Protection Trends Analysis

January 19
2014

South Sudan Protection Cluster

Executive Summary

The current conflict has now reached one month, with all of South Sudan having experienced the effects of violence and displacement, including the reports of deaths of 10,000 civilians. Within the overall context of violence, there have been reported patterns and trends that point to concerns on the involvement of armed forces in targeting of civilians [in all cases 'armed actors' is used to mean *both* state and non-state armed actors]. Armed actors have been clearly identified by civilian populations as targeting, arresting and killing civilians. IDPs interviewed believe that armed civilians wearing military uniforms are among the perpetrators. There is a belief that police carried out the searching and targeting, and then handed victims over to the military for "execution." There have been consistent reports of civilians (primarily men) being detained, bound and executed. Teams have observed bodies with clear and sometimes deep lacerations on the wrist that are typically present on persons whose hands have been bound for long duration of time. Profiling of populations by armed groups – identifying ethnicity trough language test or recognition of typical scarification patterns - and killing of populations based on ethnicity has been raised as a way in which people are identified. There has been destruction of civilian property, including homes and markets.

"Me and my other four brothers were surrounded in our house by armed personnel, about eight of them and they had a car. We were taken into the car and then put in a room with twenty other people, many youths. They were from my tribe. There was a guard outside the room and we tried to overpower him but then armed people came and shot at us, people died, but I escaped". Respondent from Juba.

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Over a month since the beginning of the conflict, at the time of writing almost 500,000 people have reportedly been displaced due to insecurity and direct violence, over 60,000 are seeking refuge in UNMISS bases across the country. Humanitarian actors believe that many more across the country are or will be displaced. On 20th December the United Nations Security Council (UNSC) expressed concern that South Sudan is on the "brink of civil war," at the time of writing this concern appears to have become a reality, as armed actors continue their military engagement across the country and thousands more are believed to have been mobilised, re-mobilised and armed. As the International Crisis Group (ICG) reported "the blurred lines between institutions, senior political figures and ethnic communities– as well as wide-scale arms proliferation—make the current situation particularly volatile."[i] ICG has reported that at least 10,000 people have been killed within the first month,[ii] with the death toll likely to rise the longer this conflict endures.

In light of the current crisis in South Sudan, the Protection Cluster in concert with Protection Cluster partners and other analytical actors coordinated to develop a preliminary understanding of the general context and protection trends in South Sudan. The analysis is based on information that the Cluster is being provided predominantly through multi-sourced and credible direct witness accounts and testimonies; observations of protection actors; and media and other public sources. The information indicates the patterns and trends- *both real and perceived*- of persons affected by violence and displacement in South Sudan.[iii] This document is not intended to give a comprehensive overview of the entire situation, but highlight trends and observations that will pose questions of the international community in trying to address the protection concerns for the civilian population in South Sudan.

Throughout South Sudan, the civilian population has been the primary victim of ongoing conflict between and among armed groups- between and among elements of the Sudan People's Liberation Movement/ Army (SPLM/A) and opposition forces. [iv]This includes civilian casualties, targeting of property and allegations of targeting of specific individuals due to ethnic, political and/or community positions. Characterization of the conflict as a binary opposition between Kiir and Machar and therefore ethnic Dinka versus Nuer is simplistic and does not capture the gross interplay of complex political, economic and social grievances in which ethnic identities are and will be heavily manipulated for competing agendas. This is not to exclude current and real threats that are presently faced by Nuer or Dinka communities, but rather to point out that the potential for this conflict to become entrenched along ethnic lines is high and will impact multiple communities. Alliances between military and political actors are highly fluid and liable to shift, fragment, reconfigure in the coming weeks and months. The involvement of youth militia groups in the conflict has a strong potential to increase ethnically motivated targeting of civilian populations. It is also important to anticipate the threats to civilians from other ethnic groups, who have been vulnerable groups during previous periods of violence. As a result, civilians are and will be exposed to a range of severe protection threats, which this document seeks to capture.

