



***CONFLICT-RELATED VIOLATIONS AND ABUSES
IN CENTRAL EQUATORIA***

September 2018—April 2019

3 July 2019

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I. Executive summary

1. This report is published by the United Nations Mission in South Sudan (UNMISS), pursuant to United Nations Security Council Resolution 2459 (2019). The report presents the findings of an investigation conducted by the UNMISS Human Rights Division (HRD) into violations and abuses of international human rights law and violations of international humanitarian law attributed to Government forces and opposition armed groups in Central Equatoria between September 2018 and April 2019.
2. Since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) on 12 September 2018, the number of human rights violations and abuses committed by Government forces and opposition armed groups has largely decreased in most parts of the country.¹ However, a notable exception to this trend has been observed in Central Equatoria, where civilians have continued to bear the brunt of violence involving Government forces (the South Sudan People's Defence Forces (SSPDF) and the National Security Services (NSS)) and armed groups including the National Salvation Front (NAS), the South Sudan National Movement for Change (SSNMC), and the pro-Riek Machar Sudan People's Liberation Army in Opposition (SPLA-IO (RM)).
3. Between September 2018 and April 2019, HRD documented 95 incidents², including 30 attacks on villages, leading to the unlawful killing of 104 civilians and the wounding of 35 others, as well as the abduction of at least 187 civilians for forced recruitment, forced labour and sexual slavery.³ At least 99 women and girls, some as young as 12, were targeted with acts of rape and other forms of sexual violence during the reporting period. Looting and destruction of private and public property was also documented in many of these incidents. Overall, the violence in Central Equatoria has led to the displacement of more than 56,000 individuals within South Sudan as well as 19,719⁴ to the Democratic Republic of the Congo (DRC) and Uganda. The persistence of human rights violations and abuses in this area, therefore, represents a significant negative trend.
4. Within this broader trend, HRD's investigation established two distinct phases of violence. The first phase corresponds roughly with the signing of R-ARCSS in September 2018—when NAS, SSNMC and affiliated armed groups intensified their operations after repudiating R-ARCSS—until late December 2018, when the Government began to launch military operations to dislodge these groups from Central Equatoria, marking the shift to a second, distinct phase of violence beginning in January 2019.
5. As a result of its investigation, HRD has reasonable grounds to believe that three categories of perpetrators were involved in the violations and abuses of international human rights law, and violations of international humanitarian law, documented in this report. These categories consist of Government armed forces; non-signatory opposition armed groups (NAS, SSNMC and affiliated armed groups/elements); and SPLA-IO (RM). In many cases, the acts attributed to these groups may amount to war crimes.

¹ A spike in sexual violence was however documented in Unity between November and December 2018. See UNMISS and the Office of the High Commissioner on Human Rights (OHCHR), *Conflict-related sexual violence in northern Unity, September-December 2018* (15 Feb. 2019), available at: <https://unmiss.unmissions.org/human-rights-reports>.

² By comparison, 78 incidents leading to the killing of 80 civilians and the rape or gang rape of 111 women and girls implicating parties to the conflict were recorded during the same period in the rest of the country.

³ This number includes 58 women and girls. While only some of these victims reported being subjected to sexual violence, considering the high prevalence of sexual violence in cases of abduction by parties to the conflict in South Sudan, as well as barriers to reporting including social stigmatization, UNMISS has reason to be concerned that some of these women and girls may have been raped, sexually enslaved or subjected to other forms of sexual violence while in captivity. Ninety-nine individuals who were confirmed to be survivors of sexual violence, including while in captivity, are identified as such throughout the report.

⁴ <https://data2.unhcr.org/en/dataviz/62?sv=5&geo=0>

6. During the first phase of the violence, non-signatory armed groups (NAS, SSNMC and affiliated armed groups/elements), as well as SPLA-IO (RM), were primarily responsible for conflict-related human rights abuses documented in Central Equatoria. These abuses include killings, rape, sexual slavery, abduction for the purposes of forced labour and forced recruitment, and looting of private property. In the same period, Government forces—largely confined to urban centres such as Yei, Tore and Kajo-Keji—were also responsible for a number of human rights violations, primarily rape and other forms of sexual violence, in the context of military operations to expand State authority in these regions.
7. In early January 2019, the Government began to launch joint operations comprised of various SSPDF formations⁵ and NSS forces in southern portions of Central Equatoria.⁶ These operations primarily targeted areas where civilians were perceived to be providing material support to NAS and affiliated armed groups/elements.⁷ Government forces also engaged in what appears to have been a deliberate effort to displace civilians through attacks on villages characterized by the looting and destruction of private property, such as homes, food supplies and/or crops, as well as public property including health centres, schools and churches. Although NAS and affiliated armed groups/elements were overpowered by the Government forces and retreated to more isolated areas, they continued to commit abuses, including unlawful killing, rape, sexual slavery, and abduction, though on a reduced scale as compared to the previous phase.
8. In light of the deteriorating human rights situation in Central Equatoria and its potential impact on the implementation of R-ARCSS, UNMISS encourages the parties to the conflict to adhere to the 2017 Cessation of Hostilities Agreement (COHA), to which they are all signatories, and in particular the Agreement's provisions on the protection of civilians and humanitarian access. UNMISS also enjoins the Government of South Sudan, the Intergovernmental Authority on Development (IGAD) and religious institutions to pursue diplomatic efforts to persuade NAS and affiliated armed groups/elements to join the peace process; and to take all necessary measures to effectively address the root causes of the conflict in the region, while addressing the long-standing grievances of local communities from the Equatoria regions. UNMISS further calls upon NAS and affiliated armed groups/elements to engage in good-faith talks with key stakeholders involved in the peace process, while ensuring that local commanders prioritize the peace process over local and personal agendas. To this end, the international community should continue to support conflict resolution and reconciliation efforts at the grassroots level, including those led by faith-based institutions.
9. Furthermore, UNMISS urges Government forces, NAS, SSNMC and affiliated armed groups/elements, and SPLA-IO (RM) to comply with international human rights law and international humanitarian law, including by ensuring that any military operations are conducted in strict compliance with the principles of distinction, precaution and proportionality. International law prohibits the use of unlawful killing, sexual violence and other forms of torture and inhuman treatment, and pillage.
10. UNMISS additionally exhorts the Government of South Sudan to hold to account the perpetrators of violations and abuses of international human rights and humanitarian law committed in Central Equatoria since September 2018; and organized armed groups, including SPLA-IO (RM), NAS and SSNMC, to immediately release all civilians they have abducted during the conflict, first and foremost,

⁵ Joint operations in the southern portions of Central Equatoria comprised of forces from SSPDF Tiger, Commandos and Ground Force divisions, as well as military intelligence.

⁶ <https://eyeradio.org/ctsam-vm-alleges-more-plans-to-attack-nas-sspfd-dismisses-claims/>

⁷ The term “NAS and affiliated armed groups/elements” will be used hereinafter to reference these groups collectively.

the children. Additionally, IGAD should take steps to hold to account any signatory parties who violate the terms of the 2017 COHA.

11. Lastly, UNMISS urges SSPDF to fast-track the implementation of its Action Plan to combat conflict-related sexual violence within its ranks, including those deployed in Central Equatoria.⁸ UNMISS also urges donors to continue supporting national and international humanitarian organizations in providing timely and adequate medical and psychosocial assistance for the survivors of conflict-related sexual violence.

II. Methodology

12. In order to determine, verify and corroborate the violations and abuses documented in this report, HRD strengthened the capacity of its staff in the UNMISS Yei sub-office between February and April 2019. During the preparation of this report, human rights officers interviewed more than 200 individuals, including victims and eyewitnesses (such as survivors of rape and sexual slavery, victims of abduction and arbitrary arrest and detention, and displaced persons). Corroborating information from other sources, including local and national administrative authorities, religious leaders, humanitarian actors and service providers operating in the affected areas, as well as documentary and photographic evidence, were also gathered and analysed to substantiate the findings of the investigation.
13. Despite several incidents of access denial to the affected areas by State actors, UNMISS human rights officers conducted field visits to more than 23 villages and sites in the Yei and Lobonok areas. To complement these efforts, human rights officers of the United Nations Mission in the Democratic Republic of the Congo (MONUSCO) were solicited to interview civilians who sought refuge in the provinces of Ituri and Haut-Uele (DRC) in February 2019, following growing insecurity in southern portions of Central Equatoria. Relevant information gathered during these interviews was utilized to corroborate incidents reported in South Sudan as well.
14. Overall, HRD employed a *reasonable grounds to believe* standard of proof in making factual determinations about the violations, 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 human rights investigation methodology developed by the Office of the High Commissioner on Human Rights (OHCHR) and in strict compliance with the “do no harm” principle.

III. Context

Historical context (July 2016 – August 2018)

15. When conflict erupted in South Sudan in December 2013, the region of Central Equatoria was initially affected to a relatively minor degree, as fighting was located primarily in Juba and in northern regions of the country. This trend shifted in July 2016 with the collapse of the 2015 Agreement on the Resolution of the Conflict in the Republic of South Sudan (ARCSS) and the subsequent flight of opposition leader, Riek Machar, and his forces, the SPLA-IO (RM), to the DRC by way of Central Equatoria. In the days and weeks that followed, the region witnessed unprecedented, widespread human rights violations, as Government forces targeted civilians for supposedly providing passage to, or otherwise supporting, SPLA-IO (RM). The areas of Yei and Kajo-Keji were the most affected, with civilians falling victim to killings, sexual violence, and the wanton destruction of their property,

⁸ The SSPDF Action Plan to combat conflict-related sexual violence in South Sudan was officially launched in March 2019.

forcing many to flee.⁹ This period also marked the beginning of the conflict in the southern area of Central Equatoria.

