PILLAGE:

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

PRESS KIT
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BACKGROUND INFORMATION

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.

LINK BETWEEN MINERAL RESOURCES AND THE ARMED CONFLICT

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 “massacred 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)
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 km². In February 2001, Christoph Huber signed a contract with the Somink granting his company Medivals Minerals Ltd, based in Kigali, four concessions in the provinces of Maniema and South Kivu, representing around 1’100 km², as well as mineral treatment facilities. These mining concessions were cassiterite ($SnO_2$) 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 1st 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.
BACKGROUND INFORMATION

EASTERN DRC MINERALS

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

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 (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...

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.

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.)
BACKGROUND INFORMATION

LINK BETWEEN THE RCD-GOMA AND CHRISTOPH HUBER

ARTICLE 1 :

Est approuvé le Protocole d’Accord signé le 23/02/2001 entre le Comité Provisoire de Gestion de l’ex-SOMINKI et la Société Médival 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

M. Le Chef de Département des Terres, Mines et Énergie

II. MINES DE TRAITEMENT

1. Epuration KALIMA
   - Capacité (mois) 154 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 dans une première équipe mise en œuvre à KALEMA. Il en sera de même pour les modalités d’utilisation des sites d’exploitation par COMAIR.

Veulliez agréer, Messieurs, l’expression de nos meilleurs sentiments.

Pour le Comité Provisoire de Gestion ex-SOMINKI

C.C. : Président du RCD
- Secrétariat Général du RCD
- DFMIE
- DG Kailo
- Chambre