

US and international Legal Implications of Rwanda's Actions in the DRC Conflict

Rwanda's proven actions against the Democratic Republic of Congo (DRC) raise serious questions about violations of international and US law. This document examines both the international legal framework and relevant US legislation surrounding Rwanda's support of M23 rebels and military interventions in the DRC.

For the international legal implications, we'll address violations of the UN Charter, international humanitarian law, human rights frameworks, and the Rome Statute. Additionally, we'll explore applicable US laws including the Foreign Assistance Act, Dodd-Frank Act, Global Magnitsky Act, Foreign Assistance Act... Drawing on relevant case precedents, we'll examine how Rwanda could be held accountable under both international legal principles of state responsibility and US legislative mechanisms addressing foreign military conduct.



Summary of the Legal Framework

The legal implications of Rwanda's actions in the DRC can be analyzed through both domestic U.S. regulations and international legal frameworks.

Chapter 1: U.S. Legal Framework

Foreign Assistance Act of 1961 Sections 116, 620A, and 620I prohibit assistance to governments engaging in human rights violations and supporting terrorism	Child Soldiers Prevention Act Restricts military assistance to countries using child soldiers or supporting armed groups that recruit children
Dodd-Frank Act, Section 1502 Conflict Minerals Provision requiring due diligence for minerals sourced from DRC and adjacent countries	Executive Order 13413 Imposes sanctions on actors contributing to the conflict in the DRC, including asset freezing and travel restrictions
Global Magnitsky Act Provides authority to sanction individuals responsible for human rights abuses or significant corruption	Department of State Appropriations Act Section 7048(c) restrictions on foreign military financing and assistance
International Emergency Economic Powers Act (IEEPA) of 1977 Authorizes the President to regulate international commerce after declaring a national emergency in response to threats originating outside the United States	Arms Export Control Act (AECA) of 1976 Controls the export of defense articles and services, enabling suspension of arms transfers to countries violating international agreements
International Financial Institutions Act, Section 701 Directs U.S. representatives at IFIs to oppose loans to countries engaging in consistent patterns of human rights violations	Executive Order 13818 Implementing the Global Magnitsky Act with expanded authorities to target serious human rights abusers and corrupt actors globally
Section 7048(c) of the Department of State Appropriations Act Foreign Operations, and Related Programs Appropriations Act provisions restricting assistance to countries engaging in destabilizing activities	Presidential Proclamation 8693 Trafficking in Persons Sanctions that suspend entry into the U.S. for foreign officials involved in human trafficking and forced labor

Chapter 2: International Legal Framework

Direct Military Intervention Precedents

Comparative analysis with *Nicaragua v. USA* and *DRC v. Uganda* cases

Previous Cases Involving Rwanda in the DRC

- *DRC v. Rwanda* (2002)
- **Armed Activities case (2005)**
- Other relevant legal precedents

State Responsibility for Non-State Actors

Application of *Tadić* test and *Bosnia genocide* case to Rwanda's M23 support

Violations of the UN Charter and IHL

Article 2(4) prohibitions and Geneva Conventions violations in Eastern DRC

Human Rights Law Violations

- ICCPR
- African Charter breaches
- ECtHR extraterritorial jurisdiction principles

Rome Statute and ICC Jurisdiction

Articles 7 & 8 application to M23 atrocities and command responsibility principles

Key Takeaways and Legal Implications

Accountability through ICJ, ICC, and UN mechanisms based on established jurisprudence

Chapter 1: U.S. Legal Framework Summary

The United States has established multiple legal mechanisms applicable to the Rwanda-DRC conflict, including the Dodd-Frank Act, the Global Magnitsky Act, presidential authorities under the International Emergency Economic Powers Act (IEEPA) and export controls through the Arms Export Control Act (AECA).

Additional oversight is provided through the International Financial Institutions Act directing U.S. opposition to loans for human rights violators, and targeted sanctions via Executive Order 13818 implementing the Global Magnitsky Act.

Specific provisions in **Section 7048(c) of the Department of State Foreign Operations Appropriations Act** restrict assistance to countries engaging in destabilizing activities, while **Presidential Proclamation 8693** enables sanctions against officials involved in human trafficking a documented issue in the ongoing conflict.



