

FOREWORD

Articles contained in this volume of the African Law Study Library are results of the thinking drawn from legal researchers of the Catholic University of Bukavu, (among them, former doctorate students, who in the meantime have defended their theses) and who graced the fourth seminar organized by the Faculty of Law, with the support of Konrad Adenauer Foundation.

The six recorded scientific contributions in as much as they touch on different issues, converge towards the overarching theme of the «Rule of Law in the Democratic Republic of Congo». Moreover, they are in line with the current situation in DRC under her diverse aspects.

The article by Professor Adolphe KILOMBA Sumaili aims at analysing the position which the Addis Ababa Framework Agreement signed on 24th February has reserved for transitional justice, i.e. transitional justice in building peace in DRC and in the Great Lakes region of Africa.

On his part, the contribution by Professor Patient LWANGO Mirindi focuses on the issue of concessionary right, in all its diversity (land concession, mining concession, agricultural concession, and forestry concession). This right touches on situations which are intertwined and which are likely to undermine the necessary coherence of the legislative work and bring about conflicts between the concerned concessionaires. The aforementioned author seeks to verify if solutions were provided by the legislator so as to overcome the challenges therein.

Furthermore, we note that several penitentiary institutions in DRC and in other areas are faced with the problem of overcrowding in prisons with the related consequences: i.e. promiscuity, sexual violence, torture, homosexuality, spread of diseases, exchanges on criminal experiences, etc. Research assistant Charles KAKULE Kinombe reflects on the mechanisms to be put in place to curb this phenomenon.

On a different note, the article by the research assistant Joyeux MUSHEKURU Mugeni considers the issue of the right to appeal. In the light of the so called *Minova* trial, he interrogates on the conformity of Article 87 of the Law n°023/2002 of 18th November 2002 on Military Justice Code, which denies a litigant before operational military courts, the right to appeal, contrary to the current constitution of DRC which guarantees the right to appeal against a judgment and against the demands of a fair trial.

This thinking is harmoniously complemented by that of the research assistant Pacifique MUHINDO Magaju. The latter, in his contribution, addresses the manner in which the provisions of articles 87, 276 and 279 of the Military Justice Code governing the modalities for exercising the right to appeal are contrary to the Congolese constitution and proposes possible solutions likely to lead to annulment or cancellation of the above-mentioned provisions.

Finally, the research assistant Aline BAHATI CIBAMBO discusses the issue relating to the freedom of the press in the electoral context of South Kivu. She first discusses the state

of affairs and indicates, thereafter, the limits for exercising this freedom (in terms of violation press freedom). Lastly, she specifies the role really played by the media during the electoral period before presenting the perspectives for a more free press in the province concerned.

Opinions expressed in the articles published are solely those of the authors.

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