

SOUTH SUDAN HUMAN RIGHTS MONITOR

November 1, 2017 to January 30, 2018

This report is based on the work of internationally trained local monitors on the ground in South Sudan working for a national human rights organization. Both these monitors and the organization must remain anonymous given present security concerns. The information reported herein meets the threshold for initiating an investigation. There is a reasonable basis to believe that the following incidents occurred.

I. Introduction

South Sudan has experienced widespread human rights abuses and a plethora of crimes, including a significant amount of sexual and gender-based and ethnic violence, since the outbreak of the conflict in December 2013. Since the start of the conflict, violence has escalated at an alarming rate across the country, resulting in widespread killings, rapes, extensive property damage and looting of civilian property. This report details human rights abuses and crimes committed against civilians that have been documented by local monitors working anonymously in five locations around the country.

The gross human rights violations and crimes included in this report illustrate the severity of the conflict and its overall impact on the lives of civilians, including damaging their ability to sustain their livelihoods, and the destruction of the social fabric of their communities that will affect generations of South Sudanese. While this report does not cover the totality of human rights abuses and crimes that have occurred in South Sudan during the reporting period, it does provide a reasonable basis to believe that these human rights abuses and crimes have occurred as reported and a clear basis for analysis and human rights advocacy.

Despite the signing of the Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS), establishing the Transitional Government of National Unity (TGoNU) in August 2015, peace remains elusive. Violence in Juba between the Sudan Peoples' Liberation Army in Government (SPLA-IG) and Sudan People's Liberation Army in Opposition (SPLA-IO) in July 2016 resulted in widespread killings and rapes of civilians, extensive property damage and looting.¹ At least 36,000 people were displaced, and 300 killed in fighting between the SPLA-IG and the SPLA-IO.² The violence in Juba ignited violence all across the country.

While attempts have been made to revitalize the ARCSS, violence against civilians has continued unabated. Despite signing of the Cessation of Hostilities Agreement (CHA), which

¹Human Rights Council, "Report of the Commission on Human Rights in South Sudan," February 23, 2018, para. 39 available at <http://www.ohchr.org/EN/HRBodies/HRC/CoHSouthSudan/Pages/Index.aspx>

²*Id.*

took effect on December 24, 2017,³ all parties to the conflict have violated the CHA on numerous occasions.⁴

On January 27, 2018, the Inter-Governmental Authority on Development's (IGAD) Council of Ministers denounced the ongoing fighting and called for sanctions against those who obstruct peace in South Sudan.⁵

The ongoing conflict and the associated human rights violations and commission of crimes have had devastating humanitarian consequences. According to OCHA, nearly four million people have been displaced by the conflict, including more than 1.9 million persons internally displaced.⁶ Two million more have fled as refugees to neighboring countries and nearly half of the country's population, 5.1 million, are facing severe food insecurity.⁷

Although direct military confrontation has slightly decreased, possibly as a result of pressure to respect the ceasefire, there appears to be no resulting decrease of human rights abuses and crimes. During the reporting period, 16 incidents of human rights violations and crimes, including the arbitrary arrest and detention and summary execution of civilians, were documented. A majority of the documented incidents appear to be attributable to either the SPLA-IG or the SPLA-IO. Both groups appear to be targeting civilians who are perceived sympathizers of their opposition. Similarly, rivalries within various military and militia groups have resulted in similar violations against real and/or perceived rivals.

II. Methodology

This report is based on the work of five monitors on the ground in South Sudan working for a local human rights organization. Both these monitors and the organization must remain anonymous based on an assessment of security concerns. These monitors received training from two international human rights organizations on monitoring, reporting and documentation before they began the monitoring work. With consistent feedback and guidance from the international partners, the monitors documented violations in their own communities and the surrounding areas. This report is based on individual interviews with victims, witnesses, and others with knowledge of the events, including professionals. Unless otherwise noted, the sources of all information in this report are these individual statements. We have sought to corroborate the information provided to ensure its reliability and authenticity. Thus, the

³ AFP, "South Sudan's warring parties agree ceasefire in bid to end four-year war," *The Guardian*, December 23, 2017.

⁴ UN Security Council, "Special report of the Secretary-General on the renewal of the mandate of the United Nations Mission in South Sudan," Doc. No. S/2018/143, February 20, 2018, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/N1803923.pdf>.

⁵ Global Centre for Responsibility to Protect, "Atrocity Alert No. 90, Democratic Republic of Congo, Afghanistan and South Sudan," January 31, 2018, available at <https://reliefweb.int/report/democratic-republic-congo/atrocity-alert-no-90-31-january-2018-democratic-republic-congo>.

