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DR Congo: M23 Armed Group Forcibly Transferring Civilians

Rwanda as Occupying Force May be Responsible for War Crimes



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Displaced people board a bus after undergoing checks at the border between the Democratic Republic of Congo and Rwanda, in Goma, May 19, 2025. United Nations refugee agency (UNHCR) vehicles transported them to Rwanda. © 2025 JOSPIN MWISHA/AFP via Getty Images

(Nairobi) – The [Rwandan](#)-controlled M23 armed group has deported over 1,500 people from occupied eastern [Democratic Republic of Congo](#) to Rwanda in violation of the 1949 Geneva Conventions, Human Rights Watch said today. The Rwandan government and the M23 should immediately stop forced transfers of Congolese citizens and Rwandan refugees, which are war crimes.

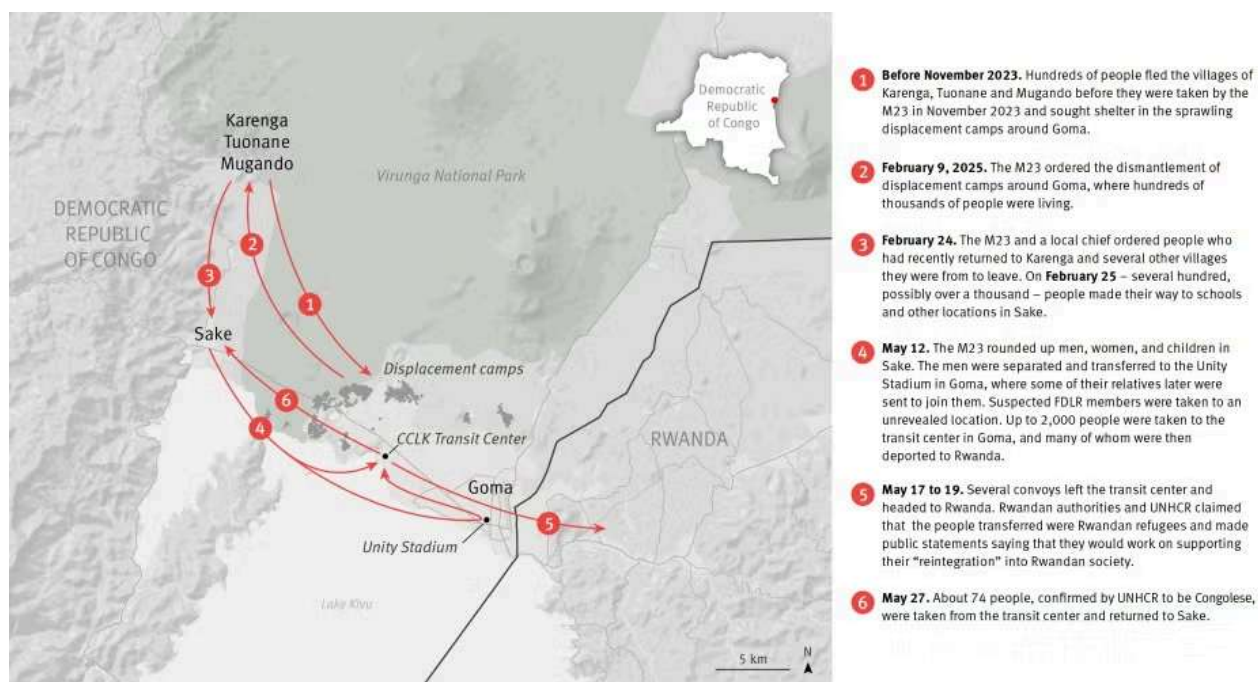
Rwanda's military, logistical, and other support to the M23 was critical for its [capture of Goma](#) and Bukavu, the provincial capitals of North and South Kivu respectively, from Congolese forces in early 2025. In February, the M23 [ordered](#) several hundred thousand people to leave displacement camps around Goma and [dismantled](#) virtually all the camps. In May, the M23 rounded up and transferred previously displaced people to Goma, where many were unlawfully deported to Rwanda with the assistance of the United Nations High Commissioner for Refugees (UNHCR).

