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**OFFICE OF INTERNAL OVERSIGHT SERVICES
INVESTIGATIONS DIVISION**

**REDACTED
REPORT OF INVESTIGATION**

ID CASE NO. 0151/06

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**INVESTIGATION INTO ALLEGATIONS THAT UNITED NATIONS
PEACEKEEPERS ENGAGED IN THE EXPLOITATION OF NATURAL
RESOURCES AND THE TRAFFICKING OF WEAPONS IN THE MONGBWALU
REGION IN THE DEMOCRATIC REPUBLIC OF THE CONGO
(ID Case No. 0151/06)**

I. INTRODUCTION

1. On 21 January 2006, the Investigations Division of the Office of Internal Oversight Services (ID/OIOS) received an allegation from the Conduct and Discipline Unit (CDU) at the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC), that peacekeepers of the Member State 1 military contingent, deployed with MONUC in Mongbwalu, a town in the Democratic Republic of the Congo (DRC), were involved in the exploitation of local gold reserves.

2. ID/OIOS established that in December 2005, the MONUC Security Officer in Bunia received information that Member State 1 Battalion peacekeepers had provided logistical support to foreign businessmen engaged in the purchase of significant quantities of unwrought gold. It was alleged that these foreign businessmen were sponsored by high-ranking members of the *Forces Armées de la République Démocratique du Congo* (FARDC) and traveled from Mongbwalu to Bunia on a United Nations (UN) helicopter, using Movement of Personnel (MOP) forms improperly authorized, as they were not FARDC officials.

3. ID/OIOS also investigated subsequent allegations that Member State 1 Battalion peacekeepers, deployed in Mongbwalu, had supplied weapons and ammunition to senior members of Armed Group 1.

II. BACKGROUND INFORMATION

4. In November 1999, following the conflict in the DRC, the UN Security Council established MONUC. About two and a half years later, the national government and the major rebel groups signed a power sharing agreement that allowed for the establishment of a transitional government in June 2003.

5. The conflict in Ituri can be traced back to a 1999 land dispute between the Hema and Lendu ethnic groups. Local leaders formed armed groups, including the Armed Groups 1 and 2. In an attempt to obtain positions in the transitional government and FARDC, local militia groups sought to control large areas of land and strategic sites such as gold mines. In a special report on the events in Ituri between January 2002 and December 2003 (S/2004/573), MONUC identified the competition for the control of natural resources as a major factor in prolonging the crisis in that province.

6. The special report also documented the November 2002 massacre of civilians in Mongbwalu, in what the report concluded was an attempt to gain control of the town's natural resources. Mongbwalu is situated 50 kilometers northwest of Bunia and, with a

population of 48,000, is one of the largest towns in Ituri. Mongbwalu is the center of a gold mining concession controlled by a state owned gold company. It is believed to be one of the richest goldfields in the gold company's concession.

7. The link between the illegal exploitation of natural resources and trafficking in raw material and arms, has been well documented in the reports of the UN Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth in the Democratic Republic of the Congo. The 2001 panel of experts' report (S/2001/357) found that the consequence of illegal exploitation was twofold: (a) the availability of financial resources to the belligerents and the individual enrichment of some military commanders and civilians; and (b) the emergence of illegal networks headed by senior military officers or businessmen. The panel concluded that these two elements formed the basis for the link between the exploitation of natural resources and the continuation of the conflict.

8. The illegal exploitation of natural resources in the DRC has also been the subject of commentary in a number of resolutions adopted by the UN Security Council. In Resolution 1493 (2003), the Security Council condemned the exploitation of natural resources of the DRC. One year later, in Resolution 1533 (2004), the Security Council stressed the need for all Member States to work towards ending illegal exploitation of natural resources. In Resolution 1653 (2006), the Security Council also referred to the link between the illegal exploitation of natural resources, the illicit trade in those resources and the proliferation and trafficking of arms as one of the factors fuelling and exacerbating the conflict in the DRC.

9. It was only in April 2005 that the UN deployed a company of peacekeepers from Member State 1 Battalion II, in Mongbwalu. In September 2005, these peacekeepers were repatriated and replaced by 'D' company from Member State 1 Battalion IV. The mission of 'D' Company was to maintain a UN peacekeeping presence and to enforce peace in their area of responsibility.

III. APPLICABLE LAW

10. Democratic Republic of the Congo – Penal Law

Law No. 007/2002 of July 11, 2002 Relating to the Mining Code

Article 302: Illegal purchase and sale of mineral substances:

Any person who has bought or sold mineral substances in breach of the legal and statutory provisions in force shall be punished by a fine the amount of which in Congolese Francs is equivalent to between US\$10,000 and US\$30,000.

The mineral substances relating to said transactions shall be seized and their confiscation ordered by the competent court in favor of the State.

Article 303: The illegal keeping of mineral substances:

Any person who has illegally held mineral substances shall be punished with a maximum sentence of two months' imprisonment and a fine the amount of which in Congolese Francs is equivalent to between US\$2,000 and US\$20,000 or one of these penalties only.

11. Ten Rules Code of Personal Conduct for Blue Helmets

Rule 1:

“Dress, think, talk, act and behave in a manner befitting the dignity of a disciplined caring considerate, mature, respected and trusted soldier, displaying the highest integrity and impartiality. Have pride in your position as a peacekeeper and do not abuse or misuse your authority.”

Rule 2:

“Respect the law of the land of the host country, their local culture, traditions, customs and practices.”

IV. METHODOLOGY

12. ID/OIOS, assisted at one point by the United Nations Military Police, MONUC, conducted an investigation into the allegations, as set forth above. During the course of its investigation, ID/OIOS obtained information from primary sources, made first hand observations and assessments, and interviewed senior officials of the FARDC, Armed Group 1 and other Congolese law enforcement agencies.

13. In addition, ID/OIOS interviewed Mongbwalu residents; Bunia-based representatives of non-government organizations (NGOs); and government officials involved in regulating the local mining sector, as well as the ‘D’ Company Officer in Mongbwalu. These inquiries covered several countries, including the United Kingdom of Great Britain and Northern Ireland (UK), Rwanda, Burundi and locations in eastern DRC. ID/OIOS notes that this investigation was conducted in a complex environment, as demonstrated by a subsequent independent inquiry into the alleged obstruction by members of Member State 1 Battalion.¹

¹ Report MONUC Headquarters Board of Inquiry Number 06/042 (17 October to 20 November 2006) recommending, amongst other things, that appropriate action should be considered against five Member State 1 Battalion officers responsible for obstructing the ID/OIOS and United Nations Military Police investigation.

V. INVESTIGATIVE DETAILS

Allegations

14. On 16 December 2005, the MONUC Security Officer in Bunia, met with a senior researcher from NGO 1 (hereafter referred to as W03) and an employee from NGO 2. W03 and NGO 2 Employee shared with the MONUC Security Officer their concerns about three men of foreign ethnicity, but holding a citizenship from another country, who had been frequenting Mongbwalu. They informed the MONUC Security Officer that the men (hereafter referred to as IK01, his son IK02 and IK03) were purchasing gold in large quantities through a contact in Mongbwalu. They alleged that the men traveled from Kigali, Rwanda, through Goma to Mongbwalu and then conveyed the gold back along the same route to Kigali. Further, the group was receiving support from senior members of the FARDC.

