To: Royal Canadian Mounted Police (RCMP); Sanctions Bureau, Global Affairs Canada; Financial Transactions and Reports Analysis Centre of Canada (FINTRAC); The Honourable Anita Anand, P.C., M.P., Minister of Foreign Affairs; and the Honourable Steven MacKinnon, P.C., M.P., Member of Parliament for Gatineau
From: Conseil Canadien de Représentation des Communautés Congolaises (CCRCC); Congo Accountability Network; and Canadian Lawyers for International Human Rights (CLAIHR)
Date: November 18, 2026
Re: Canadian Sanctions regarding Manzi Willy Ngarambe/M23

I. Executive Summary ***2***

II. Background and Facts ***4***

A. M23's Origins **4**

B. M23's Reemergence **5**

C. Collaboration with Rwanda **7**

D. Pattern of Abuses and International Crimes Attributed to M23 ..... **8**

E. Establishment of a Parallel System of Public Administration **15**

F. Manzi Willy Ngarambe **16**
1. Background 16
2. Position/Role within M23 18
3. Alleged Conduct 19

III. Applicable Legal Framework and Analysis ***22***

A. M23's Status Under the UN Security Council's Sanctions Regime **22**
1. Development of the UNSC Sanctions Regime in the DRC 22
2. The Current UNSC Sanctions Regime in the DRC 23
3. International Sanctions against M23 24

B. Canada's Sanctions Framework **25**
1. Domestic Implementation of UN Sanctions and Canada's Obligations 25
2. Canada's Domestic Sanctions Programs 29
3. M23's Status under Canadian Sanctions 30

C. Application of Canada's Sanctions Framework to the Conduct of Ngarambe **31**
1. Ngarambe's Dealings with M23 and the Basis for Individual Accountability 31
2. National Interest 32

D. War Crimes and Crimes against Humanity **34**

IV. Conclusion ***37***

V. Recommendations ***37***

Appendix ***39***

I. Executive Summary

1. This memorandum examines the legal basis under Canadian and international law for imposing sanctions on, and seeking criminal accountability for, Manzi Willy Ngarambe ("**Ngarambe**") in connection with his role in the March 23 Movement ("**M23**"), a non-state armed group exercising sustained territorial control over large parts of eastern Democratic Republic of the Congo ("**DRC**").[*] The memorandum concludes that M23 is already subject to binding Canadian sanctions by virtue of its designation under the United Nations ("**UN")** sanctions regime; that Ngarambe's conduct falls within the scope of prohibited dealings under that regime; and that both criminal prosecution and autonomous sanctions against him are legally justified and warranted.

2. Since its inception, M23 has committed widespread and systematic violations of international humanitarian law and international human rights law across the DRC's North Kivu and South Kivu provinces. Violations include summary executions, sexual violence, forced displacement, forced recruitment of adults, forced recruitment of children, and attacks intentionally targeting civilians and civilian infrastructure. M23 officials have also been credibly accused of war crimes.

3. Canada gives domestic effect to the UN's DRC sanctions framework through the United Nations Act and the Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo ("**SOR/2004-222**"). Because M23 has been sanctioned by the United Nations Security Council (**"UNSC"**) Committee established pursuant to Resolution 1533 (2004), the armed group is automatically subject to sanctions within Canada. No separate Canada-specific listing under the Special Economic Measures Act ("**SEMA**"), Justice for Victims of Corrupt Foreign Officials Act ("**JVCFOA"**), or another autonomous sanctions instrument is required.[1]

4. Ngarambe is a self-reported Canadian national who holds a senior political and administrative role within M23's *de facto* governing body in eastern DRC. Namely, he serves as "Deputy Governor" of North Kivu province. Given Ngarambe's leadership role within M23, his conduct is fundamentally embedded within the operational activity of the sanctioned entity itself.

5. We believe that Ngarambe's activities fall squarely within the prohibitions established by SOR/2004-222. The Regulations prohibit knowingly dealing in property owned or

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[*] This brief was researched, drafted, and edited by a team of lawyers and law students based in Canada and the United States. Drafters include, but are not limited to, the following: Daniel Levine-Spound (Supervising Attorney and Lecturer, International Human Rights Clinic at Harvard Law School), Nana Kruashvili (Law Student, Harvard Law School), Sahaj Singh (Law Student, Harvard Law School), Elizabeth Anne Green (Law Student, Harvard Law School), Parker Maris (Lawyer), James Yap (President, Canadian Lawyers for International Human Rights), and Nikki Santos (Clinical Teaching Fellow, International Human Rights Clinic at Harvard Law School). Vannie Lau (Research Associate, International Justice and Human Rights Clinic at the University of British Columbia Peter A. Allard School of Law) contributed invaluable insights as well.

[1] It should be noted that the drafters of this brief specifically inquired with Global Affairs Canada as to whether M23 was currently subject to Canadian sanctions. Global Affairs Canada responded as follows: "Unfortunately, we are unable to provide legal advice to members of the public, nor can we confirm whether a specific person or entity is subject to Canadian sanctions."

controlled by a designated entity, facilitating such dealings, and/or providing property or services for its benefit. We believe that participation in the administrative apparatus of M23 constitutes, at minimum, the provision of services for the benefit of a designated entity and the facilitation of its operations. Given Ngarambe's senior position within an entity that has been subject to sustained and widely publicized sanctions since 2012, there are reasonable grounds to believe that he may have undertaken these actions "knowingly."[2] Ngarambe's violations may thus give rise to criminal liability under Canada's United Nations Act.

6. We also believe that there is a strong and self-standing basis for Canada to impose autonomous sanctions against Ngarambe. Under SEMA, Canada may impose autonomous sanctions in response to grave breaches of international peace and security as well as gross and systematic human rights violations. SEMA allows for the designation of any person meeting this threshold—including Canadians—provided they are physically located in the foreign state where the violations occurred.[3] Individuals designated under SEMA may be subject to asset freezes, forfeiture of property, and a host of other economic restrictions. Given M23's documented record of systematic violations of international human rights law, and Ngarambe's role in facilitating, sustaining, and publicly legitimizing M23's unlawful conduct, it is our view that Ngarambe falls squarely within the category of individuals eligible for designation.

7. The evidentiary record may also support investigating other individuals for sanctions violations. Ngarambe has acknowledged that political leaders within M23's administration receive payment for their roles, and media sources indicate that he has actively solicited Canadian investment in M23-controlled regions. This activity in itself does not provide conclusive evidence of Canadian-linked transfers. It does, however, suggest that further investigation is warranted, given that Canada's sanctions regime prohibits any person in Canada—and any Canadian abroad— from making funds, property, or services available to M23 or for its benefit.

8. Finally, while this memorandum focuses on sanctions and sanctions-related offenses, we believe that the record also supports an investigation into whether Ngarambe is criminally liable for war crimes or crimes against humanity. Under Canada's Crimes Against Humanity and War Crimes Act (**"SC 2000, c. 24"**), individuals may be prosecuted for war crimes or crimes against humanity committed anywhere in the world regardless of the nationality of the alleged perpetrator or victim. Canadian law also allows for criminal prosecutions of military commanders or other superiors who, in certain circumstances, fail to prevent war crimes or crimes against humanity by those under their command. In this case, UN entities, non-governmental organizations ("**NGOs**"), and journalists have credibly accused M23 officials of perpetrating war crimes and crimes against humanity.

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[2] Under Canadian criminal law, "knowingly" encompasses wilful blindness—where suspicion is aroused but one deliberately chooses not to make inquiries (*R. v. Briscoe*, [2010] 1 S.C.R. 411 (Can.)).

[3] *See infra* ¶¶ 95–97 for a full explanation of how SEMA designations may apply to Canadians in this specific circumstance. While Ngarambe can be designated and subject to the restrictions and prohibitions listed in section 4(2) of SEMA, as a Canadian citizen he would not be subject to an immigration prohibition under section 35.1 of the Immigration and Refugee Protection Act, (S.C. 2001, c. 27) (Can.) as such prohibitions are limited exclusively to foreign nationals.

Many alleged crimes have been committed in North Kivu province, where Ngarambe serves as "Deputy Governor."

9. Accordingly, this memorandum recommends three cumulative measures:

   A. The initiation of a criminal investigation of Ngarambe with a view to prosecution under the United Nations Act for knowing participation in prohibited dealings and/or violations of the Crimes Against Humanity and War Crimes Act;
   B. The designation of Ngarambe under Canada's autonomous sanctions regime, specifically SEMA; and
   C. Targeted financial and logistical tracing to determine whether any Canadian-linked funds, property, services, intermediaries, or entities are sustaining Ngarambe or other M23 leaders, with enforcement focused on transactions or support that may fall within the prohibitions of Canada's sanctions regime.

II. Background and Facts

A. M23's Origins

10. The March 23 Movement (**"M23"**) is the latest iteration of a succession of armed groups in the DRC that have operated under Rwandan influence or control since the mid-1990s.[4] It is named after a March 23, 2009, peace agreement between the DRC and the *Congrès national pour la défense du peuple* ("**CNDP**"), another non-state armed group supported by Rwanda that operated in the DRC between 2006 and 2009.[5] The agreement stipulated that CNDP would be dismantled and that its units would be integrated into the Congolese national army (the *Forces armées de la République démocratique du Congo* or "**FARDC**").[6]

11. In 2012, numerous CNDP fighters deserted the FARDC *en masse* and established M23. The new rebellion quickly took over large parts of eastern DRC, including Goma, the provincial capital of North Kivu province. Human rights groups accused M23 of grievous human rights violations.[7]

12. M23's takeover of Goma would lead to its initial downfall. Major donors, including the United States, the European Union, and Germany, froze more than 200 million dollars in financial assistance to Rwanda. U.S. President Barack Obama called Rwandan President

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[4] HUM. RTS. WATCH, *DR Congo: Atrocities by Rwanda-Backed M23 Rebels* (Feb. 6, 2023), https://www.hrw.org/news/2023/02/06/dr-congo-atrocities-rwanda-backed-m23-rebels; U.N. SEC. COUNCIL, COMM., *M23*, https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/entity/m23.

[5] Brian Sabbe, *Why M23 Is Not Your Average Rebel Group*, IPIS (Feb. 6, 2023), https://ipisresearch.be/weekly-briefing/why-m23-is-not-your-average-rebel-group/.

[6] JASON K. STEARNS, *The War That Doesn't Say Its Name: The Unending Conflict in the Congo*, 50–51 (Princeton Univ. Press 2022).

[7] HUM. RTS. WATCH, *DR Congo: M23 Rebels Committing War Crimes*, (Sept. 11, 2012), https://www.hrw.org/news/2012/09/11/dr-congo-m23-rebels-committing-war-crimes.

Paul Kagame personally, demanding that Rwanda cease support for M23.[8] Unable to withstand the financial and political pressure, Rwanda ceased supporting its proxy.

13. In parallel, the FARDC reorganized its operations and the Force Intervention Brigade (**"FIB"**)—a regional offensive military force composed of troops from South Africa, Tanzania, and Malawi—deployed into the DRC alongside it. Faced with an FARDC-FIB offensive, and without support from Rwanda, M23 rapidly collapsed.[9] In December 2013, M23 leadership committed to ending its armed rebellion, while the Congolese government agreed to conditional amnesty and social reinsertion of M23 combatants.[10] Since then, except for small skirmishes, the group largely faded from view for almost a decade.

B. M23's Reemergence

14. M23 reemerged in 2021.[11] After years of relative dormancy, the armed group committed a series of attacks on FARDC military bases in the DRC's North Kivu province, killing FARDC soldiers and looting weapons, uniforms, communications equipment, and food supplies.[12]

15. These attacks initially attracted limited attention. But in 2022, M23 significantly increased its operations. Thousands of Congolese civilians fled the violence.[13] November 2022 marked a "significant turning point" in M23's operations, as the armed group dramatically expanded the number of cities and villages under its control.[14] In January 2023, M23 forces

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[8] Obi Anyadike, *Goma Capture Sparks Fears of Deeper Regional Conflict as Rwanda-Backed Rebels Push South*, NEW HUMANITARIAN, (Jan. 31, 2025), https://www.thenewhumanitarian.org/news-feature/2025/01/31/drc-goma-capture-sparks-fears-deeper-regional-conflict-rwanda-backed-rebels-m23; Jason Stearns, *Rwanda's Troublemaking in DRC Would Be Easy to Stop*, FIN. TIMES, (Jan. 26, 2025), https://www.ft.com/content/8bae4ecd-9fd8-48c6-824c-41b929b640d7.

[9] Daniel Levine-Spound & Ari Tolany, *A Decade Ago, the Obama Administration Acted When the M23 Terrorized Eastern DRC. Will Biden Do the Same?*, JUST SEC. (Apr. 13, 2023), https://www.justsecurity.org/85966/a-decade-ago-the-obama-administration-acted-when-the-m23-terrorized-eastern-drc-will-biden-do-the-same/.

[10] Ida Sawyer et al., *"Special Mission" Recruitment of M23 Rebels to Suppress Protests in the Democratic Republic of Congo*, HUM. RTS. WATCH (Dec. 4, 2017), https://www.hrw.org/report/2017/12/04/special-mission/recruitment-m23-rebels-suppress-protests-democratic-republic; CONGO RESEARCH GROUP, *A Year After Its Defeat, Could the M23 Make a Comeback?* (Nov. 9, 2014), https://www.congoresearchgroup.org/en/2014/11/09/a-year-after-its-defeat-could-m23-make/.

[11] EBUTELI & CONGO RESEARCH GROUP, *The Resurgence of the M23: Regional Rivalries, Donor Policy, and a Stalled Peace Process*, 17 (Aug. 6, 2024), https://www.ebuteli.org/publications/rapports/the-resurgence-of-the-m23-regional-rivalries-donor-policy-and-a-stalled-peace-process.

[12] Rep. of the Grp. of Experts on the Dem. Rep. Congo, Letter dated 10 June 2022 from the Group of Experts extended pursuant to Security Council resolution 2582 (2021) addressed to the President of the Security Council, ¶ 60, U.N. Doc. S/2022/479 (June 14, 2022).

[13] Djaffar Sabiti & Stanis Bujakera, C*ongo Rebels Seize Eastern Border Town, Army Blames Rwanda*, REUTERS (June 13, 2022), https://www.reuters.com/world/africa/congo-rebels-seize-key-eastern-border-town-local-activists-say-2022-06-13/.

