**3 July 2020**

**Special Rapporteur of the Human Council on the independence of judges and lawyers, Mr Diego Garcia-Sayan
c/o Office of the United Nations High Commissioner for Human Rights**
**United Nations Office at Geneva
8-14 Avenue de la Paix
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Switzerland**

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Re: Targeting and Killing of Judge Raphael Yanyi Ovungu

Dear Mr Garcia-Sayan,

We write to you in your capacity as Special Rapporteur on the Independence of Judges and Lawyers. The undersigned organisations are concerned by the targeting and killing of Judge Raphael Yanyi, a member of the judiciary in the Democratic Republic of Congo (DRC). We are further concerned that the police initially wrongfully reported that the death was caused by a heart attack when in fact the judge had been murdered.

In late May Judge Yanyi Ovungu was killed while overseeing a corruption trial involving the Congolese President, Félix Tshisekedi's, former chief of staff, Vital Kamerhe. Judge Yanyi Ovungu was initially reported to have died of a heart attack. However, an autopsy has now shown him to have died as a result of, “blows of sharp points or knife-like objects, which were thrust into his head" according to Justice Minister Celestin Tunda Ya Kasende. The Justice Minister has also stated that a murder investigation has been opened.[[1]](#footnote-1) This matter has been reported by several different media sources.[[2]](#footnote-2)

We recall your report on the independence of judges and lawyers from October 2019, wherein you highlighted the importance of the role of state members not only to respect the independence of judges and prosecutors during their decision-making process, but also in establishing systems to ensure their safety and protection.

We further recall Article 2-5 of the Universal Charter of the Judge developed by the International Association of Judges, which stipulates the following:

 *“judges must benefit from a statutory protection against threats and attacks of any kind, which may be directed against him/her, while performing his/her functions. Physical security for the judge and his/her family must be provided by the State. Protective measures for the courts must be put in operation by the State.”*

We recall Article 11 of the UN Basic Principles on the Independence of the Judiciary which states that *“the term of office of judges, their independence, security . . .shall be adequately secured by law.”*

As a collective, we request that you urge the Government of DRC to investigate and prosecute the perpetrators of this heinous crime and for them to ensure the protection of members of the Judiciary as well as the legal fraternity and to put measures in place to ensure their safety.

Signed by:

1. **The Southern Africa Litigation Centre**
2. **Réseau de protection des défenseurs des droits de l'homme, Victimes, Témoins et Professionnels des Médias '' REPRODEV''**
3. **Réseau de de Protection VIWINE (Victims Witness and human Rights Défenders Network) du Sud-Kivu-RDC**
4. **OADHERN (Observatoire Africain des Droits de l'Homme, de l'Environnement et des Ressources Natures Naturelles)**
5. **Le réseau de protection des défenseurs des droits de l'homme du Kasaï central**
6. **Action des Chrétiens pour l'Abolition de la Torture**
7. **Action Congolaise des Droits des Patients**
8. **Action Congolaise pour le Respect des Droits Humains**
9. **Action Contre les Violations des Droits des Personnes Vulnérables**
10. **Action pour le Dévéloppement de l'Enfant et de la Femme**
11. **Association pour les Droits de l'Homme et de l'Enfant en République Démocratique du Congo**
12. **Action pour le développement intégré et la promotion des droits de l’homme**
13. [**Association des Défense des Droits de l'Homme et Assistance aux Détenus**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=930)
14. **Humanity New Horizon**
15. **Institut National Congolais des Formations internationales en Droits Humains**
16. **Jeunesse pour une Nouvelle Société**
17. **Asssociation des Femmes Juristes Congolaises**
18. **Afia Mama**
19. **Amis De la Prison**
20. **Action pour la Protection des Journalistes en Afrique**
21. **Action d'Aide et de Protection aux Personnes Vulnérables**
22. **Alliance pour l'Universalité des Droits Fondamentaux**
23. [**Carrefour des Femmes de l'Action Lève-Toi et Brille**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=980)
24. [**Club International de Défense des Droits des Journalistes Africains pour le Développement**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1004)
25. **Eternel est mon Berger**
26. **Ecole des Défenseurs des Droits Humains**
27. **Fondation Bukope Mandjumba**
28. [**Filles et Femmes en Action pour la Défense et la promotion des Droits humains**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1061)
29. [**Fe Centre International de Formation en Droits Humains et Développement mmes des Médias pour la Justice au Congo**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1062)
30. [**Force des Femmes pour la Promotion et la Protection des Ressources Naturelles de la République Démocratique du Congo**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1068)
31. [**Femmes Solidaires pour la Paix et le Développement**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1070)
32. **Gouvernance Plus**
33. **Groupe de Réflexion et d'Action pour la Réconciliation et le Développement**
34. [**Lutte Contre toutes sortes des Violences faites à la Femme**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1200)
35. [**Restoration African Center**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1137)
36. **Réseau de Formation Internationale en Droits Humains et Assistance aux Filles Mères**
37. **Rebuild Hope for Africa**
38. [**Réseau International des Activistes des Droits de l'Homme**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1146)
39. [**Solidarité pour le Développement Communautaire**](http://www.mdhcongo.org/index.php?page=ngo_details&ngo_id=1160)
40. **Union des Jeunes Elites pour les Droits Humains**
41. **Union des Volontaires Associés pour la paix et le Développement**
42. **Solidarité pour la Promotion sociale et la Paix**
43. **Solidarité pour la Promotion sociale et la Paix**
44. **l'ONG ACADHOSHA du Sud-Kivu**
45. **La SUWE**
1. <https://africa.cgtn.com/2020/06/17/dr-congo-investigating-murder-of-judge-in-high-profile-graft-case/>

<https://www.thecable.ng/congo-presidents-chief-of-staff-sentenced-to-20-years-in-prison-for-embezzling-48m> [↑](#footnote-ref-1)
2. <https://news.sellorbuyhomefast.com/index.php/2020/06/17/business-business-news-judge-in-landmark-congo-graft-trial-died-violent-death-says-minister/>

<https://ogunleyemightybloghelp.blogspot.com/2020/06/dr-congo-judge-died-by-being-stabbed-in.html>

<https://www.bbc.co.uk/news/world-africa-53073356> [↑](#footnote-ref-2)