

# NO REFUGE

## SOUTH SUDAN'S TARGETING OF REFUGEE HRDS OUTSIDE THE COUNTRY

MARCH 2021



# Foreword & Acknowledgements

The impetus for this report came as a result of a larger mapping project of refugee human rights defenders (HRDs) – those who were HRDs and then had to flee their countries and, while refugees in a neighbouring country were continuing to do human rights work, or those who took up human rights work as refugees, largely because of the experience of being a refugee. Front Line Defenders was interested in documenting this community of HRDs as they are largely invisible to national human rights organizations in the "host" country and mostly only have access to humanitarian organisations and spaces. They often do not have access to HRD protection resources, even though their vulnerability is increased by virtue of being refugees.

Francesca Pierigh, who conducted this research for Front Line Defenders, learned (through the initial mapping efforts) about the plight of South Sudanese refugee HRDs, who related to her stories of active surveillance, targeting and even kidnapping and murder by their own country's security forces, even though they were outside the country. After internal consultations with FLD's regional protection team for Africa, the research for this report was formally commenced.

Ms. Pierigh undertook the research in less than ideal conditions – the COVID-19 pandemic meant that all research had to be done remotely and trying to connect with HRDs, gain their trust and explain why FLD was interested in documenting their experiences were major challenges. In the course of the research, some of the interviewees faced imminent danger, yet in every case, the

HRDs felt that it was important that their experiences were getting attention and their stories were being heard.

It is to the HRDs that Front Line Defenders is grateful for sharing their experiences and trusting the organisation to raise awareness and engage various stakeholders and influencers to try to eliminate the risk that these HRDs face.

In every case, HRDs would prefer to go home and to be able to work freely in their country. This report comes at an auspicious time – a decade after South Sudan gained independence and just a week before the UN Human Rights Council is due to vote on whether to continue the mandate of the Commission on Human Rights in South Sudan. If the first decade of independence has been marked by violence, political instability and other humanitarian threats, the next decade could get even worse. Human rights defenders are central to the creation and sustainability of stable, democratic nations – South Sudanese HRDs both in and outside the country need security and freedom to do their work, which ultimately benefits the entire nation.

In addition to the South Sudanese HRDs interviewed and consulted for this report, Front Line Defenders thanks colleagues from Amnesty International, Human Rights Watch and The Sentry, as well as other South Sudanese experts for their input and advice. And Front Line Defenders thanks Francesca Pierigh for her tireless pursuit of information and her determined effort to document and bring forward the stories and events presented in this report.

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# I. Summary

South Sudanese human rights defenders (HRDs) face a challenging environment at home, with threats, intimidation and harassment being common practice in a country where political, as well as ethnic, violence remains common. HRDs have been detained, silenced and killed for engaging in human rights work. Anyone who is perceived to be challenging the government – or any of the political groups wielding political, economic or social power – is considered a threat, and becomes a potential target.

As a result, many HRDs have had to leave the country, joining the millions of South Sudanese refugees in the region. Many of these HRDs have persisted in their human rights work from abroad, maintaining their activism as a way to support and advocate for their communities, the environment and in defence of human rights issues. Other HRDs only took up activism once they left the country, prompted by their experiences as refugees.

Leaving South Sudan, however, is not enough to guarantee their safety and also poses a range of other challenges to the HRDs. Even when HRDs cross a border, they can still be – and have been – targeted. Testimonies from South Sudanese refugee HRDs collected in this report paint a picture of persistent cross-border harassment and the targeting of dissenting voices by the South Sudanese government, primarily by the National Security Service (NSS) intelligence agency, which is directly controlled by the Office the President of South Sudan.

In Kenya and Uganda, in particular, the apparent *carte blanche* given to South Sudanese actors by those national police and security agencies has also been evident. The landscape is complicated further by the distrust and division among the population that has resulted from war and from the post-independence power struggle between different factions, often organised along ethnic lines.<sup>1</sup> NSS agents are widely believed to be present in countries neighbouring South Sudan, or at the very least to be able to move undisturbed into neighbouring countries, locate HRDs and intimidate them. This report highlights incidents of harassment and intimidation carried out by South Sudanese agents – most notably the Internal Security Bureau of the NSS – across borders, especially in Kenya and Uganda.

Refugees are supposed to be safe from persecution once they leave the country where they were persecuted. They are meant to be protected under the principle of



Street in Juba, South Sudan



non-refoulement, the cornerstone of international and African refugee law and protection – no refugee should be returned to a place where they may face harm.

However, this is not the case for South Sudanese refugee HRDs in countries neighbouring South Sudan. Threats, attempts of, and illegal deportations of South Sudanese HRDs who are refugees have been documented – a clear violation of international law and the Organization of African Unity (OAU) Refugee Convention. The governments of neighbouring countries, Kenya and Uganda especially, bear a responsibility to protect the refugees they welcome on their territory, particularly as both countries are signatories to both the UN and OAU conventions. By explicitly or implicitly allowing, and allegedly collaborating with South Sudanese NSS’ intimidation and abduction operations on their territories, they violate international law.

Refugee HRDs have shared their experiences and challenges with Front Line Defenders, with the hope that making this issue more visible will pressure the South Sudanese government to halt these actions, and raise awareness of and support for their unique security needs.

Refugee HRDs report receiving threatening calls and messages, efforts to locate them through family members and friends, and intimidation of their families. Cases documented in this report include surveillance, disruption of peaceful activities, attempted kidnapping and refoulement of refugee HRDs.

As a result, refugee HRDs limit their movements and frequently change their location, taking care not to share their details with anyone. There is a real and pervasive climate of fear. Ultimately, many HRDs self-censor, opting for a safer life by reducing their human rights work, in part due to pressure they feel from family members who are still in South Sudan.

The majority of cases documented in this report refer to incidents that happened outside of South Sudan, mostly in Kenya and Uganda. Two incidents reported took place inside South Sudan, and they are the reasons why HRDs fled the country. They are included here to provide a more comprehensive view of the power of harassment and intimidation of the South Sudanese NSS, and to showcase some of the reasons why South Sudanese need to leave their country.<sup>2</sup>



*Aerial view of Juba, South Sudan*

## 1.1. Methodology

Research for this report included desk-based research and interviews of refugees HRDs from South Sudan. Interviews were conducted via phone and through a secure messaging application. Names and any identifiable characteristics of HRDs are withheld throughout the report, to protect their identities and safety. Names identified with a \* have been changed from their original names. Front Line Defenders also consulted four experts with substantial experience researching South Sudan and the NSS.

Front Line Defenders conducted remote interviews with 14 refugee HRDs for this report. The impossibility of traveling to the region due to COVID-19, as well as the deep complexity of the regional situation are some of

the difficulties encountered in the identification of and outreach to HRDs. Trusted sources, such as known civil society organisations and grassroots leaders, greatly helped with names and contacts of HRDs, as well as with the verification of the information received. Some of the HRDs also shared contacts of their colleagues.

All the refugee HRDs who participated in the research provided invaluable inputs and generously gave their time and experiences. Front Line Defenders deeply appreciates their contributions and honours their commitment and courage in the face of such adversity.

## 1.2. Note on research & WHRDs

Of the 14 refugee HRDs who participated in this research, three are women HRDs (WHRDs) and one is a gender non-conforming HRD. The human rights work of refugee WHRDs is critical, life-sustaining, and severely undervalued and undervisibilized. As a consequence, identifying and safely communicating with WHRDs in refugee contexts involves significantly more barriers than communicating with men. Women in refugee camps and shelters often have significantly less access to communication technology than men, and are usually the primary carers for their children and extended families, placing extreme demands on their time.

This difficulty was heightened by the remote nature of the work for this research, due to the COVID-19 pandemic. Specific efforts were made to identify refugee WHRDs, and the case studies present in the research offer a glimpse of the varied work that refugee WHRDs carry out, as well as of the specific, gendered threats that refugee WHRDs face. This is however by no measure a comprehensive review of the work and challenges of South Sudanese refugee WHRDs. As such, when contemplating security support for WHRDs, more consultation is required.

## 1.3. Note on terminology

Front Line Defenders does not differentiate between refugees who have an official status and those who do not. Any person who leaves their country out of fear of persecution on the grounds of “race, religion, nationality, membership of a particular social group or political opinion” is a refugee, whether they have an official ID certifying that or not. Having an official refugee status is simply a recognition of an already existing status. There are however, advantages connected to being registered as a refugee with the respective authorities, first of all the protection against refoulement to the country one flees from. Receipt of humanitarian assistance may also be conditional on being officially registered as a refugee.

For the purposes of this research, the term refugee HRD

is used to indicate both HRDs in exile and refugee rights HRDs. Both participated in this research.

HRDs in exile were already active in South Sudan, as part of civil society organisations or as individual activists. Often, their work and the threats they received because of it are the very reasons why they left South Sudan. Many of them continue to be active in neighbouring countries, engaging with colleagues both inside and outside the country to continue their human rights work. For this research, Front Line Defenders sought out those who continue to work while in exile; as such the full picture of the impact on the South Sudanese human rights movement may be somewhat skewed, as this report does not account for those who have ceased their work entirely.





*Man walking past a pile of burning plastic garbage at Sherikat area of Juba, South Sudan*

In this report, the HRDs working on refugee rights are those HRDs who took up human rights work once they left South Sudan and who were motivated to document, report and denounce human rights violations as a result of their experiences.

For both types of HRDs, their experiences present similarities in that they all find themselves outside of their country of origin; however, other aspects, such as their gender, sexual orientation and gender identity, their location, and their previous experience of carrying out human rights work, have a strong impact on their lives as refugee HRDs.

WHRDs are often defying the traditional roles they are expected to occupy. This means that in addition to a set of potential threats all South Sudanese HRDs face, WHRDs can face additional difficulties from within their communities. If they speak up on topics such as child marriage, women's empowerment and reproductive health, they can be ostracised by other South Sudanese, and even by their families.

Homosexuality is illegal in South Sudan, Uganda and Kenya, and there is a strong social stigma around the LGBTIQ+ community. Finding allies is more difficult, and access to services is often even more restricted for members of the LGBTIQ+ refugee community. While Ugandan and South Sudanese LGBTIQ+ HRDs have taken up refuge in Kenya because there is generally less pressure there, it is by no means a 'safe space' for these HRDs or community members.

Whether refugee HRDs live in an urban area or in a camp is another aspect affecting their ability to carry out human rights work. Urban-based refugees have to provide for themselves, and receive little to no support from refugee-assisting organisations. This means that paying rent and accessing services can be a struggle, especially considering that most human rights work is undertaken as an unpaid – or under-paid – activity.

On the other hand, refugees living in camps have access to humanitarian aid from refugee-assisting agencies; however, camps are usually located in remote areas, so that moving to different places can become a challenge. Further, humanitarian aid is often not enough to survive on, and access to income-generating activities is even more reduced in camps. Access to the tools necessary to carry out human rights work, such as smartphones, laptops, or a good internet connection is also more difficult in a camp setting. Being based in a camp also limits HRDs ability to connect to human rights organizations based in that country – most of the contact refugees have is with humanitarian and relief NGOs – both national and international – many of which do not have a human rights mandate or policies specific to HRDs.

Those who had done human rights work prior to leaving South Sudan usually have a better knowledge of the tools available to them in pursuit of their human rights work, as well as of connections with civil society organisations in and outside South Sudan. They also have better knowledge of and connections to international organisations that can assist them in case of need.

On the other hand, those who took up human rights work after becoming refugees, approached human rights work from a new angle, but often lacked access to tools and support systems, networks, or training in human rights work.

All these identities affect, to different degrees, the lives of refugee HRDs and their ability to carry out their work. Even while facing these challenges, refugee HRDs continue to be voices for their communities, working for justice, equality and access to rights.

The refugee HRDs interviewed for this report work on a number of human rights issues, with many working on multiple topics and themes. Their work includes, but is not limited to:

- Documenting and monitoring human rights violations
- Transitional justice
- Environmental rights
- Citizens’ and refugees’ participation
- Women’s rights
- LGBTIQ+ rights
- Mental health
- Sexual and reproductive health
- Journalism
- Peacebuilding
- Refugees’ rights



*Young men catching shade in the heat of the day at a displacement camp in South Sudan.*  
Credit: Pete Muller Photography



## II. Context

The targeting of South Sudanese HRDs, both inside and outside the country, is not a new development. At least since independence, South Sudanese political elites have consistently perceived HRDs and indeed, anyone speaking up with a critical voice, as threats to be silenced and if necessary, eliminated. The government considers HRDs, journalists and civil society organisations critics; and all government critics are legitimate targets in the eyes of the political elites and the NSS.<sup>3</sup>

According to the testimonies of the 14 refugee HRDs interviewed for this research, the NSS is the agency most often and most directly linked with harassment, threats and intimidation of HRDs, journalists, civil society and opposition members, both inside and outside South Sudan.<sup>4</sup> The NSS' repressive methods and operations inside the country are widely known, and "reports of censorship, harassment and arbitrary arrest and detention by the National Security Service of journalists, activists and other civilians expressing critical or dissenting views from those of the Government"<sup>5</sup> are documented.

