

**Security Council**

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**Letter dated 13 December 2013 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council**

I have the honour to transmit herewith the report of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo, containing an account of the activities of the Committee from 1 January to 31 December 2013 (see annex). The report, which was adopted by the Committee, is being submitted in accordance with the note by the President of the Security Council of 29 March 1995 (S/1995/234).

In this connection, I would appreciate it if the present letter and the annex thereto were brought to the attention of the members of the Security Council and issued as a document of the Council.

(Signed) Agshin Mehdiyev  
Chair



## Annex

### **Report of the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo**

#### **A. Introduction**

1. The present report of the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo covers the period from 1 January to 31 December 2013.

2. In 2013, the Bureau of the Committee consisted of Agshin Mehdiyev (Azerbaijan) as Chair, with the delegations of Morocco and Pakistan serving as Vice-Chairs.

#### **B. Background**

3. By paragraph 20 of its resolution [1493 \(2003\)](#), the Security Council imposed an arms embargo on all foreign and Congolese armed groups operating in the territory of North and South Kivu and Ituri. The Council also requested the Secretary-General to report to the Council regularly on the position of the movements and armed groups and on information concerning arms supply and the presence of foreign military, especially by monitoring the use of landing strips in North and South Kivu and Ituri.

4. By its resolution [1533 \(2004\)](#), the Security Council established the Committee to, inter alia: (a) seek information from States regarding the implementation of the arms embargo; (b) examine and take action on alleged violations; (c) report to the Council on ways to strengthen the arms embargo; (d) consider a list of those found to have violated the measures imposed by the Council in resolution [1493 \(2003\)](#) with a view to submitting recommendations to the Council for possible future measures; and (e) receive notifications in advance from States made under paragraph 21 of resolution [1493 \(2003\)](#) and to decide, if need be, upon any action to be taken.

5. In paragraph 10 of resolution [1533 \(2004\)](#), the Security Council requested the Secretary-General, in consultation with the Committee, to establish a group of experts to monitor the arms embargo. The Group of Experts was re-established or extended pursuant to Council resolutions [1552 \(2004\)](#), [1596 \(2005\)](#), [1616 \(2005\)](#), [1654 \(2006\)](#), [1698 \(2006\)](#), [1771 \(2007\)](#), [1799 \(2008\)](#), [1807 \(2008\)](#), [1857 \(2008\)](#), [1896 \(2009\)](#), [1952 \(2010\)](#), [2021 \(2011\)](#) and [2078 \(2012\)](#).

6. By resolution [1596 \(2005\)](#), the Security Council extended the arms embargo to any recipient in the territory of the Democratic Republic of the Congo, with exemptions including the army and police of the Democratic Republic of the Congo under conditions set out in the resolution. The Council also imposed travel restrictions and an assets freeze on persons and entities acting in violation of the arms embargo. By the same resolution, the Council decided to provide the Group of Experts with a broader mandate in connection with the measures set out in paragraphs 6, 10, 13 and 15 of the resolution, with the addition of a fifth expert on financial issues.

7. By resolution [1616 \(2005\)](#), the Security Council renewed the arms embargo, travel restrictions and assets freeze until 31 July 2006. By its resolution [1649 \(2005\)](#), the Council extended the scope of the travel restrictions and assets freeze to political and military leaders of foreign armed groups operating in the Democratic Republic of the Congo and Congolese militias receiving support from abroad who impeded the participation of their combatants in disarmament, demobilization and reintegration processes, to take effect on 15 January 2006, unless the Secretary-General informed the Council that the process of disarmament of those foreign armed groups and Congolese militias operating in the Democratic Republic of the Congo was being completed.

8. By resolution [1698 \(2006\)](#), the Security Council renewed until 31 July 2007 the arms embargo as well as the travel and financial restrictions imposed on individuals designated by the Committee in accordance with the criteria set out in resolutions [1596 \(2005\)](#) and [1649 \(2005\)](#). The Council also extended the travel and financial measures to political and military leaders recruiting or using children in armed conflict, and individuals committing serious violations of international law involving the targeting of children in situations of armed conflict. In addition to the tasks outlined in resolutions [1533 \(2004\)](#), [1596 \(2005\)](#) and [1649 \(2005\)](#), the Council requested the Group of Experts to recommend feasible and effective measures the Council might impose to prevent the illegal exploitation of natural resources financing armed groups.

