

# “Those Who Could Not Run, Died”

*Civilian Perspectives on the Conflict  
in South Sudan*



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Conflict in South Sudan

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# RECOGNIZE. PREVENT. PROTECT. AMEND.

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Cover photo: Image by Adriane Ohanesian  
(January 2014)

Caption: *A child's photograph on the floor of a house in  
Munuki West, after it was looted and torched by SPLA  
forces on December 16, 2013, Juba, South Sudan.*

Website address: [www.civiliansinconflict.org](http://www.civiliansinconflict.org)

# Organizational Mission and Vision

Center for Civilians in Conflict (CIVIC) works to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed, we advocate for the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.

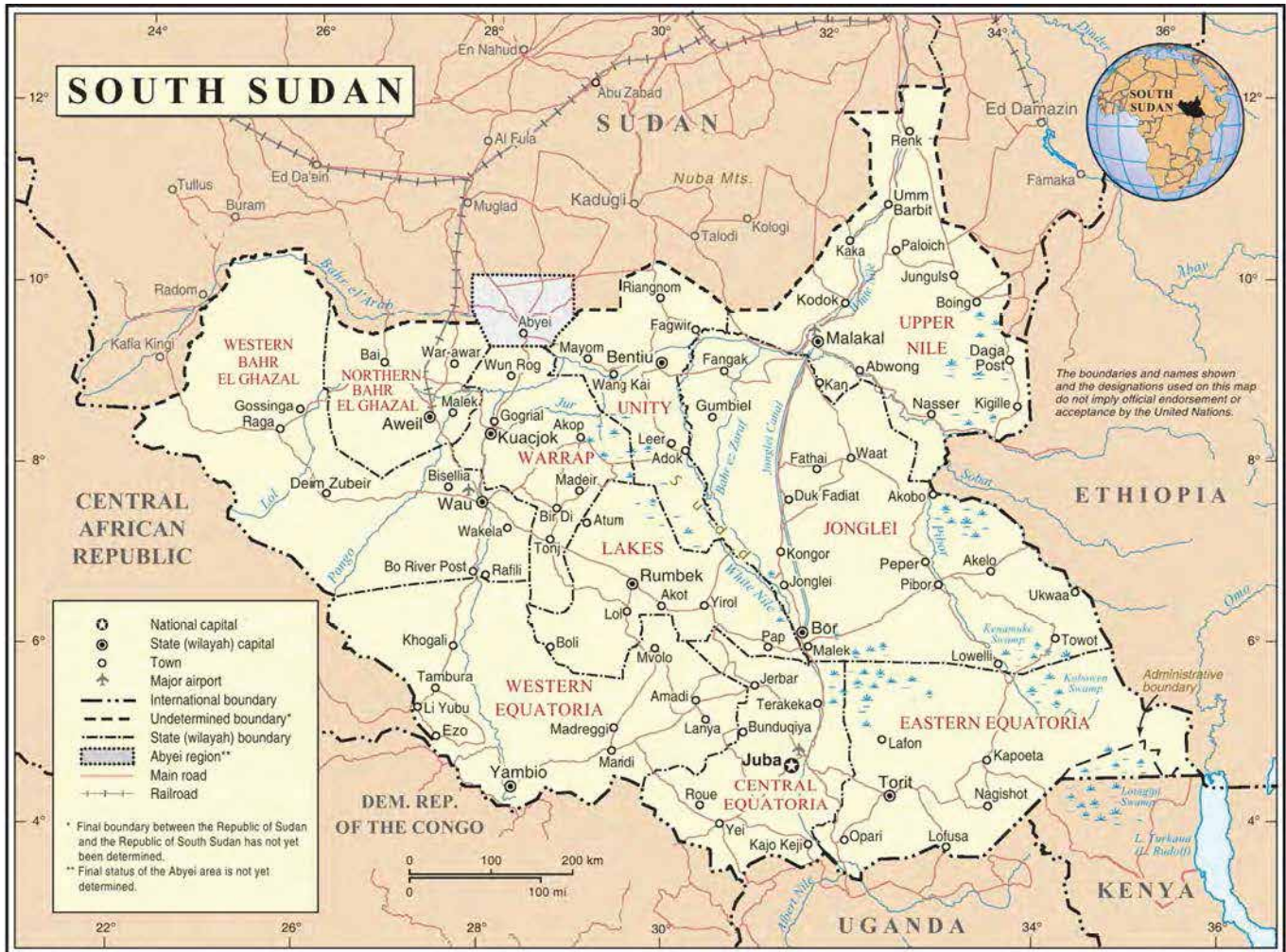
CIVIC's vision is for a future where parties involved in conflict go above and beyond their legal obligations to minimize harm to civilians in conflict. To accomplish this, we assess the causes of civilian harm in particular conflicts, craft creative solutions to address that harm, and engage with civilians, governments, militaries, and international and regional institutions to implement these solutions.

We measure our success in the short term by the adoption of new policies and practices that lead to the improved wellbeing of civilians caught in a conflict. In the long term, our goal is to create a new global mindset around robust civilian protection and harm response.

## Acknowledgements

This report was primarily researched and authored by Matt Wells, Program Officer on Africa and Peacekeeping at CIVIC. It was reviewed by Kyle Dietrich, Senior Program Manager on Africa and Peacekeeping; Marla Keenan, Managing Director; and Federico Borello, Executive Director. Shannon Callahan provided editorial and research assistance. CIVIC is grateful to Adriane Ohanesian for sharing her powerful images from South Sudan, and to Rachel Greene, who designed the report and prepared it for publication.

CIVIC would like to thank the wonderful team of South Sudanese researchers that undertook about half of the civilian interviews that form the foundation of this report. Although they are not named here for reasons of security and confidentiality, their work was invaluable in providing a complete picture of civilian perspectives from Juba and Greater Upper Nile. CIVIC also would like to express its deep appreciation for all the people in South Sudan who agreed to share their stories. Their courage and resilience in the face of horrific violence provides a reason for optimism as the country tries to move beyond the conflict.



South Sudan Country Map courtesy of the United Nations Office of the High Commissioner for Human Rights  
<http://www.ohchr.org/SiteCollectionImages/Countries/ssmap.pdf>

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# Glossary

AU	African Union
CIVIC	Center for Civilians in Conflict
COGS	Chief of General Staff (SPLA)
CPA	Comprehensive Peace Agreement, signed in 2005 between the Government of Sudan and the SPLM/A
CRA	Compensation and Reparation Authority, an institution to be established in accordance with the August 2015 peace agreement, with a mandate to provide compensation to victims for harm suffered during the conflict
CRF	Compensation and Reparation Fund, to be administered by the CRA
CTRH	Commission for Truth, Reconciliation, and Healing, an institution to be established in accordance with the peace agreement, with a mandate to investigate human rights violations, identify root causes of the conflict, and advance reconciliation
CTSAMM	Ceasefire and Transitional Security Arrangements Monitoring Mechanism, the successor to the IGAD Monitoring and Verification Mechanism, with a mandate to monitor and report on the parties' compliance with the ceasefire and the cantonment process
DDR	Disarmament, Demobilization, and Reintegration
HCSS	Hybrid Court for South Sudan, an institution to be established in accordance with the peace agreement, with a mandate to ensure criminal accountability for crimes committed during the conflict
ICRC	International Committee for the Red Cross
IDPs	Internally Displaced Persons
IGAD	Intergovernmental Authority on Development, a trade bloc comprised of eight countries in East Africa
JEM	Justice and Equality Movement, a Darfuri rebel movement that fought with the SPLA
JIP	Joint Integrated Police, a security force comprised of government and opposition forces that, in accordance with the peace agreement, is mandated to provide security in Juba, Malakal, Bentiu, and Bor
JMEC	Joint Monitoring and Evaluation Commission, a body established by the peace agreement to oversee its implementation as well as the TGoNU
POC	Protection of civilians, particularly in reference to the UN peacekeeping mission's mandate
POC Site	An IDP camp within a UN base in South Sudan
ROEs	Rules of Engagement
SAF	Sudanese Armed Forces
SALW	Small Arms and Light Weapons
SPLM/A	Sudan People's Liberation Movement/Army
SPLM/A-IO	Sudan People's Liberation Movement/Army in Opposition, the political and military wing of the armed opposition
SSNPS	South Sudan National Police Service
TGoNU	Transitional Government of National Unity, which, under the peace agreement, will bring the parties to the conflict together under a transitional government
UNMISS	United Nations Mission in South Sudan



*Image by Adriane Ohanesian  
Just before dawn, IDPs walk along the dirt wall that surrounds the UN base in Bentiu, South Sudan (July 2014).*

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## EXECUTIVE SUMMARY

Two years of armed conflict in South Sudan have inflicted devastating harm on the civilian population. Armed actors on both sides of the conflict at times waged war through targeting civilians perceived to support the other side. The violence's scale and brutality often reached new depths with each successive offensive, resulting in at least tens of thousands of civilians killed; widespread sexual violence; the burning of villages and crops; the mass looting of property, including cattle; and the displacement of several million people.

Many civilians feel strongly that, despite decades of armed struggle with Sudan, no conflict has harmed them as directly and as intensely as the one that erupted on December 15, 2013, following the escalation of a power struggle between President Salva Kiir and former Vice President Riek Machar. At least several thousand ethnic Nuer were killed in Juba in subsequent days, and the crisis quickly mushroomed into a civil war, fought principally between the Kiir-led Sudan People's Liberation Army (SPLA) and the Machar-led SPLA in Opposition (SPLA-IO). For most of the conflict, the fighting was concentrated in the states of Jonglei, Upper Nile, and Unity, often referred to as the region of Greater Upper Nile. Both sides instrumentalized youth militia, adding violence driven by local grievances and resource control to the national dynamics.

This report examines civilian perspectives on the conflict, on key security actors, and on what is needed, both at the national and community levels, for South Sudan to recover and avoid a repetition of such violence. Center for Civilians in Conflict (CIVIC) undertook the field research between August and December 2015, interviewing 132 civilians directly affected by the conflict, 11 members of the SPLA, and representatives from the Government of South Sudan, parliament, the political wing of the opposition, the United Nations Mission in South Sudan (UNMISS), international humanitarian organizations, local civil society, the religious community, and academia. CIVIC conducted the civilian interviews with internally displaced persons (IDPs), primarily in the protection of civilians (POC) sites within UN bases in Juba, Bentiu, and Malakal, as well as in IDP camps in Mingkaman and Juba.

Civilian harm typically occurred whenever an armed group advanced into territory previously controlled by the other party; after overcoming any resisting fighters, armed groups routinely treated civilians who lived under the opposing force—including unarmed men, women, and children; the elderly; and persons with physical disabilities—as legitimate targets. The distinction of combatants and non-combatants as well as of civilian and military targets—core principles of international humanitarian law—were routinely, and often deliberately, ignored.

SPLA military officers interviewed by CIVIC blamed any mistakes that led to civilian harm on the difficulty of distinguishing combatants from non-combatants. They cited the armed opposition's frequent failure to wear full uniforms or display clear insignia, its resort to guerrilla tactics, and the proliferation of small arms in South Sudan—which meant, according to these officers, that almost everyone posed a potential threat. Although the parties to the conflict may, at times, have had legitimate challenges in determining the combatant status of, for example, armed cattle camp youth, the officers' explanations fail to account for the overwhelming majority of civilian harm that occurred during the conflict. Elderly civilians unable to flee were often burned inside their homes or shot at point-blank range; women were routinely raped as a weapon of war or killed while fetching firewood; crops that people needed to survive until the next harvest were burned; and schools and health clinics were damaged, even though nothing resembling a military objective was nearby.

Yet, even while inflicting such harm, armed groups also regularly demonstrated an understanding of civilian protection and, at times, a commitment to prioritize it. Dinka civilians from Jonglei recounted how SPLA soldiers provided them boats to cross the Nile river and escape an SPLA-IO attack; Nuer civilians in Unity described how SPLA-IO forces at times held off SPLA and militia attackers to give them time to flee their village. The challenge is in shifting protection from a responsibility felt toward specific groups to a responsibility for all civilians. Minimizing civilian harm in South Sudan will therefore be as much about fostering a national identity within the military as it will be about improving training or equipment.

Prior to the conflict, public opinion polling in South Sudan showed the SPLA to be one of the country's most trusted institutions. Not surprisingly, that view has changed dramatically, with sharply polarized opinions linked to civilians' experience of the conflict. Many civilians harmed by the SPLA or allied militia groups now say that it was more abusive toward civilians during the recent conflict than was the Sudanese Armed Forces (SAF) during Sudan's second civil war (1983-2005). Although contemporary accounts of the SAF's abuses show it committed similarly grave crimes—indeed, several scholars in Juba felt the SPLA learned some of its tactics from the SAF—the perception itself demonstrates the considerable work the government and military need to undertake in communities around the country to rebuild trust, cooperation, and civil-military relations. Perceptions of the SPLA-IO are similarly polarized, with civilians harmed by its operations directing their anger toward the armed opposition's leadership in particular.

Given the deep mistrust that many civilians feel toward the parties to the conflict, civilians expressed a strong desire to see the government remove the military from towns and villages across Greater Upper Nile and to restore civilian authority. Particularly among Nuer and Shilluk populations, there was an appeal for UNMISS and the police to take the lead in ensuring security. Perceptions of UNMISS were, in contrast to those of other security actors, largely positive across ethnic groups—though some within the Dinka population felt the mission had been partial toward the opposition. Part of the generally positive perception of UNMISS, however, stemmed from a poor understanding of the mission's mandate, as many people believed it had responsibility only for protecting those within the POC sites.

In addition to leaving internal security to other actors, people said consistently that the military needed to prioritize professionalization efforts, including through literacy campaigns; trainings on distinction and civilian protection; and removing soldiers who fail to meet certain qualifications. SPLA military officers agreed that better trainings, particularly for field officers and the rank and file, were essential. They cited challenges to the military's professionalization as a result of the incorporation of various armed groups over the last decade in the name of stability; this has led, they felt, to the military's splintering—with loyalties more to individual commanders than to the national army.

The conflict's consequences, particularly in terms of psychosocial trauma and the economic impact of destroyed homes and crops, are only beginning to be felt. The scale of cattle raiding, in particular, has deprived many people of their most important livelihood and fundamentally altered the balance of resources between different tribes. Many civilians from both sides of the conflict stressed that, if the government did not handle the immediate post-conflict period well, the likelihood of revenge killings and inter-communal violence was high.

## Without recognition of the harm they suffered, many civilians said forgiveness was impossible.

To address the conflict's deep wounds, civilians overwhelmingly identified four priorities. First, people want the parties to the conflict to acknowledge the harm for which they were responsible. Without recognition of the harm they suffered, many civilians said forgiveness was impossible. Second, people want a reconciliation process that not only brings together the political and military elite, but that also addresses the local-level cleavages that the conflict has created or aggravated. Many people believe

reconciliation will only work if it is a process that involves every state, community, and household in the country. Third, people believe deeply in the importance of criminal justice—in order to hold accountable those who caused harm and to send a message that the targeting of civilians will no longer be tolerated.

Fourth, and finally, many people stress the importance of the government, on its own initiative, providing assistance in response to the harm that civilians have suffered. Almost no one expected to be made whole—for those who lost family members, there is no such thing—but there was a strong desire to see the government help people rebuild their lives through small monetary or in-kind assistance, including the provision of seeds and other goods to reestablish livelihoods; support in reconstructing homes, health clinics, and schools; and efforts to return stolen livestock. In designing and implementing a post-harm assistance program, South Sudan should draw on the country's strong tradition of compensation in resolving disputes—while ensuring that any assistance is provided transparently, inclusively, and without discrimination.

In late August 2015, the parties signed a peace agreement that formally ended the conflict. Fighting, as well as the direct targeting of civilians, has subsided in Greater Upper Nile since late 2015—but has now spread to other regions, including the Equatorias and Western Bahr el Ghazal. Although many of the peace agreement's deadlines appear impossible to meet, there are encouraging signs of progress, including the appointment of the head of the Joint Monitoring and Evaluation Commission (JMEC); the return of some SPLA-IO leaders to Juba; the naming of a government cabinet; and the beginning of efforts to address the peace agreement's security provisions, including the siting of cantonment locations and the establishment of the Joint Integrated Police (JIP), which is to oversee security in Juba, Bentiu, Bor, and Malakal.

Critically, the peace agreement provides the foundation for the government to meet many of the needs identified by civilians, including through the creation of the Hybrid Court for South Sudan; the Commission for Truth, Reconciliation, and Healing; and the Compensation and Reparation Authority and Fund. By following through with the establishment of these institutions—with input from civilians themselves at every stage of the process—the government will go a long way toward rebuilding trust. Based on the findings and recommendations of the African Union Commission of Inquiry report, regional partners should be ready to provide support as needed.

If South Sudan is to avoid a spiral back into violence, civilians, who have suffered the most during the conflict, must have their needs placed at the heart of the peace process. Above all, civilians must be seen as deserving of protection and as strategic partners in ensuring national security, with a swift and appropriate response to both past and future incidents of civilian harm.

## RECOMMENDATIONS

### *To the Former Parties to the Conflict:*

- Support the establishment, in accordance with the peace agreement and African Union Commission of Inquiry report, of the Compensation and Reparation Authority and Fund (CRA/CRF); the Hybrid Court for South Sudan (HCSS); and the Commission for Truth, Reconciliation, and Healing (CTRH).
- Allow the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM) unrestricted access in carrying out its investigations, including related to the ceasefire and the cantonment process.

### *To the Government of South Sudan:*

- Ensure members of the armed forces adhere to the rules of international humanitarian law, including principles of distinction and proportionality.
- Strengthen scenario-based training of officers and enlisted personnel related to the military code of conduct and rules of engagement; international humanitarian law; international human rights law; civilian protection and harm mitigation; and the appropriate response to allegations of civilian harm.
- Establish literacy programs in support of broader security force professionalization efforts.
- Prioritize urgently the cantonment of forces, in accordance with the peace agreement's transitional security arrangements, as the continued presence in towns and villages of fighters from both sides is a major obstacle to civilians feeling secure in returning home. Prioritize also the return of local civilian authorities, including the police, judicial officials, and state and county administrators.
- Prioritize the rebuilding of civil-military relations, including through recognition of harm caused during the conflict; engagement with civil society leaders, with a particular focus on women leaders; dissemination of reporting or complaint mechanisms related to military abuses; and through listening and responding to civilian needs and expectations.
- Clarify, in coordination with the Joint Monitoring and Evaluation Commission, how the different transitional justice mechanisms established by the peace agreement will interact with each other, including in particular the relationship between the Commission for Truth, Reconciliation, and Healing and the Compensation and Reparation Authority.
- Ensure an inclusive reconciliation process that addresses both the national dynamics among the political and military elite, as well as the local cleavages that have been aggravated by the conflict, including related to land disputes and cattle raiding. Engage civilians across the country in developing the priorities and mechanisms for that reconciliation process, with a particular emphasis on engaging typically marginalized groups, including women and youth.
- Establish, in accordance with the peace agreement, the Compensation and Reparation Authority and Fund, as a means of providing compensation to civilians who suffered losses during the conflict. In particular:
  - Ensure, in accordance with the peace agreement, that civil society, including a significant number of women, is fully represented in the CRA's executive body, and that those representatives are intimately involved from the beginning in all decision-making about the implementation of the CRA's mandate;
  - Enshrine principles of non-discrimination and ensure that the CRA's executive body, as well as staff responsible for determining claim eligibility, represents a cross-section of South Sudanese society;
  - Determine, in consultation with affected populations, the types of harm that will be compensated by the CRA;

- Develop mechanisms to ensure transparency and accountability, including through detailed record-keeping, clear and publicized guidelines, and oversight from external authorities;
- Standardize eligibility and procedures for civilians filing claims;
- Standardize amount ranges for compensation, ensuring amounts that are appropriate to the loss;
- Protect the identity, where requested or otherwise necessary, of people filing claims for compensation, and develop policies and plans to provide physical protection should threats emerge against claimants' security; and
- Ensure women and other historically marginalized groups have equal access to compensation.
- Engage closely with civil society, including women's groups, religious leaders, academics, and activists, in determining priorities for the peace process. Ensure, for example, that representatives from these groups on the Joint Monitoring and Evaluation Commission have voice and influence in that body's decision-making.
- Develop, in coordination with the United Nations and African Union, concrete plans to disarm and demobilize civilian militia groups, drawing on lessons learned from previous disarmament, demobilization, and reintegration (DDR) programs in South Sudan. Ensure, for example, that disarmament of potentially hostile communities occurs simultaneously, so that one community is not left vulnerable to attack.

*To the African Union (AU) and the Intergovernmental Authority on Development (IGAD):*

- Monitor closely developments related to the establishment and operation of the transitional justice mechanisms outlined under the IGAD peace agreement and endorsed by the AU Commission of Inquiry report. Apply pressure, if necessary, to ensure progress, as civilians in South Sudan consistently identify recognition of harm, community-level reconciliation, post-harm assistance, and criminal accountability as critical parts of consolidating peace and avoiding a repetition of violence.

*To the United Nations Mission in South Sudan (UNMISS):*

- Prioritize the development and implementation of protection strategies related to revenge killings and inter- and intra-communal violence, including through establishing austere or temporary operating bases in areas of high risk, improving rapid deployment capabilities, and strengthening the peacebuilding and reconciliation work led by Civil Affairs.
- Improve communication with communities, with a particular emphasis on promoting the sharing of information to feed into early warning systems and strategic deployment; developing an understanding of the mission's protection mandate; and fostering realistic expectations in terms of the fulfillment of that mandate. To maximize the mission's reach, engage both directly with civilians, including in the POC sites and with other displaced populations; and through humanitarian organizations and local civil society groups working with affected communities across South Sudan.
- Continue prioritizing the projection of force outside the POC sites, in order to facilitate humanitarian assistance and reestablish a sense of security, particularly given the greater trust that many conflict-affected communities and individuals have in the UN as compared to other armed actors. While more robust protection, including through consistent patrolling and additional operating bases in conflict-affected areas, will help facilitate the return of some displaced persons, the mission should also continue planning for a substantial number of people to remain in at least some of the POC sites for the foreseeable future.

- Engage in strategic communication with the Dinka community at the state and local level, given the perception among some that the mission has been biased against it, as such perceptions, even if unwarranted, will negatively impact the mission's ability to contribute to the peace and reconciliation process. Consider, for example, promoting a better understanding of the principle of impartiality; providing a forum, not restricted to the POC sites, for community leaders to raise concerns and for the mission to better explain its actions; and communicating the mission's priorities going forward, as well as how those priorities will influence its interaction with different communities.
- Finalize swiftly the recruitment and hiring of community liaison assistants (CLAs) and ensure the force contingent has priority in their tasking, in order to improve its communication with civilians, increasing the understanding of and response to protection needs.

### *To the United Nations Security Council and Member States:*

- Ensure the increased troop and police ceilings from the December 2015 mandate are met as quickly as possible, in order to better enable the mission to project force outside the POC sites and to take on its new responsibilities, including support for the Joint Integrated Police.
- Maintain and, if necessary, increase pressure on the South Sudanese government to cease its obstruction of UNMISS's movements, including through withholding or delaying flight safety assurances.
- Request reporting on the mission's plans to address potential emerging protection threats against civilians, including related to revenge killings, inter- and inter-communal violence, and the spread of the conflict to different regions of the country.

### *To the United Nations Secretariat:*

- Ensure that, in line with Security Council Resolution 1894, the mission's protection of civilians activities are "given priority in decisions about the use of available capacity and resources."
- Monitor, in accordance with the UN's recently developed indicators on the protection of civilians, the performance of troop contributing countries in South Sudan. Ensure swift response to poorly performing units, including through negotiating the removal of caveats; increasing attention to pre- and in-deployment training; or, in extreme cases, replacing units that fail to follow orders or fulfill the mission's protection mandate.

