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# NOWHERE SAFE:

CIVILIANS UNDER ATTACK IN SOUTH SUDAN

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*Cover photo:* Burned down homes in Malakal, South Sudan, March 2014. The city is now deserted and largely destroyed.  
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# MAP OF SOUTH SUDAN



© UN OCHA South Sudan

# INTRODUCTION

The conflict in South Sudan has devastated the lives of millions of people. Since the outbreak of violence on 15 December 2013, forces fighting on behalf of the government and those allied with the opposition under the leadership of former Vice President Riek Machar have shown a total disregard for international human rights and humanitarian law. They have deliberately killed civilians; executed captured fighters; abducted and sexually assaulted women and girls; arbitrarily detained civilians, some of whose whereabouts are still unknown; burned down homes; damaged and destroyed medical facilities; and looted public and private property as well as food stores and humanitarian aid.

One of the most concerning aspects of the conflict is the way in which it has pitted ethnic communities—particularly Dinka and Nuer—against each other, rekindling historical rivalries. Many civilians, including women, children and the elderly, have fallen victim to violence purely because of their ethnicity. The ethnic dimension has led to civilians joining in hostilities and attacks of retribution. The longer the cycle of attacks and reprisals continues, the deeper rifts between communities will grow, and the harder it will be for them to heal.

Well over one million people have been forced to flee their homes, a number that continues to rise. Approximately 950,000 people are displaced within South Sudan, and a further 290,000 have fled to neighbouring countries. About 80,000 displaced people are living in “protection sites” in the United Nations Mission in South Sudan (UNMISS) bases, where there are serious health and security concerns. Many other internally displaced persons are sheltering in remote areas with little or no access to clean water, food or humanitarian assistance.

Obstructions to the movement and activities of humanitarian agencies and violence against humanitarian personnel and assets by the parties to the conflict have led to extreme difficulties in providing aid and assistance to displaced communities. The already dire humanitarian situation risks becoming a crisis. The rains have begun and will soon render many roads impassable, cutting off civilian populations from life-saving help. The United Nations (UN) has designated South Sudan as a humanitarian emergency and has warned that if the situation does not change within the next few months, the likely result is a large-scale famine.

Unfortunately, the 23 January cessation of hostilities agreement brokered by the Intergovernmental Authority on Development (IGAD) and signed by both parties has proved meaningless. Both parties have continued attacks. By early February government forces were engaging in an offensive in southern Unity state. On 18 February opposition forces took Malakal and on 18 March it was retaken by the government. The latest blow to the supposed ceasefire was the successful opposition attack on Bentiu on 16 April along with Riek Machar’s declared intention to take control of the oil fields in Upper Nile state. The IGAD negotiations have



stalled as the parties have so far been unable to move beyond sticking points such as Uganda's continued support to government troops, leaving little hope for a political settlement or an end to hostilities anytime soon.

Both government and opposition forces have committed war crimes and crimes against humanity, as well as grave human rights abuses. Such crimes require the urgent attention of the international community, yet they continue to take place largely unchecked. Meanwhile the humanitarian situation is getting worse. The crisis in South Sudan requires decisive action by parties to the conflict and by international actors. Parties to the conflict must immediately cease violations of international human rights and humanitarian law and grant immediate and unhindered access to humanitarian agencies. The international community must ensure that the humanitarian intervention is fully funded; that the cessation of hostilities agreement is adequately monitored; and that the African Union Commission of Inquiry carries out investigations with urgency. All possible measures should be taken to boost the ability of UNMISS to protect civilians, including the immediate deployment of additional peacekeeping troops authorized by the UN Security Council on 24 December.

## METHODOLOGY

This report focuses on violations of international human rights and humanitarian law committed by all parties to the non-international armed conflict that broke out in South Sudan in December 2013. It is based on information gathered by Amnesty International from primary and secondary sources.

Amnesty International delegates conducted a research mission to South Sudan in March 2014. They visited Juba, the capital of South Sudan; Bor town in Jonglei state; Bentiu town in Unity state; and Malakal town in Upper Nile state. Delegates interviewed over one hundred victims and witnesses; and spoke with local, national and state government officials; members of the Sudan People's Liberation Army (SPLA) and South Sudan Police Service; and representatives of opposition forces. Amnesty International delegates also met with representatives of national and international non-governmental organizations, UNMISS officials and members of the diplomatic community in South Sudan.

Due to security and time constraints, Amnesty International delegates were unable to travel to rural areas outside the four state capitals. Most of the victims and witnesses interviewed were sheltering in UNMISS protection sites, which in Juba, Bor and Bentiu were almost entirely inhabited by people from the Nuer ethnic group. Malakal was under opposition control when Amnesty International delegates went there, and the majority of civilians in the UNMISS protection site were from the Dinka and Shilluk ethnic groups. The dominant ethnicity of people taking refuge in UNMISS protection sites has shifted depending on whether the town is controlled by government or opposition forces. Civilians who do not feel threatened by the forces controlling a particular territory have generally left the urban areas, limiting Amnesty International's ability to access them.

Amnesty International has removed or changed the names of all victims and

witnesses in order to protect their identity.

## TIMELINE OF THE CONFLICT

**15 December:** Armed clashes erupt in Juba between Dinka and Nuer members of the Presidential Guard.

**16 December:** Large-scale killings of Nuer civilians and *hors-de-combat* soldiers in Juba.

**16-18 December:** Major-General James Koang Chuol, SPLA Division IV Commander, defects to the opposition forces with most of his troops in Bentiu, the capital of oil producing Unity state. General Peter Gatdet, SPLA Division VIII Commander, defects to the opposition forces with most of his troops in Bor, the capital of the volatile Jonglei state.

**17 December:** The government announces the arrest of 11 people, including eight former ministers and declares Riek Machar wanted.

**18 December:** Opposition forces loyal to Riek Machar seize Bor, capital of Jonglei state. Riek Machar calls for the overthrow of President Salva Kiir.

**19 December:** Approximately 2,000 armed youth attack the UNMISS base in Akobo, Jonglei state, killing two UN peacekeepers and at least 20 civilians who had taken refuge there. IGAD Council of Ministers conduct an emergency visit to Juba.

**20 December:** Reports emerge that Ugandan soldiers have been deployed in South Sudan's capital Juba following a request by the country's government to help secure the city.

**21 December:** Opposition forces fire on US military aircraft trying to evacuate US citizens from Bor, injuring four US troops. Opposition forces gain control of Bentiu, the capital of oil producing Unity state

**24 December:** The UN Security Council adopts Resolution 2132, authorizing an increase in the number of military peacekeepers in South Sudan from 7,000 to 12,500, and in the number of police from 900 to 1,323. Opposition forces claim control of Malakal, capital of oil producing Upper Nile state. Government forces regain control of Bor.

**27 December:** Government forces regain control of Malakal.

**31 December:** Opposition forces regain control of Bor. Opposition leader Riek Machar agrees to send envoys to peace negotiations sponsored by the Intergovernmental Authority on Development (IGAD) in Addis Ababa, Ethiopia. AU Peace and Security Council calls for the establishment of a Commission to investigate human rights violations and other abuses committed during the armed conflict in South Sudan.

**6 January:** The first round of IGAD-sponsored peace talks commence in Addis Ababa.

**10 January:** Government forces regain control of Bentiu.

**14 January:** Opposition forces regain control of Malakal.

**18 January:** Government forces regain control of Bor.

**20 January:** Government forces regain control of Malakal.

**23 January:** Government and the “SPLM/A in Opposition” sign a cessation of hostilities agreement. IGAD peace talks adjourn.

**29 January:** Seven of the 11 politicians detained as coup-conspirators are released. Pagan Amum, Oyai Deng Ajak, Majak D’Agoot and Ezekiel Lol Gatkuoth, who remained in detention, are charged with treason. A further three opposition politicians, including Riek Machar, are charged in absentia.

**11 February:** IGAD-sponsored peace talks recommence in Addis Ababa.

**12 February:** UN Secretary-General Ban Ki-Moon condemns the use in the South Sudan conflict of cluster bombs, remnants of which were found by the UN Mine Action Service in Malek, south of Bor.

**18 February:** Opposition forces regain control of Malakal.

**3 March:** IGAD announces a “recess” in peace talks in Addis Ababa.

**7 March:** Dr. Nkosazana Dlamini Zuma, Chairperson of the AU Commission, announces the establishment and membership of the Commission of Inquiry.

**11 March:** Treason trial begins for Pagan Amum, Oyai Deng Ajak, Majak D’Agoot and Ezekiel Lol Gatkuoth.

**19 March:** Government forces regain control of Malakal.

**25 March:** IGAD-sponsored peace talks recommence.

**31 March:** IGAD-sponsored peace talks adjourn.

**16 April:** Opposition forces take control of Bentiu.

**17 April:** Armed men attack UNMISS civilian protection site in Bor, killing over 50 people.

**21 April:** AU Commission of Inquiry begins its first field mission to South Sudan.

**25 April:** The Ministry of Justice drops treason charges and the four politicians on trial are released.

# BACKGROUND

On 15 December 2013, a political dispute within South Sudan's ruling party, the Sudan People's Liberation Movement (SPLM), escalated into an armed confrontation in Juba between forces loyal to President Salva Kiir, who is Dinka, and those loyal to former Vice-President Riek Machar, who is Nuer. Security forces split largely along ethnic lines, with many Dinka maintaining allegiance to the government, and many Nuer defecting to join the opposition, referred to as the SPLM/A in Opposition. Both parties appeared to use ethnicity as an indicator of political allegiance, but as the conflict spread, and reprisal killings continued, ethnicity seemed to supersede politics as the primary motivation for killing. By the end of the year, the violence had spread to Jonglei, Unity and Upper Nile states. Thousands of people have died as a result of the violence.<sup>1</sup> At the time this report was written, hostilities showed no sign of abating.

## CRISIS WITHIN THE SPLM

The power struggle between Salva Kiir and Riek Machar that ignited the current conflict began to escalate in early 2013. Riek Machar started speaking openly of his plans to challenge Salva Kiir for the chairmanship of the SPLM, the first step towards securing the presidency in the 2015 general elections.<sup>2</sup> In April, Salva Kiir withdrew executive powers previously delegated to Riek Machar and suspended the National Reconciliation Conference<sup>3</sup> that Riek Machar had spearheaded and chaired.<sup>4</sup> In July, President Kiir dismissed his entire cabinet, including then Vice President Machar, and suspended the SPLM Secretary-General, Pagan Amum.<sup>5</sup> In the first half of 2013, President Kiir retired senior SPLA generals and relieved the Governors of Lakes and Unity states, while failing to call for interim elections as required by the Transitional Constitution.<sup>6</sup> These decisions contributed to deep divisions within the leadership of the SPLM.

In a press conference on 6 December, Riek Machar, joined by senior members of the SPLM, many of whom had also been removed from government positions, denounced the president for paralyzing the SPLM party, for forming a personal army "in the guise of the Presidential Guard," for corruption, "for dictatorial tendencies," and for unilateral decision-making influenced by "regional and ethnic lobbies."<sup>7</sup> They called on President Kiir to convene a meeting of the SPLM Political Bureau to set the agenda for the National Liberation Council (NLC), the party's legislative organ. They also announced that a public rally would be held on Saturday 14 December.

When the government announced that the long-postponed meeting of the NLC would start on 14 December, the public rally was called off. Riek Machar and others who had participated in the press conference attended the NLC session, whose purpose was to debate and adopt the party's basic documents.<sup>8</sup> Angered by Salva Kiir's opening speech, which Riek Machar described as "hostile" and offering no room for political dialogue, he and others boycotted the session on 15

December.<sup>9</sup> The SPLM constitution and manifesto were approved by those in attendance, and the meeting came to a close in the evening.<sup>10</sup> The disputes within the NLC further heightened political tensions.

## VIOLENCE IN JUBA

At approximately 10pm on 15 December, fighting broke out between Dinka and Nuer soldiers of the Presidential Guard stationed at the Giyada military barracks in Juba, and quickly spread to the SPLA general headquarters at Bilpam, and into Juba's residential areas. There are conflicting narratives about what triggered the initial clashes, though President Kiir attributed the outbreak of violence to a failed coup attempt by Riek Machar and others. Eleven politicians were arrested as accused coup-conspirators, but Riek Machar managed to escape Juba. He denied attempting a coup, and later announced that he was leading an armed movement to remove Salva Kiir from power, called the SPLM/A in Opposition (opposition).<sup>11</sup>

In Juba, Dinka members of the Presidential Guard and other security forces targeted and killed Nuer soldiers and civilians. They conducted house-to-house searches, killing many Nuer in or near their homes. Others were arrested and killed in other locations.<sup>12</sup> According to the South Sudan Human Rights Commission (SSHRC), more than 600 people were killed and 800 injured in Juba and its suburbs between 16 and 18 December.<sup>13</sup> The neighbourhoods of New Site, Eden, Mangaten, Mia Saba, Jebel and Lologo were particularly affected by violence.<sup>14</sup>

Although the scale of attacks in Juba had significantly decreased by the end of December, approximately 32,000 people, predominantly Nuer, are still sheltering in the protection sites of two UNMISS bases in Juba where they sought refuge after fighting erupted.

## JONGLEI STATE

News of events in Juba spread quickly and led to defections and reprisal killings in other areas of the country. Between 16 and 18 December there was heavy fighting in the Malualchat and Panpandiar military bases south of Bor, the capital of Jonglei state. SPLA Division VIII commander, General Peter Gatdet Yak defected with over half of the soldiers in the Division.<sup>15</sup> These predominantly Nuer forces took control of Bor town on 18 December and penetrated surrounding Dinka communities, including the village of Baidit north of Bor. The government managed to retake control of Bor town for a week, from 24 December until 31 December when opposition forces, including members of the Nuer ethnic militia known as the White Army entered Bor and took control of the town for six days.<sup>16</sup> On 18 January, Bor changed hands again when government forces, with support from the Uganda People's Defence Forces (UPDF), regained control.<sup>17</sup>

Fighting continues in Jonglei despite the signing of the cessation of hostilities agreement on 23 January. Amnesty International documented abuses associated with attacks by opposition forces in Duk and Twic East counties in early March.

Approximately 5,000 civilians, most of them Nuer, are sheltering at the UNMISS

base in Bor.<sup>18</sup> In mid-March when Amnesty International visited the protection site, several security incidents around the camp had resulted in heightened fears. The outside gates of the protection site were locked and no one was leaving. On 17 April, armed men who came to the UNMISS base under the guise that they were peaceful protestors, forced their way into the protection site and opened fire, killing over 50 people.<sup>19</sup>

## UNITY STATE

In the days following the outbreak of violence in Juba, General James Koang Chuol, the Nuer commander of SPLA Division IV in Bentiu defected to the opposition, along with most of the soldiers in the Division. On 21 December, they took control of Bentiu town, and the General declared himself governor.<sup>20</sup>

Following clashes with opposition forces in Pariang county, in northern Unity state, government forces entered Bentiu on 10 January and retook control of the town. Members of the SPLA loyal to President Kiir were joined by forces of the South Sudan Liberation Army (SSLA), an armed opposition group who had recently accepted amnesty from the government and whose troops were awaiting integration into the SPLA.<sup>21</sup> Elements of the Sudanese armed opposition group, Justice and Equality Movement (JEM), also joined in the fighting and continue to support government forces.<sup>22</sup> After taking control of Bentiu, government forces advanced into the southern areas of Unity state.

Within a week of the cessation of hostilities agreement being signed, government forces attacked Mirmir in Koch county and reached Leer county, Riek Machar's birthplace, around 31 January. Amnesty International documented egregious abuses by government and allied forces during these attacks.

In mid-March 2014, when Amnesty International visited Bentiu, there were approximately 6,500 mostly Nuer civilians at the UNMISS base. Some had arrived before or immediately following the 10 January government take over. Others had arrived in early March from Pariang and Leer counties.

As of April 2014, fighting continued in Unity state, with opposition forces taking control of Bentiu on 16 April 2014. UNMISS reported that during this attack, opposition forces killed hundreds of people after determining their ethnicity or nationality. They killed people in a Catholic church and in a hospital, as well as over 200 people who had sought shelter in a mosque, many of them Sudanese Darfuris.<sup>23</sup> The April violence in Bentiu caused the number of civilians seeking protection at the UNMISS site to swell to over 22,000.

## UPPER NILE STATE

SPLA soldiers in Malakal, the capital of oil-producing Upper Nile state, mutinied on 23 December. As elsewhere, soldiers split largely along ethnic lines, with most Nuer defecting to the opposition forces, and most Dinka remaining loyal to the government. Upper Nile state is also home to South Sudan's third largest ethnic group, the Shilluk. Government forces were joined by the South Sudan Democratic



Movement/Army-Upper Nile Faction (SSDM/A), a Shilluk militia commanded by ex-opposition leader Johnson Olony. Johnson Olony signed a truce agreement with the government in April 2013 and his forces were awaiting integration into the SPLA.<sup>24</sup>

Malakal has experienced more confrontations between government and opposition forces than any other town. Malakal town fell under the control of opposition forces on 25 December following heavy fighting. Two days later, on 27 December, it was recaptured by government forces. Opposition forces took control for a second time on 14 January until 20 January, when government forces recaptured the town. After the cessation of hostilities agreement was signed, opposition forces mounted a third successful attack on Malakal town on 18 February. On 19 March it again came under government control.<sup>25</sup>

When Amnesty International visited the town from 10 to 14 March, it was under the control of opposition forces. Much of the town lay in ruins, with homes and other property looted and burned down. The entire civilian population had fled, with only a few individuals connected to opposition fighters remaining in town. Some 21,000 people, mostly Shilluk and Dinka and a smaller number of Nuer, were sheltering in the protection site of the UNMISS base at the edge of town. The rest had fled to surrounding rural areas and farther afield. Large numbers of Nuer had reportedly gone to the opposition stronghold of Nasir to the south-east.



