

Understanding the Human Rights Status in South Sudan

Bhaskar Gogoi*

Abstract

Human rights are inherent and inalienable rights which are due to an individual by virtue of his or her being a human being. These rights are necessary to ensure the dignity of every person as a human being irrespective of one's race, religion, nationality, language, sex or any other factor. The concept of human rights are based on the assumption that human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all human individuals by virtue of their humanity alone. Human rights in South Sudan are a contentious issue, owing at least in part to the country's violent history. Today in the Sudan, the world is witnessing human rights violence in different areas. This violence is rooted in racial and ethnical disputes between Arab and African. All are related with human rights violence in South Sudan.

KEYWORDS:- Human rights, South Sudan, violence, conflict.

INTRODUCTION:-

Human rights are inherent and inalienable rights which are due to an individual by virtue of his or her being a human being. These rights are necessary to ensure the dignity of every person as a human being irrespective of one's race, religion, nationality, language, sex or any other factor. The concepts of human rights are based on the assumption that human beings are born equal in dignity and rights. These are moral claims which are inalienable and inherent in all human individuals by virtue of their humanity alone.

Human rights in South Sudan are a contentious issue, owing at least in part to the country's violent history. The constitution of South Sudan describes the country as a multi ethnic, multi-cultural, multi lingual, multi religious and multi-racial entity where such diversities peacefully coexist. South Sudan came into existence as an independent and sovereign country on the heels of a long and taxing liberation struggle. The struggle that culminated in her independent is officially recognized as a journey of nearly two hundred years, from 1821 to 2011, the year South Sudan gained independence.

Throughout the 20th century, South Sudan was a part of Anglo- Egyptian Sudan and under British and Egyptian rule. After two decades of civil war with Sudan, South Sudan gained its independence. However South Sudan still faces violent, inter- ethnic conflicts today. The relentless fighting and its manifold consequences have continued to have a significant impact on human rights and living conditions for generally.

HUMAN RIGHTS STATUS IN SOUTH SUDAN:-

Almost two years after the outbreak of violence in December 2013, the relentless fighting and its manifold consequences have continued to have a significant impact on human rights and living conditions for civilians generally. Violations and abuses of human rights as well as violations of international humanitarian law have been committed, possibly amounting to war crimes against humanity. Such violations included extra judicial and targeted killings; abductions and enforced disappearances ;sexual and gender based violence including rape ; the massive displacement of civilian populations ; the destruction of means of livelihood through the deliberate burning and destruction of homes and crops as well as looting of livestock and forced recruitment of children.

Throughout this period, the United Nations Mission in South Sudan (UNMISS) has been monitoring and reporting on the human rights situation as mandated by the United National Security

Council in Resolution 2155, 2187,2223 and 2241. This report takes stock of the human rights situation as the South Sudanese populace anxiously await the implementation of a fragile peace agreement signed in 2015. Gross violations and abuses of human rights and serious violations of international humanitarian law have been attributed to all parties to the conflict and have occurred in all areas where fighting has taken place. Entire times, such as Malakal and Bentiu in Greater Upper Nile have been destroyed, with their population on the run or seeking shelter in sites for the internally displaced. Very few places have been safe, as the parties have intentionally attacked traditional safe havens, such as places of worship, hospitals and occasionally United Nations bases. The displacement of populations has led to the separation of families and the destruction of livelihoods. Several areas affected by the conflict have been experiencing alarming levels of food insecurity and deprivation.

Infact critical spikes in the intensity of the fighting in April 2014, October 2014 and April 2015 each saw the rote of violations reach a new level. In addition following SPLA(Sudan People's Liberation Army) offensive in unity in April 2015, this growing amplification and intensification of the conflict areas beyond. Greater Upper Nile, as ethnic tensions were seem in a pattern of increased violence neither communities, such as in Lakes, Eastern and Western Equatorial states , clearly illustrating the pervasive impact of the crisis across the country.

State institutions have appeared to weaken as government's ability to protect its citizens and offer basic services has been compromised by the conflict. The already weak administration of justice has deteriorated even further with some indication that arbitrary arrests and detentions are increasing, particularly by the NSS (National Security Service). Moreover, the space for freedom of expression and speech has severely narrowed as security organs have clamped down on the media, shutting down radio stations and newspapers and arresting, harassing and intimidating journalists and human rights defenders.

ABUSES AND VIOLATIONS OF HUMAN RIGHTS AND INTERNATIONAL HUMANITARIAN LAW IN CASE OF SOUTH SUDAN:-

There are various cases of human rights violations and abuses and violations of humanitarian law in South Sudan, which clearly signify the human rights status in South Sudan. The abuses and violations of human rights and humanitarian law can be categorized in the following heads.

(i) Violations associated with conflict :-

The ongoing conflict continues to be the primary threat to the enjoyment of human rights in the country. Gross human rights abuses and violations and serious violations of international humanitarian law have taken place in the context of the fighting throughout this period. Violence against civilians associated with the conflict has largely been perpetrated by SPLA

and SPLM/A-IO forces. Other armed groups have also been reportedly involved. Direct violations against civilians have included forced recruitment, including of children; targeted killings; conflict-related sexual violence; lack of distinction between civilian and military targets; arbitrary detention and ill-treatment; disruption of education and access to services; and the burning and destruction of homes, crops and other means of livelihood, apparently with the objective of forced displacement. The Protection Cluster South Sudan released an update on incidents in southern and central Unity from April to September 2015 that estimated at least 1,000 civilians killed, 1,300 women and girls raped and 1,600 women and children abducted in Leer, Mayendit and Koch counties over the period.

