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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998.

The following submission has been prepared by Front Line Defenders based on research carried out by this organisation and information received from independent human rights defenders in South Sudan from November 2016 to January 2022.

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I. Introduction and Key Concerns

- 1. This submission concerns human rights defenders (HRDs) in South Sudan between 2016 and 2021, as well as South Sudanese HRDs who have been targeted abroad after fleeing the country.
- 2. Since 2016, there has been an increasingly hostile environment towards civil society actors in South Sudan, affecting, in particular, women and human rights defenders. The crackdown on civil society, which intensified since the instalment of the transitional government in 2020, heightened the vulnerability of human rights defenders and women human rights defenders. They have since been more exposed to abductions, detentions and violent attacks. The space in which they operate continued to shrink as the South Sudanese National Security Service (NSS) often infiltrated and surveilled HRD spaces under powers provided by the National Security Service Act (2014). This law grants the NSS the authority to "surveil, arrest and detain in situations where the national interest could be threatened". It also allows security agents to arrest individuals without a warrant. This law has been used against journalists and other individuals for exercising their legitimate right to freedom of expression.
- 3. In the period under review, Front Line Defenders draws attention to the following key concerns:
 - a) The specific targeting of refugee human rights defenders¹ on the basis of their legitimate and peaceful work;
 - b) The use of government bodies to restrict and obstruct the ability of NGOs and journalists to effectively voice human rights concerns;
 - c) The increasingly hostile environment and aggressive environment for women human rights defenders (WHRDs).

II. Developments since previous UPR Cycle

- 4. Despite accepting 203 of the 233 recommendations made by the States during the previous UPR, South Sudan rejected thirty recommendations which included immediately and concretely putting an end to abuses against women, and protecting human rights defenders and journalists from harassment by national security services. The recommendations that were not supported by South Sudan include but aren't limited to: repealing or reforming the NSS Act; and ensuring freedom of expression and ending harassment, threats, unlawful detainment and intimidation of groups exercising this freedom by the national security services. Since the previous UPR, the South Sudan government has not taken sufficient steps to protect these rights.
- 5. A key development since the previous UPR cycle was the establishment in February 2020 of the transitional government of national unity led by President Salva Kiir, with Riek Machar as first Vice President, and four other vice presidents from opposition groups. Since the establishment of the transitional government, human rights defenders, journalists and NGOs have increasingly been treated as critics that threaten the stability of the government. This is reflected in the increased attacks, surveillance, threats and harassment that HRDs, journalists and NGOs are subjected to under the vast power of the NSS.

III. Targeting of Refugee Human Rights Defenders and Journalists outside South Sudan

- A. Targeted surveillance, abductions and threats against refugee human rights defenders outside South Sudan
- 6. South Sudanese HRDs who are refugees or have been forced to flee the country, whether they work on refugee rights or not, have been subjected to surveillance, abductions, and threats. These

¹ For the purposes of this UPR submission, the term 'refugee human rights defenders' refers both to HRDs who are out of their home country and in a status of being a refugee (i.e. non asylum-seeking and in a neighbouring country) and to HRDs who defend the rights of refugees and are refugees themselves. This includes those who have received official refugee status by the host country as well as those who have not. For more, see Front Line Defenders report from March 2021, *No Refuge: South Sudan's Targeting of Refugee HRDs Outside the Country*.

defenders work on a number of human rights issues, with many working on multiple topics and themes, both while they were in South Sudan and continue advocating and organizing from the alleged safety of refuge. These issues include but are not limited to: women's rights, LGBTIQ+rights, journalism, transitional justice, environmental rights, citizens' participation and refugee rights.

- 7. Hugo* is a South Sudanese HRD who left South Sudan in 2015 and is currently living in Uganda. In South Sudan, he worked for a civil society organisation documenting human rights violations committed by parties to the armed conflict. In Uganda, Hugo has continued to document war crimes, sexual violence, torture, illegal detention and other abuses committed by parties to the conflict in South Sudan by collecting testimonies from South Sudanese refugees living in camps outside the country. In June 2020, Hugo received a call from an unknown number. When answered, he could not recognise the person on the line, but the person knew his name. The interlocutor on the phone inquired about Hugo's location and requested to meet him at a location in Kampala. Hugo said that he was too far away and could not meet that person. The interlocutor threatened Hugo stating that they know who he is and what he is doing, and that they will find him anywhere. Based on the general hostile environment, and the knowledge of the reach of the South Sudanese government, Hugo believes that the person who called him was connected to the government of South Sudan. In December 2020, Hugo relocated to another location in Uganda, out of fear for his safety. He keeps a low profile and stopped using his social media accounts. In January 2021, a relative of Hugo who lives in Kampala reported that he was contacted by two unknown people who inquired about Hugo and his whereabouts. Hugo continues to limit his movements and avoid public spaces. He is not currently travelling to the refugee camps he used to visit to collect testimonies.
- 8. **Charlie*** is a South Sudanese sexual minorities rights defender working with others. They left South Sudan in 2017 because of threats related to their work, and have been living as a refugee in Uganda ever since. In Uganda, they continue to engage with sexual minorities refugee community, working on economic empowerment of the community. In April 2018, Charlie and three colleagues met at a hotel in Kampala, outside of the city centre. Charlie and their colleagues realised that there was a man, who looked South Sudanese, sitting at a table next to them who was looking very intently at his phone, yet who seemed to be interested in their conversation.

