

## **Addendum to the Group of Experts on the DRC's interim report (S/2012/348) concerning:**

### **Rwandan government violations of the arms embargo and sanctions regime**

#### **I. Introduction**

1. Pursuant to its oral briefing presented to the Sanctions Committee on 13 June 2012 and in fulfillment of its commitment to provide timely information on arms embargo and sanctions violations to this same Committee, the Group presents this addendum to its interim report (S/2012/348).<sup>1</sup>

2. Since the outset of its current mandate, the Group has gathered evidence of arms embargo and sanctions regime violations committed by the Rwandan Government. These violations consist of the provision of material and financial support to armed groups operating in the eastern DRC, including the recently established M23, in contravention of paragraph 1 of Security Council resolution 1807.<sup>2</sup> The arms embargo and sanctions regimes violations include the following:

- Direct assistance in the creation of M23 through the transport of weapons and soldiers through Rwandan territory;
- Recruitment of Rwandan youth and demobilized ex-combatants as well as Congolese refugees for M23;
- Provision of weapons and ammunition to M23;
- Mobilization and lobbying of Congolese political and financial leaders for the benefit of M23;
- Direct Rwandan Defense Forces (RDF) interventions into Congolese territory to reinforce M23;
- Support to several other armed groups as well as FARDC mutinies in the eastern Congo;
- Violation of the assets freeze and travel ban through supporting sanctioned individuals.<sup>3</sup>

3. Over the course of its investigation since late 2011, the Group has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern DRC. Initially the RDF appeared to establish these alliances to facilitate a wave of targeted assassinations against key FDLR officers, thus significantly weakening the rebel movement (see

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<sup>1</sup> The Group's submitted its interim report to the Committee on 18 May 2012, who in turn transmitted it to the Security Council on 21 June 2012.

<sup>2</sup> Paragraph 1 of Security Council Resolution 1897 decides that "all States shall take the necessary measures to prevent the direct or indirect supply, sale or transfer, from their territories or by their nationals, or using their flag vessels or aircraft, of arms and any related materiel, and the provision of any assistance, advice or training related to military activities, including financing and financial assistance, to all non-governmental entities and individuals operating in the territory of the Democratic Republic of the Congo;"

<sup>3</sup> See official list of designated individuals and entities for the Sanctions Committee 1533 at [http://www.un.org/sc/committees/1533/pdf/1533\\_list.pdf](http://www.un.org/sc/committees/1533/pdf/1533_list.pdf)

paragraphs 37 & 38 of interim report). However, these activities quickly extended to support for a series of post-electoral mutinies within the FARDC and eventually included the direct facilitation, through the use of Rwandan territory, of the creation of the M23 rebellion. The latter is comprised of ex-CNDP officers integrated into the Congolese army (FARDC) in January 2009. Since M23 established itself in strategic positions along the Rwandan border in May 2012, the Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the rebels through providing weapons, military supplies, and new recruits.

4. In turn, M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF support. This has created enormous security challenges, extending from Ituri district in the north to Fizi territory in south, for the already over-stretched Congolese army (FARDC). Through such arms embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets freeze measures, by including three designated individuals amongst their direct allies.

5. In an attempt to solve the crisis which this Rwandan support to armed groups had exacerbated, the governments of the DRC and Rwanda have held a series of high-level bilateral meetings since early April 2012. During these discussions, Rwandan officials have insisted on impunity for their armed group and mutineer allies, including ex-CNDP General Bosco Ntaganda, and the deployment of additional RDF units to the Kivus to conduct large-scale joint operations against the FDLR. The latter request has been repeatedly made despite the fact that: a) the RDF halted its unilateral initiatives to weaken the FDLR in late February;<sup>4</sup> b) RDF Special Forces have already been deployed officially in Rutshuru territory for over a year; c) RDF operational units are periodically reinforcing the M23 on the battlefield against the Congolese army; d) M23 is directly and indirectly allied with several FDLR splinter groups; and e) the RDF is re-mobilizing previously repatriated FDLR to boost the ranks of M23.

### *Elevated standards of evidence*

6. In light of the serious nature of these findings, the Group has adopted elevated methodological standards. Since early April 2012, the Group has interviewed over 80 deserters of FARDC mutinies and Congolese armed groups, including from M23. Amongst the latter, the Group has interviewed 31 Rwandan nationals. Furthermore, the Group has also photographed weapons and military equipment found in arms caches and on the battlefield, as well as obtained official documents and intercepts of radio communications. The Group has also consulted dozens of senior Congolese military commanders and intelligence officials as well as political and community leaders with intricate knowledge of developments between the DRC and Rwanda. Moreover, the Group has communicated regularly with several active participants of the ex-CNDP mutiny, the M23 rebellion, and other armed groups. Finally, while the Group's standard methodology requires a minimum of three sources, assessed to be credible and independent of one another, it has raised this to five sources when naming specific individuals involved in these cases of arms embargo and sanctions regime violations.

## **II. Rwandan support to M23**

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<sup>4</sup> The last FDLR officer to be assassinated was Captain Theophile, the S3 of the Military Police Battalion, in late February 2012.

7. Since the earliest stages of its inception, the Group documented a systematic pattern of military and political support provided to the M23 rebellion by Rwandan authorities. Upon taking control over the strategic position of Runyoni, along the Rwandan border with DRC, M23 officers opened two supply routes going from Runyoni to Kinigi or Njerima in Rwanda, which RDF officers used to deliver such support as troops, recruits, and weapons. The Group also found evidence that Rwandan officials mobilized ex-CNDP cadres and officers, North Kivu politicians, business leaders and youth in support of M23.

**Image 1: Colonel Makenga's home and private dock on Lake Kivu in Bukavu**

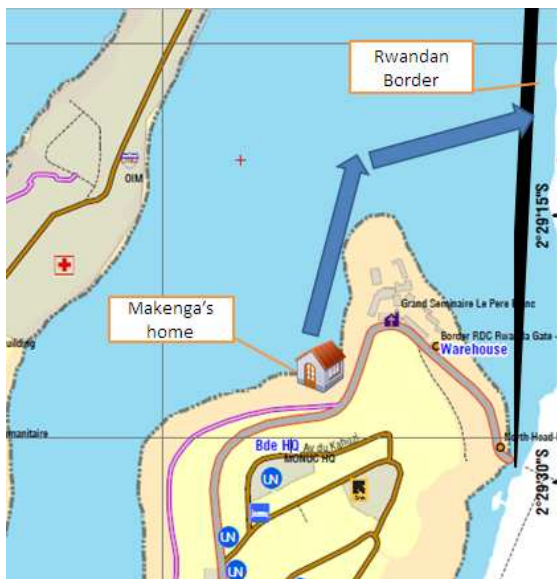


**A. Direct assistance in the creation of M23 through Rwandan territory**

8. Colonel Sultani Makenga deserted the FARDC in order to create the M23 rebellion using Rwandan territory and benefiting directly from RDF facilitation (see paragraph 104 of interim report). On 4 May, Makenga crossed the border from Goma into Gisenyi, Rwanda, and waited for his soldiers to join him from Goma and Bukavu.

Intelligence sources, M23 collaborators and local politicians confirmed for the Group that RDF Western Division commander, General Emmanuel Ruvusha, welcomed Makenga upon his arrival to Gisenyi. The same sources indicated that Ruvusha subsequently held a series of coordination meetings with other RDF officers in Gisenyi and Ruhengeri over the following days with Makenga.

