



***ARMED VIOLENCE INVOLVING
COMMUNITY-BASED MILITIAS IN
GREATER JONGLEI***

January – August 2020

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Map of Jonglei and Greater Pibor Administrative Area, South Sudan



I. Executive summary

1. This joint report of the United Nations Mission in South Sudan (UNMISS) and the Office of the High Commissioner for Human Rights (OHCHR) documents armed violence involving community-based militias from the Dinka, Nuer and Murle communities in Jonglei state and the Greater Pibor Administrative Area (GPAA) between January and August 2020.
2. During this eight-month period, violence involving these groups led to the killing and wounding of at least 1,058 people from the Murle, Nuer and Dinka communities. At least 686 women and children, mainly from the Murle community, were abducted and 39 Murle women were raped or gang raped. It is likely that abducted women and girls have also been subjected to forced marriage and sexual enslavement. At least 86,000 cattle (worth at least USD 30 million)¹ were stolen during these attacks. Looting and destruction of private and public property, including humanitarian facilities, was also documented in many of these incidents.
3. Violence involving community-based militias, especially in Jonglei and GPAA, has increased and is responsible for the vast majority of casualties among local communities since the signing of the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan (R-ARCSS) in September 2018.² During the same period, human rights violations and abuses committed by Government forces and opposition armed groups decreased in most parts of the country.
4. HRD's investigation gathered evidence of the widespread use of small arms and light weapons as well as military-style tactics, illustrating the complex nature and increasing intensity of this violence, as well as the evolving features of community-based militias. These groups were found to be collective entities with a degree of organization and established command structures.
5. Based on available information, HRD determined that at least 50 individuals from the Dinka, Nuer and Murle communities may have directly or indirectly supported these militias in carrying out the attacks documented in this report. These individuals belong to three broad categories: (1) traditional chiefs and spiritual leaders, (2) Government and opposition forces, and (3) members of the political and administrative elite. Their involvement has exposed the porous boundaries between the military apparatus and the community loyalties of its personnel, as well as the challenge of establishing a fully integrated army in the ethnically polarized context of South Sudan.
6. Some rank-and-file personnel and officers of the South Sudan People's Defense Forces (SSPDF) and the pro-Machar Sudan People's Liberation Army in Opposition (SPLA-IO/RM) have supported or actively participated in the clashes alongside community-based militias, in their individual capacity and according to their community kinship. Others have provided material support as part of a calculated move to reinforce political alliances or widen divisions in the midst of a slow and fragile implementation of the R-ARCSS, including the power vacuum created by delays in the establishment of state and local governments. Armed violence in Jonglei and GPAA is therefore inextricably linked with identity and national politics.
7. In its response to the findings of this report, the Government of South Sudan stated that it condemns the alleged crimes committed in Greater Jonglei "*in the strongest possible terms and wishes to see anyone involved brought to justice.*" However, it refuted the participation of SSPDF personnel in these attacks, and the support of political and administrative elites to community-based militias. It also

¹ 86,000 cattle on the basis of USD 350 per head of cattle.

² Since the signing of R-ARCSS in September 2018, at least 74 per cent of casualties among local populations have been attributed to community-based militias.

highlighted some actions already taken by the authorities to address this violence, including the establishment of local governance structures at state and county levels.

8. In this context, UNMISS and OHCHR make the following recommendations:

To the Government of South Sudan:

- Conduct a prompt, effective, independent and impartial investigation into all allegations of violations and abuses of international human rights law in Jonglei and GPAA; and hold to account all individuals at the local and national levels who instigated and/or took part in these violations and abuses.
- Take measures to secure state-owned firearms and ammunition in effectively managed storage facilities to prevent theft, as recommended by the South Sudan Bureau for Community Security and Small Arms Control³; and in particular ensure that members of the security forces are not able to supply weapons from Government stocks to community-based militias.
- Release the report of the High-Level Committee established by President Salva Kiir in June 2020 to address the root causes of the violence in Jonglei and GPAA.
- Finalize the establishment of local administrative and legislative structures in Jonglei and GPAA, in accordance with R-ARCSS, to roll out the rule of law and lead local reconciliation and peace initiatives.

To Government authorities in Jonglei and GPAA, and SPLA-IO/RM representatives in northern Jonglei:

- Promptly intervene to facilitate the tracing, unconditional release and reunification of all abducted women and children and take steps to prosecute sexual and gender-based crimes while ensuring that survivors receive reparations.

To community-based militias:

- Urge the leaders of Dinka, Nuer and Murle community-based militias to respect human rights, as well as immediately release all women and children abducted during armed violence in Jonglei and GPAA.

To the international community:

- Invite the international community, including the South Sudan Multi-Partner Trust Fund for Reconciliation, Stabilization and Resilience, to continue supporting national and local-led reconciliation initiatives in a coordinated and complementary manner to effectively address the root causes of armed violence in Jonglei and GPAA.
- Encourage humanitarian and development stakeholders to strengthen their protection-related activities, particularly by reinforcing the capacity of national and local authorities to prevent armed violence in Jonglei and GPAA.

³ Republic of South Sudan, South Sudan Bureau for Community Security and Small Arms Control, Voluntary Civilian Disarmament Strategy, Juba, September 2020.

II. Methodology

9. This report is jointly published by UNMISS and OHCHR, pursuant to United Nations Security Council Resolution 2514 (2020).
10. In order to verify the abuses of international human rights law documented in this report, HRD reinforced its field teams in Bor (Jonglei) and Pibor (GPAA), and conducted eight long-duration field missions between January and November 2020 to villages and settlements attacked by community-based militias, including Gumuruk, Likuangole, Manyabol, Motot and Pieri. Restrictions on movement and related COVID-19 prevention measures, as well as heavy flooding, limited HRD's ability to carry out further missions to locations across Jonglei and GPAA. For instance, HRD has not been able to visit Likunagole and Manyabol since August 2020.
11. During its investigation, HRD interviewed 225 victims and witnesses of the violence documented in this report, including abductees, sexual violence survivors and displaced people. HRD also interviewed more than 70 armed elements from the Dinka, Nuer and Murle militias. In accordance with OHCHR methodology and the "do no harm" principle, HRD ensured that the confidentiality of sources was maintained and that all appropriate protection protocols were applied prior to, during and after interviews. HRD also took a gender-sensitive approach while conducting interviews and throughout its investigation.
12. Additionally, HRD collected corroborating information and testimonies from political elites, local administrative authorities, and traditional and community leaders living in Akobo, Bor, Juba and Pibor, as well as non-governmental organizations (NGOs), humanitarian partners and service providers operating in areas affected by the clashes. HRD also analyzed various documents and photographic evidence corroborating the violations and abuses reflected in this report.
13. HRD employed a *reasonable grounds to believe* standard of proof in making factual and legal determinations about the abuses and violations, incidents, and patterns of conduct of the perpetrators. Unless specifically stated, all information in the report has been verified using several independent, credible sources, in accordance with OHCHR methodology.

III. Community-based militias in Jonglei and GPAA

14. HRD has established that Dinka, Nuer and Murle community-based militias involved in this armed violence had capacities to conduct planned and organized operations, and that they had established command structures enabling them to exercise degrees of control over their members.

Planned and organized attacks by community-based militias

15. HRD's investigation identified three distinct phases of armed violence involving Dinka, Nuer and Murle community-based militias between January and August 2020, which had devastating consequences for local populations in Jonglei and GPAA.

16. The first phase began in January with low-scale attacks, similar to those observed during the dry season in recent years, led by Murle armed elements into Akobo, Duk, Nyirol, Twic East and Uror counties, followed by large-scale offensives by a coalition of Dinka and Nuer assailants in GPAA between mid-February and early March. The second phase consisted of retaliatory attacks in Pieri and surrounding villages on 16 May, carried out by Murle community-based militias. The third phase (from mid-June to early August) included a new wave of attacks in GPAA by the same coalition of Nuer and Dinka militias involved in the first phase but reinforced by Dinka armed elements from Bor, as well as low-scale incursions led by small groups of Murle armed elements.

Communities	Counties and <i>payams</i>
Dinka Duk	Duk
Dinka Twic East	Twic East
Dinka Bor	Anyidi
Lou Nuer	Uror, Akoko and Nyirol
Gawaar Nuer	Ayod
Murle	Likuangole, Gumruk, Manaybol, Verthet, Maruwa Hills

Planning of attacks

17. HRD’s investigation found that several major attacks led by Lou Nuer community-based militias bore evidence of planning. For instance, between December 2019 and January 2020, Lou Nuer armed youths and community leaders held several meetings in Walgak village (90 km north-west of Akobo) to discuss plans to attack Murle locations in subsequent months.⁴ During this process, over 10,000 youths were reportedly mobilized from various sub-clans and sections, with the blessing of a Nuer prophet.⁵ Subsequent meetings were convened in early February in other villages to discuss the selection of Murle villages and cattle camps to be targeted.⁶
18. Planning and fund-raising meetings were also organized amongst Dinka communities to support their militias. For instance, between May and July, a series of gatherings were held in Bor and Juba, during which people were asked to contribute financially to the attacks. The amount of individual contributions varied according to each person’s capacity and social status.⁷
19. HRD also found that, as part of the mobilization process, Nuer, Dinka and Murle armed elements assembled at pre-designated meeting points before launching their respective offensives, a further indication of their ability to plan offensives. This tactic was used in February and June by Dinka and Nuer groups before the attacks in GPAA, and in April by the Murle prior to the attack in Pieri on 16 May.
20. Furthermore, HRD was informed that small groups of armed elements were sent from these assembly points on scouting missions a few days before conducting major attacks. For instance, Nuer elements were dispatched on a surveillance mission along the Kong Kong river prior to launching an offensive in Likuangole on 27 February. Similarly, in early May, Murle armed elements forced abducted Lou Nuer women to show them locations of cattle camps in the areas of Pieri and Walgak ahead of an attack on 16 May.

⁴ Traditionally, amongst the Lou Nuer, the decision-making process to carry out an armed attack against an opposing community is highly decentralized and based on consensus between heads of families, elders, age-set groups youth/white army leaders, and spiritual leaders at the village level. See Wal Duany, *Neither Palaces nor Prisons: The Constitution of Order Among the Nuer*, Ph.D. dissertation (Indiana University, June 1992).

⁵ See *infra* para. 50 for further information.

⁶ Meetings between subordinate leaders and other members of the white army were held in Lang or Luange villages; Nyapaka village and in other villages of Akobo county. Confidential source.

⁷ On 25 July 2020, community leaders from Greater Bor organized a meeting in Juba with the Dinka Bor community and sought contributions to purchase weapons. Confidential source.

