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In August, after more than 20 months of intermittent negotiations, South Sudan's warring parties finally agreed to the terms of a wide-ranging peace agreement. However, despite the peace agreement and a subsequent ceasefire declaration, conflict continued in several parts of the country, although at a lower intensity than previously. All parties flouted international human rights and international humanitarian law during the fighting, but no one was held accountable for crimes under international law committed in the context of the internal armed conflict. About 1.6 million people continued to be displaced from their homes within the country, and some 600,000 sought refuge in neighbouring countries. At least 4 million people faced food shortages. The government failed to take steps to realize the right to health. Security agents repressed independent and critical voices from the opposition, media and civil society.

Background

The armed conflict, which erupted in December 2013, pitted forces loyal to President Salva Kiir against those loyal to former Vice-President Riek Machar. Armed militia groups allied to each side participated in the fighting, which continued throughout 2015, but was more sporadic than previously.

The Intergovernmental Authority on Development (IGAD), an eight-country East African organization, began mediating between the government of South Sudan and the Sudan People's Liberation Army/Movement in Opposition (SPLA/M-IO) in January 2014. Despite numerous ceasefire agreements, fighting continued throughout 2014 and into 2015.

On 3 March, the UN Security Council established a sanctions regime of travel bans and asset freezes against South Sudan, targeting individuals suspected of committing crimes under international law and human rights abuses or threatening the peace, security or stability of the country.

On 12 March, IGAD unveiled a new mechanism to exert more concerted pressure on the warring parties to resolve the conflict. It included the three IGAD mediators, plus five AU representatives (Algeria, Chad, Nigeria, Rwanda and South Africa), the UN, the EU, China, the IGAD Partners Forum and the Troika (Norway, the UK and the USA).

On 27 August, President Kiir signed a peace agreement that had been signed 10 days earlier by opposition leader and former Vice-President Riek Machar. The peace agreement provided a framework for parties to end hostilities and addressed a wide range of issues including power sharing, security arrangements, humanitarian assistance, economic arrangements, justice and reconciliation and the parameters of a permanent Constitution.¹

The Uganda People's Defence Force, who were fighting alongside South Sudan's government, started withdrawing their troops in October in accordance with the peace agreement.

On 3 November, the government and the SPLA/M-IO signed an agreement on a permanent ceasefire and transitional security arrangements that committed both sides to demilitarizing the capital city, Juba, and other key towns. In December the SPLA/M-IO sent a delegation of members to Juba as part of the advance team to prepare for the implementation of the peace agreement.

The mandate of the UN Mission in South Sudan (UNMISS) was renewed in December to include protection of civilians, monitoring and investigating human rights, ensuring the delivery of humanitarian aid and supporting the implementation of the peace agreement.

Internal armed conflict

Conflict was concentrated in the northeast of the country in parts of Jonglei, Unity and Upper Nile states. It was marked by periods of calm and others of intense violence. Both sides continued to engage in clashes despite the August peace agreement, the permanent ceasefire declarations and the November security arrangements agreement. More than 20 different armed forces were involved, including government forces backed by Ugandan soldiers on one side and a range of rebel factions on the other. Armed youth clashed regularly with government

forces in parts of Western Equatoria state.

Both government and opposition forces disregarded international human rights and international humanitarian law. Both sides deliberately attacked civilians, often based on their ethnicity or assumed political affiliations. They attacked civilians sheltering in hospitals and places of worship; executed captured fighters; abducted and arbitrarily detained civilians; burned down homes; damaged and destroyed medical facilities; looted public and private property as well as food stores and humanitarian aid; and recruited children to serve in their armed forces. Parties to the conflict also regularly attacked, detained, harassed and threatened humanitarian aid workers and UNMISS staff.

Violence in Unity state, which had subsided, escalated from April. Government and allied youth groups led an offensive in 28 villages in Rubkona, Guit, Leer and Koch counties of Unity state in late April and early May. They set entire villages on fire, beat and killed civilians, looted livestock and other property, burned people alive, committed acts of sexual violence and abducted women and children. In October, clashes in southern and central Unity state intensified with grave consequences for civilians. Thousands of people were forced to flee in search of safety, protection and assistance, of whom about 6,000 arrived in the UNMISS Protection of Civilians site in Bentiu. Other people fled to Nyal and Ganyiel in southern Unity state, taking shelter in swamps and forests.

Although 1,755 child soldiers were released by the Cobra Faction armed group in the Greater Pibor Administrative Area in March, abductions of children continued throughout the year. For example, scores of children, some as young as 13, were abducted from Malakal in February and hundreds were reportedly seized from the northern villages of Kodok and Wau Shilluk in early June. The UN Children's Fund (UNICEF) estimated in November that as many as 16,000 children were associated with armed forces or groups.

Conflict-related sexual and gender-based violence was widespread. This included cases of sexual slavery and incidents of gang rape of girls as young as eight years old. There were also cases of men and boys being castrated.

Justice system

The criminal justice system was grossly under-resourced and lacked capacity in critical areas such as investigations and forensics. It was further hampered by interference or lack of co-operation on the part of security organs and the executive branch. Cases involving human rights abuses were also hindered by the absence of victim support and witness protection programmes.

The justice system failed to guarantee due process and fair trial rights. Common violations included arbitrary arrest and detention, torture and other ill-treatment, prolonged pre-trial detention and denial of the right to legal counsel.

The internal armed conflict exacerbated pre-existing challenges in the justice system, particularly in Jonglei, Unity and Upper Nile states. Militarization and the defection of many police officers severely undermined law enforcement capacities.