### *To Donor Partners:*

- Support programs that address the severe psychosocial trauma experienced by many civilians during the conflict, with a particular focus on programs that work with survivors of sexual violence and with children.
- Encourage and assist the government in establishing and implementing the transitional justice institutions outlined in the peace agreement, including the Compensation and Reparation Authority.



## METHODOLOGY

This report is based on field research in South Sudan undertaken between August and December 2015. Center for Civilians in Conflict (CIVIC) interviewed 132 South Sudanese civilians directly affected by the conflict; 11 members of the country's military, known as the Sudan People's Liberation Army (SPLA); as well as representatives from the Government of South Sudan, parliament, the opposition, the United Nations Mission in South Sudan (UNMISS), international humanitarian organizations, local civil society, the religious community, and academia.

The vast majority of the civilian interviews were carried out in camps for internally displaced persons (IDPs), in particular at the UN protection of civilians (POC) sites in Bentiu, Malakal, and Juba; at the IDP camp in Mingkaman; and at the Mahad IDP camp in Juba. CIVIC sought a diverse sample of interviewees in terms of gender, age, ethnicity, the geographic location from which displacement occurred, and the length of time the person had spent in the IDP camp.<sup>1</sup> The interviews were semi-structured, with a questionnaire identifying topics to discuss in each interview but also an emphasis on asking follow-up questions to clarify or provide more detail about a person's experience. Almost all interviews were carried out individually, although there were several focus groups at the beginning of the research to help identify and inform priority lines of questioning.

CIVIC staff carried out 72 of the civilian interviews, with the assistance of translators from the same ethnic group as the interviewee. South Sudanese research consultants hired by CIVIC undertook the rest of the civilian interviews; the consultants came from the same ethnic group as the civilians they were interviewing and conducted the interviews in a local language before translating and transcribing the interviews into English. CIVIC did not offer interviewees any incentive for speaking, and they were able to end the interview at any time.

The report is not a survey intended to provide statistically significant results or conclusions. CIVIC seeks to build on the critical quantitative work that others have undertaken, providing more detailed civilian views on the conflict's violence, on security actors in South Sudan, and on the main priorities for responding to civilian harm and avoiding a repetition of such violence. The focus was also not on documenting individual violations of international human rights or humanitarian law, but rather on identifying the main patterns of civilian harm by the different parties to the conflict.

For the security and privacy of both civilian and military interviewees, CIVIC has withheld names and identifying information throughout the report. In the text boxes that present detailed civilian testimonies, CIVIC has used pseudonyms.

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1 Of the 132 civilians interviewed by CIVIC, 73 were women and 59 were men. Interviewees ranged in age from 16 to 80 years old, with 35 interviewees under 30 years old; 48 interviewees between 30 and 45 years old; 25 interviewees between 46 and 60 years old; and 24 interviewees over 60 years old. The interviewees included 67 Nuer, 39 Dinka, 21 Shilluk, 4 Murle, and 1 Anuak civilians, reflecting the focus on conflict-related harm in Juba and Greater Upper Nile.

## KEY ARMED GROUPS INVOLVED IN THE CONFLICT

### *Pro-Government Forces*

- **Sudan People's Liberation Army (SPLA)** – The military of South Sudan, which, prior to the conflict, was estimated to include around 200,000 soldiers. The SPLA led several decades of armed struggle with Sudan that, following the Comprehensive Peace Agreement in 2005, ultimately ushered in South Sudan's independence in 2011. The repeated integration of militias and other armed groups into the SPLA after the CPA led to a fragmented force, with the government then increasingly strengthening and relying upon particular units.<sup>2</sup>
- **Bul Nuer Militia** – Consisting primarily of youth from the Bul Nuer tribe in Mayom County, these fighters were mobilized by and collaborated with government forces against the Nuer opposition. They have been estimated to include at least 8,000 fighters and appear to have been motivated primarily by the opportunity to raid cattle and other property. These fighters were used most extensively during the government offensive in Unity in mid-2015.<sup>3</sup>
- **Justice and Equality Movement (JEM)** – An armed opposition movement from Darfur that fought with the SPLA, most notably during a military offensive in Unity in 2014.<sup>4</sup>

2 For more on the SPLA, see Richard Rands, *In Need of Review: SPLA Transformation in 2006-10 and Beyond* (Small Arms Survey: November 2010), p. 32; African Union Commission of Inquiry on South Sudan, *Final Report of the African Union Commission of Inquiry on South Sudan* (hereinafter AU COI report), October 15, 2014, paras. 189, 1018 (indicating that the SPLA includes around 200,000 soldiers and more than 45,000 veterans); *Interim report of the Panel of Experts on South Sudan established pursuant to Security Council resolution 2206 (2015)*, UN Doc. S/2015/656, August 21, 2015, para. 24.

3 For more on the Bul Nuer militia's role in the conflict, see Small Arms Survey, "The Conflict in Unity State," July 3, 2015, pp. 1-7, <http://www.smallarmssurveysudan.org/facts-figures/south-sudan/conflict-of-2013-14/the-conflict-in-unity.html>.

4 For more on JEM's role in the conflict, see Small Arms Survey, "The Conflict in Unity State," pp. 3, 5.

### *Armed Opposition Forces*

- **Sudan People’s Liberation Movement/Army in Opposition (SPLM/A-IO)** – The main opposition force, comprised principally of Nuer soldiers and police officers who defected from the SPLA and SSNPS during the first months of the conflict. They have been estimated to include between 35,000 and 45,000 fighters, with most of the defections coming from the SPLA divisions based in Jonglei, Unity, and southern Upper Nile.<sup>5</sup>
- **White Army** – Known as *dec bor* in Nuer, the term “White Army” is used to signify Nuer militias or community defense groups. Despite the common designation, it is probably more accurate to refer to “white armies,” as there is not a single, unified force. During the recent conflict, these community defense groups, in particular those associated with the Gawaar, Jikany, and Lou Nuer tribes, were often recruited by, and cooperated militarily with, the SPLA-IO. Estimates of the size of the White Army forces vary, ranging from 4,000-6,000 up to more than 20,000. Their level of integration into the formal SPLA-IO, including the degree to which they were commanded by SPLA-IO military leadership, was often difficult to discern.<sup>6</sup>
- **Shilluk Militia** – Also known as the Aguelek, these forces are under the command of Major General Johnson Olony and fought with the government side for the first 18 months of the conflict, before defecting in May 2015. After a brief period of coordinating with the SPLA-IO but maintaining independence, these forces formally merged with the SPLA-IO in mid-2015.<sup>7</sup>

5 For more on the SPLM/A-IO, see John Young, *A Fractious Rebellion: Inside the SPLM-IO* (Small Arms Survey HSBA Working Paper 39: 2015), <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP39-SPLM-IO.pdf>; Small Arms Survey, “The SPLM-in-Opposition,” May 2, 2014, p. 6, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-SPLM-IO-May-2014.pdf> (estimating approximately 35,000 defections from the SPLA and, if assuming a similar proportion, another 10,000 from the SSNPS); *ibid.* (“The largest defections came from Divisions 8 (Jonglei), 4 (Unity), and 7 (southern Upper Nile) because they were predominantly Nuer and based in Greater Upper Nile, meaning they could readily defect into friendly, antigovernment areas.”)

6 For more on the White Army, see Ingrid Marie Breidlid & Michael J. Arnsen, “*Anyone who can carry a gun can go*: The role of the White Army in the current conflict in South Sudan (PRIO Paper: 2014), <https://www.prio.org/Publications/Publication/?x=7417>. Regarding the estimates of their size, Small Arms Survey has said that precise “numbers are unknown because [the white armies] mobilize temporarily and then return to their communities. Most estimates put these mobilizations in the multiple tens of thousands, which resonates with the pervasive sense of grievance in Nuer communities.” Small Arms Survey, “The SPLM-in-Opposition,” p. 7. The UN Panel of Experts on South Sudan noted in its August 2015 report that the number of “tribal fighters known as the ‘White Army’ ... are assessed randomly at 4,000 to 6,000, but it can swell to much larger numbers if broader security threats to the Nuer clans emerge, as is now the case.” *Interim report of the Panel of Experts on South Sudan*, August 21, 2015, Annex VI, para. 11.

7 For more on these forces and their defection from the SPLA, see Young, *A Fractious Rebellion*, pp. 19-20.



*Image by Adriane Ohanesian  
A woman carries tarpaulins from a helicopter to the distribution center in Jonglei State, South Sudan (November 2013).*

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## BACKGROUND ON THE ARMED CONFLICT

On December 15, 2013, fighting erupted between soldiers at the presidential guard headquarters in Juba, after months of escalating political tensions related to a power struggle between President Salva Kiir and former Vice President Riek Machar.<sup>8</sup> The crisis, although political in origin, was quickly marred by targeted killings along ethnic lines; in Juba, thousands of Nuer, the ethnic group of Machar, were killed in the first week of the conflict.<sup>9</sup> Within days, the situation escalated into a civil war between, on the one hand, President Kiir's government and military, the Sudan People's Liberation Army (SPLA), and, on the other hand, the SPLA in Opposition (SPLA-IO), led by Machar. Outside of Juba, the conflict raged most intensely in Jonglei, Unity, and Upper Nile states, where the SPLA-IO quickly controlled substantial territory.

The conflict emerged barely two years after South Sudan gained its independence, following decades of armed struggle with Sudan. The Sudan People's Liberation Movement/Army (SPLM/A) had been at the center of that struggle since 1983, largely under the leadership of Dr. John Garang. But the veneer of unity against Khartoum often masked deep internal divides within the SPLM/A, which the government of Sudan aggravated and exploited deliberately.<sup>10</sup>

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8 President Kiir removed Machar from the vice presidency on July 23, 2013. President Kiir also dismissed most of his cabinet and suspended the SPLM Secretary General, Pagan Amum. See AU COI report, para. 63. There were quickly rival narratives regarding the specific origins of the December 15 events, with the government asserting that Machar had launched a coup and the opposition alleging that the government had fabricated that threat to crack down on political rivals and unleash attacks on Nuer civilians in Juba. The AU COI found that "the evidence does not point to a coup. We were led to conclude that the initial fighting within the Presidential Guard arose out of disagreement and confusion over the alleged order to disarm Nuer members. The Commission notes further, that there are also suggestions of a mutiny within the Presidential Guard, and the ensuing violence spiraled out of control, spilling out into the general population." AU COI report, para. 68.

9 See Daniel Howden, "South Sudan: the state that fell apart in a week," *The Guardian*, December 23, 2013, <http://www.theguardian.com/world/2013/dec/23/south-sudan-state-that-fell-apart-in-a-week>; Human Rights Watch, "South Sudan: Ethnic Targeting, Widespread Killings," January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudanethnic-targeting-widespread-killings>.

10 See International Crisis Group (ICG), *South Sudan: A Civil War by Any Other Name* (Crisis Group Africa Report No. 217: April 2014), p. 5; Jok Madut Jok & Sharon Elaine Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," *African Studies Review*, Vol. 42(2), Sept. 1999, pp. 128-29; AU COI report, para. 190.

The internecine struggles within the SPLM/A exploded in 1991, when two SPLA commanders, Machar and Dr. Lam Akol, split from Garang.<sup>11</sup> For several years following the split, the north-south civil war turned primarily into a south-south fight between the two SPLA factions, with devastating consequences for civilians perceived to support each side.<sup>12</sup> The targeting of civilians during this period—including the 1991 Bor massacre, in which forces associated with Machar killed more than a thousand Dinka civilians<sup>13</sup>—heightened ethnic and tribal tensions within southern Sudan in a way that still reverberates today.<sup>14</sup> Several scholars on the Sudans argued that the conduct of the SPLA factions during this period “transgressed all the ethical limits on violence that had been honored by previous generations of Nuer and Dinka leaders,” including through the killing of women, children, and the elderly, as well as the deliberate destruction of property.<sup>15</sup> In addition to breaching these unwritten rules of communal warfare, “both southern factions began to arm their respective ethnic groups with more powerful weapons... in their bid to eliminate the civilian support base of the other side.”<sup>16</sup> The result was a “volatile mixture of guns, politics, economics, and ethnicity.”<sup>17</sup>

After more than two decades of civil war, the government of Sudan and the SPLM/A signed the Comprehensive Peace Agreement (CPA) in 2005. While this formally ended the north-south conflict, other armed groups in southern Sudan were left out of the process—and continued fighting.<sup>18</sup> Following Dr. Garang’s death in a helicopter crash in July 2005, President Kiir took over as the head of southern Sudan. In contrast to Garang’s more hardline stance against other armed groups in the South, President Kiir tried to bring these groups into the SPLA—mostly notably through the January 2006 Juba Declaration, which integrated the South Sudan Defense Forces (SSDF) and made their leader, Major General Paulino Matieb, a deputy to Kiir.<sup>19</sup>

President Kiir adopted a similar policy with other armed groups, offering amnesty in return for integration and peace. The hope was to establish a more unified environment in advance of the 2011 referendum on self-determination.<sup>20</sup> The result was mixed, as “[w]hile [the policy] ended numerous insurgencies, many senior SPLA officers believed it encouraged armed rebellion and that absorbing and giving senior ranks to possibly disloyal elements with doubtful military capabilities undermined the army.”<sup>21</sup> It also altered the ethnic composition of the SPLA<sup>22</sup> and bloated both the rank and file and officer class, resulting in, by the time of the 2013 conflict, an army of around 200,000 soldiers, including more than 700 generals, and a “defense budget constitu[ting] 40% of the national budget[,] of which 80% reportedly goes to salaries.”<sup>23</sup>

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11 See AU COI report, para. 42; ICG, *South Sudan: A Civil War by Any Other Name*, pp. 5-6.

12 Human Rights Watch, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, June 1994, <https://www.hrw.org/reports/pdfs/s/sudan/sudan946.pdf>. In particular, Human Rights Watch reported: “Among the violations of the rules of war committed by the two SPLA factions are indiscriminate attacks on civilians living in the territory of the other SPLA faction; summary executions and disappearances; torture... pillage of civilian assets (cattle and grain) and destruction of civilian property (the burning of houses) in the opposing faction’s territory; taking food from civilians by force; capturing civilians, principally women and children, from the territory of the other faction; and denying unaccompanied minors the opportunity to be voluntarily reunited with their families.” *Ibid.*, p. 122. Many of these violations were replicated—at perhaps an even more extreme level—during the conflict that began in December 2013.

13 See AU COI report, paras. 857, 886; ICG, *South Sudan: A Civil War by Any Other Name*, p. 5; “South Sudan VP confirms apology for Bor Massacre,” *Sudan Tribune*, April 3, 2012, <http://www.sudantribune.com/spip.php?article42124>.

14 See, e.g., AU COI report, para. 42.

15 Jok & Hutchinson, “Sudan’s Prolonged Second Civil War”, p. 131.

16 *Ibid.*, p. 134.

17 *Ibid.*, p. 132.

18 ICG, *South Sudan: A Civil War by Any Other Name*, pp. 5-6 (noting in particular the exclusion of the South Sudan Defense Forces from the CPA); AU COI report, para. 104.

19 See ICG, *South Sudan: A Civil War by Any Other Name*, p. 6; John Young, *The South Sudan Defence Forces in the Wake of the Juba Declaration* (Small Arms Survey HSBA Working Paper 1: November 2006), <http://www.smallarmssurveysudan.org/fileadmin/docs/working-papers/HSBA-WP-01-SSDF.pdf>; James Gatdet Dak, “UN airlifts General Matip’s forces to Juba,” *Sudan Tribune*, October 18, 2009, <http://www.sudantribune.com/spip.php?article32830>.

20 ICG, *South Sudan: A Civil War by Any Other Name*, p. 6.

21 *Ibid.*, p. 6. See also AU COI report, para. 182 (“While this [policy] was laudable in the sense that it succeeded in reducing and neutralizing actors such as SSDF that could destabilize the country, it created a disjointed army, one that many have described as ‘a collection of militias,’ as many of those absorbed have never submitted to central command and control.”).

22 ICG, *South Sudan: A Civil War by Any Other Name*, p. 6. As a result of the Nuer comprising an increasingly large percentage of the military, President Kiir began to stack certain specialized units, and in particular the Presidential Guard, with Dinka loyal to him; and to concentrate greater powers in these units. *Ibid.*, pp. 6-7.

23 AU COI report, paras. 189, 1018.

With a focus on ending the internal fighting and establishing a secure environment for a referendum vote that would grant southern independence, larger institutional reforms of both military and civilian institutions were sidelined. First, the political SPLM and military SPLA remained inextricably linked,<sup>24</sup> to the extent that one observer opined, “Most countries have a military. In South Sudan, the military has a country.”<sup>25</sup> Second, although certain donors spent considerable money on security sector reform and transforming the SPLA into a professional military, by 2013 it remained—in part because of the repeated integration of groups with questionable discipline and with loyalty to specific commanders, rather than the country—something of a mishmash of disparate armed groups.<sup>26</sup> A person involved training the SPLA noted, in late 2010:

*On paper... the army transformed from a guerilla force to a conventional army in a matter of months. Yet with insufficient resources, underdeveloped administrative processes, a lack of understanding of conventional military theories among the majority of officers, and limited training and discipline in parts of the army, it has faced significant transformation challenges ever since.*<sup>27</sup>

Third, there had been scant recognition of, much less accountability for, the harm that armed actors caused civilians throughout the SPLA split, as well as during subsequent south-south fights between the SPLA and other armed groups.<sup>28</sup> This allowed individual and communal resentments to fester and also sent a clear message that killing and terrorizing civilians was considered a legitimate part of the war-making effort. Fourth, and finally, the post-CPA period saw, as noted by the African Union Commission of Inquiry, “inadequate attention... paid to building democratic institutions,” including strong governance and rule of law mechanisms; as political conflict spiraled in 2013, there was therefore an “inability of institutions to mediate and resolve conflicts.”<sup>29</sup>

## The results have been devastating, and civilians have paid the heaviest price...

As a political fight in Juba mushroomed into an internal armed conflict that quickly encompassed a significant part of the country, the consequences of the country’s weak institutions and unresolved grievances were laid bare. The results have been devastating, and civilians have paid the heaviest price, with tens of thousands killed, more than 2 million displaced either internally or across neighboring borders, and a humanitarian crisis that has left around 4 million people—more than one-third of the country’s estimated population—in a situation of severe food insecurity.<sup>30</sup>

24 Ibid., paras. 58-60.

25 CIVIC interview, location withheld, December 2015.

26 Between 2006 and 2010, for example, “[e]stimates of the cost of US-sponsored transformation initiatives” alone “range from USD 150 million to USD 300 million, with promises of more to follow.” Rands, *In Need of Review*, p. 32.

27 Rands, *In Need of Review*, p. 13.

28 The main exception in terms of acknowledgement of harm was Machar’s request for forgiveness regarding the Bor massacre. See “South Sudan VP confirms apology for Bor Massacre,” *Sudan Tribune*, April 3, 2012, <http://www.sudantribune.com/spip.php?article42124>.

29 AU COI report, para. 45.

30 OCHA, *Humanitarian Bulletin: South Sudan*, November 6, 2015, p. 1, [https://docs.unocha.org/sites/dms/SouthSudan/2015\\_SouthSudan/OCHA\\_SouthSudan\\_HumanitarianBulletin\\_\\_6\\_November15.pdf](https://docs.unocha.org/sites/dms/SouthSudan/2015_SouthSudan/OCHA_SouthSudan_HumanitarianBulletin__6_November15.pdf) (reporting 1.66 million internally displaced persons, 642,199 refugees in neighboring countries, and 3.9 million severely food-insecure people); AFP, “50,000 and not counting: South Sudan’s war dead,” November 15, 2014 (noting estimates of the number of people killed, which remain woefully imprecise, but easily encompass tens of thousands).

In late August 2015, Kiir, Machar, and a group of former political detainees signed a peace agreement, which calls for the establishment of a 30-month Transitional Government of National Unity (TGoNU) that will bring the parties to the conflict back together, oversee a constitutional reform process, and pave the way for elections.<sup>31</sup> The parties broke the ceasefire repeatedly in subsequent months and missed many of the Agreement's deadlines, but there has been some progress—including a decline in fighting and civilian harm as of mid-November.<sup>32</sup> On December 21, a team of SPLA-IO officials arrived in Juba,<sup>33</sup> leading to muted optimism that key provisions of the Agreement, including the full implementation of the ceasefire and the cantonment of the warring parties, might finally move forward. Controversy over a decision by President Kiir to establish 28 states—dissolving the 10 states that existed at independence and when the peace agreement was signed—threatened to derail the TGoNU's establishment, but the opposition announced on February 2, 2016 that it would move forward with implementation and negotiate the state issue later.<sup>34</sup>

This report seeks to capture the perspectives of civilians most affected by the recent conflict, with the goal of better understanding their experience of the conflict; their perceptions of the main security actors in the country; and their needs and expectations going forward. In addition, the report offers some preliminary insight into military perspectives on the recent conflict, including 11 SPLA officers' views on their own challenges and training needs as well as on civilian protection.<sup>35</sup> If South Sudan is to break free from the decades of south-south conflict that have undermined a sense of national identity, fueled increasingly grave communal violence, and left many people disillusioned with and mistrustful of state institutions, the government and military need to see all civilians as deserving of protection and as strategic partners in ensuring national security, rather than through the lens of politico-ethnic blocs and grievances.

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31 IGAD, *Agreement on the Resolution of the Conflict in the Republic of South Sudan* (hereinafter Peace Agreement), August 17, 2015, Chapter I. Machar will return to the vice presidency.

32 See Protection Cluster, "Protection Situation Update: Leer County, Southern Unity (October – December 2015)," December 19, 2015.

33 Reuters, "Team of South Sudan rebels in Juba to prepare for new govt," December 22, 2015, <http://af.reuters.com/article/topNews/idAFKBN0U50JH20151222>.

34 Bloomberg, "South Sudan Rebels Sustain Power-Sharing Deal After Setback," February 2, 2016, <http://www.bloomberg.com/news/articles/2016-02-02/south-sudan-rebels-push-ahead-with-power-sharing-after-setback>. For more information on the issue of 28 states, see *Report from the Chairperson of the Joint Monitoring and Evaluation Commission (JMEC) for the Agreement on the Resolution of the Conflict in the Republic of South Sudan to the African Union Peace and Security Council (PSC)*, January 29, 2016, <http://jmecsouthsudan.org/uploads/AUPSCreport.pdf>.

35 As CIVIC was only able to undertake a small sample of SPLA interviews, further research is needed.





# REBECCA

a 29-year-old woman from Panyikang  
County in Upper Nile<sup>36</sup>

I was in [my] village... in Panyikang when the [war came], and I fled to Malakal. Little did I know that Malakal was going to be even worse. When the shootings started, together with my husband and children, we hid under the bed.... The government soldiers came and were looking for Nuers; they killed all the Nuers they found. When the [armed opposition] attacked, they killed the Dinkas and other tribes.... The White Army<sup>37</sup> killed my husband in cold blood in front of me and my children. I fell down and thought they would kill me too.... I have a disabled child who is five years old. An old woman came and picked me up [off the ground] and carried my child to UNMISS.... Had it not been for that woman who rescued me with my children, I would have been killed. I [still] don't know who buried my husband.

At the UNMISS camp, the White Army cut the water supply, so that when civilians went to the river, they could kill them. They would spare other tribes, but not Dinkas. The population at the UNMISS [base] was increasing and there was no food; many women, when they didn't hear gun shots, thought it was safe to go home to grab what they left behind, in order to feed their children. Many of them never came back.

The UNMISS [POC site] in Malakal was a safe haven for me.... [UNMISS] used to patrol in their cars [before the conflict], but when the crisis became overwhelming, they all retreated to their base.... UNMISS [has been] very good, but they need to have more power to help... [to] not just receive people who make it to the base. How about those who could not reach the base?

