

Flygtningenævnets baggrundsmateriale

Bilagsnr.:	91
Land:	Sydsudan
Kilde:	UN Security Council
Titel:	Report of the Secretary-General on South Sudan
Udgivet:	18. november 2014
Optaget på baggrundsmaterialet:	20. januar 2015



Security Council

Distr.: General
18 November 2014

Original: English

Report of the Secretary-General on South Sudan

I. Introduction

1. The present report is submitted pursuant to Security Council resolution 2155 (2014), by which the Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) until 30 November and requested that I report on the implementation of the Mission's mandate every 60 days. The report provides an update to my previous report ([S/2014/708](#)), dated 30 September 2014, covering developments from 24 September to 24 November.

II. Political developments

South Sudan peace process

2. On 22 September, the Intergovernmental Authority on Development (IGAD) opened the sixth session of the peace talks in Bahir Dar, Ethiopia. As the basis for negotiations, the IGAD mediation prepared a draft text consolidating provisions of the Protocol on Agreed Principles on Transitional Arrangements towards Resolution of the Crisis in South Sudan, signed by IGAD Heads of State and Government at an IGAD summit held on 25 August, and a summary of the stakeholders' consensus positions reached during the previous session. The mediators did not recognize a newly composed delegation of "other political parties" on the grounds that the selection of the delegation members had not been carried out in accordance with established procedures. Representatives of civil society organizations and faith leaders also attended the meeting. For the first time since the inception of the IGAD-led peace talks, a women's delegation participated in the negotiations as observers.

3. Participants reached agreement on several issues. These included the duration of the transition period, decision-making mechanisms during the transition, a bicameral structure for the legislature, the size of the Cabinet, and the right of the appointee to a new Prime Minister post to contest elections at the end of the transition period. However, no progress was achieved on a power-sharing formula between the President and a future Prime Minister within a transitional government, or on details regarding the future system of governance. The 45-day deadline set out in the 25 August Protocol expired on 9 October, without agreement on the formation of a transitional government of national unity.



4. Following the adjournment of the peace negotiations on 5 October, the IGAD Special Envoys engaged in a series of consultations with IGAD Heads of State and Government, as well as with the President of South Sudan, Salva Kiir, opposition leader Riek Machar and other stakeholders, on the way forward in the peace process. On 22 October, the Prime Minister of Ethiopia, Hailemariam Dessalegn, the President of Kenya, Uhuru Kenyatta, and the Prime Minister of Uganda, Ruhakana Rugunda, met with President Kiir in Juba. The powers of the President and those of the Prime Minister were left to be worked out at the next IGAD summit on South Sudan.

5. In a related development, from 15 to 18 October, talks aimed at promoting reconciliation within the leadership of the Sudan People's Liberation Movement (SPLM) took place in Arusha, United Republic of Tanzania. It was facilitated by the ruling party of the United Republic of Tanzania, Chama Cha Mapinduzi. High-level officials from SPLM, the Sudan People's Liberation Movement/Army (SPLM/A) in Opposition and formerly detained SPLM leaders attended the talks and established a framework for intra-SPLM dialogue, including shared principles, objectives and an agenda for ongoing dialogue. The framework document was signed by the SPLM factions, in the presence of President Kiir and Riek Machar, on 20 October. The document describes the Arusha process as "separate and distinct from the IGAD-mediated peace talks", but recognizes that the two processes are "mutually reinforcing".

6. On 23 and 24 October, President Kiir held consultative meetings with his Cabinet and the SPLM/A leadership on the 22 October "mini-summit" in Juba, as well as on the outcome of the first round of the intra-SPLM leadership dialogue in Arusha. SPLM/A in Opposition also held internal consultations, in Nairobi, in late October.

7. The sixth IGAD summit, devoted solely to the crisis in South Sudan, was held in Addis Ababa from 6 to 8 November. All IGAD Heads of State attended. Delegations comprising members of SPLM/A in Opposition, led by Riek Machar, formerly detained SPLM leaders, representatives of civil society, faith leaders, the "women's block" and eminent personalities were also present. The summit was focused on reaching a power-sharing agreement between President Salva Kiir and former Vice-President Riek Machar. It also granted the warring parties 15 days to consult with their constituencies on the structure of the transitional government. Resolutions adopted at the summit committed the parties to an unconditional, complete and immediate end to all hostilities. The IGAD leaders resolved that any further violation of the cessation of hostilities agreement by any party would "invite" collective punitive action by the IGAD region against those responsible for such violations, including asset freezes, travel bans and an arms embargo. The IGAD leaders also authorized the IGAD region to intervene directly in South Sudan to protect life and restore peace. IGAD leaders warned that, should it become necessary to implement these measures, the IGAD region would call on the African Union Peace and Security Council and the United Nations Security Council to render all possible assistance in the implementation of these measures.

8. On 9 November, the delegations representing the Government and SPLM/A in Opposition signed the implementation matrix for the cessation of hostilities agreement of 23 January. The signing of the implementation matrix was supposed to enable a proper monitoring and verification process to commence. However, on 10 November, SPLM/A in Opposition issued a complaint to the IGAD mediation regarding alleged Sudan People's Liberation Army (SPLA) attacks on SPLM/A in

Opposition positions in various areas of the three States of the Greater Upper Nile region.

Other political developments

9. On 30 October, the Government of Canada imposed sanctions on SPLM/A in Opposition commander Major General Peter Gadet and the head of the presidential guard, Major General Marial Chanuong. On 18 September, the Government of the United States of America announced additional bilateral sanctions, including a travel ban and asset freeze on the commander of the SPLA Third Division, Major General Santino Deng Wol, and former SPLA Fourth Division commander Major General James Koang Chuol, who had defected to SPLM/A in Opposition in December 2013, for prolonging the violent conflict in South Sudan and engaging in reprehensible acts of violence.

