

**‘In war before, they killed the men and left women and children; now they kill the women as they realise we make the men.’<sup>1</sup>**



## **Protection Trends Analysis May 2014**

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<sup>1</sup> Female representative South Sudan civil society, February 2014

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## Executive Summary

On 9 May, the leadership of the warring sides in South Sudan's civil war signed another formal ceasefire agreement. Only time will tell whether the warring factions can gain the confidence of the people of South Sudan will honour the already tenuous ceasefire in the long-term. Even if the ceasefire holds, the severe impact and consequences of the present situation will require a larger humanitarian response and continued political engagement by the international community to avoid political paralysis within an active conflict.

The conflict has had, and continues to have, a devastating impact on the security and human rights of the civilian population of South Sudan, targeting, threatening and disempowering a significant portion of the population based on their political and/or ethnic identity, as well as their physical location, or gender. It has been described as a "crisis of protection", and has dramatically increased food insecurity and vulnerability to famine across the country. By the end of 2014, it is estimated that one in every two South Sudanese may be affected by the conflict and its consequences including through direct violence, illness and famine.

Reports documenting acts amounting to war crimes and crimes against humanity (committed by armed actors) during the violence over the last five months have been published by UN Mission in South Sudan (UNMISS) Human Rights Division, Amnesty International and Human Rights Watch, among others. To complement existing reports, the Protection Cluster in South Sudan in conjunction with its partners have produced an updated Protection Trends Analysis, outlining current trends and changes in the situation since the initial report released on January 19.<sup>2</sup>

The aim of this report is to provide an overview of the main protection risks in South Sudan, how protection threats have evolved since the outbreak of the conflict, and outline emerging and specific threats experienced by the civilian population. Physical security caused by violence remains the single largest protection threat in South Sudan. Deliberate targeting of the civilian populations, including specifically women and children, and widespread destruction of civilian infrastructure and property, such as markets, homes, health facilities and livelihoods, has had a devastating impact on the people of South Sudan. Although these and others protection threats are described in this report as distinct, they remain fundamentally interlinked requiring a cohesive protection and assistance response that is sensitive to the broader context.

Since January 2014, increasing attention has been paid to how the international community addresses protection issues and its impact on conflict dynamics. While there is willingness among humanitarian actors working in water, food security, or shelter to integrate protection concerns and do no harm approaches into their responses, the lack of financial and staffing support represents the single most significant constraint to ensuring that protection approaches are fully mainstreamed.

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<sup>2</sup> Protection Cluster Trends Analysis, 19 January 2014.

It is also clear that humanitarian actors alone cannot address the significant and enduring protection threats faced by South Sudan. In these regards, the visits of the United Nations Secretary General, the High Commissioner for Human Rights and the Special Advisor on the Prevention of Genocide are welcome signals of the commitment of the international community to promote accountability and lasting political and national solutions to the current crisis. Sustained engagement, both from the donor and diplomatic community, is an essential precondition to effective humanitarian response.

## Recommendations

1. Recognising that the driver of the humanitarian emergency is a protection crisis due to the civil war in South Sudan, and deliberate targeting of civilians, protection should remain the lens of analysis in understanding the humanitarian situation in South Sudan. The current trajectory of the conflict suggests that the conflict is further embedding of the conflict and spreading outwards.
2. In light of ceasefire agreements and commitments by the parties of the conflict to accountability, appropriate community based monitoring and accountability mechanisms must be in place to ensure practical and achievable accountability.
3. UNMISS Protection of Civilians is essential in the coming months, including provision of troops, civilian staff and other resources. As the mandate is re-oriented towards clearly prioritizing protection of civilians, civilian protection strategies can significantly upscale the capacity of UNMISS to increase and diversify its Protection response.
4. Protection programming requires continued and sustained resources as a stand-alone activity, supporting community-based interventions. In addition, other humanitarian partners require critical financial and technical support to fully implement do no harm and conflict sensitive programming.

## Introduction

The crisis, which began on 15 December 2013 with the outbreak of political violence, based on presumed political loyalties along ethnic lines, was precipitated by the internal political conflict within the Government of the Republic of South Sudan (GRSS), and the Sudan People's Liberation Movement (SPLM), splitting into those loyal to the Government and those loyal to Opposition forces. They have subsequently engaged in political violence and military violence through their armed forces of the South Sudan People's Liberation Army (SPLA) and South Sudan People's Liberation Army/ In Opposition (SPLA/IO).

Whilst it is unclear what immediately triggered events in December the present conflict cannot be divorced from the political disputes and challenges to the leadership of SPLM, combined with persistent exclusion and marginalization of large segments of South Sudan's ethnically diverse population from political, economic and military power against a legacy of deep societal divisions. South Sudan is presently experiencing a series of interlocking and overlapping conflicts in which ethnicities and community grievances are instrumentalised for military and political gain. Credible reports indicate that actors are launching violent attacks in response to past events and unresolved grievances, with a view to improving their future position and ability to influence national power dynamics.<sup>3</sup>

The past five months have seen significant violence against the civilian population in South Sudan, including direct violence, coercion and deliberate deprivation. This has exacerbated the already chronic protection threats present in South Sudan prior to the most recent violence, including severely limited access to justice, inequitable access to land, inter-communal violence, and the normalisation of sexual and gender based violence, child abductions and child recruitment.

Despite a formal agreement to cease hostilities signed first on 23 January and again on 9 May, ongoing fighting has displaced more than a million people, with over 803,000 internally displaced persons (IDPs) and more than 275,000 fleeing to neighbouring countries - mainly Uganda, Ethiopia, Sudan and Kenya. Although figures vary, an estimated 10,000 people have been killed in the conflict to date. Since the beginning of the conflict UNMISS has sheltered tens of thousands of civilians fleeing imminent physical harm, currently hosting some 70,000 IDPs on a number of its bases across the country in severely overcrowded conditions. As the conflict persists the number of civilians displaced due to violence and seeking refuge in areas outside of UNMISS bases continues to grow, while the bases themselves have become direct targets of armed attacks.

Restrictions on freedom of movement of the population of South Sudan due to insecurity and increasingly deliberate measures taken by armed groups against civilians and humanitarian actors, place additional risks and strains on food security, livelihoods and access to other fundamental human rights, undermining any coping strategies that would normally be available through pre-emptive displacement or normal migratory patterns.

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<sup>3</sup> Hutton, L, South Sudan: From Fragility at Independence to a Crisis of Sovereignty, Clingendael Institute, March 2014

Growing food insecurity represents another significant threat to life and will continue to drive conflict during the remainder of 2014 and beyond, with over 3 million people estimated to be at acute or emergency risk of food insecurity and up to 7 million at risk of food insecurity.

All ten states in South Sudan have been affected by the conflict. Major armed hostilities between GRSS and Opposition forces have largely centred on the Greater Upper Nile area and Central Equatoria State. However, the influx of displaced persons into neighbouring states, including Eastern Equatoria and Lakes States, mobilization of community and youth militia and recruitment into SPLA and Opposition forces, has meant that no state in South Sudan remains unaffected.

