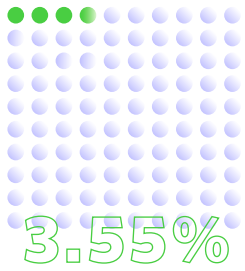


UPR SESSION 40

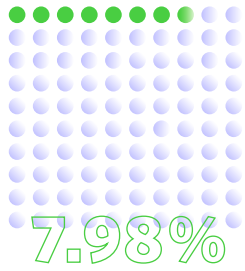
# SOUTH SUDAN

FREEDOM OF EXPRESSION & INTERNET FREEDOM

### HOUSEHOLDS WITH INTERNET ACCESS

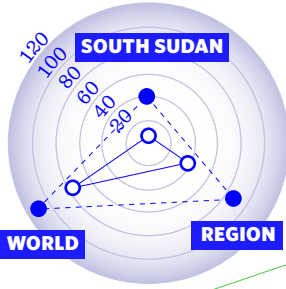


### INDIVIDUALS USING THE INTERNET



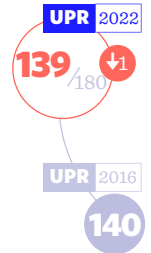
### SUBSCRIPTIONS PER 100 INHABITANTS

Sources: Internet Telecommunications Union, Reporters Without Borders



### PRESS FREEDOM RANKING

Reporters Without Borders



## South Sudan must align its laws and practices with international human rights standards in order to protect digital rights

South Sudan, which gained independence from Sudan in 2011, has witnessed several political challenges that further delayed overdue national elections. South Sudan People’s Defence Forces (SSPDF) and the autonomous National Security Service (NSS) exercise an overbearing influence on political affairs.

Articles 32 ,24 ,22 of the Transitional Constitution of the Republic of South Sudan 2011 provide for the rights to privacy, freedom of expression, access to information respectively. These rights are also provided for under international human rights treaties like the ICCPR and the African Charter, which South Sudan is party to. Despite these provisions, these rights continue to be at risk in South Sudan. As a result, digital rights are under threat in South Sudan, with the country seeing attacks on media practitioners, arbitrary use of communications surveillance, and expensive internet access.

We therefore call on states to recommend that South Sudan should protect digital rights in the upcoming third UPR cycle.

## RECOMMENDATIONS

- Decriminalise defamation and desist from arbitrary arrests, torture and intimidation of journalists, human rights activists, and government critics.
- Allow for independent judicial oversight over surveillance requests, in line with international human rights standards.
- Enact a data protection and privacy law, in line with international and regional standards.

### SUBMITTING ORGANISATIONS<sup>1</sup>



SMALL MEDIA



CIPESA



DEFYHATENOW



FOE HUB

● Decriminalise defamation and desist from arbitrary arrests, torture and intimidation of journalists, human rights activists, and government critics.

- Repeal the provisions of Article 289 of the Penal Code Act, 2008 and Clause 28 of the Media Authority Act on criminal defamation.
- Uphold Clause 6 (13) (b) of the Media Authority Act which protects media from censorship by any official or non-official authority.
- Adhere to the provisions of Section 17 of the Right of Access to Information Act on proactive disclosures of public information.

According to the Committee to Protect Journalists (CPJ), at least six journalists were killed in the course of their work between 2015 and 2017.<sup>1</sup>

On 14 September 2020, Zachariah Makuach Maror was sentenced to one year in jail for the offence of defamation under section 289 of the Penal Code Act. The sentence was for an article he published on government corruption with The Dawn Newspaper in January 2020.<sup>2</sup>

The South Sudan National Security Service (NSS) has carried out various attacks on media practitioners including:

Removal of articles criticising the government in Al-Mougif, an Arabic daily newspaper.<sup>3</sup>

Arrest of the Voice of Eastern Equatorial Radio journalist, Ijoo Bosco for sharing news on human rights abuses in South Sudan<sup>4</sup> and Jackson Ochaya<sup>5</sup> for allegedly quoting a rebel spokesperson, respectively.