**Image 2: Map of the transport of weapons and troops from Makenga's home on 4 May 2012**



9. According to ex-CNDP and FARDC officers, also on 4 May, Colonels Kazarama, Munyakazi, and Masozera, and an estimated 30 of Makenga's loyal troops departed from Goma crossing into Rwanda through fields close to the Kanyamuyagha border. Several FARDC officers, civilian border officials, and intelligence officers stationed at Kanyamuyagha confirmed that they saw clear boot tracks of Makenga's troops crossing the border into Rwanda only a few meters away from an RDF position on the Rwandan side. These same sources also recovered several FARDC uniforms discarded by the deserters at that location the same night.

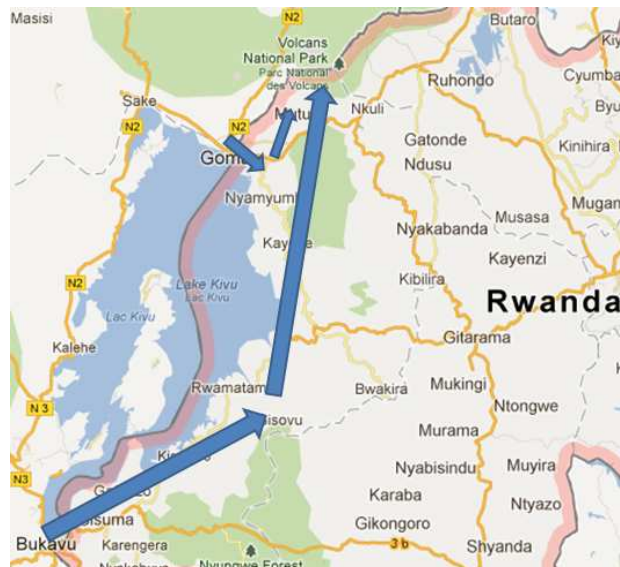
10. A second group of Makenga's loyal troops deserted the FARDC ranks in Bukavu, also via Rwanda. Three former M23 combatants who took part in the operation told the Group that ahead of his desertion, Makenga had gathered about 60 troops under the command of Major Imani Nzenze, his secretary, as well as Colonels Seraphin Mirindi and Jimmy Nzamuye in his residence by Lake Kivu in Nguba neighborhood of Bukavu (see image 1). At 20:30 on 4 May, the two large motorized boats transported the 60 troops and several tons of ammunitions and weapons 200 meters across the lake to the Rwandan town of Cyangugu (see paragraph 118 of interim report). The same sources indicated that upon arrival to Rwanda the boats were sent back once again to Makenga's residence to recover the remainder of the weapons and ammunition (see image 2). According to one of the M23 combatants who later deserted the movement, and Congolese intelligence services, the evacuated weapons included such heavy weapons as katyusha rocket launchers, RPG 7, and 14.5 mm machine guns, some of which were brought from Makenga's weapons caches at Nyamunyi (see paragraph 118 of interim report).

11. The three former M23 combatants who participated in the operation also told the Group that upon arrival in Cyangugu, RDF and Rwandan police brought them to a military camp. The RDF subsequently provided them with full Rwandan army uniforms to be worn while traveling within Rwanda. The troops and the military equipment were afterwards loaded onto three RDF trucks, and transported via the towns of Kamembe, Gikongoro, Butare, Ngororero, Nkamira and brought to the RDF position at Kabuhanga. This military position is situated on the DRC-Rwanda border, near the village of Gasizi in Rwanda (roughly 27 km north of Goma). This ex-combatant testimony was corroborated by several sources interviewed by the Group, who all attested to the movement of troops from Rwanda into the DRC:

- a) Four local leaders interviewed separately in Kibumba personally witnessed Rwandan soldiers offloading equipment and soldiers from RDF trucks and jeeps at Gasizi on those same dates.
- b) Two Congolese border agents observed the RDF trucks which brought the troops and military equipment to Gasizi.
- c) A civilian intelligence officer reported that the troops had been brought to Gasizi in trucks.
- d) An FARDC internal intelligence report states that the troops were brought to join Makenga at Gasizi (see annex 1).

12. Several former M23 combatants also told the Group that General Ruvusha accompanied Makenga to meet with his troops in the RDF base at Kabuhanga (see image 3). RDF commanders ordered the Congolese soldiers to put on once again their FARDC uniforms and

**Image 3: M23 travel through Rwanda facilitated by the RDF**

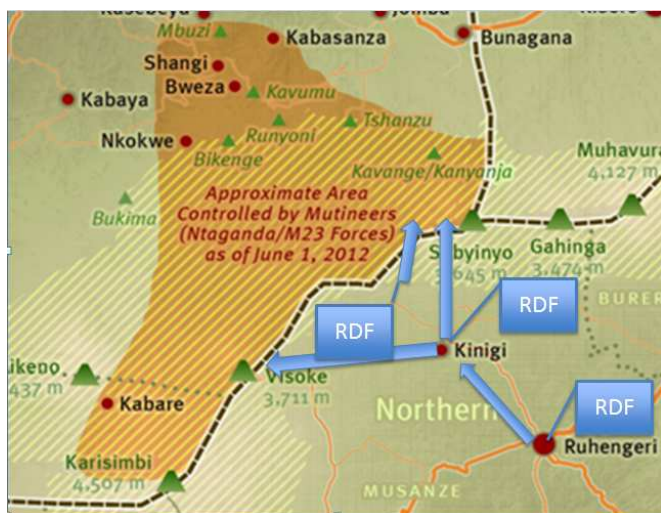


provided them with plastic sheets, food, soap, and kitchen utensils. RDF officers also instructed the soldiers to remove any signs identifying Rwanda, such as labels on uniforms and water bottles.

13. That night, RDF officers ordered the FARDC deserters to offload and transport the weapons brought from Bukavu through the Virunga National Park, to Gasizi on the DRC side,<sup>5</sup> between Karisimbi and Mikeno volcanoes. On 8 May, these soldiers joined up with the mutineers who came from Masisi territory to the assembly point at Gasizi. Military and police officers, as well as local authorities from Kibumba reported on the arrival of the mutineers from Masisi near the border, and the movement of Makenga's troops from Rwanda into DRC. A local authority gathered reports from Rwandan civilians who had been forced to carry the weapons from Gasizi, in Rwanda, to the DRC border. After Ntaganda's and Makenga's groups merged, they advanced further through the park and took control of Runyoni on 10 May to officially launch military operations of the M23 rebellion (see paragraph 104 of interim report).<sup>6</sup>

## B. RDF recruitment for M23

Image 4: RDF recruitment and supply routes for M23



14. Once M23 established their positions near the Rwandan border at Runyoni,<sup>7</sup> the RDF began facilitating the arrival of new civilian recruits and demobilized former combatants of the FDLR to strengthen the ranks of the rebels.

### *Civilian new recruits*

15. The Group interviewed 30 Rwandan nationals who had been recruited into M23 and managed to escape. Interviewed separately, each confirmed that they had been recruited in Rwanda. While some interacted with civilian "sensitizers", most stated that RDF officers directly participated in their

recruitment process. M23 collaborators, ex-CNDP officers, politicians, ex-M23 combatants, and Congolese refugees in Rwanda, informed the Group that a wide network of mobilization has been established in the main Rwandan towns bordering DRC, as well as in refugee camps, targeting Rwandan nationals and Congolese refugees for recruitment. Recruitment focal points operating at Kinigi, Ruhengeri, Mudende, Gisenyi, Mukamira, and Bigogwe, are tasked with identifying and gathering young men for recruitment and handing them over to RDF soldiers. Two Congolese refugees, as well as a visitor of Nkamira refugee camp (situated 27 km from

<sup>5</sup> The corresponding village along the border in DRC is also called Gasizi.