9. By resolution [1771 \(2007\)](#), the Security Council decided to renew the measures on arms imposed under resolutions [1493 \(2003\)](#) and [1596 \(2005\)](#) for a period expiring on 15 February 2008. In connection with the arms embargo, the Council decided to renew the exemptions for units of the army and police of the Democratic Republic of the Congo, provided that conditions specified in paragraph 2 (a), (b) and (c) of the resolution were met. By paragraph 3 of resolution [1771 \(2007\)](#), the Council decided to authorize an exemption for technical training and assistance agreed to by the Government of the Democratic Republic of the Congo and intended solely for the support of units of the army and police of the Democratic Republic of the Congo that were in the process of their integration in the provinces of North and South Kivu and the Ituri district.

10. By paragraph 4 of resolution [1771 \(2007\)](#), the Security Council decided that the conditions specified in paragraph 4 of resolution [1596 \(2005\)](#) applied to the Government of the Democratic Republic of the Congo, and should apply to supplies of arms and related materiel as well as technical training and assistance consistent with the exemptions described in paragraphs 2 and 3 of resolution [1771 \(2007\)](#), and noted in this regard that States had an obligation to notify the Committee in advance of such supplies. The Council also decided to renew the measures on transport, travel and finance in accordance with resolutions [1596 \(2005\)](#), [1649 \(2005\)](#) and [1698 \(2006\)](#) and to review, no later than 15 February 2008, the measures concerning the arms embargo, and the transport, travel and financial bans, in the light of the consolidation of the security situation and the processes of the integration of the armed forces and the reform of the national police in the Democratic Republic of the Congo.

11. By paragraph 1 of resolution [1799 \(2008\)](#), the Security Council decided to extend until 31 March 2008 the measures on arms imposed by paragraph 20 of

resolution [1493 \(2003\)](#), as amended and expanded by paragraph 1 of resolution [1596 \(2005\)](#).

12. By paragraph 1 of resolution [1807 \(2008\)](#), the Security Council decided that the measures on arms and technical training no longer applied to the Government of the Democratic Republic of the Congo and that, for a period ending on 31 December 2008, all States should 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. In paragraph 5 of the resolution, the Council reiterated the obligation of supplier States to notify the Committee of all shipments of arms and related materiel, as well as the provision of technical training and assistance, to the Democratic Republic of the Congo. By paragraph 13 (e), the Council extended the travel and financial measures to individuals operating in the Democratic Republic of the Congo and committing serious violations of international law involving the targeting of children or women in situations of armed conflict, including killing and maiming, sexual violence, abduction and forced displacement.

13. By resolution [1857 \(2008\)](#), the Security Council decided to extend the sanctions regime for a further period expiring on 30 November 2009. By paragraph 4 of the same resolution, the Council decided that the assets freeze and travel ban would also apply to individuals obstructing the access to or distribution of humanitarian assistance in the eastern part of the Democratic Republic of the Congo as well as individuals or entities supporting the illegal armed groups in eastern Democratic Republic of the Congo through the illicit trade of natural resources. By subparagraphs 6 (a) and (b) of the resolution, the Council decided to expand the mandate of the Committee to include promulgating guidelines for the conduct of its work and reviewing regularly the list of individuals and entities subject to the travel ban and the assets freeze and adopted by the Committee on 1 November 2005.

14. By resolution [1896 \(2009\)](#), the Security Council decided to extend the sanctions regime for a further period expiring on 30 November 2010. By paragraph 4 (c) of the resolution, the Council decided to expand the Committee's mandate to include specifying the necessary information that Member States should provide in order to fulfil the notification requirement set out in paragraph 5 of resolution [1807 \(2008\)](#) and circulating this among Member States.

15. By paragraph 7 of resolution [1896 \(2009\)](#), the Security Council also expanded the mandate of the Group of Experts to include the task of producing recommendations to the Committee for guidelines for the exercise of due diligence by the importers, processing industries and consumers of mineral products regarding the purchase, sourcing (including steps to be taken to ascertain the origin of mineral products), acquisition and processing of mineral products from the Democratic Republic of the Congo.