15. Both W03 and NGO 2 Employee told the MONUC Security Officer that the men arrived in Bunia on 7 November 2005 in the company of FARDC Officer 1 who reported to FARDC Senior Officer 1. They alleged that IK01, IK02 and IK03 were taken into custody in Bunia after irregularities were discovered in their travel documentation. They said the men were eventually released and on 12 November 2005, were able to travel to Mongbwalu with the assistance of senior church officials aboard an Airline 1 aircraft. On arrival at Mongbwalu Airfield, the group refused to produce valid travel documents. W03 advised that it was possible that the men were met by UN peacekeepers based at Mongbwalu; the group stayed in Mongbwalu where they purchased gold, before returning to Bunia on 17 November 2005.

16. NGO 2 Employee also informed the MONUC Security Officer that he believed the group had traveled to Mongbwalu on MONUC flights on two other occasions. According to him the three men attempted to board a MONUC flight from Mongbwalu to Bunia, but they only had two MOPs instead of three. IK01 spoke to the pilots of the helicopter to try and get all three men aboard, however, the pilot refused to carry an extra passenger without the appropriate authorization. NGO 2 Employee claimed that IK01 then contacted FARDC Officer 2 in Bunia and as a result a MONUC mechanic (name not provided to ID/OIOS) conveyed a MOP to Mongbwalu to enable IK02 to board a later flight.

17. According to NGO 2 Employee, he boarded the aircraft with IK01 and IK03, whilst IK02 remained in Mongbwalu, awaiting the MOP. Upon their arrival in Bunia, he observed that FARDC Officer 1 met the two men, whereupon IK01 handed FARDC Officer 1 a bag. NGO 2 Employee was under the impression that the bag contained gold. He added IK02 traveled to Mongbwalu some time later on another Airline 1 flight. He spoke to IK01 and asked him why he was in Mongbwalu. IK01 replied that he was working for NGO 3 and was there to establish an internet facility. W03 later provided ID/OIOS with four digital images depicting IK01 socializing with Member State 1 peacekeepers at Mongbwalu Airfield on 17 November 2005.

18. NGO 2 Employee further told the MONUC Security Officer that on 1 December 2005, the same three foreign businessmen and four other civilians flew to Mongbwalu from Goma on an Airline 1 flight. The group was met by an officer (name not provided) from the Member State 1 Battalion, who drove a MONUC vehicle. NGO 2 Employee added that the aircraft remained at the airstrip. Later that same day, the group flew to Bunia where there was a standoff between the passengers and local airport officials. According to NGO 2 Employee, the group refused to produce their documentation and the airport officials were also refused access to the aircraft. The aircraft was eventually allowed to depart and the group was flown to Goma. ID/OIOS subsequently interviewed W03 and NGO 2 Employee, however, they had nothing significant to add to the account they had provided to the MONUC Security Officer.

19. During preliminary inquiries into these initial allegations, one resident of Mongbwalu and one MONUC staff member claimed that Member State 1 peacekeepers had provided weapons and ammunition to Officers 1 and 2 of Armed Group 1.

20. The Mongbwalu resident, (hereafter referred to as W01) claimed that following the deployment of Member State 1 peacekeepers to the area in April 2005, he had observed Officers 1 and 2 of Armed Group 1 carrying weapons in the company of the Member State 1 Company Officer at Mongbwalu, at that time. W01 stated during the command of the former Member State 1 Company Officer, Armed Group 1 was supplied with five cases of ammunition that Armed Group 1 Officer 2 claimed had been provided by Member State 1 peacekeepers.

21. The MONUC staff member, (hereafter referred to as W02) claimed that he had been present during a conversation between the former Company Officer and Officers 1 and 2 of Armed Group 1, which made him believe that the former Company Officer had supplied weapons to them.

a) Trafficking of Weapons to Armed Group 1

22. ID/OIOS re-interviewed both W01 and W02. During his interview, W01 conceded that he had not actually seen Officer 2 of Armed Group 1 with the ammunition or heard his claims that it had been supplied by the peacekeepers. He stated he was simply repeating a story that had been circulating around Mongbwalu. He conceded that he had never seen Officers 1 or 2 of Armed Group 1 in possession of any weapons or ammunition following the deployment of the Member State 1 peacekeepers to Mongbwalu.

23. W02, during his interview, confirmed the conversation as related in his first interview. He also stated that he had not personally seen the Member State 1 military provide weapons to Officers 1 and 2 of Armed Group 1 or any other member of the militia. Also, he had not seen any members of the militia bearing arms following the deployment of the Member State 1 military to Mongbwalu.

24. ID/OIOS conducted inquiries to identify credible evidence that Member State 1 peacekeepers deployed to Mongbwalu had provided weapons or ammunition to members of

Armed Group 1 militia. This included interviews with Mongbwalu community leaders. A former senior official in the Armed Group 1 political wing denied that Member State 1 nationals had provided weapons or ammunition to Officers 1 and 2 of Armed Group 1. The Mongbwalu Local Official confirmed this view. ID/OIOS was unable to locate any witnesses who had witnessed Member State 1 peacekeepers providing weapons or ammunition to the Armed Group 1 militia or any witnesses who observed Officers 1 and 2 of Armed Group 1 in possession of weapons.

25. During their interviews with ID/OIOS, both Officers 1 and 2 of Armed Group 1 denied that they received weapons or ammunition from the Member State 1 peacekeepers.

b) *Exploitation of Natural Resources*

Regulation of Congolese Mining Sector

26. In 2003, a DRC mining code was implemented with the support of the World Bank. Law No. 007/2002, dated 11 July 2002, relating to the Mining Code (hereafter referred to as ‘the code’) established four main categories of authorizations that can be granted with respect to the exploitation of Congolese natural resources: a) *Artisanal miners* are authorized to extract minerals using artisanal methods and processes; b) a *trader* is authorized to buy minerals from an artisanal miner for sale to authorized traders; c) a *purchaser* is an employee of a trading house who purchases minerals extracted by artisanal mining methods; and d) an *authorized trader* is a person licensed to purchase mineral substances from a trader or artisanal miners for the purpose of domestic sale or export. Article 27 of the code proscribes the four categories from involvement in the mining sector, including FARDC members.

Travel to Mongbwalu – 12 November 2005

27. On 14 August 2006, ID/OIOS interviewed Pilot 1 of Airline 1. Pilot 1 stated that Airline 1 was a registered charity providing logistical air support to humanitarian organizations that promote and sponsor development in developing countries. According to him, on 12 November 2005, four passengers were flown to Mongbwalu from Bunia on the basis of an *Ordre de Mission*, signed by the Diocese of Bunia Representative. Pilot 1 subsequently provided investigators with a copy of the *Ordre de Mission* and the flight manifest. This documentation indicated that IK01, IK02, IK03 and FARDC Officer 1 traveled to Mongbwalu on an Airline 1 flight on 12 November 2005.

