

UNITED NATIONS



الأمم المتحدة

United Nations Mission in the Republic of South Sudan

**Flash Human Rights Report on the
Escalation of Fighting in Greater Upper
Nile.**

April/May 2015

29 June 2015

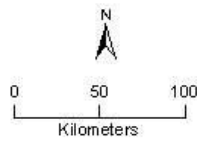
South Sudan - UNMISS Human Rights Division

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 Data source:
 Internal boundary: SSMIS
 Other: UNJLC, UNMISS O/S

- State capital
- Town
- Primary
- Secondary
- Major river
- Canal
- Fresh water marsh
- International Boundary
- - - Undetermined Boundary¹
- Administrative Boundary
- State Boundary
- County Boundary
- ▨ Abyei region^{2,3}



I. Introduction

1. Eighteen months after the start of conflict in December 2013, during which the scale and intensity of fighting has vacillated, fighting flared again in April 2015 and has been accompanied by allegations of serious human rights violations and abuses. Within days after the latest fighting started, the United Nations Mission in South Sudan (UNMISS) Human Rights Division (HRD) started receiving reports from civilians fleeing the fighting from rural areas in Unity and later from Upper Nile and northern Jonglei about alleged killings, rapes and abductions, along with the looting and destruction of civilian objects and humanitarian assets.

2. In accordance with its mandate to monitor, investigate and report on such allegations, HRD started interviewing civilians arriving at the protection of civilians (PoC) sites in Rubkona/Bentiu and gathering information from various partners operating in the areas. Parallel contacts were established with the Sudan People's Liberation Army (SPLA) and government officials, in addition to the Sudan People's Liberation Movement/Army in Opposition (SPLA/M-IO), to gain access to the sites of alleged human right violations and seek further information about allegations. HRD has been able to gather information from various sources that confirm the upsurge in fighting in several parts of Unity, as well as in Upper Nile, painting a grim picture in the aftermath of the fighting of its impact on the civilian population in these areas.

3. The upsurge in fighting and associated allegations of atrocities in Greater Upper Nile has drawn widespread condemnation from international actors, including various senior United Nations officials, the African Union, diplomatic missions and human rights organizations. HRD hopes that this report will contribute to the efforts to bring an end to the violence, to hold perpetrators to account for the human rights and humanitarian law violations that they have committed against civilians, especially women and children, and end the pervasive and persistent impunity.

4. Information included in this report was gathered in accordance with the human rights monitoring and investigations methodology developed by the Office of the United Nations High Commissioner for Human Rights (OHCHR). Incidents have been reported only if informed consent was obtained from the source, and only if no protection risk was posed by its disclosure. This report documents some of the allegations of human rights violations received in April, May and early June 2015, but it should not be considered conclusive. This report merely aims to shed light on what HRD has been able to gather so far to complement information that has been reported by other actors and to offer an initial glimpse into new and disturbing levels of violence.

5. HRD is pursuing efforts to interview victims, survivors and witnesses and investigate sites of the alleged violations as access permits, and as fighting continues. Following the recent attacks, UNMISS has contacted SPLA to gain access to reach the scenes of the extensive violence – as much of the violence has occurred in rural locations without any UNMISS presence – but access was regularly denied. Indeed, during the period when most of the attacks took place, the SPLA had imposed restrictions of movement on UNMISS and humanitarian actors, thereby preventing possible human rights investigations and humanitarian action in affected locations. This has caused delays in human rights investigations and the loss of crucial information.

6. Following the attacks that began in April, HRD had by the time of writing been able to interview 115 victims and witnesses, consisting predominately of females, from several villages in Rubkona, Guit, Koch, Leer and Mayom counties in Unity. From 26 to 29 April, UNMISS was not allowed to move anywhere in the state, while movement was allowed sparingly between 1 and 25 May, and only then between Rubkona and Bentiu, but not to locations where most of the alleged human rights violations referred to in this report took place. The first mission to such a location took place on 26 May, when UNMISS conducted a mission to Nhialdiu. A second mission was conducted to Koch on 27 May, and a third on 29 May to Ngop in Rubkona County. Preliminary findings from these locations and other materials including satellite images and photos are consistent or corroborate most of the testimonies collected from victims and witnesses.

