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President Salva Kiir Mayardit
Office of the President
Republic of South Sudan

**AMNESTY
INTERNATIONAL**



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Your Excellency,

Greetings from Amnesty International.

In your address to the people of South Sudan on 10 March 2017, on the occasion of the National Day of Prayer, you announced your plans to release from detention Generals Elias Waya and Andrea Dominic as well as “any other political detainees.”

Since the start of South Sudan’s ongoing conflict in December 2013, the National Security Service (NSS) and the Military Intelligence Directorate have carried out hundreds of arbitrary arrests, prolonged detentions and enforced disappearances of individuals perceived as government opponents. Detainees are held without charge or being presented in court, they are often subjected to torture or other ill treatment, are regularly denied access to their family members, and are not provided with adequate medical care. Numerous detainees have died or been killed while in the custody of government security agencies.

Amnesty International writes to share with you the names of other men detained by various security agencies, all of whom are held without due process of law, in violation of South Sudan’s Constitution as well as its obligations under international law. We urge you to ensure that these individuals are released, or, if credible evidence of a recognised offence exists, promptly charged and presented in court. We also urge South Sudan to publicly disclose the fate and whereabouts of detainees who have been subjected to enforced disappearances, and to investigate the circumstances under which other detainees have died while in government custody.

We urge you to ensure independent, prompt and effective investigations into the arbitrary detention practices of government security agencies, including enforced disappearances, deaths in custody, torture and other ill-treatment, to publicly disclose the findings and to hold perpetrators of human rights violations accountable in fair trials without recourse to the death penalty. Victims of arbitrary detention and torture and relatives of individuals who have died or “disappeared” while in government custody should be provided with reparation, including financial compensation and physical and psychological rehabilitation.

NSS DETENTIONS IN JUBA

Hundreds of men have been detained in facilities under the authority of the NSS within Juba. Amnesty International has confirmed the continued detention of at least 28 men in a prison within the compound of the NSS headquarters in Jebel neighbourhood, and has established the date of arrest for some of the detainees. While none have been charged with any offence, they are held under the category of “political detainees,” based on accusations of communicating with or supporting the opposition.

1. **Angelo Banaveso**
2. **Ayume Dada** (arrested in Juba on 5 January 2015)
3. **Chandiga Felix** (arrested in Juba in July 2014)
4. **Daniel Bakumba**
5. **Davide Peter**
6. **Emilio Paul**
7. **George Livio Bahara** (arrested in Wau on 22 August 2014)
8. **James Gatdet** (arrested in Nairobi on 2 November 2016 and transferred to NSS detention in Juba on 3 November 2016)
9. **John Mboliako**
10. **Justin Yasir** (arrested in Yambio in December 2015)
11. **Justin Wanis** (arrested in Yambio on 9 July 2016)
12. **Justine Peter**
13. **Justine Wanawila** (arrested in Wau on 23 August 2014)
14. **Kennedy Kenyi**
15. **Lado James** (arrested in Juba in July 2014)
16. **Lokolong Joseph** (arrested in Ikotos on 20 November 2015)
17. **Martin Augustino** (arrested in Wau on 23 August 2014)
18. **Michael Sokiri** (arrested in Yei in January 2015)
19. **Mike Tyson**
20. **Ochaya Godfrey Saverino**
21. **Ocitti Richard Okumu**
22. **Otihu Lawrence**
23. **Paul Baba** (arrested in Juba on 25 March 2014)
24. **Richard Otti**
25. **Sokiri Felix Wani** (arrested in Kajojeji on 25 July 2014)
26. **Tartisio Oshini**
27. **Timothy Nyewe Mori**
28. **William Endley** (arrested in Juba on 18 November 2016)

Amnesty International urges the Government of South Sudan to:

- Immediately release all NSS detainees, or, if credible evidence of a recognised offence exists, charge them promptly and present them in court;
- Ensure that they have access to family members and to lawyers of their own choosing;
- End arbitrary detentions by the NSS;
- Amend the 2014 NSS Act to remove from the NSS the powers to arrest and detain.

