

SOUTH SUDAN: OVERSHADOWED CONFLICT

ARMS SUPPLIES FUEL
VIOLATIONS IN MAYOM
COUNTY, UNITY STATE

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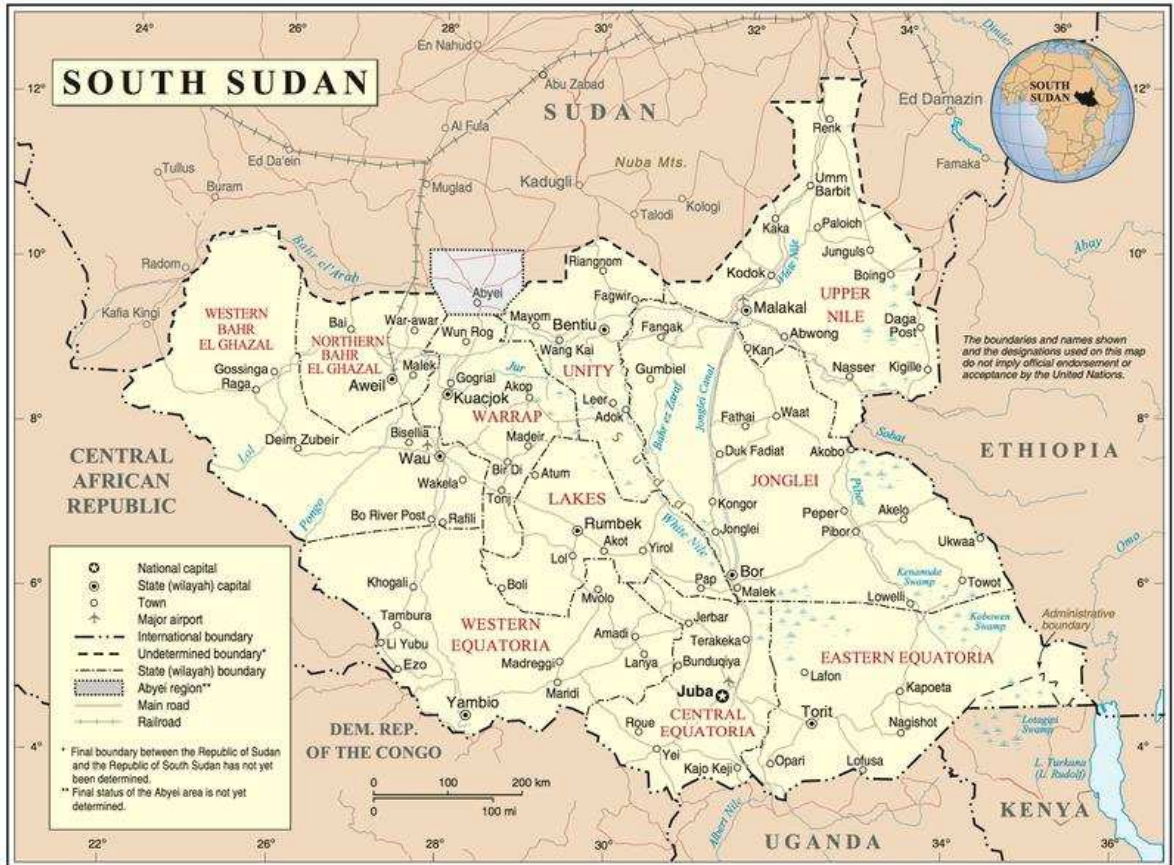
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GLOSSARY

ATT	Arms Trade Treaty
Boma	A South Sudanese term for a village
CPA	Comprehensive Peace Agreement, signed in 2005
NCP	National Congress Party, the ruling party in Sudan
Payam	A South Sudanese term, loosely meaning district
SAF	Sudanese Armed Forces, the armed forces in Sudan
SPLA	Sudan Peoples' Liberation Army, the armed forces in South Sudan
SPLM	Sudan Peoples' Liberation Movement, the ruling party in South Sudan
SSDF	South Sudan Defence Forces, former umbrella of armed opposition groups backed by Khartoum during the conflict between Sudan and the SPLM which resulted in the signing of the CPA
SSLA	South Sudan Liberation Army, an armed opposition group in South Sudan
SSUM/A	South Sudan Unity Movement/Army, an armed opposition group in South Sudan founded and led by Paulino Matiep in Bentiu, Unity State in the 1990s which merged with the SSDF
Tukul	A South Sudanese term for a hut
UNMIS	United Nations Mission in Sudan
UNMISS	United Nations Mission in South Sudan

MAP OF SOUTH SUDAN



1. INTRODUCTION

Against the backdrop of major political transformations between Sudan and South Sudan, including the independence of South Sudan in July 2011, and an increasingly tense relationship between both countries, localized conflicts in South Sudan's Greater Upper Nile region have been largely overlooked by the international community. However, since April 2010 South Sudan's armed forces, the Sudan People's Liberation Army (SPLA), have been deployed against at least seven armed opposition groups in the Greater Upper Nile region – an area covering Unity, Jonglei and Upper Nile states.¹

In 2011, armed insurgency and counter-insurgency operations in Greater Upper Nile resulted in indiscriminate attacks on civilian settlements and the forcible displacement of thousands of people. Armed opposition groups and the SPLA made, in some instances, little distinction between civilian objects and military objectives as required under international humanitarian law. The conflicts have further exacerbated a serious food crisis in the region; and the impact has been particularly severe in Mayom and Abiemnhom counties of Unity State, where an estimated 20-25% of the population failed to cultivate during the 2011 rainy season due to insecurity. Humanitarian access has also been seriously hampered by the fresh laying of landmines on many of Unity and Upper Nile states' roads by armed opposition forces.

This briefing paper focuses on fighting during 2011 in Mayom County - in the western part of Unity State - between the SPLA and armed opposition forces originally loyal to Peter Gadet and other Nuer commanders. Rooted in the region's long-standing ethnic and political divisions, the conflict in Mayom County has been one of the many localized conflicts in the wider region.

The briefing documents serious human rights abuses and violations of international humanitarian law, as well as the origins and where possible supply routes of key weapons and munitions used by the different parties to commit such abuses and violations: weapons and munitions which in many cases have been either newly manufactured or newly delivered to both sides. These include:

- new small arms and 2010-manufactured ammunition used by armed opposition groups and delivered via Sudan;
- Chinese-manufactured anti-vehicle mines freshly laid on Unity State's roads;
- new 2010-manufacture mortar shells of likely Sudanese manufacture used by armed opposition groups which shelled civilian areas without adequate precautions to avoid civilian casualties;
- the first confirmed combat use of SPLA main battle tanks supplied clandestinely from Ukraine between 2007 and 2009, also used in the shelling of civilian areas without adequate precautions against civilian deaths.

As elsewhere in Sudan and South Sudan, including in Darfur,² national and international

measures to prevent arms from reaching those responsible for violations of international human rights and humanitarian law in Unity State have been largely ineffective. Members of the armed opposition group, the South Sudan Liberation Army (SSLA), told Amnesty International that new weapons were delivered to them via Sudan in 2011. Their statements are supported by evidence of their use of 2010-manufactured Sudanese assault rifle ammunition, 2010-manufactured mortar shells and new-condition Chinese-manufactured Type 56-1 assault rifles.³ The match of these weapons and munitions with those in the stocks of the Sudanese Armed Forces (SAF) also supports allegations that these arms derive from Sudanese military stocks. The uniformity of the weaponry found in use - such as the single type of new Kalashnikov ammunition identified in SSLA rifles – also indicates that these supply lines from or via Sudan have been comparatively unconstrained.