The White Army of Riek Machar and the SPLA of Salva Kiir are both perpetrators.... When the White Army came, they asked for Dinka and from the tribal markings [they could identify you], same when the SPLA came for Nuer. You could only save yourself if you could speak the language of the perpetrator... [and] had no markings.

No one can ever report the White Army in the rebel-held areas, and no one can report the SPLA—they are above the law.... We have suffered. Even if the perpetrators are killed, our dead relatives will never come back. But we need to know [those responsible]. Then we can decide to forgive them or send them to prison. I want to know why they killed innocent civilians, why did they kill our children.... The government must recognize our suffering [and] rebuild our homes. Once [our homes are rebuilt], our children [are back in] school, we have medicine, and the guns have stopped banging in my head, I will have [what I need].

I miss my home, even though [many] people [there] were killed. I want a police that is well trained to give us protection, and the army to move far away from my village.... There should be one army, the SPLA, and not an army for Salva or Riek.... And [the soldiers] should have education. All soldiers who are illiterate must either be demobilized or taken back to school.

36 CIVIC interview, Bentiu POC, September 2015. Rebecca is not her real name.

37 When discussing the perpetrators of specific attacks, many civilians interviewed by CIVIC were unable to distinguish the White Army from the formal SPLA-IO. It is not clear which force is being referred to here. For more on the White Army, see the text box on armed groups above and Bredlid & Arensen, "Anyone who can carry a gun can go".

# DENG

## *a 75-year-old man from Bor County in Jonglei<sup>38</sup>*

The war has killed so many people from my clan, my cattle were taken, my house was burned. I am so desperate here in Mingkaman, depending on the UN for survival.

The Nuer armed group is responsible for my suffering. There was a barracks near us where they defected from and chased out the SPLA.... [After they defeated the SPLA], they targeted civilians; people who were left in the houses were killed. When the rebels were defeated by the government troops, we found my cousin, who is older than me, dead in the house. This was an old blind man who could not move and was shot in the head.

For me, I think there is no recourse because they are the power and can do what they want, but God will take care of us. I can't file a case because I am too weak to do so.

I came here to [Mingkaman IDP camp] to protect myself from the Nuer rebels.... The SPLA protected me at home and until I arrived to this place [where] I am now.... It is a good army. They saved my life.

The government and rebels should bring back peace to us and take us back to our home and [provide compensation] for everything they have destroyed.... If there is government authority that deals with criminals, then [it] should handle those who harmed us. If what is needed by law is done, I will be happy, and the people who have died will know that the law has taken its course.

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38 CIVIC interview, Mingkaman IDP camp, September 2015. Deng is not his real name.



*Image by Adriane Ohanesian*

*A Nuer home that was looted and burned on December 16, 2013 by SPLA soldiers in the Juba neighborhood of Munuki West, South Sudan, January 19, 2014.*

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## PATTERNS OF HARM

Civilians have borne the brunt of the conflict that began in December 2013, with armed actors on both sides repeatedly targeting individuals along ethnic or tribal lines.<sup>39</sup> Civilian harm typically spiked whenever an armed group advanced into territory previously controlled by the other party; after overcoming any resisting fighters, armed groups routinely treated civilians who lived under the opposing force—including unarmed men, women, and children; the elderly; and persons with physical disabilities—as equally legitimate targets. The toll has been devastating, with tens of thousands of civilians killed; widespread sexual violence used as a weapon of war; the razing of villages, schools, and grain stores; the massive theft of property, including cattle; and the displacement of more than two million people.

After the first days of the conflict, in which many Nuer were killed in Juba, civilian harm was concentrated most heavily in the towns and villages of Jonglei, Upper Nile, and Unity states. Particularly in 2015, the SPLA and its allies were disproportionately responsible for civilian harm, although this may relate more to the SPLA's military successes—as it captured considerable territory from the SPLA-IO during its offensive in mid-2015—than to a fundamental difference in the forces' conception or treatment of civilians. Rather than acknowledging harm that they have caused, both sides have, in response to reports documenting serious IHL violations, either deflected responsibility in casting blame on the other side or promised investigations that appear to have had little outcome.

Specific soldiers on both sides intervened at times to stop comrades from harming civilians, demonstrating at least some recognition of distinction and civilian protection. Such actions remained the exception, however, as the systematic targeting of civilians often appears to have been a deliberate military tactic. The scale and, at times, depravity of the violence against civilians during the conflict lays bare the need to ensure that any security sector reform emphasizes a shift in how security forces conceive of and treat civilians.

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<sup>39</sup> Throughout the report, CIVIC uses “ethnic group” to refer to the broader groupings of people in South Sudan, like the Nuer, Dinka, Shilluk, and Murle. The term “tribe” is used to describe subgroupings, such as the Lou Nuer, Jikany Nuer, and Bul Nuer.

## SPLA and Affiliated Militia Groups

***“They said that we supported the rebels, so they were going to teach us a lesson.” – 67 year-old man from Rubkona County<sup>40</sup>***

Within days of the conflict’s outbreak, the Sudanese People’s Liberation Army (SPLA) had divided into two—precipitated, in part, by the targeting of Nuer civilians in Juba by members of the SPLA and the South Sudan National Police Service (SSNPS).<sup>41</sup> The military quickly reflected the country’s politico-ethnic split. While often protecting civilians perceived as loyal to the government (for further discussion, see text box on page 43), the SPLA regularly targeted civilians seen as supporting the armed opposition—using ethnicity or tribe as a proxy for affiliation.

Particularly during its operations in Unity state, the SPLA often worked closely with specific youth militia groups, including the Bul Nuer from Mayom County. Although outside the SPLA’s formal command and control, there often appears to have been close coordination with these groups including, as described by civilians from attacked villages, through joint operations.

This section focuses on patterns of harm that civilians interviewed by CIVIC repeatedly described in talking about their experience of the conflict, and is not meant as an exhaustive list of all SPLA violations that occurred.<sup>42</sup> In particular, it examines the direct targeting of civilians, including through killings, sexual violence, and abduction; the direct targeting of civilian property, including through the destruction or looting of homes, crops, and cattle; and the use of helicopter gunships in attacks that raise concerns about distinction and proportionality.

### *Direct targeting of civilians, including killings and sexual violence*

From the opening days of the conflict, the SPLA and allied militia groups deliberately targeted civilians.<sup>43</sup> The scale of civilian harm fluctuated with the level of fighting more generally, peaking during offensives to take territory controlled by the opposition. In many instances, pro-government fighters appeared to make no effort to distinguish between civilians and combatants, targeting unarmed men, women, and children. After the initial killings in Juba, the greatest concentration of these attacks on civilians occurred in Unity state, particularly during the offensive from April to August 2015, but there were similar patterns of targeting civilians in Upper Nile and Jonglei as well.

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40 CIVIC interview, Juba POC, September 2015.

41 In 2014, Small Arms Survey’s Human Security Baseline Assessment (HSBA) noted that while “[p]recise numbers of defections [from the SPLA to SPLA-IO] are not known... informed estimates suggest that about 30 per cent of the SPLA’s fighting forces has defected, amounting to perhaps 35,000 fighters.” Small Arms Survey, “The SPLM-in-Opposition,” May 2, 2014, p. 6. It further noted that, if a similar proportion of Nuer police defected from the SSNPS, that would account for an additional 10,000 fighters. Ibid.

42 The section does not, for example, examine the recruitment and use of child soldiers or the denial of humanitarian access. For more information on the use of child soldiers, see Human Rights Watch, “*We Can Die Too: Recruitment and Use of Child Soldiers in South Sudan*,” December 2015; and Kevin Sieff, “South Sudan thought it solved its child soldier problem. It hasn’t,” *Washington Post*, November 13, 2015. For more information on the denial of humanitarian access, see, e.g., South Sudan Protection Cluster, *Protection Trends South Sudan: Report No. 6, July-September 2015*, November 2015, pp. 20-21; South Sudan Protection Cluster, *Protection Trends South Sudan: Report No. 5, April-June 2015*, July 2015, pp. 17-18.

43 For more on the violence in Juba during the outbreak of the conflict, see AU COI report, paras. 448-510, 1128; and Human Rights Watch, “South Sudan: Ethnic Targeting, Widespread Killings,” January 16, 2014, <https://www.hrw.org/news/2014/01/16/south-sudan-ethnic-targeting-widespread-killings>. CIVIC likewise interviewed victims and witnesses to the initial events in Juba, including a 33-year-old man who lost five relatives who were killed by government forces. CIVIC interviews, Juba POC, August and September 2015.

A 57-year-old church leader from Rubkona County described one such attack:

*My wife was killed in the attack in [mid-2015]. When we heard gunshots, both of us were in the field... I told her to run but she [ran] home.... [M]y oldest son was alone looking after our cows, and that is where they first attacked. They carried all types of weapons, and with them were some in army uniform.... [T]he news came that [my wife] was killed in the house. I waited for the attackers to go back to at least see the body, but she was burned inside the house. Some of the families that could not manage to run far because of children and other issues like sickness, they rested under a tree, and when the attackers came, they fired on them and killed them.... If the issue is political, it should end with the politicians, but not with innocent people like us.<sup>44</sup>*

A 50-year-old woman from Panyijar County likewise recounted the killing of three of her children: “In the recent attack, three of my sons were killed. One died on the front line, while protecting our livestock from the enemy, another was crushed by the war tank in my presence, and another was killed on our way to hide in the bush.”<sup>45</sup> The woman said that many of the attackers were Bul Nuer youth from Mayom County, accompanied by uniformed men who she believed were SPLA soldiers.

Civilians described how, at times, the SPLA targeted men for killing and then raped or abducted many of the woman and girls from the village. “I was together with my father-in-law. An SPLA soldier asked him, ‘Where is your gun, where is your group,’ and he said, ‘I am a civilian, a cattle keeper.’ They just shot him,” recounted a 29-year-old woman from Leer County. “[The SPLA] also arrested me and my sister. I had just given birth, [so they didn’t rape me]. But they beat me.... Some of the other girls who were taken were not so lucky. They are still being held [by the SPLA].”<sup>46</sup>

A survivor of sexual violence described what happened to those who fought back: “I arrived [to Bentiu POC] two days ago from Leer [County].... People wearing the uniforms of SPLA soldiers came to my village. They were asking where the men were, and raping the women.... One of my sisters was killed because she refused to be raped.”<sup>47</sup>

Sexual violence frequently accompanied attacks led both by individuals in SPLA uniforms, as described in the testimonies above, as well as by militia groups supporting government forces. Fighters often carried out gang rapes, targeting every woman who was discovered. A 24-year-old woman from Leer County told CIVIC:

*When the attackers came to our village, my husband ran for his life, leaving me and our children behind.... I am disabled and have a two-year-old child, so I could not run, and there was no one to help me carry [that child] and the newborn baby. I found myself hiding in a tukul [hut] some distance from my house. I was joined there by 12 other women who... could not run. After the Bul Nuer... found [us], the raping began.<sup>48</sup>*

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44 CIVIC interview, Bentiu POC, September 2015.

45 CIVIC interview, Bentiu POC, September 2015.

46 CIVIC interview, Bentiu POC, August 2015. A 25-year-old woman from Leer County recounted similarly: “The group that attacked [my village] was mostly in civilian [clothes]. After they defeated our youth... they continued killing civilians—women, children, and even elderly people. I was beaten when they found out they couldn’t rape me. I was bleeding, as I had just given birth. They set my house on fire, and they raped almost all of the women who were with me. They also took our cows and goats.” CIVIC interview, Bentiu POC, September 2015.

47 CIVIC interview with 27-year-old woman, Bentiu POC, August 2015.

48 CIVIC interview, Bentiu POC, September 2015. A 38-year-old woman from Rubkona County likewise described: “We were attacked as we were busy with farm work, clearing and cultivating. There was no fighting nearby, only civilians. My compound was set on fire, and my property looted. Life has become hard [for me], because if they [caught you] and did not kill you, they gang raped you.” CIVIC interview, Bentiu POC, September 2015.

Women in Malakal POC likewise described sexual violence and abductions when the town changed hands between April and July 2015, including of women who left the UN camp to gather firewood in the surrounding area.<sup>49</sup> A representative of an international organization working with survivors of sexual violence said it was “endemic” during that period, with many cases involving SPLA soldiers.<sup>50</sup>

## Several civilians said the attackers expressed clear motives when targeting civilians for killings and sexual violence.

Several civilians said the attackers expressed clear motives when targeting civilians for killings and sexual violence. A 38-year-old woman from Rubkona County described, “They told us as we were being attacked that whoever supported [Riek Machar] would be killed.”<sup>51</sup> A 32-year-old man from Leer County recalled similarly: “The Bul Nuer youth from Mayom along with the [military] attacked with both land and marine force. Some spoke in Nuer, some in Dinka. They said, ‘Anyone who stands with the [opposition] must feel the pain of the rebellion.’”<sup>52</sup>

Dozens of other civilian interviews undertaken by CIVIC, as well as similar reports from the African Union Commission of Inquiry, the UN, and other organizations, demonstrate that members of the SPLA consistently targeted civilians directly throughout the conflict.<sup>53</sup> A South Sudanese academic explained that, to many within the military, targeting civilians was seen as a legitimate strategic tactic to help win the conflict:

*The distinction between combatants and civilians has been blurred. They see the entire civilian population [in opposition-controlled areas] as sympathizers with the opposition. If you stayed there, you are either part of the [SPLA-IO], or you support them, and so you are [treated as] a target. Men and boys are seen as combatants or potential combatants. Women are seen as spies or supporting the war effort.*<sup>54</sup>

Despite the pervasive nature of civilian targeting, some members of the SPLA refused to go along, at least against certain vulnerable groups. A 40-year-old man from Guit County told CIVIC that while “some of [the soldiers]... just killed whoever they came across... [others] would sympathize with the elderly people and children and leave them.”<sup>55</sup> A 50-year-old woman from Nhialdew, near Bentiu, recounted how several soldiers had intervened on her behalf:

*There was fighting in [Bentiu], but we stayed in our village because we thought it was government fighting the opposition, and the civilians were not involved. But then the armed men [some in uniform, some from the Bul Nuer militia] came to our homes and fired at everyone. A group found [me and my children] where we were hiding together with our dog. They wanted to fire on us, but some of them said, ‘Let us leave them, we did not come to kill women or children.’ Another one said, ‘We are not going to kill you, but make sure you treat that dog very well, because it is this dog that is going to be your husband after we finish all the men in this village.’*<sup>56</sup>

49 CIVIC interviews, Malakal POC, October 2015.

50 CIVIC interview, Malakal POC, October 2015.

51 CIVIC interview, Bentiu POC, September 2015.

52 CIVIC interview, Bentiu POC, September 2015.

53 CIVIC interviews, Juba, Bentiu, and Malakal, August-October 2015; AU COI report, paras. 790-92, 796-97, 809-817 (concluding that war crimes and likely crimes against humanity were committed); Human Rights Watch, “They Burned It All”: Destruction of Villages, Killings, and Sexual Violence in Unity State, South Sudan, July 2015; Small Arms Survey, “The Conflict in Unity State,” July 3, 2015, <http://goo.gl/6A7Oba>; Amnesty International, *Nowhere Safe: Civilians under attack in South Sudan*, May 2014; UNMISS, *Flash Human Rights Report on the Escalation of Fighting in Greater Upper Nile: April/May 2015*, June 29, 2015, <http://unmiss.unmissions.org/Default.aspx?tabid=5805>.

54 CIVIC interview, Juba, August 2015.

55 CIVIC interview, Bentiu POC, September 2015.

56 CIVIC interview, Bentiu POC, September 2015.



A 27-year-old man from Koch County, who was unable to walk as a result of a physical disability from birth, likewise recalled how pro-government fighters argued over his fate:

*When we were attacked, I let my wife and child run and stayed behind [because of my disability]. I just hid myself in some bushes close to my home. The first group of attackers, which chased and killed people, did not see me. The second group found me, and the arguments started between them—some wanted to kill me and others said, ‘What will be the pride of killing someone like this, let’s just leave him and go to look for others.’ They decided to leave me, but one of them said, ‘We will get you on our way back, since you’re going nowhere.’... [I]t was getting late in the evening. I began to crawl throughout the night toward the [POC site in Bentiu]. It took me three days and nights before I got to my family there. My knees were bleeding and turned to wounds [that lasted] a month. All my property and livestock were looted, and my house was set on fire.<sup>57</sup>*

As the country attempts to move past the conflict and implement the peace agreement, the SPLA leadership should support and promote those within the military who have demonstrated a commitment to shielding civilians from harm. Even in the above cases, however, many of those who intervened to protect women, the elderly, and a person with a physical disability appeared to view men and boys of fighting age as legitimate targets—even if they were not armed or actively involved in combat. The government and military will need to undertake considerable efforts to promote civilian protection and core concepts of international humanitarian law, including distinction.<sup>58</sup>

### *Scorched earth tactics, forced displacement*

***“All my property was looted, my house was set on fire, and my plantation was cut down in the field, but we thank God that me and my family are safe from physical harm.” – 46-year-old man from Rubkona County<sup>59</sup>***

Attacks by the SPLA and affiliated militia routinely involved scorched earth tactics that appear to have been designed to intimidate and terrorize civilians perceived to be feeding or otherwise helping the armed opposition.<sup>60</sup> Fighters burned down homes; stole cattle and other property; destroyed both stored and planted crops; and often looted and damaged other community buildings, including schools and health clinics. These tactics occurred most acutely in Unity state, particularly during the mid-2015 offensive, but were used to a lesser degree throughout the fighting in Greater Upper Nile. The result, which appears to have been deliberate, is that the civilian population’s ability to survive was greatly undermined, resulting in the displacement of several million South Sudanese civilians and widespread severe food insecurity.<sup>61</sup>

57 CIVIC interview, Bentiu POC, September 2015.

58 For the perspective of SPLA officers on the challenges of distinction in South Sudan as well as the importance of IHL-related training, see page 53. For civilian perspectives on the importance of military training and professionalism, see page 63.

59 CIVIC interview, Bentiu POC, September 2015.

60 Due to the SPLA’s inability or unwillingness, at times, to engage SPLA-IO forces directly—related, in part, to guerrilla tactics the SPLA-IO adopted when it lost the upper hand militarily—the SPLA and militia allies appear to have sought to render uninhabitable areas where the SPLA-IO had influence.

61 For more on this aspect of SPLA attacks, see Human Rights Watch, “*They Burned It All*,” pp. 31-36; South Sudan Protection Cluster, *Protection Situation Update: Southern and Central Unity (April – September 2015)*, September 25, 2015 (“The Protection Cluster has also received reports of deliberate destruction of civilian infrastructure in Leer, Mayendit and Koch counties. IDPs have reported that crops were burned, livestock stolen, and tools and other supplies either taken or destroyed. In some villages, every home was burned.... These types of tactics... lead to questions about whether there was deliberate intent to impede civilian return.”).

Civilians who lived in areas under SPLA-IO control or influence as of early 2015 almost all recount similar stories of pro-government fighters razing their villages during the offensive in Unity state. “All my property was taken... my home was set on fire, [and] all my livestock looted,” said a 25-year-old church leader from Rubkona County. “[T]hey [also] cut down the crops in the fields before they were ready for harvest,” putting people at risk of starvation if they remained in their village.<sup>62</sup> A 21-year-old woman from Mayendit County likewise told CIVIC:

*Our livestock were all taken, a brother of mine was killed, and our house was set on fire. They then followed us to the swampy areas where we ran to hide. Everything is gone, and I have no hope back home.... They were [soldiers] in uniform and some [militia fighters] in civilian clothes. They had big weapons... and they brought women with them to carry the [looted] property.... We did not have enough youth to fight them, we only had boys who were looking after cows.<sup>63</sup>*

Several people from other areas in Unity state also described women or children being brought to carry stolen property, demonstrating the premeditated nature of these attacks.

Without shelter, foodstuffs, or livestock, people had no choice but to leave their villages. Many of them fled first to the swamps, where they often survived on water lilies. Around 120,000 people fled ultimately to Bentiu POC, including a 33-year-old woman from Leer County who described the impact of the pro-government fighters’ tactics:

*I came to the [POC site in Bentiu] because I lost all my property, my house was set on fire, and all sources of food were no longer there. The enemy... destroyed [everything] so that people could not go back and start a new life, or prepare for the harvest of the new crops in the farms. The crops were cut down so that the few remaining people would die of hunger.<sup>64</sup>*

In addition to destroying or stealing people’s personal or family property, pro-government fighters looted and damaged health clinics and schools in certain villages and towns,<sup>65</sup> further undermining people’s ability to return. Between January and September 2015, for example, the Protection Cluster reported at least 69 attacks on or military use of schools and hospitals.<sup>66</sup>

Many people described direct SPLA involvement in the destruction and pillaging of civilian property. Militia affiliated with government forces, including the Bul Nuer, likewise played a prominent role, particularly in central and southern Unity.<sup>67</sup> A 34-year-old church leader from Rubkona County believed that the SPLA “used the youth militia to reveal all the routes” to villages and hiding places throughout Unity.<sup>68</sup> A 40-year-old man from Guit County likewise described the use of youth militia in the attack on his village and explained how it left communities particularly vulnerable:

*The conflict... in Guit County was terrible in a way that was unexpected. Nobody ever dreamed that children and women would be killed; all we knew was that if they came, we as men would fight back or run, but we did not expect women to face all these challenges at the hands of their fellow Nuer, it was very shocking.*

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62 CIVIC interview, Bentiu POC, September 2015.

63 CIVIC interview, Bentiu POC, September 2015.

64 CIVIC interview, Bentiu POC, September 2015.

65 CIVIC interviews, Bentiu and Malakal POC, September and October 2015. See also South Sudan *Protection Cluster, Protection Situation Update: Southern and Central Unity (April – September 2015)*, September 25, 2015, p. 2.

66 South Sudan Protection Cluster, *Protection Trends South Sudan: No. 6, July-September 2015*, November 2015, p. 10.

67 People had no trouble in identifying the militia groups, noting that they could recognize them by, among other things, their dialect. For example, a 65-year-old woman from Guit County told CIVIC, “The youth from Mayom County came with all type of weapons. I [recognized] AK47s and RPGs. I knew it was them because they spoke the dialect from that area, and for us in [Unity state], we know the difference in the way we pronounce words.... We lost our properties and our house was set on fire.” CIVIC interview, Bentiu POC, September 2015.

68 CIVIC interview, Bentiu POC, September 2015.

*We had news that Bul Nuer youth were being mobilized by the elements in the government to come and dislodge the villages so that rebels would have no place to survive under the support of the communities. We were attacked, and the men ran, leaving behind women and children. Our families fell into terrible harm.... The women and children were targeted... they set the entire village on fire, went with all the livestock. The village is now a field with nothing, not even a tree.<sup>69</sup>*

There was a strong belief that the Bul Nuer participated in these attacks in return for either direct payment or the permission to keep a portion of the spoils.<sup>70</sup> A youth from Mayom County with family members who fought with the Bul Nuer militia told CIVIC, for example, that he had “refused to fight against my people [the Nuer] for money.”<sup>71</sup>

In the short term, the destruction and pillage of civilian property by the SPLA and affiliated militia have forced civilians to flee their villages and towns throughout Greater Upper Nile. Most people in rural South Sudan live on their yearly crop yields and from their small cattle holdings.<sup>72</sup> Many of those displaced now have no home to which they can return, and, because fighters destroyed planted crops and even seeds, no way to feed themselves. As a result, a significant number of people, including in particular those who reside in the UN POC sites, will likely remain displaced until they see a credible possibility to begin rebuilding their lives.

