

## Crimes against humanity in Eastern DRC: UN fact finding on gangrapes and executions by M23 rebels and State forces under the Rome Statute

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### To the point

On the ongoing conflict in Eastern Democratic Republic of Congo (DRC) which has led to grievous violations of international law, both the M23 a military group (Rebel group) often backed by external actors which refers to the countries or entities outside the DRC that influence, support or participate in the conflict (Rwanda, Uganda, Regional and international actors) and the state forces have committed systematic acts of violence, including mass executions and widespread sexual violences (gangrapes, murder). As UN investigations establish that these crimes meet the definitions of the “crimes against humanity” and the “war crimes” under the Rome Statute. The gravity on this crises demands strong and vigorous legal response with a greater global accountability.



**Use of legal jargon**

The country in turmoil, which is DRC unveils the acts falling under Article 7(1) of Rome Statute of ICC, adopted in July 17, 1998 which defines crimes against humanity as widespread or systematic assaults on civilians (murder, rape, and torture). The UN fact finding mission's report reveals M23's gang rapes and executions aligning with *actus reus* of Article 7(1)(g) for rape and Article (1)(a) for murder. FARDC's complicity with Wazalendo militias triggers command responsibility under Article 28(a) of the Rome Statute, where in which the leader face the accountability for neglecting to curb subordinate crimes. Rwanda's which alleged logistical support to M23, as stated in the UN reports, points to liability under Article 25(3)(b) for aiding such offences. The principle of *nullum crimen sine lege*, anchored in Article 22 of the Rome Statute, demands strong evidence, yet scattered investigations pose a hurdle. A hybrid tribunal, merging ICC authority with Africa Union's framework under Article 5 of its Constitutive Act 2000, could uphold *jus cogens* norms and shatter the cycle of impunity.

**The proof**

The evidence is overwhelming and comes from a UN fact finding missions, Human Rights watch reports and judicial records. The scale and recurring the nature of these crimes, years after years leave no doubt but a pattern of organized criminality.

Events	Period	Number of people killed	Number of women raped
Genocide against the Tusti (official figure)	April 7- July 19, 1994 (100 days)	10,74,017 people killed (93 % Tusti)	150,000 to 250,000 (women raped)
Genocide against Tusti (international scholarly consensus)	April 1994-July 1994	500,000 to 800,000 (Tusti killed, majority men)	Between 250,000 to 500,000 women raped
Duration and context	100 days approx.	Killing rate high	Extremely high levels of sexual violence, widespread systematic rape

Year	Estimated civilian killings	Rape/sexual violence victims	Region
2022	131 civilians	22 women and 5 girls raped	Kishishe and Bambo, North Kivu

## Lawful Legal

### September 2025

2023	319 civilians (July)	Women/children significantly	North Kivu
2024	Thousands	17,000+ treated sexual violence	North and south Kivu
2025	2,500+ killed	High rates, no exact figure	Goma, Rutshuru, DRC East
2025 July	319 civilians	Many women and children	Rutshuru villages

### Abstract

Pressing the concerns arising over the accountability for the widespread human rights abuse in violence intensified in DRC. This article critically examines the findings of the recent UN fact finding missions focused on the atrocities committed by both M23 rebel group and the government forces, which also includes extrajudicial killings, gang rapes, torture, and the forced displacement of civilians. Far from the isolated incidents these form a systematic pattern reminiscent of historic mass atrocities such as the 1994 Rwanda genocide. By drawing on official UN reports, survivor testimony and comparative legal analysis this article highlights the issue on the intense violence, which needs to be settled down.

### The case laws

#### 1. **Prosecutor v. Jean-Paul Akayesu** (ICTR-96-4-t, 1998)

In this landmark case, for the first time it was established that rape and sexual violence can be prosecuted as crimes against humanity when used systematically during the conflict. Akayesu, a major during 1994 Rwandan genocide, was found guilty of orchestrating gang rapes and other sexual assaults as deliberate tools of terror against the Tutsi population. This ruling set a crucial precedent under Article 7(1)(g) of the ICTR (International Criminal Tribunal for Rwanda) statute, which parallels the Rome Statute's definition of crimes against humanity. It directly informs how we view the M23's widespread use of sexual violence in DRC.

#### 2. **Prosecutor v. Thomas Lubanga Dyilo** (ICC-01/04-01/06, 2012)

In this case, Lubanga became the first person convicted by ICC, guilty for conscripting and enlisting children under 15 as soldiers in DRC conflict. His conviction confirms the ICC's authority over non-state armed groups like M23 and highlights command responsibility under Article 28 of the Rome Statute. This case

remind that leaders are accountable for crimes committed by forces under their control which includes failure by FARDC commanders to prevent child recruitment.

**3. Prosecutor v. Charles Taylor (SCSL-03-01-T, 2012)**

This case showed that leaders providing support to armed groups can be held criminally responsible even if they do not personally carry out crimes. Taylor, Liberia's former president, was convicted for aiding and abetting rebels who committed mass atrocities in Sierra Leone. Under Article 25(3)(b) of the Rome Statute, his support through logistic and resources made him complicit. This gives a framework to investigation Rwanda's alleged backing of M23 rebels in the DRC conflict.

**4. Prosecutor v. Ratko Mladic (ICTY-09-92-T, 2017)**

In this case, Mladic was convicted for orchestrating widespread ethnic cleansing, including executions and mass killings during the Bosnian war. The judgment clarified the threshold for crimes against humanity, widespread systematic attacks on the civilians with intent to terrorize or destroy communities. This legal standard helps to assess the atrocities mass killings and summary executions committed by both M23 and Congolese forces in the DRC.

## **Conclusion**

In conclusion, the scale of atrocities in DRC is staggering. UN investigations show that mass killings, systematic rapes and child soldier recruitment are not isolated but are components of well documented crimes against humanity and war crimes. The region's suffering reflects a tragic continuity from Rwanda's 1994 genocide. Only decisive prosecution, both nationally and internationally, can end the cycle of impunity and restore hope for survivors.

## **FAQs**

**1. What are the crimes against humanity and war crimes in context?**

The crimes against humanity include extermination, rape, torture and forced displacement. War crimes include murder, recruitment of child soldiers and attacks on civilians defined in Rome Statute.

**2. Who is M23 and what is their role?**

M23 is a rebel militia, predominantly Tutsi, operating in Eastern DRC and widely accused of coordinated mass atrocities, sometimes with external support.

**3. What are Hybrid tribunal role in DRC?**

Combining ICC's Rome Statute framework with African Union oversight under Article 5 of its Constitutive Act, it offers localized legitimacy to prosecute atrocities.

**4. Why has justice been delayed in the DRC compared to past conflicts?**

Unlike the other past conflicts, the ongoing DRC crisis lacks enforceable mechanism, with ICC examinations under Article 53 stalled evidence gaps.