28. ID/OIOS subsequently interviewed the Diocese of Bunia Representative, who explained that he had authority to approve the transport of passengers on Airline 1 flights provided it was for a humanitarian purpose and the church could pay for the cost of the flight. The Representative stated that the church attempted to recover the cost of the flight from the passengers and confirmed that he signed the *Ordre de Mission* for IK01 and his companions. He explained he was contacted by a local person, whose name he couldn’t recall, and told that two African men needed transportation to Mongbwalu for a humanitarian project. The Representative, aware that persons often attempted to travel to

Mongbwalu for gold, asked for a description of the men. Based on the description provided, he did not believe they were traveling to Mongbwalu on humanitarian grounds and insisted that the men obtain security clearances before approving their travel. The Diocese of Bunia Representative was later told that clearance had been granted and so he signed the *Ordre de Mission*. He provided ID/OIOS with a copy of the Airline 1 account forwarded to him for this flight. The account indicated that the cost of carrying the four passengers to Mongbwalu on 12 November 2005 was US\$195.

29. ID/OIOS interviewed the pilot of the Airline 1 flight from Bunia to Mongbwalu, Pilot 2, on 12 November 2005. Pilot 2 informed ID/OIOS that he recalled transporting three or four foreign men of from Bunia to Mongbwalu. The description of one of the men matched that of IK01, and he recalled that this person was the father of one of the other passengers. Pilot 2 was suspicious of their motives for traveling to Mongbwalu and when questioned, they told him they worked for a church, adding that they lived and worked in Goma, but had connections in Rwanda. Pilot 2 further stated that when they landed at Mongbwalu, Member State 1 military personnel met the men and he was surprised at the reception they received and described it as resembling a meeting between countrymen. He was unable to say how the group was transported from the airfield or where they were accommodated, but added, he might have transported IK02 back to Bunia on or about 14 November 2005.

Travel to Bunia on United Nations Flight – 17 November 2005

30. ID/OIOS interviewed the Officer of MOVCON/MONUC in Bunia. The MOVCON/MONUC Officer was asked to explain the process for the authorization of MOPs for FARDC personnel. He stated the MOP had to be approved by the Officer of the FARDC and the MONUC Officer. Once these signatures were obtained on the form, MOVCON would allow the passenger to board the aircraft. The MOVCON/MONUC Officer provided investigators with copies of the MOPs for IK01 and IK02 for the 17 November 2005 flight. The forms appeared to have been signed by FARDC Officer 2, approved by the authorizing officer and bore the signature stamp of the MONUC Regional Officer for Bunia at that time.

31. The MONUC Regional Officer advised ID/OIOS that the large number of MOPs submitted to his office made it impossible for him to scrutinize every document. He added that in the present case he relied upon the judgment of the authorizing officer. The MONUC Regional Officer was asked whether the fact that the passengers' names were of foreign origin would have raised some suspicion given they were traveling as members of the FARDC. He replied that many Congolese are foreign and as a result the names would not necessarily raise any concern.

32. The authorizing officer informed ID/OIOS that he had approved the MOPs. FARDC Officer 2 had authority to sign the request documents and they were then forwarded to him for approval. The authorizing officer only checked the MOPs to ensure they had been completed correctly before signing them and forwarding them to the MONUC Regional Officer's office. FARDC Officer 2 was interviewed by ID/OIOS and confirmed

he had prepared and signed the MOPs on the orders of FARDC Senior Officer 2, the senior FARDC officer in Ituri at that time.

33. FARDC Senior Officer 2 was subsequently interviewed by ID/OIOS and asked whether he had facilitated logistical support to the IK01 group in the latter part of 2005. He informed ID/OIOS that FARDC Senior Officer 1 of the 8th Military Region in Goma had contacted him and said that he was sending someone to see him, “he is my man, look after him.” FARDC Senior Officer 2 explained he was basically asked to provide security for this person’s safe passage to Mongbwalu. Later, this foreigner visited his office in Bunia – date unknown - in the company of other men of the same ethnicity. FARDC Senior Officer 2 referred the man to the Bunia Local Official and had no involvement in facilitating the group’s travel to Mongbwalu. FARDC Senior Officer 2 stated to the investigators that he found FARDC Senior Officer 1’s request to be so unusual that he effectively ignored it. The Bunia Local Official was interviewed by ID/OIOS and information generated is in paragraph 51 below.

The IK01 Group in Mongbwalu

34. On 24 June 2006, ID/OIOS interviewed an official with *Direction Générale de Migration* (DGM) at Mongbwalu Airfield. The DGM Official stated that he had been employed at the airfield since April 2005, and his function was to check all travelers’ documentation upon arrival and departure from Mongbwalu. The DGM Official was asked about the arrival of any foreigners in the latter part of 2005. The DGM Official checked his immigration register and said that on 12 November 2005, three foreign persons arrived in Mongbwalu on an aircraft that had traveled from Goma via Bunia. The DGM Official identified the men as IK01, IK02 and IK03. According to the DGM Official, the men were accompanied by FARDC Officer 1 and were taken from the airfield in a vehicle driven by an unknown FARDC officer. He added that the men tried to depart on 16 November 2005, but the aircraft was overbooked, and one of the men had to wait until 18 November 2005 before he was able to leave Mongbwalu.

35. The DGM Official further stated to ID/OIOS that on 1 December 2005, the men returned to Mongbwalu on an Airline 2 flight. On this occasion, they were accompanied by two other persons of the same ethnicity. Their documentation was not in order and so he contacted his chief in Bunia to report the men’s arrival. The group was then transported from the airfield in vehicles belonging to the Member State 1 Battalion. The DGM Official was unable to provide any information that could identify the Member State 1 peacekeepers involved in conveying the group. According to him, the group only stayed in Mongbwalu for a few hours. ID/OIOS obtained a copy of the relevant entries in the immigration register which confirmed the information provided by the DGM Official.

36. On 21 August 2006, ID/OIOS investigators interviewed a member of the Mongbwalu Youth Club and a resident of Mongbwalu (hereafter referred to as W04), who had come to the investigators’ attention as someone with knowledge of the matter under investigation. During his interview, W04 stated that sometime around January 2006, he observed three foreign persons in town attempting to purchase gold. The description of one

of the men provided by W04 matched the description of IK01. W04 had a conversation in Swahili with one of the group, who told him they were in Mongbwalu to purchase ‘as much gold as possible’.

37. W04 further stated the men were strangers to Mongbwalu and were in town for three or four days. He saw these men on several occasions during this time. They traveled around in a locally procured vehicle belonging to a man he knew by a name he identified to the ID/OIOS (hereafter referred to as W05). W04 saw the men driving themselves around town and also saw them being driven by W05. W04 informed the investigators that on some occasions he saw United Nations “Landrover” vehicles escorting the men as they traveled through town. On these occasions, there was one UN vehicle at the front and one at the rear of W05’s vehicle.

38. ID/OIOS located and interviewed W05 on 20 August 2006. W05 stated that he owned a vehicle in Mongbwalu and on occasion, he rented it out to visitors. He indicated that sometime around September 2005, he was approached by a FARDC officer, and asked to make himself and his vehicle available to transport three persons around the Mongbwalu area for about four days. He added that the officer (now deceased) also told him to locate persons who would be prepared to sell gold to the visitors. W05 informed investigators he was not sure, but the officer might have mentioned that the visitors would be taking their meals at the Member State 1 military camp.

