

# **SOUTH SUDAN 2014 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

South Sudan is a republic operating under a transitional constitution signed into law upon declaration of independence from Sudan in July 2011. President Salva Kiir Mayardit, whose authority derives from his 2010 election as president of what was then the semiautonomous region of Southern Sudan within the Republic of Sudan, led the country. While the 2010 Sudan-wide elections did not wholly meet international standards, international observers believed Kiir's election reflected the will of a large majority of Southern Sudanese. International observers considered the January 2011 referendum on South Sudanese self-determination, in which 98 percent of voters chose to separate from Sudan, to be free and fair. President Kiir is a founding member of the Sudan People's Liberation Movement (SPLM) political party, the political wing of the Sudan People's Liberation Army (SPLA). There are 27 ministries; however, only 21 have appointed ministers in charge, of which 19 are SPLM representatives. The bicameral legislature consists of 332 seats in the National Assembly, of which 309 were filled, and 50 seats in the Council of States, of which 49 were filled. SPLM representatives controlled at least 228 seats in the legislature. The SPLM also controlled nine of 10 state governorships. The legislature lacked independence and the ruling party dominated it. Authorities failed at times to maintain effective control over the security forces.

Armed conflict between government and opposition forces continued throughout the year following violence that erupted within the Presidential Guard Force (PG) of the SPLA in Juba in December 2013. The violence began when fighting broke out between members of the PG, also known as the Tiger Division. Some reports indicated PG members of Dinka ethnicity attempted to disarm PG members of Nuer ethnicity. During the weeks that followed, Dinka members of the PG and other security forces reportedly conducted targeted killings of Nuer civilians across the city. Between January 1 and 18, while opposition forces controlled Bor, international nongovernmental organizations (NGOs) reported large-scale targeting of Dinka civilians by Nuer forces. The events led to armed conflict during the year between government forces and newly formed opposition forces in several states across the country and ethnic violence by civilians. Abuse occurred on a massive scale. Civilians were directly targeted, often along ethnic lines. While the initial violence was concentrated in Juba in Central Equatoria State, the conflict quickly spread to--and remained primarily in--Upper Nile, Jonglei, and Unity states. President Kiir declared states of emergencies in Upper Nile, Jonglei, and Unity

states in January that continued through year's end. Fighting killed at least 10,000 persons, although NGOs estimated the figure was much higher. Approximately 1.91 million persons were displaced internally and as refugees in neighboring countries, with more than 100,000 living at UN Protection of Civilian (PoC) sites due to the fighting. Government and opposition forces, led by former vice president Riek Machar, signed a cessation of hostilities agreement on January 23 and recommitment to the agreement on May 5 and November 7; none of these cease-fires held. The armed conflict continued at year's end.

Political discord within the SPLM prompted the conflict in 2013 and transformed into a government-wide crisis that continued along ethnic lines at year's end.

The three most serious human rights problems in the country were conflict-related abuses by government security forces, opposition forces, rebel militia groups (RMGs), and rival ethnic communities, including ethnically targeted killings of civilians and ethnically targeted discrimination and violence; extrajudicial killings, abuse, and mass displacement of civilians; intimidation and other inhuman treatment of civilians such as arbitrary arrest and detention, abductions and kidnapping, recruitment and use of what the UN Children's Fund (UNICEF) estimated to be approximately 10,000 child soldiers, and conflict-related sexual violence. Attacks on military positions often included destruction of villages, rape, theft, looting, and revenge attacks on civilians. Security force abuses unrelated to conflict included extrajudicial killings, torture, rape, intimidation, and other inhuman treatment of civilians.

Other human rights problems include harsh prison conditions; a lack of access to justice, including arbitrary arrest, prolonged pretrial detention, and corruption within the justice sector; government restriction of freedoms of privacy, speech, press, and association; and abductions related to intercommunal and interethnic conflict, particularly of women and children. Corruption among government officials was pervasive. The government often restricted the movement of international organizations and NGOs, and attacks and harassment of international organization workers and NGO workers increased. Violence and discrimination against women and children by government actors and within communities were widespread. Trafficking in persons, government incitement of tribal violence, and child labor, including forced labor, also occurred.

Security force abuses occurred throughout the country, especially in areas subject to ethnic conflict, fighting between government and opposition forces, RMG activity, or civil unrest. The government took some steps to establish investigative

committees for human rights abuses, but these efforts did not lead to prosecutions, punishment, or accountability. Impunity was widespread and remained a major problem.

Lord's Resistance Army (LRA) members carried out some movements in western South Sudan, but no LRA attacks occurred in the country. Conflict in South Kordofan and Blue Nile states in Sudan also resulted in displacements that affected South Sudanese communities in states along the border. Attacks in South Sudanese territory by the Sudanese Armed Forces (SAF) resulted in deaths, injuries, property destruction, and civilian displacement in border areas.

## **Section 1. Respect for the Integrity of the Person, Including Freedom from:**

### **a. Arbitrary or Unlawful Deprivation of Life**

There were numerous reports the government or its agents committed arbitrary or unlawful killings. Security forces, opposition forces, RMGs, and ethnically based groups were also responsible for extrajudicial killings in conflict zones during the year (see section 1.g.).

In May, SPLA soldiers beat to death a Nuer civilian who refused to give them cattle in Guit County, Unity State. There was no investigation by year's end.

In August 2013 an SPLA soldier shot and killed the subchief of Ajak Kuac Payam in Twic County, Warrap State. The case remained under investigation at year's end.

The investigation into the 2012 beating death of Kenyan doctor George Muya in police custody in Torit, Eastern Equatoria State, continued at year's end. Media reported police tortured Muya while he was in their custody in Torit and beat him again prior to his transfer to Juba, where he died of his injuries.

### **b. Disappearance**

Security and opposition forces, RMGs, and ethnically based groups abducted an unknown number of persons, including women and children, as part of the armed conflict during the year (see section 1.g.). Security forces, particularly the National Security Service (NSS), often abducted civil society activists (see section 2.a.), and there were regular reports police conducted arbitrary arrests, particularly at night, in Juba.

In October unidentified forces kidnapped at gunpoint three contractors of the UN Mission in South Sudan (UNMISS) and a World Food Program (WFP) staff member at the Malakal airport in Upper Nile State. The NSS released two of the contractors, while one contractor and the WFP staff member remained missing at year's end.

In December, NGOs reported abductions and disappearances by security forces had increased. For example, on November 24, security forces abducted three men in Yei, Central Equatoria State. Their whereabouts were unknown at year's end.

In 2011 authorities charged SPLA General Mariel Nuor Jok with involvement in the 2011 disappearance of engineer John Luis Silvio. They released General Jok on medical grounds in 2013 to receive treatment in Nairobi, Kenya. He returned in 2013, and the government appointed him head of SPLA military intelligence during the year. The government appeared to have abandoned trial proceedings, although in August the South Sudan Human Rights Commission requested a court to proceed with the case.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment**

The transitional constitution prohibits such practices. Government security forces tortured, beat, and harassed political opponents, journalists, and human rights workers during the year (see sections 2.a. and 5). Government and opposition forces, RMGs, and warring ethnic groups committed torture and abuse in conflict zones (see section 1.g.). Beatings, detention, and harassment of foreigners or foreign-looking citizens were common, particularly in response to disputes over land or other resources.

In September the SPLA arrested a civilian in Chukudum, Budi County. It reportedly tortured him and later detained him at an SPLA facility in Torit. Following advocacy by UNMISS with the acting governor, the SPLA transferred the civilian to a police station. The government did not assign an investigator or open a case against the individual.

Between November 11 and 13, police gave 100 lashes each to two juvenile suspects, 15 and 17 years old, in the Tambura police station to obtain further information about stolen goods.

In March 2013 a mentally ill detainee died in police custody in Aweil West County, Northern Bahr el Ghazal State, reportedly from abuse. Authorities arrested one police officer and suspended six others. There was no information on the outcome of the investigation.

The SPLA, police, opposition forces, and RMGs reportedly tortured and raped women during the year. Since the conflict began in December 2013, conflict-related sexual violence was prevalent throughout South Sudan as women increasingly became targets of revenge following skirmishes and attacks on towns (see sections 1.c. and 1.g.).

On October 18, six men, including two SPLA soldiers, reportedly gang-raped a 15-year-old girl in Torit, Central Equatoria. Authorities arrested four of the alleged perpetrators, but two others remained at large. Subsequently, police dismissed the case on the grounds the medical exam did not confirm the rape.

On October 18, in Kapoeta East County, Central Equatoria, a police sergeant reportedly sexually abused two women while they were in police custody. Authorities reportedly arrested and detained the alleged perpetrator, and the case was pending trial.

In August 2013 an SPLA soldier sexually abused a 13-year-old girl in her home in Pibor town, Pibor County. The SPLA arrested the suspect, but the investigation remained pending at year's end.

### **Prison and Detention Center Conditions**

Prison conditions were harsh and life threatening due to gross overcrowding, inadequate sanitary conditions, and lack of medical care. Unsanitary conditions resulted in illness and death. While some prisons employed doctors, medical care was rudimentary, and prison physicians with inadequate training sometimes left sick patients to die. There were occasional reports of abuse by prison guards.

Government and opposition forces targeted prisoners and prison guards during the conflict. In response prison officials sometimes released prisoners during an attack.

In March officials reported five prisoners, including one woman, died in an attack on Bor prison, and one prisoner held in leg chains subsequently died of dehydration. The prison held 271 inmates; the number of prisoners who died in the

attack was unknown. Prison officers reported 56 prison officers died during fighting.

In Western Bahr el Ghazal, poor prison conditions contributed to the deaths of several inmates due to lack of sufficient medical supplies and of timely referrals to medical treatment facilities. At least three inmates died during the year while serving sentences: two from anemia and one from an acute skin disease.

Physical Conditions: At year's end state-controlled prisons held approximately 7,500 inmates, an increase of more than 20 percent since 2012, with many more held in municipal or community-controlled jails throughout the country. Overcrowding remained a problem. For example, although designed for 400 inmates, Juba Central Prison held at least 1,200 persons. The prison system held approximately 400 female inmates. Men and women were generally, but not always, held in separate areas, but male and female inmates often mixed freely during the day due to space constraints. Due to overcrowding authorities did not always hold juveniles separately from adults and rarely separated pretrial detainees from convicted prisoners. Children, especially infants, often lived with their mothers in prison.

Health care and sanitation were inadequate, and basic medical supplies and equipment were lacking. According to NGOs prisoners in some states received one meal per day and relied on family or friends for additional food. Potable water was limited. During the day prisoners usually stayed outside and participated in recreational activity and, in some prisons, voluntary educational programs. At night they slept in overcrowded open hallways and buildings lined with bunk beds. Ventilation and lighting were inadequate.

Malnutrition and lack of medical care contributed to inmate deaths, although no statistics were available.

Police jails were less crowded than prisons. Detainees received food three times a day and those needing urgent medical attention went to a hospital. Police held male and female inmates in separate areas.

Detention centers were under the control of local tribal or state authorities, and conditions were uniformly harsh and life threatening. Many facilities in rural areas consisted of uncovered spaces where authorities chained detainees to a wall, fence, or tree, often unsheltered from the sun. As with state-run prisons, sanitary and medical facilities were poor or nonexistent, and potable water was limited.

Detainees sometimes spent days outdoors but slept inside in areas that lacked adequate ventilation and lighting.

Conditions in SPLA-run detention facilities were similar, and in some cases worse, with many detainees held outdoors with poor access to sanitary or medical facilities.

