



OUTGOING E-MAIL

DATE: 15 January 2016

Reference: S/AC.43/2016/NOTE.1/Add.1

TO:	The Representative Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo	
FROM:	Melanie Ramjoué Committee Secretary	
	<input type="checkbox"/> For Action	<input checked="" type="checkbox"/> For Information
SUBJECT:	For Information: Group of Experts' progress update (NOTE.1/Add.1)	

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Note by the Chair

The Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo presents his compliments to the members of the Committee and has the honour to recall his Note dated 7 January 2016 (S/AC.43/2016/NOTE.1), by which he informed the members that the next informal consultations of the Committee would take place at 3:00 p.m. on Wednesday, 27 January 2016 in Conference Room 7.

In this connection, the Chair has the further honour to transmit herewith, for **information**, a letter dated 15 January 2016 from the Coordinator of the Group of Experts (S/AC.43/2016/COMM.2), conveying a progress update in accordance with paragraph 7 of resolution 2198 (2015).

The Coordinator of the Group of Experts will provide an overview of the progress update via VTC during the above-mentioned informal consultations of the Committee on 27 January 2016.

Letter dated 15 January 2016 from the Coordinator of the Group of Experts on the DRC
addressed to the Chair of the Committee

REFERENCE: S/AC.43/2016/GE/OC.2


Excellency,

In accordance with paragraph 7 of resolution 2198 (2015) by which, inter alia, the Security Council welcomed the Group of Experts' practice of submitting progress updates to the Committee, I have the honour to submit herewith a progress update providing information on the following matters:

- Violations of international humanitarian law;
- Armed groups; and
- Weapons.

I would be grateful if you could bring this progress update to the attention of the members of the Committee.

Please accept, Excellency, the assurances of my highest consideration.



Gaston Gramajo
Coordinator
Group of Experts on the DRC
extended pursuant to Security Council
resolution 2198 (2015)

Group of Experts on the DRC extended pursuant to resolution 2198 (2015)

Progress Update

I. VIOLATIONS OF INTERNATIONAL HUMANITARIAN LAW

A. ATTACK ON PEACEKEEPERS ON 5 MAY 2015

Around 17h00 on 5 May 2015, a convoy of peacekeepers from the Tanzanian Battalion (TANZBATT) was involved in an incident on the road north of the town of Mayi Moya in Beni Territory in the province of North Kivu in which two peacekeepers lost their lives and in which 26 peacekeepers were wounded. Initial reports as well as MONUSCO's internal investigations determined that the armed group Allied Democratic Forces (ADF) had ambushed the convoy. The Group interviewed seven peacekeepers present during the incident. These peacekeepers described a truck carrying beer that had been intercepted and was partially blocking the road, and a man in FARDC uniform who was standing in the middle of the road.¹ The TANZBATT peacekeepers claimed that after the man ran into the bushes, they were shot at from both sides.

In the course of its investigation, the Group found that it was not the armed group ADF who was responsible for the attack, but rather FARDC elements from the 31st Brigade who had fired at the Tanzanian peacekeepers.

Furthermore, the Group found that the peacekeepers had not been ambushed. According to three eye witnesses and other sources, including FARDC officers, the peacekeepers were attacked by the FARDC after they had been told by two civilians that the Tanzanians were providing supplies to the ADF. Two FARDC elements, who were located at a position approximately 300 meters north of the site of the incident in the village of Kisiki, went with a motorcycle taxi driver to the area where the Tanzanian peacekeepers were located. As they were approaching, ADF elements fired at them, killing the civilian driver and wounding the two FARDC soldiers. More FARDC soldiers responded, engaging both the ADF and the peacekeepers.

An important discrepancy between the version of events provided by the peacekeepers and the version provided by the civilian witnesses relates to the location of the truck transporting beer. According to the peacekeepers, the truck had already been present at the moment the TANZBATT convoy arrived at the location of the incident, whereas according to other witnesses, the truck arrived on the scene after the shooting started. Two civilians inside the truck were killed during the incident; the Group is currently unable to determine who fired the shots.

Although the Group is not in a position to explain why TANZBATT was meeting the ADF, it can conclude that the Tanzanian peacekeepers who were present during the attack provided untruthful testimonies to both the Group and MONUSCO.

¹ See annex 1, p. 6.