39. W05 further stated that he went to the Mongbwalu airfield (exact date unknown) and watched three foreign men alight from a small white aircraft in the company of two men wearing the uniform of the FARDC. He added that members of the Member State 1 military met the aircraft, but he was unable to comment on the interaction between the visitors and the peacekeepers. W05 provided a description of the visitors that matched the description of IK01, IK02 and IK03 and said that IK01 and IK02 were father and son. W05 informed ID/OIOS that the men got into his vehicle and told him that they would be staying at Hotel 1 in Mongbwalu. According to him, he drove the men to the hotel and they stayed a short time before asking him to drive them to the Member State 1 camp where they said they would be eating. Over the course of the next few days W05 conveyed the group, including the two FARDC officers, to the Member State 1 camp for both breakfast and dinner. He added that the men on several occasions told him they were in Mongbwalu to purchase gold.

40. W05 added on the morning of the fourth day he again drove the men to the Member State 1 camp for breakfast. After their meal, two Member State 1 jeeps escorted W05’s vehicle with the group, including two FARDC officers, to a gold shop in Mongbwalu. According to W05, the FARDC officers remained outside the shop while IK01 and his countrymen went inside. He added that later that day he provided his vehicle to the group, whereupon they traveled on their own.

41. ID/OIOS interviewed a member of Armed Group 1 in Mongbwalu. He stated that sometime in December 2005, he saw two or three foreign men in Mongbwalu. It was common knowledge that these men were in town to purchase gold, and he had also seen

them in a local gold dealer's shop. The Armed Group 1 member further stated that he believed the men were staying at Hotel 2, as he had seen one of them standing outside the hotel heating a saucepan over a charcoal fire. He added the vapor coming from the saucepan led him to believe this man was using chemicals to test the quality of gold. He also informed the ID/OIOS that on another occasion, he saw the men seated in two UN vehicles driven by Member State 1 peacekeepers, but was unable to identify the Member State 1 drivers.

42. ID/OIOS interviewed W06, who worked at the Member State 1 camp in Mongbwalu at the relevant times discussed in this report. W06 stated that during the deployment of the previous Member State 1 detachment, a person matching the physical description of IK01 stayed at the camp's medical centre for about one week. W06 added that at 9.00 a.m. each morning he saw IK01 leave the camp on foot and walk towards town. According to him, on most days two other foreign men would meet IK01 at the camp entrance and together they would walk in the direction of town.

43. W06 further stated that IK01 spoke fluent Swahili and during his stay he interpreted for Member State 1 medical personnel conducting free medical checks for members of the local community. He added that this medical clinic was there prior to the construction of the prefabricated Political Affairs office at the camp. W06 informed the investigators that he believed IK01 was involved in the gold industry because he had previously seen him in Bunia and believed he resided in a compound occupied by gold traders. According to W06, when IK01 had left Mongbwalu, several local residents, whom he could not identify, came to the camp gates to sell gold to IK01.

44. ID/OIOS interviewed one of the men depicted in the photographs provided by W03. This person, an "authorized gold purchaser", (hereafter referred to as W07), informed ID/OIOS that he frequently visited Mongbwalu in pursuit of his business interests. He added that on 29 October 2005, he flew to Mongbwalu on an Airline 3 flight from Bunia and produced receipts confirming the date of the flight. According to W07, whilst in Mongbwalu, he met IK01, IK02, IK03 and a man he described as a Congolese government official. The group told him they were in Mongbwalu to assess the viability of establishing a gold business. W07 added that IK01 asked him whether he was willing to sell him a quantity of gold, which he declined, advising IK01 that it was illegal to purchase gold without the appropriate authorizations. W07 later referred IK01 to the owner of "Congo Mine Trading" in Bunia.

45. W07 further stated, during this time, with the exception of IK01, the group was staying at Hotel 1. IKO2 informed him that IKO1 had taken ill on arrival in Mongbwalu and as a result, was being treated at the Member State 1 camp. W07 added that he saw IK01 being driven around in UN vehicles and was aware the group hired a vehicle during their time in Mongbwalu. On the day the photographs were taken, W07 was at Mongbwalu airfield to meet with senior members of MONUC and the FARDC who were visiting Mongbwalu at that time. W07 believed that IK02 and IK03 left Mongbwalu on an Airline 1 flight, and IK01 left some days later on a MONUC flight.

46. On 25 August 2006, ID/OIOS interviewed an Officer of the *Bureau des Mines et Geologie de District de Ituri*. He stated to the ID/OIOS that his office was responsible for licensing individuals engaged in the mining sector in the Ituri District. According to him, Congo Mines Trading Company (CMT) was the only company registered as a trading house in Bunia at that time.

47. The Bureau Officer further stated that during the first week of May 2006, IK01 and an unrelated individual allegedly seeking to be registered as a gold buyer with CMT, visited his office and asked if they could both become registered as purchasers with CMT. The Bureau Officer said at that time, CMT had two offices in Bunia and were therefore only permitted to have two purchasers. He explained this restriction to both men and they subsequently left his office. But sometime prior to this meeting, he had heard a radio broadcast that a person from Goma, fitting the description of IK01, had been arrested at Bunia airport on suspicion of gold trafficking. According to the Bureau Officer, he contacted an official of DGM, who confirmed the story. The Bureau Officer added that on 9 May 2006, the two men again visited his office and attempted to register as purchasers with CMT. He again explained the restrictions on the number of purchasers and the men made the decision that only IK01's companion would be registered. IK01 was fluent in Swahili, and during this meeting, the Bureau Officer asked if IK01 was the man from Goma who was arrested at Bunia airport for gold trafficking. Although IK01 admitted that he was from Goma, he denied being the person arrested. According to the Bureau Officer, he had not received any other applications from IK01 and he was not registered as an artisanal miner, purchaser or trader in the Ituri District. He subsequently provided ID/OIOS with a copy of the file relating to IK01's attempt to register as a purchaser with CMT.

48. On 20 August 2006, ID/OIOS interviewed the Mongbwalu Local Official, who stated he saw a group of foreign businessmen in the company of Member State 1 peacekeepers on several occasions during the initial stages of the current Member State 1 deployment (exact dates unknown). On one occasion, the Local Official saw the group being driven from the airfield in a Member State 1 military jeep and on another occasion saw the group transported through town in a convoy of three UN vehicles. On or about 12 October 2005, medical personnel from the Member State 1 camp were conducting a free medical clinic for the local community and on this day, the Local Official saw a group of foreign men walking around the camp. The Local Official's description of one of these men matched that of IK01.

49. On 28 August 2006, ID/OIOS interviewed a MONUC employee, who said from October 2005 until March 2006, he was assigned to Member State 1 Battalion 'D' Company. According to the MONUC Employee, he had seen a male person fitting the description of IK01 at the Member State 1 camp speaking to the 'D' Company Officer and later that same day, he saw IK01 and another male of the same ethnicity having lunch with the 'D' Company Officer in the dining room at the camp.