<sup>6</sup> CNDP issued an official communiqué announcing the creation of M23 on 6 May 2012, just after the desertion of Colonel Makenga.

<sup>7</sup> The CNDP held a stronghold in Runyoni in 2008. See S/2008/773 paragraph 64 b)

Gisenyi in Rwanda) stated to the Group that there has been a systematic campaign in the camp to encourage young men to join M23.

16. Former M23 combatants from Rwanda stated that the main transit point for recruitment is the RDF position at Kinigi, where recruits are regrouped and sent to DRC (see image 4). This pattern has also been independently confirmed Congolese intelligence services and a former RDF officer. According to some of the recruits, they often receive a meal in Hotel Bishokoro, which belongs to General Bosco Ntaganda and his brother at Kinigi. Afterwards, RDF soldiers escort large groups of new recruits to the border and send them into the DRC.

17. According to FARDC officers, Congolese intelligence and civilian sources in Kibumba a second point of entry for recruits from Rwanda to join M23 is the town of Njerima,<sup>8</sup> located on the Rwanda-DRC border southwest of Kinigi (see annex 2). Local traders who sell their goods at Njerima told the Group that during the last week of May, M23 recruits passing through the village included refugees from Masisi as well as Rwandan nationals. Recruits arrive by bus at Ruatano at about a kilometer from Njerima. From Njerima walking paths lead to Kabare in DRC, which is located within the DRC's Virunga National Park, in between the volcanoes Mikenko and Karisimbi. According to park authorities, Kabare is a natural clearing in the forest where rebel presence has been observed since the last week of May 2012.

18. The Group has not been able to establish the total numbers of recruits, as upon arrival to Runyoni they are immediately deployed among the various M23 positions situated on seven distinct hills.<sup>9</sup> According to Rwandan former M23 combatants, groups that depart from Kinigi, are composed of 30 to 45 recruits at a time. All recently recruited former combatants observed other civilian recruits from Rwanda upon arrival to Runyoni, as well as saw new recruits arriving from Rwanda every second day. One M23 deserter deployed at Ntaganda's position counted 130-140 recruits from Rwanda when he arrived, while another from Chanzu counted about 70 recruits from Rwanda. For their part, two ex-M23 combatants from Kavumu saw 60 recruits.

19. All ex-M23 combatants confirmed that there were children under the age of eighteen amongst the waves of recruits. The Group interviewed two fifteen-year old boys who had escaped from M23. While one ex-combatant reported that he saw 28 children at Ntaganda's position, another witnessed at least 20 minors at M23's position at Chanzu. As for most of the M23 recruits, these children are given a weapon and undergo very rudimentary training before immediately being sent to the battlefield.

### ***Demobilized ex-FDLR***

20. The RDF has also deployed demobilized former FDLR combatants to reinforce M23. According to several former senior FDLR officers, all former combatants of Rwandan armed groups, upon completion of the Rwandan Demobilization and Reintegration Commission's program, are automatically enrolled in the RDF's Reserve Force, commanded by General Fred Ibingira. As members of the Reserve Force, they can be ordered to deploy on behalf of the RDF

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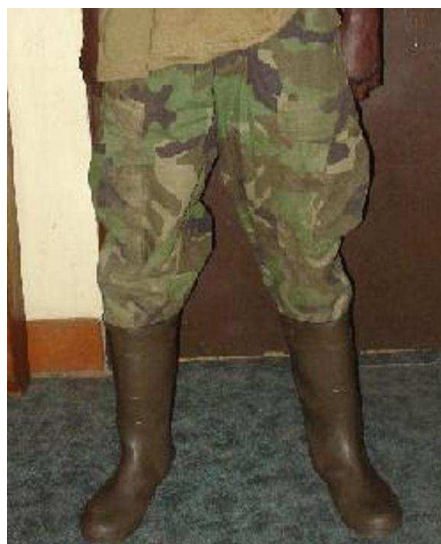
<sup>8</sup> In 2008 Njerima also served as entry point for infiltrations from Rwanda into DRC. See S/2008/773, paragraph 64 b).

<sup>9</sup> At Runyoni, the mutineers established positions on Runyoni, Chanzu, Kanyanja, Jomba, Kavumu, Mbuzi, or Bugina hills.

on short notice. Former RDF officers, politicians, and M23 collaborators indicated that ex-FDLR combatants from within the RDF's Reserve Force have been re-mobilized and deployed to Runyoni alongside M23. Active FDLR officers in DRC also confirmed this re-mobilization of previously repatriated FDLR combatants. According to Rwandan former M23 combatants who escaped from Runyoni, small groups of former demobilized combatants arrive every day and are dispatched between the various M23 positions.<sup>10</sup>

21. The Group interviewed two former FDLR who had previously been demobilized in Rwanda, and were sent to Runyoni in May 2012. Both belonged to the Reserve Force. One was deployed after being called by RDF officers, while the other was invited to join a meeting with other demobilized soldiers when he was instructed to depart for military service. Both were taken to the military base at Kinigi, where they received weapons and ammunition, and were escorted to Runyoni in the same way as the civilian recruits. Both testified that they have been sent to Runyoni in a group with 70 other people, among which 31 were demobilized soldiers. Upon arrival, they saw 11 other demobilized soldiers at Chanzu (see paragraph 123 of interim report).

**Image 5: Ex-M23 soldier who deserted with RDF uniform**



### **C. RDF logistical support to M23**

22. The RDF has been providing military equipment, weapons, ammunition, and general supplies to M23 rebels. FARDC and ex-CNDP officers, as well as all ex-M23 combatants interviewed by the Group reported that RDF officers have been backstopping the logistics of the rebel movement from the military bases at Kinigi and Njerima. Through the supply routes going from Rwanda to Runyoni, M23 have received not only large amounts of weapons and ammunition, but also food, tents, fuel, oil, plastic sheets, and medicines. Ex-combatants also attest to the fact that some RDF uniforms are also provided to M23. The Group photographed one M23 deserter with RDF boots and camouflage pants (see image 5). According to three ex-M23 combatants, RDF troops have also assisted with the evacuation of injured soldiers. Once brought to the border, they are sent to hospitals and health clinics in Ruhengeri. Furthermore, ex-CNDP officers, ex-RDF officers, and senior FARDC commanders told the Group that nearly all M23 officers have evacuated their families and possessions to Rwanda.

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<sup>10</sup> These ex-FDLR combatants re-mobilized from Rwanda should not be confused with the FDLR splinter group "Mandevu" which is also fighting alongside M23. See paragraphs 100-102 of the interim report.

**Image 6: 7.62 mm tracer rounds provided by the RDF to the M23 (on right) compared with FARDC ammunition (on left)**



23. All thirty ex-M23 combatants from Rwanda interviewed by the Group stated that the RDF forced them to carry one box of ammunition and one weapon each when crossing into the DRC. Near the DRC border crossing with the Rwandan village of Gasizi, the Group obtained a box of ammunition, which FARDC officers and ex-M23 combatants attested had been provided by the RDF and was destined for the M23. The metal casing included 7.62 mm tracer ammunition for AK-47 rifles which were painted with a green tip, in contrast to FARDC ammunition (see image 7). One displaced villager from Runyoni, interviewed by the Group in Bunagana, stated that M23 rebels forced him to carry the same ammunition boxes from Chanzu to Runyoni. Current RDF officers confirmed for the Group that this type of ammunition did indeed belong to the RDF.

24. Furthermore, the Group photographed anti-tank rounds recovered from the battlefield near Kibumba (see annex 3). Colonel Makenga's arms cache at Nyamunyoni contained over 300 75 mm anti-tank canon

rounds (see paragraph 118 interim report and annex 4). According to several Congolese senior commanders and logistics officers, neither the anti-tank rounds found on the battlefield above nor those from Makenga's cache have ever been distributed by the FARDC.