Charlie and their colleagues became suspicious. All of them had previous negative experiences with the South Sudanese government and understood the man to be spying on them. At lunchtime, they left and walked to another area in Kampala. The man got up almost immediately after them and followed them for the entire route they took. The suspicions of Charlie and their colleagues were confirmed. They immediately broke up the meeting and took *boda bodas*² to go separate ways.

- 9. In 2017, the enforced disappearances of human rights defender **Dong Samuel Luak** and **Aggrey Ezibon Idri** made international headlines. Dong Samuel Luak was a human rights lawyer from South Sudan, and the Secretary General of the South Sudan Law Society, a prominent civil society organisation in the country. Aggrey Ezibon Idri was the chair of the SPLM-IO [Sudan People Liberation Movement In Opposition] Humanitarian Affairs Committee. Both were vocal critics of the Kiir government. Dong fled South Sudan in 2013 due to threats he received in connection to his human rights work. He was a registered refugee in Kenya since November 2016. Dong was abducted from the streets of Nairobi on 23 January 2017 and Aggrey on 24 January 2017. Both were forcibly returned to South Sudan by the NSS and ultimately killed in detention.
- 10. In late 2018, **Sarah*** was on her way to Gulu in northern Uganda to visit a family member. Approaching Gulu, the bus she was travelling on was stopped at a checkpoint. Sarah started to pay attention to what was happening, and realised that security personnel dressed in uniforms were stopping every vehicle and had a list of people they were looking for. She heard that one of the men manning the checkpoint asked for someone named Sarah and that immediately triggered

² Individualized local transportation.

a signal of danger. Sarah knew of people who have been disappeared, taken into custody and never found. Sarah got off the bus with the excuse of buying something from a street vendor, caught a *boda boda* in the opposite direction and immediately left the area. The security personnel were unaware of what the people they had on the list looked like, and that is how Sarah managed to escape.

B. Targeting of journalists

- 11. Andrew* and Simon* are South Sudanese HRDs living in exile in Nairobi. Andrew is a human rights activist and writer, a well-known public figure, and a critic of the South Sudanese government. In South Sudan, he worked as a journalist and civil society activist. Andrew had to leave the country because of threats to his life due to his work, and he has had to relocate several times, because South Sudanese agents have been targeting him outside the country. Simon was a youth and environmental activist in South Sudan, who had to leave because of his work. In Kenya, both Andrew and Simon continue to engage in human rights work, especially on environmental advocating for justice for the victims of oil pollution in South Sudan. Community members organised a fundraising event to be held in late December 2020 to support the HRDs and their families; the event was a public sale of Andrew's books, and the launch of Andrew's publishing company. The community publicised the event on Facebook a week in advance, mentioning the names of Andrew and Simon. A photo of Andrew was also shared on social media. A known NSS officer, who apparently had come from Juba, started to tell people who were arriving at the venue that there were national security personnel among the audience; as a result, many in attendance left. The NSS officer then approached the community organiser and demanded Andrew's phone number. The community organiser made up some excuse to avoid giving away the information. The community has previously held many events at this venue without incident. The community organiser believes that the NSS agent came from South Sudan with the explicit objective of disrupting the event. The community organiser reported that unknown persons were attempting to locate Andrew and Simon, asking people in the community for their whereabouts; as a result, Andrew and Simon went into hiding.
- 12. In August 2019, a journalist and his friend with whom he shares a name, were exiting a restaurant in Juba. The journalist's friend was followed by two NSS officers and his car was shot at. After realizing the confusion, the officers backed down. The journalist had authored an investigative article revealing fraudulent tax exemptions granted by the former Commissioner General of National Revenue Authority to a company importing construction material. This article resulted in the firing of the commissioner. After this attempt against his life, the journalist and human rights defender, with the help of the director of his news station, fled the country. In October 2020, after announcing online the publication of his book, the journalist received a call from a friend. This friend reported having received a visit from the same officer who had made an attempt on the journalist's life. The officer allegedly claimed he had received backlash from superiors for having failed to eliminate the journalist. Fearing what this visit meant, the journalist relocated once more.

IV. Restrictive Legislative Framework

- 13. In 2013, as the civil war broke out, the South Sudanese government expanded the powers of the NSS through the NSS Act (coming into force in 2014). This expansion of power has been freely abused by the NSS to silence human rights defenders. The NSS Act includes a provision which grants the NSS authority to "surveil, arrest and detain in situations where the national interest could be threatened". It also allows security agents to arrest individuals without a warrant. This provision has been used against journalists and other individuals for exercising their legitimate right to freedom of expression.
- 14. During the previous periodic review, South Sudan rejected a recommendation from Switzerland to "Revise and amend legislation, including the 2014 National Security Service Act and the 2015

Non-Governmental Organizations Act, which have been used to restrict the rights to freedom of expression, association and peaceful assembly".