Prior to the 9 May Agreement between Government and Opposition - calling for an immediate ceasefire and further discussions to agree on a transitional Government, lower intensity conflict is expected to continue throughout the rainy season. The durability of the 9 May Agreement remains to be seen, especially given questions about command and control over perpetrators of armed violence on the ground. Without timely interventions to safeguard civilians, protect livelihoods and support community resilience mechanisms, violence could spread throughout the county further destabilizing so-called less-affected or 'stable' states.

The Protection Cluster and its partners have developed a common understanding of the key protection threats and trends in the current crisis, which underlines the gravity of upcoming and threats to the population of South Sudan if the international community does not take urgent action. In response to the current operating environment, where humanitarian actors are increasingly encountering protection threats in their day-to-day work, this report also highlights some of the measures taken by the broader humanitarian community to mitigate these.

The present report is based on information received by the Cluster through credible, multi-sourced, direct witness accounts and testimonies, observations of people on the ground, as well as reports from media and other public sources. The information indicates both real and perceived patterns and trends identified by civilians affected by violence and displacement in South Sudan.

This report is not an exhaustive overview of the present situation, but serves to highlight trends and observations that should help to inform the response of both humanitarian and political actors to the serious protection threats faced by the civilian population in South Sudan. Among others, key emerging and risks outlined below include increased ethnic polarization and targeted violence present at all levels of society; increased brutality in the conduct of hostilities and reprisal attacks, including the use of rape and other gender based violence as a weapon of war; on-going "community mobilization" for the purposes of recruitment and increasing reports of child recruitment; spreading of violence and impacts of conflict well beyond the Greater Upper Nile Region; increased involvement of non-state and regional actors; increased inter/intra clan violence fed and exacerbated by the dynamics

of the current crisis; and emerging threats arising from increased food/livelihoods insecurity.

### **Deteriorating conflict dynamics and spreading violence**

During the week of violence which began on December 15 with clashes within Government security forces, leading to high profile arrests and purges within Government and its security organs, leading to violence targeting civilians, an estimated 600 people were killed. By the end of the week, armed violence had swept across parts of Central Equatoria, Jonglei, Upper Nile and Unity states, with mass defections from the GRSS armed forces, community mobilisation and ethnic targeting of the civilian population and massive brutality.

Since December 2013, human rights organisations and protection actors<sup>4</sup> have documented widespread gross human rights violations such as the use, by various armed actors - whether Government, Opposition or affiliates- of torture, sexual violence including gang rape, extra judicial killings, razing of homes and markets, systematic looting and diversion of food and medical stocks, and targeting civilian populations and installations such as hospitals and churches.<sup>5</sup> Military engagement between Government and Opposition forces in towns and other areas on strategic routes has been accompanied by verifiable and unverified reports of atrocities against the civilian population.

Not only are civilians being targeted on the basis of their ethnicity but also because of their presumed affiliations with the “wrong side” of the conflict by virtue of their tribal affiliation, political beliefs, or choosing not to become a combatant. These tactics have been used to deliberately deprive and coerce populations for broader military and political objectives – restricting the means of subsistence and survival and causing acute suffering. Despite repeat signing of the Cessation of Hostilities (CoH) agreements, Government and Opposition forces (and their proxies) continue to wantonly target civilians and civilian property in plain sight of the international community. Under international law deliberate targeting of civilians constitutes a war crime and, if conducted systematically and on a large scale, could amount to crimes against humanity.

Although major armed hostilities have largely focused on strategic areas in Greater Upper Nile, the impact of the conflict is much more widely felt and risks spilling into areas that are erroneously deemed “stable” or “less affected”. Indicative of this are reports of sporadic violence in Warrap and Lakes States, mobilization of community and youth militias, forced recruitment and on-going army defections, with associated violence in Western Equatoria, Central Equatoria, Western and Northern Bahr-el Ghazal, Unity, Upper Nile and Jonglei States.

Fighting in and around areas hosting refugees from outside South Sudan in Upper Nile and Unity States is further exacerbating poor security conditions for refugees and complicating relations between refugee, IDP and host communities.<sup>6</sup> The breakdown of social and economic bonds that currently are seen to protect some communities from being dragged

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<sup>4</sup> South Sudan Protection Cluster Trends paper, January 2014; Human Rights Watch reporting see:

<sup>5</sup> See, e.g., UNMISS Interim Report on Human Rights Abuses in South Sudan, 21 Feb 2014; Protection Cluster Trends Analysis, 19 Jan 2014, available at <http://southsudanprotectioncluster.org>; and MSF press statements Jan-Apr 2014 see <http://www.msf.org.uk/country-region/south-sudan>

<sup>6</sup> South Sudan Protection Cluster Trends paper, January 2014

into a wider conflict could do more to entrench violent conflict (by hardening ethnic identities) than national level military hostilities.

The observed deterioration and spread of violence from one area to another is in part enabled by the widespread availability and prevalence of small arms. It is impossible to credibly estimate the extent of the flow and number of arms into and within the country, given South Sudan's porous regional and internal borders. In 2011, Small Arms Survey estimated that the existing security forces – South Sudan People's Liberation Army (SPLA), South Sudan National Police Service (SSNPS), Wildlife and Fire Brigade, numbering 300,000 - held 317,000 small arms and light weapons in their possession. Even this figure is widely recognized as not being reflective of the real level of arms available in the country. Moreover, the admitted existence of "ghost soldiers" on the payroll of GRSS security forces make it difficult to assert exactly how many individuals make up the total number of formal or informal security services. It is also not accounting for the arms that civilians may hold for their own protection, which are used for opportunistic crimes and engaging in the current ethnic targeting.

Finally, the conflict in South Sudan is complicated by the involvement of regional armed actors such as the engagement of the Justice Equality Movement (JEM) in Unity State and presence of the Ugandan Peoples Defence Force (UPDF) deployed at the request of the President, with the stated intent to safeguard the sovereignty of South Sudan. Threats to oil installations and activities of members of the Sudan Revolutionary Front (SRF) could further embroil Sudan into the conflict at the border, which remains tenuous. Despite strong public statements by South Sudan's President Kiir and Sudan's President Omar al-Bashir to stand united, Khartoum' loyalties are unpredictable. A key sticking point for Sudan will remain Uganda's engagement, and alliances between the SPLA and Sudanese armed groups, such as the SRF or other Darfuri groups, or the influence of military hardliners in President Kiir's inner circle, including loyalists who were part of the Khartoum Government of National Unity (GNU).

