Ordinanza che istituisce provvedimenti nei confronti della Repubblica democratica del Congo

Modifica del 28 febbraio 2011

Il Dipartimento federale dell'economia,

visto l'articolo 16 della legge del 22 marzo 2002[1] sugli embarghi,

ordina:

I

L'allegato dell'ordinanza del 22 giugno 2005[2] che istituisce provvedimenti nei confronti della Repubblica democratica del Congo è sostituito dalla versione qui annessa.

II

La presente modifica entra in vigore il 1° marzo 2011.[3]

28 febbraio 2011

Dipartimento federale dell'economia:

Johann N. Schneider-Ammann

1 RS **946.231**
2 RS **946.231.12**
3 La presente modifica è stata pubblicata dapprima in via straordinaria il 28 feb. 2011 (art. 7 cpv. 3 LPubl; RS **170.512**).

Allegato
(art. 2 cpv. 1 e 4 cpv. 1)

Persone fisiche, imprese e organizzazioni interessate dai provvedimenti di cui agli art. 2 e 4

A. Persone fisiche

COGNOME	NOME	ALIAS	DATA / LUOGO DI NASCITA	NUMERO DI PASSAPORTO / INFORMAZIONI PER L'IDENTIFICAZIONE	FUNZIONE / GIUSTIFICAZIONE
BWAMBALE	Frank Kakolele	Frank Kakorere Frank Kakorere Bwambale		Left the CNDP in January 2008. As of December 2008 resides in Kinshasa.	Former RCD-ML leader, exercising influence over policies and maintaining command and control over the activities of RCD-ML forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), responsible for trafficking of arms, in violation of the arms embargo.
IYAMUREMYE	Gaston	Rumuli Byiringiro Victor Rumuli Victor Rumuri Michel Byiringiro	1948 Musanze District (Northern Province), Rwanda Ruhengeri, Rwanda	Second Vice President of FDLR Brigadier General As of November 2010, resides either in Kibua, North Kivu, DRC, or in Aru, Orientale Province, DRC.	According to multiple sources, including the UNSC DRC Sanctions Committee's Group of Experts, Gaston Iyamuremye is the second vice president of the FDLR and is considered a core member of the FDLR military and political leadership. Gaston Iyamuremye also ran Ignace Murwanashyaka's (President of the FDLR)

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					office in Kibua, DRC until December 2009.
KAKWAVU BUKANDE	Jérôme	Jérôme Kakwavu		Congolese Known as: «Commandant Jérôme» As of June 2010, has been arrested and is now being held in Kinshasa central prison. Judicial proceedings have been initiated against him and two other of the five senior FARDC officers.	Former President of UCD/FAPC. FAPC's control of illegal border posts between Uganda and the DRC – a key transit route for arms flows. As President of the FAPC, he exercises influence over policies and maintains command and control over the activities of FAPC forces, which have been involved in arms trafficking and, consequently, in violations of the arms embargo. Given the rank of General in the FARDC in December 2004. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002. One of five senior FARDC officers who had been accused of serious crimes involving sexual violence and whose cases the Security Council had brought to the Government's attention during its visit in 2009.

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KATANGA	Germain			Congolese Under house arrest in Kinshasa since March 2005 for FRPI involvement in human rights abuses. Handed over by the Government of the DRC to the International Criminal Court on 18 October 2007.	FRPI chief. Appointed General in the FARDC in December 2004. Involved in weapons transfers, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003.
LUBANGA	Thomas		Ituri	Congolese Arrested in Kinshasa in March 2005 for UPC/L involvement in human rights abuses. Transferred to the ICC by the Congolese authorities on 17 March 2006. As of December 2008 is being tried for war crimes.	President of the UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri from 2002 to 2003.
MANDRO	Khawa Panga	Kawa Panga Kawa Panga Mandro Kawa Mandro	20 August 1973, Bunia	Congolese Known as: «Chief Kahwa» «Kawa»	Ex-President of PUSIC, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003) involved in arms

