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The first year of South Sudan's independence, declared on July 9, 2011, was marred by intense inter-communal fighting in Jonglei state, deteriorating relations with Sudan amid ongoing conflicts along their shared border, and the economic consequences of South Sudan's decision to shut down oil production.

The government took steps to develop its legal and institutional structure but has yet to ratify major human rights treaties, despite repeatedly saying it would do so. South Sudan is struggling to protect civilians from violence and human rights abuses – including abuses by its own security forces, especially while carrying out disarmament operations. Across the country, lack of capacity and inadequate training of police, prosecutors, and judges have resulted in numerous human rights violations in law enforcement and administering justice.

Legislative Developments

The National Legislative Assembly enacted several new laws, including a Political Parties Act and Elections Act, but has yet to pass laws governing the media and the National Security Service, including defining the security service's powers of arrest and detention.

The assembly also passed an austerity budget – significantly cutting operating costs and basic services – to mitigate the economic consequences of the February oil shutdown, which included inflation, fuel shortages, and price increases.

The National Constitutional Review Commission, appointed in November 2011, stalled over disagreements about political party and civil society representation. The transitional constitution, which entered into force on July 9, 2011, will remain in effect until a permanent constitution is adopted following national elections in 2015.

South Sudan has yet to formally ratify key international human rights treaties. In June, the president signed a Refugee Provisional Order containing international standards on refugee rights, and in July, the country acceded to the 1949 Geneva Conventions and their Additional Protocols.

North-South Tensions, Border Conflicts

Tensions between Sudan and South Sudan over unresolved post-secession issues increased steadily throughout 2011 and early 2012, exacerbated by South Sudan's decision to shut down oil production in February, followed by armed clashes between the two countries' armed forces at Heglig oil fields in April.

The African Union, Peace and Security Council, and the United Nations Security Council responded by adopting a roadmap for the two governments to cease hostilities, resume negotiations, and reach agreements by certain deadlines, or face penalties. In September, the two governments agreed to resume oil production and trade, among other things, but failed to agree on the final status of Abyei, a disputed border area claimed by both countries.

Clashes between northern and southern forces in Abyei in May 2011 displaced tens of thousands of civilians from the area, most of whom have yet to return.

The AU and UN roadmap also required Sudan and the Sudanese armed rebel group, the Sudan People's Liberation Army-North (SPLA-N), to stop fighting in Southern Kordofan and Blue Nile states. The conflicts, which began in June 2011, have caused massive displacement of more than 170,000 civilians to refugee camps in South Sudan's Unity and Upper Nile states.

Inter-Communal Violence

Retaliatory attacks between Lou Nuer and Murle ethnic groups in Jonglei state escalated into large-scale conflict in late December 2011, when more than 6,000 Lou Nuer armed youth attacked Murle communities. According to UN investigations, more than 800 people of both ethnicities were killed between December 2011 and February 2012. Women and children were abducted and property was looted and destroyed.

The South Sudanese military and UN peacekeepers stationed in the area had only limited success in protecting civilians from the mass violence, and were unable to prevent the attacks from spreading. The government launched a statewide peace process and a civilian disarmament campaign in March 2012.

Lack of accountability for the crimes is widely believed to contribute to the cycle of retaliatory violence. President Salva Kiir established an Investigation Committee with a mandate to investigate those responsible for the violence, but at this writing, the government has not released funds for the committee or sworn in its members.

Abuses by Security Forces

During the Jonglei disarmament operation, "Operation Restore Peace," which began in March 2012 and continued throughout the year, soldiers were responsible for extrajudicial killings, severe beatings, tying people up with rope, and submerging their heads in water to extract information about the location of weapons. Soldiers were also implicated in sexual violence against women and girls.

Although the military took some steps to address violations by soldiers, such as distributing the code of conduct to those involved in disarmament and deploying judge-advocates to bolster the military justice system, these steps were not sufficient to curb the abuses or hold soldiers accountable for human rights violations. The absence of civilian judicial personnel in Pibor also undermined efforts to ensure accountability.

