

URGENT ACTION

FORCEFULLY RETURNED CRITIC HELD INCOMMUNICADO

On 4 February, Morris Mabior Awikjok Bak, a South Sudanese critic, was reportedly arbitrarily arrested, allegedly by armed Kenyan security forces and a South Sudanese man in civilian dress in Nairobi, Kenya where he resides. It is believed he was forcefully returned to Juba, South Sudan and is being held in incommunicado detention at a National Security Service detention facility. The South Sudanese authorities must clarify and reveal Morris Mabior Awikjok Bak's fate and whereabouts, ensure he has regular access to his family, a lawyer and a doctor, and unless he is charged with an internationally recognisable offence, immediately release him.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

President of South Sudan

Salva Kiir Mayardit

Twitter: @SouthSudanGov

Facebook: Office of the President – Republic of South Sudan

Your Excellency,

An eyewitness told Amnesty International that, on 4 February, armed Kenyan security forces and a South Sudanese man in civilian clothing arbitrarily arrested **Morris Mabior Awikjok Bak**, a South Sudanese critic, in the neighbourhood where he was living in Nairobi, Kenya.

Amnesty International has reason to believe that Morris Mabior Awikjok Bak was forcefully returned to Juba, South Sudan where he arrived on 5 or 6 February and was brought to a National Security Service (NSS) detention facility. According to family members, Morris Mabior Awikjok Bak is being held incommunicado. Detention without access to the outside world – incommunicado detention – facilitates torture and other ill-treatment and enforced disappearance. In some circumstances, it can itself constitute torture and other ill-treatment.

The South Sudanese authorities have a history of using unlawful surveillance to track South Sudanese dissidents and critics – including human rights defenders and activists, who have left South Sudan for Kenya – arbitrarily arresting or forcefully disappearing them, and illegally transferring them back to South Sudan where they are held in secret arbitrary detention by the NSS in multiple facilities, including at the NSS's detention facility at their headquarters known as "Blue House", and, at times, subjected to torture and other ill-treatment. Some have later been extrajudicially executed.

I call on you to use your authority to immediately release Morris Mabior Awikjok Bak, unless he is charged with a criminal offence recognizable under international law and ensure his freedom to leave South Sudan should he wish to do so. Pending his release, he must be protected from torture and other ill-treatment and granted regular access to his family, any healthcare he may require from a qualified medical practitioner and a lawyer of his choice.

Yours sincerely,

ADDITIONAL INFORMATION

Amnesty International has documented numerous arbitrary detentions by the National Security Service (NSS) in multiple facilities where detainees are often subjected to torture and other ill-treatment – some held incommunicado without access to a lawyer, or family members.

Most recently, on 3 and 4 January, the NSS arrested six media professionals in relation to a leaked video that circulated on social media and allegedly showed President Salva Kiir urinating on himself during an official ceremony. Two have since been released.

The Government of South Sudan, primarily through the NSS, conducts communications surveillance with equipment bought in Israel, and likely with support from the telecommunication companies. The NSS also conducts physical surveillance through a widespread, cross-border network of informants and agents, penetrating all levels of society and daily life, by monitoring media and social media, and requiring event organizers to seek permission before holding any form of gathering. The NSS has used these forms of surveillance illegally, in breach of the right to privacy, to arbitrarily arrest and illegally detain individuals and infringe on press freedoms and the freedom of opinion and expression, and the freedom of assembly.

The NSS spy network extends throughout East Africa to reach those who find refuge in neighbouring countries. For instance, on 23 January 2017, **Dong Samuel Luak**, a South Sudanese human rights lawyer and registered refugee, was forcibly disappeared in Nairobi, Kenya. The next day, on 24 January 2017, **Aggrey Ezbon Idri**, chair of the SPLM/A-IO's Humanitarian Affairs Committee, was also forcibly disappeared. In 2019, the UN Panel of Experts on South Sudan found that Dong Samuel Luak and Aggrey Ezbon Idri were forcibly flown to South Sudan on a commercial plane chartered with the help of South Sudan's embassy in Kenya on 27 January 2017. Both the UN Panel of Experts and Amnesty International verified that once in South Sudan, they were detained in the Blue House in Juba. They were then removed from this facility on 27 January 2017. According to the UN Panel of Experts, they were moved to the NSS training facility on President Salva Kiir's farm in Luri, near Juba. The Panel of Experts concluded that it is "highly probable" that the two were executed there on January 30, 2017. The forceful disappearance and reported extra-judicial killing of Dong Samuel and Aggrey Idri and the NSS's cross-border operations has had a powerful chilling effect on activists in South Sudan and neighbouring countries.

Dong Samuel Luak and Aggrey Ezbon Idri are not the only South Sudanese who have been abducted in Kenya and illegally transferred back to South Sudan. In November 2016, Kenyan authorities unlawfully deported SPLM/A-IO spokesman **James Gadet**, a registered refugee, to South Sudan where he was subsequently sentenced to death. President Kiir pardoned James Gadet on 31 October 2018. In December 2017, SPLM/A-IO governor **Marko Lokidor** Lochapio was abducted from Kakuma refugee camp in Kenya, transferred to Juba and detained in Blue House until his release on 25 October 2018. On 23 July 2020, **Peter Biar Ajak**, a South Sudanese academic and chair of the South Sudan Young Leaders Forum, arrived in the USA with his family after having been forced into hiding for five weeks in Nairobi, Kenya after receiving calls from senior government officials, who according to Peter Biar Ajak, warned him that NSS agents had been sent to abduct or kill him in Nairobi.

PREFERRED LANGUAGE TO ADDRESS TARGET: English, Arabic.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 7 April 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Morris Mabior Awikjok Bak (he/his)