

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

REFERENCE:
UA SVK 1/2018

2 March 2018

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, pursuant to Human Rights Council resolutions 35/15 and 34/18.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the murder of the investigative journalist, Mr Jan Kuciak and his partner, Ms. Martina Kusnirova.**

According to the information received:

Mr. Kuciak and Ms. Kusnirova were found murdered in their apartment in Velka Maca, Slovakia, on Sunday, 25 February 2018.

According to the police the murders were "most likely" linked to the work of Mr. Kuciak as a journalist. Mr. Kuciak had allegedly received public threats in the past, which led him to file two complaints with the Prosecutor's Office.

Mr. Kuciak worked for the news website *Aktuality*, where he investigated fraud and tax evasion linked with individuals close to the Government. His last story on 9 February 2018 reported at suspected tax fraud associated to a luxury apartment complex in Bratislava.

At the time of his murder, Mr. Kuciak was working on a report investigating alleged high-level corruption and mafia links, namely with the 'Ndrangheta in Italy.

On 1 March 2018, Slovak police reported that they had detained several persons mentioned in Kuciak's last unfinished report.

We express grave concern at the killings of Mr. Kuciak and Ms. Kusnirova, which appear to be directly linked to the work of Mr. Kuciak as an investigative journalist. We express further concern that despite reporting threats received to the Prosecutor, no protection measures appear to have been taken. We also express concern at the serious

impact such killings have not only on individual journalists and their families but also on the general public's right to information and a democratic society. While we welcome your Excellency's Government's immediate response calling for an investigation into these killings, we wish to underline the importance of a prompt, thorough and impartial investigation in order to bring those accountable to justice and to prevent impunity for crimes against journalists. Further, given the impact the killing may have on other reporting, we urge the Government to take all possible steps to protect and support journalists working to uncover tax fraud and other matters of public interest.

Without prejudging the allegations above, they appear to be in violation of the right to life as protected by Article 6 of the International Covenant on Civil and Political Rights (ICCPR), succeeded to by Slovakia on 28 May 1993, Article 19 of the ICCPR, which protects everyone's right to seek, receive and impart information and ideas of all kinds.

The full texts of the human rights instruments and standards recalled above are available on 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 above-mentioned rights 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 the details, and when available the results, of any investigation or other inquiries carried out in relation to their killings. Please include whether the police took any measures to protect Mr. Kuciak after he reported the threats. If no such measures were taken, please explain why.
3. Please provide detailed information concerning measures to ensure that everyone can exercise and defend their right to freedom of expression without fear of harassment or retaliation, including the ability to investigate matters that might implicate the most senior officials in government, elected or otherwise.

While awaiting a reply, we urge that all necessary measures be taken to ensure the accountability of any person(s) responsible for the murders.

We intend to publicly express our concerns imminently as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the murder of Mr. Kuciak and Ms. Kusnirova. The press release will indicate that we have been in contact with your Excellency's Government's 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.

Agnes Callamard
Special Rapporteur on extrajudicial, summary or arbitrary executions

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