

Attached is an advance copy of the **Report of the Secretary-General on South Sudan (covering the period from 18 November 2014-6 February 2015)** for the information of the members of the Security Council.

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17 February 2015

**Report of the Secretary-General on South Sudan**  
**(covering the period from 18 November 2014 - 6 February 2015)**

**I. Introduction**

1. The present report is submitted pursuant to Security Council resolution 2187 (2014), by which the Council extended the mandate of the United Nations Mission in South Sudan (UNMISS) until 30 May 2015 and requested that I report on the implementation of the Mission's mandate no later than 16 February 2015. This report provides an update on developments since 18 November 2014, the date of my previous report (S/2014/821), to 6 February 2015.

**II. Political developments**

***South Sudan peace process***

2. The sixth Summit of the Intergovernmental Authority on Development (IGAD) Heads of State and Government, held in Addis Ababa, Ethiopia, on 6 and 7 November 2014, demanded that the Government of the Republic of South Sudan (GRSS) and the Sudan Peoples' Liberation Movement/ Army (SPLM/A) in Opposition end all hostilities and, should the parties fail to do so, threatened collective punitive action by the IGAD region, including sanctions and an arms embargo. The parties were further granted 15 days to consult their respective constituencies on the core issues impeding progress in the negotiations.

3. The core outstanding issues included the formula for power-sharing between the GRSS and the SPLM/A in Opposition during a

transitional period leading to elections; the timing of the integration of armed forces; and the timing of the consideration of federalism. The power-sharing formula has been the most contentious issue.

4. Government consultations were held in Juba on 24 November. On power-sharing, the Government concluded that executive power during the transition should remain with the President and his Vice President, offering the SPLM/A in Opposition a position of Prime Minister without executive power. It further recommended that the demobilization, disarmament and reintegration (DDR) of Opposition forces be completed before the end of a pre-transition period of three months, and that deliberations on a federal system of governance be held through the constitution-making process during the transition.

5. The SPLM/A in Opposition held consultations from 6 to 12 December in Pagak, Upper Nile State. It concluded that an executive Prime Minister from the SPLM/A in Opposition should lead the transitional Government, with a ceremonial head of state; that the Government and SPLM/A in Opposition should maintain separate armies throughout the transitional period until the holding of elections; and that South Sudan should be immediately reorganized as a federation of 21 States. The positions of the two sides reflected some backtracking and hardening of previously held negotiation positions, particularly with respect to power-sharing.

6. On 18 December, the negotiation committees on (1) leadership, (2) security arrangements, and (3) economic, wealth sharing, and public finance management resumed talks in Addis Ababa, with limited results. The IGAD Special Envoys adjourned

the talks on 21 December in order to consult IGAD Heads of State and Government and other partners in preparation for an IGAD Summit to be held in the margins of the African Union Summit in January 2015.

7. On 12 January, during a visit to Sudan, the Foreign Minister of China hosted a meeting in Khartoum between the representatives of the GRSS and the SPLM/A in Opposition. The parties agreed to a "Five Point Plan", which provided that they i) immediately work to stop hostilities; ii) speed up the pace of negotiations toward a transitional government; iii) implement all signed agreements in good faith; iv) take concrete steps to relieve the humanitarian situation in conflict-affected areas; and v) ensure the safety of personnel and assets of international entities operating in South Sudan.

8. From 9 to 19 January, a second round of the intra-SPLM party dialogue was convened in Arusha, Tanzania, facilitated by the ruling party of the United Republic of Tanzania, Chama Cha Mapinduzi (CCM). On 21 January, in the presence of regional leaders, including the Presidents of Tanzania, Kenya, Uganda, and the Deputy President of South Africa, President Kiir, Riek Machar and Deng Alor Kuol signed an Agreement on the Reunification of the SPLM. Under the agreement, the parties agreed to uphold the Cessation of Hostilities Agreement and to use the intra-SPLM party dialogue and IGAD mediation process to conclude a peace agreement; to reform and transform the SPLM, including through promoting tolerance and political pluralism; and to implement a programme for national unity, peace, reconciliation, justice and accountability.

9. From 28 to 31 January, President Kiir and Riek Machar met in Addis Ababa for direct negotiations, particularly on the issue of power-sharing. While the consultations failed to deliver an agreement, on 1 February, the two leaders signed a document entitled "Areas of Agreement on the Establishment of the Transitional Government of National Unity in the Republic of South Sudan". The document re-commits the parties to previously signed agreements, including the 23 January 2014 Cessation of Hostilities Agreement and its implementation matrix, and, in an annex, outlines areas of agreement and disagreement on the way forward. In particular, the document confirms the parties' agreement to establish a transitional government by 9 July 2015 for a period of 30 months and to resolve all outstanding issues, including on power-sharing, no later than 5 March.

10. Concurrently, on the margins of the African Union summit, the Peace and Security Council of the African Union (AUPSC) held its 484<sup>th</sup> meeting on 29 January, at the level of Heads of State and Government, on the situation in South Sudan. The African Union Commission of Inquiry on South Sudan concluded its investigations in September and presented its report to the Chair of the African Union Commission, Nkosazana Dlamini-Zuma, in November of 2014. The Chairperson of the Commission of Inquiry, former Nigerian President Olusegun Obasanjo, was scheduled to present the Commission's report to the AUPSC on 29 January. In the communiqué of the meeting, the AUPSC noted the completion of the Commission's work and decided to defer the consideration of its report to a later date. Additionally, the AUPSC reiterated its call on the parties to the conflict in South Sudan to recommit to the Cessation of Hostilities Agreement and to negotiate in good faith and without preconditions to establish a transitional government of national

unity before the end of the 24<sup>th</sup> Ordinary Session of the African Union Assembly of Heads of State and Government on 31 January. The AUPSC also reiterated its determination to impose sanctions against all parties that continue to undermine the Cessation of Hostilities Agreement and obstruct the political process.

