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## PILLAGE:

# SWISS BUSINESSMAN UNDER CRIMINAL INVESTIGATION FOR WAR CRIMES COMMITTED IN THE DRC

## PRESS KIT

December 2019



**OPEN SOCIETY  
JUSTICE INITIATIVE**

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## BACKGROUND INFORMATION



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### THE SECOND CONGOLESE WAR

Between 1998 and 2003, the Second Congolese war raged in the Eastern part of the Democratic Republic of the Congo, with a series of armed conflicts involving several States and around twenty armed groups, reaching an estimated death toll of 3,3 million.

### THE RCD-GOMA

4 | The armed group **Rassemblement congolais pour la démocratie** (RCD) played a particularly important role during the Second Congolese war. Created during the summer of 1998 and supported by both Ugandan and Rwandan armies, the RCD directly attacked the Central government. In 1999, it divided into two, with the RCD-Goma, the more powerful of the two groups, based in Goma.

With an armed force of several thousand men, the RCD-Goma rapidly took control of a great portion of the Eastern part of the DRC, including the provinces of North and South Kivu and Maniema, where it exercised a State like power, controlling administrations and

collecting taxes, and exercising a **reign of terror**. Indeed, according to the United Nations, in the territory controlled by the RCD-Goma, their armed forces have “*massacr[ed] defenceless civilian populations with machetes, knives and guns, causing thousands of victims.*” (Report on the situation of human rights in the Democratic Republic of the Congo, submitted by the Special Rapporteur, Mr. Roberto Garretón, in accordance with Commission on Human Rights resolution 1999/56)

The RCD's war efforts were sustained by the **illegal exploitation of natural resources**. As the NGO Global witness reported: “*Control and exploitation of these trades enabled the RCD-Goma to finance*

*its crippling occupation of North and South Kivu –an occupation characterised by widespread human rights violations against the civilian population.*” (Global witness, Afrimex (UK), [Complaint to the UK National Contact Point under the Specific Instance Procedure of the OECD Guidelines for Multinational Enterprises](#), 20th February 2007.)

According to the United Nations Group of Experts at the time, “*RCD-Goma has designed a fiscal system based mainly on the mining sector. About six different forms of tax exist in this sector, and they are applied on approximately eight different types of minerals.*” However, the **revenues collected by the RCD did not benefit the population** at all. |