Equally, the use of the SPLA's newest main battle tanks to shell civilian areas in Mayom County without taking the necessary precautions to avoid civilian casualties reflects a long-standing pattern of the misuse of tanks and artillery by both the SPLA and the SAF. It further serves as a reminder of loopholes in the patchwork of national and European Union (EU) laws covering the export and transportation of conventional arms. The battle tanks were clandestinely delivered to the SPLA between 2007 and 2009 via Kenya, a transfer involving Ukrainian, German and United Kingdom companies. This delivery took place despite the 2005 Comprehensive Peace Agreement (CPA) between Sudan and South Sudan's ruling Sudan People's Liberation Movement (SPLM), and an EU embargo on Sudan which at the time also covered South Sudan.

2. GREATER UPPER NILE'S VOLATILE REGION

Greater Upper Nile is a region of long-standing ethnic and political division, and enormous strategic significance, both as the location of most of South Sudan's known oilfields and due to its proximity to the contested states of Southern Kordofan and Blue Nile in Sudan.

In the 1990s and early 2000s the Greater Upper Nile region experienced the most significant intra-southern conflicts, with fighting between the SPLA and a collection of ethnically-based militias whose allegiances shifted between the SPLA and the government of Sudan-backed South Sudan Defense Forces (SSDF). As southern Sudan's oilfields were cleared by southern militias and the SAF, tens of thousands of civilians were forcibly displaced; villages looted and burned; and civilians, including children, forcibly recruited on both sides.⁴

The legacy of these violent divisions is evident in the recent armed conflict. After the signing of the 2005 CPA - which led to a referendum and the subsequent independence of South Sudan in July 2011 - many southern militia leaders were given positions in the SPLA, and their forces partially integrated. However some communities in the region remained concerned that they were being politically and economically disadvantaged in South Sudan's new political settlement.

This dissatisfaction crystallized around Sudan's general elections in April 2010, which were seen by some as unfairly marginalizing the SPLM's former opponents, leading a series of political and military figures to declare a resumption of armed opposition to the government of South Sudan. These included several former members and leaders of northern-aligned militias such as Gatluak Gai and Gabriel Tang-Ginye, whose return to armed opposition has been characterized by the Government of South Sudan as an effort by Sudan to destabilize South Sudan through long-standing proxies in the run-up to independence.

While there is evidence of support and arms supplies to some of these armed opposition groups from Sudan (as discussed below), the violent divisions and tensions amongst the groups reflect more local grievances; particularly the perceived political disenfranchisement of Lou Nuer, Murle and Shilluk communities - some of whose leaders included long-time SPLA loyalists - by the SPLM, who are often accused of being Dinka-dominated.

In late 2011, following the secession of South Sudan, remaining fighters from the SSLA armed opposition group retreated to rear bases in Sudan's Southern Kordofan State. However, civilians in Unity State have continued to suffer from indiscriminate attacks. In April 2012 the ongoing confrontation between the SPLA and SAF on the borders between Unity and Southern Kordofan states spilled southwards, with aerial bombardment and airstrikes by SAF aircraft reported as far south as Unity State's capital, Bentiu.

On 14 and 15 April, UN observers witnessed SAF ground attack aircraft firing rockets at targets within Bentiu-Rubkhona town itself, killing six civilians and injuring 11 others, according to UN reporting.⁵ A photograph taken in Rubkhona during the airstrike indicates

that at least one of the aircraft used was a MiG-29 fighter aircraft, a type known to have been supplied to Sudan by the Russian Federation in 2004. Likewise, on the evening of 15 April 2012, six bombs were dropped on Mayom town, and at least two falling within the unmanned UN Mission in South Sudan's (UNMISS) compound near the centre of the town. The bombings reportedly killed seven people, including four children, and injured 14 others.⁶

As the north-south conflict escalates, and with some militia groups still un-reconciled with the South Sudanese government at the time of writing, the potential for further violence remains high, and civilian populations remain at risk of abuses as the result of further armed confrontation between the SPLA, armed opposition groups and the SAF.

3. ARMED OPPOSITION IN MAYOM COUNTY, UNITY STATE

By early 2011 Nuer commanders (both dissident SPLA officers and former SAF officers) had already begun to recruit armed opposition fighters in northern Unity State, and to clash with the SPLA. In late February 2011, militia commander Colonel Matthew Puljang was persuaded to bring around 150 fighters to Riak, south of Mayom town, to negotiate terms for their re-integration into the SPLA. After nearly three weeks, negotiations broke down, although the reasons for this remain unclear. On 17 March, fighting between Puljang's forces and the SPLA began in Riak itself before moving southwards towards Lingere and Wambis.⁷ Many civilians fled to surrounding villages, and around 100 civilians were wounded, according to estimates received by the UN.

Riak residents remained displaced in the state capital Bentiu in early 2012, unable to return to their homes not only due to insecurity but also due to their loss of property and livelihoods. W.J. a resident from Riak payam told Amnesty International:

"Now in Riak, some have gone back, but many are still staying away because they lost their cows and homes which were burnt; and they did not cultivate the whole of last year; so it is too hard to go back."⁸

In April 2011 the former militia leader Peter Gadet formally left the SPLA and declared his alliance with the militias in Unity State. He and two others issued the 'Mayom Declaration', accusing the government of South Sudan of corruption and bad governance, and announcing the formation of a unified opposition front called the South Sudan Liberation Army (SSLA).⁹ Under the SSLA's banner Peter Gadet's forces and other Nuer field commanders, including Matthew Pul Jang, Bapiny Monytuul and Gai Yoach, coordinated attacks against the SPLA during 2011.¹⁰

BOX: PETER GADET

Lieutenant-General Peter Gadet, a Bul Nuer originally from Mayom County, has a long history of armed insurgency in Unity State. During the conflict prior to the 2005 CPA, he commanded largely Nuer forces which at different times formed strategic alliances with both the SPLA and the Sudanese government in the struggle to control Unity State's oilfields. A key figure in the Khartoum-backed South Sudan Unity Movement/Army (SSUM/A) under Paulino Matiep in the late 1990s, Peter Gadet and his forces then rejoined the SPLA in 2000. After the signing of the CPA in 2005, Peter Gadet remained an SPLA commander and was appointed deputy commander of the SPLA's 3rd Division, stationed in Northern Bahr el Ghazal State in late 2010, where he remained until his defection to lead the SSLA in April 2011. He returned to the SPLA in August 2011, and some forces loyal to him are now undergoing reintegration into the SPLA in Mapel, Western Bahr el Ghazal State.

During the following months Mayom County saw a succession of armed opposition group attacks and counter-attacks led by Brigade 21 of the SPLA's 4th Division, headquartered in Mayom town, reinforced by other troops from the SPLA's 4th Division. Fighting between SSLA forces and the SPLA took place in the town of Mankien, south of Mayom town, around 21

April 2011 and again during May 2011; resulting in further deaths, injuries and the displacement of civilians.

The justification for reported attacks on civilians and their property by the SPLA, in communities perceived to have been supporting armed opposition groups, appears consonant with a lack of distinction made by some government officials between Mayom County's civilian population and armed groups. One senior Unity State official told Amnesty International:

"Mayom, for us, is the door: all these activities of the north historically have started here. North Sudan are still in contact with them: those in Mayom are old friends with them....The leaders of the people in Mayom county are historically with the north. These people in Mayom are their people, they are under their command. These people are the remnants of those militias from the civil war."