21. It is noteworthy that, in early February, Dinka and Nuer militia leaders met in Poktap (Duk county) and set aside their grievances and rivalries with each another in order to conduct joint operations against the Murle. According to three youths who attended this meeting, common grievances attributed to Murle armed elements and ambition to extend grazing lands laid the foundation for this alliance, in which an attack against one faction would spur a collective response from all members.

Coordinated, organized and tactical attacks

22. Throughout the three phases of armed violence, these community-based militias displayed a capacity to conduct simultaneous coordinated, organized and tactical attacks on different fronts over a sustained period.

Phase 1: January to early March⁸

23. In January and February 2020, low-scale, rapid incursions led by groups of up to 10 Murle armed elements were reported in counties with a primarily Lou Nuer population (Akobo, Nyirol, Uror) and in counties with a primarily Dinka population (Duk and Twic East). These attacks exacerbated longstanding grievances amongst the Nuer and Dinka communities, who were already mobilizing armed elements on a large scale against the Murle. This initial mobilization was reportedly prompted by anticipation of President Kiir's imminent announcement of the creation of an administrative area for Greater Pibor and the Murle community.⁹
24. By 18 February, a large number of these Lou Nuer armed elements converged along the Nanaam river in the Likuangole area. Between 19 and 22 February, these assailants attacked settlements in Lokoromach *payam*, before crossing east of the Lolit river in the direction of Gie *payam*. Upon learning of this attack and the movement of Lou Nuer, Murle militias from Pibor regrouped and attempted to repel them at Kirmith (30 km north of Likuangole) on 26 February. However, these Murle groups were outnumbered, overpowered, and sustained heavy casualties during the clashes. The Lou Nuer elements launched a major attack on Likuangole village the following day, where they did not encounter substantial resistance. They then took control of Likuangole and simultaneously launched short incursions into surrounding villages and settlements along the Lilibok river until 3 March, when they began to retreat to their counties of origin.
25. At the same time as the attacks in Likuangole, Dinka and Gaawar Nuer armed elements from Twic East, Duk, and Ayod launched their own joint attacks in two groups. The first group attacked Bich-Bich (approximately 45 km north-west of Gumuruk) on 18 February,¹⁰ and moved towards Thangnyang village the next day. The second group moved to Pakeny of Kubal West in the Manyabol area¹¹ along the Nanaam river, seizing cattle abandoned by the local Murle population fleeing the violence. On 25 February, these joint Dinka and Nuer armed elements clashed with Murle groups in Pakeny, where the latter were outnumbered and forced to retreat to Manyabol.
26. On 27 February, the Dinka and Nuer elements attacked Manyabol village. Murle villagers, who had received prior information about this offensive, fled towards the Lothila river before the assault began, but were pursued until they crossed the river to Verteth county (GPAA). The Dinka and Nuer armed

⁸ See Annex 1.

⁹ On 15 February 2020, President Kiir took the decision to revert to a 10-state structure and to establish three administrative areas, including GPAA.

¹⁰ The main settlements attacked by armed elements were: Bishbish, Ngoit, Lapilap Manyboren, and Manychrang along the Nanaam river.

¹¹ The main settlements attacked were Pakeny, Bylak, Rang and Nyaboyo.

elements remained in the Manyabol area until 3 March, searching for women and children hiding in the bush, and stealing cattle, before returning to their counties of origin. In total, between 18 February and 3 March, at least 51 Murle villages and settlements were attacked, occupied and/or partially destroyed.

27. HRD's findings established that, in some circumstances, the attacks were well organized prior to the launching of a tactical assault (for instance, by blocking possible escape routes for local populations), or while taking control of villages (such as setting up defence perimeters).

Phase 2: Pieri attack of 16 May 2020¹²

28. In contrast to the low-scale attacks typically carried out by Murle militias, an unprecedented number of about 7,000 were involved in the 16 May attack on Pieri. This offensive was swift and well-coordinated, striking at the heart of SPLA-IO/RM-controlled territory. Pieri is also considered by the Lou Nuer as one of several important spiritual locations from which critical SPLA-IO/RM decisions are taken with regard to northern Jonglei.¹³
29. The attack began in the early hours of the morning, when at least three groups of Murle assailants simultaneously attacked 28 villages scattered over a 25 km radius, catching the Lou Nuer by surprise. Several eyewitnesses told HRD that the attackers were organized in at least two rows, and that they advanced and retreated tactically in an orderly fashion. Murle armed elements also laid ambushes to prevent reinforcement by other Lou Nuer armed elements living in neighboring villages. During this phase of the attack, the Lou Nuer armed elements suffered substantial losses.
30. However, by the early afternoon of 16 May, Lou Nuer armed elements from Motot, Walgak, Lankien and Akobo East arrived to support those already in Pieri and surrounding villages. Additionally, Lou Nuer soldiers from SSPDF Brigade 22 in Waat and SPLA-IO/RM fighters based in Walgak arrived to protect the Pieri area. This massive reinforcement led to intense fighting, which forced the Murle militias to retreat towards GPAA. Thereafter, sporadic fighting continued from 17 to 20 May, as Murle armed elements who became separated from the larger group and/or were wounded continued to fight their way back towards GPAA.

Phase 3: June to August¹⁴

31. On or around 28 May, Dinka from Duk and Twic East as well as Gawaar Nuer militias from Fangak, Ayod and Pieggi mobilized and converged in Anyidi, in response to the 16 May attacks. A large number of Dinka Bor armed elements joined this attack as well, in contrast to their marginal participation in the February attacks. Their involvement may have been triggered by intra-Dinka rivalries and tensions at play in Juba between the Dinka Bor and the Dinka Bahr el Ghazal.¹⁵ In this context and, in particular after the Pieri attack, the Murle may have been perceived by the Dinka Bor as proxies of the Dinka Bahr el Ghazal.

¹² See Annex 1.

¹³ Pieri is home to a well-known Lou Nuer prophet as well as an SPLA-IO/RM military base.

¹⁴ See Annex 1.

¹⁵ On 3 June 2020, an incident over dispute of land ownership erupted in Sherikat, an industrial suburb of Juba, and pitted individuals from the Dinka community from Bor against individuals from the Dinka community from Greater Bahr El Ghazal, triggering tension between members of these communities. The dispute led to the killing of six civilians from the Dinka-Bor community and injury of at least seven others, while angry Dinka Bor civilians attacked Lt. Col. Lual Akooook Wol Kiir, who reportedly died later the same day. News of the death of Lt. Col Lual provoked an incident of revenge killing, which resulted in the death of a captain from Twic East and the injury of another officer from Dinka Bor. On 4 June, the National Security Service (NSS) arbitrarily arrested and detained at least 29 Dinka Bor protestors.

32. It is noteworthy that only a small number of Lou Nuer armed elements took part in this initial mobilization due to the heavy losses suffered during the Pieri attack and disagreement about the decision to participate in the planned attack amongst leaders of the militias. For these reasons, it took most of these elements more than one month to join these attacks.
33. Between 11 June and 7 July, Dinka and Gawaar Nuer militias attacked and besieged the Gumuruk and Manyabol areas. Heavy fighting was reported before the Murle were forced to retreat towards Pibor.
34. On 7 July, the Dinka and Gaawar Nuer split to march respectively towards Vervet and Nanaam, abducting women and children, raiding cattle, and burning and destroying property along the way. Dinka elements pursued their offensive as far as Maruwa Hills (120 km from Gumuruk), well beyond the scope of previous attacks on Gumuruk itself.
35. Between 8 and 10 July, approximately one month after the start of these offensives, Lou Nuer militias, mainly from Akobo, launched attacks in the Nanaam area. These groups then attacked Likuangole, leading to casualties, destruction of property and displacement of local populations. After abducting women and children and raiding a large number of cattle, Lou Nuer attackers began to retreat towards Akobo around 16 July.
36. The return of the Lou Nuer to Akobo left Gawaar Nuer and Dinka in Verthet and Maruwa Hills without reinforcements from the north and west. Simultaneously, there were reports that some Dinka armed elements were ferried from Bor to Lafon county (Eastern Equatoria) to open a new front in this area. However, this attempt was ultimately unsuccessful.
37. Heavy rains and flooding, as well as growing political pressure to return to Bor¹⁶, eventually compelled Gawaar Nuer and Dinka groups to withdraw from Verthet and Maruwa Hills in early August. On their way back, they encountered resistance from Murle armed elements, who managed to recover some of the abducted women and children as well as looted cattle.
38. It is important to underscore that, despite being under attack during this third phase, small groups of Murle elements led swift raids in western counties of Jonglei, taking advantage of the security vacuum created by the absence of Dinka militias, who were largely engaged in fighting in GPAA. For instance, between mid-June and mid-August, Murle groups conducted at least 10 attacks leading to casualties among local populations in Bor South, Duk, Twic East and Uror counties.

IV. Structure and supporters of community-based militias

39. Supported by a web of spiritual, administrative and political actors, as well as individuals from the security forces, the community-based militias operating in Jonglei and GPAA showed that, as collective entities, they had command structures with known leaders and enough ability to ensure discipline through internal and community norms.

¹⁶ The High-Level Committee conducted its first visit to the area between 19 and 20 July. *See infra* para 81.

Organized community-based militias

Collective and structured entities

40. HRD findings indicate that the Dinka, Nuer and Murle community-based militias involved in armed violence between January and August have features of collective entities possessing a certain degree of organization. Far from being isolated actors, these groups are comprised of a very large number of armed elements driven by a collective sense of purpose. Interviews carried out by HRD with some of these individuals before and after attacks indicate that their participation was primarily motivated by common grievances, including stealing or recovery of cattle, abducted family members and revenge killings.
41. It is extremely difficult to determine the exact number of armed elements who took part in the offensives. However, based on interviews with security forces and armed elements, HRD estimates that at least 15,000 Lou Nuer, Gawaar Nuer and Dinka armed elements surged through GPAA in February and March, and over 17,000 between June and August, while at least 7,000 Murle armed elements attacked Pieri and surrounding villages on 16 May.
42. These staggering numbers illustrate the capacity of local and national actors to draw upon community and social structures to mobilize and organize militias. HRD has confirmed, for instance, that during the February and March attacks, the Nuer militia, known as the “white army,” selected most armed elements from various households, clans, villages and cattle camps within their extended communities. Participation in the “white army” is reportedly on a voluntary basis. However, once there is a call for mobilization, youths of fighting age feel compelled to take part and at risk of being stigmatized by their peers if they decline. There were also reports of youths under the age of 18 taking part in the attacks.
43. During these attacks, the Nuer “white army” was reportedly comprised of at least two groups assigned distinct tasks. The first group, referred to as *Nyaboriok*, generally spearheaded the assault. The second group, known as *Dhuor-rial*, included non-armed elements largely responsible for collecting weapons from the dead, assisting the wounded, transporting looted items, and moving the recovered/stolen cattle to secure locations.
44. During its investigations, HRD identified the “white army” top leader and seven subordinates who coordinated the attacks in February and June. These leaders were reportedly selected by their peers on the basis of various qualities, including their fighting abilities, temerity, generosity, respect for their community members (including the elderly) and communication skills.
45. Associated with the “white army” were Dinka elements coming from Twic and Duk counties during the February offensives, and from Bor in June. HRD found that Dinka elites, known as *Ran Dith*, (senior leaders) and *Ran Thi* (junior leaders) activated a pre-existing militia, known as *Tit Baai*¹⁷ (*defenders of the community*) to participate in the clashes in GPAA areas, first in February and then in June. *Tit Baai* were mobilized by the leaders of cattle camps, called “*Gol*.” Nine *Ran Thi* key leaders were identified during the investigation.

