



## **DRC - Researched and compiled by the Refugee Documentation Centre of Ireland on 15 and 16 November 2012**

### **When was M23 group founded?**

A report published by the *International Crisis Group* in October 2012 notes:

“Under international pressure, the Congolese authorities ordered the arrest of Bosco Ntaganda after having publicly refused to arrest him for three years on the pretext that he was a key element in the peace process in the Kivus. This U-turn by Kinshasa, which seems to call into question the amnesty granted to the CNDP, led to a mutiny and the formation of a new political-military movement, the M23, in May” (International Crisis Group (4 October 2012) *Eastern Congo: Why Stabilisation Failed*, p.9).

This report also states:

“On 6 May, the mutineers announced the creation of a new armed movement, called M23 in reference to the 23 March 2009 agreement, with Colonel Makenga, a close associate of Bosco Ntaganda, as coordinator. They demanded the full and complete implementation of the 23 March agreement” (ibid, p.9).

Commenting on the mutiny in the army, the *Agence France Presse (AFP)* note in an article published in May 2012 that:

“Mutineers questioned by AFP said they belonged to M23, the new military group formed by ex-members of the CNDP and led by Colonel Sultani Makenga, who deserted on May 4 with several dozen men and holed up in the Rutshuru territory near the border” (Agence France Presse (11 May 2012) *Over 10,000 Congolese flee fighting to Rwanda, Uganda*).

The *Associated Press* in May 2012 notes:

“The mutinous soldiers have fled into the bush, where they regrouped, issuing a press release on the letterhead of the former CNDP, saying that they had launched a new rebel group, called the M23 for March 23, in reference to the date of the 2009 peace treaty” (Associated Press (11 May 2012) *Dissident Congo colonel says his men won't disarm*).

*Agence France Presse* in May 2012 states:

“The mutineers, who began defecting in early April, have formed a new military group called the March 23 Movement (M23), comprising ex-members of the rebel National Congress for the Defence of the People (CNDP)” (Agence France Presse (17 May 2012) *DR Congo army shells mutineers*).

Commenting on earlier mutinies in 2012, a report published in November 2012 by the *Rift Valley Institute* states:

“The first attempt at mutiny—in January at Bukavu—was botched. Makenga was involved in planning this insurrection, but stayed in the background, allowing a group of mainly non-Tutsi disaffected army officers and political malcontents calling themselves the Conseil supérieur de la paix (CONSUP, Higher Peace Council) to make the running. The government then began testing officers’ loyalty, first by asking Ntaganda to send troops to prepare for an annual military parade in Kinshasa in February 2012, then by inviting ex-CNDP officers to a seminar on army reform in the capital in March. Ntaganda refused both, ordering his men not to attend. Kinshasa began mobilizing officers individually, with promises of money and promotions. At least five senior officers attended the seminar, among them Colonels Innocent Gahizi, Eric Bizimana, Richard Bisamaza, and Innocent Kabundi, with more coming for a second seminar held a month later” (Rift Valley Institute (5 November 2012) *From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo*, p.42).

This document also points out that:

“Pressure increased when Thomas Lubanga—whom Ntaganda had served as chief of staff in Ituri during the peak of violence there—was convicted by the ICC for recruitment of child soldiers on 14 March 2012. Lubanga’s conviction triggered mobilization in earnest. After a succession of statements demanding the full implementation of the 23 March 2009 peace deal and denouncing anti-Tutsi discrimination within the army, ex-CNDP officers held secret meetings in Goma and Gisenyi in mid-March. Then the defections started, simultaneously in North and South Kivu. These moves, again, failed. Within several days, most ex-CNDP troops had re-defected back to the army. ‘The soldiers were tired of seeing their commanders get rich and not give them anything,’ said one ex-CNDP officer. ‘Why risk your lives for commanders you don’t believe in?’ Another commented, ‘officers told Ntaganda: “We can do this, we are prepared.” But they weren’t.’ Most of the 365 mutineers in South Kivu were arrested or rejoined the Congolese army on their own accord. The subsequent wave of defections in North Kivu also faltered. Several commanders surrendered, while others were forced to retreat to the highlands of central Masisi, where they hastily recruited dozens of new recruits” (ibid, p.43).

This report also states:

“The government’s response to these failed mutinies and the defections that had enabled them to happen was to ask Rwandan officials to help them stem the tide of defections. Officials from both countries met in Gisenyi, Rwanda, on 8 April, a meeting attended by Makenga and a group of ex-CNDP officers who had not yet defected. It was agreed that Ntaganda should be allowed to stay at his ranch in Masisi, while a commission of integration would be set up to decide the fate of other mutineers. But when President Kabila visited Goma the following day, he insisted that deserters would face military justice instead of reintegration. Furthermore, he said, ex-CNDP troops would be redeployed elsewhere in the country—this sudden about-face infuriated the Rwandan government. This was a crucial turning point. ‘Up until mid-April,’ one foreign diplomat said, ‘the Rwandan government appears to have played a positive role, dissuading deserters and talking to the Congolese.’ However, according to testimony by Ugandan officials and M23 deserters, it is now clear that the

