



# Security Council

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## Letter dated 16 December 2022 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council

The members of the Group of Experts on the Democratic Republic of the Congo, whose mandate was extended pursuant to Security Council resolution [2641 \(2022\)](#), have the honour to transmit herewith, in accordance with paragraph 9 of that resolution, the midterm report on their work.

The enclosed report was provided to the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo on 23 November 2022 and was considered by the Committee on 9 December 2022.

The Group would appreciate it if the present letter and the report were brought to the attention of the members of the Security Council and issued as a document of the Council.

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## Midterm report of the Group of Experts on the Democratic Republic of the Congo

### *Summary*

During the reporting period, the eastern Democratic Republic of the Congo was affected by episodes of intense violence. The Group of Experts also followed with concern the escalation of violence in Kwamouth territory, Mai-Ndombe Province, in the western part of the country, where intercommunity conflict has set mainly members of the Teke and Yaka communities against one another since May 2022.

The security and humanitarian situation in North Kivu and Ituri Provinces significantly deteriorated, despite the continuous enforcement of a state of siege over the past 18 months and despite military operations conducted by the Armed Forces of the Democratic Republic of the Congo (FARDC), the Uganda People's Defence Force (UPDF) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

Violent protests against MONUSCO erupted in several towns in eastern Democratic Republic of the Congo following coordinated rhetoric against MONUSCO propagated mainly on social media. Civilians, United Nations peacekeepers and United Nations police officers were killed, and MONUSCO property was systematically destroyed and looted.

The escalation of fighting in North Kivu since May 2022, and the resulting deterioration of relations between the Democratic Republic of the Congo and Rwanda, prompted the Heads of State of the East African Community to initiate mediation and call for the urgent establishment and deployment of a regional force to fight armed groups active in the eastern Democratic Republic of the Congo, and in parallel to encourage armed groups to adhere to the Disarmament, Demobilization, Community Recovery and Stabilization Programme.

In North Kivu, the sanctioned armed group Allied Democratic Forces (ADF) continued to expand its area of operations and to attack civilians in Beni and Lubero territories in North Kivu and in southern Ituri. ADF used improvised explosive devices in urban settings, opting for more visible attacks carried out through well-established networks.

The Group noted with concern the increase in Mai-Mai attacks and abuses in Lubero territory. Similar to the rise in ADF attacks in Beni and Irumu territories, these were a side effect of the security vacuum caused by FARDC and MONUSCO redeployment to Rutshuru and Nyiragongo territories.

The frequency, length and strength of attacks by the sanctioned armed group Mouvement du 23 mars/Armée révolutionnaire du Congo (M23/ARC) and the territory under its control significantly increased. The Group found substantial evidence attesting to violations of the arms embargo and sanctions regime, including (a) direct intervention of the Rwandan Defence Force on the territory of the Democratic Republic of the Congo, either to reinforce M23/ARC or to conduct military operations against the Forces démocratiques de libération du Rwanda (FDLR); (b) provision of weapons, ammunition and uniforms to M23/ARC; (c) support to several Congolese armed groups by FARDC members in Rutshuru territory; and (d) cooperation between FARDC units and Congolese armed groups in Rutshuru territory. Attacks against peacekeepers, torture and inhuman treatment, deliberate killings and indiscriminate shelling of civilians were also documented and

constitute sanctionable acts. M23/ARC imposed taxes on goods and individuals in the areas under its control, including at the Bunagana border crossing with Uganda.

The nationwide proliferation of xenophobia and incitement to violence, notably against Rwandophone populations perceived as supporting M23/ARC, led to acts of violence, including killings.

In Ituri, Coopérative pour le développement du Congo (CODECO) factions continued to expand their areas of control, often attacking civilians and FARDC. In turn, the armed group Zaïre increased its organization and strength, and attacked Congolese security forces, and civilians.

CODECO factions and Zaïre continued to fight over, and benefit from, gold exploitation and gold trade. Both imposed taxes on goods, civilians and economic actors. Certain FARDC elements continued collaborating with armed groups and benefited from gold-mining activities.

In South Kivu, the official deployment of the Burundi National Defence Force (Force de défense nationale du Burundi, FDNB) and the launch of joint FDNB-FARDC operations resulted in the reshuffling or creation of new alliances among armed groups. FDNB continued to rely on Imbonerakure and local armed groups during these joint operations.

Twirwaneho combatants intentionally killed a peacekeeper during a targeted attack on a United Nations base in Minembwe, constituting a sanctionable act.

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\* The annexes are being circulated in the language of submission only and without formal editing.

## I. Introduction

1. The mandate of the Group of Experts was extended on 30 June 2022 by the Security Council in its resolution [2641 \(2022\)](#). A temporary hold was placed on all six proposed experts by the Security Council Committee established pursuant to resolution [1533 \(2004\)](#) concerning the Democratic Republic of the Congo. The current five members of the Group were appointed by the Secretary-General on 25 August (see [S/2022/641](#)), while the recruitment of the sixth expert, the Group's second natural resources/finance expert, is ongoing.
2. The midterm report of the Group is submitted pursuant to paragraph 9 of resolution [2641 \(2022\)](#). The Group exchanged information with the panels of experts on the Central African Republic, Libya, Somalia and South Sudan.

### Cooperation with the Group of Experts

3. The Group expresses gratitude for the support provided by the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) during the period under review.

### Methodology

4. The Group used evidentiary standards recommended by the Informal Working Group of the Security Council on General Issues of Sanctions ([S/2006/997](#)). It based its findings on documents and corroborated information by using at least three independent and reliable sources.
5. Given the nature of the conflict in the Democratic Republic of the Congo, few documents provide definitive proof of arms transfers, recruitment, command responsibility for grave human rights abuses and the illegal exploitation of natural resources. The Group has therefore relied on eyewitness testimony from members of local communities, former combatants and current members of armed groups. It has also considered expert testimony by government officials and military officers of countries in the Great Lakes region and other countries, as well as United Nations sources.
6. The present report covers investigations conducted up to 5 November 2022. Due to word count limitations, the Group detailed some of its findings and evidence in the annexes.

## II. North Kivu

### A. Allied Democratic Forces

#### Continued attacks and expansion

7. Despite the joint Operation Shuja of the Armed Forces of the Democratic Republic of the Congo (FARDC) and the Uganda People's Defence Force (UPDF) ([S/2022/479](#), para. 21), the sanctioned armed group Allied Democratic Forces (ADF) (CDe.001) continued its geographic expansion and conducted attacks against civilians in Beni territory, North Kivu, and in southern Ituri (see annex 1). ADF continued to operate in small groups ([S/2022/479](#), para. 24), launching attacks simultaneously on

multiple fronts.<sup>1</sup> Attacks and movements were aimed mainly at resupplying, prospecting for new camps, distracting the focus of military operations from ADF and/or in revenge for these operations, including to undermine popular support for Operation Shuja.

8. In Beni territory, the footprint of ADF was wide, with attacks in Beni town, in the north-east along the RN4 road between Mamove-Oicha and Eringeti, north-west at the border with Ituri, east in the Watalinga *chefferie* and in the south-east, in the Rwenzori sector, where the ADF still had several camps. In the Rwenzori sector, attacks by some FARDC members and unidentified men, sometimes acting together and disguised as ADF in order to harvest and/or steal cocoa, continued (S/2021/560, paras. 34–35).<sup>2</sup>

9. ADF continued to conduct operations in the south-east, in Bashu *chefferie* (S/2022/479, para. 28), reaching Lubero territory with increased activity in and around Butembo, including two attacks involving improvised explosive devices (see paras. 21–26) and a prison break (see annex 2) that resulted in the massive recruitment of hundreds of detainees, as intended (S/2021/560, para. 28).

10. In southern Ituri, ADF continued expanding within Mambasa territory (S/2022/479, paras. 25–26), fleeing from operations targeting them in Irumu territory and looking for new settlements.<sup>3</sup> ADF attacks were particularly frequent around the Komanda-Mambasa road, along the RN4 road between Luna and Komanda, and in the Boga-Tchabi area. At the time of drafting, ADF had also progressed towards Mambasa town via the Biakato-Mambasa road, an area where Mai-Mai Kyandenga, accused of collaborating with the ADF, also operated.<sup>4</sup>

11. ADF operations in Ituri, notably their expansion towards Mambasa, exacerbated new intercommunity tensions between native communities<sup>5</sup> and the Nande community, which was accused of being ADF collaborators (ibid., paras. 30–33).<sup>6</sup>

12. Since July 2022, ADF has also targeted the Hutu community around Boga and Tchabi, abducting hundreds of civilians and killing some of them, in retaliation for Hutu recruits having surrendered and/or collaborated with FARDC since 2021 (ibid., paras 30–33).<sup>7</sup> The abducted Hutu youth were forcefully recruited into ADF to reinforce their ranks.

### Attacks against civilians

13. Since April 2022, ADF attacks have resulted in the killing of at least 370 civilians, and the abductions of at least 374, including a significant number of children.<sup>8</sup> ADF looted and burned hundreds of houses and destroyed and looted health centres, mainly in an effort to obtain medical supplies.

14. Attacks on civilians attributed to ADF were concentrated around the Bahema-Boga and Banyali-Tchabi *chefferies*, Ituri, as well as in the south-east of Beni

<sup>1</sup> An Allied Democratic Forces (ADF) collaborator, Armed Forces of the Democratic Republic of the Congo (FARDC), intelligence sources, civil society, researchers and United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and diplomatic sources.

<sup>2</sup> Civil society, researchers and MONUSCO and diplomatic sources.

<sup>3</sup> An ADF collaborator, FARDC, intelligence sources, civil society, researchers and MONUSCO sources.

<sup>4</sup> FARDC, civil society, researchers and MONUSCO sources. Kyandenga's leader was arrested in September 2022 in Butembo.

<sup>5</sup> The Ngwana, Bila, Ndaka and Lesse are considered native communities in these areas.

<sup>6</sup> Civil society and FARDC and MONUSCO sources.

<sup>7</sup> An ADF collaborator and civil society and MONUSCO sources.

<sup>8</sup> Researchers and humanitarian and MONUSCO sources.

territory. Attacks and incursions were also carried out along the RN4 road by ambushing and burning vehicles. In Irumu territory on the evening of 1 October 2022, ADF attacked Kyamata village, along the Boga-Tchabi axis,<sup>9</sup> killing at least 13 civilians, all from the Banyabwisha community, including women and children. Four civilians were abducted and at least 36 houses burned (see annex 3).<sup>10</sup> On the same day, ADF attacked Mayuano locality, south of Mambasa town,<sup>11</sup> killing one civilian, abducting 15, burning vehicles and houses, and looting civilian property (see annex 4).<sup>12</sup>

15. On 20 October 2022, ADF attacked Maboya in Beni territory,<sup>13</sup> killing at least seven civilians, including three women, and abducting more than a dozen civilians, who were forced to carry loot. The assailants looted and set fire to two health centres, four pharmacies, several civilian houses and shops. A medical worker and several patients were burned alive in a hospital (see annex 5).

### **Impact of Operation Shuja on the Allied Democratic Forces**

16. After almost a year, Operation Shuja has not yet yielded the expected results of defeating or substantially weakening ADF. The intensity and impact of the operation continued to decrease due to UPDF/FARDC logistical constraints and difficult terrain (S/2022/479, paras. 20 and 21).

17. Despite the destruction of certain camps and some arrests, the leadership of ADF remained intact. ADF returned to its traditional strongholds, including near UPDF bases in the Democratic Republic of the Congo at the border with Uganda, where UPDF had tried to establish a buffer zone. ADF notably attacked two UPDF bases near Boga and Tchabi in mid-July 2022.<sup>14</sup>

18. ADF even extended its area of operations, including to Goma (see paras. 20–23). ADF collaborator networks also remained largely unaffected. The launch of the fourth phase of Operation Shuja in September 2022 even resulted in an increase in ADF attacks against civilians in retaliation, as had been observed in the past (S/2022/479, para. 29).

19. Further, hundreds of FARDC and some MONUSCO Intervention Brigade elements posted around Mamove and in Boga and Tchabi, southern Ituri, were redeployed to Rutshuru territory, North Kivu, in response to the Mouvement du 23 mars/Armée révolutionnaire du Congo (M23/ARC) crisis (see paras. 29–71 and S/2022/479, para. 62). The security vacuum created by the withdrawal enabled ADF movements and attacks in these areas.<sup>15</sup> An ADF collaborator who conveyed reports by ADF combatants confirmed that ADF intended to fill the gaps left around Mamove by the FARDC redeployment.

### **Improvised explosive devices and Allied Democratic Forces networks**

20. Several attacks involving improvised explosive devices during the reporting period confirmed that ADF was opting for more visible and more lethal operations using such devices in urban settings, including suicide attacks, through an established network and operational cells (S/2021/560, para. 22, and S/2022/479, annexes 16 and 17).<sup>16</sup>

<sup>9</sup> Six km south of Boga.

<sup>10</sup> Witnesses, researchers, local media and MONUSCO sources.

<sup>11</sup> Thirty-six km south of Mambasa, along RN44.

<sup>12</sup> MONUSCO, civil society and researchers.

<sup>13</sup> Bashu chiefdom, 25 km south-west of Beni.

<sup>14</sup> FARDC, civil society and researchers.

<sup>15</sup> Researchers and diplomatic, civil society and MONUSCO sources.

<sup>16</sup> MONUSCO document on file with the Secretariat.

21. On the evening of 7 April 2022, an explosion occurred at a bar in the Mabanga Sud neighbourhood of Goma, also known as Katindo military camp (see annex 6). Six persons were killed and at least 16 were injured (see annex 7).<sup>17</sup>
22. Evidence collected on site by the Group, corroborated by FARDC sources, forensic doctors, witness accounts and ADF sources, indicated that the blast was the result of an explosive vest (a person-borne improvised explosive device) worn by a woman killed in the attack (see annex 8).
23. Three ADF collaborators and three intelligence sources reported that the attack had been planned by ADF, relying on its collaborator network in Goma. At least three individuals, identified as “Hassan”, “Yusuf” and “Masika”, were part of the ADF network in Goma and had received instructions from Meddie Nkalubo and Abwakasi (see annex 9 and S/2022/479, paras. 36, 42, 43 and 56).<sup>18</sup> Via a video call, Nkalubo explained to the female suicide bomber how to activate the explosive vest.<sup>19</sup> Musa Baluku and Bonge La Chuma (S/2022/479, annexes 5, 8 and 20) also played a role in the planning and organization of the attack.<sup>20</sup> This attack marked the first documented ADF attack in Goma involving an improvised explosive device.
24. On 6 September 2022, a 17-year-old boy recruited by ADF collaborators deposited an improvised explosive device in front of the Agence nationale de renseignements (ANR) office in Butembo. Several minutes later, the device was activated by an ADF collaborator, Kasero, alias Mubamba, via a radio-controlled triggering system (see annex 10). The explosion wounded two ANR agents.<sup>21</sup> This is the first attack involving an improvised explosive device targeting a high-profile target in an urban setting (S/2022/479, paras 42 and 53).
25. Da’esh claimed responsibility for this attack, as well as the explosion on 3 October 2022 of an improvised explosive device in a cinema in Butembo that injured 10 civilians (see annexes 11 and 12).
26. The attacks in Goma and Butembo, alongside the placing by ADF of improvised explosive devices in more remote areas for tactical and defensive purposes (S/2021/560, paras. 19–25),<sup>22</sup> confirm the growing threat of such devices in the Democratic Republic of the Congo. ADF continues to target urban settings (S/2022/479, paras. 48–52) and specific locations frequented by FARDC, security forces and/or civilians, using improvised explosive devices to terrorize (S/2021/560, para. 25). These attacks also mark the planned expansion by ADF of attacks towards new areas in the country and beyond (see annex 13).

### Links with Da’esh

27. From April 2022 onwards, the number of Da’esh communications claiming responsibility on behalf of Islamic State Central Africa Province for attacks attributed to ADF in the Democratic Republic of the Congo increased again (see annex 14).<sup>23</sup>
28. ADF continued to be considered as an option for recruits willing to join Da’esh (S/2022/479, paras. 36–37), including because Da’esh publicity increased the notoriety of ADF. In its June 2022 Al-Naba newsletter, Da’esh encouraged recruits who had failed to join jihad battlefields elsewhere to travel to its African provinces.

<sup>17</sup> Medical report, FARDC sources and witness accounts.

<sup>18</sup> Three ADF collaborators and intelligence and diplomatic sources.

<sup>19</sup> Ibid.

<sup>20</sup> Ibid.

<sup>21</sup> Democratic Republic of the Congo security and MONUSCO sources, and a researcher.

<sup>22</sup> FARDC and MONUSCO sources, researchers and documents on file with the Secretariat.

<sup>23</sup> During the first trimester of 2022, these communications decreased, probably due to Operation Shuja (see S/2022/479, para. 45).

In November 2022, Da'esh published a 20-minute propaganda video on ADF entitled "The life of jihad". This video showcased ADF activities, including a staged execution imitating Da'esh executions, intending to project ADF alignment with Da'esh (S/2022/479, para. 45).

## **B. Conflict related to Mouvement du 23 mars/Armée révolutionnaire du Congo, and regional dynamics**

29. The findings in the present section are based on documentary and photographic/video evidence; aerial footage; field missions by the Group in Rutshuru territory, Goma, Bukavu and Kinshasa in the Democratic Republic of the Congo, and Kisoro and Bunagana in Uganda; and interviews with over 230 sources.<sup>24</sup>

### **Territorial expansion, control of strategic locations and parallel administrations**

30. Since the Group's final report, the frequency, length and strength of M23/ARC attacks continued to follow an upward curve (S/2022/479, para. 61), as did the number of FARDC and civilian casualties (see annex 15 and paras. 54–57). M23/ARC, alone or jointly with the Rwandan Defence Force (RDF) (see paras. 47–51), significantly expanded the area under its control, covering strategic towns, roads and former FARDC positions, including the strategic FARDC camp in Rumangabo, which M23/ARC first attacked on 25 May (see paras. 31 and 49). On 12 June, M23/ARC clashed with FARDC in Bunagana and took control of that strategic town at the border between the Democratic Republic of the Congo and Uganda (see paras. 39–43, 49 and 52). M23/ARC cut strategic roads, often for extended time periods, hampering the flow of commercial goods and humanitarian assistance (see annex 16).

31. Until mid-October 2022, M23/ARC controlled a territory some three times as large as the territory it had controlled in March 2022. On 20 October, after relative calm since mid-June, M23/ARC launched a new offensive against FARDC, pushing north, north-west, west and south-west. By 1 November, the amount of territory that it controlled had again doubled and included strategic locations such as Rutshuru and Kiwanja towns, the Rumangabo military camp, the Matebe power plant and the Kitagoma and Bunagana border posts (see annex 17). At time of drafting, M23/ARC threatened to take Goma town (see annex 18 and S/2022/479, para. 69).

32. M23/ARC was able to sustain intense fighting on several fronts simultaneously, over several weeks, indicating a high degree of organization, improved tactics, recruitment, troop surge and substantial resupply of military equipment (see annex 19 and paras. 35–37 and 44–51).

33. At the time of drafting, FARDC, with MONUSCO support, was unable to stop the advances of M23/ARC despite reinforcement in Rutshuru territory (see para. 19). Recurring direct attacks against United Nations peacekeepers and positions were also recorded (see annex 20).

34. While M23/ARC made exponential territorial gains and showed strength, the Government of the Democratic Republic of the Congo insisted that there would be no negotiations with M23/ARC, which it labelled a terrorist movement and was excluded

<sup>24</sup> Authorities and defence and security forces of the Democratic Republic of the Congo, armed group leaders, combatants, community leaders, local and customary authorities, eyewitnesses, victims, researchers, civil society, medical professionals, humanitarian actors, intelligence and diplomatic sources, MONUSCO, economic and humanitarian actors, documentary and photographic evidence, video recordings, intelligence sources, surveillance and reconnaissance, and aerial footage.

from the Nairobi process (see annex 21 and [S/2022/479](#), para. 69). In his speech of 3 November 2022, President Félix Tshisekedi highlighted the “Rwandan aggression” and invited young people to join the army. He instructed the army Chief of Staff to create recruitment centres across the country, thus considering a military solution alongside ongoing diplomatic efforts (see annex 22). At the time of drafting, almost 1,000 young people had volunteered.<sup>25</sup>

### **Organization, recruitment and training**

35. M23/ARC consolidated its leadership, still under the overall command of sanctioned “General” Sultani Makenga, as well as its civilian-military structure, and began establishing parallel administrations, including intelligence networks in the areas under its control (see annex 23).

36. As M23/ARC has intensified preparations for a new offensive against FARDC, it has strengthened recruitment drives since July 2022 in Rutshuru, Masisi, Walikale and Lubero territories, in Uganda and Rwanda, thus increasing manpower ([S/2022/479](#), paras. 66–67). M23/ARC used children as combatants.<sup>26</sup> Recruitments were mostly premised on false promises of employment (see annex 24).

37. Captured and surrendered M23/ARC combatants confirmed that “Colonel” Kanyamibwa commanded military training in Tshanzu and Runyoni. Civilians in areas controlled by M23/ARC areas confirmed the existence of these training camps. Several ex-combatants testified that recruits attempting to escape were either executed or detained and tortured in underground prisons. Lashings and beatings were a common form of punishment.

38. Besides an unstable FARDC local chain of command (see also annex 50) and soldiers withdrawing from their positions ahead of M23/ARC advances, some FARDC members defected and joined M23/ARC, sometimes with weaponry.<sup>27</sup>

### **Financing and taxes**

39. M23/ARC began imposing taxes, including at the Bunagana and Kitagoma border crossings and in the territories that it occupied. Generated income contributed to funding M23/ARC military operations.

40. In areas controlled by M23/ARC, households, cattle and agricultural crops were taxed either in cash or in kind. For example, cattle owners paid \$7 for each head of livestock, and farmers paid \$3 to access their own land.<sup>28</sup>

41. M23/ARC started imposing taxes on pedestrians entering and/or leaving the Democratic Republic of the Congo with goods at the Bunagana border, generating important income. For example, considering that around 500 pedestrians carrying goods crossed the border between the Democratic Republic of the Congo and Uganda daily in mid-October 2022, each paying around U Sh 7,000 (\$1.80),<sup>29</sup> M23/ARC earned an average of \$27,000 per month<sup>30</sup> at the Bunagana border crossing alone.

<sup>25</sup> Videos on file with the Secretariat.

<sup>26</sup> Eyewitnesses, Mouvement du 23 mars/Armée révolutionnaire du Congo (M23/ARC) ex-combatants and civil society leaders.

<sup>27</sup> FARDC, civil society, international organizations and M23/ARC sources.

<sup>28</sup> Civil society, witnesses, researchers, civilians living in the area and local chiefs.

<sup>29</sup> Individuals responsible for daily accounting.

<sup>30</sup> This estimate considers only income generated by M23/ARC from pedestrians leaving the Democratic Republic of the Congo.

42. Eleven pedestrians who entered the Democratic Republic of the Congo at Bunagana in mid-October reported that taxes at the border were paid in Ugandan shillings to two M23/ARC tax collectors called “Eric” and “Nkurunziza”.

43. The exodus of populations and economic actors from areas controlled by M23/ARC led to a significant decline in economic activity on both sides of the Bunagana border (see annex 25). This resulted in a decrease in tax income generated by M23/ARC on the route connecting the Democratic Republic of the Congo and Uganda, traditionally an important source of funding for the Congolese treasury (S/2008/773, paras. 35–47). The tax base of M23/ARC is likely to increase after its recent territorial expansion.

#### **Mouvement du 23 mars/Armée révolutionnaire du Congo military equipment**

44. Photographic evidence and video footage demonstrate that, at least since mid-June 2022, M23/ARC leaders and combatants have been wearing new uniforms, Kevlar helmets and bulletproof vests (see annex 26).

45. Imagery analysis shows some M23/ARC combatants carrying lethal military equipment previously not documented as being part of the group’s traditional arsenal (see also annexes 30 and 32).<sup>31</sup> Certain military equipment, including weaponry recovered at the site of clashes in areas under M23/ARC control and/or where RDF presence had been documented, was produced in 2014 and 2019. This shows that either M23/ARC had recently acquired this materiel, notably after the crisis in 2012–2013, or the recovered equipment belonged to a regular army supporting M23/ARC on the battlefield (see paras. 47–51 and annex 27).

46. Drone imagery confirms cross-border supply of artillery, weapons and ammunition (see also para. 48 and annex 30). M23/ARC controlled vast areas bordering Uganda and Rwanda, which facilitated movements of military equipment, supplies and recruits across these borders.

#### **Rwandan Defence Force incursions, military operations and materiel support to the Mouvement du 23 mars/Armée révolutionnaire du Congo**

47. The Group obtained evidence of military operations conducted by RDF members in Rutshuru territory between November 2021 and October 2022. The Group notes that, since January 2022, at least five RDF soldiers have been arrested on the territory of the Democratic Republic of the Congo (see annex 28).

48. Eyewitnesses, captured or surrendered M23/ARC combatants, FARDC sources, civil society actors, local authorities and armed group leaders interviewed by the Group in Kibumba and Buhumba *groupements*, Rumangabo, Rugari, Ntamugenga, Kiwanja and Rutshuru, in Nyiragongo and Rutshuru territories, reported the presence of RDF troops on the territory of the Democratic Republic of the Congo, sometimes marching in columns, after entering the country from Rwanda. RDF troops occupied positions in different areas, some of which were inspected by the Group (see annex 29). Ten M23/ARC captured combatants and eyewitnesses living in the area reported that RDF often installed support positions next to M23/ARC camps at the front line. Aerial footage and photographic evidence confirmed the presence of RDF soldiers in villages, border areas and at M23/ARC positions. The soldiers wore standard military uniforms and equipment (see annex 30).

49. RDF conducted operations against Forces démocratiques de libération du Rwanda (FDLR) positions in the Democratic Republic of the Congo in May and June

<sup>31</sup> See also the 2013 embargo assessment of M23 arsenal (document on file with the Secretariat) and S/2012/348/Add.1.

2022 (see annex 31). RDF, either unilaterally or jointly with M23/ARC combatants, also engaged in military operations against FARDC positions (see annex 32 and S/2022/479, paras. 60–62). RDF further provided troop reinforcements to M23/ARC for specific operations, in particular when these were aimed at seizing strategic towns and areas. For example, in May 2022, M23/ARC and RDF jointly attacked the FARDC camp in Rumangabo and took Bunagana in June 2022 (see also annex 16).

50. On 30 October 2022, the spokesperson for the Government of the Democratic Republic of the Congo denounced the fact that “a massive arrival of RDF elements to support M23 terrorists’ general offensive against the FARDC had been observed in recent days” and corroborated by drone footage (see annex 33), and consequently announced the expulsion of the Ambassador of Rwanda in Kinshasa, Vincent Karega.

51. Following the Group’s request for information, the Government of Rwanda stated that RDF had never crossed the border with the Democratic Republic of the Congo “for whatever reason” and rejected allegations of support to M23/ARC, which it considered as “aimed at scapegoating Rwanda for the Democratic Republic of the Congo’s internal failures”. The Government of Rwanda also stressed that it had never facilitated and had no intention of facilitating M23/ARC recruitment on its territory and in the region.

#### **Uganda and the Mouvement du 23 mars/Armée révolutionnaire du Congo crisis**

52. In late March 2022, UPDF troops prevented M23/ARC from seizing Bunagana.<sup>32</sup> In contrast, when M23/ARC, supported by RDF, attacked FARDC in Bunagana on 12 June 2022, M23/ARC combatants crossed the border into the Democratic Republic of the Congo unhindered. A similar situation was documented in 2012 (S/2012/843, paras. 35–55).<sup>33</sup>

53. At the time of drafting, free movement of M23/ARC combatants and new recruits to and from Uganda continued to be reported. Uganda informed the Group that there were no known M23 combatants in refugee settlements in Uganda and that Uganda did “not condone any of Uganda’s territory [being] used to destabilize any country”.

#### **Shelling of civilian objects on the territory of the Democratic Republic of the Congo and Rwanda**

54. FARDC and RDF accused each other of cross-border shelling. The Group documented several incidents of shelling affecting the territories of both the Democratic Republic of the Congo and Rwanda and killing civilians and/or damaging buildings and infrastructure (see annex 34).<sup>34</sup> Several incidents of shelling attributed to M23/ARC were also documented (see annex 35).

#### **Killings, arbitrary detentions, torture and other abuses committed by the Mouvement du 23 mars/Armée révolutionnaire du Congo**

55. Pillaging, theft, extortion, abduction, torture, rape and killings were frequent in Rutshuru territory, especially in areas occupied by M23/ARC. The resumption of hostilities on 20 October 2022 resulted in new civilian casualties and massive displacement of the civilian population.<sup>35</sup>

<sup>32</sup> FARDC, civil society, researchers and MONUSCO.

<sup>33</sup> Eyewitnesses, researchers and FARDC sources.

<sup>34</sup> On-site inspections and imagery analysis performed by the Group, interviews conducted with eyewitnesses and victims, local authorities, armed group leaders and FARDC sources.

<sup>35</sup> Five ex-combatants, eyewitnesses, local sources, civil society, researchers, MONUSCO, FARDC and intelligence sources.

56. The Group documented collective killings in Ruvumu and Ruseke localities on 21 June and 1 July, respectively, where at least 21 civilians, including women and children, were summarily executed or shot at by M23/ARC when trying to escape. Survivors of the killings described the combatants as wearing military attire, which some described as looking new and different from FARDC uniforms, as well as helmets and bulletproof vests, and all carrying weapons and speaking Kinyarwanda. One survivor of the Ruseke massacre described seeing the Rwandan flag on the epaulets of some uniformed soldiers who had perpetrated the killings (see annex 36).<sup>36</sup>

57. M23/ARC often retaliated against displaced civilians commuting to their fields located in the areas it controlled, accusing them of collaboration with FARDC or spying. They were often incarcerated in various M23 camps<sup>37</sup> and beaten, some until death (see annex 37).<sup>38</sup>

58. Several sources reported that uniformed soldiers raped some women who walked to their fields in areas controlled by M23/ARC. Uniformed soldiers also repeatedly harassed women in their fields.<sup>39</sup>

59. M23/ARC looted medical centres in areas under its control in search of medical supplies.<sup>40</sup> Combatants also systematically looted crops from fields and transported them to their camps, including Tshanzu.<sup>41</sup> Combatants forced civilians, including women and children, to work in the fields or carry out chores.<sup>42</sup>

#### **Internally displaced persons crisis**

60. The fighting between FARDC and M23/ARC prompted a grave humanitarian crisis in Rutshuru territory.<sup>43</sup> Since the resumption of fighting on 20 October, over 180,000 people have been displaced in Rutshuru territory, worsening the already grave humanitarian crisis there.<sup>44</sup>

61. In early October 2022, the Group confirmed the presence of over 21,000 civilians in the Rwaswa II camp for internally displaced persons in Kiwanja. Nearly all had previously fled areas controlled by M23/ARC and settled close to the border in Uganda between March and August 2022, outside of government-established refugee settlements. Most had returned from Uganda in early September via the Kitagoma border crossing after refusing the request of the Government of Uganda to resettle in designated refugee settlements (see annex 38).

62. According to eyewitnesses interviewed in the Rwaswa II camp, at the end of August 2022, Ugandan authorities forcefully evicted refugees from makeshift settlements along the border with Bunagana.<sup>45</sup> They described Ugandan soldiers severely beating some internally displaced persons who had refused to leave and setting at least one settlement on fire (see annex 39).<sup>46</sup>

<sup>36</sup> Witnesses, victims, civil society, medical staff, MONUSCO sources and documentary and photographic evidence.

<sup>37</sup> Several witness testimonies of civilians imprisoned in Bunagana, Musaba, Bugina and Tshanzu.

<sup>38</sup> Witness testimonies and civil society.

<sup>39</sup> Civil society, witnesses and medical professionals.

<sup>40</sup> Civil society and eyewitnesses.

<sup>41</sup> Witnesses and civil society, FARDC and Congolese National Police sources.

<sup>42</sup> Civil society sources, ex-M23/ARC recruits and eyewitnesses.

<sup>43</sup> Office for the Coordination of Humanitarian Affairs, Democratic Republic of the Congo – North Kivu, Flash update #3: populations displacement in Rutshuru territory, 25 October 2022.

<sup>44</sup> Ibid.

<sup>45</sup> Internally displaced persons, eyewitnesses and civil society.

<sup>46</sup> Video of burning camp on file with the Secretariat.

63. By 29 October, when M23/ARC took over Kiwanja, all the internally displaced persons had fled the camps and settlements in Rutshuru and Kiwanja. The Rwasa II camp was dismantled within a couple of days (see annex 40).<sup>47</sup>

**Armed group coalition and de facto cooperation with the Armed Forces of the Democratic Republic of the Congo against Mouvement du 23 mars/Armée révolutionnaire du Congo**

64. The resurgence of M23/ARC prompted armed groups active in North Kivu to shift alliances and created new dynamics between these armed groups and FARDC.

65. Local armed groups gathered in Pinga in May 2022 and forged a coalition to resist M23/ARC. The meeting brought together rival armed groups,<sup>48</sup> including the Nduma défense du Congo-Rénové (NDC-R) faction of sanctioned individual Guidon Shimiray Mwisa (CDi.033), Alliance des patriotes pour un Congo libre et souverain (APCLS) of Janvier Karairi Buingo, Nyatura-Collectif des mouvements pour le changement-Forces de défense du peuple (CMC/FDP), led by Dominique Ndaruhuste alias Domi, and Nyatura-Abazungu (Alliance des nationalistes congolais pour la défense de droits humains/Alliance de force de défense du peuple) led by Jean-Marie Bonane. FDLR “Colonel” Silencieux, FDLR “Colonel” Potifaro and FARDC Colonel Salomon Tokolonga (3411th regiment) were also present (see annex 41). On 13 July 2022, the Forces patriotiques populaires-Armée du peuple, led by “Kabido”, joined the coalition (see annex 42).

66. The Pinga meeting led to a truce whereby armed groups would not attack each other (see annex 43) and created a coalition to join FARDC in the fight against M23/ARC and its allies. According to witnesses who attended the meeting, armed group leaders proposed to mobilize approximately 600 combatants to support FARDC.

67. Following this meeting, in several documents, videos and audio messages, armed group leaders announced the mobilization of their combatants to fight against M23/ARC (see annex 44). Foreign and local armed groups, including FDLR and formerly dormant groups such as the Mouvement patriotique d’autodéfense (MPA), also started to recruit, train and rearm (see annex 45).

68. Armed group leaders, combatants and ex-combatants confirmed to the Group that they fought, either alone or jointly with the FARDC, against M23/ARC and/or RDF troops. Witness statements and documentary and photographic/video evidence show that CMC/FDP, APCLS, FDLR, NDC-R and/or MPA combatants fought in and around Bambu, Rugari and Rumangabo, among other places, in May and June 2022 (see annexes 46 and 47).<sup>49</sup>

69. Former and current combatants, civil society sources, local authorities and researchers reported that, after the Pinga meeting, members of the coalition of armed groups received weapons and ammunition from FARDC members on several occasions (see annex 48).

70. The involvement of armed groups, in particular the participation of FDLR, in operations against M23/ARC was denounced by M23/ARC and the Government of Rwanda (see annex 49). The Government indicated to the Group that the collaboration between FARDC and FDLR presented a security threat to Rwanda. President Tshisekedi condemned the use of proxies by FARDC and reshuffled the army command in North Kivu on 6 July 2022 (see annex 50). According to armed group

<sup>47</sup> Civil society, local sources and eyewitnesses.

<sup>48</sup> See [S/2021/560](#), paras. 44–51.

<sup>49</sup> Confirmed by civil society sources, local authorities, researchers and intelligence sources.

leaders and combatants, MONUSCO, civil society and FARDC sources, the newly appointed military authorities instructed armed groups to withdraw from the front lines, and they mostly complied. This triggered renewed tensions and confrontations between armed groups, and between some armed groups and FARDC (see annex 51). Nevertheless, after M23/ARC resumed hostilities on 20 October 2022, M23/ARC clashed with FARDC, FDLR and MPA, inter alia, in Rugari and Mwenda, and with CMC/FDP in Kasiru, Masisi territory.<sup>50</sup>

71. The Group notes with concern that this mobilization of armed groups fighting M23/ARC challenged the adherence to, and implementation of, the Disarmament, Demobilization, Community Recovery and Stabilization Programme. Annex 52 provides additional information on the Programme.

### **III. Violence and hate speech targeting Rwandophone populations**

72. In the context of the resurgence of M23/ARC and its intensification of operations, the Group documented a worrying proliferation of xenophobia and hate speech inciting discrimination, hostility and violence against Rwandophone populations perceived as supporting M23/ARC, in particular the Banyamulenge and Tutsi communities, leading at times to acts of violence, including killings.<sup>51</sup>

73. This rhetoric has spread nationwide, either in the context of demonstrations or in public speeches by defence, security or political figures, civil society actors and members of the Congolese diaspora, via conventional and social media. The North Kivu deputy police commissioner, Aba Van Ang, incited civilians to take machetes “against the enemy”, and Justin Bitakwira, a former minister and former member of the Parliament, called for every Congolese to identify “infiltrators”. This rhetoric was also propagated by persons selectively targeting members of Rwandophone communities and those perceived as Rwandophone (see annex 53).

74. Multiple audio and video recordings and messages on social media explicitly called on people to chase “Rwandans” out of the Democratic Republic of the Congo and/or to kill them (see annex 54). The Group documented incidents of targeted violence or public lynchings of Rwandophone individuals (see annex 55).

75. Members of the Banyamulenge and Tutsi communities in North Kivu and South Kivu reported being told, including by some FARDC members, that they were not citizens of the Democratic Republic of the Congo because of their facial features, body shape and language. They were accused of supporting M23/ARC and/or Rwanda and told to return to Rwanda. Sometimes they were threatened with being cut with machetes. Rumours of Rwandan “infiltration” of the political and administrative authorities of the Democratic Republic of the Congo and the country’s security and defence forces also circulated (see annex 56).

76. M23/ARC publicly denounced the dissemination of xenophobic and hate speech targeting Rwandophone populations and used it as a justification for their actions (see annex 57). The Government of Rwanda also denounced the persistent hate speech against Rwandophone populations in the Democratic Republic of the Congo (see annex 58).

77. The Government and officials of the Democratic Republic of the Congo publicly condemned xenophobic and hate speech and discourse inciting discrimination,

<sup>50</sup> Armed group leaders, combatants and FARDC and MONUSCO sources.

<sup>51</sup> Eyewitnesses, victims, researchers, civil society, FARDC, MONUSCO sources, documentary evidence, video and audio recordings, photographs and messages circulating on social media.

hostility and violence. The Group welcomed President Tshisekedi's 29 October message to the Congolese "not to give in to xenophobic and other hate speech or stigmatization of Rwandophone communities" (see annex 59).

#### **IV. Incitement against the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo and attacks on peacekeepers**

78. Several days after the President of the Senate of the Democratic Republic of the Congo, Modeste Bahati Lukwebo, publicly called for the withdrawal of MONUSCO from the country on 15 July,<sup>52</sup> which was followed by the proliferation of rhetoric against MONUSCO in the media, violent demonstrations erupted in the eastern Democratic Republic of the Congo, including in Goma, Butembo and Uvira. Between 22 and 27 July, several MONUSCO bases and houses of United Nations staff were attacked, looted or burned. One United Nations peacekeeper and two United Nations police officers were killed and one injured in Butembo on 26 July 2022.<sup>53</sup> At least 16 civilians were killed and over 70 injured during the protests.

79. Mobilizers and enablers of the protests included politicians, members of civil society, community leaders and members of the Congolese diaspora.<sup>54</sup> The demonstrations were well organized and coordinated, with the intention of attacking every MONUSCO position and burning everything with a United Nations logo on it.<sup>55</sup>

80. Concordant evidence implicates Ricky Paluku, leader of Veranda Mutsanga/Goma, Eric "Lucky" Bwanapuwa Mumbere of Mouvement National Congolais and Jimmy Nzialy Lumangabo, leader of Génération Positive, as organizers of the violent protests in Goma (see annex 60 on pressure groups and the organization of the protests).

81. Rhetoric against MONUSCO and systematic attacks on United Nations convoys, pelting of United Nations vehicles with stones and intimidation of United Nations staff have continued since July 2022 (see annex 61), significantly disrupting the operational capabilities of MONUSCO.

#### **V. Ituri**

##### **A. Coopérative pour le développement du Congo**

82. The Coopérative pour le développement du Congo (CODECO) remained one of the most active armed groups in Djugu territory. Whereas the leadership and structure of CODECO factions remained intact (S/2022/479, paras. 84–86), CODECO/URDPC (Union des révolutionnaires pour la défense du peuple congolais) consolidated its influence over other CODECO factions, notably "Bon temple de Dieu", Force de défense contre la balkanisation du Congo (FDBC) and Armée de libération du Congo (ALC), becoming a de facto umbrella organization for the other factions,<sup>56</sup> with the exception of the Armée des révolutionnaires pour la défense du peuple congolais, with whom relations were tense. As such, CODECO/URDPC spoke and negotiated on

<sup>52</sup> The speech of the President of the Senate was extensively circulated on social media.

<sup>53</sup> See <https://press.un.org/en/2022/sgsm21384.doc.htm>.

<sup>54</sup> MONUSCO, civil society, community leaders, and eyewitness and photographic evidence.

<sup>55</sup> Witness involved in organizing the demonstrations.

<sup>56</sup> Coopérative pour le développement du Congo/Union des révolutionnaires pour la défense du peuple congolais (CODECO/URDPC) leadership, ex-combatants and FARDC.

behalf of the factions, including for the release of hostages, and gave instructions on operations.

83. In June and July 2022, CODECO/URDPC signed an act of engagement on behalf of two factions – Bon Temple and ALC, respectively – as they had agreed to end hostilities with CODECO/FDBC. In doing so, CODECO/URDPC reinforced its influence over the latter.

#### **Territorial control, attacks and resources**

84. In August 2022, as notables of Ndalo strongly disagreed with the violent modus operandi of CODECO/URDPC, the group moved its headquarters from Ndalo to Jiba, south of Kpandroma, Walendu-Pitsi sector, where most of its leadership had relocated.<sup>57</sup>

85. CODECO factions expanded their areas of operations. Five URDPC brigades were active in Djugu, Mahagi and parts of Irumu.<sup>58</sup> This expansion was enabled by the weak presence of FARDC due, inter alia, to the withdrawal of the 3308th FARDC Regiment to fight M23/ARC in June 2022 (see para. 19). The expansion was also pursued with the objective of controlling mining sites around Mongbwalu (see paras. 93–96), as well as countering arms trafficking on Lake Albert from Uganda, benefiting the armed group Zaïre.<sup>59</sup>

86. Despite their expressed commitment to adhere to the Disarmament, Demobilization, Community Recovery and Stabilization Programme, CODECO factions continued to attack FARDC, Zaïre and civilians (S/2022/479, annex 48). Numerous attacks on road passengers and kidnappings for ransom were attributed to CODECO factions, mainly in eastern Djugu territory.<sup>60</sup> Particularly violent attacks were concentrated in mining areas around Mongbwalu, targeting Zaïre elements and civilians perceived as supporting Zaïre,<sup>61</sup> in a continuation of trends observed previously (see annex 62 and S/2022/479, paras 82 and 87–92).

## **B. Zaïre**

87. Zaïre, also known as the Front populaire d'autodéfense en Ituri (FPAC), continued to evolve into an organized armed group. According to several sources, Zaïre's ambition is to become a political movement.<sup>62</sup> Headquartered in Nyaka and Mbidjo, western Djugu, Zaïre continued to actively recruit and train combatants, thus reinforcing its ranks (S/2022/479, para. 101). At the time of drafting, Zaïre had not joined the Disarmament, Demobilization, Community Recovery and Stabilization Programme.

88. According to Zaïre and CODECO combatants, local authorities and intelligence sources, since May 2022 sanctioned individual Yves Khawa Panga Mandro (Cdi.009) has sought to become Zaïre's main leader.<sup>63</sup> Khawa played a key role in the rise and reorganization of Zaïre. Together with Zaïre's military commander, Zawadi Vajeru (S/2022/479, para. 102), Kahwa trained combatants and set up an arms trafficking

<sup>57</sup> Civil society, Agence nationale de renseignements, FARDC and former combatants.

<sup>58</sup> CODECO combatants, MONUSCO, civil society and intelligence sources.

<sup>59</sup> Zaïre combatants, civil society and intelligence sources.

<sup>60</sup> FARDC, civil society and intelligence sources.

<sup>61</sup> Ibid.

<sup>62</sup> Zaïre combatants, local authorities, FARDC, intelligence sources, civil society and MONUSCO sources.

<sup>63</sup> Zaïre and CODECO combatants, local authorities, MONUSCO, intelligence sources and sources familiar with Khawa.

network supplying weaponry originating in Uganda to Zaïre.<sup>64</sup> Two combatants confirmed that Zaïre had received weapons and ammunition in Tchomia in August 2022 and handed them over to Zaïre leaders in Damas.<sup>65</sup>

89. The modus operandi of Zaïre shifted from retaliatory or self-defence operations to large-scale attacks on CODECO factions around mining sites in Mongbwalu, at least since July 2022. Zaïre attacked Lendu civilians in Mbidjo on 6 August, killing at least 26, in retaliation for attacks by CODECO (see annex 63). It was the only large-scale attack targeting civilians perpetrated by Zaïre during the reporting period.

90. On 27 September, Zaïre combatants held five Congolese National Police (PNC) officers and six FARDC elements hostage and destroyed the PNC and FARDC offices in Dala (S/2022/479 para. 101).<sup>66</sup> The following day, authorities of the Democratic Republic of the Congo released Zaïre prisoners and Zaïre released the hostages in exchange.

91. Zaïre continued to benefit from the support of “G-5”, a platform grouping representatives of five communities, notably the Alur, Hema, Nyali, Mambisa and Ndo Okebo.<sup>67</sup> The “G-5” continued to mobilize financial resources through voluntary and forced contributions in support of Zaïre’s activities.<sup>68</sup>

## C. Gold

92. CODECO factions and Zaïre continued to finance their activities through illegal taxation, including at checkpoints and through control of mining sites (S/2022/479, paras. 107–115). Several incidents of FARDC elements being involved in illegal gold-mining activities were also recorded.

### **Coopérative pour le développement du Congo factions and Zaïre**

93. The high number of armed clashes recorded at and around gold-mining sites, most notably Mongbwalu and Nizi, reflected the interest of both armed groups in the mining sector. Between July and September 2022, MONUSCO recorded at least 30 clashes.<sup>69</sup>

94. Three sources from the mining administration in Ituri province informed the Group that they had not been able to access the majority of the mining sites in Djugu territory for more than a year because these were under CODECO or Zaïre control. The Group identified 59 mining centres<sup>70</sup> controlled by armed groups, mostly CODECO factions, followed by Zaïre (see annex 64).

95. At the mining sites under their control, armed groups either illegally taxed diggers or dug themselves in the pits.<sup>71</sup> Gold produced in areas controlled by armed groups was mostly sold at the sites to traders from Bunia, or sometimes directly to other economic actors based in that city.<sup>72</sup> The Group continues to investigate the entities and individuals involved in the gold trade in the Democratic Republic of the Congo and abroad.

<sup>64</sup> Intelligence sources, FARDC sources, ex-combatants and civil society.

<sup>65</sup> Intelligence sources, FARDC sources, ex-combatants, civil society and two witnesses.

<sup>66</sup> Intelligence sources, FARDC sources, ex-combatants and civil society.

<sup>67</sup> Zaïre combatants, local authorities, FARDC, intelligence sources, civil society and MONUSCO sources.

<sup>68</sup> Ibid.

<sup>69</sup> Reports on file with the Secretariat.

<sup>70</sup> These include hundreds of mining sites.

<sup>71</sup> Individuals with knowledge of the mining sector in Djugu territory.

<sup>72</sup> Civil society, mining officials and Djugu- and Bunia-based economic actors.

96. Armed groups active in Djugu continued to use roadblocks to tax goods and people (see annex 65). They also taxed economic actors operating in the areas under their control. In a letter from CODECO/URDPC to the Fédération des entreprises du Congo (FEC) in Kpandroma, economic actors were asked to pay \$5,000 to support the movement. The letter was signed by, among others, “General” Sengedhu Madro Jiba, CODECO/URDPC Deputy Chief of Staff for Operations (see annex 66). Two Djugu-based FEC members confirmed that such payments were standard practice, which is a violation of the sanctions regime.

### **Involvement of the Armed Forces of the Democratic Republic of the Congo**

97. Several sources mentioned the persistent involvement of some FARDC elements in gold-mining, in violation of the mining and military codes, as reported by the Group since 2017.<sup>73</sup> The Group also documented collaboration between FARDC elements and armed groups to collect taxes at checkpoints. The military governor of Ituri province denied such collaboration.<sup>74</sup>

98. The Group also collected information on deals concluded between FARDC elements and some foreign-run mining companies, notably in Nizi and Bwanga (see also para. 101).

99. In October 2022, the Group confirmed the presence of elements of the FARDC 32nd military region stationed at the Luba semi-industrial mining site, 2 kilometres from the centre of Nizi, near the Kpatakpata river branch.<sup>75</sup> According to mining authorities and Nizi-based civil society, these FARDC elements protected the interests of foreign actors who work with the Cooperative minière de l’Ituri au Congo and taxed local gold diggers.<sup>76</sup>

100. The FARDC commander stationed at the mining site refused to respond to the Group’s enquiry. Two Nizi-based sources informed the Group that the FARDC soldiers had returned to the mining site after a failed investigative mission organized by the military governor of Ituri.

101. On 11 August, CODECO “Bon temple de Dieu” elements attacked a mining site near Bwanga village and killed two members of the FARDC 3101st regiment who were protecting mining interests (see annex 67).

## **VI. South Kivu**

### **A. Deployment of the Burundi National Defence Force and its impact on armed groups**

102. In August 2022, Burundian armed forces officially deployed in South Kivu for an initial period of three months to conduct joint operations with FARDC against armed groups. This deployment was based on a bilateral agreement between Burundi and the Democratic Republic of the Congo, and not in the context of the East African Community regional force deployment (see annex 68) as initially reported (see annexes 69 and 70).<sup>77</sup> This agreement officialized the presence of the Burundi National Defence Force (Force de défense nationale du Burundi, (FDNB)) in the Democratic Republic of the Congo since at least 2021, as documented by the Group (S/2022/479, paras. 162–168). The Group recalls that the Security Council Committee

<sup>73</sup> Civil society, mining officials, Djugu- and Bunia-based economic actors and FARDC.

<sup>74</sup> Meeting with the Group, October 2022.

<sup>75</sup> Group mission to the Nizi area, October 2022.

<sup>76</sup> \$3 per person, or half their daily production.

