

SECURITY COUNCIL COMMITTEE ESTABLISHED
PURSUANT TO RESOLUTION 1533 (2004)
CONCERNING THE DEMOCRATIC REPUBLIC
OF THE CONGO

S/AC.43/2012/NOTE.26
27 November 2012

Note by the Chairman

The Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo presents his compliments to the members of the Committee and has the honour to transmit herewith, **for their attention and consideration**, a letter dated 26 November 2012 from the Coordinator of the Group of Experts on the DRC (S/AC.43/2012/COMM.64), regarding external support to M23 during the recent M23 offensive on Goma.

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OF THE CONGO

S/AC.43/2012/COMM.64
27 November 2012

Letter dated 26 November 2012 from the Coordinator of the Group of Experts
on the DRC addressed to the Chairman

REFERENCE: S/AC.43/2012/GE/OC.63

26 November 2012

Excellency,

I have the honour to write to you in my capacity as Coordinator of the Group of Experts on the Democratic Republic of Congo (DRC), which was extended pursuant to Security Council resolution 2021 (2011) of 29 November 2011. While the Group concluded its field investigations in early October 2012, it has continued to communicate with many of its sources throughout the ongoing escalation of the crisis in the Great Lakes region. As such, in light of the Secretary-General's report requested by the Security Council pursuant to paragraph 5 of resolution 2076 (2012), adopted unanimously on 20 November 2012, the Group wishes to provide, in the attached document, additional information it has initially gathered regarding external support to M23's recent offensive and seizure of the North Kivu provincial capital of Goma.

Please accept, Excellency, the assurances of my highest consideration.



Steve Hege
Coordinator
Group of Experts on the DRC
extended pursuant to Security Council
resolution 2021 (2011)

His Excellency
Mr. Agshin Mehdiyev
Chairman
Security Council Committee established
pursuant to resolution 1533 (2004) concerning
the Democratic Republic of the Congo

External Support to M23 during the Recent M23 Offensive on Goma

Throughout its current mandate, the Group has repeatedly concluded that the Government of Rwanda (GoR), with the support of allies within the Government of Uganda, has created, equipped, trained, advised, reinforced and directly commanded the M23 rebellion. The information initially gathered by the Group regarding the recent offensive and seizure of the North Kivu Provincial town of Goma strongly upholds this conclusion.

Preparations for the offensive on Goma took place over the last two months. During its presentation to the Committee on 12 November 2012, the Group expressed its concern regarding a recent notable increase in foreign troop presence and deliveries of military equipment, including boots and military uniforms, which appeared to demonstrate the rebels' intent to conduct large-scale operations in the near future.

After M23 members, Ugandan intelligence officers, and Uganda-based businessmen told the Group that the rebels had obtained significant logistics supplies in Uganda, members of the Group personally witnessed a delivery of hundreds of rain boots to the rebels to the DRC – Uganda border town of Bunagana on 14 October 2012 (see annex 1). Former CNDP officers and M23 members also told the Group that as of 20 October 2012, M23 had acquired new camouflage uniforms, made of a fabric similar to that of Rwandan Defense Force (RDF) uniforms in the past which closely resembles current RDF uniforms (see annex 2).¹ These same sources asserted that the aim of using nearly indistinguishable uniforms was to create confusion when RDF units would eventually reinforce M23 during upcoming operations.

Moreover, at the end of October 2012 the RDF and UPDF deployed additional troops to the DRC to support M23. Three senior *Forces armées de la République Démocratique du Congo* (FARDC) officers, four local leaders, and one former RDF officer told the Group that one supplementary RDF battalion² reinforced M23 at Bukima and Tshengerero. FARDC senior commanders and military intelligence officers indicated that the aim of the reinforcements was to prepare large scale operations.

Three senior FARDC officers and four local leaders from Rutshuru also informed the Group about renewed deployment of at least two companies of the Ugandan People's Defence Forces (UPDF) in Busanza near the border with Kitagoma. According to FARDC commanders and local authorities, the objective of deploying these Ugandan units was to ensure that M23's territory in Rutshuru, particularly Kiwanja town, was not left unprotected during the imminent offensive on Goma, given the rebels' low troop numbers.

