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Hundreds of thousands of people fled their homes because of conflict. Humanitarian assistance was impeded or blocked. All parties to the conflict perpetrated serious violations of international human rights and humanitarian law, including the indiscriminate and targeted killing of civilians, the recruitment and use of children, acts of sexual violence and destruction of property. At least 52 people, including children, were extrajudicially executed. Impunity for human rights violations remained the norm and the government failed to establish the Hybrid Court for South Sudan (HCSS). The security forces continued to use unlawful surveillance to target government critics, in some cases arbitrarily arresting and detaining them. They responded to calls for peaceful protests with a wave of repression. Death sentences were imposed and executions carried out. The government continued to fail in its obligation to respect and protect the rights to health and education.

Background

In July, South Sudan celebrated 10 years of independence.

Extreme flooding continued and, according to the UN, affected eight out of 10 states, creating and exacerbating a humanitarian crisis.

Violence persisted in various pockets across the country, setting parties to the conflict, as well as local groups aligned with them, against each other. Months of tension culminated in fighting in June in Tambura county in Western Equatoria State between competing local groups aligned with forces affiliated to the government's South Sudan People's Defence Forces (SSPDF) on the one hand, and the Sudan People's Liberation Army-In Opposition (SPLA-IO) on the other. The SPLA-IO split in August led to inter-group fighting in the north. Fighting continued between government forces and the National Salvation Front (NAS), a non-state armed group, in Central and Western Equatoria State.

In May, the UN Security Council renewed the arms embargo and set five benchmarks against which the embargo will be reviewed in 2022.¹

In July, the People's Coalition for Civil Action (PCCA) was formed. It called for mass peaceful protests demanding that the country's leadership step down.

Violations of international humanitarian law

From June to October local groups, affiliated to the SSPDF on the one hand, and the SPLA-IO on the other, waged a campaign of terror on the civilian population of the Balanda and Azande communities in Tambura county. According to local government figures, around 300 people were killed. Fighters from both sides summarily killed civilians by shooting them or cutting their throats; they abducted civilians; mutilated bodies; set fire to neighbourhoods; and looted and destroyed civilian property, schools and health facilities. The fighting displaced more than 80,000 people according to UN-verified government figures. Families were separated as they fled, and some were unable to reunite, even months later. Displaced people in camps and host communities lacked food, medicine and adequate shelter.²

Fighting between government and opposition forces and the NAS persisted for the fourth year. According to the UN, NAS members attacked a hospital and subjected at least three people to sexual violence in addition to other human rights violations.

In other areas, fighting between ethnic groups, clans and sub-clans continued, resulting in at least 441 incidents involving human rights violations, including arbitrary killings, injuries, abductions, conflict-related sexual violence, arbitrary arrests and detention, torture and other ill-treatment, and the looting and destruction of civilian property, according to the UN.

Attacks by armed youths on clearly marked humanitarian vehicles persisted. The UN reported that at least five humanitarian workers were killed and two were arbitrarily detained.

Denial of humanitarian access

According to the UN, an estimated 8.3 million people needed humanitarian assistance. Despite the dire need for such assistance, the denial of, and restrictions to, humanitarian access continued. According to UN OCHA, humanitarian actors reported 542 impediments to access and government authorities continued to impose bureaucratic obstacles.

Extrajudicial executions

The UN Mission in South Sudan (UNMISS) reported that between March and November at least 52 people, including children, were extrajudicially executed in the Warrap and Lakes states. According to the UN Commission on Human Rights in South Sudan, state security forces either carried out or were “present within the vicinity of the executions” in almost all cases. Individuals, including children, were lined up and publicly executed by firing squad in a marketplace. According to UNMISS, some individuals were tied to trees before being executed; and government officials defended the executions as a necessary deterrence mechanism in the absence of rule of law institutions.

Children's rights

According to the UN, the SPLA-IO, armed groups and government security forces committed grave violations and abuses against 124 children – 28 girls and 96 boys. These included killing, maiming, abduction, sexual violence, forced recruitment and use of children in combat and supportive roles like porters, cooks and spies. The actual numbers are likely to be higher.

Right to education

The right to education for children remained severely restricted. According to UNICEF, more than 2 million children, most of them girls, were out of school due to Covid-19 and other challenges which hindered their access to education, including financial barriers and flooding.

In November, only eight of 53 schools in Tambura county were open, severely restricting the right to education for months. SSPDF-affiliated fighters used a primary school in Tambura town as their barracks for several weeks during the fighting until late October when government officials finally coaxed them into leaving. Such use of schools by armed actors runs contrary to the global Safe Schools Declaration, which the government endorsed in 2015, and undermines international human rights and humanitarian law.

Gender-based violence

High levels of conflict-related sexual violence and gender-based violence remained a concern. According to the UN, state security forces and non-state armed actors committed at least 63 incidents of sexual violence in conflict, affecting 89 women, girls and men, aged between two and 50, including rape, gang rape and forced nudity.

Impunity

Impunity for crimes under international law and other gross human rights violations and abuses persisted. In January, the Council of Ministers approved a Ministry of Justice plan to establish the HCSS, the Commission for Truth, Reconciliation and Healing (CTRH), the Compensation and Reparation Authority and other justice-related provisions in the peace agreement. At the end of the year, however, the government had only reconstituted the technical committee for the establishment of the CTRH, and a UN agency had begun training committee members. The government seemingly prioritized truth over trials, continuing to delay and block the establishment of the HCSS which, if operational, would be mandated to investigate and prosecute crimes under international law.³

The 2008 Penal Code had still not been amended to include crimes under international law. While the Gender Based Violence and Juvenile Court remained operational, no conflict-related sexual violence cases were brought to trial.