The withdrawal of UPDF from South Sudan has been one of Riek Machar's main preconditions during the Addis Ababa talks and could also be seen as an indicator of the Government's commitment to a peaceful resolution to the conflict. What is clear is that both parties continue to employ military engagement, delaying tactics, and exchange accusations of mass atrocities committed by the other side to seek political leverage in Addis Ababa. Finally, the influx of refugees into Kenya, Uganda, Ethiopia and Sudan presents serious human security challenges for these countries, especially if these numbers swell in anticipation of further conflict, violence and displacement.

In a country where prevalence of arms was already notoriously high, individuals and communities are resorting to armed violence, against an environment of impunity and lack of law enforcement capacity, constantly shifting frontlines in the armed conflict, affecting perceptions of security and self-help measures taken ensure the safety of families, livelihoods, land and cattle. The widespread availability and use of arms perpetuates the cycle of retaliation and generalized insecurity, as well as increasing incidents of opportunistic, violent criminality. Reports of the mobilization of informal militias also raise



serious protection concerns, given the ill discipline and lack of effective command and control structures over these irregular forces.

The civilian and humanitarian character of refugee camps is also being increasingly compromised. The situation in refugee hosting areas in Unity and Upper Nile in particular is complicated by large numbers of IDPs fleeing instability and regular upsurges in fighting, posing significant physical security risks and further challenges to the civilian and humanitarian character of refugee hosting area. Allegations or presumptions that some among refugee populations or refugee leaders have or may “take sides” create further insecurity and risk de-stabilization in these areas and threaten security of refugees, host communities and IDPs.

### **Community mobilisation**

In response to the outbreak of violence in December 2013, different communities across South Sudan have reportedly mobilized militarized youth, community defence groups or informal militias. Specific examples include, the White Army – a coalition of Gawaar, Lou and Jikany Nuer, Dinka *titweng* - armed cattle keepers in the Twic area of Jonglei State and parts of Northern Bahr el Ghazal State, as well as Mundari groups in Central Equatoria. Some of these groups are more visibly active in the conflict than others and are not often involved or engaged in violence linked to the interest of South Sudan’s political elites, instead primarily using the current conflict as an opportunity to respond to both current and historic injustice and pre-existing grievances.

The easy access to arms, combined with the security and leadership vacuum, and experiences of conflict create a cycle of marginalization and revenge, and are key catalysts for mobilisation. Youth, predominantly boys and young men, are actively recruited into these groups and refusal to engage can be a factor for social isolation and exclusion or worse. Although members of these groups are perceived as poorly trained, this is not always the case. Moreover, primary loyalties of these groups are often to the clan or specific ethnic affiliation, its members, leaders within and communities as opposed to military commanders with whom they may be presently allied.

Large-scale mobilisations risk widening and deepening the conflict further, while at the same time entrenching violence along ethnic lines. Targeted killings of one ethnic group by another, whether actual or perceived, have been a powerful mobilizing tool for youth groups. As more communities come under attack this will continue to aid recruitment, and community engagement in brutal cycles of violence. However, it is important to also recognize that mobilisation has occurred for a variety of reasons: offensive and defensive community security (including revenge attacks to protect livelihoods or to reprisal along ethnic lines), opportunistic alliances to gain access to political or economic power, or social mobility, allowing military actors to open up new fronts, and unleash secondary conflicts as part of wider military strategies and political manipulation of certain groups and grievances. Mobilisation is facilitated and exacerbated paradoxically by poor information networks which allow rumours to spread and limit knowledge of political developments such as ceasefire arrangements.

At times, many of these motivations may be deeply interlinked. For example, the White Army is said to be primarily motivated by the desire to seek revenge for ethnic killings of Nuer civilians in Juba, whilst also being linked through military loyalties to key defecting members of the SPLA, while also being a key defence group for northern Jonglei. The White Army is likely to shift its agenda and purpose throughout the conflict. Importantly, intra-Nuer conflicts have been noted as being some of the most brutal in recent years and clear divisions exist between the Nuer clans, who make up one of the most well armed local militias in the country. As old and new local militias crop up, communities seek to protect themselves and further exacerbating communal tensions and insecurity. The potential impact of communal violence, if fully unleashed, will have a devastating impact on the humanitarian situation in country.

### Political Players

The current political landscape of the conflict is concentrated around the political conflict between former Vice-President Riek Machar, as the figurehead leader of the Opposition and President Salva Kiir as the current head of the SPLM and Government. This simplistic reading assumes that both leaders are able to unify political and military forces, which is not the case.

As the conflict has continued, neither Machar nor Kiir have been able to create a unified front within his or her own fragmented interest groups. At the political level the SPLM has been an institution riven by internal divisions and competing interests groups, requiring Kiir to negotiate a delicate balance between hardliners and loyalists. Machar cannot claim the loyalty or indeed support of the former political detainees, a number of whom are now part of the IGAD mediation process, representing a “third front” of “moderate” political leaders; this includes Rebecca Garang an iconic figure within the SPLM movement and influential Dinka Bor leader.

However powerful many of these political figures are it does not necessarily mean that they command support of the South Sudanese population. Indeed, it is important to remember that many of these leaders were linked to allegations of corruption, and stoking internal armed conflict (inter-communal).

### External Actors

Events in South Sudan are incredibly important to key regional actors. Renewed conflict risks destabilizing the region economically, as well as causing spill over violence and related impacts, such as the deepening refugee crisis. Key regional actors such as Sudan, Ethiopia, Uganda and Kenya have thrown their support behind the IGAD peace efforts. However, each has powerful interests and shifting agendas vis-à-vis South Sudan that must be keenly monitored. For Sudan, stability and securing oil revenue is critical. Bashir’s overt support for Kiir is dubious to say the least. Reports of SPLM-North and JEM (member of the Sudan Revolutionary Front) engagement also call to attention the tenuous nature Sudan-South Sudan military relations. Uganda continues to provide Kiir with direct military support for the purpose of defence and territorial gain. This questions the impartiality of Uganda in the

conflict and is having serious repercussions for Ugandan citizens working within the aid community. Their protected status as humanitarian personnel continues to be compromised. Other countries such as Ethiopia and Rwanda are also intimately tied to peacekeeping missions. If regional players fail to have a clear regional approach to South Sudan and ending the conflict their involvement may actually serve to prolong the conflict, and increase the risk of violence against foreign nationals from those countries.

## **Peace Talks**

It is important to recognise that both the Government and Opposition have signed agreements to protect the civilian population of South Sudan. In reality, these commitments are not translating into increased peace and security for the people of South Sudan. While important to continue to pursue a tangible peace process, the ground reality should not be overlooked in the process of encouraging political processes.

The IGAD mediated peace talks that have produced a series of fragile deals- Cessation of Hostilities (Jan 2014), its recommitment (April 2014), and the 9 May agreement. Whilst regional leaders rapidly launched the IGAD led mediation efforts, negotiations have been marred by political power play, unreasonable time frames, a milestone driven approach, and has been limited to exclusive participation of South Sudanese elites.

