



BLOOD MINERALS

“Everyone sees the massacres in eastern Congo. But everyone is silent.”

**THE LAUNDERING OF DRC’S 3T MINERALS
BY RWANDA AND PRIVATE ENTITIES**

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Everyone sees the massacres in eastern Congo.
But everyone is silent.

Cédric Bakambu, posted on X, February 5, 2024

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EXECUTIVE SUMMARY

Over the course of nearly three decades, Rwanda has maintained a military presence in the Democratic Republic of Congo (DRC), either putting combat boots on the ground or relying on terrorist groups and other militia that have fought a ruthless war in which several million Congolese people¹ have died. The term “Genocost”, meaning genocide for economic gain, evokes the economic roots of the genocide that has unfolded in the DRC, commemorated annually on August 2.²

In the past three years, Rwandan army commanders have steered a war of aggression waged by the M23, whose members have killed hundreds of civilians and forced more than 1 million people to abandon their homes in the country’s eastern mineral-rich North Kivu province.³ In findings by experts reporting to the United Nations Security Council in June 2023, investigators noted that M23 and reinforcements from the Rwandan Defense Forces (RDF) were in control of key transport roads, including those leading to Rwanda and Uganda.⁴

Against this background of a war of aggression waged for economic gain, Rwanda has managed to launder vast quantities of tin, tungsten, tantalum and gold from the DRC. In March 2024, the M23 and its RDF allies had managed to encircle Goma, thereby blocking an essential trading route that the DRC uses to ship its minerals abroad, and were smuggling minerals to Rwanda, likely through Virunga National Park.⁵

In 2021, US official data showed that Rwanda was providing 15% of the global supply of tantalum,⁶ a derivative of coltan ore, despite

Rwanda producing only modest amounts of tantalum from its own mines, which this report demonstrates. Moreover, the US was buying more tantalum from Rwanda, 36% of its total imports – the highest among global producers – compared to only 7% from the DRC.⁷ Rwanda has used an international network of elites to help smuggle, sell and profit from DRC minerals that are transported along militarized trade routes. Kigali has received institutional cover to commercialize these minerals with the help of an industry-led compliance scheme and companies such as AVX Corporation, KEMET Corporation and Global Advanced Metals that manufacture electronic components; these companies legitimize the smuggling by knowingly purchasing laundered minerals from Rwanda. Due diligence teams from big tech companies such as Apple, Intel, Sony, Motorola & Lockheed Martin have also been informed that the minerals purchased from Rwanda have been smuggled from the DRC, in a context of violent exploitation. These minerals are therefore neither “conflict-free” nor legally procured, yet tech companies use them anyhow to manufacture their products, from laptops to airplanes. Ironically, Rwanda is portrayed as a safe and efficient trading

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hub in the mineral supply chain. Consumers have been led to believe that their iPhones and Sony earbuds have not helped finance war in Africa’s Great Lakes region if they are made with metals exported from Rwanda. Yet the Rwandan regime, under the leadership of President Paul Kagame, is the leading predator and plunderer of mineral resources in the DRC.

Individuals working for industry-led regulators, downstream companies on the supply chain and third-party auditors, are therefore liable for knowingly profiting from the commercialization of trafficked materials. Given the extensive evidence of laundering that has been documented by investigators from the United Nations and the NGO Global Witness, these parties risk liability for racketeering, aiding and abetting, trade-based money laundering and fraudulently misrepresenting the origin of the minerals they purchase in Securities and Exchange Commission disclosures.

Amsterdam & Partners therefore recommend the following:

- Boycott 3T minerals from Rwanda in an effort to break Rwanda’s violent exploitation of minerals in the DRC
- Ensure that minerals purchased from the Great Lakes region are sourced directly in the DRC
- Pass legally enforceable regulation to monitor the mineral supply chain
- Appoint an international, independent monitoring agency to oversee compliance of the mineral supply chain in the DRC instead of industry-led schemes
- Cease all mining contracts and agreements with well-known national and international entities that either have facilitated or are involved in the laundering of DRC minerals
- Apply sanctions against the most notorious international smugglers and Rwandan individuals overseeing the network of illicit trafficking
- Prosecute all parties who have profited from the transport and commerce of laundered minerals, including Congolese who are complicit
- Use national and international courts to seek reparations.

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- 1 The death toll in DRC from the Second Congo War onward was estimated in 2007 to be 5.4 million, of which 4.6 million occurred in the five insecure eastern provinces. See <https://www.rescue.org/sites/default/files/document/661/2006-7congomortalitysurvey.pdf>. In 2023, the French-Cameroonian author Charles Onana estimated that the death toll in the DRC was 10 million. See <https://www.francesoir.fr/videos-l-entretien-essentiel/genocide-au-congo-face-au-silence-des-medias>
 - 2 See <https://www.genocost.org>: “The commemoration of Genocost (Congolese Genocide) on August 2 each year is a citizen initiative launched 10 years ago by the CAYP platform (Congolese Action Youth Platform) to fight against silence, minimization, denial of justice and forgetfulness regarding the serious crimes committed in the DRC, having caused more than 10 million victims, 6 million internally displaced people and more than 500,000 women raped to date...Genocost means genocide for economic gains. The word Geno-Cost is a combination of Genocide and Cost. We have chosen this term to explain the economic root/aspect of the genocide in DRC.”
 - 3 Human rights defenders and journalists have been particularly targeted by the M23, and at least 150 Congolese civilians have been killed by the M23 since November 2023. See <https://press.un.org/en/2024/sc15596.doc.htm>. In Kishishe and surrounding areas in November 2022, the M23 killed at least 170 people and subjected at least 66 women and girls to rape, including gang rape. See <https://www.amnesty.org/en/latest/news/2023/12/a-year-of-anguish-remembering-the-killings-and-sexual-violence-in-kishishe/>
 - 4 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2023/431), June 13, 2023, page 13.
 - 5 Congo rebels block trade routes, threatening supply of key metal, Bloomberg News, March 15, 2024.
 - 6 Mineral Commodity Summaries 2021, US Geological Survey.
 - 7 Ibid.

THE DRC'S CONSEQUENTIAL ROLE IN THE GLOBAL ECONOMY

Up to two million people⁸ in the DRC are directly dependent on artisanal mining activities for their livelihood. Miners feed their families by extracting, processing and in some cases transporting 3T minerals; in so doing these miners play an essential role in the global economy. Most of us could not imagine our lives without the modern technology that these minerals provide. Tantalum improves the audio quality of our smart phones, tungsten acts as a heat sink and makes our phones vibrate, tin acts as a solder on circuit boards and gold is used to coat the wiring.

Mineral sovereignty, and the protection of Congolese miners, have never been more important to the DRC than it is today.

Because it is non-toxic and corrosion resistant, tantalum is used in surgical implants and other medical devices, and has become a crucial component in the manufacturing of turbine blades, rocket nozzles and nose caps on supersonic aircraft. Its use in the

defense and aerospace industries in particular has made it a strategic mineral, coveted among wealthy Western and Asian nations.

Tantalum is projected to become increasingly important over time with the 5G rollout, which will fuel demand for autonomous cars, devices

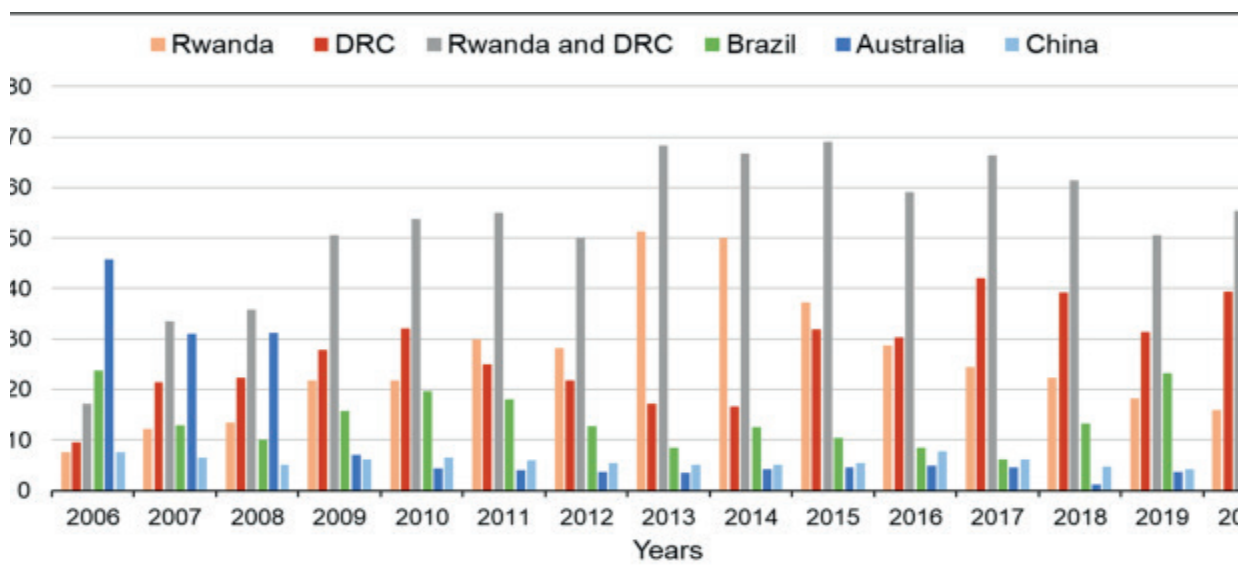


Figure 1: Leading Producers/Exporters of Tantalum
 Global main producers of tantalum. Data source: US Geological Survey, 2021
 (From Springer Link: Save the giants: demand beyond production capacity of tantalum raw materials)

that connect and exchange data, smart homes and smart cities.

Australia, which used to account for 50 to 60% of the world's tantalum supply, closed its biggest tantalum mine in 2008.

Since 2011, the DRC and Rwanda have stepped into the breach. According to official US data, the DRC, Rwanda and Brazil together accounted for 77% of the global output of tantalum in 2020. The DRC provided nearly 40% of that total, with Rwanda accounting 15% of global output.⁹

Mineral sovereignty, and the protection of Congolese miners, have never been more important to the DRC than it is today, given the demands and future innovations of the global economy. The decisions made by the DRC government over access rights to minerals, labor conditions of miners, and the revenue obligations of mining concessions will determine the security and economic future of the country of 112 million people.¹⁰

In March 2023, DRC's finance minister Nicolas Kazadi said that his country was losing almost \$1 billion a year in minerals that were being illegally smuggled into Rwanda.¹¹ The minister said Rwanda exported close to \$1 billion last year in gold, tin, tantalum and tungsten, even though the country has few mineral deposits of its own. "It's all coming from DRC – that's obvious," he told the Financial Times' Commodities Global Summit in Lausanne. "It's not only allegations, it's evidence."

In October 2023, the European Union (EU) agreed to a partnership with the DRC and Zambia to develop raw material chains and agreed to fund infrastructure development and sustainable and responsible production.¹² "The EU needs to secure a sustainable supply of raw materials, especially critical raw materials, as an essential prerequisite for delivering on green and clean energy objectives," the EU said.

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In February 2024, the EU announced a similar agreement with Rwanda on securing minerals for the green technology sector.¹³ The EU memorandum of understanding with Rwanda seeks to "nurture sustainable and resilient value chains for critical raw materials"; the EU investments in Rwanda already amounted to \$260 million from 2021-2024. The EU asserted that "mineral value chains are critical to Rwanda's economy. The country is a major player on the world's tantalum extraction. It also produces tin, tungsten, gold and niobium, and has potential for lithium and rare earth elements. In addition, Rwanda with its favourable investment climate and rule of law can become a hub for value addition in the mineral sector."

