and Shangwe Dynamique, also known as Defender (Forces de défense des droits du peuple), were cited as commanding the operations (see para. 112).

67. VDP and Wazalendo leaders and combatants repeatedly complained about ineffective coordination and lack of cohesion, trust and discipline within the coalition. Personal antagonisms within the VDP leadership and competition between the armed groups became recurrent, as each group was eager to protect its own interests, control tax collection in its areas of control and profit most from the resources provided by the Government of the Democratic Republic of the Congo (see paras. 131, 132 and 140–144).[57]

68. In late December 2023, several armed groups and their leaders – "General" Kasereka Kasyano Kabidon (Front patriotique pour le peuple/Armée du peuple, FPP/AP), "General" Mapenzi (NDC-R/Bwira), Ephrem Izabayo Kabasha (Mouvement populaire de l'autodéfense/Armée populaire de l'autodéfense, MPA/APA), "Major General" Bigabo (CMC/Forces armées du peuple congolais), Mai Mai Kifuafua and Raia Mutomboki Hamakombo – broke away from VDP to create a new alliance, the Front commun de la résistance (FCR). The claimed objective of this coalition was "to address the root causes of instability and promote peaceful coexistence in eastern [Democratic Republic of the Congo]" (see annex 48). Meanwhile, multiple sources reported that this breakaway faction was driven by suspicions that some VDP leaders had been approached by AFC, M23 and/or Rwanda and were in the process of defecting.[58] The leader of the Mouvement populaire de l'autodéfense/Armée populaire de l'autodéfense, Ephrem Kabasha, reported to the Group that he had joined the AFC ranks.

[56] Security and intelligence sources.

[57] Volontaires pour la défense de la patrie leaders and combatants, and security and United Nations sources.

[58] Combatants, civil society, FARDC, military intelligence, United Nations sources and researchers.

Volontaires pour la défense de la patrie/Wazalendo meeting with the Government

69. On 8 April 2024, 48 armed group leaders from South Kivu, North Kivu and Ituri travelled to Kinshasa at the presidency's request. Among the issues discussed were strengthening cohesion among Wazalendo groups and clarifying that the sanctioned armed group Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi (FDLR-FOCA) was an ally, despite international pressure on the Government of the Democratic Republic of the Congo to cease collaboration with it. The meeting also aimed to prepare new operations against M23 and RDF (see annex 49).

Use of the Forces démocratiques de libération du Rwanda as a proxy by the Government of the Democratic Republic of the Congo

Continued cooperation between the Armed Forces of the Democratic Republic of the Congo and the Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi

70. On 21 November 2023, following diplomatic pressure requesting the Government of the Democratic Republic of the Congo to distance itself from FDLR-FOCA (S/2023/990, paras. 33–36),[59] Lieutenant General Christian Tshiwewe, the FARDC chief of staff, issued instructions banning cooperation between FARDC and FDLR (see annex 50). However, FDLR-FOCA remained part of the coalition supporting FARDC and continued to be active at front-line positions at the time of drafting, including at the request of FARDC.[60]

71. FDLR-FOCA combatants engaged in clashes with M23 and RDF, either alone or alongside FARDC, VDP and FDNB troops, notably in areas around Karengera, Rusayo, Kibati and Kanyamahoro, all traditional FDLR-FOCA strongholds. FDLR-FOCA also engaged in clashes in strategic locations in Nyiragongo territory, in particular around Sake.[61]

72. The FDLR commander Fidel Sebagenzi was a liaison between FDLR-FOCA and VDP, as well as between the sanctioned FDLR-FOCA military commander "Major General" Ntawunguka Pacifique, alias Omega Israel (CDi.024), and the Governor of North Kivu, Major General Cirimwami. FARDC also provided military equipment and financing to FDLR-FOCA in exchange for its role in fighting M23, in violation of the arms embargo.[62]

Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi structure and reorganization

73. Since the first M23 and RDF attacks on FDLR-FOCA bases in 2022 (S/2023/431, paras. 86–90), key FDLR-FOCA leaders and many combatants have been killed. FDLR-FOCA also lost some of its key positions (S/2022/479, paras. 73 and 74; and S/2023/431, para. 86) and was compelled to move its headquarters from Tongo to Shove, further south in Rutshuru territory.[63] To prevent its forces from being annihilated, the FDLR-FOCA leadership decided to split geographically. One operational command structure was established in Rusayo, Nyiragongo territory, under the command of "Colonel" Sirkoof (alias Gustave Kubwayo). A second

[59] Diplomatic and intelligence sources.

[60] Combatants, Forces démocratiques de libération du Rwanda (FDLR) leaders, security, FARDC, civil society and intelligence sources and researchers.

[61] Combatants, intelligence, security, United Nations and civil society sources and researchers.

[62] Ex-combatants, military intelligence, researchers and civil society.

[63] Ex-FDLR combatants, civil society and researchers. In addition to FDLR-Forces combattantes abacunguzi (FDLR-FOCA) headquarters, its operational sectors, including "Samariya" and "Jericho", were also dislocated.

operational command structure was relocated to Mubambiro and Sake, Massisi territory, under the command of "Colonel" Oreste Ndatuhoraho (alias Marinet).[64]

74. The sanctioned individual "Major General" Omega Israel remained the overall military commander of FDLR-FOCA, and "General" Victor Byiringiro (alias Rumuri or Rumuli) continued to serve as interim president of the FDLR-FOCA political wing. "Major General" Cyprien Uzabakiriko (alias Ave Maria or Mugisha Kolomboka) served as Rumuri's deputy and the FDLR-FOCA intelligence officer. Niyiturinda Placide (alias Cure Ngoma) was the FDLR-FOCA spokesperson (see annex 51).[65]

75. On 2 December 2023, the sanctioned individual Protogène Ruvugayimikore (alias "Colonel" Gaby Ruhinda) (CDi.037), then commander of the FDLR-FOCA special unit, known as the Commando de recherche et d'action en profondeur (CRAP), was assassinated by an FDLR-FOCA combatant.[66] As of March 2024, "Colonel" Sirkoof (alias Gustave Kubwayo) had been appointed as the new CRAP commander, and Ngabo Guillaume (alias Bagdad) was serving as his deputy.[67]

76. The death of "Colonel" Ruhinda triggered tensions within FDLR-FOCA. Besides having suffered human losses, FDLR-FOCA was plagued by internal rivalries among its leaders at the time of drafting, notably because several FDLR combatants suspected that "General" Omega had killed Ruhinda at the request of the Government of Rwanda.[68]

77. Nevertheless, FDLR-FOCA remained an influential armed group in Petit Nord, with an estimated 1,000 to 1,500 combatants, regrouped in three battalions, each in charge of one of three axes: (a) "Samariya" (Kishishe, Kalengera, Kibirizi and Mabenga); (b) "Jericho" (Rwindi-Nyanzale); and (c) "Médaillon" (Sake, Mubambiro and Karuba).[69] The CRAP unit is estimated to comprise some 350 to 500 combatants. In late January 2024, 600 new combatants, mostly Congolese nationals who received military training at a centre in Mihanja, Masisi territory, joined the FDLR-FOCA ranks to compensate for the numerous combatants lost in combat.[70]

78. FDLR-FOCA continued to finance itself largely from the exploitation of charcoal and wooden planks in Virunga National Park, kidnappings for ransom and illegally collected taxes at checkpoints (see paras. 134–136).

79. Meanwhile, formerly demobilized FDLR-FOCA combatants continued to be redeployed with M23 and RDF, who relied on them to identify FDLR, FARDC and Wazalendo positions (see para. 43; and S/2023/990, para. 30).[71] For example, "Colonel" Bimenyimana (alias Cobra), who went through the disarmament, demobilization and reintegration process in 2003, was spotted during the fight in Kitshanga in 2023.

Update on the national defence reserve force

80. The Réserve armée de la défense de la République démocratique du Congo remained in its conceptual phase at the time of drafting (S/2023/990, paras. 41 and 42). Annex 52 provides an update.

[64] FDLR and United Nations sources.
[65] FDLR and United Nations sources, Wazalendo combatants and researchers.
[66] FDLR leaders, combatants, researchers and photographs of Ruhinda's body viewed by the Group.
[67] Ex-combatants, civil society, military intelligence, United Nations sources and researchers.
[68] Ibid.
[69] FDLR combatants and leaders and United Nations sources.
[70] Ex-combatants, military intelligence, researchers and civil society.
[71] Ibid.

Burundi armed forces (Burundi National Defence Force)

81. The Group obtained additional evidence of the covert deployment of FDNB troops in Petit Nord, outside the framework of the East African Community Regional Force (EACRF) mandate (see para. 89). This deployment was initially denied by both the Democratic Republic of the Congo military headquarters and the Government of Burundi (see annex 53; and S/2023/990, paras. 43–46)

82. Following the announcement of the EACRF withdrawal, the Burundian EACRF troops deployed in Petit Nord departed on 9 and 10 December 2023. Prior to the official withdrawal, some FDNB troops deserted their positions in Kitshanga, Mweso and Kilolirwe in early November 2023. Upon their arrival in Burundi, between 300 and 500 FDNB troops were imprisoned in Cibitoke on charges of desertion and have since been held incommunicado (see annex 54).

83. After the withdrawal of EACRF, FDNB troops were more openly deployed in the framework of a bilateral agreement between the Democratic Republic of the Congo and Burundi as part of the FARDC-FDNB task force joint operations. FDNB was tasked with conducting offensive operations against M23 and RDF on the northern Rwindi-Mabenga road and with containing M23 and RDF on the southern Sake-Minova road.[72] Additional FDNB troops arrived in Goma between December 2023 and February 2024 (see annex 55) and were transported by boat and truck from Goma to, inter alia, Minova in South Kivu and Sake in Masisi territory. Brigadier General Elie Ndizigiye commanded FDNB operations in North Kivu.

84. FDNB troops were deployed south of Karuba and north-west of Minova, Masisi territory.[73] They had not deployed in the Rwindi-Mabenga area at the time of drafting, as initially foreseen. From January 2024 onwards, FDNB troops, alongside FARDC and Wazalendo groups, were actively engaged in defensive operations along the Sake-Minova road, preventing M23/RDF expansion to South Kivu. FDNB also launched offensive operations to reoccupy territories lost by FARDC in the Sake-Minova area.[74]

85. FDNB has suffered many losses.[75] M23 sources and sources close to Rwanda reported that RDF was instructed to target FDNB troops on the battlefield.[76] M23 also identified FDNB as one of its enemies, and still held captured FDNB troops in Rutshuru prison at the time of drafting (see annex 56).

86. The Group notes that FDNB deployment in North Kivu to fight M23 and RDF, which was repeatedly denounced by M23 and Rwandan officials (S/2023/990, para. 44), further increased tensions between both countries (see paras. 178–183).

87. In response to the Group's enquiries, the Government of Burundi stated that FDNB was deployed in North Kivu on 5 March 2023 as part of the EACRF intervention. It also stated that in February 2024, after the departure of EACRF, FDNB carried out operations to track down Burundian negative forces in response to the alliance of the Burundian Forces nationales de libération and RED Tabara "terrorist groups" with other "negative forces" (referring to Rwanda) in the subregion.

[72] FARDC sources and documents.
[73] FARDC, security, civil society and United Nations sources and researchers.
[74] FARDC and security sources.
[75] FARDC and security and intelligence sources.
[76] M23 and intelligence sources and researchers.

Southern African Development Community Mission in the Democratic Republic of the Congo, Operation Springbok and the East African Community Regional Force

88. At its extraordinary summit held on 8 May 2023 in Windhoek, SADC resolved to deploy troops to the Democratic Republic of the Congo for a 12-month period. Contrary to EACRF, the SADC Mission in the Democratic Republic of the Congo has an offensive mandate to support the Government in restoring peace and security in the east of the country. Annex 57 provides details of the Mission's deployment and operations.

89. The Mission's deployment followed the forced withdrawal of EACRF in December 2023, which coincided with the continuously deteriorating security situation in North Kivu, despite the launching by MONUSCO and FARDC in November 2023 of the operation code-named Springbok. Annex 58 provides details on the EACRF withdrawal and Operation Springbok.

E. Unprecedented humanitarian crisis and grave violations against civilians

90. The humanitarian crisis in North Kivu reached unprecedented severity due to persistent fighting between M23/RDF and the FARDC-Wazalendo coalition,[77] leading to the displacement of an additional 1 million civilians since October 2023 (see annex 59).[78] The flow of internally displaced persons overburdened already congested displacement camps, with well over 100 official and makeshift sites recorded around Goma.[79]

91. The heightened humanitarian crisis resulted from a shift in means of warfare towards the use of heavy artillery and mortar attacks on or near densely populated areas, including the outskirts of Goma (see paras. 93–98). Children were most affected by the conflict, including as a result of recruitment by armed groups.[80] Incidents of sexual violence reached unprecedented levels, with most cases affecting the population of internally displaced persons and attributed to armed perpetrators, including Wazalendo and FARDC elements (see annex 60; and S/2023/431, annex 17).[81]

92. All armed groups continued to perpetrate violations of international humanitarian law and international human rights law, most often with complete impunity.[82] Violations perpetrated by both belligerent parties included: (a) indiscriminate attacks using explosive weapons; (b) systematic persecution and reprisals against civilians perceived as opposing the armed groups, including through murder, torture, corporal

[77] United Nations and humanitarian sources. See also S/2024/251, para. 95; and https://dtm.iom.int/reports/drc-north-kivu-m23-crisis-analysis-15-march-2024.

[78] See 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; and www.intersos.org/en/ddrc-escalating-conflict-exacerbates-the-emergency-in-north-kivu.

[79] Humanitarian sources.

[80] See 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; and www.savethechildren.net/news/drc-violence-north-kivu-forces-over-500-schools-close-teachers-kidnapped-and-students-terrified#:~:text=The%20current%20wave%20of%20violence,including%20at%20least%20500%2C000%20children.

[81] Humanitarian, United Nations and civil society sources and researchers.

[82] See https://guide-humanitarian-law.org/content/article/3/non-state-armed-groups/#:~:text=Contrary%20to%20what%20was%20foreseen,5.1%20and%206.2.

punishment, kidnapping and arbitrary detention; (c) rape; (d) recruitment and use of children, including in hostilities; (e) pillaging and extorsion; and (f) forced labour. These constitute sanctionable acts.

1. Indiscriminate attacks using explosive ordnance in populated areas

93. Since October 2023, both belligerent sides have frequently employed explosive ordnance – mortars, rocket launchers and drones – within or near densely populated areas, including camps for internally displaced persons, causing heavy civilian casualties. Between January and March 2024, the Group documented over 30 incidents of explosive weapons used by both sides that caused civilian casualties. The majority of these occurred in areas with high concentrations of internally displaced persons and town centres, and some near medical facilities. Over 50 civilians were killed, hundreds were injured and civilian infrastructure was destroyed.[83] Among the hundreds of injuries treated since January in medical facilities in Goma, at least 40 per cent were blast injuries (see annex 61).

94. M23 and RDF launched indiscriminate mortar and rocket fire on urban areas, notably in Bambo, Rutshuru territory, on 26 October 2023. Between January and March 2024, M23 and RDF systematically fired on urban areas on the outskirts of Sake and Goma. FARDC was also responsible for several incidents involving indiscriminate or inaccurate firing, as documented in Bambo on 7 November 2023 and Mweso on 25 January 2024. Further details about these incidents are provided in annex 62.

95. The following circumstances surrounding the systematic mortar attacks by M23 and RDF are noteworthy: (a) operation of weapons by trained elements (see paras. 46 and 52–54); (b) targeting of densely populated areas; (c) awareness of the civilian population's presence in or near the areas targeted; (d) failure to forewarn civilians of impending attacks; and (e) existence of reports indicating mass civilian casualties resulting from prior attacks.

96. Similar considerations are applicable to attacks carried out by FARDC, with the distinction that FARDC elements operating the weaponry lacked adequate training, increasing the likelihood of targeting and execution errors. Despite being aware of such deficiencies, the FARDC high command accepted the risks associated with utilizing heavy weapons in or near urban areas, citing military necessity (see annex 62).[84]

97. Both belligerent parties failed to adequately minimize harm to civilians, by implementing advance warning systems and/or allowing adequate time for civilians to vacate targeted areas. Despite repeated warnings from humanitarian actors against the use of explosive weapons in populated areas, including near hospitals, schools and displacement camps, shelling incidents persisted.[85] M23/RDF and FARDC/Wazalendo even occasionally established military positions within or near civilian settlements, including camps for internally displaced persons, exposing civilians to reprisal attacks and collateral damage (see annex 63).

98. When using indiscriminate weapons such as explosive ordnance, armed actors must consider civilian risks and minimize harm. Failure to adopt effective precautionary measures, including in selecting means and methods of attack to

[83] United Nations, humanitarian and non-governmental organization sources, researchers, victims, eyewitnesses, and photographic and video evidence.

[84] Confidential source and military sources.

[85] See https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-drc-increased-conflict-intensity-ocha-icrc-ingo-forum-echo-daily-flash-14-february-2024; www.icrc.org/en/document/north-kivu-dozens-injured-arrive-in-goma-during-intense-fighting; and www.icrc.org/en/document/dr-congo-civilians-firing-line-use-heavy-weapons-signals-alarming-new-phase-armed-conflict.

mitigate civilian casualties, aligns with the definition of an indiscriminate attack under international humanitarian law (see annex 64). Adherence to principles delineating distinction, precaution and proportionality is a fundamental obligation incumbent upon military commanders during the conduct of hostilities and the issuance of attack orders. Failure to uphold these principles may engender individual criminal liability for potential war crimes. Such conduct also meets designation criteria for sanctions.

2. Recruitment and use of children in hostilities

99. Child recruitment and use had reached alarming levels by early 2024, owing to the escalation of the conflict.[86] Evidence collected by the Group corroborates the increase in recruitment, including of children, during 2023 and 2024 by both M23 and RDF and armed groups of the Wazalendo coalition (S/2023/431, paras. 72–74 and 146).[87]

M23 and RDF forced recruitment and use of children

100. M23 and RDF recruitment efforts increased following their offensive initiated in October 2023 (S/2023/990, paras. 27 and 90), including through the recruitment of minors across the eastern Democratic Republic of the Congo, Rwanda and Uganda.[88]

Mouvement du 23 mars recruitment in the Democratic Republic of the Congo

101. M23 systematically abducted men, adolescents and children in the conquered territories, predominantly in Rutshuru and Masisi territories.[89] Hundreds of men and boys from the age of 10 to 12 were abducted in rural areas while working in the fields, individually or in large groups,[90] as confirmed by several ex-M23 combatants who were recruited in such circumstances. In larger urban areas such as Kiwanja and Rutshuru, M23 enticed young people with deceptive financial promises.[91] M23 also organized awareness-raising campaigns through local leaders and public meetings.[92] Despite such initiatives of "voluntary" enlisting, the systematic abduction of men and children from the age of 12 has increased since December 2023.[93] Recruits who attempted to escape faced execution (see annex 65).[94]

102. Confidential sources reported that "Colonel" Bahati Erasto and "Colonel" Castro (now deceased) were in the Mweso-Kitshanga area in early January 2024 (see para. 35) including to oversee recruitment. Reportedly, they urged local youths to join M23 and requested neighbourhood chiefs to compile lists of men between the ages of 15 and 60 for recruitment.[95]

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[86] United Nations sources. See also S/2024/251 para. 32; https://reliefweb.int/report/democratic-republic-congo/drc-remains-epicentre-child-suffering-war-country-tops-world-list-grave-violations-against-children; and https://watchlist.org/publications/children-and-armed-conflict-monthly-update-december-2023.

[87] United Nations sources, former child soldiers, (ex-)combatants, military, intelligence and civil society sources, researchers, child protection actors, photographic and video evidence and direct observations by the Group.

[88] M23 ex-combatants including five minors, ex-RDF members, intelligence, military and United Nations sources, researchers, civil society, protection actors and armed group leaders.

[89] Confidential sources.

[90] Confidential and United Nations sources, ex-combatants and former abductees.

[91] Confidential and United Nations sources and ex-M23 recruits.

[92] Confidential, United Nations and community-based sources and ex-combatants.

[93] United Nations and confidential sources and ex-combatants.

[94] M23 ex-combatants including five minors, ex-RDF members, intelligence, military and United Nations sources, researchers, civil society, protection actors and armed group leaders.

[95] A confidential source and an ex-M23 recruit.

Recruitment in Rwandan and Ugandan refugee camps

103. M23 continued to recruit abroad (S/2023/431, paras. 146–149), including in refugee camps in Rwanda[96] and Uganda,[97] primarily targeting Congolese refugees.[98] Intelligence sources, ex-RDF members and five children recruited from refugee camps confirmed that recruitment activities were going on in nearly all refugee camps in Rwanda, notably in Mahama,[99] Gisagara, Kizimba and Gihembe.

104. Recruitment was conducted predominantly through false promises of remuneration or employment by RDF officers.[100] A former RDF officer confirmed that recruiters were trained intelligence officers adept at ideological persuasion, who employed financial incentives or indoctrination tactics to convince recruits. Those who did not consent were taken forcefully.[101] Four children abducted from various refugee camps in Rwanda described how children aged 12 and above had been lured by recruiters from schools in refugee camps and taken to Musanze (also known as Ruhengeri) in Rwanda. From there soldiers led them by foot to Tchanzu for military training. Musanze thus served as a transit point for recruits destined for Tchanzu, which is located directly across the border in the Democratic Republic of the Congo (see annex 66).[102]

105. Similar recruitment efforts were reported in refugee camps in Uganda, notably in Kyaka II[103] in western Uganda and in Nakivale[104] near the southern Rwandan border. Various sources reported that recruits, including children, lured by false financial incentives had been brought to the Democratic Republic of the Congo since 2022, mainly through Bunagana.[105] These recruitment circuits were also utilized for the recruitment of Banyamulenge youths, including minors (S/2023/431, paras. 146–149).

Military training of children

106. Ex-recruits, including children trained at Tchanzu (see paras. 38 and 39), confirmed the presence of children from 10 to 12 years old in training camps, including children recruited from Rwanda. Corroborated evidence indicates that well over 1,000 recruits have been trained at Tchanzu in 2023 and 2024, at least 20 per cent of whom are estimated to be minors.[106]

107. Recruits aged 15 and above were combat-trained and dispatched to the front lines to fight.[107] Recruits were also subjected to heavy labour, including digging underground tunnels and trenches. The youngest children, usually under 15 years old, did not receive full tactical training but carried out chores and acted as escorts or servants to commanders until they became “ripe” for combat duty.[108] A 16-year-old

[96] See www.unhcr.org/rw/list/where-we-work.
[97] See https://data.unhcr.org/en/country/uga; and https://reliefweb.int/report/uganda/unhcr-uganda-factsheet-june-2023.
[98] Ex-combatants, ex-child soldiers and military, intelligence and United Nations sources.
[99] See https://reliefweb.int/report/rwanda/unhcr-rwanda-mahama-refugee-camp-factsheet-february-2023.
[100] An RDF officer and ex-child soldiers recruited from these camps.
[101] Ibid.
[102] Ex-child soldiers.
[103] See https://data.unhcr.org/en/documents/details/71912; and https://data.unhcr.org/en/documents/details/91326.
[104] See https://data.unhcr.org/en/documents/download/48488.
[105] Witnesses, military, intelligence and United Nations sources, ex-recruits and researchers.
[106] Ibid.
[107] Ex-recruits and confidential and United Nations sources.
[108] Ex-recruits and confidential, United Nations and intelligence sources.

boy testified to serving as an escort to Baudoin Ngaruye. A former recruit also cited "Colonel" Jeff (see para. 36) as using minors as escorts.

108. Most instructors were RDF soldiers, accompanied by Congolese trainers (see paras. 38 and 39),[109] who trained adults and children together. Former trainees also reported having seen Makenga at the training grounds in Tchanzu, including when children were present.

Recruitment and use of children by Wazalendo groups

109. The Wazalendo groups further intensified recruitment amid the escalating conflict (S/2023/431, paras. 72–74 and 87), with a variety of sources confirming that nearly all Wazalendo groups used children.[110] School closures, displacement, food insecurity and violence heightened children's vulnerability to recruitment, with families endorsing enrolment because of chronic insecurity and resource scarcity. Recruitment by the Wazalendo through community outreach, promising favourable conditions within the group, was reported in Masisi, Rutshuru and Walikale territories.[111]

110. Joint operations and cohabitation among various Wazalendo groups complicated the task of assigning responsibility, prompting the Group to name specific groups only when their responsibility was unequivocally established. The Group was able to establish the use of child combatants by NDC-R/Guidon, APCLS, FDLR-FOCA, CMC-Domi, the Union des patriotes congolais pour la reconstruction du Congo libre (UPCRL), the Force d'action rapide-Wazalendo (FAR-W) and Nyatura-Abazungu of Jean Marie (see annex 67).

111. The presence of armed children has been widely reported around Goma and Sake, at or near military positions and camps for internally displaced persons.[112] Children carrying AK-type assault rifles accompanied FARDC soldiers or moved about in their plain sight, as observed also by the Group during missions in the area in March 2024 (see annex 67).

112. Sources confirmed the use of children in Sake within the ranks of APCLS of "Colonel" Kambuzi and FDDP of "General" Defender.[113] Two child combatants at hotel "Chez JC" in the Mubambiro neighbourhood of Sake declared being FDDP combatants of "General" Defender.[114] Various sources also reported the regular presence of child combatants at the hotel,[115] used as a base by FDDP, APCLS, FDLR-FOCA, CMC and FARDC elements.[116] FARDC Colonel Sekololo (see para. 63) admitted that he regularly held coordination meetings at the hotel with the Wazalendo commanders Defender, "Seigneur de Guerre" (FDLR-FOCA) and Obedi (APCLS) (see annex 67).

Impunity exacerbating the use of children

113. While FARDC and certain armed group leaders reportedly banned the recruitment and use of children[117] and some groups formally agreed to releasing

[109] Ex-recruits and intelligence sources.
[110] United Nations, civil society, community and military sources, combatants, ex-combatants including children, eyewitnesses, photographic evidence and armed group leaders.
[111] United Nations and community sources, protection actors and ex-child soldiers.
[112] United Nations and community sources, civil society, eyewitnesses and protection actors.
[113] Wazalendo combatants, civil society and community sources.
[114] Wazalendo combatants including children, military sources, community members, civil society, direct observations and photographs.
[115] Community sources and researchers.
[116] Combatants and community and military sources.
[117] A Collectif des mouvements pour le changement leader and confidential and community sources.

children from their ranks,[118] the Group found no evidence that such initiatives were implemented by any of the Wazalendo groups,[119] and the presence of children continued to be observed (see annex 68).

114. The Government has thus far failed to take effective action to ensure the immediate release of all children under the age of 18 from these groups and to arrest commanders responsible for such practices, despite being informed of the use of child combatants by Wazalendo groups. This is in contravention of the country's legal framework requiring State authorities to ensure the release of children from armed forces and groups (see annex 69).[120]

115. Senior FARDC officers interviewed by the Group stated that the Government prioritized security above the imperatives of justice, and until their objectives were reached, they were compelled to accept and manage the "minor whims" and transgressions of the Wazalendo.[121] The President of the Democratic Republic of the Congo justified the phenomenon of children participating in armed combat using similar force majeure arguments.[122]

3. Other violations of international humanitarian law and international human rights law

Mouvement du 23 mars and the Rwanda Defence Force

116. M23 frequently abducted, imprisoned, tortured and executed civilians accused of collaborating with Wazalendo armed groups and/or FARDC,[123] continuing the previously documented pattern of killings and kidnappings of perceived enemies (S/2023/431, para. 65). M23 and RDF specifically targeted localities predominantly inhabited by Hutus in areas known to be strongholds of FDLR and Nyatura groups, such as in the localities and *groupements* of Bukombo, Burambo and Nyanzale in the Bwito chiefdom and in Busanza in the Bwisha chiefdom, Rutshuru territory, with numerous executions and the destruction of villages reported (see annex 70).[124] These forms of collective punishment against civilians are sanctionable acts and may constitute war crimes.

117. M23 continued its large-scale conscription of civilians for forced labour (S/2023/431, para. 70 and annex 45), with hundreds of civilians systematically forced to participate in communal works called "Salongo".[125]

Wazalendo and the Armed Forces of the Democratic Republic of the Congo

118. Wazalendo armed groups committed serious violations, including kidnappings for ransom, extortion, pillaging, unlawful imprisonment, torture, rape, murder, reprisal killings and execution of civilians accused of collaborating with the enemy.[126] The Wazalendo did not target any particular ethnic group (see annex 71).

119. Most violations documented, including killings, occurred in the context of clashes between Wazalendo groups fighting for territorial dominance (see para. 67),

[118] United Nations and a confidential source.
[119] United Nations, community and civil society sources, eyewitnesses and protection actors.
[120] Child protection actors and public reporting. See also S/2023/363.
[121] FARDC, community sources and protection actors.
[122] See 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] Witnesses, researchers and community-based, United Nations and confidential sources.
[124] Ibid.
[125] Ex-M23 combatants, community-based, United Nations and confidential sources, researchers and videos.
[126] United Nations, humanitarian, confidential, community-based and non-governmental organization sources, victim and witness testimonies and researchers.

the settlement of local conflicts or personal scores, or the harassment of the local population with predatory intentions such as looting, taxing, extortion or rape. NDC-R/Guidon and Nyatura-Abazungu groups were most frequently cited as having committed serious abuses against civilians.[127]

120. Wazalendo groups thrived on a violent war economy in the territories that they controlled. They increased the collection of illegal taxes to fund the purchase of armament.[128] Armed groups operating in the northern part of Goma and Nyiragongo – including APCLS, UPCRL, FDLR and CMC – systematically engaged in kidnappings for ransom, arbitrary detentions and executions (see annex 72).

121. The proliferation of Wazalendo combatants and FARDC troops who retreated to defend positions around Goma and Sake led to a sharp rise in criminality within Goma and in overcrowded camps for internally displaced persons. Their presence also led to the systematic violation of the civilian and humanitarian nature of such sites, with Wazalendo and FARDC armed elements subjecting vulnerable internally displaced persons to abuse and serious violations, including unprecedented levels of sexual violence (see annex 60) and economic predation.[129]

122. The recognition of the Wazalendo by the Government and the general public as "patriots" fighting for the liberation of the country gave these armed groups the excuse to act with impunity, with State security services either unable or unwilling to arrest perpetrators (see para. 115).[130]

4. Attacks on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

123. MONUSCO staff, assets and operations were targeted by both M23/RDF (see paras. 49 and 51) and FARDC/Wazalendo, posing a significant threat to peacekeepers and United Nations assets. Evidence of the systematic targeting of MONUSCO troops by FARDC and Wazalendo groups around Sake revealed a concerted strategic effort to impede MONUSCO movements and mandate implementation (see annex 73). The Group reiterates that attacks on United Nations peacekeepers and staff constitute sanctionable acts.

F. Roadblocks, illegal taxation and logging by armed groups and government actors

124. All armed actors active in Petit Nord benefited from the production and/or illegal taxation of wooden planks in the areas under their control (see annex 74). Since M23 started occupying large parts of Rutshuru, Nyiragongo and Masisi territories, illegal taxes have been levied on wooden plank transporters, resulting in a 40 per cent to 50 per cent increase in final selling prices in Goma. This exacerbated the economic impact of the conflict on populations in Goma and its surroundings (see annex 75).[131] Illegal taxation yielded important profits for armed groups, which they used to sustain their troops and strengthen their military capacity.

125. Illegal and uncontrolled logging also led to the destruction of significant swaths of virgin forest in protected areas of Virunga National Park. Data show that since the

[127] Ibid.
[128] Ibid.
[129] Ibid.
[130] Ibid.
[131] Wholesale retailers at "Chez Modé", Kihisi and Mugunga markets, Goma.

start of the M23-related crisis in 2021, deforestation in Nyiragongo and Rutshuru territories has reached unprecedented levels (see annex 76).

126. The cases presented below focus on the illegal taxation, production and trade of wooden planks only, although the illegal economic opportunities generated by the crisis in Petit Nord extended well beyond. Illegal taxation by armed actors through roadblocks affected every kind of road user, including transporters. Likewise, proceeds from the illegal exploitation of natural resources include, but are not limited to, the production of charcoal, cattle herding, farming, land grabbing and mining. Benefits from logging and taxes thus represent only a fraction of armed actors' revenue in Petit Nord.

Illegal taxes and logging by the Mouvement du 23 mars

127. M23 engaged in illegal logging, including in Virunga National Park, and imposed heavy taxes on trucks transporting planks through areas under its control.

128. M23 imposed an illegal tax of $520 on each Fuso truck transporting wooden planks. Trucks coming from Lubero territory were taxed at roadblocks in Kitshanga, Rutshuru territory, or Kirolirwe, Masisi territory. Those coming from Walikale territory were taxed in Mushaki, Masisi territory.[132] On average, 12 trucks transited weekly through Kitshanga, all taxed by M23 (see annex 77). From January to mid-March 2024, M23 levied illegal taxes on over 125 trucks, amounting to over $65,000 (averaging over $300,000 per year).