10. During the reporting period, the National Legislative Assembly adopted a parliamentary service commission bill on 30 September, and the Assembly ratified the African Charter on the Rights and Welfare of the Child on 1 October. The Assembly also considered the National Security Service bill, amid protests from a number of parliamentarians against the legislative procedures and the content of the bill, which many parliamentarians and human rights activists believed would give excessive powers to the country's National Security Service, some of which would supersede the powers of the national police. In addition, three media bills were published in late September: the broadcasting bill, the right to access to information bill and the media authority bill. Signed by the President already on 9 December 2013, these bills give considerable powers to the executive branch of the Government.

11. At the state level, in Jonglei State the implementation of the agreement between the Government and the South Sudan Democratic Movement/South Sudan Defence Army Cobra Faction has made further progress. On 29 September, the chief administrator, David Yau Yau, inducted seven county commissioners into office. On 14 October, the Council of Ministers approved a budget of 680 million South Sudanese pounds for the area. An additional 25 million South Sudanese pounds is to be earmarked for the integration of the Cobra Faction into SPLA.

III. Security situation

A. Security developments

12. Sporadic fighting between the two parties to the conflict continued throughout the reporting period. Troop mobilizations and attacks were mainly concentrated: between the canal area of northern Jonglei State and the Dolieb Hill area to the south-west of Malakal in Upper Nile State; in the areas around Nassir and north of Renk in Upper Nile State; and in areas around Bentiu and Rubkona, in Unity State. Overall, the military positions of the two parties did not change significantly as the rainy season drew to a close, with the government forces maintaining control of all state capitals and strategic towns while the opposition forces were in control of outlying areas in parts of Upper Nile and Unity States, as well as northern areas of Jonglei State. Meanwhile, tensions remained high in some UNMISS protection of civilians sites, with serious incidents of violence in the sites in Juba and Malakal.

13. On 9 November, the IGAD monitoring and verification mechanism released a summary of recent ceasefire violations by both parties to the conflict in South Sudan. The IGAD monitors pointed out that SPLM/A in Opposition forces had violated the ceasefire in Upper Nile State on 10 and 11 October and in Unity State between 27 and 29 October. Monitors also hold SPLA forces responsible for launching attacks in Pigi County, northern Jonglei State, between 2 and 4 November and for recruiting child soldiers in Unity State.

Upper Nile State

14. The security situation remained volatile across Upper Nile State after clashes between SPLA and SPLM/A in Opposition in Dolieb Hill, Panyikang County, as well as Thorgwang, Manyo County, in mid-October and north of Renk in early November. These created tensions in the state capital, Malakal, and in Nassir and Renk Counties. On 10 October, SPLA briefly lost control of Dolieb Hill and nearby Zenk to SPLM/A in Opposition, but it regained control of the area on 11 October. The situation in Malakal remained tense amid fears that SPLM/A in Opposition forces would advance towards Malakal from northern Jonglei, and reports of internal tensions within the government forces in Malakal.

Unity State

15. The overall security situation in Unity State continues to be volatile, with SPLA and SPLM/A in Opposition in close proximity. SPLA remains in control of the state capital, Bentiu. The SPLM/A in Opposition forces attacked Bentiu from 27 to 29 October, but failed to take control of the town. During the fighting, stray bullets killed a child and injured several civilians in the UNMISS base. The fighting also had an impact on humanitarian operations, with staff relocated for security concerns. On multiple occasions during the reporting period, UNMISS teams in Bentiu reported firing between SPLA and opposition forces within a few kilometres of the UNMISS compound. Tensions between local authorities and communities in the UNMISS protection site in Bentiu also increased following incidents of criminality. Between 28 and 30 September, three bodies were found close to the fence. As a reaction, on 30 September the Rubkona County commissioner threatened to send SPLA soldiers into the protection site, and on 1 October UNMISS observed SPLA soldiers moving along the outer perimeter, which caused panic among the internally displaced persons inside the UNMISS site. In response, UNMISS military personnel deployed to the protection site and the Mission's office areas. In early November, clashes between SPLA and SPLM/A in Opposition were reported in Rubkona and Pariang Counties.

Jonglei State

16. In northern Jonglei State, the security situation deteriorated as SPLA crossed the Sobat River from the area of Dolieb Hill in Upper Nile State into Pigi County, northern Jonglei, in early November. Reports indicate that SPLA dislodged elements of SPLA in Opposition from Khorfulus, Pigi County, after days of heavy fighting.

Western Bahr el-Ghazal State

17. On 2 November, an aerial bombardment reportedly took place in Khor Shaman, Raga County, in Western Bahr el-Ghazal State. According to the local county commissioner, the attack was carried out by the Sudanese Armed Forces, targeting members of Sudanese armed rebel groups reported to be in the area.

Conflicting reports on casualties suggest that up to 12 civilians and 2 SPLA soldiers were injured in the attack.

Eastern and Central Equatoria States

18. From 6 to 7 October, violence broke out between SPLA and the local community in Chukudum, Budi County, Eastern Equatoria State. This followed reports of SPLA assaults on civilians in Chukudum to avenge the killing of an SPLA soldier. One off-duty national police officer and one civilian were killed, while 200 people were displaced. An estimated 45 huts were also burned during the incident.

19. In Central Equatoria State, disagreement over salary payments led to violence in Yei and Juba in late September. Internal SPLA fighting in military barracks in Yei on 29 and 30 September resulted in the deaths of 7 SPLA troops and the wounding of 11. In a separate incident that occurred on 30 September in the Giyada SPLA barracks in Juba, SPLA soldiers rioted, but no casualties were reported.