UNMISS built holding facilities at Juba, Malakal, Bentiu, and Bor PoC sites to hold internally displaced person (IDP) criminal suspects. Authorities did not intend the holding facilities to hold individual IDPs for more than 72 hours, but authorities sometimes held IDP suspects longer due to delays in determining how to treat individual cases. UNMISS observed prisoners daily and offered medical treatment for serious complications. Prisoners received food twice a day and received a mattress, blanket, and mosquito net.

The NSS illegally operated a detention facility in Juba that held civilian prisoners (see section 1.d.). Detainees reported conditions at the facility were usually harsher than at Juba Central Prison, with limited access to sanitary facilities or medical treatment. The NSS held some detainees in darkened rooms for most of the day.

Administration: Recordkeeping was poor, and most of the low-ranking prison staff were illiterate. Although authorities claimed the prisons held no undocumented inmates, the National Prison Service (NPS) sometimes could not produce any records justifying a prisoner's detention.

Authorities stopped using alternatives to incarceration, such as remand boards, for nonviolent offenders. Authorities reintroduced remand boards in Juba to replace mobile courts that had to disband during the year due to the conflict. The number of juveniles held in detention beyond statutory limits was unknown at year's end. There were no prison ombudsmen.

The NPS allowed prisoners access to visitors and permitted them to take part in religious observances, but NSS and SPLA authorities were less likely to do so. The NPS allowed prisoners to submit complaints to judicial authorities without censorship and to request investigation of allegations of inhuman conditions. Prison authorities sometimes investigated such allegations, although they seldom took action.

Independent Monitoring: The NPS permitted visits by independent human rights observers, including UNMISS human rights officers, nongovernmental observers, international organizations, and journalists. Although authorities sometimes permitted monitors to visit detention facilities operated by the SPLA, they rarely, if ever, permitted monitors to visit facilities operated by the NSS, which held both military prisoners and civilians without legal authority.

Improvements: On December 16, a total of 92 cadets, including 17 women, completed a one-year training course and became commissioned NPS officers. According to the director general of prisons, these graduates included doctors, lawyers, engineers, and other professionals.

#### **d. Arbitrary Arrest or Detention**

The transitional constitution prohibits arbitrary arrest and detention without charge. The government, however, arrested and detained individuals arbitrarily during the year. On October 8, the National Legislative Assembly (NLA) passed a contested National Security Service bill that granted the NSS broader powers to arrest, detain, seize property, and conduct searches, despite not having the necessary quorum to pass the law. These broader powers are also outside the powers granted to the NSS in the transitional constitution. On December 18, President Kiir returned the bill to the NLA for further revision, and it remained with the NLA at year's end. Following the start of the crisis, there were a large number of reports of arbitrary arrests and detentions (see sections 1.a., 1.c., and 1.g.). While not legally vested with the power to arrest or detain civilians, the SPLA and the NSS often did so, rarely reporting such arrests to police, other civilian authorities, or diplomatic missions in the case of foreigners. NGOs reported unlawful detentions in the SPLA Giyada General Headquarters. Police also routinely arrested civilians based on little or no evidence prior to conducting investigations and often held them for weeks or months without charge or trial.

#### **Role of the Police and Security Apparatus**

The South Sudan National Police Service (SSNPS), under the Ministry of Interior, is responsible for law enforcement and maintenance of order within the country. The SPLA is responsible for providing security throughout the country and ostensibly operates under the Ministry of Defense and Veterans' Affairs, although military and former military personnel staff the ministry. The SSNPS, which consisted largely of former SPLA soldiers, was ineffective, corrupt, and widely distrusted. An illiteracy rate of approximately 70 percent among SSNPS personnel



meant reports were often incomplete, and files, if created, were often misplaced. Authorities often based detentions on accusations rather than official investigations. They rarely investigated complaints of police abuse.

During the December 2013 crisis, the SPLA badly fragmented, with roughly half of the forces defecting to the opposition. Since then, there have been defections in small numbers, but no substantial splinter factions forming or major unit defections. The SPLA does not have law enforcement authority, unless acting at the request of civil authorities. Nevertheless, the SPLA regularly exercised police functions, in part due to the ineffectiveness of law enforcement in many parts of the country. The SPLA routinely detained persons, including in SPLA-run detention facilities to which monitors often had little access. The SPLA's approach to internal security and civilian disarmament was often unsystematic and disproportionate, contributing to conflict within and between communities while undermining the government's legitimacy in conflict areas. The law requires cases of SPLA abuse of civilians be heard in civilian courts, which, according to NGOs, were commonly pressured to decide in favor of the SPLA. Authorities arrested two SPLA officers in October for targeting Nuer civilians and military personnel during the December 2013 crisis. The status of the investigation remained unclear at year's end. On December 15, the SPLA sentenced one officer to death for the ethnic killing of a Nuer soldier during the outbreak of conflict in December 2013.

The NSS does not have arrest or detention authority except in extraordinary cases affecting national security. Nevertheless, the NSS frequently illegally detained civil society activists, businesspersons, NGO personnel, journalists, and others to intimidate them, particularly if the NSS believed they supported opposition figures. The NSS also detained international organization representatives, including two UNMISS officers. Authorities rarely investigated complaints of arbitrary detention, harassment, excessive force, and torture.

SSNPS, SPLA, and NSS impunity were serious problems.

In contrast to 2013, much of the international donor community withdrew assistance for security-sector reform due to reports of conflict-related human rights abuses committed by security forces.

### **Arrest Procedures and Treatment of Detainees**

While the law requires police to bring arrested persons before a public prosecutor, magistrate, or court within 24 hours, there were no public prosecutors or

magistrates available below the county level in most of the country. Court dockets often were overwhelmed, and cases faced long delays before coming before a judge. Police may detain individuals for 24 hours without charge. A public prosecutor may authorize an extension up to one week, and a magistrate may authorize extensions of up to two weeks. Nevertheless, authorities did not always inform detainees of charges against them and regularly held them past the statutory limit without explanation. Police sometimes ignored court orders to bring arrested persons before the court. Police, prosecutors, defense lawyers, and judges were often unaware of the statutory requirement that detainees appear before a judge as quickly as possible. Police commonly conducted arrests without warrants, and warrants were often nonstandardized handwritten documents. Warrants issued by authorities were commonly drafted in the absence of investigation or evidence.

The code of criminal procedure allows bail, but this provision was commonly unknown or ignored by justice-sector authorities, and they rarely informed detainees of this possibility. Because pretrial appearances before judges were commonly delayed far past statutory limits, authorities rarely had the opportunity to adjudicate bail requests before trial. Those arrested had a right to an attorney, but the country had few lawyers, and detainees were not always informed of this right. The transitional constitution mandates access to legal representation without charge for the indigent, but defendants rarely received legal assistance if they did not pay for it. Authorities sometimes held detainees incommunicado.

Arbitrary Arrest: Security forces arbitrarily arrested opposition leaders, civil society activists, businesspersons, journalists, and civilians due to ethnicity or possible affiliation with opposition forces (see sections 1.c., 1.e., 1.g., 2.a., and 3). Reports of arbitrary arrest increased due to armed conflict. The SPLA and NSS often abused political opponents and others who they detained without charge. Ignorance of the law and proper procedures also led to many arbitrary detentions. Most justice-sector actors, including police and judges, operated under a victim-centric approach that prioritized restitution and satisfaction for victims of crime, rather than following legal procedure. This approach led to many arbitrary arrests of citizens who were simply in the vicinity when crimes were committed, were of a certain ethnicity, or were relatives of those suspected of committing crimes.

On March 5, approximately 150 prisoners escaped from a prison inside the SPLA barracks at Jebel. Detainees reported the majority of prisoners were Nuer and that the SPLA had held them without charge since January.

Detainees were frequently taken away and did not return. Authorities provided small amounts of food and water to the detainees to share. One detainee reported he shared a small cell with eight men, six of whom eventually died of either heat exhaustion or poor health. The detainee stated he stayed alive by claiming he was of Dinka ethnicity.

On August 22, security forces arrested George Livio, a reporter at Radio Miraya and an UNMISS employee. Authorities arrested him without charge, and he remained in detention at year's end.

On October 24, police arrested two members of the Lakes State Legislative Assembly in Yirol East County on allegations they abetted Pakam youth to disobey government directives. Police held the members in arbitrary incommunicado detention following their arrest.

The International Organization for Migration (IOM) reported authorities often arrested girls forced into prostitution, and they did not view trafficking as an offense.

Pretrial Detention: Lengthy pretrial detention was a problem, due largely to the lack of lawyers and judges, the difficulty of locating witnesses, misunderstanding of constitutional and legal requirements by police, prosecutors, and judges, and the absence of a strong mechanism to compel witness attendance in court. The length of pretrial detention commonly equaled or exceeded the sentence for the alleged crime. Estimates of the number of pretrial detainees ranged from one-third to two-thirds of the prison population. The chronic lack of access to law enforcement officers or judicial systems become even more severe as government officials were displaced by armed conflict (see section 1.g.). For example, UNMISS reported the majority of detainees at the Pariang police station in June had been held without review since February due to the absence of judicial officials. This situation continued in the majority of states.

Amnesty: The government did not extend any amnesties or presidential pardons publicly during the year.

#### **e. Denial of Fair Public Trial**

The transitional constitution provides for an independent judiciary and also recognizes customary law. While the law requires the government to maintain courts at federal, state, and county levels, lack of infrastructure and trained

personnel made this impossible, and few statutory courts existed below the state level. In the majority of communities, customary courts remained the principal providers of justice services. Traditional courts maintained primary authority to adjudicate most crimes other than murder. Customary law courts can deal with certain aspects of murder cases if judges remit the cases to them to do traditional procedures and to process compensation per the customs of the persons concerned. If this happens the judge can sentence the individual who commits a homicide to no more than 10 years. Government courts also heard cases of violent crime and acted as appeals courts for verdicts issued by customary bodies. Legal systems employed by customary courts varied across the country, with most emphasizing restorative dispute resolution and some borrowing elements of sharia (Islamic law). Government sources estimated customary courts handled 80 percent of all cases due to the capacity limitations of statutory courts.

Political pressure, corruption, discrimination towards women, and the lack of a competent investigative police service undermined both statutory and customary courts. Statutory courts were subject to political pressure when trying anyone with strong associations to the SPLM, SPLA, or NSS. Patronage priorities or political allegiances of traditional elders or chiefs commonly influenced verdicts in customary courts. Despite the numerous pressures, some judges appeared to operate independently. When the administration charged four citizens with initiating the “failed coup” that triggered the December 2013 crisis, the “Special Tribunal Court” maintained sufficient integrity and independence so that, following several weeks of televised court testimony, the government dropped the case rather than risk a “not guilty” verdict.

### **Trial Procedures**

Under the transitional constitution, defendants enjoy a presumption of innocence, the right to be informed promptly and in detail of charges, the right to free interpretation services as necessary, the right to a public trial, the right to be present in any criminal trial against them without undue delay, the right to confront witnesses against them and to present witnesses and evidence, and access to legal aid. Despite these protections law enforcement officers and statutory and customary court authorities commonly presumed suspects to be guilty, and they faced serious infringements of their rights. Free interpretation was rarely, if ever, offered; legal aid was almost never available; and most detainees were not informed promptly of the charges against them. The transitional constitution provides no right to trial by jury for civil or criminal trials. Cases were conducted exclusively as bench trials. Prolonged detentions often occurred, and defendants

generally did not have adequate access to facilities to prepare a defense. While court dates were set without regard for providing adequate time to prepare a defense, long remands often meant detainees with access to a lawyer had sufficient time to prepare. The transitional constitution provides the right not to be compelled to testify or confess guilt, but magistrates often compelled defendants to testify, and the absence of lawyers from many judicial proceedings often left defendants without recourse.

