

Violence against women and children

High levels of sexual violence against women persisted, with police reporting 48,003 cases of rape from April 2011 to March 2012. In the same period, of the 64,514 recorded sexual offences, including rape, women were victims in 40.1% and children in 48.5% of cases. There were renewed calls for the revival of specialized sexual offences courts to address impunity for these crimes.

Women's rights, HIV and maternal health

Access to antiretroviral medication for people living with HIV continued to expand, with two million people on treatment by October. High levels of HIV-infection among pregnant women remained a concern, with KwaZulu-Natal province recording an infection rate of 37.4% among women attending antenatal clinics.

In August, a Ministry of Health-supported report on trends in maternal mortality noted that the deaths of 40.5% of the 4,867 women who died during pregnancy or within 42 days of delivery between 2008 and 2010 were due to non-pregnancy-related infections, in particular HIV. Delays in access to antenatal care and antiretroviral treatment were contributing factors.

Human rights defenders

Harassment of human rights defenders and improper pressure on institutions, including the Office of the Public Protector and senior prosecutors, continued.

■ In January, Ayanda Kota, chairperson of the Unemployed People's Movement, was assaulted by police and unlawfully detained at Grahamstown police station. He had gone to the police station voluntarily following a complaint made against him. Charges against him, including of resisting arrest, were later withdrawn.

■ In July, an environmental rights activist and survivor of torture, Kevin Kunene, was shot dead 10 days after he and three others lodged a complaint of corruption with the Public Protector against the KwaMbonambi Tribal Authority. No suspects had been brought to trial by the end of the year.

■ In October, Social Justice Coalition members Angy Peter and her partner Isaac Mbadu were arrested on a murder charge. Prior to their arrest, they had lodged a complaint against a senior police officer for corruption. Angy Peter was also assisting a judicial Commission of Inquiry, ordered by the Premier of the Western Cape,

into alleged service failures by police. They were released from remand custody before the end of the year but continued to experience harassment. In November, the National Commissioner of Police instituted legal proceedings to halt the inquiry.

Amnesty International visits/reports

✈️ Amnesty International delegates visited South Africa in February/March, May/June, August/September and October/November.
📖 Hidden from view: Community carers and HIV in rural South Africa [photo exhibition] (AFR 53/002/2012)

📖 Key human rights concerns in South Africa: Amnesty International's submission to the UN Universal Periodic Review, May-June 2012 (AFR 53/003/2012)

📖 South Africa: Amnesty International encouraged by initial steps to strengthen protections against torture but condemns continued use of excessive force by police and the failure to uphold refugee rights (AFR 53/005/2012)

📖 South Africa: Shop raids jeopardise safety of refugees (AFR 53/006/2012)

📖 South Africa: Police arrests are a positive step in the fight against impunity (PRE01/297/2012)

📖 Landmark ruling confirms South Africa cannot deport people at risk of death penalty (PRE01/369/2012)

📖 South Africa: Judge must oversee probe into mine protest deaths (PRE01/398/2012)

📖 South Africa: Marikana Inquiry must be enabled to operate effectively (PRE01/456/2012)

SOUTH SUDAN

REPUBLIC OF SOUTH SUDAN

Head of state and government:

Salva Kiir Mayardit

South Sudan celebrated its first year of independence on 9 July. Post-independence agreements between South Sudan and Sudan on the sharing of oil, security arrangements, border demarcation, and the status of the disputed Abyei area, continued to be negotiated at the end of the year. The Sudan People's Liberation Army (SPLA, South Sudan's armed forces) and the South Sudan Police Service (SSPS) continued to commit human

rights violations with relative impunity. A large influx of refugees and returnees from Sudan continued, in addition to internal displacement.

Background

On 9 January, the President issued a decree appointing members to the National Constitutional Review Commission, mandated to draft a permanent Constitution. It began work in August following the signing into law of the National Elections Act on 6 July.

Implementation of post-independence agreements between South Sudan and Sudan remained outstanding at the end of the year. In February, South Sudan shut down its oil production due to disagreements with Sudan in relation to oil transit fees, resulting in a 98% loss of revenue to South Sudan. The AU Peace and Security Council adopted a road map on 24 April with implementation timelines to resolve outstanding issues. On 2 May the UN Security Council endorsed the roadmap through the adoption of resolution 2046, which called for both countries to reach an overall settlement on disputes within three months. Due to the continued shutdown of oil production, the National Legislative Assembly passed an austerity budget in July aimed at reducing expenditure by 34% for the fiscal year 2012/13. On 27 September, South Sudan and Sudan signed a number of economic, trade and security-related agreements in Addis Ababa, Ethiopia. The agreements allowed for the resumption of oil exports, the establishment of a demilitarized border zone and a cessation of all hostilities. An agreement was reached on the “four freedoms” principles which grant South Sudanese and Sudanese nationals the freedom to reside, move, acquire and dispose of property, and to undertake economic activity in both countries. Further negotiations to resolve the dispute over Abyei and to agree on the precise border between South Sudan and Sudan were required.