Longer term, the looting of cattle in particular poses enormous risks in terms of inter- and intra-communal conflict. A 54-year-old man from Baliyet County in Upper Nile, echoing the feelings of many others, believed that it “will create another war,” as the scale of cattle raiding during the conflict altered the balance of resources between different tribes and ethnic groups.<sup>73</sup> Cattle is the dominant form of wealth in many areas of South Sudan, used for, among other things, dowry payments and compensation to resolve disputes.<sup>74</sup> Although cattle raiding has a long history in the country, the nature and scale of what happened during the recent conflict is fundamentally different.<sup>75</sup> At least tens of thousands of heads of cattle were taken from people living in central and southern Unity alone during the mid-2015 offensive; some of these cattle are being redistributed to people and communities that supported the government and SPLA during the conflict.<sup>76</sup> A desire for revenge is already high and will likely grow further when people return home from displacement and confront a reality in which neighboring communities now control their wealth.

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69 CIVIC interview, Bentiu POC, September 2015. In addition to youth militia from South Sudan, several civilians described the involvement of fighters from Sudan. CIVIC interviews, Bentiu POC, August and September 2015 (including a 57-year-old man from Leer County who said, “The government got tired that it could not defeat the SPLA-IO in Rubkona, Guit, Koch, Mayendit, and Leer, so it mobilized youth plus rebels [from Sudan] to attack and displace civilians and to take all their property.”).

70 CIVIC interviews, Bentiu and Juba POC, August and September 2015. The reality is likely a combination, with a particular reliance on cattle raiding and other looting. See, e.g., Small Arms Survey, “The Conflict in Unity State,” July 3, 2015; Alastair Leithead, “South Sudan’s men of dishonour,” BBC News, September 28, 2015, <http://www.bbc.com/news/world-africa-34357358>; and Hannah McNeish, “South Sudan: women and girls raped as ‘wages’ for government-allied fighters,” *The Guardian*, September 28, 2015.

71 CIVIC interview, Bentiu POC, September 2015.

72 See World Bank, “South Sudan,” <http://data.worldbank.org/country/south-sudan> (55.4% of the rural population living in poverty, defined as \$1.90 a day, as of the most recent data collection, in 2009);

73 CIVIC interview, Malakal POC, October 2015.

74 Marc Sommers & Stephanie Schwartz, *Dowry and Division Youth and State Building in South Sudan*, United States Institute of Peace Special Report No. 295, 2011; Jason Patinkin, “The Battle for Cattle: Civilians Starve as Soldiers Loot Livestock in South Sudan,” *Vice News*, August 20, 2015, <https://news.vice.com/article/the-battle-for-cattle-civilians-starve-as-soldiers-loot-livestock-in-south-sudan>; and John Burnett, “In South Sudan, Cows Are Cash and Source of Friction,” NPR, August 16, 2012, <http://www.npr.org/2012/08/16/158776225/in-south-sudan-cows-are-cash-and-source-of-friction>.

75 See Jérôme Tubiana, “Cattle-Camp Politics: Letter from Leer,” *Foreign Affairs*, July 31, 2015, <https://www.foreignaffairs.com/articles/sudan/2015-07-31/cattle-camp-politics>; and Jason Patinkin, “The Battle for Cattle,” *Vice News*.

76 CIVIC email correspondence, September 2015. See also Small Arms Survey, “The Conflict in Unity State,” July 3, 2015; “Bul-Nuer fights for govt against other Nuer communities in Unity state – report,” *Sudan Tribune*, July 5, 2015, <http://sudantribune.com/spip.php?article55604>.



*Image by Chandrima Das, Better World Campaign  
Youth move cattle near the town of Bentiu, in Unity state (November 2015).*

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## INITIAL FIGHTING LEADS TO RAMPANT ABUSES

*“We [heard] there was fighting in the village near to us between the two forces. We stayed [in our village] believing that we are civilians and nothing would happen to us. But... when they defeated the SPLA-IO, [they] then burned our houses and fired on people.” – 60-year-old woman from Panyijar County<sup>77</sup>*

In some instances in which the SPLA or allied militia groups targeted civilians, they originally engaged legitimate military objectives. Civilians frequently described fighting in the area between the SPLA on the one hand and the SPLA-IO or community self-defense groups on the other hand. After defeating the opposing force, however, the SPLA and allied militia groups chose repeatedly to attack civilian populations and buildings, failing to distinguish between legitimate and illegal targets.

“There was heavy fighting before they came to us. They first fought the... fighters of Riek, but then [the SPLA-IO] was defeated,” recounted a 68-year-old woman from Leer County. “Some of their men followed us to the swampy areas where people hid. They killed children [and] raped women.”<sup>78</sup>

A 38-year-old man from Guit County described a similar attack, while also mentioning the attackers’ expressed motives for targeting civilians after defeating the SPLA-IO:

*[The SPLA] were first engaged by the forces of SPLA-IO... and the youth of the area, who sent the alarm to the community to leave the village. But [those fighters] had to desert their position due to the overwhelming enemy forces. After that, [the SPLA and Bul Nuer attackers] ended up killing civilians and looting their property.... They kept telling us that we were supporting the rebels who had turned against the elected President of the country. That’s why we’re being shot at and killed.<sup>79</sup>*

Many civilians indicated that the SPLA-IO fled the area before the SPLA and allied militia groups arrived. Armed community self-defense groups—typically, youth protecting the community’s cattle—were therefore often the principal line of defense against an attack. As discussed in more detail on page 53, in the section “Military Views on Protection Challenges,” the SPLA was undoubtedly faced with challenges in terms of distinction—given the pervasiveness of guns in South Sudan, the fluid nature of civilian and combatant during some of the fighting, and the failure by even the formal armed opposition groups to always wear uniforms or other clear insignia.

Even given these challenges, it is indisputable that, after engaging legitimate targets, the military and its militia allies repeatedly and systematically targeted individuals and buildings that clearly maintained their civilian status. A 24-year-old woman from Leer County told CIVIC, “After the Bul Nuer defeated the [community] group fighting them, they came checking and found the twelve of us, and the raping began.”<sup>80</sup> A 33-year-old woman also from Leer County recounted likewise: “There was a group of youth who responded by fighting [when the Bul Nuer and people from Kordofan came], but they were defeated.... [W]e became the target afterwards.... [The militias] were only doing as they were [instructed]. Their only objective was to kill and loot people’s property.”<sup>81</sup>

What began as legitimate military operations therefore routinely deteriorated into attacks on civilians. The government and military need to undertake swift measures to ensure that, going forward, the concept of distinction is understood and followed, including by holding accountable soldiers who either target civilians directly for harm or destroy or loot civilian property.

77 CIVIC interview, Bentiu POC, September 2015.

78 CIVIC interview, Bentiu POC, September 2015.

79 CIVIC interview, Bentiu POC, September 2015.

80 CIVIC interview, Bentiu POC, September 2015.

81 CIVIC interview, Bentiu POC, September 2015. Human Rights Watch has reported similarly: “In southern Unity, eyewitnesses [said] that in May primarily government forces—SPLA troops in uniform—attacked towns and villages in Mayendit and Panyijar counties. They said that IO forces were present, but not in large numbers, when these attacks took place and that the government forces were engaged in hostilities with local self-styled defense forces—generally youth or men with light arms. When the government forces overpowered these defense groups, they proceeded to burn civilian property.” Human Rights Watch, “*They Burned It All*,” p. 38.

## Helicopter gunship attacks

Particularly in Upper Nile, the SPLA has at times relied on helicopter gunships in their military operations. These helicopter attacks appear to have primarily occurred in May, July, and September 2015, as the SPLA undertook a strategic offensive against areas controlled by Johnson Olony's Shilluk fighters, which merged with the SPLA-IO forces in mid-2015.<sup>82</sup>

In certain cases, the SPLA gunships appear to have engaged military targets, but failed to distinguish them adequately from civilian targets—or to have acted with sufficient proportionality, given the concentration of civilians on the ground. For example, a 62-year-old man from Fashoda County was one of two witnesses CIVIC interviewed regarding an incident in July in which SPLA helicopter gunships hit a hospital in Kodok:

*On 5 July 2015, the helicopters came... attacking Kodok in the morning, around 8 a.m. There were two helicopters that attacked. They destroyed a hospital and a home—a woman died in the house, and several more people died in the hospital. I don't know the exact number... Olony's [SPLA-IO fighters] were in Kodok at the time, but civilians were in the hospital.... The hospital was well known. There is a road that runs between the hospital and a base that the SPLA has used in the past; they know the area, so they would know [the building] is a hospital. ICRC used that hospital, but they left [as a result of the fighting].<sup>83</sup>*

A release from the International Committee of the Red Cross (ICRC), based on the accounts of personnel who had been in Kodok, described “crossfire of heavy fighting” on July 5, in which “two people—one of whom was a patient—were killed and 11 people injured. The hospital sustained material damage.”<sup>84</sup> In a video accompanying the news release, an ICRC delegate speaks in particular of “two rockets that landed close to Kodok’s hospital. They not only damaged the structure, but they also caused injury and death.”<sup>85</sup> ICRC noted that, due to the fighting, the doctors and nurses had to leave the hospital, the result of which was that “an additional 11 patients have died.”<sup>86</sup> The UN Panel of Experts likewise reported on the incident, noting that “[t]he attack involved the use of rockets fired from a helicopter. Only SPLA forces in that area have helicopters at their disposal. Therefore the Panel is almost certain the rockets were fired from an SPLA-controlled helicopter.”<sup>87</sup>

During a helicopter gunship attack in September, credible reports from people who had investigated the incident indicate that several of Olony’s forces, including an officer, were wounded, in addition to several civilians. It was unclear what steps the SPLA took to distinguish combatants from non-combatants—an effort made more difficult, as noted by one of the people who had investigated the incident, by the fact that “Olony’s forces wear a mixture of military and civilian [uniforms].”<sup>88</sup>

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82 Olony, also spelled Uliny, commands the Shilluk militia force known as the *Aguelek*. In late 2013, prior to the outbreak of the conflict, he and his then-rebel group were amnestied and integrated into the SPLA. See “South Sudan integrates former rebels into regular army,” *Sudan Tribune*, November 19, 2013, <http://www.sudantribune.com/spip.php?article49006>. For the first 18 months of the conflict, he and his forces fought with the government against the SPLA-IO, before defecting in May 2015 and quickly launching a coordinated offensive with the SPLA-IO to capture Malakal. Olony’s forces formally maintained a command independent from the SPLA-IO for the next six weeks, before merging in the beginning of July 2015. See “Johnson Olony’s forces prefer independent command in Upper Nile state,” *Sudan Tribune*, May 17, 2015, <http://www.sudantribune.com/spip.php?article55014>; “Johnson Olony’s forces declare merger with SPLM-IO,” *Sudan Tribune*, July 1, 2015, <http://www.sudantribune.com/spip.php?article55559>.

83 CIVIC interview, Malakal POC, October 2015.

84 ICRC, “South Sudan: Patients dying after fighting compels medical staff to leave hospital,” July 10, 2015, <https://www.icrc.org/en/document/south-sudan-patients-dying-after-fighting-compels-medical-staff-leave-hospital>.

85 Ibid. In the embedded video, the field delegate describes further: “At around 7:15 in the morning, last Sunday, the 5th of July, two rockets landed in very close proximity to the ICRC-supported hospital in a town called Kodok.... Eleven were wounded, and at least two were killed.... Patients had been killed within the grounds of the hospital as a result of fragments from the explosion.” Ibid.

86 ICRC, “South Sudan: Patients dying after fighting compels medical staff to leave hospital,” July 10, 2015.

87 *Interim report of the Panel of Experts on South*, August 21, 2015, Annex III, paras. 1-4.

88 CIVIC interview, Malakal POC, October 2015.

While some helicopter gunship attacks appeared to have had military objectives, civilians interviewed by CIVIC reported other incidents in which Olony's forces had recently withdrawn from the town or village. Any military objective would therefore have been limited at best, and not outweigh the risk posed to civilians on the ground. A 51-year-old man described one such attack he witnessed in Lul:

*The bombardment happened in May or June. The SPLA came by helicopters; there were two of them.... They bombed Lul and Kodok in the same day. I know at least 10 people who were injured [in Lul] and taken to the hospital. [An NGO] rescued [the wounded] and took them to Kodok... There were only civilians [in Lul] at the time, as Olony's men had just left.... They were shooting guns and pushing something out of the helicopters. I started running as soon as I heard [the shooting], so I could not see [what exactly they were firing].... [The helicopter attack] is what caused me to come to [Malakal POC], that and starvation.<sup>89</sup>*

A 47-year-old man who had fled to Wau Shilluk after already being displaced from Doleib Hill and Malakal town, described a similar attack:

*We were on the northwest side of the [Nile, opposite of Malakal]. When the helicopters came, we thought it was UNMISS. Some people were out with their cows. Women were fetching water from the river, men were coming back from cultivation. [The helicopters] just started shooting. There were three helicopters, moving at the top of the trees. Two of them were shooting, one of them was not shooting. One of them had a PKM [machine gun]—it was firing, Brrrrrm. They had rockets on both sides, [but I didn't see them fired]... I saw people being shot, but I [can't estimate how many]. We were all running, so we separated.... There is one man I know who was injured in the face.... Olony's [fighters] had already left there when [the helicopters attacked]. There were only civilians.<sup>90</sup>*

Helicopter attacks continued after the peace agreement was signed, as the SPLA sought to capture an area on the Nile's west bank.<sup>91</sup> It was unclear whether there were civilian casualties, though people who visited Wau Shilluk in September and October said the attacks, and the SPLA's subsequent control of the area, led at minimum to large-scale civilian displacement.<sup>92</sup>

**At minimum, some of the civilian harm from the helicopter gunship attacks could have been avoided.**

While some helicopter gunship attacks involved military targets and objectives, the considerable civilian harm that also occurred—including injury and death, as well as damage or destruction to civilian infrastructure—raise concerns about the SPLA's efforts to follow the principles of distinction and proportionality. At minimum, some of the civilian harm could have been avoided.

89 CIVIC interview, Malakal POC, October 2015.

90 CIVIC interview, Malakal POC, October 2015.

91 CIVIC interviews, Malakal POC, October 2015. See also Reuters, "South Sudan's government violated truce with copter attack: monitors," September 17, 2015.

92 CIVIC interviews, Malakal POC, October 2015.

## SPLA-IO and Affiliated Militia Groups

Opposition forces, including the SPLA-IO and affiliated militia groups like the White Army, likewise harmed civilians throughout the conflict. When the SPLA-IO was able to capture territory largely populated by civilians perceived as loyal to the government, they inflicted similar patterns of harm, including the direct targeting of civilians for killings, sexual violence, and abduction; deliberate attacks on religious institutions and hospitals; and the destruction or looting of civilian property. As with the SPLA, this is not an exhaustive list of the types of civilian harm for which opposition forces were responsible. The recruitment and use of child soldiers, for example, likely rose to an even greater level among some opposition forces than among pro-government forces.<sup>93</sup>

In contrast to civilians harmed by government forces, who differentiated SPLA soldiers from youth militia like the Bul Nuer, civilians harmed by opposition forces often saw no distinction between the formal SPLA-IO and groups like the White Army.<sup>94</sup> Most people referred to both as “Riek’s men” or “Riek’s army,” making it difficult to untangle direct responsibility for specific attacks. As with the SPLA and its allied militia groups, the chain of command between the formal SPLA-IO and the White Army was not always clear, though there was coordination between the two forces and at least some efforts by the SPLA-IO to recruit and integrate members of the White Army into its ranks.<sup>95</sup>

### *Direct targeting of civilians, including killings and sexual violence*

***“The conflict has killed five of my siblings. I am traumatized, I don’t feel like a human being. I am living empty handed, as everything I had is gone.... The Nuer harmed me and my sisters and brothers when [armed opposition forces] captured [areas of Jonglei].” – 28-year-old woman from Duk County<sup>96</sup>***

The SPLA-IO and affiliated groups demonstrated a pattern of targeting civilians perceived as opponents, including unarmed men, women, and children. Such harm was most acute during the early stages of the conflict, when opposition forces expanded into areas of Jonglei, Unity, and Upper Nile states that had previously been under government control. The total scale of the civilian harm that opposition forces inflicted appears to be significantly less than that committed by the SPLA and its affiliated militia, likely due in part to the fact that, over the course of the conflict, the SPLA-IO was less successful in capturing territory.<sup>97</sup> Experts who have monitored the conflict since its outbreak said there is little evidence to suggest the armed opposition forces were, on the whole, more professional or interested in minimizing the harm their operations caused to all civilians.<sup>98</sup>

93 CIVIC interviews, Juba and Malakal, August and October 2015. A person who investigated the use of child soldiers estimated that “[t]he White Army is more than 50 percent children. The IO says that they are separate, but that is probably due to the gravity of the IHL violations [the White Army is committing].” CIVIC interview, Malakal POC, October 2015. For more on child soldiers, see Human Rights Watch, “We Can Die Too,” December 2015; and Caitlin McGee, “South Sudan: 15,000 children recruited to fight,” *Al Jazeera*, December 15, 2015.

94 The main distinction drawn, specifically in Upper Nile state, was between Machar’s SPLA-IO forces and, once he left the SPLA and began fighting with the SPLA-IO in mid-2015, Johnson Olony’s SPLA-IO forces. Even there, however, civilians typically did not distinguish between Machar’s SPLA-IO forces and the White Army.

95 See Breidlid & Arensen, “Anyone who can carry a gun can go”, p. 6 (noting that although “they cooperate militarily against the government” and “some White Army leaders are given ranks in order to integrate them further [into the SPLA-IO],” the White Army still tended to fight “in parallel and under different command structures”); Small Arms Survey, *The Conflict in Upper Nile State* (Human Security Baseline Assessment: April 2015), pp. 4-5, <http://www.smallarmssurveysudan.org/fileadmin/docs/facts-figures/south-sudan/HSBA-Conflict-Upper-Nile-April-2015.pdf> (discussing SPLA-IO recruitment in Nasir of White Army forces).

96 CIVIC interview, Mingkaman IDP camp, September 2015.

97 As the conflict wore on, the SPLA also gained an increasingly greater advantage in terms of its resources and weaponry, which meant that the SPLA-IO relied more on guerilla tactics in which they attacked SPLA positions and then withdrew before the SPLA could mount a counterattack. Much of this took place in areas that had once been under SPLA-IO control, meaning that opposition forces had less and less contact with civilians from groups perceived to support the government and SPLA.

98 CIVIC interviews, Juba, August and October 2015.



In Upper Nile, where control of Malakal passed back and forth repeatedly between December 2013 and April 2014,<sup>99</sup> opposition forces “reportedly conduct[ed] house-to-house searches for people of Dinka origin believed to be loyal to the government.... In this context, gross human rights violations, such as extra-judicial killings and sexual violence, occurred.”<sup>100</sup> Surrounding areas, including villages and towns throughout Baliet County, were likewise affected, with many civilians killed.<sup>101</sup> A 61-year-old man from Baliet County described his experience to CIVIC: “When the rebels advanced toward Malakal, they were targeting civilians, even elderly and children.... When they saw a Dinka was there, they targeted them. I was able to flee, but those who could not run, died. We found their bodies when we went back [after the SPLA regained control].”<sup>102</sup>

During subsequent attacks on Malakal, and in particular when the SPLA-IO and White Army retook the town in mid-January and again in mid-February 2014, opposition forces likewise targeted members of the Shilluk community, as described in detail in Rebecca’s testimony in the text box on page 18. A representative of an international organization described how many Shilluks were caught by surprise and harmed:

*When the rebellion took over [Malakal in late 2013], they looked for Dinka [civilians].... The SPLA then pushed the rebels out. When they came back, this time they targeted anyone other than Nuer, including Shilluk.... Shilluk thought they wouldn’t have a problem [with the SPLA-IO]. But when the rebels came, many lost their lives, including the elderly and children. The Shilluk ran to either Wau Shilluk or to the [UNMISS] POC [site].*<sup>103</sup>

Two women interviewed by CIVIC in Malakal POC, including one who was present at Malakal Teaching Hospital in mid-February (see “Attacks on religious institutions, hospitals,” on page 35), described witnessing the abduction of women and girls by opposition fighters. They had not subsequently seen those abducted.<sup>104</sup> A 31-year-old survivor of sexual violence from Baliet County recounted witnessing opposition forces rape at least four other women in her village in January 2014.<sup>105</sup> The UN mission has reported similarly on abductions and sexual violence by opposition forces during this period.<sup>106</sup>

In Jonglei, opposition forces engaged in similar patterns of harm against Dinka civilians. “The conflict took the lives of my uncle’s family,” said a 20-year-old woman from Polnyang payam<sup>107</sup> in Bor County, describing an attack from January 2014. “I identified [the Nuer armed group] from the language they spoke. They were carrying all types of guns, big and small. They fought with the army [near our village] and when they defeated the army they killed [civilians], including my uncle’s family.”<sup>108</sup> A 29-year-old man from Jalle payam described a similar attack during the first weeks of the conflict:

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99 For an overview of when the town was controlled by each group, see UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, para. 151.

100 *Ibid.*, para. 155.

101 *Ibid.*, para. 176 (“As they moved through [Baliet] County, opposition forces left a path of destruction. Hundreds of civilians were reportedly killed, entire villages were destroyed, and livestock, food items, and other personal possessions were looted.”). For more information on the attacks in Baliet County, see *ibid.*, paras. 175-191.

102 CIVIC interview, Malakal POC, October 2015.

103 CIVIC interview, Malakal POC, October 2015. See also UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, para. 157 (noting a case in which “perpetrators” from the opposition forces “told [a] family that they were killing Shilluk people because the Shilluk were not supporting them.”).

104 CIVIC interviews, Malakal POC, October 2015.

105 CIVIC interview, Malakal POC, October 2015.

106 UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, paras. 256-57 (“Twenty-one incidents of conflict-related sexual violence were reported in Upper Nile State.... SPLA allegedly perpetrated six of these violations, opposition forces were implicated in nine, one incident was perpetrated by IDPs against an IDP, and in four incidents the perpetrator could not be identified.... The capture of women to use as ‘wives’ or sexual slaves was reported in Upper Nile State. For example, two incidents were confirmed of opposition soldiers capturing women and holding them for many days in a house where they were raped.”).

107 A payam is an administrative division in South Sudan, smaller than a county.

108 CIVIC interview, Mingkaman IDP camp, September 2015.

*The conflict killed my grandfather and my grandmother. It took all my livestock and [destroyed] all the houses I had.... Riek's armed group was responsible for the harm. I know them from the language they speak as they were shouting [when they attacked]. They were using pick-up vehicles, some mounted with machine guns and some carrying small arms like AK47.... In 1991, when they first came, they would leave vulnerable civilians like the elderly, [persons with mental illness] and pregnant women, but in this war they left nothing.... They killed people because they couldn't speak Nuer, meaning they are Dinka.<sup>109</sup>*

In a May 2014 report, UNMISS's Human Rights Division (HRD) "verif[ied] that approximately 525 bodies were buried in collective graves in Bor town organized by the Government. Moreover, based on HRD interviews and investigations, 2,007 seems to be a reasonable estimate for the number of casualties in Bor County" during the first months of the conflict.<sup>110</sup>

**"If you can escape, you run as soon as you hear the attack. That's how you survive..."**

Civilians from around Bor expressed some of the deepest feelings of anger and resentment, referencing that they had been targeted similarly more than two decades before, in 1991, when Machar split from Dr. Garang. A 29-year-old woman from Bor town, for example, told CIVIC that "they have killed people who are not supposed to be killed.... I can see unity with other [groups] in South Sudan, but to me, I don't want Nuer to [be around] me again."<sup>111</sup>

The targeting of civilians by opposition forces continued in Upper Nile and in neighboring counties of Jonglei during later stages of the war, whenever SPLA-IO forces briefly took territory. In mid-2015, after Olony defected from the SPLA and briefly took Malakal for the SPLA-IO, an SPLA-IO soldier climbed the berm of the UN POC site and fired deliberately into the Dinka section, killing at least one civilian, according to multiple witnesses interviewed by CIVIC.<sup>112</sup> Whereas the scale of civilian targeting was limited in places like Malakal town by the fact that they were emptied of civilians, other areas along the Upper Nile-Jonglei border remained populated. A 37-year-old man from Pigi County recounted two SPLA-IO attacks on his village:

*I came to Malakal POC this year [2015], when my village was attacked.... There were many people [in my village] who were killed, [especially] the elderly, who could not run. If you can escape, you run as soon as you hear the attack. That's how you survive.... There were two attacks [on my village]. We ran [when the rebels first came] and then returned when they left; we buried more than a dozen who had been killed. Then in May, Olony defected, and there was a big attack in June. They captured women and children and killed more people.... [It was after that attack] that I came to the POC site.<sup>113</sup>*

Opposition forces carried out similar patterns of civilian harm in Unity state.<sup>114</sup> As with the SPLA and its affiliated militia groups, opposition forces including the SPLA-IO appear to have seen civilians as legitimate, strategic targets when perceived to be loyal to the other side.