Just as the 2005 CPA process was critically deficient in achieving an inclusive process that resolved the root causes of conflict, the IGAD process risks making the same mistakes. The current process is open to the political manipulation by the Opposition and Government who frequently deploy delaying tactics and impose preconditions on an already convoluted process. The lack of robust follow-up to violations of the cessation of hostilities is concerning, as is the lack of will to grant a temporary ceasefire to support the movement of civilians and humanitarian personnel and assets before the worst part of the rainy season. Gaining military advantage appears to be the overriding motivation of all relevant parties. The IGAD process will need to be clearly orientated towards an approach that places the interests of South Sudanese people at the centre, articulates a process of accountability, discusses realistic measures to enable durable solutions to those displaced by violence, and is realistic in terms of a timeframe.

## **South Sudan: An Invisible Conflict?**

### **Conflict in isolated areas**

While actors such as have made efforts UNMISS (Human Rights Division), Human Rights Watch, Amnesty International and the Protection Cluster to gather information on the context in South Sudan, the reality is that whatever is possible to observe and document, the invisible conflict is likely to be much worse.

While there have been very visible impacts of the violence over the last five months not least the significant displacement of populations into PoC sites, and the depopulation of areas of Juba, Bor, Malakal and Bentiu, these towns account for a fraction of the over- all

percentage of the population in the most affected States of Upper Nile, Unity, Jonglei and Central Equatoria State. While reports cannot be confirmed, because of poor access and limited presence of humanitarian and human rights partners to large parts of South Sudan, the indications from existing reports are deeply concerning.

In repeated interviews conducted by Protection Cluster partners, civilians who have managed to flee have reported consistent patterns of violence levied against them by all armed groups, including Government, Opposition and opportunist perpetrators of violence.

Based on credible reports and direct observation of the ferocity of the violence in some of South Sudan's major towns, the Protection Cluster remains concerned about alarming reports of violence in areas that are not visible due to a lack of presence on the ground. Images from organisations such as the Satellite Sentinel project and UNITAR have shown extensive razing of villages and other properties through the use of satellite imagery, and survivor testimonies have reported the clear and deliberate targeting of civilians by armed groups.

With consistency, eyewitnesses have remarked on the significant shift in the nature of the conflict in contrast to previous periods of armed violence in South Sudan. In particular, targeting of women and children by armed groups, whether Government, Opposition or other armed groups, has been repeatedly highlighted. Survivors have described in detail how armed groups have sought out women and children – subjecting them to rape and sexual assault, prior to their execution. The excruciating brutality of detail provided by traumatised survivors mirrors the concerns raised by senior human rights experts and UN figures on the shifting nature of the conflict in South Sudan.

The unseen must be brought to the forefront of the minds of the international community when assessing the trajectory of the conflict, examining the credibility of any cessation of hostilities or ceasefire agreement and assessing the needs of highly vulnerable and conflict affected populations. Reports of violence targeting civilians, in addition to information gathered by UN OCHA on displacement patterns, including secondary and multiple displacement due to conflict, indicates that the conflict is increasingly spreading into other States and other pockets of the country and is to date entrenching along hardened ethnic lines, as well as leading to increased fracturing of sub-clan tensions. Local level disputes and issues that may not translate into the attention of the international community are indicators of local level conflict.

While these may not result in significant increases in affected populations - either through loss of life, displacement or loss of employment/livelihoods, it has a significant impact for individuals and families caught in areas outside the reach of protection and humanitarian partners, and points towards the longer-term trajectory of the conflict. The Protection Cluster cautions against any analysis which categorizes specific states in South Sudan as 'Red' or 'Green', 'more' or 'less-affected' by violence and susceptibility to conflict or otherwise reduces the conflict to the Greater Upper Nile area. Without a coherent and

credible political process to stop the violence and address its causes, the conflict has the potential to visibly take hold across more states in South Sudan.

### **On-going displacement, with limited protection**

While much of the attention of the international community has focused on those displaced into UNMISS PoC areas, the vast majority of those displaced are seeking refuge in areas outside of UNMISS bases. The visibility of most of the displaced is extremely low, with limited access by humanitarian partners and the numerous pockets of displaced populations, including those absorbed into host communities. At present humanitarian actors are balancing the provision of resources with being able to adequately monitor displacement patterns.

The large and increasing numbers of people being displaced beyond UNMISS' PoC areas means more people do not have access to physical protection. The impact of this has been that populations are either absorbed into host communities who themselves may be vulnerable due to the destruction of markets and limitations on freedom of movement and/or facing multiple waves of displacement as they have been forced around by the conflict.

Nassir is an example of this dynamic. The population of Nassir swelled to almost 20,000 people; as of 11 May the population of Nassir had almost been entirely depopulated into Ethiopia and other locations in South Sudan. Large influx of displaced populations that are then further displaced due to on-going violence and insecurity is putting significant pressure on people's safety, resources and ultimately their ability to survive the impending food and health crises.

### **Exposure to Sexual Based Violence**

Gender based violence including sexual violence during and following active fighting – in the forms of domestic violence, rape and sexual assault, sexual harassment, survival sex, prostitution, and sexual exploitation and abuse, have been identified as issues of concern by the humanitarian community and IDP communities themselves. These incidents have occurred during active fighting, displacement and at the point where people are displaced. While this paper elsewhere raises issues of recruitment and mobilisation, which in itself can be a form of gender-based violence, this focuses on sexual violence.

There are continuing reports of women and girls being raped by armed actors during active hostilities such as attacks on villages and towns, and during the course of displacement. The recent UNMISS Human Rights report<sup>7</sup> states that all parts of the conflict have committed acts of rape and other forms of sexual violence against women of different ethnic groups. The forms of sexual violence used include rape, sometimes with an object (guns or bullets), gang rape, abduction, sexual slavery. Sobering reports of women being 'raped to death' is a graphic example of the levels of violence being exacted against women. For those women who do not die, they are forced to live with the trauma, potential social rejection and high probability of physical injuries such as fistula.

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<sup>7</sup> Conflict in South Sudan, Human Rights report, 8 May p. 49

At the point of arrival in IDP settlements, particularly PoC areas, gender and sexual based violence have been repeatedly and regularly reported.<sup>8</sup> There have been issues around formal reporting, as many IDP women are reluctant to come forward and file any formal report. Some actors have voiced concern at the emphasis on 'getting the numbers' and the persistent call for 'evidence' of GBV, which has undermined the GBV response and hindered preventive action being taken.

While there is a need for data collection including use of GBVIMS, it should be in combination with other elements of a GBV prevention and response based on assessment of risks and evidences from other emergencies. There are many barriers to reporting and data collection. It should be noted that security is not guaranteed for victims/survivors in PoC areas where victims/survivors live in close proximity to the perpetrator/s. There is no one or system to keep the victim/survivor safe if it is discovered that she has reported the violence, and the perpetrator finds out. The emphasis should not only be on documenting cases, but rather on recognition that GBV will occur in conflict and emergency, and that it is an underreported crime, with actions taken to prevent incidents based on known threats and risk factors.

