

AFRICAN UNION		AFRICAN UNION
الاتحاد الأفريقي		UNIÃO AFRICANA
AFRICAN COURT ON HUMAN AND PEOPLES' RIGHTS COUR AFRICAINE DES DROITS DE L'HOMME ET DES PEUPLES		

DEMOCRATIC REPUBLIC OF THE CONGO V. REPUBLIC OF RWANDA

APPLICATION No. 007/2023

CASE SUMMARY

1. On 21 August 2023, the Democratic Republic of the Congo (hereinafter referred to as “the Applicant State”) submitted to the African Court on Human and Peoples’ Rights (hereinafter referred to as “the Court”) an application (hereinafter referred to as “the Application) against the Republic of Rwanda (hereinafter referred to as “the Respondent State”).

2. The Applicant State alleges violation of the following rights and obligations: respect for and protection of human rights, protected by Article 1 of the African Charter on Human and Peoples’ Rights (“the Charter”) Article and 2(1) of the International Covenant on Civil and Political Rights (“ICCPR”); the right of victims to an effective remedy and reparation, guaranteed by Article 7(1) of the Charter; the right to life and physical integrity, protected by Article 4 of the Charter, Article 4 of the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (“Protocol on the Rights of Women”), Article 5(1) of the African Charter on the Rights and Welfare of the Child (“ACRWC”) and Article 6(1) of the ICCPR; the right to human dignity and the prohibition of slavery, human trafficking, torture, cruel or degrading treatment or punishment, guaranteed by Article 5 of the Charter, Articles 3(1) and (2) of the Protocol on the Rights of Women in Africa, Articles 7 and 8 of the ICCPR; the right to liberty and personal security, protected by

Article 6 of the Charter, and Articles 9(1) and 12 (1) of the ICCPR; the right to education, protected by Article 17 of the Charter, Article 11(1) of the ACRWC, Article 12 of the Protocol on the Rights of Women in Africa, Article 13(1) of the International Covenant on Economic, Social and Cultural Rights and Article 6 of the Pretoria Declaration on Economic, Social and Cultural Rights (“Pretoria Declaration”); the rights to own property, to housing, to electricity and to the enjoyment of the highest attainable standard of physical and mental health, and to the protection of the family, protected by Articles 14, 16 and 18(1) of the Charter, Article 6 of the Pretoria Declaration and Article 12(1) of the ICESCR; the right to food, protected by Articles 4, 16 and 22 of the Charter, Articles 15 of the Protocol on the Rights of Women and the Pretoria Declaration; the right to development, protected by Article 22 of the Charter and Articles 19(c) of the Protocol on Women’s Rights; the right to the environment, protected by Articles 24 of the Charter and Article 18(1) of the Protocol on Women’s Rights; the right of peoples to peace, guaranteed by Article 23 of the Charter, and Articles 10 and 11 of the Protocol on Women’s Rights.

3. In its Application, the Applicant State avers that since November 2021, in the Kivu region, in the east of its territory, an armed conflict broke out and has been going on between its army and a coalition made up of the Respondent State’s defence forces and a rebel movement called the M23 supported by the Respondent State (hereinafter referred to as “the Coalition”).
4. The Applicant State avers that in January 2022, the said coalition launched simultaneous attacks against its positions and those of the United Nations peacekeeping mission (MONUSCO), first in the vicinity of Shanghi, on 22 May 2022, then in the localities of Kibumba (Nyiragongo territory), Tchanzu, Runyonyi, Kanombe and Rumangabo (Rutshuru territory). It claims that the coalition is currently occupying several localities in North Kivu province, including Bunagana, Kiwanja, Kibumba and Kitshanga in the Rutshuru, Nyiragongo and Masisi territories.
5. The Applicant State alleges that within the context of the said conflict, the coalition carried out massacres in the villages of Ruvumu on 21 June 2022, Kalindi in June and July 2022, Ruseke on 1 July 2022 and especially at Kishishe-Bambo on 29 and 30 November 2022 where 130 people were killed.

6. The Applicant State further avers that the Coalition's actions and inactions have also resulted in the internal displacement of Five Hundred and Twenty Thousand (520,000) persons, as well as in a cholera epidemic in the Kanyaruchina camp, near Goma, destruction and closure of schools thereby depriving Twenty Thousand (20,000) children of education, destruction of infrastructure such as electricity supply facilities, and the looting and destruction of agricultural infrastructure, homes and health centers.
7. The Applicant State recalls that the conflict broke out after the "wars of aggression" waged by the Respondent State from 1998 to 2002, by the Respondent State and a rebel group called *Congrès national pour défense du peuple* (CNDP), and by the Coalition from 2012 to 2013.
8. The Applicant State avers that, with regard to the 1998-2002 conflict, the African Commission on Human and Peoples' Rights ("the Commission") ruled that the Respondent State violated the Charter and recommended adequate compensation for the victims of human rights violations.
9. The Applicant State further maintains that the Respondent State continues to harbour on its territory individuals whom it has refused to try or extradite, particularly Laurent Nkunda, former leader of the CNDP, and M23 leaders who are suspected or accused of serious international crimes and against whom its courts have issued international arrest warrants.
10. Consequently, the Applicant State prays the Court to assume jurisdiction and to declare the Application admissible; to hold that the Respondent State violated the rights mentioned in paragraph 2 above the violation of which the Respondent State alleges.
11. As regards reparations, the Applicant State prays the Court to: order the Respondent State to withdraw its troops from the Applicant State's territory and immediately halt all forms of support for M23, to put an end to the human rights violations; order the Respondent State to adequately repair the damage caused by the said violations, both to itself and to its populations who have been victims of the said violations; rule that the issue of reparation owed by the Respondent State shall be settled by the Court; reserve further proceedings in accordance with the combined provisions of Article 27(1) of the

Protocol and Rules 40 (4) and 69 (3) of the Rules of Court; lastly, order the Respondent State to reimburse him all costs.

For more information, please contact the Registrar's Office by e-mail at registrar@african-court.org.

The African Court on Human and Peoples' Rights is a continental court created by African countries to ensure the protection of human and peoples' rights in Africa. The Court has jurisdiction over all cases and disputes brought before it concerning the interpretation and application of the African Charter on Human and Peoples' Rights and any other relevant human rights instrument ratified by the States concerned. For more information, please visit www.african-court.org.