

Statement to the Security Council

Ivan Šimonović

Assistant Secretary-General for Human Rights

[South Sudan]

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Mr. President,

Distinguished Members of the Council,

Thank you for this opportunity to brief the Council. A couple of weeks ago, I returned to South Sudan after a year. I visited government controlled areas and those held by the opposition.

Though the scale and severity of the conflict has recently declined, the number of displaced and refugees has continued to grow, reaching 2 million people, there are thousands more civilians dead and further humanitarian law and human rights violations have been committed by both sides, as described in UNMISS public human rights reports issued in December 2014 and January 2015. There are more people, mainly women and children, in our POC sites, seeking our protection, now over 110,000. Displaced people told me they are frightened. They have nowhere to go. And both sides seem to be rearming and preparing for a new military campaign.

In Juba, I met people whose whole families have been executed, primarily due to their ethnicity and women and girls who were taken as sex slaves after their husbands were killed. In Malakal, there was a woman whose disabled husband, a doctor, was shot dead last April along with hundreds of others in a teaching hospital. In Bentiu, I visited a hospital where last April a group of civilians seeking safety were huddled into a small room and shot dead. Whilst returning from the hospital, I encountered child soldiers and saw drunken soldiers at a check-point shouting at and mocking a group of female civilians. Women sneak out of the UN protection site during the day to collect fire-wood and to go to the market, and return to the camp in the evening. Some of them are being harassed and raped, as they told me.

Besides the conflict between the SPLA and the SPLA – IO, there are many local conflicts across the country between tribes or even within clans of the same tribe. They involve looting and cattle raiding, but killings and sexual violence as well. There is widespread possession of illegal arms, including AK47's, only adding to further insecurity.

Many government officials told me that the people of South Sudan fought for decades for their dignity, independence, and human rights. What I saw on my mission was certainly not what they have been fighting for. After decades of killing and other violations, there is a need for cultural change

based on respect for human life and human rights. It takes two leaders to end a war in South Sudan, but it takes many for the peace to become sustainable. The on-going peace process and future political arrangement must include representatives of all ethnic groups, women, elders, religious leaders, youth, and other civil society actors.

The conflict has not only impacted the civil and political rights of civilians. It has also had severe social and economic effects. Millions of \$USD that could have been directed towards social development have been wasted first on corruption and then on fighting between two groups of army veterans and their leaders over the spoils. Due to suspended economic trade, millions have also been lost by neighboring states, and the international community has been investing in emergency relief instead of capacity-building and development. Prior to the conflict, a country rich with oil, had a GDP per capita of \$1045 USD. In spite of this, illiteracy and child and maternal mortality are among the highest in the world.

Some positive developments provide hope that the future may be better. Talking to people, I noticed an increasing desire for peace, justice, human rights, social development and political participation. Representatives of all 65 tribes met last week in Juba expressing similar demands. They encouraged the UN, AU, IGAD and Troika to impose sanctions not on the country, but on parties or individuals who refuse to sign or respect peace.

The Government has also undertaken important human rights commitments. I welcome the ratification of a series of international human rights instruments. President Kiir assured me that, in the following days, the ratification instruments will be deposited with the Secretary-General.

Let me now turn to the issue of accountability.

There is broad acknowledgment – in and out of South Sudan - of the need to break the cycle of impunity with some concrete accountability measures. As a local civil society activist told me, “peace has always died when we ignored justice.”

The African Union (AU) has undertaken an important initiative with the establishment of a commission of inquiry into the human rights violations committed in South Sudan following the outbreak of violence in December 2013. Their report has been submitted to the AU Peace and

Security Council, but its consideration has been deferred, as the Council put it, until the imminent conclusion of the peace agreement. In his recent report to the UN Security Council, the Secretary-General requested the African Union to urgently consider the report and its recommendations.

I discussed issues of command responsibility, accountability and combating impunity with President Kiir in Juba and with Dr. Machar in Addis. President Kiir assured me that the results of the national investigations into serious human rights violations following the outbreak of violence, presented to him in December 2014, will also be publicly released soon – however, only after a peace agreement is in place.

I welcome the ‘accountability references’ in the recently signed Arusha and Addis agreements that outline the creation of a hybrid criminal court and the establishment of transitional justice processes, including truth and reconciliation measures and a reparations commission. Indeed, meaningful accountability for serious human rights violations committed during the conflict is the only way to prevent their re-occurrence.

But to be able to deliver in this respect, there is a need to improve the security and justice systems. The formal justice system, already very weak, has completely broken down in the conflict-affected areas. I heard from the Chief Justice that in the whole of the country, there are less than 200 judges. In Eastern Equatoria State, larger than many European countries, there are only two prosecutors. The National Chief of Police told me that 70% of his police officers are illiterate so he can rely on just three thousand out of ten thousand of them to carry out law and order functions.

When visiting prisoners on death row in Juba Central Prison, one of them complained to me that he should be immediately released because he paid the “blood money.” The prison director had promised to release him, if this could be confirmed.

Mr. President,

It is of the utmost importance that this Council remains seized of the question of accountability for past and present violations of international human rights and humanitarian law in South Sudan. It is important to continue to encourage the Government to release the findings of its own investigations, and to encourage the African Union to release the report of its Commission of Inquiry. Together, these reports may form the basis of

an accountability process that can contribute to ending the cycle of violence and impunity and pave the way to reconciliation and sustainable peace.

In the meantime, for peace to be reached, a conducive atmosphere is essential. To contribute to that, the Council may wish to encourage human rights centered confidence-building measures between the parties. These would include: cooperation in tracing missing persons, help in family reunification and access to, and the release of conflict-related detainees by both sides under the principle of “all for all.”

Also, a free and inclusive dialogue is crucial for reaching sustainable peace and building a democratic society. Current restrictions on the freedom of expression against civil society and local media are in this respect quite disturbing. Journalists have been detained, threatened, newspapers have been confiscated and closed. Most recently, threats to close down have even been made against the UN’s own radio station in the country, Radio Miraya.

Distinguished members of the Council,

No efforts should be spared for the peace to be reached rather sooner than later. Those in the camps are the 110,000 fortunate ones who we feed and protect– the remaining, almost two million are far worse off. There is, for example, a group of 260 displaced persons residing in an abandoned building in Malakal, hoping to find place in our overcrowded protection of civilians site. After brutal attacks on them and unable to reach our protection site there, these displaced persons, which included elderly, persons with disabilities, pregnant women as well as children, walked one-hundred kilometers from Jonglei state. They are predominantly women, because a number of men have been killed. As their chief, who had been detained and tortured, himself, told me: “most of them have lost their husbands, have been raped, or both. But they hope for a better future for their children”.

Thank you.

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