

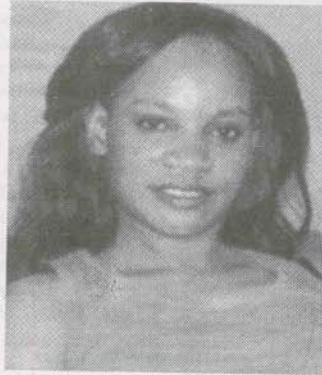
End Impunity against Journalists in South Sudan and honor their Work

By Ms. Kuyang Harriet Logo Mulukwat

November 2nd has been proclaimed as the International day to end impunity for crimes against journalists. In a UN resolution at its 68 sitting, member states were urged to implement definite measures in order to counter the present culture of impunity. South Sudan as a member of the United Nations is equally bound to this resolution and is tasked with the obligation to end impunity against journalists. Article 24(2) and (3) of the Transitional Constitution of South Sudan, 2011(TCSS 2011) provides that all levels of government shall guarantee the freedom of the press and other media as shall be regulated by law in a democratic society. The provisions further espouse that every citizen, shall have the right to the freedom of expression, reception and dissemination of information, publication, and access to the press without prejudice to public order, safety or morals as prescribed by law, while requiring all media to abide by professional ethics.

Article 10 of the TCSS 2011 notes that no derogation from the rights and freedoms enshrined in the bill shall be made, except in a state of emergency. The space of operation for journalists has gotten more restricted and the impunity goes on unabated and has raised concerns. In its 2015 global impunity index, the Committee to Protect Journalists (CPJ) ranked South Sudan as the 5th worst place for journalists globally and 2nd worst in Africa after Somalia, where offenders and perpetrators of crimes against journalists go unpunished, while the crimes are barely investigated.

The 2015 report notes in detail that, "Since the civil war broke out in 2013, security agents have harassed the press



and raided media outlets to limit coverage of news and activities. According to CPJ research, South Sudan is now the second worst impunity offender in Africa after Somalia."

Stakeholders in South Sudan have committed to documenting several incidents where journalists have been gravely harmed. A documentation covering a period between 1st of January to 30th of August 2016 points to several incidents where journalists have been beaten, arbitrarily arrested, threatened, killed, shot at, kidnapped, tortured or attacked. Some of the incidents documented also covered the denial of the right to access to information, threats to close media houses, summoned for questioning or had their equipment confiscated and at the extreme, journalists have been targeted on an ethnic basis. Those who have survived these ordeals have shared harrowing testimonies.

These testimonies paint a total disregard of the rights of journalists by the state security and right now, the environment has only gotten worse as the clamp on the work of journalists gets worse each day.

The most glaring concern is the blatant denial of the due process of law to the journalists. It is on record that after undergoing several brutalities at the hands of the state security, the journalists are barely charged with any offences and for some that have been detained; they are hardly accorded the right to contact their attorneys or families and have never been produced before a competent court of law. All cases are handled within the premises of the state security, who often act outside of the requirements of the law. While the journalists have adhered to a strict code of conduct in their reporting and other broadcast activities, the state security has been dealing with journalists with utmost impunity and the highest political leadership barely reprimands the actions of its own state security. All efforts at getting government to act on the impunity against journalists have bred harsh conditions for journalists.

The media related legislation has been enacted and these laws seek to enhance the role of journalists in accessing information by strengthening the Media Regulatory Authority in order to ease communications and any other issues surrounding the work of journalists. The positive developments relating to the enactment of the media laws have been thwarted by the sweeping powers that have been accorded to the National Security by the enactment of the National Security Act. Despite several pleas to the National Legislative Assembly to shelve or amend the bill before the President assents to it, nothing was done and instead, the Act was eventually passed by a majority in Parliament

and the President of the Republic happily signed the bill into law.

It has become crucial that the Government of the Republic of South Sudan acts upon its responsibility to investigate the crime against journalists because protecting journalists and guaranteeing a free press is essential for the development of a free society and is key to the enhancement of the rights to freedom of expression and access to information in a democratic state. It is time that the government lives up to the aspirations of all South Sudanese as enshrined in the Transitional Constitution of South Sudan 2011.

As we all commemorate this day and recall the sacrifices made by our gallant journalists across the world and South Sudan in particular, it is important for government and all stakeholders to note that, in order to foster an inclusive sustainable development as part of the Sustainable Development Goals (SDGs), there is a great need to promote SDG goal 16.10 guaranteeing the public access to information in order to reach the 17 SDGs. The plea that we all make on this day is simple – protect journalists by ending the rampant impunity and to those whose lives have been lost in the struggle of journalism, your memories will live on and will be instrumental in all our campaigns to secure a better future for journalists.