Intercommunal conflict

20. In Lakes State, intercommunal violence continued between Dinka Agar subsections, fuelled by long-standing intersectional feuds; the arming of local defence forces by state authorities following the eruption of the national crisis in December 2013; an influx of weapons from neighbouring States most affected by the conflict between the Government and SPLM/A in Opposition; and the absence of law enforcement and justice mechanisms. Incidents included cattle raiding, revenge attacks, rapes, and personal disputes in Rumbek Central, Rumbek East, Rumbek North and Cueibet Counties. The national Government and Lakes State authorities announced a series of measures to curb insecurity, including the deployment of additional law enforcement and security forces to the affected areas, creating armed community defence groups, as well as fostering intercommunal reconciliation. In addition, the Government intends to conduct a civilian disarmament exercise in five counties in Warrap and Lakes States and to carry out the relocation of communities. Intermittent clashes between a Dinka Agar subsection and security forces, which started in Rumbek Central County on 23 October, resulted in approximately 100 deaths. UNMISS is assisting by promoting intercommunal reconciliation and conflict mitigation processes, facilitating the deployment of judicial and law enforcement personnel and increasing its own patrols, while carefully monitoring government response actions.

21. In Central Equatoria State in the second half of September, cross-border tensions increased between Kajo Keji County and Moyo District in Uganda. Local authorities in Moyo District reportedly ordered the expulsion by 17 September of South Sudanese nationals living in the District, which resulted in violence between border communities and the displacement of South Sudanese nationals into Kajo Keji County. In Western Equatoria State, particularly in Mundri West County, the influx of Dinka pastoralists along with their cattle in unusually large numbers has increased tensions with host communities. The pastoralists are unwilling to return to their States of origin (Lakes and Jonglei) owing to insecurity in those States.

B. Regional dimensions of the conflict

22. The regional dimensions of the current conflict in South Sudan are increasingly worrisome. It is expected that they will be further aggravated by the onset of the dry season, when roads become passable again. A limited number of

Sudanese Justice and Equality Movement, SPLM-North and other non-South Sudanese militia elements have been observed in South Sudan along the borders, often alongside government or SPLM/A in Opposition troops. On 24 October, UNMISS observed two unidentified helicopters landing in an area controlled by SPLM/A in Opposition just south of Nassir, Upper Nile State. Ugandan soldiers are still deployed in Juba and Bor in support of the Government.

IV. Humanitarian situation

23. Persistent insecurity in Jonglei, Lakes, Unity and Upper Nile States during the reporting period caused displacement and disrupted livelihoods. As at 11 November, approximately 1.9 million people had been forced to flee their homes: 1.4 million people had been displaced internally and, according to UNHCR, another 465,815 had fled to neighbouring countries as at 17 October. Some 100,000 internally displaced people sheltering in UNMISS bases are fleeing violence, hunger and disease. Aid agencies have reached more than 3.5 million people (92 per cent) of the 3.8 million estimated to be in general humanitarian need this year.

24. Results of the Integrated Food Security and Humanitarian Phase Classification released in September show that about twice as many people are severely food-insecure at present compared with the same period in 2013. The Classification also concludes that in the areas that have been reached, humanitarian assistance has reduced the number of people in crisis and emergency phases of food insecurity. Food security across the country began to improve in August and September and will likely continue to improve until December 2014 in line with seasonal harvest patterns, especially in areas not affected by conflict. However, owing to continuing displacement and insecurity, planting in the crisis-affected States has been reduced, which will have an impact on overall food production and lead to faster stock depletion. It is estimated that 1.5 million people will be severely food-insecure until December 2014. From January to March 2015, some 2.5 million are likely to face severe food insecurity, and this increasing trend is expected to continue into the “lean season” (up to July). While the majority of the affected people are in Jonglei, Unity and Upper Nile States, approximately 1 million food-insecure people are outside the conflict areas, half of them in Lakes and Northern Bahr el-Ghazal States.

25. The cholera outbreak has been brought under control. As at 3 November, a total of 6,297 cholera cases, including 160 deaths (a case fatality rate of 2.26 per cent), had been reported. Mortality rates among displaced people sheltering in UNMISS bases had been reduced to below emergency levels. While the intensive efforts of partners have reduced the spread of diseases in displacement sites, the population continues to face health risks as a result of appalling hygienic conditions and sanitation. In addition, visceral leishmaniasis (kala-azar), a disease spread by sandflies, is becoming a concern. Measles and hepatitis E are also on the increase.

26. Aid agencies continue to combat diseases such as measles with an integrated campaign targeting children under 15 years of age with measles and polio vaccination and children under 5 years of age with vitamin A supplementation and de-worming. As at 4 November, 314,071 children had been vaccinated against measles and 337,510 against polio; 141,104 had received vitamin A supplementation; and 44,881 had received de-worming tablets.

27. As at 11 November, the 2014 crisis response plan was 63 per cent funded, with a shortfall of some \$670 million. Resources are urgently needed for the most critical requirements until the end of the year. In addition, aid agencies now require

\$269 million for repairs to key infrastructure and the prepositioning of supplies to make the most of the dry season and prepare for the 2015 operation.

28. Humanitarian access continues to be hampered by fighting and violence against aid workers and assets. Active hostilities and insecurity in several States, especially Unity and Upper Nile, continue to disrupt humanitarian response activities and restrict humanitarian road and air access. Key obstacles include active combat, the looting of aid supplies, threats against and the harassment of aid workers, and bureaucratic impediments to road, river and air travel by those on both sides of the conflict. National staff deployments continue to be curtailed by ethnic tensions and targeting, as well as intimidation and harassment.

V. Implementation of the Mission's reprioritized mandated tasks

A. Realignment of the Mission

29. UNMISS continued public outreach activities aimed at enhancing public understanding of its reprioritized mandate. These included the organization of press conferences, the publication of press releases and audiovisual materials, and the holding of outreach events across various states. The United Nations Radio station "Miraya" continued to provide balanced coverage of the IGAD-mediated peace process. The station launched a live weekly interactive peace and reconciliation programme, engaging peace actors and the public.