On 3 August 2011 Peter Gadet announced that he had signed a ceasefire with the government; thus, several hundred of his fighters are currently undergoing reintegration into the SPLA in Mapel, Northern Bahr el Ghazal State. Other Unity State SSLA commanders, however, remained in the field or in Khartoum.¹¹

At the time of writing, remaining SSLA forces from Unity State have withdrawn to Kharasana in Abyei, according to SPLA and former SSLA members; although in late March 2012 the SSLA claimed to have attacked an SPLA position in Pariang County in northern Unity State.

DESTRUCTION AND LOOTING OF CIVILIAN PROPERTY

According to eyewitnesses, several houses in Mankien were destroyed during the fighting; some were burnt deliberately by SSLA forces who claimed they were the personal property of senior SPLA personnel.¹²

Several days after the second bout of fighting in Mankien in May 2011, Charles Machieng Kuol, the Commissioner for Mayom County at the time, publicly accused the SPLA of deliberately burning over 7,000 houses in at least four villages south of Mankien.¹³ Following this accusation, the Commissioner was reportedly pressured by members of the Unity State government to issue a public retraction, and was asked to sign a statement stating that the settlements had been burnt as a result of crossfire rather than deliberate SPLA actions, which he refused to do. On 30 June 2011 the Commissioner was dismissed from office by Unity State Governor Lieutenant General Taban Deng Gai, although no official reason was given for his dismissal.

Amnesty International was unable to access Mankien to verify these claims, which were denied by the State Minister of Information and Communication.¹⁴ However, multiple eyewitnesses reported the deliberate burning of houses in the area around Mankien by the SPLA after the fighting in May 2011, as well as in Luath and other villages in Riak payam after the breakdown in negotiations between the SPLA and Matthew Puljang's forces.¹⁵ According to one community leader:

"The burning [after the second Mankien attack] happened after the fighting was over in the afternoon, around 1pm or 2pm. I was there during the fighting, I went to parlay with the

SPLA, who said 'the militia used to sit in this place, so they get fire there'."

Residents of Mankien and Riak payams likewise described the deliberate burning of houses. W.J. a male resident from Riak payam told Amnesty International:

"The militias didn't want to fight where there were civilians and children, so they left to Luath. I was there myself in Luath when they arrived: we had fled there when the fighting started in Riak, because we thought Luath would be a safe place. The SPLA followed them and attacked them again in Luath, burning Luath itself. They [SPLA] said that Luath is providing the militias with food."

A. a female resident from Mankien told Amnesty International:

"When the fighting started [in Mankien] you could hear big guns, burning, people were running everywhere. It was very dark. It is those who were wounded who saw everything, we were busy running. The guns cannot burn all the houses: but the SPLA burned tukuls [huts] too. The SPLA thought that the militias were in the tukuls, so they wanted to burn the whole town."

In the early morning of 29 October 2011, SSLA forces attacked Mayom County, and were repelled by SPLA forces after a day of fighting within Mayom town itself and in surrounding payams.¹⁶ Scores of civilians were killed and injured, and several houses were reportedly destroyed.¹⁷ Residents described the same pattern of indiscriminate firing and shelling, as well as attacks against civilians. E. a woman from a *boma* (village) on the outskirts of Mayom town described the fighting in Mayom:

"When the attack started [on 29 October], it was chaos. My mother in law had her arm and leg broken by a soldier who entered her tukul. I don't know whether he was SPLA or militia. Then her house was burnt. When the firing ended many people simply ran to the bush for some days. Some people are still in the bush, but no-one from my family. Some fled to Koch, some to Kerinyar, between Mayom and Mankien."

In addition to civilian deaths and injuries, both residents and local government officials also described instances of looting and the forcible seizure of civilian property, exacerbating the destitution and food insecurity of civilians affected by fighting in Mayom County. A local government official from Riak told Amnesty International:

"[In Riak] when the government-militia agreement broke down, the militias started looting cattle, money, food and even furniture from civilians."

M.N. aged 27 and displaced from Pup, a village in Mayom County, said:

"I came from Pup two weeks ago; I left for security: both the militia and the SPLA take cows. If you talk about it when they take your cows, they will kill you – both SPLA and militias. There has not been fighting in Pup, but the militia is passing near to us. 90% of the people in Pup have left. The ones who stay have not had cattle taken by the SPLA or the militia – if you give one cow to each side, you can stay 'sustainable'."

According to statistics from the Ministry of Health hospital in Bentiu - the only public hospital in Unity State - 117 surgical interventions were carried out on civilians and SPLA members wounded in the Mankien clashes alone in April and May 2011, representing over 30% of all operations carried out in the hospital during 2011. Most were amputations and abdominal operations due to gunshot wounds, according to hospital staff.¹⁸ Some civilians and soldiers with particularly serious injuries were also evacuated to Juba's teaching hospital. Since many injured civilians who arrived in Bentiu came on foot after a journey of several days, it is likely that many civilians injured in Mankien and elsewhere in Mayom County were unable to reach larger towns or medical facilities, and so were never recorded.

4. VIOLATIONS AND THE TYPES OF WEAPONS USED TO COMMIT THEM

In addition to looting and burning of civilian property in Mayom County, easily accessible small arms, ammunition and other weapons used by all parties to the conflict have led to grave violations of international law being committed against the civilian population during hostilities in 2011.

TESTIMONIES OF WEAPONS USAGE

Civilians in Unity State have been familiar with military forces and military action in and around their communities for much or all of their lives. Many have also served in the SPLA or in other armed groups during the Sudanese conflicts. As a result, as elsewhere in Sudan and South Sudan, civilians are often able to distinguish with considerable accuracy and consistency between different types of weapons - their appearances and sounds - used in fighting they have witnessed. Most of those interviewed noted particular types of weapons, munitions and vehicles in their testimonies, and identified these types consistently from photographs of different conventional arms and related equipment. They included:

- ordinary small arms cartridges, called *domai* in Nuer, and tracer ammunition (which often sets fire to flammable materials), called *arik*;
- light weapons: including light machine guns, commonly referred to as 'PK';¹⁹ heavy machine guns, called '12';²⁰ rocket propelled grenades ('RPG'); 'SPG-9' recoilless rifles; 'B-10' recoilless rifles; and vehicle-mounted anti-aircraft guns generally referred to as 'Zug';²¹
- un-armored and armored vehicles used by the SPLA, including Land Cruiser-type pick-up vehicles (generally referred to as *Totias*);²² large un-armored military trucks (referred to as *Wara*);²³ and main battle tanks (referred to as *Dabaab*).²⁴

The military vocabulary of South Sudan's civilians cannot, identify the precise specifications, manufacturers and suppliers of weapons referred to in testimonies alone. But it does lend further credibility to the consistent testimonies obtained by Amnesty International of particular weapons systems - especially main battle tanks and larger light weapons - being used in the places and manners described below.

4.1. INDISCRIMINATE SHELLING IN CIVILIAN AREAS

Residents of Riak, Mankien and Mayom towns consistently stated that the militia attacks or fighting between militia and SPLA in their towns (in March, April and October 2011 respectively) began with the sound of mortar or artillery shelling. A local government official from Mayom told Amnesty International that:

"The fighting [on 29 October] started in Quirbona payam [north of Mayom town], then went up to the main road; it started at around 6.30am, some fighters came as far as the market and then retreated back.... Militia used artillery to shell the town; artillery was also used by SPLA to repel them."

A. a mother of eleven children from Hilla Jedid, a 15 minute walk from Mayom town centre said that:

“The attack [on Mayom on 29 October] started at 4am, with the sound of shelling. Then men with guns came. It finished at 8am, and all the village inhabitants fled.”

A.A. a former trader in Mankien told Amnesty International that:

“The first attack [on Mankien] took place on 22 April, when I fled to Mayom. The firing started at 3am – we heard heavy weapons firing – not just small gunfire. Everyone ran away up to Mayom in the night, it is hard to describe, I do not wish to describe it. We have heard that Mankien was almost totally burned.”