Defendants generally did not have access to government evidence largely due to the government's lack of forensic capability.

Public trials were the norm in both customary courts, which usually took place outdoors, and statutory courts. Some high-level court officials opposed media access to courts and asserted the media should not comment on pending cases. The right to be present at trials and to confront witnesses was sometimes respected, but in statutory courts the difficulty of summoning witnesses often precluded exercise of these rights. No government legal aid structure existed.

Defendants did not necessarily have access to counsel or the right of appeal, and discrimination against women was common. Some customary courts, particularly those in urban areas, had fairly sophisticated procedures, and verdicts were remarkably consistent. Some customary court judges in Juba kept records that were equal to or better than those kept in government courts.

The Supreme Court is the only court with original jurisdiction over constitutional cases. In August 2013 five lawyers petitioned the Supreme Court in the first constitutional challenge since 2005. The case challenged the constitutionality of an order by President Kiir, in his capacity as chairperson of the SPLM, restricting the freedom of movement and expression of Pa'gan Amum, the SPLM secretary general. The court rejected the petition in October 2013, stating Amum's lawyers had not exhausted all legal avenues in search of justice. One of Amum's lawyers fled to Nairobi after he and another attorney received threats against their lives and those of their families.

### **Political Prisoners and Detainees**

There were reports of political prisoners and detainees, which civil society groups estimated to number in the dozens at any given time. Authorities typically held them for a few hours to a few days or weeks prior to release, usually without charge, and reportedly in an effort to intimidate or stifle opposition.

The government released seven of 11 politically prominent detainees on bail on January 29, when they accepted an offer of political asylum and moved to Kenya. In March the government established a Special Tribunal Court to try the four remaining persons, who it accused of working with former vice president Riek Machar to carry out an alleged coup. On April 25, the government dropped the charges and released all four due to lack of evidence.

### **Civil Judicial Procedures and Remedies**

Statutory and customary courts provided the only option for those seeking to bring claims to address human rights violations and these claims were subject to the same limitations that affected the justice sector in general.

#### **f. Arbitrary Interference with Privacy, Family, Home, or Correspondence**

The transitional constitution prohibits interference with private life, family, home, and correspondence, although authorities reportedly violated these prohibitions.

Jails and detention centers often held family members in lieu of accused persons who fled or could not be located to induce the accused to surrender. For example, on November 24, Gudele police detained a mother and her 15-year-old son for acts reportedly committed by the detained persons' family members.

The government rarely provided proportionate and timely restitution for the government's confiscation of property. Some IDPs in UNMISS bases in Juba reported members of the security sector occupied their homes.

#### **g. Use of Excessive Force and Other Abuses in Internal Conflicts**

During the conflict between the government and antigovernment forces aligned with former vice president Riek Machar that began in 2013, security forces, opposition forces, RMGs, and civilians committed conflict-related abuses and violations in Central Equatoria, Jonglei, Unity, Upper Nile, Lakes, Warrap, and Western Equatoria states. At year's end at least 10,000 individuals had been killed in the conflict and approximately 1.91 million persons were displaced. International NGOs and the United Nations reported atrocities.

In January, President Kiir declared a state of emergency in Jonglei, Unity, and Upper Nile states, ordering the SPLA to fight opposition forces. Targeted ethnic

killings, ethnic tension, and retaliatory violence in these states also contributed to widespread abuses.

Civilian casualties often occurred when cattle raiders stole cattle, which defined power and wealth in many traditional communities, in Lakes, Warrap, and Unity states, resulting in revenge attacks. SPLA and police sometimes engaged in the revenge killings that took place both between and within ethnic groups.

Intercommunal tensions in Lakes State worsened during the year, with dozens killed at a time. When SPLA soldiers deployed to Lakes State in September to quell the violence between Dinka clans, clan members killed approximately two dozen SPLA soldiers.

Killings: Between January 1 and 18, opposition forces controlled Bor town. International NGOs reported large-scale targeting of Dinka civilians by opposition forces. Witnesses fleeing to Awerial County in Lakes State stated armed men chased and shot at them as they escaped.

After the government regained control of Bor on January 18, it reported the hospital had been attacked; they discovered 14 dead bodies, including those of two pregnant women. Bodies of patients were found in their beds.

In early January while Bor was under opposition control, opposition forces killed at least 13 persons hiding in St. Andrews Episcopal Church in Bor town. Witnesses reported armed men came to the church and shot several women. There were also reports opposition forces committed sexual violence against women hiding in the church during the same time. Local authorities stated 2,007 individuals were killed in Bor County during January. UNMISS identified the bodies of more than 100 civilians, including women and children.

Government forces, together with the South Sudan Liberation Army and Justice and Equality Movement (JEM) forces, regained control of Bentiu and Rubkona in Unity State during the first week of January. Witness reports stated they targeted Nuers and many civilians were killed as they fled to the UNMISS PoC site. UNMISS human rights officers observed the SPLA shooting at civilians just outside the UNMISS base on January 10 and saw more than 20 dead bodies, including a child, in Bentiu and Rubkona. Some bodies had their hands tied behind their backs. There was large-scale destruction, including burning, of Beintu, and Rubkona.

In January heavy fighting occurred in Baliet County in Upper Nile State. Witness reports stated opposition forces attacked Abwong Payam District on January 1 and 2; they targeted and killed Dinkas. Opposition forces also reportedly deliberately opened fire on persons fleeing for safety in Baliet town, with children among the casualties.

On April 17, a UNMISS PoC site in Bor with approximately 5,000 primarily ethnic Nuer IDPs came under attack when Dinka youth demanded UNMISS turn over members of the Nuer White Army, shot into the site, and threw rocks and fired rocket-propelled grenades over the walls. UN reports stated at least 51 persons were killed during the incident. NGOs reported government soldiers had targeted and harassed Nuer in the camp during March and April.

Government and opposition forces exchanged control of Malakal town, in Upper Nile State, six times between December 2013 and April, causing displacement of approximately 157,000 persons throughout the state. Between December 2013 and April, in Malakal, Upper Nile State, both the SPLA and opposition forces conducted extensive house-to-house searches resulting in extrajudicial killings on an ethnic basis and sexual violence. On January 2, SPLA forces reportedly conducted searches for ethnic Nuers with loyalties to Riek Machar, and from January 15 to 17, members of the White Army, primarily young Nuer men, conducted searches for ethnic Dinkas.

In early January UNMISS reported at least 218 persons killed in Malakal, and fighting resumed on February 18, killing another six. Both SPLA and opposition forces acknowledged in January that looting, indiscriminate shooting, and targeted killings of Nuers and Dinkas occurred in Malakal. Satellite imagery indicated the destruction of approximately 25 percent of Malakal town.

On January 19, government forces reportedly advised civilians to leave Leer County--the home county of Riek Machar. On 20 January, observers reportedly heard shooting throughout the day around Leer town. One source reported this was the result of Nuer armed elements shooting to warn civilians that government forces, reportedly composed of SPLA, SSLA, and JEM, were approaching Leer. Many civilians began to flee Leer town. On 21 January, opposition forces reportedly looted the compound of an international NGO, according to one source, using tanks. Two of the NGO's vehicles were reportedly stolen. One witness indicated that, by January 26, all NGO compounds in Leer town had been looted. Observers reported shelling into the town before the arrival of government forces. One witness reported that as soon as government forces arrived in Leer town and



the surrounding areas, they started burning and shooting indiscriminately. Another witness stated government forces caused massive destruction in Leer town, with only two churches left unburned. Government forces followed civilians into the bush in pursuit of opposition forces who had escaped along with civilians. Approximately 20 vehicles belonging to humanitarian NGOs were looted.

Witness accounts stated that on February 18 and 19 opposition forces entered Malakal Teaching Hospital (where a January 26 estimate indicated 3,000 persons were sheltering) and targeted Dinka and Shilluk IDPs. UN integrated team missions identified at least 15 dead and found many more bodies later. There was no reported final death toll.

On April 15, opposition forces advanced on government-held Bentiu and, during two attacks, killed several hundred civilians sheltered at the Kali-Ballee Mosque since February. According to reports opposition forces separated Ethiopians and Eritreans from the population and escorted them out of the mosque. Opposition forces reportedly shot and killed many Darfurians. There were also reports civilians sheltering at Bentiu Hospital were killed. Radio Bentiu FM aired messages from opposition force commanders urging young men to meet at the SPLA Fourth Division Headquarters to rape Dinka women--“as the Dinkas had with Nuer women.” Authorities removed 148 bodies from the hospital and the area around the Kalibalik Market. Following these events, the UNMISS Bentiu PoC site population swelled from 5,000 to 25,000 persons in 10 days.

On April 26, Dinka SPLA soldiers attacked unarmed Nuer SPLA soldiers at the Mapel Military Training Center in Western Bahr El Ghazal State. Some reports indicated Dinka SPLA soldiers killed approximately 190 unarmed Nuer soldiers.

In May the SPLA killed more than 63 civilians in Pakur Payam, Rubkona County, Unity State on orders of an SPLA commander. There was no investigation conducted by year's end.

On August 4 and 5, a militia group called the Maban Self-Defense Force (MDF)--a government-supported local defense force--killed six South Sudanese humanitarian workers in Maban County, Upper Nile State. Relief personnel reported that SPLA and MDF elements went to NGO compounds and demanded the organizations surrender Nuer staff members. MDF cadres carried lists of all Nuer workers, which they used to identify Nuer staff. The incident forced the United Nations to evacuate temporarily 220 humanitarian workers from the county.

On October 29, UNMISS reported the SPLA-in-Opposition (SPLA-IO) targeted Nuer civilians in a Roman Catholic church for perceived support to the government during an attack on Bentiu. SPLA-IO fighters called the civilians “Dinka” and removed at least 15 men from the church to meet with an SPLA-IO official. UNMISS reported one man was shot while marching to the church and SPLA-IO soldiers shot and killed seven men and injured two when they heard an SPLA tank approach. Several witnesses also reported SPLA-IO forces killed two women and a six-month-old baby in their homes approximately 650 feet from the church.

Cattle raids throughout the country also contributed to loss of life. For example, in April nearly 100 persons died during an attack on a cattle herders’ camp in Warrap State, according to the state’s information minister.

In May at least 28 persons died following clashes between Lakes State clans in Cueibet and Rumbek North counties when youth in Cueibet led a cattle raid in Rumbek North, which then resulted in revenge killings.

In June more than 20 civilians were killed in Torit, Central Equatoria State, when youth from the Bari and Omorwo villages clashed over cattle.

The government signed a peace agreement with Murle rebel militia group leader David Yau Yau in May to end the rebellion in Pibor County, Jonglei State, that began in 2010. On July 30, the president signed a decree establishing a Greater Pibor Administrative Area with David Yau Yau as the head. There were no punitive measures put in place to establish accountability for the extensive violence and human rights abuses that occurred in Jonglei between 2010 and 2013 between SPLA soldiers and the Murle ethnic group. David Yau Yau’s militia, the South Sudan Democratic Movement/Defense Army-Cobra Faction, was in the process of being integrated into the SPLA at year’s end.

In December 2013 PG and other security force members reportedly conducted targeted killings of several hundred ethnic Nuer civilians in Juba. Witnesses reported targeted ethnic killings occurred in the city throughout the remainder of 2013, which sparked retaliatory attacks and killings during the year.

