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SSHURSA CONDEMNS YOUTH ARREST, CALLS FOR THEIR IMMEDIATE RELEASE AND APPEALS FOR A MORE STRICTER TORTURE PREVENTION LEGISLATION

The South Sudan Human Rights Society For Advocacy (SSHURSA) condemns in strongest terms possible as 'barbaric' the arrest of the youth by the security and state officials in South Sudan's Northern Bahr El Ghazal state.

According to the information SSHURSA has received, a number of youth members have been arrested, held and are being tortured by security agents since 26 July 2014. Preliminary allegations have been rumoured and asserted that the security are linking the youth with South Sudan's rebels in Northern Bahr El Ghazal under the recently defected army General Dau Aturjong.

Torture is prohibited under national laws and international human rights law. The right to freedom from torture is a non-derogable right which no state government or its agents acting under whatever directive cannot temper with under any circumstances. By arresting and torturing the youth, the state agents are implicated in very serious allegations and are therefore, intentionally in direct attack of the Transitional Constitution of South Sudan 2011(TCSS 2011) which is the supreme law of South Sudan. The acts of such officials are barbaric and they are also in complete defiance of South Sudan's international human rights obligations. South Sudan is a member of United Nations (UN) and the African Union (AU) and it must respect its obligations as a member of the international community and should ensure that its agents as a state do not contravene internationally non-derogable and protected principle such as the right to freedom from torture as provided for under the TCSS 2011 and article 4 of the UN Convention Against Torture and other Cruel Inhuman or Degrading Treatment or Punishment.

The Republic of South Sudan being a member of the UN and AU whose human rights instruments though it has not yet ratified, but must still bind it under the principles of the international customary law. Article 18 of the TCSS 2011 provides for freedom from torture and it states;

No person shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment

While article 19 of the TCSS 2011 provides for the right to fair trial and states clearly the rights of the accused persons; including the right to be considered not guilty until the allegation(s) are proved as true or discarded by a court of law, the right to be immediately and clearly informed of the reasons of the arrest, the right to be allowed contacts with relatives and receive legal advice and above all, the right to be produced before the court of law for trial within a period not exceeding 24 hours. All these rights have been violated by the state in the case of these youth members arrested.

In a democratic society, arrests in majority of cases can only be effected through an arrest warrant issued by a competent court of law.

Articles 24 and 25 of the TCSS 2011 respectively provide for the rights to the freedom of expression, assembly and association

The youth members have their constitutional rights to associate and speak out their views on how they perceive the government they have entrusted with management of their public affairs as citizens of the state and as of South Sudan, whether that government be at state or national level. It is one of the values of democratic society to associate and speak out on public issues that matter in the lives of the citizens and people's government cannot use its agents to arrest and torture those holding contrary views. Harmless divergent views are ingredients for the growth of democracy which South Sudanese state must be humble to accept.

SSHURSA calls upon the government of Northern Bahr El Ghazal state to immediately unconditionally ensure that the arrested youth members are released and hold the perpetrators responsible for allegedly torturing the youth which is a violation of a supreme freedom that cannot be tempered with as it protects the sacredness of human dignity.

SSHURSA calls upon the office of the Caretaker governor to intervene immediately and ensure that the youth members are accorded contacts with the families, seek medical attention and released without any condition or produced them before the court of law if the state has any reasonable to believe of their being in suspicion of having committed any crime. Equally, those state agents who tortured the youth must be held accountable so that impunity does not continue being seen sponsored by the state.

SSHURSA also calls upon the South Sudan's National Legislative Assembly(SSNLA) to immediately enact a legislation specifically prescribing the severe punishment and holding of those found responsible in violation of the right to freedom from torture as has been rampant among the security and other state agents. The SSNLA should immediately ensure that South Sudan ratifies the UN Convention Against Torture and the African Charter on Human and People's Rights.

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*SSHURSA is an incorporated non-political and non-profit -making national human rights organization, founded by South Sudanese lawyers and Law Students on 5th June 2007 at the Law Development Centre (LDC), Makerere, Kampala, Uganda. In South Sudan, its operations started since 2009 with its headquarters in Juba and co-ordination offices in other states. Its **vision**: a democratic and human rights abiding South Sudan and the **mission**: monitoring, documenting and publishing human rights status in the country and training also the general public on human rights, constitution, rule of Law and international humanitarian law, all geared towards creating an informed, responsible, justice and good governance oriented South Sudan. Website: www.sshursa.org*