

Advance Unedited Version

Distr.: General
19 September 2014

Original: English

**Human Rights Council
Twenty-seventh session**

Agenda items 2 and 10

**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General****Technical assistance and capacity-building****Report of the United Nations High Commissioner
for Human Rights on the situation of human
rights in South Sudan***Summary*

The present report is submitted in accordance with resolution 26/31, in which the Human Rights Council decided to convene, at its twenty seventh session, a panel discussion on the human rights situation in South Sudan, and requested the United Nations High Commissioner for Human Rights to submit an interim report on the human rights situation in South Sudan for the discussion of the panel.

This report was prepared in cooperation with the United Nations Mission in South Sudan (UNMISS). It covers the period from 8 May to 8 August 2014. At the Council's twenty-sixth session in June 2014, the High Commissioner transmitted a report by UNMISS on the situation of human rights in South Sudan since the outbreak of conflict on 15 December 2013 until the end of April 2014.

During the reporting period, the scale and severity of reported violations and abuses of human rights and violations of international humanitarian law declined compared to the first months of the conflict. However, civilians continued to bear the brunt of the ongoing armed conflict and of their leaders' failure to stop the fighting. The numbers of civilians displaced across and from South Sudan continued to rise, with no likelihood that people would return to their homes soon. The humanitarian situation further deteriorated, with the country experiencing extreme food insecurity and facing a possible famine. On 6 August 2014, the United Nations declared that the scale of humanitarian operations in South Sudan was the largest of any country.¹

Notwithstanding the relative lull in large-scale hostilities, UNMISS has continued to receive reports of killings and wounding of civilians by all parties to the armed conflict and other armed groups. Incidents of conflict-related sexual violence also continued to be reported, not only in the context of the hostilities but also in cyclical inter-communal clashes. The Government and the Sudan People's Liberation Movement/Army in Opposition (SPLM/A-IO) have continued to mobilize forces and amass weapons in an effort to consolidate their respective power bases. They have also continued to undermine the conditions for the protection of civilians and the life-saving work of humanitarian agencies and UNMISS.

¹ See Reuters – UN deputy peacekeeping chief briefing to the UN Security Council
<http://uk.reuters.com/article/2014/08/06/uk-southsudan-un-aid-idUKKBN0G62E720140806>

The human rights situation further deteriorated, particularly the right to freedom of expression, with incidents of harassment of civil society, detention of journalists, confiscation of newspapers, censorship of political news programming and closure of radio stations. The country continued to face serious challenges in the administration of justice, notably with regards to arbitrary arrests, prolonged pre-trial detention and lack of fair trial guarantees. These challenges have been exacerbated by the conflict as a result of capacity deficits and the lack of resources to process cases through the statutory criminal justice system. Allegations of torture and ill-treatment in custody continued to be received.

Accountability for human rights abuses committed since the outbreak of violence in mid-December 2013 remained of great concern, with little or no progress registered. Despite the establishment of several investigation committees and numerous pronouncements by both parties to the conflict that perpetrators would be held to account for conflict-related human rights abuses and violations, as well as serious violations of international humanitarian law, no concrete steps have been taken by either the Government or the SPLM/A-IO to indicate that they had begun to seriously pursue justice and redress for victims.

Contents

	<i>Paragraphs</i>	<i>Page</i>
I. Introduction		4
A. Mandate	1 – 5	4
II. Context and Developments	6 – 21	5 – 7
III. Overview of Human Rights and Humanitarian Law Violations	22 – 75	7 – 15
A. Extra-Judicial Killings	22 – 34	7 – 9
B. Conflict-Related Sexual Violence.....	35 – 41	9 – 10
C. Children and Armed Conflict	42 – 43	10 – 11
D. Administration of Justice	44 – 62	11 – 13
E. Freedom of expression.....	63 – 70	14 – 15
IV. Accountability	71 – 75	15
V. Conclusion	76 – 77	16
VI. Recommendations	78 – 92	16 – 18

I. Introduction

A. Mandate

1. This report is submitted pursuant to Human Rights Council resolution 26/31 of June 2014 and has been prepared in cooperation with the United Nations Mission in South Sudan (UNMISS). It presents an overview of the human rights situation in South Sudan since the release of the last UNMISS public report, *Conflict in South Sudan: A Human Rights Report*, which was presented to the Council during its twenty-sixth session in June 2014.

2. In resolution 26/31, the Human Rights Council expressed its deep concern at the human rights situation in South Sudan and at reports of atrocities committed since the outbreak of violence on 15 December 2013, including the targeted killing of civilians and mass displacements, and allegations of unlawful recruitment and use of child soldiers, widespread incidents of arbitrary arrest and detention, and sexual violence. The Council thereafter decided to convene a panel discussion on the human rights situation in South Sudan at its twenty-seventh session, and requested the United Nations High Commissioner for Human Rights to submit an interim report on the human rights situation in South Sudan for the discussion at the panel. It also requested the High Commissioner to invite to the panel discussion the Government of the Republic of South Sudan, the Chairperson of the African Union Commission of Inquiry on South Sudan (AUCISS), the Chairperson of the Inter-Governmental Authority on Development (IGAD) Mediation Team on South Sudan, the Special Representative of the Secretary-General for the United Nations Mission in South Sudan (UNMISS) and the Chairperson of the Human Rights Commission of South Sudan.

3. The present report outlines some of the allegations of human rights abuses and serious violations of international humanitarian law received by the UNMISS Human Rights Division (HRD) between May and August 2014, and provides an analysis of the human rights trends in that period. Some specific allegations are highlighted with a focus on extrajudicial killings, conflict-related sexual violence, children and armed conflict, the administration of justice, and freedom of expression.

4. The UNMISS HRD documents and investigates allegations of human rights violations and abuses and serious violations of international humanitarian law across all ten states of South Sudan, based on a human rights monitoring and investigations methodology developed by the United Nations Office of the High Commissioner for Human Rights (OHCHR). In the course of its work, the UNMISS HRD has encountered security and logistical challenges that have prevented the full verification of all the allegations it has received. However, the violations reported here illustrate the state of the human rights situation in South Sudan, which remains alarming.

