

African Commission on Human and Peoples' Rights
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South Sudan Human Rights Situation
22 April, 2015
Oral statement

South Sudan Law Society, End Impunity organization, Assistance Mission for Africa and the Citizens for Peace and Justice

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- Your Excellency Zainabo Sylvie Kayitesi, Chairperson of the African Commission on Human and Peoples' Rights
- Excellences' representatives of the member states to the African Commission
- Representatives of international community and international organizations
- Ladies and gentlemen

Good morning,

I speak on behalf of South Sudan Law Society (SSLS), Assistance Mission for Africa (AMA), End Impunity Organization (EIO) and Citizens for Peace and Justice (CPJ) respectively. These four South Sudanese civil society institutions are charged with responsibility to promote and protect human rights and fundamental freedoms enshrined in the constitution and the laws of the Republic of South Sudan. The conflict that erupted in Juba on 15 December 2013 between government forces and forces loyal to the former Vice President, Riek Machar, has killed tens of thousands of South Sudanese, displaced 2 million, including 1.5 million internally displaced and 500,000 refugees, and left 2.5 million more facing crisis levels of food insecurity.

Madam Chairperson,

One year into the conflict, the human rights situation remains extremely deplorable. Despite regional attempts to mediate the conflict through IGAD and a parallel intra-party dialogue among leaders of the SPLM in Arusha, Tanzania under the ruling party Chama Cha Mapinduzi, the warring parties have shown little desire to end this deadly conflict. Throughout the war, South Sudanese have been exposed to gross human rights violations and abuses, including mass killings, enforced disappearances, sexual violence, forced displacement, recruitment of child soldiers, reprisals on human rights defenders, obstruction of humanitarian aid, and attacks on humanitarian personnel. These atrocities are destroying the very fabric of our society and irreparably harming the relationship among South Sudanese communities.

Madam Chairperson,

The Government and the SPLM-in-Opposition have not demonstrated the will to conduct credible and independent investigations with a view to prosecuting and holding accountable persons suspected of crimes under international law and serious violations of human rights. While multiple investigations have been initiated, including by the police, the army and an investigation committee formed by the President, no information has been released to the public about their findings or recommendations. Due to their lack of independence and the absence of protection mechanisms for victims and witnesses, many victims and witnesses are reluctant to cooperate with these investigation bodies, leaving them with nowhere to turn for justice.

Madam Chairperson,

The Commission of Inquiry formed by the African Union in 2014 provided hope to South Sudanese that they would receive support from their African brothers and sisters to help promote legal accountability, reconciliation and healing in South Sudan. Now, more than a year after the Commission was formed, we are left in limbo due to the African Union Peace and Security Council (AUPSC's) refusal to consider the final report. This is a double blow for victims and survivors in South Sudan who have watched numerous investigations at the national level ended with neither identifying those responsible nor holding them to account.

In light of the terrible situation in our country, and speaking on behalf of the organizations listed above, we humbly request the African Commission to do the following:

- Urge the Government of South Sudan, the only country on the continent that has not ratified the African Charter, to complete ratification of the African Charter and its additional protocols by depositing instruments of ratification with the African Union.
- Urge the AU Peace and Security Council to consider the publication of the AU Commission of Inquiry Report on South Sudan and make the report available to the public without delay including implementation of the recommendations
- Call on Special Rapporteur on Human Rights Defenders in Africa to have an academic visit to South Sudan to engage with human rights defenders on the human rights situation and report back to the African Commission.
- Continue to call for justice and accountability in South Sudan and reject amnesties for war crimes and crimes against humanity in accordance with the international human rights and humanitarian law.

Thank you Madam Chairperson and hope that my contribution will be useful to the Commission in its deliberations and action.