



An independent field investigation on alleged massacres in Kishishe and Bambo villages, Rutshuru territory, Eastern Democratic Republic of Congo.

30 December 2022

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Key Acronyms

APCLS:	Alliance of Patriots for a Free and Sovereign Congo
CNDP:	Congrès National de la Défense du Peuple (National Congress for the Defence of the People)
DRC:	Democratic Republic of Congo;
Ex-FAR:	Former Rwandan Armed Forces;
FDLR-FOCA:	Forces Démocratiques de Libération du Rwanda – Forces Combattantes Abacunguzi.
ICGLR:	International Conference on the Great Lakes Region
IDPs:	Internally Displaced Persons
IHL:	International Humanitarian Law.
GoE:	(UN) Group of Experts (on the DRC)
M23/ARC:	March 23 rd Movement/Congolese Revolutionary Army;
MONUSCO:	United Nations Organization Stabilization Mission in the DRC;
R2P:	Responsibility to Protect
RDF:	Rwanda Defence Force
RUD-Urunana:	Rally for Unity and Democracy-Urunana
UNHRC:	United Nations Human Rights Council (HRC);

UNJHRO: United Nations Joint Human Rights Office;
UNGA: United Nations General Assembly
UNSC: United Nations Security Council
USG: Under-secretary General

EXECUTIVE SUMMARY

On the 21/11/2022 at around 8AM, M23 rebels took control of *Bambo*, a center located at 5KM from the village of Kishishe. Their opponents, made of FARDC, FDLR, Nyatura and Mai-Mai, withdrew to Kishishe. On the next day, 22/11/2022, around 12PM, fighting resumed. On that day, one woman known as “Maman Kamuzungu”, a resident of Bambo was the only victim, killed by a bomb shell that fell on her house. According to respondents, the FARDC was shelling Bambo from Kishishe.

On the 22nd, at around 12PM, M23 rebels advanced to take control of Kishishe. However, M23 did not stay long in Kishishe and passed through in pursuit of their opponents in “*Domaine*”¹, or Mozambique an FDLR base and farming field in the Virunga National Park. During this time, no one in Kishishe was killed. However, residents accuse the warring factions of looting shops after they had fled.

On the 28/11/2022, the Mai-Mai, came from villages of *Miliki*, *Kanyabayonga*, *Kibirizi* and returned to Kishishe to lay an ambush on the village’s northern flank, in a residential area. Anticipating the upcoming battle, most of Kishishe’s population fled either to Bambo, Kibirizi or into the Virunga National Park. A few stayed in their houses in Kishishe center and south. Some Kishishe men, including Segatumberi James, the pastor of the village and his son stayed and hid in their houses while others hid in the Seventh Day Adventist church, near where Mai-Mai laid its ambush.

The next day on the 29/11/2022, M23 returned from fighting in “Domaine”. In the meantime, M23 had been informed by the fleeing population of Kishishe that an ambush laid ahead. On reaching Kishishe at around 10AM, fighting ensued. The Mai-Mai did not pose a resistance to M23 and the fight lasted for less than an hour.

After the brief battle, residents who had hid in the southern flank and in Kishishe center were called out of their houses to go and identify victims. Nineteen (19) bodies were found in and around the Mai-Mai ambush, on the northern flank of the village, in neighborhoods (avenue) called *Kirama* and *Sukuma*.

Eight (8) of the victims were identified as residents of Kishishe in one of the two lists¹ written and signed collectively by the population, and were buried in individual tombs in the presence of villagers. M23 alleges that they were caught in the crossfire. The other eleven victims were identified by M23 as combatants. While residents recognized their identity, they could not confirm M23’s allegation. The population of Kishishe confirmed to investigators that only two neighborhoods, ‘avenues’, were affected by the fighting and that there were neither women, nor children victims. Calm has returned in Kishishe ever since and the population is slowly returning.

¹ Located at 5km from Kishishe, “Domaine”, also known as “Mozambique” is a large farming ground in the Virunga National Park, where FDLR grows food and cannabis for supply in the entire region.

Key findings²

This field research was able to establish the following facts:

- On 22/11/2022, the second day of fighting between the M23 and the FARC, one woman was killed in Bambo by a bomb launched by the FARC. She is the only casualty in the locality of Bambo.
- Residents including aggrieved families and the M23 agree that precisely nineteen (19) people were killed during the fighting that took place in Kishishe on the 29/11/22 in two neighbourhoods of Kishishe: avenues *Kirama* and *Sukuma*.
- No children, minors, or women were killed in Kishishe.
- No kidnaps were conducted in Kishishe and Bambo.
- No churches, no schools were set on fire.
- No rape or any other form of sexual abuse was perpetrated in Kishishe.
- The residents and the M23 agree that eight (8) of the people killed were civilians. The M23 explains that those were caught in exchange of fire and has apologized to their relatives and community.
- Residents and the M23 do not totally agree on the identity of eleven (11) of the people killed. The M23 asserts that these people were combatants in civilian clothes. On their part, the residents are not sure whether these victims were militia combatants or civilians although they acknowledge that they were not residents of Kishishe or Bambo.
- The eight (8) deceased residents of Kishishe were individually buried by the relatives while the eleven (11) other non- residents were buried in three graves, two of four and one of three.
- No one is held in Kishishe against their will. Citizens come and go as they please.

Two lists of victims were drawn and signed by the population: One of eight (8) victims and one of all the nineteen (19) dead³.

Names of victims in Kishishe and Bambo:

Non-combatants	
1	Fumbo Miss
2	Segatumberi James
3	Mumbere Dieu Aimé (Son of Shakwira)
4	Serugendo Manishimwe/Mushime (Son of Segatumberi James)
5	Semutobe Kuhongera
6	Paluku Siwatura Letakamba André (might still be alive)

² See video interviews

³ See the photocopy of the two lists in annex.

