

AMNESTY INTERNATIONAL PUBLIC STATEMENT

19 November 2021 Index Number: AFR 65/5017/2021

SOUTH SUDAN: UNFREEZE CIVIL SOCIETY AND POLITICAL ACTIVIST'S BANK ACCOUNTS

Joint statement on South Sudan's Central Bank freezing of bank accounts of civil society organizations, activists, and a politician.

The Bank of South Sudan must immediately unfreeze the accounts of three civil society organizations, a think tank, four civil society activists and a political activist. The 46 organizations signed on to this statement believe that the freezing of these bank accounts is an attempt by the South Sudanese authorities to suppress calls for peaceful protests against the government and unduly restrict the rights to freedom of expression, association and peaceful assembly, including by forcing them to stop the activities of real and perceived members of a newly formed civic action group called the People's Coalition for Civic Action (PCCA).

On 6 October, Director General Moses Makur Deng of the Bank of South Sudan's Directorate of Supervision, Research and Statistics directed all commercial banks operating in South Sudan to block, with immediate effect and until further notice, all the bank accounts of organizations connected to the PCCA, naming the local think tank Sudd Institute and civil society organizations, the Organization for Responsive Governance (ORG), Okay Africa Foundation, and the Foundation for Democracy and Accountable Governance (FODAG).¹

That same day, a second directive was given to all commercial banks operating in South Sudan by the same authority to freeze and block, with immediate effect, all the personal bank accounts of Abraham Awolic, former Executive Director of the Sudd Institute; Rajab Mohandis, Executive Director of ORG; Wani Michael Saki Lotio, former Executive Director of civil society organization Okay Africa Foundation; Jame David Kolok, Executive Director of FODAG and Kuel Aguer Kuel, former governor of Aweil. The directive gives no justification for the punitive measure.²

According to four of the five individuals affected by this measure,³ they had not received any prior official notice from their banks or proof of any required legal proceedings. According to two of the individuals affected, bank staff had informally told them they were acting on the orders of the Central Bank. At least four of the five individuals affected have been unable to access their personal and the organizations' bank accounts.⁴

Article 79 of the 2012 South Sudan Banking Act allows the Bank of South Sudan to issue a written instruction to banks to freeze accounts "if it has reason to believe that any account held in any bank has funds on the account that are the proceeds of crime [...]".⁵ Article 7 of the 2011 Bank of South Sudan Act prohibits the Bank or any member of the Board or other Bank officials to "seek or take instructions from any ministry, public institution, office, agency, or other entity or their members or officials." The same article prohibits South Sudanese government authorities to "improperly seek to influence the Bank or any member of the Board or other Bank officials in the performance of their tasks or interfere with the proper execution of such tasks."

The undersigned organizations are concerned that the decision to freeze the bank accounts of these civil society organizations and activists is a form of reprisal for their real or perceived membership of the PCCA, which is calling for peaceful protests and a change in the country's leadership, is an abuse of power and an attack on the right to freedom of expression protected by article 24(1) of South Sudan's 2011 Constitution and the rights to peaceful assembly and association guaranteed by article 25(1) of South Sudan's 2011 Constitution. The rights to freedom of expression and of

¹ Bank of South Sudan, Letter regarding the directive to block the bank accounts of organization [sic] connected to PCCA, 6 October 2021. On file.

² Bank of South Sudan, Letter regarding the directive to freeze and block all bank accounts of PCCA members, 6 October 2021. On file.

³ The fifth individual affected could not be reached because South Sudanese authorities have detained him in Juba Central Prison.

⁴ The fifth individual affected could not be reached because South Sudanese authorities have detained him in Juba Central Prison.

⁵ Article 79 of the 2012 South Sudan Banking Act.

association are furthermore guaranteed under Articles 9 and 10 of the African Charter on Human and Peoples' Rights to which South Sudan is a state party.⁶

The ability to seek, secure and use resources is essential to the existence and effective operations of any association, including civil society organizations. The right to freedom of association not only includes the ability of individuals to come together and join an association but also to seek, receive and use resources from domestic, foreign, and international sources. In this sense, the UN Declaration on Human Rights Defenders explicitly protects the rights of individuals and associations to solicit, receive and utilize resources for the purpose of promoting and defending human rights.

If the Bank of South Sudan ordered the freezing of the accounts on instruction by South Sudanese government actors, it would also constitute a violation of Article 7 of the 2011 Bank of South Sudan Act.

The work of these civil society organizations has been critical in various areas, including human rights, governance, rule of law and youth empowerment; areas of work where the Government of South Sudan has not fulfilled its responsibilities. The freezing of the bank accounts of these organizations delivering vital services and advocating for the rights of the people in South Sudan will hurt those relying on them and could have a wider chilling effect on many others working to promote and defend human rights.

This decision by the Central Bank of South Sudan is yet another incident and more evidence of the repressive nature in which South Sudanese entities continue to crack down on civic space and human rights, including calls for peaceful protests, and the pervasive impunity with which they can do this.

