

Speech of the Chair of the Commission on Human Rights in South Sudan to the Human Rights Council

Mr President, High Commissioner, Excellencies, I present this report to the Council on behalf of the UN Commission on Human Rights in South Sudan. I am joined by my fellow Commissioners, Godfrey Musilla and Ken Scott. In our report we set out our findings and recommendations, prepared in accordance with [Resolution 31/20](#) which required the Commission to monitor and report on the human rights situation in South Sudan, establish a factual basis for transitional justice and reconciliation, and provide guidance on transitional justice, accountability, reconciliation and healing.

Mr. President, the Government of South Sudan told this Council that 2017 has been declared “a year of peace and prosperity.” Sadly, this is surreal in a country enduring one of Africa’s worst wars. In the last 9 months there has been a *massive* increase in gross human rights violations and abuses, as well as an escalation in fighting in most of the country. This has contributed to the worsening humanitarian situation, which the UN has indicated is man-made and risks millions of lives.

Unlawful arrests and detentions, torture, rape and killing have become the norm and what’s *chilling* is that they are occurring in many more parts of the country than before. Whole villages burnt to ashes, attacks on hospitals and churches, bodies dumped in rivers, allegations of young girls held as sexual slaves, women young and old gang raped and boys and men forcibly recruited.

South Sudan is the world’s third largest refugee crisis. Nearly 2 million people have been internally displaced and more than one and a half million refugees have fled to

neighbouring countries. A hundred and twenty thousand South Sudanese refugees poured into Uganda in *just* the first two months of this year. Sadly, almost all of them when interviewed, - said they had witnessed someone close to them being killed.

Report

Our report makes it clear that South Sudanese civilians have been deliberately and systematically targeted on the basis of their ethnicity by government and government-aligned forces, for killing, abduction, unlawful detention, deprivation of liberty, rape and sexual violence, the burning of their villages, and looting. On the ground, this translates into bound corpses left on roadsides, hunger where once there was plenty, and thousands of children ripped from their mothers - some forced to carry guns and kill – yet another lost generation. The principle of distinction is not observed; citizens are treated like enemy combatants because of their perceived political allegiance to the other side, calculated by ethnicity. Opposition forces too have been responsible for human rights abuses although to a lesser extent.

The Government has also conducted a brutal campaign of repression to silence civil society. Journalists who write about the daily suffering of South Sudanese citizens find themselves accused of being the enemy of the state. Civil society activists and their families are threatened. The Commission regrets that many UN and IGAD monitoring staff have been detained by the National Security Service – some for nearly three years - despite repeated demands from the UN for access and their release. These are employees of international and regional bodies who have been accused of opposition sympathies and detained without charge.

Sexual Violence

The extent and scale of sexual violence in South Sudan is so horrifying that the consequences of doing nothing are unthinkable. Perpetrators in South Sudan will be emboldened if the international community ignore this. Experience has shown that sexual violence is often treated by courts and prosecutors as a difficult crime to prove. With increased international focus on preventing sexual violence in conflict, including most recently from the UN Secretary General, South Sudan is surely the test case for whether we can prioritise the investigation for this abhorrent crime and prosecute those responsible.

The rape of international aid workers at the Terrain Hotel in Juba in July rightly caused worldwide horror but there has been no accountability. One of the female survivors described days of terror, during which they repeatedly called embassies and peacekeepers for help that never came, and then the very public experience of being gang-raped repeatedly by government soldiers in a room with many co-workers around her begging for mercy and simultaneously experiencing the same sexual assaults. They were denied even privacy for their humiliation and pain – and very little anonymity afterwards. As internationals they could at least escape to safety – South Sudanese women experience the same assaults but are left without any medical or psychological help.

Update

Since our report was written there have been a number of worrying developments that I would like to brief the Council on:

In the last month, there has been a serious escalation of fighting in parts of Greater Upper Nile and the Greater Equatoria region with dire consequences for the civilian population. The SPLA and militia seem to want to control access routes to the oil installations in the northern region and punish suspected opposition supporters.

Despite claims to the contrary, the Government repeatedly obstructs and manipulates humanitarian assistance reaching opposition areas - even places like Mayendit where there is now famine - and as a result prevents human rights reporting.

The SPLA recently refused the head of UNMISS access to the Wau-Shilluk areas in Upper Nile. More than 20,000 civilians are dispersed there without assistance as a result of recent offensives.