“The forcible transfer of civilians to Rwanda, whether Congolese citizens or Rwandan refugees, is a war crime under the Geneva Conventions,” said [Clémentine de Montjoye](#), senior Great Lakes researcher at Human Rights Watch. “Rwanda’s control over the M23 in eastern Congo makes it ultimately responsible for the armed group’s numerous abuses.”

Rwanda’s effective control over parts of eastern Congo through its own armed forces and the M23 appears to meet the international humanitarian law standards for a belligerent occupation. Article 49 of the Fourth Geneva Convention prohibits, as a war crime, forcible transfers within a country and deportations from occupied territory to other countries, regardless of the motive. On June 9, 2025, Human Rights Watch wrote to the Rwandan authorities with its findings but has not received a response.

Human Rights Watch from February to May interviewed 14 people who were forced to leave displacement camps near Goma after the M23 ordered them dismantled, including 8 people who were forcibly transferred to Goma in May.

On May 12, the M23 rounded up as many as 2,000 people from the town of Sake, 25 kilometers west of Goma, and forcibly transferred them to Goma, where many were then deported to Rwanda. This appeared to be part of a broader [M23 operation](#) against suspected members of the Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda, or FDLR), a largely Rwandan Hutu armed group, some of whose leaders took part in the 1994 genocide in Rwanda. Many of those in Sake were originally from Karenga, in Masisi territory, which is [considered](#) an FDLR stronghold.



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Map of the chronology of the displacement of civilians between Karenga and surrounding villages, Sake, Goma, and Rwanda. Graphic © 2025 Human Rights Watch.

M23 officials used the Lake Kivu Christian Center (Centre Chrétien du Lac Kivu or CCLK) transit center, named after its location in Goma, to deport people to Rwanda. Between May 17 and 19, 2025, several convoys departed from the transit center to Rwanda. UNHCR usually uses the transit center for voluntary refugee repatriations to Rwanda. However, eight people at the center said that both Congolese citizens and Rwandan refugees were among those being deported against their will. Many expressed fear that they would face

abuse in Rwanda. The M23 deployed forces around the facility to prevent people from escaping.

Some of the people deported [spoke to the media](#) to criticize the manner in which they were forcibly transferred to Rwanda. The Rwandan authorities have long [targeted those who have criticized the government](#) publicly, including [refugees and asylum seekers under UNHCR protection](#). UNHCR should take steps to protect the safety of those deported to Rwanda. Human Rights Watch has not been able to communicate with any of those deported from the transit center since their deportation to Rwanda.

UNHCR wrote to Human Rights Watch on May 27 that “1,600 [Rwandan refugees] were brought to the CCLK transit center in Goma as a result of cordon and search exercises conducted by the de facto authorities,” that UNHCR’s screening was “done under pressure,” and that for this group, returning to Rwanda “was the only available option.”

Under the Geneva Conventions, the transfer or deportation needs to be “forcible” to constitute a war crime. Consent to be moved has to be voluntary and not given under coercive conditions. A transfer is not voluntary when people agree or seek to be transferred as the only means to escape risk of abuse if they remain.

The International Criminal Court prosecutor has [announced](#) that his office would renew investigative efforts in Congo with a focus on crimes in North Kivu since January 2022. The court can [prosecute](#) the war crime of “the deportation or transfer [by the Occupying Power] of all or parts of the population of the occupied territory within or outside this territory,” as well as the crime against humanity of “deportation or forcible transfer of population.”

“The Rwandan government and the M23 are committing war crimes by forcibly transferring and deporting people within occupied territory and to Rwanda,” de Montjoye said. “Concerted international pressure is needed on Rwanda to immediately end the deportations, ensure the security of everyone in occupied areas, and hold those responsible for abuses to account.”

For additional details on the deportations, please see below.

