



Republic of South Sudan
South Sudan Human Rights Commission
(SSHRC)

**Presentation by Lawrence Korbandy, Chairperson SSHRC, Geneva,
24.9.2014**

- **President, UN Human Rights Council**
- **Honorable members of the Panel,**
- **Participant, ladies and gentlemen**

Summary

Before you is the summary of my brief panel discussion on the report of the President of the Human Rights Council on the situation of human rights in South Sudan following the December 15, 2013 conflict.

Mr. President

I thank you very much for inviting the South Sudan Human Rights Commission as an independent body to participate in the panel discussion on the human rights situation in our country.

Mr. President

- 1) Regardless of different viewpoints that may be given thereafter including that of our Commission, I must say that the report presented by you has given a detailed account of human rights abuses and human rights violation in our

country. Indeed it has recognized the magnitude of the rights abuses and in our view it is also a clear message that such abuses and violations cannot to be simply ignored with hope that its impact will go away by itself. Equally, I must say that this report and other independent reports concerning human rights situation in our country, is a reminder to the fighting forces on the ground such that they exert efforts not only in protection of rights of individuals and their property or minimizing further violations and abuses of human rights or alleged violation of humanitarian law, but also to permanently stop the war and embrace dialogue for political settlement in the country. The Commission would like to acknowledge that the report has noted some improvement in the situation of human rights particularly on the right to life compared to the month of December 15, 2013, and the months of January, February and March 2014 which was also covered by our Interim Report of March 15, 2014.

- 2) However, the findings of the report are not surprising to the South Sudan Human Rights Commission and even may not be a surprise to some of you here. Because, in the war situation as it can also be seen in other parts of the world, the associated risks of the war on human lives, the prevailing general insecurity situations, issues connected to internally displaced persons (IDPs) and refugees inclusive, restrictions on freedom of movement, opinion, press and media and the destruction of individual or public property; are methods used generally in war situations. This reality does not only confine in my country but is also elsewhere in the world. Of course, this is unacceptable by all standards. Therefore, there is a need to examine accountability options as an important tool not only for pressuring the parties to stop the war but also as a mechanism for truth telling, reparation and remedies. In our view, this would be negotiated in the ongoing peace process taking into account national mechanisms that would be negotiated and incorporated in the comprehensive agreement as one of the functions or institutions of the transitional government of national unity, otherwise if not negotiated and incorporated in the peace agreement, it would encourage and invite a call for other alternative mechanisms that may not be necessarily compatible with national jurisdictions and therefore is a potential problem.

Mr. President,

The South Sudan Human Rights Commission (SSHRC) has constitutional mandate. Its functions include among other functions is: to promote human rights, monitor and report on the situation of human rights in the country; investigate alleged human rights violations and abuses, initiate, oversee and implement programmes intended to promote and protect human rights and give key recommendations or advices to the government including advice on governance issues.

Mr. President,

Based on this mandate, the Commission made some efforts particularly in relation to the current crisis in our country.

1. Prior to the December 15' 2013 crisis,

1.1. In the wake of 2012, the Commission gave written recommendations to the leadership of our country on the governance issue. It recommended that; the government should undertake and carry out comprehensive reform agenda in two key areas namely 1) institutional reform agenda and 2) economic reform agenda. This recommendation was well taken and appreciated by the Leadership particularly by the President of the Republic Gen Salva Kiir Mayardit. He implemented some of our recommendations a copy of which we reproduced in our roadmap document for resolving the current conflict in our country. One year later, some of his colleagues within the top leadership begun to openly talk about the reform agenda and tied the reform agenda with their political agenda of removing the President not only from the government but also from the leadership of the their political organization; the Sudan People's Liberation Movement (SPLM party). This approach has complicated and hindered the reform agenda that we as the Commission talked about openly through the state and private owned media houses.

1.2. We also established National Human Rights Forum in 2012 to engage the government and other stakeholders on human rights issues in our country. The Commission together with the civil society organizations, government institutions particularly the rule of law sector, the UNMISS, the diplomatic missions in our country and other stakeholders jointly established and supported National Human Rights Forum as a mechanism for a frank and open dialogue on issues meant to improve human rights situation in our country. However, with the current conflict, the Forum is unable to come together but we hope it will resume its activities in a shortest time.