16. As Riek Machar fled through Central and Western Equatoria, a significant number of SPLA-IO (RM) elements remained behind to organize a counter-offensive against the Government,¹⁰ establishing a presence in areas inhabited by members of the Kakwa and Pojulu ethnic communities, primarily in the areas of Lasu, Morobo and Wonduruba. Towards the end of 2016, SPLA-IO (RM) elements began launching attacks on Government positions, eventually expanding their influence in the southern area of Central Equatoria. Yei town remained under the control of Government forces.
17. The year 2017 ushered in a period marked by ambushes and hit-and-run attacks carried out by various homegrown armed groups loosely associated with SPLA-IO (RM), and violent counter-offensives led by Government forces with the support of a Dinka community-based militia, known as *Mathiang Anyoor*, mobilized from Greater Bahr al Ghazal. In 2017, approximately half a million South Sudanese had left Central Equatoria to seek refuge in Uganda.¹¹ This period also fostered the emergence of a local war economy based on the illegal exploitation and plundering of natural resources, including gold, timber and wildlife, by local SSPDF commanders and commanders of armed groups.¹² This competition over resources accelerated, in turn, the fragmentation of local armed groups under the putative umbrella of the “opposition.”
18. In January 2017, SSNMC and the National Resistance Front/Army were established, respectively, by Joseph Bakassoro and Cosmas Bidali Wori-Kojo,¹³ followed by the creation in March 2017 of NAS by Lieutenant-General Thomas Cirillo Swaka, the former Deputy Chief of General Staff for Logistics of the Sudan People’s Liberation Army (SPLA). At around this time, several SPLA-IO (RM) commanders from Equatoria defected to NAS.
19. Throughout 2017 and into the early part of 2018, local and inter-personal dynamics, as well as rivalries between local commanders, continued to fuel the volatile security situation in Central Equatoria, particularly in the Yei and Lobonok areas. In this context, on 26 June 2018, an UNMISS soldier was killed when unidentified armed elements opened fire on a UN convoy providing protection to humanitarian workers traveling between Yei and Lasu. During the same period, State authorities and Government forces endeavored to maintain control of larger towns and key locations along main roads in the region, engaging in sporadic clashes with armed groups, and in some cases, committing serious human rights violations in the process.¹⁴

⁹ UNMISS & OHCHR, *Human rights violations and abuses in Yei, July 2016 – January 2017*; Human Rights Watch, “*Soldiers Assume We Are Rebels*”: Escalating Violence and Abuses in South Sudan’s Equatorias, 1 Aug. 2017.

¹⁰ Between 2,000 and 4,000 elements were reportedly part of this trek. Small Arms Survey, *Spreading fallout: The collapse of the ARCSS and new conflict along the Equatorians - DRC border*, HSBA. Issue Brief, May 2007.

¹¹ <http://reporting.unhcr.org/node/15855>

¹² Nicki Kindersleya and Øystein H. Rolandsen, *Civil War on a Shoestring: Rebellion in South Sudan’s Equatoria Region*

¹³ Joseph Bakassoro is the former Governor of Western Equatoria while Cosmas Bidali Wori-Kojo is the former Yei County Commissioner. The latter had defected to SPLA-IO (RM) in October before forming the National Resistance Front.

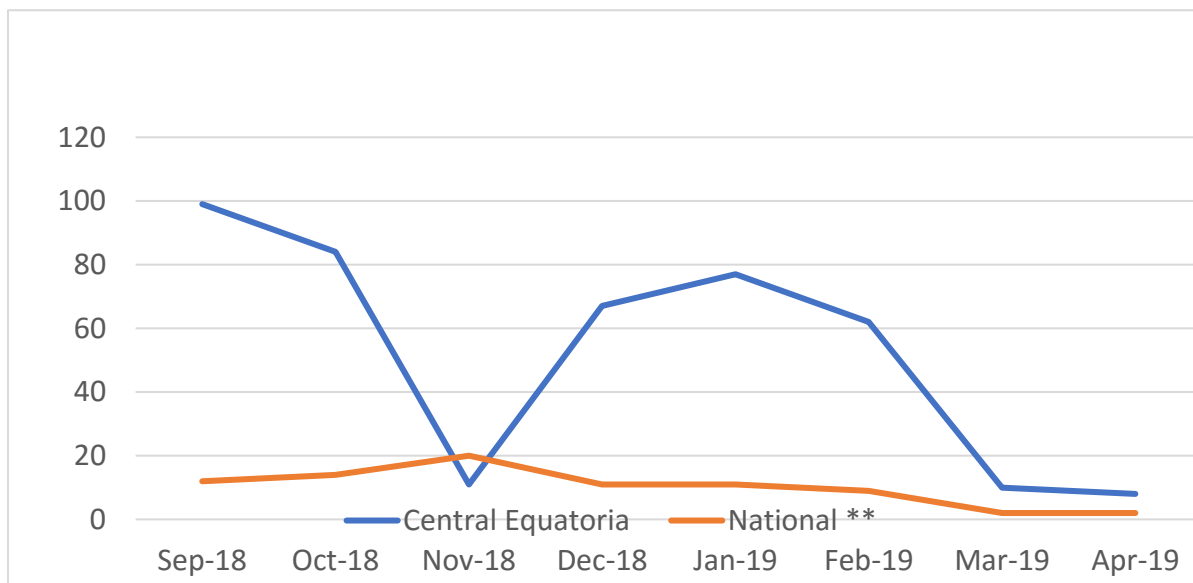
<https://www.nyamile.com/2016/10/24/yei-river-county-commissioner-defects-to-splmspla-io/> accessed in April 2019

¹⁴ An HRD investigation determined, for instance, that on 14 May 2018, SSPDF combatants affiliated with the Tiger Battalion and Presidential Guard Unit summarily executed ten civilians, including three children, during a search for alleged SPLA-IO (RM) elements at Emmanuel Christian College in Goli.

Recent context (September 2018 – April 2019)

20. In the lead-up to the signing of R-ARCSS, the security situation in Central Equatoria remained extremely volatile, with sustained tensions and occasional clashes between various armed groups, particularly between NAS, SSNMC and SPLA-IO (RM) on the one hand, and sporadic attacks by or against Government forces on the other. The acrimony between these groups was largely due to geographic and community differences, primarily pitting elements of the Nuer community against those of Equatorian origin, and compounded by rivalries over resource exploitation. During the same period, Government forces undertook low-level military operations aimed at installing civil administration in counties and *payams* surrounding Yei town, asserting control of the main roads through the region, and consolidating the State’s presence in areas already under its control. These interconnected dynamics impacted negatively on the human rights situation.¹⁵
21. The signing of R-ARCSS on 12 September 2018 was a watershed moment, marked by a significant decrease in the overall number of human rights violations and abuses perpetrated by Government forces and organized armed groups¹⁶ throughout South Sudan. This trend largely continued throughout the reporting period, with the exception of a spate of sexual violence documented in northern Unity between November and December 2018.¹⁷

Fig. 1: Comparison between national average and Central Equatoria figures on killing, wounding, abduction and sexual violence (Sep. 2018 – Apr. 2019)



22. Although the general human rights situation improved in most parts of the country after the signing of R-ARCSS, the Central Equatoria region was, by contrast, marked by a persistent number of serious

¹⁵ Between May and September 2018, HRD documented a total of 45 civilians killed, 76 abducted and 32 subjected to sexual violence in Central Equatoria. Amongst them were 52 women and 22 children, including 12 girls.

¹⁶ N.B. The term “organized armed groups” in this report refers to all opposition groups, including the SPLA-IO (RM), as well as NAS, SSNMC and affiliated groups/elements.

¹⁷ UNMISS & OHCHR, *supra* note 1.

**National value represents the average of total civilian casualty figures attributed to parties to the conflict in the remainder of South Sudan during the reporting period.

human rights violations and abuses.¹⁹ Between September 2018 and April 2019, HRD documented 95 incidents, including 30 attacks on villages, resulting in the killing of at least 104 civilians, the wounding of 27, and the abduction of 187. During the same period, HRD documented 99 cases of rape and other forms of sexual violence.²⁰ Additionally, HRD documented the deliberate destruction of private property by both Government forces and organized armed groups during attacks on villages or in the context of military operations at checkpoints and during reconnaissance patrols. By comparison, during the same period, a total of 78 incidents implicating parties to the conflict were documented in the remainder of South Sudan, which resulted in the killing of 80 civilians, the abduction of 59, and 111 cases of rape or gang rape.

23. The signing of R-ARCSS contributed to a reorganization of the security landscape in Central Equatoria. As early as 14 September 2018, the South Sudan Opposition Alliance (SSOA), an umbrella body composed of various political and armed groups, cleaved into two factions. The first, led by Gabriel Changson and the Joseph Bakassoro-led wing of SSNMC, supported R-ARCSS, while a second faction, led by a coalition of NAS under Thomas Cirillo, the People's Democratic Movement (PDM) of Hakim Dario, the National Democratic Movement (NDM) of Emmanuel Aban, and the SSNMC of Abraham Wani, rejected the peace agreement. This coalition was formally established as the South Sudan National Democratic Alliance (SSNDA), in November 2018.²¹
24. The rejection of R-ARCSS by SSNDA officially stemmed from unresolved concerns over the lack of inclusivity of R-ARCSS and the peace process more broadly, epitomized by what SSNDA has characterized as the peace agreement's failure to address the root causes of the conflict, including through the means of establishing federal governance and a return to the ten-state structure. NAS and its leader have stated that a federal state structure is a guarantee to address the root causes of conflict by facilitating the devolution of powers to the states and people of Greater Equatoria.²²
25. Beyond their political alliance, on the ground, the NAS faction led by Cirillo and the SSNMC faction initially led by Abraham Wani²³ appear to have relied or preyed upon the same local communities and civilians, and to stoke alliances of convenience. Therefore, at a tactical level, the distinction between these groups has become blurred, making it difficult to clearly identify the affiliation of fighters in some cases.
26. After the signing of R-ARCSS, divisions also deepened within SPLA-IO (RM), with some local commanders defecting to NAS and affiliated armed groups. In November 2018, the United Nations Panel of Experts on South Sudan documented at least four sub-groups within SPLA-IO (RM), including a Kakwa community-based group led by Colonel Emmanuel Gadi.²⁴ These defections and internal rifts, coupled with clashes with Government forces in September and October 2018, resulted in the contraction of SPLA-IO (RM)-controlled territory and areas of influence, including Lasu, Minyori and Morsak. Consequently, some SPLA-IO (RM) commanders, in particular those of Nuer origin, drew closer to Government forces in order to combat a common adversary—NAS and affiliated armed groups/elements.

¹⁹ See *infra* para 21.

²⁰ Including gang rape, sexual slavery and forced nudity.