B. Protection of civilians

30. UNMISS continues to pursue a three-tiered approach, outlined in its revised protection of civilians strategy, to ensure that civilians, particularly displaced persons, are protected through a political process.

31. Under the first tier, the Mission developed and commenced the implementation of supplemental guidance on civilians seeking protection at UNMISS bases in order to prevent the compromising, or perceived compromising, of the civilian character of the Mission's protection of civilians sites. The guidance stipulates that where there is no current fighting or threat of physical violence, UNMISS will not admit additional individuals onto its premises. This is even more important in situations in which individuals may bear arms or may be otherwise identified as party to the conflict.

32. Furthermore, UNMISS continued to advocate full compliance by all parties to the conflict with their obligations under international humanitarian and human rights law. It also advocated the inclusion of protection and accountability provisions in any future political agreement in order to ensure that human rights violations, including conflict-related sexual violence, are adequately addressed.

33. In an ongoing effort to implement the women and peace and security agenda outlined in Security Council resolution 1325 (2000) and its reaffirming resolutions, training and advocacy with regard to women's rights continued, targeting UNMISS civilian and uniformed personnel as well as displaced populations in UNMISS protection sites. The training was aimed at providing participants with gender mainstreaming tools to explain the gender drivers affecting women and men in

conflict and to promote women's participation in conflict prevention and peacebuilding activities. Outside the protection of civilians sites, the Mission has conducted training for community watch groups and members of a community protection network on conflict prevention and peacebuilding. In addition, a few "safe spaces" for women have been established, where women and adolescent girls meet to engage in income-generating activities and discuss issues related to sexual and gender-based violence, without interference from other community members.

34. As part of the second tier, UNMISS continued to provide protection to some 100,000 internally displaced persons at nine of its sites, including approximately 49,000 in Bentiu, 28,000 in Juba and more than 18,000 in Malakal. A framework jointly developed with United Nations agencies now clearly delineates the responsibilities of UNMISS and its partners within protection sites, while the Mission and key humanitarian partners have agreed to carry out a multi-agency assessment of transitional and sustainable solutions for internally displaced persons at each protection site as soon as possible.

35. Incidents of violence at the UNMISS protection of civilians sites, perpetrated against other internally displaced persons and humanitarian and UNMISS personnel, mostly by loitering youth, often under the influence of alcohol and drugs, remain of concern. While the Mission is taking measures to optimize the response to this site-internal insecurity, addressing the underlying causes and reducing potential for conflict remains challenging. To enhance safety and security within the protection of civilians sites, UNMISS police has adjusted its command structure and deployment in the sites and enhanced the coordination of its protection of civilians activities with other Mission actors and humanitarian partners. UNMISS also continued separating suspects with regard to security-related incidents in holding facilities until their referral to community-led informal mitigation and dispute resolution mechanisms. On 14 October, the Mission submitted a draft memorandum of understanding to the Ministry of Justice concerning the transfer of cases and suspects to national authorities.

36. Inside the protection sites, service mapping has been undertaken to develop an inventory of care for survivors of sexual and gender-based violence, including conflict-related sexual violence. Based on related guiding principles and the clinical management of rape, a survivor-centred system of support has been put into place, which seeks to promote community efforts to prevent sexual and gender-based violence and encourages the use of the established referral pathway that integrates health care, legal support and counselling services. Humanitarian actors are providing training on the referral pathway and the importance of male involvement in the prevention of and response to gender-based violence.

37. A needs and capacity assessment with regard to HIV/AIDS services, conducted between the HIV/AIDS Unit of UNMISS and the relevant agencies of the United Nations country team, assigned a lead role to the Unit, given that at present some critical services can be performed only by it. HIV/AIDS awareness services were made available to displaced persons seeking shelter at UNMISS protection sites in Bentiu, Bor, Juba, Malakal and elsewhere, including in the camp for internally displaced persons in Mingkaman, Lakes State. HIV testing and counselling, the prevention of mother-to-child transmission, condom promotion and mobile treatment services have also been established at selected sites on the basis of feasibility, the availability of resources and the capacity of partners to provide the services.

38. UNMISS continued to make every effort to expand its reach in order to provide protection beyond its premises to vulnerable civilians who have remained in their communities. To this end, the Mission undertook short-range, long-range, integrated, dismounted and framework patrols, using early warning indicators to target integrated foot patrols in multiple locations, in particular in areas at high risk of conflict or other violence against civilians. The Mission is in the process of developing “fly-away kits” for the expeditionary deployment of troops to temporary operating bases in deep-field locations for periods of up to two weeks initially and longer periods if necessary, together with further reinforcements. Conducting these patrols on the basis of incident reports provides a proactive response, for example, in locations where increased threats of conflict-related sexual violence against women are reported. Although it has not been statistically demonstrated thus far, reports indicate that the perception of security increases as a result, particularly where dismounted, integrated patrols are undertaken, combining a deterrent presence and grass-roots-level political advocacy for the protection of civilians with soldiers and other armed individuals, and where local communities are engaged to assess and map threats and vulnerabilities.

39. In response to requests from the Government for support in ending the cycle of intercommunal strife in Lakes State, UNMISS has increased patrols on arterial roadways to deter violence by armed civilians. In addition, through its police component and women’s protection advisers, the Mission has been advocating and providing technical advice on the establishment of effective gender desks at police posts in Lakes State, thereby increasing accountability for sexual and gender-based violence, including conflict-related sexual violence, which had been severely underreported and, when reported, inadequately investigated. Furthermore, the Mission is actively advocating and providing monitoring of community-oriented approaches to policing, so that intercommunal tensions are lessened and communities are more engaged in efforts to reduce violence.