ENFORCED DISAPPEARANCES

Lawrence Bagda Jube Arbamo, a captain in the Sudan People's Liberation Army (SPLA), was arrested by military intelligence personnel on 26 June 2015 in Juba and initially detained within the Giyada military barracks. In November 2015, he was transferred to the military intelligence detention facility in Gorom, approximately 20km south of Juba on the road to Yei. Since his transfer to Gorom, family members have been denied all contact with him or information of his whereabouts.

On 25 May 2016, Amnesty International wrote to you and to the Director General of Military Intelligence, General Marial Nour, informing you of our concerns about the Gorom detention site and calling for an investigation into enforced disappearances, torture, and other cruel, inhuman or degrading treatment or punishment that have occurred there, but received no response. On 20 August 2016, Amnesty International wrote to SPLA Chief of General Staff, General Paul Malong, to seek information about Lawrence Bagda Jube Arbamo's place of detention and his legal status. We urged General Paul Malong to take all steps necessary to establish his fate and whereabouts, but received no response.

The NSS arrested **Anthony Nyero**, a UN Mission in South Sudan (UNMISS) staff member in Torit on the evening of 17 September 2014. He was immediately taken to Juba and detained at the NSS riverside

detention facility, in Juba town. In June 2015, he was transferred to the NSS headquarters in Jebel. In January 2016, he was transferred back to the NSS riverside detention facility.

The NSS arrested **James Lual**, an UNMISS security guard, in Wau on 23 August 2014 and took him to Juba the next day. He was initially detained at the NSS riverside detention facility. In early 2015, he was transferred to the NSS headquarters in Jebel. In January 2016, he was transferred back to the NSS riverside detention facility.

Both **Anthony Nyero** and **James Lual** have been subjected to torture or other ill treatment while in NSS detention. They are accused of supporting or being in contact with the Sudan People's Liberation Movement/Army-In Opposition (SPLM/A-IO) but have not been charged with any criminal offence or presented in court. The NSS has not granted UNMISS access to visit them since 18 December 2015. Family members have been denied all access to them since their transfer to the riverside facility. On 28 November 2016, Amnesty International wrote to the Minister for National Security in the Office of the President, Obuto Mamur Mete, and to the Director of National Security for Internal Affairs, Akol Koor, requesting information about their current fate and whereabouts, but received no response.

These individuals are victims of enforced disappearance, a crime under international law.

Amnesty International urges the Government of South Sudan to:

- Immediately disclose the fate and whereabouts of these individuals;
- If they are detained, immediately release them or ensure that they are or have been charged with a recognised offence and presented in court;
- Ensure they are held in an official place of detention and that they have access to family members and to lawyers of their own choosing.

DONG SAMUEL AND AGGREY IDRI

Dong Samuel Luak, a lawyer and human rights advocate, was last seen in Nairobi town centre at approximately 9:00 pm on 23 January 2017, when he was on his way to board a bus and return to his residence. He did not arrive home. **Aggrey Idri**, chairman of the SPLM/A-IO Humanitarian Affairs Committee was last seen in the Kilimani neighbourhood of Nairobi at approximately 8.00 am on the morning of 24 January 2017.

Both Dong Samuel Luak and Aggrey Idri were vocal critics of the South Sudanese government. Amnesty International believes that South Sudanese and Kenyan security agencies may have been involved in what could amount to an enforced disappearance.

The UN Working Group on Enforced or Involuntary Disappearances has called on the governments of Kenya and South Sudan to reveal their fate and whereabouts, which remain unknown. On 27 January 2017, in response to a habeas corpus application filed on behalf of Dong Samuel Luak and Aggrey Idri, the Kenyan High Court ordered the police to investigate their whereabouts. While the court found insufficient evidence to confirm that the two were in custody of the Kenyan government, on 22 February it ordered police to continue investigations.

Amnesty International urges the Government of South Sudan to:

- Investigate the role of South Sudanese government agents in the "disappearance" of Dong Samuel and Aggrey Idri;
- Urge the Government of Kenya to carry out thorough investigations into their whereabouts;
- Provide all necessary assistance to the Government of Kenya in conducting the investigations.

REPORTED DEATHS WHILE IN GOVERNMENT CUSTODY

Amnesty International has received information that at least 20 detainees have died while in government custody in Juba between February 2014 and December 2016. Amnesty International research indicates that conditions of detention, including torture and other ill-treatment, inadequate food, absence of clean water and inadequate access to medical care contributed to all of these deaths.