*Burned down homes in Malakal © Amnesty International*

## THE ROLE OF ETHNICITY IN THE CONFLICT

The government has continuously minimized the ethnic dimensions of the violence. Officials emphasize that the conflict was triggered by an attempted coup, that the alleged coup-conspirators came from a range of South Sudan's ethnic groups, and that the conflict should be described as rebellion rather than as an ethnic war.<sup>26</sup> Indeed, there are Nuer civil servants and soldiers who have remained loyal to the government, and Riek Machar's delegation to the peace negotiations in Addis Ababa is not entirely Nuer. Nuer opposition forces have also killed other Nuer because of their perceived political affiliation.<sup>27</sup>

However in many cases, and increasingly, individuals have been targeted primarily because they are Dinka or Nuer. Shilluk civilians were also targeted and killed in Malakal and elsewhere in Upper Nile state, and in Bentiu, opposition forces reportedly killed Sudanese Darfuri civilians.<sup>28</sup> In a Christmas address, President Kiir in fact acknowledged that individuals have been targeted because of their ethnicity and called for an end to ethnic violence.<sup>29</sup> Amnesty International documented instances where civilians have been targeted by all parties to the conflict, based primarily on their ethnicity.

According to the South Sudan Human Rights Commission (SSHRC), "Whatever the cause, reason or justification, the present conflict has rekindled and inflamed ethnic and tribal hatred to certain extent, to xenophobic levels particularly amongst the two numerically big tribes, the Nuer and the Dinka." The SSHRC noted that the ethnic dimension of the conflict is a reality that "cannot be wished away" and emphasized the need to address this issue head on, saying, "It is extremely important therefore, that both parties to the conflict admit to this reality and that it is a factor that requires attention with a view to finding a suitable solution through the negotiation process."<sup>30</sup>

## THE IGAD PEACE TALKS

The Intergovernmental Authority on Development (IGAD), an eight-country trading bloc that brokered the 2005 Comprehensive Peace Agreement (CPA) that ended Sudan's second civil war (1983-2005), offered to facilitate dialogue between the government and the SPLM/A in opposition.<sup>31</sup> The first round of formal talks between the parties to the conflict started on 6 January in Addis Ababa, Ethiopia.<sup>32</sup> There were two key sticking points to the talks. One was the status of the eleven politicians detained as alleged coup plotters (who the SPLM/A in Opposition insisted should be released) and the other was the presence of Ugandan forces fighting alongside the government (who the SPLM/A in Opposition said should withdraw). Under significant international pressure, the parties signed a cessation of hostilities agreement on 23 January. It was violated almost as soon as it was signed, and the conflict has raged on.

The cessation of hostilities agreement addressed the issue of Ugandan troops by committing both sides to "redeploy and/or progressively withdraw forces, armed groups and allied forces invited by either side from the theatre of operations in the Republic of South Sudan."<sup>33</sup> This was never implemented and the presence of

UPDF in the country continues to impede the talks.

The parties also signed on 23 January a vaguely worded agreement on the status of the detainees.<sup>34</sup> Seven of the eleven detainees were released into the custody of Kenyan President Uhuru Kenyatta on 29 January and arrived in Addis Ababa on 12 February.<sup>35</sup> Four remained in Juba to face trial on charges of treason.

The parties reconvened in Addis Ababa in mid-February for “Phase II” of the negotiations. They made progress on developing a “declaration of principles” to guide the process. Both parties also signed Implementation Modalities in support of the Agreement on Cessation of Hostilities. On 3 March, IGAD announced a recess to “allow the parties to further reflect and consult on guiding documents of the process, as well as allow the Envoys a critical opportunity to hear from civil society and ensure their views are reflected.”<sup>36</sup>

Phase II of negotiations resumed on 25 March, but quickly reached a deadlock. The government refused to allow the seven former detainees to participate in the talks, and the parties were also unable to reach consensus over the participation of civil society. Furthermore, the opposition continued to demand the departure of the UPDF. Uganda has said that its forces will retreat only once an IGAD military “protection and deterrence force” (PDF) is in place.<sup>37</sup> Riek Machar, however, has threatened to boycott the negotiations if such a regional force is indeed deployed.<sup>38</sup> By 31 March, the talks were again adjourned and did not resume again until 28 April.<sup>39</sup> On 25 April in Juba, the four defendants were released after the minister of justice decided to drop treason charges “in order to promote peace and reconciliation” among South Sudanese.<sup>40</sup>

## THE ACCOUNTABILITY DEFICIT

Impunity for serious human rights violations in the past has contributed to the violence that has plagued South Sudan. During the north-south civil war, the SPLA, the Sudan Armed Forces (SAF) and other militia groups committed serious international human rights and humanitarian law violations, including mass killings, executions and sexual violence, yet there was never any form of accountability for these acts.<sup>41</sup> The 2005 CPA was silent on the issue of accountability, and its provision on national reconciliation was never implemented.<sup>42</sup>

Since gaining regional autonomy in 2005, clashes between the military and militia groups, and inter-communal violence have resulted in large-scale displacement and thousands of civilian deaths in South Sudan. International human rights and humanitarian law violations have included abductions and sexual violence, looting and destruction of humanitarian property, incitement to violence on ethnic grounds and ethnically targeted killings.<sup>43</sup> Violations have not been adequately investigated, and perpetrators have not been held to account. Instead, initiatives such as peace and reconciliation conferences, blanket amnesties and offers of military and political posts, with military interventions including forced disarmament campaigns and attacks to neutralize armed groups have been preferred.<sup>44</sup>

The almost total impunity enjoyed by perpetrators of serious violations has created a

situation where these individuals and others have no regard for human rights and humanitarian law. Individuals and groups who have been affected feel that the only way to ensure perpetrators are punished and to prevent future abuses is to take the law into their own hands and engage in reprisal attacks.

## VIOLATIONS BY ALL PARTIES TO THE CONFLICT



*This blind elderly Shilluk woman was beaten by opposition fighters in Malakal hospital in February 2014. © Amnesty International*

### ATTACKS ON CIVILIANS AND OTHER UNLAWFUL KILLINGS

In **Juba**, hundreds of mostly Nuer civilians and government soldiers who had been captured and disarmed or otherwise placed *hors de combat* were executed in the early days of the conflict, mainly by Dinka members of the armed forces. These targeted killings, which began on 16 December, caught many by surprise.

Dinka soldiers went house-to-house, looking for Nuer men, including Nuer soldiers whom they considered to be opponents. Many Nuer were killed in or near their homes. Paul, a Nuer resident of Juba, said: *"I worried because I was due to travel on 16 December. I was thinking about roads being closed off and delays – not*

*about massacres. In the morning there was a call on the radio for residents to keep calm and stay at home, so I went back to sleep. I woke up in the early afternoon and went out of the house. The first thing I saw were two soldiers shooting a guy who was running. They shot him in the back and he fell. Then three soldiers came from the opposite direction and shot another young boy, of about 18, who came out of a nearby house. I ran back into the house and fled through the back. Since then I have been in this UN camp."*

Chuol, a 40 year-old man living in Juba, told Amnesty International: *"In the afternoon of 16 December 2013, I was at home, in the Mia Saba neighbourhood, with my family. My wife and our five children were in our house and I was sitting outside under a tree with seven (male) relatives. We heard shooting nearby and I ran to a neighbour's house. He is a Dinka soldier and a good friend. I stayed hiding in his house and we saw two Toyota pick-up trucks full of soldiers. We heard them shooting by my house... [After the soldiers left] we found that my seven relatives had been shot dead. One of them... had been shot in the back of the neck as he was going into the house. The other six had all been killed near the tree where we had been sitting....all of them were shot in the head and upper body. We found my wife and children cowering terrified in the house. The soldiers had gone in and taken money, several telephones, a computer and the TV. My neighbour took us to his home for the night and the following day he drove me, my wife and my children to the UNMISS base; he saved our lives. He knew that his colleagues had come to kill Nuer and he could not stop them but saved us by hiding us in his home. That day soldiers were going house to house looking for Nuer."*

Susan told Amnesty International that her 20 year-old son, his friend, and her 67 year-old brother-in-law were shot dead by soldiers outside the family home in the Eden neighbourhood of Juba on 16 December: *"At about 2pm soldiers came to the house. I think they were looking for Nuer men. We are Nuer...They took them outside and tied their hands behind their backs and then tied their feet with the same rope, so that their hands and feet were pulled together like sheep and they could not move. Then they shot them repeatedly, killing all three of them, and then left. They said nothing to them or to me. There were many soldiers around, about 25 of them, but it was five of them who killed my son. I ran away from home immediately, without even being able to bury my son. I don't know what happened to the bodies."* Susan then went to stay with a neighbour, and told Amnesty International that two days later she and nine other women from the neighbourhood were abducted and gang-raped by a group of soldiers.<sup>45</sup>

Some men in **Juba** were picked up at home or in the street, transported and later killed in other locations including army barracks and other buildings under the control of security forces. In some locations, people were executed in large groups. One survivor of a mass killing told Amnesty International how he was arrested by Dinka soldiers, along with his workmates. They were taken to a compound in Gudele that appeared to be a military barracks: *"[A]nd we were put into a room. The following morning [16 December] we asked soldiers to let us go but they took us to a bigger place nearby, also a barracks. There were many Nuer detained there."*

*We found three of our co-workers there...More and more people were being brought in different groups at different times. There were maybe 300 men or more. Towards the end of the day the soldiers took some of the detainees from our room to a room next door as ours was too full. It was so hot and we had no water, some people fainted. At about 7-8pm we opened the windows to get some air. When we did so, soldiers fired into our room from the windows. Many people were killed in my room. Survivors lay among the dead, pretending to be also dead. The soldiers had fired from the windows at anything that moved.*

*We were 12 survivors, eight were injured but not seriously and me and three others were ok. We stayed there in that situation until the next morning [17 December]... In the afternoon we opened the windows because of the terrible smell and many flies. Then a soldier patrol passed by the open window and one of the detainees in my room recognised one of his former army colleagues and begged him for water, in Arabic. The Dinka soldier asked about our conditions. He brought us water and said he was going to the station and would come back. He came back with four military officers from National Security who released the 12 of us who were still alive. I don't know what happened to the people in the room next door, if they were all killed or if any survived. I don't know how many were killed in total, but it was very many."*

Survivors and witnesses told Amnesty International delegates that they were too scared to return to the sites of these incidents, and many of them said they dare not venture out of the UNMISS protection sites for fear of being abducted or killed.

Civilians were also targeted and killed in **Bor**, Jonglei state. Many of those killed were only discovered after government forces re-took control of the town on 18 January and began collecting and burying the human remains. The bodies of 18 women, all of them Dinka, were found in and around the compound of St Andrew's Cathedral. They are believed to have been victims of an attack by opposition forces. Six of the women were members of the clergy. According to a government official involved in collecting and burying bodies, 15 of the women had their throats slashed while the other three were shot, two in the head and one in the chest.<sup>46</sup>

The remains of 15 men and women were found at Bor hospital. Eleven of them had been shot in their hospital beds. In the Hai Salam residential area, 11 bodies were found, including five women and two children. Another 31 bodies were strewn in small groups in the Marol area, near Bor's main market. Many civilians reportedly sought refuge in Marol when opposition forces attacked the town, hoping that they would be better protected because many government officials lived there.<sup>47</sup>

It is difficult to know how many people have been killed in Bor since the fighting started. Government officials told Amnesty International delegates they had buried 506 bodies, including 158 women and 69 children, in four mass graves in Bor cemetery between late January and mid-March. Another 24 bodies were buried near St Andrew's Cathedral. In addition, hundreds of other civilians and fighters killed in and around Bor have been buried either individually by their families or in other mass graves. It is likely that many more bodies have not been found, counted or

buried.<sup>48</sup>

Fighting in **Unity** state was mainly confined to SPLA barracks, the Unity oil field in Rubkona and the Tharjath oil field in Koch county in the early days of the conflict. Fifteen Dinka people disappeared from the airstrip in Tharjath, Unity state (about 70 kilometers from Bentiu) on 18 December. They were scheduled to travel to Juba on Kush Air. Reports indicate that Nuer security operatives were behind the disappearances.<sup>49</sup> John knew one of the people who disappeared and reported that “Someone picked up his phone and said that he had been killed.”

Lam, 14 years-old, was injured in cross fire in Rubkona on 3 January. When he heard gun-shots, he ran into the house, “they [Dinka soldiers] were fighting the Nuer soldiers and a bullet came into the house. I did not see who had fired.” Lam was hit in the right calf and his leg was subsequently amputated at the knee.

Civilians were also injured and killed when government forces took **Bentiu** on January 10. Makuar, an 88 year-old Nuer man, chose to remain at home: “*I refused to leave because I am an old man. I couldn’t run. I thought that if the government came, I would be ok. But unfortunately they were killing people... So many people died. I moved around the area of my home and saw that a lot of people were killed. The soldiers did not let anyone escape. They killed everyone.*” Makuar witnessed the death of Peter Chuol, a trader from Koch county: “*He was shot by people wearing head scarves. You could see only their eyes. There was a group of four of them... They asked him for money. Peter said he did not have any money and after that two of them shot him, in his side.*” Makuar was himself shot in the upper thigh at his home near the prison in Bentiu, but survived. Government officials said that when they re-took Bentiu, there were some civilian bodies scattered in different locations around town, particularly in Khaly Balek and Kuer Yongni neighbourhoods.

Amnesty International received multiple reports of at least three killings by government security forces between 19 and 20 March in **Bentiu**. All bodies were reportedly grotesquely mutilated. One Nuer man, a pharmacist from Yida who had recently arrived in Bentiu, was taken by the military police to the SPLA barracks. His body was subsequently found lying in the grass close to the road. His throat had been slit, his eyes gouged out, and his feet amputated. The bodies of two women were also found with their throats slit and their lips cut off.

Many Nuer civilians were reportedly killed in **Panyang**, Pariang county, in northern Unity state by government forces around 20 December. Amnesty International delegates spoke with some women who survived this attack. They said that they were travelling in a group of at least 300 mostly women and children, escorted by some Nuer men, some of whom were soldiers *hors de combat*, when they were attacked.

Sarah was with her five year-old daughter and her seven month-old son when Dinka soldiers attacked the group. “*When they started shooting the big guns, we lay down in the grass. There was a big pick-up truck with a big machine gun on it. The car ran over the people in the grass.*” The group dispersed and Rebecca headed to



Palop. *"Some of us died because of bees in the forest, or because there was no food or water...Dinka civilians killed the Nuer civilians in the forest. If they killed your husband and you complained, they would kill you too, you just had to keep quiet... I saw a Dinka civilian kill a Nuer with a panga [machete] in Palop."* Sarah said that of their group of 300, only 50 survived.

Nyaliap, a 26 year-old Nuer women, was travelling with the same group. At one point in the journey, she went to fetch water with some other women, and found soldiers lying in wait. *"The soldiers said, 'we will kill you,' and started firing. People scattered."* Many children were separated from their parents, or their parents were killed. *"There were four men in our group who were carrying children on their shoulders, they were all shot dead. The children fell from them and some ladies ran to pick them up. Bullets were firing from all different directions. We ran and came across a man, woman and two children who were all dead. We scattered and then collected in one place to take rest."*

*The soldiers came back and took all 11 men in our group; they stripped them naked and tied their hands behind their back. They lined them up and made the women and children sit down. The soldiers were saying bad things like 'you. We are going to kill you, you are the people of Riek Machar' – the soldiers had turned the men to face the bush, and they killed them from behind...there were many [soldiers], over 20 of them."*

*After they shot the men, they turned to the women and said 'now we are going to shoot you.' If you ran, they would shoot you. They killed three women and a child who tried to escape. One was my niece Nyanok and her two year-old child. Nyaker and Nyanhial were also killed. Nyaker had a six month-old child who survived. They were threatening to kill us all. If you looked them in the eye they could kill you, so I just kept looking at the ground."* Nyaliap was eventually taken by Dinka soldiers to the UNMISS base in Pariang town. Several women in this group said they were subjected to sexual violence.<sup>50</sup>

Witnesses described how government forces, accompanied by armed Darfuri soldiers said to be elements of the Justice and Equality Movement (JEM), targeted and killed civilians in parts of southern **Unity** state at the end of January and in February.

A missionary who had fled Leer town was hiding in the forest close to **Mirmir** when government forces *"arrived shooting. At first they were shooting into the air. We could hear the bullets flying through the trees and the leaves were coming off. But also, we heard the sounds of bullets hitting the ground. As we were running into the bush, they were shooting at us. At this point, they were shooting to kill. Some of us could hear the sounds of the bullets very close...In our group, we were 14 people, including a 17 month-old child. We got scattered."* One woman and her child were separated from the group but managed to reunite with them the next day. She said: *"I was protected by a local man, but his brother was shot dead in cold blood. A Darfurian came and said, 'You are on the side of the rebels. If you are supporting them, you will be killed.' And the man was shot dead on the spot."*

David, 39 years-old, was in **Kuok**, a village between Mirmir and Leer, on 31 January, when he witnessed two people being killed: *"The wife of my uncle was killed. They had just married on 25 December, she was around 19 years-old. Four government soldiers approached her. One tried to rape her, she refused him and tried to escape...he shot her. She was still alive when we found her. She told us not to cry, that she was with us. But after one and half hours, she passed away."* David's 65 year-old neighbour, Guat Malual, died from gun-shot wounds. *"It was evening. He wanted to see if his house was ok and on the way he met with two government soldiers. When he saw them, he tried to run away. They ordered him to stop, but he does not understand Dinka so he kept going. They shot him three times."*

Multiple witnesses told Amnesty International that after government forces captured **Leer** town, they looked for people hiding in the surrounding areas, killed men and raped women. Kueth witnessed three men get killed as they fled from Leer. One was 51 years-old and was shot in the back when he came out of his *tukul*<sup>51</sup> to collect his goats. Mut Wech, 38 years-old, was shot in the back of the head, disfiguring his face and rendering him unrecognisable. Only his wife recognised him by his clothes. The third man, who was 25 years-old, was shot as he was trying to escape and later died from blood loss. Kueth escaped across the river and sought safety on islands, along with many others. Three children, he said, drowned while trying to cross the river to reach the islands.