Despite a slight reduction in conflict-related violence in the country over the past few years, the space for civil society continues to shrink, a trend which has especially accelerated in the time leading up to the formation of the transitional government, in February 2020.<sup>6</sup> The UN Commission on Human Rights in South Sudan reports that inside South Sudan, "[m]embers of civil society organizations in Juba [...] expressed concerns over State monitoring of their private social media and digital communication accounts. Others, including in Juba and Wau, were unable to conduct workshops without the express consent of NSS, who interlocutors believed were infiltrating and attending their workshops. One interlocutor explained how State Security may determine the size of a workshop and the subject of discussion. The Commission also continued to document cases where NSS did not authorize workshops and meetings of civil society groups to be held, despite the civic nature of their purpose."<sup>7</sup>

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***"Civil society is the first enemy to the government"***

**- David\*, HRD**

The Commission also found that, "[m]embers of civil society based in Juba further recalled how NSS agents had been arbitrarily arresting and detaining their staff, forcing on numerous instances individuals to exile themselves abroad. One civil society representative recalled how "staff are picked up and taken for questioning and ultimately detained at the Blue House." Those who had returned to South Sudan were too afraid to continue to work publicly."<sup>8</sup> The continuous harassment of critics has chilling effects on civil society: UNMISS, the United Nations Mission in South Sudan, found that "[t]he NSS' broad powers of surveillance, arrest, and detention, along with their practice of being embedded inside newspapers printing establishments or monitoring conferences discussing the state of the country or human rights issues, contributed to deterring participation and resulted in growing self-censorship."<sup>9</sup>

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***"In South Sudan there is no freedom of speech. When you speak up about something, you are immediately perceived as a threat"***

**- Sarah\*, WHRD**

The practice of silencing real or perceived critics does not stop at the border. High-profile examples of the NSS reaching into neighbouring countries, particularly Kenya and Uganda, have been well documented. In addition to these cases, Front Line Defenders research on this community of HRDs brings to light more episodes of harassment, surveillance, attempts of kidnapping and deportation carried out by the South Sudanese NSS outside of South Sudan. These incidents raise questions about the role of the governments neighbouring South Sudan.

## South Sudan National Security Service (NSS)



***“They [the NSS] are a tool to oppress people”***

***- Thomas\*, HRD***

***South Sudanese security forces on patrol.***

The NSS is South Sudan’s intelligence agency. It has its origin in the wartime intelligence agencies of the Sudan People Liberation Movement/Army (SPLM/A) rebel movement.<sup>10</sup> Prior to South Sudan’s independence, Sudan’s National Intelligence and Security Service (NISS) used to operate in both the north and south of the country. The NISS targeted HRDs, activists and political opponents, in both northern and southern Sudan.<sup>11</sup> During the North-South war, the SPLM/A created its own intelligence unit, the Combat Intelligence Unit, which was a very oppressive and much feared agency, often targeting critical voices inside the SPLM/A.<sup>12</sup> As the SPLA obtained significant victories and a large portion of territory, the Combat Intelligence Unit was expanded in numbers and scope, and renamed General Intelligence Service (GIS). In 1995, the GIS acquired two new organs, the Public Service Organ and the Military Intelligence. The Public Service Organ was responsible for dealing with civilian matters, and especially security among civilians. After the signing of the 2005 peace agreement, the Sudanese NISS opened a branch in South

Sudan and gradually the GIS became part of NISS, as per the merging of the security apparatuses foreseen in the peace agreement. At the same time, the SPLM created a parallel agency called Special Branch within the office of the president of southern Sudan, which was essentially tasked with counter-intelligence. Lieutenant General Akol Koor Kuc, current Director General of the Internal Security Bureau of the NSS, was a member of the Special Branch.<sup>13</sup>

In 2011, all agencies were dissolved and the NSS was officially established. The NSS is structured into two main bodies, the Internal Security Bureau and the General Security Bureau (often known as the External Security Bureau).<sup>14</sup> The Internal Security Bureau, set up to deal with internal threats to national security, is the section most closely – though not exclusively – linked with harassment, intimidation and the use of extrajudicial means against HRDs and refugee HRDs. Lieutenant General Akol Koor Kuc is well-known to refugee HRDs in Kenya and Uganda for his role in their targeting.

The UN Panel of Experts on South Sudan called out the “unchecked security powers”<sup>15</sup> of the NSS, and its role in suppressing critics. It corroborated how the NSS and the Internal Security Bureau, on several occasions, have “acted outside the rule of law and official State structures.”<sup>16</sup> The Panel found that “[t]he Director General of the Internal Security Bureau, Lieutenant General Akol Koor Kuc, and the head of the SSPDF [South Sudan People Defence Forces] military intelligence, Major General Rin Tueny Mabor Deng [...], issued direct orders to suppress dissenting voices outside the legal due process, including through the arbitrary detention, torture and extrajudicial killings of perceived opponents.”<sup>17</sup> The NSS “continued to clamp down on the media, shut down radio stations and newspapers, and arrested, harassed and intimidated journalists and human rights defenders.”<sup>18</sup> The UN Panel of Experts reported how two units within the NSS – known as “Inside Tiger” and “Outside Tiger” – under the command of Akol Koor Kuc have allegedly perpetrated targeted killings and abductions of perceived critics in South Sudan as well as outside the country, of people “seeking refuge in neighbouring countries, including in refugee camps”.<sup>19</sup>

Having operated from 2011 to 2014 without legal mandate, the current legal basis for the NSS is the 2014 National Security Service Act. The Act gives the agency sweeping powers of surveillance, search, seizure, arrest and detention, and ensures impunity for NSS officers.<sup>20</sup> This is in contrast to the role for the NSS described by South Sudan’s Transitional Constitution: the gathering and analysis of information, and the provision of advice to the authorities.<sup>21</sup> While the 2018 Revitalised Peace Agreement for Resolution of the Conflict in the Republic of South Sudan involves a security reform process, the NSS has been left out of it, allowing it to become an increasingly well-equipped and under-scrutinised agency, controlled entirely by the President.<sup>22</sup> The NSS is currently the best funded security agency in South Sudan, even better funded than the army. President Kiir has direct control over the NSS, and it is the preferred security organ for the protection of the regime.<sup>23</sup>

UNMISS and the United Nations Office of the High Commissioner for Human Rights raised concerns in relation to the NSS Act and its effect on freedom of expression in South Sudan: “The National Security Service Act grants NSS sweeping powers with respect to surveillance, arrest and detention 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.”<sup>24</sup>

According to an expert interviewed for the research, the NSS amounts to an alternative army for President Kiir. “It is possible to go so far as to say that the NSS is a direct tool for presidential control. In fact, the NSS works to keep [Kiir] in power”.<sup>25</sup> The NSS’ budget comes from the Office of the President and is large, unlimited and unaccounted for.<sup>26</sup> While the budget of the Office of the President is public, there is no breakdown of its use, because it is considered a national security matter. There is therefore neither transparency nor oversight on the budget available to the NSS from the Office of the President. Additionally, the NSS has developed a business presence within South Sudan which encompasses almost all business areas. It can especially rely on funding sources connected to oil extraction.

## How oil revenues finance HRDs repression

As reported by the UN Panel of Experts, companies controlled by the NSS, such as two security companies, Sudd (Suud) Security Services Co. Ltd. and Investment Co. Ltd., have received government contracts to protect the country’s oilfields. Whereas control of Nile Petroleum Company (Nilepet) and its contracting practices formally rests with the Ministry of Petroleum, it is President Kiir who often selects which companies receive contracts for the extraction of oil and services associated with it. In other words, it can be up to President Kiir to award contracts related to oil extraction and services, which will benefit the NSS, and by extension, President Kiir himself.<sup>27</sup> The way in which the company is set up facilitates direct Presidential control: Nilepet’s Managing Director is accountable to a board of directors, whose members are appointed by President Kiir. President Kiir is also able to appoint and remove the Managing Directors of Nilepet, and has done so a number of times over the years. For example, NSS’ Lt. General Akol Koor Kuc was an influential presence within the Board of Directors of the company for several years, until he was removed in 2020.<sup>28</sup>

It is not just payments for services that connect Nilepet to the NSS. The NSS has been the beneficiary of direct payments from oil revenues, including “hundreds of thousands of dollars for transportation, accommodation, and food for ISB [Internal Security Bureau] personnel and South Sudanese army troops” around the oilfields.<sup>29</sup> The UN Panel of Experts documented how, in addition to direct payments, NSS forces protecting the oil fields have also received “in-kind donations of fuel, medical care, food, vehicles and other provisions,”<sup>30</sup> contributing to the misappropriation and misuse of funds from oil revenues. The lack of transparency and accountability in the management of oil revenues is directly connected to the vast amount of resources available to the NSS, although oil revenues are not the only source of funding available to the NSS. These, in turn, make possible the harassment and intimidation of HRDs inside and outside South Sudan.





South Sudan-Uganda border crossing.



Director of NSS, Akol Koor Kuc (left).

## Refugee law frameworks in Uganda and Kenya

The right to seek asylum was enshrined in the Universal Declaration on Human Rights in 1948,<sup>33</sup> and later detailed in the 1951 Convention Relating to the Status of Refugees, and the 1967 Protocol. Kenya and Uganda are State parties to the Convention and the Protocol, which means they have to develop an asylum system in their national laws. For South Sudanese, both Kenya and Uganda grant prima facie refugee statuses.<sup>34</sup> Additionally, both countries are signatories of the OAU Refugee convention, which was the first regional convention related to refugees following the UN Convention.

**Uganda's** refugee framework is based on the 2006 Refugee Act, and the subsequent Refugee Regulations of 2010, which give refugees the right to work, freedom of movement, access to health and education. Under the regulations, refugees have the obligation "not [to] engage in any political activities within Uganda, whether at local or national level".<sup>35</sup> Refugees who settle in non-urban areas are allocated a plot of land and live in 'settlements' alongside local communities – to date, the vast majority of refugees live in settlements. Only around 5% of the total refugee population lives in urban centres, mainly

in the capital Kampala. "Refugees who opt to live outside designated settlements are expected to be self-reliant and do not receive regular humanitarian assistance, in line with the government's urban refugee policy."<sup>36</sup>

**Kenya's** national refugee legislation is based on the 2006 Refugee Act, which, in theory, gives refugees the right to work. In practice, however, there are substantial barriers which make the realisation of this right very difficult. Lack of access to employment opportunities means that most refugees are struggling to meet their basic needs. Though the country's policy of encampment prohibits refugees from leaving the camps, there are approximately 75,000 registered urban refugees in Nairobi. The majority of refugee policies target refugees living in camps, meaning that urban refugees are largely ignored from a policy point of view.<sup>37</sup>

Front Line Defenders considers refugees all those who left their country of origin out of fear of persecution on the 1951 Convention grounds. The purpose of this research is not to define the legal status of HRDs, but to consider the situation of refugee HRDs – therefore, whether or not HRDs are officially registered as refugees in a country is irrelevant.

## III. Findings & Case Studies

All 14 refugee HRDs spoke of the reach of the South Sudanese government, and of the NSS in particular, into countries neighbouring South Sudan. Some of them had to repeatedly relocate because of threats to their lives, even when already outside the country, and even when formally registered as refugees.

HRDs' reports of NSS harassment and operations are consistent and numerous enough that it is impossible to deny that the intelligence agency is involved in the targeting of HRDs in countries neighbouring South Sudan. In Kenya and Uganda these activities are particularly common. In fact, the role of the two governments as potential enablers of this practice is to be questioned.

One South Sudan observer interviewed for this report stated how the NSS is "infiltrated in everything, from commercial to humanitarian systems. There are a number of people who are stationed outside the country and pose as students, for example, but are in reality NSS officers". The expert personally knows of at least one person who is a student in Kenya and whose school fees are paid for by the NSS.<sup>38</sup>

### Testimony

Jacob\* is a South Sudanese activist currently living in Uganda. He left South Sudan in 2016. In South Sudan, he founded a civil society organisation to document conflict-related deaths and disappearances. In Uganda, he has continued to carry out his work with the help of volunteers in the country and in refugee camps. Jacob, expressing a view common among South Sudanese refugees, stated that:

"There is intelligence cooperation between the government of Uganda and the government of South Sudan. The NSS is operating in Uganda with knowledge of the authorities, and has access to places, including refugee camps: they can easily pick up people and disappear with them; some are killed in Uganda, some are brought back to South Sudan. The climate of fear in Uganda is real."

Shirley left South Sudan when she realised that she was being targeted by the NSS.

***"A colleague of mine met with a NSS officer to discuss my case and any threats to my life. He was told, as a way to dismiss my concerns: 'If we had a problem with her, we could get to her in any country'"***

***- Shirley\*, WHRD***

***"Uganda is like Juba, there is no difference in how easily the NSS can track you"***

***- Simon\*, HRD***

## CASE: Environmental activism in South Sudan

Paul\* is an environmental HRD from Upper Nile State, South Sudan. Upper Nile is one of the richest and most exploited states in terms of oil resources. Crude oil extraction facilities in South Sudan are old and not well-maintained. Toxic residues are not properly disposed, being instead left in the open. This has resulted in extreme pollution of water and land around the oil fields, with devastating effects for the lives and livelihoods of the communities living around the areas.<sup>31</sup>

Since 2012, Paul has been documenting how oil pollution affects these communities, organising workshops to raise awareness about the effects of oil pollution, and advocating with the government for a clean up of the areas. In 2020, Paul had to leave South Sudan because of threats from NSS agents, and is now living in exile.

“Many people are sick, babies are born deformed: the oil pollution is greatly affecting the communities who live in the area”.