16. In paragraph 14 of resolution [1896 \(2009\)](#), the Security Council called upon Member States to take measures to ensure that importers, processing industries and consumers of Congolese mineral products under their jurisdiction exercised due diligence on their suppliers and on the origin of the minerals they purchased. In paragraph 17 of the resolution, the Council recommended that Member States,

particularly those in the Great Lakes region, regularly publish full import and export statistics for gold, cassiterite, coltan and wolframite.

17. By paragraphs 1 and 2 of resolution [1952 \(2010\)](#), the Security Council renewed until 30 November 2011 the measures on arms and transport imposed, respectively, by paragraph 1 and paragraphs 6 and 8 of resolution [1807 \(2008\)](#). The Council also renewed for the same period the financial and travel measures imposed by paragraphs 9 and 11 of resolution [1807 \(2008\)](#) and reaffirmed the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution [1857 \(2008\)](#).

18. With the addition of a sixth expert on natural resources issues, the Security Council, by paragraph 6 of resolution [1952 \(2010\)](#), expanded the mandate of the Group of Experts to include focusing its activities in areas affected by the presence of illegal armed groups, including North and South Kivu and Orientale Province, as well as on regional and international networks providing support to illegal armed groups, criminal networks and perpetrators of serious violations of international humanitarian law and human rights abuses, including those within the national armed forces, operating in eastern Democratic Republic of the Congo, and requested the Group to evaluate the impact of due diligence guidelines referred to in the resolution.

19. In paragraph 7 of resolution [1952 \(2010\)](#), the Security Council expressed support for taking forward the Group of Experts' recommendations on guidelines for due diligence for importers, processing industries and consumers of Congolese mineral products, as set out in its final report of 29 November 2010 (see [S/2010/596](#)).

20. By paragraph 9 of the same resolution, the Security Council decided that the Committee, in determining whether to designate an individual or entity supporting the illegal armed groups in eastern Democratic Republic of the Congo through the illicit trade of natural resources, should consider, among other things, whether the individual or entity had exercised due diligence consistent with the steps set out in the resolution.

21. By resolution [2021 \(2011\)](#), the Security Council decided to renew, for a further period expiring on 30 November 2012, the measures on arms and transport, as well as the financial and travel measures, imposed by resolution [1807 \(2008\)](#) and reaffirmed the provisions of paragraphs 10 and 12 of that resolution regarding the individuals and entities referred to in paragraph 4 of resolution [1857 \(2008\)](#). In paragraph 4 of resolution [2021 \(2011\)](#), the Council requested the Group of Experts to fulfil its mandate as set out in paragraph 18 of resolution [1807 \(2008\)](#) and expanded by paragraphs 9 and 10 of resolution [1857 \(2008\)](#).

22. Reaffirming paragraphs 6 to 13 of resolution [1952 \(2010\)](#) in paragraph 5 of resolution [2021 \(2011\)](#) the Security Council expressed continued support for taking forward the Group of Experts due diligence guidelines for importers, processing industries and consumers of Congolese minerals. Also in paragraph 5, the Council requested the Group to include in its evaluation of the impact of due diligence a comprehensive assessment on the economic and social development of the relevant mining areas in the Democratic Republic of the Congo.

23. In paragraph 6 of resolution [2021 \(2011\)](#), the Security Council called upon all States to assist the Democratic Republic of the Congo and the countries in the Great

Lakes region in the implementation of the guidelines referred to above. In paragraph 7, the Council encouraged all States to continue to raise awareness of the guidelines, in particular in the gold sector, as part of broader efforts to mitigate the risk of the further financing of armed groups and criminal networks within the Armed Forces of the Democratic Republic of the Congo.

24. In paragraph 8 of resolution [2021 \(2011\)](#), the Security Council encouraged the Democratic Republic of the Congo and the States in the Great Lakes region to require their customs authorities to strengthen their control on exports and imports of minerals from the Democratic Republic of the Congo. In paragraph 9, the Council recommended that all States, particularly those in the region, enhance information-sharing and joint action at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

25. By paragraphs 1 to 3 and 5 of resolution [2078 \(2012\)](#), the Security Council renewed until 1 February 2014 the measures on arms, transport, finance and travel and extended for the same period the mandate of the Group of Experts established pursuant to resolution [1533 \(2004\)](#). In paragraph 20, the Council expressed its full support to the Group of Experts, called for enhanced cooperation between all States, particularly those in the region, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) and the Group, and reiterated its demand that all parties and all States ensure the safety of the Group's members and support staff.

