

Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 4 July 2012

Any information on the armed group in the DRC known as M23? When was it founded? Any information on leadership, number of fighters, recent activities?

A report from the UN High Commissioner for Refugees states:

"The UN High Commissioner for Human Rights, Navi Pillay, expressed deep concern Tuesday about the safety of the civilian population living in the east of the Democratic Republic of the Congo (DRC) as fighting continues between the Congolese army and the M23 movement, which has been conducting a mutiny in North Kivu Province under the leadership of a particularly notorious group of human rights violators. 'The leaders of the M23 figure among the worst perpetrators of human rights violations in the DRC, or in the world for that matter,' Pillay said. 'Many of them have appalling track records including allegations of involvement in mass rape, and of responsibility for massacres and for the recruitment and use of children.' 'Many of them may have been responsible for war crimes,' she added. 'I fear the very real possibility that they will inflict additional horrors on the civilian population as they attack villages in eastern DRC.' The M23 is composed of army deserters, formerly belonging to the armed groups CNDP and PARECO, who were integrated into the national army following a 2009 peace agreement. The senior leadership of M23 includes Sultani Makenga, a Colonel and former rebel leader alleged to have been involved in civilian killings and recruitment of children for use in combat, and Bosco Ntaganda, an army general wanted by the International Criminal Court (ICC) on charges of war crimes for recruiting and using children in combat in the northeastern district of Ituri in 2002-2003." (UN High Commissioner for Refugees (19 June 2012) Citing "appalling" human rights record of leaders of M23 mutineers in DR Congo, Pillay fears further abuses)

An IRIN News report states:

"To the layman the emergence of the eastern Democratic Republic of Congo (DRC) armed group M23 might be seen as of little significance - just another band of gunmen controlling a few square kilometres of turf in a country the size of western Europe. 'This [M23] is a new configuration and a serious development. More than 200,000 people have been displaced since April [because of M23],' Rupert Colville, a Geneva-based spokesperson for the UN High Commission for Human Rights, told IRIN. In late March 2012 Gen Bosco Ntaganda, a senior officer in the DRC national army (FARDC), led a mutiny of 300-600 soldiers following discontent over unpaid wages and poor living conditions. Ntaganda (known locally as the 'terminator') was indicted by the International Criminal Court (ICC) in 2006 for war crimes. On 3 May 2012 Col Sultani Makenga began an apparently separate revolt. Both men were formerly part of Laurent Nkunda's National Congress for the Defence of the People (CNDP), a former DRC militia backed by neighbouring Rwanda, before it was integrated into the FARDC as part of the 23 March 2009 peace

agreement. Makenga has reportedly denied that the two revolts were coordinated or connected. However, analysts suggest the mutinies may have been sparked by indications that DRC President Joseph Kabila was about to honour his obligations to the ICC and arrest Ntaganda. The UN Security Council has condemned the mutinies. Colville said M23, which takes its name from the date of the 2009 peace agreement, has a senior command with 'substantial allegations' of atrocities against it. He said that was why UN High Commissioner for Human Rights Navi Pillay took 'the unusual step of naming names... She is flagging the dangers of M23." (IRIN News (22 June 2012) DRC: Understanding armed group M23)

An Agence France Presse report states:

"The members of M23 originally came from an armed Congolese Tutsi movement, the National Congress for the Defence of the People (CNDP), who were integrated into the army in 2009. They are led by Colonel Sultani Makenga and have demanded the full implementation of the 2009 peace accords, complaining of poor pay, inadequate food and a lack of promotion, problems rife in the army as a whole." (Agence France Presse (26 May 2012) Democratic Republic of the Congo (the): Fighting erupts again in eastern DR Congo)

An *IRIN News* report, in a paragraph headed, "Who are the "mutineers"?", states:

"Bosco Ntaganda was second in charge of the Tutsi rebel group Congrès national pour la défense du people (CNDP) until 2009, when he brokered a deal to integrate its troops into the national army and take over the North Kivu command. After integration, CNDP soldiers operated a parallel leadership structure, taking orders only from Ntaganda. However, in early April, the former CNDP soldiers began to defect, citing unpaid salaries and poor living conditions, and said the government had failed to uphold the terms of the 2009 peace accord. Commentators said the 'mutineers' were protecting Ntaganda from arrest, but they denied this, calling themselves M23 in reference to the 23 March 2009 accord." (IRIN News (16 May 2012) DRC: North Kivu in turmoil again)

A Voice of America News report states:

"The M23 mostly consists of former members of another rebel movement the CNDP, who joined the army three years ago under a peace agreement. But many deserted from the army in April in support of former rebel leader Bosco Ntaganda - who is wanted for war crimes. In May, the Congolese army succeeded in driving M23 forces back to the frontier with Rwanda and Uganda. But this month that offensive ran out of momentum, amid reports the rebels were getting help from Rwanda. In the past 10 days, four ex-CNDP colonels and an estimated 200 soldiers are reported to have deserted to the M23. One of the deserters, known as Colonel Douglas, was in charge of military intelligence for the district where most of the fighting against the M23 has been happening." (Voice of America News (27 June 2012) *More Senior Officers Desert Congo Army*)

A *Human Rights Watch* report, in a paragraph headed "Forced Recruitment of Children", states:

"Ntaganda, a powerful general in the Congolese army, led a mutiny following government attempts to weaken his control and increased calls for his arrest for alleged war crimes. He called on other forces to join the mutiny at strategic military positions in Masisi territory. A few hundred soldiers responded. Ntaganda's forces took control over Kitchanga, Kilolirwe, Mushaki, Rubaya, Kingi, and surrounding areas in Masisi territory in eastern Congo. In mid-April, Ntaganda and fighters under his command told those living in towns and villages under their control that children and young men were needed for their forces. One woman from Birambizo told Human Rights Watch that Ntaganda personally came to her village and said, 'Since you [villagers] have been with the government, you've gotten nothing. Why not join me?' The woman said: '[Ntaganda] asked us to give our children, our students, to him to fight. He came to our village himself, like [detained rebel leader Laurent] Nkunda used to do. But we refused and said our children should go to school.' In the days that followed, Ntaganda's fighters took children by force at school, from their homes, farms, or from the roadside as they tried to flee on foot or on motorbike taxis. A number of those forcibly recruited were given quick military training, but the majority were immediately forced to porter weapons and ammunition to frontline positions. Many were put in military uniforms or partial uniforms." (Human Rights Watch (15 May 2012) DR Congo: Bosco Ntaganda Recruits Children by Force)

See also a *Human Rights Watch* report which states:

"Field research conducted by Human Rights Watch in the region in May 2012 revealed that Rwandan army officials have provided weapons, ammunition, and an estimated 200 to 300 recruits to support Ntaganda's mutiny in Rutshuru territory, eastern Congo. The recruits include civilians forcibly recruited in Musanze and Rubavu districts in Rwanda, some of whom were children under 18. Witnesses said that some recruits were summarily executed on the orders of Ntaganda's forces when they tried to escape. One Rwandan, forcibly recruited into Ntaganda's forces and who later escaped, told Human Rights Watch. 'I saw six people who were killed because they tried to flee. They were shot dead, and I was ordered to bury their bodies.' Witnesses told Human Rights Watch that weapons provided to Ntaganda's forces by Rwandan military officials included Kalashnikov assault rifles, grenades, machine guns, and anti-aircraft artillery. New recruits brought these weapons to Runyoni in eastern Congo, the main base of the mutiny. The recruits, weapons, and ammunition coming from Rwanda have provided important support to Ntaganda and his forces, Human Rights Watch said. The support has helped them hold their military positions on the hills of Runyoni, Tshanzu, and Mbuzi, and surrounding villages, against military assaults from the Congolese army." (Human Rights Watch (3 June 2012) DR Congo: Rwanda Should Stop Aiding War Crimes Suspect)

An Inter Press Service report states:

"Speaking on national television on Saturday (Jun. 30), Lambert Mende, the Congolese Minister for Communications, denied rumours which say 'DRC has armed and equipped members of the FDLR (Democratic Forces for the Liberation of Rwanda) and former FAR troops (Forces Armées Rwandais – elements of Rwanda's former army) to attack the regime in Kigali'. 'Between March and April 2012, Rwanda recruited around 200 very young children

which it trained and sent out as combat troops in M23,' said Mende. M23 is a group of military mutineers who have led an uprising in eastern DRC. Mende's remarks followed the publication, on Jun. 21, of a United Nations report on the situation in eastern DRC and the external support enjoyed by the new rebel movement, which stated that 'between April and May 2012. M23 recruited numerous children to carry military equipment and to fight in its ranks'. '(The M23 rebellion) was created by Bosco Ntaganda, a general in FARDC (the Congolese army), with support from Laurent Nkunda Batware, the former president of the CNDP (the National Congress for the Defence of the People) whose rebellion gripped the province since 2003 and other high level members of CNDP wanted by the International Criminal Court (ICC) for war crimes and crimes against humanity,' the French version of the report stated. The report – based on corroborated evewitness accounts from soldiers, active and deserting rebels, and Congolese army intelligence reports and intercepts - details the recruitment of children, as well as provision of ammunition, training, health care and the mobilisation for ex-combatants for M23 by neighbouring Rwanda." (Inter Press Service (2 July 2012) About 200 Children Fighting in Uprising in Eastern DRC)

A *Foreign Policy* article quotes an unpublished report to the UN Security Council as follows:

"Over the course of its investigation since late 2011, the Group has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern DRC. Initially the RDF [Rwandan Defense Forces] appeared to establish these alliances to facilitate a wave of targeted assassinations against key FDLR [The Democratic Forces for the Liberation of Rwanda, the armed remnants of Rwanda's former genocidal government] officers, thus significantly weakening the rebel movement (see paragraphs 37 & 38 of interim report). However, these activities quickly extended to support for a series of post electoral mutinies within the FARDC [The Congolese Armed Forces] and eventually included the direct facilitation, through the use of Rwandan territory, of the creation of the M23 rebellion. The latter is comprised of ex-CNDP officers integrated into the Congolese army (FARDC) in January 2009. Since M23 established itself in strategic positions along the Rwandan border in May 2012, the Group has gathered overwhelming evidence demonstrating that senior RDF officers, in their official capacities, have been backstopping the rebels through providing weapons, military supplies, and new recruits. In turn, M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF support. This has created enormous security challenges, extending from Ituri district in the north to Fizi territory in the south, for the already overstretched Congolese Army(FARDC). Through such arms embargo violations, Rwandan officials have also been in contravention of the sanctions regime's travel ban and assets freeze measures, by including three designated individuals amongst their direct allies." (Foreign Policy (26 June 2012) Exclusive: U.N. panel says Rwanda behind Congolese mutiny)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit 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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