U.S. Legal Framework Relevant to Rwanda–DRC Conflict

Dodd–Frank Act & Executive Order 13413



Dodd–Frank Act, Section 1502

Overview: Enacted in 2010, requires U.S. companies to disclose conflict minerals sourced from DRC or adjoining countries, including Rwanda.

Relevance to Rwanda:

- Rwanda accused of exporting DRC-sourced minerals
- Significant coltan exports despite limited deposits

Case Law: [*National Association of Manufacturers v. SEC*](#)

[Executive Order 13413](#)

Authorizes sanctions against entities contributing to DRC instability, including human rights abusers.

Global Magnitsky Act & Foreign Assistance Act



[Global Magnitsky Human Rights Accountability Act](#)

Overview: Allows U.S. to sanction individuals responsible for human rights abuses globally.

Relevance to Rwanda:

- Rwanda’s alleged support for M23, which has been documented to commit human rights abuses (e.g., killing civilians, sexual violence, and forced displacement), could potentially trigger Magnitsky sanctions against Rwandan officials or entities.
- While no specific Magnitsky sanctions have been applied to Rwandan officials for DRC activities as of May 2025, the U.S. could use this framework to target individuals like Kabarebe or others involved in M23 support, especially if human rights abuses are further substantiated.

[Foreign Assistance Act of 1961](#)

Governs U.S. foreign aid with restrictions for countries violating international norms.

- Rwanda's alleged DRC incursions could trigger aid restrictions
- U.S. previously suspended military aid to Rwanda

Recent Developments & Rwanda's Position



Recent Sanctions:

- In February 2025, U.S. sanctioned Rwanda's Minister of State James Kabarebe for supporting M23
- U.S. urging Rwanda to cease M23 support and withdraw troops

Case Law: [*Goetz v. Gacki*](#) upheld OFAC's authority to maintain sanctions based on past conduct

Rwanda's Perspective:

- Denies supporting M23
- Claims actions are defensive against [FDLR](#) threats
- Links justification to 1994 genocide

Expert Assessment: This justification may be less relevant today given time elapsed since genocide

U.S. Legal Framework Relevant to Rwanda–DRC Conflict

Child Soldiers Prevention Act (CSPA)



Overview: Prohibits U.S. military aid to countries that use child soldiers, like Rwanda for supporting M23.

Consequences: Suspension of IMET, FMF, and commercial arms sales for Rwanda.

[CSPA Source](#)

Section 7031(c) & IEEPA



Section 7031(c): Bars U.S. entry for Rwandan officials linked to human rights abuses or corruption.

IEEPA: Allows sanctions on Rwandans supporting destabilizing groups like M23.

[State Dept. Appropriations](#) | [IEEPA](#)

Arms Export Control Act (AECA)



Overview: Prohibits U.S. arms transfers to countries misusing them, like Rwanda's alleged use against DRC.

Rwanda's View: Denies M23 involvement, claims defensive actions against FDLR threats.

[AECA](#)

U.S. Legal Framework Relevant to Rwanda–DRC Conflict



Sections 620A & 620I (22 U.S.C. § 2371, § 2378)

- **Overview:** Prohibits assistance to governments engaged in international terrorism, as determined by the State Department.
- **Application to Rwanda:** M23's destabilizing actions (including civilian attacks) and Rwanda's alleged support could constitute terrorism-like activities, though M23 lacks formal designation. UN evidence of Rwandan aid strengthens this legal argument.
- **Consequences:** Potential suspension of all U.S. aid, which would severely impact Rwanda's \$147 million in American support (2021).
- **Relevance to Congo Conflict:** M23's actions, allegedly backed by Rwanda, directly undermine U.S.-supported peace initiatives in the region.
- **Rwanda's Perspective:** Rwanda categorically denies terrorism links and counters by accusing DRC of supporting FDLR militants.
- **Critical Limitation:** Absence of terrorism designation for M23 significantly constrains enforcement mechanisms.

