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Human Rights and Democracy Report 2015 - Human Rights Priority Country update report: July to December 2016 - South Sudan

The human rights situation in South Sudan, already of deep concern, deteriorated significantly in July when violence broke out in the capital Juba. As the fighting spread across the country, previously peaceful areas, such as the Equatorial region, experienced widespread violence against civilians. Sexual violence, a hallmark of the South Sudan conflict, was yet again brought to international attention, with a number of attacks (including on UN bases) where rape and targeting of individuals based on ethnicity were reported. There was also a significant increase in the levels of hate speech and divisive rhetoric during the reporting period.

From July, the humanitarian situation worsened with hundreds of thousands fleeing their homes in many areas of the country, including across the border into neighbouring countries, to escape fighting and serious human rights abuses, such as targeted attacks, abductions, sexual violence and forced recruitment. Freedom of expression came under intense pressure and arbitrary detentions increased, accompanied by a widespread lack of access to justice. Implementation of the peace agreement, which had already been slow, stalled.

President Kiir, following intense international, including UK, pressure eventually accepted a UN resolution which allowed for a Regional Protection Force (RPF) to be deployed to the capital. In December, the President called for a National Dialogue but the killing and abuses continued to spread and by year's end deployment of the RPF had still not taken place.

On 8 July, approximately 100 soldiers were killed when fighting broke out at the Presidential Palace between the bodyguards of President Kiir and those loyal to his then Deputy, Dr Riek Machar. Fighting between the 2 factions quickly spread across the capital in scenes reminiscent of the December 2013 outbreak of violence. Fighting continued throughout July and resulted in numerous human rights abuses. Much of the violence was focused around UN Protection of Civilian (POC) camps in Juba, where some of Machar's soldiers sought refuge. This led to government forces firing into the camps, resulting in many deaths, including 2 Chinese peacekeepers. Women again bore the brunt of the violence, with 217 reported cases of sexual violence between 8 and 25 July. Some women were attacked outside one of the POC camps in full view of peacekeepers who did not intervene. A UN Panel of Experts report stated that the SPLA had deliberately targeted civilians on the basis of their ethnicity, and perpetrated unlawful killings, arbitrary arrests, enforced disappearances and sexual violence. In a separate but related incident, a group of armed men in army uniforms broke into the Terrain compound, a residential complex used by the staff of international organisations. During the attack a local journalist, John Gatluak, was executed and 5 foreign aid workers were raped. Despite government claims to have arrested 18 suspects and conducted 60 court martials, the government have been slow to hold those responsible to account.

Following a visit to South Sudan in November, UN Special Advisor on the Prevention of Genocide, Adama Dieng, released a statement outlining the worrying potential for genocide. In response to these warnings of ethnically-fuelled violence and reports of renewed levels of sexual violence, we took an active role in securing a Special Session of the Human Rights Council on South Sudan in December. This resulted in a resolution, adopted by consensus, with agreement from the South Sudan government. The resolution called for an end to human rights violations and ethnic hatred and stressed that the Government must act to prevent genocide, war crimes, ethnic cleansing, and crimes against humanity. It requested the UN Commission on Human Rights on South Sudan identify priority steps that Government must take to prevent further sexual violence whilst urging them to appoint a Special Representative on sexual violence.

The UK continues to press the government on human rights issues. The FCO Minister for Africa, Tobias Ellwood, visited Juba in December, where he met the President and made clear our shock at the unacceptable levels of violence and human rights abuses. This was preceded by visits from Directors of the National Security Secretariat and Department for International Development, as well as the UN Security Council (including the UK Deputy Permanent Representative). All carried the message that the fighting had to stop and human rights abuses investigated.

In November, South Sudan completed its first Universal Periodic Review (UPR), following independence in 2011. The UPR highlighted the limited respect of the rule of law, high levels of corruption, impunity, extra-judicial killings, arbitrary arrest, and Gender Based Violence. The South Sudan delegation, in response, pointed to a lack of resources, infrastructure and international support as a reason for their lack of progress. They also stressed that the AU Commission, from whom they had apparently received no contact, was responsible for initiating the establishment of a Hybrid Court. The delegation did however reaffirm their commitment to cooperate with the Commission on Human Rights.

The humanitarian situation remained severe: 3.6 million people were severely food insecure by the year's end, the highest ever during harvest time. Aid workers continued to report significant difficulties in gaining access to affected areas, both due to the security situation and government impediments. According to the UN, in November alone, aid workers faced 100 separate incidents where access to communities was restricted, the highest since June 2015. Meanwhile, following the July violence, many UN, NGO and diplomatic mission staff were evacuated from South Sudan, though most did later return. The government has also become more hostile to international NGOs. In November/December, 4 INGO staff were deported, including the Country Director of Norwegian Refugee Council and another senior staff member. No reasons were given for the deportation. Many other NGOs have been targeted and harassed or detained by the South Sudan authorities. South Sudan remains one of the most dangerous countries in the world for humanitarians. South Sudan also passed an unwelcome landmark during the past 6 months by now having over 1.3 million refugees in neighbouring countries, Uganda alone taking 400,000 since July.

The United Nations Mission in the Republic of South Sudan (UNMISS) mandate was successfully renewed in December and includes the gathering of evidence of human rights abuses. However, UNMISS continues to operate in a severely constrained environment. SPLA and opposition forces continued to hinder UNMISS' freedom of movement, particularly in areas where military operations are being conducted. A specific example is the Equatorian town of Yei, where UNMISS peacekeepers and human rights officials were repeatedly denied access whilst the government and opposition forces fought for control. A Human Rights Watch report in November described serious abuses and violations conducted by both sides during the Yei fighting.

Press freedom remains a concern with South Sudan ranked 140 out of 180 countries in the latest World Press Freedom Index. It is likely to fall further in 2017. Media organisations have been closed down and journalists detained or subject to harassment and intimidation. Incidents of arbitrary and proxy detentions, many of them prolonged and in unacceptable conditions, were reported, especially in the capital, Juba. Amnesty International reported that James Gatdet, the spokesperson for the SPLM-IO, was arrested by Kenyan authorities at his residence in Nairobi on 2 November and forcibly deported to Juba, where he was arrested and detained by the South Sudanese authorities. According to Amnesty, as Gatdet was a refugee his deportation from Kenya violated the international law principle of non-refoulement. A total of at least 32 men arrested during different times since January 2014 remained in arbitrary detention in the National Security Service (NSS) prison, including Gatdet. Most are accused of having some affiliation with the Machar's opposition group (SPLM/A-IO), but none has been charged with any offence. Many more political prisoners and journalists remain in custody without charge. The UK has consistently raised our concerns with the government.

The recruitment and abuse of children accounted for the majority of verified human rights incidents. According to UNICEF, 16,000 child soldiers have been recruited by all sides since civil war began in December 2013. All parties to the conflict have failed to deliver on their public commitments to hold perpetrators of human rights abuses and violations to account. The UK will continue to press for justice mechanisms, in particular the Hybrid Court for South Sudan, to be established as soon as possible to ensure that perpetrators of abuses are held to account.