On 1 November 2012, the Expanded Joint Verification Mission (EJVM), composed of military officers from the ICGLR,³ carried out an investigative mission to Bunagana and Tshengerero villages. The EJVM, which included an RDF officer (see annex 4), obtained several credible accounts of these RDF and UPDF troop reinforcements and photographed soldiers in RDF uniforms (see annex 3). Rwandan officials subsequently refused to endorse the EJVM's findings and forced the other ICGLR members to weaken the text of the mission report.

When M23 began its offensive on Goma, it benefited from direct RDF support during combat on the frontlines at the village of Kibumba, according to former RDF officers, FARDC officers and

¹ Until October, M23 soldiers wore a mixture of both FARDC and RDF uniforms.

² One infantry battalion within the RDF normally consists of between 800 and 1000 troops.

³ International Conference of the Great Lakes Region.

local leaders. On 15 November 2012, while Colonel Sultani Makenga⁴ commanded M23 units advancing from the rebel-held positions at Rugari village, four companies of the RDF's 305th RDF brigade crossed the Rwanda – DRC border at Kabuhanga to conduct operations against FARDC positions at Kibumba. FARDC officers and EJVM members who visited the frontline that day heard artillery fire coming from Rwanda. The FARDC managed to repel the initial attack, and killed over 40 rebels and RDF soldiers, many of whom wore RDF uniforms and carried weapons used by the RDF (see annex 5).

According to former RDF officers and senior FARDC officers, during the follow-up attack on Kibumba, initiated during the night of 17 November 2012, four companies of the 305th RDF brigade, three companies of other RDF brigades, as well as an RDF Special Forces unit led by Colonel Vincent Gatama reinforced M23. The same sources estimated that, in total, well over 1,000 RDF troops came from Rwanda to assist M23 during these Kibumba operations, in addition to the RDF soldiers that had already been deployed to M23 positions during the weeks prior to the attack. According to local leaders, the RDF transported these troops to the Gasizi hill and Kabuhanga border crossing where they entered into the DRC to target FARDC positions with support from artillery fire from Rwandan territory (see annex 6).⁵ The M23 and RDF advance during the night was also facilitated by sophisticated equipment such as night-vision goggles. According to former RDF commanders, such equipment is usually used by RDF Special Forces.

Furthermore, during these attacks, M23 used heavy weaponry including 120 mm mortars, which the Group had previously documented in Colonel Makenga's private stocks. Makenga had obtained these mortars from support networks in Rwanda and Uganda prior to his May 2012 desertion from the FARDC (see annex 7). The Group learned through diplomatic sources in the region that the GoR had sought assistance to destroy 120 mm mortars still within its arsenal in August 2012 in anticipation of eventual accusations of Rwandan weapons supplies to the rebels.⁶

Illustrating the importance of external supply routes to the rebels, when M23 issued its ultimatum to the Government of the DRC on 18 November 2012 before further advancing on Goma, its leadership demanded the immediate reopening of the Bunagana border post (see annex 8). The Government of Uganda had previously closed this border post on 12 November 2012, following the Group's confirmation of its previous laissez-faire policy towards M23 activities in Ugandan territory.

When M23 progressed towards Goma on 19 November 2012, RDF units operated alongside M23 in combat at the airport and close to one of Goma's border posts into Rwanda. There, RDF and FARDC soldiers exchanged heavy fire across the border. At 17:30, RDF troops openly entered into Goma through one of the two official border crossings between Rwanda and the DRC and briefly engaged in combat with the FARDC before retreating two hours later.

On 20 November 2012, M23 defeated the FARDC at the Goma airport and a mixture of M23 and RDF troops clandestinely entered into Goma from the Rwandan town of Gisenyi through small streets situated between the town's two official border crossings. These troops together took

⁴ In October 2012, Makenga has been promoted to « Brigadier General » of the Armée Révolutionnaire Congolaise (ARC), M23's armed wing.

