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Human Rights in Africa: Review of 2019 - South Sudan [AFR 01/1352/2020]

Perpetrators of serious human rights violations, committed during the armed conflict, continued to enjoy impunity. Despite a ceasefire and peace agreement, civilians were killed in sporadic clashes between government forces and armed groups. Parties to the conflict obstructed humanitarian access and at least three aid workers were killed in crossfire. Millions of people faced food insecurity and there was a severe lack of medical care. Children were forcibly recruited as child soldiers and conflict-related sexual violence was pervasive. Security agencies arbitrarily arrested and detained perceived government opponents and critics, including journalists, and freedoms of expression and assembly were severely restricted. After two years of denial by government actors, a UN Panel concluded in 2019 that it was “highly probable” two outspoken critics of the government were abducted in Kenya and extrajudicially executed in South Sudan in 2017. There were 11 state executions. Violence against women and girls remained widespread.

Background

After a decades-long armed conflict that ended in 2005, South Sudan gained independence from Sudan on 9 July 2011, only to plunge back into a brutal conflict in December 2013. A peace agreement was signed in 2015 and, after it collapsed in 2016, a comprehensive ceasefire in December 2017, and a revitalized peace agreement in September 2018 were signed. The parties failed to form the Revitalized Transitional Government of National Unity (RTGoNU) envisioned in the peace agreement twice in 2019. The conflict resulted in thousands of civilian deaths, countless people physically disabled, the internal displacement of hundreds of thousands, and the largest refugee crisis in Africa with over 2 million people seeking refuge elsewhere. A famine was also declared in parts of South Sudan in 2017. The years of conflict left countless people physically disabled and caused a devastating mental health crisis.

Armed conflict

Government forces and armed groups clashed sporadically despite the peace agreement in place, mainly in the south. While displaced people began to return home, the sporadic clashes, the threat of renewed violence in some areas - often related to border and land disputes - and the occupation of their homes and properties, made voluntary returns unsafe for many.

All parties to the conflict continued to perpetrate serious violations of international humanitarian and human rights law, including indiscriminate attacks, recruitment and use of children and acts of sexual violence. In October, three aid workers were killed when, according to OCHA, they were caught in crossfire during clashes that broke out between armed groups.

Children’s rights in conflict

The conflict had a particularly devastating effect on children. The UN country task force on monitoring and reporting on children in armed conflict documented 194 incidents of grave violations committed against children by armed groups and state security agents, including the recruitment and use of children in combat and supportive roles as porters, cooks, and spies, killings and maimings, rapes and other forms of sexual violence, and abduction. It also recorded 13 incidents where schools were taken over for military purposes, as well as five attacks on schools.

Despite the release of at least 150 children from armed groups and the army throughout the year, armed groups and government forces abducted children and recruited child soldiers in a bid to boost numbers prior to the cantonment process that aimed to gather all government and opposition soldiers in separate and designated sites.

Sexual violence in conflict

Acts of sexual violence were carried out by all parties to the conflict, including as a tactic to target members of another ethnic group. Although, typically, cases were massively under-reported, the UN Mission in South Sudan, verified 93 incidents of conflict-related sexual violence against women, men, girls and boys between December 2018

and November 2019, including gang rape, rape and attempted rape, sexual mutilation, and forced nudity. Women and girls were disproportionately affected. Perpetrators included community-based militias, combatants awaiting the cantonment process, and other armed groups and government security forces.

In March, the army launched an action plan to address conflict-related sexual violence. The plan had been agreed in the 2014 Joint Communiqué between the government and the Special Representative of the UN Secretary General on Sexual Violence in Conflict, and provided for, among other things, stronger coordination between military and civilian justice systems and vetting to exclude perpetrators of sexual violence from serving in the army. In June, Riek Machar, leader of the main armed opposition group, endorsed a similar action plan.

Impunity

There were no credible investigations into crimes under international law, or prosecutions of those suspected of criminal responsibility for human rights violations or abuses, nor had there been since the conflict began in 2013. Amnesty International conducted interviews with 47 individuals linked to the justice sector and published a report in October exposing that the national justice systems are characterized by a severe lack of independence, and the government has no political will to hold perpetrators to account.

The government also continued to block the establishment of the Hybrid Court for South Sudan, provided for in the 2015 and 2018 peace agreements, to address the legacy of past violence and provide justice, truth and reparations to victims of the 2013 conflict.^[1]

Arbitrary detentions and torture and other ill-treatment

The National Security Service (NSS) and the Military Intelligence Directorate (MID) arbitrarily arrested perceived government opponents and critics, including journalists and members of civil society, and arbitrarily detained them for prolonged periods in harsh conditions, without charge or prospect of trial. Detainees were denied the right to have their detention reviewed by a court and were often subjected to torture and other ill-treatment.

Detention conditions in facilities run by the NSS in Juba, the capital, were harsh. Cells were overcrowded, and detainees were denied adequate food, water and medical care. Some were held incommunicado. In June, a special tribunal in Juba sentenced six men to between two and 13 years' imprisonment following a grossly unfair trial.^[2] They were convicted for their alleged roles in an uprising in the NSS headquarters detention centre in Juba in October 2018. One of them, Peter Biar Ajak, an academic and activist, was convicted for promoting public violence and disturbing the peace, while another, Kerbino Agok Wol, a businessman, was found guilty of various crimes against the state. Peter Biar Ajak and Kerbino Agok Wol had been arbitrarily arrested by the NSS in July 2018 and April 2018 respectively. After their convictions, they were transferred from the NSS detention centre to Juba Central Prison where they remained; their appeals against their convictions were still pending at the end of the year.