5. The very limited progress with respect to accountability for human rights violations and abuses as well as violations of international humanitarian law remains a cause for concern. Nine months into the conflict in South Sudan, national efforts to hold perpetrators to account have been weak to non-existent, raising the spectre of a continuous cycle of violence and revenge.

II. Context and Developments

6. During the reporting period, there has been strong international pressure to end the violence and associated human rights violations and abuses in South Sudan. At the end of April 2014, the United Nations High Commissioner for Human Rights and the Special Advisor to the Secretary-General on the Prevention of Genocide visited South Sudan and met with both parties to the conflict. They briefed the Security Council on 2 May 2014 about their visit. This was followed by a visit of the United Nations Secretary-General on 6 May 2014. Also on 6 May 2014, the United States imposed targeted sanctions on two individuals, one associated with the Sudan People's Liberation Army (SPLA) and the other associated with the SPLM/A-IO.

7. In early May 2014, the prospect of a political solution to the conflict was raised. On 5 May, under the auspices of the Intergovernmental Authority on Development (IGAD), the Government of the Republic of South Sudan (Government) and the SPLM/A-IO signed an agreement recommitting them to the *Cessation of Hostilities Agreement* signed on 23 January 2014. On 9 May, President Kiir and Mr Riek Machar, the leader of the SPLM/A-IO, signed an *Agreement to Resolve the Crisis in South Sudan*, pursuant to which they pledged to fully implement the *Cessation of Hostilities Agreement* and facilitate the deployment of the IGAD Monitoring and Verification Mechanism.

8. On 10 June, President Kiir and Mr. Machar met on the margins of an IGAD Heads of State Summit in Addis Ababa and committed to complete negotiations on transitional arrangements within a 60-day period. The deadline for the completion of these negotiations expired on 10 August without the formation of a Transitional Government of National Unity, although the President later announced that he could offer Mr. Machar the position of Second Vice-President as long as he remained President.

9. In June, calls for a federal system of governance increased, creating additional tensions. While the Equatorian Governors and many in the Greater Upper Nile region voiced support for federalism, there was strong opposition to the idea in Northern Bahr el Ghazal and Warrap States. While this political debate reportedly led to tensions between the Equatorian and Dinka communities in particular, reporting on these alleged tensions may also have been part of deliberate misinformation intended to create such a split. As discussed in paragraph 64 of the report public debate on the federalism issue has been largely censored, further stifling freedom of expression.

10. In a notable development, President Kiir decreed on 24 July 2014 the establishment of the autonomous Greater Pibor Administrative Area (GPAA) in the state of Jonglei, as stipulated in the 9 May 2014 agreement between the Government and the South Sudan Democratic Movement/Defence Army (SSDM/A-Cobra Faction), a rebel group that has been fighting the government since independence for a separate state for the Greater Pibor area. David Yau Yau, the leader of the SSDM/A-Cobra was appointed Chief Administrator by presidential decree on 30 July 2014. After these announcements, the situations in Pibor, Gumuruk, Boma and Pochalla remained generally calm. The details of the peace agreement remain to be clarified.

11. With respect to the conflict itself, two aspects were notable during the reporting period. First, while skirmishes continued, major military confrontations diminished. Nonetheless, the parties resupplied their forces and consolidated their positions, with indications of preparation for possible attacks. Information suggested an increase in militarization, with reports of mobilization, including the recruitment and arming of youth including children. Second, the conflict widened to previously largely-affected States, notably Northern and Western Bahr el Ghazal.

12. *Unity State* continued to be a cause for particular concern. After being under SPLM/A-IO control since 15 April 2014, Bentiu was attacked and taken over by the SPLA on 4 May 2014. The following morning, the SPLM/A-IO attacked in retaliation and took control of Bentiu and Rubkona. On 8 May 2014, the SPLA and elements reportedly belonging to the Justice and Equality Movement (JEM), an armed group from the Republic of the Sudan, regained control of Bentiu and Rubkona. After the fighting subsided, UNMISS patrols observed that several sites – including compounds belonging to UNICEF and an international non-governmental organisation (INGO), the University, and a primary school – were occupied by the SPLA, the Justice and Equality Movement (JEM), a Darfur rebel group, or the South Sudan Liberation Army (SSLA), a rebel group based largely in the north of the country. UNMISS also observed JEM and SSLA forces looting medical supplies at the Bentiu Hospital.

13. In *Upper Nile State*, the first half of May 2014 saw fighting around Nassir, Melut, and Renk, which came under SPLA control on 5 May 2014. By the end of June 2014, some activity had resumed in Malakal town, as some people returned and some market stalls reopened. The South Sudan National Police Service (SSNPS) also established a small presence in town and erected a police post in the market close to the UNMISS compound. Fighting around Nassir continued, and to a lesser extent in Renk.

14. In *Jonglei State*, low-level fighting continued in the northern and eastern counties. In the first half of May 2014, fighting continued in Twic East, Duk and Ayod Counties, with fluid front lines. In the first week of June, approximately 1,000 SPLA soldiers defected from the Gadiang military base, reportedly due to unpaid salaries, and allegedly began walking to SPLA Headquarters in Aweil, Northern Bahr el Ghazal State. While the situation in the state capital Bor remained calm, the security situation in Ayod and Duk counties remained a concern. IGAD's monitoring and verification mechanism teams confirmed several reports of clashes in Ayod which allegedly resulted in heavy SPLM/A-IO casualties. The area remains under SPLA control.

15. In the capital of Juba, *Central Equatoria State*, the situation has been largely stable. Tensions remained, however, particularly as a result of discussions about federalism in June and July 2014. Rumours circulated that the relationship between the President and Equatorians was deteriorating, notably following the claim that Equatorians serving in the SPLA and the SSNPS had been disarmed. UNMISS confirmed that 194 Equatorians belonging to the Presidential Guard also known as the Tiger Battalion had been disarmed on 27 June 2014, with some subsequently returning to a training camp in Morobo.