B. ATTACK ON ERINGETI TOWN ON 29 NOVEMBER 2015

Witnesses and sources told the Group that on Sunday, 29 November 2015, at around 15h30, armed men, women and children attacked the town of Eringeti, located in North Kivu next to the border of Ituri Province. The assailants were separated into three groups. One group concentrated its attack on the FARDC camp, which it successfully took over. The FARDC had contacted the Malawian Force Intervention Brigade for support as their camp came under attack, but they did not inform the peacekeepers that the attackers had taken over the camp. When two armoured personnel carriers with peacekeepers arrived, they saw armed men in FARDC uniforms and believed that they belonged to the government forces. Two Force Intervention Brigade's armoured personnel carriers were shot at, and two Malawian peacekeepers were wounded, one of whom later died as a result of his injuries.

A third group attacked the center of the town of Eringeti, looting and burning many buildings, including the police station², shops and a local radio station.

At around midnight, the armed group attacked the hospital, killing patients and medical personnel.³ At least five civilians were killed, including an infant. The assailants also took hostages and at least one of them reportedly managed to escape. The hospital pharmacy was also looted and burnt.⁴ According to many witnesses, the assailants left Eringeti at around 04h00, heading towards the east.

According to different witnesses, sources and material evidence, at least 12 of the assailants were killed during the attack, including women. The men were wearing full or partial FARDC uniforms. Additional witnesses told the Group that the assailants spoke Swahili, Kiganda and Kinyarwanda.

The Group obtained pictures of some of the alleged attackers who were killed during the assault on Eringeti. Former ADF combatants and dependants recognized some of the individuals from the pictures, but the Group will need to make further verifications to reach a definitive conclusion as to their identity. As a preliminary assessment, the Group believes that the attack was carried out by ADF in collaboration with another armed group. This information is based on several sources, including an individual who took part in the attack.

Also, during one of its field missions, the Group obtained information that the commander of the FARDC in Eringeti was aware that an attack on the town was going to take place. The Group has learned that the military prosecutor in Béni has conducted an investigation and has opened a case against that commander, even requesting of the commander of Sukola I operations, General Mbangi, that he be handed over for questioning.

The Group is continuing its investigation into the attack on Eringeti town and will present its conclusions in the final report.

² See annex 2, p. 7.

³ See annex 3, p. 8.

⁴ See annex 4, p. 9.

II. ARMED GROUPS

A. FORCES DÉMOCRATIQUES POUR LA LIBÉRATION DU RWANDA (FDLR)

SUKOLA II OPERATIONS

While largely inactive in South Kivu Province, Sukola II military operations against the FDLR continued in North Kivu. In early December 2015, the FARDC succeeded in capturing the FDLR high command headquarters on Rushihe Hill in Walikale Territory, along with the nearby Canaan subsector headquarters in Mumo. FDLR commander and sanctioned individual "Lieutenant General" Sylvestre Muducamura was able to escape with most of his troops. While to date, no senior FDLR officers (Lt Colonel and above) have been captured or killed during the operations, three such senior FDLR officers have left the armed group and agreed to be repatriated to Rwanda by MONUSCO. It is likely that the military operations were a contributing factor in their decision.

The FDLR sustained additional losses due to coordinated attacks by Mai Mai groups (see below). In late November 2015, the two groups worked together to push the FDLR south out of their positions on the border region between the territories of Walikale and Lubero. These included FDLR bases in Lusamambo, Bunkumbirwa, Buleusa, Kimaka, Kanune, and Kateku. Lusamambo was the location of the FDLR political leadership, including that of FDLR president and sanctioned individual "Major General" Gaston Rumuli Iyamuremye, who was temporarily forced south across the Luhulu River into northern Rutshuru Territory.

The Group was able to acquire a significant amount of evidence from locations abandoned by the FDLR in late 2015 and will present associated findings in its final report.

B. RWANDA TRAINING BURUNDIAN REBELS

The Group spoke with 18 Burundian combatants, not associated with the Front National de Libération (FNL), in Uvira Territory of South Kivu Province. They all told the Group that they had been recruited in the Mahama Refugee Camp in eastern Rwanda in May and June 2015 and were given two months of military training by instructors, who included Rwandan military personnel, in a forest camp in Rwanda. Their training included military tactics and the maintenance and use of assault rifles and machine guns, as well as ideological and morale-building sessions. Some told the Group that they were also trained in the use of grenades, anti-personnel and anti-tank mines, mortars and rocket-propelled grenades. They were transported around Rwanda in the back of military trucks, often with Rwandan military escort. The Burundian combatants told the Group that there were at least four companies of 100 recruits each being trained at the camp while they were there. Six of the trained combatants that the Group spoke with were minors. They told the Group that the military training instructors at the camp knew that they were minors.