[Foreign Assistance Act Section 620A](#) | [Section 620I](#)



Section 701 IFIA & Section 116 FAA

- **Overview:** Section 701 mandates U.S. opposition to multilateral loans for countries perpetrating gross human rights violations; Section 116 prohibits economic aid to governments engaged in such violations.
- **Application to Rwanda:** M23's documented abuses (notably the 2022 Kishishe massacre) and Rwanda's alleged role could legally justify U.S. opposition to World Bank/IMF financing and trigger USAID restrictions.
- **Consequences:** Potential loss of critical multilateral funding and suspension of USAID programs, significantly impacting Rwanda's economic development initiatives.
- **Relevance to Congo Conflict:** Rwanda's actions exacerbate DRC's humanitarian crisis and fundamentally undermine stated U.S. regional objectives.
- **Rwanda's Perspective:** Rwanda firmly denies M23 support, highlighting its domestic progress and development-focused governance.
- **Critical Considerations:** Humanitarian exemptions, Rwanda's regional stability role, and DRC's own documented abuses complicate enforcement decisions.

[International Financial Institutions Act](#) | [Foreign Assistance Act Section 116](#)



Executive Order 13818 (2017)

- **Overview:** Authorizes sanctions against individuals/entities responsible for human rights abuses or corruption, including those supporting armed groups.
- **Application to Rwanda:** Rwandan officials enabling M23's documented atrocities could face targeted sanctions, building upon Kabarebe's 2025 designation precedent.
- **Consequences:** Immediate asset freezes, comprehensive visa bans, and inevitable diplomatic strain.
- **Relevance to Congo Conflict:** M23's ongoing abuses perpetuate the cycle of violence throughout eastern DRC.
- **Rwanda's Perspective:** Rwanda consistently denies M23 connections, characterizing U.S. actions as politically biased.
- **Strategic Advantage:** Targeted sanctions preserve broader bilateral relationships while addressing specific violations.

[Executive Order 13818](#) | [Global Magnitsky Sanctions](#)

Section 7048(c) of the Department of State, Foreign Operations, and Related Programs Appropriations Act



Foreign Operations Act & Trafficking in Persons Sanctions

- **Overview:** Prohibits federal funding to governments that violate another state's territorial integrity or sovereignty.
- **Application to Rwanda:** RDF military incursions and M23 support constitute violations of DRC sovereignty, as documented in UN reports.
- **Consequences:** Potential suspension of appropriated funds and significant diplomatic tensions.
- **Relevance to Congo Conflict:** Rwanda's actions directly contribute to DRC conflict escalation.
- **Rwanda's Perspective:** Rwanda consistently denies territorial incursions, citing legitimate security concerns regarding FDLR threats.
- **Critical Notes:** Presidential certifications may provide pathways to bypass these restrictions.

Presidential Proclamation 8693 (2011) – Trafficking in Persons Sanctions

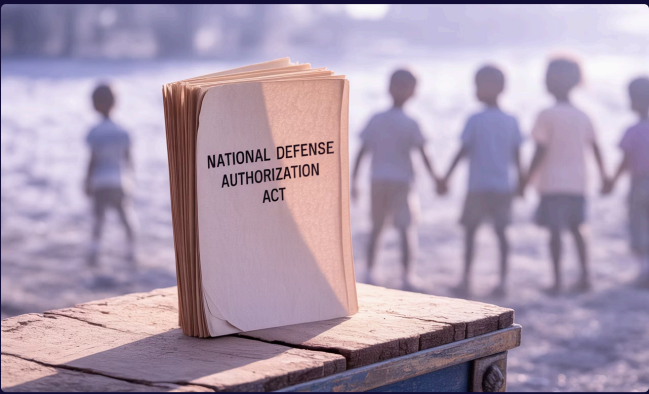
- **Overview:** Implements sanctions against governments failing to effectively combat human trafficking, including recruitment of child soldiers.
- **Application to Rwanda:** M23's documented use of child soldiers and Rwanda's alleged support could result in downgrading Rwanda's trafficking status.
- **Consequences:** Significant aid restrictions and potential diplomatic strain.



International Traffic in Arms Regulations

- **Relevance to Congo Conflict:** Child soldier recruitment substantially worsens DRC's humanitarian crisis.
 - **Rwanda's Perspective:** Rwanda categorically denies M23 ties, highlighting its robust domestic anti-trafficking legislation.
 - **Critical Notes:** Strong domestic compliance measures may mitigate potential sanctions impacts.
- ### 22 CFR Part 126 – International Traffic in Arms Regulations (ITAR)
- **Overview:** Comprehensively regulates defense exports, restricting transfers to countries engaged in human rights abuses or territorial aggression.