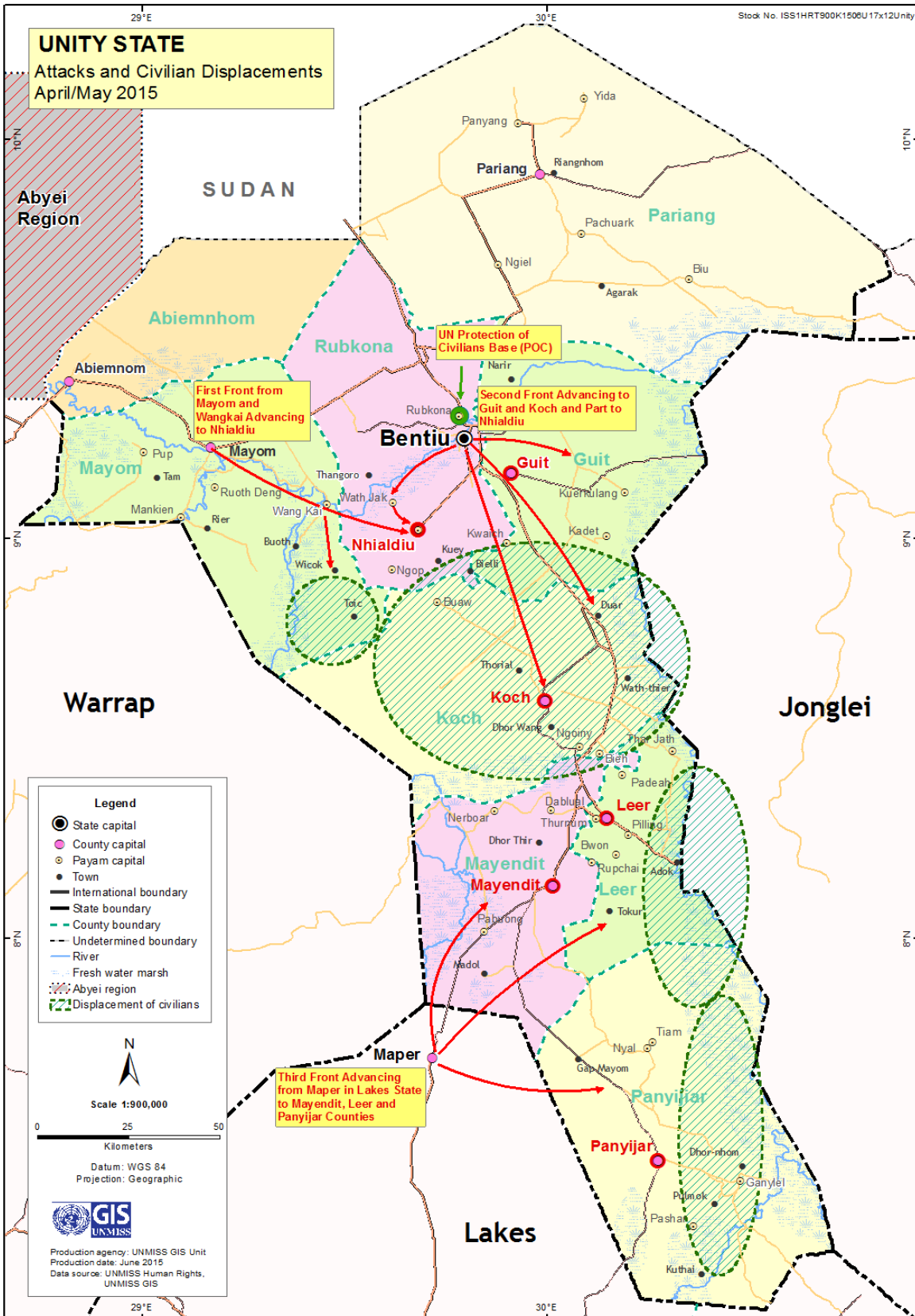
7. UNMISS is currently planning investigation missions to additional locations of alleged human rights violations and therefore is encouraged by the recent announcement by the SPLA spokesperson that it would facilitate access to the areas affected by the conflict. UNMISS is awaiting the opportunity to investigate and verify the allegations. Every day without access diminishes the chances of encountering critical information and increases the likelihood of continued impunity.