¹⁷ In other Dinka areas, the *Tit Baai* are also referred to as *Titweng* (*defenders of the land/territories*) or *Gelweng* (*defenders of the cattle*). *Titweng* is a term largely used by the Dinka in Gogrial and Twic, while *Gelweng* is the preferred term for Dinka in Lakes. In Jonglei, these terminologies are no longer used as commonly as in past decades, though the purpose of building so-called “youth fighters” is essentially the same.

46. As for the Murle militia, influential political leaders and traditional chiefs supported the mobilization of armed elements according to age-sets (*Kurenen, Lango, Bothonia and Thithi*).¹⁸ These age-set groups are organized at the village level, with a designated leader based on clan hierarchy. During the Pieri attack, HRD established that the majority of Murle armed elements and their leaders came from Likuangle county and were reportedly linked to the area's spiritual leader (known as a "red chief"¹⁹).
47. The division of tasks amongst the Murle community-based militia during clashes appeared to be very similar to the approach of the Nuer. Individuals armed with spears and machetes collected weapons from deceased opponents, looted items and moved recovered/stolen cattle to safety, while those carrying firearms and considered to be amongst the bravest, known as "*Nganderech*", engaged in clashes with their opponents. However, some military sources indicated that *Kurenen* and *Lango* age-set armed elements are usually on the frontline and are backed up by *Bothonia* who have more experience in fighting and attacks. HRD identified at least eight key age-set leaders who took an active part in the Pieri attack.

Internal and community rules

48. According to armed elements interviewed by HRD, Murle, Nuer and Dinka community-based militias followed internal rules to oversee and regulate behaviour during and after clashes. For instance, "white army" rules include taking care of wounded elements, organizing access to water points and water management, as well as ensuring an equitable distribution of stolen cattle according to the status of individual elements. Similar practices were documented within Dinka and Murle community-based militias.
49. In the case of Dinka militias, HRD was also informed that a sub-chief or a *Ran Dith* can apply sanctions. For instance, if ammunition is misused, a sub-chief or *Ran Dith* can impose a fine of one full-grown cow (called a *mourmum*). Individuals accused of cowardice are also reportedly stigmatized within their communities. This may take the form of public humiliation, or a song may be composed about their behavior during the attacks. Among the Nuer armed elements, the fear of being cursed for going against the instructions of spiritual leaders also helps maintain discipline.

Influential spiritual leaders

50. Spiritual leaders allegedly played an influential role during these attacks, in particular among the Nuer and Murle militias. HRD was not able to determine the involvement of Dinka spiritual leaders.
51. Among the Nuer, a well-known Lou Nuer prophet²⁰ from Pieri was reportedly involved in the planning and the decision to attack GPAA in February and June. This prophet was already identified as one of the main instigators of the massive attacks against the Murle in 2012.²¹ Nuer elements interviewed by

¹⁸Murle society is organized according to age-sets, or generations, where men form a group based on age to which they belong throughout their lives. Although these age-sets are most important during youth, when young men are searching for wives, each new age-set has its own name and symbol and totem, and begins to prove its strength by engaging in dancing and intra age-set contests to dominate and assume protection roles. Each age-set group has a recognized clan and sub-clan leader. The Murle generation age-sets are *Kurenen* (15-20 years old), *Lango* (21-30 years old), *Bothonia* (31-40 years old), *Thithi* (41-50 years old), *Moden* (51-60 years old), *Dorongua* (61-70 years old), *Mara* (71- 80 years old) and *Nyeriza* (80 and above).

¹⁹ See *infra* para. 52 for further information on this subject.

²⁰ Prophets are significant figures in Nuer society. Said to be possessed by living divinities, they reportedly deliver prophecies and have visions about the fate of their communities. They also enunciate social principles which sustain moral cohesion. Furthermore, they have progressively acquired a critical role in the planning of armed attacks since the time of the famous prophet, Ngundeng Bong (1830-1890).

²¹ UNMISS, Incidents of inter-communal violence in Jonglei state, June 2012, https://unmiss.unmissions.org/sites/default/files/june_2012_jonglei_report.pdf

HRD believe that this prophet possesses spiritual powers, including the ability to predict the outcome of attacks or uncover locations where the Murle keep cattle stolen from the Nuer. In addition, local sources reported that this prophet also benefited from rewards and looted property taken by militias during attacks.

52. Within the Murle community, spiritual leaders known as “red chiefs”²² helped to galvanize Murle elements in April in response to the February attacks. One of these red chiefs, who is also a Government-appointed paramount chief, was particularly instrumental. As a result of his dual role, he exerts considerable influence over all aspects of life within the Murle community. In this specific context, local sources indicated that, although he is often inclined to negotiate with the Lou Nuer, he reportedly sanctioned the May offensive in Pieri, as several of his family members were killed during the February attacks.

Supporting role of SSPDF and SPLA-IO/RM personnel

53. The relationship between community-based militias on the one hand, and Government and opposition forces on the other, has historically been complex. Often used as armed proxies by these forces, community-based militias have also frequently vindicated their autonomy.
54. The three phases of violence have also displayed the fragility of the SSPDF architecture as well as the patronage and parallel chains of command weakening its control. According to the testimonies of community-based militia members and local leaders, between January and August, some SSPDF rank-and-file personnel, as well as high-ranking officers, in their individual capacity and according to their community kinship, either supported or actively took part in the clashes in Jonglei and GPAA. For instance, Dinka SSPDF soldiers from Division VIII based in Malual-Chaat participated in the offensives against the Murle community in February and June. These soldiers left their barracks to take part in the attacks as members of their ethnic community. One Dinka SSPDF Major-General from Twic East was reportedly involved in supporting armed elements from his clan and areas before the attack on Manyabol in February.²³ HRD was also informed that some Lou Nuer SSPDF soldiers based in Waat were transported in a military pick-up to Pieri, to fight alongside Lou Nuer militias against Murle militias in May.
55. However, support was not always based on ethnic or kinship affiliation. Some members of the security forces reportedly provided material support to community-based militias in the pursuit of political interests, regardless of ethnic fault lines. Hence, some Dinka SSPDF and National Security Service (NSS) officers from Greater Bahr el Ghazal reportedly contributed logistical support to Murle elements before their attack on Pieri. Their involvement was allegedly driven by a desire to use the Murle militia to weaken SPLA-IO/RM positions.
56. Similarly, a high number of Murle SSPDF personnel who have remained loosely affiliated with the leaders of the former Cobra Faction²⁴ took part in the attack on Pieri in May. They also reportedly joined forces with the Murle militia to confront Dinka and Nuer elements attacking Gumuruk in June.

²² Red chiefs possess traditional authority to mediate conflicts within and beyond Murle society. They often speak on behalf of the Murle and have an overall responsibility for the group’s action. Depending on the context, red chiefs possess spiritual, political, and military power within Murle society.

²³ When the clashes broke out in Manyabol, approximately 200 individuals (primarily women and children from the Murle community) fled to Anyidi.

²⁴ The South Sudan Democratic Movement/Army Cobra Faction (SSDM/A-Cobra Faction) was a Murle opposition group under the command of David Yau Yau, who fought against the Government of South Sudan between July 2012 and 2014. A peace agreement was signed between SSDM/A and the Government in 2014. The SSDM/A elements were integrated into SSPDF as of April 2020.

57. Overall, at least eight commanders of the security forces reportedly supported Dinka, Nuer and Murle community-based militias involved in armed violence in Jonglei and GPAA.
58. A similar pattern was documented among SPLA-IO/RM. Several Nuer armed elements who took part in attacks in Likuangole in February and July, for instance, acknowledged that they were also active SPLA-IO/RM fighters and brought weapons and ammunition with them when they joined up with the “white army.” Other Nuer armed elements confirmed that they have been providing security in and around Akobo town in support of the local SPLA-IO/RM administration since at least early 2019.
59. Furthermore, SPLA-IO/RM fighters based in Pieri, and Walgak came to support Nuer community-based militias to repel the Murle attack in Pieri in May. In total, HRD found that at least two SPLA-IO/RM commanders reportedly provided logistic support or advice to Nuer militias before the February and June attacks in GPAA. One of them has maintained strong relationships with the Lou Nuer white army leadership since at least 2012. Multiple sources saw him in Akobo prior to and during the attacks, meeting with traditional chiefs and white army leaders.

Supporting role of political and administrative elites

60. Over the years, South Sudanese political and administrative elites at the local and national levels and leaders of community-based militias have developed mutually beneficial relationships. Elites have often supported and invested in these groups to provide security for their large personal investments in cattle. In return, members of these groups have gained weapons, cattle and the promise of access to dowries for marriage.
61. Due to this interdependency, it is likely that political and local administrative authorities from the Dinka, Nuer and Murle communities were well aware of the planning and execution of the attacks. Some actively participated in the planning, while others provided logistical support, shelter or financial incentives to militia elements. However, this support was not necessarily freely given, as some elements recounted that they had to hand over two to three cattle in exchange for a rifle from some of these actors.
62. HRD was informed that, amongst the Lou Nuer elites, at least two prominent individuals allegedly instigated and/or took part in the planning of the attacks of February and June. In addition, after the attack of Pieri, the Lou Nuer Leadership Council vowed that “the Lou Nuer youths will have no other option but to face the menace of the Murle in the most appropriate way.”²⁵ Consequently, the council was reportedly summoned in May by President Kiir, who accused its members of mobilizing Lou Nuer armed youths to retaliate against the Murle.
63. Another indication of the relationship between political elites and community-based militias is that over 40 white army elements were also hosted in the Juba residence of a Lou Nuer politician to enable them to access medical care, following the Pieri offensive. After recovering from their injuries, they reportedly returned to Jonglei and took part in the June attacks.
64. Dinka senior leaders (*Ran Dith*) from Jonglei allegedly provided financial support for the mobilization of Dinka militias and sanctioned their attacks in February and June. Furthermore, at least two Dinka politicians allowed SSPDF personnel assigned to the protection of their cattle camps in Jonglei to join the June attacks. In June, HRD also documented the airlifting of wounded Dinka elements from Gumuruk to Juba in a flight reportedly chartered by a prominent Dinka politician living abroad.