50. The MONUC Employee advised ID/OIOS that he saw IK01 at Mongbwalu airfield a few days later, on the same day a delegation from the European Union visited Mongbwalu. The MONUC Employee said that IK01 was apparently unable to fly on this

particular day and returned to the camp in a Member State 1 jeep. He further stated that the last time he saw IK01 was when IK01 was getting out of the vehicle with his luggage just inside the first checkpoint at the camp.

Other Incidents involving the IK01 Group

51. On 30 August 2006, ID/OIOS interviewed the Bunia Local Official, who said that on 1 December 2005, she was contacted by a local immigration official and advised that several foreign men had arrived in Mongbwalu, but had refused to produce their travel documents. The official told the Bunia Local Official that FARDC and Member State 1 military personnel were assisting the group. She stated to the ID/OIOS that the aircraft was expected to land in Bunia after leaving Mongbwalu, so she and other members of the Security Committee went to Bunia airport and met the aircraft on its arrival. She refused to elaborate on what occurred at the airport and referred ID/OIOS to a senior official, (hereinafter referred to as W08) of the National Intelligence Agency in Bunia.

52. In an interview with ID/OIOS, W08 stated IK01 and his group were believed to be involved in the illegal trafficking of diamonds and gold and were apparently supported by FARDC Senior Officer 1. W08 added he had received information that IK01 and his group had purchased seven kilograms of gold during their visit to Mongbwalu.

53. W08 added that on 29 or 30 November (ID/OIOS later ascertained that it was on 1 December), IK01 and his group were detained in transit at the Bunia airport. According to W08, he was contacted by the Bunia Local Official and advised that the group had failed to produce proper documentation at Mongbwalu airfield and as a result she had convened the Security Committee to inquire into their activities. W08 traveled to Bunia airport and found the group on the tarmac with officers of the FARDC. According to W08, despite the fact that the group did not produce passports, visas or a safe passage certificate (required by foreigners to travel through a mining zone), they were able to continue their journey by citing the authority of the FARDC.

54. W08 further stated that he believed MONUC forces are compensated for providing security to gold dealers in Mongbwalu. He also believed that illegally obtained gold was supplied to IK01, who then arranged for it to be smuggled through Goma to Rwanda or Uganda. In support of his theory, W08 advised ID/OIOS that sometime after the incident at Bunia airport, IK01 had been arrested in Kigali in possession of seven kilograms of gold.

55. ID/OIOS interviewed the Bunia Senior Police Officer in order to obtain the details of the pilot and the aircraft involved in the incident at the Bunia airport on 1 December 2005. Investigators examined the Airport Register and located an entry for 1 December 2005, which depicted the aircraft as traveling from Goma to Bunia via Mongbwalu.

56. ID/OIOS was subsequently able to interview a person with intimate knowledge of this flight. This person (hereafter referred to as W09) informed ID/OIOS that the aircraft was chartered by IK02 who told the pilot that he wanted the aircraft to fly from Goma to Mongbwalu, where one passenger would be collected before proceeding to Bunia.

According to W09, on the morning of 1 December 2005, the pilot flew the aircraft to Goma where five passengers boarded the aircraft, including IK01, IK02 and two females. The group, which W09 described as foreign, had a small amount of hand luggage and some foreign food. W09 added that a sixth passenger, an Officer in the FARDC, whom he believed to be close to FARDC Senior Officer 1, missed the flight.

57. W09 further stated that enroute to Mongbwalu, IK01 gave the pilot between US\$4,700 and US\$5,000 as payment for the charter. The fee was paid in US\$100 notes and came from cash in the possession of IK01 which was estimated to be between US\$15,000 and US\$20,000.

58. According to W09, on arrival in Mongbwalu, the passengers were greeted by MONUC troops as if they were already well acquainted. IK01 carried the bag containing the money from the aircraft and told the pilot that they were going into town and would be back in one hour. W09 added that IK01 and the other passengers got into UN jeeps and were driven in convoy from the airfield. Another five or six peacekeepers remained at the airfield to provide security for the aircraft. The Member State 1 peacekeepers made no attempt to search the aircraft and did not record the names of the passengers or crew. W09 added that the passengers returned to the airfield about three hours later with an additional passenger, who IK01 identified as his son. One of the passengers was holding two small sports bags. The pilot became concerned about the effect of the additional passenger and luggage on the aircraft's weight and balance. As a result, the pilot asked his co-pilot to lift the bags and estimate their weight, whereupon his co-pilot reported that the weight of the two bags was less than 20 kilograms.

59. W09 further stated that upon arrival in Bunia, the crew and passengers were met by a number of police and other officials. According to W09, the officials appeared to be led by a woman, who upon seeing the passengers told them that they could not enter the Bunia town precincts. Shortly thereafter, three or four FARDC officers arrived at the scene and intervened on behalf of the passengers. The woman wanted the aircraft searched because the flight had originated from a mining area, but the FARDC officers argued that the aircraft was in transit and if it needed to be searched, it could be done in Goma. The aircraft was subsequently allowed to continue its journey without being examined. According to W09, an officer from FARDC accompanied them on the journey to Goma. Upon arrival in Goma, the passengers were met by FARDC Officer 3, a person he described as someone who "did everything for FARDC Senior Officer 1."

60. W09 informed ID/OIOS that he had been working in eastern DRC for 12 years and based on his experience, he believed that IK01 purchased a large quantity of gold whilst in Mongbwalu. He based this on the fact that IK01 took a large quantity of United States currency into a mining area, refused to allow his luggage to be searched, and was under the apparent protection of FARDC Senior Officer 1.

61. ID/OIOS interviewed a senior official (hereafter referred to as W10) of the *Office des Douanes et Accises* (OFIDA - the customs and excise agency for the DRC), who

considered Goma's proximity to the Rwandan border as a convenient conduit for the illegal trafficking of gold from the DRC to Rwanda.

62. W10 stated to ID/OIOS that Rwandan authorities, on 3 April 2006, advised him that IK01 had been arrested at Kigali International Airport in possession of nine kilograms of Congolese gold. W10 added that at the time of IK01's arrest, he was in the company of a female (hereafter referred to as IK04). According to W10, IK01 and IK04 were found in possession of forged DRC documentation, and as a result were not permitted to bring the gold into Rwanda. IK01 and IK04 were escorted back to Goma where they were asked to complete the appropriate documentation. According to W10, neither IK01 nor IK04 were ever prosecuted in relation to this incident and considered it highly unusual. He believed the group may have been under the protection of senior members of the FARDC.

Other Inquiries

63. ID/OIOS conducted a number of inquiries to ascertain whether IK01 or members of his group traveled to Mongbwalu on dates other than 12 to 17 November 2005 and 1 December 2005. ID/OIOS interviewed aircraft operators in the Bunia and Goma region who operated aircraft to Mongbwalu. Whilst the representatives of a number of these companies informed ID/OIOS that they had been approached by IK01 to organize travel to Mongbwalu in November 2005, no one admitted providing transport to the IK01 group. The passenger manifests for MONUC flights between Bunia and Mongbwalu were also examined to establish whether IK01 or known members of his group had traveled on any other MONUC flights. No such records were located. Hotels in the Mongbwalu and Bunia area were also reviewed. The guest register at Hotel 3 in Bunia showed an entry that IK01, IK02 and IK03 stayed at this hotel for an undisclosed number of nights from 5 November 2005. The proprietor of Hotel 1 in Mongbwalu informed ID/OIOS that a man fitting the description of IK01 and three other males stayed at the hotel from 5 December 2006 for four days.

