

# Immigration and Refugee Board of Canada

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## Responses to Information Requests

Responses to Information Requests (RIR) respond to focused Requests for Information that are submitted to the Research Directorate in the course of the refugee protection determination process. The database contains a seven-year archive of English and French RIRs. Earlier RIRs may be found on the UNHCR's Refworld website.

30 January 2013

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Democratic Republic of the Congo: The armed group M23 (Mouvement du 23 Mars), including its activities in Goma; the ethnic makeup of the group, its objectives, affiliated groups, recruitment methods and areas of operation; treatment of its members by state security forces (2012-January 2013)  
 Research Directorate, Immigration and Refugee Board of Canada, Ottawa

### 1. Overview

The March 23 Movement [Mouvement du 23 Mars] or M23, is an armed group of soldiers who deserted from the Armed Forces of the Democratic Republic of the Congo (FARDC) following a mutiny in April 2012 (BBC 23 Nov. 2012; UN 21 Aug. 2012). The mutineers were former members of the National Congress for the Defence of the People (Congrès national pour la défense du peuple, CNDP), a Congolese militia that was supported by Rwanda before it joined the Congolese army in 2009 (ibid. 26 June 2012; Human Rights Watch 11 Sept. 2012). The movement takes its name from the accord signed on March 23, 2009, between the government of the Democratic Republic of the Congo (DRC) and the CNDP, which made specific provisions for this integration (BBC 23 Nov. 2012; UN 21 June 2012, para. 64).

According to some media sources, the M23 has between 1,200 and 6,000 soldiers (BBC 23 Nov. 2012; *The Guardian* 1 Dec. 2012). The Group of Experts on the DRC, which was established by the UN Security Council and whose primary function is to monitor the arms embargo and the sanctions imposed on the DRC by a 2003 Council resolution, estimates that the movement has approximately 1,250 members (UN 15 Nov. 2012, para. 1, 3). The majority of these members are of Tutsi origin (BBC 23 Nov. 2012; AFP 1 Dec. 2012).

According to some sources, the M23 are also known as the Congolese Revolutionary Army (Armée révolutionnaire congolaise, ARC) (UN 13 Oct. 2012; *The Guardian* 1 Dec. 2012; BBC 23 Nov. 2012). Other sources maintain that ARC is the name of M23's military branch (Xinhua 21 Nov. 2012; RNW 20 Nov. 2012).

#### 1.1 Leadership

The M23 leaders are believed to be former top-ranking CNDP officers (BBC 23 Nov. 2012; UN 15 Nov. 2012, 164, 167). The Group of Experts on the DRC, who have met with more than 80 FARDC and M23 deserters since April 2012 and interviewed dozens of high-ranking Congolese military officials, intelligence officers, political leaders and local officials, as well as active participants in the ex-CNDP mutiny and the M23 rebellion (ibid. 27 June 2012, para. 6), indicate that, according to former M23 officers and soldiers, General Bosco Ntaganda is the top rebel leader on the ground and Colonel Sultani Makenga is in charge of operations and coordination with the M23's armed allies (ibid. 15 Nov. 2012, para. 31). General Ntaganda is wanted by the International Criminal Court (ICC) for war crimes and crimes against humanity committed in Ituri in 2002 and 2003, which include murder, rape, sexual slavery, pillaging, persecution, and recruitment of child soldiers (ibid. 164-165; Human Rights Watch 11 Sept. 2012). In a report published on 11 September 2012, which is based on interviews with 190 people, including Congolese and Rwandan victims, witnesses, local authorities, and current or former M23 fighters, Human Rights Watch indicates that the M23 maintains that Ntaganda is not part of the movement (ibid.). The NGO adds, however, that [Human Rights Watch English version] "several dozen former and current M23 fighters and others close to the M23's leadership" insist that Ntaganda plays "a key command and leadership role" (ibid.). The Group of Experts on the DRC notes, however, that Ntaganda [translation] "operates under the orders and guidance of Rwandan officials" (UN 15 Nov. 2012, para. 6).

