

MP-IDSA *Commentary*

Between Justice and Jurisdiction: The DRC's Case against Rwanda at the ICJ

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Summary

The DRC's latest case against Rwanda brings its quest for accountability in eastern Congo back to the International Court of Justice.

Introduction

On 26 June 2026, the Democratic Republic of Congo initiated a legal action against Rwanda before the International Court of Justice (ICJ), the United Nations’ principal judicial body. The DRC has alleged that Rwanda bears legal responsibility for prolonged violence in eastern Congo, including killings, sexual abuse, forced displacement, torture and other serious violations. The application connects these alleged abuses to the continuing consequences of the 1994 Rwandan genocide, after which armed groups and former genocidal elements moved into eastern Congo, turning the region into a lasting theatre of instability.¹

This is not the first time the DRC has sought the Court’s intervention, but its earlier attempts did not result in a substantive ruling. One case was discontinued in 2001, and another was rejected in 2006 after the Court found that it lacked jurisdiction.² In a recent interview, Rwanda’s Foreign Minister dismissed the DRC’s ICJ case as politically driven rather than a serious legal effort. Kigali argues that Kinshasa has failed to meet its commitments under the 2025 Washington peace agreement, especially the pledge to neutralise the Democratic Forces for the Liberation of Rwanda (Forces démocratiques de libération du Rwanda), FDLR, which Rwanda identifies as a genocidal group. Rwanda also frames its role in eastern Congo as a security response, citing alleged Congolese cooperation with armed groups, drone attacks, hate speech and violence against Congolese Tutsi communities.³

DRC at the ICJ: Third Time’s the Charm?

The DRC’s present move must be understood against the background of earlier cases before the ICJ. The Congo wars produced some of the Court’s most important rulings on the use of force, occupation, state responsibility, natural resources and reparations. In 1999, the DRC brought proceedings against Uganda, Rwanda and Burundi in relation to military activities on Congolese territory.⁴ The cases against Rwanda and Burundi did not proceed in the same way due to jurisdictional

¹ [“The Democratic Republic of the Congo Institutes Proceedings Against Rwanda”](#), International Court of Justice, 26 June 2026.

² Ange Adihe Kasongo, [“Congo Files ICJ Case Against Rwanda Over Role in Conflict”](#), *Reuters*, 26 June 2026.

³ France24 English, [“DR Congo Conflict: Rwandan FM 'Disappointed by Increasingly Biased US Mediation'”](#), *YouTube*, 30 June 2026.

⁴ [“Armed Activities on the Territory of the Congo \(Democratic Republic of the Congo v. Rwanda\)”](#), International Court of Justice.

weaknesses. The Uganda case, however, became a landmark decision because Uganda had accepted the Court's compulsory jurisdiction.

In the *Armed Activities on the Territory of the Congo* case, the ICJ examined whether Uganda’s military presence in the DRC was lawful. Uganda argued that it had acted with Congolese consent and in self-defence against anti-Ugandan rebel groups operating from Congolese soil. The Court rejected these arguments. It held that any earlier consent from the DRC had been withdrawn by August 1998 and that Uganda could not rely on self-defence because the relevant armed attacks were not legally attributable to the Congolese state. The Court therefore found that Uganda had violated the prohibition on the use of force under Article 2(4) of the UN Charter.⁵

The Uganda case was significant for another reason. The ICJ held that Uganda was an occupying power in Ituri because it had exercised authority there in place of the Congolese government. This finding created legal consequences. Uganda was required to protect civilians, maintain public order and prevent looting and abuses. The Court found Uganda responsible for violations of international humanitarian law and human rights law, including acts committed by members of its armed forces. It also held Uganda responsible for looting, plundering and exploitation of Congolese natural resources by its troops. In 2022, the Court ordered Uganda to pay US\$ 325 million in reparations, including US\$ 225 million for damage to persons, US\$ 40 million for property damage and US\$ 60 million for damage relating to natural resources.⁶

The DRC’s earlier case against Rwanda followed a different course. In 2002, Kinshasa filed a new application against Rwanda alleging serious violations of international humanitarian law and human rights law. However, in 2006, the ICJ ruled that it had no jurisdiction to hear the case. The DRC relied on several treaties, including the Genocide Convention. Still, Rwanda had made a reservation to Article IX of that Convention, the provision that allows disputes to be brought before the ICJ. The Court accepted that the prohibition of genocide is a fundamental norm, but it made clear that even grave allegations do not automatically create jurisdiction. Consent remained essential.⁷

⁵ [“Armed Activities on the Territory of the Congo \(Democratic Republic of the Congo v. Uganda\)”](#), International Court of Justice.

⁶ Ibid.

⁷ [“Armed Activities on the Territory of the Congo \(New Application: 2002\) \(Democratic Republic of the Congo v. Rwanda\)”](#), International Court of Justice.

The central legal issue in the DRC’s latest proceedings lies not merely in the gravity of the allegations, but in the Court’s competence to adjudicate them. While the claims advanced by Kinshasa may carry considerable moral, political and humanitarian weight, the ICJ must first determine whether a valid jurisdictional basis exists. If the DRC has successfully identified a more robust jurisdictional foundation than in its earlier proceedings against Rwanda, the case could move beyond the preliminary stage and proceed to an examination of the merits. However, if jurisdiction remains defective or insufficiently established, the application may be dismissed again before the substantive questions are considered. This makes the present filing legally significant, but procedurally uncertain.