Paul was the leader of a group of five people who started an environmental organisation in 2012 and officially registered it in 2014. In 2016, the government did not approve the renewal of the registration and the organisation had to close. In 2018, Paul registered another organisation, which was again forced to shut down in 2019, after the government refused to renew its registration.

In 2014, the Minister of Petroleum ordered the Commissioner of Melut County – Paul’s home county - to arrest Paul and the rest of the group, because of their work advocating for a clean-up of the environmental pollution. The Minister of Petroleum had previously threatened Paul to stop his work. Paul and his organisation had the support of the local chiefs, who intervened with the Commissioner, asking him not to carry out the order, or lose their support. The Commissioner gave in and refused to arrest Paul and his colleagues.

Since 2017, Paul and his group have been looking for legal avenues to get the companies and the government to take responsibility for the oil pollution and to clean the environment.

In 2017, Paul presented a petition to the national Parliament to question the Ministry of Petroleum, the Ministry of Health, the Ministry of Environment and the governors of two states for their failure to protect the environment and the communities from the damaging impacts of oil pollution. In 2018, Paul travelled to Melut with one team member to collect the authorisation and signatures of the local chiefs to sue the oil companies in court. After returning to Juba in April 2018, Paul and his colleagues started to receive threatening phone calls from people who identified themselves as NSS agents. Paul received

two of such calls, as did two of his team members. In the same month, April 2018, a colleague of Paul was kidnapped in Juba. He was beaten and harshly questioned. The kidnappers told him that they were monitoring his movements and warned him against bringing a legal case forward. He was released after two days in illegal detention, and shortly afterwards he left the country, out of fear for his life. From Paul’s assessment, the type of questioning and the harsh treatment to which his colleague was subjected are trademarks of the NSS. The kidnapping of one of Paul’s colleagues was also interpreted as a direct threat to Paul and the other team members.

After this incident and the threatening phone calls, Paul assumed a lower profile and moved to the northern part of Upper Nile State, so that he could be close to the border with Sudan in case he would need to leave the country at short notice. His movements were monitored: an agent or informer for the NSS was checking on him every week, asking if he was going to continue with the environmental case.

In April 2020, the organisation Humanity for Africa brought a case to the African Court on Human and People’s Rights in Arusha, Tanzania, against the government of South Sudan and the oil consortium DPOC for oil pollution. Paul joined the case in May 2020 as an intervening applicant.

In June 2020, he received a threatening phone call from a NSS agent about the case. In August 2020, Paul organised and took part in a community demonstration against the environmental pollution and the lack of social services available for the people living around the oil fields.<sup>32</sup> To stop the demonstration, the Ministry of Petroleum started negotiating with the community. Paul participated in the negotiations, preparing some of the points which were discussed. The Ministry promised to find a solution for the environmental pollution and to provide social services to the local population; however, to date, nothing has been implemented.

Paul was under constant NSS surveillance. He relocated to Juba, but felt that his situation was still very precarious. In September, he fled the country out of fear for his life. Paul is currently a refugee and continues his work on the case. He is maintaining a low profile and is very cautious with his movements. NSS agents are still looking for him. In January 2021, Paul was informed that a relative of his, in South Sudan, was approached by a NSS agent asking for his whereabouts.

The legal case is on hold in Tanzania due to COVID-19 restrictions and a lack of funding. Paul and others who are parties to the case are seeking financial support to proceed with the case.



## 3.1. Surveillance of refugee HRDs

South Sudanese refugee HRDs reported a wide range of surveillance tactics used by the NSS to monitor and intimidate them.<sup>39</sup> This ranges from digital surveillance - tracking their movements and whereabouts through phishing and monitoring their social media accounts - to physical surveillance - when informers or alleged NSS agents are stationed outside South Sudan to keep track of HRDs who left the country. Incidents of harassment and intimidation are common in Kenya and Uganda. Research for this report was unable to establish similar incidents in other neighbouring countries such as Sudan or Ethiopia.<sup>40</sup>

UNMISS and the UNOHCHR confirmed in their 2018 report

that when HRDs were targeted by the government, they “reported receiving threats, often in the form of phone calls, SMS messages, emails, or social media messages by individuals believed to be State officials who accused them of negatively depicting South Sudan.”<sup>41</sup>

The fear of being constantly monitored is a strong obstacle for HRDs to carry out their work. Both inside and outside South Sudan, this fear leads to people silencing themselves. Additionally, surveillance of HRDs amounts to unlawful targeted surveillance under international human rights law, according to an assessment carried out by Amnesty International.<sup>42</sup>

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***“WhatsApp groups are monitored constantly. I believe that they are actually infiltrated by NSS agents, and that is how they identify critics of the government. For example, I once shared in a WhatsApp group an organisation’s statement criticising the fact that South Sudan President hosted a concert in the middle of the pandemic in Juba – immediately I received a message from a person I didn’t know saying ‘I know who you are, I know where you are living, I will get to you soon.’”***

**- Mark\*, HRD**

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***“The government [of South Sudan] is tracing communications, they have people who are stationed [in Kampala] and are paid to monitor who is going around and to see if some of the people they are looking for are there.”***

**- Simon\*, HRD**

### Israeli surveillance

Amnesty International reported how, at least between 2015 and 2017, the Israeli company Verint supplied surveillance equipment to the government of South Sudan. In a previous development, the UN Panel of Experts on South Sudan documented how the NSS and the military intelligence enhanced their abilities to target and apprehend political opposition thanks to the acquisition of “additional communications interception equipment from Israel.”<sup>43</sup>

Israeli-made surveillance equipment is being sold to and used by a variety of government and intelligence agencies around the world, including in authoritarian states, and including to track down dissidents and keep tabs on perceived government critics. Recent investigations and reports point to a burgeoning market for Israeli-made surveillance technology in Africa. A 2018 investigation published by Haaretz mentions the following African countries as buyers of Israeli-made espionage and intelligence equipment and training: Swaziland, Angola, Mozambique, Ethiopia, South Sudan, Botswana, Nigeria and Uganda. According to the investigation, Israelis were involved with training of security personnel in South Sudan from the moment of the signing of the peace agreement.

## CASE: Surveillance

Daniel\* is a South Sudanese human rights defender and journalist living in exile. In South Sudan, he worked with a civil society organisation documenting abuses and corruption in the country. He had to leave in 2013, after receiving threats. Outside the country, he has continued to engage in human rights work, documenting abuses in South Sudan by collecting testimonies from refugees fleeing the country, and advocating for justice for his country of origin. Because of the human rights work he has continued to do, he has had to relocate to multiple countries, after receiving threats and being tracked down by South Sudanese agents.

From February 2017, he started to receive several calls from unknown numbers over a short period of time. When he picked up, the person would say, 'Is this Daniel?', and then immediately hang up. Similar outreach attempts happened also via WhatsApp, Facebook and email. When replying, Daniel asked for the details of his interlocutor: the person's name, how did they get his number, how did they know him. When he asked this, the other person usually stopped replying to the messages, or hung up the phone. Daniel assumed that these were attempts to locate him. In some cases, the numbers were South Sudanese.

In 2018, Daniel received a phone call from an unknown number, and when he picked up, the caller claimed

to be a former colleague of Daniel from a South Sudanese civil society organisation. Daniel did not recognise the voice, so he called his former colleague to verify. When he reached his former colleague, he had proof that the person who called him was an impersonator. Daniel changed his location and his phone numbers several times, but he continued to receive phone calls following the same pattern.

The unwanted, constant phone calls continued from February 2017 until October 2019. In October 2019, he received phone calls from a woman he did not know, who wanted to know Daniel's location. With the assistance of a HRD-assisting organisation, he was able to uncover the identity of the person the phone number belonged to.<sup>45</sup> Later the same month, he received another call from a different number, and the person on the phone again asked him for his location. Using the same technique, Daniel was able to uncover the identity of the person the second number belonged to. It turned out to be the same person as the first call. After this incident, following advice from a HRD-assisting organisation, Daniel changed his number, changed his location and reported the number to the police. The harassing phone calls ceased.

Daniel is currently in exile. He continues to engage in human rights work, though he has to keep a low profile out of fear for his safety.

## CASE: Surveillance

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. Hugo worked to collect and memorialise human rights violations in order to contribute to justice, community dialogue, peace building and healing.

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 he picked up, 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 the country, 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 traveling to the refugee camps he used to visit to collect testimonies.

## Testimony

Shirley\* is a WHRD living in exile. She was involved in peacebuilding efforts in South Sudan. In May 2018, she was attending a meeting outside the country, when colleagues from South Sudan told her to stay there because she was being targeted by the NSS. She has been in exile ever since, and has continued to engage in peacebuilding efforts from outside the country.

As a security measure, Shirley has two phone numbers, and keeps one strictly confidential. Only people who know her well have access to the second phone number, while the other one is more widely used. When Shirley calls her family in South Sudan, they only speak the local language, avoiding English – which could be more easily

understood if someone were to listen in on her calls. She also regularly de-activates her social media accounts, balancing her being active on social media with periods of silence and disconnection.

“There are South Sudanese on the payroll of the NSS who live in other countries, and lead relatively lavish lifestyles while pretending to be doing something else (for example, being students). I believe they are responsible for tracking down perceived critics, including refugee HRDs.”

## CASE: Physical Surveillance

Charlie\* is a South Sudanese sexual minorities rights defender. 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 the sexual minorities refugee community, working on the economic empowerment of refugees belonging to sexual minorities.

In April 2018, Charlie and three colleagues met at a hotel in Kampala, outside of the city centre. They were discussing strategies to work together and to provide services to their communities. 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. One of Charlie’s colleagues peeked at the man’s phone and saw that he was engaging in a WhatsApp group they know to be for followers of one of the Vice Presidents of South Sudan.

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 to go separate ways. They managed to reach

safety, and lost the man who was following them. Charlie and their colleagues believe that this person was a NSS agent.

After this incident, Charlie increased their security measures and started to limit to a minimum the number of people they met, relying only on people they already knew. They ceased to go to places which are known to be gathering places for South Sudanese. They are still living in Uganda and continue to engage in human rights work.

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***“There is a known area in Kampala where South Sudanese gather. There are some Sudanese shops, where you can find South Sudanese food. This area is always monitored by the NSS. This is why I don’t go there anymore.”***

***- Mark\*, HRD***



Friends and family members, as well as other members of the South Sudanese diaspora community, can be targeted by the NSS in its search for refugee HRDs. Often, they are offered some money in exchange for information.

Members of the same community or ethnic group to which the HRD belongs are frequently targeted for information about the HRD.<sup>46</sup>

## Testimony

Sarah\* is a South Sudanese WHRD living in Kampala, Uganda, where she has been a refugee since 2006.

“The South Sudanese government has people in other countries who report what is happening back to South Sudan. They ask for information to people on the streets, and they can offer some money in return. It has happened to people in my family also. They can approach South Sudanese and inquire about people: Do you know this girl? Do you know where she stays? What has she done during this week? And because many people have financial issues, it is very easy to convince them to give up information in exchange for money. Often, the people who are approached do not even realise what they are doing, they are just trying to be nice and get something in return.”

***“The security personnel [NSS] is trying to locate me through friends and family, they pay people who know me to find out information about me. I cut all of my communication and I have a special system in place when I want to talk with my mother, to try to reduce the risks as much as possible. Sometimes, an informant from within the NSS tips me off when there are immediate threats to my life, but this is not always reliable.”***

***- Simon\*, HRD***



*Truck driving at sunset in Juba.*

## Is refugee status an effective protection?

Not all the HRDs interviewed for this report have registered as refugees with the national authorities. HRDs reported three main reasons for their choice not to register as refugees:

- security risks
- obstacles to their human rights work
- lack of adequate protection as HRDs

### a) Security risks

HRDs are well aware of the strong ties between the South Sudanese government and the governments in neighbouring countries. Some have decided to actively avoid registering as refugees, out of fear that they may become more visible and thus increase their risk.

*"I did not register my refugee status because I am scared. I fear that if I use the legal means, I will be arrested immediately" – Simon\*, HRD*

*"Seeking asylum is very risky - there is a lot of corruption in the institutions and links to South Sudan" – Shirley\*, WHRD*

The case of Dong Samuel Luak (see p. 25) is clear evidence that having refugee status may not be enough protection against the government of South Sudan. The HRD was a registered refugee in Kenya, which did not prevent his abduction and disappearance. It has been determined 'with high probability' that the NSS was responsible for his disappearance and killing.

### b) Obstacles to human rights work

Having an official refugee status is often an added layer of difficulty for those HRDs who were already active in their country of origin. The limitations come with the increased bureaucracy and scrutiny which refugees have to face. Additionally, human rights work may be perceived as a political activity, and certain countries limit by law the ability of refugees to engage in such activities.

For example, Uganda explicitly prohibits refugees from engaging in any political activities, "whether at local or national level".<sup>47</sup> It follows therefore, that refugee HRDs have to be extremely careful in how they present and carry out their work.

*"The minute you seek asylum you cannot do human rights work anymore, you are not a human rights defender anymore. The refugee status greatly limits your ability to speak up politically - and everything a human rights defender does is political, in a sense," – Shirley\*, WHRD*

There are also extra hurdles involved with travelling when HRDs are given refugee status and travel documents. Two HRDs interviewed noted how the refugee travel documents make it much more difficult to obtain visas, which impedes their ability to carry out human rights work.<sup>48</sup>

### c) Lack of adequate protection

Refugee assistance systems are not well-equipped to deal with the specific challenges faced by HRDs. If refugee HRDs are under threat in the country of asylum – be these threats from their country of origin, or from the country of asylum – they may need to quickly relocate to a more secure location.

