

Response to Human Rights Watch Accusation against the SPLA

The SPLA leadership is alarmed by the recent report published by Human Rights Watch purporting that SPLA had been involved in malpractices. Although the validity of the statements is difficult to prove on both sides, the researchers who compiled this report failed to interview even a single personality from the SPLA leadership so that our acceptance or denial of the alleged abuses is also written along with the reasons why the SPLA would accept to shoulder or deny these accusations. It is because of the absence of our side of the story from the report that has prompted this response.

Since the inception of SPLA, the army had been a mobilizing force which was largely reliant on the civilian population for food, logistics and of course its main bloodline: the recruits.

The civil support for the SPLA did not come on a golden plate. Instead the men and women in uniform worked so hard to show the public that the army is pro-people. The SPLA in 1984 introduced a Manifesto which governed its day-to-day operations and the daily activities of each soldier. The implementation of the Manifesto's penalty code by the SPLA court martial enabled the army address criminal offences and human rights violation effectively.

Because of our strict adherence to our military laws, numerous soldiers including senior SPLA commanders received their punishment via fire squads while others languished in military prisons for a long time to serve as example to those who act with impunity within and outside the army. The SPLA also maintained high human rights standard by not killing its prisoners of war (POWs). Thousands of POWs who were with the SPLA were later released to their respective places during and after the war.

Today, common sense would make you expect that SPLA must be better now that peace has come. On the contrary this is not the case, hence the profound questions you, the public, ask are:

What has happened to the SPLA of yesteryears? Where is the discipline element or the good relationship SPLA had with its civil population? Why is SPLA committing heinous crimes more than during war period? Why hasn't there been legal action or punishment taken against marauding soldiers...?

Here is our response:

First, here in Southern Sudan, anyone who illegally obtained SPLA uniform and possesses an illegal gun masquerades as SPLA soldier. Most of these people have formed illegal armed groups such as the "Forgotten Warriors", "No Unit" and other disgruntled armed criminals and bandits. Whatever members of these groups do is automatically labelled as SPLA act but the underlying fact is that they are not part and parcel of the SPLA.

Second, the integration of Other Armed Groups (OAGs) as stipulated in the Security Arrangements of the CPA has seriously weakened the good reputation and professional standard of the SPLA. The other armed groups, in essence, are former militias coming predominantly from armed civil population. These people have not undergone military training before joining the SPLA.

During the war, their livelihood and survival depended chiefly on tribal feuds, looting, cattle raiding, robbery and so on. These were some of the practices the militias came with when they got integrated after the signing of Juba Declaration. We are very much aware of the existence of such behaviour within SPLA and we are doing our best to train and reorient them but our limited resources hinder the speed in which we wanted to overhaul the current SPLA.

Third, in cases where investigations were carried out and the decision came out that our men and women were on the wrong side, we apprehended such individuals. But we could not do anything else besides mere arrest as the martial courts were largely abolished and the new

army law was not enacted for the last four years. In January this year, the SPLA Act came out and we in the military are bound to execute or implement this Act letter by letter.

Fourth, the SPLA is well aware of its mandate of being the people protector and defender against external aggression. We only respond to requests made to us by civilian authorities when police has failed to restore order. While executing what we were asked to do, sometime we find ourselves under attack and out of self-defence we fire back as we feel strongly that we have the right to defend ourselves. This avoidable situation occurs only when we are provoked.

Fifth, inasmuch as we want the police to take the role of law enforcement agency in Southern Sudan, we are usually saddened by the police's inability to offer this much needed service. This validates the need for the government to temporarily use SPLA to keep order. History has shown us that wherever we are accused of heavy-handedness, and consequently asked to leave, the situation worsens after our departure and more lives that would have been saved by our presence are lost in this fashion.

Sixth, he weapons infiltrate into Southern Sudan from sources that are determined to destabilise the South. The presence of SAF remnants whose activities are yet to be known and the high insecurity level as we approach the election year are a concern to us in the military. We are well aware of some hands behind such high level of insecurity aimed at scuttling elections and referendum.

Seventh, the accusation that SPLA arbitrarily detains civilians is false. Like we said earlier, we respond only when ordered to carry out a specific task requested of us by the civilian government (GoSS or state governments). If GoSS or state government tells us to arrest particular individuals, we do it as ordered. This happens only when the police are viewed as incapable of handling such individuals. We do not consider this as arbitrary detention.

Eighth, the idea of summoning a soldier to civilian court without an official knowledge of the military is itself a violation of military laws. Soldiers who have cases with civilians can be tried in civilian courts but the military (and not the police) must be the one carrying out the summons and sentencing as directed by the civilian court. Therefore the non-compliance of any soldier summoned by the civilian court is not the fault of those who fail to appear. Instead, the civilian courts are to blame for not involving the military in the prosecution process.

Finally, the land issues in Juba and its environs was our worst nightmare. The government of Central Equatoria was very slow in allocating a piece of land to SPLA so as to accommodate those who are officially allowed to serve in the General Headquarters. Currently, the Governor of Central Equatoria has allotted a piece of land to the SPLA. We are demarcating it and will be allocated to soldiers in the near future. This means that the land grabbing accusations against the SPLA in Juba will be reduced. If similar allocations take place in other towns of Southern Sudan, particularly in the areas where SPLA is deployed, land grabbing cases by the SPLA all over Southern Sudan would be minimal. The problem of land grabbing therefore was generated by the need of soldiers, just like other citizens, to provide basic needs for their families. These basic needs include shelter.

We have made a significant progress in professionalizing the SPLA. We will continue to do more to infuse discipline in our armed men and women. But we can only accomplish this when we have the support of our civil population.

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