[14] Ladd Serwat, *The Resurgence and Alliances of the March 23 Movement (M23)*, ACLED, (Mar. 23, 2023), https://acleddata.com/report/resurgence-and-alliances-march-23-movement-m23.

captured the city of Kitchanga.[15] By July of the same year, the group had gained control of large parts of North Kivu province.[16]

16. As its territory has progressively expanded, M23 has consistently attacked FARDC positions and engaged in kinetic fighting with FARDC troops.[17] It has also regularly clashed with other armed groups fighting alongside the FARDC, including the Democratic Forces for the Liberation of Rwanda (**"FDLR"**).[18]

17. In late January 2025, M23 forces captured Goma, the capital of North Kivu, before going on to capture Bukavu, the capital of South Kivu, in February.[19] The UN described the attacks on Goma as "ravag[ing] the city, killing, injuring, traumatizing, and displacing civilians."[20] The M23 offensives also resulted in numerous combatant deaths, including the deaths of UN peacekeepers from South Africa, Malawi, and Uruguay.[21] Undoubtedly, however, it was civilians who "bore the brunt of the conflict."[22]

18. In November 2025, the government of the Democratic Republic of the Congo and M23 signed the Doha Framework Agreement for Peace.[23] But since then, both parties have continued to pursue offensive operations.[24] The UN Group of Experts on the DRC (**"UN GOE"**) reported that M23 increased mobilization efforts after the Doha Agreement. Moreover, M23 has continuously rejected the possibility of territorial withdrawal. After the signing of a Declaration of Principles in July 2025, the head of M23's delegation went so far as to claim that M23 would not withdraw "even a single meter [and that they] will stay where [they] are."[25]

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[15] HUM. RTS. WATCH, *supra* note 4.
[16] COUNCIL ON FOREIGN RELATIONS, *Conflict in the Democratic Republic of Congo*, *Global Conflict Tracker* (updated Nov. 12, 2026), https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo.
[17] Daniel Levine-Spound & Niku Jafarnia, *New Armed Conflict in DR Congo: A Renewed Call for Civilian Protection*, JUST SEC. (June 30, 2022), https://www.justsecurity.org/82155/newarmed-conflict-in-dr-congo-a-renewed-call-for-civilian-protection/.
[18] Group of Experts on the Democratic Republic of the Congo, *Final Report of the Group of Experts on the Democratic Republic of the Congo*, at 3, U.N. Doc. S/2025/446 (July 3, 2025).
[19] Carlos Mureithi, *M23 Militia's Advance in Eastern DRC Has Killed 7,000 Since January, UN Told*, THE GUARDIAN (Feb. 24, 2025), https://www.theguardian.com/world/2025/feb/24/m23-militias-advance-in-eastern-drc-has-killed-7000-since-january-un-told.
[20] Lesley Myers, *Crisis in DRC: UN Peacekeepers Protecting Civilians—and Themselves—from Large-Scale Offensive Operations by M23 Rebels*, U.N. PEACEKEEPING, (Jan. 29, 2025), https://peacekeeping.un.org/en/crisis-drc-un-peacekeepers-protecting-civilians-and-themselves-large-scale-offensive-operations-m23.
[21] Farouk Chothia, Natasha Booty & Wedaeli Chibelushi, *As It Happened: Missiles Fly over Homes and Bodies in Streets in DR Congo City*, BBC NEWS (Jan. 27, 2025), https://www.bbc.co.uk/news/live/c5y6j6gwgnzt.
[22] S/2025/446, *supra* note 18, at 2.
[23] MINISTRY OF FOREIGN AFF., STATE OF QATAR, *Signing of the Doha Framework for Peace Between the Government of the Democratic Republic of the Congo and the Congo River Alliance (M23 Movement)* (Nov. 15, 2025), https://mofa.gov.qa/en/latest-articles/statements/signing-of-the-doha-framework-for-peace-between-the-government-of-the-democratic-republic-of-the-congo-and-the-congo-river-alliance-(m23-movement).
[24] INT'L PEACE INFO. SERV., *Shifting Frontlines in 2026: New Year—Old Challenges: Hostilities in Eastern DRC Continue Amid Increased Diplomatic Efforts* (June 25, 2026), https://ipisresearch.be/publication/shifting-frontlines-in-2026-new-year-old-challenges-hostilities-in-eastern-drc-continue-amid-increased-diplomatic-efforts/.
[25] Christophe Rigaud, *RDC: Après Doha, le Retrait du M23 en Question [DRC: After Doha, the Withdrawal of the M23 in Question]*, AFRIKARABIA (July 20, 2025), https://afrikarabia.com/wordpress/rdc-apres-doha-le-retrait-du-m23-en-question/.

19. As of this writing, M23 currently controls large areas of North Kivu and South Kivu provinces.[26] And as discussed below, the armed group has radically transformed the areas under its control.

C. Collaboration with Rwanda

20. Since its reemergence, M23 has not fought alone. The UN GOE reported on the presence of the Rwandan military—the Rwanda Defence Force (**"RDF"**)—alongside M23 as early as November 2021.[27] The UN GOE reported in July 2022 that it had "solid evidence of the presence of, and military operations conducted by [RDF]."[28] It specified further that RDF, "either unilaterally or jointly with [M23] combatants, engaged in military operations against Congolese armed groups and FARDC positions."[29] RDF support has often been decisive. As the UN GOE noted, RDF military interventions across North Kivu "extended beyond mere support for M23 operations to direct and decisive involvement, allowing RDF and M23 to achieve military dominance in Petit Nord and rapid territorial expansion to the shores of Lake Edward."[30]

21. The RDF has played a critical role in facilitating M23's control of new territories through the provision of operational and military support, including the deployment and use of advanced military equipment such as jamming technology, short-range air defense systems, and armed drones.[31] And throughout the conflict, Rwanda has maintained a "significant military presence in eastern DRC and along the countries' shared border."[32] The UN GOE asserted as follows:

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[26] CONGO RESEARCH GROUP, *The M23: A Fractious, Entrenched Rebellion* (Apr. 2026), https://cic.nyu.edu/resources/the-m23-a-fractious-entrenched-rebellion/. It should be noted that in October 2026, M23 officially joined a new rebel alliance—the Front for the Refoundation of the Nation (FRN)—led by former Congolese President Joseph Kabila. Justin Kabumba & Saleh Mwanamilongo, *Congo's Former President Kabila Launches an Anti-Government Front including M23 Rebels,* ASSOCIATED PRESS (Oct. 13, 2026), https://apnews.com/article/congo-m23-rebels-kabila-tshisekedi-goma-f17c608d521bae51e1d0b811a33f1f61. This political development does not change the fact that M23 remains under UN sanctions as well as sanctions imposed by individual states. Indeed, the M23 was already part of a broader political alliance—the Congo River Alliance (AFC)—prior to the establishment of the FRN. Lastly, it should be noted that all of the alleged sanctions violations—and violations of international law more broadly—discussed in this memorandum occurred *before* the establishment of the FRN.

[27] Grp. of Experts on the Dem. Rep. of Congo, *supra* note 12; *see also* Morgane Le Cam, *Confidential UN Report Provides 'Solid Evidence' of Rwanda's Involvement in the East DRC*, LE MONDE (Aug. 5, 2022), https://www.lemonde.fr/en/international/article/2022/08/05/confidential-un-report-provides-solid-evidence-of-rwanda-s-involvement-inthe-east-drc_5992599_4.html.

[28] *UN Experts Say Rwanda Intervened Militarily in Eastern Congo*, REUTERS (Aug. 4, 2022), https://www.voanews.com/a/un-experts-say-rwanda-intervened-militarily-in-eastern-congo/6686670.html.

[29] Grp. of Experts on the Dem. Rep. of Congo, *Confidential Update: July 2022*, ¶ 43 (July 2022), https://s724f9301b480050b.jimcontent.com/download/version/1718913096/module/18127532596/name/DRC-RDF%2520and%2520M23-GOE_Report_-_July_2022_-_clean.pdf.

[30] Grp. of Experts on the Dem. Rep. of Congo*, Letter dated 31 May 2024 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council*, at 2, U.N. Doc. S/2024/432 (June 4, 2024).

[31] S/2025/446, *supra* note 18, at 2.

[32] *Conflict in the Democratic Republic of Congo, Global Conflict Tracker*, COUNCIL ON FOREIGN REL. (updated Sept. 29, 2026), https://www.cfr.org/global-conflict-tracker/conflict/violence-democratic-republic-congo.

> The Group obtained further evidence…confirming continued cross-border deployments of RDF and its reinforced presence in North and South Kivu, positioning on front lines and direct engagement in combat, including by taking the lead in anti-FDLR operations in Nyiragongo and Rutshuru territories.[33]

22. The UN GOE noted further that it "conservatively estimated that between 6,000 and 7,000 RDF personnel remained deployed across North and South Kivu, comprising at least two brigades and two special forces battalions."[34]

23. The Rwandan government has persistently denied supporting M23.[35] But evidence for RDF's military presence in eastern DRC—and support for M23—is overwhelming. Indeed, international actors have consistently condemned Rwanda for its ongoing military intervention in the DRC.[36]

24. M23's takeover of Goma in 2025 provides a good example. As M23 moved to take over the city, the RDF provided it with critical assistance, including indirect fire, aerial support, and drone strikes.[37] Following the city's capture, M23 and RDF forces conducted "operations marked by heavy clashes and widespread, systematic targeting of civilians."[38]

D. Pattern of Abuses and International Crimes Attributed to M23

25. M23 represents "one of the most significant contemporary challenges to peace and human rights in the DRC."[39] UN bodies and international NGOs have credibly accused the armed group of widespread human rights violations, including summary executions, rape and sexual violence, forced recruitment, and indiscriminate mortar and rocket attacks.[40] Since

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[33] Grp. of Experts on the Dem. Rep. of Congo, Letter dated 30 December 2025 from the Group of Experts on the Democratic Republic of the Congo addressed to the President of the Security Council, U.N. Doc. S/2025/858, ¶ 67 (Dec. 30, 2025).
[34] *Id.* ¶ 68.
[35] Emery Makumeno, Alfred Lasteck & Wycliffe Muia, *US Sanctions Rwanda's Military and Top Commanders over Fighting in DR Congo*, BBC NEWS (Mar. 3, 2026), https://www.bbc.com/news/articles/cr5l7zdnjgpo.
[36] Daniel Levine-Spound, *Fall of Goma: Why Rwandan Aggression in DR Congo Must Be Stopped*, NEW HUMANITARIAN (Feb. 3, 2025), https://www.thenewhumanitarian.org/opinion/2025/02/03/fall-drc-goma-why-rwanda-aggression-dr-congo-must-be-stopped; *see also* S.C. Res. 2773 (Feb. 21, 2025).
[37] Rep. of the Secretary-General, United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, U.N. Doc. S/2025/176, ¶ 19 (Mar. 20, 2025).
[38] S/2025/858, *supra* note 33, at 2.
[39] Roger-Claude Liwanga, *The Undead M23 and the International Human Rights Community's Responses*, GEORGETOWN J. INT'L AFFAIRS (April 25, 2025), https://gjia.georgetown.edu/human-rights-development/the-undead-m23-and-the-international-human-rights-communitys-responses/.
[40] AMNESTY INT'L, *DR Congo: Rwandan-Backed Armed Group and Congolese Army Must Stop Using Explosive Weapons in Densely Populated Areas* (Jan. 19, 2025), https://www.amnesty.org/en/latest/news/2025/01/dr-congo-rwandan-backed-armed-group-and-congolese-army-must-stop-using-explosive-weapons-in-densely-populated-areas/; HUM. RTS. WATCH, *DR Congo: Atrocities by Rwanda-Backed M23 Rebels* (Feb. 6, 2023), https://www.hrw.org/news/2023/02/06/dr-congo-atrocities-rwanda-backed-m23-rebels; U.N. SEC. COUNCIL, COMM., *M23*, https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/entity/m23; Rep. of the Sec. General, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, U.N. Doc. S/2025/176 (Mar. 20, 2025).

M23's takeover of Goma, the UN has identified a surge in grave violations of international human rights law and international humanitarian law,[41] including the forced displacement of internally displaced persons, torture, arbitrary detentions, and attacks against hospitals.[42] This section discusses several types of violations in turn.

a. Summary Executions

26. M23 has continuously engaged in summary executions in areas under its control. For instance, the UN Fact-Finding Mission on the Situation in the North and South Kivu Provinces of the Democratic Republic of the Congo (**"UNFFM"**) reported as follows:

> M23 members committed retaliatory killings immediately after seizing localities, targeting civilians, primarily men, suspected of collaborating with government forces. For example, several civilians were summarily executed in Minova, South Kivu, in January immediately after M23 took control. In June and July [2025], M23 summarily executed dozens of individuals following confrontations with government forces in Walungu and Kabare territories [in South Kivu], as apparent collective punishment.[43]

27. The UNFFM reported similar killings across North Kivu province. For instance, in Goma, M23 members "went from door to door rounding up local youth, allegedly for criminality, and killed most victims at point-blank range."[44] Among the reported killings, the UNFFM identified multiple instances in which M23 killed boys under the age of 18, as well as occurrences when M23 handed individuals suspected of crimes to mobs. At least some of these individuals were subsequently beaten to death or burned alive.[45]

28. Other UN bodies and NGOs have similarly documented widespread M23 extrajudicial killings. In a June 2024 report to the UNSC, the UN Secretary-General alleged that M23 was responsible for 85 summary executions between March and June 2024.[46] Human Rights Watch accused M23 of executing more than 140 civilians across more than a dozen villages in July 2025.[47] Citing UN sources, the UN GOE asserted in December 2025 that M23 had been the "main perpetrator" of summary executions, responsible for approximately 45% of summary executions across the DRC committed between April and October 2025.[48]

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[41] OFF. OF THE HIGH COMM'R FOR HUM. RTS., *Report of the OHCHR Fact-Finding Mission on the situation in North and South Kivu Provinces of the Democratic Republic of Congo*, U.N. Doc. A/HRC/60/80 (Sept. 5, 2025).
[42] *Id.* ¶ 38.
[43] *Id.* ¶ 30.
[44] *Id.* ¶ 32.
[45] *Id.* ¶ 35.
[46] Rep. of the Secretary-General, *United Nations Organization Stabilization Mission in the Democratic Republic of the Congo*, U.N. Doc. S/2024/482, ¶ 22 (June 20, 2024).
[47] HUM. RTS. WATCH, *DR Congo: M23 Mass Killings Near Virunga National Park* (Aug. 20, 2025), https://www.hrw.org/news/2025/08/20/dr-congo-m23-mass-killings-near-virunga-national-park.
[48] S/2025/858, *supra* note 33, ¶ 80.