In December 2013 witnesses reported approximately 250 Nuer men were gathered based on their ethnicity in the Gudele neighborhood and taken to a police station holding cell. PG forces shot repeatedly into the cell from the windows, killing all

but eight men, who survived by lying under dead bodies for approximately 24 hours. The government had not conducted an investigation by year's end.

In December 2013 Nuer youth killed three UN peacekeepers when they attacked the UN compound in Akobo, also killing 20 Dinka civilians who had sought refuge there. NGOs also reported killings of Dinka in Malakal, Upper Nile State, when antigovernment forces took control of the city. The government had not conducted an investigation by year's end.

Abductions: An unknown number of Nuer civilians in Juba disappeared during the year. Government security forces reportedly detained them for being potential supporters of the political or military opposition.

On February 3, Nuer students published an open letter to the University of Juba about the abduction of two Nuer students who attempted to attend classes at the university on February 1. The letter stated Nuer students feared for their lives and would not be able to attend the university during the armed conflict. The abducted students' whereabouts and condition were unknown at year's end.

One Nuer civilian reported that in March he went to meet a Dinka friend upon the friend's invitation. Soon after his arrival, SPLA soldiers came to the location and took him to prison. The SPLA later shared with him that his Dinka friend had called the SPLA and told them the man had been staying at an IDP camp and was Nuer. Police released him following a six-month detention because he did not disclose to police he was Nuer. Many of his fellow inmates were Nuer, including Nuer SPLA soldiers.

Authorities in Renk reported opposition forces abducted seven girls, other children, and one Darfuri businessperson in September.

On October 16, a UN agency national staff member was abducted at the Malakal airport while waiting for an UNMISS flight to Juba. Observers reported government security forces were involved. The United Nations expressed concern about the abduction and called for his immediate release. The staff member's whereabouts and condition were unknown at year's end.

During the SPLA-IO's brief occupation of Bentiu on October 29, the SPLA-IO abducted and raped women after government forces withdrew. UNMISS reported at least 20 women were abducted from Souq Sabi, Dere, and Lich University and taken to Guit and Nhialdiu.

Physical Abuse, Punishment, and Torture: Government, opposition forces and RMG forces tortured, raped, and otherwise abused civilians in conflict areas during the year.

The SPLA carried out harassment campaigns against Nuer IDPs departing UNMISS PoC sites in Juba and Bentiu. NSS officers also harassed IDPs in Juba. IDPs experienced harassment, arbitrary arrest, illegal detention, beatings, abduction, and rape as they left the sites to purchase food, grind sorghum from food distribution centers, and bathe. Violence among camp residents resulted in rape, injuries, and occasionally death.

Conflict-related sexual violence was prevalent as women were frequently targeted for revenge following skirmishes and attacks on towns. Women faced rape by fellow IDPs within PoC sites and by SPLA soldiers outside Bentiu, Malakal, and Tomping PoC sites when leaving to conduct daily activities. The UN special representative to the secretary-general on sexual violence reported “rampant sexual violence” in Bentiu against women, men, and children, including rape, gang rape, abduction, sexual slavery, and forced marriage.

Both SPLA and opposition forces harassed several thousand persons who sought refuge in the Presbyterian Church, St. Joseph Roman Catholic Cathedral, and Christ the King Church in Malakal in January and February. Witness accounts indicated at least one incident at the cathedral in mid-February involved the targeted killing of Shilluk men and boys.

On February 4, uniformed SPLA soldiers gathered 24 male IDPs located outside the West Gate of the Tomping PoC site and beat them with gun barrels and sticks. Soldiers took them by vehicle to the PG barracks, took their belongings, and denied them food and water for the 14 hours they were detained. All the IDPs reported they were accused of being opposition force members.

On February 20, an unknown number of SPLA soldiers gang-raped a female IDP who was returning to Tomping from the grinding mills in one of the local markets. An investigation continued at year’s end.

After government forces entered Leer County in Unity State sometime between January 20 and January 30, witness accounts stated widespread looting and destruction occurred, although it was unclear whether the perpetrators were government or Nuer armed elements.

On March 14, SPLA soldiers shot at IDPs using the makeshift showers outside the UNMISS Topping PoC site's West Gate. The SPLA beat several IDPs who were unable to re-enter the PoC site quickly. The SPLA took at least one IDP to a detention center and held him for nine days.

In March SPLA soldiers chased four women returning to the Topping UN Compound until the women were within view of UNMISS peacekeepers. On subsequent days SPLA soldiers threatened, beat, and raped the women. SPLA soldiers reportedly targeted the women for their ethnicity. Several victims stated soldiers told them they committed these acts in response to acts opposition leaders committed against the government.

In April SPLA soldiers systematically raped women and beat male IDPs outside the UNMISS Topping PoC's West Gate.

IDPs were frequently targeted at the Juba and Bor airports to prevent them from traveling. For example, between March 13 and May 31, international NGO staff witnessed the SPLA and/or the SSNPS harass or threaten IDPs on at least nine occasions at the Bor airport.

Despite international efforts to clear them, mines were a threat to local populations in some areas.

Child Soldiers: Following the outbreak of conflict in 2013, forced conscription by government forces and recruitment and use of child soldiers by both government and antigovernment forces increased. As of September, UNICEF estimated there were nearly 10,000 children fighting in the war, with approximately 70 percent recruited by the White Army, a civilian force fighting for the opposition.

In June the government signed a recommitment to the 2009 Action Plan to end grave human rights violations against children. On August 26, the government endorsed a work plan supported by UNICEF detailing implementation steps for the recommitment. The primary goal of the work plan was to end the recruitment and use of children by armed forces, killing and maiming of children, sexual violence, and the use of schools for military purposes by July 2015. As part of the work plan, the government held a "Children, Not Soldiers" public campaign in October. As various opposition forces integrated into SPLA forces, the SPLA stated it would require these forces to de-enlist children; however, that had not happened. Opposition leader Machar signed a pledge in May to end grave violations of

children's rights. Despite their commitments, neither side halted the use and recruitment of child soldiers.

An SPLA spokesperson stated that, due to the ongoing conflict, it was impossible to verify whether children were fighting. An SPLA-IO spokesperson stated the nature of war was such that children were caught up in it and had to fight, adding that demobilization during wartime was impossible. Some military officials claimed some children received soldiers' uniforms for protection, and others claimed even when they had no formal affiliation with the government, children sought out and wore new uniforms.

In June the Lakes State military caretaker governor, Major General Dhuol, ordered the forced recruitment of youth, and NGOs reported this resulted in the forced recruitment and use of child soldiers.

The SPLA occupied an increasing number of schools. In May UNMISS patrols observed the occupation of a university and primary school in Unity State and in July observed occupation of multiple schools in Western Bahr el Ghazal State.

The National Disarmament, Demobilization, and Reintegration Commission continued to monitor adherence to the law, which bans the use of child soldiers, with limited success due to the conflict. In September the Ministry of Defense issued a punitive order against any commander who had children in his unit. The same month the SPLA released 32 children from its barracks in Wau, and an SPLA commander released 43 children in Jonglei. While David Yau Yau agreed to integrate his militia into the SPLA and de-enlist children, his militia had not discharged any children from its ranks by year's end.

Opposition forces and RMGs recruited child soldiers, with some groups such as the White Army relying on youth as their primary fighting force. No estimate of numbers of juveniles in RMGs was available.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

Other Conflict-related Abuses: Both SPLA and opposition forces restricted the movement of UN personnel and other humanitarian groups, obstructing delivery of needed emergency aid for vulnerable conflict-affected populations. The government also harassed humanitarian workers and interfered with aid delivery. Access remained a critical problem, despite government assurances humanitarian

workers would be protected and given unfettered access to populations in need. On multiple occasions, fighting between government and opposition forces put the safety and security of humanitarian workers at risk, prevented travel, and jeopardized relief operations. Between the start of the crisis in December 2013 and September, relief workers recorded more than 600 incidents of access denial or interference by the SPLA, the SPLA-IO, or other armed elements. Nonetheless, relief personnel organized 600 humanitarian flights in October, of which 15 experienced delays. Delayed flight assurances most often prevented relief workers from traveling to remote locations. Humanitarian personnel, independently or through an access working group of the UN Office for the Coordination of Humanitarian Affairs (OCHA), coordinated with the SPLA and the SPLA-IO to work through access problems. The most common forms of violence against humanitarian workers included harassment or intimidation, attacks, robbery, hijacking, abduction, arrest or detention, and commandeering of vehicles.

Conflict and insecurity frequently prevented humanitarian access to populations in need and often put humanitarian workers at risk. Repeated attacks on Bentiu, Malakal, and Bor forced humanitarian workers to seek shelter in bunkers on UNMISS bases, leaving IDPs in UNMISS PoC sites caught in the crossfire, unassisted for days at a time.

In April authorities did not grant permission to the WFP to distribute food commodities by air in Leer County, Unity State, when acute needs were identified for urgent assistance. The WFP also had intermittent access problems in other parts of Unity State.

On March 23, three humanitarian agencies jointly transported two IDPs from the PoC site in Bor for medical evacuation. At the airport, a man in civilian clothing and an SPLA officer approached the humanitarian workers and told them they could not take the IDPs because they were Nuer; if they tried, the IDPs would be killed on the spot. Following an hour-long negotiation, the officer allowed the IDPs to evacuate.

In March the SPLA intercepted 11 UNMISS trucks carrying weapons intended for peacekeepers; the land transport violated a UN policy that, for security reasons, arms should be transported in the country only by air. UN officials apologized for the error and stated, "Several containers were wrongly labeled and inadvertently contained weapons and ammunition." The government, however, publicly accused UNMISS of supporting the rebels. Such rhetoric encouraged a discriminatory environment against United Nations, foreign, and humanitarian workers. In March

an SSNPS officer assaulted an UNMISS officer at a checkpoint. Additionally, NSS harassed and assaulted WFP staff at Juba Airport the same month. More than 50 humanitarian trucks carrying food and nonfood relief items were stopped in March for periods lasting nearly a week.

In late April after civilians attacked the UNMISS PoC site in Bor, government authorities prevented the World Health Organization for two weeks from conducting medical evacuations of more than 20 injured civilians. The government initially refused to permit the evacuations because it claimed rebel combatants were among the injured.

In mid-July the SPLA attacked Nhialdiu, Unity State, during a WFP food distribution for 37,000 persons. Per standard operating procedure, the WFP had previously notified the government and opposition forces of the time and location of the distribution. It was unclear who was responsible for looting 300 metric tons of relief food that followed the attack.

In early September a WFP team in Ngop, Unity State, had to flee from its distribution site and await evacuation via helicopter due to violence from elements of the local community, primarily armed youth. These armed youth stole some 23 metric tons of food, forcing a reduction in rations and, consequently, further violence against the team. The forced downing of an UNMISS helicopter outside Bentiu the previous day significantly delayed evacuation of the team.

In late September fighting between the SPLA and the SPLA-IO forced international NGOs to evacuate staff from Renk town, Upper Nile State, while insecurity forced a humanitarian rapid response team to cease activities and withdraw from Kaldak town, Jonglei State.

In mid-September, SPLA personnel removed a national NGO staff member from a humanitarian flight traveling to Akobo town, Jonglei State, placed him under arrest, and accused him of collaborating with the opposition. At year's end the individual remained in detention. His family members in Akobo retaliated by detaining a UN humanitarian helicopter for three days.

