

The Pillage of Eastern Congo Gold: A Case for the Prosecution of Corporate War Crimes

1. Summary

Concession Area 40 located in the Ituri District of the Democratic Republic of the Congo (DRC), contains one of the nation's richest deposits of gold. Yet, despite the nation's vast mineral wealth, people living in the Ituri area are among the most impoverished in the country. One reason is clear: foreign individuals and corporate actors have taken advantage of armed conflict to pillage millions of dollars worth of gold from Concession Area 40's non-renewable reserves. Despite UN sanctions and international law prohibitions, these corporate actors have acted with near total impunity, perversely incentivizing war, human rights abuses, and the commission of atrocities.

This report highlights the results of a nine-year, international investigation on the trail of one of the most lucrative, unlawful gold trade pipelines originating from this eastern Congolese gold mining area. The trail covers each step of the supply chain, beginning with the source in the ground in Concession Area 40 in the Ituri region of the Democratic Republic of Congo (DRC) and ending with its transformation into hard cash profits and the recording of these receipts on the financial ledgers of the British corporate beneficiaries.

Spanning Europe, Africa, the U.S. and Middle East, the investigation has yielded thousands of pages of forensic documentation. In addition, the investigative trail has included interviews and correspondence with dozens of primary actors; hundreds of interviews with secondary actors; on-site observations of artisanal and small-scale gold production in the Ituri mining belt; and an eyewitness, in-depth examination of the means by which illicit gold is purchased, trafficked, laundered, and marketed by businesspersons and

corporate entities at each phase of the supply chain.

While a substantial dossier of facts, evidence, and legal justifications has been prepared for Swiss, UK, and Jersey Channel Islands law enforcement authorities, this report provides a snapshot of the case and calls for the prosecution of relevant corporate actors for the war crime of pillage and related financial crimes by any country with appropriate jurisdiction over the matter.

Though the actual trafficking by these foreign companies and businesspersons began as early as 1998, this report focuses primarily on the period from 2003-2005. Even within this limited period, the scale of pillage was immense. For example in 2004, \$39 million worth of pillaged DRC gold was bought by a single European company from a single Uganda source.¹

For the purposes of this report, the participants in the illicit gold supply chain examined here are referred to collectively as *The Conflict Gold Enterprise*. The key actors named include, among others: Uganda Commercial Impex (Uganda); Mr. Neil Jonathan Graff (UK, Israel, South Africa); Hussar Services Limited (UK); Hussar Limited (Jersey Channel Islands); and Argor-Heraeus SA (Switzerland).

From 1998, continuing periodically to the present day, armed conflict has raged in the eastern region of the Democratic Republic of the Congo (DRC). Rebel soldiers, illegal armed groups, and interloping foreign troops have fought to control this territory, rich with gold and other minerals. The proceeds from the illegal mining and sale of the region's gold have enabled these military

forces to sustain troops and warfare with the purchase of weapons, landmines, ammunition, and supplies.

As a consequence, the ongoing hostilities have destabilized the entire region, led to widespread violations of human rights and international humanitarian law, and resulted in the massive loss of human life. Foreign businesspersons and firms contributed to the scale and duration of these hostilities by providing an influx of hard currency to the warring parties on the ground in exchange for conflict gold and other natural resources. In turn, these foreign corporate actors funneled these illicitly obtained natural resources into the unregulated global marketplace at huge profit.

The Conflict Gold Enterprise is one example of the illegal mineral supply chains that have devastated the people and land of the DRC. Acting in concert, a group of foreign individuals and companies based out of Uganda, Switzerland, United Kingdom, and Jersey Channel Islands systematically acquired 'conflict gold' from Concession Area 40.² The gold was fed into the supply chain by two illegal armed groups, the *Front des Nationalistes et Integrationalistes* (FNI) and the *Force Armée du Peuple Congolais* (FAPC), who were at war with the gold's lawful owner, the Government of the DRC. The foreign entities disguised the looted gold as originating from Uganda, monopolized the market, and received profits from this exploitation on advantageous terms in the millions of dollars.

Foreign corporations rarely are held liable for their illicit trade in 'conflict gold' or for their role in facilitating 'resource wars' for their own private gain. The body of evidence collected during this investigation provides a compelling case for a precedent-setting prosecution of relevant parties for the war crime of pillage.

The laws of war obligate States with applicable jurisdiction to investigate and prosecute where appropriate.

Pillage, which is theft in the context of war, has a long pedigree in the annals of armed conflict. While this war crime exists in the landmark 1998 Rome Statute of the International Criminal Court and among many domestic legal systems, no

corporate actors have been prosecuted since the immediate post-WWII era.³

The impact that a precedent-setting case can provide should not be undervalued. A successful pillage prosecution against corporate actors would serve as a powerful deterrent to modify the behavior of business firms that, at present, are illicitly trading in 'conflict commodities.' This in turn could help transform the way that armed conflicts are financed and lead to the closure of legal loopholes that have allowed this black market trade to flourish.

The timing of this war crimes case could not be more critical. Recently the International Criminal Court (ICC) has been under heavy criticism for perceived political bias and the uneven application of justice at a global level. African States in particular have complained that Africans disproportionately have been the focus of ICC investigations and prosecutions;⁴ some African States have even threatened to pull out of participation in the ICC and its founding treaty, the Rome Statute, which treats pillage as a war crime.⁵

Public concern also has been raised that powerful members on the UN Security Council are able to block referrals of their own citizens and corporations or those of their allies from being placed on targeted UN Sanctions Lists. This was the case in regard to some of the key actors involved in *The Conflict Gold Enterprise*, particularly the entities from Switzerland, the UK, and Jersey Channel Islands.

As a reminder of the ongoing problem of impunity, recent NGO and UN reports have demonstrated the way in which revenues from conflict gold have helped to finance the current military operations of the Congolese rebel group M23 and its allies, thereby threatening the long-term stability of eastern Congo.⁶ A report by the Enough Project, *Striking Gold: How M23 and its Allies are Infiltrating Congo's Gold Trade*, illuminates the problem of repeat offences at the crux of DRC's illicit trade. Foreign gold exporters, refineries, and gold brokers continue to evade accountability.

The liability of foreign companies and businesspersons for the pillage of eastern Congo's gold is long overdue. Until the scope of international justice is expanded to sufficiently net

these foreign war profiteers, their role in enabling conflict and aiding and abetting atrocities will continue. A war crimes prosecution of corporate actors comprising *The Conflict Gold Enterprise* offers one opportunity to begin to break the impunity around foreign resource exploitation that has fueled armed conflict, the devastation of communities, and human suffering in the Congo since the late 1990s.

2. Background

2.1 Pillage

The laws of war, also known as international humanitarian law, have long protected property against pillage during armed conflict. A brief review of history since the American Civil War illuminates this fact.

A Short History of Pillage⁷

The 1863 Lieber Code, which established the law of war for Union forces in the American Civil War, stated: “all pillage or sacking, even after taking place by main force [...were] prohibited under the penalty of death, or such other severe punishment as may seem adequate for the gravity of the offense.”