⁶ OCHA, *Humanitarian Bulletin South Sudan*, 18 January 2018,

⁷ *Id.*

incidents reflected herein is limited to information that supports a reasonable basis to believe that the incident occurred as reported.

We are aware that others are also monitoring the human rights situation in South Sudan. The level of reporting, however, is not adequate to fully present the extent of human rights violations in the country given the scope and magnitude of the incidents. In addition, a significant amount of reporting is not made public. This reporting, therefore, is intended to complement existing reporting, with the view of ensuring a more complete and public representation of the human rights situation in South Sudan.

The primary temporal period of this report are incidents that were committed from November 1, 2018 to January 31, 2018. Additional incidents outside of the temporal scope noted above, are also included.

III. INCIDENTS

A. Central Equatoria

At the outset of the war in December 2013, Central Equatoria remained largely unaffected by the conflict, with the exception of Juba. However, after the fighting between SPLA-IG and SPLA-IO in July 2016, SPLA-IO elements fled through Central Equatoria to the Democratic Republic of Congo (DRC), sparking violence between the SPLA-IG and SPLA-IO in the region. The fighting caused massive displacement as the SPLA-IG perceived the civilian population to be supporting the SPLA-IO. According to the UN Commission of Inquiry, between October and December 2016, half of the population of KajoKeji County in Central Equatoria fled. In February 2017, Thomas Cirillo, a former SPLA deputy chief of staff, defected, accusing the SPLA of serious human rights abuses. In March 2017, he formed the National Salvation Front (NAS).

Clashes were ongoing in this area at the time that the ceasefire agreement was signed and have continued since.⁸

During the temporal period covered by this report, the following incidents were recorded:

- **On November 24, 2017, at about 4pm**, armed men stopped a group of civilian travelers on the road between Jale in South Sudan and Afoji in Uganda. Two of the men were beheaded, two more suffered serious injuries, and a fifth person has disappeared. The perpetrators appeared to be members of the SPLA-IO, and reportedly accused the men of being government supporters. The survivors were eventually found by government soldiers and evacuated to Moyo in northern Uganda for treatment. Based on the available evidence, the killings appear to constitute the crime of murder.

⁸ UN Security Council, "Special report of the Secretary-General on the renewal of the mandate of the United Nations Mission in South Sudan," Doc. No. S/2018/143, February 20, 2018, available at <https://reliefweb.int/sites/reliefweb.int/files/resources/N1803923.pdf>.

- **On December 8, 2017, at 8:00am**, four armed men, dressed in plain clothes, forced themselves into a civilian's home in KiriBoma, Kangapo I Payam, KajoKeji County. The four armed men identified themselves as members of the SPLA-IO. The soldiers arrested the man of the household, detained him in two locations, and reportedly tortured him before he was finally released. The man appears to have been targeted because he had previously visited government barracks, and was therefore believed to have been a government supporter. Based on the available evidence, the arrest and detention appear to have been arbitrary.

In addition, while the following incidents do not fall within the temporal scope of the reporting period, they deserve mention:

- **On March 3, 2017, at 11:15 am**, a villager from Wudu Boma along with two friends were arrested and taken to Mundari Barracks. Mundari Barracks are reportedly the largest government barracks in KajoKeji County where they were detained for three weeks. The victims believe that those who arrested them were government soldiers and that their arrest was motivated solely by the perception that the detainees were SPLA-IO supporters. Based on available information, the arrest appears to have been arbitrary. The property of the detainees was also reportedly confiscated and not returned.
- **On June 8, 2017, at 8:00am**, two gunmen appeared to be wearing SPLA-IG uniforms asked a group of seven people for money. When the group collectively responded that they did not have any money, they were locked inside a home. Two men managed to escape. Three others were shot and killed as they attempted to do the same. Two individuals, 36 and 66 years old respectively, were shot and killed inside the burning house.
- **On October 12, 2017, at 11:15am**, a civilian married couple heading to Belameling Camp in Uganda were intercepted by approximately 20 men that appeared to be SPLM-IG soldiers. The soldiers ambushed the couple in Bodolonyon along the Jamilo-Lefori Road, commonly referred to as "kiko lo kowurjo". Bodolonyon is located south of Jalimo Boma. The husband was shot dead. The wife was detained at an SPLM-IG base in Bamurye for nine days before being released. The men were identified as government soldiers based upon their uniforms. The couple appeared to have been targeted due to the fact that they were perceived to be affiliated with the SPLA-IO because they lived in KajoKeji. A third man, who was taken with the wife to Bamurye was executed there, two days after a failed escape attempt. Based on available information, the woman appears to have been arbitrarily detained and both men appear to be subjected to extrajudicial execution.
- **On October 19, 2017, at 03:00 pm**, gun shots were heard along the road from Belameling refugee settlement in Uganda to Sera Jale, a village located in KajoKeji County of South Sudan. One week later, after becoming aware that a young man

