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South Sudan: Harassment and detention of journalists

Security force harassment and unlawful detention of journalists is undermining freedom of expression in South Sudan, the Agency for Independent Media (AIM), Amnesty International, Committee to Protect Journalists (CPJ), and Human Rights Watch said today, on World Press Freedom Day.

Since South Sudan became independent in July 2011, its security forces have regularly intimidated and unlawfully arrested and detained journalists and editors in connection with the content of their reporting. The organizations are calling for an end to the harassment and have documented multiple cases, many at the hands of South Sudan's National Security Service (NSS), a security organ whose mandate and functions have never been established by law and who do not have any authority to arrest and detain people.

South Sudan has no state body mandated to regulate the media. Security forces engage in *de facto* censorship through harassment and illegal detentions.

Many journalists say they choose not to report on contentious issues for example, corruption and the internal politics of South Sudan's ruling party, the Sudan People's Liberation Movement (SPLM). Either they have been told not to cover those subjects by members of security forces and/or they or their colleagues have been intimidated or detained for producing similar stories.

On 5 December, 2012, a well-known commentator and journalist, Isaiah Abraham, was shot and killed by unidentified gunmen outside his home in Juba. Media reports said that Abraham, whose writings often expressed views critical of the government, had received a number of threats, including anonymous telephone calls and text messages ordering him to stop writing.

Authorities were quick to condemn the killing and promptly opened an investigation. However there has been no progress in identifying the killers and a government official connected to the investigation told Human Rights Watch he doubted they would be found.

South Sudan dropped 12 places in the Reporters Without Borders 2013 World Press Freedom Index – to 124th out of 180 countries ranked – due to the heavy handedness by the security forces in dealing with journalists, and after the murder of Abraham.

Although three bills are before parliament, South Sudan has yet to enact media laws. Editors and journalists say they are especially vulnerable to harassment, arbitrary arrest and censorship in the absence of laws establishing a legal mechanism to protect media freedom and safeguard the media in carrying out their reporting. The organizations call on South Sudan's parliament to pass the media laws in a timely

manner, in line with international standards to enhance protection of free speech, the media and access to information.

South Sudan should also promptly ratify key human rights treaties including the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights. These would reinforce protection of free speech and other basic rights, the organizations said.

The organizations further call on the Government of South Sudan to carry out prompt, effective and impartial investigations into all allegations of threats and attacks against journalists and media workers, and hold those responsible to account in accordance with international standards.

The arrests and harassment of journalists violates the right to freedom of expression and opinion, enshrined in Article 19 of the Universal Declaration of Human Rights and Article 24(2) of South Sudan's Transitional Constitution, 2011.

Arbitrary Arrests, Harassment of Media Workers

In early April 2013 in Malakal, Upper Nile state, police and NSS agents held a radio journalist for two hours. He was subjected to verbal death threats while he was detained. Also in Upper Nile State in December 2012, approximately 20 security officers from the state governor's office detained a number of journalists for two hours after the journalists tried to collect information about a controversial vote in the state's parliament. The officers confiscated the journalists' mobile phones and identification documents and forced them to delete all the audio recordings they had made. No clear grounds were given for their detention.

In January 2013, in South Sudan's capital, Juba, three NSS members arrested a journalist at gunpoint, slapped him in the face and held him overnight in an NSS detention center. The journalist was not charged with any crime.

On 2 January 2013, NSS officials arrested five media workers, including from government-run South Sudan Radio and TV, because they had not covered the president's speech in Wau on December 24 2012. Three were released that day, while the others, from South Sudan Radio-Wau and South Sudan TV-Wau, were released on 3 and 5 January respectively.

In December 2012 and early January 2013, in Wau, Western Bahr El Ghazal State, authorities arrested at least seven journalists and other media workers in an apparent attempt to stifle reporting on violence in the area. The journalists were attempting to report on deaths and injuries following protests on December 9, when security forces had opened fire on protesters, killing eight of them.

