

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and of the Special Rapporteur on extrajudicial, summary or arbitrary executions**

REFERENCE: AL  
SSD 2/2015:

27 August 2015

Excellency,

We have the honour to address you in our capacities as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and Special Rapporteur on extrajudicial, summary or arbitrary executions pursuant to Human Rights Council resolutions 25/2 and 26/12.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **the killing of the South Sudanese journalist Peter Moi**.

According to the information received:

On 19 August 2015, Mr. Peter Moi, a journalist working for "The Cooperate Newspaper" and "New Nation" digital media outlet, was shot dead in Juba by two unidentified assailants as he was walking home from work. None of Mr. Moi's belongings, such as his mobile phone or money, were reportedly taken in the attack.

On 16 August 2015, prior to Mr. Moi's killing, the President of South Sudan, Mr. Salva Kiir, reportedly stated at a news conference before leaving the country for peace talks in Ethiopia that "Freedom of press does not mean that you work against your country. And if anybody among them [journalists] does not know this country has killed people, we will demonstrate it one day on them."

On 25 August 2015, the South Sudanese Information Minister, Mr. Michael Makuei, claimed the President was quoted out of context and strongly denied any intention on the part of the authorities to target journalists in the country.

Mr. Moi is allegedly the seventh journalist killed in South Sudan since the beginning of 2015 and this attack has taken place amidst a context of increasing violence, harassment and intimidation of journalists in the country.

On 20 May 2015, James Raeth, a radio journalist based in Aboko, South Sudan, was killed in an attack by unknown perpetrators. Earlier this year, security forces reportedly shut down two privately-owned South Sudanese newspapers, the Arabic daily “Al-Rai” and the English daily “Citizen”, as well as the independent media outlet “Free Voice South Sudan”. No official reason was given for these closures.

The authorities in South Sudan have reportedly not yet begun an investigation into the killing of Mr. Moi. Similarly, no investigation has been carried out into the killing of James Raeth.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern at the killing of Mr. Moi, which may be related to his work as a journalist and the exercise of his legitimate right to freedom of expression and opinion. Serious concern is also expressed at the recent intimidating statements made by the President of South Sudan, Mr. Kiir, against the freedom of the press, which could contribute to the stifling of reporting on issues of public interest and which may lead to further attacks on journalists and media workers in the country. Freedom of expression and independent journalism, uninhibited by fear of reprisals, contribute to public debate and are essential for building inclusive societies and democracies.

In connection with the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

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. We would therefore be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide detailed information on any investigation or inquiry into the death of Mr. Moi and other journalists, including James Raeth.
3. In the event that alleged perpetrator(s) have been identified, please provide full details of any prosecutions which have been undertaken. Have penal sanctions been imposed on this/these perpetrator(s)?
4. Please indicate what measures have been, or will be, taken to ensure that the right to freedom of opinion and expression are respected in the country and ratify the International Covenant on Civil and Political Rights.
5. Please indicate what measures have been taken to ensure that journalists and civil society members at large are able to carry out their legitimate

work in a safe and enabling environment without fear or threats of intimidation and harassment of any sort.

We would appreciate receiving a response within 60 days.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the similar violations against journalists in South Sudan and prevent their re-occurrence and, in the event that the investigations support or suggest the above-mentioned allegations to be correct, to ensure the accountability of any person(s) responsible for these alleged violations.

Given the seriousness of the information received, it is our intention to publicly express our concerns in a press release enclosed. The press release indicates that we have been in contact with your Excellency's Government to clarify the issue/s in question.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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

David Kaye  
Special Rapporteur on the promotion and protection of the right to freedom of opinion  
and expression

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

## **Annex**

### **Reference to international human rights law**

In connection with the above alleged facts and concerns, we would like to refer your Excellency's Government to the right to freedom of opinion and expression as set forth in article 19 of the Universal Declaration of Human Rights, which includes the freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

Paragraph 3 of Human Rights Council Resolution 27/5 calls upon States to "promote a safe and enabling environment for journalists to perform their work independently and without undue interference and to prevent attacks and violence against journalists and media workers." It also urges States to conduct timely, independent and effective investigations into all alleged violence against such individuals, to bring those responsible to justice and to ensure that victims and their families have access to appropriate remedies.

In his 2012 report to the Human Rights Council, the former Special Rapporteur on the promotion and protection of freedom of opinion and expression has emphasized that, although the origin of acts of violence may not initially be known, the primary responsibility of protecting journalists, fully investigating each case and prosecuting those responsible lies with Governments and State institutions (para. 56, A/HRC/20/17).

Article 11 of the Constitution of South Sudan provides that "Every person has the inherent right to life, dignity and the integrity of his or her person which shall be protected by law; no one shall be arbitrarily deprived of his or her life".

We would like to draw your Excellency's Government attention to article 3 of the Universal Declaration of Human Rights (UDHR) which provides that everyone has the right to life, liberty and security of person.

We would also like to remind your Excellency's Government of the duty to investigate, prosecute, and punish all violations of the right to life. We urge your Excellency's Government in line with the Principles on Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Prevention and Investigation Principles), in particular principle 9, that there must be thorough, prompt and impartial investigations of all suspected cases of extra-legal, arbitrary and summary executions. This principle was reiterated by the Human Rights Council in Resolution 26/12 on the "Mandate of the Special Rapporteur on extrajudicial, summary or arbitrary executions" (OP 4).