



**¹The Human Rights Situation in South Sudan
Testimony by Amnesty International USA before the
House Tom Lantos Human Rights Commission
July 10, 2015
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Introduction

On behalf of Amnesty International USA we would like to thank the Members of the Tom Lantos Human Rights Commission for the opportunity to present our analysis and recommendations on the ongoing crisis in South Sudan.

Amnesty International's Work on South Sudan

Amnesty International is the world's largest human rights organization, with more than 7 million supporters in over 150 nations and territories. There are 80 country chapters of Amnesty International. Here in the United States we have nearly 500,000 supporters whose dedication to human rights has impacted both policy and practice around the world.

Amnesty International has been seeking to protect and improve human rights in Sudan since its formation in 1961 and on South Sudan since it seceded from Sudan and gained its independence in 2011. AI has issued reports, held meetings with government representatives for South Sudan, and have also submitted reports to various UN and AU bodies.

Background South Sudan

The conflict that has devastated South Sudan began on December 15, 2013 when a rift in South Sudan's ruling party between President Kiir and Vice-President Riek Machar escalated into armed confrontation between their respective forces. Conflict continues in the Jonglei, Unity and Upper Nile states and the United Nations High Commission for Refugees reports that the conflict has resulted in 2, 400,000 refugees and internally displaced persons (IDPs).²

¹ Prepared with the help Nyagoah Tut

² [UNHCR Global Appeal 2015 Update](#)

The Cessation of Hostilities agreed to by both parties on January 23, 2014 has been violated numerous times by both sides. On March 6, 2015 the final deadline set by the Inter-Governmental Authority on Development (IGAD) to achieve a peace agreement failed due to a lack of consensus on the structure of the transitional government and future divisions of power. An IGAD proposal issued in early June has been rejected by both parties. While the deadline has been extended, the conflict still rages on.

As the conflict intensifies, civilians continue to bear the brunt of the conflict. During the week of June 15, 2015, the United Nations Children's Fund (UNICEF) reported that at least 129 children were killed in Bentiu in May with boys castrated and left to bleed to death and girls as young as eight raped and killed.

GENERAL CONCERNS AND OBSERVATIONS

2015: Escalating violence South Sudan

Despite international and regional efforts to establish peace, conflict and human rights violations continue unabated. On December 24, 2013 the UN Security Council approved an increase of the UN Mission in South Sudan (UNMISS) to 12,500 troops and increased the mission's police force to a maximum of 1,323 personnel. The United Nations mandate was revised in May 2014 to focus on protecting civilians, monitoring and investigating human rights, creating conditions that facilitate the delivery of humanitarian assistance and supporting the efforts to cease hostilities.

However, the recent surge of military action delineates how international efforts have largely been ineffective. The Office of the High Commission on Human Rights (OHCHR) reported that between 29 April and 12 May this year at least 28 towns and villages in the Unity State have been attacked. These attacks by government forces on civilians and the resulting civilian displacement reflect the conflict driven human rights violations of early 2014. In Bentiu, civilian killings, abduction and sexual violence are not only still occurring, but escalating at an alarming rate. On 30 June UNMISS issued a report with findings of widespread abuses against civilians marked by a 'new brutality and intensity' committed by government forces in southern parts of Bentiu. Moreover, UNICEF estimates that

approximately 9,000 children have been recruited by all parties to serve in armed forces and groups. The continuance of armed conflict is demonstrative of both the lack of interest on both sides to end the conflict, and the international community's reluctance to take bold steps to address continued atrocities.

Those who fled violence in Rubkona, Guit, Koch and Leer counties describe how government forces, mostly from the Bul section of the Nuer ethnic group, have been attacking their villages with axes, machetes and guns. Armed groups have also participated in the mass killing of civilians. On 25 April, an armed group with machine guns, large guns, and RPGs attacked the Atar village in Piji county and shot anyone they saw.

Those who survived these attacks sought refuge at UN protection of civilian sites. Intense fighting between the Sudan People's Liberation Movement/Army-In Opposition, government forces, allied youth and militia groups have caused thousands to flee to a United Nations base in Bentiu.

Government soldiers have targeted and killed people based on ethnicity and assumed political affiliation. Parties to the conflict have attacked hospitals and places of worship where civilians have taken refuge/sheltered. Currently the culture of impunity allows these abuses to go unchecked. Perpetrators need to be held accountable for their actions to deter further atrocities.

Deepening Humanitarian Crisis

South Sudan is in dire need of humanitarian assistance due to the conflict; however, obstruction of humanitarian assistance by parties to the conflict is a significant roadblock to delivering lifesaving assistance. Parties to the conflict have attacked UN and humanitarian workers. Five humanitarian workers have been killed, two UN employees abducted and three crew members killed when their UNMISS helicopter was shot down.