On 31 May 2012, in Unity State, Major General James Gatduel Gatluak a member of the South Sudan Armed Forces known as the SPLA, detained Bonifacio Taban, a journalist, and held him for six hours over a story he wrote about the plight of soldiers' widows. He was ordered to return to the army barracks the following day, then was interrogated and detained for a number of hours. His laptop and camera were confiscated and returned to him after two days.

"They warned me that if I write something about the SPLA again it would be the end of my life," Bonifacio Taban told the organizations.

Under South Sudanese law, the SPLA does not have the authority to detain civilians.

Media Censorship, Increasing Self-Censorship

NSS officers in the past months have barred stories from being aired on the government's South Sudan TV station. In the case of the independent media, NSS officers have warned editors not to publish on certain topics and have summoned several editors to their offices to complain about published content.

In April 2013, NSS officers visited a newspaper and told editors to stop printing stories about internal divisions in the SPLM and concerns about criminality in the capital, Juba. They threatened to shut the newspaper down.

In April 2013, the NSS twice summoned Alfred Taban, the editor of the Juba Monitor, and his colleague to its headquarters. NSS officials complained about the newspaper's reporting of a presidential decree withdrawing powers from South Sudan's vice president. The article quoted an armed group leader from South Sudan's Jonglei State, David Yau Yau.

"They said that we will create ethnic tension (with these stories)," Alfred Taban said, "They were clearly intimidating ... they said when there is fighting you will not be able to write your newspaper, if you continue like this you will not be able to be active."

In March 2013, NSS officials called the editor of a Juba-based newspaper into the Juba NSS headquarters, demanding an explanation for a front-page story about regional politics that appeared in his paper. The NSS summoned the editor of another Juba-based paper to Juba's NSS headquarters in February, March and twice in April because of stories on insecurity in South Sudan and internal SPLM politics.

In October 2012, NSS officials called a radio station editor into NSS offices in Juba and requested that the editor clear any contentious political news stories with them before airing them. Also in October, security force members instructed Mading Ngor, the producer of the Bahkita Radio morning show "Wake Up Juba", to share information about his show every evening ahead of airing it. The radio station refused but the intimidation against Ngor including verbal threats continued and he fled South Sudan that month fearing for his life.

In June 2012, NSS officials summoned editors and journalists from five newspapers in Juba and instructed them not to report on corruption or mention a letter that the president had sent to 75 government officials in May 2012 asking them to return stolen funds.

In March 2012, the NSS detained for a day and verbally threatened an editor in Juba. In November 2011, the NSS detained two journalists from the *Destiny* newspaper and held them for 21 days, without access to a lawyer and without charge in the security service's headquarters in Juba. NSS later shut the paper down.

Lack of Accountability for Attacks on Journalists

South Sudanese authorities have largely failed to carry out prompt, effective and impartial investigations into attacks on journalists, including by unknown assailants.

On 7 December 2012 in Juba, a vehicle carrying five policemen pulled in front of a car carrying three journalists belonging to the Gurtong media house, forcing the driver to stop. The police shouted at the journalists and driver for not giving way to the police car earlier and then pulled the journalists and the

driver from the car, put them into the police vehicle and took them to a house where the police interrogated the media workers and badly beat them with whips and a gun butt. The police then took them to the local police station.

Senior police officers released the Gurtong staff after several hours and arrested and detained two of the police officers who had carried out the beating. A case was opened against the police officers, but the charges were dropped and they were released. Despite extensive attempts to pursue the case further by Gurtong, the officers were never brought to trial nor was any other remedy provided to the four victims.

In December 2012 and January 2013, two public commentators and outspoken critics of the government, Zecariah Manyok Biar, a civil servant, and John Penn de Ngong, a journalist and activist, fled South Sudan, fearing for their lives after they received anonymous threats. Biar received calls from friends warning him that they had heard from government sources that his life was in danger and another friend said that he had overheard members of security forces threatening to kill Biar. Penn received anonymous death threats including a handwritten one left in his room. The two men reported the threats to the authorities but because authorities have not carried out thorough investigations into the threats against them, both men feel too unsafe to return home.

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