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First UA: 17/23 Index: AFR 65/6432/2023 South Sudan of February 10, 2023

SOUTH SUDAN FORCEFULLY RETURNED CRITIC HELD INCOMMUNICADO

On February 04, 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 recognizable offence, immediately release him.

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.

Connect with the President of South Sudan on social media urging him to:

- Immediately release Morris Mabior Awikjok Bak, unless he is charged with a criminal offence recognizable under international law.
- Ensure his freedom to leave South Sudan should he wish to do so.
- Ensure his protection from torture and other ill-treatment.
- Guarantee that Mabior Awikjok Bak is granted.

Engage with President of South Sudan, Salva Kiir Mayardit on:

Twitter: @SouthSudanGov

Facebook: Office of the President – Republic of South Sudan

Salutation: Your Excellency

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 January 3 and 4, 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 neighboring countries. For instance, on January 23, 2017, **Dong Samuel Luak**, a South Sudanese human rights lawyer and registered refugee, was forcibly disappeared in Nairobi, Kenya. The next day, on January 24, 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 January 27, 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 January 27, 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 neighboring 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 October 31, 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 October 25, 2018. On July 23, 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.

Please take action at your earliest convenience!