

FAMILY OF JOURNALIST KILLED IN SOUTH SUDAN CONDEMN 'DEEPLY FLAWED' INQUIRY

On 20th March 2024 the South Sudan Investigation Committee announced the publication of its report into the death of Christopher Allen, who was killed in 2017 whilst reporting from the war-torn country with pictures of his disrobed corpse appearing on local social media sites shortly after his death.

The Committee's report – seven years after Christopher's killing – avoids the key unanswered questions, ignores the basic international legal framework in which his death and the treatment of his body took place, and the investigation proceeded without any involvement from Christopher's bereaved family.

Mark Stephens CBE, of solicitors **Howard Kennedy**, who represent Christopher's family, said:

"This deeply flawed investigation fails to meet even the most basic criteria for rigour or independence. With Nelsonian blindness, vital questions of war crimes have been left unasked and unexplored. All the more suspicious given the finding that Christopher Allen was killed accidentally in the 'heat of battle.' If so, why the 'trophy images'? And why the despoiling of his corpse? Hardly an accident of 'cross-fire' in the heat of battle."

Christopher Allen, a dual UK-US citizen and photojournalist, was killed whilst reporting in South Sudan on 26th August 2017.

Photographs of Christopher's body, with horrific injuries visible and his genitals exposed, were circulated online shortly after he was killed. The photographs were eventually taken down after pressure was applied to the South Sudanese authorities through United States diplomats. The taking and dissemination of 'trophy photographs' of dead bodies in conflict has repeatedly been found to constitute the war crime of inflicting inhumane and degrading treatment upon persons protected by the rules of international humanitarian law. Those photographs and subsequent videos circulated after Christopher's murder reveal that his corpse had been despoiled. Despoiling a corpse in conflict is another serious crime and considered a violation of international law. The prohibition against despoiling a corpse is contained in the Geneva Conventions and their Additional Protocols, as well as in customary international law. Additionally, despoiling a corpse can be considered a war crime. These grave issues were not explored in or addressed by the Investigation Committee's report.

Christopher Allen's family learned of a publication of the Investigation Committee's report as they had of the formation of the Investigation Committee itself: indirectly and unofficially, through the media days after the Investigation Committee's announcement on social media. This was not a process which involved the bereaved family, in clear violation of international law standards.

The Investigation Committee's 19-page report summarises the evidence of five anonymised witnesses, four of whom stated that they were present in Kaya on the morning Christopher was killed and claim to have seen Christopher's body after he was murdered. The witnesses do not provide any evidence of the moment Christopher was murdered, or the moments immediately before Christopher was murdered, and do not, therefore, provide any account of the circumstances in which Christopher was murdered. The Investigation Committee also viewed four videos, source unknown. One of the videos is said to contain footage of Christopher's body in the immediate aftermath of his death.

The report concludes, without any evidential basis to do so, that Christopher was killed in cross-fire during the attack on Kaya Town on 26th August 2017. The report states that Christopher's body was discovered by members of the South Sudanese armed forces during the Battle Damage Assessments. Extraordinarily, the Investigation Committee failed to address or even mention in its report the treatment of Christopher's body in the immediate aftermath of his murder despite photographic evidence that it was mistreated, and when according to anonymised witness evidence to the Committee it was in the possession of the South Sudanese armed forces.

On learning of the formation of the Investigation Committee, in October 2023, Christopher's parents sent submissions to the Committee, raising their concerns regarding:

- (i) the impossibility of compliance with international standards in the initial 15-day timeframe (this timeframe was, the family later learned through the media, extended to 45 days);
- (ii) the lack of independence and impartiality of the Investigation Committee that comprised of senior members of the South Sudanese military;
- (iii) the lack of transparency of the investigation, and absence of any procedure ensuring the investigation was open to public scrutiny, or allowing for the family's engagement with the investigation to the extent necessary to safeguard their legitimate interests;
- (iv) the adequacy of any power in the ad hoc Investigation Committee to ensure accountability and justice, given the Investigation Committee's lack of authority to determine civil or criminal liability for Christopher's killing and/ or the treatment of his body in the aftermath of his death.

The family called on the Investigation Committee to make clear to South Sudan's Ministry of Cabinet Affairs that an investigation conducted by it into this matter such as that proposed would not discharge South Sudan's obligations under international law to conduct an independent, impartial, transparent and prompt investigation into Christopher's murder, and to ensure accountability. Christopher's family urged the Investigation Committee to make a single recommendation that there should be an independent, impartial and transparent investigation into the circumstances of Christopher's murder and the mistreatment of his corpse in the immediate aftermath of his death, with the power to determine civil and criminal liability, and the prosecution of those suspected of crimes committed against him.

Quite astonishingly, the Investigation Committee did not respond to the family's submissions at all: and did not at any time invite Christopher's parents to meaningfully engage with the Committee's investigation process. Or even to invite them to put questions to be addressed to witnesses (including the anonymised witnesses).

Christopher's parents, Joyce Krajian and John Allen, said in response to the Investigation Committee's report:

"We are outraged that the South Sudanese government has released a report on the investigation of the death of our son that has no credibility. Information presented was blatantly wrong, contradicted by the autopsy report. Witnesses were not named. South Sudanese government forces and the SPLA-IO were not questioned, in particular commanding officers and soldiers who were with Chris when he was killed. There was no mention of the horrific photos of Chris that were presented online after his death, a war crime in and of itself. Chris's name has been slandered by some of the highest officials in the South Sudanese government. There has been no effort or will to include us at any point since Chris's murder. Our letters to government officials have gone unanswered.