Many people ran from Leer town to **Gandor**. Government forces also followed them there, raping, killing and destroying property as they went. Nyagoa, 46 years-old, described what she witnessed: *"I saw seven men killed. They were shot on the spot. After that the soldiers went inside and saw there were three men inside the tukul. So they locked the door and set it alight. The three men were burnt alive. One, Gat Ninrew, was the father-in-law to one of my daughters."* Amnesty International was also told that a 12 year-old boy was shot, but survived. Angelina, 60 years-old described how in Gandor during February, *"I saw them kill five people. I didn't know these people. There were three men in their 60s, and two women in their 30s. I heard people crying. The children were angry and crying. Even I was crying."*

Others who fled Gandor into the forest recounted similar experiences of apparently indiscriminate killings. Nyariek told Amnesty International that in and near the village of **Thongot**: *"I saw government soldiers shooting at the [Nuer] civilians. One ten year-old boy called Matik Kong was shot in the stomach and died...Later, in a village close-by, a policeman called David Liep Kuol was running away. He was shot in the head."*

At the time of writing, **Malakal** town had changed hands between government and opposition forces six times since the conflict started. Each time, civilians have been targeted by all parties to the conflict, during and after the fighting.

On 13-14 January, a group of opposition fighters reportedly from the White Army, walked into the premises of the Water Authority and shot four Shilluk workers, after asking which ethnic group they belonged to. Peter survived, and told Amnesty

International: *"The fighters were armed, wore civilian clothes and red bandanas. After we told them we are Shilluk, they shot to kill us. My colleague, Opedi Yor, was killed on the spot, and I was left for dead; I was shot in the neck. I think my two other colleagues were also killed, though I am not sure because I fainted."*

When opposition forces attacked Malakal for the third time, they targeted Malakal Teaching Hospital, where civilians had previously found safe shelter. Peter said: *"I was still being treated in Malakal Teaching Hospital when the next rebel attack took place on 18 February. On the first or second day of the conflict I saw a rebel fighter shoot and kill a nurse, Thomas, in the garden of the hospital, opposite the ward where I was being treated. I was evacuated from hospital by some of the rebels who used to work with me and recognized me; they knew that some of their fellow-rebels would very likely kill me."*

Several other civilians who were sheltering in the hospital from 18 February told Amnesty International delegates that they saw members of opposition forces shoot civilians. Survivors reported seeing dead bodies in different parts of the hospital compound, in the wards, and even lying in patient beds. They said that some had gunshot wounds, while others appeared to have died from natural causes or due to the absence of care. When Amnesty International delegates visited the hospital on 12 March, most of the bodies had been removed, but at least three human skeletons remained.



*Armed opposition fighters outside Malakal Hospital © Amnesty International*

John had been a patient in Malakal hospital for six months when the conflict began. He told Amnesty International that on 18 February, when the opposition forces entered Malakal, “many people came to the hospital for safety: women, children, old people and also younger men, including unarmed Shilluk and Dinka soldiers who did not want to fight. Many were staying in the wards and many more outside in the courtyard of the hospital compound. On the second day [19 February 2014] several groups of Nuer rebels came to the hospital wearing a mix of uniforms and civilian clothes. I was in the TB ward with four others. The rebels shot dead the four people in the beds next to mine including Aban, a 65 year-old TB patient, and a man who was very old and sick. I kept my eyes closed and did not move while they shot... I later saw that the four were dead. Maybe they did not kill me because I do not look Dinka or Shilluk, I do not know. Before they shot the others they took all my money. There was 550 South Sudanese Pounds [ 138 USD], all the money I had. More people were killed in different parts of the hospital and the courtyard and many people ran away to the UN base. I stayed in the hospital for another week, until we were evacuated, because I was too weak to walk.”

Ajang, another long-term patient of the hospital, was on the hospital veranda when “a group of five very young rebels armed with rifles came. Two went inside and brought out seven young men. The other three rebels were waiting outside the veranda and shot the seven men in the back. Three of the seven were civilians and

*four were government soldiers who had been defeated in the last round of fighting.”*

Nyachan had taken refuge in Malakal hospital. She told Amnesty International: *“Two rebels in uniforms came into the room [at the hospital]. They first asked for money and then shot my son in the head. My son was the only male in the women’s ward when these rebels came in. They did not ask him any questions. My son was not a patient and neither was I. We were hiding from the war, like everyone else.”* Nyachan’s son was 25 years-old.

Another woman who was also sheltering at the hospital recounted: *“In one of the rooms I found 15 bodies of young men who had been shot dead. One of them was Sibad, my sister’s son. He had been shot in the lower back. He was in his early 20s. He had just come to the hospital that day and had gone to hide in a bed, pretending to be a patient, hoping to be safe.”*

Civilians in **Malakal** were killed while fleeing to, and within, church compounds. Elizabeth was inside a church in Mudiriya and reported what she saw to Amnesty International: *“On 18 February, many people were running to the Catholic Church in the Mudiriya area. Two men coming to the church were shot dead by Nuer rebels in uniform outside the gate to the church compound. Both were Dinka. One was 40 years-old and Mayiik Deng Duot was about 18-20 years. A third boy, also aged about 18-20, was also shot and survived. That evening I went to the Dinka Protestant church nearby. The following morning, 19 February, rebel soldiers in uniforms came. They were Nuer, and some had red bandanas on their heads. They asked for money and phones. They then shot and killed two men inside the church and shot six others in the courtyard. One died and the other five were injured. They were all Shilluk.”*

Nyamet witnessed her husband being killed in a Shilluk Presbyterian church where they had sought refuge. She told Amnesty International: *“Different groups of rebels kept coming to ask for money and mobile phones. My husband gave some money to the first and second groups, but when a third group came, we had no more money. We were sitting next to each other and my husband was quite deaf and did not understand the rebels’ language anyway, and so he just kept repeating that our money was finished. One of the rebels shot him in the chest without warning. He died immediately.”*

Daniel, a Protestant pastor, told Amnesty International how opposition fighters came to her home, where some civilians were sheltering: *“We were 15 civilians including women and boys and were conducting prayers in the yard. Two rebels wearing uniforms came and took any money and cell-phones we had, and then separated the men, women and boys. They took the seven boys to a room inside the house and shot them dead...they took one of the men, David Achuil Nyok, 21 years-old, into another room and shot him dead. The following morning a different group of rebels came to my house and took us to the protestant church. We stayed in the churchyard all day; it was very crowded. At about 7 or 8pm, one of the women who had been at my house, went to urinate by the edge of the yard and was killed by rebels. She was 31 years-old, pregnant and with two young children.”*

Government forces targeted and killed civilians from the Nuer ethnic community while they were in control of Malakal. The scale of abuses perpetrated was difficult to document as there were few Nuer civilians remaining in Malakal when Amnesty International arrived on 10 March. Pastor Daniel Giel was killed on the morning of 21 January while on his way to the Presbyterian church in the Mudiriya district. A witness told Amnesty International: *“The pastor was coming from the hospital and going to the church. There are only a few hundred meters between the two. He was wearing his pastor robe and collar, so it was clear to anyone that he was a pastor. He was quite near to the church when he was shot by group of six soldiers on the opposite side of the street; he died instantly.”*

Buk Chol Ruai, a 36 year-old Nuer woman, was reportedly killed by government forces on 27 December 2013 together with her two sons aged eight and 15, in or around Malakal Teaching Hospital. Her husband told Amnesty International: *“I learned that my wife and our two youngest children were killed from people who witnessed their killings. They said that they were stopped by soldiers and when they could not understand or speak Dinka or Shilluk, they were shot. They said that the soldiers then threw my children’s bodies into the river. My wife’s body was found two days later and I was able to see it and to pray for her before she was buried. She had two gunshot wounds, one on the forehead and one in the chest.”*

Chaben Gatluak, a 22 year-old student and son of late Governor General Galwak Deng, was killed on 30 January as he was returning to Malakal town from Dolep Hill in the south. One of his relatives said that two government soldiers stopped him and asked which language he spoke. Chaben said he spoke Shilluk. The government soldiers called a Shilluk man to talk to him. He remained silent as he did not understand Shilluk. They took his passport, and when they saw he was Nuer, they shot him.

One man told Amnesty International that he was at home with his brother and two Shilluk friends on 3 February when government soldiers forced open the front door of his home: *“As they opened the door they shouted ‘this is a house that belongs to Nuer. They then shot my brother in the chest, killing him, and struck one of the Shilluk men on the back of the head with a machete. I fled and managed to reach the UNMISS camp.”*

## SEXUAL VIOLENCE

Sexual and gender-based violence has been an ongoing problem in South Sudan.<sup>52</sup> The current militarized environment, where armed men are ubiquitous and civilian law enforcement is virtually absent, places women and girls at a heightened risk of sexual violence. In addition, many women and girls are living without husbands or fathers — because they are fighting, have been killed, or are in hiding, afraid of being targeted. Persistent reports of sexual violence perpetrated by both government and opposition forces strongly indicate that conflict-related sexual violence is widespread. UNMISS noted in its interim report that sexual violence has been a “consistent characteristic” of the conflict in all affected states.<sup>53</sup>

Susan, a survivor of sexual violence living in the Thong Piny protection site told

Amnesty International that a large group of soldiers came to her home in the Eden neighbourhood of **Juba** on the morning of 18 December 2013. They took her and nine other women to an empty clinic where the soldiers were staying and raped them. Fifteen soldiers raped her over a period of approximately three hours. The soldiers subsequently shoved sticks up the vaginas of six of the women, causing extensive bleeding. She believes that these six women died as a result of their injuries.

Michael Mayen, who led government efforts to collect and bury bodies after the government recaptured **Bor** in mid-January, said that 11 of the bodies he counted showed signs of sexual violence. Three of them were found in Hai Salam, and another three in Leiudier. One of the dead women found in Leiudier had a piece of wood inserted in her vagina. Six dead women found in St. Andrew's Church, he said, were naked below the waist.<sup>54</sup>

Amnesty International spoke with six Nuer women who survived an attack by pro-government soldiers and civilians at the end of December in **Panyang**, Unity state while travelling from Jau.<sup>55</sup> Nyawal was among a group of 18 women who were raped in Palop. She said, *"I was three months pregnant, but because I was raped by so many men, the baby came out. If I had refused those people, they would have killed me. Nine men raped me. They were Dinka."* In tears, she recounted that soldiers made her watch as they forced large wooden sticks inside the vaginas of seven women who refused to be raped. The soldiers said, *"If you do not want [to be raped], we will do this to you. They [the other women] were strong, and refused. I wanted to live, so I allowed them to rape me."* Nyawal said that the seven women died as a result. A 26 year-old mother of four who was in the same group of women said that she and another 10 women were raped by 14 men.

From the end of January through to March, government forces, including allied Darfuri forces, looted property, raped and killed civilians in villages in Koch, Mayendit and Leer counties. Mary reported that between 10 and 20 women were raped by Dinka and Darfuri forces when they reached **Gandor**, Leer county, in the first week of February, including her ten year-old sister-in-law, who was raped by ten men. She heard women screaming in *tukuls* as she fled.

Nyaruot was hiding in the trees during an attack on Gandor, and saw four women and one girl being raped by both SPLA and Darfuris. She said that one of the women was pregnant: *"She was around 17 years-old. We saw seven people rape her outside, and when they finished, she lost her baby. She was crying, and saying 'leave me, you're my people, we're one country.'"* Bol saw ten women being raped by armed Darfuris in Gandor around 5 February, some of them at gunpoint. He believes that up to 28 women and girls were raped during the attack.

In **Gear**, Leer county, James saw eight women being raped by government forces in early February. One woman had recently given birth and was raped by multiple men. She died a few days later. Duol was also in Gear, and hid in the bushes during a 10 February attack by SPLA soldiers. He said that five women were raped by SPLA soldiers. Two women were in one *tukul*, two in another, and one was alone.

Though most civilians had left **Malakal** by the end of February, several hundred remained sheltered at Christ the King Church. At least four girls staying at the church were abducted by opposition forces the night of 25 February and raped nearby. Julia recounted that three soldiers took her 13 year-old daughter and two other girls. *"I ran after her. They hit me with the butt of a gun and I fell down. They also hit me on the back."* The soldiers took her daughter to a house, and raped her. The men threatened the girl, saying, *"If you resist, I will hurt you."* The man who raped Julia's daughter wanted to take her to Nasir, but other soldiers intervened and she was able to escape. She managed to reunite with her mother the next day.

Another girl, aged 15, described being taken to a house along with three other girls. The girls were separated and then raped by four Nuer men. She was held for approximately three hours, before she and two other girls managed to escape to the UNMISS base.

### THEFT FROM CIVILIANS

Patients and civilians taking refuge at **Malakal** Teaching Hospital endured several days between 18 and 23 February during which group upon group of White Army soldiers arrived, demanding money and mobile phones, and killing people.<sup>56</sup> On 23 February when UNMISS troops were finally able to access the hospital, only very sick and some elderly people remained, along with a few caregivers.

Rebecca was looking after her daughter who was admitted at the hospital when opposition forces came: *"On the first day [February 18], I gave 50 South Sudanese pounds (13 USD). I had divided my money so on the second day I also gave 50 pounds. They killed two people. The first was a man who had run to safety and had nothing to give them. The second was a woman. They asked her for money, and she told them it was finished. They asked who took it and she said 'your friends,' and they shot her. The third time they came I had no money left. I said 'if you want to kill us, you have to, we have nothing left,' so they left us."*

Patients were not spared. One chronically ill patient who had been admitted to hospital months prior said: *"The first day they robbed everyone. They took money, mobile phones and food also. The second day they killed people, including a patient in the bed near me. That day, they took my clothes."*

Those who could escape during the night did so. Abuk said: *"On the same night we ran to the hospital, we paid two rebels to take us to UNMISS. They didn't want to kill the women, so we all gave them 400 South Sudanese Pounds (100 USD) to accompany us. There were 20 of us, women and girls. When we reached the UNMISS gate it was closed, so we slept until morning when they opened the gates."*

Churches in Malakal where civilians had sought refuge were also specifically targeted. Nyabech, 50 years-old, had sought refuge in the Presbyterian Church in Medina. She recounted: *"Rebels entered the church the same day we arrived on 18 February. Some came through the door, others over the wall. They started going through everything, even people's clothes, throwing them everywhere. One man took 800 South Sudanese pounds (200 USD) from me. The armed men (opposition*



*forces and white army) were shooting guns up in the air, and started beating people with the butt of a gun. One of the pastors was praying as they beat him.”* Members of the White Army would visit the churches periodically, each time demanding property and harassing civilians.

The commandeering of vehicles is reported to have been mainly carried out by JEM who were described as being “hungry for vehicles.” Nhial 36 years-old, said he had hidden his vehicle inside trees and reeds in **Gandor**: *“If they did not find the keys to a car, they pulled it, or they shot at it and then joined the wires so it would start.”* Some who were watching from the islands they had fled to, witnessed vehicles being taken in this way. According to a witness, one doctor who tried to move his vehicle was shot by members of JEM before they took the vehicle. Some of these commandeered vehicles, including one from a local church, were immediately mounted with machine guns.



*Compound of Christ The King Church in Malakal © Amnesty International*

## LOOTING AND DESTRUCTION OF CIVILIAN PROPERTY

*'They came, they took.'*

James, 45 years-old, Leer, Unity state

Since South Sudan gained regional autonomy in 2005, its ten state capitals have been the focus of investment in infrastructure and movable assets by government, businesses, and non-governmental organizations.<sup>57</sup> But in Bor, Bentiu, Malakal, and other areas affected by the conflict, virtually all progress in development has now been lost. Government and opposition forces have engaged in rampant looting and destruction of civilian homes, businesses and public institutions. They have demonstrated a complete disregard for civilian objects, leaving nothing of value in their wake.

Marol market in **Bor** town is flattened, a sea of bent and burnt corrugated metal sheeting. Banks and businesses were looted. Other areas of Jonglei state were also destroyed. According to Mayen Ngor, a government official from **Duk** county, the White Army engaged in looting and destruction of property during an attack on Duk county in early March. *"They killed people and burned houses. They ransacked the hospital...School materials were looted. They also took peoples' cattle. Livelihoods were destroyed."* A teacher from the same area said he saw members of the White Army loot the county commissioner's office in Mareng. *"When they were going back to Ayod, we saw them taking tables and chairs and computers."*

Elizabeth was in her house in **Baidit**, south of Bor, when opposition forces attacked on 18 December. She ran to cross the river and hide in the swamps. When she looked back, she saw in the distance that homes were on fire. *"They took mattresses, beds, and bed sheets. Our lives depended on cattle, but they took all of them, as well as the goats. They also burned the sorghum in our granaries."* A 35 year-old man from the same village told Amnesty International that although he had recently returned, *"Now, there is no place I can call home in Baidit. There are no houses there. I just have been living under a tree...Life is spoiled."*

In **Bentiu**, Souk el Shabi and the residential areas of Hai Ingaz and Kuer Yongni are burned. Of the few cars remaining in Bentiu, most are missing license plates, mounted with machine guns, or plastered with mud. Opposition forces engaged in looting when they took control of Bentiu on 21 December. On 10 January, when the government recaptured Bentiu, government forces carried out large-scale burning, destruction, and looting, which witnesses say was deliberate.

Benjamin was in the UNMISS protection site as pro-government forces, including elements of JEM, entered the town: *"The troops entered from the North. Civilians and former military personnel pushed down the gate of UNMISS and joined the fight. Some were handed pangas (machetes)."* **Rubkona**, a town to the north of Bentiu, was almost completely destroyed as were large areas of Bentiu. Markets, shops and aid agencies were looted and many were razed to the ground.

Most Nuer residents fled Bentiu before it was recaptured by the government on 10 January. Many who later returned described finding their houses emptied, and for some, destroyed. A 23 year-old health worker said that when she left Bentiu, everything in her house was still there. But when she returned in March: *"There was nothing in my home. Everything was gone, including the bed and all my clothes. There was nothing. If the Darfuri or Dinka soldiers found any nice thing, like a mattress, they took it. The civilians would take anything, even things like floor mats."*

Makuar, 88 years-old, was at his home near the Bentiu prison: *"When the government came to take the town, I met them. The people who came were Darfuri...they came into town on ... 10 January. I met them and was shot on the 11<sup>th</sup>. I had some money...he [the soldier] took it and put the money into his jacket. Then I was shot [in the upper left hip] and I fell down. When I woke up I tried to leave...all my property was taken...If a house was locked, they would shoot at the door and then take all the things inside. They would check to see if someone was inside. Then they would set it on fire. They used lighters to set the homes on fire. If someone happened to be in the house and then came out, they would kill that person. The whole area around my house was burned."*

Government forces, including elements of JEM, entered **Mirmir**, in Unity state north of Leer, at the end of January. They were burning and looting houses, markets and villages as they went. Amnesty International was told that they burned houses by shooting at the thatched roofing.