7	Mutampera (Nsekanabo, Son of Alphonse)
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Alleged Combatants	
8	Mushi (Baba/father of) Tumu
9	Nizeye (Baba Zawa)
10	Baseme Karekezi
11	Bahati Sentama
12	Batahwa Ndaki-Joel
13	Semugaye (Baba Chatete)
14	Muhawe Munyazikwiye
15	Kababa Ndamiyeho
16	Manyinya Deo
17	Sebuhoro Kajolite
18	Kinyoni Mweshi
19	Zaire Nzabonimpa
20	Rukenyera Ndimubanzi

INTRODUCTION

On 1st December 2022, FARDC Spokesperson, Major General Sylvain EKENGE published a communiqué alleging that M23, with support from RDF, killed 50 civilians in Kishishe.⁴

On 2nd December 2022, the DRC Cabinet meeting raised the number of civilian victims to “over 100” and decreed three days of national mourning.⁵

On 4th December 2022, M23 issued a communiqué indicating that 20 combatants of the FARDC in coalition with FDLR, PARECO, NYATURA, APCLS and Mai-Mai coalition were killed in battle when they seized Kishishe, while eight (8) civilians died in the crossfire. The same communiqué published names of the civilian victims.⁶

On 5th December 2022, the DRC Minister of Industry, Julien Paluku declared, in a press conference co-hosted with the Spokesperson of the DRC Government, Mr. Patrick Muyaya, that the number of the victims of Kishishe massacres rose to “around 300” dead.⁷

On 7th December 2022, the MONUSCO published a press release of a preliminary investigation conducted jointly with UNJHRO alleging the killing of at least 131 civilians, including women and children by M23 in Kishishe and Bambo.⁸

The UN investigators did not visit Kishishe or Bambo, citing security concerns in an area currently controlled by the M23 movement. In the same press release, UN investigators stated that their investigations were conducted at their base in Rwindi, 20 kilometers from Kishishe. The UN agencies and the DRC government respectively, are yet to release the preliminary reports which they referred to in communicating the number of victims.

⁴ https://twitter.com/Com_mediasRDC/status/1598378906142519298?s=20&t= azbSviB23pQ52FCIc4Zog

⁵ <https://twitter.com/PatrickMuyaya/status/1598997226084130816?s=20&t=6sRiHexfRaL2Q3SsEjyGTA>

⁶ <https://twitter.com/bbisimwa/status/1599278443081871360?s=20&t=6sRiHexfRaL2Q3SsEjyGTA>

⁷ https://twitter.com/Com_mediasRDC/status/1599823248262590464?s=20&t=6sRiHexfRaL2Q3SsEjyGTA

⁸ <https://twitter.com/MONUSCO/status/1600766895648829442?s=20&t=6sRiHexfRaL2Q3SsEjyGTA>

On 30th November 2022, in her recent address to the United Nations Security Council, the UN Secretary General's Special envoy to DRC and Head of MONUSCO, Ms. Bintou Keita, "called on the Council to condemn these crimes", and to "ask the immediate release of the survivors that are prevented from leaving the area held by the M23. She further asked for those responsible to be prosecuted nationally and internationally." She did not request for an investigation on the ground.⁹

On 30th November 2022, a day before the allegations on Kishishe massacres surfaced, the UN Special Adviser on the Prevention of Genocide, Ms. Alice Wairimu Nderitu, had issued a statement following a four day visit (10-13 November 2022) to the DRC, raising the alarm that *"indicators and triggers contained in the [UN Framework of Analysis for Atrocity Crimes](#)¹⁰ were present in DRC including; dissemination of hate speech, widespread and systematic attacks, including sexual violence against especially the Banyamulenge community on the basis of their ethnicity and perceived allegiance with neighboring countries."*¹¹

It is against that backdrop that a group of journalists and one Human Rights lawyer entered in contact with M23 to travel to Kishishe so they could learn what really happened from the ground, in order to shed more light on the events. The inquiry focused on reconstructing the timeline, establishing facts and sequences of the events, locating potential mass graves, establishing the number, identity and category of victims and how they died and finally, identifying the suspected perpetrators.

The facts finding mission started on 9th December 2022 and lasted for five days. It covered the villages of Kishishe and Bambo. The team conducted individual and group filmed interviews of residents found in their two villages.

The field research was conducted in the presence of elements of M23 who provided security. A representative of M23 signed an agreement with the research team not to interfere in the research methodology or to influence respondents. Separate interviews were conducted with an M23 liaison officer, Lt. Col. Julien Mahano. However, other junior elements of M23 were interviewed by stealth to give an unscripted version of facts. Interviews were conducted in French, Kiswahili and Kinyarwanda. Except M23 soldiers, no other respondent admitted to being a member of other militias that allegedly operate in Kishishe, namely Mai-Mai, Nyatura and FDLR.

As videos demonstrate, the presence of M23 soldiers during group interviews did not prevent the residents from speaking their mind, as they did not fear to accuse M23 directly of the killings that recently took place in the locality in the recent days.

A questionnaire was sent to other protagonists who commented on Kishishe's alleged massacres, namely: Government of DRC, GoR and MONUSCO, for a right to comment. Informed of the presence of team in the area controlled by M23, the DRC Government released a communiqué

⁹ Bintou Keita: "Report of the Secretary-General" (30/11/2022), <https://reliefweb.int/report/democratic-republic-congo/united-nations-organization-stabilization-mission-democratic-republic-congo-report-secretary-general-s2022892>

¹⁰https://www.un.org/en/genocideprevention/documents/publications-and-resources/Genocide_Framework%20of%20Analysis-English.pdf

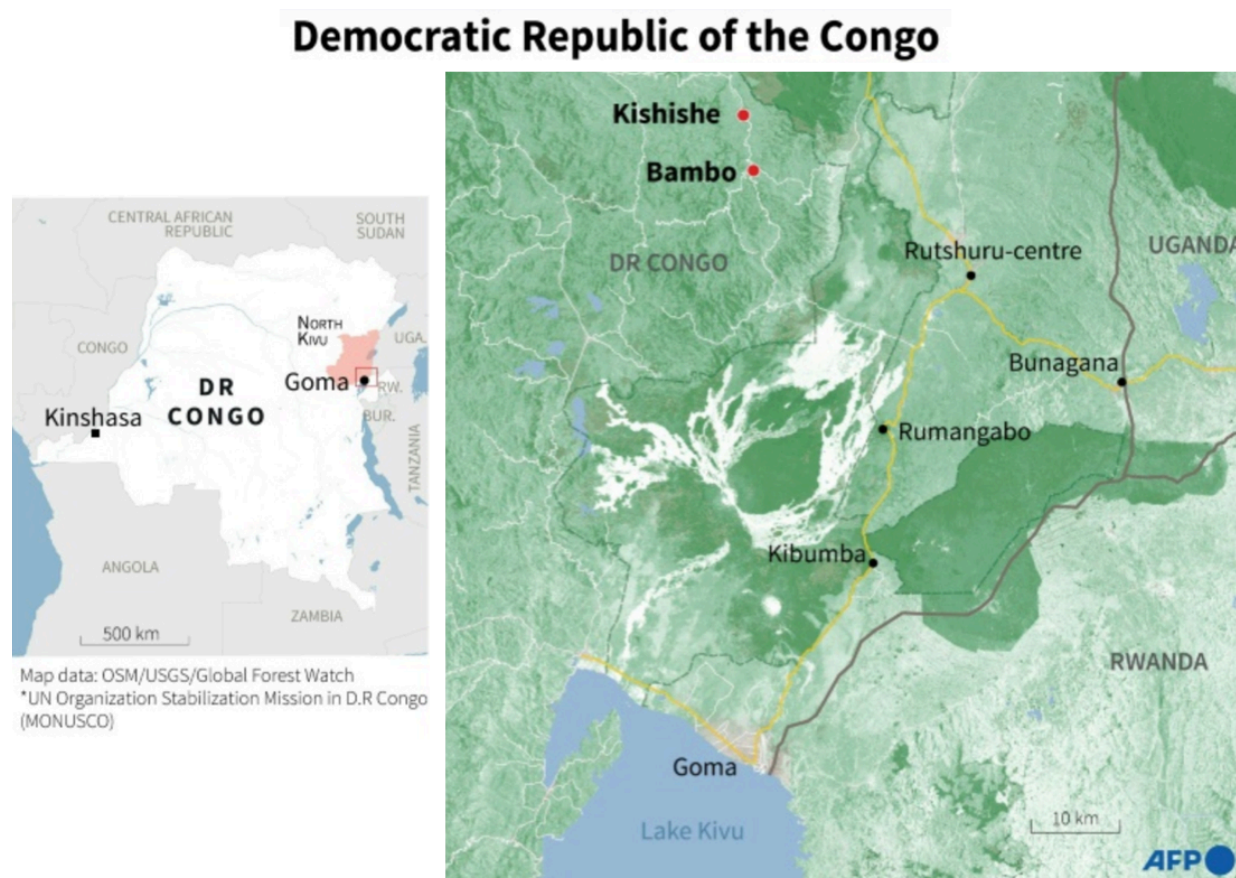
¹¹ Alice Nderitu: "Statement condemning the escalation in fighting in the Democratic Republic of Congo (DRC)" (30/11/2022), https://www.un.org/en/genocideprevention/documents/Statement_DRC_FNL.pdf