1.3. Still in the context of the current conflict, soon after the occurrence of December 15, 2013 Conflict, the Commission made public statement on December 16, 2013 called upon the warring parties to put the interest of the people of South Sudan above any priorities that they had and embrace dialogue as means to revolving their political differences. Three months later, the Commission produced an Interim Report that looked at the root causes of the conflict and associated human rights violations and human rights abuses including alleged violation of humanitarian law. Our report is a public document and it is available and accessible. Constitutionally, we are mandated to report once a year basically in the first quarter of every year. However;

1.4. In July 2014, the Commission further produced a document containing and considering our viewpoints and proposed some solutions for revolving the current conflict. The document was tabled to the National Legislative Assembly and widely shared with all the stakeholders involved in the negotiations in Addis Ababa including the IGAD mediation. This document is also available in this Forum for you to share.

Mr. President,

2. Allow me also to briefly highlight some of the major human rights issues based on some findings by the Commission

As you are aware, through the efforts of the IGAD mediation, with help of the international family of nations including friends of the people of South Sudan and some governments who are concerned about the current situation in our country, the warring parties signed the Cessation of Hostilities Agreement (COHA) on January 23rd, 2014 and further recommitted themselves to the COHA by signing Recommitment Agreement on May 9, 2014. Furthermore, the recent Protocol signed by all the IGAD member states, though the rebel Leader did not sign but still it constituted a roadmap for further discussions. Despite this effort, the parties have made very little progress in the implementation of the Cessation of Hostilities Agreement, thus trading accusation and counter accusations on attacks on the position of the other. As a result, some major human rights concerns need to be addresses summarized herein follow. These include:

2.1. Protection of the right to life. Different sources of human rights reports currently issued; including that of the SSHRC, revealed that over ten thousand (10, 000) people had lost their lives as a result of the ongoing conflict. Today, the figure has gone higher; particularly amongst the fighting forces. However, for the SSHRC it is not only the number of the people killed is the major concerning issue, but it is also about the way and the condition under which they were killed, are the most critical matter when opportunity for accountability is availed for the victims.

2.2. Humanitarian Crisis associated with the war. The Country has witnessed one of the worst internal displacements of its civil population notably in central Equatoria, Jonglei, Unity and Upper Nile states. To-date over 90,000 people, are living in IDPs Camps. Most of the IDPs live in UNMISS Protection of Civilian Sites (POCs) across the country. The

conditions of the IDP camps have not been very good which needs humanitarian intervention.

2.3. Child soldiers associated with the fighting forces. The Commission has noted that good number of child soldiers has been recruited in this useless war. In Jonglei state, the second takeover of the town by the rebels was triggered by the massive march of the White Army who was mainly children, majority of whom believed to have not attained the age of 18 and this is also the case in Upper Nile and Unity states. In addition, the Crisis Management Committee formed by the government conducted also massive mobilization in the government controlled areas and many people joined the army including children associated with the fighting forces are amongst them in the frontline. All those children mobilized and recruited need to be demobilized and reintegrated into their respective communities when opportunity for doing this is provided through the ongoing negotiation process in Addis Ababa.

2.4. Ethnic Tensions and sense of fear and mistrust amongst the Dinka and Nuer. The Conflict has promoted ethnic tension thus destroying the social cohesion and social fabric of the communities especially amongst the numerically larger tribes such as ethnic Nuer and Dinka. This explains why over ninety thousand (90, 000) IDPs who live under protection of the UNMISS are reluctant to go back to their homes. Often their reluctance is justified by ethnic tension, mistrust and sense of fear for possible annihilation by the other tribe. All these undermine the spirit of coexistence, peace and reconciling process.

2.5. Freedom of Expression and the Media. Prior to the current conflict, and following the declaration of independence of our country, South Sudan fairly and to certain extent demonstrated to the entire region that freedom of expression and media was important. In this period the Commission noted a speedy growth of media houses. Over forty local radio stations were allowed by the government to freely operate. Many programs were run on radio hosting some key persons to speak on

various issues. This conflict however, has created a new situation. Media houses and individuals no longer feel free to express their views on issues of public concern. Print Media houses have suffered the confiscation of their newspapers. Some radio stations have been also tempered with.