The atmosphere was tense in the days preceding the government attack on **Leer**. Commanders of the opposition forces threatened local missionaries and attempted to loot their property. As government forces approached, both opposition forces and civilians alike reportedly looted markets and other property before abandoning the town.

Simon, 47 years-old, arrived in Leer at the end of January. *"There was no-one there; it was completely empty. There were some missionaries in the church, and in the hospital there were some patients who couldn't walk. That same day I went to Gandor. When the government entered Leer on 31 January, we heard that they burned it to ashes. The MSF hospital was destroyed...the whole town, including the market was destroyed."* David said *"when SPLA and JEM entered Leer, I was nearby at my home in Guet. I could hear guns shooting. I stopped, went to my house and hid myself there. I didn't see anything, but when I came out they had burned the area."* One man told Amnesty International that government forces *"went to the school and looted generators and heavy machinery...there was a computer lab with 20 new computers. They were all taken."*

Government forces pursued the civilians who had fled Leer into the forest. James said: *"Once they had destroyed everything and burned the town they started following the civilians. They were shooting randomly and using very heavy artillery. People were hiding their food by burying it, but then SPLA and JEM saw it and dug it up."*

Some civilians periodically returned to Leer in search of food. Younger men refused to go for fear of being killed, and younger women were afraid of being raped or forced into marriage. One woman recounted that *“One 40 year-old man made himself look old by stooping and using a stick. He went back to look for food with a 50 year-old woman. They came back and said that JEM and the government were still there, and that they had burned everything.”* Angelina described what she saw when she passed through Leer while moving back towards Bentiu: *“They burned the houses made of grass and they broke the buildings made of concrete. They took anything to break them down.”*

When Amnesty International visited **Malakal** in mid-March, the doors of shops hung open while parts of the market were burned to the ground. Opposition forces began looting Malakal in Upper Nile state on 25 December 2013, when they took control of the town for the first time. The looting continued unabated over the following days. Anne was in Malakal at the time and said: *“As soon as the rebels took over the town, the first thing they did was to go to the market and start looting. They looted, looted, looted the whole town, and they called civilians to come into the town, break all the shops and take anything they could. This lasted for three days.”* A local missionary described the scene as she walked through the market on 29 December: *“It was not possible to imagine that the market full of life and multi-coloured goods, ready for the Christmas shopping, could be abruptly changed into a desert-like place, where the open doors of the looted shops resembled gaping wounds.”*

Malakal changed hands several times in the subsequent weeks. Each time, the forces that were in control looted and burned civilian objects. Civilians also participated, apparently taking advantage of the prevailing lawlessness. Anne told Amnesty International that after opposition forces took control of Malakal on 14 January, they looted and destroyed civilian homes and government property: *“They destroyed all the ministries and government offices. They took what they could and what they couldn't take, they destroyed. They would go to government offices, bring out all of the files, and light them on fire. They took everything out of the Ministry of Infrastructure. In the Ministry of Education, they broke the tables. They couldn't carry them, so they just broke them. This time they also went to the houses of people. They went from house to house looting everything.”*

On 18 February, opposition forces, mostly comprised of members of the White Army, recaptured Malakal and caused large-scale destruction. They raided the hospital, churches and other areas where people had taken refuge, harassing, beating and killing them. All remaining property of any apparent worth was seized.

Government forces burned houses when they took control of Malakal in January. Opposition forces also burned property on a large-scale when they recaptured the town on 18 February. Nyamum, a 75 year-old Shilluk woman, said: *“When the rebels arrived, I was at my home. I fled to my brother's house near the hospital with my grandchildren. My grandchildren escaped across the river to find safety, and I was left alone. The next morning at 7am I was outside washing. The rebels burned a nearby area. The wind blew and the house caught on fire. I left to escape to the*

*hospital. It was only older people left at that time; those that could had escaped. It was just old people like me when I was going to the hospital, all trying to escape the fire. As I was on my way, I saw the rebels on the roadside. They told me not to look back, I heard shooting behind me, but I did as they said and continued until I got to the hospital.”* Opposition forces burned more property just before the successful government offensive and recapture of Malakal on 19 March.

## TARGETING OF HUMANITARIAN PERSONNEL, ASSETS AND PROPERTY

UN and NGO personnel and facilities have been subjected to repeated attacks by both government and opposition forces since the conflict began. In January 2014, 82% of the incidents reported by the UN Office for the Coordination of Humanitarian Affairs (UNOCHA) involved violence against humanitarian assets and personnel. These attacks obstructed the delivery of humanitarian assistance.<sup>58</sup> Attacks against humanitarian personnel and assets declined in February, but were still one of the main impediments to the delivery of aid.<sup>59</sup> At least three humanitarian personnel have been killed while numerous others have been injured.<sup>60</sup>

In **Bentiu**, both opposition and government forces are believed to have looted humanitarian assets. Amnesty International documented one incident involving a humanitarian worker. Jal was near Bentiu in Unity state, when government forces regained control of the town on 10 January: “*When the shooting started, I was walking home. Three vehicles with many SPLA soldiers stopped. They asked which tribe I was from. I told them I was not a soldier that I worked with a humanitarian organization. They didn’t care, and started to shoot. There were two of us; we were both shot and fell down. My friend died after 30 minutes. They thought I was dead so [they] left me.*” Jal was shot three times. He was able to hide in the forest for two months while being cared for by practitioners of traditional medicine.

When government forces, including Darfuris, took control of **Leer**, they looted and also burned homes and other infrastructure. The *Médecins Sans Frontières* (MSF) hospital in Leer was ransacked and completely destroyed in the last days of January and early February,<sup>61</sup> after government forces took control of the town.<sup>62</sup> All NGO and church compounds were also looted and burned.

On 17 February, a UN chartered flight crashed on **Rubkona** airstrip in Unity state. Some of the government forces who were at the scene of the accident reportedly threatened and beat the survivors and staff, all of whom were humanitarian workers.



*WFP food store in Malakal looted and trashed; the looting and destruction has worsened an already severe food crisis. © Amnesty International*

World Food Programme (WFP) warehouses in **Malakal** were completely looted and destroyed in January, when opposition forces gained control of the town. Civilians participated in the looting, accelerating the speed and scale at which properties were taken. Food supplies sufficient to feed 400,000 people for three months were reportedly looted in less than three days. In the surrounding areas, Amnesty International delegates saw scattered empty tins of oil—all that remained.

Over 75 humanitarian vehicles were confirmed as stolen by March 2014, primarily in Jonglei, Unity and Upper Nile states, though the actual number could be much higher.<sup>63</sup> All parties to the conflict are responsible, though multiple witnesses reported that armed Darfuris in particular were commandeering vehicles.

Gai and many others fled **Leer** when they heard that government forces were approaching. They ultimately sought safety on islands in the river. Gai took three vehicles belonging to the humanitarian organization he worked for and hid them in the bushes and trees before swimming to the safety of an island. *"It was late afternoon on 2 February when government and Darfuris entered the village we were hiding in. We had hidden the vehicles in the undergrowth, and then escaped to the Island. Some swam, some took boats. Some children could not make it and died trying to cross. We watched from the trees of the Island. The Darfuris took the vehicles, we saw them winch them out with their own cars before they started shooting indiscriminately."*

In Bentiu and Malakal, Amnesty International delegates saw vehicles being driven by government and opposition forces, including Darfuris that appeared to have been stolen. Their license plates had been removed, they had visible marks on their sides where there were likely once NGO stickers, or were plastered with mud apparently to

hide any identifying markings.

## RESTRICTIONS ON HUMANITARIAN ASSISTANCE AND HUMANITARIAN ACCESS

*“The suffering is beyond description.”*

Priscilla, 38 years-old, Unity state

Since the onset of the conflict, the delivery of humanitarian assistance has become increasingly difficult. Acts of obstruction have contributed significantly to civilians' inability to access life-saving assistance. There has been an increase in the number of checkpoints along key access routes, where vehicles have been searched and bribes demanded. The checkpoints are reportedly predominantly manned by government forces. According to UNOCHA, as of 21 March, more than 50 trucks carrying 2,000 tonnes of urgent aid supplies were being held up at checkpoints.<sup>64</sup> Heightened tensions between UNMISS and the government have resulted in increasing bureaucracy, scrutiny, and numerous checks, which at times has led to a paralysis in aid delivery.<sup>65</sup> Due to active hostilities as well as restrictions on humanitarian access, 20% of internally displaced people are inaccessible, according to UNOCHA.<sup>66</sup> While the delivery of assistance has become increasingly restricted, the humanitarian situation has rapidly deteriorated.

Before the conflict erupted, the food security situation was relatively promising for many South Sudanese; levels of food security were the best they had been in five years.<sup>67</sup> Most of the country faced minimal food security challenges from October 2013 to January 2014, other than in conflict affected areas such as Jonglei and Abyei.<sup>68</sup> But the people of South Sudan are now facing a catastrophic decline in food security. The number of civilians who are now categorised at acute or emergency food insecurity levels has increased from 1.1 million to 3.2 million.<sup>69</sup> The UN, the European Union and the USA have already warned that, “unless action is taken now up to a million people could face famine in a matter of months.”<sup>70</sup>

The rains have started early in South Sudan, which is the time when farmers plant their crops, or those with livestock migrate. Ongoing violence means people are unable move back to their lands; even if it were safe, they have lost everything. Trade routes have been affected. Transporters are afraid to transport goods, and many markets remain ransacked and closed. People need to be able to access their lands and seeds, and be able to plant by June 2014 or famine will be inevitable.<sup>71</sup> The magnitude of this threat is such that a humanitarian emergency was activated on 11 February.<sup>72</sup>

Despite this imminent humanitarian catastrophe, by the end of March only 30% of South Sudan's crisis response plan from January to June had been funded. Donors continue to be extremely slow to make the necessary financial commitments.<sup>73</sup>

# UNMISS AND THE PROTECTION OF CIVILIANS

*"The UN mandate is to protect, but sometimes they don't."*

Jok, 45 years-old, Thong Piny protection site

UNMISS is providing sanctuary for some 80,000, of the 950,000 who are currently internally displaced by the conflict.<sup>74</sup> They are sheltering in the protection sites of eight UNMISS compounds across the country, and many of them are too afraid to venture beyond the gates. In offering sanctuary and providing protection for these individuals, the Mission has undoubtedly saved many lives. Yet it has found itself in an unprecedented situation and in a role for which it was not prepared. The Mission had envisaged perhaps being called upon to provide a temporary safe-haven during intense conflict, after which civilians would return to their homes. But now, several months into the conflict, civilians have not left and more continue to seek refuge in UNMISS protection sites that are not designed to host such large numbers of people over long periods of time. There are, in addition, serious security concerns. Civilians and armed actors seem oblivious to the protections accorded under international humanitarian law to places of sanctuary, to UN peacekeepers, and to peacekeeping bases.



*UNMISS armoured vehicle at the base where residents displaced by the conflict are sheltering in Malakal © Amnesty International*



## THREATS TO CIVILIANS IN AND AROUND PROTECTION SITES

Civilians have been injured, abducted, and killed within or in the immediate vicinities of UN bases. The first serious incident was the 19 December attack on the UNMISS base in **Akobo**, Jonglei state. Approximately 2,000 armed youth surrounded the base and opened fire, killing two peacekeepers and an estimated 20 civilians who had sought refuge there.<sup>75</sup> The most egregious attack was a 17 April armed assault on the UNMISS base in **Bor** during which more than 50 internally displaced people were killed.<sup>76</sup>

The attack on the **Bor** protection site was preceded by a number of security incidents. Several Nuer men who had sought refuge at the UN protection site were abducted or killed in separate incidents outside of, but close to, the site's perimeter. In some of these incidents, the perpetrators were identified as Dinka civilians who had themselves sheltered in the UN protection site while Bor was under the control of opposition forces. Dr Thomas Lul Kuadiien, a 47 year-old medical doctor, was one of those killed. Witnesses told Amnesty International that Dr Thomas left the UN protection site in the morning of 24 December and on returning in the afternoon, he was stopped by six government soldiers near the northern gate of the site. He tried to run away and was shot dead.

Chang Kuoth Nyang, in his mid-20s, was reportedly killed on 25 December outside the gate of the protection site. Chang exited the camp at the north gate to speak to five young Dinka men who had also stayed at the camp until the day before. These five men left the camp to join the government forces who had recaptured the town. One witness said: *"It was a trap; as soon as Chang stepped outside to join the Dinka men they grabbed him and twisted his neck until he died."*

Chuol Lar Guandong was killed on 12 March. He and two other men left the UN protection site to collect firewood. His companions reported how five government soldiers chased the three men, managed to grab hold of Chuol and assaulted him before they killed him. The two men were able to escape back to the protection site. The soldiers later paraded Chuol's body near the site's perimeter.

Government soldiers have captured women near the Bor protection site on multiple occasions. Two Nuer women, aged 22 and 28, said they were going to a pool three minutes' walk from the protection site. *"UNMISS said that we shouldn't pour dirty water inside the camp, so we went outside...Usually we would be given an UNPOL escort to accompany us, but that day, UNPOL was busy and could not come."* Eight armed soldiers in military uniform approached them in a pick-up truck, and got out of the vehicle. *"We tried to run, but they caught us and put us in their car,"* one of the women said. They were both taken to a forest behind the airport, where they were each raped by four soldiers. The soldiers threatened them to kill them if they refused. They were held in the forest for an entire day, without food or water, before being released near the protection site that evening.

An 18 year-old woman, told Amnesty International that Dinka soldiers captured her and another woman when they left the protection site one morning in March to collect firewood. The soldiers took them to Tibek, in Bor town, where soldiers were

residing. *"Some told me to come into their house for sex,"* she said. Soldiers from the Equatoria region intervened on her behalf, and both women were taken back to the protection site.

A 39 year-old woman was captured by government soldiers on 2 March when she left the protection site to wash her six-month-old daughter's clothes. She was taken to Tibek on foot and then driven to Malualchat in a four-wheel drive vehicle. She said she wasn't raped or killed because she told the men that she had a small child. *"They asked me how they could believe me, and I showed them the milk in my breasts."* One of the soldiers told her that if not for her baby, she would have been killed.

There have also been security incidents around the Thong Piny protection site in **Juba**. On 6 March, there was small arms and machine gunfire in the vicinity of both UN bases in Juba, wounding one civilian.<sup>77</sup> Kueth, 27 years-old, left Thong Piny camp in Juba for the market on 6 March. He was attacked by government soldiers on his way back. He said that: *"As I approached the gate two soldiers came towards me. They asked 'what are you doing Nuer?' and told me to sit down. I refused to sit, and they started beating me with the butt of a gun. I tried to escape and run to UNMISS, but they shot me when I was running. I was very close to the gate. The peacekeepers saw what was happening and ran away. I was crying out for help. When the soldiers went away the peacekeepers came back and took me to hospital."*

Pal said he was captured with one other man on 22 February, immediately outside the gate to the Thong Piny UNMISS protection site. *"Those who captured me had a military pick-up truck mounted with a 12.5 gun. The pick-up was black and it belonged to military intelligence. There were eight soldiers who captured me."* Pal said they took them to the Giyada military barracks and put them in an underground jail in the middle of the barracks. *"When we reached there, we were beaten with plastic water pipe filled with sand and then put in jail. We were asked whether we were civilians and why we were staying at the UNMISS camp. We said that we were civilians and that we went there for safety. I was beaten by soldiers. I was nearly beaten to death."* Pal estimated that 12 other men, all Nuer, were also with him in the jail. Pal and the man he was captured with were released seven days later.

There has been fighting both near and inside the protection site in **Malakal**, resulting in injuries and casualties.<sup>78</sup> Atong, who was sheltering at the protection site, said: *"why do UNMISS leave them [opposition forces] to move around? They kill people near UNMISS. I don't want people to move around UNMISS and shoot people inside."* There have also been cases of rape in the immediate area of the protection site. A 20 year-old mother of four told Amnesty International that when she left the protection site in the third week of February to get flour, two Nuer opposition soldiers forced her into a car and took her to a nearby camp where there were many soldiers. She said that one of the soldiers took her into a house and raped her throughout the night. He wanted to take her to Nasir, but other soldiers intervened and she was returned to the UNMISS compound.

Amnesty International received reports of four incidents of rape between 1 and 10 March within the Malakal protection site. In one case, nine Nuer men raped a 14 year-old Shilluk girl.

Violence outside the protection sites, ethnic divisions and mistrust have left many of those inside too terrified to venture beyond the gates. Nyaliap, 26 year-old and living in **Bentiu** protection site, told Amnesty International: *"I am in the camp because I am afraid. We are afraid to stay in Bentiu because the Dinkas are there and they are still killing civilians."* Amnesty International spoke to dozens of people who said they had remained in the UNMISS protection sites since they first entered for fear of reprisal attacks.

UNMISS peacekeepers are currently conducting patrols around the immediate vicinity of the protection sites. They should increase patrols and extend them farther to both to better ensure the safety of those within the protection sites and as well as to improve security for those who wish to venture outside, or leave. The Mission should provide escorts to those who need to move beyond the perimeter of the protection site for essential purposes. According to UNMISS, the delays in the arrival of troops have so far constrained the Mission's ability to extend patrols.<sup>79</sup>



*Malakal IDP camp where thousands live in dire conditions, March 2014. © Amnesty International*

## ADDRESSING CRIMINALITY WITHIN PROTECTION SITES

The absence of functioning civilian justice systems in either government or opposition held areas has created particular challenges for UNMISS's management of the protection sites. UNMISS acknowledges that the presence of former combatants in the sites, the ready availability of weapons, and congestion have generated significant security concerns including a breakdown of law and order.<sup>80</sup> The UN Police (UNPOL) is present and may support investigations when complaints

are made or crimes occur; however, they do not have the authority to detain or charge civilians. This leaves the Mission with few options for dealing with alleged perpetrators of crimes. According to the March 2014 Report of the Secretary-General on South Sudan, UNMISS is working to develop a strategy to address such issues.<sup>81</sup>

## HEALTH CONCERNS IN PROTECTION SITES

The humanitarian situation in the protection sites is dire, particularly in the Thong Piny site, near Juba, which is located in a swamp area and has already flooded on multiple occasions since the rains commenced. MSF has warned that the 21,000 people at Thong Piny are at risk of epidemics and waterborne diseases such as typhoid and cholera.<sup>82</sup> The situation in Malakal protection site is also bad. Hilde Johnson, the Special Representative of the Secretary-General in South Sudan, has acknowledged that the Thong Piny and Malakal sites are “at imminent risk of turning into death traps.” UNMISS is planning to move people from Thong Piny to an alternate site.<sup>83</sup>

## UNMISS MANDATE

UNMISS was established by the UN Security Council upon South Sudan’s independence in July 2011 with a mandate to support the Government in peace consolidation; to assist the Government in exercising its responsibilities for conflict prevention, mitigation, and resolution; to protect civilians; and to help the authorities develop capacity to provide security, establish the rule of law, and strengthen the security and justice sectors. Established under Chapter VII of the UN Charter, the mission is authorized to use force in the protection of civilians under imminent threat of violence.<sup>84</sup>

UNMISS’s original mandate authorized up to 7,000 military personnel, including military liaison and staff officers, up to 900 civilian police personnel, including as appropriate formed units, and a civilian component, including technical human rights investigation expertise.<sup>85</sup> On 24 December 2013, the UN Security Council approved a temporary increase of UNMISS military strength to 12,500 troops and an increase to the mission’s police force to up to 1,323 personnel.<sup>86</sup>

Despite the commitment made in Resolution 2132 to deploy additional troops to South Sudan, only a few hundred additional troops were on the ground by the end of March.<sup>87</sup> The additional troops authorized by Resolution 2132 should be urgently deployed.