II. The Upsurge in Fighting

8. After an initial phase that included fighting in the capital, Juba, in December 2013, the conflict in South Sudan has since then been largely concentrated in the northeast of the country in the Greater Upper Nile region, especially affecting the states of Unity and Upper Nile, as well as the northern part of Jonglei. The intensity and scale of the fighting has vacillated since December 2013, with spikes in April and October 2014 for example, along with periods of lull. This has meant almost persistent instability for the civilian population in these areas and serious deprivations of their basic human rights.

9. Since the last week of April 2015, an intense surge of fighting in Unity has been followed by the defection of the formerly SPLA forces under the command of Johnson Olonyi in Upper Nile, leading to violent battles for Malakal and Melut. In Jonglei, meanwhile, recent reports indicate that such north-western areas as Fangak, Canal, Ayod and Duk have witnessed clashes.

10. From witness accounts and UNMISS observations of the fighting in Unity starting late April, it appears that government forces attacked villages from three fronts in different directions: from Mayom into Mayom and Rubkona counties (first front); from Bentiu into Guit, Koch and Leer counties (second front); and from Lakes State into Mayendit and Panyjar counties (third front). [*See map showing the attacks and civilian displacements.*]



Government forces from Mayom attacked villages south-east of Mayom county. Between 25 and 26 April, the forces attacked Buoth, and then proceeded to Wicok. The forces then advanced from Wicok, joining the second front which advanced south-west from Bentiu and Rubkona on 29 April, to attack and capture Nhialdiu, which had been the headquarters of the opposition for almost a year. Dozens of villages were attacked along the way.

11. Secondly, government forces attacked Nhialdiu and then moved east and south-east of Nhialdiu, and southerly from Bentiu to attack villages in Guit and Koch counties – capturing Guit and Koch on 30 April and 8 May respectively. An UNMISS mission to Koch on 27 May revealed that the town was not then in control of either side.

12. Finally, government forces and armed militia from neighbouring Lakes attacked Mayendit, Leer and Panyjar counties between 15 and 19 May.

13. Attacks on these locations uprooted thousands of civilians, who fled into the wilderness with little chance to reach the UNMISS PoC site in Bentiu. This was in part due to existing SPLA defence rings around Bentiu and Rubkona. There is also evidence of the establishment of a new ring and additional checkpoints by the SPLA in the vicinity of the UNMISS PoC site, which, though set up to prevent opposition movements, appears to have deterred or pushed civilians further away from any form of protection.

14. Furthermore, witness testimonies indicate that the opposition forces were overrun by the government forces and armed militias. For several months prior, the opposition had managed to hold control of all southern counties, repulsing government forces each time they attempted to attack. This had apparently created a certain level of confidence among civilians population living in the opposition controlled areas, so that when the government forces launched attacks in April, most civilians were probably confident that the opposition would defend their territories. This did not happen, however, and most civilians, mainly women and children, were caught unprepared in their homesteads.

15. The nature and level of the new alleged human rights violation point to the further ethnicization of the conflict represented by the introduction of associated armed groups comprised of militias drawn from specific communities. Lacking military training, militias from the various ethnic sub-groups of the region have been armed to serve largely as auxiliaries to more conventional forces. Such non-traditional armed groups tend toward indiscipline and lack of customary respect for the authority of elders.¹ The new tactics also appear to invite retaliatory strikes, as exemplified by an alleged SPLM/A-IO ambush of a government vehicle transporting civilians at Guit Junction in Unity on 7 June that left several women and children dead and others wounded.