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		Yves Andoul Karim Mandro Panga Kahwa Yves Khawa Panga Mandro		Arrested by Congolese authorities in October 2005, acquitted by the Court of Appeal in Kisangani, subsequently transferred to the judicial authorities in Kinshasa on new charges of crimes against humanity, war crimes, murder, aggravated assault and battery.	trafficking, in violation of the arms embargo. In prison in Bunia since 04/05 for sabotage of the Ituri peace process. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children from 2001 to 2002.
MBARUSHIMANA	Callixte		24 July 1963, Ndusu/Ruhengeri Northern Province, Rwanda	Rwandan Current location: Paris or Thaïs, France	Executive Secretary of the FDLR and Vice-President of the FDLR military high command. Political/Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b).
MPAMO	Iruta Douglas	Mpano Douglas Iruta Mpamo	28 December 1965, Bashali, Masisi 29 December 1965, Goma, DRC (formerly	Congolese Based in Goma and Gisenyi, Rwanda. Frequently travels across international border between Rwanda and Congo.	Owner/Manager of the Compagnie Aérienne des Grands Lacs and of Great Lakes Business Company, whose aircraft were used to provide assistance to armed groups and militias referred

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			Zaire)	Address: Bld Kanyamuhanga 52, Goma	to in paragraph 20 of Res. 1493 (2003). Also responsible for disguising information on flights and cargo apparently to allow for the violation of the arms embargo.
MUDACUMURA	Sylvestre			Rwandan Known as: «Radja» «Mupenzi Bernard» «General Major Mupenzi» «General Mudacumura» As of November 2009, continues to serve as FDLR-FOCA military commander. Based in Kibua, Masisi territory, DRC.	FDLR Commander, exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. Mudacumura (or staff) was in telephone communication with FDLR leader Murwanashyaka in Germany, including at the time of the Busurungi Massacre May 2009, and military commander Major Guillaume during Umoja Wetu and Kimia II operations in 2009. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 27 cases of recruitment and use of children by troops under his

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					command in North Kivu from 2002 to 2007.
MUGARAGU	Leodomir	Manzi Leon Leo Manzi	1954 1953 Kigali, Rwanda Rushashi (Northern Province), Rwanda	Address: Katoyi, North Kivu, DRC FDLR/FOCA Chief of Staff Brigadier General	According to open-source and official reporting, Leodomir Mugaragu is the Chief of Staff of the Forces Combattantes Abucunguzi/ Combatant Force for the Liberation of Rwanda (FOCA), the FDLR's armed wing. According to official reporting Mugaragu is a senior planner for FDLR's military operations in the eastern DRC.
MUJYAMBERE	Leopold	Musenyeri Achille Frere Petrus Ibrahim	17 March 1962 Kigali, Rwanda Est. 1966	Rwandan Rank: Colonel Current location: Mwenga, South Kivu, DRC	Commander of the Second Division of FOCA / the Reserve Brigades (an FDLR armed branch). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008,

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					girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, per Security Council resolution 1857 (2008) OP4 (d) and (e).
MURWANASHYAKA	Dr. Ignace	Ignace	14 May 1963, Butera (Rwanda) Ngoma, Butare (Rwanda)	Rwandan Resident in Germany As of November 2009, still recognized as the President of the FDLR-FOCA political branch and supreme commander of the FDLR armed forces. Arrested by German Federal Police on 17 November 2009 on suspicion of committing crimes against humanity and war crimes in the DRC, as well as on the basis of other charges related to the	President of FDLR, and supreme commander of the FDLR armed forces exercising influence over policies, and maintaining command and control over the activities of FDLR forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in trafficking of arms, in violation of the arms embargo. In telephone communication with FDLR military field commanders (including during the Busurungi May

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				forming and membership of a foreign terrorist organization.	2009 massacre); gave military orders to the high command; involved in coordinating the transfer of arms and ammunition to FDLR units and relaying specific instructions for use; managing large sums of money raised through illicit sale of natural resources in areas of FDLR control. Traveled to Uganda in 2006 in violation of travel ban. According to the Office of the SRSG on Children and Armed Conflict, he held command responsibility as President and military commander of FDLR for recruitment and use of children by the FDLR in Eastern Congo.
MUSONI	Straton	IO Musoni	6 April 1961 (possibly 4 June 1961), Mugambazi, Kigali, Rwanda	Rwandan passport expired on 10 September 2004 Resident in Neuffen, Germany As of November 2009, still recognized as the 1st Vice-President of the FDLR-FOCA political branch and President of the FDLR military high command.	Through his leadership of the FDLR, a foreign armed group operating in the DRC, Musoni is impeding the disarmament and voluntary repatriation or resettlement of combatants belonging to those groups, in breach of resolution 1649 (2005).