declaring that the research team entered illegally in the DRC and operated without any media accreditation. Equally, an unverified audio shared on social media, claimed that displaced Kishishe residents were opposed to the fact-finding mission, and made numerous accusations towards the team.

It is important to note that according to M23, following a video of members of the research team surfacing online, two ambushes were laid against the research team by FDLR -NYATURA-CMC and repelled by M23 during the last days of the field investigation.

Section I: The regional security context

North-Kivu province



Map showing the location of Kishishe and Bambo in eastern Democratic Republic of the Congo ©AFP/Valentin RAKOVSKY

Rutshuru is one of the eight ‘Territoires’ of the North Kivu province in Eastern DRC. Rutshuru has two “Collectivités”: “Bwisha” and “Bwito. To the south is the Nyiragongo Territory, beyond which is the provincial capital of Goma. To the east is Masisi Territory and Walikale Territory. Kishishe is located in Bwito mid-way between the regional capital Goma and the border with Uganda. Since the end of November 2022, the major part of Rutshuru is occupied by M23.

The North Kivu region has been ravaged by 28 years of insecurity, fighting and proliferation of over a hundred violent militia groups¹², in spite of the presence of a UN peacekeeping mission,

¹² Kivu Security Tracker: Armed Groups: <https://kivusecurity.org/about/armedGroups>

MONUSCO since 1999. One of the main causes of insecurity in the region has been the retreat into Zaire in July 1994 of military forces and militias that had committed the genocide against the Tutsi in Rwanda between April-July 1994.¹³

This situation has created an unprecedented political and humanitarian crisis, causing civilian deaths, a growing number of internally displaced persons, and refugees, especially among Congolese Tutsi in neighboring Rwanda, Uganda and Burundi.

Over time, genocide perpetrators from Rwanda colluded with Nande and Hunde communities who had pre-existing rivalry with Kinyarwanda speaking Tutsi of North Kivu, centered around land. While the DRC constitution recognizes citizens of origin to be: “every person belonging to ethnic groups that were found on DRC territory at its independence”¹⁴, Congolese Tutsi continue to be persecuted as foreigners assimilated to M23 and Rwanda. The national zeitgeist orchestrated by the State is of a contested citizenship of “Rwandophone”¹⁵, recurrent hate speech targeting them, attacks and public lynching by fellow Congolese citizens in total impunity.¹⁶

Rutshuru Territory.

Rutshuru is mainly populated by people of Kinyarwanda expression known as “Banyabwito” and “Banyabwisha” as well as the Hunde, Rega and Nande minority tribes. Land disputes between Rwandophones, the majority in Rutshuru, and minorities is one of the underlying factors of tension in the region.

The Kinyarwanda speaking populations have relatives and ties in Kisoro and Kanungu Districts in Uganda and Rubavu, Nyabihu and Musanze Districts in North-West Rwanda. The vernacular of Rutshuru is Kinyarwanda, and villages are named after villages of Rwanda. It is essentially a farming region with no active mining at present. Since the M23 resumed its military activities in November 2021, the region is experiencing a renewed humanitarian and political crisis with regional ramifications.

The DRC Government accuses M23 of being a terrorist organization benefiting from the direct support of Rwandan Defense Force (RDF) and insists that both violate its territorial integrity.¹⁷ Rwanda denies the accusations and insists that M23 is an intra-Congolese problem and, in turn accuses the DRC Government of collaborating with FDLR, shelling its territory¹⁸ and violating its airspace with fighter jets.¹⁹

Brief Description of Kishishe

Kishishe is a “Localité” in the “Groupement” of Bambo, “collectivité” of Bwito, “Territoire” of Rutshuru, Province of Nord Kivu, DRC. Kishishe is a rural, remote area with no water, electricity, or basic infrastructure. Kishishe is at 55KM from Rutshuru city-center and is currently controlled by M23. The closest town to Kishishe is Bambo.

¹³ UNSC [resolution 1279](#), and UNSC [resolution 1925](#).

¹⁴ DRC Constitution (18/02/2006), Art. 10

¹⁵ Alice Nderitu Statement condemning the escalation in fighting in the Democratic Republic of Congo (DRC)” (30/11/2022), https://www.un.org/en/genocideprevention/documents/Statement_DRC_FNL.pdf

¹⁶ No known case of a person prosecuted in DRC for participation to assassination of Tutsi in DRC.

¹⁷ DRC President Felix Tshisekedi accused Rwanda of aggression in his recent speech at the 77th Session of the UNGA <https://twitter.com/PatrickMuyaya/status/1572363794516426753?s=20&t=JEAh-KxWhvjgUECe09TBDg>

¹⁸ <https://www.reuters.com/world/africa/rwanda-says-its-territory-shelled-by-congo-requests-probe-2022-05-23/>

¹⁹ <https://www.reuters.com/world/africa/rwanda-says-congo-fighter-jet-briefly-violated-its-airspace>

The population of Kishishe are estimated to be at least seven thousand people. The majority are Rwandophones.