The EU announcement was met with immediate condemnation on the part of the DRC government and civil society. President Félix Tshisekedi called the deal a "provocation of very, very bad taste" that would encourage looting and fraud. He said the MoU would allow Rwanda to receive dividends from the "blood of our compatriots".¹⁴ Citing other EU agreements with Rwanda on security and military matters, the DRC's Foreign Minister Christophe Lutundula accused the EU of being complicit in the exploitation and aggression of the DRC.¹⁵

Meanwhile, Rwandan President Paul Kagame himself recently admitted that Rwanda is a trading hub for smuggled Congolese minerals. He said minerals from the DRC go through Rwanda to Brussels, Tel Aviv, Russia and Dubai, among other places.¹⁶

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- 8 Artisanal and small scale mining database. See <https://www.delvedatabase.org/data/countries/democratic-republic-of-congo>
 - 9 Mineral Commodity Summaries, US Geological Survey, 2021. See <https://pubs.usgs.gov/publication/mcs2021>
 - 10 Congo, Democratic Republic of the. *The World Factbook* (2024 ed.). Central Intelligence Agency. <https://www.cia.gov/the-world-factbook/countries/congo-democratic-republic-of-the/>
 - 11 DRC says Rwandan mineral smuggling costs it almost \$1bn a year, Tom Wilson and Andreas Schipani, Financial Times, March 21, 2023. <https://www.ft.com/content/ecf89818-949b-4de7-9e8a-89f119c23a69>
 - 12 See https://single-market-economy.ec.europa.eu/system/files/2023-11/MoU_EU-DRC_signed.pdf and <https://www.argusmedia.com/en/news-and-insights/latest-market-news/2502953-eu-signs-critical-minerals-partnership-with-drc-zambia>
 - 13 See https://ec.europa.eu/commission/presscorner/detail/en/ip_24_822 and <https://projectblue.com/blue/news-analysis/776/eu-signs-mou-with-rwanda-over-critical-materials>
 - 14 See <https://www.express.co.uk/news/world/1870277/eu-looting-rwanda-deal-drc>
 - 15 “DRC foreign minister: ‘The European Union is complicit in the plundering of our resources and the aggression of Rwanda’”, Le Monde. February 29, 2024. See https://www.lemonde.fr/en/le-monde-africa/article/2024/02/29/drc-the-european-union-is-complicit-in-the-plundering-of-our-resources-and-the-aggression-of-rwanda_6570043_124.html
 - 16 <https://x.com/JudiRever/status/1770526065183621345?s=20>

CRIMES ASSOCIATED WITH LAUNDERING DRC BLOOD MINERALS TO RWANDA

Many actors along the mineral supply chain have profited from the smuggling of DRC blood minerals or the commercialization of DRC's laundered blood minerals. First and foremost, the Rwandan regime has benefited from this illegal exploitation, but so have companies that have purchased laundered minerals from Rwanda. The weight of evidence of Rwanda's illegal exploitation of these resources over the course of decades rules out the plausible deniability of company officials and individuals who have worked for international due diligence schemes.

Among the crimes associated with the laundering of Congolese minerals and the commercialization of laundered minerals:

- Human rights violations – including violence, massive displacement of populations, sexual exploitation, loss of income and all forms of degrading treatment – linked to the extraction, transport and trade in Congolese minerals that are trafficked to Rwanda.
- Direct or indirect support to terrorist groups, public or private security forces where groups control mining sites, or transportation routes or points where minerals are traded, or in cases where such groups illicitly tax or extort money or minerals at points of access to mine sites, along transportation routes or at points where minerals are illicitly traded.
- Bribery, corruption as well as false and fraudulent misrepresentation of the origin of minerals. This can include the abuse of entrusted power of public officials in their interactions with citizens in places such as mining sites, mineral transport routes, security checkpoints, trading houses, airports and ports along the mineral supply chain.
- Trade-based money laundering (TBML): which involves disguising the proceeds of crime and moving value through the use of trade transactions in an attempt to legitimize the origins of minerals. By registering incorrect values of DRC mineral

Many actors along the mineral supply chain have profited from the smuggling of DRC blood minerals.

shipments on customs documentation and other processes, criminal actors have been able to justify unrelated illicit transactions by disguising them among legitimate trade flows.

- Racketeering, which involves extracting illegal profits derived from smuggled minerals

- Tax Evasion: in addition to fees and royalties due to governments, companies are expected to disclose payments in accordance with the principles set forth under the Extractive Industries Transparency Initiative.

THE ROOTS OF AN ENDURING WAR OVER ARTISANAL BLOOD MINERALS

Rwanda, under the leadership of Paul Kagame, has used deception and false rhetoric to justify his military interventions in the DRC in a bid to retain access to 3T minerals. Rwanda has also engaged in maneuver warfare, seeking to shatter the overall social and military cohesion of the DRC by instrumentalizing a part of the Congolese population of Tutsi origin.

These tactics have undermined the authority of the Congolese state and serve as Rwanda's cover to justify its military operations in unstable regions of eastern DRC. The roots of Rwanda's strategies were explained in detail in the Kassem Report, the UN's 2002 investigation into the plunder of the DRC's mineral resources.¹⁷

As it formally began to withdraw its military forces in late 2002, in parallel Rwanda put into place a series of economic control mechanisms, replacing Congolese directors of parastatals with businessmen from Kigali to ensure continuing revenue from water, power and transportation facilities. Meanwhile, Rwandan military that were involved in mining activities remained in place, though they ceased wearing uniforms and continued under a commercial guise. Kigali reorganized the Rwandan-supported rebel Rally for Congolese Democracy-Goma (RCD-Goma) forces, largely composed of Rwandan army troops, in order to insert large numbers

of Rwandan soldiers into Congolese army units and local defense forces. Most of the Congolese units had had Rwandan Patriotic Army (RPA)¹⁸ leadership for some time, and with this reorganization, a significant number of Rwandan soldiers were integrated into the DRC's military. Instead of departing for Rwanda, large numbers of Rwandan Hutus serving in the Rwandan military were provided with new uniforms and assigned to Congolese brigades as Congolese Hutu. Only a portion of the Rwandan soldiers who had gone to the DRC in the first place, which various sources estimated at between 35,000 and 50,000, actually left in 2002.¹⁹

Paradoxically, a series of peace accords backed by the United Nations and Western donors gave legitimacy and leverage to those who had committed crimes against the Congolese people. The 1999 Lusaka Agreement and 2002 Sun City Agreement laid the foundation for years of insecurity and even carnage. Under those agreements, tens of thousands of former combatants were officially integrated into Congolese military forces, under a process called *brassage*, and later *mixage*.

Throughout the region, people are fleeing the fighting and moving closer to the city. The refugee camps are saturated, makeshift camps are multiplying along the roads, with tents by the thousands. A million and a half people are adrift.

Many Rwandan-backed rebels, such as National Congress for the Defense of the People (CNDP), were granted amnesty and given senior positions in the army, leading to a parallel command structure and ensuring chaos. This also led to infiltration and subversion of the armed forces. Combatants retained varying levels of control over territory and resource extraction. The war they waged was a continuation of Rwandan policy through other means.”²⁰

Today, the DRC government lacks meaningful control of the mineral-rich eastern Kivu provinces. It is Rwanda, directly or indirectly, that exercises control there.

In 2023, the RDF/M23 coalition expanded the area under its control, pushing further northeast, south and west, despite a vigorous counter-²¹offensive by the Congolese army supported by local armed groups and private military companies, according to United Nations investigators. The RDF/M23 coalition took control of additional strategic roads, bridges and towns, including Nyamilima, in early January 2023; Kitshanga in late January 2023; Mushaki, at the end of February 2023, and briefly, the Rubaya mining area, on 26 February 2023. The RDF/M23 coalition has now achieved the complete encirclement of Goma, cutting off all of the city’s channels of access, except a connection to Rwanda. According to Radio France, on April 2, 2024, “The fighting is...raging in Saké, the key to Goma, 20 km from the capital of North Kivu. All access is now blocked, Goma is encircled. Throughout the region, people are fleeing the fighting and moving closer to the city. The refugee camps are saturated, makeshift camps

are multiplying along the roads, with tents by the thousands. A million and a half people are adrift.”²²

In February 2024, the Rwandan army fired a surface-to-air missile at a United Nations observation drone in eastern Congo but missed its mark, according to a confidential United Nations document seen by AFP.²³

On March 27, 2024, Bintou Keita, the Special Representative of the United Nations Secretary General to the DRC, told the United Nations Security Council that “the security situation in eastern DRC further deteriorated since the end of elections (in December 2023) with the M23 marking significant advances and expanding its territory to unprecedented levels. This has culminated in an even more disastrous humanitarian situation with internal displacement reaching unparalleled numbers.” The diplomat, who also heads MONUSCO, explained that since the withdrawal of the East African Community Regional Force from eastern DRC in early January, the M23 managed to occupy all former East African Community Regional Force positions and move further south to encircle Sake and Goma. The South African Development Community has meanwhile provided a 2,000-strong peacekeeping contingent to help the FARDC restore stability.²⁴

Several sources told the United Nations that the objective of Rwanda’s military actions in the DRC, which are labelled “North Kivu operations,” is to reinforce M23 by providing troops and materiel and to use them to secure control over mine sites, gain political influence in the country, and decimate the Hutu-led FDLR.²⁵

17 United Nations Security Council, Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146), October 16, 2002.

18 The RPA is the military wing of Rwanda’s ruling political party, the Rwandan Patriotic Front (RPF).

19 See United Nations Security Council, Final report of the Panel of Experts on the Illegal Exploitation of Natural

Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146), October 16, 2002, page 6.

- 20 A reference to the aphorism by Carl von Clausewitz that war constitutes a continuation of political intercourse carried on with other means.
- 21 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2023/431), June 13, 2023.
- 22 <https://www.radiofrance.fr/franceculture/podcasts/le-reportage-de-la-redaction/le-reportage-de-la-redaction-emission-du-mardi-02-avril-2024-8481980>; See also: Libération: https://www.liberation.fr/international/afrique/rdc-a-goma-encerclee-par-les-rebelles-les-enfants-vivent-entoures-de-violence-20240309_IQXCIOZ7ANF73DJ3O-2QN4YYLUU/?redirected=1&redirected=1
- 23 See <https://www.voaafrica.com/a/rwanda-army-fires-surface-to-air-missile-at-un-drone/7483867.html>
- 24 See <https://webtv.un.org/en/asset/k1g/k1gp0qcd7v>
- 25 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2023/431), June 13, 2023, page 17.

REGULATORY CAPTURE OF THE GLOBAL SUPPLY CHAIN IN 3T

The illicit trade in DRC 3T minerals along the global supply chain is structured in the manner of transnational organized crime, which involves groups of individuals who operate transnationally for the purpose of obtaining power, influence and commercial gain through illegal means. These groups often defend and protect their activities through violence and corruption. In Africa's Great Lakes region, this illicit trade has continued on a massive scale for many years despite the pretense of international compliance measures espoused by the Organisation for Economic Cooperation and Development (OECD), market regulators such as the US Securities and Exchange Commission (SEC) and its European counterpart, the European Securities and Markets Authority (ESMA), mineral certification schemes and third-party auditors. In large part, Rwanda has been brazenly able to sell minerals laundered from neighboring DRC for years because international institutions and regulators have been captured by industry. The close operational relationships between regulators and regulated entities in the global artisanal mineral

supply chain are now embedded and normalized, and therefore institutionalized. That means the illegal trade in minerals is considered legitimate, even if the enduring criminal nature of this trade is not publicly acknowledged and adequately addressed.

One industry player who has worked in the artisanal mineral trade in the Great Lakes for decades, and who requested anonymity, said the mining industry is dependent on a "conflicted interest model involving big electronics, the aerospace, land turbine, automotive and medical devices industries, via the international compliance industry – from the Responsible Minerals Initiative²⁶ all the way down to the International Tin Supply Chain Initiative (ITSCI),²⁷ who turn the same blind eye to advance and maintain their own conflicted interests."

The industry source likened this mining industry and its regulators to an illegal organized crime cartel, and claimed that regulators largely only publicize human rights violations which serve their own racketeering. He called atrocities associated with the illicit trade in minerals in the DRC "grist for the mill."

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THE BASIC SUPPLY CHAIN OF 3T

3T minerals in Central Africa are transported to local trading houses, known as *comptoirs* or local exporters, before being shipped via the ports of Mombasa and Dar es Salaam mainly to smelters and refiners in Asia. Western and Asian companies that process or trade in metals, or produce components from 3T minerals can source directly from the Great Lakes region, before the shipments are sent to multinational smelters and refiners in Malaysia, Thailand, China, and South America. Companies that make components such as capacitors or circuit boards supply downstream manufacturers in the electronics, aerospace and automotive industries.