16. While the other States of South Sudan were initially somewhat insulated from the conflict, the impact has been increasing. Late June and early July 2014 have brought several worrying developments that may indicate a slow westward spread.

17. For instance, in *Western Bahr el Ghazal State*, the human rights situation deteriorated. Nuer soldiers defected from the SPLA Fifth Division after armed clashes between Dinka and Nuer SPLA soldiers in Mapel, on 25 April 2014, and in Wau Town, on 27 April 2014. Following the fighting, about 650 civilians sought protection at the UNMISS compound in Wau. At the end of June 2014, SPLA soldiers and Auxiliary Police (AP) were sent to find the defected Nuer SPLA soldiers who were reported to be hiding in the bush in Wau County. This led to the increased militarization of Wau as well as reports of human rights violations and abuses of human rights by the SPLA, AP and the deserters. UNMISS interviews and site visits suggest that thousands of civilians were displaced and that the SPLA, AP and defected soldiers perpetrated sexual violence; harassed, threatened, arbitrarily detained, and attacked civilians; and looted. During a site visit to Farajallah on 7 July 2014, UNMISS observed that schools, a health centre, and homes were occupied by Government forces. Further fighting reportedly occurred between the SPLA and the defected Nuer forces south of Wau at the end of June 2014.

18. In *Warrap State*, a first major clash occurred on 2 July 2014, when SPLM/A-IO forces attacked Mayen Jur boma in Gogrial East County. Eight people, including two civilians and six soldiers, were reportedly killed. A local official reported massive displacement, with people leaving their homes and fields to flee insecurity.

19. In *Western Equatoria State*, SPLA soldiers and youth reportedly clashed on 3 July 2014 over the call for the Dinka to vacate Maridi town government buildings and for cattle keepers to leave the counties. Other reports indicated that the fight was due to debates about federalism. Two people were killed and one was injured. Following the incident, 147 people sought protection at the UNMISS County Support Base. The security situation stabilized quickly and people who had fled to the bush returned to their homes. Three SPLA soldiers were arrested on 4 July 2014 in connection with the incident and detained at the SPLA barracks. A fourth SPLA soldier was arrested a few days later. All four have been charged with murder.

20. Since the conflict began on 15 December 2013, some 1.5 million people have been internally displaced within South Sudan and a reported 400,000 people have sought refuge in Ethiopia, Kenya, the Sudan and Uganda. Of further concern is food insecurity and a looming famine, caused by the protracted conflict, which has prevented most of the population from planting their annual crops or fulfilling other food securing activities. Food insecurity is projected to affect more than four million people by the end of the year, according to UN sources.

21. In the wake of the crisis, UNMISS opened its gates to thousands of civilians who fled the violence and sought refuge in the Mission's bases. During the reporting period, the number of internally displaced persons (IDPs) seeking shelter in Protection of Civilian (PoC) sites within UNMISS compounds grew to over 100,000. This influx of civilians into UN premises was unprecedented and presented the Mission with unique challenges. For example, insecurity in UNMISS PoC sites became a major concern, as various types of violence and disorderly conduct negatively affected IDPs, humanitarian workers and UNMISS staff. As an interim solution, UNMISS resorted to the use of holding facilities in its PoC sites to separate IDPs who posed a threat from the general population. Given the absence of civilian justice institutions in Jonglei, Unity and Upper Nile States, some IDPs who allegedly committed crimes in PoC sites have been held for long periods since they cannot be handed over to the national criminal justice system. Further, the onset of the rainy season in April 2014 caused health and sanitary conditions in the PoC sites to deteriorate significantly. UNMISS has been constructing new PoC sites with better facilities to address these concerns.

III. Overview of Alleged Human Rights Abuses and Violations of International Humanitarian Law

A. Extra-Judicial Killings

22. During the reporting period, UNMISS continued to receive reports of killings and wounding of civilians by parties to the conflict and other armed groups. The majority of reports of extra-judicial killings came from *Unity State*. As noted above, it was the most affected by the conflict in May and June 2014. Shortly after the SPLA regained control of Bentiu and Rubkona on 8 May 2014, UNMISS began receiving reports that civilians had been targeted and killed. Most of these reports were linked to the fighting, and likely only represent a fraction of the human rights violations and abuses that actually occur. An ethnic dimension to the abuses and violations persisted. For instance, witnesses reported that, on 10 May 2014, one man of Nuer origin was killed in front of his family in the Dere area of

Bentiu by a patrol composed mainly of SPLA soldiers speaking Dinka. Reportedly, other SPLA soldiers of Nuer origin who were in the area pursued the perpetrators and killed at least one of them. On 21 May 2014, UNMISS visited Dere, found the decomposing body of the civilian.

23. Also in Dere, the SPLA confirmed to UNMISS that Dinka SPLA soldiers had killed a boy on 11 May 2014. The soldiers reportedly accused the boy of spying, after he came to town from the bushes. This killing caused Nuer SPLA soldiers to kill a Dinka SPLA soldier in revenge. The SPLA subsequently managed to de-escalate the situation.

24. On 14 June 2014, a man was allegedly killed in Dere by two Nuer SPLA soldiers. The soldiers reportedly forced their way into a compound, demanding money from the occupants at gunpoint. The soldiers accused the victim of supporting the SPLM/A-IO, and shot him in the head after he stated that he was from Panyjar. UNMISS was informed that the two soldiers were arrested the night of the incident and transferred to SPLA 4th Division Headquarters.

