

Beat: News

## DR Congo: Resurgent M23 Rebels Target Civilians

### Group Kills at Least 29 Villagers

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(Goma) – The M23 armed group in eastern Democratic Republic of Congo summarily killed at least 29 civilians since mid-June 2022 in areas under their control, Human Rights Watch said today. There are heightened concerns that the abusive rebel force, largely inactive for a decade, is receiving Rwandan support for its operations in North Kivu province.

Witnesses told Human Rights Watch that on June 21, following fighting around the village of Ruvumu, M23 rebels summarily killed at least 17 civilians, including 2 teenagers, whom they accused of informing the Congolese army about their positions and hideouts. Some were shot dead as they attempted to flee, while others were executed at close range. Deliberate killings of civilians are serious violations of international humanitarian law, including Common Article 3 to the 1949 Geneva Conventions, and are war crimes.

“Since the M23 took control of several towns and villages in North Kivu in June, they’ve committed the same kind of horrific abuses against civilians that we’ve documented in the past,” said Thomas Fessy, senior Congo researcher at Human Rights Watch. “The government’s failure to hold M23 commanders accountable for war crimes committed years ago is enabling them and their new recruits to commit abuses today.”

The fighting between Congolese troops and M23 rebels has forced nearly 200,000 people to flee their homes. Nearly 20,000 children may be unable to complete their end-of-year exams in July due to the fighting, according to the United Nations (UN). The resurgence of the M23 comes as the security situation in eastern Congo has deteriorated over the past year, with other armed groups, and at times government soldiers, committing widespread violence, unlawful killings, and other grave abuses.

Since June, Human Rights Watch conducted 49 interviews with survivors and witnesses of abuses, as well as with victims’ family members, local authorities, activists, UN staff, security personnel, and diplomats.

A 35-year-old mother of five in Ruvumu said she heard gunfire as she hid with her youngest child and other villagers in the early morning in a house near her parents’ home. A few hours later, as she and others peered through the door, she saw four rebels in military fatigues taking her father out of his house with his hands tied behind his back.

She said she heard one of them screaming at her father in Kinyarwanda: “It’s you who told the military where we were hiding!” She said she heard gunshots. “When it got quieter, we went outside to find shelter somewhere else and I saw my father lying dead on the ground,” she said. “He was shot in the chest and his hands were still tied.”

In a July 17 statement, M23 rejected the Human Rights Watch findings. Earlier, on June 24, the rebel group denied that they carried out any killings in Ruvumu. Instead, they blamed the deaths on the Forces Démocratiques de libération du Rwanda (Democratic Forces for the Liberation of Rwanda, or FDLR), a largely Rwandan Hutu armed group operating in Congo, and the Nyatura, a Congolese armed group vowing to protect Hutu communities.

Since May, the M23 has demonstrated increased firepower and defensive capabilities that have enabled the group to overrun UN-backed Congolese troops and hold territory. UN sources and a senior Congolese security official suggested that foreign support may be responsible for M23 fighters having a steady supply of ammunition and the capacity to fire mortar barrages for several consecutive hours. Rwanda and Uganda have backed the M23 in the past, Human Rights Watch said.

On June 14, the United States embassy in Congo said it was, “extremely concerned about the recent fighting in eastern [Congo] and the reported presence of Rwandan forces on [Congo]’s territory.” The UN Group of Experts on Congo, mandated by the UN Security Council to monitor the implementation of its sanctions regime, stated in its June report that the “presence of individuals wearing uniforms of the Rwanda Defence Force (RDF) in M23 camps located in [Congo], [had been] confirmed by aerial footage and photographic evidence.” The government of Rwanda has repeatedly denied supporting the M23 directly or indirectly.

On June 29, the Head of the UN Stabilization Mission in Congo (MONUSCO) Bintou Keita, informed the Security Council that the M23 has “conducted itself increasingly as a conventional army rather than an armed group,” and that the UN mission “may find itself confronted to a threat that goes beyond its current capabilities.”

