

SESSION NO. 9

Security in the Great Lakes Region as a Critical Pathway to Africa's Sustainable Development (Part 2)

The Fragmentation of Access to Justice

in rebel-held territories and under a state of siege

Presented by Tharcisse GATARAMA

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Local resilience and structural limitations

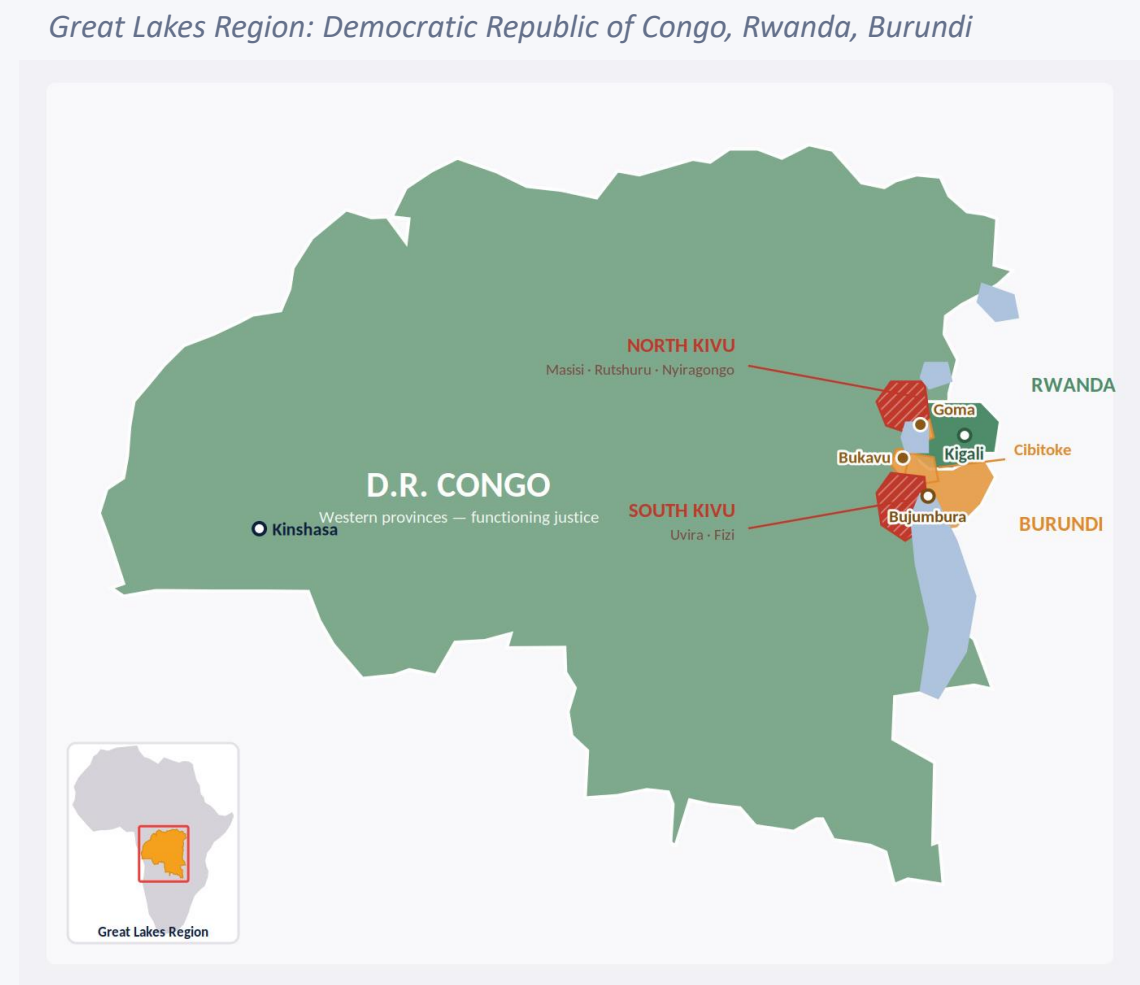
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The Consequences

Security, socio-economic and cultural

Map of Judicial Insecurity Zones — 2026

Since the 1994 genocide, the Great Lakes region has faced unprecedented insecurity. Since the seizure of Goma and Bukavu in January–February 2025 by AFC/M23, judicial institutions in eastern DRC have been weakened and fragmented.



