

## Press Statements on the Human Rights Situation in South Sudan

### 1. Press release on human rights violations in the South Sudan conflict

(<https://www.achpr.org/pressrelease/detail?id=39> )

The African Commission on Human and Peoples' Rights (the African Commission) has been following, through its Country Rapporteur for South Sudan, the ongoing civil conflict in South Sudan and is appalled by the deliberate and brutal targeting of civilians, particularly women and children by both the government forces and opposition forces.

The African Commission particularly takes note of the Report of the Office of the United Nations High Commissioner for Human Rights (OHCHR) issued on 10 July 2018 which documents some of the worst atrocities by government forces in the rebel held areas, including shooting at fleeing civilians, gang rape of women and children, and killing of elderly people, persons with disabilities and children, including through being hanged from trees and burned alive. The Report further confirms retaliatory attacks on civilians carried out by opposition armed groups.

The African Commission condemns in the strongest terms these acts of violence constituting gross violations and abuses of the human and peoples' rights under the African Charter on Human and Peoples Rights and the rules of international humanitarian law.

The Commission is concerned about the 2.5 million South Sudanese forced to seek refuge in neighbouring countries, and the 1.74 million internally displaced persons. The Commission further condemns the attacks against humanitarian workers, UN Peacekeepers and other actions limited humanitarian access.

Considering that the ongoing violations can be brought to an end through the resolution of the conflict in South Sudan, the Commission is further concerned about the repeated failure of the parties to conclusively resolve the conflict within the framework of the regional Intergovernmental Authority on Development (IGAD) High-Level Revitalization Forum and about reports of violations of the latest ceasefire that came into effect on 30 June 2018.

The African Commission reaffirms the continued relevance of the IGAD mediated August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan, notably the transitional justice mechanisms provided for in the agreement.

The Commission reaffirms as a fundamental right of all peoples the right to national peace and security guaranteed under Article 23 of the African Charter on Human and Peoples' Rights (African Charter), as well as the right of human beings to respect for their life, integrity of their person (Article 4) and the prohibition of torture, cruel, inhuman and degrading treatment (Article 5). The Commission also affirms the principle of distinction under international humanitarian law, which absolutely prohibits attacks against civilians.

The African Commission:

1. Reminds the government of South Sudan that it bears primary responsibility for protecting civilians, including those in the rebel held areas, for ensuring that its forces completely cease the targetting of civilians and for investigating and holding those responsible accountable;
2. Urges IGAD and its Special Envoy for the South Sudan Peace process as well as the African Union to explicitly require as part of the ceasefire and the peace talks, total abstention from and rejection of attacks against civilians; and to include attacks against civilians and violations of international humanitarian law among the indicators for monitoring the ceasefire;
3. Calls on the government and the armed opposition to end attacks against humanitarian actors and to ensure unrestricted humanitarian access for bringing life saving aid to the internally displaced and others in need of humanitarian assistance;
4. Underscores the supreme importance of the conclusive resolution of the conflict through the ongoing peace process under the auspices of IGAD for ending the violations and suffering that the civilian population continues to endure;
5. Urges the AU to put in place a mechanism for documenting the identities of civilian authorities and military commanders, both in the government and the armed opposition, who are responsible for or failed to stop attacks against civilians; and
6. Calls on IGAD, the AU and the South Sudan Government and the other Parties to the August 2015 IGAD Agreement, to urgently put in place a process for the implementation of the transitional justice mechanisms provided for in the 2015 Agreement and in this regard urges them to cooperate, as stipulated in the 2015 Agreement, with the African Commission on Human and Peoples' Rights for putting in place such a process, including on the operationalization of the truth, reconciliation and healing commission.

**Honourable Commissioner Solomon Ayele Dersso, Commissioner Rapporteur for the Republic of South Sudan**

**Banjul, 12 July 2018**

**2. Press Statement on the human and peoples' rights situation in South Sudan**  
(<https://www.achpr.org/pressrelease/detail?id=479>)

The African Commission on Human and Peoples' Rights continues to follow closely the situation in South Sudan.

The African Commission remains concerned about the consequences of non-implementation of the Revitalized Peace Agreement on the Resolution of the Conflict in South Sudan of September 2018 and the occasion that this has created for the perpetration of human and peoples' rights violations and the vacuum of responsibility it has created for respecting and ensuring respect for human and peoples' rights in South Sudan.

The African Commission welcomes the political will that the leaders of the parties to the September 2018 revitalized peace agreement showed and their affirmation of their agreement to proceed the formation of the Government of National Unity at the end of the extended pre-transitional period which is on 22 February. This is a key milestone for the implementation of important aspects of the peace agreement entailing critical institutional and governance reforms and transitional justice mechanisms.