In the Hague Regulations of 1907, two provisions categorically stipulate that “the pillage of a town or place, even when taken by assault, is prohibited,” and that “pillage is formally forbidden.”

After the end of World War II, the Geneva Conventions of 1949 again reaffirmed that “pillage is prohibited.” These provisions bind all states.

Codification of pillage as an offense in the Rome Statute of the International Criminal Court, and in the statutes of the International Criminal Tribunal for Rwanda and the Special Court for Sierra Leone establish the prohibition as also binding upon non-state actors, thus affirming that the prohibition is universally binding.

Two of the States that have jurisdiction over the primary participants in *The Conflict Gold Enterprise*, Switzerland and the United Kingdom,

are signatories to the ICC. Furthermore, within these countries, pillage exists as an independent domestic crime. Although Jersey Channel Islands is a British Crown Dependency, and therefore not a direct signatory to the ICC, the laws of war nonetheless should apply.

Elements of the Crime of Pillage⁸

Although pillage has a long history in the laws of wars, one of the best codifications of the crime is that of the ICC’s Elements of Crimes, which requires that to commit pillage:

The perpetrator appropriated certain property;

The perpetrator intended to deprive the owner of property and to appropriate it for private or personal use;⁹

The appropriation was without the consent of the owner;

The conduct took place in the context of and was associated with an international armed conflict; and

The perpetrator was aware of the factual circumstances that established the existence of an armed conflict.

Strong evidence has emerged from the investigation suggesting that the corporations and businesspersons involved in *The Conflict Gold Enterprise* may have committed the crime of pillage and related offenses of fraud and money laundering because:

- They knowingly acquired illicit gold from the Ituri region of the Democratic Republic of the Congo (DRC), which lawfully belonged to the Government of the DRC; or at the very least, as professional traders in gold and other precious metals, they should have known that such gold was most likely to be illicit;¹⁰

- They took this gold without the authorization of the DRC government, thereby depriving it of a non-renewable commodity and revenue from taxes and other fees;
- Collectively, they made millions of dollars in personal and private profit from this illicit gold business;
- They intended to deprive the rightful owner of this gold so that they could enjoy advantageous terms and a near monopoly from a tightly controlled gold supply chain fed by two rebel groups at war with the rightful owner;
- And the activities occurred within the context and during a period of horrendous armed conflict.

2.2 Armed Conflict & Concession Area 40

The most recent armed conflict in Ituri broke out in 1998 with the start of the Second Congo War. Considered one of the most lethal wars in Africa's modern history, the Second Congo War saw the invasion and occupation of eastern DRC by troops from the neighboring countries of Uganda and Rwanda, in part, to exploit eastern Congo's natural resource wealth. This was especially true for Ituri, where interloping foreign troops linked up with local militias to exercise control over the rich gold mining belt situated within Concession Areas 40 and 39.

In 2001, with international assistance, a peace agreement was brokered between the DRC and both Rwanda and Uganda. Following suit, in 2002, some of the DRC-based armed groups signed a peace deal known as the *Global and All Inclusive Agreement*. These developments were intended to bring the Second Congo War to an official end.

However, other DRC-based groups, with continued backing from Rwanda and Uganda, refused to sign on to the peace process and ignited a new phase of warfare. Subsequently, these non-signatories, including the *Front des*

Nationaliste et Integrationalistes (FNI) and the *Forces Armées du Peuple Congolais* (FAPC), were deemed 'illegal armed groups' by the government of the DRC, the United Nations, and other international actors.

Filling the void left by the formal withdrawal of Uganda troops, in 2003, the FNI and the FAPC gained direct territorial control over different gold mining and trade areas located within Ituri. The FNI seized a sizeable portion of Concession Area 40, including the Concession's gold trade center, Mongbwalu, and the surrounding mines; the FAPC controlled mining areas further north, including in Concession 39, and key gold trade border crossings with Uganda.

Control over Ituri's resources served as a continual inducement for conflict. The FNI and FAPC remained engaged in warfare, sometimes along ethnic lines, against other illegal armed groups, the DRC military, European Union forces and UN peacekeeping troops, undermining Congolese and international efforts to establish a national peace settlement. To this end, the FNI and FAPC prevented the rightful extension of DRC government authority over the Ituri region and its gold trade. Rather, these two military groups relied on Uganda, which continued to aid and abet them and use them as proxies, allowing the FNI and FAPC to export looted DRC gold through Uganda disguising it as of Ugandan origin.

Through the use of military power, the FNI and FAPC administered the unlawful mining and export of Ituri's gold to Uganda, for re-export to world markets, for their own financial benefit. In some cases, they illegally taxed and levied fees on the extraction and sale of gold by artisanal and small-scale miners; in other cases, they used forced labor, essentially enslaved local miners, to extract the gold.¹¹ In each scenario, the gold was taken without the authorization of the Government of the DRC.

Both the FNI and the FAPC traded for profit with *The Conflict Gold Enterprise*. The unlawfully exported DRC gold, due to its mobility and value, became a dependable source of hard currency for the FNI and FAPC and their foreign business partners. Once their conspiring foreign partners had moved their unlawful gold supply into the 'respectable' global market, the FNI and FAPC

used the proceeds to sustain their war effort, including payment for recruits, weapons, landmines, and a steady supply of ammunition.

The Conflict Gold Enterprise predominantly engaged in a monopoly arrangement with the FNI in order to acquire the volume of gold that made their position on the world market considerably profitable. Although some of its looted gold came from FAPC supplies, there were other criminally liable corporations and businesspersons who were the main beneficiaries of the FAPC gold trade pipeline.

While the DRC government began to assert control over certain parts of Ituri in 2005, armed conflict did not effectively conclude there until 2007. By that time, overall, more than 6 million Congolese were estimated to have died as a result of nearly a decade of armed conflict in the country. Some of the most brutal atrocities occurred in Ituri.

The existence of armed conflict in eastern DRC was a matter of common knowledge at the time that *The Conflict Gold Enterprise* operated. Armed conflict and atrocities in the DRC were widely reported on by the international media, the UN, governments, parliamentary committees, major financial institutions, the international NGO community, and academic experts. Mining trade publications during this period were also reporting on conflict in eastern DRC, because of the linkage to natural resource exploitation (see Annex).

2.3. The International Response

Amid growing global public concern, in June 2000, the United Nations Security Council (UNSC) decided to act against the illegal exploitation of the DRC's mineral wealth and the resulting threat posed to international peace and security. To this end, the UNSC mandated the formation of a UN Panel of Experts (the UN Panel) to collect, research, and analyze information on the links between warfare and resource exploitation in the DRC.¹²

From 2001-2003, the UN Panel issued seven public reports that were widely covered by the international media and informed public policy discussions. The coverage was especially notable in Europe since the Panel highlighted the potential

role of the Organisation for Economic Co-operation and Development (OECD) in addressing the problem. Given the high visibility of the issues, it seems inconceivable that European corporate actors with long-standing experience in the natural resource trades in Africa, and with even the most basic due diligence standards, would not have known of the OECD and UN Panel concerns about the relationship between the pillage of gold and warfare in the DRC.

