

AMNESTY INTERNATIONAL

PUBLIC STATEMENT

Index: AFR 65/0794/2019

26 July 2019

South Sudan: End illegal detention of six detainees

Amnesty International has confirmed reports of the arbitrary arrest and illegal detention of six people by South Sudan's National Security Service (NSS) in Juba, the country's capital.

Subek David Dada, Simon Lokonga, Simon Sebit Evelino, Jackline Ibrahim, David Ladu Loki and Mercy Lalam were arrested by the NSS on varying dates in November 2018 and have since been detained without charge. NSS agents arrested and detained them over alleged loss of landing fees Fly540 claims to have paid to the South Sudanese government.

Initially detained at the NSS headquarters in Juba, commonly known as the 'Blue House', the detainees were transferred to Juba Central Prison on 14 January 2019. During their time in the Blue House, the detainees did not have access to their family, medical services or lawyers as required under international law. The six have not yet been presented to a judge or charged, violating provisions in South Sudan's Code of Criminal Procedure stipulating that a person arrested may not be held longer than twenty-four hours before being brought before a judge. These illegal detentions constitute violations of the detainees' rights protected by South Sudan's constitution and the African Charter on Human and Peoples' Rights. We urge the South Sudanese authorities to ensure their immediate release or charge them with an offense that is recognizable under international law.

Arbitrary arrests and detentions by the NSS form part of a larger pattern. Amnesty International's research has found that the NSS 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.¹ 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 end this harassment and hold to account all NSS agents suspected of violations.

The NSS Act of 2014 grants 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. Amnesty International urges the government to amend the 2014 National Security Service Act to make it compliant with its obligations under international human rights law.

¹ 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.

Public Document
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