DRC legal needs assessment found that 12% of GCA buffer zone residents became entitled to inherit real estates and bank deposits after the conflict. 83% of them are yet to complete the legal formalities. This will limit access to the bank deposits, and rehabilitation of the inherited real estate, if necessary. Not having legal title to the property may also exclude them from accessing shelter assistance from humanitarian actors.

**Inheritance procedures can be initiated when:**

1. **Person has died**
2. **Person is legally declared as dead**

**Rights and property:** deposits, real estate, movables

**Inheritance scope:**

**Obligations:** debts, contractual and moral damages

**Inheritance Scope**

- **by will**
- **by law**

**Priorities**

- prevails over inheritance by law
- for hospitalized and militaries notarization can be done under witnesses by head doctors and unit commanders
- legator can change or cancel the will
- underage children / disabled widow(er), children, and parents who are out of the will mandatory get 50% of the amount of the inheritance that they would get if there were no will

**Inheritance Scope by Law**

- applies if there is no will / it does not cover all the inheritance scope / inheritance is not accepted
- inheritance is divided equally among all the inheritors of the first available line
- all the inheritance is divided equally among inheritors of the first available line
- obligatory: debts, contractual and moral damages

**Inheritance Scope by Will**

- applies if there is no will / it does not cover all the inheritance scope / inheritance is not accepted
- inheritance is divided equally among all the inheritors of the first available line
- obligatory: debts, contractual and moral damages

**Inheritance Scope**

1st: Children, spouse, parents
2nd: Brothers and sisters, grandparents
3rd: Uncle and aunt
4th: Partners who lived with legator as a family for 5+ years
5th: Other relatives up to the 6th generation

**Earlier succession line excludes all the subsequent lines**
**Submitting the Claim**

**WHERE?**
- at legator’s last place of permanent residence (PPR)
- if PPR is unknown – at place of legator’s real estate property
- if legator had no real estate – at place of legator’s movables
- **exception** for ATO-related cases: please see “ATO specifics”

**WHEN?**
- submit in 6 months since the death
- Inheritors of following lines – additional 3 months after previous-line-inheritors’ refusal to file a claim (inheritance by law)

**HOW?**
- personally
- by an attorney-in-law acting on a special power of attorney
- by post (registered letter only)

**WHAT?**
- death certificate or court decision on declaration of legator’s death
- marriage / divorce, birth certificates
- legator’s will (if available)
- Inheritor’s and legator’s passports with PPR / condominium certificate
- contracts of sale / deeds of gift / ownership certificates etc.

**Disqualified from Inheriting**
- those who attempted to kill any of the heirs or legator / intentionally prevented the legator from making a will
- those who were deprived of parental rights regarding respective child – only for inheritance by law
- those who neglected their duty to care after legator if the fact is established by court – only for inheritance by law

**“ATO” Specifics**
- death certificates issued by NGCA authorities are not recognized – inheritors must address the court for the establishment of the fact of death
- If legator’s last PPR was / real estate is located (if PPR unknown) in NGCA – successor may address any notary at the GCA to submit an inheritance claim
- list of NGCA settlements is defined by Decree of the Cabinet of Ministers No. 1085-p dated 07 November, 2014

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**Inheritance Proceedings Timeline**

1. legator’s death
2. filling a claim
3. certificate of inherence
4. further proceedings

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**Inheritor is presumed to have accepted the inheritance if permanently lived with the legator and didn’t refuse**

**if term is missed, still may claim if successful claimants agree**

**if submission terms are missed because of objective reasons – may claim for additional term at the court**

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**Logos:**
- Danish Refugee Council
- DANIDA
- USAID
- UKAID
- European Union