



AI Index: AFR 65/7934/2018
21 FEBRUARY 2018

UN HUMAN RIGHTS COUNCIL MUST RENEW MANDATE OF COMMISSION ON HUMAN RIGHTS IN SOUTH SUDAN IN LIGHT OF CONTINUED VIOLATIONS

WRITTEN STATEMENT

ITEM 4: Interactive Dialogue with Commission on Human Rights in South Sudan

UN Human Rights Council
Thirty-seventh session
26 February – 23 March 2018

The now over four-year old conflict in South Sudan has caused tremendous suffering. Amnesty International has documented grave violations and abuses of international human rights and serious violations of international humanitarian law over the course of the conflict, including deliberate killings of civilians, widespread sexual violence, the denial of food as a weapon of war, arbitrary and prolonged detentions and enforced disappearances.¹

These and other violations have continued unabated. Between February and December 2017, the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) identified 154 reported cases of sexual violence by uniformed government soldiers and security services in the capital city, Juba and surrounding areas.² Some women were apparently mutilated when raped, having had ears and fingers removed, while others were raped in front of their children and family members.³

Amnesty International documented similar incidents in a report on sexual violence, published in July 2017. Women interviewed for that report were severely beaten when being gang raped by government soldiers, with some women sustaining serious injuries as a result of the attacks.⁴

¹ See, <https://www.amnesty.org/en/latest/news/2018/01/south-sudan-a-year-on-two-mens-whereabouts-unknown/>; <https://www.amnesty.org/en/latest/news/2016/04/south-sudan-government-must-end-arbitrary-detentions-by-the-intelligence-agency/>; <https://www.amnesty.org/en/latest/news/2016/05/south-sudan-dozens-of-detainees-at-risk-of-death-in-shipping-containers/>; <https://www.amnesty.org/en/documents/afr65/003/2014/en/>; <https://www.amnesty.org/en/documents/afr65/4486/2016/en/>; <https://www.amnesty.org/en/documents/afr65/3598/2016/en/>; <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>; <https://www.amnesty.org/en/latest/news/2017/06/south-sudan-government-forces-purge-civilians-from-upper-nile/>.

² <http://ctsamm.org/wp-content/uploads/2018/01/CTSAMM-REPORT-201803-SGBV-IN-CENTRAL-EQUATORIA.pdf>.

³ Ibid.

⁴ <https://www.amnesty.org/en/documents/afr65/6469/2017/en/>.

Despite the signing of a Cessation of Hostilities (COH) agreement on 21 December 2017, conflict between government and opposition forces has continued and with complete disregard for the impact of the conflict on civilians. Since the COH came into effect, fighting has been reported in various pockets of the country, including Koch in Unity State and Mundri in Western Equatoria State,⁵ with troop movements reported elsewhere, including in Jonglei State.⁶ These trends are most likely to continue. South Sudan is now in the 2017-2018 dry season, which has typically seen an escalation in conflict-related violence.

DENIAL OF HUMANITARIAN ACCESS

Both government and opposition forces have actively impeded the delivery of humanitarian assistance. As the November 2017 'Interim report of the Panel of Experts on South Sudan' noted "[t]he foreseeable and, in the Panel's assessment, intended consequences of those impediments is unequivocally clear: humanitarian aid and operations to protect civilians from violence are often unable to achieve their aims, resulting in a worsening humanitarian crisis in many areas."⁷

2017 witnessed the highest number of humanitarian access incidents in a single year since the conflict started.⁸ At least 95 aid workers are estimated to have been killed over the past four years, including 28 in 2017 alone,⁹ with November 2017 declared the most dangerous month for aid workers since the start of the conflict in December 2013.¹⁰ Continued insecurity and conflict-related violence has significantly disrupted humanitarian operations, undermining the ability of civilians to access life-saving assistance, such as food, health care and emergency shelter.

The consequences of the denial of humanitarian access for civilians are severe and are likely to worsen with the current dry season. Seven million people are in dire need of assistance and protection¹¹ and many civilians continue to remain cut off from access to their farmlands, access to water sources, and life-saving humanitarian aid.

DENIAL OF FOOD AS A WEAPON OF WAR

As Amnesty International documented in its July 2017 report on atrocities in the Equatoria Region, both government and opposition forces have been responsible for using food as a weapon of war, ranging from actively preventing food from reaching areas, looting markets and homes, and targeting civilians carrying food across frontlines, with each side accusing the other of supporting the "enemy".¹²

This pattern of systematic restrictions on access to food is not new and has contributed to severe food insecurity, which has become a regular feature of the conflict in South Sudan. As research conducted by Amnesty International in 2016 in Leer, Unity State found, attacks on civilian property, and in particular, on shelters and food supply, were widespread and systematic and appeared to be part of a government policy to force civilians to leave their

⁵ See, <http://ctsamm.org/reports-documents/ctsamm-violation-reports/>.

⁶ <https://ss.usembassy.gov/troika-cessation-hostilities-violations-south-sudan/>.