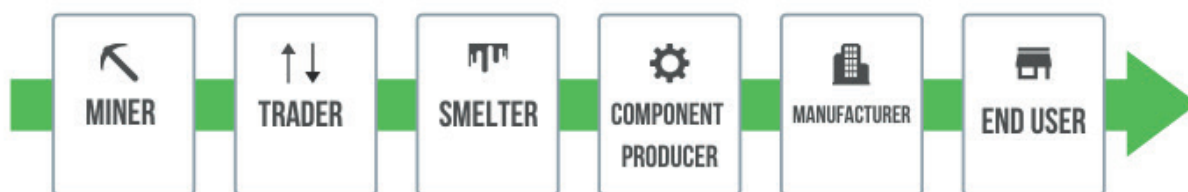


Figure 2: basic supply chain for 3T minerals

26 The Responsible Minerals Initiative defines international standards for smelters and refiners and aims to help companies make informed choices about responsibly sourced minerals in their supply chains. See <https://www.responsiblemineralsinitiative.org/minerals-due-diligence/standards/>

27 ITSC is a system set up by industry to label and trace the origin of minerals. See <https://www.itsci.org/>



STEP 2: Identify the supply chain - iTSCI Traceability

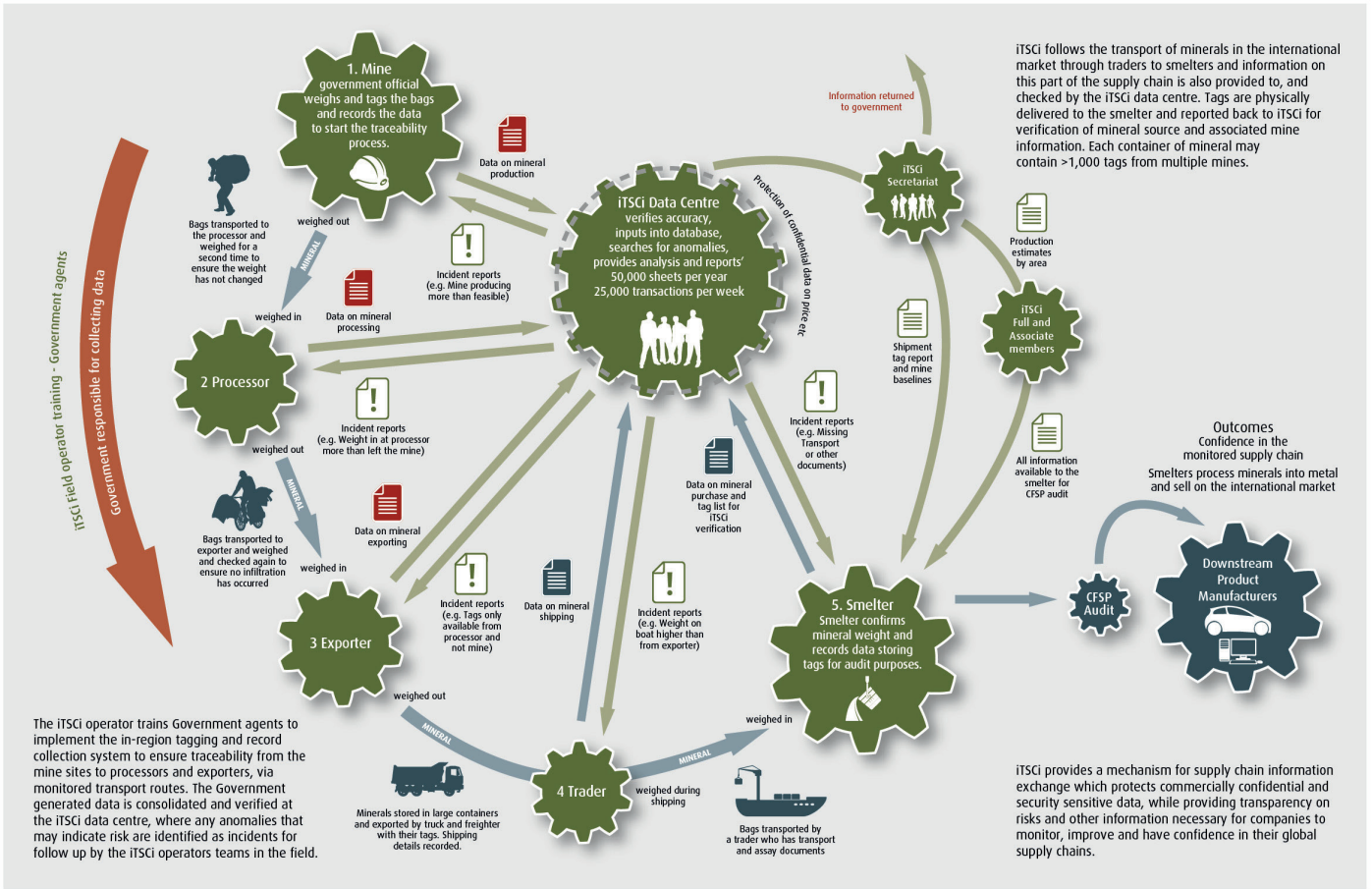


Figure 3: ITSCI's tracking scheme along the mineral supply chain

The International Tin Supply Chain Initiative (ITSCI) aims to ensure responsible mineral supply chains that avoid contributing to conflict, human rights abuses, or other risks such as bribery.

A PARADIGM SHIFT AND THE BIRTH OF A LUCRATIVE COMPLIANCE INDUSTRY

As the Second Congo War wore on, there was overwhelming evidence that the fight over minerals, or access to minerals, was fueling bloodshed in the DRC. In later years, researchers and human rights activists used a different lexicon to describe the dynamics of plunder in the country: that minerals were providing funding for armed groups, as though mining in and of itself was responsible for the conflict in the DRC (an idea that is anathema to the authors of this report). Eventually the rhetoric became clearer yet still relied on abstraction. Stakeholders argued that the illicit trade in 3T in the DRC was financing armed groups and urgent regulatory measures were in order.

There was some rationale to this latter reasoning: the illicit trade most certainly sustained the armed groups and created violent, spin-off industries such as illegal taxation and extortion rackets. The trafficking of minerals was exploitative and a gateway to other crimes. But the new framing of the problem obscured the strategies of elite networks and actions of the most successful armed players on the ground. Rwanda's leading role in stoking and directing war in the DRC was watered down. The new narrative interpretation sanitized the predatory system that Kigali and its allies had put into place.

Consumers were (and remain) increasingly worried that the high-tech industry, through purchases of

illicit minerals from conflict zones, was driving conflict in the DRC. Meanwhile, women have always been likelier to be victims of rape and other forms of sexual violence if they lived close to mines where armed actors are present. Research has shown that sexual violence has been used strategically by armed actors to terrorize and drive out the settled population in order to control mines and gain access to valuable resources.²⁸

By 2010, US legislative reforms were passed that required companies to disclose the source of minerals used in manufacturing products and provide a paper trail showing that those minerals were conflict-free, or indicating where there might be risks in the supply chain. Section 1502 of the US Dodd-Frank Wall Street Reform and Consumer Protection Act was based on legislators' concern that the trade of 3T minerals was funding "extreme levels of violence in the eastern Democratic Republic of the Congo, particularly sexual- and gender-based violence, and contributing to an emergency humanitarian situation therein..."²⁹

United States Senator Richard Durban, a principal sponsor of the regulation, said: "Tell

Consumers were (and remain) increasingly worried that the high-tech industry, through purchases of illicit minerals from conflict zones, was driving conflict in the DRC.

consumers the truth and let them decide if they want to buy products made with minerals that finance gang rape and human rights atrocities.”³⁰

Unfortunately, the legal provisions led to a *de facto* embargo on Congo’s minerals which further impoverished Congolese miners and their families.

By that time, government initiatives were already underway to conceive of a certification system that would allow companies to source minerals responsibly from the region. As part of a multi-stakeholder process, the OECD developed a set of due-diligence guidelines and core member states in Central Africa, under the International Conference on the Great Lakes Region (ICGLR), established a system for regional tracking of mineral flows through a database.

Meanwhile, the most prominent initiative, known by the acronym ITSCI, was set up by the International Tin Association and the Tantalum-Niobium International Study Center (TIC), the most powerful players in the industry. ITSCI’s system was called “bag and tag” because minerals were meant to be tracked through a series of tags, from the mine site to the smelter, to ensure responsible mineral sourcing for downstream buyers in the global supply chain such as Apple, Intel, Motorola and Sony. The name “bag and tag” appears to be a cheeky variation of the military term “tag and bag” which refers to wrapping a dead body in a bag and placing a toe tag on the corpse for its identification.

ITSCI charged fees for its services and membership, which eventually became considered as a pre-condition for the legal export of minerals from the Great Lakes region. ITSCI’s fees have always been steep: a one-off joining fee between \$3,000 and \$30,000 applies to full members, depending on the company and position in the supply chain and “any previous contributions made.”³¹

Full members are also charged upfront annual fees of between \$2,000 and \$10,000, while associate members must pay annual fees of \$7,839. Program levies are additionally collected. In all, upstream actors covered at least 80% of the costs of the ITSCI program via levies on exports in addition to annual and joining fees.

ITSCI has been accused by upstream actors, in particular Congolese miners, of further impoverishing the most vulnerable players in the global supply chain. Miners, who barely eke out a living, are hardest hit by ITSCI’s levies and other fees, and bear the brunt of the cost of due diligence. In 2018, more than 30 members of Congo’s civil society and mining community condemned ITSCI for what is described as unfair due diligence costs in the DRC, compared to those imposed in Rwanda. The group of Congolese associations said the higher levies in Congo “constitute a major incentive to commit mineral fraud.” In a memo,³² the coalition of civil society and miners said that in 2016 ITSCI fees amounted to \$180 per ton of tin in Rwanda compared to \$480 per ton of tin in the Kivu provinces. Similarly, ITSCI members in Rwanda paid \$300 per ton of coltan but members in the Kivus paid \$600 per ton of coltan. They claim this discrepancy was impoverishing the Congolese but ITSCI refused to change its fee structure.

The international organization Global Witness, in a 2022 investigative report on ITSCI’s traceability scheme, made similar observations. It said artisanal miners have suffered the most from the rollout. Three senior mining officials told Global Witness that the cost of this is ultimately borne by

“In essence, then, the artisanal miners – the poorest and least powerful link in the supply chain – end up bearing the cost of an apparently broken traceability system.”

the artisanal miners, as the levy costs are subtracted from the miners' official selling price. Academic research seems to support this conclusion. According to Global Witness: "In essence, then, the artisanal miners – the poorest and least powerful link in the supply chain – end up bearing the cost of an apparently broken traceability system."³³

28 See Artisanal mining, conflict, and sexual violence in Eastern DRC. Siri Aas Rustad, Gudrun Østby & Ragnhild Nordås, 2016.

29 Dodd-Frank s. 1502(a)

30 See <https://www.smithsonianmag.com/innovation/is-your-cell-phone-helping-to-fund-a-civil-war-7654/>

31 <https://www.itsci.org/wp-content/uploads/2021/08/ITSCI-Membership-Programme-summary-May-2011-1.pdf>

32 Memorandum of civil society organizations regarding the memorandum of understanding between the Ministry of Mines of the Democratic Republic of Congo and ITRI LTD on the ITRI initiative for the tin supply chain, AFREWATCH, November 19, 2018. <https://congominer.org/system/attachments/assets/000/002/250/original/Mémorandum-Sociv-relatif-au-protocole-ITRI-RDC-déposé-au-Ministère.pdf?1651241270>

33 Global Witness, The ITSCI Laundromat, April 2022, page 45.

EARLY DYNAMICS OF SMUGGLING, WITH RWANDA AT THE HELM

The methods used by Rwanda to plunder the DRC's minerals have evolved over time, shifting from a direct to indirect form of control of the upstream and midstream supply chain. Both are laden with violence. The early years of the Congo Desk³⁴ in the late 1990s were characterized by Rwanda's mass looting of Congolese natural resources. During that time, an estimated 60 to 70% of coltan exported from the DRC was mined under the direct surveillance of the Rwandan military and its agents.³⁵ The minerals were often transported to Kigali or Cyangugu using Rwandan military helicopters, small airline companies and planes belonging to Victor Bout, one of the world's most notorious arms dealers.³⁶ Rwanda resorted to stealing 3T minerals brazenly though occasionally provided counterfeit US dollars or food supplies to hungry laborers digging and scraping the soil for valuable ore.³⁷

By 2006, the method of exploitation had changed. The lucrative Bibatama coltan concessions in Rubaya were in the hands of Rwanda's proxy militia, the CNDP. In 2008, the CNDP continued to guard the mines in Rubaya, but after integrating into the FARDC (Armed Forces of the Democratic Republic of Congo). CNDP members began to be stationed at checkpoints just outside the mining concessions, or used as bodyguards.³⁸ From 2006 to early 2009, former warlord Bosco Ntaganda, who fought in all of Rwanda's proxy militias, was smuggling an estimated

\$15 million per week from eastern DRC into Rwanda.³⁹ In 2011, two years after he had become a deputy commander of military operations for the Congolese army, General Ntaganda controlled the Mungwe and Fungamwaka mines near Numbi and derived profits from mineral exploitation at Nyabibwe in South Kivu. In Rubaya, Ntaganda collected large revenues from taxation levied by a parallel network of police deployed at the mines. Meanwhile, Ntaganda's dominion over the Kivus facilitated the trafficking of minerals into Rwanda; it was easy for Ntaganda to organize cross-border smuggling operations because his men controlled Goma, on the border with Rwanda.