The People Transferred

Since the [resurgence](#) of the M23 in late 2021, Congolese and Rwandan armed forces, along with the armed groups they support, have displaced hundreds of thousands of people in North and South Kivu, often multiple times over prolonged periods. Combatants have forced civilians from their homes and lands, looted their property, and punished them for suspected collaboration with enemy groups. Many of the internally displaced people who were living in camps around Goma before the M23 captured the city had fled abuses from both sides, including killings, rape, burning of property, pillaging, and forced recruitment and labor.

On February 24, 2025, in Karenga, a local chief accompanied by armed M23 fighters told people originally from Karenga, Tuonane, and Mugando, near Virunga National Park, that they had to leave by the following day. Many then sought shelter in schools and other locations in nearby Sake.

"They chased us from Karenga saying those who refuse [to leave] will 'get a bullet,'" said a 25-year-old woman Human Rights Watch interviewed. A man, 36, said that the chief "told us that those who need an explanation should go to Kitchanga [a strategic town under M23 control] to ask the authorities there. He also said the Red Cross will collect the body of anyone who is found in the village after the deadline."

Many of the displaced people interviewed who returned to Karenga in February had fled ahead of the M23's capture of the area in November 2023. The M23 provided no reason for expelling the population, although some sources thought the decision was related to suspected FDLR members in the area. Interviewees said that although some of the people formerly displaced from Karenga were of Rwandan origin, many were Congolese citizens or had lived in Congo their entire lives.

Of the people forcibly moved from Sake on May 12, 2025, the M23 transferred some of the men, and later their relatives, to the Stade de l'Unité (Unity Stadium) in Goma. The M23's military spokesperson, Willy Ngoma, presented 181 men at the stadium [to the media](#), calling them "Rwandan subjects," even though they had Congolese documents. Witnesses said the M23 burned people's Congolese electoral cards, the main form of identification in Congo, and told people perceived to be of Rwandan origin to return to Rwanda.

Congolese citizenship is difficult to establish due to the absence of a functioning national ID system and decades of cross-border population movements, driven by both conflict and economic opportunities, between Congo and Rwanda. The voter's card is the only documentation available to many people, if they are registered and of voting age. At the stadium, the M23 accused people of having "falsified" cards, effectively rejecting their Congolese citizenship, based on [media reports](#) and witness accounts.

The M23 has accused suspected opponents, often without basis, of supporting the FDLR. Witnesses said that on May 12 in Sake, the M23 took away at least five young men suspected of being FDLR members. At the stadium, the M23 also sought to separate those perceived to support the Congolese army or its allies: "Those who were identified as members of FDLR or Wazalendo [pro-Congolese government coalition of armed groups] were put on a bus, and we don't know where they went," said a man who had been at the stadium.

Deportations from the Transit Center

People marked for deportation were transferred to the CCLK transit center, which the Congolese National Commission for Refugees (Commission Nationale pour les Réfugiés) and UNHCR use for Rwandan refugee repatriations under the 2010 tripartite agreement on voluntary returns between UNHCR, Rwanda, and Congo.

The tripartite agreement sets the conditions for the voluntary return of Congolese refugees in Rwanda and Rwandan refugees in Congo. Under UNHCR guidelines, refugees and asylum seekers do not need to state explicitly that they are being forced back for UNHCR to conclude that their repatriation is involuntary.

UNHCR noted in its response to Human Rights Watch that refugee repatriations "must be voluntary, safe, and carried out in dignity" to comply with the principle of nonrefoulement:

the international legal prohibition against returning people to risks of persecution, torture, or other serious harm.

But people at the center said that even though UNHCR agents interviewed them about their origins, UNHCR did not give them a choice about being sent to Rwanda. A Congolese woman said: “[UNHCR] does what they want with us. We don’t have a choice.”

UNHCR issued a [statement](#) on May 22, 2025, saying it was monitoring and involved in “the evolving situation concerning the group of individuals” at the transit center as well as “more than 1,700 refugees” returned to Rwanda. However, Human Rights Watch interviews indicate that some people forcibly taken to the center and then deported to Rwanda were not registered Rwandan refugees.