²¹ <http://www.sudantribune.com/spip.php?article66653>

²² <https://sudantribune.com/spip.php?article67159>

²³ Abraham Wani was reportedly sidelined and ultimately went into exile in Uganda.

²⁴ United Nations Security Council, *Interim report of the Panel of Experts on South Sudan submitted pursuant to resolution 2428 (2018)*, 26 Nov. 2018, S/2018/1049.

27. Irrespective of their affiliation, these commanders share a vested interest in the control of local resources, which permeates to lower levels within their respective groups. Indeed, economic factors—primarily access to and control of natural resources such as timber (teak and mahogany), artisanal gold mining and agricultural produce such as marijuana—are the driving factors behind the operational decisions of local commanders, who also derive personal gain from the dividends and spoils of armed conflict.
28. By the end of September 2018, following the realignment and shifting alliances of the non-signatory armed groups, SPLA-IO (RM) engaged in fresh clashes with NAS and affiliated armed groups/elements. Asymmetric attacks (relying primarily on guerrilla tactics) by NAS and affiliated armed groups/elements against the positions of Government forces also increased, and were intended to disrupt the Government’s plan to expand State authority.
29. In response to these developments, in November and December 2018, the Government began to reinforce SSPDF and NSS forces in various locations in Central Equatoria where NAS and affiliated armed groups/elements were believed to enjoy significant popular support. At the same time, Government actors engaged in rhetoric aiming to castigate local populations for their alleged sympathy and support for NAS and other affiliated armed groups to justify their planned military operations.
30. On 29 December 2018, SSPDF and SPLA-IO (RM) issued a joint public statement, condemning alleged NAS atrocities against civilians and vowing to protect R-ARCSS from “anti-peace” elements.²⁵ This statement was followed, in early January, by the launch of SSPDF-led military offensives to dislodge NAS and affiliated armed groups/elements from their strongholds in Central Equatoria, particularly in the areas of Yei county and Lobonok *payam*—with a detrimental impact on the human rights situation in areas where NAS and affiliated armed groups were (or were perceived to be) embedded.
31. In light of the deteriorating security situation, between February and March 2019, IGAD and religious institutions opened discussions with Thomas Cirillo in an effort to encourage him to accept R-ARCSS. At the time of reporting, these efforts had not achieved their objective.

IV. An evolving human rights situation

32. As indicated earlier, HRD’s investigation identified two distinct phases of violence in Central Equatoria following the signing of R-ARCSS, which had differing impacts on the human rights situation. Each phase reflects a shift in military dynamics and corresponding changes in patterns of human rights violations and abuses. The first phase begins with the signing of the peace agreement (mid-September 2018) and ends with the launch of Government-led military operations to dislodge NAS and affiliated armed groups/elements (late December 2018). This phase witnessed a rise in asymmetric attacks against State actors and a corresponding increase in human rights abuses, including killing, wounding, abduction and looting, carried out by NAS and affiliated armed groups/elements.
33. The second phase (from January to April 2019) was characterized by Government-led military operations to dislodge NAS and affiliated armed groups from January to April 2019, including the strategic forced displacement of civilians perceived to be providing material support to these groups. HRD documented serious human rights violations, including extrajudicial killing, sexual violence and unlawful destruction of private property during this period, leading to massive population displacement in the affected areas. These operations also contributed to a spill-over of the conflict into Western Equatoria.

²⁵ http://www.sudantribune.com/spip.php?iframe&page=imprimable&id_article=66938

First phase (mid-September 2018–late December 2018)

34. The signing of R-ARCSS shifted alliances between and within organized armed groups operating in Central Equatoria and led to the subsequent repositioning of Government forces in the region as well. Shortly after the signing of the peace agreement, internal strife within SPLA-IO (RM) began to widen along community-based fault-lines between members of the Nuer community and those of Equatorian origin, due in part to heightened competition for territorial control and management of local resources, leading some Equatorians to defect to NAS and affiliated armed groups/elements. The latter, in turn, attacked SPLA-IO (RM) positions, mostly in the *payams* of Minyori and Mukaya.
35. In phase one, HRD documented 39 incidents, including nine attacks on villages, which resulted in the killing of 63 civilians (including three women and four boys), the wounding of 18, the abduction of 150 (including 38 women, 28 boys and four girls), and 30 cases of rape, gang rape and forced nudity (17 women and 13 girls). Of these 39 incidents, organized armed groups were responsible for 29 and Government forces for 10.²⁶
36. During this period, NAS and affiliated armed groups/elements ramped up operations to dislodge SPLA-IO (RM) as well as to pre-empt anticipated Government military operations. Despite enjoying sympathy from certain elements of local communities, they frequently resorted to violence or the threat of violence to compel civilian support. Consequently, violence spread to areas where it had been largely absent in the months preceding the signing of R-ARCSS, including Kenyi, Lasu, Lobonok, Mugwo and Otego *payams*.
37. Concurrently, SPLA-IO (RM) began to relocate to areas designated as possible cantonment sites, such as Panyume, and to initiate a rapprochement with Government forces. The latter, in turn, began to reinforce their presence around Yei county, with the primary objective of reinstalling local Government representatives in areas vacated after the renewal of conflict in July 2016, and to halt the spread of NAS and affiliated armed groups/elements in Lobonok *payam*.

Human rights abuses attributable to organized armed groups

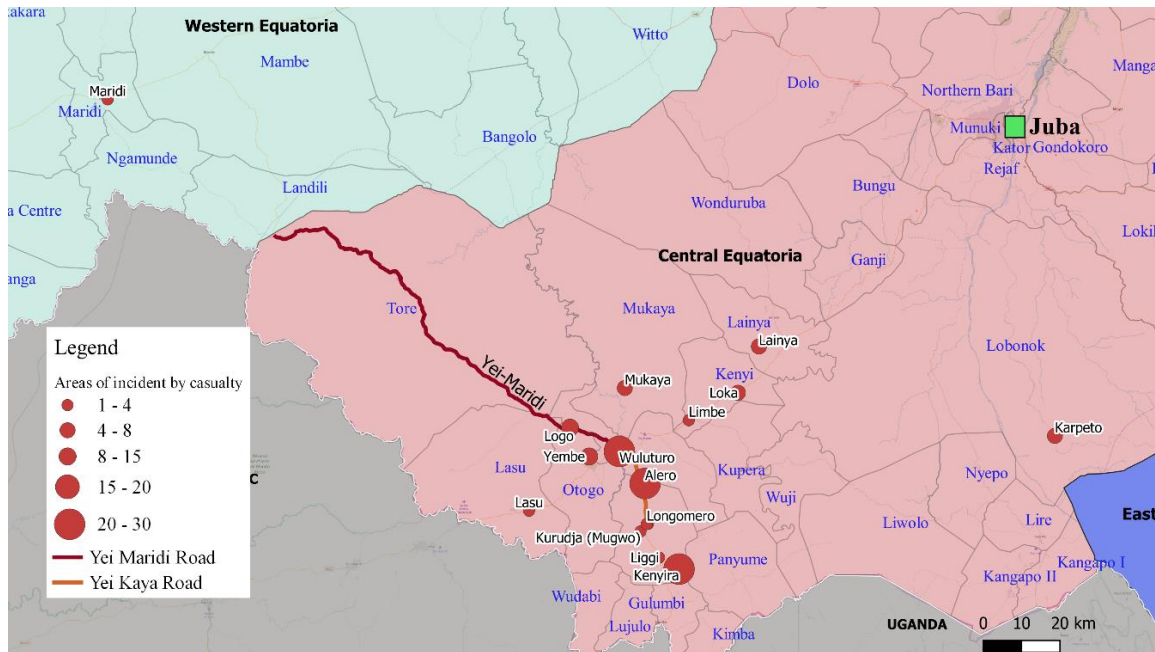
Killing of civilians during clashes

38. HRD's investigation has determined that between September and December 2018, opposition armed groups committed at least seven attacks on villages in the fight for territorial control in parts of Central Equatoria following the signing of R-ARCSS. As a result of these attacks, HRD documented the killing of at least 50 civilians (including three women and four boys) and the wounding of at least 17 others.²⁷

²⁶ The killing of two civilians, the wounding of one, the rape or gang rape of 27, and the perpetration of forced nudity against three were attributed to Government forces, while the killing of 61 civilians, the wounding of 17, and the abduction of 150 were attributed to organized armed groups.

²⁷ The actual number of victims is likely to be higher, as many eyewitnesses and victims were displaced to remote areas or fled to neighbouring countries and could not be interviewed for this report.

Map: Location of incidents involving organized armed groups and Government forces (mid-September 2018 to late December 2018)



39. Attacks on villages were mostly carried out at dawn, when the majority of civilians could be found at home prior to leaving to work on their farms for the day. Victims and eyewitnesses consistently reported that, irrespective of group affiliation, the assailants were comprised of small groups of young or middle-aged men, wearing a mix of civilian clothing and uniforms of former South Sudan security forces, and carrying machetes and light weapons, including AK-47s and rocket-propelled grenades (RPGs).
40. The armed groups carrying out these operations consistently failed to distinguish between civilians and fighters living amongst the civilian population. In this context, victims and eyewitnesses indicated that on several occasions, armed elements fired their weapons indiscriminately during attacks on villages. Compounding the issue, fighters often failed to distinguish themselves from civilians by wearing a uniform or other identifying feature, despite living amongst the local population.

Targeted killings, torture and ill-treatment

41. To bolster positions in areas under their influence, NAS and affiliated armed groups/elements resorted to violence to compel civilian cooperation and to prevent communities from supporting the local administration. To this end, they engaged in targeted killings, including through beheading, as a deliberate strategy to terrorize local populations. SPLA-IO (RM) elements employed similar tactics to dissuade civilians from supporting NAS and affiliated armed groups/elements.
42. In addition to the 50 civilians killed by organized armed opposition groups during clashes between September and December 2018, HRD documented 11 victims of targeted killings. In these cases, the victims were male and were killed after being captured at checkpoints, while traveling to farms or markets, or as they were returning to their villages. According to eyewitnesses and family members of the victims, most were killed while travelling without the alleged “authorization” delivered by these armed groups and were suspected of providing information or other support to the Government.