- 15. The Non-Governmental Organizations Act of 2015 requires that all NGOs in South Sudan register and subject themselves to government monitoring. The monitoring of NGOs, paired with the abuse of surveillance powers by the NSS, is a dangerous combination that not only restricts NGOs' abilities to perform their role as a balance to the government, but also contributes to the hostile environment in which human rights defenders exist and work.
- 16. In 2000 Edmund Yakani founded the Community Empowerment for Progress Organization (CEPO), an NGO focusing on good governance and development. After the outbreak of violence in 2013, CEPO began advocating for the rights of the victims of violence and working on peace building. In May 2014, CEPO received an order from the NSS that CEPO be deregistered as an NGO and re-register as a political party. Edmund as the director of CEPO engaged in a dialogue with the NSS to discuss the status of the NGO. After the NSS failed to provide any evidence that CEPO was a political party, and after the NGO threatened to take the case to court, the NSS withdrew the order to deregister. In June 2021, Edmund received word from a trusted whistle blower that the NSS' efforts to deregister CEPO were still ongoing.

V. Shrinking Space for Civil Society and Targeting of Women Human Rights Defenders

A. Suppression of freedom of speech and movement

- 17. Although civil society organisations and NGOs are not legally required to get approval from the NSS to hold events, it has become the norm. In an effort to control the discourse around the violations that resulted from the outbreak of violence in 2016, the prerequisite to get approval from the NSS intensified. As part of this arbitrary and unofficial rule demanding that NGOs request approval from the NSS to hold events, the NSS has been known send officers to HRD forums, spaces and trainings for surveillance purposes. They have also arrested HRDs for attending such events. Since the arbitrary implementation of this unofficial rule, the NSS has assumed the ability to regulate not only HRD space in South Sudan, but also to harass defenders who attend international trainings.
- 18. On 8 September 2017, the NSS stormed and disrupted a public hearing on a labour bill that brought together lawmakers, civil society organizations, workers' trade unions and the private sector. This raid occurred under the pretext that approval had not been granted by the NSS for this event to be held. Separately, meetings of South Sudan Civil society forums were stopped on different occasions.

B. Hostile Environment for Women Human Rights Defenders

- 19. The situation of women human rights defender in South Sudan is one characterized by the lack of support for this community. Women human rights defenders have always been in particularly complex position when it comes to their work. The South Sudan HRD Network reports that women human rights defenders are targeted with sexual violence.
- 20. Since the outbreak of violence in July 2016, the Women's Monthly Forum on Peace and Political Processes in South Sudan (WMF), coordinated by WHRD Betty Sunday, has been vocal in calling for the government to end violence against women. After attending a meeting with visiting representatives of the UN Security Council, she started receiving threats. While the meeting was supposed to be confidential, a breach occurred and the identity of the civil society members in attendance was disclosed to the NSS. She received numerous threatening visits and calls from NSS officers. She was unable to return to her house out of fear for her, and her family's safety and neighbours reported visits from officials in the late evening. Ultimately, she was forced to relocate.

VI. Recommendations

- 18. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the South Sudanese authorities to prioritise the protection of human rights defenders and in doing so to:
 - a Guarantee in all circumstances that all human rights defenders in South Sudan and in particular WHRDs, are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions including judicial harassment, and ensure full respect for the UN Declaration on Human Rights Defenders;
 - b Publicly recognise the positive and legitimate role played by human rights defenders in South Sudan;
 - c Accept and fully implement the UPR recommendations on human rights defenders in a transparent and participatory manner with full involvement of human rights defenders at all levels:
 - d Take measures to limit the powers of the NSS and ensure that the NSS Act is not used to restrict the legitimate and peaceful work of human rights defenders within and outside South Sudan;
 - e Immediately cease the targeting, harassment, surveillance and attacks against HRDs in South Sudan and refugee HRDs in neighbouring countries.
 - f Provide training on international human rights and humanitarian law for National Security Service personnel. Ensure that such training includes explicit reference to the rights and unique security needs of HRDs including the UN Declaration on Human Rights Defenders as well as of refugee law and safeguards. Establish a reporting mechanism for compliance with human rights standards by all NSS personnel that is presented to the parliamentary oversight.
 - g Ensure that any funding provided to South Sudan does not, whether directly or indirectly, benefit the National Security Service and any other agency involved in the targeting of HRDs and refugee HRDs.
 - h In collaboration with HRDs and refugee HRDs, develop fast, non-bureaucratic and sustainable relocation and resettlement programmes which are suited to the needs of refugee HRDs at risk, and their families
 - Take urgent measures to put an end to the arrest and detention as well as harassment against human rights defenders inside and outside South Sudan;
 - j Combat impunity by ensuring the prompt, thorough and impartial investigation of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims;
 - k Review the NSS Act to ensure its compliance with international standards on freedom of association and ensure the free and independent establishment and operation of civil society organisations within and outside South Sudan;