On November 10, the SPLA impounded four trucks carrying armored vehicles and equipment for UNMISS peacekeepers. The United Nations reported the SPLA members also assaulted the drivers and accused them of transporting weapons to the rival SPLA-IO faction.



Displacements due to LRA activity in prior years continued to affect some communities in Western Equatoria State.

The government's capacity and will to assist IDPs was extremely limited. International donors or host families provided most humanitarian aid to both refugees and IDPs. Conflict in disputed and undemarcated border areas as well as conflict that stemmed from the December 2013 crisis throughout the country, RMG activity, lack of infrastructure and road access, heavy rains, and flooding all impeded NGOs and international organizations in delivering assistance to IDPs, returnees, and refugees throughout the country. UN assessments concluded many areas near the country's border with Sudan and in Jonglei, Upper Nile, and Unity states remained unsafe for the return of IDPs.

Since 2011 sporadic fighting between SAF and SPLM-N forces and indiscriminate aerial bombardment of civilians in Sudan's Southern Kordofan and Blue Nile states resulted in the displacement of Sudanese refugees to South Sudan. The government generally supported local governments allocating land to the UNHCR for use by the Sudanese refugees. The country hosted an estimated 245,000 refugees from neighboring countries as of October. Approximately 91 percent of these refugees were from Sudan.

According to the IOM, 589 persons of South Sudanese origin or descent returned to the country from Sudan between January 1 and October 17. The UNHCR supported two groups of refugee returnees after they crossed the border back to South Sudan by their own means. These included South Sudanese who had been in Uganda for several decades after fleeing successive episodes of war and violence and the group of post-December 2013 South Sudanese refugees who crossed into Ethiopia.

The South Sudanese who had been in northern Uganda returned to Kajo-Keji, South Sudan, after being violently chased by local residents in the wake of tensions related to the border dispute between South Sudan and Uganda over parts of Moyo District, Uganda and Kajo-Keji County. The violence lasted from September 15 to 19 and forced 14,695 South Sudanese nationals of the Kuku tribe to return to South Sudan. In Jonglei the UNHCR identified between 400 and 500 former South Sudanese refugees who crossed from the Gambella region of Ethiopia into Pagak, South Sudan. They stated they returned to South Sudan because of fear of being relocated within Ethiopia to Dima camp where they would have been in proximity to Dinka-held areas. Because they were Nuer, they stated they wished to remain in South Sudan.

## Section 2. Respect for Civil Liberties, Including

### a. Freedom of Speech and Press

The transitional constitution provides for freedom of speech and press. The government did not always respect these rights, however, and there was a downward trend in respect for these freedoms since 2011. The conflict further aggravated this trend.

Freedom of Speech: The government regularly attempted to impede criticism by monitoring, intimidating, harassing, arresting, or detaining members of civil society who publicly criticized the government.

NSS representatives harassed Deng Athuai, chair of the Civil Society Alliance and civil society representative at South Sudan peace talks in Addis Ababa, Ethiopia, for his statements at the talks. Unknown assailants shot Deng in August, the day before he was to return to Addis to participate in the next round of talks. Deng survived the attack, but authorities did not conduct an investigation into the assassination attempt by year's end. Authorities had also not completed an investigation into Deng's 2012 kidnapping and beating.

Press Freedoms: The government completely closed one newspaper and temporarily closed one radio station. Eleven newspapers and nine Juba radio stations remained operational at year's end. The country had two television stations, one government-owned and one private. Since the outbreak of conflict in 2013, the government tried to dictate media coverage of the conflict, often threatening those who tried publishing or broadcasting the opposition's view of events. Journalists were harassed, intimidated, summoned for questioning by the NSS, and told to leave the country. The environment for media workers deteriorated throughout the year.

In September the government announced the president signed three media bills into law in December 2013, addressing the right to access information, public service broadcasting, and media authority. While journalists welcomed the laws, they raised concern the laws fell short of international standards.

Government officials or individuals close to the government regularly interfered in the publication of articles and broadcasting of programs, and high-level

government officials stated press freedom should not extend to criticism of the government.

On January 30, the NSS confiscated copies of *al-Masier* newspaper for articles published on federalism, a divisive topic in the country. In June the NSS seized an entire run of *The Citizen*. On July 2, the NSS confiscated 1,500 copies of the *Juba Monitor* daily newspaper from the media house and street vendors for carrying articles on federalism. The NSS confiscated editions of the *Juba Monitor* at least eight times by year's end. Security forces threatened to shut the *Juba Monitor* indefinitely and arrest editor in chief Alfred Taban if the newspaper continued to carry articles on the topic.

In early March the NSS detained a Voice of America reporter and the manager of a radio station. The NSS held them for approximately eight hours at NSS headquarters and questioned them about listener comments broadcast by the radio station. The radio station had broadcast a caller who advocated for holding South Sudan's President Kiir accountable for human rights violations.

On March 4, the NSS prohibited all media houses from reporting on the impeachment of the minister of finance of Western Bahr El Ghazal State.

During a March interview on Voice of America's South Sudan in Focus program, Minister of Information and Broadcasting and government spokesperson Michael Makuei Lueth stated any reporter who broadcast or published interviews with opposition force leaders engaged in subversive activity and broke the law. On September 7, Makuei described any media officials reporting stories from forces allied with Riek Machar as rebels and agitators.

In August the NSS temporarily shut down Roman Catholic radio station Radio Bakhita for quoting a statement reported in the *Sudan Tribune* newspaper that contradicted the government's version of fighting in Unity State. Authorities arrested chief editor Ochan David Nicholas, detained him for a few days, and then released him.

In September the Catholic Radio Network reported the Voice of Hope FM station in Wau faced threats of closure from the Western Bahr El Ghazal State deputy governor, who stated the station should limit its coverage to that state and avoid broadcasting news from other states, especially relating to the SPLA-IO.

Violence and Harassment: Security forces commonly intimidated or detained journalists whose reporting on security problems they perceived as unfavorable to the military or the government. Police banned photography in many urban areas or charged for photography permits. Security forces confiscated or damaged journalists' cameras and other equipment and restricted their movements. During the year journalists were called in for questioning, harassed, detained, and imprisoned. The government expelled several journalists. Journalists and media agencies who reported on news of the opposition could expect questioning and possible termination of services. Journalists in Juba experienced threats and intimidation and practiced self-censorship. Female journalists were at times singled out as easy targets for harassment, then asked to relay messages back to their editor or male colleagues.

On January 4, the presidential spokesperson announced the expulsion of al-Jazeera reporter Mohammed Adow for a report on military developments in the country.

On March 3, authorities arrested an Eye Radio journalist for conducting live radio interviews as citizens held a popular demonstration.

The investigation into the 2012 killing of prominent South Sudanese journalist and blogger, Isaiah Diing Abraham Chan Awuol (pen name Isaiah Abraham), had not concluded at the end of the year. Abraham complained of death threats, supposedly from NSS officials, in the weeks before his death.

Libel Laws/National Security: There were high-profile cases of security force members or other authorities accusing journalists of espionage or allegiance to opposition forces with little evidence.

In April the NSS detained journalists who transmitted radio broadcasts that included comments criticizing the government, regardless of whether they also broadcast comments critical of the opposition. NSS leadership stated any local reporting of information unfavorable to the government, including interviews with rebel leaders, could constitute a crime and would not be tolerated.

## **Internet Freedom**

There were no government restrictions on access to the internet or credible reports the government monitored e-mail or internet chat rooms without appropriate legal authority. Individuals and groups could engage in the expression of views via the internet, including by e-mail. The internet was unavailable in most parts of the

country due to lack of electricity and communications infrastructure. Less than 5 percent of the population used the internet.

### **Academic Freedom and Cultural Events**

There were no statutory restrictions on academic freedom or cultural events, and the government generally respected these freedoms.

### **b. Freedom of Peaceful Assembly and Association**

#### **Freedom of Assembly**

The transitional constitution provides for freedom of peaceful assembly, and the government generally respected this right, but many citizens did not gather due to fear of targeted violence. Security officials lacked nonviolent crowd-control capabilities and at times fired live ammunition into the air to disperse crowds.

#### **Freedom of Association**

The transitional constitution provides for freedom of association, but the government did not respect this right for those suspected of association with or sympathies for opposition figures (see section 1.g.). Some civil society leaders interpreted the 2012 Political Parties Act as an attempt to suppress opposition to the SPLM (see section 3).

At year's end the NLA had not passed a controversial NGO bill that would restrict civil society space and negatively impact NGOs by restricting their establishment and operation, particularly those focused on good governance, anticorruption, and human rights, through a range of legal barriers including limitations on the types of activities in which organizations can engage, onerous registration requirements, and heavy fines for noncompliance.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at [www.state.gov/religiousfreedomreport/](http://www.state.gov/religiousfreedomreport/).

### **d. Freedom of Movement, Internally Displaced Persons, Protection of Refugees, and Stateless Persons**

The transitional constitution provides for freedom of internal movement, foreign travel, and repatriation. The government, however, often restricted these rights. The transitional constitution does not address emigration.

In-country Movement: IDPs remained on UNMISS PoC sites due to fear of retaliatory or ethnically targeted violence by government security forces. The government sometimes obstructed UNHCR and other humanitarian organizations seeking to provide protection and assistance to IDPs and refugees. Continuing conflict between government and opposition forces restricted the movement of UN personnel and the delivery of humanitarian aid (see section 1.g.).

Xenophobia continued among the general population, stemming from a perception foreigners took jobs and economic opportunities from South Sudanese citizens. Reports indicated throughout the year security forces harassed Kenyans, Ugandans, Ethiopians, Eritreans, and Somalis working in the country. On September 16, the government issued a circular requiring private companies, including banking, insurance, telecommunications, and petroleum companies, and hotels and lodges to replace foreign workers in designated nontechnical or nonprofessional positions with qualified South Sudanese by October 15. The government did not clarify an implementation process by year's end.

Emigration and Repatriation: The governments of Sudan and South Sudan signed nine agreements on security, economic, and other matters, including an agreement to protect freedoms of residence, movement, economic activity, and property ownership for citizens of both countries residing in Sudan or South Sudan in 2012. Both countries, however, failed to make progress during the year on implementing the agreement with respect to each other's nationals.

Citizenship: While there were no reports the government revoked citizenship for political reasons, some NGOs reported the government sometimes denied citizenship to residents of the country whose ancestors emigrated from other countries or who had Muslim names due to subjective application of criteria in the nationality law (see section 6).

### **Internally Displaced Persons (IDPs)**

According to the OCHA, at year's end conflict and food insecurity continued to displace approximately 1.91 million persons internally and as refugees in neighboring countries due to continuing conflict between government and opposition forces. Of the total number displaced, approximately 1.337 million

sheltered in remote, hard-to-reach areas in conflict-affected Jonglei, Unity, and Upper Nile states, and had significant humanitarian needs. The more than 100,000 IDPs in UNMISS PoC sites also faced significant challenges. Many had protection concerns resulting from either proximity to active conflict, the presence of hostile--or perceived to be hostile--host communities or SPLA forces, and the inability of police to secure communities for return. The government has no laws or policies in place to protect IDPs in accordance with the UN Guiding Principles on Internal Displacement, although the government is a party to the Geneva conventions (see section 1.g.).

IDPs suffered significant abuses, such as armed attacks, killings, ethnically targeted violence, arbitrary detention, gender-based violence, and recruitment of child soldiers. Both government and opposition forces targeted IDPs. Outside the major UN-operated PoC sites, IDP settlements were co-located with armed elements, and IDPs reported abuse by these armed elements.

