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CIVICUS: World Alliance for Citizen Participation, NGO in General Consultative Status with ECOSOC

And

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1. (A) Introduction

- 1.1** CIVICUS is a global network of civil society organisations and activists dedicated to strengthening citizen action and civil society around the world. Founded in 1993, CIVICUS proudly promotes marginalised voices, especially from the Global South and has members in more than 170 countries throughout the world.
- 1.2** The East and Horn of Africa Human Rights Defenders Project (EHAHRDP) is a regional non governmental organisation that seeks to strengthen the work of human rights defenders (HRDs) throughout the region by reducing their vulnerability to the risk of persecution and by enhancing their capacity to effectively defend human rights. EHAHRDP focuses its work on Burundi, Djibouti, Eritrea, Ethiopia, Kenya, Rwanda, Somalia (together with Somaliland), South Sudan, Sudan, Tanzania and Uganda.
- 1.3** The Republic of South Sudan gained independence from Sudan on 9 July 2011 and is Africa's youngest nation. Since the start of the civil war, on 15 December 2013, at least 50,000 people have been killed, more than 1,000,000 internally displaced and 760,000 have fled to neighbouring countries, particularly Ethiopia, Kenya, Sudan and Uganda.¹ Human rights violations and atrocities against citizens and those who are critical of the government increased markedly after the start of the civil war. Several government agencies including officials in the president's office, the South Sudan National Security Service (SSNSS), the South Sudan People's Liberation Movement (SPLM), the Sudan People's Liberation Army (SPLA) and the main rebel groups remain implicated in attacks on human rights defenders and civil society organisations.
- 1.4** Human rights defenders operate in a volatile and dangerous environment in South Sudan but continue to monitor, document and report on human rights violations, at great risk to their lives. In the course of carrying out their activities, several human rights defenders have been victims of failed assassination attempts, and continue to receive death threats from government representatives, SSNSS, SPLM, SPLA and unidentified sources. They regularly face harassment, intimidation and are routinely kidnapped, tortured and left unattended in deserted areas. The houses and property of human rights defenders have been attacked and destroyed to deter them from carrying out their activities and such actions have forced several of them to flee to other countries to avoid attacks.
- 1.5** In this document CIVICUS and EHAHRDP outline concerns relating to the restrictions, attacks and intimidation of journalists and media houses. The authorities regularly close independent newspapers and radio stations. On several occasions copies of newspapers containing news items critical of the government, or interviews from rebel sources, have been confiscated by the authorities before being distributed. Several journalists have been killed on the basis of their work and many more are harassed, intimidated and receive death threats. Due to intense intimidation, many journalists now avoid reporting on sensitive issues like corruption, the ruling SPLM and the actions and activities of the rebels.
- 1.6** Our organisations also highlight restrictions on the right to freedom of peaceful assembly, as the South Sudanese authorities have on several occasions used brute

¹ Oxfam figures on those internally displaced and the number who have fled to other countries, and Al Jazeera citing UN sources indicate figures for those who have actually been killed since the start of the conflict. See "Oxfam, crisis in South Sudan," <https://www.oxfam.org/en/emergencies/crisis-south-sudan>, accessed 14 March 2016 and "UN: tens of thousands killed in South Sudan," <http://www.aljazeera.com/news/2016/03/tens-thousands-killed-south-sudan-war-160303054110110.html>, accessed 14 March 2016.

force to disperse protests leading to loss of lives. Though the right to freedom of association is guaranteed in the 2011 Transitional Constitution, a restrictive NGO law is used to curb the activities of civil society organisations. Moreover, attacks on the staff and premises of some of these organisations and threats issued by government officials and unidentified individuals have forced them to cease operating.

- In section B, CIVICUS and EHAHRDP highlight concerns related to harassment, intimidation and persecution of members of civil society organisations.
- In section C, CIVICUS and EHAHRDP express concerns over restrictions on the right to freedom of expression and attacks on journalists and media platforms.
- In section D, CIVICUS and EHAHRDP express concerns over restrictions on the right to freedom of assembly.
- In Section E, CIVICUS and EHAHRDP highlight concerns over restrictions on the right to freedom of association.
- In Section F, CIVICUS and EHAHRDP make a number of recommendations in the areas of concern listed.