<sup>77</sup> Intelligence sources, civil society and MONUSCO sources.

established pursuant to resolution [1533 \(2004\)](#) must be notified in advance of the involvement of foreign troops in military operations on the territory of the Democratic Republic of the Congo, which was not done by the Government of Burundi.<sup>78</sup>

103. At the time of drafting, FDNB-FARDC joint operations only targeted Burundian armed groups active in South Kivu, notably Résistance pour un État de droit au Burundi (RED Tabara) and the Forces nationales de libération (FNL). However, while in the past FDNB operations mainly targeted RED Tabara, from September 2022 onwards, FDNB-FARDC operations focused instead on FNL (see annex 71). Several sources reported that this shift of focus to FNL followed recent contacts between FNL leader Nzabampema and the former Prime Minister of Burundi, Alain-Guillaume Bunyoni. The latter was accused by the Government of Burundi of a coup attempt in that country in September 2022.<sup>79</sup>

104. Following clashes with FDNB-FARDC, RED Tabara and FNL each fled towards Itombwe forest, Mwenga territory. In pursuing them, FDNB-FARDC expanded their area of operations from the Ruzizi Plain to the Hauts Plateaux. This triggered new tensions between armed groups, as RED Tabara and FNL were driven to areas with significant Mai-Mai presence. For example, while retreating through Kipupu in late September 2022, RED Tabara clashed with the Forces des patriotes pour la défense du Congo.<sup>80</sup>

105. FDNB continued to use Imbonerakure during operations ([S/2022/479](#), paras. 162–168).<sup>81</sup> Imbonerakure integrated with FDNB troops, and received FDNB uniforms prior to crossing the border, in order to go unnoticed.<sup>82</sup>

106. During these operations, FDNB and FARDC also collaborated with Congolese armed groups, who acted as scouts or proxies and/or joined them during clashes. This included Mai-Mai Kijangala, Mai-Mai Buhirwa and Gumino, with whom FDNB had already collaborated in the past ([S/2022/479](#), para. 166).<sup>83</sup> Colonel Fureko, a Gumino commander and former FARDC member, was the main focal point for FDNB-FARDC collaboration with Gumino. Other Mai-Mai and self-defence groups were also approached by either FDNB or FARDC,<sup>84</sup> in particular while tracking RED Tabara and FNL in areas where they needed the support of these groups. Even some Mai-Mai groups that had operated alongside RED Tabara and FNL until recently, such as Mai-Mai Kashumba, Rushaba<sup>85</sup> and Makanaki, started supporting FDNB-FARDC operations ([S/2022/479](#), para. 166 and annex 81).<sup>86</sup> In exchange, these armed groups received uniforms and ammunition, and cash payments in some cases.<sup>87</sup>

<sup>78</sup> Paragraph 5 of resolution [1807 \(2008\)](#), as renewed in paragraph 1 of resolution 2293 (2016) and paragraph 1 of resolution [2641 \(2022\)](#).

<sup>79</sup> An intelligence source, researchers and sources close to South Kivu armed groups.

<sup>80</sup> An intelligence source, researchers, sources close to South Kivu armed groups, FARDC, civil society and MONUSCO sources.

<sup>81</sup> Intelligence sources, researchers, civil society, sources close to South Kivu armed groups, and MONUSCO sources.

<sup>82</sup> Intelligence sources, a researcher and civil society and MONUSCO sources.

<sup>83</sup> FARDC, intelligence sources, a researcher, civil society, a source close to South Kivu armed groups, and MONUSCO sources.

<sup>84</sup> Intelligence sources, researchers, civil society, sources close to South Kivu armed groups, and MONUSCO sources.

<sup>85</sup> Previously called Mushombe until the death of its leader.

<sup>86</sup> Intelligence sources, researchers, civil society, sources close to South Kivu armed groups, and MONUSCO sources.

<sup>87</sup> Ibid.

107. Several sources reported that RED-Tabara and Twirwaneho<sup>88</sup> on the one hand, and FNL and Twirwaneho on the other,<sup>89</sup> formed alliances to face the FDNB-FARDC military pressure. Concerned by the official deployment of FDNB, Twirwaneho intensified recruitment, including of minors, and the acquisition of weapons (see annex 72).<sup>90</sup> However, Twirwaneho was not being targeted by FDNB-FARDC operations at the time of drafting.

## B. Killing of a peacekeeper by Twirwaneho in Minembwe

108. On the evening of 30 September, six presumed Twirwaneho combatants killed a peacekeeper after simulating a false surrender<sup>91</sup> at the MONUSCO base in Minembwe, Fizi territory.<sup>92</sup> As one peacekeeper approached to take the weapon offered up by one combatant, five others shot the peacekeeper. The peacekeepers returned fire, but all the assailants escaped. The United Nations peacekeeper from Pakistan died shortly afterwards (see annex 73).<sup>93</sup>

109. The Group received corroborating information that the attack had been planned by Twirwaneho, in particular by Charles Sematama (S/2022/479, para. 156) and other Banyamulenge leaders, including Saint Cadet Ruvuzangoma.<sup>94</sup> The assailants had contacted MONUSCO prior to the attack, announcing their intention to surrender and demobilize,<sup>95</sup> reinforcing evidence that the attack was premeditated.

110. According to several sources, the likely motivation for the attack was Twirwaneho's publicly stated opposition to activities of the Disarmament, Demobilization, Community Recovery and Stabilization Programme.<sup>96</sup> Since July 2022, MONUSCO has recorded an increasingly hostile posture by Twirwaneho towards the Programme in Minembwe due to the high number of surrenders.<sup>97</sup>

111. Twirwaneho denied responsibility for the attack (see annex 74).

112. On 5 October 2022, a group of suspected Twirwaneho again fired at the Minembwe MONUSCO base but no casualties were reported (see annex 75).

113. The Group recalls that intentional attacks directed against MONUSCO peacekeepers or United Nations personnel are acts subject to targeted sanctions.

## VII. Recommendations

114. The Group makes the recommendations set out below.

### **Government of the Democratic Republic of the Congo**

115. The Group recommends that the Government of the Democratic Republic of the Congo:

(a) Take all measures necessary to protect the civilian population in areas with armed group presence, including in those areas vacated by troops reassigned to fight

<sup>88</sup> FARDC, intelligence sources, researchers, civil society and MONUSCO sources.

<sup>89</sup> Ibid.

<sup>90</sup> Intelligence sources, civil society, a researcher and MONUSCO sources.

<sup>91</sup> FARDC, source close to South Kivu armed groups, civil society and MONUSCO sources.

<sup>92</sup> 162 km south-west of Bukavu.

<sup>93</sup> MONUSCO sources.

<sup>94</sup> FARDC, civil society and MONUSCO sources.

<sup>95</sup> FARDC and MONUSCO sources.

<sup>96</sup> FARDC, sources close to South Kivu armed groups, civil society, and local and MONUSCO sources.

<sup>97</sup> Ibid.

M23/ARC, notably in Djugu, Mahagi, Irumu, Beni and Lubero territories (see paras. 13–15, 19, 33, 55–59, 72–77, 85–86 and 89);

(b) Take all measures to prevent cooperation between FARDC elements and armed groups, notably in Rutshuru and Nyiragongo territories (see paras. 64–71 and 97–101);

(c) Condemn xenophobia, hate speech and incitement to violence targeting any person or group based on their race or ethnic origin, and bring those responsible to justice (see paras. 72–77);

(d) Condemn violence and propaganda calling for violence against MONUSCO and bring those responsible to justice (see paras. 78–81);

(e) Investigate and prosecute FARDC elements involved in illegal taxation and gold-mining in Djugu territory (see paras. 97–101);

(f) Monitor FARDC recruitment since the 3 November general call for mobilization, including through the implementation of a vetting process (see para. 34);

(g) Reinvigorate consultations with relevant armed groups to commit to the Disarmament, Demobilization, Community Recovery and Stabilization Programme (see paras. 71, 86, 87 and 110).

**Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo**

116. The Group recommends that the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo:

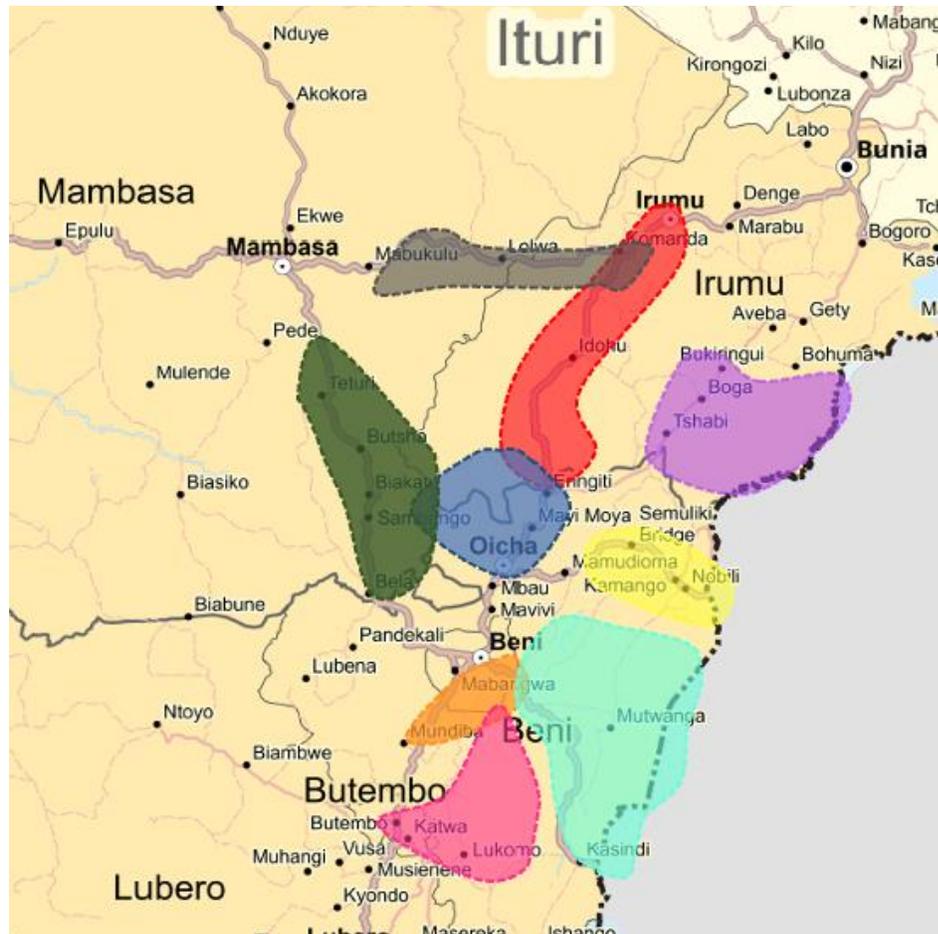
(a) Urge States in the region to comply with the obligation to notify the Committee in advance of any deployment of troops to the Democratic Republic of the Congo, including when the deployment takes place in the context of the East African Community regional force (see para. 102);

(b) Urge Governments of States neighbouring the Democratic Republic of the Congo, including Rwanda and Burundi, to prevent the provision of support to armed groups active in the Democratic Republic of the Congo (see paras. 47–51 and 102–107).

## Annex 1

## Map of ADF areas of operations

## Carte des zones d'opérations des ADF



Red: attacks along RN4 (Luna-Komanda)

Grey: attacks along Mambasa-Komanda road

Purple: attacks around Boga-Tchabi

Green: attacks in Mambasa territory (mainly along RN44 road)

Blue: attacks around Mamove and border Ituri

Orange: attacks around Beni town and South-West of Beni

Pink: attacks in Bashu *chefferie*

Light green: attacks in Rwenzori sector

Yellow: attacks in Watalinga *chefferie*

Map provided to the Group by MONUSCO and annotated by the Group

## Annex 2

### Butembo prison break

#### Evasion de prison à Butembo

On 10 August 2022, ADF attacked the Kakwangura prison in Butembo, freeing over 800 detainees, many of whom were subsequently forcefully recruited. The jailbreak was aimed at liberating ADF combatants and collaborators, as well as recruiting on a large scale.<sup>1</sup>

This was the third ADF mass recruitment in the last two years reinforcing ADF ranks. To recall, in October 2020 ADF attacked the Kangbaya prison (see S/2021/560, para. 28) and the Group reported on the recruitment of Hutu youth in Ituri in 2021 (see S/2022/479, paras 30 - 33). Moreover, this was the third ADF attack against prisons in the last years, with the Kangbaya prison break freeing around 1,200 detainees, and another attack in February 2022 against the prison of Nobili<sup>2</sup> when about 20 detainees were freed.

Although the FARDC originally claimed that the Butembo prison attack had been conducted by a Mai-Mai group,<sup>3</sup> the Group confirmed that the attack was organized and led by ADF.<sup>4</sup> According to six sources, similar to the Kangbaya jailbreak in October 2020, Amigo (see S/2021/560, para 28 and annexes 4 and 19; S/2022/479, paras 28 and 42) led the attack after he had left his camp in Mwalika.<sup>5</sup>

In addition, the Butembo attack was claimed by Da'esh the next day, which also published two videos of the jailbreak and of the detainees gathered in an ADF camp, reportedly in Mwalika (see below).

Several weeks before the attack on Kakwangura prison in Butembo, security and intelligence sources had warned the local authorities in Beni of a possible attack against Kangbaya's prison. As a result, several ADF detainees were transferred to Kinshasa and the security of the prison reinforced.<sup>6</sup> This might have led ADF to decide to attack Butembo's prison instead. The attack also took place in a context of unrest and breakdown of law and order in Butembo following anti-MONUSCO demonstrations in the days prior to the attack.

The attack started around 2 a.m. after about 80 ADF combatants entered Butembo town.<sup>7</sup> The assailants arrived from the direction of the Mwalika camps and attacked other targets around the prison to divert attention.<sup>8</sup> The assailants were heavily armed with AK-type assault rifles and PKM machine guns. They opened the doors with a chainsaw, as they had done during the Kangbaya jailbreak and rushed all the detainees out of the prison building in about 15 minutes.<sup>9</sup> The Da'esh communiqué published on 12 August (see below) describes this attack in more detail. The attack appeared to be coordinated. During the attack, five ADF combatants and two police officers who were guarding the entrance were killed, and one FARDC soldier injured.<sup>10</sup> Several ADF combatants were also captured and burnt alive by the population.<sup>11</sup>

While leaving Butembo, and in the days following the jailbreak, ADF abducted and killed other civilians, including during attacks against villages on their way back to Mwalika camps, where they resupplied.<sup>12</sup>

Out of the 800 prisoners, about 300 prisoners were recaptured in the next days. About 400 to 600 prisoners were taken by force by ADF, similarly to the Kangbaya jailbreak during which detainees were ordered to follow ADF under death threats.<sup>13</sup>

<sup>1</sup> ADF collaborator, FARDC, intelligence, researchers and MONUSCO sources.

<sup>2</sup> Close to Operation Shuja headquarters.

<sup>3</sup> <https://www.radiookapi.net/2022/08/10/emissions/dialogue-entre-congolais/evasion-massive-des-detenus-de-la-prison-centrale-de> See first comments of FARDC spokesperson, Capt Antony Mwalushayi

<sup>4</sup> ADF collaborator, FARDC, intelligence, civil society, researchers and MONUSCO sources.

<sup>5</sup> ADF collaborator, FARDC, intelligence, researchers and MONUSCO sources.

<sup>6</sup> Idem.

<sup>7</sup> Idem.

<sup>8</sup> FARDC, intelligence, researchers and MONUSCO sources.

<sup>9</sup> ADF collaborator, FARDC, intelligence, researchers and MONUSCO sources.

<sup>10</sup> FARDC, intelligence, researchers and MONUSCO sources.

<sup>11</sup> ADF collaborator, FARDC, intelligence, researchers and MONUSCO sources.

<sup>12</sup> Idem.

<sup>13</sup> Idem.

On the way to ADF camps and subsequently, some of these detainees were able to escape and others were executed, according to accounts from detainees who escaped and/or were arrested during attacks conducted later by ADF in which they participated, as for example in Maboya in October (see para 15 and annex 5).

Pictures and videos published by Da'esh on the Kakwangura jailbreak:



Translation: The warriors of the Islamic state infiltrated yesterday (10/08) the central prison of “Kakwanjora” in the town of Butembo in the province of North Kivu, East of Congo, and they succeeded in liberating tens of Muslim detainees.

Above: Da'esh claim of responsibility published on 11 August 2022



Above: Screenshot of video published by Da'esh on 17 August 2022. Detainees are being rushed out by ADF combatants who scream “*Allah Akbar*”,<sup>14</sup> as well as *Dawlah al Islam (Dawlah islamiyyah)*,<sup>15</sup> which was responded to by “*Baqiya*”<sup>16</sup> which is one of Da'esh's slogans (see S/2021/560, annex 19).

<sup>14</sup> Translation: God is the greatest

<sup>15</sup> Translation: Islamic State

<sup>16</sup> Translation: Remaining





Above: Screenshots of a video published by Da'esh on 17 August 2022 showing the detainees escaping from the prison in Butembo, (same video as above) and then some of the detainees in an ADF camp converting and being lectured by ADF combatants.

## مقاتلو الدولة الإسلامية يقتحمون سجن "كاكوانجورا" المركزي بمدينة "بوتيمبو" شرقي الكونغو، ويحررون عشرات الأسرى المسلمين

أعماق  
الإخبارية  
AMAQ NEWS AGENCY



صورة من داخل سجن "كاكوانجورا" بعد اقتحامه من قبل مقاتلي الدولة الإسلامية

**الكونغو - كيفو الشمالية - وكالة أعماق:** نجح مقاتلو الدولة الإسلامية مجدداً في اقتحام سجن مركزي تديره الحكومة الكونغولية بعد تحييد حراسه. وقالت مصادر أمنية لوكالة "أعماق" إن مقاتلي الدولة الإسلامية شنوا هجوماً منشقاً فجر الأربعاء (10 أغسطس) على سجن "كاكوانجورا" المركزي في مدينة "بوتيمبو" بمقاطعة "كيفو الشمالية" شرقي الكونغو، استخدموا فيه الرشاشات الثقيلة. وأضافت المصادر أن المقاتلين انقسموا إلى ثلاث مجموعات: الأولى هاجمت ثكنة الحراسة وقتلت عنصرين على الأقل وفتت بقية الحراس، والمجموعة الثانية اقتحمت السجن بعد كسر أبوابه وإحراق أجزاء منه، في حين انتشرت مجموعة ثالثة على الطريق المؤدي إلى مدينة "بوتيمبو" بهدف قطع أي إمدادات محتملة للعدو. وأكدت المصادر أن المقاتلين نجحوا في تحرير عشرات أسرى المسلمين، لتبدأ مهمة الإخلاء والانسحاب عبر توزيع الأسرى المحررين على مجموعات منفصلة. وهذه هي المرة الثانية التي يقتحم فيها مقاتلو الدولة الإسلامية في الكونغو سجناً مركزياً، بعد أن اقتحموا سابقاً سجن "كانغباي" المركزي في "بيني".

12 أغسطس 2022

Da'esh communiqué published on 12 August 2022 which explains that the jailbreak was led by three ADF groups, the first one attacking the guards, killing two of them; the second one breaking the doors of the prison and the third one on the roads around Butembo impeding the arrival of reinforcement.

### Annex 3

#### ADF attack on Kyamata village on 1 October 2022 (6 km south of Boga)<sup>17</sup>

#### Attaque des ADF contre le village de Kyamata (6 km au sud de Boga) le 1er octobre 2022<sup>18</sup>

Kyamata, a village in the Banyali Tchabi *chefferie*, in the south of Irumu territory, situated approximately 6 km south of Boga town (see map below), was attacked by ADF on 1 October 2022 at around 7 p.m. local time. The ADF assailants killed at least 13 civilians and abducted at least four others, including two children. They burned down 36 homes and looted cattle and property.

The victims were all members of the Hutu Banyabwisha community. The Group obtained the identities of the 13 victims killed and the 4 abductees. The names are not mentioned in this report to protect the identity of the abductees and of the surviving family members of the victims. The gender and age of the victims is as follows:

#### Civilians killed:

1. Male, 38 years old
2. Male, 14 years old
3. Male, 15 years old
4. Male, 20 years old
5. Male, 18 years old
6. Male, 56 years old
7. Male, 18 years old
8. Male, 18 years old
9. Male, 22 years old
10. Male, 18 years old
11. Male, 18 years old
12. Female, 29 years old
13. Female, 36 years old

#### Civilians abducted:

1. Male, 7 years old
2. Male, 7 years old
3. Male, 18 years old
4. Female, 18 years old

UPDF and FARDC troops present in Boga area in the context of Operation Shuja intervened and pursued ADF back into the bush.<sup>19</sup> Two UPDF soldiers were allegedly injured by an IED.<sup>20</sup> According to local sources, reported in the media, the attackers came from the Tondoli *groupement*.<sup>21</sup>

<sup>17</sup> MONUSCO sources, humanitarian sources, FARDC, local sources/witnesses, researchers, local media.

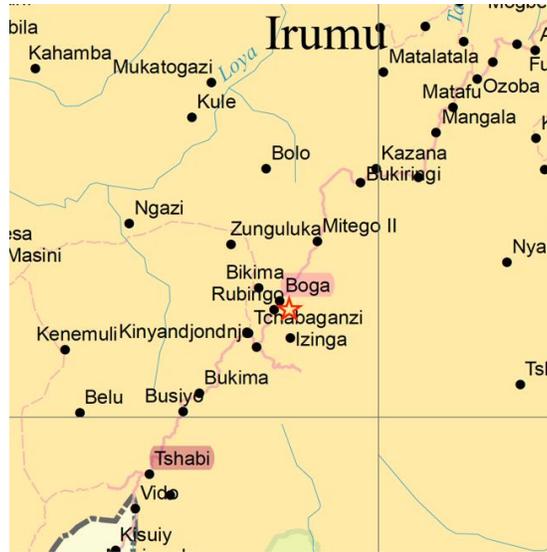
<sup>18</sup> Sources MONUSCO, sources humanitaires, FARDC, sources locales/témoins, chercheurs, médias locaux.

<sup>19</sup> MONUSCO and local sources.

<sup>20</sup> According to MONUSCO sources.

<sup>21</sup> <https://buniaactualite.cd/irumu-encore-un-nouveau-carnage-a-tchabi-14-civils-tues-par-des-adf-les-structures-citoyennes-salarment/>

Below: Map indicating the approximate location of Kyamata village, 6 km south of Boga



MONUSCO map, annotated by the Group

## Annex 4

### Attack on Mayuano locality (36 km south of Mambasa) along the RN44 national road

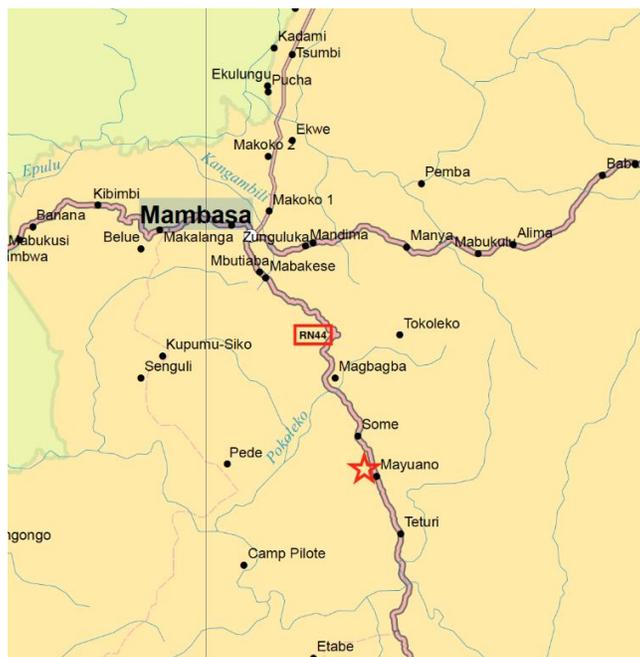
### Attaque de la localité de Mayuano (36 km au sud de Mambasa) le long de la route nationale RN44

On 1 October 2022, ADF attacked Mayuano locality south of Mambasa town (see map below),<sup>22</sup> killing one civilian, a moto taxi driver. In addition, 15 civilians were abducted, three vehicles and 18 houses were burnt, including three hotels. The assailants also looted civilian property, including at least 14 cows.<sup>23</sup>

According to MONUSCO sources, the ADF assailants came from the east of RN44 and first attacked a FARDC post, burning it down, before continuing to attack the village. The attack was launched in the early hours of the morning. FARDC intervened only hours later, according to local civil society sources.

The attack caused the displacement of the local population towards Mambasa.

**Below: Map indicating the location of Mayuano, along the RN44, 36 km south of Mambasa town**



MONUSCO map, annotated by the Group

<sup>22</sup> 36 km south of Mambasa, along the RN44 national road.

<sup>23</sup> MONUSCO, FARDC and civil society sources.

**Below: pictures of a car and a truck burnt by the assailants in Mayuano, on 1 October 2022.** Photographs of the killed moto taxi driver were not included in this annex.



Photographs received from local civil society sources

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**Annex 5****Attack on Maboya locality (south-west of Beni), 20 October 2022<sup>24</sup>****Attaque de la localit  Maboya (au sud-ouest de Beni), le 20 octobre 2022**

Maboya is a village in the Malio *groupement*, Bashu *chefferie*, located approximately 25 km south-west of Beni town, along the Beni-Butembo axis. Bashu *chefferie* lies within the ADF's area of operations in the Beni region (see map below).

Multiple sources who reported the attack perpetrated on 20 October 2022 unequivocally attributed it to ADF.<sup>25</sup> The attack occurred in the context of increased ADF attacks against civilians in multiple locations of Beni territory.<sup>26</sup>

The ADF assailants attacked during the night. They killed several civilians; some were shot, others killed with machetes, and some were burnt alive. According to multiple sources, at least seven civilians were killed, including three women. Among the killed women was a catholic nun, medical worker at the Maboya hospital. She was burnt alive inside the hospital that was set on fire by the assailants, according to multiple sources. One patient in the hospital was killed and afterwards decapitated. A shopkeeper was also burnt alive inside his shop, according to civil society sources.

According to military sources, the assailants attacked the Regina Parks and Tinge medical centres, looting medicines and surgical supplies. They burnt down the Regina Parks medical center as well as at least five homes, the local police station (PNC), and seven huts at the FARDC position.<sup>27</sup>

At least 22 civilians were taken hostage and were forced to carry the looted goods. The assailants pillaged four pharmacies, 11 shops, and four food storages.

According to multiple sources the ADF assailants attacked other villages, such as Kanyihunga (18 km east of Maboya), on their return path to their camp.<sup>28</sup> According to military sources and two other sources, the attackers belonged to the group led by ADF commander Mulalo.

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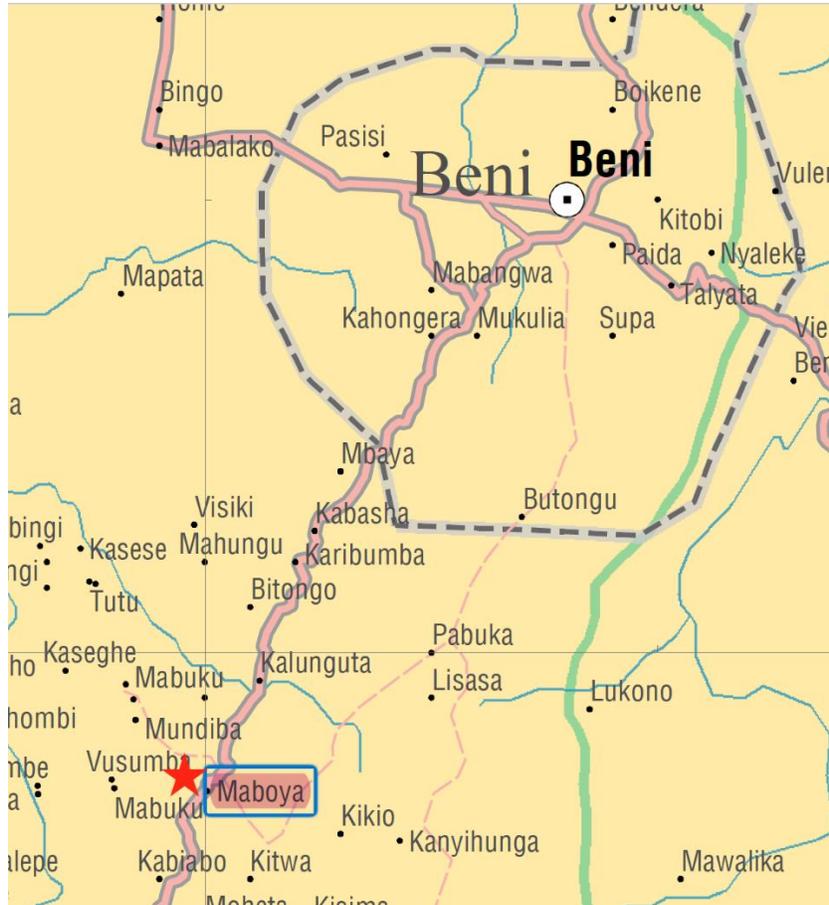
<sup>24</sup> MONUSCO, FARDC, civil society sources.

<sup>25</sup> MONUSCO, researchers, FARDC, civil society, humanitarian sources, local media.

<sup>26</sup> MONUSCO and researchers.

<sup>27</sup> According to investigations conducted by FARDC, also reported by local media.

<sup>28</sup> MONUSCO, civil society.



Map indicating the location of Maboya, 25 km south-west of Beni town

## Annex 6

### Location of the person-borne IED (PBIED) explosion

#### Lieu de l'explosion de l'engin explosif improvisé porté par une personne (PBIED)

A person-borne IED (PBIED) is an IED worn, carried, or housed by a person, either willingly or unwillingly.<sup>29</sup>

The explosion took place on 7 April 2022 at the “Nganda De Werra” bar in the Mabanga Sud neighbourhood of Goma, also known as the Katindo military camp. The Katindo military camp hosts the military *Auditorat* and a military hospital. It is frequented and inhabited by FARDC members and their families. The explosion took place just outside the bar, where all deceased victims were sitting or standing.



Picture of the bar where the explosion took place, provided by a FARDC source

<sup>29</sup> [unmas\\_ied\\_lexicon\\_0.pdf](#) (p. 11)



Schematic representation of the blast and fragmentation effect, provided by MONUSCO

## Annex 7

### Additional information on the FARDC and civilians killed and wounded in the Katindo explosion, and on the woman carrying the explosive charge

#### Informations supplémentaires sur les FARDC et les civils tués et blessés à Katindo, ainsi que sur la femme portant la charge explosive

Two FARDC officers, a boy and three women - including the woman who carried the explosive device on her person - were killed during the explosion, and at least 16 civilians and FARDC members were injured.<sup>30</sup>

The victims' injuries were of the type of steel ball wounds, burns and blast effects, sometimes with body parts torn apart.<sup>31</sup> The head of the woman carrying the explosive charge was severed from the body, which showed second degree burns, two shredded hands and parts of the two legs and the upper part of the body missing.<sup>32</sup>

Even though no container or switch was found on the scene, UNMAS' IED experts assessed that "the injuries observed on the woman carrying the explosive charge suggest the possible use of an explosive vest."<sup>33</sup> This was confirmed to the Group by two ADF sources involved in the attack (see below).

According to nine witnesses and FARDC sources, this woman was not known in the Mabanga Sud neighborhood where she had not been seen previously.<sup>34</sup> ADF collaborators, intelligence and diplomatic sources reported that she was from Tanzanian origin, and that she and her husband were living in ADF camp "Madina", in the DRC. Two ADF collaborators reported that the woman volunteered to become a suicide bomber (see also [S/2022/479](#), annex 20).

A picture of the head of the unidentified woman carrying the explosive charge on 7 April 2022 is on file with the Secretariat.



Schematic representation of the position of the PBIED, provided by MONUSCO

<sup>30</sup> Sources: medical report on file with the Secretariat, FARDC sources and witness accounts.

<sup>31</sup> Sources: photographs collected by the Group, medical report on file with the Secretariat and UNMAS report.

<sup>32</sup> Sources: photographs collected by the Group, medical report on file with the Secretariat, FARDC sources and witness accounts.

<sup>33</sup> UNMAS report on file with the Secretariat.

<sup>34</sup> Sources: FARDC members and officers, medical staff and reports on file with the Secretariat.

## Annex 8

### Elements concerning the person-borne IED (PBIED) used in the Katindo attack

#### Éléments relatifs à l'engin explosif improvisé (PBIED)

When MONUSCO arrived at the site of the explosion to conduct investigations, pieces of evidence had already been removed, destroyed and/or contaminated, thus limiting MONUSCO's ability to investigate the site and collect all necessary information to determine, inter alia, the method of initiation of the IED, the power source, and the precise volume of the explosive charge.

The Group and MONUSCO did, however, collect several bearing balls found either on the site or removed from the victims' bodies. The bearing balls had a diameter from 4 to 6 mm.

The weight of the explosive charge was estimated to be less than three kilograms. The exact type of explosive used could not be determined.

While the type of method of initiation of the PBIED could not be established based on elements found at the site, an ADF collaborator explained that the female suicide bomber wore a suicide vest consisting of a belt, bags and a shoulder strap.

ADF collaborators "Masika" and "Yusuf" (see annex 9 below), interviewed by the Group, explained that the female suicide bomber travelled from ADF "Mamove" camp to Goma and stayed one night in Masika's and Yusuf's house, where she received video-call instructions from Meddie Nkalubo on the wearing and activation of the suicide vest. There was also a red and a black wire that the woman reportedly connected to a small box, on which a light bulb lit up. After this test at Masika's and Yusuf's house, the woman put the vest back into a bag. Hassan and Yusuf brought the woman suicide bomber on a motorcycle to Katindo, where she activated the vest.

According to Masika and Yusuf, the suicide vest was built in the ADF camp, reportedly by Meddie Nkalubo, and transported to Goma in a bag on a motorcycle by Hassan.

The Group notes that this "Katindo attack" showed similarities with the person-borne IED attack in Beni town on 25 December 2021 (see [S/2022/479](#), paras. 50-52 and annex 18).



Picture of a bearing ball found inside the body of one of the victims, provided by a FARDC source.

## Annex 9

### Additional elements on Masika, Yusuf and Hassan

#### Éléments supplémentaires sur Masika, Yusuf et Hassan

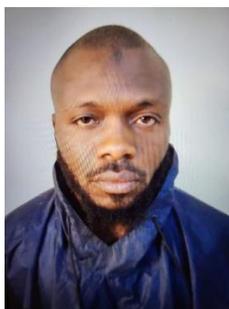
*Masika Riziki*, alias Hadjidja alias Hummu/Umma Zumda. Congolese, from Beni, was previously married to Rachid Senga Kalled, alias Isaaq or Isiaka, an important ADF recruiter, arrested in 2018 for his role in the recruitment and transit of ADF recruits from South Africa, Tanzania and Burundi (see S/2018/1133, para. 13). When interviewed by the Group in October 2022, she stated that she had remarried Yusuf (see below). Upon the instructions of Meddie Nkalubo, she rented a house in Goma meant to host new ADF recruits upon their transit to the ADF camps. In this capacity, she was in contact with Meddie Nkalubo and Abwakasi, as well as with ADF recruiters based in, amongst others, South Africa, Burundi and South Kivu. On several occasions, she brought ADF recruits to Butembo. Masika was also involved in ADF logistics and resupply. As such, she received Airtel money transfers to buy computers and necessary supplies for the new recruits she hosted.



Picture of Masika provided to the Group by DRC security forces

*Senga Amani Yusuf Danial* alias Yusuf is a Congolese national from Beni, trader in mobile phones and married to Masika. In 2021, he was recruited in Beni by a man called “Issa” (most likely Issa Mando, see S/2022/479, annex 16). A few weeks after Yusuf’s recruitment, Issa first introduced him to Hassan (see below) in Oicha, and later brought Yusuf to the ADF camps (Mamove), where he reportedly became a close collaborator of Musa Baluku. After having stayed only a few weeks in the camps, Baluku sent Yusuf back to Beni. He was responsible, among other things, for receiving cash from ADF and transferring this money to ADF recipients in Congo and abroad through Airtel Money transfers. Meddie Nkalubo and Hassan reportedly provided the cash to Yusuf. Yusuf, who was then based in Beni, was also the recipient of several computers and electronics meant for ADF camps. Since being married to Masika, he spent some time in Goma as well but continued to travel.

The suicide bomber was hosted in the house of Yusuf and Masika in Goma the night before the attack, on 6 April 2022. Yusuf was in the room when the suicide bomber received instructions from Meddie Nkalubo on how to wear and use the suicide vest. Together with Hassan, Yusuf’s superior, he brought the suicide bomber to the camp. Masika reported that after the attack, Hassan paid Yusuf for his participation in the organization of the attack.



Picture of Yusuf provided to the Group by DRC security forces

*Hassan* alias Abou Hassan, reportedly a former FARDC member based in Oicha, brought the suicide bomber to Masika's and Yusuf's house and transported the suicide vest from the ADF camp to Goma. Hassan was in the room with the suicide bomber when she tested the belt and received video instructions from Meddie Nkalubo. Hassan also brought the suicide bomber to Katindo camp, where she triggered the suicide vest that exploded.

Hassan was Yusuf's superior. Hassan and Meddie Nkalubo instructed Yusuf on Airtel and Mpesa money transfers, hosting and providing logistics for new ADF recruits and planned IED attacks, including several that were ultimately abandoned (see annex 13). Hassan and his wife "Amida" had a house in Goma. While Amida was briefly arrested, Hassan was still at large at time of drafting. Yusuf reported that Hassan had connections with a FARDC colonel based at Katindo camp, and that he obtained uniforms and weapons from that colonel. The Group is still investigating the identity of this individual.

According to Yusuf, Hassan was involved in bomb attacks in Beni, including the 5 February 2022 explosion at the Mayangose market in Beni town (see [S/2022/479](#), Annex 22). It is observed, however, that the date provided to the Group by Yusuf for this explosion was incorrect.

**Annex 10**

**Additional elements regarding the 6 September 2022 explosion at the ANR office in Bulengera commune in Butembo, the elements of the IED, and the person who planted the IED**

**Eléments supplémentaires concernant l'explosion du 6 septembre 2022 au bureau de l'ANR dans la commune de Bulengera à Butembo, les éléments de l'EEI, et le poseur de l'EEI**

A surveillance video from a camera located close to the ANR office in Butembo and obtained by the Group, clearly shows a man wearing a pink backpack walking towards the ANR office, and a little later, walking, and then running, back in the opposite direction without the backpack.



Screenshot of the person who planted the bomb, provided to the Group by DRC security forces



Pictures of the location and remnants, including pieces of a mobile phone, of the IED explosion provided to the Group by MONUSCO

The person who planted the bomb, a 17-year-old motorcycle taximan (referred to as “X” hereafter) in Butembo, was soon arrested by the DRC security forces. He reported to the Group that he was indeed the individual carrying the pink backpack

seen on the video. He explained that he had been recruited by his friend, “Magnifique”, to pick up “Kasero” by motorcycle and bring him to Bulengera commune, Butembo. Kasero carried the IED in the pink bag. “X” indicated that he was not aware, until that day, that both Magnifique and Kasero were ADF collaborators.

Upon arrival in Bulengera, Kasero ordered “X” to deposit the pink bag in front of the ANR office, which he did. “X” indicated that once they left the area on the motorcycle, Kasero made a phone call. According to security sources investigating this explosion, the mobile phone and SIM card found amongst the IED components collected on the site, and technical exploitation of the mobile phone and SIM card, indeed show that the IED was detonated by a radio-controlled triggering system.

The Group notes that the IED used shows similarities with the IEDs used in attacks on the markets in Beni and Oicha in early 2022 ([S/2022/479](#), paras. 42 and 53).

## **Annex 11**

### **Additional elements regarding the 3 October 2022 explosion in a cinema in Kimemi commune in Butembo**

#### **Éléments complémentaires concernant l'explosion du 3 octobre 2022 dans un cinéma de la commune de Kimemi à Butembo**

The explosion resulted in 10 wounded civilians, including three who were seriously wounded.

According to IED experts, security forces and medical sources, the explosion projected nails - commonly used in ADF-manufactured IEDs - which penetrated the bodies of several victims.

There has been no further post-blast investigation by DRC authorities, MONUSCO, or the Group of Experts.

## Annex 12

## ISCAP/ Da'esh claims of responsibility for the 6 September and 3 October 2022 explosions in Butembo

## Da'esh revendique la responsabilité des explosions du 6 septembre et du 3 octobre 2022 à Butembo

ISCAP/Da'esh claimed responsibility for the 6 September 2022 attack against the ANR office in Butembo that same day:



ISCAP/Da'esh claimed responsibility for the 3 October 2022 attack in a cinema in Butembo one day later, on 4 October 2022:



Claims published by Da'esh and provided to the Group by security sources

## Annex 13

### **Reported plans to launch an attack on a ferry between Goma and Bukavu, and reported terrorist threats in Goma and beyond**

#### **Projets d'attaque sur un ferry entre Goma et Bukavu, et menaces terroristes à Goma et ailleurs**

On 12 May 2022, the US embassy in Kinshasa issued a security alert warning for “a risk of a terrorist attack on an unspecified ferry departing from Goma, North Kivu Province, DRC”.<sup>35</sup> That same day, the French embassy in Kinshasa shared the concern expressed by the US embassy, and on 17 June 2022, the French embassy warned that “recent reports indicate an increased risk of terrorist action in Goma”.<sup>36</sup>

Diplomatic sources, intelligence services and one ADF collaborator informed the Group that these threats of attacks were linked to ADF, which had planned an attack on a ferry between Goma and Bukavu. This was later confirmed to the Group by an ADF collaborator who identified the targeted ferries.

Diplomatic sources, intelligence services, one researcher, two ADF collaborators, including Hassan (referred to in annex 9 above), also reported on an attack planned in Rwanda, amongst others during the 20-25 June 2022 Commonwealth Heads of Government Meeting. This planned attack was, however, abandoned or postponed following the arrest or disappearance of several ADF collaborators. The Group later received information on ADF recruits that had come to Goma to plan new attacks in Rwanda.

Two ADF collaborators, including Yusuf, reported to the Group that Musa Baluku planned future IED attacks in Goma, Bunia and Kampala, and that Meddie Nkalubo would coordinate the attacks.

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<sup>35</sup> See [Security Alert – U.S. Embassy in the Democratic Republic of the Congo \(usembassy.gov\)](#)

<sup>36</sup> See [République démocratique du Congo - Ministère de l'Europe et des Affaires étrangères \(diplomatie.gouv.fr\)](#)

## Annex 14

### Analysis of latest Da'esh communications

#### Analyse des dernières revendications de Da'esh

Da'esh communications claiming responsibility on behalf of ISCAP for activities and attacks attributed to ADF increased after a lull during the first trimester of 2022. Da'esh communications continued to be timely and more accurate (see S/2022/479, para. 45), providing sometimes information on incidents even before local media reported on them, or for which ADF responsibility was still uncertain, such as the Butembo prisonbreak (see annex 12 above).

In particular, a very high number of communications were published in April totalling almost 30 claims, including over 40 photographs mostly related to Ramadan and Eid al-Fitr celebrations. Some of these claims were also published by Da'esh as part of their campaign called “Battle for the Revenge of the Two Sheikhs” to avenge the death of Da'esh leader Abu Ibrahim Al-Qurashi, who died in February 2022 (see S/2022/479, para. 44).

In early November 2022, Da'esh published a propaganda video on the ADF (whom it refers to as ISCAP), entitled “the life of Jihad”. The 20-minute video, in Arabic and Swahili, showed a compilation of attacks by ADF, including some shot with drones belonging to ADF (see S/2021/560, para. 28) (see below). It also showcased life in ADF camps, including celebrations and prayers led by a person who appears to be Musa Baluku (blurred) (see below). The video ends with a staged execution of a person they accuse of being a spy from a militia allied to the FARDC. The staging of the video, including the use of black kanzus (see below) and similar language to the one used by Da'esh in its videos, was intended once again at projecting ADF alignment with Da'esh (see S/2022/479, para. 45). Following the publication of the video, Da'esh published several pictures of Islamic State in West Africa Province (ISWAP) combatants watching the video. ADF ex-combatants had already reported to the Group that it was common practice for them to watch videos of other Da'esh affiliates during screenings organized by the leadership.



Screenshot of the video showing drone footage by ADF of Mukondi village in Beni territory, in April 2021, according to the caption on the video



Screenshot of the video showing a man, most probably Baluku, leading a prayer in an ADF camp



Screenshot of the video showing an execution



Picture released by Da'esh showing ISWAP combatants during a screening of the video

Videos and pictures provided to the Group by source with knowledge of the matter

## Annex 15

### FARDC helicopter crash

#### Crash d'un hélicoptère FARDC

On 17 June 2022, one FARDC Mi-24 helicopter was shot down and crashed near Kabindi,<sup>37</sup> Rutshuru territory, after having conducted a bombing raid on Tchengerero, which was then under M23/ARC control. The entire crew on board - two Georgian nationals and one DRC national<sup>38</sup> - was killed.

Three hours after the crash, M23/ARC issued a communiqué claiming that “with our RPG-7 weapons, our forces have destroyed a FARDC combat helicopter that had come to attack our positions in Kabindi and Tchengerero.” However, according to intelligence sources and eyewitness accounts including the crew of the MONUSCO helicopter accompanying the FARDC helicopter, given that a white trail of smoke was seen before the helicopter burst into flames, the helicopter could also have been hit by a surface-to-air missile, i.e. a type of anti-aircraft system, or a heavy machine gun. Additional investigations are required to identify the precise type of ammunition/system that hit the aircraft. The Group underlines that anti-aircraft systems have not (yet) been documented within the M23/ARC arsenal.<sup>39</sup>

On 29 March 2022, direct fire originating from a hill under M23/ARC control hit a MONUSCO helicopter causing its crash and killing eight peacekeepers (see [S/2022/479](#), para. 63).



Picture of the site of the FARDC helicopter crash provided to the Group by civilian sources on 17 June 2022

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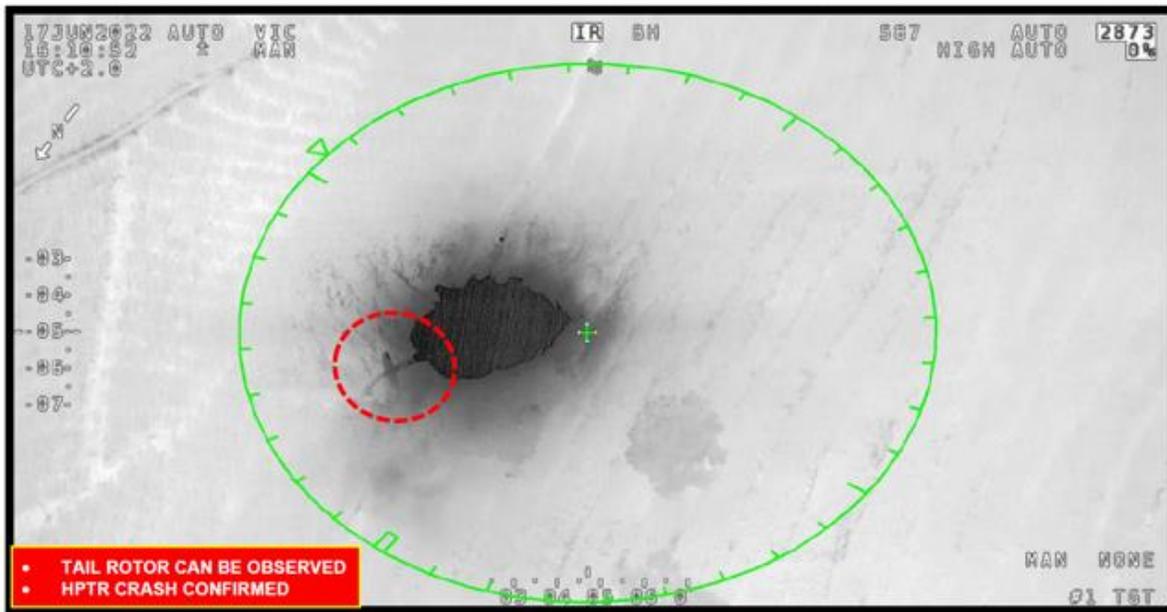
<sup>37</sup> The helicopter crashed north of the Rutshuru-Tchengerero-Bunagana road at 01°14'38"S – 29°32'26"E.

<sup>38</sup> Intelligence and diplomatic sources.

<sup>39</sup> See also, inter alia, 2013 Embargo assessment of M23 arsenal on file with the Secretariat and [S/2012/348/Add.1](#).



M23/ARC communiqué of 17 June 2022 claiming responsibility for the FARDC helicopter crash, provided to the Group by a civil society source



Aerial footage of the crashed helicopter provided to the Group by MONUSCO

## Annex 16

### M23/ARC attacks of strategic locations and the cutting off of strategic roads and bridges

#### Attaques par le M23/ARC de sites stratégiques et coupures de routes et de ponts stratégiques

##### Rumangabo

On 25 May 2022, M23/ARC attacked the FARDC camp in Rumangabo, which was considered the most important and strategic FARDC position in Rutshuru territory. M23/ARC dislodged the FARDC and occupied the camp, until it was attacked by a coalition of armed groups and reclaimed by the FARDC one day later.

M23/ARC combatants who attacked the FARDC camp in Rumangabo received substantial RDF reinforcement on the battlefield. This was reported to the Group by FARDC sources in the camp, local authorities and three armed groups' leaders, and could be corroborated by the Group as evidence was left behind in the area (see also annex 27).

M23/ARC took control over the FARDC camp in Rumangabo a second time on 29 October 2022.<sup>40</sup> The Group received consistent reports from civil society sources, M23/ARC combatants, MONUSCO and intelligence sources on RDF support to M23/ARC in Rutshuru and Rumangabo area. As M23/ARC cut off MONUSCO's supply lines, MONUSCO withdrew from its position in the camp on 1 November 2022.

M23 had also captured the FARDC camp in Rumangabo in 2012 (see [S/2012/843](#), para. 19).

Additional information on findings on Rumangabo can be found in annexes 16, 20, 27, 31, 35, 38, 46, 47 and 48).

##### Bunagana

On 12 June 2022, M23/ARC clashed with FARDC in Bunagana and took control of this strategic town at the DRC - Uganda border which resulted, according to the UN Office for the Coordination of Humanitarian Affairs, in thousands of residents of Bunagana, including around 5,000 displaced persons and returnees living there, fleeing to Uganda and over 25,000 civilians in neighbouring villages being forced to flee to other areas in Rutshuru territory and beyond.<sup>41</sup>

Eyewitnesses and researchers reported at least the passive acquiescence of UPDF at the border, who allowed M23/ARC combatants to cross the border at will the day the latter seized the town, and thereafter.<sup>42</sup> The Group also notes that in late March 2022, UPDF troops had prevented M23/ARC from seizing Bunagana and that UPDF's passive attitude as observed on 12 June 2022 thus indicates a change in Uganda's response.

The Group received consistent reports of RDF being present in Bunagana on 12 June 2022. Imagery of that day shows uniformed men carrying military equipment known to be in use by the RDF, such as composite ballistic helmets with sight mounts, 81-1 type assault rifles and corresponding anti-personnel rifle grenades (type 90) and body-armor.