The final report of the UN Panel published on 23 October 2003, for instance, stated the following:

“Illegal exploitation remains one of the main sources of funding for groups involved in perpetuating conflict, especially in the eastern and northeastern regions of the Democratic Republic of the Congo...”

“[T]he power vacuum caused by the withdrawal of the Rwandan Defense Forces (RDF) and later by the Ugandan People’s Defense Forces (UFPD), spurred the proliferation of militias [that] have vied for control over strategic zones where lucrative resources are located...”

“[D]uring the current period, much of the resource exploitation has concentrated on gold and diamonds. Those minerals have a high revenue yield per unit weight, are easily transported and can be used in lieu of hard currency in transactions. Sites for artisanal mining of those precious minerals remain active in many regions: Ituri, other parts of Oriental province...”

“Combined with moneys raised at custom border posts...military actors have been able to fund their military activities, including the supply of arms... [T]hose relationships, which were analyzed in detail in [the UN Panel’s] earlier reports, continue to be as important as ever.”¹³

With hostilities and resource exploitation continuing, in July 2003, the UNSC took further action and imposed sanctions on eastern DRC. The sanctions regime was intended to stem the flow of arms into the DRC and to halt any other direct or indirect assistance to the illegal armed groups, including the FNI and FAPC—both which had refused to sign the Global and All Inclusive

Agreement and remained at war with the DRC government.

To monitor violations of the UN sanctions regime, in March 2004, the UNSC called for the establishment of a new team, commonly referred to as the UN Group of Experts on the DRC (UNGE).¹⁴ One of the initial four experts, Kathi Lynn Austin, is an author of this report.

Following extensive research in the field, the UNGE documented, among other issues, the role of the FNI and FAPC and their conspiring foreign business partners in the unlawful mining and sale of Ituri gold. The cases studies provided in the published reports of the UNGE not only highlight how the FNI and FAPC used the proceeds of their respective gold supply chains to finance their military activities but also named specific corporate actors aiding and abetting them by purchasing, trafficking, trading, refining, and/or laundering the pillaged DRC gold.

Among others, some of the foreign corporate actors included for example:

- Uganda Commercial Impex (UCI), Machanga, and Bhimji. These three gold trading firms based in Kampala, Uganda, bought the gold from Congolese exporters and prepared it for onward shipment to gold refineries in South Africa, Switzerland, and the UAE.
- Hussar Services Limited, and its director, Mr. Neil Jonathan Graff, based in London, UK, which administered the sales, shipments, refining, and profits of the DRC gold supplied by UCI for the primary beneficiaries in Jersey Channel Islands.
- Hussar Limited based in St Helier, Jersey Channel Islands, which was the main beneficiary that purchased the DRC gold from the Kampala-based trader UCI and which laundered the refined gold onto the global marketplace through the international banking system;
- Rand Refinery based in Johannesburg, South Africa; Argor-Heraeus SA, headquartered in Mendrisio, Switzerland; Metalor Technologies SA, headquartered

in Neuchâtel, Switzerland; and Emirates Gold, based in Dubai, UAE. These four refinery companies refined the Congolese gold that was laundered into the global markets.

Before publishing their reports, the UNGE contacted these companies about their respective roles in order to give them a right to reply. UCI never made any secret about the DRC origin of gold. Speaking on behalf of Hussar Services and Hussar Limited, Mr. Graff at one point admitted the DRC sourcing of the gold.¹⁵ Rand Refinery stated it ceased business in the DRC gold once it put in place new due diligence procedures.¹⁶ Argor-Heraeus SA did not deny the DRC origin of gold.

With the exception of Rand Refinery, which terminated in summer of 2004, even after the entities comprising *The Conflict Gold Enterprise* were specifically notified by UN representatives that they were trading in gold pillaged from the DRC as well as in violation of UN sanctions, and subsequently, were named in a UN report, they continued this unlawful trade.

This ongoing pillage occurred in the midst of repeated UNGE inquiries, abundant mainstream media reporting on the DRC conflict gold issue, and the release of other public policy publications on the subject.

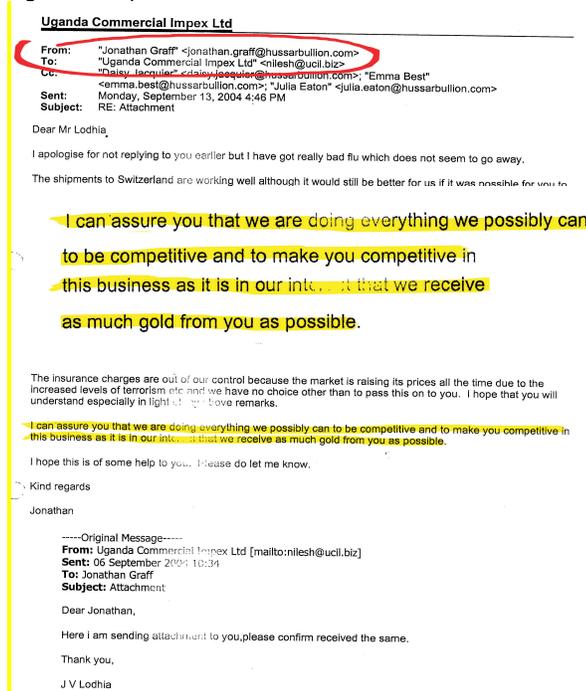
Argor-Heraeus SA claimed to have stopped its unlawful trade in June 2005, after “learning from the press regarding the disorders in the region of the DRC with potential implication for the gold trade.” (Human Rights Watch’s highly publicized report on the topic, *The Curse of Gold*, was released on 1 June 2005.) Hussar Services Limited and Hussar Limited continued at least through the end of June 2005, according to company representatives and business records. They appear to have dissolved their DRC gold trade business following inquires about the possible DRC origin of gold by the their client Commerzbank AG in June 2005. UCI began trading direct with Emirates Gold in Dubai, UAE, once the British firms and Argo-Heraeus SA stopped their trade with the Kampala-based gold trader.

The first direct action taken by the UNSC against some of the DRC sanctions violators targeted only

the Africans and African-based entities. In March 2007, these Africans and African-based entities were placed on a UN Sanctions List, which subjected them to an immediate assets freeze and/or travel ban.

Ignoring recommendations made by the UNGE to the contrary, the UNSC excluded the European companies and businesspersons from the targeted UN Sanctions List. These European entities enjoyed the protection of their home governments and powerful members of the UNSC, a special protection acknowledged even by the companies themselves in their correspondences. This protection was granted despite the incontrovertible fact that they violated the UN sanctions regime at the time.