2 (B) Concerns regarding harassment, intimidation and persecution of members of civil society organisations

2.1 Between 29 November and 1 December 2015, 13 representatives of the civil society platform – the Western Bahr el State-Civil Society Organisation network - were arrested and detained by security forces in Wau.² Their arrests were ordered by the Mayor of Wau, Elia Kamilo Dimo after the Western Bahr network issued a petition denouncing human rights violations by state security forces in Bagari, Jedid and Wau. The petition noted that security forces routinely harass, torture and shoot at civilians, urging the government to stop these atrocities. The petition also called for the withdrawal of the South Sudanese Army from some of these areas.³ On 12 November 2015, days prior to his arrest, the Mayor invited civil society representatives after the petition was submitted to a meeting aimed at addressing the issues raised in the petition. The human rights defenders were later arrested and detained.⁴ Most of the civil society representatives were later released following the intervention of the United Nations Mission in South Sudan.

2.2 On 15 August 2015 human rights defender and journalist Clement Lochio Lomornana was abducted by the South Sudanese security forces and forced into a military vehicle. Before the abduction, he had received threatening messages warning him he would be killed. He was forced to flee to Uganda and Kenya but later returned to South Sudan in the first week of August 2015. Upon his return, he was arrested by

² “Wau authorities arrest 7 civil society activists who protested abuses by security forces,” Radio Tamazuj, <https://radiotamazuj.org/en/article/wau-authorities-arrest-7-civil-society-activists-who-protested-abuses-security-forces>, accessed 11 March 2016.

³ “W. Bahr et Ghazal government frees 8 out of 14 detained civil society activists,” *Sudan Tribune*, <http://www.sudantribune.com/spip.php?article57239>, accessed 11 March 2016.

⁴ “Urgent appeal: 13 activists arbitrarily detained in South Sudan should be immediately released”, EHAHRDP, 1 December 2015, <https://www.defenddefenders.org/2015/12/urgent-appeal-13-activists-arbitrarily-detained-in-south-sudan-should-be-immediately-released/>, accessed 11 March 2016

security forces while he slept in his home in Chukudum, Budi County.⁵ He was last seen on 15 August when he was forced into a military vehicle by security forces. His whereabouts remain unknown. It is believed that Clement has been targeted for his advocacy of freedom of speech and media rights, and his criticism of the South Sudanese civil war.

2.3 On 1 August 2014 civil society activist and Chair of the South Sudan Civil Society Alliance, Deng Athuai Mawiir was the victim of a targeted failed assassination attempt. He was having a conversation outside a hotel where he lodged in Juba when he was shot by an unidentified gunman. He sustained injuries in his leg and received treatment at the Juba Teaching Hospital.⁶ Deng is an anti-corruption advocate and has been vocal in his campaign for transparency and accountability of government officials. On 4 July 2012, prior to the assassination attempt, he was abducted by unknown individuals, who placed a bag over his head, tied his hands and took him to a dark room where he was interrogated and warned about his anti-corruption campaigns. A few days before he was abducted, he went to the South Sudanese Parliament and requested that the President reveal the identities of 75 ministers and government officials whom the President accused of embezzling 4 billion USD in a public letter.⁷ After the abduction, Deng lodged a complaint with the police but no action was taken to investigate the issue or identify the perpetrators.

2.4 On 20 January 2014, at least 30 members of the SPLA went to the house of human rights defender and Director of the South Sudan Human Rights Society for Advocacy (SSHURSA) Biel Boutros. Some SPLA members surrounded his house while others went in and confiscated several belongings and damaged others. Biel and his family were not at home at the time but the armed men stayed in his compound for about three hours and fired shots in the air. Biel Boutros had received threats from unnamed individuals in the past warning him about his human rights activities. Following the attacks on his house and property he fled to Uganda and later closed down the operations of SSHURSA in South Sudan (see 5.4 below).⁸ He continued to receive death threats while in Uganda and has had to flee to an undisclosed location.