b. Use of Explosives in Populated Areas

29. Amnesty International asserted that between January and July 2024, M23 used explosive weapons with wide-area effects in densely populated areas, in clear violation of the principles of international humanitarian law.[49] Amnesty International has argued that such attacks are likely to constitute war crimes.[50] The weapons used—ground-launched unguided rockets—are inaccurate and indiscriminate by nature. Their detonation in populated areas poses an "extremely high risk" of civilian casualties.[51] This increased use of explosives coincided with M23's large-scale offensive in North Kivu in January 2024, in which "[both M23 and FARDC] stepped up attacks…with little regard for civilians."[52]

30. The Secretary General of Amnesty International described "the devastating escalation in the use of explosive weapons" as a "dangerous development" in a conflict "already rife with human rights and humanitarian law violations."[53]

c. Attacks on Journalists, Civil Society Actors, and Human Rights Defenders

31. M23 is credibly accused of consistent attacks against human rights defenders in North and South Kivu. Between November 2025 and February 2026, several human rights defenders in the region were reportedly targeted in direct connection with their work.[54] The UN noted numerous allegations of "attempted killings, repeated kidnappings, torture, sexual violence and death threats."[55] M23 has also summarily executed activists, including Pierre Katema Byamungu and Delphin Katembo Vinywasiki in February 2025.[56]

32. UN and media reports also identify a "documented pattern of censorship"—enacted through violence, threats, and detention—instituted in M23-controlled regions against both the media[57] and civil society actors deemed unsupportive of the regime.[58] The latter are

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[49] AMNESTY INT'L, *supra* note 40. It should be noted that Amnesty International similarly accused the FARDC of using these weapons.
[50] *Id*.
[51] *Id*.
[52] *Id*.
[53] *Id*.
[54] U.N. HUM. RTS. OFF. OF THE HIGH COMM'R, *DRC: UN Experts Warn of Extreme M23 Violence Targeting Human Rights Defenders* (Feb. 26, 2026), https://www.ohchr.org/en/press-releases/2026/02/drc-un-experts-warn-extreme-m23-violence-targeting-human-rights-defenders.
[55] *Id*. The press release details several instances of human rights activists being targeted by M23: "Two women human rights defenders protesting forced expulsions of civilians in Uvira, South Kivu, were reportedly abducted and tortured by M23 elements;" "One woman human rights defender working on LGBT rights was abducted multiple times, severely tortured and continues to be aggressively pursued;" "a human rights defender was subjected to death threats and forced into hiding. Armed men allegedly raided his home, abducted and violently assaulted his spouse in an effort to force her to reveal his whereabouts;" "A young human rights defender from Goma, in North Kivu, was also reportedly threatened and forced into hiding following his public writings about killings of civilians in M23-controlled areas."
[56] HUM. RTS. WATCH, *Democratic Republic of Congo: Events of 2025*, https://www.hrw.org/world-report/2026/country-chapters/democratic-republic-of-congo (last visited Oct. 27, 2026).
[57] Lydia Namubiru, *Rebels Bar Media from Disaster Site*, THE CONTINENT (Feb. 7, 2026), https://continent.substack.com/p/rebels-bar-media-from-rubaya-disaster.
[58] S/2025/446, *supra* note 18, at 2.

reportedly often tortured or killed. A local journalist attested that no media was allowed access to the site of the landslide disaster near the town of Rubaya in early 2026, which reportedly resulted in hundreds of fatalities.[59]

33. Amnesty International asserted as follows:

> M23 has repeatedly detained, interrogated, intimidated, ill-treated, and, in at least two cases, tortured civil society members, human rights defenders and journalists. M23 representatives have stated publicly that they do not want civil society groups active in the areas they control, and all issues should be brought to them. Numerous human rights defenders, civil society activists, and journalists have fled to Kinshasa, DRC's capital, government-controlled areas, or neighbouring countries, including Burundi, Uganda, Tanzania, and Kenya. At least four defenders who have fled M23 controlled areas in eastern Congo have received threatening messages from M23 fighters or unidentified individuals.[60]

d. Torture and Ill-Treatment

34. M23 has been consistently accused of torturing individuals that it has captured or detained. Amnesty International reported that the armed group "has tortured and abducted scores of men…and tortured detainees."[61] The UNFFM similarly "confirmed widespread torture and other cruel, inhuman, or degrading treatments, including sexual violence, inflicted against individuals held in M23-run detention sites."[62]

35. The UNFFM elaborated as follows:

> Former detainees described being held incommunicado in severely overcrowded, unsanitary and poorly ventilated improvised locations and receiving insufficient food. One source reported not receiving food for a week, while another observed that weaker detainees were unable to reach the shared food quickly enough. Access to water and sanitary facilities was restricted, with detainees being forced to urinate through a hole in the shipping container in which they were held and to defecate in bags. Teenage children were held together with adults in equally inhumane and degrading conditions.
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> Some detainees were beaten every morning with whips or tree branches – in some cases with their arms tied behind their backs – until, according to victim accounts, they "could no longer move." Other detainees were beaten to death or otherwise executed, or died from the effects of injuries,

[59] Namubiru, *supra* note 57.
[60] AMNESTY INT'L, *DRC: "They Said We Would Die" M23 and Wazalendo Abuses in Eastern Congo* (Aug. 20, 2025), 25, https://www.amnesty.org/en/documents/afr62/0145/2025/en/.
[61] *Id*. at 3.
[62] A/HRC/60/80, *supra* note 41, ¶ 42.

> suffocation, illnesses and/or the lack of food and water. In some cases, detainees were stripped naked, doused with cold water and subjected to physical and psychological torture, such as being held at gunpoint until they confessed crimes they had not committed. Torture and other forms of ill-treatment were inflicted with the apparent intent to intimidate and punish.[63]

36. Other sources have found evidence of similar incidents. Individuals who M23 arrested and held in centers in Goma have attested to witnessing the summary execution, torture, and inhumane treatment of fellow detainees.[64] One media report stated that M23 whipped a man in detention so severely that he died a few days later.[65] In November 2025, the M23-appointed mayor of Goma ordered troops to beat civilians.[66]

e. Displacement of Civilians and Forcible Population Transfers

37. Eastern DRC hosts one of the world's largest displacement crises. Across the country, nearly seven million people are internally displaced.[67] In this already fragile context, M23's reemergence has been catastrophic. More than two million internal displacements have taken place due to the M23-FARDC conflict.[68] Many of these displaced individuals have limited access to food, clean water, and medicine.[69] Rates of sexual and gender-based violence have skyrocketed.[70]

38. M23 has also been credibly accused of forcibly displacing Congolese civilians. The UN reported that between April and October 2025, RDF and M23 forces carried out summary executions, arbitrary arrests and detentions, and the deliberate destruction and burning of civilian infrastructure, including homes and villages across North Kivu.[71] The advance triggered the mass displacement of civilians.[72]

39. After M23 took over Goma itself in January 2025, the group quickly moved to dismantle the internally displaced persons camps that had formed on the city outskirts.[73] M23 ordered thousands of people to return to their villages, despite the dire conditions and limited—or

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[63] *Id*. ¶¶ 42–43.
[64] S/2025/858, *supra* note 33, at 9.
[65] Semeni Kitoko, *M23 Sends Its Torture Mayor to the Naughty Step*, THE CONTINENT (Dec. 1, 2025), https://continent.substack.com/p/m23-sends-its-torture-mayor-to-the.
[66] *Id.*
[67] INT'L. ORG. FOR MIGRATION, *Democratic Republic of the Congo Displacement Tracking Matrix* (Apr. 2025), https://dtm.iom.int/dtm-insights/april-2025-edition/data-update-violence-and-crisis-democratic-republic-congo.
[68] Damian Uebersax, *M23 Conflict Caused Nearly 3 out of Every 4 Displacements in the DRC This Year*, INTERNAL DISPLACEMENT MONITORING CTR. (Sept. 23, 2024), https://www.internal-displacement.org/expert-analysis/m23-conflict-caused-nearly-3-out-of-every-4-displacements-in-the-drc-this-year/.
[69] *Id.*
[70] Daniel Levine-Spound, *The Democratic Republic of the Congo is in Crisis. Will the U.S. Government Protect Congolese Immigrants in the United States?*, JUST SEC., (May 28, 2024), https://www.justsecurity.org/96180/drc-temporary-protected-status/.
[71] *See generally* S/2025/858, *supra* note 33, ¶¶ 36-45.
[72] *Id.* at 11.
[73] HUM. RTS. WATCH, *DR Congo: M23 Drives Displaced People From Goma Camps* (Feb. 13, 2025), https://www.hrw.org/news/2025/02/13/dr-congo-m23-drives-displaced-people-goma-camps.

non-existent—access to humanitarian assistance.[74] M23 has also forcibly closed displacement camps in other areas in North Kivu and South Kivu, ordering civilians to immediately return to their villages.[75]

40. M23 has been implicated in the forced and voluntary return of thousands of Hutu civilians living in North Kivu to Rwanda, raising concerns about a deliberate campaign to reshape local demographics. In May 2025, for instance, M23 forces assembled more than 1,500 civilians from shelters around Goma and Sake and forcibly transferred them to the Lake Kivu Christian Center, a transit center for refugees in Goma.[76] Of these, more than 1,700 were subsequently transferred to Rwanda between May 17 and May 22.[77] Human Rights Watch noted that this appeared to be part of a broader operation against suspected members of the FDLR armed group.[78]

f. Forced Recruitment

41. In areas under its control, M23 has engaged in forced recruitment on a massive scale. Namely, it has conscripted Congolese civilians, as well as former FARDC and Congolese police, into its armed forces.[79] After M23's takeover of Goma and Bukavu in early 2025, for instance, the group "carried out large-scale forced recruitment and other operations in areas under its control, detaining thousands of Congolese soldiers and militia members, and increasingly civilians, subjecting them to inhumane and life-threatening treatment."[80] According to Human Rights Watch, recruited individuals reported abusive treatment in M23 "training camps," including widespread executions, torture, and lack of access to food and water.[81] Those who sought to escape or witnessed others' attempts reported being subjected to executions via whipping and gunshots, physical abuse, and torture.[82]

42. Other organizations have similarly reported widespread forced recruitment. The UNFFM, for instance, observed as follows:

> Thousands of civilians, including adolescent girls and boys, were forcibly recruited after being detained during search operations. Many were coerced into joining M23, fearing for their lives or retaliation against their families, with witnesses reporting that some recruits had to enlist after seeing others being brutally beaten, sometimes to death.[83]

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[74] *Id.*
[75] *Id.*
[76] HUM. RTS. WATCH, *DR Congo: M23 Armed Group Forcibly Transferring Civilians* (June 18, 2025), https://www.hrw.org/news/2025/06/18/dr-congo-m23-armed-group-forcibly-transferring-civilians.
[77] *Id*.
[78] *Id*.
[79] Clémentine de Montjoye, *"Death Was Everywhere": Arbitrary Detention, Killings, and Forced Recruitment by the M23 and the Rwanda Defence Force*, HUM. RTS. WATCH (June 10, 2026), https://www.hrw.org/report/2026/06/10/death-was-everywhere/arbitrary-detention-killings-and-forced-recruitment-by-the.
[80] *Id.*
[81] *Id.*
[82] *Id*.
[83] A/HRC/60/80, *supra* note 41, ¶ 45.

43. The UN GOE similarly reported, in its July 2025 report, that more than 7,000 recruits were undergoing training—thousands of whom joined under duress.[84]

44. M23 has not only forcibly recruited adults. The armed group has been credibly accused of forcibly recruiting large numbers of adolescents under the age of 18, including children as young as 12.[85]

g. Risks to Civilians and Peacekeepers in the Immediate Aftermath of the Offensive on Goma

45. The M23 takeover of Goma in early 2025 resulted in a major increase in insecurity across the city.[86] Notably, "weapons proliferation, looting, reports of targeted killings and other serious violations and abuses" and a "surge in vigilante justice, fueled by escaped prison detainees and other armed actors, further destabilized the security environment and heightened the risk of public unrest."[87] The fighting significantly disrupted critical civilian infrastructure, including water and electricity supplies and medical services.[88]

46. The ensuing casualties overwhelmed Goma's hospital facilities. The DRC's Ministry of Public Health, Hygiene and Social Welfare recorded 773 bodies in morgues in and around Goma, with 2,880 wounded between January 26 and January 30, 2025.[89] Nearby hospitals lacked "adequate medical supplies, fuel and staff to manage the growing influx of patients."[90] Several referral hospitals were destroyed in the conflict, and the fighting disrupted the supply of medicine and medical equipment.[91] Uncollected bodies in the streets of Goma and in Lake Kivu contributed to the risk of epidemics.[92]

47. The fighting also affected the operations of the UN Peacekeeping Mission in the DRC (**"MONUSCO"**) and humanitarian personnel. Due to dangers to peacekeepers, restrictions imposed by M23 on MONUSCO's freedom of movement, and M23 control of the Goma airport, MONUSCO faced significant obstacles in conducting its operations.[93] MONUSCO bases, some of which were hit by mortars and bullets during the offensive on Goma, could

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[84] S/2025/446, *supra* note 18, ¶¶ 23-24.
[85] de Montjoye, *supra* note 79.
[86] S/2025/176, *supra* note 37, ¶ 20.
[87] *Id*.
[88] *Id.*
[89] REUTERS, *Congo Health Ministry Says 773 Bodies in Goma Hospital Morgues* (Feb. 1, 2025), https://www.reuters.com/world/africa/fighting-stalls-east-congo-troops-push-back-rwanda-backed-rebels-2025-02-01/.
[90] U.N. NEWS, *Hospitals Overwhelmed in DR Congo, Food Running Out: Goma Faces "Devastation"* (Jan. 30, 2025), https://news.un.org/en/story/2025/01/1159631.
[91] Olivier Mukuku & Kaymarlin Govender, *Goma's Unfolding Crisis: The Humanitarian Catastrophe and Its Devastating Public Health Consequences in the Eastern Democratic Republic of the Congo*, 10 BMJ GLOB. HEALTH (2025) at 1, https://doi.org/10.1136/bmjgh-2025-019719.
[92] S/2025/446, *supra* note 18, at 172.
[93] S/2025/176, *supra* note 37, ¶ 22.

not accommodate the large numbers of people in need of safety.[94] During the Goma offensive, three peacekeepers were killed, and 37 were injured.[95] In the immediate aftermath of the capture of Goma, aid workers were unable to leave their shelters.[96] M23's seizure of the airport further impeded aid delivery,[97] and food supplies ran dangerously low in the offensive's aftermath.[98] Additionally, disruptions in supply chains and facilities hampered NGO response efforts in and around Goma.[99]