40. Simultaneously, as part of its efforts under the third tier, the United Nations in South Sudan is working on a comprehensive strategy for more sustainable solutions for displaced persons accommodated in protection sites around the country. Discussions are under way among UNMISS, United Nations agencies, the Government and all relevant partners to commence the process of facilitating such solutions where security conditions permit and movements are informed and voluntary. In this context, UNMISS continued discussions with the Inspector-General of Police and humanitarian partners, as well as community leaders at the protection sites, on ways to support a pilot initiative of the national police aimed at improving the security environment in selected neighbourhoods in Juba to facilitate voluntary returns. United Nations support for this initiative will be contingent on its successful vetting by the task force on the human rights due diligence policy and the implementation of appropriate mitigating measures to improve adherence to human rights standards by the police personnel involved.

41. The Mine Action Service continued mine surveying and clearance of main supply routes, and clearance of explosive remnants of war in areas where humanitarian operations were to be undertaken, including at the airstrips in Renk (Upper Nile State), Bentiu and Waat (Jonglei State), to permit the resumption of air operations and the distribution of emergency relief. Clearance operations aimed at removing and safely destroying landmines and explosive remnants of war in or near

protection sites, United Nations bases, humanitarian and logistics bases, hospitals, schools and other priority areas in Bentiu, Malakal and Bor were carried out.

42. During the reporting period, the Mine Action Service identified two cluster munitions strike areas in Jonglei State, near the location in which the use of cluster munitions had been confirmed in February 2014. The Service also released 273,265 square metres of safe land, destroyed 93 landmines and 401 pieces of unexploded ordnance, removed 3,107 pieces of small arms ammunition and provided risk education to 14,719 civilians.

C. Human rights monitoring and reporting

43. Although the intensity of violations has appeared to decline in tandem with the reduction in major military confrontations, reports of killings of civilians by parties to the conflict and other armed groups continued to be received during the reporting period. These included allegations of killings of civilians by SPLM/A in Opposition forces in Renk County, Upper Nile State, during hostilities in the second half of September. Human rights investigations into the allegations are under way. Investigations also continued into allegations of conflict-related sexual violence in Leer County, Unity State, earlier in 2014 when Government forces controlled the area, in addition to alleged violations by SPLA in Bentiu in recent weeks. Other reports received of violations occurring earlier in the year, as well as during the reporting period, included alleged attacks by both SPLA and armed groups against civilians attempting to travel from Bentiu to the Sudan; incidents of the detention of civilians by SPLA in Unity State; and abductions of civilians in Upper Nile State.

44. The reporting period was also marked by some developments related to strengthening the legislative framework for the promotion and protection of human rights. In September, the Government provided the information that the President had signed the instruments for accession to the Convention on the Rights of the Child (1989) and the Optional Protocols thereto, in November 2013; the Convention against Torture (1984), in December 2013; and the Convention on the Elimination of All Forms of Discrimination against Women (1979), on 9 September 2014. The instruments of accession, however, have not yet been deposited.

45. In addition, the environment for freedom of expression remained unfavourable. Incidents of the detention of media workers, including by the National Security Service, continued to be noted, along with threats of closure made by Government officials against media outlets over the content of their broadcasts. Radio Bakhita, which had been closed by the Government on 16 August, reopened on 5 November.

46. Inter- and intracommunal violence continued to have a negative impact on the human rights situation, in particular in Lakes and Eastern Equatoria States. Revenge attacks, including acts of sexual violence, continued in Lakes State in relation to the 5 August killing of the Paramount Chief of Cuei-Chok Payam. The Government's plan for a significantly increased security presence in the State in response to the violence has the potential to give rise to further violations in the absence of adequate human rights sensitization of security actors. In both September and October, the deterioration in the security situation in Chukudum in Budi County, Eastern Equatoria State, led to allegations of human rights violations by SPLA,

including arbitrary detention, torture and at least three alleged extrajudicial killings. Human rights investigations into the allegations are under way.

47. The lack of a meaningful judicial system continues to have an impact on due process protections. Cases of prolonged and arbitrary detention continued to be reported, including proxy detention, detention for offences not defined in law and detention following the issuance of sentences by customary courts not legally empowered to order confinement. Although prevalent throughout the country, these concerns were noted in particular in Northern Bahr el-Ghazal, Lakes and Eastern Equatoria States.

48. Incidents of conflict-related sexual violence were reported throughout the country, with new allegations emerging of rapes and gang rapes committed by SPLA in April and May, as well as incidents that had reportedly occurred in September and October, which are all under UNMISS investigation. The Mission continued its efforts to accelerate the implementation of the monitoring, analysis and reporting arrangements on sexual violence in conflict. The first meeting of the monitoring, analysis and reporting arrangements technical working group, including all relevant UNMISS substantive components and United Nations agencies, was convened on 10 November, as mandated by Security Council resolutions 1960 (2010) and 2155 (2014). The establishment of the arrangements will effectively increase coherence and coordination and ensure the ethical collection of accurate and verified information on conflict-related sexual violence.

49. On 11 October, as the culmination of a week-long visit by the Special Representative of the Secretary-General on Sexual Violence in Conflict to South Sudan, the Government of South Sudan signed a joint communiqué with the United Nations on addressing conflict-related sexual violence. The agreement contains a set of practical and political commitments aimed at ending the use of sexual violence in conflict and provides for the creation of an action plan for SPLA and the national police. It seeks to ensure proper investigations of sexual violence crimes; the establishment of accountability mechanisms; the exclusion of perpetrators of sexual violence from amnesty provisions; and the explicit addressing of sexual violence in the peace process as well as in the monitoring and implementation of the cessation of hostilities agreement. Commitments were also made for the provision of comprehensive services to survivors, including not only medical and psychological services, but also legal assistance and access to justice. In the coming months, a plan will be devised to implement the agreement with the support of UNMISS and the Team of Experts on the Rule of Law and Sexual Violence in Conflict.