109 CIVIC interview, Mingkaman IDP camp, September 2015.

110 UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, para. 114.

111 CIVIC interview, Mingkaman IDP camp, September 2015.

112 CIVIC interviews, Malakal POC, October 2015.

113 CIVIC interview, Malakal POC, October 2015.

114 See UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, paras. 192-221, 240-49; UNMISS, *Attacks on Civilians in Bentiu & Bor April 2014*, January 9, 2015, paras. 25-75; AU COI report, paras. 577-612.

## *Attacks on religious institutions, hospitals*

At times throughout the conflict, opposition forces targeted religious institutions and hospitals—buildings that merit specific protection under the laws of armed conflict. In certain instances, opposition fighters killed or abducted civilians who were receiving treatment, or had taken refuge, in these buildings.

On February 18 and 19, 2014, as opposition forces recaptured Malakal, fighters descended on the Malakal Teaching Hospital, where many people had fled, expecting that they would be safe from the fighting. Two civilians present at the time reported that the opposition fighters ransacked the building, stealing medical equipment and medicines; and also targeted Dinka and Shilluk civilians present.<sup>115</sup> “They looked for [tribal scarring] and asked people to speak Nuer, and if you failed, you were targeted,” recalled a 42-year-old woman. “The women and elderly, they harassed and took all of their money. The men, they killed. I saw three people killed.”<sup>116</sup> UNMISS has reported that, around the same time, opposition fighters, “including the White Army,” sought out and killed Shilluk and Dinka civilians who had taken refuge in the Presbyterian Church, the St. Joseph Roman Catholic Cathedral, and the Christ the King Church in Malakal.<sup>117</sup>

In Mingkaman IDP camp, civilians referenced similar attacks on the hospital and a church in Bor, though their accounts could not be confirmed through direct witnesses.<sup>118</sup> UNMISS has reported that opposition forces may have been involved in killing people within Bor State Hospital and St. Andrew’s Episcopal Church in January 2014.<sup>119</sup>

After SPLA-IO forces took control of Bentiu on April 15, 2014, opposition fighters again targeted the town hospital, where many people had fled. They searched for, among others, Dinka officials and men from Darfur<sup>120</sup>—the latter as a result of the support the Justice and Equality Movement (JEM), a Darfuri armed opposition group, had provided to government forces. An UNMISS investigation found “reasonable grounds to believe that at least 19 civilians were killed at the Bentiu Civil Hospital.”<sup>121</sup> The same day, in one of the largest massacres of the conflict, opposition forces killed “approximately 287 civilians,” again primarily of Sudanese origin, at Kalibalek mosque in Bentiu.<sup>122</sup> UNMISS concluded there were “reasonable grounds to believe that fighters affiliated with SPLA/IO forces were the perpetrators of the attacks.... Survivors described the majority of perpetrators at the mosque as having rifles and other military-type weapons and wearing military uniforms.”<sup>123</sup>

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115 CIVIC interviews, Malakal POC, October 2015.

116 CIVIC interview, Malakal POC, October 2015. For more information on the attack, see UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, paras. 167-74.

117 UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, paras. 161-166. SPLA soldiers likewise failed to respect the protections accorded to religious buildings, with UNMISS indicating that, in January 2014, “a pastor was reportedly shot and killed by an SPLA soldier at the [Presbyterian] Church. One witness reported that on 25 January, SPLA soldiers came to the Church and asked for people of Nuer origin.” *Ibid.*, para. 162.

118 CIVIC interviews, Mingkaman IDP camp, September 2015.

119 UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, paras. 124-34.

120 UNMISS, *Attacks on Civilians in Bentiu & Bor, April 2014*, January 9, 2015, paras. 32-47.

121 *Ibid.*, para. 47.

122 *Ibid.*, paras. 48-72. See also Small Arms Survey, “Small Arms Ammunition Documented at Bentiu Mosque, May 2014,” *Arms and Ammunition Tracing Desk Report*, July 24, 2014, pp. 1-2.

123 UNMISS, *Attacks on Civilians in Bentiu & Bor, April 2014*, January 9, 2015, para. 74.

## *Destruction and looting of civilian property, including cattle*

During their offensive operations, opposition forces raided cattle and destroyed property belonging to civilians perceived to support the government. Long after civilians feel secure enough to return home, the economic consequences of these attacks will endure.

“They destroyed my *tukul* [hut] and raided all of my cattle,” recalled a 42-year-old man from Baliet County, who hid as opposition forces attacked his village in January 2014. “I have nothing left.”<sup>124</sup> A 64-year-old Dinka man interviewed by CIVIC in Malakal POC had, after initially fleeing an opposition attack, briefly returned home when the government regained control of the area: “There is only a plot of land now. My home was burned.... The rebels took all of my 61 cows.”<sup>125</sup>

Civilians in Jonglei described similar experiences. A 65-year-old woman from Bor County expressed that, without her family’s cattle, she now had no way to support or feed herself: “The war displaced me as an old woman from my village to a different place across the river Nile, which was so terrible for me. I lost my property, including my cattle, which my life depends on now, as I cannot eat hard food.”<sup>126</sup> A 27-year-old teacher from Bor town similarly described himself as “stranded,” since the “White Army” had taken “all my cattle that I was going to use for my marriage.”<sup>127</sup>

The collective result of the attacks by both the SPLA and the opposition is that towns and villages across Greater Upper Nile have been burned to the ground. UNMISS reported in May 2014 that “22 percent of [Malakal] was destroyed,” including “9,878 residential and related structures, and 204 warehouse or commercial structures.”<sup>128</sup> By October 2015, when CIVIC undertook its research in Malakal, the percentage was undoubtedly much higher; the city had become a ghost town, devoid of all but a few civilians and with grass overgrowing houses that had been leveled. A nursing school, a power station, and a soccer stadium that were set for completion just prior to the conflict had been, like the few other buildings that remained standing, ransacked thoroughly.

Many villages have somehow fared even worse, with every hut leveled, every grain store destroyed, and even schools and clinics damaged and looted. People in these areas will have to rebuild their homes and lives from the stones, dirt, and grass that remain. The task will be all the more difficult as most civilians in conflict-affected areas have likewise lost their main sources of livelihood: the cattle they own, and the crops they grow and harvest. The conflict has resulted in an enormous shift of resources, with at least tens of thousands of heads of cattle changing hands from civilians in villages and towns across Greater Upper Nile—some of who owned large herds, others of who owned a mere cow or two—to armed actors on both sides who have led cattle raids, as well as to members of the state and national political elite who have encouraged and supported the raiding. How the government responds to this issue will greatly impact whether community reconciliation moves forward, as discussed in more detail in the section “Civilian Needs and Expectations,” beginning on page 59.

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124 CIVIC interview, Malakal POC, October 2015.

125 CIVIC interview, Malakal POC, October 2015.

126 CIVIC interview, Mingkaman IDP camp, September 2015.

127 CIVIC interview, Mingkaman IDP camp, September 2015.

128 UNMISS, *Conflict in South Sudan: A Human Rights Report*, May 8, 2014, para. 153. Similarly, “[i]n Rubkona, UNOSAT determined that the majority of the town has been destroyed, primarily by fire, with a total of 3,996 burned or otherwise destroyed structures identified.” *Ibid.*, para. 229.

# SARAH

*a 56-year-old woman from  
Panyijar County in Unity<sup>129</sup>*

The youth from Mayom County... came to destroy our village, so that Nuer areas would be ground to dust. [When they came], there was fighting in the cattle camp. My son-in-law, who stayed with me since he was five years old, was killed while trying to protect the cattle from the enemy. After he was killed... I failed to run with the other people and remained in the house. [The Bul Nuer] came, found me in the house, and raped me until I collapsed. As you can see me now, I am 56 years old, and I was raped by six young men.... Most of them were young [enough to] be my children.... They entered my house with AK47s; many of them had that type of gun.... They were speaking a language that I could recognize; I spoke with them personally, as I tried to plead with them not to rape me.

The next group who came in... asked [the first attackers] how they could rape someone who could have been their mother. They were arguing and left me alone, it was in the night that I managed to recover and started to leave. Everything was taken. We had cows and goats—all were looted.... They were telling people that if you accept to be with us, we shall give you back your cows, but you have to move to Mayom, and if not, we shall kill all of you, including children.

The difference between the [war with the North], which we call the war of struggle, is that it killed mostly men, but the current war targets [everyone]. It is jealousy between brothers.... We seek protection with [UNMISS] because the people who are supposed to be called government... are the ones killing us.... I will not leave [the POC site] until the people who [attacked me] are gone.

We need support, because we lost all our belongings and have nothing to start life with. The problem will come from men who have survived. Someone whose mother, sister, or wife was raped by a group of young men will have psychological problems, and this can trigger a problem anytime. It will take them time to reconcile. Everyone in the community needs to be involved... but the question is how can [victims] be identified when it is going to be an embarrassment for them in the community?

These groups of youth from Mayom are just community youth, but with this war... and the support of the government from [name omitted], these youth were mobilized and given money and weapons... to destroy the villages and cause a lot of harm, which led to [the mass displacement when they] attacked [in 2015]. Since this group is dangerous, they should be disarmed, and their commander has to be brought to justice.

The SPLA are a national army, since the period of the struggle, but their objectives have been diverted by elements in the government to fulfill [their] tribal interests, and this is where the killings based on tribal lines have... dragged the country apart. The SPLA and IO armies have to be brought together and trained. The [military] has to be changed from a party army to a national army.

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129 CIVIC interview, Bentiu POC, September 2015. Sarah is not her real name.



*Image by Adriane Ohanesian  
Mothers watch as their children are buried in a mass grave in Bentiu (June 2014).*

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## CIVILIAN PERCEPTIONS OF SECURITY ACTORS AND THE CONFLICT

Two years of conflict waged largely against civilians has led, as one might expect, to deeply divided perceptions of the warring parties. Six months before the conflict erupted, a survey of 2,533 people from across the ten states of South Sudan found that 85 percent of the population reported having either “a lot of trust” or “some trust” in the SPLA.<sup>130</sup> Eighty-two percent of the population likewise described either very favorable or favorable views of the military—which made the SPLA the second most trusted institution in the country among the fourteen surveyed, only after respondents’ “chief/tribal leader.”<sup>131</sup> Those numbers would undoubtedly look very different today, with certain ethnic groups still viewing the SPLA as a trusted protector and other groups now seeing the SPLA as a bitter enemy. Views of the SPLA-IO, which are often projected particularly onto the leadership, are typically the mirror image of those about the SPLA—rooted in whom each side defended and targeted during the conflict.

Perceptions of the other main security actor in South Sudan, the UN peacekeeping mission (UNMISS), were generally positive—particularly among Nuer and Shilluk displaced populations. There was a more divided opinion among Dinka civilians, some of who feel the mission favored the opposition. Among all ethnic groups, however, the positive opinion was driven in part by a lack of understanding of the mission’s mandate; people overwhelmingly believed the mission was only supposed to protect those who reached the protection of civilians (POC) sites within the UN bases, meaning that little anger was directed toward the mission as a result of the challenges it has faced in projecting force into conflict-affected areas.

Finally, civilians, regardless of ethnicity, almost universally expressed a belief that this conflict involved more widespread and systematic targeting than had previous conflicts—including during the Sudanese civil wars, which led many people to compare the SPLA unfavorably to the Sudanese Armed Forces. There was also a widespread sense that there was no effective legal recourse when either the military or opposition harmed civilians, further breaking people’s trust in state institutions.

130 International Republican Institute (IRI), “Survey of South Sudan Public Opinion: April 24 to May 22, 2013,” p. 40, <http://www.iri.org/resource/iri-poll-majority-south-sudanese-believe-independence-has-made-their-lives-better>.

131 IRI, “Survey of South Sudan Public Opinion,” p. 30. The other institutions or individuals surveyed were: the police; county commissioners; the President; the judicial system; the Speaker of the Legislative Assembly; the Vice President; women politicians; respondents’ state governor; respondents’ member of parliament; respondents’ state assembly; the National Legislature; and opposition political parties.

## SPLA and Pro-Government Militia Groups

***“[The SPLA] is my opponent, because of what they did to civilians.” – 46-year-old man from Rubkona County<sup>132</sup>***

Not surprisingly, perceptions of the SPLA are deeply divided as a result of the conflict. There appears to be significant support among civilians who hail from groups, including the Dinka in Jonglei and Upper Nile, who tend to support the government and who have faced attacks by the opposition. On the other hand, there are deep grievances and feelings of betrayal among displaced Nuer and Shilluk populations, who likewise express outrage toward government-affiliated militias.

Dinka civilians interviewed by CIVIC, including in both Mingkaman and Malakal, had generally positive views of the military and the role it played during the conflict. “[The SPLA] is a good army, they protected us,” said a 27-year-old teacher from Bor town.<sup>133</sup> A 29-year-old seller from Jalle payam in Bor County expressed similarly: “The SPLA is good, because they have provided us with security at difficult times. They have maintained protection and are very vigilant [in] ensuring the safety of the civilian population.”<sup>134</sup> As discussed in more detail in the text box on page 36, many people, particularly in Mingkaman IDP camp, described specific examples of SPLA soldiers protecting them from a SPLA-IO attack or aiding their flight to an area where they would not be under imminent threat. When Dinka civilians interviewed by CIVIC did express frustration with the SPLA, it tended to be less about specific instances of civilian harm and more about the military’s role in the outbreak of conflict. For example, a 30-year-old student from Twic County said, “The war which has taken the lives of thousands was their fault for fighting [among] themselves in Juba.”<sup>135</sup>

On the other hand, Nuer and Shilluk civilians displaced in Bentiu, Malakal, and Juba POCs had overwhelmingly negative views of the SPLA. Civilians interviewed by CIVIC generally made an express link between the harm inflicted by the SPLA and their current perceptions of it, as described by a 32-year-old man from Leer County: “I fear the SPLA, they have lost all meaning of what a national army should be. We need a united military force that will think before turning on its citizens like flies.”<sup>136</sup> A 24-year-old woman also from Leer County expressed: “The SPLA are traitors. They are killing their own people, mostly children, the elderly, and women.”<sup>137</sup>

Civilians often described feelings of betrayal, as they had previously seen the SPLA as their protectors and liberators. A 26-year-old student from Bentiu said, “Our leaders have spoiled [the SPLA]. It was our army, we were so proud of it.”<sup>138</sup> Related, people expressed disappointment and anger that the conflict lay bare the political and ethnically divided nature of the military, as opposed to being a national, neutral force. “They are not a real army,” said a 67-year-old man from Juba. “They are militia wearing army uniforms.”<sup>139</sup> A 22-year-old woman from Leer County said similarly: “[The SPLA] are just tools used by the government against us.”<sup>140</sup>

The South Sudan National Police Service (SSNPS) received more mixed opinions, even among Nuer and Shilluk interviewees. A 24-year-old woman from Leer County told CIVIC, “The [police] are not bad, only this war has removed all the trust in the hearts of citizens and planted the seed of tribalism. If a policeman is a Dinka, I will just fear that he may not handle my case properly.”<sup>141</sup> After saying the SSNPS were not among those who had targeted his village, a 30-year-old Dinka from Mayen-Abun in Jonglei still held them responsible for civilian harm: “The police have also joined hands in taking lives, because they were not protecting civilians whom they were supposed to protect.”<sup>142</sup>

132 CIVIC interview, Bentiu POC, September 2015.

133 CIVIC interview, Mingkaman IDP camp, September 2015.

134 CIVIC interview, Mingkaman IDP camp, September 2015.

135 CIVIC interview, Mingkaman IDP camp, September 2015.

136 CIVIC interview, Bentiu POC, September 2015.

137 CIVIC interview, Bentiu POC, September 2015.

138 CIVIC interview, Juba POC, August 2015.

139 CIVIC interview, Juba POC, August 2015.

140 CIVIC interview, Bentiu POC, September 2015.

141 CIVIC interview, Bentiu POC, September 2015.

142 CIVIC interview, Mingkaman IDP camp, September 2015.



For many people, particularly in Unity state, youth militia affiliated with government forces drew the sharpest and most unequivocal condemnation. “The Bul Nuer are misguided and have become like monsters, attacking innocents just because of money,” said a 70-year-old farmer from Mayendit County. “They are dangerous and destructive, [and] they need to be removed from this [state] completely.”<sup>143</sup> A 33-year-old woman from Leer County voiced similarly: “The Bul Nuer are the real betrayers. If they did not help the government, many people may not have died.”<sup>144</sup>

## The blaming of the entire Bul Nuer tribe... raises serious concerns about the potential for revenge killings.

The deep sense of betrayal felt toward Nuer militia that fought with the government led many people, like the farmer quoted above, to demand they leave Unity state permanently. A 38-year-old man from Guit County expressed: “The Bul Nuer must leave Unity state and be given land in Warrap to settle, that is all I can say since justice will not cover all... Bul Nuer people involved in the 2015 [attacks].”<sup>145</sup> Outrage is linked particularly to the large-scale looting of cattle, which has sharply tilted communal and individual wealth in Unity state. People in Bentiu POC know they will return home to no crops or cattle, which will have

immediate consequences in terms of food security as well as long-lasting repercussions on social status and marriage prospects.<sup>146</sup> A 50-year-old woman from Panyijar County described: “I don’t know what to say about the Bul Nuer. They should change states and join any of the remaining [nine] states because after the peace deal, we will not enjoy seeing them with our livestock when our children are disappearing with hunger.”<sup>147</sup>

The blaming of the entire Bul Nuer tribe, rather than youth militia members implicated in crimes, raises serious concerns about the potential for revenge killings and inter-communal violence in the future. Indeed, several people said the Bul Nuer would be driven out of Unity state by force when the timing was right.<sup>148</sup> Several Shilluk civilians made similar comments about the presence of Dinka in Upper Nile state, including a 52-year-old man who said, “I think that in the future we will say, ‘You Dinka, go to the place that you are coming from. This is not your place.’”<sup>149</sup> The centrality of land conflict and cattle raiding in many people’s anger also reflects the importance of national- and community-level dispute resolution—including compensation and post-harm assistance (discussed in more detail on page 67)—in breaking cycles of violence.

More generally, the starkly polarized perceptions of the military reflect a conflict in which whatever national identity existed previously has been broken down. Among groups that have been targeted by the SPLA or affiliated militia during the conflict, the well of support upon which the SPLA could previously draw following the CPA and independence is now empty. Many people referred to the military as their biggest enemy, and unaddressed grievances could easily lead to the emergence of armed groups that are hostile to the government and military. Rebuilding civil-military relations will take considerable time and effort, and therefore should be an immediate priority.

143 CIVIC interview, Bentiu POC, September 2015.

144 CIVIC interview, Bentiu POC, September 2015.

145 CIVIC interview, Bentiu POC, September 2015.

146 CIVIC interviews, Bentiu POC, August and September 2015. See also John Burnett, “In South Sudan, Cows Are Cash and Source of Friction,” NPR, August 16, 2012; IRIN, “South Sudan: Livestock critical to survival,” October 5, 2011, <http://www.irinnews.org/report/93894/south-sudan-livestock-critical-to-survival>; Tom Richardson, “Pastoral violence in Jonglei,” *ICE Case Study* no. 274, December 2011, <http://www1.american.edu/ted/ICE/jonglei.html>.

147 CIVIC interview, Bentiu POC, September 2015.

148 CIVIC interviews, Bentiu POC, August and September 2015.

149 CIVIC interview, Malakal POC, October 2015.

## SPLA-IO and Affiliated Militia Groups

***“They should know that we are human beings and not cause any more [harm].” – 42-year-old woman from Baidit payam in Jonglei<sup>150</sup>***

Among civilians interviewed by CIVIC, perceptions of the SPLA-IO were as polarized as those of the SPLA. Dinka civilians in Mingkaman IDP camp and in the Malakal POC site overwhelmingly viewed the SPLA-IO as a group of criminals, whereas the Nuer in the Juba, Bentiu, and Malakal POC sites described the group as their defenders. There were several notable differences between descriptions of the SPLA and SPLA-IO, however, including, among those who had experienced harm at the hands of opposition forces, less distinction of the SPLA-IO from affiliated militia groups.

Dinka civilians who, as a result of attacks by the armed opposition, had been forced to flee from Jonglei to Mingkaman expressed strongly negative opinions about the SPLA-IO. “They are the ones who are responsible for this harm,” said a 31-year-old man from Warkok. “They need to join the government and stop killing innocent people.”<sup>151</sup> A 29-year-old man from Twic County expressed similarly: “The other armed groups are criminal, especially the White Army, which always launches an attack on the Bor people. They should give their guns to the government.”<sup>152</sup>

As seen in the previous quote, many Dinka civilians interviewed in Mingkaman IDP camp and Malakal POC used SPLA-IO and White Army interchangeably, in stark contrast to Nuer civilians in Bentiu and Juba POCs who distinguished sharply between the SPLA and, for example, the Bul Nuer militia. A 57-year-old man whose village was destroyed by the armed opposition in mid-2015 told CIVIC: “We can identify those who killed people, but we don’t know who is White Army and who is SPLA-IO.”<sup>153</sup>

In addition, when respondents expressed anger toward the SPLA-IO, they more often directed it at a specific person than did respondents who had been harmed by the SPLA. A 65-year-old woman from Mathiang village in Jonglei said, in words similar to many others: “The rest of the communities will forge their reconciliation, but I and Riek will not reconcile, because he has displaced me for the second time in two decades.”<sup>154</sup>

In contrast, Nuer civilians interviewed by CIVIC saw the SPLA-IO as their protectors. “[The SPLA-IO] are my people, they are fighting a just war to protect our children from the hands of [the enemy],” said a 24-year-old woman from Leer County. “They are right before God, they will be rewarded for reacting at the right time to reduce the [number of] victims killed.”<sup>155</sup> A 32-year-old church leader from Rubkona County expressed similarly: “The SPLA was our army, but now we know who the true army is and isn’t. By defecting from the army, [the SPLA-IO] became rebels in the eyes of the government, but for us, they are rescuers and defenders of innocent people.”<sup>156</sup>

As with the SPLA, those associated with the SPLA-IO—particularly its leadership—will face considerable challenges in rebuilding confidence among populations that they have harmed, including through displacement. Public recognition of that harm, as well as support for some form of monetary or in-kind assistance to help address it, will be critical if the peace process and reconciliation are to move forward.

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150 CIVIC interview, Mingkaman IDP camp, September 2015.

151 CIVIC interview, Mingkaman IDP camp, September 2015.

152 CIVIC interview, Mingkaman IDP camp, September 2015.

153 CIVIC interview, Malakal POC, October 2015.

154 CIVIC interview, Mingkaman IDP camp, September 2015.

155 CIVIC interview, Bentiu POC, September 2015.

156 CIVIC interview, Bentiu POC, September 2015.

## PROTECTION BY ARMED GROUPS ALONG ETHNIC LINES

The dominant narrative of the crisis has understandably been about the widespread and deliberate targeting of civilians by all sides. Yet, both the SPLA and the SPLA-IO have also demonstrated, in specific contexts, a willingness to protect civilians from harm—namely, when their perceived supporters were under attack by the opposing side.