Bunagana was still under M23/ARC control at time of drafting this report.

Bunagana was one of the strategic towns also captured by M23 in 2012 (see [S/2012/843](#), para. 19).

Additional information on findings on Bunagana can be found in annexes 23, 25, 26, 37, 39 and 53.

<sup>40</sup> Video footage on file with the Secretariat. Reports from civil society sources, FARDC, security and intelligence sources, eyewitnesses, armed groups' leaders and MONUSCO.

<sup>41</sup> See <https://reliefweb.int/report/democratic-republic-congo/democratic-republic-congo-north-kivu-flash-update-8-humanitarian-situation-rutshuru-territory-12-june-2022>

<sup>42</sup> Civil society sources, community leaders, FARDC sources, intelligence sources and video/photographic imagery.

## Kitagoma

On 28 October 2022, M23/ARC captured Kitagoma, another border crossing point with Uganda. That day, the military spokesperson of M23/ARC, Willy Ngoma, tweeted a picture of one of his elements at the Direction Générale des migration (DGM) in Kitagoma.<sup>43</sup>

### Cutting off strategic roads and bridges

M23/ARC, alone or jointly with RDF, continued cutting off strategic roads, often for several days, thus hampering the flow of commercial goods and humanitarian assistance, and cutting off FARDC communication and resupply lines (see also S/2022/479, para. 69). For example, the Bunagana-Tchengerero-Kiwanja road was blocked for two days in early April 2022; the road between Goma and Rumangabo was cut off for several days in late May 2022; and the road between Rutshuru and Bunagana towns was cut off in early June 2022.

Between 20 and 22 October 2022, the area of Matebe, less than 3 kilometers from the strategic Rwanguba bridge, was affected by the clashes, and all traffic on the road between Rutshuru and Matebe was suspended. When drafting this report, the areas around Rwanguba and Matebe were under *de facto* M23/ARC control.

During the clashes between 28 and 30 October 2022, M23/ARC took control of Mabenga bridge, thus further cutting off traffic on the RN2. Mabenga is a crucial point to cut supply lines with Rwindi further north, or for access to areas important to the FDLR, including Tongo, where many FDLR dependents live.

At the time of drafting, M23/ARC controlled a large stretch of the RN2 road, from Mabenga almost to Kibumba.

**Below: Drone footage of M23/ARC roadblock and patrol on RN2 close to Rugari on 30 October 2022. M23/ARC elements are seen wearing helmets and gear similar to RDF (see also annex 26 on this matter):**



<sup>43</sup> Willy NGOMA on Twitter: "LES LIONS DE #SARAMBWE A #KITAGOMA <https://t.co/Gqeub61P5S>" / Twitter.



Pictures provided to the Group by MONUSCO

Annex 17

M23/ARC controlled territory and resumed hostilities

Territoire contrôlé par le M23/ARC et reprise des hostilités

- M23/ARC communiqué dated 5 July 2022 claiming control over several towns, villages and positions in Rutshuru territory



Communiqué Officiel du Mouvement

La Direction du Mouvement du 23 Mars informe l'opinion ce qui suit :

01. Les positions tenues par l'Armée Révolutionnaire Congolaise, ARC/M23 en sigle, sur les hauteurs du territoire de Rutshuru ont fait l'objet, depuis plusieurs semaines, des multiples pilonnements de la coalition FARDC-FDLR et Mai-Mai ;
02. Ces bombardements ont causé la perte en vies humaines et des nombreux blessés parmi les civils innocents dans notre espace et celui dans lequel ces canons sont installés ;
03. Sur instruction permanente de la hiérarchie du Mouvement visant à faire taire définitivement ces armes, l'Armée Révolutionnaire Congolaise, ARC/M23 en sigle, a mis en défaite la coalition FARDC-FDLR-MAIMAI et a pris entièrement le contrôle des entités suivantes :
  - BIKENKE,
  - BUGINA,
  - MBLIZ,
  - KINIHIRA,
  - MUTOVU,
  - MUMBIIRA,
  - SHANGI,
  - NKOKWE,
  - KAVUMU,
  - NYABIKONA,
  - TANDA,
  - RUTSIRU,
  - KASHALI,
  - BUKIMA,
  - MUSEZERO

La Direction du Mouvement réitère son engagement pour les négociations directes avec le Gouvernement de Kinshasa à travers le processus de Nairobi, seul cadre susceptible de garantir la résolution définitive de la crise qui nous oppose au Gouvernement de Kinshasa.

L'Armée Révolutionnaire Congolaise continuera à observer le cessez-le-feu tel que recommandé par le Conclave de Nairobi. Cependant elle ne tolérera pas tout acte de provocation ou toute initiative de la coalition FARDC-FDLR-MAIMAI tendant à mettre en péril le processus de paix de Nairobi ou la sécurité des populations civiles de l'espace sous notre contrôle.

La Direction du Mouvement soutient la rencontre des Chefs d'Etat qui aura lieu le mercredi 8 juillet 2022 à Luanda sous l'initiative du Président Angolais Son excellence JOAO LORENZO, pourvu qu'elle soit en mesure de répondre valablement à nos préoccupations légitimes.

Nous fustigeons et condamnons la stigmatisation, la chasse à l'homme, l'arrestation arbitraire, le kidnapping, le traitement dégradant et la voie des faits dont nos compatriotes rwandophones continuent à subir, sur toute l'étendue du territoire national, suite aux discours de haine et de xénophobie et des appels à la violence et au meurtre tenus en public comme en privé par des responsables civils, politiques, militaires et policiers du pays. D'autres compatriotes non rwandophones subissent le même sort à cause soit de leur apparence physique, soit de leur opinion modérée.

Fait à Sarambwe, le 05 juillet 2022  
Le porte-parole de l'ARC/M23

Major Willy NGOMA



Tel. +243814946907

Email: [mouvementdu23mars2@gmail.com](mailto:mouvementdu23mars2@gmail.com)

Communiqué provided to the Group by an armed group source on 6 July 2022



## Annex 18

### M23/ARC threatening to take Goma

### Menace M23/ARC de prendre Goma

On 2 November 2022, M23/ARC, on its @Goma24 News Twitter account, reported: “we are first fighting on the Tongo-Kazaraho road, and Goma will soon be next. No army will be able to stop us. This time, the Lions of Sarambwe are determined to proceed”.<sup>44</sup>



**Goma24**

@goma24news

Als antwoord op [@laurettebadiba3](#) [@AngelKazadi](#)  
[@LukondeSama](#)

On se bat sur l'axe Tongo et Kazaraho d'abord, Goma- va bientôt suivre. aucune armée pourra nous stopper. Cette fois ci les Lions de Sarambwe sont déterminés.

[Tweet vertalen](#)

9:46 p.m. · 2 nov. 2022 · Twitter for Android

Source: [Goma24 on Twitter: "@laurettebadiba3 @AngelKazadi @LukondeSama On se bat sur l'axe Tongo et Kazaraho d'abord, Goma- va bientôt suivre. aucune armée pourra nous stopper. Cette fois ci les Lions de Sarambwe sont déterminés." / Twitter](#)

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<sup>44</sup> Translation by the Group.

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**Annex 19****Excerpts of some statements referring to *modus operandi* of M23/ARC****Extraits de certaines déclarations faisant référence au *modus operandi* du M23/ARC**

The then FARDC Sukola II Commander for North Kivu, Brigadier-General Peter Cirimwami, in a briefing to the Expanded Joint Verification Mechanism (EJVM) on 26 May 2022, summarized the situation as follows: “Recent attacks by the M23 have revealed something unusual in their *modus operandi*. They have demonstrated the ability to launch simultaneous attacks on multiple fronts and with precision.”<sup>45</sup>

The UN Special Representative of the Secretary-General (SRSG) in the DRC and Head of MONUSCO, Ms. Bintou Keita, also told the Security Council that “in the most recent clashes, the M-23 has behaved more and more like a conventional army rather than an armed group”.<sup>46</sup>

Statements referring to the *modus operandi* of M23/ARC are multiple; this annex provides just two examples.

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<sup>45</sup> EJVM report of 10 June 2022 on file with the Secretariat.

<sup>46</sup> Text of the 29 June 2022 SRSG briefing to the Security Council on file with the Secretariat.

## Annex 20

### M23/ARC attacks against MONUSCO

#### Attaques M23/ARC contre la MONUSCO

Since the 29 March 2022 MONUSCO helicopter crash caused by direct artillery fire from a hill under M23/ARC control, during which eight peacekeepers were killed (see [S/2022/479](#), para. 63), additional attacks against peacekeepers and MONUSCO bases have been recorded, amongst others:

- On 31 August 2022, a UN supply convoy was shot at, at about 11 kilometers south-east of Rutshuru town. Several reports state that M23/ARC elements were responsible for this attack. M23/ARC was controlling the area from where the shooting originated on 31 August 2022.
- On 20 October 2022, when M23/ARC, from its position on Swema hill (10 kilometers south-east of Rutshuru town), started firing at a FARDC foot patrol between Rangira and Rwanguba bridge with 12.7 mm machine guns, some bullets fired by M23/ARC also hit the MONUSCO position on the heights of Kabindi. There were no reports of casualties or injuries among MONUSCO peacekeepers.
- On 29 October 2022, during an exchange of fire between FARDC and M23/ARC in the area of Shwema hills, Rutshuru territory, a mortar shell injured three peacekeepers and two other peacekeepers were wounded by small calibre bullets.<sup>47</sup> That same day, in Rumangabo, there were reports of exchange of fire between peacekeepers and M23/ARC. No peacekeeper was wounded.
- On 1 November 2022, M23/ARC shot two mortars in the direction of a MONUSCO patrol near Rugari. No peacekeeper was wounded.

Sources: MONUSCO sources, civil society and armed group sources.

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<sup>47</sup> Statement attributable to the Spokesman for the Secretary-General - on the Democratic Republic of the Congo [scroll down for French version] | United Nations Secretary-General and documents on file with the Secretariat.

## Annex 21

### M23/ARC exclusion from the Nairobi process, M23/ARC claims, and the DRC Government position

#### Exclusion du M23/ARC du processus de Nairobi, revendications du M23/ARC, et position du Gouvernement de la RDC

- M23/ARC was excluded from the Nairobi process following allegations that M23/ARC had broken the ceasefire on 23 April 2022,<sup>48</sup> and following the classification of M23/ARC as a terrorist movement by the DRC Government on 27 May 2022. The DRC Government decided that there would be no negotiations with M23/ARC. It also decided that several conditions would first need to be met for political consultations with M23/ARC to take place, namely the disarmament of M23/ARC, M23/ARC combatants' return to their initial positions on Mount Sabinyo and the camps in Uganda and Rwanda, and the unconditional acceptance of the principles of the P-DDRCS.<sup>49</sup> In view of the developments since the Group submitted its final report (see S/2022/479, para. 202 (a)), in particular M23/ARC's territorial expansion, its control of strategic locations, and its commission of deliberate killings, the Group notes the DRC Government's conditions for political consultations.
- In a radio interview of 13 October 2022, Serge Tshibangu, Special Representative of the President of the DRC, reiterated that "there will be no negotiations with the M23" and recalled that the Government considers the M23/ARC to be a terrorist group.<sup>50</sup> The following day, on 14 October 2022, M23/ARC issued a communiqué, signed by M23/ARC's political spokesperson, Lawrence Kanyuka. The communiqué was labelled "our response to the dialogue refusal by the DRC Government" and referred to "the threatening and outrageous remarks" of the Special Representative. In this communiqué, M23/ARC noted, amongst others, that "the DRC Government has yet again, shown to the face of the world its umpteenth refusal of the DIALOGUE, by rejecting the outstretched hand of our organisation for a peaceful resolution of the conflict" and that "we are observing across the frontlines, reinforcements of military equipment and troops by the coalition FARDC, FDLR, APCLS, NYATURA and DIFFERENT MAI-MAI":

<sup>48</sup> However, the Group obtained consistent information from FARDC sources, M23/ARC sources and diplomatic sources according to which the International Conference on the Great Lakes Region ceasefire was *first* broken by the FARDC which attacked M23/ARC positions on 23 April 2022.

<sup>49</sup> Sources: document on file with the Secretariat and MONUSCO sources.

<sup>50</sup> [https://www.radiookapi.net/sites/default/files/2022-10/02.\\_141022-p-f-kinsonprofsergetshibangu-00\\_1\\_web.mp3](https://www.radiookapi.net/sites/default/files/2022-10/02._141022-p-f-kinsonprofsergetshibangu-00_1_web.mp3).



## OUR RESPONSE TO THE DIALOGUE REFUSAL BY THE DRC GOVERNMENT

The M23 Movement Directorate, followed with interest, on October 13<sup>th</sup>, 2022, the threatening and outrageous remarks of the President of the Democratic Republic of Congo's Special Representative, Mr. Serge TSHIBANGU, through Radio Okapi's program called Dialogue between Congolese where he said: "There will not be negotiation with the M23 Movement" ..

Our Movement, the M23, has taken note and hereby informs the national and international community of the following:

1. The DRC Government has yet again, shown to the face of the world its umpteenth refusal of the DIALOGUE, by rejecting the outstretched hand of our organisation for a peaceful resolution of the conflict.
2. The DRC Government unable to put an end to xenophobia and hate speech, furthermore, to restore peace in Kwamouth, Beni, Butembo, Ituri, Masisi and Minembwe, storms itself against the M23, while allowing its allies FDLR, APCLS, MAI-MAI, NYATURA, ADF and CODECO, to freely slaughter our compatriots.
3. We are observing across the frontlines, reinforcements of military equipment and troops by the coalition FARDC, FDLR, ACPLS, NYATURA and DIFFERENT MAI-MAI. This portends imminent offensive against our positions. The M23 will, therefore, defend itself vigorously and professionally to counter the threat wherever it may be or come from in order to protect the civilian population and their belongings.

The M23 Movement reiterates its undertaken commitment, to a direct dialogue with the Government of Kinshasa, the only pathway to resolve the root causes of the security crisis in the East and the restoration of peace in our country as recommended by the Secretary General of the United Nations, the Heads of State of the East African Community and the African Union.

Sarabwé, October 14<sup>th</sup>, 2022

The M23 Movement Political Spokesperson.

A handwritten signature in black ink, appearing to read 'Lawrence Kanyuka', is positioned above the name of the spokesperson.

Lawrence KANYUKA

Communiqué provided to the Group by M23/ARC on 15 October 2022

Annex 22

**Excerpts of the 3 November 2022 discourse of President Tshisekedi, Runiga's call for the implementation of the different agreements, and diplomatic efforts to resolve the crisis**

**Extraits du discours du 3 novembre 2022 du Président Tshisekedi, appel de Runiga à la mise en œuvre des différents accords, et les efforts diplomatiques pour résoudre la crise**

- Excerpts of 3 November 2022 speech, referring to diplomatic efforts, Rwandan aggression, and invitation to youth to enlist

*République Démocratique du Congo*



**PRESIDENCE DE LA REPUBLIQUE  
CABINET DU CHEF DE LETAT  
CELLULE DE COMMUNICATION**

**ADRESSE À LA NATION DE SON EXCELLENCE MONSIEUR  
FÉLIX-ANTOINE TSHISEKEDI TSHILOMBO,  
PRÉSIDENT DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO,  
CHEF DE L'ÉTAT, PRÉSIDENT EN EXERCICE DE LA SADC  
SUITE À LA DÉTÉRIORATION DE LA SITUATION SÉCURITAIRE DANS L'EST  
DU PAYS**

Kinshasa - RD Congo, Jeudi 03 Novembre 2022

prenant notre Armée de court, notamment à Bunagana, cité qu'il occupe depuis le 13 juin 2022. En effet, sous la fallacieuse accusation de soutien des FARDC aux FDLR, le Rwanda a en réalité des velléités expansionnistes avec comme intérêt principal l'appropriation de nos minerais et pour ce faire, il s'active à déstabiliser l'Est du Congo pour créer une zone de non droit en vue d'assouvir ses appétits criminels.

Pour faire face à cette situation, deux options s'offraient à nous : la diplomatie ou la guerre. J'ai résolu de privilégier la première option quitte à en venir à la seconde faute de résultats.

L'option diplomatique a donc été mise en œuvre.

C'est ici l'occasion pour nous de rappeler que notre attachement à la recherche de la paix par des voies pacifiques n'est aucunement un signe de faiblesse moins encore un aveu d'une incapacité de notre pays à s'inscrire dans une logique de guerre totale contre tous ceux qui continuent à abuser de notre patience, mais plutôt une expression de notre culture de paix et de notre identité légendaire de peuple hospitalier.

C'est ainsi que dès le 20 juin 2022, j'ai pris part aux travaux du 3<sup>ème</sup> Conclave des chefs d'État membres de la Communauté d'Afrique de l'Est (EAC) à Nairobi au Kenya qui avait comme agenda l'examen de la situation sécuritaire dans l'Est de notre pays.

À l'issue de ce forum, les dirigeants des pays membres de la Communauté d'Afrique de l'Est (EAC) sont tombés d'accord sur le déploiement d'une force régionale pour « imposer » la paix dans l'Est de la République démocratique du Congo (RDC). Le sommet a appelé « à une cessation immédiate de toutes les hostilités à l'Est de la RDC » et a demandé à tous les groupes armés, tant étrangers que locaux, « à déposer les armes immédiatement et sans condition, et à s'engager dans processus politique ».

Le 6 juillet 2022, j'ai accepté de rencontrer à nouveau le Président du Rwanda, cette fois à Luanda sous l'égide du Président João Lourenço, sous couvert de la Conférence Internationale des Régions des Grands Lacs africains. Il en est sorti une feuille de route qui stipule entre autres objectifs : Normaliser les relations politiques et diplomatiques entre la RDC et le Rwanda. Et, pour y parvenir, la première action retenue : arrêt des hostilités et retrait du M23 des positions occupées conformément au communiqué final de Nairobi.

Une fois de plus aucune avancée sur le terrain de la paix attendue par notre population n'a été observée.

La dernière activité diplomatique en date, a été la rencontre avec le Président Paul Kagame autour du Président Français Emmanuel Macron, et à l'initiative de ce dernier en marge de l'Assemblée Générale de Nations-Unies à New-York. Ici également, pour l'essentiel, il a été acté le principe d'un cessez-le-feu immédiat et du retrait sans condition du M23 des positions qu'il occupe. Toujours sans résultats tangibles sur le terrain.

**Mes chers compatriotes,**

Comme vous pouvez le constater, malgré notre investissement et les efforts fournis dans cette optique, la paix et la sécurité ne sont pas au rendez-vous.

Garant de l'indépendance, de l'unité nationale et de l'intégrité territoriale, je réitère mon engagement constitutionnel de défendre la Patrie jusqu'au sacrifice suprême.

**Mes très chers compatriotes,**

Ne doutons jamais, qu'ensemble réfléchis et engagés nous puissions changer le monde.

**À vous nos vaillants Soldats,**

Vous qui avez pris l'engagement de servir sous le drapeau, je vous invite ici au sens élevé du patriotisme en ce temps particulièrement exceptionnel de notre histoire, de défendre notre pays, de protéger l'intégrité de son territoire et d'assurer la sécurité des congolaises et des congolais contre toute agression ou attaque d'où qu'elle vienne.

**À vous mes très chers compatriotes,**

La guerre qui nous est imposée par nos voisins exige de chacun de nous des sacrifices. C'est le moment de taire nos divergences politiques pour défendre tous rassemblés, notre mère patrie.

Notre histoire et notre marche commune ont, sans cesse, démontré que loin de s'effondrer, notre Nation et son Peuple ont toujours relevé ce genre de défis et nous en sommes toujours sortis victorieux.

Restons tous unis et solidaires derrière nos forces de défense et de sécurité.

La situation actuelle, loin de nous affecter, n'est qu'une épreuve de plus que nous allons surmonter pour raffermir davantage notre unité.

Au de-là de tout clivage politique, idéologique, religieux et tribal, la défense de la Mère- Patrie est le seul objectif qui doit nous unir en ce moment. Le pays nous appelle, la Nation a besoin de l'engagement de toutes ses filles et de tous ses fils. Je vous appelle à ne pas céder aux propos xénophobes et autres discours de haine ou de stigmatisation des communautés rwandophones dont l'asservisseur se sert pour faire du chantage. Tout acte allant de ce sens sera sévèrement puni. En réponse à la forte demande de la jeunesse, j'invite celle-ci à s'organiser en groupe de vigilance, en vue d'appuyer, d'accompagner et de soutenir nos forces de défense et de sécurité dans l'accomplissement de leur noble mission.

C'est ici l'occasion de mettre en garde tous les traitres et autres brebis galeuses qui servent les intérêts de l'ennemi, ils seront exposés à la rigueur de la loi, en ayant le juste châtement que mérite ce genre de comportement.

En outre, tout en renouvelant mon appel lancé à nos jeunes qui en ont la vocation de s'enrôler massivement dans nos Forces armées, je réitère l'instruction faite au Chef d'Etat Major Général d'accélérer à cet effet la mise en place des centres de recrutement à travers les vingt-six provinces que compte notre pays.

**Chers compatriotes ;**

Nous devons ensemble avoir conscience que nul autre que nous-mêmes ne viendra sauver notre nation et que cela exige de chacun de nous une mobilisation tous azimuts.

**Que Dieu Bénisse la République Démocratique du Congo,**

**Je vous remercie.**

Document provided to the Group by a member of the DRC Government on 4 November 2022

- 1 November 2022 declaration of Jean Marie Runiga Lugerero, « President » of the M23 living in Rwanda, asking for the implementation of the “different agreements” in order to end “the war” between the DRC Government and M23:

#### DECLARATION DES EX-M23 VIVANTS AU RWANDA

Après lecture du communiqué conjoint du Président en exercice de l'Union Africaine, Président du Sénégal, Son Excellence Mr le Président Macky Sall et le Président de la Commission de l'union Africaine, Son Excellence Mr Moussa Faki Mahamat sur la détérioration de la situation sécuritaire à l'Est de la RDC, nous constatons ce qui suit :

- Cette situation est la conséquence de la non application de l'accord cadre d'Addis Abeba, pour la Paix, la Sécurité et de Coopération pour la République Démocratique du Congo et la région et le non-respect des accords signés entre le Gouvernement Congolais et le Mouvement du 23 Mars, M23.
- Le prochain Dialogue Inter Congolais qui se tiendra à Nairobi et celui de Luanda entre la République du Rwanda et la République Démocratique du Congo, offrent une occasion pour mettre en œuvre ces différents accords afin de trouver des solutions aux causes profondes qui sont à la base de la guerre actuelle entre le Gouvernement Congolais et le M23, de l'insécurité grandissante causée par différents groupes armés, locaux et étrangers à la base des crises entre les pays de la Région.

Eu égard à ce qui précède, nous, ex-m23 se trouvant au Rwanda, déclarons ce qui suit :

1. Saluons et prenons acte du communiqué du Président de l'Union Africaine et le Président de la Commission de l'Union Africaine sur la situation actuelle à l'Est de la RDC qui appelle à la tenue du Dialogue Inter Congolais à Nairobi du 04 au 13 Novembre 2022
2. Demandons la mise en œuvre des différents accords existants pour mettre fin à la guerre actuelle qui oppose le Gouvernement Congolais et le Mouvement du 23 Mars, M23, et régler définitivement le phénomène groupes armés étrangers et locaux qui sèment l'insécurité à l'Est de la RDC et qui sont à la base des tensions entre les Pays de la Région
3. Demandons qu'une solution définitive soit trouvée pour faciliter le retour des réfugiés Congolais qui viennent de totaliser 28 ans au Rwanda et dans d'autres les pays de la Région
4. Exigeons un règlement définitif, conformément à l'accord et à la feuille de route de Kigali sur la question de rapatriement des Ex-M23 cantonnés dans le camp de Kibungo au Rwanda depuis Mars 2013.

Fait à Kibungo, le 01 Novembre 2022

Bishop Jean Marie RUNIGA LUGERERO  
Président

Document provided to the Group by M23/ARC on 3 November 2022

- Several diplomatic initiatives, amongst others the East African Community (EAC) Nairobi Process (see also annexes 52 and 68) and the Luanda Roadmap, aimed to de-escalate tensions in the DRC and the region since the resumption of fighting between M23/ARC and DRC armed and security forces.
- On 6 July 2022, under the mediation of President Lourenço of Angola, a meeting took place between President Kagame of Rwanda and President Tshisekedi of the DRC in Luanda. Objectives of the meeting as articulated in its roadmap were: 1. Normalizing the political and diplomatic relations between the DRC and Rwanda; Establishing a climate of trust between the States of the region and create optimal conditions for dialogue and political consultation to resolve the current security crisis in eastern DRC; 2. Preventing violations of territorial integrity and ensuring compliance with the commitments made by the International Conference on the Great Lakes Region (ICGLR) States in this regard; 3. Verification of the reciprocal accusations of the DRC and Rwanda concerning the support to M23 and the collaboration with FDLR, respectively; 4. Revitalization of the Framework Agreement for Peace, Security and Cooperation in the DRC and the region; 5. Promotion of economic partnership between the States of the region and strengthening regional mechanisms to combat the illegal exploitation of natural resources; 6. Ensuring the proper implementation of this Roadmap and rebuilding trust between partners in the Nairobi process.
- The Group also took note of the calls from the African Union (AU), the EAC and the European Union (EU) on 30 October 2022 to remain committed to ongoing regional diplomatic initiatives. In particular, the AU called for all the parties to immediately cease fire, respect international law, the safety and security of civilians, and the stability at the borders of all countries in the region.
- In a press statement issued on 30 October 2022, the EAC convened the third session of the Nairobi Process on Peace and Security in eastern DRC for 21-27 November 2022 in Nairobi, Kenya. The Conclave was initially slated from 7-14 November 2022. On 1 November 2022, the President of the Republic of Burundi and Chairman of the Summit of Heads of State of the EAC issued a communiqué in which he called for an urgent meeting in Nairobi to address the new developments in the region.
- On 5 November 2022, the President of Angola hosted the Foreign Minister of the Republic of Rwanda and the Vice-Prime Minister, Minister of Foreign Affairs of the DRC for a meeting aiming at resuming dialogue between the two countries and recommitting to the 6 July 2022 roadmap.

## Annex 23

### M23/ARC leadership and establishment of parallel administrations as documented by Group

#### Leadership du M23/ARC et mise en place d'administrations parallèles tels que documentés par le Groupe

##### M23/ARC parallel administration:

M23/ARC began to gradually establish a parallel administration from April 2022 onwards and expanded its administrative and intelligence network in line with the extension of its territorial control.

In early April, M23/ARC appointed a new *chef de groupement* in Jomba. After M23/ARC's occupation of Bunagana on 12 June 2022, M23/ARC held a meeting in Bunagana to discuss the further organization of its civilian administration. Several *chefs de groupements* and *chefs de village* have been installed since, for example:

- M23/ARC Chief of Bunagana: Kapalata Sebarimba. Early October 2022, he fled Bunagana town to Nakivale camp in Uganda.
- M23/ARC Chiefs of Bweza groupement: Gedeon Serugari, who was replaced by Emmanuel Nsengiyumva Rukeribuga in October 2022. Nsengiyumva Rukeribuga was the director of a school in Kibanda.
- M23/ARC Chief of Rutsiro village: Mr. Bugiri who was physically located in Ruseke.
- M23/ARC Chief of Nkokwe village: Sebiko Birakaka. He was a teacher.
- M23/ARC Chief in Kanyabusoro village: Bahati Mugoye.
- M23/ARC Chief of Jomba groupement: Vincent Mwambutsa.

In late October 2022, M23/ARC appointed new *chefs* to rule over Busanza *groupement* and Mungo village. In several villages, for example in Kitovu village, M23/ARC has also installed *Nyumbakumi*, i.e. chiefs responsible for about 10 houses, and *capitas*, i.e. dignitaries. The Group also received information on the appointment of several intelligence agents.

##### M23/ARC leadership structure:

The Group obtained information on individuals known to be part of the M23/ARC leadership structure and military operations. At times, the precise responsibility/tasks assigned were not consistently or identically reported to the Group by the different sources it obtained information from, in which case the Group indicated "possibly" in the structure below.

##### Political branch:

- Bertrand Bisimwa: President
- Benjamin Mbonimpa: Secretary-General
- Lawrence Kanyuka: Civilian spokesperson and negotiator
- Bosco Mbera Bagabo alias Castro: Negotiator
- Erasto Bahati: Finance Officer

##### Military branch:

- "General" Emmanuel Sultani Makenga: Commander-in-Chief
- "Colonel" Yusuf Mbonye: Deputy-Commander operations/intelligence, wounded in action, who was replaced by
- "Colonel" Bernard Byamungu: Deputy-Commander operations/intelligence since October 2022, replacing Yusuf Mbonye
- "Colonel" Justin Gaceri Musanga: Deputy-Commander administration/logistics
- "Colonel" Ernest Sebagenzi: Chief of Staff and possibly second deputy commander operations/intelligence and possibly responsible for civilian-military relations
- "Major" Willy Ngoma: Military spokesperson
- "Colonel" Dieudonné Padiri: G1 (administration) or G2 (intelligence) or G4 (logistics)

- Castro Mbera: negotiator and possibly also G2 (intelligence)
- “Colonel” Imani Nzenze Idi: possibly G3 (operations)
- Joseph Kabayiza: possibly G4 (logistics)
- Albert Kabamba: possibly G5
- “Colonel” Leon Kanyamibwa: Training officer
- “Colonel” Innocent Rukara: possibly artillery commander
- “Colonel” Kalala Kanyamarere and Doctor Jean Paul: Military hospital commanders
- “Major” Willy Mihigo alias Secoper: possibly negotiator

M23 Brigades and Battalions:

- 1<sup>st</sup> Brigade commander: “Colonel” Gacheri Erasto  
Battalion commander: “L-Col” Faustin  
Battalion commander : “L-Col” Karangwa
- 2<sup>nd</sup> Brigade commander: “Colonel” Nzenze  
Battalion commander: “Colonel” Mwiseneza Thomas, alias “Colonel” Rapid  
Battalion commander: “Major” Mirindi
- 3<sup>rd</sup> Brigade commander: “Colonel” Kabundi  
Battalion commander: “Colonel” Aigle  
Battalion commander; “Colonel” Dabusirindia

Sources: Researchers, M23/ARC combatants, MONUSCO sources and persons close to M23/ARC

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**Annex 24****Additional information on M23/ARC recruitment strategy****Informations supplémentaires sur la stratégie de recrutement du M23/ARC**

The M23/ARC recruitments targeted former *Congrès national pour la défense du peuple* (CNDP) members and former M23 combatants, unemployed youth and children. The Group spoke to 15 captured or surrendered M23/ARC combatants, five of whom had served in the CNDP and M23 in 2008 and 2012. Three of them informed the Group about how, while in Uganda, they were mobilised by a certain “Gacheri” who misleadingly told them to return to the M23/ARC because the Government of the DRC had agreed to M23 demands. “Gacheri” told the ex-combatants that they would be integrated in the army and would receive five years’ salary in arrears.

Other combatants, most of whom were very young, including several minors, were lured into M23/ARC with false employment promises in Goma before being transported to the M23/ARC camps in Tchanzu, Runyoni and Sabinyo. An individual called “Thomas” coordinated their recruitment through intermediaries, paid their transport up to Goma or Gisenyi, and offered them between US\$ 50-100. From there, motorcycles or buses transported the recruits across the border to Rwanda and Uganda from where the recruits re-entered the DRC territory to M23/ARC controlled areas, where they received military training and instructions before being deployed for combat.

Several ex-combatants explained that those who attempted to flee the M23/ARC camps were executed if caught.

## Annex 25

### Additional information on taxes

#### Informations complémentaires sur les taxes

In October 2022, the Group observed the closure of most shops in Bunagana, Uganda, due to the absence of potential Congolese customers.<sup>51</sup> Two traders reported a drop of more than 60 per cent of their economic activity. Likewise, the number of shops in Bunagana, DRC, dropped significantly.

## Annex 26

### M23/ARC uniforms, helmets, and bullet-proof vests

#### Uniformes, casques et gilets pare-balles du M23/ARC

The helmets and bullet proof vests used by M23/ARC are of the same type as the ones used by the RDF, including during RDF operations in Mozambique.<sup>52</sup> The digital camouflage pattern of the uniforms is similar to the standard RDF uniform, although not exactly the same.<sup>53</sup> The repeated observation of M23/ARC with similar brand-new kits indicates that M23/ARC combatants have been provided with a significant volume of new uniforms and equipment.

The Group notes that given the similarities between M23/ARC and RDF equipment (uniform, helmet, bullet proof vests, backpack, weapons, etc.), this also means that it may become increasingly difficult to distinguish M23/ARC combatants from RDF soldiers.



Screenshot of a M23/ARC video provided to the Group by a civil society source on 2 July 2022 showing three Kevlar helmets, bullet-proof vests, weaponry and uniforms

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<sup>51</sup> Group's mission to Uganda, traders in Bunagana.

<sup>52</sup> Document on file with the Secretariat.

<sup>53</sup> Analysis corroborated in a MONUSCO document on file with the Secretariat.



Pictures of M23/ARC “Major” Nzenze Imani (left) and “Colonel” Ernest Sebagenzi (right) with similar uniforms. Pictures provided to the Group by civil society and FARDC sources on 14 July 2022. These images also circulated on Twitter.



Picture of “Colonel” Bahati and other M23/ARC combatants wearing uniforms with the same digital camouflage pattern (on the left) and screenshot of an M23/ARC video showing M23/ARC spokesperson with a Kevlar helmet and with the same digital camouflage pattern (on the right)

Both images provided to the Group by MONUSCO on 8 July 2022



Pictures of RDF members in Bunagana on 13 June 2022 provided to the Group by a civil society source on 13 June 2022

## Annex 27

**M23/ARC weaponry and uniforms, military equipment found or recovered from areas occupied by M23/ARC and/or areas where RDF incursions and/or operations were documented****Armes et uniformes du M23/ARC, équipement militaire trouvé ou récupéré dans des zones occupées par le M23/ARC et/ou dans des zones où des incursions et/ou des opérations des RDF ont été documentées.**

This annex provides information on military equipment recovered and/or documented in areas occupied by M23/ARC and/or areas where RDF incursions and operations were conducted. The recovered evidence, which is non-exhaustive, provides some insight into the type and origin of military equipment held by, and fire power of, the combatants and soldiers on the ground. Annexes 16, 30, and 32 provide additional information in images showing M23/ARC combatants carrying lethal military equipment.

The chart below provides details on some documented materiel recovered in Rutshuru and Nyiragongo territories, some of which is also presented in the sections below, produced in 2014 and 2019, and which could thus not belong to the older M23 stockpile as partially documented by the Group and MONUSCO in 2012 and 2013.<sup>54</sup> The Group sent tracing requests in order to obtain elements regarding the diversion of this materiel from its intended legal end-user.

| Case number | Category                | Type / model markings | Identification markings | Lot / serial number | Year of production | Factory code |
|-------------|-------------------------|-----------------------|-------------------------|---------------------|--------------------|--------------|
| #1          | 40 mm grenade           | DQJ03-40              | 02-14-5413              | 02                  | 2014               | 5413         |
| #2          | 40 mm grenade           | 69-40<br>HEAT         | 3-14-23                 | 3                   | 2014               | 23           |
| #3          | 40 mm grenade           | PF 69-40<br>HE        | 3-19-23                 | 3                   | 2019               | 23           |
| #4          | Grenade launcher        |                       | 3750-2014<br>197        | 3750                | 2014               | 197          |
| #5          | Grenade launcher        | 69-1-40               | 3986-2014<br>197        | 3986                | 2014               | 197          |
| #6          | 60mm Mortar rounds (x3) | 60-93-HE              | 10-14-313               | 10                  | 2014               | 313          |
| #7          | Fuze                    | MP-5E                 | 4-14-9324               | 4                   | 2014               | 9324         |

**Materiel recovered in Kibumba area**

On a hill where the RDF had spent several days, the Group recovered and documented a container of a spent DQJ03-40 anti-personnel rifle grenade (type 90). Eyewitnesses reported that the container was left behind by RDF troops. This type of grenade is known to be in use by the RDF. It is, however, not documented as being part of the FARDC arsenal.

The Group also inspected weapons, ammunition and military attire recovered by the FARDC<sup>55</sup> in the Kibumba area following clashes near Kibumba and Kibati in late May 2022:

- A complete military uniform similar to the ones used by the RDF, with an RDF tag;
- A composite ballistic Kevlar helmet similar to the ones used by the RDF and not documented as being part of the FARDC arsenal;

<sup>54</sup> See also, inter alia, 2013 Embargo assessment of M23 arsenal on file with the Secretariat and [S/2012/348/Add.1](#).

<sup>55</sup> Local authorities, civilians, eyewitnesses and FARDC sources attested that the materiel was found in the area.

- Seven DQJ03-40 anti-personnel rifle grenades (type 90) and associated containers similar to the one recovered by the Group in the Kibumba area;<sup>56</sup>
  - One 60 mm mortar (type 31) documented as being part, inter alia, of the FARDC arsenal;<sup>57</sup>
  - One PKM ammunition box documented as being part, inter alia, of the FARDC arsenal and similar to those seen on video footage of RDF soldiers in the Kibumba area;
  - One AK type assault rifle documented as being part of, inter alia, the FARDC and the RDF arsenal.<sup>58</sup>
- DQJ03-40 anti-personnel grenade container :



Grenade container, pictures taken by the Group on 9 June 2022

<sup>56</sup> Design and production are by NORINCO (China North Industries Corporation). The Group notes that a representative of the Permanent Mission of the People's Republic of China to the United Nations informed the Group that "after verification by the Chinese authorities, no information on the export to DRC of weapons and ammunition mentioned in the letter [of the Group] was found".

<sup>57</sup> The Group is analysing whether this type of mortar is also part of the arsenal of other neighbouring countries.

<sup>58</sup> The Group is analysing whether this type of assault rifle is also part of the arsenal of other neighbouring countries.

- Blood-spattered uniform with RDF tag recovered by FARDC in Kibumba area in late May 2022:



Pictures taken by the Group on 13 June 2022

- Helmet recovered by FARDC in Kibumba area in late May 2022:



Pictures taken by the Group on 13 June 2022

- Seven DQJ03-40 anti-personnel grenades and containers recovered by FARDC in Kibumba area in late May 2022:



Pictures taken by the Group on 13 June 2022

- 60 mm mortar recovered by FARDC in Kibumba area in late May 2022:



Picture taken by the Group on 13 June 2022

- PKM ammunition box recovered by FARDC in Kibumba area in late May 2022:



Picture taken by the Group on 13 June 2022

- AK-type assault rifle recovered by FARDC in Kibumba area in late May 2022:



Picture taken by the Group on 13 June 2022

### **Materiel recovered in Rumangabo area**

The Group recovered materiel in the area next to the FARDC camp in Rumangabo where M23/ARC and the RDF were positioned jointly prior to the attack and control of the camp in late May 2022. The recovered materiel – one ammunition box<sup>59</sup> and three cartridges<sup>60</sup> – could, however, not be attributed to any of the fighting parties.

The Group also inspected weapons, ammunition and military attire recovered by the FARDC following clashes on the military camp, namely:

- Eight pieces of military uniforms similar to those used by the RDF, several being blood-spattered and/or tagged with RDF tags and etiquettes, and one Kevlar helmet similar to the ones used by the RDF and not documented as being part of the FARDC arsenal;
- One AK-type assault rifle documented as being part, inter alia, of the FARDC and the RDF arsenal;
- Four rounds of 12.7 ammunition and part of an anti-personnel rifle grenade (type 90), both not documented as being part of the FARDC arsenal.<sup>61</sup>

<sup>59</sup> Ammunition box containing 12.7x108 mm cartridges.

<sup>60</sup> Two 12.7x108 mm cartridges and one 7.62x54 mm cartridge.

<sup>61</sup> Further analysis is ongoing.

- Uniforms and helmets:





Pictures taken by the Group on 13 June 2022

- AK-type assault rifle:



Picture taken by the Group on 13 June 2022

- 12.7 mm ammunition rounds and part of anti-personnel rifle grenade:



Picture taken by the Group on 13 June 2022

### **Materiel recovered in Tchanzu area**

The Group inspected military materiel recovered by the FARDC on 30 and 31 May 2022 in the area around Tchanzu, where there was heavy fighting between the FARDC, supported by MONUSCO, and M23/ARC. Recovered materiel included four

60 mm mortar shells, two 40 mm rockets, six mortar shell fuses, seven firing pins used to ignite the mortar shell's primer, and one DQJ03-40 anti-personnel rifle grenade.

- 60 mm mortar shells:



Picture taken by the Group on 13 June 2022

- 40 mm rockets:



Picture taken by the Group on 13 June 2022

- Mortar shell fuses:



Picture taken by the Group on 13 June 2022

- Firing pins to ignite the mortar shells:



Pictures taken by the Group on 13 June 2022

- DQJ03-40 anti-personnel rifle grenades :



Picture taken by the Group on 13 June 2022

### Documentation of recoilless gun in Tchanzu

On 6 June 2022, Intelligence, Surveillance and Reconnaissance (ISR) footage documented the presence and use of two recoilless guns inside a M23/ARC position in Tchanzu of a different type than those used by the FARDC:



Screenshot of a video showing recoilless gun operated by three uniformed men in Tchanzu on 6 June 2022  
Provided to the Group by MONUSCO

## Annex 28

**RDF soldiers arrested on DRC territory and official communications of the Rwandan Government****Soldats des RDF arrêtés sur le territoire de la RDC et communications officielles du gouvernement rwandais**

On 28 March 2022, the spokesperson of the military governor of North Kivu, General Ekenge, publicly reported the arrest of two RDF soldiers, Jean-Pierre Habyarimana and John Uwajeneza Muhindi of the 402th brigade, 65th Battalion. Both men were interviewed by the Group in February 2022 (see [S/2022/479](#), paras. 71-72 and annex 39).

Habyarimana reported that he belonged to the 65th Battalion and was recruited by a man called “Mukundwa”<sup>62</sup> alongside 30 other civilians and RDF soldiers on 10 November 2021 in Rwanda from where they were transported to Kisoro, a border town in Uganda, and brought to a M23/ARC camp on Mount Sabinyo. In the camp, the new recruits were provided with uniforms similar to those of the FARDC. Habyarimana told the Group that in November 2021 and January 2022, on three occasions, he was involved in combat operations against positions of the FARDC and the Congolese Institute for Nature Conservation (ICCN) around Tchanzu/Runyoni, Bukima and Ngugo (see [S/2022/479](#), annexes 27-29).<sup>63</sup> Habyarimana was arrested by the FARDC in late January 2022.

Uwajeneza Muhindi reported that in November 2021 he was recruited in Kigali, brought to an M23/ARC camp on Mount Sabinyo, and that he was part of combat operations against FARDC positions in Nyesisi and surroundings, during which FARDC Colonel Ndume Baganyigabo was executed by M23/ARC and between 40 and 49 FARDC members were killed (see [S/2022/479](#), annex 28). He stated that this operation was led by “Colonel” Yusufu Mboneza Gatimisi, M23/ARC operational commander, who was severely injured during combat in May 2022 and *hors de combat* since then.<sup>64</sup> Uwajeneza Muhindi was arrested by the armed group CMC/FDP in January 2022 and handed over to the FARDC (see [S/2022/479](#), para. 72). He expressed concern for his physical safety if transferred to Rwanda.

While the Government of Rwanda refuted the spokesperson’s allegations of Rwandan support to M23/ARC (see [S/2022/479](#), para. 72 and annex 39) and denied that both these captured men were active RDF members, the Rwandan Government acknowledged that two other arrested men were RDF soldiers.

On 28 May 2022, two RDF soldiers, Nkundagagenzi Elysee (115th Battalion) and Ntwari Gad/Guard (15th Battalion, 503 Brigade), wearing military attire and carrying weapons (see pictures below) were caught by the local population close to Biruma, and handed over to DRC police officers who arrested them. In two official communiqués, the RDF claimed that the two soldiers had been kidnapped by the FARDC and FDLR jointly, while on patrol along the border. However, eyewitnesses and civil society sources reported to the Group that upon their arrest, the two RDF soldiers declared that they had been involved in military operations against the FARDC camp in Rumangabo. The EJVM in turn reported that the two RDF soldiers declared they were sent on an armed reconnaissance patrol on DRC territory with seven other persons commanded by Second Lieutenant Habarurema to identify the position of the artillery which had hit Kinigi in Rwanda on 23 May 2022, and identify “the enemy” responsible for the shelling (see annex 34).<sup>65</sup> The arrest of the two RDF soldiers while on DRC territory is confirmed by photographic/video evidence, eyewitness accounts, FARDC sources and MONUSCO. Both RDF soldiers were transferred back to the Rwandan authorities early June 2022 following mediation by Angola.

On 24 October, RDF corporal Emmanuel Nduwayezu surrendered to a local chief in Masisi. He was later arrested by the FARDC based in Kiwanja. The Group is investigating this case (see pictures below).

<sup>62</sup> “Mukundwa” is the name/alias of a man reportedly in charge of M23/ARC recruitment.

<sup>63</sup> Including the attack against FARDC camp in Nyesisi.

<sup>64</sup> Sources: researchers, intelligence sources and MONUSCO sources.

<sup>65</sup> Report of the EJVM of 14 June 2022 on file with the Secretariat.



Picture of the two RDF soldiers, Nkundagagenzi Elysee (115th Battalion) and Ntwari Gad/Guard (15th Battalion, 503 Brigade), captured near Burima provided to the Group by a civil society source



Picture of the RDF identification, Rwandan identification card and UNMISS card found on one of the two RDF soldiers when arrested, picture taken by the Group on 8 June 2022



**RDF REQUESTS RELEASE OF SOLDIERS**

**REF: RDF/MPR/A/10/02/22**

**Kigali, 28 May 2022**

Following the provocative aggression by FARDC on 23 May 22, where multiple rockets were fired on Rwandan territory, FARDC with FDLR attacked RDF along our border, and two Rwanda Defence Force soldiers were kidnapped while on patrol.

We have since located these two soldiers: Cpl Nkundabagenzi Elysee and Pte Ntwari Gad being held by FDLR in Eastern DRC.

We call upon authorities of the Democratic Republic of Congo that work closely with these genocidal armed groups to secure the release of the RDF soldiers.

**END**



**DRC FIRES ROCKETS INTO RWANDA**

**REF: RDF/MPR/A/10/03/22**

**Kigali, 10 June 2022**

The DRC armed forces, FARDC, fired two 122mm rockets into Rwanda from the Bunagana area, striking along the Rwanda-DRC border in Nyabigoma Cell, Kinigi Sector, Musanze District on 10 June 2022 at 11:55am. There were no casualties but the local population is terrified.

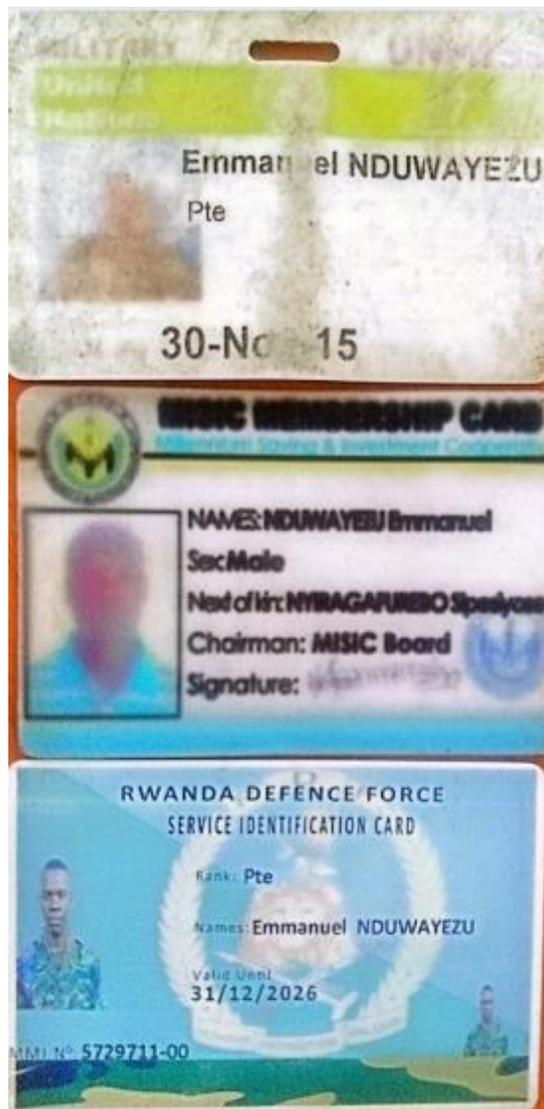
This follows similar shelling by forces in DRC on 19 March and 23 May 2022 in Kinigi and Nyange Sectors of Musanze District and in Gahunga Sector of Burera District, which caused casualties and damaged property.

These incidents, including the kidnap by FARDC-FDLR of two RDF soldiers on border patrol, have been reported to the Government of DRC, the Expanded Joint Verification Mechanism of the ICGLR and other partners.

RDF assures the population that efforts to resolve this issue are underway and their safety is assured.

**END**

Official communiqués of 28 May and 10 June 2022 by the Government of Rwanda confirming the identity and rank of the two captured RDF soldiers provided to the Group by a FARDC source on 29 May and 11 June 2022, respectively



Picture of the RDF documents, including an RDF service identification card and UNMISS card found on the RDF corporal arrested on 24 October 2022 in Kiwanja.

## Annex 29

### RDF presence in Kibumba area and geo-location of the videos

#### Présence des RDF dans la région de Kibumba et géolocalisation des vidéos

Eyewitnesses, FARDC sources, civil society actors and local authorities interviewed by the Group in Kibumba and Buhumba groupements, Rutshuru territory, reported that on 24 May 2022 a large number of RDF troops marching in columns arrived from the Rwandan side of the border and entered the DRC through at least four entry points. RDF troops occupied several positions in the Kibumba area, some of which were inspected by the Group, and cut off the RN2 road for several days. They attacked and dislodged FARDC from their positions along the RN2 between Kibumba and Kibati, and conducted operations against FDLR.

Fourteen eyewitnesses interviewed by the Group identified the armed and uniformed men, estimated at around 900 to 1000, as RDF members because of their distinct military equipment and uniforms, their organized structure, *modus operandi* and spoken language.

One video of 25 May 2022 clearly shows up to 51 RDF soldiers marching as part of a column and carrying one wounded soldier (second screenshot below).<sup>66</sup> The Group travelled to the area and identified the precise location of where the video was filmed (see pictures and geo-localisation below).

According to MONUSCO and intelligence reports, RDF troops included members of the 6<sup>th</sup>, 19<sup>th</sup> and 25<sup>th</sup> battalions and RDF special forces that operated under the overall command of the G3 of the RDF's 3<sup>rd</sup> Division Commander Lieutenant-Colonel André Nyanvumba.



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<sup>66</sup> Video on file with the Secretariat.

