

# URGENT ACTION

## MAN HELD IN POOR CONDITIONS, DENIED FAMILY VISITS

**James Gatdet, who was unlawfully transferred from Kenya, has been charged with several offenses among them 'Treason' which carries the death penalty, or life imprisonment. He is being held at the National Security Service (NSS) headquarters under poor detention conditions. He has been denied visits from his lawyers and family since 15 September.**

**James Gatdet** was unlawfully transferred from Kenya to South Sudan in November 2016. He was, on 23 August, charged with: inciting violence – 'Abetment' (article 52), 'Treason' (article 64), 'Publishing or Communicating False Statements Prejudicial to Southern Sudan' (article 75), and 'Undermining Authority of or Insulting President' (article 76) under the South Sudan Penal Code of 2008. The charge of treason is punishable by death or life imprisonment.

The first hearing took place on 30 August and the second on 6 September. During the first court session, James Gatdet's lawyers raised concern about the poor conditions of his detention. At the time he had spent over seven months in solitary confinement, with no access to sunlight or physical activity and extremely limited human interaction. After the court session, he was moved to a regular cell, but continues to suffer due to poor conditions in detention.

On 15 September, the High Court adjourned his trial under Section 265 'Powers of Review and Revision' of the Code of Criminal Procedure Act of 2008. There is no date set for the next hearing. He has since been denied visits by his lawyers and family. Amnesty International has received reports that he also does not have access to medical treatment that he needs.

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

- Calling on South Sudanese authorities to ensure that James Gatdet is granted access to adequate medical care, lawyers of their own choosing, and is allowed family visits;
- 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;
- Calling on them establish an official moratorium on executions with a view towards abolishing the death penalty.

### **PLEASE SEND APPEALS BEFORE 30 NOVEMBER 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  
Ministry of Justice

**Please send your appeals in 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 45<sup>th</sup> Street, 5<sup>th</sup> 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.

**AMNESTY  
INTERNATIONAL**



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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 arbitrary detentions by the NSS in multiple facilities where detainees are often subjected to torture or other ill-treatment. Amnesty International is concerned that 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 and subjected to poor conditions of detention.

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*. Amnesty International has also previously received reports that on some days, detainees are not even fed for a whole day. 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, stool 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.

The charge of inciting violence ('Abetment') against James Gatdet relate to a statement he posted on his Facebook page on 8 July 2016 stating that President Kiir had attempted to arrest former Vice President Riek Machar at J1/presidential palace, which the investigator alleges resulted in Riek Machar's bodyguards attacking J1/presidential palace. However, reports received by Amnesty International indicate that the complainant did not have authorization from James Gatdet, or a warrant to access his personal Facebook account to obtain the statement that was allegedly deleted from his Facebook page on 13 July 2016.

Name: James Gatdet  
Gender m/f: Male

UA: 240/17 Index: AFR 65/7283/2017 Issue Date: 19 October 2017