Ntaganda, who resided in Goma, derived large revenues from fees levied on the minerals being passed through the border and reportedly held several bank accounts in Rwanda under his wife's name. He also owned the fuel station S. Petrol Congo near the city's airport and owned large farms in Ngungu in North Kivu.

In 2012, Ntaganda broke with the Congolese army to become a warlord once again, this time leading the M23, a movement created, armed, financed and commanded by Rwanda. M23 forces seized control of the key towns of Rubaya, Kitchanga, Kilolirwe, Mushaki, Kingi and briefly Goma. At its most powerful more than a decade ago, the M23 created and enhanced alliances with many armed groups in the DRC, and commanded

proxy operations throughout the east of the country. Notably, the M23 created alliances with the Raïa Mutomboki, the *Forces de défense congolaise* (FDC-Luanda) and Nduma Defence of Congo (NDC), the *Force œcuménique pour la libération du Congo* (FOLC), the *Mouvement congolais pour le changement* (MCC), an alliance composed of 250 fighters from several armed groups, the *Alliance de libération de l'est du Congo* (ALEC), an umbrella organization of militias in Ituri known as COGAI,⁴⁰ and the Ituri-based MRPC⁴¹, among others.⁴²

Rwanda's greater political and financial ambitions were laid bare by incontrovertible evidence that M23 commanders had approached 10 different armed groups in a bid to create a broad coalition of armed opposition to Kinshasa, having used three proxy forces in Masisi and Walikale to mobilize the

war effort, transfer money and provide arms and recruitment. With as many alliances as these, it is no wonder that Rwanda and its proxy militias have been successful in establishing control over trade routes.

Today, armed groups no longer need to control the mines directly, even if police are often deployed at mining sites and militia can be close enough to force miners to pay levies. Roadblocks have become a main source of funding for soldiers and rebels, literally paving the way for a violent system of illegal taxation, extortion and protection rackets.

The trade in trafficked minerals is therefore organized in a different way but remains militarized. What is remarkable is that the destination of laundered 3T minerals, and the powerful players at the top of the criminal cartel, have remained the same over the years.

34 The Congo Desk was an apparatus set up by the Rwandan military to secure property and valuable resources in the DRC from 1998 until 2003.

35 United Nations Security Council, Final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2002/1146), October 16, 2002, page 15.

36 Ibid.

37 Industry sources in Rwanda in contact with 3T mineral exporter in Kigali, David Bensusan.

38 Mapping artisanal mining areas and mineral supply chains in eastern Congo. Impact of armed interference and responsible sourcing. IPIS & DIIS, 2019.

39 BBC interview with Global Witness, 2016. See <https://www.bbc.co.uk/programmes/p03l7k6p>

40 COGAI is an acronym for the Coalition of Ituri Armed Groups ("*Coalition des groupes armés de l'Ituri*"), an umbrella movement of rebel groups from the Ituri region of the DRC.

41 MRPC is an acronym for the Popular Resistance Movement of Congo ("*Mouvement de résistance populaire au Congo*"), an armed group from Ituri.

42 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2012/843), November 15, 2012, page 26.

KEY WESTERN PLAYERS IN THE LAUNDERING OF BLOOD MINERALS FROM THE DRC

UK national **David Bensusan**, a notorious smuggler based in Kigali who had been named in several United Nations investigations, helped organize and supervise mining activities for the Congo Desk from 1997 until 2003, and helped oversee the movement of Congolese minerals to Rwanda and on to international dealers; with his Rwandan colleagues, he devised ways to get around compliance measures. In the early days of the war, Bensusan also set up retail shops (*comptoirs*) in the DRC that were reportedly owned by Paul Kagame and his

family members, and by James Kabarebe.⁴³ In 2002, half the *comptoirs* in Goma were owned by Rwandans, while the other half were associated or protected by Rwandans.⁴⁴ Bensusan, who worked closely with General Kabarebe before dying in 2021, was the chief executive of Minerals Supply Africa (MSA) and by far the biggest exporter of minerals from Rwanda. MSA, whose parent company Cronimet has offices in Switzerland and Germany, registered an annual turnover of \$100 million, according to industry sources who have requested anonymity.



David Bensusan, former CEO of Minerals Supply Africa, the biggest exporter of minerals from Rwanda
Photo from The World Folio, 2016. See <https://www.theworldfolio.com/interviews/rwanda-a-modern-day-m/4258/>

Bensusan was often fond of regaling colleagues and friends with stories of how successful MSA was at bringing Congolese minerals over the border to Rwanda for foreign buyers. The illegal trading networks and price monopoly that Bensusan helped create are still in place, especially in Rubaya, in northeastern Congo.⁴⁵ Rubaya is ground zero in a country that supplies a significant portion of the world's coltan; it is where the mafia's merchants operate, and where miners dig, slosh, pan, and sift minerals in extremely harsh conditions.

It was an open secret among industry players in Rwanda that Bensusan sourced his minerals from Rubaya. The vertical relationships between buyers and sellers had been set up decades before by the Rwandan military.

An individual working in monitoring the trade of minerals admitted that traders in Rubaya sent their "cargoes directly to mining companies in Rwanda, mainly to Minerals Supply Africa Ltd."⁴⁶

In 2016, a United Nations agent in Goma told a Congolese NGO (Synergy of Women against

Sexual Violence, a women's organization from the east of the DRC, known by its French acronym SFVS) that "the financial interests involved in this organised fraud were gigantic, with ramifications at the highest level of the governments of the DRC and Rwanda."⁴⁷

Bensusan played a central role in setting up ITSCI, with MSA being a founding member. Industry sources told Global Witness that Bensusan saw that a fraudulent traceability scheme would offer a way to continue trading in smuggled and conflict-affected minerals from DRC. Using his strong connections with key individuals in the Rwandan government, he allegedly began to work closely from around 2010 with Kay Nimmo, head of sustainability for the ITA, the International Tin Association. Nimmo had been sent to Rwanda to set up a traceability and due diligence scheme on behalf of the ITA, which represented tin smelting companies processing around two-thirds of the estimated world tin production at the time. The ITA shared Bensusan's concern that,



SMB coltan mine near the town of Rubaya in the Eastern Democratic Republic of Congo, August 13, 2019. REUTERS/Baz Ratner/File Photo

without such a scheme, in the wake of the Dodd–Frank Act it might become impossible for international companies to purchase 3T minerals from the Great Lakes region.

From 2011 to 2013, after ITSCI got up and running, MSA’s 3T exports soared – all officially tagged as Rwandan minerals.

Chris Huber benefitted from the spoils of the Congo Desk during the darkest periods of violence in central Africa. Huber has been under investigation by prosecutors in Bern over his business ties to a Rwandan-backed militia that pillaged mineral resources during the Second Congo war, although to date no charges have been laid against him. Huber’s company Medivals Minerals Ltd was granted four mining concessions by RCD–Goma, a Rwandan-backed rebel movement that illegally occupied large parts of eastern DRC and massacred thousands between 1998 and 2003.⁴⁸

Through his current companies Tawotin and Rudniki, Huber has captured a quarter of Rwanda’s coltan export market.⁴⁹ From 1998 until 2003, Huber transported Congolese coltan from Rwandan-controlled areas, working with Rwanda Metals, a company



Chris Huber, above, who has been under investigation by Swiss authorities for war crimes in the DRC. No charges have been laid against him. Photo from Global Witness, *The ITSCI Laundromat*, April 2022.

managed by Tri-Star Investments, which had been set up by Kagame and his ruling Rwandan Patriotic Front (RPF). The United Nations later discovered that Huber, with companies linked to UK national John Crawley, were sourcing coltan from areas controlled by Rwandan-backed elements from the CNDP, and from Hutu areas in the Kivus as well.⁵⁰

Huber has denied any ties to companies involved in alleged smuggling and these companies deny having exported smuggled minerals from Rwanda.

John Crawley has traded in minerals from DRC war zones via his companies Niotan and African Ventures, among other entities. The US-trained lawyer has operated above the law⁵¹ and carried significant clout on the international stage, likely from his lengthy tenure as head of a global trade association for the tantalum and niobium industries. Crawley and Huber are leading figures in the illicit trafficking of minerals from Rubaya, which has been wracked by bloodshed.

Crawley either owns or is a director of a number of companies extracting and trading DRC’s minerals, including the Hong Kong-based East Rise, the DRC-based Tantalum Mining Katanga SARL and Kisengo Mining Company SARL, as well as other companies in the US, Brazil, South Africa and, until 2020, Switzerland.

Crawley is also a director of Refractory Metals Mining Company Ltd (RMMC), and is affiliated with Minerals Resources International AG (MRI), a Swiss firm that is involved primarily in the production and upgrading of raw material feed for consumers of tantalum. MRI is the sole owner of certain DRC mining companies holding concessions of several tantalite mines in the Katanga province.

According to ITSCI,⁵² MRI has close links to Mining Mineral Resources, a DRC company established in 2008 in order “to carry out exploration, mining and trading of metals and minerals, including tin, tantalum, niobium

as well as gold. The main shareholders are Kalyon Ltd and Shukrana Ltd, companies also owning the copper and cobalt producer Société Minière Du Katanga (SOMIKA), with another shareholder who is involved in management of the company holding the remainder. MMR has several joint ventures with TSM, Cominière and Gecamines which are also involved in the mining sector in Katanga. MMR holds 37 mining titles, all *permis de recherche*, of which 29 are located in Katanga. In March 2010, MMR signed a contract with the Katangan Ministry of Mines, granting MMR exclusive access to four major artisanal mine sites in Tanganyika district: Kisengo, Lunga, Mayi Baridi and Katonge.”⁵³

Crawley has denied having control over Rubaya’s coltan and having any connection to African Ventures Ltd, Star Dragon Ltd and any

company of which Chris Huber is a director, shareholder or officer.

Crawley, the former head of the global trade association for tantalum, the Tantalum Niobium International Study Centre (TIC), has mastered the talking points around responsible mineral tracing and ethical conduct. “I think companies do have a responsibility to trace and audit their supply chains”,⁵⁴ he said in 2010, adding that tantalum was not hard to track. In 2018, Crawley attended an important industry gathering in Rwamagana, in eastern Rwanda, where industry officials wanted to show that Rwanda was an important producer of coltan and other minerals. In an interview with a Rwandan journalist during that visit,⁵⁵ Crawley said that 80% of global tantalum was supplied by Central Africa, and to a lesser extent other African



John Crawley, former president of the Tantalum-Niobium International Study Center, beside former Rwandan minister Claver Gatete (left) and Jean-Malik Kalima, head of Rwanda’s Mining Association. Photo from KT Press, 2019 <https://www.ktpress.rw/2018/10/tantalum-refinery-plant-launch-extended-to-february-2019/>

countries, though he avoided estimating specific levels of Rwandan production. “It’s a unique situation because tantalum is a high grade material. It’s very difficult to upgrade. As for artisanal mining, there’s always a step-by-step approach. Firstly, controlling the artisanal miners to prevent hazards is very, very important. And then there’s a comprehensive certification program to make sure that all the artisanal miners are operating ethically.”

* * *

One of the more astonishing revelations about Huber and Crawley, who form the backbone of Rwanda’s smuggling networks in central Africa, is how they initially profited from minerals extracted in zones that were controlled by Kigali’s so-called arch enemies in the DRC, Hutu FDLR rebels.