16. Notable in the attacks in Rubkona, Guit and Koch counties was government forces' reliance on such militias from particular ethnic sub-groups, exploiting but also deepening rifts between ethnic

¹ The rise and development of militia groups since the split in the SPLM in 1991, especially those comprised of youths, are given fuller treatment in Edward Thomas, *South Sudan: A Slow Liberation* (London: Zed Books, 2015), pp. 194-206 and 223-239.

sections. Following these attacks, for example, a major conflict erupted between ethnic sub-clans in an UNMISS PoC site in Juba on 11 May, resulting in deaths and injuries. If fighting continues, the risk of further divisions and potential problems will likely increase in the PoC sites in Bentiu, Malakal and Juba. Given the large number of IDPs still seeking refuge at UNMISS PoC sites, this threat presents a real challenge for protection of civilians within the site. UNMISS is currently working on mitigating measures.

17. Thousands of civilians have been displaced by the recent fighting – mainly fleeing to swampy areas where SPLA’s mobility is hampered by an absence of roads, including river banks and bushes. In these locations, civilians often depend on water lilies and fish for food, while drinking river water. There have been estimates that over 100,000 civilians in Unity have been uprooted from their homes since the attacks began in late April.² The UNMISS PoC site in Bentiu has thus far registered and verified over 28,000 additional arrivals between 29 April and 15 June 2015, chiefly women and children, while additional verification is ongoing. At the time of writing this report, civilians continue to arrive at the site, after government forces vacated some of the checkpoints and routes that displaced civilians are using to reach the site.

18. In Nhialdiu, Guit, Koch, Mayendit, Panyinar and Leer counties, humanitarian organizations were forced to close down and evacuate staff, while their facilities, including schools, health clinics and compounds, have been looted and vandalized barely one year after their establishment, following repeated bouts of destruction by opposing sides. Even though attacks may subside with the arrival of the rainy season, thousands facing a dire humanitarian situation will have to wait once again before facilities can be rebuilt to provide them with most needed basic services.

19. The escalation of a humanitarian crisis can also be closely related to abuses of human rights and serious violations of international humanitarian law. In addition to alleged violations as a direct result of the fighting, alluded to in this report, other possible violations tied to the humanitarian situation include denial of humanitarian relief; destruction of property; violations of physical and mental integrity; and unlawful displacement of civilians.

III. Allegations of Human Rights Abuses and Violations

20. A failure both by the government and anti-government forces to protect civilians from violence has marked the crisis since its beginning. This recent upsurge, however, has not only been marked by allegations of rampant killing, rape, abduction, looting, arson and displacement, but by a new brutality and intensity, including such horrific acts as the burning alive of people inside their homes. (*See image 1*) The scope and level of cruelty that has characterized the reports suggests a depth of antipathy that exceeds political differences.

² Amnesty International, *South Sudan: Escalation of violence points to failed regional and international action*, 21 May 2015: <https://www.amnesty.org/en/countries/africa/south-sudan/>. According to the International Organization of Migration’s Crisis Response Displacement Tracking Matrix for South Sudan from May 2015, over 170,000 individuals have been identified as displaced in Unity state alone, presumably since the beginning of the conflict in December 2013.

Image 1: Burnt residential tukuls—Nhialdiu.



21. Among the most serious allegations that have been received are those concerning the abduction and sexual abuse of women and girls by government forces and affiliated armed groups. Conflict-related sexual violence has marred the conflict since its beginning, but reports of rape have increased during the current wave of fighting, particularly in Unity and Upper Nile. Children have also repeatedly been observed in uniform or carrying weapons, or both, in the company of both the SPLA and SPLM/A-IO and their associated armed groups. UNICEF on 18 May indicated that dozens of children in Unity had been killed, raped and abducted in recent weeks.