25. Allegations of killings around the UNMISS PoC site in Rubkona were also received. For instance, on 3 June 2014, three Nuer civilians – two men and one 15-year old child – were detained by five Nuer SPLA soldiers as they were approaching the main gate of the site. The victims were reportedly ill-treated by these Nuer SPLA soldiers and taken in a pick-up truck about 400 metres from the PoC site with their hands tied. One of the men was shot and killed on the spot; UNMISS found and recovered his body on 4 June 2014. The other man was saved when the soldiers noticed another SPLA vehicle approaching and drove off with the remaining two victims, one adult man and one child, to the SPLA 4th Division Headquarters in Rubkona. There, the victims were detained for several hours and interrogated about their presence in front of the UNMISS compound. The child was released later the same day, while the other man was released on 8 June 2014, following advocacy by UNMISS.

26. UNMISS also received reports of killings occurring in several villages and counties of *Unity State* in the context of military operations, particularly in Rubkona, Mayom and Guit Counties. Such killings appear to have occurred on a wide scale, but the HRD has been unable to verify allegations received due to insecurity in these Counties. The HRD also received reports in early August 2014 that IDPs were being attacked after leaving the UNMISS PoC site in Rubkona in a bid to reach Sudan. For instance, the HRD was informed that one group of IDPs had been attacked on 2 August 2014 by unknown armed elements in the area between Lalob and the Unity oil field, located 50 km north of Rubkona. According to information received, at least six IDPs were reportedly killed during the attack.

27. Around 9 May 2014, about 63 civilians were reportedly killed by the SPLA in Dhorbor village, in Pakur Payam, Rubkona County. Reportedly, Nuer men and women were rounded up in Bentiu town and taken to Pakur, where they were either tied to trees or tied and forced to lie on the ground. They were all allegedly shot and killed on the orders of an SPLA commander.

28. Reportedly, in early June 2014, 21 civilians, including five children, were killed in cross-fire between SPLA soldiers and SPLM/A-IO elements during operations in Jazeera, Nyeng, Dorkan, Thong, and Thokiergang villages. Although some were killed in the cross-fire, others were allegedly deliberately targeted. In early June 2014, in Thong, SPLA elements reportedly killed two male civilians while raiding their cattle.

29. UNMISS received similar reports of killings of civilians in Riak Payam. According to reports, after the SPLM/A-IO took control of Bentiu on 15 April 2014, many SPLA soldiers scattered in different directions. One group of 11 soldiers (10 Dinka and 1 Nuer) reportedly arrived in Riak Payam and were shot dead by armed civilians. Following these

killings, SSLA forces allegedly carried out a military operation in the village around the end of April to early May 2014, demanding the guns of the killed soldiers. SSLA soldiers then allegedly killed two civilians and burned an unknown number of houses. Reports claim that the clan leader and other civilians were also arrested. It was alleged that a similar incident may have occurred in Wankai Payam around the same period.

30. In Kuach village, Guit County, five civilians from one family were reportedly killed by eight Dinka SPLA soldiers on 22 May 2014. Following this incident, Nuer SPLA soldiers were reportedly sent to arrest the alleged perpetrators, who refused to disarm. As a result, the latter were allegedly killed. In Nguan village, also in Guit County, information received suggests that SPLA soldiers on patrol in mid-May 2014 killed a Nuer civilian who refused to give them a cow. The victim was reportedly beaten to death with sticks after having his arms tied behind his back.

31. With respect to other areas of South Sudan, far fewer reports of extrajudicial killings of civilians were received during the reporting period. However, given that much of the fighting in this period occurred outside major population centres, and in light of related access and security constraints, it is difficult to conclude that only few killings actually occurred.

32. In Maban County of *Upper Nile State*, five humanitarian workers were killed between 1 and 7 August 2014 in and around Bunj, reportedly by a local armed group known as the Maban Defence Force. The group allegedly targeted Nuer civilians in retaliation for casualties suffered during fighting with defected SPLA soldiers moving toward SPLM/A-IO controlled areas in Longochuk County.

33. In *Jonglei State*, for instance, one extrajudicial killing of a civilian was reported in Bor town during the period under review. Reportedly, on the morning of 30 April 2014, two Nuer IDPs voluntarily left the UNMISS site in the company of two Dinka friends. The four men were stopped at an SSNPS checkpoint where the two Nuers were detained, and taken to the barracks of the Auxiliary Police. The men were later taken out, reportedly to be executed. One was shot to death while the other was injured but managed to escape. In early May 2014, UNMISS attempted to interview two individuals with information on the case, but the individuals were intercepted and arrested by the SSNPS while on their way to the UNMISS compound. They were reportedly released from SSNPS detention, but the HRD has not been able to verify their whereabouts.

34. UNMISS has also investigated reports of combatants detained, *hors de combat*, in the barracks of opposing forces; in two such cases, the detention allegedly resulted in extrajudicial executions. With respect to the first case, over 40 Dinka soldiers were reportedly detained in SPLM/A-IO barracks in Akobo, from December 2013 to April 2014. Upon news of the attack on the UNMISS Bor compound that killed nearly 50 Nuer IDPs, the SPLM/A-IO allegedly decided to seek vengeance on these Dinka soldiers. Some escaped, while it is not yet confirmed how many were killed. With respect to the second case, 30 to 40 Nuer soldiers who were reportedly detained in the SPLA barracks in Pochalla were allegedly killed in the bush along the Oboth River in early May 2014. Local authorities and the SPLA have denied the allegations, which UNMISS has not yet been able to verify. The motive for the alleged killings remains unclear.

B. Conflict-Related Sexual Violence

35. During the reporting period, reports of sexual violence, including rapes and gang rapes, continued to be received from most states in South Sudan. However, given the current context, it has been particularly difficult to assess the prevalence of sexual violence and verify reported incidents. The absence of Government officials and services, coupled

with limited access to areas affected by the conflict, constituted major obstacles to the monitoring of conflict-related sexual violence.

36. In general, information received indicates that the heavy presence of armed personnel posed a grave risk to the security of women and girls, especially in terms of sexual harassment and assault. For instance, in *Jonglei State*, reports suggested that the greatest risk occurred between 18h00 and 20h00, when women returned home from work and soldiers' alcohol consumption often increased. Incidents also occurred inside and in close proximity to UNMISS PoC sites, including the targeting of female IDPs who left the sites to gather food, firewood and other necessities. Such acts were allegedly perpetrated by all parties to the conflict, as well as by civilians.