²⁵ The Lou Nuer Leadership Council is a Juba-based association comprised of 24 influential Lou Nuer politicians from Nyirol, Uror and Akobo.

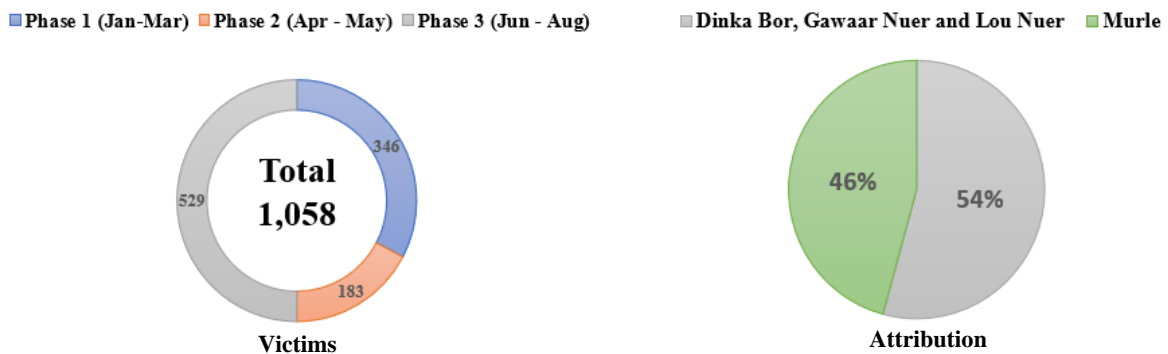
65. Additionally, Dinka and Nuer militias returning from GPAA in August stayed for several days in Bor, where a member of the High-Level Committee, established ostensibly to intervene in the violence²⁶, provided them with at least 1.5 million South Sudanese pounds to support their immediate needs. In total, at least five Dinka politicians based in Bor, Juba or abroad contributed directly or indirectly to the support of the Dinka community-based militia.
66. Some Murle politicians adopted a similar approach. At least three Murle political leaders, some of them reportedly wearing military uniforms, visited militia elements assembled at Likuangole prior to the Pieri attack. These individuals reportedly boosted the morale of these elements and supported their initiative to carry out revenge attacks against the Lou Nuer.
67. In addition to the local elites, members of the South Sudanese diaspora from all communities involved in the violence played a pivotal role in mobilizing resources, including financial and communication equipment, as well as social media coverage. They also engaged in incendiary hate speech, propaganda and misinformation on social media, further fueling localized violence.

V. Human rights violations and abuses involving community-based militias

Killing and injury

68. According to HRD’s findings, at least 738 persons were killed (540 men, 149 women, 49 children) and 320 others were wounded (257 men, 29 women, 34 children) during these three distinct phases of violence. Men comprised the majority of casualties (75 per cent), followed by women (17 per cent) and children (8 per cent). Fifty-four per cent of casualties resulted from the actions of the coalition of Dinka and Nuer community-based militias, while the remaining 46 per cent can be attributed to Murle groups. It should also be noted that eight humanitarian workers were killed in the context of this violence.

Figs.: Number and attribution of persons killed and injured, phases 1-3



69. Irrespective of the community affiliation of the militias involved, all attacks were extremely violent, with armed elements displaying a similar modus operandi. Wearing a mix of civilian and military clothing and armed with rudimentary weapons (such as spears, machetes and knives) as well as more sophisticated weapons such as Kalashnikov rifles (AK-47) and a few rocket-propelled grenades (RPGs), attackers stormed villages and settlements in broad daylight. During these attacks, they did not distinguish between armed elements participating in the clashes and the unarmed local population, including women, children and the elderly. While some people were killed as a result of indiscriminate fire, others were deliberately targeted and were killed or injured in close contact with machetes, knives,

²⁶ See *infra* para. 82 et seq.

bayonets, and spears. HRD also documented the killing of children and elderly people unable to flee, who in some cases were burnt alive, as the attackers set fire to their homes.

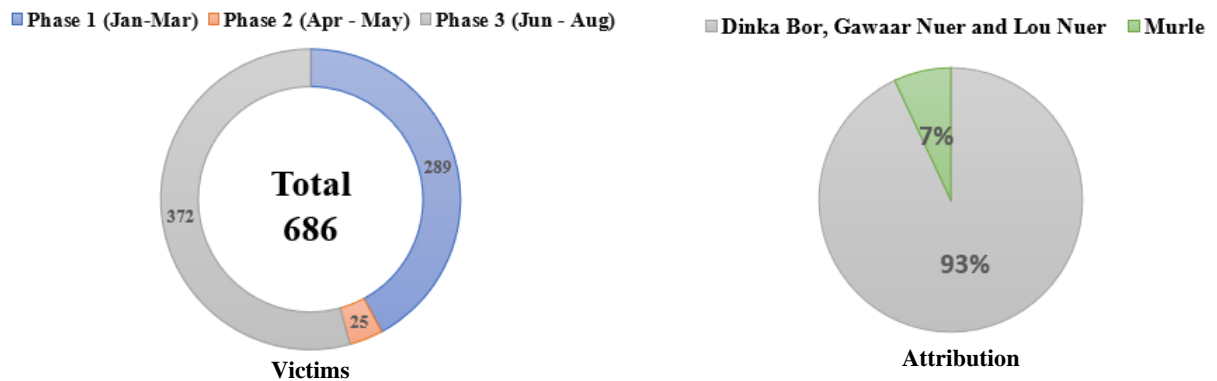
70. According to military and local administration sources, in addition to the casualties documented above, at least 593 armed elements were killed during these attacks as well.

Abductions and sexual violence

71. HRD’s investigation established that at least 686 women and children were abducted during the three phases of violence. Among them were 239 boys and 219 girls. The coalition of Dinka and Nuer community-based militias accounted for 93 per cent (638) of these abductions while the remaining 7 per cent (48) were attributed to Murle groups.

“The attackers were many in number and some were in dark green military uniforms. As I ran, I saw people being shot as they tried to escape. My neighbor was disabled and could not run. His son [aged 12] was very ill with malaria and could not escape. The child was sleeping inside the house while his father hid in the grasses in front of their home. Later they were found dead. The father had been shot, and his son was burned to death in the home after the attackers set it on fire.”
 -A 36-year-old Nuer woman

Fig: Number and attribution of persons abducted, phases 1-3



72. Abductees included nursing mothers, pregnant women, and girls as young as one. Most women and children were captured in their settlements while trying to flee or were taken after being found in hiding.

73. Local sources, as well as former victims, informed HRD that women and girls abducted by Lou Nuer, Dinka and Murle armed groups in the context of localized violence are considered as spoils of war, and distributed among abductors’ communities to be taken as wives by armed elements. HRD considers that women and girls abducted during this cycle of violence have most likely been subjected to forced marriage and sexual enslavement. Boys who are taken are often absorbed into the abductors’ families and raised as their own children.

“I went along with many other women to hide since we were left alone with our children. All the men just ran away with their weapons to protect the cattle so it could not be taken by the attackers. When they found us in our hiding place, they took all our children from us and distributed the women amongst themselves and raped us. Those who tried to run away and resist being raped were killed. My sister-in-law was among the women killed. She was killed carrying a baby on her back. The first wife of my husband was also among the women raped by the attackers. She did not manage to escape.”
 -A Murle woman

74. In addition to these abductions, HRD documented the rape of 39 Murle women by Dinka and Nuer militias during the third phase of violence in Likuanguole and Gumuruk in July by Dinka and Nuer.²⁷ The brutality of this sexual violence, as described by survivors and witnesses, seems to have been carried out to punish and terrorize local populations. Those who resisted were sometimes reportedly shot dead on the spot.

Looting and destruction of property

75. Raiding cattle was one of the objectives of the community-based militias and explains in part the sequence and direction of the attacks. Local experts estimate that over 86,000 cattle (worth at least USD 30 million) were stolen by the Dinka and Nuer during the reporting period.

76. Dinka and Nuer attackers pursued scorched-earth tactics. While entering villages, they set ablaze and razed homes, public buildings, boreholes, and small shops. In Gumuruk village, for instance, most structures, including the local marketplace, were burned to the ground. Humanitarian facilities were also severely impacted. At least nine facilities across GPAA were ransacked with assailants looting food, medicine and other supplies, or partially destroying them. A similar pattern of conduct by the Murle was documented during the 16 May attacks in Pieri.

77. These scorched-earth tactics were employed to prevent local populations from accessing resources and the means of survival. However, it is important to note that, according to some humanitarian actors, Murle and Nuer elements also looted humanitarian facilities intended for their own populations, both to prevent these goods from falling into the hands of assailants, as well as a means of opportunistically supplying their own forces. The destruction of property exacerbated the suffering of the GPAA population, already impacted by heavy flooding in 2019 and experiencing acute food insecurity at the time of the clashes.

Displacement

78. According to humanitarian actors²⁸, at least 89,000 Murle people were displaced due to armed violence across GPAA. These were primarily women and children, who fled during attacks or in anticipation of violence, leaving behind their cattle, belongings and means to support themselves. These internally displaced persons (IDPs) had limited access to humanitarian assistance. The scorched-earth tactics used during these attacks indicates a deliberate attempt to force the Murle from their homes. Other evidence, including hate statements tagged by attackers on the walls of destroyed buildings (for instance, in Kotchar, West Manyabol), such as “*year for Murle to be refugees*” substantiate an intention to forcibly displace the Murle.

79. Murle attacks in northern Jonglei also resulted in the mass displacement of Dinka and Lou Nuer. Humanitarian sources reported that approximately 79,000²⁹ people from these communities were

²⁷ It is important to note that, in light of the stigmatization of survivors of sexual violence, as well as challenges faced in accessing survivors, this number is likely an under-reporting of the total number of victims.

²⁸ OCHA, South Sudan Humanitarian Snapshot, July 2020,

https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_humanitarian_snapshot_july.pdf

https://reliefweb.int/sites/reliefweb.int/files/resources/ss_20200311_humanitarian_snapshot_february.pdf

²⁹ OCHA, South Sudan Humanitarian Snapshot, July 2020,

https://reliefweb.int/sites/reliefweb.int/files/resources/south_sudan_humanitarian_snapshot_july.pdf OCHA, South Sudan Humanitarian Snapshot, February 2020,

https://www.humanitarianresponse.info/sites/www.humanitarianresponse.info/files/documents/files/ss_20200311_humanitarian_snapshot_february.pdf OCHA, South Sudan Humanitarian Snapshot, May 2020,

<https://www.humanitarianresponse.info/en/operations/south-sudan/infographic/south-sudan-humanitarian-snapshot-may-2020>

displaced between February and July. The humanitarian situation of the IDPs worsened when floods struck Jonglei and GPAA in August.