In March and April, the government launched a multi-pronged approach to address insecurity due to inter-communal violence which occurred in 2011 and early 2012 in Jonglei State. This included a state-wide civilian disarmament campaign, Operation Restore Peace, launched in March for an undefined period. In Pibor County, civilian disarmament was stalled in September due to attacks by a militia group led by

David Yau Yau, who defected from the SPLA for a second time in April 2012.

An Investigation Committee into the Jonglei State Crisis, mandated to investigate those responsible for the inter-communal violence, was also established by the President in March. However, at the end of the year, committee members had not been sworn in and funding had not been provided to enable the committee to operate. In April, the Jonglei Peace Process was re-launched.

In March, the government signed an agreement with Peter Kuol Chol, leader of the armed opposition group the South Sudan Democratic Movement/Army, thus commencing a process to integrate 1,800 of the group’s members into the SPLA.

In June, the President signed into force a Refugee Provisional Order, and in July South Sudan acceded to the 1949 Geneva Conventions and their Additional Protocols. However, South Sudan did not become a party to other key international human rights treaties, although the country is considered, under international law, to be bound by those treaties to which Sudan was a party at the time of South Sudan’s independence. Critical gaps in national legislation undermined the protection of human rights, including the absence of an adequate legal framework to regulate the National Security Service.

In November, one of the human rights officers with the UN Mission in South Sudan (UNMISS) was ordered to leave the country, in breach of South Sudan’s legal obligations under the UN Charter.

Armed conflict

In March, fighting between the SPLA and the Sudan Armed Forces (SAF) erupted around Heglig/Panthou, a disputed oil-producing area considered part of Sudan’s Southern Kordofan State, but also claimed by South Sudan’s Unity State. On 10 April, South Sudan captured and occupied Heglig/Panthou, and on 15 April fighting spread along the border between the two countries, at Kiir Adem in Northern Bahr El Ghazal. South Sudan ordered the unconditional withdrawal of SPLA troops from the Heglig/Panthou oil field on 20 April, in order to create an environment for talks with Sudan. Indiscriminate aerial bombardments, reportedly by the SAF, occurred in South Sudan’s Unity and Northern Bahr El Ghazal states in April and May and in Northern Bahr El Ghazal State in November.

Inter-communal violence

In Jonglei State, a series of attacks, primarily between the two ethnic groups Lou Nuer and Murle, continued to occur. From 23 December 2011 to February 2012, the UN estimated that 888 people were killed. Over 170,000 were internally displaced between late December 2011 and April 2012, and women and children were abducted, property looted and large numbers of cattle were stolen. On 22 August clashes were reported in Pibor County between the SPLA and a militia group led by a former SPLA general, David Yau Yau. On 27 August, at least 24 soldiers were killed in an ambush, reportedly by the same militia group. Due to the threat of attacks by David Yau Yau's group, the SPLA sent additional troops and UNMISS sent additional peacekeepers to Pibor County. In August and September, two of three Médecins Sans Frontières clinics were looted, denying the population in Pibor County access to health care.

Intermittent cattle raids continued in the triangle between Lakes, Unity and Warrap states, across state borders. In late January and early February, fighting occurred on the border between Unity and Warrap states, reportedly due to the failure of government officials to follow through their undertaking to return cattle looted during an attack in September 2011. Over 70 people were reportedly killed during the attacks. In July, fighting between two Dinka sub-clans erupted in Lakes State, with 20 people killed and 20 injured. Further fighting in Lakes State occurred in November with a reported 12 people killed and 20 injured.

Freedom of expression

The operating environment for national and international media workers remained challenging. Security forces harassed national and international media workers, arbitrarily detained journalists and radio presenters, and confiscated equipment. Threats to shut down radio shows deemed critical of the government were also issued by the authorities, and South Sudan's only daily newspaper faced obstacles to its continued publication.

■ On 14 May, Ayak Dhieu Apar, a radio presenter in Rumbek, Lakes State, was arrested and held without charge for five days by the police for hosting a talk show asking "how could the public respect police?" on a state-owned radio station. Callers reportedly criticized the police for poor service delivery and disregard for the

rule of law. Ayak Dhieu Apar was released on bail, despite not being charged with an offence, and police threatened to take her to court for alleged "defamation and tarnishing the image of the police". In early June, Major-General Saed Abdulatif Chawul Lom, Police Commissioner for Lakes State and believed to be behind the arrest of Ayak Dhieu Apar, was removed from his post, reportedly due to his role in her arrest and detention.

■ On 30 May, Bonifacio Taban Kuich, a freelance journalist in Bentiu, Unity State, was arrested by the SPLA and detained in military barracks for six hours for writing an article in the online newspaper *Sudan Tribune*. He also reportedly received death threats from government officials. The article stated that over 500 women whose husbands had been members of the SPLA and had died in combat, had not received the full amount of compensation that they were entitled to from the government.