43. The means used to kill civilians was often crude. In one case in November 2018, for instance, an elderly farmer travelling to Kurudja in Mugwo *payam* without “authorization” was tied to a tree by SPLA-IO (RM) elements, beaten severely and tortured. The assailants cut off the victim’s ears with a knife before killing him by striking his head with an axe. In other cases, the perpetrators cut victims’ throats with knives or other sharp tools. Local sources informed HRD that these killings appeared to have been carried out in a such a manner as to deliberately instill fear amongst civilians and to deter them from traveling to Government-controlled areas. These methods of killing were also reportedly inspired by a desire to conserve ammunition.
44. In addition to the targeted killing of civilians, victims and eyewitnesses indicated that torture and ill-treatment were used by NAS and affiliated armed groups/elements, as well as SPLA-IO (RM), against civilians caught during attacks on villages or while traveling between farms and villages, in an effort to extract information on the whereabouts of Government forces or rival armed groups.

Abductions for child recruitment, forced labour and sexual violence

45. HRD’s investigation established that between September and December 2018, at least 74 civilians were abducted in nine separate incidents in the villages of Alero, Lasu, Logo and Yembe, and along the Yei-Kaya road. An additional 76 civilians abducted between May and September 2018 remained in captivity during this phase. In total, as of October 2018, at least 150 civilians, including 42 women and girls, were being held captive by opposition armed groups in Central Equatoria. Of these civilians, 86 were held by SPLA-IO (RM), while 64 were held by NAS and affiliated armed groups/elements.
46. Several former captives indicated that they were held for periods ranging from days and weeks to several months, and that they were subjected to forced labour including artisanal mining, construction work, cooking and farming. Those who did not comply with the fighters’ instructions were repeatedly lashed.
47. Four women previously held captive also reported that women and girls were raped and subjected to other forms of sexual violence in this context. One survivor, who was held for three months by SPLA-IO (RM) elements in Minyori village, recounted that she was repeatedly raped by several fighters and subjected to sexual slavery. She also indicated that abducted women and girls who were not taken as “wives” by individual commanders were left to be raped by multiple fighters, and often subjected to beatings and other forms of ill-treatment. Another survivor reported that she was subjected to rape and sexual slavery while being held captive for more than three years by armed elements initially affiliated with SPLA-IO (RM) who subsequently defected to NAS and affiliated armed groups/elements in 2018. She also described being beaten and held in a pit for more than three months with 15 other captives, several of whom were later removed from the pit to be executed.
48. HRD documented the recruitment of 18 child soldiers in three separate incidents by NAS and affiliated armed groups/elements. In one incident in September 2018, for instance, they abducted seven children from the Yondoru primary school in Mukaya, taking them to an encampment where they were forced to undergo basic military training. According to witness accounts, some of the children were also subjected to forced labour, including the collection of food, water and firewood, while others were tasked with serving as “bodyguards” to commanders or with looting during or after attacks.

49. At least 10 of these children escaped from captivity during clashes between organized armed groups.²⁸ HRD also recorded the release of 60 other civilians (38 by SPLA-IO (RM) and 22 by NAS) through the facilitation of international organizations such as the Ceasefire and Transitional Security Arrangements Monitoring and Verification Mechanism (CTSAMVM) or the International Committee of the Red Cross (ICRC).²⁹

Unlawful destruction of civilian objects and looting of private property

50. In keeping with the asymmetrical nature of the conflict, NAS and affiliated armed groups/elements completely or partially destroyed at least three bridges, due to their potential dual use as part of Government forces' supply routes.³⁰ However, the destruction of these bridges caused damage to civilian objects that was excessive in relation to any concrete and direct military advantage. The civilian population suffered disruptions in the provision of humanitarian services, including medical supplies, as well as to their ability to access sources of livelihood, thereby exacerbating the humanitarian situation in the region.

“After three months of detention and beatings, I was forced to marry one of the deputy commanders of NAS. I could not refuse because six men and one woman had been killed among the detainees. . . While in captivity, I gave birth to his child, but my second pregnancy resulted in a miscarriage because of the harsh living conditions. I was becoming very sick and denied medical care because we were always on the run, hiding in the bush where there are no amenities. After more than three years of captivity, I was finally able to escape, but I could not take my child with me.”

-32-year-old woman who escaped from sexual slavery by NAS elements in Lainya county

51. In addition to the destruction of civilian and dual-use objects, NAS and affiliated armed groups/elements, as well as SPLA-IO (RM), looted private property. Several accounts confirmed that civilians returning from farming were frequently forced to hand over food, cash and other items of value at checkpoints operated by organized armed groups. Civilian accounts also indicate that NAS and affiliated armed groups/elements held meetings with local traditional leaders and coerced them into compelling households to provide food rations to their fighters on a regular basis, as well as cash payments.

Violence-induced displacement

52. Infighting between organized armed groups and subsequent human rights abuses provoked the displacement of civilians throughout this period. Civilians from southern portions of Central Equatoria fled to Yei town or scattered in the bush around Yei, Lainya and Morobo, while those from Lobonok and Luri went to Juba or Karpeto. Others crossed the border to DRC and Uganda.
53. According to OCHA, between September and December 2018, at least 18,000 civilians were displaced in Kajo-Keji, Lainya, Morobo and Yei. Added to the more than 81,000 civilians already displaced since early 2018, the total number of internally displaced persons (IDPs) in Central Equatoria stood at just under 100,000 by year's end. A total of 6,145 civilians also sought refuge in DRC and Uganda.

²⁸ Including during clashes on 11 and 13 October 2018 in Minyori between forces of SPLA-IO (RM) under Gen. Gadi and those of SSNMC and NAS, following an attack by the latter on an SPLA-IO (RM) position.

²⁹ <https://www.icrc.org/en/document/juba-icrc-international-committee-red-cross-icrc-has-facilitated-release-and-return-22>

³⁰ The bridges targeted were on the Yei-Kaya, Yei-Maridi and Yei-Tore roads.

54. These displacements aggravated the humanitarian situation, particularly in terms of food and livelihood security, as they prevented the largely agrarian populations displaced by the violence from engaging in farming activities. Civilians in the affected areas also experienced reduced access to health services and education, due to the overall insecurity.

Human rights violations attributable to Government forces

55. At the onset of the first phase, military operations by Government forces (comprised of SSPDF and NSS elements) remained generally confined to Kajo-Keji, Tore and Yei town. However, on some occasions, the Government engaged in clashes with SPLA-IO (RM) as well as NAS and affiliated armed groups/elements, to expand State authority in areas held by these groups, including Goli, Kupera and Limbe. Government forces also established checkpoints in the vicinity of Yei town, where civilian testimony indicates that they preyed on civilians attempting to access farms or services in Yei.
56. Against this background, HRD documented multiple incidents of Government forces entering homes in Yei town at night reportedly to “search for rebels”, as well as a heightened presence of Government forces at checkpoints and along the roads leading in and out of Yei town to monitor and control movement. The Government forces used these searches and checkpoints to subject civilians to arbitrary arrest and detention, ill-treatment and, in one incident, forced nudity.³¹ Local traders conveying goods from villages to Yei town, in particular, were subjected to beatings and extortion. According to victims, SSPDF combatants posted at checkpoints referred to this practice as “custom taxation.”
57. In this context, women and girls became increasingly vulnerable. HRD’s investigation found that at least 27 women and girls were raped by SSPDF combatants, primarily in Yei town and surrounding areas, and at least three women were subjected to forced nudity, between September and December 2018. While some women were raped near military barracks or checkpoints, others were raped at their homes in Yei town. In one case, for example, in November 2018, four alleged SSPDF combatants gang-raped a 25-year-old woman living in the vicinity of Yei town, after forcibly entering her home.
58. In December 2018, Government forces began to deploy additional personnel and equipment to reinforce their positions in Yei and Lobonok ahead of planned military operations. Concurrently, Government authorities begun a public campaign identifying NAS elements and their alleged civilian supporters as “terrorists” or “enemies of peace.” On 4 December, for instance, President Salva Kiir broadly accused civilians in Lobonok of “harbouring rebels.” Compounding these allegations, on 19 December, the SSPDF spokesperson likened NAS to the violent extremist group, *Boko Haram*, describing NAS as “*the biggest threat to the smooth implementation of the transitional security arrangements.*”³² These public statements were accompanied by arbitrary arrests of alleged civilian supporters of NAS and affiliated armed groups/elements, in the Yei and Lobonok areas.

³¹ It should be noted that three international peace monitors of CTSAMVM (two men and one woman) were also subjected to forced nudity in an incident that occurred in Luri, Lobonok *payam*, in December 2018. However, these cases are not included in the report, as they did not occur in the context of the military operations that are the focus of this report.

³² <https://www.nyamile.com/2018/12/04/kiir-told-jubek-citizens-that-you-are-not-for-peace/>

Second phase (January – April 2019)

59. In December 2018 and early January 2019, Government forces expanded military operations, on multiple fronts, beyond Yei town. The objective of these operations was to weaken the operational capacity of NAS and affiliated armed groups/elements, primarily by targeting communities suspected of collaborating with or supporting these forces, resulting in the forced displacement of civilians in areas targeted by Government forces. During these operations, civilians bore the brunt of violence and were subjected to arbitrary killings, torture and ill-treatment, arbitrary and illegal arrest and detention, and the looting and destruction of private and public property.
60. During phase two, HRD documented 56 incidents, which resulted in the killing of 41 civilians (including 10 women and two boys), the wounding of 17, and the abduction of 37 (including 13 women and three girls).³³ Additionally, 69 women and girls were subjected to rape and other forms of sexual violence. These incidents also included 21 attacks on villages, which were characterized by the widespread looting and destruction of private property, and in some cases, the destruction of public property as well. During this second phase, Government forces were responsible for 41 of 56 incidents, while organized armed groups were responsible for the remaining 15.
61. At the same time, NAS and affiliated armed groups/elements changed their *modus operandi* to avoid direct confrontation with Government forces, becoming highly mobile and retreating to more remote locations away from access points on main roads. Despite this tactical shift, NAS and affiliated armed groups/elements continued to compel civilians to provide material support to their forces. NAS and affiliated armed groups/elements' commanders also engaged their elements in the artisanal mining of gold, timber logging and wildlife smuggling.³⁴