37. *Unity State* continued to be gravely affected by sexual violence. For instance, on 26 May 2014, three women were allegedly raped by SPLA soldiers after leaving the UNMISS PoC site to scavenge abandoned houses for food and cooking pots. The women were approached by a group of approximately 30 SPLA soldiers who threatened to shoot if they ran. The women were taken to a nearby primary school, where they were gang raped.

38. On 11 June 2014, UNMISS received unconfirmed reports that women had been raped by Government forces and armed militia on the road from Leer to Mayom. On 14 June 2014, approximately seven SPLA soldiers stopped three women coming to the UNMISS PoC site, and threatened to kill them if they refused to have sex with them. The women were subsequently gang raped by groups of two to three soldiers.

39. In the UNMISS PoC site in Malakal, *Upper Nile State*, drunkenness, ethnic clashes, and insecurity increased the risk of sexual violence and had incidence on the effectiveness of safety mechanisms. Allegations were received that women had been raped by an unidentified group of young men on 18 May 2014. On 29 May 2014, two Nuer girls were reportedly attacked by an armed gang of youth; one girl was gang raped while the other managed to escape. Information received at the end of June 2014 suggests that some of the sexual violence occurring within the UNMISS PoC site may be ethnically targeted.

40. Incidents of sexual violence have also been reported outside Malakal town. One notable case is an allegation of a mass rape by SPLA soldiers in Mathiang, Longochuck County, on around 16 or 17 May 2014. Although the gathering of information continues, the UNMISS HRD has not been able to verify the incident due to continued insecurity and the concomitant absence of civilians in the area. UNMISS received similar reports of women being raped and abducted by SPLA soldiers during military operations in Ulang County, around 2 May 2014, and in Nasir County, on 4 May 2014. To date, two attempts to visit these areas had to be cancelled due to security constraints.

41. Incidents of conflict-related sexual violence also continued to be reported, not only in the context of the ongoing armed conflict but also in cyclical inter-communal clashes. For example, in an incident of particular concern in *Lakes State*, inter-clan violence following the killing of a paramount chief on 5 August 2014 reportedly led to multiple cases of rape, including gang-rape. The HRD's missions to the area confirmed that eight cases of rape, two involving children, had occurred in the days that followed the paramount chief's killing. One child died as a consequence of the sexual violence.

C. Children and Armed Conflict

42. During the reporting period, UNMISS continued to receive reports regarding violations perpetrated against children in the armed conflict. Since late July 2014, 55 incidents affecting 4,570 children (including 1,442 girls) were recorded. Of these, 37 incidents affecting 2,476 children were verified. Two incidents of torture during interrogation of children in Juba were also reported to UNMISS.

43. Following the June 2014 signing of the recommitment agreement for the implementation of the SPLA-United Nations revised action plan to end the recruitment and use of children and other grave violations against children, UNMISS and UNICEF supported the SPLA and relevant Government ministries to develop a work plan for the operationalisation of the agreement. On 18 July 2014, the UN submitted to the President's Office a list of 33 schools reported to be used for military purposes by the SPLA, with targeted advocacy urging for these schools to be vacated. Eight schools were subsequently vacated in July 2014. However, 31 schools were still being used for military purposes, with new incidents reported.

D. Administration of Justice

44. Prior to the conflict, South Sudan faced numerous challenges in the administration of justice, notably with regard to fair trial guarantees, juvenile justice, arbitrary detention, lack of access to legal counsel, courts and legal aid, and the uncertain jurisdiction of customary courts. These challenges have been exacerbated by the conflict, primarily due to capacity deficits caused by the absence of human resources. In Bor, *Jonglei State*, for example, judicial and other law enforcement officials fled the fighting in December 2013 and were absent for many months; as at the date of writing, judges had not returned to Bor to resume their functions. In Malakal, *Upper Nile State*, the SSNPS re-established a police post in Malakal town in early May 2014, and one near the UNMISS base in early June 2014, after months of absence that created a serious legal and protection vacuum. Even so, the SSNSP remained barely functional, with very few personnel.

45. Since the onset of the conflict, the UNMISS continued to monitor detention centres, where possible, throughout South Sudan. It observed serious and widespread cases of arbitrary arrests and detention and prolonged pre-trial detention, as well as instances of detention of civilians in military facilities.

Arbitrary arrest and detention

46. UNMISS continues to receive reports of arbitrary arrests and detentions, particularly in those States that have been most affected by the conflict. For instance, in *Unity State*, on the morning of 5 June 2014, SPLA soldiers beat and attempted to abduct a boy near the UNMISS PoC site. UNMISS intervened, triggering an aggressive response by the SPLA, which positioned its weapons in the direction of the UNMISS PoC site for several hours. That same day, six women were reportedly arrested by a group of about 15 SPLA soldiers and taken to a military base.

47. In another case, the UNMISS HRD received reports that seven women from the UNMISS site in Rubkona had been arbitrarily arrested on 22 July 2014 and detained at the Bentiu Central Police Station on the instructions of the State Security Advisor and the acting state Governor. The women were reportedly detained for spying for the SPLM/A-IO and engaging in prostitution, although they were never formally charged with any offence. Reports have alleged that the women are survivors of conflict-related sexual violence.

48. In *Central Equatoria State*, UNMISS received reports of arbitrary detention and ill-treatment of Nuers in Juba. For example, on 4 May 2014, a Nuer man returning to an UNMISS PoC site was stopped by armed SPLA soldiers. After learning that he was Nuer, five Dinka civilians and an SPLA soldier reportedly severely beat him. Subsequently, the victim was allegedly detained by SPLA military intelligence officers and taken to the SPLA HQ in Giada, where he was interrogated about his links with opposition forces.

