

URGENT ACTION

TWO MEN STILL MISSING ONE YEAR LATER

Dong Samuel Luak and Aggrey Idri, were disappeared in Kenya on 23 and 24 January 2017 respectively and taken to a facility at the National Security Service (NSS) headquarters in Juba, South Sudan on 25 January 2017, around midday. They were removed from the facility on 27 January 2017. Their current whereabouts are unknown.

One year ago, **Dong Samuel Luak**, a prominent South Sudanese lawyer and human rights activist went missing on the night of 23 January 2017. **Aggrey Idri**, a government critic and member of the Sudan People's Liberation Movement-in Opposition (SPLM-IO), went missing on 24 January 2017. Credible sources indicated that they were detained by Kenyan authorities and were at imminent risk of deportation to South Sudan. Amnesty International then received credible information that the two men were taken to a prison facility at the NSS headquarters in Juba, South Sudan on 25 January 2017. They were removed from this facility on 27 January 2017. Since then, their fate and whereabouts remain unknown.

Since Dong and Aggrey's disappearance, both Kenyan and South Sudanese authorities have continuously denied involvement in their disappearance and holding them in their custody. The Government of South Sudan has refused to acknowledge their detention. In Kenya, there is an ongoing police investigation into the circumstances surrounding their disappearance. The investigation is yet to conclude and the findings have yet to be made public.

Dong is a registered refugee with the United Nations High Commissioner for Refugees and his deportation would amount to a violation of the *non-refoulement* principle under the 1951 Refugee Convention. Aggrey resided in Kenya on a visitor's pass since the conflict in South Sudan broke out in mid-December 2013. Since there are reasonable grounds that he would be subject to ill-treatment, this could amount to a violation of the *non-refoulement* principle.

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

- Urging the Government of South Sudan 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 and Aggrey are not subjected to torture and other ill-treatment 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 allow visits from their families;
- Urging the Kenyan Government to carry out thorough, impartial and effective investigations into the enforced disappearance of Dong and Aggrey to ensure those responsible are held to account.

PLEASE SEND APPEALS BEFORE 5 MARCH 2018 TO:

President of the Republic of South Sudan

Salva Kiir Mayardit

Twitter @RepSouthSudan

Salutation: Your Excellency

Minister of National Security in the office of the President

Obuto Mamur Mete

Salutation: Your Excellency

President of the Republic of Kenya

Uhuru Kenyatta

Office of the President

Harambee Avenue, Nairobi

Twitter: @UKenyatta

Salutation: Your Excellency

South Sudan has no postal system. Please send your appeals in the care of diplomatic representatives accredited to your country, listed below. If there is no South Sudanese embassy in your country, please mail the letter to the Permanent Mission of the Republic of South Sudan to the United Nations, 336 East 45th Street, 5th Floor, New York, NY 10017, USA.

HIS EXCELLENCY MR SABIT ABBE ALLEY, Embassy of The Republic of South Sudan, Winchester House, 259-269 Old Marylebone Road NW1 5RA, Tel 020 7339 3100 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 second update of UA 29/17. Further information: <https://www.amnesty.org/en/documents/af/65/6298/2017/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, a government critic and 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.

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.

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.

Name: Dong Samuel Luak and Aggrey Idri

Gender m/f: m

Further information on UA: 29/17 Index: AFR 65/7744/2018 Issue Date: 22 January 2018