- **Targeting of civilians by armed actors**

While actual numbers are not possible to verify, total numbers of civilian casualties are believed to be *at least* ten thousand. Humanitarian workers while attempting to provide assistance in conflict affected areas have witnessed dead bodies, and these represent a small proportion of those overall reported to humanitarian and human rights actors. Populations have consistently and repeatedly reported that there has been deliberate targeting of the civilian population by all parties to the conflict where armed hostilities are active. This includes identification of individuals, arrest and detention before killing people, with disturbing reports of mass killings[v] on multiple occasions.[vi] Protection and Human Rights actors have also received reports across the country of individuals being removed from lines at airports and other points of departure from States on the basis of their ethnicity, and killed.

Statements collected have indicated that civilian populations believe that they are being targeted due to their ethnicity. Some eye witness reports state that civilians are forced to wear military uniforms before being killed, to make the casualties appear to be military casualties**.**

> "People thought the coup was nothing to do with them and stayed in their homes, but then they [the opposition] came and started killing people." Respondent from Awerial, Lakes (originally from Bor, Jonglei)

> "The soldiers were beating people and looting their property. They were randomly shooting people. The men in the family have run away to the bush and we don't know where they are until now – 6 men have gone, my sons and grandsons. We went to our house and it was burned down. Everything was gone. All of the houses there were burned in the same way." Respondent from Eden, Juba. Originally from Nasir, Upper Nile.

There is also a perception that while violence is indiscriminate, young men are especially targeted. Protection and health actors are concerned about consistent reporting of civilians being searched for and targeted within government structures, such as medical centres, schools (including universities) and hospitals.

The destruction of civilian property is an additional marker of targeting of civilians. **In areas of high conflict, Protection teams and other actors witnessed widespread targeting of property, including break-in and entry, and the use of heavy artillery to destroy property.** This includes, but is not limited to, the reported razing of Bentiu town, the state capital in Unity.[vii] It is important to note that this pattern of wanton violence has also been observed in a number of other situations e.g. in situation of government counter-insurgency operations such as the targeting of the Bul Nuer community during armed hostilities between the South Sudan Liberation Army (SSLA) and Sudan People's Liberation Army (SPLA) in 2011; and attacks on Murle communities in Pibor County during operations against the South Sudan Democratic Army

(SSDA) in 2012-13. In each of these circumstances there were clear patterns of wanton destruction of civilian property, including medical facilities, and humanitarian property.

> "They were arrested because they were Nuer. They weren't my relatives, I just knew they were Nuer. When they kill you they throw you in the river. I saw this before I ran away." Respondent from Lologo, Juba. Originally from Bentiu, Unity.

Recommendations

1) Continue to promote messaging and actions that increase accountability for violations of international law and also ensure that civilians are protected from any further violence. Utilizing domestic justice mechanisms may not be appropriate or possible at this time so appropriate legal tools must be used. All parties to the hostilities must be held to account;

2) Appropriate monitoring must be conducted of local language mediums, including newspapers and radio, to identify hate speech and potential targeting of civilians. This includes monitoring and ensuring political engagement with all parties to the hostilities to ensure that they are not manipulating fears of any community in South Sudan for political and military ends.

- **Displacement trends**

The primary evident displacement pattern is population movement towards UNMISS bases seeking physical protection but there are increasing reports of persons displaced outside of UNMISS bases. These numbers have continued to swell since the outbreak of conflict on 15/16 December 2013. On 18 December[viii] UNMISS in Juba housed 34,000 number of IDPs, with no reports of IDPs in other locations. Currently, there is an estimated almost 500,000 IDPs in UN bases and other locations across South Sudan. While there have been some reports of modest decrease in numbers in IDP numbers in some UN bases e.g. Bor **at present there is little indication under current circumstances that a critical mass of people intends to leave these bases, based on the actual or perceived security situation.** In UNMISS Bor, Bentiu and Malakal, fluctuating populations have been observed based on perceived security threats or changes in control of territory - taking the opportunity for onwards movement or fluctuating back into the bases. In UNMISS Bentiu, humanitarians observed a demographic re-configuration of the base population, as groups predominantly originated from outside the Bentiu/Rubkona area took the opportunity of the change of control of the area to move out of the UNMISS base, and Nuer populations moved into the base.

