August 31, 2020

To:

Ministry of Internal Affairs
Plot 75, Jinja rd
P. O. Box 7191
Kampala

Office of the Prime minister, Department of Refugee Affairs
Plot 9-11, Apollo Kaggwa Road
P.O. Box 341
Kampala, Uganda

Your Excellencies,

Transmitted via Email: [email];

Re: Role of Ugandan authorities in harassment and disappearance of South Sudanese government critics

I am writing on behalf of Human Rights Watch to share our findings from research on the role of the National Security Service in South Sudan and in neighboring countries including in Uganda.

As you may know, Human Rights Watch is an independent organization that monitors human rights and reports in more than 90 countries around the world. We produce reports on our findings to raise awareness about human rights issues and to promote policy recommendations for change. We have documented human rights developments throughout the Sudans for more than 20 years and have reported on human rights concerns in South Sudan since its independence.

Our findings are based on interviews with former detainees and families of victims of abuses by South Sudan’s National Security Service conducted between September 2018-May 2020. They indicate that Ugandan authorities sometimes at the behest of South Sudanese authorities have harassed, intimidated, and renditioned or abducted South Sudanese from Uganda to South Sudan on
accusations that they have committed various crimes or because they are deemed to oppose the government. These operations were carried out without warrants or extradition orders.

One of these cases include:

- In May 15, 2017, [redacted], a 27-year-old South Sudanese university student and refugee living in Kinyandogo was arrested and detained by seven armed Ugandan police officers from the Directorate of Criminal Investigation and Crime Intelligence at around 9pm. He was taken to a police station in Kinyandongo where officers told him that he was “wanted by the government of South Sudan” because he committed murder there, and that he was accused of being a rebel and carrying a pistol, charges he denied. Officers told him that South Sudan had requested his extradition but he was not shown a warrant for his arrest or an extradition order. Eight days after his arrest, he was transported from Kinyandongo to Entebbe by road and to Nimule, South Sudan via a plane chartered by the National Security Service of South Sudan. He was then detained by the NSS without charge or trial until his release in November 2018.

Human Rights Watch is committed to producing material that is well informed and objective. We would like to request your response to our findings by September 4, so as to enable us include information you provide in our forthcoming report.

1. Please respond to the allegation that your government unlawfully removed the [redacted] from Ugandan territory and clarify the circumstances and grounds under which the above-mentioned individual was removed from Uganda including whether there was a valid warrant of arrest or extradition order? If possible, we would appreciate a copy of such documentation.

2. What arrangements or understanding the Ugandan authorities have with South Sudan regarding requests to forcibly return South Sudanese citizens to South Sudan, including any arrangements the Ugandan authorities have permitting South Sudan’s National Security Service to operate on Ugandan territory?

3. Is it legal under Uganda law for a person living in Uganda to be forcibly expelled from Uganda to South Sudan without going through an appropriate procedure before an independent court to determine the legality of such an expulsion including whether the expulsion would violate any human rights norms? If so under what circumstances would it be legal?
4. Have you received complaints about and/or investigated reports of harassment of South Sudanese activists, refugees and asylum seekers by Ugandan authorities? Please provide details of any investigations undertaken or underway into the above case including how many Uganda officials have been investigated, suspended from duty, disciplined, or prosecuted, and what are their ranks and titles? If possible, we would appreciate the details of the who conducted the investigation and the outcome of the inquiry.

Thank you for your consideration and we look forward to your responses to our inquiries by September 14, 2020 so that we can include them in our report. We would also welcome the opportunity to discuss these issues with you further over the phone or other medium.

Should you have any questions, please do not hesitate to contact our South Sudan researcher Nyagoah Pur on email (***************).

Yours sincerely,

Jehanne Henry
East Africa Director
Human Rights Watch

CC: Ministry of Foreign Affairs, **************
CC: Gerald Menhya, Acting commissioner for refugees, **************
CC: Ndahiriwe Innocent, legal advisor, OPM, **************