



# INTERNATIONAL COURT OF JUSTICE

Peace Palace, 2517 KJ The Hague. Tel: +31 (0)70 302 23 23. Cables: Intercourt,  
The Hague. Fax: +31 (0)70 364 99 28. Telex: 32323. E-mail address:  
mail@icj-cij.org. Internet address: <http://www.icj-cij.org>.

Press Release

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**The Democratic Republic of the Congo initiates proceedings against Rwanda citing massive human rights violations by Rwanda on Congolese territory**

**The Democratic Republic of the Congo requests the Court to indicate provisional measures as a matter of urgency**

THE HAGUE, 28 May 2002. The Democratic Republic of the Congo (DRC) today filed in the Registry of the Court an Application instituting proceedings against Rwanda for “massive, serious and flagrant violations of human rights and of international humanitarian law” resulting “from acts of armed aggression perpetrated by Rwanda on the territory of the Democratic Republic of the Congo in flagrant violation of the sovereignty and territorial integrity of the Democratic Republic of the Congo, as guaranteed by the United Nations and OAU Charters”.

In its Application, the DRC states that Rwanda has been guilty of “armed aggression” from August 1998 to the present day. According to it, that aggression has resulted in “large-scale human slaughter” in South Kivu, Katanga Province and the Eastern Province, “rape and sexual assault of women”, “assassinations and kidnapping of political figures and human rights activists”, “arrests, arbitrary detentions, inhuman and degrading treatment”, “systematic looting of public and private institutions, seizure of property belonging to civilians”, “human rights violations committed by the invading Rwandan troops and their ‘rebel’ allies in the major towns in the East” of the DRC, and “destruction of fauna and flora” of the country.

In consequence, the Democratic Republic of the Congo requests the Court

“to adjudge and declare that:

- (a) Rwanda has violated and is violating the United Nations Charter (Article 2, paragraphs 3 and 4) by violating the human rights which are the goal pursued by the United Nations through the maintenance of international peace and security, as well as Articles 3 and 4 of the OAU Charter;
- (b) Rwanda has violated the International Bill of Human Rights, as well as the main instruments protecting human rights, including inter alia the Convention on the Elimination of [All Forms of] Discrimination against Women, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Prevention and Punishment of the Crime of Genocide of 9 December 1948, the Constitution of the WHO, the Constitution of UNESCO;

- (c) by shooting down a Boeing 727 owned by Congo Airlines on 9 October 1998 in Kindu, thereby causing the death of 40 civilians, Rwanda has also violated the United Nations Charter, the Convention on International Civil Aviation of 7 December 1944 signed at Chicago, the Hague Convention for the Suppression of Unlawful Seizure of Aircraft of 16 December 1970 and the Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation of 23 September 1971;
- (d) by engaging in killing, slaughter, rape, throat-slitting, and crucifying, Rwanda is guilty of genocide against more than 3,500,000 Congolese, including the victims of the recent massacres in the city of Kisangani, and has violated the sacred right to life provided for in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights, the Convention on the Prevention and Punishment of the Crime of Genocide and other relevant international legal instruments;

In consequence, and in accordance with the international legal obligations referred to above, to adjudge and declare that:

- (1) all Rwandan armed forces at the origin of the aggression shall forthwith quit the territory of the Democratic Republic of the Congo, so as to enable the Congolese people to enjoy in full their rights to peace, to security, to their resources and to development;
- (2) Rwanda is under an obligation to procure the immediate, unconditional withdrawal of its armed forces and the like from Congolese territory;
- (3) the Democratic Republic of the Congo is entitled to compensation from Rwanda for all acts of looting, destruction, slaughter, removal of property or persons and other acts of wrongdoing imputable to Rwanda, in respect of which the Democratic Republic of the Congo reserves the right to establish a precise assessment of the prejudice at a later date, in addition to restitution of the property removed.

It also reserves the right in the course of the proceedings to claim other damage suffered by it and its people.”

The DRC further states in its Application that the Court’s jurisdiction to deal with the dispute between it and Rwanda “deriv[es] from compromissory clauses” in many international legal instruments. In this connection, it cites the 1979 Convention on the Elimination of All Forms of Discrimination against Women, the 1965 International Convention on the Elimination of All Forms of Racial Discrimination, the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the Constitution of the World Health Organization (WHO), the Constitution of the United Nations Educational, Scientific and Cultural Organization, the 1984 New York Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and the 1971 Montreal Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation. The DRC adds that the jurisdiction of the Court also derives from the supremacy of mandatory norms (ius cogens), as reflected in certain international treaties and conventions, in the area of human rights.

The Democratic Republic of the Congo has also today filed a request for the indication of provisional measures. In that request it states that, in addition to the numerous “crimes set out in the Application instituting proceedings, the perpetrator of which is Rwanda, the urgent request by the Democratic Republic of the Congo for provisional measures is amply justified by the fact that the massacres (begun in August 1998) have been continuing since January 2002 up to the present time, despite numerous resolutions of the United Nations Security Council and Human Rights Commission.” The DRC further states that the purpose of the provisional measures which it is requesting “pending the Court’s decision on the merits [is] to prevent irreparable harm being caused to its lawful rights and to those of its population by reason of the occupation of part of its

territory by Rwandan forces”. It emphasizes that “[t]o fail to make an immediate order for the measures sought would have humanitarian consequences incapable of being made good, whether in the short term or in the long term”.

Hearings on the request for the indication of provisional measures will be held on Thursday 13 June 2002, from 10.00 a.m. to 1.00 p.m. (DRC) and from 3.00 p.m. to 6.00 p.m. (Rwanda) and, if necessary, in the morning of 14 June 2002.

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The full text of the Democratic Republic of the Congo’s Application instituting proceedings and request for the indication of provisional measures will be available shortly on the Court’s website ([www.icj-cij.org](http://www.icj-cij.org)).

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Information Department:

Mr. Arthur Witteveen, First Secretary (Tel.: +31 70 302 23 36)

Mrs. Laurence Blairon, and Mr. Boris Heim, Information Officers (Tel.: +31 70 302 23 37)

E-mail address: [information@icj-cij.org](mailto:information@icj-cij.org)