The African Commission remains concerned about the human and peoples' rights situation in South Sudan as reported and documented by South Sudanese and international organizations, the UN Commission on Human Rights in South Sudan and South Sudanese and International media.

The African Commission reminds the South Sudanese authorities and the parties to the September 2018 revitalized Peace agreement that they bear responsibility for respecting the human and peoples' rights of South Sudanese. In this regard, the Commission urges that the GNU upon its establishment prioritizes the adoption of measures for ending both the incidents of violations of human and peoples' rights and the impunity resulting from the lack of investigation and prosecution of reported acts of violations.

Recalling its resolution on South Sudan ACHPR/Res.428(LXV)2019 adopted during the 65th ordinary session, the African Commission also calls on the GNU to initiate the necessary legislative, institutional and budgetary measures for the complementary implementation of all the transitional justice mechanisms of Chapter V of the Revitalized Peace Agreement.

The African Commission urges the parties to implement the transitional period measures and processes envisaged in the Revitalized Peace Agreement, including the accountability and remedial measures envisaged under Chapter V of the Revitalized Peace Agreement, with the utmost responsibility and compromise and for upholding the rights and interests of the peoples of South Sudan, who bore the brunt of the conflict and the attendant violations for all these years.

The African Commission also calls on the GNU, the Intergovernmental Authority on Development, the AU and the UN to initiate and implement collective measures envisaged in the AU Transitional Justice Policy and the complementary African Commission's Study on Transitional Justice including provision of humanitarian assistance, medical and psychosocial support, and social and economic rehabilitation assistance for those affected by the conflict including notably women and children, and other assistance for the free return of internally displaced persons and refugees.

Finally, the Commission reiterates its request for the GNU of South Sudan to invite it to undertake a human rights protection mission in the country.

**3. Press Statement of the African Commission on Human and Peoples' Rights on preventing the relapse of South Sudan into conflict (<https://www.achpr.org/pressrelease/detail?id=454>)**

The African Commission on Human and Peoples' Rights (the Commission), through its Country Rapporteur for South Sudan, Commissioner Solomon Ayele Dersso, has been following with concern the challenges facing the implementation by the parties, of the September 2018 Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).

The Commission expresses its serious concern about the imminent risk of relapse of the country into violence, which would certainly lead to another round of death and displacement of civilians. While only a few days are left before the deadline for the formation of the revitalized government of national unity and the start of the transitional period on 12 November, progress has not been made in the implementation of two key pre-transitional tasks, notably security arrangements and the number of states as well as internal boundaries of states.

The Commission deplores the intransigence and lack of concern of the parties to the R-ARCSS in relation to the plight of the people of South Sudan, leading to the absence of a consensual timeline and the requisite minimum conditions for the formation of a stable government of national unity by the current deadline.

The Commission notes with concern the disagreement between the parties to the R-ARCSS (namely the Government of South Sudan's President Salva Kiir and the Sudan People's Liberation Movement in Opposition (SPLM-IO)) on the formation of the revitalized government of national unity by the deadline of 12 November 2019. While one side is inclined to proceed with the plan of forming the government of national unity by 12 November, the other has called for the resolution of the dispute over the implementation of the two key pre-transitional tasks before the forming of the government of national unity and extension of the 12 November deadline.

The Commission is particularly alarmed that the inevitable disagreement that will result from formation of the government of national unity before progress is made in respect of the two key pre-transitional tasks, will create conditions that jeopardise the lives and peace of the South Sudanese people.

In light of the above, the Commission:

1. Strongly urges the political leaders in South Sudan to place the protection and promotion of human rights of the South Sudanese people at the centre of all negotiations towards sustainable peace and development;
2. Reminds the Government of South Sudan and the SPLM-IO as parties to the R-ARCSS that the right of all peoples to national and international peace and security under the African Charter on Human and Peoples' Rights entails that they bear primary responsibility for the peace of South Sudanese;
3. Urges the parties to avoid resort to unilateral measures that endanger the peace agreement and push the country back to violent conflict, and to this end, to engage constructively to achieve meaningful progress in respect to the two key pre-transitional tasks; and
4. Calls on the Inter-Governmental Authority on Development (IGAD) in collaboration with the African Union and others supporting the South Sudan peace process to facilitate consensus between the South Sudanese parties on the number and boundaries of states and for a mutually agreed timeline for the unification of their armed units into a unified army, as necessary steps for preventing recurrence of armed violence and the ensuing violations of the rights of South Sudanese, including women and children.