E. Establishment of a Parallel System of Public Administration

48. M23 has profoundly reshaped areas under its control. Notably, the group has established parallel governance administrations, placed its supporters in key governance roles, and established illicit revenue-generating schemes, including forced labor and roadblocks.[100] At the broadest level, M23 has established itself as the *de facto* governing authority in large parts of North and South Kivu.[101]

49. The M23 *de facto* administration has usurped core state functions, including issuing new property and land management laws, instituting reforms to state infrastructure, and controlling entry to and exit from the territories under M23's control by stamping passports and issuing visas.[102] M23 has also announced reforms to the educational system and ordered universities in the territories under its control to sever ties with the Congolese government.[103] The armed group has established courts and tribunals, appointed magistrates, and even claims to have instituted a "transitional justice mechanism."[104]

50. M23 has also occupied public buildings and destroyed archives to erase evidence of property rights and land tenure. UN investigators noted that such measures are "laying the groundwork for demographic and land-control changes," with a view to "the return from Rwanda to North and South Kivu of all Congolese refugees [currently in Rwanda]."[105]

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[94] Lesley Myers, *Crisis in DRC: UN Peacekeepers Protecting Civilians—and Themselves—from Large-Scale Offensive Operations by M23 Rebels*, U.N. PEACEKEEPING (Jan. 29, 2025), https://peacekeeping.un.org/en/crisis-drc-un-peacekeepers-protecting-civilians-and-themselves-large-scale-offensive-operations-m23.
[95] S/2025/446, *supra* note 18, ¶ 80.
[96] U.N. NEWS, *supra* note 90.
[97] Ian Aikman & Malu Cursino, *DR Congo Rebels Close in on Key City as 13 Peacekeepers Killed*, BBC NEWS (Jan. 26, 2025), https://www.bbc.com/news/articles/c2l07e550qko; U.N. NEWS, *supra* note 90.
[98] HUM. RTS. WATCH, *Rwanda: Ensure Humanitarian Aid Reaches Goma* (Jan. 31, 2025), https://www.hrw.org/news/2025/01/31/rwanda-ensure-humanitarian-aid-reaches-goma; U.N. NEWS, *supra* note 90.
[99] Monika Pronczuk, *'No Safe Place to Go to from Goma' for Millions as Humanitarian Crisis Looms in Eastern Congo City*, ASSOCIATED PRESS (Jan. 28, 2025), https://apnews.com/article/e80e7abf3ecf3623584abee0ef564e67.
[100] Daniel Levine-Spound, *Rwanda's Aggression in Eastern Democratic Republic of the Congo: Avenues for Accountability*, 67 HARV. INT'L L.J. 130, 155 (2026).
[101] For instance, M23 has appointed territorial administrators, mayors, bourgmestres, and "mine delegates" loyal to the armed group, in addition to the establishment of its own police force. In North Kivu, M23 has established customary and administrative services as well as taxation and military recruitment structures. *See* S/2025/446, *supra* note 18, at 2, 11; S/2025/176, *supra* note 37, at 5; S/2025/858, *supra* note 33, ¶ 28.
[102] S/2025/858, *supra* note 33, ¶ 31.
[103] *Id*.
[104] *Id*. ¶ 33.
[105] S/2025/446, *supra* note 18, ¶ 27.

Since M23's takeover, Goma has experienced an economic crisis, due in part to the closure of banks and microfinance institutions.[106] Meanwhile, M23 established parallel fiscal and financial structures with the aim of "sustaining revenue collection" and "managing liquidity."[107]

51. In the 2025 Doha Framework for a Comprehensive Peace Agreement, M23 and the Congolese government mutually accepted "the full restoration of State authority over the entire national territory."[108] But M23 has continued to advocate for a federal system that would allow it to maintain power in areas under its control. And the armed group has pushed forward in its efforts "to build its parallel State-like structure and its army towards that long-term objective."[109]

F. Manzi Willy Ngarambe

1. Background

52. By his own account, Ngarambe was born in 1985 in Kalehe Territory, South Kivu, DRC.[110] He claims to be a Congolese Tutsi whose early childhood was shaped by persecution targeting Tutsis and other Kinyarwanda-speaking communities in eastern DRC.[111] He further maintains that, because of his family's ethnicity, he was denied recognition as a Congolese citizen.[112] He alleges that regional violence in the aftermath of the 1994 Rwandan Genocide—also known as the Genocide against the Tutsi—ultimately forced his family to flee when he was eight years old, though this chronology appears inconsistent with his reported birth year of 1985.[113]

53. Ngarambe reports that his uncle was killed and that his father disappeared after Congolese government forces arrested him while his family was attempting to flee.[114] Another source

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[106] Ajabu Adolphe, *Banks Shut, Futures Uncertain One Year After M23 Rebels Seized DRC's Goma*, AL JAZEERA (Jan. 29, 2026), https://www.aljazeera.com/features/2026/1/29/banks-shut-futures-uncertain-one-year-after-m23-rebels-seized-drcs-goma.
[107] S/2025/858, *supra* note 33, ¶ 32.
[108] The Doha Framework for a Comprehensive Peace Agreement between the Government of the Democratic Republic of the Congo and the Alliance Fleuve Congo/March 23rd Movement (AFC/M23), Protocol 2(a), "Restoration of State Authority" (Doha, Nov. 15, 2025).
[109] S/2025/858, *supra* note 33, ¶ 16.
[110] THE LONG FORM PODCAST, *He FLED Congo as a Child. Now He's Back as Vice* Governor | *M23's Manzi Willy Ngarambe is DEFIANT!,* YOUTUBE (May 26, 2025), at 54:00, https://www.youtube.com/watch?v=uzepogzHFY4; Wycliffe Nyamasege*, From Refugee to Vice Governor: Manzi Ngarambe on Rebuilding North Kivu, Restoring Identity*, IGIHE (May 26, 2025), https://en.igihe.com/politics-48/article/from-refugee-to-vice-governor-manzi-ngarambe-on-rebuilding-north-kivu-restoring.
[111] Nyamasege, *supra* note 110.
[112] THE LONG FORM PODCAST, *supra* note 110, at 54:00.
[113] Vincent Larouche, *De Gatineau à la Rébellion en République Démocratique du Congo: un Canadien Parmi les Leaders Rebelles du Groupe M23*, LA PRESSE, (July 5, 2025), https://www.lapresse.ca/international/afrique/la-presse-en-rdc/un-canadien-parmi-les-leaders-rebelles/2025-07-05/groupe-m23/de-gatineau-a-la-rebellion-en-republique-democratique-du-congo.php; THE LONG FORM PODCAST, *supra* note 110, at 1:02:00.
[114] THE LONG FORM PODCAST, *supra* note 110, at 58:30; Nyamasege, *supra* note 110.

reports that Hutu militias operating in the region may have killed his father.[115] According to Ngarambe, his family's first attempted escape resulted in their capture and detention, although they later succeeded in reaching Rwanda.[116] He describes his family subsequently living in Nkamira transit camp and Mudende refugee camp in northwestern Rwanda before Ngarambe relocated to Uganda for secondary school.[117] There, he resided in the Nakivale refugee settlement, where he claims to have worked as an interpreter for the International Organization for Migration and the Embassy of the Netherlands in Kampala.[118]

54. After spending years in refugee camps across the region, Ngarambe arrived in Canada in 2013 and settled in the Ottawa area, where he was granted political asylum and later acquired Canadian citizenship.[119] In 2016, he married Dianne Grace Ngarambe Nosworthy, and in 2020 the couple purchased a home in Gatineau, Québec.[120] Ngarambe reports that he holds only Canadian nationality and that his wife and three children continue to reside in Gatineau.[121]

55. While in Canada, Ngarambe worked as a security guard and subsequently began working in information technology.[122] In February 2024, he established CorriCyber Inc., a corporation based in Orléans, Ontario, that has since been dissolved due to non-compliance.[123] He also claims to own companies operating in the mining and paint sectors in Uganda and DRC, and has stated that he maintains interests in gold trading and plans to expand into gold mining.[124] Further examination is required to understand the extent, if any, to which these reported business interests intersect with Ngarambe's role within M23.

56. In parallel, Ngarambe reportedly participated in Canadian civil society initiatives.[125] He and his wife served as directors of Heroes of Peace, a non-profit organization incorporated

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[115] Christian Putsch, *In Kanada Hatte er Bürojob und Familie – Dann Rekrutierten ihn die Rebellen*, WELT (Feb. 26, 2025), https://www.welt.de/politik/ausland/article255545038/Kongo-In-Kanada-hatte-er-Buerojob-und-Familie-dann-rekrutierten-ihn-die-Rebellen.html.
[116] THE LONG FORM PODCAST, *supra* note 110, at 1:18:30; Nyamasege, *supra* note 110.
[117] *Id.*
[118] THE LONG FORM PODCAST, *supra* note 110, at 1:20:00; Nyamasege, *supra* note 110; *Sharing with Susan B Interview, Manzi Willy says Nothing is Permanent - Vulnerability in Business Leadership*, YOUTUBE (Feb. 9, 2020), at 1:15, https://www.youtube.com/watch?v=vTgy4OhW1K8.
[119] Larouche, *supra* note 113; THE LONG FORM PODCAST, *supra* note 110; Nyamasege, *supra* note 110.
[120] Christiane Joannisse & Jonathan to Dianne Grace Ngarambe Nosworthy & Manzi Willy Ngarambe, *Deed of Sale* (Oct. 16, 2020) (before Mtre Patrick Botelho, Notary, Gatineau, Québec), Québec Land Registry, Instrument No. 20B17850478.
[121] Larouche, *supra* note 113.
[122] *Id.*; SHARING WITH SUSAN B INTERVIEW, *supra* note 118, at 1:30; Nyamasege, *supra* note 110.
[123] *See Federal Corporation Information – CorriCyber Inc. Corporation Number 1574796-1,* Innovation, Science and Economic Development Canada, https://ised-isde.canada.ca/cc/lgcy/fdrlCrpDtls.html?corpId=15747961 (last visited Nov. 12, 2026).
[124] SHARING WITH SUSAN B INTERVIEW, *supra* note 118, at 11:30.
[125] Larouche, *supra* note 113.

in 2017 and dissolved in 2025.[126] During his time in Canada, Ngarambe also gradually began mobilizing members of the diaspora in support of M23.[127]

2. Position/Role within M23

a. Coordinator in Charge of AFC/M23 diaspora

57. Prior to his appointment as M23's "Deputy Governor" of North Kivu, Ngarambe had already assumed a formal role within M23's governing structure. In June 2024, M23 president Bertrand Bisimwa appointed him "Coordinator in charge of AFC/M23 diaspora,"[128] tasking Ngarambe with leading efforts to revitalize the movement's diaspora structures.[129] This appointment was publicly announced on June 10, 2024, and drew scrutiny given Ngarambe's reported refugee status in Canada.[130] According to *Kivu Morning Post's* reporting, a senior officer of the United Nations High Commissioner for Refugees (**"UNHCR"**) responded that the UNHCR was verifying reports concerning Ngarambe's appointment and emphasized the obligation of refugees to comply with the laws of their host countries.[131]

58. Throughout 2024, statements from M23 officials regularly identified Ngarambe as a key figure in mobilizing diaspora support for the movement.[132] Innocent Munyemana, an M23 official involved in mobilization efforts, described Ngarambe as instrumental in rallying diaspora communities internationally behind AFC/M23, stating that "the movement noticed him and elevated him because he is competent."[133] In a subsequent interview, Ngarambe said he had spent years engaged in diaspora activism on M23's behalf and had travelled extensively in the United States and elsewhere promoting the M23 cause.[134]

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[126] *See Federal Corporation Information – Heroes of Peace Corporation Number 10455474*, Innovation, Science and Economic Development Canada, https://ised-isde.canada.ca/cc/lgcy/fdrlCrpDtls.html?Open=1&corpId=10455474&wbdisable=true (last visited Nov. 12, 2026).
[127] Larouche, *supra* note 113.
[128] S/2025/446, *supra* note 18, at 76; THE INDEPENDENT UGANDA, *M23 Appoint Manzi Ngarambe to Target Diaspora* (June 11, 2024), https://www.independent.co.ug/m23-appoint-manzi-ngarambe-to-target-diaspora/; Samuel Amanya, *Willy Manzi Ngarambe Appointed M23 Coordinator in Charge of Diaspora*, UGANDA RADIO NETWORK (June 11, 2024), https://ugandaradionetwork.net/story/willy-manzi-ngarambe-appointed-m23-coordinator-in-charge-of-diaspora.
[129] Larouche, *supra* note 113.
[130] *See, e.g., id.*
[131] Blaise Basabose, *RDC: le HCR Réagit aux Inquiétudes de la Société Civile sur la Nomination de Willy Manzi Ngarambe au Sein du M23,* KIVU MORNING POST (June 21, 2024), https://kivumorningpost.com/2024/06/21/rdc-le-hcr-reagit-aux-inquietudes-de-la-societe-civile-sur-la-nomination-de-willy-manzi-ngarambe-au-sein-du-m23/.
[132] S/2025/446, *supra* note 18, at 76; Larouche, *supra* note 113.
[133] Larouche, *supra* note 113.
[134] THE LONG FORM PODCAST, *supra* note 110, at 7:00.

b. "Deputy Governor" of North Kivu

59. As noted, M23 seized control of Goma in late January 2025.[135] According to Ngarambe, he received a phone call from General Sultani Makenga, M23's military chief, several days after the takeover, instructing him to travel immediately to the DRC.[136] Ngarambe stated that he had initially expected to travel later to attend military and ideological training, during which diaspora members from various countries were instructed to persuade young people in their respective countries to support the M23 cause.[137] Instead, he departed for the DRC the following morning.[138]

60. On February 5, 2025, approximately ten days after M23 captured Goma and two days after Ngarambe arrived in the city, he was appointed "Deputy Governor" of North Kivu, responsible for Political, Administrative, and Legal Affairs.[139] Concurrently, M23 appointed other individuals to high-level political positions.[140] These appointments marked another step in M23's efforts to establish and maintain a parallel administration in territories under its control.[141]

61. Soon after his appointment, Ngarambe publicly addressed residents of Goma and participated in inauguration ceremonies organized by M23 leadership.[142] In an interview following his appointment, Ngarambe indicated that he received stipends for his work.[143]

3. Alleged Conduct

62. Ngarambe's conduct demonstrates sustained political, administrative, and organizational support for M23. Through his roles as Coordinator in Charge of M23 Diaspora and later as

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[135] *See* Vincent Larouche, *Le minerai de Toutes les Convoitises*, LA PRESSE (July 5, 2025), https://www.lapresse.ca/international/afrique/la-presse-en-rdc/un-canadien-parmi-les-leaders-rebelles/2025-07-05/le-minerai-de-toutes-les-convoitises.php; *see also* Zobel Behalal, *The War for Congo's Wealth,* GLOBAL INITIATIVE AGAINST TRANSNATIONAL ORGANIZED CRIME (Jan. 27, 2025), https://globalinitiative.net/analysis/m23-organized-crime-rwanda-congo-drc-goma-conflict/.