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				Arrested by German Federal Police on 17 November 2009 on suspicion of committing crimes against humanity and war crimes in the DRC, as well as on the basis of other charges related to the forming and membership of a foreign terrorist organization.	
MUTEBUTSI	Jules	Jules Mutebusi Jules Mutebuzi Colonel Mutebutsi	South Kivu	Congolese (South Kivu) Arrested by the Rwandan authorities in December 2007 when he tried to cross the border into the DRC. Reportedly he is currently 'restrained'.	Former FARDC Deputy Military Regional Commander of 10th MR in April 2004, dismissed for indiscipline and joined forces with other renegade elements of former RCD-G to take town of Bukavu in May 2004 by force. Implicated in the receipt of weapons outside of FARDC structures and provision of supplies to armed groups and militia mentioned in paragraph 20 of Res. 1493 (2003), in violation of the arms embargo.
NGUDJOLO	Matthieu, Chui	Cui Ngudjolo		«Colonel» or «General» Surrendered by the Government of the DRC to the International Criminal Court on 7 February 2008.	FNI Chief of Staff and former Chief of Staff of the FRPI, exercising influence over policies and maintaining command and control over the activities of FRPI forces, one of the armed groups and militias referred to in paragraph 20 of Res. 1493

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					(2003), responsible for trafficking of arms, in violation of the arms embargo. Arrested by MONUC in Bunia in October 2003. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children under 15 years old in Ituri in 2006.
NJABU	Floribert Ngabu	Floribert Njabu Floribert Ndjabu Floribert Ngabu Ndjabu		Arrested and placed under house arrest in Kinshasa since March 2005, for FNI involvement in human rights abuses.	President of FNI, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo.
NKUNDA	Laurent	Laurent Nkunda Bwatare Laurent Nkundabat-ware Laurent Nkunda Mahoro Batware Laurent Nkunda Batware Nkunda Mihigo	6 February 1967, North Kivu/Rutshuru 2 February 1967	Congolese Known as: «Chairman» «General Nkunda» «Papa Six»	Former RCD-G General. Joined forces with other renegade elements of former RCD-G to take Bukavu in May 2004 by force. In receipt of weapons outside of FARDC in violation of the arms embargo. Founder, National Congress for the People's Defense, 2006; Senior Officer, Rally for Congolese Democracy-Goma (RCD-G), 1998–2006;

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		Laurent		Arrested on Rwandan soil in January 2009 and subsequently replaced as commander of the CNDP in North Kivu.	Officer Rwandan Patriotic Front (RPF), 1992–1998. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for 264 cases of recruitment and use of children by troops under his command in North Kivu from 2002 to 2009. As of November 2009, despite arrest in Rwanda in January 2009 and removal as President of CNDP, retains some control over CNDP and its international network.
NSANZUBUKIRE	Felicien	Fred Irakeza	1967 Murama, Kinyinya, Rubungo, Kigali, Rwanda		According to multiple sources, Felicien Nsanzubukire is the 1st battalion leader of the FDLR, and is based in the Uvira-Sange area of South Kivu. Felicien Nsanzubukire has been a member of the FDLR since at least 1994 and operating in eastern DRC since October 1998. The UNSC DRC Sanction Committee's Group of

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					Experts reports that Felicien Nsanzubukire supervised and coordinated the trafficking of ammunition and weapons between at least November 2008 and April 2009 from the United Republic of Tanzania, via Lake Tanganyika, to FDLR units based in the Uvira and Fizi areas of South Kivu.
NTAWUNGUKA	Pacifique	Colonel Omega Nzeri Israel Pacifique Ntawungula	1 January 1964, Gaseke Gisenyi Province Rwanda Est. 1964	Rwandan Rank: Colonel Current Location: Peti, Walikale - Masisis border, DRC Other: Received military training in Egypt	Commander of the First Division of FOCA (an FDLR armed branch). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their

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					mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, per Security Council resolution 1857 (2008) OP4 (d) and (e).
NYAKUNI	James			Ugandan	Trade partnership with Commandant Jérôme, particularly smuggling across the DRC/Uganda border, including suspected smuggling of weapons and military material in unchecked trucks. Violation of the arms embargo and provision of assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003), including financial support that allows them to operate militarily.
NZEYIMANA	Stanislas	Deogratias Bigaruka Izabayo Bigaruka Bigurura Izabayo Deo	1 January 1966, Mugusa (Butare), Rwanda Est. 1967 Alt.	Rwandan As of November 2009, recognized as Major General Stanislas Nzeyimana, FDLR Deputy Commander Current location:	Deputy Commander of the FOCA (an FDLR armed branch). Military leader of a foreign armed group operating in the Democratic Republic of the Congo, impeding the disarmament and the