- **Application to Rwanda:** RDF's alleged M23 support could trigger defense export denials.
- **Consequences:** Restricted access to U.S. military technology and equipment.
- **Relevance to Congo Conflict:** Rwanda's involvement fundamentally fuels DRC instability.
- **Rwanda's Perspective:** Rwanda consistently maintains its compliance with international obligations.
- **Critical Notes:** Alternative non-U.S. arms sources potentially reduce impact effectiveness.



National Defense Act & Trafficking Victims Protection

- ### Section 1206 of the National Defense Authorization Act for FY 2006 (10 U.S.C. § 2282)
- **Overview:** Prohibits Department of Defense training and equipment provision to military units violating human rights standards.
 - **Application to Rwanda:** RDF units with documented links to M23 could become ineligible for assistance.
 - **Consequences:** Suspended DoD support, potentially limiting Rwanda's peacekeeping capabilities.
 - **Relevance to Congo Conflict:** Rwanda's actions fundamentally undermine regional stability objectives.
 - **Rwanda's Perspective:** Rwanda rejects allegations of M23 support, emphasizing its counterterrorism cooperation.
 - **Critical Notes:** National security waivers may apply given Rwanda's strategic regional value.

Section 123 of the Trafficking Victims Protection Reauthorization Act of 2005 (22 U.S.C. § 7103)

- **Overview:** Withholds non-humanitarian assistance from countries failing to meet minimum anti-trafficking standards.
- **Application to Rwanda:** M23's documented child soldier recruitment practices could trigger statutory restrictions.
- **Consequences:** Potential significant loss of development assistance funding.

[International Financial Institutions Act](#) | [Foreign Assistance Act Section 116](#) | [Executive Order 13818](#) | [Global Magnitsky Sanctions](#)



Chapter 2: International Legal Framework

This chapter examines the international legal frameworks applicable to Rwanda's actions in the Democratic Republic of Congo conflict.

The framework addresses state accountability for supporting non-state armed groups, violations of territorial sovereignty, and breaches of humanitarian law. This legal foundation is essential for evaluating the legality of Rwanda's alleged involvement and its implications under international justice mechanisms.

Understanding these legal parameters provides the necessary context for analyzing specific violations and determining potential consequences under both international and U.S. domestic legal systems.



1. Cases Involving Rwanda in the DRC



DRC v. Rwanda (ICJ, 2006)

Brief summary of facts: The DRC has filed a case against Rwanda at the African Court on Human and Peoples' Rights, alleging various human rights violations, including human trafficking, torture, and cruel treatment, perpetrated by Rwandan forces and the M23 on Congolese territory. The facts presented by the DRC involve specific incidents and patterns of abuse allegedly linked to Rwanda's involvement in the ongoing conflict. This case is currently proceeding, and its outcome will be a direct precedent related to the current situation.

Holding: The ICJ found it lacked jurisdiction because Rwanda had not consented to the Court's jurisdiction for the specific matters raised.

Sources:

- <https://tinyurl.com/2v5zwzbb>
- <https://www.quimbee.com/cases/armed-activities-on-the-territory-of-the-congo-democratic-republic-of-the-congo-v-rwanda>



DRC v. Rwanda (African Court, ongoing)

Brief summary of facts: Similar.

Take away: This current case brought by the DRC against Rwanda directly addresses alleged human rights violations, including those related to the ongoing conflict and Rwanda's alleged support for the M23. While the case is ongoing, it signifies a direct legal challenge based on precedents within the African human rights framework.



Legal Significance

While the 2006 case lacked jurisdiction, the principles of international law still apply. The ongoing African Court case directly addresses alleged human rights violations and will be a significant precedent specific to this situation.

2. Direct Military Intervention Precedents



DRC v. Uganda (ICJ, 2005)

Rule: A state is responsible for the conduct of its military personnel, even if they act contrary to instructions. This case sets a clear precedent for state responsibility for direct military actions in another sovereign state.

