



**<sup>1</sup>South Sudan A failure of Leadership  
Testimony by Amnesty International USA before the  
Senate Africa Subcommittee  
December 10, 2015**

Prepared by Adotei Akwei, Managing Director Government Relations

**Introduction**

On behalf of Amnesty International USA we would like to thank the Members of the Senate Foreign Relations Committee for the opportunity to present our analysis and recommendations on the ongoing crisis in South Sudan.

**Amnesty International's Work on South Sudan**

Amnesty International is the world's largest human rights organization, with more than 7 million supporters in over 150 nations and territories. There are 80 country chapters of Amnesty International. Here in the United States we have nearly 500,000 supporters whose dedication to human rights has impacted both policy and practice around the world.

Amnesty International has been seeking to protect and improve human rights in Sudan since its formation in 1961 and on South Sudan since it seceded from Sudan and gained its independence in 2011. AI has issued reports, held meetings with government representatives for South Sudan, and have also submitted reports to various UN and AU bodies.

**Background to the Conflict in South Sudan**

Since the outbreak of conflict in mid-December 2013 between the government of South Sudan led by President Salva Kiir and opposition forces led by former Vice President Riek Machar, neither side has showed any respect for international humanitarian law nor for the lives and human rights of civilians. All parties to the conflict attacked civilians on a massive scale, destroying and looting civilian

---

<sup>1</sup> Prepared with the help of Nyagoah Tut and Ken Scott

property, raping and abducting women and girls, obstructing humanitarian assistance, and recruiting children into their armed forces. These acts contributed to tens of thousands of deaths, physical injuries, the displacement of over 2 million people, a total loss of livelihoods, destruction of property, and high levels of food insecurity and malnutrition. The UN High Commissioner reports that around 1.6 million people are internally displaced in the country, 200,000 of whom shelter in six UNMISS Protection of Civilian (PoC) sites and around 650,000 people have fled to neighbouring countries as refugees.<sup>2</sup> The rest are sheltering in swamps and forests, while others have been integrated by host communities in areas with little or no conflict.

Such abuses of international human rights and humanitarian law have had severe repercussions on the mental health of thousands of South Sudanese people. The outward signs of trauma and loss are accompanied by often invisible psychological wounds and scars of conflict.

Despite the signing of a peace agreement in August 2015 and subsequent ceasefire declarations by both sides, violence has continued in Unity and Upper Nile states. Alarmingly, the conflict has encroached into Western and Eastern Equatoria states with clashes between the Sudan People's Liberation Movement and armed groups leading to displacement, loss of lives and destruction of property and contributing to egregious human rights abuses, the displacement of millions of people, the destruction of property and livelihoods and widespread food insecurity.

The Peace Agreement set out a large number of commitments, including constitutional, governance and security sector reforms. The peace agreement also provides for three mechanisms related to transitional justice -- a truth and reconciliation commission, a hybrid court and a compensation and reparations authority. Implementation of the peace agreement has been slow at best, with

---

<sup>2</sup> UNHCR Global Appeal 2015 Update. OCHA Humanitarian Bulletin, December 2015, [http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA\\_SouthSudan\\_humanitarian\\_bulletin\\_1Dec2015.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/OCHA_SouthSudan_humanitarian_bulletin_1Dec2015.pdf)

most milestones to date having been missed, and with armed conflict and violence in the country continuing and in some areas, such as Western Equatoria, growing worse. South Sudan. To our knowledge, no progress has yet been made on the transitional justice mechanisms.

### **The International Response**

Despite international and regional efforts to establish peace, conflict and human rights violations continue unabated. On December 24, 2013 the UN Security Council approved an increase of the United Mission in South Sudan (UNMISS) to 12,500 troops and increased the mission's police force to a maximum of 1,323 personnel. The UNMISS mandate was revised in May 2014 to focus on protecting civilians, monitoring and investigating human rights, creating conditions that facilitate the delivery of humanitarian assistance, and supporting the efforts to cease hostilities. The UN Security Council has met to discuss changes to the mandate of the 12,500-strong United Nations peacekeeping mission to support early steps in the peace accord such as ceasefire monitoring which included UN Secretary General Ban Ki-moon's request for 500 extra troops and 600 police, along with helicopters and drones to help the mission enforce the peace deal. (NMG)<sup>3</sup>

### **Key Human Rights Concerns**

On October 27 2015 the long delayed report of the African Union Commission of Inquiry (COI) on South Sudan became public and reiterated the appalling human rights violations and abuses perpetrated against the people of South Sudan . The report finds unequivocally that both sides to the conflict -- including Salva Kiir's Government forces and the Opposition forces led by Riek Machar -- have committed war crimes. This report only covered the period of the conflict until mid-2014, and to our knowledge, there has been no continuing investigation or follow-up.