However, the asylum system moves slowly, and refugees can be penalised if they move, especially if they do so irregularly, and crossing borders irregularly may be the only option available if HRDs are fleeing for their lives. Having an official refugee status can thus be a hindrance to people seeking safety.

*"There is no flexibility with the relocation of refugees to a third country from an asylum country, in case of need. I can't wait on them if I need to quickly move to save my life. UNHCR doesn't really understand the challenges I face as an activist, although they approve of my work advocating for refugees" – Andrew\*, HRD*

## 3.2. Targeting of refugee HRDs

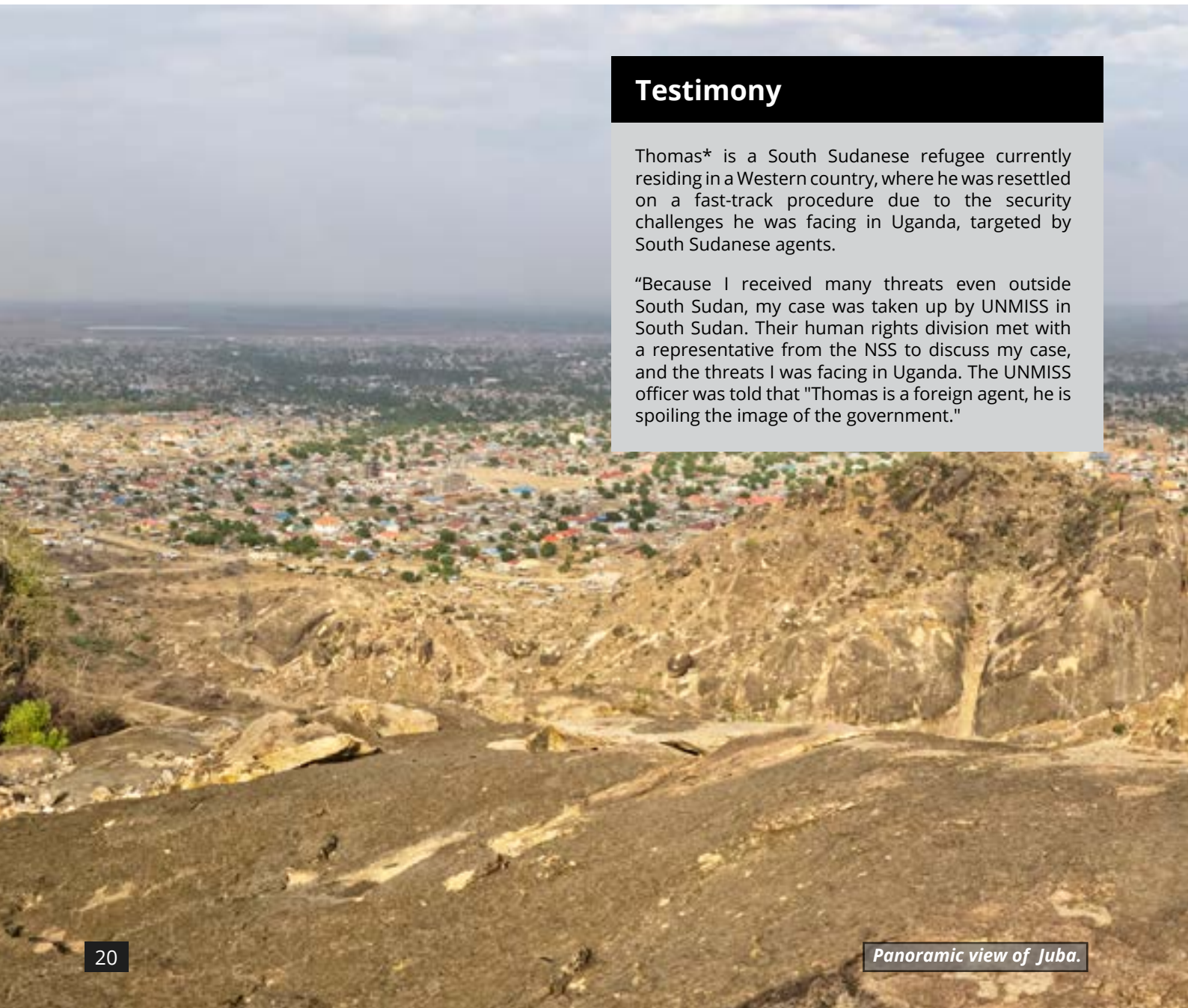
Refugee HRDs reported a number of specific incidents where members of the NSS were, either explicitly or allegedly, involved in their targeting, including an attempted kidnapping with the expressed intention to deport the HRD back to South Sudan. The local police and other authorities have often been mentioned in connection with these attempts. In one case at least, however, the Ugandan national police was instrumental in preventing a violation. Refugees have a right to special protection against forcible return to their country of origin under international law – the principle of non-refoulement. Yet, the NSS operates seemingly with the assurance that other governments will not abide by this law.<sup>49</sup>

One refugee HRD reported that the reason he is targeted is because his work visibilizes human rights violations in the country, and in the eyes of the authorities, ‘harms the country’s reputation’. In another case, a refugee HRD was accused of ‘tarnishing the image of the government’ with his international work.

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***“The government doesn’t want people to have the information that shows the extent of atrocities they have committed in the conflict, that is why they are targeting me and other HRDs”***

***- Jacob\*, HRD***



### Testimony

Thomas\* is a South Sudanese refugee currently residing in a Western country, where he was resettled on a fast-track procedure due to the security challenges he was facing in Uganda, targeted by South Sudanese agents.

“Because I received many threats even outside South Sudan, my case was taken up by UNMISS in South Sudan. Their human rights division met with a representative from the NSS to discuss my case, and the threats I was facing in Uganda. The UNMISS officer was told that “Thomas is a foreign agent, he is spoiling the image of the government.”





*South Sudanese soldiers on patrol.  
Credit: Pete Muller Photography*

## CASE: Attempted kidnapping

Thomas\* is a South Sudanese HRD who was granted asylum in a Western country after being repeatedly threatened while in exile in Kampala, including surviving an attempted kidnapping by men who identified themselves as NSS officers from South Sudan. He left South Sudan in 2016, after a brief period back in his home country.

In South Sudan, he worked to document and expose human rights abuses. In Uganda, he continued his human rights work, focusing especially on youth.

In 2017, Thomas was invited to UN headquarters in New York to attend a public debate. He went to the US embassy in Kampala to pick up his visa and when he left the embassy, three cars pulled up and nine men got out of the cars.

The men told Thomas they were NSS officers from South Sudan, and told him they were going to take him to the South Sudanese embassy and from there to South Sudan. After the officers called Thomas a criminal and told him “We need to investigate you”, he got in one of the cars, fearing physical violence or retaliation if he did not. The men confiscated his passport with the visa, his phone, and all he had in his pockets – though they did not take his money.

A friend who had accompanied Thomas to the embassy watched the scene from a distance. He went

to the nearest police station and informed them about what had just happened. Ugandan police followed the three cars and pulled them over. Following a discussion between the Ugandan police and the NSS agents, Thomas was released. Ugandan police forced the NSS agents to give Thomas back his documents, including the passport with the visa – which allowed Thomas to attend the UN session.

Following this incident, the Ugandan government tasked the police to accompany Thomas on all his local visits and escort him to the airport for the flight to the US, to guarantee his safety.

In a separate incident, in June 2017, on his return from another trip to the US, Thomas spent a night in a hotel in Kampala, before moving on to his place of residence. At 3 AM on the night of 9 June, five masked men came into his room, took his passport, his personal documents and belongings, but refused to accept the money that Thomas was trying to give them in order for them to leave. The men did not identify themselves, and left the room without saying anything. As he went to the police station to report what happened, the crime scene was compromised, and a set of footprints which could have been used to identify some of the perpetrators was obscured. Thomas never got his belongings back and the men were never identified.

## CASE: Disruption of a peaceful activity

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 activism, 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. It was organised with the support of the local South Sudanese community, and publicised on Facebook a week in advance, mentioning the names of Andrew and Simon. A photo of Andrew was also shared on social media. Andrew and Simon, along with two community organisers, were to be the panellists for the event.

Two days before the event was to take place, Andrew received a phone call telling him that the parcel containing his books was blocked at a border crossing between Uganda and Kenya and that he would have to go there personally to pick them up. That was against what had been previously coordinated with the courier, which had been paid to deliver the books to Nairobi. The books could not be delivered in time for the event.

On the day of the event, just before their arrival at the venue by car at around 2.30 PM, Andrew and Simon received a phone call from one of the community organisers inside the venue warning them not to enter the premises because suspected

agents from the South Sudanese NSS accompanied by officials from the Kenyan Directorate of Criminal Investigations were inside the venue.

A community organiser explained how during the course of the set-up for the event, a group of people who claimed to be local chiefs of the area came and demanded payment of a sum of money equivalent to 60 USD. Afterwards, a second group of people came and demanded another payment of around 50 USD – this was despite the fact that the venue had already been paid for by the organisers. When the second group of people arrived, the organiser went to a nearby police station.

The officer in charge of the station went to the venue with the organiser to assess the situation, and identified the second group of people as officers from the Kenyan Directorate of Criminal Investigations. The local police officer made them disperse, and the agents from the Directorate of Criminal Investigations left the venue.

At that point, a known NSS officer, who apparently had come from Juba (the event had been shared on Facebook), started to tell people who were arriving that there were national security personnel among the audience; as a result, many in attendance left the venue. 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.

Andrew and Simon went into hiding and are currently living in undisclosed locations. The community organiser reported that unknown persons are attempting to locate Andrew and Simon, asking people in the community for their whereabouts, and he has also reduced his visibility as a result.

### 3.3. Involvement of South Sudanese embassies

According to the cases reported by refugee HRDs, the NSS has a direct connection with South Sudanese embassies, especially those in Kampala and Nairobi, and is able to use the embassies to target refugee HRDs.

All South Sudanese embassies are believed to have NSS attachés. While this is not an illegal practice in itself – and is in effect in line with how many intelligence agencies around

the world operate – it is not the mere presence of agents, but rather the activities they carry out, which poses a direct threat to HRDs in those countries. In the case of the NSS, reports of intimidation and threats of perceived dissidents, abductions and extrajudicial killings are a strong indication that their activities are outside the law.

#### CASE: Attempted deportation

Daniel\* is a South Sudanese human rights defender and journalist living in exile. In South Sudan, he worked with a civil society organisation documenting abuses and corruption in the country. He had to leave in 2013, after receiving threats. Outside the country, he has continued to engage in human rights work, documenting abuses in South Sudan by collecting testimonies from refugees fleeing the country, and advocating for justice for his country of origin. Because of the human rights work he has continued to do, he has had to relocate to multiple countries, after receiving threats and being tracked down by South Sudanese agents.

In January 2017, Daniel, who was at the time living in Uganda, was tipped off by a friend working in the South Sudanese embassy in Kampala about a letter that was received by the Embassy. The letter, sent by the Office of External Security of the NSS, asked the government of Uganda to deport Daniel back to South Sudan.<sup>50</sup> In the letter, he was accused of abusing

South Sudanese President Kiir in his opinion articles, and of being a pawn of international organisations in attempts to tarnish the names of the leaders of the government of South Sudan. The South Sudanese Embassy was allegedly in contact with officers from the Ugandan Directorate of Criminal Investigations to coordinate Daniel's deportation, as he learnt from his contact at the South Sudanese Embassy in Kampala. In February 2017, Daniel was able to leave Uganda before any further action was taken by South Sudanese or Ugandan authorities, thanks to the emergency support of a HRD-assisting organisation. The organisation had to escort Daniel to the airport out of fear that he could be detained and deported while on his way out of Uganda.

Daniel is currently in exile. He continues to engage in human rights work, though he has to keep a low profile out of fear for his safety.

#### CASE: Targeting

David\* is a South Sudanese youth activist and HRD living in Uganda, where he has been a refugee since 2014.

In March 2019, David was tipped off to the fact that his name and those of five other activists were exposed at the South Sudan Embassy in Kampala as members of the Red Card Movement (RCM).<sup>51</sup> The tip came from a high-ranking official at the Embassy, who David knows personally. All six activists exposed were members of a network of South Sudanese civil society organisations in Uganda. At the time, the RCM was gaining strength and was becoming a target for South Sudanese authorities. Being named as part of the RCM meant that all six of them were potential targets. David was made aware of the fact that there were plans to find all of them. "That was the time

that the Red Card Movement was emerging and they [the government] couldn't differentiate between civil society and the Red Card Movement." David's contact at the Embassy inquired about his alleged belonging to the RCM. David and two others who were on the list went to his office and explained that they were not members. They were cautioned to be careful. A couple of days after this meeting, David heard that his contact at the Embassy was fired. David does not know the reason for his removal.

David did not feel safe in Kampala. Because he is known to the authorities as someone who speaks up against the government, he is at risk of being targeted by South Sudanese agents. He decided to relocate to keep a lower profile. He continues to engage in human rights work.

## CASE: Targeting

Sarah\* is a South Sudanese WHRD living in Kampala, Uganda, where she has been a refugee since 2006.

