



# Report on violations and abuses against civilians in Gbudue and Tambura States, Western Equatoria

April – August 2018

## INTRODUCTION

This report is jointly published by the United Nations Mission in South Sudan (UNMISS) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), pursuant to United Nations Security Council resolution 2406 (2018). The report presents the findings of an investigation conducted by the UNMISS Human Rights Division (UNMISS HRD) into violations and abuses of international human rights law and violations of international humanitarian law reportedly committed by the pro-Machar Sudan People’s Liberation Army in Opposition (SPLA-IO (RM)) and the Government’s Sudan People’s Liberation Army (SPLA) against civilians in the states of Gbudue and Tambura, in Western Equatoria, between April and August 2018.

**The report documents the plight of civilians in the Western Equatoria region of South Sudan, where increased violence and attacks between April and August 2018 saw nearly 900 people abducted, including 505 women, and forced into sexual slavery or combat, and over 24,000 displaced from their homes.**

The report identifies three SPLA-IO commanders who may bear the greatest responsibility for the violence committed against the civilian population in Western Equatoria during the period under consideration.

HRD employed the standard of proof of *reasonable grounds to believe* in making factual determinations about the violations and abuses incidents, and patterns of conduct of the perpetrators. Unless specifically stated, all information in the report has been verified using several independent, credible and reliable sources, in accordance with OHCHR’s human rights monitoring and investigation methodology.

## VIOLATIONS AND ABUSES OF INTERNATIONAL HUMAN RIGHTS AND HUMANITARIAN LAW

### ABDUCTIONS



### RAPE, SEXUAL SLAVERY AND OTHER FORMS OF SEXUAL VIOLENCE



**For instance, a girl from Bazungua explained how she was tied to a tree and raped by two fighters until she passed out due to pain and bleeding. When she regained consciousness, she was threatened with rape again.**

*They had forcibly inserted their penis inside my vagina (...) tearing apart my underwear. I was very exhausted and in extreme pain and fainted after I was raped. When I gained back my consciousness, one of them talked to me in Azande and told me "You are just pretending to be in pain!" (...) because I was moving very slowly (...) I stumbled, they whipped my back until I fell on the ground and fainted again. (...) when I regained consciousness, with difficulty, I forced myself up because my captors told me "the next time you will pretend fainting, we will rape you again (...).*

15-year-old survivor from Bazumburu.

### FORCED DISPLACEMENT





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## ATTACKS ON HUMANITARIAN ACTORS AND FACILITIES

IN MAY 2018, IN TWO SEPARATE AMBUSHES IN YANGIRI, EZO COUNTY (TAMBURA STATE),

**10 NATIONAL AND INTERNATIONAL HUMANITARIAN WORKERS (INCLUDING ONE WOMAN) WERE ABDUCTED AND BROUGHT TO NADIANGERE,** where they were held captive for four days and subjected to extortion.

Convoys of humanitarian actors transporting assistance also **fell into road ambushes and were looted,** particularly in the areas around the Tambura-Yambio road.

## UNLAWFUL DESTRUCTION OF PROPERTY

**SPLA-IO (RM)**

UNMISS HRD DOCUMENTED ATTACKS ON

**AT LEAST 28 VILLAGES** | **1 SETTLEMENT OF INTERNALLY DISPLACED PERSONS (IDPS)** | **1 REFUGEE CAMP**

in the states of Gbudue and Tambura in Western Equatoria. Some of these locations were attacked several times.

## UNLAWFUL KILLING OF CIVILIANS

**SPLA-IO (RM)**

In at least four separate incidents that occurred in Makpandu, Rimenze and Bazumburu,

**SPLA-IO (RM) ELEMENTS SHOT AND KILLED 9 CIVILIANS, INCLUDING FOREIGN NATIONALS,**

reportedly because they attempted to run away, failed to give money, or came from a country accused of supporting the Government of South Sudan.

**SPLA**

SPLA elements on foot pursued civilians and continue shooting throughout town, forcing them to flee into the bush.

**AT LEAST 14 CIVILIANS, INCLUDING THREE WOMEN, WERE REPORTEDLY SHOT AND KILLED DURING THE RETAKING OF NAGERO.**

## MODUS OPERANDI

**SPLA-IO (RM)**

Attacks by SPLA-IO (RM) were characterized mainly by the abduction of **adults and children for forced recruitment and sexual violence including rape and sexual slavery, the looting of property and forced displacement.** In some instances, unlawful killings were also carried out.

The UNMISS HRD investigation established two broad types of modus operandi by SPLA-IO (RM). There were **relatively organized attacks on villages and/or road ambushes** to abduct and loot. There were also **random and opportunistic attacks against civilians** carried out by roaming SPLA-IO (RM) elements.

