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South Sudan 2020

Thousands of people fled fighting and sought refuge in neighbouring countries. Fighting between ethnic groups, clans and sub-clans surged across the country and sporadic clashes between parties to the armed conflict continued, mainly in the south. All parties to the conflict perpetrated serious violations of international human rights and humanitarian law, including the killing of civilians, the recruitment and use of children and acts of sexual violence. Impunity for human rights violations remained the norm. The security forces continued to arbitrarily arrest and detain actual and perceived government opponents and other critics. The government continued to fail in its obligation to respect and protect the right to health.

Background

By the end of the year, parties to the 2018 revitalized peace agreement had not established the new Parliament, leading to delays in the passing of critical legislation. They had also failed to amend crucial laws like the 2014 National Security Service Act. Efforts to reform the security sector were not successful, partly because the National Security Service (NSS) – the best-equipped security force in the country and a key agent of repression – was left out of the process. In February, parties began to form the Revitalized Transitional Government of National Unity; however, they did not ensure that the new executive included a 35% quota of women, in accordance with provisions in the agreement.

In March, the government imposed an overnight curfew and travel restrictions, banned social gatherings and closed educational institutions as neighbouring countries confirmed COVID-19 cases.

In April, evidence emerged of new small arms and ammunition imports, violating the UN Security Council’s 2018 arms embargo which was renewed for another year in May.

In September, the UN peacekeeping mission (UNMISS) started withdrawing from three of its Protection of Civilian sites, which accommodate over 40,000 people displaced since the conflict began in 2013.

In October, the government and armed groups not party to the 2018 peace agreement resumed peace negotiations which had been paused, in part by the pandemic.

Rights of refugees and asylum-seekers

According to the UN, the armed conflict displaced over 38,100 civilians during the year, of whom at least 17,000 fled to Ethiopia, Sudan and Uganda. Hundreds of people trying to seek refuge in Uganda were stranded in makeshift structures near the border and lacked food, adequate shelter, medical care and clean water after a COVID-19 outbreak led Uganda to close its borders between 20 March and 1 October (see Uganda entry).¹ According to the UN, nearly 110,000 refugees returned to South Sudan.

Conflict and armed violence

Fighting, including cattle raiding, between ethnic groups, clans and sub-clans surged across the country, with the alleged involvement of members of armed groups and government forces. According to the UN Commission on Human Rights in South Sudan, weapons were supplied by state actors.

Reports from the UN Secretary-General said that clashes resulted in the killing of at least 600 people, while around 450 were injured and hundreds of thousands were displaced without access to adequate shelter, food, water or health care. In June the President appointed a high-level committee to investigate the security situation in Jonglei state and the Greater Pibor Administrative Area, focusing on containing the violence.

Unlawful killings

Fighting between parties to the conflict continued, particularly in the south. Soldiers committed serious violations and abuses, including war crimes. They killed civilians, committed acts of sexual violence, looted civilians' belongings, burned villages and destroyed property and buildings. Consequently, many villages were made uninhabitable, and those internally displaced by the fighting were unable to return to their homes.²

Children's rights

In March, the government closed schools to control the spread of COVID-19 and only started reopening them in October. Due to the closures, over 2 million children were denied access to education and the school-run feeding and health programmes. The UN said this was in addition to the estimated 2.4 million children out of school before the pandemic.

Between December 2019 and December 2020, the UN Country Task Force on Monitoring and Reporting on Children and Armed Conflict documented 133 grave violations committed against children by armed groups and government security forces, including the forced recruitment of children and their use in combat and supportive roles like porters, cooks and spies. The Task Force also reported killings, maiming, abductions and rapes of children. At least 28 children died and two were maimed as a result of explosive remnants of war. During fighting between ethnic groups in Jonglei state, the UN recorded that at least 16 children had been killed, about nine injured, and at least 194 abducted.

Child soldiers

Throughout the year, child soldiers were identified among the members of armed opposition groups and the Presidential Guard³. In February, the government signed an action plan with the UN to end and prevent all grave violations against children; several opposition groups committed to achieving this goal. Between February and May, the UN Task Force supported the release of 57 children from armed groups and government security forces.

Gender-based violence

Between December 2019 and December 2020, UNMISS documented 79 incidents of conflict-related sexual violence, including gang rape, rape, sexual slavery and forced nudity, by government forces, armed groups and community militias.

Inter-communal violence in Jonglei state resulted in at least 74 women being killed, around nine injured, and some 224 abducted, according to UN figures. In Western Equatoria state, the main opposition group released 47 women and 26 children, including 12 girls, in January.

There was also a high incidence of gender-based violence outside conflict situations. In May, Eye Radio reported that in the capital, Juba, three men took an eight-year-old girl from her home after holding her mother at gunpoint, gang raped her and dumped her unconscious body outside her house. Save the Children said that after the schools were closed in March, there was an increase in violence against girls, and teenage pregnancies. In July, a media outlet said that in Cuiwet county, in the Lakes state, two girls, one of whom was 15 years old, were beaten to death by male relatives in relation to pregnancies their families disapproved of. The case of the 15-year-old girl was submitted to the High Court and four suspects remained on remand in prison.

Early and forced marriages were commonplace and had detrimental effects on women and girls' sexual and reproductive health. In July, the media reported that a government soldier killed a 19-year-old woman in Aweil because she had refused to marry him. In September, a High Court in Aweil sentenced him to death, and he was transferred to Wau Central Prison. According to the UN Population Fund, almost half of 18-year-old women were married.

In March, the police established a national committee to oversee the implementation of its action plan to combat sexual violence.