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.<sup>57</sup> She heard that one of the men manning the checkpoint asked for someone named Sarah and that immediately triggered a signal of danger. Sarah knows 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.

Back in Kampala, she later heard other South Sudanese talk about the incident, and found out this way that the list included a number of members of the Red Card Movement. Sarah is not a member herself, and is unsure of why she was included in the list. However, a family member of Sarah is a known critic of the Kiir government, and Sarah herself is outspoken in her views, therefore it is possible that a combination of those factors made her a potential target.

Sarah is living in Kampala and keeping a low profile. She continues to engage in human rights work, although she is careful not to be too visible.

## Red Card Movement

The Red Card Movement (RCM) is a youth movement formed in 2019, openly calling for the removal of President Kiir from office. Many of its members are South Sudanese refugees.<sup>52</sup> Since its start, RCM members and leaders, as well as those believed to be, have been targeted by the South Sudanese government and the NSS, inside and outside South Sudan. In 2019, the RCM mobilised South Sudanese youth all over the world through social media, calling for a protest on 16 May to show the extent of the dissatisfaction with the government of South Sudan.<sup>53</sup> Protests were planned in several countries, including in South Sudan. A heavy police and military response in Juba before the planned protest led to the arrest and detention of many youth thought to be among the organisers of the RCM. As a result, the protests planned in Juba did not go ahead. Confirming the ability of the South Sudanese government to reach across borders, actual and perceived RCM members were targeted in Kenya and Ethiopia, in an attempt to stop demonstrations from taking place. In Kenya, the protest was called off because “seven [RCM] organizers received threats to their physical safety and warnings that the South Sudanese government had instructed NSS agents to track them down and bring them back to Juba”.<sup>54</sup>

Members of the RCM reported being followed around and receiving threats from South Sudanese individuals they suspected to be informers for the NSS. Kenyan authorities denied organisers the right to a peaceful protest, allegedly after receiving a communication from the South Sudanese embassy stating that the planned demonstration could become violent. Even after the date of the would-be-demonstration, Kenyan police “continued to intimidate and harass South Sudanese activists in Nairobi [...]”.<sup>55</sup> Additionally, RCM members in Nairobi continued to receive threatening messages on social media by people who they suspected to be collaborators of the South Sudanese government. The harassment and pattern of threats also reached into Ethiopia, where RCM members managed, despite the difficulties, to organise a small protest. Two Ethiopian journalists covering the protests for Al Ayn and Al Jazeera were physically assaulted by staff members of the South Sudanese embassy. In Uganda, the movement could not hold a demonstration. The leaders of the Movement applied for permission to the local police, but they did not receive it. The movement is associated with political dissent, and therefore considered a threat by the South Sudanese government.<sup>56</sup>



## Three prominent cases and their effects on refugee HRDs

In 2017, the enforced disappearances of human rights defender Dong Samuel Luak and Aggrey Ezibon Idri made international headlines. A year later, in 2018, the arrest and detention of HRD Peter Biar Ajak focused attention back on South Sudan and its repressive practices.

The three men were internationally known and had important connections with numerous organisations, the UN and diplomatic missions. Their disappearances, arrests and detentions not only were criminal acts, but also sent a message to the exiled South Sudanese HRD community, that if these high-profile HRDs could be targeted in this way, then others would clearly be subject to similar fates. These cases proved to HRDs, without a doubt, the ability of the South Sudanese government to repress critical voices, inside and outside the country.

All the refugee HRDs who participated in this research are well-aware of these cases, and have been negatively affected by them. Many of them personally knew Dong Samuel Luak, and some of them directly worked with him.

On his return to safety in the United States, Peter Biar Ajak wrote: “Given my connections inside and outside the country and the fact that they were arbitrarily detaining me for so long and the way they were treating me inside prison, it was basically to send a message, ‘If we can do this to Peter, what about you? If you don’t have the same level of connections we will execute you.’”<sup>58</sup> As of the time of writing, no one has been brought to trial for the disappearance and murder of Dong Samuel Luak and Aggrey Ezibon Idri.<sup>59</sup> Peter Biar Ajak was illegally detained for a year before being charged. No explanation was given. The NSS was responsible for all three cases and operated with complete impunity.

Dong’s and Aggrey’s cases also show a certain level of collaboration between the governments of South Sudan and Kenya. At a minimum, Kenya allowed the abduction and refoulement of a registered refugee and rendering of another de facto refugee to take place on its territory, contrary to domestic and international law. The fact that Dong and Aggrey were abducted and subsequently killed would implicate any cooperating Kenyan officials in the murder.

### Dong Samuel Luak and Aggrey Ezibon Idri

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. In an incident prior to his disappearance, in October 2015, men believed to be connected to the NSS attacked Dong at his home in Nairobi. Dong was abducted from the streets of Nairobi on 23 January 2017 and Aggrey on 24 January 2017. Civil society organizations immediately reacted to the high-profile disappearance and a number of them joined the families of the disappeared in filing a request for habeas corpus on 25 January in a Kenyan court and a request for an injunction against their deportation to South Sudan. On 27 January, the court ordered Kenyan police to investigate the whereabouts of the two men, and issued an order to prevent the deportation of Dong and Aggrey. At the same time, it denied the habeas corpus because it could not establish that the two men were in the custody of Kenyan police. The court said that the disappearance was allegedly the result of a “criminal abduction by unknown persons”.<sup>60</sup> By the time the court ruled, however, the two men had already been transported out of the country. In April 2017, families of the disappeared filed a petition asking Kenyan authorities to conduct a thorough investigation into the case. The petition was dismissed in January 2019: the court stated that the police had acted “prudently and within the law,” effectively ending the judicial action.

The evidence collected by the UN Panel of Experts on South Sudan strongly points to the kidnapping of the two men by the NSS Internal Security Bureau. The agents who carried out the abduction were acting on orders from the Director General of the Internal Security Bureau, Akol Koor Kuc. According to the findings of the Panel of Experts, Dong and Aggrey were transported to Juba on 27 January 2017, on a commercial plane chartered with the assistance of South Sudan Embassy in Nairobi. Both were briefly detained in the “Blue House” NSS headquarters and illegal detention facility in Juba and subsequently moved to the NSS detention and training facility in Luri, situated on President Kiir’s complex outside Juba. The UN Panel established in 2019 that “it is highly probable that Aggrey Idri and Dong Samuel Luak were executed by Internal Security Bureau agents at the Luri facility on 30 January 2017, on orders from the commander of the National Security Service training and detention facilities in Luri, the Commander of the National Security Service Central



*Blue House in Juba - NSS headquarters (via Google Earth).*

Division and, ultimately, Lieutenant General Akol Koor Kuc.” The authorities of Kenya and South Sudan have consistently denied having any knowledge of the fate and whereabouts of the two men. In December 2019, the US government applied sanctions under the Global Magnitsky Human Rights Accountability Act on five individuals linked to the disappearance and murder of Dong and Aggrey. In 2020, it added Vice-President Taban Deng to the list.<sup>61</sup> In February 2018, South Sudanese lawyer Wani Santino Jada filed a communication with the African Commission on Human and People’s Rights, asking the Commission to order South Sudan to effectively investigate the disappearances. In July 2019, two civil society organisations, the Pan African Lawyers Union and Hope for Humanity Africa, petitioned the East African Court of Justice to order the governments of South Sudan and Kenya to carry out a thorough investigation, with public findings, into the case. Both proceedings are still pending at the time of writing.

**Peter Biar Ajak**

Peter Biar Ajak is a South Sudanese academic, economist and HRD. He established the South Sudan Young Leaders Forum, a coalition of leaders advocating for a peaceful resolution to the civil war. Despite having worked with the South Sudanese government in the past, he is an active and vocal critic of President Kiir.<sup>62</sup> In July 2018, he

was arrested by the NSS in Juba and detained without charges for over one year. The UN Panel of Experts explained how “[...] on 28 July 2018, Peter Biar Ajak was arrested by the National Security Service upon arrival at Juba International Airport. He has since been detained in the political section of the Blue House detention facility, where he has had only intermittent access to lawyers and family.”<sup>63</sup>

“On 11 June 2019, the High Court sentenced him to two years in prison for giving interviews to foreign media that “disturbed the peace” during a standoff between guards and prisoners at the Blue House detention facility on 7 October 2018.”<sup>64</sup> Amnesty International deemed the trial as grossly unfair: “Throughout this trial, Amnesty International received reports of harassment and intimidation of defence lawyers, witnesses and even the arbitrary arrest and detention of a defence witness. This trial was far from being fair.”<sup>65</sup> Pardoned by President Kiir and released in January 2020, following international pressure, he fled from South Sudan to Nairobi. In June 2020, he reported being tipped off about the South Sudanese government’s intention to kill him, or abduct him and deport him back to South Sudan. The US deemed the allegations credible enough to grant him an emergency visa. Peter fled Kenya and landed in the US in July 2020.

## Testimony

Andrew\* is a South Sudanese writer and activist. He left South Sudan in 2013, and currently lives in Kenya, where he is registered as an urban refugee. In South Sudan, he worked as a journalist and a civil society activist, and had to leave the country because of threats connected to his work. In Kenya, he founded an organisation which advocates for justice for the victims of oil pollution in South Sudan.

“I believe that Peter Biar Ajak is the last case which made international headlines. After that, the government changed its tactics and is now trying its best to make sure that cases of targeted HRDs do not reach the media. I think this is also because they don’t want to make relations with other countries in the region more difficult.

At the moment, for example, the NSS is reaching out to me constantly. I do not know how, but they have my phone number, and they are calling me at all times. They are trying to ‘negotiate’ with me my

return to South Sudan. They know where I am, or at least how to find me: some weeks ago, I was in the hospital for some medical examinations, and a person who pretended to be a businessman came up to me, to try to convince me to go back to South Sudan. This person had the same voice as a person who has been calling me. I think this is what they did with Biar, they convinced him that it was safe for him to go back to the country, and then they arrested and detained him once he was back.

My family is also being approached by South Sudanese government agents, through friends and other family members. My family is having strong financial difficulties, especially because it’s so hard for me to make a living, so the agents are exploiting this to convince them to go back to South Sudan.”

## 3.4. How Gendered Attacks on WHRDs Can Magnify NSS Threats

In addition to facing potential risks from the South Sudanese NSS for their human rights work, South Sudanese refugee WHRDs are often seen as challenging the traditional roles they are expected to occupy in society. This challenge to patriarchal gender norms subjects them to threats and harassment within their communities, leaving them exposed to further threats from the NSS if community members turn into informants.

### Threats from communities and families

WHRDs can be discriminated within their communities because what they are doing is seen as a threat to the traditional way of life. By being seen to disrupt family or community allegiances they were born into, they also potentially alienate themselves from people who could assist them in the event of threats. HRDs often rely on protection from their communities, and women are basically forced to choose between being silent about sexual and gender rights and keeping their community support, or speaking about women's rights and being more at risk from South Sudanese actors, which can include the NSS or those pressured or incentivised by the NSS.

## Testimony

Sarah\* is a South Sudanese refugee WHRD who talks openly about sexual and reproductive health, and faces difficulties from members of her community who oppose bringing sexual rights, gender rights, and women's rights into the public sphere.

“Sometimes, even the people you are trying to help distrust you. Defending human rights is often associated with something brought on by the West, so being a human rights defender can mean to some people that you are an ‘enemy’. I feel discriminated because of this.

People take traditions very seriously. Last year, I wrote on social media about women’s reproductive health, and there was a big backlash. Some people from the community became very angry at me for talking about these issues. They came up to me in person, tried to confiscate my phone, and even told me that I should not be moving around so much. They felt that I was shaming them. However, I did not let them stop me and I think some of them are actually afraid of what they do to me because they fear I can ‘shame’ them on social media.

The other aspect is that I come from a very conservative family, so sometimes I have to change some details about the topics I write about because I don’t know what my family will think, and how they will receive my writing and activism.”



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***“In the settlement, men in the community would falsely believe that mobilising women meant a mobilisation against male authority over women. It took me a lot of effort to sensitise the men, to allow the women and girls to participate in empowerment initiatives as well as in decision-making, as equal partners and not as competitors at the family and community level”***

**- Nadia\*, WHRD**

**Extra caring burden**

Women, and refugee women in particular, are often the primary carers for their families, which poses an additional burden on their lives: it means that they need to balance their often unpaid human rights work with the necessity to earn an income to provide for their families. In refugee camps in Uganda, South Sudanese women are often single parents.

Nadia\*, a women’s rights advocate, is a widow, and primary carer for her four children and an extended family which includes nine people in total. Neighbours and friends were at times stepping in to take care of her children while she was away to carry out her human rights work.

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***“As a mother of four, I would have to work the whole day, and then spend half the night planning for the day ahead, on how to provide for my family and at the same time mobilise and sensitise the community”***

**- Nadia\*, WHRD**

**Backlash on families**

Because of the perceived challenge refugee WHRDs pose to traditional roles, their families can be subjected to threats and attacks, as a way to silence WHRDs. This can have chilling effects on the work carried out by WHRDs. For refugee WHRDs living in camps, the situation becomes even more complicated because of the general difficult security situation all refugees face.