VI. Responses to armed violence

Response from national authorities

Political response

80. On 26 February, a few weeks after the surge of armed violence in Jonglei and GPAA, President Kiir and his newly appointed Vice Presidents met to discuss the security situation in these regions. A statement issued after this meeting condemned the violence but did not recommend specific actions to deescalate tensions.³⁰
81. The violence was exacerbated by a governance vacuum created by the 15 February declaration of President Kiir to revert to a 10-state structure and to establish three administrative areas, including GPAA, while immediately dismissing Governors and County Commissioners across the country. Disagreements between parties to the R-ARCSS delayed the appointment of their successors. President Kiir finally appointed the Chief Administrator of GPAA³¹ on 29 June and the Governor of Jonglei on 15 July. In early March 2021, the Government appointed additional administrators, including county commissioners. While the local administrators might not have prevented this violence, their absence weakened existing mechanisms usually used to mitigate it.
82. The resumption of clashes in June, involving the Dinka militia, led President Kiir to issue an order on 23 June establishing a 13-member High-Level Committee (HLC) to address the root causes of violence in Jonglei and GPAA. No SPLA-IO/RM representatives were appointed to this committee. Between 19 and 22 July, led by Vice President Wani Igga, the HLC carried out its first consultations in Bor and urged traditional chiefs to convince Dinka elements to stop attacking the Murle community and withdraw from GPAA. Around this time, Dinka armed elements in Maruwa Hills and Verwerth began to retreat.
83. On 19 August, the HLC, led by the Presidential Advisor on Military Affairs, Daniel Awet Akot, organised another meeting in Bor with militia elements returning from GPAA. HLC thanked them for accepting the appeal for peace and pledged to organize a peace conference in Juba within three months. Similar consultations were organized in Yuai and Waat in September.
84. Members of the HLC also conducted a visit to Pibor on 7 October, during which they repeated their promise to organize a peace conference in Juba. Other members of the HLC went to Akobo on 25 October. However, this visit was not welcomed, as local SPLA-IO/RM representatives claimed that they had not been informed in advance of their visit. The HLC delegation left Akobo the following day.
85. On 25 and 26 January 2021, the HLC held a peace conference in Juba between the Dinka, Murle and Nuer groups involved in armed violence in Jonglei and GPAA. On 27 January, participants issued a series of resolutions, including key recommendations on the abduction of women and children; revenge and arbitrary killings; cattle raiding; justice and accountability; security and law enforcement; socio-

³⁰ A press statement released on 26 February 2020 on the first meeting of the Presidency indicated that President Kiir and the newly appointed Vice Presidents discussed the security situation in Jonglei and Greater Pibor and expressed its strongest condemnation of the violence.

³¹ As GPAA has the status of an administrative area and not that of a state, the head of the local government is a “chief administrator”, rather than a “governor.”

economic empowerment and peacebuilding; humanitarian interventions; and relations with neighboring communities. In their statement, participants also advocated for the creation of a high-level committee, with representatives of the affected communities, to monitor, evaluate and follow up on the implementation of recommendations. However, the conspicuous absence of key Lou Nuer representatives from northern Jonglei is likely to weaken the effective implementation of the resolutions.

86. Although the presidential order required the HLC to submit a report within 21 days of its establishment, it is yet to do so.

Military response

87. The SSPDF response throughout the three phases of violence was minimal. HRD established that, following the surge in violence in February, a small number of SSPDF personnel conducted one-day patrols to the Likuangole and Manyabol areas to assess the security situation. A platoon was deployed on 25 February to Babuzen (13 km south of Likuangole) but was vastly outnumbered by the Lou Nuer militia and was forced to retreat the next day. During the first phase of the violence, the SSPDF forces' main objective was to protect Pibor town.
88. On 29 February, the SSPDF Chief of Staff (from the Dinka Bor community) and Commander of Air Forces (from the Murle community) (both of whom have since been replaced) visited Pibor to assess the security situation and meet with Murle leaders. The same day, SSPDF soldiers and NSS personnel reportedly began conducting day patrols on the Pibor-Bebuzen and Pibor-Kongor axes, situated 10 and 22 km south of Likuangole, respectively. Local sources also indicated that Murle fighters from the South Sudan Opposition Alliance (SSOA) based at the Teneth cantonment site (located 3 km south of Pibor) reinforced SSPDF soldiers in Pibor on 24 February.
89. At the start of the third phase of violence, the SSPDF soldiers remained in Pibor. They did not try to stop the Dinka and Nuer militias from attacking Gumuruk and Manyabol, as they were vastly outnumbered by these elements, and were largely confined to maintaining security within Pibor town. The SSPDF were reportedly not resupplied with ammunition from Division VIII HQ during this period. Following criticism from local authorities about the lack of support from SSPDF, Juba-based SSPDF leadership chose to restructure the SSPDF chain of command, removing SSPDF Brigade 23 from the command of Division VIII and placing it directly under the command of Ground Forces in Juba.
90. With regard to the attack in Pieri, the SSPDF Brigade 22 deployed in Waat did not respond per se, but allowed some Lou Nuer soldiers to join up with Nuer militia elements in Pieri to repel the attack. It is noteworthy that SPLA-IO/RM Division VIII deployed in Pieri also took part in the defence of Pieri town.
91. Overall, the response of Government forces did not meet the standards of what can reasonably be expected in these circumstances, and failed in their duty to protect Dinka, Murle and Nuer communities from human rights abuses committed by community-based militias.

Judicial response

92. HRD is not aware of any action taken by the judiciary to investigate and prosecute those responsible for these attacks. Therefore, there has been no justice or accountability for the reported crimes, including sexual violence and gender-based crimes committed in Jonglei and GPAA.

93. The lack of action by South Sudanese authorities to protect the human rights of individuals living in Jonglei and GPAA amounts to a human rights violation for failure to discharge its positive obligations, in particular the Government's duty to investigate violations and abuses effectively, promptly, thoroughly and impartially, and to prosecute those responsible.

Response to the findings of this report³²

94. As per the Policy Directive on Public Reporting by Human Rights Components of United Nations Peace Operations, UNMISS and OHCHR shared an advance copy of the present report with the Ministry of Foreign Affairs and International Cooperation for comment and input regarding actions already taken or that may be planned to address the concerns raised by the report. In correspondence dated 8 March 2021, the Ministry of Foreign Affairs informed UNMISS and OHCHR of the reply of the Revitalised Transitional Government of National Unity (R-TGoNu).
95. In its reply, R-TGoNu condemns the alleged crimes committed in Jonglei and GPAA *“in the strongest possible terms and wishes to see anyone involved brought to justice”* and stresses that it *“is firmly committed to protecting its communities, respects human rights, international humanitarian laws, and human dignity.”* In this regard, it invites UNMISS to provide *“specific... information that would assist the Government in conducting investigations and bring to justice those government officials, SSPDF included, alleged by the report to have been involved in armed violence involving community-based militias”* in Jonglei and GPAA. However, R-TGoNu refuted *“the allegation that some rank-and-file personnel and officers of the SSPDF, either supported or actively took part in the clashes”* or that *“members of the political and administrative elite were heavily involved or instigated or directly or indirectly supported the militias in carrying out the attacks documented in the report.”* According to R-TGoNu, *“national politics is not related in any way to communit[y] violence in Greater Jonglei which is mainly attributed to cattle raiding, child and women abduction and rivaling over scarce resources.”*
96. Furthermore, R-TGoNu enumerated several actions already taken by the Republic of South Sudan to respond to armed violence in Greater Jonglei, including the establishment of local governance structures to address the power vacuum at state and county levels and the organization of several conferences in an attempt to reconcile the different communities. It also highlighted the role played by the Juba-based Special Court for sexual violence and gender-based crimes *“to try those involved who have been accused of committing such crimes.”* R-TGoNu referred to the ongoing integration process of unified forces to explain the minimal military response to protect Dinka, Murle and Nuer communities from human rights abuses committed by community-based militias.

UNMISS Response

Political engagement

97. In mid-March, UNMISS visited Pieri and Guanchet to engage with Lou Nuer traditional and spiritual leaders, including Dak Kueth and the white army leaders, in an effort to convince them to mediate with the Murle leaders. The Lou Nuer leaders initially agreed to this proposal. Accordingly, in April, UNMISS organized a meeting with local Murle leaders to discuss the outcome of this engagement and the way forward. However, for several months, COVID-19-related movement restrictions impeded the capacity of UNMISS to closely support this initiative.

³² See Annex 3.

98. In September, UNMISS hosted a forum in Juba to promote mediation and reconciliation and to complement the HLC's work. The forum brought together Dinka, Nuer and Murle political leaders as well as community elders. Following up on this forum, between November and December, UNMISS supported grassroots reconciliation efforts initiated by Murle and Lou Nuer youths as well as Lou Nuer leaders from Greater Akobo and Murle leaders from Greater Likuangole, who expressed a willingness to resolve longstanding differences and stop the cycle of violence.
99. In collaboration with UNMISS, an international NGO facilitated low-scale trust-building meetings between local leaders and youths from Lou Nuer and Murle communities. This led to the visit of Murle leaders from Pibor to Pieri in December and the organization of a conference in Rumbek (Lakes state) in January 2021, involving elements allegedly involved in armed violence in Jonglei and GPAA.
100. UNMISS, UN agencies and international partners also developed a holistic community violence reduction project for Jonglei and GPAA, funded up to USD 8 million by the South Sudan Multi-Partner Trust Fund for Reconciliation, Stabilization and Resilience. These projects, which were launched in January 2021, seek to reduce violence by (1) supporting the provision of basic services to limit violent resource competition, (2) strengthening informal justice systems, including locally-driven reconciliatory mechanisms, that are compatible with human rights norms, and (3) reducing the economic marginalization of youth and women.
101. This project will also help strengthen the formal justice presence in priority areas of Jonglei and GPAA, and link community and formal justice mechanisms to ensure accountability and access to justice, promote reconciliation, and protect the rights of accused.
102. Since June 2020, UNMISS has also facilitated the consultative visits of the HLC members to various communities in Jonglei and GPAA.

