

**NATIONS UNIES**  
**HAUT COMMISSARIAT DES 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**

**Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression.**

REFERENCE: AL G/SO 214 (67-17)  
PNG 2/2012

8 May 2012

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression to Human Rights Council resolution 16/4.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning the **situation of media freedom in Papua New Guinea**, such as the establishment of a committee to monitor the use of social media and other forms of expression, and recent cases of attacks against journalists. The latter includes an attack against Mr. **Mark Kayok**, a crime reporter for Papua New Guinea's National Broadcasting Corporation, and a threat against Mr. **Patrick Talu**, a reporter for the Post-Courier newspaper.

According to information received:

On 22 February 2012, the Prime Minister's Chief of Staff published a notice in all newspapers in which he warned that "spreading of malicious and misleading information is a serious crime and those found to be doing so will be dealt with". According to the notice, a committee has been established to "monitor and track down people who have ulterior motives to destabilize the Government" via social networking sites and other means of communications, such as mobile phones. However, no further information has allegedly been made public regarding the committee, such as its mandate, composition and membership. It has been reported that the media release was issued following the circulation of information and opinions which have been critical of the Government through mobile phones, email messages and comments posted on social networking sites such as *Facebook*.

On 8 March 2012, **Mr. Patrick Talu** went to the Unagi Oval district in Port Moresby for a meeting between landowners and two officials of the Hela Transitional Authority regarding a proposed pipeline which is to be built in Hela Province, Southern Highlands Province and Western Highlands Province. During the meeting, around 15 armed police officers reportedly chased some of the landowners and opened fire on them. When Mr. Talu began to film the incident, the police allegedly seized his camera, demanded his press identification card, pushed him, and ordered him to leave. One police officer reportedly grabbed his mobile phone, while another carrying an M-16 rifle and a grenade threatened to blow him up unless he left. He was also allegedly told by a police man pointing a rifle at him that the newspapers have been painting a bad picture of policemen in Papua New Guinea.

On the evening of 21 April 2012, after completing his assignment, **Mr. Mark Kayok** met up with his friend, Mr. Peter Mazuk, a police officer who was off-duty but was in uniform. While they were travelling to a service station in a police vehicle, they noticed that they were being followed by a white Toyota 10-seater Landcruiser. As they got off at the service station, the Toyota Landcruiser reportedly sped up to them; fully armed policemen came out, and reportedly told them to lie down on the ground. The policemen questioned Mr. Peter Mazuk, and after learning that he was an officer attached to the 6-Mile station, they allegedly began to assault him. When Mr. Kayok attempted to intervene, the group of police officers reportedly asked him to identify himself. After informing them of his profession as a journalist and reporter with the National Broadcasting Corporation, they responded that the media have not been reporting positively on them, and allegedly began assaulting Mr. Kayok, who was punched, kicked, and hit with the butt of a rifle. He allegedly lost consciousness and broke his nose. Additionally, the mobile phones of both men, as well as Mr. Kayok's recorder machine, were allegedly destroyed by the police officers.

The Special Rapporteur expresses his concern that Mr. Patrick Talu and Mr. Mark Kayok were threatened by police officers due to their work as journalists and in retribution of perceived negative reporting in the media. The Special Rapporteur emphasizes that the media must be able to report freely and independently on matters of public interest without fear for their personal safety. Moreover, the Special Rapporteur expresses his concern regarding the general situation of media freedom in Papua New Guinea, including the statement issued by the Prime Minister's Chief of Staff and the reported establishment of a committee to monitor online activities.

While the Special Rapporteur does not wish to prejudge the accuracy of these allegations, the Special Rapporteur would like to appeal to your Excellency's Government to take all necessary steps to secure the right to freedom of opinion and expression in accordance with fundamental principles as set forth in article 19 of the International Covenant on Civil and Political Rights (ICCPR), which provides that

“Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

The Special Rapporteur also wishes to reiterate the principle enunciated in Human Rights Council Resolution 12/16, which calls on States to refrain from imposing restrictions which are not consistent with paragraph 3 of article 19 of the ICCPR, including on (i) discussion of government policies and political debate; reporting on human rights, government activities and corruption in government; engaging in election campaigns, peaceful demonstrations or political activities, including for peace or democracy; and expression of opinion and dissent, religion or belief, including by persons belonging to minorities or vulnerable groups.

The Special Rapporteur urges your Excellency’s Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Patrick Lalu and Mr. Mark Kayok are respected and that accountability of any person guilty of the alleged violations is ensured. We also request that your Excellency’s Government adopts effective measures to prevent the recurrence of these acts.

Moreover, it is the Special Rapporteur’s responsibility under the mandate provided to him by the Human Rights Council, to seek to clarify all cases brought to his attention. Since he is expected to report on these cases to the Human Rights Council, he would be grateful for your cooperation and your observations on the following matters:

1. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
2. In the event that the alleged perpetrators are identified, please provide the full details of any prosecutions which have been undertaken; Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
3. Please provide detailed information regarding the committee which has reportedly been established to monitor comments and information disseminated via the Internet and other communication medium. In particular, please provide full details regarding the mandate, composition and membership, and what procedural safeguards are in place to ensure its independence.

The Special Rapporteur would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of the Special Rapporteur's highest consideration.

Frank La Rue  
Special Rapporteur on the promotion and protection of the right to  
freedom of opinion and expression