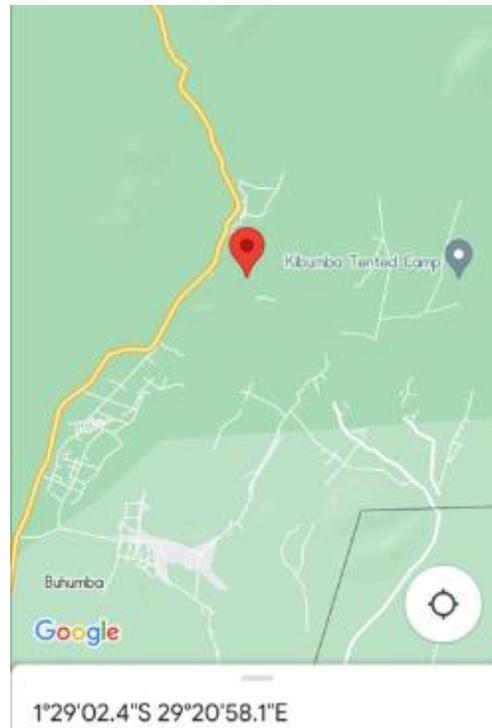




Screenshots of video footage of RDF presence taken from a video recorded on 25 May 2022 and provided to the Group by a civil society source



Picture of the house that appears on the video above. Picture taken by the Group on 9 June 2022 when performing geo-location of the 25 May 2022 video.



Geo-location of the house in the video performed by the Group on 9 June 2022:  
1°29'02.4\" S – 29°20'59.1\" E

### Annex 30

#### **Aerial footage and photographic evidence confirming the presence of RDF soldiers on DRC territory**

#### **Des images aériennes et des preuves photographiques confirmant la présence de soldats des FDR sur le territoire de la RDC.**

- The Group obtained photographic evidence of RDF soldiers in a M23/ARC camp on Mount Visoke on 21 November 2021. The RDF soldiers were equipped with weapons and military attire. Twelve M23/ARC ex-combatants also reported that they had seen RDF soldiers in M23/ARC camps.

Aerial footage, Visoke mountain, DRC, 1°25.999'S – 29°29.737'E, 21 November 2021:





Pictures received from a source familiar with the issue

- Aerial footage of 27 June 2022 also shows armed men wearing military attire and weapons similar to those of the RDF, on a fortified hill in Tchengenero, which was under M23/ARC control at the time (see below):

Aerial footage, 27 June 2022, Tchengenero, DRC, 01°16'19" S – 029°33'26"E:

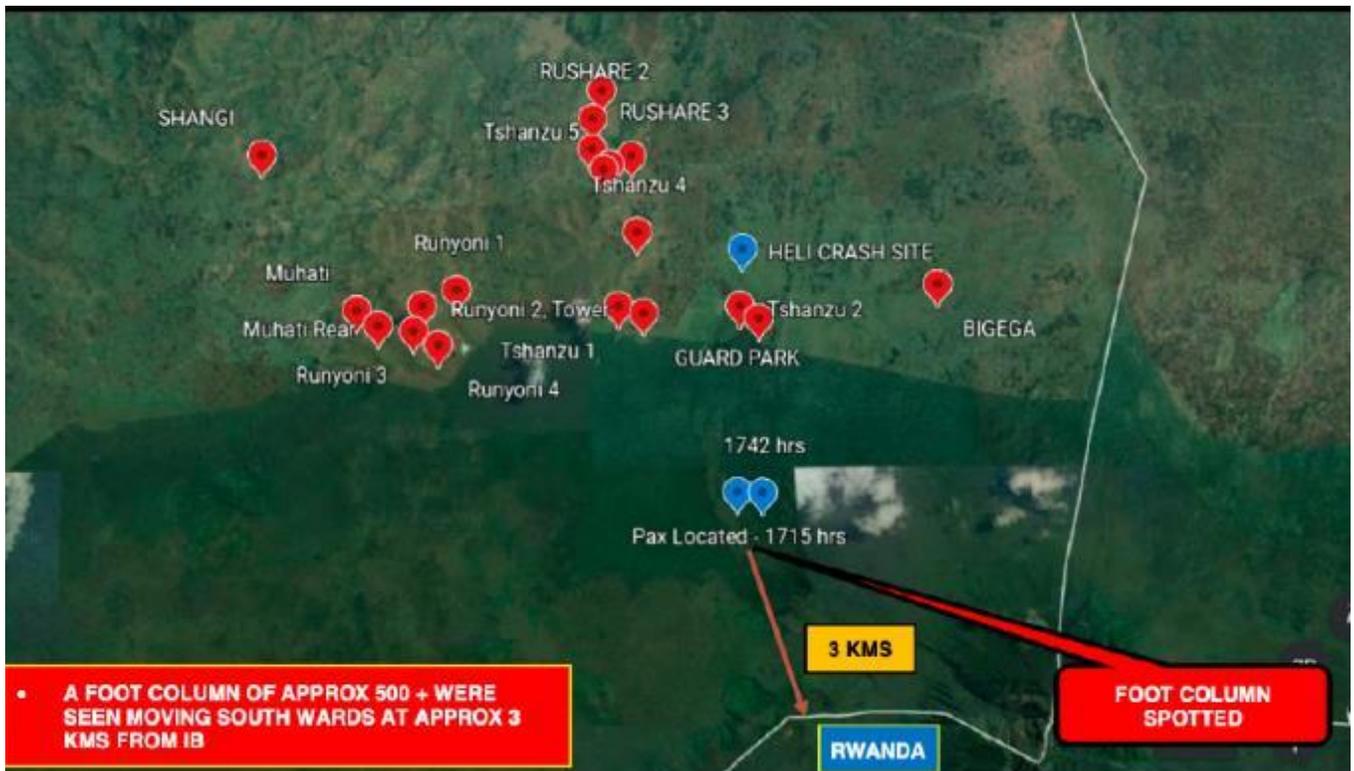


Pictures provided to the Group by MONUSCO

- On multiple occasions, aerial imagery showed large columns of up to 500 armed men in the vicinity of the DRC, Rwandan and Ugandan borders, moving in a very organized manner and wearing standardized military attire and equipment (uniforms and helmets similar those of the RDF, backpacks, and personal weapons).

- For example, on 28 May 2022, a drone spotted a column of approximately 500 men equipped with weapons and wearing standardised uniforms, backpacks and helmets moving from Runyoni towards the Rwandan border.

**Below: Drone footage of moving foot column south of Tchanzu and moving south, 28 May 2022, 01°21'48" S–29°33'13" E and 01°22'07" S–29°33'32" E:**

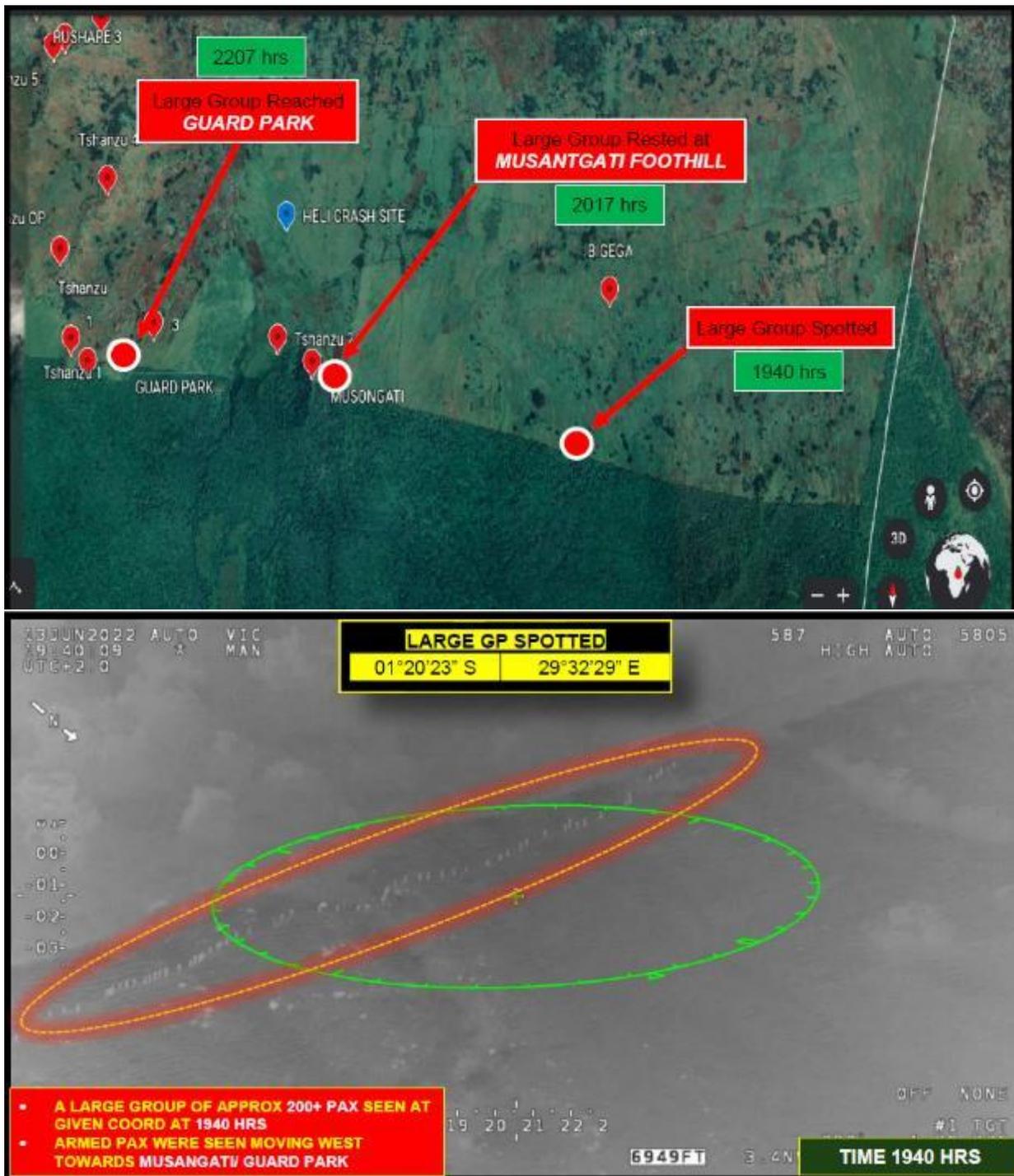


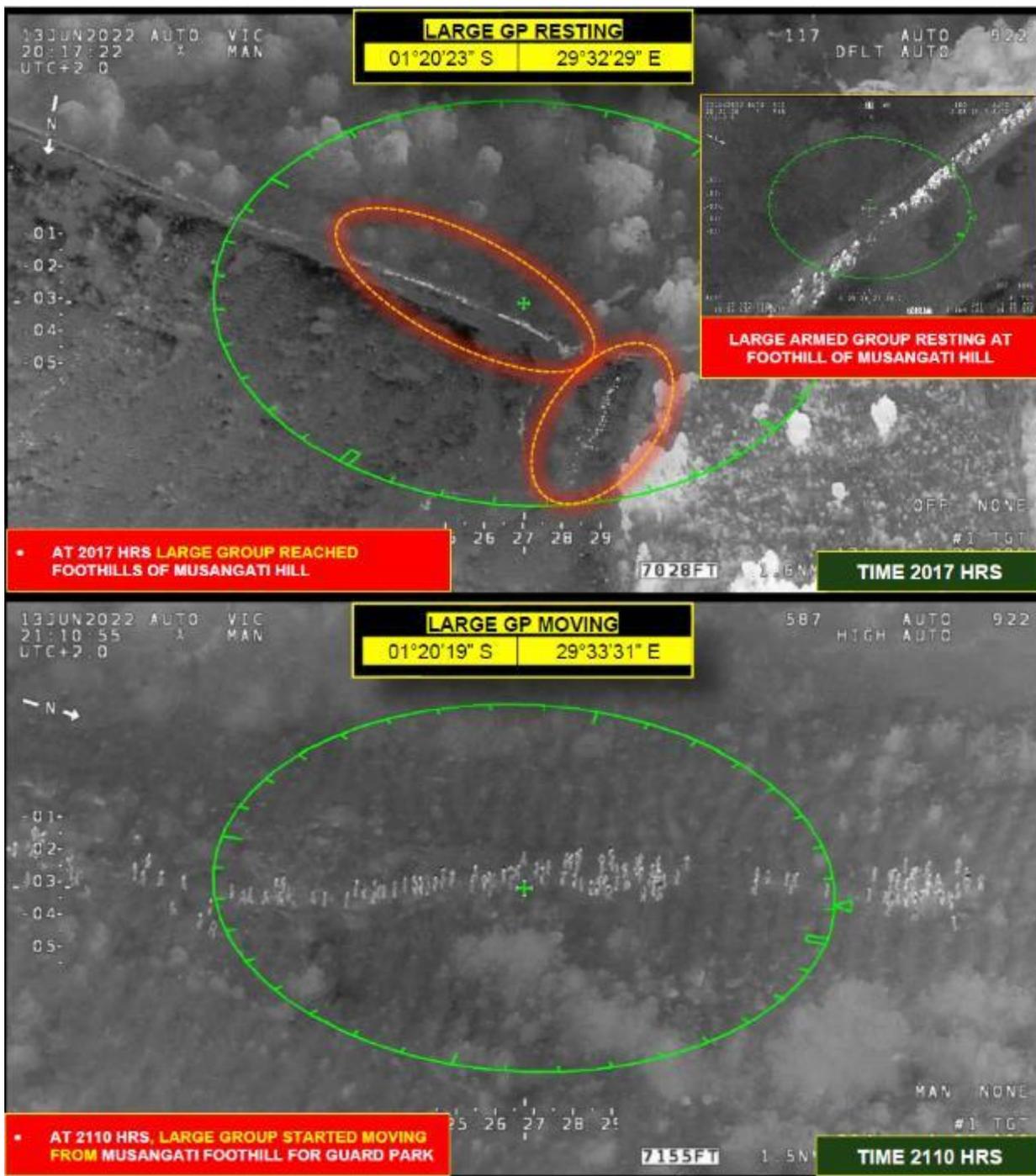


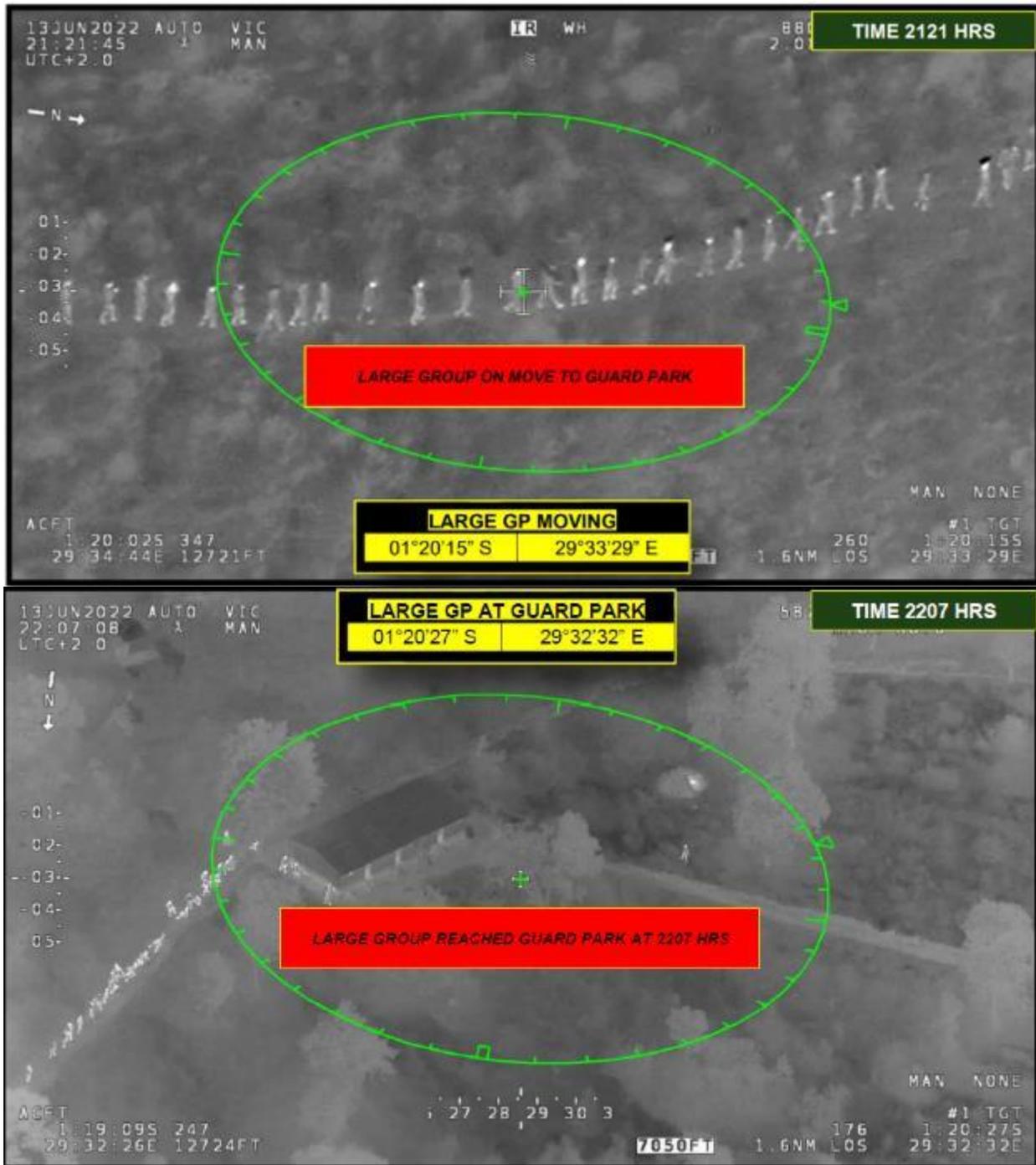
Footage provided to the Group by MONUSCO

- On 13 June 2022, the day after M23/ARC assault on Bunagana, a drone spotted approximately 200 men all equipped with similar uniforms, weapons and backpacks moving from Bunagana to Tchanzu.

Below: Drone footage of moving foot column between Musangati hill moving west towards Guard Park, 13 June 2022, 01°20'23" S – 29°32'29" E and others:







Footage provided to the Group by MONUSCO

- On 3 July 2022 in Runyoni, which was under M23/ARC control, a column of approximately 80 men equipped with standardized uniforms and weapons was also observed.

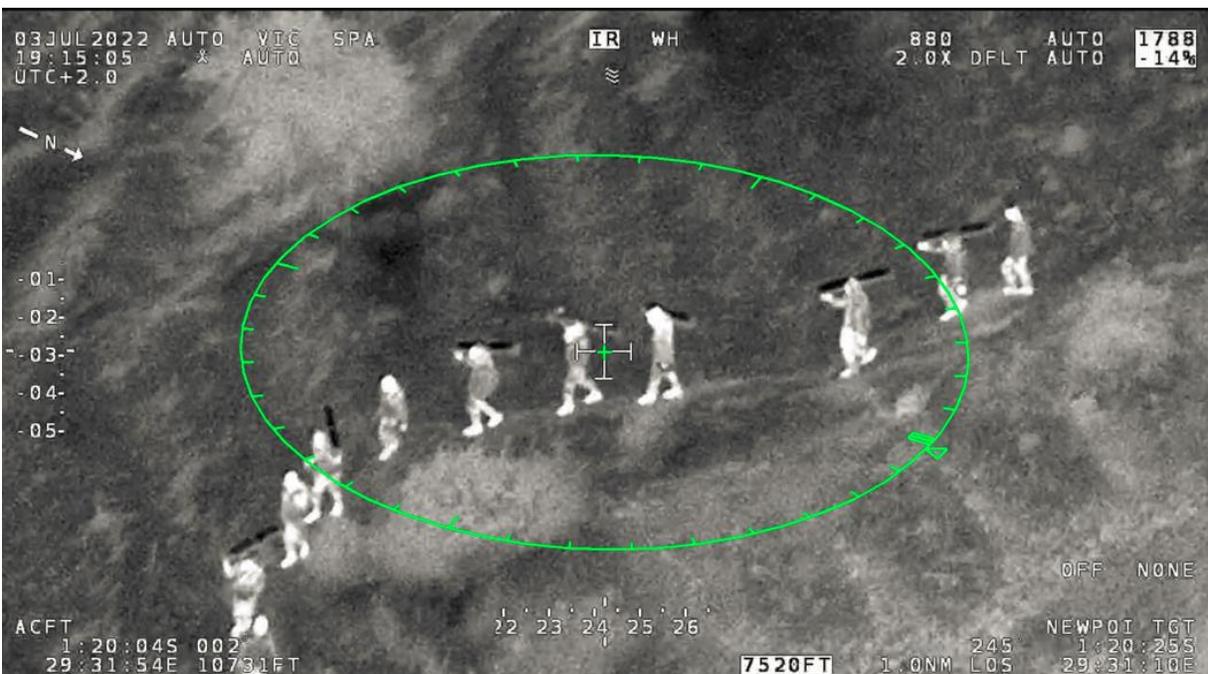
Below: Aerial footage of moving foot column in Runyoni on 3 July 2022, 01°20'33" S – 29°31'03" E:

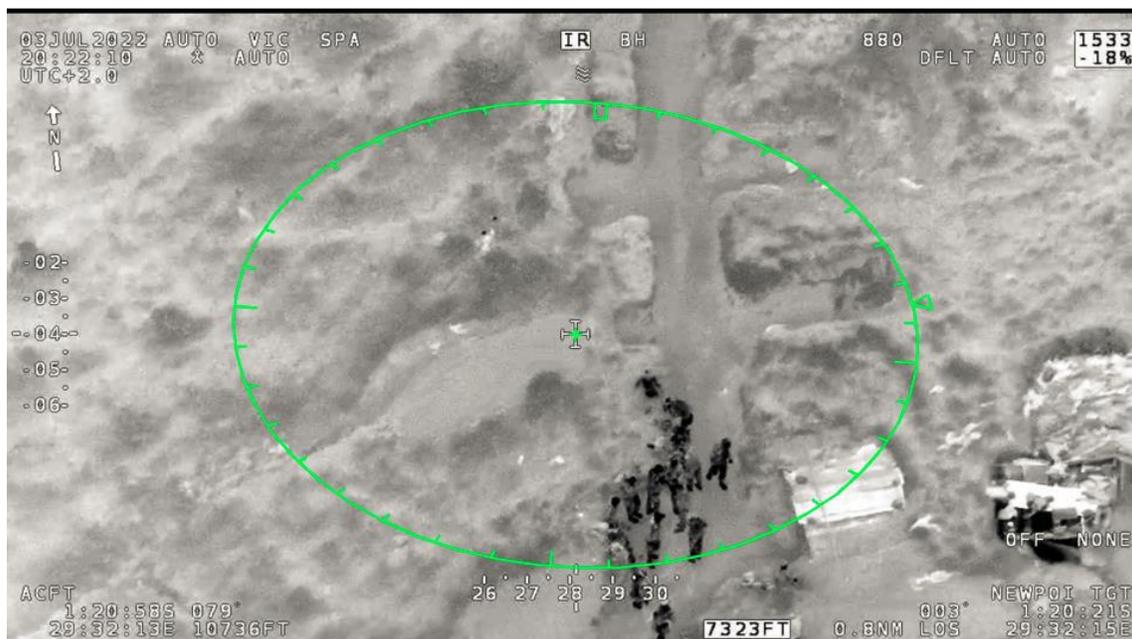
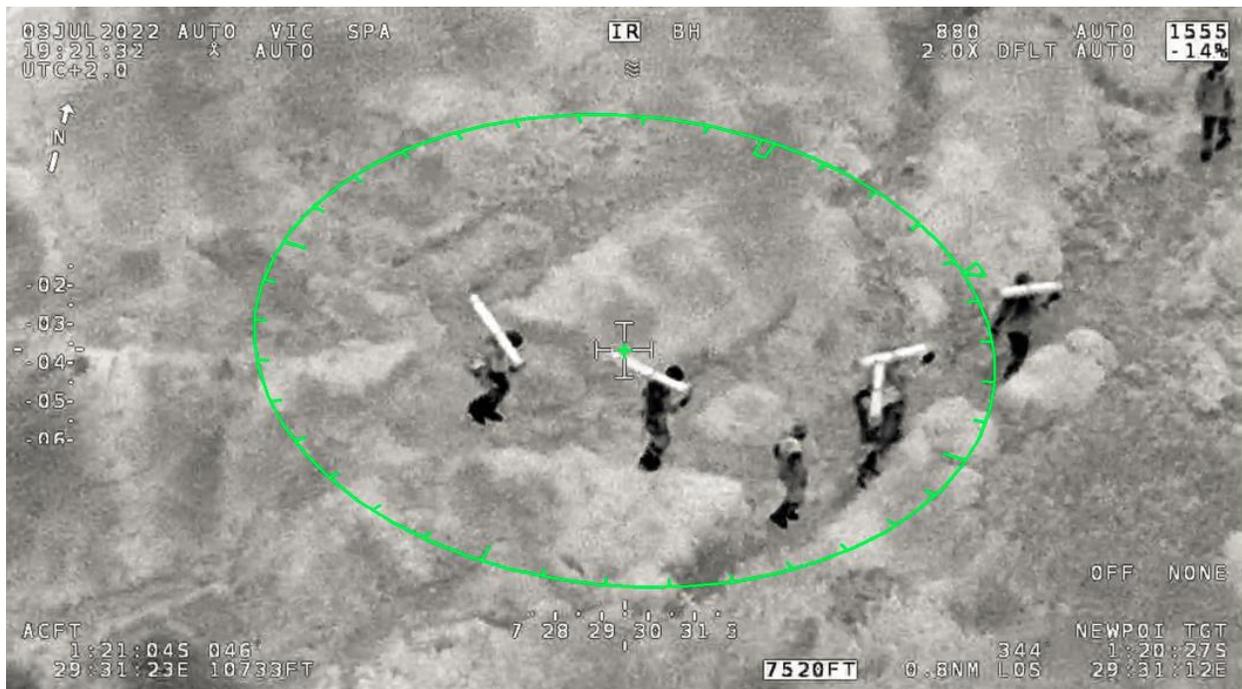


Footage provided to the Group by MONUSCO

- Imagery shot on 3 July 2022 shows at least 14 uniformed men carrying a significant number of tube-shaped objects - most likely 107 mm rockets – while moving between Runyoni and Tchanzu, where they placed the objects in a location which seems to be a small cave. Cross-border movements of artillery, weapons and ammunition enabled M23/ARC to sustain intense fighting on several fronts at the time and for several weeks.

Below: Armed elements carrying tube-shaped objects, most likely 107 mm rockets, between Runyoni and Tchanzu on 3 July 2022, 01°20'25" S – 29°31'10" E and 01°20'17" S – 29°31'12" E:





Footage provided to the Group by MONUSCO

- On this topic, see also annex 33.

## Annex 31

### Additional information on some RDF operations against FDLR

#### Informations supplémentaires sur certaines opérations des RDF contre les FDLR

In late May and early June 2022, RDF conducted targeted operations against FDLR/Forces Combattantes Abachunguzi (FOCA) and RUD-Urunana<sup>67</sup> near Kibumba, in the area between the Nyamulagira and Nyiragongo volcanoes, and against Collectif des mouvements pour le changement/Forces de Défense du Peuple (CMC/FDP) in the areas around Rugari and Rumangabo.<sup>68</sup>

On 2 June 2022, a group of an estimated 290 RDF soldiers abducted four civilians near Rugari and near Mikeno forest, forced the civilians to show them the path to the FDLR camp of “Colonel” Ruvugayimikore Protogène alias Ruhinda and to carry the RDF soldiers’ belongings.

A Rwandan civilian used as a scout by the RDF during the operation informed the abductees that this operation was the third on DRC territory aimed at killing Ruhinda.<sup>69</sup>

The RDF were ambushed at least twice by FDLR, killing one of the abductees and injuring at least one RDF soldier (see annex 29 which shows a wounded RDF soldier being carried in the second picture).<sup>70</sup>

This operation against FDLR lasted three days. On the third day, the RDF soldiers forced the abductees to show them the road to Kibumba. The abductees were freed in the Mikeno forest,<sup>71</sup> just before the RDF troops crossed the border to Rwanda.

M23/ARC and RDF clashed again with FDLR in and around Rugari in late October 2022.

This annex does not provide an exhaustive list of RDF operations targeting the FDLR.

Regarding other RDF operations against the FDLR, see also [S/2020/1283](#), paras. 36-41.

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<sup>67</sup> See [S/2020/482](#), para. 58 and [S/2017/672/Rev.1](#), para. 16.

<sup>68</sup> Eyewitnesses, local authorities, DRC armed and security forces sources, FDLR and CMC sources.

<sup>69</sup> At least two other operations against FDLR were documented on 27 and 28 May 2022.

<sup>70</sup> Sources: eyewitness, local authorities, FDLR sources and video footage.

<sup>71</sup> Between Kibumba and Gashiji.

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**Annex 32****Additional information on RDF troops attacking FARDC positions****Informations supplémentaires sur les troupes des RDF attaquant les positions des FARDC**

On 24 May 2022, RDF troops attacked the position of the FARDC 34081st regiment on Nyondo hill in Kibumba (see also annex 29 on RDF presence in Kibumba area). According to FARDC, intelligence sources, researchers and MONUSCO, this operation was conducted by RDF troops from the 3rd Division upon instructions from RDF Major-General Alexis Kagame.

One day later, on 25 May 2022, another attack hit the FARDC 3408th regiment position located on Kasinga hill in Kibumba. FARDC and MONUSCO sources reported the presence of 35 M23/ARC combatants used as proxies by the RDF 3rd Division during the attack against the FARDC camps.

FARDC sources, intelligence sources and local authorities reported that 20 FARDC soldiers and officers were killed during the attacks.

Additional information on other attacks against FARDC positions is provided in annex 16.

Annex 33

30 October 2022 Official Communiqué of the DRC Government, and drone footage

Communiqué officiel du 30 octobre 2022 du gouvernement de la RDC, et images de drone



## COMMUNIQUÉ OFFICIEL

Le Président de la République, Chef de l'Etat et Commandant Suprême des Forces Armées de la République Démocratique du Congo et de la Police Nationale Congolaise a présidé, ce samedi 29 octobre 2022 à la Cité de l'Union Africaine à Kinshasa, une réunion élargie du Conseil Supérieur de la Défense.

Il a été question de faire le point de l'évolution de la situation sécuritaire dans le Nord-Kivu marquée particulièrement par une série d'attaques et l'occupation de quelques localités congolaises, dans le territoire de Rutshuru, par le M23 appuyé par l'armée rwandaise.

A la lumière des différents rapports recueillis sur terrain dont celui du Centre Conjoint des Opérations équipés des drones de surveillance, il a été observé, ces derniers jours, une arrivée massive des éléments de l'armée rwandaise pour appuyer les terroristes du M23 en vue d'une offensive générale contre les positions des Forces Armées de la République Démocratique du Congo.

Le Conseil Supérieur de la Défense a rappelé que cette offensive du M23 appuyée par l'armée rwandaise vient de porter un énième coup aux processus de paix de Nairobi et de Luanda engagés depuis plusieurs mois. Cette aventure criminelle et terroriste a rencontré une farouche résistance de nos Forces Armées déterminées à défendre la patrie jusqu'au sacrifice suprême.

Ces affrontements ont provoqué un déplacement massif de plusieurs milliers de nos compatriotes rendant encore plus difficile une situation humanitaire déjà préoccupante.

Au regard des faits qui précèdent, le Conseil Supérieur de la Défense demande au Gouvernement :

1. D'expulser, dans les 48 heures après sa notification, Monsieur Vincent KAREGA, l'Ambassadeur plénipotentiaire du Rwanda en poste en République Démocratique du Congo.

Et ce, en raison, d'une part, de la persistance du Rwanda à agresser la RDC et à appuyer le mouvement terroriste du M23 qu'il instrumentalise à cette fin ; et d'autre part, du mépris teinté d'arrogance des autorités rwandaises vis-à-vis tant du processus de Nairobi et de Luanda que des recommandations de la Communauté internationale plus précisément des Nations Unies (ONU), de l'Union Africaine (UA), de la Communauté de l'Afrique de l'Est (CAE), de la Communauté de Développement de l'Afrique Australe (SADC) et des partenaires bilatéraux exigeant unanimement la cessation d'activités terroristes du M23 et de tout appui extérieur à lui, son retrait sans délai ni condition des localités congolaises occupées et le retour immédiat des populations déplacées.

2. D'envoyer, en toute urgence, une mission humanitaire pour porter une assistance à nos populations déplacées à la suite de ces attaques ;
3. De prendre des nouvelles mesures supplémentaires de restriction d'accès au territoire congolais à l'encontre du Rwanda ;
4. D'accroître la force de frappe de nos Forces Armées et de Sécurité ;
5. De réaffirmer la volonté de la République Démocratique du Congo de rester engagé dans les processus de paix de Nairobi et de Luanda en vue de restaurer durablement la paix, la sécurité et la stabilité dans la région des Grands-Lacs.

En ce moment particulier où l'unité nationale est menacée, le Conseil Supérieur de la défense a félicité les Forces de Défense et de Sécurité de la République Démocratique du Congo pour leur bravoure et leur détermination à défendre l'intégrité territoriale de notre pays, à protéger les populations ainsi que les Institutions de la République. Il les exhorte à poursuivre leur noble mission.

En vue de préserver l'unité nationale, le Conseil Supérieur de la Défense a rappelé la recommandation du Président de la République, Chef de l'Etat, celle de s'abstenir de tout type de discours, d'actes de violence ou de stigmatisation contre les communautés rwandophones pour ne pas prêter le flanc à l'ennemi. Il a encouragé les Services habilités à veiller à la stricte observance de cette recommandation.

Enfin, le Conseil Supérieur de la Défense remercie le peuple Congolais pour l'élan de solidarité et de patriotisme manifesté à l'endroit de nos Forces Armées et des populations touchées par cette agression. Il a annoncé que le Président de la République, Chef de l'Etat s'adressera à la Nation dans les prochains jours.

Fait à Kinshasa, le 29 octobre 2022.

**Patrick MUYAYA KATEMBWE**  
*Ministre de la Communication et Médias*  
*Porte-parole du Gouvernement*

Document provided to the Group by Government source

Imagery shot on 30 October 2022 near Rugari shows a total of at least 40 uniformed men carrying weapons while moving, manning checkpoints, or standing in a M23/ARC camp. According to several sources, these were RDF soldiers. The Group notes that the elements wear uniforms and equipment similar to the standard RDF gear. See also annexes 16 and 26.

As previously reported (see annex 26), the Group notes that given the similarities between M23/ARC and RDF equipment (uniform, helmet, bullet proof vests, backpack, weapons, etc.), this also means that it may become increasingly difficult to distinguish M23/ARC combatants from RDF soldiers. The Group wishes to recall that on 24 October, RDF corporal Emmanuel Nduwayezu surrendered to a local chief in Masisi.



Sample of footage provided to the Group by MONUSCO

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**Annex 34****Shelling in Musanze and Burera districts, Rwanda, 23 May 2022****Bombardements dans les districts de Musanze et Burera, Rwanda, 23 mai 2022**

The EJVM reported a total of eight 122 mm rockets fired onto Rwandan territory, seriously injuring two civilians and damaging infrastructure. The EJVM conducted onsite investigations but could not establish the origin of the artillery shelling.<sup>72</sup>

According to three independent sources, two of whom have close ties with armed groups active in Rutshuru territory, “Colonel” Ruvugayimikore Protogène, alias Ruhinda, of FDLR (see [S/2022/479](#), annex 40) ordered the shelling of Rwandan villages. When contacted by the Group, the FDLR spokesperson denied FDLR’s involvement.

The Group continued its investigations to identify the origin of the shelling, as well as those responsible for ordering and/or executing it. The Group notes that the FARDC has 122 mm capability, but that this type of artillery munition has not (yet) been documented by the Group with FDLR.

The Rwandan Government and the EJVM reported similar shelling by armed forces operating from the DRC on 19 March<sup>73</sup> and 10 June 2022.

**Below: Rwandan authorities denouncing the shelling on 23 May 2022 by the FARDC:**

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<sup>72</sup> Report of the EJVM on file with the Secretariat. The EJVM also conducted onsite investigations in the DRC to establish the origin of the shelling on DRC territory on 23 May 2022 which it could not determine, however. According to the EJVM, “both Rwanda and the DRC deny any responsibility for the shelling of their respective territories”.

<sup>73</sup> 19 March 2022 shelling in Kinigi, Musanze district.



**RDF REQUESTS INVESTIGATION OF THE FORCES ARMÉES DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO (FARDC) SHELLING ON RWANDAN TERRITORY**

**REF: RDF/MPR/A/10/01/22**

**Kigali, 23 May 2022**

The Rwanda Defence Force (RDF) has requested the Expanded Joint Verification Mechanism (EJVM) to investigate cross-border shelling on Rwandan territory by Forces Armées de la République Démocratique du Congo (FARDC).

On Monday, 23 May 2022, between 0959hrs and 1020hrs, FARDC rocket shelling hit Kinigi and Nyange Sectors in Musanze District which also borders Gahunga sector in Burera District injuring several civilians and damaging property.

Col. Ronald Rwivanga, military spokesperson said: “The situation in the area is normal and security assured. Those injured are receiving treatment and officials are assessing the extent of the damage. The RDF has requested for urgent investigation by the regional EJVM, and Rwandan authorities are also engaging DRC counterparts over the incident.”

**END**



Official communication and press article provided to the Group by a civil society source on 24 May 2022

Below: Excerpt of the EJVM report containing pictures of damage and injured civilians in Nyange:



**Lieu de l'incident**



**Domage sur la ligne électrique**



**Les habits de jeune fille blessée**



**La jeune fille blessée**

EVJM report provided to the Group by a source with knowledge of the matter, report on file with the Secretariat

## Annex 35

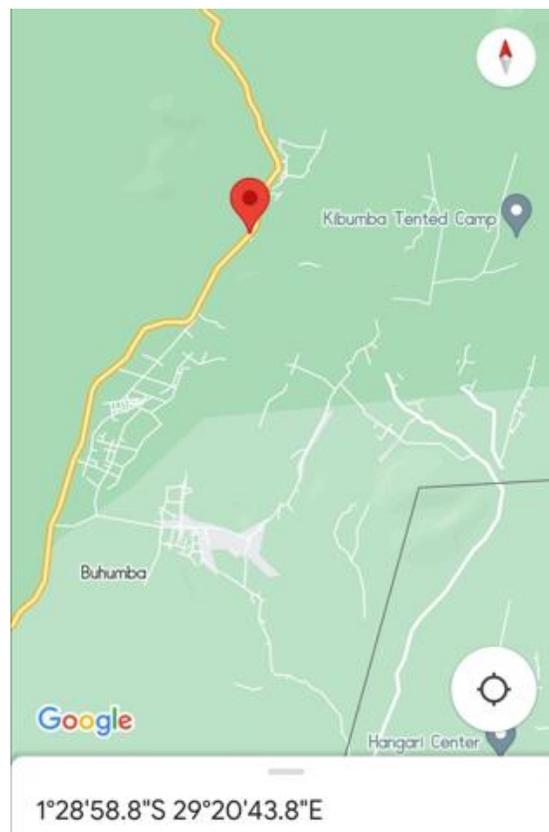
## Shelling attributed to M23/ARC

## Bombardements attribués au M23/ARC

## (1) Shelling in Kibumba area, Rutshuru territory on 23, 24 and 25 May 2022

During the night of 23 to 24 May 2022, and on 25 May 2022, at least 10 rockets were launched in the area along the RN2 road between Kibati and Kibumba, Rutshuru territory.<sup>74</sup> The Group documented the destruction and damage of several civilian houses and infrastructure along the road following this shelling (see photographs below).

Eyewitnesses reported that the rockets travelled from an eastern to a western direction and were launched from the Rwandan border. The Group did not find artillery fragments on the site, as they had previously been taken away by the civilian population and the FARDC. It could therefore not identify the calibre of the rockets nor confirm the exact origin of the shelling.



Location of one of two houses impacted by the shelling documented by the Group on 9 June 2022

<sup>74</sup> Sources: local authorities, FARDC sources, eyewitnesses, community leaders, civil society, intelligence sources and MONUSCO. The EJVM report on the shelling also refers to shelling in Kibumba. The Group notes that in the early morning of 24 May 2022, RDF troops attacked and dislodged the FARDC along that road (see para. 45).



Pictures of houses and infrastructure impacted by the shelling, taken by the Group on 9 June 2022

**(2) Shelling in Katale area, Rutshuru territory on 23 May 2022**

The Group documented the shelling with at least 15 rockets<sup>75</sup> around the village of Katale, Rutshuru territory, on 23 May 2022. One rocket hit a school in Kanyagogo, a few hours after the classes had finished. Two classrooms were destroyed. Within the debris of one of the classrooms the Group recovered remnants of a 107 mm rocket, a type of artillery known to be in possession of M23/ARC<sup>76</sup> (see S/2022/479, para. 68). Several other similar rockets landed close to houses inhabited by civilians and a forested area.

The fact that the area impacted by the shelling was less than two kilometres away from the FARDC camp in Rumangabo, which could be seen from the school in Katale, suggests that the artillery rounds may have targeted this FARDC position. In view of the launch azimuth of the rockets<sup>77</sup> and the range capacity of the 107 mm rockets, the artillery position from which the shelling originated was most likely in Kanombe/Bukima, where M23/ARC combatants were observed that day.<sup>78</sup>

**Below: School and classroom destroyed by the shelling on 23 May 2022:**



Picture taken by the Group in the school in Kanyagogo, Katale area, on 8 June 2022

<sup>75</sup> The EJVM reported a total 16 rockets on 23 May 2022.

<sup>76</sup> The RDF and the FARDC also have 107 mm rocket capability.

<sup>77</sup> As determined by explosion trace elements in the soil, their latitude/longitude lines, the position of the military target and the topography of the site.

<sup>78</sup> Sources: civil society sources, FARDC and security forces in the area.

**Below: Remnants of a 107 mm rocket discovered by the Group in the Kanyagogo school:**



Pictures taken by the Group in the school in Kanyagogo, Katale area on 8 June 2022

**Below: Shelling of an area inhabited by civilians in the Katale area:**



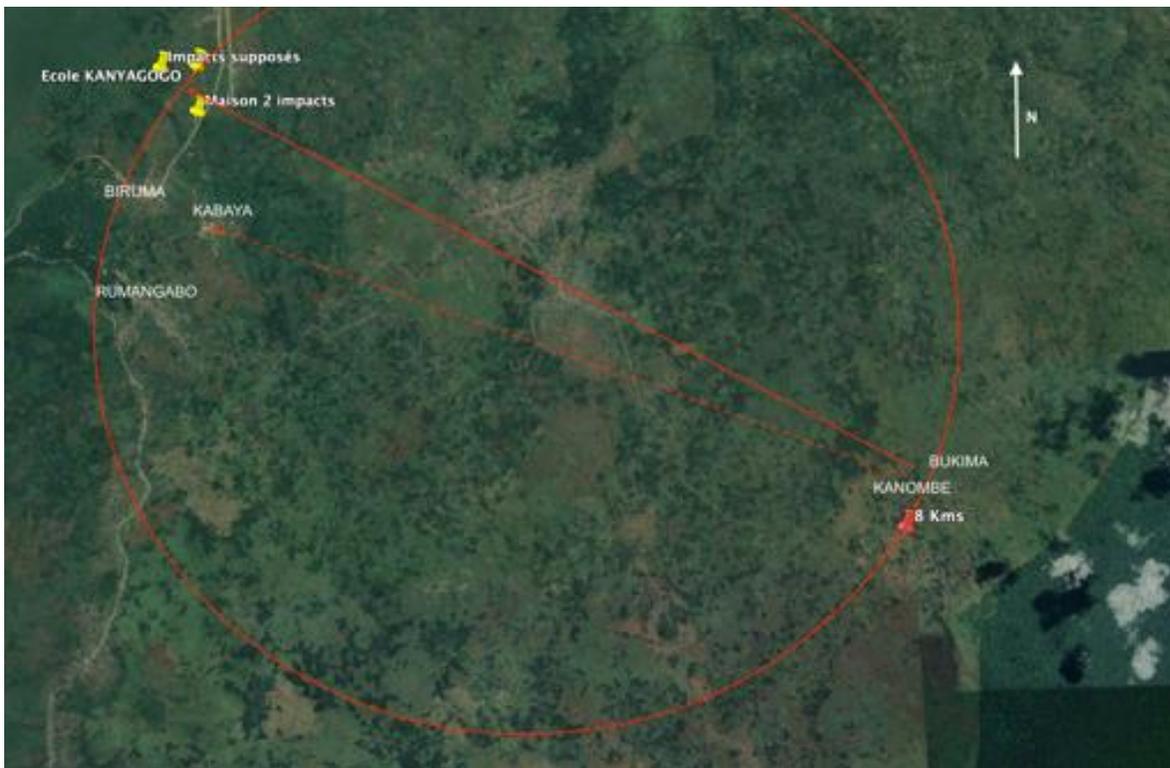
Picture of the impact of a rocket behind a house in the Katale area, taken by the Group on 8 June 2022

Below: View of the hill where FARDC retreated to during the attack of the Rumangabo military camp:



Picture taken by the Group from the school on 8 June 2022

Below: Annotated map illustrating the calculation of the artillery position of the shelling:



Map provided to the Group by MONUSCO on 15 June 2022

### (3) Shelling in Biruma, Rutshuru territory, on 10 June 2022

The Group documented the shelling in Biruma and Kabaya on 10 June 2022, not far from that of Katale on 23 May 2022. The Group interviewed eyewitnesses, victims, members of local civil society and FARDC sources, and analyzed photographic evidence.

Two boys, aged six and seven, playing on the soccer field of the school of Saint Gilbert Institute in Biruma were instantly killed by the shelling. Another young boy was injured, and civilian houses and a neighbouring banana plantation were damaged (see below).

Upon the Group's request, fragments of 122 mm rockets were collected and documented on site by civil society sources (see below). The Group has no photographic evidence of M23/ARC possessing 122 mm rockets, but it considers this as a possibility.

FARDC sources, security sources, local authorities and eyewitnesses reported that the rockets overshot the FARDC camp in Rumangabo and originated from the south-east. Given the 20 km range of 122 mm rockets and their trajectory, the 122 mm strikes could originate either from an M23/ARC position on DRC territory or from the territory of Rwanda. Further investigations are required to determine the exact location of the artillery position.

**Below: The two children killed by the 10 June 2022 shelling:**



Pictures received from civil society sources

**Below: Impact of the shelling that killed the children and injured a third child:**



Pictures received from civil society sources on 10 June 2022

**Below: Shelling damage to one of the civilian houses in Biruma:**



Picture provided to the Group by a civil society source on 16 June 2022

Below: Remnants of 107 mm rockets recovered at the shelling site:



Pictures provided to the Group by a civil society source

**(4) The shelling on 16 August 2022 of the construction site of a new hydroelectric power plant in Rwanguba, Rutshuru territory**

On 16 August 2022, the construction site of a new hydroelectric power plant in Rwanguba,<sup>79</sup> Rutshuru territory, located at the foot of Shwema hill then occupied by M23/ARC, was shelled.<sup>80</sup>

According to the Institute for the Conservation of Nature (ICCN) managing the site of the Rwanguba hydroelectric plant (also referred to as “the Matebe plant”), the artillery fire came from the positions of M23/ARC located on top of Shwema hill, less than five kilometres from the construction site.<sup>81</sup>

The attack resulted in significant material damage to the site’s technical equipment. Three shells landed in close vicinity of each other, thus indicating that the attack was targeted. The park authorities were able to evacuate staff in the early stages of the attack, preventing any staff casualties. Several sources reported that the attack also resulted in civilian casualties within residential populations around the plant.<sup>82</sup> However, the Group could not independently verify the impact on civilians as it could not access the area, due to the proximity of M23/ARC positions.

The remains of three artillery shells were found on the premises, subsequently removed by UNMAS.

The Group visited the site of the shelling at the Rwanguba plant on 11 October 2022.



Picture taken by the Group on 11 October 2022 showing Shwema hill in the foreground.

Although repairs have already been carried out to the damaged equipment, and the impact locations of the shells were no longer visible, the Group was able to document some visible traces of the explosions.

Eyewitnesses reported that the fire came from positions held by M23/ARC on top of the hill. ICCN stated that the reason for “the attack on crucial Congolese infrastructure” was unknown (see below the ICCN Press release 17 August 2022).

<sup>79</sup> The construction project is the largest energy production project in the eastern RDC.

<sup>80</sup> See photos of damage on site.

<sup>81</sup> The ICCN condemned the incident in a press release on 17 August – see ICCN Press release 17 August 2022 Rumangabo, Nord Kivu, <https://virunga.org/wp-content/uploads/2022/08/20220817-EN-Communique%CC%81-bombardement-Rwanguba-16-aou%CC%82t-2022-final.pdf>.

<sup>82</sup> Source: ICCN Press release 17 August 2022 Rumangabo, Nord Kivu; MONUSCO sources. See also <https://humanglemedia.com/rebels-attack-hydroelectric-plant-in-eastern-dr-congo-murder-civilians/>.

A FARDC position was located at less than 2 km from the hydroelectric power plant and eyewitnesses reported that an exchange of fire between the FARDC and the M23/ARC position at the top of Shwema hill preceded the shelling.<sup>83</sup>

Given the fact that a FARDC camp was located between Shwema hill and the hydroelectric power plant, and that the area impacted by the shelling was less than two kilometres away from this FARDC camp, the possibility that the artillery rounds may have targeted this FARDC position cannot be excluded. Nevertheless, a former M23/ARC fighter who was on Shwema hill at the time of the incident told the Group that the attack deliberately targeted the plant to prevent the ongoing evacuation of staff, as the M23/ARC suspected the presence of FARDC elements within the premises.<sup>84</sup>

M23/ARC denied attacking the hydroelectric power plant in a public statement published in response to the ICCN press release (see below), stating that “ICCN and all of its facilities are not military targets” for M23, and instead blaming it on the “FARDC-FDLR-NYATURA-APCLS-FPP/AP/KABINDO coalition” (see below “The M23 Response to the ICCN baseless accusations”).

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<sup>83</sup> ICCN sources.

<sup>84</sup> Former M23 source.

Below: ICCN Press release of 17 August 2022,<sup>85</sup> Rumangabo, Nord Kivu:



### **Press release**

17 août 2022  
Rumangabo, Nord Kivu, RDC

#### **Artillery attack on Virunga National Park's hydro-electric power worksite**

An unprecedented attack occurred yesterday on Virunga's staff and infrastructure programs at the hydro-electric power plant at Rwanguba, in the Rutshuru District of North Kivu. The construction project, financed by the European Union, is the largest energy production project in the eastern Democratic Republic of Congo. The attack involving artillery fire resulted in casualties within residential populations around the plant as well as significant material damage to the site's equipment. The park authorities were able to evacuate staff in the early stages of the attack avoiding any staff casualties. Eyewitnesses are reporting the fire came from positions held by the newly reformed M23 rebels though the reason for the attack on crucial Congolese infrastructure is unknown.