For example, IDPs staying on the UNMISS Tomping PoC site were targeted outside the West Gate, the only gate by which they were permitted to enter and exit the PoC. They faced harassment, arbitrary arrest, beatings, extortion, and rape (see section 1.c.). IDPs staying at the Bentiu PoC site faced similar threats.

UNMISS implemented guidelines to address the growing problem of criminality on UNMISS PoC sites. The United Nations worked with IDP community leaders to identify IDPs accused of committing crimes. Offenders were then either turned over to community leaders for informal mediation or were placed in detention. In extreme cases IDPs were considered for expulsion. Government authorities refused to prosecute serious offenders identified by UNMISS due to jurisdiction and evidence problems.

### **Protection of Refugees**

Access to Asylum: The South Sudan Refugee Act provides for protection of refugees as well as the granting of asylum and refugee status. The government allowed refugees from a variety of countries to settle and generally did not treat refugees differently from other foreigners.

Refugee Abuse: Refugees sometimes suffered abuse, such as armed attacks, killings, gender-based violence, recruitment as child soldiers, and forced labor, according to the UNHCR. For example, in March voluntary and forced

recruitment, including of children, from refugee camps in both Unity and Upper Nile states increased.

Access to Basic Services: While refugees sometimes lacked basic services, this generally reflected a countrywide problem rather than discriminatory practices by the government. Refugee children had access to elementary education in refugee camps through programs managed by international NGOs and the United Nations. Some schools were shared with children from the host community. Refugees had access to judiciary services in principle, although a lack of infrastructure and staff meant these resources were often unavailable.

Due to ongoing conflict and scarcity of resources, some tension existed between refugees and host communities over access to resources.

Durable Solutions: The government accepted refugees and returnees for resettlement, although it had not published a national strategy for facilitating integration or reintegration into local communities. No national procedures were in place to facilitate the provision of identity documents for returnees or the naturalization of refugees beyond procedures that were in place for all citizens and other applicants.

### **Stateless Persons**

Citizenship is derived through birth if a person has any South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals also may derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship.

### **Section 3. Respect for Political Rights: The Right of Citizens to Change Their Government**

The transitional constitution provides that every citizen has the right to participate in elections in accordance with the constitution and the law.

### **Abyei**

Introduction: Abyei is a disputed region between Sudan and South Sudan that, according to agreements between the two governments, is to be jointly administered until a referendum on the final status of the area is held. After



conflict in 2011 between Sudanese and South Sudanese forces, the United Nations established the UN Interim Security Force for Abyei (UNISFA). The security situation in Abyei was tenuous throughout the year. Relations between the Ngok Dinka and Misseriya communities remained tense after the May 2013 killing of the Ngok Dinka paramount chief, Kuol Deng Koul. The African Union had yet to release a report following its investigation into the May 2013 killings of the Ngok Dinka paramount chief, one Ethiopian UNISFA peacekeeper, and 16 Misseriya tribesmen. The Abyei Area Joint Investigation and Inquiry Committee completed an investigation into the incident but had yet to release the results.

The year was characterized by escalated levels of violence between the two communities, mostly involving cattle raiding.

Several humanitarian aid NGOs continued to provide mobile outreach services in Abyei from their bases in South Sudan.

Killings: According to the May report by the UN secretary-general on the situation in Abyei, fierce fighting between Misseriya and Ngok Dinka in Abyei killed at least 110 persons (10 Misseriya and 100 South Sudanese) and injured 37 others in March. The Abyei Joint Oversight Committee attributed the fighting to a dispute over rights to the use and ownership of land and other resources.

On June 28, renewed Misseriya intratribal fighting between Awlad Omran and Zued in West Kordofan killed at least 80 persons and injured several dozen. The two clans signed a peace agreement on November 19. On November 22, however, clashes between the two clans resumed, and from November 22-26, fighting killed nearly 200 persons.

On December 7, unidentified assailants shot and killed four Ngok Dinka in Leu village in southeastern Abyei.

On December 9, in Mijak, Abyei, unidentified assailants conducted a cattle raid, killed two Ngok Dinka, and injured three.

Other Conflict-related Abuses: UNISFA also reported occasional SPLA incursions into southern Abyei, including an attempted robbery at a market in Agok on July 20 carried out by SPLA soldiers based in Unity state. On September 13, SPLA deserters set up illegal roadblocks in the south of Abyei and attempted to extort taxes from passing traffic.

## **Elections and Political Participation**

Recent Elections: The country has not held elections since becoming independent in 2011. According to the transitional constitution, general elections should be held by July 2015, which coincides with the end of the five-year presidential term. Despite government statements that elections would still be held in 2015, elections were questionable due to the political crisis and the need to participate in peace talks to put an end to the war. Civic education remained low in the country and contributed to limiting public understanding of political processes.

Prior to independence, presidential, gubernatorial, and legislative elections took place throughout Sudan in 2010. In South Sudan, elections resulted in overwhelming majorities for the SPLM; however, disputes stemming from the SPLM's candidate nomination process and the electoral results fed numerous internal rebellions. While international observers deemed the presidential election, which resulted in the election of President Salva Kiir Mayardit, generally free and fair within the semiautonomous region of Southern Sudan, observers believed the SPLM manipulated state elections to favor the election of SPLM governors in some states. For example, international observers believed the majority of voters in Unity State voted for the independent candidate, but the incumbent SPLM governor was declared the winner. Public perception of manipulated elections for SPLM governors in Jonglei and Unity states triggered violence, resulting in deaths and injuries in 2010.

In the months preceding the 2010 elections, security forces harassed, arrested, and detained persons thought to oppose the SPLM, including journalists and opposition members.

During 2013 citizens did not have an opportunity to exercise the right to vote in state-level elections because President Kiir dismissed legislative and gubernatorial representatives and filled those positions with caretaker appointments that became de facto permanent ones, in contravention of the transitional constitution's requirement for by-elections within 60 days of a vacancy. On August 26, the NLA dismissed 23 of its members on the grounds the members were absent without permission for 12 consecutive sessions. These members were affiliated with the SPLM/A-IO. Of the 23 members, eight members were from Upper Nile, five from Unity, four from Jonglei, three from Central Equatoria, two from Western Equatoria, and one from Northern Bahr El Ghazal. During the year the caretaker governor of Unity State appointed 20 state cabinet ministers after dissolving the entire state government and removing three county commissioners.

The transitional constitution states a national census must be held prior to the 2015 elections to determine electoral boundary lines. No progress was made in funding a national census, but some government officials believed elections should be carried out regardless. This would require a change in the transitional constitution.

Political Parties and Political Participation: The SPLM enjoyed a near-monopoly of power in the government and was the most broadly recognized and supported political entity since the signing of the Comprehensive Peace Agreement in 2005. SPLM membership conferred political and financial advantages, and there was great reluctance for opposition parties to shed the SPLM name. For example, the main opposition party was referred to as the SPLM in opposition (SPLM-IO) and there was also an SPLM for Democratic Change (SPLM-DC) party. At various points in the past, members of different political parties worked together under the SPLM name to achieve common goals, giving a strong attachment and symbolic meaning to the name. The SPLA was also closely connected to the SPLM.

Opposition parties headed only one of 21 ministries and suffered from limited financial resources and poor infrastructure. They held a small minority of seats in the NLA and the Council of States. The Political Parties Act, passed in 2012, mandated new and more rigorous requirements for registering political parties, but the act led to limits on political space, restricted the growth of existing opposition parties, and prevented the formation of new ones. Opposition parties complained the government harassed party members.

Throughout the year, as peace negotiations dragged on, various officials switched political parties or sides in the conflict. Several key government officials resigned from their positions, including the deputy ambassador to the South Sudanese Mission to the United Nations. Several military officials also defected, in both directions. For example, in June the commander of the SPLA's Sixth Division, General Dau Atturjong, announced his defection to opposition forces, and 180 NLA members joined the opposition in June.

Following government instructions, airport officials barred SPLM-DC leader Lam Akol and four other political leaders from boarding a plane to attend peace talks in Addis Ababa on September 13. The Ministry of Foreign Affairs spokesperson announced during a radio broadcast Akol was prevented from going due to a lack of harmony between him and the government's delegation.

Participation of Women and Minorities: The transitional constitution requires at least 25 percent female participation in the legislative and executive branches of

government at the national and state levels. Women held 99 of the 332 filled seats in the NLA but occupied only five of the 50 seats in the Council of States. The government had largely not met the 25 percent representation requirement for women at the state level. Four women served in the 21-member cabinet, while five of 12 deputy ministers were women.

The government made efforts to demonstrate representation from a variety of regions and ethnic groups, although it had not established any formal mechanism to achieve such balance by year's end. As a result some ethnic groups remained unrepresented in government.

The absence of a translation of the constitution in Arabic or local languages limited the ability of local and minority populations to engage meaningfully in dialogue and caused low turnout for several consultations around the country.

#### **Section 4. Corruption and Lack of Transparency in Government**

The transitional constitution provides for criminal penalties for acts of corruption, but the government did not implement the law, and officials engaged in corrupt practices with impunity.

Corruption: Corruption was endemic in all branches of government. Poor recordkeeping, lax accounting procedures, absence of strict procurement laws, a lack of accountability, and the pending status of corrective legislation compounded the problem.

The transitional constitution assigns responsibility for investigating and prosecuting corruption to the South Sudan Anticorruption Commission (SSACC). The commission has no authority to prosecute because the constitution did not repeal or amend previous laws vesting prosecutorial powers in the Ministry of Justice. Further complicating prospects for prosecution was the fact that neither the constitution nor the criminal code define corruption.

President Kiir established an Investigation Committee in 2013 to investigate the transfer of SSP 23.3 million (\$7.9 million) to a Kenyan bank account. The committee recommended prosecution of former minister of cabinet affairs Deng Alor Kuol for misappropriation. There was no action taken on this case by year's end.

In June the government accused its chief negotiator in Addis Ababa, Nhial Deng Nhial, of misappropriating 750 million South Sudanese pounds (SSP) (\$250 million) when he held various ministerial positions between 2008 and 2011. There was no investigation by year's end.

Financial Disclosure: Government officials of director general rank and higher are required to submit financial declaration forms annually, although there is no penalty for failure to comply. The assets of spouses and minor children must be declared as well. Although the SSACC received these forms and was responsible for monitoring compliance, no monitoring occurred by year's end.

Public Access to Information: No law provides for public access to government information, and the government resisted domestic and international pressures for increased transparency, particularly in the financial sector. For example, the Ministry of Finance failed to investigate and report on large discrepancies between planned and actual budget expenditures since 2008. The Central Bank did not publish information on foreign reserve holdings or other commonly available data. The Ministry of Petroleum did not publish information on oil production or revenues. The government did not publicize procurements, and single-source contracting was the norm.

## **Section 5. Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

A variety of domestic and international human rights groups investigated and published information on human rights cases and the armed conflict, often while facing considerable government resistance. Government officials were rarely cooperative and responsive to their views. During the year the government operated a system of registration requirements for NGOs, which it used to collect fees for public services provided near NGO locations.

Prison officials granted considerable access to international organizations and NGOs, which they saw as important for demonstrating the critical lack of resources affecting the prison system. Conversely, security forces strictly limited access to their facilities, often prohibited monitoring of their activities and generally regarded NGOs, the United Nations, and other international observers with suspicion.

NGOs reported government representatives occasionally entered their properties without judicial authorization and confiscated personal documents and equipment.