Impunity

Despite several trials related to sexual violence, impunity for crimes under international law remained the norm and victims lacked access to redress, and medical and psychosocial services.

In June, the President appointed a former opposition commander suspected by the UN of widespread conflict-related sexual violence, as governor of Western Equatoria state. Also in June, according to the UN, civilian courts in the towns of Kuacjok and Wau convicted a soldier and a police officer “of conflict-related sexual violence against children.” They were given prison sentences of between five and 10 years and ordered to pay damages to the families. In September, a special court martial established by the army convicted soldiers of nine rapes and two gang rapes involving 11 survivors, despite the fact that military courts were not competent to deal with the case.

According to the UN Development Programme, between October 2019 and October 2020 a court established to hear sexual and gender-based violence cases and juvenile cases, concluded 13 out of 369 registered cases, resulting in one dismissal and 12 convictions. These included three rape cases against government soldiers and one rape case against an NSS officer, all unrelated to the conflict.

The government took no discernible action to establish the Commission for Truth, Reconciliation and Healing, the Compensation and Reparation Authority and the Hybrid Court for South Sudan (HCSS), provided for in the 2015 and 2018 peace agreements. The HCSS is an envisaged AU-backed tribunal with a mandate to investigate and prosecute crimes under international law and other serious violations committed since December 2013.

Arbitrary arrests and detentions

The NSS and the Military Intelligence Directorate continued to arbitrarily arrest actual and perceived government opponents and other critics, including journalists and civil society members, and to hold them in prolonged arbitrary detention in harsh conditions without charge or prospect of trial. Detainees were denied the right to have their detention reviewed by a court⁴. Those suspected of criminal responsibility for these violations acted with impunity.

On 29 May, Kanybil Noon, a civil society representative on the Strategic Defense and Security Review Board, a body created under the 2018 peace agreement, was arbitrarily arrested and detained in the NSS' main detention facility in Juba, known as Blue House. In June he accessed a lawyer who filed an application to the High Court in Juba, at the end of the month, for him to be unconditionally released or brought before a court. He suffered poor health and was denied medical care until he was released without charge on 22 September.

On 1 May, a journalist was briefly detained while covering a story about motorcyclists who stormed a police station after alleged police harassment on the roads during the enforcement of COVID-19 restrictions.

Excessive use of force

On 3 June, security forces shot at unarmed protesters in Juba's Shirkat neighbourhood, injuring at least two people. The protests were sparked by the unlawful killing by soldiers of four people, including a pregnant woman and an older man, following a physical confrontation over a land dispute involving a relative of the President who succumbed to his injuries later that night. At least 14 demonstrators were arrested, and illegally detained in Juba Central Prison. They were released in November but charged with offences against public order and public nuisance.

Death penalty

Death sentences continued to be handed down and executions were carried out. On 14 July, the Court of Appeal quashed the death sentence against Magai Matiop Ngong on grounds that he was a child at the time of his crime in 2017, and ordered that his case be sent back to the High Court to rule on an appropriate sentence. He was removed from death row on 29 July and remained on remand in Juba Central Prison pending appeal before the Supreme Court by the family of the man he killed.

Right to health

The right to health remained under serious threat. Public health facilities were under-resourced, and according to the UN, 56% of the population did not have access to primary health care services. The public health sector was underfunded and received only 2.8% of the national budget (around US\$14 million). Medical equipment for COVID-19 treatment, such as ventilators, and personal protective equipment for health workers was lacking. Media outlets reported that at the onset of the pandemic in South Sudan in April, the country only had four ventilators for an estimated 11 million people.

Post-traumatic stress disorder was widespread in the population, but access to mental health and psychosocial support services remained extremely limited. As a result, people with mental health conditions were routinely housed in prisons.

Health workers

The government failed to protect the rights of health workers during the COVID-19 pandemic. They had insufficient access to PPE and suffered under huge workloads. Doctors on the government payroll were not paid between February and May and did not receive welfare packages or medical cover. In May, doctors held a one-day strike, after which the government offered them SSP10,000 (US\$40) as a lump sum to cover part of the salary arrears. Some doctors who refused to accept the offer were threatened with dismissal.⁵

Denial of humanitarian access

The humanitarian crisis was compounded by inter-communal violence, the COVID-19 pandemic and floods, which affected about half the country. Up to 1.7 million people remained internally displaced, and an estimated 6 million people, over half the population, were acutely food insecure. Millions of people had limited or no access to safe water and sanitation, adequate health care and related services.

The crisis was exacerbated by attacks on aid workers between January and November of whom nine were killed. Humanitarian organizations reported that there were 459 incidents which impeded humanitarian access. Aid workers were frequently robbed and attacked on main roads.

1. [East Africa: People seeking safety are trapped at borders due to COVID-19 measures \(Press release, 22 June\)](#)
2. [South Sudan: UN arms embargo must be maintained after surge in violence against civilians in 2020 \(Press release, 30 November\)](#)
3. [Systematic harassment of civil society, journalists, private sector and critics by South Sudan's intelligence agency \(AFR 65/2727/2020\)](#)
4. [Accountability critical to ending grave human rights violations in South Sudan \(AFR 65/3105/2020\)](#)
5. [Exposed, silenced, attacked: Failures to protect health and essential workers during the COVID-19 pandemic \(POL 40/2572/2020\)](#)

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Austrian Red Cross
Austrian Centre for Country of Origin and Asylum
Research and Documentation (ACCORD)

Wiedner Hauptstraße 32, 1041 Wien
T (Telefon) +43 1 589 00 583
F (Fax) +43 1 589 00 589
info@ecoi.net

Contact
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F.A.Q.
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