Human rights violations attributable to Government forces

Destruction of civilian and public property

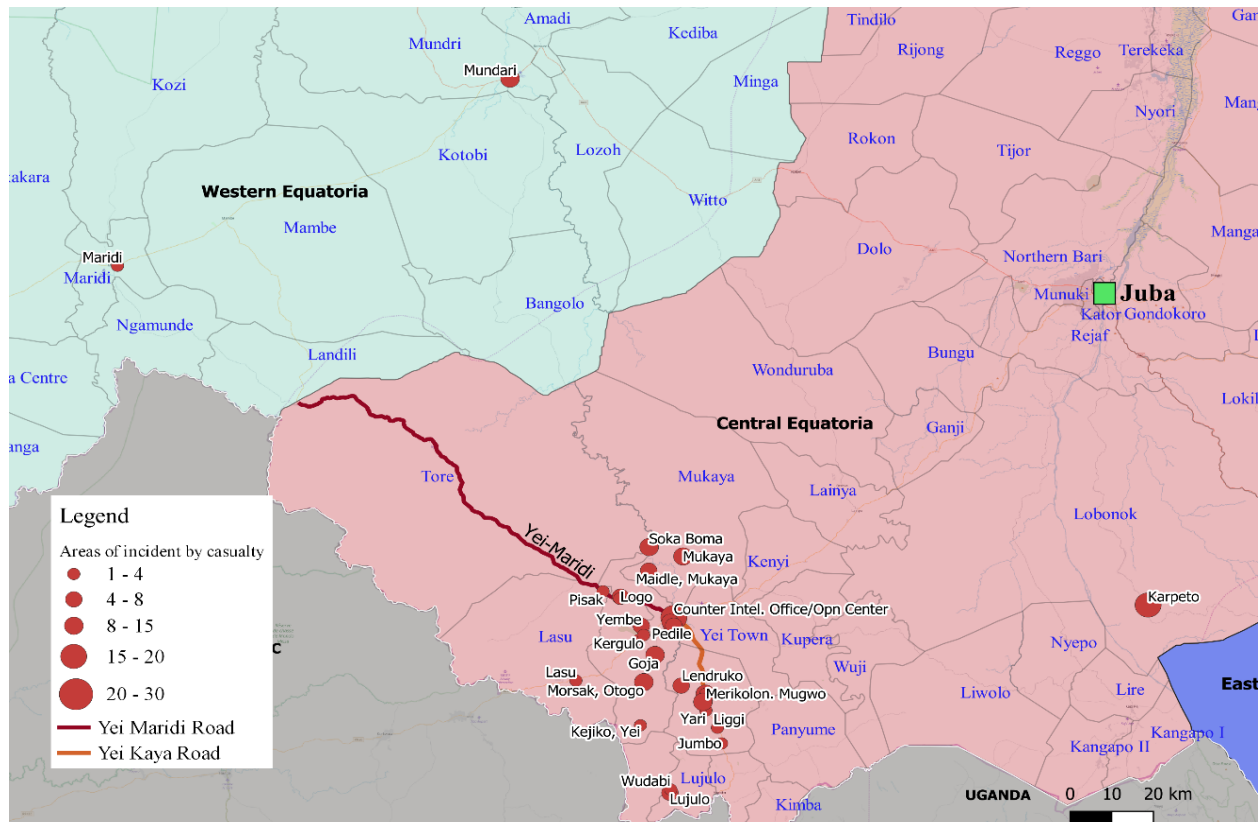
62. HRD's investigation has determined that, in their efforts to forcibly displace civilians suspected of providing material support to NAS and affiliated armed groups/elements, Government forces engaged in looting and the deliberate destruction of private and public property not justified by military necessity, in at least 17 separate attacks on villages.
63. Accounts of victims and eyewitnesses described a similar *modus operandi* employed in this context. According to these sources, Government forces (grouped in the size of a platoon or company³⁵) stormed villages or settlements on mounted pick-up trucks before moving in by foot. Some villages in Lainya and Yei counties, such as Lorega, Madile, Mukaya and Soka, were attacked on multiple occasions, rendering it effectively impossible for civilians to return. Little to no resistance by NAS and affiliated armed groups/elements was documented in the course of these attacks, as their elements largely fled villages and settlements in advance of the Government's operations.

³³ Government forces were involved in the killing of 13 civilians, the wounding of seven, 57 cases of rape and other forms sexual violence, and the abduction of four, while organized armed groups were involved in the killing of 28 civilians, the wounding of two, the rape of 12 and the abduction of 33. SSPDF and NAS publicly traded accusations with regard to responsibility for an incident in Kisharu, Gorom *payam*, during which at least 19 civilians were killed and eight others wounded. However, HRD's investigation revealed that various armed elements and groups, as well as Government forces, were involved in the incident, and HRD was therefore unable to attribute these killings solely to Government forces or NAS and affiliated armed groups/elements.

³⁴ Abductees were forced to work in these mines and in logging. Civilians in areas under the influence of NAS and affiliated groups/elements were also involved in mining, in circumstances that remain unclear.

³⁵ Between 16-50 soldiers per platoon and 80-200 soldiers per company.

Map: Location of incidents involving organized armed groups and Government forces (January—April 2019)



64. In most of the villages attacked, Government forces looted virtually all items of value, including those needed for basic subsistence, such as food supplies, cooking instruments and livestock, and damaged or destroyed private property. Items looted by Government forces were later sold or re-used by these forces. HRD’s investigation found at least three operations in Yei town openly selling property looted from civilians.
65. Public facilities, such as health centres, schools and churches, were not spared during these operations. HRD’s investigation determined that Government forces ransacked and looted at least three health centres, four schools and two churches.³⁶ In the Lobonok area, HRD determined that these forces also occupied two primary schools, disrupting the education of children from local communities.
66. In most cases, after looting private and public property, Government forces torched civilian homes, granaries and food supplies they could not transport, before departing—ensuring that civilians were also deprived of food and shelter.

³⁶ Three health centres were ransacked in Mukaya; four schools in Karpeto, Kergulu, Morsak, and Yappa; and two churches in Morsak and Pisak.

Unlawful killing

67. HRD's investigation found that Government forces were responsible for the unlawful killing of 13 civilians (including one boy) and the wounding of seven others, during attacks on villages. In these cases, SSPDF combatants opened fire on civilians as they surrounded and stormed villages or while civilians attempted to flee.
68. HRD also documented one case of extrajudicial execution in the killing of the chief of *Girim payam*. According to several eyewitnesses, on 3 February 2019, two SSDPF combatants arrived at the home of the chief's son and engaged in a heated argument with the chief, accusing the latter of supporting NAS. They subsequently took the chief and his son to a nearby riverbank, where they shot and killed the chief in an apparent attempt to terrorize the local population. According to eyewitness reports, the perpetrators shot the victim so many times that his body was effectively dismembered. The following day, SSPDF combatants returned to attack the village of *Girim*, burning homes and looting civilian food supplies.

Torture, ill-treatment and sexual violence in detention

69. As early as December 2018, and throughout the second phase of violence, SSPDF and NSS forces regularly arrested individuals suspected of supporting or sympathizing with NAS and affiliated armed groups/elements, often on an arbitrary basis. These individuals were frequently arrested at roadblocks and checkpoints or randomly in town or at work, and subsequently brought to SSPDF or NSS facilities in Yei or Luri where they were illegally detained.³⁷ Between December 2018 and April 2019, HRD documented the illegal detention of at least 41 civilians in the Yei and Lobonok areas, by SSPDF military intelligence and NSS officers.³⁸
70. While in detention, civilians were subjected to torture and ill-treatment, in an effort to extract confessions of support for or sympathy with NAS and affiliated armed groups/elements, or to punish those civilians. One victim who was arrested in Lobonok and later detained at military intelligence headquarters in Juba recounted that he had received 50 lashes on the first day of his detention, referred to by military intelligence officers as his "welcome," before being brought to a small, hard-walled cell (not exceeding six square metres) where he was detained with 27 other individuals for more than one month. Throughout his detention, the victim reported that he was subjected to routine flogging every morning.
71. Detainees were also subjected to sexual violence as a form of torture. A favoured method of interrogation used by both military intelligence officers and NSS in Yei consisted of spreading the legs of the detainee, tying a long wire or rope around his testicles or penis, and strongly pulling on the wire or rope when the detainee refused to confess to his alleged collaboration with NAS and affiliated armed groups/elements.
72. HRD found that, in at least two instances, family members were compelled to bribe military officers to stop the torture of their loved ones or to obtain the detainee's release. Between January and March 2019, Government forces in Yei released at least 15 of these 41 civilians.

³⁷ HRD was informed that Government forces operating these checkpoints and roadblocks subjected women and children to body searches and occasionally detained and ill-treated them (primarily through beating), for their alleged affiliation with NAS and affiliated armed groups or to extract information from victims about the location of these forces.

³⁸ HRD has reasonable grounds to believe that this number is under-representative of the full scale of these violations. Access denial by State and non-State actors, security concerns and threats to staff as well as a lack of roads and poor road conditions limited access to locations of incidents.

Conflict-related sexual violence against women and girls

73. An in the first phase, HRD documented a high number of cases of rape committed by members of Government forces. Between January and April 2019, at least 45 women and 12 girls, including some as young as 12, were subjected to rape and gang rape.
74. HRD's investigation determined that victims continued to be targeted near checkpoints and roadblocks while travelling to or from primary urban centres, as well as during home invasions, by Government forces. In several instances, rape was used to humiliate and punish women and girls perceived as supporting or sympathizing with NAS and affiliated armed groups/elements. In one case, for example, a 65-year-old woman was gang-raped by two SSPDF combatants after they broke into her home in Karpeto *boma* (Lobonok *payam*) and dragged her outside, forcing her to follow them to their base near the Karpeto primary school. On the way to the school, they repeatedly struck her with the butts of their guns and threatened to kill her for "giving birth to rebels." They then gang-raped her on the side of a road, before releasing her.
75. Survivors and eyewitnesses also reported that SSPDF and NSS forces deployed in Karpeto boasted of eventually transforming the demographic landscape of South Sudan by producing children with women and girls from other communities in Central Equatoria. In the same area of Karpeto, a survivor who was pregnant at the time of the attack recounted that, prior to raping her, an SSPDF combatant threatened to forcibly abort the survivor's pregnancy in order to impregnate her with "his own child." Similarly, in a separate incident in the Yei area, a woman recounted being held at gunpoint by four SSPDF combatants in her home, while being forced to watch helplessly as a fifth soldier raped her 16-year-old daughter with the stated intention of impregnating her.
76. These patterns are consistent with those documented in other areas of South Sudan, where women and girls have frequently been subjected to various forms of sexual violence as punishment for their alleged support of rival armed groups throughout the duration of the conflict.³⁹

"They mercilessly beat and raped my daughter before my own eyes. Who would want to marry a survivor of rape? I pleaded with the soldier and asked him to take me, instead of my daughter. He refused and threatened to burn us alive if we did not cooperate. He told me he needed fresh blood, meaning a young girl who is able to procreate."