2.5 On 22 October 2012, human rights lawyer Ring Bulabuk was kidnapped by unidentified armed gunmen, kept in an undisclosed location and was found four days later at a graveyard in Juba.⁹ He was kidnapped a few days after the South Sudan Civil Society Alliance expressed serious concerns over the repeated kidnappings and abductions of its members. Before the kidnapping, Ring had received several threats warning him to withdraw from a legal case against a general in the army about land rights issues in Malakia, Juba. In the past, he had been critical of the corrupt

⁵ “Immediate release of journalist Clement Lochio Lomornana sought,” *Oye Times*, 7 October 2015, <http://www.oyetimes.com/news/africa/87533-immediate-release-of-journalist-clement-lochio-lomornana-sought>, accessed 18 February 2016.

⁶ “South Sudan civil society chairman has theory why he was shot,” *Radio Tamazuj*, <http://radiotamazuj.org/en/article/s-sudan-civil-society-chairman-has-theory-why-he-was-shot>, accessed 18 February 2016.

⁷ “Special report: in South Sudan, plunder preserves a fragile peace,” Reuters, 20 November 2012, <http://www.reuters.com/article/us-south-sudan-governors-idUSBRE8AJ08N20121120>, accessed 18 February 2016.

⁸ SSHURSA closes down operations in South Sudan as its staff members go to exile for their lives,” http://www.sshursa.org/images/pressreleases/140123_SSHURSA_closes_down_in_South_Sudan_and_suspends_operations.pdf, accessed 11 March 2016.

⁹ “Second South Sudan civil society member kidnapped and beaten,” *Sudan Tribune*, 28 October 2012, <http://www.sudantribune.com/spip.php?article44348>, accessed 18 February 2016.

practices of the government. Reports indicate that his abductors were members of the security services of South Sudan.¹⁰

3 (C) Concerns over restrictions on freedom of expression and attacks on journalists and media agencies

3.1 South Sudan's Transitional Constitution (2011) recognises the right to freedom of expression and of the media. It states that "every citizen shall have the right to freedom of expression, reception and dissemination of information, publication and access to the press without prejudice to public order, safety or morals as prescribed by law."¹¹ In practice provisions in the Transitional Constitution that guarantee the right to freedom of expression are repeatedly undermined and disrespected and government officials have made a point of threatening journalists reporting on sensitive issues. Moreover, the government of South Sudan has not yet acceded to or ratified several regional and international human rights treaties and mechanisms particularly the African Charter on Human and Peoples' Rights (ACHPR) and the International Covenant on Civil and Political Rights (ICCPR), which promote freedom of expression.

3.2 In March 2014, the Minister of Information and Broadcasting stated in an interview with Voice of America that journalists should desist from publishing interviews with rebels as this was offensive.¹² On 16 August 2015 President Salva Kiir warned journalists during a press conference that they could be killed. He stated that "freedom of press does not mean you work against your country. If anybody among them [journalists] does not know that this country has killed people, we will demonstrate it to them one day."¹³ Sadly, four days after this pronouncement a journalist was assassinated in Juba (see 3.6 below).

3.3 In October 2014 the Parliament of South Sudan passed the highly restrictive National Security Bill which has had a devastating effect on freedom of expression and the media and on other fundamental rights. The Bill, which came into effect in March 2015, provides sweeping powers to the SSNSS to crack down on critics, monitor communications, conduct searches on persons and organisations and detain people. The Law empowers the SSNSS to request information and documents from any suspect or potential witness for examination and to monitor, investigate and carry out searches on persons and or places. It provides broad powers to the security service to monitor wireless systems, publications, broadcasting stations "in respect of security interests and to prevent misuse by users."¹⁴ These broad powers infringe on the constitutional rights of citizens of the Republic of South Sudan. Notably, the law fails to provide explanations on the specific circumstances under which such powers can be exercised. In addition, the Law broadly defines crimes against the state (section 5) as activities "directed to undermine or overthrow the constitutionally established government in South Sudan at any level."¹⁵ It further defines crimes

¹⁰ "UN condemns South Sudan's expulsion of its human rights investigator," *Sudan Tribune*, <http://178.33.178.87/spip.php?article44424>, accessed 12 March 2016.

¹¹ "The Transitional Constitution of the Republic of South Sudan 2011," <http://www.icnl.org/research/library/files/South%20Sudan/SSudan.pdf>, accessed 9 March 2016.