In March, the Secretary-General recommended a shift in the Mission’s focus to protecting civilians; facilitating humanitarian assistance; monitoring and reporting on human rights; preventing further inter-communal violence; and supporting the IGAD process as and when requested, and within available capabilities.<sup>88</sup> Amnesty International welcomes this shift in focus and calls on the Security Council to amend the mandate of UNMISS to reflect this shift as soon as possible.

According to the March report of the Secretary-General, UNMISS intends to

continue its mandated activities in states unaffected by the conflict and to also continue support to South Sudan National Police Service and to national justice and corrections institutions.<sup>89</sup> If this is the case, the Mission must be guided by the UN human rights due diligence policy that governs support to non-UN security forces, including national military and police as well as civilian and military authorities responsible for the management, administration or command and control of such forces. This policy states that, “UN support cannot be provided where there are substantial grounds for believing there is a real risk of the receiving entities committing grave violations of international humanitarian, human rights or refugee law and where the relevant authorities fail to take the necessary corrective or mitigating measures.”<sup>90</sup> Government forces, including the police, have engaged in grave violations—as documented by UNMISS itself—and have also failed to adequately investigate or hold accountable individuals responsible. The Mission should ensure that this policy is adhered to and rigorously implemented if the Mission continues to provide support to the government, particularly to the police service.<sup>91</sup>

## **VIOLATIONS OF HUMAN RIGHTS AND HUMANITARIAN LAW**

### **INTERNATIONAL HUMAN RIGHTS OBLIGATIONS**

Although South Sudan has yet to ratify key international or regional human rights treaties, it is bound by customary international human rights law, which protects among other things the right to life and the right to be free of torture and other ill-treatment, in all circumstances, without exception.<sup>92</sup> South Sudan is required to take effective measures to prevent violations of these rights and to conduct prompt, independent and impartial investigations into reports of unlawful killings, torture, and other ill-treatment.<sup>93</sup> Those suspected of committing such acts must be prosecuted in proceedings that meet international fair trial standards, and the government must provide fair and adequate reparations to victims.<sup>94</sup>

These rules of customary international law are reflected in South Sudan’s 2011 Transitional Constitution, which provides: “Every person has the inherent right to life, dignity and integrity of his or her person which shall be protected by law; no one shall be arbitrarily deprived of his or her life.”<sup>95</sup> It also states that “[n]o person shall be subjected to torture or to cruel, inhuman or degrading punishment.”<sup>96</sup> Though President Salva Kiir declared states of emergency in Jonglei, Unity and Upper Nile states in January 2014, the Transitional Constitution prohibits infringements on the right to life, the prohibition of torture, and the right to a fair trial, even during a state of emergency.<sup>97</sup>

## INTERNATIONAL HUMANITARIAN LAW OBLIGATIONS

South Sudan is bound by international humanitarian law, including the four Geneva Conventions of 12 August 1949 and their Additional Protocols, which it ratified in 2012. Article 3 common to the four Geneva Conventions applies to all parties to a non-international armed conflict, including South Sudanese government and allied forces, and opposition forces. The threshold for the application of the 1977 Additional Protocol II is higher than for Common Article 3, but given the level of organization of the armed opposition in South Sudan, and its effective control of territory in Jonglei, Unity and Upper Nile states, it is likely that this threshold has been reached.<sup>98</sup> Finally, many of the specific rules included in these and other treaties form part of customary international humanitarian law and are thus binding on all parties to the conflict.<sup>99</sup>

Fundamental to international humanitarian law is the principle that parties to a conflict must distinguish between combatants and civilians and may not deliberately target civilians or civilian objects. They must refrain from pillage and from attacking or vandalizing objects of cultural importance, including schools and churches.<sup>100</sup> They must also refrain from attacking hospitals, which are specifically protected.<sup>101</sup> Other rules relevant to the treatment of civilians include the prohibition of rape and other forms of sexual violence; of torture, cruel or inhuman treatment and outrages upon personal dignity; and of enforced disappearance.<sup>102</sup> Many of the acts detailed in this report, including the deliberate killing of civilians, cruel treatment and torture, including rape and other forms of sexual violence, and the looting and destruction of civilian homes and businesses constitute serious violations of these rules.

For the purposes of distinction, anyone who is not a member of the armed forces or a party to the conflict is a civilian, and the civilian population comprises all persons who are not combatants.<sup>103</sup> Civilians are protected against attack unless and for such time as they take a direct part in hostilities.<sup>104</sup> In this report, Amnesty International uses the term “civilians” to refer to people who are not taking a direct part in hostilities.

Civilian objects are all objects (that is, buildings, structures, places, and other physical property or environments) that are not “military objectives,” and military objectives are “limited to those objects which by their nature, location, purpose or use make an effective contribution to military action and whose partial or total destruction, capture or neutralisation, in the circumstances ruling at the time, offers a definite military advantage.”<sup>105</sup> Civilian objects are protected against attack, unless and for such time as they become military objectives because all of the criteria for a military objective just described become temporarily fulfilled.<sup>106</sup> In cases of doubt whether an object which is normally dedicated to civilian purposes, such as a place of worship, a house or other dwelling, or a school, is being used for military purposes, it is to be presumed not to be so used.<sup>107</sup>

Parties to the conflict are required to take precautions both in conducting attacks and in protecting civilians under their control against the effects of attacks. They must avoid, to the extent possible, incidental loss of civilian life, injury to civilians

and damage to civilian objects. They must also remove all civilian persons and objects within their control from the vicinity of military objectives.<sup>108</sup> Some civilians appear to have been killed in crossfire between the parties as direct confrontations have occurred within towns still occupied by civilians. Both parties to the conflict have not taken adequate precautions to prevent incidental loss of civilian life or the destruction of civilian property.

International humanitarian law also prohibits directing attacks against zones established to shelter wounded and sick civilians from the effects of hostilities or against a non-defended locality. The attacks on civilians in hospitals and churches in Bor and Malakal are violations of this rule. The direct assaults on Bor and Akobo UNMISS bases and the firing into and around the Malakal UNMISS protection site are also violations of this principle. UNMISS bases are not only protected by virtue of being zones sheltering civilians, but they also should benefit from the prohibition of direct attacks against personnel and objects involved in a peacekeeping mission.<sup>109</sup>

Both parties have raided and destroyed facilities belonging to providers of emergency health care and food aid, in violation of the prohibition on the destruction of objects indispensable to the survival of the civilian population.<sup>110</sup> The violence and threats of violence against humanitarian personnel, harassment and requirement of bribes, forcible searches, and seizure of vehicles also violates the parties' obligation under international humanitarian law to facilitate rapid and unimpeded passage of humanitarian relief for civilians in need, and to ensure the free movement of authorized humanitarian relief personnel.<sup>111</sup>

The government of South Sudan is bound by the status-of-forces agreement with the UN, which requires it to ensure that UNMISS enjoys "full and unrestricted freedom of movement without delay throughout South Sudan by the most direct route possible, without the need for travel permits or prior authorization."<sup>112</sup> UNMISS has repeatedly raised concerns that the government's forcible searches of UN vehicles, flights and convoys and movement constraints violate the status-of-forces agreement.<sup>113</sup>

All parties to the conflict in South Sudan have deliberately targeted civilians; subjected them to sexual violence including rape; destroyed and looted civilian property, including their means of livelihood; attacked humanitarian personnel and property, and killed captured soldiers and other fighters placed *hors de combat*. They have obstructed humanitarian assistance, including medical and food supplies, preventing them from reaching civilian populations displaced by the conflict. These acts are war crimes and crimes against humanity.<sup>114</sup>

Senior military commanders and civilian officials bear command responsibility for violations committed by their subordinates, including war crimes and crimes against humanity, to the extent that they knew or should have known of the crimes but failed to take action to prevent or punish them.<sup>115</sup>

## NATIONAL LEGAL FRAMEWORK

Many rules of international humanitarian law are reflected in South Sudan's criminal law framework. The 2012 Geneva Conventions Act incorporates the rules of the four Geneva Conventions and their Additional Protocols, and makes their violation a criminal offence. The 2008 Penal Code Act prohibits murder, rape, and other forms of sexual violence. The SPLA Code of Conduct prohibits rape and looting, and states that all SPLA personnel "shall respect basic human rights of members of the public and refrain from any wrongful acts which violate those rights."<sup>116</sup>

The national legal framework, however, fails to define and sanction other international crimes including crimes against humanity and genocide, and fails to provide for command or superior responsibility as a mode of liability for international crimes.

South Sudan is not a party to the Rome Statute of the International Criminal Court, but the situation in South Sudan could be referred to the court by a resolution of the UN Security Council.



# ACCOUNTABILITY

South Sudan's justice system, which already faced numerous limitations, has ground to a halt in the states affected by the conflict. The prisons in Bor, Bentiu and Malakal were emptied at different points since fighting broke out, and prisoners left to go free. The civilian courts in these areas are not functioning. Numerous police officers defected and allied themselves with opposition forces; others deserted out of fear of being targeted by their colleagues and are afraid to return. The police service is now struggling to reconstitute itself in areas under government control.<sup>117</sup>

While initiatives are underway to document crimes committed since December 2013, multiple government investigations have yet to produce any concrete results. The African Union Commission of Inquiry has been slow to start. Overall, there has been little progress toward holding perpetrators criminally responsible.

The government of South Sudan has a responsibility to investigate and prosecute the crimes that have been committed, but has so far not demonstrated the will or the capacity to do so. Given that war crimes and crimes against humanity demand a response from the international community, robust international involvement is necessary both for investigations as well as to ensure that justice is done.

## GOVERNMENT EFFORTS TO INVESTIGATE VIOLATIONS

President Kiir has pledged that individuals responsible for ethnic targeting would be punished. In his Easter address, he said, "the period of when people commit atrocities and come out with unnecessary claims to justify their acts is gone. There will be no more impunity."<sup>118</sup> The government has initiated multiple investigations into the violence that has taken place since 15 December 2013. At the time of writing, none of these investigations had produced concrete results.

On 28 December, the Inspector General of the South Sudan National Police Service formed a five-member board of investigation with the mandate "to investigate into the alleged human rights violations and heinous killing of innocent people" carried out by elements of the Joint Patrol and other organized forces.<sup>119</sup> The investigation was prompted by media reports of a mass killing of hundreds of detainees that took place in Juba's Gudele neighbourhood in December.<sup>120</sup> Though the committee was required to report its findings and make recommendations within one month, the investigation was not yet complete at the end of April.

The SPLA Chief of General Staff formed two investigation committees on 31 December. One was tasked with investigating "the cause of the shoot out within the Republican Guard Division on 15 December 2013." Another was mandated to investigate extrajudicial killings in Juba.<sup>121</sup> In February, the SPLA spokesperson Phillip Aguer announced that approximately 100 individuals had been arrested as a result of these investigations.<sup>122</sup> However, all of these individuals escaped on 5 March during a gunfight among soldiers at the Giyada military barracks in Juba,

where they were detained.<sup>123</sup>

The Director of Military Justice told Amnesty International that a General Court Martial set up to try soldiers for looting and killing had commenced hearing cases. He was unable to confirm, however, if any trials had been completed, and, if so, what the verdicts were.<sup>124</sup> He was also unable to provide information on whether any soldiers outside Juba had been arrested or were under investigation for unlawful conduct during the current hostilities.

Amnesty International believes that military courts should not be used to try members of the military for human rights violations against civilians, given the high potential for impunity. Rather than rely on courts that are staffed by military officials within the military chain of command, justice is best served by adjudicating such crimes in independent and impartial civilian courts.<sup>125</sup> The SPLA Act itself provides in article 37(4) that offences by military personnel against civilians or civilian property should be tried by civilian courts.

According to the Director of Military Justice, three judge advocates are assigned to each of nine SPLA divisions, with the mandate to advise commanders on respect for the code of conduct and rule of law.

In addition, President Kiir established a Human Rights Abuses Investigation Committee by presidential decree. Its eight members were sworn in, in mid-February 2014. It is chaired by former chief justice John Wol Makec and has the mandate to investigate allegations of targeted killings and human rights violations that have occurred across the country in the context of fighting between government and opposition forces.<sup>126</sup> The 2006 Investigation Committees Act grants this committee with wide powers, including the power to conduct hearings, issue summons, require the production of any document, and issue warrants of arrest for any person who refuses to appear before it without a valid reason.<sup>127</sup> As of mid-March, however, this committee had not commenced work.

The South Sudan Human Rights Commission (SSHRC) is the primary government body mandated to monitor, document and report on human rights. It issued its first report on violations related to the current conflict on 15 March.<sup>128</sup> The 13-page report is based largely on secondary information and research undertaken in Juba, as human rights monitors were unable to conduct field investigations in Unity, Jonglei or Upper Nile states. Amnesty International urges the SSHRC to deploy field missions particularly to conflict affected areas outside Juba, in order to effectively discharge their mandate. The government of South Sudan and international donors should ensure that the SSHRC is provided with all necessary financial, logistical, and technical support in order to effectively monitor, document and publicly report on the human rights impact of the conflict.

Despite constraints on the SSHRC's ability to comprehensively document human rights violations associated with the conflict, the SSHRC report makes strong recommendations. It calls on the government to strengthen protection measures; to expedite investigations and prosecutions; to stop its forces from violating human

rights; and to allow humanitarian access to affected populations. It requests the government to empower and support the SSHRC to carry out its mandate more effectively. The report also calls on armed opposition groups to respect the cessation of hostilities agreement, to respect human rights and refrain from killing civilians, and to cease destruction and looting.<sup>129</sup>

## REGIONAL AND INTERNATIONAL EFFORTS

### AFRICAN UNION COMMISSION OF INQUIRY

On 30 December 2013, the African Union Peace and Security Council (AUPSC) called for the establishment of an AU Commission of Inquiry “to investigate the human rights violations and other abuses committed during the armed conflict in South Sudan and make recommendations on the best ways and means to ensure accountability, reconciliation and healing among all South Sudanese communities.”<sup>130</sup>

Dr. Nkosazana Dlamini-Zuma, Chairperson of the AU Commission, announced on 7 March the establishment and membership of the Commission of Inquiry. It is chaired by H.E. Olusegun Obasanjo, Former President of Nigeria. Other members are: Sophia A. B. Akuffo,<sup>131</sup> Mahmood Mamdani,<sup>132</sup> Bineta Diop,<sup>133</sup> and Pacifique Manirakiza.<sup>134</sup>

The terms of reference of the Commission include to:

- Establish the immediate and remote causes of the conflict;
- Investigate human rights violations and other abuses during the conflict by all parties from 15 December 2013;
- Establish facts and circumstances that may have led to and that amount to such violations and of any crimes that may have been perpetrated;
- Compile information based on these investigations and in so doing assist in identifying perpetrators of such violations and abuses with a view to ensuring accountability for those responsible;
- Compile information on institutions and process or lack thereof that may have aided or aggravated the conflict resulting in violations of human rights and other abuses;

The Commission shall make recommendations based on the investigation on the following:

- Appropriate mechanisms to prevent a recurrence of the conflict; mechanisms to promote national healing and cohesiveness, particularly focusing on the need for all South Sudanese communities to live together in peace;
- Modalities for nation building, specifically focused on building of democratic institutions and post-conflict reconstruction;
- Accountability mechanisms for gross violations of human rights and other egregious abuses to ensure that those responsible for such violations are held to account.<sup>135</sup>

The Commission of Inquiry made its first trip to South Sudan from 21 April to 1 May, during which they met with government representatives, opposition forces, religious leaders, and civil society organizations. The Commission must carry out investigations in conflict-affected areas with urgency, before physical evidence is buried, burned, or washed away. The Commission must also ensure that it allocates the necessary time, staff and resources to conduct thorough investigations in all conflict-affected areas.

#### UNMISS INVESTIGATIONS

UNMISS Human Rights Division has been monitoring the human rights situation since the conflict started, and continues to document human rights violations. It published an interim report on 21 February 2014 that described human rights developments during the first six weeks of the conflict.<sup>136</sup> A follow-up report has been promised for the month of April.<sup>137</sup> The Mission has reprioritized its activities and designated “increasing human rights monitoring and reporting” as one of its five main activities in the current context.<sup>138</sup> UNMISS should increase the frequency and timeliness of reporting on incidents of concern. It should also exert pressure on the government and opposition forces to conduct investigations into attacks on UNMISS bases with a view towards holding perpetrators accountable.

#### THREAT OF SANCTIONS FROM THE UNITED STATES

On 3 March 2014, US President Barack Obama signed an executive order clearing the way for possible visa bans and asset freezes of certain persons linked to the conflict in South Sudan. The ban extends to persons connected with actions that threaten security or expand the conflict, the commission of human rights abuses, the targeting of civilians, the use or recruitment of child soldiers, the obstruction of humanitarian aid, or attacks against UN peacekeeping operations.<sup>139</sup> No individuals or entities have yet been sanctioned.