Brief summary of facts: The DRC brought a case against Uganda for military activities conducted on Congolese territory between 1998 and 2003. **The DRC alleged that Uganda had violated its sovereignty and territorial integrity and was responsible for human rights abuses and the exploitation of natural resources committed by its forces.** The ICJ found that Uganda had indeed violated international law through its military intervention, the conduct of its soldiers (including killings, torture, and other inhumane acts), and its failure to prevent the exploitation of Congolese resources in areas under its control. **The Court held Uganda responsible for these actions.**

Holding: ICJ found Uganda responsible for violations of international law through its military intervention in DRC, including human rights abuses and resource exploitation by its forces.

Source:
https://www.youtube.com/watch?v=L-O1_nABRfk



Corfu Channel Case (ICJ, 1949)

Rule: The Court established that every state has an obligation not to allow its territory to be used for acts contrary to the rights of other states.

Brief summary of facts: The United Kingdom argued that Albania was responsible for the damage, either because it had laid the mines or because it knew of their existence and failed to warn the British ships.

Holding: The ICJ found that while there was no direct proof Albania had laid the mines, it had a duty to notify shipping of the danger existing in its territorial waters. Albania's failure to do so engaged its international responsibility.

Take away: If Rwanda has allowed its territory to be used for planning and launching attacks into the DRC or for supplying the M23 in a way that leads to violations, this principle could be relevant.

Source:
<https://www.quimbee.com/cases/corfu-channel-case-united-kingdom-v-albania>



Velásquez Rodríguez Case (1988)

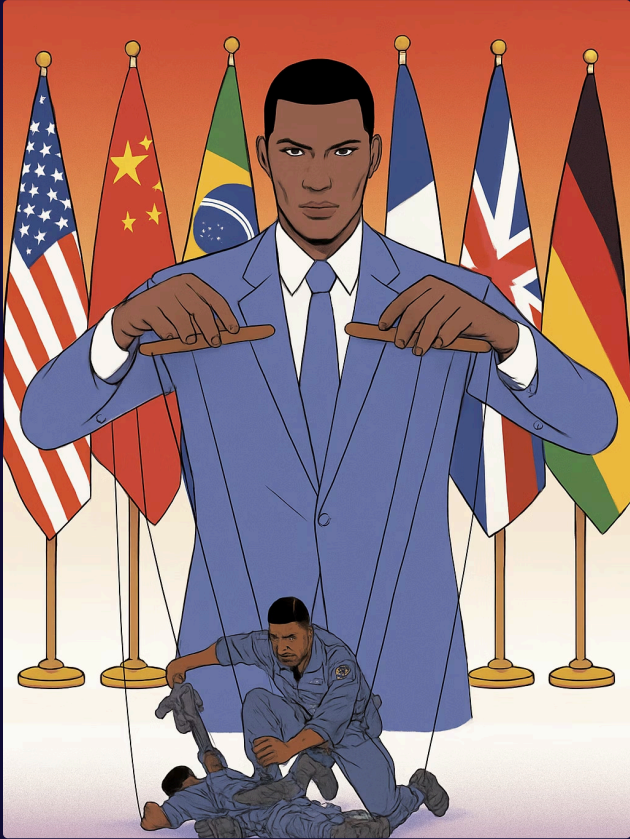
Rule: States have a duty to prevent, investigate, and punish human rights violations. If Rwanda had knowledge of impending violations by M23 and failed to prevent them, it could be held accountable.

Brief summary of facts: Manfredo Velásquez Rodríguez, a student in Honduras, was forcibly disappeared in 1981. His family brought a case against the Honduran government, alleging its responsibility for the disappearance. The Inter-American Court of Human Rights established that states have a duty to prevent, investigate, and punish human rights violations. The Court found that Honduras had failed in these duties and was therefore responsible for Velásquez Rodríguez's disappearance, even if direct involvement in the act itself couldn't be conclusively proven.

Take away: If Rwanda had knowledge of impending violations by the M23 (due to its alleged support and control) and failed to take measures to prevent them, or if it fails to investigate and prosecute those responsible, it could be held accountable for a breach of its obligations.

Source:
<https://www.quimbee.com/cases/velasquez-rodriguez-case-inter-am-ct-h-r-ser-c-no-4-1988>

3. State Responsibility for Non-State Actors



Nicaragua v. United States (ICJ, 1986)

Brief summary: Nicaragua alleged the US was responsible for military and paramilitary activities by the Contras. Nicaragua argued that the US financed, trained, equipped, and otherwise supported the Contras.