The Burundian combatants showed the Group fake DRC identification cards that had been produced for them in Rwanda, so they could avoid suspicion while in the DRC. They crossed the Rusizi River in small groups at night from Rwanda into the DRC just south of the Kamanyola border post, with the assistance

of a network based within the DRC. Like the FNL, they reported that their ultimate goal was to remove Burundian President Pierre Nkurunziza from power.

C. UPDI/NDC –R COALITION AGAINST FDLR-FOCA

On the border between southern Lubero and Walikale, North Kivu Province, a new Mai Mai group led by local power-holders initiated attacks against the FDLR on the Luofu-Lusamambo axis. Created in September 2015, this group called UPDI (Patriotic Union for the Defense of the Innocent) took the Kimaka and Kateku localities, progressing on the north-eastern side of the Miriki-Lusamambo axis. In parallel, NDC-R elements under the command of Guidon Shimirayi took control of Lusamambo (the closest locality to the FDLR political headquarters), and Bukumbirwa. Both groups eventually met and mixed in Buleusa, but were unable to hold the three localities of Buleusa, Lusamambo and Bukumbirwa.

III. WEAPONS

A. ANTI-TANK MINE INCIDENTS ON THE RUMANGABO – GOMA AXIS

On 21 April 2015 in Bushenge village at Rugari, on the Goma-Rugari-Rutshuru axis in North Kivu Province, a truck driver reported having driven over a mine, which did not explode. The clockwork mechanism did not function properly, and the device was only partially armed.

On 26 April 2015 at the Rumangabo roundabout on the Goma-Rutshuru axis, a MONUSCO mobile patrol was told by the wife of a FARDC soldier that a mine had been placed on an access road. This happened approximately 600 meters from an FARDC camp on a road which is frequented only by FARDC vehicles or military personnel. The arming button was depressed with a clockwork indicator, but the mine had not been completely armed.

Both mines were of the same type. The first was placed the night before the planned movement of the North Kivu Sukola II commander and two other high ranking officers from Goma to the Rumangabo military camp. The other mine was placed after the first one was detected by civilians and subsequently destroyed by the demining company MECHEM. The planned movement had been delayed because one FARDC officer informed the general that an ambush had been planned to affect his movement.

B. ARMS TRAFFIC FROM GOMA IN NORTH KIVU PROVINCE

Several individuals were arrested in October and November 2015 in Goma, North Kivu Province, on suspicion of involvement in arms smuggling from the DRC to other countries. The perpetrators are Rwandan or Congolese nationals and were caught at the Congolese-Rwandan border post with the weapons.

Some of the weapons were hidden in bags of green beans or manioc, and others were hidden in the chassis of a car.⁵ The Group conducted interviews with the perpetrators, some of whom confirmed that the weapons were to be used in support of an armed group in Burundi.

The Congolese authorities arrested a total of six individuals: two Rwandan civilians, two Congolese civilians living in Rwanda, and two Congolese FARDC officers. The Group was able to identify one of the FARDC officers as having been involved in selling arms from FARDC storage.

C. ADF AND THE USE OF IMPROVISED EXPLOSIVE DEVICES (IED)

The Group was able to inspect an IED belonging to the ADF found by FARDC in March 2015.⁶ While the device is similar to those found in the previous year (see S/2015/19 paras. 39-40), the Group found additional evidence to track their origin (e.g. commercial explosives and electric detonators).⁷

Recently, in collaboration with DRC military intelligence, a new type of IED was inspected by the Group that was found by the FARDC after a fire fight with the ADF.⁸ Two 60mm mortar shells were filled with TNT powder, and an electric detonator was inserted; this IED variation would be a much more effective and dangerous IED with a security distance of 70 meters.⁹

This IED composition and material shows an increased level of sophistication, and the Group will continue to follow up the information about detonator and commercial explosives supply lines.

⁵ See annex 5, p. 10.