According to the Group of Experts on the DRC, the M23 also has a political branch and a "government," whose members were allegedly "unilaterally appointed" in August 2012 by General James Kabarebe, the Minister of Defence for Rwanda (ibid., para. 28). Bishop Jean-Marie Runiga Lugerero, a former CNDP representative in Kinshasa, is allegedly the M23's political coordinator (ibid.).

Human Rights Watch also states that, before the mutinies, [Human Rights Watch English version] "at least five of the current M23 leaders were on a UN blacklist of people with whom they would not collaborate due to their human rights records" (11 Sept. 2012).

#### 1.2 Objectives

According to some sources, the rebels maintain that the Congolese government has not respected the terms of the March 23 peace accord (Human Rights Watch 11 Sept. 2012; BBC 23 Nov. 2012; UN 21 June 2012, 23). The Group of Experts on the DRC notes that, [UN English version] "[i]n an unsigned memorandum, ex-CNDP officers demanded implementation by the Government of the 2009 Peace Agreement, in particular the return of the refugees, political integration of CNDP and better treatment in the army" (ibid.). The BBC also states that the mutineers claim to have also been "mistreated" in the Congolese army (23 Nov. 2012). Furthermore, Agence France-Presse (AFP) writes that the mutineers refused to be redeployed outside of the Kivus (1 Dec. 2012). The Group of Experts on the DRC notes that former leaders of the CNDP expected to be redeployed after the most recent presidential elections (UN 21 June 2012, 22). The mutiny could also have taken place because General Ntaganda feared being arrested (ibid.; BBC 23 Nov. 2012). The Group of Experts on the DRC also writes that, according to [UN English version] "Col. Makenga loyalists," the mutiny was a larger revolutionary movement which included all ex-CNDP, but also ex-PARECO officers, and other former armed groups that felt they had been neglected by the central Government. Meanwhile, at the outset of the mutiny, ex-CNDP officers told the Group that their objective was to take the towns and drive Government forces into the hills. (UN 21 June 2012, 23)

According to AFP, after the rebels took control of the city of Goma in November 2012, [translation] "their political demands increased, to the point of questioning President Kabila's legitimacy" (1 Dec. 2012). Some media sources note that the M23 demanded that the Congolese electoral commission be disbanded and that the political dissident Etienne Tshisekedi be released from house arrest (*Le Figaro* 29 Nov. 2012; Radio Okapi 27 Nov. 2012). These demands were made at a press conference in Goma in November 2012 by the M23 political coordinator, Jean-Marie Runiga, who allegedly also demanded [translation] "the withdrawal of active armed foreign troops from the DRC, the arrest of General John Numbi - whom some NGOs accuse of being chiefly responsible for the assassination of [human rights] defender Floribert Chebeya - and the [translation] 'unconditional' release of political prisoners" (ibid.).

### 2. Areas of Operation

The M23 is active in the eastern part of the DRC, particularly in the province of North Kivu (Human Rights Watch 11 Sept. 2012; BBC 23 Nov. 2012), but also in South Kivu (UN 21 Aug. 2012). According to the Group of Experts on the DRC, the M23 [UN English version] "established itself in strategic positions along the Rwandan border in May 2012" (ibid. 27 June 2012, para. 3). Human Rights Watch notes that, in July 2012, the M23 and [Human Rights Watch English version] "several hundred Rwandan army soldiers" took control of the cities of Bunagana [on the Ugandan border], Rutshuru, Kiwanja and Rugari, as well as neighbouring regions and the military base in Rumangabo (Human Rights Watch 11 Sept. 2012). The M23 also set up training camps in Bukima, Tshanzu, Runyoni and Rumangabo (ibid.). In one of its reports, the Group of Experts on the DRC also states that, in July 2012, the M23 [UN English version] "expanded their control over Rutshuru territory with extensive foreign support" (UN 15 Nov. 2012, 3).