Witnesses described the deceased being unable to walk, vomiting blood, suffering from severe diarrhoea, skin diseases, starvation, and from physical impacts of brutal torture and other ill-treatment prior to their deaths. Professional autopsies were not performed to officially establish the causes of death. Families were rarely provided with the bodies of their relatives or notified of where they were buried.

NSS officers arrested **Loreom Joseph Longie** in late September 2014 in Kapoeta. Amnesty International received information that he was detained in Kapoeta for three days, interrogated during this time about suspected links with the SPLM/A-IO and subjected to torture and other ill-treatment. NSS officers beat him, pierced his testicles with needles and dripped molten plastic on to his skin. He was then transferred to Juba and detained at the NSS headquarters. On 14 July 2016, he was taken to Juba Teaching Hospital. He died in the morning of 17 July 2016. Amnesty International believes that poor conditions at the NSS detention facility—including physical abuse, insufficient food and medical care—may have contributed to his death. Amnesty International received information that he suffered from a tapeworm infection that went untreated and caused liver damage. He spent 22 months in NSS detention, without being charged or presented in court.

Alison Mogga Tadeo died at the end of February 2017 while in NSS detention. Amnesty International believes that conditions of detention and the failure to provide him with adequate and timely medical care contributed to his death. He was arrested in Kajoikeji on 25 July 2014 and was detained at the NSS Jebel headquarters.

Andria Baambe died during the first week of March 2017 while in NSS detention. The NSS had transferred him to Juba Teaching Hospital for medical treatment, and he died while there. Amnesty International believes that conditions of detention and the failure to provide him with adequate and timely medical care contributed to his death. He was arrested in 2014 in Tombura.

Amnesty International has received information that the following individuals died while arbitrarily detained without being charged or presented in court at the Giyada military barracks in Juba:

1. **Duer Lia Lew** (approximately 27 years-old, from Mayendit, Unity)
2. **David Duku** (approximately 40 years-old, from Yei, Central Equatoria)
3. **Philip Kenyi** (approximately 35 years-old, from Magwi, Eastern Equatoria)
4. **Mading Gany Tirit** (approximately 41 years-old, from Nasir, Upper Nile)
5. **Garang Kuot** (approximately 35 years-old, from Bor, Jonglei)
6. **James Koang Tap** (approximately 34 years-old, from Ayod, Jonglei)
7. **Joseph Friday Kebela** (approximately 29 years-old, from Lopa/Lafon, Eastern Equatoria)
8. **Gatluak Wel Deng** (approximately 35 years-old, from Fangak, Jonglei)
9. **Joseph Oiaha Dominic** (approximately 40 years-old, from Yambio, Western Equatoria)
10. **Deng Bol Gai** (approximately 26 years-old, from Akobo, Jonglei)
11. **James Gatlol Bany** (approximately 40 years-old, from Urur, Jonglei)

Amnesty International has received information that following individuals died while arbitrarily detained without being charged or presented in court at the Bilpam military barracks in Juba:

1. **Chuol Diang** (approximately 43 years-old, from Ayod, Jonglei)
2. **Tito Uwar** (approximately 27 years-old, from Magwi, Eastern Equatoria)
3. **James Wijang Kuol** (approximately 40 years-old, from Koch, Unity)
4. **Maliah Malieth** (approximately 45 years-old, from Nyirol, Jonglei)
5. **Gatpam Luak Moch** (approximately 35 years old, from Ulang, Upper Nile)
6. **Chop Rueh Nyinyar** (approximately 45 years-old, from Rubkona, Unity)

Amnesty International urges the Government of South Sudan to:

- Ensure that detainees are not subjected to torture and other ill-treatment while in detention;
- Ensure that detainees are granted access to adequate and timely medical care, adequate food, and clean water;
- Conduct independent investigations into all cases of deaths in custody listed above;

- Provide family members with information regarding the date and cause of death and the location of their burial;
- Permit and facilitate family members to exhume and rebury bodies of their relatives.

We would appreciate an update on the government's progress towards ending the practices of arbitrary detention, torture and enforced disappearances by the NSS and Military Intelligence Directorate and bringing to justice those responsible for these violations.

Yours sincerely,

Salil Shetty
Secretary General