Since 1994, Western officials, academics and media have argued that Rwanda’s army had legitimate reasons to invade and stay in Congo because armed Hutu elements responsible for the genocide against Tutsis have posed a security threat to the Great Lakes region and needed to be neutralized so that mass violence would never return to Rwanda.⁵⁶ The problem with this narrative is that Rwanda has long worked side by side with Hutu rebels and civilians in trafficking DRC’s resources. Tutsi and Hutu elites in Congo have put aside their ethnic divisions in order to enrich themselves jointly at the expense of Congolese miners and civilians, and the transit point for their trafficking is Kigali. In 2002, the United Nations gathered evidence that Kagame’s Tutsi militia in eastern Congo, the Rally for Congolese Democracy, was maintaining good relations with Hutu “interahamwe brothers” to exploit Congo’s soil “for their survival”. This was not a one-off occurrence. In 2012, United Nations investigators found evidence that the M23 was using a faction of the FDLR to fight the

Congolese army. It described an operational alliance between the M23 and an FDLR splinter group of more than 50 fighters based in the Virunga Park. Another 40 demobilized FDLR fighters had also been deployed among M23 combatants.⁵⁷ Rwanda’s military actions therefore did not indicate that it wanted to neutralize the Hutu militia, at that time. In fact, Kigali’s rebels did not direct any of its operations against FDLR positions, but instead focused their efforts on controlling the larger administrative centers in the Kivus. The M23 did occupy some former FDLR positions along the Kiwanja-Ishasha axis North of Rutshuru, but according to the local population the FDLR gave free passage to the M23.⁵⁸

A key agent on the ground who in the past acted as a go-between between Hutu and Tutsi controlled areas in DRC has been a trader named Mastaki Lubamba.⁵⁹ Lubamba operated in Walkale and Bukavu, in a zone controlled by the Hutu FDLR militia at the time. Lubamba, who facilitated much of the cross-border smuggling for Rwanda, secured minerals from these areas and sold them to a mineral exporting house called SODEEM, which were in turn sold to African Ventures, a front company controlled by Huber and Crawley.⁶⁰ SODEEM, which conducted business with the FDLR, was founded by Jean Malik Kalima. He is the powerful chairman of Rwanda’s mining association and has publicly praised the country’s mineral traceability system. Former RPF intelligence sources, who have requested anonymity for security reasons, say Kalima was a central figure in facilitating smuggling and trading of Congolese minerals from the early days after Rwanda invaded Congo in 1996.

Kalima is currently the CEO of a Rwandan company called Wolfram Mining and Processing (WMP),⁶¹ which is part of a Rwanda government-connected group that smuggles minerals from the DRC, according to industry sources. “Mr. Kalima is part of a... group which sources and smuggles illegal

conflict minerals from the DRC and Burundi to Rwanda and then sells them to legitimate international businesses,” four members of Rwanda’s expatriate mining community wrote to a Western embassy in Nairobi.⁶²

One of the board members of WMP is Chris Huber, who is thought to control WMP’s shares. According to these sources, WMP brings untagged minerals from the DRC and

likely Burundi, which are sold to legitimate international buyers. The smuggled minerals are exported through Huber’s network of companies.⁶³ WMP owns the Rwinkwavu (tin) and Gifurwe (tungsten) concessions. Huber is listed as a member of the board of directors of WMP, on the registration papers from Rwanda’s Office of the Registrar.

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- 43 Interviews from 2021 to 2023 with former RPF intelligence sources based in Europe and Africa.
 - 44 The emergence of a new order? Resources and war in Eastern Congo, by Koen Vlassenroot & Hans Romkem, *Journal of Humanitarian Assistance*, 2002.
 - 45 Information from investigations undertaken in Rubaya, from 2021 to 2022.
 - 46 Women and Artisanal Mining: The Impact of Traceability Systems in the Rubaya/Masisi communities in the DRC. Synergy of Women against Sexual Violence (“*Synergie des Femmes pour les Victimes des Violences Sexuelles*”), 2017. Page 21. <https://www.tecnologialibredeconflicto.org/wp-content/uploads/2017/12/ALBOAN-Mujeres-y-mineria-ENG.pdf>
 - 47 Ibid.
 - 48 Pillage: Swiss businessman under criminal investigation for war crimes committed in the DRC, *Trial International*, December 12, 2019.
 - 49 Interviews with mining industry sources from Rwanda, conducted from 2021 to 2023.
 - 50 See <https://archive.globalpolicy.org/security-council/dark-side-of-natural-resources/minerals-in-conflict/48511-us-company-helps-fuel-congo-war.html>
 - 51 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603), November 23, 2009, pages 44, 53-54. See also <https://archive.globalpolicy.org/security-council/dark-side-of-natural-resources/minerals-in-conflict/48511-us-company-helps-fuel-congo-war.html>
 - 52 2023 ITSCI membership document
 - 53 <https://www.itsci.org/wp-content/uploads/2023/03/370-Online-Membership-List-27.02.24.xlsx>
 - 54 Congo rape spotlights new ‘conflict minerals’ law. See <https://womensenews.org/2010/09/congo-rapes-spotlight-new-conflict-minerals-law/>
 - 55 See <https://www.cnbcfrance.com/2018/rwanda-hosts-59th-annual-general-assembly-of-the-tantalum-niobium/>
 - 56 International Crisis Group, “The Congo: Solving the FDLR Problem Once and for All”. See <https://www.justice.gov/file/275571/dl?inline=> (US Department of Justice). See also Alex de Waal, “No Bloodless Miracle”, *The Guardian*, November 15, 1996; Philip Gourevitch, “The Return”, *New Yorker*, January 1997; and Philip Gourevitch, “Continental Shift”, *New Yorker*, August 1997.
 - 57 United Nations Security Council, Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2012/838), November 14, 2012. See also: Report of the Secretary-General on the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (S/2012/355), May 23, 2012.
 - 58 Mapping Conflict Motives, International Peace Information Service (IPIS), Antwerp, 2012.
 - 59 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603), November 23, 2009, page 52.
 - 60 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603), November 23, 2009, page 44.
 - 61 See <https://www.wmprwanda.rw/>
 - 62 Confidential letter written by four members of Rwanda’s expatriate mining community to a Western embassy in Nairobi. The source requested anonymity for their protection.
 - 63 Ibid.

RECENT CASES OF ILLICIT TRADING OF BLOOD MINERALS FROM THE DRC

SHABUNDA

In 2018, United Nations investigators found that tin, tantalum and tungsten sourced from areas controlled by Raia Mutomboki factions and Congo army elements in Shabunda territory were being laundered.⁶⁴ More specifically, the evidence showed that 3T minerals tagged as being from the Chaminyago mining site located near Nzibira were in fact from mining sites located in Kigulube and Nzovu in Shabunda territory. Raia Mutomboki leaders and some FARDC officers had sent their representatives to collect 10% of the production from the managers of the local mining sites.

In 2022, Global Witness⁶⁵ reported that large volumes of minerals from mines not validated by ITSCI were being brought to Nzibira. Some of these minerals were actually being brought in from the Lukoma mine, which was occupied by a Raia Mutomboki group. Various factions have fought sporadically among themselves for access to the Lukoma mine and used violence against the population. Lukoma has been occupied by various armed groups since the Second Congo War (1998–2003). Miners work between one and three hours a week for the faction led by the Raia Mutomboki faction, and traders pay a levy of 10,000 Congolese francs (around \$5) per 50kg parcel of cassiterite to the same armed group, according to the Global Witness investigation. Some minerals tagged

at Nzibira also originated west of Nzibira, in Luyuyu. Mines around Luyuyu were reportedly occupied by a Raia Mutomboki faction led by Bitota Bikambi until around June 2020. A government official from Shabunda told Global Witness that a Raia Mutomboki group has successfully pressured the local office of the government agency SAEMAPE to hand over 15% of its levy on minerals.⁶⁶ Other minerals originate from mines in Burhinyi in Mwenga Territory, according to several local sources. The highly productive but unvalidated Chigubi mine is situated close to a residential area and Global Witness has seen children working there.

A United Nations investigation showed that Établissements Rica, a Bukavu-based processing company, is a leading buyer of minerals from these areas where wide scale laundering is taking place.⁶⁷ The export manager of Établissements Rica is Léon Nzogu, who in the past worked with Établissements Panju. Établissements Panju was a vehicle for the well-known smuggler named Panju Zulfikar Ali, who was accused of smuggling minerals and financing the FDLR and the RCD-Goma, a proxy for Kigali. Panju stopped buying gold in 2005 after his arrest, but he continued to trade in tin, tantalum and tungsten.⁶⁸ As of 2023, Établissements Rica is member of ITSCI in good standing, however, having taken over the equipment and personnel of Panju, which is now closed. ITSCI reported in 2023 that “no

current issues with regard to conflict mineral and due diligence were identified” concerning Établissements Rica.⁶⁹

RUBAYA

Over the years, tantalum from Rubaya has been consistently smuggled to Rwanda through Goma. The smuggling of tantalum is done by truck, normally at small border crossings in Goma, such as Manor and the ITG cemetery. The bags of minerals are paid for in cash to Congolese and Rwandan soldiers at transit points before the minerals are taken to Gisenyi where they are tagged.

The most lucrative artisanal mines in the DRC are in Rubaya and are known as Bibatama, where the biggest concessions are managed by two entities, SMB⁷⁰ and COOPERAMMA. These concessions and others in Rubaya have long been at the heart of a vast smuggling ring involving a network of local and international mafia. In the early years of the war, the mineral-rich area was controlled by a network comprised of Rwandan troops and fighters from the RCD-Goma, CNDP and M23.

Edouard Mwangachuchu, a Congolese Tutsi, was until 2023 deemed owner of SMB, and Robert Habinshuti Seninga, a Congolese Hutu, was president of the cooperative COOPERAMMA; both are former members of the Kigali-controlled RCD. These controversial men established important vertical relationships in Congo, Rwanda and further afield in order to export and profit from DRC minerals amid inevitable paroxysms of violence.

According to United Nations investigators,⁷¹ from September 2021 to at least March 2022, illicit cross-border trading in untagged coltan from mines in Rubaya into Rwanda increased. A criminal network of traders, including several COOPERAMMA members, with the support of Habinshuti Seninga, transported hundreds of kilograms of coltan from mines in Masisi territory to Goma. From Goma, the minerals were being

smuggled into Rwanda for onward sale. Rwandan authorities meanwhile told United Nations investigators that no smuggled minerals had been intercepted in Rwanda in 2020 or 2021.

Unidentified sources cited by United Nations investigators reveal that one of the reasons that more minerals were being trafficked from Rubaya was due to a new joint venture called Congo Fair Mining (CFM) that obtained legal access to one of the concessions in Rubaya adjacent to SMB. The new company was a partnership between SAKIMA SA and CDMC (Coopérative des Artisanaux Miniers du Congo), whose chairman is none other than John Crawley.

Global Witness reported that minerals trafficked by miners from SMB’s concession to SAKIMA’s neighboring concession were then illicitly introduced into the ITSCI supply chain. Officials may have fraudulently introduced hundreds of tons of coltan from the SMB concession into ITSCI supply chains in 2020 alone. The shift of coltan volumes in favor of SAKIMA should have been unmistakable given its massive scale. The minerals laundered via SAKIMA and tagged by ITSCI would subsequently be exported by two ITSCI member companies, which have become the leading coltan exporters in North Kivu – CDMC and *Société Générale de Commerce SARL* (SOGECOM), evidence suggests.

Meanwhile, the joint venture between SAKIMA and Crawley’s CDMC had squeezed out Seninga’s COOPERAMMA, spurring cross concession fraud and was said to be dictating per-kilo prices of coltan, which seemed to create fertile conditions for several outbreaks of violence. The United Nations provided evidence that identified Habinshuti Seninga, who is also a provincial parliamentarian in North Kivu, as a coordinator and financier of illicit and untagged mineral trafficking and smuggling.

The United Nations also signaled that a few Congolese soldiers were involved in

taxation and trading at SMB cessions and some soldiers were seen in video footage digging tourmaline in mines, notably at SMB's Rukaza mine.

In October 2023, a military court sentenced Mwangachuchu, who was also a member of parliament, to death after convicting him of treason and being involved with the M23 militia. Mwangachuchu exercised his right to appeal against his verdict, and the appeal is currently underway.

64 United Nations Security Council Report, June 2018 (S/2018/1133).

65 Global Witness, The ITSCI Laundromat, April 2022.

66 Ibid.

67 United Nations Security Council, Midterm report of the Group of Experts on the Democratic Republic of the Congo (S/2018/1133).

68 'Qui Cherche, Trouve': The political economy of access to gold mining and trade in South Kivu, DRC. Sara Geenen, University of Antwerp, 2014

69 ITSCI preliminary company audit of members, 2023: <https://www.itsci.org/wp-content/uploads/2023/03/370-Online-Membership-List-27.02.24.xlsx>

70 SMB is the acronym of the company "Société Minière de Bisunzu".

71 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2022/479), June 14, 2022, page 19.

