

Consolidating the Peace: Closing the M23 Chapter

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Executive Summary and Conclusions

In November 2013, the M23 insurrection was defeated in the eastern Democratic Republic of Congo (DRC). This, along with the signing of the Nairobi Declarations on 12 December 2013, brought a reprieve after a period of escalation that had displaced hundreds of thousands and had dramatically exacerbated regional tensions. It also appears to be the last of a long series of Rwandan-backed insurgencies in the Congo, beginning in 1996. The aftermath of the M23 crisis, however, leaves many challenges to be addressed. The majority of M23 members are in camps in Rwanda and Uganda, and little progress has been made in negotiating their demobilization and repatriation.

This report is part of a research project that seeks to explore options for permanently closing the chapter of insurgency in parts of eastern DRC. This report is an assessment of the current status of the M23, given its importance in the 2012-2013 escalation of violence in the eastern Congo, while an upcoming report will explore the broader challenge of setting up a demobilization program for all Congolese armed groups. Among the guidelines and conclusions in this report is that the M23 officers and soldiers in Rwanda and Uganda must be counted, registered, and the legal status of their leaders clarified. The governments of DRC, Rwanda, and Uganda, with the support of the international community, should agree on a clear process for the return and demobilization of M23 officers and soldiers, which should be closely followed by the United Nations and the International Conference on the Great Lakes Region (ICGLR). For those officers who are sought for war crimes and crimes against humanity, such conditions should include guarantees of due process, of non-application of the death penalty and of international monitoring of trials. All others could enter into the newly established demobilization program with other Congolese armed groups, which should be monitored by the United Nations.

The Historical Context

The defeat of the M23 comes at a particular historical and political juncture. In order to best appreciate this moment and the opportunities it provides, a brief look to the past is apposite.

The M23 was the last in a series of insurgencies backed by the Rwandan government, whose history goes back to the invasion of the DRC (then Zaire) in 1996 by the *Alliance des forces démocratique pour la libération du Congo-Zaïre* (AFDL). All of the senior officers of the M23—although few of its political leaders—participated in the AFDL and received their initial training in Rwandan army camps. Most of them then joined the *Rassemblement congolais pour la démocratie* (RCD) in August 1998, which was created by the Rwandan government to oppose Laurent Kabila's government, and then the *Congrès*

nationale pour la défense du peuple (CNDP) in 2004-2006¹ in a further insurgency, this time against Joseph Kabila.

However, this succession of insurgencies gives the illusion of continuity, whereas in reality Rwandan-backed groups have steadily lost the ability to appeal to a broader public. In 1996, the AFDL received support from a broad swath of the Congolese population across the country and different social strata, forming a multi-ethnic coalition. The RCD was still able to rely on militias from different communities for support, although Rwanda's influence became more dominant and the prominence of Hutu and Tutsi communities more visible. The various military integration exercises that took place between 2003-2012 further whittled away at the networks of officers willing to participate in a Rwandan-backed insurgency. During the transitional government (2003-2006) numerous Hutu and Tutsi officers joined the national army and did not defect when Laurent Nkunda created the CNDP in 2004-2006. During the CNDP, the insurgency's military core was eventually whittled away to almost only Tutsi officers, as many Hutu officers defected to join the national army, and a group of Tutsi soldiers joined the national army through the "*mixage*" integration exercise of 2007, which eventually broke down. Finally, when the M23 insurrection began in April 2012, many Tutsi commanders refused to defect from the national army, leaving the group weak and forcing the Rwandan army to provide substantial cross-border support.

There are several reasons for this trend. Rwandan-backed groups have lost their ability to persuade broad segments of the population that belligerency is justified. In 1996, many Congolese sympathized with the struggle against Mobutu, and even in the early days of the RCD rebellion, some Congolese protesting the authoritarian tendencies of the Laurent Kabila government rallied to this new rebellion. However, rampant abuse, increased Rwandan dominance, and the defection of many leaders from outside the Hutu and Tutsi community quickly drained support away from the RCD. When the CNDP began forming in the 2004-2006 period, few Congolese agreed that a new insurgency would solve any of their problems, especially since it seemed to be dominated by Rwanda and members of the Tutsi community.

