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HRW – Human Rights Watch

## World Report 2023 - South Sudan

In 2022, South Sudanese confronted another year of violence, hunger, and stark challenges. Conflict persisted. Violence between armed groups in Upper Nile, southern Central Equatoria and southern Unity states resulted in displacements and serious abuses, some of which may qualify as war crimes or crimes against humanity. Conflict related [sexual violence continued](#). Intercommunal and intersectional violence persisted in most parts of the country, with killings, displacement, looting, and destruction of property.

Meanwhile, the authorities threatened, harassed, and arbitrarily detained critics, journalists, protesters, and human rights activists for long periods without trial.

The country experienced its worst humanitarian crisis since independence, with the United Nations office for the Coordination of Humanitarian Affairs (OCHA) reporting that at least [7.7 million](#) were [food insecure](#). The agency attributed this to conflict, chronic underdevelopment, and severe weather conditions. [Over 2.2 million people were internally displaced](#), in addition to over 2.3 million who had fled the country.

Parties to the 2018 Revitalized Agreement on the Resolution of Conflict in South Sudan agreed to extend the transitional period by 24 months from February 2023 when it should have concluded.

### Attacks Against Civilians and Aid Operations

Between February and May, armed youth supported by government forces attacked civilians in Sudan People's Liberation Army in Opposition (SPLA/IO)-held territories in Leer, Koch, and Mayendit counties. In September, the United Nations Mission in South Sudan (UNMISS) [issued a report](#) concluding that at least 44,000 people were displaced, 173 unarmed civilians killed, 131 women raped, or gang raped, and at least 12 people sustained serious injuries.

The UNMISS findings were consistent with Human Rights Watch research on attacks in Leer county which found similar patterns of abuses, including attacks against children, older people, and people with disabilities. Looting and destruction of food stocks, cattle, and humanitarian aid particularly exacerbated the dire food situation, leaving civilians at risk of starvation.

[Ceasefire monitors](#) in South Sudan documented similar patterns of abuses between January and May, implicating the South Sudan People's Defense Forces (SSPDF) supported by armed youth militias in attacks against unarmed civilians in territories controlled by the SPLA/IO in Upper Nile such as Maban, Longechuk, and Maiwut.

In February, President Salva Kiir signed separate peace deals with breakaway factions of the SPLM/A-IO known as Kitgwang led by Gen. Johnson Olony and Gen. Simon Gatwech Duel, which among other things, guaranteed them amnesty and allowed their forces to be integrated into the national army.

In July, violence broke out between Kitgwang, supported by government forces, and SPLA/IO in Upper Nile state, causing humanitarian crisis in the area. In August and September, violence within the Kitgwang faction and with the SPLA/IO in [Tonga and Panyikang](#) led to serious human rights abuses and displacement of thousands of people.

The government's counter-insurgency campaign against the National Salvation Front rebel group in Central and Western Equatoria states continued. Both sides committed abuses, including sexual violence, unlawful killings, and abductions of civilians.

Attacks against aid operations by armed groups and government forces [persisted with no known investigations or prosecutions of perpetrators](#), all of whom were South Sudanese, were killed by armed groups in 2022.

## Children and Armed Conflict

Recruitment and use of children by armed groups persisted. In March, a report by ceasefire monitors [documented forced recruitment of children](#) as young as 13 by SSPDF in Unity and Lakes states. A similar report in July [implicated](#) Cpt. Philip Khamis in [recruiting children into National Security Service](#) in Tambura, Western Equatoria state.

A UN [report on children and armed conflict](#) confirmed the recruitment and use of 129 children, of which 30 percent are below the age of 15, as combatants, bodyguards, and cooks by various groups, including the SSPDF, SPLM/A-IO, the South Sudan National Police Service, the South Sudan Opposition Alliance (SSOA), the National Salvation Front (NAS), forces loyal to Gen. James Nando, and forces loyal to Gen. Moses Lukujo.

## Intercommunal Violence

In July, a UN report attributed [more than 60 percent](#) of civilian deaths in South Sudan to intercommunal violence and community-based militias.