THE MECHANICS OF FRAUD INSIDE RWANDA

There are only a few commercially exploitable mines in Rwanda with modest deposits of 3T minerals.⁷² Unlike the DRC, Rwanda does not have large, open cast (open-pit) mines. Rwanda's few open cast deposits are small. Rwanda's total mineral production is estimated at between \$20 and \$40 million per year, according to mining professionals with experience in the country.⁷³ The Rwanda Mines, Petroleum and Gas Board (RMB), however, reports that the country's 3T mineral exports amounted to an estimated \$800 million in 2020. This suggests that roughly \$760 million in minerals originates from the DRC yet is internationally shipped and sold to foreign buyers as having been mined in Rwanda. The discrepancy in Rwanda's actual mineral production and mineral exports, and the sustained nature of the illicit trafficking despite the implementation of compliance and monitoring schemes, suggest a degree of institutional fraud along the global supply chain that involves individuals, international companies, government officials, organizations, agencies and regulators.

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The total mineral ore sales of all known mining companies in Rwanda is estimated to be less than \$3 million per month, according to the industry sources with extensive experience in mining operations in Rwanda. These sources assert that in 2015, more than 50% of all minerals exported from Rwanda came from the DRC, and an astonishing 90% of tantalum exported from Rwanda had been extracted in the DRC. By 2018 and onward the figures climbed even higher, these sources say.⁷⁴

FRAUD AT RUDNIKI: THE CASE OF JERRY FIALA

Jerry Fiala, a Czech geologist who worked in Rwanda for more than 15 years, discovered the scale of Rwanda's illicit trafficking of minerals gradually.

"I knew about the general smuggling of minerals in Rwanda but I was not aware of the extent of it. It took me time to understand it," Fiala admitted in a series of interviews provided to the authors of this report.

In 2013, Fiala saw bags of minerals being transported from the DRC into Rwanda. He visited several dummy mines in Rwanda where minerals were brought in and mining operations were staged for the purposes of taking photos for export documents. The dummy mines he witnessed were in Gisenyi, inside Rwanda's border, in Nyamata in south-eastern Rwanda, and in Nyungwe forest, where no meaningful production or mineralization occurs, he said.

In 2006, Fiala was making a modest living in Rwanda with his company Rudniki, producing and selling small quantities of tantalum and tin, when he was approached by Chris Huber and a Russian entrepreneur named Simeon Briskin. By then Briskin was already a notorious figure among the dodgy underworld of international mining although Fiala says he was unaware of his financial "exploits", which only became clear later on. Fiala knew that Briskin had been an advisor to former Russian president Mikhail Gorbachev, and had ties to a major coltan processing plant, known as Ulba, in Kazakhstan.

Briskin's partner, Huber, told Fiala he had done contract work for the industrial mining giant Glencore. Huber and Briskin were ready to give Fiala capital so he could purchase equipment and expand Rudniki's operations, in exchange for a dilution of his shares. Fiala needed the money so he agreed to the business terms, which stipulated that Rudniki would exclusively sell tantalum to Niotan, which Huber had shares in. "Briskin told me not to worry. He said they'd eventually sell Rudniki to Ulba (the coltan processing plant in Kazakhstan) and that between 2 and 3 million dollars would go my way," Fiala explained.

Huber was hyper-connected in the business world of mining, having multiple companies in Europe, Asia and Rwanda and was close to Paul Kagame's RPF. But Huber and Briskin never made good on their promises. Fiala never got his windfall.

From 2007 until 2014, Fiala was progressively diluted as a shareholder until the Czech geologist finally lost control of the company he built and was dismissed for asking too many questions. By then he had figured out why: Huber and Briskin were laundering hundreds of tons of Congolese minerals per month through Rudniki, which had never managed to produce more than moderate amounts of tantalum and tin from Rwandan soil. They used Rudniki to get around US legislation and international regulations to continue trafficking minerals from the DRC.

Tax, banking and production records that Fiala managed to access⁷⁵ show that Huber and his Russian partner had traded more than US\$ 150 million worth of minerals via Rudniki through Niotan, headed by John Crawley.

In 2012, KEMET Corporation, which buys tantalum and is one of the biggest manufacturers of capacitors used in high-tech, bought Niotan for \$85 million, through an affiliate of Denham Capital Management, a global energy transition investment firm.⁷⁶

After absconding from Russia, Briskin was subject to an investigation by judicial authorities in connection with the theft of \$8 million from a petrochemical plant in Angarsk, on the trans-Siberian railway. He reportedly fled to Germany or Spain, before joining Huber in his sumptuous villa on the French Riviera,⁷⁷ in between visits to Rwanda.

THE CASE OF H & B MINING

For several years, Bensusan, whose company MSA was the biggest exporter of minerals from Rwanda, claimed the country's

The industry sources insist that nearly everyone – from the miners, to the traders, exporters, buyers and the individuals whose job it was to ensure responsible sourcing of minerals – was aware of the fraud.

showcase mine was H&B in Rwamagana. In its December 2018 newsletter, ITSCI reported that foreign delegates visiting Rwanda⁷⁸ witnessed miners extracting and washing minerals at H&B. It also reported “the reprocessing of tailings at a new processing plant” and the recovery, weighing and tagging of minerals.⁷⁹

Candida Owens, the British director of Cronimet Central Africa, attended the international gathering and seemed pleased with the display. Owens said the H&B “site is much more organized than others I have seen in other countries and I feel that we now have a good understanding of the bagging and tagging (ITSCI tracing) process.”⁸⁰ It was her job to convince delegates of H&B’s potential, of course, given that Cronimet was the parent company to Bensusan’s MSA.

Not all the delegates at the industry gathering in 2018 were impressed by what they saw at H&B, though. There were few tangible signs that artisanal mining was actually taking place. Industry experts noticed that the minimal tailings on site looked as if they had been brought in and piled up, for show. Tantalum deposits in Rwanda normally have a grade of about 0.4%, which is the concentration of the desired material. Miners would have had to crush, ground and process thousands of tons of ore in order to produce 50 tons of tantalum a month. The waste from this process, known as tailings, would have been enormous. Such big, rusty mounds of sand would have been the first thing that mining professionals looked for at H&B. And yet very few tailings were seen.⁸¹

Shortly after the industry gathering, H&B ceased operations, and the company’s mining

assets were sold off. Rwanda’s showcase mine H&B was considered part of Rwanda’s “Potemkin village”.⁸²

Industry sources, who requested anonymity, said that H&B, not unlike Rudniki, were among many dummy mines in Rwanda where little or no minerals are actually extracted. The irony is that Cronimet, Bensusan’s employer, must have known that H&B was a scam. The industry sources insist that nearly everyone – from the miners, to the traders, exporters, buyers and the individuals whose job it was to ensure responsible sourcing of minerals – was aware of the fraud.

NEW BUGARAMA, ÉTABLISSEMENTS MUNSAD

Damien Munyarugerero, a Congolese national who used to operate the *comptoir* Munsad in Goma, was believed to have links to the Rwandan proxy militia CNDP and its then leader, Laurent Nkunda, in the late 2000s.⁸³ Munyarugerero now runs an export house/mining company in Rwanda named Établissements Munsad, whose sister company EPROCOMI was cited by United Nations investigators as being an inactive mine that received validation (and therefore tags) from ITSCI.⁸⁴ Munyarugerero is the managing director of New Bugarama Mining as well. Industry sources told our researchers that large amounts of tungsten ore are smuggled from the DRC to Rwanda and are sold through New Bugarama and WMP, the latter a company linked to Huber and to Wolfram Bergbau und Hütten,⁸⁵ which is a subsidiary of the well-known Swedish engineering group Sandvik.

72 Industry sources, including those cited in the Bay View case before ICSID; see <https://www.italaw.com/cases/7112>; confidential letter written in 2019 by European mining source working in Rwanda, sent to the senior DRC desk officer at the Bureau of African Affairs at the US State Department. Also, ICGLR (The International Conference on the Great Lakes Region) data from 2015 show modest production, with many mines underground or not active.

73 Interviews conducted from 2021 to 2023 with industry players with mining experience in Rwanda.

- 74 See Bay View case, *supra*. See also <https://www.theglobeandmail.com/business/article-how-blood-mineral-traders-in-rwanda-are-helping-fund-congo-rebels-and/>. The confidential letter to the US State Department, cited *supra*, refers to sources estimating 85% of Rwandan exports originating in the DRC.
- 75 Fiala shared with researchers a series of documents from the Rwandan customs authority MAGERWA, the Rwanda Revenue Authority, Rudniki's trading account and Rudniki's production and export figures. He has passed on the same documentation to Swiss authorities investigating Huber, to Trial International, Global Witness and George Soros's Open Society Foundation.
- 76 See <https://www.prnewswire.com/news-releases/kemet-completes-acquisition-of-riotan-incorporated-139889003.html>
- 77 Network War: An introduction to Congo's privatised war economy, Tim Raeymaekers, IPIS, 2002. <https://ipisresearch.be/publication/network-war-an-introduction-to-congos-privatised-war-economy/>
- 78 <https://www.itsci.org/2018/12/10/international-delegates-see-benefits-of-itsci-first-hand/>
- 79 *Ibid.*
- 80 *Ibid.*
- 81 Interviews, from 2021 to 2023, with industry sources who requested anonymity.
- 82 Rwanda is the 'Wild West' and should be removed from the mineral supply chain, Canadian Dimension, Judi Rever, September 25, 2023. <https://canadiandimension.com/articles/view/rwanda-is-the-wild-west-and-should-be-removed-from-the-mineral-supply-chain>
- 83 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2008/773), December 12, 2009, page 14.
- 84 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2012/843), November 15, 2012, page 43.
- 85 A DFID funded report states that Wolfram Bergbau has close economic linkages with WMP. See: The Impact of Small-Scale Mining Operations on Economies and Livelihoods in Low- to Middle-Income Countries. 2018.

BUILT-IN FRAUD AT ITSCI

One of the most damning allegations levelled at ITSCI is that it allowed powerful members to continue to operate for years, without being expelled, even when evidence was shown by the United Nations and others that these members were involved in trafficking minerals, such as those linked to David Bensusan, John Crawley and Chris Huber.

In 2012, the United Nations investigators reported that coltan from Masisi in the DRC was smuggled to Rudniki.⁸⁶ Yet Rudniki, a company in the grasps of Chris Huber, was not suspended or expelled by ITSCI. The founder of Rudniki, Jerry Fiala, meanwhile, has stated that he tried to get answers from ITSCI about unrealistically high mineral exports being recorded from Rudniki, beyond the capacity of its mines, and he was initially brushed off by ITSCI officials in London and then scolded by ITSCI officials in Kigali.⁸⁷ Fiala provided credible evidence to researchers and to judicial authorities in Switzerland that the company he created but was squeezed out of, by Chris Huber, became a vehicle for illicit trafficking.

ITSCI's initial working group included Thailand Smelting & Refining Co Ltd (Thaisarco), the Malaysia Smelting Corporation

Berhad (MSC) and Traxys. Other companies closely associated included MSA's parent company Cronimet Central Africa, Crawley's RMMC, Trademet, Huaying Trading Company, World Mining Company and Comptoir Panju. All these companies were cited in United Nations reports from 2008 and 2009 as either exporting or sourcing Congolese minerals connected to armed conflict.

In its 2022 investigation of ITSCI,⁸⁸ Global Witness made the following revelations:

- Minerals from DRC have continued to be smuggled into Rwanda on a large scale, despite ITSCI's presence in both countries, with evidence suggesting the ITSCI scheme has actually been acting as a driver of this illegal activity, particularly in the first years after its set-up. Instead of providing traceability of minerals free from links to conflict, illegality and human rights abuses, ITSCI may have obscured the origin and facilitated the laundering of tainted minerals, all the while providing a veneer of legitimacy that the international community has been willing to accept at face value despite the obvious warning signs.

“The spectacular failure of ITSCI’s traceability and due diligence services which this report evidences makes clear that a self-policing approach to supply chain governance cannot work. We should not be surprised at the outcome when putting the fox in charge of the henhouse. Instead of self-regulation, the industry needs to be held accountable by stringent due diligence regulations and be penalized when it breaks those laws,” Global Witness said.

- ITSCI became an instrument for legitimizing the trade in minerals smuggled from DRC to Rwanda: ITSCI's setting up of a system covering almost all of Rwanda's exported 3T minerals in a very short time was possible only with the strong backing of certain players in the tin industry and the Rwandan government.
- ITSCI's pretense of traceability enables its members to go on buying tainted 3T minerals from the world's leading coltan producing region that they would otherwise be unable to sell. It also appears that ITSCI's weak governance structures have seemingly allowed powerful ITSCI members to abuse the system for competitive purposes.

