

**Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
SSD 3/2015:

24 September 2015

Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 25/18, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the **alleged arbitrary detention, torture and enforced disappearance of human rights journalist Mr. Clement Lochio Lomornana and two other individuals.**

Mr. **Clement Lochio Lormonana** is a human rights journalist and independent photographer. He has worked through print media, online media and photography to promote human rights in South Sudan and in Africa, also raising awareness of human rights violations in his country.

According to the information received:

Between June 2013 and April 2015, Mr. Clement Lochio Lormonana was subjected to surveillance, harassment and intimidation on several occasions, in alleged connection with his work as a human rights journalist. This included the receipt of death threats and the freezing of his bank account. As a result, Mr. Lormonana had to flee South Sudan in April 2015. He later returned in early August 2015.

In the early hours of 6 August 2015, Mr. Lormonana was detained by members of the South Sudanese security forces, along with two other individuals, in Chukudum, Budi County, and brought to unknown military barracks.

During their time in detention at the barracks, the three individuals were allegedly tortured, including beatings, mock executions and sleep deprivation, in an attempt to coerce them into confessing crimes they had not committed.

On 15 August 2015 while still in detention, Mr. Lormonana and one of the other individuals, the third having been previously released, were seen being forced into a military vehicle in Chukudum. South Sudanese authorities have allegedly denied having arrested Mr. Lormonana. The whereabouts of both individuals remain unknown at the time of this communication.

Grave concern is expressed about the alleged arbitrary detention and enforced disappearance of Mr. Lormonana and the individual with whom he was detained, in particular as their fate and whereabouts are currently unknown. Serious concern is expressed at their physical and psychological integrity. We are also concerned that the aforementioned developments may be directly related to his work as a journalist in defense of human rights and the legitimate exercise of his right to freedom of expression.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Without expressing at this stage an opinion on the facts of the case and on whether the deprivation of liberty of Mr. Lormonana and the two individuals was arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR). We wish to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which South Sudan acceded to on 30 April 2015

We would also like to appeal your Excellency's Government to take all necessary measures to guarantee the right to freedom of expression and opinion in South Sudan, in accordance with article 19 of the UDHR.

We would also like to refer in particular to article XI of the Declaration of Principles on Freedom of Expression in Africa, where States are obliged to take effective

measures to prevent the kidnapping, intimidation of and threats to media practitioners and others exercising their right to freedom of expression, which undermine independent journalism and the free flow of information to the public.

We finally wish to refer to 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, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6, points b) and c), 9, paragraph 4, point a) and 12, paragraphs 2 and 3.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As 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 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 information on any measures that have been taken to establish the whereabouts of Mr. Lormonana and the above-mentioned individual.
3. Please provide information concerning the legal grounds for the detention of Mr. Lormonana and the aforementioned individuals, and how their detention was compatible with international norms and standards.
4. Please provide information on whether any effective investigation has been or is being conducted into the allegations of physical and psychological ill-treatment of Mr. Lormonana and the other two individuals while in custody, in order to identify any public official who may have been responsible for any alleged violation, and to ensure, where appropriate, accountability and reparation, including rehabilitation and compensation.
5. Please kindly indicate what measures have been taken to ensure that human rights defenders in South Sudan, particularly those working to document and publicize human rights violations through journalism, are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

José Guevara  
First Vice-Chair of the Working Group on Arbitrary Detention

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

Michel Forst  
Special Rapporteur on the situation of human rights defenders

Juan E. Méndez  
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