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Human Rights and Democracy: The 2011 Foreign & Commonwealth Office Report - Quarterly Updates: South Sudan

Quarterly Updates: South Sudan

Latest Update: 31 December 2012

The human rights situation in South Sudan has seen some deterioration over the period from October to December 2012.

Capacity and budget constraints have continued to slow progress in promoting awareness and protection of human rights. Despite agreements between Sudan and South Sudan signed in late September, difficulties over implementation and tensions between the two countries continue to divert attention away from development efforts and capacity building. Until these difficulties are resolved there is little prospect of renewed efforts on human rights concerns, not least due to severe budget constraints in the absence of oil revenues.

We continue to receive regular reports of human rights violations and abuses across South Sudan, including restrictions to freedom of expression as well as incidences of sexual violence and arbitrary arrest and detention. These allegations are frequently levelled at members of the armed forces, police and national security personnel. We judge that the majority of these violations and abuses are likely to be the result of indiscipline and lack of capacity, rather than reflecting systematic policy.

Following allegations of widespread human rights violations committed by the national army and police during a government-led disarmament campaign in Jonglei State, Médecins Sans Frontières Holland released a [report](#) (November 2012) detailing the disturbing associated health impact on local communities.

Military investigations into alleged human rights violations by the Sudan People's Liberation Army (SPLA) continue, but convictions and punishments for the most serious offences have yet to be fully carried out or publicly communicated. There have been some positive changes made to the SPLA command structure on the ground, such as the deployment of military magistrates to monitor the conduct of SPLA troops. However, serious incidents of rape, sexual assault, killings and torture, continue to be reported.

Reports of alleged human rights violations by police and other security agencies, particularly in State Capitals, have escalated since October, with a number of reported incidents of arbitrary arrest and detention affecting

both local and foreign nationals. The government has prioritised this issue, pledging to identify those responsible and improve security.

In December, a prominent opinion writer was killed at his home in Juba. The UK urged the South Sudanese government to ensure a full investigation into the circumstances of this death given the political nature of his writing. The government responded positively and has accepted assistance from the United States in carrying out the investigation.

The UN High Commissioner for Refugees (UNHCR) reported a further increase in the number of refugees in Upper Nile and Unity States fleeing from neighbouring Sudan. UNHCR recently reported that there were 181,600 Sudanese refugees from Southern Kordofan and Blue Nile State in South Sudan.

The Constitutional Review Committee has been unable to implement its Action Plan due to budgetary constraints and a lack of political backing. They will be unable to undertake the awareness-raising, public consultation and drafting detailed in the plan without a mandate extension beyond their one year term, due to end on 9 January 2013. An extension is vital to allow the Commission to address human rights concerns within the new constitution.

In October the government decided to expel a human rights officer of the UN Mission in South Sudan. The decision raised concerns about the government's openness to international scrutiny of their commitment to defend human rights. We voiced our concerns about the impact of the expulsion of this individual for the activities of human rights monitoring, assessment and reporting across the country, and will monitor this closely in 2013. The UK, in coordination with international partners, continues to promote human rights in South Sudan. The UK's Ambassador to South Sudan raises individual cases of alleged human rights violations, and has made regular representations to government ministers and senior officials regarding the continued use of the death penalty, tackling corruption, protection of civilians and support for the National Constitutional Review process. UK Special Representative Mr Robin Gwynn raised the importance of preventing sexual and gender based violence during his visit to Juba and Aweil in December.

Latest Update: 30 September 2012

After six months of negotiations, Sudan and South Sudan signed agreements on a number of issues, including oil, citizenship, trade and security. This represents a significant stride towards the resolution of conflict between the two states. However, the scale of the human rights challenge remains significant. Over the last three months the human rights situation in South Sudan has seen a number of concerning developments, including continuing violations of the right to freedom of expression, sexual and gender-based violence and arbitrary arrests.

The pace of progress in building capacity within government institutions to promote and protect human rights is slow. Significant economic and security concerns, and ongoing negotiations with the government of Sudan, have diverted attention away from development efforts and capacity building. We continue to receive reports of human rights abuses across South Sudan, including sexual and gender-based violence; prolonged illegal or arbitrary detention; and torture committed by members of the armed forces.

As verified by the UN Mission in South Sudan (UNMISS), security force abuses associated with a civilian disarmament campaign in Jonglei State have been widespread and especially pronounced in Pibor county. Reports suggest some of these abuses have been systematic (including rape, sexual assault and torture). Lack of professionalism and ill-discipline is a more general problem within South Sudan's armed forces.