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Impunity endanger our right to know

UNESCO

The Director General of UNESCO Ms. Irina Bokova has condemned the killing of more than 800 journalists. Less than 7% of these crimes committed have been solved. She said this on the occasion of the International Day to End Impunity for Crimes against Journalists, 2 November 2016.

In 1963, Martin Luther King Jr. wrote: "Injustice anywhere is a threat to justice everywhere. We are caught in an inescapable network of mutuality tied in a single garment of destiny. Whatever effects one directly affects all indirectly."

Impunity is a crime against the exercise of freedom of expression and human rights more broadly. It emboldens the perpetrators of crimes, it threatens the rule of law, and it leads to fear and self-censorship. All society suffers.

Today, we need a new commitment by all to create a free and safe environment for journalists. We need new mobilization to implement the UN Plan of Action on the Safety of Journalists and the issue of impunity, spearheaded by UNESCO. More than ever, we must do everything to protect journalists and fight against impunity. This is vital for implementing Sustainable Development Goal 16.10, to ensure public access to information and to protect fundamental freedoms.

We must accelerate the pace. The United Nations has adopted several landmark resolutions to promote the safety of journalists and to end impunity for attacks against them. Across the world, UNESCO is building the capacity of judiciaries and security forces on safety issues and the rule of law, working with governments, NGOs, professional associations and journalists. More and more governments are integrating international standards on the safety of journalists in national and media legislation.

On this International Day to End Impunity for Crimes against Journalists, I call on all Member States to do everything to bring perpetrators to justice, by developing and strengthening laws and mechanisms in accordance with the international humanitarian law and existing UN resolutions. I urge media, civil society, the police and judiciary to deepen efforts to prevent violence against journalists, to enhance the protection of journalists in danger, and to prosecute perpetrators of attacks.

I encourage everyone to stand with UNESCO in condemning every fatal attack against journalists, in calling for full investigation of such crimes, in demanding appropriate punishment for those committing these violations.

We must all redouble efforts to raise

awareness about the importance of freedom of expression, which includes the right to expression without fear of violent retaliation.

On the other hand, the Assistant Director General for Communication and Information Frank La Rue said over the past decade, more than 800 journalists have been killed in the line of duty, and only 8% of these cases have been resolved. These are the official figures of the Director General of UNESCO, an organization of 195 Member States.

The 92% of unresolved cases tells the public that free expression is not protected. It tells them that the society cannot ensure their right to information.

This is why every government must act upon its responsibility to investigate crimes against journalists. Every government has to act thoroughly, if they are to set a precedent for other cases.

If we allow any form of violence against journalists, we allow impunity to prevail.

Impunity is the failure to guarantee justice and when impunity prevails in cases of violence against journalists, as well as human rights defenders, it is an invitation, not for one, but for many more cases to occur.

This is the message we send on 2nd of November, International Day to end impunity for crimes against

Journalists. This is an important day, not only to commemorate and honor all those who have died in the line of duty, but also to call for justice in case of violence and harassment against journalists. All harassments against journalists must be rejected, including arbitrary arrests and verbal intimidation. Ending impunity on all these acts is the most important step to guarantee safety of journalists.

Protecting journalists and guaranteeing a free press is essential for the development of societies and important for every woman and man to exercise their right to access information. Their right to participate as citizens in democracy, and their rights to work for development.

This is important, because we need free expression, democracy and access to information to drive more inclusive sustainable development. That is why the Sustainable Development Goals, agreed last year by all states in the United Nations, recognized in goal 16.10 the need to guarantee their "public access to information" for guaranteeing the reaching of the 17 goals.

Journalism is what enables citizens of their right to be informed, their right to know and their right to assure accountability of those in power.

Every time a journalist is attacked,

threatened, assassinated or harassed and the case is not investigated, it is an invitation for more violence.

Every time there is no justice for a journalist who is victimized, it emboldens the attackers to continue. The date of 2 November is the anniversary of the murder of two French journalists in Mali in 2013. Four years earlier, more than 30 journalists were murdered in the Maguindanao massacre in the Philippines, which has been the deadliest single attack against journalists in history. Neither case has yet been resolved.

To help secure justice for journalists, UNESCO works with judiciaries around the world, to sensitize them about the importance of cases where journalists are killed.

UNESCO also partners with media, governments and civil society groups to also raise awareness of this issue. This action is taken forward by the UN Plan of Action for the Safety of Journalists and the Issue of impunity which calls for wide-ranging partnerships amongst interested people and was welcomed by the United Nations General Assembly Resolution on the 18 December 2013.

Eradicating impunity for attacks on journalists is fundamental for free expression, human rights and public access to information. It's what everyone should be calling for.