64. ID/OIOS also interviewed FARDC Officer 3 and FARDC Officer 1 and established that both men were on the personal staff of FARDC Senior Officer 1, who at the time of this investigation had been appointed the Officer of a FARDC Division. FARDC Officer 3 advised ID/OIOS that he knew IK01 as a resident of Goma, but had not assisted him in his dealings with local authorities. FARDC Officer 1 denied any involvement with IK01 or travel to Mongbwalu.

65. ID/OIOS ascertained that 'D' Company has a Level 1 medical facility and had conducted a number of free medical clinics for members of the local population. On checking his records, the 'D' Company Officer informed ID/OIOS that medical clinics were held on 17 November 2005, 13 January 2006, and 23 January 2006. According to him, the practice was stopped after a direction from his Battalion commander.

Interview with IK01

66. ID/OIOS interviewed IK01 in early October 2006. IK01 stated that he was born in Kenya, but was of foreign heritage. He was living in the eastern DRC for the past 12 months, and before that he had resided in Kigali, Rwanda. IK01 confirmed to ID/OIOS that he had traveled to Mongbwalu in November and December 2005.

67. IK01 stated on the first occasion he traveled to Mongbwalu on a humanitarian aircraft with IK02 and IK03. He added that IK03 is a gold specialist and the purpose of this visit was to examine the methods used to extract gold, and to assess industry-related business opportunities. According to IK01 he had never heard of FARDC Officer 1 and denied that he had traveled to Mongbwalu with any member of the FARDC. He further denied ever traveling in UN vehicles and said that throughout their stay in Mongbwalu they traveled in a locally hired vehicle. He indicated that whilst in the region, they examined gold extraction methods and visited a number of local gold shops.

68. IK01 further stated that during his first trip in November 2005, he did not have legal authorizations to purchase unwrought gold, and denied that he or his group had purchased or attempted to purchase any gold. IK01 also denied that IK03 had chemically tested gold samples during his stay in Mongbwalu. According to IK01, they only intended to stay in Mongbwalu for three days, however the Airline 1 aircraft in which they were supposed to depart, failed to collect them at the appointed time. As a result, they were forced to return to town where they spent an additional two days.

69. Furthermore, IK01 denied that he or any of the group stayed at the 'D' Company camp or consumed any meals at the camp during their visit to Mongbwalu. He stated that they stayed at Hotel 1 and he only visited the camp on one occasion which was on the same day that he departed from Mongbwalu on the MONUC flight. IK01 explained that he suffers from hypertension and went to the camp to obtain medication. Whilst at the camp, he translated conversations between Member State 1 medical personnel and local residents, who were being examined as part of a free medical clinic.

70. IK01 added when the Airline 1 aircraft failed to arrive he contacted FARDC Senior Officer 2, who he described as a long-time family friend, and asked his assistance. According to IK01, FARDC Senior Officer 2 then arranged for them to be transported to Bunia on a UN helicopter. When the helicopter landed, one of the pilots handed him some paperwork, but found that IK03 was not on the flight manifest. As IK03 was from another country and did not speak Swahili, IK03 traveled under the name of IK02. A few days later, IK02 traveled back to Bunia on a humanitarian flight. According to IK01, whilst waiting for the UN helicopter, he had a cup of tea and a biscuit, provided by Member State 1 troops.

71. On 1 December 2005 IK01 chartered an aircraft to convey himself, IK02 and a number of foreign-based investors to Mongbwalu. When asked by the investigators, IK01 refused to name the investors, but said they were exploring the possibility of investing in the DRC gold industry. He added that on arrival at Mongbwalu, they collected the vehicle they had hired the previous month and he showed the group the manner in which the gold was

extracted locally. IK01 stated they were only in Mongbwalu for about two hours. He did not purchase any gold as he did not have the appropriate authorizations. He denied that Member State 1 troops had met them upon their arrival in Mongbwalu. He further denied that Member State 1 troops transported him and his group from the airfield in UN vehicles.

72. According to IK01, they left Mongbwalu and flew to Bunia so the investors could examine the infrastructure in that town. Upon arrival in Bunia, they were met by the District Administrator and other security officials who demanded a US\$15,000 bribe in order to be allowed to continue with their journey. According to him, he again contacted FARDC Senior Officer 2, who sent an officer to the airport. IK01 did not know the identity of this officer, but after some negotiation they were able to reduce the amount of the bribe payment to US\$1,000, which was then paid.

73. IK01 confirmed that he attempted to register as a purchaser at the *Bureau des Mines et Geologie de District de Ituri*. Although, he failed to be registered in February 2006, he was later registered as an authorized trader. However, after a few months he concluded that the industry was not financially viable and ceased trading.

74. IK01 was questioned about his alleged arrest in Kigali in April 2006, and stated that in March 2006, he obtained nine kilograms of Congolese gold with the intention of exporting it to Dubai through Kigali. According to him, he was part of a consortium that hoped to export the gold under the auspices of his legitimate license, but without paying the taxes due on such a transaction. They planned to bribe Congolese officials in order to obtain legitimate documentation. In the end, they paid about US\$400 as a bribe to a number of officials and the documentation was secured. IK01 added that the documents were legitimate, but were not processed by the officials. As a result, the group was able to evade US\$25,000 in Congolese government charges.

75. IK01 stated he drove with the gold from Goma to Kigali and was waiting for a flight to Dubai when Rwandan authorities intercepted him and IK04. He described IK04 as a foreign female who he believed was involved in the illicit trafficking of gold in East Africa. According to IK01, the official was not satisfied with their documentation and prevented them from boarding the aircraft. The Rwandans secured the gold and he was allowed to return to Goma to obtain additional documentation. IK01 added that he then obtained additional fraudulent paperwork, which he hoped would satisfy the Rwandan authorities, but on his return to Kigali Airport, the documentation was again rejected. Rwandan officials informed him that he would have to return to Goma where he and IK04 would face prosecution by Congolese authorities. IK01 stated to the investigators that IK04 then made a number of telephone calls to senior Congolese authorities, who he believed had made representations on their behalf. He added, as a result of these representations, they were not prosecuted and were able to retain the gold. IK04 further stated they exported the gold after he obtained the appropriate documentation and paid the relevant government charges. According to IK01, he had no relationship with FARDC Senior Officer 1, but conceded the only way he and IK04 could have avoided prosecution was through the intervention of such a person.

Inquiries at 'D' Company - Mongbwalu

76. ID/OIOS obtained and examined records maintained by 'D' Company at Mongbwalu. According to the 'D' Company Officer, these records were maintained at the direction of the Member State 1 Contingent Headquarters and were not a UN requirement.

77. ID/OIOS was provided with a copy of the 'Record of United Nations Visitors and Staff' for 'D' Company. This record was also examined for entries relating to IK01, IK02 and IK03 for the period 3 October 2005 to 21 August 2006. There were no entries to indicate that they had visited the camp between the aforementioned dates.