For example, the South Sudan Relief and Rehabilitation Commission, one of the government bodies responsible for registering NGOs, routinely demanded assets legally belonging to donors upon project conclusion. NGOs and donors also reported work permit and registration requirements were burdensome, time consuming, and costly.

The United Nations or Other International Bodies: The government sometimes cooperated with representatives of the United Nations and other international organizations. A lack of security guarantees from the government and opposition on many occasions, as well as frequent government violations of the Status of Forces Agreement (SOFA), including restriction of movement of UNMISS personnel, constrained UNMISS's ability to carry out its mandate, which included human rights monitoring and investigations. Security forces generally regarded international organizations with suspicion particularly when they operated near the border with Sudan or in conflict areas throughout the country.

UNMISS and its staff faced increased harassment and intimidation by the government, threats against UNMISS premises and PoC sites, unlawful arrest and detention, and abduction. UN personnel were kidnapped or detained during the year (see section 1.g.). Two UN staff members remained detained, and two were missing at year's end. The SPLA sometimes prevented UNMISS from accessing areas of suspected rights abuse, violating the SOFA that allows UNMISS access to the entire country. Despite regular notifications to the government by UNMISS of these violations, by year's end the government had not shared the outcome with UNMISS of any of the investigations it committed to undertake.

On August 26, unknown forces shot down an UNMISS Mi-8 helicopter over Bentiu, Unity State, killing three Russian crewmembers and injuring a fourth. The United Nations established an independent board of inquiry to investigate responsibility for the attack, which continued at year's end.

On November 10, the SPLA impounded four trucks carrying armored vehicles and equipment for UNMISS peacekeepers. The United Nations reported the security forces also assaulted the drivers, accusing them of transporting weapons to the rival SPLA-IO faction. The government frequently blocked or restricted the delivery of humanitarian assistance, often due to security restrictions (see sections 1.g. and 2.d.).

The government cooperated with the African Union Commission of Inquiry on South Sudan that was established on March 6 to investigate violations of

international human rights and international humanitarian law and make recommendations for accountability and reconciliation. The commission conducted several investigative visits between June and September and released an interim report in June. The African Union did not publicly share the commission's findings by year's end.

Government Human Rights Bodies: The president appoints members of the South Sudan Human Rights Commission (SSHRC), and its mandate includes education, research, monitoring, and investigation of human rights abuses. The SSHRC investigates allegations of human rights abuses, either on its own initiative or upon request by victims. International organizations and civil society organizations considered the SSHRC's operations to be generally independent of government influence. The commission cooperated with international human rights advocates, submitted reports and recommendations to the government, and participated in a panel discussion at the UN Human Rights Council in Geneva. While observers generally regarded the SSHRC as a committed and competent advocate of human rights, severe resource constraints prevented it from meeting its mandate during the year. The SSHRC dedicated more than 90 percent of its resources to salaries and office management, leaving it with essentially no resources for monitoring or investigation. The SSHRC also lacked resources for transportation. In March the SSHRC published the *Interim Report on the South Sudan Internal Conflict* covering human rights abuses committed on both sides of the conflict between December 2013 and March 15. It issued a second report in July with further findings and recommendations.

In September 2013, under the auspices of the International Conference of the Great Lakes Region, the government established a National Committee for the Prevention and Punishment of Genocide. The committee remained largely inactive at year's end primarily due to a lack of funding.

The government established several committees to investigate conflict-related human rights abuses perpetrated by the SPLA and opposition forces. In January the Office of the President established a Human Rights Investigative Committee to gather evidence. In February the Ministry of Justice opened an investigation into killings committed in Juba. The committee began its work on July 4. As of September the committee reported 750 persons had come forward to give testimony. The SPLA chief of general staff established a five-member investigation committee in January to investigate abuses committed by state security personnel. Also in January the SSNPS established its own five-member committee to investigate allegations of police officers' involvement in civilian

killings in Juba. Reportedly, it completed this investigation in May and gave the report to the Human Rights Investigative Committee. NGOs frequently questioned the credibility of these efforts as none of these committees produced public findings of their investigations and brought no one to justice by year's end.

## **Section 6. Discrimination, Societal Abuses, and Trafficking in Persons**

The transitional constitution prohibits discrimination based on race, gender, disability, language, and social status but is silent on discrimination based on sexual orientation or gender identity. The government did not effectively enforce the prohibitions.

### **Women**

Rape and Domestic Violence: Rape is punishable by up to 14 years' imprisonment and a fine. The government did not effectively enforce the law, and rape was thought to be widespread. Sexual intercourse within marriage is defined as "not rape" in the law. There was no information available on the number of persons prosecuted, convicted, or punished for rape, and convictions of rape were seldom publicized. According to observers sentences for persons convicted of rape were often less than the maximum. Since the conflict began in December 2013, conflict-related sexual violence was prevalent and often underreported throughout South Sudan, as women and girls increasingly became targets of revenge following skirmishes and attacks on towns (see section 1.g.). Women also faced rape while living in PoC sites and at times when leaving PoC sites to conduct daily activities.

The law does not prohibit domestic violence. Violence, including spousal abuse, against women was common, although there were no reliable statistics on its prevalence. Women were often reluctant to file a Form 8 formal complaint, and police seldom intervened in domestic disputes. According to NGOs, some women reported police tried to charge them SSP 20 (seven dollars) when they attempted to file the criminal complaint of rape or abuse. While the official form is not mandatory, police often told women they needed to complete it prior to receiving medical treatment. The SSNPS placed the complaint forms in Juba Teaching Hospital to help decrease the time it took women to file a complaint and receive medical attention. Statistics on the number of abusers prosecuted, convicted, or punished were not available. Families of rape victims encouraged marriage to the rapist to avoid public shaming.



Female Genital Mutilation/Cutting (FGM/C): FGM/C is a criminal offense under the penal code. There was a 1.3 percent prevalence rate of FGM/C in the country.

Sexual Harassment: Sexual harassment is punishable by up to three years' imprisonment and a fine. The government rarely enforced the law, and NGOs reported most women were unaware that it was a punishable offense. Although no statistics were available, observers noted sexual harassment, particularly by military and police, was a serious problem throughout the country.

Reproductive Rights: Couples were not subject to coercion or violence in deciding the number, spacing, and timing of children, but few couples had access to accurate information and modern contraceptive methods. Women had the right to attain the highest standard of reproductive health, however, modern contraception, skilled medical attendants during childbirth, and obstetric and postpartum care were not widely available. Dowry also limited some reproductive choices, since men who paid dowries to marry believed they should have the final say in domestic decisions.

High illiteracy rates among women also limited female access to accurate information concerning the right to control their fertility. According to UN estimates, the modern contraceptive prevalence rate was only 1.5 percent among women and girls of reproductive age. The most recent maternal mortality rate estimate was 2,054 deaths per 100,000 live births, and a woman's lifetime risk of maternal death was one in seven. The leading cause of maternal death and disability was lack of medical care for treatable conditions, such as infection, hemorrhage, and obstructed birth.

Discrimination: While the transitional constitution provides for gender equality and equal rights for women, deep cultural prejudices resulted in widespread discrimination against women. High illiteracy rates also impeded women's ability to understand and defend their rights. Communities often followed customary laws and traditional practices harmful to women. For example, authorities arrested and detained women for adultery.

Despite statutory law to the contrary, under customary law a divorce is not final until the wife and her family return the full dowry to the husband's family. As a result families often dissuaded women from divorce. Traditional courts usually ruled in favor of the husband's family in most cases of child custody, unless children were between three and seven years of age.

Women also experienced discrimination in employment, pay, credit, education, inheritance, and ownership and management of businesses or land. Although women have the right to own property and land under the transitional constitution, community elders often sought to prevent women from exercising these rights because they contradict customary practice, and the deceased husband's family often usurped land. Traditional beliefs tended to discourage women from assuming leadership positions because of the belief this undermined domestic duties.

## **Children**

Birth Registration: Citizenship is derived through birth if a person has any South Sudanese parent, grandparent, or great-grandparent on either the mother's or the father's side, or if a person is a member of one of the country's indigenous ethnic communities. Individuals may also derive citizenship through naturalization. Birth in the country is not sufficient to claim citizenship. The government did not register all births immediately, and the public had little knowledge of the requirement to register births. Most births were unregistered, but this had no discernible effect on access to public services.

Education: The law provides for tuition-free basic education through grade eight, although education was not compulsory, and many children did not attend school due to the armed conflict. Lack of schools, conflict in many areas, and muddy terrain during the rainy season made it difficult for children to receive education, particularly when the SPLA and opposition forces occupied schools (see section 1.g.). The government did not prioritize investments in education. Schools generally lacked materials, trained teachers, and sufficient facilities. Girls often lacked equal access to education. Many girls did not attend school or dropped out of school due to early marriage, domestic duties at home, and fear of gender-based violence at school. According to an international NGO, girls comprised only 39 percent of primary school students and 30 percent of secondary school students. Most teachers were men, and in many communities, it was not acceptable to send girls into a male-dominated public space.

Child Abuse: Abuse of children included physical violence, abduction, and harmful traditional practices such as "girl compensation" (see Other Harmful Traditional Practices below). Child abuse, including sexual abuse, was reportedly widespread. Child rape occurred frequently in the context of child marriage and within the commercial sex industry in urban centers, and armed groups perpetrated it. Authorities seldom prosecuted child rape due to fear among victims and their

families of stigmatization and retaliation. Child abduction also was a problem. Rural communities often abducted women and children during cattle raids (see section 1.g.).

Early and Forced Marriage: The law provides that every child has the right to protection from early marriage but does not explicitly prohibit marriage before age 18. Child marriage was common. According to the Ministry of Gender, nearly half of all girls and young women between the ages of 15 and 19 were married, and some brides were as young as 12 years old. Early marriage sometimes reflected efforts by men to avoid rape charges, which could not be brought by a married woman against her husband. In other cases, families of rape victims encouraged marriage to the rapist to avoid public shaming. Many abducted girls, often subject to repeated rape (see section 1.g.), were forced into marriage. The Ministry of Gender, in collaboration with UNICEF, campaigned against child marriage as part of its commemoration of the International Day of the African Child.

Female Genital Mutilation/Cutting (FGM/C): FGM/C, including of children, is a criminal offense. There is a 1.3 percent prevalence rate of FGM/C in the country.

Although not a common practice, FGM/C occurred in parts of the country, particularly along the northern border regions in Muslim communities. The 2010 South Sudan Household Survey stated the prevalence was 1.3 percent, but 4 percent of families intended to submit their daughters to the procedure, although health analysts questioned the quality of these data. The law prohibits subjecting children to negative and harmful practices that affect their health, welfare, and dignity. Several NGOs worked on ending FGM/C, and the Ministry of Gender raised awareness about the dangers of FGM/C through local radio broadcasts.

Other Harmful Traditional Practices: The practice of girl compensation--compensating the family of a crime victim with a young girl from the perpetrator's family--occurred. Victims were generally between ages 11 and 15, did not attend school, and often were physically and sexually abused and used as servants by their captors. Local officials complained the absence of security and rule of law in many areas impeded efforts to curb the practice.

Sexual Exploitation of Children: The law designates a minimum age of 18 years old for consensual sex, although commercial sexual exploitation of children reportedly occurred. The law does not address child pornography. Perpetrators of child prostitution and child trafficking may be punished by up to 14 years' imprisonment, although authorities rarely enforced these laws. Child prostitution

and child trafficking both occurred, particularly in urban areas. In larger cities girls below age 18 were involved in prostitution.

Child Soldiers: The law prohibits recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years' imprisonment. Opposition and government forces recruited and used child soldiers throughout the year (see section 1.g.).