M. a resident from Mankien further stated that:

“The first attack in Mankien - before the rainy season - began at around 4am. Militias surrounded the town of Mankien, then in the morning the SPLA which were in the town fought with them....We couldn't see the fighting – it was dark and we ran. They first begin with shelling, falling on the town. [We heard] the whole town was burnt. I left and went to Mayom: it took two days.”

While Amnesty International received no evidence that such shelling was deliberately targeted at civilians, the intermingling of both militia forces and SPLA encampments within these towns²⁵ meant that the use by both sides of unguided, indirect-fire mortar and artillery shells to bombard military targets within Riak, Mankien and Mayom towns failed to discriminate adequately between civilians and military targets - thus violating the customary rule of international humanitarian law, applicable in both international and non-international armed conflicts, that parties to a conflict must at all times distinguish between civilian objects and military objectives.

Displaced residents of Riak and Mankien payams described the fighting and its consequences. W.J. aged 26 from Lingere, a village in Riak payam told Amnesty International:

“The fighting [on 17 March 2011] started in Riak at 6am, going on to Lingere and Wambis [villages in Riak Payam]. It started with shelling, then the SPLA came with rifles. The shelling falls at different distances. They [SPLA forces] were targeting the militia barracks, but these are located in the town itself, in amongst the civilians, so sometimes the bombardment fell onto the civilians.”

E. a middle-aged woman also from Lingere told Amnesty International:

“Everyone was attacked [in Riak]: they kill women and children. For us as women, we didn't see the big machine, but we hear it firing. The big machine is shelling everywhere, but we don't know who is doing the firing. Then we run away immediately.”

M. a mother of seven who was displaced from Mankien told Amnesty International that:

"[In Mankien] my neighbour was killed, a shell dropped on their tukul [hut]. There were three children and their mother in the tukul, only one child survived, injured on her back. The brother of her father took her in....There is not a single tukul left standing in Mankien. We have not yet decided whether we will go back. We lost cattle, even clothes are difficult to obtain now. We cannot start rebuilding in Mankien – we don't have the resources. It is hard even to get transport."

Local government officials in Mayom town likewise stated that the militia had shelled the town on the morning of 29 October 2011, and that the SPLA had used artillery fire to repel them. Several people interviewed by Amnesty International independently identified two well-known residents of Mayom town who were killed by shells falling on their houses behind the marketplace, although from which side is unclear: the town's pharmacist, Dr Madut Jup, and a wife of former South Sudan United Movement (SSUM) commander Paulino Matiep Nhial. These deaths were confirmed by local government officials from Mayom County, the United Nations Mission in South Sudan (UNMISS), and a member of Dr Madut Jup's family.

2010-MANUFACTURED MORTAR SHELLS OF LIKELY SUDANESE MANUFACTURE

A former senior SSLA member confirmed that the militias had used mortars and recoilless rifle shells in fighting with the SPLA in Mayom County, describing a dedicated 17-man artillery unit within their forces to operate B-10 recoilless rifles.²⁶ As with their small arms ammunition, the SSLA appear to have been equipped with comparatively new munitions for indirect-fire shelling. UN observers viewed a large number of distinctive white 82mm mortar shells (copies of Soviet-type O-832D mortars) which the SPLA had reportedly seized from SSLA forces in Mankien during April 2011, marked with lot numbers '01-10' indicating 2010 manufacture.²⁷ The shells reportedly taken from SSLA forces contained charges whose markings indicate that they were manufactured in Sudan in 2007.²⁸ While it is clear that they are comparatively newly manufactured, the provenance of the mortar shells themselves remains unconfirmed: Sudan's Military Industry Corporation (MIC) claims in its publicity material that it manufactures 82mm mortar shells with matching construction and markings, but this cannot be independently verified.²⁹

UKRAINIAN-SUPPLIED T-72 MAIN BATTLE TANKS

Of particular concern are consistent reports that SPLA battle tanks were used to shell armed opposition forces within Riak, Mankien and Mayom towns. Although these major battlefield weapons systems are entirely unsuitable for urban fighting, they were used to fire salvos of explosive tank shells, which cannot distinguish between military objectives and civilian objects within populated civilian areas. Mayom town residents described the use of SPLA tanks in the fighting on 29 October 2011. G.K. told Amnesty International that:

"The SPLA were quite small in the town, because some of their forces had gone to Nuroi to collect guns from citizens. They didn't have enough people to move and chase the militias, so they chased them using dabaab [tank]. The dabaab moved around from the hospital to Sherkan, on the road to Abiemnhom, but still in the town. This was the dabaab from inside Mayom town, which is now near the market. There are two or three people inside, and they shoot in the direction of the militia: a big sound, creating an explosion, like an RPG. The shell goes very far. They were shooting at the militia in this way when the militia were in the town itself. The shells were falling on the town, wounding the militia."

Another Mayom town resident told Amnesty International that:

“People were particularly injured by big artillery. Three houses were burned [in Mayom town]. The fighting lasted three hours. The SPLA fired their tanks in the battle inside the town.” ³⁰

The use of tanks in this way was also described by eyewitnesses present during fighting in April 2011, who stated that the SPLA also used tanks and heavy machine guns mounted on trucks within Riak and Mankien towns. A Unity State local government official said:

“The SPLA had tanks in Riak....They also had pick-ups and waral [large un-armored military trucks]. The bullet of the [guns mounted on the] waral goes very far. The SPLA also brought more than six tanks into Mayom town...I was together with the SPLA when the tanks were being fired [in Mankien]: they shot straight at things, not up in the air; they killed people and cows. They were firing with both their big main guns and their machine guns. .”

W.J. a 26 year old man who was displaced from Riak said that:

“The SPLA brought a dabaab [tank] vehicle with machine guns and big gun. These ones were firing the shells.”



Left: T72M1 main battle tank in Mayom town, 24 January 2012.

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These accounts of the use of tanks are corroborated by the presence of at least five main battle tanks in the centre of Mayom town near the marketplace when Amnesty International visited on 24 January 2012. Two of these were older Type 54/55 tanks, widely used by the SPLA for many years. Three, however, were distinctive T-72M1 main battle tanks, a type first known to have entered the SPLA's inventory in 2007-9, when at least 75 such tanks were delivered in three shipments from Ukraine via Kenya destined for the government of South Sudan, alongside a large quantity of other artillery, small arms and light weapons.³¹ This is the first confirmed use of these tanks in South Sudan.³²

The SPLA has a record of using battle tanks in urban fighting: in May 2008, an estimated 50,000 people were forced to flee their homes after fighting broke out in the provincial capital of Abyei, which was totally destroyed. The UN Secretary General's Special Representative on Sudan reported that both the SAF and SPLA forces had used tanks, artillery and multiple-barrelled rocket launchers in their attacks.³³ In February 2009, clashes between SAF and SPLA contingents of the Joint Integrated Units stationed in Malakal, southern Sudan, reportedly left around 62 dead (at least 31 of whom were civilians) and 94 wounded (at least 21 of whom were civilians), according to UN reports.³⁴ UN military observers stated that both SAF and SPLA forces used main battle tanks in the fighting.³⁵