Where humanitarians have access to discuss the displacement situation with affected populations, some persons interviewed indicated that they believe they will be targeted on the basis of their ethnic identity or that they may be targeted as 'defectors' or as supporting the opposition, hence **there is a deep reluctance to leave UNMISS bases** or return to the location of displacement (be it their place of origin or place of residence). At present, in Juba, those interviewed stated that if they were to leave the bases it would be to return to their home 'areas of origin' outside Juba, where there are relatives or community members with whom they feel safe, if and when they feel it is safe to travel there. In contrast, populations in Bentiu at the time of assessment (6 January 2014) noted that they wished to return home, as many are from outside Bentiu, or to travel onwards, but did not feel safe as they were 'surrounded by Nuer.'

It is anticipated that if there is any move to relocate civilian populations, either using UNMISS or humanitarian assets, or self-financed, this must be made in light of the severe protection threats (both possible and probable) facing the populations – by armed actors, both state and non-state – and upon consideration and implementation of risk mitigation measures. Further, any relocation of populations to and from UNMISS bases may well pose challenges to the perception of neutrality and impartiality of the humanitarian community and/or UNMISS.

Similar discussions with populations displaced outside of UNMISS bases in Awerial indicated a reluctance to move back to Bor in the near future, while conflict is ongoing. Those that could afford onward travel were moving to Juba or leaving South Sudan to claim asylum. Given population movement into Juba and the fact that UNMISS bases in Juba have reached both assistance capacity and have a chronic lack of space (less than 1 square metre per person in UNMISS Tong Ping), actors should be concerned about identifying an appropriate safe and protected space for the influx of new arrivals into Juba. **The Protection Cluster would caution against the creation of IDP camps as far as is possible,** as this gives an illusion of security that cannot currently be provided. The chronic lack of space in UNMISS bases is a challenge to absorbing new arrivals (see below: Protection threats within and around the perimeter of UNMISS bases), and it **increases the risk that new arrivals may squat or claim land and property of those that have been displaced.** In areas of new arrivals, assistance planning should take into consideration the pressure that will be placed on host communities in a situation where geographical areas must absorb a population influx. While displacement is largely due to active conflict, there are indications that people are engaging in anticipatory movements, in Unity and Upper Nile as well as in Juba, where populations were witnessed leaving towns in significant numbers. There are increased reports of people leaving South Sudan to seek refuge in

> "I will not move until the security situation is resolved because the conflict is now ethnic and it is better to go back to my own group in Pariang. I had been working in Bentiu for three years and now would like to return home." Respondent from Eden, Juba. Originally from Pariang, Unity State.