50. Few developments were noted in the area of national measures to ensure accountability for violations, in particular gross human rights violations and abuses and violations of international humanitarian law, committed in the course of the current conflict. The Government recently announced that two military officers, including a colonel, had been arrested for their role in the violations committed in December, but the circumstances of the reported arrests remain unclear. Regarding international accountability measures, the African Union Commission of Inquiry for South Sudan wound up its investigative activities in South Sudan on 18 September. The Commission of Inquiry finalized its report and presented it to the Chair of the African Union Commission, Nkosazana Dlamini-Zuma, who disclosed on 6 November, at the sixth IGAD summit on South Sudan, that the African Union Peace and Security Council would discuss how the report was to be handled.

51. On 24 September, a panel discussion on the human rights situation in South Sudan was held in the context of the twenty-seventh session of the Human Rights Council in Geneva. Panellists included the Minister of Justice of South Sudan, the Chair of the African Union Commission of Inquiry for South Sudan, the Chair of the South Sudan Human Rights Commission and the Director of the Human Rights Division of UNMISS. A total of 24 countries participated in the discussion, which was focused on a report on the human rights situation in the country provided by the Division. Five international and regional non-governmental organizations also intervened in the discussion. Several participants called upon the Human Rights Council to establish a special procedures mandate on the human rights situation in South Sudan.

52. Finally, UNMISS continued its efforts to raise awareness of human rights on the part of civil society, community leaders and the wider public through such activities as training on human rights in the administration of justice for members of the community dispute resolution mechanism in relation to minor incidents at the protection sites; training for civil society members on the basic principles of human rights monitoring, reporting and advocacy; and radio talk shows in such States as Western Equatoria and Lakes on topics including child rights and conflict-related sexual violence.

53. Reports continued to be received of the large-scale recruitment of children, the military use and occupation of schools and hospitals, and other grave violations perpetrated against children by various parties to the conflict, despite commitments on the protection of children signed by both the Government and SPLM/A in Opposition. According to UNICEF, during the reporting period 70 incidents affecting 2,626 children (1,825 boys, 789 girls and 12 of unknown sex) were recorded. In total, 42 of those incidents were verified, affecting 1,111 children (646 boys and 465 girls). More than 104,000 children affected by conflict have been reached with child protection services. A total of 6,025 children have been registered as either unaccompanied or separated, 403 of whom have been reunited with their families.

54. The Ministry of Defence and Veteran Affairs presented to the Ministry of Justice a proposal for the amendment of the SPLA Act (2009) detailing various punitive measures for SPLA officials who recruit children, use schools for military purposes and commit other grave violations against children. SPLA issued new command orders to reinforce orders issued in 2013, prohibiting the recruitment and use of children by SPLA as well as the occupation of schools. On 8 October, the United Nations submitted to the Government and SPLA a list of 20 schools reportedly used by SPLA for military purposes. On 29 October, the Government, represented by the Ministry of Defence and Veteran Affairs and the Ministry of Gender, Child and Social Welfare and assisted by the United Nations, launched the “Children, Not Soldiers” campaign, aimed at ending the recruitment and use of children by 2016.

D. Creating the conditions for delivery of humanitarian assistance

55. UNMISS continued to carry out a broad range of activities to create the conditions for the delivery of humanitarian assistance, which were often complementary to the Mission’s protection of civilians mandate. In view of the

continued presence of more than 100,000 internally displaced persons within its bases, the Mission continued to work closely with humanitarian partners to ensure adequate conditions for the delivery of humanitarian assistance to respond to the needs of those seeking protection.

56. In order to improve deteriorating living conditions at UNMISS protection sites, the Mission and humanitarian agencies have invested substantial engineering capacity and financial resources in enhancements to existing sites and the construction of new ones, complementing extensive investments by humanitarian partners and the donor community. In Juba, two thirds of the internally displaced persons at the Tamping protection of civilians site (more than 11,000 people) have been moved to the new site. However, security incidents affecting humanitarian partners at the Juba protection sites hampered relocation activities as well as the delivery of humanitarian services. UNMISS is enhancing security measures and proactively engaging community leaders at the sites to address these concerns as a priority. Within the Malakal (Upper Nile State) protection site, nearly 14,000 persons were relocated to areas with improved conditions, while construction work to relocate the remaining 5,000 persons to areas with improved conditions continued. At the Bor (Jonglei State) protection site, the relocation of all of the 2,722 internally displaced persons to the new site was completed on 27 October. This provided the internally displaced persons with much better services and a greatly improved security and living environment. At the Bentiu (Unity State) protection site, insecurity, prevailing physical conditions and lack of financial and engineering resources have limited options for the construction of a new site, but planning for necessary drainage work to be carried out during the dry season continues.

57. The Mission, upon request, provided support for humanitarian aid operations in various locations in conflict-affected states. For example, following the fighting in early August in Bunj, Maban County, Upper Nile State, between the Maban defence forces and deserting SPLA soldiers, UNMISS military personnel provided protection to facilitate the relief operations in the town and nearby refugee camps. Joint planning with humanitarian partners to establish a coherent security framework for the 2014/15 dry season humanitarian operations and the prepositioning of supplies is ongoing.

58. UNMISS also continued its strong advocacy with all relevant authorities to ensure unfettered freedom of movement for its peacekeepers and other personnel, particularly in areas at high risk of conflict and large-scale displacement. In all of its activities, maintaining the Mission's impartial posture has been critical for ensuring the security of staff and maintaining credibility and access to affected people. These considerations have informed all operational planning, and training is being provided for relevant UNMISS staff on civil-military coordination guidelines and principles. When called upon, the Mission leadership used its good offices to engage armed actors on the ground to address specific incidents affecting humanitarian access or the safety of humanitarian personnel.