⁷ <http://www.undocs.org/S/2017/979>, p. 2.

⁸ https://reliefweb.int/sites/reliefweb.int/files/resources/SS_180118_OCHA_SouthSudan_Humanitarian_Bulletin01.pdf.

⁹ Ibid.

¹⁰ https://reliefweb.int/sites/reliefweb.int/files/resources/SS_171222_OCHA_SouthSudan_Humanitarian_Bulletin_19.pdf.

¹¹ <http://www.unocha.org/country/south-sudan/crisis-overview>.

¹² <https://www.amnesty.org/en/documents/afr65/6612/2017/en/>.

villages.¹³ Attacks on food sources also had the effect of and appear to have been intended to make those living under opposition control, food insecure – a form of collective punishment.¹⁴

Similar patterns were documented by the Panel of Experts on South Sudan November 2017 interim report. The Government of South Sudan, the report noted, systematically denied humanitarian partners access to populations in Western Bahr el-Ghazal.¹⁵ The Panel found that “[s]uch actions amount to using food as a weapon of war, with the intent to inflict suffering on civilians whom the Government views as opponents to its agenda.”¹⁶

As of September 2017, six million people, around half of the total population of South Sudan, were considered to be severely food insecure.¹⁷ It is worth noting, as well, that while famine in 2017 was localized to specific areas of Unity State, populations in the Equatoria Region, Greater Upper Nile and Greater Bahr el Ghazal were considered to be in ‘humanitarian catastrophe’ status.¹⁸ There is a fear that if the situation continues to deteriorate there could be a worst-case scenario return to famine in multiple parts of the country this year.¹⁹

ARBITRARY DETENTIONS AND ENFORCED DISAPPEARANCES

As part of the government’s increasingly brutal counter-insurgency campaign against those perceived to be associated with the opposition, the National Security Services (NSS) and the Military Intelligence Directorate continued to conduct arbitrary arrests and hold alleged government opponents in prolonged detention without charge or trial. Individuals in detention have been subjected to torture and other ill-treatment. Detention conditions are extraordinarily harsh. As Amnesty International highlighted in 2016, at the Gorom detention site, located about 20km south of Juba, detainees were held in poorly ventilated metal shipping containers, fed once, or twice per week and given insufficient drinking water. Our organization believes that such conditions at have led to multiple deaths.²⁰

In addition to arbitrary detentions, torture and other ill-treatment, the NSS and Military Intelligence have also subjected people to enforced disappearance. Dong Samuel Luak and Aggrey Idri, both vocal critics of the South Sudan government, went missing on 23 and 24 January 2017, respectively, in Nairobi, Kenya. Amnesty International received credible reports that the two men had been seen in custody at the NSS headquarters in Juba on 25 and 26 January 2017. Their fate and whereabouts remain unknown.

WIDESPREAD IMPUNITY

The failure to address serious violations of international humanitarian law and international human rights law, and to hold parties to the conflict to account for their actions, has contributed to continued human rights abuses in the country. Victims of South Sudan’s ongoing conflict also have the right to justice and redress.

¹³ <https://www.amnesty.org/en/documents/afr65/4486/2016/en/>.

¹⁴ Ibid.

¹⁵ <http://www.undocs.org/S/2017/979>.

¹⁶ Ibid, p. 13.

¹⁷ <http://www.unocha.org/country/south-sudan/crisis-overview>.

¹⁸ Ibid.

¹⁹ Ibid.

²⁰ <https://www.amnesty.org/en/latest/news/2016/05/south-sudan-dozens-of-detainees-at-risk-of-death-in-shipping-containers/>.

Progress was made towards the establishment of the Hybrid Court for South Sudan (HCSS) in late 2017, with the South Sudan Council of Ministers reportedly approving the Statute for the Hybrid Court and the Memorandum of Understanding (MoU) with the African Union (AU).²¹ However, continued headway must be made towards the establishment of the HCSS and genuine accountability in the country.

An important part of this movement towards ending impunity includes the Commission on Human Rights in South Sudan's continued work as mandated by the Resolution adopted by the Human Rights Council on 24 March 2017 – specifically in collecting and preserving evidence and clarifying responsibility for violations with a view to paving the way for accountability.²²

RECOMMENDATIONS

In light of the above concerns, Amnesty International calls on the Human Rights Council to adopt a strong resolution on South Sudan at its 37th session, to renew the existing mandate of the Commission for Human Rights in South Sudan, and to ensure that the Commission has the capacity and resources necessary to “determine and report the facts and circumstances of, collect and preserve evidence of, and clarify responsibility for alleged gross violations and abuses of human rights and related crimes.”²³

²¹ <https://www.hrw.org/news/2017/12/14/south-sudan-stop-delays-hybrid-court>.

²² HRC resolution 34/25, Situation of human rights in South Sudan, operative paragraph 16(b), available at: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/RES/34/25.

²³ Ibid.