22. According to testimonies from Unity, at least 172 women and girls have been abducted, while at least an additional 79 were subjected to sexual violence including gang-rape. For example, a survivor from Koch County narrated to HRD how she was dragged out of her tukul and gang-raped alongside her neighbour by government soldiers in front of her three-year old child. The soldiers then taunted them that they would appreciate what men from Mayom County were made of. In another instance, a witness from Rubkona County narrated that she saw government forces gang-raping a lactating mother after tossing her baby aside. While in another case, two witnesses from Nhialdiu narrated how a 17-year-old girl was gang-raped by armed militia who shot her dead. In at least nine separate incidents, women and girls were burnt in tukuls after being gang-raped, particularly in Boaw Village of Koch County. In at least five villages in

Rubkona, Guit and Koch counties, women and girls were shot and killed after they were subjected to gang-rape.

23. According only to those interviewed, at least 67 civilians were killed in recent attacks in Unity. Approximately 40 civilians are reported still to be missing – mainly boys who may have been forcibly recruited. There appears to be a consistent pattern in all the villages where attacks took place; namely of government forces burning tukuls after looting, including theft of animals. Humanitarian and civilian objects – including schools, health facilities and properties of humanitarian organizations – were also targeted, looted and vandalized. (See image 2)

Image 2: Vandalized Koch Health Facility.



24. HRD has received at least nine allegations of torture or cruel treatment, referring to victims being subjected to beating so that they would reveal the whereabouts of opposition forces. In one disturbing incident, government forces placed a burning-red coal in the palms of a woman and squeezed her palms into a fist, in an apparent attempt to force a confession about whereabouts of the opposition forces and the location of cattle.

25. These figures are certainly an under-representation of the actual magnitude of violations, as they capture only those victims whose names were provided to HRD. There are additional reports of heinous

violations against civilians, where names of victims or specifics of the incidents were not provided to HRD and are therefore not included in this account.

26. Due to the recent surge in fighting, as indicated above, an additional 28,000 IDPs have sought refuge in UNMISS PoC sites in Unity, out of an estimated 100,000 displaced in that state.³ It is difficult to ascertain where the majority remainder of those displaced in Greater Upper Nile have gone, but multiple reports indicate that most have waded into the many swamps in these areas where they may be temporarily out of the reach of the fighting forces. Some have reportedly tried to reach the UN PoC sites but may have been prevented from doing so. The presence of armed elements around the PoC sites in the three state capitals in Bentiu, Malakal and Bor has also posed threats to those already inside. The ongoing fighting outside has not only resulted in injury and death among the displaced seeking safety in the sites, but has also recently sparked a dynamic of inter-ethnic or even inter-communal violence among rival groups inside the sites.

27. Following the attacks, many groups of civilians attempted to make their way to reach the UNMISS PoC site in Bentiu. In Rubkona County, SPLA forces enhanced existing checkpoints or established new ones, thus preventing civilians from reaching UNMISS PoC base for humanitarian assistance. UNMISS received reports that many checkpoints were set up in the bushes and around or in the vicinity of the PoC site, preventing vulnerable civilians from approaching the base. Indeed, many of those that came across these checkpoints were attacked, arrested, subjected to sexual violence, torture or killed.

28. A long history of conflict in the region has encouraged those living in its towns and villages to resort to remote refuges during times of danger or uncertainty, but their traditional coping mechanisms may not suffice this time. As the rebellion spread across Unity, Jonglei and Upper Nile in December 2013, the region was already the most food-insecure part of the country.⁴ Conditions since then have hardly been conducive to food production and adequate standards of living. The looming humanitarian crisis may prove to be at least as devastating to the civilian population as the direct impact of the violence has been so far.

IV. Perpetrators and Command

29. Witness testimonies indicate that attacks on villages in Rubkona County were carried out by government forces with the support of armed militias or armed youth from Mayom. The SPLA forces were reportedly led by a Major General from the integrated South Sudan Liberation Army (SSLA) who advanced to Wicok and Nhialdiu from Wangkai in Mayom. Together with a senior county official for Mayom, they commanded government forces and armed youth who allegedly played a major role in looting and burning of homes and abduction of women. Such information has been provided and corroborated by witnesses. One witness indicated that a local chief in one of the villages in Rubkona

³ Throughout the country, UNMISS hosts more than 135,000 displaced persons according to the most recent figures.

