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Republic of South Sudan

Head of state and government: **Salva Kiir Mayardit**

The armed conflict expanded and new armed opposition groups emerged. Parties to the conflict continued to commit crimes under international law and human rights violations and abuses with impunity. Fighting between government and opposition forces had a devastating humanitarian impact on the civilian population. Conflict and hunger displaced hundreds of thousands of people.

BACKGROUND

The Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO), the main opposition group, remained split between those loyal to Riek Machar and those loyal to Taban Deng Gai. Taban Deng Gai had replaced Riek Machar as first Vice-President in July 2016 after fighting between government and opposition forces in Juba, the capital, forced Riek Machar to flee South Sudan. New opposition groups emerged including the National Salvation Front, led by General Thomas Cirillo Swaka, former deputy chief of general staff who resigned from South Sudan military in February 2017.

During the year, the legitimacy and relevance of the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan waned due its failure to improve security. In June, the Intergovernmental Authority on Development announced that it would convene a high-level forum which would work to restore a permanent ceasefire and the implementation of the Agreement. Between August and November, the Authority consulted with parties to the Agreement, other

opposition groups, and key stakeholders including civil society, on the forum's design and its expected outcomes. A cessation of hostilities agreement was signed in December but, soon afterwards, renewed fighting broke out in different parts of the country.

INTERNAL ARMED CONFLICT

Hostilities between government and opposition forces under Riek Machar, as well as other armed opposition groups, affected most of the country. Parties to the conflict committed violations and abuses of international human rights and humanitarian law, including targeted killings of civilians often based on ethnicity or perceived political allegiance; systematic looting and destruction of civilian property; abductions; and crimes of sexual violence.

In Upper Nile, for example, government forces, aided by ethnic Dinka Padang militias, carried out repeated attacks on territory held by opposition-aligned Shilluk forces on the west bank of the White Nile, throughout the year. They indiscriminately attacked civilian towns and villages, including Wau Shilluk, Lul, Fashoda, Kodok and Aburoc, and were responsible for deliberate killings of civilians, looting of property, and the displacement of tens of thousands of civilians.[1]

Fighting throughout the year in the Equatoria region also resulted in numerous civilian deaths. Cases of deliberate killings of civilians, sexual violence crimes, looting and destruction of civilian property in Yei and Kajo Keji counties, mostly by government forces, were documented.

SEXUAL VIOLENCE

Sexual violence continued to be a common feature of the conflict. All sides subjected women, girls, men and boys to rape, gang rape, sexual slavery, sexual mutilation including castration, and forced nudity during attacks on villages, searches of residential areas, on roads and at checkpoints, and following abduction or during detention. Government forces targeted women and girls living in camps under the protection of the UN Mission in South Sudan (UNMISS) peacekeepers, when they went to buy or search for basic necessities such as food and firewood. Survivors of sexual violence had little access to appropriate medical and psychological treatment because of limited availability or because they were unable to reach services. Perpetrators of crimes of sexual violence were rarely held accountable.[2]

LACK OF HUMANITARIAN ACCESS

The hostile environment in which humanitarian workers operated significantly undermined their ability to address food, health care, education and emergency shelter needs. Parties to the conflict regularly obstructed humanitarian access by threatening, harassing, detaining or committing acts of violence against humanitarian workers; at least 25 aid workers were killed during the year, according to the UN Office for the Coordination of Humanitarian Affairs (OCHA). On numerous occasions fighting between armed groups forced humanitarian workers to relocate from areas of operation and suspend services. Humanitarian supplies were looted by parties to the conflict, including, according to OCHA, more than 670 tons of food from humanitarian compounds in June and July.

RIGHT TO FOOD

An estimated 4.8 million people, almost half the population, were severely food insecure as a result of obstructions to humanitarian access, armed conflict, mass displacement, and the economic crisis. In February, localized famine was declared in the Leer and Mayendit counties in Unity state. By June, the situation had improved following a large-scale humanitarian response.

In the Equatoria region, formerly rich in food, government and opposition forces imposed restrictions on civilian access to food as a way to control their movement or force them from their homes and land.[3] Those who remained faced acute food shortages, and malnutrition levels increased.

Across the country, displacement and the threat of violence hampered agriculture and prevented civilians from tending livestock or receiving sustained and adequate food aid.

The deteriorating economic situation also exacerbated the food crisis. Government revenues fell due to low oil prices and oil production. The depreciation of local currency and the shortage of imported commodities caused food prices to soar. The government repeatedly failed to pay employees their salaries.

REFUGEES AND ASYLUM-SEEKERS AND INTERNALLY DISPLACED PEOPLE

More than 3.9 million people – approximately one third of the population – had been displaced since the beginning of the conflict in December 2013; 1.9 million of them were internally displaced, including over 200,000 who lived on UN bases under the protection of UNMISS peacekeepers.

More than 640,000 fled the country during the year, bringing the total number of refugees from South Sudan to over 2 million. Most of them were hosted by neighbouring Ethiopia, Uganda (see Uganda entry) and Kenya (see Kenya entry), with approximately 1 million refugees in Uganda.