49. On 5 May 2014, a Nuer man was reportedly arrested by Dinka SPLA soldiers and taken to the SPLA barracks in Jebel Bongo, Juba. At the barracks, he was reportedly interrogated and beaten before being detained. On 6 May 2014, he was reportedly taken by

a group of ten Dinka SPLA soldiers in uniform to be executed. His hands were reportedly tied behind his back and his neck was tied with a rope. He began to vomit blood and passed out, later waking up in his cell. He spent three days there without food before being released by a high-ranking SPLA official he knew.

50. In *Upper Nile State*, UNMISS received one report that a Nuer man had been arrested by SPLA soldiers on 2 June 2014 while he was returning to the UNMISS PoC site in Malakal from the airport. The victim was reportedly locked in a container for three hours before being rescued by Government officials who had been informed of the incident.

Prolonged Detention

51. Prolonged pre-trial detention has been a widespread problem in South Sudan due to the lack of resources that would be required to process cases efficiently and effectively through the statutory criminal justice system. Law enforcement capacities have been severely undermined in the States that have been most affected by the conflict, notably due to the absence of representatives of the judiciary in many locations. For example, in *Unity State*, local Government representatives left Bentiu following the attacks by the SPLM/A-IO on 15 April 2014, and the majority have not returned, with the exception of the Deputy Governor and a few Ministers in June 2014. Given such absences, customary courts have stepped in to handle cases that go beyond their jurisdiction. This has raised a number of concerns since such proceedings may not meet international standards and adequately protect the rights of victims and alleged suspects.

52. In *Unity State* as well, an UNMISS field mission to Pariang on 19 June 2014 found that the majority of the detainees at the police station had been held without review since February 2014 due to the absence of representatives of the judiciary in Bentiu who used to visit Pariang on a regular basis. The Deputy Police Commissioner reported that he had asked that judges be deployed from Juba. It is unknown if these judges have arrived.

53. In *Upper Nile State*, several cases of prolonged pre-trial detention were reported in Malakal town as a result of the absence of judicial actors for most of May and June 2014.

54. In *Jonglei State*, the absence of functioning statutory courts continued to present a major obstacle to due process. In all Government-controlled areas, the absence of representatives of the judiciary resulted in prolonged pre-trial detention as well as customary courts acting beyond their jurisdiction. For example, an UNMISS monitoring mission to the Pibor Central Prison on 18 June 2014 found that all four cases of prolonged pre-trial detention were caused by the failure of complainants to appear before the customary courts, which were handling murder cases. Less was known about the state of the judicial system in areas held by opposition forces. However, during monitoring missions, the HRD observed that traditional and/or statutory justice systems were functioning in Akobo and Lankien, although shortcomings were noted with respect to the treatment of detainees.

55. In *Central Equatoria State*, routine monitoring of police stations in Juba by the UNMISS HRD suggested that prolonged pre-trial detention was widespread. For example, on 2 May 2014, a visit to the Eastern Police Division found that detainees had been held between four and 22 days without a court appearance, reportedly due to the fact that the public prosecutor was present only twice a month. On a positive note, a regular monitoring visit to the same division on 25 June 2014 found that cases of prolonged pre-trial detention had significantly decreased due to the deployment of two new public prosecutors on 15 June 2014. However, regular monitoring of police stations in Juba in July and August 2014 indicated that prolonged pre-trial detention remained prevalent, including at the Eastern Police Division.

56. Prolonged pre-trial and arbitrary detention continued to be a major challenge in *Northern Bahr el Ghazal State*. For instance, in early May 2014, UNMISS followed up on two individuals who had been in SSNPS custody since 9 April 2014 in connection with the drowning of a man in the Alok River, Aweil South County. The suspects were detained for 16 days before being transferred to the Aweil Central Prison on 29 April 2014, reportedly, due to lack of transportation to the alleged incident site.

57. In *Western Bahr el Ghazal State*, UNMISS noted cases of prolonged pre-trial detention in the Wau Central police station, the Muktah police station, the Jau Market Police Station, and the Dongxing Police Station. In a positive development, on 28 May 2014, the State Police Commissioner ordered that all police stations in Wau should grant access to UNMISS, which was twice denied access to detainees at the Muktah Police Station in May 2014. In another positive development, UNMISS was informed that after months of advocacy, a judge from Wau had arrived in Raja Town on 13 June 2014 to hear the cases of all seven men on remand at Raja Prison, some for up to four years.

58. In *Western Equatoria State*, UNMISS monitored the main detention facilities in Yambio, Tambura, Nzara, Ezo, and Maridi, which had an average of about 20 cases of prolonged pre-trial detention per week. In early May 2014, UNMISS observed that prolonged detention was on the rise, with most cases occurring at the Yambio Central Station due to the absence of a high court judge. Overall, prolonged pre-trial detention in the state was also attributed to the lack of morale of investigators and police due to unpaid salaries, as well as the absence of social workers to address cases of children in conflict with the law.

59. In *Eastern Equatoria State*, the relatively calm security situation allowed UNMISS to regularly monitor prolonged detention in Torit, Kapoeta, Nimule and Magwi. In Kapoeta, the long absence of a public prosecutor resulted in prolonged detention, with some detainees held for over a month without being reviewed. The limited number of representatives of the judiciary, namely the absence of a high court judge, also contributed to prolonged pre-trial detention, especially at the Boma and Payam levels.

Detention of civilians in military facilities

60. During the reporting period, civilians continued to be detained in military facilities, primarily in *Lakes State*. In a positive development in May 2014, UNMISS was informed that seven individuals had been released on bail after being transferred to the Rumbek Central Prison from the Langchok military barracks in January 2014. These cases had been handed to the prosecutor by the State Governor in February 2014, following prolonged and arbitrary detention in the military detention facility, in some cases for up to 11 months. During this time, prosecutors had neither the access nor the authority to investigate these cases, which are currently pending hearing by the Special Court.

