



Jus Corpus Law Journal

Open Access Law Journal – Copyright © 2022 – ISSN 2582-7820
Editor-in-Chief – Prof. (Dr.) Rhishikesh Dave; Publisher – Ayush Pandey

This is an Open Access article distributed under the terms of the Creative Commons Attribution-Non-Commercial-Share Alike 4.0 International (CC-BY-NC-SA 4.0) License, which permits unrestricted non-commercial use, distribution, and reproduction in any medium, provided the original work is properly cited.

Humanitarian Crisis in South Sudan

Aman Tiwari^a

^aDelhi Metropolitan Education, Noida, India

Received 17 June 2022; Accepted 26 June 2022; Published 11 July 2022

Humanitarian aid has been hampered or prohibited. All sides in the war committed grave breaches of “International Human Rights and Humanitarian Law”, as well as killings of people, child enlistment and usage, sexual assault, and property destruction. Extrajudicial executions were carried out on at least 52 persons, including children. Human rights offenses were unpunished, and the government was unsuccessful to set up the “South Sudanese Hybrid Court (HCSS)”. Security personnel maintained to conduct illegal observations of government dissidents, arresting and detaining them in some cases without cause. They retaliated with a wave of repression in response to calls for peaceful protests. Executions were carried out after death sentences were given. The government maintained to fall short of its commitment to acknowledge and safeguard rights such as education and health.

Keywords: *humanitarian aid, crisis, execution, safeguards, human rights.*

INTRODUCTION

In the year 2011, South Sudan declared independence, but the joy was short-lived. The “Sudan People's Liberation Movement”, which helped the country gain freedom in the first place, is now fractured and fighting for power. Political infighting erupted into the carnage in the streets of Juba in December 2013, after the president of South Sudan blamed his vice president of attempt a rebellion.

In the first month of the battle, violence swept over the nascent country, displacing 413,000 inhabitants. Hundreds of thousands of civilians went to United Nations facilities, which were later transformed into improvised camps. The violence has persisted, escalating into a horrific civil war that has engulfed the whole country.¹ According to the UN, extreme flooding persisted, which has affected 8/10 states, causing, and aggravating a humanitarian disaster. Violence erupted in numerous places around the country, pitting warring parties and local organizations associated with them against one another. Since its independence on July 9, 2011, South Sudan has faced several catastrophes and illness outbreaks, notably recurrent cholera epidemics from 2014 to 2017. South Sudan is also vulnerable to natural disasters such as floods, population relocation, and acute food insecurity.

UNLAWFUL KILLINGS

Local militias linked with the SSPDF on one side and the SPLA-IO on the other ran a panic crusade against the residents of Tambura county's villages from June to October. Around 300 people were murdered, according to local official estimates. Both sides slaughtered citizens by firing or slitting their gullets; they kidnapped citizens; they disfigured bodies; they set neighbourhoods on fire, and they plundered and damaged resident land, schools, and hospitals. According to UN-verified official data, the violence displaced more than 80,000 people. As they left, families were divided, and some were unable to reconcile even months later. Food, medication, and suitable housing were in short supply for displaced persons in camps and host towns. For the fourth year in a row, fighting broke out between government and opposition troops, as well as the NAS. According to the UN, members of the NAS stormed a hospital and sexually abused at least three persons, among other things.

According to the UN, "fighting between ethnic groups, clans, and sub-clans continued in other areas, resulting in at least 441 human rights violations, including arbitrary killings, injuries, abductions, conflict-related sexual violence, arbitrary arrests and detention, torture, and other ill-treatment, and looting and destruction of civilian property". Armed adolescents continued

¹ 'The facts: What you need to know about the South Sudan Crisis' (Mercy Corps, 24 June 2019) <<https://www.mercycorps.org/blog/south-sudan-crisis#crisis-south-sudan-start>> accessed 16 May 2022

to attack humanitarian aid vans that were marked. At least five humanitarian workers were slain, according to the United Nations, while two more were arrested without cause.

ACCESS TO HUMANITARIAN AID IS DENIED

According to the UN, 8.3 million people needed humanitarian aid. Despite the desperate need for aid, humanitarian access was denied or restricted. Humanitarian organizations reported 542 access barriers to the UN Office for the “Coordination of Humanitarian Affairs”, while government officials continued to erect bureaucratic barriers.

