

## **Update on the Human Rights Situation in South Sudan**

**Mr. President, the Deputy High Commissioner, Excellences and Panellists**

### **Brief Background**

As stated in our Report of 25<sup>th</sup> June, 2014 at the Twenty- Six Session of the Human Rights Council, the event of 15<sup>th</sup> December 2013 started within the Presidential Guards when forces loyal to the former Vice President started shooting their colleagues and the shooting rapidly spread to other garrisons within the capital. The national army (SPLA) repulsed the attackers. Those attacks were not an accident but a plan coup to overthrow an elected government. The attempted coup was spearheaded by the former Vice President Dr. Riek Machar and the eleven accused who were arrested, charged and put on trial until the stay of the criminal proceedings.

Between 15<sup>th</sup> and 16<sup>th</sup> December, 2013 forces loyal to the former Vice President broke into two armouries as a result of which some civilians of different ethnic background took advantage of the situation by arming themselves with different sophisticated weapons. With those sophisticated weapons in their hands some indiscipline civilians and members of the Organised Forces committed offences amounting to human rights abuses

On December 19<sup>th</sup>, 2013 the Commander of the SPLA Division in Jonglei State declared his loyalty to the leader of the attempted coup. Similar declarations were made later on by SPLA Divisions Commanders in both Unity and Upper Nile States.

It is therefore useful to note here that meanwhile what took place in Juba between 15<sup>th</sup> and 16<sup>th</sup> of December, 2013 was an attempted coup punishable under South Sudan Penal Code, the declaration of loyalty to the former Vice President by the three SPLA Commanders was a mutiny and rebellion punishable under the SPLA law.

### **Update on further Measures taken by the Government**

**Mr. President, allow me to update the Council on further measures taken by my Government,**

- (1) Formation of Crisis Management Committee (CMC): Its mandate was to maintain stability and calmness among South Sudanese has been a successful measure in sensitizing the population, especially in other states which were not affected by the rebellion, that what happened in Juba was not an ethnic feud or struggle but a political disagreement among politicians from different ethnic background from both side of the Government and the attempted coup plotters. Therefore, no person in those States should be targeted because of his or her ethnicity. Now the mandate of the CMC has been taken over by the Peace, Reconciliation and Healing Committee, headed by the Vice President, which has succeeded in holding peace, reconciliation and healing meetings in Eastern Equatoria, Western Equatoria, Western Bhar El- Ghazal and Warrap States

with plan of continuing to hold such meetings in other States, including the most three affected States which are Jonglei, Unity and Upper Nile.

- (2) Acceptance of Cessation of Hostility and Negotiations under the mediation of IGAD: Since the acceptance of IGAD as mediator between the Government and the rebels, signing of the Cessation of Hostility Agreement and the signing of Recommitment to the Cessation of Hostility Agreement, the Government has been constantly attending the talks in Addis Ababa, Ethiopia, under the auspices of IGAD and has recently signed the Communiqué of the 27<sup>th</sup> Extra Ordinary Session of the IGAD Assembly of Head of States and Governments on situation in South Sudan on 28<sup>th</sup> August, 2014 in Addis Ababa. The Communiqué provides, among others, for the Interim Government to be negotiated between the Government and SPLM/A- IO.
- (3) Formation of Investigation Committee into Human Rights Abuses: This Committee is continuing with its investigation. It is known that the Committee has investigated a number of people in Central Equatoria State, including myself as Minister of Justice and has recently been to Bor, the capital of Jonglei State, evident by the announcement made by its member to the media upon their return from Bor.
- (4) Formation of Combined Patrol from all Organised Forces to restore peace and security in the capital: This measure has resulted into major security improvement in the capital and is still being maintained especially in combatting crimes by gangsters who are still in possession and misuse of the weapons they looted from the armouries.
- (5) Acceptance of Committee of Enquiry formed by African Human Rights Commission under the AU to investigate human rights abuses in South Sudan: this Committee is carrying out its investigation and has recently visited Bor in Jonglei State.
- (6) Formation of Popular Committee for Peace Building: this Committee has succeeded in convincing many IDPs in getting out of the two UNMISS compounds in Juba and the Government has provided police force for maintenance of security in the residential areas to maintain security and has provided the IDPs families that came out of the two compounds with their basic needs.
- (7) Agreement on the Resolution of Conflict with the South Sudan Democratic Movement/ South Sudan Defence Army-Cobra Faction of David YauYau on 9<sup>th</sup> May, 2014: The Government has formed Administration of Greater Pibor Administrative Area with David YauYau as the Chief Administrator. Now peace and stability have returned to Pibor area.