### LINK BETWEEN MINERAL RESOURCES AND THE ARMED CONFLICT

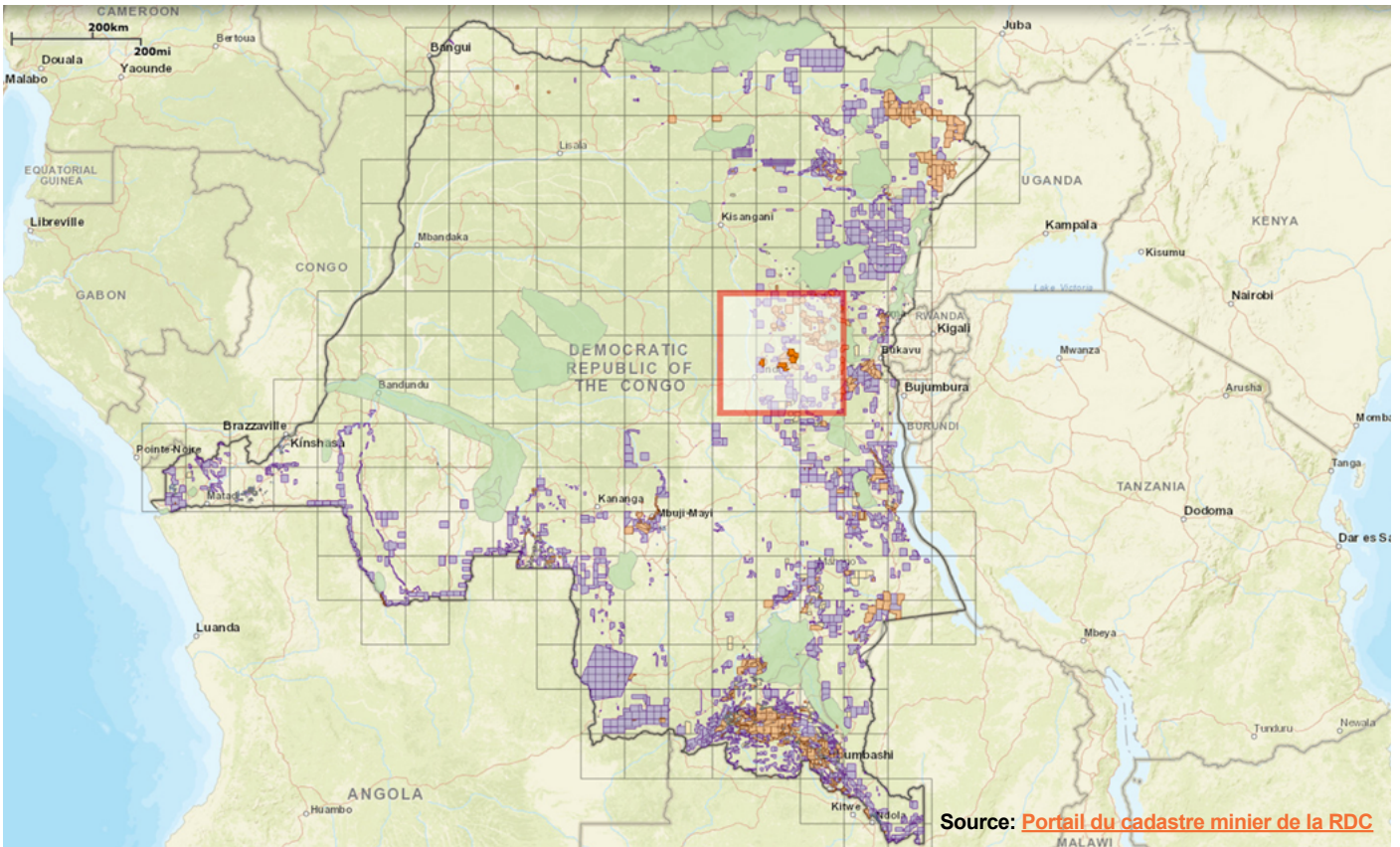
The conflict was heavily fueled by illegal exploitation of natural resources, considered by the United Nations as “*a driving force behind the war*” (United Nations Office of the High Commissioner for Human Rights, [Mapping document](#), §733). The UN also concluded that “*the abundance of natural resources in the DRC and the absence of regulation and responsibility in this sector has created a particular dynamic that has clearly contributed directly to widespread violations and to their perpetuation and that both domestic and foreign state-owned or private companies could bear some responsibility for these crimes having been committed.*” ([Mapping document](#), §42) |



©UN Photo / Sylvain Liechti



# BACKGROUND INFORMATION



## THE EX-SOMINKI

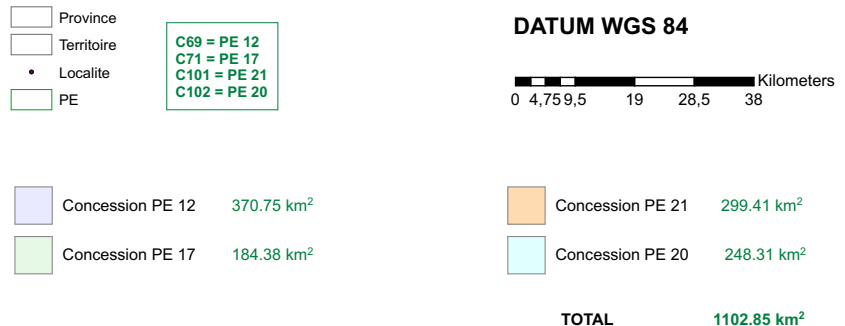
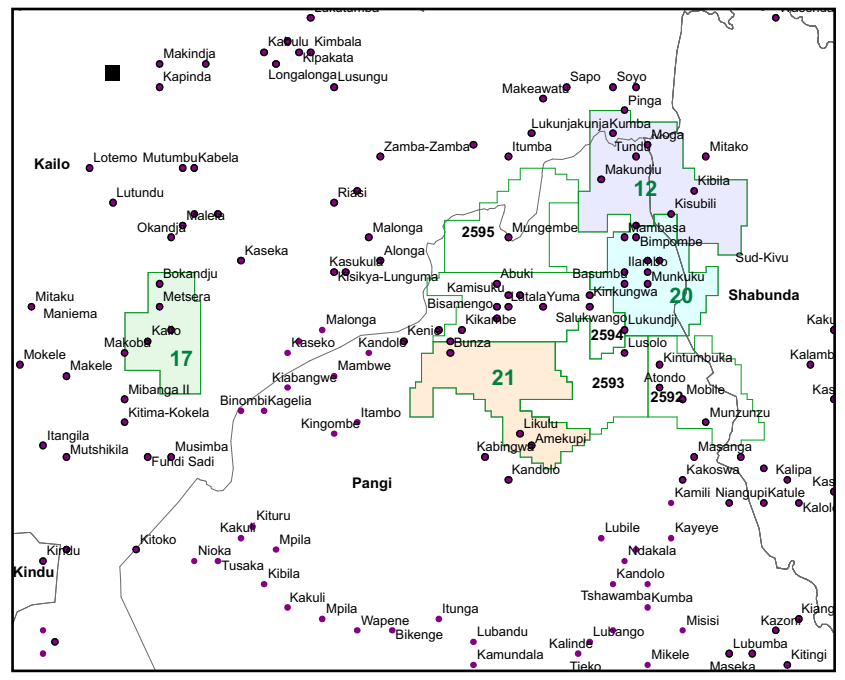
When conquering North and South Kivu and Maniema in 1998, the RCD took control of the the *Société minière et industrielle du Kivu* (SOMINKI), a company belonging to the State and owning numerous mining concessions of **coltan**, **cassiterite**, **wolframite** on over 100'000 km<sup>2</sup>. In February 2001, **Christoph Huber** signed a contract with the Sominki granting his company **Medivals Minerals Ltd**, based in Kigali, four concessions in the provinces of Maniema and South Kivu, representing around 1'100 km<sup>2</sup>, as well as mineral treatment facilities. These mining concessions were cassiterite (SnO<sub>2</sub>) and Wolframite. Medivals would pay a royalty of 20% of the price of cassiterite. The contract also mentioned the fact that security was going to be provided with the support of RCD's army.