2.6. Restriction of freedom of movement. The Commission has also registered some incidents on restriction of freedom of movement in the country. The recent example was the restriction put on the leader of opposition Dr. Lam Akol and some of his colleagues not to travel to Addis Ababa with the government justifying and describing it “as procedural” since Dr. Lam Akol has lost the confidence of his group who has replaced and substituted him by another leader of their choice”.

Mr. President,

3. It will be fair for the Commission to also publicly note and appreciate some commendable efforts made by the government in promotion and protection of human rights in our country. These include:

3.1. Formation of the Investigation Committee on Human Rights abuses headed by competent and independent former chief justice of the Republic. The Committee is doing its work and soon may issue their findings in a form of a comprehensive report. The Commission is monitoring this process very closely.

3.2. Formation of the Crisis Management committee by the Government to among other functions educate the people that; the conflict did not target certain ethnic groups but is a national crisis requiring unity of the South Sudanese in resolving it.

3.3. Prohibition of any member of the organized forces from carrying arms or weapons unless on official duty; this is to minimized the growing crimes associated with people who possess illegal fire arms.

- 3.4.** Signing of peace agreement with Gen. David Yau Yau leader of the South Sudan Defense Forces Cobra faction in Addis Ababa granting Greater Pibor semi-autonomous status in Jonglei state. The area now witnesses a relative peace.
- 3.5.** Formation of the National Platform for Peace and Reconciliation. This was done through the support of the UNDP to engaging the public through dialogue aimed at promoting peace and harmony among the people and reconcile the communities with their trauma.
- 3.6.** Acceptance and welcoming of the African Union Commission of Inquiry on South Sudan conflict headed by President Obasanjo to carry out its mandate and come out with their findings that may be of help in accountability and healing processes that in our view should be negotiated in Addis Ababa.
- 3.7.** Approval of some key human rights conventions by the National Parliament pending their signing by the President. These include Convention on the Rights of the Child, Convention against Torture, African Charter on Human and Peoples' Rights and Convention on Elimination of all Forms of Discrimination against Women.
- 3.8.** Notable cooperation with UNMISS and without reservation, the government has accepted its new mandate approved by the UN Security Council Resolution 2155/2014.
- 3.9.** Accepting Civil Society Organizations to advocate for the promotion and protection of human rights including their participations whichever way in the peace talks.
- 3.10.** Acceptance of the SSHRC Interim Report by being silent about the contents of the report and also and sharing Commission's proposed solutions for resolving the conflict delivered to them in the beginning of August 2014. The top leadership of South Sudan gives a respect and

support to the Commission. Equally, the Commission enjoys the respect of the leaders of other political parties. When the Commission met some of the opposition leaders in Addis Ababa and engaged them with constructive dialogue on peace process, the government received it with an open mind as a sign of their support to the independent institutions.

- 3.11. The government approved and submitted the National Human Rights Agenda to the parliament for their deliberation and adoption it as a national policy document for promoting and protecting human rights in our country.

- 3.12. The national ministry of education has incorporated into the national education curriculum the Themes developed by the Commission on human rights literature which will be taught in primary and secondary schools country wide.

4. The Way Forward. (Parties and

- 4.1. Respect and implement the Cessation of Hostilities Agreement signed by the parties to provide a good environment for reaching a lasting political settlement including security arrangements.
- 4.2. Expedite the deployment of IGAD and UNMISS Peace Keepers.
- 4.3. End the War through the IGAD led Peace Process and establishment of the Transitional government of National Unity which should be people centered government; giving the people opportunity to have options between reconciliation and accountability for rights abuses and damages caused to them.

- 4.4. UNMISS other regional bodies should be supported to monitor human rights abuse with view to improve human rights records in South Sudan.

5. Conclusion

It is important to note that much has been talked about at national, regional and international levels regarding the current war in our country. The agreements so far signed by the parties or measures undertaken or promised by the IGAD countries should therefore be effected and implemented now and where necessary punitive measures should be taken to the realization of commitment of the parties to resolve the conflict. The International Community and the United Nations Security Council need to continue working with the parties to persuade them translate the agreements into reality so that peace and tranquility are given a chance. In so doing, the interest of the victims should be take care of and accommodated, wealth sharing agreement should not ignore benefit that people of South Sudan deserve, consider government structures for the transitional government that will promote peace, reconciliation and effect genuine healing process and above all encourage the warring parties to reconsider some of their uncompromised political positions in favor of lasting peace and territorial national integrity.

Thanks you all for listening