



## **Democratic Republic of the Congo – Researched and compiled by the Refugee Documentation Centre of Ireland on 25 July 2012**

### **Information on armed conflict in the DRC that has occurred April 2012 to July 2012**

The Introduction to a report from *Amnesty International* comments on the background to the current conflict in the eastern DRC as follows:

“The Democratic Republic of the Congo (DRC) has been plagued by almost two decades of conflict that has resulted in the suffering of millions of men, women and children. Crimes under international law including unlawful killings, enforced disappearance, torture and sexual violence have been committed on a large scale by national and foreign armies, armed groups and militias. A UN Mapping Report published in October 2010 documented over 600 serious violations of international human rights and humanitarian law committed between March 1993 and June 2003, including crimes against humanity and war crimes. The Congolese security forces and armed groups continue to commit violations of international human rights and humanitarian law. This is particularly the case in eastern DRC, where armed groups and government forces have been responsible for unlawful killings of civilians. Rape and other forms of sexual violence are widely reported, committed by government forces, including the armed forces of the DRC (Forces Armées de la République démocratique du Congo, FARDC), and armed groups. Children have continued to be recruited as soldiers for armed groups including the Lord’s Resistance Army (Armée de Résistance du Seigneur, LRA) and the Democratic Forces for the Liberation of Rwanda (Forces Démocratiques de Libération du Rwanda, FDLR). These armed groups have abducted children and used them as fighters or as cooks, spies and messengers, or subjected them to sexual violence and cruel and inhumane treatment. Following violent clashes between the FARDC and deserters and armed groups in North and South Kivu province in April and May 2012, the number of internally displaced people increased to over 2 million.” (*Amnesty International (12 June 2012) 'If You Resist We'll Shoot You': The Democratic Republic of the Congo and the Case for an Effective Arms Trade Treaty, p.7*)

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 peuple (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 eyewitness 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*)

An *IRIN News* report, in a paragraph headed "What progress has M23 made since April?" states:

"In May, the defectors announced that they were operating under the new leadership of Col Sultani Makenga. M23 took advantage of a ceasefire by the FARDC to move from the former CNDP stronghold of Masisi District east to Runyoni, a strategic peak in the Virunga national park, where the borders of Uganda, Rwanda and DRC meet. The rebels made initial gains in May before being pushed back by FARDC, but as allegations emerged that Rwanda may be supporting the rebels in June, they displayed a new show of strength. On 6 July, M23 took control of Bunagana, the strategic mining town in Rutshuru District on the Ugandan border. They then advanced to take four more towns in the district, according to rebel leader Col Makenga. 'We will withdraw and leave them to MONUSCO [UN Stabilization Mission in DRC] and national police,' he told AFP. Notably, the rebels said they would not hand the towns back to FARDC. 'We are not there to take the towns but to get our voices heard,' he added." (IRIN News (10 July 2012) *Briefing: Crisis in North Kivu*)

In a paragraph headed "How has overall security in North Kivu been affected?" this report states:

"As FARDC committed resources to fighting M23, the security situation in other parts of the Kivu provinces degenerated rapidly. Elements of the various militia collectively known as Mai Mai increased their military activities, including, in North Kivu's Masisi Territory, Mai Mai Kifuafua, which has formed an alliance with Raia Mutomboki, another Mai Mai group. Police blamed this coalition for the massacre of more than 200 people in a dozen attacks over a few days in mid-May. Witnesses said the attackers announced they wanted to kill anyone who spoke Kinyarwanda, the language spoken in Rwanda. To the north, the head of another Mai Mai group with alleged ties to M23, Gen Kakule Sikula Lafontaine, led an assault on an army base in North Kivu's

Lubero Territory in early June. In Walikale territory to the west, as FARDC soldiers were redeployed elsewhere, FDLR moved in. Some towns have seen peaceful transfers of power from FARDC to other armed groups. In Pinga, for example, FARDC was replaced by the Alliance of Patriots for a Free and Sovereign Congo (APCLS), a Mai Mai group based in Masisi that purports to protect the Hunde ethnic group against the threat purportedly posed by Kinyarwanda speakers. FARDC's eventual return to such settlements is likely to provoke further conflict." (ibid)