Industry sources suggest that a system was set up in the knowledge that it would end up rubber-stamping tainted minerals, abusing the trust extended by the international community to the coalition around the International Tin Association despite many of its members' track record of often irresponsible sourcing, according to Global Witness.⁸⁹

Generally, ITSCI ignored minerals smuggled to Rwanda. The former of manager of a US-based NGO that worked for ITSCI on the ground told Global Witness that "ITSCI working hours were from 8am to 5pm but minerals were smuggled from 5pm to 8am."⁹⁰ He said that he had proposed to ITA various measures to tackle the problem, including monitoring operations at the Congolese–Rwandan border, but that these were not accepted.

"The spectacular failure of ITSCI's traceability and due diligence services which this report evidences makes clear that a self-policing approach to supply chain governance cannot work. We should not be surprised at the outcome when putting the fox in charge of the henhouse. Instead of self-regulation, the industry needs to be held accountable by stringent due diligence regulations and be penalized when it breaks those laws," Global Witness said.⁹¹

* * *

Hester Postma and Sara Geenen, two researchers from the University of Antwerp found similar evidence⁹² of Rwanda mining operators selling tags for profit and tagging minerals that had not been sourced at ITSCI mines. After spending three months on the ground in Rwanda and doing significant follow-up interviews in a bid to understand the actual production of tantalum, tin and tungsten at Rwandan mines, Postma discovered that ITSCI's head office wielded an astonishing degree of raw power in managing information about the global supply chain: "ITSCI acts as an important gatekeeper by controlling the data centrally from its London office. This puts the governance committee and secretariat into very powerful positions, especially given the general paucity of data on mineral supply from the Great Lakes Region, much of which flows illegally or informally, hence unrecorded."⁹³

Their research discovered that ITSCI and its NGO implementing partner PACT, along with government officials from Rwanda's Mines, Petroleum and Gas Board (RMB) did not monitor mines frequently. It was also difficult, given the poor resources and technical expertise of monitors to verify production levels and mineral quality at any given mine.

Like Global Witness, the University of Antwerp researchers found evidence that ITSCI tags were being used to tag production that has not been sourced in ITSCI validated mines. Some ITSCI mines in Rwanda produced very little, but their recorded production was high. There was also strong evidence of trading in tags:

"According to some sources, RMB Mineral Field Officers who are supposed to distribute the tags to the respective mines, could be involved in selling these tags for a profit. A traceability officer working for a former ITSCI exporter stated: 'On the day of picking the tags, you find around 30 field

officers coming for the tags. You ask: 'Where are those people going to use those tags?'. They are on it. Some tell you, 'Now we are rich!'. An informant who used to be a RMB Mineral Field Officer and currently works for an active ITSCI exporter stated: 'If you don't

have production you will find someone who buys [your] tags just to sell his minerals, but if you have your minerals you don't sell your tags, because operation activities of mining are costly."⁹⁴

86 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2012/843), November 15, 2012, page 43.

87 Interviews with Mr. Fiala provided to the authors of this report.

88 Global Witness, The ITSCI Laundromat, April 2022. ITSCI published a response to the Global Witness report in June 2022, strongly contesting the work of the NGO. See: https://www.itsci.org/wp-content/uploads/2022/06/ITSCI-Statement-Global-Witness_Final.pdf.

89 Ibid.

90 Ibid.

91 Ibid.

92 Flagged and tagged by ITSCI: the potential and risks of non-state supply chain regulation, Hester Postma and Sara Geenen, Institute of Development Policy, University of Antwerp, December 2020. <https://medialibrary.uantwerpen.be/files/8518/db78eb7e-ef11-4b20-9267-c9cc829b39b6.pdf>

93 Ibid.

94 Ibid.

GLOBAL WITNESS INVESTIGATION OF ITSCI'S TRACEABILITY SCHEME IN THE DRC

Global Witness conducted field research in over 10 mining areas in DRC's North and South Kivu over a period of six months 2021, in addition to reviewing dozens of videos recorded by local researchers and reports by other credible organizations that have assessed the operation of the ITSCI scheme in the country.

The evidence collected points to ITSCI being used for massive mineral laundering.

NZIBIRA

Nzibira town is a significant provincial center for trading and initial processing of 3T minerals in South Kivu's Walunga territory. Seven mines in the Nzibira sector were validated as "green," meaning that no armed groups or "uncontrolled elements" of the Congolese security forces were present, and that no children under 15 years or pregnant women were involved in mining and mineral trading activities.⁹⁵

But evidence that Global Witness collected showed that a large volume of tagged minerals that were supposedly produced in validated mines in Nzibira were in fact being brought in from other areas, in particular from the Lukoma mine which until May 2021 was controlled by a Raia Mutomboki faction.

According to Global Witness, "Based on estimates from government and industry

officials, these mines produced under 5,400 kg of 3T minerals per month in the first quarter of 2021. Meanwhile, government statistics show a production of over 27,600 kg of 3T minerals per month from these mines in the same period."⁹⁶ The government production statistics are based on tagged minerals as recorded in ITSCI logbooks. "However, government officials commonly attribute minerals from unvalidated mines to green-rated ones. The above figures suggest that less than 20% of the minerals tagged at Nzibira in early 2021 came from the sector's green-rated mines"⁹⁷, Global Witness reports. It is believed that the remaining 80% was therefore illicitly introduced into the ITSCI supply chain.⁹⁸

The research showed that validated mines in the Nzibira sector were actually unproductive, and traders in Nzibira bought minerals from unvalidated mines such as Lukoma. Some minerals tagged at Nzibira have also originated in Shabunda, as stated above. ITSCI was aware of those risks, and acknowledged in 2014 that minerals coming from Shabundu via Nzibira to Bukavu risked contaminating the supply chain.⁹⁹

The Global Witness report describes how since 2015, the United Nations and civil society organizations have reported on how these risks have played out on the ground.¹⁰⁰ Four green rated mines in Nzibira showed very

little sign of activity in 2015, according to a report by the Congolese NGO Max Impact, which did assessments at the mining sites in July of that year. Nearly 1,800 kg of tagged tin were treated to one mine, Chembeke, during a single week in June 2015. The NGO's findings were confirmed and expanded upon by a consultant commissioned by ITSCI's implementation partner PACT. The consultant estimated that relatively small amounts of tin – roughly between 250 kg and 1,200 kg – were produced per month by green-rated mines in the area from March to April 2016. In contrast, 41,000 kg and 38,000 kg of 3T minerals were tagged by local SAEMAPE¹⁰¹ and Division of Mines¹⁰² agents respectively during March 2016 as having originated from those mines, according to government officials and an ITSCI field officer whom the consultant refers to in his report.¹⁰³ Global Witness calculated that at most just 3% of minerals that received an ITSCI mine tag in March 2016 came from the mines they were attributed to.

The consultant identified Lukoma mine, controlled by a Raia Mutomboki faction, as an area where minerals were fraudulently introduced into the ITSCI system. The assessment corresponded to the findings of Global Witness. Part of Lukoma's production went to Nzibira and a part went to Bukavu Mines in Shabunda which were under the control of five different factions of the Raia Mutomboki were also fraudulently introduced into the ITSCI system. Part of this production was transported to Bukavu by air, while a large part went by road through Nzibira.¹⁰⁴

The consultant concluded that ITSCI's Nzibira supply chain was being used to launder minerals from invalidated mines, including those controlled by armed groups, and that government officials and ITSCI field officers were aware of the situation and tried to cover it up.¹⁰⁵

ITSCI referred to some of these findings in an incident report saying that "minerals

from non-ITSCI sites in Lutunkulu or from Shabunda (were) allegedly tagged in or around Nzibira town and entered the ITSCI supply chain. Local and provincial authorities are allegedly involved."¹⁰⁶

But, as Global Witness points out, the incident reported omitted "the most problematic details", such as the extent of the contamination, or the likelihood that the minerals tagged were linked to armed groups, and ITSCI agents were involved. "Instead of fully reporting on the issues that the consultant's report confirmed, ITSCI turned on MAX IMPACT", alleging that the NGO had been paid to "heavily criticize the ITSCI system."¹⁰⁷

ITSCI failed to address the problems highlighted in the reports by MAX IMPACT and the consultant. In 2018, United Nations investigators reported that 3T minerals from areas in Shabunda controlled by Raia Mutomboki factions and the Congolese army had been laundered by tagging agents who attributed them to the unproductive Chaminyago mines and other validated mines close to Nzibira.¹⁰⁸

ITSCI published several incident reports and insisted it was monitoring the situation, particularly with regard to armed groups in Shabunda where there were no indications that these groups target 3T minerals.¹⁰⁹

Similarly, two of the only validated mines in the adjacent Luhago sector in Kabare – Kachuba and Muhinga – were also not productive, producing an estimated two tons of tin in the first quarter of 2021, even though almost 30 tons of tin were tagged at the selling point in Lubuhu during the same period, according to official government data.¹¹⁰ This suggests that 90% of the minerals tagged at Lubuhu in early 2021 were illegitimately introduced into the ITSCI supply chain.¹¹¹ Government sources informed Global Witness that minerals tagged there originated from unvalidated mines in Nindja such as the Lukoma mine, and from Shabunda. In early 2021, the local chief of Nindja reported a share of the minerals being brought from

Tainted minerals entering the ITSCI scheme in DRC

- Mine ▲ Point of export
- Problems identified: ● Conflict finance ● Human rights abuses ● Children at work
- Protected area



Note: * Mines around the stated location
 Source: Data from Global Witness research as well as the UNGoE and IPIS

the Lukoma mine for illicit tagging through an area he controls. The illicit trade brings a wide range of livelihood opportunities for the local population, such as retail for traders. Local Mining Division offices at Nzibira and Luhago compete to tag minerals, sources told Global Witness. As with minerals tagged at Nzibira and Lubuhu, Global Witness found that some minerals tagged at Chaminunu originate in Shabunda, around Mumbili village where a Raia Mutomboki group led by Bitota Bikambi controlled the mines.¹¹²

It is worth noting that Global Witness witnessed the presence of children at several mines in the ITSCI supply chain, including at Nyabibwe (the Kalimbi mine), Bitale (the Chigubi mine) and Numbi (the Filon II mine).¹¹³ Global Witness has also obtained video material showing children at mines in the areas of Nyabibwe (the Kalimbi mine) and Rubaya (the Gakombe mine) as well as at the Kamatale mine.¹¹⁴

95 Global Witness, The ITSCI Laundromat, April 2022, page 12.

96 Ibid.

97 Ibid.

98 Ibid.

99 Ibid.

100 Ibid.

101 SAEMAPE, a government unit under the Ministry of Mines, is an acronym for the Service for Assistance and Supervision of Artisanal and Small-Scale Mining ("*Service d'Assistance et Encadrement de l'Exploitation Minière Artisanale et à Petite Échelle*").

102 The Mining Division is part of the Ministry of Mines' technical branch.

103 Global Witness obtained a copy of the PACT consultant's report.

104 Global Witness, The ITSCI Laundromat, April 2022.

105 Ibid, page 20.

106 Ibid. See also ITSCI incident SK/2016/0065 of 18/04/16, available at: <https://www.itsci.org/incident-summaries-public/>

107 Global Witness, The ITSCI Laundromat, April 2022.

108 Ibid.

109 Ibid.

110 Ibid., citing government production statistics for 3T minerals from Luhago sector, 2021.

111 Global Witness, The ITSCI Laundromat, April 2022.

112 Ibid.

113 Ibid., page 28.

114 Ibid.

THE PROFITEERS OF RWANDA'S COMMERCIALIZATION OF DRC MINERALS

Big tech companies such as Apple and Intel regularly send their due diligence teams into Rwanda and come away making bold assertions in media reports and in Securities and Exchange Commission (SEC) disclosures that the products are made with conflict-free minerals. Their assertions are patently untrue.

For example, for several consecutive years, Apple has claimed that none of the smelters and refiners of minerals in its supply chain for Apple products have financed or benefited armed groups in the DRC or Rwanda. In January 2014, for instance, Apple “confirmed that all active, identified tantalum smelters in Apple’s supply chain were validated as conflict-free by third party auditors.”¹¹⁵ And yet during the same period, United Nations investigators reported that bags of tantalum extracted in war-torn Rubaya, in northern Kivu, were being smuggled into Rwanda and taken to warehouses in Gisenyi¹¹⁶ where they were being tagged under ITSCI’s traceability scheme.