⁵ The main frontline FARDC positions at Kibumba were located at less than 5 km from the Rwandan border.

⁶ In its request for disarmament assistance, the GoR also included 75 mm canon rounds, which the Group documented as being part of M23's arsenal in its Addendum (paragraph 24 & annex 4, S/2012/348/Add/1). The GoR undertook these efforts despite false claims to the Group on 27 July 2012 that it had already destroyed all of its 75 mm canon rounds. The GoR was unable to show the Group any evidence to support such assertions.

control over the entire city, marching through downtown dressed in a combination of RDF and new M23 uniforms (see annex 9). Former RDF officers, DRC government officials, and FARDC officers told the Group that the RDF's 73rd and 75th battalions based in Gisenyi supported the M23 during the seizure of Goma, both at the airport and at the border post. These same sources estimated that roughly 500 RDF soldiers reinforced M23 during its takeover of the provincial capital.

Several senior FARDC commanders and former RDF officers also stated that RDF Western Division commander General Emmanuel Ruvusha and Colonel Makenga jointly led the Goma offensive. These same sources asserted that Ruvusha assumed the overall command of the operations and personally came to the DRC to oversee their execution. Moreover, they told the Group that General Bosco Ntaganda also led M23 troops operating in close proximity to the Rwandan border at Kibumba and in the vicinity of Goma airport while in Kigali, Generals James Kabarebe, Jack Nziza, and Charles Kayonga planned the overall strategy of the attack and gave orders to Ruvusha, Makenga, and Ntaganda.

Annex 1

Boots delivery to the rebels at Bunagana witnessed by the Group on 14 October 2012.



Annex 2

New RDF-like uniforms delivered starting 20 November 2012 to M23 in Rutshuru.

NOTE: The soldier first from the left is still wearing the traditional RDF uniform. In contrast, the new M23 uniforms contain slightly lighter-toned green colors with a less compact camouflage print design. Photo taken on 1 November 2012



Annex 3

An RDF soldier seen by the EJVM in Rutshuru on 1 November



Annex 4

RDF officer, member of the EJVM, in an RDF identical uniform to those worn by many of the M23 rebels.