Holding: The ICJ found the US lacked "effective control" over specific Contra operations that violated international law.

Rule: The "effective control" test requires a state to exercise control over specific operations during which violations occurred. Mere financing and training are insufficient.

Sources:

- Nicaragua v. US:
<https://www.quimbee.com/cases/military-and-paramilitary-activities-in-and-against-nicaragua-nicaragua-v-united-states>



Prosecutor v. Tadić (ICTY, 1999)

Brief summary: Duško Tadić, a Bosnian Serb, was accused of war crimes and crimes against humanity in Bosnia. A key issue was whether Bosnian Serb forces acted under "overall control" of Yugoslavia.

Holding: The ICTY established the "overall control" test, finding Yugoslavia exercised control over Bosnian Serb army through financing, material support, and participation in planning.

Rule: The "overall control" test applies in international armed conflicts when a state organizes, coordinates, plans, finances, trains, and equips a non-state armed group.

Sources:

- Prosecutor v. Tadić:
<https://www.youtube.com/watch?v=bWxyzoNynog>
- <https://casebook.icrc.org/case-study/icty-prosecutor-v-tadic>



Application to Rwanda/DRC

If Rwanda exercises "effective control" or "overall control" over M23's actions where violations occurred, Rwanda could be held responsible for those violations.

4. Violations of the United Nations Charter and International Humanitarian Law



UN Charter Violations

Article 2(4) prohibits the threat or use of force against territorial integrity or political independence of any state.

Rwanda's alleged military intervention and support for M23 rebels breach DRC's sovereignty.



War Crimes

The fact that the M23 under Rwanda's control commits acts such as :

- **Willful killing of civilians:** (Grave breach of the Geneva Conventions)
- **Torture and inhuman treatment:** (Grave breach of the Geneva Conventions)
- **Indiscriminate attacks on civilians:** (Violation of the principle of distinction)
- **Rape and other forms of sexual violence:**
- **Pillaging**
- **Recruitment and use of child soldiers:** (War crime under the Rome Statute and customary IHL)
- **Attacks on hospitals and protected objects:** (War crime)



Article 2 of the Geneva Conventions

Article 2 establishes the fundamental basis for the applicability of the Geneva Conventions in situations of war or armed conflict between states that have ratified them, which includes the context of the alleged involvement of Rwanda in the conflict in the DRC.

Rwanda's involvement in the DRC conflict, even if just through support of the M23, would still trigger international humanitarian law. If Rwandan forces are operating in Congolese territory, this could be considered an international armed conflict under Article 2.

The aforementioned actions may constitute grave breaches of the Geneva Conventions and customary international law, establishing individual and state responsibility.

5. Human Rights Law Violations

5. a. International Covenant on Civil and Political Rights



Article 6: Right to Life.

This article protects every human being's inherent right to life. Allegations of massacres, killings of civilians, and failure to protect the civilian population in areas under Rwandan influence or control could constitute violations of this right. If Rwandan forces directly engage in unlawful killings or if Rwanda supports or directs the M23 in carrying out such acts, it could be held responsible.

Article 7: Prohibition of Torture and Cruel, Inhuman or Degrading Treatment or Punishment.

This article prohibits torture and other forms of severe mistreatment. Reports of torture, rape, and other forms of sexual violence perpetrated by the M23, if attributable to Rwanda, would violate this article. Similarly, any such acts committed by Rwandan forces themselves would be a direct violation.

Article 9: Right to Liberty and Security of Person.

This article guarantees the right to freedom from arbitrary arrest and detention. If Rwandan forces or the M23, under Rwandan control, are involved in arbitrary arrests, detentions without due process, or kidnappings of civilians, this would violate Article 9.



Article 12: Freedom of Movement.

This article guarantees the right to freedom of movement and the right to choose one's residence. Forced displacement of populations as a result of the conflict, if caused by Rwandan actions or the actions of the M23 attributable to Rwanda, could be seen as a violation of this right.

Article 14: Right to a Fair Trial.

This article guarantees the right to a fair and public hearing by a competent, independent, and impartial tribunal established by law. If individuals are detained by Rwandan forces or the M23 and denied due process, including fair trials, this would violate Article 14.