Virunga National Park is at the heart of the region affected by the recent M23 rebellion. Its Mountain Gorilla sector, in the south of the park straddles the border between Rwanda and the Democratic Republic of Congo and has been the object of intense fighting since October 2021. On 22nd November 2021, a park ranger, Etienne Kanyaruchinya, was killed during a violent attack on a patrol post in Bukima, highlighting a marked uptick in violence against the park staff.

Olivier Mushiete, the Director General of the Congolese Institute for Nature Conservation (ICCN, the national agency responsible for the management of Congo's national parks), said today: *"ICCN strongly condemns this latest attack. ICCN Rangers are law enforcement officers responsible for protecting conservation areas. Their mandate is to ensure the protection of Congolese natural heritage which, in the case of Virunga National Park, is also listed as a UNESCO World Heritage Site. Equally, non-armed park staff working on the park's development programs carry out their work with the sole objective of building a more peaceful and prosperous future for the poorest people of North Kivu. Today's attack will not undermine their determination to pursue their mission."*

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#### Notes to Editor:

For close to a decade, Virunga National Park has been working on producing renewable energy as part of a strategy to use the Park's resources in a sustainable manner, promoting green economic development and stimulating job creation. The park's power plants are set to produce close to 42MW, making it eastern Congo's largest source of renewable energy.

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Adresse physique à Goma :  
N°142, Avenue des ronds-points, Quartier les volcans, Goma, Nord-Kivu

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<sup>85</sup> <https://virunga.org/wp-content/uploads/2022/08/20220817-EN-Communique%CC%81-bombardement-Rwanguba-16-aou%CC%82t-2022-final.pdf>



Those power plants are being built thanks to the financial support of the EU, through their development programs aimed at targeting poverty in North-Kivu.

An 2019 independent analysis by the UK research institution, Cambridge Econometrics, estimated that this level of energy production has already generated over 30,000 jobs in this region suffering from extreme poverty. This figure is expected to reach beyond 100,000 by 2030.

Virunga National Park (Parc National des Virunga), in the eastern Democratic Republic of the Congo, is 7,800-square-kilometers (3,000 sq mi) stretching from the Virunga Mountains in the South, to the Rwenzori Mountains in the North, bordering Volcanoes National Park in Rwanda and Rwenzori Mountains National Park and Queen Elizabeth National Park in Uganda. The park was established in 1925 as Africa's first national park and has been a UNESCO designated World Heritage Site since 1979. In recent years poaching and the Congo Civil War have seriously damaged its wildlife population. The park's ecosystems are today being restored thanks to the work of ICCN rangers.

Virunga National Park is managed by the Congolese National Park Authorities, the Institut Congolais pour la Conservation de la Nature (ICCN) and its partner the Virunga Foundation. The Institut Congolais pour la Conservation de la Nature (ICCN) is the Congolese governmental institution tasked with the management of protected areas in the DRC. ICCN rangers are mandated with the protection of ecosystems and wildlife, which, at Virunga National Park, also include the endangered Mountain Gorilla.



Below: M23 statement denying the shelling, in response to the statement issued by ICCN issued on 17 August 2022, reposted on the Twitter account of Bertrand Bisimwa at <https://twitter.com/bbisimwa/status/1560139141819629569>.

← Tweet



**Bertrand Bisimwa**

@bbisimwa

...

L'ARC/M23 n'a jamais pris pour cible les installations de l'ICCN. Le M23 avait facilité la construction de la centrale hydroélectrique de Matebe au profit de nos populations. Il ne peut donc pas anéantir ses propres efforts. La coalition est seule responsable de cette attaque

[Translate Tweet](#)

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| <p>Notre Mouvement n'est pas auteur de cet acte ignoble qu'il déplore et condamne. Pour ce faire, il tient à préciser ce qui suit :</p> <p>01. L'ICCN et l'ensemble de ses installations ne constituent aucunement une cible militaire, ils ne peuvent donc pas faire l'objet d'une attaque quelconque en provenance de l'Armée Révolutionnaire Congolaise, sigle ARC/M23 ;</p> <p>02. Le M23 qui a facilité en 2012 et 2013 la construction de la centrale hydroélectrique de MATEBE pour pallier à l'incapacité du Gouvernement de Kinshasa à offrir l'électricité de bonne qualité de façon permanente à nos populations ne peut élever un seul instant s'en prendre à ce projet de grande valeur qui a vu le jour. Ce serait une attaque contre les fruits de nos propres efforts qui profitent à nos familles ;</p> <p>03. L'ICCN qui, dans le passé comme aujourd'hui, entretient des relations irréprochables avec le M23 en matière de protection des gorilles de montagne, car le nombre d'individus augmente dans les espaces sous notre contrôle, les aires protégées, la faune et la flore protégées grâce à la discipline de notre Armée, ne mettrait pas en cause notre organisation ;</p> <p>04. Lorsque, par contre, l'ICCN se réfère aux propos de ce qu'il appelle vaguement « les communautés locales » pour attribuer ces attaques au M23 ceci suscite notre curiosité. Des communautés locales qui, au lieu de se mettre à l'abri des bombes à l'instar des agents</p> <p>Foremost, we would like to clarify the following :</p> <p>01. ICCN and all of its facilities are not military targets, therefore are not subject of any attacks from the Congolese Revolutionary Army, (CRA/M23);</p> <p>02. In 2012/2013, The M23, facilitated the construction of MATEBE hydroelectric plant to cater for the inadequate supply of electricity to our population, as the Kinshasa's Government had failed to provide the populations with permanent good quality electricity. we cannot dream for a second to take on this valuable project. To do so, it shall be considered attacking the fruit of our labour that extremely benefit our families;</p> <p>03. ICCN maintains a closer and irreproachable relationship with the M23, in which the latter stands with it shoulder to shoulder on the protection of the mountain gorillas fauna and flora. There is a significant increase in numbers of the gorillas in the areas under our control, thanks to the discipline of our Army, which should not be put in jeopardy.</p> <p>04. When, ICCN refers to what it calls vaguely "local communities" for it to attribute these attacks on the M23, this attracted our attention.. Local communities whom instead of sheltering themselves from the bombs like the better equipped and more informed ICCN agents, decided to "take the risk of exposing their lives just to identify the provenance of the said shells that fell on ICCN's facilities, really unbelievable. It is just a made up</p> | <p>L'ARMÉE RÉVOLUTIONNAIRE CONGOLAISE (ARC/M23) n'a jamais pris pour cible les installations de l'ICCN. Le M23 avait facilité la construction de la centrale hydroélectrique de Matebe au profit de nos populations. Il ne peut donc pas anéantir ses propres efforts. La coalition est seule responsable de cette attaque</p> <p>07. Les propos du ministre du Tourisme du Gouvernement de Kinshasa exprimant, au cours du Briefing de presse tenu à Kinshasa le mercredi 20 juillet 2022, la volonté de militariser la gestion du Parc National des Virunga ne sont pas anodins. Une telle attaque servirait de couverture parfaite à une décision qui retirerait aux expatriés la gestion de l'ICCN qui bénéficie d'un important financement extérieur, de l'Union Européenne notamment, tant prisé par les prédateurs de Kinshasa.</p> <p>Notre Mouvement offre sa collaboration à l'ICCN pour faire toute la lumière sur cet incident qui, sans doute, mettrait en cause de la responsabilité des forces de la coalition en face.</p> <p>Fait à Sarambwe, le 17 Août 2022</p> <p>Le Porte-Parole Politique du Mouvement du 23 Mars</p>  <p>behave in the villages where most of our soldiers come from and inhabited by their families?</p> <p>07. The statement of the Minister of Tourism of Kinshasa's Government expressed, during the Press Briefing held in Kinshasa on Wednesday July 20th, 2022, the desire to militarise the management of the Virunga National Park are not insignificant. Such an attack would serve as the perfect cover for a decision that would shift the management of ICCN from expatriates, which benefits from significant external funding, notably from the European Union, so wanted by the predators of Kinshasa.</p> <p>Our Movement offers its full collaboration to the ICCN in away to shed the light on this incident which, without a shadow of doubt, would call into question the responsibility of the said coalition forces.</p> <p>Sarambwe, August 17<sup>th</sup>, 2022</p> <p>The M23 Movement political Spokesperson</p>  |
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7:38 am · 18 Aug 2022 · Twitter for iPhone

21 Retweets 1 Quote Tweet 48 Likes

Screenshot taken by the Group of Betrand Bisimwa's Twitter account (@bbismwa)



## The M23 Response to the ICCN baseless accusations

Our Movement, the M23 has read with considerable interest a communique of the Congolese Institute for the Conservation of Nature, (ICCN), denouncing the bombs that may have hit its new RWANGUBA hydroelectric plant on the morning of Tuesday August 16th, 2022. ICCN claims that according to local communities, the shelling came from the M23 positions which are located 5 km away from the said site.

Our Movement is not the author of this dreadful act, hence, denounced and condemns it. Foremost, we would like to clarify the following :

01. ICCN and all of its facilities are not military targets, therefore are not subject of any attacks from the Congolese Revolutionary Army, ( CRA/M23);
02. In 2012/2013, The M23, facilitated the construction of MATEBE hydroelectric plant to cater for the inadequate supply of electricity to our population, as the Kinshasa's Government had failed to provide the populations with permanent good quality electricity. we, cannot dream for a second to take on this valuable project. To do so, it shall be considered attacking the fruit of our labour that extremely benefit our families;
03. ICCN maintains a closer and irreproachable relationship with the M23, in which the latter stands with it shoulder to shoulder on the protection of the mountain gorillas fauna and flora. There is a significant increase in numbers of the gorillas in the areas under our control, thanks to the discipline of our Army, which should not be put in jeopardy.
04. When, ICCN refers to what it calls vaguely "local communities" for it to attribute these attacks on the M23, this attracted our attention.. Local communities whom instead of sheltering themselves from the bombs like the better equipped and more informed ICCN agents, decided to take the risk of exposing their lives just to identify the provenance of the said shells that fell on ICCN 's facilities, really unbelievable. it is just a made up statement to clear the coalition FARDC-FDLR-NYATURA-APCLS-FPP/AP/KABIDO of their horrendous act.
05. We, hereby, draw the public's attention to the dreadful strategy of the coalition FARDC-FDLR-NYATURA-APCLS-FPP/AP/KABIDO, that has been denounced by the M23 for quite

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sometime now, one shall find it in our communique of July 2<sup>nd</sup>, 2022. Indeed, it has fallen into its own trap of war waged against us. The coalition is in search of a military victory by all means regardless of circumstances, including human sacrifice.. It positions its artillery near by civilian homes, hospital, schools and churches yards, etc. exposing civilian lives and using them as a human shield to its artillery. In this foolishness war, this type of army will stop to nothing to use civilian populations as target when it considers that this can be favorable to it, hence, it will overshadow its offensive failure.

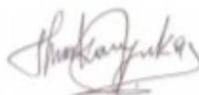
06. How would a such Coalition made up of criminal forces based on a genocidal ideology will behave in the villages where most of our soldiers come from and inhabited by their families?

07. The statement of the Minister of Tourism of Kinshasa's Government expressed, during the Press Briefing held in Kinshasa on Wednesday July 20th, 2022, the desire to militarise the management of the Virunga National Park are not insignificant. Such an attack would serve as the perfect cover for a decision that would shift the management of ICCN from expatriates, which benefits from significant external funding, notably from the European Union, so wanted by the predators of Kinshasa.

Our Movement offers its full collaboration to the ICCN in away to shed the light on this incident which, without a shadow of doubt, would call into question the responsibility of the said coalition forces.

Sarambwe, August 17<sup>th</sup>, 2022

The M23 Movement political Spokesperson



**Lawrence KANYUKA**

M23/ARC statement posted on Bertrand Bisimwa's Twitter account

### (5) Shelling of Ntamugenga on 23 October 2022

Ntamugenga, one of the localities on the frontline of the October 2022 fighting between M23/ARC and FARDC, was hit by several rounds of shelling on 23 October 2022, during clashes between FARDC and M23/ARC in the area. The shelling killed at least five civilians, including children. At least 37 civilians were injured, and civilian homes were destroyed.<sup>86</sup> According to an eyewitness, “bombs” landed on IDP sites in Ntamugenga.<sup>87</sup>

Several sources, including an eyewitness, reported heavy fighting between M23/ARC and FARDC, including the use of heavy artillery. M23/ARC took over control of Ntamugenga later that day. Although several sources attribute the shelling to M23/ARC, the Group could not yet establish the origin of the shelling based on its methodology and evidentiary standards.

The Group received video footage of injured civilians at Ntamugenga hospital. The video shows seven injured civilians, including two children. The victims had multiple visible injuries, consistent with those caused by shell explosions.

**Below: Screenshots from the video of civilians injured by the shelling in Ntamugenga:**



Video provided to the Group by a local source

<sup>86</sup> Civil society sources, eyewitness, video of injured civilians, list of names of injured victims from Ntamugenga, MONUSCO

<sup>87</sup> Eyewitness, MONUSCO

## Annex 36

### **Killings, including summary executions, of civilians in Ruvumu and Ruseke localities**

### **Meurtres, y compris des exécutions sommaires, de civils dans les localités de Ruvumu et Ruseke**

#### **(1) Killings in Ruvumu on 21 June 2022**

On 21 June 2022, M23/ARC combatants killed at least 13 civilians,<sup>88</sup> including three children,<sup>89</sup> two women and several elderly, in Ruvumu, Rutshuru territory.<sup>90</sup> The killings were carried out in the aftermath of an M23/ARC attack, which had initially targeted FARDC positions in Ruvumu and Bikenge, and after heavy fighting which had caused FARDC troops to flee. According to the eyewitnesses interviewed by the Group, M23/ARC combatants shot the victims at close range, sometimes after having tied them up, and while they tried to escape, as was the case for the eight-year-old girl. M23/ARC combatants stabbed the teenage boy (minor).

Eyewitnesses described that the assailants were wearing military attire – which some described as looking new – different from FARDC uniforms, helmets and bulletproof vests, as all carrying weapons, and as speaking Kinyarwanda.

M23/ARC denied having committed the killings and instead blamed the FDLR and Nyatura armed groups (see below screenshot of the M23 communiqué). The Group received information that M23/ARC combatants committed the killings in retaliation for perceived support by inhabitants of Ruvumu to the FARDC, but it could not confirm that information.

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<sup>88</sup> The Group gathered evidence of more killings, but it could not confirm them based on its methodology.

<sup>89</sup> One eight-year-old girl, one eleven-year-old boy and one teenage boy (minor).

<sup>90</sup> Sources: eyewitnesses, victims, civil society actors, MONUSCO sources, and communiqués of M23/ARC and of the civil society.

Below: Denunciation by the civil society of Rutshuru territory of the killings in Ruvumu, dated 22 June 2022:



TERRITOIRE DE RUTSHURU  
SOCIETE CIVILE/FORCES VIVES  
COORDINATION TERRITORIALE DE RUTSHURU  
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E-mail : socivrutshuru@gmail.com



## DECLARATION N° 022./SCFV/COORD.TERR/2022

### “THE M23 AND ITS ALLIES DOING CARNAGE IN RUVUMU”

This Tuesday, June 21, 2022, the M23 and its allies carried out an attack in the Villages of Ruvumu and Kashari. In this attack, the M23 and its RDF allies have just wreaked havoc by killing civilians with bullets, machetes and daggers. At this time, the survivors report that more than twenty innocent victims have been killed and others are taken hostage waiting to be massacred.

Among the victims, we have:

1. KaribushiMvunabandi
2. MukundaRwamakuba
3. SikubwaboMunyamahane
4. MusangaNtagene
5. EliyaNdongereye
6. Rwangano MISHUMO d'au moins 71 ans
7. Mukunda KASUKU d'au moins 68 ans
8. JusireKafurura d'au moins 12 ans
9. Constantine TUYISHIME
10. GakaraBagaya
11. Habi BUTUSI

This massacre, which we consider to be a mass crime, a crime against humanity... is added to the one committed by these same terrorists by dropping bombs on a school "the saint gilbert institute of Biruma" which had caused the death of two children and one seriously injured on June 10, 2022 around 4:30 p.m.

This massacre reminds us of the one perpetrated by the Rwandan army in 1996 in various towns and villages of Rutshuru Territory during the aggression of Zaire by Rwanda hiding behind the AFDL. The Mapping report speaks volumes about this.

Being very dismayed by this excessive criminality, the Civil Society Forces Vives continues to alert on a probable genocide in execution in the territory of Rutshuru and challenges the Authority both at the Nation and international level to raise awareness, each in its responsibilities to protect populations. Thus, Civil Society asks:

#### I. To the Congolese Government

- To assume its responsibilities to protect its population against these aggressors who swear only on the extermination of the Congolese population in General, that of Rutshuru in

particular and to demand that the FARDC leave the defensive to carry out offensives against the terrorists of the M23 and its allies.

- To allow us to bury with dignity the victims of this massacre

## **2. To the United Nations, EU, African Union, EAC, SADEC**

- To urgently carry out an investigation into the crimes perpetrated by the M23 and its ally Rwanda,

- Not to be limited to simple convictions but to take sanctions against the Rwandan leaders and M23 to discourage the plan of extermination of the Congolese population in progress,

## **1. To the people**

- To remain united and patriotic by denouncing the enemy,

- Not to give in to the intimidation of these Terrorists and to remain confident in his army,

- Continue to promote peaceful cohabitation and not to give in to xenophobic remarks conveyed in social networks,

Done at RUTSHURU on 22 JUN 2022





TERRITOIRE DE RUTSHURU  
SOCIÉTÉ CIVILE/FORCES VIVES  
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DECLARATION N° 022/SCFV/COORD.TERR/2022

« LE M23 ET SES ALLIÉS FONT UN CARNAGE A RUVUMU »

Ce mardi 21 juin 2022, le M23 et ses alliés ont menés une attaque dans les Villages de Ruvumu et Kashari. Dans cette attaque, le M23 et ses alliés de RDF viennent de faire un carnage en tuant par balles, machettes et poignards des populations civiles. A cet instant, les rescapés rapportent que plus d'une vingtaine des victimes innocentes ont été tuées et d'autres seraient pris en otage en attendant d'être massacrés.

Parmi les victimes, nous citons entre autre :

1. Karibushi Mvunabandi
2. Mukunda Rwamakuba
3. Sikubwabo Munyamahane
4. Musanga Ntagene
5. Eliya Ndongereye
6. Rwangano MISHUMO d'au moins 71 ans
7. Mukunda KASUKU d'au moins 68 ans
8. Jusire Kafurura d'au moins 12 ans
9. Constantine TUYISHIME
10. Gakara Bagaya
11. Habi BUTUSI

Ce massacre, que nous considérons comme un crime de masse, crime contre l'humanité... vient s'ajouter celui commis par ces mêmes Terroristes en larguant des bombes sur une école « l'institut saint gilbert de Biruma » qui avait causé la mort de deux enfants et un blessé grave le 10 juin 2022 vers 16h30.

Ce massacre nous rappelle celui perpétré par l'armée Rwandaise en 1996 dans différentes agglomérations et villages de Territoire de Rutshuru lors de l'agression du Zaïre par le Rwanda se cachant derrière l'AFDL. Le rapport Mapping est éloquent quant à ce.

Etant très consternée par cette criminalité à outrance, la Société Civile Forces Vives ne cesse d'alerter sur un probable génocide en exécution en territoire de Rutshuru et interpelle les Autorités tant au niveau Nation qu'international à la prise de conscience, chacune dans ses responsabilités pour protéger les populations. Ainsi, la Société civile demande :

**1. Au Gouvernement Congolais**

- D'assumer ses responsabilités de protéger sa population contre ces agresseurs qui ne jure que sur l'extermination de la population congolaise en Générale, celle de

Rutshuru en particulier et exiger aux FARDC de quitter de la défensive pour mener des offensives contre les terroristes du M23 et ses alliés.

- De nous permettre d'enterrer dignement les victimes de ce massacre
- 2. Aux Nations Unies, L'UE, L'Union Africaine, EAC, SADEC**
- De diligenter en urgence une enquête sur les crimes perpétrés par les M23 et son allié le Rwanda,
  - De ne pas se limiter sur les simples condamnations mais de prendre des sanctions contre les Dirigeants Rwandais et M23 pour décourager le plan d'extermination de la population congolaise en cours d'exécution,

**1. A la population**

- De rester soudée et patriote en dénonçant l'ennemi,
- De ne pas céder aux intimidations de ces Terroristes et de rester confiante à son armée,
- Continuer à promouvoir la cohabitation pacifique et à ne pas céder aux propos xénophobes véhiculés dans les réseaux sociaux,

 Fait à RUTSHURU le 22 JUN 2022

Names of signatories redacted by the Group for protection purposes

Provided to the Group by civil society actors

**Below: M23 communiqué denying involvement in the killings of civilians in Ruvumu, blaming instead FDLR and Nyatura armed groups, dated 24 June 2022:**



The Clarification of The M23 Movement in regard to the even of June 21<sup>st</sup>, 2022 in RUVUMU

The M23 Movement Directorate, hereby, presents its sincere condolences to the families which have lost their loved ones. May the souls of the deceased rest in peace.

Following the allegations of murder against the Congolese Revolutionary Army/M23 by certain associations and activists in the quest of visibility and political positioning. The M23 Movement Directorate, informs the public that, according to the investigations carried out on the ground in the village of RUVUMU1 and the testimonies gathered from the population, it shows clearly and unequivocally that those events of June 21<sup>st</sup>, 2022, were, indeed, a punitive attack waged by FDLR and NYATURA combatants against the population of the village of RUVUMU 1.

Indeed, for several weeks prior to their attack against the M23 in this locality, the FARDC and their allies FDLR and NYATURA sought the collaboration of the Chief of NKOKWE locality, to rally his population to support their action in terms of information gathering and food. However, the Chief of the locality of NKOKWE Mr Deo BITEGEKA, a Senior Citizen very advanced in age, will instruct his son Mr Emmanuel BITEGEKA who is covering for him, to refuse those said requests.

On June 21<sup>st</sup>, 2022 at around 2 A.M. when they learned about the failure of the attack launched by their colleagues in the village of KASHALI and that they were retreating to RUVUMU 1, the FDLR combatants positioned in this village waged a punitive attack against the population of the said village, blaming them for the failure of their attack. They have committed therein, many acts of murder and looting.

What the M23 soldiers found in RUVUMU 1, when it chased the FARDC-FDLR coalition, were cries and tears in a general panic. The few residents who failed to leave, were horrified by what just happened into their village.

When certain inhabitants of the said village, including Mr. Anatole NSAHONKUYE, a farmer by trade, in the locality of NKOKWE, village RUVUMU 1 and Capita of RUVUMU 1 village, were approached by our soldiers, they stated that the FDLR and NYATURA, left behind them three dead bodies of RWANGO, GAKARA and the son of MUNYAMASHARA. According to Mr. Anatole, no woman nor child had been abducted.

From the foregoing, it is Crystal clear that the ARC/M23 soldiers have, once again, demonstrated an exemplary and responsible behaviour on the ground, in accordance to their strict discipline that they have strictly observed since the beginning of the enemy's attacks and which hurts certain associations and political activists who would like to see our soldiers in the wrong so that they can give a meaning to their labelling of a terrorist movement. They will still be disillusioned because the ARC/M23 Soldiers are Freedom Fighters whose mission is to protect the population, without distinction, against all forms of abuse and discrimination.

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On the contrary, our Movement, the M23, notes that, by them remaining silence on the abuses perpetrated by the FDLR and NYATURA, these so-called civil society associations and other political actors support the genocidal ideology embedded in society by this murderous coalition. As shown below:

- There is not a record of them denounce the murders by beheading of Pastor BINUME BIVAKO, of the ANR agent ELONGA and of a 3rd whose identity is not yet known. Those horrific murders were carried out in BIRUMA by the coalition of FARDC-FDLR just a day after the M23 captured RUMANGABO military camp last May;
- They also kept quiet on the recurring clashes between Mai-Mai and NYATURA in KIHALI /MABUNGO on June 02<sup>nd</sup>, 2022;
- Even more recently, yet again they remained tight-lipped on many cases of settling issues between FARDC allied armed groups in the middle of the city of KIWANJA/MABUNGO, which led to the death of Mr. Thaddée SAFARI and his escort;
- They were among those whom organised, street demonstrations in which they chanted hate speeches, xenophobia, violence and murder.

Our Movement, the M23, condemns the hypocritical attitude of the country's socio-political actors who refuse purposely to denounce this dreadful and unnatural coalition of FARDC, FDLR and local armed groups with a genocidal identity opposed to the M23 Movement.

The M23 Movement, reassures all the inhabitants within the areas under its control that it will spare no effort to continue to guarantee security for them and the protection of their goods.

Sarambwe, June 24th, 2022

ARC/M23 Spokesperson



Major Willy NGOMA






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Mise au point du M23 sur les événements du 21 juin 2022 à RUVUMU 1

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La Direction du M23 présente ses sincères condoléances aux familles qui ont perdu les êtres chers. Que les âmes des illustres disparus reposent en paix.

Consécutivement aux allégations de meurtre portées malencontreusement par certaines associations ou activistes en quête de visibilité et de positionnement politique contre l'Armée Révolutionnaire Congolaise/M23, la Direction du Mouvement informe l'opinion qu'aux termes des enquêtes menées sur le terrain dans le village de RUVUMU1 et des témoignages recueillis auprès de la population de cette contrée, il se dégage clairement et sans équivoque que les événements du 21 juin 2022 sont bel et bien une expédition punitive conduite par les combattants FDLR et NYATURA contre la population du village de RUVUMU 1.

En effet, depuis plusieurs semaines avant leur offensive contre le M23 dans cette localité, les FARDC et leurs alliés FDLR et NYATURA sollicitaient la collaboration du Chef de localité de NKOKWE pour mobiliser sa population à soutenir leur action en termes des renseignements et de vivres. Cependant, le Chef de la localité de NKOKWE Mr Deo BITEGEKA, très avancé en âge, instruisa son fils Mr Emmanuel BITEGEKA qui assume son intérim de réserver une fin de non-recevoir à toutes ces sollicitations

Ainsi, vers 2h du matin du 21 juin 2022, après avoir appris l'échec de l'offensive menée par leurs collègues dans le village de KASHALI et que ceux-ci battaient en retraite pour se replier sur RUVUMU 1, les combattants FDLR positionnés dans ce village ont mené une expédition punitive contre la population de ce village rejetant à sa charge toute la responsabilité de l'échec de leur offensive. Ils y ont commis des exactions de meurtres et de pillages.

Poursuivant la coalition FARDC-FDLR dans sa fuite, les soldats du M23 n'ont trouvé à RUVUMU 1 que cris et pleurs dans une panique générale. Les quelques habitants qui n'ont pas réussi à fuir, étaient horrifiées par ce qui venait de se passer dans leur village.

Approchés par nos soldats, certains habitants dudit village dont le sieur Anatole NSAHONKUYE, cultivateur de son état, dans la localité NKOKWE et Capita du village RUVUMU 1 affirmeront que les FDLR et NYATURA avaient laissé derrière eux 3 morts dont les nommés RWANGO, GAKARA et le fils de MUNYAMASHARA. Selon toujours le sieur Mr Anatole, aucune femme ni un enfant n'avaient été enlevés.

De ce qui précède, il est donc clair que les soldats de l'ARC/M23 ont, une fois de plus, fait preuve d'un comportement responsable sur le terrain conformément à leur discipline de rigueur qu'ils observent strictement depuis le début de l'offensive de l'ennemi et qui fait mal à certaines associations et activistes politiques qui voudraient voir nos soldats se salir les mains pour accréditer leur qualificatif de Mouvement terroriste. Ils peuvent continuer à déchanter car les Soldats de l'ARC/M23 sont des Freedom Fighters qui ont pour mission de protéger la population, sans distinction, contre toute forme d'exactions et de discrimination.

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Par contre, notre Mouvement constate que, par leur silence sur les exactions perpétrées par les FDLR et NYATURA, ces prétendues associations de la société civile et autres acteurs politiques apportent leur appui à l'idéologie génocidaire distillée dans la société par cette coalition meurtrière. A titre d'exemple :

- Nulle part ils n'ont dénoncé les meurtres par décapitations du Pasteur BINUME BIVAKO, de l'agent de L'ANR ELONGA et d'un 3e dont l'identité n'est pas connue menées à BIRUMA par la coalition FARDC-FDLR au lendemain de la prise du Camp militaire de RUMANGABO par nos forces en mai dernier ;
- Ils ont également gardé le silence sur les affrontements récurrents des Mai-Mai contre NYATURA à KIHALI /MABUNGO le 02 juin 2022 ;
- Plus récemment encore, ils n'ont fait aucun mot sur des cas de règlement de compte entre groupes armés alliés aux FARDC en pleine cité de KIWANJA /MABUNGO au cours desquels le sieur Thaddée SAFARI et son escorte ont perdu la vie ;
- Ils ont fait partie des organisateurs de manifestations de rue au cours desquelles ils ont tenu des discours d'incitation à la haine ethnique, à la xénophobie, à la violence et aux meurtres.

Notre Mouvement condamne l'attitude hypocrite des acteurs sociopolitiques du pays qui s'abstiennent de dénoncer cette coalition à contre nature constituée des FARDC, FDLR et groupes armés locaux avec une identité génocidaire opposée au M23.

La Direction du Mouvement rassure tous les habitants des espaces sous son contrôle qu'elle ne ménagera aucun effort pour continuer à leur garantir la sécurité et la protection de leurs biens.

Fait à Sarambwe, le 24 juin 2022

Le porte-parole de l'ARC/M23



Major Willy NGOMA



## (2) Killings in Ruseke on 1 July 2022

On 1 July 2022, M23/ARC combatants killed at least eight civilians,<sup>91</sup> including one woman and a sixteen-year-old girl, and injured two other civilians, including a thirteen-year-old boy, in a house in Ruseke, Rutshuru territory, close to Ntamugenga.<sup>92</sup>

The eyewitnesses and victims interviewed by the Group explained that they were part of a group of about 20 persons, including two women, one girl and one boy, all displaced by the M23/ARC crisis, on their way to pick up food, when M23/ARC combatants stopped them in Ruseke. After having forced all of them inside a house in the village, several M23/ARC combatants shot at them from inside the house while other combatants surrounding the house also shot and prevented the civilians inside from escaping. A victim who survived the massacre recounted hearing the commander speaking Kinyarwanda and giving orders to shoot everyone.<sup>93</sup> M23/ARC combatants had previously removed one victim from the house and tried to kill him with an axe, but he managed to escape despite being hit by a bullet. After the shooting, the M23/ARC commander allowed the survivors to bring those still alive to the nearest health facility.

The eyewitnesses and victims provided a description of clothing, weapons and language of the combatants similar to that of those who killed the civilians in Ruvumu. One survivor of the Ruseke massacre interviewed by the Group mentioned seeing the Rwandan flag on the epaulets of some uniformed, Kinyarwanda-speaking soldiers who perpetrated the killing. Another survivor referred to the soldiers as being “Rwandans”.

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<sup>91</sup> The Group gathered evidence of more killings, but it could not confirm them based on its methodology.

<sup>92</sup> Sources: eyewitnesses, victims, medical staff, civil society actors, MONUSCO sources, and photographic evidence.

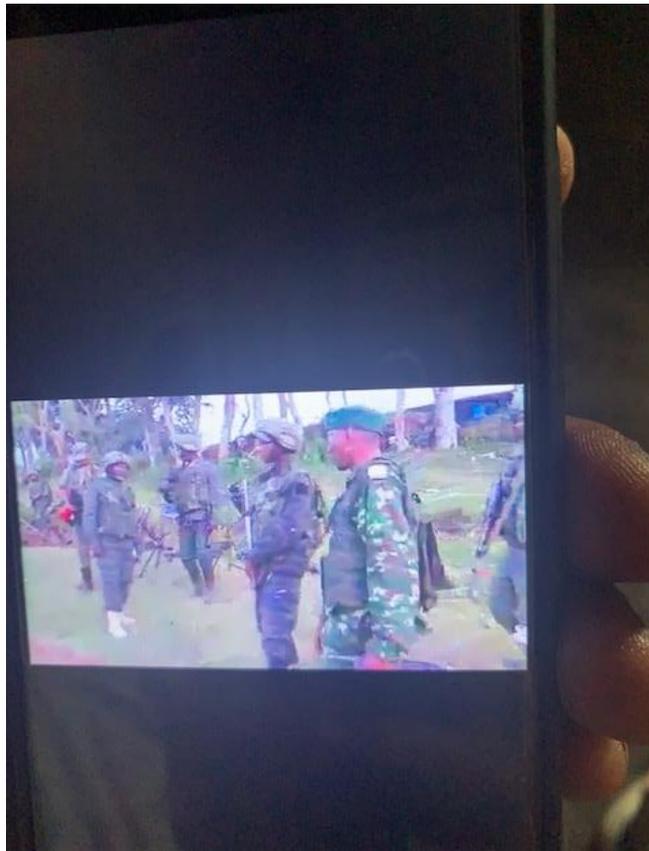
<sup>93</sup> Victim interviewed in Ntamugenga in October 2022

**Annex 37**

**Arbitrary detentions and torture by M23/ARC**

**Détentions arbitraires et torture par le M23/ARC**

An IDP who had fled Bunagana in March 2022, interviewed by the Group, recounted having been arbitrarily arrested when he returned to Bunagana in search of food, and thrown into an underground prison by M23/ARC elements on suspicion of collaboration with FARDC. He identified his captors as “Rwandans” wearing uniforms, under the command of Willy Ngoma, M23/ARC military spokesperson. The witness showed a video to the Group,<sup>94</sup> indicating that the man in the foreground of the video was Willy Ngoma (see photo below):



The victim explained that he was kept in an underground prison for weeks and given a punishment of 180 lashes, which was administered to him over several days. He was stabbed in the leg but did not receive any medical care. The victim said that he was released after two months of captivity, in exchange for a cash payment.

His leg wound had still not healed at the time of the interview, in October 2022 (see photo below):

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<sup>94</sup> The victim explained that he received the video by WhatsApp, as it was widely circulating among civilians from Bunagana. The Group had previously obtained the same video from other sources and confirms that Willy Ngoma appears in the video.



Photo of the victim's wounded leg, taken by the Group.

## **Annex 38**

### **The IDP crisis in Rutshuru territory**

#### **La crise des personnes déplacées internes (PDI) dans le territoire de Rutshuru**

Since the onset of the M23/ARC crisis, and until the resumption of hostilities on 20 October 2022, an estimated 189,000 civilians were internally displaced in Rutshuru territory.<sup>95</sup>

Thousands of IDPs had settled in towns and villages outside M23/ARC occupied areas, such as Rumangabo, Ntamugenga, Rubare, Kalengera, Rugari, Kiwanja and Rutshuru centre.<sup>96</sup> IDPs also settled in schools and other public areas, causing the closure of schools throughout the affected areas. During its visit to Rutshuru territory from 8 and 12 October 2022, the Group observed the presence of IDPs in public spaces, including school buildings, notably in Rumangabo, Ntamugenga, and Rutshuru, and in the hospital in Ntamugenga.

The Group received reports that an increasing number of IDPs had decided to return to M23/ARC-occupied areas after July 2022, and again in October 2022, notably to Jomba, Bweza and Kisigari, despite known risks of kidnapping, forced labour, torture, beatings and killings.<sup>97</sup> They chose to return due to the extremely difficult living conditions, including the lack of food.

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<sup>95</sup> [Reliefweb report “Population displacements in Rutshuru territory”](#).

<sup>96</sup> Civil society sources, including onsite observations by experts between 8 and 12 October 2022.

<sup>97</sup> Civil society sources and witness testimonies.

## Annex 39

### Return to the DRC of refugees settled along the border areas in Uganda since March 2022

#### Retour en RDC des réfugiés installés le long des zones frontalières en Ouganda depuis mars 2022.

According to information provided by the Government of Uganda in October 2022, Uganda has received approximately 74,150 refugees from the DRC since January 2022<sup>98</sup> who entered Uganda mostly via Bunagana and Kisoro. Many have settled in the refugee settlements of Nakivale, Kyaka II, Rwamwanja and Kyangwali. However, some refugees also entered Uganda without registering in refugee centers, hence the Ugandan government estimates that the exact number of refugees could be higher.<sup>99</sup>

Uganda informed the Group that it did not have official refugee settlements along the border with North Kivu province, except a transit and reception centre in Nyakabande-Kisoro and Matanda-Kanungu where all new arrivals entering Uganda via the Kisoro and Kanungu districts were received, screened and profiled prior to being relocated to established refugee settlements.

The Ugandan government reported that approximately 43,000 refugees returned to the DRC on self-organized transport, mainly via the Kitagoma border point in Busanza-Kisoro, following their decision not to proceed to the government-designated refugee settlements. This figure includes over 20,000 refugees who returned to the DRC from the community and holding centre in Nyakabande.<sup>100</sup>

The Group interviewed several IDPs in Rutshuru territory who had returned from Uganda to the DRC through the Kitagoma border crossing in September 2022. They confirmed that a large number of refugees from Bunagana and other areas under the control of M23/ARC have settled on the Ugandan side of the border since March 2022, either in rented accommodation or makeshift camps. The Group received consistent testimony from independent sources<sup>101</sup> that at the end of August 2022 the Ugandan authorities informed the refugees living in these makeshift settlements along the border that they had the choice to either relocate to official refugee settlements or return to the DRC. Most refused to move to refugee settlements as they considered them to be too far from the border, and thus their traditional home-bases and agricultural lands.<sup>102</sup> Consequently, some decided to return to the DRC on self-organized transport through the Kitagoma border crossing, to avoid returning to the M23-controlled areas through Bunagana. Others refused to leave.

Eyewitnesses described that those who refused to leave their makeshift camps along the border were forcefully removed from the camp by Ugandan authorities,<sup>103</sup> and that some refugees were severely beaten by UPDF soldiers. The Group interviewed two individuals who were beaten in those circumstances. One had lost his thumb after being beaten and stabbed with a bayonet (see photograph below).

According to eyewitnesses, in at least one settlement along the border, close to Bunagana, the tents of refugees were destroyed and set on fire by Ugandan soldiers.

The Group received a video showing a refugee settlement near Bunagana, in Uganda, that depicts burning tents, reportedly filmed in the context of Uganda's forceful intervention to evict the refugees from this settlement, at the end of August 2022 (see photograph below). The Group visited Bunagana on the Ugandan side of the border in October 2022 and confirmed the location of the video footage showing the burning huts as being located at approximately 1 km from the border crossing of Bunagana. Several local eyewitnesses also confirmed that it was the location of the former refugee settlement that was burnt by the Ugandan soldiers.

<sup>98</sup> Including approximately 43,000 refugees registered since March 2022.

<sup>99</sup> Source: Ugandan government.

<sup>100</sup> Source: Ugandan government.

<sup>101</sup> Various civil society sources and witness testimonies, including eyewitnesses.

<sup>102</sup> For example, the Nakivale settlement is at ca. 200 km from Bunagana, at 47 hours walking distance according to Google Maps estimate.

<sup>103</sup> Witness testimonies, including eyewitnesses, confirmed by multiple civil society sources.

**Below: Injury of victim who had lost his thumb after being beaten by UPDF soldiers:**



Photograph taken by the Group

**Below: Screenshots of video depicting burning tents in makeshift refugee settlement near Bunagana, Uganda:**

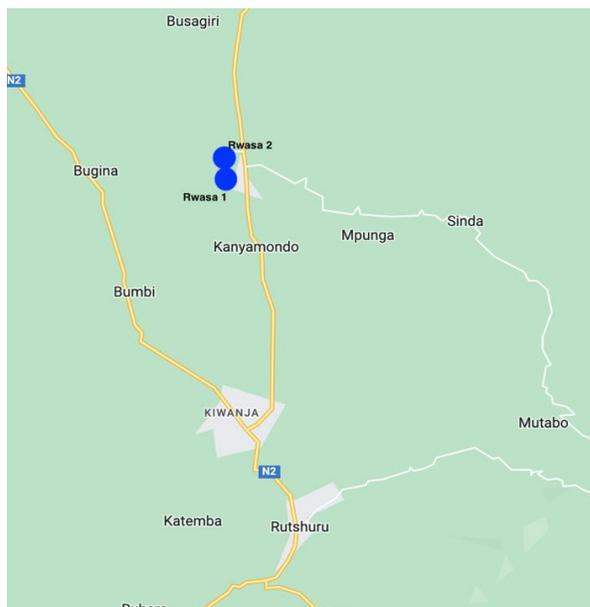


Screenshots from a video provided to the Group of Experts by a local civil society source

Rwasa II camp in Kiwanja sheltering returning refugees from Uganda:

Various sources interviewed by the Group confirmed that thousands of refugees have returned from Uganda to Rutshuru territory since the beginning of September 2022,<sup>104</sup> to areas not occupied by M23/ARC. These included most refugees that had previously settled along the border in Uganda outside the official refugee camps. These returnees were settled in Rwasa II camp on the outskirts of Kiwanja. The camp was set up for this purpose on 2 September 2022.<sup>105</sup> A total of 21,361 individuals were registered officially at Rwasa II between 3 September and 3 October 2022.<sup>106</sup> The Group visited the Rwasa II camp on 10 October 2022 (see pictures below).

**Below: Map showing approximate location of Rwasa II IDP camp near Kiwanja:**



Google Map edited by the Group of Experts

<sup>104</sup> Several IDPs interviewed at Rwasa II, various civil society sources and international organizations.

<sup>105</sup> Rwasa I camp in the immediate vicinity of Rwasa II was already operating at full capacity, sheltering IDPs that fled another conflict, unrelated to the current M23 crisis.

<sup>106</sup> Civil society sources, witnesses, and direct observation by the Group on 11 October 2022.

**Below: Pictures of Rwasa II camp when fully operational:**



Above: Aerial photo of Rwasa II camp from a local source





Photographs of Rwasa II camp taken by the Group of Experts on 10 October 2022

**Annex 40**

**Departure of IDPs and dismantling of Rwasa II camp prior to the takeover of Kiwanja by M23/ARC on 29 October 2022**

**Départ des personnes déplacées et démantèlement du camp de Rwasa II avant la prise de contrôle de Kiwanja par le M23/ARC le 29 octobre 2022**

The Group was alerted by local civil society and witnesses that by the takeover of Kiwanja by M23/ARC on 29 October, all the IDPs had fled, and the entire camp had been dismantled. Most of it was looted by other IDPs not living at the camp and by the local population.

According to testimonies, the news of M23/ARC's territorial advancement and their imminent takeover of Kiwanja caused panic among the IDPs, and they began to flee. In less than two days the entire camp was deserted, and all the structures had been dismantled and looted. The Group received a video depicting some civilians gathering the remains of the camp structures (see photographs below).

The Group continues to investigate the circumstances of this event and the reasons that prompted the IDPs to flee.

**Below: Screenshot from video showing Rwasa II camp being dismantled, received on 1 November 2022**



Screenshot from video received from a local source in Kiwanja on 1 November 2022

## Annex 41

**Leaders of armed groups and FARDC Colonel Tokolonga who attended the meeting in Pinga on 8 and 9 May 2022****Les chefs des groupes armés et le colonel Tokolonga des FARDC qui ont participé à la réunion de Pinga les 8 et 9 mai 2022**

On 8 and 9 May 2022, local armed groups gathered in Pinga, situated between Walikale and Masisi territories, and forged a coalition. Initially planned to define the armed groups' position in relation to the Nairobi process, the coalition rather took a stand against M23/ARC.

FDLR "Colonel" Silencieux and FDLR "Colonel" Potifaro do not appear on the outcome documents of the Pinga meeting, but eyewitnesses and combatants of armed groups present at the Pinga meeting informed the Group that they were part of the gathering.

CMC/FDP spokesperson Jules Mulumba<sup>107</sup> qualified the coalition's armed fight as "self-defence".<sup>108</sup> Other sources argued that the armed groups' fight, together with the FARDC, was premised on the interpretation of Article 63 of the DRC's Constitution which reads that "all Congolese have the sacred right and duty to defend the country and its territorial integrity in the face of an external threat or aggression".

The presence of FARDC Colonel Tokolonga can be interpreted, at least, as an apparent endorsement by some FARDC members of the armed groups' coalition and the official recognition of the cooperation of some FARDC members with this coalition.<sup>109</sup>

The Group received credible testimonies that Colonel Tokolonga would not have acted without instructions from Brigadier-General Peter Cirimwami, the then commander of Sokola II operations. The Group met Colonel Tokolonga in Rugari on 7 June 2022 and noted that his hierarchy said it was unaware of the reasons for his prolonged stay in Rugari, a known FDLR and CMC/FDP stronghold, as also observed by the Group.<sup>110</sup>



From left to right: Guidon (NDC-R), Colonel Tokolonga and two other members of the FARDC delegation

<sup>107</sup> See [S/2020/482](#), para. 134.

<sup>108</sup> Meeting with the Group in Rugari on 7 June 2022.

<sup>109</sup> Sources: FARDC, civil society, researchers, armed group leaders and ex-combatants, intelligence sources.

<sup>110</sup> In June 2022, the Group met with the CMC-FDP spokesperson in Rugari and saw several FDLR combatants.



“General” Janvier Kahahiri (APCLS).



Guidon (NDC-R) and Colonel Tokolonga

Pictures provided to the Group by a source familiar with the issue

## Annex 42

**Excerpts of the communiqué announcing that FPP/AP joined the armed group coalition****Extraits du communiqué annonçant que le FPP/AP a rejoint la coalition des groupes armés**

RÉPUBLIQUE DÉMOCRATIQUE DU  
CONGO

PLATE FORME DES RÉSISTANTS  
POUR DEFENSE DE LA PATRIE

1. CMC/FDP
2. APCLS
3. ANCDH/AFDP
4. FPP/AP
5. NDCR-GUIDON

Whatsapp & tél : [+243844502986](tel:+243844502986)  
E-mail : [cmcrdcjules@gmail.com](mailto:cmcrdcjules@gmail.com)

Communiqué de Presse Numéro : 04/  
PRDP/CIP/2022

1. Annonce de l'adhésion du FPP/AP du général KABIDO KASEREKA et du NDCR du général GUIDON MWISA à la plateforme ;
2. Dénonciation de manœuvres ennemies pour torpiller les efforts de résistants.

1. Nous avons l'insigne honneur d'informer l'opinion que la plateforme a enregistré deux nouveaux adhérents. Il s'agit bel et bien du FPP/AP du général KABIDO KASEREKA et du NDCR-GUIDON de GUIDON MWISA ayant leur zone d'influence dans le Lubero et Walikale et

Nous profitons de l'occasion pour encourager les autres résistants qui hésitent encore, à ne pas tergiverser et entrer directement dans l'Arche de Noé pour le salut de la RDC.

Unis nous sommes forts, divisés nous sommes faibles.

Notre pays RDC ne sera sauvé que par deux prix :

A. La prise de conscience par tous par rapport au danger qui nous guette,

B. L'unité entre les peuples congolais et les résistants patriotes congolais.

A ces prix, nous serons affranchis.

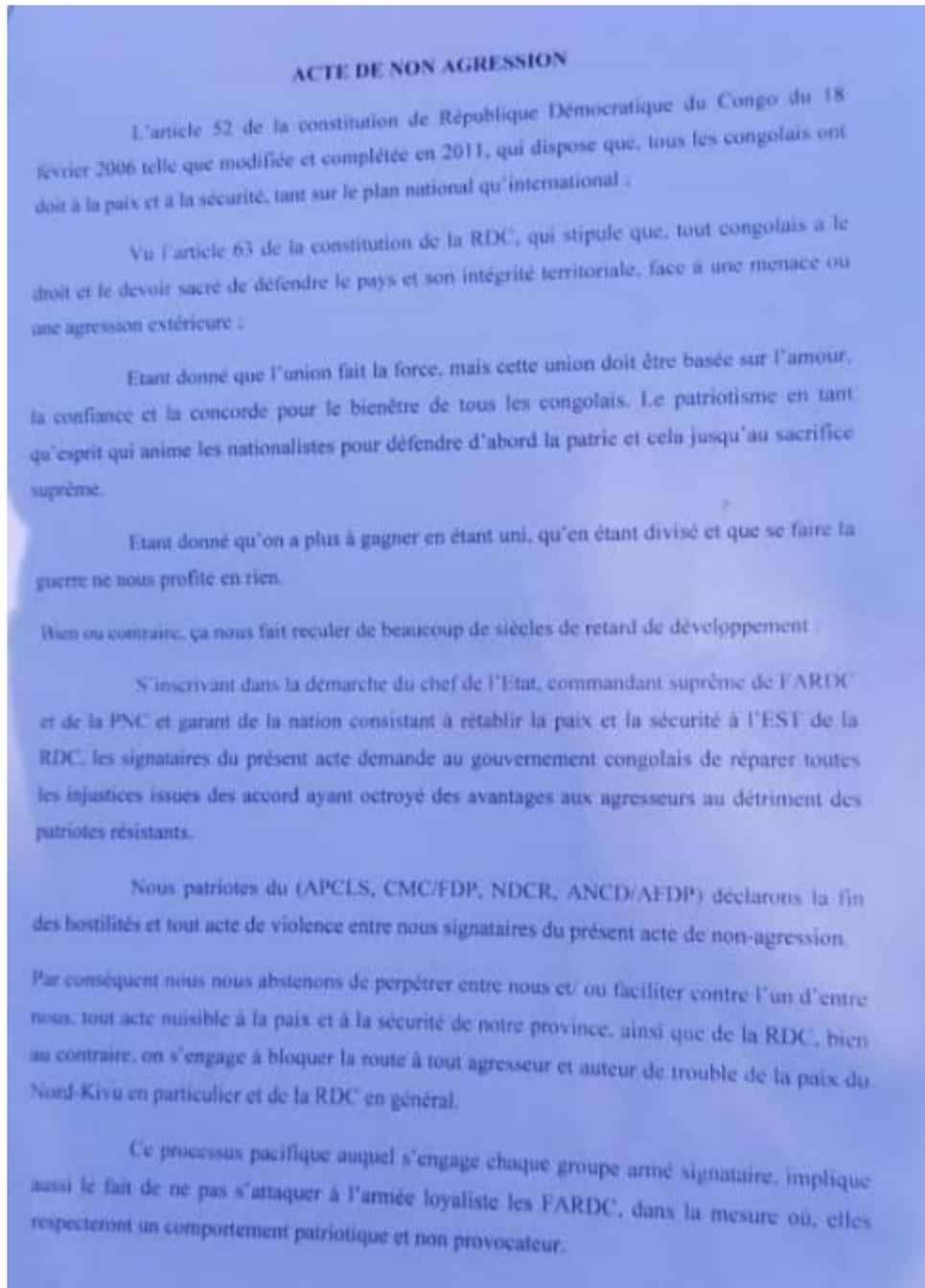
2. Nous profitons de l'occasion pour dénoncer le plan ennemi contre nos efforts.

