

Ottawa  
Friday, October-03-14

## **Article 45 on South Sudan**

### **Developments in South Sudan Conflict: South Sudan national Security Bill: Who Cares?**

Our Articles 1 to 3 and 5 to 44 were situation analyses of the conflict in South Sudan. Our articles 4 (A), 4 (B) and 4 (C) were the first of our series on “Who is Who”. This article 45 is dedicated to the controversial issue of the new South Sudan National Security Bill 2014.

When we posted the strong article of Amnesty International in Article 43 of October 1<sup>st</sup> 2014, several of our colleagues in the mailing list from various parts of the world came back to us asking for the draft bill and more information. Only 3 recipients from South Sudan origin had comments for us and one request for the draft bill.

We are now attaching the latest draft bill as link:

<https://radiotamazuj.org/sites/default/files/Natl%20Security%20Service%20Bill%202014.pdf>

This is the latest version as shall go to parliament next Tuesday October 7<sup>th</sup>.

We do have hard copy but it is 10 MB and unless you cannot open the link, there is no reason to send such a large volume document to your e-mails.

Below as well is a strong article by Human Rights Watch against the bill.

**Once wonders:** Where did the South Sudanese go?

While the members of the Legislative Assembly seem “lukewarm” about the bill, at least they are now “hesitant” to pass it and not a rubber stamp.

Standing against such bills giving impunity to NSS is what builds a nation not if Kiir or Machar will be president. Please read the bill well and then please speak up if you wish to change South Sudan to the better.

Subsahara Centre  
Ottawa, Canada

**South Sudan: Flawed Security Bill Headed for Vote  
Gives Sweeping Powers to Abusive Security Forces**  
October 3, 2014

As is, the National Security Service bill would sanction the national security service's abusive and unlawful detentions and interrogations. South Sudan should insist on a higher standard instead of echoing Sudan's draconian national security law.

**Daniel Bekele, Africa director. Human Rights Watch**

(Nairobi) – South Sudan's lawmakers should overhaul draft legislation that would establish and regulate the powers of the National Security Service (NSS) to ensure that it conforms with international human rights standards. The draft law is pending before parliament and expected to be put to a vote on October 7, 2014.

“As is, the National Security Service bill would sanction the national security service's abusive and unlawful detentions and interrogations,” said Daniel Bekele, Africa director at Human Rights Watch. “South Sudan should insist on a higher standard instead of echoing Sudan's draconian national security law.”

The bill should be revised to bring it in line with international human rights standards, and South Sudan's Bill of Rights, Human Rights Watch said.

The security service has operated without a legal basis since South Sudan's independence. Human Rights Watch has documented serious security service violations such as arbitrary detentions of people for their perceived political views, and of journalists. Following the outbreak of new conflict in South Sudan in December 2013, the security service increased censorship and detained several journalists, creating an atmosphere of fear for journalists and independent groups.

Earlier in 2014, the security service ordered the newspaper *Almajhar Alsayasy*, to cease publication. Authorities have confiscated issues of another weekly newspaper, *Juba Monitor*, eight times in the past seven months. In June, security officials seized an entire run of the *Citizen*, another weekly newspaper. In August, the security service suspended the Catholic FM Radio Bahkita for several weeks, locking the office, arresting three staff members, and detaining one for three days over a report about the army's death toll in a battle.

The Justice Ministry drafted the bill and introduced it in the National Legislative Assembly in May. The bill gives the National Security Service officers the same powers of arrest and detention as the police, but does not specify where people it detains are to be held. It also does not explicitly guarantee detainees basic due process rights, such as the right to counsel. The bill also grants the security officers wide powers of surveillance and the authority to search and seize property without clear judicial oversight, and shields them from any criminal liability.

South Sudan's transitional constitution, which contains due process guarantees, envisages a National Security Service with a mandate that includes “information gathering, analysis and advice to the relevant authorities.” Those provisions are the same as were in Sudan's Interim National Constitution, passed after the 2005 Comprehensive Peace Agreement.

Sudan's National Intelligence and Security Service (NISS) continues to enjoy broad powers of arrest, detention, search, and seizure that do not comply with international human rights standards. Sudanese and international human rights groups have long called for the reform of Sudan's law.

The conflict that began in South Sudan in December 2013 has been characterized by unlawful

attacks on civilians – often targeted and killed because of their ethnicity – and civilian property. The violence has killed thousands of people, largely destroyed key towns, and forced an estimated 1.5 million people to flee their homes, often to places where they face severe hunger.

The United Nations Mission in South Sudan and human rights organizations, including Human Rights Watch and Amnesty International, have documented abuses that constitute war crimes by both government and opposition forces as well as potential crimes against humanity.

“South Sudan’s security service has been operating for years without a legal mandate,” Bekele said. “There needs to be a legal basis for security service actions, but it should be an agency that will protect rights, not one that creates the kind of security body South Sudanese fought to free themselves from.”