At the same time, Rwanda began losing the ability to sway military and political elites to participate in insurrections, as many leaders began to migrate toward politics in Kinshasa. During the 2003-2006 transition, Joseph Kabila's government was able to win over former Hutu Governor Eugène Serufu, appointing him as chairman of the board of the national electricity company. Influential Tutsi—some in the opposition, but increasingly also allies of Kabila—also became, at different points in time, vice-president, deputy minister of defense, head of the police service, head of the customs agency, senators, and parliamentarians. There are currently eight Tutsi generals in the army and police and dozens of other senior officers.

Meanwhile, while support from Kinshasa to the Rwandan FDLR rebels has decreased considerably from its apogee during the 1998-2001 period, its current stance is ambiguous. During the war against the RCD, the Congolese government incorporated FDLR units into its army and provided direct military support to other FDLR troops in Kivus. This arrangement came to an end during the peace process, although collaboration continued every time Rwanda backed a new insurrection. This collaboration has apparently decreased, although there was still collusion between the FDLR and the Congolese army

against the M23 rebellion, and the Congolese government has been reluctant to launch an all-out offensive against the FDLR since the defeat of the M23.²

Broadly speaking, therefore, it would appear that Rwanda has fewer allies and fewer enemies in the Congo today than at any other time in the past twenty years. Reinforcing this trend will be crucial in promoting stability.

The Status of the M23

Following the defeat of the M23 in November 2013, the large majority of its troops and officers fled to Uganda, while an earlier group fled to Rwanda in March 2013 following an internal dispute. Failure to independently screen and identify M23 combatants in Rwanda and Uganda has resulted in uncertainty over their exact numbers. There has also been uncertainty over the extent to which the protection they enjoy from the Rwandan and Ugandan governments is political rather than purely humanitarian. While the Peace, Security and Cooperation Framework for the DRC and Great Lakes Region (PSCF) explicitly calls on countries not to harbor or provide protection to any armed group members—particularly those commanders accused of serious war crimes or designated for sanctions by the UN—Rwanda and Uganda have failed to implement this part of the agreement, citing competing international obligations and judicial constraints.³ On the Congolese side, there have been delays in designating which former M23 members qualify for an amnesty and in setting up a new demobilization program for former members of all armed groups.

Former M23 members in Rwanda

Following the M23 infighting of early 2013, soldiers loyal to Bosco Ntaganda were forced to flee into Rwandan territory on 16 March 2013. Upon arrival in Rubavu district, Rwandan authorities disarmed them and “provided protection” to what they reported to be 700 combatants and 50 political cadres.⁴ Ntaganda turned himself over to the U.S. Embassy in Kigali to be transferred to the International Criminal Court. In addition to Ntaganda, among those who entered into Rwanda were four others designated on a United Nations sanctions list: M23 officers Baudouin Ngaruye, Innocent Zimurinda, Eric Badege, and political leader Jean-Marie Runiga.⁵

Two weeks after fleeing the Congo, 682 former M23 combatants were sent to a military camp in the town of Kibungo in the eastern district of Ngoma, where diplomats were allowed to visit them.⁶ At the time, Rwandan Minister of Disaster Management and Refugee Affairs, Seraphine Mukantabana, stated that the former rebels would officially abandon the insurgency, after which they could be eligible for refugee status and begin to leave the Ngoma facility to live freely in Rwanda.⁷ Mukantabana claimed the former combatants were not Rwanda’s prisoners, but rather, “they belong to the UN.”⁸ By July 2013, Runiga withdrew an earlier request to obtain asylum in Uganda and opted to remain in Rwanda after having renounced the insurgency.⁹ At the time, Runiga stated, “What we want now is to be considered as refugees.”¹⁰ Ngaruye’s aide-de-camp, Fred Tuyishime, asserted that the rebels believed they would receive protection from the Rwandan government just as Laurent Nkunda had been given since his 2009 arrest, which led to the integration of the former CNDP officers into the Congolese army.¹¹ In the event that the UN High Commission for Refugees (UNHCR) refused to provide them with refugee status,