129. M23 controlled illegal logging and plank production in the entire Mikeno sector of Virunga National Park, along the border between Nyiragongo and Rutshuru territories. The armed group logged 40 tons of timber per week, corresponding to 450 beams, worth a total of $40,000 to $50,000 at wholesale prices in Goma.[133]

130. After its territorial push towards Nyanzale (see para. 33), M23 started occupying illegal logging areas along the Kalengera-Tongo road in Rutshuru territory, within the main sector of Virunga National Park. Illegal logging in this area was also reported to yield 40 tons of timber weekly, thus having a similar economic value to logging in the Mikeno sector.[134]

Wazalendo illegal taxes and logging

131. Wazalendo combatants belonging to CMC-FDP and APCLS imposed a $74 tax in Kingi, Masisi territory, on each truck transporting planks to Goma.[135] For truck drivers, this tax was in addition to that already imposed by M23, as Kingi is located down the road from Kitshanga to Sake. From January to mid-March 2024, taxes on 125 trucks yielded $9,260, averaging $44,000 per year. Both armed groups taxed trucks coming from Walikale territory at the same roadblock in Buhumba, north-west of Rubaya, Masisi territory, prior to the M23 roadblock in Mushaki (see annex 78).

132. During the reporting period, CMC-FDP logged 30 tons of timber weekly in Rutshuru territory, between Bukombo – CMC-FDP leader Domi's command centre – Pinga, Kitshanga and Peti.[136] This corresponded to 330 beams, worth an estimated

[132] Truck drivers, wholesale retailers, Ministry of the Environment and civil society actors.
[133] Civil society and United Nations sources, Ministry of the Environment and researchers.
[134] Civil society and United Nations sources, Ministry of the Environment, researchers and truck drivers.
[135] Ibid.
[136] Ibid.

$37,500 weekly at wholesale prices in Goma, averaging $1,950,000 per year. Domi owned a plank depot in Goma that sold the planks produced.[137]

Forces démocratiques de libération du Rwanda-Forces combattantes abacunguzi illegal taxes and logging revenue

133. FDLR/FOCA did not directly engage in the production of planks, but rather sold to wholesale plank retailers the "permit" for tree felling along the border of Virunga National Park, south-west of Kibumba, Nyiragongo territory (see annex 79).

134. Some 30 tons of mixed shuttering and ordinary timber were cut weekly under FDLR-FOCA control.[138] Assuming that an equal share of the two qualities of timber was produced, this corresponded to $5,150 for FDLR-FOCA weekly, averaging $268,000 per year.

135. Plank production controlled by FDLR-FOCA in Nyiragongo territory was sold to wholesalers and picked up by transporters in Rusayo. The latter were compelled to pay $407 to FDLR-FOCA before loading planks destined for Goma. FDLR-FOCA in Rusayo earned an average of $1,425 weekly, or $74,000 in illegal taxes per year.

136. FDLR/FOCA gained an estimated $340,000 per year from illegal logging and taxation.

State agencies' illegal taxes

137. According to an order dated 24 May 2022 issued by the Governor of North Kivu, trucks were prohibited from using the Goma-Rutshuru road (RN2). Still, an estimated two to three trucks illegally transporting wooden planks transited daily, with the complicity of State agents operating the checkpoint known as "OPRP" in Kanyaruchinya, Nyiragongo territory.[139] Upon arrival at night, transporters paid $160 to the agents manning the checkpoint (see annex 80).[140] In the first quarter of 2024, agents collected $25,000 to $37,000 in illegal taxes from plank transporters,[141] averaging $100,000 to $150,000 per year.

G. Illegal mineral exploitation and trade in Rubaya

138. Mining sites in the Rubaya area remained under the control of the armed group Coalition des patriotes résistants congolais-Force de frappe (PARECO-FF), which continued to oversee mineral exploitation in Rubaya (S/2023/990, paras. 60–65). M23 and PARECO-FF established an opportunistic collaboration for the transport of minerals extracted in Rubaya to Mushaki, which became a hub for smuggling Rubaya minerals. Smuggling from Mushaki to the end destination, via Tongo-Kalengera, was exclusively under M23 control. As a result, minerals from Rubaya became ineligible for trade according to the Group's due diligence guidelines.[142]

139. In early April 2024, national authorities reauthorized the trade of minerals from Rubaya, following the opening of a transit route through areas controlled by FARDC and Wazalendo armed groups. Minerals were transported from Rubaya to Minova in northern South Kivu, and from Minova to Goma via Lake Kivu.

[137] Eyewitnesses, wholesaler retailers and plank owners.
[138] Civil society sources and Ministry of the Environment.
[139] Ibid.
[140] Detained FARDC members, FARDC military justice, Ministry of the Environment and civil society sources.
[141] 2–3 trucks x 6 days x 13 weeks x $160 = $24,960 to 37,440.
[142] See www.un.org/securitycouncil/sites/www.un.org.securitycouncil/files/due_diligence_guidelines.pdf.

Coalition des patriotes résistants congolais-Force de frappe control of mining sites in Rubaya

140. Aerial surveillance imagery from January 2024 and reports from Rubaya dwellers show continued mining in Rubaya (S/2023/990, paras. 60–65) and the opening of new sites on the south-eastern slopes of Rubaya hill and at the site known as "D2 Bibatama", located within PE 4731.[143] Annex 81 provides evidence of the continued exploitation and control of mines by PARECO-FF combatants commanded by Shamamba Barigaruye Enoch, the PARECO-FF president (S/2023/990, annex 43; and S/2021/560, para. 62). The International Tin Supply Chain Initiative (ITSCI) informed the Group that from December 2023 to January 2024 mining cooperatives adhering to ITSCI had recorded approximately 46 tons of minerals extracted in Rubaya.[144]

Coalition des patriotes résistants congolais-Force de frappe and Mouvement du 23 mars control of mineral trading routes

141. In December 2023, M23 took control of Mushaki and Karuba, cutting off the last remaining route to transport minerals from Rubaya to export points in Goma. Consequently, two State services of the Democratic Republic of the Congo – the Service d'assistance et d'encadrement de l'exploitation minière artisanale et à petite echelle and the Mine Division, both responsible for regulating artisanal mining activities – withdrew from Rubaya, which pushed ITSCI to suspend all tagging in Masisi territory from 8 December 2023 onwards (see annex 82). However, mineral exploitation and trade continued unabated (see annex 83). Some négociants continued to transport untagged minerals from Rubaya to Goma, risking illegal taxes by PARECO-FF, NDC-R Mapenzi and M23. At the time of drafting, 36 tons of untagged minerals, extracted after the suspension, were quarantined in a warehouse designated by the Commission nationale de lutte contre la fraude manière in Goma.

142. On 17 February 2024, PARECO-FF attempted to extend its control also to mineral trading activities between Rubaya and Mushaki (see annex 84). For example, on 28 February 2024, PARECO-FF combatants stopped a truck loaded with 3 tons of coltan in Bihambwe, Masisi territory.[145]

143. However, NDC-R Mapenzi challenged the PARECO-FF monopoly over trading between Rubaya and Mushaki and disagreed about the need to trade minerals through M23-controlled areas. The Group notes that until early April 2024, when minerals started to be traded via Lake Kivu, they had been exclusively traded through routes controlled by M23. Traders who collected minerals in Rubaya passed through Mushaki, under M23 control, before continuing to Kibumba, through Kilolirwe, Bwiza, Tongo and Kalengera.[146] At least a portion of the Rubaya minerals was then smuggled across the Rwandan border.[147]

144. The Group notes that in 2023 Rwanda recorded an unprecedented rise in coltan exports, i.e. a 50 per cent increase from 2022.

Resumption of trade in April 2024 and risks for the supply chain

145. In early April 2024, the Governor of North Kivu decided on the opening of a new route to transport Rubaya minerals to Goma (see para. 139), and thus readmitted

[143] Aerial imagery, civil society and Rubaya dwellers.
[144] International Tin Association reply to the Group's information request.
[145] FARDC, civil society and United Nations sources and researchers.
[146] Local, United Nations, civil society, Direction Générale de Migration and FARDC sources and researchers.
[147] Civil society and United Nations sources, researchers and mineral transporters.

Rubaya minerals in the supply chain (see annex 85). This decision disregarded the documented control of exploitation sites in Rubaya by PARECO-FF. Yet the Group notes that this armed group's control rendered minerals produced in Rubaya ineligible for trading.

146. Moreover, miners, traders and civil society representatives reported on cross-concession smuggling in Rubaya (S/2021/560, annex 49), as also confirmed by the analysis of production data detailed in annex 86.[148]

147. The Group presented its findings regarding both concession smuggling and armed groups' control of the mineral trading route to ITSCI, which claimed that it did not receive any reports regarding Wazalendo armed groups' control over the sites that it oversees. ITSCI also noted that the absence of State control over PE 4731 still posed significant risks for the sites that it monitored. ITSCI asserted that it had thoroughly communicated these risks to member companies for their due diligence.

148. On 7 March 2024, the Responsible Minerals Initiative, one of the main downstream industry alliances, issued a note to its members, alerting them to the risk of minerals ineligible for trade – originating from Nord Kivu province, in particular the Rubaya area – entering supply chains (see annex 87).

III. Ituri

A. Zaïre armed group's disingenuous commitment to peace

149. In January 2024, Zaïre acknowledged its existence as a "self-defence armed group" and stated its intention to join the peace process (S/2022/479, paras. 101–104). Zaïre leaders pledged to facilitate free movement of civilians, prevent its combatants from carrying weapons and undertake disarmament, among other measures (see annex 88). Zaïre's commitment to end hostilities was short-lived, and evidence indicates that it was disingenuous from the outset. Zaïre remained armed and active in Djugu, Mahagi and Aru territories (S/2022/967, paras. 87–91; and S/2023/990, annexes 49 and 50). It continued to either attack or repel incursions by Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO/URDPC) incursions, defend mining sites or fight to gain control of new areas.

Zaïre's arming and mobilization

150. Several sources reported that as Zaïre prepared for the peace initiative in Bunia in January 2024, its leaders were collecting non-functional weapons to be surrendered to provincial authorities, ostensibly to feign genuine disarmament efforts.[149] In parallel, Zaïre intensified the purchase of arms. The Group received testimonies on the continued acquisition of war materiel through trafficking networks in Rwanda, Uganda and South Sudan.[150] Several sources reported that weapons obtained via regional or local networks were stored in Mbidjo and Mabanga, Djugu territory.[151] The Group also authenticated video recordings from March 2024 depicting heavily armed Zaïre combatants on a speedboat and in a pickup vehicle (see annex 89). On

[148] Miners and dwellers in Rubaya and civil society and United Nations sources.
[149] FARDC, intelligence, civil society and United Nations sources, armed group combatants and researchers.
[150] Ibid.
[151] Civil society, researchers, intelligence and ex-combatants.

10 February 2024, the Zaïre leadership held a meeting in Mbidjo to refine its military strategy and distribute new uniforms to combatants.[152]

151. The Zaïre leadership decided to continue collecting money from the Hema community to support its war effort,[153] and it deployed armed combatants to guard mining sites and repel CODECO/URDPC incursions. Mining remained Zaïre's main source of financing, as it controlled close to 300 mine sites in Dala, Mabanga, Mbidjo and Nyaka, among other places (see paras. 167–170).[154]

Alliance Fleuve Congo contacts with Zaïre

152. In December 2023, following the launching of AFC, Ituri-based armed groups, including Zaïre, rejected their alleged membership in AFC (see annex 90). Nevertheless, AFC persisted in endeavours to forge or consolidate alliances, including with Zaïre (see para. 28). In early February 2024, AFC delegates travelled to Dala to meet the Zaïre leadership, and in early March 2024 Zaïre leaders, including Logo Marine, met with Corneille Nangaa in Kampala.[155] It is noteworthy that some Zaïre leaders had historical links with leaders of the Congrès national pour la défense du peuple (CNDP) who are part of the current M23 leadership. Additionally, Zaïre combatants previously attended military training in M23 camps in Bunagana and Tchanzu (S/2023/990, para. 77). Sources informed the Group that opinions within G5 (S/2023/431, para. 110), notably the Hema community, regarding a potential AFC-M23 alliance remained divided.[156]

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

153. CODECO/URDPC remained violent and continued to indiscriminately target civilians, camps for internally displaced persons and humanitarian actors (see para. 159) and attack security forces (S/2023/431, paras. 104–112; and S/2023/990, paras. 76 and 77 and annexes 49 and 50). CODECO/URDPC attacks increased in intensity, mainly around mining sites, breaking a period of relative calm.

154. Bassa Zurkpa Gershom and Desire Nkuna Kiza, the spokesperson and defence secretary of CODECO/URDPC, respectively, claimed that the movement remained under the overall command of "General" Bahati Charite, who coordinated the various factions from the CODECO/URDPC headquarters in Ndalo, Djugu territory, and that all decisions were taken at the headquarters level.[157] They claimed that CODECO/URDPC was defending itself but remained committed to ending hostilities, provided that its rival armed group Zaïre disarmed and that FARDC stopped targeting the Lendu community. Incidentally, the two leaders acknowledged the participation of CODECO/URDPC in the Lala attack, although it claimed that no civilians were targeted (S/2023/990, paras. 78–80).

[152] Intelligence, FARDC and armed groups. See also S/2023/990, para. 77.
[153] FARDC, intelligence, United Nations and civil society sources, armed group combatants and researchers.
[154] Ex-combatants and civil society sources.
[155] Zaïre and an intelligence source.
[156] Zaïre, intelligence, civil society and FARDC sources and researchers.
[157] Group meeting with two Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais leaders.

155. CODECO/URDPC continued to recruit combatants, either by force or voluntarily, and to train and rearm them.[158] CODECO/URDPC also continued to be involved in clashes over the control of mining areas, as detailed in annex 91.

156. In attempts to curb armed violence in Ituri, FARDC and MONUSCO launched military operations against CODECO/URDPC, with limited impact (see annex 92). Nevertheless, armed groups remained active across Djugu territory and continued to operate defiantly.[159]

C. Violations of international humanitarian law and international human rights law

157. CODECO/URDPC, comprising various factions over which it asserted command and control (see para. 154), continued to perpetrate serious violations of international humanitarian law and international human rights law, including: (a) indiscriminate attacks on civilians, constituting sanctionable acts, such as murder, executions, kidnapping, torture, looting and destruction of property; (b) attacks on humanitarian staff and hospitals, obstructing access to life-saving humanitarian assistance; and (c) attacks against peacekeepers engaged in protecting civilians.

158. Zaïre was involved in sporadic incidents resulting in the killing of civilians, kidnappings and looting of property, albeit to a significantly lesser extent compared with CODECO/URDPC.[160]

159. Since January 2024, clashes between CODECO/URDPC and Zaïre reignited. As per its documented modus operandi (S/2023/431, para. 125), CODECO/URDPC responded with brutal attacks on civilians (see paras. 160 and 161).[161] The population of internally displaced persons in Djugu territory, particularly around Drodro and Bule, faced systematic killings, abductions and looting by CODECO/URDPC, especially when internally displaced persons engaged in their daily agricultural or commercial activities.[162] Additionally, CODECO/URDPC frequently attacked humanitarian personnel and vehicles (see annex 93). On 6 March, CODECO/URDPC attacked and looted the Drodro hospital, the primary medical facility catering to the extensive population of internally displaced persons, killing an elderly Hema patient on her hospital bed. As a result, key humanitarian actors withdrew from the area, depriving the hospital and health centres within settlements for internally displaced persons of essential support (see annex 94).[163] CODECO/URDPC also ambushed MONUSCO peacekeepers deployed to protect civilians from CODECO/URDPC attacks.[164]

Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais kidnapping and execution of civilians

160. On 16 February 2024, CODECO/URDPC combatants abducted 25 civilians at its roadblock in Tali, Bahema-Nord chiefdom, in retaliation against Zaïre killing three CODECO/URDPC combatants earlier. At least 15 civilians were buried alive in a pit and the majority died of asphyxiation. The fate of other kidnapped victims remained

[158] United Nations, humanitarian, FARDC and intelligence sources, community leaders and researchers.
[159] United Nations, humanitarian, FARDC and intelligence sources, community leaders, researchers and combatants.
[160] United Nations, humanitarian, FARDC, intelligence and civil society sources, community leaders, researchers and combatants.
[161] Ibid.
[162] MONUSCO, humanitarian, civil society and intelligence sources and community leaders.
[163] Ibid.
[164] United Nations, FARDC and intelligence sources.

unknown. “General” Awilo and commanders Serge Dekana and his deputy Dany from the CODECO/URDPC 3rd Brigade positioned at Tali were cited as responsible for ordering the kidnapping and execution (see annex 95).[165]

161. On 6 April 2024, combatants from the CODECO/URDPC “Bon Temple” faction of commander Kadogo (S/2023/431, paras. 105 and 107) killed at least 15 persons and kidnapped another 18 civilians during an attack on Galay, Banyali-Kilo sector. The kidnapped victims were taken to the CODECO/URDPC-Bon Temple base in Andisa. On 8 April, 15 hostages, including three women and a newborn baby, were burned alive in Andisa (see annex 96).[166]

D. Enrichment of armed groups and Armed Forces of the Democratic Republic of the Congo elements through gold exploitation and trade

162. The exploitation and trade of gold continued to be a crucial source of enrichment for armed groups and some FARDC members in Ituri Province (S/2023/990, annex 50; and S/2022/479, paras. 107–123).

163. In Djugu territory, of the 36 mining sites studied by the Group, FARDC members, Zaïre and CODECO/URPDC controlled weekly gold production of more than 29 kg (see annex 97). Most armed group leaders, many of whom were previously involved in the gold trade or mining, leveraged their power position to exert control over production and trade.[167]

“General” Lango of the Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais

164. In January 2024, “General” Lango, a CODECO/URDPC commander based in Mbau, effectively controlled the “Morgue” mine in the Sésélé *groupement*, enriching himself and CODECO/URDPC by illegally taxing the mine operators.

165. Lango assigned combatants the responsibility of overseeing tax collection. Miners operating at the site reported being required to remit 30 per cent of their pit production to CODECO/URDPC.[168] Lango additionally requested a monthly payment of $100 from the owners of operational pits. Diggers and pit owners reported that 40 pits were operational, yielding an average of $4,000 in monthly revenue for Lango. One pit owner reported that he and his family faced harassment from Lango’s associates after declining to pay the tax.

166. Higher taxes were sometimes imposed on non-Lendu diggers, who were in the minority compared with the Lendu. In January 2024, for example, Lango’s combatants demanded that Hema diggers pay the equivalent of $180, almost double the amount of tax imposed on Lendu diggers.

Zaïre commander Baraka Maki

167. Baraka Maki is a Zaïre commander in the Mabanga area. He has set up a system of predation around gold mining, taxing artisanal and semi-industrial miners and directly exploiting mining sites.

168. Several sources, including mining administration officials, civil society actors and economic actors involved in mining activities in the area, reported that Baraka

[165] United Nations, FARDC, intelligence, civil society and community-based sources and photographic evidence.
[166] Ibid.
[167] Economic actors, researchers and confidential sources.
[168] Diggers.

owned mechanical excavators for the mining of gold on the Shari River, around Mabanga. At its peak, this activity generated a weekly production of 5 kg of gold, worth an average of over $1 million monthly at market price. Ituri-based mining administration officials reported that Baraka denied them access to the sites under his control during an inspection tour. Baraka previously sold his gold directly in Kampala. In 2023, he stopped travelling to Uganda for security reasons. His current main buyer is a trader called "Yakee" based at Iga-Barrière.[169]

169. Several sources reported that Zaïre combatants commanded by Baraka imposed taxes on artisanal production across all active sites in the Mabanga area. Among the various taxes levied, a fixed tax labelled by the armed group as a "security tax" amounted to approximately 20 per cent of production.[170]

170. Furthermore, each semi-industrial operator was obligated to remit an average of $1,500 monthly to Baraka. This tax was supplemented by intermittent higher taxes, which occasionally could reach up to $5,000.[171] An economic actor interviewed by the Group confirmed paying $5,000 directly to Baraka in December 2023. The same source reported that all other economic operators in the area were occasionally required to make such contributions, otherwise it would have been forbidden for them to operate.

Armed Forces of the Democratic Republic of the Congo business dealings in the Ituri mining sector

171. The involvement of certain FARDC officers and soldiers in the mining sector and other illicit economic activities in Ituri remained widespread, as previously documented (S/2022/967, paras. 97–101). Several FARDC and security sources reported that this was diverting troops away from their intended military operations within the province. According to a study by Democratic Republic of the Congo intelligence services, 70 per cent of FARDC troops deployed in Ituri were involved in road taxation and in providing paid security for private mining ventures. Correspondence from the military Governor acknowledged the scale of this problem in Ituri Province (see annex 98).

172. The Group was also informed about the illicit involvement since 2023 of Republican Guard soldiers in gold exploitation at perimeter PE 39 located at Djalasiga, Mahagi territory. The Republican Guard was allegedly protecting the mine on behalf of politically exposed persons and economic actors.[172] Until November 2023, the Republican Guard had fixed positions set up at these sites. They have since relocated their base at Aungba, conducting sporadic visits to the sites to illegally monitor mining activity.

173. The AFC "president" Corneille Nangaa (see para. 23) informed the Group that he owned PE 39 through the "Codo Resources" joint venture with Societé minière de Kilo Moto (Sokimo), but that it was unlawfully taken from him in late 2019.

174. Several sources reported that the Republican Guard had also tasked a man introduced as Mugisha Saidi with collecting 30 per cent of the artisanal mining production from the area.[173] The same sources told the Group that this collection mainly targeted active pits at the Kolwezi, Zani and Codo sites.

[169] Economic actors, civil society and researchers.
[170] Mining administration, diggers and civil society sources.
[171] Ibid.
[172] Eyewitnesses, diggers and security and civil society sources.
[173] Ibid.

IV. South Kivu

A. Impact of the Mouvement du 23 mars-related crisis, Burundi-Rwanda tensions, and links between the Mouvement du 23 mars, the Alliance Fleuve Congo and armed groups

Armed groups in northern South Kivu

175. Armed groups operating in the northern territories of South Kivu, mainly Raïa Mutomboki (RM) and the Mouvement congolais pour la défense du peuple et de l'intégrité nationale (MCDPIN), continued to mobilize and intensify their activities, using the M23 crisis and the "Wazalendo" status to ensure their legitimacy and to request support from Democratic Republic of the Congo authorities (S/2023/990, para. 83). During meetings with the Group in January 2024, RM and MCDPIN leaders confirmed that they had remobilized after the call by the President of the Democratic Republic of the Congo to fight M23 (S/2022/967, para. 34).

176. Some of these armed groups sent combatants to North Kivu in October 2023 (S/2023/990, paras. 86 and 87). However, within two weeks, almost all had returned to South Kivu. RM and MCDPIN leaders reported that despite being in contact with FARDC authorities once in North Kivu, including with Constant Ndima, then military Governor, these armed groups did not receive the expected support, which prompted their return to South Kivu (see annex 99).

177. In early 2024, several RM leaders decided once again to send troops to North Kivu. However, instead of engaging their troops in combat against M23 and RDF, they focused on expanding their territorial control, increasing taxation, exploiting natural resources and intensifying recruitment, including of children.[174] Consequently, clashes between RM and MCDPIN factions, as well as within their own ranks, were recurrent. Since February 2024, Democratic Republic of the Congo authorities issued several arrest warrants against RM and MCDPIN leaders, resulting in the arrest of the RM leader, Shabani, in March 2024 (S/2023/990, annex 52).[175]

Impact of Burundi-Rwanda tensions

178. Tensions between Burundi and Rwanda (see annex 100) had an impact on armed group dynamics in South Kivu. Both countries resumed or intensified their contacts with, and support for, armed groups operating in the Democratic Republic of the Congo, to broaden their influence over them.[176] This increased the risk of proxy warfare expanding to South Kivu (see paras. 81–87).

Rwanda support to RED Tabara

179. After providing support to RED Tabara in 2015 and 2016 (S/2016/466, paras. 46–50), and once again in 2018 and 2019,[177] Rwanda renewed its support to the armed group in late 2022 (S/2023/431, para. 140). Rwanda approached "General" Gisiga (also known as "Kisiga"), the RED Tabara operations commander (S/2021/560, para. 159), offering him military support in exchange for joining M23 with combatants, in collaboration with Twirwaneho (S/2023/431, para. 139).[178] Gisiga convinced several RED Tabara officers and combatants to join M23 without first informing the RED Tabara leadership, notably Jean-Claude Bayanga and Alexis

[174] Ibid.
[175] Researchers and civil society and United Nations sources.
[176] Both countries denied this collaboration.
[177] FARDC, researchers and security, intelligence, diplomatic and United Nations sources.
[178] Alexis Sinduhije, researchers and intelligence, diplomatic and United Nations sources.

Sinduhije (S/2019/469, para. 80).[179] This initiative failed, and Gisiga was executed following a summary trial by the RED Tabara leadership,[180] who at the time rejected the Rwandan offer (see annex 101). Multiple sources confirmed that RED Tabara had since reviewed its position and had benefited from Rwanda facilitating logistics, recruitment[181] and the movement of combatants through Rwanda.[182]

180. In particular, some sources reported that following FDNB deployment in Petit Nord (see paras. 81–87), Rwanda facilitated the passage to Burundi of RED Tabara combatants who participated in attacks in Burundi, alongside other RED Tabara combatants coming from the Democratic Republic of the Congo. This included the attack in Vugizo in December 2023 resulting in 20 civilians reportedly killed.[183] The President of Burundi, Évariste Ndayishimiye, publicly denounced Rwandan support for RED Tabara, which Rwanda rejected. RED Tabara quickly claimed the attack against a military position,[184,185] but denied any collaboration with Rwanda and M23, accusing the Burundian military of being responsible for the killings (see annex 102).[186]

181. Shortly after the Vugizo attack, the President of Burundi decided to close the Burundian borders with Rwanda and made its military deployment in North Kivu more overt (see para. 83). Both countries started to reinforce their troops along their common borders and within the Democratic Republic of the Congo (see annex 103).

Burundian collaboration with the Conseil national pour le renouveau de la démocratie-Forces de libération nationale/Jeva

182. Since the resumption of Rwandan support for RED Tabara, Burundi renewed collaboration with the Conseil national pour le renouveau et la démocratie-Forces de libération nationale (CNRD-FLN) led by Jeva (S/2023/431, para. 133), with which it had long-standing ties. Notably, CNRD-FLN facilitated FDNB operations against RED Tabara in South Kivu in early 2023 (see annex 104).[187] Moreover, several sources reported that Burundi had provided training to CNRD-FLN troops since late 2023 to fight against M23.[188]

Rwandan collaboration with the Conseil national pour le renouveau de la démocratie-Forces de libération nationale/Hamada

183. Several sources reported that the collaboration between Rwanda and Hamada, the former military commander of CNRD-FLN, had increased throughout 2023,[189] notably to counter the increasing contacts between Burundi and CNRD-FLN led by Jeva. Rwanda also encouraged collaboration between Hamada and Burundian opposition armed groups. Hamada, who had split from the main group led by Jeva in 2023, was suspected by the CNRD-FLN leadership of collaborating with Rwanda (S/2023/431, annex 72). Since the split, Hamada had moved to Hewa Bora in South

[179] Sinduhije denied being one of the RED Tabara leaders during a meeting with the Group.
[180] Alexis Sinduhije, researchers and intelligence, diplomatic and United Nations sources.
[181] Especially in the Mahama refugee camp in Rwanda. See also S/2016/466, para. 46.
[182] Researchers and security, intelligence, diplomatic and United Nations sources. Sinduhije denied this to the Group.
[183] See https://twitter.com/NtareHouse/status/1738612276284756360.
[184] See https://twitter.com/Red_Tabara/status/1738543742544412921.
[185] See https://twitter.com/Red_Tabara/status/1738543742544412921.
[186] See https://twitter.com/Red_Tabara/status/1740784144794239460.
[187] Democratic Republic of the Congo local authorities, researchers and civil society and United Nations sources.
[188] Researchers and intelligence, security and United Nations sources.
[189] Security, diplomatic and United Nations sources and researchers.

Kivu with a limited number of combatants and equipment, where he was co-located with the Burundian opposition armed group the Forces nationales de libération.[190]

Burundian volte-face towards Congolese armed groups

184. With the recent military agreement between Burundi and the Democratic Republic of the Congo (see para. 81), Burundi no longer needed Congolese armed groups as proxies or scouts to conduct operations in the Democratic Republic of the Congo (S/2023/431, para. 138).[191] As most of these armed groups, based in the Ruzizi plain, escalated their abuses against the population – notably killings, kidnappings, extortion and cattle looting, especially against the Banyamulenge community – Burundi arrested several Mai-Mai leaders in Burundi. It also provided information to Democratic Republic of the Congo authorities leading to the arrest by FARDC of Mai-Mai leaders such as Kijangala, Kapapa and Buhirwa between April 2023 and January 2024.[192]

Links between local armed groups, the Mouvement du 23 mars, the Alliance Fleuve Congo and Rwanda, and ensuing tensions

185. Rwandan authorities, M23 and AFC continued to approach, or collaborate directly or indirectly with, Congolese armed groups based in South Kivu (S/2023/431, para. 142), including to join AFC.[193]

186. Several South Kivu armed group representatives travelled to Nairobi to participate in preparatory meetings leading to the announcement of the creation of AFC in December 2023 (see para. 23).[194] These included Mkangya Nyamachabo, alias Microbe, representing "General" Ebuela, leader of the Forces des patriotes pour la défense du Congo, as well as Jacques Naluhogola, President of the Forces armées Biloze Bishambuke.[195] In January 2024, Microbe was arrested by Democratic Republic of the Congo authorities, who also found travel documents in his home with entry stamps into Kenya, Uganda and Rwanda in December 2023 under a fake name.

187. The links with M23, Rwanda and AFC illustrate opportunistic collaborations between armed group leaders (see annex 105).

188. Such links with M23, Rwanda and AFC led to increasing tensions among and within armed groups in South Kivu over the past months. On the one hand, continuous rumours of a second M23 front opening in South Kivu, including by Twirwaneho as a proxy, led to a resumption of clashes between Twirwaneho and Mai-Mai groups since December 2023. On the other hand, armed group leaders used accusations of links with M23, Rwanda and AFC to settle accounts and eliminate rivals, prompting further tensions and clashes (see annex 106).[196]

[190] Conseil national pour le renouveau et la démocratie leadership, FARDC, security, civil society and United Nations sources and researchers.

[191] Democratic Republic of the Congo local authorities, intelligence, security and United Nations sources and researchers.

[192] FARDC, Democratic Republic of the Congo local authorities, researchers, and intelligence, security, civil society and United Nations sources.

[193] South Kivu armed groups leaders, FARDC, researchers and intelligence, security, civil society, diplomatic and United Nations sources.

[194] Armed group representatives, researchers and intelligence, security, diplomatic and United Nations sources.

[195] The Forces armées Biloze Bishambuke had been cited as one of the armed groups approached by Colonel Mirindi in early 2023 to collaborate with M23. See also S/2023/431, annex 74.

[196] Intelligence, security, civil society and United Nations sources and researchers.

B. Armed group involvement in the exploitation and trade of gold in Fizi

189. Armed actors continued to control the exploitation and trade of gold in Fizi territory. The armed group Mai-Mai Yakutumba, led by the sanctioned individual William Amuri Yakutumba (CDi.043), controlled most of the gold mining activity in Fizi territory, which regularly led to tensions with other armed groups that were frustrated over the unfair distribution of proceeds from illegal gold mining (see annex 107). Armed group control also led to the contamination of the gold supply chain.

Profitable illegal tax system

190. All armed groups in Fizi territory maintained an illegal taxation system on various economic activities, in particular gold mining (see annex 108). At the Kachanga site, the largest in the Misisi area with more than 10,000 diggers and several hundred active pits, around 100 Mai-Mai Yakutumba combatants were present (see annex 109). Combatants and FARDC soldiers both imposed taxes on diggers, auxiliary workers, equipment and production, claiming that it was necessary to ensure security on or around the site (see annex 110).

191. Several pit owners reported that once their pit was deemed productive, Mai-Mai Yakutumba combatants compelled them to vacate it for several hours daily, during which time they appropriated all the mineralized ores. Thereafter, the production appropriated from the Kachanga hill was transported to the plain of Miba where the ore was processed by crusher owners to recover gold.

192. Each crusher owner was compelled to pay the equivalent of $18 monthly to Mai-Mai Yakutumba, which generated at least $10,000 monthly from that tax alone.[197]

193. The taxation of cooperatives operating tanks for the chemical treatment of tailings dumped by artisanal miners was an additional source of income for Mai-Mai Yakutumba. The four main tank cooperatives active in the Misisi area were compelled to pay the equivalent of at least $45,000 per year to the armed group.

