

## International Humanitarian and Human Rights Law Issues

Factual Circumstance	Applicable Law	Commentary
	<p>"No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment"</p> <p>Art. 5 AC (see above)</p>	
<p><b>Attacks against non-Arab population in South Sudan</b></p> <p>The various acts of the GOS and its allies described above are leveled at the non-Arab, Christian and animist population in South Sudan with the intention of moving the population out of areas around the oil fields.</p>	<p><b>Art. 5 International Convention on the Elimination of All Forms of Racial Discrimination ("CERD")</b> requires parties to:</p> <p>"undertake to: prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law notably in the enjoyment of the following rights" <i>inter alia</i>:</p> <ul style="list-style-type: none"> <li>(1) the right to security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution;</li> <li>(2) the right to freedom of movement and residence within the border of the State;</li> <li>(3) the right to freedom of thought, conscience and religion;</li> </ul>	<p>⇒ The described attacks by the GOS are discriminatory in that they are aimed only at the non-Arab Christian/Animist population of South Sudan. As such they are a violation of a person's rights not to be discriminated against based on race and/or ethnic origin with respect to the enjoyment of the rights of security of the person against violence or bodily harm, freedom of movement and residence within Sudan and freedom of thought, conscience and religion.</p>
<p><b>Demographic manipulation</b></p> <p>Certain the populations villages around the oil fields have been permanently displaced by the above noted attacks and replaced by northern settlers</p>	<p>See Art. 5(c)(i) CERD (above)</p> <p>"... State Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national ethnic origin, to equality before the law, notably in the enjoyment of" <i>inter alia</i> [e]conomic, social and cultural rights, in particular ... [t]he rights to work, free choice of employment, to just and favourable conditions of work, to</p>	<p>⇒ Discriminatory practices by the GOS of moving the resident population out by forcible means and resettling the area with an Arab population from North Sudan makes displacement permanent and violates Art. 2 of the CERD.</p> <p>⇒ The discriminatory hiring practices of GNPOC are in violation of the prohibition of discrimination with respect to the right to work and free choice of employment.</p>