The FDLR Rwandan militia has a base at 5Km from Kishishe, and has been collecting land and business tax from its residents who have been farming for them in *Domaine* for over a decade. The population also signals the presence of other militias, namely Mai-Mai-Kabido/Ngirimu, Nyatura, APCLS, all of which partners with FDLR.

Respondents highlighted the limited presence of state authority, the national army (FARDC) and the MONUSCO in Kishishe. Residents of Kishishe were able to differentiate FARDC and M23 on the one hand, and Mai-Mai, FDLR on the other, because they live together and interact often with the latter.²⁰

Prior to occupation by M23, Kishishe was quasi-administered by FDLR. Respondents remember FARDC passing by in retreat during the recent fighting with M23, while MONUSCO often flies over Kishishe in helicopters to reach their base in the Rwindi forest. In Rutshuru, FARDC tends to have bases in towns and patrol the main axis. Before the seizure of Rutshuru by M23, FARDC had bases in Bwisha, in Bunagana, Rutshuru Center, Tchengerero and Kiwanja.

Domaine in the Virunga National Park.

“Domaine”, also known as “Mozambique” is a large farming ground, where FDLR grows food and cannabis for supply in the entire region. It used to be part of the Virunga National Park that FDLR cleared for farming. Populations from Kishishe are made to offer partly paid, at times forced labor in “Domaine” by FDLR. Over time, Domaine became a regional bread basket and the main source of funding from cannabis and charcoal for FDLR and its alleged allies in the Congolese government. Kishishe is the gateway for transportation of Domaine’s production towards big cities of Goma, Rutshuru, Masisi and Bunagana.

Major armed groups operating in Rutshuru Territory

The M23/ARC

The March 23 Movement is known as M23. Its military wing is officially called the Congolese Revolutionary Army (ARC). The M23 is mainly composed of Rwandophone Congolese from Rutshuru and Masisi in North Kivu²¹ and most of them have families who fled persecution in DRC and have been living in refugee camps in Rwanda, Uganda and Burundi for almost three decades.²²

There are non-Rwandophone in M23 leadership, notably its chairman, Mr. Bertrand Bisimwa and its spokesperson, Major Willy Ngoma. M23’s military wing is led by Brigadier General

²⁰ See testimony

²¹ The M23 is mainly composed of former FARDC Rwandophone Congolese from Rutshuru and Masisi in North Kivu.

²² Most of them have families who fled persecution and have been living in Refugee camps in Rwanda, Uganda and Burundi for close to three decades.

Sultani Nziramakenga (Makenga). M23 currently occupies Rutshuru and parts of Masisi, in Northern Kivu region.²³

M23 was created in 2012 by senior officers, who defected from the Congolese national army (FARDC)²⁴ to denounce oppression of the Tutsi community in the East and demand the implementation of the March 23rd 2009 accords, signed between its predecessor, the CNDP²⁵ and the DRC government, as well as a new agreement of their own signed a year later in 2013 in Nairobi, Kenya, both mainly committing to:

- Repatriation of refugees from neighbouring countries for three decades, as well as resettlement of IDPs;
- Creation of a National reconciliation mechanism and fight against xenophobia;
- Reform of the DRC's Army and Security Services and reintegration of M23 combatants into the national army.

FDLR: A systemic protagonist in the DRC.

Democratic Forces for the Liberation of Rwanda (Forces Démocratiques pour la Libération du Rwanda-in French), known as FDLR, is a Rwandan Hutu armed group that has killed hundreds of civilians in EDRC²⁶ and has been the main root cause of insecurity in the Region. The group is accused by Rwanda of conducting terrorist operations in the country²⁷. The leadership of FDLR is made of former Rwandan Armed Forces “ex-FAR” and *Interahamwe* militias who perpetrated the 1994 Genocide against the Tutsi in Rwanda. Its declared goal is to overthrow the current government of Rwanda²⁸ while others accuse it of aiming to carry on the unfinished genocide against the Tutsi. FDLR is listed as a terrorist organisation by the United Nations and the United States of America.

FDLR livelihood in Bwito, Kishishe is based on trafficking in cannabis, charcoal and farming produce. FDLR is accused of committing mass atrocities in DRC. Prior to the advance of the M23 in the region, the nearest FDLR bases to Kishishe, have been Kibirizi at 10Km from Kishishe and “Domaine”, in Virunga National Park at a 5Km distance. Domaine is now partly in the hands of M23.

FDLR has been a systemic protagonist in the Eastern DRC conflict. Its presence has, over time been entrenched with all levels of Congolese politics, the army, the economy and the geopolitics. FDLR seems tolerated by all parties, including the MONUSCO.²⁹

²³ <https://abcnews.go.com/International/wireStory/official-m23-rebels-capture-towns-eastern-congo-92341297>

²⁴ <https://foreignpolicy.com/2022/07/04/m23-rebel-group-congo-rwanda-uganda/>

²⁵ https://peacemaker.un.org/sites/peacemaker.un.org/files/CD_090323_Accord%20de%20paix%20entre%20le%20gouv%20et%20le%20CNDP%20%28French%29.pdf

²⁶ www.hrw.org/news/2022/10/18/dr-congo-army-units-aided-abusive-armed-groups

²⁷ www.africanews.com/2022/08/11/us-welcomes-engagement-in-direct-talks-between-rwanda-and-drc/

²⁸ <https://www.un.org/securitycouncil/sanctions/1533/materials/summaries/entity/forces-democratiques-de-liberation-du-rwanda-%28fdlr%29>

²⁹ MONUSCO collaborates with FARDC, which is accused of collaborating with FDLR. In her recent address to the UN on the 30th November 2022, Ms. Bintou Keita, the head of MONUSCO did not mention FDLR once, in contrast to her colleague, Ms. Alice Wairimu Nderitu of the Office of Genocide Prevention, who had alerted a week earlier of the threat of genocide that the terrorist outfit poses to the Eastern DRC region.

In a press conference, Mr. Julien Paluku, a minister in the DRC government downplayed their very existence, declaring that “there are 500 to 600 elderly FDLR in DRC”.³⁰

The residents of Kishishe were astonished when these descriptions of FDLR were put to them.³¹ They insisted that FDLR had sufficiently rejuvenated over the years but maintained their ideology and their violent ways. Respondents in and around Kishishe attested that FDLR collaborates with FARDC in their locality. Interviewees complain about the taxation system, forced labor of FDLR and the violent reprisals in case of non-compliance.³²

Respondents confirmed that FDLR and FARDC both fight M23³³. *“The MONUSCO operates in main towns, and in the air with their helicopters whenever they come outside on the field, FARDC operates in towns and on main axis. In the villages FDLR collaborates with them. The countryside is administered by FDLR. When we fight, FARDC sends bombs from a safe distance, it is FDLR that is sent on their frontline. We are fighting with FDLR.”* – Lt. Colonel Julien Mahano of M23³⁴

The occupation of Rutshuru by M23 and especially of the main roads feeding other regions is destroying the business model of FDLR and its “shareholders”, in and outside of the country³⁵. It stops the taxation on civilian populations, the farming and production of cannabis and charcoal, which represented FDLR’s major sources of income.