Assessment

The DRC’s case before the ICJ serves three broad purposes. First, it enables the DRC to frame the eastern Congo crisis as a question of state responsibility under international law. This is significant because the conflict is often described primarily in the language of rebel groups, local militias and humanitarian suffering. By taking Rwanda to the ICJ, Kinshasa seeks to shift attention to the alleged conduct of a neighbouring state and to the legal consequences that may arise if Rwanda is found to have supported armed groups operating on Congolese territory.

Second, the case is important because it increases diplomatic and legal pressure on Rwanda. Even if the proceedings before the ICJ take years, the existence of a case can influence international debate. It gives the DRC a formal forum to place evidence on record, shape international opinion and subject Rwanda’s conduct to closer scrutiny. This may also strengthen Kinshasa’s position in parallel peace efforts, including the Washington and Doha processes. However, legal pressure alone cannot guarantee compliance. The conflict in eastern Congo has survived several peace agreements because implementation has remained weak and armed groups continue to operate in a fragmented security environment.

Kinshasa’s return to the ICJ can also be read against a wider legal moment shaped by South Africa’s genocide case against Israel. The relevance of that case lies not in a direct comparison of facts, but in the legal strategy it demonstrates.⁸ For the DRC, the main hurdle remains jurisdiction, especially since the ICJ dismissed its earlier case against Rwanda in 2006 on jurisdictional grounds. This time, Kinshasa

⁸ Qaanitah Hunter, “[South Africa’s Legal Team Says ‘Intent is Clear’ in Israel’s Gaza Genocide](#)”, *Al Jazeera*, 28 October 2024.

appears to be using Rwanda’s own official language, particularly references to the “disengagement of forces”, to strengthen the legal basis for the Court to hear the dispute.⁹ The aim is therefore not only to allege Rwanda’s involvement in eastern Congo, but also to establish a legal route through which Kigali can be made answerable before the Court.

The phrase “disengagement of forces” can be interpreted in two different ways. Rwanda is likely to present it in defensive terms. Kigali may argue that the phrase does not amount to an admission of unlawful intervention, invasion or occupation. It may claim that its military posture is linked to border security, self-defence concerns and the continuing threat posed by the FDLR. Rwanda may also stress that disengagement was framed as conditional, especially if it was tied to the DRC’s fulfilment of its own obligations. In this reading, Rwanda’s position would be that any reduction of its military posture depends on Kinshasa acting against armed groups that Kigali considers a direct security threat.

The DRC, however, may draw a very different legal inference from the same wording. Kinshasa could argue that a state cannot speak of “disengaging its forces” from a conflict theatre unless those forces are, in some form, already engaged there. While this may not constitute a complete legal admission, the phrase could still serve as evidence of an implied acknowledgement. It may help the DRC argue that Rwanda has maintained a military presence or engaged in operational activities in eastern Congo. In that sense, the language of disengagement becomes legally significant because it may help Kinshasa link Rwanda’s conduct to the dispute before the ICJ.

Third, the case highlights the limits of international adjudication. The ICJ can determine whether a state has violated international law, clarify legal obligations and, where appropriate, order reparations. But it cannot disarm militias, rebuild state authority in eastern Congo, protect civilians directly, or create political trust between Kinshasa and Kigali. The DRC vs Uganda case illustrates this constraint. The Court delivered its merits judgement in 2005, but reparations were decided only in 2022. This shows that justice through the ICJ is often slow, technical and heavily dependent on evidence.

Yet these limits do not make the legal route irrelevant. They show why reparations have become central to contemporary international law. The DRC’s fresh case against Rwanda belongs to a broader reparations turn, in which serious violations are increasingly expected to produce not only findings of illegality but also concrete

⁹ [**“Rwanda Regrets One-Sided Sanctions”**](#), Office of the Government Spokesperson, Republic of Rwanda Kigali, 2 March 2026.

remedies for injured states, communities and individuals. The ICJ’s reparations award in DRC vs Uganda, victim-reparation orders at the ICC and debates on climate-related loss and damage all point to an emerging law of international compensation. This gives added normative weight to Kinshasa’s claim.¹⁰

The regional context, however, remains complex. Rwanda presents the FDLR as a continuing security threat. The DRC sees Rwanda’s alleged support for M23 and other armed elements as a direct violation of its sovereignty. Both sides use the language of security, but they locate the source of insecurity differently. For Kigali, the problem begins with hostile forces operating from Congolese territory. For Kinshasa, the problem is Rwanda’s use of that threat to justify interference. This clash of narratives has repeatedly weakened diplomatic efforts.

Conclusion

The humanitarian situation gives the dispute its urgency. Civilians in eastern Congo have endured repeated displacement, ethnic violence, sexual abuse, killings and economic predation. Mineral-rich areas have become spaces where armed politics, external interests and local grievances overlap. The conflict is therefore not only about borders or rebels; it is also about authority, resources and civilian survival. The ICJ case may help establish legal responsibility, but peace will require a broader settlement that includes credible security guarantees, armed group demobilisation, regional monitoring, economic transparency and civilian protection.

¹⁰ Ashley Barnes, “[Commonalities in Recent Reparations Practice: Reflections on a Wider Legal Sensibility](#)”, *American Journal of International Law Unbound*, Vol. 119, 2025, pp. 145–150.

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