Advocacy for the restoration of Legal Practice in occupied areas of Eastern DRC

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Official Advocacy Letter for the Restoration of Legal Practice in South and North Kivu to the Government of the Democratic Republic of Congo and the AFC/M23 Movement.

Dear Representatives of the Government of the DRC,

Dear Representatives of the AFC/M23 Movement,

The legal profession, enshrined in the Constitution and laws of the Democratic Republic of Congo, is facing a profound crisis in the provinces of South and North Kivu due to the occupation of certain areas and the suspension of judicial institutions. This situation threatens the independent and secure practice of law and gravely undermines the fundamental rights of citizens.

The shutdown of courts and tribunals, the establishment of arbitration centre that do not meet constitutional standards, widespread insecurity, and the economic vulnerability of lawyers pose a direct threat to the rule of law. Lawyers, as officers of justice, are now marginalized and exposed to serious risks, even though their role is essential in ensuring fair access to justice, protecting victims, and upholding the hope of a law-based society.

In light of this situation, we solemnly call for:

1. The immediate restoration of constitutional judicial institutions

- The resumption of court and tribunal activities in the affected provinces.
- Full respect for procedural rules and judicial independence.

2. Protection and security for lawyers

- Guarantees for their physical and professional safety.

- Prevention of reprisals against lawyers handling sensitive cases.

3. Recognition of the lawyer’s essential role

- Inclusion of lawyers in any transitional justice mechanisms.
- Respect for their independence and professional ethics.

4. Institutional and economic support

- Emergency support mechanisms for lawyers in vulnerable situations.
- Facilitation of access to professional and banking resources.

5. Inclusive dialogue

- A meeting between bar association leaders, government officials, and AFC/M23 representatives.
- Engagement of national and international partners in reviving the legal profession.

Dear Representatives,

Lawyers are the sentinels of legal enforcement, guardians of rights and freedoms, and essential actors in justice. Silencing this profession in occupied zones is a serious blow to democracy and lasting peace. It is urgent to restore their role and ensure the conditions for their practice.

Please accept the expression of our highest consideration.

Dr. Joseph K. Yav, Professor of Law and Attorney at Law

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