Women and girls have complained of sexual harassment and assault in and around latrine and wash facilities, as well as poorly lit areas in the PoC sites during night time, facing risk of assault when they go outside of the PoC sites for livelihood and firewood collection. Limited patrolling in some locations, lack of lighting, limited number of grinding machines to grind food, and lack of access to charcoal or firewood, has put women and girls safety at risk. Reports of GBV while women are walking to get sorghum grounded, or to collect firewood, have continued.

Inadequate provision of patrolling in some locations and inadequate security measures remain of concern high levels of harassment and reported sexual harassment and violence by women using particular roads and exits from PoC areas. Lack of services, either due to resources, access or space acts as deterrence to persons affected by sexual violence reporting crimes, seeking follow up treatment and achieving legal remedy.

### **Structural and institutional violence**

An overlooked element of the types of violence in the current conflict is structural-individuals and institutions leveraging their position to deliberately control or target specific groups. Since the conflict began, control of airports and roads has been used to deny people the freedom to move within South Sudan or access asylum, with continued reports of people being denied the ability to move around or leave the country by air, harassment at airports and general intimidation.

The ability to control the movement of people, goods and money has been utilised by both the Government and Opposition forces to demonstrate and exercise territorial control. Armed actors are reported to have confiscated equipment, prohibited the use of some assets such as satellite phones, placed levies and fines on movement of people and goods,

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<sup>8</sup> Noting that this may appear a particularly acute problem in PoC areas simply because of population concentrations and consistent access of humanitarians to them.

among other interference and restrictions on movement. The withholding of civil service salaries is a concerning mechanism used to control populations. In February 2014 it was reported that Government officials were requiring people to come to State capitals to collect their salaries – requiring individuals to cross conflict lines and presenting themselves in a location that a person felt unsafe. Using payment as a way to coerce people out of areas or deprive groups or locations of resources demonstrates that physical violence is not the only leverage over vulnerable groups. Restrictions on the legal flow of money undermines the resilience of education, health and other essential services to the violence and also destabilizes the markets and other economies.

More direct examples of this form of institutional violence levied against civilian populations include incidents in Maban where Nuer civilians were given 48 hours to leave the county by local authorities in mid April. While high level Government authorities may not have explicitly sanctioned or authorized specific actions or attempts to push specific ethnic groups out of ‘mixed’ areas, many such statements of actions have been observed with little or no consequences. Disarmament has also become a visible tactic, with authorities disarming and/or demobilising SPLA/SSNPS of specific ethnic groups.

In addition to these obvious issues, Protection Cluster partners have witnessed the trend of increased militarization of civil administration and civil dispute mechanisms across the county, in both rural and urban areas, whether Government or Opposition controlled, and in disputes involving host communities, IDPs and refugees. Civil disputes mechanisms with military interference or involvement reduce the likelihood that due process will be observed in dispute resolution and increase intimidation of one or both parties. The trend of militarizing civil posts and conflating civil and military state functions has been observed in many States across South Sudan, and has not been limited to only those states with high incidents of armed violence.

The Protection Cluster is additionally concerned that administrative authorities are using their powers to curtail independent monitoring and reporting of journalists and media outlets, by authorizing and conducting raids or closing print and broadcast media. The raids on the Citizen and Juba Monitor represents how administrative control is being used to curb the flow of information and freedom of speech in South Sudan.

### **Hate speech**

Hate speech has reportedly started increasing, including among youth and children, in urban contexts of displacement. This includes increased graffiti and general language used in relation to the ‘other’ ethnic groups. The incident in Bentiu where local radio was alleged to have used radio to transmit hate messaging and instructions is one example of the concern that local language media, which remains largely, unmonitored.<sup>9</sup> That being said, the language used in public statements by both Opposition and Government representatives to media, in public gatherings and other meetings continues to be worrying in both its hostility

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<sup>9</sup> The Protection Cluster has recommended the monitoring of local language radio and other media in both South Sudan but also Diaspora. If these activities are being conducted in a structured manner, the Protection Cluster is unaware of these activities or their outcome.

and the increasing entrenchment of a hard-line and uncompromising narrative of the conflict and any potential solutions.

## **Increased Mobilisation and Militarisation**

### **Child Recruitment and Children associated with armed forces and armed groups (CAAFAG)**

The increased recruitment of child soldiers has been observed since the outbreak of the conflict. There are some reports that more than 9000 child soldiers are currently taking part in the conflict in South Sudan, with one partner describing seeing a child 'too young to be able to hold his gun' manning a checkpoint in Bentiu in early April 2014. While definitive numbers of child soldiers remain difficult to establish, given the history of the use of child soldiers by all armed groups in South Sudan and the inevitable loss of life of active combatants, the use of child soldiers is only likely to increase as the conflict continues.

The armed groups currently involved in the fighting have a long prior history of using child soldiers in active hostilities. The SPLA and SPLA/IO have been criticised for the recruitment and use of child soldiers. Military groups reportedly recruit children because it is cheaper and quicker.

Abduction of young boys and girls, and recruitment of very young children is regularly reported, with children increasingly detained and abducted at checkpoints. Although women and children report being able to move more freely than men, who are increasingly confined in isolated areas including UNMISS PoC sites, threats to the movement of children in the form of recruitment and abductions marks a further deterioration in the conflict.

UNMISS Child Protection and SPLA Child Protection Units are jointly working on a plan to prevent child recruitment within the SPLA. At present, child recruitment carried out by the SPLA/IO cannot be addressed by UNMISS directly. Without strategies to both prevent children from being recruited, including education initiatives and sustained livelihood interventions, and ways for working with all armed groups, children are likely to continue to be recruited throughout the country to participate or support hostilities. One of the key Disarmament, Demobilisation and Recruitment (DDR) challenges centres around a lack of resolution on how to address a system, which required demobilization into the SPLA in order to activate support through the established DDR process.

### **Forcible recruitment of adults?**

While the issue of mobilisation of youth and regional militia groups, such as the White Army and Equatorian Defence League, has been addressed above, the wider issue of enforced conscription risks being overlooked. In order to sustain a conflict, both the Government and Opposition forces require significant numbers of young men to mobilise and fight. The Protection Cluster has received reports of the names of between 5000 men per state or 2000 per county being requested by authorities to mobilise into armed groups. Protection partners are concerned that IDP settlements, including UNMISS PoC areas are points of



recruitment for men and children. In addition, IDPs who have left Opposition areas have reported that men have either stayed or been left behind to fight.

In addition, protection partners working in states such as Northern and Western Bahr El Ghazal, Western Equatoria have received reports of persons joining the SPLA because of the failure to pay the salaries of other civil servants and front line service providers. The lack of salary increase the likelihood of enrolment of individuals in armed groups, prolonging the violence and removing essential skills from the livelihood sector further undermining resilience to the effects of armed conflict.