Civilians interviewed in Mingkaman IDP camp, for example, overwhelmingly said that, when the SPLA-IO attacked their towns and villages in Jonglei, the SPLA helped them flee and cross the Nile to safety. “At first I was hiding in the bush, and the SPLA came and helped us to cross the river to Mingkaman,” said a 42-year-old woman from Makol Cuei village. “They fought the rebels until we reached our hiding places and provided us with boats to flee to Mingkaman.”<sup>157</sup> Four other civilians interviewed by CIVIC specifically mentioned SPLA soldiers providing them with boats to cross the Nile to safety.<sup>158</sup> A 28-year-old woman from Duk County recounted similarly: “If there was no SPLA, I would have been [caught] by the rebels.... It is a good army. If they find us in trouble, they always help us, they helped me reach the [Mingkaman IDP camp].”<sup>159</sup>

Although some civilians who fled violence by the SPLA or affiliated militia groups expressed frustration with how the SPLA-IO at times disappeared in the face of an attack, most described at least some efforts by the SPLA-IO to protect them from harm. A 21-year-old woman from Mayendit County told CIVIC, for example: “The SPLA-IO tried to help us after we [fled from our village], but they failed to rescue us because the attackers [were better equipped] and had reinforcements.”<sup>160</sup> The overwhelming majority of Nuer interviewees from areas that at one stage had been held by the opposition also indicated that they had felt safe in their villages so long as they were under SPLA-IO control since, as expressed by a 46-year-old man from Rubkona County, “[t]hey didn’t harm us.”<sup>161</sup>

In addition to protecting civilians perceived to support them, leaders of certain armed groups at times demonstrated a clear understanding of critical concepts from international humanitarian law. After a series of SPLA helicopter gunship attacks into Shilluk territory in September, for example, Johnson Olony said he would move his soldiers out of Wau Shilluk, so there would only be a civilian population there. As a humanitarian official in Malakal related, “The policy of Olony [now] has been to demilitarize Wau Shilluk. He’s said that if it’s attacked now, it’s a war crime.”<sup>162</sup>

These examples provide both a reason for optimism, as armed groups have a general understanding of civilian protection and at times the will to prioritize it; and, arguably, demonstrate the greatest challenge facing the military—namely that it is less a national institution than a collection of armed groups driven primarily by politico-ethnic concerns, localized grievances, and loyalty to a specific commander. Civilians who share the same grievances and objectives as an armed group are deemed to merit its protection; those on the other side are perceived as legitimate targets.<sup>163</sup> Those dynamics are not likely to change until a stronger national identity is developed within the military.

157 CIVIC interview, Mingkaman IDP camp, September 2015.

158 CIVIC interviews, Mingkaman IDP camp, September 2015.

159 CIVIC interview, Mingkaman IDP camp, September 2015.

160 CIVIC interview, Bentiu POC, September 2015.

161 CIVIC interview, Bentiu POC, September 2015.

162 CIVIC interview, Malakal POC, October 2015.

163 This is why, for example, it is perfectly consistent for Olony both to try to protect the Shilluk civilian population by demilitarizing Wau Shilluk and to oversee fighters who attack civilians from other populations. As a Shilluk leader in Malakal POC camp told CIVIC, “Olony is not fighting for political issues, but for the land of the Shilluk. The Shilluk are one body, we [are united] in how we think about our [kingdom].... If the Dinka leave Shilluk areas... [Olony] will have no fight with them.” CIVIC interview, October 2015.



*Image by Matt Wells, Center for Civilians in Conflict  
Women returning to Bentiu POC from collecting firewood outside the camp (August 2015).*

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## United Nations Mission in South Sudan

***“UNMISS is doing a very good job, but their powers... [need to] be extended some distance out of the camp, to be able to save more lives.” – 57-year-old man from Koch County<sup>164</sup>***

Civilians interviewed by CIVIC typically had a very positive view of the UN mission, although there were differences based on ethnicity and interview location.<sup>165</sup> Moreover, there was, almost universally, a deep misunderstanding of UNMISS’s protection of civilians mandate, leading many people to ask for the mandate to be expanded to include protection responsibilities that already existed under the mandate. Few civilians understood that the challenges related to implementation, rather than the mandate itself.

When the armed conflict broke out in December 2013, tens of thousands of people ran to UN bases for protection. The mission, which had previously focused largely on supporting the South Sudanese government through capacity building, was forced to shift rapidly to protecting civilians targeted by parties to the conflict and to documenting human rights violations. In restructuring its role and in sheltering people within its bases, which came to be known as protection of civilians (POC) sites, the mission undoubtedly saved many lives; at the height of the violence in mid-2015, around 200,000 people resided across six POC sites in the country. At the same time, as a result of obstructionism by parties to the conflict, resource constraints, and a reluctance of some peacekeepers to engage more robustly, the mission often faced great challenges in projecting force and protecting civilians outside the POC sites—where more than 90 percent of the displaced population remained.<sup>166</sup>

### **There is a deep appreciation for the fact that the UN has protected people within its bases**

Particularly among the Nuer populations in Juba and Bentiu POC, as well as the Nuer and Shilluk populations in Malakal POC, there is a deep appreciation for the fact that the UN has protected people within its bases. A

21-year-old Nuer woman from Mayendit County explained, “I came to UNMISS after I realized that all doors to survival were closed. [I had] no food, no shelter, and no peace, only [gun]fire in the morning, evening, and throughout the night.... The UN peacekeepers protected me from my enemy, so they are my life.”<sup>167</sup> A 33-year-old church leader from Rubkona County said similarly, “UNMISS has done so much good. Without them, the civilians targeted by the government would not be [alive] here in the camps.”<sup>168</sup>

Among the Nuer and Shilluk communities, there was also a strong demand for the mission to continue playing a key protection role going forward. As a 70-year-old Nuer farmer from Mayendit County told CIVIC, “My life is only saved because of the UN. I hope they can remain until this issue is settled, so that they continue to keep us safe.”<sup>169</sup>

<sup>164</sup> CIVIC interview, Bentiu POC, September 2015.

<sup>165</sup> CIVIC’s findings predate the attack on Malakal POC that occurred on February 17 and 18, 2016, in which at least 18 people are reported to have been killed and a large part of the camp was burned down. SPLA soldiers were reportedly involved in the attack. See AFP, “18 dead in S. Sudan gun battles in UN base sheltering civilians,” February 18, 2016; Justin Lynch, “Nowhere To Run To in South Sudan, Nowhere to Hide, Not Even With UN,” *The Daily Beast*, February 18, 2016, <http://www.thedailybeast.com/articles/2016/02/18/nowhere-to-run-to-in-south-sudan-nowhere-to-hide-not-even-with-un.html>. The favorable views of UNMISS among Shilluk and Nuer civilians may well change as a result of this attack, depending on whether the mission is perceived as having responded inadequately.

<sup>166</sup> For more information on UNMISS’s role and challenges, see Center for Civilians in Conflict, *Within and Beyond the Gates: The Protection of Civilians by the UN Mission in South Sudan*, October 2015; Lisa Sharland & Aditi Gorur, *Revising the UN Peacekeeping Mandate in South Sudan: Maintaining Focus on the Protection of Civilians* (Australian Strategic Policy Institute & Stimson Center: December 2015), <http://stimson.org/PDFs/revising-un-peacekeeping-mandate-south-sudan.pdf>; and Refugees International, *South Sudan: A Nation Uprooted*, March 2015, <http://www.refugeesinternational.org/reports/2015/9/30/south-sudan-a-nation-uprooted>.

<sup>167</sup> CIVIC interview, Bentiu POC, September 2015.

<sup>168</sup> CIVIC interview, Bentiu POC, September 2015.

<sup>169</sup> CIVIC interview, Bentiu POC, September 2015.

At the same time, many Nuer and Shilluk civilians within the POC sites wished that the mission would play a greater role in protecting civilians outside the camps. For the most part, people believed that the limited projection of force to date was due to restrictions in UNMISS's mandate; the lack of understanding about the mission's actual mandate protected it, for the most part, from anger or blame. For example, a 50-year-old woman from Panyijar County described: "Collection of firewood [around the POC site] is a challenge, the women are facing lots of problems. We are being attacked and raped.... The security inside the base is quite good, but we want the peacekeepers to be given the mandate to protect even outside the camp if the person being tortured is a civilian."<sup>170</sup>

Most civilians interviewed by CIVIC in both Bentiu and Malakal POC said they had not seen peacekeepers patrolling in their town or village before fighting forced them to flee. Among those who had witnessed some presence, people often did not feel it had changed the protection dynamic. A 33-year-old woman from Leer County described: "Before the [SPLA offensive], we used to see [UNMISS], but after we ran to the swamps to hide, we would only see the UNMISS helicopters in the sky.... We did not feel safe [by their presence], because they did nothing every time they passed. I came to know that their mandate is the protection only inside the camp."<sup>171</sup> A 62-year-old civil servant from Malakal said similarly: "When we were in the UNMISS [POC site], they did their part excellently. [But] anyone outside the fence is... their weakest part."<sup>172</sup>

Opinion of UNMISS among the Dinka community appeared more divided, based on CIVIC's interviews in Mingkaman and Malakal. Many people still expressed appreciation for the mission's role in saving lives, but often felt its actions had been partial. A 69-year-old woman from Bor County said: "UNMISS is providing security to some civilians... and leaving some others to be killed and that is bad.... UNMISS should provide protection equally to all."<sup>173</sup> A 29-year-old man also from Bor County felt that, going forward, the mission "has to stop being biased" against the Dinka.<sup>174</sup>

These feelings of partiality appear driven primarily by the fact that the UNMISS POC sites across the country are, with the exception of Malakal, populated overwhelmingly by ethnic groups perceived to support the opposition, whereas the Mingkaman camp with a largely Dinka population is not on a UN base. There are very clear reasons for this dynamic: the government has controlled the vast majority of the country and has generally protected, rather than targeted, Dinka civilians, meaning they have not needed to flee in the same ways as Nuer or, following Olony's defection, Shilluk civilians. When Dinka civilians have been under imminent threat, such as when the SPLA-IO captured Bentiu or Malakal, UNMISS has likewise opened its gates and protected them.

Yet despite the evidence of impartiality, the UN faces strong perceptions among most Dinka civilians interviewed by CIVIC that the mission is biased against them. Several people in the Mingkaman camp demanded that the mission leave South Sudan.<sup>175</sup> Others went so far as to argue that the mission "incit[ed] Riek to fight the government"<sup>176</sup> and "host[ed] the rebels."<sup>177</sup> Feelings among Dinka civilians interviewed in Malakal POC were generally less acute, but often still reflected a belief that the mission had taken sides.<sup>178</sup> Much of this is likely driven by anti-UN rhetoric from the government, as several people in the Mingkaman IDP camp specifically mentioned anger related to UNMISS mandates being renewed without the government's consultation or approval.<sup>179</sup>

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170 CIVIC interview, Bentiu POC, September 2015.

171 CIVIC interview, Bentiu POC, September 2015.

172 CIVIC interview, Malakal POC, October 2015.

173 CIVIC interview, Mingkaman IDP camp, September 2015.

174 CIVIC interview, Mingkaman IDP camp, September 2015.

175 CIVIC interviews with 45-year-old woman from Bor town, Mingkaman IDP camp, September 2015; and with 20-year-old female student from Bor County, Mingkaman IDP camp, September 2015.

176 CIVIC interview with 29-year-old woman from Bor town, Mingkaman IDP camp, September 2015.

177 CIVIC interview 28-year-old woman from Twic East County, Mingkaman IDP camp, September 2015.

178 CIVIC interviews, Malakal POC, October 2015.

179 CIVIC interviews, Mingkaman IDP camp, September 2015.

Several people in Mingkaman also referenced the civilians killed during the attack on Bor POC in April 2014.<sup>180</sup> The victims in that incident were primarily Nuer civilians—attacked by Dinka armed youth with tacit support from certain security force personnel—showing that allegations of partiality or ineffective protection were not solely rooted in politico-ethnic dimensions, but also in events that had occurred in a specific geographic area.

With its critical role to play in the peace process and in protecting communities from both armed groups and revenge killings, UNMISS should consider prioritizing strategic communication with the Dinka community, particularly at the local level. Rebuilding trust with the community—even if any current mistrust is misplaced—is critical if the mission is to understand future protection threats, including related to inter-communal violence borne out of the recent conflict; and to help bring communities together in a reconciliation process, including through the work led by Civil Affairs.

More generally, the mission needs to better explain its mandate, which includes protection outside of the POC sites, while maintaining realistic expectations about what it can and cannot do. This will help to ensure that the goodwill it has accrued during the recent conflict as a result of protecting people inside the POC sites can be channeled toward improved intelligence gathering, early warning systems, and protection in high-risk areas around the country.

## Comparisons to Conflict in the 1980s and 1990s

***“The war [with Khartoum] was better because it had an objective to the fighting. It was for independence. Even then, the [Sudanese Armed Forces] did not torture the civilian population [like this], we have never experienced this type of harm before.” – 60-year-old female church leader from Panyijar County<sup>181</sup>***

Across different age groups, ethnicities, and geographic locations, civilians interviewed by CIVIC overwhelmingly felt the conflict involved more systematic and ruthless targeting of civilians than had Sudan’s second civil war (1983-2005). While contemporary writings may call that assertion into question, the perception itself is relevant, as it demonstrates, in addition to the inherent power of more recent events, the deep grievances and cleavages the country now faces.

Civilians interviewed by CIVIC articulated three main differences between this and prior conflicts. First, many people expressed that categories of civilians that armed groups had not previously targeted, or targeted only on occasion, were now targeted routinely. A 65-year-old woman from Mathiang, near Bor, said: “Those [previous] wars didn’t kill innocent civilians, like children, the elderly, [persons with mental illness], and pregnant women, but it happens in this war.”<sup>182</sup> A 40-year-old man from Guit County expressed similarly: “Although some [civilians were targeted] and threatened by the Khartoum government to show where the SPLA put up its bases inside communities, it was not to the point of killing vulnerable groups like what is happening now.”<sup>183</sup>

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180 CIVIC interviews, Mingkaman IDP camp, September 2015. For more information on the attack, see UNMISS, *Attacks on Civilians in Bentiu & Bor April 2014*, January 9, 2015, paras. 82-117.

181 CIVIC interview, Bentiu POC, September 2015.

182 CIVIC interview, Mingkaman IDP camp, September 2015.

183 CIVIC interview, Bentiu POC, September 2015.

Second, particularly among the Nuer population from Unity state, interviewed in both the Bentiu and Juba POC sites, there was a widely expressed belief that the recent conflict reached places that the Sudanese civil wars had not, meaning that previously successful self-protection mechanisms—such as fleeing into the swamps—no longer helped. A 70-year-old man from Mayendit County described: “With the earlier wars, the fighting was [primarily] in town; the villages were free from the attacks. People maintained their lives in the villages, although the country was at war. That is how we were able to supply the SPLA with food and other [necessities].”<sup>184</sup> Several people believed that the recent conflict moved to small villages and even the swamps because of the greater instrumentalization of youth militia, who “know all the corners of the bush where people go to hide.”<sup>185</sup> A 68-year-old woman from Leer County said likewise: “The current war has caused more and unexpected suffering.... This is because the Bul Nuer youth understand us better, and were... [given license] to kill [or steal] anything they saw or liked.”<sup>186</sup> The SPLA’s acquisition of amphibious vehicles likely played a critical role as well.<sup>187</sup>

Third, many people contrasted what they perceived to be the necessity of the fight for independence from Sudan with what they perceived now to be a needless power struggle in Juba which “involved civilians as the main target to achieve political goals.”<sup>188</sup> Related, the fact that “this war is a war of brother and brother,” as expressed by a woman from Bor town,<sup>189</sup> meant that many people felt it was more personal and therefore had brought about more long-lasting psychosocial and communal consequences.

## Many people felt [this conflict]... had brought about more long-lasting psychosocial and communal consequences.

As a result of these perceived differences, many people interviewed by CIVIC believed the warring parties in the recent conflict had treated the civilian population worse than had the Sudanese Armed Forces (SAF). A 62-year-old man from Fashoda County said, “This conflict is worse than [the war with the North]. The Arabs, who were

our enemies, didn’t do this. The number of people killed [by armed groups during this conflict] is more than 10 times what were killed by the Arabs.”<sup>190</sup> A 32-year-old man from Leer County expressed similarly, “The Arabs, who are the real enemy, did not kill and burn people inside their houses and cut down crops before harvesting, as is happening now.”<sup>191</sup>

CIVIC’s qualitative findings on civilian perceptions about the scale of atrocities committed during different conflicts are also supported by the results of recent quantitative surveys carried out by the South Sudan Law Society. Based on a survey of 1,178 people in Malakal POC, it reported, “Although the survey collected data on traumatic events throughout the respondent’s lifetime, the overwhelming majority of traumatic experiences... are associated with the ongoing conflict.”<sup>192</sup>

184 CIVIC interview, Bentiu POC, September 2015.

185 CIVIC interview, Bentiu POC, September 2015.

186 CIVIC interview, Bentiu POC, September 2015.

187 See *Interim report of the Panel of Experts on South Sudan*, August 21, 2015, para. 81 (“During the offensive in Unity State from April to June, GAZ amphibious vehicles were deployed by SPLA to pursue SPLM/A in Opposition fighters and civilians into the swamps... where civilians fleeing violence had sought refuge.”)

188 CIVIC interview with 46-year-old man from Rubkona County, Bentiu POC, September 2015.

189 CIVIC interview, Mingkaman IDP camp, September 2015.

190 CIVIC interview, Juba, October 2015.

191 CIVIC interview, Bentiu POC, September 2015.

192 South Sudan Law Society, *A War Within: Perceptions of Truth, Justice, Reconciliation and Healing in Malakal POC*, December 2015, p. 16.



This is not to suggest the recent conflict actually has been worse for civilians in South Sudan, but rather that it appears to be widely considered as more traumatic. Contemporary human rights reporting in the early 1990s describe widespread abuses by Sudanese forces, including:

*Indiscriminate aerial bombardment of southern population centers; scorched earth tactics against villages around garrison towns... killing civilians, pillage of civilian cattle and grain and burning of homes by tribal militias armed by persons and political parties aligned with the [Sudanese] government to carry on its counterinsurgency war on the cheap and to 'drain the sea' of tribes deemed supportive of the SPLA... abducting women and children; and severe restrictions on relief efforts by international and U.N. agencies.*<sup>193</sup>

Many of those tactics sound almost identical to the way that armed groups have targeted civilians during the recent conflict, as do specific victim and witness testimonies from the early 1990s.<sup>194</sup> But regardless of whether warfare ethics have in fact deteriorated significantly during the recent conflict, the perception that they have is meaningful in at least two critical ways. First, the perception that the SPLA, considered by many in South Sudan to be their liberator, has treated the civilian population worse than did the SAF demonstrates the considerable work that the government and military will need to undertake in order to rebuild trust and cooperation with communities around the country. Second, the deep trauma and divisions will make community-level reconciliation all the more difficult—and also all the more vital.

## Legal Recourse

***"I cannot report any armed [actor] to the police... because I am sure nobody will manage to judge him. Armed men are above the law; instead of reporting, I better run and hide." – 52-year-old woman from Pochalla County***<sup>195</sup>

Despite a strong desire for justice, as discussed in more detail on page 70, in the section "Civilian Needs and Expectations," civilians interviewed by CIVIC overwhelmingly expressed little faith in the country's justice system, particularly if the complaint was against an armed actor.

Across ethnicity and region, many civilians described a lack of understanding of how they could bring a case, even if they wanted to. A 45-year-old man in Mingkaman IDP camp told CIVIC: "There is no way to file a complaint, because where should one start, I don't know."<sup>196</sup> A 65-year-old woman from a village near Bor felt similarly: "There is no way an ordinary person like me can file a case."<sup>197</sup>

Civilians often said there was a high likelihood of retribution if they decided to file a complaint against a member of the security forces. A 39-year-old Murle woman described, "We can never report [anyone from the security forces], they will kill you. During the day, the police are police, but during the night, they tell you, I am not a policeman now."<sup>198</sup> Several people expressed that this problem is not solely linked to the conflict. "There is nowhere you can file a case [against] a man with a gun," said a 21-year-old woman from Mayendit County. "This was even before this conflict."<sup>199</sup>

193 Human Rights Watch, *Civilian Devastation: Abuses by All Parties in the War in Southern Sudan*, June 1994, pp. 2-3. See also Jok & Hutchinson, "Sudan's Prolonged Second Civil War and the Militarization of Nuer and Dinka Ethnic Identities," pp. 131-36.

194 See, e.g., Human Rights Watch, *Civilian Devastation*, p. 56 ("When they entered the town [of Yirol] in the early hours of the morning, she was in her hut... She heard firing and ran outside, where she saw random shooting. 'Anyone was shot—men, women, children,' she said. 'Some of the soldiers burned houses with people in them.' The soldiers captured many people; some were taken away, others were executed. Three of this witness's daughters and two sons were killed in the attack.... From Yirol, the Sudan Army set out, with tanks and troop carriers, to round up cattle and set fire to villages in a radius of twenty kilometers from Yirol... [The scorched earth campaign] drastically weakened the capacity of the civilian population to survive, forcing many of them to move south.")

195 CIVIC interview, Juba Mahad camp, September 2015.

196 CIVIC interview, Mingkaman IDP camp, September 2015.

197 CIVIC interview, Mingkaman IDP camp, September 2015.

198 CIVIC interview, Juba Mahad camp, September 2015.

199 CIVIC interview, Bentiu POC, September 2015.

Many Nuer civilians interviewed by CIVIC also felt there were particular challenges related to the government forces' involvement in the harm. A 50-year-old woman from Nhialdew, near Bentiu, explained: "It is the government that established the system of the police for people to report problems to, but the same government is the one killing and displacing, so who should be in charge of order? No one is ready to test the system [and bring a complaint]."<sup>200</sup> A 46-year-old man from Rubkona County said similarly: "No recourse exists, because the same government that is supposed to establish strong systems is the same [group] that is killing and causing harm to people. I will file my case to the creator, who can make a fair trial for all humankind."<sup>201</sup>

Prior to the conflict's outbreak, the SPLA made notable progress in building its military justice system, with a demonstrated capacity to investigate at least some low- to mid-ranking soldiers implicated in crimes.<sup>202</sup> Under the SPLA Act, ordinary criminal courts are to try all cases that involve civilian victims,<sup>203</sup> though that did not always occur in practice, in part because "of deficiencies in or the absence of ordinary criminal courts."<sup>204</sup> The conflict has aggravated these problems even further, as many judicial officials fled from areas in Greater Upper Nile where civilian courts did exist.

Going forward, the government, with help from international experts and donors, will need to prioritize the development and rebuilding of both justice systems, so that civilians' complaints can be heard and dealt with effectively. Protection from retribution will be critical, as will the wider dissemination of information about how people can file complaints related to armed actors. All stakeholders should rely on lessons learned from the pre-conflict period; as the American Bar Association has noted, "further progress in the [military justice system] might serve as a model and motivator for incremental improvements in the [ordinary criminal justice system]."<sup>205</sup>

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200 CIVIC interview, Bentiu POC, September 2015.

