

Human Rights Warning Over South Sudan

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Security force excesses need to be curbed otherwise independence hopes may turn sour, observers say.

Amid the euphoria around South Sudan's seemingly imminent independence, experts are raising serious concerns about the human rights record of a putative state emerging from decades of war.

And with both its government and army dominated by former rebel fighters with limited administrative experience, there are fears that South Sudan will struggle to deliver the peace dividend that meets the population's high expectations.

Secession seems virtually certain after last week's referendum, mandated in the 2005 Comprehensive Peace Agreement, CPA, which ended the north-south conflict. Preliminary results of the poll - hailed a success by international observers - are expected by late January. If predictions prove correct, South Sudan will become Africa's newest state on July 9, 2011.

But Human Rights Watch, HRW, say that urgent steps are needed to address and uphold human rights and protect civilians from the ongoing risk of communal violence and ill-treatment by the security forces.

A 2009 HRW report highlighted problems such as the excessive use of force by soldiers and systematic abuse in the justice system, and nearly two years later, says HRW Sudan researcher Jehanne Henry, "all of the issues described in the report remain valid; there has really been little improvement"

The report noted that "the Southern Sudan Police Service lacks resources and training to effectively provide security. In their absence, [government] officials, who are almost all former military themselves, turn to [Sudan People's Liberation Army, SPLA] soldiers to manage security threats. The soldiers are untrained in civilian law enforcement and often undisciplined".

In particular, Henry noted "a huge vacuum" in the rule of law.

"If you are stopped by the police for a traffic violation in Juba, for example, it can easily escalate, depending on their mood, or checkpoints set up in the town can lead to abuse of civilians," she said.

In late December, recent graduates of the Juba police academy were accused of attacking women, for wearing trousers and short skirts, and men with their hair in dreadlocks.

The violence was quickly halted after the ministry on internal affairs stepped in, but the incident underlines the indiscipline of the police and the SPLA.

"The behaviour of the SPLA needs to be a top priority, in terms of command and control structure and overall professionalism," said Jon Temin, director of the Sudan programme at the United States Institute For Peace. "The [transition] from being a rebel group in the bush to a state army is not so easy."

"The SPLA's response to problems has been a tendency to heavy-handedness," agreed Laura Jones of the Enough Project, noting clashes with renegade militias in areas such as Jonglei which have led to numerous casualties.

Juba-based journalist Badru Mulumbu said that immediately following the CPA, journalists faced extensive harassment.

"Many people, even in the capital, Juba, didn't know what a journalist was," he said. "Anyone asking questions was suspected of being a spy. Any official written about by journalists could pick up the journalists and lock them up."

The situation was better now, he said, due to an increased awareness of the important role reporters play in a free society and also as part of a gradual improvement in state structures and governance.

"But the future is still uncertain," he added. "And the major source of this uncertainty is a lack of laws."

Paul Akaro, the deputy head of mission of the South Sudan government to the United Kingdom, said that it was important to see the development of the police and armed forces as an ongoing process.

"The training of the armed forces is a continuous thing, as it is with any country," he said. "The SPLA's transformation from a guerrilla army to a regular one will continue. Like anywhere else there is the rule of law in the army, but some individuals commit acts which are illegal. This happens even in Britain and the United States. Just because police or soldiers are implicated in regular acts, doesn't mean that the

institution encourages them. We don't have a policy of impunity."

DELIVERING A PEACE DIVIDEND

Experts also say that it is essential that citizens of the new state see the benefits of peace and independence otherwise trouble may lie ahead. While acknowledging the achievements of the Juba government in creating state institutions since 2005, observers point out that the administration lacks people capable of delivering real improvements in people's lives, especially since - with the exception of the capital, so much of the region is underdeveloped.

"Lots of South Sudanese are very happy that they have self-government, and they have high expectations that independence in July will be great, all children will go to school and everyone who is sick will be able to go to a hospital," said Roger Middleton, consultant researcher in the Africa programme at Chatham House. "The reality will be much more difficult. There are certainly very high expectations and probably these are dangerously high; people could potentially become very dissatisfied."

An example of just how unrealistic expectations may be was the unveiling in August last year of a 10.4 billion US dollar, 20-year plan to rebuild Juba in the shape of a rhino. Housing ministry officials also presented plans to reshape the country's second largest city, Wau, in the form of a giraffe.

The scheme seems impossibly ambitious in a chronically underdeveloped country which lacks even basic infrastructure. One in ten children here will die before their first birthday and in the poorest parts of South Sudan, less than one per cent finish primary school.

"There are very high hopes in South Sudan about how life is going to improve and there is a big onus on the [government] to deliver services and improvements," Jones said. "They have achieved a lot since the CPA but they still have a long way to go. South Sudan is way too centralised. Both the power and resources are in Juba, and because there is so little infrastructure, [most] people haven't seen changes."

Observers note that the conflict with the north has provided a common enemy around which South Sudan's disparate groups and tribes have been able to unite, but internecine violence in the south remains a problem.

According to Amnesty International, 2009 was the most deadly year there since the CPA was signed, with over 2,500 people killed and 350,000 displaced in violence amongst South Sudanese. The following year saw substantially reduced conflict, which experts put down in part to the distraction of the April 2010 national elections - even though Amnesty documented numerous human rights violations by security forces during the polls - and the referendum.

If the common foe is removed, violence may rise again, especially if people turn on the government for failing to deliver on pledges.

"There is a concern that after the unifying force of the referendum, the internecine fights will resurface," Henry said. "All too often, the government itself is unable to intervene and end the violence, bring perpetrators to account or achieve reconciliation."

INTERNATIONAL OVERSIGHT

Some commentators point out that the Juba government has taken steps which highlight their awareness of the importance of human rights in the new state.

Monim el Gak, a researcher for Sudan Democracy First, a coalition of human rights and advocacy groups, noted a conference convened by President Salva Kiir last November at which all the political parties agreed to form a constitutional review committee, which would human rights at the centre of law reform.

"I am optimistic that human rights and the rule of law will be on the top of the agenda for the emerging state," he said. "The [government] is really open to engagement with the international community regarding these issues."

While there appears to be enormous goodwill towards the emerging state, observers warn that this must not neuter criticism of its government should it fail to meet its professed commitment to human rights.

"Within the advocacy community, the old hands see South Sudan as the good guys - some senior figures are hesitant to criticise the SPLA," said Jones. "I would like to see the international community holding South Sudan more to account, not only regarding human rights but also regarding its finances."

"When non-Sudanese become involved in the struggle for the rights of the people of South Sudan they are sometimes less objective than they ought to be," Middleton agreed. "The [ruling South Sudan People's Movement] during the war did lots of terrible things. It's not just a good-guys-versus-bad-guys story: we should be aware of the danger of over-romanticising South Sudan."

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