Mukantabana indicated that Rwanda would be willing to provide asylum to those who renounced their rebel activities.¹²

On 27 July 2013, the Congolese government formally transmitted an extradition request to the Rwandan government for Ngaruye, Runiga, Badege, and Zimurinda.¹³ Rwanda replied by saying that it cannot extradite wanted individuals to the DRC due to the existence of the death penalty in the Congo.¹⁴

Following the defeat of the M23 in November 2013, 95 more M23 combatants, mostly injured, were evacuated to Rwandan military hospitals in Ruhengeri and Kigali in early November 2013.¹⁵ Many other former M23 rebels, both Congolese and Rwandan, spontaneously returned to their homes and families in Rwanda after the insurgency was defeated.¹⁶ As a result of delays in the screening process, former rebels have reportedly become frustrated with the lingering uncertainty about their status and some have expressed a desire to return back to the Congo.¹⁷

In late November, citing unresponsiveness from the international community for the financial burden to host the former M23 rebels, Rwanda finally requested assistance from the UNHCR to conduct joint screenings of the former M23 rebels on their territory,¹⁸ which eventually began on 7 December.¹⁹ Several identification verification missions then took place, involving members of the Congolese government in July 2014. Since then, there have been reliable reports of M23 officers moving freely in Rwanda and visiting their families there.²⁰ When diplomats visited the camp in July 2014, they ascertained that there were more than 200 “unjustified absences” of ex-M23 soldiers and officials from the camp and the Rwandan government reported that up to 314 may have deserted.²¹ Sources from among the M23 soldiers suggest that a large proportion of rank-and-file soldiers—especially those from the Hutu ethnic community—have informally returned home to the Congo.²²

Former M23 members in Uganda

Following the M23’s defeat in November 2013, the remaining M23 combatants fled to Uganda. The Ugandan authorities initially claimed that they had received 1,665 rebels,²³ and although this number was later reduced to 1,320,²⁴ a total of 1,678 M23 members applied for amnesty with the Congolese government in Uganda in May 2014.²⁵ Meanwhile, MONUSCO and the Congolese government estimated that the number of M23 combatants during the insurgency’s final days most likely did not exceed 400.²⁶ While M23 leaders claimed that Makenga was still in the DRC, on 7 November 2013, the Ugandan authorities acknowledged that they were holding him in a safe house in Kampala, but would not reveal his location for his own security.²⁷ In addition to Makenga, Innocent Kaina is the only other individual under UN sanctions who crossed into Uganda.

The Ugandan army spokesperson stated that the former M23 “are not prisoners; they are soldiers running away from a war so we are receiving them and helping them because it is our responsibility.”²⁸ He also compared the reception of M23 to what Uganda had done in 2012 when a Congolese army battalion had fled into Ugandan territory following fighting with the M23. President Museveni later indicated that he would not hand over Makenga to Congolese authorities and compared protecting him to the same support he gave Laurent Kabila against Mobutu in 1996.²⁹ Similar to the Rwandan response,

Uganda has claimed that it is following “international law, conventions, and protocols governing people who have fled danger in their countries.”³⁰

On 20 November, the United Nations Special Representative of the Secretary-General for Children and Armed Conflict announced that there were 136 child soldiers within the ranks of M23 in Uganda.³¹ However, two days later UNHCR disclosed that the Ugandan government had only transferred to it 46 children from among the M23 ex-combatants.³² There have been persistent obstacles to the repatriation of children in the M23 to Rwanda, which has resulted in dozens of children being stranded in camps in Goma and Uganda.³³

