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## **The situation of media freedom in South Sudan**

During South Sudan's previous Universal Periodic Review, in May 2011, the government was given three specific recommendations relating to freedom of expression and opinion and to media freedom. These recommendations pointed to the need to establish a constitution that respects human rights, and the government's duty to ensure respect for media freedom by allowing journalists to work freely and by conducting investigations into intimidation and arbitrary detention of journalists.

At the time, none of these recommendations was accepted by the government.

Five years later, the human rights situation is far from showing any improvement. In fact, it has deteriorated dramatically. The situation is now more alarming than ever. The civil war that began in 2013 has made things much worse for news and information providers, who are exposed to steadily increasing censorship, arbitrary arrest and violence by the parties to the conflict.

South Sudan is ranked 141st out of 180 countries in the 2016 Reporters Without Borders World Press Freedom Index, having fallen 16 places in the past year.

### **UPR recommendations on the drafting of a constitution guaranteeing human rights and free speech<sup>1</sup>:**

South Sudan did adopt a constitution in 2011 which, overall, guarantees freedom of expression and the right to information. It is nonetheless regrettable that restrictions were worded in a sufficiently vague way that the authorities can interpret them in an overly restrictive manner. For example, article 24 on free speech and media freedom says: "*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.*"

In fact, the government often invokes security as grounds for imposing censorship.

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<sup>1</sup> Draft their Constitutions in an inclusive process with the participation of civil society, women and minorities. Also, ensure that the new Constitutions include a catalogue of human rights, in particular the freedom of speech and assembly, and take the multiethnic and multireligious background of their population into account (NOTED)

- In 2014, for example, President Salva Kiir forbade journalists to cover his private life because that would “*violate the constitution.*”

- Information minister Michael Makuei also banned journalists outright from interviewing members of the opposition on pain of being arrested or expelled for hostile propaganda.”

### **UPR recommendations on the freedom of journalists to do their job and the government’s duty to investigate cases of intimidation and arbitrary detention of journalists<sup>2</sup>:**

Far from guaranteeing the freedom of journalists to do investigative reporting, South Sudan’s authorities are often themselves responsible for cases of harassment of journalists and media outlets.

- **Arbitrary arrest and detention of journalists**

Repression of journalists is characterized by the disproportionate nature of the sanctions imposed.

- On 11 May 2011, just one day after South Sudan’s first UPR participation, the authorities arrested Mohammed Arkou of *Sudan Radio Service* for taking photos without government permission (although it was in a non-militarized area) and proceeded to hold him for three weeks.

- **Ngor Agnot Garang**, the editor of the English-language daily *Destiny*, and one of his reporters, **Dengdit Ayok**, were arrested in November 2011 after publishing an article criticizing President Kiir and were held in Juba’s Jebel Marra prison. On his release two weeks later, Garang said he had been “*beaten and tortured*” while detained.

In recent months, *Reporters Without Borders* has noted an alarming increase in cases of arrest and torture of journalists by members of the National Security Service (NSS). Those who have talked about what they underwent have done so on condition of anonymity for fear of reprisals. One case, that of Joseph Afandi, has nonetheless become public. It testifies to the cruelty of their methods.

- **Joseph Afandi** was held incommunicado by the NSS for nearly two months, from 28 December 2015 to 19 February 2016, without being allowed access to a lawyer or contact with his family. He had written an article for the newspaper *Al-Tabeer* criticizing the ruling party and the government’s passivity in the face of the civil war devastating the country. He was kidnapped by unidentified men two weeks after his release and was subsequently found in a Juba cemetery, where he had been left for dead. He had been badly beaten and burned with molten plastic, a form of torture previously ascribed to the NSS. There has so far been no investigation.

- **Impunity for violence against journalists**

South Sudan is a country where violence against journalists, sometimes deadly violence, is not the subject of

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<sup>2</sup> Respect the rights to freedom of expression, association and assembly by allowing human rights defenders, political dissidents and journalists to express their views freely in line with international human rights law (NOTED)

Take concrete steps to ensure freedom of the media and investigate any intimidation and arbitrary detention of journalists and human rights defenders with a view to bringing such practices to an end (NOTED)

any judicial proceedings.

- **Diing Chan Awuol**, who wrote frequent columns for the *Sudan Tribune* and *Gurtong* websites and the newspaper *Destiny* under the pen-name of Isaias Abraham, was gunned down outside his home in Juba in the early hours of 5 December 2012. His columns called for peace between the two Sudans and were often critical of the government. No investigations were opened.

Impunity for murders of journalists is encouraged by the statements of President Kiir, who in an address in August 2015 threatened to kill journalists who work against their country.

- Three days after this address, **Peter Moi**, a reporter for the *New Nation* and *The Cooperate Newspaper*, was gunned down in Juba. No investigations were opened.

- Six journalists were murdered in South Sudan in 2015 alone. Five of them were killed in an ambush while covering army operations in January 2015.

### Censorship of media outlets

- **Seizure of newspaper issues**

The South Sudanese authorities often seize the entire issue of a newspaper as a way to prevent the publication of information and to inflict financial harm by depriving the newspaper of the income from retail sales.

- Not content with banning the English-language version of the daily *Almasier* in 2011, the authorities seized all the copies of the Arabic-language version on 7 December 2013, when it reported statements critical of President Kiir. The newspaper's editor and general manager were summoned for questioning by the NSS.

The authorities persecute newspapers and repeatedly order seizures, which are carried out in a violent manner.

- The cases include raids on *The Citizen*, an independent newspaper, copies of which were seized on several occasions in December 2013 and July 2014. In 2014, issues of the *Juba Monitor* newspaper were seized three times in less than four months.

- **Forced closure and elimination of media outlets**

As well as persecuting independent and opposition media outlets, the NSS also targets community radio stations, often religious ones.

- *Radio Bakhita*, a radio station run by the Juba archdiocese, and *Voice of Hope*, a radio station operated under the aegis of the diocese of Wau, were both threatened with closure in 2014. After being closed temporarily, *Radio Bakhita* was allowed to resume broadcasting on condition that it refrained from talking about politics.

In a form of self-censorship, many media outlets have opted to close of their own accord before the authorities closed them down.

- The newspaper *Al-Tabeer* is an example. After *Al-Tabeer* reported Joseph Afandi's arrest in December 2015, **Wazir Michael** announced his resignation as its editor, in order to appease the NSS, and no further attempt was made to publish the newspaper. Created by Michael to replace his previous paper *Al Rai*, closed by the authorities earlier in 2015, *Al-Tabeer* lasted only a month.

- **Niah Bohl**, the editor of the influential *Citizen Newspaper*, decided to stop publishing in the summer of 2015 rather than submit to continued government harassment.

## **RSF's recommendations to the Government of South Sudan:**

### **1. Guarantee the ability of journalists to work freely:**

- i. By respecting the principles of the constitution guaranteeing media freedom.**
- ii. By publishing the media law, which guarantees media freedom and which President Kiir officially ratified in 2014, and by implementing this law.**
- iii. By ending the arbitrary seizures of newspaper issues and the closures of media outlets.**
- iv. By refraining from making speeches in which journalists are threatened.**

### **2. Guarantee the protection of journalists:**

- i. By ending arbitrary arrests of journalists**
- ii. By ensuring that investigations are carried out with the aim of identifying those responsible for murders or acts of violence or torture of journalists, and by ensuring that those responsible can be brought to justice.**