Chris deserves more. We deserve more. Journalists globally deserve more. A government should always be held accountable for its actions. We continue to demand a transparent and credible investigation into the death of our son."

Mark Stephens CBE, of Howard Kennedy, solicitors for the family, said:

"This deeply flawed investigation fails to meet even the most basic criteria for rigour or independence. With Nelsonian blindness, vital questions of war crimes have been left unasked and unexplored. All the more suspicious given the finding that Christopher Allen was killed accidentally in the 'heat of battle.' If so, why the 'trophy images'? And why the despoiling of his corpse? Hardly an accident of 'cross-fire' in the heat of battle."

He condemned the investigation, adding: *"This investigation really amounts to make-believe sham investigation and is in no-way rigorous or independent leaving more questions and suspicions than answers."*

Rebecca Vincent, Director of Campaigns for Reporters without Borders (RSF) said:

"After six long years, the government of South Sudan's continued failure to conduct a credible investigation into the killing of Christopher Allen is an affront to his grieving family and to the rule of law. This botched attempt at an investigation was compromised from the very start, and served only to further obstruct the path to justice. In light of this failing, it is now more crucial than ever that Christopher's own governments - the US and UK - do everything in their power to deliver justice, and to ensure that this can never happen again. Journalists like Christopher must be able to safely do their jobs in reporting on conflicts around the world."

The international legal team for Christopher Allen's family consists of solicitors **Mark Stephens CBE** and **Matthew Gill**, Howard Kennedy LLP, and barristers **Caioilfhionn Gallagher KC**, **Jonathan Price** and **Tatyana Eatwell**, Doughty Street Chambers.

Further Background

Dual US/UK national Christopher Allen was 26 years old when he was murdered. He was a talented freelance journalist who had worked for and had been published by multiple newspapers and media organisations, including Al Jazeera, The Telegraph, Vice News, The Toronto Star and The Independent. At the time of he was killed, on 26th August 2017, he was documenting armed clashes between the Sudan People's Liberation Army in Opposition and South Sudanese armed forces in the town of Kaya, close to the border with Uganda. After he was killed, photographs circulated online of Christopher Allen's body, with his horrific injuries visible and his genitals exposed. These photographs were eventually taken down after the family appealed to the South Sudanese authorities via US diplomats to have them removed.

Shortly after he was killed, on 29th August 2017 a Sudanese military spokesperson was reported to have said that Christopher had entered the country illegally, and he was therefore not protected from attack. On 30th August 2017 the same spokesperson ruled out conducting an investigation into Christopher's killing as he had entered the country illegally, had been denied entry into South Sudan in June 2017 because of his "hostile reporting", and was a "criminal".

In August 2019, lawyers acting for the bereaved family made a formal request to the FBI to open a criminal investigation into suspected war crimes committed against Christopher. They asked the FBI to investigate two alleged breaches of the US War Crimes Act: one concerning the way in which Christopher was killed, and one concerning the degrading treatment of his body after his death.

On 30th January 2020 then UN Special Rapporteur on extrajudicial, summary or arbitrary executions Dr Agnès Callamard, sent a communication to the South Sudanese Government in which she raised her utmost concern regarding Christopher's death and the lack of investigation, and reminded South Sudan of the clear provisions in international law that govern the protection of journalists.

On 25th August 2020, on the eve of the 3rd anniversary of Christopher’s killing, the Special Rapporteur called on the United States and South Sudan “to ensure that the circumstances of Mr Allen’s murder are fully, independently and fearlessly investigated.”

After a prolonged and unexplained delay, on 2nd October 2023 the South Sudanese Ministry of Cabinet Affairs announced on Facebook the formation of an ad hoc Investigation Committee to investigate the circumstances of the death of Christopher Allen (established by Ministerial Order No. (02/2023) dated 29th September 2023). The Investigation Committee’s mandate was limited to the investigation of the cause and circumstances of Christopher’s death and to identify, summon and interview relevant witnesses. The Committee had no mandate or power to consider civil or criminal liability for Christopher’s death and ignored the requirement to investigate the treatment of Christopher’s body and dissemination of photographs of his body online.

The Investigation Committee’s report has not been directly communicated to Christopher’s family by the Committee, South Sudan’s Ministry of Cabinet Affairs, or any other entity.

The Investigation Committee’s report asserts that the family’s legal representatives were contacted and invited to “submit all evidence in their possession relevant to the mandate of the Committee to assist in its task”. This assertion is misleading. The family’s legal representatives were contacted by counsel requested by the Ministry of Cabinet Affairs to provide a report on information available from open sources concerning the work and death of Christopher Allen and were asked if they would share any publicly available material in their possession with that counsel (and not directly with the Investigation Committee) for the purposes of that report on open-source information. It was suggested that the family may want to submit any material in their possession directly to the Investigation Committee. Contrary to the assertion in the report, the Investigation Committee failed to respond to the family’s submissions and made no attempt to communicate directly with the family.

Notes to Editors:

1. The campaign to secure justice for Christopher Allen is led by his family members, particularly his parents, Joyce Krajian and John Allen, and his cousin, Jeremy Bliss, with support from Reporters Without Borders (RSF).
2. Any press requests should be directed to Mark Stephens +44 7831 115000 or Mark.Stephens@HowardKenendy.com or Rebecca Vincent at rvincent@rsf.org
3. South Sudan is ranked 118 in RSF’s 2023 World Press Freedom Index. More information is available [here](#).
4. Further information about his case can be found [here](#), [here](#), and [here](#).