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***“My security situation in the camp is not very good, camps are very open, anyone can get in anytime. I live in a shelter with a grass roof. I try not to sleep in my shelter and go instead to friends or neighbours, for more security. One of my girls, she is 14, became a victim of sexual violence; I had to evacuate her and bring her to live with a friend, in another settlement which is 10 hours’ drive away. The people who did this threatened to kill her and me, and they connected it to my activism.”***

**- Nadia\*, WHRD**



**Sunset on outskirts of Juba.**



## Testimony - Advocating for refugee women's rights in a refugee settlement

Nadia\* is a South Sudanese refugee women's rights defender. Twice displaced, Nadia has been a refugee for 21 years. She first fled what is now South Sudan in 1993 and then, after a brief period back in the newly independent country, left again in 2016. In South Sudan, she was a humanitarian worker and a radio presenter hosting a peace program focused on women's and children's voices. In 2016, her husband went missing, allegedly at the hands of NSS agents who threatened to kill him after he sheltered a fellow journalist who was being targeted by the government. She left South Sudan fearing for her and her children's lives. In Uganda, she became an active voice for refugee women in the settlement and became their representative at the high level of leadership of the camp.

"Women (and children) constitute the vast majority of people living in the camp, and most of them are not educated. I decided to speak up on behalf of women in a place where women's voices are often not heard. Not until we speak for ourselves can we get out of this situation.

As part of my continued contribution and efforts to advocate for social, economic and political empowerment of women and young girls affected by conflict, I started to organise self-support groups for women: spaces where women could come together to share their experiences, educate and counsel each other. I also worked to provide trauma healing and mental health programs to the women, many of whom are survivors of gender-based violence. We grew to 17 groups in the camp, each with 20 to 25 members. Most members are women, but in a few groups, there are about 3 to 5 men.

I speak on behalf of women in dialogues, meetings, conferences, to let the voices of women be heard. I also try to engage with the South Sudanese peace process, even though it's very hard from the camp to know what is going on in South Sudan; we do not have access to the media, and even the network connection is bad. I work on peacebuilding among the communities in the camp, engaging with youth from different ethnic groups to promote peaceful coexistence.

With my group, we also try to do some livelihood support: we farm and collect food together, as

women. When we have a little bit more, we give that bit to a woman who needs it more than others, so she can sell it and earn something out of it. Most women are single mothers, so we try to help each other out to make a living."

There are many challenges Nadia faces, as a result of her work as a refugee WHRD, in addition to the basic ones related to the remote location of the camp, the bad network coverage, and the difficulty to even charge her phone.

"I often get sidelined by men while advocating for women - in meetings especially. Men feel as if they are being accused when we raise women's issues. As a woman refugee leader, I sit in the leadership structure of the camp, among men. There is only one other woman, who represents people with special needs. We are sidelined, at risk, and threatened for speaking up.

Reporting cases of SGBV, fraud and exploitation to UNHCR's and WFP's toll free lines is risky for me, because I often receive threats from the families of perpetrators as a result. The information I am sharing on these hotlines is often leaked to the families of the perpetrators and into the community.<sup>66</sup> Also, I do not receive any, or very belated, support from police or international organisations operating in the camp.

I have been threatened many times by the community in the camp for being vocal, and this has led me to limit my public engagement. I am afraid because I know of people in South Sudan who have died for similar situations. Because I fear for my life, recently I have not been very active. There has been no support from organisations in the camp when I raise complaints about the threats and this makes me fear for my life."

Nadia has been in the resettlement process since 2018, because of the threats she was receiving as a refugee WHRD. She was resettled with her children to a Western country in December 2020. Her parents are still living in the refugee settlement in Uganda. Three family members of Nadia continue to carry out the work that she started in the settlement.

## 3.5. Defending LGBTIQ+ rights

The experience of LGBTIQ+ defenders is compounded by layers of vulnerability due to harassment and discrimination from the towns and villages they left, the societies into

which they arrive, and even from the broader human rights community.

### Testimony

Charlie\* is a sexual minority rights defender, who had to leave South Sudan because of threats connected to their work. In Uganda, they are still facing a very difficult situation:

“Being homosexual in Uganda is illegal, there’s very little support and programs for sexual minority urban refugees and even with the refugee ID, access to services and education is very limited. There have been many attacks against refugees belonging to

sexual minorities. A sexual minority refugee I know went to the doctor not so long ago – he needed to do some examinations at the hospital - and he was attacked by the doctor.

The sexual minority movement in Uganda does not include refugee organisations or refugees from sexual minorities. There are no shelter programs for refugees from sexual minorities.”

## CASE – Defending sexual minority rights in South Sudan

Charlie\* is a South Sudanese sexual minority rights defender. “I started an organisation for and by people from sexual minorities, so that youth could have a voice and at least one place where they could access services. We started with a project on HIV/AIDS focused on the transgender community.”

“Everything is so sensitive when it comes to our community; people look at you and think that you’re crazy, that something is wrong, that you need a prayer. The government doesn’t care about our people, they accuse us of adopting a ‘Western behaviour’. For the government, it is a crime to deal with us.”

In 2017, the organisation founded by Charlie was shut down by NSS agents. In late 2017, police entered Charlie’s organisation’s office in Juba and searched it. They were looking for evidence that would prove that Charlie and their colleagues were working with promoting homosexuality; they found some condoms and lubricants as ‘evidence’. The police alerted the NSS, who took over at the scene and started to arrest people.

At the moment of the break in, there were two people in the office, who were arrested and interrogated. They were coerced into providing the names of others belonging to the movement, and of Charlie. From

the information received, they were able to arrest at least five other people. Those arrested were brought to a prison compound along the Nile River. Some of them were beaten in detention. Some of them were detained for two and a half months without charge. All of Charlie’s colleagues who were arrested that day have subsequently left the country. At the time of the break-in, Charlie was out of the country. They were immediately alerted to the incident and consulted with UNMISS in South Sudan to understand if it would be safe for them to go back. Because they had been recognised as part of the sexual minorities movement in Juba, and they were being sought by the NSS, they were advised against travelling back to South Sudan.

Charlie went directly to Uganda, and has been living there as an urban refugee ever since. In Uganda, they continue to carry out work for the sexual minority refugee community despite difficulties in accessing funding.

Charlie’s desire is to go back to South Sudan: “I want to go back. There are people who need services, who need to be protected, who need to understand the basics of human rights. They just need to understand that they are human beings and that they have the right to live however they want.”

## HRDs, WHRDs and their families

The importance of family was mentioned by the majority of refugee HRDs and WHRDs who participated in this research. However, their activism often has an impact not only on the HRDs' own lives, but also on those of their families.

### Separation

Refugee HRDs often had to move very quickly because of immediate threats to their lives. When relocating, either within the country or to another country, it may be hard to bring their families along. They become separated, and this is a source of constant concern and anxiety for the HRDs. Often, HRDs are the main source of income for their families, so their separation means that the families will incur financial difficulties. At times, even programmes aimed at ensuring the safety of HRDs do not take into account their families.

Thomas\* was resettled by a Western government under a fast-track emergency programme because of the threats he was facing due to his activism. However, he could not bring his family with him, who instead has to go through the 'normal' resettlement procedure. Two years after Thomas' resettlement, they are still waiting to join him.

The separation does not need to be across borders however; sometimes, it may even be needed as a security measure for the HRD, even when already in exile:

*"I live in a different part of town from my family. Other family members live here, but we are split all over town, to minimise potential risks. This way if someone follows one of us, they don't get the whole family." – Sarah\*, WHRD*

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***"There is also a positive impact of my activism. It is a motivation for my family, siblings and community of South Sudan to appreciate themselves as equal members of society with abilities to take part in decision-making process at social, economic and political levels."***

***- Nadia\*, WHRD***

### Targeting

Often connected to the separation of HRDs and their families is the potential for harassment and intimidation, by the very same actors the HRDs are fleeing from. The same techniques of surveillance and intimidation are used against family members of HRDs.

When HRDs' families are still in South Sudan, this poses an additional risk.

*"Another tactic the government uses is to constrain the families, especially if they are still in South Sudan. They create problems for them so that the HRD is forced to go back and can potentially be arrested." – Simon\*, HRD*

*"Many human rights defenders gave up their human rights work because of threats to their families. They don't mind so much if the threats were against them, but not to their families" – Samuel\*, HRD*

HRD Andrew\* reported that his brother, still in South Sudan, was disappeared in 2018. He does not know who is responsible, but he and others suspect the disappearance to be connected to the Andrew's activism.

## 3.6. Responses to challenges

As a result of the challenging environment refugee HRDs and WHRDs live in, many have adopted coping behaviours which result in their reduced ability to carry out human rights work. Thus, the climate of fear, intimidation and

harassment that the South Sudanese government is able to project, even outside the country, is in fact leading to a silencing of civil society.

### Limiting movements and taking precautions when movements are necessary

An immediate consequence of the ability of the South Sudanese government to track HRDs down even outside of the country, through its NSS agents, is that refugee HRDs try to make themselves as low profile as possible, reducing their movements outside their residence to a minimum, to avoid becoming a potential target.

*"I am not living a very normal life in exile; I limit my movements as much as possible. I try to take as many security measures as possible – I don't tell anyone where I live and I always use taxis instead of public transport, so in case anything happens to me, my movement can be traced" – Shirley\*, WHRD*

*"I have to be careful what times of the day I move – if I move in broad daylight, I have to maybe dress up, put on a cap, something so I am not so easily recognizable" – Sarah\*, WHRD*

*"I minimise my movements because I fear that something may happen to me" – Hugo\*, HRD*

### Avoiding known gathering places of South Sudanese

According to HRDs, mistrust within South Sudanese communities runs high, and often along ethnic lines. As a response, many refugee HRDs opt to reduce their social life and limit their contacts to the people they already know and trust.

*"I avoid meeting South Sudanese, and avoid places where I know there are lots of South Sudanese" – Jacob\*, HRD*

*"After the incident where I was followed around, I became much more cautious, and much more aware of my security, of who I meet, of where I go. I stopped going to places where there are South Sudanese, and I only meet people I know" – Charlie\*, HRD*

### Reducing human rights work

The ultimate consequence of the climate of fear and harassment that refugee HRDs face at the hands of the South Sudanese government outside the country is the reduction of their work. This has terrible consequences for the wider South Sudanese community, which is increasingly left without advocates, and further marginalised.

*"If I speak up, the level of threats increases, so that makes it so hard. The solution for me to be safe in my own country [and outside] is to be silent. Many HRDs, especially those who are refugees, have decided to lay low and go silent" – Samuel\*, HRD*

*"The NSS has such a wide mandate, the things they are doing are truly terrible. People are scared to speak up" – Charlie\*, HRD*





# IV. Why is the South Sudanese government targeting refugee HRDs?

According to refugee HRDs in this report, and other cases documented by other agencies and organisations, there is a clear, ongoing targeting of civil society and HRDs both inside and outside South Sudan.

A decade after an independence that emerged out of devastating conflict, and wracked by political and interethnic violence, civil society in South Sudan challenges a socio-political landscape dominated by an elite that seeks to control all aspects of political and economic life of the country. Civil society groups and HRDs call out leaders for their role in human rights violations, kidnappings, war crimes, and corruption, representing a clear threat to a regime intent on maintaining its power and clinging to the revenue sources inside the country.

The use of intelligence agencies, controlled by the executive power, to silence dissent is a common practice by authoritarian regimes across the world. “The behaviour of the NSS” argues an expert on South Sudan, “is by no means peculiar; it exhibits characteristics identified [...] in authoritarian states. [...] regimes in non-democratic states, which typically lack the legitimacy derived from free elections, depend on intelligence services to identify domestic enemies and eliminate opposition via many ways, including wielding control on the media.”<sup>67</sup>

In South Sudan, the status-quo is that of a kleptocratic state governed by a corrupt, militarised elite. The system of corruption, clientelism and patronage set up by both military and political elites pre-dates the country's independence, and is designed to reward loyalty.<sup>68</sup>

The targeting of HRDs is not an anomaly in the system; it is integral to its perpetuation. Feeding off oil revenues, President Salva Kiir, his effectively private security force the NSS, and his cohort, terrorise the population and those who dare speak up - because a free press, and a free civil society, would be in direct contradiction to their interests. Exposing corruption in South Sudan is an immediate, direct threat to President Kiir and his allies: that is why HRDs who work on anti-corruption are among the most at risk. That is also why many of them had to leave the country, and are still being sought after by the NSS.<sup>69</sup> The same can be said for HRDs and refugee HRDs working on efforts to hold perpetrators of violations accountable, as is documented by the cases exposed in this report.

Regional and Western governments played a part in this situation. Many of them supported the SPLA/M when it was fighting during Sudan's long civil war, and greeted South Sudan's independence as a success story. The support - political, economic and military - has enabled and empowered the very same people many are now seeking to hold accountable or sanction. And some governments continue to pursue various interests in South Sudan with knowledge of how that support enables the targeting of and violence against human rights defenders and civil society.