After being disarmed and registered at a Ugandan army facility in Kisoro on 13 November 2013, most of the former M23 fighters were transferred to the Bihanga military training center near Kasese.³⁴ UPDF officers confirmed to international journalists that the M23 are being held, “waiting for peace.”³⁵ While United Nations officials have visited these camps, they have not carried out a registration of the ex-M23 soldiers.³⁶ According to latest reports, Makenga and Kaina remain under Ugandan surveillance, while other former M23 officers and political leaders are reportedly able to move freely in Uganda.³⁷

Former M23 members in the Congo

In addition to the factions in Uganda and Rwanda, there are also M23 members who are currently present in the Congo. Following the M23 defeat, the Congolese army claimed that at the end of November, 543 rebels had surrendered, including 72 Rwandans and 28 Ugandans.³⁸ Over 300 of these soldiers were sent in early 2014 to the Kitona military camp in Bas-Congo province. It is unclear where the remaining soldiers may be, although international NGOs working in Masisi have confirmed the presence of around 40 former M23 soldiers who have returned to the former CNDP training base of Bwiza, just east of the town of Kitchanga.³⁹

Almost all high-ranking ex-M23 officers are still outside the country. The only senior officer in Congolese custody is Colonel Edmond “Saddam” Ringo, who was captured in October 2012. Several leaders of the ex-CNDP mutiny which took place in anticipation of the M23 insurgency in April 2012 notably Colonels Bernard Byamungu, Josué Biyoyo, and Samuel Nsabimana, have already been tried and condemned to lengthy sentences. Two important M23 allies, Albert Kahasha and Hilaire Kombi have also surrendered to the Congolese authorities since the military victory over M23. It is unclear whether these commanders will be considered as M23 members eligible for prisoner release and amnesty as stipulated in the Nairobi Declarations.

Considerations for Dismantling the M23

Over twelve months after the defeat of the M23, there has been halting progress in dealing with their remnants in Rwanda and Uganda. The first step was to craft an amnesty for crimes of insurrection—with the exception of war crimes and crimes against humanity—so that Congolese ex-M23 combatants could return without being arrested. That bill was passed by the Congolese parliament on 4 February 2014, requiring each former rebel to apply individually for amnesty. The government subsequently issued five lists of those

having received amnesty, totaling 288 ex-M23 soldiers and leaders.⁴⁰ According to diplomats involved in the process, most of the M23 have filled out the forms required to qualify for amnesty in the Congo and it is now up to the Congolese government to evaluate their hundreds of applications through a laborious, case-by-case process.⁴¹ A total of 2,131 M23 members have reportedly applied for amnesty with the Congolese government in both Uganda and Rwanda, including some of the top leadership.⁴² Security officials in the Congo, for their part, complain that is an inflation of the real number, which was probably closer to 1,200, and included many Rwandan nationals.⁴³

The undetermined fate of hundreds of M23 officials and soldiers in Rwanda and Uganda—in particular, that of their leaders—is cause for concern. Left unaddressed, their continued presence in neighboring countries forms an obstacle to an improvement in relations between the three countries and could lead to a re-emergence of the M23 or of a similar group. Between August and October 2014 there were numerous reports of M23 combatants trickling across the border, with some allegedly involved in military activity in North Kivu.⁴⁴ At an ICGLR summit in Luanda on 14 August 2014, member states agreed that the Congolese government would present a road map by October 2014 for the return of ex-M23 from Rwanda and Uganda.⁴⁵ In order to expedite the return of the M23, the three most affected governments should set up two parallel processes, one for the repatriation and demobilization of most M23 officers and soldiers who could benefit from the amnesty law passed by the Congolese Parliament, and another for the arrest and extradition, in accordance with Rwandan and Ugandan relevant legislation and international practice, of those officers sought for war crimes or crimes against humanity by the Congolese judiciary.

Legal responsibilities in dealing with the M23

Both Rwanda and Uganda have put forward legal reasoning in not repatriating the M23 rebels, arguing that both countries have a responsibility to protect the fleeing combatants and that these soldiers could gain refugee status in order to avoid persecution in the Congo.

