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DETERIORATING HUMAN RIGHTS AND HUMANITARIAN CRISIS IN THE REPUBLIC OF SOUTH SUDAN

WRITTEN STATEMENT

ITEM 4: Enhanced Interactive Dialogue on the situation of human rights in South Sudan

UN Human Rights Council
Thirty-sixth session
11 – 29 September 2017

Amnesty International has documented serious human rights violations and abuses, as well as crimes under international law, committed by Government and opposition forces in South Sudan during field research conducted between October 2016 and June 2017. This document provides a summary of the key findings of four reports published on the basis of that field research in June and July 2017.¹

ETHNICALLY TARGETED VIOLATIONS AND ABUSES

Over the past three-and-a-half years, South Sudan's conflict has taken on an increasingly ethnic tone, with the leaders of the two main opposing factions belonging to the two largest ethnic groups – President Kiir, a Dinka, and former Vice President Machar, a Nuer – both drawing support from members of their own ethnic group. Government forces and opposition groups have been responsible for the intentional targeting of civilians, often based on the victims' perceived ethnic and/or political affiliation.²

At the same time, South Sudan's conflict should no longer be conceived as simply a binary one between these two factions, as it has come to include multiple armed groups with

¹ Uganda: "Help has not reached me here" – Donors must step up support for South Sudanese Refugees in Uganda, published 18 June 2017, available at <https://www.amnesty.org/en/documents/AFR59/6422/2017/en/>; South Sudan: "It was as if my village was swept by a flood" – Mass displacement of the Shilluk Population From the West Bank of the White Nile, published 21 June 2017, available at <https://www.amnesty.org/en/documents/afr65/6538/2017/en/>; South Sudan – "If men are caught, they are killed, if women are caught, they are raped" – Atrocities in Equatoria Region turn country's breadbasket into a killing field, published 4 July 2017, available at <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>; South Sudan: "Do not remain silent": Survivors of sexual violence in South Sudan call for justice and reparations., published 24 July 2017, available at <https://www.amnesty.org/en/documents/afr65/6469/2017/en/>.

² <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>.

various grievances, motivations and largely fluid alliances.

FORCIBLE DISPLACEMENT

When the conflict broke out in 2013, most of the fighting was concentrated in Jonglei, Upper Nile and Unity. However since 2016, the conflict has spread to other parts of the country, including the Equatoria region. This has contributed to new waves of forced displacement, including a massive movement of South Sudanese refugees into Uganda, which now hosts over 900,000 of the almost 2 million South Sudanese refugees in the region.³

Most of the displaced civilians interviewed by Amnesty International in South Sudan and across the border in Uganda said they had fled primarily out of fear, because they or their relatives had been directly affected by violence or they had witnessed other attacks. Many also stated that lack of food had forced them to become displaced. Most of those interviewed had been displaced multiple times. Amnesty International also heard accounts from people who had spent months living in the bush, trying to remain hidden from the soldiers while remaining in the vicinity of their homes and farms.⁴

SEXUAL VIOLENCE

Since the conflict began, thousands of South Sudanese have been subjected to sexual violence, including rape, gang rape, sexual slavery, sexual mutilation and humiliation. In the past year, the already endemic levels of sexual violence have skyrocketed, even in parts of the country that were previously considered relatively safe, such as the Equatoria Region. “The only way to be safe for women and girls is to be dead – there is no way to be safe so long as we are alive. This is how bad it is,” Mary, a 23 year-old mother of five from the Equatoria Region told Amnesty International in June 2017.⁵

As noted by UN Assistant Secretary-General Andrew Gilmour in February 2017,⁶ women are at greater risk of such violence when forced to venture out of UN Mission in South Sudan (UNMISS) Protection of Civilian (POC) sites, or into rural areas, in search of food.⁷ This highlights the links among sexual violence and access to food and other basic resources for civilian populations.

Amnesty has also documented incidences of rape, castration and other forms of sexual torture of men and boys, the majority of which occurred in detention or custody.⁸ Such violence remains largely invisible due to deep stigma, despite indications that it occurs with

³ <https://www.amnesty.org/en/documents/AFR59/6422/2017/en/>

⁴ <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>. p. 20.