#### IGAD: MONITORING THE AGREEMENT ON THE CESSATION OF HOSTILITIES

The 23 January cessation of hostilities agreement provided for the establishment of a Monitoring and Verification Mechanism (MVM) to monitor the implementation of the agreement.<sup>140</sup> The MVM is to report to IGAD on the parties’ compliance with the agreement, including their obligations to protect civilians.

Under the 23 January cessation of hostilities agreement, the Government of South Sudan and the SPLM/A in Opposition agreed:

- To commit to immediately cease all military operations and freeze their forces at the place they are in;
- Refrain from taking any actions that could lead to military confrontation, including all movement of forces, ammunition resupply, or any other action that could be viewed as confrontational;
- Redeploy and/or progressively withdraw forces, armed groups, and allied forces invited by either side from the threats of operations in the Republic of South Sudan;
- To cease hostile media and other propaganda campaigns including any other that may undermine the peace process;

- To refrain from any acts of rape, sexual abuse and torture;
- To not engage in any acts of violence against children, girls and women and the elderly and more importantly, they shall support the reunification of families;
- To cease acts of violence including summary executions, displacement of populations, all forms of torture, destruction of property, attacking civilian aircrafts, vehicles or riverboats, recruitment of child soldiers or any other acts as prohibited by applicable national, continental and international instruments;
- To open humanitarian corridors, support all humanitarian assistance, including the creation of conditions that enhance urgent supply of aid to all displaced populations;
- To provide an enabling environment to facilitate decent burials of the dead and memorialization, support reunion of families, and any such acts that promote human dignity;
- To assist displaced persons and refugees who wish to return to their original areas of abode within the Republic of South Sudan or elsewhere and to allow the free movement of persons and goods within the areas affected by the armed conflict.

The monitoring and verification teams have been established and deployed.<sup>141</sup> Amnesty International calls on the MVM to not only monitor forces movements, but also the parties' protection of civilians and their compliance with national, regional and international human rights and humanitarian law as agreed to in the cessation of hostilities agreement. The MVM reports should be public, and pro-actively shared with the Commission of Inquiry.

## IMPUNITY AND SOUTH SUDAN'S CYCLE OF VIOLENCE

South Sudan faces numerous challenges in ensuring that national investigations of human rights abuses are conducted promptly, effectively and impartially, including limited technical capacity in investigatory methods, the lack of forensic experts, the interference or resistance of security organs, and the lack of victim support and witness protection programs. The justice system lacks sufficient judges and prosecutors, and they are not adequately deployed across the country.

While establishing investigation committees is a positive initiative, in order to be effective, they must carry out investigations in a timely manner, make public their findings, and seek to identify those responsible with a view to ensuring they are held accountable through trials consistent with internationally recognised fair trial standards. There is so far no indication that the various investigations initiated by the government will produce such tangible results. Indeed, though numerous investigations have been initiated in South Sudan in the past, not one has been successful. In March 2012, for example, President Kiir issued an order establishing an "Investigation Committee on the Jonglei State Crisis" with the mandate to investigate the root causes of the crisis, the extent of damage to property and loss of human life, and human rights abuses. The members of this commission were never sworn in and investigations were not initiated. Investigation committees were also established in 2011 to probe allegations of human rights abuses at Rajaf police training center outside of Juba,<sup>142</sup> and to investigate violence between South

Sudan's military and civilians in Rumbek East, Cueibet and Yirol West counties of Lakes state.<sup>143</sup> Neither of these committees produced public reports. Nor did their investigations lead to criminal prosecutions.

Examples of South Sudan's failings with respect to ensuring accountability abound.<sup>144</sup> Habitual impunity for human rights violations, including international crimes, is a central factor behind repeated cycles of violence in South Sudan. Without accountability, perpetrators have no incentive to refrain from committing atrocities and encouraging others to do the same. Without accountability, survivors of violations and their family members and communities feel that their only option to ensure perpetrators are sanctioned is to engage in reprisal attacks and killings themselves.

Prompt, effective and impartial investigations, and genuine efforts towards accountability would send a message to combatants and their commanders that there will be consequences for their actions. It would furthermore reassure affected communities that they will get justice. Justice is not only an obligation under international law, it is fundamental to creating a foundation for long-term peace and stability in South Sudan.

## CONCLUSION

*"South Sudan is destroyed now, there is nothing...what more can we fear?"*

Nyayay, Shilluk, 38 years-old, Malakal

Since the conflict started in December, the parties have completely disregarded their human rights obligations, as well as the rules of international humanitarian law that are designed to limit the harmful and destructive effects of armed conflict, particularly on civilian populations. Government and opposition forces have brutally murdered thousands of men, women and children, committed acts of sexual violence, pillaged and razed towns to the ground, and left civilian populations with virtually no possibility of ensuring their own livelihoods. Hundreds of thousands of people are displaced and entirely reliant on international humanitarian assistance—which has often been unable to reach them because of ongoing fighting as well as the parties' deliberate obstruction of humanitarian access. As agricultural activities are paralyzed and the conflict spreads, the humanitarian situation will continue deteriorate and the likely result is famine.

The ethnic dimensions of the conflict are deepening as fighters engage in reprisal attacks, continuously escalating the cycle of violence. Angry civilians, too, have taken up arms. The longer ethnic rivalries are allowed to deepen and fester, the more fragmented South Sudan will become, making reconciliation and sustainable peace much more difficult to achieve.

Prompt, effective and impartial investigations into human rights abuses are an urgent first step to securing justice for victims. But multiple government

investigations have so far failed to produce concrete results. The AU Commission of Inquiry arrived in South Sudan for their first field visit over four months after the conflict started, and only stayed in the country for 10 days. Meanwhile, critical evidence of violations has been buried and cleared away. Eye witnesses, crucial for establishing the facts, have scattered far afield. And as the rainy season has now started, much of the remaining physical evidence will soon be washed away and it will be impossible to access many parts of the country. The government must demonstrate its commitment to document and publicly report abuses by all parties, and take effective action to ensure accountability. The Commission of Inquiry must progress in its investigations with urgency, ensuring that it spends enough time in South Sudan to investigate human rights violations and establish the facts and circumstances surrounding the conflict.

The international community must insist that the parties respect international human rights and humanitarian law and facilitate humanitarian access, call for persistent mediation by IGAD, and press for the Commission of Inquiry to fulfil its mandate. Donor countries should fully fund humanitarian aid. UNMISS must continue human rights investigations, provide more regular public reporting, and take measures to improve its protection of civilians.

## RECOMMENDATIONS

### TO THE GOVERNMENT OF THE REPUBLIC OF SOUTH SUDAN

- Ensure members of the armed and security forces immediately cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property, and acts that obstruct humanitarian access;
- Ensure members of the armed and security forces immediately cease violence against humanitarian personnel, assets and other obstructions to humanitarian assistance. Grant immediate and unhindered access to all areas of South Sudan to UN agencies and international humanitarian organizations for the purposes of providing assistance to civilians affected by the conflict;
- Put in place measures to prevent further violations. In particular, the government should ensure that mechanisms exist for monitoring the conduct of armed forces. It should also provide forces with sufficient training and clear orders to ensure that they are aware of what conduct is prohibited;
- Remove from the ranks anyone suspected of responsibility for ordering or committing violations of international humanitarian law and human rights abuses;
- Initiate prompt, effective and impartial investigations into all allegations of human rights and humanitarian law violations, including of individuals in command

positions who ordered or failed to take steps to prevent or stop violations. Bring those suspected of criminal responsibility to justice in open, accessible civilian courts and in fair trials without recourse to the death penalty, and transfer such defendants currently facing prosecution in the military courts to the civilian justice system;

- Ensure that members of the armed forces take all feasible precautions when carrying out and responding to attacks, and do not carry out indiscriminate or disproportionate attacks. In particular, forbid the use of artillery or other imprecise weapons in places where civilians may be located within range;
- Urgently establish protection measures for internally displaced peoples wishing to leave UNMISS protection sites;
- Provide immediate and effective support and protection to survivors of human rights violations;
- Ensure that the presidential, police and SPLA investigation committees are provided with the support and resources necessary to implement their mandates without obstructions and with impartiality, that they report publically, and that they conduct investigations with a view to identifying and prosecuting alleged perpetrators;
- Support the South Sudan Human Rights Commission (SSHRC) in carrying out its mandate, particularly with respect to funding and transportation. Ensure that SSHRC monitors are assured freedom of movement and unhindered access to conflict-affected areas;
- Cooperate fully with the AU Commission of Inquiry. Grant the Commission full and unhindered access to areas under government control and ensure the security of delegates;
- Allow immediate and unhindered access to international human rights monitors, including UN monitors, to all conflict-affected areas in South Sudan;
- Take concrete steps to stop the proliferation of weapons, including immediate steps to safely store all national stockpiles of the armed forces, police and any other security agency; mark all weapons and related articles to facilitate effective tracing and accountability and ensure an effective system of end-use certificates and licenses to control all imports and exports of arms and security equipment.

#### **TO THE SPLM/A IN OPPOSITION AND ITS ALLIED FORCES:**

- Immediately cease all violations of international human rights and humanitarian law. In particular, all forces should immediately cease unlawful killings, acts of sexual violence and any other attacks on civilians, looting and destruction of public and private property, and acts that obstruct humanitarian access;



- Ensure members of the armed and security forces immediately cease violence against humanitarian personnel, assets and other obstructions to humanitarian assistance. Grant immediate and unhindered access to all areas of South Sudan to UN agencies and international humanitarian organizations for the purposes of providing assistance to civilians affected by the conflict;
- Take concrete steps to ensure that fighters comply fully with international law, including by publicly condemning, from the highest level of leadership, all unlawful killings, sexual assaults and other attacks on civilians, forced displacement, destruction of homes, looting, and other human rights abuses and violations of international humanitarian law committed by their forces – making it unequivocally clear that anyone responsible for abuses will be held accountable;
- Remove from the ranks anyone suspected of responsibility for ordering or committing violations of international humanitarian law and human rights abuses;
- Put in place measures to prevent further violations. In particular, armed groups should ensure that mechanisms exist for monitoring the conduct of their forces. They should also provide their forces with sufficient training and clear orders to ensure that they are aware of what conduct is prohibited;
- Cooperate with independent and impartial investigations into violations, including the AU Commission of Inquiry. Provide the Commission full access to areas under their control and ensure the security of delegates.

#### TO THE UN SECURITY COUNCIL

- Amend the mandate of UNMISS as soon as possible to focus on protection of civilians, monitoring and reporting on human rights, facilitation of humanitarian assistance, and support for the IGAD mediation process;
- Ensure that the additional peacekeeping troops authorized by Resolution 1232 are urgently deployed.

#### TO THE UN MISSION IN SOUTH SUDAN

- Take all possible additional measures to ensure effective protection of civilians, particularly those who have sought refuge in UNMISS protection sites. Expand the area of patrols beyond the perimeter of the protection site and provide escorts to individuals needing to leave the sites for essential purposes;
- Ensure the rigorous implementation of the United Nations human rights due diligence policy;
- Ensure thorough investigations take place into security incidents in and around UNMISS bases with a view to ensuring that perpetrators are held accountable and to improving civilian protection measures;
- Continue human rights investigations, particularly into the nature and number

of civilian casualties. Provide more regular and timely updates on human rights incidents of concern.

#### **TO THE INTERGOVERNMENTAL AUTHORITY ON DEVELOPMENT**

- Ensure that the Monitoring and Verification Mechanism (MVM) effectively monitors and reports on the parties' respect for obligations to protect civilians and to comply with international human rights and humanitarian law. The MVM should make public its reports.

#### **TO THE AFRICAN UNION AND THE MEMBERS OF THE AU COMMISSION OF INQUIRY**

- Carry out investigations with urgency. Members of the Commission of Inquiry and staff should spend adequate time in South Sudan to investigate rights violations and establish the facts and circumstances surrounding the conflict. The Commission should establish a presence in Juba and in conflict-affected areas for the duration of its mandate;
- Prioritize the investigation and documentation of human rights and humanitarian law violations;
- Take action to ensure the security of witnesses, victims and intermediaries, and the integrity of evidence. Ensure the confidentiality of victims and their families;
- Ensure that the Commission is supported by sufficient financial and human resources to discharge its mandate. It should be staffed with experts on international human rights and humanitarian law, sexual and other gender-based violence, forensic investigations, ballistics, and other relevant fields;
- Make all findings of the Commission of Inquiry public.

#### **TO THE INTERNATIONAL COMMUNITY**

- Urgently provide the necessary funding for emergency and long-term food and nutrition assistance to prevent a humanitarian catastrophe;
- Commit the necessary funding to adequately support the AU Commission of Inquiry and require that it produce a public and timely report;
- Continuously exert pressure on the parties to the conflict to cease violations of international human rights and humanitarian law;
- Call on the government of South Sudan to initiate independent criminal investigations into allegations of crimes committed by all parties to the conflict;
- Call on the government of South Sudan to adequately protect internally displaced populations, ensure their security, and help create conditions that would allow them to cultivate.

## ENDNOTES

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<sup>1</sup> By December 26, UNMISS estimated that 1,000 people had been killed in Juba. On 9 January, Hervé Lado, the United Nations Under-Secretary-General for Peacekeeping Operations said, "We know it [the death toll] will be substantially in excess of the 1,000 figure." In January International Crisis Group estimated that 10,000 had been killed. UNMISS Press Release, "UNMISS Concerned about Indications of Substantially Higher Numbers of Casualties in South Sudan as it Accesses More Areas and More Displaced Persons," 2014, <http://unmiss.unmissions.org/Portals/unmiss/%20Press%20Releases/12-01-14%20-%20casualties.pdf>, accessed 26 April 2014.

<sup>2</sup> The political rivalry between Salva Kiir and Riek Machar has a long history, and is often traced back to 1991, when Riek Machar split from the SPLM due to disagreements with John Garang about how the movement was being run, to form a separate armed group. International Crisis Group, *South Sudan: A Civil War by Any Other Name*, Brussels, 2014, p. 5, <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/south-sudan/217-south-sudan-a-civil-war-by-any-other-name.aspx>, accessed 26 April 2014 (ICG, *A Civil War by Any Other Name*). Though Riek Machar served as Salva Kiir's vice president from 2005 to 2013, there were persistent tensions between them. Abraham Awolich, "The Unwarranted Carnage in South Sudan", Sudd Institute, 2014, p. 2, <http://www.suddinstitute.org/assets/Publications/Unwarranted-carnageAwolich.pdf>, accessed 12 April 2014.

<sup>3</sup> The goal of the conference was to heal divisions within South Sudanese communities. Sudan Tribune, "South Sudan plans first-ever national reconciliation campaign", 24 November 2012, <http://www.sudantribune.com/spip.php?article44627>, accessed 27 April 2014.

<sup>4</sup> The order stipulates that the responsibilities of the vice president would be limited to those set out in article 105 of the Transitional Constitution. "Republic of South Sudan, Republican Order No. 03/2013 for the Withdrawal of all duly Delegated Powers Assigned to the Vice President of the Republic by the President of the Republic", Juba, 15 April 2013, [http://www.sudantribune.com/IMG/pdf/presidential\\_decree\\_reducing\\_powers\\_of\\_the\\_vp.pdf](http://www.sudantribune.com/IMG/pdf/presidential_decree_reducing_powers_of_the_vp.pdf), accessed 12 April 2014. See also Sudan Tribune, "South Sudan's Kiir withdraws delegated executive powers from VP Machar", 15 April 2013, <http://www.sudan.com/spip.php?article46237>, accessed 15 April 2014.

<sup>5</sup> Gurtong, "SPLM Secretary-General Suspended for Mismanaging Party Affairs, Team to Probe," 24 July 2013, <http://www.gurtong.net/ECM/Editorial/tabid/124/ID/12196/Default.aspx>, accessed 15 April 2014.

<sup>6</sup> The governor of Lakes state, Chol Tong Mayay, was dismissed in January 2013. Sudan Tribune, "Kiir sacks Lakes state governor", 21 January 2013, <http://www.sudantribune.com/spip.php?article45262>, accessed 15 April 2014. The governor of Unity state, Taban Deng Gai, was dismissed in July 2013. Sudan Tribune, "South Sudan's Kiir relieves Unity state governor Taban Deng", 7 July 2014, <http://www.sudantribune.com/spip.php?article47212>, accessed 15 April 2014. The Transitional Constitution allows the President to remove sitting governors "in the event of a crisis in the state that threatens national security or territorial integrity," but requires that elections take place within 60 days. See Transitional Constitution of the Republic of South

Sudan, 2011,  
[http://planipolis.iiep.unesco.org/upload/South%20Sudan/South%20Sudan\\_Transitional\\_constitution\\_2011.pdf](http://planipolis.iiep.unesco.org/upload/South%20Sudan/South%20Sudan_Transitional_constitution_2011.pdf), art. 101 r,s, accessed 30 April 2014.

<sup>7</sup> Participants in the press conference included: Rebecca Nyandeng, Pagan Amum, Deng Alor, Alfred Lado, Chol Tong, Taban Deng, John Luk, Adwok Nyaba, Majak Agot, Oyai Deng, Madut Biar, Gier Chuang, Luka Monoja, Cirino Hiteng and Ezekiel Lol. Sudan Tribune, “Senior SPLM colleagues give Kiir ultimatum over party crisis”, 6 December 2013, <http://www.sudantribune.com/spip.php?article49087>, accessed 15 April 2014.

<sup>8</sup> They attended despite opposition to the fact that the meeting of the Political Bureau was “bypassed.” Sudan Tribune, “SPLM convenes national liberation meeting despite sharp division”, 14 December 2013, <http://www.sudantribune.com/spip.php?article49179>, accessed 15 April 2014.

<sup>9</sup> Machar said following the meeting, “*Kiir’s statements were of hostility, [and provided] no room for political dialogue.*” Sudan Tribune “SPLM leaders pull out of NLC meeting over lack of dialogue spirit”, 14 December 2013, <http://www.sudantribune.com/spip.php?article49181>, accessed 15 April 2014.

<sup>10</sup> During the NLC meeting, Kiir gained approval for Pagan Amum’s removal as SPLM Secretary-General and for future votes to be by show of hands rather than secret ballot, which Machar had opposed on the ground that it would not allow for people to vote freely. See ICG, *A Civil War by Any Other Name*.