[136] THE LONG FORM PODCAST, *supra* note 110, at 7:00.

[137] *Id*.

[138] *Id*.

[139] S/2025/446, *supra* note 18, at 76, 81, 87; Larouche, *supra* note 113; Tito Hare (@harerimana_tito), X, (Feb. 5, 2025, at 12:46 ET), https://x.com/harerimana_tito/status/1887196074479395212; THE LONG FORM PODCAST, *supra* note 110, at 4:30; EDITOWEB, *L'Est de la RDC Sous Tension: l'AFC/M23 Instaure une Administration Parallèle à Goma* (June 2, 2025), https://www.editoweb.eu/L-Est-de-la-RDC-sous-tension-l-AFC-M23-instaure-une-administration-parallele-a-Goma_a42513.html; AFRICA UPDATE, *M23 Rebels Appoint Joseph Bahati Musanga as the Governor of North Kivu*, OMNY.FM (Feb. 6, 2025), https://omny.fm/shows/africa-update/m23-rebels-appoint-joseph-bahati-musanga-as-the-go.

[140] THE INDEPENDENT, *M23 Appoints Colonel Bahati Musanga North Kivu Governor* (Feb. 6, 2025), https://www.independent.co.ug/m23-appoints-colonel-bahati-musanga-north-kivu-governor; *see* ACTUALITÉ.CD, *Sud-Kivu: comme à Goma, l'AFC/M23 installe une administration parallèle à Bukavu* (Feb. 28, 2025), https://actualite.cd/2025/02/28/sud-kivu-comme-goma-lafcm23-installe-une-administration-parallele-bukavu; *see also* Yale Ford & Liam Karr, *M23's State-Building Project: Africa File Special Edition*, CRITICAL THREATS PROJECT (Sept. 9, 2025), https://www.criticalthreats.org/analysis/m23s-statebuilding-project-rwanda-drc-africa-file-special-edition.

[141] *Id.*

[142] Larouche, *supra* note 113.

[143] *The Long Form Podcast*, *supra* note 110, at 32:00.

"Deputy Governor" of North Kivu, he has contributed to the movement's international recruitment and mobilization efforts, participated in the administration and governance of territory under M23 control, and publicly promoted and advocated for M23's political objectives. Ngarambe's activities, therefore, cannot be disconnected from M23's broader efforts.

a. Mobilization and Recruitment Activities

63. Prior to assuming office within M23's governing administration in North Kivu, Ngarambe played a leading role in mobilizing support for M23 among diaspora communities in Canada, the United States, and Europe.[144] Reporting indicates that diaspora structures operating under his coordination were used to build political support for the movement abroad, particularly among Congolese communities in Europe and North America.[145]

64. As "Deputy Governor," Ngarambe held a senior leadership role within M23 while the group continued to undertake mobilization efforts. Specifically, UN reporting indicates that, during Ngarambe's tenure as "Deputy Governor," diaspora youth from Europe, Canada, and the United States travelled to eastern DRC for military and ideological training linked to M23. According to the UN GOE, recruits from Belgium, Poland, the United Kingdom, Norway, and Germany attended ideological training in Eastern DRC before returning to their countries of residence, where they were tasked with encouraging and persuading other youth to support the M23 cause.[146]

b. Administration of North Kivu and Parallel Governance Structures

65. By accepting the position of "Deputy Governor," Ngarambe assumed a senior role within the M23 administration in North Kivu.[147] Multiple reports also identify him as a senior political figure within M23's parallel administration.[148]

66. As "Deputy Governor," Ngarambe participates in and promotes M23's parallel administration. He publicly stated that M23 had begun issuing passport stamps as part of the armed group's efforts to regulate access to territories under its control.[149] He further indicated that his administration had implemented or planned reforms relating to transportation, water, electricity, and internet infrastructure.[150]

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[144] S/2025/446, *supra* note 18, at 76; THE LONG FORM PODCAST, *supra* note 110, at 7:00.
[145] S/2025/446, *supra* note 18, at 76.
[146] *Id*.
[147] *See* Larouche, *supra* note 113; Christian Putsch, *Wie ein IT-Manager aus Kanada von den Rebellen im Kongo zum Vize-Gouverneur Ernannt Wurde*, DER STANDARD (Mar. 1, 2025), https://www.derstandard.at/story/3000000259331/wie-ein-it-manager-aus-kanada-von-den-rebellen-im-kongo-zum-vize-gouverneur-ernannt-wurde ("As vice-governor of North Kivu province, Mr. Manzi is at the heart of this new power which dreams of negotiating agreements with major powers regarding the country's immense wealth, including critical minerals used in the manufacture of smartphones, electric cars and computers.").
[148] *Id.*
[149] THE LONG FORM PODCAST, *supra* note 110.
[150] Larouche, *supra* note 113.

67. In media interviews, he has commented on governance, economic administration, banking access, and the reopening of the M23-backed *Caisse Générale d'Épargne du Congo* bank in Goma.[151] He has also encouraged foreign commercial engagement in M23-controlled territories, including by inviting Canadian businesses to invest and suggesting that contracts could be granted to foreign companies operating in areas administered by M23.[152] Such conduct appears aimed at facilitating economic activity and investment with a sanctioned entity despite existing international restrictions.

c. Defense of Military Activities

68. Ngarambe assumed senior leadership roles within M23 during a period of continued military expansion that resulted in civilian casualties and mass displacement.[153] As noted above, credible organizations have documented and condemned alleged abuses committed by M23.[154]

69. Ngarambe has publicly defended M23's military operations and rejected allegations of abuses.[155] In media interviews, he has challenged the credibility of UN reporting on M23.[156] Ngarambe also defended attacks carried out by M23 on civilian infrastructure, including a March 2026 strike on Kisangani airport, which he justified as a response to the Congolese government's alleged attacks on civilians.[157]

d. Seizure of Public and Private Property

70. The UN GOE identified Ngarambe as one of several M23 leaders involved in the seizure and redistribution of public and private property, including property belonging to civil society leaders.[158] The group reported that M23 occupied public buildings, destroyed administrative and land records, and expropriated private residences.[159] In one documented case, M23 officials forced the family of a prominent civil society actor from Rutshuru to vacate their home, seized the property and its contents, and subsequently occupied the residence. The group corroborated that Ngarambe and other M23 leaders later occupied the property.[160]

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[151] Nyamasege, *supra* note 110; THE LONG FORM PODCAST, *supra* note 110.
[152] Larouche, *supra* note 113.
[153] S/2025/858, *supra* note 33, ¶¶ 38–40.
[154] *Id*. ¶¶ 38–44.
[155] *See, e.g.,* Putsch, *supra* note 147; *see also* THE LONG FORM PODCAST, *supra* note 110.
[156] *Id*.
[157] Bridget Nsimenta, *M23 Claims Drone Strike on Kisangani Airport*, NILE POST (Mar. 3, 2026), https://nilepost.co.ug/news/324605/m23-claims-drone-strike-on-kisangani-airport.
[158] S/2025/446, *supra* note 18, at 88.
[159] *Id.*
[160] *Id.* at 87.

III. Applicable Legal Framework and Analysis

A. M23's Status Under the UN Security Council's Sanctions Regime

1. Development of the UNSC Sanctions Regime in the DRC

71. The UNSC adopted its modern sanctions regime to target armed groups in eastern DRC, particularly in the provinces of North Kivu, South Kivu and Ituri.[161] The UNSC had intervened in the region for more than half a century.[162] Three resolutions, however, structure the international community's current method of identifying and sanctioning perpetrators of violence in the DRC.

72. On July 28, 2003, the UNSC passed Resolution 1493, condemning state and non-state actors sustaining the armed conflict in eastern DRC.[163] Resolution 1493 particularly singles out M23's predecessor—*Rassemblement Congolais pour la Démocratie-Goma* **("RDC-Goma")**,[164] another armed group operating under Rwandan control—as a key perpetrator of the violations.[165] Notably, Resolution 1493 established an arms embargo, requiring that all states take necessary measures to prevent the provision of weapons—as well as "assistance, advice, or training related to military activities"—to "all foreign and Congolese armed groups and militias" in the DRC's North Kivu, South Kivu, and Ituri provinces.[166]

73. On March 12, 2004, the UNSC passed Resolution 1533 to systematize its enforcement of the arms embargo it had declared the prior year.[167] In doing so, the UNSC established twin institutions—a "Group of Experts" tasked with monitoring arms trade and other humanitarian concerns in the DRC, and a "Committee" tasked with facilitating the UNSC's embargo—to ensure the success of its interventions.[168]

74. On April 18, 2005, the UNSC promulgated Resolution 1596, expanding and clarifying its interventions in the DRC. The UNSC urged all States to conduct inquiries into the activities of their nationals who operated or were associated with the trafficking of arms in the DRC

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[161] S.C. Res. 1399, Preamble, (Mar. 19, 2002).
[162] *See, e.g.,* S.C. Res. 161 (Feb. 21, 1961).
[163] S. C. Res. 1493, ¶ 14 (July 28, 2003). At ¶ 20, the resolution mandates that all states enforce a 12-month moratorium on the sale of weapons to all foreign and Congolese armed groups operating in the region. At ¶ 8, the UNSC justified its new arms embargo by calling member states' attention towards allegations of "acts of violence systematically perpetrated against civilians, including massacres . . . [and] sexual violence against women and girls."
[164] S.C. Res. 1493, *supra* note 163, ¶¶ 8, 20.
[165] S. C. Res. 1493, *supra* note 163, ¶ 14; *see* Jason Stearns, *From CNDP to M23: The Evolution of an Armed Movement in Eastern Congo*, RIFT VALLEY INST. (2012), https://riftvalley.net/wp-content/uploads/2018/06/RVI-Usalama-Project-1-CNDP-M23.pdf.
[166] S. C. Res. 1493, *supra* note 163, ¶ 20.
[167] S.C. Res. 1533, ¶ 1 (Mar. 12, 2004).
[168] *Id*. Preamble, ¶¶ 8, 10. In response to inconsistent adherence to Resolution 1493, the UNSC called for all member states to cooperate with the Committee as well as giving the Committee broad powers to gather information, seek responses from States, and take appropriate actions to ensure compliance with the embargo. The UNSC highlighted concerns about the "continuing illicit flow of weapons," "the illegal exploitation of natural resources," and the "climate of insecurity" in North and South Kivu and in Ituri.

to armed groups enumerated by the UNSC's Committee.[169] The Resolution also added mobility and financial constraints aimed at disrupting arms networks.[170] It called on states to bar entry or transit for individuals implicated in the embargo's violation,[171] and to freeze their financial assets and economic resources.[172] In parallel, it required states to prevent their nationals and persons within their jurisdiction from making funds or economic resources available to listed individuals, thereby targeting both direct support and facilitation.[173] For the purposes of these measures, "implicated persons" included those directly involved in military activities in the DRC as well as those providing financial assistance connected to such activities.[174]

2. The Current UNSC Sanctions Regime in the DRC

75. Resolutions 1493, 1533, and 1596 have served as scaffolding for the UNSC's interventions in the DRC for more than two decades. Once exclusively an arms embargo, the UNSC's sanctions regime has grown into a sophisticated mechanism for targeting violators of international law who work against the broader project of peace and stability in the DRC. Procedurally, the UNSC must consistently pass new resolutions for its sanctions regime to remain in effect. The UNSC has successfully renewed its sanctions regime regularly since the passage of Resolution 1493 in 2003.[175]

76. Under the current UNSC sanctions regime, states must sanction any person or entity designated by the Committee for acts that undermine the peace, stability, or security of the DRC. Sanctionable acts may be perpetrated by the political or military leaders of non-state armed groups[176] who impede disarmament, recruit children into armed conflict,[177] direct or commit violations of international human rights or international humanitarian law,[178] obstruct the distribution of humanitarian assistance,[179] illicitly trade natural resources,[180] attack UN[181] or humanitarian personnel,[182] use improvised explosive devices,[183] act on

[169] S. C. Res. 1596, ¶ 12 (Apr. 18, 2005).
[170] *Id.* ¶¶ 12–15.
[171] *Id*. ¶ 13.
[172] *Id*. ¶ 15.
[173] *Id.*
[174] *Id*. ¶ 1.
[175] S.C. Res. 1552, ¶ 2 (July 27, 2004); S.C. Res. 1616, ¶ 2 (July 29, 2005); S.C. Res. 1698, ¶ 13 (July 31, 2006); S.C. Res. 1771, ¶ 1 (Aug. 10, 2007); S.C. Res. 1807, ¶ 2 (Mar. 31, 2008); S.C. Res. 1857, ¶ 4 (Dec. 22, 2008); S.C. Res. 1896, ¶ 1 (Nov. 30, 2009); S.C. Res. 1952, ¶ 1 (Nov. 29, 2010); S.C. Res. 2021, ¶ 1 (Nov. 29, 2011); S.C. Res. 2078, ¶ 1 (Nov. 28, 2012); S.C. Res. 2136, ¶ 1 (Jan. 30, 2014); S.C. Res. 2198, ¶ 1 (Jan. 29, 2015); S.C. Res. 2293, ¶ 1 (June 23, 2016); S.C. Res. 2360, ¶ 1 (June 21, 2017); S.C. Res. 2424, ¶ 3 (June 29, 2018); S.C. Res. 2478, ¶ 1 (June 26, 2019); S.C. Res. 2528, ¶ 1 (June 25, 2020); S.C. Res. 2582, ¶ 1 (June 29, 2021); S.C. Res. 2641, ¶ 1 (June 30, 2022); S.C. Res. 2688, ¶ 1 (June 27, 2023); S.C. Res. 2738, ¶ 1 (June 27, 2024); S.C. Res. 2783, ¶ 1 (June 30, 2025).
[176] S. C. Res. 2293, *supra* note 175, ¶ 7(b).
[177] *Id*. ¶ 7(d).
[178] *Id.* ¶ 7(e).
[179] *Id*. ¶ 7(f).
[180] *Id*. ¶ 7(g).
[181] S.C. Res. 2360, *supra* note 175, ¶ 3.
[182] S.C. Res. 2582, *supra* note 175, ¶ 3.
[183] S.C. Res. 2641, *supra* note 175, ¶ 3.