78. Further, ID/OIOS examined the Civil Flight Register maintained by 'D' Company personnel at Mongbwalu for the period October to December 2005. Investigators identified one entry, which indicated that on 29 October 2005, W07 arrived in Mongbwalu from Bunia on an Airline 3 flight. A further entry dated 12 November 2005, indicated that four passengers arrived on an Airline 1 flight. The names in the entry included the first names of IK01, IK02, the family name of IK03 and a last name, which ID/OIOS believes probably refers to FARDC Officer 1. There were no entries on 1 December 2005 for the flight that traveled from Goma to Bunia via Mongbwalu.

79. In addition, ID/OIOS examined the 2005 leave records for the officers attached to 'D' Company. The 'D' Company Officer was on leave from 9 March to 3 May 2006. The only officers who were on leave in the last three months of 2005 were the medical personnel.

Interview with the 'D' Company Officer

81. The 'D' Company Officer was interviewed on three separate occasions between August and October 2006. The 'D' Company Officer informed ID/OIOS that he was deployed to MONUC on 3 September 2005, and arrived in Mongbwalu on 5 September 2005. His role was to command 'D' Company for the duration of the deployment in MONUC.

82. The 'D' Company Officer was shown a photograph of IK01 and asked whether he had contact with this person. The 'D' Company Officer stated he saw IK01 on one occasion at Mongbwalu Airfield when he noticed that the man had a copy of an MOP in his hands and they had a very brief conversation over the timing of the UN flight to Bunia. The 'D' Company Officer added that he did not discuss the reason for that person's visit to Mongbwalu or his type of business. The 'D' Company Officer further stated that on this particular day, the airfield was quite busy due to the visit of the Member State 1 Battalion commander and a number of other dignitaries, including representatives from the European Union. According to him, on this particular day, there were two UN flights to Mongbwalu to accommodate the extra passengers. The 'D' Company Officer also stated that in accordance with Member State 1 custom, IK01 was offered a cup of tea and something small to eat while he waited for his flight.

83. It was explained to the 'D' Company Officer that during the investigation, several persons were interviewed and a number of documents obtained. The 'D' Company Officer was also informed that several persons in the Mongbwalu area reported seeing IK01 in UN military vehicles or under the escort of UN military vehicles. Further, witnesses saw IK01 at the camp, taking meals in the officer's mess and receiving medical treatment at the camp Level 1 medical facility. The 'D' Company Officer stated to the investigators that he could categorically state IK01 did not stay at the camp and was never conveyed in UN vehicles. He added a civilian could not have stayed at the camp without his knowledge. ID/OIOS put to the 'D' Company Officer that they had received information that the man depicted in the photographs taken at Mongbwalu airfield on 17 November 2005, had been seen talking to him at the camp, and was also later seen dining with him in the officers mess at the camp. The 'D' Company Officer denied this and stated that this was simply not true, and he had only spoken to the man on one occasion at the Mongbwalu Airfield.

84. The 'D' Company Officer further stated that only MONUC male staff could stay overnight at the camp, and that there were no exceptions to this rule. He explained that this also applied to friends and relatives of the officers and men of the company. The 'D' Company Officer added that they would occasionally host visitors at the camp for lunch, but details of each person were always entered in the visitor register at the entrance to the camp.

85. ID/OIOS informed the 'D' Company Officer that it was alleged that IK01, in the company of other males, was in Mongbwalu to purchase significant quantities of gold. The 'D' Company Officer replied that he and IK01 had not discussed the gold industry and he had no idea what the man did for a living. ID/OIOS informed the 'D' Company Officer that they had also received information that after IK01 left Mongbwalu, several local residents came to the Member State 1 Battalion camp trying to sell gold because they believed that IK01 was staying at the camp. The 'D' Company Officer replied that if local residents were coming to the camp to sell gold, he would have been made aware of it through the normal chain of command.

86. The 'D' Company Officer was further informed that a number of witnesses reported seeing Member State 1 troops greeting IK01 and his group like 'countrymen' when they arrived at Mongbwalu Airfield. In response, the 'D' Company Officer stated that the Member State 1 Army was very friendly and hospitable and this could explain the observations made by the witnesses at the airfield.

87. ID/OIOS also informed the 'D' Company Officer that it has been alleged that on 1 December 2005, an aircraft carrying IK01 and a number of other persons arrived in Mongbwalu and were greeted as 'old friends' by members of the Member State 1 military. In addition, it had also been alleged that the group was driven from the airfield in UN military vehicles and that Member State 1 military forces remained at the airfield and provided security for the aircraft. Also, the group returned to the airfield approximately three hours later in UN vehicles before boarding the aircraft and flying to Bunia, and that this particular flight had not been recorded in the Civil Flight Register. The 'D' Company Officer responded he had no knowledge of the flight and repeated that it was impossible for the group to have been transported to or from the airfield in UN military vehicles. In

response to the fact that the flight had not been recorded in the Civil Flight Register, the 'D' Company Officer stated that in some cases, the details of the flights were recorded on pieces of paper and then entered in the Civil Flight Register when the troops who met the aircraft returned to the camp. According to him, it was possible that they had simply neglected to enter the details in the register.

88. The 'D' Company Officer was asked to detail the circumstances under which it would be permissible to carry civilians in UN military vehicles. He stated that from time to time, they might be asked to convey civilians in UN vehicles, but this had to be at the direction of Brigade Headquarters. He did not have the authority to authorize the transport of non-UN personnel in UN military vehicles.

VI. FINDINGS

89. ID/OIOS interviewed several persons during the course of this investigation. Witnesses reported seeing IK01 and his group in Mongbwalu on numerous dates between September and December 2005. ID/OIOS reviewed hotel records and flight manifests to establish the dates that IK01 visited Mongbwalu. Despite the wide range of dates proffered by witnesses, ID/OIOS could only establish the presence of the group in Mongbwalu from 12 to 17 November 2005 and on 1 December 2005.

90. ID/OIOS found that IK01, his son IK02, IK03 (a gold specialist), and FARDC Officer 1, arrived in Mongbwalu on an Airline 1 flight on 12 November 2005. IK01 informed ID/OIOS that he did not have the authorizations required to purchase gold until February 2006, and the purpose of the November 2005 visit was to examine extraction methods and assess the viability of establishing a gold business in the region. Despite IK01's denials, it was common knowledge amongst the residents of Mongbwalu that the group was in town to purchase gold. Three witnesses confirmed to ID/OIOS they had conversations with members of the IK01 group, who said they were in town to purchase as much gold as possible. ID/OIOS concludes that given the evidence set forth in this report, IK01 and his group were in Mongbwalu between 12 and 17 November 2005, and purchased a quantity of unwrought gold from unknown persons.