Combatants are not protected under international refugee law, but if they renounce their combatant status, and are not liable for crimes or “acts contrary to the United Nations,” they can, in theory, become a refugee.⁴⁶ In practice, however, it would be extremely challenging for the United Nations to confer refugee status on M23 combatants in Rwanda, given not only the record of M23 abuses against civilians in the DRC, but also Rwandan support to the M23 in the past, which has included facilitating recruitment from refugee camps.⁴⁷

Moreover, both Rwanda and Uganda are obliged by their commitments under the PSCF to ensure the peaceful repatriation of Congolese M23 combatants. The PSCF binds them to not “harbor nor provide protection of any kind to persons accused of war crimes, crimes against humanity, acts of genocide, or crimes of aggression, or persons falling under the United Nations sanctions regime.” The same agreement commits states in the region to “facilitate the administration of justice through judicial cooperation within the region.”⁴⁸

Rwanda and Uganda are therefore under an obligation to facilitate the repatriation of all M23 ex-combatants to the DRC, while the Congolese government should create the conditions that are conducive to such return, providing ample and verifiable guarantees that these ex-combatants will benefit from legal due process.

The arrest and extradition of M23 leaders accused of war crimes

Different processes should apply to M23 leaders accused of war crimes, and all other ex-M23 officers and soldiers. The Congolese government has issued nineteen arrest warrants for officers or political leaders linked to the M23 on charges of war crimes, of whom thirteen are thought to be in Rwanda or Uganda.

Rwanda has pointed out that the DRC government maintains the death penalty—although there has been a moratorium on its use since 2003—and that M23 officers may face unjust persecution there. This reasoning, however, does not justify impunity for war crimes or the perpetual internment of M23 soldiers in neighboring countries.

In a recent letter to President Kabila, Human Rights Watch outlined steps to promote the extradition of M23 leaders to the DRC, which could serve as guidelines for the way forward. These include the organization of a meeting devoted to the issue under the auspices of the ICGLR, guarantees that the trials will meet international standards of due process, including a right to appeal; a specific guarantee that the death penalty will not be applied in these cases; the technical assistance of MONUSCO during the investigations and trials; and full and unimpeded access to domestic and internal trial monitors.⁴⁹

An internationally monitored repatriation

Hundreds of thousands of Congolese remains as refugees outside of their country, mostly in neighboring countries. The Congolese government, along with its international partners, should continue efforts to repatriate this population.

The ex-M23 soldiers are a particular case and special attention should be focused on them, as some of them are likely to be involved in new insurrections in the future if left to their own devices. The successful repatriation of this group, however, will require preparatory work. First, the Rwandan and Ugandan governments should allow the ICGLR or the United Nations to compile detailed information regarding exactly how many Congolese ex-M23 combatants are present in their respective territory, their names, where they are from, and whether they want to opt for demobilization or army integration, if they meet the criteria for joining the army. While the Rwandan and Ugandan governments have allegedly carried out head counts of M23 members, there is no such comprehensive information publicly available. Such a tally would allow the United Nations or the ICGLR to keep better track of the whereabouts of M23 soldiers and to plan for demobilization.

All parties could then either appoint a joint committee or agree on a third party to monitor the process. This could promote trust and ensure recourse in case of allegations of wrongdoing. This third party, which could be MONUSCO, the ICGLR, or the African Union, could conduct trips to the relevant camps in Rwanda, Uganda, and the DRC, and publish periodic reports. In addition, the United Nations Group of Experts on the DR Congo can continue to provide rigorous reporting on insurgent networks in the region.

A new demobilization program

Finally, a Congolese demobilization program, which was officially approved in December 2013, needs to urgently be set up to deal with the M23 and other armed groups.⁵⁰ Former

M23 members eligible for amnesty and not interested in re-joining the FARDC will have to enjoy the same benefits as members of former Congolese armed groups who collaborated with the Congolese army. The DRC government has published a list of 78 ex-M23 officers who are not eligible for integration into the Congolese army.⁵¹ Unless other war crimes charges are brought, officers not eligible for integration but not under an arrest warrant would be eligible for amnesty and the demobilization package like everyone else. However, by mid-August 2014 only 29 former M23 members had been granted amnesty by the Congolese government.