approximately 25 years old, was traveling along that road had not arrived as expected, community members mounted a search of the area where the gun shots had been heard the week before. Thereafter, three lifeless bodies, including the man identified as missing, were discovered. All three individuals were found with their hands tied, which the community interpreted as a sign that they had been executed. It is believed that government soldiers killed the men, as the victims were perceived as opposition supporters. If the circumstances as reported are confirmed, the incident appears to constitute an extra-judicial killing.

B. Northern and Southern Liech States

Northern and Southern Liech States (referred to collectively as the Liech States) have been the site of brutal fighting between the SPLA-IG and the SPLA-IO since the inception of the conflict. According to the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (“CTSAMM”), heavy fighting occurred in Northern Liech State within hours of the ceasefire agreement coming into effect. According to CTSAMM, the SPLA-IO attacked the town of Koch in Liech State on December 24, with subsequent fighting leaving 15 dead.⁹

In the Liech States, monitors documented the following incidents:

- Villagers in the Kuerjang and DandogPree Village Township, Guit County could not travel freely due to the tension between the SPLA-IG and SPLA-IO between August and September 2017.
- **On or about November 12, 2017 at 7:30am**, villagers were forced to perform labor such as cooking for the soldiers and fetching water and firewood for the SPLA-IG, Battalion #14. A total of ten villagers were forced to work in a military barrack over the course of six days. Based on the available information, this appears to constitute forced labor.
- **Between November 15 and 20, 2017**, SPLA-IG soldiers from Division #4 detained a total of 14 people from Guit Township, Northern Liech State, after villagers failed to provide them with ten bulls. The remaining villagers were terrorized by the looting of their property and cattle and fled Guit county headquarters to evade arbitrary detention by the SPLA-IG.
- **On November 27, 2017 at 10:15 am**, six civilian men on the road were shot at in the vicinity of Kay Village Tract, Lu Thaw Township, Leer County by government soldiers from the Light Infantry battalion of Military Operations Command (MOC). At least one man was killed and another was injured. The incident occurred in an SPLA-IO controlled area, despite the fact that the parties had reportedly agreed that government soldiers

⁹ Global Centre for Responsibility to Protect, “Atrocity Alert No. 90, Democratic Republic of Congo, Afghanistan and South Sudan,” January 31, 2018, available at <https://reliefweb.int/report/democratic-republic-congo/atrocity-alert-no-90-31-january-2018-democratic-republic-congo>

would not approach the road. Based on the available evidence, this incident appears to constitute an illegitimate targeting of civilians.

- **On December 5, 2017 at about 9:45pm**, according to eye witnesses, a village tract leader in Southern Liech State was found dead in a swamp. He had previously been arrested by a representative of a local military commander on November 15, 2017. The tract leader had reportedly clashed with another local leader in Kuei County, over the former's alleged lack of support for a nearby army base in Mayiendit County. According to local community leaders, the local leader denied responsibility for the death, but admitted to having ordered his body guards to beat the deceased six days before his death. The deceased had reportedly expressed a desire to be replaced as the tract leader for fear of clashing with other authorities. This incident appears to constitute the crime of murder.
- **On December 18, 2017 at 7:24am**, a villager from Leer Township, Southern Liech State was shot and killed by a member of the Border Guard Force (BGF) Battalion #1013. The villager was shot once in the chest and again in his shoulder and died in the hospital on 26 December. This incident appears to constitute the crime of murder.
- **On December 23, 2017**, a villager of Pilieny village tract, Leer Township, Southern Liech State, was beaten by members of the SPLA-IG (Battalion 11) after he had been drinking. The villager eventually died of his injuries about midnight. This incident would appear to involve excessive use of force by the authorities. To date, it is believed that the Southern Liech State authorities have neither initiated an investigation nor held accountable the soldier or soldiers involved. To date, the family of the deceased had not been compensated.
- **On December 27, 2017 at 8:30am**, a villager from Thonyor Township, Southern Liech State was arrested and accused of being a supporter of the SPLA-IO. During his arrest, he was beaten and rendered unconscious, suffering serious injuries. Based on available information, this appears to be an arbitrary arrest and the use of force appears to be excessive.
- **On December 30, 2017 at about 10:30 am**, a villager from Dandok was arrested as he was grazing his cows beside a farm. The villager was accused of not informing SPLA-IG soldiers of the SPLA-IO's whereabouts. The villager suffered injuries when an SPLA-IG soldier hit him with weapons. He was ordered to accompany the soldiers and was released on the way back to their base. Based on the available evidence, this incident appears to constitute unjustified use of force.
- **On January 8, 2018 at 10:30am**, a villager from Bhor Payam was arrested and beaten to death based upon his perceived affiliation with the SPLA-IO. Two other villagers were