Three Congolese citizens said that on May 27, UNHCR transported 74 people, mostly women and children, back to Sake after confirming that they were Congolese nationals. They said some Congolese at the transit center were not able to prove their identity because the M23 had burned their documents and that these people were later forcibly transferred to Rwanda. “There are people I know from Karenga who are Congolese and were sent to Rwanda,” said one man who was transferred back to Sake. “Others accepted to go because they were afraid of the M23. The M23 burned my voter card.... I can’t leave Sake now. If I get stopped, I’ll be accused of being FDLR.”

On May 17, Rwanda’s foreign affairs minister [claimed](#) that the repatriated refugees were formerly held hostage by the FDLR, apparently attempting to justify the deportations. Congo’s Interior Ministry [disputed](#) this assertion.

Rwanda’s Occupation of Eastern Congo

Rwanda’s deployment of up to 9,000 troops in eastern Congo at the height of the M23’s offensive in January and February and its apparent overall control of the M23, the de facto authorities, indicates that Rwanda is an occupying power under international humanitarian law. Witnesses to incidents, [media reports](#), and UN and military sources have said that Rwandan military personnel have directed and led operations during offensives, including those that captured Goma and Bukavu.

Military sources said that several hundred Rwandan troops, operating modern weaponry such as armored drones and GPS-guided mortars, led the advance on Goma. Rwandan soldiers have also commanded patrols in Masisi and Rutshuru territories. Rwandan military commanders have been present during the training of recruits in at least two training centers in Congo, former recruits told Human Rights Watch. Rwandan authorities have also coordinated a press visit to occupied territory in eastern Congo. In May, more than 10 journalists went on a press trip from Kigali, Rwanda’s capital, to Goma, and to Masisi territory, organized and accompanied by staff of the Rwandan Office of the Government Spokesperson, according to four journalists and messages reviewed by Human Rights Watch.

Rwanda has also been involved in [negotiating ceasefires](#) and other actions on behalf of the M23. The M23’s [capture of the town of Walikale](#) in March forced Alphamin Resources at Bisie mine, a major tin mine that produces six percent of the global tin supply, to suspend its activities. Reuters [reported](#) that the United States directly engaged with the Rwandan and Congolese governments to secure guarantees of the M23’s withdrawal and

that the Congolese forces would not attack to allow operations to resume. Alphas Resources [announced](#) a resumption of operations after the M23 withdrew.

These actions by Rwandan forces, and the absence of Congolese authority in the area, would meet the international law standards for a belligerent occupation of parts of eastern Congo.

Occupation Under International Law

The international humanitarian law of occupation is primarily set out in the [1907 Hague Regulations](#), the [Fourth Geneva Convention of 1949](#), [Protocol I of 1977 to the Geneva Conventions](#), and [customary international humanitarian law](#).

[Article 42](#) of the Hague Regulations states: "Territory is considered occupied when it is actually placed under the authority of the hostile army. The occupation extends only to the territory where such authority has been established and can be exercised."

The [2016 Commentary](#) of the International Committee of the Red Cross on Common Article 2 to the Geneva Conventions sets out three requirements for a situation of belligerent occupation: the presence of foreign military forces without the consent of the sovereign state; the foreign military's ability to exercise authority over the territory; and, the related inability of the sovereign state's authorities to exert its control over the territory. These elements have been described in [judicial cases](#), [military manuals](#), and [academic writings](#) as the "effective control test" to determine whether a situation qualifies as an occupation for the purposes of international humanitarian law.

Under the effective control test, the occupying force largely controls the territory and can deploy troops as needed. These forces need not be present throughout the territory but must be able to exert authority as necessary. The sovereign state must be substantially incapable of exerting its authority because of the presence of foreign forces. However, the mere presence of national armed forces or armed groups opposing the foreign forces does not negate the occupation.

In addition, effective control over a territory may be exercised by surrogate armed forces or nonstate armed groups so long as the occupying forces maintain overall control. Thus, a state would be an occupying power when it exercises overall control over de facto local authorities or armed groups that effectively control all or part of a territory. This indirect effective control aims to prevent a legal vacuum arising from a state using local surrogates to evade its obligations, including to provide for food and medical care to the population, under occupation law.

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