194. Individuals close to William Yakutumba reported that taxes and gold collected by combatants were given directly to Yakutumba in person, who used it to remunerate his troops and provide them with military equipment.[198]

Contamination of the supply chain by Mai-Mai Yakutumba gold

195. Eyewitnesses involved in gold trade explained that most of the gold exploited by Mai-Mai Yakutumba was trafficked from Talama-Lubanda, Fizi territory, to the United Republic of Tanzania via Lake Tanganyika.[199] The United Republic of Tanzania did not reply to the Group's request to visit the country. The Group was therefore unable to examine these allegations further.

196. Another part of Yakutumba's gold was transported to Uvira. Two intermediaries involved in the trade of gold exploited in Nyange and Misisi, two areas in Fizi territory controlled by Mai-Mai Yakutumba, reported that in September 2023 and February 2024 they transported a total of 7 kg of gold from Misisi to Uvira, where economic actors based in Bukavu and Bujumbura bought the gold. During the transport, Mai-Mai combatants, owners of the gold, accompanied the intermediaries.

[197] Diggers and civil society actors.
[198] Security and civil society sources, Mai-Mai Yakutumba combatants and researchers.
[199] Security sources, researchers, diggers and négociants.

Challenges in due diligence implementation in Misisi

197. Mai-Mai Yakutumba control of gold mining in the area, as well as William Yakutumba's ban on the presence of Democratic Republic of the Congo mining police and representatives of the judiciary in several mining areas in the Misisi region,[200] compromised the compliance of the supply chain with the Group's due diligence guidelines regarding the supply chain.[201]

198. Five economic actors operating in Misisi unanimously reported having made payments, including in gold, to Mai-Mai Yakutumba, which they considered to be a legitimate Wazalendo group assuring their security. The Group notes that payments to a sanctioned individual constitutes a sanctionable act.

C. Twirwaneho financing

199. The Group documented financial and material support provided to the armed group Twirwaneho through a Banyamulenge mutual society called "Shikama" based in Uvira. Twirwaneho also continued to impose illegal taxes in the areas that it controlled.

Local taxation

200. Illegal taxation imposed on members of the Banyamulenge community living in areas controlled by Twirwaneho continued to be an important source of funding for the armed group (S/2023/431, para. 159). For example, some 1,360 school personnel in Minembwe were compelled to pay a contribution of 5,000 Congolese francs monthly, totalling $2,517 per month. Taxes were collected by a school teacher and given directly to Welcome Ndakize Kamasa, the Twirwaneho coordinator.[202] Furthermore, civilians unable to perform obligatory patrols were to pay fines of 5,000 Congolese francs (S/2023/431, para. 154).

Financing through Shikama in Uvira

201. The Group consulted two documents showing financing by Shikama in Uvira of items and services, including "food", "medicine" and "hospitals", destined for areas in the Hauts Plateaux, including Minembwe, Rurambo, Bwegera, Bikobogobo and Muchohagati-Bijabo forest, where the Twirwaneho leadership was based.[203] Multiple sources reported that some items and services referred to in the two documents were in fact code words designating military and dual-use items destined for Twirwaneho (see annex 111), aimed at avoiding detection by national law enforcement.[204] When consulted by the Group, Shikama Uvira denied this.

202. The above-mentioned transfers amounted to $104,412 from January to November 2023. Shikama Uvira reported having no regular budget but resorting to contributions from external funding, as confirmed by multiple sources.[205] Cash was carried by hand across the border from Bujumbura, Burundi, to Uvira. Other funds were wire-transferred through international remittance and mobile money services.[206]

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[200] Mining police and a prosecutor who left Misisi after direct threats from William Yakutumba.
[201] See www.un.org/securitycouncil/sanctions/1533/due-diligence-guidelines.
[202] Community sources in Minembwe, Uvira and Bukavu.
[203] Documents and sources familiar with Shikama Uvira financial reports and activities.
[204] Community sources in Minembwe, Uvira, Bukavu, Baraka and Goma, and Shikama and Gakondo sources.
[205] Ibid.
[206] Ibid.

203. The analysis of the code words in the two documents revealed that, from January to November 2023, Shikama Uvira distributed $31,981 (31 per cent of the total amount) to provide arms and materiel, military fatigues, intelligence and communication tools to Twirwaneho, $29,350 (28 per cent) for health care and supplies intended to benefit both the civilian population and Twirwaneho, and $43,081 (41 per cent) in humanitarian assistance for the Hauts Plateaux.[207]

V. Cross-border gold smuggling

204. The Group continued to document the illegal trade of gold extracted in the Democratic Republic of the Congo through its neighbouring countries, in particular Rwanda and Uganda (S/2019/469, paras. 178–184). The Group also followed developments regarding gold purchases and exports by Primera Gold DRC.

Cross-border trade to Rwanda

205. During the Group's visit to Kigali in March 2024, the Rwandan authorities noted that no import or transit of Democratic Republic of the Congo gold had been recorded in national statistics in recent months. However, sources interviewed by the Group in Rwanda acknowledged that Democratic Republic of the Congo gold at a minimum transited through Rwanda (S/2016/466, paras. 151–155; and S/2018/531, paras. 127 and 128).[208] This was also reflected in a speech by the President of Rwanda, Paul Kagame (see annex 112).

206. Négociants in Bukavu reported that the non-competitive local gold market motivated them to sell gold collected in South Kivu to buyers based in Kigali or Cyangugu in Rwanda. The Cyangugu-based buyers that purchased the gold in Bukavu were linked to individuals arrested in May 2023 (see annex 113).[209]

Gasabo Gold Refinery

207. Following the closure of Aldango Gold Refinery (S/2020/482, para. 90), Gasabo Gold Refinery, based in Kigali, began its refining activities on 1 June 2022. The Group met and corresponded with the company's management, allowing it to conclude that the Gasabo Gold Refinery due diligence policy revealed shortcomings.

208. In particular, Gasabo Gold Refinery managers reported the absence of an established procedure for tracing the exact origin of gold delivered by customers to the refinery. Given the circulation of fraudulently imported gold from the Democratic Republic of the Congo to Kigali[210] and Gasabo Gold Refinery's status as the only gold refinery in Rwanda, it is highly likely that gold requiring refining before export was brought to Gasabo Gold Refinery.

Cross-border trade to Uganda

209. Several sources reported that Kampala remained a transit route for gold illegally imported from the Democratic Republic of the Congo (S/2018/1133, paras. 97–104; S/2018/531, paras. 120 and 121; and S/2017/672/Rev.1, paras. 119–126).[211] The weakness of border controls between the Democratic Republic of the Congo and Uganda facilitated gold trafficking.

[207] Ibid.
[208] Civil society and confidential sources.
[209] Economic actors and security and civil society sources.
[210] Civil society and confidential sources.
[211] Economic actors, intelligence, security and civil society source, and mining officials.

210. In January 2024, the Group visited the town of Mahagi in Ituri, a transit hub for individuals transporting gold from Bunia to Uganda. Democratic Republic of the Congo security services reported that hundreds of trafficking routes from Mahagi territory leading to Uganda were outside their effective control. Several sources confirmed that they used these routes, for example, to sell gold to traders based in Paidha in Uganda.[212]

Metal Testing and Smelting Co. Ltd.

211. Several sources indicated that most Kampala-based gold actors knowingly purchased gold smuggled from the Democratic Republic of the Congo.[213] The company Metal Testing and Smelting Co. Ltd. and its directors were consistently cited as having purchased gold extracted in the Democratic Republic of the Congo.

212. Metal Testing is one of the leading exporters of gold in Kampala. The company is owned by Himat Dhedi, also known as Patel Himat. Multiple sources, including Democratic Republic of the Congo officials and judiciary sources, informed the Group of a transaction between the company's directors and a Bukavu-based gold provider, in which Metal Testing prefinanced the supply of gold. This deal between Dhedi and the smuggler lasted until mid-2023.

213. Three Kampala-based individuals also described how, on several occasions in 2022 and 2023, Metal Testing managers sent them to Arua on the Uganda-Democratic Republic of the Congo border to purchase gold from smugglers. The individuals' role was limited to checking the gold's authenticity and transferring the money provided, either in cash or through a bank transfer. The individuals reported multiple weekly operations worth 20 kg of gold each. The Group could not discuss these findings with Metal Testing.

Update on Primera Gold DRC

214. Since the publication of its midterm report (S/2023/990, paras. 91–97), the Group obtained a detailed report from Primera Gold DRC on the measures that it intends to implement in order to address the identified deficiencies in its supply chain. The effectiveness of these measures remains to be assessed.

215. The Group discussed with Primera the risk of contamination of its supply chain in Shabunda territory in the Democratic Republic of the Congo (see annex 114).

216. Primera's gold exports have declined significantly since October 2023 (see annex 115). From May to October 2023, it exported a monthly average of 500 kg. In March 2024, it exported only 164 kg. Several sources reported that Primera offered a lower price compared with the black market (S/2023/990, para. 99) or with prices offered by gold traders in Burundi, Uganda and Rwanda. Actors involved in the gold trade thus opted to smuggle gold to those three countries, which resulted in the decline in Primera's exports.[214]

217. This fall in exports was also reflective of tensions between Primera and its United Arab Emirates partners Primera Group and AuricHub (S/2023/431, para. 173). Since the midterm report, in which the Group highlighted the shortcomings of Primera (S/2023/990, paras. 91–100), AuricHub has faced difficulties selling gold imported from the Democratic Republic of the Congo to both foreign customers and the United Arab Emirates market.[215] Sources also reported that Primera Group wanted to shift

[212] Transporters and brokers.

[213] Economic actors and civil society, security and intelligence sources in the Democratic Republic of the Congo and Uganda.

[214] Economic actors and confidential sources.

[215] United Arab Emirates-based confidential sources.

the focus away from artisanal gold mining in the Democratic Republic of the Congo towards more lucrative critical minerals. This partly explains why Primera Group sent less money to Primera DRC.[216]

218. The gold trader Sibtein Alibhai (S/2023/990, annex 60) maintained economic links with Raza Saqlain Bhai, a Kigali-based economic actor. On behalf of Alibhai, Saqlain Bhai facilitated the transport of Congolese gold from Kigali to Dubai. The Group of Experts was unable to discuss this matter with Saqlain Bhai.

219. Alibhai remained a central player in Primera Group despite his resignation in June 2023. For example, in February and March 2024, on behalf of Primera Group, he approached several gold smugglers and offered them business opportunities.[217] Primera Group and AuricHub did not respond to enquiries from the Group of Experts regarding their current relationship with Alibhai.

VI. Recommendations

220. The Group makes the recommendations set out below:

Government of the Democratic Republic of the Congo

(a) Investigate, in cooperation with international partners, the use of explosive weapons, including drone-borne explosives, and refrain from their use in populated areas (see paras. 50, 51, 93, 94 and 96–98);

(b) Cease all collaboration with all armed groups, in particular FDLR-FOCA (see paras. 21 and 60–79);

(c) Investigate and prosecute individuals, including FARDC elements, responsible for violations of international humanitarian law and international human rights law, and those involved in illegal mining activities (see paras. 118–121, 123 and 171–174);

(d) Implement national legislation (Law No. 09/001 of 2009) by investigating and prosecuting all individuals responsible for recruiting, training and using child soldiers, and take immediate action to secure their release (see paras. 99–115);

(e) Dismantle ADF networks in prisons and investigate and prosecute any authority facilitating, directly or indirectly, illegal activities by ADF detainees (see paras. 16–18);

Government of the Democratic Republic of the Congo and international partners

(f) Prioritize security sector reform and ensure that the Réserve armée de la défense de la République démocratique du Congo excludes individuals with documented violations of international humanitarian law and international human rights law through a thorough vetting process (see paras. 65 and 80);

States Members of the United Nations

(g) Prevent funding and/or support for military activities of RDF that could facilitate RDF operations in the Democratic Republic of the Congo (see paras. 40–54);

(h) Convene meetings with representative industry associations and international organizations to raise awareness among upstream and downstream actors along the

[216] United Arab Emirates-based confidential sources, and sources close to Primera Gold.
[217] Security, confidential and civil society sources.

mineral supply chain of the need to enforce their own enhanced due diligence when sourcing minerals from the Rubaya area (see para. 148);

Government of Rwanda

(i) Withdraw its armed forces and weaponry from the Democratic Republic of the Congo (see paras. 40–54);

(j) Request Gasabo Gold Refinery to comply with the Group's due diligence guidelines, including ascertaining the origin of gold (see para. 207);

Governments of Rwanda, Burundi and Uganda

(k) Cease or impede collaboration with, and/or support to, foreign and local armed groups active in the Democratic Republic of the Congo (see paras. 196, 206, 211–213 and 218);

(l) Investigate and prosecute individuals and networks involved in smuggling gold originating from the Democratic Republic of the Congo (see paras. 204–219);

(m) Investigate the recruitment and cross-border trafficking of minors recruited in refugee camps for the benefit of M23 (see paras. 103–105).

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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)

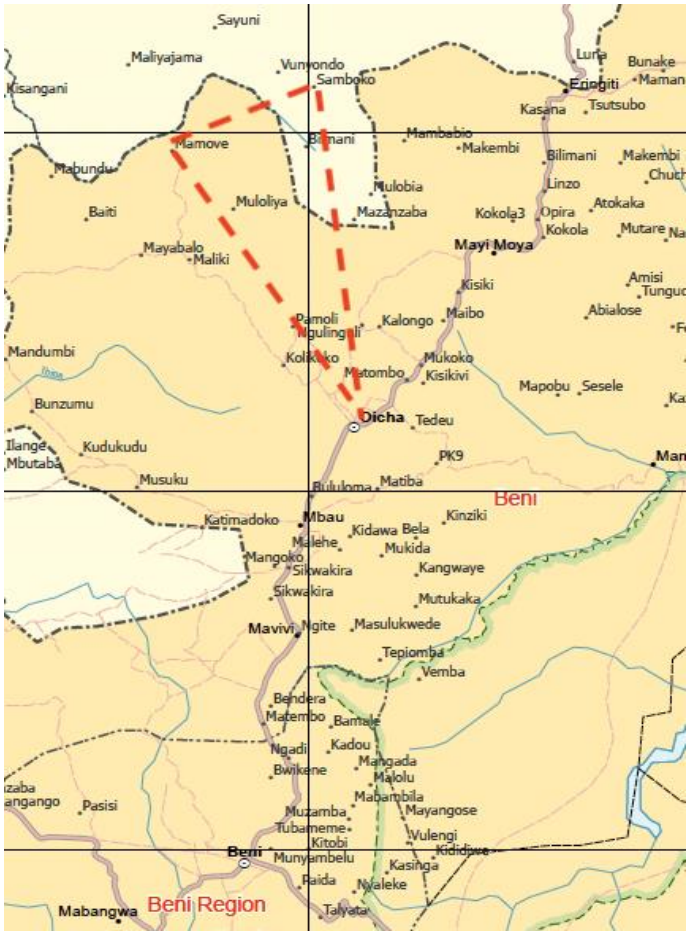
Map Data: Google, ©2024 Source, Imagery Date: 10042024
Map annotated by the Group

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 individuals[15] 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 leader[21] 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 2022[28]

[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 Kangbayi 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-Ndimo. 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 Ndimo, 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.

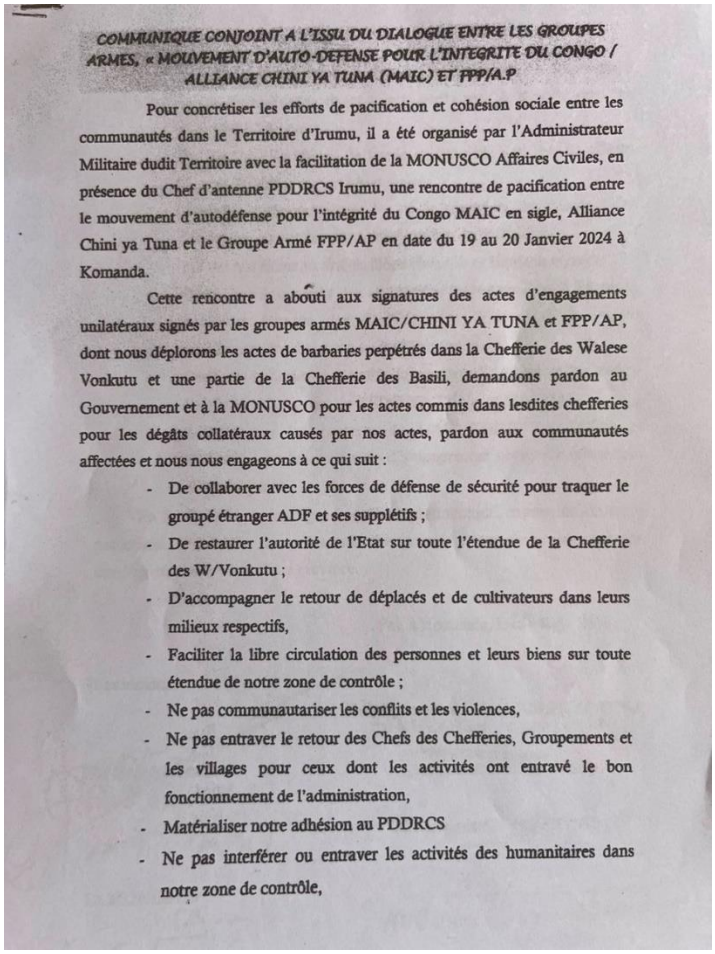
Annex 10 (para. 21)

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]



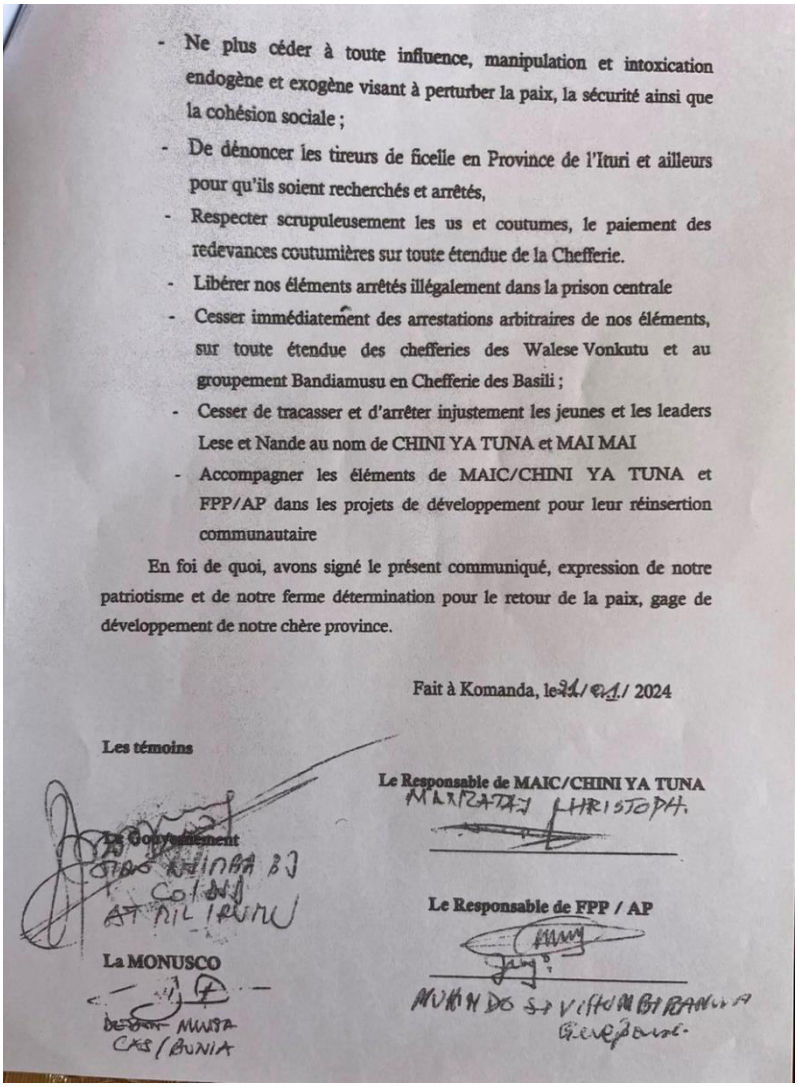
COMMUNIQUE CONJOINT A L'ISSU DU DIALOGUE ENTRE LES GROUPES ARMES, « MOUVEMENT D'AUTO-DEFENSE POUR L'INTEGRITE DU CONGO / ALLIANCE CHINI YA TUNA (MAIC) ET FPP/A.P

Pour concrétiser les efforts de pacification et cohésion sociale entre les communautés dans le Territoire d'Irumu, il a été organisé par l'Administrateur Militaire dudit Territoire avec la facilitation de la MONUSCO Affaires Civiles, en présence du Chef d'antenne PDDRCS Irumu, une rencontre de pacification entre le mouvement d'autodéfense pour l'intégrité du Congo MAIC en sigle, Alliance Chini ya Tuna et le Groupe Armé FPP/AP en date du 19 au 20 Janvier 2024 à Komanda.

Cette rencontre a abouti aux signatures des actes d'engagements unilatéraux signés par les groupes armés MAIC/CHINI YA TUNA et FPP/AP, dont nous déplorons les actes de barbaries perpétrés dans la Chefferie des Walese Vonkutu et une partie de la Chefferie des Basili, demandons pardon au Gouvernement et à la MONUSCO pour les actes commis dans lesdites chefferies pour les dégâts collatéraux causés par nos actes, pardon aux communautés affectées et nous nous engageons à ce qui suit :

- De collaborer avec les forces de défense de sécurité pour traquer le groupé étranger ADF et ses supplétifs ;
- De restaurer l'autorité de l'Etat sur toute l'étendue de la Chefferie des W/Vonkutu ;
- D'accompagner le retour de déplacés et de cultivateurs dans leurs milieux respectifs,
- Faciliter la libre circulation des personnes et leurs biens sur toute étendue de notre zone de contrôle ;
- Ne pas communautariser les conflits et les violences,
- Ne pas entraver le retour des Chefs des Chefferies, Groupements et les villages pour ceux dont les activités ont entravé le bon fonctionnement de l'administration,
- Matérialiser notre adhésion au PDDRCS
- Ne pas interférer ou entraver les activités des humanitaires dans notre zone de contrôle,

[39] FARDC, intelligence, researchers, civil society and UN sources.
[40] Idem.
[41] Researchers, civil society and UN sources.



- Ne plus céder à toute influence, manipulation et intoxication endogène et exogène visant à perturber la paix, la sécurité ainsi que la cohésion sociale ;
- De dénoncer les tireurs de ficelle en Province de l'Ituri et ailleurs pour qu'ils soient recherchés et arrêtés,
- Respecter scrupuleusement les us et coutumes, le paiement des redevances coutumières sur toute étendue de la Chefferie.
- Libérer nos éléments arrêtés illégalement dans la prison centrale
- Cesser immédiatement des arrestations arbitraires de nos éléments, sur toute étendue des chefferies des Walese Vonkutu et au groupement Bandiamusu en Chefferie des Basili ;
- Cesser de tracasser et d'arrêter injustement les jeunes et les leaders Lese et Nande au nom de CHINI YA TUNA et MAI MAI
- Accompagner les éléments de MAIC/CHINI YA TUNA et FPP/AP dans les projets de développement pour leur réinsertion communautaire

En foi de quoi, avons signé le présent communiqué, expression de notre patriotisme et de notre ferme détermination pour le retour de la paix, gage de développement de notre chère province.

Fait à Komanda, le 31/01/2024

Les témoins

Le Gouvernement

La MONUSCO

Le Responsable de MAIC/CHINI YA TUNA

Le Responsable de FPP / AP

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-UKfwrc2lI

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 écument 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 DYANAMIQUE STRUCTURÉE POUR LA REFONDATION DE L'ÉTAT ET LA RÉSOLUTION 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:

COMPOSANTE DES MOUVEMENTS POLITICO-MILITAIRES

a. Au Nord-Kivu

1. PARECO du Général LAFONTAINE ;
2. M23 du Président BERTRAND BISIMWA ;
3. KYAHANDA du Général KA-BIDON ;

b. Au Sud-Kivu

1. Le FPDC du Commandant MUTETEZI ;
2. Le TWIRANEHO du Docteur FREDDY KANIKI ;
3. Mouvement ARTICLE 64.

c. En Ituri

1. Le FRPI
2. CHINI YA KILIMA ;
3. ZAÏRE

II. COMPOSANTES POLITIQUES QUI ONT ADHÉRÉ À L'INITIATIVE

a. Formations politiques : 15 Partis politiques se sont manifestés. Nous prenons soin de ne pas les citer pour des raisons de sécurité ;

b. Acteurs politiques : 267 Personnalités.

III. COMPOSANTES DE LA SOCIÉTÉ CIVILE

a. Organisations citoyennes: 23 Mouvements citoyens ;
b. Structures de la Société Civile: 41.

JE VOUS REMERCIE.

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:

REPUBLIQUE DEMOCRATIQUE DU CONGO
LES VOLONTAIRES POUR LA DEFENSE DE LA PATRIE
COMMANDANT DES VDP
Contact: +243 82 420 8253, 80 882 0399

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

POUR LES VDP

REPUBLIQUE DEMOCRATIQUE DU CONGO – LES VOLONTAIRES POUR LA DEFENSE DE LA PATRIE – EM.COMDT DES VDP

Guidon SHIMIRAY 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 politiciens 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 pout 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 traitres 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 Armés de la République Démocratque 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

Alliance Fleuve Congo
Peuple Uni, Digne et Prospère

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.

ALLIANCE FLEUVE CONGO AFC Pour un Peuple Uni, Digne et Prospère

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 Zaire 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-KML[44] 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 shot[45] 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 *Movement pour la liberation 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).

Alliance Fleuve Congo
Peuple Uni, Digne et Prospère

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, nous citons : « Nos chaleureuses félicitations à notre distingué compatriote Honorable Jean-Jacques MAMBA KABAMBA pour avoir rejoint notre combat pour la refondation de l'Etat 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 infimités 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 écument l'Est du pays à travers des conflits de tous ordres avec leur lot de déplacés et réfugiés.

ALLIANCE FLEUVE CONGO AFC

Fait à Rutshuru, le 26 février 2024.

Pour l'Alliance Fleuve Congo (AFC)

LAWRENCE KANYUKA

Point-Focal Communication

E-mail : alliancefleuvecongo@gmail.com 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.

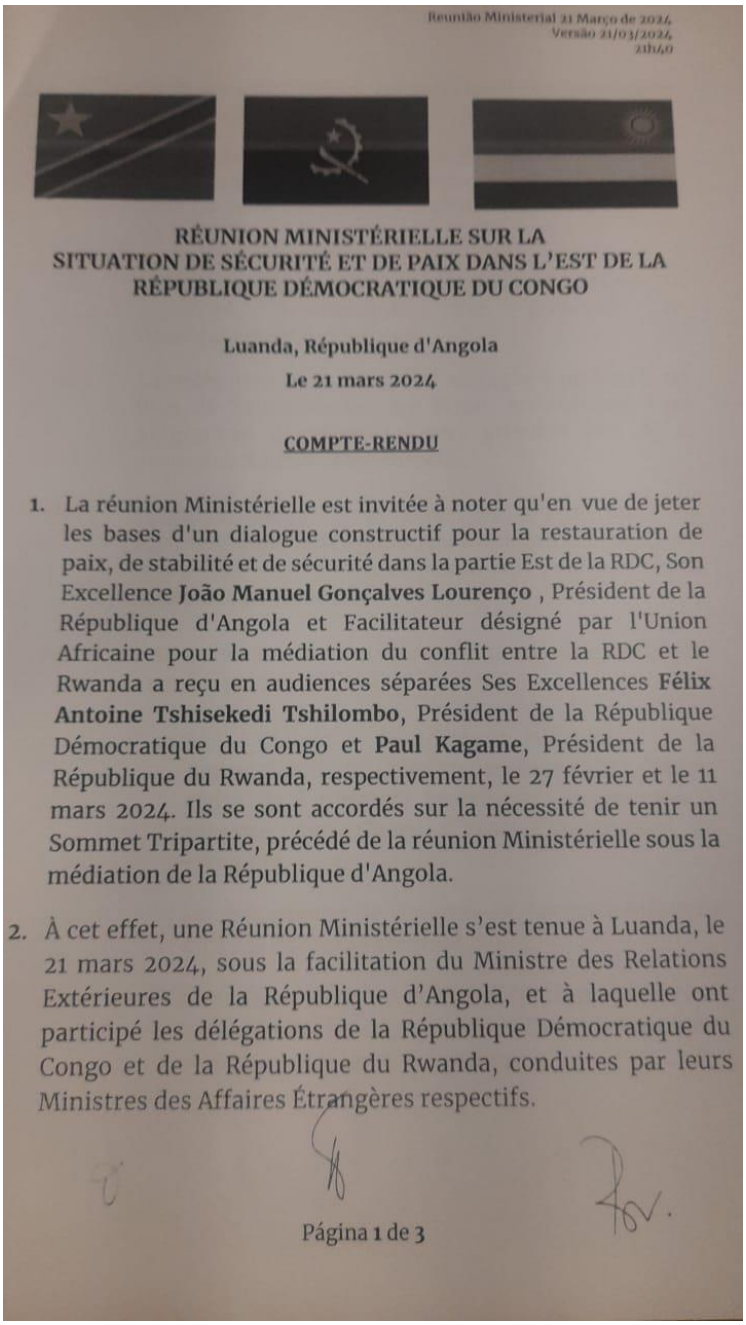
It is noteworthy that the minutes of the ministerial meeting refer to “the two parties”, i.e., Rwanda and the DRC, sitting at the negotiation table, discussing the “cessation of hostilities”, “a supervised ceasefire” and the “disengagement of

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.



Reunião Ministerial 21 Março de 2024
Versão 21/03/2024
21h40

RÉUNION MINISTÉRIELLE SUR LA SITUATION DE SÉCURITÉ ET DE PAIX DANS L'EST DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO

Luanda, République d'Angola

Le 21 mars 2024

COMPTE-RENDU

1. La réunion Ministérielle est invitée à noter qu'en vue de jeter les bases d'un dialogue constructif pour la restauration de paix, de stabilité et de sécurité dans la partie Est de la RDC, Son Excellence **João Manuel Gonçalves Lourenço** , Président de la République d'Angola et Facilitateur désigné par l'Union Africaine pour la médiation du conflit entre la RDC et le Rwanda a reçu en audiences séparées Ses Excellences **Félix Antoine Tshisekedi Tshilombo**, Président de la République Démocratique du Congo et **Paul Kagame**, Président de la République du Rwanda, respectivement, le 27 février et le 11 mars 2024. Ils se sont accordés sur la nécessité de tenir un Sommet Tripartite, précédé de la réunion Ministérielle sous la médiation de la République d'Angola.

2. À cet effet, une Réunion Ministérielle s'est tenue à Luanda, le 21 mars 2024, sous la facilitation du Ministre des Relations Extérieures de la République d'Angola, et à laquelle ont participé les délégations de la République Démocratique du Congo et de la République du Rwanda, conduites par leurs Ministres des Affaires Étrangères respectifs.

Página 1 de 3

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;

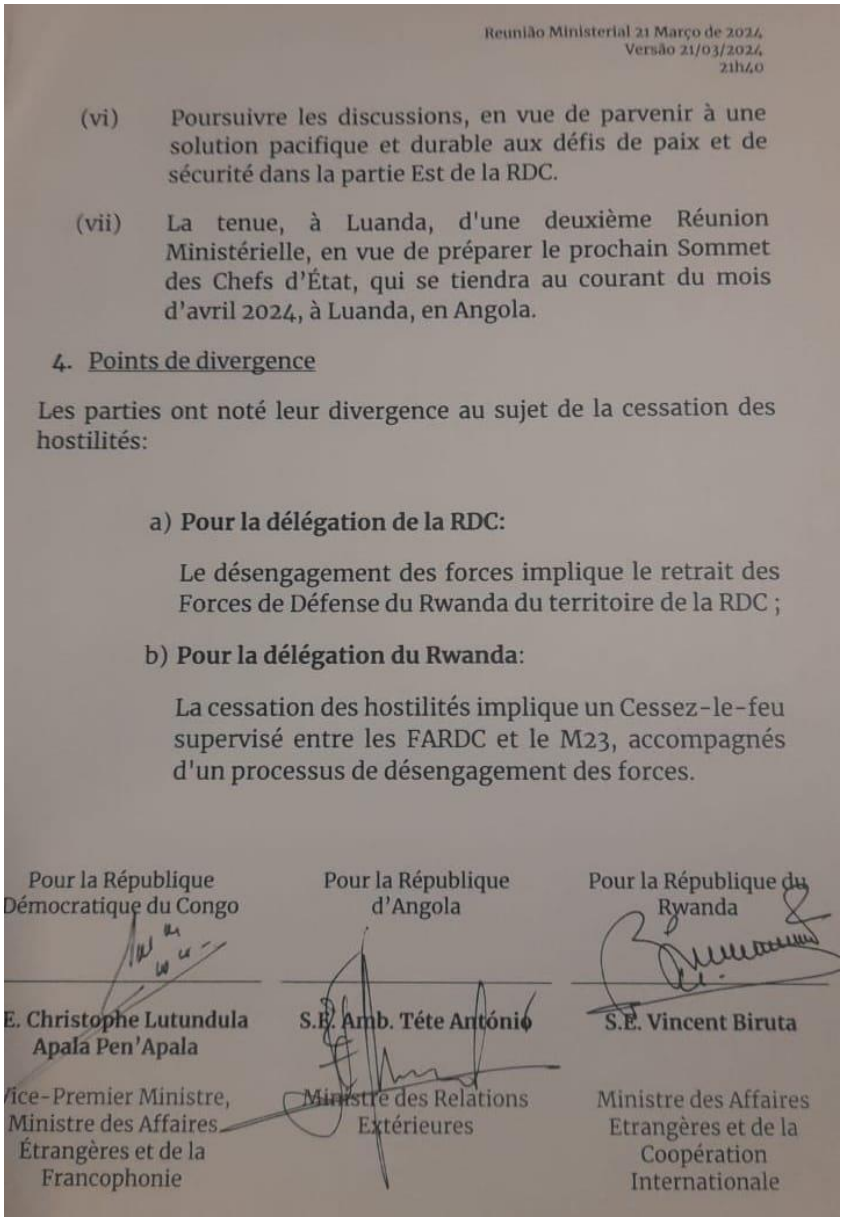
(iv) Consécutivement à la mise en œuvre du Plan susmentionné, la délégation du Rwanda s'est engagée à revoir les mesures et le dispositif pris pour assurer sa défense et sa sécurité;

(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.