RUD-Urunana

One of many offshoots of FDLR, led by Nsengiyumva Emmanuel a.k.a Faïda Hakim, that also operates in Rutshuru and Binza, Kiseguro and Katwiguro areas. One of its Commanders Cassien Nshimiyimana, also known as “Gavana” alleged to have conducted terror attacks in Kinigi, Musanze District on 04/10/2019 was recently killed on the battlefield in Bwiza.

Nyatura militias

These are militias that emerged around 2011 and claim to protect Hutu interests against M23. They collaborate with FDLR and FARDC and other Mai-Mai groups in fighting M23. They trace their roots in previous Hutu armed groups that have been operating in Rutshuru and Masisi Territories, in North Kivu, since the 1990s. These include the Mutuelle agricole des Virunga (MAGRIVI) and Patriotes résistants congolais (PARECO).

Mai-Mai

The Mai-Mai is a sobriquet adopted by many tribal vigilantes. Mai-Mai in Rutshuru is essentially made of members of the Nande, Nyanga and Hunde, the permanent rival communities to Rwandophones.³⁶

³⁰ https://twitter.com/Com_mediasRDC/status/1599823248262590464?s=20&t=6sRiHexfRaL2Q3SsEjyGTA

³¹ See Focused group discussion

³² See testimony

³³ See testimony

³⁴ See testimony

³⁵ FDLR leaders are regularly arrested in Europe, <https://www.theguardian.com/world/2009/nov/17/congo-rebel-leaders-arrested>

³⁶ <https://kivusecurity.org/about/armedGroups>

Section II: Chronology and testimonies.

21/11/22 M23 enters Bambo and FARDC retreats to Kishishe.

On the 21/11/2022, M23 rebels took control of *Bambo*, a center located at 5KM from the village of Kishishe. Their opponents, made of FARDC, FDLR, Nyatura and Mai-Mai, withdrew to Kishishe. On the next day, 22/11/2022 fighting resumed. On that day, one woman known as “Maman Kamuzungu”, a resident of Bambo was the only victim, killed by a bomb shell that fell on her house. According to respondents, the FARDC was shelling Bambo from Kishishe.

Pasteur Ndizihiwe Emmanuel: “When M23 arrived in Bambo, no one was killed except one lady killed by a rocket.”

Chief Baseme: “we have no problem with M23. No woman was killed in Kishishe, one woman died in Bambo, killed by a bomb.”

22/11/22 M23 enters Kishishe and FARDC retreats to Domaine an FDLR stronghold.

On the 22nd, M23 rebels advanced to take control of Kishishe. However, M23 did not stay long in Kishishe and passed through in pursuit of their opponents in “Domaine”, or “Mozambique”. During this time, no one in Kishishe was killed. However, the residents accuse the warring factions of looting shops after they had fled.

Nurse Victor Limbana: “We experienced two wars here in Kishishe. The first was on the 22nd November 2022, and the second was on the 29th of the same month. The first time M23 arrived, they chased FARDC. There was no killing, perhaps looting of shops.”

Esther Nyiraguhirwa: “When they first arrived, they did not disturb us, they were good citizens.”

Manishimwe Yankurije: “When they first came we stayed in our houses, we did not flee.”

28/11/22 Mai-Mai enters Kishishe.

On the 28/11/2022, the Mai-Mai came from villages of *Miliki*, *Kanyabayonga*, *Kibirizi* and returned to Kishishe to lay an ambush on the village’s northern flank, in a residential area. Anticipating the upcoming battle, most of Kishishe’s population fled either to Bambo, Kibirizi or into the Virunga National Park. A few stayed in their houses in Kishishe center and south. Some Kishishe men, including Segatumberi James, the pastor of the village and his son stayed and hid in their houses while others hid in the Seventh Day Adventist church, near where Mai-Mai laid its ambush.

Pastor Mahwera: “On 28/22, Mai-Mai came in Kishishe center and spent the night here. They were in civilian clothes. The residents informed the chiefs of villages who told them that they will discuss with Mai-Mai so that they may leave the village.”

29/11/22 brief battle between M23 and Mai-Mai in Kishishe.

The next day on the 29/11/2022, M23 returned from fighting in “Domaine”. In the meantime, M23 had been informed by the fleeing population of Kishishe that an ambush was laid ahead. On

reaching Kishishe, fighting ensued. The Mai-Mai did not pose a resistance to M23 and the fight lasted for less than an hour.

Limbana Victor: “Mai-Mai came from Miliki, Kanyaboyonga and Kibirizi and entered Kishishe. They were not in military uniforms, they were wearing civilian clothes. On 29th the Mai-Mai laid an ambush in the northern part of the center and fought the M23 when they returned from Domain.”

Ndoriyobijya Rwamironko: “I live in *Nyabihanda*, twenty houses from here (at the church). Following what happened in Kiwanja, we were briefed that once the enemy comes, we had to hide in houses. I stayed in Kishishe for around 3 days. While I was in the center, I saw around 25 Mai-Mai in civilian clothes with spears and firearms. They were coming to avenge a *Nande* (Mai-Mai) who had reportedly been killed. They could not locate his body that night. Once they got information that the M23 were back from Domaine, some locals fled. Upon arrival, M23 rebels were ambushed by Mai-Mai. The two groups fought for a while, then after the fight ended, I discovered people who had been killed, including the pastor and his son. No one from *Nyabihande* was killed.”

Uwihoreye Furaha, spouse to Hungu Faustin: “I was hiding in the church (Mu gisomo) when the fighting happened. We were forced to leave our houses and they took us to the church. We were together with about 12 men. I could not recognize the men who told us to lift our hands up, but all I know is that they are new to Kishishe.”

Mahwera: But the people who were killed were killed by the M23.” Blood was at that place where we found bodies, no blood was in the church as no one was killed inside.”

Nineteen (19) people were killed during the fighting of the 29/12/22.

On accounting for victims after the brief battle, residents who had hidden in the southern flank and in Kishishe center were called out of their houses to go and identify the bodies. Nineteen (19) bodies were found in and around the Mai-Mai ambush, on the northern flank of the village, in neighborhoods (avenue) called *Kirama* and *Sukuma*.