behalf of an entity controlled by an otherwise sanctioned individual,[184] or provide financial or material support to a sanctioned entity.[185]

77. The Canadian government has cooperated with the UNSC's sanctions regime in the DRC since its inception. Representatives of the Canadian Government contributed to the Committee's first report in 2004.[186] The following year, the Canadian Government submitted a report to the Committee stating that "[r]egulatory measures are being developed, pursuant to Canada's United Nations Act, in order to freeze the funds, other financial assets and economic resources in Canada, owned or controlled directly or indirectly by persons or entities to be designated pursuant to [...] the resolution, and to prevent the provision of funds, other financial assets and economic resources to or for the benefit of such persons or entities."[187] Canada may not derogate from its commitment to supporting the UNSC's sanctions regime unless a humanitarian exemption is granted.[188]

3. International Sanctions against M23

78. On November 20, 2012—during M23's first iteration—the UNSC expressed particular concern regarding M23's violations of international humanitarian law in Goma and strongly condemned external support for the armed group.[189] The UNSC expressed its intent to place additional sanctions on M23 officials.[190] The Committee first listed M23—as an organization—as a sanctioned entity on December 31, 2012.[191] The Committee alleged that M23 received "general military supplies from the Rwandan Defense Forces (RDF) in the form of weapons and ammunition."[192] The Committee also alleged that M23 targets and carries out "rapes against women and girls," has been responsible for "carrying out mass killings of civilians," and engages in the "forced recruitment" of children.[193]

79. In November and December 2012, the Committee placed five individual M23 officials on its sanctions list. The Committee sanctioned Baudoin Ngaruye Wa Myamuro,[194] the third-

[184] S.C. Res. 2293, *supra* note 175, ¶ 7(h).
[185] *Id*. ¶ 7(j).
[186] *See generally* Chairman of the Sec. Council Comm., Letter dated 15 July 2004 from the Chairman of the Security Council Committee established pursuant to resolution 1533 (2004) concerning the Democratic Republic of the Congo addressed to the President of the Security Council, U.N. Doc. S/2004/551 (July 15, 2004).
[187] *See generally* Permanent Mission of Can., Note verbale dated 2005/06/02 from the Permanent Mission of Canada to the United Nations addressed to the Chairman of the Committee, U.N. Doc. S/AC.43/2005/2 (June 6, 2005).
[188] *See* Sec. Council Comm. Implementation Assistance Notice # 1: Guidance to Member States on the application of the humanitarian exemption established by resolution 2664 (2022) to the asset freeze established under resolution 1596 (2005) (Feb. 29, 2024), https://main.un.org/securitycouncil/sites/default/files/ian_2664_1_0.pdf.
[189] *See* S.C. Res. 2076 (Nov. 20, 2012).
[190] *Id*. ¶ 8.
[191] U.N. SEC. COUNCIL COMM., *supra* note 4.
[192] *Id.*
[193] *Id.*
[194] U.N. SEC. COUNCIL COMM., *Baudoin Ngaruye Wa Myamuro*, (Oct. 29, 2014), https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/individual/baudoin-ngaruye-wa-myamuro.

highest-ranking military commander in the M23; Sultani Makenga,[195] a military leader of M23; Innocent Kaina,[196] the Deputy Commander of M23; Jean-Marie Lugerero Runiga,[197] the coordinator of M23's political wing; and Eric Badege,[198] a Lieutenant Colonel, for myriad grievous violations of international human rights and humanitarian law.

80. The UNSC has also responded to M23's 2021 reemergence. In October 2023, the UNSC levied another round of sanctions against M23, sanctioning Bernard Maheshe Byamungu,[199] the Deputy Commander of Operations and Intelligence for M23, for human rights violations, including the mass killings of civilians in the Kivu provinces. In February 2024, the UNSC sanctioned Willy Ngoma,[200] M23's military spokesperson.

81. On December 20, 2024, the UNSC expressed grave concern regarding M23's ongoing offensive in North Kivu and RDF's operational support.[201] The UNSC further condemned any external party providing military support to M23.[202]

82. On February 21, 2025, the UNSC expressed concern over M23's high levels of sexual and gender-based violence; violence fueled by hate speech, misinformation, and disinformation; and forced displacement.[203] On June 30, 2025, the UNSC renewed its sanctions regime until July 1, 2026, expressing a particular "concern at the offensive of the M23 in North and South Kivu."[204] On June 29, 2026, the UNSC again extended the sanctions regime until July 1, 2027.[205]

B. Canada's Sanctions Framework

1. Domestic Implementation of UN Sanctions and Canada's Obligations

83. Canada gives domestic legal effect to binding UNSC sanctions primarily through the United Nations Act, R.S.C. 1985, c. U-2. Section 2, which authorizes the Governor in Council to make orders and regulations to implement UNSC measures adopted under

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[195] U.N. SEC. COUNCIL COMM., *Sultani Makenga*, (Oct. 29, 2014), https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/individual/sultani-makenga.
[196] U.N. SEC. COUNCIL COMM., *Innocent Kaina*, (Oct. 29, 2014), https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/individual/innocent-kaina.
[197] U.N. SEC. COUNCIL COMM., *Jean-Marie Lugerero Runiga*, (Oct. 29, 2014), https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/individual/jean-marie-lugerero-runiga.
[198] U.N. SEC. COUNCIL COMM., *Eric Badege*, (Oct. 29, 2014), https://main.un.org/securitycouncil/en/sanctions/1533/materials/summaries/individual/eric-badege.
[199] U.N. SEC. COUNCIL COMM., *Bernard Maheshe Byamungu* (Oct. 25, 2023), https://main.un.org/securitycouncil/en/content/bernard-maheshe-byamungu.
[200] U.N. SEC. COUNCIL COMM., *Willy Ngoma* (Feb. 20, 2024), https://main.un.org/securitycouncil/en/content/willy-ngoma.
[201] *See* S.C. Res. 2765, Preamble, (Dec. 20, 2024).
[202] *Id*. ¶ 13.
[203] S. C. Res. 2773, Preamble, (Feb. 21, 2025).
[204] S. C. Res. 2783, *supra* note 175, at 1.
[205] S. C. Res. 2825, ¶ 1 (June 29, 2026).

Article 41 of the UN Charter.[206] Namely, Section 2 states that "the Governor in Council may make such orders and regulations as appear to him to be necessary or expedient for enabling the [UNSC] measure to be effectively applied."[207] Accordingly, UN sanctions do not become automatically enforceable as Canadian law upon their adoption by the UNSC; rather, they are domestically binding through regulations promulgated *under* the Act.

84. In practice, each UN sanctions regime is implemented by specific regulations (Statutory Orders and Regulations under the United Nations Act) that incorporate the relevant UN resolutions. For example, SOR/2004-222 gives domestic legal effect to UN sanctions measures by referencing the relevant Security Council resolutions.[208] These regulations apply to "any person in Canada or any Canadian outside Canada."[209] In other words, they bind all persons physically in Canada and Canadians abroad.[210] The United Nations Act is thus the chief domestic mechanism by which Canada implements UN sanctions obligations.

85. Put differently, a UN listing is not self-executing in Canada in the abstract. Once the relevant sanctions regime has been implemented through United Nations Act regulations, however, UN-designated entities are subject to those regulations without requiring a separate Canadian listing decision.

86. Each sanctions regulation explicitly references the relevant UN resolutions. For instance, the preamble to the Congo regime regulations recites the applicable UNSC resolutions and then provides, "pursuant to section 2 of the United Nations Act, hereby makes the annexed […] Regulations."[211]

a. Scope of Prohibitions and Offences

87. United Nations Act sanctions regulations typically combine a targeted asset-freeze and dealings-and-services ban keyed to UN-designated persons. SOR/2004-222—which implements UN resolutions on the DRC—follows that pattern. It prohibits any person in Canada or any Canadian outside Canada from knowingly dealing in any property in Canada that is owned, held, or controlled, directly or indirectly, by a designated person or by a person acting on their behalf or direction; entering into or facilitating transactions related to such dealings; providing or acquiring financial or related services in respect of such property; making any property available to or for the benefit of a designated person (or an entity owned or controlled by them); or providing or obtaining financial or related services to or for the benefit of such persons or entities.[212] It also restricts military-related trade to the DRC by prohibiting the export, sale, supply, or transport of arms and related materiel;

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[206] United Nations Act, R.S.C. 1985, c. U-2, § 2 (Can.).
[207] *Id.*
[208] *See generally* Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 (Can.).
[209] *Id.* at § 2.
[210] *Id.*
[211] *Id.* at Preamble.
[212] *Id.* at Preamble, § 2.

the provision of military or technical assistance; and the use of Canadian vessels or aircraft for transporting arms and related materiel to the DRC.[213]

88. Violating these prohibitions is a criminal offence under Canadian law. Under the United Nations Act, any person who contravenes an order or regulation made under the Act commits an offence and is liable to imprisonment for a term of up to ten years.[214] An Ontario court affirmed this enforcement mechanism in *R. v. Yadegari*, where it convicted the defendant under the United Nations Act for violating domestic regulations that implemented UNSC sanctions on Iran—the conviction was upheld on appeal.[215]

b. Enforcement, Investigation, and Evidentiary Thresholds

89. Federal agencies enforce sanctions compliance. The Royal Canadian Mounted Police ("**RCMP**")—especially its Integrated National Security Enforcement Teams—and the Canada Border Services Agency lead criminal investigations under the United Nations Act and related statutes.[216] Customs officers intercept prohibited goods at the border (enforcing embargoes on arms, dual-use items, etc.). The RCMP investigates transactions and conspiracies to evade sanctions.

90. Financial institutions and other reporting entities also play a key role. Under Canada's money laundering and terrorist financing laws, banks and other "reporting entities" must file Suspicious Transaction Reports with the Financial Transactions and Reports Analysis Centre of Canada ("**FINTRAC**") if they suspect a transaction involves sanctions evasion.[217] Under FINTRAC's guidance, a "sanctions evasion" offence is defined to include contraventions of the United Nations Act regulations, and reporting entities are explicitly directed to report all transactions where "there are reasonable grounds to suspect that the transaction is related to the commission or attempted commission of a sanctions evasion offence."[218]

91. In addition, the sanctions regulations impose direct reporting duties on individuals and entities. For example, under SOR/2004-222, every person in Canada and every Canadian outside Canada who has "reason to believe" they control property of a "designated person" must disclose it without delay to the RCMP or Canadian Security Intelligence Service (**"CSIS"**).[219] They must also report any proposed transaction involving that property. This

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[213] *Id.* at §§ 1, 4–6.
[214] *United Nations Act, R.S.C. 1985, c. U-2, § 3(1) (Can.).*
[215] *R. v. Yadegari*, [2011] 276 O.A.C. 322 (Can.). The accused was convicted for attempting to illegally export dual-use pressure transducers to Iran in contravention of the *Regulations Implementing the United Nations Resolutions on Iran*, SOR/2007-44, enacted under the *United Nations Act*. The Ontario Court of Justice convicted him on nine counts, which was affirmed on appeal, resulting in a total effective sentence of 4 years' imprisonment (reduced from 4 years and 3 months on appeal).
[216] *See* GOV'T OF CAN., *Canadian Sanctions Legislation* (July 28, 2025), https://www.international.gc.ca/world-monde/international_relations-relations_internationales/sanctions/legislation-lois.aspx?lang=eng.
[217] *See* GOV'T OF CAN., *FINTRAC's Compliance Guidance* (Feb. 10, 2025), https://fintrac-canafe.canada.ca/guidance-directives/transaction-operation/sanctions/sanctions-eng.
[218] *Id.*
[219] *See, e.g.*, Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 (Can.).

mirrors the government's stated policy that Canadians must report holdings or transactions involving designated persons.[220] Financial institutions (banks, insurers, credit unions, etc.) must continuously monitor for such assets as well.[221] Good-faith disclosures of this sort are protected; the regulations provide that no proceedings under the United Nations Act or civil action may be taken against someone who reports in good faith.[222]

92. Investigating sanctions offences proceeds under Canada's general criminal-law framework. To obtain a search warrant, authorities must satisfy the Criminal Code's standard—namely, a justice must be satisfied that there are reasonable grounds to believe an offence has been or is suspected to have been committed and that evidence will be found in the place to be searched.[223] Similarly, police may arrest without a warrant on reasonable grounds to believe a person has committed or is about to commit an indictable offence—including an offence under the United Nations Act.[224]

93. Federal prosecutors proceed only where there is a reasonable prospect of conviction, and the prosecution is in the public interest.[225] At trial, the prosecution must prove guilt beyond a reasonable doubt.[226] To convict under the United Nations Act for a prohibited dealing, the prosecution must show the accused committed a prohibited act (*actus reus*) and did so knowingly (*mens rea*).[227] For example, for an asset-freeze offence under section 2 of the DRC Regulations, it is not enough to show that a payment was made. The prosecution must prove that the accused *knowingly* dealt in property owned, held, or controlled, directly or indirectly, by a designated person within the meaning of the Regulations, or otherwise engaged in one of the prohibited dealings set out there.