IDPs

The war has resulted in a massive Internally Displaced Persons crisis. In addition to the 2.4 million people who have been displaced, the UN Office for the Coordination of Humanitarian Affairs (OCHA) estimates that due to recent escalating violence

some 100,000 people have been displaced because of the recent intense conflict in the Unity state. Thousands of others have fled into the bush or swamp areas. Of the over 2 million persons who are displaced, 235,000 are living in UN bases in Sudan and over 500,000 are residing in bases in neighboring countries. However, parties have attacked these UN protection of civilian sites. Civilian casualties have been recorded from falling mortar shells. On December 19, 2014, 2,000 armed youth surrounded a UNMISS base in Akobo where civilians had sought refuge and killed two peacekeepers and an estimated 20 people. On April 17, 2015, 50 IDPs were killed during an armed assault on the UNMISS base in Bor.

Government Repression

Freedom of expression is heavily curtailed in South Sudan. Authorities, especially the National Security Service (NSS) routinely harass and intimidate human rights defenders and journalists. NSS arbitrarily detains journalists and orders some to leave the country. NSS officers have shut down newspapers, seized copies of papers and prohibited the publication of articles.

Furthermore, the weakness of the criminal justice system has resulted in rampant human rights abuses such as pretrial detention, failure to guarantee due process and fair trials, and arbitrary arrest and detention. State security forces are only contributing to the overwhelming culture of impunity and fear through their inability to hold perpetrators of human rights abuses accountable and the arbitrary arrest and detention of journalists and human rights defenders. Moreover, the capacity of the police and judiciary to enforce the law has been decimated due to militarization and the defection of many police officers

On October 8, 2014 the Parliament passed a National Security Service Bill.

However, President Kiir refused to sign it into law and sent it back for revisions.

The Bill gives the National Security Service (NSS) broad powers to arrest and detain without appropriate oversight mechanisms against abuse. The fact that this bill was passed by South Sudan's Parliament is a cause for concern. Moreover, a draft Non-Governmental Organizations Bill was being considered by Parliament. This bill would have restricted the right to freedom of association by requiring registration, prohibiting NGOS from operating without being registered, and criminalizing voluntary activities that were carried out without a registration certificate.

South Sudan is not only plagued with the rampant conflict and militarization of the country, but also severe restrictions on the freedom of speech and assembly.

Need for Accountability

Even though the government of South Sudan did set up inquiries into conflict related abuses following the start of the conflict, none of these have resulted in independent and effective investigations or accountability. The African Union Peace and Security Council (PSC) has indicated its readiness to upon recommendation by the IGAD, initiate sanctions and other measures against any party that undermines the search to find a sustainable solution to the conflict.

After the start of the conflict, President Kiir formed a committee to investigate human rights abuses. The committee submitted a report to the president in December 2014; however, it has yet to be released to the public. Furthermore, the SPLA set up two investigation committees in December 2013. Approximately 100 individuals were arrested, all of whom escaped during a gunfight among soldiers in March 2014. While the SPLA has announced that it has rearrested two individuals, no information was made public about their identity or the charges against them. In August 2014, the African Union Commission of Inquiry (AUCISS) on South Sudan finished a detailed report that contains findings and recommendations on healing, reconciliation, accountability and institutional reforms that would contribute to producing sustainable peace and an end to the crisis in South Sudan. However, the report has been shelved due to concerns that it would impede the peace process. Nevertheless, the release of this report could play a significant role in not only deterring human rights abuses, but also in informing the transitional justice process. The AU indicated that the report would be considered during a ministerial level meeting in mid-July. It however remains unclear whether this will result to actual publication of the report.

In addition in June 2015, the IGAD proposed a “hybrid court” for South Sudan between the AU, UN and the transitional government. Its jurisdiction would include genocide, crimes against humanity, war crimes and other international crimes. The proposal also included the establishment of a national commission for truth, reconciliation and healing.

Lastly, a Special Rapporteur to South Sudan would be a positive development for the international community to meet their responsibility to ensure accountability and justice for human rights abuses and violations of international humanitarian law. On 2 July, the Human Rights Council adopted a robust resolution on South Sudan, which requested the OHCHR to undertake a mission to South Sudan and to recommend follow-up actions for the Human Rights Council, including the possibility of a mechanism, such as a Special Rapporteur.

AMNESTY INTERNATIONAL'S RECOMMENDATIONS

The UN Security Council must impose a comprehensive arms embargo against all parties in the conflict on South Sudan.

- The UN Security Council must act quickly to impose asset freezes and travel bans against individuals and entities who have engaged in violations of international humanitarian law and abuses of international human rights law
- The UN Security Council must make public and act upon a paper outlining options for accountability that Security Council members reportedly discussed on 12 May.
- The AU Peace and Security Council must make public the findings and recommendations of the report of the Commission of Inquiry on South Sudan in its mid-July meeting
- The Intergovernmental Authority on Development (IGAD), must quickly reconvene parties to the conflict and impress upon them that they are bound by commitments to abide by international humanitarian law incorporated within the 23 January cessation of hostilities agreement and recommitted to on numerous occasions over the past year, and to act on its repeated threats to impose targeted sanctions and an arms embargo.
- The UN Human Rights Council must establish a Special Rapporteur for South Sudan.