Reunião Ministerial 21 Março de 2024
Versão 21/03/2024
21h40

(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	Pour la République d'Angola	Pour la République du Rwanda
E. Christophe Lutundula Apala Pen'Apala	**S.E. Amb. Téte António**	**S.E. Vincent Biruta**
Vice-Premier Ministre, Ministre des Affaires Étrangères et de la Francophonie	Ministre des Relations Extérieures	Ministre des Affaires Etrangères 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

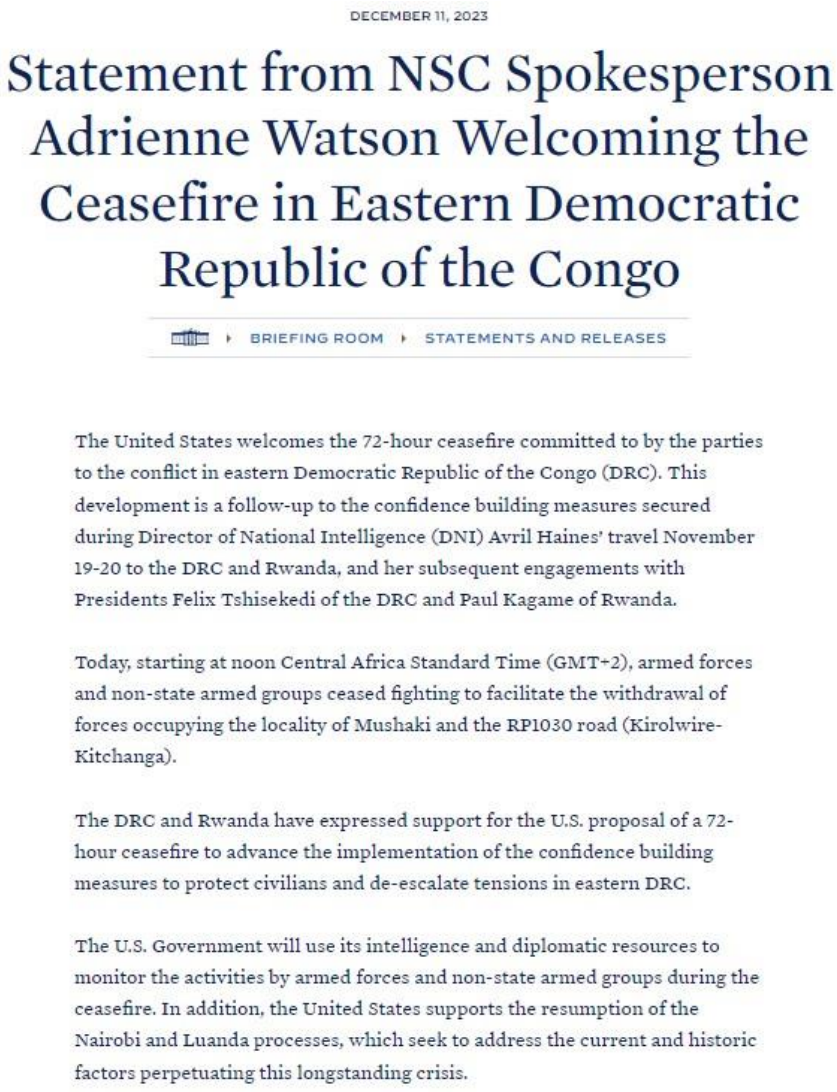
- In November 2023, confidence-building measures were agreed upon by the Rwandan and Congolese governments under the aegis of the United States. Diplomatic and intelligence sources informed the Group that the agreement included (a) the withdrawal of RDF troops from Petit Nord; (b) the engagement of FARDC 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 statement[46] 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 (Kirolwire-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.

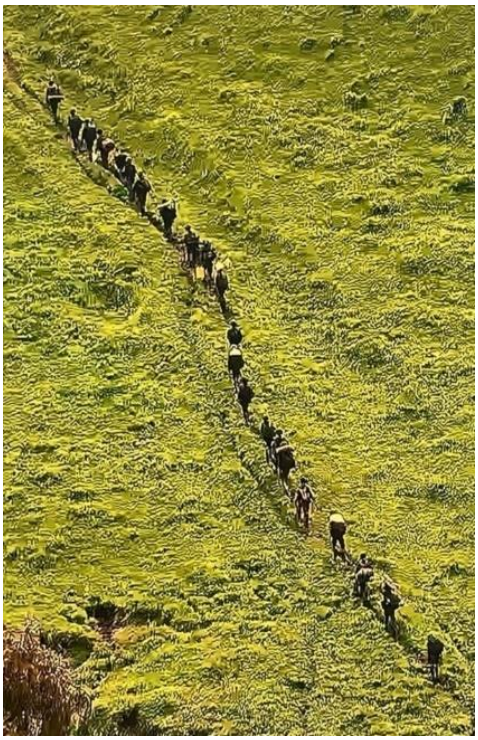
The U.S. Government will use its intelligence and diplomatic resources to monitor the activities by armed forces and non-state armed groups during the ceasefire. In addition, the United States supports the resumption of the Nairobi and Luanda processes, which seek to address the current and historic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



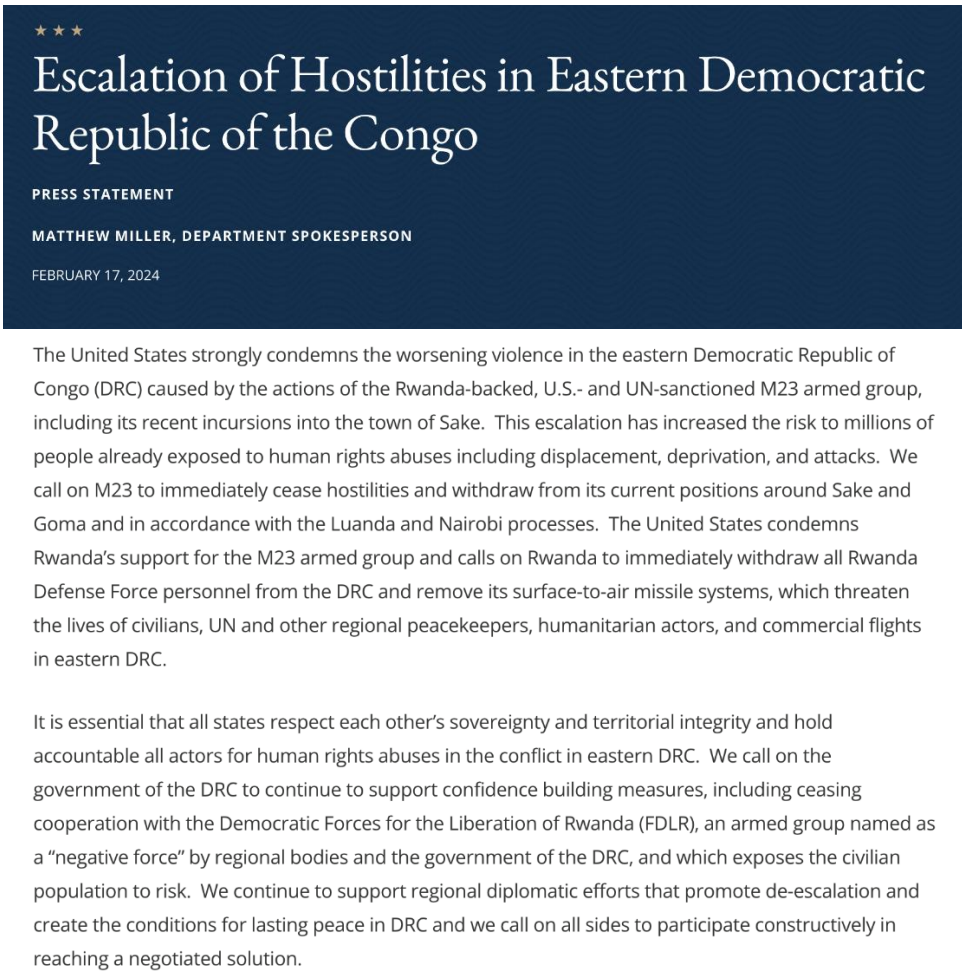
Screenshot of the 15 December aerial footage provided to the Group by a confidential source

- 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 publicly[52] 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/



★ ★ ★

Escalation of Hostilities in Eastern Democratic Republic of the Congo

PRESS STATEMENT

MATTHEW MILLER, DEPARTMENT SPOKESPERSON

FEBRUARY 17, 2024

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, 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.

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 them at their word, and has adjusted our posture accordingly. This includes 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 air space by 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 process initiated by the U.S. Director of National Intelligence in November 2023, which created a 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.

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

To characterize this genocidal and terrorist outfit merely as an "armed group named as a 'negative force' 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.

DRC support to FDLR is a matter of state policy, not the choice of individual actors. Ending Congolese state support for FDLR, and ensuring their demobilization and repatriation to Rwanda, is a non-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.

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

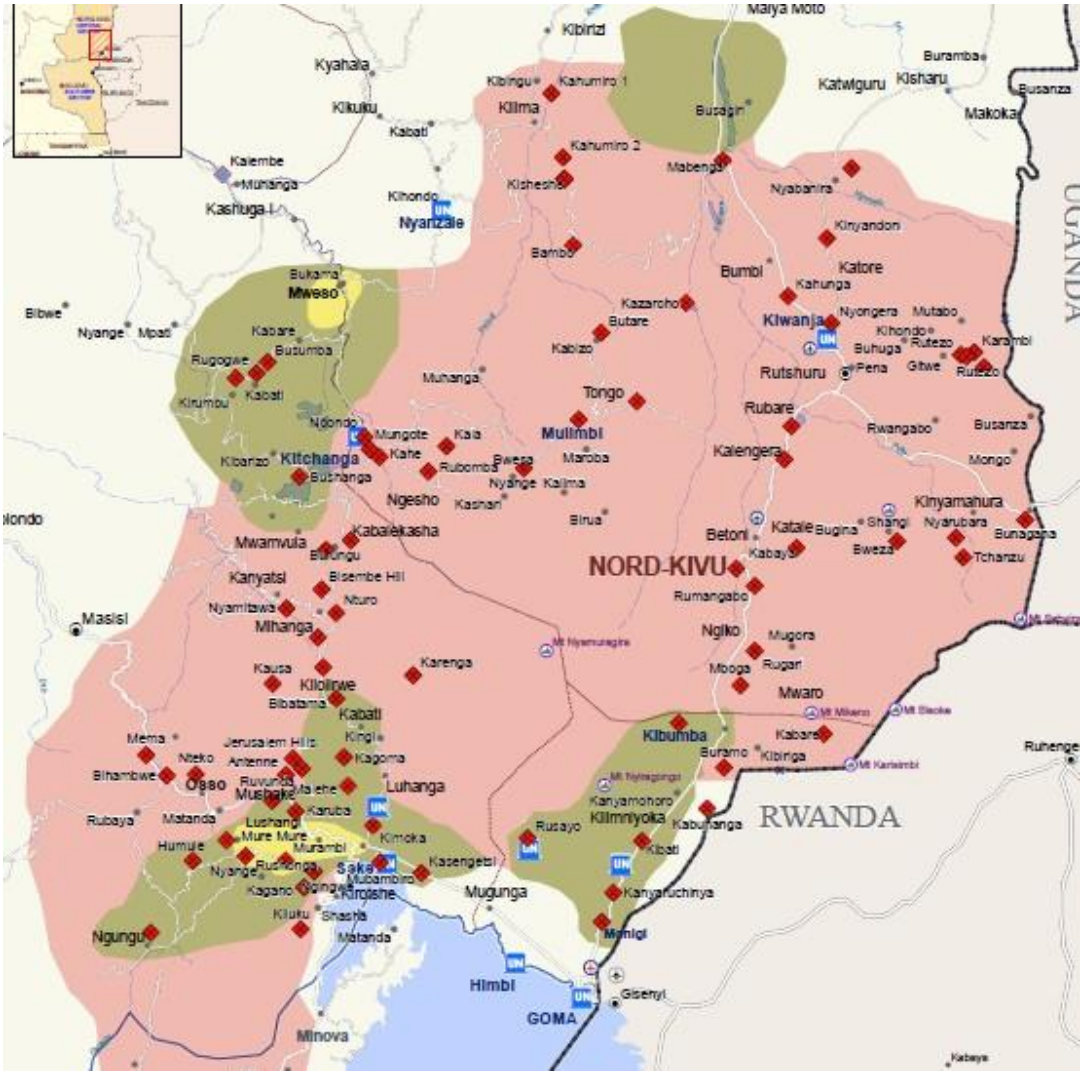
Accessible at https://www.minaffet.gov.rw/updates/news-details/rwanda-clarifies-security-posture

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).

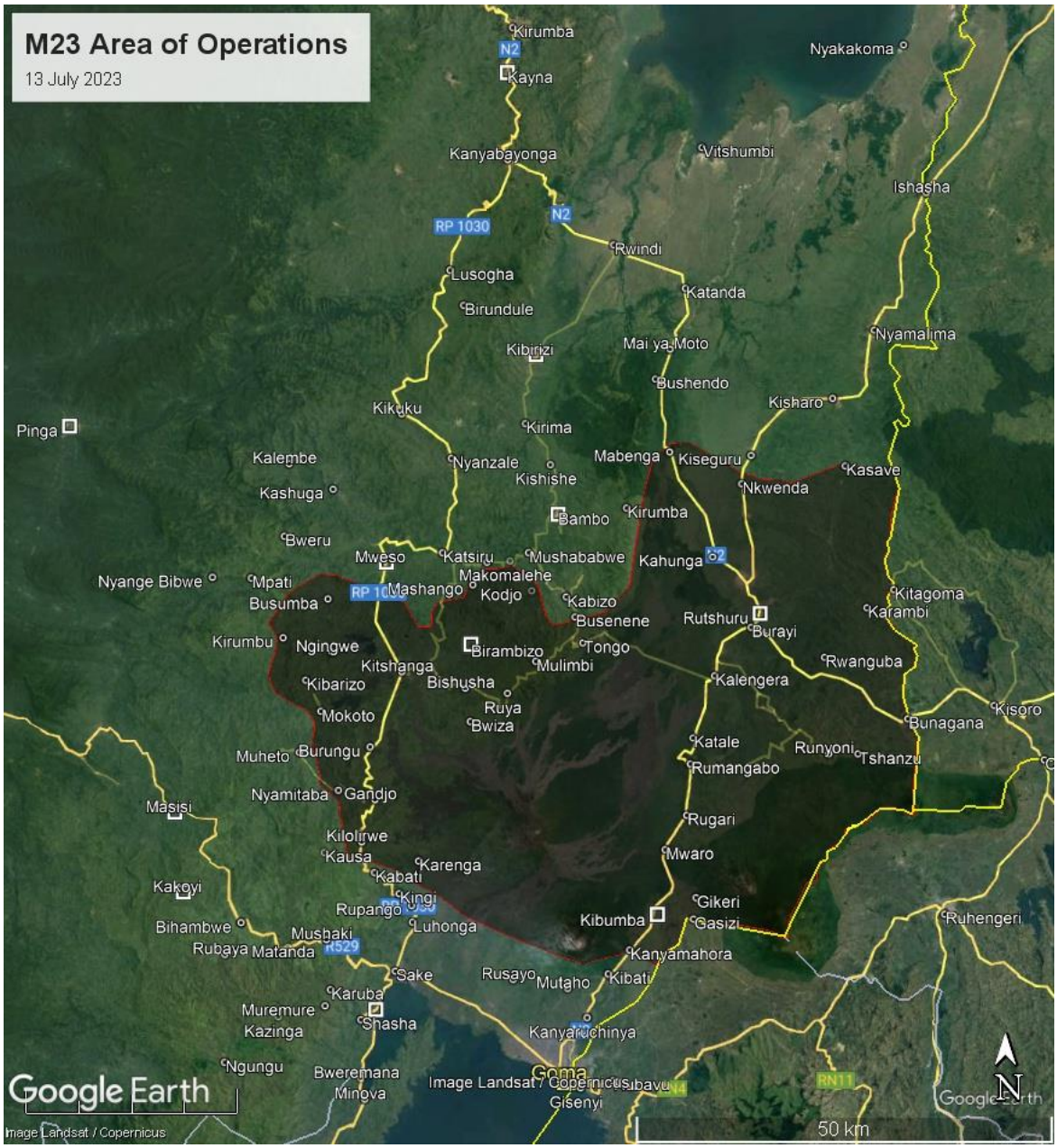
- Between November 2023 and 12 March 2024, M23 and RDF's area of influence increased by almost 70 percent.

- 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

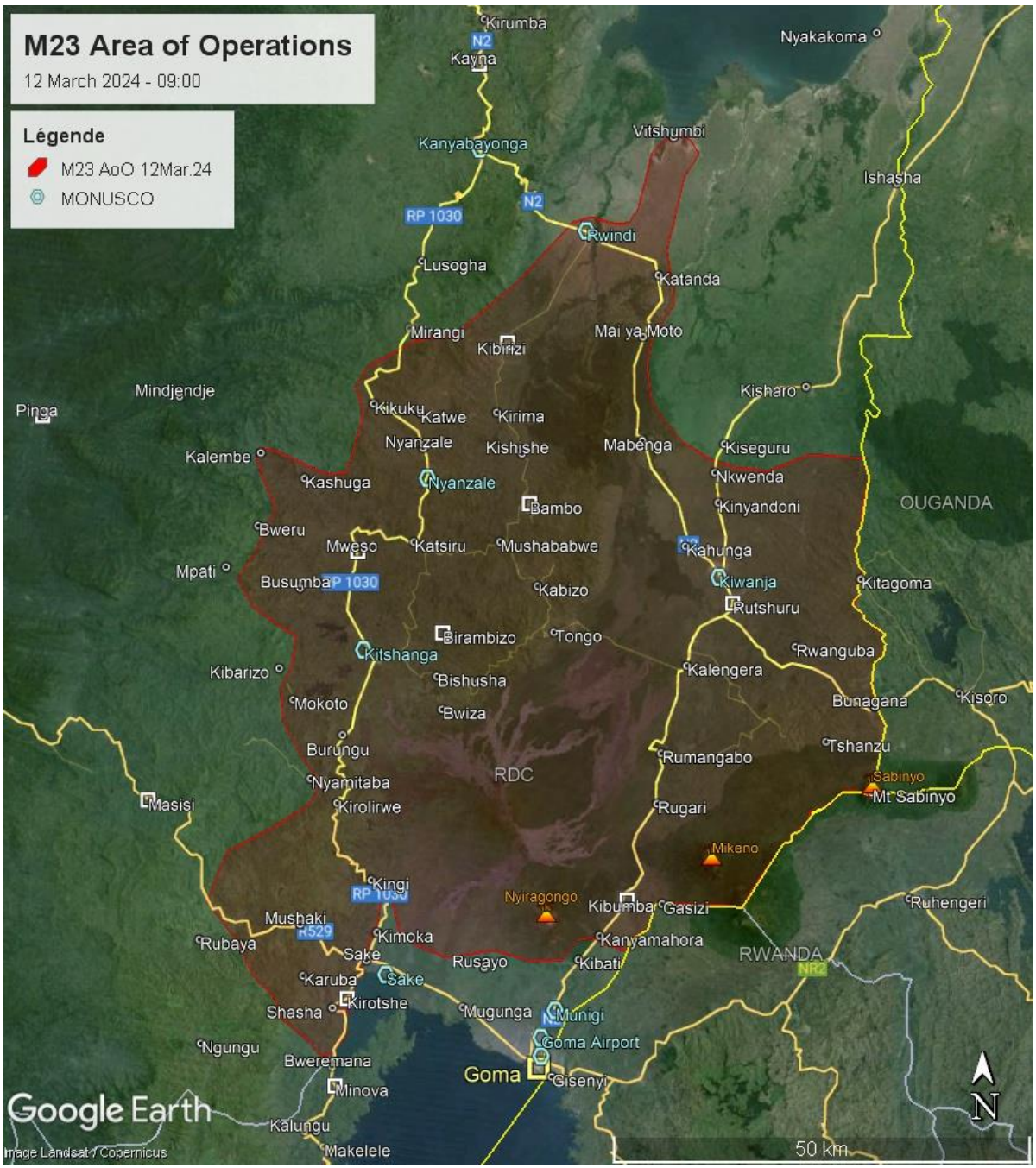


Maps received from confidential sources

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



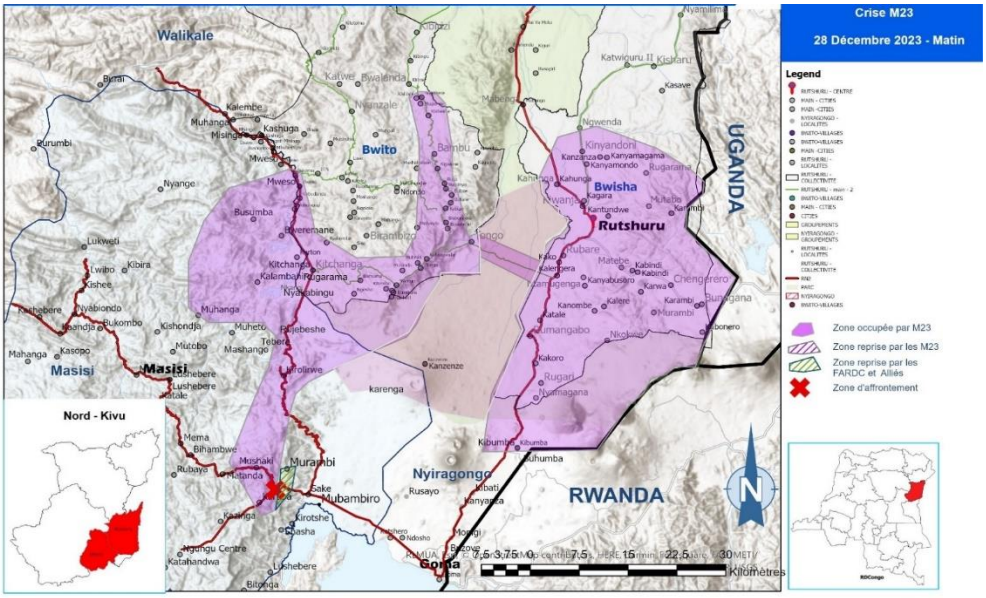
Map received from confidential sources

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

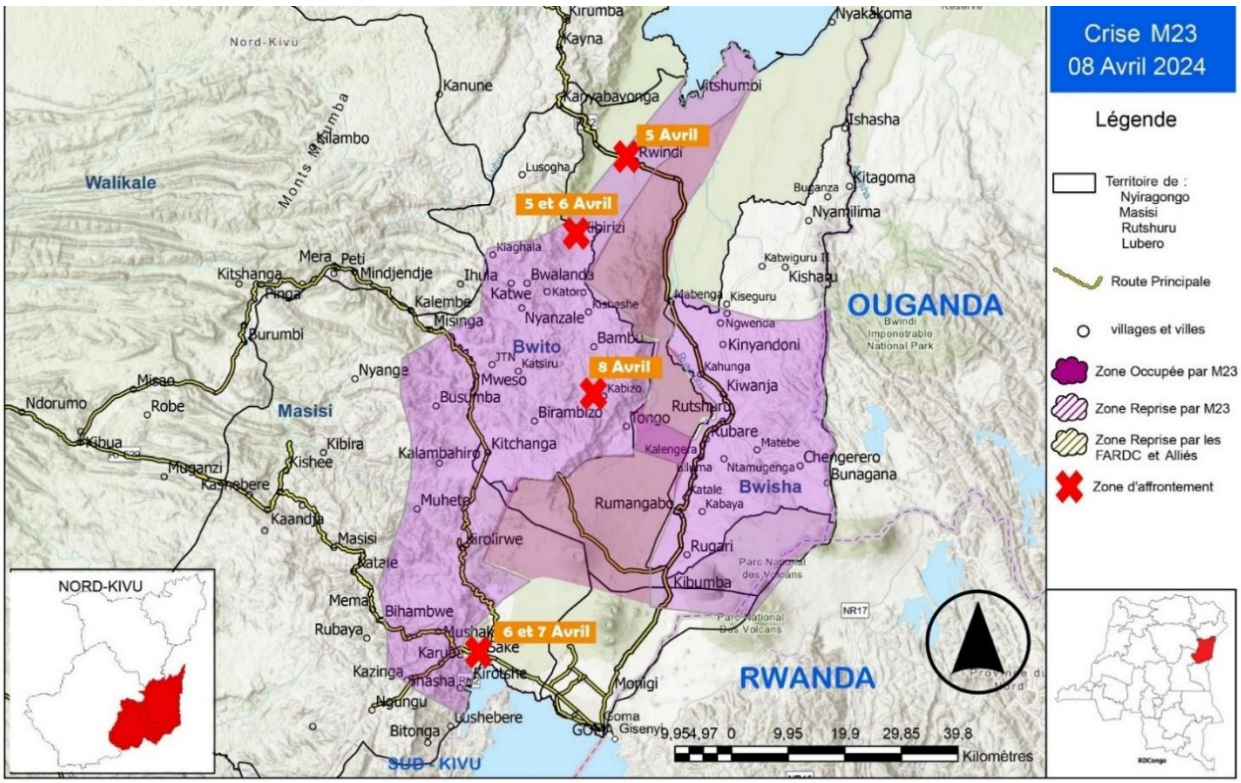
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.

- 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

MOUVEMENT DU 23 MARS

M23

OFFICIAL COMMUNIQUE OF FEBRUARY 7th, 2024

The M23 Movement Directorate, hereby, makes the following clarifications regarding the defensive manoeuvres it has been forced to make due to the continued attacks and slaughtering of civilians by the coalition forces of the Kinshasa regime namely FARDC, FDLR, MERCENARIES, MILITIAS, the BURUNDI NATIONAL DEFENCE FORCES and the SADC FORCES:

1. The M23 has no intention to seize Goma contrary to Kinshasa state-sponsored propaganda. However, artillery and air attacks targeting our forces and/or indiscriminate shelling of civilian populations will be dealt with at their source.

2. The M23 remains committed to a peaceful solution and is prepared to withdraw from forward positions if a monitored ceasefire and a credible verification mechanism are in place.

3. The M23 reiterates that it is seeking a solution through a political dialogue, and calls on regional and international leaders to support this effort.

Bunagana, February 7th, 2024

Head of the Department of Communication and Media
M23 Movement Spokesperson

Lawrence KANYUKA

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.

MOUVEMENT DU 23 MARS

M23

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

Lawrence KANYUKA

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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" Nsengiymva 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)

MOUVEMENT DU 23 MARS

M23

PRESIDENCE

Décision N° 032/PRES-M23 /2024 du 23 Janvier 2024 Portant élévation en grade d'un Officier General, des Officiers Supérieurs et Officiers Subalternes au sein de l'Armée Révolutionnaire Congolaise, ARC en sigle

Le Président du Mouvement du 23 mars,

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 ;

Vu 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 la nécessité de régulariser la situation administrative des Officiers de l'Armée Révolutionnaire Congolaise pour leur bravoure et leurs hauts-faits d'arme dans l'exercice de leur mission ;

Vu a nécessité et l'urgence ;

Sur proposition du Haut-Commandement Militaire du Mouvement du 23 mars,

DECIDE :

Article 1er :
Est élevé au grade de Général de Brigade au sein de l'Armée Révolutionnaire Congolaise à la date du 23 janvier 2024, le Colonel GACHERI MUSANGA Justin.

Article 2e :
Sont élevés au grade de Colonel, les officiers ci-après :

1. Lieutenant-Colonel NSANZE NZAMUYE Jimmy ;
2. Lieutenant-Colonel KARANGWA BIHIRE Justin;

Article 3e
Sont élevés au Grade de Lieutenant-Colonel, les officiers ci-après :

1. Major NSENGIYUMVA MUTEKANO Innocent;
2. Major MBANJIMBERE Innocent;
3. Major MAKOMARI Ruben;
4. Major KASONGO Papy;
5. Major MWISENEZA GAKWAYA Christian;
6. Major NGOMA Willy

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

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):

MOUVEMENT DU 23 MARS

M23

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 1er :
Sont nommés aux fonctions en regard de leurs noms, les camarades ci-après :

1. 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**

2. Département de la Communication et Médias

   Chef de Département : **KANYUKA Lawrence**
   Chef de Département Adjoint : **BALINDA Oscar**

3. Département des Finances et Production :

   Chef de Département : **BAHATI MUSANGA**
   Chef de Département Adjoint : **NZABONIMPA MUPENZI Jean-Bosco**.

Art 2e :
Toutes les dispositions antérieures contraires à la présente décision sont abrogées ;

Art 3e :
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

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 Sinabajije
- 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 1er :
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 2e :
Les Comités Paix et Sécurité sont transformés en Comités Locaux de Développement sous la responsabilité de l'Administrateur du Territoire ;

Art 3e :
Toutes les dispositions antérieures contraires à la présente décision sont abrogées ;

Art 4e :
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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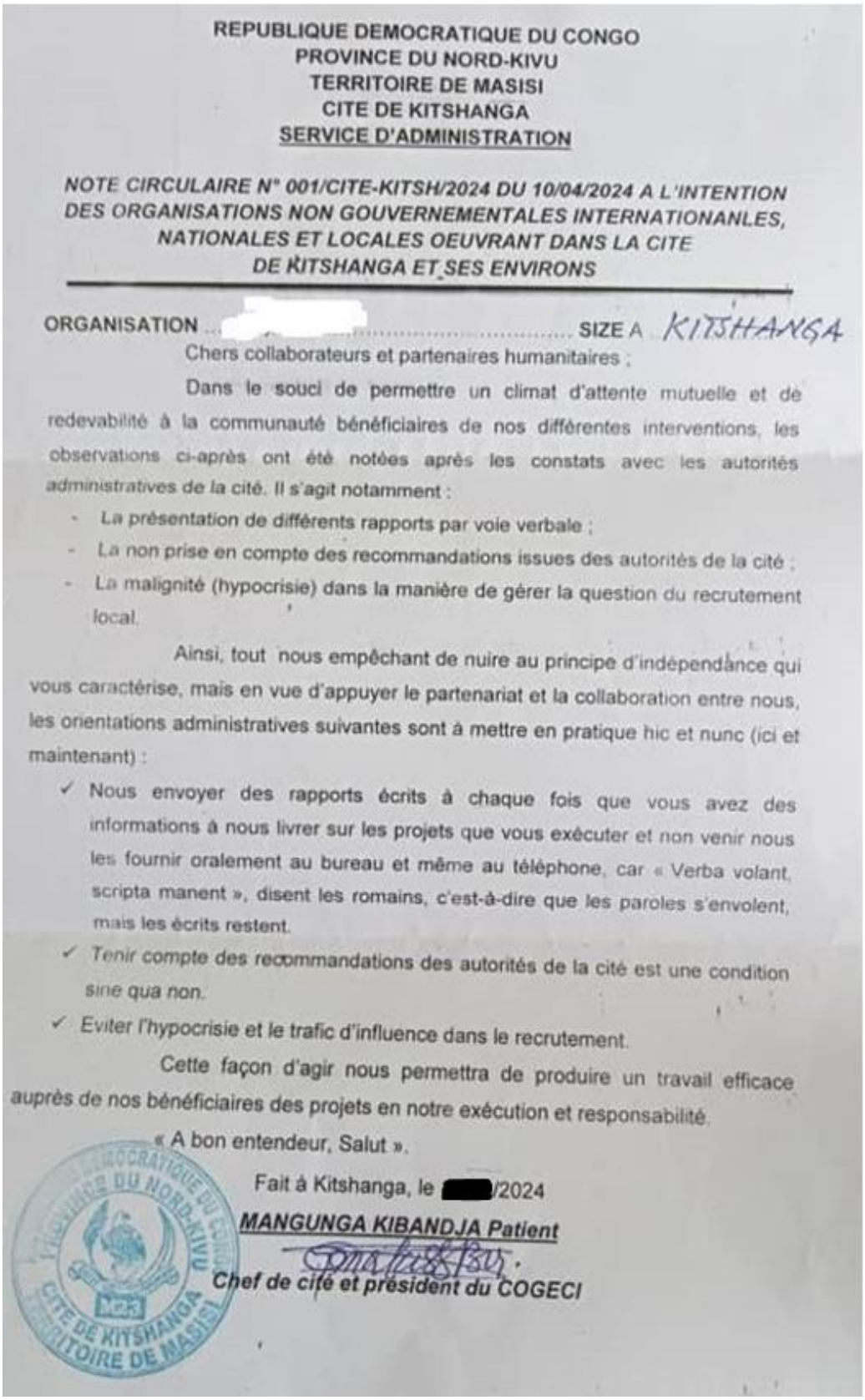
Document received from M23 source

- **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:



REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD-KIVU
TERRITOIRE DE MASISI
CITE DE KITSHANGA
SERVICE D'ADMINISTRATION

NOTE CIRCULAIRE N° 001/CITE-KITSH/2024 DU 10/04/2024 A L'INTENTION DES ORGANISATIONS NON GOUVERNEMENTALES INTERNATIONANLES, NATIONALES ET LOCALES OEUVRANT DANS LA CITE DE KITSHANGA ET SES ENVIRONS

ORGANISATION [redacted] SIZE A KITSHANGA

Chers collaborateurs et partenaires humanitaires ;

Dans le souci de permettre un climat d'attente mutuelle et de redevabilité à la communauté bénéficiaires de nos différentes interventions, les observations ci-après ont été notées après les constats avec les autorités administratives de la cité. Il s'agit notamment :

- La présentation de différents rapports par voie verbale ;
- La non prise en compte des recommandations issues des autorités de la cité ;
- La malignité (hypocrisie) dans la manière de gérer la question du recrutement local.