South Sudanese security forces also detained and intimidated perceived critics and independent journalists. In February, security guards assaulted Mading Ngor, a radio journalist, while he was visiting the National Assembly in Juba. Police in Rumbek arrested and detained a radio host, Ayak Dhieu Apar, for two days over a radio call-in show perceived as critical of the police, while in Bentiu, the Sudan People's Liberation Army (SPLA) detained and questioned *Sudan Tribune*

journalist Bonifacio Taban Kuich for three days over an article he wrote about the grievances of widows of SPLA soldiers.

The National Security Service also arrested and detained without charge numerous individuals, including journalists, without legal basis to do so. In December 2011, national security officials in Juba detained the editor of *The Destiny* newspaper for almost two weeks and did not allow him access to a lawyer or to his family. In September, security officials in Juba arrested and detained for three days without charge a *Citizen* newspaper reporter.

Media advocates say in the absence of laws that regulate the media, editors and reporters are especially vulnerable to harassment, arbitrary arrest, and censorship by security forces.

Rebel and Militia Activity

In December 2011, the SPLA killed George Athor, leader of the rebel South Sudan Democratic Movement/Army (SSDM/A). In early 2012, the SPLA reappointed Peter Gadet, a former leader of the South Sudan Liberation Army (SSLA) who signed a ceasefire agreement in August, to a high ranking position as General. Hundreds of the two groups' former militia members have been integrated into the SPLA pursuant to the president's 2011 amnesty.

Other groups, however, have not accepted the amnesty, and have clashed with SPLA in Upper Nile state in April and in Jonglei state from August onward, displacing thousands of civilians. On multiple occasions since 2010, both rebel groups and SPLA soldiers have been responsible for serious human rights abuses, including unlawful killings, destruction of property, and mass civilian displacements.

High-profile opposition and rebel leaders remain in military detention. Former militia leader Gabriel Tanginye, who had signed a peace agreement with the government, and opposition politician Peter Sule, accused of recruiting militia in Western Equatoria, have been in SPLA custody for more than a year without being formally charged with crimes.

Administration of Justice

Weaknesses in the justice system give rise to serious human rights violations, such as prolonged periods of pre-trial detention and poor detention conditions. Children are often detained with adults, while persons with mental disabilities languish in prison without any legal basis for their detention and do not receive treatment. Lack of legal aid, including for people accused of serious crimes punishable by death, also contributes to due process violations. South Sudan retains the death penalty and carried out two executions in August. More than 230 prisoners are on death row. In November, human rights groups called on the government to place a moratorium on the death penalty.

Women and Children

Child marriage is widespread, and many women and girls are deprived of the right to choose a spouse and do not enter into marriage with their full and free consent. Almost half (48.1 percent) of girls aged 15 to 19 years are currently married, out of which 17 percent were married before age 15. Women and girls are subjected to other practices that violate human rights law – such as wife-inheritance and the use of girls to pay debts – and also face the risk of domestic violence. They have few rights in marriage; for example, they do not have the right to own and inherit property. Domestic disputes are resolved by traditional courts that often apply discriminatory customs against women.

South Sudan signed a new action plan with the UN in March 2012 to end its use of child soldiers. It also issued military orders for the release of all children from the SPLA and allowed UN

verification visits to SPLA barracks and training centers. In June, the UN reported that more than 150 children were found in SPLA barracks.

Key International Actors

The UN Security Council renewed the mandate of the UN Mission in South Sudan (UNMISS), with peacekeepers and civilian staff deployed in all 10 states. The mission continued to support the UN Interim Security Force for Abyei (UNIS-FA), established in June 2011 to monitor troop redeployments, facilitate humanitarian aid, and protect civilians from imminent threat, among other tasks.

The AU's High-Level Implementation Panel continued to play a key role in facilitating negotiations between South Sudan and Sudan, particularly after conflict between them in April. The outstanding post-secession issues, addressed in September, included oil production arrangements, the status of Abyei, demarcation of the border, and citizenship.

The UN Human Rights Council (HRC) again requested that the UN high commissioner for human rights present a report on the human rights situation in the country. In October, South Sudan expelled, without warning or explanation, a senior UN human rights staff. Both the Office of the High Commissioner for Human Rights (OHCHR) and the UN peacekeeping mission denounced the expulsion.

In October, United States President Barack Obama waived the application of the Child Soldiers Prevention Act to South Sudan, citing US national interests. The law prohibits several categories of US military assistance to governments using child soldiers.

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