



The Law Society of
Upper Canada | Barreau
du Haut-Canada

July 4, 2016

His Excellency President Joseph Kabila Kabange
Gombe, Kinshasa
Democratic Republic of Congo

Office of the Treasurer

Osgoode Hall
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Toronto, Ontario
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Dear President:

Re: Murder of lawyer Jean Kisumbule Muteba

I write on behalf of the Law Society of Upper Canada* to voice our grave concern over the murder of lawyer Jean Kisumbule Muteba. When serious issues of apparent injustice to lawyers and the judiciary come to our attention, we speak out.

The Law Society received reports that on 27 February 2016 Jean Kisumbule Muteba, a lawyer in the Democratic Republic of Congo, was murdered at Bandalungwa, Kinshasa. The motivation for the crime remains unknown.

Edouard Mukendi Kalambayi, president of the Bar Association of Kinshasa/Gombe, called on national authorities to investigate the crime and bring the responsible individuals to justice. On 7 March 2016, the International Association of Lawyers (UIA) sent a letter to Edouard Mukendi Kalambayi expressing its support for a fulsome and impartial investigation. In their letter, the UIA noted the recent increase in assaults on lawyers and human rights defenders in the Democratic Republic of the Congo.

On 2 March 2016, Edouard Mukendi Kalambayi issued a press release reporting that Congolese authorities had made several commitments regarding Jean Kisumbule Muteba's murder. This movement followed protests from lawyers about the circumstances of the murder of Jean Kisumbule Muteba and about the safety of lawyers in general.

The Law Society of Upper Canada urges Your Excellency to consider Articles 16 and 23 of the United Nations' *Basic Principles on the Role of Lawyers*.

Article 16 states:

Governments shall ensure that lawyers (a) are able to perform all of their professional functions without intimidation, hindrance, harassment or improper interference; (b) are able to travel and to consult with their clients freely both within their own country and abroad; and (c) shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

Moreover, Article 23 states:

Lawyers like other citizens are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the rights to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful action or their membership in a lawful organization.

The Law Society urges the government of the Democratic Republic of Congo to:

- a. conduct a fair, impartial and independent investigation into on the murder of Jean Kisumbule Muteba in order to identify all those responsible, bring them to trial and apply to them civil, penal and/or administrative sanctions provided by law;
- b. ensure that all lawyers can carry out their peaceful and legitimate activities without fear of physical violence or other human rights violations; and
- c. ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments.

Yours very truly,

Paul Schabas
Treasurer

**The Law Society of Upper Canada is the governing body for more than 50,000 lawyers and 8,000 paralegals in the province of Ontario, Canada. The Treasurer is the head of the Law Society.*

The mandate of the Law Society is to govern the legal profession in the public interest by upholding the independence, integrity and honour of the legal profession for the purpose of advancing the cause of justice and the rule of law.

cc:

Mr. Dominique Kilufya Kamfwa, Ambassador
Congolesse (Dem) Embassy in Ottawa, Canada
18 Range Road
Ottawa, ON K1N 8J3
Canada

Alex Neve, Secretary General, Amnesty International Canada

Mary Lawlor, Executive Director, Front Line Defenders

Vincent Forest, Head of European Union Office, Front Line Defenders

Kenneth Roth, Executive Director, Human Rights Watch

President, National Bar Association, Democratic Republic of the Congo

Adrie van de Streek, Executive Director, Lawyers for Lawyers

David F. Sutherland, Chair, Lawyers' Rights Watch Canada

Yves Berthelot, President, Observatory for the Protection of Human Rights Defenders

Michel Forst, Special Rapporteur on the situation of human rights defenders, Office of the United Nations High Commissioner for Human Rights

Gabriela Knaul, Special Rapporteur of the Human Council on the independence of judges and lawyers, Office of the United Nations High Commissioner for Human Rights

Sarah Smith, Human Rights and Rule of Law Policy Adviser, The Law Society of England and Wales