⁴ See joint WFP/FAO press release of 7 March 2014: <http://www.wfp.org/news/news-release/south-sudan-conflict-reverses-progress-food-security>.

County confronted the Mayom county official (apparently because the chief knew him) and asked him why he was leading youth to harm civilians and steal their properties.

30. Attacks in Guit and Koch counties were carried out by government forces and armed youths led by two SPLA brigadier generals from the integrated SSLA and a senior county official for Koch County, according to witness testimonies. Such information was provided and corroborated by several witnesses.

31. Lastly, attacks in Mayendit, Leer and Panyjar counties were reportedly carried out by government forces and armed youths from neighbouring Lakes State. So far UNMISS has been able to interview only one witness in relation to this. However, opposition officials have informed UNMISS that a senior county official from Rumbek East County was among the commanders.

32. In each of the attacks, the government forces were identified by their uniforms, insignia, tribal marks, language and known acquaintances. Armed militia or youth who also took part in the attacks carried AK-47s, or simple or crude weapons such as spears, machetes and sticks.

V. Engagement with State and Non-State Authorities

33. On 15 May, UNMISS sent a letter to the SPLA and civilian authorities requesting the SPLA to allow unhindered movement of civilians fleeing conflict and ensure their safe passage to UNMISS PoC site, urging them to protect and respect the human rights of all. In subsequent meetings with state officials UNMISS called on them and the SPLA to guarantee UNMISS personnel's freedom of movement to locations where human rights violations had occurred and to allow freedom of movement for all civilians.

34. On several occasions, UNMISS contacted the opposition in Unity state to advise them that civilians should not be prevented from seeking protection at the UNMISS PoC site or any other locations where they may wish to seek protection and assistance, and that their movement should be unhindered. To date there have been no reports about the opposition restricting or denying movement of civilians, humanitarian organizations or UNMISS.

35. At the national level, following statements issued by the UN on the attacks by the government forces, the SPLA stated that it would support investigations into any wrong-doing by the army, while denying that its forces were involved in human rights violations. Army spokesman Colonel Philip Aguer has been quoted as stating: "there are organizations that are tarnishing the image of the SPLA as an army. In our rules of engagement, I really doubt the credibility of those people who say they witnessed raping and killing. However, we continue to welcome an investigation into all the allegations."⁵

36. On 26 May, the National Minister for Defence issued a four-point Ministerial Order requiring the SPLA and authorities to respect and protect the rights of civilians, to allow unhindered access to humanitarian organizations and the United Nations, to provide unconditional safety access to all humanitarian flights, and to ensure that the SPLA elements adhere to its rules and regulations. The

⁵ Voice of America, *Sudanese Army Claims Capture of Rebel Stronghold*, May 21, 2015.

Minister further ordered that directives be issued to all units to that effect. [*See annex – Ministerial Order.*]

37. Despite such assurances, experience has shown that the culture of impunity remains strong in South Sudan. Reports from past national inquiries into allegations of human right violations and abuses have not been released to public scrutiny. This practice has made it impossible to assess the credibility and impartiality of such investigations, including their conformity with applicable international standards. It has equally prevented any attempt to pursue accountability.

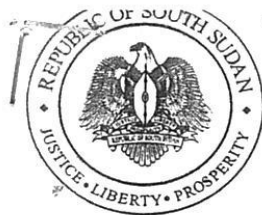
VI. Concluding Observations

38. An escalation of the conflict in Greater Upper Nile has led to a serious deterioration of the human rights situation in northeastern South Sudan over the past two months. In Unity, UNMISS has already conducted dozens of interviews with displaced civilians who were victims and witnesses of alleged atrocities by SPLA and associated forces since late April, as they pushed south from Mayom and Bentiu toward the opposition-held zone around Leer, destroying villages on the way.