There have been military investigations into abuses and the government has stated at least thirty soldiers have been arrested. The UK continues to press for convictions and punishments. However, the local criminal justice system remains extremely weak. The disarmament campaign in Jonglei has now been stopped though the government indicates that it may resume in the dry season.

Militia activity and presence has recently increased in Jonglei – again predominantly in Pibor County. There is a high risk of civilians (many of whom are already extremely vulnerable as a result of recent flooding) becoming caught up in fighting between militia and Sudan People's Liberation Army. All parties' highest priority must remain the protection of civilians.

In August, Human Rights Watch released a [report on Arbitrary Arrest and Detention in South Sudan](#). Concerns have been raised by NGOs working in State capitals about the treatment of foreign nationals in the hand of the police and other security agencies.

In July, the chairperson of the South Sudan Civil Society Alliance was kidnapped and interrogated by unknown security personnel. This incident followed a protest organised by the alliance against corruption within government. The government reacted promptly to news of the arrest although to date the police investigation has not been able to identify or apprehend those responsible.

On 21 August, two men were executed by hanging in Juba Central Prison. This brings the total number executed since South Sudan's Independence in July 2011 to eight. UNMISS confirmed that of 109 prisoners on death row, only six have had access to legal representation through the Ministry of Justice. All executions must be granted presidential approval, even where the Supreme Court confirms a death sentence.

The UN High Commissioner for Refugees continues to report increases in the number of new refugees arriving in Upper Nile and Unity States, from Sudan. Ensuring the safety of unaccompanied children and women within the camps remains a challenge. NGOs have raised concerns about the approached adopted to 'disarming' and 'demilitarising' those in the camps.

The UN mission has a Protection of Civilians (PoC) mandate, and has expanded its efforts in this area since the renewal of the mission's mandate. Three PoC advisers have been recruited for the key states of Unity, Upper Nile and Jonglei. In Jonglei, UNMISS has developed an operational concept note on the PoC, with dedicated protection teams. The military presence in Pibor has been expanded and Civil Affairs Officers have been augmented.

Government institutions have not yet developed sufficient oversight functions to tackle reported cases of human rights abuses. The work of the South Sudan Human Rights Commission has been severely limited by recent austerity measures. The ongoing Constitutional Review process provides an opportunity to address some human rights concerns, particularly during the public consultation phase.

The UK continues to promote human rights in South Sudan. In August, the British Ambassador launched the Preventing Sexual Violence in Conflict and Post-Conflict Situations initiative in South Sudan. The UK is in the process of consulting government, NGO, civil society and donors about the initiative and proposed activities.

Ambassador to South Sudan, Alastair McPhail, has raised individual cases of alleged human rights violations, including with members of the State government in Jonglei State, and senior members of the armed forces. The UK has made representations regarding freedom of expression, arbitrary arrest and detention, sexual and gender based violence, the continued use of the death penalty, and corruption with Government Ministers, Advisors, and Commission officials. Through the UN mission we push for more thorough and systematic human rights monitoring, reporting and investigations.

Latest Update: 30 June 2012

Over the reporting period the human rights situation in South Sudan has been stable. Continuing conflict and the weakness of government institutions mean that the scale of the human rights challenge remains significant.

Almost one year on from Independence, South Sudan has yet to ratify or accede to many of the key regional and international human rights instruments. However, there is high level commitment from the President and Vice President to see human rights upheld. Progress in realising this commitment has been slow due to a lack of resources and because of the challenges of delivery in a country with only the most basic physical and communications infrastructure.

Positive action by the government included the launch in June by Vice President Riek Machar Teny of the South Sudan Human Rights Commission's Strategic Plan for 2012-15. The Vice President committed on that occasion to ensuring that human rights were upheld by all, including the security services. In a less positive development the Commission confirmed that due to lack of resources it would no longer be able to maintain a Human Rights Commission office in each of the ten State Capitals. Some of these offices will now be closed. This is likely to further limit access to justice for victims of human rights violations.

The decision by the Government of South Sudan to shut down oil production at the beginning of 2012 has meant a 98% fall in total government revenue. Reductions in government spending as a result of the fall in revenues are likely to impact on government work on human rights education, monitoring and investigation, which was already under-resourced.

We continue to receive reports of human rights abuses across South Sudan, including gender-based violence and forced marriage; prolonged illegal or arbitrary detention (including of journalists and civil rights activists); and freedom of movement.

A voluntary disarmament process was launched in Jonglei State in March, led by the SPLA (national army) and SSPS (police service). This was a sizeable and challenging undertaking and work is ongoing. During the disarmament a number of serious human rights violations have been reported, including rape and torture committed by members of the security services. Some of these incidents have been widely and publically denounced, with full investigations, trials and convictions of the perpetrators. Others have yet to be investigated. There is no evidence to suggest that these violations have been organised or systemic. Rather, the incidents reflect poor discipline and individual criminal behaviour.

