

# URGENT ACTION

## FATE AND WHEREABOUTS OF TWO MEN UNKNOWN

**Dong Samuel Luak and Aggrey Idri, were disappeared in Kenya and taken to a prison facility at the National Security Service (NSS) headquarters in Juba, South Sudan on 25 January, around midday. They were then removed from this facility on 27 January. Their current fate and whereabouts are unknown.**

**Dong Samuel Luak**, a prominent South Sudanese lawyer and human rights activist went missing on the night of 23 January. **Aggrey Idri**, a member of the Sudan People's Liberation Movement-In Opposition (SPLM-IO), went missing on 24 January. Credible sources indicated that they were detained by Kenyan authorities and were at imminent risk of deportation. Both South Sudanese and Kenyan officials denied having them under their custody and did not provide any information of their whereabouts. The two men were taken to a prison facility at the NSS headquarters in Juba, South Sudan. They were then removed from this facility on 27 January. Their current fate and whereabouts are unknown.

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 were involved in what amount to enforced disappearances.

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

- Urging the South Sudanese authorities to immediately disclose the fate and whereabouts of Dong Samuel Luak and Aggrey Idri, make public the reasons for their continued detention if they are in custody and, unless a legal basis for continued detention can be demonstrated, release them without delay;
- Urging them to ensure that Dong Samuel Luak and Aggrey Idri are not subjected to torture and other ill-treatment while in detention;
- Urging them to grant Dong Samuel Luak and Aggrey Idri access to adequate medical care, access to lawyers of their own choosing, and also allow visits from their families;
- Urging the Government of Kenya to carry out thorough, impartial and effective investigations into the enforced disappearance of Dong Samuel Luak and Aggrey Idri and ensure those responsible are held to account.

### PLEASE SEND APPEALS BEFORE 5 JULY 2017 TO:

President of the Republic of South

Sudan

Salva Kiir Mayardit

Twitter: @RepSouthSudan

Salutation: Your Excellency

Minister for National Security in the office

of the President

Obuto Mamur Mete

Salutation: Your Excellency

Inspector General of Police-Kenya

Joseph Boinnet

Office of the Inspector General

Kenya National Police service

4<sup>th</sup> Floor, Jogoo House 'A', Taifa Road

P O Box 44249-00100, Nairobi, Kenya

Twitter: @JBoinnet

**South Sudan has no postal system. Please send your appeals in the care of diplomatic representatives accredited to your country, listed below.** HIS EXCELLENCY MR SABIT ABBE ALLEY, Embassy of The Republic Of South Sudan, Bentinck House, 3-8 Bolsover Street, London, W1W 6AB, Fax 020 7339 3001, info@embrss.org.uk, <https://embrss.org.uk/>

**Please check with your section office if sending appeals after the above date.** This is the first update of UA 29/17. Further information:

<https://www.amnesty.org/en/documents/afr32/5569/2017/en/>

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### ADDITIONAL INFORMATION

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, chair 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.

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 men were in the custody of the Kenyan authorities or that Kenyan officials were involved in their disappearance, on 22 February it ordered police to continue investigations. The Kenyan police have to date not made public the progress and/or findings of their investigation.

The UN Working Group on Enforced or Involuntary Disappearances has called on the governments of Kenya and South Sudan to reveal the fate and whereabouts of the two men.

The confirmation that Dong Samuel Luak and Aggrey Idri were in Juba and in the custody of South Sudanese authorities at the end of January indicates that they were illegally removed from Kenya and sent to a country where they are likely to face human rights violations, including torture and other ill-treatment. For instance, James Gatdet Dak, the spokesperson for the SPLM-IO, was unlawfully *refouled* to South Sudan by Kenyan authorities on 3 November 2016. He has now spent close to seven months in solitary confinement in the NSS detention facility in Jebel neighbourhood, with no access to sunlight or physical activity, and extremely limited human interaction. In the NSS prison where Dong and Aggrey spent two nights, detainees are kept in conditions that would amount to torture or other ill-treatment. Detainees are fed a diet of beans and posho. Most detainees sleep on the floor. Some have been beaten, especially during interrogation or as a form of punishment. In July 2016, one detainee died, reportedly following a tapeworm infection that went untreated.

The UN Convention Against Torture, to which Kenya is a state party, prohibits the return of people to places where they risk being subjected to torture or other ill-treatment. Dong Samuel Luak was a registered refugee with the office of the United Nations Human Rights Commissioner for Refugees. If he was deported by Kenyan authorities, this would amount to a violation by Kenya of the *non-refoulement* principle under the 1951 Refugee Convention.

The term "enforced disappearance" is considered to be the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.

The prohibition of enforced disappearance is a rule of customary international law binding on all states. Torture and enforced disappearance are both crimes under international law.

Further information on UA: 29/17 Index: AFR 65/6298/2017 Issue Date: 24 May 2017