

URGENT ACTION

TWO SOUTH SUDANESE AT RISK OF DEPORTATION

Dong Samuel Luak, a prominent South Sudanese lawyer and human rights advocate, has been missing since the night of 23 January. Aggrey Idri, a member of the Sudan People's Liberation Movement-In Opposition (SPLM-IO), has been missing since 24 January 2017. Credible sources indicate they are being detained by Kenyan police and are at imminent risk of deportation.

Dong Samuel Luak was last seen in Nairobi town centre at approximately 9:00 pm on 23 January, when he was on his way to board a bus home. He did not arrive home and has since been unreachable by phone. **Aggrey Idri**, chair of the SPLM-IO's Humanitarian Affairs Committee, was last seen in the Kilimani neighbourhood of Nairobi at approximately 8:00 am the morning of 24 January. Both Dong Samuel Luak and Aggrey Idri are vocal critics of the South Sudanese government and are active on Facebook. Credible sources indicate they are being detained by Kenyan police and are at imminent risk of deportation.

Dong Samuel Luak is a registered refugee with the United Nations Human Rights Commission and his deportation would amount to a violation of the *non-refoulement* principle under the 1951 Refugee Convention. Aggrey Idri has resided in Kenya on a visitors pass since the conflict in South Sudan broke out in mid-December 2013.

If deported to South Sudan, Dong Samuel Luak and Aggrey Idri would face serious risks of arbitrary detention, torture and other ill-treatment.

Please write immediately in English, Kiswahili or your own language:

- Urging the Kenyan authorities to immediately disclose the whereabouts of Dong Samuel Luak and Aggrey Idri and ensure they have access to their families and lawyers of their choosing;
- Urging them to make public the reasons for the continued detention (if they are in custody) of Dong Samuel Luak and Aggrey Idri and, unless a legal basis for continued detention can be demonstrated, to release them without delay;
- Urging them to uphold their international obligations under the 1951 Refugee Convention, the 1969 Organisation of African Unity (OAU) Refugee Convention and the Convention Against Torture;
- Urging them to recognise and give effect to the fact that both Dong Samuel Luak and Aggrey Idri run the risk of being subjected to torture if they are deported to South Sudan and, therefore, to ensure the two are not deported to that country.

PLEASE SEND APPEALS BEFORE 9 MARCH 2017 TO:

President of the Republic of Kenya

Uhuru Kenyatta

Office of the President

Harambee Avenue, Nairobi

Twitter: @UKenyatta

Salutation: Your Excellency

Cabinet Secretary

Joseph Nkaissery

Ministry of Interior and National Co-ordination

P O Box 30510-00100, Nairobi

Twitter: @GenNkaissery

Salutation: Dear Minister

And copies to:

Cabinet Secretary

Amina Mohammed

Ministry of Foreign Affairs and

International Trade

P O Box 30551-00100, Nairobi

Email: info@mfa.go.ke

Twitter: @AMB_A_Mohammed

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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TWO SOUTH SUDANESE MEN FACING DEPORTATION

ADDITIONAL INFORMATION

From 2002 to 2013, Dong Samuel Luak was Secretary General of the South Sudan Law Society, a South Sudanese civil society organization focused on promotion of justice, human rights and the rule of law. Following the outbreak of South Sudan's ongoing internal armed conflict in December 2013, he joined the SPLM-IO and is a member of its Human Rights and Justice Committee.

Dong Samuel Luak left South Sudan in August 2013 due to security threats associated with his legal representation of Pagan Amum, former Secretary-General of the Sudan People's Liberation Movement (SPLM) in a case against South Sudan's President Salva Kiir. He has been registered as a refugee in Kenya since November 2016.

Aggrey Idri was a business man in Juba and an active SPLM member. After the conflict broke out in South Sudan, he joined the SPLM/IO.

In November 2016, Kenyan authorities deported SPLM-IO spokesperson James Gatdet back to South Sudan, despite his refugee status. Since his arrival in Juba, he has been detained at the National Security Service (NSS) headquarters in Juba. He has not been charged or presented in court. He is held in solitary confinement in a room approximately 3 metres by 1.5 metres large. He is not taken outside and is only provided access to sanitary facilities twice a day.

Since the beginning of South Sudan's ongoing non-international armed conflict in December 2013, Amnesty International has documented a pattern of arbitrary arrests, prolonged detentions and enforced disappearances of perceived government opponents conducted by the NSS and the national army's Military Intelligence Directorate. Detainees are often subjected to torture or other ill treatment while in custody.

The UN Convention Against Torture, to which Kenya is a state party, prohibits the return of people to places where they risk being subjected to torture or other ill-treatment.

The 1951 Refugee Convention prohibits the forcible return of a refugee to a country where their life or freedom would be threatened (*non-refoulement*).

The 1969 OAU Convention governing the specific aspects of Refugee problems in Africa also provides a broad spectrum of protection and obligations towards refugees.

Name: Dong Samuel Luak, Aggrey Idri

Gender m/f: m

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