### **Occupation of civilian infrastructure**

The occupation of schools has been a consistent issue throughout the conflict, and was a pattern before the most recent conflict. In addition to the destruction of health premises by armed actors, reports of hospitals and clinics being occupied by armed actors remains worrying of concern.

In locations such as Bor, where the SPLA committed to leaving the local hospital, which they had been occupying, the pattern by both SPLA and SPLA/IO has remained that during active violence and high casualties, armed actors have occupied and taken over health facilities being used for the treatment of sick and wounded. This was also observed when the SPLA/IO established an operational centre within the hospital in Bentiu.

There are strong indications that, as the conflict continues, public structures, in particular hospitals (and schools?), will continue to be controlled by armed groups during elevated levels of conflict/casualties. This creates significant challenges for humanitarian programming, hampering efforts to ensure that civilians injured as a result of the conflict receive safe and timely medical attention.

## **Increase in Local-Level Conflict and Tensions**

### **Land related conflict and tensions between displaced and host communities**

Protection partners are observing increased tensions related to land rights, separate from the issue of secondary occupation of homes. With the slow adoption of the Land Policy and Land Act at the end of 2013, tensions over land rights has left many people in South Sudan facing legal uncertainty in relation to their security of land tenure. Both returnee populations and populations who previously experienced large influxes of IDPs face a significant degree of uncertainty and reluctance to accept new IDPs into their communities. This creates challenges in enabling displaced populations to freely seek shelter in locations they perceive to be safer where they can be provided with basic services and assistance, including to areas within Eastern Equatoria or Warrap States which are adjacent to locations of active hostilities. At best, this creates a push factor by the potential host population of IDPs resulting in secondary and tertiary displacement for affected communities and at worst is potentially driving towards conflict between the 'host' and IDP populations.

The current situation of displacement also points to the high possibility of continued secondary occupation - already observed in Juba and Bor - of land and housing left behind by those fleeing violence by persons who were not the original, pre-crisis, inhabitants. In Juba teams observed the occupation of homes by SPLA and SSNPS who had been transported to Juba, in order to bolster the troops in CES and/or other locations. In Bor, the increase of IDPs arriving from Duk and Twic East Counties and potential other new arrivals again increases the opportunities for secondary occupation of homes and other land and property disputes.

In both Bor and Juba reports of IDPs from other locations occupying the homes of families who had previously been displaced point to the complexity of multiple displacements and risk exacerbating tensions or leading to further conflict over unresolved or simmering issues of property rights. Even if the May 9 Agreement holds, secondary occupation presents a serious risk of leading to additional community level violence, in addition to being a barrier to durable solutions.

A significant step towards addressing these tensions requires establishing clear land and property resolution procedures between displaced and host communities, who it must be remembered are also vulnerable in relation to food insecurity, low livelihood capacity and also at risk of a spreading conflict. While humanitarian actors seek to promote food security and livelihood capacity, the durability of these initiatives and the ability to negotiate space to accommodate IDP populations requires host communities to have the legal security to do this.

Expediting the Land Policy and reform of the Land Act are two clear measures that can be taken, as well as allocation of land for IDPs outside of PoC areas, for IDPs seeking to integrate locally, and gain access to local livelihood opportunities, as well as basic security of tenure.

## **Protection and UNMISS Protection of Civilians (PoC) sites**

### **Escalating tensions within UNMISS PoC sites**

The fluctuating populations in UNMISS PoC sites, including the re-composition of populations in Bentiu and Malakal, have created significant challenges for the humanitarian community and UNMISS. In Bentiu and Malakal, the respective control of either Opposition or Government forces had afforded an opportunity for some populations who feel safer when territory is under the control of respective armed forces, while also new population groups enter i.e one group leaves while another enters. This has resulted in increasingly entrenched groupings within PoC areas who feel trapped, and are unable to seek protection elsewhere since they may not have alternative safe locations to flee to.

Humanitarians and UNMISS have resorted to physically separating groups within the PoC area to reduce tensions and risks of attack inside PoC areas. Bentiu, Malakal and Juba PoC sites have all witnessed serious incidents of violence between ethnic groups seeking refuge

on the UNMISS base. In all sites, there is a concerning pattern of increased hostility among ethnic and national groups *because* of their identities. Ethnic targeting occurring throughout the country further exacerbates this pattern of hostility. For example, increased hostility towards Darfuri's in UN House after events in Bentiu where Darfuri civilians were killed based on their presumed affiliation to JEM. The escalating tensions have precipitated attacks against IDPs from other ethnic groups, humanitarians and others who have been inside the bases, sometimes resulting in fatal clashes and serious injuries to IDPs.

Protection partners have noticed a significant increase in rumours of imminent targeting or attack, with increased suspicions and anxiety among IDP populations. This has limited and negatively impacted relations among IDP communities, and between IDPs and national staff of NGOs working within PoC sites, with deep suspicion of South Sudanese of other ethnic origins, foreign nationals from neighbouring states, and on some occasions UNMISS and humanitarians themselves. The increased levels of violence in PoC sites, both in terms of inter-communal violence and violence against outsiders, is a result of conflating factors:

- Anxieties and mistrust mirroring the dynamics of the conflict taking place outside and around the country;
- The increased pressure from months with minimal assistance, precarious if not worsening living conditions and overcrowding;
- Continued harassment and assault by SPLA and other groups in the areas in and around the PoC sites and corresponding violence directed towards the SPLA, etc.;
- Growing frustration at living inside PoC sites and the challenging conditions within, frequently many times below accepted humanitarian standards and lack of opportunities such as education and employment;
- Inconsistent communication strategies by UNMISS and humanitarians resulting in heightening tensions and increased misunderstanding and mistrust.

Reportedly, women and children feel safer leaving PoC sites when the need or opportunity arises, or willing to substitute one risk - e.g. sexual violence and harassment – to mitigate another – lack of food or other goods. The profile of many, if not all, of the PoC areas are increasingly male-dominated. This observation should not suggest that because populations are male that they are inherently prone to increased violence, but rather that activities and interventions such as education and recreation activities targeting able-bodied males – in particular youth- are required to mitigate and reduce tensions.

### **Criminality inside PoC sites**

Criminality inside PoC sites, largely from domestic violence, petty theft and harassment has been a present and increasing issue raised by partners working on the ground. The formation of gangs- both social and criminal- has been increasingly observed, with many IDPs reporting that they are afraid of such groups. Of particular concern are individuals or groups that are engaged in acts of serious criminality such as rape, grievous assault, abductions and other violent behaviour.

Given a number of issues in PoC sites, the lack of recourse to justice for victims of crime has a significant destabilising impact inside the PoC site and is contributing to the escalating tensions inside PoC sites, the issue of criminality has placed IDP communities under further strain. The lack of trust by many IDPs in the SSNPS, SPLA and South Sudanese legal system has created a vacuum in justice in many of these areas. Self-established community justice mechanisms or community-led dispute resolution mechanisms to facilitate community response and de-escalate tensions; although these mechanisms have not been able to systemically address issues of gang violence and have at times created further protection risks.