### ***Other political developments***

11. During the reporting period, the Government affirmed its intention to proceed with general elections on 30 June 2015 if the parties do not reach a peace agreement before that time. On 1 December, the National Elections Commission and political parties met in Juba to consult on the 2015 electoral calendar and party registration processes. At that time, 15 political parties issued a letter to the Chairperson of the National Elections Commission, expressing concern that the situation in the country was not conducive for the conduct of credible elections. Subsequently, on 23 December, the Council of Ministers approved a budget of 1.5 billion South Sudanese Pounds (USD 517 million) for the conduct of elections. On 22 January, an alliance of opposition political parties filed a law suit in the Supreme Court against the National Elections Commission, seeking to invalidate the declaration of the date for the elections, because it violates a number of provisions in the 2011 Transitional Constitution and the 2012 National Elections Act. On 5 February, the Government declared the Political Parties Council formally opened, requiring political parties to register within a 90-day period, in accordance with the 2012 Political Parties Act.

12. According to media reports, on 21 December, Riek Machar, announced the establishment of a parallel Government in

Opposition, abolishing the current ten states system and replacing it with 21 states, under a federal system. Since that time, he has appointed several Governors to the new federal states and named a six-member General Chiefs of Staff command with twelve commanders for newly created military regions.

13. Since my last report, the operationalization of the Greater Pibor Administrative Area in Jonglei State has made no tangible progress. The budget approved by the Government in October 2014 has not been released and the demarcation of the borders of the Greater Pibor Administrative Area has not yet commenced. Nevertheless, with regard to the disarmament of the South Sudan Democratic Movement/South Sudan Defence Army (SSDM/SSDA)-Cobra faction, led by David Yau Yau, on 27 January, the armed group released the first group of 249 of an expected 3,000 children identified for reintegration (see paragraph 51 below).

### **III. Security situation**

#### **A. Security developments**

14. Despite their repeated pledges to end the fighting, the two parties continued sporadic military engagements in Jonglei, Unity and Upper Nile States. On 6 February, the IGAD Monitoring and Verification Mechanism (MVM) released the latest summary of violations of the Cessation of Hostilities Agreement, totalling 26 violations since its deployment on 1 April 2014. Ten of the violations were attributed to the SPLA and 12 to the SPLM/A in Opposition, while four were attributed to both parties.

#### **Upper Nile State**

15. The security situation remained volatile during the reporting period with repeated clashes between SPLA and SPLM/A in Opposition forces, particularly in Nassir and Renk counties. Fighting between armed youth aligned with the Opposition and the SPLA occurred on 20 November and 10 December, and on several occasions between 29 December and 3 January, particularly in and around Nassir. On 3 January, the SPLA repulsed the armed youth to Kedbek, east of Nassir. The SPLA took control of Kedbek on 12 January.

16. On 20 November, the SPLM/A in Opposition reportedly attacked an area 40 kilometres south of Renk town, but were repulsed by the SPLA. On 10 December, 17 and 26 January, the SPLM/A in Opposition briefly took control of villages in northern Renk County near the border with Sudan before withdrawing. On 18 and 19 January, UNMISS heard shelling between SPLM/A in Opposition-held areas in Manyo County and Renk town, which remains under SPLA control. In Maban County, clashes between the SPLA and the SPLM/A in Opposition occurred on 24 November and on 8 and 9 January. Tensions also rose in Maban County in early January between the SPLA and the Maban Defence Force (a local pro-SPLA armed group) reportedly due to the latter's reluctance to integrate into the SPLA, with the Maban Defence Force commanders and senior officers replaced with SPLA commanders. The Maban Defence Force also clashed with Opposition forces in southern Maban County on 24 January. On 19 and 23 December, exchanges of shellfire were reported in Panyikang County. The situation in Ulang and Baliet counties remained tense.

## **Unity State**



17. Major tensions continued in areas north and south of the state capital Bentiu, with skirmishes concentrated around the Unity oil fields and in Pariang County. On 18 November, the SPLA regained control of the Unity oil fields, 27 kilometres north of Bentiu in Rubkona County, which had been contested since mid-September. In early January 2015, however, SPLA and SPLM/A in Opposition forces reportedly exchanged fire around the Unity oil fields. Fighting also reportedly occurred south and south-east of Bentiu in Guit and Rubkona counties between 6 and 12 January. On 21 and 22 January, clashes were reported in Pariang County, with the SPLA repulsing the Opposition northwards. On 30 January, UNMISS received reports of clashes between SPLA and SPLM/A in Opposition near the border between Mayom and Rubkona counties, west of Bentiu.

### **Jonglei State**

18. The SPLA and the SPLM/A in Opposition clashed in Fangak and Pigi counties in the north-western part of Jonglei State between 27 November and 10 December and again on 19 and 23 December, resulting in the reported displacement of thousands of civilians. Each party controls parts of Pigi County, with the SPLA reportedly in control of New Fangak, in Fangak County.

### **Western Bahr el-Ghazal**

19. The situation in Raga County has been tense throughout the reporting period. Reports indicate that in early January, around 30 Nuer soldiers deserted from the SPLA at Boro Medina and Raga towns in Raga County. The group has been blamed for four ambushes that took place between 15 and 25 January, resulting,

*inter alia*, in the injury of the Raga County Commissioner and up to 11 people killed.