Displaced Children: During the year conflict and flooding displaced numerous children; few had access to government services, such as education (see section 1.g.).

International Child Abductions: The country is not a party to the 1980 Hague Convention on the Civil Aspects of International Child Abduction.

### **Anti-Semitism**

There were no statistics concerning the number of Jews in the country. There were no reports of anti-Semitic acts.

### **Trafficking in Persons**

See the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **Persons with Disabilities**

The law does not specifically prohibit discrimination against persons with physical, sensory, intellectual, and mental disabilities in employment, education, air travel and other transportation, access to health care, or the provision of other state services. The government has not implemented programs to provide access to buildings for persons with disabilities. NGOs reported community and family routinely subjected persons with disabilities to discrimination as well as in access to public services. Observers estimated authorities enrolled nearly 23,000 children with disabilities in primary schools. There were no legal restrictions on the right of persons with disabilities to vote and otherwise participate in civic affairs, although lack of physical accessibility constituted a barrier to effective participation. There were no mental health hospitals or institutions, and persons with mental disabilities were often held in prisons. Limited mental health services were available at Juba Teaching Hospital.

## **National/Racial/Ethnic Minorities**

Interethnic fighting and violence by government, opposition forces, and RMG forces targeting specific ethnic groups resulted in human rights abuses throughout the year (see section 1.g.). The country had at least 60 ethnic groups and a long history of interethnic conflict. Ethnic groups were broadly categorized into the Nilotic (Dinka, Nuer, and Shilluk ethnic groups), Nilo-Hamitic, and the Southwestern Sudanic groups. For some ethnic groups, cattle represented wealth and status. Competition for resources to maintain large cattle herds often resulted in conflict. Longstanding grievances over perceived or actual inequitable treatment and distribution of resources and political exclusion contributed to conflict.

Interethnic clashes occurred throughout the year between Dinka and Nuer ethnic groups due to the crisis that started in 2013(see section 1.g.). Interethnic conflict occurred in Lakes State, with subgroups of the dominant Dinka group, Dinka pastoralists, and Jur Bel agriculturalists fighting for land resources. Interethnic clashes occurred in northeast Lakes State between Nuer from Unity State and Dinka in Lakes State. As in 2013 tensions in Unity State between nomadic Misseriya, the Nuer, and the Dinka communities resulted in occasional confrontations. Migrations of nomadic northern Arab groups, including Misseriya, increased tensions as they traveled through Abyei to reach grazing grounds farther south. Interethnic clashes also occurred in Eastern Equatoria, Northern Bahr el Ghazal, Warrap, Western Bahr el Ghazal, and Upper Nile states. The migration of nomadic groups, notably the Rezeigat and Misseriya, into northern Bahr el Ghazal State was largely peaceful during the year, as peace committees worked to encourage dialogue and peaceful conflict resolution.

While the transitional constitution provides for equal rights for members of all ethnic groups, members of the government often contributed to interethnic conflict through discriminatory rhetoric. Rhetoric about government hostilities toward the Murle ethnic group subsided during the year since the government signed a peace agreement with Murle rebel leader David Yau Yau in May to end the rebellion in Pibor County, Jonglei State.

Christians in the country sometimes discriminated against Arabs and Muslims.

## **Acts of Violence, Discrimination, and Other Abuses Based on Sexual Orientation and Gender Identity**

The law does not prohibit sodomy, but it prohibits “unnatural offenses,” defined as “carnal intercourse against the order of nature.” Unnatural offenses are punishable by up to 10 years’ imprisonment if committed with consent and up to 14 years if without consent. There were no reports authorities enforced the law during the year.

Societal discrimination against lesbian, gay, bisexual, or transgender (LGBT) persons was widespread. There were no known LGBT organizations. While there were no reports of specific incidents of discrimination or abuse during the year, stigma was a likely factor in preventing incidents from being reported.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The country has not passed a national labor law. The country operated under select legislation inherited from Sudan. The 1997 Labor Act of Sudan remained in effect during the year. While that act provides for independent unions, other laws and regulations restrict trade union rights. The 1992 Trade Union Act imposes a single trade union system, thereby allowing a trade union monopoly controlled by the government. The law provides that, in order to register a trade union, one of the trade union’s objectives should be to cooperate with government bodies and community forces to promote national independence and security and the government’s international relations. The law is silent on the right to bargain collectively and does not explicitly prohibit antiunion discrimination or provide for reinstatement of workers fired for union activities.

The government defines the scope of unions’ activity, including terms of office, elections, organizational structures, and alliances. The auditor general controls trade union funds. The law also provides that the general registrar may abrogate the procedures of the elections in a union if he is convinced of their shortcomings and, in such event, is empowered to order new elections. To hold a lawful strike, previous authorization or approval by authorities is required, and workers may be dismissed for taking illegal strike action.

Government enforcement of pre-existing labor laws was slight to nonexistent. While labor courts adjudicate labor disputes, the minister of labor may refer them to compulsory arbitration. Administrative and judicial procedures were subjected to lengthy delays and appeals.

There were few unions in the country; they included the Union of Journalists of South Sudan, the Union Haggar Tobacco, and the South Sudan Workers' Trade Union, the latter of which had approximately 65,000 members, mainly in the public sector, and was independent of the governing political party. There were no high-profile cases of employer interference in union functions during the year, although international organizations reported such interference was common.

### **b. Prohibition of Forced or Compulsory Labor**

The law does not prohibit all forms of forced or compulsory labor. The law prohibits abduction or transfer of control over a person for the purpose of unlawful compulsory labor. Selling a minor for the purpose of prostitution is a crime. Government enforcement of the law was weak. The government did not investigate or prosecute any trafficking offenses during the year. The law prescribes punishments of up to seven years' imprisonment for abduction and transfer of control over a person for the purpose of unlawful compulsory labor, which is sufficiently stringent to deter violations. The law prescribes punishment of up to two years' imprisonment for compulsory labor without aggravating circumstances, which is not sufficiently stringent. These laws were not sufficient to deter violations since they were not adequately enforced.

There were reports of forced labor involving men, women, and children, many of whom were from Kenya, Uganda, the Democratic Republic of the Congo, Ethiopia, and Eritrea. Forced labor occurred in domestic servitude, agricultural labor on family farms and at cattle camps, and in prisons. Most of those in situations of forced labor in cattle camps and agricultural activities were family members. Employers subjected women, migrants, and children (see section 7.c.) to forced domestic labor in mines, restaurants, street begging, criminal activities, and sexual exploitation. Women and girls, particularly those from rural areas or those who were internally displaced, were vulnerable to forced labor as domestic servants in homes in Yei, Bor, Wau, Torit, Nimule, and Juba, and possibly throughout the country.

Also see the Department of State's *Trafficking in Persons Report* at [www.state.gov/j/tip/rls/tiprpt/](http://www.state.gov/j/tip/rls/tiprpt/).

### **c. Prohibition of Child Labor and Minimum Age for Employment**

The minimum age for paid employment in general is 14 years old but is 15 for “strenuous work” and 12 for “light work.” Under the law strenuous work includes activities such as mining and quarrying, work in factories, night shift work, or employment in prisons or the military. The law defines light work as work that does not harm the health or development of a child and does not affect the child’s school attendance or capacity to benefit from such.

The government did not enforce child labor laws. The Ministry of Labor’s Child Labor Unit had only two investigators specifically trained to address child labor. Although charged with removing children engaged in work, Ministry of Labor officials indicated their investigators did not have the necessary resources to conduct proper investigations. The law provides penalties for the infringement of a child’s right of up to six months’ imprisonment, which was not sufficient to deter violations. The law prohibits recruitment and use of children for military or paramilitary activities and prescribes punishments of up to 10 years’ imprisonment. The National Steering Committee on Child Labor, led by the Ministry of Labor, was charged with coordinating efforts across government ministries to combat child labor; but it was unclear how active the committee was during the year. In addition to the Ministry of Labor, the committee included representatives from the ministries of Agriculture and Forestry; Health; Gender; General Education; Culture, Youth, and Sports; Animal Resources and Fisheries; and Wildlife Conservation and Tourism, as well as the International Labor Organization (ILO) and union representatives.

Forty-six percent of children between the ages of 10 and 14 were engaged in some form of child labor, largely in cattle herding or subsistence farming with family members. A 2013 study conducted in Juba by the NGO Confident Children out of Conflict found widespread evidence employers violated the minimum age of employment. Government sources reported children were engaged in waitressing in hotels until late at night, and later subjected to commercial sexual exploitation (see section 6). Children also worked in the construction industry lifting heavy material and were employed as minibus conductors, plastic-bottle collectors, and vehicle cleaners. Children working in construction, market vending, shoe shining, rock breaking, brick making, delivery cart pulling, and begging were vulnerable to forced labor. Criminals abducted boys for forced labor in cattle herding, and girls for forced labor in domestic service and marriage during intertribal and cattle rustling disputes in the Jonglei, Upper Nile, Lakes, and Warrap states.



The SPLA and opposition forces recruited children during the year. School occupations by SPLA forces remained a problem. The SPLA reportedly occupied 31 schools at year's end (see section 1.g.).

Also see the Department of Labor's *Findings on the Worst Forms of Child Labor* at [www.dol.gov/ilab/reports/child-labor/findings/](http://www.dol.gov/ilab/reports/child-labor/findings/).

#### **d. Discrimination with Respect to Employment or Occupation**

The law does not prohibit discrimination with respect to employment or occupation.

Discrimination in employment and occupation occurred with respect to hiring practices with particular ethnic groups such as the Murles who were underrepresented in both the public and private sector. Dinka and Nuer ethnic group members primarily held positions within the national government.

#### **e. Acceptable Conditions of Work**

The country operated under select legislation inherited from Sudan. There were no new laws stipulating a national minimum wage. The Civil Service Provisional Order applies to the public sector and outlines the rights and obligations of public sector workers, including benefits, salaries, and overtime. The law provides the Ministry of Labor, Public Service, and Human Resources with authority to issue the schedule of salary rates, according to which all civil servants, officials, and employees are to be paid. Under the law only unskilled workers are eligible for overtime pay in excess of 40 hours of work per week. The law does not provide for a standard workweek. Civil servants, officials, and employees working at higher pay grades were expected to work necessary hours beyond the standard workweek without overtime pay. When exceptional additional hours were demanded, the department head could grant time off in lieu of reimbursement.

The government set occupational safety and health standards for public sector workers through the Acceptable Conditions of Work laws. The government has not enacted similar legislation on wages, working conditions, or occupational safety and health for workers outside of the public sector. In practice workers cannot remove themselves from situations that endangered health or safety without jeopardy to their employment.

The Ministry of Labor, Public Service, and Human Resources is responsible for enforcement of laws on wages and working conditions. It had between seven and 10 labor inspectors. Standards were not effectively enforced, and the Ministry of Justice reported receiving no cases of labor violations. The government neither investigated nor prosecuted cases during the year. Penalties for violations of laws on wages and working conditions were not sufficient to deter violations.

No information was available on working conditions with respect to minimum wage, hours of work, and occupational safety and health. According to the 2008 census, the latest such data available, 84 percent of those employed were in nonwage work. Most small businesses operated in the informal economy and widely ignored labor laws and regulations. According to the ILO, less than 12 percent of workers were in the formal sector. The formal sector included security companies, banks, telecommunications companies, a brewery, and other private companies. The majority of workers in the country were agricultural workers, of whom 70 percent were agropastoralists, and 53 percent engaged in unpaid subsistence family farming.