

**PRESS STATEMENT OF THE COMMISSION ON HUMAN RIGHTS IN SOUTH
SUDAN AT THE CONCLUSION OF ITS FIRST VISIT TO SOUTH SUDAN
15 SEPTEMBER, 2016**

The South Sudan Commission on Human Rights just concluded its first mission to South Sudan. This Commission was established by the Human Rights Council in March 2016 under resolution 31/20. The Commission has been tasked with the following mandate:

- (a) To monitor and report on the situation of human rights in South Sudan and make recommendations for its improvement;
- (b) To assess past reports on the situation of human rights since December 2013 in order to establish a factual basis for transitional justice and reconciliation;
- (c) To provide guidance on transitional justice, accountability, reconciliation and healing, as appropriate, and – once the transitional Government of national unity is fully formed, operational and commits to ending the violence against the civilian population and to cooperating with the hybrid court for South Sudan – to make recommendations on technical assistance to the transitional Government of national unity to support transitional justice, accountability, reconciliation and healing;
- (d) To engage with other international and regional mechanisms, including the United Nations, the United Nations Mission in South Sudan, the African Union and its African Commission on Human and Peoples' Rights, the Joint Monitoring and Evaluation Commission Chair and civil society, with a view to providing support to national, regional and international efforts to promote accountability for human rights violations and abuses;

The Commission began its mission in Juba, South Sudan on 8 September 2016 during which time it met various actors including UNMISS senior leadership including the deputy Special Representative of the Secretary General, members of the Diplomatic Corps, Civil Society and internally displaced persons in the UNMISS Protection of Civilians sites (PoC). The Commission also met Ministers of the Transitional Government of National Unity of South Sudan including the Minister of Cabinet Affairs, the Minister of Justice and the Under-Secretary for Foreign Affairs. In addition, the Commission met with the Speaker and Deputy Speaker of the Transitional National Legislative Assembly (TNLA) as well as several members of the Assembly.

The meetings with government were carried out in a spirit of mutual cooperation and touched on critical issues of accountability particularly in respect of previous and current investigations and inquiries that the government had either conducted, instituted or committed to. Commission members also raised with Ministers the establishment of the Hybrid Court for South Sudan (HCSS) as well as access to reports of the various military courts-martial with reference to the number of people who are reported to have been executed. In respect of the Hybrid Court, Government officials including members of the TNLA indicated their willingness to cooperate with the African Union on its establishment in accordance with the provisions of the August 2015 Agreement on the Resolution of the Conflict in the Republic in South Sudan (the Peace Agreement). The Commission also raised access to the Bill amending the Penal Code to incorporate international crimes. Commission members raised the establishment of the Commission for Truth, Reconciliation and Healing as well as the Compensation and Reparations Authority as set out in Chapter 5 of the Peace Agreement. In respect of the Chapter 5 Institutions, Government Ministers

advised that they were in discussions with UNDP which is providing technical assistance.

Regarding investigations of allegations of human rights violations and abuses, the Ministry of Justice undertook to make available various reports requested by the Commission including the report of the National Investigative Commission headed by former Chief Justice John Wuol.

Commission members also met with civil society groups including religious leaders. While the Commission had planned to visit the PoC site in Juba, this was not possible given the security situation at that time. However, UNMISS officials facilitated a meeting with the PoC leadership in order to receive their feedback on the human rights situation and the violations and abuses reportedly committed in Juba.

Commission members travelled to Bentiu and made a stop in Malakal. The visit proved to be extremely useful as the Commission was able to visit the Malakal UNMISS PoC site housing IDPs and obtained an extensive briefing on the human rights situation there. The Commission observed the deplorable conditions under which the IDPs live.

In Bentiu, the Commissioners met with the UNMISS Head of Field Office and her team who provided a briefing on the human rights situation. Commission members also met with the Committee of Elders from the POC site in Bentiu. Commissioners were taken on an extensive tour of the POC sites in Bentiu. Commission members also held two meetings with women in the POC sites where they were able to hear directly from women on the human rights situation and the human rights violations and abuses they had suffered. Commissioners were told that the current violence in South Sudan has increased insecurity and intensified the vulnerabilities they face on a daily basis. Women were extremely vocal in these meetings and spoke out on their experiences of sexual violence particularly when they venture outside of the POC site in search of food and firewood. Women both young and old gave accounts of being gang raped by armed men in uniform. Both in Malakal and Bentiu food patrols have been instituted to provide protection. The women also raised the issue of numerous checkpoints mounted by government soldiers who extort “taxes” from them.

The issue of checkpoints has been raised by IDPs and UNMISS on several occasions with the government. Women also spoke about the ongoing attacks and killings of women by armed men in uniform, while carrying out livelihood activities outside of the PoC site. Women and children continue to face increasing socio-economic rights violations as a result of the ongoing conflict. Humanitarian actors working in Bentiu have raised concerns that women and children in South Sudan are severely malnourished.

Commissioners were also informed by the women that they continue to suffer a multiplicity of violations including forced and early marriages, domestic violence and other forms of gender based violence. The women also raised the prevalent practice where young women are forcibly married off by their families in return for cattle. The women in particular have said that their lives are defined by the conflict increasing their vulnerability. Some of them including Widows and a number of old women expressed disbelief and horror at being gang raped by young men and boys who are young enough to be their grandchildren. On a more positive note the women confirmed that they were pleased that they are receiving medical treatment and education from the humanitarian actors operating in the PoC site. Some of them

have been providing adult literacy programs to the women at their request. Commissioners also met with members of the committee dealing with dispute resolution in the POC site to hear from them on the cases they are dealing with.

On their return to Juba the Commissioners met with the Chief Justice and members of the Judiciary. The meeting was cordial. Commission members also met with members of the Joint Monitoring and Evaluation Commission (JMEC) and the Inspector General of Police.

Commissioners also met with senior members of the UN and separately with members of the Diplomatic corps to debrief them on the mission.

Following this first visit, the Commission remains concerned by the following issues:

- 1 The diminishing space for civil society which includes ongoing intimidation and harassment of its members, forcing many of them to flee to neighboring countries;
2. Media Freedom and the continued intimidation and harassment of journalists and media houses;
3. Restrictions placed on access by UNMISS and the Humanitarian actors which inhibits their ability to reach the most vulnerable in order to carry out their work;
4. The escalation of sexual violence against women and girls perpetrated by armed men in uniform;
5. The ongoing impunity and lack of accountability for serious crimes as well as human rights violations in South Sudan, without which lasting peace cannot be achieved.

The Commission is also deeply concerned at the slow progress on the implementation of the provisions of the Peace Agreement which is fundamental to ending the conflict, human rights violations and normalization of the lives of South Sudanese.

The citizens of South Sudan who met with the Commissioners made a poignant plea for peace, justice and accountability. The Commission appreciates the right of the South Sudanese people for peace and justice and rejects the false dichotomy between peace and justice. Many have said, and we agree, that one of the root causes of the current tragic situation is an unfortunate lack of accountability reaching back through many conflicts and unresolved grievances. Only justice and accountability will give the South Sudanese people the genuine and durable peace which they deserve. There is a broad acknowledgment in the country that breaking the cycle of impunity requires holding perpetrators of abuses and serious crimes accountable. The Commission is of the view that establishing the institutions under the Chapter 5 provisions of the Peace Agreement are absolutely critical to building sustained peace in South Sudan.

The Commission wishes to acknowledge that UNMISS and the humanitarian actors are working under conditions of extreme stress and often great hostility. Nevertheless, they continue with dedication to serve the most vulnerable in South Sudan.

The Commission returns to South Sudan later this year to continue its work in terms of its mandate.