In August and September 2021, South Sudanese authorities responded to calls by the PCCA for peaceful protests with a new wave of repression.⁷ Between 2 and 30 August, government actors arbitrarily detained at least 14 people across the country in relation to the planned peaceful protests, closed a think tank and a radio station, increased surveillance of suspected protesters and organizers, and heavily deployed security forces to obstruct the planned protests that forced civil society actors into hiding for fear of arrest.⁸

On the eve of the protests, Amnesty International and media organizations⁹ documented internet disruptions that lasted until the end of the day, when the failed protests were to take place. The signatories of this statement suspect that the internet shutdown may have been a deliberate attempt by the authorities to further derail the protests.¹⁰

The authorities continue to arbitrarily detain Kuel Aguer Kuel, one of the founders of a political action group calling for the peaceful protests, at Juba Central Prison for his role in the PCCA and calls for peaceful protests. Media reports have quoted Kuel Aguer Kuel's family members saying that he is in poor health.¹¹

We call on the Central Bank of South Sudan to:

- Immediately order the unfreezing of the bank accounts of Organization for Responsive Governance (ORG), Okay Africa Foundation, and the Foundation for Democracy and Accountable Governance (FODAG), the Sudd Institute and Abraham Awolic, Rajab Mohandis, Wani Michael Saki Lotio, Jame David Kolok, and Kuel Aguer Kuel.

We furthermore call on all South Sudanese authorities to:

- Ensure that civil society organizations, human rights defenders, academic and political activists involved in promoting human rights can freely exercise their rights protected by South Sudan's 2011 Constitution and the country's international human rights obligations including the ACHPR.
- Ratify the International Covenant on Civil and Political Rights (ICCPR).

⁶ Articles 9 and 10 of the African Charter of Human and Peoples Rights, 1981.

⁷ Amnesty International, "South Sudan: End new wave of repression against peaceful protests", 3 September 2021, <https://www.amnesty.org/en/latest/news/2021/09/south-sudan-end-new-wave-of-repression-against-peaceful-protests/>

⁸ Amnesty International, South Sudan must respect the right to freedom of peaceful assembly, AFR 65/4760/2021, 23 September.

⁹ Reuters, Internet disrupted, streets quiet in South Sudan after calls for protests, 30 August, <https://www.reuters.com/world/africa/internet-disrupted-streets-quiet-south-sudan-after-call-protests-2021-08-30/>; Radio Tamazuj, South Sudan: Internet cut ahead of planned protests, 30 August, <https://radiotamazuj.org/en/news/article/south-sudan-internet-cut-ahead-of-planned-protests>

¹⁰ Amnesty International, "South Sudan: End new wave of repression against peaceful protests", 3 September 2021, <https://www.amnesty.org/en/latest/news/2021/09/south-sudan-end-new-wave-of-repression-against-peaceful-protests/>

¹¹ Eyeradio, Kuel Aguer's health reportedly deteriorating, 19 September, <https://eyeradio.org/kuel-aguers-health-reportedly-deteriorating/>

- Repeal any law or practice that unduly restricts the ability of civil society organizations and human rights defenders to seek, receive and use funding and other resources.
- Investigate and hold to account officials responsible for any abuse of authority that restricts the ability of individuals and organizations to promote and defend human rights.
- Refrain from taking any punitive measure against people organizing or participating in peaceful protests.

Signed by the following civil society organizations:

1. Africa Light Organization for Relief and Development
2. African Defenders (Pan-African Human Rights Defenders Network)
3. Alliance for Development
4. Amnesty International
5. Center for Citizens Communication and Justice
6. Centre for Development and Research South Sudan
7. Center for International Humanitarian Law and Human Rights - Yemen
8. Civic and Legal Aid Organization, Tanzania
9. CIVICUS
10. Community Empowerment for Progress Organisation - South Sudan
11. Community Empowerment Initiative Network
12. Community Protection Centre - Somalia
13. Community Transformation Foundation Network - Uganda
14. Consortium of Ethiopian Human Rights Organisations
15. Corruption Brakes Crusade, Uganda
16. Crisis Resolving Centre (Tanzania)
17. DefendDefenders (East and Horn of Africa Human Rights Defenders Project)
18. Defenders Coalition Kenya
19. Good Health Community Programs - Kenya
20. Human Rights Concern – Eritrea
21. Human Rights Defenders Coalition of Malawi
22. Human Rights Defenders Solidarity Network Uganda
23. Human Rights Sanrakshan Sansthaa
24. Iniskoy for Peace and Development Organisation – South Sudan
25. International Association of People’s Lawyers
26. ISDO Rwanda
27. Islamic Development and Relief Agency – South Sudan
28. Jamaa Resource Initiatives Kenya
29. Kijiji Yeetu - Kenya
30. Ligue Burundaise des droct de L’homme Iteka - Burundi
31. Malaba Wikileaks

32. Mandera County Human Rights Network - Kenya
33. Masvingo Residents Forum
34. National Coalition for Human Rights Defenders - Uganda
35. Organization for Progressive African Movement
36. Partenariat pour la Protection Intégrée - DRC
37. Raise the Young Foundation
38. Scarlet Initiative Uganda
39. Sexual Minorities Uganda
40. Solidarity 2020 and Beyond - USA
41. Somali Human Rights Association
42. Tanzania Human Rights Defenders Coalition
43. Young Positives South Sudan
44. Youth Advocacy Foundation Uganda
45. Youth Forum for Social Justice
46. Zaina Foundation - Tanzania