It is also unacceptable that the Government has increased the cost of work permits for foreigners in South Sudan from \$100 to \$10,000 just after famine is declared.

Recent months have seen at least 7 resignations from civilian and military leadership posts, protesting the Government's ethnic bias, tribalism, and questioning its stated desire for peace. In one resignation letter "ethnic cleansing" was described as part of government practices. These are allegations coming from insiders in the heart of the establishment.

The Commission has reported on a pattern of ethnic cleansing and population engineering. When the Commission visited the northern town of Malakal we saw how

the redrawing of state boundary lines had helped depopulate the town of its Shilluk and Nuer inhabitants. Civil servants had been forcibly relocated out of the town on the basis of their ethnicity. The Commission has been subsequently told that a number of Dinka, who fled Yei last year and settled around the airport in Juba, were air lifted by the Government to Malakal in February this year, just after fighting emptied nearby Wau Shilluk of its Shilluk population. Aid workers estimate two thousand people, the vast majority Dinka, were transported north by the Government which asked that the new influx be given international humanitarian assistance while at the same time denying access to citizens who are starving in opposition areas.

Accountability

In fulfilling the transitional justice aspect of our mandate, we held a workshop for civil society activists, opposition figures, diplomats, UN and AU officials in Addis Ababa in February which the Government boycotted. Participants emphasised that the Government's proposed national dialogue should not be a reason to avoid implementing the accountability mechanisms of the Peace Agreement – and must be conducted by independent and credible figures and involve everyone, including all armed opposition groups. The African Union High Representative for South Sudan, his Excellency Alpha Oumar Konare has endorsed this view saying the national dialogue should be led by a “neutral leader” and was unequivocal that all armed and opposition groups, including those loyal to Riek Machar, should be part of the process. Participants at the workshop also stressed the need to collect and preserve evidence for establishing criminal accountability.

The Commission has called for an international impartial and independent investigation to be established by the UN – to examine the most serious crimes,

including conflict-related sexual violence, committed since December 2013. The findings should establish the extent of ongoing violations and support the work of the promised Commission on Truth, Reconciliation and Healing and the Hybrid Court for South Sudan which we have said should be operational by the end of the year. There can be no more delay, no more excuses.

The deterioration in the human rights situation in South Sudan is directly attributable to impunity. The challenge for accountability is that alleged perpetrators still occupy senior political and military positions. A small coterie of South Sudan's political leaders show total disregard not just for international human rights norms but for the welfare of their own people. They have squandered the oil wealth and plundered the country's resources. Today the Government of South Sudan has effectively devolved most of its service delivery to the international community. International humanitarians, including the UN, have little choice to accept the restrictions imposed by the State as they cannot walk away and let millions of people starve. The dilemma between being outspoken on human rights and securing access has never been more stark.

Famine

South Sudan now has the dubious distinction of being only the 4th nation this century where famine has been declared. Two counties in the former Unity State are worst affected but millions of lives are threatened. And the predictions are the situation will only get worse, with an estimated five and a half million expected to reach crisis levels of food insecurity by April when the heavy rains begin. When a famine is declared, starvation is already well underway. A quarter of a million children are

malnourished as we sit here.

UN agencies indicate that these immediate famine affected areas are directly due to man-made drivers of conflict and insecurity, and that those other areas at risk of famine could have a chance of averting catastrophe if humanitarian access is secured and respected.

The opposition and the armed groups allied to them also contribute to the famine. They attack government installations, loot convoys, and copy the other side's tactics, terrorizing communities suspected of supporting the Government or the Dinka tribe.

Mr. President, in addressing the humanitarian crisis it is absolutely essential to prioritize a human rights perspective. If the Government of South Sudan continues to deny humanitarians access to opposition-controlled areas hit by famine, there will be an even greater catastrophe. Everyone is hungry – by some reports the families of SPLA soldiers too, but the humanitarian response needs to be guided by candour and outspokenness about the worsening human rights situation. For that there needs to be effective documentation and evidence gathering. In a country where impunity is the norm, the mere knowledge that credible information is being gathered can act as a deterrent. But only if we are bold enough to push for the immediate establishment of the Hybrid Court and prosecutions. The alternative is policy of appeasement – making us complicit in the bloodshed.