The AU COI report documents people being burnt in places of worship and hospitals, mass burials, women of all ages, elderly and young, being brutally gang

---

<sup>3</sup> South Sudan Government Directs Civilians to Leave UN Base, The Citizen, December 4, 2015

raped, and left unconscious and bleeding. People were not “simply shot, they were in some instance subjected to beatings before being compelled to jump into fire”. The Commission heard of reports of some captured people being forced to eat human flesh or forced to drink human blood.

Human rights violations included extrajudicial killings (murder), sexual and gender based violence (SGBV) e, violations of freedom of expression and of the media, and discrimination entailed in targeting of individuals on grounds of ethnic origin.

Other crimes, which could constitute either war crimes or crimes against humanity are killings/murder, rape and sexual violence (SGBV), forced displacement/removal of populations, abducted children associated with conflict used in servitude and beaten, looting, pillage and destruction of property, enforced disappearances by state actors, torture, targeting of humanitarian workers and property.<sup>4</sup>The report tracks closely with concerns expressed by international human rights organizations, like Amnesty International as well as humanitarian organizations.

2015 has seen an intensification of these kinds of abuses rather than a decrease. The Office of the High Commission on Human Rights (OHCHR), UNMISS, Amnesty International and other organizations reported that between 29 April and 12 May this year at least 28 towns and villages in the Unity State have been attacked. These attacks by government forces on civilians and the resulting civilian displacement reflect the conflict driven human rights violations of early 2014. In Bentiu, the murder, abduction and sexual assaults on civilians not continue, but are escalating at an alarming rate.

On 30 June UNMISS issued a report with findings of widespread violations against civilians marked by a ‘new brutality and intensity’ committed by government forces in southern parts of Bentiu. Moreover, UNICEF estimates that approximately 16, 000 children have been recruited by all parties to serve in armed forces and groups.

---

<sup>4</sup> Final Report of the Africa Union Commission of Inquiry on South Sudan, African Commission of Inquiry on South Sudan, Page 117, October 15, 2015

Those who fled violence in Rubkona, Guit, Koch and Leer counties describe how government forces, mostly from the Bul section of the Nuer ethnic group, have been attacking their villages with axes, machetes and guns. Armed groups have also participated in the mass killing of civilians.

On 25 April, an armed group with machine guns, large guns, and RPGs attacked the Atar village in Piji County and shot anyone they saw. Those who survived these attacks sought refuge at UN protection of civilian sites. Intense fighting between the Sudan People's Liberation Movement/Army-In Opposition, government forces, allied youth and militia groups have caused thousands to flee to a United Nations base in Bentiu.

Government soldiers have targeted and killed people based on ethnicity and assumed political affiliation. Parties to the conflict have attacked hospitals and places of worship where civilians have taken refuge/sheltered. Currently the culture of impunity allows these abuses to go unchecked. Perpetrators need to be held accountable for their actions to deter further atrocities.

### **Deepening Humanitarian Crisis**

South Sudan is in dire need of humanitarian assistance due to the conflict and as a result of civil war in Sudan that preceded the country becoming independent. In October, the UN, FAO and WFP issued a report stating that *"3.9 million people in South Sudan faced "severe hunger and that tens of thousands were on the brink of famine"*.<sup>5</sup>

The obstruction of humanitarian assistance by parties to the conflict is also a significant roadblock to delivering lifesaving assistance. Parties to the conflict have attacked humanitarian workers and UN bases where an estimated 180,000 people have sought shelter. Five humanitarian workers have been killed, two UN

---

<sup>5</sup> <http://www.wfp.org/news/news-release/un-calls-immediate-access-conflict-affected-areas-prevent-catastrophe-south-sudan>

employees abducted and three crew members killed when their UNMISS helicopter was shot down. The International Committee of the Red Cross announced the withdrawal of staff from Leer County in October and there are reports that other agencies have also been weighing whether their staff can stay and operations can be continued.<sup>6</sup>

### **Government Repression**

Freedom of expression is heavily curtailed in South Sudan and the environment for journalists, human right defenders and civil society to do their work without intimidation or fear has greatly declined.