MID officials also carried out arbitrary arrests, including of at least four youths in August, who were subsequently arbitrarily detained for criticizing the ex-governor of the former Lakes State.

Death penalty

The authorities executed 11 people during the year. Seven men were executed in February alone, in Juba Central Prison and Wau Central Prison, three of whom were from the same family.^[3] The family of the three men were not given advance warning of the executions. In September, a young man was hanged in Wau Central Prison for murder. He had been convicted and sentenced to death by the High Court in former Lakes State while still a child aged 17 years.

At the end of the year, Magai Matiop Ngong remained on death row in Juba Central Prison, pending an appeal against his conviction. He was sentenced to death in 2017 when he was 15-years-old following a trial without legal representation. He was found guilty of murdering his cousin whose death he claimed was an accident.

Extrajudicial executions

In April, the UN Panel of Experts on South Sudan issued a report^[4] which concluded that it was “highly probable” that two outspoken critics of the government, Dong Samuel Luak, a human rights lawyer, and Aggrey Ezbon Idri, a political opposition member, were extrajudicially executed by NSS agents while being held in a facility on the President's farm in Luri on the outskirts of Juba on 30 January 2017. The Panel said the men were kidnapped by NSS agents in Nairobi, Kenya around one week before their deaths and flown to South Sudan where they were detained in the NSS headquarters at Jebel in Juba and then moved to a facility on the President's farm.

South Sudan and Kenya's governments consistently denied their involvement. The South Sudanese authorities failed to independently and effectively investigate the apparent extrajudicial executions. In July, human rights lawyers sued the Kenyan and South Sudanese government at the East Africa Court of Justice for the enforced disappearance and extrajudicial killings of the two men. In December, the US government-imposed sanctions against five people it believed were responsible.

Freedoms of expression and assembly

Authorities continued to restrict the right to freedom of expression, targeting media workers as well as human rights defenders and other critics and subjecting them to harassment, arbitrary arrests, and prolonged detention.^[1] Journalists and media workers were detained during the year. Media organizations were suspended and foreign correspondents, seen as critical of the government or its allies, had their accreditation revoked. The NSS made widespread use of informants to infiltrate and inform on individuals perceived as critics of the government. This led to self-censorship and an environment in which people could not work or speak freely.

The Ministry of Information, Broadcasting, Telecommunications, and Postal Services continued to block online media websites *Radio Tamazuj* and the *Sudan Tribune* as well as blog sites *Nyamilepedia* and *Paanluel Wel*. The authorities suspended the *Al-Watan* newspaper^[2] for operating without a licence, [[two] months after the Media Authority and the NSS warned the paper to stop reporting on anti-government protests.] The NSS continued to censor print media.

The right to peaceful assembly was violated. In May, protesters in Juba were prevented from participating in a peaceful demonstration after the government deployed the military onto the streets, made house-to-house searches and otherwise threatened protesters. The demonstration was led by the Red Card Movement (RCM), a South Sudanese diaspora-led group which calls for a free, fair and open society in South Sudan, and a peaceful change of government.^[3] Soon after the RCM emerged and announced plans for peaceful demonstrations, suspected members were targeted with arbitrary restrictions, arrest, harassment and intimidation. RCM protests took place in Australia, the US, Ethiopia, Kenya and Sudan. Protesters in Kenya and Ethiopia said they were targeted by NSS agents and threatened with abduction.

Violence against women and girls

Violence against women and girls remained prevalent. Women’s rights organisations continued to report cases of families that forced their daughters into marriage for dowries, including girls under the age of 18, a practice which often had a detrimental effect on their sexual health. In April, a 20-year-old woman was killed for refusing to marry a man chosen by her family.^[4]

In August, the Chief Justice announced that plans were underway to establish a special court for gender-based violence which would include domestic violence cases.

Lack of humanitarian access

Parties to the conflict obstructed the access of ceasefire monitors, UN staff and humanitarian personnel to affected areas.

The UN Office for the Coordination of Humanitarian Affairs reported that at least 7.1 million people in 2019 were in need of humanitarian assistance and the Integrated Food Security Phase Classification estimated that as many as 6.9 million could face severe food insecurity.

The dire humanitarian situation was exacerbated by catastrophic floods that started in July and destroyed the lives and livelihoods of nearly one million people, including 490,000 children according to UNICEF, preventing them from accessing food, clean water and essential services

[1] South Sudan: “Do you think we will prosecute ourselves?” No prospects for accountability in South Sudan (AFR 65/1105/2019)

[2] South Sudan: Amnesty International slams sham trial that resulted in prison sentences for six men including activist Peter Biar Ajak (AFR 65/0510/2019)

[3] South Sudan: Seven men including members of one family hanged amid spike in executions, Amnesty International Media Statement, 1 March 2019, Available at www.amnesty.org/en/latest/news/2019/03/south-sudan-seven-men-including-members-of-one-family-hanged-amid-spike-in-executions/

[4] South Sudan: Investigate apparent 2017 killing of activists ([News story](#), April 2019)

[5] Amnesty International urges South Sudan to rein in the National Security Service and respect the rights to freedom of expression and peaceful assembly (AFR 65/1050/2019)

[6] South Sudan: Journalists at risk ahead of unity government ([News story](#), November 2019)

[7] South Sudan: “We are at risk and on the run” - Security agents track down peaceful protesters (AFR 65/0692/2019)

[8] South Sudan: Provide justice for girl killed for refusing to marry ([News story](#), April 2019)

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