neighbouring countries. At the time of writing over 80,000 people have sought refuge in neighbouring countries.
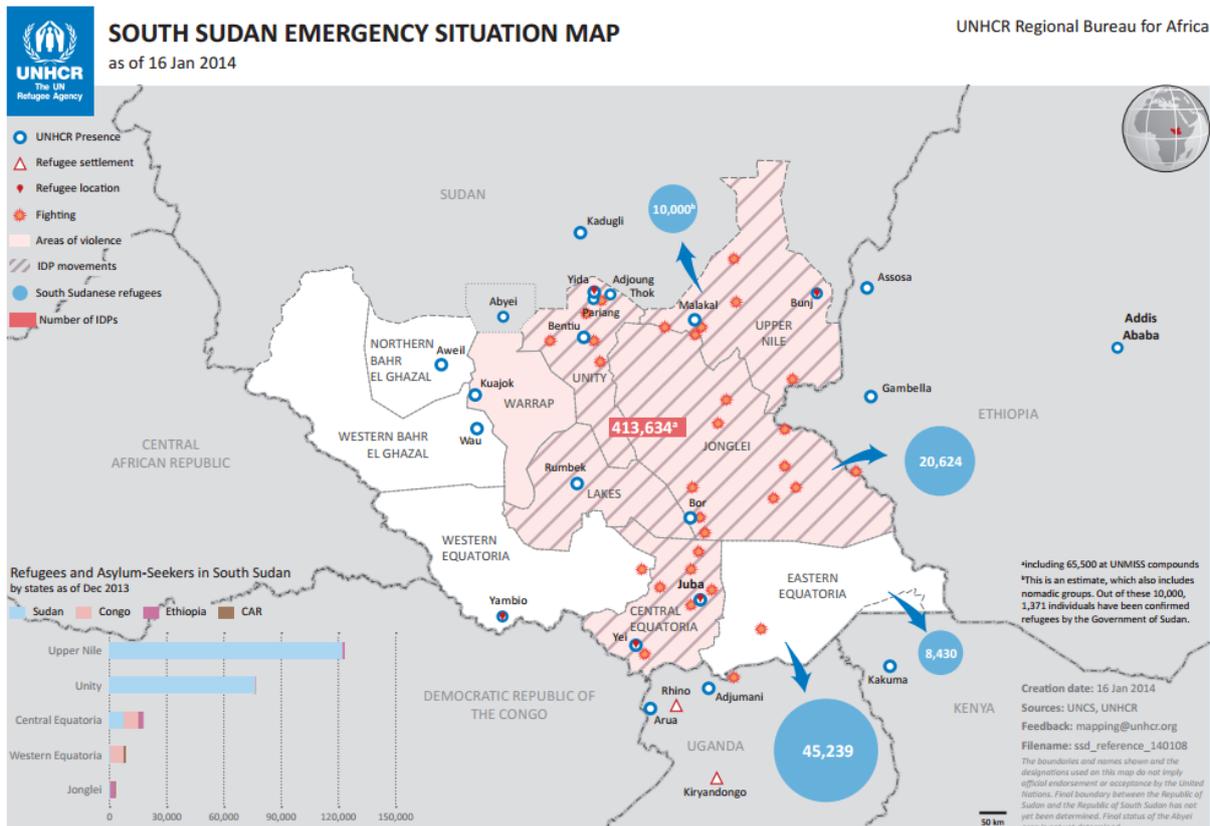
Ultimately the most significant question is on the conditions conducive to enabling the civilian population to return or move to a location of their choosing that they deem safe. More appropriate profiling of the populations will be required to explore triggers and enablers for return. At present, people are not leaving Protection of Civilians (PoC)[ix] areas in and around UNMISS bases in any significant numbers. The voluntariness of return must be a central view in understanding displacement and return, as there is potential for populations to feel under political or other pressures to return before they feel safe to do so. Already government officials have been calling on populations to leave the UNMISS bases, as an indication of the return to 'calm.' This is an early indication of the type of political pressure that may be directed towards populations to return to areas of displacement.

As the conflict either continues or one party gains some of form stable control over a geographical area, there is a risk of secondary occupation of land left by people fleeing conflict. This needs to be considered in particular in the context of conflict sensitive interventions and post conflict assistance activities.

As noted above, the issue of persons wishing to return to their 'states of origin' means **there is the significant potential that South Sudan may experience a significant reconfiguration of the population along ethnic/regional boundaries,** and humanitarians and other actors must be alert to this within their operations. Any discussion on humanitarian corridors or other means of facilitating large movements of populations should be engaged with cautiously, and not pre-empt efforts to create realistic community security throughout South Sudan.

Recommendations

1) Political actors should negotiate increased access to land to accommodate new arrivals into UNMISS bases. This is an activity of the utmost urgency. Outside UNMISS bases, the Protection Cluster cautions against encampment as a practice;

2) Support coherent collective profiling exercises which seek to better understand causes of displacement, as well as actions that will enable safe return, to inform programmatic response;

3) Assistance planning should take into consideration the pressure that will be placed on host communities in a situation where geographical areas must absorb a population influx;

4) Political engagement with all parties to ensure that the conditions for safe return are in place should people choose to move back their homes and rebuild lives and livelihoods.

