

**ACHPR/Res. 428 (LXV) 2019 : Resolution on the human rights situation in the Republic of South Sudan**

***The African Commission on Human and Peoples' Rights (the Commission), meeting at its 65th Ordinary Session held from 21 October to 10 November 2019, in Banjul, The Gambia:***

**Recalling** its mandate to promote and protect human and peoples' rights pursuant to the African Charter on Human and Peoples' Rights (the African Charter);

**Taking cognizance** of Article 23 of the African Charter which provides for the right of all peoples' to peace and security;

**Further taking cognizance** of Articles 10 and 11 of the Protocol to the African Charter on the Rights of Women in Africa, which provides for the right to peace and protection of women in armed conflicts;

**Bearing in mind** the adoption of the African Union (AU) Transitional Justice Policy (AUTJP) and the African Commission's Study on Transitional Justice and Human and Peoples' Rights (TJ Study), which contain the authoritative views of the AU on Transitional Justice Processes;

**Also bearing in mind** the adoption by South Sudan of the South Sudan National Action Plan 2015-2020 for implementation of United Nations Security Council Resolution 1325 on Women, Peace and Security and Related Resolutions to address the plight of women and girls during conflict and in post-conflict periods;

**Commending** the role of the AU, the Intergovernmental Authority on Development (IGAD) and other inter-governmental bodies to support the dialogue among the various stakeholders towards achieving peace, security and political stability in South Sudan;

**Recognizing** the challenges facing the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) for meeting the deadline of 12 November 2019 for the establishment of the Revitalised Government of National Unity;

**Recalling** that the R-ARCSS has reiterated Chapter V of the IGAD mediated August 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan on transitional justice;

**Noting** that the Chapter of the Agreement on Transitional Justice (Chapter V) envisages that the (Revitalized) Government of National Unity should cooperate with the African Commission on Human and Peoples' Rights for putting in place transitional justice institutions notably the Commission on Truth, Reconciliation and Healing;

**Concerned** about the slow pace of the implementation of the pre-transitional activities which may result in delays in the establishment of the Revitalised Government of National Unity and about the lack of progress in the operationalization of Chapter V institutions of the R-ARCSS;

**Further concerned** about reports of attacks and unlawful imprisonment affecting in particular journalists, human rights defenders and humanitarian workers including the recent killing of two staff of International Organization for Migration (IOM);

**Deploring** the continuing human rights violations suffered by the more than 4 million people who were displaced by the conflict as well as the food crisis affecting more than 6 million people;

### **The Commission:**

1. **Strongly urges** the Pre-transitional Government and the opposition in South Sudan to make concerted efforts towards the timely finalisation of the pre-transitional activities and the establishment of the Revitalized Government of National Unity;
2. **Strongly condemns** all acts of violations of human rights and international humanitarian law in South Sudan including attacks against journalists, human rights defenders, members of civil society organizations and humanitarian workers;
3. **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;
4. **Calls on** the political leaders in South Sudan to meet their commitment to ensure 35 percent representation for women in the new Revitalized Government of National Unity and to provide for their active participation in the peace process;
5. **Calls on** the parties to the R-ARCSS to initiate the measures required for the implementation of Chapter V of the Agreement for the establishment of a Commission for Truth, Reconciliation and Healing as well as the Hybrid Court for South Sudan, in line with the AUTJP and African Commission's TJ Study, and with the support of the AU Commission Chairperson and the African Commission;
6. **Requests** the Country Rapporteur for South Sudan to engage with the AU Commission and the Government of South Sudan with proposals on the operationalisation of Chapter V of the R-ARCSS; and
7. **Urges** all external actors to continue to provide all the necessary support to the political leaders in South Sudan towards achieving the establishment of the Government of National Unity and processes of transitional justice, accountability, reconciliation and

healing including through cooperation with the AUC and the African Commission.

**Done in Banjul, The Gambia, 10 November 2019**