Fig 1. Correspondence Between UCI and Hussar Limited



Even if the UN had placed these European businessmen and companies on the targeted UN Sanctions List for their respective violations of the UN sanctions regime, the goal would have been preventative rather than punitive—as is the stated purpose of UN sanctions. Western governments used this distinction as an excuse to whitewash the actions of these corporations and spare them from being added to the targeted sanctions listing

for an assets freeze and/or travel ban on the grounds that they had stopped trading. No effort was made to hold the responsible parties accountable for crimes already committed.

In any case, criminal liability is primarily the jurisdictional responsibility of domestic and international criminal courts. The evidentiary trail suggests that the European actors of the *Conflict Gold Enterprise* may have committed sanctions violations, fraud, tax evasion, and money laundering, as well as the war crime of pillage. The pursuit of justice should take all of these potential interrelated crimes into account.

Nonetheless, the successful prosecution of corporate actors for the commission of a war crime is likely to provide the strongest deterrent against continued trafficking in conflict gold from the DRC, and elsewhere. Such a prosecution also would go a long way towards restoring faith in the international justice system at a time when public criticism is mounting over the concern that Africans have been unevenly targeted for war crimes and other violations of international human rights law.

3. The Conflict Gold Enterprise

3.1 Discovery of Unlawful Supply Chain

The evidence on this single gold supply chain has been compiled over a period of nine years. The pipeline first came to the attention of this dossier’s investigator, Kathi Lynn Austin, while she was a member of the United Nations Group of Experts on the DRC (UNGE). In late 2004, Belgian authorities alerted the UNGE of possible sanctions violations by the UK- and Jersey Channel Islands-based companies, Hussar Services and Hussar Limited, respectively. At this point, the investigative trail commenced.

Following her UNGE tenure, Ms. Austin retraced the formation and activities of the pipeline, collecting new evidence, interviewing primary actors, and carrying out additional field research in Kenya, Uganda, the DRC, South Africa, the UK, Jersey Channel Islands, and the UAE.

The trail spans each step of the supply chain, beginning with the source in the ground in Concession Area 40 in the Ituri region of the DRC

and ending with its transformation into hard cash profits and the recording of these receipts on the financial ledgers of the British corporate beneficiaries.

The stages of the pillaged gold pipeline include:

- Mining and collection of gold ore in Concession Area 40, under supervision of FNI militia leaders;
- Taxation and administration by FNI militia leaders;
- Transport of the majority of gold ore on Butembo Airlines, owned by main FNI-approved Congolese gold exporter, Dr. Kisoni Kambale, of Butembo, DRC;
- Purchase of gold ore from Congolese gold exporters—the bulk of which was provided by Dr. Kisoni Kambale—by a major Ugandan-based gold trade company, UCI;
- Purchase of gold ore from Ugandan-based gold trader, UCI, by the Jersey Channel Islands corporation, Hussar Limited, with assistance from the London-based affiliate, Hussar Services Limited, and its director, Mr. Neil Jonathan Graff.
- International shipment of gold by UCI on international flights either to Rand Refinery in South Africa or Argor-Heraeus SA in Switzerland; (and UCI’s subsequent switch of refineries to Emirates Gold in the UAE);
- Refining of gold ore and transformation into ingots/gold bars by Rand Refinery and Argor-Heraeus SA (and later, Emirates Gold);
- Laundering of refined gold pillaged from the DRC onto the global financial markets by the Swiss refinery Argor-Heraeus SA and the British corporations Hussar Services Limited and Hussar Limited.

Some of the banks used for this purpose included Commerzbank AG and Standard Bank; and

- The receipt of profits by the main beneficiaries, Jersey Channel Islands-based Hussar Limited, and possibly other Jersey Channel Islands interlinked companies identified in the annual returns of Hussar Limited.

3.2 Starting the Business of Pillaged Gold

Fig 2. Gold Pipeline - DRC to Uganda



At the outbreak of the Second Congo War in 1998, Mr. Neil Jonathan Graff traveled to Africa in search of what some mining representatives call “non-traditional” sources of gold and other minerals, such as silver and tantalum. “Non-traditional” refers to sources that are not obtained on the regular, legal trade markets. At the time, Mr. Graff was working under the auspices of the controversial commodities trader and U.S. fugitive, Marc Rich, specifically through the U.S. company, Novarco.¹⁷

Uganda was one of Mr. Graff's target countries to obtain "non-traditional" sources of gold. Gold traders that previously had been based in Kenya and other parts of Africa recently had moved to Uganda in order to take advantage of Uganda's newly liberalized gold trade regulations and lax taxation. Significantly, these traders were drawn to Uganda due to its proximity to their primary (near total source) for gold supplies: the rich mining belt of eastern DRC.

The occupation of Ituri and other parts of eastern DRC by Ugandan troops and their proxies ensured a steady stream of pillaged DRC gold into Uganda. This gold could then be sold onwards to foreign purchasers at competitive prices for two main reasons: because Uganda offered newly liberalized gold trade incentives, and because no taxes or other fees were ever paid to the rightful owner, the Government of the DRC.

In 1998, officials from Uganda's Department of Geological Survey and Mines introduced Mr. Graff to its three top Ugandan-based gold traders: UCI, Machanga, and Bhimji.¹⁸ At the time of Mr. Graff's arrival on the scene, UCI was trading directly with the refinery Metalor Technologies SA based out of Neuchâtel, Switzerland.¹⁹ After negotiations and a few trial purchases, Mr. Graff and the director of UCI, Mr. Jamnadas Vasanji (J.V.) Lodhia, set up a complex business arrangement in order to traffic vast quantities of DRC gold for maximum profits.²⁰

Subsequently, Mr. Graff had a falling out with Marc Rich, after the latter brought a civil suit in the UK against Mr. Graff and two of Mr. Graff's associates, including Ms. Julia Eaton, for embezzling profits through British and Russian front companies set up by Mr. Graff.²¹

Mr. Graff then began trading with UCI in DRC gold under the auspices of Hussar Services Limited, a corporation registered in England and Wales, and Hussar Limited, a corporation organized in Jersey Channel Islands.²² Hussar Services Limited largely administered the gold trade dealings on behalf of Hussar Limited.²³ Mr. Graff was the director of Hussar Services Limited and Ms. Eaton worked under his direction.²⁴

After Uganda entered a peace deal with the DRC, and once Ugandan troops completed their formal withdrawal from Ituri in 2003, the FNI militia took

control over much of Concession Area 40. The trade arrangements between UCI, Mr. Graff, Hussar Services, and Hussar Services Limited remained largely unchanged, except that under these new conditions, the FNI directly benefited from controlling the source of the gold.

Originally from South Africa, Mr. Graff maintained mineral trade contacts inside the country. Rand Refinery in South Africa was the primary refinery used by Mr. Graff, Hussar Services Limited, and Hussar Limited. This relationship continued until Graff and the Hussar entities switched to the more costly Swiss refinery, Argor-Heraeus SA. The switch to the Swiss refinery occurred when Rand Refinery asked Graff and the Hussar entities to abide by new, formal due diligence requirements that would have illuminated the illicit DRC source of Hussar's gold.²⁵

3.3 How The Supply Chain Operated

The profitability and success of the *Conflict Gold Enterprise* depended on three key elements: (1) unfettered access to a large, illicit DRC gold source and its purchase on preferential terms; (2) the capability of disguising the DRC gold on the global market as originating from Uganda; and (3) business partners or associates willing to conspire along the integral phases of the pipeline from purchase, through export and refining, to the gold's ultimate entry into the global market and financial system.