<sup>11</sup> Sudan People’s Liberation Movement/Army in Opposition.

<sup>12</sup> For additional documentation of events in Juba, see Human Rights Watch, “South Sudan: Ethnic Targeting, Widespread Killings”, 16 January 2014, <https://www.hrw.org/news/2014/01/16/south-sudan-ethnic-targeting-widespread-killings>, accessed 21 April 2014.

<sup>13</sup> South Sudan Human Rights Commission (SSHRC), *Interim Report on South Sudan Internal Conflict*, December 15, 2013 - March 5, 2014, p6, <http://www.gurtong.net/ECM/Editorial/tabid/124/ctl/ArticleView/mid/519/articleId/15078/SSHR-Interim-Report-on-South-Sudan-Internal-Conflict-December-15-2013--March-15-2014.aspx>, accessed 21 April 2014 (SSHRC, *Interim Report*).

<sup>14</sup> United Nations Mission in South Sudan (UNMISS) Human Rights Division, *Interim Report on Human Rights: Crisis in South Sudan*, 21 February 2014, p. 7, <http://reliefweb.int/report/south-sudan/interim-report-human-rights-crisis-south-sudan-report-coverage-15-december-2013>, accessed 20 April 2014 (UNMISS, *Interim Report*).

<sup>15</sup> Sudan Tribune, “South Sudan army says General Peter Gadet defected from ranks”, Sudan Tribune, 18 December 2013, <http://www.sudantribune.com/spip.php?article49234>, accessed 15 April 2014. Amnesty International Interview with Philip Aguer, SPLA Spokesperson, 26 March 2014.

<sup>16</sup> The White Army is a militant organization of Nuer youths which emerged during the 1991 split within the Sudan People’s Liberation Movement/Army (SPLM/A) in support of the breakaway SPLM/A faction led by Riek Machar. It is believed to have been partly responsible for the killing of large numbers of Dinka civilians in Bor in 1991. In recent years, notably between 2009 and 2013, the White Army was involved in frequent tit-for-tat cattle raids and armed confrontations with Murle in Jonglei state. For further discussion, see Small Arms Survey, *My Neighbor, My Enemy: Inter-tribal Violence in Jonglei*, 21 October 2012,

[http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB21-Inter-tribal\\_violence\\_in\\_Jonglei.pdf](http://www.smallarmssurveysudan.org/fileadmin/docs/issue-briefs/HSBA-IB21-Inter-tribal_violence_in_Jonglei.pdf), accessed 15 April 2014, and Elizabeth Lacey, *Restive Jonglei: From the Conflict's Roots to Reconciliation*, Institute for Justice and Reconciliation, December 2013,

<http://ijr.org.za/publications/pdfs/IJR%20Restive%20Jonglei%20Working%20Paper.pdf>, accessed 15 April 2014.

<sup>17</sup> UNMISS, *Interim Report*, p. 13; See Al Jazeera, "Uganda Admits Combat Role in South Sudan", 16 January 2014, <http://www.aljazeera.com/news/africa/2014/01/ugandan-troops-battling-south-sudan-rebels-201411683225414894.html> and BBC, "Key South Sudan Town of Bor Recaptured from Rebels", 18 January 2014, <http://www.bbc.com/news/world-africa-25794699>, accessed 14 April 2014.

<sup>18</sup> UNMISS, "Update", 30 April 2014, <http://unmiss.unmissions.org/Portals/unmiss/UNMISS%20Update/14-04-Update%2021.pdf>, accessed 30 April 2014.

<sup>19</sup> UNMISS Press Release, "UNMISS condemns attack on its camp in Bor", 18 April 2014, <http://unmiss.unmissions.org/Default.aspx?tabid=3483&language=en-US>, accessed 30 April 2014. The SPLM/A in Opposition claim that 148 people were killed. Spokesperson of the chairman of SPLM in Opposition, "Press Release: Response to allegations of massacres in Bentiu", 25 April 2014, <http://www.sudantribune.com/spip.php?article50778>, accessed 27 April 2014.

<sup>20</sup> UNMISS, *Interim Report*, p. 16. Amnesty International Interview with Philip Aguer, SPLA Spokesperson, 26 March 2014.

<sup>21</sup> President Kiir issued a decree confirming the reintegration and commissioning of Lieutenant General Bapiny Monytil, leader of the South Sudan Liberation Army (SSLA) as a lieutenant general. See Sudan Tribune, "South Sudan integrates former rebels into regular army", 29 November 2013, <http://www.sudantribune.com/spip.php?article49006>, accessed 15 April 2013. Members of the SSLA continue to support government forces. Email communication with Casie Copeland, Consulting Analyst on South Sudan, International Crisis Group, 1 May 2014.

<sup>22</sup> The government denies that JEM has been providing them support, but Amnesty International has received persistent reports and witness accounts of JEM's involvement in the conflict.

<sup>23</sup> UNMISS Press Release, "UNMISS Condemns targeted killings of hundreds of foreign and South Sudanese civilians in Bentiu", 21 April 2014, <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=aVNVNcl7L-g%3d&tabid=3483&mid=9133&language=en-US>, accessed 23 April 2014. The SPLM in Opposition has denied killing civilians in Bentiu and accuses the government of staging the alleged mass killings. Spokesperson of the chairman of SPLM in Opposition, "Press Release: Response to allegations of massacres in Bentiu", 25 April 2014.

<sup>24</sup> Johnson Olony (also known as John/Johnson Uliny) emerged in early 2012 as the self-declared leader of the armed opposition group, South Sudan Democratic Movement/Army (SSDM/A). He benefitted from an amnesty offered by President Kiir in mid-2013 and his forces were awaiting integration into the SPLA.

<sup>25</sup> Sudan Tribune "South Sudan army recaptures Upper Nile capital from rebels", 19 March 2014, <http://www.sudantribune.com/spip.php?article50348>, accessed 14 April 2014.

<sup>26</sup> The Minister of Foreign Affairs stated, "The attempted coup had nothing to do with

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*ethnicity but rather with the power ambitions of Riek Machar and his co-plotters. It suffices to mention that out of 11 politicians now detained, only two hail from Nuer Community. This message has been made clear to all communities in South Sudan, including civil society and church leaders.*" Government of South Sudan, "Total Normalcy Has Been Restored in Juba", 19 December 2013, <http://www.goss-online.org/magnoliaPublic/en/news.html>, accessed 14 April 2014. See also Sudan Tribune, "South Sudan downplays prospect of genocide", 2 May 2014, <http://www.sudantribune.com/spip.php?article50857>, accessed 3 May 2014.

<sup>27</sup> According to UNMISS, when opposition forces attacked Bentiu, "*several Nuer men, women and children were killed for hiding and declining to join other Nuers who had gone out to cheer the SPLA in Opposition forces as they entered the town.*" UNMISS Press Release, "UNMISS condemns targeted killings of hundreds of foreign and South Sudanese civilians in Bentiu", 21 April 2014.

<sup>28</sup> UNMISS Press Release, "UNMISS condemns targeted killings of hundreds of foreign and South Sudanese civilians in Bentiu", 21 April 2014.

<sup>29</sup> "Press Statement: President Kiir Calls for an End to All Ethnic Violence", 24 December 2013, [http://www.sudantribune.com/IMG/pdf/president\\_salva\\_kiir\\_christmas\\_message.pdf](http://www.sudantribune.com/IMG/pdf/president_salva_kiir_christmas_message.pdf), accessed 21 April 2014.

<sup>30</sup> SSHRC, *Interim Report*, p. 9.

<sup>31</sup> IGAD, "Communiqué of the 23<sup>rd</sup> Extra-Ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan", 27 December 2013, [http://reliefweb.int/sites/reliefweb.int/files/resources/725\\_Communique%20of%20the%2023rd%20IGAD%20Extraordinary%20Summit.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/725_Communique%20of%20the%2023rd%20IGAD%20Extraordinary%20Summit.pdf), accessed 15 April 2014.

<sup>32</sup> IGAD, "Press release: Direct Negotiations Between South Sudan Parties", 6 January 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/Press%20Release-%20Direct%20negotiations%20between%20South%20Sudanese%20Parties%2C%206%20Jan%2714.pdf>, accessed 15 April 2014.

<sup>33</sup> IGAD, "Agreement on Cessation of Hostilities Between the Government of the Republic of South Sudan (GRSS) and the Sudan Peoples' Liberation Movement/Army (In Opposition) (SPLM/A in Opposition)", signed 23 January 2014, [http://reliefweb.int/sites/reliefweb.int/files/resources/Agreement%20on%20Cessation%20of%20Hostilities\\_O.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/Agreement%20on%20Cessation%20of%20Hostilities_O.pdf), accessed 15 April 2014 (Agreement on Cessation of Hostilities).

<sup>34</sup> IGAD, "Agreement on the Status of Detainees Between the Government of the Republic of South Sudan (GRSS) and the Sudan People's Liberation Movement/Army (in Opposition) SPLM/A (In Opposition)", signed 23 January 2014, [http://enoughproject.org/files/IGAD\\_StatusofDetainees\\_GRSS.pdf](http://enoughproject.org/files/IGAD_StatusofDetainees_GRSS.pdf), accessed 30 April 2014.

<sup>35</sup> Voice of America, "South Sudan Releases 7 Key Political Detainees to Kenya", 29 January 2014, <http://www.voanews.com/content/reu-south-sudan-frees-seven-detainees-accused-of-coup-plot/1840070.html>, accessed on 15 April 2014; Voice of America, "Released South Sudan Detainees in Ethiopia for Peace Talks", 12 February 2014, <http://www.voanews.com/content/south-sudan-detainees-head-to-ethiopia-for-peace-talks/1850111.html>, accessed on 15 April 2014.

<sup>36</sup> IGAD, "Press Release from IGAD Special Envoys to South Sudan peace Dialogue", 3 March 2014, <https://docs.google.com/file/d/0B5FAwdVtt-gCOTRvT0JpYWZaTVVHOWZGOGxmeXBFS3puMWdB/edit>, accessed 15 March 2014.

<sup>37</sup> The PDF is a regional force that IGAD has announced will be deployed as part of the

cessation of hostilities Monitoring and Verification Mechanism (MVM) to protect the MVM and “other infrastructures in South Sudan.” The specific details of its proposed mandate are yet unclear. See IGAD, “Communiqué of the 25<sup>th</sup> Extra-ordinary Session of the IGAD Assembly of Heads of State and Government on the Situation in South Sudan”, 13 March 2014, <https://docs.google.com/file/d/0B5FAwdVtt-gCZF9KTDhNmY3R0VWVW00WUpSY201VldOUFNv/edit>, accessed 21 April 2014. See also ICG, *A Civil War by Any Other Name*, p. 22.

<sup>38</sup> Sudan Tribune, “South Sudan Rebel Leader Rejects Deployment of IGAD Regional Forces”, 14 March 2014, <http://www.sudantribune.com/spip.php?article50288>, accessed 21 April 2014.

<sup>39</sup> IGAD, “Phase II of IGAD-led South Sudan talks resume in Addis Ababa”, 28 April 2014, <https://docs.google.com/file/d/0B5FAwdVtt-gCWFFac2dfbUdiWFZqdGx2cFotRVJPYkY0UnlO/edit>, accessed 3 May 2014.

<sup>40</sup> Sudan Tribune, “South Sudan court sets free four senior politicians accused of treason”, 25 April 2014, <http://www.sudantribune.com/spip.php?article50772>, accessed 27 April 2014.

<sup>41</sup> For background on human rights violations during the civil war, see for example, Amnesty International, *Sudan: A Continuing Human Rights Crisis* (Index: AFR 54/003/1992), p. 16-18, <http://www.amnesty.org/en/library/info/AFR54/003/1992/en>, accessed 30 April 2014; Human Rights Watch, *Sudan, Oil, and Human Rights*, 2003, <http://www.hrw.org/reports/2003/sudan1103/sudanprint.pdf>, accessed 27 April 2014.

<sup>42</sup> Under the Comprehensive Peace Agreement, the Government of Sudan and the SPLA/M agreed “to initiate a comprehensive process of national reconciliation and healing throughout the country as part of the peace building process.” Comprehensive Peace Agreement Chapter II (Power Sharing), Article 1.7, <http://unmis.unmissions.org/Default.aspx?tabid=515>, accessed 30 April 2014.

<sup>43</sup> See for example, UNMISS, *Incidents of Violence in Jonglei State*, June 2012, [www.refworld.org/pdfid/4feac8632.pdf](http://www.refworld.org/pdfid/4feac8632.pdf), accessed 30 April 2014; Small Arms Survey, *My Neighbor, My Enemy: Inter-tribal Violence in Jonglei*, October 2012.

<sup>44</sup> See David K. Deng, *Challenges of Accountability: An Assessment of Dispute Resolution Processes in Rural South Sudan*, South Sudan Law Society, March 2013, p. 40, [http://www.pactworld.org/sites/default/files/Challenges%20of%20Accountability\\_FINAL%20May%2016.pdf](http://www.pactworld.org/sites/default/files/Challenges%20of%20Accountability_FINAL%20May%2016.pdf), accessed 21 April 2014. For discussion of abuses committed in the context of the government's 2011 disarmament campaign in Pibor county, Amnesty International, *Lethal Disarmament, Abuses Related to Civilian Disarmament in Pibor County, Jonglei State* (Index: AFR 65/005/2012), <http://www.amnesty.org/en/library/info/AFR65/005/2012/en>, accessed 30 April 2014.

<sup>45</sup> See p. 25.

<sup>46</sup> Amnesty International interview with Michael Mayen, Bor, South Sudan, 18 March 2014.

<sup>47</sup> Amnesty International interview with Michael Mayen, Bor, South Sudan, 18 March 2014.

<sup>48</sup> The SPLA reportedly recovered and collectively buried some of its fighters in a separate process.

<sup>49</sup> UNMISS, *Interim Report*, p. 15.

<sup>50</sup> See p. 26.

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<sup>51</sup> A traditional structure with mud walls and a thatched roof.

<sup>52</sup> For background on sexual violence in South Sudan, see, for example Small Arms Survey, *Sudan Human Security Baseline Assessment: Women's Security and the Law in South Sudan*, 2012, <http://www.smallarmssurveysudan.org/pdfs/facts-figures/women-security/HSBA-women-security-law.pdf>, accessed 15 April 2014; Nada Mustafa Ali, *Gender and State Building in South Sudan*, 2011, <http://www.usip.org/files/resources/SR%20298.pdf>, accessed April 15, 2014; NPA et al., *Gender-based Violence and Protection Concerns in South Sudan*, 2012, <http://southsudanprotectioncluster.org/ressources/?did=19>, accessed 30 April 2014; Accord, *Initial Support to Develop a Road Map for a South Sudan National Action Plan for the Implementation of United Nations Security Council Resolution 1325*; Ministry of Gender, Child and Social Welfare, *Comprehensive Country Gender Assessment*, 2012; Anyieth D'Awol, "Sibuana, sibuana" ("Leave Me, Leave Me"): Survivors of Sexual Violence in South Sudan, *Hope, Pain and Patience: The Lives of Women in South Sudan*, Jacana Media, 2011.

<sup>54</sup> See p. 19.

<sup>55</sup> See p. 20.

<sup>56</sup> See p. 22.

<sup>57</sup> Government of South Sudan, *Growth Strategy 2010 – 2012*, January 2010, [http://www.investsouthsudan.net/Documents/GoSS\\_January-2010\\_Growth-Strategy.pdf](http://www.investsouthsudan.net/Documents/GoSS_January-2010_Growth-Strategy.pdf), accessed 30 April 2014.

<sup>58</sup> UNOCHA, "South Sudan Crisis: Humanitarian Snapshot (as of 31 January 2014)", <http://southsudan.humanitarianresponse.info/visuals/south-sudan-crisis-humanitarian-snapshot-31-january-2014>, accessed 2 April 2014.

<sup>59</sup> UNOCHA, "South Sudan Crisis: Humanitarian Snapshot (1 – 27 February 2014)".

<sup>60</sup> UN Security Council, "Report of the Secretary-General on South Sudan", 6 March 2014, para 27, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/2014/158](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/2014/158), accessed 2 April 2014 ("Report of the Secretary-General on South Sudan", 6 March 2014).

<sup>61</sup> Medecins Sans Frontières, "Medical Care Under Fire in South Sudan", 26 February 2014, <http://www.doctorswithoutborders.org/article/medical-care-under-fire-south-sudan>, accessed 2 April 2014.

<sup>62</sup> Civilians found it difficult to identify which militia on most occasions, but from most accounts the group were most likely JEM.

<sup>63</sup> "Report of the Secretary-General on South Sudan", 6 March 2014, para 27.

<sup>64</sup> Security Council Report, "April Monthly Forecast", [http://www.securitycouncilreport.org/monthly-forecast/2014-04/south\\_sudan\\_6.php](http://www.securitycouncilreport.org/monthly-forecast/2014-04/south_sudan_6.php), accessed 2 April 2014 (Security Council Report, April Monthly Forecast).

<sup>65</sup> Security Council Report, April Monthly Forecast; "Report of the Secretary-General on South Sudan", 6 March 2014, para 35; Reuters, "Aid bureaucracy, suspicion threaten to deepen South Sudan crisis –MSF", 1 April 2014, <http://www.trust.org/item/20140401180818-afxib/?source=hptop>, accessed 2 April 2014.

<sup>66</sup> UNOCHA, South Sudan Crisis: Humanitarian Snapshot (as of 28 April 2014), [http://reliefweb.int/sites/reliefweb.int/files/resources/South\\_Sudan\\_Humanitarian\\_Snapshot\\_2](http://reliefweb.int/sites/reliefweb.int/files/resources/South_Sudan_Humanitarian_Snapshot_2)



8April2014.pdf, accessed 30 April 2014.

<sup>67</sup> UNOCHA, "South Sudan Humanitarian Bulletin", March 2014, [http://gallery.mailchimp.com/f2c222dd83de60ecbebe45951/files/OCHA\\_South\\_Sudan\\_Monthly\\_Humanitarian\\_Bulletin\\_March\\_2014.pdf](http://gallery.mailchimp.com/f2c222dd83de60ecbebe45951/files/OCHA_South_Sudan_Monthly_Humanitarian_Bulletin_March_2014.pdf), accessed 2 April 2014. "Loaded Guns and Empty Stomachs: Fixing a Food Crisis and Preventing a Catastrophe in South Sudan", April 2014, [http://reliefweb.int/sites/reliefweb.int/files/resources/S.%20Sudan\\_Joint%20Briefing%20Note\\_Loaded%20Guns%20Empty%20Stomachs\\_170414%5B2%5D.pdf](http://reliefweb.int/sites/reliefweb.int/files/resources/S.%20Sudan_Joint%20Briefing%20Note_Loaded%20Guns%20Empty%20Stomachs_170414%5B2%5D.pdf), accessed 21 April 2014.

