

*Financial arrangements*

605. According to three ex-CNDP FARDC officers, Ntaganda has several bank accounts in Rwanda under the name of his wife, Akiki Irene. Congolese and Rwandan border officials reported that Ntaganda's wife regularly visits Gisenyi. The Group did not receive answers to enquiries sent to the banks mentioned.

*CAMAC case study*

606. The Group has found that General Bosco Ntaganda has also collaborated with East African regional networks of dealers selling both real and counterfeit gold to international buyers. Ntaganda's participation in such deals has not dissuaded gold buyers hopeful of obtaining large profits from buying at low prices. The Group is concerned at these cases, both because of the lack of due diligence and because of the infringement of the sanctions regime prohibiting business activities with designated individuals.

607. The Group has investigated one particularly high-profile case in which Kase Lawal, Chair of the CAMAC Group, attempted to conduct a gold transaction that subsequently involved Ntaganda between December 2010 and February 2011. CAMAC is an oil company based in Houston, Texas, in the United States, with offices in Lagos and Abuja, Nigeria. Financing this deal with company funds, Lawal organized it in collaboration with Carlos St. Mary, director of the diamond trading company Axiom Trading, and Dikembe Mutombo of Mutombo International Group.

*Events in New York*

608. According to St. Mary and hotel records examined by the Group, Lawal convened a meeting to initiate the gold deal in New York on 2 December 2010. There, Mutombo and three relatives, Reagan Mutombo, Stephan Kapuadi and David Kapuadi proposed the sale of 475 kg of gold held in Nairobi (see annex 165). The profit to be gained from the deal was originally estimated at more than \$10 million. Lawal agreed to finance the deal, with St. Mary conducting the business in Kenya and the two splitting profits with Mutombo, originally on a 40-30-30 basis. Text messages obtained by the Group demonstrate Lawal's understanding that the gold was to have originated from the Democratic Republic of the Congo (see annex 166). Throughout the process, Lawal made no inquiries regarding the exact origins of or conditions in which the gold had been extracted and transported from the Democratic Republic of the Congo to Kenya.

*Inspection of the gold in Nairobi and Goma*

609. In Kenya, the alleged owner of the gold was presented by the Kapuadis as Eddy Michel Malonga (see para. 547 above and para. 618 below), with whom St. Mary visited a gold refinery in Karen, outside Nairobi, and was presented with a certificate of ownership in the name of CAMAC Nigerian Limited (see annex 167). After a return trip to Nigeria on the part of a CAMAC security agent, an initial payment of \$4.8 million was made to Malonga on 17 December with CAMAC funds. However, when paperwork discrepancies and the false identities of alleged customs agents became apparent, Malonga disappeared, claiming to St. Mary that the first instalment was intended for a "General". Upon resurfacing, Malonga proposed that the transaction be completed in Goma.

610. On 19 January, St. Mary's Kenya-based lawyer, Punit Vudgama, and CAMAC employee Alexander Ehinmola were sent to Goma, where two army colonels accompanied them in a military vehicle to a FARDC-guarded safe house to view the metal boxes that supposedly contained the gold. After St. Mary thoroughly briefed him, describing the military involvement and the signatures of colonels on the new contract, Lawal agreed to proceed with the deal, apparently believing that it would be easier to obtain export documents from the country of origin in Goma. Furthermore, according to St. Mary, Lawal was reassured, rather than concerned, by the explicit involvement of the Congolese military, perceiving it to be a security guarantee.

#### *Cash transactions*

611. Subsequently, in Nigeria, on instructions from Kase Lawal, the Vice-Chair of CAMAC Nigeria Limited, Mukaila "Mickey" Lawal, prepared two separate bags containing the remaining amount of currency and joined St. Mary and CAMAC security agent Franck M'Bemba on CAMAC's leased Gulfstream jet for a flight from Abuja to Goma on 3 February (see annex 168). The Nigerian Government provided the Group with passenger manifests confirming this flight (see annex 169). With Reagan Mutombo already in Goma to oversee Dikembe Mutombo's share in the deal, the passengers arrived and were brought to meet Ntaganda at Hotel Ihusi.