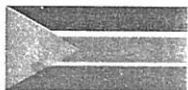
39. On 11 May, following initial interviews, UNMISS released a press statement on the ongoing violence, highlighting concerns about continuing and consistent reports of the burning of towns and villages, killings, abductions of males as young as 10 years of age, abduction and rape of girls and women and the burning alive of people inside their homes. While approximately 28,000 IDPs have managed to find refuge at the PoC site in Bentiu during the period covered in this report, UNMISS fears for the fates of the many thousands of IDPs stranded in the swamps of southern Unity.

40. In a demonstration of international consensus to condemn the alleged atrocities, press releases related to the fighting in Unity and Upper Nile were issued by a number of international sources, including press releases by the United Nations Security Council on 17 May, followed by the Secretary-General on 20 May. On 18 May UNICEF issued a statement reporting that dozens of children in Unity had been killed, raped and abducted in recent weeks. The African Union joined the refrain on 24 May, not only condemning the human rights violations, but also demanding sanctions and an arms embargo. Amnesty International released a report on 21 May following a research visit to Bentiu, detailing human rights violations and also calling for sanctions.

41. The SPLA spokesperson has repeatedly dismissed claims of SPLA committing human rights violations and stated that he welcomed investigations into the allegations. UNMISS calls on the SPLA to honour this commitment and grant HRD unfettered access to the sites of reported violations. Revealing the truth of what happened offers the best hope of holding perpetrators to account and ultimately ending the cycle of impunity that allows such terrible violence against civilians to continue. All parties must cease acts amounting to human rights violations and violations of international humanitarian law, while the Government of South Sudan must carry out comprehensive, credible and transparent investigations to ensure that perpetrators are brought to justice.



THE REPUBLIC OF SOUTH SUDAN
MINISTRY OF DEFENCE AND VETERANS' AFFAIRS



THE MINISTER

REF: GRSS/MOD/M/J/1/4/38.10

26 May 2015

MINISTERIAL ORDER NO. 02/2015

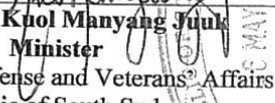
Based on the outcome and resolution of my meeting with H. E. David H. Kaeuper, Charge d' Affaires for the United States Embassy to South Sudan on date 22/05/2015. I have assured him that the following shall be strictly observed;

1. All members of the SPLA are shall be reminded to refrain from deliberate attacks against civilians; deliberate destruction of civilian property, sexual violence, rape, or assault against any person, male or female; and use of Child Soldiers. Sector Commanders and Division Commanders are reminded that they are responsible for the conduct of those soldiers under their command. They shall be held accountable if they do not take punitive measures against those under them who commit crimes against the civilians.
2. We shall continue giving unconditional safety access to all international flights and never to fire at any plane that is not hostile.
3. All impartial humanitarian bodies, including but not limited to the International Committee of the Red Cross, United Nations Agencies, Non-Governmental Relief Organizations shall be guaranteed safe access of aid and humanitarian workers to provide water, food, shelter, medical care, sanitation, and hygiene to non-combatants.
4. All officers, non-commissioned officers, and soldiers in the Sudanese People's Liberation Army (SPLA) are subject to the rules of the SPLA Act and its associated punitive orders. Moreover, as a signatory to the Geneva Conventions, the Government of South Sudan is required to search for and punish anyone who has committed or ordered certain "grave breaches" of the laws of war. Persons who have committed or ordered any breach of the laws of war, or violated any of the provisions listed above, especially atrocities, may be held individually accountable for war crimes through the process of law.

You are hereby directed to issue directives to all units' commanders to adhere to the above principles.

Issued under my hand and seal of the Ministry of Defense and Veterans' Affairs in Bilpam, this twentieth fifth day of May in the year twenty fifteen A.D.

Duly Signed by:


Gen. Eng. Kuol Manyang Juuk
Minister
Ministry of Defense and Veterans' Affairs
Republic of South Sudan
Bilpam



CC: SPLA Commander-in-Chief
CC: File