**Commissioner Solomon Ayele Dersso, Chairperson of the African Commission**

**Commissioner Rapporteur for the Republic of South Sudan and Focal Person of the Commission on Human Rights in Conflict Situations**

**4. Statement on the human rights situation in South Sudan**  
**(<https://www.achpr.org/pressrelease/detail?id=514> )**

The African Commission on Human and Peoples' Rights (the African Commission), through the Country rapporteur for human rights in South Sudan, is following closely the human rights situation in South Sudan. The Commission is in particular concerned about the human rights issues relating to the novel coronavirus (COVID19 and the impact it is having on the transitional process.

The African Commission is concerned that COVID-19 further undermines the already weak system of protection of the right to health in South Sudan characterized by a health care system in which only less than half of the state's healthcare facilities are functioning, and, of those, many are both understaffed and poorly equipped and by acute shortage of health care workers and departure of humanitarian actors due to COVID-19.

The African Commission notes that 1,916 cases of COVID-19 cases, 35 deaths due to the virus, and 190 recoveries have been reported in South Sudan. While the African Commission, as stated in its statement of 24 March 2019 on COVID19 in Africa, affirms that the Government of South Sudan has primary responsibility for instituting public health measures for protecting the public from COVID-19, it is concerned that the members of the High-Level Task Force that the Government established to coordinate and lead the response against the pandemic have become infected with the virus.

The African Commission is further concerned that COVID-19 exacerbates existing human rights, humanitarian and security challenges in the country. The African Commission is in particular concerned about reports of spike in gender-based violence and sexual violence targeting women and girls and incidents of arbitrary arrests, ill-treatment and excessive use of force by security force and the impact of the closure of schools and other measures on the right to education and access to basic needs.

The African Commission also expresses its concern about the threat that COVID-19 poses particularly on the most vulnerable members of society including women, children and internally displaced persons (IDPs) who are disproportionately affected by pre-existing conditions of insecurity, lack of access to services and humanitarian crisis including food insecurity. In this respect, the African Commission expresses its alarm at the risk of the spread of COVID-19 following the reported spread of the virus in the United Nations Protection of Civilian sites in the capital city, Juba and in Unity State and the dire threat such spread poses to the health and life of IDPs, including the approximately 150,000 people who are sheltered in UN civilian protection sites.

The African Commission is also concerned about the negative impact of COVID-19 on the peace process and the implementation of the transitional process in South Sudan and on humanitarian access due to the disruption of humanitarian supply chains and humanitarian actors. Emerging in a context of insecurity and local violence in various parts of the country, the Commission is concerned about reports of over 400 incidents of community violence that has been reported between January and May 2020 and about on-going hostilities, including between Government forces and the National Salvation Front forces in Central Equatoria in violation of the Cessation of Hostilities Agreement and peace efforts made in Rome.

The African Commission urges the Government of South Sudan:

- To comply with the African Commission's statement of 24 March on human rights based effective response to COVID-19 in Africa;
- To implement localized response by implementing public health measures in high risk areas;
- To sustain momentum in the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) and fast track the constitution of infrastructures of governance including finalization of agreement between the parties to the South Sudan peace agreement on the establishment of the leadership structures at the state and local government levels for ensuring effective system of governance;
- To ensure unhindered access to the provision of humanitarian assistance, including in the provision of health care services for IDPs and maintain close working relationship with the UN mission in the country and support measures to contain the spread of COVID-19 in the UN POC sites;
- To ensure full operation of human rights monitoring and reporting and provide protection and support for those who suffered violations including notably in the provision of psycho-social and medical assistance to women and children affected by gender-based and sexual violence;
- To take leadership for stopping hostilities and upholding the ceasefire which is necessary to avoid forced conscription including of children, unnecessary loss of lives and the worsening of the humanitarian situation in South Sudan.

**5. Communiqué de presse sur la situation des droits de l'homme en République du Soudan du Sud (<https://www.achpr.org/fr/pressrelease/detail?id=128>)**

La Commission Africaine des Droits de l'Homme et des Peuples (la Commission) a constaté, avec consternation, la détérioration de la situation des droits de l'homme au Soudan du Sud qui a eu des répercussions énormes sur la paix, la sécurité et la stabilité dans la région.

La Commission condamne fermement les récentes attaques ciblant les personnes déplacées, les ambassades africaines, le complexe des Nations Unies et la population civile, et demande au gouvernement du Soudan du Sud d'assurer leur pleine protection.