The illustration of how the supply chain functioned concerns a period of time between 2003-2005, which is the central focus of this report. The route of this illicit gold trade was known to all parties involved and took place without the consent or involvement of the DRC government, the ultimate and legal owner of the gold.

The FNI (Democratic Republic of the Congo)

Once the FNI militia took territorial control of a series of mines throughout Concession Area 40 in 2003, leadership established structures to exploit the area's gold outside the normal parameters of DRC state regulation, and in violation of DRC laws. The rebel control of the gold mines also meant that international companies granted lawful concessions to gold mines in Ituri were unable to

exploit their proprietary rights to these mined deposits.²⁶

The FNI had a well-organized system that mimicked the previous state-run licensing and taxation regime. In exchange for levies and fees, the FNI granted preferential arrangements to certain Congolese businesspersons who were allowed to collect, procure, buy, and sell the gold ore to traders in Uganda. These included the local *negociants* who purchased gold ore from artisanal or small-scale miners and representatives of export trading *comptoirs*. Neither the *negociants* nor the *comptoirs* possessed the required licenses and permits from the Government of the DRC, and both profited by not paying taxes or duties normally owed to the State.²⁷

With the DRC currency in hyperinflation, gold served as a form of hard currency. The unlawful gold traders working with the FNI in Concession Area 40 usually received payment in the form of trade goods through a credit-line system rather than cash from the foreign companies.

The FNI stranglehold over key transport routes made smuggling gold out of its area of control, while possible, extremely dangerous. In any case, the amount of gold that could have escaped FNI purview would have been quite limited. On the other hand, gold traders working directly with the FNI were guaranteed safe passage for their cross-border trade. In this context, one unlicensed Congolese gold trader, Dr. Kisoni Kambale (Dr. Kisoni), was able to establish a monopoly business partnership with the FNI through his Congolese company, Congocom.

Dr. Kisoni, Congocom, and Butembo Airlines (Democratic Republic of the Congo)

While some of the FNI gold ore was exported across the DRC-Uganda border by car, most was flown out of Mongbwalu or Bunia, largely on Butembo Airlines, owned by the dominant unlicensed *comptoir* in the FNI region, Dr. Kisoni.²⁸ Dr. Kisoni had an arrangement for a certain type of exclusive access to Mongbwalu Airport. He also supplied the majority of UCI's gold.²⁹

Uganda Commercial Impex (Uganda)

Once Dr. Kisoni, the primary trader from the FNI-controlled territory, had transported the DRC gold

ore into Uganda, he sold the supply onwards to the Kampala-based gold trade and export firm, UCI, either for cash or goods. UCI made no effort to conceal the illicit DRC source of the gold ore that they traded. Indeed, UCI operated with the knowledge of Ugandan authorities. As illustrated in the section below, Uganda produced negligible amounts of gold—a fact that was widely known within both local and global mining industry circles. The origin of gold was not formally disguised until it left Uganda under the auspices of British firms and businesspersons who had purchased the illicit ore with the intent to transform it into ingots/gold bars using complicit refineries.

Mr. Graff, Hussar Services Limited, Hussar Limited (UK, Jersey Channel Islands)

Working out of the London office of Hussar Services Limited, Mr. Graff assisted Hussar Limited with its purchases of pillaged gold ore from UCI. Corporate documentation shows that: from at least 1998, Mr. Graff was the director and sole owner of Hussar Services Limited, a London-based corporation registered in England and Wales; the sole activity of Hussar Services Limited was the provision of administrative services to Hussar Limited, a Jersey Channel Islands-based corporation; and Mr. Graff also was a settlor and a discretionary beneficiary of the trust owning Hussar Limited.³⁰

As the Director of Hussar Services Limited, Mr. Graff managed Hussar Limited's purchase of the DRC gold ore from the Kampala-based export company UCI. In this same capacity, Mr. Graff also arranged for the refining of this ore into ingots/gold bars by foreign refining companies.

Documentation in possession of this report's author provides strong indication that Graff and other representatives of Hussar Services Limited and Hussar Limited were aware of the DRC origin of UCI's gold supply and of the primary role played by the illicit Congolese trader, Dr. Kisoni.

Jersey Channel Islands – Corporate Financial Services Firms; Shareholders; Parent Trusts

Although Jersey Channel Islands is part of the British Isles and is a British Crown dependency, it is neither part of the United Kingdom nor the European Union, and therefore is not bound by EU Directives on company law, capital regulation,

or money laundering. In addition, Jersey Channel Islands has not incorporated international standards for financial regulation or the countering of money laundering and terrorism financing.

Rather, as a leading “offshore financial center,” Jersey Channel Islands allows private companies and trusts to register without disclosing beneficial ownership or other important regulatory details, which are required in most other European jurisdictions. Offshore companies of this nature are often referred to as “front” or “shell” companies and may be used to hide assets to avoid taxation and/or detection of other possible criminal activities. These practices continue to shield the ultimate beneficiaries of *The Conflict Gold Enterprise* even today.

Other Jersey Channel Islands-based corporate actors linked to Hussar Limited for the period between 2003-2005 include: Osiris Management Services Limited, which continues to provide the firm with administrative services; and the two shareholders listed on Hussar Limited’s annual returns for 2003-2005, the Royal Bank of Canada Trust, and RTC Nominees Limited.

Rand Refinery (South Africa) and Argor-Heraeus SA (Switzerland)

The critical step of moving the pillaged gold from the unlawful rebel sphere into the “respectable” global gold market could not have taken place without the cooperation of foreign gold refining companies. Until mid-2004, Mr. Graff, Hussar Services Limited, and Hussar Limited arranged for the gold to be shipped from Uganda to Rand Refinery in South Africa.

Following a tightening of Rand Refinery’s due diligence requirements for gold source disclosure in 2004, Mr. Graff and Hussar Limited switched their refining business to Argor-Heraeus SA in Switzerland, at a significantly higher cost. From 2004-2005, the Swiss company refined almost three tonnes of pillaged gold ore.³¹

On 1 November 2013, TRIAL, a Swiss non-governmental organization that combats impunity for crimes against humanity, filed a criminal complaint (*dénonciation pénale*) against Argor-Heraeus SA with the Swiss Federal Prosecutor’s Office. The complaint suggests that Argor-Heraeus SA is guilty of the crime of laundering the

proceeds of a major crime (*blanchiment aggravé*) and handling goods pillaged during an armed conflict.³² According to TRIAL, Argor-Heraeus SA knew, or at the least should have assumed, that the raw materials provided by the Jersey Channel Islands company Hussar Limited, with the assistance of London-based Hussar Services Limited, were the proceeds of pillage, which is a war crime.

