



AMNESTY INTERNATIONAL PUBLIC STATEMENT

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Amnesty International calls for justice to end cycles of violence and broken promises in South Sudan

Statement delivered during the Interactive Dialogue with the Commission on Human Rights in South Sudan at the 39th Session of the Human Rights Council

Amnesty International remains gravely concerned about the dire human rights and humanitarian situation in South Sudan which has deteriorated considerably since the outbreak of the conflict nearly five years ago on 15 December 2013. Parties to the conflict continue to perpetrate crimes under international law and other serious human rights violations with complete impunity, brutality and total disregard for human life. This is in spite of the December 2017 'Cessation of Hostilities (COH) Agreement and the June 2018 'Khartoum Declaration of Agreement Between Parties to the Conflict of South Sudan'.

The Government of South Sudan has consistently failed to address past violations and provide any form of accountability for atrocities. The August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) provided for the establishment of a Hybrid Court for South Sudan (HCSS). However, the South Sudan government has long delayed its establishment by failing to sign the Memorandum of Understanding (MOU) and Statute. Although the MOU and Statute were approved by the South Sudan Cabinet of Ministers in December 2017, their signing is still pending.

Throughout 2018, Amnesty International has continued to document grave human rights and humanitarian law violations. On our most recent mission to South Sudan in July 2018, we documented deliberate killings of civilians, sexual violence and abduction, grave violations against children,¹ systemic looting and destruction and the use of food as a weapon of war by government forces and their allied militias during a military offensive on Leer and Mayendit Counties in southern Unity State between April and June 2018. Since the start of 2018, Amnesty International has also continued to document the use of prolonged and arbitrary detention without charge by the military and the National Security Services (NSS). This has continued to occur despite repeated promises by the government to release all political detainees.

DELIBERATE TARGETING OF CIVILIANS IN SOUTHERN UNITY STATE

¹ Alicia Luedke, "South Sudan's Children and Youth Deserve the Chance for a Better Future," 24 August 2018. Blogpost. Available at: https://www.amnesty.org/en/latest/campaigns/2018/08/south-sudans-children-and-youth-deserve-the-chance-for-a-better-future/?utm_source=TWITTER-IS&utm_medium=social&utm_content=1737486089&utm_campaign=Other&utm_term=Making%20the%20Case%20for%20Human%20Rights

In April 2018, just under a month after the UN Human Rights Council (HRC) extended the mandate of the Commission on Human Rights in South Sudan, the government and their allied militias launched offensive operations in southern Unity State, specifically in Leer and Mayendit Counties. Amnesty International visited South Sudan in July 2018 where researchers interviewed some 100-displaced people from Leer and Mayendit.

Witnesses and victims described how during attacks on villages, civilians, including women, children, the elderly and persons with disabilities were deliberately killed by gunfire, burnt alive in their homes, hung from trees and rafters and ran over with armoured vehicles. Civilians were hunted down while fleeing into nearby wetlands, or rivers, as soldiers shot indiscriminately into areas where people were hiding and carried out attacks on islands where civilians had sought refuge. During offensive operations, scores of people, particularly women and girls were abducted and subjected to brutal acts of sexual violence. Some women sustained serious injuries as a result of being gang raped by multiple perpetrators. Abductees were forced to work for their captors and held as slaves and sex slaves.

Government forces and their allied youth militias engaged in a widespread campaign of looting and destruction which appears to have been carried out with the purpose of forcibly displacing civilians and making villages uninhabitable in the future. Many villages were attacked multiple times in what appears to be an effort to ensure that civilians were permanently displaced from their homes. Attacks on food sources, including the deliberate destruction of food stocks, likewise seem to have been carried out with the intention of making the civilian population living in opposition controlled areas of Leer and Mayendit Counties food insecure. These attacks occurred just as the area had been recovering from the famine declared there in February 2017.

This is not the first time that civilians have experienced offensive military operations by government forces in southern Unity State. In January and February 2016, Amnesty International visited Leer County where researchers documented violations of international human rights and humanitarian law. Information gathered by Amnesty International indicated that government forces and their allied militias conducted military operations in villages in Leer between late August 2015 and December 2015 in which they unlawfully killed civilians, including children, pregnant women and nursing mothers, the elderly, and persons with disabilities. Scores of women and girls were abducted, subjected to sexual violence, and forced to work for government and pro-government forces, violations which amount to slavery and sexual slavery.

The repeated attacks against civilians in southern Unity underscores the problem of chronic impunity in the country.² Since the start of the conflict in December 2013, South Sudan's peace process has been characterized by a series of broken promises and breaches of ceasefire agreements. The ARCSS collapsed in July 2016, when fighting again broke out in Juba between government and opposition forces.³ Efforts to revive the agreement have continued since then. In June 2017, regional leaders met in the Ethiopian capital, Addis Ababa to endorse a new peace initiative, known as the High-Level Revitalization Forum (HLRF), intended to "revitalize" the August 2015 agreement, ARCSS. The latest ceasefire was declared on 27 June 2018, as part of the "Khartoum Declaration of Agreement Between Parties of the Conflict of South Sudan" brokered by Sudanese President Omar al-Bashir.⁴

² Amnesty International, *South Sudan: 'We are still running': War crimes in Leer, South Sudan*, 28 July 2016, Index Number: 65/4486/2016, available at: <https://www.amnesty.org/en/documents/afr65/4486/2016/en/>.

