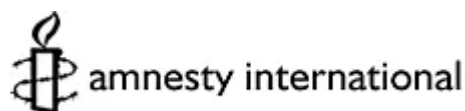


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Despite the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), fighting continued between government and opposition forces, along with violations and abuses of international human rights and humanitarian law. A Transitional Government of National Unity (TGoNU) was formed in April, but it fell apart following heavy fighting between government and opposition forces in Juba in July. The reconstituted government in Juba was accepted by the international community but rejected by opposition leader Riek Machar and his allies. The ongoing fighting continued with devastating humanitarian consequences for civilian populations. Government security services actively suppressed independent and critical voices from the opposition, media and human rights defenders.

Background

Implementation of the ARCSS, the peace agreement, was slow and faced numerous hurdles including disagreement over the number of states, the cantonment of opposition fighters and security arrangements in the capital Juba.

On 26 April, opposition leader Riek Machar returned to Juba to be sworn in as First Vice-President of the TGoNU, as provided for in the ARCSS. Ministers of the TGoNU were sworn in the following week.

In early July, a series of violent clashes between government and opposition forces in Juba heightened tensions and led to a deadly shoot-out on 8 July between bodyguards of President Salva Kiir and then First Vice-President Riek Machar outside the Presidential Palace, where the two were meeting. On 10 and 11 July, there were heavy clashes between government and opposition forces in Juba.

The fighting in Juba forced Riek Machar and opposition forces to flee southward, where they evaded active pursuit by government forces over the next month. Meanwhile President Salva Kiir dismissed Riek Machar as First Vice-President and replaced him on 25 July with opposition politician Taban Deng Gai. Riek Machar rejected and denounced the dismissal which resulted in a split in the Sudan People's Liberation Army/Movement in Opposition (SPLM/A-IO). The international community eventually accepted the new government and urged it to resume implementation of the ARCSS.

Relative calm was restored in Juba following the flight of Riek Machar and opposition forces but the fighting in Juba triggered a surge of violence in the southern Equatoria region, resulting in killings of civilians, looting, and arbitrary detentions. Lainya, Yei, Kajokeji, Morobo and Maridi counties were particularly affected. Between July and December, more than 394,500 South Sudanese arrived in northern Uganda as refugees as a result of the insecurity.

In September, the UN Security Council (UNSC) adopted resolution 2304 authorizing the establishment of a 4,000-member Regional Protection Force (RPF), as an addition to the existing 12,000 members of the UN Mission in South Sudan (UNMISS) peacekeeping force. The RPF mandate would be to facilitate safe movement in and out of Juba; protect the airport and key facilities in Juba; and engage any actor preparing for or engaging in attacks against civilians, humanitarian actors, or UN personnel and premises. However, the RPF was not in place by the end of the year.

The same resolution provided that the UNSC would consider the imposition of an arms embargo should South Sudan create political or operational impediments to operationalizing the RPF or obstruct UNMISS in the performance of its mandate. Despite reports of attacks on and obstruction of UNMISS staff and the government's averseness to the RPF's mandate and establishment, in December the UN Security Council failed to approve a resolution that would have imposed an arms embargo.

Internal armed conflict

Despite the ARCSS, there was fighting in many areas of the country throughout the year. The fighting was continuously accompanied by violations and abuses of international human rights and humanitarian law by parties to the conflict, including killings, looting and destruction of civilian property, abductions and sexual violence.

On 17 and 18 February, fighting took place in the UN Protection of Civilians site in Malakal, which housed around 45,000 people. Government soldiers entered the site and participated in the fighting. Around one third of the camp was burned to the ground, and at least 29 internally displaced people were killed.

In Western Bahr el Ghazal in early 2016, government soldiers carried out attacks against civilians: killings, torture including rape, looting and burning down of civilian homes. Clashes between government and opposition allied forces in Wau town on 24-25 June displaced an estimated 70,000 people and killed dozens.

During the July fighting in Juba, armed actors, particularly government soldiers, committed violations and abuses of international human rights and humanitarian law, including killings, sexual violence, and looting of civilian property and humanitarian assets. Government soldiers also fired indiscriminately near Protection of Civilians sites and, in some cases, deliberately targeted them. Fifty-four displaced people were killed in the sites during the fighting, according to the UN.

In September, the number of refugees who had arrived in neighbouring countries since the start of the conflict in December 2013, reached 1 million. The number of internally displaced people seeking protection in Protection of Civilians sites rose over the course of the year to 204,918 in October. A total of 1.83 million people continued to be displaced within the country and 4.8 million people were affected by food insecurity.

Arbitrary detentions and torture and other ill-treatment

South Sudan's National Security Service (NSS) and the national army's Military Intelligence Directorate continued to conduct arbitrary arrests, prolonged and – in some cases – incommunicado detentions, and enforced disappearances of perceived government opponents. Detainees were subjected to torture and other ill-treatment in multiple detention facilities.