Protection threats within, and around the perimeter of, UNMISS bases

The most significant threat being faced by populations within UNMISS bases, and around the immediate perimeter area, is active conflict directed at or near UNMISS bases because they are hosting civilians, e.g. Akobo and Bor, or potential collateral damage and damage due to conflict cross fire, e.g. Bentiu and Malakal. As a result of these threats thus far civilians, humanitarian workers and UN peacekeepers have lost their lives. **With populations contained within bases, the potential risk of casualties due to cross-fire and/or direct attack, or panic driven crowd control issues, is very high**

There have been very concerning reports, including eye witness accounts, of abductions of men by armed actors and affiliated in the immediate area outside of the Protection of Civilians area at UNMISS Westgate in Juba, and of abductions of men from within the PoC area in UNMISS Bor compound, where they were reportedly killed outside of the PoC area. The Humanitarian Coordinator noted: 'When I ended up moving to the airport [Sunday] evening, we saw some of the most horrible things that one can imagine ... People who were being lined up and executed in a summary fashion. This is done by people who are simply out of control.'[x] There have been reports of SPLA shooting at

civilians into the bases at night. Additionally, there have been allegations of women being raped in perimeter areas outside of the PoC area in Juba. UNMISS have taken measures to fortify both locations. It is encouraging that **these fortification measures are now being combined with other relevant deterrence activities, such as patrolling inside and around UNMISS bases.**

There is a perception that in some UNMISS bases armed actors have 'infiltrated' the PoC areas , and are observing who is in there. There is a large sense of fear in terms of security within the bases and concerted **rumours of armed actors entering the UNMISS bases to identify and arrest individuals . Rumours and reports of 'death lists' and 'assassination lists' have heightened anxiety of displaced populations.** This is an issue that will need to be taken into critical consideration by operational actors attempting to provide assistance within bases – in terms of community trust with relevant authorities (formal and informal). The recent rejection of Ministry of Health staff to conduct a vaccinations campaign within the population of over 17,000 IDPs in UNMISS Tong Ping is a profound reflection of the distrust of authorities, and anxiety of the base population. Operational actors will need to have this at the forefront when hiring and deploying staff, engaging in cooperative assistance with relevant authorities and qualified staff and when sharing information on humanitarian activities.

The carrying of arms within PoC areas is increasingly being reported in UNMISS bases, with 'stop and search' and 'weapons sweeps' being conducted. UNMISS and UNPOL have reported confiscating arms at entrances to the bases. Recruitment of adults and forcible recruitment of children is a growing concern within and outside of UNMISS bases. **The combination of arms, recruitment and mobilisation is a concern for the escalation and prolongation of conflict outside of the bases, but also for triggering conflicts within bases**. At present, given the nature of agreements with Government of South Sudan on how to demobilize and disarm children associated with armed forces and groups (CAAFG), it will be challenging to address DDR activities without changing the framework of engagement on this.

Teams in sites note the very high number of youth in UNMISS bases, which is irregular in comparison to other displacement sites in South Sudan. This both points to the perception of insecurity outside the bases, but also the challenges in maintaining community cohesion in the PoC areas, since protection monitoring within bases has noted an increase in unruly youth and alcohol/drug abuse. It will be critical that community based programming is engaged within the PoC areas of UNMISS bases to address tensions and early warning where possible. Similarly, the UNPOL patrolling of UNMISS Tong Ping should be up-scaled and continued in all other locations.[xi] Sexual and gender based violence is a growing concern in over-crowded base populations, that expose individuals and communities to risk.

Child protection concerns are acute within the PoC areas of UNMISS bases. **Family separation is a common feature of displacement in South Sudan due to rapid/un-planned flight or as survival mechanism in itself.** Child Protection actors in UNMISS bases in Juba have noticed that displacement patterns have included families coming in waves, i.e not as a complete family unit – leaving behind either acutely vulnerable family members, such as the elderly or the disabled, or young men staying

back to protect property. Family tracing and reunification activities have identified families who were separated during displacement.

As populations inside the bases swell, child protection actors are noticing an increase in families being separated within the base itself, e.g. when mothers go to collect water or at distribution points. This is and will continue to cause challenges for humanitarian actors providing assistance at distribution points, given the inability to engage in mass registration of populations and identifying unaccompanied and vulnerable minors. The lack of physical space within bases makes it difficult for child protection actors to create child friendly spaces and undertake other activities such as emergency education that would promote the safety and wellbeing of children and youth.