In the course of our investigations, it has come to light that during that period, the manager for Apple’s human rights and sustainability efforts in responsible sourcing of minerals was informed by whistleblowers¹¹⁷ during her trips to Kigali that David Bensusan, the director of Minerals Supply Africa (MSA) – the notorious smuggler of Congolese

minerals – was transporting substantial quantities of 3T from Congo over the Rwandan border in trucks and onto the global market. The companies that purchased laundered minerals from MSA and companies linked to John Crawley and Chris Huber include Global Advanced Metals, KEMET, Ulba Metallurgical Plant JSC, Wolfram Bergbau und Hütten AG, Malaysia Smelting Corporation and Thaisarco, among others. These companies are smelters and refiners in Apple’s supply chain.

Apple has insisted that it continues to “responsibly source minerals by conducting environmental and human rights due diligence in our supply chain, considering human rights impact on surrounding communities, and fostering opportunities for industry wide progress on responsible minerals sourcing. Just as we do throughout Apple’s supply chain, we utilize a comprehensive set of tools to drive progress in pursuit of these goals”.¹¹⁸ Apple has further asserted that “As of December 31, 2023 – for the ninth consecutive year – 100% of the identified smelters and refiners in our supply chain for all applicable Apple products manufactured during 2023 participated in an independent third-party conflict minerals audit...”¹¹⁹

In its latest supplier list¹²⁰ of smelters and refiners, Apple names Global Advanced Metals, KEMET de Mexico, Ningxia Orient Tantalum Industry Co Ltd, Ulba Metallurgical Plant

JSC, Thaisarco, Taniobis, H.C. Starck, Wolfram Bergbau und Hütten AG and Malaysia Smelting Corporation, among its suppliers. These companies source their minerals in Rwanda.¹²¹

In 2023, Apple reaffirmed its commitment to ITSCI despite the damning exposé by Global Witness demonstrating how ITSCI has fueled the laundering of minerals in the Great Lakes region. Apple insisted: “For the eighth consecutive year, Apple funded ITSCI’s whistleblowing mechanism in the DRC, which enables people in and around mining communities in seven provinces of the DRC to place anonymous voice calls using a toll-free hotline to raise concerns related to mineral extraction, trade, handling, and exporting via local networks.”¹²²

Apple further noted: “In 2023, we continued to review incidents and accompanying analysis reported by both ITSCI and Better Mining. As part of this process, we also reviewed reported incidents that could have directly or indirectly benefited or financed armed groups in the DRC or adjoining countries. As of December 31, 2023, we found no reasonable basis for concluding that any of the reported incidents were connected to tin, tungsten, or tantalum included in Apple’s products. The challenges of tracking specific mineral quantities through the supply chain continue to impede the traceability of any specific mineral shipment through the entire product manufacturing process.”¹²³

Apple is not unique in buying materials from companies that source from Rwanda.

Like Apple, Intel is currently producing products that incorporates components bought from companies sourcing in Rwanda, namely Wolfram Bergbau und Hutten AG, Taniobis, Thaisarco, Malaysia Smelting Corporation, Ningxia Orient Tantalum Industry Co., Ltd, KEMET Blue Metals, H.C. Starck, Ulba Metallurgical Plant JSC and Global Advanced Metals, among others.¹²⁴

Boeing listed similar suppliers, asserting in 2015:

“Forty suppliers indicated that they may have sourced 3TG from the Democratic Republic of the Congo and its adjoining countries. Of these, five suppliers were able to trace 3TG to Components supplied to us and identified the Covered Countries disclosed to them as Burundi, the Democratic Republic of the Congo and Rwanda. These five suppliers provided the following additional information about the smelters used to process 3TG.”¹²⁵

Boeing’s suppliers included Wolfram Bergbau Hutten AG, Thaisarco, KEMET Blue Powder, Malaysia Smelting Corporation, Global Advanced Metals and Ningxia.¹²⁶ The company said all of the above smelters and refiners are certified as conflict-free. Yet all of these companies source minerals in Rwanda, according to SEC documents.

Motorola, Dell, Tesla and Lockheed Martin list similar suppliers from a database set up by the Responsible Minerals Initiative (RMI), which provides a generic reporting template that Big Tech uses for indicating the sources of minerals in their products. The smelters, refiners and 3T suppliers listed on the RMI database are said to conform with OECD due diligence guidelines.¹²⁷ The problem is that the RMI, which provides smelters and refiners with data about the upstream supply chain, relies on ITSCI’s fraudulent tracking process to certify that minerals are conflict-free.

The US Government Accountability Office (GAO) found in 2023 that company inquiry results have remained the same from 2015 until 2022. The GOA found that 51% of companies initially determined that their conflict minerals may have come from the DRC or “adjoining countries” (Rwanda) and that 53% of companies that investigated further were unable to make a final determination on conflict mineral origins.¹²⁸

The vast majority of big tech companies, automotive and commercial aircraft

manufacturers, and defense contractors have supply chains which include companies buying minerals that Rwanda laundered from the DRC. In other words, the global supply chain is thoroughly contaminated. Since Rwanda is a leading world exporter of tantalum, in particular, the scale of the contamination is very serious.

KEMET, a manufacturer of electronics components, along with tantalum supplier Global Advanced Metals (GAM), source directly from the DRC and Rwanda, according to ITSCI. AVX, another high-profile component manufacture, only sources from Rwanda.¹²⁹

The former director of AVX, **William Millman**, has worked in mining for the past 40 years and has claimed to support 'conflict-free' responsible sourcing of minerals and strict adherence to due diligence guidelines.¹³⁰ AVX has long been known as one of the biggest buyers of tantalum from Rwanda, despite the fact that Rwanda has few producing mines and that most of the minerals tagged in Rwanda are from the DRC. Millman has taken over from Crawley as head of the global trade association for tantalum and niobium.

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Larry Johnson is the former director of the mining and global tantalum supply chain at KEMET Electronics Corporation, which is a major buyer of laundered Congolese coltan in Rwanda. Johnson was made aware that Rwandan mines produced only small amounts of 3T and that most minerals exported from Rwanda indeed came from the DRC. While with KEMET, Johnson reportedly did not purchase tantalum from Bensusan's

MSA, but bought from other Rwandan companies. However, in 2012, in one of the most startling moves in the 3T mining industry in decades, KEMET paid \$85 million to buy Niotan,¹³¹ a vehicle jointly owned by Crawley, Huber and Briskin, that was known to have laundered minerals from DRC conflict zones¹³² and linked to companies exporting minerals from Rwanda. KEMET baptised the new company KEMET Blue Powder, a subsidiary that has become a staple in the mineral supply chain. It did not seem to matter to KEMET that United Nations investigators had provided evidence that Crawley and Huber were buying minerals from zones controlled by militia that murdered Congolese civilians. What seemed to matter the most in this transaction were the lucrative networks that Niotan could bring to the table. The SEC approved the deal.¹³³

Kay Nimmo has been a linchpin in Rwanda's ongoing efforts to hide the nature and scale of its mineral trafficking. For more than a decade, the UK national has provided institutional cover for Rwanda's massive fraud as the director of ITSCI. ITSCI was publicly touted

as a ground-breaking program that tracked and traced 3T minerals in the Great Lakes region. ITSCI's "bag and tag" scheme was meant to provide verifiable information on the origin of those minerals from the mining site, all

the way through the supply chain, to buyers downstream. In reality, however, Nimmo's traceability program was a red herring. ITSCI allowed the biggest smugglers – Bensusan, Huber, Crawley and Rwandan oligarchs – to continue to launder DRC minerals through Kigali and ITSCI officials signed off on aggregate production levels of 3T minerals inside Rwanda that were patently fraudulent. This scam allowed Rwanda to claim its mining

operations and overall economy were growing dramatically. Under Nimmo's watch, ITSCI shielded Rwanda from international scrutiny and thereby masked the ongoing brutality and impoverishment of mining communities in the DRC. In essence, she and her cohorts have allowed the exploitation of the Congo Desk to continue, yet in an institutionally sanitized form.

Vincent Bolloré, a French industrialist with powerful connections on the African continent, was first outed by the United Nations for transporting illicit minerals from the DRC. In 2001, one of his companies, SDV Transami, was a key part of a "chain of exploitation and continuation of war."¹³⁴ The Bolloré group has subsequently ensured extensive logistical services and transport in Rwanda and the DRC. Through the subsidiary SDV Transami, Bolloré transported minerals that are extracted in the DRC but tagged as Rwandan.

In its latest membership chart dated in 2023, ITSCI states the following about Bolloré in Rwanda:

Bolloré Africa Logistics Rwanda Ltd changed name in 2016 to Bolloré Transport & Logistics Rwanda Limited (BTL Rwanda). BTL Rwanda is predominantly

owned by a Belgian company SDV TRANSAMI NV and by Rwandan, Belgian, French, Congolese and British individuals. SDV TRANSAMI NV is itself owned by two French companies, primarily by Bolloré Africa Logistics (AL) the biggest transport and logistics operator in Africa, as well as in a small share by a financial company. AL is ultimately owned by the Bolloré Group, one of the 500 largest companies in the world. BTL Rwanda was created in 1989 and its statutes were updated in 2012. AL operates various transportation and logistics brands in Rwanda the SDV band. BTL Rwanda transports, among other goods, minerals from Rwanda to Dar es Salaam, but as the transporter, the company does not take ownership of the minerals at any time. BTL Rwanda has not faced any recent controversies regarding conflict minerals, has a conflict minerals policy and an ethical charter that refers to the OECD guidance. BTL Rwanda only accepts to transport minerals from ITSCI members and since May 2013, asks its clients to sign its ethical charter. BTL Rwanda also has a short due diligence plan.¹³⁵

115 See Apple, smelter and refiners list for 2014 and its SEC filing <https://www.sec.gov/Archives/edgar/data/320193/000119312514217311/d729300dex102.htm>

116 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2014/42), January 23, 2014, page 43.

117 The whistleblowers worked for years in Rwanda's mining community.

118 Smelter and Refiner List, Apple, 2023. <https://www.apple.com/supplier-responsibility/pdf/Apple-Smelter-and-Refiner-List.pdf>

119 Apple SEC filing: https://www.sec.gov/Archives/edgar/data/320193/000114036124015633/ef20024616_ex1-01.htm

120 Smelter and Refiner List, Apple, 2024. Smelters and refiners identified in Apple's supply chain as of December 31, 2023 for certain minerals. See Apple's SEC filing for 2023: https://www.sec.gov/Archives/edgar/data/320193/000114036124015633/ef20024616_ex1-01.htm

121 Ibid.

122 Ibid

123 Ibid

- 124 Intel smelter and refiner list, December 2022. See SEC filing <https://www.sec.gov/Archives/edgar/data/50863/000005086323000050/a05112023formsdex101.htm>
- 125 The Boeing Company Conflict Minerals Report for the Year Ended December 31, 2015. <https://www.sec.gov/Archives/edgar/data/12927/000001292716000129/a201512dec31conflictminera.htm>
- 126 See https://www.sec.gov/Archives/edgar/data/808362/000095010316013703/dp66087_ex0101.htm
- 127 See <https://www.responsiblemineralsinitiative.org>
- 128 <https://www.gao.gov/products/gao-23-106295>
- 129 ITSCI membership chart, 2023
- 130 See https://www.texim-europe.com/downloads/Regulatory_Compliances/AVX_Conflict%20Minerals%20Statement_2011-12-01.pdf
- 131 See <https://www.prnewswire.com/news-releases/kemet-completes-acquisition-of-niotan-incorporated-139889003.html>
- 132 United Nations Security Council, Final report of the Group of Experts on the Democratic Republic of the Congo (S/2009/603), November 23, 2009, and <https://www.minnpost.com/global-post/2009/12/both-sides-congo-war-get-funds-sale-minerals-used-mobile-phones/>
- 133 SEC filing https://www.sec.gov/Archives/edgar/data/887730/000110465912006494/a12-4143_1ex99d2.htm
- 134 United Nations Security Council, Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2001/357), April 12, 2001, page 38.
- 135 <https://www.itsci.org/wp-content/uploads/2023/03/370-Online-Membership-List-27.02.24.xlsx>



An engineer with the Wolfram Mining and Processing mine takes visitors on a tour of the company's mine at Rwinkwavu in Rwanda. A team from Intel's Responsible Minerals Program, as well as representatives of other tech firms, visited Rwanda in November 2019 as part of international due diligence measures. (Credit: Walden Kirsch/Intel Corporation)