Lack of accountability

An investigation established in August 2011 into allegations against the former Director of Public Security and Criminal Investigations remained ongoing at the end of the year. The investigation was examining torture, corruption, the creation of illegal detention centres, and the enforced disappearance of John Louis Silvino, an architect at the Ministry of Housing who was last seen on 25 March 2011.

Violations perpetrated by the SPLA and the SSPS Auxiliary Force during the Jonglei state-wide civilian disarmament campaign Operation Restore Peace, launched in March, remained largely unaddressed by the government. These included extrajudicial executions; beating of men, women and children; simulated drowning; sexual violence against women; and looting in towns and villages. Seven arrests directly related to alleged violations during the civilian disarmament campaign were recorded. Of these seven, two soldiers were prosecuted by the end of the year.

Investigations into the abduction and ill-treatment of two civil society activists from the South Sudan Civil Society Alliance remained incomplete.

■ On 4 July, Deng Athuai Mawiir, chairperson of the Alliance, was kidnapped from his hotel in Juba. He was reportedly held and beaten for three days and interrogated about his work on corruption issues in South Sudan.

■ On 22 October, Ring Bulabuk was kidnapped and left in an abandoned graveyard in Juba. Prior to the

abduction, he had received threats to stop working on a legal suit against an army general about land-grabbing in Juba.

Other instances of the lack of accountability by security forces were reported during the year.

■ On 9 December, security forces in Wau, Western Bahr El Ghazal State, shot and killed eight and wounded 20 people peacefully demonstrating about the death of a youth activist and the government's decision to move the headquarters of Wau County to Bagari. The Governor announced an immediate investigation but no investigation is known to have been carried out. Members of the security forces involved in the unlawful shootings were not brought to justice while dozens of alleged government opponents, including members of the Legislative Assembly, were detained.

Torture and other ill-treatment

Security forces including the SPLA, National Security Service (NSS) and SSPS harassed, arrested, tortured or otherwise ill-treated people, including UN and NGO staff. Attacks against East African workers in South Sudan also increased.

■ On 13 April, Tabitha Musangi, a Kenyan teacher at the John Garang International School, was shot dead by security forces because her taxi did not stop while guards were pulling down the national flag in Juba.

■ In August, Kenyan pharmacist Joseph Matu died after being tortured in police custody in Torit, Eastern Equatoria State, for allegedly not having a licence to operate.

■ On 31 October, a 17-year-old female student and a male teacher were shot and injured by security forces at Juba Day Secondary School, following protests at the school over the acquisition of school property by a private investor. Police and plain-clothes security personnel reportedly entered the school premises and fired live rounds of ammunition at the protesters. Students and teachers were arbitrarily arrested for participating in the demonstrations and released the same day.

Political prisoners

Members of armed opposition groups remained in detention without access to justice.

■ Armed opposition leader Gabriel Tanginye and his two deputies remained under house arrest in the capital, Juba, where they had been placed in April 2011 following fighting between his forces and the

SPLA in Upper Nile and Jonglei. No charges were brought against them by the end of the year.

■ Peter Abdul Rahman Sule, leader of the opposition group United Democratic Front, remained in detention without charge after more than a year. He was arrested in November 2011 in Western Equatoria State for allegedly recruiting young people.

Refugees and internally displaced people

South Sudanese who had lived in Sudan prior to South Sudan's independence continued to return, with over 120,000 South Sudanese estimated to have done so by the end of the year.

Refugees from Sudan's Southern Kordofan and Blue Nile states continued to flee to South Sudan due to an ongoing conflict between the SAF and the armed opposition group Sudan People's Liberation Movement-North (SPLM-N). From April to June, the number of refugees increased by over 50,000 people in Upper Nile and Unity states due to increased fighting and food shortages in the conflict-affected areas. There was a further influx of refugees from November, with the onset of the dry season. By the end of the year, over 180,000 Sudanese people had sought refuge in South Sudan.

Most of the 110,000 people who fled the disputed Abyei area in May 2011, after SAF overran the town, continued to be displaced in South Sudan and reliant on humanitarian assistance. Jonglei State was the hardest hit by seasonal flooding with over 259,000 people displaced.

Death penalty

More than 200 prisoners were on death row. At least two men were executed on 28 August in Juba Prison, and three men in Wau Prison on 6 September.

Amnesty International visits/reports

✈ Amnesty International delegates visited South Sudan in March/April and August/September.

📄 "We can run away from bombs, but not from hunger": Sudan's refugees in South Sudan (AFR 65/001/2012)

📄 South Sudan: Overshadowed conflict – arms supplies fuel violations in Mayom County, Unity State (AFR 65/002/2012)

📄 South Sudan: Lethal disarmament – abuses related to civilian disarmament in Pibor County, Jonglei State (AFR 65/005/2012)