Ainsi, tout nous empêchant de nuire au principe d'indépendance qui vous caractérise, mais en vue d'appuyer le partenariat et la collaboration entre nous, les orientations administratives suivantes sont à mettre en pratique hic et nunc (ici et maintenant) :

- ✓ Nous envoyer des rapports écrits à chaque fois que vous avez des informations à nous livrer sur les projets que vous exécuter et non venir nous les fournir oralement au bureau et même au téléphone, car « Verba volant, scripta manent », disent les romains, c'est-à-dire que les paroles s'envolent, mais les écrits restent.
- ✓ Tenir compte des recommandations des autorités de la cité est une condition sine qua non.
- ✓ Eviter l'hypocrisie et le trafic d'influence dans le recrutement.

Cette façon d'agir nous permettra de produire un travail efficace auprès de nos bénéficiaires des projets en notre exécution et responsabilité.

« A bon entendeur, Salut ».

Fait à Kitshanga, le [redacted]/2024

MANGUNGA KIBANDJA Patient

Chef de cité et président du COGECI

Document received from confidential source

Annex 26 (para. 38)

Military training camp at Tchanzu

Camp d'entrainement 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°24’53.80S-29°01’34.88”E) and southeast of Kilolirwe (1°24’54.05”S-29_01’32.02”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 ICCN[62] airstrip, which is able to receive bomber aircraft. Earlier, M23 also showed interest in the smaller Katale airstrip which they still occupied at time of drafting. M23 took measurements of Katale 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 sue 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 Herzegovina[1] 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 communique 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)

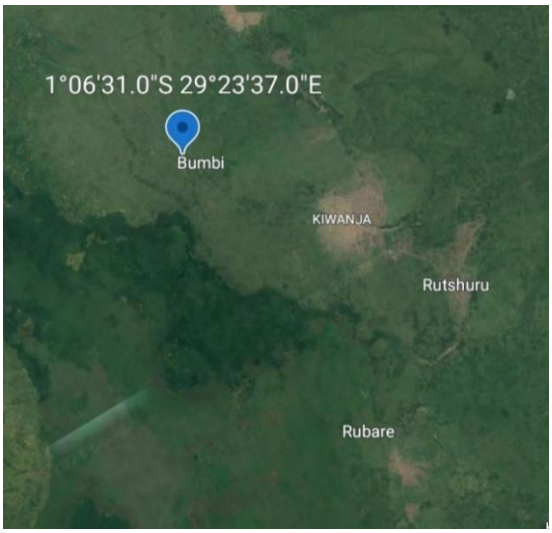
Drone footage of SHORAD system that failed to strike MONUSCO drone, and picture of SHORAD system in Kitshanga

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.

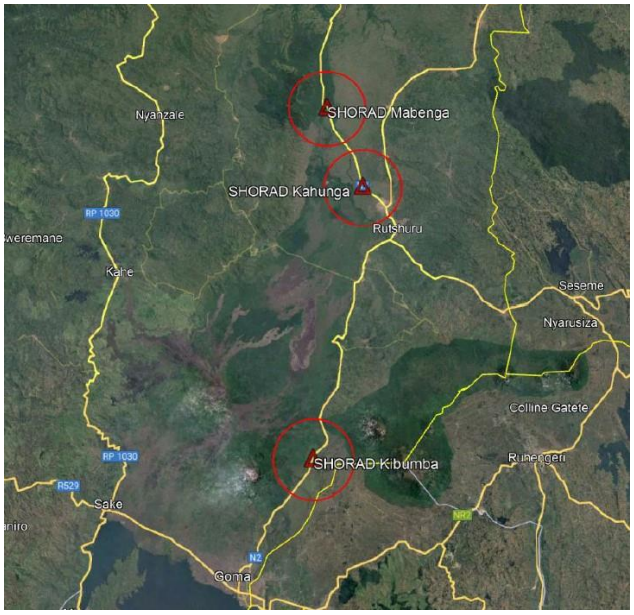


Map indicating the location of the SHORAD system in Bumbi

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).

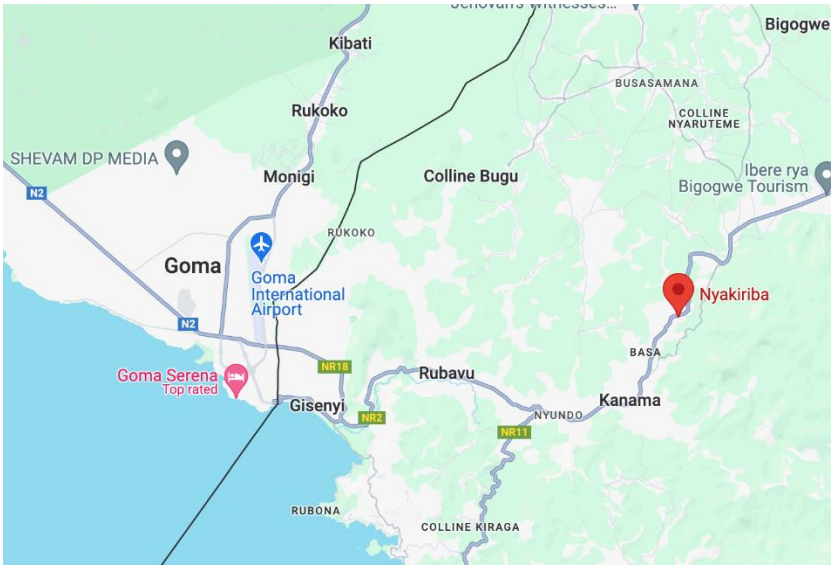
Two months earlier, on 29 March 2022, direct fire originating from a hill under M23 control had also hit a MONUSCO helicopter causing its crash, during which eight peacekeepers were killed (for further details, see S/2022/479, para. 63).

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

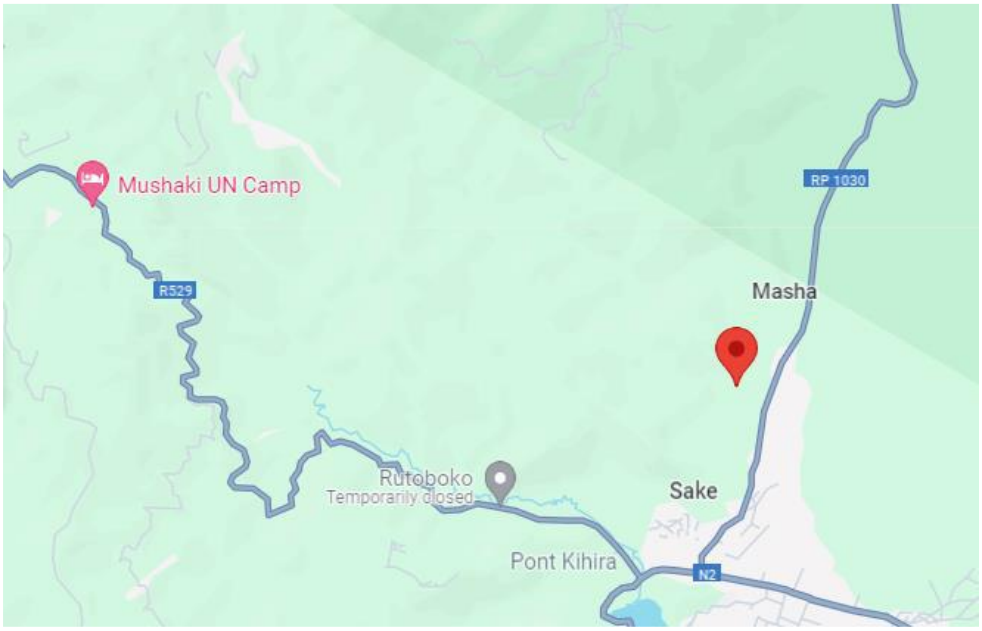
Engins explosifs improvisés transportés par drone utilisés par l'unité spéciale du régiment de la garde républicaine de la RDC à Kimoka

- **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**

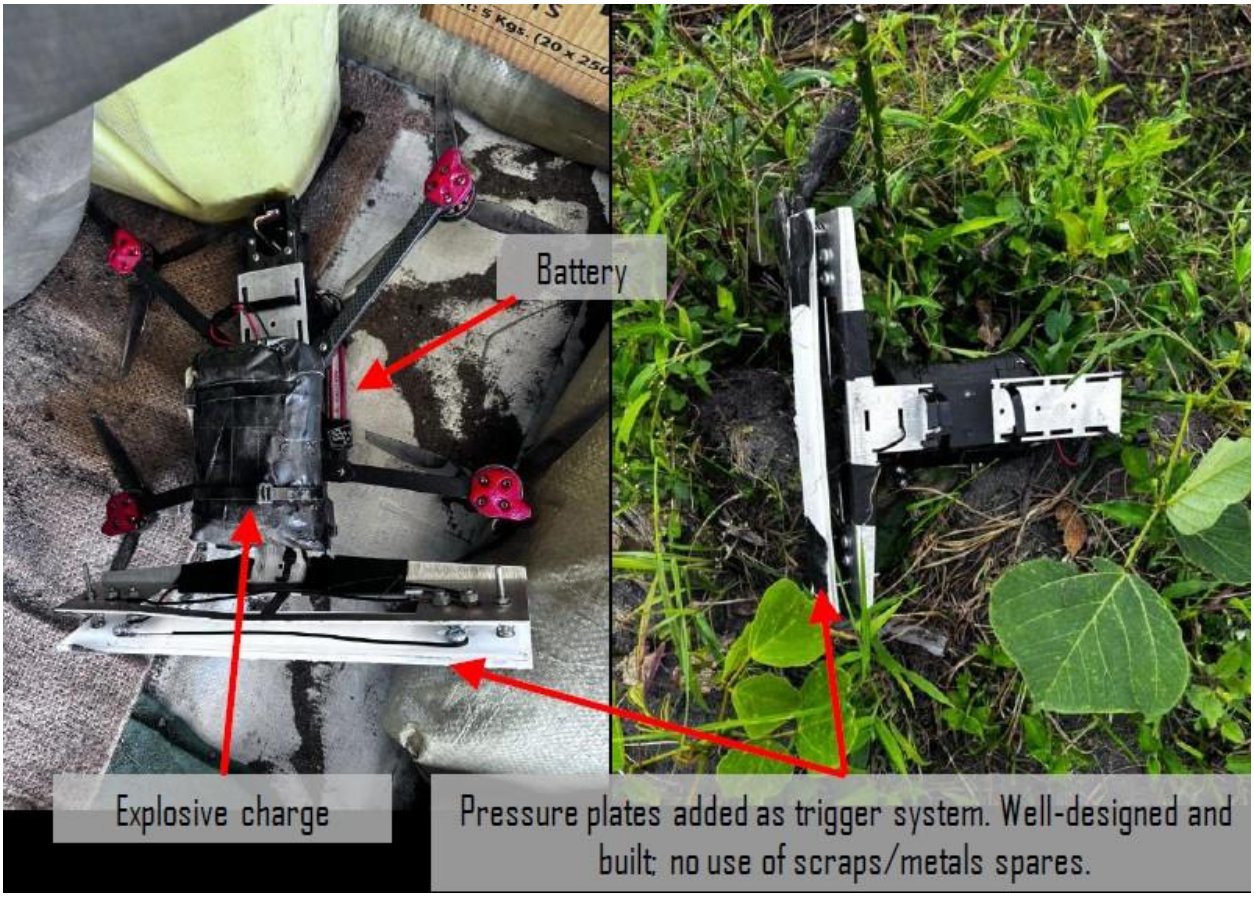
While the FARDC and Republican Guard did not officially claim the 12 February attack, several sources – including FARDC, security and intelligence sources – informed the Group that the drone-borne IEDs were piloted by the Republican Guard Regiment Special Unit, also known as the "Hiboux" (see also S/2023/990, 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 electronical 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 units[77] 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 radios[80] (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):

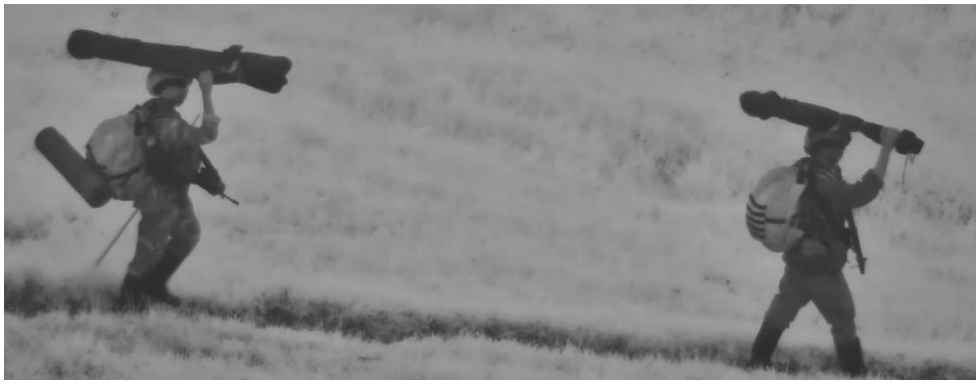
Pictures obtained by the Group from confidential source

- 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 Mwisa as VDP "commander"

Lettre signée par Guidon Shimiray Mwisa 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 Mwisa, 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 […]"

REPUBLIQUE DEMOCRATIQUE DU CONGO
LES VOLONTAIRES POUR LA DEFENSE DE LA PATRIE
COMMANDANT DES VDP
Contact: +243 82 420 8253, 80 882 0399

N/Réf N°014/ CMDT-VDP/GSM

Objet : Appel à la Mobilisation Nationale

A toute la jeunesse Congolaise

Chers compatriotes et Jeunes Congolais de partout en RDC, je vous saisis par la présente afin de vous transmettre ce dont l'objet reprend en marge.

En effet, notre pays est menacé, agressé et court un danger de balkanisation sans précédent. Ici, c'est le moment ou jamais que la patrie a besoin de l'implication de chacun, quiconque et tout le monde animé par l'esprit patriotique.

C'est pourquoi, entant que Commandant des patriotes résistants et Volontaires pour la Défense de la Patrie (VDP), j'en appelle à la mobilisation générale de tous les jeunes de la RDC de partout où ils se trouvent. C'est le moment ou jamais que votre mère patrie a besoin de vous.

En matérialisation de la sagesse africaine qui dit : « **le feu brille plus haut, si chacun y apporte un morceau de bois** », on a besoin de vous tous pour qu'on barre la route et qu'on fasse échec à ce plan diabolique contre notre pays.

Sachant que cet appel à la mobilisation patriotique et connaissant bien votre esprit patriotique, je reste convaincu que vous allez vous manifester de partout afin de venir appuyer la résistance patriotique, le volontariat pour la défense de la patrie, afin de mettre fin à cette aventure de l'agresseur de notre pays.

Je vous prie, de bien agréer chers jeunes l'expression de mes sentiments patriotiques et de grande considération.

Fait à KASHUGA le 12 Février 2024

POUR LES VDP

EM. COMDT DES VDP

Guidon SHIMIRAY MWISSA
Lt. Gén
Commandant des VDP

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 *groupement*s, Massisi 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]

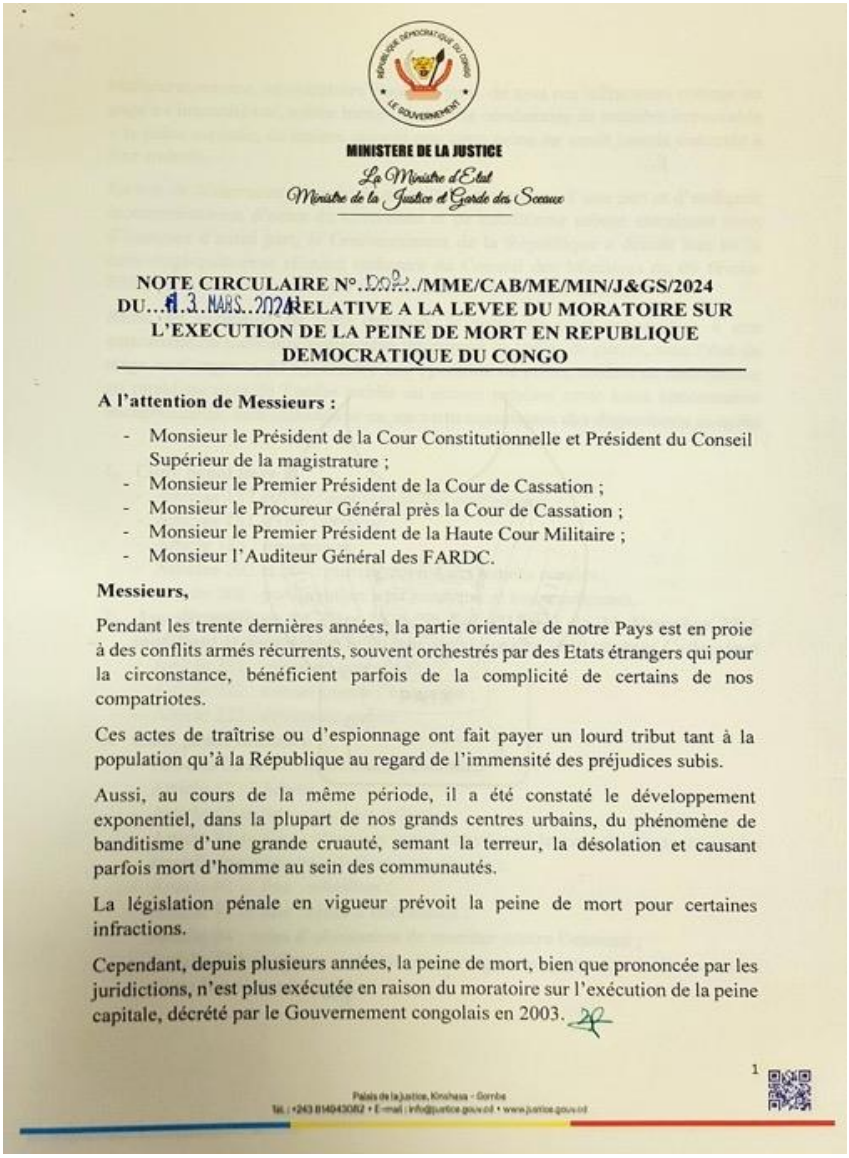
VDP and government sources reported that $2,000 in cash money was distributed to each of the 48 VDP leaders who travelled to Kinshasa on 8 April 2024 at President Tshisekedi's request (see para. 69).

[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



MINISTERE DE LA JUSTICE

Le Ministre d'Etat
Ministre de la Justice et Garde des Sceaux

NOTE CIRCULAIRE N°.002../MME/CAB/ME/MIN/J&GS/2024
DU...13.MARS..2024 RELATIVE A LA LEVEE DU MORATOIRE SUR L'EXECUTION DE LA PEINE DE MORT EN REPUBLIQUE DEMOCRATIQUE DU CONGO

A l'attention de Messieurs :

- Monsieur le Président de la Cour Constitutionnelle et Président du Conseil Supérieur de la magistrature ;
- Monsieur le Premier Président de la Cour de Cassation ;
- Monsieur le Procureur Général près la Cour de Cassation ;
- Monsieur le Premier Président de la Haute Cour Militaire ;
- Monsieur l'Auditeur Général des FARDC.

Messieurs,

Pendant les trente dernières années, la partie orientale de notre Pays est en proie à des conflits armés récurrents, souvent orchestrés par des Etats étrangers qui pour la circonstance, bénéficient parfois de la complicité de certains de nos compatriotes.

Ces actes de traîtrise ou d'espionnage ont fait payer un lourd tribut tant à la population qu'à la République au regard de l'immensité des préjudices subis.

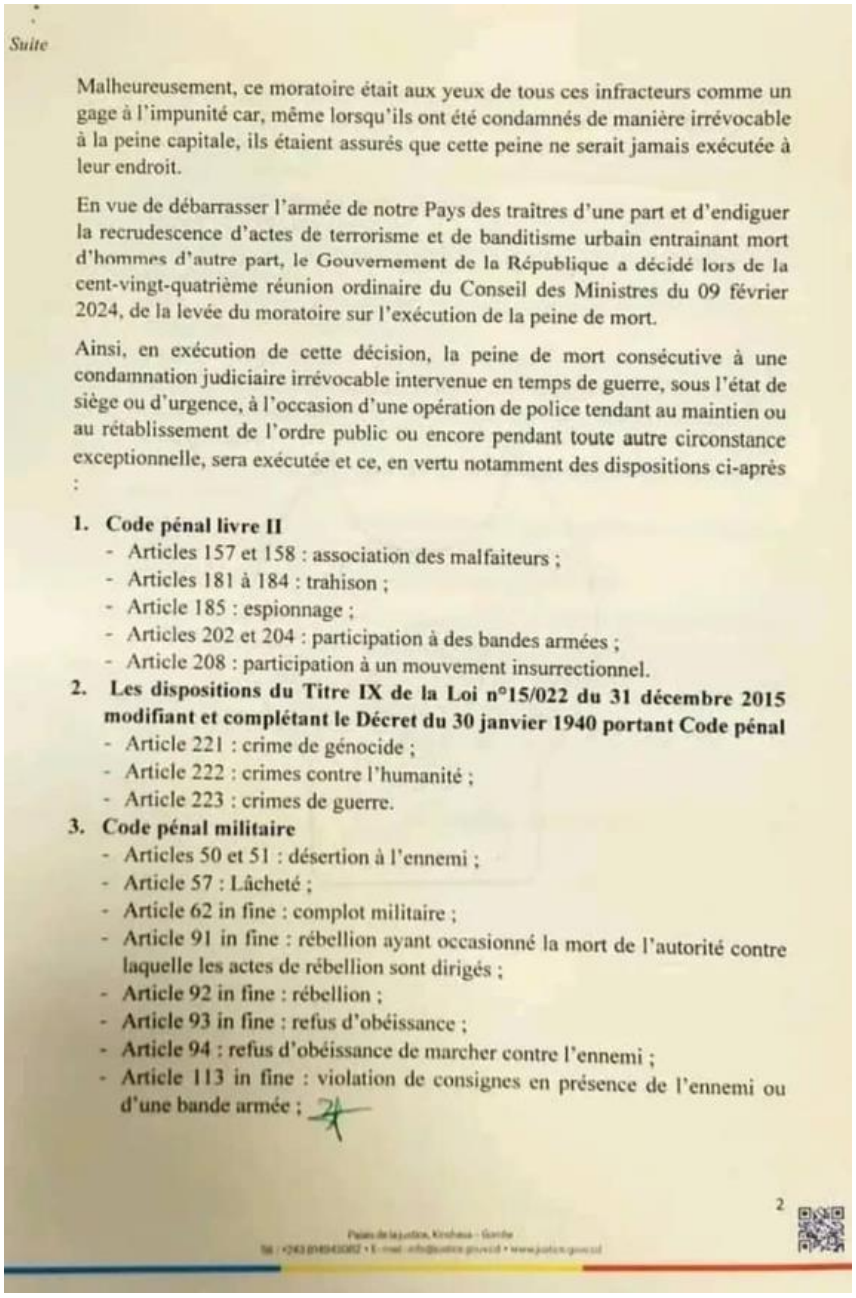
Aussi, au cours de la même période, il a été constaté le développement exponentiel, dans la plupart de nos grands centres urbains, du phénomène de banditisme d'une grande cruauté, semant la terreur, la désolation et causant parfois mort d'homme au sein des communautés.

La législation pénale en vigueur prévoit la peine de mort pour certaines infractions.

Cependant, depuis plusieurs années, la peine de mort, bien que prononcée par les juridictions, n'est plus exécutée en raison du moratoire sur l'exécution de la peine capitale, décrété par le Gouvernement congolais en 2003.

1

Palais de la justice, Kinshasa - Gombe
Tél. : +243 814043082 • E-mail : info@justice.gouv.cd • www.justice.gouv.cd



Suite

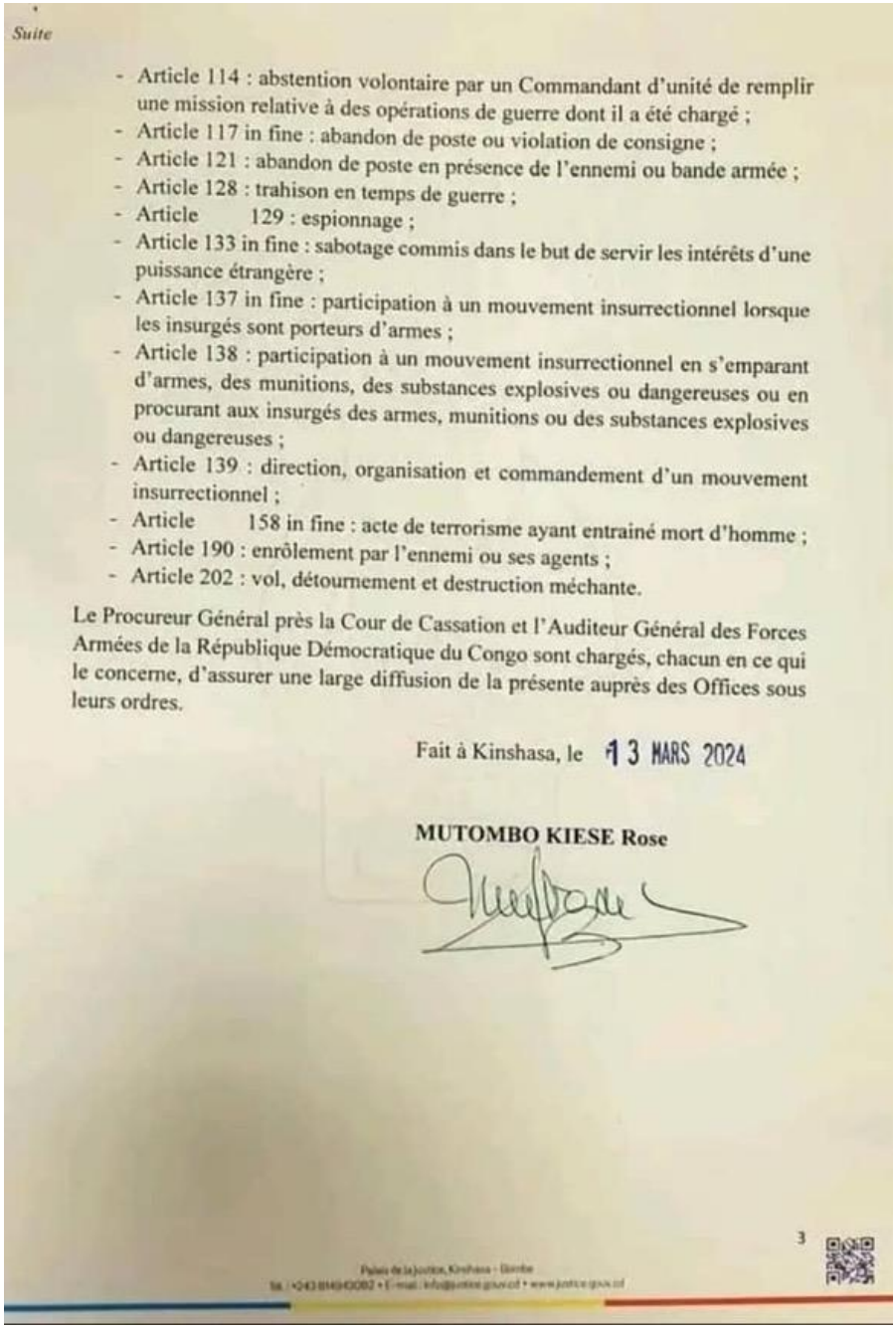
Malheureusement, ce moratoire était aux yeux de tous ces infracteurs comme un gage à l'impunité car, même lorsqu'ils ont été condamnés de manière irrévocable à la peine capitale, ils étaient assurés que cette peine ne serait jamais exécutée à leur endroit.

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 entrainant 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



Suite

- Article 114 : abstention volontaire par un Commandant d'unité de remplir une mission relative à des opérations de guerre dont il a été chargé ;
- Article 117 in fine : abandon de poste ou violation de consigne ;
- Article 121 : abandon de poste en présence de l'ennemi ou bande armée ;
- Article 128 : trahison en temps de guerre ;
- Article 129 : espionnage ;
- Article 133 in fine : sabotage commis dans le but de servir les intérêts d'une puissance étrangère ;
- Article 137 in fine : participation à un mouvement insurrectionnel lorsque les insurgés sont porteurs d'armes ;
- Article 138 : participation à un mouvement insurrectionnel en s'emparant d'armes, des munitions, des substances explosives ou dangereuses ou en procurant aux insurgés des armes, munitions ou des substances explosives ou dangereuses ;
- Article 139 : direction, organisation et commandement d'un mouvement insurrectionnel ;
- Article 158 in fine : acte de terrorisme ayant entrainé mort d'homme ;
- Article 190 : enrôlement par l'ennemi ou ses agents ;
- Article 202 : vol, détournement et destruction méchante.

Le Procureur Général près la Cour de Cassation et l'Auditeur Général des Forces Armées de la République Démocratique du Congo sont chargés, chacun en ce qui le concerne, d'assurer une large diffusion de la présente auprès des Offices sous leurs ordres.

Fait à Kinshasa, le 13 MARS 2024

MUTOMBO KIESE Rose

3

Palais de la Justice, Kinshasa - Gombe
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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".

République Démocratique du Congo

FCR

FRONT COMMUN DE LA RÉSISTANCE

Bureau Politique

CONTACTS : Tél. +243 981 856 174

E-mail :frontcommundelaresistancefcr@gmail.com

DÉCLARATION POLITIQUE N°001/FCR/BP/2023 PORTANT CRÉATION D'UNE PLATE-FORME POLITICO-MILITAIRE DÉNOMMÉE FRONT COMMUN DE LA RÉSISTANCE « FCR » en sigle

Nous, leaders des différents groupes d'autodéfense basés au Nord et au Sud-Kivu ;

Vu la situation humanitaire chaotique dans laquelle se trouve la population de la partie Est de notre pays ;

Prenant en compte les facteurs déclencheurs de l'insécurité qui est la présence des groupes armés étrangers sur le sol de nos ancêtres ;

Reconnaissant notre parfaite collaboration avec les éléments de notre armée les FARDC ;

Vu notre engagement de défendre efficacement toute la population dans sa diversité ethnique, linguistique et culturelle ;

Vu l'urgence,

Nous avons pris notre responsabilité devant l'histoire et le monde d'unir nos forces respectives et ainsi créer une plate-forme politico-militaire AUTONOME dénommée Front Commun de la Résistance « FCR » en sigle.