AN INTERNATIONAL CLANDESTINE SUPPLY CHAIN FOR THE SPLA'S T-72 TANKS

The supply of T-72M1 tanks to South Sudan - undertaken clandestinely via Kenya amidst concerns that their acquisition by the pre-independence government of South Sudan might breach the terms of the CPA³⁶ - was investigated in 2009 by researchers for Amnesty International and the Small Arms Survey. Exported by the Ukrainian state-owned arms company SSSFTF 'Ukrinmash', the tanks and other equipment were transported on three ships from Oktyabrsk (Ukraine) to Mombasa (Kenya), chartered specifically for those voyages by at least two 'shell' companies registered in the European Union: Marine Energy Trading Company LLP (registered in the UK) and Ace Shipping Ltd (registered in the Isle of Man). Ace Shipping Ltd remains registered and active in the Isle of Man.³⁷

The ships themselves were operated by German and Ukrainian shipping companies: Beluga Shipping GmbH (Germany) and Ukraine Danube Shipping Company (Ukraine).³⁸ Once offloaded in Mombasa, at least some of the equipment was transported by road to South Sudan via Kenya and Uganda.³⁹

Amnesty International is not alleging any wrongdoing by these shipping companies: indeed inadequacies of the legal regulations on arms shipments currently exclude them from legal responsibility. Beluga Shipping GmbH informed Amnesty International researchers in November 2008 that the shipment was highly irregular (diverging significantly from the original charter, which was not for the shipping of military equipment, and indeed forbade the use of the ship to transport "dangerous goods"); they were nonetheless under no legal obligation to stop the shipment, since German export controls on transportation only cover German-flagged ships, and not ships which are owned or operated by German companies but foreign-flagged in other jurisdictions (in this case, the ship was flagged in Antigua and Barbuda).⁴⁰ This is a common problem: many other states likewise fail to regulate the transport of weapons by their nationals or by ships and aircrafts registered in their jurisdictions.⁴¹

4.2. CIVILIAN CASUALTIES FROM SMALL ARMS

Many civilian deaths and injuries reported by residents, treated by medical personnel in Unity State, were due to gunshot wounds sustained during intense fighting inside major towns including Mayom, Mankien and Riak. W.J. told Amnesty International that:

“Two members of my family were killed, one the wife of my uncle. My two brothers (10 years and 3 years old) were also injured: the ten year old had his leg broken by a bullet that passed through his knee, the three year old was injured in the back. They were brought to hospital in Bentiu, were there for a month, and have now gone back home.”

E.'s brother in law was also wounded in Lingere, near Riak in March 2011. She told Amnesty International that:

“My husband’s brother was wounded [in Lingere, near Riak, in March] with a gunshot in his leg: he was given some medicine in the hospital, which helped, but they left the bullet in him. We arrived in Bentiu in April - it took 7 days to walk from Lingere.”

NEWLY-SUPPLIED SMALL ARMS AND NEW 2010 SUDANESE-MANUFACTURED AMMUNITION

The intensity of the fighting, including within towns and villages themselves, may have been exacerbated by the fact that both sides appear to have had ample stocks of weapons and ammunition: apparently freshly supplied, in the case of SSLA forces. The SPLA has persistently claimed that armed opposition groups including the SSLA were being re-supplied with arms by Sudan.

A former senior SSLA member told Amnesty International that his forces had received significant numbers of Kalashnikov-type assault rifles “new from the boxes,” as well as ammunition, light and heavy machine-guns, B10 recoilless rifles and mortars. He stated that these weapons were partly delivered by airdrops made by aircraft and helicopter via Sudanese territory near to SSLA rear bases in Ab Kadama and Abu Gurum in Abiemnhom County, South Sudan, and near Nyama in Southern Kordofan, Sudan, although he would not confirm that they were supplied by Sudan.⁴² Comparative evidence from other similarly marked ammunition suggests that ammunition used by the SSLA is manufactured by Sudan.⁴³ Its suppliers and supply routes to the SSLA have not yet been definitively determined.

Claims of new and significant weapons supplies are further supported by video footage disseminated by the SSLA, reportedly showing training in a rear base near Abu Gurum in Abiemnhom County, north of Mayom in Unity State. The footage shows forces equipped with large numbers of the same, un-worn Type-56-1 (Kalashnikov-type) assault rifles, in significant contrast to the heterogeneous mix of old rifles that are visible in most SPLA units and amongst armed civilians in South Sudan.⁴⁴ In April 2011, the SPLA captured new Chinese-manufactured Type-56-1 rifles, which according to the SPLA were from Peter Gadet’s forces in Mayom County during April 2011 fighting.⁴⁵ Observers of these rifles have reported that many were sufficiently new to still contain grease in their barrels, indicating that they have barely been used.⁴⁶

The ammunition used by the SSLA was also newly manufactured, and its uniformity across the weapons seized from SSLA forces indicates that it has been supplied in substantial quantities. Amnesty International inspected six Type 56-1 assault rifles,⁴⁷ reportedly

captured from SSLA forces from Matthew Pul Jang's forces near Mankien, all of which were loaded uniformly with a single type of ammunition - new brass-cased cartridges whose markings indicate that they were manufactured in 2010. These differ significantly from (much older) SPLA ammunition also viewed by Amnesty International.⁴⁸ Identical brass-cased cartridge cases from the same manufacturer, year and lot were also recovered by Amnesty International in the marketplace of Mayom town, where fighting between SSLA and SPLA forces had taken place on 29 October 2011. All of the several dozen alleged rifles from Peter Gadet's forces also contained this particular type of ammunition,⁴⁹ and a former senior SSLA member confirmed that this appeared to match SSLA ammunition, although he denied that the older rifles were theirs.⁵⁰



2010-manufacture Kalashnikov brass-cased ammunition (7.62x39mm calibre) loaded in Type 56-1 Kalashnikov-type assault rifles reportedly captured from SSLA forces in Mankien, viewed at SPLA 4th Division headquarters, Rubkhona, 27 January 2012.

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Matching 7.62x39mm ammunition cartridge case recovered from Mayom town market, 24 January 2012. © Amnesty International

4.3. NEW LAYING OF LANDMINES

From February 2011 there was a spike of incidents of re-mining in Greater Upper Nile allegedly by the SSLA, in which vehicle passengers and people on foot were killed or injured by both anti-personnel and anti-vehicle landmines on roads previously cleared of landmines and in frequent use.⁵¹ The majority of these reports involved incidents in Unity State, on major roads vital to trade, movement of displaced people and humanitarian access – including roads between the state capital Bentiu and other large settlements; and the north/south road between Bentiu and Leer which provides access to Thar Jath, the only airport in Unity State accessible to large aircrafts.⁵²

A former senior SSLA member interviewed by Amnesty International admitted that their forces had laid anti-vehicle landmines on Unity State roads expected to be used by SPLA forces but denied that SSLA forces had laid anti-personnel landmines:

*“We had some landmines but we kept many of them back. We sent intelligence guys to lay down anti-tank mines, and then attract SPLA forces to them”.*⁵³

The use of landmines has had grave consequences for civilians. At least 27 civilians have been injured and at least 23 killed in confirmed landmine incidents since February 2011, in addition to injuries and deaths of SPLA personnel. Actual numbers of those injured and killed are likely to be much higher as incidents frequently occurred in remote locations where those injured could not reach medical or official help easily.