30 years

of conflict

10 M

estimated deaths

378

AFC/M23 judges

Red zones

Extreme judicial insecurity

State justice has entirely disappeared
Masisi · Rutshuru · Nyiragongo (North Kivu)
Uvira · Fizi (South Kivu) · Cibitoke (Burundi)

Orange zones

Structural judicial insecurity

Rebel courts or near-total lack of access
Goma and Bukavu (under AFC/M23)
Burundi–DRC border regions

Green zones

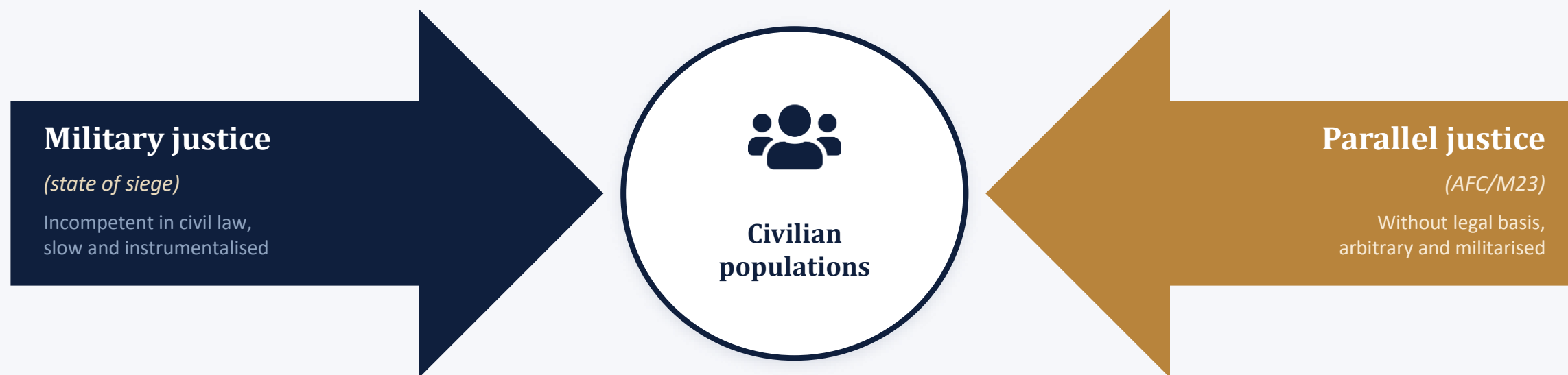
Functioning justice, but under strain

Rest of Rwanda · Western provinces of the DRC
Kongo Central · Tshopo · Équateur · Mongala

A dual fragmentation

On one hand, a regressive and ineffective ‘military justice’. On the other, a ‘parallel justice’ instrumentalised by armed groups.

The Vice: Two Systems, One Victim



The crisis goes beyond physical violence — it has become structural.

Caught in a vice between two equally illegitimate systems, civilians have access neither to impartial justice nor to any effective remedy.



1

The State of Siege

Militarisation of justice and its paradoxical effects

1

Stated Objectives vs. Reality on the Ground

STATED OBJECTIVES — MAY 2021

- Swiftly restore State authority
- Halt the massacres of civilians
- Neutralise the threat posed by armed groups
- Civilian governors replaced by military officers
- Military tribunals substituted for civilian courts

REALITY OBSERVED

- Security has not improved — M23 and ADF continue their attacks
- Thousands of civilians have fled their villages
- Drastic reduction in access to impartial justice
- Civil liberties curtailed by military authority
- Regime imposed without notification to the UN (Art. 4.3 ICCPR)

1

Four Critical Consequences



Court congestion

Chronic understaffing and an explosion in pretrial detentions



Technical incompetence

Military judges are not trained in ordinary law — a technical vacuum in land, commercial and family matters