Rwandan government was involved in planning the mutiny since 2011—and in mid-April 2012 they were forced to move from tacit to overt support of the M23, to prevent it from being stamped out entirely. Under heavy pressure from Congolese troops, the mutineers moved out of Masisi to a narrow stretch of hills close to the Rwandan border on 4 May. ‘They needed a rear base,’ said one ex-CNDP officer who refused to join the mutiny. ‘Rwanda told them to come.’ On the same day, Makenga and his officers finally defected, crossing into Rwanda to meet Rwandan officers before joining Ntaganda. Two days later, the group issued a statement announcing the creation of the new ‘M23’ rebellion, with the goal of implementing the stalled 23 March 2009 agreement” (ibid, pp.43-44).

A publication issued in November 2012 by the *United Nations Joint Human Rights Office* notes:

“In April 2012, in Masisi territory as in the neighbouring territory of Rutshuru, North Kivu province, FARDC elements defected from the national army to start a new rebellion, the ‘Mouvement du 23 mars’ (M23). M23 elements were pushed back by FARDC soldiers towards Rutshuru territory where they regrouped. On 22 April 2012, the Government took the decision to redeploy a large number of loyalist troops from Masisi territory towards Rutshuru territory in order to contain the advancement of the M23 rebellion” (United Nations Joint Human Rights Office (14 November 2012) *Report of the United Nations Joint Human Rights Office on human rights violations perpetrated by armed groups during attacks on villages in Ufamandu I and II, Nyamaboko I and II and Kibabi groupements, Masisi territory, North Kivu province*, p.8).

*Voice of America* in May 2012 states:

“The Congolese army issued a ceasefire to allow the rebels to turn themselves in after they mutinied following complaints that they were mistreated in the army. But the renegade soldiers have so far refused to rejoin the army, despite Wednesday’s deadline. ‘When the ceasefire was announced, people were expecting the CNDP [rebel] mutineers to surrender. Instead they have morphed the CNDP into a new movement. It means instead of seeing things calming down, things might get worse,’ said Basilemba. The rebels issued a statement saying they have formed a new movement they called M23. They also replaced Ntaganda with Colonel Sultani Makenga as the new leader” (Voice of America (8 May 2012) *DR Congo Tension Palpable As Army’s Ceasefire Ends*).

In July 2012 *BBC News* points out:

“The rebels - who took up arms in April - named themselves ‘M23’ after a failed peace agreement signed on 23 March three years ago” (BBC News (11 July 2012) *DR Congo conflict: UN ‘to protect Goma from rebels’*).

The *Enough Project* in August 2012 states:

“The M23 movement is a rebellion that is fighting the Armed Forces of the Democratic Republic of Congo, or FARDC, in eastern Congo. The movement, which is supported by Rwanda, began in late March 2012 with the defections of General Bosco ‘The Terminator’ Ntaganda and an estimated 300

Congolese soldiers” (Enough Project (28 August 2012) *Enough 101: What is the M23 Movement in Eastern Congo?*).

A report issued in September 2012 by *Human Rights Watch* points out that:

“The M23 armed group consists of soldiers who participated in a mutiny from the Congolese national army in April and May 2012” (Human Rights Watch (11 September 2012) *DR Congo: M23 Rebels Committing War Crimes*).

This report also states:

“The soldiers who took part in a mutiny from the Congolese army between late March and May and formed the M23 group were previously members of the National Congress for the Defense of the People (CNDP), a former Rwanda-backed rebel group that integrated into the Congolese army in January 2009. General Ntaganda led the mutiny following Congolese government attempts to weaken his control and increased calls for his arrest and surrender to the ICC, in accordance with Congo’s legal obligations to cooperate with the court. He was joined by an estimated 300 to 600 troops in Masisi territory, North Kivu province. Ntaganda’s forces were defeated by the Congolese army, which pushed the rebels out of Masisi in early May. Around the same time, Col. Makenga, a former colleague of Ntaganda in the CNDP, announced he was beginning a separate mutiny in Rutshuru territory. In the days that followed, Ntaganda and his forces joined Makenga” (ibid).

The *Stimson Centre* in October 2012 notes:

“The eastern part of the country suffers from abuses inflicted by state authorities such as the army and the police, as well as by a variety of non-state armed groups. M23 has been one of the most recent and destabilizing of these armed groups. It is predominantly composed of former members of the rebel group CNDP, which was integrated into the Congolese army under the terms of a peace treaty signed with the DRC government on March 23, 2009, the date from which M23 derives its name. These former CNDP members defected from the army between March and May of this year. Like the CNDP before it, M23’s members are mainly of Tutsi ethnicity. Its size is estimated at around 1,500 members, many hundreds of them thought to be forcibly recruited from DRC and from Rwanda” (Stimson Centre (31 October 2012) *Turning Talk into Action: Encouraging M23 to Uphold Human Rights*).

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This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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