Pastor Mahwera (Red-cross): “On the first battle in Kishishe, no one was killed. Killings happened on the second battle. I did not witness the killings because I had fled the center. I came back to identify the bodies and I attended the burial.”

Manishimwe Yankuriye: “M23 was attacked by the Mai Mai and civilians were victimized. If M23 is attacked again, other people may die. I am not ready to go back to Kishishe. M23 killed my two brothers.”

The presence of FDLR elements in Kishishe when fighting erupted

Testimony by Elijah, 19 years old, M23 soldier from Bwiza in Masisi: “M23 doesn’t violate people’s rights. That woman (Manishimwe Yankuriye) who accused us of killing her brothers omitted to tell you that they were FDLR. Why would we kill her brothers and not kill her yet she lives with us?” Those people you were interviewing are FDLR, but if they decide to hide their guns they become civilians. We have to move in groups of three soldiers in those villages, otherwise you are killed.”

Pastor Safari Rushago: “FDLR is part of the community, we are always together here.” When the war started in Kishishe, FDLR could come to Kishishe to collect information, from their base in “Domaine”.

Prefet Nyigamo Busoni: “FDLR is well known in Kishishe, even their children study at my school. If you farm in Domaine, you pay taxes to FDLR.”

Mr. Kambere: “FDLR was requesting us to pay tax. When they come here, FDLR is not different from other locals since they wear civilian clothes, but when we meet them in the forest, we find them carrying guns, wearing military uniforms, and they ask us to pay tax.”

Residents blaming M23 for the killings in Kishishe

Nyiraguhirwa Esther: “My brother was the pastor. He and his son were killed by M23. They say they were caught in the crossfire. People were killed over there around the church. M23 used to come and greet us, there was no problem between us and the M23. After the killings, the M23 assisted to bury them. In *Mburamazi*, eight (8) people we know were killed. Since M23 came, even drunkenness doesn’t occur. We are at peace.”

Maniriho Dusabe: “I was hiding. I later learned that 15 people had died. I heard this from others.”

Eight (8) of the victims were identified as residents of Kishishe in one of the two lists³⁷ written and signed collectively by the population, and were buried in individual tombs in the presence of villagers.

Lt. Col. Julien Mahano of M23: “We recognized the death of eight (8) civilians, and we explained to residents that we were attacked and had to defend ourselves. We could not identify civilians from militia in the ambush, since most civilians had either fled or were hiding in their houses.”

Residents and the M23 agree on the number of victims, differ on their identity

M23 alleges that the eight (8) civilians killed were caught in the crossfire. The other eleven (11) victims were identified by M23 as combatants. While residents recognized their identity, they could not confirm M23’s allegation. The population of Kishishe confirmed to investigators that only two neighborhoods (‘avenues’) of Kishishe, namely: *Kirama* and *Sukuma* were affected by the fighting and that there were no women or children victims. Calm has been restored in Kishishe ever since and the population is slowly returning.

Lt. Col Julien Mahano further stated: “We were in Bambo and the government coalition came to attack us. We defended ourselves and pursued them up to Kishishe. When we removed them from Kishishe, they scattered. But we did not stay in Kishishe. We left to secure surrounding hills. There was no problem. After we left, FARDC, FDLR and Mai-Mai came back to occupy

³⁷ Annex

Kishishe, it is on our way back that they attacked us again and eight (8) of our fellow countrymen were killed by stray bullets.”

General Sultani Makenga, M23 commander: “In consultation with local authorities, we confirmed that there were eight (8) civilians who lost their lives when we were fighting that government coalition. We regret the death of our fellow countrymen. But those inflated figures are lies. Kishishe will not change, the population is there, so the truth will prevail.”

Section III. Verification of Major Allegations

“Mass graves”:

Investigators found no mass grave, and they were not shown any by Kishishe villagers. There are three graves where the 11 combatants are buried: two of four people, and one of three people. The graves are located approximately at 60 Meters from the church outside the village. However, the eight Kishishe residents were buried in one grave each, as they were buried by relatives in the presence of the M23 and local leaders.ⁱⁱ

Church: “Mu Kisomo”

There were no signs of fighting or killing inside the church. Respondents confirmed that no killing happened there. People were not praying in the church. The dead bodies were brought around the church to enable civilians to identify them.ⁱⁱⁱ

Cause of death

“We were attacked and had to defend ourselves, and could not identify civilians from militia in an ambush, since most civilians had either fled or were hiding in their houses far from where the ambush was laid.” - Lt. Col. Julien Mahano

Populations agree with M23 on the number of the dead, however they differ on the fact that the 11 other dead were militia. They add that they were hiding in their houses and did not see who was fighting and who was not.

Protected persons and prohibited acts in IHL

No children or women were killed in Kishishe. However the “combatant” nature of the men who were killed is contested between residents and M23 rebels. No rape, sexual violence or abduction took place in either Kishishe or Bambo. No one was subjected to torture. No person is held hostage in either Bambo or Kishishe.

Allegations of the support of Rwanda Defence Force to M23.

On 9th December 2022, the DRC government released a “Livre Blanc” in which they accuse the Rwandan army (RDF) of supporting M23, including during the alleged massacres of Kishishe: “*Assailants spoke English, which tends to confirm the presence of RDF elements*”, the Livre blanc alleges.

Language spoken by M23 rebels:

Investigators noted the “coded language” used in military communication by M23; a mixture of Kinyarwanda, Kiswahili, English and French, but nothing distinctly pointing to the RDF.

Uniforms:

M23's military fatigues were diverse: from United States, Burundi, Rwanda, Chad army uniforms, and other undefined uniforms. Many however wear DRC military uniforms, adorning ranks, badges and flag insignia^{iv}

Origin of Ammunition:

M23 alleged that, at three occasions, they had raided *Rumangabo* military barracks, whose armory was repeatedly replenished by the FARDC. They also claim that they collect sufficient weapons and ammunition abandoned at the battlefield by fleeing FARDC. However, investigators could not have access to M23 armory, therefore could not confirm the allegation.

M23 alleged to be of Rwandan origin:

The population of Rutshuru in general and Kishishe in particular do not accuse the M23 of being Rwandans or supported by the Rwandan army. Instead, they recognize some of them individually as natives of Rutshuru and know their parents.³⁸ Many M23 soldiers, and at least one senior commander showed their family estate near Bwiza in Masisi. Investigators could not find evidence of the alleged Rwandan support to M23.