Lack of accountability

The authorities failed to hold anyone to account for crimes under international law committed during the armed conflict or to conduct thorough and impartial investigations into these crimes.

The August peace agreement provided for the establishment of three mechanisms: a Commission on Truth, Reconciliation and Healing; a Compensation and Reparations Authority; and a Hybrid Court for South Sudan. The Commission on Truth, Reconciliation and Healing mandate covers the peace-building process, and includes gender-based crimes and sexual violence. The Compensation and Reparations Authority mandate is to compensate for property losses incurred during the conflict. The Hybrid Court would have jurisdiction over crimes under international law and crimes established by relevant laws of South Sudan.

In 2014, the AU Peace and Security Council (PSC) set up an AU Commission of Inquiry on South Sudan (AUCISS), chaired by former Nigerian President Olusegun Obasanjo, to investigate human rights violations and abuses committed during the armed conflict in South Sudan. Its mandate included recommending measures to ensure accountability and reconciliation. Amnesty International was among organizations which campaigned throughout 2015 for the PSC to publish the inquiry report.²

On 27 October, the PSC published the report. It found evidence of systematic violations of human rights and crimes under international law by both warring parties, often committed with extreme brutality. The report found compelling evidence of extrajudicial killings, including ethnically motivated killings. Testimonies to the AUCISS consistently indicated that some 15,000 to 20,000 ethnic Nuer were killed during the first three days of conflict (15-18 December 2013). The report also found evidence of torture and mutilation of bodies; abductions; enforced disappearances; looting and pillaging; forcing victims to engage in cannibalistic acts; and forcing victims to jump

into fires. Strong evidence was found supporting allegations of systematic sexual violence, which was a common feature of the atrocities committed by both sides. The AUCISS concluded that there was a high likelihood that rape was used as a weapon of war.

The AUCISS recommended that those with the greatest responsibility for atrocities be prosecuted and that the needs of victims, including reparations, be addressed. It called for the establishment of an ad hoc African legal mechanism under the leadership of the AU and other mechanisms for transitional justice similar to the provisions of the August peace agreement. It also recommended the reform of civil and criminal and military justice systems so as to contribute towards ensuring accountability.

Right to health – mental health

The massive abuses of human rights suffered and witnessed in South Sudan have had severe repercussions on the mental health of many people, as has the widespread incidence of forced displacement, bereavement, destruction or loss of livelihood, loss of family and community and inadequate food and shelter. Recent studies found extremely high levels of post-traumatic stress disorder and depression among South Sudanese populations. Despite this overwhelming need, mental health services are almost non-existent.

During the year, only one public hospital in the country provided psychiatric care, with its inpatient ward having only 12 beds. People with serious mental health issues were routinely incarcerated in prisons. With little or no medical care, mentally ill inmates were often held chained, naked or in solitary confinement.

Freedom of expression

The space for journalists, human rights defenders and civil society to do their work without intimidation continued to shrink, as it had since the start of the conflict. The authorities, especially the National Security Service (NSS), harassed and intimidated journalists, summoning them for questioning and arbitrarily arresting and detaining them.

Reporter Peter Julius Moi was shot dead in Juba on 19 August, days after President Kiir threatened to kill reporters working against the country, a statement that was later said to have been quoted out of context. Two other journalists were killed in the course of their work, one in May and one in December. George Livio, a journalist with Radio Miraya, was held in detention without charge or trial throughout the year; he had been arrested in August 2014, accused of collaborating with rebels.

The print version of the *Nation Mirror* was closed down in January 2015 after a photo of former Vice-President Machar was placed above one of President Kiir. In August, the NSS closed down *The Citizen*, a daily English language paper, and the Arabic daily newspaper *Al Rai*. Several newspapers had issues seized, some held temporarily, some confiscated entirely. The NSS also closed down two radio stations.

A senior lecturer at the University of Juba had to leave the country because of security concerns after hosting and moderating a discussion about a controversial presidential decree issued in October establishing 28 states.

The security forces continued to carry out enforced disappearances, arbitrary arrests and prolonged detentions, and torture and other ill-treatment. Since the start of the conflict, the NSS, Military Intelligence and members of the police force have cracked down on perceived political dissidents, many of whom were detained in violation of international law.

Legal developments

In April, South Sudan became a party to the UN Convention against Torture and its Optional Protocol; the UN Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography; and CEDAW and its Optional Protocol. By the end of the year, South Sudan had still not deposited instruments of ratification for the African Charter on Human and Peoples' Rights and the AU Convention Governing the Specific Aspects of Refugee Problems in Africa, even though Parliament voted for their ratification in 2014.

In March, the Minister for Justice announced that the National Security Service Bill had become law as the President had exceeded the 30-day time period set out in the Constitution to assent to or return the legislation following Parliament's approval of it in October 2014. There was domestic and international opposition to the passage of this law, and the President did not sign it. The law granted the NSS sweeping powers, including powers of arrest, detention and seizure, without adequate independent oversight or safeguards against abuse.

President Kiir returned the Non-Governmental Organizations Bill back to Parliament, after it received Parliament's approval in late May. The version of the Bill passed by Parliament contained a number of restrictive provisions. It would make registration compulsory and criminalize voluntary work without a registration certificate.

1. South Sudan: Warring parties must fully commit to ensuring accountability for atrocities (News story, [26 August](#))
2. South Sudan: Release of AU Inquiry Report a vital step for resolution of crisis (News story, [23 July](#))

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