¹² "South Sudan warns media not to publish interviews," Voice of America, <http://www.voanews.com/content/south-sudan-media-crackdown/2646139.html>, accessed 18 March 2016.

¹³ "Kiir threatens to kill journalists working against the country," *Radio Tamazuj*, <https://radiotamazuj.org/en/article/kiir-threatens-kill-journalists-working-against-country>, accessed 10 March 2016.

¹⁴ "National Security Service Bill 2014," <http://www.icnl.org/research/library/files/South%20Sudan/nssbill.pdf>, accessed 10 March 2016.

¹⁵ "National Security Service Bill 2014," <http://www.icnl.org/research/library/files/South%20Sudan/nssbill.pdf>,

against the state as “any foreign-influenced activity within or outside which is against or related to South Sudan.”¹⁶

- 3.4** On 4 March 2016 *El Tabeer* newspaper journalist and editor Joseph Afandi was abducted by unidentified individuals and forced into a vehicle with tinted windows. He was later found severely injured close to a cemetery with evident signs of torture on his body. His arm was broken and he had severe wounds on his thighs and had to be hospitalised after he was found.¹⁷ Before his abduction, he was arrested by the SSNSS in Hai Thuwra district in Juba on 30 December 2015 and held incommunicado at the SSNSS offices.¹⁸ SSNSS officials also ordered the newspaper to cease publication until further notice following the arrest of Afandi. His arrest is linked to an article he published in *El Tabeer* on 23 December 2015 which criticised the ruling SPLM for not doing more to prevent atrocities and killing of citizens and for taking part in the civil war. He was released on 19 February 2016 without charge.
- 3.5** In March 2016 Chan Joseph Awer, a reporter for the *Al Maugif* newspaper in Juba, was kidnapped by unidentified armed men wearing masks close to the SPLM Secretariat. He was later found unconscious near a cemetery at Hai Rock City. He had been tortured and had visible wounds on his thighs.¹⁹ Before his abduction, Chan had been threatened for his journalistic activities. He received an email accusing him of criticising the government after writing an article which implicated security forces in looting property and armed robbery at night. He was warned to stop writing if “he valued his life.”
- 3.6** On 19 August 2015, journalist Peter Julius Moi was shot twice in his back and killed by unknown assailants as he returned home from work in Juba.²⁰ He worked as a political reporter for the Corporate and New Nation newspapers. His personal possessions including money and cell phone were not taken after the shooting, indicating it was a targeted killing. He was shot a few days after President Kiir issued a threat to journalists warning them shortly before he left for peace talks in Addis Ababa that freedom of expression does not allow journalists to attack the state of South Sudan, and that this will be demonstrated to those who are not aware that people are killed in South Sudan.²¹ The South Sudan Union of Journalists organised a 24-hour media blackout to protest the killing of Peter and other journalists killed in South Sudan.²²

accessed 10 March 2016.

¹⁶ “National Security Service Bill 2014,” <http://www.icnl.org/research/library/files/South%20Sudan/nssbill.pdf>, accessed 10 March 2016.

¹⁷ “Committee to Protect Journalists demands investigations into torture of journalist Afandi,” Radio Tamazuj, <https://radiotamazuj.org/en/article/committee-protect-journalists-demands-investigation-torture-journalist-afandi>, accessed 12 March 2016.

¹⁸ “Family of detained journalist calls for his release,” *Radio Tamazuj*, <https://radiotamazuj.org/en/article/family-detained-journalist-joseph-afandi-calls-his-release>, accessed 12 March 2016.

¹⁹ “Writer allegedly kidnapped and later released at Juba cemetery,” Radio Tamazuj, <https://radiotamazuj.org/en/article/writer-allegedly-kidnapped-and-later-released-juba-cemetery>, accessed 12 March 2016.

²⁰ “South Sudan reporter killed days after president’s threat,” *African Media Agency*, <http://amediaagency.com/s-sudan-reporter-killed-days-after-presidents-threat/>, accessed 12 March 2016.

²¹ “South Sudan Journalist shot dead after President Kiir threatened killing journalists,” *South Sudan Tribune*, 20 August 2015, <http://www.sudantribune.com/spip.php?article56126>, accessed 9 March 2016.