EXTRAJUDICIAL KILLINGS

According to the UN Mission in South Sudan (UNMISS), at least 52 persons, involving kids, were extrajudicially killed between March and November. In virtually all cases, state security personnel carried out or were involved in the execution of "present within the area of the killings," according to the “UN Commission on Human Rights in South Sudan”. In a marketplace, people, involving kids, were lined up and openly murdered by shooting. Some people were chained to trees before being murdered, according to UNMISS, and administration representatives supported the killings as a vital deterrent to the lack of rule of law organizations.

CHILDREN’S RIGHTS

Security forces of the government and armed groups allegedly perpetrated serious breaches and exploits against more than 100 minors, including girls and boys, according to the UN and the SPLA-IO. Killing, mutilating, kidnapping, sexual assault, forced recruitment, and use of youngsters in battle, as well as support jobs such as porters, chefs, and spies, were among the crimes committed. The true figures may be greater.

RIGHT TO EDUCATION

Children's access to school is still severely limited. In accordance with UNICEF, more than 2 million kids, most of whom are females, were out of school as a result of Covid-19 and other obstacles to their education, such as financial difficulties and floods. Only eight of Tambura county's 53 schools were open in November, severely restricting access to education for

months. For many weeks during the war, SSPDF-affiliated soldiers utilized school in town as their base until late October, when government officials eventually persuaded them to leave. Armed actors' use of schools violates the worldwide 'Safe Schools Declaration', which the government contracted, as well as international human rights and humanitarian law.²

VIOLENCE AGAINST WOMEN IS ON THE RISE

Concerns about the high proportion of dispute-related sexual brutality and gender-based hostility continued. State security forces according to the UN, perpetrated 63 cases of sexual assault in conflict, involving more than 50 women, teenagers, and males aged 2 to fifty.

IMPUNITY

Impunity for international offenses and other serious human rights breaches and cruelties continued. The Ministers adopted a plan from the Ministry of Justice in January to set up the 'HCSS, the Commission for Truth, Reconciliation, and Healing (CTRH), the Compensation and Reparation Authority', and other justice-associated elements in the peace accord. By year-end, the authority had simply re-established the technical committee for the CTRH's development, and members of the committee had begun receiving training from a UN organization. The administration appears to value truth over trials, delaying and blocking the creation of the HCSS, which, once functioning, would be tasked with investigating and prosecuting offenses under international law. Penal Code of 2008 had yet to be updated to incorporate international law offenses.³

ARBITRARY ARRESTS AND DETENTIONS

"The National Security Service (NSS)" resumed to arrest randomly and jail genuine or perceived administration fees and critics, as well as reporters and civil society members, for extended periods throughout the year. Between the 2nd and the 30th of August, government agents detained at least 14 individuals around the country in response to calls for non-violent protests. 2 civil society representatives were imprisoned in a detention center in Yei for over two months with restricted or no access to their counsel. "Kuel Aguer Kuel, who was one of

² 'South Sudan' (*Amnesty International*) <<https://www.amnesty.org/en/location/africa/east-africa-the-horn-and-great-lakes/south-sudan/report-south-sudan/>> accessed 16 June 2022

³ *Ibid*

the founders of PCCA'S was detained by officials and remained in Central Prison of Juba until year-end. Despite explicit responsibilities under the "2018 Revitalized Agreement for the Resolution of the Conflict in the Republic of South Sudan", the 2014 NSS Act remains in force. It remains persisted to provide NSS officials with police-like arrest and detention powers, contrary to the service's constitutional mission to collect information and global human rights norms.

FREEDOM OF EXPRESSION, ASSOCIATION, AND ASSEMBLY

"The freedoms of expression, association, and assembly" were still curtailed, and the media was still regulated. The PCCA's demands for peaceful protests were greeted with a surge of repression in August and September. Authorities deployed large numbers of security personnel to major cities' streets, arresting civil society campaigners and a political figure; they as well shut down a broadcasting station and an educational think tank, which were reopened. Internet outages were detected on the eve of the scheduled protests on August 29. There were signs that the police were attempting to undermine the protests by shutting off the roads. Security troops harassed civil society members in, Juba, Yei, Bor, and Wau, after the unsuccessful demonstrations. Some of them suspected that they were being watched by the security personnel. Several human rights advocates have been compelled to flee the country.