1. **De la mission du FCR**

Cette plate-forme s'assigne comme missions :

1. Réunir tous les résistants opérant au Nord et au Sud-Kivu ;
2. Nous attaquer aux causes profondes de l'insécurité dans nos provinces, entre autres la présence des groupes armés étrangers qui endeuillent continuellement nos populations ;
3. Assurer la sécurité des personnes et leurs biens dans les zones sous notre contrôle afin de permettre le retour des populations déplacées internes et des compatriotes qui ont choisi l'exil à cause de l'insécurité persistante ;

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

Pour FCR

Col. Agustin F. DARWIN MUTOMBO
Porte parole

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), Jacqmain 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.

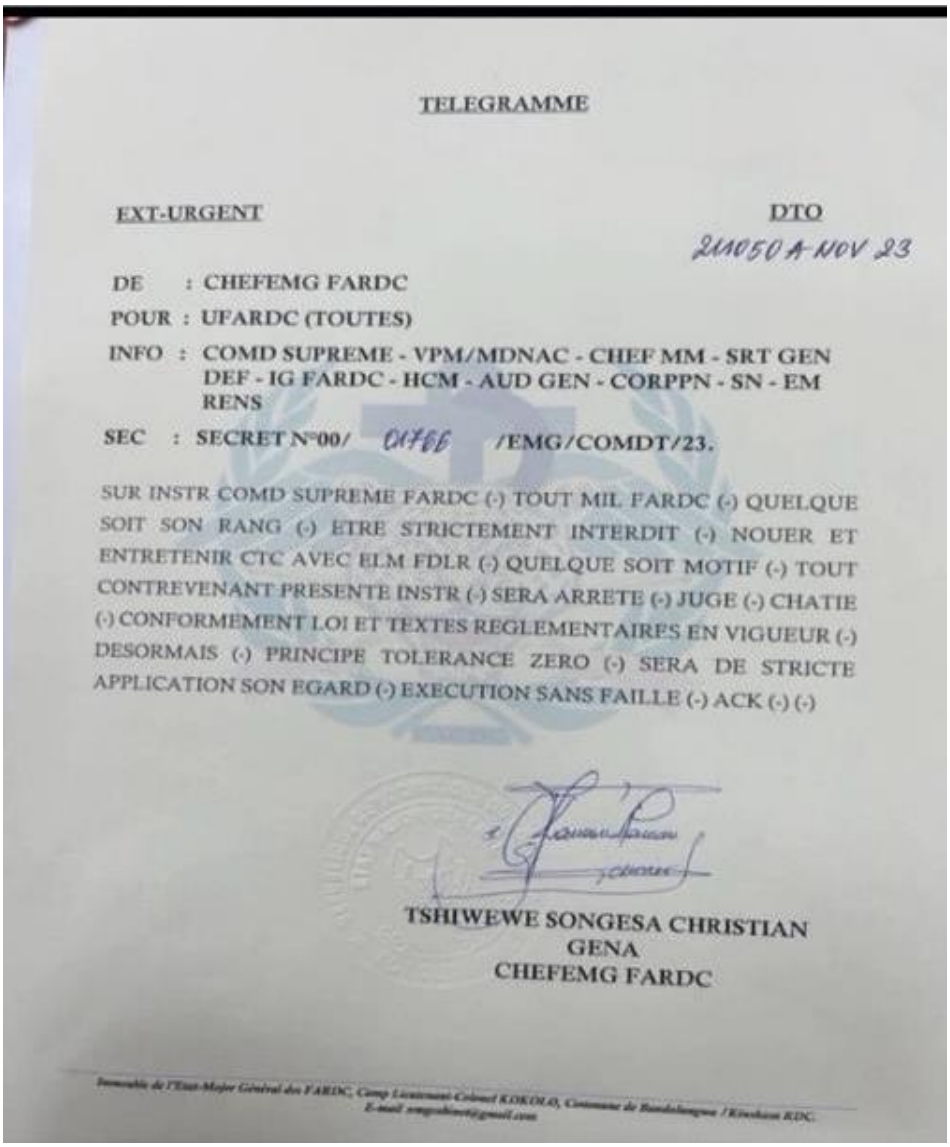
The Government representatives and advisors to the President also told the armed group leaders during that 16 April meeting that at the end of the conflict, they could join the RAD through the Disarmament, Demobilization, Community Recovery and Stabilization Program (PDDRCS). Armed group leaders were 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



TELEGRAMME

EXT-URGENT DTO

211050 A NOV 23

DE : CHEFEMG FARDC

POUR : UFARDC (TOUTES)

INFO : COMD SUPREME - VPM/MDNAC - CHEF MM - SRT GEN DEF - IG FARDC - HCM - AUD GEN - CORPPN - SN - EM RENS

SEC : SECRET N°00/ 0476E /EMG/COMDT/23.

SUR INSTR COMD SUPREME FARDC (-) TOUT MIL FARDC (-) QUELQUE SOIT SON RANG (-) ETRE STRICTEMENT INTERDIT (-) NOUER ET ENTRETENIR CTC AVEC ELM FDLR (-) QUELQUE SOIT MOTIF (-) TOUT CONTREVENANT PRESENTE INSTR (-) SERA ARRETE (-) JUGE (-) CHATIE (-) CONFORMEMENT LOI ET TEXTES REGLEMENTAIRES EN VIGUEUR (-) DESORMAIS (-) PRINCIPE TOLERANCE ZERO (-) SERA DE STRICTE APPLICATION SON EGARD (-) EXECUTION SANS FAILLE (-) ACK (-) (-)

TSHIWEWE SONGESA CHRISTIAN
GENA
CHEFEMG FARDC

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.

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCES ARMEES

ETAT-MAJOR GENERAL
Le Porte-Parole

COMMUNIQUE DE PRESSE.

Les Forces Armées de la République Démocratique du Congo informent l'opinion nationale et internationale de l'interpellation du Général-Major MPEZO MBELE Bruno, Commandant de la 34ème Région Militaire au Nord-Kivu.

Il est reproché à cet Officier Général, non seulement la mauvaise gestion des ressources humaines et matérielles mises à sa disposition, mais aussi la violation des consignes relatives à l'interdiction stricte des membres des Forces Armées, quel que soit leur grade, de s'engager aux côtés des Forces Démocratiques de Libération du Rwanda.

La Justice Militaire est d'ores et déjà saisie pour approfondir les investigations sur ce dossier et établir les responsabilités.

Les Forces Armées de la République Démocratique du Congo réaffirment le caractère impératif des instructions permanentes du Chef d'Etat-Major Général des FARDC du 21 novembre 2023 et réitèrent l'interdiction faite à tous les militaires de collaborer avec les forces négatives FDLR.

Tout contrevenant subira toute la rigueur de la loi.

Fait à Kinshasa, le 30 décembre 2023

KONGE BOMUSA EFOMI Sylvain
Général-Major

Contact : +243 971 800 424. Courriel : [illegible] – site internet : www.fardcnet.mil.cd
Facebook : Forces Armées de la RD Congo – YouTube, Twitter et Instagram : FARDC OFFICIEL
SCIFA.

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 FNDB 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.:

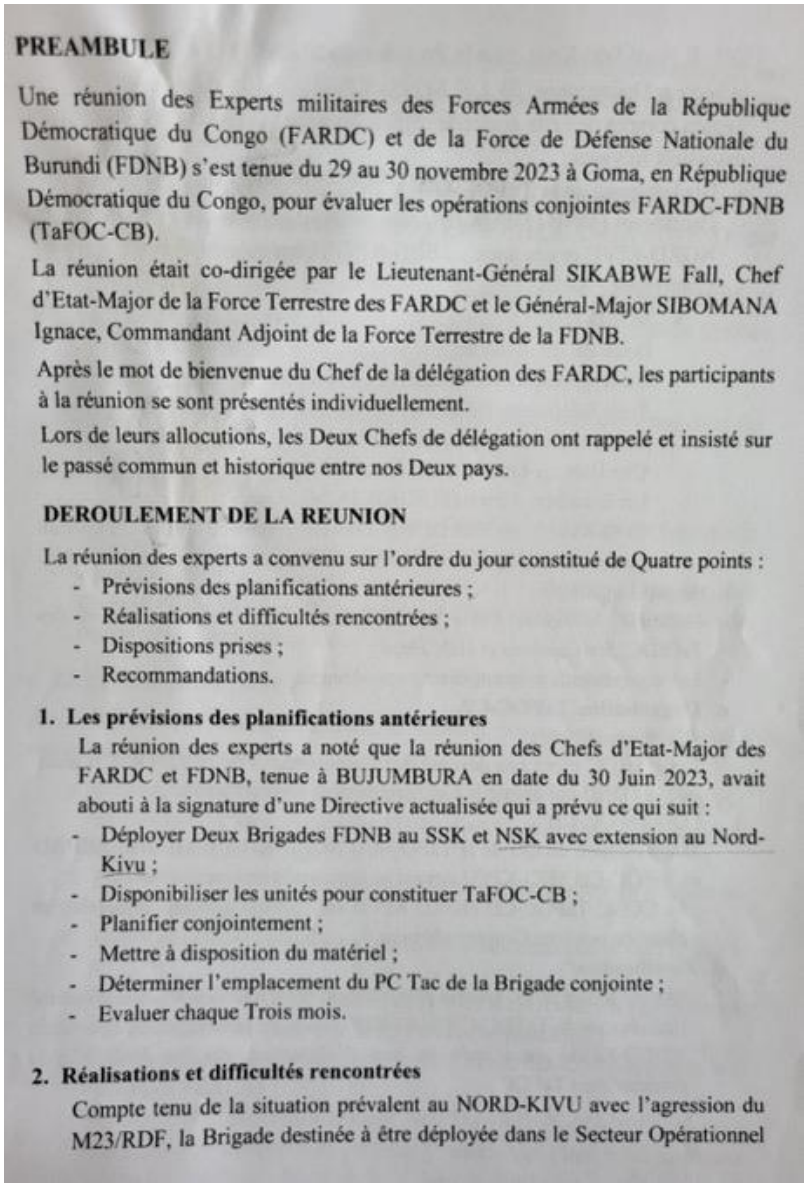
- Send two new FDNB battalions to TaFOC North Kivu;
- Take all necessary measures by TaFOC North Kivu following the planned departure of EACRF;

[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).



PREAMBULE

Une réunion des Experts militaires des Forces Armées de la République Démocratique du Congo (FARDC) et de la Force de Défense Nationale du Burundi (FDNB) s'est tenue du 29 au 30 novembre 2023 à Goma, en République Démocratique du Congo, pour évaluer les opérations conjointes FARDC-FDNB (TaFOC-CB).

La réunion était co-dirigée par le Lieutenant-Général SIKABWE Fall, Chef d'Etat-Major de la Force Terrestre des FARDC et le Général-Major SIBOMANA Ignace, Commandant Adjoint de la Force Terrestre de la FDNB.

Après le mot de bienvenue du Chef de la délégation des FARDC, les participants à la réunion se sont présentés individuellement.

Lors de leurs allocutions, les Deux Chefs de délégation ont rappelé et insisté sur le passé commun et historique entre nos Deux pays.

DEROULEMENT DE LA REUNION

La réunion des experts a convenu sur l'ordre du jour constitué de Quatre points :

- Prévisions des planifications antérieures ;
- Réalisations et difficultés rencontrées ;
- Dispositions prises ;
- Recommandations.

1. Les prévisions des planifications antérieures

La réunion des experts a noté que la réunion des Chefs d'Etat-Major des FARDC et FDNB, tenue à BUJUMBURA en date du 30 Juin 2023, avait abouti à la signature d'une Directive actualisée qui a prévu ce qui suit :

- Déployer Deux Brigades FDNB au SSK et NSK avec extension au Nord-Kivu ;
- Disponibiliser les unités pour constituer TaFOC-CB ;
- Planifier conjointement ;
- Mettre à disposition du matériel ;
- Déterminer l'emplacement du PC Tac de la Brigade conjointe ;
- Evaluer chaque Trois mois.

2. Réalisations et difficultés rencontrées

Compte tenu de la situation prévalent au NORD-KIVU avec l'agression du M23/RDF, la Brigade destinée à être déployée dans le Secteur Opérationnel

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 recompléter : 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.

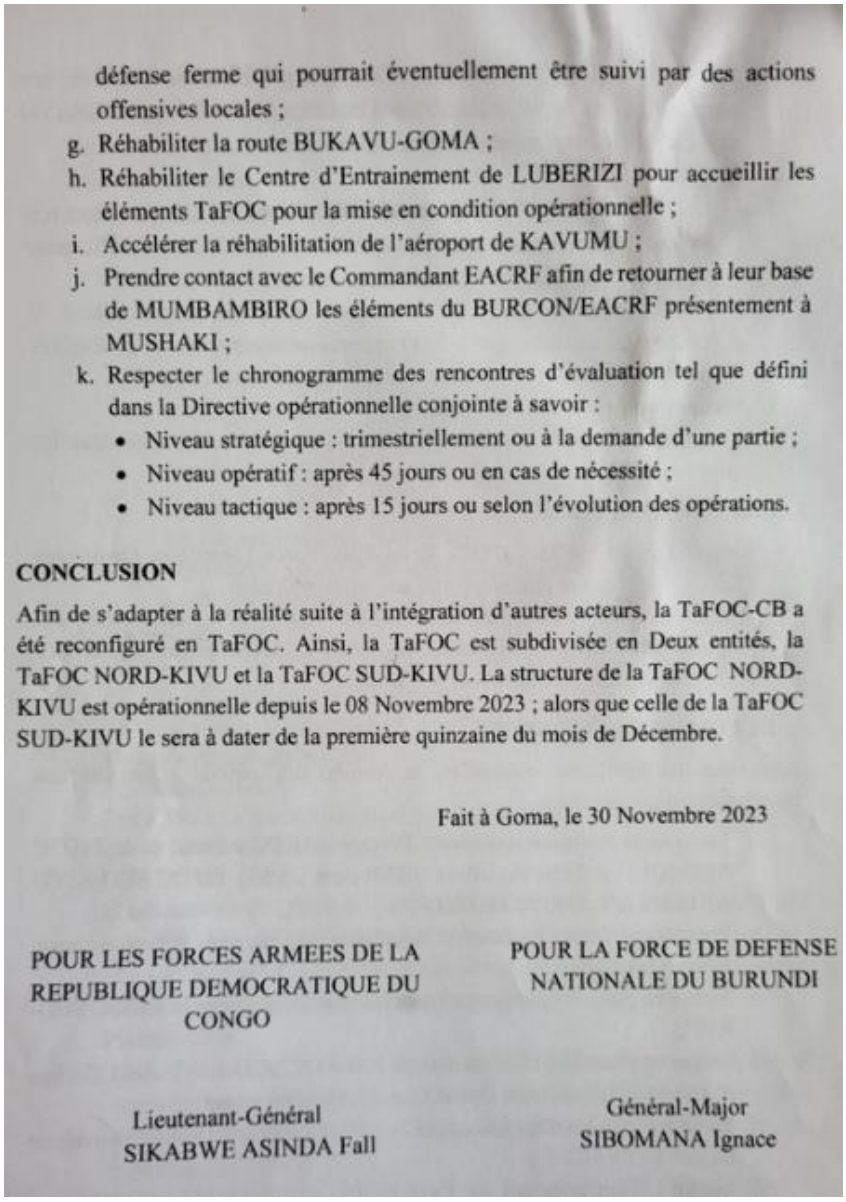
3. DISPOSITIONS PRISES

- 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'Entrainement 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

FORCE DE DEFENSE NATIONALE DU BURUNDI G9

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 (EACFR) 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":

MOUVEMENT DU 23 MARS

COMMUNIQUE OF DECEMBER 3RD, 2023

The M23 Movement Directorate is pleased to convey its heartfelt thanks to EAC for the tremendous work done by its force (EACRF) in full respect of its mandate. We, hereby, say farewell to the EACRF and wish it well on its next assignment.

The M23 calls upon the International Community and Humanitarians, to break their silence over the ongoing ethnic cleansing perpetrated by DRC Government and the unprecedented humanitarian crisis in Masisi.

From the foregoing, the M23 declares the following:

1. It condemns the continuous heavy bombardments by the DRC Government coalition's Forces mainly FARDC, FDLR, MERCENARIES, MILITIAS and BURUNDI NATIONAL DEFENCE FORCES against all M23 positions and civilians' heavily populated areas using fighter planes, tanks and heavy artillery.

2. We are drawing the attention of the International and National Community to the DRC Government's false declaration of ending its collaboration with FDLR as per the FARDC Telegram reference SECRET N°00/ 01766/EMG/COMDT/23
We have tangible evidence that contradicts the DRC Government statement. The DRC Government is still fully committed to its alliance with the FDLR and the latter are amongst the coalition forces that are attacking our positions and civilians' heavily populated areas.

3. In honouring the Decisions of Heads of State derived from their 20th Summit, held in Bujumbura on February 4th, 2023, the M23 ceasefire and withdrew beyond requested areas. Following the departure of the EACRF from DRC, for the well-being of the civilian population, the M23 will recover and occupy all its areas that it handed over to EACRF at the beginning of the peace process.

The M23 reiterates its commitment to resolve peacefully the ongoing conflict in Eastern DRC and will not spare any effort to protect the civilian population and to defend itself professionally.

Kavumu, December 3rd, 2023

The M23 Movement Spokesperson

Lawrence KANYUKA

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

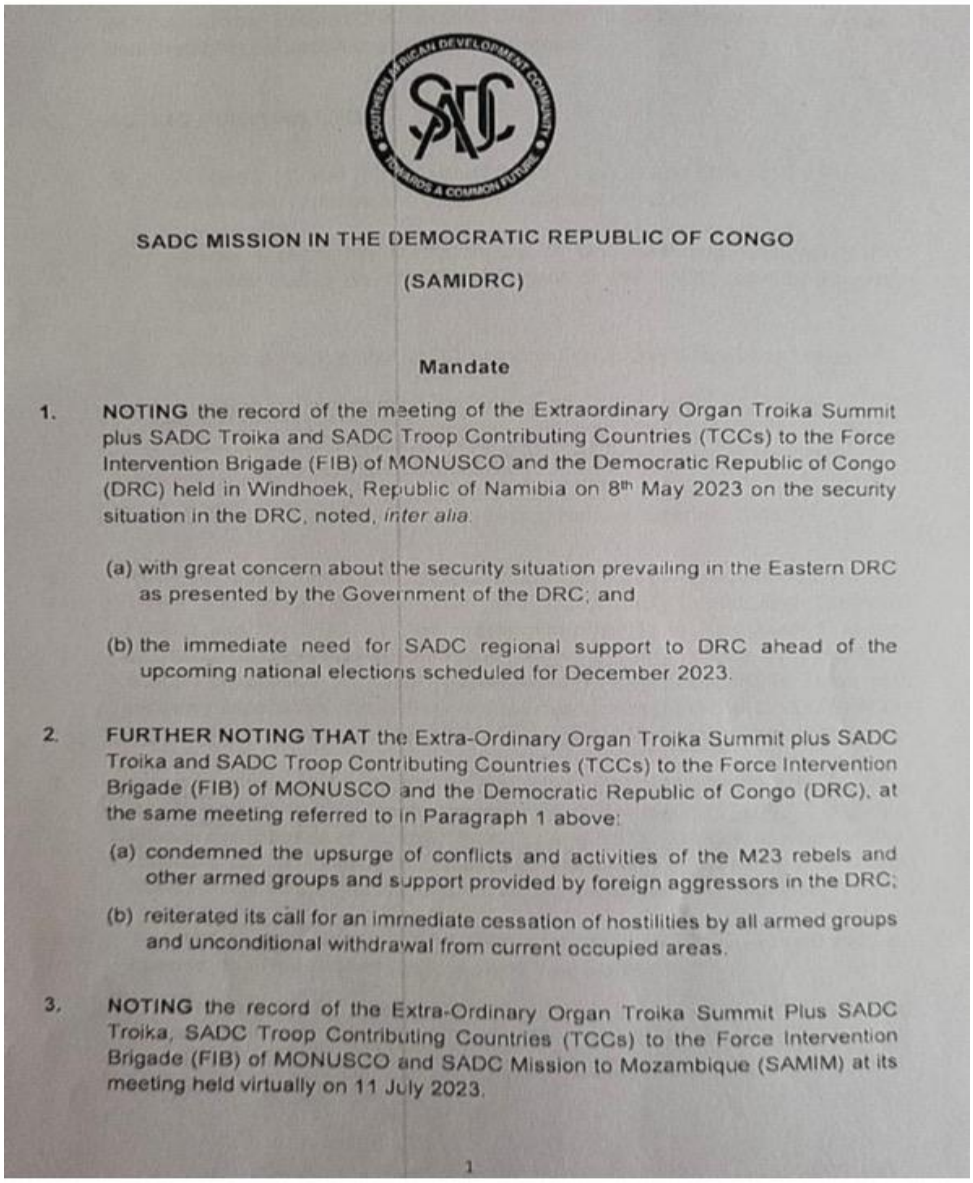
SAMIDRC deployment commenced in December 2023. In January 2024, the first SAMIDRC troops were deployed in and around Goma. On 13 February 2024, the South African Government announced the deployment within the SAMIDRC framework of an additional 2,900 troops for one year.[93] Malawi and Tanzania also contributed 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.

1

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;

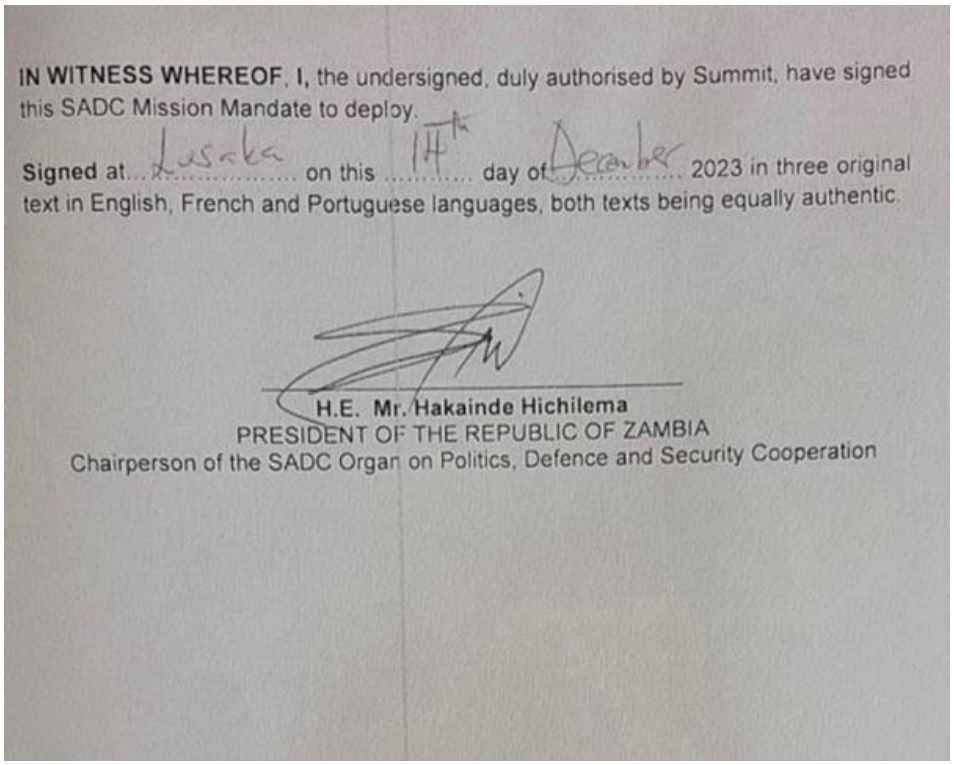
(d) protect critical infrastructure in the Eastern DRC, and

(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.

3



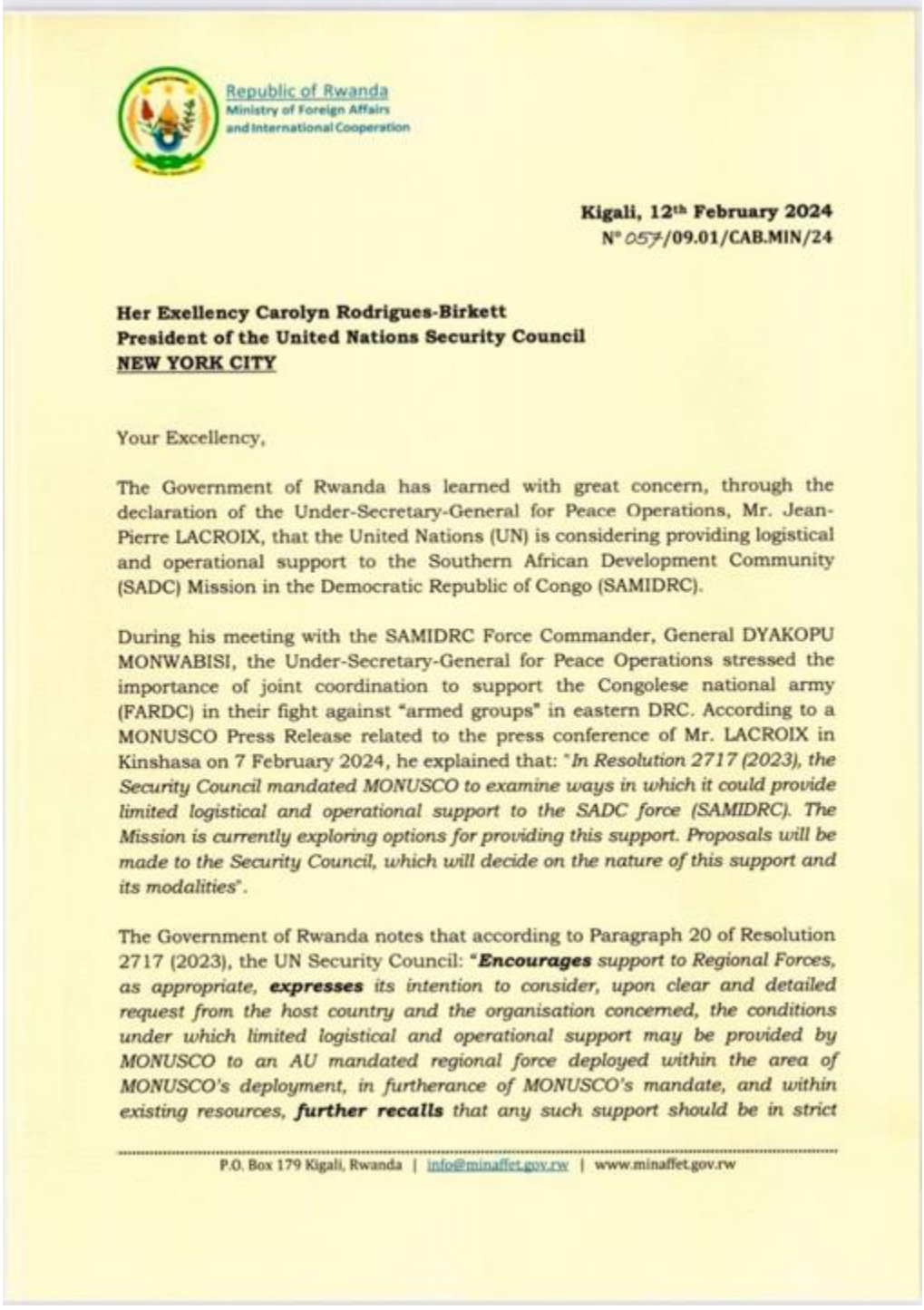
IN WITNESS WHEREOF, I, the undersigned, duly authorised by Summit, have signed this SADC Mission Mandate to deploy.

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:



Republic of Rwanda
Ministry of Foreign Affairs
and International Cooperation

Kigali, 12th February 2024
N° 057/09.01/CAB.MIN/24

Her Exellency Carolyn Rodrigues-Birkett
President of the United Nations Security Council
NEW YORK CITY

Your Excellency,

The Government of Rwanda has learned with great concern, through the declaration of the Under-Secretary-General for Peace Operations, Mr. Jean-Pierre LACROIX, that the United Nations (UN) is considering providing logistical and operational support to the Southern African Development Community (SADC) Mission in the Democratic Republic of Congo (SAMIDRC).

During his meeting with the SAMIDRC Force Commander, General DYAKOPU MONWABISI, the Under-Secretary-General for Peace Operations stressed the importance of joint coordination to support the Congolese national army (FARDC) in their fight against "armed groups" in eastern DRC. According to a MONUSCO Press Release related to the press conference of Mr. LACROIX in Kinshasa on 7 February 2024, he explained that: "*In Resolution 2717 (2023), the Security Council mandated MONUSCO to examine ways in which it could provide limited logistical and operational support to the SADC force (SAMIDRC). The Mission is currently exploring options for providing this support. Proposals will be made to the Security Council, which will decide on the nature of this support and its modalities*".

The Government of Rwanda notes that according to Paragraph 20 of Resolution 2717 (2023), the UN Security Council: "***Encourages*** *support to Regional Forces, as appropriate,* ***expresses*** *its intention to consider, upon clear and detailed request from the host country and the organisation concerned, the conditions under which limited logistical and operational support may be provided by MONUSCO to an AU mandated regional force deployed within the area of MONUSCO's deployment, in furtherance of MONUSCO's mandate, and within existing resources,* ***further recalls*** *that any such support should be in strict*

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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.

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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.