arrested by the SPLA-IO in January 2018. Based on available information, this appears to be an extrajudicial execution.

- **On January 15, 2018 at 5:45pm**, a villager from the greater Rubkona Township was hit and pulled forcefully by SPLA-IG soldiers.
- **On January 17, 2018 at 11:45am**, the SPLA-IG (Battalion #4) threatened to kill some villagers in Rubkona Township, alleging that they were supporters of the SPLA-IO.
- **On January 27, 2018 at 12:50pm**, the SPLA-IG (Battalion #8) terrorized villagers in greater Nhialdiw Township, Rubkona County, Northern Liech State by shouting at the villagers and shooting at surrounding trees.

The following incidents occurred outside the temporal scope of this report:

- **On October 9, 2017, at 8:30am**, villagers were ordered by SPLA-IG soldiers from Battalion #14 to stay in the army camp. The villagers were ordered to cook, carry water and fetch luggage as instructed by the SPLA-IG soldiers.
- **On October 29, 2017**, SPLA-IG soldiers went to Kuerjang Pree village tract, Guit County. The villagers fled in fear, only later be threatened at gunpoint and questioned as to why they had run away. Although none were injured, 27 civilians were taken for interrogation.

III. WAU

Wau was the capital of Western Bahr el Ghazal State prior to the expansion of the number of states to 28. It is now the capital of Wau State.¹⁰ It has been under the control of the government since the start of the conflict.¹¹ However, the presence of other armed groups in the areas to the south and west of Wau Town has precipitated fighting since late 2015.¹²

- On **December 31, 2017**, a male civilian traveling from Ngodakala Payam to Wau Town was stopped with several other men at Amina Church by SPLA-IG soldiers. The soldiers stole their property and took them to their barracks at Jebel Kasha at Wau Bussere road. Based on available evidence, this incident would appear to constitute arbitrary detention and looting.

IV. ANALYSIS

¹⁰Human Rights Council, "Report of the Commission on Human Rights in South Sudan," February 23, 2018, para. C, 1 available at <http://www.ohchr.org/EN/HRBodies/HRC/CoHSouthSudan/Pages/Index.aspx>.

¹¹ Id.

¹² The Wau Triangle is the area between Wau town, Bazia to the south, and Bisselia to the west and also encompasses MoiMoi, Bussere, Baggari, Taban, and Faraj Allah.

There are multiple violations of international criminal law and human rights violations being consistently committed by the SPLA-IG, the SPLA-IO and other armed groups in South Sudan. All parties appear to be deliberately targeting civilians based upon their perceived support of opposing parties. Often, this perceived support appears to be assessed merely on the basis of location of residence or ethnic identity. The acts monitored over a period of four months and described here, appear to constitute serious crimes, including, but not limited to murder, arbitrary arrest, and looting. Given the broader context and other reporting, they would also appear to constitute war crimes and crimes against humanity. Reports civilians attempting to flee are frequently attacked en route to refugee camps or other traditional safe havens is also of serious concern.

V. RECOMMENDATIONS

We call on the United Nations (UN) to increase resources for monitoring of human rights violations in all areas of South Sudan, with an emphasis on the exit points to neighboring countries, such as Uganda, who host significant numbers of South Sudanese refugees.

We recommend that the UN Mission in South Sudan (UNMISS) increase resources to provide greater protection for South Sudanese citizens that remain vulnerable to attacks from the actors in the conflict.

Most significantly, we call on the international community, including IGAD, AU and the UN to emphasize the necessity of focusing on a peaceful resolution of the conflict and adherence to the peace agreements, including advancing the creation of the Hybrid Court for South Sudan (HCSS) that was envisaged to take forward accountability in South Sudan.