Document obtained by the Group from CMC source

Annex 43

**Pact of non-aggression signed by APCLS, CMC/FDP, NDC-R Guidon faction and ANCD/AFDP armed groups in Pinga on 9 May 2022**

**Pacte de non-agression signé par l'APCLS, la CMC/FDP, la faction Guidon du NDC-R et les groupes armés de l'ANCD/AFDP à Pinga le 9 mai 2022**





**Annex 44**

**CMC-FDP and NDC-R Guidon faction voicing their mobilization and engagement in the fight against M23/ARC**

**Le CMC-FDP et de la faction Guidon du NDC-R expriment leur mobilisation et leur engagement dans la lutte contre le M23/ARC**

In several documents, videos and audio messages analysed by the Group, armed group leaders announced the mobilisation of their combatants in the fight against M23/ARC.

For example, in three videos of 21 June 2022, CMC/FDP spokesperson Jules Mulumba, surrounded by many armed combatants, expressed CMC/FDP readiness to fight against M23/ARC, Rwandan and Ugandan forces, and criticized the DRC Government and MONUSCO for still labelling CMC/FDP as “a negative force”.

Below: CMC-FDP spokesperson Jules Mulumba mobilizing and encouraging his troops to fight against M23/ARC:



Screenshot of a video provided to the Group by sources familiar with the issue

Also, in two videos shot on 4 or 5 July 2022, NDR-C leader Guidon can be seen encouraging his combatants, “I now give you the opportunity to defend your country. Be well-determined soldiers with discipline and morale [...]. No-one called us in [...] but we will defend our nation and our population”. At the end of the video, combatants started chanting slogans and said they will march to Runyoni, a M23/ARC stronghold.

**Below: NDC-R leader Guidon mobilizing and encouraging his troops to be ready to go to Runyoni M23/ARC stronghold:**





Screenshot of a video provided to the Group by sources familiar with the issue

See also annex 47 on this issue.

## Annex 45

**Additional information on the recruitment and training of foreign and local armed groups, in particular FDLR****Informations supplémentaires sur le recrutement et l'entraînement de groupes armés étrangers et locaux, en particulier les FDLR**

The Group obtained information according to which since at least June 2022, local and foreign armed groups took advantage of the relative truce between M23/ARC and FARDC to renew their recruitment drives, training, and arms acquisition to consolidate their bargaining power. For example, several sources reported that APCLS led by Janvier Karahiri Buingo and CMC led by Dominique Ndarahutse alias Domi, started recruiting after the splits which occurred with their movements.<sup>111</sup>

From late July onwards, FDLR-FOCA launched new recruitment drives in Masisi and Rutshuru territories, notably in Bibwe, Bulende Bashali *chefferie*, Kivuye, Luhunga and Mweso.<sup>112</sup> FDLR sources reported that in late September 2022, FDLR had integrated between 300 and 400 newly trained combatants into its forces located in Paris and Kazahoro.

In July 2022, FDLR/FOCA started new training for several units in Songa, Rutshuru territory. Training continued in August and September 2022. One FDLR source told the Group that close to 280 elements were trained as of 13 September 2022.

FDLR-FOCA remained in the coalition with local armed groups including, amongst others, APCLS, CMC-FDP, and ANCDH to which FDLR-FOCA also provided training.<sup>113</sup>

When fighting between M23/ARC and FARDC resumed in late October 2022, FDLR combatants took up positions between Rugari and Mawro, Rutshuru territory, and conducted patrols up to Kibumba, Nyiragongo territory, under the leadership of “Colonel” Ruhinda. Another FDLR-FOCA position was located in Tongo and led by “Colonel” Charles. According to intelligence and civil society sources, elements of that unit collaborated with CMC-FDP with the objective of protecting Mabenga, a strategic location that was threatened to be taken by M23/ARC.

Map drawn by FDLR element indicating FDLR presence and position:



Map provided to the Group by an FDLR element

<sup>111</sup> Ex-combatants, FARDC, intelligence and civil society sources.

<sup>112</sup> FDLR combatants, other armed group elements, civil society and FARDC sources.

<sup>113</sup> Idem.

**Annex 46****Additional information on the involvement of armed groups, sometimes jointly with the FARDC, in the fighting****Informations complémentaires sur l'implication de groupes armés, parfois conjointement avec les FARDC, dans les combats**

Witness statements, documentary, and photographic/video evidence show that CMC/FDP, APCLS, FDLR, NDCR and/or MPA combatants fought in combat in and around, amongst others, Bambu, Rugari and Rumangabo in May/June 2022. For example, ex-combatants and armed group leaders reported to the Group that CMC/FDP, APCLS and FDLR combatants fought alongside some FARDC members around Bambu and Rugari in late May and early June 2022.

Also, when the FARDC camp in Rumangabo was taken by M23/ARC on 25 May 2022, armed group combatants backed by some FARDC members launched a counterattack on 26 May 2022.<sup>114</sup> Several sources reported to have seen a group of 150 to 200 FDLR combatants close to the camp in Rumangabo a few hours before the counterattack.<sup>115</sup> Also, a video filmed on 26 May 2022 shows a group of armed group combatants, most likely from APCLS, in the camp in Rumangabo and chanting slogans.

**Below: Armed group combatants in the FARDC military camp in Rumangabo on 26 May 2022:**



<sup>114</sup> Sources: DRC security forces, civil society, community leaders, researchers, armed group leaders and combatants.

<sup>115</sup> Sources: DRC security force sources and community leaders in Rumangabo.



Screenshots of a video of armed combatants in the FARDC camp of Rumangabo, provided to the Group by an armed group source

During a meeting with the Group in June 2022, the CMC/FDP spokesperson claimed victory in the counterattack on the camp in Rumangabo and told the Group that CMC/FDP and FDLR had continued to engage against M23/ARC and RDF soldiers in the area around Rumangabo and Rugari.

The Group observed armed group combatants alongside some FARDC members in the Rumangabo camp on 9 June 2022:





Pictures taken by the Group on 9 June 2022

## Annex 47

**Additional information on the FDLR-FOCA and other armed groups' cooperation with the FARDC as provided by the Government of Rwanda following Group's request for information**

**Informations supplémentaires sur la coopération des FDLR-FOCA et des groupes armés avec les FARDC, fournies par le Gouvernement rwandais à la suite de la demande d'informations du Groupe.**

- According to the Rwandan government, on 12 May 2022, i.e. four days after the gathering in Pinga, Colonel Tokolonga held a coordination meeting with FDLR officers, including “captain” Niyindorerea alias Tafi and “2Ltn” Habiyakare from FDLR-FOCA command special unit known as *Commande de recherche et d'action en profondeur* (CRAP)(see also S/2022/479, annex 40). Colonel Tokolonga has firmly denied this. The information provided by the Rwandan government could not be corroborated by the Group.
- According to the Rwandan government, on 20 May 2022, the FARDC transported 40 CMC/FDP elements in a Mitsubishi truck from Burungu, Masisi territory, to Biruma. The Group continues to investigate this.
- According to the Rwandan government, on 28 May 2022, FDLR-FOCA filmed a video while on patrol in Rumangabo, boasting that they have defeated M23/RDF and that they will continue to pursue them in support of FARDC. The Group has not (yet) seen this video clip.
- According to the Rwandan government, a video clip that circulated on 2 June 2022 shows a FARDC convoy carrying FDLR elements, including “Lt-Col” Kaka Idrissa, heading to Rutshuru centre via Rwindi and Mabenga. The Group has not (yet) seen this video clip.
- According to the Rwandan government, a video clip filmed in Jomba circulated on 7 June 2022 showing the APCLS spokesperson saying that they are supporting FARDC against M23/ARC on the frontline. The Group has not (yet) seen this video clip.
- According to the Rwandan government, on 19 June 2022, FDLR-FOCA commander “Omega” had a phone conversation with the Military Governor of North Kivu, Lt. Gen. Constant Ndimba. Omega reportedly asked Ndimba to pay USD 300 per person for FDLR to continue fighting in Rutshuru territory. As FDLR did not receive this requested payment, a group of 45 elements of FDLR's CRAP unit reportedly refused to participate in fighting on 21 June 2022. Lt. Gen. Ndimba firmly denied this and informed the Group he was aware of “these false accusations by the Rwandan Government”. Lt. Gen. Ndimba informed the Group that he had not been in touch with the FDLR, and that he wanted the FDLR to leave the DRC territory. The information provided by the Rwandan government could not be corroborated by the Group.
- According to the Rwandan government, FDLR-FOCA elements and FARDC jointly planned to fight M23/ARC in Runyoni and Tchanzu hills. The Group is investigating this.
- According to the Rwandan government, FARDC provided weapons and uniforms to 200 FDLR-FOCA elements commanded by “Col” Magambo Byarubanda alias Sadiki, who was deputized by “Maj” Nshirimpuhwe alias Bizimana Byamungu. The Group documented transfers to a certain “Sadik” in May 2022 (see annex 48) but cannot confirm this is the same individual.
- According to the Rwandan government, between April and September 2022, FDLR and Nyatura combatants were embedded into FARDC to fight M23/ARC, amongst others, at the following defensive positions: Mbuzi, Rwankuba, Bikenke, Ruvumu, and Karambi. The Group obtained names of FARDC commanders, FDLR and Nyatura leaders, which it intends to investigate.
- The Rwandan government provided details - individuals involved, locations, and command responsibility - on active collaboration of FARDC with armed groups, including with FDLR, from 20 October 2022 onwards, when fighting between FARDC and M23/ARC recommenced. The Group intends to investigate individuals, belonging either to the FARDC or armed groups, involved in this collaboration described to the Group by the Rwandan government.

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**Annex 48****Additional information on armed groups receiving ammunition from the FARDC****Informations supplémentaires sur les groupes armés recevant des munitions des FARDC**

One eyewitness, civil society actors and one source close to NDC-R Guidon faction informed the Group that, on 30 May 2022, a certain “General” Kassie from APCLS met with a commander of the 34016<sup>th</sup> regiment in Kitchanga and received arms and ammunition as well as food stuffs.

Another eyewitness and a civil society source reported to the Group that on 25 May 2022 in Rumangabo, FARDC provided ten boxes of ammunition to CMC commander “Sadik” in Kayenzi village, close to Rumangabo. Sadik transported the ten boxes on three motorcycles to Rugari.

Another eyewitness reported to the Group that in May 2022, one FARDC vehicle came to Nyanzale, Rutshuru territory, to pick up ANCDH/AFDP leader Jean-Marie Bonane and ask him to reinforce FARDC deployed in Rutshuru. On this occasion, ANCDH/AFDP received ammunition.

Another combatant said that his Mai Mai group had received weapons in May 2022, but that the FARDC colonel who had handed over the weapons and ammunition alleged that they had to be returned to the FARDC once M23/ARC was defeated.

Local authorities, civil society sources, eyewitnesses and DRC security forces attested that since late May 2022, FDLR combatants in and around Rugari were better equipped and wore newly received uniforms. According to an eyewitness, FARDC provided ammunition to the FDLR in May and June 2022 in Tongo and Rugari.

An article published by Human Rights Watch provides additional elements on ammunition supplies to FDLR and FPP/AP by FARDC units.<sup>116</sup>

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<sup>116</sup> RD Congo: Des unités de l’armée ont collaboré avec des groupes armés responsables d’abus | Human Rights Watch ([hrw.org](https://www.hrw.org))

Annex 49

**M23/ARC and Government of Rwanda denounce armed groups' involvement in operations**

**Le M23/ARC et le Gouvernement rwandais dénoncent l'implication des groupes armés dans les opérations**

To illustrate, in a letter dated 6 June 2022 to Ms. Bintou Keita, the UN Special Representative of the Secretary-General (SRSG) in the DRC and Head of MONUSCO, M23/ARC president Bertrand Bisimwa denounced the participation of FDLR in the fight against M23/ARC. On several occasions, the Rwandan government accused the FARDC of using FDLR as a proxy.

**Below: M23/ARC letter to the SRSG in the DRC and Head of MONUSCO denouncing FARDC-FDLR collaboration dated 9 June 2022:**



Reference: 101/PDT/M23/2022

June 6<sup>th</sup>, 2022

Copy sent for information to:

- His Excellency Antonio GUTERRES, Secretary General of the United Nations in New York/USA;
- His Excellency UHURU KENYATTA, President of the Republic of Kenya and facilitator to the Nairobi Dialogue in Nairobi/Kenya;
- His Excellency JOAO LORENZO, President of the Republic of Angola and ICGLR President in Luanda/Angola;
- His Excellency Lazarus McCarthy CHAKWERA, President of the Republic of MALAWI and Chairman of SADC in Lilongwe/Malawi;
- His Excellency MACKY SALL, President of the Republic of Senegal and Chairman of African Union in Dakar/Senegal;
- His Excellency Emmanuel MACRON, President of the Republic of France and President European Union in Paris/France;
- His Excellency PETER PHAM, Special Envoy of the Secretary General of the United Nations in the Lakes Region in Nairobi/Kenya;

To Madame Bintou KEITA, Special Representative of the Secretary General of United Nations in the Democratic Republic of Congo in Kinshasa

Subject: The resumption of hostilities against the M23 Movement opposes the recommendations of the UNSC

Madam Special Representative,

We, hereby, informing you that early this morning, Monday, June 6<sup>th</sup>, 2022 around 4 a.m., FARDC launched full scale attacks against the M23 Movement by bombing our positions of CYANZU and RUNYONI, but our Movement the M23 did not respond. As if that was not enough, around 5 a.m., MONUSCO, through its FIB, supported the FARDC and allied to intensifying the bombardments in away to allow the infantry to make full contact with the M23 troops.

Madam Special Representative,

On June 3<sup>rd</sup>, 2022, the United Nations Security Council, through a press release, recommended the resumption of the Nairobi dialogue for peaceful resolution of the current crisis. Our Movement the M23 is fully committed and complied to the said recommendations and it is just in waiting for a call to attend the second round of talks by the President of Kenya, His Excellency UHURU KENYATTA, the facilitator of the Nairobi dialogue.

The way the FARDC and MONUSCO are waging war against the M23, isn't this a deliberate way of compromising the Nairobi dialogue recommended by the United Nations Security Council.

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The MONUSCO involvement to the current battle alongside the FARDC despite the known combination of the latter with FDLR and local armed groups, your permanent silence to this awful coalition and by expunging the principle of vetting and conditionality, dangerously erodes the image of the United Nations, as you and us have the evidence of the said coalition.

The combination of FARDC and the Armed Groups left the latter using the new allocated weapons and ammunition to abuse the civilian population and settling the differences between them in their deployment areas. For example:

- In the aftermath of the battle of RUMANGABO, on May 26<sup>th</sup>, 2022, the FDLR positioned in BIRUMA orchestrated a punitive expedition against the civilian populations of this region, houses were looted, several people were beheaded, the likes of Pastor BINUME BIVAKO,
- On June 2<sup>nd</sup>, 2022, two armed groups of community characteristics, the Mai-Mai of Nande obedience and the NYATURA of Hutu obedience, clashed in KIHALI/MABUNGO in the middle of the city of KIWANJA in RUTSHURU territory where they were deployed by the FARDC to maintain security of this large agglomeration, thus endangered the lives of the civilian population.
- In the grouping of BINZA in the chiefdom of BWISHA, the FDLR that the FARDC put in charge of securing this region carried out, during the night of Monday to Tuesday May 31<sup>st</sup>, 2022, incursions into several houses of the civilian population. Several cases of looting of property and rape of women have been reported. These FDLR are visible during the night and day in several villages of MIRAMBI, KIMYANDONI, KIGALIGALI, NYAMITWITWI, BUSESA, where they collect agricultural and livestock royalties and taxes on the civilian population.

The current ethnic hatred, xenophobia speeches and the calls for violence and murders preached by Congolese socio-political actors at the national and local level, to accompany the war that MONUSCO and the FARDC are currently waging against the M23 are most likely to cause the United Nations to lose control of the situation, that will lead to unexpected violence and selective massacres of peaceful citizens for their ethnicity. As shown by the following points below:

- During the police parade of May 25<sup>th</sup>, 2022 in Goma, the Commissioner General of the National Police of North Kivu, the Deputy Divisional Commissioner ABA VAN ANG asked the population of the city of Goma to take on machetes in away to attack the country's enemies in order to prevent the city falling into the hands of the M23 Movement.
- A senior FARDC officer by the name of BIRHUMANA MUSHAGALUSA, (colonel), was executed on Wednesday, May 25<sup>th</sup>, 2022 by his colleagues under suspicion that he collaborates with the M23 as he is of Tutsi community just because of his name, but it

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turnout that the said Colonel is of SHI community,

- Through the same day of May 25<sup>th</sup>, 2022, several FARDC Rwandophone soldiers wounded in the battlefield living in the KATINDO military camp were suddenly arrested by their superiors, under the same pretext of collaboration with the M23 Movement.
- In the territory of MASISI there is great tension following the death threat launched against the Rwandophone populations and more particularly to those of the Tutsi community as they are labelled as belonging to the M23 Movement;

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- This Monday, June 6<sup>th</sup>, 2022, FARDC soldiers whom were ensuring the protection of a FARDC Combat Tank positioned at KAVOMO/BUNAGANA, shot dead at point blank without warning, Mr. Jérôme HITIMANA, 45 years old, who was passing nearby the said military machine. The unfortunate, Rwandophone, was discriminately identify as a member of the M23 Movement, just because of his facial looks.

It shall be noted that, ethnic hatred is spreading across the country to the worrying pace that it may become a real threat to national cohesion. In the former provinces of Katanga, for instance, Katangese and Kasaians have dug up the hatchet of war and are ready to fight on the basis of ethnicity.

Madam Special Representative,

The M23 Movement's struggle is of respecting the peace agreements obtained with the support



## OUR RESPONSE TO THE DIALOGUE REFUSAL BY THE DRC GOVERNMENT

The M23 Movement Directorate, followed with interest, on October 13<sup>th</sup>, 2022, the threatening and outrageous remarks of the President of the Democratic Republic of Congo's Special Representative, Mr. Serge TSHIBANGU, through Radio Okapi's program called Dialogue between Congolese where he said: "There will not be negotiation with the M23 Movement" ..

Our Movement, the M23, has taken note and hereby informs the national and international community of the following:

1. The DRC Government has yet again, shown to the face of the world its umpteenth refusal of the DIALOGUE, by rejecting the outstretched hand of our organisation for a peaceful resolution of the conflict.
2. The DRC Government unable to put an end to xenophobia and hate speech, furthermore, to restore peace in Kwamouth, Beni, Butembo, Ituri, Masisi and Minembwe, storms itself against the M23, while allowing its allies FDLR, APCLS, MAI-MAI, NYATURA, ADF and CODECO, to freely slaughter our compatriots.
3. We are observing across the frontlines, reinforcements of military equipment and troops by the coalition FARDC, FDLR, ACPLS, NYATURA and DIFFERENT MAI-MAI. This portends imminent offensive against our positions. The M23 will, therefore, defend itself vigorously and professionally to counter the threat wherever it may be or come from in order to protect the civilian population and their belongings.

The M23 Movement reiterates its undertaken commitment, to a direct dialogue with the Government of Kinshasa, the only pathway to resolve the root causes of the security crisis in the East and the restoration of peace in our country as recommended by the Secretary General of the United Nations, the Heads of State of the East African Community and the African Union.

Sarambwe, October 14<sup>th</sup>, 2022

The M23 Movement Political Spokesperson.

Lawrence KANYUKA



## The M23 Movement Response to the MONUSCO's tweeter message of October 29<sup>th</sup>, 2022

The M23 Movement Directorate has read with attention, the MONUSCO's tweeter message of October 29<sup>th</sup>, 2022, and has the following to say:

We are flabbergasted to the irresponsible reaction of MONUSCO, which instead of condemning the FARDC and its allies that have been using BM21 and tanks against the civilian populations in our area, it hypocritically try to shift the blame on the M23 Movement, which went to silence those heavy guns in order to protect the civilian populations.

We also need to remind that MONUSCO has clearly failed its MANDATE of restoring peace in the Democratic Republic of Congo. One shall recall that MONUSCO has been in DRC for over 20 years now but has totally failed to achieve its primary mission of protecting Congolese Communities.

In addition, it is dreadful to discover that, MONUSCO has failed to eradicate all the foreign and local armed groups, that continue to commit atrocities on the loop in the Eastern part of the DRC. At the moment, we recorded an increased number of armed groups than when MONUSCO first established itself in DRC.

In truly, the civilian populations in our area are relieved to be freed from the DRC Government forces (FARDC) and its allies. One would wonder why MONUSCO tremendously failed to lend its support to the regional's efforts to restore peace in the Eastern part of DRC.

Furthermore, MONUSCO failed to support the implementation of various peace agreements signed between the M23 and the DRC Government, in order to restore peace in DRC.

It has been reported and documented that the DRC Government has established a coalition forces that includes armed groups that have caused atrocities to the civilian populations mainly the FDLR, MAI-MAI and other armed groups to fight the M23 Movement: <https://www.hrw.org/news/2022/10/18/dr-congo-army-units-aided-abusive-armed-groups>

The M23, reiterate its undertaken commitments to the peaceful resolution of the conflict, however, should the said coalition's heavy artillery continue to be fired on the M23 and its populations, we shall not sit back and watch, but we will react on sole purpose of protecting the civilian populations and their belongings.

Bunagana, October 29<sup>th</sup>, 2022

The M23 Movement Political Spokesperson

Lawrence KANYUKA

Madam Special Representative,

The M23 Movement's struggle is of respecting the peace agreements obtained with the support of the International Community including the United Nations, CIRGL, SADC, European Union, African Union and United States of America. All of these peace agreements revolve around the Pacification of the East of the country and National Reconciliation.

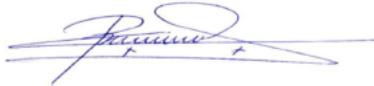
It is dreadful to notice that, on the aftermath of each signing of a peace agreement, the United Nations and all the guarantors dodged their responsibilities to support the implementation of the commitments undertaken by all parties. On December 12<sup>th</sup>, 2013, our Movement, the M23 and the DRC Government signed the so-called Nairobi Declarations, of which the M23 has complained without any result since 2014, for the non-implementation of the DRC Government's undertaken Declarations. However, the permanent silence of the guarantors on the said declarations contributed to the stalemate of the crisis, as it was also the case in 2012 after the signing of the Goma Peace Agreement of March 23<sup>rd</sup>, 2009.

Madam Special Representative,

It is therefore, extremely urgent that MONUSCO withdraw its support to the FARDC to obtain the ceasefire and to create workable conditions for the holding of the Nairobi dialogue as recommended by the United Nations Security Council. To do the contrary is to encourage the situation to get bogged down, for which the M23 Movement should not by all means be held responsible.

In the hope that our request meets your convictions, Madam Special Representative, please accept the expression of our highest consideration.

Bertrand BISIMWA



The Chairman of the M23 Movement

Document provided to the Group by an armed group source

Other examples of RDF denouncing armed group involvement can be found, amongst others, in annex 28.

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**Annex 50****The position of the Government of the DRC, the reshuffled FARDC command, and impact on the armed groups' coalition****La position du Gouvernement de la RDC, le commandement remanié des FARDC, et l'impact sur la coalition des groupes armés**

In June 2022, the FARDC spokesperson of the military governor of North Kivu, General Ekenge, told the Group that the FARDC did not rely on armed groups when fighting against M23/ARC, even though he acknowledged that the FARDC faced challenges in mobilising its troops to the adequate level. Likewise, the Sokola II spokesperson in Kiwanja, Rutshuru territory, refuted the M23/ARC claims according to which the FARDC used proxies.<sup>117</sup>

However, in late May and early June 2022, Brigadier-General Peter Cirimwami told reliable sources of the Group that, *de facto*, the FARDC fought shoulder to shoulder with armed groups against M23/ARC and the RDF. Armed group leaders, intelligence and civil society sources reported to the Group that, by involving various armed groups in fighting the M23/ARC, FARDC officers sought to avoid that their troops would be dispersed on many fronts at the same time.

In a statement of 12 May 2022, President Tshisekedi explicitly denounced the possibility of the FARDC using armed groups as proxies and said, *inter alia*, “we do not extinguish fire by throwing oil on it”.<sup>118</sup> On 6 July 2022, following persistent allegations of the FARDC using local armed groups as proxies in Rutshuru territory, General Cirimwami was reassigned to Ituri province.

In July 2022, following continuous reports on the collaboration between the FARDC and armed groups, the DRC government decided to reshuffle the army command in North Kivu. General Clément Bitangalo Mulime was appointed as the new commander of Sokola II and General Philemon Yav Irung was appointed commander of the third defence zone in charge of operations, a function which was hitherto under the leadership of the North Kivu military Governor Constant Ndima Kongba. According to armed group leaders and combatants, civil society sources and FARDC sources, the newly appointed military authorities commanded by General Yav instructed the armed groups to withdraw from the frontlines, which they mostly did (see annex 51).

On 19 September, General Philemon Yav was arrested for alleged treason and cooperation with RDF General James Kabarebe, the special security advisor to President Kagame. On 18 October 2022, Brig-Gen Richard Moyo Rabbi was nominated as the new FARDC Sukola II NK Commander, replacing General Clément Bitangalo who was called back to Kinshasa.

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<sup>117</sup> Meeting in Kiwanja on 30 April 2022, reported by the FARDC, civil society and MONUSCO sources.

<sup>118</sup> Opening ceremony of the seminar on military deontology and ethics, Kinshasa, 12 May 2022.

## **Annex 51**

### **Armed groups largely returning to their traditional bases and areas, and renewed tensions between armed groups**

#### **Les groupes armés retournent en grande partie dans leurs bases et zones traditionnelles, et les nouvelles tensions entre les groupes armés**

From July 2022 onwards, armed groups gradually returned to their traditional bases and areas. Yet, tensions within and between the armed groups, members of the coalition, soon re-emerged.

For example, on 10 July, NDC-R/Guidon and APCLS started clashing with NDC-R/Bwira (now led by Mapenzi) in Mwima, Masisi territory. Other clashes between NDCR/Guidon/APCLS and NDC-R/Bwira were reported in the weeks of 26 September and 13 October, around Lwibo, Kishee and Kinyumba, Masisi territory. In a letter issued on 26 September 2022, the APCLS justified this fighting arguing it aimed at disrupting the collaboration between NDC-R/Bwira and the M23/ARC. According to APCLS, Mapenzi served as a liaison element for the M23/ARC and recruited combatants for the M23/ARC in Rutshuru, Masisi, Walikale and Lubero territories. Two combatants, one researcher and one civil society source told the Group that in early July 2022, M23/ARC approached Mapenzi and Safari Thadee, leader of CMC-FPAP who was killed in August 2022, for a possible alliance with them.

Armed group leaders, civil society sources and MONUSCO have also reported growing tensions between CMC/FDP and the Mouvement patriotique d'autodéfense (MPA), following the defection in mid-October 2022 of a CMC/FDP commander, Janvier Niyonzima, who joined MPA where he was nominated Chief of General Staff.

On the other hand, MONUSCO, civil society sources and researchers have also reported clashes between FARDC and some armed groups. For example, on 7 October 2022, FARDC attacked APCLS positions in the area of Kinyumba, Kilambo and Lwibo.

## Annex 52

### Consultations with armed groups for adherence to the Demobilization, Disarmament, Community Recovery and Stabilization Program (P-DDRCS) and challenges

#### Consultations avec les groupes armés pour l'adhésion au P-DDRCS et défis à relever

On 21 April 2022, EAC leaders met in Nairobi, Kenya. On the initiative of the President of Kenya, Uhuru Kenyatta, the meeting aimed to address the growing instability in the DRC and the region, particularly since the resurgence of M23/ARC. This crisis shifted the focus from trade and economic projects - reasons for which the DRC had initially become a member of the EAC in March 2022 - to peace and security concerns. This was the second conclave following the 8 April 2022 first conclave during which several armed groups were invited to Nairobi.

In a communiqué issued following the meetings of 21 April and 20 June 2022, the Heads of State of the EAC adopted a two-pronged approach to the ongoing armed violence in eastern DRC. The first related to the adherence of armed groups active in the DRC to the Demobilization, Disarmament, Community Recovery and Stabilization Program (P-DDRCS). The second was a proposal to set up an EAC regional force (see para. 102 and annex 68).

The EAC invited armed groups active in the DRC to join in negotiations to find political solutions to the instability. Foreign armed groups were instructed to surrender and leave the DRC. A joint team composed of representatives of the Governments of Kenya and the DRC was set up and undertook, in May and June 2022, meetings with several armed groups in North Kivu, South Kivu and Ituri provinces, most of which had not attended the first Nairobi conclave.<sup>119</sup>

Several Congolese armed groups were invited and heeded the plea to negotiate. Even though the DRC authorities informed the Group that between 50 and 60 armed groups had expressed willingness to join the P-DDRCS process,<sup>120</sup> the security situation in North Kivu, South Kivu and Ituri remained very concerning.

Since the Group's last report<sup>121</sup>, the P-DDRCS started to establish provincial and local clusters in North Kivu, South Kivu and Ituri provinces. Provincial coordinators and focal points were also appointed in Tanganyika and Maniema provinces.

Several armed group leaders and combatants voiced their will to join the P-DDRCS, once operational. Others, however, pointed at the slow progress made towards disarmament and demobilization, largely focused on building up the technical/logistical capacity of provincial clusters (see also [S/2022/479](#), para. 83).

In addition, the Group notes that the mobilization of armed groups to fight M23/ARC challenged the adherence to, and implementation of, the P-DDRCS process, and is concerned about the possible reversal of certain armed group commitments to demobilize and disarm considering the resumption of fighting against M23/ARC that started 20 October 2022 and resulted in renewed mobilization of combatants and in new recruitments.

<sup>119</sup> In May 2022, the joint team toured the three provinces and held meetings with several armed groups. The meetings provided the opportunity to record various demands of the armed groups. The meetings also offered the platform for some armed groups to express their willingness to support the P-DDRCS process while others called for further discussions.

<sup>120</sup> Sources: FARDC, civil society and P-DDRCS sources.

<sup>121</sup> [S/2022/479](#), Annex 48.

Annex 53

**Discourses inciting discrimination, hostility and violence targeting Rwandophone populations, and acts of violence against members of these communities and those perceived as such**

**Discours incitant à la discrimination, à l'hostilité et à la violence à l'égard des populations rwandophones, et actes de violence à l'encontre des membres de ces communautés et de ceux qui sont perçus comme tels**

**1. Speech by General Aba Van Ang, North Kivu Deputy Police Commissioner, 25 May 2022**

In a speech in front of his officers on 25 May 2022, the North Kivu Deputy Police Commissioner, General Aba Van Ang, encouraged civilians to take up machetes to defend Goma against “the enemy”.

He declared:

“We are not going to let this happen. We are also men like them. We are not going to accept that each time they take our town [Goma] as if we were women. They think we are going to die there? Tell your grown-up children or your wives that everyone gets a machete or a tool that can kill someone so that the war against the enemy becomes a popular war. Go and sensitize your brothers and sisters to take machetes for this war to be popular. Am I making myself understood?”

Original text : « Nous n'allons pas nous laisser faire. Nous sommes des hommes comme eux. Nous n'allons pas accepter qu'ils prennent à chaque fois notre ville [Goma] comme si nous étions des femmes. Ils pensent que nous allons mourir là-bas ? Dites à vos enfants majeurs et à vos femmes que chacun se procure une machette ou un outil qui peut tuer quelqu'un pour que la guerre contre l'ennemi devienne populaire. Allez sensibiliser vos frères et sœurs de prendre les machettes pour que cette guerre soit populaire. Est-ce que je me fais comprendre? »

**Below: Screenshot of the video of the 25 May 2022 speech of the North Kivu Police Deputy Commissioner, General Aba Van Ang:**



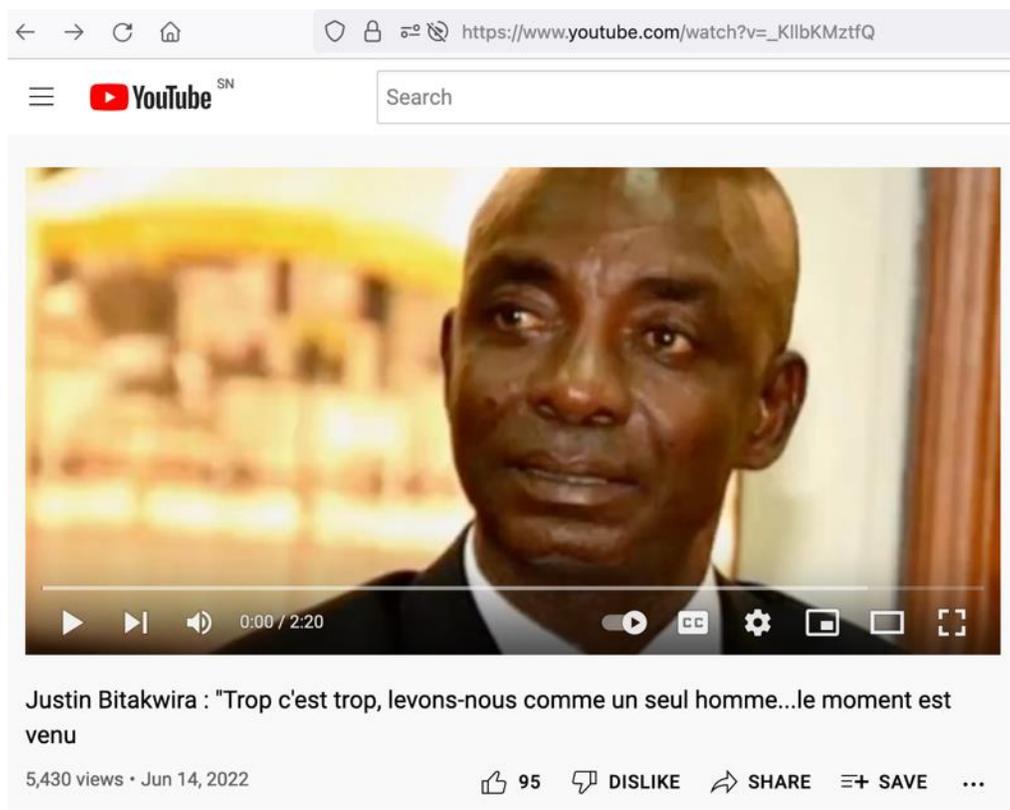
Video provided to the Group by several sources, also available at <https://youtu.be/1I5yEJ8b4fo>, and on file with the Secretariat

## 2. Speech by Justin Bitakwira Bihona-Hayi, a former national minister and president of the Alliance pour la République et la conscience nationale (ARCN)

Justin Bitakwira Bihona-Hayi, a former national minister and president of the *Alliance pour la République et la conscience nationale* (ARCN) political party, called on every Congolese to stand up against the enemy and for the DRC Government to identify “infiltrators”.

The audio recording of his call circulated widely on social media (see below excerpt). The Group had already reported on previous speeches by Bitakwira that incited discrimination, hostility and violence against the Banyamulenge community (see S/2021/560, para. 154 and annex 113).

The audio recording of Justin Bitakwira Bihona-Hayi’s speech, on file with the Secretariat, circulated on WhatsApp and was posted on YouTube on 14 June 2022. It is accessible at [https://www.youtube.com/watch?v=\\_KIlbKMztfQ](https://www.youtube.com/watch?v=_KIlbKMztfQ). See below transcription from the French original speech and translation in English by the Group.



Screenshot of the video accessible on YouTube

### Speech of Justin Bitakwira Bihona-Hayi:

“Ladies, Sirs, Congolese, children, youths, adults and elders. Here, this is your esteemed compatriot, Bitakwira Bihona-Hayi Justin. History repeats itself. History repeats itself, I say. It has been more than several decades, several decades that certain neighbours, particularly Rwanda, decided to humiliate us, decided to exterminate us, decided to occupy us. This country has no more than 14 million inhabitants. We are more than 100 million inhabitants. Enough is enough. Let's get up, let's get up. As one man. Let's get up. As De Gaulle did from London and formed what was called the National Council of Resistance. The time has come when majority, opposition, civil society, churches, fishermen, farmers, academics, students, teachers, pupils, school children, are defending the Republic. [...] Here, it is not a question of the President of the Republic alone, it is a question of 100 and more million Congolese. We must stand up to defend the Motherland, to defend the Republic. And the time has come to put an end to this recurrent violence, this repeated violence by a single neighbour who considers itself as the god of the Earth in order to divide up, balkanize, exterminate another country and our people. We call

the President of the Republic and the Government [...] to detect all infiltrators who are accomplices with our enemy. [...] Here, this is Mr. Bitakwira who calls for this national resistance, for this national awareness on the part of each and every Congolese, wherever they find themselves on Congolese soil, in the diaspora dispersed throughout the world. It's now or never. It's now or never. And let all the accomplices be put aside, who betray the fatherland. The information in our possession is that even our armed forces are waiting for help. Unfortunately, the help, instead of joining Bunagana, the help led by accomplices took the road to Butembo instead. Imagine. But any army that has the support of its people has never been defeated.”

Original text : « Mesdames, mesdemoiselles et messieurs, Congolaises et Congolais, enfants, jeunes, adultes et vieux. Ici, c'est votre estimé compatriote, Bitakwira Bihona-Hayi Justin. L'histoire se répète. L'histoire se répète, dis-je. Cela fait plus de plusieurs décennies, plusieurs décennies que certains voisins, particulièrement le Rwanda, s'est décidé à nous humilier, s'est décidé à nous exterminer, s'est décidé à nous occuper. Ce pays ne compte pas plus de 14 millions d'habitants. Nous sommes plus de 100 millions d'habitants. Trop c'est trop. Levons-nous, levons-nous. Comme un seul homme. Levons-nous. Comme De Gaulle l'a fait à partir de Londres et a constitué ce que l'on a appelé le Conseil national de la Résistance. Le moment est venu où majorité, opposition, société civile, églises, pêcheurs, agriculteurs, universitaires, étudiants, professeurs, élèves, écoliers, défendons la République. [...] Ici, ce n'est pas une question du seul Président de la République, c'est une question de 100 et plus de millions de Congolais. Nous devons nous lever pour défendre la Patrie-mère, pour défendre la République. Et le temps a sonné pour mettre fin à ces violences récurrentes, à ces violences répétées d'un seul voisin qui se prend pour le dieu de la Terre afin de morceler, balkaniser, exterminer un autre pays et notre peuple. Nous interpellons le Président de la République et le Gouvernement [...] de détecter tous les infiltrés qui sont complices avec notre ennemi. [...] Ici, c'est Monsieur Bitakwira qui appelle à cette résistance nationale, à cette prise de conscience nationale de la part de chacune et de chacun des Congolais, partout où ils se retrouvent sur le sol congolais, dans la diaspora dispersée à travers le monde. C'est aujourd'hui ou jamais. C'est aujourd'hui ou jamais. Et que tous les complices soient mis à l'écart, qui trahissent la patrie. Les informations en notre possession est que même nos forces armées attendent les secours. Malheureusement les secours, au lieu de rejoindre Bunagana, les secours dirigés par des complices a pris plutôt la route de Butembo. Imaginez-vous. Or toute armée qui a le soutien de son peuple n'a jamais été vaincue. [...] ».

### 3. Incidents of targeting Rwandophone civilians in the context of public demonstrations

On the margins of the demonstrations in support of the FARDC in Bukavu and Goma on 1 and 15 June 2022, respectively, some civilians hunted Rwandophones and those perceived as such.<sup>122</sup>

In Bukavu, at least two teenage boys (minors) of the Banyamulenge community, one wearing a school uniform, were physically mistreated while their assailants said they would chase Rwandans away and kill them. In Goma, demonstrators attacked shops and warehouses belonging to members of the Tutsi and Banyamulenge communities and at least one church attended by them (see below).<sup>123</sup>

**Below: Screenshot of a video of the looting of a warehouse belonging to a Tutsi businessman on the margins of the demonstration in Goma on 15 June 2022**

<sup>122</sup> Sources: eyewitnesses, victims, researchers, civil society and MONUSCO sources, as well as video and photographs circulating on social media.

<sup>123</sup> Sources: victims, witnesses, civil society and MONUSCO sources, video recordings, documentary and photographic evidence.



Video provided to the Group by civil society actors, on file with the Secretariat

**Below: Photograph of a church attended by members of the Banyamulenge community and damaged on the margins of the demonstration in Goma on 15 June 2022**



Provided to the Group by members of the Banyamulenge community

On the margins of the visit of the Belgian King to Bukavu on 12 June 2022, members of the Banyamulenge community were challenged by members of the crowd for attending the event, and one person was physically mistreated.

On 19 June 2022, a group of men claiming to belong to the Special Brigade of the Union pour la démocratie et le progrès social (UPDS) political party,<sup>124</sup> dressed in part in military attire and some of them carrying machetes, stopped vehicles in Bandalungwa in Kinshasa, looking for “infiltrated Rwandans”. A video recording, which circulated extensively on social media, shows that several police officers a few meters from the men carrying the machetes remained passive (see below):



First screenshot annotated by the Group to highlight the machetes held by the men

<sup>124</sup> UPDS is the political party of President Tshisekedi.



Screenshot showing that several police officers a few meters from the men carrying the machetes remained passive

Video accessible at: [Stanis Bujakera Tshiamala on Twitter: "#RDC: Ils se revendiquent de la « Brigade Spéciale de l'UDPS». Ils ont effectué une descente dans la commune de Bandalungwa à Kinshasa devant le magasin « Yesu Ni Jibu » armés de machettes et de bâtons. « Ils disaient être à la recherche des infiltrés rwandais », disent témoins https://t.co/Aqn0RmkhWK" / Twitter](https://t.co/Aqn0RmkhWK)

## Annex 54

### **Examples of audio recordings, messages or leaflets circulating on social media explicitly calling to chase “Rwandans” out of the DRC and/or to kill them**

### **Exemples d'enregistrements audio, de messages ou de tracts circulant sur les médias sociaux et appelant explicitement à chasser les "Rwandais" de la RDC et/ou à les tuer**

#### **(1) Below is the partial translation into English of an audio recording circulated on WhatsApp and on file with the Secretariat**

Translation to English by the Group, audio recording provided by civil society actors:

“Patriots, being native does not mean to demonstrate without conducting any actions, without the revenge of shedding the blood of Rwandans, the uncivil. From 25 June, let’s all go to the houses and shops of Rwandans. [...] Rwandans will be our meat. When you see a Rwandan, know that you have found some meat.

From today, the 15, until 25, this is the time limit granted to Rwandans to flee our country, Congo, by themselves. Remember the system in South Africa. [...] The morning, when they woke up, they were burnt in their houses, with tires. There is nothing more [efficient] than death to make someone escape from a foreign country. The State cannot chase out a refugee without the population.

Let’s stand up on 25 June [...] No need for FARDC or police officers, we will control vehicles ourselves. Do not fear police, even when they came in South Africa, they only killed the refugees, which in turn pushed refugees to escape and return home. The Government cannot chase out the Rwandans. We should chase out the Rwandans. Identify the houses where Rwandans are and the churches where they pray on Sundays and burn them during the prayer. In all avenues, boys shall contribute to buy cans of petrol to burn them together with their pastors.

[...] Let’s get up everywhere in Kinshasa, Lubumbashi, Bandundu and everywhere else in all provinces. Congolese, let’s get up on 25. We will conduct cordon [operations]. When we find a Rwandan, we burn him, that’s it. [...] We will first fight Rwandans who are in our houses. [...] No more fusion between Congolese and Rwandan soldiers. This is impossible to win a war when together with the brother of the enemy.

This is not the time anymore to pray. Let’s stand up. God gave you eyes, legs, arms and intelligence... What do you wait for? Take a machete and slaughter the Rwandans or take some petrol and burn their houses. What do you want God gives you more? There is no pastor any longer. This is Putin time. Let’s take this opportunity to get out of this slavery from uncivil Rwandans, who are devils to whom we taught how to rinse their teeth. [...] I also taught them how to wear clothes and shoes, I, son of South Kivu. Someone who does not know how to speak well. What can he teach me? To colonise me? No! We will burn their shops.”

#### **(2) Below is the partial translation into English of another audio recording circulated on WhatsApp and on file with the Secretariat**

Translation to English by the Group, audio recording provided by civil society actors.

“This is really me, Jems de Jems, speaking into the mike. I am speaking to all natives from Uvira and Fizi. [...] I exhort you, from tomorrow, to stay unified and act together to show Rwandans that Congo does not belong to them, but that it is for Congolese. [...] We will start searching all houses of the Rwandans from Kavinvira up to Malaki, Kalmabenge, Songo and Kabindula. [...] Let’s chase out all Rwandans. Our friends from Fizi should go up to Baraka to chase out the Rwandans.

We see that Tutsi Rwandans are genocidaires and aggressors. We ask each province and territory to take in charge the defense of its entity. Tomorrow, everyone needs to go early, each with his/her baton, knife, machete or spear. No one can block the way, neither a soldier, nor a police officer, because we defend our territory. [...] I will be the first to go on the road number 5 with my baton and my machete. I shall ensure that every Rwandan in Malaki, Songo, all Kimanda and up to Kabindula at the customary chief, be destroyed, that Rwandans leave Uvira and Baraka. Afterwards, we will continue in the Ruzizi Plain and everywhere else. [...] We have the force to chase the Rwandans out until they return at home in Rwanda. This was your brother Jems de Jems on the mike. Thank you.”

**(3) Below is the full translation into English of another audio recording circulated on WhatsApp and on file with the Secretariat**

Translation in English by the Group, audio recording provided by civil society actors.

“I greet all Congolese to inform you that this month, on June 25, in the territory of Uvira, we will get up from Kamanyola to Kalundu, in all the villages that are on this route. From 6 a.m. on 25 June 2022, which will be a Saturday, all people from all villages will rise to end this trouble with Rwandans.

We will clean up. Wherever there is a Rwandan, he shall go. And if you house a Rwandan, start chasing him to return home. And if you know where he lives and he bought a house and he is your neighbor, go with a machete, a stick, an arrow to hunt him.

We will follow the strategy in Zimbabwe, as they did to drive out the Whites. They took machetes to drive out the Whites to their countries. And we, too, come with our strategy to put an end to the troubles in the territory of Uvira.

From Kamanyola to Kalundu, let's all be in our centers from 6 a.m. There will be 10 organized vehicles belonging to the patriot citizens circulating to ensure that each village does its job. We will make sure that each village does its job. We will make sure that each village does its job.

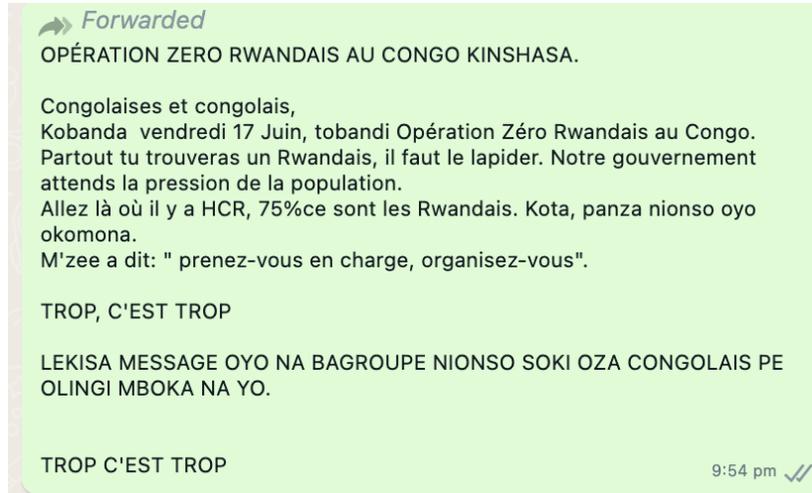
We are tired of being killed, of our women being raped. We will rise on 25 June 2022 to fight the Rwandans. Dear fathers and dear mothers, let us rise to end this war in a single day. We will beat them. We will make them return home. We will make sure that the territory of Uvira remains calm.

From today until the 25<sup>th</sup> be on the lookout. If you know that you are still housing Rwandans, woe to you. You and he will go the same path. We are going to go avenue by avenue, house by house to ensure that the Rwandans, the Tutsis leave. We are tired of being killed. Since 1996 we have been killed. Enough is enough. We will fight with the Rwandans and drive them all out. We are going to fight with the Rwandans and drive them out, so we ask that this Saturday, the people of each village be in their center.

Woe to the soldier or the policeman who arrests us. We no longer want our army to be mixed with the Rwandans. They go to the front together and the Rwandan goes behind and kills Congolese generals with duplicity. We will clean up all Rwandans in Uvira territory. We beg you, from today and by June 25, we do not want to see a Rwandan in the territory of Uvira. The 25<sup>th</sup> will be the last time that we will see a Rwandan in the territory of Uvira. We no longer want to see Rwandan Tutsis in Uvira territory.

I end here. Good luck to those who are going to do this, we will see each other on the 25<sup>th</sup> to clean the Rwandans of the territory of Uvira. We do not want Nilotics, Tutsis and Rwandans in Uvira territory.”

**(4) Below a message which circulated on WhatsApp calling for an “operation for zero Rwandan” in the DRC and instructing “Everywhere you will find a Rwandan, you shall lapidate him”.**



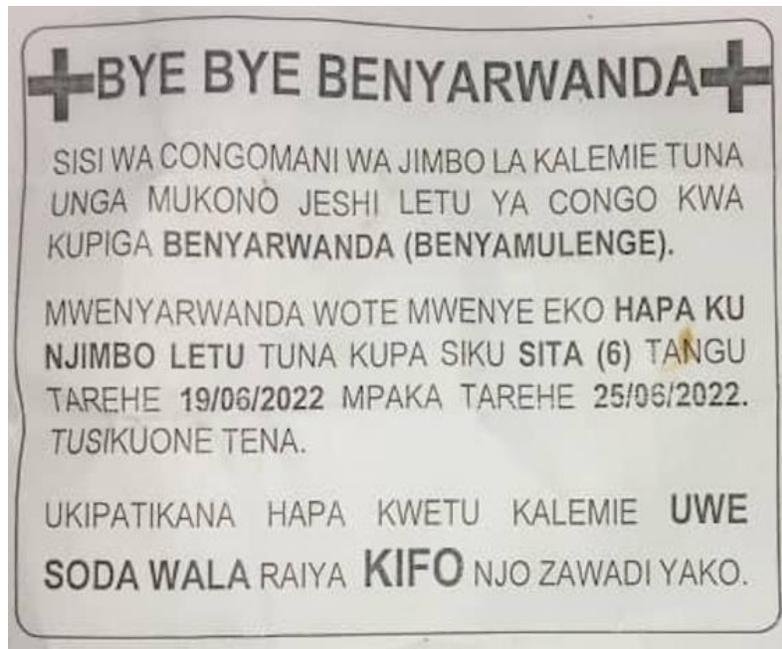
Provided to the Group by a source from the civil society

(5) Below a leaflet stating:

**“BYE BYE RWANDANS**

WE, THE CONGOLESE OF KALEMIE TERRITORY, WE SUPPORT OUR ARMY OF CONGO IN THE WAR AGAINST **THE RWANDANS (BANYAMULENGE)**.

WE GIVE EACH RWANDAN IN OUR TERRITORY **SIX (6) DAYS** TO LEAVE FROM **19/06/2022 UP TO 25/06/2022**. WE DO NOT WANT TO SEE YOU ANYMORE.”