La Commission appelle à la cessation des hostilités ainsi que la mise en œuvre et le respect de l'Accord de Paix d'Addis-Abeba par toutes les parties concernées. La Commission leur conseille en outre de déposer les armes et de mettre fin à tout acte de violation de l'intégrité physique et morale de la population.

Rappelant son mandat de promotion et de protection des droits de l'homme et des peuples en vertu de la Charte africaine des droits et de l'homme et des peuples (la Charte africaine), la Commission appelle le gouvernement du Soudan du Sud à respecter les droits garantis par la Charte africaine et d'autres instruments des droits de l'homme auxquels le Soudan du Sud est partie et de s'abstenir de toute action susceptible de menacer les droits fondamentaux de sa population.

La Commission exhorte le Soudan du Sud à prendre toutes les mesures nécessaires pour assurer la sûreté et la sécurité de sa population, mais aussi pour respecter et réaliser leur droit à la paix, tel que prévu par l'article 3 (f) de l'Acte constitutif de l'Union africaine.

Enfin, la Commission exhorte l'Union africaine, l'IGAD et la Communauté internationale à encourager toutes les parties prenantes et les parties à l'accord de paix à assurer une issue pacifique à la crise ainsi que la relance du processus de paix en cours.

**Banjul, 14 juillet 2016**

**6. Déclaration de la Rapporteuse spéciale sur les Réfugiés, les Demandeurs d'asile, les Personnes déplacées et les Migrants en Afrique, à l'occasion de la Célébration de la Journée mondiale des Réfugiés, 2018**  
([https://www.achpr.org/fr\\_pressrelease/detail?id=46](https://www.achpr.org/fr_pressrelease/detail?id=46))

La Rapporteuse Spéciale sur les Réfugiés, les Demandeurs d'asile, les Personnes déplacées et les Migrants en Afrique, **l'honorable Commissaire Maya Sahli-Fadel**, voudrait en cette journée mondiale pour les réfugiés, rappeler aux Etats et à tous les acteurs intervenants dans l'accueil, la protection et la prise en charge des réfugiés, l'importance de redoubler d'efforts en vue de l'amélioration de la situation des réfugiés.

La Rapporteuse Spéciale, rappelle que la protection et le respect des droits des réfugiés, plus qu'un devoir sont une obligation pour les Etats, mais également pour leurs citoyens.



Dans le monde entier et particulièrement en Afrique, plusieurs milliers de personnes fuient leur foyer afin de trouver refuge ailleurs et tenter tant bien que mal de poursuivre le cours de leur vie ou d'essayer de la recommencer. Nous voulons saluer le courage et la résilience de ces personnes.

La situation des réfugiés en Afrique, demeure constante, avec un afflux continu des réfugiés venant des pays tels que le Soudan du sud, la Somalie, la République Démocratique du Congo (RDC), le Cameroun, le Nigéria , le Tchad et le Niger entre autres. Cet afflux est lié notamment à l'insécurité qui règne dans ces pays ou dans certaines de leurs régions.

La question de l'accueil des réfugiés pose également le problème de la charge importante pour les pays et communautés d'accueil qui vivent déjà dans un contexte d'extrême pauvreté et de vulnérabilité; ce qui affecte toute politique de développement. En effet, des pays comme l'Ouganda continuent de recevoir des réfugiés de la RDC et du Soudan du sud, malgré les difficultés qu'ils rencontrent à les accueillir correctement.

En ce qui concerne les réfugiés de long terme, dans les camps au Kenya, la pauvreté et la sécheresse les menacent ces derniers, à Djibouti leur situation pose un réel défi humanitaire et économique aux autorités du pays, tandis que les réfugiés sahraouis dans les camps de Tindouf attendent toujours depuis 40 ans une solution politique à la question du Sahraoui occidental.

Célébrer la journée mondiale du Réfugié est plus qu'une commémoration ; c'est le lieu pour les Etats africains de réfléchir afin de trouver une solution africaine aux problèmes des réfugiés, et ceci ne peut se faire sans la paix et la sécurité, et en s'attaquant aux causes des déplacements forcés ; tout en continuant de garantir aux demandeurs d'asile et aux réfugiés un accueil et une protection dans le respect des droits de l'homme et des obligations conventionnelles internationales et régionales.

A la veille de l'année 2019, année de la célébration du 50eme anniversaire de la convention de l'OUA de 1969, et l'adoption à venir du Pacte mondial sur les réfugiés en décembre 2018, il est temps de traduire les engagements en actions, rechercher des solutions globales pour en finir avec la précarité, l'insécurité et l'instabilité.