A DDR plan, known as DDR III, was unveiled by the government in December 2013, but has faced stiff pushback from donors for several reasons. The plan was extremely expensive, running at a proposed \$100 million for around 12,000 members of around 50 different armed groups, of which the government has asked donors to contribute almost 90 percent of funding. Given the controversy surrounding the misuse of funds that plagued the previous demobilization program, donors have been concerned about the transparency and accountability of the new program. Most importantly, the program requires all combatants, even those who do not want to join the army, to be transported to army camps in Katanga, Equateur, Province Orientale, and Bas-Congo, hundreds of miles from their homes. While in theory this relocation lasts at most a year, some soldiers have already been in the camps for over fourteen months. There have already been reports from the United Nations, Human Rights Watch, and diplomats of dozens of soldiers dying due to disease and starvation in one of the camps, Kotakoli in the Equateur province.⁵²

The government reacted to these concerns by producing a revised plan,⁵³ reducing the budget to \$84 million over four years. Nonetheless, there are few guarantees to ensure proper financial management and the timely transfer of ex-combatants from DDR camps back home. Here, again, the United Nations could play a crucial role in frequently monitoring and reporting on conditions in these camps, some of which are extremely remote. As of August 2014, donors were still assessing whether they should back the plan.

The structure: How diplomats can engage the key actors

Much of the diplomacy in dealing with the M23 has been through the organs of the PSCF, in particular the Office of the Special Envoy of UN Secretary-General for the Great Lakes Region, and the Technical Support Committee (TSC). While the TSC has been successful in establishing benchmarks for the implementation of regional commitments, this has not produced much tangible progress in dealing with concrete challenges, including the M23. In addition, some of the messaging by the UN Special Envoy Mary Robinson—who has now handed over to her successor, Saïd Djinnit—has been perceived by some Congolese to favor the M23—this includes statements in 2013 that privileged peace talks, even when the military offensive was proving effective; and congratulating the Congolese government on an amnesty bill that seemed to most Congolese to reward rebellion and violence.

It would be mistaken, however, to see the PSCF as an exclusive mechanism, or one that would preclude bilateral diplomacy. Much of the progress that has been made against the rebellion has been through public and discrete diplomacy by the various international envoys to the region, as well as leaders in the region.⁵⁴ In January 2014, the Angolan government became increasingly involved in regional diplomacy as it took over the chair of the ICGLR, and Angolan Foreign Minister Georges Chicoti has met with many officials in

the region since then. The US Special Envoy Russ Feingold has also effectively mobilized pressure on various actors, as has Martin Kobler, the head of MONUSCO, the UN peacekeeping mission. This multi-pronged approach is likely to be most effective in the future, as long as the parallel efforts are coordinated.

However, much of recent diplomatic activity has been related to the Rwanda *Forces démocratique pour la libération du Rwanda* (FDLR) rebels and elections, with the M23 slipping down on the agenda and little mention of the need for a demobilization program or institutional reform. In part, this is due to the impasse in Kinshasa, where major reform initiatives agreed at the *Concertations Nationales*—a national dialogue held in September 2013—have been on hold since President Joseph Kabila announced a government reshuffle in the interest of national cohesion in October 2013.⁵⁵ But even when a new government is formed, problems will remain. The Congolese government has little interest in bringing back hundreds of their former enemies, and—given their past support—the Rwandan and Ugandan governments may continue to drag their feet, allowing the M23 issue to go unaddressed. This, in turn, could form a further obstacle to reconciliation between Uganda, Rwanda, and the DRC.

On the Congolese side, the National Oversight Mechanism, the body mandated to oversee the PSCF, could play a key role in ensuring the return of the M23. However, over eighteen months after its creation, the NOM is struggling with funding and logistical challenges, and has been sidelined politically.