In one incident on 9 October 2011, 20 people including four children were reportedly killed

when an anti-vehicle landmine was detonated by the bus in which they were travelling between Mayom and Mankien. Seven others were also reportedly injured. Bentiu public hospital statistics list ten amputations carried out during 2011 due to landmine injuries, and hospital staff told Amnesty International that they had received numerous civilians injured by landmines during 2011. This included casualties from one incident on 19 August 2011 between Rubkhona and Kaljak (north of Bentiu) in which 16 civilians travelling in a Ministry of Animal Resources vehicle were reportedly injured, of whom two women and a 13 year old girl later died.⁵⁴

As well as directly causing significant injury and loss of life, landmines severely hampered civilian and commercial movements throughout Unity State during 2011, raising prices for fuel and food which were already at historically high levels due to the blocking of roads between Sudan and Unity State in South Sudan.⁵⁵ Access was made more difficult still by the SPLA's prohibition on UN and NGO personnel from leaving Bentiu for ten days following the outbreak of fighting in Mayom County in March 2011. As a result, many communities affected by fighting in Mayom County were unable to access medical assistance, food aid or other assistance during the most intense fighting in April and May; and access remained severely logistically restricted throughout the rest of 201.⁵⁶

CHINESE-MANUFACTURED TYPE 72 ANTI-VEHICLE LANDMINES

According to UN staff, the mines removed by de-miners have been predominantly TM-46, Type 72, Type 57 and M19 anti-vehicle mines.⁵⁷ Many appear to be of comparatively new manufacture, and either newly supplied or maintained in good warehouse condition.⁵⁸ The SPLA showed Amnesty International three Type 72 anti-vehicle mines reportedly taken from SSLA forces in Mankien during April and May 2011. These are 'low-detectability' mines with plastic casings and low metal content, making them more difficult for de-miners to detect.⁵⁹ All those viewed by Amnesty International were in good condition and apparently from a single manufacturing lot (number 07-81-6902), carrying markings and characteristics consistent with manufacture in China. Their supply route to South Sudan has yet to be identified.

The Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction, to which the Republic of Sudan has been a State Party since April 2004, prohibits the use, stockpiling, production and transfer of antipersonnel mines. The Republic of South Sudan succeeded to the Treaty in November 2011. The Treaty does not prohibit the use of anti-vehicle landmines, although their use, particularly where they are laid in locations at risk of being activated by civilians, may still be indiscriminate and violate international humanitarian law.



Type 72 anti-vehicle landmine reportedly seized from SSLA forces in Mankien during April or May 2011; photographed at SPLA headquarters, Rubkhona, Unity State, 27 January 2012. The same type has been recovered by international de-miners from roads elsewhere in Unity State during 2011. © Amnesty International



5. CONCLUSION AND RECOMMENDATIONS

Witnesses to and physical remnants of fighting between the SPLA and SSLA in Unity State provide evidence of possible war crimes perpetrated in a substantially unreported conflict: including indiscriminate shelling in civilian areas by both sides, the deliberate burning of civilian houses, and the fresh laying of landmines on major roads by SSLA forces in such a manner the landmines may be indiscriminate in their use. They also indicate the unrestrained new supply of military equipment used in those violations.

It is the responsibility of the SSLA, other armed opposition groups and the SPLA to ensure that their military tactics comply with international humanitarian and human rights laws and standards. The SPLA, as the armed forces of South Sudan, is obliged to comply fully with international law; the SSLA, as well as other opposition groups fighting against the government or fighting each other, are bound by international humanitarian law as applicable in non-international armed conflicts.

Nonetheless, it is also incumbent on all other states to prevent the supply of those types of conventional arms used in serious violations of international law in Unity State and which are likely to be used there and elsewhere in Sudan and South Sudan. The cessation of such arms transfers should apply immediately both directly to the perpetrators of such violations themselves, and indirectly to those states known to be unlawfully supplying weapons and military assistance to the perpetrators.

In order to prevent the irresponsible supply of conventional arms from contributing to serious violations of international humanitarian and human rights law, states need to improve the design and implementation of their national laws, regulations and administrative practices, and bring them into line with the highest common international standards. Key to a comprehensive solution of this kind will be the adoption of a comprehensive international Arms Trade Treaty (ATT), currently under negotiation within the framework of the UN General Assembly.

The UN Negotiation Conference on the ATT held from 2 to 27 July 2012 in New York represents a unique and historic opportunity to help reduce the human suffering and instability caused by the lack of an effective international legal regulatory framework on conventional arms transfers. This Treaty must establish robust common rules for the regulation of international transfers of arms that help close loopholes in national arms control systems and, in particular, must require states to deny a transfer of arms where there is a substantial risk that those arms under consideration would be used to commit or facilitate serious violations of international human rights law or international humanitarian law.

In light of the above findings, Amnesty International makes the following recommendations:

To the South Sudan Liberation Army and other armed opposition groups:

- Immediately cease the indiscriminate use of artillery, mortar or other indirect-fire weapons in civilian areas;
- Immediately cease the laying of anti-vehicle or anti-personnel landmines, and provide full information to the UN Mine Action Coordination Centre or other demining organizations regarding the locations and types of landmines already laid;
- Ensure that military emplacements are not located within civilian settlements, a practice which exacerbates risks to civilians from indiscriminate fire;
- Take concrete steps to ensure fighters respect applicable international law, and in particular refrain from all attacks on civilians or civilian objects;
- Remove anyone suspected of violations of international humanitarian or human rights law from positions where they can continue to commit abuses.

To the Government of South Sudan

- Immediately cease the indiscriminate use of artillery, mortar or other indirect-fire weapons, including tanks or other armour, in civilian areas;
- Carry out prompt, thorough and independent investigations into allegations violations of international humanitarian and human rights law by SPLA forces in Unity State, including the burning of civilian properties; and, where there is sufficient admissible evidence, bring those suspected of responsibility to trial in proceedings that conform to international fair trial standards; and without recourse to the death penalty;
- Ensure that SPLA emplacements are not located within civilian settlements, a practice which exacerbates risks to civilians from indiscriminate fire;
- Accede promptly to the Rome Statute of the International Criminal Court and the Agreement of the Privileges and Immunities of the International Criminal Court.

To states supplying arms and military assistance to the Government of South Sudan, the Government of Sudan and armed opposition groups

- Suspend all international arms transfers to the Government of Sudan until it can be determined that it has ceased supplying arms to armed opposition groups in South Sudan, permitting its territory to be used for such transfers, and violating the UN arms embargo on Darfur;
- Refuse to supply to South Sudan those types of conventional arms (or parts, components or maintenance of such conventional arms) known to have been used persistently in serious violations of international humanitarian and human rights law - particularly main battle tanks, other armored equipment and artillery – until adequate systems of training and accountability are in place to ensure that such arms will not be used in serious violations of international human rights or humanitarian law;

- Ensure that any assistance, advice or training to military personnel in Sudan and South Sudan prioritises the establishment of robust systems of accountability consistent with international human rights and humanitarian law and security sector best practices; and operational training exercises that uphold international humanitarian and human rights law and standards.

AMNESTY INTERNATIONAL URGES ALL GOVERNMENTS TO CALL FOR AN EFFECTIVE ARMS TRADE TREATY (ATT) WITH THE HIGHEST POSSIBLE STANDARDS, INCLUDING:

1. An “ATT golden rule”: To be effective, the ATT must include language that requires states not to transfer arms internationally where there is a substantial risk that they will be used to commit or facilitate serious violations of international human rights law or international humanitarian law. Where this is the case, the transfer authorization must be denied until there is clear evidence that any risks have been removed.

2. A comprehensive definition of scope of equipment: to include the control of all weapons, munitions, armaments and related articles used for potentially lethal force in military and internal security operations, as well as any parts, components and accessories thereof, and machines, technologies and technical expertise for making, developing and maintaining those articles.

3. Include all types of international trade, transfers and transactions in conventional arms: this includes exports, imports, re-exports, transits, transshipments, temporary imports, state-to-state transfers, gifts, sales, loans, leases and the essential services to complete the transaction (brokering, transport, financing).