Questions to and Responses by Governments of DR Congo, Rwanda and MONUSCO

After field investigations, questions were sent to the Government of DRC, the Government of Rwanda and MONUSCO. The Government of Rwanda and MONUSCO responded to investigators' questions. However, the DRC Government did not respond. The questions and answers are as follows:

Government of DRC

Question 1. The "Livre Blanc" recently published by the DRC government alleges, on page 27 that witnesses claimed that *"some of the assailants spoke English, which tends to confirm the participation of elements of RDF, side by side with M23 terrorists."* Are there any other distinct signs identifying RDF's presence in Kishishe?

Question 2. Government officials published different figures of Kishishe victims as follows:

Date	Official	Reported victims
01/12/2022	FARDC Spokesperson	50
02/12/2022	Cabinet Meeting	109
05/12/2022	Minister Julien Paluku	272
08/12/2022	MONUSCO	131

- Is there an explanation for the discrepancies in the numbers of victims?
- Do you have the identities of victims?

Question 3. Respondents in Kishishe indicated to us that FARDC collaborates with FDLR and other militias in fighting M23. What is your response on these allegations?

³⁸ See testimony Elijah, M23 soldier.

Question 4. You have communicated that the investigation team entered illegally in the DRC and operated without media accreditation. Are FARDC able to facilitate research in Kishishe?

Note: The DRC Government did not respond to the questions submitted to them by the research team.

Government of Rwanda's Spokesperson

Question 1. *The "Livre Blanc" recently published by the DRC government alleges, on page 27 that witnesses claimed that "some of the assailants in Kishishe spoke English. Which tends to confirm the participation of elements of RDF, side by side with M23 terrorists."* What do you have to say about this?

Response: 1. The fact is this incident has not been investigated by any credible organization and the conclusions drawn are just allegations with a clear agenda to continue blaming Rwanda. In any case, this would be a very tenuous link, as the RDF is not the only army in the region that speaks English, and it cannot be put forward as proof of the presence of the RDF.

Question 2. *The DRC has accused RDF of collaborating with M23. What is your response on these allegations?*

Response: 2. Rwanda has a right to sovereignty and territorial integrity, which the Rwanda Defence Force (RDF) is responsible for protecting. The RDF also contributes to regional and international security. The M23 is a Congolese armed group composed of Congolese citizens, and one of over 120 Congolese armed groups in Eastern DRC. In fact, M23 has been part of DRC armed forces. The allegation by the DRC disregards Rwanda's security concerns and attempts to scapegoat Rwanda while detracting from DRC's internal governance and security failures.

MONUSCO/UNJHRO Spokesperson

Question 1. *You declared that your preliminary investigation allowed you to confirm that a massacre of 131 civilians was committed by M23 in Kishishe. How did the UN come up with the number of approx. 140 civilian casualties in Kishishe?*

Response 1. The investigation was conducted in compliance with the Office of the High Commissioner for human rights' (OHCHR) methodological standards, which are detailed in different manuals and guidelines which can be consulted on OHCHR website. It entailed, *inter alia*, conducting confidential interviews with first-hand sources, and corroborating facts through the triangulation of independent sources of information.

Question 2. *Why did you not accept M23's invitation to investigate on the spot?*

Response 2. UNJHRO is ready to go on the spot as soon as MONUSCO troops will be authorized to deploy to Kishishe.

Question 3. *Do you intend to complete your preliminary report with evidence from the ground?*

Response 3. Yes, as soon as we can ensure the security of the persons we will interact with during our investigation and after.

Question 4. When are you going to make your preliminary investigation public?

Response 4. The preliminary findings were already made public through a press release. The opportunity of the publication of additional findings will be assessed in time, with consideration for the security of sources.

Conclusion

Kishishe residents unambiguously counted nineteen (19) people dead in their village. After the end of the fighting, the population convened to identify people who had been killed. All nineteen (19) bodies were counted and identified one by one by Kishishe residents before their burial. Eight of them were recognized as residents of Kishishe in a list they compiled and that was signed by the local leaders. M23 alleges that the remainders are militias. However, their identity was later recollected in a different list by returning population. At least one Paluku Jean Pierre, initially presumed dead, returned to Kishishe³⁹, while one other victim's full identity is yet to be established. He was provisionally named "Mutampera", in reference to his Adventist confession. The places where the deceased were buried, at about 60 Metter from the church are also identified and can be easily located. The field research proved that there was no massacre in Kishishe and Bambo. The findings show that numbers of victims were significantly inflated in reports based either on remote hearsay information, or deliberately to manipulate public opinion.

It is not the first time that "massacres" are invented out of thin air in Eastern DRC and broadcasted by prominent figures and major news agencies, then disproved after investigation has been conducted on the ground. However, once the truth is found, no similar fervor is put in bringing it to the fore. In the so called "Kipupu Massacres" in South Kivu: "the figure of 220 victims initially announced by provincial members of parliament, was taken up by Congolese politicians, then broadcasted by international media. The number of victims was finally brought down to fifteen (15) after a joint MONUSCO – DRC government mission visited the site on July 29th 2020.⁴⁰

In the midst of regional efforts to bring peace in Rutshuru, supranational bodies should refrain from circulating unverified allegations that might exacerbate tensions, and infuse ethnic stigma, especially among populations being wrongly assimilated to "the enemy of the state".

Now that the M23 has started to implement some of the Luanda Heads of State Mini-summit decisions and that contacts between the M23 and the Regional Intervention Force have been officially established, the Regional Ad-Hoc Verification Mechanism and other parties should conduct an investigation in Kishishe and Bambo to establish the truth and the facts on what happened in these localities. This gesture of good faith would certainly reinforce the dynamics of peace in Rutshuru.

³⁹ Video

⁴⁰MONUSCO, "Report of the Secretary General" (21/09/2020) P.4: Available at https://monusco.unmissions.org/sites/default/files/s_2020_919_e.pdf, visited on 22/12/2022

Recommendation:

- To the Mediator mandated by the African Union Assembly
- To the East African Community Facilitator
- To the Head of the Ad Hoc Verification Mechanism
- To the Force Commander for the East African Regional Force
- To the Special Envoy of the Secretary-General for the Great Lakes region

Initiate and support a Regional fact-finding mission to Kishishe and Bambo on the events and ensuing deaths that took place in these localities between the 21st November 2022 and the 29th November 2022, and make public the independent findings.

Annexes:

Biography of researchers:

Marc Hoogsteyns is an independent journalist and cameraman who covered war zones worldwide: Cambodia, Kurdistan, Burma, Nicaragua, Iraq and Iran, Lebanon, etc. He has covered most of the ongoing wars in the African Great Lakes Region since 1990. He currently lives and works in Kigali where he runs Kivu Press Agency with his colleague Adeline Umutoni. <https://www.youtube.com/@kivupressagency1155> . Follow Marc on [@MarcHoogsteyns](https://twitter.com/MarcHoogsteyns)

Adeline UMUTONI is an independent investigative journalist and camera-operator who most of the times covers war zones in D.R. Congo, Burundi, Cabo Delgado in Mozambique and Central African Republic. She currently lives and works in Kigali where she runs Kivu Press Agency (<https://www.youtube.com/@kivupressagency1155> with her colleague Marc Hoogsteyns.