International Banks and Beneficiaries

Once refined, the gold was sent onwards by Hussar Limited and Hussar Services Limited to the end purchaser. Key purchasers of the refined gold from Hussar Limited included Standard Bank, one of South Africa’s largest financial firms, and Commerzbank AG, Germany’s second largest bank.

The population of Ituri hardly benefitted, if at all, from the systematic looting and comprehensive tax/levies avoidance by the foreign companies involved in the *Conflict Gold Enterprise*. Only the FNI and a small minority of DRC businesspersons in league with the rebel group profited directly.

The biggest beneficiaries of the gold pillaged by the *Conflict Gold Enterprise* even now have not been identified. The purchasing company of the illicit gold, Hussar Limited, is owned by a secretive “trust.” Hussar Services Limited representatives referred to this parent trust in several instances as “Charmwood.”³³ There is no public register of trusts in Jersey Channel Islands.

4. Uganda’s Central Role

4.1 Illicit Gold Source Was Common Knowledge

It is inconceivable that major corporate actors in the gold trade business—purchasers, exporters, brokers, refineries, and banks—were not suspicious of the origin of large volumes of gold coming from Uganda. The stunning statistical discrepancies between Uganda’s import-export figures for gold and data on Uganda’s near absent domestic gold production were readily available

Because of concerns around money laundering and terrorism financing, due diligence norms for

European firms in the precious metal trade have been well established since at least the early 2000s. By following even minimal standards of oversight, the European actors involved in the *Conflict Gold Enterprise* should have known the Ugandan origin of the gold that they procured and refined. Additionally, it would have been extremely hard to remain unaware of the international community's concern about the unlawful trafficking in Congolese minerals through Uganda, a concern extensively reported in worldwide media and within mining trade publications at the time.

4.2 Gold Production vs. Exports, Scale of Pillage

Ugandan government statistics from 2000-2005 demonstrate that Uganda did not produce any significant amount of gold, yet the country was exporting huge quantities of ore. In 2002, gold accounted for 99% of the value of Uganda's mineral exports; and by 2003, gold had become Uganda's third largest export overall (after coffee and fish).³⁴ Most of this exported gold was pillaged from the DRC.

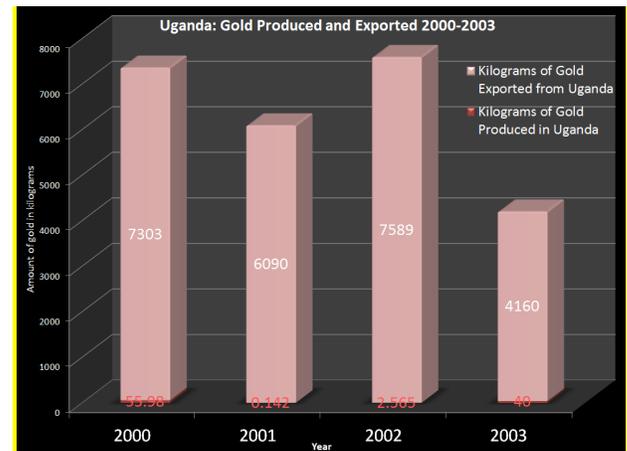
Other publicly available materials also highlighted the fact that most gold exported from Uganda was smuggled; a few examples of the publicly available data include:

International Monetary Fund: From as early as 1999, the International Monetary Fund (IMF) identified gold as Uganda's "second major foreign exchange earner (after coffee)." The IMF was clear that "[g]old is smuggled into Uganda; Uganda does not produce gold."³⁵

Ugandan Statistics: Official figures published by the Uganda Ministry of Energy and Mineral Development Annual Reports confirm the vast discrepancy between the amount of gold produced in Uganda and the amount exported. From 2001 to 2003, the amount of local production was less than 1% of exports, as shown by the compiled table below. In fact, the Minister of Energy and Mineral Development expressly invited inquiries from interested investors to obtain more information for their own due diligence purpose.³⁶

US Geological Survey: The US Geological Survey (USGS), which is part of the US Department of the Interior, produces an exhaustive annual *Minerals Yearbook*, which includes authoritative Area Reports for every important mineral producing country in the world. From 2001 until at least 2005, the *Minerals Yearbooks* Uganda reports stated that, "The majority of gold exports were reported to be re-exports from Congo (Kinshasa)."³⁷

Fig 3. Uganda: Gold Produced and Exported 2000-2003



Human Rights Watch: In its 2005 report, *Curse of Gold*, Human Rights Watch converted the official Ugandan export figures, along with official imports plus exports, for the years 1998–2003 into US dollars. In 2003, official gold exports from Uganda amounted to \$45,760,000, while domestic production together with officially recognized imports totaled just \$25,000 in value, or 0.05% of the value of the gold exported.³⁸

Fig 4.

Official Ugandan Gold Import, Export and Production, Figures in US\$

Year	1998	1999	2000	2001	2002	2003	2004
Gold Exports	18,600,000	38,360,000	55,730,000	50,350,000	59,900,000	45,760,000	45,590,000
Gold Imports	0	2,000	3,076,000	890,000	0	2,000	n/a
Local Gold Production	n/a	40,307	477,000	1,412	24,817	23,000	21,000
o	60460000	758430000	2460000	44436000	0	0	
Discrepancy	18,600,000	38,317,693	52,177,000	49,458,588	59,875,183	45,735,000	45,569,000

4.3 How Uganda Enabled The Pipeline

The easing of restrictions on gold sales and the abolishment of export taxes in the 1990s made the Ugandan gold export market competitive. Accordingly, Ugandan exporters incurred neither duties nor income taxes in Uganda.³⁹

This optimal tax treatment of Ugandan gold exports was matched with the ability of the DRC gold producers and exporters in rebel-held areas to avoid the expense of DRC Government taxes or other official DRC levies and fees.

These circumstances, together with the reliability of sourcing and the lack of border controls in the rebel-controlled DRC-Uganda border areas, were precisely the reasons that the Ugandan gold traders had set up their businesses with rebel-allied gold exporters in eastern DRC.

Likewise, the *Conflict Gold Enterprise* took advantage of Uganda's liberal gold export system; Uganda's proximity to DRC gold; the open borders; and the lack of official DRC taxation to maximize profits from a high-volume smuggling and laundering operation in conflict gold.

5. Conclusion and Recommendations

The primary beneficiaries of the *Conflict Gold Enterprise* remain unknown. These beneficiaries are the hidden names and faces behind Hussar Limited—the main purchaser of the pillaged DRC gold ore. Given the secretive, offshore services that Jersey Channel Island affords them, the beneficiaries are likely to remain shielded from scrutiny unless law enforcement authorities, regulators, and bank compliance departments conduct relevant inquiries.

