

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

Thursday, November 22, 2018

Silva Kiir Mayardit
President of the Republic of South Sudan
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

Obuto Mamur Mete
Minister for National Security in the Office of the President
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 and Disappearance of Dong Samuel Luak and Aggrey Idri

I write on behalf of Lawyers Rights Watch Canada (LRWC), a committee of lawyers and other human rights defenders who promote human rights and the rule of law internationally through advocacy, research and education. LRWC has Special Consultative status with the Economic and Social Council of the United Nations. I write further to our letters of January 24, 2018; December 11, 2017; and June 1, 2017 in respect of the disappearance of **Dong Samuel Luak** and **Aggrey Idri**.

We recall that South Sudanese human rights advocates Dong Samuel Luak and Aggrey Idri went missing in Nairobi on January 23 and 24, 2017, respectively. Both men were taken to a prison facility at the National Security Service (NSS) headquarters in Juba, South Sudan on January 25, 2017. Eyewitness reports confirm that they were removed from this facility on January 27, 2017. These men have not been brought before a court and the reason for their detention is unclear. To this day, their whereabouts and fate remain unknown.

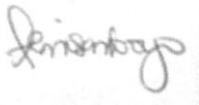
The government of South Sudan has a duty under customary international law (CIL) to investigate all enforced disappearances. CIL constitutes a primary source of international law arising from norms consistently practiced by a preponderance of States out of a sense of legal obligation. CIL is binding on all States whether or not they have ratified relevant treaties.

Consistent with our previous correspondence, we urge the authorities of South Sudan to do the following:

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 family members; and,
5. Conduct a thorough, impartial and effective investigation into the enforced disappearances of Dong Samuel Luak and Aggrey Idri and ensure those responsible are held to account.

We look forward to your response.

Yours truly,



Temisan Boyo
South Sudan Monitor, Lawyers Rights Watch Canada

Copied to:
His Excellency Garang Diing Akuong
Ambassador for the Republic of South Sudan
info.ssdembassy@gmail.com

Embassy of Canada to South Sudan
JUBA-G@international.gc.ca

Working Group on Enforced or Involuntary Disappearances
wgeid@ohchr.org

Special Rapporteur on the situation of human rights defenders
Mr. Michel Forst
defenders@ohchr.org

Special Rapporteur on the independence of the judges and lawyers
Mr. Diego Garcia-Sayan
SRindependenceJL@ohchr.org