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The Growing Crisis in South Sudan

*Subcommittee on Africa, Global Human Rights,
Global Health, and International Organizations*
Excerpts of remarks by Rep. Chris Smith
September 7, 2016

On April 27th of this year, our subcommittee held a hearing on South Sudan's prospects for peace. An accord that appeared to finally end the civil war that broke out in December 2013 was reluctantly signed by both the Government of South Sudan and the Sudan People's Liberation Movement – In Opposition in August 2015. Perhaps too much was read into the signing of that agreement and not enough into the continuing criticism of the accords by both sides.

Peace was never fully established in South Sudan as a result of the August 2015 agreement. In fact, fighting spread to areas that had not previously seen armed conflict. An estimated 50,000 South Sudanese have been killed since December 2013, more than 2.5 million have been displaced, and 4.8 million face severe hunger. According to the UN Mission in the Republic of South Sudan, or UNMISS, "gross violations of human rights and serious violations of humanitarian law have occurred on a massive scale."

South Sudanese women have long reported cases of sexual assault by armed forces throughout the country – sometimes in sight of UNMISS bases. This past July, between 80-100 armed soldiers broke into the Terrain apartment compound, which houses aid workers and international organization staff, and for several hours, they sexually assaulted women, beat residents, murdered one South Sudanese journalist and looted the facility.

UNMISS did not respond to the desperate calls for help from residents, even though their own personnel lived in the Terrain compound, and UNMISS officials say the various components of UNMISS didn't respond to orders to mobilize from within the organization.

UN peacekeepers were minutes away but refused to intervene despite being asked and having a robust legal mandate to do so. A contingent of the South Sudanese military ultimately rescued the victims from other rampaging troops. The investigation by the South Sudanese government is scheduled to be completed within days, and there must be consequences for those found guilty. The

rapidly deteriorating security and the increasingly dire humanitarian situation led me to undertake an emergency mission to South Sudan two weeks ago along with Staff Director Greg Simpkins.

I have known Salva Kiir since he became First Vice President in the Government of the Republic of Sudan in 2005—as a matter of fact I met him in Khartoum only weeks after he assumed that office—and I hoped my visit might convey to him the outrage over the murder, rape, sexual assault, attack on aid workers, and the precarious situation his government faces. South Sudan is at a tipping point. The United Nations will likely take up a measure to impose an international arms embargo on South Sudan this month. The International Monetary Fund has strongly recommended a mechanism for financial transparency and meets next month, likely expecting a response from South Sudan. Meanwhile the House and Senate both have measures that contain an arms embargo and other sanctions.

In Juba, we met with President Kiir, his Defense Minister Kuol Manyang Juuk and the top members of the general staff, including Chief of General Staff Paul Malong, considered by many to be a major power behind the scenes. I emphasized to them that the widespread rape and sexual exploitation and abuse by soldiers must stop now, and that perpetrators of these despicable crimes must be prosecuted. In response, both President Kiir and Defense Minister Jook agreed to produce a ‘zero tolerance’ presidential decree against rape and sexual exploitation and abuse by all armed forces. Such a decree not only informs perpetrators that they will be punished for their actions, but it places the government on the line to enforce such a decree.

The UN High Commissioner for Human Rights has previously described the South Sudan government’s efforts to hold perpetrators of abuses accountable as “few and inadequate.” That must change.

President Kiir also gave us a copy of a presidential order forming a commission to investigate the incident at the Terrain compound. The result of that investigation is due any day now. There are four military officers and one civilian in custody for looting the Terrain compound, but no one has been arrested for the sexual assaults, beatings or the public murder of the South Sudanese journalist.

One of the victims of sexual assault at Terrain is from my Congressional district. After relaying horrible details of the sexual assault by two soldiers, she gave us the name of the soldier who “rescued” her and who might be able to provide information that could be used to find and prosecute those who attacked her at the Terrain compound.

There are about 20,000 humanitarian aid workers in South Sudan—2,000 of whom are from the United States and other foreign countries. If there is not greater security for these humanitarian personnel and supplies, vital assistance will diminish at the time it is needed most.

The exploitation of children as child soldiers must stop as well. According to UNICEF, 16,000 child soldiers have been recruited by all sides since civil war began in December 2013. Moreover, this year’s US State Department Trafficking in Persons Report gave South Sudan a failing grade—Tier 3—in part because of child soldiers.

South Sudan faces the possibility of a UN arms embargo and other sanctions. A new 4,000 Regional Protection Force—designed to augment the over 13,000 UN uniformed peacekeepers—has already been approved by the UN Security Council.

There is yet time for South Sudan to make its pivot to peace and good governance by faithfully implementing the comprehensive peace accord—including and especially the establishment of a Hybrid Court—signed one year ago but time is running out.

The governments of the three guarantors of South Sudan's peace – the United States, the United Kingdom and Norway – all have expressed their disgust with the South Sudan government and its armed opposition for not adhering to the August 2015 peace agreement and providing to the extent it can for the security and well-being of its own people. However, expressions of disdain are not enough.

This hearing not only is intended to examine culpability for the current situation, but also to try to find solutions that will safeguard the future of one of the world's newest nations and its citizens. As a guarantor of the peace, we can and should do no less.