- (8) Regained control of areas then under control of rebels in the three States of Jonglei, Upper Nile and Unity: since regaining most of the areas then under the control of the rebels in the three states of Jonglei, Unity and Upper Nile by the Government, abuses of human rights in those States has decreased significantly and the Government is setting up police posts that were destroyed by the rebels in those areas so as to maintain security and protect the civilians.

#### **Additional Measures taken by the Government**

- (1) Approval of Human Rights Agenda: The Government has endorsed Human Rights Agenda prepared by the Human Right Commission and submitted the document to the National Legislative Assembly for approval. Even before the approval by the National Legislative Assembly some of the basic Human Rights Principles have already been incorporated into our education curriculum system.
- (2) Caring for students whose education was interrupted by the Rebellion: despite the harsh conditions and threshold brought upon the nation by the rebellion, especially in the three States of Jonglei, Unity and Upper Nile, that severely interrupted the education of our children in those three States, my Government succeeded in enabling those students to sit their school certificates at Bentiu in Unity State; Malakal, Maban, Melut and UNMISS site in Upper Nile State; Bor town in Jonglei State; Aweirial in Lakes State and Greater Pibor students in Jonglei State seat their examinations in Central Equatoria State. This makes the total of 1090 students who seat their South Sudan School Certificates. Also over 2800 students from Upper Nile University and Dr. John Garang Memorial University were able to complete their academic year in Central Equatoria. My Government has decided that the two universities should continue functioning in Juba until such a time that permanent peace and stability return to Upper Nile and Jonglei States. All these efforts by my Government is evident of its commitment to education as the right of every child.
- (3) **Freedom of Expression:** the Freedom of Expression is embedded in The Transitional Constitution, 2011 and provides for promotion and protection of Freedom of Expression and Access to Information. Recently H.E the President of the Republic, signed into law the Media Laws which includes Right of Access to Information Act, Broadcasting Corporation Act and the Media Authority Act.
- (4) **Ratification of Conventions**
  - (a) In addition to other conventions previously ratified, my Government has ratified some core conventions which are Convention on Elimination

of All Forms of Discrimination against Women; International Convention against Torture and other Cruel, Inhuman or Degrading or Treatment or Punishment and its First Optional Protocol; Convention on the Rights of the Child and its Optional Protocol on Involvement of Children in Armed Conflicts and Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.

- (b) My Government also has ratified the African Charter on Human and Peoples' Rights and Convention Governing the Specific Aspects of Refugee Problems in Africa.

### **Protection of Civilians**

My Government is quite aware that protection of its citizens is its prior responsibility. This explains why promotion of peace, reconciliation and healing is one of the Government top priority policies. That is also why the Government is deploying police all over South Sudan. Furthermore, the national police service is working together with UNMISS, which now has the same mandate to protect civilians to device means and ways of how best to protect the civilians, especially those in the areas affected by the rebellion.

### **Conclusion**

My Government is committed to ending the conflict which started on 15<sup>th</sup> December, 2013 and this explains its acceptance of IGAD and AU led mediation as the best mechanism to bring lasting peace. Therefore, my Government call upon this Council to exert its efforts to continue supporting the mediation being led by IGAD and the AU without duplication. The Council should also continue with the Technical Assistance and Capacity Building for South Sudan.

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