### **Eastern Equatoria State**

20. Tensions briefly rose in mid-December following the defection of SPLA Commander Major General Martin Kenyi, an ethnic Maadi from Nimule area, and claims that Kenyi and forces loyal to him were responsible for an ambush of two trucks on the Juba-Nimule road on 15 December. On 21 December, Riek Machar appointed Martin Kenyi as the SPLM/A in Opposition's Deputy Chief of Staff for Moral Orientation and the commander of the SPLM/A in Opposition's "Eastern Equatoria Forces". In January, SPLA and National Security Services (NSS) personnel detained Maadi and Acholi youth in Pageri, Magwi County, on suspicion of sympathising with Kenyi and the SPLM/A in Opposition.

### ***Inter-communal conflict***

21. The onset of the dry season contributed to an escalation in inter-communal violence, particularly in Lakes State and the Equatorias. In Lakes State, inter-communal conflict between Dinka-Agar subsections continued, despite efforts at the national and State level to stem the violence. In the most significant incident of inter-communal fighting, in Rumbek East on 27 December, up to 48 people were killed. Government efforts to transition law enforcement responsibility in the State back to the national police from the SPLA, which was deployed as a temporary mitigation measure to strengthen the weak national police presence in the State, have had limited success. Moreover, the State sponsored civilian disarmament campaign is yet to take place, amidst a continuing influx of weapons.

22. In Eastern Equatoria State, a cattle raid in Torit County on 6 December left 28 people dead. On 19 January, conflict between the Bari and Mundari tribes in Juba County, Central Equatoria State, over cattle grazing on Bari farms, resulted in 11 people killed and Bari homes destroyed. Meanwhile, in Western Equatoria State, the influx of Dinka pastoralists from Lakes and Jonglei states displaced local farmers from the eastern counties.

#### **B. Regional dimensions of the conflict**

23. Regional involvement in the conflict continued during the reporting period with the presence of a number of non-South Sudanese militia groups in the border areas between Sudan and South Sudan (Western Bahr el Ghazal, Unity and Upper Nile States), including cadres belonging to the SPLM-North, Justice and Equality Movement and Sudan Liberation Army factions. In December, media outlets reported a warning by Sudan's National Security Director, that, if required, the Government would pursue Sudanese armed groups into South Sudanese territory. On 30 December, an unidentified aircraft, reported by local authorities to be a Sudan Armed Forces aircraft, bombed Deim Jalab in Raga County. Seven civilians were killed and two others injured. In the meantime, the Ugandan Peoples Defence Force (UPDF) remains deployed in South Sudan, particularly in Bor and Juba, in support of the Government. On 3 February, Uganda and the GRSS signed an agreement, extending Uganda's military presence for a further four months.

#### **IV. Humanitarian situation**

24. Persistent insecurity continued to cause displacement, heightened risk of disease, and disruption of livelihoods. As of 4 February, 1.5 million people had been internally displaced. According to UNHCR, South Sudanese continue to flee to neighbouring countries, bringing the total number of South Sudanese refugees to nearly 500,000 since the crisis began. Around 112,900 internally displaced people are also sheltered in UNMISS bases, up from 100,000 reported during the last reporting period. Aid agencies have reached 4.9 million people, exceeding the 3.8 million people targeted in 2014. The full needs of those assisted have yet to be met.

25. Owing to continuing displacement and insecurity, crop planting in crisis-affected states is lower than usual. This will impact on overall food production and lead to faster stock depletion. From January to March 2015, some 2.5 million are likely to face severe food insecurity. This situation is expected to deteriorate until July. While the majority of affected people are in Jonglei, Unity and Upper Nile States, approximately one million food insecure people are outside conflict areas, half of them in Lakes and Northern Bahr el-Ghazal States. The conflict has also caused unprecedented displacement of millions of cattle from conflict-affected areas into areas of mostly agricultural lands in Greater Eatoria, Greater Bahr el-Ghazal, and north-eastern Upper Nile State. This, in turn, has affected local power structures, natural resource availability, and livestock disease patterns. Malnutrition rates of children under the age of five are already at critical or serious levels with Global Acute Malnutrition levels above 15 per cent. Around 235,000 children remain at risk of severe acute malnutrition (SAM) in conflict-affected areas of Jonglei, Unity and Upper Nile States as well as high burden

areas of Northern Bahr el-Ghazal and Warrap States. In 2014, over 93,204 children under the age of five were reached with treatment for severe acute malnutrition across the country.

26. Viral leishmaniasis disease remained a concern, as it reached its seasonal peak. As of 4 February, a total of 8,543 cases and 229 deaths were reported, with figures for the first five weeks of 2015 higher than those in the same period in 2014. Children aged five to 17 were disproportionately affected. HIV/AIDS was among the leading cause of mortality among displaced people, mainly due to disrupted treatment or limited access to healthcare. Partners continued to combat disease with an integrated campaign targeting children under five years of age. In round three of the National Immunisation Days completed in November, 2.4 million children were vaccinated against polio and 1.7 million against measles mostly in non-conflict-affected States. A Short Interval Additional Dose (SIAD) campaign is now ongoing in the conflict-affected States of Jonglei, Unity and Upper Nile, with trivalent oral polio vaccine targeting 2.5 million children up to 15 years for each round of the campaign.