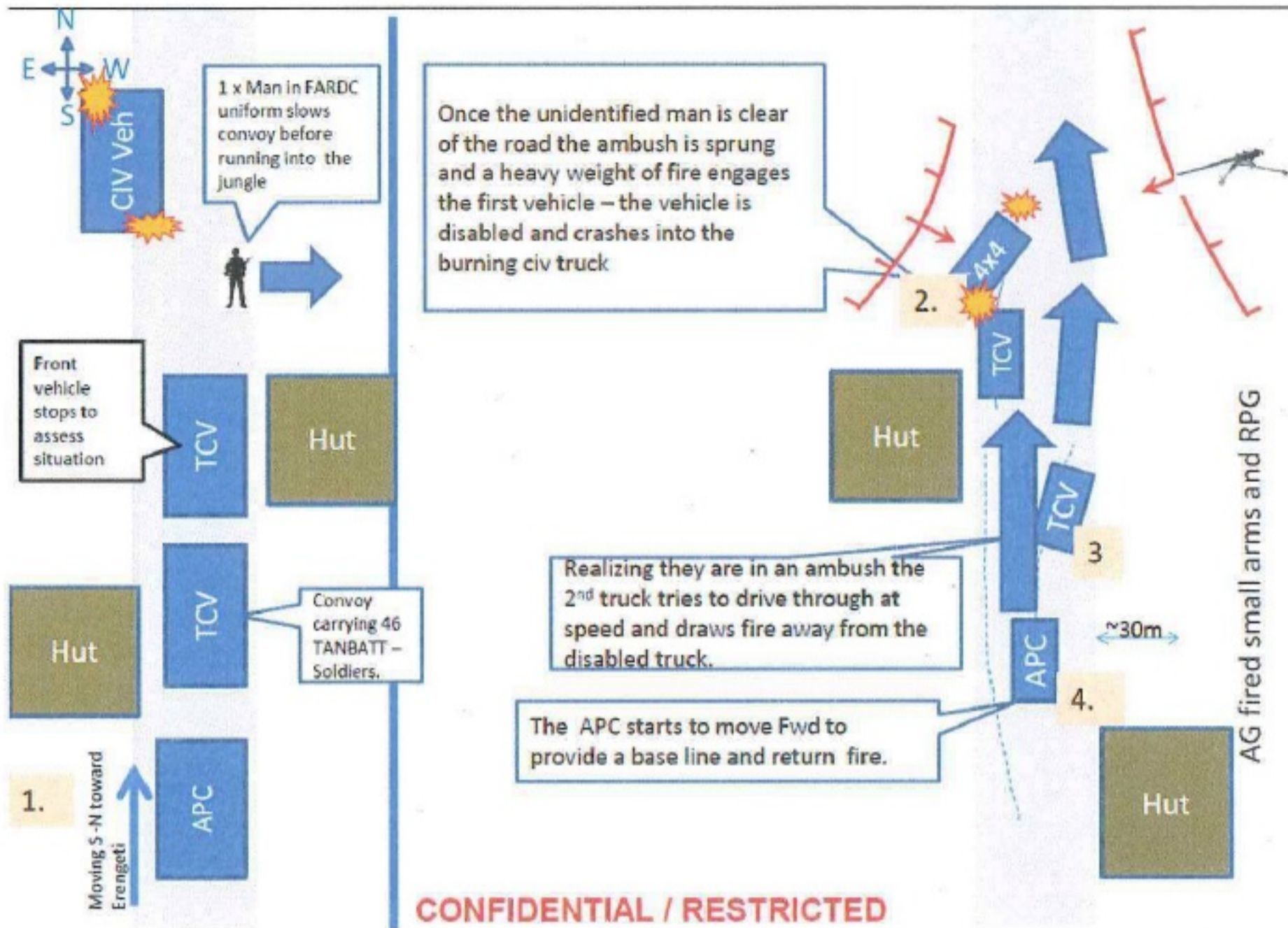
⁶ See annex 6, p. 11.

⁷ IED experts estimate that the harmful effects of these homemade IEDs in cooking pots would be minor. The security distance is 30 meters when used as a booby trap activated from a distance by electric wire and battery.

⁸ See annex 7, p. 12.

⁹ Explosive experts have indicated that if this device is attached to an anti-tank mine (such as the one found in one of the ADF camps during the mandate of the previous Group), it would have the same effect as a strong roadside bomb, with a security distance for the blast of 200 meters.

ANNEX 1 – DESCRIPTION OF EVENTS BY TANZBATT ELEMENTS



Source: MONUSCO

ANNEX 2 – DOCUMENTS BURNED AT ERINGETI POLICE STATION



Photos taken by the Group

ANNEX 3 – ERINGETI HOSPITAL WHERE PATIENTS WERE KILLED



Photos taken by the Group

ANNEX 4 – THE HOSPITAL PHARMACY BURNT AND LOOTED



Photo taken by the Group

ANNEX 5 – ARMS ALLEGEDLY BEING SMUGGLED TO BURUNDI



Photo taken by the Group

ANNEX 6 – AN IED FOUND BY THE FARDC IN NORTH KIVU



Photos taken by the Group

ANNEX 7 – OTHER TYPE OF IED FROM ADF



Photo taken by the Group