26. By paragraph 4 of resolution [2078 \(2012\)](#), the Security Council decided that the financial and travel measures referred to in paragraph 3 of the resolution would apply to the individuals and, as appropriate, entities listed in paragraph 4 of resolution [1857 \(2008\)](#), and would be extended to individuals or entities acting on behalf of or at the direction of a designated individual or entity owned or controlled by a designated individual, as well as individuals or entities who planned, sponsored or participated in attacks against MONUSCO peacekeepers. In paragraph 6 of resolution [2078 \(2012\)](#), the Council strongly condemned the 23 March Movement (M23) and all its attacks on the civilian population, MONUSCO peacekeepers and humanitarian actors, as well as its abuses of human rights.

27. In paragraph 8 of resolution [2078 \(2012\)](#), the Security Council expressed deep concern at reports indicating that external support continued to be provided to M23 and reiterated its demand that any and all outside support to M23 cease immediately. By paragraph 9 of the resolution, the Council also expressed its intention to consider targeted sanctions against the leadership of M23, those providing external support to M23 and those acting in violation of the sanctions regime and the arms embargo.

28. In paragraph 14 of resolution [2078 \(2012\)](#), the Security Council welcomed the measures taken by the Congolese Government to implement the due diligence guidelines on the supply chain of minerals. Reaffirming the provisions of paragraphs 6 to 13 of resolution [1952 \(2010\)](#), the Council requested the Group of Experts to continue to study the impact of due diligence. In paragraph 17, the Council reiterated its call to the Democratic Republic of the Congo and States in the region to require their customs authorities to strengthen their control on exports and imports of minerals from the Democratic Republic of the Congo and to cooperate at the regional level to investigate and combat regional criminal networks and armed groups involved in the illegal exploitation of natural resources.

### C. Summary of the activities of the Committee

29. During the course of 2013, the Committee carried out its regular mandate regarding the receipt and circulation of notifications transmitted by Member States, in pursuance of paragraph 5 of resolution 1807 (2008), receiving a total of 25 such notifications from Member States and dispatching the same number of acknowledgement letters. The Committee received a total of 53 communications from Member States and United Nations entities, circulated 53 notes by the Chair to members of the Committee and dispatched 45 outgoing communications.

30. During the reporting period, the Committee held informal consultations on 1 February and 19 July 2013. On 1 February, the Group of Experts extended pursuant to resolution 2078 (2012) presented its workplan to the Committee and received the Committee's feedback in this connection.

31. On 19 July 2013, the Group briefed the Committee on the main findings contained in its midterm report (S/2013/433) and the Committee considered the Group's recommendations and possible actions pursuant to the recommendations. During the Security Council consultations on 22 July, the Chair provided an overview of the report and a summary of the Committee's discussions on 19 July.

32. On 6 August 2013, pursuant to decisions taken by the Committee in connection with the recommendations contained in the midterm report, the Chair addressed letters to the Permanent Representative of Burundi to the United Nations, the Executive Secretary of the International Conference on the Great Lakes Region and the Special Representative of the World Bank to the United Nations. On 11 and 13 September, respectively, the Chair addressed letters to the Permanent Representatives of Rwanda and the Democratic Republic of the Congo to the United Nations in connection with the midterm report.

33. In early 2013, replies were received by the Committee in response to a number of the Chair's letters regarding recommendations contained in the 2012 final report of the Group of Experts (S/2012/843, annex). On 15 January 2013, the Chair circulated letters dated 10 and 11 January, respectively, from the Permanent Representative of Burundi and John Kanyoni, Vice-President of the Chamber of Mines, Business Federation of the Congo.

34. On 21 and 23 January 2013, respectively, the Chair circulated letters from the President and Supply Chain Officer of the Tantalum-Niobium International Study Centre and from the Managing Director of the International Tin Research Institute, in connection with the recommendations addressed to those entities in the Group's 2012 final report. On 1 February 2013, the Chair circulated a similar letter dated 31 January signed by the Chairmen of the Board of the Electronic Industry Citizenship Coalition and the Global e-Sustainability Initiative.

35. On 23 January 2013, the Chair circulated a letter of reply from Makhtar Diop, Vice-President of the Africa Region of the World Bank, in connection with a recommendation contained in the Group's 2012 final report. The Group of Experts addressed the points made in Mr. Diop's letter in its own letter of 24 April 2013 addressed to the World Bank and copied to the Chair.