The contract was approved by RCD-Goma's highest authorities, who approved it by a decision dated 1<sup>st</sup> of March 2001.

Christoph Huber's concessions did not last for a long period, but he was still able to acquire hundreds of tons of cassiterite and wolframite during the time where he held concessions. |

## CONCESSIONS GRANTED TO MEDIVAL MINERALS LTD

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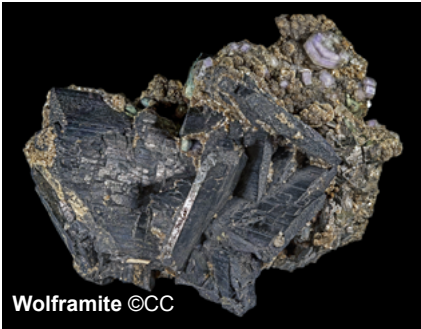
# BACKGROUND INFORMATION

## EASTERN DRC MINERALS



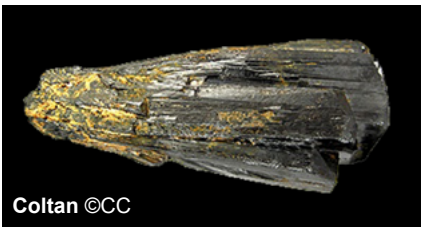
Cassiterite ©CC

**CASSITERITE** is a tin oxide mineral. Tin is widely used by the industry, from joining pipes or electric circuits to preserving food.



Wolframite ©CC

**WOLFRAMITE** is an iron manganese tungstate mineral, among the most important tungsten ore minerals. Tungsten can be isolated from the ore and can be used for building incandescent light bulb filaments, X-ray tubes, as well as highly penetrating projectiles in its military application.



Coltan ©CC

**COLTAN** (short for *columbite–tantalite*) is a metallic ore from which are extracted the elements niobium and tantalum. Tantalum is used to manufacture components of portable telephones, personal computers...

### CHRISTOPH HUBER

M. Huber is described by the United Nations Group of experts as “a Swiss businessman who has been widely cited by various government officials and in public reports as having been involved in the large-scale transport of coltan out of the Democratic Republic of the Congo and Rwanda during the period of the Rwandan-backed RCD-Goma rebel occupation in eastern Democratic Republic of the Congo during the period 1998-2003.”