An *IRIN News* report refers to the targeting of Kinyarwanda speakers as follows:

"More than 100 people have been killed and thousands displaced in ethnically motivated massacres in northeastern Democratic Republic of Congo (DRC) since mid-May, according to government officials. Bigembe Turikonkinko, the sector chief of Katoyi in North Kivu's Masisi territory, has recorded the details of 120 people, primarily women and children, who were killed in 12 village massacres carried out between 17 and 22 May in Katoyi and its environs." (IRIN News (12 June 2012) *DRC: Scores killed as Mai-Mai target Kinyarwanda speakers*)

See also an *IRIN News* report which, in a paragraph headed "Peace message", states:

"While DRC has accused Rwanda, where Tutsis are seen to dominate the government, of backing the M23 rebel group, many Tutsis have lived in DRC all their lives and consider themselves Congolese nationals. André Kimbuta Yango the governor of Kinshasa and Kinshasa chairman of the PPRD, also issued a message of peace. 'Kinshasa residents, I don't want to hear that you are hunting down our brothers from the Tutsi community living in the capital. Soldiers from their community within our army are also dying like any other soldiers from other communities,' he said. The officials' remarks follow incidents in the North Kivu capital, Goma, which lies on the Rwandan border and where street children and motorcycle taxi drivers recently went on the rampage, attacking those perceived to be Rwandans or Tutsis. 'They would catch anyone who looks like a Rwandan and beat him and take them to the Rwandan border,' said a witness to such events, Junior Kambale." (IRIN News (13 July 2012) *DRC: Top officials warn against witch-hunts, hate speech*)

An *Amnesty International* press release states:

"About 600 FARDC soldiers are said to have fled to Uganda after they were overwhelmed by the soldiers from M23, which is led by Sultani Makenga and Bosco Ntaganda, and composed of deserters from the Congolese army, who mostly belonged to the National Congress for the Defence of the People (CNDP) which integrated into the FARDC in 2009. Amnesty said the fact FARDC soldiers fled to Uganda is a matter of concern and again weakened the Congolese army's ability to protect efficiently the civilian population from an armed group whose capacity seems to have strengthened. 'There is a grim feeling that history is repeating itself with ex-CNDP members managing to control several strategic axes as they did in 2008,' said Paule Rigaud, the Programme Director for Africa at Amnesty International. 'Five years ago, a similar situation led to serious atrocities, among them the Kiwanja massacre,

during which at least 150 civilians were killed by the CNDP.’ ‘Amnesty International is deeply concerned that more people are now being displaced by the fighting, adding to those who have been forced to flee over the past months, and that there is an increasing risk civilians may be caught in the crossfire.’ There is growing concern over the increased strength of the M23, which is reportedly planning to retake key towns, including in Masisi territory - the former stronghold of the CNDP. ‘It is quite worrying that about 600 Congolese soldiers fled to Uganda while the M23 was attacking the area.’” (Amnesty International (6 July 2012) *DRC: History must not repeat itself as violence flares in North Kivu*)

A *BBC News* report offers an explanation for the inability of the Congolese army to quell the rebellion as follows:

“Although it is only now making the headlines, the mutiny began in a desultory fashion back in April. It is led by a group of ethnic Tutsi soldiers who used to be rebels in DR Congo's endlessly complicated conflicts, but who were, in a spirit of weary reconciliation, eventually amalgamated into the Congolese government's armed forces back in 2009. The soldiers are commanded, from behind the scenes, by Bosco Ntaganda - a man indicted by the International Criminal Court (ICC) for alleged war crimes. His colleagues – ‘a bunch of thugs’ according to one experienced Western observer - also include a number of other figures allegedly linked to atrocities. The mutineers were for several years involved in a government-backed military campaign called ‘Amani Leo’, aimed at pacifying the turbulent region. Amani Leo was not only moderately successful but also gave its commanders power, patronage, and control over lucrative mines and trade routes. Two things seem to have triggered this latest mutiny - firstly a move by the Congolese government to reign in, and perhaps even redeploy, those in charge of Amani Leo; and secondly the uncomfortable news that another notorious local militia leader, Thomas Lubanga, had been convicted by the ICC. The curious and telling thing is that over the course of the last few days, the rebellion has been transformed from a fairly minor and contained irritant into something that now threatens the city of Goma and the security of the region. Surely, you might think, the Congolese army - totalling some 150,000 men - could easily crush a mutiny involving no more than a few hundred soldiers. The reason they cannot - a reason confirmed in exhaustive detail by UN investigators, human rights groups and defectors - can be summed up in one word: Rwanda. Naturally, the government of the tiny neighbouring state of Rwanda emphatically denies any involvement in the current rebellion, a line it has repeated stolidly over many years and many similar episodes. But the evidence on the ground - and again this is coming from UN sources and reports and other credible organisations - seems conclusive: that Rwandan soldiers have been actively involved in supplying guns, other military equipment, recruits, and perhaps even fighting alongside the M23, as the mutineers now call themselves - and that Rwanda's intervention has been a game-changer.” (BBC News (11 July 2012) *The tactics behind DR Congo's mutiny*)

An *Agence France Presse* profile of the alleged leader of the rebellion states:

“Bosco Ntaganda, the alleged leader of eastern Congo's M23 mutiny, is a feared military commander believed to run a vast extortion empire and wanted by the ICC for a raft of war crimes. The International Criminal Court

had already issued an arrest warrant against him in 2006 for recruiting child soldiers and added another Friday for other charges including sex slavery, murder and pillaging. The Rwandan-born Ntaganda is an ex-general in the Congolese army but is widely seen as the main instigator of a mutiny by ex-rebels who had been integrated in the regular forces in 2009 but defected in April this year. After regrouping in the Virunga national park, the forces loyal to Ntaganda conquered several towns near the Ugandan border, easily overwhelming the army and prompting fears of an attack on the regional capital Goma. The offensive displaced at least 220,000 people and prompted the United Nations to call for dialogue between Kinshasa and Kigali, which denies accusations by the world body of arming and funding the M23 mutiny.” (Agence France Presse (13 July 2012) *Bosco Ntaganda: 'The Terminator' chief of DR Congo mutiny*)

A report from the *UN High Commissioner for Refugees* states:

“Renewed fighting over the last week in Democratic Republic of the Congo's North Kivu province has caused more than 5,000 people to flee across the border into south-west Uganda and left an unknown number internally displaced. As of Monday, Uganda Red Cross staff in the crowded Nyakabande Transit Centre in Uganda's Kisoro District had registered 5,075 new Congolese arrivals from North Kivu's neighbouring Rutshuru territory since the latest fighting between government troops and the rebel March 23 movement exploded last Thursday. The defectors on Friday captured the border town of Bunagana on Friday followed by the important town of Rutshuru, causing thousands to flee.” (UN High Commissioner for Refugees (10 July 2012) *More than 5,000 Congolese flee to Uganda amid fresh fighting*)

See also a report from the *UN Office for the Coordination of Humanitarian Affairs* which states:

“On 6 July, fighting broke out again in Rutshuru Territory, with the M-23- a group of breakaway soldiers from the national army- seizing control of some areas. On 16 July, another armed group, the Raia-Mutomboki, clashed with national army soldiers in Walikale Centre, a major town in North Kivu, forcing the relocation of some 60 humanitarian workers, with the help of UN peacekeepers, to the provincial capital, Goma. This represents one of most significant deterioration of the situation in recent weeks. The events of the past two weeks have displaced an unknown number of people and disrupted livelihoods; reduced access and hindered aid delivery, and led to numerous protection incidents such sexual violence and child soldier recruitment, and communal violence. The recent fighting is exacerbating what is already one of the world's most complex humanitarian crises. Since April 2012, a deteriorating security situation borne out of armed confrontations between the national army and the M-23, defections among the national army, and the activism of other armed groups have provoked the displacement of at least 220,000 people within the province. Also, more than 43,000 have crossed into neighbouring Uganda and Rwanda.” (UN Office for the Coordination of Humanitarian Affairs (20 July 2012) *Humanitarian Concerns Grow Over Deteriorating Situation In North Kivu*)

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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