Deployment of UN peacekeepers

103. In early January, UNMISS peacekeepers adopted a nimble, robust and proactive approach to deter rising violence in the Greater Jonglei region. Between 9 January and 22 April, at least 10 long-duration patrols³³ were carried out in Gumuruk, Manyabol and Likuangole. Similar patrols were led in Mogok, Waat, Duk Padiat and Walgak. Additionally, UNMISS Force established 11 temporary operational bases (TOBs) to conduct hub-and-spoke operations and protect civilians across the affected areas. For instance, while in Anyidi in February, an UNMISS TOB protected approximately 200 Murle civilians who had fled from attacks in Manyabol. Furthermore, the presence of UNMISS troops deterred armed elements from entering Anyidi to pursue IDPs from the Murle community.
104. In this volatile context, UNMISS Force also provided protection to humanitarian actors to carry out their life-saving activities, in particular during food distribution. At the end of February, 23 humanitarian workers were urgently evacuated by UNMISS from Waat due to ongoing clashes between community-based militias.
105. While carrying out these protection activities, UNMISS Force encountered several impediments, including mobility challenges and a lack of passable roads. This was compounded by scarce air assets availability for timely insertion of UNMISS troops in affected areas.

³³ Long duration patrols (LDPs) typically last 3-4 days.

Human rights engagement for the release of abductees

106. Following the first wave of attacks, UNMISS reinforced its human rights presence in Bor and Pibor by deploying its rapid investigation team to document and investigate serious human rights incidents, and identify individuals most responsible for instigating attacks. In March, after the attacks in GPAA and then in May after the Pieri attack, the UN High Commissioner for Human Rights, Michelle Bachelet, condemned the armed violence and called for authorities to curb the bloodshed and bring those responsible to justice. During the intense period of violence, UNMISS engaged national military actors as well as leaders of community-based militias to raise the issue of accountability. Since that time, HRD has also engaged these leaders on the prevention of further violence ahead of the dry season.
107. In addition, UNMISS advocated for the release of abducted women and children, considered by local stakeholders as a driver of the violence. During a visit to Pieri in March, UNMISS urged a Nuer prophet and white army leaders to return Murle women and children abducted during the February attack on Likuangole. As a result, on 24 March 2020, nine abductees (four women and five children) were handed over to the SPLA-IO/RM commissioner of Pieri county. By early March 2021, their number had reached 19 (11 women and eight children). In parallel, between January and March 2021, following peace dialogues amongst leaders of the Murle, Dinka and Nuer communities, the Chief Administrator of GPAA recovered at least 35 women and children who had been abducted by Murle armed elements over the past few years, in anticipation of a planned exchange of abductees with the Nuer and Dinka communities agreed upon as a result of the peace dialogues.³⁴ Since November, UNMISS and other partners have increased efforts to persuade local and national authorities to facilitate the unconditional release of abducted women and children from the affected communities.

VII. Conclusion and recommendations

108. Eight months of armed violence in Jonglei and GPAA (from January and August) had devastating consequences for local communities already battling the humanitarian consequences of prolonged floods. More than 1,058 people were killed or injured; 686 women and children were abducted; and at least 39 women were subjected to rape and gang rape during this period.
109. Dinka, Nuer and Murle militias were the main perpetrators of this violence. However, HRD's investigation found that years of armed conflict have influenced the nature and features of these deep-rooted groups. HRD has established that Dinka, Nuer and Murle militias involved in this armed violence had the capacity to conduct planned and organized operations, and that they had established command structures enabling them to exercise degrees of control over their members.
110. The heavy involvement of political and administrative actors, as well as SSPDF and SPLA-IO/RM commanders in their individual capacity and according to their kinship, has undoubtedly influenced this evolution. In this regard, based on available information, HRD considers that at least 50 of these actors may have instigated and/or directly or indirectly supported the community-based militias involved in the attacks documented in this report.
111. Armed violence in Jonglei and GPAA is inextricably linked with national politics, in the context of a slow and fragile implementation of R-ARCSS. This violence has ultimately enabled spoilers to reinforce alliances or widen divisions ahead of upcoming political battles. The entrenched lack of accountability for the perpetrators, if left unaddressed, will continue to feed the cycle of violence, with

³⁴ It is important to underscore that in 2018, during the governorship of David Yau Yau, Murle authorities had returned 14 Nuer and Dinka children.

devastating consequences for local populations, and potential ramifications for respect of R-ARCSS as well.

Recommendations

112. In this context, UNMISS and OHCHR make the following recommendations:

To the Government of South Sudan:

- Conduct a prompt, effective, independent and impartial investigation into all allegations of violations and abuses of international human rights law in Jonglei and GPAA; and hold to account all individuals at the local and national levels who instigated and/or took part in these violations and abuses.
- Take measures to secure state-owned firearms and ammunition in effectively managed storage facilities to prevent theft, as recommended by the South Sudan Bureau for Community Security and Small Arms Control³⁵; and in particular ensure that members of the security forces are not able to supply weapons from Government stocks to community-based militias.
- Release the report of the High-Level Committee established by President Salva Kiir in June 2020 to address the root causes of violence in Jonglei and GPAA.
- Finalize the establishment of local administrative and legislative structures in Jonglei and GPAA, in accordance with R-ARCSS, to roll out the rule of law and lead local reconciliation and peace initiatives.

To Government authorities in Jonglei and GPAA, and SPLA-IO/RM representatives in northern Jonglei:

- Promptly intervene to facilitate the tracing, unconditional release and reunification of all abducted women and children and take steps to prosecute sexual and gender-based crimes while ensuring that survivors receive reparations.

To community-based militias:

- Urge the leaders of Dinka, Nuer and Murle community-based militias to respect human rights, as well as immediately release all women and children abducted during armed violence in Jonglei and GPAA.

To the international community:

- Invite the international community, including the South Sudan Multi-Partner Trust Fund for Reconciliation, Stabilization and Resilience, to continue supporting national and local-led reconciliation initiatives in a coordinated and complementary manner to effectively address the root causes of armed violence in Jonglei and GPAA.

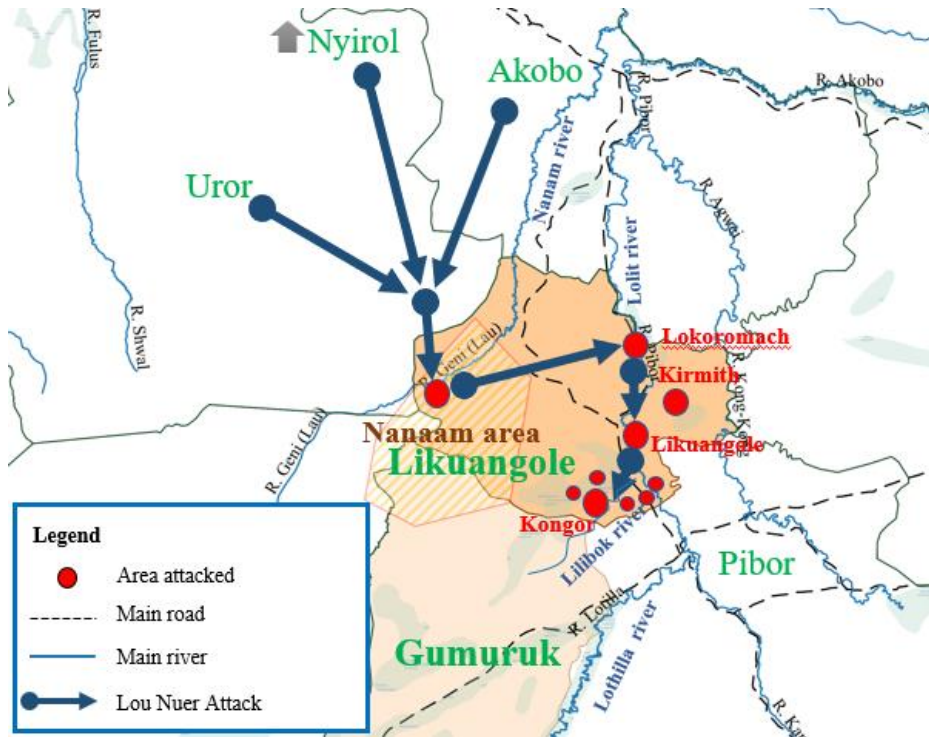
³⁵ Republic of South Sudan, South Sudan Bureau for Community Security and Small Arms Control, Voluntary Civilian Disarmament Strategy, Juba, September 2020.

- Encourage humanitarian and development stakeholders to strengthen their protection-related activities, particularly by reinforcing the capacity of national and local authorities to prevent armed violence in Jonglei and GPAA.
- Protect the human rights of persons living in Jonglei in particular by taking the necessary measures to prevent armed violence in Jonglei and GPAA.

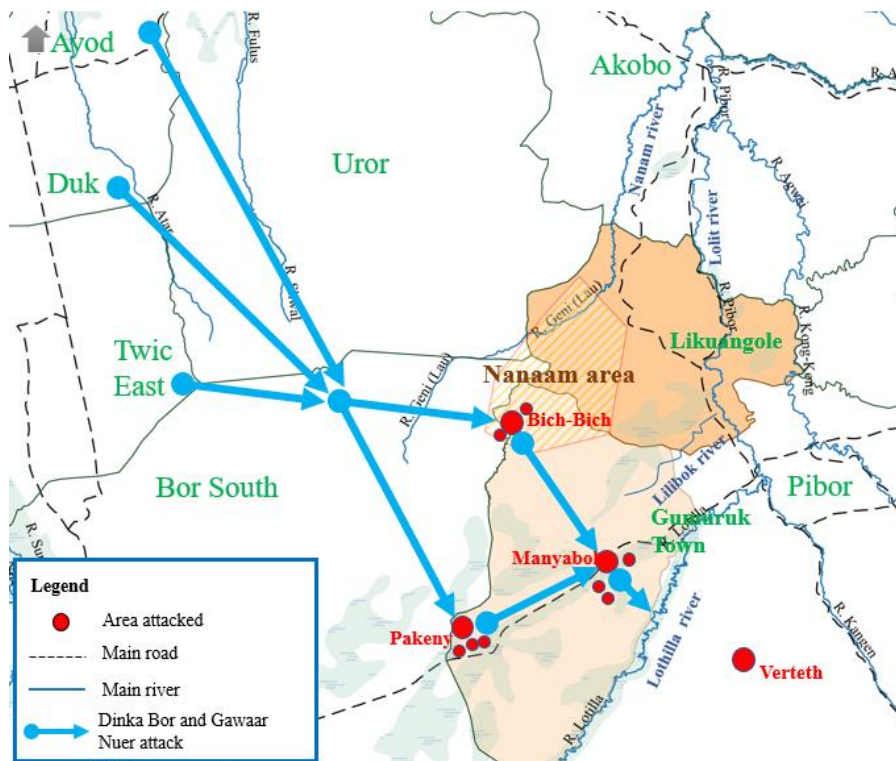
Annex 1: Maps

Phase 1: January to early March

Map 1: Lou Nuer attacks in Likuangle and Gumuruk (GPAA)