²² “Media blackout in South Sudan after journalist killing,” <http://www.dw.com/en/media-blackout-in-south-sudan-after-journalist-killing/a-18664924>, accessed 12 March 2016.

3.7 On 25 January 2015, five journalists from two radio and TV stations were assassinated as they travelled in a convoy with the Commissioner for Kaya County James Marodama Benjamin.²³ The Commissioner was on his way back from a visit to families of victims of another attack carried out on 22 January 2015. The journalists killed were Musa Mohammed, Adama Juma and Dalia Marko of Raja FM and Randa George and Boutros Matin of SSTV. The attackers were not identified and there were conflicting reports about their identify from government officials. The spokesperson for the South Sudan military stated that the attacks were carried out by Uganda's Lord's Resistance Army (LRA), however the Western Bahr el Ghazal State Governor noted that it was done by South Sudanese rebels led by former Vice President Riek Machar.

3.8 In August 2014 the South Sudanese authorities shut down Bakhita Radio Station in Juba after the station's editor Ocen David and two presenters were arrested. Bakhita Radio is run by the Roman Catholic Church as part of a network of community radio stations. It was closed after it broadcasted reports of renewed fighting between rebel and government forces.²⁴ The government stated that the station was closed because it "misinformed" the public by broadcasting an interview with the rebels in which the latter blamed the government for the resurgence in the fighting. The government accused Ocen David of collaborating with the rebels and of being a traitor to the international community.²⁵ The two other journalists were released on the same day they were arrested but Ocen David was detained at the national security headquarters and only released on 18 August 2014. Following its closure, the station issued a written apology to the government for "broadcasting the views of the opposition," after the authorities demanded it did so. Three weeks after the station was closed, President Kiir requested security forces to re-open the station and the authorities warned its editors not to broadcast information related to politics and the conflict.

3.9 On 10 April 2014, the SSNSS confiscated copies of the *Juba Monitor* after it published a piece with the profile of former Minister of Environment Alfred Ladu Gore, who is an ally to rebel leader and former Vice President Riek Machar.²⁶ Before that, on 18 March 2014, copies of the same paper were confiscated for reporting that the rebels were on the verge of advancing towards the state capital of Jonglei, Bor. Again all copies of the paper due for circulation were confiscated by the SSNSS on 16 January 2014, after it published two articles considered offensive by the authorities. In one article, the paper's editor Alfred Taban proposed that an interim government be formed ahead of elections planned for 2015. The second article presented a historic analysis of the ethnic tensions in the South Sudan army. On 7 December 2013, the SSNSS confiscated copies of the *Juba monitor* and Arabic language newspaper *Al Masir*. The newspapers were targeted for publishing information about a press conference held by senior members of the ruling Sudan People's Liberation Movement (SPLM), in which they criticised President Salva Kiir and accused him of being a dictator.

²³ "South Sudanese journalist shot and killed in Wau State," *Sudan Tribune*, <http://www.sudantribune.com/spip.php?article58147>, accessed 12 March 2016.

²⁴ "Bakhita radio remains closed, editor in detention," *Catholic Radio Network*, <http://catholicradionetwork.org/?q=node/15269>, accessed 12 March 2016.

²⁵ "Security releases Bakhita Radio editor, keeps station closed," <http://www.bakhitaradio.org/?q=node/6304>, accessed 12 March 2016.

²⁶ "South Sudan dictates media coverage of conflict," *Relief web*, <http://reliefweb.int/report/south-sudan/south-sudan-dictates-media-coverage-conflict>, accessed 14 March 2016.

3.10 On 5 December 2012, online journalist Isaiah Diing Chan Awuol was shot and killed by unidentified gun men in Gudele, Juba.²⁷ He wrote critical pieces for online news platforms including Sudanese Online, Gurtong and Sudan Tribune. In an article published on 27 November 2012, shortly before he was assassinated, he asked the government in South Sudan to mend its relations with Sudan and desist from supporting rebels in Sudan. He had in the past written critical pieces about the government, and had already been threatened and asked to stop writing on several occasions.

4 (D) Concerns over restrictions on freedom of assembly

4.1 Article 25 (1) of South Sudan's Transitional Constitution (2011) notes that "the right to peaceful assembly is recognised and guaranteed."²⁸ Despite this constitutional guarantee, the authorities have on several occasions forcefully dispersed peaceful protests.