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		Jules Mateso Mlamba	28 August 1966	Kalonge, Masisi, North Kivu, DRC or Kibua, DRC. Frequent travel to Kigoma	voluntary repatriation and resettlement of combatants, per Security Council resolution 1857 (2008) OP 4 (b). In evidence collated by the UNSC DRC Sanctions Committee Group of Experts, detailed in its report of 13 February 2008, girls recovered from FDLR-FOCA had previously been abducted and sexually abused. Since mid-2007, FDLR-FOCA, which previously recruited boys in their mid to late teens, has been forcefully recruiting youth from the age of 10 years. The youngest are then used as escorts, and older children are deployed as soldiers on the frontline, per Security Council resolution 1857 (2008) OP4 (d) and (e).
OZIA MAZIO	Dieudonné	Ozia Mazio	6 June 1949, Ariwara, DRC	Congolese Known as: «Omari» «Mr Omari» Deceased in Ariwara on 23 September 2008	President of FEC in Aru territory. Financial schemes with Commandant Jérôme and FAPC and smuggling across the DRC/Uganda border, allowing supplies and cash to be made available to Commandant Jérôme and his troops. Violation of the arms

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					embargo, including by providing assistance to armed groups and militia referred to in paragraph 20 of Res. 1493 (2003).
TAGANDA	Bosco	Bosco Ntaganda Bosco Ntagenda General Taganda		Congolese Known as: «Terminator» «Major» As of November 2009, de facto military head of CNDP following arrest of General Laurent Nkunda in January 2009. Former chief of staff of the CNDP. Based in Bunagana and Rutshuru Since appointment as the de facto military head of CNDP in January 2009, has been instructed to manage integration into FARDC and given the post of deputy operational commander for Kimia II although this is officially denied by FARDC	UPC/L military commander, exercising influence over policies and maintaining command and control over the activities of UPC/L, one of the armed groups and militias referred to in paragraph 20 of Res. 1493 (2003), involved in the trafficking of arms, in violation of the arms embargo. He was appointed General in the FARDC in December 2004 but refused to accept the promotion, therefore remaining outside of the FARDC. According to the Office of the SRSG on Children and Armed Conflict, he was responsible for recruitment and use of children in Ituri in 2002 and 2003, and 155 cases of direct and/or command responsibility for recruitment and use of children in North Kivu from 2002 to 2009.

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					As CNDP Chief of Staff, had direct and command responsibility for the massacre at Kiwanja (November 2008)
ZIMURINDA	Innocent		September 1, 1972 1975 Ngungu, Masisi Territory, North Kivu Province, DRC	Lt. Col. According to open-source and official reporting, Lt Col Innocent Zimurinda was an officer in the Congrès National pour la Défense du Peuple (CNDP) which was integrated into Forces Armées de la République Démocratique du Congo (FARDC) in early 2009.	According to multiple sources, Lt Col Innocent Zimurinda, in his capacity as one of the commanders of the FARDC 231st Brigade, gave orders that resulted in the massacre of over 100 Rwandan refugees, mostly women and children, during an April 2009 military operation in the Shalio area. The UNSC DRC Sanctions Committee's Group of Experts reported that Lt Col Innocent Zimurinda was witnessed first hand refusing to release three children from his command in Kalehe, on August 29, 2009. According to multiple sources, Lt Col Innocent Zimurinda, prior to the CNDP's integration into FARDC, participated in a November 2008 CNDP operation that resulted in the

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					massacre of 89 civilians, including women and children, in the region of Kiwanja. In March 2010, 51 human rights groups working in eastern DRC posted a complaint online alleging that Lt Col Innocent Zimurinda was responsible for multiple human rights abuses involving the murder of numerous civilians, including women and children, between February 2007 and August 2007. Lt Col Innocent Zimurinda has also been accused in the same complaint to be responsible for the rape of a large number of women and girls. According to a May 21, 2010, statement by the Special Representative of the Secretary General for Children and Armed Conflict, Innocent Zimurinda has been involved in the arbitrary execution of child soldiers, including during operation Kimia II. According to the

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					same statement, he denied access by the UN Mission in the DRC (MONUC) to screen troops for minors. According to the UNSC DRC Sanctions Committee's Group of Experts, Lt Col Zimurinda holds direct and command responsibility for child recruitment and for maintaining children within troops under his command.