201 CIVIC interview, Bentiu POC, September 2015.

202 CIVIC interviews, Juba, August and October 2015; see also ABA Rule of Law Initiative, *Assessment of Justice, Accountability and Reconciliation Measures in South Sudan*, June 2014, pp. 7-9, [http://www.americanbar.org/content/dam/aba/directories/roli/sudan/aba\\_rolisudan\\_assessment\\_final\\_report\\_0614.authcheckdam.pdf](http://www.americanbar.org/content/dam/aba/directories/roli/sudan/aba_rolisudan_assessment_final_report_0614.authcheckdam.pdf). UNMISS had played an important role in building the capacity of military judge advocates and investigators. See UNMISS, "UNMISS contributes to transformation in SPLA military justice," September 21, 2012, <http://reliefweb.int/report/south-sudan-republic/unmiss-contributes-transformation-spla-military-justice>.

203 Government of South Sudan, *The Sudan People's Liberation Army Act, 2009* (hereinafter SPLA Act, 2009), Sec. 37(4), [http://www.mojss.org/Acts/2009/SPLA\\_Act/index.html](http://www.mojss.org/Acts/2009/SPLA_Act/index.html) ("Whenever a military personnel commits an offence against a civilian or civilian property, the civil court shall assume jurisdiction over such an offence.").

204 ABA Rule of Law Initiative, *Assessment of Justice*, p. 8.

205 *Ibid.*, p. 9.





*Image by Adriane Ohanesian  
A truck stops at the market and unloads government soldiers in Rubkona, South Sudan (July 2014).*

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## MILITARY VIEWS ON PROTECTION CHALLENGES

*“The concept of civilian protection is very contentious. Who is a civilian and who is not is [also] very contentious, when civilians are holding guns as well.” – Major in the SPLA<sup>206</sup>*

After decades of guerilla struggle with the Sudanese government as well as years of incorporating militia and opposition forces into its ranks, the SPLA faces enormous challenges in terms of its command and control, professionalism, and size. To better understand these challenges, in particular as they relate to civilian protection, CIVIC interviewed 11 members of the SPLA. The interviews were undertaken with the military’s officer class, who spoke openly about some of the macro-level difficulties the military faces as well as their priorities for security sector reform. Further research is needed to better understand the perspective of lower-ranking soldiers, particularly those in Greater Upper Nile who have been directly involved in operations that have harmed civilians.

While generally recognizing that mistakes were made and civilians were harmed during the conflict,<sup>207</sup> officers interviewed by CIVIC overwhelmingly stressed the difficulties in South Sudan in distinguishing between combatants and non-combatants. In addition, while providing concrete examples of interactive training that they had undertaken, many officers emphasized that more training was needed, both for them and, in particular, for those on the ground. Some also expressed that the military needed to better draft or disseminate its rules of engagement related to civilian protection. Finally, officers believed that inconsistent pay and inadequate equipment undermined troop morale and was a factor in potential civilian harm. Many hoped that the military leadership and foreign partners would focus on these issues in a post-conflict environment, although there were strong differences of opinion about which partners should be involved.

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206 CIVIC interview, Juba, August 2015.

207 Publicly, the SPLA has typically expressed doubt about reports documenting human rights violations, while promising investigations to determine whether their forces were responsible. See Peter Clotey, “S. Sudan Army Rejects UN Report Citing Atrocities,” Voice of America, July 5, 2015, <http://www.voanews.com/content/south-sudan-army-rejects-un-report-citing-atrocities/2850181.html>; “S. Sudan army investigating human rights abuses: spokesperson,” *Sudan Tribune*, July 23, 2015, <http://www.sudantribune.com/spip.php?article55792>.

## Distinguishing Between Combatants and Non-Combatants

As a result of the failure of many opposition forces to wear uniforms or other clear insignia as well as the ubiquitous presence of small arms in South Sudan, SPLA officers felt that distinction was a consistent challenge for soldiers on the ground. Soldiers feared understandably, in their opinion, that, in an active conflict area in which many people in civilian clothes held guns, trying to determine whether an individual was a combatant or non-combatant could often lead to the soldier's death. While such explanations shed light on potential challenges that occur when the military engages armed militia or community self-defense groups, they offer little to account for the widespread targeting of people who were clearly not participating in the hostilities.

An SPLA Colonel described how the White Army, and militia groups more generally, made distinction difficult and dangerous for soldiers on the ground:

*The White Army is 20,000 people. If you go to the field, they are wearing civilian clothes but carrying guns.... It is difficult to differentiate between civilian and non-civilian—people who you can call combatants. [For] a soldier fighting in Upper Nile, when you see someone carrying a gun, if you stop to think about whether he's a combatant or a civilian... you may become a victim.<sup>208</sup>*

An officer from the Chief of General Staff's (COGS) office expressed similarly that the "rebels do not have distinguishing uniforms and sometimes look like civilians. [A]s a result, many civilians lost their lives."<sup>209</sup> He felt that the opposition's tactics had been deliberate "to win international support," but stressed that, even given the difficulties, "there should be investigations before shooting."<sup>210</sup> In addition, the COGS officer, in an opinion echoed by several other officers interviewed by CIVIC, felt that problems with distinction during the recent conflict reflected more general challenges with "civil-military relations... and the lack of qualified officers on the ground."<sup>211</sup>

**There was a strong desire to see robust, interactive trainings in conjunction with the peace process**

A Major in the SPLA felt that a related cause of civilian harm was the establishment of military camps in "close proximity with [the] civilian population."<sup>212</sup> As noted above in the discussion on SPLA helicopter gunship attacks, Johnson Olony's SPLA-IO forces and bases were, for example, at times in the vicinity of the civilian population and buildings. This proximity of military and civilian targets—particularly when SPLA-IO combatants were often not in full or even partial military uniform—may have played a role in some incidents of civilian harm.

However, while the SPLA undeniably faced challenges of distinction in certain instances during the conflict, such challenges fail to account for the frequent and, indeed, systematic nature of its targeting of people who, upon even the most basic of efforts to determine their nature, maintained unequivocally their civilian status. This includes, as described in the "Patterns of Harm" section, above, killings, sexual violence, and abductions carried out against unarmed men, women, and children; as well as the destruction and looting of obvious civilian property.

208 CIVIC interview, Juba, August 2015.

209 CIVIC interview, Juba, December 2015. Another officer made an even stronger claim, namely that "children and women were forced to take up arms by the rebels, and sometimes they are used as a human shield in order to gain sympathy." CIVIC interview with SPLA Colonel, Juba, December 2015. CIVIC was unable to corroborate the claim.

210 CIVIC interview, Juba, December 2015.

211 CIVIC interview, Juba, December 2015.

212 CIVIC interview, Juba, December 2015.

## Lack of Training, Poor Understanding of Rules of Engagement

Military officials cited insufficient or ineffective trainings, as well as inadequate dissemination or adherence to existing rules of engagement (ROEs), as a cause of civilian harm. Most of the officials interviewed had themselves gone through trainings led by foreign militaries or international organizations, but said that many officers on the ground, as well as a substantial portion of lower-ranking soldiers, had not received even basic trainings on international humanitarian law or civilian protection. There was a strong desire to see robust, interactive trainings in conjunction with the peace process, although the interviewed officers disagreed about who should lead these trainings.

An SPLA Lieutenant, in discussing the challenges the military faces in distinguishing combatants from civilians, cited the fact that many were “untrained... they do not know the use of targets, signs, and [the] identification of non-combatants.”<sup>213</sup> An SPLA Colonel felt similarly, while identifying in particular the challenges the military has faced in incorporating a number of militia and opposition groups into its ranks:

*The SPLA as a national army has had a very heterogeneous background in terms of ideas and training. People without even basic military training were incorporated into the SPLA. We didn't succeed in transforming the army into a national, trained army. The bulk of the forces are still illiterate... The process of transformation hasn't been easy. People who were under [the command of] warlords during the war [with Sudan] were brought into the SPLA, but their loyalty remained to the warlords.*<sup>214</sup>

Related, several SPLA officers said that, among the rank and file in particular, there was inadequate understanding of the SPLA Act, the SPLA Rules and Regulations, and the specific rules of engagement related to the identification and treatment of civilians.<sup>215</sup> They often felt that the high levels of illiteracy among both officers and enlisted personnel impeded dissemination.<sup>216</sup> An officer at the army headquarters also told CIVIC that, even when the relevant rules of engagement were known, implementation remained a challenge because the conflict had engendered a “spirit of revenge and counter-revenge.... There are clear ROEs that you don't fire unless the people attacking you are armed. We know how to avoid civilians, but when conflict continues for a long time, it's not easy to avoid a loss of civilians.”<sup>217</sup>

Among the officers CIVIC interviewed, the desire for trainings—both for themselves and for lower-ranking soldiers—was high. Many of them reported having gone through and benefited from interactive and practical exercises, including on military tactics, command operations, and the laws of armed conflict.<sup>218</sup> In addition to SPLA training centers, the officers cited trainings sponsored or led by the United States, the ICRC, the Uganda Junior Staff College, and the Ethiopian military.<sup>219</sup> They yearned for additional trainings for themselves, to continue their professional development, but stressed in particular the need to involve lower-ranking soldiers.<sup>220</sup> “We need to conduct more workshops with NCOs [non-commissioned officers], more IHL courses,” said an SPLA Colonel. “We also need to reach [the rank and file]. We do not exhaust these areas of training.”<sup>221</sup>

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213 CIVIC interview, Juba, December 2015.

214 CIVIC interview, Juba, August 2015.

215 For more on these laws and the environment in which they were passed, see Rands, *In Need of Review*, pp. 29-31; Government of South Sudan, *SPLA Act*, 2009.

216 CIVIC interviews, Juba, August and December 2015.

217 CIVIC interview, Juba, August 2015.

218 CIVIC interviews, Juba, August and December 2015.

219 CIVIC interviews, Juba, August and December 2015.

220 A previous assessment of the SPLA, by someone who had been involved in professionalization efforts, described a similar desire for trainings. Rands, *In Need of Review*, p. 26 (“The SPLA's appetite for training is extremely strong, however; indeed, their response to hard training and effective leadership is remarkable given that few have ever received formal training (in first-world army terms). Indeed, leadership and instructor training remains the highest priority for the SPLA, with a requirement to train officers and non-commissioned officers (NCOs) of all ranks in rudimentary skills, drills, and processes.”).

221 CIVIC interview, Juba, August 2015. In response to a question about the biggest priority for the military, an officer from the SPLA Administration unit similarly pointed to the army's need for “lots of trainings.” CIVIC interview, Juba, December 2015.

Officers interviewed by CIVIC disagreed, however, about whom they would like to see involved in security sector reform. A majority expressed an interest in, as said by one SPLA Lieutenant, any “persons with wider military and international experiences,” including the United States, the United Kingdom, other Western militaries, and African militaries.<sup>222</sup> Others, however, rejected the involvement of the US, UK, and UN; an officer interviewed from the SPLA Research unit said, for example, that security sector reform involvement “must only be limited to AU and IGAD, because these institutions may understand the local context.”<sup>223</sup>

Understanding the local context will indeed be critical in developing interactive trainings that contribute to the SPLA’s professionalization, as will learning from previous security sector reform efforts in South Sudan. The US and UK were heavily involved in supporting SPLA transformation efforts following the signing of the CPA,<sup>224</sup> and, along with AU and IGAD partners, will likely have a critical role to play should South Sudan demonstrate progress in implementing the peace agreement.

## Problems with Pay and Equipment

SPLA officers often linked difficulties with payment and equipment to poor performance standards within the military. Officers cited two challenges in terms of pay: first, that pay was insufficient at almost all levels; and second, that there were times when some soldiers did not receive their salaries at all.<sup>225</sup> Several officers felt these problems undermined morale and, in the worst instances, encouraged soldiers to find other ways to pay themselves.<sup>226</sup>

Several officers also complained about either the sufficiency or quality of the military’s equipment.<sup>227</sup> Small Arms Survey reported similarly in 2010: “Most SPLA soldiers are poorly equipped, some without serviceable or spare uniforms or boots, and without common load-carrying equipment.”<sup>228</sup>

An SPLA Colonel also stressed that the military’s challenges are compounded by the fact that the police are weak and poorly equipped, forcing the military to respond to internal issues that should be outside their purview:

*We are overstretched. Take Rumbek, which is a Dinka area, but we can’t protect them. [Dinka are killing Dinka] in communal violence.... The Army is forced to do both internal and external protection, because the police are not well developed in terms of equipment and policies. What are 100 armed policemen in front of 20,000 armed civilians? Even we [the military] have problems.*<sup>229</sup>

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222 CIVIC interviews, Juba, August and December 2015.

223 CIVIC interview, Juba, December 2015. In response to another question, he expressed frustration with “perception of the international community, which considers the conflict as tribal, [and] the inability of the international community to understand the history behind the conflicts.”

224 Rands, *In Need of Review*, pp. 32-39.

225 CIVIC interviews, Juba, August and December 2015. The *Sudan Tribune* has reported that some soldiers deserted the SPLA as a result of failing to receive their salaries. “S. Sudan army concedes delayed payments caused desertions,” August 6, 2014, <http://www.sudantribune.com/spip.php?article51939>; see also “South Sudan army investigates pocketing of army’s salaries by senior commanders,” October 12, 2015, <http://www.sudantribune.com/spip.php?article56700> (reporting on “allegations of delay in the payment of salaries for soldiers in Rumbek... resulting from misappropriation of the monies.”).

226 CIVIC interviews, Juba, December 2015.

227 CIVIC interviews, Juba, December 2015.

228 Rands, *In Need of Review*, p. 25.

229 CIVIC interview, Juba, August 2015.







*Image by Adriane Ohanesian  
UN peacekeepers patrol the abandoned town of Bentiu, South Sudan (June 2014).*

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## CIVILIAN NEEDS AND EXPECTATIONS

The conflict has been devastating for civilians in South Sudan, including through the loss of loved ones, the burning of homes and crops, and the looting of property, particularly livestock. Almost everyone, particularly in Juba and Greater Upper Nile, has been affected, and any shred of national identity has been largely ripped apart, deepening political and ethnic divisions throughout the country. Civilians interviewed by CIVIC—who overwhelmingly reside in IDP camps, including the UN POC sites—identified similar needs and expectations. These tended to fall within two general categories: first, that the government and security actors establish the security and provide the support needed for people to return home and begin rebuilding their lives; and, second, that the government, including through the reform of the security sector, create the conditions such that similar harm does not reoccur, both in the immediate and longer-term future.

In particular, respondents repeatedly cited the following priorities: protection from direct targeting by armed actors; the prompt removal of armed forces from their towns and villages; the reform of security forces, with a focus on civilian protection; the disarmament of militias; recognition of the harm caused during the conflict as well as the delivery of appropriate compensation or assistance; criminal accountability; and the provision of psychosocial counseling, to help respond to the enormous trauma that exists among both civilians and armed actors. If South Sudan is to break from its cycles of violence, these needs must be prioritized during the peace process.

## Protection, Distinction

***“The UN forces are the only neutral body to be trusted by the people to patrol around.” – 35-year-old man from Mayom County<sup>230</sup>***

The primary need voiced by the overwhelming majority of civilians interviewed by CIVIC was the establishment of the security necessary to return home and rebuild their lives. This meant, first, the end of the deliberate targeting of civilians by armed groups; and, second, the provision of better security in their towns and villages by trusted actors.

Across ethnic groups, people wanted pressure to be placed on armed actors to stop targeting civilians. A 47-year-old Shilluk man from Malakal County told CIVIC: “We need those in the international community to go to the government and say, this is not good what you are doing, who you are shooting is not the rebels, they’re civilians.”<sup>231</sup> A 20-year-old Dinka woman from Kolnyang payam said likewise: “I need peace from both the rebels... and the militias [in Jonglei] who disturb us.”<sup>232</sup> Tangible progress by the parties in distinguishing civilians from legitimate targets would, as stated by a 25-year-old woman from Leer County, allow people to begin to move past the trauma:

*Death is from God. It can be forgotten if true change prevails, but that will depend on the leaders realizing their mistakes and... bringing peace to people. If I feel a change in how these armed groups act towards civilians—if they begin to change and become human beings again—that [is what I want].<sup>233</sup>*

Among those who suffered harm at the hands of the SPLA or allied militia groups, there was, not surprisingly, little desire to see government security forces put in charge of their protection. A 38-year-old woman from Rubkona County said simply, “[W]e have lost trust in the security forces [to provide protection].”<sup>234</sup> A 60-year-old woman from Panyijar County explained similarly: “I am sure [the UN] already knows who we fear most and who is our friend in this conflict. We shall only [leave the POC site] when our village is clear and free of the enemy.”<sup>235</sup>

Most interviewees who had been displaced by government forces hoped the UN would take a more active role in protection in and around their communities. “I definitely want to go back, home is home,” said 39-year-old woman from Pibor. “UNMISS should provide security, they are the best [as] they are not tribalistic.”<sup>236</sup> A 67-year-old man from Rubkona County likewise told CIVIC:

*If I am to feel safe, I would want to continue under the protection of the UN peacekeepers.... I don’t trust the SPLA anymore after destroying my livelihood and killing some of my family. The South Sudan [National] Police Service are also good but have no power at this point to protect me.<sup>237</sup>*

In contrast to civilians displaced by government forces, Dinka interviewees in both Malakal POC and Mingkaman IDP camp, who had faced harm at the hands of the opposition forces, overwhelmingly felt that the state can and should be responsible for their security going forward. A 42-year-old woman from Makol Cuei village told CIVIC: “I need the SPLA and SPLA-IO to come together in the name of peace, so that I can return home. The SPLA will provide protection to us [going forward].”<sup>238</sup> A 34-year-old woman from Konbeek village in Jonglei likewise believed the government should be responsible ensuring their safety, but emphasized a different security force: “I need to see that there is no fighting again and [for the opposition] to accept peace in order for me to return home. The police [should] provide security.”<sup>239</sup>

230 CIVIC interview, Bentiu POC, September 2015.

231 CIVIC interview, Malakal POC, October 2015.

232 CIVIC interview, Mingkaman IDP camp, September 2015.

233 CIVIC interview, Bentiu POC, September 2015.

234 CIVIC interview, Bentiu POC, September 2015.

235 CIVIC interview, Bentiu POC, September 2015.

236 CIVIC interview, Juba Mahad camp, September 2015.

237 CIVIC interview, Juba POC, September 2015.

238 CIVIC interview, Mingkaman IDP camp, September 2015.

239 CIVIC interview, Mingkaman IDP camp, September 2015.

The peace agreement signed in August established the framework for a 5,400-person force known as the Joint Integrated Police (JIP)—to be drawn evenly from the two parties to the conflict and to be deployed in Juba, Bor, Malakal, and Bentiu.<sup>240</sup> By including both government and opposition forces, the JIP hopes to address the issues of divided trust highlighted above.<sup>241</sup> UNMISS has pledged support in capacity building, in line with its December 2015 mandate.<sup>242</sup> It is unclear how this will work in practice, however, including whether the JIP will draw exclusively from people who were in the police force before the conflict<sup>243</sup> or from the SPLA and SPLA-IO more generally; how they will be vetted, given the role of both military and police forces in human rights violations; and whether, as former belligerents, they will be able to work together in providing community security.

Moreover, even in the best case scenario, in which an inclusive and professionally trained JIP plays an important role in building confidence in the cities where it will be deployed, its mandated focus on those cities—combined with its limited personnel<sup>244</sup>—means that it will be unable to respond to the protection needs of civilians from other towns and villages throughout Greater Upper Nile.

As noted above, many civilians hope to see UNMISS fill this gap. Under UNMISS’s mandate, “the Government of South Sudan bears the primary responsibility to protect its populations,”<sup>245</sup> with the mission responsible for “protect[ing] civilians under threat of physical violence” and “deter[ring] violence against civilians... in particular when the Government of the Republic of South Sudan is unable or failing to provide such security.”<sup>246</sup> The December 2015 mandate calls specifically on the mission “to extend its presence, including through proactive deployment and patrolling, to areas of displacement, return, and resettlement, in order to foster a secure environment for the eventual safe and voluntary return of IDPs and refugees.”<sup>247</sup>

The mission has been more proactive in its deployment and patrolling in recent months, including in the establishment of an austere operating base in Leer. It can and will need to do more in coming months to establish a similar presence in other hotspots and areas of potential IDP return, and to undertake long-duration patrols and dynamic air patrols more consistently in areas that do not have a static UNMISS presence. At the same time, even if the new mandate’s increased troop and police ceilings are met, the staffing and resources of the mission make it impossible to expect it to project a consistent presence throughout Greater Upper Nile<sup>248</sup>—particularly as conflict has spread to other parts of the country, most notably the Equatorias. The mission will need to communicate clearly with people in the POC sites about what they can reasonably expect in terms of the mission’s presence and protection activities going forward, so that they can make informed decisions about the security of returning home or resettling.

More proactive UNMISS deployment and patrolling is likely to lead to at least some returns in areas where there is a consistent mission presence, but, given many civilians’ perceptions of other state security actors, it is unreasonable to expect large-scale returns in the near future to areas where those actors are principally responsible for protection or where there is a security vacuum. As a result, many people are likely to continue to see the POC sites as their best protection option.

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240 Peace Agreement, Chap. II, Sec. 5.

241 See UNMISS, “SSNPS prepares to form Joint Integrated Police Unit,” November 16, 2015 (quoting the Inspector General of Police as saying, “We want [the JIP] to secure these areas because these are the areas where there is mistrust from our civilians and this is why we want it to have a national character.”).

242 UNMISS, “SSNPS prepares to form Joint Integrated Police Unit,” November 16, 2015; UN Security Council Res. 2252, para. 8(d)(viii), December 15, 2015.

243 Even if drawn from people who were previously in the South Sudan National Police Service (SSNPS), the AU Commission of Inquiry noted that “a huge percentage of the SSNPS is constituted by former soldiers transferred by the SPLA” and is therefore often “militarized” itself, and that the overwhelming majority of police are illiterate. AU COI report, paras. 221-24.

244 There will only be 800 personnel deployed to Bor, Bentiu, and Malakal, in addition to 3,000 in Juba. Radio Miraya, “UNPOL to support Joint Integrated Police unit,” November 16, 2015, <http://radio-miraya.org/national/unpol-to-support-joint-integrated-police-unit/>.

245 UN Security Council Res. 2252, preamble, December 15, 2015.

246 *Ibid.*, para. 8 (i), (ii).

247 *Ibid.*, para. 15.

248 For more on the POC challenges faced by the UN mission, see CIVIC, *Within and Beyond the Gates*; Sharland & Gorur, *Revising the UN Peacekeeping Mandate in South Sudan*.

## Restoration of Civilian Authority, Removal of Military from Towns and Villages

***“I want all armed groups to be removed from our home area and to leave us alone to recover. We hate the sound of guns now.” – 21-year-old woman from Mayendit County<sup>249</sup>***

Civilians interviewed in the POC sites overwhelmingly demanded that armed groups leave their towns and villages, and that civilian authority be restored. Many of them described the pervasive presence of armed actors as the biggest impediment to leaving the POC site and returning home, as it would shatter any sense of safety and security.