On November 20, 2012, the M23 took control of the city of Goma, the capital of North Kivu (AFP 1 Dec. 2012; *The Guardian* 1 Dec. 2012). The rebels withdrew from the city on December 1, 2012, ahead of planned negotiations with DRC government officials (AFP 1 Dec. 2012; *Le Monde* 1 Dec. 2012). For further information on the territory controlled by the M23, please see the Human Rights Watch map attached to this response.

### 3. Activities

According to the Human Rights Watch report, members of M23 [Human Rights Watch English version] "are responsible for widespread war crimes," as well as other crimes, most notably:

- the forced recruitment of at least 286 young men and boys in the DRC;
- summary executions, including the execution of at least 33 recruits or fighters who tried to flee;
- the execution of at least 15 civilians;
- attacks against civilians who resisted forced recruitment or who refused to provide food to M23 members;
- the rape or gang rape of at least 46 women and girls, two of whom died from wounds inflicted during the rape;
- death threats against people who denounced the rebels' actions (11 Sept. 2012).

The Group of Experts on the DRC also indicated that the M23 was involved in the recruitment of child-soldiers, in the summary executions of recruits and prisoners of war, in at least 45 rapes, and in the systematic massacre of civilians by armed groups under M23 command (UN 15 Nov. 2012, para. 147, 148, 151, 153). According to the media, M23 fighters pillaged the city of Goma when they retreated (*Le Monde* 1 Dec. 2012; AFP 1 Dec. 2012).

#### 3.1 Forced Recruitment

During an interview with the UN Integrated Regional Information Networks (IRIN), the leader of the Congolese NGO Peace and Justice for Reconciliation (Paix et justice pour la réconciliation) stated that members of the M23 were being pressured to recruit more people (UN 21 Aug. 2012). Civilians interviewed by the UN Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) stated that they had been forced by members of the M23 to transport supplies and munitions over long distances and were then forced to undergo military training (*ibid.*). Human Rights Watch also notes that,

[Human Rights Watch English version]

[o]n July 16 and 17, M23 fighters forcibly recruited at least 60 young men and boys from the Rugari and Kisigari areas. They told the recruits that they needed help transporting their belongings, collecting firewood and drawing water, and said they would be released afterward. Instead the young men and boys were taken to military training centers at Bukima and Tshanzu and briefly given military training. (Human Rights Watch 11 Sept. 2012)

Human Rights Watch also states that Rwandan military authorities were recruiting in Rwanda for the M23 "by force or under false pretenses" (*ibid.*). Among the estimated 600 Rwandan recruits, there were

[Human Rights Watch English version]

young Rwandan men and boys with no previous military experience and Congolese Tutsi refugees living in refugee or transit camps in Rwanda ... demobilized soldiers from the Rwandan army, the CNDP, and demobilized fighters from the FDLR who had returned to Rwanda. (*ibid.*)

### 4. Affiliated Groups

According to an article by Voice of America (VOA), nine other armed groups joined forces with the M23 (16 Nov. 2012). The Group of Experts on the DRC wrote in June 2012 that the [UN English version] "M23 continues to solidify alliances with many other armed groups and mutineer movements, including those previously benefiting from RDF [Rwandan Defence Forces] support" (UN 27 June 2012, para. 4). The Group's November 2012 report states:

[UN English version]

M23 has sought to build coalitions with other armed groups throughout the Kivus and in Ituri and Kasai Occidental. Col. Sultani Makenga emerged as the coordinator of the armed groups allied with M23. In August and September, he ordered Raia Mutomboki to carry out brutal ethnically motivated attacks, burning more than 800 homes and killing hundreds of civilians from Congolese Hutu communities in Masisi territory, whose militias refused to ally themselves with M23. (*ibid.* 15 Nov. 2012, 3)

The political leader of M23 also [UN English version] "acknowledged to the Group that the movement was a broad coalition of armed groups" (*ibid.*, para. 57). The Group of Experts on the DRC listed the following organizations as M23 allies: the Raia Mutomboki, the Congolese Defence Forces (Forces de défense congolaise, FDC-Luanda), the Nduma Defence of Congo (la milice Nduma défense du Congo), the Ecumenical Force for the Liberation of Congo (Force œcuménique pour la libération du Congo), the Congo Movement for Change (le Mouvement congolais pour le changement) and the Alliance for the Liberation of Eastern Congo (Alliance pour la libération de l'est du Congo, ALEC) (*ibid.* para. 56-81).