612. According to St. Mary, Ntaganda introduced himself as the true owner of the gold and promised to obtain all the necessary paperwork. St. Mary told the Group that both he and Mukaila Lawal had informed Kase Lawal about the General's ownership, providing his name. Nevertheless, Lawal was concerned only to the extent that this presented another twist in the already convoluted deal, but also appeared relieved to finally be engaging directly with the true owner of the gold. According to St. Mary, Lawal did not ask who the General was or suggest that St. Mary should pull out of the deal as a result of his involvement.

613. On 4 February, at his hotel, Kivu Light, Ntaganda instructed St. Mary to retrieve one of the bags of cash from the jet to cover documentation costs. After St. Mary did so, however, there was an armed stand-off between his armed escorts, led by Colonel Masozera, and multiple other security services, including the Republican Guard. According to a witness interviewed by the Group, a call from the presidency, made by the head of the Presidential Guard, led to an agreement that the bag should be brought to the Governor's house. However, Masozera took it directly to Ntaganda's residence and on to Kivu Light, where St. Mary witnessed Ntaganda and his chief intelligence officer, Colonel Nsengiyumva Wilson, counting \$3.1 million in cash.

614. The following day, 5 February, St. Mary, Mukaila Lawal, M'Bemba and the flight crew were brought back to the airport, where, according to airport officials who were present, 25 metal boxes were loaded onto the jet. Immediately after Mukaila Lawal had provided the second bag to Masozera, Presidential Security Adviser Colonel Jean Claude Yav boarded the plane and accused St. Mary of illegal possession of minerals. A fire truck was driven in front of the jet. The passengers were subsequently taken for interrogation by intelligence services and eventually brought to the central bank to review the contents of the first bag that they had provided to Ntaganda.

615. According to St. Mary, the bag now contained \$2.8 million in counterfeit bills. According to intelligence officers, Ntaganda handed over a second bag, containing \$3 million in counterfeit bills, on 10 February. St. Mary shared with the Group photos of the original United States dollar bills from the first bag, which had been counted at Kivu Light (see annex 170); they did not resemble the counterfeit money, which Congolese authorities and St. Mary described as printed on yellow copy paper, with all bills having the same serial number.

#### *Criminal charges*

616. On 14 March, the Attorney General's office in Kinshasa charged St. Mary, Mukaila Lawal and M'Bemba with money-laundering and illegal transport of a banned material, given the mining ban in effect at the time. Transferred to a house in Kinshasa after being detained for a month in a hotel in Goma, CAMAC's Kinshasa representative, Marie Elonga, officially paid \$3 million in fines, and the three were finally released on 25 March. According to St. Mary, when he had travelled immediately to see Kase Lawal in London, Lawal had told him that he had lost a total of \$30 million as a result of the whole ordeal, including transport fees, fines, bribes and the payments made on the gold purchase.

617. Following multiple official letters and telephone calls by the Group, CAMAC's lawyers responded in a letter dated 13 May 2011, stating that the individuals involved were "neither employed by or consultants to our organization" and that CAMAC "has already publicly addressed some of the issues raised in your letter and has no further interest in pursuing the matter" (see annex 171). However, on its website, CAMAC acknowledged the release of its corporate jet, which had been flown to the Democratic Republic of the Congo in breach of its lease with Southlake Aviation (see annex 172). Despite Reagan Mutombo's initial agreement to cooperate with the Group's investigations, he eventually refused to follow through, on the advice of his lawyers.

#### *East African counterfeit gold networks*

618. Behind Malonga, the Group has uncovered a wide-reaching network of gold swindlers throughout East Africa, some of whom have had close prior associations with Ntaganda. The Group has concluded that the Kapuadis and Malonga, a Cameroonian national, were working for another Cameroonian, named Yusuf Omar, whom Congolese intelligence has been investigating for more than a year. According to one of Omar's partners, prior to St. Mary's arrival at Goma, Omar sought out Ntaganda in order to ensure the security arrangements for the transaction, owing to the fact that CAMAC was concerned about coming to Goma. Omar travelled to Goma in December and stayed at Ntaganda's hotel, Kivu Light.