25. Ex-M23 combatants have also surrendered with AK-47 rifles which are distinct from those used by the FARDC. The Group photographed one such rifle which has a larger barrel muzzle than those used by the FARDC (see image 7).

#### **D. Rwandan officials mobilizing support to M23**

26. Senior Rwandan officials have also been directly involved in the mobilization of political leaders and financial backers for M23. Based on interviews conducted with M23 members, ex-CNDP officers and politicians, intelligence officers, FARDC senior commanders, the Group established that Rwandan officials have made extensive telephone calls and organized a series of meetings with Congolese politicians and businessmen to promote and rally support for M23.

#### ***Telephone communications***

**Image 7: AK-47 rifle surrendered by ex-M23 soldier**





27. Since May, Rwandan authorities have undertaken wide-ranging efforts to convince ex-CNDP officers and former CNDP and RCD politicians to join M23. Several politicians told the Group that senior Rwandan Government officials had directly contacted them. One politician and one ex-CNDP officer acknowledged to the Group that RDF Captain Celestin Senkoko,<sup>11</sup> the personal assistant of Rwandan Minister of Defence General James Kabarebe,<sup>12</sup> had called on several occasions to convince them to become a part of M23. Another politician told the Group that Senkoko and Jack Nziza, Permanent Secretary of the Ministry of Defence, called and threatened

**Image 8: Resignation letter of CNDP provincial ministry following instructions from the RDF in Ruhengeri meeting**

Exp : TUYIHIMBAZE RUCOGOZA François  
Ministre Provincial de la justice,  
Droits humains et réinsertion communautaire

Gcma, Le 02 juin 2012

A Son excellence Monsieur le Gouverneur  
de la Province du Nord Kivu à Goma.

**Concerne :** Ma démission du Gouvernement Provincial.

Excellence Monsieur le Gouverneur,

J'ai l'insigne privilège de venir respectueusement auprès de votre haute autorité vous saisir au sujet de l'objet bien identifié en concerne.

En effet, le Bureau Politique de mon Parti, le Congrès National pour la Défense du Peuple, CNDP en sigle, s'est réuni aujourd'hui le 02 juin 2012 en session extraordinaire et à l'issue de cette réunion il m'a été demandé de quitter le Gouvernement au motif que les Accords du 23 mars 2009 signés entre le Gouvernement Congolais et le CNDP n'ont pas été respectés.

En plus comme si cela ne suffisait pas, le Gouvernement a fait la sourde oreille à tous les appels à la paix lancés par mon Parti dans ses différents communiqués de presse et correspondances à son attention.

Dans l'espoir que mes raisons et motifs retiendront votre attention, je vous prie, Excellence Monsieur le Gouverneur, de bien vouloir agréer l'expression de mes sentiments patriotiques.

TUYIHIMBAZE RUCOGOZA François

Ministre Provincial de la justice,  
Droits humains et réinsertion communautaire

him after he refused to join M23. Still another politician interviewed by the Group has been contacted by Kabarebe, Senkoko, and Nziza, all three requesting him to mobilize support for M23. According to three other politicians, Charles Kayonga, RDF General Chief of Staff, has called politicians and invited them for a meeting about M23 in Kigali. Former CNDP General Laurent Nkunda, has also been a key mobilizer of M23 and has been calling ex-CNDP officers to convince them to join the new rebellion (see paragraph 107 interim report).

***RDF-convened meetings***

28. According to intelligence sources, politicians, and M23 collaborators, on 23 May 2012, Senkoko organized a meeting, with the participation of RDF officers and 32 community leaders, mostly CNDP cadres, in Gisenyi at the residence of CNDP member Gafishi Ngoboka. Senkoko introduced himself as the

<sup>11</sup> Captain Celestin Senkoko, a native from Goma, has previously worked for General Jacques Nziza, and currently works as the personal assistant for the Rwandan Minister of Defence James Kabarebe. For years, he has been executing specific aspects related to Rwandan foreign policy in the DRC. In particular, he played an instrumental role in the distribution of weapons by Tous pour la Paix et le Développement (TPD) designated for targeted sanctions by the Committee for these same acts on 1 November 2005 (<http://www.un.org/News/Press/docs/2005/sc8546.doc.htm>)

<sup>12</sup> James Kabarebe is the Rwandan Minister of Defence, formerly the Rwandan Chief of Staff, has traditionally been in charge of the "Congo file" within the Rwandan Government.

representative of Kabarebe and conveyed the message that the Rwandan government supports M23, whose new war was to obtain a secession of both Kivus. After showing the territory to be liberated on a map, he instructed politicians to convince all Rwandophone army officers operating in the Kivus to join M23 and stressed the need to for M23 to gain more popular support and begin collecting funds. According to intelligence sources, politicians, and M23 collaborators, Nziza came to Gisenyi and Ruhengeri at the same period, to supervise both military and mobilization activities related to M23.

29. Another similar M23 meeting with Rwandan authorities took place on 26 May 2012 in Ruhengeri, Rwanda, at Hotel Ishema. According to intelligence sources and to politicians with close ties to Kigali, the RDF organized the meeting for CNDP politicians, which was chaired by Bishops John Rucyahana<sup>13</sup> and Coline, both senior RPF<sup>14</sup> party leaders. The aim of the meeting was to convey the message that the Rwandan Government supports M23 politically and militarily. All Rwandophone politicians and officers were instructed to join M23, or otherwise leave the Kivus. In particular, CNDP politicians have been asked to resign from the North Kivu Governorate and to withdraw from the *Majorité Présidentielle* (MP).<sup>15</sup> Following the decision taken during the meeting at Ruhengeri, CNDP Minister of Justice Francois Ruchogoza resigned from the Governorate in North Kivu on 2 June (see image 7). After considerable pressure to declare CNDP's withdrawal from the MP, Edouard Mwangachuchu, the head of the CNDP political party, refused to do so. CNDP politicians siding with M23 and acting from within Rwanda, made such a declaration nevertheless (see annex 5).

30. According to politicians, individuals closely associated to M23, and to Congolese intelligence services, on 2- 3 June, and once again on 9-10 June, representatives of the business community from Goma, comprised mostly of owners of fuel stations represented by Desiré Rwabaenda and Dieudonné Komayombi, met General Kabarebe in Kigali, to discuss mobilizing financial contributions to M23.

## **E. RDF units directly reinforcing M23 during operations in the DRC**

31. Former M23 combatants, FARDC officers, local authorities, intelligence services, and ex-RDF officers informed the Group that RDF units themselves have also been deployed to reinforce M23 for specific operations at Runyoni. The following sources have provided detailed accounts of such direct military involvement of the RDF:

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<sup>13</sup> John Rucyahana has been the head of the Anglican Church at Ruhengeri, president of the Bagogwe community from Rwanda, and President of the Rwandan Unity and Reconciliation Commission.

<sup>14</sup> The Rwandan Patriotic Front (RPF) is the ruling party of President Paul Kagame.

<sup>15</sup> A participant to the Gisenyi and Ruhengeri meetings informed the Group that the conclusions of the meetings included the creation of various cells in Gisenyi, Masisi, Goma, and Ruhengeri, in charge with collecting financial contributions to purchase supplies for M23.