Provided to the Group by civil society sources

**Annex 55**

**Screenshot of the video recording the burning of a Banyamulenge businessman lynched in Kalima, Pangi territory, Maniema province, on 18 June 2022**

**Capture d'écran de la vidéo montrant l'incinération d'un homme d'affaires banyamulenge lynché à Kalima, dans le territoire de Pangi, dans la province du Maniema, le 18 juin 2022**



Screenshot from a video provided to the Group by various sources, on file with the Secretariat

## Annex 56

## Claims of an alleged “infiltration” of the DRC administrative and security apparatus by Rwandans

## Allégations d'une prétendue " infiltration " de l'appareil administratif et sécuritaire de la RDC par des Rwandais

Multiple messages and broadcasts denouncing the so-called “infiltration” of DRC political and administrative authorities, and security and defense forces by Rwandans, including lists of names sometimes together with the physical addresses of the targeted individuals, were also disseminated via social media.

In this context, in May and June 2022, several Banyamulenge and Tutsi soldiers and officers of the FARDC were arrested and/or detained by FARDC or police, including in Goma and Bukavu, on grounds of alleged support to M23/ARC. Most were released quickly due to lack of any evidence.<sup>125</sup> The FARDC members who arrested or interrogated seven of them accused them for allegedly not being DRC citizens, and said that all those speaking Kinyarwanda should be sent back to Rwanda. Several were physically mistreated during their arrest and/or subsequent detention.

Messages circulated on social media, warning that Rwandans within the FARDC prepare to stage a mutiny and to control several towns in eastern DRC and calling to watch them. The is one of the many messages circulating on social media alleging the “infiltration” of the FARDC by Rwandans:



Provided to the Group by sources from the civil society

<sup>125</sup> Sources: FARDC, civil society and MONUSCO sources, video recording, and documentary evidence.

## Annex 57

**M23 communiqué dated 15 June 2022 denouncing xenophobic and hate speech and acts of violence based on ethnic and xenophobic grounds and holding the DRC Government accountable for them****Communiqué du M23 du 15 juin 2022 dénonçant les discours xénophobes et haineux et les actes de violence fondés sur des motifs ethniques et xénophobes et tenant le gouvernement de la RDC pour responsable de ces actes**

**Communiqué Officiel du Mouvement sur les attaques sélectives  
de ce jour dans la ville de Goma**

La Direction du M23 prend à témoin la Communauté internationale représentée à Goma par la Mission des Nations-Unies au Congo, les Organismes des Nations-Unies, les missions diplomatiques et autres Organisations Non Gouvernementales sur la violence perpétrée ce mercredi 15 juin 2022 dans la ville de Goma.

En effet, sur incitation des autorités civiles et militaires du pays, les rues de la ville de Goma ont été investies par des groupes d'extrémistes radicaux surexcités qui scandaient des slogans d'appel à la violence, au meurtre, à la haine ethnique et à la xénophobie.

En conséquence :

01. Des paisibles citoyens ont été sortis violemment de leurs résidences, de leurs véhicules, des églises et des leurs lieux de travail pour être molestés, humiliés et livrés à la vindicte populaire pour leur faciès ; d'autres ont été forcés à quitter leur pays et aller en exil.
02. Des résidences, magasins, échoppes identifiées comme appartenant aux membres de la communauté tutsi ont été cassés et totalement vandalisés
03. Ces actes de violence ont été commis avec l'encadrement des agents de Police Nationale Congolaise et des militaires des Forces Armées de la RDC.
04. Parmi ces manifestants, on pouvait noter une forte présence des personnes appartenant à des Organisations dites de défense de droit l'homme qui ont participé également ces actes de violence.
05. A Kinshasa, des responsables du parti au pouvoir l'UDPS ont, au cours d'un meeting diffusé ce matin en direct sur leur chaîne YouTube dénommée YOKA SON, présenté une liste des lieux bien documentés et identifiés où se retrancheraient les membres de la Communauté Tutsi et ont donné le mot d'ordre à leurs militants de les mettre hors d'état de nuire.

Choquée et scandalisée par cette violence injustifiée dirigée contre une partie de citoyens de la République, la Direction de notre Mouvement prend le Gouvernement de la République pour responsable de cet activisme violent à travers son option militariste contre notre Mouvement en lieu et place d'un dialogue constructif et susceptible d'éteindre pacifiquement le conflit dans un délai record. Et les récents renforts d'environ 1000 à 2000 hommes de troupes et matériels lourds nouvellement acheminés dans le territoire de Rutshuru ne viennent pas œuvrer pour la paix.

Tel. +243814946907

Email: [mouvementdu23mars2@gmail.com](mailto:mouvementdu23mars2@gmail.com)

Ainsi le M23 invite le Gouvernement à plus de retenue et exige la fin immédiate de cette violence dirigée contre des paisibles citoyens pour leur faciès et les garanties de la sécurité pour tous les citoyens de la République.

Le Gouvernement doit œuvrer pour la Réconciliation Nationale en lieu et place de diviser son peuple en soulevant les uns contre les autres pour créer ainsi un chaos généralisé qui conduirait à la guerre civile.

Notre Mouvement ne voudrait pas être contraint à prendre ses responsabilités pour garantir à tous les citoyens la sécurité en lieu et place du Gouvernement de la République qui en a l'obligation constitutionnelle et qui dispose des moyens d'état pour ce faire.

Fait à Sarambwe, le 15 Juin 2022

Le porte-parole de l'ARC/M23



Major Willy NGOMA



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**Annex 58****Rwanda denouncing persistent hate speech against Rwandophone populations in the DRC, statement of 30 October 2022****Le Rwanda dénonce les discours de haine persistants contre les populations rwandophones en RDC, déclaration du 30 octobre 2022**

The Rwandan government noted:

“[...] We continue to bring to the attention of the international community the persistent hate speech, public incitement and violent harassment against Rwandans and Congolese Kinyarwanda-speaking communities in the DRC, carried out by Congolese officials and the general public. [...]”

See full text below:



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**RESPONSE TO ESCALATION BY DRC**  
Kigali, 30 October 2022

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Rwanda notes with regret the decision by the Government of the DRC to expel Rwandan Ambassador Vincent Karega.

Rwandan security forces at our border with the DRC remain on alert, as we continue to monitor the Congolese escalation.

Of particular concern is the continued collusion between the Congolese armed forces with the FDLR, and their attempts to target the border area with heavy weaponry, as well as the bellicose anti-Rwanda rhetoric being broadcast by DRC officials.

We also continue to bring to the attention of the international community the persistent hate speech, public incitement and violent harassment against Rwandans and Congolese Kinyarwanda-speaking communities in the DRC, carried out by Congolese officials and the general public.

The integration of the FDLR within the FARDC and their collaboration is directly linked to ever increasing hate speech and violence in DRC against Rwandans and Kinyarwanda speaking Congolese communities.

It is regrettable the Government of the DRC continues to scapegoat Rwanda to cover up and distract from their own governance and security failures.

Rwanda remains committed to contributing to a sustainable, peaceful regional security solution within the agreed regional frameworks, including the Luanda Roadmap and the Nairobi Process.

END

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## Annex 59

## DRC officials and public figures, including President Tshisekedi, publicly condemning xenophobic and hate speech

### Des responsables et des personnalités de la RDC, dont le président Tshisekedi, condamnent publiquement les discours xénophobes et haineux

- (1) Patrick Muyaya, Minister of Communication and Government spokesperson, posting the official Government communiqué announcing the expulsion of Rwandan ambassador, on 30 October 2022, Twitter

← Tweet



Patrick Muyaya ✓  
@PatrickMuyaya

**#RDC** : En vue de préserver l'unité nationale, le Conseil supérieur de la Défense : « S'abstenir de tout type de discours, d'actes de violence ou de stigmatisation contre les communautés rwandophones pour ne pas prêter le flanc à l'ennemi » lire le communiqué [#BendeleEkweyaTe](#) 🇷🇺🇷🇺

[Translate Tweet](#)

**COMMUNIQUÉ OFFICIEL**

Le Président de la République, Chef de l'Etat et Commandant Supérieur des Forces Armées de la République Démocratique du Congo et de la Police Nationale Congolaise a présidé, ce samedi 29 octobre 2022 à la Cité de l'Union Africaine à Kinshasa, une réunion chargée du Conseil Supérieur de la Défense.

Il a été question de faire le point de l'évolution de la situation sécuritaire dans le Nord-Kivu marquée particulièrement par une série d'attaques et l'occupation de quelques localités congolaises, dans le territoire de Rutshuru, par le M23 appuyé par l'armée rwandaise.

A la lumière des différents rapports recueillis sur terrain dont celui du Centre Congolais des Opérations équipés des drones de surveillance, il a été observé, ces derniers jours, une arrivée massive des éléments de l'armée rwandaise pour appuyer les terroristes du M23 en vue d'une offensive générale contre les positions des Forces Armées de la République Démocratique du Congo.

Le Conseil Supérieur de la Défense a rappelé que cette offensive du M23 appuyée par l'armée rwandaise visant de porter un ultime coup aux processus de paix de Nairobi et de Luanda engagés depuis plusieurs mois. Cette aventure criminelle et terroriste a rencontré une farouche résistance de nos Forces Armées déterminées à défendre la patrie jusqu'au sacrifice suprême.

Ces affrontements ont provoqué un déplacement massif de plusieurs milliers de nos compatriotes rendant encore plus difficile une situation humanitaire déjà préoccupante.

Au regard des faits qui précèdent, le Conseil Supérieur de la Défense demande au Gouvernement :

1. D'expulser, dans les 48 heures après sa notification, Monsieur Vincent KAREGA, l'Ambassadeur pépétuarienne du Rwanda en poste en République Démocratique du Congo.

Et ce, en raison, d'une part, de la persistance du Rwanda à aggraver la RDC et à appuyer le mouvement terroriste du M23 qu'il instrumentalise à cette fin ; et d'autre part, du mépris systématique d'arrangement des autorités rwandaises vis-à-vis tant du processus de Nairobi et de Luanda que des recommandations de la Communauté internationale plus précisément des Nations Unies (ONU), de l'Union Africaine (UA), de la Communauté de l'Afrique de l'Est (CAE), de la Communauté de Développement de l'Afrique Australe (SADC) et des partenariats bilatéraux exigeant

En ce moment particulier où l'unité nationale est menacée, le Conseil Supérieur de la défense a félicité les Forces de Défense et de Sécurité de la République Démocratique du Congo pour leur bravoure et leur détermination à défendre l'intégrité territoriale de notre pays, à protéger les populations ainsi que les Institutions de la République. Il les exhorte à poursuivre leur noble mission.

En vue de préserver l'unité nationale, le Conseil Supérieur de la Défense a rappelé la recommandation du Président de la République, Chef de l'Etat, celle de s'abstenir de tout type de discours, d'actes de violence ou de stigmatisation contre les communautés rwandophones pour ne pas prêter le flanc à l'ennemi. Il a encouragé les Services habilités à veiller à la stricte observance de cette recommandation.

Enfin, le Conseil Supérieur de la Défense remercie le peuple Congolais pour l'état de solidarité et de patriotisme manifesté à l'endroit de nos Forces Armées et des populations touchées par cette agression. Il a annoncé que le Président de la République, Chef de l'Etat s'adresse à la Nation dans les prochains jours.

Fait à Kinshasa, le 29 octobre 2022.



2:12 am · 30 Oct 2022 · Twitter for iPhone

Public post available on Twitter, screenshot taken by the Group

- (2) The full text of the Official Government communiqué announcing the expulsion of the Rwandan ambassador, calling on the population to abstain from stigmatizing Rwandophone populations (see page 2, second-last paragraph):



MINISTÈRE  
DE LA COMMUNICATION  
ET MÉDIAS

## COMMUNIQUÉ OFFICIEL

Le Président de la République, Chef de l'Etat et Commandant Suprême des Forces Armées de la République Démocratique du Congo et de la Police Nationale Congolaise a présidé, ce samedi 29 octobre 2022 à la Cité de l'Union Africaine à Kinshasa, une réunion élargie du Conseil Supérieur de la Défense.

Il a été question de faire le point de l'évolution de la situation sécuritaire dans le Nord-Kivu marquée particulièrement par une série d'attaques et l'occupation de quelques localités congolaises, dans le territoire de Rutshuru, par le M23 appuyé par l'armée rwandaise.

A la lumière des différents rapports recueillis sur terrain dont celui du Centre Conjoint des Opérations équipés des drones de surveillance, il a été observé, ces derniers jours, une arrivée massive des éléments de l'armée rwandaise pour appuyer les terroristes du M23 en vue d'une offensive générale contre les positions des Forces Armées de la République Démocratique du Congo.

Le Conseil Supérieur de la Défense a rappelé que cette offensive du M23 appuyée par l'armée rwandaise vient de porter un énième coup aux processus de paix de Nairobi et de Luanda engagés depuis plusieurs mois. Cette aventure criminelle et terroriste a rencontré une farouche résistance de nos Forces Armées déterminées à défendre la patrie jusqu'au sacrifice suprême.

Ces affrontements ont provoqué un déplacement massif de plusieurs milliers de nos compatriotes rendant encore plus difficile une situation humanitaire déjà préoccupante.

Au regard des faits qui précèdent, le Conseil Supérieur de la Défense demande au Gouvernement :

1. D'expulser, dans les 48 heures après sa notification, Monsieur Vincent KAREGA, l'Ambassadeur plénipotentiaire du Rwanda en poste en République Démocratique du Congo.

Et ce, en raison, d'une part, de la persistance du Rwanda à agresser la RDC et à appuyer le mouvement terroriste du M23 qu'il instrumentalise à cette fin ; et d'autre part, du mépris teinté d'arrogance des autorités rwandaises vis-à-vis tant du processus de Nairobi et de Luanda que des recommandations de la Communauté internationale plus précisément des Nations Unies (ONU), de l'Union Africaine (UA), de la Communauté de l'Afrique de l'Est (CAE), de la Communauté de Développement de l'Afrique Australe (SADC) et des partenaires bilatéraux exigeant unanimement la cessation d'activités terroristes du M23 et de tout appui extérieur à lui, son retrait sans délai ni condition des localités congolaises occupées et le retour immédiat des populations déplacées.

2. D'envoyer, en toute urgence, une mission humanitaire pour porter une assistance à nos populations déplacées à la suite de ces attaques ;
3. De prendre des nouvelles mesures supplémentaires de restriction d'accès au territoire congolais à l'encontre du Rwanda ;
4. D'accroître la force de frappe de nos Forces Armées et de Sécurité ;
5. De réaffirmer la volonté de la République Démocratique du Congo de rester engagé dans les processus de paix de Nairobi et de Luanda en vue de restaurer durablement la paix, la sécurité et la stabilité dans la région des Grands-Lacs.

En ce moment particulier où l'unité nationale est menacée, le Conseil Supérieur de la défense a félicité les Forces de Défense et de Sécurité de la République Démocratique du Congo pour leur bravoure et leur détermination à défendre l'intégrité territoriale de notre pays, à protéger les populations ainsi que les Institutions de la République. Il les exhorte à poursuivre leur noble mission.

En vue de préserver l'unité nationale, le Conseil Supérieur de la Défense a rappelé la recommandation du Président de la République, Chef de l'Etat, celle de s'abstenir de tout type de discours, d'actes de violence ou de stigmatisation contre les communautés rwandophones pour ne pas prêter le flanc à l'ennemi. Il a encouragé les Services habilités à veiller à la stricte observance de cette recommandation.

Enfin, le Conseil Supérieur de la Défense remercie le peuple Congolais pour l'élan de solidarité et de patriotisme manifesté à l'endroit de nos Forces Armées et des populations touchées par cette agression. Il a annoncé que le Président de la République, Chef de l'Etat s'adressera à la Nation dans les prochains jours.

Fait à Kinshasa, le 29 octobre 2022.

**Patrick MUYAYA KATEMBWE**

*Ministre de la Communication et Médias*

*Porte-parole du Gouvernement*

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● E-mail : [info@communication.gouv.cd](mailto:info@communication.gouv.cd)

● [www.communication.gouv.cd](http://www.communication.gouv.cd)

(3) **Radio-televised speech of the President of the DRC, His Excellency F.A. Tshisekedi Tshilombo, broadcast on 3 November 2022**

*République Démocratique du Congo*



**PRESIDENCE DE LA REPUBLIQUE**  
CABINET DU CHEF DE L'ETAT  
CELLULE DE COMMUNICATION

**ADRESSE À LA NATION DE SON EXCELLENCE MONSIEUR  
FÉLIX-ANTOINE TSHISEKEDI TSHILOMBO,  
PRÉSIDENT DE LA RÉPUBLIQUE DÉMOCRATIQUE DU CONGO,  
CHEF DE L'ÉTAT, PRÉSIDENT EN EXERCICE DE LA SADC  
SUITE À LA DÉTÉRIORATION DE LA SITUATION SÉCURITAIRE DANS L'EST  
DU PAYS**

Kinshasa - RD Congo, Jeudi 03 Novembre 2022

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+ 243 81 28 81 734 - [www.presidence.cd](http://www.presidence.cd) - [communication@presidence.cd](mailto:communication@presidence.cd) - @Presidence\_RDC  
Palais de la Nation, Av. Roi Baudouin / Gombe - Kinshasa / BP 201 Kin1




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**Congolaises,  
Congolais,  
Mes très Chers compatriotes,**

Je m'adresse solennellement à vous en ce jour dans un contexte exceptionnel en rapport avec la situation sécuritaire que connaît notre pays dans sa partie Orientale. Ce contexte d'agression et d'occupation des territoires dans le Nord-Kivu est perpétré par le groupe terroriste dit du M23, avec l'appui avéré en hommes et en logistique du Rwanda.

Au moment où je fais cette adresse, nos agresseurs occupent certaines localités dans le territoire de Rutshuru occasionnant ainsi un drame humanitaire avec plus de 200 000 compatriotes forcés de fuir les affres terroristes dans les zones de combats. Ils se retrouvent en dehors de chez eux sans logis, sans nourriture et sans soins. Des instructions précises ont été données au Gouvernement pour leur rassemblement et prise en charge. Au-delà de ces efforts, j'en appelle à un élan général de solidarité pour alléger leur fardeau.

Certes, cette situation n'est pas nouvelle, en effet, depuis plusieurs décennies des groupes armés nationaux et étrangers écumant l'Est de notre pays en y commettant des atrocités innommables sur fond d'exploitation illégale de nos ressources naturelles.

C'est ainsi qu'à l'occasion de mon avènement, j'avais été amené à prendre l'engagement, devant la Nation, de rétablir au cours de mon mandat la paix et la sécurité là où elles sont compromises et de les consolider là où elles existent.

Sitôt dit sitôt fait, j'ai sans délai et de bonne foi commencé à développer, notamment avec tous nos 9 pays voisins, une diplomatie de proximité en vue d'établir avec eux des relations de coopération franche, transparentes et gagnant-gagnant.

Avec l'Ouganda, nous sommes allés jusqu'à décider de mutualiser nos Forces armées afin de combattre ensemble la nébuleuse des ADF, une milice d'origine ougandaise qui cependant n'opère que dans le Nord-Kivu, et aussi nous avons lancé deux projets de construction de routes transnationales. Avec le Rwanda, un mémorandum d'entente a été signé dans le commerce de l'or avec une entreprise nationale, une ligne aérienne a été ouverte à la Compagnie Nationale Rwandaise dans notre pays et un accord de non double taxation a été signé.

Malgré cela, ce pays va nous surprendre en réactivant les terroristes du M23. Alors qu'il avait été défait par les armes en 2013, le M23 va refaire surface en



prenant notre Armée de court, notamment à Bunagana, cité qu'il occupe depuis le 13 juin 2022. En effet, sous la fallacieuse accusation de soutien des FARDC aux FDLR, le Rwanda a en réalité des vellétés expansionnistes avec comme intérêt principal l'appropriation de nos minerais et pour ce faire, il s'active à déstabiliser l'Est du Congo pour créer une zone de non droit en vue d'assouvir ses appétits criminels.

Pour faire face à cette situation, deux options s'offraient à nous : la diplomatie ou la guerre. J'ai résolu de privilégier la première option quitte à en venir à la seconde faute de résultats.

L'option diplomatique a donc été mise en œuvre.

C'est ici l'occasion pour nous de rappeler que notre attachement à la recherche de la paix par des voies pacifiques n'est aucunement un signe de faiblesse moins encore un aveu d'une incapacité de notre pays à s'inscrire dans une logique de guerre totale contre tous ceux qui continuent à abuser de notre patience, mais plutôt une expression de notre culture de paix et de notre identité légendaire de peuple hospitalier.

C'est ainsi que dès le 20 juin 2022, j'ai pris part aux travaux du 3<sup>ème</sup> Conclave des chefs d'État membres de la Communauté d'Afrique de l'Est (EAC) à Nairobi au Kenya qui avait comme agenda l'examen de la situation sécuritaire dans l'Est de notre pays.

À l'issue de ce forum, les dirigeants des pays membres de la Communauté d'Afrique de l'Est (EAC) sont tombés d'accord sur le déploiement d'une force régionale pour « imposer » la paix dans l'Est de la République démocratique du Congo (RDC). Le sommet a appelé « à une cessation immédiate de toutes les hostilités à l'Est de la RDC » et a demandé à tous les groupes armés, tant étrangers que locaux, « à déposer les armes immédiatement et sans condition, et à s'engager dans processus politique ».

Le 6 juillet 2022, j'ai accepté de rencontrer à nouveau le Président du Rwanda, cette fois à Luanda sous l'égide du Président João Lourenço, sous couvert de la Conférence Internationale des Régions des Grands Lacs africains. Il en est sorti une feuille de route qui stipule entre autres objectifs : Normaliser les relations politiques et diplomatiques entre la RDC et le Rwanda. Et, pour y parvenir, la première action retenue : arrêt des hostilités et retrait du M23 des positions occupées conformément au communiqué final de Nairobi.

Une fois de plus aucune avancée sur le terrain de la paix attendue par notre population n'a été observée.



La dernière activité diplomatique en date, a été la rencontre avec le Président Paul Kagame autour du Président Français Emmanuel Macron, et à l'initiative de ce dernier en marge de l'Assemblée Générale de Nations-Unies à New-York. Ici également, pour l'essentiel, il a été acté le principe d'un cessez-le-feu immédiat et du retrait sans condition du M23 des positions qu'il occupe. Toujours sans résultats tangibles sur le terrain.

**Mes chers compatriotes,**

Comme vous pouvez le constater, malgré notre investissement et les efforts fournis dans cette optique, la paix et la sécurité ne sont pas au rendez-vous.

Garant de l'indépendance, de l'unité nationale et de l'intégrité territoriale, je réitère mon engagement constitutionnel de défendre la Patrie jusqu'au sacrifice suprême.

**Mes très chers compatriotes,**

Ne doutons jamais, qu'ensemble réfléchis et engagés nous puissions changer le monde.

**À vous nos vaillants Soldats,**

Vous qui avez pris l'engagement de servir sous le drapeau, je vous invite ici au sens élevé du patriotisme en ce temps particulièrement exceptionnel de notre histoire, de défendre notre pays, de protéger l'intégrité de son territoire et d'assurer la sécurité des congolaises et des congolais contre toute agression ou attaque d'où qu'elle vienne.

**À vous mes très chers compatriotes,**

La guerre qui nous est imposée par nos voisins exige de chacun de nous des sacrifices. C'est le moment de taire nos divergences politiques pour défendre tous rassemblés, notre mère patrie.

Notre histoire et notre marche commune ont, sans cesse, démontré que loin de s'effondrer, notre Nation et son Peuple ont toujours relevé ce genre de défis et nous en sommes toujours sortis victorieux.

Restons tous unis et solidaires derrière nos forces de défense et de sécurité.

La situation actuelle, loin de nous affecter, n'est qu'une épreuve de plus que nous allons surmonter pour raffermir davantage notre unité.

## Annex 60

### Organizers of anti-MONUSCO incitement and of attacks on UN installations and peacekeepers

#### Organisateurs d'incitations anti-MONUSCO et d'attaques contre les installations de l'ONU et les soldats de la paix

Statements of prominent political figures asking for the departure of MONUSCO emboldened pressure groups militating for MONUSCO's departure, notably *Veranda Mutsanga*, *Génération Positive*, and La LUCHA RDC Afrique, to mobilize the youth for demonstrations. After realizing that violent actions were perpetrated in consequence, some of these politicians subsequently distanced themselves from the anti-MONUSCO actions, including Modeste Bahati Lukwebo (see AFDC-A statement at (1) below).

On 20 July 2022, Ricky Paluku, leader of *Veranda Mutsanga/Goma*, a pressure group founded by national deputy Tembos Yotama, launched the "Zero MONUSCO" campaign calling for mass protests, *villes mortes*, and blocking all the movements of MONUSCO.<sup>126</sup> Tembos Yotama congratulated the anti-MONUSCO protestors in his public announcements issued after the violent demonstrations had taken place (see from (2) to (5) below).

Several independent sources confirmed that Eric "Lucky" Bwanapuwa Mumbere of the pressure group *Mouvement National du Congo* (MNC), collaborated with Jimmy Nzialy Lumangabo, leader of the *Génération Positive*, and were the main organizers of the violent protests in Goma.<sup>127</sup> Ricky Paluku, and LUCHA RDC leader Clovis Matsuva were seen with Bwanapuwa during the demonstrations in Goma. The latter headed groups of protesters that engaged in violence against MONUSCO, notably the Logistical Base also known as RVA (for additional information and supporting evidence, see below from (6) to (8)).

None of them condemned the violence against MONUSCO and continued propagating anti-MONUSCO rhetoric.

#### Planning and financing

According to a witness involved in organizing demonstrations in Goma, the violent attacks were not spontaneous, but well planned. The high level of organization was reflected in the well-coordinated actions executed on the ground. The same witness explained that specific roles and targets were assigned to different groups. For example, it was agreed in advance that Eric Bwanapuwa would lead the group of protesters towards the RVA. Actions were coordinated over the phone. The objective was to attack every position of MONUSCO and burn everything with a UN logo, including offices and cars. The pillaging was not planned, but it was permitted.

Financing for the demonstrations was ensured through voluntary contributions by supporters of the pressure groups.<sup>128</sup> According to a direct witness, each demonstrator in Goma was paid a sum of money, and truckloads of rocks were purchased to barricade roads in various locations in Goma, notably for the *ville morte* organized on 26-27 September 2022.

The anti-MONUSCO movement blamed the Mission to have tacitly enabled M23/ARC, by failing to neutralize the armed group. However, sources close to leaders of the movement revealed that the interests of the organizers lied mainly in lifting the State of siege, as it hindered the financial/economic interests of the North Kivu elite.

<sup>126</sup> On 23 July, Veranda Mutsanga/Beni declared it had nothing to do with the actions called for 25 July.

<sup>127</sup> Witness involved in organizing the anti-MONUSCO actions, civil society source, MONUSCO

<sup>128</sup> MONUSCO, civil society, community leader, eyewitness

- (1) AFDC-A's denounced attacks on MONUSCO on behalf of Prof Modeste Bahati Lukwebo, and called on his followers not to engage in violence, in a communiqué issued on 24 July 2022:



**REGROUPEMENT POLITIQUE**

**ALLIANCE DES FORCES DEMOCRATIQUES DU CONGO ET ALLIES. « AFDC-A »**

**COMMUNIQUE A LA SUITE DES VIOLENCES CONTRE LES INSTALLATIONS DE LA MONUSCO DANS LES PROVINCES DU NORD-KIVU ET DU SUD-KIVU**

Le Professeur Modeste BAHATI LUKWEBO, Président National statutaire du Regroupement Politique « Alliance des Forces Démocratiques du Congo et Alliés », « AFDC-A » en sigle, regrette le fait que certaines personnes mal intentionnées déforment et décontextualisent ses propos, quant à la demande du retrait de la MONUSCO sollicitée massivement par la population, faute des résultats en termes de neutralisation des forces négatives qui sèment la terreur dans l'Est de la RDC, notamment dans le Grand Nord (ITURI, BENI), au Nord-Kivu et au Sud-Kivu, et compatit encore une fois avec les familles des victimes des violences dues aux attaques de groupes armés dans l'Est de notre pays, lesquels sont soutenus, entretenus et équipés par des ennemis de la paix et de la prospérité, aussi bien ceux de l'intérieur que de l'extérieur de notre pays.

A la demande de la population excédée par des actes de violences récurrents depuis les années 1994 jusqu'à ce jour, le Professeur Modeste BAHATI LUKWEBO, comme l'ensemble de la population a simplement questionné l'effectivité du mandat de la MONUSCO qui est fondé, depuis plus de 20 ans sur la protection des populations civiles en RDC.

Homme de paix et de développement, très proche de la société civile depuis toujours, le Professeur Modeste BAHATI LUKWEBO reconnaît l'apport de la Communauté Internationale aux côtés des autorités et de la population congolaise dans les efforts de reconstruction et de développement de notre pays. A cet effet, il interdit et condamne avec la dernière énergie tout acte de violence perpétré contre les installations des Nations Unies, plus précisément au Nord-Kivu et au Sud-Kivu. Il interdit formellement les membres de sa famille politique et toute personne qui s'identifie à lui et en ses actions, de faire recours à la violence pour solliciter le départ de la MONUSCO tant souhaitée et sollicitée presque à l'unanimité par la population. Cette question devant être réglée pacifiquement, et de manière progressive par des canaux politiques et diplomatiques appropriés. Il va de soi que toute revendication, notamment celle demandant le départ de la MONUSCO puisse se faire dans le strict respect des lois de la République, pacifiquement, dans l'ordre et la discipline et jamais dans la violence, comme l'a d'ailleurs indiqué le Professeur Modeste BAHATI LUKWEBO dans tous ses messages lors de son récent passage à Goma et à Bukavu.

Fait à Kinshasa, le 24 juillet 2022

**Le Rapporteur Général de l'AFDC-A,**

**Professeur Rémy MUSUNGAYI BAMPALÉ**



Siège National au numéro 117, Croisement des Avenues des Huilières et Mitomu, Commune et Ville de Kinshasa  
RDC Tél. : (+243) 820078177 E-mail : afdc.allies@gmail.com

- (2) Veranda Mutsanga calling for anti-MONUSCO action and slogans, reported in a news article reporting on the launch of the “Zero MONUSCO” campaign by Ricky Paluku of the Veranda Mutsanga:

⋮

## Nord-kivu: Des voix s'intensifient pour réclamer le départ de la Monusco.

Des voix se lèvent à l'Est de la RDC pour réclamer le départ de la mission onusienne sur le sol congolais, le mouvement citoyen veranda mutsanga annonce la relance d'ici une semaine de la campagne " Zero Monusco" en circulation au Nord-Kivu.



Ricky PALUKU coordonateur de cette structure citoyenne renseigne que, cette campagne qui est la suite de la campagne BYE BYE MONUSCO vise à imposer le départ immédiat de la Monusco pour l'inefficacité 21ans après étant au Congo et sa complicité dans la fragilisation de la sécurité en RDC.

"Cette complicité manifestée par l'inaction de cette mission de l'ONU en RDC face aux menaces des ADF, CODECO et m23 mais aussi l'embargo reconduit par l'ONU interdisant la RDC d'acheter les armes pour équiper les FARDC pourtant notre Pays est agressé de nouveau", souligne Ricky paluku.

Celui-ci ajoute :

"Face à ce complot de la mission de l'ONU, il est inconcevable que les congolais restent sans agir. C'est pourquoi, il est demandé à toute la population de Goma, Nyiragongo, Masisi, Walikale, Rutshuru, Kirumba, Lubero, Butembo et Beni de prendre des précautions nécessaires pour adhérer à cette campagne"

La veranda Mutsanga promet d'initier plusieurs actions citoyennes en synergie avec plusieurs organisations de la société civile, des partis politiques et mouvements citoyens pour forcer la Monusco à se retirer sur le sol congolais.

"Il sera question des journées ville morte, manifestations populaires spontanées, interdiction formelle aux agents et engins de la Monusco de circuler partout à l'est où cette fameuse mission est concentrée mais l'insécurité ne cesse de s'accroître car les preuves sont légion qu'il s'agit de la Monusco qui arme les groupes armés pour qu'elle trouve motif de prolonger sa mission en RDC." ,ajoute notre source.

Signalons que, même au sud-kivu, le collectif des mouvements citoyens Amka Congo dans une lettre adressée au secrétaire général des nations unies dit réclamé le départ sans condition de la Monusco en RDC suite à son efficacité d'exécuter son mandat.

Victoire Mulongo.

Above: News article published on 21 July 2022, accessed online [here](#)<sup>129</sup>

- (3) Statement published on Veranda Mutsanga website on 21 July 2022, confirming the call for action in the context of the “Zero MONUSCO” campaign and informing that the orders will be given through official channels:**

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<sup>129</sup> Also published on other news outlets, for example <https://depeche.cd/2022/07/21/nord-kivu-la-veranda-mutsanga-annonce-la-campagne-zero-monusco/>

« La cellule de Communication de la Véranda Mutsanga commence par une mise au point importante. Cette communication qui appelle à des journées ville-mortes d'ici lundi n'émane pas de la Véranda Mutsanga. La Véranda Mutsanga communiquera par des canaux officiels pour annoncer le début de ces actions anti-MONUSCO », lit-on dans un communiqué de la Véranda Mutsanga massivement partagé dans plusieurs plateformes Whatsapp pour fixer l'opinion publique.

Mais la série de d'activités est bel et bien confirmée dans les jours proches pour dire à la MONUSCO de quitter la RDC comme le précise Patrick Ricky Paluku, Coordonnateur de la Véranda Mutsanga en province du Nord-Kivu.

« Cette campagne qui est la suite de BYE BYE MONUSCO vise à imposer le départ immédiat de la MONUSCO pour l'inefficacité 21 ans après étant au Congo et sa complicité dans la fragilisation de la sécurité en RDC. Cette complicité manifestée par l'inaction de cette mission de l'ONU en RDC face aux menaces des ADF, CODECO et m23 mais aussi l'embargo reconduit par l'ONU interdisant la RDC d'acheter les armes pour équiper les FARDC pourtant notre Pays est agressé de nouveau », lit-on dans une communication de Patrick Ricky Paluku.

Patrick Ricky Paluku ajoute que ces activités sont notamment des journées ville-mortes, des manifestations populaires spontanées, l'interdiction formelle aux agents et engins de la MONUSCO de circuler partout à l'Est de la RDC.

Une mise en garde est lancée à toutes les personnes qui tenteront de se faire manipuler par la MONUSCO pour fragiliser la lutte. En même temps, c'est un appel à la mobilisation générale en l'endroit de toutes les couches de la population présentes au pays ainsi qu'en dehors en vue d'entrer dans la danse.

« Merci à toutes les autres provinces du Pays et la Diaspora d'organiser les mêmes actions car il s'agit d'une problématique qui touche la sécurité nationale et menace l'intégrité du territoire national vu que leur plan reste la balkanisation du notre Pays et tout se passe par l'infiltration. C'est pourquoi, ils imposent encore à Fatshi de négocier de nouveau avec le m23-Rwanda afin qu'ils renforcent leurs stratégies pour l'exécution de leur plan », écrit Patrick Ricky Paluku.

Rédaction VERANDAMUTSANGA.COM

**(4) Statement published on behalf of Veranda Mutsanga founder Tembos Yotama issued on 26 July 2022, congratulating the anti-MONUSCO demonstrations:**

Veranda Mutsanga founder Tembos Yotama, national deputy representing the circonscription of Butembo, deplored the casualties of the anti-MONUSCO demonstrations and called for vigilance to avoid potential "infiltration of the enemy" and to avoid "unnecessary deaths". He did not condemn the violent attacks targeting MONUSCO, although a UN peacekeeper and two UN police officers were killed in Butembo during an attack on the MONUSCO base in the town.

Tembos Yotama encouraged the demonstrators to continue their engagement and called on the authorities in Kinshasa to demand MONUSCO's departure (see full text below):

## Véranda Mutsanga

Groupe de pression non violente

A LA UNE NOS ACTIONS

### Manifestations anti-MONUSCO: Tembos Yotama salue l'engagement populaire mais appelle à la vigilance face aux infiltrations dans des actions



By **verandam**

🕒 Jul 26, 2022



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Très préoccupé par la persistance de l'insécurité dans la partie Est de la RDC, l'honorable Tembos Yotama salue le niveau de l'engagement pris par la communauté déjà exacerbée par les tueries devant l'Impuissance de la MONUSCO. L'élu de Butembo en appelle les différents manifestants à doubler plus de vigilance pour éviter l'Infiltration de l'ennemi et des morts Inutiles. Tembos Yotama condamne ainsi la tuerte par balles réelles des citoyens qui expriment leur mécontentement face à la personne de l'insécurité dont ils sont victimes.

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En tant que représentant du peuple, je condamne cette répression sanglante contre les armes et qui vient de faire inutilement des morts de plus en ville de Butembo. Nous avons compté aussi plusieurs blessés graves et c'est déplorables", introduit l'honorable Tembos Yotama.

Le combattant du peuple regrette qu'à une population qui ne fait que réclamer ses droits il lui soit appliqué une répression sanglante et disproportionnée jusqu'à causer mort d'hommes.

"Nous demandons ainsi au gouvernement de prêter oreille aux revendications du peuple, à savoir la paix et rien que la paix. C'est un droit non négociable de nos électeurs, de nos concitoyens...", martèle l'honorable Tembos Yotama, dans sa casquette de défenseur du peuple.

Il rappelle que la vie ne peut en aucun cas continuer banalisée dès lors que le droit à la vie est garanti par la charte des Nations Unies et la déclaration universelle des droits de l'homme.

#### Appel à la vigilance

Tembos Yotama, qui pense que le peuple s'est enfin approprié la lutte pour le retour de la paix, encourage les manifestants à toujours faire très attention et à doubler la vigilance afin d'éviter les infiltrations dans les actions.

Par ailleurs, Tembos Yotama, qui a déjà écrit deux rapports bien documentés sur les massacres de Beni, Irumu et Mambasa, estime que cette expression de la population doit être capitalisée par les autorités de Kinshasa pour demander à la MONUSCO de dégager enfin.

"Le peuple s'est exprimé. C'est un bon départ, malgré les pertes en vies humaines. Mais les autorités de Kinshasa devraient jouer leur rôle et pousser la lutte en avant. C'est par exemple poser des actions concrètes au niveau du Conseil de Sécurité des Nations Unies qui est l'instance compétente à prendre des décisions de ce haut niveau. Tout ce que la population peut faire, c'est de garder cette même énergie jusqu'à ce que la MONUSCO dégage et que les autres complices dans l'insécurité à l'Est de la RDC soient dénichés et paient de leurs actes », chute l'homme à la jaquette de couleur verte.

CELLCOM Tembos Yotama

& Rédaction VERANDAMUTSANGA.ORG

Post Views: 4

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**verandam**

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**(5) Veranda Mutsanga slogan on a T-shirt, depicting a burning structure, as published on the Veranda Mutsanga website on 31 July 2022**

The image precedes an article condemning MONUSCO and demanding its departure from DRC, signed by Maître Issa Balume, activist and member of Veranda Mutsanga. See [here](#).



Photograph of a Vernada Mutsanga slogan, captured by the Group from the website of Veranda Mutsanga

### (6) Pressure group leaders during the violent anti-MONUSCO demonstrations

The picture depicts, from left to right, **Clovis Matsuva from LUCHA (left)**<sup>130</sup>, **Eric “Lucky” Mumbere Bwanapuwa of MNC**<sup>131</sup> (middle), and **Ricky Paluku of the Veranda Mutsanga/Goma (right)**. The picture was posted on Facebook on 26 July 2022 on the account of Patrick Ricky Paluku, with the caption “we will be on the streets until the departure of the last MONUSCO contingent” (translation from French). The picture was taken near the UN RVA base in Goma, that was attacked by the demonstrators.



Source: MONUSCO

Photograph (below) of demonstrators in Goma carrying the slogan “**HATU PENDI MONUSCO**” (We do not want MONUSCO). The third person from the left is **Bwanapuwa Mumbere Eric**, wearing the same gray t-shirt with the Africa logo as in the photo above.



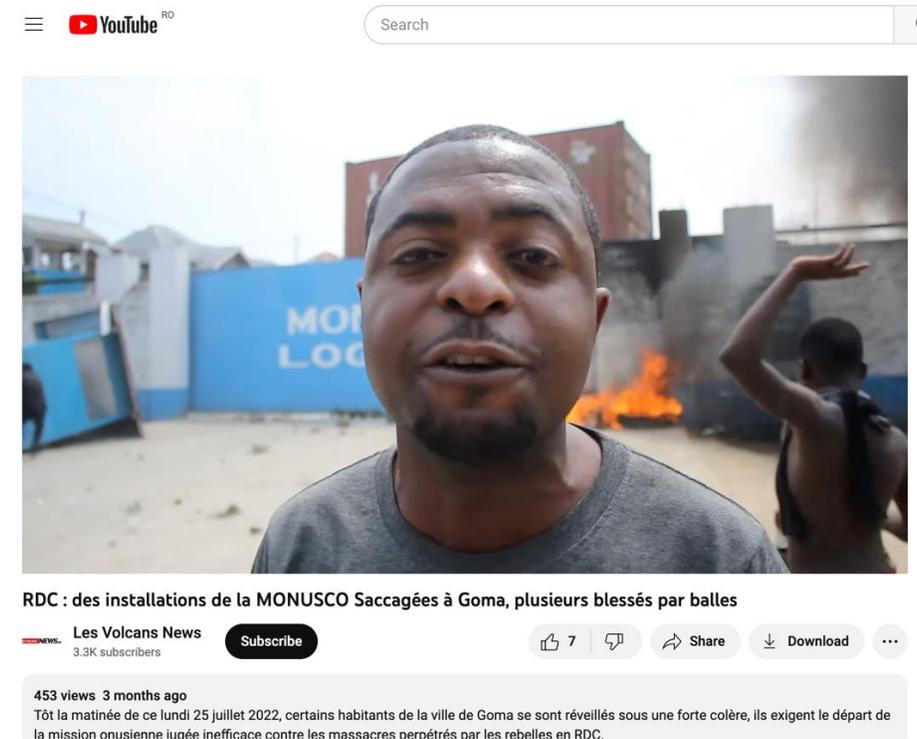
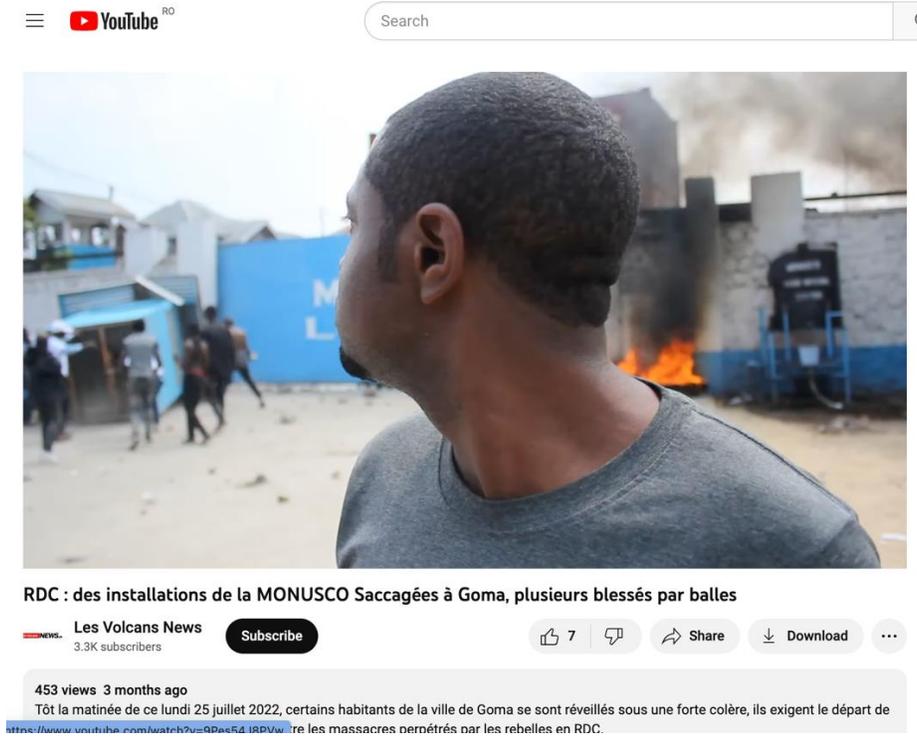
Photograph published on the web<sup>132</sup>

<sup>130</sup> <https://mobile.twitter.com/cmutsuva>.

<sup>131</sup> Eric Bwanapuwa is known as a leader of MNC (see <https://www.agoragrandslacs.net/goma-dossier-spoliation-du-marche-kituku-le-maire-et-le-conservateur-des-titres-immobiliers-indexes-par-les-mouvements-citoyens/>) as well as self-proclaimed “leader of the youth of the Buhene neighborhood” (*leader des jeunes du quartier de Buhene*) in Goma (see [https://www.liberation.fr/planete/2019/05/06/rdc-a-goma-des-meurtres-et-un-halo-de-mystere\\_1725320/](https://www.liberation.fr/planete/2019/05/06/rdc-a-goma-des-meurtres-et-un-halo-de-mystere_1725320/)).

<sup>132</sup> <https://afrique.lalibre.be/71464/rdc-violence-anti-monusco-dans-le-nord-kivu/>

Eric Bwanapuwa speaking in front of MONUSCO's RVA base in Goma, during the demonstrations on 25 July 2022, while demonstrators were lighting fires and destroying a structure at the entrance of the base:



Screenshots of Youtube video,<sup>133</sup> taken by the Group

<sup>133</sup> <https://youtu.be/pB7WECahiUw>

Below: Clovis Mutsuva of LUCHA RDC, interviewed by France24 during the demonstrations in Goma, where he confirms to be heading towards the MONUSCO base to demand their immediate departure and accusing MONUSCO of supporting M23 (posted on his Twitter account @CMutsuva on 25 July 2022<sup>134</sup>):

← **Tweet**



**Clovis Mutsuva**  
@CMutsuva

...

**#RDC**

Au côté des plusieurs compatriotes, j'ai été aujourd'hui dans la manifestation à #Goma pour exiger le départ de la Monusco

22ans après; les tueries s'accroissent à BENI ( aucune protection des civiles), incapable de constater que le M23 = RWANDA-OUGANDA un échec d'observation

[Translate Tweet](#)



<sup>134</sup> <https://mobile.twitter.com/CMutsuva/status/1551648207620407298>

Below: Clovis Mutsuva of LUCHA RDC posting about his participation in the demonstration in Goma on 26 July 2022, demanding MONUSCO's departure and accusing the authorities of the failure of the State of Siege:

← **Clovis Mutsuva** Follow  
92 Tweets

Rebecca Kabuo and 8 others

2 7 48

 **Clovis Mutsuva** @CMutsuva · 26 Jul ...  
**#GOMA**  
Droit aux yeux, aujourd'hui dans la manifestation exigeant le départ la Monusco, j'ai profité dire au vice gouv qu'après la Monusco ça sera leur tour

La sécurité étant la 1ère mission régalienne de l'état, les autorités de l'état de siège ont aussi échoué comme la [#Monusco](#)



Bienvenu Matumo and 8 others

106 84 496

Screenshot taken by the Group from Clovis Mutsuva's Twitter account

Evidence of previous cooperation between Jimmy Nzialy and Erick Bwanapuwa, on 23 June 2022:

## titres immobiliers indexés par les mouvements citoyens

23 juin 2022 in RD Congo, Société

0 0



275  
VIEWS



Partager sur Whatsapp



Partager



Partager



Les mouvements citoyens Génération positive et Mouvement National congolais (MNC), respectivement de messieurs Jimmy Nzialy et Erick Bwanapuwa Lucky, dénoncent une tentative de spoliation du marché Kituku en ville de Goma dans la province du Nord-kivu.

Screenshot taken by the Group from a public source<sup>135</sup>

<sup>135</sup> News article

Below: Jimmy Nzali, Eric Bwanapuwa and LUCHA RDC accused of involvement in violent demonstrations organized in Goma in the past:



Screenshots taken by the Group from Twitter

## Annex 61

**Continued anti-MONUSCO rhetoric and tacit or explicit support for anti-MONUSCO action****Persistence de la rhétorique anti-MONUSCO et soutien tacite ou explicite aux actions anti-MONUSCO**

LUCHA RDC denouncing the violence during the demonstrations in Goma, blaming MONUSCO for the killing of civilians and demanding MONUSCO's immediate departure. The communicate does not condemn the attack on the installations of MONUSCO. Statement signed on 26 July 2022:

**LUCHA**



**Lutte pour le Changement**

**Mouvement citoyen non-partisan & non-violent.**

**Nord-Kivu, Rép. Dém. du Congo**

**Tel.: +243 974 233 390**

**Email: [lucha.rdc@gmail.com](mailto:lucha.rdc@gmail.com)**

**Twitter: [@luchaRDC](https://twitter.com/luchaRDC)**

**Facebook : [www.facebook.com/lucha.rdcngo](https://www.facebook.com/lucha.rdcngo)**

**[www.luchacongo.org](http://www.luchacongo.org)**

**NORD-KIVU : LE RAS-LE-BOL DE LA POPULATION DEMANDANT LE DEPART  
DE LA MONUSCO EST LEGITIME ET DOIT ETRE ENTENDU**

Depuis le lundi 25 juillet 2022, des manifestations populaires appelant au départ de la MONUSCO en raison de son inefficacité dans la réalisation de son mandat de protection des civils se déroulent dans plusieurs entités de la province du Nord Kivu. En effet, malgré les moyens financiers, logistiques et diplomatiques importants mis à sa disposition depuis des années, la MONUSCO peine à mener des actions sur terrain pour neutraliser les groupes armés qui insécurisent la population. Pire encore, cette mission des nations unies en RDC répond couramment aux revendications légitimes de la population meurtrie par le silence, des propos méprisants et/ou une forte répression.

Les violences commises en marge des manifestations appelant au départ de la MONUSCO à Goma le 25 et 26 Juillet 2022 sont déplorables. Ces meurtres, blessures, tortures, destructions, pillages et abus divers auraient pu être évités si le 23 Juillet 2022, le maire de la ville de Goma s'était abstenu d'interdire la journée ville morte décrétée le 25 Juillet. Nous rendons un vibrant hommage aux Congolais tués et blessés par les casques bleus de la MONUSCO et appelons le gouvernement Congolais à prendre en charge leurs obsèques et soins médicaux.

La LUCHA appelle à une enquête urgente pour identifier et poursuivre en justice les casques bleus de la MONUSCO, les membres de services de sécurité Congolais et toute autre personne impliquée dans les violences vécues en marge des manifestations appelant au départ de la MONUSCO à Goma et dans d'autres entités de la province. Le Gouvernement Congolais devrait accompagner le rapatriement rapide des contingents de la MONUSCO au lieu de condamner une population longtemps meurtrie du fait de l'inaction et la complicité de la MONUSCO.