This report calls upon all governments and law enforcement agencies with relevant jurisdictions to investigate the corporate actors complicit in the *Conflict Gold Enterprise*, and where feasible, to prosecute those criminally liable for the unlawful trade in pillaged DRC gold. Good cooperation among law enforcement agencies from the different countries involved would enhance the opportunity for a successful prosecution—

especially since the gold supply chain concerned potential transnational criminal activities.

A successful prosecution of corporate actors in pillaging DRC gold could have a number of beneficial impacts, not least saving thousands of lives. For instance, this would set a powerful global legal precedent, establish case law for the prosecution of corporate war crimes, inspire new prosecutions, and deter others who currently engage in the illegal exploitation of DRC gold, as well as other forms of pillage across the world.

Pillage incentivizes ongoing violence and enables atrocities and widespread human suffering. With the DRC's untapped mineral wealth estimated at over \$24 trillion, there is ample reason for largely unchecked illicit actors to continue their activities unless they are held accountable.⁴⁰

The foreign players, who have fueled or are fueling conflict in the DRC through pillage, can be brought to justice in a court of law, and their actions halted.

There is no better time than now for a precedent-setting case against the foreign corporate actors who have committed the war crime of pillage.

6. The Conflict Gold Enterprise At Last Check

The FNI militia group ceased to exist as an organization in 2007. However, two FNI leaders, Mr. Mathieu Ngudjolo Chui and Mr. Floribert Ngabu, remain on the UN targeted sanctions listing.⁴¹ In 2009, Mr. Ngudjolo was tried by the ICC; he was acquitted in 2012, though prosecutors are appealing the verdict. Other FNI leaders previously involved in the illicit gold trade business in Ituri have transformed themselves into leaders of local NGOs.⁴²

Dr. Kisoni Kambale was murdered in Butembo, DRC in July 2007. He was allegedly killed by Kenyan and Ugandan nationals.⁴³

In 2007, UCI, along with other Ugandan gold exporters, was put on a UN targeted sanctions list, which included an assets freeze.⁴⁴ Mr. Graff and Hussar Limited ceased business with UCI in mid-2005, while nonetheless retaining over

\$780,000 owed UCI for gold ore purchases before their business partnership was terminated. UCI has cooperated with this investigation.

Mr. Graff moved to Israel in 2005 to avoid possible UK prosecution.⁴⁵ In 2012, Mr. Graff established a new company, Maiden Metals, in the UK. The London address Mr. Graff provided in Maiden Metals corporate filings belongs to his accountant, Stuart Harris, who manages Maiden Metal's financial portfolio. According to Harris, the UK company has not filed any activity. Mr. Harris did add that Mr. Graff could be using Maiden Metals as a trademark name outside the UK.⁴⁶

Hussar Services Limited was legally dissolved in July 2006.⁴⁷

Hussar Limited remains active in Jersey Channel Islands. Osiris Management Services Trust continues to provide services to Hussar Limited. The current link between Hussar Limited and Royal Bank of Canada is not known.⁴⁸

A company called Charmwood Limited was incorporated in Jersey Channel Islands about four months after Hussar Services Limited was dissolved.⁴⁹ The explicit link between Charmwood Limited and the *Conflict Gold Enterprise* is not known.

Rand Refinery ceased refining gold for Hussar Limited in mid-2004.⁵⁰ Rand Refinery has cooperated with this investigation.

Argor-Heraeus SA was named in a Swiss legal denunciation for aggravated money laundering related to the war crime of pillage. This denunciation was submitted to the Swiss Federal Prosecutor in November 2013, by the Swiss NGO TRIAL.⁵¹

Emirates Gold ceased business with UCI, though like Hussar Limited, Emirates Gold retained monies owed its client UCI.

9. END NOTES

¹ Hussar Services Limited staff email correspondence with author.

² At various times, Rand Refinery in South Africa, Metalor Technologies SA in Switzerland, and Emirates Gold in the United Arab Emirates also refined the gold supplied by the FNI and FAPC supply chains. See generally, UNGE reports on the Democratic Republic of Congo from January 2005 until present.

³ See generally, James G. Stewart, *Corporate War Crimes* (Open Society Justice Initiative 2011).

⁴ The ICC has put DRC militia leaders on trial for war crimes, including Mathieu Ngudjolo Chui, the former head of the FNI.

⁵ Jacey Fortin, "The Continent Versus The Court: African Union Deliberates Withdrawal From The ICC," *International Business Times*, 11 Oct. 2013, <http://www.ibtimes.com/continent-versus-court-african-union-deliberates-withdrawal-icc-1422434>.

⁶ Ruben Konig and the Enough Team, *Striking Gold: How M23 and its Allies are Infiltrating Congo's Gold Trade*, The Enough Project, <http://enoughproject.org/reports/striking-gold-how-m23-and-its-allies-are-infiltrating-congos-gold-trade>, (Oct. 2013).

⁷ See generally James G. Stewart, *Corporate War Crimes: Prosecuting the Pillage of Natural Resources* (2011) (Open Society Justice Initiative), available at <http://www.opensocietyfoundations.org/reports/corporate-war-crimes-prosecuting-pillage-natural-resources>

⁸ International Criminal Court, *Elements of Crime*, (The Hague: International Criminal Court, 2011).

⁹ The requirement that the taking be perpetrated for the pillager's "private or personal use" is controversial, however, and likely only applies, if at all, to the ICC. Numerous cases brought after the Second World War successfully targeted representatives of companies that seized goods to support the Nazi or Japanese war effort; and jurisprudence in the International Criminal Tribunal for the Former Yugoslavia and in the Special Court for Sierra Leone also dispenses with any "private or personal use" limitation.

¹⁰ All gold found in the DRC is owned by the Government of the DRC according to Article 9 of the Constitution of the DRC. A new Mining Code was established by the Government of the DRC in July 2002 in order to regulate the extraction and trade of minerals, including gold. Joseph Kabila, *LAW No. 007/2002 of JULY 11, 2002 RELATING TO THE MINING CODE*, (Ministry of Mines, Government of the Democratic Republic of the Congo, 2002) http://mines-rdc.cd/fr/documents/codeminer_eng.pdf (2002).

¹¹ Human Rights Watch, *The Curse of Gold*, (Human Rights Watch, 2005), <http://www.hrw.org/node/11733/section/1>.

¹² Jean-David Levitte, *Statement of the President of the Security Council S/PRST/2000/20*, <http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/DRC%20SPRST%202000%2020.pdf>, (United Nations Security Council, 2000).

¹³ Agshin Mehdiyev, *Letter dated 12 November 2012 from the Chair of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council*, http://www.un.org/ga/search/view_doc.asp?symbol=S/2012/843, (United Nations Security Council, 2012).

¹⁴ United Nations Security Council, *Resolution 1533*, <http://unscr.com/en/resolutions/doc/1533> (United Nations Security Council, 2004).

¹⁵ Hussar Services Limited Staff interview with author, London.

¹⁶ Rand Refinery staff email correspondence with author.

¹⁷ Hussar Services Limited staff and UCI interview with author, London and Kampala.

¹⁸ UCI staff interview with author, Kampala.