#### 4.1 Rwandan Authorities

Human Rights Watch states that Rwandan authorities have provided ongoing military support to the M23 (11 Sept. 2012). Similarly, the Group of Experts on the DRC [UN English version] "has found substantial evidence attesting to support from Rwandan officials to armed groups operating in the eastern Democratic Republic of the Congo," including the M23 (UN 27 June 2012, para. 3, 6). The following information on the support that Rwandan authorities are providing to the M23 comes from the summary of the report of November 15, 2012 by the Group of Experts on the DRC:

[UN English version]

The Government of Rwanda continues to violate the arms embargo by providing direct military support to the M23 rebels, facilitating recruitment, encouraging and facilitating desertions from the armed forces of the Democratic Republic of the Congo, and providing arms, ammunition, intelligence and political advice. The de facto chain of command of M23 includes Gen. Bosco Ntaganda and culminates with the Minister of Defence of Rwanda, Gen. James Kabarebe. Following the publication of the addendum to its interim report (S/2012/348/Add.1), the Group met the Government of Rwanda and took into consideration its written response. The Group has, however, found no substantive element of its previous findings that it wishes to alter. (*ibid.* 15 Nov. 2012, 3)

#### 4.2 Ugandan Authorities

The following information on the support that Ugandan authorities are providing to the M23 comes from the summary of the 15 November 2012 report of the Group of Experts on the DRC:

[UN English version]

Senior officials of the Government of Uganda have also provided support to M23 in the form of direct troop reinforcements in Congolese territory, weapons deliveries, technical assistance, joint planning, political advice and facilitation of external relations. Units of the Ugandan People's Defence Forces and the Rwandan Defence Forces jointly supported M23 in a series of attacks in July 2012 to take over the major towns of Rutshuru territory and the Congolese armed forces base of Rumanagabo. Both Governments have also cooperated to support the creation and expansion of the political branch of M23 and have consistently advocated on behalf of the rebels. M23 and its allies include six sanctioned individuals, some of whom reside in or regularly travel to Rwanda and Uganda. (*ibid.*)

Corroborating information on the support provided by Ugandan authorities to the M23 could not be found among the sources consulted by the Research Directorate within the time constraints of this response.

### 5. Measures Taken by Authorities

According to the Group of Experts on the DRC, the Congolese army is [UN English version] "already overstretched" and faces "enormous security challenges, extending from Ituri district in the north to Fizi territory in the south" because of the M23's alliances with other armed groups (UN 27 June 2012, para. 4). According to the British daily the *Guardian*, the FARDC campaign against the M23 "has not progressed well," and there were "rapid surrenders" and defections by members of the FARDC (9 July 2012). However, the Agence congolaise de presse (ACP), a public enterprise that depends on the Department of Media and Information as well as the Department of Portfolio (n.d.), noted in November 2012, that after an M23 attack against Kibumba, in North Kivu, a FARDC spokesperson had stated that the [translation] "situation was under control and that the regular forces were performing well on the battlefield" (15 Nov. 2012).

In December 2012, the DRC government entered into peace negotiations with the M23 in Uganda (AFP 12 Jan. 2013; BBC 8 Jan. 2013). The negotiations were still ongoing in January 2013 (AFP 12 Jan. 2013; RFI 23 Jan. 2013).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

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**Internet sites, including:** Al Jazeera, Factiva, International Crisis Group, *Jeune Afrique*, Présidence de la République démocratique du Congo, United Nations Stabilization Mission in the Democratic Republic of the Congo.

## Attachment

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