- a) An RDF soldier who surrendered on 14 June 2012 from Ntaganda's position in Runyoni stated that his unit was trained for two weeks in Kanombe military camp in Kigali, before being deployed in Runyoni already during the first week of March. Having previously fought as a CNDP soldier under Laurent Nkunda and as part of joint RDF FARDC Amani Leo operations the soldier in question was recruited alongside several other

**Image 9: Extracts from FARDC internal intelligence file on an RDF soldier captured while conducting spy operations prior to the establishment of the M23 in Rutshuru**

**III. CIRCONSTANCES D'ARRESTATION**

Arrêté le 29 Avril 12 à RUHUNDA/KIBUMBA quant il espionnait les positions FARDC.

**IV. ELEMENTS RECUEILLIS SUR LUI**

- Ils étaient 03 Mil et avaient reçus la mission auprès du Maj GASORE d'identifier les positions Mil FARDC. Leurs effectif et Armé dans deux axes différents ; l'un dans l'axe KIBUMBA et ses environs tant dis que les deux autres dans l'axe KITSHANGA.
- L'U est déployée à KANYANZA/RUANDE depuis 03 mois en provenance de NGUNGU au Congo, au service du Gen BOSCO NTAGANDA qui leurs paye 100 \$ par an, toutefois il a signalé qu'il ne touche plus sa solde de RDF depuis qu'il est au service du Gen BOSCO NTAGANDA or qu'avant il touchait 20 000 Francs Rwandais (FRW). Aussi la relève se fait chaque 05 mois de NGUNGU/RDC pour le RWANDA.
- L'U est Si/Comdt du Maj GASORE secondé par le Capt RUGERERO avec un Eff de 100 Mil doté de MAG : 03, Mor 60 mm : 04, LR : 03.
- Pour ce qui est de la source de Rav, ils être dotés par armée Rwandaise. Le Gen BOSCO NTAGANDA leurs avoir aussi doté des tenues FARDC. Autre source de Rav être suite Ops menées contre FDLR.

**V. EVALUATION**

- Il revient que l'armée Rwandaise a mis depuis très longtemps des hommes au profit du Gen BOSCO NTAGANDA pour des fins non définies.
- Il ressort de la compétence de la Hie d'examiner cette situation pour connaître mieux.
- La vérification de l'implantation de cette U au Rwanda peut être possible entre deux états afin d'éclairer les autorités sur cette situation.

Rwandan ex-CNDP soldiers by an RDF Captain in the beginning of February. The mission of his 80 men strong unit was to prepare the arrival of Ntaganda in Runyoni. On its way to Runyoni via Kinigi the unit was joined by an estimated 150 more RDF soldiers.

- b) FARDC officers informed the Group that they had captured a Rwandan soldier who had been working for Ntaganda while gathering information on the FARDC deployments at Kibumba at the end of April in preparation of the arrival of M23 (see image 9).

- c) An M23 officer who surrendered from Ntaganda's position at Runyoni stated that he witnessed how RDF

troops supported M23 during their operations. He said that the RDF use the path going from Kinigi into Chanzu, or the path going through Njerima to Kanyanja, where Ntaganda's position is located. The same source reported that RDF troops have been deployed in the park not far from Kanyanja to assist the rebels during combat operations against the FARDC. He estimated that there were around 150 RDF troops deployed at Kanyanja.

- d) Another ex-M23 officer who surrendered from Ntaganda's position at Runyoni told the Group that he personally witnessed how one RDF battalion came to reinforce the mutineers after a FARDC helicopter bombarded their positions. The RDF unit passed through Ntaganda's base and went to support Zimurinda on Bugina hill.

- e) After deserting the M23 from his position at Mbuzi hill, another ex-M23 officer told the Group that he witnessed RDF units come to support the rebels on three occasions after FARDC advances.
- f) An officer who surrendered from the position at Runyoni reported that he witnessed the arrival of four waves, each of about 100 RDF soldiers and 30 recruits.
- g) An ex-M23 soldier recruited in Rwanda reported that among the 40 RDF soldiers who accompanied the recruits until the DRC border, 20 continued marching and remained with Ntaganda at his position after changing into FARDC uniforms.
- h) An ex-RDF officer asserted that two RDF units have been deployed to Kinigi, and have specifically been tasked with periodically reinforcing the M23 in the DRC.
- i) Radio communications between RDF and M23 intercepted by FARDC and shared with the Group, demonstrate that an RDF officer acknowledges having received a visit of M23 officers on Rwandan territory, while an M23 officer states that they already had received 400 – 500 soldiers in reinforcement from the RDF and requests additional troops (see image 10).<sup>16</sup>
- j) Several displaced leaders from areas currently under the control of M23 told the Group that the rebels occupying their home villages have been joined by other soldiers identified as Rwandan because of their distinct military equipment, notably their green high boots, bright spotted uniforms, waterproof tents and packed food items.
- k) Two civilians from Chanzu interviewed by the Group in May saw Rwandan soldiers also crossing into the DRC, initially wearing RDF military uniforms who subsequently changed into FARDC uniforms.

**Image 10: Extract from M23 radio intercepts requesting external reinforcements**

FREQUENCES REP.

159.500.00 KHZ.

AVEC LES INDICATIFS Si APRES QUI E  
Commander Par INDICATIFS 24 J (-) E  
DE LEURS Mettre EN STAND-BAY. Luil est NI  
POUR MOUV - Mais Non encore IDATIS LEURS  
localisation (-)

- INDICATIFS RWANDAIS. A MANGA

U07 (-) P35 (-) U05 (-) P241 (-) U00 (-)  
P40 (-) U04 (-) U02 (-) U06 (-) P45 (-) P41 (-)  
P13 (-) P21 (-) P20 (-) 34 Q

PANDA-MOJA POUR M23 - Mais  
leurs FREQUENCE E R.

160.500 KHZ leurs INDICATIFS (-) P  
P3 (-) P U (-) OB (-) MB (-)

POUR OPS Demain Matin.

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Vendredi 1805-06-20  
à 4H26'

Sit. Matiel **RARUZI** / E  
MOUV. VERS RWANGURA (-)  
MT. KURURU.

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Samedi 180706-2

FREQUENCES: NV 16100000 KHZ.  
Semi-tante avec Boulevard

32. Since the beginning of 2011, two joint RDF and FARDC units have been deployed in Rutshuru territory to conduct operations against the FDLR.<sup>17</sup> Though these units have not taken

<sup>16</sup> This cassette has been placed in UN archives for future reference.

part in hostilities alongside M23, FARDC officers told the Group that they feared such a scenario.

#### **F. Rwandan officials responsible for support to M23**

33. Throughout the Group's investigations, it has systematically gathered testimonies from former M23 combatants, M23 collaborators, ex-RDF officers, Congolese intelligence, FARDC commanders, and politicians which affirm the direct involvement in the support to M23 from senior levels of the Rwandan government.<sup>18</sup>

- a) **General Jacques Nziza**, the Permanent Secretary of the Ministry of Defence, supervises all military, financial, and logistic support as well as mobilization activities related to M23. He has recently been deployed to Ruhengeri and Gisenyi to coordinate M23 assistance and recruitment.
- b) **General James Kabarebe**, the Rwandan Minister of Defense, with the support of his personal secretary **Captain Celestin Senkoko**, also is a central figure in recruitment and mobilizing political and military support to M23. Kabarebe has often been in direct contact with M23 members on the ground to coordinate military activities.
- c) **General Charles Kayonga**, the RDF Chief of Staff manages the overall military support to M23. Kayonga is frequently in communication with Makenga and oversaw the transfer of Makenga's troops and weapons through Rwanda.
- d) The military support on the ground has been channeled by **General Emmanuel Ruvusha**, RDF Division commander based in Gisenyi, as well as **General Alexi Kagame**, RDF Division commander based at Ruhengeri. Both facilitate recruitment of civilians and demobilized soldiers to M23 as well as coordinating RDF reinforcements in Runyoni with M23 commanders.
- e) **Colonel Jomba Gakumba**, a native of North Kivu, who used to be an RDF instructor at the Rwandan Military Academy at Gako, was redeployed to Ruhengeri since the creation of M23, where he has been in charge of commanding locally military operations in support of M23.