27. The Crisis Response Plan for 2014 was 78 per cent funded as of 4 February, with more than USD 1.4 billion secured out of the USD 1.8 billion requirement. The humanitarian community has now launched the Humanitarian Response Plan for 2015, appealing for USD 1.8 billion to reach 4.1 million people with assistance. Of this amount, USD 600 million is required by the end of February to take advantage of the current dry season, during which aid agencies can pre-position supplies to deliver lifesaving and livelihood assistance later in the year when roads become impassable again. The South Sudan Common Humanitarian Fund has

allocated USD 60 million to aid agencies to kick-start the 2015 response.

28. Active hostilities and insecurity, especially in the greater Upper Nile region, as well as continued insecurity in large parts of Lakes State, did at times disrupt humanitarian response activities and restrict road and air access for humanitarians. Violence against aid workers, facilities and assets were registered. Seven humanitarian staff members were detained for approximately two weeks when they landed at Juba International Airport in December, coming from an SPLM/A in Opposition controlled area. One humanitarian worker was detained in SPLM/A in Opposition controlled territory and released later on the same day. There were at least 13 cases of robberies and looting during the reporting period, with unknown actors responsible, likely linked to a rise in common criminality.

## **V. Implementation of the Mission's reprioritized mandated tasks**

### **A. Protection of civilians**

29. UNMISS continues to pursue a three-tiered protection of civilians strategy. Under the first tier, protection through conflict resolution, UNMISS continued to promote locally owned interventions to address inter-communal violence. In this regard, in December, UNMISS assisted authorities and traditional leaders in Lakes State to address inter-communal violence between Dinka clans, including through advice on the identification of 1,500 youth tasked to mitigate tensions within their communities by identifying perpetrators of crime and dissuading cattle camp youth from engaging in raiding activity.

Also in December, in the Greater Pibor Administrative Area, UNMISS conducted conflict resolution workshops to assist traditional and youth leaders to prevent conflict between Murle and Lou-Nuer youth in Jonglei State. In Western Equatoria State, UNMISS facilitated the organisation of a state peace conference between indigenous farmers and migrant pastoralists. The conference resulted in the signing of an agreement on 17 January, providing for the return of migrant pastoralists to their home states by 9 February, under SPLA guard. During the reporting period, UNMISS implemented 42 community based workshops across the 10 states of South Sudan, assisting 1,575 civilians to develop conflict management skills and assist in the prevention and mitigation of disputes.

30. Under tier two, provision of physical protection to civilians under imminent threat of violence, UNMISS continued to provide protection to about 112,900 internally displaced persons at seven protection of civilians sites, including over 53,000 in Bentiu, 35,000 in Juba and 21,000 in Malakal. While some internally displaced persons have left the protection of civilians' sites, insecurity resulted in new influxes into the sites in some areas.

31. Inter-communal tensions, a growing number of community leadership struggles, increased youth radicalization, the use of alcohol and drugs, as well as threats against humanitarian service providers continue to pose serious challenges in many of the UNMISS protection of civilian sites. Of particular concern is the high incidence of women and adolescent girls using unsafe traditional methods to terminate unwanted pregnancies.

32. A total of 364 security incidents were recorded in the UNMISS protection of civilians sites during the reporting period, with theft, assault, disorderly conduct and fighting the most prevalent. Between 25 and 30 incidents were related to sexual, gender and domestic violence, including rape. UNMISS and humanitarian actors assisted the victims with access to health as well as psychological services. UNMISS police worked to identify, locate, and detain the perpetrators. During search operations, UNMISS police seized prohibited items, including firearms, machetes, knives, drugs and alcohol, in violation of rules established for the security and safety of the protection sites. While the Mission has taken additional measures to enhance safety and optimize the response to insecurity in the site, addressing the underlying causes and reducing the potential for conflict remains challenging.

33. Holding facilities for the temporary isolation of suspects of serious crimes remained operational in Juba, Bor, Bentiu and Malakal. Since the holding facilities were established in May 2014, a total of 856 offenders have been temporarily detained. Most of the offenses are being handled under community-led informal mitigation and dispute resolution mechanisms, with offenders, in isolated instances, being expelled from the protection sites. UNMISS continues to engage the Ministry of Justice on mutually acceptable modalities between the Mission and the Government on the handover of suspects of serious crimes to national authorities for criminal prosecution. The absence of a commonly agreed framework on the transfer of suspects to national authorities poses considerable challenges to the Mission's ability to operate the holding facilities in accordance with international standards.



34. UNMISS continued to deter violence against civilians beyond UNMISS premises. The Mission deterred threats to communities through the targeted use of short-range, long-range, integrated, and dismounted patrols and proactive community engagement. To increase its impact beyond UNMISS bases and ensure unimpeded and quick access to critical population centers, UNMISS is assessing options for forward operating bases to be established in the towns of Bentiu, Malakal and Bor. In Lakes State, the Mission continued efforts to mitigate inter-communal violence, including through Human Rights Due Diligence Process cleared support to the national police, and proactive deployment of UNMISS military personnel.

35. Despite these efforts, the Mission continued to observe a lack of free and safe movement for internally displaced persons, including harassment by the SPLA, the SPLM/A in Opposition, and national police personnel. Incidents of sexual and gender-based violence (SGBV) near UNMISS protection sites are reportedly often perpetrated by men in uniform. For example, in December, in a village located near the protection site in Bentiu, Unity State, three women were reportedly raped by three SPLA soldiers while going to collect firewood. Similarly, a 13 year-old girl was reportedly raped in Pakur, Unity State, by SPLA soldiers. UNMISS is currently investigating these reports.