61. The UNMISS HRD continued to monitor military facilities, notably the Baburzeid Military Prison in Yirol West, Lakes State, where civilians have been detained. One case involved a local individual contractor working with UNMISS who was held at Baburzeid from 20 May to 14 June 2014 after being arrested on the orders of the County Commissioner of Yirol West. During his detention, the HRD was denied access to him and the SSNPS was not allowed to investigate his case. In a positive development on 13 June 2014, the Governor's state security adviser committed to conducting a joint visit with UNMISS to the Baburzeid Military Prison. At the time of writing, however, this joint visit has not yet taken place.

62. In Nimule, *Eastern Equatoria State*, a confrontation between two young men and an SPLA soldier, on 29 May 2014, prompted a general fight and the arrest of an unknown number of civilians, who were reportedly detained at the SPLA barracks in Nimule.

E. Freedom of Expression

63. The Transitional Constitution of South Sudan provides for the protection and promotion of freedom of expression and access to information, as well as freedom of the press. However, the reporting period saw a steep deterioration in the respect for the right to freedom of expression with incidents of detention of journalists, confiscation of newspapers, censorship of political news programming and closure of radio stations.

64. In June and July 2014, discussions about federalism raised tensions significantly and resulted in media censorship. On 30 June 2014, the National Security Services (NSS) confiscated copies of the *Al-Maugif* daily newspaper, reportedly for publishing an article on federalism. The newspaper, which was formerly known as *Al Maseir*, had shut its doors on 10 June 2014, with conflicting reports that this was due to administrative differences among shareholders regarding the distribution of profits or to political interference related to the presence of a shareholder who had joined the SPLM/A-IO in December 2013.

65. On 2 July 2014, NSS agents in civilian clothing confiscated all copies of the *Juba Monitor* newspaper, telling the editor that there was a problem with an article on federalism and that the paper would be shut down if he published further articles on this subject.

66. Individual reporters have also been targeted. On 4 July 2014, the Association of Media Development in South Sudan (AMDISS) reported that four journalists working for the *Juba Monitor*, *The Citizen*, *The Patriot* and *Bakhita Radio* had reported receiving anonymous calls and text messages warning them not to publish items on federalism. Responding to the crack-down, AMDISS wrote to the Minister of Information and Broadcasting, requesting clarification on what it termed 'censorship on the federal debate'. In a letter dated 2 July 2014, the Ministry of Information and Broadcasting refuted any claims that it had issued a directive to censor the debate or the publication of articles on federalism or any other issues of public interest. The letter also confirmed the Government's commitment to respect and abide by the provision of Article 24 of the Transitional Constitution of South Sudan.

67. On 4 July 2014, the Community Empowerment for Progress Organization (CEPO) and the South Sudan Human Rights Commission (SSHRC) issued press releases urging all parties to the conflict to allow citizens to express their opinions freely. Despite these pleas, all 3,000 copies of the Juba newspaper *The Citizen* were confiscated on 7 July 2014 by the NSS. According to the editor-in-chief, the papers were confiscated because he had refused to go to NSS Headquarters on 5 July 2014 after being summoned there about that day's edition, which had contained items on federalism.

68. Although most incidents involving freedom of expression and information occurred in Juba, a few were reported in *Northern Bahr el Ghazal State*. On 26 July 2014, Weerbei Radio FM, a station in Aweil, was shut down by the state caretaker governor after it broadcast a recorded interview on 25 July on attacks by Nuer SPLA deserters on a village in Aweil North. The station was reopened on 31 July 2014, although the staff was verbally warned not to report on security matters. UNMISS also received reports that an arrest warrant had been issued against a journalist who had participated in the 25 July broadcast. The journalist, who had previously been harassed and threatened by state security agents for covering demonstrations by foreign traders in mid-June 2014, was forced into hiding for weeks.

69. In addition, the atmosphere of fear and repression against civil society organisations continued during the reporting period. On 29 May 2014, Government officials reportedly warned civil society groups in Juba not to speak against the Government or its interests in the context of the IGAD-led peace talks in Addis Ababa. Civil society leaders were also

reportedly requested to brief the Government on their presentations or hand over the papers they intended to present, which they refused to do.

70. In another disturbing development, the Acting Chairperson of the South Sudan Civil Society Alliance was shot and wounded by an unknown gunman in Juba, on 1 August 2014, two days before his scheduled departure to Addis Ababa to lead civil society organizations in the peace negotiations.

F. Accountability

71. During the reporting period, it appears that neither the Government nor the SPLM/A-IO took measures to bring alleged perpetrators to justice and provide for adequate remedies and redress for victims despite the establishment of several investigatory committees and numerous pronouncements by both sides that perpetrators would be held to account for conflict-related human rights abuses and serious violations of international humanitarian law.

72. On 4 July 2014, the Government announced that the Human Rights Investigation Committee that had been created in January 2014 by the President to investigate human rights abuses allegedly committed by security agents and opposition forces had begun its work. The Committee held public hearings in July 2014 in Juba, Bor, Malakal, and Bentiu to gather testimonies regarding killings, looting, and the destruction of property. Gathering evidence by means of public hearings may raise protection concerns and it is hoped that other methods are also used to more comprehensively collect sensitive information on whether human rights violations have occurred in South Sudan since the outbreak of conflict

73. UNMISS continued to engage with Government actors and security forces to monitor and advocate for accountability. For instance, following a wave of incidents in May 2014, UNMISS met with the *Unity State* Deputy Governor and the SPLA commander on 6 June 2014. The latter committed to investigate an incident that had occurred on 3 June 2014, during which three Nuer civilians were arbitrarily arrested and one killed. On 10 June 2014, in a letter to the Deputy Governor, the SPLA 4th Division Commander and SSLA commanders, UNMISS provided a list of alleged violations committed by the SPLA in the weeks prior to the 6 June meeting. The SPLA promised to investigate all the incidents. However, UNMISS is not aware of any concrete steps having been taken in these respects.

74. In spite of the lack of progress on nation-wide initiatives, UNMISS noted that some SPLA soldiers had reportedly been sanctioned in specific cases. For example, UNMISS was informed that one SPLA soldier had been arrested for allegedly killing a woman during a bar brawl in Ezo, Western Equatoria, on 2 August 2014, and that two other soldiers had been arrested and sentenced by a local court for rapes perpetrated in Upper Nile State in July and August 2014.