34. Ex-RDF officers, politicians, M23 collaborators also informed the Group that Ntaganda and Makenga have been regularly crossing the border into Rwanda to carrying out meetings with any of the above-mentioned senior RDF officers at Kinigi in order to coordinate operations and supplies. Two Rwandan nationals who surrendered from M23 witnessed such meetings between Makenga and senior RDF officers at Kinigi, on several occasions. Those same sources also stated that former CNDP chairman General Laurent Nkunda, officially under house arrest by the Rwandan government since January 2009, often comes from Kigali to participate in these meetings.

### **III. Rwandan support to armed groups and mutinies linked to the M23**

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<sup>17</sup> See paragraph 116 of the Group's 2011 final report (S/2011/738).

<sup>18</sup> As per paragraph 6 above, the Group has identified the following individuals based upon the testimony of at least five separate credible and independent sources.

35. In addition to RDF support to M23, the Group has gathered evidence indicating that Rwandan officials have been supporting other armed groups and mutinies often using Ntaganda and other ex-CNDP commanders to foster such alliances. Acting through these armed groups, Rwandan officials managed to weaken the FDLR through a series of targeted killings of FDLR officers. M23 officers and armed group leaders have acknowledged these alliances with the common aim of destabilizing the central Government.

#### **A. Nduma Defence of Congo – NDC**

36. Rwandan officials have been in direct contact with NDC commander Sheka Ntabo Ntaberi, and supported him in organizing the targeted killing of FDLR Montana battalion commander “Lieutenant Colonel” Evariste Kanzeguhera *alias* “Sadiki” ” (see paragraphs 37 and 61 of interim report). According to intelligence officers, two former NDC combatants, and close NDC collaborators, on 4 November 2011, Ntaberi travelled to Rwanda, with Ntaganda’s facilitation. Upon arrival to Gisenyi RDF officers entrusted him with the task of killing Kanzeguhera and gave him money for the operation. After having killed Kanzeguhera on 20 November 2011, Ntaberi surrendered to FARDC Sector commander Colonel Chuma Balumisa in Walikale. Balumisa informed the Group that he had received a direct call from Rwandan head of military intelligence at that time, General Richard Rutatina,<sup>19</sup> ordering Balumisa to ensure that Ntaberi board a plane sent by Ntaganda to Walikale to evacuate him to Rwanda (see paragraph 62 of interim report).<sup>20</sup> An NDC deserter in mid-April reported that during the ex-CNDP mutiny, Ntaberi received telephone calls from Ntaganda and senior Rwandan officials on a daily basis (see paragraph 93 interim report and annex 6). These communications were confirmed by a separate NDC collaborator. M23 members acknowledged to the Group that they are allied to Ntaberi and the NDC.

#### **B. Forces pour la Défense du Congo - FDC**

37. In early 2012, Rwandan officials tasked FDC commanders to assassinate FDLR supreme commander “General” Sylvestre Mudacumura. To support them with this operation, Ntaganda provided FDC with weapons, ammunition, and several trained ex-CNDP officers. During the operation against the FDLR Headquarters, carried out on 11 January 2012, FDC combatants successfully killed FDLR Chief of Staff Leodomir Mugaragu (see paragraph 38 interim report). One former FDC officer who participated in the operation told the Group that the FDC received the support of four Rwandan commando officers deployed to strengthen the FDC for that occasion. Local authorities in both Masisi and Walikale as well as FDLR officers also confirmed the direct involvement of the RDF in this attack.

#### **C. Local Defences forces at Busumba**

38. Erasto Ntibaturama, a close CNDP ally, is a local militia commander at Busumba in Masisi territory. His local defense forces, comprised of over 50 men, acted under the command of ex-CNDP Lieutenant Colonel Gasheri Musanga in support of Colonel Zimurinda’s mutineers in

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<sup>19</sup> In January 2012, along with three other senior RDF officers, General Rutatina was suspended from his duties and subsequently placed under house arrest as a result of accusations that he was involved in unauthorized private business ventures in the DRC.

<sup>20</sup> Colonel Balumisa has been assassinated by Ntaberi during the CNDP mutiny in April 2012, on orders from Ntaganda, following refusal to ally to the mutineers.

northern Masisi. When the mutineers left Masisi, a part of Ntibaturama's militia followed the mutineers to Runyoni, including Ntibaturama's son and CNDP political candidate, Erasto Bahati, alongside with Musanga. According to ex-CNDP officers and politicians, Ntibaturama had then crossed the border into Rwanda where the RFP provided him with a residence in Gisenyi.

#### **D. Coalition des groupes armés de l'Ituri - COGAI**

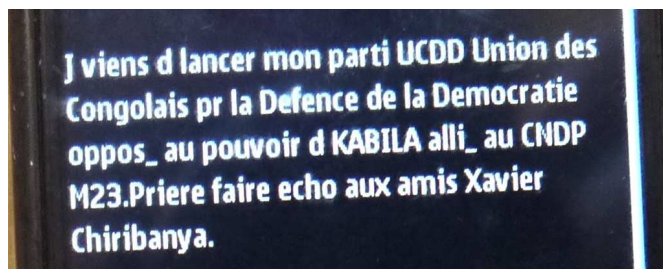
39. Rwandan support to armed groups is not limited to the Kivus. In Ituri District, the Group has confirmed attempts by the RDF to convince FARDC commanders to defect from the Congolese army and join the newly created *Coalition des groupes armés de l'Ituri - COGAI* rebel movement. FARDC officers have stated to the Group that General Kabarebe made a series of telephone calls with these instructions in early 2012. COGAI unites former militia members from different ethnic backgrounds under the leadership of FRPI commander ethnic Lendu "Brigadier General Banaloki *alias* "Cobra Matata" (see paragraphs 51 & 52 interim report). According to FARDC, intelligence sources and COGAI sympathizers, Banaloki has been approached by prominent members of the Hema community, seeking to create an alliance against Kinshasa following the conviction of Thomas Lubanga by the ICC.

40. The same sources along with a Lendu community leader also shared with the Group that a COGAI delegation travelled to Kigali between 27 May and 4 June 2012. COGAI representatives met with General James Kabarebe, the Rwandan Minister of Defense. Upon the delegation's return to Ituri, it reported back to Banaloki and handed him \$15,000 in cash it had received.

#### **E. Union de congolais pour la défense de la démocratie - UCDD**

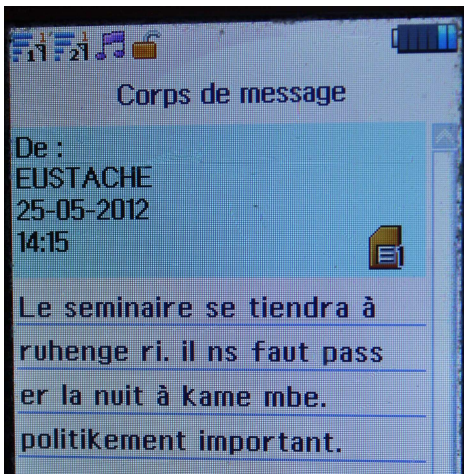
41. The UCDD was established in wake of the creation of the M23 in order to compensate for Makenga's departure from South Kivu. The head of the UCDD, Xavier Chiribanya is the former governor of South Kivu during RPF control over the Kivus and a long-standing secessionist.<sup>21</sup> According to Congolese intelligence sources and detained political leaders, Chiribanya has been living under the protection of the Rwandan government since he fled from Bukavu in 2003. The same sources indicated that while in Gisenyi following his flight from Goma, Makenga met with Chiribanya to plan the creation of the UCDD. On 9 May 2012, Chiribanya diffused the news about the establishment of the UCDD by text message (see image 11).