On October 8, 2014 the Parliament passed a National Security Service Bill. However, President Kiir refused to sign it into law and sent it back for revisions. Despite this, the bill purportedly came into law in March 2015. The Act gives the National Security Service (NSS) broad powers to arrest and detain without appropriate oversight mechanisms against abuse. Emboldened by this, the NSS have arrested, harassed and intimidated journalists, civil society actors and perceived political opponents. They have also held temporarily or confiscated entirely issues of multiple newspapers.

Moreover, a draft Non-Governmental Organizations Bill remains a possibility after being considered by Parliament. This bill would restrict the right to freedom of association by requiring registration, prohibiting NGOs from operating without being registered, and criminalizing voluntary activities that were carried out without a registration certificate.

### **Need for Accountability**

Even though the government of South Sudan did set up inquiries into conflict related abuses following the start of the conflict, none of these have resulted in independent and effective investigations or accountability.

---

<sup>6</sup> <https://www.icrc.org/en/document/south-sudan-conflict-leer-looting-icrc-forced-withdrawal>

After the start of the conflict, President Kiir formed a committee to investigate human rights abuses. The committee submitted a report to the President in December 2014; however, it has yet to be released to the public. Furthermore, the SPLA set up two investigation committees in December 2013. Approximately 100 individuals were arrested, all of whom escaped during a gunfight among soldiers in March 2014. While the SPLA has announced that it has rearrested two individuals, no information was made public about their identity or the charges against them.

On 2 July, the Human Rights Council adopted a robust resolution on South Sudan, which requested the OHCHR to undertake a mission to South Sudan and to recommend follow-up actions for the Human Rights Council, including the possibility of a mechanism, such as a Special Rapporteur. The appointment of a Special Rapporteur to South Sudan will be a critical affirmation by the international community toward their obligation to ensure accountability and justice for human rights abuses and violations of international humanitarian law.

Perhaps most urgently the international community must act swiftly to establish and implement accountability investigations now - without waiting for the full establishment of the hybrid court or the appointment of a Special Rapporteur. This is critical to help preserve evidence and for eventual prosecutions in the future.

## **Conclusions**

Mr. Chairman, members of the Subcommittee, it is hard to find words to do justice to the tragedy and depth of suffering that the people of Sudan are going through. When one adds on the human rights abuses that have impacted the same people during the civil war in Sudan which dates back to 1955 with a brief respite between 1972 and 1983, the current conflagration and its primary drivers, is even more offensive. In all of this time the international community has often done too little too late on various aspects of the conflict but it has consistently failed to uphold and impose accountability and the people of South Sudan are reaping the grim consequences.

The title of these hearings is a stark reminder of how badly all of us, the leaders of South Sudan's government, and the armed groups, the leaders of the African Union and IGAD and the international community, have failed the people of South Sudan. While it might have been woefully optimistic to expect strong governance and the rule of law to immediately manifest itself in South Sudan after nearly 60 years of conflict, no one appears to have anticipated the conflagration that is destroying the country now.

Until persons linked to human rights violations are brought to justice, there will be no incentive to change behavior and no progress toward improving the respect and protection of human rights, and we in the international community will be stuck in the same fire drill of trying to stop violence and the process postpone setting up effective mechanisms of governance, accountability. It is well past time for the United States, in concert with the AU, IGAD and the UN, to make abusive actions have consequences and begin to break the cycle of impunity in South Sudan.

### **AMNESTY INTERNATIONAL'S RECOMMENDATIONS**

We urge you members of the Senate Africa subcommittee to:

- Support the implementation of the human rights and humanitarian provisions in the Agreement on the Resolution of conflict in South Sudan
- Take measures to ensure that all parties to the conflict cease violations of international humanitarian law and violations and abuses of international human rights law;
- Call on the government of South Sudan to adequately protect internally displaced populations, ensure their security, and help create conditions that would allow them return or safely relocate in accordance with their wishes.
- Support efforts to ensure access to justice and reparation programs for victims of human rights violations and abuses including on the establishment and operationalization of a hybrid court;
- Call upon the UN Security Council to impose a comprehensive arms embargo against all parties in the conflict on South Sudan.



- Call upon UN Security Council to impose sanctions against individuals and entities who have engaged in violations of international humanitarian law and abuses of international human rights law