4. Robust regulation of licensing systems: this includes, for example, mechanisms for (a) prior risk assessment and authorization; (b) the use of end use assurances where necessary; (c) brokering controls; and (d) national criminal sanctions for activities not authorised in accordance with the terms of the Treaty;

5. Records: The ATT must require that all States keep records of the international arms transfers that the national authorities have authorised and that have been cleared by customs. Records should be kept for 20 years.

6. Transparency measures: this must include (a) annual public national reports by States covering all generic types of conventional arms and forms of international transfer defined under the ATT; (b) reports on national implementation of obligations under the ATT.

ENDNOTES

¹ Counting these groups definitively is difficult due to their fluid alliances, splintering and defections. The seven groups referred to comprise groups of fighters in Greater Upper Nile during 2011 and 2012 under the command respectively of George Athor; Peter Gadet; Gatluak Gai; David Yau Yau; Gabriel Tang-Ginye; a loose confederation of splinters from Peter Gadet's forces commanded after August 2011 by Bapiny Monytil, Gai Yoach, Matthew Pul Jang and Carlo Kuol; and Shilluk fighters variously led by Johnson Olonyi, Robert Guang and Ayok Agat. For summaries of armed opposition groups in South Sudan, see Small Arms Survey, *Fighting for spoils. Armed insurgency in greater Upper Nile* (Sudan Human Security Baseline Assessment Issue Brief No. 18), November 2011.

² Amnesty International, *Sudan: No End to Violence in Darfur. Arms Supplies Continue Despite Ongoing Human Rights Violations* (AFR 54/007/2012), 8 February 2012.

³ The manufacture dates and delivery dates to Sudan of these rifles have not yet been determined.

⁴ Amnesty International, *Sudan: the human price of oil, May 2000* (AFR 54/001/2000); Human Rights Watch: *Sudan, Oil and Human Rights*, 2003.

⁵ UNMISS report, 16 April 2012.

⁶ UNMISS report of verification mission to Mayom, 17 April 2012.

⁷ Forced southwards by the SPLA's counter-attack, according to the SPLA; moving voluntarily in order to avoid further civilian casualties in Riak, according to Riak residents. Interview with local government official, Bentiu, 26 January 2012; interview with Riak payam residents, location withheld, January 2012; UNMIS JOC flash report on 17 March clashes in Mayom [County], Unity State.

⁸ Interview with male displaced resident of Riak payam, location withheld, January 2012.

⁹ Text at <http://www.southsudan.net/SouthSudanLiberationArmy.html> last accessed 13 March 2012.

¹⁰ Interviews with former SSLA member, Juba, 29 and 30 January 2012; undated photographs viewed by Amnesty International showing Peter Gadet, Bapiny Monytil, Gai Yoach, Matthew Pul Jang and Carlo Kuol with SSLA forces, allegedly in training area in Abu Gurum, Abiemnhom county, northern Unity State; UNMIS flash report on 17 March clashes in Mayom [County], Unity State.

¹¹ Bapiny Monytil was interviewed by the BBC in Khartoum in late October 2011, available at: <http://www.bbc.co.uk/news/world-africa-15546499>

¹² Interview with former militia member, Juba, 29 January 2012.

¹³ Sudan Tribune, 'SPLA set fire to over 7000 in Unity says Mayom county official', 24 May 2011.

¹⁴ Sudan Tribune, 'Unity State authorities deny that SPLA burnt 7,800 homes in Mayom', 28 May 2011. Amnesty International sought to visit Mankien in late January 2012, but was informed by local government officials that only the government was permitted to use this road due to safety.

¹⁵ Interviews with residents of Mankien and Riak payams, location withheld, 25 January 2012; interview with local government representative, Bentiu, 26 January 2012; interview with community leader, location withheld, 29 January 2011.

¹⁶ Interview with Mayom County Deputy Commissioner, Mayom, 24 January 2012; interview with South Sudan Relief and Rehabilitation Commission (SSRRC) staff, Mayom, 24 January 2012; interview with Lt General James Gatduel Gatluak (Division Commander, 4th Division) and Brigadier Michael Makul (commander of Brigade 21), Rubkhona, 27 January 2012; interviews with Mayom town residents, location withheld, January 2012. Local government officials and the SPLA also reported that they had engaged militia members in late November and captured several personnel and a commander, Brigadier Samuel Machul Kulang, while they were attempting to cross the Tumur-Mayom road near to Mayom town: interview with SSRRC staff, Mayom, 24 January 2012; Sudan Tribune, 'SPLA captures Brigadier Kulang, large quantities of arms', 3 December 2011.

¹⁷ Civilian casualty numbers from this attack are very difficult to verify. The South Sudan Relief and Rehabilitation Commission reported that eight civilians (including two children) were killed in the Mayom town attack, and 47 injured. Some former residents of two villages close to Mayom town reported that their villages were deserted, and that at least 40 people had been killed from their village alone. These figures could not be independently verified: interviews with Mayom town residents, location withheld, January 2012; interview with SSRRC staff, Mayom, 24 January 2012.

¹⁸ 2011 statistical report from Bentiu Ministry of Health hospital, on file; interview with Bentiu MoH hospital staff, Bentiu, 26 January 2012.

¹⁹ From the *Pulemyot Kalashnikova* (PK)-type 7.62mm general-purpose machine gun widely found throughout African and Asian conflicts.

²⁰ From the calibre of most Soviet-bloc heavy machine guns (12.7mm).

²¹ From the ZU-23 and ZPU series of Soviet-origin 2-barrel and 4-barrel anti-aircraft guns.

²² A contraction of 'Toyota', the most common manufacturer of pick-up vehicles in South Sudan and elsewhere in East Africa. Identifications of vehicles as 'Totias' or Toyotas in testimonies does not, of course, imply or confirm that the vehicles in question were necessarily manufactured by Toyota.

²³ Based on the word 'Ural', the make of Soviet-origin military trucks used by the SPLA in large numbers.

²⁴ From the Arabic word for military tank, *dabaabah* (دبابّة).

²⁵ For example, the SPLA's main Brigade 21 remained headquartered in the main police station in Mayom town when Amnesty International visited in January 2012; likewise the militia forces in Riak were reportedly assembled for prospective reintegration within the town itself.

²⁶ Interview with former senior SSLA member, Juba, 29-30 January 2012.

²⁷ Small Arms Survey, *Further arms and ammunition seized from Peter Gadet's forces*, 13 January 2012; interview with former UN observer, Nairobi, 18 February 2012. 120mm mortar shells of this unidentified type have also been found in the civil-war stockpiles of a former SSDF Murle militia in Pibor (with batch number 4-01); and in Sudanese Armed Forces stocks captured by the Justice and Equality Movement (JEM) in their attack on Kornoy in May 2009 (with 13-01, 01-04 and 01-06 batch numbers): photographs on file. Those depicted on the MIC website (see endnote 29) have batch number 6-99; these collectively indicate that the second element of the batch number is the manufacture year.

²⁸ Small Arms Survey, *Further arms and ammunition seized from Peter Gadet's forces*, 13 January 2012; interview with former UN observer, Nairobi, 18 February 2012.

²⁹ <http://mic.sd/images/products/wepons/en/Ammunitions82mm.htm> accessed 23 March 2012. The production capabilities of MIC have never been independently verified; and a number of products listed in MIC literature and on its website are in fact taken from the publicity material of foreign arms manufacturers.

³⁰ Interview with Mayom resident, location withheld, January 2012.