Arbitrary arrests and detentions

Throughout the year, the National Security Service (NSS) continued to arbitrarily arrest and detain real or perceived government opponents and critics for prolonged periods, including journalists and civil society members. Between 2 and 30 August, government actors arbitrarily arrested at least 14 people nationwide in relation to calls for peaceful protests. In Yei, two civil society members, as well as a bishop and a student, were detained in a military intelligence detention facility with limited or no access to their lawyers for almost two months. Kuel Aguer Kuel, one of the PCCA founders, was arrested by NSS officers on 2 August and remained in Juba Central Prison⁴ at the end of the year (see below, Freedom of expression, association and assembly).

The 2014 NSS Act remained in force, despite clear obligations under the 2018 Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan to amend it by February 2020. It continued to grant NSS officers police-like powers of arrest and detention, in violation of the service's

constitutional mandate to gather intelligence, and in contravention of international human rights standards.

Freedom of expression, association and assembly

The rights to freedom of expression, association and assembly remained restricted and media continued to be censored.

In August and September, calls for peaceful protests by the PCCA were met with a wave of repression. The authorities deployed high numbers of security forces to the streets in major towns and arrested civil society activists and a politician, among others; they also closed a radio station and an academic think-tank, both of which resumed operations in September and November, respectively.

On 29 August, the eve of the planned protests, internet disruptions were reported which lasted until late afternoon on 30 August. There were indications that the shutdown may have been a deliberate attempt by the authorities to derail the protests.⁵

After the failed protests, security forces continued to harass civil society members in the capital, Juba, Yei, Bor and Wau. Some of them suspected that the security forces had put them under surveillance. Several human rights activists were forced into exile.

On 6 October, the Bank of South Sudan directed all commercial banks to freeze the accounts of three civil society organizations, a think-tank, four activists and a politician, who were either members, or suspected of being members, of the PCCA.⁶ At the end of the year, all but the think-tank's accounts remained frozen.

Right to privacy

The government conducted communications surveillance, with the likely support of telecommunication companies. The NSS also conducted physical surveillance using a widespread cross-border network of informants and agents, penetrating all levels of society and daily life; they monitored media and social media, and required event organizers to seek permission before holding any form of public gathering. The NSS used these forms of surveillance, in breach of rights to privacy, to arbitrarily arrest and detain individuals outside the law, infringing on rights to freedom of expression and assembly. In one case, on 17 July, they broke up a civil society workshop on the constitution-making process on grounds that the organizers had not sought permission from the NSS to proceed. The cumulative effect of these measures created a pervasive climate of fear and led to self-censorship.⁷

Death penalty

Death sentences continued to be handed down and executions were carried out. On 12 February, the Supreme Court upheld the Court of Appeal's 2020 decision to quash the death sentence against Magai Matiop Ngong, and also ordered an age assessment and retrial. Magai Matiop Ngong was 15 at the time of the incident and conviction.

Right to health

The right to health remained under serious threat and public health facilities were under-resourced. South Sudanese continued to die in high numbers of preventable diseases, and other conditions, due to inadequate health services, and attacks on healthcare facilities. In Tambura county, armed men ransacked and looted health facilities, depriving civilians of crucial care and violating international law. In November, 13 out of 20 medical facilities across the county were rendered unusable after being vandalized, and those that remained were barely functional.

At the end of the year, only 1.52% of the population was fully vaccinated due to factors including the unequal distribution of vaccines globally; insufficient supplies and unpredictable arrival times; short shelf life of vaccines; and obstacles to reaching some areas due to flooding and conflict.⁸

Mental health

Access to mental health services was severely limited and healthcare providers were unable to meet the widespread and significant needs. There were just three psychiatrists serving the entire country, who were also responsible for providing training and supervision to health staff. Juba Teaching Hospital was the only public medical facility providing in-patient psychiatric care, and demands exceeded beds available for psychiatric patients. The availability of psychotropic drugs was both sporadic and limited.

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1. *South Sudan: UN Security Council's Extension of Arms Embargo on South Sudan a Welcome Step but Weak Benchmarks a Let-Down* (Index: AFR 65/4291/2021), 24 June
 2. "South Sudan: Survivors describe killings, mass displacement and terror amid fighting in Western Equatoria", 9 December
 3. *Letter of Appeal for Truth and Trials in South Sudan* (Index: AFR 65/4305/2021), 7 June
 4. *South Sudan Must Respect the Right to Freedom of Peaceful Assembly* (Index: AFR 65/4760/2021), 23 September
 5. "South Sudan: End new wave of repression against peaceful protests", 3 September
 6. *South Sudan: Unfreeze Civil Society and Political Activist's Bank Accounts* (Index: AFR 65/5017/2021, 19 November)
 7. *South Sudan: "These Walls Have Ears": The Chilling Effect of Surveillance in South Sudan* (Index: AFR 65/3577/2021), 2 February
 8. *"Address the Access Issue and the Pandemic Will Be Managed Tomorrow": Global Vaccine Inequity's Impact in East Africa* (Index: AFR 04/5084/2021), 14 December

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