4.2 On 18 December 2012, 12 people were killed by the police during protests over a decision by the governor of Western Bahr el Ghazal state to move the administrative headquarters of Wau County. This decision led to a series of protests between communities in Wau and the police. On 8 and 9 December 2012, 9 people were killed as police forcefully dispersed protesting communities. Ahead of President Kiir's visit to the areas affected by the protests he noted that the army must intervene in cases where police were not able to restore order. He added that the governor's decision to move the administrative headquarters of Wau was in line with SPLM policy and that protesters were killed because they rejected the decision. He further stated that communities must live in that reality.²⁹ No investigations were conducted into the actions of the police and those who killed the protesters have never been held to account.

5 (E) Concerns over restrictions on freedom of association

5.1 Article 25 (1) of the Transitional Constitution of the Republic of South Sudan (2011) guarantees the right to freedom of association. It states clearly that 'every person shall have the right to freedom of association with others including the right to form or join political parties, associations and trade or professional unions for the protection of his or her interests.'³⁰ In practice however, the South Sudanese authorities regularly clamp down on civil society organisations, and have recently passed laws that restrict associational rights. Attacks and threats against staff of certain organisations, particularly those focusing on documenting and reporting human rights, have forced some of these organisations to cease operating in South Sudan.

5.2 On 11 February 2016, President Kiir signed the Non-Governmental Organisations (NGO) and the Relief and Rehabilitation Commissions (RRC) Acts into law. According to the government, the laws were adopted to "provide the legal framework for the registration, coordination and monitoring of the operations of NGOs."³¹ The Acts have restrictive provisions that provide broad powers to the authorities to

²⁷ "South Sudan police investigate killing of political commentator," *Sudan Tribune*, <http://www.sudantribune.com/spip.php?article44748>, accessed 12 March 2016.

²⁸ "The Transitional Constitution of the Republic of South Sudan," <http://www.icnl.org/research/library/files/South%20Sudan/SSudan.pdf>, accessed 9 March 2016.

²⁹ "South Sudan President Kiir backs relocation of Wau headquarters," *Sudan Tribune* <http://www.sudantribune.com/spip.php?article44974>, accessed 12 March 2016.

³⁰ "The Transitional Constitution of the Republic of South Sudan," <http://www.icnl.org/research/library/files/South%20Sudan/SSudan.pdf>, accessed 9 March 2016.

³¹ "Non-Governmental Organisations Bill 2015," <http://www.gurtong.net/LinkClick.aspx?fileticket=4AiFzUI-rw%3d&tabid=342>, accessed 12 March 2016.

monitor and control the activities of NGOs, which will ultimately impede freedom of association in South Sudan. The NGO Act requires NGOs to seek permission in order to carry out any activities not listed in their certificates of registration, including activities in new geographic areas. It empowers the Registrar of NGOs to revoke the registration of NGOs and refuse to provide certificates of registration that do not meet the requirements of the law but does not provide any recourse or avenues for NGOs to appeal such decisions. According to the Law, those who utter false statements or pronouncements which violate any of the provisions of the Law are liable to a fine not exceeding 50000SSP or imprisonment not exceeding 3 years. The Rehabilitation Commission Act establishes a Committee for recommending clauses granting the RRC the authority to run NGOs.

5.3 In September 2014, the Minister of Labour Ngor Kolong Ngor issued a directive requesting all NGOs to notify all international staff members with an order to stop working from 15 October 2014. It stated further that the NGOs should advertise for specific positions including Executive Director, heads of human resource departments, front desk officers and receptionists. He noted that these positions must only be occupied by South Sudanese nationals. The directive was issued as the authorities deliberated on the new NGO Bill – the Non-Governmental Organisations Bill which places restrictions on NGOs and particularly humanitarian organisations. Before that, on 22 July 2014, the South Sudan Food and Security Council (RSSFSC) in the Presidency issued a statement requesting all humanitarian organisations not to “release or publish any independent or unilateral statements on the food and nutrition situation without the authorisation of the Office of the President.”³²

5.4 On 4 September 2012, unidentified gunmen stormed the offices of the SSHURSA and looted property. SSHURSA is an independent human rights organisation formed in 2007 by South Sudanese lawyers and law students at Makerere Law Development Centre in Kampala, Uganda. It started operating in South Sudan in 2009 with its head office in Juba and other offices in different states.³³ It focused on the monitoring, documentation and reporting of human rights violations in South Sudan and training the general public on the constitution, rule of law and international humanitarian law. On 22 January 2014 following a series of threats reportedly from government security forces on the staff members of SSHURSA, the organisation closed down its operations and offices in South Sudan.