All parties to the conflict in North Kivu have increasingly used explosive weapons -- mortar fire and artillery shelling -- in combat, putting civilians and civilian structures at greater risk.

On May 23, a shell allegedly fired from the Rwandan side of the border destroyed a primary school in Katale. An M23 mortar round hit a playground in Biruma on June 10, killing two young boys. M23 mortar fire in Kisiza and Katwa killed a woman and a child and injured at least 10 civilians on both July 1 and 2. Attacks that do not discriminate between military objectives and civilians or civilian objects are unlawful. All parties to the conflict should commit to restricting the use of explosive weapons with wide area effects, such as mortars, in populated areas, Human Rights Watch said.

The UN, the African Union (AU) and concerned governments should publicly denounce M23 abuses and any found to have been committed by other parties. Sanctions against senior M23 commanders should be maintained and expanded to include those newly found responsible for serious abuses, as well as senior officials from across the region complicit in the armed group’s abuses. Any political settlement should reject an amnesty for those responsible for grave international crimes and not permit abusive M23 commanders to integrate into Congo’s armed forces.

Donor countries should suspend military assistance to governments found to be supporting the M23 and other abusive armed groups.

The UN, AU, and Congo’s partners should support a clear strategy to address impunity for serious abuses with a vetting mechanism for the security and intelligence services, an internationalized justice mechanism, and a comprehensive reparations program, as well as an effective demobilization program. These should be central in ongoing regional discussions regarding the threat posed by the M23 and other armed groups.

“Civilians in eastern Congo should not have to endure new atrocities by the M23,” Fessy said. “The UN should urgently step up its efforts with national and regional authorities to prevent history from repeating itself at the expense of North Kivu’s people.”

For additional details about the M23 and the recent violence, please see below.

### **Killings and Other Abuses by M23 Forces**

M23 fighters have deliberately killed civilians whom they accused of informing government troops about their positions, as well as civilians who were returning to their villages and fields from government-controlled areas in search of food and supplies.

A 50-year-old teacher in Ruvumu said the rebels killed his father in front of him on June 21. He said they were home with other people who had taken refuge with them when the fighters ordered them to open the door:

“Open or we will burn the house,” they threatened. My father opened, they beat him and shot him in the chest; they didn’t ask him anything, they just shot him. ... They told me to sit by my father’s body with my mother. ... Then they took me with them saying that I looked like a soldier and telling me to show them positions of the [Congolese army]. ... I was scared and I pointed military [positions] we could see from afar. They let me go but they threatened to kill me.

The teacher said that the rebels were “very angry” because they had just been engaged in fighting with government troops but lost some fighters and had to retreat.

One of the people who buried some of those killed in Ruvumu told Human Rights Watch that his older brother was among the dead. “They had him stand right in front of them, and they shot him in the mouth,” he said. He helped bury four other civilians, including two teenagers. “The 16-year-old was shot in the abdomen, and the 14-year-old in the back.”

Some people were killed as they were fleeing toward government-controlled areas. One man said that he and his family were in Ruvumu after being displaced from neighboring Bikenke. On June 21, early in the morning, a bullet struck his 7-year-old daughter. “The bullet came from behind, from the M23 [position], and came out of her forehead. ... I took her in my arms and I ran. ... I buried her at my son-in-law’s.” He said other people were killed while fleeing but could not confirm how many. “It’s difficult to know [the number]

because we cannot return to the M23-controlled area.”

Four witnesses to killings in Ruseke village on July 1 said each had separately encountered M23 fighters near the village while on their way to their fields or to gather food and supplies. The fighters lured them into a house where other people had also been detained. One witness said the M23 fighters said they were doing this “to protect [them] from the gunfire.” Soon after, they called a civilian outside and threatened him. “[One of the fighters] then came back into the house and opened fire on us,” one of the survivors said. “I was lying under the bed but others next to me were killed.”