36. Under tier two, UNMISS has begun to provide technical support, in line with the Human Rights Due Diligence Policy, to a pilot initiative by the Inspector General of Police aimed at improving the security environment in selected neighbourhoods in Juba to facilitate voluntary returns of internally displaced persons from UNMISS protection of civilians sites. To this end, national police officers are being selected for redeployment and

vetting; locations for sensitization training identified; sensitization material, including on community policing, sexual and gender-based violence, and International Humanitarian Law prepared; and the first UNMISS funded (QIPS) police station handed over to the national police.

37. Outside of Juba, UNMISS police conducted 98 vehicle patrols in several locations, visited camps of internally displaced persons located outside of UNMISS bases and resumed routine interaction with national police in several less affected states to foster a secure environment to encourage voluntary returns. The United Nations Development Programme (UNDP) and UNMISS are supporting the national police in the vetting of personnel to carry out protection-focused tasks. In Juba, the UNDP-supported Emergency Call Centre, aimed at promoting public safety and security, received 1,867 calls (including 29 calls related to SGBV cases) from 18 November to 31 December 2014. Meanwhile, at the community level, UNDP supported 14 Police Community Relation Committee meetings in Central Equatoria, Eastern Equatoria, Western Bahr el Ghazal, and Northern Bahr el Ghazal states to encourage community involvement in addressing local security issues and support police in their efforts to protect civilians. The meetings resulted in the establishment of neighborhood watch campaigns and involvement of tribal chiefs in promoting security in their areas.

38. The United Nations Mine Action Service (UNMAS) provided critical assistance to protect civilians from the threat of explosives remnants of war (ERW) and unsafe and unsecure weapons. UNMAS conducted weapons and ammunition destruction activities in Bentiu, Bor, Juba, Malakal, Nassir, and Wau. Two hundred seventy-three small arms and light weapons were

destroyed, along with 18,937 rounds of ammunition and other weapons. UNMAS increased survey, clearance, and risk education activities with the deployment of 15 additional mine action teams. Despite notable progress in the removal of ERW, two new caches of anti-personnel (AP) mines as well as man-portable air defence systems (MANPADS) and anti-tank mines were identified in the Bentiu area. In coordination with local military authorities, UNMAS destroyed the AP mines as well as the MANPADS, anti-tank mines, and other ERW. In total, UNMAS released 2,597,835 square metres of safe land, destroyed 435 landmines, 5,894 unexploded ordinance and 60,592 small arms ammunition, assessed 600 kilometres of roads, and provided risk education to 50,460 civilians in the period from 18 November 2014 to 31 January 2015.

39. Under tier three, UNMISS and the United Nations country team continued to engage the parties and other protection stakeholders, such as the IGAD MVM, in the creation of a protective environment that enhances the safety and supports the rights of civilians, including through advocacy for adherence to the rule of law, Human Rights and International Humanitarian Law.

40. UNMISS and UNWOMEN supported local counterparts to review priorities identified during a national peace forum in 2012, in support of the implementation of Security Council resolution 1325 (2000) on women, peace and security and subsequent related resolutions. The review highlighted the high incidence of sexual and gender-based violence; insufficient access to justice for victims; and low prosecution rates for perpetrators in South Sudan. In this connection, the review team welcomed the completion of the National Action Plan for the implementation of

resolution 1325 (2000), which will be launched on 8 March, International Women's Day. During the 16 Days of Activism against Gender-Based Violence in December 2014, UNMISS, in collaboration with several partners, conducted awareness-raising activities on sexual and gender-based violence, targeting internally displaced persons, local communities, civil society and the media, amongst others.

41. As part of a comprehensive strategy toward sustainable solutions for displaced persons in protection of civilians sites, UNMISS and humanitarian partners are currently assessing the security and viability for return locations identified by internally displaced persons during a biometric registration process completed last year. Upon the completion of this assessment, internally displaced persons will be offered transportation to those locations. All departures from UNMISS protection sites will be on a voluntary basis.

#### **B. Human rights monitoring and reporting**

42. On 19 December, UNMISS released a public human rights report on its investigation into the 29 October 2014 attack on Bentiu and Rubkona in Unity State. Preliminary findings indicate that at least eleven civilians were killed, including two women and a child, and that several women were raped by Opposition forces during this attack. On 9 January, UNMISS released a human rights report detailing investigations into attacks on civilians in Bentiu and Bor in April 2014. The report found reasonable grounds to believe that at least 19 civilians were killed at the Bentiu Civil Hospital and approximately 287 civilians were killed in the Kalibalek mosque by Opposition forces when they temporarily gained control of Bentiu on 15

April 2014. The report also concluded that at least 47 civilians were killed when a mob attacked the UNMISS protection of civilians site outside of Bor two days later, and that in both attacks, victims were deliberately targeted on the basis of ethnicity, nationality or perceived support for one of the parties to the conflict. The report concluded that these attacks could amount to war crimes. Nearly nine months after the attacks took place, no one has been held accountable.

43. Investigations of alleged violations and abuses of human rights and humanitarian law continue in several areas of the country. UNMISS is investigating reports of an SPLA attack on a group of traders at Tharwangiyel in Unity State on 12 December in which several people were killed. Allegations of shelling resulting in civilian deaths and displacement and destruction of property were also reported in the New Fangak area of Jonglei State. Continued hostilities have, however, made verification difficult.