B. Imprese e organizzazioni

NOME	INDIRIZZO	INFORMAZIONI PER L'IDENTIFICAZIONE	GIUSTIFICAZIONE
BUTEMBO AIRLINES (BAL)	Butembo, DRC	Privately-owned airline, operates out of Butembo As of December 2008, BAL no longer holds an aircraft operating license in the DRC.	Kisoni Kambale (deceased on 5 July 2007 and subsequently de-listed on 24 April 2008 by the Security Council Committee established pursuant to resolution 1533 (2004)) used his airline to transport FNI gold, rations and weapons between Mongbwalu and Butembo. This constitutes «provision of assistance» to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).

NOME	INDIRIZZO	INFORMAZIONI PER L'IDENTIFICAZIONE	GIUSTIFICAZIONE
CONGOCOM TRADING HOUSE	Butembo, DRC, Tel.: +253 (0) 99 983 784	Gold trading house in Butembo	Congocom was owned by Kisoni Kambale (deceased on 5 July 2007 and subsequently de-listed on 24 April 2008 by the Security Council Committee established pursuant to resolution 1533 (2004)). Kambale acquired almost all the gold production in the Mongbwalu district, which is controlled by the FNI. The FNI derive substantial income from taxes imposed on this production. This constitutes «provision of assistance» to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
COMPAGNIE AERIENNE DES GRANDS LACS (CAGL)	CAGL, Avenue Président Mobutu, Goma, DRC (CAGL also has an office in Gisenyi, Rwanda)		CAGL is a company owned by Douglas Mpamo (CAGL was used to transport arms and ammunition in violation of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
GREAT LAKES BUSINESS COMPANY (GLBC)	GLBC, PO Box 315, Goma, DRC (GLBC also has an office in Gisenyi, Rwanda)	As of December 2008, GLBC no longer had any operational aircraft, although several aircraft continued flying in 2008 despite UN sanctions	GLBC is a company owned by Douglas Mpamo. GLBC was used to transport arms and ammunition in violation of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
MACHANGA LTD	Kampala, Uganda	Gold export company in Kampala (Director: Mr. Rajendra Kumar Vaya and Mr. Hirendra M. Vaya)	Machanga bought gold through a regular commercial relationship with traders in the DRC tightly linked to militias. This constitutes «provision

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			of assistance» to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).
TOUS POUR LA PAIX ET LE DEVELOPPEMENT (TPD)	Goma, North Kivu	As of December 2008, TPD still existed and had offices in several towns in Masisi and Rutshuru territories, but its activities had almost ceased.	NGO implicated in violation of the arms embargo, by providing assistance to RCD-G, particularly in supplying trucks to transport arms and troops, and also by transporting weapons to be distributed to parts of the population in Masisi and Rutshuru, North Kivu, in early 2005.
UGANDA COMMERCIAL IMPEX (UCI) LTD	Kajoka Street, Kisemente, Kampala, Uganda; Tel.: +256 41 533 578/9 Alternative address: PO Box 22709, Kampala, Uganda	Gold export company in Kampala (Directors: Mr. J.V. LODHIA – known as «Chuni» – and his son Mr. Kunal LODHIA)	UCI bought gold through a regular commercial relationship with traders in the DRC tightly linked to militias. This constitutes «provision of assistance» to illegal armed groups in breach of the arms embargo of resolutions 1493 (2003) and 1596 (2005).

Abbreviazioni:

CAGL Compagnie aérienne des Grands Lacs
DRC Democratic Republic of the Congo
FAPC Forces armées du peuple congolais
FARDC Forces armées de la République démocratique du Congo
FDLR Forces démocratiques de libération du Rwanda
FEC Fédération des entreprises du Congo
FNI Front des nationalistes et intégrationnistes
FOCA Forces combattantes abacunguzi

FRPI	Front de résistance patriotique du Congo
GLBC	Great Lakes Business Company
MR	military region
NGO	Non-governmental organization
OP	Operative Paragraph
PUSIC	Parti pour l'unité et la sauvegarde de l'intégrité du Congo
RCD-G	Rassemblement congolais pour la démocratie-Goma
RCD-ML	Rassemblement congolais pour la démocratie-Mouvement de libération
RPF	Rwandan Patriotic Front
SRSG	Special Representative of the Secretary-General
TPD	Tous pour la paix et le développement
UCD	Union des Congolais pour la démocratie
UCI	Uganda Commercial Impex
UNSC	United Nations Security Council
UPC/L	Union des patriotes congolais/faction Lubanga