Survivors said a fighter who appeared to be of a more senior rank stopped the killings and ordered the survivors to take four wounded persons to the nearest health center in Ntamugenga. Two, including a teenage girl, were seriously injured and succumbed to their wounds. Human Rights Watch has confirmed that the M23 killed at least nine civilians in that house.

Between June 23 and early July, M23 forces killed at least three civilians in the village of Kabindi. A local authority said that fighters brutally killed a 27-year-old father of three: “They crushed his skull with a hoe and gouged his eyes out, and left him dead in front of his door. ... They had accused him of being a scout for the [Congolesse army].”

Two people said that M23 fighters prevented them and others from fleeing to a government-controlled area. Some were forced to do chores for the rebels. “When it was a little quieter [after the fighting], we left our houses to flee but M23 fighters ordered us not to leave,” a man from Ruvumu said. “There were about 30 of us. They kept me in their camp and I would have to fetch water [for them] the whole time.” The fighters refused to let him take his pregnant wife to the nearest health center, so she went alone.

A volunteer for the Congolese Red Cross who works in the area said the number of civilians killed could be higher than current estimates. “We don’t have an exact figure for now because the bodies aren’t all being recovered at once – some are still being found. [A villager]’s wife was found dead a week later.”

### **Indiscriminate Shelling**

The use of explosive weapons such as mortar rounds has been increasingly predominant in the current conflict and there have been cases of cross-border shelling.

On May 23, about a dozen shells struck Congolese territory in and around Katale and Rumangabo, about 45 kilometers north of Goma, the regional capital. They were apparently fired from across the nearby border with Rwanda. A shell destroyed a primary school in Katale just hours after children left the premises – the Congolese military accused the Rwandan Defence Forces (RDF) of firing the shell, but they denied the allegation.

Human Rights Watch examined an unpublished report, dated June 10, by the Expanded Joint Verification Mechanism (EJVM), which consists of military experts from member countries of the International Conference on the Great Lakes Region. The report said that ballistic investigations were needed to determine the origin of the shelling. Under international humanitarian law, schools are protected civilian objects and attacks against them are prohibited unless they are being used for military purposes.

The regional unit also reported that hours earlier, shells apparently fired from the Congolese side of the border had struck Rwandan territory, seriously injuring a woman and her 10-month-old baby and destroying crops and civilian structures in the Musanze district. It noted that Congo and Rwanda both denied such cross-border shelling was committed by their own troops.

On June 10, mortar fire coming from an M23 position killed 2 boys, ages 6 and 7, in Biruma. “His intestines were coming out, his body was shredded, and his hands chopped,” said the mother of the 7-year-old. “He had gone to feed the goats with his friend.” A 5-year-old boy was also injured. Houses near the strike were partially destroyed, the mother said.

On July 1, an M23 shell killed a 13-year-old boy and wounded 2 other civilians in Kisiza. The day after, more rebel mortar rounds killed at least one woman and wounded eight others at a makeshift market in a school courtyard in Katwa. Witnesses said shells exploded in the surrounding forest on both days.

## **Alleged Rwandan Support for the M23**

Congolese authorities have repeatedly accused Rwanda of backing the M23. On May 26, M23 rebels advanced on the major Congolese military base of Rumangabo and attacked the nearby town of Kibumba, 30 kilometers north of Goma. Two days later, two Rwandan soldiers were captured on the Congolese side of the border and turned over to military authorities. The RDF stated that the two soldiers were kidnapped while on patrol along the border by FDLR fighters, whom it accused of collaborating with Congo's army.

The EJVM deployed a team to investigate the claim and interviewed both soldiers while they were in detention in Kinshasa. In an unpublished report dated June 14, which Human Rights Watch has reviewed, the investigating team concluded that the two RDF soldiers "entered illegally on [Congo]'s territory" as part of an eight-strong reconnaissance patrol "in search of the enemy that bombarded the territory of Rwanda on May 23." Both soldiers were handed back to Rwanda in June.