Over 30 men were detained by the NSS at a two-storey detention facility within its headquarters in the Jebel neighbourhood of Juba. They were detained on accusations of supporting the SPLM/A-IO, but were not charged or presented in court. None of them had had access to legal counsel by the end of the year. The NSS restricted access to family members and failed to provide adequate medical care. Some were subjected to beatings and other forms of physical assault, especially during interrogation or as punishment for breaking internal detention rules. Some had been in detention for over two years.

The NSS continued to arbitrarily detain George Livio, a journalist with the UN's Radio Miraya, without charge or trial, in Juba. The NSS arrested George Livio in Wau on 22 August 2014. The NSS has denied requests from his lawyer to meet him and has restricted his access to family members.

Loreom Joseph Logie, who had been arbitrarily detained by the NSS since September 2014, died on 17 July. Prior to his death he had suffered from a tapeworm infection that was untreated and caused liver damage.

A detention facility at a military base in Gorom, about 20km south of Juba, was used, at least between November 2015 and May 2016, to detain soldiers and civilians allegedly affiliated with the opposition. Detainees were held without charge or trial. They were held in poorly ventilated metal shipping containers, fed only once or twice a week and given insufficient drinking water. Many detainees died at this facility due to harsh conditions; others were victims of extrajudicial executions.

The Giyada military barracks in Juba remained a site where arbitrary and incommunicado detentions, torture and disappearances continued to be carried out. Conditions were particularly harsh in an underground military intelligence cell, where detainees were held without access to natural light or sanitary facilities.

Elias Waya Nyipouch, former Governor of Wau state, was arrested at his home on 26 June. He was detained in Juba at the Giyada military barracks and moved on 21 October to the Bilpam barracks, also in Juba. He was held without charge or trial at the end of the year.

Lack of accountability

There were no credible investigations and prosecutions of violations and abuses of international human rights and humanitarian law conducted in fair trials by civilian courts. Some crimes committed against civilians by government soldiers were reportedly prosecuted before military courts, despite the provision under South Sudan's SPLA Act providing that if military personnel commit an offence against a civilian, the civil court should assume jurisdiction over the offence.

Although the ARCSS provided for the establishment of a Hybrid Court for South Sudan by the African Union Commission, little progress was made towards its establishment. There was also little progress towards the establishment of a Commission on Truth Reconciliation and Healing or a Compensation and Reparations Authority. These two bodies were also provided for in the ARCSS.

Freedom of expression

The space for journalists and human rights defenders to work freely continued to shrink, as it had since the start of the conflict. The authorities, especially the NSS, continued to harass and intimidate journalists, summoning them for questioning and arbitrarily arresting and detaining them. Numerous journalists and human rights defenders have fled South Sudan due to perceived security risks.

Joseph Afandi, a journalist in Juba with the daily *El Tabeer*, was arrested by the NSS on 23 December 2015 for criticizing in an article the human rights record of the Sudan People's Liberation Movement (SPLM). He was held in incommunicado detention at the NSS headquarters in Juba until his release in February. While in detention, he was subjected to torture and other ill-treatment.

Alfred Taban, a journalist and chief editor of the daily *Juba Monitor*, published an opinion piece on 15 July in which he said that both Machar and Kiir had “completely failed” and “should not remain in their seats”. Alfred Taban was arrested the following day by NSS agents and detained at their headquarters in Juba for one week. He was then transferred to police custody and charged with “publishing or communicating false statements prejudicial to South Sudan” and with “undermining the authority of or insulting the president.” He was released on bail on 29 July. No court date had been set for a trial by the end of the year.

On 12 September, staff of the newspaper *Nation Mirror* were summoned by the NSS and shown a letter ordering the paper to “close down because they had indulged in activities incompatible with their status.” The order followed the publication of an opinion article condemning corruption within the armed forces and an article about corruption allegations against government officials.

Freedom of association

In February, two laws regulating NGOs activities were enacted. The laws restricted the right to freedom of association by mandating that all NGOs needed to register; non-registered NGOs were prohibited from operating. The Relief and Rehabilitation Commission held sweeping powers to register and monitor NGOs and to revoke registration of NGOs that were judged not to be in conformity with the NGO Act. The acceptable “objectives of NGOs” listed in the Act did not include human rights work or policy advocacy.

Right to health – mental health

Although levels of post-traumatic stress disorder and depression among the population remained high, the availability and accessibility of mental health and psychosocial support services remained limited. Juba Teaching Hospital – the only public medical facility that provided psychiatric care – still only had 12 beds in its psychiatric ward. The availability of psychotropic drugs was inconsistent and limited. There were only two practising psychiatrists in the country, both of whom were in Juba. Neither of them saw patients on a full-time basis. Due to the lack of appropriate services and facilities, people with mental health conditions continued to be routinely housed in prisons, even if they had not committed any crime. In prison, mental health patients continued to receive insufficient medical care and were sometimes chained or held in solitary confinement for long periods.

Legal, constitutional or institutional developments

In May, South Sudan completed ratification of the African Charter on Human and Peoples’ Rights and of the Organization of African Unity Convention Governing the Specific Aspects of Refugee Problems in Africa.

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