Me. Gatete Nyiringabo Ruhumuliza is a Human Rights Lawyer and Senior Fellow at the Institute of Policy Analysis and Research (IPAR-Rwanda). Previously Gatete worked as Campaigns and Policy Director for Oxfam International. He was part of the reporting team that recently covered the fighting in Cabo Delgado, Mozambique. Gatete is a Political Commentator and Expert on the Great Lakes Region. He runs a blog: www.gateteviews.rw and on Tweeter [@gateteviews](https://twitter.com/gateteviews)

Links to all video interviews:

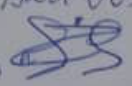
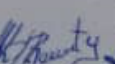
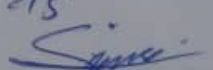
1. https://youtu.be/VGu_IDBAuNA Kishishe (Group Discussion)
2. <https://youtu.be/4h9YPI5lXbg> Mai-Mai infiltration
3. https://youtu.be/n2PJ8jrXI_w Number of the victims
4. <https://youtu.be/rg7nAnrJAmg> Bambo is safe
5. <https://youtu.be/ctzslbebFqw> Cohabitation avec les FDLR
6. <https://youtu.be/aGGj3d1OdkS> the population don't support the M23 withdrawal
7. <https://youtu.be/R0W0390JkrM> M23 reaction

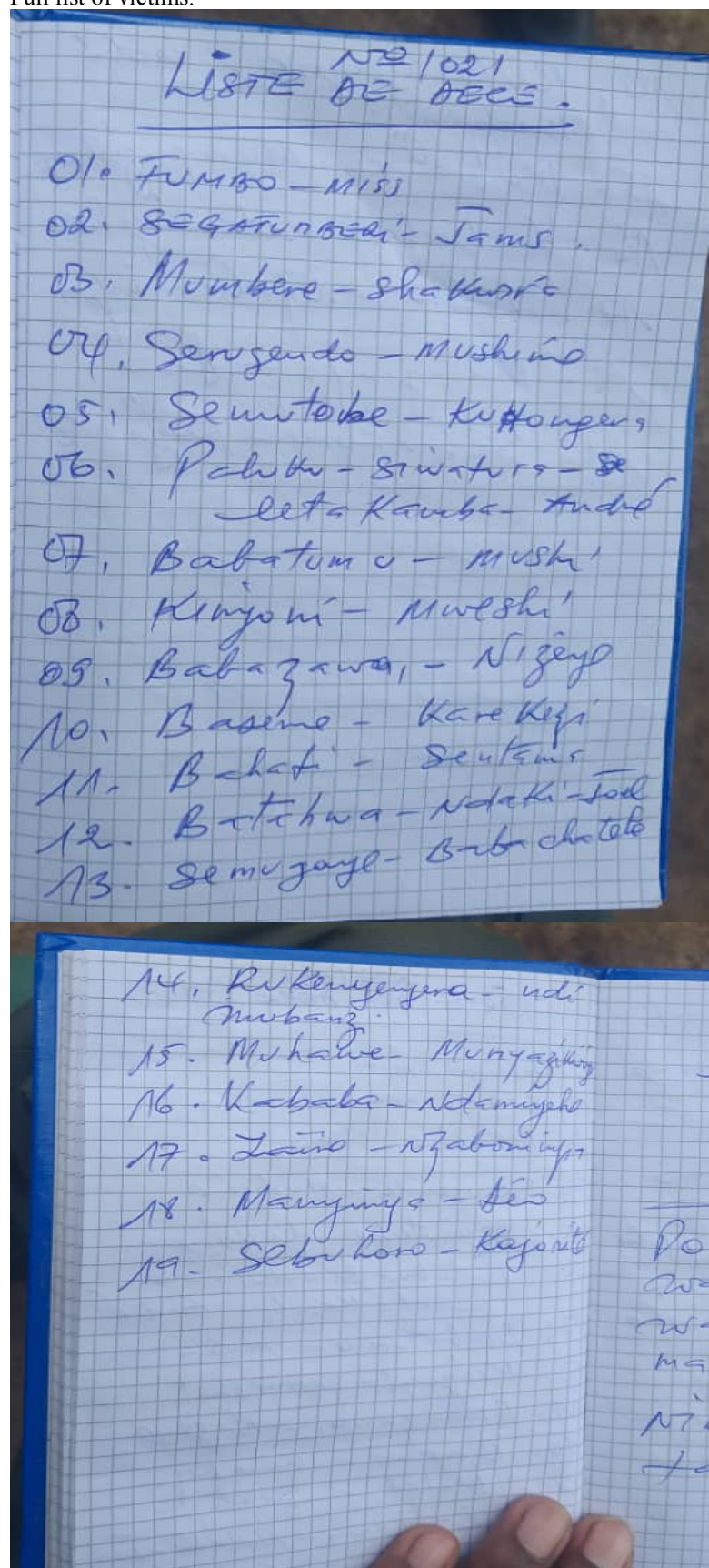
GISHISHI LE 03/12/022

LISTE DE VICTIMES A GISHISHI

01. FUMBO - MISSI
02. JAMS - SEGATU MBERI
03. MUTAMPERA
04. FILS SHAKWIRA - MUMBERE
05. FILS JAMS - SERUGENDO
06. MAMAN KANUZUNGU
07. SEMUTOBE
08. PALUKU - SIWATULA - LETAKAMBA - ANARE

* KADA WAKAATI WA GISHISHI NA -
WA CHEF WA GISHISHI NA WALIMU -
HAWO NABWO WAKA WATU WAKUFA
WAKATI WA VITA YA WA SOBA WA
M.23. NA MAI-MAI PLUS F.A.L.R.

01. Pasteur: Safari - Rusaga. 0977696515.
 02. Chef wa Kishishe - Munguika - Baribusta. 0893101573
 03. Maombi: Chef de Taximan-moto  . 0970710774
 04. KAMBERE - BAKUTYA (Mwami ecole )
Primaire NYABHANSA. 0897222226
 05. Chef. SAFARI - MUSHAO KISHISHI. 0977696515 - 0971234748
- 



ii A respondent showing three graves of the eleven non-Kishishe residents



Note: No cross, no flowers planted because combatants are not residents of Kishishe.

Individual grave (2)



Individual grave (3)



iii Photo of Inside the Church



iv M23 in diverse uniforms