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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

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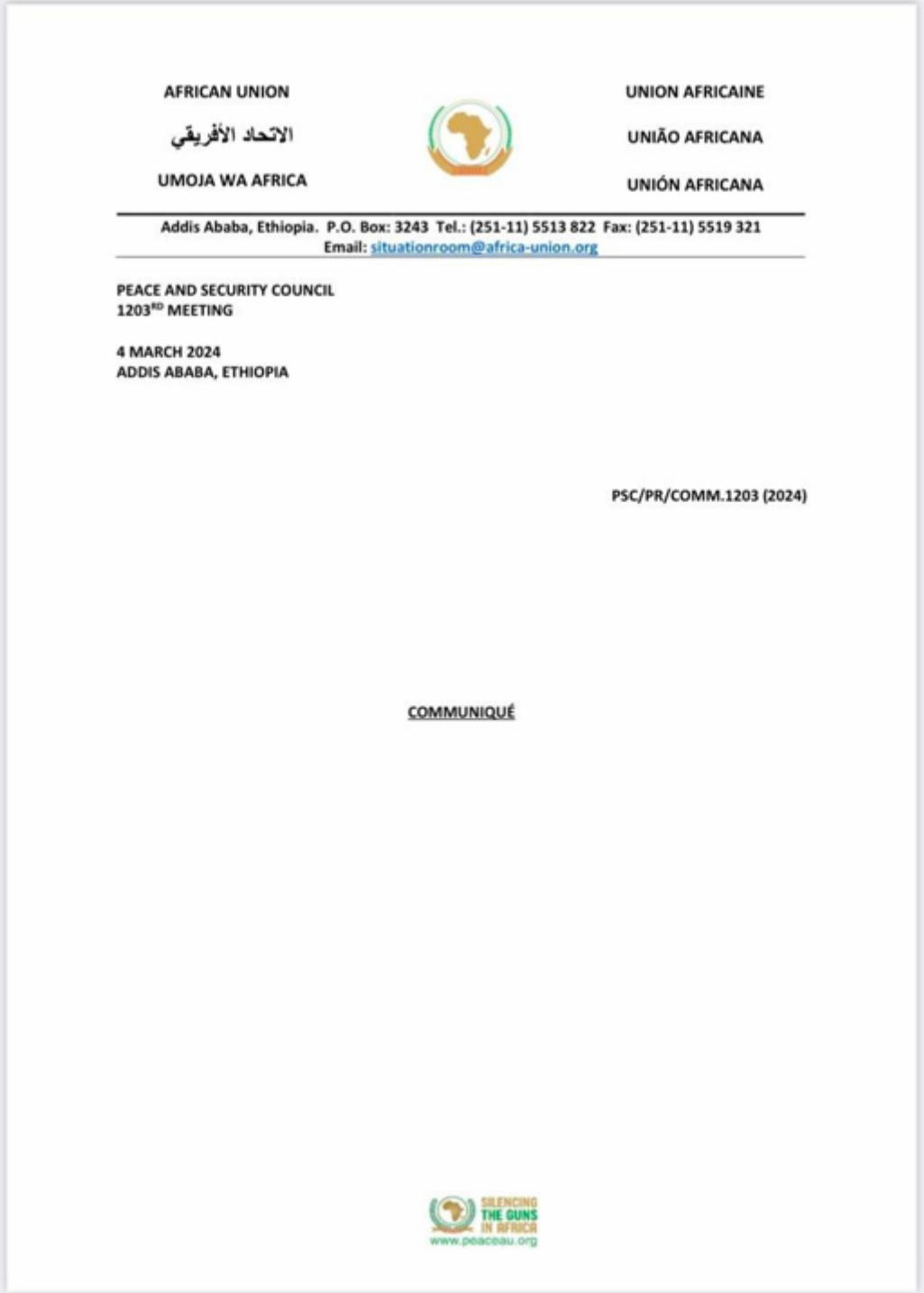
Document received from confidential source

African Union's Communique dated 4 March 2024 endorsing SAMIDRC Deployment



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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

SILENCING THE GUNS IN AFRICA
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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

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contribute towards the provision of humanitarian assistance to alleviate the suffering of the affected population;

4. ***Calls for t***he 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;

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)

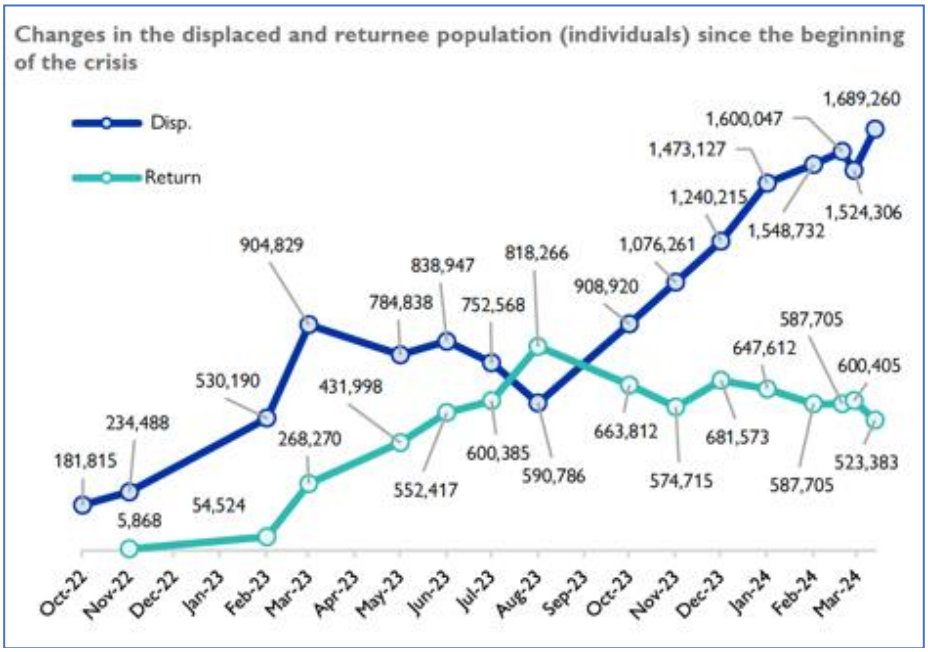
Changes in the movement of the displaced population in North Kivu since the beginning of the M23 crisis

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 inphographic 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 RDFsupport, 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 Nord[103] – 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]

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[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 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]

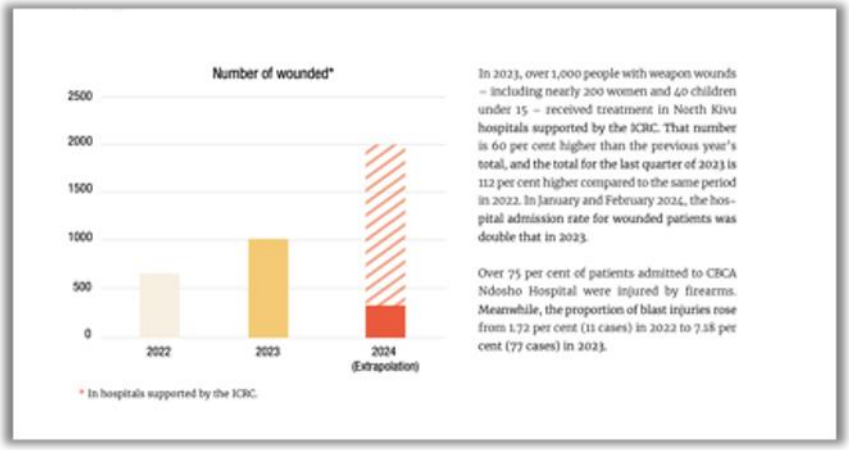
[110] UN sources, confidential and community-based sources.
[111] UN sources, humanitarian and civil society sources, community leaders, researchers.
[112] Idem
[113] Community leaders, humanitarian and civil society sources, researchers, individuals working with sexual violence survivors in the area.
[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]

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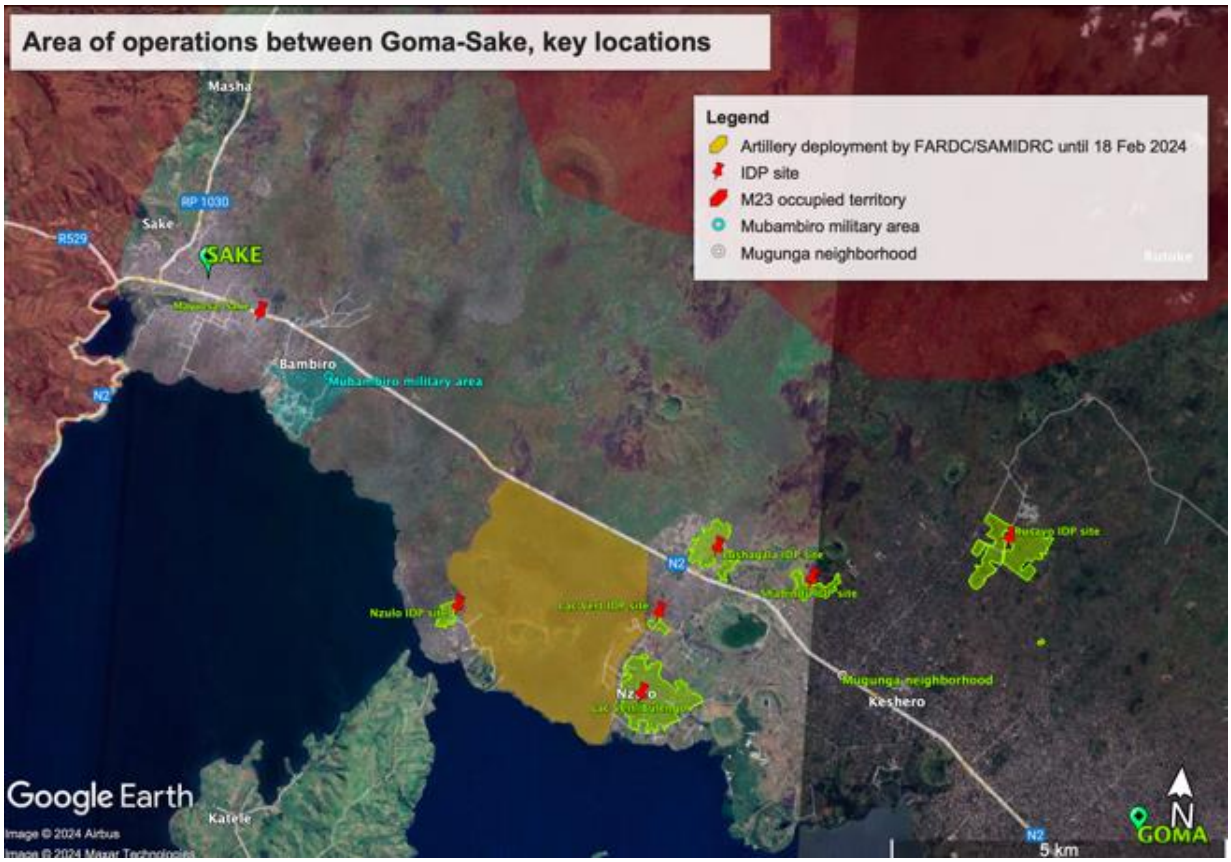
[118] UN sources, humanitarian sources, civil society sources, researchers, victims and witnesses.
[119] In a public communique dated 17 January 2024, Lawrence Kanyuka, the M23 Mouvement Spokesperson stated that "the M23 has understood the message sent to it by the Kinshasa regime and will respond accordingly". 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 2024[124]

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, reserachers, 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 IHL[128] 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 law[129] 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 additon, 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

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,

[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 lauch heavy artillery fire onto various targets within Sake.
[138] UN and military souces, 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.

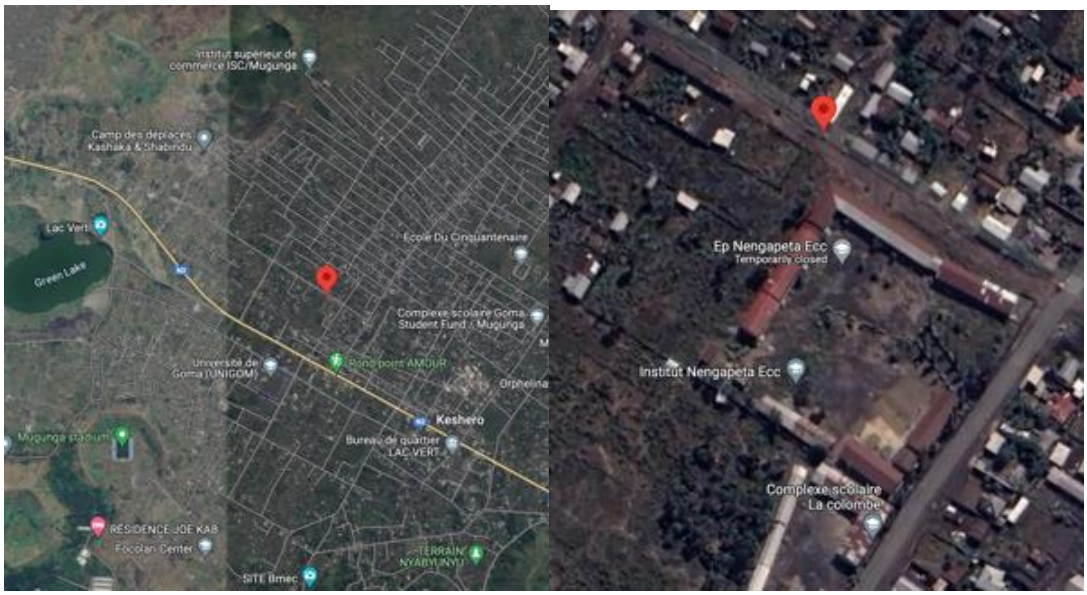
including 6 children. A 12-year-old girl later succumbed to her injuries. At least two civilian houses were destroyed.[142]

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 Institue (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, m ilitary sources, civil society, and video evidence. See also 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 rockets[153] 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

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[154] Local sources
[155] UN sources, confidential sources, reserachers, 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-sécuritaire-à-l-est-du-pays-est-de-plus-en-plus-inquiétante-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

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Les Forces Armées de la République Démocratique du Congo, condamnent avec la toute dernière énergie les morts et blessés innocents causés ce jeudi 25 Janvier 2024 à MWESO par l'armée Rwandaise et ses alliés du M23.

En effet, c'est depuis la nuit d'hier 24 janvier 2024 que les terroristes du M23/RDF ont lancé plusieurs attaques sans succès sur les positions des FARDC à KANYANGOWE, MWESO, MUDUGUDUGU et MUSHEBERE dans le territoire de MASISI.

Réagissant aux dites attaques, les FARDC ont d'une manière professionnelle contenu la barbarie de l'ennemi jusqu'à le repousser en profondeur au-delà de la cité peuplée de MWESO afin d'éviter des dégâts collatéraux du côté de la population civile.

Ayant constaté la perte du contrôle de la cité de MWESO, les terroristes du M23 appuyés par l'Armée Rwandaise, ont dans leur fuite largué à l'aveuglette des bombes au mortier 120 orientées dans la dite cité, causant ainsi la mort de 19 (DIX NEUF) personnes et 27 (VINGT SEPT) blessés parmi les civiles innocents.

Considérant cet acte terroriste comme une violation grave du Droit International Humanitaire, les FARDC appellent la communauté internationale à se saisir de ces bavures et d'en tirer toutes les conséquences qui s'imposent.

Toutefois, les FARDC rassurent la population qu'elles restent déterminées à bouter hors du Territoire National l'armée Rwandaise et ses alliés du M23.

Fait à GOMA, le 25 JAN 2024

NDJIKE KAIKO Guillaume
LtCol
Porte-Parole FARDC/Nord Kivu

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).

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[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.

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La 34e Région Militaire alerte sur le nouveau mode Opératoire du M23/RDF dans le recrutement des jeunes

Le Commandant de la 34e Région militaire et Commandant TASK FORCE Nord Kivu, porte à la connaissance de la population de sa juridiction en général et plus particulièrement à la jeunesse, que l'armée Rwandaise avec ses alliés de M23 sont en perte de vitesse par manque d'effectif ; car neutralisé en grande partie par les Forces Armées de la République Démocratique du Congo et amoindri suite à plusieurs défections.

Ainsi donc, Pour étoffer ses effectifs, les terroristes du M23/RDF recrutent par force les jeunes et mineurs dans les zones sous leur occupation, tout en leurs promettant un massacre au cas où ces derniers n'adhèrent pas à leur philosophie.

En outre, ces mêmes terroristes recrutent en donnant une somme de 400$ aux jeunes, laquelle somme d'argent est tout de suite récupérée par force une fois que les recrues arrivent à RUTSHURU au centre d'inscription.

Au regard de ce qui précède, le Commandant des Opérations au Nord Kivu appellent la population de sa zone de responsabilité à la vigilance et à dénoncer les suspects.

Il rassure par ailleurs que, les Forces Armées de la République Démocratique du Congo demeurent vigilantes et prêtes à parer à toute éventualité.

Fait à GOMA, le 19 JAN 2024

NDJIKE KAIKO Guillaume
LtCol
Porte-Parole FARDC/Nord Kivu

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
DU TERRITOIRE DE RUTSHURU
E – mail : presidencectjrutshuru2020@gmail.com
Tél : +243 974 003 973, +243 844 029 223.
Adresse locale *: Rutshuru Centre, Q.Remera, Voir PNA.*

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 Jeuness 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

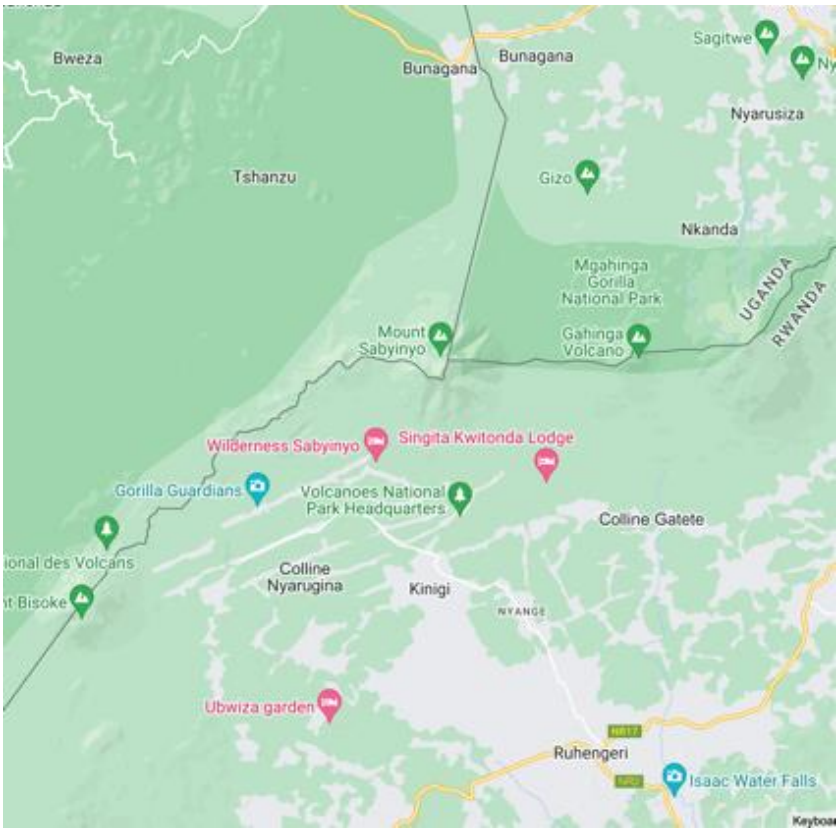
1. A former RDF officer interviewed by the Group explained that recruitment in Rwandan refugee camps is conducted by trained RDF intelligence officers, who chose the subjects to recruit. He explained that recruitment is carried out in secret, but even when families become aware of the recruitment, they 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 Swahili[188] 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, UPCRN/Nyiragongo, FDLR-FOCA, FAR-W were consistently reported, including by several Wazalendo combatants and leaders.[191]

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[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" Kambuzi, 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, communnity-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. Wazelendo 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 Code[203] 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. 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]

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[205] UN 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. Wictims 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 killed[216] 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.

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.

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 media[228]

[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 brulé vif Aucune enquete initiée

Location of the incident is the Ndosho neighbourhood of Goma[229]

24: Le 24 Mars 2024 : Le Major FARDC KIGABO Eric, à Beni, Province du Nord-Kivu, est fusillée à bout portant par son escorte. Celui-ci avant d'etre 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]

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[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 occurance.
[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 systematiques 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 groups[240]

- 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, and drone-borne IEDs. During the same week, several MONUSCO peacekeepers were wounded. The

[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

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).

- 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]

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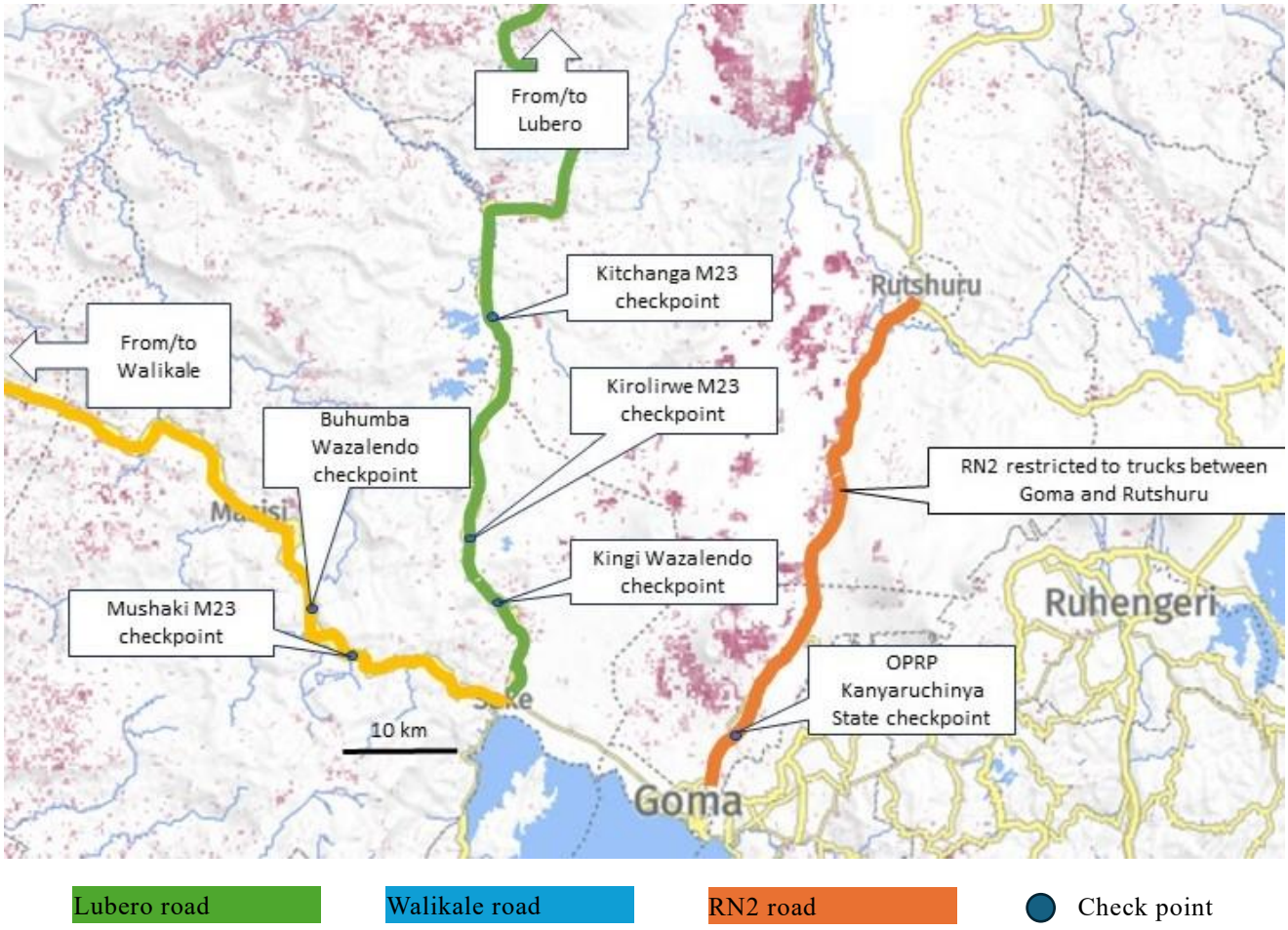
[241] MOSNUCO sources, video footage
[242] https://news.un.org/en/story/2024/03/1147651
[243] https://x.com/LawrenceKanyuka/status/1750042492416704626
[244] See MONUSCO press release of 2 February 2024 at pr_monusco_denounces_attack_on_helicopter_which_wounds_two_un_peacekeepers_in_north_kivu.pdf
[245] pr_monusco_condemns_the_attack_that_wounded_8_peacekeepers_in_sake_north_kivu.pdf

- 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.

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.

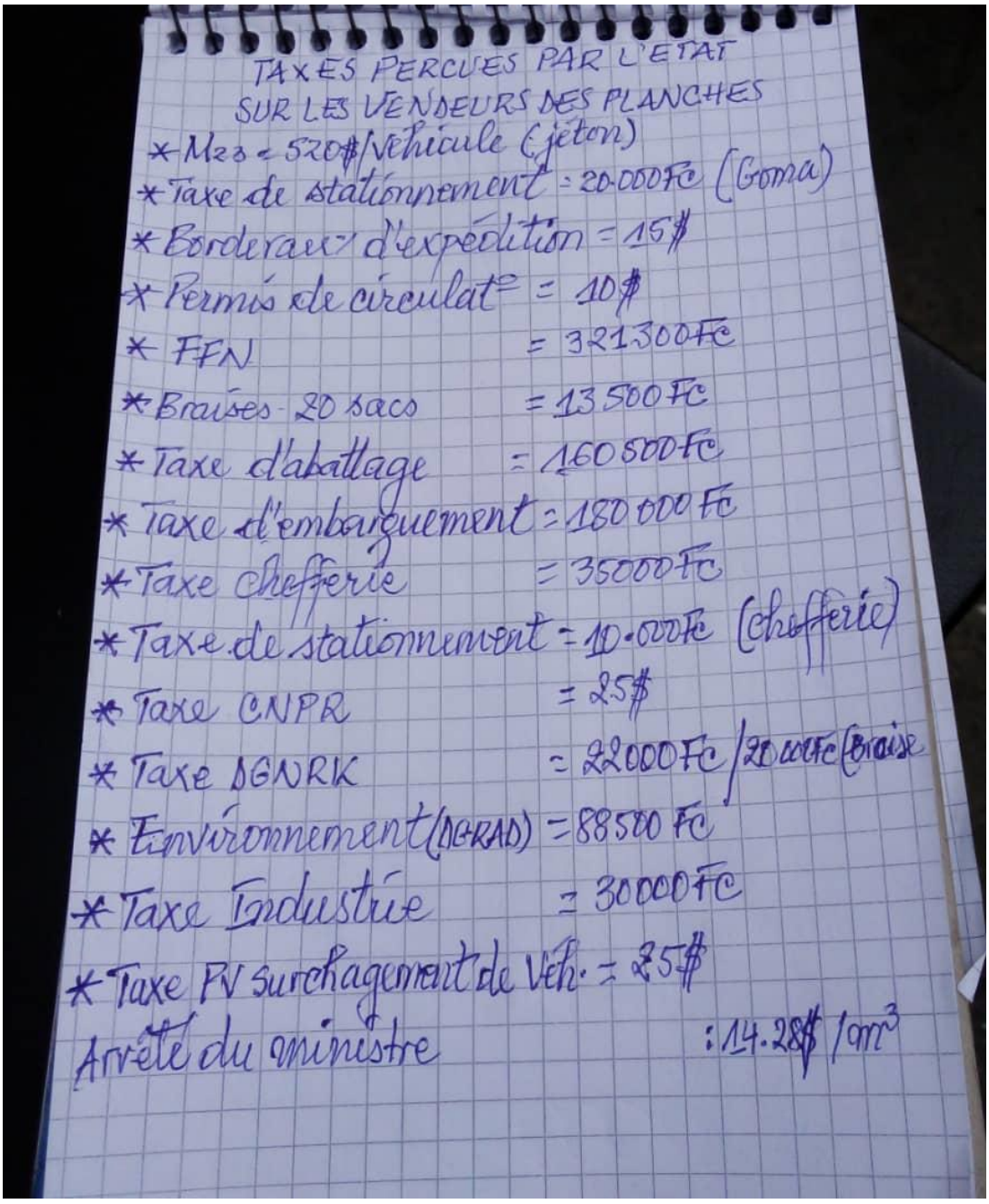
[246] $1 = 2700 Congolese francs as of 28 March 2024.
[247] Ibid.
[248] Interviews with wholesale plank retailers in Goma, Ministry of Environment, civil society actors and researchers.

"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 berween 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

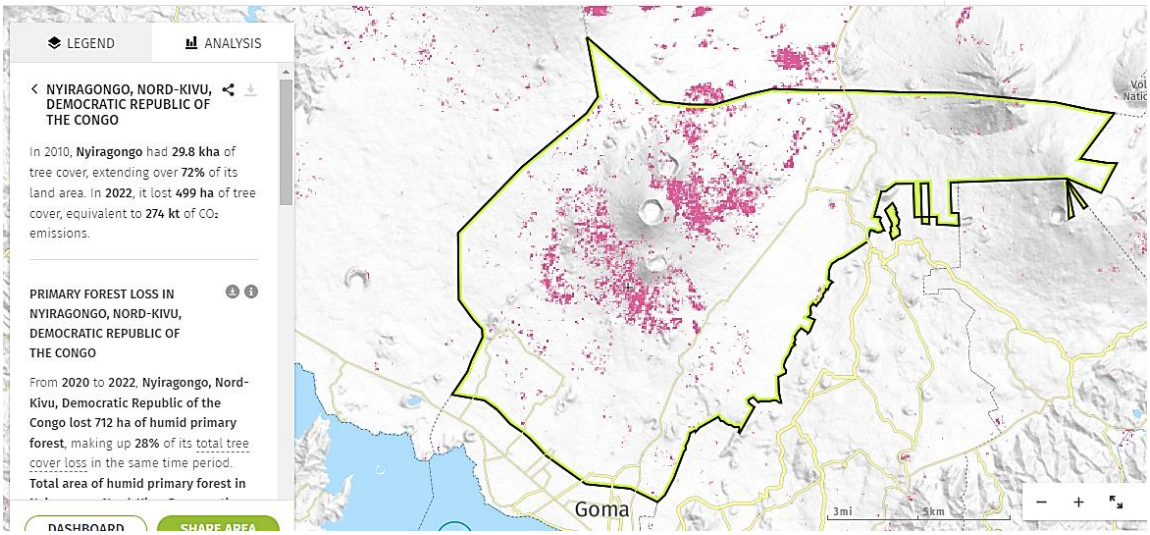
Annex 76 (para. 125)

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.

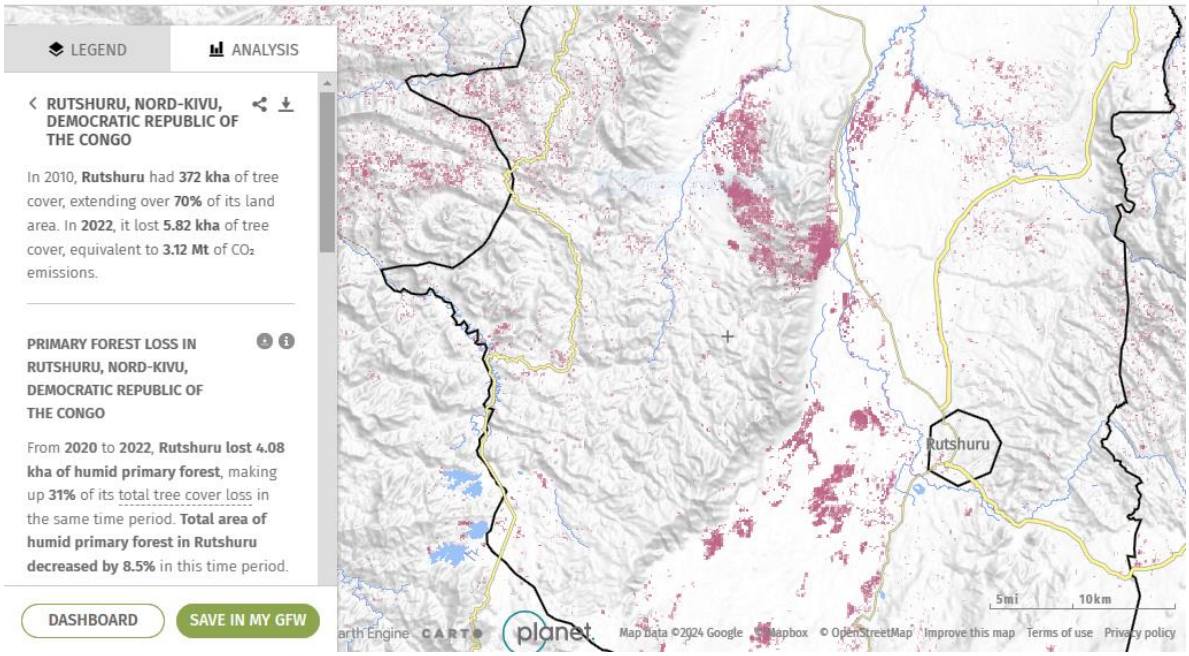
Deforestation clusters in Nyiragongo territory in March 2024 (below):



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.

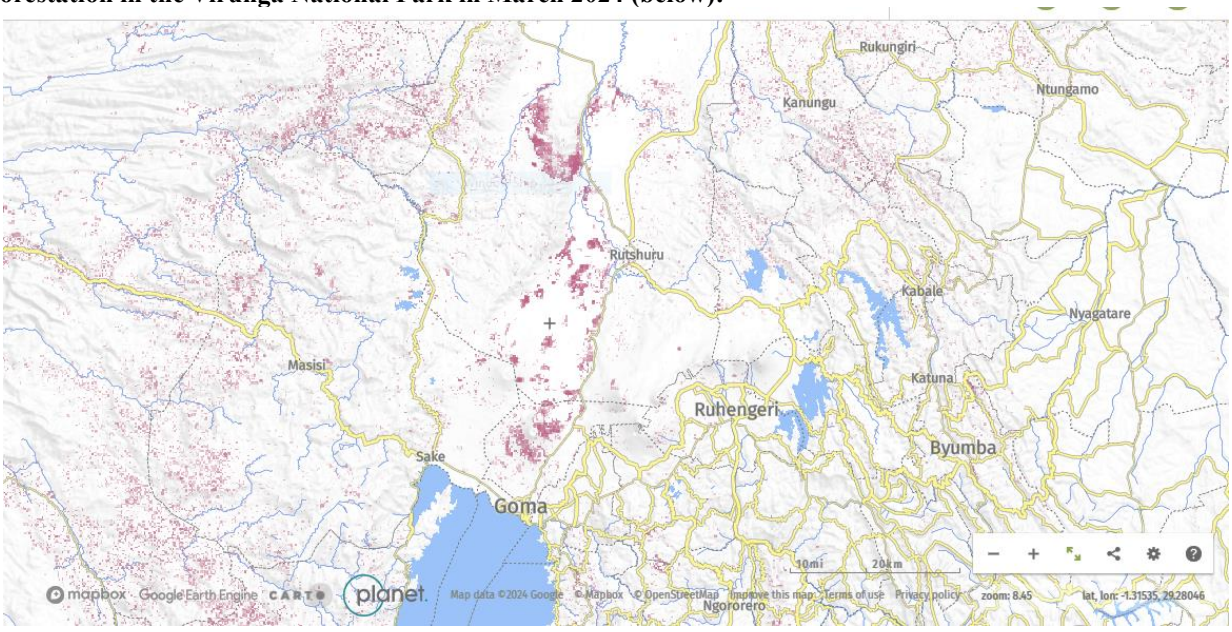
Deforestation clusters in Rutshuru territory in March 2024 (below):



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 Kirolirwe, 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)

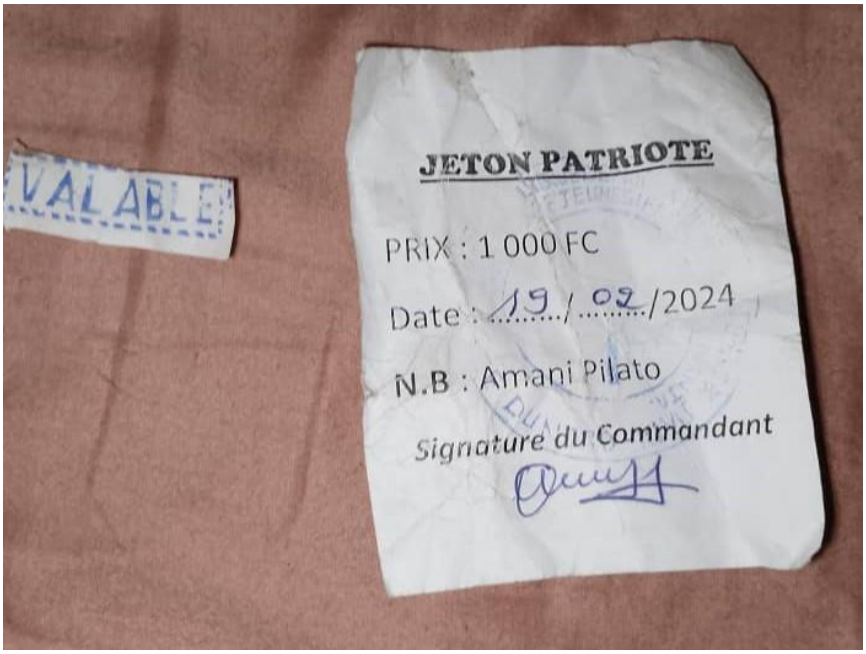
Receipts of illegal taxes levied by the Wazalendo armed groups

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 week[250]. 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 FRLD/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 more[251].

