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Amnesty International Urges South Sudan to Address National Security Service Violations and Crimes

Speaking at the UN Human Rights Council today, Amnesty International said they shared the concerns of the United Nations Commission on Human Rights in South Sudan over the continued impunity for crimes committed during the conflict and the illegal conduct of the National Security Service (NSS) that, as noted in the Commission's report, risks turning "South Sudan into a police state built on fear and corruption."¹

Amnesty International's research has found that the National Security Service and Military Intelligence have arbitrarily arrested, detained, tortured and ill-treated hundreds of people since the start of the conflict in December 2013, some to the point of death.² People have been forcibly disappeared and continue to be harassed, arrested and detained without charge, and kept in holding facilities with no access to their families, medical treatment, or legal representation. Amnesty International urges the Government to amend the 2014 National Security Service Act to make it compliant with international human rights law.

Amnesty International is extremely concerned about the use of the death penalty in South Sudan.³ In February 2019 alone, the authorities executed at least seven people.⁴ This is as many as were executed in the whole of 2018. Amnesty International calls on the Government to establish an official moratorium on executions, with a view towards abolishing the death penalty.

The Commission's report makes clear the need for independent investigations and prosecutions into alleged violations of international humanitarian law, including killing of civilians and sexual violence. The Commission's mandate is unique and crucial in this regard, and Amnesty International called on all States at the Human Rights Council, including South Sudan, to support its full renewal under Item 4 during its current session.

¹ United Nations Commission on Human Rights in South Sudan, Report of the Commission on Human Rights in South Sudan, 20 February 2019, <https://www.ohchr.org/en/hrbodies/hrc/cohsouthsudan/pages/index.aspx>.

² Amnesty International, Broken Promises: Arbitrary Detention by South Sudan's Intelligence Agencies Continues, 4 September 2018, https://www.amnesty.nl/content/uploads/2018/09/A-Trail-of-Broken-Promises_04092018.pdf?x68065.

³ Amnesty International, 'I told the Judge I was 15': The Use of the Death Penalty in South Sudan, 7 December 2018, <https://www.amnesty.org/en/documents/afr65/9496/2018/en/>.

⁴ Amnesty International, South Sudan: Seven men including members of one family hanged amid spike in executions, 1 March 2019, <https://www.amnesty.org/en/latest/news/2019/03/south-sudan-seven-men-including-members-of-one-family-hanged-amid-spike-in-executions/>.

BACKGROUND

This statement is based on an oral statement delivered at the Human Rights Council on 12 March 2019, during the interactive dialogue with the UN Commission on Human Rights in South Sudan. The Commission's report to the 40th session of the Human Rights Council can be downloaded [here](#).

Detainees Remain Locked Up Despite Peace Agreement Obligations

Whilst some detainees have been released, others remain locked up and arbitrary arrests by the NSS continue despite the clear obligation of the parties to the September 2018 Revitalized Agreement for the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) that "Prisoners of War (PoWs) and detainees shall be released immediately under the supervision of the International Committee of the Red Cross (ICRC)."⁵

For instance, **Peter Biar Ajak**, a prominent South Sudanese academic and activist, was arrested by the NSS at Juba International Airport on Saturday 28 July 2018.⁶ Over seven months later, he remains in detention at NSS Headquarters in Jebel Neighbourhood in Juba and has not been produced before a competent court.

Kerbino Wol, a business man and philanthropist, has been languishing in detention since 27 April 2018. He is being held at the National Security Service headquarters in Juba.⁷ He has not been produced before a competent court. Amnesty International therefore welcomes the East African Court of Justice's decision to summon the Government of South Sudan on 25 March 2019 over the arbitrary arrest and detention of Mr. Wol.⁸

Others have been subjected to enforced disappearance. It has been over two years since **Dong Samuel Luak**, a prominent South Sudanese lawyer and human rights activist, and **Aggrey Idrey Idri**, a government critic and member of the Sudan People's Liberation Movement-in-Opposition (SPLM-IO), went missing in Nairobi, Kenya on 23 and 24 January 2017. Credible sources indicated that they were then seen at the NSS headquarters in Juba. They were removed from this facility on the night of 27 January 2017. Since then, their fate and whereabouts remain unknown. On January 17, 2019, a Kenyan High Court ended its 24-month oversight of the police investigation into the disappearances.⁹

⁵ Article 2.1.6 of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS), 12 September 2018.