94. The 2024 Libya sanctions prosecution illustrates enforcement in action. As noted, Canada can prosecute persons in Canada—and, where applicable, Canadian nationals abroad—for violating UN sanctions once those sanctions have been implemented through federal regulations. Until recently, enforcement was largely limited to regulatory compliance and customs interceptions. In April 2024, however, the RCMP announced the first major sanctions-related charges in many years. Two Montreal-based men—one of whom was a Canadian citizen—were charged with conspiring to sell Chinese-made drones and other military equipment in Libya, and with facilitating purchases of Libyan oil between prohibited entities and the People's Republic of China, in alleged violation of the UN Libya sanctions regime.[228] RCMP spokesman Sgt. Poirier explained that they violated UN

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[220] *See* GOV'T OF CAN., *supra* note 216.
[221] *See, e.g.*, Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 (Can.).
[222] *Id.* § 12(2).
[223] *Criminal Code*, R.S.C. 1985, c. C-46, § 487(1)(a)–(b) (Can.).
[224] *Id*. § 495(1).
[225] PUB. PROSECUTION SERV. CAN., *Public Prosecution Service of Canada Deskbook*, 4–5 (2014), https://publications.gc.ca/collections/collection_2014/sppc-ppsc/J79-2-2014-eng.pdf.
[226] *See generally* Criminal Code, R.S.C. 1985, c. C-46, § 487(1)(a)–(b) (Can.); *see also R. v. Lifchus*, [1997] 3 S.C.R. 320 (Can.).
[227] *See, e.g.,* Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 § 2 (Can.).
[228] ROYAL CAN. MOUNTED POLICE, *Conspiracy Involving Illegal Transactions of Prohibited Military Equipment in Libya: Two Individuals Charged* (Apr. 23, 2024), https://rcmp.ca/en/news/2024/04/conspiracy-involving-illegal-

sanctions related to the ongoing armed conflict in Libya.[229] The charges (filed under the United Nations Act and related Libya sanctions regulations) allege that the accused attempted to supply military equipment and oil in breach of the arms embargo and trade restrictions.[230] This case illustrates enforcement in action, as Canada can—and does—prosecute nationals for violating UN sanctions. Additionally, under United Nations Act s.3(2), any contraband assets (e.g., funds or weapons) involved in such schemes can be seized and forfeited.[231]

2. Canada's Domestic Sanctions Programs

a. Special Economic Measures Act

95. In addition to implementing sanctions issued by the UNSC, Canada also has its own autonomous sanctions regimes, including those established pursuant to the Special Economic Measures Act and the Justice for Victims of Corrupt Foreign Officials Act (as defined above, "**SEMA**" and "**JVCFOA**," respectively). SEMA authorizes sanctions against entities and individuals where it is determined that gross and systematic human rights violations have been committed in a foreign state.[232] JVCFOA authorizes targeted sanctions against foreign nationals who are responsible for, or complicit in, gross human rights violations or significant corruption.[233]

96. Unlike JVCFOA, SEMA does not exclude Canadians from designation, provided the Canadian is physically located in the foreign state where the activities giving rise to the sanctions are occurring. This ability to designate Canadians under SEMA is supported by the statutory language, which includes any "person" as eligible for designation.[234] Lawmakers acknowledged this ability to designate Canadians when first enacting SEMA.[235] Country-specific SEMA regulations have also consistently defined a listed

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transactions-prohibited-military-equipment-libya-two-individuals; *see also* ASSOCIATED PRESS, *Canadian Police Charge 2 Former UN Employees with Conspiracy to Sell Military Equipment in Libya* (Apr. 23, 2024), https://apnews.com/article/canada-un-employees-chinese-drones-libya-7c2528027dc6a22dee9714c6c931dba0.

[229] *See* ASSOCIATED PRESS, *supra* note 228.

[230] *Id.*; *see also* ROYAL CAN. MOUNTED POLICE, *supra* note 228.

[231] United Nations Act, R.S.C. 1985, c. U-2, § 3(2) (Can.).

[232] Special Economic Measures Act, S.C. 1992, c. 17, § 4(1)(a)–(b), § 4(1.1)(c) (Can.).

[233] Justice for Victims of Corrupt Foreign Officials Act (Sergei Magnitsky Law), S.C. 2017, c. 21, §§ 4(1), (2)(a), (2)(c)–(d) (Can.).

[234] SEMA defines a person as "an individual or an entity." This is in contrast to the term national, which is defined under SEMA as "in relation to a foreign state, means an individual who possesses the nationality of that state as determined in accordance with the laws of that state or a body corporate incorporated or continued by or under the laws of that state." This distinction gave the drafters of SEMA a clear choice: to limit the targets of sanctions to non-Canadians by using the term foreign "national," or to allow any person to be targeted, including Canadians, by using the term "person." Parliament chose the latter. This choice is reflected in SEMA section 4(1)(b), which specifically uses the term "person" when describing whose property can be seized or restrained. Similarly, section 4(2) of SEMA repeatedly refers to activities of "any person in that foreign state" when outlining the types of conduct that can be restricted or prohibited, implicitly including Canadians.

[235] When SEMA was introduced, legislators during House of Commons debates noted that Canadians could be designated under the regime. Specifically, Hansard records confirm that lawmakers acknowledged the phrase "any person in that foreign state" in section 4(2) could encompass Canadians. This is also consistent with SEMA's stated purpose in section 3.1—namely, "to enable the Government of Canada to take economic measures against certain

individual as any "person" in the foreign state at issue, without restricting designation to foreign nationals.[236] This inclusion of Canadians as eligible for designation under SEMA also serves a sound policy objective.[237]

97. No Canadian citizen has been designated under SEMA. But this merely reflects the extraordinary factual threshold required: a Canadian citizen must physically relocate to a foreign state, join an entity threatening international peace and security or committing gross human rights abuses, and assume a role significant enough to warrant individual measures. In Ngarambe, Canada faces *precisely* this extraordinary situation. Moreover, if Canada sanctioned Ngarambe under SEMA, that designation could be implemented in a calibrated manner, applying only targeted economic measures without an immigration prohibition, given that such a prohibition is limited to foreign nationals.[238]

3. M23's Status under Canadian Sanctions

98. M23 is already covered by Canada's domestic implementation of the UN sanctions regime on the Democratic Republic of Congo. Canada gives domestic effect to that regime through SOR/2004-222, enacted under the United Nations Act. SOR/2004-222 refers to the UNSC Resolution 1493 (2003), Resolution 1533 (2004) and Resolution 1552 (2004) in the preamble, and defines a designated person as "a person […] designated by the Committee of the Security Council."[239] The Regulations further define "person" to include both an individual and an entity, defining "entity" broadly to include "a corporation, trust, partnership, fund, unincorporated association or organization or a foreign state."[240]

99. The Committee listed M23 on December 31, 2012, pursuant to paragraph 4 of Resolution 2078 (2012).[241] SOR/2004-222 does not specifically cite or reference Resolution 2078.[242] But as noted, SOR/2004-222 defines a "designated person" as a person designated by the aforementioned Committee. Resolution 2078 did not establish a separate sanctions regime; rather, it expanded the listing criteria within the existing DRC sanctions framework administered by the Committee.[243] Particularly, Resolution 2078 renewed the measures

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persons," rather than strictly foreign nationals. *See* Can., Parliament, *House of Commons Committees*, 34th Parl., 3d Sess., at 9:23 (Apr. 29, 1992), https://parl.canadiana.ca/view/oop.com_HOC_3403_28_1/197.

[236] *See, e.g.*, Special Economic Measures (People's Republic of China) Regulations, SOR/2021-49, § 2 (Can.), https://laws.justice.gc.ca/eng/regulations/SOR-2021-49/FullText.html.

[237] Excluding Canadians from designation would risk creating an enforcement gap. Specifically, if immune from designation, a Canadian citizen could remain abroad, avoiding domestic prosecution for an extended period while continuing to leverage Canadian assets and financial structures behind the shield of citizenship. Allowing SEMA designations in these narrow circumstances ensures economic measures can apply without displacing the primary role of domestic criminal enforcement.

[238] *See* Immigration and Refugee Protection Act, (S.C. 2001, c. 27) § 35.1 (Can.).

[239] Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 § 1 (Can.) (last amended Aug. 13, 2026).

[240] *Id.*

[241] *See generally* U.N. SECURITY COUNCIL COMM., *supra* note 4.

[242] U.N. SECURITY COUNCIL COMM., *supra* note 4; S. C. Res. 2078, *supra* note 175, ¶ 4.

[243] *See* S. C. Res. 2078, *supra* note 175, ¶ 1.

relating to arms, transport, finance, and travel imposed by Resolution 1807.[244] Accordingly, the reference to designated persons and entities in SOR/2004-222 covers persons and entities designated under Resolution 2078.

100. Because M23 was designated by the Committee established pursuant to Resolution 1533 (2004), and because SOR/2004-222 applies to persons designated by that Committee, M23 falls within the scope of the Regulations without the need for separate domestic listing. M23 is therefore subject to Canada's sanctions regime under the United Nations Act, independently of any autonomous designation under SEMA or JVCFOA.

C. Application of Canada's Sanctions Framework to the Conduct of Ngarambe

1. Ngarambe's Dealings with M23 and the Basis for Individual Accountability

101. As established above, M23 is a designated entity under Canadian law through the United Nations Act and SOR/2004-222. Ngarambe's role as a senior political official within M23's parallel administration—specifically in his capacity as a "deputy governor" of North Kivu province—places him within the organization's operational and administrative apparatus. His functions include the redistribution or seizure of property, the restructuring of civilian administration, and the removal of Congolese authorities, furthering M23's consolidation of territorial authority. Such conduct appears integral, rather than merely incidental, to M23's functioning as a sanctioned entity. These activities may implicate prohibitions under SOR/2004-222, including those concerning: the facilitation of transactions related to designated property; making property available to or for the benefit of a designated person or entity; providing financial or related services for their benefit; or conduct which causes, facilitates or assists any of these prohibited actions to occur.

102. The Regulations require that the prohibited dealings be undertaken "knowingly."[245] In the present case, that requirement is very likely satisfied. Ngarambe's senior leadership position within M23, an entity that has been subject to sustained and widely publicized international sanctions since 2012, makes it implausible that he lacked knowledge of its designation status. His continued participation in and public defense of M23's activities further supports the inference that any dealings in property or services connected to the organization were undertaken with the requisite awareness.

103. In addition to prohibiting dealings, the Regulations impose affirmative reporting obligations on persons in Canada and Canadians abroad who have reason to believe that they possess or control property of a designated person or have knowledge of related transactions, requiring disclosure without delay to the RCMP or CSIS.[246] To the extent that

[244] *Id.* ¶¶ 1, 4; S.C. Res. 1807, *supra* note 175, (relevant measures); S. C. Res. 1596, *supra* note 169, (targeted travel/financial measures).
[245] Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222, §§ 2–5, 10 (Can.).
[246] *Id.* §§ 11–12.

Ngarambe exercised control over assets, property, or transactions linked to M23 in violation of these obligations, his failure to comply with reporting obligations constitutes an additional and independent breach of the Canadian sanctions regime.

104. Violations of the Regulations made under the United Nations Act can give rise to criminal liability.[247] Namely, when a person knowingly engages in prohibited dealings, facilitates transactions, or provides property or services for the benefit of a designated entity, that conduct may be prosecuted as an offence under Canadian law.[248] In light of Ngarambe's role and conduct as an M23 executive, we believe that there is a compelling basis to conclude that his actions likely meet the elements of such offences.

105. In addition to liability under the existing UN-based regime, it is our view that there is a strong and independent basis for Canada to consider designating Ngarambe under SEMA. Under SEMA, sanctions may be imposed on individuals responsible for grave breaches of international peace and security or gross and systematic human rights violations in a foreign state. Given that Ngarambe is a senior official of M23,[249] we believe that he likely falls within the category of individuals eligible for designation. As noted above, his Canadian citizenship is not a bar to designation under SEMA.

2. National Interest

106. Canada's Treasury Board Secretariat defines national interest as "[t]he security and the social, political and economic stability of Canada."[250] In our view, Ngarambe's actions pose a threat to each of these elements. As such, it is likely in Canada's national interest to criminally investigate him with a view to prosecution under the United Nations Act and to consider autonomously designating him under SEMA. We believe that such steps would likely benefit Canada's international reputation, bilateral relations and policy aims.

a. Direct Effects of Prosecuting and Sanctioning Manzi Willy Ngarambe

107. As noted above, Ngarambe appears to maintain an operational and financial presence within Canada, holding joint ownership of real property in Gatineau, Quebec, and previously serving as the registered director of CorriCyber, a federal corporation registered in Ontario.[251] He also plays a key role in the administration of parallel governance structures established by a sanctioned non-state armed group. Based on his own claims, it is possible that he is further enriching himself via M23 stipends, ownership of mining and paint companies, and gold trading in the region.[252]

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[247] United Nations Act, R.S.C. 1985, c. U-2, § 3 (Can.).
[248] Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo, SOR/2004-222 §§ 2–5 (Can.); United Nations Act, R.S.C. 1985, c. U-2, § 3 (Can.).
[249] *See, e.g.*, S/2025/858, *supra* note 33; AMNESTY INT'L, *supra* note 40; HUM. RTS. WATCH, *supra* note 56.
[250] GOV'T OF CAN., Treasury Board of Canada Secretariat, Glossary, https://www.tbs-sct.canada.ca/pol/glossary-lexique-eng.aspx#glos-lex-N.
[251] *See supra* ¶¶ 54-55 (detailing his property ownership and role as a director of CorriCyber).
[252] *See supra* ¶¶ 55, 61 (detailing Manzi Willy's statements regarding M23 leader stipends, his ownership of "mining and paints" corporate entities, and his gold trading interests).

108. It is our view that allowing individuals like Ngarambe to continue their economic activities in Canada may undermine trust in Canada's economic system. Inaction may also threaten to erode social and political trust—especially amongst the Congolese diaspora in Canada, many of whom may have relatives harmed by M23. Ngarambe's designation under SEMA would, in our view, send the message that Canadian systems are not an avenue for financing an ongoing conflict and furthering grave human rights abuses. In addition to isolating Ngarambe, these actions may also act as a deterrent for others considering supporting M23—including anyone Ngarambe may have personally attempted to recruit.[253]

b. Implications for Canada's International Reputation, Bilateral Relations and Policy Aims

109. In March 2025, the Government of Canada launched Canada's Africa strategy, *A Partnership for Shared Prosperity and Security*, which prioritizes partnerships for peace, security, stabilization, and human rights across the continent.[254] Concurrently, Canada took measures to address M23's "seizure" of Congolese territory and Rwanda's support for the group. Notably, the Canadian government suspended controlled technology export permits to Rwanda, halted government-to-government business pursuits, and formally summoned the Rwandan High Commissioner to Ottawa.[255]

110. Investigating a Canadian citizen responsible for administering M23's parallel government structures in North Kivu is a natural extension of these Canadian policies. Initiating an investigation may also strengthen Canada's international reputation and bilateral relationships; on the other hand, inaction could risk a potential inconsistency between Canada's diplomatic positions and its domestic legal enforcement. Taking the requested actions would demonstrate to the DRC and the wider international community that Canada is willing to act when one of its own citizens attempts to undermine a partner nation's sovereignty and security.

111. These steps also align with Canada's broader international commitments, including its support for initiatives aimed at strengthening the protection of civilians from the use of explosive weapons in populated areas.[256] Canada was among the first group of states to endorse the Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas (the **"Declaration"**).[257] The Declaration includes commitments to implement

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[253] *See* S/2025/446, *supra* note 18, ¶ 97.