The M23 will need to be brought back to the top of the agenda, alongside a comprehensive demobilization plan for all armed groups and continued pressure to end cross-border military meddling in the region. Otherwise, dozens of former M23 officers are likely to find their way back to fighting for armed groups in the region.

Conclusion

The Great Lakes region is confronting many challenges in the coming years. The DRC is facing a contested electoral process, culminating in presidential elections in 2016, and governments in Burundi, Congo-Brazzaville, Uganda, and Rwanda also face divisive elections in the coming years. In addition, the Congo is struggling to implement institutional reform, including in the security sector, and to promote broad-based economic growth.

Addressing the remnants of the M23 should nonetheless remain a priority for donors and governments in the region. The M23 was at the center of the escalation of violence between 2012-2013, and given its relations to the Ugandan and Rwandan governments, its 1,000-2,000 troops are still a latent risk to the region, in part precisely because of the broader political turmoil that can ensue through the various electoral cycles.

We have outlined specific steps that could be taken to implement the Nairobi Declarations of 12 December 2013, including talks between the Congolese government and M23 representatives about their demobilization and a third party monitoring of the repatriation and demobilization process. In addition, national reconciliation will be an important part of the agenda, as emphasized by both the Nairobi Agreements of December 2013 and the *Concertations Nationales* of October 2013.

However, these steps should be seen within a broader political context. Tensions between governments in the region have led to violent conflict on numerous occasions in the past seventeen years, with the M23 representing just one of many insurrections that the Rwandan and Uganda governments have backed against Kinshasa, which in turn has often responded by collaborating with the FDLR. With the defeat of the rebels, the time is right to consolidate these gains.

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- ¹ The CNDP was formally created in July 2006, but the bulk of its troops never integrated into the new national army, which was created out of various belligerents during the peace process in 2003. The first open hostilities broke out with the siege of Bukavu in May 2004.
- ² United Nations Group of Experts on the DR Congo, "[Final report of the Group of Experts on the Democratic Republic of the Congo](#)," 23 January 2014, S/2014/42, pp. 24-25.
- ³ The signatories of the PSCF committed "To neither tolerate nor provide assistance or support of any kind to armed groups;" "To neither harbor nor provide protection of any kind to persons accused of war crimes, crimes against humanity, acts of genocide or crimes of aggression, or persons falling under the United Nations sanctions regime;" and "To facilitate the administration of justice through judicial cooperation within the region."
- ⁴ Edwin Musoni, The New Times, "700 M23 rebels flee to Rwanda," 17 March 2013. <http://www.newtimes.co.rw/news/index.php?a=13502&i=15299>
- ⁵ United Nations Security Council, "Report of the Secretary-General on the implementation of the Peace, Security, and Cooperation Framework for the Democratic Republic of the Congo and the region," S/2013/387. 28 June 2013. In its letter, the Government of Rwanda did not mention Eric BADEGE. http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2013/387
- ⁶ Edwin Musoni, The New Times, "M23 combatants relocated from border district," 2 April 2013. <http://www.newtimes.co.rw/news/index.php?a=65551&i=15315>
- ⁷ Edwin Musoni, The New Times, "M23 combatants relocated from border district," 2 April 2013. Mukantabana said that the lower ranking soldiers would be able to leave prior to senior officers. <http://www.newtimes.co.rw/news/index.php?a=65551&i=15315>
- ⁸ Edwin Musoni, The New Times, "M23 combatants relocated from border district," 2 April 2013. <http://www.newtimes.co.rw/news/index.php?a=65551&i=15315>
- ⁹ Red Pepper, "Ex-M23 Leader Runiga Requests for Asylum in Rwanda," 4 July 2013. <http://www.redpepper.co.ug/ex-m23-leader-runiga-requests-for-asylum-in-rwanda/>
- ¹⁰ Eric Kabeera, The New Times, "Asylum: Govt to vet ex-M23 combatants," 4 July 2013. <http://www.newtimes.co.rw/news/index.php?a=68369&i=15408>
- ¹¹ The East African, "Rwanda offers asylum to former M23 rebels," 13 July 2013. <http://www.theeastafrican.co.ke/news/Rwanda-offers-asylum-to-former-M23-rebels/-/2558/1913696/-/e3rkwdz/-/index.html> Laurant Nkunda was in fact arrested by the Rwandan authorities and criminal proceedings were initially opened against him, but later he became a crucial supporter of the M23 insurgency.
- ¹² Eric Kabeera, The New Times, "Asylum: Govt to vet ex-M23 combatants," 4 July 2013. <http://www.newtimes.co.rw/news/index.php?a=68369&i=15408>
- ¹³ Radio France Internationale, "RDC: faut-il attendre une réponse du Rwanda à la demande d'extradition des cadres du M23 ?" 27 July 2013. <http://www.rfi.fr/afrique/20130727-rdc-attendre-reponse-rwanda-demande-extradition-cadres-m23>
- ¹⁴ Edmund Kagire, The East African, "Now, UN experts to assess former M23 rebels," 30 November 2013. <http://www.theeastafrican.co.ke/news/UN-experts-to-assess-former-M23-rebels/-/2558/2094070/-/11bqaadz/-/index.html>
- ¹⁵ Agence France Presse, "Uganda won't hand over fleeing M23 rebels to Congo" 8 November 2013. <http://www.news24.com/Africa/News/Uganda-wont-hand-over-fleeing-M23-rebels-to-DRC-20131108-2>
- ¹⁶ Simone Schlindwein, TAZ, "Ich geh jetzt nach Hause," 11 November 2013. <http://www.taz.de/M23-Rebellen-im-Kongo/!127040/>
- ¹⁷ Interviews conducted by an Affinity Group researcher in Uganda and Rwanda in December 2013 and January 2014.
- ¹⁸ Edmund Kagire, The East African, "Now, UN experts to assess former M23 rebels," 30 November 2013. <http://www.theeastafrican.co.ke/news/UN-experts-to-assess-former-M23-rebels/-/2558/2094070/-/11bqaadz/-/index.html>