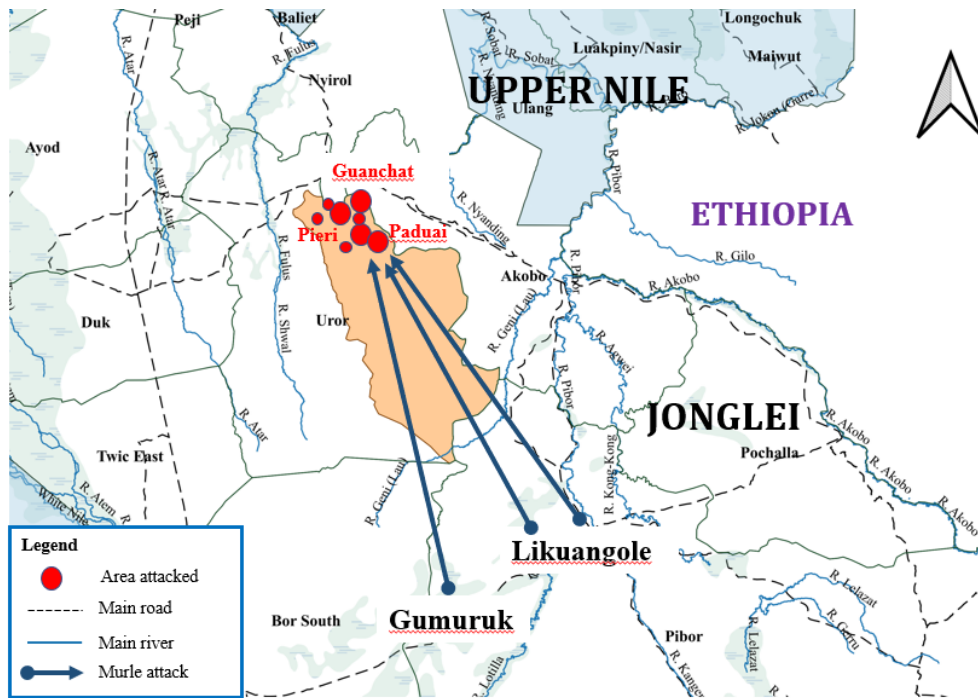


Map 2: Dinka Bor and Gawaar Nuer attacks in Likuangle and Gumuruk (GPAA)



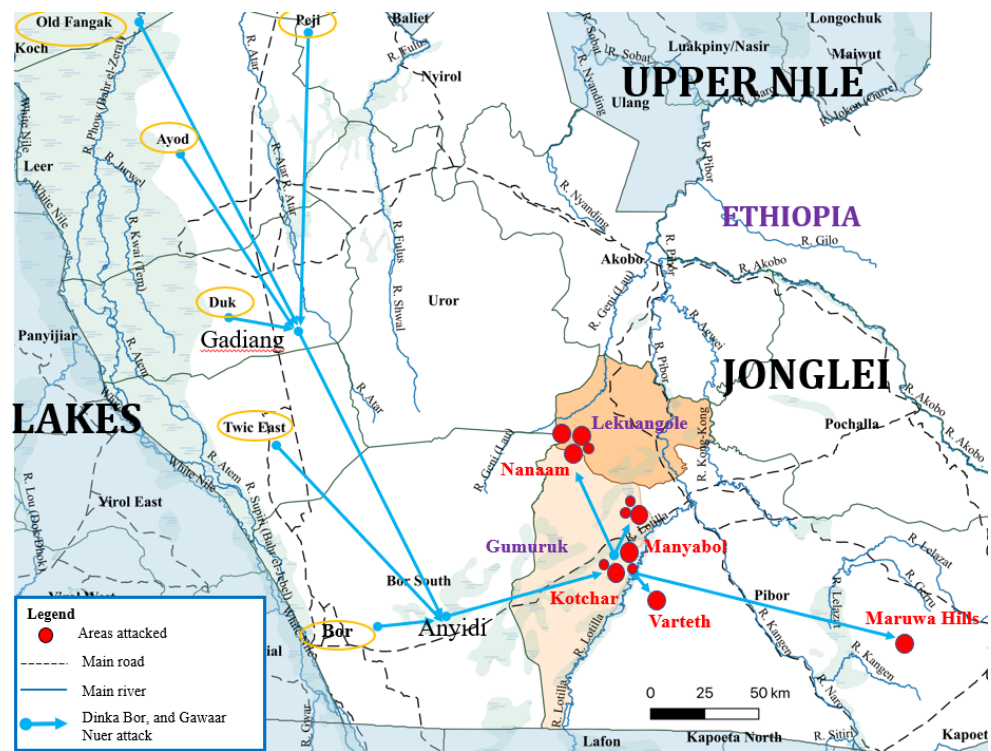
Phase 2: Pieri attack of 16 May 2020

Map 3: Murle attack in Pieri (Uror)

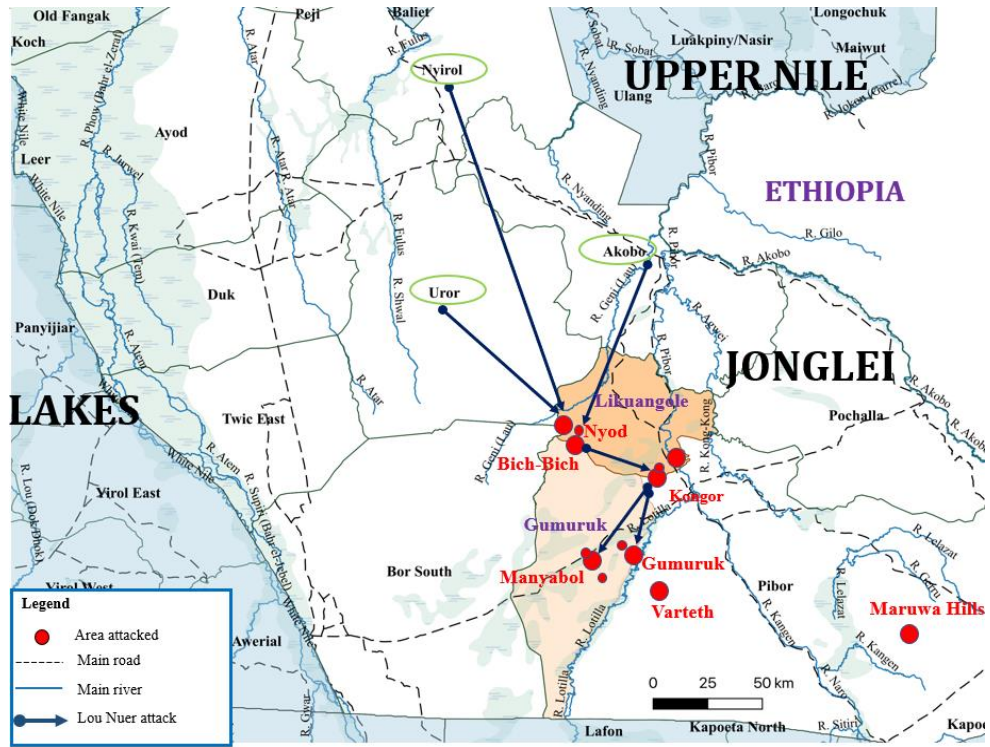


Phase 3: June to August

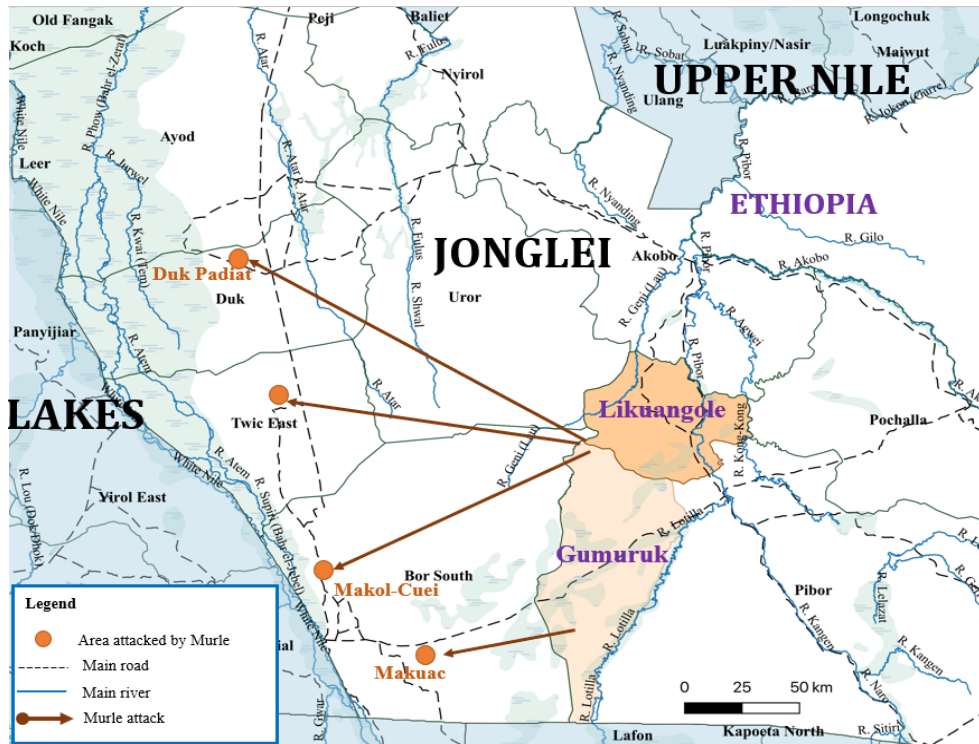
Map 4: Dinka Bor and Gawaar Nuer attacks in Likuangole, Gumuruk and Verteth (GPA)



Map 5: Lou Nuer attacks in Likuangole, Gumuruk and Verteth (GPAA)



Map 6: Murle attacks in Bor South, Twic East and Duk areas



Annex 2: Legal background

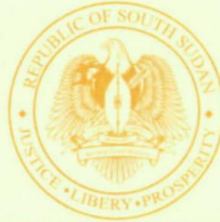
International human rights framework

1. The Republic of South Sudan is a State party to the African Charter on Human and Peoples' Rights and seven international human rights treaties. International human rights law applies both in times of peace and armed conflict. South Sudan is also bound by norms of international human rights law that have attained the status of customary law. Under this framework, the Republic of South Sudan is legally bound to respect, protect, promote and fulfil the human rights of all persons within its territory or under its jurisdiction or control.
2. Accordingly, South Sudan has the obligation to ensure the right to life and exercise due diligence to protect the lives of individuals against deprivations caused by persons or entities whose conduct is not attributable to the State. South Sudan must also take effective measures to prevent all acts of rape and other forms of sexual violence, torture and inhuman or degrading treatment, abductions, and looting of private property, as well as any other acts which raise obstacles to the exercise of human rights. Additionally, South Sudan is bound to take necessary action to protect against, and respond through the provision of effective remedies to violence against women and children, whether perpetrated by private or public actors.
3. In line with the right of victims to a remedy, the State must promptly investigate violations and abuses of international human rights law, and to ensure accountability for the perpetrators of these acts.