**Image 11: Text message circulated by Xavier Chiribanya on 9 May 2012 declaring his UCDD movement as an ally of M23**



<sup>21</sup> Chiribanya was condemned for his alleged involvement in the killing of former DRC President Laurent Kabila. He is also one of the founding members of the Mudundu 40 armed group which collaborated closely with the RDF during their deployments to the DRC between 1998 & 2002. In 2003, Chiribanya launched a secessionist movement whose aim was to break away Maniema, North Kivu, South Kivu provinces and Ituri district from the rest of the DRC.

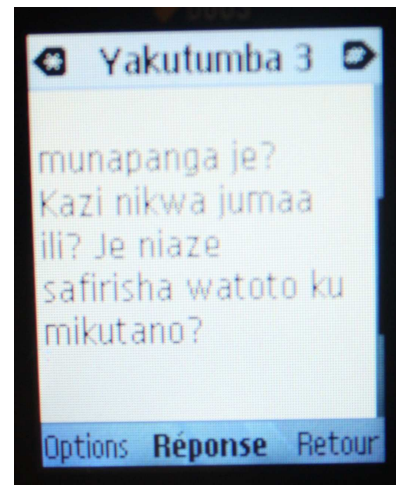
**Image 12: Text message of UCDD members about “politically important” meetings in Ruhengeri, Rwanda**



42. Chiribanya has subsequently held a series of meetings with armed group leaders during which he has claimed full support from the Rwandan government to pursue open rebellion against Kabila in order to obtain the secession of the eastern Congo. One former UCDD member stated that Chiribanya told him in a meeting on 24 May in Bujumbura that Rwanda had over 2000 ex-FDLR combatants trained for their struggle. According to an official signed statement of a detained armed group leader, Chiribanya invited others to meetings in Rwanda “to harmonize their efforts with the Rwandan authorities.” The Group obtained a text message from a UCDD member which confirmed such invitations (see image 12).

43. Furthermore, according to Congolese intelligence, FARDC officers, and a former UCDD member, Chiribanya has already provided weapons to multiple armed groups in Uvira territory as well as Mai Mai Yakutumba in Fizi territory.<sup>22</sup> The Group has obtained text messages of UCDD communications with the latter (see image 13). According to several FARDC officers and intelligence sources, Chiribanya has also established ties with units of Raia Mutomboki in South Kivu’s Nindja forest and communicates frequently with FARDC deserter Colonel Albert Kahasha of the Union des patriots congolais pour la paix (UPCP) in Southern Lubero (see paragraphs 126 & 127 of interim report). Kahasha’s UPCP has facilitated the movement of ex-CNDP deserters seeking to join M23 in Rutshuru.<sup>23</sup>

**Image 13: Text message between UCDD members detained and “General” William Amuri of Mai Mai Yakutumba**



**E. Conseil Supérieur de la Paix- CONSUP**

44. CONSUP was created in December 2011 following the elections in order to foment unrest amongst disgruntled populations who questioned the credibility of the November vote (see paragraph 128 of the interim report). Unsuccessful legislative candidates joined forces with senior commanders of former armed groups within the FARDC, notably the FRF and the CNDP. In preparatory meetings in the FRF Headquarters in Bukavu in the early weeks of January ex-CNDP officers Lieutenant Colonel Vianney Kazarama and Colonel Seraphin Mirindi<sup>24</sup> represented Colonel Makenga. During the same meeting, Kazarama named the future governors and political representatives for the eastern Congo. According to

<sup>22</sup> M23 officers confirmed for the Group that they are indeed allied to Mai Mai Yakutumba.

<sup>23</sup> Ex-CNDP Lieutenant Colonel Yusuf Mboneza defected from the FARDC in Beni on 16 June and instead of joining M23 actually remained with Kahasha and Lafontaine to strengthen the UPCP.

<sup>24</sup> Both officers have subsequently joined the M23 rebellion.



detained former CONSUP members, several individuals attending such meetings claimed the movement had the full support of Rwanda.

45. CONSUP's initial objective was to spark unrest by agitating members of the political opposition through urban strikes and protests until staged provocations of the security forces would lead to the killings of protestors, thus sparking an armed rebellion against President Kabila. According to several CONSUP members detained before it could take action, following the uprising in Bukavu, "reinforcements from the RDF were to come from Cyangugu/Rusizi in Rwanda with the pretext of coming to assist the Rwandophone population or Rwandan citizens supposedly the victims of persecutions or targeted by the manifestation" (see image 14) CONSUP leader René Kahukula is currently in hiding in Rwanda according to Congolese intelligence and FARDC commanders.

**Image 14: Extract from FARDC internal report based on official records of interviews with over a dozen detained CONSUP members**

Par la suite, un renfort des Mil RDF devaient provenir de CYANGUGU/RUSIZI au Rwanda prétextant venir assister la population Rwandophone ou sujets Rwandais soi-disant persécutés ou visés par cette manifestation ;

#### **F. Ex-FARDC Colonel Bernard Byamungu**

46. From the earliest stages of the mutiny in South Kivu, Rwandan Minister of Defence, General James Kabarebe, provided Colonel Bernard Byamungu with direct operational orders, according to former mutineers and senior FARDC officers. Three former bodyguards of Byamungu told the Group that Kabarebe was in consistent communications with Byamungu as he awaited the arrival of other mutineers from Fizi territory during the first days of April (see paragraphs 73-77 of interim report). Another former mutineer personally overheard one of these conversations, which took place at 22:00 on 3 April 2012, during which Kabarebe called Byamungu to ask about the current status of preparations for the mutiny and the ambush set up for South Kivu Amani Leo Operations Commander, Colonel Delphin Kahimbi. The same source indicated that members of the RDF's intelligence branch followed up this call on the same number to order Byamungu to conduct his operation to seize the town of Uvira the following day. When Byamungu began to run low on supplies, another ex-mutineer who deserted with Byamungu stated that Kabarebe told Byamungu that he would seek supplies of ammunitions from other armed groups in the vicinity.<sup>25</sup> Furthermore, when it became apparent that Byamungu's mutiny in South Kivu would not succeed in reaching the provincial capital of Bukavu, according to senior FARDC officers, Kabarebe made several pleas by phone to senior FARDC officers to ensure Byamungu's security and swift return to his command position in Uvira.

#### **G. Ex- FARDC Colonel Innocent Kaina**

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<sup>25</sup> Byamungu was already in communication with the Burundian rebel groups of the FNL and FRONABU to help facilitate his flight, according to several FNL officers in Uvira territory.

47. Senior FARDC officers told the Group that upon his desertion in Rutshuru territory in early April 2012, Colonel Innocent Kaina had sought to take control of the border town of Bunagana and proceed to establish a base at Runyoni. However, upon taking Bunagana on 8 April 2012, Kaina and his 80 troops were dislodged on the same day. Ex-CNDP and FARDC officers, local politicians, as well as a surrendered mutineer told the Group that Kaina subsequently crossed the border into Rwanda to escape pursuit from the FARDC. The same sources also confirmed that after spending ten days in Rwanda, Kaina returned to join the mutineers in Masisi (see paragraph 82 of interim report).