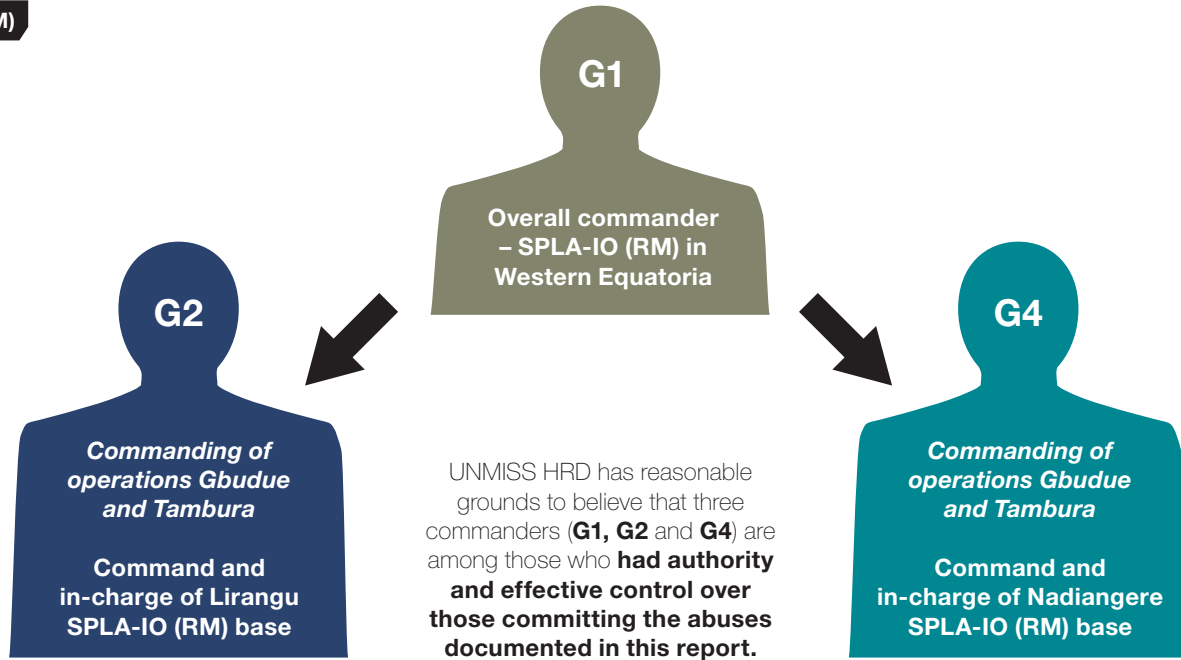
Attacks against villages or settlements were mostly carried out at night or in the dark hours of the morning to surprise villagers in their sleep. SPLA-IO (RM) elements, often dressed in a mix of Government service and military uniforms and/or civilian clothes, **snuck into the villages from the cover of the forest, in separate small groups, carrying AK-47 rifles, machetes, clubs and sharpened wooden sticks.** Some attackers masked their faces or part of their faces to hide their identities as some of them were locals from the areas that they preyed on. After the attacks, they brought back their loot and abductees to their camps or transit points.

**SPLA**

Violations committed by SPLA forces were mainly reported during offensives conducted in Nagero on 20 May 2018 to dislodge SPLA-IO (RM) elements who had taken over the town. SPLA military operations documented by UNMISS HRD did not comply with the principles of distinction between military and civilian objectives, and led to **serious international human rights and humanitarian law violations, including unlawful killings of civilians and the looting and destruction of civilian property,** such as in Nagero. SPLA also committed violations at security checkpoints or during reconnaissance patrols.

## RESPONSIBILITY

### SPLA-IO (RM)



### SPLA

UNMISS HRD was unable to identify individual SPLA commanders with responsibility for the violations documented in the report. **SPLA forces were also responsible for the killing of civilians, looting and burning of civilian property.**

## UNMISS POLITICAL ENGAGEMENT

The report was shared with the Government of South Sudan for factual comments. A letter containing the findings was also transmitted to the leader of SPLA-IO (RM), Dr. Riek Machar. In early September 2018, the Special Representative of the Secretary-General also met with Dr. Riek Machar in Khartoum and expressed concern about the reported abuses perpetrated by SPLA-IO (RM) elements in Western Equatoria.

**Following the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS), the report sends a message to warring parties that the building up of forces through abduction and forced recruitment including of children, is a serious crime.**

## RECOMMENDATIONS

The report makes recommendations to SPLA-IO (RM) **to immediately release all civilians it has abducted, first and foremost the children.** It recommends that the Government and other relevant stakeholders **urgently pursue accountability** and urges all parties to abide by the revitalized Agreement on the Resolution of the Conflict in South Sudan signed on 12 September 2018. The report further calls for the Government **to conduct a prompt, effective, independent and impartial investigation** into all allegations of violations and abuses of international human rights and humanitarian law in Western Equatoria, and **to prosecute all those allegedly responsible for crimes committed**, including those in positions of command and authority.