

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the situation of human rights defenders**

REFERENCE:  
AL MOZ 1/2018

24 April 2018

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 the situation of human rights defenders, pursuant to Human Rights Council resolutions 34/18 and 34/5.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning allegations of threats, abduction and beating of Mr. **Ericino de Salema**, journalist, human rights lawyer and human rights defender in Mozambique.

According to the information received:

On 27 March 2018, Mr. Ericino de Salema was abducted by two unidentified gunmen as he was leaving the headquarters of the National Union of Journalists, in Maputo. He was intercepted and did not offer any resistance. He was taken into a vehicle with no registration plates to the Mutanhane area, in the Marracuene district. Mr. de Salema was beaten up with an iron and left unconscious with multiple fractures in his legs and arms; apparently, the aggressors had tried to break his legs. Persons who had witnessed the attack came to his rescue. Mr. de Salema was taken to hospital in critical condition, where he underwent surgery.

Mr. de Salema had been threatened over the phone the day before the attack. The threats and attack are reportedly linked to his denunciations of abuse of power, corruption and impunity in the country.

In May 2016, another journalist, Mr. **Jose Jaime Macuane** was also kidnapped and shot in both legs in the same area, reportedly for his comments on political matters. Nobody has been charged since. In fact, since 2015, there have been 12 politically motivated attacks and murders, including the murder of Mr. Gilles Cistac, Professor of Law at the Eduardo Mondlane University. No one has been charged for these attacks and killings.

We are concerned at the threats and aggression endured by Mr. Ericino de Salema, and other journalists and human rights defenders; which appear to be related to the expression of their political opinion and criticism of the Government. We express concern at the broader chilling effect this has on the exercise of the right to freedom of expression in Mozambique, in particular when exercised by the media, civil society organizations, human rights defenders and in general those voicing dissent. We are

concerned that the absence of thorough investigations and accountability for any alleged perpetrators, as well as the ensuring impunity contribute to the recurrence of these crimes.

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

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 therefore be grateful for your observations on the following matters:

1. Please provide any additional information and comments which you may have on the above mentioned allegations.
2. Please provide the full details and where available, the results of any investigation, judicial or other inquiry undertaken in relation to the attack endured by Mr. de Salema and other journalists and human rights defenders, including Mr. Jose Jaime Macuane. If no inquiries have taken place, or if they have been inconclusive, please explain why.
3. Please provide detailed information concerning measures taken to effectively protect, and ensure the safety of individuals who engage in public debate over political issues; and that, human rights defenders in Mozambique are able to carry out their legitimate work in a safe and enabling environment without fear of violence, threats or acts of intimidation, harassment or prosecution of any sort.

We would appreciate receiving a response within 60 days. Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

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(s) responsible for the alleged violations.

We intend to publicly express our concerns in the near future 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 above-mentioned allegations. 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.

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

## **Annex**

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

In connection with above alleged facts and concerns, we would like to refer your Excellency's Government to article 19 of the International Covenant on Civil and Political Rights (ICCPR), acceded by Mozambique on 21 July 1993, which provides that "Everyone shall have the right to hold opinions without interference" as well as 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."

We recall Human Rights Council Resolution A/HRC/RES/21/12, calling upon States "to promote a safe and enabling environment for journalists to perform their work independently and without undue interference, including by means of (a) legislative measures; (b) awareness-raising in the judiciary, law enforcement officers and military personnel, as well as journalists and civil society, regarding international human rights and humanitarian law obligations and commitments relating to the safety of journalists; (c) the monitoring and reporting of attacks against journalists; (d) publicly condemning attacks; and (e) dedicating necessary resources to investigate and prosecute such attacks".

In this regard, the Human Rights Council in its Resolution A/HRC/RES/33/2 strongly condemns the prevailing impunity for attacks and violence against journalists, and expresses grave concern that the vast majority of these crimes go unpunished, which in turn contributes to the recurrence of these crimes

Moreover, we would like to refer your Excellency's Government 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, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right 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.

We would finally like to highlight article 6 (b) and (c) of the UN Declaration on Human Rights Defenders which states that everyone has the right, individually and in association with others, freely to publish, impart or disseminate to others views, information and knowledge on all human rights and fundamental freedoms; and to study, discuss, form and hold opinions on the observance, both in law and in practice, of all human rights and fundamental freedoms and, through these and other appropriate means, to draw public attention to those matters. Further, article 12, paragraph 2, provides that the State shall take all necessary measures to ensure the protection of everyone 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.