(ii) Displacement of people :-

The fighting has destabilized large sections of the population, who are living in an atmosphere of fear and insecurity. Massive displacement has occurred, both within and outside South Sudan. In some instances communities have been forcibly displaced. According to recent reports by humanitarian actors in South Sudan, approximately 2.2-million individuals had been displaced by the fighting, the majority of them from the conflict states. In 2015, following the April surge in Unity, figures indicate that over 100,000 civilians were displaced in that state alone. Among the 2.2 million, 1.6 million are displaced within South Sudan, with the remaining 600,000 staying as refugees in neighbouring countries. Of those in the

country, over 170,000 individuals currently remain inside UNMISS PoC sites.

(iii) Sexual and gender based violence:-

In 2015, UNMISS HRD documented 194 incidents of conflict-related sexual violence, involving at least 280 victims – the majority women and girls – and including approximately 70 minors. The types of the most heinous acts of sexual violence documented include: gang-rape and killing; gang-rape and abduction; rape and killing; gang-rape and stripping; sexual assault and stripping; rape; sexual slavery; and forced abortion.

(iv) Forced labor and child labor:-

Reports of child recruitment by both Government and opposition forces have continued despite repeated commitments by both parties to end the practice. According to the Report of the Secretary-General on Children and Armed Conflict in South Sudan (2014), there has been a marked increase in reports of child recruitment during the period of the conflict compared to the post-independence and pre-conflict periods. The report indicates that several thousand children have been associated with State and non-State armed actors. On 29 October 2014, the global ‘Children, Not Soldiers’ campaign against child recruitment was launched by Government in partnership with the United Nations. Government signed a commitment agreement toward child-soldier-free security forces and took several steps in this regard, including the issuance of punitive orders for child recruitment. Between January and April 2015, Govern-

ment worked closely with the United Nations in clearing 26 schools of occupying troops.

(v) Inter communal violence:-

As the spread of conflict and armed groups threatens civilians, communities have been facing problems. While inter-communal violence has long been prevalent in South Sudan, especially in relation to disputes over resources and cattle-grazing, there are indications that the scale and intensity of current inter-communal violence may have been influenced by the dynamics of the conflict. Thus, parties to the conflict are alleged to support local militias, including those formed around ethnicity, and there are limited government resources to combat such violence. Still, the State does maintain the duty to prevent and respond to such violence with due diligence.

(vi) Lack of police and justice capacity:-

Justice institutions in South Sudan have been weak both prior to and immediately following independence, with very little capacity to administer justice in accordance with international human rights standards. While many of the challenges to the administration of justice remain unchanged, capacity issues have been severely aggravated by the ongoing conflict which has affected all institutions.

(vii) Ill treatment and conditions of detention:-

On many occasions, the right to physical integrity of suspects has been violated, as they have been subjected to varying degrees of ill-treatment by police, se-

curity and military forces. For instance, in Juba, a 20-year-old Ugandan held for the alleged theft of a mobile phone reported to UNMISS HRD in October 2014 that the police had flogged him with an electric wire during his interrogation in order to extract a confession.

(viii) Restriction on media:-

Since the beginning of the conflict in December 2013, the space for freedom of expression and dissent has narrowed considerably. The media has repeatedly faced intimidation, harassment, threats and censorship, primarily from the security forces. This climate of repression has been marked by the closure of radio stations and the seizure of newspapers that convey information deemed to be critical or unfavorable to Government.

CONCLUSION:-

Although the scale and intensity of the conflict has somewhat subsided since the first brutal months of fighting, persistent violence in the Greater Upper Nile region and sporadic violent incidents in other parts of the country have been accompanied by continued allegations of gross human rights violations and abuses, including killings and sexual violence, in addition to new displacement of individuals and whole village. A perceptible deterioration in the exercise of freedom of expression in late 2014 and in 2015 has been marked by a series of incidents in which threats and intimidation targeted civil society actors and journalists, with a

clear intent to censor the media and control the flow of public information. As the previous UNMISS reports have demonstrated, women and children have continued to suffer terribly from the ongoing violence. Even families far from the scene of the fighting have paid a high price as the economic impact of the conflict touches the lives of all people in South Sudan.

Despite the release of the report of the AUCISS, a sustained political commitment from the African Union, South Sudan's neighbor countries and the international community at large will be crucial to ensuring that credible accountability mechanisms are established in South Sudan along the lines established in the ARCSS. While it is encouraging that South Sudan's leaders have acknowledged the need for accountability, some resistance has been voiced to the creation of the proposed Hybrid Court for South Sudan, which could prove help to implementation of the accountability and transitional justice mechanisms agreed to ensure truth, reconciliation and healing in South Sudan. The African Union and the international community must remain adamant on the need for accountability. It should be the duty of all the countries and international community to provide a good future with full measure of justice, peace, security and development to the people of South Sudan, which they aspire and deserve as human being and thus we may stop human rights abuses and violations in actual way.

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