Des générations entières d'hommes de femmes et d'enfants réfugiés n'ont aucun espoir d'avenir car limitées dans leurs actions par leur statut de réfugié. Nous devons nous souvenir qu'être réfugié n'est pas un choix, mais une fatalité à laquelle tout être humain à un moment ou un autre de sa vie peut être confronté. Il est donc important de s'assurer que les droits du réfugié et particulièrement ceux inhérents à la dignité humaine soient respectés.

Les réfugiés doivent jouir de la protection du droit international humanitaire et des droits de l'homme sans discrimination. Gardons toujours à l'esprit qu'un jour, nous pourrions être l'une de ses personnes. Aussi il est impératif de s'assurer que les demandeurs d'asile et les réfugiés ne subissent aucun mauvais traitement ou exaction

dans les centres d'accueils ou de rétention. Traitons-les comme nous souhaiterions l'être dans les mêmes circonstances.

La Rapporteuse spéciale remercie les pays qui ont offert leur hospitalité et leur solidarité aux réfugiés vivant sur leur territoire, et appelle tous les Etats africains à contribuer collectivement aux coûts liés à l'accueil des réfugiés, conformément au principe de la solidarité africaine et à la coopération internationale, tel que stipulé dans la Convention de l'OUA de 1969.

La Rapporteuse Spéciale invite les Etats à adopter des cadres législatifs et à renforcer ceux déjà existants pour une meilleure protection des réfugiés en s'assurant du respect du principe de non refoulement et à s'ouvrir à l'accueil des demandeurs d'asile et des réfugiés qu'ils doivent considérer comme un potentiel économique et non un danger sécuritaire.

Elle appelle plus particulièrement les Etats africains à intensifier leurs efforts de collaboration dans la recherche de solutions durables, notamment pour les réfugiés de long terme, qui peuvent constituer une valeur ajoutée positive dans la dynamique économique des pays hôtes.

Elle voudrait également remercier toutes les personnes qui œuvrent à l'accueil et l'accompagnement des réfugiés au quotidien.

**Banjul le 20 juin 2018**

**7. Letter of Concern to the Republic of South Sudan**  
(<https://www.achpr.org/pressrelease/detail?id=12>)

The Commissioner Rapporteur on the Human Rights Situation in the Republic of South Sudan transmitted a Letter of Concern to the President of the Republic of South Sudan regarding rising attacks against women, including brutal acts of rape. The Letter of Concern in particular highlighted the concern of the Commission in relation to the more than 150 women, including pregnant women, children and old persons, who come forward to seek medical assistance after they were raped, sexually attacked, beaten and robbed of their belongings in Bentiu between the end of November and beginning of December 2018.

**8. The African Commission hails South Sudan's decision to implement the transitional justice chapter of South Sudan's Peace Agreement**  
(<https://www.achpr.org/news/viewdetail?id=218>)

The African Commission on Human and Peoples' Rights (African Commission), welcomes the decision of the Cabinet of the Republic of South Sudan to establish Transitional Justice Institutions, in accordance with Chapter 5 of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS).

The decision is a necessary step for the operationalization of Chapter V of the R-ARCSS. It presents a long-awaited opportunity to fulfill the promise of the R-ARCSS to address the gross violations of human and peoples' rights that occurred during the conflict, through facilitating truth, reconciliation, healing, compensation and reparation. The African Commission commends and fully supports this decision, which reaffirms the commitment of South Sudan to the transitional justice provisions of R-ARCSS.

The African Commission will proceed, through its Country Rapporteur for South Sudan and Chairperson, Honourable Commissioner Solomon Ayele Dersso, to provide to the Government of the Republic of South Sudan the necessary assistance needed for the implementation of this decision, in line with the responsibility entrusted to it in Chapter V of the R-ARCSS. The African Commission's Country Rapporteur had previously initiated consultations with South Sudan, the African Union and United Nations stakeholders, for developing advisory note on the operationalization of Chapter V of the R-ARCSS, within the framework of African Commission's Resolution 428 (2019) and Chapter V 1.5 of the R-ARCSS.

The African Commission looks forward to the full cooperation of South Sudan with the Country Rapporteur in implementing Resolution 428(2019) within the framework of Chapter V 1.5. of the R-ARCSS.

The African Commission will continue to follow up on the implementation of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), through its Country Rapporteur for South Sudan.

**Commissioner Solomon Ayele Dersso, PhD**  
*Country Rapporteur of the African Commission for South Sudan &  
Chairperson of the African Commission on Human and Peoples' Rights*