E. Supporting the implementation of the cessation of hostilities agreement

59. The IGAD monitoring and verification mechanism continued to support the IGAD-mediated peace process by monitoring, investigating and reporting on the compliance of the warring parties with the cessation of hostilities agreement. The eight IGAD monitoring and verification teams have been deployed to Malakal, Melut and Nassir in Upper Nile State, Bentiu and Pariang in Unity State and Bor in Jonglei State, with one mobile team based in Juba and the team assigned to Akobo operating out of Bor. SPLM/A in Opposition has not sent liaison officers to the teams, citing alleged incidents of intimidation by government security forces and discrepancies between IGAD-contracted and liaison personnel as reasons for its absence.

60. Since the beginning of their deployment, UNMISS has supported the IGAD monitoring and verification teams in conducting numerous special and standard patrols, demonstrating an IGAD presence on the ground, as well as building an understanding of the teams' role and tasks with the parties and local stakeholders. With the warring parties signing the implementation modalities for the cessation of hostilities agreement matrix on 9 November, I expect the full operationalization of the monitoring and verification mission.

61. Furthermore, UNMISS continued to support IGAD monitoring and verification teams in carrying out their tasks through the provision of all required logistical and security support, including static security and force protection, to their patrols. The Mission also continues to share situational updates to enhance the situational awareness of the teams on the ground. In line with regional dynamics and in support of the IGAD monitoring and verification mechanism, UNMISS surge troops arriving from IGAD troop contributors have been prioritized in areas where monitoring and verification tasks are likely to abound.

VI. Mission staffing and status of deployment of surge capacity

62. By its resolution 2155 (2014), the Security Council decided that UNMISS would consist of a military component of up to 12,500 troops of all ranks and of a police component, including appropriate formed police units, of up to 1,323 personnel.

63. As at 5 November, UNMISS troop strength stood at 10,335 military personnel. A total of 3,488 of the 5,500 surge troops have been deployed. The second phase of the surge deployment will be completed with the arrival of 310 members of the Kenyan battalion by the end of November 2014. The third phase will include the anticipated arrival of an infantry battalion from China, as well as the induction of a riverine unit from Bangladesh and five tactical armed helicopters from Rwanda and Ethiopia. The arrival times of these units have yet to be determined.

64. With the additional capacity of the troop surge, UNMISS has realigned the conceptual and physical aspects of its military component. A needs-based approach strives to deploy UNMISS troops on the basis of the needs of communities, both within the Mission's protection of civilians sites and outside UNMISS premises. There have been delays in facilitating the deployment and operational readiness of surge troops. In addition to movement restrictions due to seasonal access and

security challenges, the delayed arrival of contingent-owned equipment has hampered troop mobility. Furthermore, given the paucity of private civil engineer contractors operating in South Sudan, much of the Mission's engineering capability is provided by the five military engineering companies, whose capacities have been greatly overstretched.

65. With regard to the police component, as at 11 November the actual strength of the UNMISS police component stood at 913 officers, including 550 individual officers and 363 officers in formed police units. Formed police unit personnel were deployed in the Mission's protection of civilians sites in Juba, Bentiu, Malakal and Bor. The Mission expects to reach its full formed police unit personnel capacity in February 2015. Formed police unit personnel will be deployed to Juba, Bor, Bentiu and Malakal to support public order management in the protection of civilians areas. UNMISS will have its full complement of individual police officers in December 2014.

66. The civilian staffing review has been completed and its results incorporated into the 2014/15 budget proposal awaiting approval. The staffing review resulted in the abolishment of a number of staff positions, associated with tasks that had ceased to exist as a result of the revised mandate.

67. UNMISS, in collaboration with the Government, United Nations agencies, funds and programmes and civil society partners from the in-country network on protection from sexual exploitation and abuse, conducted its second national campaign from 8 October to 19 November in all 10 states. Outreach activities included workshops, open-air campaigns, radio programmes, cultural performances and sports tournaments. Through this sensitization effort, UNMISS continues to raise awareness of the United Nations policy of zero tolerance towards sexual exploitation and abuse among local communities, women's organizations, internally displaced persons and refugees. Training, risk assessments and other prevention activities targeting all categories of UNMISS personnel continue to be conducted on a regular basis.

VII. Violations of the status-of-forces agreement, international humanitarian law and security of United Nations staff

68. UNMISS continued to protest violations of the status-of-forces agreement to Government authorities, requesting the Government to respect its obligations under the agreement, to investigate those violations and to take appropriate actions to ensure accountability. During the reporting period, a total of 31 violations of the agreement were recorded, involving UNMISS members, associated personnel, premises and equipment. Security personnel of the Government, including SPLA, the National Intelligence and Security Service and national police personnel, continue to be the main perpetrators of the violations; of those incidents, 30 involved security personnel. Restrictions of the movement of UNMISS personnel (both civilian and military) by land and threats or potential threats against UNMISS members, premises and protection of civilians sites constituted the large majority of the violations. Other incidents included assault, harassment, unlawful arrest and detention, the abduction of UNMISS-contracted persons and shooting at a United Nations vehicle.

69. There have been increased reports of checks on and the harassment of United Nations national staff members on the basis of their ethnicity. On 10 October, three UNMISS national independent contractors were abducted by SPLA at Malakal airport. Two of them (a Dinka and a Shilluk) were released the following day. On 16 October, a United Nations agency national staff member was also abducted by security forces at Malakal airport as he was boarding an UNMISS aircraft. The contractor and the United Nations agency staff member, both of Nuer ethnic origin, remain missing. All attempts to locate the two missing personnel and ascertain their well-being have so far not yielded any positive results. In two separate incidents, which occurred in Bor, Jonglei State, on 30 and 31 October, national security services personnel questioned and attempted to detain a Nuer UNMISS national staff member and a Nuer UNMISS individual contractor at Bor airport. On both occasions, the Mission ensured the release of the staff members. On 9 November in Rumbek, Lakes State, four staff of the Criminal Investigation Department of the South Sudan Police Service attempted to forcibly enter an UNMISS minibus and plane at Rumbek airport, allegedly in order to identify any Nuer among the UNMISS passengers boarding the plane.