Between April and June, UNMISS documented 117 civilian deaths and 35 injured from renewed intercommunal fighting between the Dinka Twic Mayardit and Dinka Ngok communities in the Abyei Administrative Area, intra-communal clashes in Greater Tonj, as well as attacks by armed Dinka and armed Nuer Youth on communities in Tonj North County.

## Civic Space and Rule of Law

Authorities continued to restrict free expression, and freedom of association and assembly. Authorities have arbitrarily detained critics, human rights defenders, and journalists.

In October, the government started its trial of Abraham Chol Maketh, a clergy member arrested in July 2021 for predicting the South Sudanese government would be overthrown that month, and Kuel Aguer Kuel, a politician, arrested in August 2021 for links with an “anti-government movement.” Human Rights Watch called for the independence of the judiciary to be respected.

Their detention and prosecution are part of a larger [pattern](#) of [unlawful detentions](#), which exposes persistent [weaknesses and challenges in the criminal justice system](#), including political interference from other branches of the government.

On August 7, the police and National Security Service agents detained seven people in KonyoKonyo market in Juba. They were protesting the rising cost of living. The security agents shot at protesters, injuring one person in the leg, and beat others with sticks and gun butts. The police arrested [Diing Magot](#), a freelance journalist with Voice of America, who was interviewing protesters at Konyokonyo and unlawfully detained her for eight days in the Malakia police station.

## Legislative Developments

In May, parliament passed the amendment to the Political Parties Act 2012, despite a boycott by the SPLM-IO Party. The act contains a restrictive provision requiring a political party to have at least 500 members in at least eight of the nation’s 10 states.

In September, the ministry of justice and constitutional affairs [launched a cybercrimes court](#) and appointed a special prosecutor to investigate and prosecute crimes committed online pursuant to the Cybercrimes and Computer Misuse Provisional Order issued by President Kiir in December 2021. The order, which gives the prosecution broad powers to arrest, search and seize, contains overly vague definitions of the terms “computer misuse,” “terrorism,” “indecent content,” and “offensive communication;” and could be used to target and silence political critics and dissidents and restrict rights to privacy, freedom of expression, and access to information.

In September, the Lakes state government passed the Customary Law and Public Order Bill 2022 into law which outlawed child and forced marriage in that state.

At time of writing, review of the National Security Service Amendment Bill was pending. The bill limits, but does not eliminate, the agency’s powers of arrest and detention. The bill was referred to the presidency in April 2021 for resolution but in August 2022 the presidency referred it to the ministry of justice for further guidance.

South Sudan criminalizes consensual same sex relations with up to 10 years in prison and forms of gender expression with up to one year.

## Key International Actors

In March, the UN Security Council [renewed](#) the mandate of UNMISS for another year. That same month, the UN Human Rights Council, following a close vote, [renewed](#) the mandate of the Commission on Human Rights in South Sudan for another year.

In March, President Kiir ordered the release of a report written by the NSS and [UK based law firm 9BR Chambers](#) on the eruption of conflict in 2013 and 2016. The [report](#), stood by the claim that an attempted coup by Riek Machar and other politicians was the cause of the 2013 and 2016 conflicts despite the African Union Commission of Inquiry and UN bodies finding no evidence of this.

In May, the UN Security Council [renewed the arms embargo](#), travel ban, and assets freeze imposed on South Sudan for another year, and extended the mandate of the panel of experts until July 2023. The resolution requires South Sudan to achieve [key progress on five benchmarks](#) set out in resolution 2577(2021), upon which it shall review the arms embargo measures.

On July 15, the [US cut off funding](#) to the South Sudan peace process monitoring mechanism, citing lack of progress and political will to implement critical reforms. Also, for the first time, the US did not grant a [waiver](#) for South Sudan under the Child Soldiers Prevention Act; this resulted in the US holding back US\$18 million to the UN peacekeeping force.

Impunity remained widespread, with only a handful of cases of [security forces](#) being tried for crimes against civilians in front of military court or in civilian trials.

The African Union Commission (AUC) has responsibility under the 2018 peace agreement to establish the Hybrid Court for South Sudan, but it [failed to move ahead](#) with the court's creation or press for greater action by South Sudanese authorities to establish the court together with the AU Commission.

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