³¹ See Mike Lewis, *Skirting the Law: Sudan's post-CPA arms flows* (Small Arms Survey: Geneva, 2009), pp. 39-44; and statements by US, Kenyan and South Sudanese officials quoted in leaked 2009 US State Department cables, reported in Jeffrey Gettleman & Michael R. Gordon, 'Pirates' Catch Exposed Route of Arms in Sudan', *New York Times* (8 December 2010). As well as T72M1 tanks, Kontakt-1 explosive reactive armour for the tanks, and tank ammunition, the shipments also included ZPU-4 and Zu-23-2 anti-aircraft guns, BM-21 122mm multiple barrel rocket launchers mounted on Ural trucks; RPG-7V rocket propelled grenade launchers, and several thousand AKM-type assault rifles.

³² When the tank shipments were first publicised in 2009, the Governments of Kenya and South Sudan denied that they were destined for the SPLA. Photographic evidence of T72M1 tanks in South Sudan has only been published once before: see photograph by Alan Boswell/MCT via Getty Images, taken on 27 November 2010, available at: <http://www.gettyimages.se/detail/nyhetsfoto/soldiers-await-in-formation-on-battle-tanks-8-miles-south-nyhetsfoto/107635403>

³³ UN Secretary-General's Special Representative on Sudan, briefing to UN Security Council's 5956th meeting, 18 August 2008 (note on briefing from UN Department of Public Information available at: <http://huwu.org/News/Press/docs/2008/sc9424.doc.htm>)

³⁴ Report of the Secretary-General on the Sudan, 17 April 2009 (S/2009/211).

³⁵ UNMIS ifeed news release, 25 February 2009, available at: <http://www.unmultimedia.org/tv/unifeed/d/9465.html>; Lt Paul Morrison, *Battle rages around UN Military Observers in southern Sudan*, 20 February 2009, available at: <http://www.cefcom-comfec.forces.gc.ca/pa-ap/fs-ev/2009/04/06-eng.asp>

³⁶ Mike Lewis, *Skirting the Law, op cit*; shipping documents accompanying the shipments claimed that the shipments were for the Kenyan Ministry of Defence, and they were reported as such by Ukraine to the UN Register of Conventional Armaments.

³⁷ Isle of Man company registry at http://www.gov.im/ded/pvi/pvi_fr.html accessed 23 March 2012.

³⁸ See Mike Lewis, *Skirting the Law, op cit*, and chapter by Oliver Sprague (Military/Security/Police manager, Amnesty International UK) in An Vranckx (ed), *Rhetoric or Restraint? Trade in Military Equipment under the EU Transfer Control System. A report to the EU presidency* (Conflict Research Group, University of Ghent: November 2010), pp. 60-64, available at: http://www.cris.unu.edu/fileadmin/user_upload/rhetoric_or_restraint_.pdf

³⁹ Mike Lewis, *Skirting the Law, op cit*; and statements by US, Kenyan and South Sudanese officials quoted in leaked 2009 US State Department cables, reported in Jeffrey Gettleman & Michael R. Gordon, *Pirates' Catch Exposed Route of Arms in Sudan*, New York Times, 8 December 2010.

⁴⁰ Interview with Beluga Shipping staff, 12 November 2008; time charter contract dated 22 November 2007, on file with Amnesty International; Chapter by Oliver Sprague, *op cit*; See also Amnesty International, *Deadly Movements: Transportation Controls in the Arms Trade Treaty* (AI Index: ACT30/015/2010), 19 July 2010, p.10.

⁴¹ For further details about inadequate national controls on weapons transporters, see *Amnesty International/IPIS/Transarms, Deadly Movements: Transportation Controls in the Arms Trade Treaty* (Index: ACT 30/015/2010), July 2010).

⁴² Interview with former senior SSLA member, Juba, 29-30 January 2012.

⁴³ This identification is based upon observations of matching headstamp markings and physical characteristics of 7.62x39mm ammunition in Sudan itself, and of 7.62x39mm ammunition found elsewhere in Africa in packaging matching that of Sudanese arms manufacturers. See Small Arms Survey, *A Guide to Sudanese Ammunition, 1954-present*, 11 November 2011; cf. ammunition samples 10 and 11 identified as Sudanese-manufactured

in United Nations, *Report of the Panel of Experts on the Sudan appointed pursuant to resolution 1591 (2005)* (published 8 March 2011), pp. 21-23.

⁴⁴ Footage available at <http://www.youtube.com/user/BolKol1000>. Location of footage given in interview with former senior SSLA member, Juba, 29-30 January 2012.

⁴⁵ Small Arms Survey, *Arms and ammunition seized from Peter Gadet's forces*, 20 October 2011. These rifles are Chinese manufactured and are clearly fresh from their crates, but their manufacture date or delivery date to Sudan has not been determined.

⁴⁶ Interview with international observer, Nairobi, 18 January 2012; interview with security adviser, Juba, 5 December 2011.

⁴⁷ These rifles had their serial numbers intact, but most had had their manufacturing markings filed off, indicative of efforts at some point in their history to conceal their origin.

⁴⁸ 1973-manufactured Russian ammunition (headstamp 17_73) viewed in SPLA rifle at SPLA 4th Division headquarters, Rubkhona, January 2012; and recovered from location in Bentiu town, January 2012.

⁴⁹ Small Arms Survey, *Arms and ammunition seized from Peter Gadet's forces*, 20 October 2011.

⁵⁰ Interview with former senior SSLA member, Juba, 29-30 January 2012.

⁵¹ Reports gathered from NGO and UN sources. In Upper Nile in March 2011 the SPLA reported finding the following types of mines around George Athor's base at Korwai: Type 59, TM 46, TM 57 and PRB M3 anti-vehicle mines; POMZ 2, PMN, PRB M35, Type 72A and No 4 anti-personnel mines. These could not be verified by Amnesty International. These landmine types, and copies of them, are each produced by several different countries.

⁵² Reports gathered from NGO and UN sources. Of the 25 reported incidents, 16 were from Unity State.

⁵³ Interview with former SSLA member, location withheld, 29 and 30 January 2012.

⁵⁴ Interview with Bentiu MoH hospital staff, Bentiu, 26 January 2011; the SPLA confirmed the incident to UNMISS, and these three deaths (Summary of UN incident report).

⁵⁵ Interviews with UN, local government and NGO staff, Bentiu and Mayom, January 2012. See also IRIN/UNOCHA, *Sudan: Landmines add to security worries in south*, 6 June 2011, available at: <http://www.irinnews.org/Report/92912/SUDAN-Land-mines-add-to-security-worries-in-south>. When Amnesty International visited Mayom County in late January 2012, the road between the state capital Bentiu and Mayom continued to be classed by the UN as 'Category 4' (forbidden for UN personnel), due to fears of possible re-mining, although commercial and some NGO traffic was recommencing. However, Abiemnhom County residents interviewed in Bentiu in January 2012 reported that the journey from Mayom to

Bentiu by tractor still cost around 200 SSP, equivalent to around 57 US dollars, far in excess of most people's resources (interview with Abiemnhom county residents in Bentiu, 21 January 2012).

⁵⁶ Interviews with UN and NGO staff, Bentiu, January 2012; after the initial 10-day prohibition, the SPLA communicated via the UN that NGO and UN personnel could move outside Bentiu, but were required to notify the SPLA 24 hours in advance. This reporting requirement was reportedly lifted in late May 2011.

⁵⁷ Interview with UN staff, Juba, 5 December 2011. These types, originally of Russian, Chinese and US design, have been manufactured by several different countries.

⁵⁸ Interview with UN staff, Juba, 5 December 2011. See also Small Arms Survey, 'Arms and ammunition seized from George Athor's forces', 20 October 2011; Small Arms Survey, 'Anti-tank and anti-personnel mines in Unity and Jonglei state', 5 March 2012.

⁵⁹ Jane's Information Group, *Jane's Mines and Mine Clearance 2011-12*.

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