*-Mother of a 16-year-old girl
raped by an SSPDF combatant in
Yei*

Forced displacement

77. The *modus operandi* used in attacks by Government forces during the second phase is indicative of a deliberate strategy to forcibly displace civilians from areas considered to be under the influence of NAS and affiliated armed groups/elements. Several victims recounted that, while destroying homes, Government combatants and commanders stated that civilians had no choice but to leave their homes and move to Yei and other towns in areas under the control of the Government. As the Government's military campaign expanded, civilians were increasingly compelled to abandon their villages, sometimes prior to the arrival of Government forces, in anticipation of the violence to come.

³⁹ <https://www.ohchr.org/EN/Countries/AfricaRegion/Pages/SouthSudanReports.aspx>

“Government soldiers destroyed our homes and took all our possessions during the attack. But most importantly, they took our dignity, which cannot be restored. As a head of family and a notable of the community, they pushed me to the ground and beat me with rifle butts repeatedly, in front of my family and neighbours. Since it was in the early morning hours, I was barely dressed when they dragged me out of the tukul. In my heart, I prayed for them to end of my life, rather than enduring this humiliation...I lost my manhood on that day...unable to protect myself or protect my family. I am ashamed....”

-Man displaced from Pisak boma

78. According to humanitarian sources, between January and March 2019, at least 38,500 civilians were internally displaced⁴⁰ in at least 22 locations in southern portions of Central Equatoria. An additional 19,900 South Sudanese crossed international borders to seek refuge in the DRC and Uganda.⁴¹

79. For several months, insecurity and access denial by Government forces prevented humanitarian organizations from reaching the affected areas to provide humanitarian services. Consequently, some of these organizations were effectively forced to suspend their operations, including surveillance of the Ebola Virus Disease (EVD) and related prevention activities near the DRC border, for almost a month in February 2019.

Human rights abuses attributable to organized armed groups

80. As noted, the scale and intensity of Government military operations led NAS and affiliated armed groups/elements to retreat to hinterland areas to avoid direct confrontation with Government forces. For similar reasons, some NAS and affiliated elements also relocated to the Maridi and Mundri areas of Western Equatoria, where they adopted hit-and-run tactics to assail Government forces, and continued to compel civilians to provide material support. During this phase, these groups also engaged in at least four attacks on villages.

Targeted killing of civilians

81. During the second phase, NAS and affiliated armed groups/elements continued to carry out targeted killings as part of a strategy to deter civilians from cooperating with the local State administration. Between January and April 2019, HRD documented the killing of nine civilians in these circumstances by NAS and affiliated armed groups/elements.⁴²

82. Internally displaced persons who fled from remote locations indicated that NAS and affiliated armed groups/elements reportedly continued to kill and torture or ill-treat civilians suspected of collaboration with Government entities. As in the first phase, HRD’s investigation found that civilians caught attempting to travel to other towns were subjected to extra-judicial killing (primarily by beheading or cuts to the throat by machete) or held captive and subjected to torture or ill-treatment.⁴³

⁴⁰ These numbers include civilians who were forcibly displaced as well as those indirectly displaced by insecurity, violence and the humanitarian situation.

⁴¹ <https://data2.unhcr.org/en/dataviz/62?sv=5&geo=0>

⁴² The areas affected by these killings were: Abegi (Otogo *payam*), Kisharu (Lobonok *payam*), Longomero (Mugwo *payam*), Pedele (Yei *payam*), Rokon and Yei town.

⁴³ NAS commanders also reportedly killed members of their own forces suspected of contemplating defection from the group.

Abductions for forced recruitment, forced labour and sexual violence

83. As NAS and affiliated armed groups/elements retreated to hinterland areas, as well as the Maridi and Mundri areas of Western Equatoria, they continued to rely on civilian abductions for forced recruitment and forced labour to support their operations.

84. During this phase, at least 33 civilians, including 13 women and three girls, were abducted by NAS and affiliated armed groups/elements in Central and Western Equatoria. On 16 January alone, NAS elements abducted 22 civilians from the areas of Goja, Hai Tarawa, Lopapa and Pedele villages, as the victims were heading to their farms. In other cases, NAS and affiliated armed groups/elements took victims from their farms in the areas of Goja, Lasu and Mongo in Muwgo *payam* and Soka in Mukaya *payam* to Kejiko and other NAS transit points, particularly to mining areas in Kularima, Mudeba, and Senema in Mugwo and Otogo *payams*, where they were presumably forced to engage in artisanal mining. As compared with the first phase, a greater proportion of male abductees were reportedly forced to participate actively in hostilities and to gather intelligence for NAS and affiliated armed groups/elements.

“NAS used to be good to us until they began slaughtering people like goats. They promised to get rid of the SPLA-IO people who were killing our brothers and raping our wives and sisters. We would feed them even when we did not have enough food for ourselves. But recently, they started killing people who travel to Yei, most of them were traders. . .”

-Man displaced from Morsak

85. In terms of forced labour, male abductees were also compelled to transport cannabis from remote locations under NAS and affiliated armed groups/elements influence through Government checkpoints into main towns under the control of Government forces. According to eyewitnesses and civilians subjected to this form of forced labour, both NAS and Government elements were involved in the opportunistic smuggling and trade⁴⁴ of these substances and other contraband, as a means of financially sustaining themselves.

86. As in the first phase, HRD found that NAS and affiliated armed groups/elements continued to commit acts of sexual violence. At least 12 abducted women and girls were subjected to various forms of sexual violence, including rape, gang rape and sexual slavery, in the areas of Ginjana and Karpeto in Lobonok *payam*, as well as Soka and Yari in Mukaya *payam*.

Restrictions on freedom of movement

87. NAS and affiliated armed groups/elements continued to arbitrarily restrict the freedom of movement of civilians to and from Government-controlled areas, primarily through the establishment of checkpoints. At least 14 eyewitnesses and victims confirmed that NAS and affiliated armed groups/elements increased such restrictions, particularly in January 2019, in the context of the Government’s military offensives in Central Equatoria.

88. Eyewitnesses also reported that NAS and affiliated armed groups/elements regularly demanded the payment of “taxes” or fees⁴⁵ to pass through checkpoints along the four main roads leading to Yei town.⁴⁶ As in the first phase, civilians travelling without prior “authorization” by NAS and affiliated

⁴⁴ These substances are allegedly transported to Juba using Government security vehicles where they are traded. UNMISS HRD interviewed civilians involved in these activities including at least two who were ferrying the substance from NAS areas into Yei town – passing through Government-manned checkpoints.

⁴⁵ Amount varying from 50 SSP to 1,000 SSP depending on the objective of the travel to a given location. Trucks and vehicles were apparently paying more.

⁴⁶ Yei-Kaya, Yei-Lasu, Yei-Lainya, Yei-Mongo, Yei-Mugwo and Yei-Tore roads.

armed groups/elements local commanders on the ground were frequently accused of being Government supporters conducting espionage, and were severely beaten and in some cases killed as a consequence. The threat of violence led many civilians to limit their movements to farms and markets.

89. The restriction of movement also constrained access to medical assistance and other services greatly needed by the civilian population. Civilians were frequently stopped and sent back to their villages, for instance, while attempting to travel to larger towns (such as Yei) under the control of Government forces, where free medical screening and health services are provided by humanitarian organizations.

V. Command structure

90. HRD has reasonable grounds to believe that those involved in the commission of violations and abuses documented in this report fall into three categories: (1) NAS, SSNMC and affiliated armed groups/elements, (2) SPLA-IO (RM) and (3) Government forces, including SSPDF and NSS.
91. As a result of its investigation, HRD was able to establish the command structure and identify three commanders of Government forces operating in Central Equatoria, and to identify seven local commanders exerting control over NAS and affiliated armed groups/elements, as well as eleven commanders of SPLA-IO (RM) armed elements operating in the affected areas. Largely driven by local and inter-personal interests, these commanders from organized armed groups appear to have enjoyed a certain operational autonomy in their constituent bases, making operational decisions without instruction from their respective chain of command.

Organized armed groups

92. Despite this loose command structure, as well as the frequent shifting of alliances amongst local commanders, HRD was able to attribute most documented abuses to specific armed groups, based in part on knowledge of areas under their influence or control, as well as the testimonies of victims and eyewitnesses, and other sources familiar with the dynamics of these local groups.

NAS, SSNMC and affiliated armed groups/elements

93. The relationship between NAS, SSNMC and other groups remains fluid, often making it difficult to clearly distinguish between their respective command structures and fighters. These groups appear to have established a certain level of coordination at a tactical level, as their elements frequently conducted coordinated operations. For instance, one SSNMC commander interviewed in February by HRD, on the Yei-Maridi road, identified himself as *a member of SSNMC under the overall command of NAS*.
94. On the basis of incident tracking, HRD established that between September and December 2018, NAS and affiliated armed groups/elements exerted a greater influence over the areas of Yei county, including Bereka and Mangaten (Lainya *payam*); Ondukuri *boma* (Lujolu *payam*); Minyori *boma* (Mukaya *payam*); and Mugwo and Morsak (Mugwo *payam*). They also had the capacity to conduct ambushes on the Yei-Maridi and Yei-Lasu roads. As noted, however, after the start of the Government-led military operations in January 2019, these groups became highly mobile and retreated to hinterland areas near the DRC border, and in areas between Mundri and Amadi in Western Equatoria. They also crossed the border into DRC territory.
95. Based on victims' and eyewitnesses' accounts, as well as information provided by key informants, HRD identified at least seven key NAS and affiliated armed groups' local commanders. These include

two major-generals: the first [N1]⁴⁷ is considered to be the Sector Commander of NAS general ground forces across Central Equatoria; while the second [N2] controls the Yei-Kirikwa axis. HRD's investigation also identified five brigadier-generals: [N3], commanding activities and fighters in the areas of Mangaten; [N4], commanding activities and fighters in Mukaya; and [N5], in charge of the Yei-Kaya axis and Senema;⁴⁸ and [N6] and [N7], who were involved in incidents of abduction in Mukaya and Otego *payams* in Yei county.