Fair trial at risk

Restricted avenues of appeal, no constitutional independence, violation of the African Charter



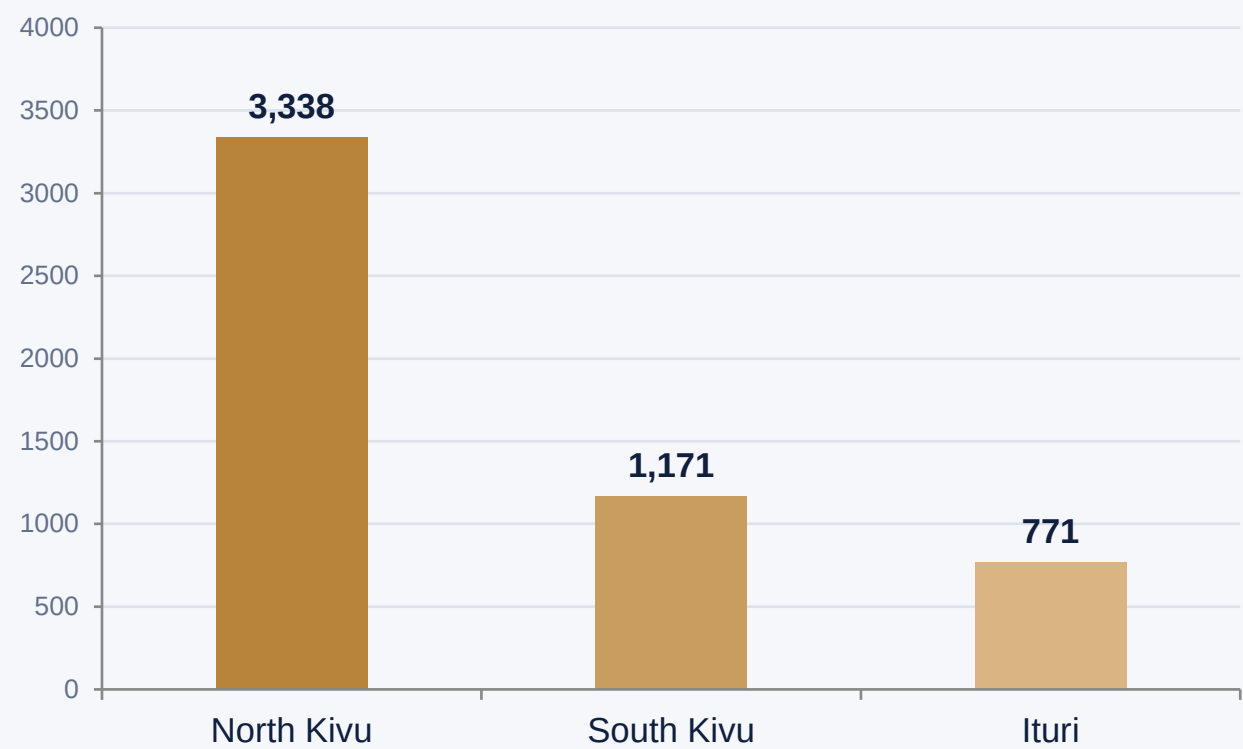
Authoritarian drift

Militarised justice becomes an instrument of political intimidation against journalists and opponents

1

Violations Documented in 2025

6,169 violations documented in the DRC in 2025 — a 24% increase over 2024. The eastern provinces account for 86% of these violations.



+24%

more violations than in 2024

18,000

victims, including 2,806 women and 1,394 children

+59%

more conflict-related sexual violence

Source: UN Joint Human Rights Office (UNJHRO), Annual Report 2025

2

The 'Parallel Justice' System

Rebel groups: the case of AFC/M23

2

Parallel Institutions Without Legal Basis

378

judges appointed by
AFC/M23 in November 2025

Commission for the Restoration of Justice (CRJ)

Created by the rebellion to “relaunch judicial bodies in rebel-held areas”.

“In accordance with the constitution, no person may be denied access to justice. It is our motivation within AFC-M23 to restore judicial power.”