Article 17: Prohibition of Arbitrary or Unlawful Interference with Privacy, Family, Home or Correspondence.

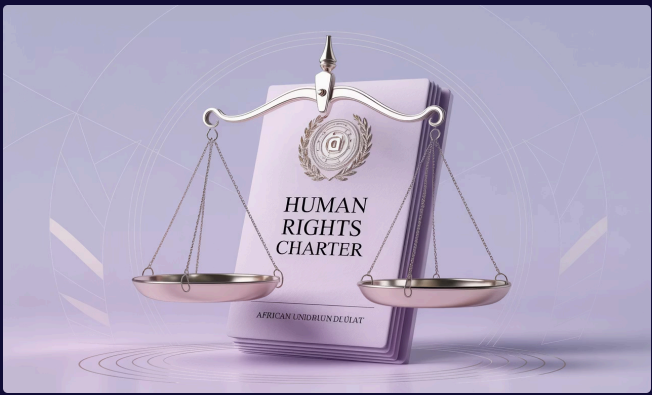
Actions such as arbitrary destruction of homes, unlawful searches, and interference with family life in areas under Rwandan control or influence could violate this article.

Article 27: Rights of Minorities.

This article protects the rights of persons belonging to ethnic, religious, or linguistic minorities. If the conflict involves targeted violence or discrimination against specific ethnic groups with the alleged support or involvement of Rwanda, this could constitute a violation of the rights of these minorities.

5.b. African Charter on Human and Peoples' Rights

As an African Union member, Rwanda is bound by this charter.



Article 4: Right to Life and Integrity of the Person.

This article guarantees the inviolability of every human being and the right to the integrity of their person. Allegations of massacres, killings of civilians, and physical violence committed by Rwandan forces or the M23 under Rwandan control would violate this fundamental right.

Article 5: Right to Dignity and Freedom from Torture and Cruel, Inhuman or Degrading Treatment.

This article affirms the inherent dignity of every human being and prohibits all forms of exploitation, degradation, and particularly torture, cruel, inhuman, or degrading punishment and treatment. Reports of torture, rape, and other forms of severe mistreatment allegedly perpetrated by the M23 (if attributable to Rwanda) or by Rwandan forces directly would violate this article.

Article 6: Right to Liberty and Security of the Person.

This article guarantees the right to liberty and security and prohibits arbitrary arrest and detention. If Rwandan forces or the M23, acting under Rwandan control, are involved in arbitrary arrests, detentions without due process, or kidnappings of civilians, this would violate Article 6.



Article 12: Freedom of Movement.

This article guarantees the right to freedom of movement and residence within the borders of a State, and the right to leave and return to one's country. Forced displacement of populations as a result of the conflict, if caused by Rwandan actions or the actions of the M23 attributable to Rwanda, could be seen as a violation of this right.

Article 14: Right to Property.

This article guarantees the right to property and states that it may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws. Allegations of looting and destruction of civilian property by Rwandan forces or the M23 under their control could violate this right.

Article 16: Right to Health.

This article recognizes the right to enjoy the best attainable state of physical and mental health. Actions that undermine the health and well-being of the civilian population, such as attacks on healthcare facilities or creating conditions leading to disease outbreaks in displaced populations due to the conflict, could be seen as violations, especially if attributable to Rwanda.



Article 18: The Family as the Natural Unit and Basis of Society.

This article mandates that the family shall be protected. Actions leading to the separation of families, deaths of family members, and the disruption of family life due to the conflict could be seen as undermining this right.

Article 22: Right to Peace and Security.

This article affirms the right of all peoples to peace and security. Rwanda's alleged aggression and support for armed groups destabilizing the DRC could be argued as a violation of the Congolese people's right to peace and security.

5.c. Convention on the Rights of the Child

The Convention on the Rights of the Child (CRC) is a comprehensive human rights treaty that establishes global standards for the protection of children. Rwanda's alleged actions in the DRC conflict potentially violate multiple provisions of this convention:



Article 38: Protection in Armed Conflict

Requires states to prevent children under 15 from direct participation in hostilities. Evidence suggesting that Rwanda or M23 forces under Rwandan control have recruited or used child soldiers would constitute a direct violation of this core protection.