619. For his part, Ntaganda told the Group that he had been approached by a Nande businessman named "Bruce Kambale" (see para. 547 above), who had explained the deal and asked for protection in exchange for a percentage of the profits from the scam. The Group confirmed through other con artists in Kampala that Kambale worked closely with Omar.

620. Ntaganda also claimed to the Group that he had informed the head of Congolese intelligence in Goma, Jean-Marc Banza, and FARDC Colonel Jean-Claude Yav about the deal prior to the arrival of the buyers in Goma. In separate interviews, Banza and Yav confirmed to the Group that they had learned of the

CAMAC deal from Ntaganda shortly before the arrival of the Gulfstream jet in Goma. They told the Group that the Government had conducted investigations into those who had organized the CAMAC deal. In the course of those investigations, only one member of the network had actually been arrested.

621. According to the Criminal Investigation Department of the Kenya Police, the key individual behind most of the large gold scams in Nairobi is Paul Kobia (see para. 547 above), who was arrested in March 2011 on related charges. According to documents found by the Kenya Police through raids on Kobia's properties, Kobia had a large number of commissioners working throughout the region selling counterfeit gold, including Omar.

622. Photographs and descriptions presented by the Kenya Police of a refinery operated by Kobia's network match those provided by St. Mary (see annex 173). Furthermore, the description of the metal boxes in which the gold was held outside Goma matches the description of those that St. Mary viewed in Nairobi. The Kenya Police seized large numbers of this type of box in Kobia's homes (see annex 174).

#### **Black Pearl case**

623. A similar deal had taken place earlier, in December 2010, when Tariq Fawad Malik, a Pakistani national, came to Goma on board a Hawker 4000 jet from Dubai to engage in a gold deal. Two staff officers of Ntaganda, two gold smugglers in Nairobi and Kampala, and an FARDC source revealed that it had been a direct deal between the client and Ntaganda. Two smugglers reported that the main broker had been the same as in the CAMAC case, Yusuf Omar. A witness to the transaction in Goma confirmed that Omar had travelled to Goma for the deal, through Kigali, alongside a Kenyan and two Congolese nationals.

624. The jet, with the registration number A6-SHH, had been leased from the Dubai Empire Aviation Group<sup>166</sup> and flew to Goma on 14 December, with a stopover in Kampala (see annex 175). Data shared by United Arab Emirates authorities revealed that the charter had been contracted to Black Pearl Capital Limited, based in Dubai, with an address of P.O. Box 211050. The Group was unable to contact Black Pearl during its visit to Dubai, as telephone calls made to the company did not go through and the office, situated at an address provided by one of the brokers involved in the deal, was closed. The P.O. Box number could not be found in the Dubai telephone registry. The Group recognized the logo of the company, which had been shown to the Group earlier by a smuggler who had had dealings with Black Pearl<sup>167</sup> (see annex 176).

625. Gold smugglers operating between Nairobi, Kampala and Goma reported that Black Pearl was a company unofficially purchasing minerals in Uganda, Kenya and the United Republic of Tanzania. Malik works for Black Pearl and travels frequently to Uganda, Kenya and the United Republic of Tanzania to conduct gold transactions. The Group has seen a copy of Tariq's passport, which has the number KG912085

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<sup>166</sup> According to the certificate of registration, the owner of the aircraft is UBS Leasing AG of Switzerland, which leased it to Elegant Aviation Limited, care of Codan Trust Company Limited, in the British Virgin Islands. The latter has it operated by Empire Aviation Group.

<sup>167</sup> The Group found another company with an identical name in Dubai. At the time of reporting, the Group's communication to the second Black Pearl company had not yet been answered.