⁵ Ibid, p. 15.

⁶ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21195&LangID=E>.

⁷ <https://www.amnesty.org/en/documents/afr65/6469/2017/en/>.

⁸ <https://www.amnesty.org/en/documents/afr65/6469/2017/en/>

some frequency.⁹

DENIAL OF FOOD AS A WEAPON OF WAR

Both Government and opposition forces have imposed restrictions on civilian access to food, which range from actively preventing food from reaching certain areas, to systematically stealing food from markets and homes. Civilians carrying even the smallest amount of food across frontlines have been accused of feeding the “enemy.”¹⁰ Such accusations are often accompanied by sexual violence, deliberate killing and destruction of property. In addition, searching for food can expose civilians to significant risks, including sexual violence, by both government forces/militias who control the towns and opposition fighters operating in surrounding areas.¹¹ The result is that even in the Equatoria Region, once considered the breadbasket of the South Sudan, civilians are now facing acute food shortages and malnutrition.

UNLAWFUL KILLINGS

Survivors, witnesses and relatives of victims interviewed by Amnesty International in Yei, Kajo-Keji and northern Uganda, as well as NGO workers and church leaders, have reported a consistent and on-going pattern of killings and attacks against civilians and their property by government soldiers in the Equatoria Region. On the evening of 16 May 2017, for example, government soldiers arrested 11 men in Kudupi village, in Kajo Keji County. They forced eight of them into a hut and locked the door. The soldiers then set fire to the hut and fired several shots into the flames. Four of the survivors reported to Amnesty International that six were killed in the incident, two as a result of the fire, with the others being shot.¹²

Attacks on villages by government forces often take place soon after ambushes or attacks by armed opposition groups on government forces and appear to be in retaliation to activities of opposition forces.¹³

IMPUNITY

Thus far, the human rights violations and abuses documented by Amnesty International have been committed with impunity. Some crimes committed against civilians by government soldiers were reportedly prosecuted before military courts, despite the provision in South Sudan’s Sudan People’s Liberation Army (SPLA) Act providing that if military personnel commit an offence against a civilian, the civil court should assume jurisdiction

⁹ www.unicef.org/media/media_82319.html

¹⁰ <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>, p. 18.

¹¹ Ibid.

¹² Ibid, p. 11.

¹³ Ibid, p. 11-12.

over the offence.

Although the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) provides for the establishment of a Hybrid Court for South Sudan by the African Union Commission, limited progress has been made towards its establishment. There has also been little progress towards the establishment of a Commission on Truth Reconciliation and Healing or a Compensation and Reparations Authority, bodies also provided for in the ARCSS.

RECOMMENDATIONS

- Government and opposition forces must immediately cease and prevent future violations of international humanitarian law and violations and abuses of human rights law. In particular, they should immediately cease unlawful killings, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property and acts that obstruct humanitarian access.
- The government should initiate prompt, effective and impartial investigations into allegations of crimes under international law, and bring suspects to justice in fair trials in civilian courts without recourse to the death penalty.
- Commanders of government and opposition forces must ensure a comprehensive vetting process of security forces to ensure that individuals for whom there is credible information that they have committed crimes under international law or other serious violations or abuses of human rights are excluded from service, until allegations concerning them can be independently and impartially investigated.
- UNMISS should increase efforts to protect civilians, including by deploying forces in areas where civilians are at risk or have been displaced, and where humanitarian aid is desperately needed. They should expand the area of patrols and provide accompaniment to individuals who need to leave the POC sites for essential purposes, such as to go to the market or collect firewood.
- The international community should ensure that UN peacekeepers in South Sudan have the resources to fulfil their mandate to protect civilians, including by providing security needed for humanitarian actors to deliver desperately needed aid and assistance.
- The African Union Commission and the Government of South Sudan should immediately establish the Hybrid Court for South Sudan (HCSS), prioritizing the establishment of victim and witness protection units.
- Support the establishment of the Commission on Truth Reconciliation and Healing (CTRH) and the Compensation and Reparations Authority (CRA).