

**NATIONS UNIES  
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**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

**Mandates of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and of the  
Special Rapporteur on the situation of human rights defenders.**

REFERENCE: AL G/SO 214 (107-9) G/SO 214 (33-27)  
PNG 4/2011

5 October 2011

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on extrajudicial, summary or arbitrary executions, and Special Rapporteur on the situation of human rights defenders pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 17/5 and 16/5.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the alleged lack of progress in the investigation into the attempted assassination of **Mr. Chronox Manek**. Mr. Manek, aged 47, has been Chief Ombudsman in Papua New Guinea since 3 July 2008.

According to the information received:

On 11 December 2009, Mr. Chronox Manek was reportedly followed on his way home, after having attended a dinner at a restaurant. On two occasions, he deviated from his route to lose his pursuers and believed he had succeeded. However, it is alleged that at the entrance of his residence on Korobesea Drive, in Port Moresby, at around 22:00, a small sedan car blocked his vehicle. Two unknown armed men allegedly approached his vehicle, pointed a gun at him and said "this is for you".

As his daughter came down the driveway to open the gate, Mr. Manek instructed her to go back into the house. He told the gunmen that he would step out of his vehicle, but as they moved, he reportedly quickly swung his car in an attempt to drive over them. They allegedly shot twice through the right side of his vehicle. Reportedly, the first shot hit Mr. Manek in his left arm and the second shot was deflected by his seatbelt buckle. Subsequently, the gunmen fled the area. While losing blood, Mr. Manek reportedly drove to Paradise Hospital for treatment and then phoned his family to check that everything was fine at home.

The same day at the hospital, Mr. Manek gave his account of the incident to police officers. On 12 December 2009, he formally filed a complaint with the Hohola Police Station, providing details of one of the perpetrators and their vehicle. The complaint was entered into the charge book. Mr. Manek also requested police to ensure general surveillance of his neighbourhood for his and other residents' protection. A few days following the incident, he met the police forensic team who collected evidence at his residence, including bullet shells. A police patrol was sent a few times to Mr. Manek's residence to check the situation.

In 2010, Mr. Manek followed-up on his case with the then Assistant Commissioner of Police for the National Capital District and Central, and was informed that the case was being investigated. However, he has not received any further information to date, nor have protection measures reportedly been taken since making a request for such measures.

Concern is expressed that the attempted assassination of Mr. Manek may be linked to his work done in the defence of human rights as Chief Ombudsman. This allegation, if confirmed, corroborates a regular climate of hostility and harassment against human rights defenders in Papua New Guinea.

While we appreciate the information received which suggests that a police investigation had been initiated and that some measures of surveillance had been taken, we are concerned about the alleged lack of progress in investigating the attempted assassination of Mr. Manek, almost two years after the reported incident.

In this regard, we wish to recall that everyone has the fundamental right to life and security of the person as set forth in article 3 of the Universal Declaration of Human Rights (UDHR) and in article 6(1) of the International Covenant on Civil and Political Rights (ICCPR), which Papua New Guinea acceded to on 21 July 2008. The right to life shall be protected by law and no one shall be arbitrarily deprived of his life. We wish to stress that "[e]ffective protection through judicial or other means shall be guaranteed to individuals ... who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats" in accordance with the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65, principle 4).

We are further concerned about the delay in bringing the perpetrators of the alleged attempted assassination to justice. In our view, this contravenes to article 2(3)(a) and (b) of the ICCPR, which obliges State parties to the Covenant to ensure that any person whose rights and freedoms are violated shall have an effective remedy and that "any person claiming such a remedy shall have his right thereto determined by competent judicial ... authorities." In its General Comment No. 31, the Human Rights Committee took the view that this right requires States parties "to endeavour to repair at the earliest

possible opportunity any harm that may have been caused by such violations.” (CCPR/C/21/Rev.1/Add.13, para. 19).

While we do not wish to prejudge the accuracy of these allegations, we wish to refer your Excellency's Government to the fundamental principles set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, and in particular articles 1 and 2 which state that "everyone has the right individually or in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels” and that “each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms, inter alia, by adopting such steps as may be necessary to create all conditions necessary in the social, economic, political and other fields, as well as the legal guarantees required to ensure that all persons under its jurisdiction, individually and in association with others, are able to enjoy all those rights and freedoms in practice."

Furthermore, we would like to bring to the attention of your Excellency's Government article 12, paras 2 and 3 of the Declaration which provide that the State shall take all necessary measures to ensure the protection by the competent authorities of everyone, individually and in association with others, against any violence, threats, retaliation, de facto or de jure adverse discrimination, pressure or any other arbitrary action as a consequence of his or her legitimate exercise of the rights referred to in the Declaration. In this connection, everyone is entitled, individually and in association with others, to be protected effectively under national law in reacting against or opposing, through peaceful means, activities and acts, including those by omission, attributable to States that result in violations of human rights and fundamental freedoms, as well as acts of violence perpetrated by groups or individuals that affect the enjoyment of human rights and fundamental freedoms.

We urge your Excellency's Government to take all effective measures to guarantee that the rights and freedoms of Mr. Manek are respected. We respectfully request that your Excellency's Government adopt all necessary measures to ensure that a prompt, impartial and thorough investigation is conducted into this case, and that the alleged perpetrators of the attempted assassination are identified and brought to justice.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the above summary accurate?
2. Please provide the full details of any investigations which have been initiated into the attack on Mr. Manek, including medical examinations or

other inquiries. If the investigations have been inconclusive, please explain why.

3. Please provide the full details of any measures taken to ensure the safety of Mr. Manek and his family as well as those taken to address his complaint.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Margaret Sekaggya  
Special Rapporteur on the situation of human rights defenders