RIGHT TO PRIVACY

The government spied on people's communications, most likely with the help of telecommunications firms. The NSS also used a large cross-border network of informants and agents to undertake physical surveillance; they examined mass media, and they compelled event organizers to acquire authorization before conducting any type of meeting. Breaching on "Right to Freedom of Expression and Assembly", the NSS employed various techniques of monitoring to arbitrarily arrest and imprison persons outside the law, in violation of their right to privacy. On July 17th, they disbanded a civil society meeting because the organizers had failed to obtain authorization from the NSS. These actions combined to produce a widespread environment of terror, which led to self-censorship.

DEATH PENALTY

Executions remained to be carried out even though death sentences were still being handed down. On February 12, the Apex Court affirmed the Court of Appeal's decision in 2020 to overturn Magai Matiop Ngong's death sentence, as well as ordering an age assessment and retrial. At the time of the event and conviction, Magai Matiop Ngong was 15 years old.

RIGHT TO HEALTH

The “Right to Health” was still in jeopardy, and public health services lacked resources. Due to insufficient health services and attacks on health care institutions, South Sudanese were constantly dying in large numbers from avoidable illnesses and other disorders. Armed men attacked and plundered health facilities in Tambura County, depriving residents of critical care and breaking international law. Thirteen of the county's twenty medical institutions were damaged in November, and the ones that were left were barely functional. Owing to issues such as unequal distribution of vaccinations internationally, limited supplies and unexpected arrival dates, vaccine shelf life, and impediments to reaching some places due to flooding and violence, only 1.52 percent of the population was completely vaccinated at the year-end.

MENTAL HEALTH

The availability of psychological health benefits was restricted, and health care practitioners were incapable to fulfil the extensive demands. Only three psychiatrists were assigned to the country, and they were also in charge of the preparation and supervision of medical personnel. The only public medical hospital in Juba that provided in-patient psychiatric treatment, and demand far outstripped the number of beds available. Psychotropic medications were intermittent and in short supply.

STARVATION IN SOUTH SUDAN

Hunger may have stretched-term, crippling effects everywhere, but it's especially dangerous through a complicated catastrophe like the one in South Sudan. Starving individuals have a harder time remaining healthy and are more susceptible to severe infections, which is a flaw that individuals living in temporary campsites and communities cannot pay for. Their bodies are likewise less powerful and useful than they could be., making it harder for them to work,

get the foodstuff, & protect their family. Starvation has a deleterious impact on a child's development. If they don't get adequate nutrition, they will miss important progressive milestones, which will have a long-term impact on their ability to learn and function. Hungry youngsters do not learn as well and are more susceptible to sickness. Around 860,000 children under the age of five in South Sudan are severely malnourished, according to UNICEF.

RIGHT TO LIBERTY

Due process rights are included in the '2011 Transitional Constitution, the 2008 Code of Criminal Procedure, the 2008 Child Act, and the 2011 Prisons Service Act'. Pretrial custody must be "an exception and as brief as practicable," according to international law, and defendants must be tried "without undue delay." Suspects in South Sudan, on the other hand, may be held in jail for extended periods before their investigations are completed and their trials begin. Adjournments, missing court dates, or the absence of important witnesses can cause partially finished cases to linger on. The overall term of pre-trial custody should not surpass 6 months under domestic law, unless the appropriate Court of Appeal agrees, however, this restriction is frequently disregarded.⁴

Since South Sudan's independence in 2011, organizations such as 'the United Nations, the South Sudan National Commission on Human Rights, Amnesty International, and Human Rights Watch' have recognized forms of illogical detentions and extended custody of real and alleged opponents, outspoken persons, and administration critics, and reporters by South Sudan's security forces, particularly the National Security Service (NSS). When the civil war broke out in 2013, 'the army's Military Intelligence Department (MID) and National Security Service (NSS)' intensified their attack on those suspected of assisting armed enemy parties or criticizing the government, and they were singled out for mistreatment.