Following the M23 attacks on Rumangabo and Kibumba, nine local residents, who were interviewed separately, told Human Rights Watch that they saw RDF troops among the attackers. All described fighters wearing RDF uniforms, some of them showing a Rwandan flag patch, wearing military helmets, and carrying sophisticated radios.

The EJVM's June 10 report noted that Congo's army officials presented weapons and ammunition, an RDF-tagged uniform, a helmet, and other military supplies that they asserted Congolese troops did not use but that had been retrieved from the battlefield following the fighting in Rumangabo and Kibumba. The report stated that, unlike the Congolese army, "the RDF did not show their positions and types of weapons they use." It said further investigation was needed on the origin of the military equipment collected by the Congolese army.

Rwanda's president, Paul Kagame, has acknowledged tensions between his country and Congo. However, he has denied allegations of Rwandan support to the M23 armed group. In turn, Kagame has accused both Congo's army and MONUSCO of collaborating with the FDLR, some of whose leaders took part in the 1994 genocide in Rwanda. The Rwandan government and the M23 have accused the Congolese army of collaborating with the FDLR and fomenting hatred against Rwandophones and ethnic Tutsi communities.

## **The M23 and its Resurgence**

The M23 was originally made up of soldiers who participated in a mutiny from the Congolese national army in April and May 2012. These soldiers were previously members of the National Congress for the Defense of the People, a former Rwanda-backed rebel group. They claimed their mutiny was to protest the Congolese government's failure to fully implement the March 23, 2009 peace agreement (hence the name M23), which had integrated them into the Congolese army.

In June 2012, the then-UN High Commissioner for Human Rights, Navi Pillay, described the M23's leaders as, "among the worst perpetrators of human rights abuses in [Congo], or in the world." They included Gen. Bosco Ntaganda, who has since been convicted by the International Criminal Court for war crimes and crimes against humanity when he led another armed group in Ituri province, and Col. Sultani Makenga, who is now referred to as "general" and has been leading the current offensive.

Human Rights Watch documented war crimes by M23 forces that, with support from Rwanda, took over large parts of North Kivu province in 2012. At the time, Rwandan officials may have been complicit in war crimes through their continued military assistance to M23 forces, Human Rights Watch said. The Rwandan army deployed its troops to eastern Congo to directly support the M23 rebels in military operations.

UN investigators also said that Ugandan army commanders had sent troops and weapons to reinforce some M23 operations and assisted the group with recruiting. After the M23 briefly captured Goma, UN-backed government troops forced them back into Rwanda and Uganda in 2013. M23 fighters summarily executed dozens of civilians, raped scores of women and girls, and forcibly recruited hundreds of men and boys.

Congolese authorities issued arrest warrants for Makenga and other UN-sanctioned M23 senior commanders in 2013. Rwanda and Uganda never acted on extradition requests to their countries.

Regional attempts to demobilize M23 fighters have failed over the past 10 years. Makenga returned to Congo from Uganda with a group of fighters in early 2017 according to UN investigators, setting up a base on Mount Sabinyo in the Virunga National Park. The group resurfaced in November 2021, attacking Congo's army, amid claims that Congolese President Félix Tshisekedi's administration was not committed to existing peace agreements, which included amnesty for the group's rank-and-file. The agreements did not include accountability for the worst human rights abusers, however.

In their June report, UN investigators noted that, "from November 2021, M23 started to recruit in Bihanga camp [Uganda], and from January 2022, in Masisi and Rutshuru territories and in Kitshanga, [Congo], as well as in Rwanda, to rapidly boost its troops." They also reported recruitment in Kisoro, Uganda.

Under the UN sanctions regime, all UN member states, including Rwanda and Uganda, are obligated to "take the necessary measures to prevent the entry into or transit through their territories of all persons" on the sanctions list. Governments that assist abusive armed groups like the M23 risk becoming complicit in their crimes, Human Rights Watch said.

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