6 (F) Recommendations to the Government of the Republic of South Sudan.

CIVICUS and EHAHRDP urge the government of South Sudan to create an enabling environment for civil society and the media to operate in accordance with the rights enshrined in the Constitution of South Sudan. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to seek and secure funding and the state’s duty to protect. In light of this, the following specific recommendations are made.

³² “Statement to food security stakeholders in the republic of South Sudan,” Republic of South Sudan Food and Security Council, Office of the President, 22 July 2014, <https://radiotamazuj.org/sites/default/files/Statement%20to%20Food%20Security%20Stakeholders%20in%20the%20Republic%20of%20South%20Sudan%20%28....pdf>, accessed 9 March 2015.

³³ “SSHURSA closes down operations in South Sudan as its staff members go to exile for their lives,” <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/14706/South-Sudan-Human-Rights-Closes-Office-in-the-Country.aspx>, accessed 11 March 2016.

6.1 Concerns regarding judicial persecution, harassment and intimidation of human rights defenders and journalists.

- All cases of murder, abduction, torture and arbitrary detention of human rights defenders and journalists should be subjected to an independent investigation to bring the perpetrators to justice. An independent mechanism supported by legislation should be established to enable the same.
- Written instructions should be issued to members of security forces to strictly refrain from persecution and harassment of human rights defenders and journalists.
- Government officials should be instructed to refrain from the practice of issuing verbal threats to civil society members and journalists exposing corruption and human rights violations.
- Cases registered against human rights defenders and journalists should be immediately reviewed and arbitrarily imprisoned individuals should be immediately released.

6.2 Concerns over restrictions on freedom of expression and independence of the media

- The National Security Law should be amended in line with provisions of General Comment 34 on Freedom of Expression made by the UN Human Rights Committee. The practice of shutting down independent newspapers and confiscating copies of news editions perceived as sensitive should be immediately stopped and declared illegal.
- Instructions should be issued to all government departments including security agencies not to interfere with the freedom of the media.

6.3 Regarding restrictions on freedom of assembly

- Independent investigations should be carried out into the killing of protesters on 8, 9 and 18 December 2012 and those responsible for these crimes should be brought to justice.
- Best practices on freedom of peaceful assembly prescribed by the UN Special Rapporteur on Rights to Freedom of Peaceful Assembly and Association should be adopted by the Government of South Sudan.
- Security officials should be imparted training on dealing with public assemblies in line with the UN Basic Principles on the Use of Force and Firearms.
- Recourse for judicial review and effective remedy should be provided including compensation in cases of unlawful denial of the right to freedom of assembly by state authorities.

6.4 Concerns over restrictions on freedom of association

- The right of all South Sudanese to form associations and belong to groups in line with constitutional provisions and international human rights standards should be protected and enabled.

- The Non-Governmental Organisations Law and Relief and Rehabilitation Commission Law should be repealed or amended in line with the best practices on freedom of association prescribed by the UN Special Rapporteur on the Rights to Freedom of Peaceful Assembly and of Association.
- Independent investigations should be carried into all cases of attacks and intimidation of civil society organisations including SSHURSA. Enabling conditions should be created to allow SSHURSA to operate.
- Independent civil society actors should be enabled to safely and effectively engage in the current African Union-led transitional justice process, without fear of reprisals .

7. Regarding accession to UN and regional human rights instruments and access to UN Special Procedures and Mandate Holders

- A standing invitation should be extended to UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.
- The government of South Sudan should ratify and accede to key regional and international human rights frameworks including the African Charter on Human and Peoples' Rights and the ICCPR that will guide their actions regarding the protection of the freedoms of expression, association and peaceful assembly.