The concessions held with Medivals were not the first or last of Mr Huber’s alleged dealings in minerals from the region. Indeed, numerous reports (from the UN, from NGOs and from news media) include allegations of Mr. Huber’s trading in conflict minerals from 1997 onwards, through companies such as Finconcord, Finmining and Raremet. (*L’Hebdo*, Congo: le sale trafic d’un Suisse, 4 avril 2002, *Rapport du Groupe d’experts sur l’exploitation illégale des ressources naturelles et autres richesses de la République démocratique du Congo*, 23 novembre 2009, S/2009/603.) |

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The RCD-Goma collected taxes from concessions granted to foreign companies within the territory under its control. But the revenues did not benefit the population.



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# BACKGROUND INFORMATION

LINK BETWEEN THE RCD-GOMA  
AND CHRISTOPH HUBER

Reçu le 14 mars  
091/CPG/Sec.

**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
*Rassemblement Congolais pour la Démocratie*  
**R. C. D.**

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**ARRETE INTERDEPARTEMENTAL**  
**N° 001/RCD/CE/DFBP/DTME/2001 DU 12 MARS 2001**  
**PORTANT APPROBATION DU PROTOCOLE D'ACCORD DU**  
**22/02/2001 CONCLU ENTRE LE COMITE PROVISOIRE DE**  
**GESTION DE L'EX-SOMINKI ET LA SOCIETE MEDIVAL**  
**MINERALS LIMITED**

- LE CHEF DE DEPARTEMENT DES FINANCES, BUDGET ET PORTEFEUILLE ;
- LE CHEF DE DEPARTEMENT DES TERRES, MINES ET ENERGIE ;

Vu le Protocole d'accord du Rassemblement Congolais pour la Démocratie tel que modifié à ce jour ;

Vu le Règlement Intérieur du Rassemblement Congolais pour la Démocratie tel que modifié à ce jour ;

Vu la résolution portant acte constitutionnelles applicables pendant la guerre ;

Vu la Décision n° 001 du 2 nomination des membres du Rassemblement Congolais pour la

Vu telle que modifiée et l'Ordonnance - Loi n° 81-013 Législation Générale sur Hydrocarbures ;

Vu l'Ordonnance n° 67-416 du 2 Règlement Minier ;

Vu la Décision n° 023 du abrogation de la Décision

**ARRETEMENT :**

**Article 1 :**

Est approuvé le Protocole d'Accord signé le 22/02/2001 entre le Comité Provisoire de Gestion de l'ex-SOMINKI et la Société Medival Minerals Limited dans le cadre de la gestion et de la relance des activités de l'entreprise ex-SOMINKI.

**Article 2 :**

Les autorités civiles et militaires sont priées, chacun en ce qui la concerne, de l'exécution du présent Arrêté interdépartemental qui entre en vigueur à la date de sa signature.

Fait à Goma, le **01 MAR 2001**

Le Chef de Département des Terres, Mines et Energie

Le Chef de Département des Finances, Budget

**REPUBLIQUE DEMOCRATIQUE DU CONGO**  
*Société Minière et Industrielle du Kivu*  
**SOMINKI**  
**COMITE PROVISOIRE DE GESTION (CPG-S).**

N/Réf. : 056 / CPG/P/SOM/NK/2001. Goma, le 12 MAR 2001.  
V/Réf. :

Medival Minerals Ltd  
à **GOMA**

Messieurs,

Concerne : Liste des concessions, usines de traitement et des immeubles concernés.  
(Art.9 du Protocole d'Accord du 22/02/2001)

Nous avons l'avantage de vous donner, ci-joint, en application des articles 1<sup>er</sup> et 9 du protocole du 22/02/2001, la liste des concessions, usines de traitement et des immeubles concernés :

**I. CONCESSIONS**

C69	MOGA, ULINDI
C101	KALIMA I
C102	KALIMA II
C71	KAILO, LONIOMA, OKE, KITSHA

**II. USINES DE TRAITEMENT**

1. Epuration	KALIMA
Capacité (mois)	134 tonnes de SnO2 26 tonnes de WO3.
2. Epuration	KAILO
Capacité (mois)	16 tonnes de SnO2 5 tonnes de WO3

Comme il a été convenu, les conditions effectives de mise à disposition seront discutées dès que votre première équipe sera arrivée à KALIMA. Il en sera de même pour les modalités d'utilisation des pistes d'aviation par COMAIR.

Veuillez agréer, Messieurs, l'expression de nos meilleurs sentiments.

Pour le Comité Provisoire de Gestion/ex-SOMINKI

C.C. : Président du RCD  
- Secrétaire Général du RCD  
- DTME  
- DFBP  
- DG Kalima  
- Chrono ✓



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