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- ²⁰ Interviews conducted by an Affinity Group researcher in Uganda and Rwanda in December 2013 and January 2014; electronic communication with international NGO.
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⁴⁹ <http://www.hrw.org/news/2014/01/29/dr-congo-letter-president-joseph-kabila-prosecuting-m23-leaders-and-others-serious-a>

⁵⁰ The Affinity Group will soon be publishing another report focusing in greater detail on this demobilization program.

⁵¹ “Note à Monsieur le Représentant Spécial du Secrétaire Général des Nations Unies, Chef de la MONUSCO: Transmission de la liste des commandants, assimilés et homme de troupes du M23 non éligibles à l’intégration au sein des FARDC,” Agence National de Renseignements, République Démocratique du Congo, 16 September 2013.

⁵² Affinity Group electronic correspondence with UN official 13 July 2014; Affinity Group interview with diplomat, Bujumbura, 11 July 2014; “DR Congo: Surrendered Fighters Starve in Camp” *Human Rights Watch*, 1 October 2014.

⁵³ The plan can be viewed here:

<https://drive.google.com/file/d/0B3GJKd5i8PncN0xDbUZiWGltVXc/edit?usp=sharing>

⁵⁴ This includes the US Special Envoy to the Great Lakes Russ Feingold, the EU Senior Coordinator for the Great Lakes Region Koen Vervaeke, the head of the UN peacekeeping mission in the Congo Martin Kobler, and the AU Special Representative for the Great Lakes Region Boubacar Diarra.

⁵⁵ The government of national cohesion was finally named on 8 December 2014 after over a year of deliberation. The full list of ministers can be found here:

<http://radiookapi.net/actualite/2014/12/08/rdc-joseph-kabila-nomme-le-gouvernement-de-cohesion-nationale/>

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