70. The two UNMISS national staff members who were arrested in August by the National Security Service in Wau, Western Bahr el-Ghazal State, are still being held at the National Security Service headquarters in Juba. On 28 October, one national staff member was detained by national security personnel in Torit, Eastern Equatoria State. UNMISS continues to monitor the welfare of the staff members and to follow up with the National Security Service and government authorities on the outcome of the investigation. The Mission has yet to be formally advised of any charges against the three staff members.

71. UNMISS continued to formally notify the Government of these violations on a regular basis through notes verbales and meetings with government authorities. The monthly matrix of all incidents is also shared with the Government. To date, the Government has not shared with UNMISS the outcome of any of the investigations that it has committed to undertake.

VIII. Observations and recommendations

72. I remain deeply concerned about the continuing state of conflict in South Sudan and the long time it is taking for the warring parties to reach a comprehensive peace agreement.

73. I am particularly worried that both parties have so far indicated their preference for military conflict if the other side is not ready to sign a peace agreement on their terms. The risks of a protracted military confrontation, its impact on the civilian population, and the potential for a further spread of violence into the Greater Bahr el-Ghazal region, as well as the Equatorias, raise genuine concerns about the sustainability of any political agreement reached between the parties. I therefore urge the parties, once again, to fully implement the cessation of hostilities agreement signed on 23 January and reaffirmed on 25 August. I call upon all stakeholders to expeditiously reach agreement on a comprehensive political settlement that is acceptable to all stakeholders and to translate their public assurances on peace into tangible actions on the ground. While the signing of the implementation matrix for the cessation of hostilities agreement on 9 November is a

step in the right direction, the parties must prove their intent by ceasing all military operations on the ground immediately.

74. The international community has grown impatient with the situation in South Sudan and with the failure of the political leadership to stop the fighting and reach an agreement that responds to the greater interests of the people of South Sudan. Thousands of South Sudanese have been killed and millions displaced in great suffering. The precarious humanitarian situation is worsening by the day. I am deeply disappointed by the recent fighting in the towns of Bentiu and Rubkona and strongly condemn this resumption of hostilities. I reiterate my call upon President Salva Kiir and Riek Machar to cease all military operations immediately, and remind them of their obligation to protect civilians and respect international humanitarian law. At the same time, I renew my call to the international community to continue working towards meeting humanitarian funding shortfalls.

75. As I have stressed repeatedly, the primary responsibility for resolving the problems of South Sudan rests squarely with its leaders. The international community can support these efforts, but it cannot deliver a solution from outside. There is no excuse, much less justification, for the continued fighting and for the delay in reaching an agreement.

76. UNMISS is making every effort to implement its protection of civilians mandate under Security Council resolution 2155 (2014) and expand its reach beyond UNMISS premises to provide protection to the hundreds of thousands of vulnerable civilians who have remained in their communities, particularly in areas at high risk of conflict and large-scale displacement. In this regard, I call upon troop-contributing countries to expeditiously deploy the remaining surge capabilities, as well as the military equipment required for UNMISS to carry out its mandated tasks effectively.

77. UNMISS alone cannot effectively protect civilians. I therefore call upon all the parties, in particular the Government, which has the primary responsibility for the protection of civilians, to do their part to establish a secure environment for civilians, irrespective of their ethnic background.

78. Despite reassurances by the Government and SPLM/A in Opposition that they would allow unfettered freedom of movement and humanitarian access for UNMISS peacekeepers and humanitarian workers, violations of the status-of-forces agreement have continued. I am disturbed in particular by the prolonged detention of two national staff members. I also condemn in the strongest terms the abduction of three UNMISS contractors and one United Nations staff member, two of whom remain missing. I call upon the parties concerned to immediately release the abductees and call upon the Government to accord due process to the detainees immediately. I remind the parties that obstructions to the freedom of movement of United Nations and humanitarian personnel not only hinder United Nations operations, but also hamper the delivery of much-needed emergency assistance to the conflict-affected people of South Sudan. I welcome the conclusion of the work of the African Union Commission of Inquiry for South Sudan and look forward to the report of the Commission. There should be no amnesty for those who have committed grave crimes and are responsible for serious human rights violations during this conflict.

79. The untold suffering of the people of South Sudan must stop. Any more time wasted risks leading to a further deterioration of the situation. I therefore call upon

the members of the Security Council, regional leaders and all friends of South Sudan to remain fully engaged with the warring parties so that they make the compromises necessary to return the country to the path of peace, stability and prosperity. The people of South Sudan deserve no less than a comprehensive peace agreement that addresses the root causes of this conflict.

80. As the Security Council considers a further extension of the current mandate, and given that the parties have yet to make meaningful progress at the peace talks, I recommend that the current mandate be extended for a period of six months. I also request the Council to adjust the reporting cycle on South Sudan from a 60-day to a regular 90-day period.

81. In closing, I wish to express my deep appreciation to all the military, police and civilian personnel of UNMISS, who, under the able leadership of my Special Representative, Ellen Margrethe Løj, have worked tirelessly to protect the tens of thousands of civilians under threat of physical violence, to safeguard human rights and to facilitate the work of the humanitarian community. I take this opportunity to reiterate my sincere gratitude to the Member States that have contributed uniformed personnel and assets to the Mission. I also commend the personnel of the United Nations country team and non-governmental organization partners for their steadfast efforts to deliver urgently needed humanitarian emergency assistance to the population under extremely challenging conditions.



Map No. 4456 Rev. 14 UNITED NATIONS
October 2014 (Colour)

Department of Field Support
Cartographic Section

S/2014/821