96. Testimonies from 22 witnesses and victims clearly identified NAS and affiliated armed groups/elements involved in the abduction of at least 43 civilians for forced labour and sexual slavery in the areas of Morsak, Yei and the Yei-Kaya road between September 2018 and April 2019, where NAS and affiliated armed groups/elements maintained a strong presence throughout the reporting period. In some cases, armed elements also identified themselves to victims as members of NAS, spoke with abductees in the Kakwa language, and/or urged them to join NAS ranks. At least 10 former abductees interviewed by HRD clearly identified N6 as the commander of NAS elements involved in abductions in the area of Mongo *boma* in Mugwo *payam* in Yei county.

SPLA-IO (RM)

97. Due largely to increasing mistrust vis-à-vis members of the Nuer community within their ranks, between 2017 and 2018, at least five SPLA-IO (RM) commanders of Equatorian origin, including N1 defected with elements under their command to NAS and affiliated armed groups. SPLA-IO (RM) forces in Central Equatoria were weakened as a result of these defections, and progressively drew closer to Government forces in response, particularly after the signing of R-ARCSS.
98. Panyume is considered as the General Headquarters of SPLA-IO (RM) Sector VIII (Central Equatoria),⁴⁹ under the overall command of a major-general [S1] in Wulunit, Juba county. Sector VIII is comprised, in turn, of three divisions: the National Mobile Force Division (mainly constituted of Nuer elements, and commonly known as the "Nuer Force"), based in Panuyume, under the command of a major-general [S2]; Division 2A, based in Wulunit under the command of a major-general [S3]; and Division 2B, also based in Panyume, under the command of a major-general [S4] and a deputy brigadier-general [S5]. Division 2B, which played a critical role in the area covered by HRD's investigation, was comprised of four brigades, three of which are commanded by a brigadier-general, in Kajo-keji [S6], Kenyira [S7] and Lainya [S8], and by a colonel in Morobo [S9].
99. At least 22 eyewitnesses interviewed during the course of HRD's investigation distinctly identified [S10] of the second brigade as exercising overall command of the Minyori encampment, where most civilians abducted by SPLA-IO (RM) elements were held. He was seen providing instructions to fighters for the abduction of civilians and promoting sexual violence against abductees. It is important to note, however, that [S10] was reportedly killed by NAS elements in October 2018.
100. HRD is unaware of any actions taken by S1 or S4 to prevent, stop or punish those responsible for the abuses committed under their command, including those attributed to S10 and his forces.

⁴⁷ N1 is reported to be the Deputy Chief of Staff for Training. However, on the ground, he is in charge of the operations of NAS forces, and witnesses and key informants confirmed that he is the overall commander of NAS forces.

⁴⁸ This commander was reportedly part of NAS at least until December 2018.

⁴⁹ The signing of R-ARCSS did not significantly change the SPLA-IO (RM) command structure except for the officialization of a cantonment site for SPLA-IO (RM) fighters in Panyume and the deployment of a platoon in Rambur *boma* (Lobonok area), adjacent to the SSPDF barracks. These SPLA-IO (RM) forces were led by a captain who defected to SPLA-IO (RM) after the signing of R-ARCSS. In addition, the National Mobile Force Division [aka Nuer Force] also took part in coordinated attacks alongside SSPDF.

Government forces

Joint operations

101. During the second phase, Government forces increased the number of joint military operations in southern portions of Central Equatoria. Joint operations were first deployed in early 2017 to respond to the conflict in the Yei area. However, after the signing of R-ARCSS, they were mandated to conduct targeted military operations against non-signatory groups and to support efforts to re-establish Government authority.
102. Joint operations, comprised of forces from the SSPDF Commando, Tiger and Ground Force divisions, military intelligence, and NSS, were deployed to southern portions of Central Equatoria under the command and control of a brigadier-general [G1]. These forces received regular and substantial logistics and operational support from SSPDF general headquarters in Juba beginning in December 2018.
103. At least three joint operations, controlling major towns and main supply routes, were identified in the area. The first one was based in Yei, still under the control of G1. The second was based in Limbe, under the command of a brigadier-general [G2] and covered the areas of Kupera, Koyoki, Mukaya and Wonduruba. The third joint operation was deployed in Kajo-Keji under the command of a brigadier-general [G3] and covered Kajo-Keji, Kurki, Nyepo and Sokare.
104. During the course of HRD's investigation, more than 100 victims and eyewitnesses from the areas of Mukaya *payam*, Goja and Logo in Mugwo *payam* in Yei county indicated that SSPDF combatants, identified by their uniforms, facial scarification affiliated with the Dinka community, and languages spoken (Dinka and Arabic), forced them from their villages and compelled them to move to areas under Government control.
105. In at least five specific attacks, sources described the use of machine guns, mounted in SSPDF camouflage-painted pick-up vehicles. Some eyewitnesses also described the presence of camouflage-painted armoured personnel carriers (APCs) to support combatants on foot during military operations. Furthermore, survivors of sexual violence in Yei town also identified Dinka SSPDF combatants as perpetrators.
106. Prior to December 2018, a small number of SSPDF combatants were deployed in Yappa (Lobonok), primarily to provide security to the residence of First Vice-President. However, following an ambush involving a convoy of the Karpeto County Commissioner that claimed the lives of two SSPDF combatants in mid-December, two additional companies from the Ground Force Division under the command of a captain [G4] were deployed and stationed in Rambur *boma* to oversee operations in the Karpeto and Kisharu areas. These new SSPDF combatants, known locally as former "Arrow boys", reportedly joined Government forces after the signing of R-ARCSS. They were however withdrawn from the Lobonok area in late February 2019 after reportedly being involved in several cases of sexual violence.

National Security Service (NSS)

107. NSS forces operated their own checkpoints in and around Yei town, and participated in joint operations carried with SSPDF.⁵⁰ In some circumstances, APCs belonging to NSS were used to support fighters on foot. NSS forces also arrested civilians and brought them to NSS detention facilities in Yei town and Lobonok. Twenty-one victims stated that the NSS used torture to extract information about the activities and whereabouts of NAS and affiliated armed groups and/or to compel confessions of providing support or being affiliated with NAS.⁵¹
108. HRD's investigation found that the NSS hierarchy in Yei town under the command of a lieutenant-colonel [H1] sanctioned actions, including arrest and detention, by NSS in the Yei area. In Lobonok, NSS forces increased their presence after the removal of SSPDF combatants in February 2019. Based at the Yappa vocational school, under the command of a major [H2], they were reportedly involved in several incidents of harassment, indiscriminate shooting to terrorize civilians, and looting of private property.

VI. Government response

109. The Government's response to the findings of HRD's investigations has been limited, characterized largely by ad hoc interventions by individual actors at the local and regional levels, rather than a cohesive or strategic approach at the national level. To this end, actions taken discreetly at the local/regional level would appear to be a tacit acknowledgement by some State actors of wrongdoing by Government forces. HRD's investigation determined, for example, that SSPDF combatants accused of raping at least 14 women and girls in Karpeto *boma* were removed from the area after these allegations surfaced. Similarly, following the killing of a civilian in Lasu *payam* in a case of apparent mistaken identity by SSPDF combatants, an SSPDF commander apologized to the victim's family members and provided support for the victim's funeral.
110. During the period under review, the SSPDF launched an Action Plan on addressing conflict-related sexual violence (CRSV) in South Sudan, whose core pillars consist of prevention; accountability; protection of CRSV victims, witnesses and judicial actors; and communication with external partners. Following the launch of the Action Plan, SSPDF organized a series of workshops targeting the leadership of SSPDF divisions throughout the country. The Action Plan provides for the implementation of time-bound actions including nation-wide trainings of combatants, enhanced coordination between military and civilian justice systems and thorough vetting processes meant to exclude perpetrators of sexual violence crimes from recruitment/integration into the SSPDF.⁵²

⁵⁰ As per the National Security Service Act (2014), the National Security Service falls under the authority of a lieutenant-general who reports directly to the President. It is estimated to employ over 60,000 individuals across the country, and is tasked primarily with protecting the national interests of the Republic of South Sudan, with a broad range of powers and functions, including collecting intelligence, detecting and preventing danger resulting from espionage, terrorism, investigating and tracking down suspects. The service is also authorized to carry out search operations and arrest individuals without warrant.

⁵¹ Military intelligence officers and SSPDF combatants who conducted joint operations with NSS were also reportedly involved in torturing civilians.

⁵² The adoption of the Action Plan in March 2019 is an encouraging step in reaffirming the Government's commitments enshrined in the 2014 Joint Communiqué signed by President Kiir and the United Nations. It signals top-level political commitment to undertake the necessary institutional and behavioural changes to correct the conduct of the SSPDF. Effective implementation will be critical for a future de-listing of the SSPDF from the annex of the Secretary General's annual report on CRSV.