Domestic legal framework

4. Under South Sudanese domestic law, national jurisdictions could prosecute individuals allegedly involved in serious violations of international human rights for crimes such as murder or rape. The right to life and physical integrity is protected by the Constitution and the Penal Code Act 2008. In addition, in 2012, South Sudan incorporated the provisions of the Four Geneva Convention and its Additional Protocols into domestic law, as a result there can be prosecutions for acts that have a nexus with a non-international armed conflict before the South Sudanese courts for breaches of Common Article 3 of the Geneva Conventions.

Annex 3: Government response to the findings of the report



**THE REPUBLIC OF SOUTH SUDAN
MINISTRY OF FOREIGN AFFAIRS AND INTERNATIONAL COOPERATION
HEADQUARTERS**

Ref: RSS/MFA&IC/HRGC/J/21-24

Note Verbale

The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan presents its compliments to the United Nations Mission in the Republic of South Sudan (UNMISS) and with reference to the latter's Note No: OSRSG/MAT/RS/21-015 dated 3 March 2021 regarding the draft report entitled "Armed Violence Involving Community-Based Militias in Greater Jonglei, January-August 2020", has the honour to send herewith the comments of the R-TGoNU to the aforementioned report.

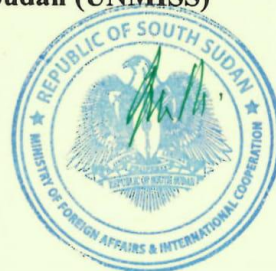
The Ministry of Foreign Affairs and International Cooperation of the Republic of South Sudan avails itself of this opportunity to renew to the United Nations Mission in the Republic of South Sudan (UNMISS) the assurances of its highest consideration.

8 March 2021

**United Nations Mission in the Republic of South Sudan (UNMISS)
Juba**

Attached: Comments of the R-TGoNU

Cc: File



JUBA , SOUTH SUDAN



Republic of South Sudan

Comments of the Revitalised Transitional Government of National Unity (R-TGoNU) of the Republic of South Sudan to the UNMISS Report Entitled " Armed Violence Involving Community-Based Militias in Greater Jonglei, January-August 2020

1. Introduction

The underlying comments are the R-TGoUN response to the UNMISS's report released on the 3rd of March 2021, concerning armed violence involving community-based militias in Jonglei State and the Greater Pibor Administrative Area (GPAA), from January-August 2020. The report documents disturbing allegations of the R-TGoNU's unnamed personnel (SSPDF, NSS, Government officials) and SPLA-IO involvement in serious crimes.

The report further blames the Government for the slow implementation of the R-ACRSS (vacuum in state authorities) and accuses it of failing to investigate the communal violence and bring those to Justice. The R-TGoNU condemns these alleged communal crimes in the strongest possible terms and wishes to see anyone involved brought to justice.

However, the UNMISS's allegations run contrary to everything the R-TGoNU stands for as a Government firmly committed to protecting its communities, respects human rights, international humanitarian laws, and human dignity. The R-TGoNU takes a zero-tolerance approach to human rights abuses.



Nevertheless, the R-TGoNU would be thankful to the UNMISS if it can provide it with specific details information that would assist the Government in conducting investigations and bring to justice those government's officials, SSPDF included alleged by the report to have been involved in armed violence involving the community-based militias in Jonglei State and the Greater Pibor Administrative Area (GPAA).

2. Comments of the R-TGoNU

1. The report needs to be updated as it still calls for the Government of the Republic of South Sudan in its recommendations (bullet four of paragraph 7 at page 2 and bullet four of recommendations at page 19) to immediately establish state and county government in Jonglei and GPAA, in accordance with R-ARCSS, as governance structures have been now accomplished and there is no power vacuum anymore. The report also mentioned in paragraph 80 at page 15 that "but as of early February 2021, no local government or payam administrators had been appointed".
2. In the recent statement of the outgoing Special Representative of the Secretary-General, David Shearer, delivered to the Security Council on the situation in South Sudan on 3 March 2021, he acknowledged that there have been some positive steps taken by the Government. He said the Presidency and the Council of Ministers have been formed. The full complement of state-level leaders is in place, and lower-level officials have been announced. He further said these are welcome steps.
3. There is no concrete evidence to prove the allegation that some rank-and-file personnel and officers of the South Sudan People's Defence Forces (SSPDF), either supported or actively took part in the clashes in Jonglei and GPAA (paragraph 6 of the executive summary at page 1 and paragraph 53



at page 10, and that some Dinka SSPDF and National Security Services (NSS) officers from Greater Bahr el Ghazal contributed logistical support to Murle elements, as mentioned in Paragraph (54) at page 10.

4. We doubt the numbers mentioned in the report for those alleged to have been killed and injured (paragraph 2 of the executive summary at page 1 and Paragraphs 67-69 at pages 12 and 13), as there was no joint assessment which had ever taken place between UNMISS, OHCHR and the Government of the Republic of South Sudan, to verify and confirm these numbers.
5. We also doubt the numbers mentioned in the report for those abducted, raped, gang raped or subjected to forced marriage and sexual enslavement, as mentioned in paragraphs 2 of the executive summary at page 1 and paragraphs 70 to 74 at pages 13 and 14), as there was no joint assessment which had ever taken place between UNMISS, OHCHR and the Government of the Republic of South Sudan, to verify and confirm these numbers.
6. There is no also concrete evidence to prove that government and members of the political and administrative elite were heavily involved or instigated or directly or indirectly supported the militias in carrying out the attacks documented in the report, as mentioned in paragraph 5 of the executive summary at page 1 and paragraph 106 of the conclusion and recommendations at pages 18 and 19. The same applies to supporting role of political and administrative elites mentioned in paragraphs 59-66 at pages 11 to 12. The attacks were organized at the communities' level.
7. We do not go along with the conclusion mentioned in paragraph 6 of the executive summary at page 1 as well as in paragraph 107 at page 19 that armed violence in Jonglei and GPAA is inextricably linked with both identity



and national politics, in the context of a slow and fragile implementation of the R-ARCSS, as national politics is not related in any way to the communities violence in Greater Jonglei which is mainly attributed to cattle raiding, child and women abduction and rivaling over scarce resources as mentioned in some paragraphs of the report.

8. As you might have followed, the government has been responding to armed violence in the Greater Jonglei area, as mentioned in paragraphs 79-84 at page 15. This response started even earlier, and it has been continuous. Many conferences had been conducted to reconcile the communities in the Greater Jonglei but could not succeed. Before the recent High-Level Committee established by President Salva Kiir Mayardit, on 23 June 2020, there was a previous one headed by the then First Vice President, Taban Deng Gai, and the list of Committees formed, and Conferences conducted is so long. The Government for sure would continue getting engaged with the communities of the Greater Jonglei and GPAA until the violence is finally put to an end.
9. We fully agree with part of the finding mentioned in paragraph 3 of the executive summary at page 1 that since the signing of the Revitalized Agreement on the Resolution of the Conflict in South Sudan (R-ARCSS) in September 2018, human rights violations and abuses committed by Government forces and opposition armed groups decreased in most parts of the country.
10. We also fully agree with the recommendations mentioned in bullets seven and eight of paragraph 7 of the executive summary at page 2 and in bullets seven, eight and nine at page 20 to invite the international community, including the South Sudan Multi-Partner Trust Fund for Reconciliation,



Stabilization and Resilience, to continue supporting national and local-led reconciliation initiatives in a coordinated and complementary manner to effectively address the root causes of armed violence in Jonglei and GPAA, as well as to encourage human and development stakeholders to strengthen their protection-related activities, particularly by reinforcing the capacity of national and local authorities to prevent armed violence in Jonglei and GPAA, and protect the human rights of persons living in Jonglei in particular by taking the necessary measures to prevent armed violence in Jonglei and GPAA. This is because the Government has been arguing since that the main part of the root causes of violence in Jonglei and GPAA has been under development and ignorance, and that the international community, including donors, should intervene and pursue developmental and educational projects in the area, to improve the situation and reduce the cattle raiding and abduction of women and children.

11. With regard to the military response, mentioned in paragraphs 86-90 at page 16, and the conclusion that the SSPDF response throughout the three phases of violence was minimal, and that the response of the Government forces did not meet the standards of what can reasonably be expected in these circumstances, and failed in their duty to protect Dinka, Murle and Nuer communities from human rights abuses committed by community-based militias, we have to make it clear that violence occurred while the SSPDF and other security organs, are undergoing restructuring, cantonment, training in the centers pending the integration process as stipulated in the R-ARCSS.
12. Regarding the Judiciary response, as mentioned in paragraphs 91-92 at page 16, as you might be aware, there is already a Special Court for sexual violence and gender-based crimes put in place, and it has already started



trying those who have been accused of committing such crimes. It is in records that this step was welcomed by the Special Advisor on the Prevention of Genocide as well as by the European Ambassadors in Juba.

13. While we highly appreciate UNMISS's response to the violence in Jonglei and GPAA, as mentioned in paragraphs 93 to 98 at page 17, the Government still look forward for UNMISS to be more engaged, particularly, one of its core mandates is to protect civilians in addition to monitor, investigate, verify and report on human rights violations and abuses as well as breaches of international humanitarian law. Cooperation of UNMISS and Government to address the violence in Jonglei and GPAA, would be highly welcomed and appreciated.
14. The Government also urges UNMISS and the UN in general to always go beyond condemnation and reporting and take practical measures to resolve the violence on the ground in cooperation and coordination with the Government.
15. Some recommendations to the National Government and the Government authorities in Jonglei and GPAA, as mentioned in bullets 1 to 5 of the executive summary at page 2 and in bullets 1 to 5 at page 19, have already been implemented, such as to "immediately establish state and county government in Jonglei and GPAA, in accordance with R-ARCSS, to roll out the rule of law and lead local reconciliation and peace initiative (also see paragraph 1 above).
16. Also, the recommendation to facilitate the tracing, unconditional release and reunification of all abducted women and children has been incorporated into the recommendations of the recent peace conference, held in Juba on



25 and 26 January 2021, between the Dinka, Murle and Nuer groups, and will be soon implemented without any further delay.

17. We also urge UNMISS to build the capacity and train the leaders of Dinka, Nuer and Murle on issues related to human rights, to enable them respect human rights, as mentioned in bullet 6 of paragraph 7 of the executive summary and in bullet 6 of the recommendations at page 19.

18. Lastly, we urge UNMISS to put down early warning and prevention mechanisms, to avoid recurrence of any violence between the communities in Greater Jonglei and GPAA in the future. Part of this early warning and prevention mechanisms is to carry out constant air surveillance in the area.

End