#### **IV. Rwandan support to sanctioned individuals**

##### **A. General Bosco Ntaganda**

48. Despite M23's apparent aim to avoid association with Ntaganda, he has established a military position at Runyoni and is still considered as the highest CNDP/M23 commander (see paragraph 105 of interim report). As such, all support to the rebel group also constitutes direct support to a sanctioned individual.

49. Moreover, the Group found that the sanction regime's travel ban and assets freeze measures placed on Ntaganda have not been respected by the Rwandan government. Intelligence officers, politicians, two close collaborators of the Rwandan government, an ex-CNDP officer from Ntaganda's entourage, as well as a former M23 combatant from Ntaganda's position at Runyoni, all informed the Group that in the course of the month of May, Ntaganda crossed the border from Runyoni into Rwanda several times, and participated in meetings with high RDF and government officials in Kigali and Ruhengeri.

50. Furthermore, politicians, ex-CNDP officers, and intelligence officers informed the Group that Ntaganda owns a house in Gisenyi where he evacuated his family. He also partially owns Hotel Bishokoro at Kinigi, officially a property of his brother, used in the recruitment activities carried out by RDF soldiers for M23. Both Ntaganda's house and hotel are still under construction (see image 15). His possessions and investments continue to be managed by Cubi Wasabahizi, Ntaganda's relative who operates from Gisenyi.

**Image 15: Ntaganda's residence in Gisenyi, Rwanda**



##### **B. Colonel Innocent Zimurinda**

51. The Group found evidence that Colonel Innocent Zimurinda, currently operating with M23, travelled to Rwanda for meetings with the Rwandan government. Intelligence sources, an ex-CNDP officer and two RDF officers confirmed that on 9 April, Zimurinda came to Gisenyi to participate, alongside with Minister of Defense Kabarebe, and other Rwandan and DRC officials, in a meeting to address the crisis at the outset of the ex-CNDP mutiny.

### C. “General” Sheka Ntabo Ntaberi

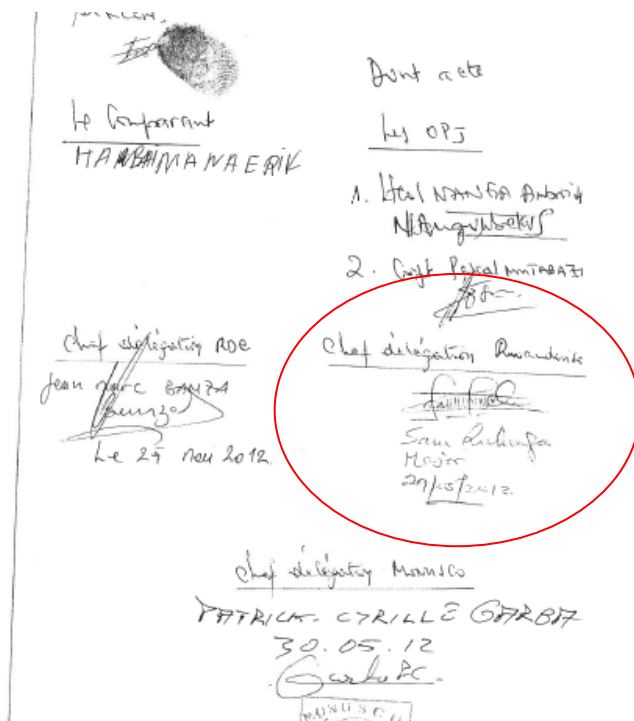
52. Ex-CNDP officers, intelligence sources, and ex-combatants informed the Group that Sheka has travelled at least once to Rwanda since carrying out the operation to kill FDLR “Lieutenant Colonel” Kanzeguhera. Ntaberi was designated by the Sanctions Committee on 28 November 2011.

### IV. Rwandan government response

53. In response to recent NGO and media reports alleging Rwandan support to M23, the Rwandan government has categorically denied them. On 28 May, the Rwandan Ministry of Foreign Affairs responded by calling such statements “false and dangerous” (see annex 7). In meetings with the Group, Rwandan government representatives have confirmed this official position.

54. However, RDF officers have told the Group that M23 recruitment may be taking place within Rwanda but attributed it to Congolese nationals acting independently. Furthermore, the same sources stated that among the surrendered combatants of Rwandan nationality, 11 provided false testimonies about RDF involvement in their recruitment because they were tortured by the FARDC. On 22 June 2012, the Rwandan newspaper, the New Times, subsequently published a story with similar claims (see annex 8).

**Image 16: One of nine records of official statements signed by RDF Major Sam Ruhunga confirming the testimony of ex-M23 combatants recruited in Rwanda as part of the JVC.**



55. The Rwandan government participated in the Joint Verification Commission (JVC) established by the Governments of the DRC and Rwanda to interview 11 Rwandan nationals who surrendered to MONUSCO on 20 May 2012. At the conclusion of the interviews on 9 June, the Rwandans submitted their findings which attested that they found no evidence in the testimonies to implicate the RDF in any support to M23 (see annex 9). Furthermore, citing a need to return to Kigali for consultations, the Rwandan delegation failed to sign the confirmation of the JVC’s collective findings. On 10 June, the DRC delegation proceeded to sign a “Procès verbale de carence” along with a representative of MONUSCO as an

observer in the process (see annex 10). Nevertheless, prior to his return to Kigali, the head of the Rwandan delegation, RDF Major Sam Ruhunga, signed the official records of interviews for nine of the eleven Rwandan nationals jointly interviewed by both government delegations (see image 16).

56. In a briefing to the African Union's Peace and Security Council on 21 June, the Ambassador Joseph Nsengimana stated that the "Government of Rwanda bares no responsibility, whatsoever, in the ensuing set of regrettable events and misguided initiatives that ruined prior constructive efforts and escalated the crisis towards full-blown military confrontation." Furthermore, Nsengimana added that "Rwanda has been receiving detailed information on collusion between and support from FARDC units to FDLR forces" (see annex 11) The M23 rebels made similar accusations in a press communiqué <sup>26</sup> on 22 May 2012 in which they stated that they "retain irrefutable proof that FARDC positions have been held by FDLR troops", while denying accusations by the DRC government that they have themselves allied with FDLR (see paragraph 105 interim report and annex 12). The Group will continue to investigate such allegations, but has not yet obtained or been presented with any substantiated evidence in this regard.

57. The DRC authorities have presented the Rwandan government authorities with information regarding RDF support to M23 on several occasions. At the Rwandan Ministry of Foreign Affairs, on 27 May 2012, during a bilateral meeting between the two countries, DRC authorities shared detailed accounts of the facilitation provided to Makenga, his troops, and his weapons by the RDF. Furthermore, on 19 June, the DRC authorities presented the Rwandan Minister of Foreign Affairs, during her visit to Kinshasa, with a comprehensive report documenting Rwandan support for M23. To date, the Group has not received any official response or explanation from the Rwandan government regarding the information provided to it by Congolese government.

58. The Group has made extensive efforts to engage with the Rwandan government regarding its findings, with some limited success. All six members of the Group participated in an official visit to Kigali from 12-14 May 2012, though the Rwandan government did not receive them for any substantive meetings to discuss these issues. However, during a meeting to discuss these current findings on arms embargo and sanctions regime violations in New York on 25 June 2012, the Rwandan Minister of Foreign Affairs invited the Group to Kigali to for a second official visit in order to conduct an exhaustive point-by-point review of the information contained in this addendum. The Group is eager to accept such an invitation and is committed to clarifying and/or correcting any information in this addendum in its final report to be submitted to the Committee in October 2012.

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<sup>26</sup> CNDP/M23 Press Communiqué 012/M23/CNDP/2012.