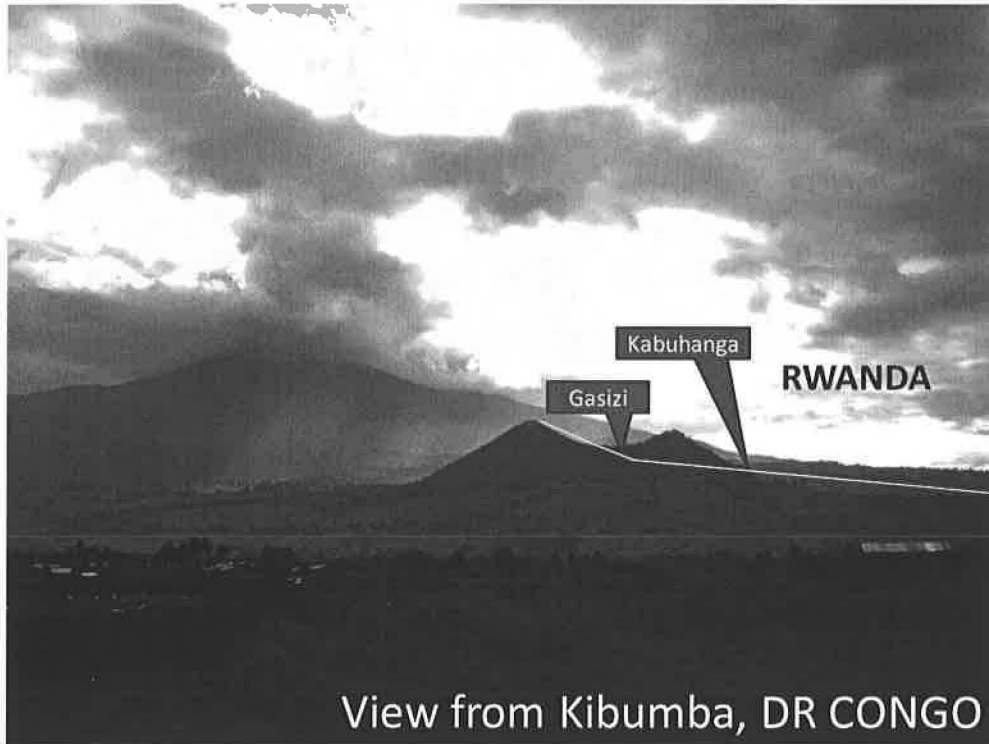
Annex 5

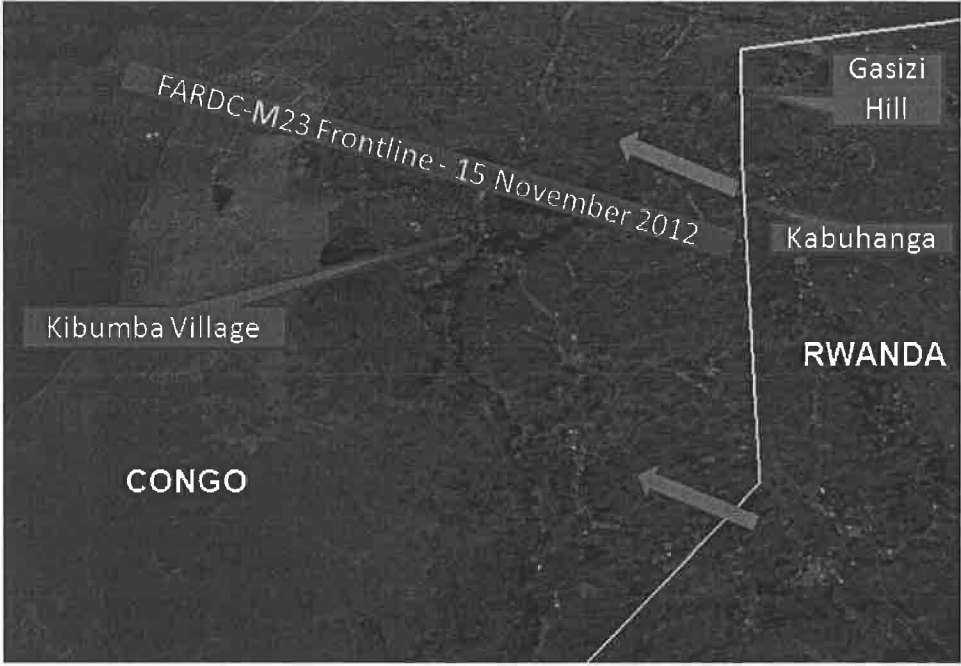
RDF uniform on deceased M23 soldier at Kibumba on 15 November 2012



Annex 6

Crossings points used by RDF at Kabuhanga border post and Gasizi village, to attack FARDC at their previous frontline positions near Kibumba on 15 and 17 November 2012.





Annex 7

120 mm mortar rounds found in Colonel Makenga's private stocks prior to his desertion from the FARDC in May 2012, which he had obtained through support networks in both Rwanda and Uganda.



Annex 8

Extract from M23 Communiqué N°0028, demanding the re-opening of the Bunagana border post following its closure on 12 November 2012.

« 11. Pour permettre une issue pacifique à la situation actuelle, notre Mouvement exige du Gouvernement de Kinshasa ce qui suit :

a) La cessation immédiate de l'offensive militaire en cours menées par les forces Gouvernementales [...].

c) L'ouverture dans les 48 heures, de la frontière de BUNAGANA pour permettre à la population vivant dans les espaces sous notre contrôle de pouvoir se mouvoir pour ses besoins vitaux comme les soins de santé, les études et l'approvisionnement en besoins de première nécessité. »

Annex 9

Photo of M23 soldiers arriving to Goma wearing RDF uniforms.