[254] GOV. OF CAN., *Canada's Africa Strategy: A Partnership for Shared Prosperity and Security* (Mar. 2025), https://international.canada.ca/en/global-affairs/corporate/reports/africa-strategy-2025.

[255] GOV. OF CAN., *Statement by Ministers Joly, Hussen and Ng on Rwanda's Involvement in Eastern Democratic Republic of Congo Conflict* (Mar. 3, 2025), https://www.canada.ca/en/global-affairs/news/2025/03/statement-by-ministers-joly-hussen-and-ng-on-rwandas-involvement-in-eastern-democratic-republic-of-congo-conflict.html.

[256] *See, e.g.*, *Explosive Weapons in Populated Areas*: *Political Declaration on Strengthening the Protection of Civilians from the Humanitarian Consequences Arising from the Use of Explosive Weapons in Populated Areas*, ¶¶ 3.1, 4.6, 4.8 (Nov. 18, 2022), https://ewipa.org/the-political-declaration.

[257] *See generally* EXPLOSIVE WEAPONS MONITOR, *State Positions: Canada*, https://explosiveweaponsmonitor.org/state-positions/canada (last visited Oct. 27, 2026).

national policy aimed at protecting civilians from the use of explosive weapons in populated areas and to facilitate the work of international organizations and civil society organizations protecting civilians in armed conflicts.[258] Although the Declaration does not establish independent legal obligations, it is a sign of Canada's commitment to strengthening civilian protections related to the harms caused by explosive weapons in populated areas.

112. Canada's adherence to the principles of the Declaration supports consideration of sanctions against Ngarambe. As detailed above, M23 has used explosives with wide-area effects in densely populated civilian areas in a manner that may violate international humanitarian law. Ngarambe has publicly defended M23's conduct on several occasions.[259]

113. Human Rights Watch stated that governments should expand sanctions against senior M23 commanders to include officials across the region implicated in serious abuses.[260] As outlined above, we believe that Ngarambe is directly responsible for the seizure of the property of civil society leaders.[261] We also believe that, through his position as Deputy Governor of North Kivu, Ngarambe provides political and administrative support that facilitates M23's ongoing presence and, in turn, its ability to commit further violations. It is critical to hold individuals who enable and legitimize these practices accountable.[262]

114. Lastly, sanctioning Ngarambe may better align Canada with actions taken by its international partners, including the United States. The United States Department of the Treasury's Office of Foreign Assets Control has imposed sanctions on the RDF, senior RDF commanders, and even the Rwandan Defense Ministry itself for their role in facilitating M23's operations.[263] Given that Ngarambe is a central figure within M23's political and administrative apparatus—and speaks about his role publicly—Canada should urgently consider taking action to hold him accountable.

D. War Crimes and Crimes against Humanity

115. Ngarambe may also be criminally liable under Canada's Crimes Against Humanity and War Crimes Act ("**CAHWCA**").[264] Adopted on June 29, 2000, CAHWCA criminalizes genocide, war crimes, and crimes against humanity.[265] It stipulates that these classes of crimes constitute "indictable offence[s]" for which a perpetrator is "liable to imprisonment

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[258] *See generally* Explosive Weapons in Populated Areas, *supra* note 256.
[259] *See, e.g.,* Nsimenta, *supra* note 157.
[260] HUM. RTS. WATCH, *supra* note 4.
[261] *See supra* ¶ 70.
[262] *See* AMNESTY INT'L, *supra* note 40.
[263] U.S. DEP'T OF THE TREASURY, *Treasury Sanctions Rwanda Officials, Condemns Blatant Violations of Washington Peace Accords* (Mar. 2, 2026), https://home.treasury.gov/news/press-releases/sb0411; U.S. DEP'T OF THE TREASURY, *Treasury Sanctions Rwandan Ministry of Defence and Financial Institution Supporting M23* (Oct. 28, 2026), https://home.treasury.gov/news/press-releases/sb0668.
[264] GOV'T OF CAN., *Canada and the International Criminal Court*, https://www.international.gc.ca/world-monde/international_relations-relations_internationales/icc-cpi/index.aspx?lang=eng (last modified Oct. 30, 2023).
[265] *Id*.

for life."[266] CAHWCA's jurisdiction is broad. It allows for prosecutions of Canadian nationals for the prescribed conduct committed anywhere in the world. It also provides for prosecutions of non-Canadian nationals who are physically present in Canada, regardless of where and against whom the crime was committed.[267]

116. In adopting CAHWCA, Canada "became the first country in the world to incorporate the obligations of the Rome Statute [of the International Criminal Court ("**ICC**")] into its national laws."[268] Canada ratified the Rome Statute soon after, on July 7, 2000. It remains a State Party to the ICC.

117. CAHWCA defines war crimes and crimes against humanity as encompassing the full range of war crimes and crimes against humanity outlined in the Rome Statute.[269] Thus, war crimes would include, *inter alia*, the following:

- "Wilful killing;"
- "Torture or inhuman treatment;"
- "Unlawful deportation or transfer or unlawful confinement;"
- "Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;"
- "Intentionally directing attacks against the civilian population as such or against individual civilians not taking direct part in hostilities;"
- "The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;" and
- "Conscripting or enlisting children under the age of fifteen years into the national armed forces or using them to participate actively in hostilities."[270]

118. Crimes against humanity would include, *inter alia,* "murder," "deportation or forcible transfer of population," "torture," or "rape" when "committed as part of a widespread or systematic attack directed against a civilian population, with knowledge of the attack."[271]

119. CAHWCA proscribes the commission of the aforementioned acts. But it also provides criminal liability for every person "who conspires or attempts to commit, is an accessory after the fact in relation to, or counsels in relation to" any of the enumerated war crimes or crimes against humanity.[272] It similarly criminalizes—under certain circumstances—a

[266] Crimes Against Humanity and War Crimes Act, S.C. 2000, c. 24, § 6(1)–(2) (Can.).
[267] *Id*. s. 8.
[268] GOV'T OF CAN., *supra* note 264.
[269] Crimes Against Humanity and War Crimes Act, S.C. 2000, c. 24, § 4(3) (Can.).
[270] Rome Statute of the International Criminal Court, arts. 8(2)(a)(i), 8(2)(a)(ii), 8(2)(a)(vii), 8(2)(a)(iv), 8(2)(b)(i), 8(2)(b)(viii), 8(2)(b)(xxvi), July 17, 1998, 2187 U.N.T.S. 90.
[271] *Id*. arts. 7(1)(a), (d), (f), (g).
[272] Crimes Against Humanity and War Crimes Act, S.C. 2000, c. 24, § 6(1.1) (Can.).

military commander or other superior's failure to prevent the commission of war crimes and crimes against humanity by those under their command.[273]

120. As noted, M23 commanders have been credibly accused of war crimes and crimes against humanity. The UNFFM, for instance, stated as follows:

> a. The FFM found reasonable grounds to believe that M23 members…committed war crimes involving violence to life and persons, in particular murder, willful killing, cruel treatment and torture, outrages upon personal dignity, particularly humiliating and degrading treatment, unlawful confinement and the taking of hostages….[as well as] war crimes of rape and sexual slavery, and ordering the displacement of the civilian population for reasons not justified by security or imperative military necessity….
> b. The FFM also has reasonable grounds to believe that M23 members may have committed, further to a widespread and systematic attack against a civilian population on the basis of organizational policy, the crimes against humanity of murder, severe deprivation of liberty, torture, rape and sexual slavery, enslavement in "training" camps serving to exact forced labour and military servitude, enforced disappearance, and deportation or forcible transfer of population.[274]

121. This memorandum is primarily focused on sanctions—and violations related to sanctions—rather than international criminal law. But given Ngarambe's senior position in M23 in North Kivu province—where many of the alleged violations have taken place—his conduct likely merits investigation for potential CAHWCA violations. Under Canadian law, the RCMP is "responsible for the criminal investigation of individuals alleged to have committed or been complicit in war crimes, crimes against humanity, or genocide."[275] The RCMP may initiate an investigation in response to different kinds of allegations, including "from witnesses, foreign governments, community groups, non-governmental organizations, immigration proceedings, or open-source information."[276]

122. Investigations can be challenging and resource-intensive. But Canada has successfully prosecuted individuals for violating CAHWCA before, specifically in relation to war crimes, crimes against humanity, and genocide committed during the Rwandan Genocide.[277] Given Ngarambe's Canadian citizenship, his senior position in M23, the enormous amount of open-source evidence gathered in relation to M23's actions, and the potential impacts of M23's actions on the families and communities of Canada's Congolese

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[273] *Id.*; Crimes Against Humanity and War Crimes Act, S.C. 2000, § 6(1.1), § 7 (Can.).
[274] A/HRC/60/80, *supra* note 41, ¶¶ 74, 76.
[275] GOV'T OF CAN., *Canada's Program on Crimes Against Humanity and War Crimes - 2011–2015: 13th Report*, https://www.justice.gc.ca/eng/rp-pr/cj-jp/wc-cdg/wc20112015-cdg20112015/p4.html (last modified Dec. 14, 2021).
[276] *Id*.
[277] CAN. BORDER SERVS. AGENCY ET AL., *Canada's Program on Crimes Against Humanity and War Crimes: 12th Report 2008–2011*, at 10–11 (2011), https://www.publicsafety.gc.ca/lbrr/archives/cnmcs-plcng/cn85372913-2008-2011-eng.pdf.

community, the RCMP should investigate Ngarambe for potential war crimes and crimes against humanity.

IV. Conclusion

123. Taken together, the legal framework and evidentiary record support three cumulative conclusions. First, we believe that Ngarambe's conduct likely constitutes knowing participation in prohibited dealings or the provision of property or services for the benefit of M23—a designated entity pursuant to SOR/2004-222—potentially giving rise to criminal liability under section 3 of the United Nations Act. Further investigation may also demonstrate that Ngarambe's conduct gives rise to criminal liability under the Crimes Against Humanity and War Crimes Act. Second, independent of that existing liability, it is our view that the gravity and scale of the conduct attributable to Ngarambe provide a strong basis for his designation under Canada's autonomous sanctions regime, specifically under the Special Economic Measures Act. Third, we believe that the record supports targeted financial and logistical tracing to determine whether any Canadian-linked funds, assets, services, intermediaries, businesses, or diaspora-mobilization structures are sustaining Ngarambe or other M23 leaders, with enforcement focused on conduct that may fall within Canada's sanctions prohibitions.

124. While this memorandum focuses on the circumstances of an individual case, it also highlights broader considerations relating to Canada's international legal commitments and its sanctions framework. In particular, it would be beneficial for the Canadian government to issue an explicit public statement confirming M23's designation as a sanctioned entity in Canada. Doing so would obviate the need to analyze a complex web of documents to determine M23's sanctioned status. Publicly clarifying the existing sanctions framework would also assist Canadian communities, including diaspora organizations, in ensuring that their activities remain fully consistent with Canadian law.

V. Recommendations

125. Canadian authorities should initiate a criminal investigation of Ngarambe. In our view, Ngarambe has served in a senior political and administrative role within M23—a sanctioned group under Canadian and international law—has participated in the seizure and redistribution of property, and has helped sustain the administrative apparatus through which M23 consolidates territorial control. The most direct accountability route is enforcement under the United Nations Act and the Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo. The matter should therefore be referred to the RCMP for investigation with a view to prosecution for knowing participation in prohibited dealings, facilitation of transactions, provision of services, and any related reporting failures. The RCMP should, in parallel, consider opening an investigation into Ngarambe's potential commission of—or complicity in—alleged war crimes or crimes against humanity.

126. Canada should also consider pursuing autonomous sanctions against Ngarambe under SEMA. Even if prosecution under the existing UN-based regime is likely the most

immediate path to accountability, we believe that the record also supports Ngarambe's designation in his personal capacity. Sanctions under SEMA may be imposed in situations of gross and systematic human rights violations and grave breaches of international peace. M23's documented conduct appears to meet these thresholds, and, in our view, Ngarambe's leadership role within the group provides a basis for Canada to consider designating him individually.

127. We believe further that Canadian authorities should investigate the financial and logistical networks sustaining Ngarambe and other M23 leaders. Ngarambe has stated publicly that M23 leaders receive payment for their roles. Any person or entity in Canada, or any Canadian abroad, that transfers funds, property, or services to M23 leadership may already be exposed to liability under Canada's sanctions regime if those transfers amount to dealings in property or services for the benefit of a designated entity. Those payment channels should therefore be treated as potential sanctions-evasion pathways and referred for financial tracing, including, but not limited to, review by the RCMP, FINTRAC, and any other competent enforcement authorities. We believe that the right target is not just Ngarambe personally, but the ecosystem that finances and operationalizes him.

128. Canadian authorities should also consider issuing public guidance or interpretive clarification regarding the domestic legal effect of the UNSC designation of M23 under Canada's existing sanctions framework. Such guidance could promote greater legal clarity and assist Canadian individuals, businesses, financial institutions, community organizations, diaspora organizations, humanitarian organizations, and civil society organizations in understanding their existing legal obligations and reducing the risk of inadvertent non-compliance.

Appendix

Abbreviations

AFC — Congo River Alliance

CAHWCA — Canada's Crimes Against Humanity and War Crimes Act

CNDP — *Congrès national pour la défense du peuple*

CSIS — Canadian Security Intelligence Service

DRC — Democratic Republic of the Congo

FARDC — *Forces armées de la République démocratique du Congo*

FIB — Force Intervention Brigade

FINTRAC — Financial Transactions and Reports Analysis Centre of Canada

FDLR — *Forces Démocratiques de Libération du Rwanda*

ICC — International Criminal Court

JVCFOA — Justice for Victims of Corrupt Foreign Officials Act

M23 — March 23 Movement

MONUC — United Nations Organization Mission in the Democratic Republic of the Congo

MONUSCO — The United Nations Organization Stabilization Mission in the Democratic Republic of the Congo

NGO — Non-Governmental Organization

RCMP — Royal Canadian Mounted Police

RDF — Rwanda Defence Force

SEMA — Special Economic Measures Act

SOR/2004-222 — Regulations Implementing the United Nations Resolutions on the Democratic Republic of the Congo

UN — United Nations

UN GOE — United Nations Group of Experts on the Democratic Republic of the Congo

UNFFM — UN Fact-Finding Mission on the Situation in the North and South Kivu Provinces of the Democratic Republic of the Congo

UNHCR — United Nations High Commissioner for Refugees

UNSC — United Nations Security Council