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 trucks[252].

[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 litrws 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 PAPA .....CE 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 PARMI LES VICTIMES IL YA JEAN DE DIEU ****** 22ANS SA FEMME ELISEE ****** LAISSE 1ENFANT, GULAINE ***** 24ANS SA FEMME ASIFIWE ***** LAISSE 1ENFANT DE 2SEMAINES, LES SURVIVANTS IL YA ***** JUMA, ***** EDOUARD, JEAN DE DIEU ******, MANI ******

English translation:

Morning Papa .....This 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:

3

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

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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 (PAREC O)
ETAT MAJOR COMMANDEMENT
AXE RUBAYA
Conatct : 0899552099
Mail : rdcpareco@gmail.com

COMMUNIQUE DE PRESS N° ...13.../PARECO/RUBAYA/2024

Nous, coalition des Patriotes. Résistants Congolais PAREC O en sigle ; Tenons à informer les Négociants et Petits Négociants sur rumeurs faisant le trafic illicite des minerais passant par la zone occupée par L'ennemi RDF/M23surtout 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 Hénock

Président de mouvement

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DU NORD- KIVU
TERRITOIRE DE MASISI

COALITION DES PATRIOTES RESISTANTS
CONGOLAIS (PAREC O)
ETAT MAJOR COMMANDEMENT
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Mail : rdcpareco@gmail.com

TANGAZO

Sisi coalition des Patriotes Résistants congolais PAREC O ; Tunatangazia wafanya byashara ya madini (Négociants et petits Negociants)yakwamba kuna funumu ya kupitiza madini kimagendo ndani ya maeneo ambazo zinazibitiwa na adui RDF/M23 zaidi sana pa Mushaki .

Tumetiya mbinu nakufuatiliya sana atakaye naswa atazzibiwa kulingana na sheriya za inchi

Imefanyika pa Rubaya le 17/02/2024

SHAMAMBA BARIGARUYE Hénock

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/ 916 /CAB/GP-NK/2024

TRANSMIS copie pour information à :

[redacted]

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.

Accusé de réception.

A Monsieur le Coordonnateur de la Commission Nationale de Lutte contre la Fraude Minière (CNLFM)
à **GOMA**.

Monsieur le Coordonnateur,

J'ai l'honneur d'accuser réception de votre lettre n° CNLFL/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.

REPUBLIQUE DEMOCRATIQUE DU CONGO — Cabinet du Gouverneur de Province — PROVINCE DU NORD-KIVU

LE GOUVERNEUR DE PROVINCE a.i.

CIRIMWAMI NKUBA Peter : =
Général-Major

Adresse : Avenue du Lac, Quartier Himbi, Commune de Goma/GOMA/RDC
Site web Province : www.provincenordkivu.cd E-mail : provincial.cab.gp.nk@gmail.com

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)

Zaïre 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

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DE L'ITURI
TERRITOIRE DE DJUGU
AUTODEFENSES DES COMMUNAUTES VICTIMES DEL ITURI
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SORTIE OFFIELLE DES RESISTANTS D'AUTODEFENSES DES COMMUNAUTES VICTIMES DE L'ITURI A L'OCCASION D'ADHESION AU PROCESSUS DE PAIX

Nous les Résistants d'autodéfenses de cinq communautés victimes de l'Ituri avons décidé cette sortie officielle enfin d'éclairer l'opinion publique quant à notre existence et position aujourd'hui en province de l'ITURI.

Les comités des jeunes de cinq communautés victimes des atrocités en ituri en savoir : **HEMA, MAMBISA, ALUR, NYALI et NDOOKEBO** avaient décidé depuis l'année 2019 de constituer un bloc au sens de légitime défense pour résister et repousser tant soit peu les attaques injustes dirigées contre leurs communautés. Tuerie, Incendie, pillages, destruction des infrastructures socio-économiques étaient au rendez-vous dans nos entités habituelles orchestrés par les différents groupes armes de l'ituri et toute cela avant que l'État intervienne.

Conformément à l'article 53 de la constitution en vigueur de notre pays qui garantit à tout congolais le droit de légitime défense.

Nous voici aujourd'hui prêts et engagés pour le processus de Paix en cour prôné par son Excellence Monsieur le Président de la République, chef d'État par l'entremise de son Excellence Monsieur le Gouverneur Militaire de l'ituri, le LT General JOHNY LUBOYA N'KASHAMA, tout en réaffirmant nos participation aux programmes PDDRCS.

Excellence GOUVERNEUR MILITAIRE, nous sommes reconnaissants de votre effort pour le retour de la paix en Ituri, et saisissons votre main que vous nous avez tendue entant que père et Représentant du chef de l'État ici en Ituri, pour vous accompagner activement dans votre lutte quotidien qui est le retour de la paix en Ituri.

Nous, **Résistants des autodéfenses des communautés victime de l ituri** prenons solennellement les engagements de:

1. Garantir la libre circulation des personnes et leurs biens, toutes communautés confondues dans les zones où nous vivons,
2. Matérialiser notre adhésion au PDDRCS,
3. Être disponible à participer à la défense de l'intégrité territoriale de notre pays la RDC face aux agressions tant intérieures qu'étrangères conformément aux textes

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 déférer devant les juridictions compétentes afin qu'ils répondent 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

(Représentant des jeunes de la communauté HEMA)

1er 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)

Zaïre 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
PROVINCE DE L'ITURI
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MISE AU POINT POUR ECLAIRER L'OPINION PUBLIQUE

Autodéfenses des cinq communautés victimes(HEMA, MAMBISA, ALUR, NYALI et NDOOKEBO) réunies en date du 09/01/2024 a PLUTO sort de son silence pour éclairer l'opinion publique suite aux rumeurs qui circulent sur les réseaux sociaux disant, je cite :les autodéfenses seraient en collaboration avec les mouvements du M 23 et/ou les Mouvement rebelle de Corneille NANGA dénommé FLEUVE CONGO pour une quelconque organisation en fin de nuire aux institutions constitutionnellement établies en République Démocratique du Congo, fin de citation.

Pour nous, ce sont des propos qui n'engagent que ceux qui en parlent d'autant plus que les Autodéfenses des communautés victimes n'ont jamais collaboré avec un groupe armé auparavant et ne collaboreront jamais avec un groupe armé pour des fins anticonstitutionnelles.

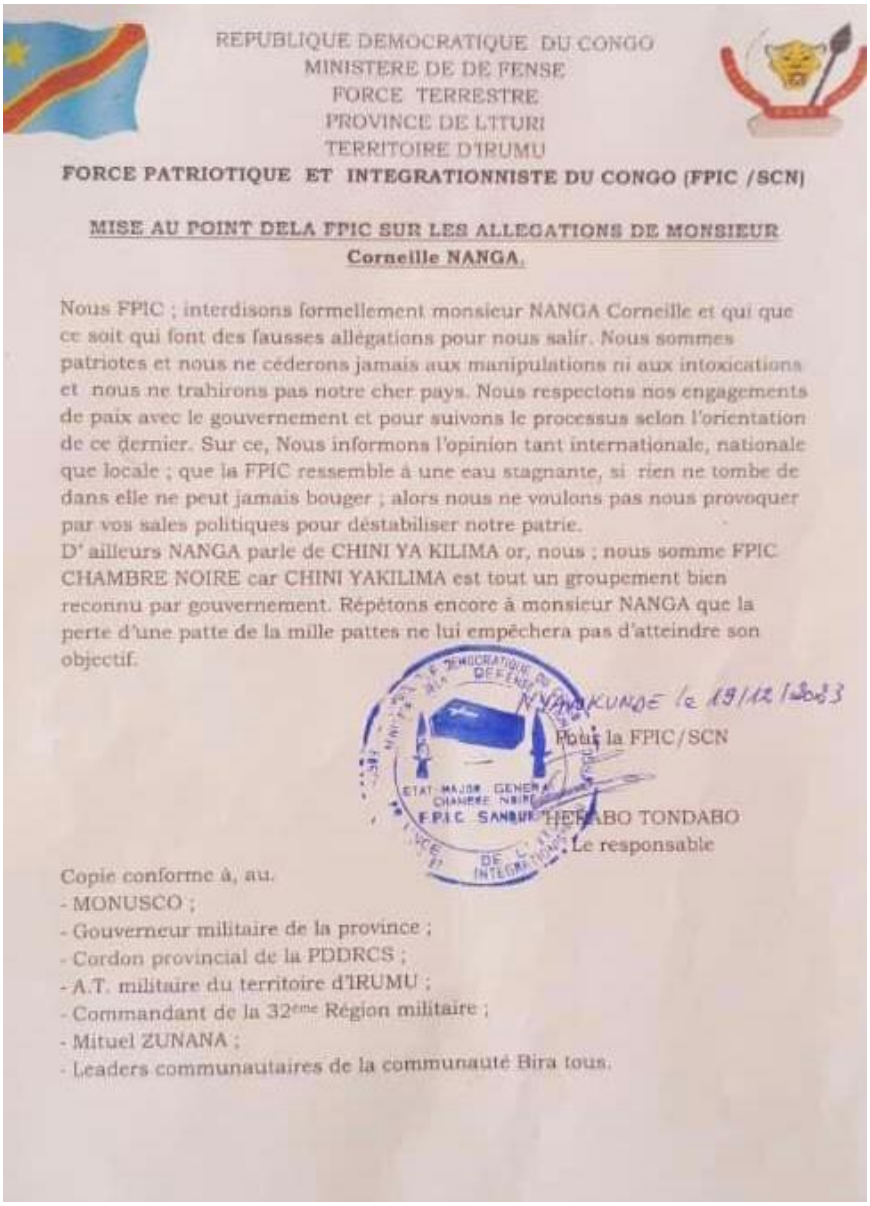
En outre nous mettons en garde tout ce qui trouve intérêt dans la campagne de dénonciation calomnieuse dans le but de salir l'image des Autodéfenses pour leur intérêt politique et nous leur demandons de cesser immédiatement avec des propos de division, faute de le faire ça fera appel à une imputation dommageable et nous nous réservons le droit de porter plainte contre ceux-là.

En fin les Autodéfenses réaffirment son engagement de rester soudés à côté du gouvernement congolais pour l'accompagnement du processus de paix en cour en Ituri prôné par le chef de l'Etat par l'entremise de son Excellence Monsieur le Gouverneur Militaire de l'Ituri Johny KASHAMA LUBOYA ,le pacificateur.

Fait à PLUTO le 09/01/2024
Pour les Autodéfenses des communautés victimes de l'Ituri

NGADJOLE [illegible] Marie

Le porte-parole



REPUBLIQUE DEMOCRATIQUE DU CONGO
MINISTERE DE DE FENSE
FORCE TERRESTRE
PROVINCE DE LTTURI
TERRITOIRE D'IRUMU

FORCE PATRIOTIQUE ET INTEGRATIONNISTE DU CONGO (FPIC /SCN)

MISE AU POINT DELA FPIC SUR LES ALLEGATIONS DE MONSIEUR Corneille NANGA.

Nous FPIC ; interdisons formellement monsieur NANGA Corneille 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 trahirons 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.

NYAKUNDE le 19/12/2023

Pour la FPIC/SCN

ETAT-MAJOR GENERAL CHAMBRE NOIRE FPIC SANBUR

HERABO 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 32ème 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 politiciens 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 pout 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 traitres 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 Armés de la République Démocratque 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 stategic 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-URPDC 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 strech 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-URDPC[265] 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]

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[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 assaillants broke into the hospital and killed an eldery 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 mattrasses 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 immesurable, 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 village[279] 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]

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[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 Kparganza 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 succombed 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

République Démocratique du Congo
PROVINCE DE L'ITURI

TELEGRAMME

EXT-URGENT

GROUPE-DATE-HEURE
231630B 02. 24

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32RGN MIL-COMPROV PNC ITURI
INFO : VPM/MDNAC - CHEFEMG FARDC - COMGEN PNC - CHEF MM - IG FARDC - AUDIGEN HCM - COMD CORPPN - SECT OPS ITURI
SEC : SECRET N°01 /082 /PROGOU/ PI / 2024

REF LETTRE N° VPM / MDNAC / CAB / 0857 / 2024 DU 14 FEV 2024 (-) RELATIVE (-) PRESENCE MIL ET POLICIERS DETACHES DANS MINES RFO (-) VOUS INSTRUIS (-) TOUTES AFFAIRES CESSANTES (-) RETIRER SANS DELAI (-) ELM FARDC ET PNC COMMIS A LA PROTECTION DES EXPLOITANTS ILLEGAUX CHINOIS ET LEURS COMPLICES (-) DANS RESERVE FAUNE A OKAPI (-) RAP ETRE ATTENDU (-) EXECUTION CORRECTE (-) ACK (-) (-)

LE GOUVERNEUR
PROVINCE DE L'ITURI

LUBOYA N'KASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

MINISTÈRE DE LA DÉFENSE NATIONALE ET
ANCIENS COMBATTANTS

Le Vice-Premier Ministre

Kinshasa, le 14. 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 Armée 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 l'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 exploitent illégalement les minerais dans les Parcs Nationaux.

Il se fait qu'au 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 retirer sans délai, tous les hommes de troupes et policiers commis à la protection des exploitants illégaux Chinois et leurs complices dans la Réserve de Faune à Okapi.

Veuillez agréer **Excellence Monsieur le Gouverneur,** l'expression de mes sentiments patriotiques.

Jean-Pierre BEMBA GOMBO

Hôtel de la Défense, Avenue de la Libération n° 24 Novembre / Kinshasa- Ramaka-Gombe
Tél : +243818139080 e-mail : info@defense.gouv.cd

MINISTERE DE LA DEFENSE NATIONALE
ET ANCIENS COMBATTANTS
CORPPN POUR LA PROTECTION DES PARCS
NATIONAUX ET RESERVES NATURELLES
CorPPN

Kinshasa, le 05 JAN 2024

N°0628 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'évolution de l'exécution de vos instructions données au Commandant CorPPN 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 j'ai dépêché une équipe de SIX (06) Officiers à la RFO, procéder, ensemble avec les Eco-gardes du Détachement CorPPN RFO, à l'arrestation des exploitants illégaux dans la Réserve de Faune à OKAPI (RFO) située à EPULU, Territoire de MAMBASA, Province de l'ITURI.

Toutefois, au cours de l'exécution de leur mission, il s'est 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.

Aux risques d'affrontements armés entre forces amies engagées ensemble dans des opérations conjointes dans la province de l'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 l'ITURI en état de siège, d'instruire tous les commandants de retirer leurs hommes commis à la garde des sujets chinois exploitants illégalement les minerais de la Réserve de faune à OKAPI, site du patrimoine mondial de l'humanité et de prêter mains fortes aux Eco-Gardes dans l'accomplissement de cette mission.

Veuillez agréer, Son Excellence Monsieur le Vice-Premier Ministre et Ministre de la Défense Nationale, l'expression de mes sentiments des profonds respects

Le Commandant du Corps pour la Protections des Parc Nationaux et réserves naturelles apparentées

Général Major MASI BAMBA Albert

PROVINCE DE L'ITURI

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE 2401358 03 24

DE : COMD OPS ET PROGOU ITURI
POUR : CHEFEMG FARDC
INFO : VPM/MDNAC - CHEF MM - COMD 3ZDEF
SEC : SECRET N°01 /0242 /PROGOU/ PI / 2024

HONNEUR VOUS SALUER ET ACCUSER RECEPTION TG N°01/0241/EMG/DEPT OPS/24 DU 08 FEV 24 (-) RELATIF (-) DIRECTIVE INTERDISANT DETACHEMENT MIL AUPRES EXPLOITANTS ILLEGAUX DANS RFO (-) EXECUTION ETRE EN COURS (-) PROFONDS RESPECTS (-) (-)

LUBOYA NKASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

PROVINCE DE L'ITURI

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE 2401358 03 24

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32RGN MIL- COMPROV PNC ITURI - COMD SECT OPS ITURI- COMD 31BDE DP
INFO : VPM/MDNAC - CHEFEMG FARDC - CHEF MM - COMD 3ZDEF
SEC : SECRET N°01 /0243 /PROGOU/ PI / 2024

VOUS REPRODUIS IN EXTENSO (-) TG N°01/0241/EMG/DEPT OPS/24 DU 081213A FEV 24 (-) CITATION (-) REF LETTRE N°0628/ICCN/CORPPN/COMDT/24 (-) IL ETRE CONSTATE (-) MIL FARDC CONTINUENT GARDER SITES EXPLOITATION ILLEGALE MINERAIS DANS RFO (-) DES RECEPTION PRESENT MSG (-) VOUS DEMANDE (-) INTERDIRE DETACHEMENT MIL AUPRES 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 (-) (-)

LUBOYA NKASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

TELEGRAMME

REPUBLIQUE DEMOCRATIQUE DU CONGO
PROVINCE DE L'ITURI
CABINET DU GOUVERNEUR
REÇU LE : 22 MAR 2024
N° ENREG. : 1279
REÇU PAR :
HEURE :

EXT-URGENT — **GROUPE-DATE-HEURE** 081213A FEV 24

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 MINERAIS DANS RFO (-) DES RECEPTION PRESENT MSG (-) VOUS DEMANDE (-) INTERDIRE DETACHEMENT MIL AUPRES EXPLOITANTS ILLEGAUX DANS RFO (-) TOUT CONTREVENANT PRESENTE DIRECTIVE DEVOIR ETRE SEVEREMENT SANCTIONNE (-) EXECUTION SANS FAILLE (-) ACK (-) (-)

COPIE : SCHEFEM RENS

TSHIWEWE SONGESA CHRISTIAN GENA
CHEFEMG FARDC

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE 1612418 Oct 23

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32RGN MIL- COMD SECT OPS ITURI
INFO : VPM/ MDNAC- CHEFEMG FARDC - CHEF MM- IG FARDC- AUD MIL SUP ITURI
SEC : SECRET N°01 /6433 /PROGOU/ PI / 2023

CONSECUTIVEMENT CAUSERIE MORALE CHEFEMG FARDC (-) TENUE CE LUNDI 16 OCT 23 ( ) PARADE GENERALE CAMP L'ICOL KOKOLO (-) VOUS RAPPELE INSTR TR DANS TG (-) N° 00/1509/EMG/COMDT/21 DU 23 OCT 2021 ( ) TG N°01/053/PROGOU/PI/2022 DU 11 FEV 2022 ET TG N°01/017/PROGOU/PI/2023 DU 11 JAN 23 (-) RELATIVES (-) INTERDICTION IMPLICATION MIL DANS RX EXPLOITATION MINIERE (-) VOUS ENDJOINS ( ) TOUT METTRE EN ŒUVRE EN VUE METTRE FIN (-) PRESENCE ILLEGALE MIL DANS SITES MINIERS ( ) EXECUTION URGENTE (-) ACK (-) (-)

LUBOYA N'KASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE 11 1718 FEV 22

DE : COMD OPS ET PROGOU ITURI
POUR : UNITES (TOUTES) OPS ITURI
INFO : MDNAC- CHEFF MM
SEC : SECRET N°01 /053 /PROGOU/ PI / 2022

VOUS REPRODUIS IN EXTENSO TG N°00 / 1509 / EMG / COMDT / 21 DU 23 OCT 21 (-) EMANANT DU CEMG FARDC (-) CITATION (-) SELON INFO A MA DISPOSITION (-) CERTAINS MIL CONTINUENT A PARTICIPER AUX ATV EXPLOITATION MINIERE (-) VOUS RAPPELLE (-) INTERDICTION IMPLICATION MILITAIRE DANS RX EXPLOITATION MINIERE (-) MISSION MILITAIRE DEVOIR ETRE STRICTEMENT OPS (-) TOUT CAS GARDIENAGE DEVOIR ETRE EXPRESSEMENT AUTORISE PAR VPM INT OU MDNAC (-) DORENAVANT (-) TOUT CONTREVENANT SERA SEVEREMENT SANCTIONNE (-) PRESENT MSG CONSTITUE INSTR PERMANENTE (-) ACK (-) FIN CITATION (-) PROMPTE EXECUTION ET LARGE DIFFUSION AUX HOES SOUS VOS ORDRES (-) ACK (-) (-)

LUBOYA N'KASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE 1116078 01 23

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32RGN MIL-COMPROV PNC ITURI
INFO : MDNAC-CHEF EMG FARDC-CHEF MM-COMD SECT OPS ITURI-AUD MIL SUP ITURI
SEC : SECRET N°01 /017 /PROGOU/ PI / 2023

REF TG N° 01 / 053 / PROGOU / P.I / 2022 DU 11 / 02 / 2022 (-) RELATIF (-) INTERDICTION IMPLICATION MIL DANS RX EXPLOITATION MINIER (-) VOUS RAPPELLE (-) DITE INSTR REVET UN CARACTERE PERMANENT (-) VOUS ENJOINS (-) PRIMO (-) LUTTER IMPERATIVEMENT CONTRE CE PHENOMENE (-) SECUNDO (-) METTRE DIPO JM TOUT CONTREVENANT (-) EXECUTION CORRECTE (-) ACK (-) (-)

LUBOYA N'KASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

TELEGRAMME

EXT-URGENT — GROUPE-DATE-HEURE

DE : COMD OPS ET PROGOU ITURI
POUR : COMD 32RGN MIL
INFO : MDNAC-CHEF EMG- COMGEN PNC- CHEF MM-COMPROV PNC ITURI-COMD SECT OPS ITURI-AUDI MIL SUP
SEC : SECRET N°01 /017 /PROGOU/ PI / 2022

REF TG N°053 / PROGOU / PI / 2022 DU 11 FEV 22 (-) REPRODUISANT IN EXTENSO TG N°00 /1509 / EMG / COMDT /21 DU 23 OCT 2021 (-) RELATIF (-) INTERDICTION IMPLICATION MIL DANS RX EXPLOITATION MINIERE (-) VOUS DEMANDE (-) PRIMO (-) EFFECTUER URGEMMENT MISSION DANS TER MAMBASA EN VUE DE VERIFIER PRESENCE MIL DANS RX EXPLOITATION MINIERE (-) SECUNDO (-) METTRE DIPO AUDI MIL TOUT MIL RECALCITRANT QUANT A CE (-) RAP ETRE ATTENDU (-) ACK (-) (-)

LUBOYA N'KASHAMA JOHNNY
LTGEN
COMD OPS ET PROGOU ITURI

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 FNDB 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 Gisiga[303] 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 eyewitnesses 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 socieyt, 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

Example 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 réservé 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 patriotardisme-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'ennemie agresseur terroriste et génocidaire, animons 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 defense du congo mouvement de liberation FPDC-ML; e-mail: fpdcmlrdcongo@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, TWIRWANEO-Gumino/AFC" (see below). In a counter-communiqué 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

République Démocratique du Congo
PROVINCE DU SUD-KIVU
TERRITOIRTE DE FIZI, UVIRA ET MWENGA
FORCES D'AUTO-DEFENSE COMMUNAUTAIRE AU CONGO, « FDCC »

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 Mtetezi 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.

Veuillez agréer, Monsieur, l'expression de nos sentiments civiques et patriotiques.

Pour les Forces D'autodéfense Communautaire au Congo

Justin KAKOBANYA NAKALAMBI

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

REPUBLIQUE DEMOCRATIQUE DU CONGO
FORCE DES PATRIOTES POUR LA DEFENSE DU CONGO
« FPDC-ML »

COMMUNIQUE ET MISE EN GARDE

Il s'observe depuis quelques mois un acharnement doublé de lynchage médiatique et fausses accusations à l'égard du mouvement politico-Militaire dénommé FORCE DES PATRIOTES POUR LA DEFENSE DU CONGO FPDC-ML en sigle diriger par le Lt General KIBUKILA MTETEZI TRESOR WA SEBA de la part des détracteurs méchants, peureux et haineux.

Tout ceci par jalousie et par crainte de voir rayonner un mouvement patriotique au service du peuple congolais, de la nation qui a toujours gardé l'idéologie de Sgt MBAVU-MOYA Michel, patrice LUMUMBA, pierre MULELE et Laurent désiré KABILA jusqu'à présent !

Ces professionnels de la délation , du sensationnel, de la calomnie et d'imputations dommageables n'hésitent pas d'inventer de faux dossier tels Lt Gen. KIBUKILA MTETEZI et FPDC-ML ce sont alliés aux ennemis agresseurs de notre pays dont nous citons M23, TWIRWANEO-GUMINO/AFC tantôt nous avions été corrompus par l'ennemi pour lui laisser la voie. Encore Lt Gen. KIBUKILA MTETEZI est un moteur immobilier de la résistance au Kivu connu de tous depuis plusieurs décennies. Ils n'ont aucune réserve lors qu'ils veulent nuire à la dignité et à la vie d'un résistant combattant qui se distingue par sa résistance, patriotisme et travail de qualité pour son pays la RDC, ils l'impliquent gratuitement dans tous les dossiers et voient son ombre partout. FPDC-ML et leur leader Lt Gen. KIBUKILA MTETEZI se réservent le droit de saisir la justice et poursuivre toute personne qui se permettra de publier fausses accusations en vue de sauvegarder leurs personnalités et leurs dignités.

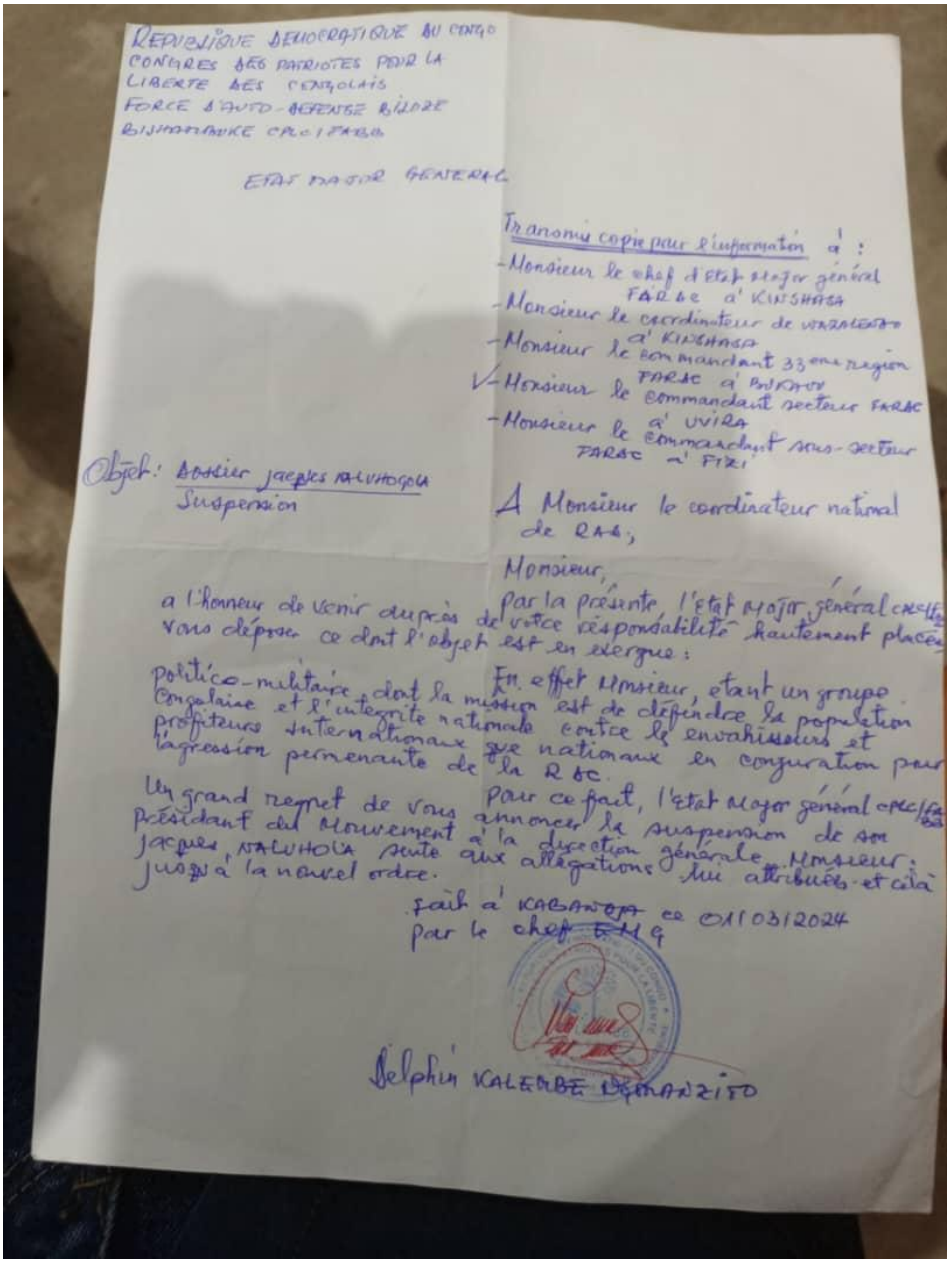
Fait à MILIMA YA MABABU, le 27 Janvier 2024

Le porte-parole de FPDC-ML
Remy MBELECLALONDA

Contact : 243 82 404 2600

Document received by the Group from several sources

Ngomanzito communiqué of 1 March 2024 accusing Naluhogola of collaborating with M23



REPUBLIQUE DEMOCRATIQUE DU CONGO
CONGRES DES PATRIOTES POUR LA LIBERTE DES CONGOLAIS
FORCE D'AUTO-DEFENSE BILOZE BISHAMBUKE CPLC/FABB

ETAT MAJOR GENERAL

Transmis copie pour l'information à :
- Monsieur le chef d'Etat major général FARDC à KINSHASA
- Monsieur le coordinateur de WAZALENDO à KINSHASA
- Monsieur le commandant 33ème région FARDC à BUKAVU
- Monsieur le commandant secteur FARDC à UVIRA
- Monsieur le commandant sous-secteur FARDC à FIZI

Objet : Dossier Jacques NALUHOGOLA
Suspension

A Monsieur le coordinateur national de RAD,

Monsieur,

Par la présente, l'Etat Major général CPLC/FABB a l'honneur de venir auprès de votre responsabilité hautement placée vous déposer ce dont l'objet est en exergue :

En effet Monsieur, étant un groupe politico-militaire dont la mission est de défendre la population congolaise et l'intégrité nationale contre les envahisseurs et profiteurs internationaux que nationaux en conjuration pour l'agression permenante de la RDC.

Pour ce fait, l'Etat Major général CPLC/FABB un grand regret de vous annoncer la suspension de son Président du Mouvement à la direction générale, Monsieur Jacques NALUHOLA suite aux allégations lui attribuées et cela jusqu'à la nouvel ordre.

Fait à KABANOJA ce 01/03/2024
par le chef EMG

Delphin KALEMBE NGOMANZITO

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.

COALITION NATIONAL DU PEUPLE POUR LA SOUVERENETE DU CONGO
CNPSC/ CAMP NGOMA
BUREAU DES AFFAIRES POLITIQUES

DEMANDE DE PASSASSIONS DES COLIES

N° REF ...08../CNPSC/BAP/S-B/NGOMA/2023

N°	NOM ET POST NOM	FONCTION
1.	PROPHETE PATIENT KIZUNGU WAMIHJIZA	OFFICIER CONTROLEUR
2.		

Est chargé d'une mission de service le mouvement CNPSC /NGOMA de superviser les activités de puis d'or ZONE

(Ecoulement des colis miniers, transformation et traitement)

Lieu de la mission : ZONE et MIBA
Durée de la Mission : O.P.N

Les autorités civil que militaire sont priées d'accorder aux précités toute facilités de l'accomplissement de leur mission.

Fait à NGOMA, le 20/05/2023

OLOMWENE MSAFIRI K JOHN

Affaires politique NGOMA

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 DRC[329]. 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**
COMINICATIO N	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, Socreat, 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 *rémiseurs*, 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 *rémiseurs* 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