36. On 19 February 2013, the Chair circulated a letter from the Deputy Permanent Representative of Rwanda to the United Nations addressed to the Coordinator of the Group of Experts, welcoming a proposed visit of the Group to Kigali from 18 to

20 March 2013, but without prejudice to the letter dated 19 December 2012 from the Government of Rwanda to the Chair (regarding its objections to two members of the Group when their candidacies had been proposed to the Committee on 12 December 2012) and in accordance with the statement made by Rwanda in the informal consultations of the Committee held on 1 February 2013.

37. On 5 March 2013, the Chair circulated a letter from the Deputy Permanent Representative of Rwanda reiterating the commitment of the Government of Rwanda to welcome to Kigali four members of the Group of Experts, together with their support staff, from 18 to 20 March 2013 and to provide any assistance that they might wish. On 12 March, the Chair circulated an addendum to the above-mentioned letter by the Government of Rwanda confirming the names of the four experts welcomed to Kigali.

38. On 11 and 13 March 2013, respectively, the Chair circulated two letters from the Coordinator of the Group of Experts addressed to the Permanent Representative of Rwanda, copied to the Chair, pointing out that the members of the Group, as experts on missions for the United Nations, were bearers of United Nations travel certificates and were therefore covered by article VI of the Convention on the Privileges and Immunities of the United Nations, and clarifying several points raised in the above-mentioned letter from the Government of Rwanda.

39. On 2 May 2013, the Chair circulated a letter dated 28 April (received on 1 May) from the International Tin Research Institute, sent to the Coordinator of the Group of Experts on the Democratic Republic of the Congo and copied to the Chair of the Committee, regarding cooperation with the Group of Experts on mineral due diligence.

40. On 1 July 2013, the Chair circulated a letter dated 1 July from the Permanent Representative of Rwanda, copied to the Chair, in reply to a letter from the Coordinator of the Group of Experts dated 14 June concerning the Forces démocratiques de libération du Rwanda and M23.

41. On 2 July 2013, the Chair circulated a letter dated 1 July from the Coordinator of the Group of Experts regarding leaks of the midterm report.

42. In connection with the Chair's letters dispatched in connection with the midterm report, on 21 August 2013 the Chair circulated a letter of reply dated 16 August from Colin Bruce, Acting Vice-President of the Africa Region of the World Bank.

43. On 29 August 2013, the Chair circulated a letter from the Coordinator of the Group of Experts dated 29 August and addressed to the Permanent Representative of Rwanda, which was copied to the Chair, requesting details about the 29 August shelling on Rwandan territory from Democratic Republic of the Congo territory. On 11 September, the Deputy Permanent Representative sent a letter of reply to the Coordinator of the Group of Experts.

44. On 24 October 2013, the Chair transmitted a letter dated 18 October from the Permanent Representative of the Netherlands notifying the Committee of the intention of the Netherlands to authorize an exemption to the assets freeze for the transfer of funds necessary for the basic expenses of the detained individual Bosco Ntaganda, under the custody of the International Criminal Court.

45. On 19 November 2013, the Chair circulated a letter dated 18 November from the Permanent Representative of Uganda to the United Nations informing the Committee that two sanctioned individuals (Sultani Makenga and Innocent Kaina), along with 1,443 M23 combatants, had entered Ugandan territory on 5 November. The Chair sent a letter on 27 November to the Permanent Representative of Uganda requesting further information about the matter.

46. Over the course of 2013, the Committee received implementation reports from Lithuania and Portugal pursuant to paragraph 22 of resolution [2078 \(2012\)](#), by which the Security Council called upon Member States to report to the Committee on the actions they had taken to implement the measures imposed by paragraphs 1, 2 and 3 of the resolution.

47. As regards updates of the sanctions list and new listings during the reporting period, on 12 April 2013 the Committee approved updates to the list of individuals and entities subject to the travel ban and assets freeze imposed by paragraphs 13 and 15 of resolution [1596 \(2005\)](#), as renewed by paragraph 3 of resolution [2078 \(2012\)](#), based on information provided by Rwanda and the Group of Experts. On 20 August, the Committee received a proposal to list two individuals, but the proposal did not meet with consensus.

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