

URGENT ACTION

THREE FREED, FOUR MORE ARBITRARILY DETAINED

Two of the 30 men who had been in arbitrary detention in the prison at the National Security Service (NSS) headquarters were released. At least five more were detained, but one of them was released on 17 December. There are currently at least 32 men arbitrarily detained in the NSS prison.

A total of at least **32 men** arrested during different times since January 2014 are in arbitrary detention in the National Security Service (NSS prison). Most are accused of having some affiliation with the Sudan People's Liberation Movement-In Opposition (SPLM/A-IO), but none has been charged with any offence. They have been denied the right to be brought promptly before a judge and the right to challenge the lawfulness of their detention. Some of these detainees are being held incommunicado, without access to family members or a lawyer.

Until September 2016 the group included 30 men but two were released. Recent detainees include: **Justin Wanis**, the former Director of Investment and Public Relations of Western Equatoria state; **Timothy Nyewe Mori**, the former Commissioner of Maban county; **William Endley**, a South African national and chief **Wilson Peni**.

James Gatdet, the spokesperson for the SPLM-IO, was also arrested by Kenyan authorities at his residence in Nairobi on 2 November and forcibly deported to Juba the following day. As James Gatdet was a refugee, his deportation from Kenya violated the international law principle of *non-refoulement*. He has been held at the NSS headquarters prison since his arrival in Juba, in solitary confinement in a room approximately 3 meters by 1.5 meters large. He is not taken outside and is only provided access to sanitary facilities twice a day. He has not been charged with any offences.

Chief **Wilson Peni**, the Zande community paramount chief, was released without charge on 17 December through the intervention of President Salva Kiir. He had been arrested in Yambio, Western Equatoria state on 20 November and transported to Juba on 23 November where he was placed in detention at the NSS prison.

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

- Insisting that the South Sudanese authorities immediately release NSS detainees or, if credible evidence of a recognised offence exists, charge them promptly and present them in court;
- Urging them to ensure that detainees are not subjected to torture and other ill-treatment while in detention;
- Urging them to grant the detainees access to adequate medical care, access to lawyers of their own choosing, and also allow visits from their families;
- Urging them to end arbitrary detentions by the NSS, particularly in the prison at the Jebel headquarters;
- Calling on them to initiate prompt, effective and impartial investigations into NSS detention practices, including enforced disappearances, deaths in custody, torture and other ill-treatment, to publicly disclose the findings, and to hold perpetrators accountable in fair trials without recourse to the death penalty.

PLEASE SEND APPEALS BEFORE 31 JANUARY 2017 TO:

President of the Republic of South Sudan

Salva Kiir Mayardit
@RepSouthSudan

Salutation: Your Excellency

Minister for National Security in the office of the President

Obuto Mamur Mete

Salutation: Your Excellency

And copies to:

Minister of Justice

Paulino Wanawilla Unango

Please send your appeals to the care of diplomatic representatives accredited to your country, listed below. If there is no South Sudanese embassy in your country, please mail the letter to the Permanent Mission of the Republic of South Sudan to the United Nations, 336 East 45th Street, 5th Floor, New York, NY 10017, USA. 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. This is the fourth update of UA 87/16. Further information:

<https://www.amnesty.org/en/documents/afr65/4494/2016/en/>

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ADDITIONAL INFORMATION

Since the beginning of South Sudan's ongoing non-international armed conflict in December 2013, there has been an increase in arbitrary arrests, prolonged detentions, and enforced disappearances of perceived government opponents conducted by South Sudan's National Security Service (NSS) and the national army's Military Intelligence directorate. Amnesty International has documented numerous detentions by the NSS in multiple facilities where detainees are often subjected to torture or other ill-treatment. Amnesty International is concerned that, in addition to these 32 men, there are many others arbitrarily detained not only at the NSS headquarters in Juba but also in other NSS or military places of detention across the country.

The NSS Act of 2014 granted the NSS sweeping powers to arrest and detain, without ensuring adequate judicial oversight or safeguards against abuse of these powers. The Act does not specify that detainees may only be held in official places of detention or guarantee basic due process rights, such as the right to counsel or to be tried within a reasonable period of time. The law effectively gives a *carte blanche* to the NSS to continue and extend its longstanding pattern of arbitrary detention, with total impunity.

In the NSS prison at the headquarters in the Jebel neighbourhood, detainees are fed a monotonous diet of beans and *posho*. Most detainees sleep on the floor. Some have been beaten, especially during interrogation or as a form of punishment. Detainees are only allowed outdoors once a week, for approximately one hour. Due to the poor conditions as well as inadequate access to medical care, the health of several detainees has seriously deteriorated. Some are reportedly unable to walk and have experienced symptoms including blood in their urine and vomit. Some detainees have pre-existing medical conditions, such as high blood pressure, that have deteriorated during their detention. In July 2016, one detainee died, reportedly following a tapeworm infection that went untreated.

Name: Alison Mogga Tadeo, Aloro John, Andria Baambe, Angelo Banaveso, Ayume Dada, Chandiga Felix, Daniel Bakumba, Davide Peter, Emilio Paul, George Livio Bahara, James Gatdet, John Mboliako, Jorem Eseru, Justin Yasir, Justin Wanis, Justine Peter, Justine Wanawila, Kennedy Kenyi, Lado James, Lokolong Joseph, Martin Augustino, Michael Sokiri, Mike Tyson, Ochaya Godfrey Saverio, Ocitti Richard Okumu, Otihu Lawrence, Paul Baba, Richard Otti, Sokiri Felix Wani, Tartisio Oshini, Timothy Nyewe Mori, William Endley and Wilson Peni (who was released on 17 December).

Gender m/f: m

Further information on UA: 87/16 Index: AFR 65/5293/2016 Issue Date: 20 December 2016