

Human Rights Council 34th session

ITEM 6 - ADOPTION OF THE UNIVERSAL PERIODIC REVIEW (UPR) OF SOUTH SUDAN

17 March 2017

Speaker: Mr Clement Voule

Mr President,

South Sudan received 4 specific recommendations for the protection of human rights defenders. These are critical given the degrading situation where defenders, especially journalists are harassed, intimidated, arbitrarily arrested, and even murdered, with impunity.

Journalists and political opposition are threatened and attacked for criticising the Government and suffer legal intimidation through the use of overly broad laws, which the government has, in this review, blatantly refused to amend.¹ This concern is reflected in the recommendations received by South Sudan: 5 concerning freedom of expression and 7 calling for the protection of journalists.

ISHR is deeply concerned about the lack of progress in establishing the Hybrid Court for South Sudan, despite 10 recommendations calling for its immediate establishment. Pending this, we reiterate the joint statement by NGOs calling on the government to ‘investigate on-going crimes under international law and human rights violations to ensure the collection and preservation of evidence and successful prosecutions.’

In the report Addendum, South Sudan explains that recommendations 128.40 and 128.41 on ceasing attacks against civilians, UN premises, stopping unlawful killings and arbitrary detentions are merely noted because the recommendations are in conflict with the national laws, government structures, policies or customs.

We are equally concerned about the attempt to condition acceptance of some recommendations, namely those at 128.79, 128.80, 128.86 and 128.90 (by Finland, France, Iceland and Sweden). The obligation to respect and protect the rights to life and to liberty and security of the person is not an obligation that is resource contingent or subject to progressive realisation. Conditioning respect for these rights on receipt of technical assistance and resources is incompatible with international human rights law and South Sudan’s obligations under the UDHR

Lastly, follow-up by recommending States is critical to ensuring recommendations are implemented. We urge States that highlighted defender protection and civil society space in South Sudan’s review to support a resolution which renews and strengthens the mandate of the South Sudan Commission, including the identification of alleged human rights perpetrators, with a particular focus on attacks or reprisals against human rights defenders.

Thank you.

¹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/SSSession26.aspx> Report of the working group, Addendum 1 p c) 6 p.3