44. Inter-communal violence continued to have a negative impact on the human rights situation, particularly in Lakes and Eastern Equatoria States. Two members of the State Legislative Assembly in Lakes State have remained in detention since 24 October, for allegedly assisting armed youth to resist Government efforts to separate two local communities to reduce violence. The detainees have not been charged with a crime, or granted access to legal counsel. In Eastern Equatoria State, national police prevented UNMISS from investigating and interviewing detainees associated with an incident of inter-communal violence that occurred on 6 December in Torit County, in which several civilians, including women and children, were killed. Reports received by UNMISS indicate that security forces responding to the incident

committed human rights violations, including looting property and sexual violence against women.

45. Significant challenges persist concerning the administration of justice in accordance with international human rights standards. Cases of proxy detention, prolonged detention, detention based on actions not amounting to crimes, and detention on orders of customary courts lacking authority to do so, continued to be reported. In a few cases, the intervention of UNMISS led to the release of some detained individuals, such as in Aweil East County, Northern Bahr el Ghazal State, where the county judge ordered the release of 25 inmates, including three women, detained on orders of customary courts.

46. Acts of intimidation, harassment and threats against media and journalists by agents of the NSS have continued to be reported. Allegedly, on several occasions, members of the NSS attempted to interfere with the content of local newspapers in Juba. In an incident on 16 December, NSS reportedly confiscated 2,500 copies of the *Nation Mirror* from a distribution centre in Juba, due to the inclusion of information and photographs of SPLM/A in Opposition figures. On 22 December, for similar reasons, the content of the newspaper was again questioned by NSS officials. Thereafter, on 9 January, the newspaper was temporarily closed, reportedly by NSS personnel. The paper resumed operations on 13 January. Yet another incident occurred allegedly on 16 January when the *Juba Monitor* received threats after publishing two articles deemed critical of the Government. The NSS reportedly granted a reprieve after receiving an apology from the Newspaper for printing the two articles in question. On 3 February, NSS personnel again ordered the closure of the

Nation Mirror, alleging that it issued "anti-government publications", in relation to a reported misprint in an article published on 28 January, discussing skirmishes in Renk County, Upper Nile State, which suggested that the SPLA had withdrawn from Renk.

47. No major accountability measures appear to have been taken by national actors with regard to alleged violations of human rights and humanitarian law committed during the conflict. In December, senior officials of the Presidential Committee on Human Rights Abuses informed UNMISS that it had submitted a report on its investigations to the President. In addition, a national police investigation committee had also submitted its investigation reports to the Presidential Committee for consideration. The SPLA reported on 17 December that 41 soldiers had been disciplined, including one sentenced to death for murder, in connection with violations in December 2013 and January 2014. The majority of these disciplinary measures comprised dismissals for desertion, while the sentence for murder involved the ethnically-motivated killing of a soldier by a fellow soldier.

48. With regard to the development of a legal framework supporting the promotion and protection of human rights, on 16 December, President Kiir returned the National Security Service Bill to the National Legislative Assembly for further amendment. Concerns were cited regarding the Bill's compatibility with the Transitional Constitution of South Sudan (2011) and the Penal Code Act (2008). The bill also appears to fall short of several international standards, including on procedural safeguards surrounding detention.

49. During the reporting period, members of the Country Task Force on the Monitoring and Reporting Mechanism (MRM) on grave violations committed against children by all parties to the conflict, including the recruitment and use of children, recorded a total of 46 incidents, affecting 859 children (534 boys and 325 girls). Of the 46 incidents, 12 were verified, affecting 659 children (349 boys and 310 girls).

50. At present, 33 schools in South Sudan are being used for military purposes; the United Nations continues to advocate at different levels for the armed actors to vacate these schools. Meanwhile, UNICEF and implementing partners identified and registered 128 unaccompanied children, who are now receiving family tracing and reunification services. Since the outbreak of the conflict, a total of 7,116 children have been registered as either unaccompanied, separated, or missing, 658 of whom have been reunited with their families. Since mid-December, more than 140,000 children have been reached with child-specific protection services.

51. On 5 December, the National Disarmament Demobilization and Reintegration Commission, supported by UNICEF, organized a workshop for representatives of the Government and the SSDM/SSDA-Cobra faction, which resulted in the signing of a Memorandum of Understanding on the release and reintegration of the approximately 3,000 children associated with the former armed group. On 27 January 2014, the first group of 249 boys were released in Gumuruk. Families of 227 of these children have so far been traced, while the rest have been placed under interim care pending family tracing and reunification. Further release of children is expected prior to the integration of the SSDA-Cobra Faction troops into the SPLA.



### **C. Creating the conditions for delivery of humanitarian assistance**

52. UNMISS continued to carry out a broad range of activities to create the conditions for the delivery of humanitarian assistance. In order to improve living and security conditions at UNMISS protection sites, the Mission has invested substantial engineering capacity and financial resources to enhance existing sites and construct new ones, complementing the extensive investment by humanitarian partners and the donor community. By 24 December, all internally displaced persons in the UNMISS Topping site in Juba (approximately 20,000 people) had moved voluntarily to the new protection site near UN House in Juba. In the Malakal protection site, nearly 15,000 persons were relocated to areas with improved conditions, while construction work to further extend the new site (scheduled to be completed by end-February), will accommodate the remaining internally displaced. While insecurity and lack of financial and engineering resources impeded the construction of a new site in Bentiu, the necessary drainage works and expansion of the site will be carried out during the dry season.

53. The distribution of humanitarian assistance within protection sites proceeded effectively with a few exceptions. Inter-communal tensions in the UNMISS protection of civilians site in Malakal, including violent attempts by internally displaced youth to block humanitarian assistance to specific ethnic groups, temporarily disrupted humanitarian service delivery in mid-November. From late November to 2 February, the World Food Programme (WFP) suspended food distribution at one of the three protection sites in Juba after humanitarian staff had

been assaulted. In Bentiu, the biometric registration of all 53,000 internally displaced people in the protection site, which provides the basis for the delivery of services, was concluded.