Elie Mutela, rapporteur of the CRJ

“These new authorities occupying the entities are neither legal nor legitimate. In that sense, everything they do is provisional in nature.”

Pecos Kulihosti, human rights defender

2

Arbitrariness Institutionalised

United Nations report, 5 September 2025

“Reasonable grounds to believe that M23 members may have committed the crimes against humanity of murder, severe deprivation of liberty, torture, rape and sexual slavery, enforced disappearance, and deportation or forcible transfer of population.”



Summary executions

A recurring pattern documented by the UN



Torture and detention

Without procedural safeguards or avenues of appeal



Enforced disappearances

Targeting anyone perceived as an opponent



Forced recruitment

Including hundreds of children detained

3

The Impact on Civilians

Legal insecurity and institutional vacuum

3

Consequences for Daily Life



Nullity of legal acts

All administrative and judicial decisions issued under the AFC/M23 regime are declared absolutely null and void by Kinshasa



Land chaos

Reassignment of plots and confiscation of displaced persons' land — intractable disputes for decades to come



Double taxation

Traders pay twice: at rebel checkpoints and at State control posts



Judicial arbitrariness

Charges of “collaboration with the enemy” and detention without independent counsel

More than 2 million inhabitants of Goma find themselves “without functioning public justice services”.

3

Impunity Normalised

71%

of recorded violations are attributable to armed groups

AFC/M23 is cited as the principal perpetrator

- No avenues of redress whatsoever for victims
- State unable to prosecute the perpetrators
- Shrinking civic space — pressure on defenders and journalists
- Hundreds of people denied access to their lawyers
- The ICC itself has shown its limits against the scale of the violence

4

Alternative Mechanisms

Local resilience and structural limitations

4

Two Supplementary Mechanisms — and Their Limits

4.1

Traditional and customary justice

- Customary chiefs and elders settle local disputes
- Mechanisms ill-suited to serious crimes
- No reparation possible for mass violations
- Lack of trust in customary justice
- Reforms since 2013 have not filled the institutional vacuum

4.2

The supplementary role of civil society

- Documentation of violations by local and international organisations
- Legal and psychosocial assistance to victims
- Denunciation of war crimes (North Kivu, June 2025)
- Palliative efforts — they cannot fill the absence of judicial justice

5

The Consequences

Security, socio-economic and cultural

5

Three Levels of Consequences

SECURITY

- Security ineffectiveness — M23 and ADF continue their attacks
- Curtailment of civil liberties and criminalisation of criticism
- Persistent humanitarian crisis — millions displaced without protection

SOCIO-ECONOMIC

- Agricultural paralysis — access to fields blocked
- Disruption of the RN2 and RN4 trade routes
- Capital flight and destruction of jobs
- Collapse of tourism (Virunga National Park)

CULTURAL

- Suppression of artistic expression (Amani Festival)
- Loss of traditions and broken transmission
- Stigmatisation and communal distrust

Conclusion

Beyond the legal vacuum, the fragmentation of justice has produced profound consequences for the socio-economic and cultural fabric of civilian populations. Justice is not merely a guarantee of fundamental rights — it is the very foundation of sustainable development.

No separation of powers

Judges appointed by AFC/M23 hold no real power against the movement's commanders. Alternative justice is nothing more than an extension of military command.

Two equally dysfunctional systems

Militarised, repressive justice on one side; arbitrary parallel justice on the other. Civilians are caught between the two, abandoned to generalised impunity.

"Only the lifting of powers granted to military courts over civilians and the restoration of independent justice could break this impasse." — Amnesty International, 2021

Thank you for your attention

Key sources

- International Covenant on Civil and Political Rights (ICCPR), Art. 4.3
- African Charter on Human and Peoples' Rights (1981)
- Nelson Mandela Rules — A/RES/70/175 (2015)
- Rome Statute of the International Criminal Court (1998)
- UNJHRO — Annual Report 2025 on the DRC
- UN report of 5 September 2025 on AFC/M23
- Amnesty International — DRC Report 2021
- Avocats Sans Frontières — Community Justice in Ituri (2023)

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