VII. UNMISS response

111. Amidst ongoing reports of human rights violations and abuses, and violations of international humanitarian law, by all parties to the conflict, HRD has conducted investigations throughout the reporting period to establish facts and identify actors who may bear responsibility for these violations and abuses, which may amount to war crimes under international criminal law.
112. In November 2018, UNMISS opened a new permanent base in Yei and has since deployed 370 troops in addition to civilian personnel, including two human rights officers. It has also increased the number of military liaison officers, including female officers, in an effort to improve engagement with local authorities, armed groups and civilians. During the reporting period, UNMISS also conducted regular patrols within Yei town and to outlying communities in Central Equatoria to monitor the human rights situation, deter violence, enable the safe delivery of humanitarian assistance and to support peacebuilding activities.
113. The Special Representative of the Secretary-General has made a number of visits to the area to engage with political leaders and communities about human rights issues, the impacts of displacement, and the need for peace-building activities, including leading a high-level delegation with the IGAD Special Envoy and the Acting Chairman of the Revitalized Joint Monitoring and Evaluation Committee (R-JMEC) to Yei and the SPLA-IO (RM) cantonment site in Panyume in April 2019. The Mission has also conducted regular engagement throughout the reporting period with local State authorities and security forces to remind them of their primary responsibility to protect civilians and uphold international human rights and humanitarian law, to urge them to take immediate action to protect civilians in the affected areas, and to hold the perpetrators to account.
114. At a local and national level, UNMISS has continuously engaged with all parties to the conflict in Central Equatoria to address the findings of the Mission's investigations, and to urge the parties to respect the COHA. In December 2018, engagement undertaken with both NAS and SPLA-IO (RM) led to the release of 22 civilians held in captivity by NAS forces. This engagement has also included a meeting with Thomas Cirillo in Addis Ababa, Ethiopia, on 5 March, where HRD shared the preliminary findings of its investigation and urged him to take prompt action to address abuses by NAS forces. HRD has also provided support for capacity-building activities to sensitize SSPDF, SPLA-IO (RM) and other relevant actors on human rights-related topics, including through the development of action plans to address CRSV.
115. Furthermore, UNMISS has provided support for institutions and civil society organizations promoting awareness of human rights and advocating for an end to impunity, and regularly conducts human rights training for civil society actors and local communities more broadly.

VIII. Conclusion and recommendations

116. As outlined in the present report, despite an overall decrease in violence—and a corresponding reduction in the number of conflict-related human rights violations and abuses, and violations of international humanitarian law—in South Sudan following the signing of R-ARCSS, HRD documented an increase in such violations and abuses in Central Equatoria. Between September 2018 and April 2019, HRD documented violations and abuses resulting in the unlawful killing of 104 civilians and the wounding of 35 others, as well as the abduction of at least 187 civilians for forced recruitment, forced labour and sexual slavery. At least 30 attacks on villages were corroborated, during which widespread looting and deliberate destruction of homes and food supplies occurred. Several villages were attacked multiple times. At least 99 women and girls, including girls as young as 12,

were raped and subjected to other forms of sexual violence during the reporting period. Overall, the violence in Central Equatoria has led to the displacement of more than 56,000 individuals within South Sudan as well as 19,719 to DRC and Uganda. Due to access issues, including access denial by Government forces, HRD has reason to believe that these numbers are likely under-representative of the full scale of the crisis.

117. Failure by NAS and affiliated armed groups/elements to join the peace process is likely to lead to localization of the conflict and fragmentation of the armed actors – mostly driven by ethnic, political and personal financial agendas. This would protract the conflict between signatory and non-signatory groups in Central Equatoria. On the other hand, peace talks with NAS and affiliated armed groups will need to focus on addressing local grievances in the Equatorian regions to mitigate the potential for fragmentation of actors along the complex dynamics driving the conflict. With the onset of the rainy season in April, the number of attacks and violations have dropped, as NAS and affiliated armed groups/elements have moved away from the reach of Government forces spreading towards the areas of Maridi and Mundri in Western Equatoria. A recent defection of some NAS elements may also signal an internal wrangle within the armed opposition group.⁵³
118. The Government of South Sudan is duty-bound under international human rights law to take adequate measures to protect civilians, to safeguard their rights, to promptly, impartially, independently and thoroughly investigate allegations and to hold the perpetrators accountable through fair trials. Additionally, all parties to the armed conflict are obligated to respect international humanitarian law, as well as the provisions of R-ARCSS prohibiting the abuse of civilians. Accordingly, UNMISS makes the following recommendations:

To all parties to the conflict in Central Equatoria:

119. UNMISS urges all parties to the conflict in Central Equatoria to comply with international human rights law and international humanitarian law, including by ensuring that any military operations are conducted in strict compliance with the principles of distinction, precaution and proportionality, and the prohibitions of unlawful killing, sexual violence and other forms of torture and inhuman treatment, and pillage. All parties to the conflict are also urged to abide by the 2017 COHA, in particular its provisions on the protection of civilians and humanitarian access.

To the Government of South Sudan:

120. In light of the deteriorating human rights situation in Central Equatoria and its potential impact on the implementation of R-ARCSS, UNMISS encourages the Government of South Sudan to pursue diplomatic efforts to bring NAS and affiliated armed groups/elements to join the peace process while effectively addressing the root causes of the conflict and long-standing grievances of local communities from the Equatorian regions.
121. UNMISS exhorts the Government of South Sudan to hold to account the perpetrators of violations and abuses of international human rights law, and violations of international humanitarian law, committed in Central Equatoria since September 2018.
122. Furthermore, UNMISS urges SSPDF to fast-track the implementation of its Action Plan to combat conflict-related sexual violence within its ranks, including those deployed in Central Equatoria.

⁵³ <https://radiotamazuj.org/en/news/article/nas-splinter-group-sign-peace-pact-with-government>

To organized armed groups (including SPLA-IO (RM), NAS and SSNMC):

123. UNMISS encourages organized armed groups to engage in good faith with IGAD and other key stakeholders involved in the peace process, while ensuring that local commanders prioritize the peace process over local and personal agendas.
124. UNMISS additionally exhorts all organized armed groups to immediately release all civilians who have been abducted during the conflict, first and foremost, the children.

To IGAD:

125. UNMISS urges IGAD to take steps to hold to account any signatory parties who violate the terms of the 2017 COHA, particularly with regard to its provisions on the protection of civilians and humanitarian assistance.
126. UNMISS encourages the IGAD Special Envoy to South Sudan to continue his engagement with Thomas Cirillo to join the peace process, as endorsed by the IGAD Council of Ministers.

To the international community:

127. The international community should continue to support conflict resolution and reconciliation efforts at the grassroots level, including those led by faith-based institutions.
128. UNMISS also urges donors to continue supporting national and international humanitarian organizations in providing timely and adequate medical and psychosocial assistance for the survivors of conflict-related sexual violence.

Annex: Legal framework

1. *International human rights law*

Under the international human rights law framework, which applies both in times of peace and armed conflict, the Government of the Republic of South Sudan is obliged to respect, protect, promote, and fulfil the human rights of all persons within its territory or under its control.⁵⁴ South Sudan has *inter alia* the obligation to prevent all acts of killing, torture and inhuman or degrading treatment, abductions, rape and other forms of sexual violence, as well as the pillage and destruction of villages; to take effective measures to promptly investigate violations and abuses of international human rights law and violations of international humanitarian law; and to ensure full accountability for the perpetrators of these violations and abuses.

Under international human rights law, South Sudan is also responsible for the wrongful conduct of individuals or groups not formally integrated into its security forces when the latter act on its instructions or under its direction or effective control. It is also obligated to take necessary action to prevent, protect against, and respond to violence against women, whether perpetrated by private or public actors. It is important to highlight that the parties to the R-ARCSS including SSPDF, SPLA-IO (RM), and armed opposition groups have previously been listed by the United Nations for committing sexual violence in conflict and grave violations against children, including killing and maiming, recruitment and use of child soldiers, abduction and rape.⁵⁵

2. *International humanitarian law*

International humanitarian law applies to the non-international armed conflict in South Sudan.⁵⁶ In addition, all parties to the conflict are obligated to abide by the relevant rules of customary international law applicable in non-international armed conflicts, including the principles of distinction, proportionality and precaution. Under this legal framework, and in particular, Common Article 3 of the Geneva Conventions, SSPDF and armed opposition groups are bound to distinguish at all times between civilians (including humanitarian relief personnel) and combatants, and to treat humanely all persons taking no active part in hostilities.

International humanitarian law also prohibits unlawful killing, torture, cruel or inhuman treatment and outrages upon personal dignity, in particular, humiliating and degrading treatment, rape and other forms of sexual violence, destruction of property, pillage, enforced disappearance, arbitrary deprivation of liberty and forced displacement. In addition, children, the elderly, people with disabilities and the infirm affected by armed conflict are entitled to special protection. According to customary international law, humanitarian relief personnel and objects must always be respected and protected.

⁵⁴ The Republic of South Sudan is a State party to the African Charter on Human and Peoples' Rights (ratified in 2016) and five United Nations human rights treaties: the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and its Optional Protocol; the Convention on the Elimination of All Forms of Discrimination against Women, and its Optional Protocol; and the Convention on the Rights of the Child (all ratified in 2015). In June 2019, the national legislature ratified the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), but had not yet deposited instruments of accession with the UN at the time of reporting. South Sudan is also bound by provisions of international human rights law that have attained the status of customary law.

⁵⁵ See the 2018 Report of the Secretary-General on Conflict-Related Sexual Violence, available at <http://undocs.org/en/S/2018/250>.

⁵⁶ See ICRC Annual Report 2013, at p. 200; ICRC press release of 6 January 2014, <https://www.icrc.org/eng/resources/documents/news-release/2014/01-06-south-sudan-juba-petermaurer-president-visit.htm>; ICRC Annual Report 2014, at p. 204; the Intercross blog interview with the ICRC of 12 June 2015, <http://intercrossblog.icrc.org/blog/interview-with-head-of-delegation-in-southsudan>; ICRC Annual Report 2015, at p. 208; and ICRC Annual Report 2016, at p. 195. The Republic of South Sudan is a State party to the four Geneva Conventions of 1949, and the two Additional Protocols of 1977 (acceded to in 2013).

States are responsible for all violations of international humanitarian law committed by their armed forces or those acting under their direction or control. Under international law, the Government of South Sudan is obliged to investigate serious violations of international humanitarian law and to ensure full and adequate reparation for loss or injury caused.

3. International criminal law

Under international criminal law, individuals can be held criminally responsible for, *inter alia*, war crimes and crimes against humanity

The September 2018 R-ARCSS envisioned the establishment of a Hybrid Court, which, according to its draft statute, will have jurisdiction over war crimes as well as crimes against humanity, and other serious crimes under international law. The Hybrid Court should have primacy over national jurisdictions to prosecute individuals, both civilian and military, who have allegedly committed such crimes. To date, the Government of South Sudan has not signed the Memorandum of Understanding with the African Union for the establishment of this Court.

In many cases, acts documented in this report may amount to war crimes and crimes against humanity under international criminal law.