The chiefs (where traditional community justice systems) perceive themselves to have been disempowered, as they are not allowed to use the traditional methods, including caning or lashing, to deal with problems that arise. They increasingly indicate that they cannot deal with issues such as drunkenness, fighting that might require detention or separation of individuals and that they want UNPOL to deal with these types of problems. However, it remains doubtful whether UNPOL has enough manpower to police the 70,000 IDPs currently sheltering on UNMISS bases. This means that despite explicit and repeat commitments, UNMISS is unable to provide a 24-hour presence at police posts within the PoC area. Moreover, even where serious security incidents are reported in a timely manner there are often delays in response time.

DPKO has issued guidelines to UNMISS on how to address these cases: including permitting detention, expulsion and handing offenders to Government authorities, including SSNPS. While welcoming steps to address criminality, the extraordinary punitive measures raise concerns including how to guarantee due process. It is noted that these measures place greater emphasis on the punitive actions taken against presumed perpetrators, which must be accompanied by preventative activities.

Activities that engage youth groups (including education), create safe spaces for women to gather, lighting in and around WASH facilities, increased and improved patrolling of IDP areas by UNPOL, or other mission actors, as well as other community oriented activities must be supported to mitigate against growing tensions and maladaptive behaviours.

### **Safety and Security around PoC sites**

The Protection Cluster and its partners have observed no significant change in the safety and security in the immediate perimeters of the PoC areas. While there has been sporadic patrolling and positioning by UNMISS outside of the PoC areas, this has not been consistent enough to act as a deterrent to violence, including reported rape, abductions, arbitrary arrest and detention, beatings and killings. In many sites, the PoC areas have large congregations of soldiers outside (e.g. Malakal), or nearby (Tong Ping and UN House) and 'youth' gangs (Bor), who are carrying out activities against IDPs. Male IDPs are increasingly engaging these armed groups, through activities such as stone throwing and verbal abuse.

As with the attack on the UNMISS base in Akobo in December 2014, the brutal attack on Bor PoC site on 17 April 2014 demonstrates the vulnerabilities of the PoC areas and the limited engagement by some Troop Contributing Countries of UNMISS. The incident in Bor PoC and

the rockets, which landed in Bentiu PoC, demonstrate the vulnerabilities of the PoC areas from direct attack by organized armed groups.

Hostilities and violence perpetrated by armed or organized groups against the PoC areas should be of paramount concern to UNMISS and the international community; but concerns regarding this should not supplant actions required against the daily violence committed in and around PoC areas. As the PoC areas lack appropriate space and services to enable communities to live totally within, people need to leave the PoC to bathe, collect food and water. Given that the provision of assistance in PoC sites is not sufficient to meet all the needs of the IDP population, people are leaving the relative safety of the sites to access local markets to supplement food, or buy items to sell inside the PoC sites, including prohibited items such as alcohol. The reports are that women are risking being raped, with accounts in some instances of women being raped on multiple occasions when leaving PoC sites to go to the market or on their way back, by armed groups at or near to UNMISS perimeter fencing.

Adequate patrolling has yet to be established to address these issues. The current system continues to require UNMISS to seek GRSS or SPLA clearance to patrol around perimeter fencing or market areas, which has often been rejected. In addition this undermines the ability of humanitarians to conduct activities such as upgrading or preparing PoC sites for new arrivals. While the Protection Cluster and other actors identified this practice in previous reports, there remains no significant change to the GRSS consent-based process for UNMISS patrolling. This means that even when will exists, in reality the patrol does not occur.

Other methods of patrolling or preventive presence which must be considered, given the limited resources of UNMISS Force include civilian protective presence or patrolling, noting that not all preventive activities have to be undertaken by armed UNMISS personnel and could be effectively implemented by civilian non-uniformed staff walking around the perimeter areas without weapons, similar to on-going humanitarian activities in these areas.

### **Freedom of movement from PoC areas**

Those who feel safe or desperate enough to leave PoC areas and have the resources to do so are making attempts to leave. While IDPs from sites such as UNMISS Tong Ping are also relocating to other locations in South Sudan, the primary trend reported is relocation across national borders. For the remaining populations, a sustained ceasefire is the most likely mechanism that will enable people to leave PoC sites and seek safety elsewhere.

Plans to assist relocation have to date been mired by challenges. Surveys conducted over the past few months by REACH and IOM demonstrate an intention and desire to leave PoC sites by IDPs currently seeking shelter with UNMISS. However, many of the locations identified at the outset of the conflict as potential areas have been mired and damaged by violence and would place individuals at high risk of further protection threats, famine and disease. Similarly, plans to enable return, such as the provision of transport vouchers from Malakal to Renk have been stalled due to the violence in Renk.

The volatility of the conflict and previously 'safe' locations turning into conflict sites has crippled any possibility of facilitated or enabled return. This, in turn, suggests that many persons in UNMISS PoC sites will remain there throughout the rainy season, for lack of other options. In this regard, humanitarians should continue to respond to the exceptional circumstances inside the bases, while advocating that both UNMISS and Government need to ensure adequate, humanitarian space. The steps required to complete the development of existing PoC sites and expansion of new PoC sites, as well as UNMISS security presence at PoC sites remains as, if not more, critical than ever.

### **Population influx and outflow to PoC areas.**

Over the course of the conflict, the numbers in PoC areas and the numbers of PoC areas has ebbed, following the patterns of the conflict. What has been observed is that while humanitarians race against the clock to provide minimum assistance, the PoC areas continue to be perceived by many people as the most viable place to turn- either for safety but also for assistance as peoples homes, villages and assets are being destroyed in the conflict. Civilians are fleeing to UNMISS County Support Bases (CSB) including in Melut and Nassir during periods of violence, and smaller compounds with fewer if any UNMISS forces and severely limited facilities to provide humanitarian assistance.

The recent mass influx of IDPs into Bentiu PoC is illustrative. Many of the new arrivals, when the SPLA/IO took control were actually Nuer anticipating SPLA reprisals in Bentiu if/when Government forces recaptured the town. Some IDPs reported that they had travelled from across Unity State into the PoC in Bentiu stating that they are there for the duration of the conflict due to a sense of insecurity. As such, the flow of populations has not necessarily followed the flow of conventional displacement patterns, demonstrating that the humanitarian community and UNMISS should be flexible in their understanding of how populations will relate to the PoC areas, including whether people of different ethnic groups would co-reside in the same PoC area.

## **Humanitarians and Protection**

Humanitarian actors, by virtue of their presence, interact with protection issues and can accordingly positively or negatively affect protection risks of those in need assistance. In South Sudan, humanitarian actors at the operational level have a very positive willingness to engage in localised protection interventions - integrating do no harm or community sensitive approaches to programming.