Within the bases, there continue to be mixed population groups, including Dinka, Nuer and Murle (as well as foreign nationals and refugees) in the UNMISS bases. Maintaining community cohesion will be a challenge. **Tensions arising from frustrations and any potential new influx of populations will need to be addressed carefully** to reduce potential conflict and risks to individuals/community groups.

The lack of space inside the bases has already resulted in tensions and violence, in which some young children were also stabbed when fights broke out over lack of space. The population in UNMISS Tong Ping are reportedly living in a space of less than 1 square metre per person. Humanitarians, with UNMISS, are looking into measures to relieve the population size in UNMISS Tong Ping by relocating populations and extending the PoC area in UNMISS UN House. These efforts are considerable but all actors involved recognise that this is only a very temporary solution, with **UN bases reaching capacity across the country and humanitarians only able to provide assistance well below the internationally accepted minimum standards.** As this conflict endures, engagement with all appropriate actors to release land will be essential, as well as UNMISS extending its PoC mandate to encompass extended or new sites, as civilians are unlikely to move to any location they consider being less secured.

Recommendations
1) As with above, negotiation on land for growing base population is an issue of utmost urgency;

2) UNMISS/UNPOL continue and expand patrolling efforts within and around the perimeter fence of bases and within PoC areas. This should be as far as possible, on foot and with a coherent community engagement strategy. Recently deployed Formed Police Units should be prioritized for this task as well;

3) Continue to support Protection actors who are engaged in protection monitoring, community based programming and service provision, to strengthen protection assistance and promote early warning systems.

Protection threats outside of UNMISS bases.

The chronic WASH, shelter and health needs among the population affected by the conflict constitute a revealing statement in itself. The commendable efforts by agencies in the provision of these services aside, **the willingness of populations to live in overcrowded areas where only the most basic services are available demonstrates their perception and fear of what lies outside UNMISS bases or upon return**. Many state that that they are worried about what will happen to them if they leave the bases or return home. Potential hate speech and enduring conflict escalate the risks of conflict both within and outside of UNMISS bases.

In addition to formal armed groups, including elements of the SPLA and opposing forces, armed youth movements will bring an additional challenge in the conflict. **Recruitment (including forcible) and mobilisation of children and adults into both formal armed groups and youth militia is an issue of significant concern.** Additionally, witness accounts of 'gun drops' (i.e. arming) and large scale collection of uniforms, planning discussions on potential attacks and shifting military and political alliances do not suggest de-escalation in conflict.

Threats associated with pre-emptive displacement, including looting of property, armed conflict/banditry on exit routes, etc., will continue to be a concern, particularly if populations travel in large groups, as well as potential risk of attack. Protection teams have been receiving reports of barges and other convoys being attacked. Freedom of movement has already been a recorded challenge for people, with reports of checkpoint areas in Juba; prohibition of travel for residents out of Jonglei and Unity states; and persons pulled from queues at airports and, in cases, killed.

There are growing pockets of displaced people within urban areas, e.g. in Juba, as they do not feel it is safe to proceed to UNMISS due to a range of factors, including insecurity of getting from point A to point B, and/or strong belief it is unsafe for people of certain ethnic groups to move to a base that is comprised of other ethnicities, due to perceived or actual threats.

Longer term insecurity can be fuelled by increase in the price of/or lack of oil, fuel, and food. Previous incidents, such as conflict in Pibor County, have revealed that the payment of armed groups should be observed as a potential trigger for insecurity – including looting and further displacement, as well as destruction of civilian property.

- **UNMISS and Chapter VII mandate in South Sudan**

Given the population numbers that have moved to UNMISS bases and the extreme challenges of the Mission to meet the humanitarian needs of the affected population, humanitarian actors are now providing assistance within the bases, including WASH, non-food Items and shelter, health services and food, as well as general protection, GBV and child protection support. While humanitarians are engaged in assistance activities, **it must be clearly remembered that these areas are and remain military bases, with UNMISS having ultimate responsibility for the Protection of Civilians there within**. While it may be simpler to refer to these areas as 'camps,' given the protective presence provided, these are Protection of Civilian areas within bases.