75. In contrast to the lack of progress on accountability at the national level, the reporting period saw a surge of visits by international actors to gather information on allegations of human rights violations and to pressure both sides to stop the fighting. The African Union Committee of Experts on the Rights and Welfare of the Child arrived in Juba on 4 August 2014 for an advocacy and assessment mission that concluded that children had been deliberately killed and abducted during the conflict. The African Union Commission of Inquiry on South Sudan (AUCISS) conducted two visits to South Sudan, from 27 May to 7 June and 20 July to 13 August 2014 in fulfilment of its mandate to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways of and means to ensure accountability, reconciliation and healing among all South Sudanese communities.

V. Conclusion

76. The human rights situation in South Sudan remained of serious concern during the reporting period. The ongoing fighting represented the biggest challenge to the enjoyment of human rights, with the majority of reported violations being perpetrated by the parties to the conflict in conflict-affected areas as well as those areas not affected by conflict. Gross human rights violations and abuses and serious violations of international humanitarian law continued to be reported. Meanwhile the conflict also manifested itself in other ways throughout the territory, such as restrictions on freedom of expression and the further deterioration of the administration of justice.

77. While the intensity of the fighting decreased somewhat during the reporting period, there were concerning signs that the conflict was spreading to previously-less affected States and therefore threatening an increasing numbers of civilians. Regrettably, as the conflict continues, neither the Government nor the SPLM/A-IO has demonstrated any real interest to investigate the widespread human rights violations and abuses as well as violations of international humanitarian law, and bring those responsible to justice. Various measures announced by the Government to hold perpetrators to account do not meet the minimum requirements of accountability under international law, reinforcing the importance of supporting international efforts aimed at investigating human rights violations and abuses.

VI. Recommendations

The High Commissioner makes the following recommendations:

To the Government of South Sudan:

78. Immediately cease fighting and all forms of violence, and refrain from committing human rights abuses and violations, violations of international humanitarian law and other international crimes, including extrajudicial killings, ethnically targeted violence, sexual and gender-based violence, rape, recruitment and use of children, enforced disappearances and arbitrary arrests and detention.

79. Comply with all agreements signed under the auspices of IGAD, including the January 2014 *Cessation of Hostilities Agreement* and the *Agreement to Resolve the Crisis in South Sudan* (9 May 2014), and fully commit to the Addis Ababa negotiation process including allowing the deployment and strengthening of the IGAD Monitoring and Verification Mechanism across all conflict-affected areas.

80. Ensure prompt, credible, transparent, independent, impartial and comprehensive investigations into allegations of violations of international humanitarian and human rights law, including alleged international crimes committed in Juba in the initial stages of the conflict in mid-December 2013 and the April attacks on civilians in Bentiu and Bor; ensure accountability for the perpetrators of such violations in accordance with international standards and provide adequate remedies and redress for the victims.

81. Cease activities impeding the rights to freedom of expression including the harassment and censorship of the media and civil society, summoning and detention of journalists, and issuing of orders regarding publications and seizure of newspapers.

82. Ensure that the African Union Commission of Inquiry (AUCISS) investigators are granted full freedom of movement in areas under government control and freedom to carry out their work without fear, harassment or intimidation

To the SPLM/A-IO and other armed actors

83. Immediately cease fighting and all forms of violence, and ensure that its forces do not commit human rights abuses and violations of international humanitarian law and other international crimes, including extrajudicial killings, ethnically targeted violence, sexual and gender-based violence, rape, recruitment and use of children, enforced disappearances and arbitrary arrests and detention.

84. Comply with all agreements signed under the auspices of IGAD, including the January 2014 *Cessation of Hostilities Agreement* and the *Agreement to Resolve the Crisis in South Sudan* (9 May 2014), and fully commit to the Addis Ababa negotiation process including allowing the deployment and strengthening of the IGAD Monitoring and Verification Mechanism in areas under their control

85. Commit to abide by international humanitarian law, including desisting from attacks on civilian, civilian objects and humanitarian facilities, ceasing indiscriminate and disproportionate attacks and ensuring the facilitation of humanitarian access to territories under their control

86. Facilitate the conduct of prompt investigations into allegations of serious violations of international humanitarian law and human rights abuses committed by commanders, combatants and affiliated militia forces including the unlawful killings of civilians in Bentiu in mid April 2014.

87. Ensure that the African Union Commission of Inquiry (AUCISS) investigators are granted full freedom of movement in areas under their control and freedom to carry out their work without fear, harassment or intimidation.

To the Intergovernmental Authority on Development (IGAD)

88. Expedite the mediation process and ensure that it takes into consideration the interests and viewpoints of all stakeholders, including those of civil society and in particular the rights and needs of the victims of human rights abuses and violations of international humanitarian law and other international crimes; ensure that any final peace agreement includes a commitment to address past violations, combat impunity and ensure accountability in accordance with international standards, and promote and protect human rights, as well as precludes the granting of amnesties for alleged perpetrators of international crimes and human rights violations.

To the African Union Commission of Inquiry on South Sudan

89. Expedite its work in the fulfilment of its mandate to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways of and means to ensure accountability, reconciliation and healing among all South Sudanese communities, and in doing so pay particular attention to the impact of the conflict on women, children and other vulnerable groups.

To the United Nations Mission in South Sudan

90. Under the parameters of its refocused mandate, ensure the effective protection of civilians under threat of physical violence and deter violence through regular and proactive patrols within its areas of deployment with specific attention for women, children and other vulnerable groups.

91. Continue to ensure regular and timely public reporting of the human rights situation in South Sudan as mandated by Security Council resolution 2155.

To the South Sudan Human Rights Commission

92. Carry out its constitutional mandate and promptly investigate allegations of violations of human rights and international humanitarian law and other abuses committed in the course of the conflict and make recommendations for holding perpetrators accountable.