

URGENT ACTION

FATE OF TWO DETAINED UNMISS STAFF UNKNOWN

Anthony Nyero and James Lual, staff members of the United Nations Mission in the Republic of South Sudan (UNMISS), may have been subjected to enforced disappearance by South Sudan's National Security Service (NSS). Family members have not had any contact with them since January 2016. Their last known place of detention was an NSS facility in Juba town, along the bank of the Nile River.

Anthony Nyero is an UNMISS staff member and was working in the Civil Affairs Division, based in Torit. The NSS arrested Anthony Nyero on the evening of 17 September 2014 in Torit at the Old Market. He was immediately taken to Juba and detained at the NSS riverside detention facility. In June 2015, he was transferred to the NSS headquarters in Jabel. In January 2016, he was transferred back to the NSS riverside detention facility.

James Lual is an UNMISS security guard. He was arrested by the NSS in Wau on 23 August 2014, and taken to Juba the next day. He was initially detained at the NSS riverside detention facility. In early 2015, he was transferred to the NSS headquarters in Jabel. In January 2016, he was transferred back to the NSS riverside detention facility.

Both Anthony Nyero and James Lual have been subjected to torture or other ill treatment while in NSS detention. They are accused of supporting or being in contact with the Sudan People's Liberation Movement-In Opposition (SPLM-IO) but have not been charged with any criminal offence or presented in court. Their current fate and whereabouts are unknown as, since January 2016, family members have been denied all contact with them. UNMISS was last granted access to visit them on 18 December 2015 and, despite repeated requests to the authorities, has not been provided with information about their whereabouts or the charges against them.

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

- Urging the South Sudanese authorities to provide information about the fate and whereabouts of Anthony Nyero and James Lual and to allow them unrestricted access to their family members and UNMISS;
- Insisting that the South Sudanese authorities immediately release Anthony Nyero and James Lual or notify UNMISS of the evidence and charges against them as required by the Status of Forces Agreement (SOFA);
- Urging them to ensure that Anthony Nyero and James Lual are not subjected to torture or other ill-treatment while in detention, and that they are allowed access to lawyers of their choice and adequate medical care;
- Urging them to end arbitrary detentions by the NSS, particularly in the Jabel headquarters and the riverside detention facilities and 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.

PLEASE SEND APPEALS BEFORE 25 JANUARY 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

Salutation: Your Excellency

Please send your appeals to 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.

**AMNESTY
INTERNATIONAL**



URGENT ACTION

FATE OF TWO DETAINED UNMISS STAFF UNKNOWN

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 detentions by the NSS in multiple facilities where detainees are often subjected to torture or other ill treatment.

A third UNMISS staff member, George Livio Bahara, is currently detained without charge and held incommunicado at the NSS Jebel headquarters. He is a journalist with the UN Radio Miraya and was first detained by the NSS on 22 August 2014. Amnesty International issued an urgent action on George Livio Bahara and 32 others (<https://www.amnesty.org/en/documents/afr65/4494/2016/en/>). The Government's failure to notify UNMISS and show credible evidence of a crime prior to taking legal action against George Livio, Anthony Nyero and James Lual violates the Status of Forces Agreement (SOFA) between the UN and the Government of South Sudan.

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.

Under international law, the right to life and freedom from torture and other ill-treatment are non-derogable, and apply in all circumstances. The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which South Sudan ratified in 2015, requires South Sudan to prevent torture and other cruel, inhuman and degrading treatment and to establish prompt and independence investigations into alleged acts of torture. 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.

UA: 226/16 Index: AFR 65/5285/2016 Issue Date: 14 December 2016