¹⁹ UCI staff interview with author, Kampala.

²⁰ UCI staff interview with author, Kampala.

²¹ John Willcox, "Who's Suing Whom: Millionaire acts over a 'secret conspiracy'", *The Independent*, 23 Nov. 1998.

²² Publicly available Hussar Services Limited and Hussar Limited corporate records

²³ Publicly available Hussar Services Limited and Hussar Limited corporate records

²⁴ Hussar Services Limited staff interviews and email correspondence with author.

²⁵ Rand Refinery email correspondence with author.

²⁶ reference the US Geological Survey...

²⁷ These activities were in violation of Articles 120 and 126 of the DRC Mining Code of 2002. Joseph Kabila, *LAW No. 007/2002 of JULY 11, 2002 RELATING TO THE MINING CODE*, (Ministry of Mines, Government of the Democratic Republic of the Congo, 2002) http://mines-rdc.cd/fr/documents/codeminer_eng.pdf

²⁸ The UNGE reported that Dr. Kisoni exported approximately 50 kg. of gold every 10 days. Abdallah Baali, Letter dated 26 July 2005 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, para. 80, http://www.un.org/ga/search/view_doc.asp?symbol=S/2005/30&referer=/english/&Lang=E, (United Nations Security Council, 26 Jul. 2005).

²⁹ UCI staff interview with author, Kampala. UCI, Hussar Services Limited and Hussar Limited corporate records.

³⁰ Mr. Graff and Ms. Eaton both referred to the parent trust in Jersey Channel Islands as Charmwood in interviews and email correspondence with author.

³¹ TRIAL (Tracking Impunity Always), <http://www.trial-ch.org/en/home.html>, (4 Nov. 2013); Stop-Pillage website at www.stop-pillage.org.

³² TRIAL (Tracking Impunity Always), <http://www.trial-ch.org/en/home.html>, (4 Nov. 2013). Stop-Pillage website at www.stop-pillage.org.

³³ Mr. Graff and Ms. Eaton both referred to the parent trust in Jersey Channel Islands as Charmwood in interviews and email correspondence with author.

³⁴ Human Rights Watch, *Curse of Gold* (June 2005).

³⁵ IMF Uganda Report October 1999, p.70.

³⁶ Uganda Ministry of Mines and Energy 2002 Report, p. iii. The Minister's Foreword to the 2003 Report contains similar language, "encourage[ing] the interested parties to visit our technical departments in order to obtain more information for their own use," see Uganda Ministry of Mines and Energy 2003 Report.

³⁷ *US Geological Survey Minerals Yearbook Kenya and Uganda 2001*, p. 17.4; *US Geological Survey Minerals Yearbook Kenya and Uganda 2002*, p. 18.4. See similarly *US Geological Survey Minerals Yearbook Kenya and Uganda 2003*, p. 18.4; *US Geological Survey Minerals Yearbook Kenya and Uganda 2004*, p. 40.1; *US Geological Survey Minerals Yearbook Kenya and Uganda 2005*, p. 41.1.

³⁸ Human Rights Watch, *Curse of Gold* (June 2005), at p. 108. (Human Rights Watch's recalculation into US dollars, based on Ugandan Bureau of Statistics, Ugandan Ministry of Energy and Mineral Development And Central Bank of Uganda. Figures reproduced at Table 2, above.)

³⁹ See Uganda Revenue Authority, Government of Uganda, Taxation and Investment in Uganda Structure and Trend (May 12, 2004), pp. 6 and 11 (Export Tax abolished in 1993: "Uganda offers a tax-free export policy to promote production for export. All exports are tax free and zero-rated while at the same time a duty drawback system is in place under which a producer or exporter can claim back the taxes paid on certain inputs during the production of the goods declared for or being exported"), available at <http://www.ugrevenue.com/pdfs/UK%20TAXATION%20PAPE R.pdf>; Duty and VAT Exemptions, the Uganda Export Promotion Board ("[t]here are no taxes charged on exports (zero rated). This is meant to reduce costs for the exporters and to make exports from Uganda more competitive"), available at <http://www.ugandaexportsonline.com/incentives.php>. See also Philip M. Mobbs, *The Mineral Industry of Uganda – 1997*, p. QQ1 (increase in Uganda gold exports from 225 kg in 1994 to 6,819 kg in 1997 "attributed to the abolishment of the Central bank's monopoly on gold purchases in 1994 and to

gold mined in the Democratic republic of the Congo...and brought into Uganda.”).

See also Human Rights Watch, *Curse of Gold* (June 2005), p. 106 (“In 1993 the Ugandan Central Bank eased restrictions on gold sales and decided not to tax gold exports.”).

⁴⁰<http://www.un.org/apps/news/story.asp?NewsID=39986#.UnX2VFM3Ga0>

⁴¹ See generally:

<http://www.un.org/News/Press/docs/2007/sc8987.doc.htm>;

United Nations Security Council Committee; SC/8987 Sanctions Committee Concerning Democratic Republic of Congo Adds Two Individuals, Five Entities to Assets Freeze, Travel Ban List;

<http://www.un.org/News/Press/docs/2007/sc8987.doc.htm>;

(United Nations, 29 Mar. 2007);

http://www.un.org/sc/committees/1533/pdf/1533_list.pdf This seems to be latest UN Sanctions List (UNSL), last updated 12 April 2013

⁴² CAP field visit and interviews with former FNI militia leaders in Mongbwalu in August 2013; CAP interviews with local human rights activists in Bunia and Mongbwalu, August 2013.

⁴³ See generally:

http://www.wikileaks.org/plusd/cables/07KINSHASA779_a.htm

Government of the Democratic Republic of the Congo, ACCUSED KILLERS OF NORTH KIVU TRADER APPEAR BEFORE MILITARY COURT,

http://www.wikileaks.org/plusd/cables/07KINSHASA779_a.htm I, (via cable, 10 Jul. 2007)

⁴⁴ See generally:

<http://www.un.org/News/Press/docs/2007/sc8987.doc.htm> See

generally: Endnote: United Nations Security Council Committee, Department of Public Information, News and Media Division, New York; SC/8987 Sanctions Committee Concerning Democratic Republic of Congo Adds Two Individuals, Five Entities to Assets Freeze, Travel Ban List; <http://www.un.org/News/Press/docs/2007/sc8987.doc.htm>; (United Nations, 29 Mar. 2007)

⁴⁵ Hussar Services Limited staff interviews, email correspondence and phone calls with author.

⁴⁶ Publicly available corporate documents, UK; Mr. Harris interview with author, London.

⁴⁷ Publicly available corporate documents, UK.

⁴⁸ Publicly available corporate documents, Jersey Channel Islands.

⁴⁹ Publicly available corporate documents, Jersey Channel Islands.

⁵⁰ Rand Refinery interviews and email correspondence with author.

⁵¹ See generally, TRIAL (Tracking Impunity Always),

<http://www.trial-ch.org/en/home.html>, (4 Nov. 2013). Stop-Pillage website at www.stop-pillage.org.