Despite this good will, the chronic lack of funding, lack of resources, and in the case of the UNMISS PoC sites, lack of space, has forced the humanitarian community to choose between multiple priorities, with protection at times being cast aside in favour of more immediately pressing response needs. The Crisis Response Plan for January-June was underfunded by 71% percent. The actual consequence of this underfunding is not only reduced coverage by humanitarian actors, but reduced quality programming which fully integrates the protection needs of the affected communities.

For example, within the PoC the lack of space, and/or inadequate use of existing space have meant that the installation of grinding machines for sorghum is limited. Sorghum cannot be eaten in its unground form, so largely (primarily) women need to leave PoC areas in order to grind sorghum and collect firewood for cooking, placing them at higher risk of protection threats – including increased vulnerability to some form of violence (as noted above).

While not the case in all PoC sites, in many the lack of space means there is not enough room within many areas designated to humanitarians for adequate child friendly spaces, locations to host medical, counselling and psycho-social support services for victims and survivors, spaces for education and other forms of recreation, which should in regular circumstances would assist in providing space to de-escalate tensions within PoC areas.

The patterns of funding has also seen the money concentrate on PoC sites which can provide the appearances of there being more services available inside the PoC sites than outside of it. In Juba in particular, the need for a much stronger urban response is required. In the absence of a perceived legitimate Government providing for some affected communities, including new people arriving – some of who are being brought by the humanitarian community to receive medical assistance or to be reunified with family members or provided protective accompaniment for onward travel. National NGO's and Community Based Organisations (CBOs) who can provide a safe and alternative option to Government services are over-stretched and receive very little funding. Access to referral pathways remains a pressing challenge given the conflict, which prevents access to already limited services, including medical services such as those found at the Juba Teaching Hospital.

As the conflict continues, humanitarians will continue to intersect with the conflict and therefore protection concerns – in order to assure both protective and conflict sensitive programming, adequate resources must be channelled to the appropriate humanitarian actors to ensure effective and sustainable programming, including through integrating protection impacts and mitigation measures into their analysis and programming.

## **Impunity for serious violations and abuses against civilians**

In January 2014, the Protection Cluster in South Sudan along with other actors warned of the significant risk that the month-old conflict could become entrenched along ethnic lines, including increasing ethnically motivated targeting of civilian populations.<sup>10</sup> In recent weeks, there has been a sharp focus on the scale of violence, marked by increased brutality in Malakal, Bor and Bentiu, with hundreds of bodies on the streets, reports of executions of civilians and deliberate targeting of women and children.

The visit of the UN High Commissioner for Human Rights and the Special Advisor for the Prevention of Genocide, in addition to comments made by senior international figures such as US Secretary of State John Kerry and South Sudan UN Humanitarian Coordinator Toby Lanzer, underscore the mounting concern that without sustained political engagement to

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<sup>10</sup> Protection Cluster Trends Analysis, 19 January 2014.

support the humanitarian response and the response capacity of UNMISS, the people of South Sudan will remain at serious risk of armed violence, with increasing risks of genocide.

While there are undoubtedly millions of persons in South Sudan who do not harbour intent of genocide towards their neighbours or others, recognising the potential trajectory of the conflict and the parties to the conflict is the first step to developing a coherent political response to this crisis. All efforts should be made to support and protect the people of South Sudan from violence. Dangerous and ominous practices such as the use of local radio stations to escalate violence should put the international community on high alert. In addition to the increased use of hate speech, the Protection Cluster notes with alarm the rhetoric of senior officials from both the Government and Opposition indicating support for violence, callous indifference to the life and welfare of all citizens, as well as a noticeable increase in provocative graffiti and the radicalisation of South Sudan youth groups.

Throughout the conflict there continues to be credibly outlined allegations of gross human rights violations, war crimes and crimes against humanity, including violations of international humanitarian and human rights law and serious abuses against the civilian population. This includes indiscriminate attacks and targeted extra judicial killings of civilians, including along ethnic lines, enforced disappearances, gender-based violence such as rapes and gang rapes, and instances of ill treatment and torture by forces from both sides of the conflict, targeting foreigners or nationals of South Sudan.<sup>11</sup> In addition to the wilful targeting of civilians, including girls and boys, other serious violations of human rights and grave breaches of humanitarian law, including blatant disregard for the life and welfare of civilians, have been documented. This has included wanton destruction and occupation of civilian property, including hospitals, schools and markets; razing of villages; sexual and physical violence; recruitment of children into armed groups and armed forces, and deliberate separation of families; blocking access to humanitarian goods, services and places of safety; attacks on humanitarian and civilian objects, including UNMISS PoC sites; and, attacks against civilians just outside but in close proximity to the perimeter of UNMISS PoC Areas.

Reports of grave breaches, violations and serious abuses continue to arise in the context of on-going and recent fighting – with patients found with signs of being killed at close range in their hospital beds in Malakal during attacks in late February.<sup>12</sup> Among others, the International Crisis Group and Amnesty have documented on-going violence and abuses targeting civilians.<sup>13</sup> Although public reporting by UNMISS has highlighted some of the national accountability mechanisms, the results remain unclear. An absence of serious, credible and transparent accountability measures could itself be a trigger for continued violence. With numerous reports that war crimes and crimes against humanity have in fact been committed, questions now arise for the broader international community on its

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<sup>11</sup> See, e.g., UNMISS Interim Report on Human Rights Abuses in South Sudan, 21 Feb 2014; Protection Cluster Trends Analysis, 19 Jan 2014, available at <http://southsudanprotectioncluster.org/>

<sup>12</sup> See, e.g., MSF Report, 23 Feb 2014, available at <http://www.msf.org.uk/article/south-sudan-medical-care-under-fire>

<sup>13</sup> See <http://www.crisisgroup.org/en/regions/africa/horn-of-africa/south-sudan.aspx>



obligations to address the accountability gaps based on recognized international legal standards, including under International Humanitarian Law.

## Conclusion

The violence experienced in South Sudan is shocking in scale and horrific in nature. The people of South Sudan risk being caught in a cycle of violence that precipitates other humanitarian threats, not least famine and disease outbreak, which in turn fuels further violence. The commitments made by the political and military leaders of South Sudan to stop violence offers the most immediate hope to the people of South Sudan, and any failure to adhere to this poses the greatest humanitarian threat. While the above document details many of the negative protection threats and issues, it would be remiss to ignore the commitment of South Sudanese humanitarian organisations, Human Rights Defenders, civil society and local authorities to the people of South Sudan. While collecting stories of deliberate violence and its corresponding threats, the stories of astounding bravery of people from South Sudan to protect their neighbours, regardless of ethnicity or political affiliation, and the desire for peace is told daily. Political processes such as the Addis Agreements and international gatherings such as those in Oslo, Norway create opportunities for real and realisable benchmarks towards protecting people, and will succeed if they involve the people of South Sudan at the core. While armed actors sign peace agreements, South Sudanese civilians will make peace real.