91. The relationship between the Member State 1 peacekeepers and the IK01 group was an important focus of the ID/OIOS investigation. There is significant evidence to suggest there was a familiarity between the two groups that belied the versions provided by IK01 and the 'D' Company Officer. The pilot of the Airline 1 flight described the encounter between the men at Mongbwalu Airfield as resembling a meeting between 'countrymen.' Other witnesses reported seeing the group driven through town in UN vehicles or in a convoy of UN vehicles. W05 described the IK01 group being escorted by Member State 1 military and going into a local gold shop where the peacekeepers appeared to provide security. Some witnesses, including UN personnel employed at the Member State 1 Battalion camp, attested to IK01 being at the camp on a regular basis during this period, consuming meals in the officers' mess and socializing with Member State 1 military personnel.

92. The apparent familiarity between Member State 1 military forces and the IK01 group was corroborated by W09, a person intimately involved in the 1 December 2005 flight to Mongbwalu. W09 advised the investigators the two groups greeted each other as if they were old friends and that Member State 1 troops conveyed them from the airfield in UN vehicles. ID/OIOS regard W09 as a credible witness and accepts his evidence that IK01 was in possession of a significant amount of United States currency when the aircraft landed in Mongbwalu. Given these observations by several witnesses and the false denials of the 'D' Company Officer, ID/OIOS concludes that Member State 1 peacekeepers must have provided security and logistical support to the IK01 group during their November 2005 visit to Mongbwalu.

93. ID/OIOS also established that the details of this flight were not entered in the Civil Aircraft Register maintained by the men of 'D' Company. One might consider this omission as an administrative oversight. But, given the circumstances, in particular the support and security provided by some Member State 1 Battalion personnel to the IK01 group, ID/OIOS considers it more likely that it was a deliberate cover-up of this group's arrival in Mongbwalu, whose mission was to purchase gold.

94. The background of IK01 was also an issue explored by ID/OIOS. Information held by Congolese intelligence officials suggested that IK01 was suspected of illegally trafficking diamonds and gold in eastern DRC. Whilst the probative value of this information is questionable, IK01 admitted that he had been involved in a failed bid to export nine kilograms of Congolese gold through Rwanda to the United Arab Emirates in April 2006. IK01 also admitted that he bribed a number of Congolese government officials to obtain apparently legitimate export documentation to avoid US\$25,000 government charges. These admissions prove IK01's status as an illicit trafficker of unwrought gold.

95. ID/OIOS is satisfied that members of the FARDC assisted the IK01 group at various stages during their trips to Mongbwalu. This was confirmed by several witnesses who reported seeing members of the FARDC in their company in Bunia, Mongbwalu and Goma. This assistance included traveling in vehicles with the IK01 group during their November 2005 visit to Mongbwalu, and intervening on their behalf when they were detained at Bunia Airport on 1 December 2005. Despite his denials, ID/OIOS considers it reasonable to accept that FARDC Officer 1 traveled with the group into Mongbwalu on 12 November 2005. ID/OIOS was able to confirm that FARDC Officer 1 is on the personal staff of FARDC Senior Officer 1. One witness informed investigators that an officer of the FARDC accompanied them on the flight from Bunia, and on arrival in Goma they were met by FARDC Officer 3. ID/OIOS established that FARDC Officer 3 was also a member of FARDC Senior Officer 1's personal staff.

96. The relationship between the IK01 group and the FARDC becomes relevant when examining the circumstances surrounding the authorization of the MOP forms for IK01 and IK02. IK01 informed investigators that after becoming stranded in Mongbwalu, he contacted FARDC Senior Officer 2 and asked for assistance. FARDC Officer 2 corroborated this account when he advised ID/OIOS that he prepared and signed the MOPs at the direction of FARDC Senior Officer 2. For his part, FARDC Senior Officer 2

explained he was asked by FARDC Senior Officer 1 to provide assistance to IK01, but denied providing such assistance. ID/OIOS adduced sufficient evidence that senior members of the FARDC provided considerable support to IK01 and his group during their forays into Mongbwalu. This support included arranging the issue of the MOP forms for the 17 November 2005 flight from Mongbwalu to Bunia. ID/OIOS found no evidence to suggest the existence of an inappropriate relationship between the FARDC and members of the Member State 1 military.

97. The 'D' Company Officer admitted speaking to IK01 at Mongbwalu Airfield on 17 November 2005, but denied any other contact. But one witness reported seeing the 'D' Company Officer and IK01 conversing at the camp and dining together at the officers mess. The 'D' Company Officer stated to the ID/OIOS that it was impossible for IK01 to have slept at the camp, consumed meals in the Officers' mess or ridden in military vehicles without his knowledge. ID/OIOS considers that even if the 'D' Company Officer had no direct involvement with IK01, his position as company commander, placed an obligation on him to remain informed of activities of his subordinates. In the circumstances of this case, it is difficult to rule out that the 'D' Company Officer would not have been aware of the assistance his troops had provided to IK01 and his group.

98. In the absence of corroborative evidence, ID/OIOS could not substantiate the allegation that Member State 1 Peacekeepers deployed to Mongbwalu had supplied weapons or ammunition to Officer 1 and Officer 2 of the Armed Group 1.

VII. CONCLUSIONS

99. ID/OIOS established that Member State 1 peacekeepers deployed to Mongbwalu provided transport, meals and security for the IK01 group during their visits to Mongbwalu in November and December 2005. During these visits, IK01 purchased significant quantities of unwrought gold without the appropriate government authorizations. IK01 also received support from senior members of the FARDC. This support included arranging for the issuance of fraudulent MOP forms, which allowed IK01 and IK03 to travel on 17 November 2005, on a UN flight from Mongbwalu to Bunia.

100. In providing support and security, Member State 1 peacekeepers indirectly contributed to the illegal exploitation of Congolese natural resources.

101. ID/OIOS established that the 'D' Company Officer violated Rule 1 of the Ten Rules: Code of Personal Conduct for Blue Helmets, in that, Member State 1 peacekeepers under his command and control, misused their authority by providing logistical support and security to private business interests engaged in the illegal trafficking of unwrought gold in eastern DRC.

102. ID/OIOS established that the 'D' Company Officer violated Rule 2 of the Ten Rules: Code of Personal Conduct for Blue Helmets in that Member State 1 peacekeepers under his command and control failed to respect the laws of the DRC in aiding and abetting private business interests engaged in the illegal trafficking of unwrought gold in eastern

DRC, contrary to Article 302 of Law No. 007/2002 of July 11, 2002 relating to the Mining Code.

VIII. RECOMMENDATIONS

103. In view of the preceding findings, ID/OIOS makes the following recommendations:

Recommendation 1: It is recommended that the Department of Peacekeeping Operations refer this case to the Permanent Mission of Member State 1 to the United Nations for appropriate action against the 'D' Company Officer and that the results of such action be reported back to DPKO for passage to ID/OIOS. (ID Rec. No. IV06/151/01)

Recommendation 2: It is recommended that DPKO use the general circumstances of this case as a lessons learned exercise for DPKO - and specifically MONUC - personnel involved in the authorization of Movement of Personnel (MOP) forms, so that greater diligence can be exercised prior to the approval of MOPs for non-UN persons. (ID Rec. No. IV06/151/02)

Recommendation 3: It is recommended that DPKO, and in particular MONUC, ensure that new mission personnel receive training on their obligation to comply with local and international law. (ID Rec. No. IV06/151/03)