54. In Unity State, UNMAS cleared and destroyed explosive remnants of war near the Rubkona Airstrip, which during the rainy season serves as the sole logistics point for aid deliveries to internally displaced persons in the UNMISS protection site in Bentiu. Survey and clearance of the Rubkona-Pariang roads allowed for the more efficient transport of aid. Similarly, the completion of Road reconnaissance operations along the Malakal-Baliet and the Malakal-Melut roads in Upper Nile State, will permit UNMISS and humanitarian partners to deliver aid by road.

#### **D. Supporting the implementation of the cessation of hostilities agreement**

55. UNMISS continued to support the IGAD Monitoring and Verification Mechanism, notably with force protection and transport for verification activities in Renk, Maban and Baliet counties in Upper Nile State, helicopter landing site reconnaissance in Jamam, Upper Nile State, and Pajut, Jonglei State, and medical evacuation exercises to promote the safety of Monitoring and Verification Teams. UNMISS also continued to provide fixed security and accommodation to the IGAD MVM teams in UNMISS compounds in Jonglei, Upper Nile, and Unity State.

#### **VI. Mission staffing and status of deployment of surge capacity**

56. As at 3 February, UNMISS troop strength stood at 10,470 military personnel of the total authorised strength of 12,500. Of the remaining 2,030 to be deployed, 286 additional military personnel of the Kenyan battalion are to be deployed during March. The battalion from the People's Republic of China commenced deployment in January and is expected to be completed by March. The additional 400 troops for the Ghanaian battalion are expected to be deployed by the middle of March and the riverine unit from Bangladesh by late May. With regard to air assets, the three military utility helicopters from Sri Lanka are expected to deploy in the beginning of March. The arrival dates of the five tactical armed helicopters from Rwanda and Ethiopia are still to be confirmed.

57. As of 3 February, UNMISS police strength stood at 1,036 of the authorized 1,323 officers, including 607 individual police officers and 429 in formed police units. The Mission will reach its full formed police unit personnel capacity between February and March with the deployment of the three FPU's from Ghana, Nepal and Rwanda.

58. The 2014 civilian staffing review resulted in the reduction of 386 posts associated with tasks that ceased to exist following the revision of the mandate under Security Council resolution 2155 (2014) of 27 May 2014. The General Assembly, in its resolution 69/260 of 29 December 2014, abolished a further 24 posts, mainly in the area of mission support. This brings the total number of abolished posts in UNMISS during the year 2014 to 410. As of 3 February, the actual strength of the UNMISS civilian personnel stood at 2,331, including 781 international staff members, 1,146 national staff members and 404 United Nations Volunteers.

59. UNMISS continued risk assessment and awareness raising activities with a view to enforcing the United Nations policy of zero tolerance towards sexual exploitation and abuse; Prohibition against Discrimination, Harassment, Sexual Harassment and Abuse of Authority; and ensuring accountability.

**VII. Violations of the Status-of-Forces Agreement, international humanitarian law and security of United Nations staff**

60. During the reporting period, UNMISS registered a total of 39 violations of the Status-of-Forces-Agreement, involving UNMISS staff members, associated personnel, premises and equipment. Out of the 39 incidents, 20 were related to restrictions of movement, affecting land, air and riverine operations. Other violations included impounding of United Nations vehicles; threats to personnel and/or premises; harassment, assault, and arrest and detention of UNMISS personnel. Of particular concern, 38 of the reported Status-of-Forces-Agreement violations were perpetrated by Government security forces, in particular the SPLA and national security personnel. The deployment of contingent owned equipment suffered severe delays following importation restrictions at the border and subsequent impounding of UNMISS vehicles and equipment. This specifically impacted the deployment of the Ethiopian and Kenyan contingents and resulted in severe contractual financial penalties, which by mid-January had amounted to USD 800,000.

61. The three national staff members who were arrested in August and October of 2014 remain in the custody of NSS in Juba. While UNMISS has regular access to the detainees and monitors

their well-being, the Government is yet to notify the Mission of the outcome of investigations or the charges levied against them.

62. The UNMISS national independent contractor, abducted on 10 October while working at the UNMISS air terminal in Malakal, Upper Nile State, as well as a United Nations Agency staff member abducted from Malakal airport on 16 October, both of Nuer ethnicity, remain missing. An UNMISS internal investigation report has recently found that elements of the former Shilluk militia group led by Major General Johnson Olony, was responsible for the abduction of the UNMISS independent contractor. Major General Olony has however denied the allegation. All other efforts by UNMISS to ascertain the fate or whereabouts of the abducted independent contractor have failed to achieve any result.

63. UNMISS continued to formally notify the Government on a regular basis of these violations through notes verbales and meetings with senior government officials. The monthly matrix of incidents is also shared with the Government. Despite these efforts, the Government has not revealed to the Mission the outcome of any of the investigations it has committed to undertake.

#### **VIII. Financial Aspects**

64. The General Assembly, by its resolution 69/260 of 29 December 2014, appropriated the amount of \$1,097,315,100 for the period from 1 July 2014 to 30 June 2015. As at 10 February 2015, unpaid assessed contributions to the UNMISS Special Account amount to \$479.1 million. Total outstanding assessed contributions for all peacekeeping

operations at the same date amount to \$2,735.2 million. As at 10 February 2015, reimbursement of troop-contributing governments for troop and contingent-owned equipment costs has been made for the period to 31 August 2014 and 30 June 2014, respectively, in accordance with the quarterly payment schedule.