ARBITRARY DETENTIONS AND TORTURE AND OTHER ILL-TREATMENT

In March, President Kiir announced plans to release all political detainees. At least 30 detainees were released during the year; however, the National Security Service (NSS) and the Military Intelligence Directorate continued to conduct arbitrary arrests and hold perceived government opponents in prolonged detention without charge or trial. Individuals were denied the right to have their detention reviewed by a court and were often subjected to torture and other ill-treatment. Detention conditions were harsh; detainees were regularly denied access to their family members, adequate food and clean water. The conditions, including inadequate medical care, contributed to the deaths of some detainees.

The NSS released 21 detainees without charge from prolonged arbitrary detention in a prison in the NSS headquarters compound in the Jebel neighbourhood of Juba; one was released in January, two in March, one in April, two in May, and 15 in August. Most had been detained for between two and three years. At least five others remained in detention in the compound, accused of communicating with or supporting the opposition. A sixth man, James Gatdet, former SPLM/A-IO spokesperson, detained in the same facility, was charged with inciting violence, "treason" and "publishing or communicating false statements prejudicial to Southern Sudan". He was detained after he was forcibly returned from Kenya to South Sudan in November 2016.[4]

Mike Tyson, Alison Mogga Tadeo, Richard Otti, and Andria Baambe, also held without charge for alleged links with the opposition, died in the same facility between February and July as a result of harsh conditions of detention and inadequate access to medical care. They had been held since 2014.

The government failed to investigate the use of arbitrary detention and related violations by government security agencies, or to hold those suspected of criminal responsibility accountable, or provide victims with reparation, such as financial compensation and rehabilitation.

ENFORCED DISAPPEARANCES

The NSS and the Military Intelligence Directorate subjected people believed to be opponents of the government to enforced disappearance.

Dong Samuel Luak and Aggrey Idri, both vocal critics of the government, went missing on 23 and 24 January respectively in Nairobi, Kenya. They were forcibly returned to South Sudan and taken to the prison facility at the NSS headquarters in Juba. They were reported to have been removed from this facility on 27 January. Their fate and whereabouts remain unknown.[5]

FREEDOM OF EXPRESSION

Journalists, human rights defenders, political opposition members and others who spoke out about the conflict were subjected to harassment, arbitrary arrests and detentions, and torture and other ill-treatment. This led to their self-censorship and a political environment in which people could not work or speak freely.

On 10 July, the NSS arrested Adil Faris Mayat, director of the South Sudan Broadcasting Corporation, after he failed to broadcast President Kiir's Independence Day speech. He was held without charge in a facility at the NSS headquarters in Juba for nine days and subsequently dismissed from his job. On 17 July, the South Sudan National Communication Authority blocked the websites of four news outlets. According to the media, the Information Minister said that the websites had published information that was "hostile" to the government.

LACK OF ACCOUNTABILITY

There were no credible investigations into crimes under international law and human rights violations or abuses, or prosecutions of those suspected of criminal responsibility in fair trials before civilian courts. The military said that some crimes carried out by government soldiers against civilians were prosecuted before military courts. This happened despite the provision under South Sudan's SPLA Act requiring that if military personnel commit an offence against a civilian, the civil court should assume jurisdiction over the offence. In May, for example, the trial of 12 government soldiers accused of rape, murder and looting at the Terrain hotel in Juba in 2016 commenced before a special military tribunal.

Three transitional justice bodies, provided for in the Agreement on the Resolution of the Conflict in the Republic of South Sudan in 2015, had not been established by the end of the year. In July, the AU Commission and the government agreed on the content of a statute and a memorandum of understanding for the establishment of one of the bodies, the Hybrid Court for South Sudan,

although they were not formally approved or adopted. A technical committee for the Commission for Truth, Reconciliation, and Healing began consultations on the Commission's design and legislative framework.

South Sudan's legislative framework failed to define or criminalize torture, enforced disappearance, or crimes against humanity.

LEGAL, CONSTITUTIONAL OR INSTITUTIONAL DEVELOPMENTS

The General Assembly of Justices and Judges went on strike in April, demanding salary increases, improved working conditions, and the Chief Justice's resignation following poor leadership. President Kiir responded with a decree on 12 July removing 14 judges from office, and invoking a constitutional provision that allowed for judges to be removed for "misconduct". On 11 September, the judges ended their strike on grounds including a pledge from the President that he would deal with their demands and reinstate the dismissed judges. The judges were not reinstated by the end of the year. In November, a Supreme Court judge resigned, citing lack of judicial independence.

In October, the Transitional National Legislative Assembly voted to ratify the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol).

[1] South Sudan: "It was as if my village was swept by a flood": Mass displacement of the Shilluk population from the West Bank of the White Nile ([AFR 65/6538/2017](#))

[2] "Do not remain silent": Survivors of sexual violence in South Sudan call for justice and reparations ([AFR 65/6469/2017](#))

[3] South Sudan: "If men are caught, they are killed. If women are caught, they are raped": Atrocities in Equatoria Region turn country's breadbasket into a killing field ([AFR 65/6612/2017](#))

[4] South Sudan: Several men arbitrarily held in poor conditions ([AFR 65/6747/2017](#)); South Sudan: Fifteen released, five still arbitrarily detained ([AFR 65/7144/2017](#))

[5] South Sudan: Fate and whereabouts of two men unknown: Dong Samuel Luak and Aggrey Idri ([AFR 65/6298/2017](#))

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