Though UNMISS has opened up its bases to enable civilians under threat of violence to take shelter in these sites, and has attempted patrolling in Juba and Malakal, it faces challenges in exercising its Chapter VII mandate. It is important to recall that in July 2013, the mandate language was changed to reflect the diversity of sources of threats of violence, and to enable UNMISS to act irrespective of the source. Yet, UNMISS is required to seek assurances and permission from the Government of South Sudan to conduct activities, including the deployment of troops. This continued need to seek authorization for movements from a party to the conflict introduces a restriction and a challenge for patrolling and other Protection of Civilians activities, and therefore has significant implications in terms of the ability of UNMISS to exercise its PoC mandate in a neutral and impartial manner. The night patrols in Juba town are a clear example where UNMISS have attempted to take protective/deterrent measures but requests to travel around Juba were denied by government authorities, and/or are accompanied by SPLA liaison officers. These officers, regardless of their titles, are perceived by the civilian population to be a direct threat to their well-being in certain areas. UNMISS neutrality in such a situation may be readily questioned by the civilian population, as well as by potentially any opposition group that is unable or unwilling to distinguish between roles and responsibilities within the SPLA.

Furthermore, in Juba, there are allegations of ongoing killing of civilians at night, displacement of populations and allegations that bodies are being moved at night. This has created challenges for UNMISS to be able to leave the perimeters of the bases, where there have been reports of armed actors, including elements of the SPLA, firing into PoC areas, and of abductions/rapes in the immediate vicinity of the bases.

Information sharing protocols, specifically with parties to the conflict, continue to be a concern for humanitarian Protection actors. The sharing of information on issues such as who is within UNMISS bases, specific incidences and allegations, and population movements, for example, with a party to the conflict places significant risk to civilian populations. Additionally, UNMISS will have to ensure that decisions by UNMISS are independent of analysis and prioritisation of parties to the conflict, to allow a neutral engagement.

The use of force protection in enabling humanitarian assistance will have to be considered with caution. Incidences in Bor and Malakal where humanitarians had to negotiate their own access with armed elements point to the ability and/or willingness of UNMISS to engage in force protection activities. This poses increased challenges for humanitarian actors once force multipliers are deployed. Humanitarians must ensure a clear distinction of humanitarian assets, including air and freight assets, from those of UNMISS.

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[i] The opposition forces currently comprise of: SPLA defections under key commanders, non-state armed actors such as the SSDA and SSLA, formalized armed youth groups or armed militias e.g. White Army and possibly other

groups including the former Mundari forces. These groupings are all fluid and must be understood as shifting based on strategic and opportunistic agendas.

ii http://www.nytimes.com/2014/01/10/world/africa/new-estimate-sharply-raises-death-toll-in-south-sudan.html?_r=0

iii Some of the information has not yet been corroborated but is included in this analysis because perception of threat and risk impacts the choices that civilians make and either contributes to de-conflicting tensions of exacerbating them. Therefore, the Protection Cluster and its partners consider perceived threat to be as important as actual threat when analysing causes of displacement, prolongation of displacement and solutions towards safe return.

iv The opposition forces currently comprise of: SPLA defections under key commanders, non-state armed actors such as the SSDA and SSLA, formalized armed youth groups or armed militias e.g. White Army and possibly other groups including the former Mundari forces. These groupings are all fluid and must be understood as shifting based on strategic and opportunistic agendas.

v A mass killing is the act of murdering a large number of people, typically at the same time or over a relatively short period of time

vi In order not to compromise the activities of UNMISS Human Rights and other credible investigations, this brief does not contain any information relating to specific cases.

vii Enough Project have uploaded images of destruction of civilian property by armed groups http://www.flickr.com/photos/enoughproject/sets/72157639691311825/

viii When the international humanitarian community was able to move to assess the unfolding situation.
ix Protection of Civilians areas is a term used to describe the physical space in which civilians who perceive themselves to be at risk can seek refuge in.

x UN Humanitarian Coordinator, BBC 23 December 2013   http://www.bbc.co.uk/news/world-africa-25487084.

xiBeginning 28 December 2013, a Protection Cluster partner and UNPOL began patrolling of within UNMISS Tong Ping. This is a welcome initiative, although needs up scaled, night patrolling and be cautious in regularizing the patrols at set times to the point of predictability.