Most were imprisoned and held in deplorable conditions, and others were tortured or abused. The majority of them were not once accused or hauled in front of a court or legal body, and they were refused attorney and their families. This violates South Sudan's "2011 Transitional Constitution", which needs prisoners to be taken before a legal authority within 24 hours, and

⁴ 'South Sudan: Human Rights Priorities for the Government of South Sudan' (*All Africa*, 3 February 2022) <<https://allafrica.com/stories/202202040393.html>> accessed 17 June 2022

international law demands that a convict be taken in front of a court within a sufficient timeframe, including during times of conflict. Detainees have been increasingly exposed to enforced disappearances, deaths in custody, and extrajudicial executions as a result of these illegal detention tactics.⁵

FLOODING

South Sudan is experiencing the worst floods it has seen in decades. Floods have left residents without food and land to produce for the past three years. Shelters and schools have been damaged, crops and household items have been destroyed, access to fresh water has been limited, and humanitarian aid has been hampered as a result of the disastrous flooding.

Flooding in 2021 devastated 161,055 acres (65,177 hectares) of farmland and killed 795,558 cattle. Between May and December 2021, floods harmed 835,000 individuals in 33 of 78 counties across eight states. Many people who lost their crops in 2021 also lost their cattle owing to illnesses spread by grazing animals in flooded areas. People have tried coping strategies such as collecting and crushing water lilies for food consumption.

The states of Jonglei, Unity, and Upper Nile are home to over 80% of flood victims. Floods have cut off access to crucial services for more than 390,000 youngsters. The United Nations Satellite Centre (UNOSAT) conducted a preliminary study of satellite-detected water in May 2022, which suggested that around 220,000 people are possibly vulnerable or live near flooded regions. Large parts of the land in South Sudan are still waterlogged from the previous rainy season when rains begin in 2022. Two UNOCHA-managed pooled funds have distributed \$19 million for flood preparedness in anticipation of a fourth straight year of flooding.⁶

DISPLACEMENT

Conflict and floods are two major causes of relocation in South Sudan. In South Sudan, there are about 2 million internally displaced persons (IDPs), and over 2.3 million South Sudanese

⁵ South Sudan: Human Rights Priorities for the Government of South Sudan (*Human Rights Watch*, 3 February 2022) <https://www.hrw.org/news/2022/02/03/south-sudan-human-rights-priorities-government-south-sudan#_Right_to_liberty> accessed 17 June 2022

⁶ 'South Sudan Humanitarian Crisis' (*CDP*, 29 June 2022) <<https://disasterphilanthropy.org/disasters/south-sudan-humanitarian-crisis/>> accessed 17 June 2022

are migrants in nearby nations. The South Sudanese refugee problem is still Africa's greatest. People with impairments make up around 15% of the refugee population. Many displaced persons have had to migrate several times to find better living conditions or to escape violence. Sexual abuse is a threat to women, girls, and individuals with disabilities both inside displacement centers and when gathering fuel or food in the surrounding communities. Children make up 65 percent of the refugee population, making the refugee crisis a children's catastrophe. Refugee children are particularly vulnerable to child labor, kidnapping, and human trafficking. Uganda is expected to welcome the most South Sudanese refugees in 2022, out of the five surrounding nations. The bulk of refugees lives in rural areas that are neglected economically. Host communities are frequently in a precarious socioeconomic state, and the entrance of more immigrants might worsen the problem. South Sudanese people continue to come home on their own.

CONCLUSION

South Sudan's problems will worsen unless peace and help are provided. Families will stay separated from their residences & lands, not be able to grow, and the economy will continue to deteriorate. The amount of those who are in danger of going hungry will rise. People will perish as a result of hunger, malnutrition, and illness. The violence in South Sudan has a disproportionately negative impact on both kids and women. More than 60% of South Sudanese refugees are under the age of 18, making kids and women the majority of the population at UN movement camps. To make matters worse, even in times of crisis, women, and girls continue to carry the brunt of household responsibilities. Daily actions like gathering water and firewood can become targets for assault in the face of increased brutality, frequent relocation, and loss of livelihood. Humans were denied their constitutionally guaranteed basic rights and were treated horribly. The agents used excessive force, rising in the casualties of people. Women, children, and everyone else in the country were brutally harassed and deprived of necessities.