# V. Recommendations

## 5.1. To South Sudanese actors

### To the President of South Sudan and the South Sudanese government

- Immediately order all operations by the National Security Service and other agencies targeting HRDs and refugee HRDs to cease and desist and ensure that HRDs and refugee HRDs are not subjects to threats, harassment, intimidation or violations at the hands of South Sudanese agents, whether in South Sudan or abroad.
- President Kiir should broadcast on national radio and television a message clearly stating that HRDs are not subject to targeting by state agencies and that South Sudan will develop legislation for the protection of HRDs.
- Ensure that the National Security Service is brought under civilian oversight, for example by establishing regular, robust reporting requirements for the agency to a dedicated oversight committee in the Transitional National Legislative Assembly that includes MPs from all political parties.
- The government should publish the sources and amount of funding available to the National Security Service, with an accurate breakdown of the funding available for each activity carried out by the National Security Service, including its extra-territorial activities.
- If agreements for the operation of the National Security Service in neighbouring countries exist, immediately make them public and subject to civilian scrutiny and, if necessary, amendment.
- Ensure that credible, independent investigations into the National Security Service for their role in the targeting of HRDs inside and outside the country are put in place, and that these investigations cover senior leaders and Directors within the National Security Service.
- Amend the National Security Service Complaints Board to ensure its full independence from the National Security Service and participation of independent human rights monitors. The Complaints Board should have the power to recommend criminal prosecutions when facts warrant them, and to recommend reparations for violations.
- Ensure that all individuals responsible for the targeting, harassment and intimidation of HRDs and refugee HRDs are held accountable for their actions, particularly those involved in killings and abductions.
- Issue a public apology to all affected HRDs and refugee HRDs and establish an independent commission to oversee the creation of a Victims Fund and to determine compensation for victims and families of victims.

### To the Director of the National Security Service

- Immediately cease the targeting, harassment, surveillance and attacks against HRDs in South Sudan and refugee HRDs in neighbouring countries.
- 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.

### To the National Constitutional Amendment Committee

- Amend the 2014 National Security Service Act and the 2019 Amendment Bill to ensure compliance with the South Sudan Transitional Constitution international human rights standards, in particular by removing police and combat powers from the agency and ensuring credible civilian oversight of its operations.

## To the Transitional National Legislative Assembly

- Adopt an amended National Security Service Act which ensures compliance with the South Sudan Transitional Constitution and international human rights standards.
- Demand stronger civilian oversight of the National Security Service, including its regular reporting to the Transitional National Legislative Assembly and questioning of its activities.
- Open a public parliamentary hearing into the National Security Service in relation to the intimidation and harassment of HRDs inside and outside the country.

## 5.2. To regional actors

### To the governments of Kenya and Uganda (and other neighbouring countries)

- Carry out thorough, impartial and independent investigations into allegations of harassment and intimidation of South Sudanese refugee HRDs, including by South Sudanese Embassy personnel. Publish the results of these investigations and ensure that any individuals who are found responsible are held accountable.
- Investigate reports of NSS personnel being present and surveilling or threatening South Sudanese refugee HRDs.

### To the African Union Commission on Human and People's Rights

- Follow up with the government of South Sudan and the African Union Commission regarding the establishment of the Hybrid Court for South Sudan to bring perpetrators of human rights violations and international crimes during the conflict to account.
- Adopt a resolution highlighting the targeting of South Sudanese refugee HRDs in neighbouring countries.
- Remind the government of South Sudan and its regional partners to respect the rights of refugee HRDs, according to the the OAU Convention and international law, and to hold accountable any perpetrators of violations of their rights.

### To the African Union Special Rapporteur on HRDs

- Engage with South Sudanese and regional authorities to raise the issue of the targeting of South Sudanese HRDs and refugee HRDs inside and outside the country.
- Issue a statement focused on the situation of South Sudanese refugee HRDs in neighbouring countries and raise the issue with Ugandan and Kenyan authorities.
- Consider including the issue of refugee HRDs as a focus area of your mandate.

## 5.3. To international actors

- 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.
- Apply pressure on South Sudanese authorities to comply with the above recommendations, to create a climate of respect for freedom of expression, assembly and association in the country and to ensure that no refugee HRDs are targeted outside of South Sudan for their peaceful work for the promotion of human rights.
- 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.

## To the diplomatic missions in Juba and in neighbouring countries

- Liaise with HRDs and refugee HRDs to build a strong partnership with South Sudanese civil society – both inside and outside the country. In consultation with HRDs and refugee HRDs and when deemed appropriate by them, carry out visits and work towards increasing the visibility and profiles of HRDs and refugee HRDs.
- Raise with the authorities incidents of harassment, threats and intimidation against HRDs and refugee HRDs, including calling for thorough investigations to identify the perpetrators and hold them accountable.
- Raise the issue of protection of HRDs and refugee HRDs in regular meetings with government officials.
- Pay special attention to the needs and security profiles of WHRDs and HRDs defending the rights of sexual minorities, including the provision of resources for security and protection as described in the EU Guidelines on Women Human Rights Defenders.

## To the Embassy of the Netherlands in Juba

- Ensure proper follow-up to [the recommendation](#) made to South Sudan by the government of the Netherlands at the 2016 Universal Periodic Review cycle on the protection of HRDs and journalists from violence and arbitrary arrests.

## To the Embassy Office of Sweden in Juba

- Ensure proper follow-up to [the recommendation](#) made to South Sudan by the government of Sweden at the 2016 Universal Periodic Review cycle on taking “all necessary measures to ensure that civil society organizations, human rights defenders and journalists are able to carry out their legitimate activities without facing legal or administrative obstructions or fear or threat of reprisals”.

## To the Embassy of Canada in Juba

- Ensure proper follow-up to [the recommendation](#) made to South Sudan by the government of Canada at the 2016 Universal Periodic Review cycle on the protection of HRDs “from human rights violations and abuses, including extrajudicial killings, enforced disappearances, torture and indiscriminate violence”.

## To the European Union

- Match sanctions against individuals affiliated with the South Sudanese government and security agencies that have been listed by the United States, in line with the EU Global Human Rights Sanctions Regime and previous sanctions adopted in 2016.
- Raise the issue of the targeting of South Sudanese refugee HRDs with a special hearing on the subject in the EU Parliament, which includes refugee HRDs.



## 5.4. To the United Nations

### To the UN Human Rights Council

- Renew the mandate of the UN Commission on Human Rights in South Sudan.
- Scrutinise the South Sudanese and neighbouring countries governments in relation to the targeting of refugee HRDs outside South Sudan.
- Adopt a resolution on the targeting of South Sudanese refugee HRDs by South Sudanese agents in neighbouring countries.

### To the UN Commission on Human Rights in South Sudan

- Pay special attention to the situation of South Sudanese refugees HRDs in neighbouring countries and document any incidents of threats, harassment and intimidation carried out by South Sudanese authorities outside South Sudan.

### To the UN Security Council

- Renew the mandate of the UN Panel of Experts on South Sudan.

### To the UN Panel of Experts on South Sudan

- Pay special attention to the situation of HRDs inside and outside the country and document the threats and intimidation efforts of the National Security Service and other actors, with a view to bringing the perpetrators to justice.

### To the UN Special Rapporteur on HRDs

- Engage with South Sudanese and regional authorities to raise the issue of the targeting of South Sudanese HRDs and refugee HRDs inside and outside the country.
- Issue a statement focused on the situation of South Sudanese refugee HRDs in neighbouring countries and raise the issue with Ugandan and Kenyan authorities.
- Consider including the issue of refugee HRDs as a focus area of your mandate.

### To UN Women

- Consider creating a specific programme for the protection of WHRDs, in collaboration with WHRDs, relevant agencies and specialised organisations.
- Actively engage with WHRDs and refugees WHRDs from South Sudan, inside and outside the country, to better respond to their specific needs.

## 5.5. To UNHCR and other refugee-assisting organisations

- Issue a set of Guidelines specific to the protection of refugee HRDs, to ensure all staff is trained in and has a thorough understanding of the protection needs of refugee HRDs.
- Develop a staff training on the protection needs of refugee HRDs.
- Develop a protection policy for HRDs who are registered refugees with UNHCR under the protection mandate of the agency, including a safe mechanism through which HRDs can report threats, intimidation and attacks.
- Ensure that there is a clear understanding of the needs of HRDs and WHRDs as refugees, including by developing fast-track programmes which allow for a quick registration of HRDs and WHRDs.
- Urgently develop programmes which ensure flexibility for the protection needs of refugee HRDs and WHRDs, which may include emergency relocation within the host country, or to another third country.
- Ensure that refugees HRDs and WHRDs are protected at all times against refoulement to their country of origin, including developing an emergency protocol for cases in which refoulement is imminent.

## 5.6. To donor agencies

- Engage with refugee HRDs to develop funding programmes specifically targeted to refugee HRDs, including paying special attention to the needs of refugee WHRDs and LGBTIQ+ refugee HRDs.
- Ensure that support provided to refugee HRDs includes covering ongoing costs for their continued human rights work, such as rent, salaries, program costs, training, food, shelter and protection measures, including family support.
- Create options for support of the families of refugee HRDs, as a protection measure for doing their HRD work.

# Endnotes

1. South Sudan gained independence from Sudan in 2011, after almost 50 years of war between the South and Sudan. The rebel leader who led the independence struggle, John Garang de Mabior, died in a helicopter crash shortly after the signing of the Comprehensive Peace Agreement in 2005. The role of leader, and then President, passed on to this second in command, current President Salva Kiir Mayardit. In 2013, civil war broke out as President Kiir accused his Vice President, Riek Machar, to be plotting a coup against him. A 2015 peace agreement between the two parties collapsed and led to renewed violence in 2016. A second, revitalised, peace agreement was signed in 2018. In February 2020, Kiir and Machar (and three other vice presidents) formed a Transitional Government of National Unity, which is tasked with leading the country to elections. At the time of writing, it is unclear when elections will take place, as the transitional period was recently extended (See Eye Radio, Transitional Period to be extended to 2023 — Ateny, 5 January 2021. Available at: <https://eyeradio.org/transitional-period-to-be-extended-to-2023-ateny/>)
2. Recent reporting by Amnesty International and Human Rights Watch shows the widespread use of illegal detention and surveillance of HRDs by the South Sudanese NSS inside South Sudan. See Human Rights Watch, What crime was I paying for?, December 2020. Available at: [https://www.hrw.org/sites/default/files/media\\_2020/12/southsudan1220\\_web.pdf](https://www.hrw.org/sites/default/files/media_2020/12/southsudan1220_web.pdf) and Amnesty International, "These Walls Have Ears" – The Chilling Effect of Surveillance in South Sudan", February 2021. Available at: <https://www.amnesty.org/download/Documents/AFR653572021ENGLISH.pdf>

Front Line Defenders has documented a trend of HRDs being targeted outside their country of origin by their national governments. This is not limited to South Sudan and deserves increased attention. Among the cases documented, Chinese, Palestinian, Pakistani and Syrian HRDs have faced surveillance and physical attacks while outside their countries. Front Line Defenders calls for accountability for attacks committed against HRDs, inside and outside their countries.
3. As an example, in August 2015 President Kiir stated during a news conference: "The freedom of press does not mean that you work against your country. And if anybody among them [the media] does not know this country has killed people, we will demonstrate it one day on them." Four days later, journalist Peter Moi was shot dead by unknown gunmen in Juba. After this murder, Kiir retracted his comments, stating they were taken out of context: "This was just a reminder to South Sudanese Journalists, not a threat of inhalation [sic] against Journalists as it was distorted. Nothing shall harm a Journalist when he/she is going about his/her journalistic profession." See Radio Tamazuj, Kiir threatens to kill journalists 'working against the country', 17 August 2015. Available at: <https://radiotamazuj.org/en/news/article/kiir-threatens-to-kill-journalists-working-against-the-country> and Radio Tamazuj, Kiir retracts death threat, says journos should not be murdered, 22 August 2015. Available at: <https://radiotamazuj.org/en/news/article/kiir-retracts-death-threat-says-journos-should-not-be-murdered>
4. This confirms findings from other research carried out by the UN Panel of Experts on South Sudan, the UN Commission on Human Rights in South Sudan, Human Rights Watch, Amnesty International, and Defend Defenders.
5. UN Security Council, Report of the Secretary General on the Situation in South Sudan, June 2020, §55. Available at: <https://undocs.org/S/2020/536>
6. Defend Defenders, Targeted but Not Deterred: Human Rights Defenders Fighting for Justice and Peace in South Sudan, May 2020. Available at: <https://defenddefenders.org/wp-content/uploads/2020/05/South-Sudan-report.pdf>
7. UN Commission on Human Rights in South Sudan, Report, February 2020, Annex II, §72. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A\\_HRC\\_43\\_56.docx](https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A_HRC_43_56.docx)
8. UN Commission on Human Rights in South Sudan, Report, February 2020, Annex II, §76. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A\\_HRC\\_43\\_56.docx](https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A_HRC_43_56.docx)
9. UNMISS, UNOHCHR, Report on the Right to Freedom of Opinion and Expression in South Sudan since the July 2016 Crisis, February 2018. Available at: [https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr\\_freedom\\_of\\_expression\\_report\\_-\\_final\\_amendment.pdf](https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr_freedom_of_expression_report_-_final_amendment.pdf)
10. Phone interview with confidential source, 22 February 2021
11. See, for example, Amnesty International, Agents of Fear: the National Security Service in Sudan, 2010. Available at: <https://www.amnesty.org/download/Documents/36000/afr540102010en.pdf>; Amnesty International, Sudanese National Intelligence Service empowered to violate human rights, 19 March 2015. Available at: <https://www.amnesty.org/en/latest/campaigns/2015/03/sudanese-national-intelligence-service-empowered-to-violate-human-rights/>
12. Phone interview with confidential source, 22 February 2021
13. Phone interview with confidential source, 22 February 2021
14. South Sudan, The Transitional Constitution of the Republic of South Sudan, article 159 (2). Available at: <https://www.refworld.org/docid/5d3034b97.html>; United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), §28. Available at: <https://www.undocs.org/S/2020/342>
15. United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), §29. Available at: <https://www.undocs.org/S/2020/342>
16. United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), §30. Available at: <https://www.undocs.org/S/2020/342>
17. UN Commission on Human Rights in South Sudan, Report, February 2020, §72. Available at: [https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A\\_HRC\\_43\\_56.docx](https://www.ohchr.org/Documents/HRBodies/HRCouncil/CoHRSouthSudan/A_HRC_43_56.docx)