Article 6: Right to Life and Development

Guarantees every child's inherent right to life and obligates states to ensure child survival and development. Military operations causing civilian casualties, including children, or destroying infrastructure essential for children's survival violate this fundamental right.



Article 19: Protection from Violence

Mandates protection of children from all forms of physical or mental violence. Reports of children being subjected to violence, witnessing atrocities, or experiencing trauma due to conflict activities attributable to Rwanda breach this protection.

Article 39: Rehabilitation of Child Victims

Requires states to promote physical and psychological recovery of child victims of armed conflicts. By potentially causing harm to children and destabilizing recovery systems, Rwanda may be undermining this obligation toward children in the DRC.



These violations are particularly significant as both Rwanda and the DRC are signatories to the Optional Protocol on the Involvement of Children in Armed Conflict, which raises the minimum age for direct participation in hostilities to 18 years.

The systematic nature of these violations could compound Rwanda's legal liability under international humanitarian law, especially given the extensive documentation by human rights organizations of children's rights abuses in the ongoing conflict.

International monitoring mechanisms have raised serious concerns about the impact of this conflict on children's rights in eastern DRC, calling for immediate cessation of violations.

6. Rome Statute and International Criminal Court Jurisdiction



The ICC has jurisdiction over war crimes, crimes against humanity, and genocide committed on DRC territory since July 1, 2002, when the Rome Statute entered into force. The DRC ratified the Rome Statute on April 11, 2002, giving the Court jurisdiction per Article 12(2)(a). Rwanda, despite not being a State Party, could see its nationals prosecuted for crimes committed on DRC territory under the territorial jurisdiction principle.

Under Article 8 of the Rome Statute, war crimes include grave breaches of the Geneva Conventions and serious violations of the laws and customs of war. Article 7 defines crimes against humanity as acts "committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." The ICC's *Ntaganda* and *Lubanga* cases have established important precedents regarding command responsibility and the use of child soldiers in the DRC context.

Individual criminal responsibility extends to those who "order, solicit or induce" crimes (Article 25) and to military commanders for crimes committed by forces under their "effective command and control" (Article 28). The UN Mapping Report (2010) and various Security Council resolutions (S/RES/2389, S/RES/2556) have documented patterns of violations that could potentially meet these thresholds. The ICC Prosecutor has authority under Article 15 to initiate investigations *proprio motu* based on information from reliable sources, including UN bodies and NGOs.

7. Key Takeaways and Legal Implications

State Responsibility

Rwanda may be responsible for M23 actions if "effective" or "overall" control is proven, as established in *Nicaragua v. US* (1986) and *Tadić* (1999)

Evidence

UN Group of Experts reports (2012-2023) on Rwanda's control over M23 are crucial for establishing responsibility, similar to evidence in *Taylor case* (SCSL)



Legal Frameworks

Multiple violations across UN Charter Article 2(4), Geneva Conventions, ICCPR, and Rome Statute Articles 7-8 on crimes against humanity and war crimes

Precedents

DRC v. Uganda (2005) and *Bosnia v. Serbia* (2007) cases support accountability for cross-border military actions and proxy forces

These established principles of international law regarding state responsibility for actions within another state's territory and for the conduct of non-state actors they support or control provide a clear framework for assessing Rwanda's legal liability.

The crucial aspect will be the evidence presented to demonstrate the level of control Rwanda exerts over the M23 and the direct involvement of Rwandan forces in actions that constitute violations of international law. The ongoing case at the African Court will be a significant development in potentially setting a precedent specific to this situation.

Conclusion: The Path Forward for International Accountability

The legal framework surrounding Rwanda's actions in the DRC presents a compelling case for accountability under both domestic and international law. Multiple legal pathways exist for addressing violations, with substantial precedent supporting our case before international and US courts.

Evidence documented by UN experts and various international bodies establishes a pattern of conduct that traverses several legal thresholds from state responsibility for proxy forces to potential individual criminal liability. The ongoing litigation before the African Court may be a source of hope for regional accountability mechanisms.

As the crisis in the Democratic Republic of Congo unfolds, the global legal community stands at a crossroads its response will be a defining test of whether decades of US and international law can truly protect civilians and hold perpetrators of transnational atrocities accountable. The outcome will set a precedent for how Africa confronts similar humanitarian crises in the future.

