

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

Ref.: AL MOZ 1/2024
(Please use this reference in your reply)

6 June 2024

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; Special Rapporteur on extrajudicial, summary or arbitrary executions and Special Rapporteur on the situation of human rights defenders, pursuant to Human Rights Council resolutions 52/9, 53/4 and 52/4.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received **concerning the investigation related to the killing of journalist Mr. João Chamusse in Maputo City, Mozambique.**

Mr. Chamusse was the co-owner and editor of the electronic newspaper "Ponto por Ponto" and a commentator on *TV Successo*. Earlier in his career he had co-founded the Canal de Moçambique newspaper and had worked as a reporter at the Mediafax newspaper. Mr. Chamusse's reporting focused on local politics and alleged corruption. He was a prominent defender of free press and freedom of expression and was known for his criticism of the government's policies and governance.

According to information received:

On 14 December 2023, Mr. Chamusse was found dead at his home in Katembe, Maputo City, by neighbours who reportedly responded when they heard the journalist scream. Mr. Chamusse had a wound on his head and a machete and gardening hoe were found close to his body. According to reports, two of the journalist's mobile phones and his laptop were missing.

On 15 December 2023, the Mozambique Republic Police of Maputo Province apprehended a suspect and said that Mr. Chamusse was murdered by a neighbour after an alleged dispute over a debt. The alleged suspect was detained by police in the Matutuine District and brought before the Judge of Criminal Instruction, where they indicted another person allegedly involved in the murder. The defendants reportedly confessed to the killing of Mr. Chamusse, citing the murder weapon and the stolen items.

Sources allege that the killing might be related to Mr. Chamusse's work. Prior to his killing, Mr. Chamusse appeared as a political commentator in *TV Successo's* special programme that reported on municipal elections in Maputo in October 2023, where he made some critical comments on the national election commission and alleged election fraud.

Without wishing to prejudge the accuracy of the above-mentioned allegations, we urge the authorities to conduct a prompt, thorough, independent and impartial investigation into the killing of Mr. Chamusse, including by considering whether

Mr. Chamusse was targeted as a result of his work as a journalist and human rights defender, in particular his criticism of the government's policies, alleged poor governance and electoral fraud.

We note that it has now been over five months since Mr. Chamusse was murdered and the alleged perpetrators have still not been formally charged. We are further concerned with the fact that Mr. Chamusse had received threats from unknown sources prior to his killing. We stress that the targeting of journalists, in impunity, have a chilling effect on freedom of expression, which may lead to self-censorship, which is particularly distressing in sight of the coming general elections in October 2024.

We draw your Excellency's Government attention to the absolute and non-derogable obligation to protect the right to life and investigate any case of potentially unlawful killing in full compliance with the relevant international standards, including those articulated in the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions (Minnesota Protocol). We underline that the failure to respect the duty to investigate is a breach to the right to life.

We remind your Excellency's Government of its obligation to uphold the right to life and the right to freedom of expression, as guaranteed in articles 6 and 19 of the International Covenant on Civil and Political Rights (ICCPR). We urge your Excellency's Government to take effective steps to guarantee the physical and psychological safety of journalists, human rights defenders and civil society actors.

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 mandate 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 comments which you may have on the above-mentioned allegations.
2. Please provide full details of the investigation into the killing of Mr. Chamusse as well as information that led to the arrest of the current alleged suspects. Please explain how your Excellency's Government has ensured that this investigation is impartial, thorough and effective, so that the perpetrator(s) and culprit(s) are brought to justice.
3. Please explain whether these investigations were conducted in compliance with international standards, particularly the Minnesota Protocol on the Investigation of Potentially Unlawful Death.
4. Please provide information on the steps taken by your Excellency's Government to ensure the physical safety of journalists and human rights defenders in the country, specifically in relation to the upcoming

general elections.

We would appreciate receiving a response within 60 days. Past this delay, this communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#). They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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.

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

Irene Khan

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

Morris Tidball-Binz

Special Rapporteur on extrajudicial, summary or arbitrary executions

Mary Lawlor

Special Rapporteur on the situation of human rights defenders

Annex

Reference to international human rights law

In connection with the allegations, we would like to draw the attention of your Excellency's Government to the relevant international standards and norms.

We refer to the International Covenant on Civil and Political Rights (ICCPR), ratified by Mozambique on 21 August 1993, and in particular to articles 6, 9, 19 and 22, which establish the rights to life, liberty and security of the person, the right to freedom of expression, and the right to freedom of association.

The right to security of person refers to protection against physical or psychological injury, or physical and moral integrity, and obliges States parties to take appropriate measures to protect individuals from foreseeable threats to their life or physical integrity from any State or private actor. In its General Comment 6, paragraph 3, the Human Rights Committee urged States parties to take measures to prevent and punish deprivation of life by criminal acts. In addition, in its General Comment No. 31, the Committee stated that there is a positive obligation on States Parties to ensure the protection of the rights contained in the Covenant against violations by private persons or entities, which includes the duty to take appropriate measures to prevent, investigate, prosecute and punish those responsible and repair the damage caused by private persons or entities (CCPR/C/21/Rev.1/Add.13, paras. 8 and 18). A failure to investigate and bring perpetrators of such violations to justice could in and of itself give rise to a separate breach of the ICCPR.

In relation to the protection of the right to life, we underscore the importance of conducting investigations into all suspected unlawful killings in line with international standards, particularly the Principles on Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions and the Revised United Nations Manual on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions (the [Minnesota Protocol on the Investigation of a Potentially Unlawful Death](#) (2016)). In this sense, States have an obligation to investigate and punish serious human rights violations, including summary or arbitrary killings (CCPR/C/21/Rev.1/Add. 13, para. 18). Failure to investigate and prosecute such violations is in itself a breach of the norms of human rights treaties.

As the Human Rights Committee has emphasized in its general comment No. 35, States parties should respond appropriately to patterns of violence against certain categories of victims, such as human rights defenders (CCPR/C/GC/35, para. 9). Similarly, in its General Comment No. 36 on the right to life enshrined in article 6 of the ICCPR, the Human Rights Committee found that the duty to protect the right to life requires States Parties to adopt special measures of protection for persons in vulnerable situations whose lives are at particular risk due to pre-existing patterns of violence. This includes human rights defenders (CCPR/G/GC/36, paragraphs 23 and 53).

With regard to the protection of journalists in particular, we stress that article 19 of the International Covenant on Civil and Political Rights protects the right to opinion and expression of journalists. Attacks on journalism are fundamentally at odds with protection of freedom of expression and access to information.

Governments [therefore] have a responsibility not only to respect journalism but also to ensure that journalists and their sources have protection through strong laws, prosecutions of perpetrators and ample security where necessary (A/HRC/71/373 para. 35). In General Comment No. 34, the Human Rights Committee affirmed that States parties to the International Covenant on Civil and Political Rights must guarantee the right to freedom of opinion and expression, including, inter alia, “political speech, commentary on own and public affairs, election campaigns, human rights debate, journalism”, subject only to permissible restrictions as well as the prohibition of hate propaganda and incitement to hatred, violence and discrimination. In this connection, the Human Rights Committee held that “under any circumstance, can an attack on a person, because of the exercise of his or her freedom of opinion or expression, including such forms of attack as arbitrary arrest, torture, threats to life and killing, be compatible with article 19”.

We would like to refer your Excellency's Government to the fundamental principles set forth in 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.

Furthermore, we would like to bring to the attention of your Excellency's Government the following provision of the UN Declaration on Human Rights Defenders:

- article 12, paragraphs 2 and 3, which 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.