18. United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), §60. Available at: <https://www.undocs.org/S/2019/301>  
  
According to a source interviewed, the repression of civil society and dissenting voices started officially after the 2011 independence referendum, when more critical voices started to appear. Phone interview with confidential source, 22 February 2021.
19. For a comprehensive critical review of the 2014 NSS Act by a group of civil society organisations, see Amnesty International et al., Comments on the 8 October 2014 Draft National Security Service Bill of the Republic of South Sudan. Available at: <https://www.amnesty.org/download/Documents/8000/afr650132014en.pdf>
20. South Sudan, The Transitional Constitution of the Republic of South Sudan, article 159 (3). Available at: <https://www.refworld.org/docid/5d3034b97.html>
21. In this sense, the Revitalised Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) followed the 2015 peace agreement, which focused on the SPLA and left out the NSS. See David Deng, Compound fractures: Political formations, armed groups and regional mediation in South Sudan, December 2018. Available at: <https://issafrica.s3.amazonaws.com/site/uploads/ear-21-1.pdf>
22. Phone interview with confidential source, 22 February 2021
23. UNMISS, UNOHCHR, Report on the Right to Freedom of Opinion and Expression in South Sudan since the July 2016 Crisis, February 2018. Available at: [https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr\\_freedom\\_of\\_expression\\_report\\_-\\_final\\_amendment.pdf](https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr_freedom_of_expression_report_-_final_amendment.pdf)  
  
For a comprehensive review of illegal detention practices of the NSS, see Human Rights Watch, What crime was I paying for?, December 2020. Available at: [https://www.hrw.org/sites/default/files/media\\_2020/12/southsudan1220\\_web.pdf](https://www.hrw.org/sites/default/files/media_2020/12/southsudan1220_web.pdf)
24. Phone interview with confidential source, 30 November 2020.
25. Phone interview with confidential source, 30 November 2020.
26. The vast majority of South Sudan's revenues comes from its oil production, which makes it an extremely coveted resource and one of the economic drivers of past and current conflicts. See Global Witness, Capture on the Nile, April 2018. Available at: [https://www.globalwitness.org/documents/19358/Capture\\_on\\_the\\_Nile\\_Global\\_Witness.pdf](https://www.globalwitness.org/documents/19358/Capture_on_the_Nile_Global_Witness.pdf)
27. His removal seems to be a consequence of ethno-political power struggles among government elites and does not seem to indicate a falling out of favour of Akol Koor Kuc with President Kiir. See United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2521 (2020), §28-29. Available at: <http://www.undocs.org/S/2020/1141>
28. Global Witness, Capture on the Nile, April 2018. Available at: [https://www.globalwitness.org/documents/19358/Capture\\_on\\_the\\_Nile\\_Global\\_Witness.pdf](https://www.globalwitness.org/documents/19358/Capture_on_the_Nile_Global_Witness.pdf)
29. United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), §90. Available at: <https://www.undocs.org/S/2020/342>
30. For more background on oil pollution in South Sudan, see Sam Mednick, Associated Press, South Sudan ignores reports on oil pollution, birth defects, 13 February 2020. Available at: <https://apnews.com/article/f2f06cfa70126ad179445720d7c60b8a>
31. Adding to the environmental damage and lack of social services, the only hospital available for the community – in Paloch – was closed when its doctors went on strike to demand payment of their delayed salaries and better working conditions. This left the community without any accessible health services.
32. United Nations, Universal Declaration on Human Rights, article 14 (1). Available at: <https://www.un.org/en/universal-declaration-human-rights/>
33. Prima facie refugee status means that refugees are recognised as such based on the country where they come from, with the assumption that there are “apparent, objective circumstances in the country of origin” to sustain such an assessment. This approach is often used in large-scale situations, when an individual refugee status determination interview may be impractical. See UNHCR, Guidelines on International Protection No. 11: Prima Facie Recognition of Refugee Status, June 2015. Available at: <https://www.unhcr.org/558a62299.html>
34. Uganda, The Refugee Act 2006, article 35 (d). Available at: <https://www.refworld.org/docid/4b7baba52.html>
35. UNHCR, Urban refugees face hunger in Uganda coronavirus lockdown, 26 May 2020. Available at: <https://www.unhcr.org/news/stories/2020/5/5ecced184/urban-refugees-face-hunger-uganda-coronavirus-lockdown.html>  
  
For background, history, and a critical review of Ugandan refugee policy frameworks, see Rights in Exile, Uganda's refugee policies: the history, the politics, the way forward, October 2018. Available at: <http://refugee-rights.org/wp-content/uploads/2018/10/IRRI-Uganda-policy-paper-October-2018-Paper.pdf>
36. Sorcha O'Callaghan et al., The Comprehensive Refugee Response Framework: Progress in Kenya, September 2019. Available at: <https://www.odi.org/sites/odi.org.uk/files/resource-documents/12940.pdf>
37. Phone interview with confidential source, 30 November 2020. For details on the surveillance technology available to South Sudan's NSS, as well as the tactics used in South Sudan to monitor and intimidate HRDs, see Amnesty International, “These Walls Have Ears” – The Chilling Effect of Surveillance in South Sudan”, February 2021. Available at: <https://www.amnesty.org/download/Documents/AFR6535772021ENGLISH.pdf>



38. Information from expert interviews offered at times conflicting views. One researcher reported cases from Sudan and Egypt, while another was not aware of cases in Sudan. Both were unaware of cases from Ethiopia – however, Amnesty International reported on the harassment of journalists covering Red Card Movement protests in Addis Ababa, see Amnesty International, South Sudan: 'We Are at Risk and on the Run' Security Agents Track Down Protesters'. Available at: <https://www.amnesty.org/download/Documents/AFR6506922019ENGLISH.PDF>
39. UNMISS, UNOHCHR, Report on the Right to Freedom of Opinion and Expression in South Sudan since the July 2016 Crisis, February 2018. Available at: [https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr\\_freedom\\_of\\_expression\\_report\\_-\\_final\\_amendment.pdf](https://unmiss.unmissions.org/sites/default/files/unmiss-ohchr_freedom_of_expression_report_-_final_amendment.pdf)
40. United Nations, Final report of the Panel of Experts in accordance with paragraph 18 (d) of resolution 2206 (2015) §134. Available at: <https://www.undocs.org/S/2016/70>
41. Quartz Africa, Tawanda Karombo, More African countries are relying on an Israeli surveillance tool to snoop on private citizens, 2 December 2020. Available at: <https://qz.com/africa/1940897/nigeria-kenya-use-israeli-surveillance-tool-to-listen-to-calls/>
42. Daniel sent a small amount of money to the phone number, through the M-Pesa system. Through this process, Daniel saw the name and surname of the person who registered the phone number.
43. Phone interviews with three HRDs.
44. Uganda, The Refugee Act 2006, article 35 (d). Available at: <https://www.refworld.org/docid/4b7baba52.html>
45. Phone interview with two HRDs.
46. In addition to the cases documented in this report, Human Rights Watch detailed a number of cases of South Sudanese citizens, some of whom had refugee status, who were deported back to South Sudan. See Human Rights Watch, What crime was I paying for?, December 2020, pages 49-52. Available at: [https://www.hrw.org/sites/default/files/media\\_2020/12/southsudan1220\\_web.pdf](https://www.hrw.org/sites/default/files/media_2020/12/southsudan1220_web.pdf)
47. According to the information Daniel was given at the moment of the tip-off, the letter had been received in October 2016.
48. Front Line Defenders is aware of the names of the other five activists who were exposed. They are not shared to protect their identities.
49. The Red Card Movement describes itself as “a Civil Rights Movement established to rebuild and safeguard a fair, free and open society, in which we seek to balance the fundamental values of liberty, equality and fraternity”. See Red Card Movement, Facebook page. Available at: <https://www.facebook.com/RED-CARD-Movement-2262745200437966/about>
50. The movement was formed partially as a response to the disappearance and murder of activist Dong Samuel Luak and opposition member Aggrey Ezibon Idri. Phone interview with confidential source, 8 February 2021.
51. Amnesty International, South Sudan: 'We Are at Risk and on the Run' Security Agents Track Down Protesters. Available at: <https://www.amnesty.org/download/Documents/AFR6506922019ENGLISH.PDF>
52. Amnesty International, South Sudan: 'We Are at Risk and on the Run' Security Agents Track Down Protesters. Available at: <https://www.amnesty.org/download/Documents/AFR6506922019ENGLISH.PDF>
53. Phone interview with confidential source, 8 February 2021.
54. Sarah noticed that the colour of the uniforms worn by those who were manning the checkpoint was the same olive green used by Ugandan police. However, she is not sure if they were Ugandan police.
55. Trinity College, Dr Peter Biar Ajak receives Cambridge PhD: a first for South Sudan, 23 October 2020. Available at: <https://www.trin.cam.ac.uk/news/dr-peter-biar-ajak-receives-cambridge-phd-a-first-for-south-sudan/>
56. The US government sanctioned a total of six individuals under the Global Magnitsky Human Rights Act for their involvement in the disappearance and murder of Dong Samuel Luak and Aggrey Ezibon Idri.
57. UNOHCHR, Joint Communication of UN Special Procedures on Enforced or Involuntary Disappearances, human rights defenders, torture and other cruel, inhuman or degrading treatment or punishment, to the government of South Sudan, 27 January 2017. Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=22968> ; Human Rights Watch, Kenya, South Sudan: Investigate Critics' Disappearance, 12 February 2019. Available at: <https://www.hrw.org/news/2019/02/12/kenya-south-sudan-investigate-critics-disappearance>
58. The other individuals sanctioned are: Abud Stephen Thiongkol, Malual Dhal Muorwel, Michael Kuajien, John Top Lam and Angelo Kuot Garang. US Department of the Treasury, Treasury Sanctions Individuals for Roles in Atrocities and Other Abuses, 10 December 2019. Available at: <https://home.treasury.gov/news/press-releases/sm852> ; US. Department of the Treasury, Treasury Sanctions South Sudanese First Vice President for Role in Serious Human Rights Abuse, 8 January 2020 <https://home.treasury.gov/news/press-releases/sm869>
59. UNOHCHR, Joint Communication of UN Special Procedures on arbitrary detention, promotion and protection of the right to freedom of opinion and expression, rights to freedom of peaceful assembly and association human rights defenders, independence of judges and lawyers, promotion and protection of human rights and fundamental freedoms while countering terrorism, to the government of South Sudan, 27 February 2019 Available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=24328>
60. United Nations, Final report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018), §48. Available at: <https://www.undocs.org/S/2019/301>

61. United Nations, Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2471 (2019), §44. Available at: <https://www.undocs.org/S/2019/897>
62. Amnesty International, Amnesty International slams sham trial that resulted in prison sentences for six men including activist Peter Biar Ajak, June 2019. Available at: <https://www.amnesty.org/download/Documents/AFR6505102019ENGLISH.pdf>
63. UNHCR and WFP operate hotlines in the settlement, where refugees can report fraud, exploitation and cases of SGBV among the communities. The organisations sub-contract the hotlines to private companies, which in turn employ refugees or local population directly from the communities affected. This offers the linguistic advantage of being able to reach to all communities in the settlement; however, there is often the risk – as in the case reported by Nadia – that confidentiality protocols are not adequately implemented.
64. Brian Adeba, Oversight mechanisms, regime security, and intelligence service autonomy in South Sudan, Intelligence and National Security, April 2020. Available at: <https://www.tandfonline.com/doi/full/10.1080/02684527.2020.1756624> [accessed 3 March 2021]
65. For more on this, see: Brian Adeba and the Enough Project Team, A Hijacked State: Violent Kleptocracy in South Sudan, February 2019. Available at: [https://enoughproject.org/wp-content/uploads/AHijackedState\\_Enough\\_February2019-web.pdf](https://enoughproject.org/wp-content/uploads/AHijackedState_Enough_February2019-web.pdf); Alex de Waal, When kleptocracy becomes insolvent: Brute causes of the civil war in South Sudan, July 2014. Available at: [https://www.researchgate.net/publication/273036929\\_When\\_kleptocracy\\_becomes\\_insolvent\\_Brute\\_causes\\_of\\_the\\_civil\\_war\\_in\\_South\\_Sudan](https://www.researchgate.net/publication/273036929_When_kleptocracy_becomes_insolvent_Brute_causes_of_the_civil_war_in_South_Sudan)
66. In its latest global assessment, Transparency International ranked South Sudan as the second most corrupt country out of 180. See Transparency International, Corruption Perceptions Index 2020. Available at: <https://www.transparency.org/en/cpi/2020/index/ssd#> In its response, the South Sudanese government, through a spokesman, accused Transparency International of corruption. See: The East African, S. Sudan questions Transparency International graft report, 3 February 2021. Available at: <https://www.theeastaffrican.co.ke/tea/news/east-africa/south-sudan-transparency-international-corruption-report-3278056>

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