## **IX. Observations and Recommendations**

65. Over one year into the conflict in South Sudan, and despite the efforts and demands of the international community, the Government and SPLM/A in Opposition continue to engage in hostilities on the ground, while making little meaningful progress towards a political resolution of the crisis. Developments on the ground are increasingly worrisome, with all signs indicating that both parties to the conflict have not given up the military option. There is a risk that armed conflict could intensify, especially around the oil fields, as well as spread, particularly to the Greater Bahr el-Ghazal and the Equatorias, which have not been directly affected by the conflict, as each side seeks to consolidate and strengthen its position at the negotiating table. The impact on the economy of the continuing conflict is seriously weakening the social fabric of South Sudan. Moreover, increasing involvement of regional players and the potential of the conflict to spill across borders cannot be discounted. I appeal, once again, to both parties to stop the violence immediately and to implement fully the Cessation of Hostilities Agreement. Every additional day of fighting further exacerbates the indescribable conditions faced by the people of South Sudan.

66. I wish to thank all international peace partners, including the IGAD mediators, IGAD Heads of State, the Troika States, China, Tanzania, South Africa, the African Union, and the European Union for their sustained efforts to keep the parties engaged in peaceful dialogue. The Chinese-led initiative on 12 January, in Khartoum, to bring the warring factions together to forge a common objective of bringing peace to South Sudan was encouraging. The Agreement on the Reunification of the Sudan People's Liberation Movement (SPLM) by the three factions on 21 January 2015, in Arusha, Tanzania, is also a positive step. It was my hope that these initiatives would have generated the momentum and created the political space for South Sudan's leadership to conclude a peace agreement during the IGAD Summit, which was to be held in the margins of the African Union Summit. Regrettably, South Sudan's leaders wasted yet another opportunity to make peace. Nevertheless, their public acknowledgment, on 1 February, of areas of agreement with respect to the establishment of a transitional government of national unity, and their commitment to resolve all outstanding issues, including power-sharing, no later than 5 March, and begin a transitional phase of governance by 9 July, provides hope for the long sought resolution of the conflict. I call on President Kiir and Riek Machar not to miss another opportunity to bring peace to South Sudan.

67. As I have said repeatedly, the primary responsibility for resolving the conflict in South Sudan rests with its leaders. I urge the parties to spare no effort and make the necessary compromises to conclude a peace agreement that addresses the root causes of the crisis. The agreement must provide a foundation for badly needed national, political, security and economic reform, justice and accountability, and reconciliation

and healing to rebuild their fledgling nation, which has been torn apart by this conflict. The international community must also seriously reflect on its responsibilities. Now is the time for the international community to act with one voice and impress upon the leaders of South Sudan that they can no longer hold the fate of the country hostage to their personal ambitions and that there are consequences for those who continue to undermine the peace effort.

68. I urge the parties to the conflict, in particular the Government, which has the primary responsibility to protect civilians, to establish a secure environment for civilians and create the conditions necessary for the voluntary return of internally displaced persons. I also renew my earlier calls for troop-contributing countries to expeditiously deploy the remaining surge capabilities and military equipment, which are critical to enable UNMISS to conduct its mandated tasks effectively.

69. For peace to be sustainable in South Sudan, it is crucial that the perpetrators of human rights violations and abuses during the conflict are held accountable. However, as I have noted in this and previous reports, there has been little in the way of national accountability measures for human rights violations committed to date. Peace and justice are not mutually exclusive. I therefore urge the AUPSC to urgently consider the report of the African Union Commission of Inquiry on South Sudan and its recommendations. In the meantime, in accordance with the Security Council's request for accountability in its resolution 2178(2014) dated 25 November 2014, I have asked the Secretariat to develop possible options for the establishment of criminal accountability and transitional justice processes for South



Sudan, based on past experiences, to address the gravity and scope of the serious human rights atrocities committed in the country since the beginning of the crisis.

70. I am increasingly disturbed by the continued access challenges faced by humanitarian and peacekeeping personnel, as well as the insecurity and violence, including harassment, threats, physical assault, arrest, detention and abductions, they face while carrying out their duties. I am deeply concerned by the abduction and disappearance of an UNMISS independent contractor and a United Nations Agency staff member, and the continued arbitrary detention of three UNMISS national staff members. I call on the Government to ensure their immediate release without harm.

71. In November and December, UNMISS faced increased restrictions imposed by the Government on the importation and movement of essential Contingent-Owned Equipment belonging to its troop contributors. I remind the parties that such impediments on UNMISS and humanitarian personnel hinder the Mission's ability to implement its mandate and carry out vital humanitarian and protection related operations. I reiterate my call to both sides to ensure unfettered freedom of movement and humanitarian access for UNMISS and humanitarian workers and to remove all restrictions that undermine their ability to implement their mandates.

72. Finally, I wish to express my sincere appreciation for the courage and sacrifice of UNMISS personnel, who, under the able leadership of my Special Representative, Ellen Margrethe Løj, continue to work to protect tens of thousands of civilians under threat of physical violence and stabilize the security

situation. In particular, I thank the troop- and police-contributing countries that have provided much-needed uniformed personnel and assets to the Mission. I also commend the personnel of the United Nations country team and non-governmental organization partners for their tireless efforts to provide much needed humanitarian assistance to the population, under often arduous and dangerous conditions.