³ See Amnesty International, *South Sudan: "We did not believe we would survive": Killings, rape and looting in Juba*, 24 October 2016, Index number: AFR 65/5028/2016.

⁴ Khartoum Declaration of Agreement Between Parties of the Conflict of South Sudan," available at: <https://iqad.int/attachments/article/1874/Khartoum%20Declaration.pdf>.

Notwithstanding this step towards ending the violent conflict, Amnesty International collected testimonies in July 2018 indicating that serious human rights violations continued after 30 June 2018, when the agreement came into effect. It is high time that the cycle of atrocities, civilian suffering and impunity in South Sudan is ended.

ARBITRARY AND PROLONGED DETENTIONS AND ENFORCED DISAPPEARANCES

Since the start of South Sudan's internal armed conflict in December 2013, hundreds of people, mostly men, have been detained under the authority of the National Security Service (NSS) and Military Intelligence Directorate in various detention facilities across the capital city, Juba and elsewhere in the country. Many of those who have been detained have been held under the category of "political detainees" on allegations that they have communicated with or supported the opposition. The detainees have been subjected to torture and other forms of ill-treatment, are denied regular access to their families, a lawyer and adequate medical healthcare.

Since the start of 2018, Amnesty International has continued to document the use of prolonged and arbitrary detentions and ill-treatment by NSS in Juba.^{5 6} For instance, **Peter Biar Ajak**, a prominent South Sudanese academic and activist, was arrested by the NSS at Juba International Airport on Saturday 28 July.⁷ Over a month later, he remains in detention at NSS Headquarters in Jebel Neighborhood in Juba. The government recommitted to releasing political detainees when they signed the "Khartoum Declaration of Agreement Between Parties of the Conflict of South Sudan" signed at the end of June 2018 but instead of releases we are seeing more arbitrary arrests.

Others have been subjected to enforced disappearance. It has been almost two years since **Dong Samuel Luak**, prominent South Sudanese lawyer and human rights activist, and **Aggrey Idrey**, a government critic and member of the Sudan People's Liberation Movement-in Opposition (SPLM-IO), went missing in Nairobi, Kenya. Credible sources indicated that they were detained by Kenyan authorities and unlawfully deported to NSS headquarters in Juba. Amnesty International received credible information that they were removed from this facility on the night of 27 January 2017. Since then, their fate and whereabouts remain unknown.⁸

RECOMMENDATIONS

- Put pressure on parties to the conflict to immediately cease all violations of international humanitarian and human rights law, specifically, by refraining from unlawful killings of civilians, acts of sexual violence, arbitrary detention, forced displacement, looting and destruction of civilian homes and property, and obstructing humanitarian access;
- Put pressure on the Government of South Sudan to cooperate with the African Union (AU) to adopt the statute establishing the Hybrid Court for South Sudan (HCSS), and ensure that the court rapidly becomes operational;
- Support, through financial and technical assistance, human rights investigators from UNMISS, OHCHR-Commission on Human Rights in South Sudan and the UN Panel of Experts so that

⁵ Amnesty International, "Businessman Arbitrarily Detained for 4 Months," 29 August 2018. Urgent Action. Available at:

⁶ Amnesty International, "South Sudanese Activist Arbitrarily Denied," 27 August 2018. Urgent Action. Available at: <https://www.amnesty.org/download/Documents/AFR6589942018ENGLISH.pdf>

⁷ Amnesty International, "Detained Activist Denied Access to a Lawyer," 31 July 2018. Urgent Action. Available at: <https://www.amnesty.org/download/Documents/AFR6588532018ENGLISH.pdf>

⁸ Amnesty International, "Two Men Still Missing One Year Later," 22 January 2018. Urgent Action. Available at: <https://www.amnesty.org/download/Documents/AFR6577442018ENGLISH.pdf>

they have the capacity and resources necessary to collect, preserve and analyse testimonial and physical evidence – including resources for victim and witness protection;

- Call on the Government of South Sudan to release all those arbitrarily detained or charge them with a recognizable offence and present them in court;
- Call on the Government of South Sudan to ensure that detainees are not subjected to torture and other forms of ill-treatment while in detention and urge the Government to grant the detainees access to adequate medical care, access to lawyers of their own choosing, and also allow visits from their families;
- Call on the Government of South Sudan to initiate prompt, effective and impartial investigations into NSS detention practices, including enforced disappearances, deaths in custody, torture and other forms of ill-treatment, and to publicly disclose the findings, and hold perpetrators accountable in fair trials without recourse to the death penalty.