The UK's promotion of human rights continues through a number of initiatives. The UK provided funding to support the recent community peacebuilding initiative in Jonglei State which aims to overcome ongoing inter-

communal conflict. Through the UK's Security and Access to Justice Programme we continue to promote equality in the South Sudanese police force as it is reformed.

The UK Ambassador to South Sudan and visiting UK Ministers, have raised individual cases of alleged human rights violations, including recent cases of human rights violations committed by security personnel in Jonglei State during the disarmament process. These issues have been raised with Government Ministers, Commission officials and the Jonglei State Government. Through the UN mission and preparations for its mandate renewal we continue to push for more thorough and systematic human rights monitoring and investigations.

Quarter One Update: 31 March 2012

Since the beginning of 2012, there have been several incidences of serious inter-communal violence in South Sudan, particularly in Jonglei State between the Murle and Lou Nuer tribes, and in the triangle between Lakes, Unity and Warrap States. In Jonglei, several hundred were killed and an estimated 120,000 people have been displaced as a result of on-going clashes. Hundreds of homes were destroyed and thousands of cattle stolen.

After an initially slow response from the government of South Sudan, its security forces have begun to play a more effective role in providing protection to civilians. The UN Mission to South Sudan (UNMISS) played an important part in preventing further loss of life by evacuating civilians and supporting the government in its primary responsibility to protect civilians. We are urging UNMISS and the South Sudanese authorities to work closely together to find ways to break the cycle of violence and to improve their preparedness to respond effectively to future outbreaks of violence, including better use of early warning systems. Our Embassy has also been in close touch with the government about its plans for a reconciliation and peace process involving the church, local and central leadership and civil society.

In March, the South Sudanese government introduced a programme of disarmament in Jonglei, the fourth disarmament campaign launched in South Sudan since the Comprehensive Peace Agreement was signed in 2005. Previous campaigns had failed to prevent violent clashes, guarantee safety, or curb arms proliferation. The UK, alongside the UN and others, has urged the government to adopt a voluntary approach rather than their original plan for forcible disarmament, and they appear to have responded to these representations. We have also been working with the SPLA, the South Sudan Disarmament, Demobilisation, and Reintegration (DDR) Commission and the UN to develop a new DDR strategy and we will use our influence to try to ensure it meets the needs of ex-combatants, is in keeping with the economic context and is implementable.

The situation for South Sudanese residents in and returning from the Republic of Sudan is of deep concern. The government of Sudan imposed a deadline of 8 April 2012 for all South Sudanese citizens to return to South Sudan or regularise their status in the North. We urged both governments to take seriously their responsibilities towards their citizens, and to adopt a flexible approach to citizenship and free movement, given the strength of the links between the two countries and their people. We were encouraged by the provisional agreement of both governments to a framework agreement on citizenship on 13 March which would provide for citizens of both countries to enjoy "four freedoms" in the territory of the other – freedom of residence, freedom of movement, freedom to undertake economic activity and freedom to acquire and dispose of property. This agreement is awaiting signature by both Presidents.

We urged both governments to ensure that this agreement is finalised, and the formal deadline extended. As at mid April this had yet to happen, meaning that up to 700,000 people faced the prospect of return to South Sudan, which would exacerbate the humanitarian needs of all returnees. Of the approximately 350,000 that had already returned, the majority were residing in refugee camps close to the border in extremely poor conditions, where food shortages, violence against women and the militarisation of refugees were rife. The further wave of expected returnees represents one of the most significant potential humanitarian challenges of the next six months. The UK, through the Common Humanitarian Fund and Central Emergency Response Fund, contributed £2.36 million in 2011 to assist Southern Sudanese returning from Sudan and we continue to urge both governments to prioritise the humanitarian needs of returnees.

We have seen some encouraging evidence that the government of South Sudan is beginning to prioritise implementation of some human rights commitments. The Undersecretary for Gender, Child and Social Welfare has pledged the introduction of two new policies this year – one to tackle gender based violence, and the other to introduce a social policy. We will monitor progress on these policies closely to ensure that they are launched as soon as possible.

On 14 March, the government signed an action plan with the United Nations which renewed their commitment to release all children within the ranks of the South Sudanese national army. An amnesty was also offered to rebel armed groups to release their child soldiers from service.

On 1 March, the National Legislative Assembly passed the Political Parties Bill 2012 which is a step towards better safeguarding political rights. The government has also announced that a Media Bill will be adopted, which will provide broadcasters and citizens with better protection to provide and access media freely.