Increase in public proclamations and intimidation of journalists by government officials which included urging them not to 'cross the red line' in their coverage.<sup>6</sup>

● Allow for independent judicial oversight over surveillance requests and enact a data protection legislation in line with international human rights standards

- Amend the provisions of Articles 13 and 32 of the National Security Act of 2014 in line with international human rights standards on surveillance requests.

Article 32 National Security Services Act (NSS Act) provides the NSS with unfettered powers to monitor communications and gather information relating to any person without adequate privacy safeguards.

Surveillance in South Sudan has created a chilling effect among citizens as government actors deploy various rights-averse and privacy-threatening equipment to monitor human rights activists, journalists and critics.<sup>7</sup>

The NSS has expanded its surveillance and infiltration beyond security institutions, to civil society organisations, media houses, and universities countrywide without effective safeguards for privacy rights.<sup>8</sup>

According to the United Nations, agents have used these powers to intimidate, detain, and murder journalists, opposition activists, civil-society representatives, and non-Dinka citizens, forcing many to flee the country.<sup>9</sup>

● Put measures in place to reduce the cost of Internet access and ensure its affordability.

Only 8% of individuals use the Internet in South Sudan.<sup>10</sup>

Internet access is limited to the capital Juba and few major towns, leaving out the vast majority of South Sudanese people living in rural areas.

# FOOTNOTES

<sup>1</sup> Committee to Protect Journalists 'South Sudan'  
[https://cpj.org/data/killed/2015/south-sudan/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc\\_fips%5B%5D=SS&start\\_year=2015&end\\_year=2017&group\\_by=location](https://cpj.org/data/killed/2015/south-sudan/?status=Killed&motiveConfirmed%5B%5D=Confirmed&type%5B%5D=Journalist&cc_fips%5B%5D=SS&start_year=2015&end_year=2017&group_by=location).

<sup>2</sup> Eye Radio, 'Family of a Journalist to appeal court rulling in favour of finance minister'  
<https://eyeradio.org/family-of-a-journalist-to-appeal-court-ruling-in-favor-of-finance-minister/>.

<https://zimbabwe.misa.org/29/06/2020/masvingo-journalist-charged-with-undermining-authority-of-president/>.

<sup>3</sup> Obal Okuj, Al-Mougif newspaper condemns national security of censorship' May 2019 ,21;  
<https://eyeradio.org/al-mougif-daily-newspaper-condemns-national-security-of-censorship/>.

<sup>4</sup> Radio Tamazuj, 'Journalist jailed in Torit released after six days'  
<https://radiotamazuj.org/en/news/article/journalist-jailed-in-torit-released-after-six-days>.

<sup>5</sup> Radio Tamazuj, 'Journalist detained for allegedly quoting rebels spokesperson'  
<https://radiotamazuj.org/en/news/article/journalist-detained-for-allegedly-quoting-rebel-spokesperson>.

<sup>6</sup> Radio Tamajuz, 'Redline for journalists'  
<https://radiotamazuj.org/uploads/media/58efabae6230f.mp3> ; Radio Tamajuz, " Transcript: South Sudan minister of information warns press  
<https://radiotamazuj.org/en/news/article/transcript-south-sudan-information-minister-warns-press>.

<sup>7</sup> Amnesty International 'These walls have ears: The chilling effect of surveillance in South Sudan'  
<https://www.amnesty.org/download/Documents/AFR6535772021ENGLISH.pdf>.

<sup>8</sup> OHCHR, 'Statement by Yasmin Sooka, Chair of the UN Commission on Human Rights in South Sudan'  
<https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26762&LangID=E>, 26 October 2021.

<sup>9</sup> Freedom house, South Sudan  
<https://freedomhouse.org/country/south-sudan/freedom-world/2021>.

<sup>10</sup> ITU, 'Measuring the Information Society Report 2018: South Sudan'  
[https://www.itu.int/en/ITU-D/LDCs/Documents/2017/Country%20Profiles/Country%20Profile\\_South-Sudan.pdf](https://www.itu.int/en/ITU-D/LDCs/Documents/2017/Country%20Profiles/Country%20Profile_South-Sudan.pdf).

# UNIVERSAL PERIODIC REVIEW

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**UPROAR** is coordinated by Small Media, in collaboration with a network of digital rights organisations working internationally.

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