

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations
Promoting human rights by protecting those who defend them

www.lrwc.org – lrwc@portal.ca – Tel: +1 604 736 1175 – Fax: +1 604 736 1170
3220 West 13th Avenue, Vancouver, B.C. CANADA V6K 2V5

June 1, 2017

President of the Republic of South Sudan Silva Kiir Mayardit
c/o Permanent Mission of the Republic of South Sudan to the United Nations
336 East 45th Street, 5th Floor
New York, NY 10017, USA

Minister for National Security in the Office of the President Obuto Mamur Mete
c/o Permanent Mission of the Republic of South Sudan to the United Nations
336 East 45th Street, 5th Floor
New York, NY 10017, USA

Your Excellency:

Re: Detention of Dong Samuel Luak and Aggrey Idri

Lawyers Rights Watch Canada (LRWC) is a committee of lawyers, students and academics who campaign internationally for advocacy rights, advocates in danger, and on rule of law issues. We also engage in legal research and education about international human rights law. I am a lawyer and a partner of a law firm in Canada, Cohen Highley LLP, and I am writing to you to ask that you intervene with respect to proceedings involving the above named individuals.

Dong Samuel Luak, a prominent South Sudanese lawyer and human rights activist went missing the night of January 23, 2017. **Aggrey Idri, a member of the Sudan People's Liberation Movement-In Operation (SPLM-IO)** went missing on January 24, 2017. The two men were taken to a prison facility at the NSS headquarters in Juba, South Sudan and were removed from this facility on January 27th. Their current whereabouts and fate are unknown.

Sources have advised that both men were detained by the Kenyan authorities and were at risk for deportation. When a *habeas corpus* application was filed on January 27th on their behalves, the Kenyan High Court ordered an investigation into their whereabouts. The confirmation that both men were in Juba and the custody of South Sudanese authorities indicates that they were illegally removed from Kenya.

Dong Samuel Luak was a registered refugee with the office of the United Nations Human Rights Commissioner for Refugees and the UN Convention Against Torture prohibits the return of people to places where they risk being subjected to torture or other ill-treatment. If he was

deported by Kenyan authorities, this action would be a violation by Kenya of the non-refoulement principle under the 1951 Refugee Convention.

Intervention and Action Requested:

LRWC urges the authorities of South Sudan and Kenya to:

1. Immediately disclose the fate and whereabouts of Dong Samuel Luak and Aggrey Idri;
2. 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;
3. Ensure that Dong Samuel Luak and Aggrey Idri are not subjected to torture and other ill-treatment while in detention;
4. 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; and
5. Carry out a thorough, impartial and effective investigation into the enforced disappearance of Dong Samuel Luak and Aggrey Idri and ensure those responsible are held to account.

Thank you, in advance, for your consideration of our requests for intervention and action.

Yours Very Truly,



Joe Hoffer
Sudan Monitor, Lawyers Rights Watch Canada

Copied to:

His Excellency Garang Diing Akuong
Ambassador for the Republic of South Sudan
1015 31st Street NW, Suite 300
Washington, DC 20007, USA
Fax: 1 202 293 7941

Inspector General of Kenyan Police
Joseph Boinnet
Office of the Inspector General
Kenya National Police service
4th Floor, Jogoo House 'A', Taifa Road
P O Box 44249-00100
Nairobi, Kenya