<sup>68</sup> FEWSNET, "South Sudan Food Security Outlook", October 2013 to March 2014, <http://reliefweb.int/sites/reliefweb.int/files/resources/SouthSudan%20Food%20Security.pdf>, accessed 18 April 2014.

<sup>69</sup> "Report of the Secretary-General on South Sudan", 6 March 2014, para 24.

<sup>70</sup> United Nations, United States of America, European Union, "Call for Action on South Sudan", 12 April 2014, <https://docs.unocha.org/sites/dms/Documents/12%20April%20South%20Sudan%20Declaration%20final.pdf>, accessed 21 April 2014.

<sup>71</sup> UNMISS Statement by Toby Lanzer (Humanitarian Coordinator in South Sudan), "South Sudan Aid Chief Calls for One Month of Tranquility", 29 April 2014, [https://www.dropbox.com/s/4hfymsslif7kg/140429\\_TL%20press%20statement\\_Month%20of%20Tranquility.pdf](https://www.dropbox.com/s/4hfymsslif7kg/140429_TL%20press%20statement_Month%20of%20Tranquility.pdf), accessed 30 April 2014.

<sup>72</sup> "Report of the Secretary-General on South Sudan", 6 March 2014, para 25.

<sup>73</sup> There is currently a shortfall of \$887 million. UNOCHA, "Funding shortfall jeopardizes aid operation to help 3.2 million people in South Sudan", 1 April 2014, [https://docs.unocha.org/sites/dms/SouthSudan/2014%20South%20Sudan/South%20Sudan%20HC%20Statement\\_Funding%20press%20release%201%20April%202014.pdf](https://docs.unocha.org/sites/dms/SouthSudan/2014%20South%20Sudan/South%20Sudan%20HC%20Statement_Funding%20press%20release%201%20April%202014.pdf), accessed 2 April 2014.

<sup>74</sup> UNMISS, "Update", 30 April 2014, <http://unmiss.unmissions.org/Portals/unmiss/UNMISS%20Update/14-04-Update%2021.pdf>, accessed 3 May 2014.

<sup>75</sup> UNMISS, "UNMISS Issues Preliminary Report of Akobo Base Attack", 20 December 2013, <http://reliefweb.int/sites/reliefweb.int/files/resources/UNMISS%2020%20Dec%202013.pdf>, accessed 21 April 2014.

<sup>76</sup> UNMISS, "UNMISS Condemns Attack on Its Camp in Bor", 18 April 2012.

<sup>77</sup> UN News Centre, "Daily Press Briefing by the Office of the Spokesperson for the Secretary-General", 6 March 2014, <http://www.un.org/News/briefings/docs/2014/db140306.doc.htm>, accessed 23 April 2014.

<sup>78</sup> UN News Centre, "Heavy Fighting in South Sudan wounds 34 people seeking shelter inside UN base," 20 January 2014, <http://www.un.org/apps/news/story.asp?NewsID=46969&Cr=south%2Bsudan&Cr1=#.U2aEVSgcjIY>, accessed 30 April 2014. UN News Centre, "South Sudan: Amid fresh clashes in Malakal, UN mission ramps up civilian protection", 18 February 2014, <http://www.un.org/apps/news/story.asp?NewsID=47167#.U2aGqygcjIY>, accessed 3 May

2014.

<sup>79</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014, para. 50.

<sup>80</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014, para. 49.

<sup>81</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014 para. 49.

<sup>82</sup> Médecins Sans Frontières, “Shameful Attitude to Vulnerable Displaced Shown by Leadership of United Nations Mission in South Sudan (UNMISS): Lives at Risk if Action Not Taken Immediately”, 9 April 2014, <http://www.msf.org/article/shameful-attitude-vulnerable-displaced-shown-leadership-united-nations-mission-south-sudan>, accessed 14 April 2014.

<sup>83</sup> UN News Centre, “UN officials cite ‘race against time’ to prevent humanitarian catastrophe in South Sudan,” 3 April 2014, <http://www.un.org/apps/news/story.asp?NewsID=47497&Cr=south+sudan&Cr1=#.UOwKVSgcjIY>, accessed 14 April 2014.

<sup>84</sup> United Nations, Security Council Resolution 1996 (2011), S/RES/1996(2011), [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/1996\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1996(2011)), accessed 21 April 2014 (UN Security Council Resolution 1996 (2011)).

<sup>85</sup> UN Security Council Resolution 1996 (2011).

<sup>86</sup> United Nations, Security Council Resolution 2132(2013), S/RES/2132(2013), 24 December 2013, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=S/RES/2132\(2013\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/2132(2013)), accessed 21 April 2014 (UNSC Resolution 2132 (2013)).

<sup>87</sup> UNSC Resolution 2132 (2013). Countries contributing troops include Bangladesh, Cambodia, China, India, Ghana, Japan, Kenya, Republic of Korea, Mongolia, Nepal, Rwanda.

<sup>88</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014, para 68.

<sup>89</sup> According to the report of the Secretary-General the objective of such support would be “to enhance human rights protection, monitoring and reporting, and support training to increase the protection of civilians under threat of violence, enhance security around protection of civilians sites and potential areas of return for internally displaced persons and prevent arbitrary detentions or the excessive use of force in law and order management.” “Report of the Secretary-General on South Sudan”, 6 March 2014, para 70.

<sup>90</sup> Human Rights Due Diligence Policy on Support to non-UN security forces (HRDDP) <http://www.ohchr.org/EN/NewYork/Pages/Resources.aspx>, accessed 30 April 2014.

<sup>91</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014

<sup>92</sup> See, for instance, Theodore Meron, “Human Rights and Humanitarian Norms as Customary Law,” Clarendon Press, 1989.

<sup>93</sup> See, for instance, UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, Economic and Social Council resolution 1989/65 of 24 May 1989, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ArbitraryAndSummaryExecutions.aspx>, accessed 30 April 2014; and UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, General Assembly resolution 43/173 of 9 December 1988, Principles 7(1) and 34, <http://www.un.org/documents/ga/res/43/a43r173.htm>, accessed 30 April 2014.

<sup>94</sup>See, for instance, UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, General Assembly resolution 60/147 of 16 December 2005, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/RemedyAndReparation.aspx>, accessed 30 April 2014.

<sup>95</sup> Transitional Constitution, Art. 11.

<sup>96</sup> Transitional Constitution, Art. 18.

<sup>97</sup> Transitional Constitution, Art. 190.

<sup>98</sup> The fact that opposition forces are reportedly considering the establishment of governmental structures is indicative of effective control. See Sudan Tribune, "South Sudanese rebels to establish national structure: spokesperson", 10 April 2014, <http://www.sudantribune.com/spip.php?article50604>, accessed 30 April 2014.

<sup>99</sup>For more information, see Jean-Marie Henckaerts and Louise Doswald-Beck, "Customary International Humanitarian Law, Vol. I: Rules", Cambridge University Press, 2005 (ICRC Customary IHL Study).

<sup>100</sup>ICRC Customary IHL Study, Rule 52, 38-40.

<sup>101</sup> ICRC Customary IHL Study, Rules 25-30, 35. See also UN General Assembly Resolution 2675 (XXV), which states that "places or areas designated for the sole protection of civilians, such as hospital zones or similar refuges, should not be the object of military operations", 9 December 1970, <http://www.un.org/documents/ga/res/25/ares25.htm>, accessed 30 April 2014.

<sup>102</sup> ICRC Customary IHL Study, Rules 93, 90, 98.

<sup>103</sup> ICRC Customary IHL Study, Rule 5.

<sup>104</sup> ICRC Customary IHL Study, Rule 6; see also Protocol II, Art. 13(3).

<sup>105</sup> ICRC Customary IHL Study, Rules 8 and 9.

<sup>106</sup> ICRC Customary IHL Study, Rule 10.

<sup>107</sup> ICRC Customary IHL Study, pp. 34-36.

<sup>108</sup> ICRC Customary IHL Study, Rules 15-24.

<sup>109</sup> ICRC Customary IHL Study, Rule 33.

<sup>110</sup> ICRC Customary IHL Study, Rule 54.

<sup>111</sup> ICRC Customary IHL Study, Rules 55, 56.

<sup>112</sup> United Nations, "The Status of Forces Agreement Between the United Nations and the Government of the Republic of South Sudan Concerning the United Nations Mission in South Sudan ("SOFA")", p. 4, <http://unmiss.unmissions.org/LinkClick.aspx?fileticket=gpHXyf3LQ0k%3D&tabid=5100&language=en-US>, accessed 30 April 2014.

<sup>113</sup> UN News Centre, "South Sudan: harassment of staff draws concern of UN mission", 1 April 2014, [http://www.un.org/apps/news/story.asp?NewsID=47483&Cr=&Cr1=#.U0PVt\\_mSyCY](http://www.un.org/apps/news/story.asp?NewsID=47483&Cr=&Cr1=#.U0PVt_mSyCY),

accessed 27 April 2014; "Report of the Secretary-General on South Sudan", 6 March 2014, para 35-42.

<sup>114</sup> Crimes against humanity include acts such as murder, extermination, rape, persecution and other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health, committed "as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack." Rome Statute of the International Criminal Court (Rome Statute), A/CONF.183/9, July 17, 1998, entered into force July 1, 2002, <http://www.icc-cpi.int/nr/rdonlyres/add16852-ae9-4757-abe7-9cdc7cf02886/283503/romestatuteng1.pdf>, Art. 7 (crimes against humanity), accessed 30 April 2014 (Rome Statute).

<sup>115</sup> See Rome Statute, Art. 28 (responsibility of commanders and other superiors).

<sup>116</sup> SPLA Code of Conduct, contained in SPLA Rules and Regulations, 2009.

<sup>117</sup> Amnesty International, Interview with Andrew Kuol, Deputy Inspector-General of Police, Juba, South Sudan, 26 March 2014.

<sup>118</sup> Sudan Tribune, "South Sudan President Celebrates Good Friday with Calls to Bury Differences", <http://www.sudantribune.com/spip.php?article50726>, accessed 21 April 2014. See also "Press Statement: President Kiir Calls for an End to All Ethnic Violence", 24 December 2013.

<sup>119</sup> Gen. Pieng Deng Kuol, Inspector General of Police, South Sudan National Police Service, Internal Order, "Subject: Committee to investigate into the allegations levelled as to involvement of some elements of Joint Patrol and other organized forces in human violation and abuses during the failed coup attempt," Juba, 28 December 2013, on file with Amnesty International.

<sup>120</sup> Ibid.

<sup>121</sup> Amnesty International, telephone conversation with SPLA official, 27 March 2014; ICG, *A Civil War by Any Other Name*, p. 22.

<sup>122</sup> UNMISS, "Afternoon Media Monitoring Report", 19 February 2014, <http://unmiss.unmissions.org/Portals/unmiss/MMR/19-Feb%202014%20-%20Afternoon%20Media%20Monitoring%20Report.pdf>, accessed 28 April 2014; see also Radio Miraya, "100 SPLA soldiers arrested for allegedly crimes committed during the crisis", 19 February 2014, <http://www.radiomiraya.org/news-202/south-sudan/13000-100-spla-soldiers-arrested-for-allegedly-crimes-committed-during-crisis.html#gsc.tab=0>, accessed 28 April 2014.

<sup>123</sup> Amnesty International Interview with Philip Aguer, SPLA Spokesperson, Juba, South Sudan, 26 March 2014.

<sup>124</sup> Amnesty International, Interview with Henry Oyay, SPLA Director of Military Justice, Juba, South Sudan, 26 March 2014.

<sup>125</sup> As stated in the UN's updated set of principles for the protection and promotion of human rights through action to combat impunity: "*The jurisdiction of military tribunals must be restricted solely to specifically military offences committed by military personnel, to the exclusion of human rights violations, which shall come under the jurisdiction of the ordinary domestic courts or, where appropriate, in the case of serious crimes under international law, of an international or internationalized criminal court.*" "Updated Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity,"

E/CN.4/2005/102/Add.1 (8 February 2005), [http://webcache.googleusercontent.com/search?q=cache:PLgPcRxv-nIJ:www.impunitywatch.org/docs/UN\\_Updated\\_Principles\\_to\\_Combat\\_Impunity.pdf+&cd=1&hl=en&ct=clnk&gl=uk,principle 29 \(restrictions on the jurisdiction of military courts\),](http://webcache.googleusercontent.com/search?q=cache:PLgPcRxv-nIJ:www.impunitywatch.org/docs/UN_Updated_Principles_to_Combat_Impunity.pdf+&cd=1&hl=en&ct=clnk&gl=uk,principle+29+(restrictions+on+the+jurisdiction+of+military+courts),accessed+30+April+2014.) accessed 30 April 2014.

<sup>126</sup> Eye Radio, “Members of the Human Rights Abuses Investigation Committee Sworn In”, 17 February 2014, <http://eyeradio.org/members-human-rights-abuses-investigation-committee-swear/>, accessed 30 April 2014.

<sup>127</sup> 2006 Investigation Committees Act, Chapter III.

<sup>128</sup> SSHRC, *Interim Report*.

<sup>129</sup> SSHRC, *Interim Report*.

<sup>130</sup> African Union Peace and Security Council Communiqué, 30 December 2013, PSC/AHG/COMM.1 (CDXI), [www.peaceau.org/uploads/psc-com-411-south-sudan-30-12-2013.pdf](http://www.peaceau.org/uploads/psc-com-411-south-sudan-30-12-2013.pdf), accessed 30 April 2014.

<sup>131</sup> President of the African Court on Human and Peoples’ Rights and Justice of the Supreme Court of Ghana

<sup>132</sup> Director of the Makerere Institute of Social Research, University of Makerere, Uganda.

<sup>133</sup> African Union Special Envoy on Women and Children in Conflicts.

<sup>134</sup> Commissioner of the African Commission on Human and Peoples’ Rights, Banjul, Gambia, and Associate Professor of Law at Ottawa University.

<sup>135</sup> African Union, *Concept Note on the Establishment of the Commission of Inquiry on South Sudan*, <http://au.int/en/sites/default/files/Concept%20note%20-%20Commission%20of%20Inquiry-South%20Sudan%20-%20Final%20Version%20-%2016%204%2014.pdf>, accessed 1 May 2014.

<sup>136</sup> UNMISS, *Interim Report*.

<sup>137</sup> Amnesty International discussions with UNMISS staff, Juba, March 2014.

<sup>138</sup> “Report of the Secretary-General on South Sudan”, 6 March 2014, para 68.

<sup>139</sup> White House, “Executive Order: Blocking Property of Certain Persons with Respect to South Sudan”, 3 April, 2014. <http://www.whitehouse.gov/the-press-office/2014/04/03/executive-order-blocking-property-certain-persons-respect-south-sudan>, accessed 30 April 2014.

<sup>140</sup> Agreement on Cessation of Hostilities

<sup>141</sup> IGAD, “Monitoring and verification teams commence operations in South Sudan”, 11 April 2014, [http://igad.int/attachments/804\\_Press%20release%20MVM%20team%20Commence%20operations%20in%20South%20Sudan.pdf](http://igad.int/attachments/804_Press%20release%20MVM%20team%20Commence%20operations%20in%20South%20Sudan.pdf), accessed 1 May 2014.

<sup>142</sup> Presidential Decree No. 14/2011, 25 March 2011.

<sup>143</sup> Presidential Decree No. 03/2011, 21 January, 2011.

<sup>144</sup> One of the most high profile cases is that of political commentator Isaiah Abraham, who was assassinated at his home in Juba in December 2012. The government announced arrests

and that it had commenced investigations, but no one has been held accountable for this murder. East and Horn of Africa Human Rights Defenders Project (EHAHRDP), *"Change will not come until we talk about reality": The Closing Space for Human Rights Defenders in South Sudan*, December 2013, p. 12, <http://www.defenddefenders.org/2013/12/south-sudan-report-highlights-persistent-pattern-attacks-human-rights-defenders/>, accessed 30 April 2014. General Marial Nuor Jok, former Director of Public Security (PS) and Criminal Investigations Department (CID) was arrested in July 2011 and charged with the disappearance of an engineer called John Luis, accepting bribes, permitting the arbitrary detention of civilians and extortion of money from them. He was later released from detention and charges were dropped. In April 2014 he was named director of military intelligence. No one has been held accountable for the disappearance of John Luis. Sudan Tribune, "Arrest of South Sudan's Chief Public Security Officer Confirmed", 1 August 2011, <http://www.sudantribune.com/spip.php?article39705>, accessed 30 April 2014; Reuters, "Embattled South Sudan President Replaces Army Chief", 24 April 2014, <http://uk.reuters.com/article/2014/04/24/southsudan-security-idUKL6NONG2G320140424>, accessed 29 April 2014.

## **NOWHERE SAFE:** **CIVILIANS UNDER ATTACK IN SOUTH SUDAN**

Thousands of civilians have been killed and more than a million displaced since the conflict in South Sudan began in December 2013. Both government and opposition forces have targeted civilians, committed acts of sexual violence, looted, damaged or destroyed medical and humanitarian facilities and obstructed the delivery of desperately needed humanitarian aid.

The conflict has pitted ethnic groups against each other, rekindling unresolved political and historical tensions, particularly between Dinka and Nuer. Many civilians, including women, children and the elderly, have been targeted in ethnically motivated attacks. The humanitarian situation has been deeply impacted by the conflict, with many of the displaced stranded in remote areas with little or no access to humanitarian or medical assistance, and farmers unable to plant during the crucial rainy season.

This report is based on field research in the towns of Juba, Bentiu, Bor and Malakal. Drawing on interviews with scores of displaced victims and witnesses, medical and humanitarian workers and government and opposition officials, the report shows the extent to which all parties to the conflict have disregarded international human rights and humanitarian law. It contains recommendations aimed at pressuring all the parties to the conflict to put an end to these violations.

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