⁶ Amnesty International, Detained Activist Denied Access to a Lawyer, Urgent Action, 31 July 2018, <https://www.amnesty.org/download/Documents/AFR6588532018ENGLISH.pdf>

⁷ Amnesty International, Businessman Arbitrarily Detained for 4 months, Urgent Action, 29 August 2018, <https://www.amnesty.org/download/Documents/AFR6590002018ENGLISH.pdf>

⁸ Amnesty International, South Sudan: Government summoned before regional court in step towards justice, 7 March 2019, <https://www.amnesty.org/en/latest/news/2019/03/south-sudan-government-summoned-before-regional-court-in-step-towards-justice/>

⁹ Amnesty International, Kenya: Court drops oversight on enforced disappearance of two South Sudanese critics, 12 February 2019, <https://www.amnesty.org/en/latest/news/2019/02/kenya-court-drops-oversight-on-enforced-disappearance-of-two-south-sudanese-critics/>

The NSS Act in Its Current Form Facilitates Human Rights Violations and Should Be Amended

The 2014 NSS Act grants the security agency broad powers which exceed its constitutional mandate without providing adequate safeguards against abuse of these powers. Amnesty International is concerned that leaving these broad powers of the NSS unamended and unchecked, will sustain a legal framework that facilitates human rights violations by NSS agents. These concerns are all too real given the NSS's record to date, as well as the experience of other countries with similar security legislation, including Sudan.

The R-ARCSS obliges the South Sudanese authorities to enact amendments to legislation proposed by the National Constitutional Amendment Committee (NCAC), including the 2014 NSS Act. Amnesty international strongly urges the NCAC and the South Sudanese authorities to bring the NSS Act in line with the country's 2011 Transitional Constitution and with the South Sudan's regional and international human rights obligations. This will be an opportunity to prompt much-needed reforms in the NSS and to signal South Sudan's commitment to respecting human rights.

South Sudan's Shocking Use of the Death Penalty

In December 2018, Amnesty International raised the alarm that South Sudan had in that year executed more people than in any other year since its independence in 2011. Amnesty International gathered credible evidence that at least seven people – including at least one person who was a child at the time of the crime – were executed since May 2018.¹⁰

In February 2019 alone, South Sudan authorities executed at least seven people, three of whom were from the same family. The family of the three related men was not informed of their impending execution and only learnt of the death of their loved ones after they had been executed.¹¹

Widespread Impunity and Delays in Transitional Justice

The conviction of 10 South Sudanese soldiers in connection with the killing of a journalist and rape of aid workers during an attack on the Terrain Hotel in the capital Juba in July 2016 represents a first step towards ending chronic impunity in South Sudan.¹²

However, parties to the conflict continue to perpetrate crimes under international law and other serious human rights violations with complete impunity, brutality and total disregard for human life. The government's failure to take significant and serious efforts to hold perpetrators of sexual violence to account in the civilian court system signals to perpetrators that they can continue to carry out abuses without consequence, perpetuating the vicious cycles of violence

¹⁰ Amnesty International, 'I told the Judge I was 15': The Use of the Death Penalty in South Sudan, 7 December 2018, <https://www.amnesty.org/en/documents/afr65/9496/2018/en/>.

¹¹ Amnesty International, South Sudan: Seven men including members of one family hanged amid spike in executions, 1 March 2019, <https://www.amnesty.org/en/latest/news/2019/03/south-sudan-seven-men-including-members-of-one-family-hanged-amid-spike-in-executions/>

¹² Amnesty International, South Sudan: Sentencing of soldiers for killing journalist and raping aid workers a step forward for justice, 6 September 2018, <https://www.amnesty.org/en/latest/news/2018/09/south-sudan-sentencing-of-soldiers-for-killing-journalist-and-raping-aid-workers-a-step-forward-for-justice/>

and conflict in the country.

The August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and the 2018 revitalised agreement, provide for the establishment of transitional justice mechanisms including a Hybrid Court for South Sudan (HCSS). However, the South Sudan government has long delayed its establishment by failing to sign the Memorandum of Understanding (MOU) and Statute. Although the MOU and Statute were approved by the South Sudan Cabinet of Ministers in December 2017, their signing is still pending.

Public Document

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