Le combat pour le départ de la MONUSCO est noble et légitime au vu de l'inefficacité de cette mission de l'ONU et de la détérioration continue de la situation sécuritaire à l'Est de la République Démocratique du Congo. De ce fait, la LUCHA encourage la population à poursuivre ce combat dans la dignité et la non violence.

**Fait à Goma, le 26 juillet 2022**

**Pour la LUCHA,**

**La cellule de communication**

Clovis Mutsuva of LUCHA RDC, on 5 August 2022, demanding the departure of MONUSCO “criminals”:

**Clovis Mutsuva**  
92 Tweets Follow

Serge Nyamwisi and 8 others

4 10 37

**Clovis Mutsuva** @CMutsuva · 5 Aug  
[#GOMA](#)  
Nous venons d'enterrer aujourd'hui nos compatriotes tués par la Monusco, nous les avons rendus un hommage digne des héros et promettons de poursuivre la lutte jusqu'au départ des criminels de la [#Monusco](#).  
  
Le [#ZAÏRE](#) à fait 32ans d'une paix durable sans la Monusco.



Serge Nyamwisi and 8 others

4 12 58

Screenshot taken by the Group from Clovis Mutsuva’s Twitter account (@CMutsuva)<sup>136</sup>

<sup>136</sup> [https://twitter.com/CMutsuva/status/1555643276170039296?s=20&t=0\\_XSkmgjHbYpoDZlQYTmQQ](https://twitter.com/CMutsuva/status/1555643276170039296?s=20&t=0_XSkmgjHbYpoDZlQYTmQQ)

Jimmy Nzialy posting anti-MONUSCO messages on his public Twitter account, accusing MONUSCO of complicity with M23. The image posted depicts the burning UN vehicle, set ablaze by unidentified protesters at Kanyarutshinya, on 1 November 2022:



Screenshots taken by the Group from the Twitter account of Jimmy Nzialy @JimmyNZIALY4

## Annex 62

### Crimes against civilians committed by CODECO factions

#### Crimes contre les civils commis par les factions du CODECO

After Zaïre elements attacked Lendu civilians at Damas, on 6 August 2022, killing 22 civilians, CODECO militias began targeting various mining sites controlled by Zaïre elements in Western Djugu territory.

##### (1) CODECO/URDPC attack at the Waya mining site on 16 August 2022<sup>137</sup>

On 16 August 2022, CODECO/URDPC attacked the “Waya” mining site. The mine is located at Lingbandja village, 8 km north of Nizi town, *Mambisa chefferie*. The site that was attacked is a gold digger’s camp, also known as “*chez Rof*” (“at Rof’s”), named after the site’s owner.<sup>138</sup>

The Group collected information from a variety of sources, including three civil society sources, one intelligence source, a member of the Zaïre armed group, researchers, MONUSCO sources, as well as local and international media. According to local sources, CODECO militias surrounded the camp to ensure nobody would escape. Among the victims were the wives and children of gold diggers working at the mine. CODECO reportedly clashed with FARDC, and the latter’s intervention forced the assailants to retreat.

Concordant information indicates that the CODECO assailants killed at least 12 civilians - including women and children, and several mine workers - as well as four FARDC soldiers. They also looted four AK-type assault rifles weapons and an indetermined quantity of gold.

The Group received photographs from a local source,<sup>139</sup> depicting the bodies of the victims killed in the attack. At least three victims were killed inside their home. The bodies of at least two victims, a man and a woman, were found in a river. At least two victims were shot in the head, and one victim, a male, was executed with hands tied behind his back.

The attack was perpetrated by CODECO militias that geographically fall under the operational areas controlled by CODECO/FDBC. Some sources attributed the attack to CODECO/URDPC.<sup>140</sup> The Group noted, however, that since CODECO factions, including FDBC began operating under the URDPC umbrella, there is a tendency of generally attributing attacks to URDPC. The Group continues investigating with a view of ascertaining the identity of the attackers.

The attack was allegedly carried out as revenge for the 6 August attack perpetrated by Zaïre in Damas, 45 km northwest of Djugu town, which resulted in the killing of 22 Lendu civilians.

##### (2) CODECO attack at Lodjo, on 28 August 2022<sup>141</sup>

During the night of 28 August 2022, around 3 a.m., CODECO elements coming from the Andisa area attacked a mining area near Lodjo, Banyali-Kilo sector.<sup>142</sup> This attack occurred in the Mongwalu mining areas where Zaïre and CODECO fight for control over mining activities, despite the ceasefire agreement CODECO adhered to in June 2022.

Eyewitnesses, corroborated by multiple independent sources, confirmed that at least 8 people were killed, including three civilians working in the mines. According to eyewitnesses and other sources, among the victims were also members of the Zaïre armed group.

<sup>137</sup> Three civil society sources; intelligence source; Zaïre combatant, MONUSCO, local and international media, researchers, photographic evidence.

<sup>138</sup> Local intelligence source, Zaïre combatant.

<sup>139</sup> At least two additional independent sources confirmed that the photographs were taken at the scene of the incident.

<sup>140</sup> MONUSCO sources.

<sup>141</sup> Eyewitness, a member of Zaïre, three civil society sources, MONUSCO sources, video evidence

<sup>142</sup> According to an eyewitness, the attack occurred in Gbanjala (*phon.*) *groupement*, Banyali-Kilo sector, in the forest, close to Dieu-Merci and the route that leads to Andisa, the Lendu territory the assailants came from (narration on a video provided to the Group).

The Group received video footage from a local source depicting the search for the bodies of the victims in the forest, on 28 August 2022, where six severely mutilated bodies were found. The search for two additional victims was still ongoing at the time of the filming, according to the local source who provided the footage.

According to an eyewitness, the local president of the youth, who was not associated to the Zaïre armed group, was also killed. His body was naked, severely mutilated, and decapitated. The bodies of two Zaïre combatants were dismembered, decapitated, and other body parts, including genitals and hands, were cut off, most likely posthumously.

The Group also obtained the names and ethnicity of the six victims found in the forest (two Nyali, two Alur, one Ndo and one from the Luba ethnic group).

### **(3) CODECO attack on Mbidjo, on 9 September 2022**

On 9 September 2022, CODECO militiamen attacked the Hema village of Mbidjo, 33 km north of Mongbwalu.<sup>143</sup> The attack was allegedly perpetrated by CODECO elements based in Damas, at 20 km distance from Mbidjo. According to multiple sources, CODECO carried out the attack as vengeance for Zaïre attacks, including the attack on Damas, on 6 August 2022.

CODECO assailants killed at least 14 civilians, including women and at least three children, and set hundreds of houses on fire.

On 10 September the Group received video and photographic evidence of the victims killed, and of the burning houses (see photographs and screenshots below). The video and photographic evidence depicts the bodies of at least three small children, and the body of at least one woman. At least two victims have been burnt.

The CODECO faction that carried out the attack is presumably CODECO/FDBC,<sup>144</sup> as Mbidjo is close to the operational stronghold of Damas, where the attackers allegedly came from.

#### **Photographic evidence of the victims killed at Mbidjo, including women and small children:**



<sup>143</sup> 115 km north-west of Bunia town.

<sup>144</sup> According to researchers and the assessment of the Group based on the operational areas under the control of various CODECO factions.





Above: Photographs and screenshots from videos of victims and burning structures, provided to the Group by a local source on 10 September 2022

#### **(4) Killing of local chief in Kpandroma, on 17 September 2022**

CODECO factions continued to repress uncooperative Lendu civilians, including local leaders, by killing them, as previously reported by the Group (see [S/2019/974](#), para. 92, and [S/2022/479](#), paras. 96, 97, 111).

On 17 September 2022, CODECO/URDPC kidnapped and killed Lokana Kpandroma Adelah, the local chief of Kpandroma, following his refusal to contribute to the movement's war efforts, and to show support to the armed struggle.

## Annex 63

## Attacks on civilians by Zaire

## Attaques de Zaïre contre des civils

## Killing of civilians by Zaire combatants in Damas, Mabendi chefferie, on 6 August 2022

During the night of 5 to 6 August 2022, Zaire combatants attacked a Lendu settlement in Damas, Mabendi *chefferie*, killing at least 22 civilians, and injuring at least 16 civilians.<sup>145</sup> According to MONUSCO's official reporting, the final death toll was 26 civilians killed.

Between 12 and 13 August, MONUSCO evacuated 16 seriously injured civilians to Bunia by helicopter, at the request of the Governor of the province of Ituri.<sup>146</sup>

Damas is traditionally a busy commercial center, with mining sites in the area. The attack was allegedly carried out as vengeance for previous CODECO attacks on Mbidjo, an area under the control of the Zaire group that perpetrated the attack. In addition, the attack also fits into the chronology of tit-for-tat attacks between Zaire and CODECO factions around mining sites in the area.

Below: Screenshot from MONUSCO's Twitter account announcing the evacuation of injured victims:



Screenshot of MONUSCO post on Twitter

<sup>145</sup> Researchers, civil society sources, MONUSCO, an armed group leader, a combatant, an intelligence source, local and international media

<sup>146</sup> MONUSCO public sources, including [video](#) of the evacuation.

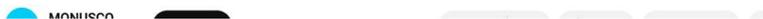
Below: Screenshots from video capturing the evacuation of victims injured during the attack on Damas:



Ituri: la MONUSCO évacue des blessés de l'attaque du village de Damas à Bunia



Ituri: la MONUSCO évacue des blessés de l'attaque du village de Damas à Bunia



Ituri: la MONUSCO évacue des blessés de l'attaque du village de Damas à Bunia



Screenshots from public [video](#) from MONUSCO Youtube channel

## Annex 64

## Non-exhaustive list of gold mining centers in Djugu territory

## Liste non exhaustive des centres miniers aurifères dans le territoire de Djugu

| Factions CODECO | Milice Zaire | FARDC        |
|-----------------|--------------|--------------|
| Kobu            | Iga barrière | Kilo         |
| Lisey           | Nizi         | Iga Barrière |
| Maholo          | Mabanga      | Nizi         |
| Badho           | Lopa         | Mabanga      |
| Nyangaray       | Dala         | Lopa         |
| Ngongo          | Mbidjo       | Mongbwalu    |
| Lipri           | Damase       | Plito        |
| Sao             | Akwe         | Dala         |
| Nzebi           | Lodjo        | Akwe         |
| Mbadu           | Plito        | Mbidjo       |
| Camp blankete   | Ngalay       | Abombi       |
| Andisa          | Mahalibo     | Libina       |
| Matoro          | Dubele       | Matete       |
| Kodulu          | Ariwara      | Itendeyi     |
| Amema           | Makpo        | Katoto       |
| Camp 3          | Adra         | Katanga      |
| Manyidha        | Bendere      | Kobu         |
| Atute           | Nyasi        | Bambu        |
| Bahu            | Makofi       | Parangandja  |
| Andhu           | Parangandja  |              |
| Bakombe         | Danana       |              |
| Anchu           |              |              |
| Camp Yalala     |              |              |
| Salaka          |              |              |
| Ngoya           |              |              |
| Nyaradha        |              |              |
| Huza            |              |              |
| Bambu           |              |              |

Table prepared by the Group based on information provided by Ituri based mining administration sources

**Annex 65****Taxation by CODECO and Zaire armed groups****Taxation par les groupes armées CODECO et Zaire**

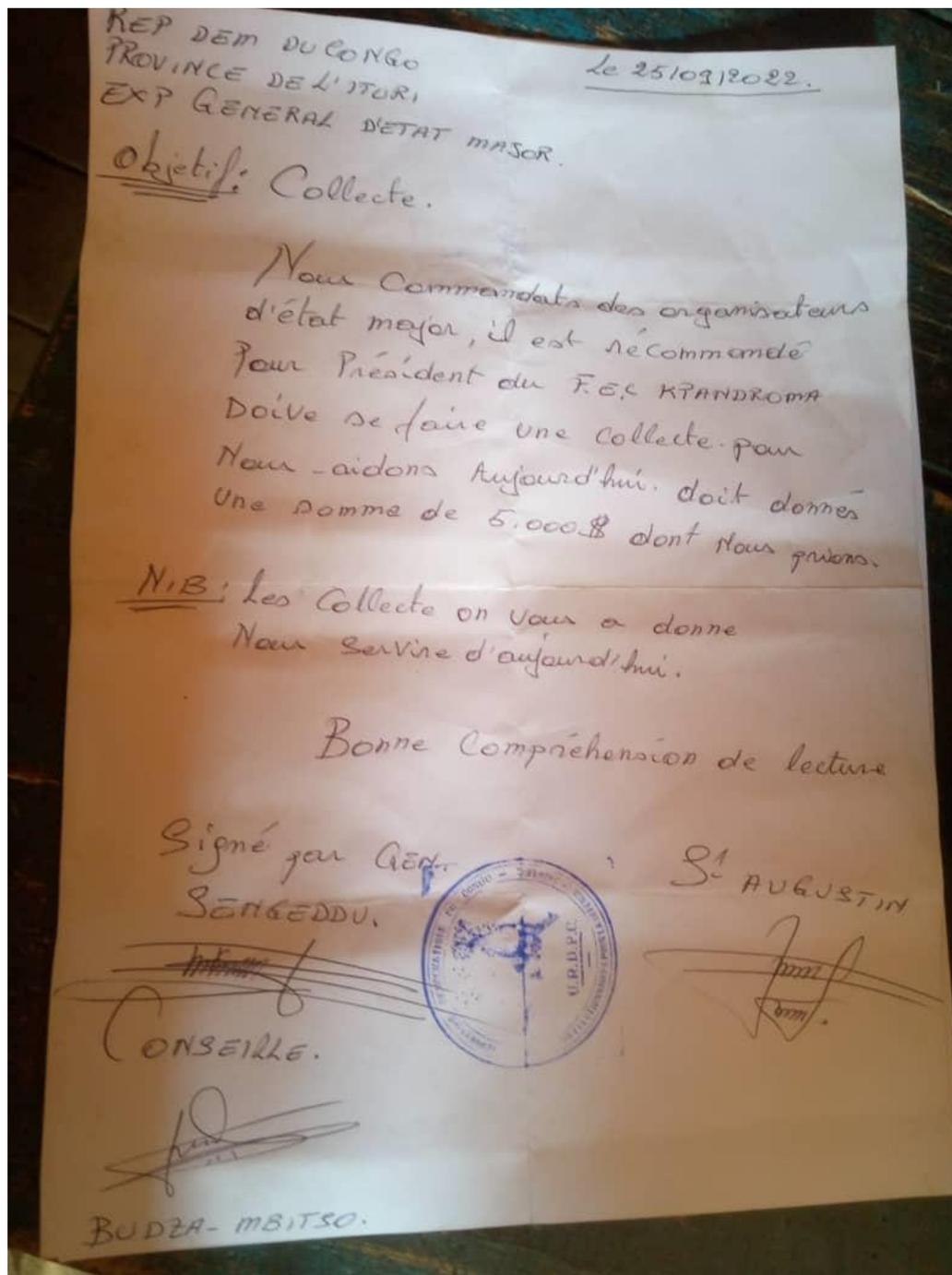
The Group interviewed several sources including civil society, researchers, economic actors, and customary authorities. These sources confirmed that elements of the Zaire and CODECO groups are erecting roadblocks in Djugu territory with the intent of collecting taxes at these roadblocks. According to the sources interviewed, the armed groups make sporadic appearances on the main roads to loot, but roadblocks are permanent on secondary roads in the areas they control.

Both groups impose the same amount in taxes, namely FC (Congolese francs) 1,000 (US\$ 0,48) for pedestrians, FC 3,000 (US\$ 1,46) to FC 5,000 (US\$ 2,44) for cars, depending on the model, and FC 10,000 (US\$ 4,88) for trucks.

Annex 66

CODECO letter addressed to Fédération des entreprises du Congo (FEC), dated 25 September 2022

Lettre de CODECO à la Fédération des entreprises du Congo (FEC) de 25 septembre 2022



Letter provided to the Group by security sources, and confirmed by Ituri-based FEC members

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**Annex 67****Presence of FARDC elements working at a gold mining site in Bwanga****Eléments des FARDC détachés dans un site minier aurifère à Bwanga**

On 11 August 2022, CODECO “Bon temple de Dieu” elements attacked a mining site in Bwanga village and killed two elements of the FARDC 3101st regiment.

The Group consulted the report of an investigation conducted by the Military Prosecutor's office in Bunia into the 11 August 2022 attack in Bwanga. The Group also interviewed several individuals with knowledge of the incident, notably a survivor of the attack, a military officer of the regiment that was present in Bwanga, and an investigator sent by the military prosecutor's office.<sup>147</sup>

These sources told the Group that elements of the 3101<sup>st</sup> Regiment had set up their headquarters in Itendey when they were deployed in Djugu territory in early 2021 to fight armed groups. A company of 30 soldiers subsequently moved to protect a semi-industrial mining site called “Cheri Belcoze” located 50 km from Itendey. Two officers belonging to the regiment told the Group that the FARDC company's deployment to this mining site was the result of a fraudulent financial agreement between unidentified senior FARDC officers and the foreign owners of the company “Cheri Belcoze” that managed the site.

The deployment at the end of July 2022 of the FARDC elements that were attacked at the mining site on 11 August 2022 was indeed the result of a financial agreement between some FARDC elements and a mining company, as described above and as confirmed by a source who survived the attack.

**Below: Report of the investigation conducted by the Military Prosecutor's office written on 13 September 2022:**

---

<sup>147</sup> A survivor of the attack, an officer of the regiment and one of the investigators sent by the military prosecutor's office

**RAPPORT RELATIF A LA MORT DE DEUX MILITAIRES 31011<sup>e</sup> Bn ET LA PERTE DES 03 ARMES AKA ; 01ARME PKM ET 01 ARME MI-POINT 60**

**I. LES FAITS**

1. En date du 16/08/2022 son Excellence Monsieur le Gouverneur Militaire par son TG N° 01/28/8/PROGOU/PI/2022 de la même date a instruit Monsieur l'Auditeur Militaire Supérieur de l'ITURI de mener les enquêtes au sujet des 4 Militaires tués et 4 armes AKA 47 emportées par les Miliciens CODECO ;
2. A ce titre que Monsieur l'Auditeur Militaire Supérieur m'a instruit de mener les enquêtes et faire rapport ;

**II. DU DEROULEMENT DE L'ENQUETE**

3. Sur instruction de Monsieur l'Auditeur Militaire Supérieur nous avons effectué deux descentes à IRUMU-Centre à l'EM 31011<sup>e</sup> Bn et à MUNGWALU à l'EM 1301Regt pour auditionner le Comd 3101 Regt, S3 Regt, S2 Regt, S1 31012<sup>e</sup> Bn ainsi que AC MUTOMBO KAMBUYA JEAN CLAUDE ; tandis que à MUNGWALU à l'état-Major 1301<sup>e</sup> Regt nous avons auditionné le Comd 2<sup>nd</sup> Ops-Rens 1301 Regt, S3 1301 Regt, S2 1301 Regt et AC ANGENZE GONGA RIGO ;
4. Il ressort des auditions faites que le LtCol DEMODEDO BAGU Comd 2<sup>nd</sup> 31012<sup>e</sup> Bn et S1 Lt KAMBALE MATOFELE avaient signé la FR N° 0011 en date du 23/06/2022 (cote 1) pour détacher 15 soldats au site minier CHERI BELCOZE appartenant à un sujet chinois répondant au nom de AMERIQUE non autrement identifié ;
5. En date du 27/07/022 le Comd 2<sup>nd</sup> 1301 Regt et son S3 ont reçu des informations faisant état d'une prétendue préparation de l'attaque du village BWANGA par les miliciens CODECO raison pour laquelle le Comd 2<sup>nd</sup> 1301 Regt et son S3 avaient envoyé 15 soldats sous le commandement de l'AC ANGENZE GONGA RIGO (cote 2) en vue de renforcer les éléments de 31012<sup>e</sup> Bn basés au site d'un sujet chionis AMERIQUE située à CHERI BELCOZE ;
6. En date du 11/08/022 vers 5H 00' du matin les combattants CODECO avaient lancé l'attaque contre les éléments FARDC de 31012<sup>e</sup> Bn détachés au site minier CHERI BELCOZE du sujet chinois AMERIQUE non autrement identifié mais également aux éléments 1301 Regt qui étaient partis en renfort auxdits site ;

7. Au cours de cette attaque 2 soldats 31012<sup>e</sup> Bn ont trouvé la mort notamment Sgt MUTOTO HATA, MANENO BAHATI et un soldat de 31012<sup>e</sup> Bn disparu en la personne de SM MBOBIKIMI SELE ainsi que 5 soldats de 1301<sup>e</sup> Regt blessés ;

8. S'AGISSANT DES MATERIELS EMPORTES

Lors de cette attaque les miliciens CODECO ont emporté :

- 3 armes AKA 47 dont 2 armes AKA 47 de 31012<sup>e</sup> Bn et une arme AKA 47 de 1301 REGT.
- Une arme PKM de 31012<sup>e</sup> Bn, et
- Une arme MI POINT 60.

9. DE LA RESPONSABILITE PENALE

En attendant l'audition de LtCol BYANKYA BAGUMU SAMY qui est en soins médicaux à l'étranger, nous avons retenu à charge du LtCol DEMODEDO JEAN REMY Comd 2<sup>nd</sup> 31012<sup>e</sup> Bn et du Lt KAMBALE MATOFELE S1 31012<sup>e</sup> Bn l'infraction de Violation de consigne ayant entraîné la mort de 2 soldats ainsi que la perte des armes de guerre durant le temps exceptionnel.

10. LES OFFICIERS ARRETES

- Lt KAMBALE MATOFELE, actuellement à la PC Bunia.

11. POSITION ADMINISTRATIVE DU LtCol DEMODEDO JEAN REMY

Il est muté à RUTSHURU.

12. PROPOSITION A L'AUD MIL SUP

L'Audition du LtCol BANYAKYA BAGUMU SAMY lors de son retour au pays avant de clôturer les enquêtes.

13. DECISION DE L'AUD MIL SUP

Fait à BUNIA, le 13/09/2022

**KUMBU NGOMA**

Col Mag  
AGM



Report provided to the Group by FARDC source

## Annex 68

### Establishment of a regional military force

#### Création d'une force régionale

Recurrent M23/ARC attacks and territorial expansion accelerated the process to establish and to deploy the proposed regional force. At a meeting held in Nairobi on 20 June 2022 and following the preparatory discussions held on 7 June 2022 in Goma among the EAC army chiefs of staff, EAC Heads of State reiterated the call for the establishment and the deployment of the EAC regional force and approved the concept of operations, the status of forces agreement, the rules of engagement as well as legal and technical pre-requisites ahead of the deployment of the regional force.<sup>148</sup>

According to the communiqué of that meeting, the regional force, under the command of Kenya, should be composed of armed and police forces of the seven members of the EAC.<sup>149</sup> The communiqué as well as the concept of operations (CONOPS) indicated that the regional force should jointly plan and conduct operations with the FARDC in liaison with MONUSCO and that it should provide support for the P-DDRCS process. Its areas of deployment were identified as North Kivu, South Kivu, Ituri and Uele provinces.<sup>150</sup> Tanzania declined to take part in the force while the DRC authorities requested that Rwanda deploy within its own borders only.

EAC Heads of State also called for an immediate cessation of hostilities and withdrawal of armed groups from recently occupied positions.

Even though the Government of the DRC expressed, in principle, its support to the planned deployment of the regional force on its territory, several DRC political actors, civil society organizations and armed groups reacted to the planned deployment of the regional force with concern and skepticism.

Some civil society actors have outrightly rejected the planned deployment while others asked for the withdrawal from the regional force of some countries, including Rwanda, Uganda and Burundi. Some civil society actors as well as political and FARDC sources stressed that the three countries have a record of involvement in proxy wars in the DRC and have for decades contributed to the chronic instability in the DRC (see also para. 102).

Diplomatic sources and researchers raised further concerns over the divergent interests of some of the potential contributing parties to the regional force, as well as over funding, duration, logistics and the exit strategy of the envisaged regional operation, issues on which there was no clarity or details in the current concept of operations.

On 9 September 2022, the Government of the DRC and the EAC signed the status of forces agreement (SOFA), defining the responsibilities and the obligations of the regional force when conducting its operations in the Eastern DRC. By signing this SOFA, the Government of the DRC has committed to facilitate and provide support to the East African Community Regional Force (EACRF) operations within the national legal and constitutional framework.

General Jeff Nyagah, a Kenyan national, was appointment as the force commander.

On the 2 November 2022, President of Kenya, William Ruto handed over the flag to Kenya National Defense Forces signalling the authorisation to effectively deploy in the Eastern DRC. At the time of drafting there was yet no substantial deployment or engagement of the regional military force on the DRC territory.

The Group recalls that, under paragraph 5 of resolution 1807 (2008), as renewed by resolutions 2293 (2016) and 2641 (2022), the provision of assistance that includes the involvement of foreign troops in military operations on the territory of the DRC must be notified in advance to the Committee.

<sup>148</sup>See <https://www.eac.int/communique/2504-communiqu%C3%A9-the-third-heads-of-state-conclave-on-the-democratic-republic-of-congo-the-nairobi-process>

<sup>149</sup> Burundi, DRC, Kenya, Rwanda, South Sudan, Uganda, and United Republic of Tanzania.

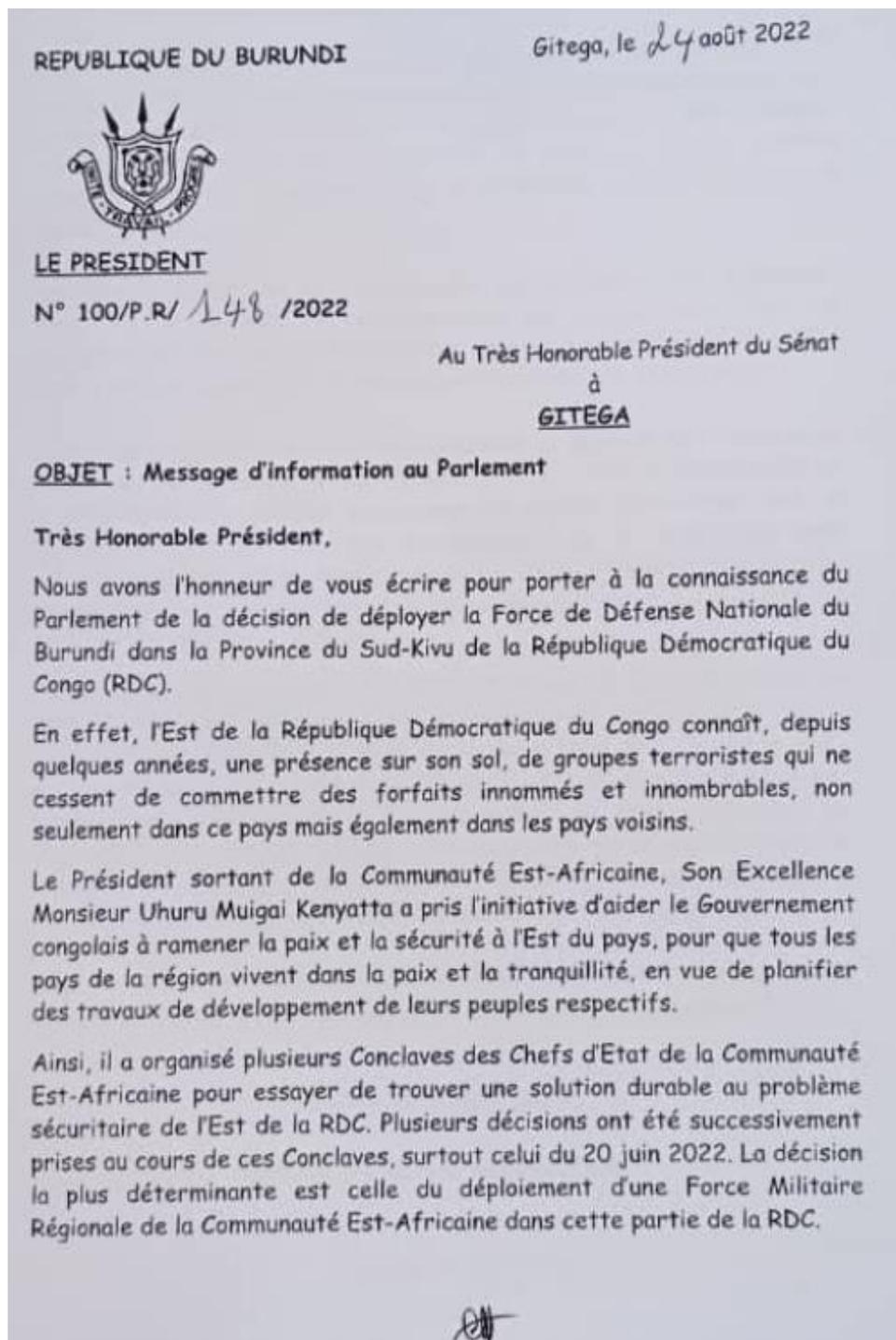
<sup>150</sup> The CONOPS invited each contributing party to assume the logistics, funding, and operations for its troops.

The Group also stresses the importance of coordination with MONUSCO regarding the planned deployment and operations of the regional force, and the respect of international human rights and international humanitarian law by the regional force.

Annex 69

Letter dated 24 August 2022 of Burundi President Evariste Ndayishimiye to Parliament announcing FDN deployment as part of EAC

Lettre du 24 août 2022 du Président burundais Evariste Ndayishimiye au Parlement annonçant le déploiement des FDN dans le cadre de l'EAC.



Il a été convenu que cette Force soit déployée sous les auspices de la Communauté Est-Africaine pour une période de 6 mois renouvelables, avec un mandat de contenir, combattre et éradiquer les groupes terroristes et négatifs opérant dans l'Est de la RDC, en appui aux Forces Armées Congolaises opérant dans cette zone et en étroite collaboration avec la MONUSCO.

Les Chefs d'Etat de la Communauté Est-Africaine ont également déterminé le secteur de responsabilité de chaque pays tout en recommandant des contacts bilatéraux avec le Gouvernement de la RDC dans la mise en œuvre de la Force armée à déployer par chaque pays.

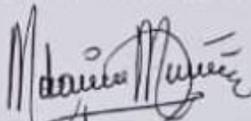
C'est dans cette optique que le Gouvernement du Burundi, en collaboration bilatérale avec le Gouvernement de la RDC, et en vertu de l'article 255 de la Constitution qui précise que « Dans les limites déterminées par la Constitution et les lois, seul le Président de la République peut autoriser l'usage de la Force Armée (...) dans l'accomplissement des obligations et engagements internationaux », a pris la décision de déployer un contingent au Sud-Kivu.

Après consultation officielle du Conseil National de Sécurité (CNS), en date du 22 août 2022, tel que le prescrivent l'article 256 de la Constitution et l'article 4 de la loi Organique n°1/26 du 6 décembre 2021 portant Modification de la Loi n°1/23 du 31 août 2008 portant Missions, Composition, Organisation et Fonctionnement du Conseil National de Sécurité « CNS », Nous voudrions Vous informer que le Burundi vient de déployer un contingent constitué d'un bataillon d'infanterie, dans la province du Sud-Kivu, pour une période de trois mois renouvelables.

Vous en souhaitant bonne réception, Nous vous prions d'agréer, Très Honorable Président, les assurances de notre haute considération.

Evariste NDAYISHIMIYE,

PRESIDENT DE LA REPUBLIQUE. -



Document provided to the Group by local sources

Annex 70

**Information indicating that FDNB troops were deployed on a bilateral basis**

**Informations indiquant que les troupes de la FDNB ont été déployées sur une cadre bilatérale**

In addition to several sources informing the Group that the FDN deployment was launched on a bilateral basis, the below documents provided further support to this information.

**Note of the 65th meeting of the Council of Ministers of the DRC of 19 August 2022 explicitly stating that the FDN deployment was part of a bilateral agreement signed between the DRC and Burundi:**



MINISTÈRE DE LA COMMUNICATION ET MEDIAS

*Le Ministre*

**COMPTE RENDU DE LA SOIXANTE-CINQUIÈME RÉUNION  
DU CONSEIL DES MINISTRES**

*Vendredi 19 août 2022*

Son Excellence Monsieur le Président de la République, Chef de l'Etat, Félix-Antoine TSHISEKEDI TSHILOMBO, a présidé la soixante-cinquième réunion du Conseil des Ministres du Gouvernement de la République, ce vendredi 19 août 2022 à la Cité de l'OUA à Kinshasa, capitale de la République Démocratique du Congo.

Trois (3) points ont constitué la charpente de l'ordre du jour, à savoir :

*I. Communication de Son Excellence Monsieur le Président de la République, Chef de l'Etat ;*

*II. Points d'informations ;*

*III. Approbation d'un relevé des décisions du Conseil des Ministres ;*

**I. COMMUNICATION DU PRÉSIDENT DE LA RÉPUBLIQUE,  
CHEF DE L'ÉTAT**

Le Président de la République, Chef de l'Etat l'a articulée autour de quatre (4) points ci-après :

**1. De la tenue à Kinshasa du 42<sup>ème</sup> sommet ordinaire de la Communauté  
de développement de l'Afrique Australe (SADC)**

Le Président de la République est revenu sur la tenue de ces assises, du 09 au 17 août 2022, placées sous le thème : « *promouvoir l'industrialisation au moyen de l'agro-transformation, la valorisation des minéraux et du développement des chaînes de valeur régionale en vue d'atteindre une croissance économique inclusive et durable* ».

Ces assises ont concouru à réitérer la volonté de la SADC à promouvoir et renforcer la coopération socio-économique, politique et sécuritaire entre ses États membres ainsi qu'à stimuler l'intégration régionale en vue d'atteindre la paix, la stabilité et la prospérité.



6

*de détresse de la communauté Banunu dont les notables souhaitent une réconciliation aux fins d'accueillir les frères réfugiés en République du Congo :*

- *Le mouvement citoyen Veranda Mutshanga qui projette une marche, le lundi 22 août 2022, pour exiger de nouveau le départ immédiat de la MONUSCO, devenue à leurs yeux incapable d'assurer la protection des populations de l'Est du pays. Les forces de sécurité ont été instruites et toutes les dispositions sont prises pour assurer l'encadrement et parer à toute éventualité dans le souci de protéger les citoyens et leurs biens.*

Il a rassuré des dispositions qui ont été prises, avec l'accompagnement du Gouvernement de la République, pour trouver de solutions idoines à ces préoccupantes situations.

## II.2. Situation sécuritaire

Pour sa part, la Vice-Ministre de la Défense Nationale et Anciens Combattants a présenté une synthèse de la situation opérationnelle militaire et sécuritaire du pays. Elle a indiqué les opérations menées par les Forces Armées de la République Démocratique du Congo (FARDC) se poursuivent pour mettre fin à l'activisme des groupes armés qui sèment l'insécurité dans la partie Est de notre pays.

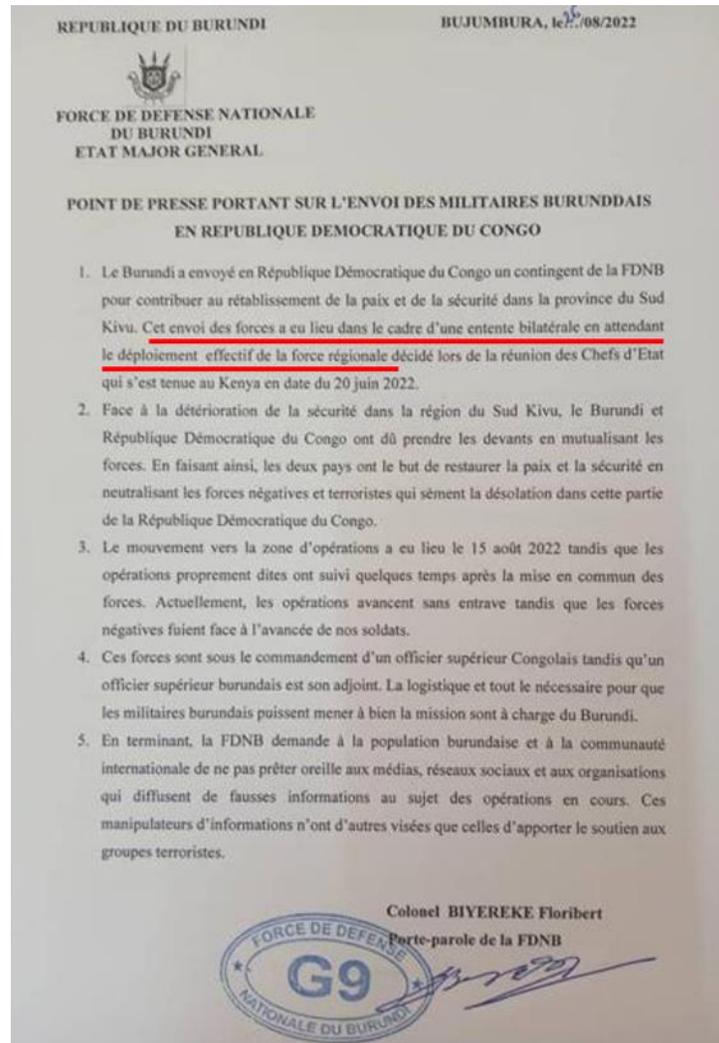
La coalition M23/Rwanda a tiré, le 16 août dernier, sur les positions des FARDC à hauteur du Pont Rwanguba, situé en plein Parc des Virunga, endommageant ainsi le chantier de construction de la centrale hydroélectrique de Rwanguba.

Dans le cadre de la recherche des solutions d'éradication de ces groupes armés notamment dans le Sud-Kivu, la Vice-Ministre de la Défense Nationale et Anciens Combattants a informé le Conseil qu'un Mémoire d'entente (MoU) a été signé en bilatéral avec le Burundi et son exécution a débuté le 15 août dernier au travers du déploiement d'un Contingent de défense de l'Armée Burundaise.

La détermination du Gouvernement reste ferme pour mobiliser davantage des moyens au profit de nos forces de sécurité dans l'objectif bien compris de ramener la paix dans cette partie de la République Démocratique du Congo.



Press briefing on the FDN deployment of the DRC explicitly stating that it took place in the framework of a bilateral agreement between the DRC and Burundi, until the deployment of the EAC regional force:



Document provided to the Group by local sources

Annex 71

Schematic movements of FDN troops and joint FDN-FARDC operations in the DRC

Mouvements schématiques des troupes FDN et des opérations conjointes FDN-FARDC en RDC



Following their deployment in August 2022 in Luberizi camp, FDN jointly with FARDC clashed with Red-Tabara and FNL around Masango and Lubumba (Uvira Territory) respectively in September and October 2022. They then deployed towards Bijombo (Mwenga Territory) at the pursuit of both armed groups who fled in the Itombwe forest.

MONUSCO maps annotated by the Group

## Annex 72

**Letter dated 21 July 2022 of Twirwaneho leader (and spokesperson), Welcome Kamasa, to DRC President, Felix Antoine Tshisekedy and EAC Heads of States, emphasizing their concern over the deployment of the FDN and possible FDN-FARDC operations against them**

**Lettre datée du 21 juillet 2022 du leader (et porte-parole) Twirwaneho, Welcome Kamasa, au président de la RDC, Felix Antoine Tshisekedy et aux chefs d'État de la CAE, soulignant leur inquiétude quant au déploiement des FDN et aux éventuelles opérations FDN-FARDC à leur encontre**

KAMASA NDAKIZE WELCOME

Minembwe, le 21/07/2022

PORTE PAROLE DU GROUPE D'AUTODEFENSE

CIVILE TWIRWANEHO

MINEMBWE, SUD-KIVU/RDC

**Copie pour information à:**

- Son Excellence Monsieur le Président de la République du Kenya et Président en exercice de l'EAC (avec nos hommages les plus déférents) à Nairobi ;
- Son Excellence Madame la Présidente de la République Unie de Tanzanie (avec nos hommages les plus déférents) à Dar-es-Salaam;
- Son Excellence Monsieur le Président de la République de l'Ouganda (avec nos hommages les plus déférents) à Kampala;
- Son Excellence Monsieur le Président de la République du Soudan du Sud (avec nos hommages les plus déférents) à Juba;
- Son Excellence Monsieur le Président de la République du Rwanda (avec nos hommages les plus déférents) à Kigali;
- Son Excellence Monsieur le Président de la République du Burundi (avec nos hommages les plus déférents) à Bujumbura;

**Objet: Cri d'alarme contre une opération militaire inopportune  
envers le groupe d'Autodéfense civile Twirwaneho.**

A Son Excellence Monsieur Félix Antoine  
Tshidekedi Tchilombo, Président de la  
République Démocratique du Congo (avec  
nos hommages les plus déférents) à Kinshasa-  
Gombe/RDC

Excellence Monsieur le Président de la République,

J'ai l'honneur de m'adresser auprès de votre haute responsabilité,  
en vue d'exprimer, au nom de la communauté Banyamulenge vivant dans les Hauts-

Plateaux de la province du Sud-Kivu, communément appelés Minembwe, notre profonde inquiétude suscitée par l'imminence d'une inopportune opération militaire contre le groupe d'autodéfense civile Twirwaneho.

Cette opération conjointe entre les Forces Armées de la République Démocratique du Congo (FARDC) et les Forces Nationales de Défense du Burundi (FNDB) s'annonce dangereuse et irrégulière sur plusieurs plans et risque de conduire à un nettoyage ethnique pure et simple contre les Tutsis Banyamulenges des Hauts-Plateaux.

En effet, selon les informations crédibles en notre possession, la semaine du 10/07/2022, les Forces armées Burundaises (FNDB) ont traversé la rivière Rusizi en trois groupes de 250 militaires chacun pour faire jonction avec les FARDC opérant dans les Moyens-Plateaux d'Uvira, totalisant ainsi une force constituée de 1500 hommes de troupe, à raison de 750 hommes par pays. Ces troupes ont pour objectif de détruire l'autodéfense Banyamulenge Twirwaneho, pourtant partenaire au processus de paix de Nairobi initié sous les bons offices de Son Excellence Uhuru Kenyatta, Président de la République du Kenya et Président en exercice de l'EAC dont les travaux n'ont pas encore pris fin.

Excellence Monsieur le Président, il sied de porter à votre aimable attention qu'une telle initiative est irrégulière et inopportune pour plusieurs raisons : D'abord, cette opération viole intentionnellement le processus de Paix de Nairobi auquel Twirwaneho est partie prenante. Comment pouvez-vous décider de mener une telle opération sélective contre un groupe déjà engagé dans le dialogue pour une résolution pacifique du conflit ?

Ensuite, seul ce groupe est visé par l'opération dans une province où l'on compte à peu près 90 groupes armés selon le Baromètre sécuritaire du Kivu datant du mois de février 2021. Cette opération est de toute évidence sélective car elle cible un groupe d'auto-défense qui n'a jamais lancé une seule attaque contre l'armée régulière et met en danger l'ensemble de la Communauté Banyamulenge ciblée par des massacres à motivation ethnique enduré depuis Avril 2017, sous le regard complaisant si pas complice de certains éléments des FARDC. Cette intervention militaire ne fera que remuer l'épée dans une plaie encore saignante, car visant une population civile, les Banyamulenges, puisque les Twirwaneho sont des paisibles civils qui ont décidé de se prendre en charge après avoir été abandonnés par les services compétents et livrés à la merci de ceux qui ne jurent que par l'extermination ou à défaut l'expulsion des Banyamulenge du Territoire Congolais.

Enfin, ce qui est plus inquiétant est que le FARDC, qui sont sensé sécuriser tout le monde, organise cette opération avec l'armée burundaise mais aussi avec les différents groupes maimai qui deviennent officiellement des forces amies contre les seuls banyamulenge.

Eu égard aux éléments développés ci-dessus, il est évident que l'opération est mal partie ; car elle offrira sans doute l'opportunité à tous les acteurs du projet macabre de génocide des Tutsis de la RDC d'en finir une fois pour toute.

Excellence Monsieur le Président de la République, comment notre pays peut-il prendre une telle décision qui met en danger tout un groupe ethnique dont le seul péché est son faciès allongé ? Cette correspondance sert de cris d'alarme pour vous demander de faire appel à la raison et éviter de prêter une main forte à un plan de génocide qui ne fait plus l'ombre d'aucun doute.

Vous avez sans doute suivi une campagne haineuse qui fait le tour dans les réseaux sociaux et autres canaux dont l'objectif est d'appeler à l'extermination des Tutsis de la Rdc. Nous voudrions par la présente demander au Gouvernement de la RDC de mettre fin à ce plan d'extermination de la Communauté Banyamulenge en cours d'exécution depuis 2017, en commençant par l'annulation de cette opération dont les effets sont prévisibles.

Nous en appelons par la même occasion aux Chefs d'Etats membres de l'EAC de tout mettre en œuvre afin d'éviter que le processus de Paix de Nairobi ne soit pas mis en péril. Nous les prenons également à témoin face à un projet de longue date de génocide et dont l'opération en question risque de parachever son exécution finale.

Espérant qu'une suite appropriée sera réservée à notre cri d'alarme, nous vous prions d'agréer, Excellence Monsieur le Président, l'expression de nos sentiments les plus patriotiques.

Fait à Minembwe, le 21/07/2022

**KAMASA NDAKIZE WELCOME**



Porte-Parole de Twirwaneho

Document provided to the Group by local sources

## Annex 73

**MONUSCO statement condemning attack on the base in Minembwe (South Kivu) that led to the killing of a peacekeeper on 30 September 2022****Déclaration de la MONUSCO condamnant l'attaque de la base de Minembwe (Sud-Kivu) qui a conduit au meurtre d'un Casque bleu le 30 septembre 2022**

Mission de l'Organisation des Nations Unies pour

**COMMUNIQUÉ DE PRESSE****La MONUSCO condamne l'attaque de sa base de Minembwe (Sud-Kivu) au cours de laquelle un casque bleu a été tué**

**Kinshasa le 1<sup>er</sup> octobre 2022** : La MONUSCO condamne l'attaque de sa base opérationnelle à Minembwe, dans la province du Sud-Kivu, par des membres présumés du groupe armé Twirwaneho, le 30 septembre à 22h30. Au cours de cette attaque, un casque bleu a été tué par des hommes armés qui s'approchaient de la base après avoir contacté la MONUSCO pour une reddition.

La Mission rappelle que les activités de désarmement de combattants menées par la mission sont mandatées par le Conseil de Sécurité des Nations Unies et conduites de manière impartiale sur une base volontaire.

Les attaques contre les casques bleus peuvent constituer un crime de guerre. La MONUSCO appelle les autorités congolaises à déployer tous les efforts possibles pour que les auteurs de cette attaque odieuse répondent de leurs actes.

La Mission exprime ses plus sincères condoléances à la famille et au pays d'origine du Casque bleu décédé.

La MONUSCO demeure engagée à soutenir le gouvernement et le peuple congolais dans leurs efforts pour instaurer la paix et la stabilité dans l'est du pays.

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Ndeye Khady Lo, Porte-parole adjointe, [ndeyelo@un.org](mailto:ndeyelo@un.org) portable : +243 997068227  
Lieutenant-Colonel Andrew Mitali, Porte-parole militaire, [monusco-hq-mnicshala@un.org](mailto:monusco-hq-mnicshala@un.org) tél. +243 81 890 31 78, portable : +243 81 890 71 60  
Adèle Lukoki, Relations médias, [lukokikola@un.org](mailto:lukokikola@un.org) portable : +243 81 890 77 06

Annex 74

**Twirwaneho statement denying responsibility on Minembwe POB and killing of a peacekeeper, issued on 1 October 2022**

**Déclaration de Twirwaneho niant toute responsabilité dans l'attaque de Minembwe POB et le meurtre d'un casque bleu, publiée le 1er octobre 2022**

Twirwaneho coordinator Kamasa Ndakize Welcome issued a public statement on 1 October 2022, shortly after the attack, blaming it on FARDC and the “enemies of Banyamulenge”. He suggested the attack occurred in the context of growing anti-MONSUCO sentiment fueled by hate speech propagated by politicians who accuse MONUSCO of protecting the Tutsi and Banyamulenge:

**AUTODÉFENSE CIVILE TWIRWANEHO**

**DENONCER LE MEURTRE DE CASQUE BLEU DE LA MONUSCO A MINEMBWE**

1. L'Autodéfense Civile banyamulenge, Twirwaneho dénonce et condamne l'attaque de la base de la Monusco de Minembwe, qui a coûté la vie à un casque bleu de la Monusco.

2. Ceci intervient après plusieurs manifestations contre la Monusco au Nord Kivu (Goma et Butembo) qui se sont soldées aux attaques armées contre les bases de la Monusco par des manifestants armés.

Rappelons que ces manifestations étaient déclenchées par les discours de haine de certains politiciens au niveau national accusant la Monusco de protéger la minorité Tutsi et banyamulenge.

3. C'est aussi après les tentatives, depuis plusieurs années, de détruire Minembwe par les Maimai et le Red Tabara, avec l'aide des éléments des FARDC basés à Minembwe. Lesquelles tentatives ont été un échec à cause de la présence de la Monusco à Minembwe.

4. Hier soir, 30 Octobre 2022, une attaque du genre s'est perpétrée contre la base de la Monusco à Minembwe Centre, par des inconnus, à proximité du Camp des FARDC et de la Police nationale.

5. Les FARDC se sont précipitées à accuser Twirwaneho, pour cacher leur responsabilité et irresponsabilité dans cette affaire. Précisons ici que Twirwaneho n'a pas accès à Minembwe Centre qui est protégé par les FARDC et la PNC.

6. Nous informons l'opinion nationale et internationale que Twirwaneho n'a aucune raison d'attaquer la Monusco car si les banyamulenge vivent encore dans certains villages (Minembwe, Mikenge, Bibogobogo, Rurambo), c'est grâce à la présence de la Monusco.

7. Cette attaque a été perpétrée, sans doute, par les ennemis de banyamulenge qui sont gênés par la présence de la Monusco, dans leur salle besogne de vouloir exterminer et chasser les banyamulenge du sol congolais.

Nous condamnons cette attaques, nous condamnons les propos des FARDC que nous qualifions de diversion et nous exigeons une enquête indépendante sur cette énième meurtre dans le rang de la Monusco.

Fait à Minembwe le 01/10/2022

**KAMASA NDAKIZE WELCOME**

Coordinator



**Annex 75****Statement by Stéphane Dujarric, Spokesman for Secretary-General of the UN, reporting an attack on Minembwe POB, issued 6 October 2022****Déclaration de Stéphane Dujarric, porte-parole du Secrétaire général de l'ONU, faisant état d'une attaque contre la POB de Minembwe, publiée le 6 octobre 2022****DEMOCRATIC REPUBLIC OF THE CONGO**

The UN peacekeeping mission in the Democratic Republic of the Congo tells us that yesterday, suspected members of the Twirwaneho armed group opened fire towards the peacekeeping base in Minembwe, in South Kivu province in the eastern part of the country.

Our UN peacekeepers returned fire, forcing the assailants to disperse. There are no casualties among peacekeeping troops. This is the second attack carried out by the group in a week towards the same UN base, and as a reminder, one UN peacekeeper from Pakistan was killed in that attack on 30 September.

Screenshot taken by the Group from official [UN website](#), 6 October 2022