A 70-year-old farmer from Mayendit County told CIVIC: “The two sides [need to] come together and become one. [But] they have to stay very far away from civilians, so that I can feel safe. I want all armed groups to be removed from our villages, then the reconciliation [process] will have meaning.”<sup>250</sup> A 56-year-old man from Malakal said similarly: “So long as the [SPLA] is in town [Malakal], none of us will leave [the POC site]. There is no way for us to fish, no way to get firewood outside—we are being kept here like [in prison], because we fear the army in town.”<sup>251</sup>

Many state and county-level officials fled their respective capitals during the crisis. When CIVIC was in Malakal in late October, for example, it remained in effect a garrison town, with a ubiquitous presence of the military on the streets throughout town; no police force; only an opening trickle of government officials returning from their displacement; and ravaged civilian infrastructure largely overgrown by grass as a result of 20 months of conflict. In addition to removing the military from towns and villages—and getting them back into their barracks—many people expressed a desire to see civilian officials return and civilian institutions resume their activities before trusting that the situation was secure enough to return home. A 73-year-old man from Fashoda County told CIVIC:

*People [in the POC] are talking about going back to the town. Everybody wants to go back to their home, but we cannot go if there is no security. The presence of the government and police in [Malakal] is essential. We have to see that the different parts of the police are present, that their stations are open. The court system, the state assembly, these must be present as well.... Right now, there are militias [affiliated with] the army that are on the street, and the army is everywhere in town. The army is not the government. It needs to protect our borders, not be in town.<sup>252</sup>*

An 80-year-old man from Koch County said likewise: “I will only go back [if the armed groups leave]. The army troops and militias... are still roaming in the villages. I would like to be protected by the community police, and if there is an issue, then it can be reported to the national police service.”<sup>253</sup>

The demilitarization of major towns and the cantonment of both sides’ forces—monitored closely by the Ceasefire and Transitional Security Arrangements Monitoring Mechanism (CTSAMM)<sup>254</sup>—are therefore critical in establishing an environment in which civilians feel confident enough to return home. Progress has been slow, although in early February 2016, the CTSAMM began siting cantonment locations around Juba,<sup>255</sup> where the peace agreement requires “[a]ll military forces... be redeployed outside a radius of 25km” from the capital.<sup>256</sup>

249 CIVIC interview, Bentiu POC, September 2015.

250 CIVIC interview, Bentiu POC, September 2015.

251 CIVIC interview, Malakal POC, October 2015.

252 CIVIC interview, Malakal POC, October 2015.

253 CIVIC interview, Bentiu POC, September 2015.

254 The CTSAMM, which was created under the peace agreement, is the successor to the IGAD Monitoring and Verification Mechanism (MVM), which monitored ceasefire violations during the conflict. The CTSAMM reports to the Joint Monitoring and Evaluation Commission (JMEC) and makes public its reports on the JMEC website (<http://jmecsouthsudan.org/ctsamm.php>). In addition to monitoring ceasefire violations, the CTSAMM is tasked with verifying the parties’ compliance with the transitional security arrangements, including the cantonment of forces. It is expanding to ten locations across the country, up from six when it was the MVM.” instead of “It has expanded to ten locations across the country, up from six when it was the MVM.

255 CIVIC phone interview, February 2016.

256 Peace Agreement, Chap. II, para. 5.1.

## Military Training and Professionalization

***“The rebel army and the SPLA must be joined together and get professional training. No [professional] army should divide itself on tribal lines.” – 37-year-old farmer from Upper Nile<sup>257</sup>***

Civilians interviewed by CIVIC expressed a strong desire to see the SPLA professionalized, including through trainings. They also stressed that the military needed to be a national institution that focused on defending the country’s borders, instead of getting involved in political or ethnic disputes within the country.

“The army is a very important [institution] in the country. [The problem] is that the army in South Sudan has been misused by [certain] leaders,” said a 38-year-old civil servant from Guit County, reflecting the opinion of many other interviewees. “[The SPLA] should be trained to become a professional, national army that can defend the country from external aggression.”<sup>258</sup>

Many people focused specifically on the military’s need for training related to the treatment of civilians. A 65-year-old woman from Guit County told CIVIC: “The SPLA has made civilians afraid of them because of [what they’ve done]. They need instructions to help them understand their role and improve their relations with civilians.”<sup>259</sup> A 35-year-old man from Mayom County said similarly: “There needs to be a complete reform of the army, so that they don’t respond to tribal commands [and] attack women and children.... The police have the same problem... and need the same solution.”<sup>260</sup>

To address these deficiencies, there was often a desire to see professional, foreign militaries train the SPLA on its role and responsibility with regard to civilians. “The [SPLA] need much attention for them to be a national army,” said a 35-year-old church leader from Rubkona County. “They need to be trained by expatriates, so that they understand the role of the army in different countries.”<sup>261</sup>

In a 2010 report, Small Arms Survey estimated that “[u]p to 90 per cent of the [SPLA] ranks are illiterate, as are at least 70 per cent of the officers.”<sup>262</sup> Several civilians interviewed by CIVIC linked the military’s treatment of civilians directly with its low levels of literacy, and believed that literacy should be an urgent priority in any reform efforts. For example, a 39-year-old woman from Pibor said, “The SPLA needs to bring in educated soldiers, [and] the uneducated ones must be demobilized or taken back to school, so that they can perform their duties well.”<sup>263</sup>

Many civilians stressed that a reformed military needed to be drawn from all ethnicities and tribes in South Sudan—including at the leadership level. There was a belief that this would better establish a national identity to the military. A 68-year-old woman from Leer County told CIVIC: “[A] newly trained army should be formed from all corners of South Sudan, to make it neutral and respected by people.”<sup>264</sup> A 29-year-old woman from Panyikang County likewise hoped for a “new army... from all tribes of the country.”<sup>265</sup>

Several government officials interviewed by CIVIC recognized these problems and also underscored the need for qualifications in terms of accepting or promoting people within the country’s security forces. A politician from Upper Nile expressed:

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257 CIVIC interview, Malakal POC, October 2015.

258 CIVIC interview, Bentiu POC, September 2015.

259 CIVIC interview, Bentiu POC, September 2015.

260 CIVIC interview, Bentiu POC, September 2015.

261 CIVIC interview, Bentiu POC, September 2015.

262 Rands, *In Need of Review*, p. 25.

263 CIVIC interview, Juba Mahad camp, September 2015.

264 CIVIC interview, Bentiu POC, September 2015.

265 CIVIC interview, Juba Mahad camp, September 2015.

*We need to separate the army from politics.... How many thousands of soldiers do we need? And how can they reflect the diversity of South Sudanese society? ... We need to put [in place] criteria for accepting people in the army. There should be qualifications—academic qualifications, experience, age, [and] professionalism [standards]. This needs to be the same for the police, for national security, [and] for the wildlife [forces].<sup>266</sup>*

There was little illusion that the process of reforming the military would be quick or easy. Several civilians believed the problems ran so deep that, as expressed by a student from Rubkona County, the military might “need to be dismantled and reorganized.”<sup>267</sup> Most expressed a desire for less extreme measures, but felt it critical that both the SPLA and SPLA-IO forces “go through training... [and] come together and reconcile, so that they can again regain acceptance from all communities in South Sudan.”<sup>268</sup>

## Security sector reform should be a critical priority for the South Sudanese government and military leadership.

Following the demilitarization and cantonment process outlined in the peace agreement, security sector reform should be a critical priority for the South Sudanese government and military leadership as well as for donor partners and regional stakeholders. Literacy campaigns; improved diversity, including among officers; and scenario-based trainings rooted in international humanitarian law and civilian protection

should all comprise core aspects of any reform efforts. Given the amount of time and money invested in professionalizing the SPLA after the signing of the CPA in 2005, it will also be essential for international partners to draw on lessons learned.<sup>269</sup>

### Disarmament of Militias

Regardless of ethnicity or region of origin, civilians interviewed by CIVIC felt strongly that the disarmament of militia groups is a critical priority. Small arms and light weapons (SALW) are widespread in South Sudan,<sup>270</sup> including among civilians.<sup>271</sup> During Sudan’s second civil war, both sides armed youth militias—the government of Sudan, to support proxy groups against the SPLA; and the SPLA, so that it could “shift [its] focus and efforts from community security to the ongoing war with the north.”<sup>272</sup> The instrumentalization of militia groups has expanded even further during the recent conflict, with both sides relying directly on them—and, to varying degrees, exercising control over them. Many of the conflict’s worst atrocities have implicated these groups.

Even outside the context of national conflict, the proliferation of SALW among militia groups, and civilians more generally, has had devastating consequences for communities across the country. As small arms have replaced “traditional weapons such as spears and machetes... the lethality of pastoral conflict,” including cattle raiding, “has risen dramatically.”<sup>273</sup> Cattle raiding with SALW has also led to an arms race among communities, as such weapons are then perceived as the only way to protect a community’s cattle, defend it from such violence, and carry out retaliatory attacks.<sup>274</sup>

266 CIVIC interview, Juba, October 2015.

267 CIVIC interview, Bentiu POC, September 2015.

268 CIVIC interview with 40-year-old man from Guit County, Bentiu POC, September 2015.

269 See, e.g., Rands, *In Need of Review*.

270 See Small Arms Survey, “Supply and Demand: Arms Flows and Holdings in Sudan,” *Sudan Issue Brief* no. 15, December 2009 (estimating around 2.7 million small arms between Sudan and South Sudan, including 720,000 small arms for a South Sudanese population of around 9 million people).

271 See Saferworld, *Civilian disarmament in South Sudan: A Legacy of Struggle*, p. 5.

272 *Ibid.*, p. 5.

273 Tom Richardson, “Pastoral violence in Jonglei.”

274 *Ibid.* See also Saferworld, *Civilian disarmament in South Sudan*, p. 7.



The consequences of small arm proliferation on both community- and national-level violence led many civilians interviewed by CIVIC to see disarmament as one of the country's most pressing issues. In particular, many people expressed concern that militia groups appeared to be easily manipulated and used by people in power. An 80-year-old man from Koch County, speaking specifically about government-allied militia groups in Unity state, told CIVIC: "[The militias] need to be disarmed, because they are destructive and can easily be used by external forces to harm people."<sup>275</sup> A 32-year-old man from Guit County, whose cattle had been looted by a youth militia, said similarly, about militia groups more generally: "They are not organized and professional, or even legal... They are just being used... to come and do the dirty work. [They] should be completely disarmed and returned to their homes."<sup>276</sup>

Some people focused specifically on the disarmament of a militia group seen as hostile to their community. For Nuer in Bentiu POC, people concentrated particularly on the Bul Nuer militia; for Dinka in Mingkaman IDP camp, people concentrated on both the White Army and armed Murle groups.<sup>277</sup> Yet, many people spoke more generally, wanting to see all militias disarmed. Indeed, several people whose primary experience with militia groups was having been *protected* by them even believed they should be disarmed. A 42-year-old man from Ayidi payam told CIVIC: "Although they protected me from [the SPLA-IO], the Ayidi militia should be disarmed by the government."<sup>278</sup>

Opinions differed sharply on who should take the lead in disarmament. Civilians from groups that tended to support the government believed that it should be responsible for disarming militia groups. A 20-year-old woman from Kolnyang payam said, in talking specifically about armed Murle youth, that "[t]hey have to give their guns to the government."<sup>279</sup> On the other hand, civilians from groups that tended to oppose the government wanted to see external actors, such as the UN, leading disarmament.<sup>280</sup>

Although the government will be principally responsible for implementing any disarmament program, strong oversight by international actors, including the UN, will be needed if all communities are to feel confident and engage with the process. International involvement is like to be particularly important with respect to the destruction of collected weapons, lest communities fear that weapons might be redistributed to rival groups. Disarmament should also be done in close consultation with civil society and traditional leaders, with the goal of promoting voluntary, rather than forced, disarmament.<sup>281</sup> Finally, it is critical in South Sudan that disarmament be undertaken simultaneously with different groups from a specific region; otherwise, past disarmament programs in the country demonstrate that people will not feel comfortable relinquishing their weapons, as it may leave them open to attack.<sup>282</sup>

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275 CIVIC interview, Bentiu POC, September 2015.

276 CIVIC interview, Bentiu POC, September 2015.

277 CIVIC interviews, Bentiu POC and Mingkaman IDP camp, September 2015.

278 CIVIC interview, Mingkaman IDP camp, September 2015.

279 CIVIC interview, Mingkaman IDP camp, September 2015.

280 CIVIC interviews, Juba and Bentiu POC, August and September 2015.

281 See Saferworld, *Civilian disarmament in South Sudan*, p. 12 ("[P]ast experience in South Sudan suggests that the more voluntary the civilian disarmament process is, the smaller the risk of civilian deaths.").

282 Cecily Brewer, "Disarmament in South Sudan," *Complex Operations* Case Study no. 7 (Center for Complex Operations, 2010), p. 3.

A group of armed men came to our village [around April 2015]. It was the Bul Nuer youth under the command of [name omitted]. They set our house and food items on fire and also fired on us [with their guns].... My mother-in-law and my father were burned in their house because they could not [run]. My mother-in-law is a blind, old woman... We ran, leaving behind our elders and livelihoods. In the process of running, three of my kids drowned. My 17-year-old daughter was raped, but she survived.... [The Bul Nuer] came with their wives, to carry the looted items. Sometimes their wives would request the husband to remove a cloth out of a dead woman, if they were interested in it....

I came to the UN [POC site] because there was no food or shelter. People were staying in the swamps with too many mosquitoes, and people were suffering from malaria with no medicine. Some people with strong hearts would go back [to the village when] the attackers left the area, to try to cultivate their farms, but the attackers came back and cut down the entire plantation, so the only means of survival was to eat water lilies.... [The World Food Programme] decided to give us food through airdrops, but we were attacked and all the food was taken. Many people were killed when they were trying to receive the food.... We decided to monitor the roads and come to the UN camp.

Here, the main protection challenge is when we go outside the gate to collect firewood. Some women are attacked and raped, even killed. But security inside the [POC site] is good. I see the UN as my sanctuary now.

The fighting is not only among different tribes, but also involves families on opposite sides of the war. This will require care [to address].... What I want is for [the government and military] to let us go back home and to not see any armed men around, so that I can do my normal activities peacefully. If they are really serious and care for us, they will think about some compensation for the losses, to allow us to start a new chapter in life. If not, we will just swallow the pain and suffering.

I want to see [perpetrators] punished... for the level of crimes [they committed].... The SPLA are the enemy of peace. The Bul Nuer should just join Warrap state, because I do not think they can be part of [our community] anymore. They should be disarmed immediately and arrested for these atrocities they committed against us.

<sup>283</sup> CIVIC interview, Bentiu POC, September 2015. Nyataba is not her real name.

## Recognition, Inclusive Reconciliation, and Post-Harm Assistance

***“If they recognize that they made me suffer and compensate my loss so that I can restart my life, that will make me forgive them.” – 67-year-old farmer from Rubkona County<sup>284</sup>***

Feelings of anger and resentment are prominent as a result of the way that civilians have been targeted and harmed during the conflict. People overwhelmingly worried that, if the reconciliation process failed to address the deep grievances that exist, the likelihood of revenge killings or inter-communal violence was high. For the majority of civilians interviewed by CIVIC, cycles of violence would only be broken if the immediate post-conflict period included three related things: recognition by the parties to the conflict of the harm they caused; an inclusive reconciliation process that focused on individuals and communities, in addition to political dynamics; and post-harm assistance that addressed the most urgent needs of people affected by the conflict.<sup>285</sup>

Many people saw a successful reconciliation process as beginning with the parties to the conflict acknowledging the harm they inflicted against civilians. “So long as we are human beings, it will be difficult for us to forgive,” said a 68-year-old woman from Leer County. “We need the leaders to come to us and accept and acknowledge their mistakes. They must do that for us to be able to forgive them.”<sup>286</sup> A 28-year-old woman from Juba said similarly: “They have to recognize that they made a mistake by killing innocent people who have nothing to do with politics.”

Recognition was often seen as related to a public request for forgiveness. A 40-year-old woman from Warnyol payam in Jonglei told CIVIC: “We women all over the world are people of peace.... But [those responsible for harm] should ask for forgiveness and confess to the nation’s citizens.”<sup>287</sup> A 51-year-old man from Panyikang County said likewise: “The government should come [to Upper Nile] and apologize for what has happened. Without an apology, how can there be reconciliation?”<sup>288</sup>

In addition to recognition by those who caused harm, people overwhelmingly believed that, for a reconciliation process to be successful, it needed to be inclusive and focused on local, as well as political, dynamics. A 52-year-old woman from Pochalla County told CIVIC: “I want to see a national healing initiative, which should begin with the two key leaders apologizing to the general public. The process should include all the ten states up to every single household participating in... reconciliation, so that no one is left out.”<sup>289</sup> Indeed, many people saw the local and political reconciliation process as being distinctly different—with the latter a concern for people throughout the country only inasmuch as it would provide the space for people to spearhead local reconciliation efforts. A 69-year-old woman from Makuach payam in Jonglei related, “We local people need peace so that we do our reconciliation among ourselves and the government has to do theirs so that they do not cause and spread [violence] to us.”<sup>290</sup>

Several people stressed that, given the scale of the atrocities and the personal nature of much of the violence, reconciliation would take a significant amount of time and effort—and should be carried out at a pace driven by the needs of those who have suffered harm. “The leaders should not forget that the communities have painful memories as a result of this war,” said a 33-year-old man from Juba. “Whatever is done [for reconciliation] should not be something forceful; [the population’s] willingness should be

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284 CIVIC interview, Bentiu POC, September 2015.

285 CIVIC interview, Bentiu POC, September 2015.

286 CIVIC interview, Juba POC, August 2015.

287 CIVIC interview, Mingkaman IDP camp, September 2015.

288 CIVIC interview, Malakal POC, October 2015.

289 CIVIC interview, Juba Mahad camp, September 2015. A 27-year-old man from Koch County similarly stressed the need to involve communities and carefully plan reconciliation: “I need the two warring parties to come together and apologize to the public as one.... The pain is still fresh. Lots of activities must take place before people come together for reconciliation. It is a national matter and at all levels. Communities should be involved if they want peace to come to South Sudan.” CIVIC interview, Bentiu POC, September 2015.

290 CIVIC interview, Mingkaman IDP camp, September 2015.

confirmed first.”<sup>291</sup> A 57-year-old man from Leer County expressed, regarding the time it might take: “We need to involve as many citizens as possible [in reconciliation], because people are all affected in one way or another.... It will take lots of work, and [it may] take two to three years for the victims to fully accept reconciliation and to forgive one another.”<sup>292</sup>

The failure to ensure an inclusive approach to reconciliation, driven by the needs of affected populations, could lead to serious consequences, according to many civilians interviewed. A 50-year-old woman from Panyijar County told CIVIC: “It will take time for communities to come together as they were before, because the pain has become too much in the hearts and minds of people. If [communities] are brought together without proper preparation, revenge killing will hit seriously.”<sup>293</sup>

In addition to recognition and inclusive reconciliation, civilians near universally expressed a desire for post-harm assistance related to the harm they suffered—despite stressing, in the words of 40-year-old man from Guit County, that “what we have lost is more than [can be] compensated.”<sup>294</sup> As noted in the “Patterns of Harm” section, above, in addition to widespread killings and sexual violence, the conflict has been marked by the destruction of villages and looting of cattle, meaning that people often have no home to return to and no way to rebuild their lives. People often believed that post-harm assistance was a way for the warring parties to begin atoning for the way they waged the conflict against civilian populations and to rebuild confidence that the peace process was relevant to them. “People have lost their property, their means of earning a living,” said a 57-year-old man from Rubkona County. “If we are to feel the peace dividend, something has to be done in response to the harm caused.”<sup>295</sup> A 35-year-old man from Mayom County likewise told CIVIC: “The Greater Upper Nile communities that have been displaced should be given some kind of compensation, to start life fresh.”<sup>296</sup>

## POST-HARM ASSISTANCE

This report advocates for post-harm assistance for civilians who suffered harm during the conflict. The concept of post-harm assistance encompasses both reparations, which are a legal remedy to which victims are entitled for violations of international human rights and humanitarian law; and “amends,” which include recognition, apologies, monetary compensation, or other forms of assistance for victims of incidental harm. While reparations and amends share a common foundation and take similar forms in some contexts, the making of amends is not legally mandated for civilians harmed within the course of parties’ lawful combat operations.

CIVIC seeks to ensure, as a matter of policy, that all victims receive recognition and assistance from warring parties. In the context of South Sudan, for example, CIVIC believes that, regardless of the legality of certain SPLA helicopter gunship attacks under international humanitarian law, civilian victims of those attacks should be entitled to recognition and monetary or in-kind assistance. Post-harm assistance can also include additional programs created by the government to assist victims in their recovery. Examples include free medical care and livelihood assistance projects.

In line with its focus on amends, CIVIC strongly supports the rights of all victims to justice and accountability for harm they have suffered as a result of violations, including the provision of reparations. CIVIC believes that warring parties that are committed to the practice of amends must comply with their existing international legal obligations to take all feasible precautions to minimize civilian harm in the first place.

291 CIVIC interview, Juba POC, September 2015.

292 CIVIC interview, Bentiu POC, September 2015.

293 CIVIC interview, Bentiu POC, September 2015.

294 CIVIC interview, Bentiu POC, September 2015.

295 CIVIC interview, Bentiu POC, September 2015.

296 CIVIC interview, Bentiu POC, September 2015.

People prioritized in particular assistance in rebuilding their homes and schools, in part because there was little belief that monetary or in-kind payments would ever be made for harm like killing or sexual violence. “[We need] leadership that will not favor one community over the rest, especially during the time of reconciliation,” said a 32-year-old church leader from Rubkona County. “Our homes and schools that were destroyed by the government, we request the same government to come and rebuild [them for us].”<sup>297</sup> A 60-year-old woman from Panyijar County said similarly: “The government should construct shelters for us, where we will go and start a new life. We need [help in] rebuilding our destroyed villages.”<sup>298</sup>

## People prioritized in particular assistance in rebuilding their homes and schools

Many people felt strongly that, if they were to take seriously any assistance or compensation, it should come from the government’s own initiative, rather than be demanded by those who were harmed or be imposed by foreign actors. Seeing such a commitment from the government was more important than receiving full compensation—something expected by few, if any, civilians interviewed by CIVIC. A 33-year-old man from Juba explained:

*By themselves, they need to know that the immediate needs of victims have to be addressed. The actions they take towards bringing peace back to the country will show their seriousness.... We need compensation for the loss of our property—[it doesn’t have to be] for everything, but at least something so that you can go and start your life.”<sup>299</sup>*

A 50-year-old woman from Panyijar County said similarly: “The leaders should [decide on their own] to provide assistance depending on the level of destruction made by their forces.... It should not be us that [has to] request the assistance.”<sup>300</sup>

The African Union Commission of Inquiry report produced similar findings about the importance of recognition, reconciliation, and post-harm assistance:

*In considering how amends could be made for the grievous wrongs and injury done in South Sudan, the Commission took into consideration the view of the South Sudanese which broadly encompassed healing, reconciliation, accountability and reparation in a holistic form. Based on these views, the Commission learnt that people want an acknowledgement of the wrong deeds done, an expression of remorse, as well as accountability in the form of retributive justice.... Genuine attempts must be made to address concerns specific to surviving victims, which may include loss of family and relatives, displacement, loss of property as well as physical and mental scars from violations suffered, which necessitate psycho-social support and rehabilitation.”<sup>301</sup>*

Based on these findings, the Commission recommended a criminal justice mechanism; a truth and reconciliation commission; and, directly related to post-harm assistance, a “national reparations fund and programme” as well as a “framework for memorialization.”<sup>302</sup> The Commission noted repeatedly that the design and implementation of such programs and measures “should be gender-sensitive.”<sup>303</sup>

297 CIVIC interview, Bentiu POC, September 2015.

298 CIVIC interview, Bentiu POC, September 2015. A 28-year-old woman stressed in particular the rebuilding of schools, given the devastating—and likely long-term—impact that the conflict has had on the education of children in Greater Upper Nile: “The children [in Greater Upper Nile] have missed school for two years. Schools must be rebuilt and [the education of these children strengthened], so that they can catch up with the children from Bahr el Ghazal and Equatoria.” CIVIC interview, Juba POC, September 2015.

299 CIVIC interview, Juba POC, September 2015.

300 CIVIC interview, Bentiu POC, September 2015.

301 AU COI report, paras. 1143, 894. See also AU COI report, para. 875 (“[H]ealing takes various dimensions, but begins with acknowledgement of wrongs done [and] restoration of dignity of victims through reparations, including apology[.] At personal and community levels, traditional and customary methods must be employed in addition to judicial and other formal methods.”).

302 Ibid., para. 1152.

303 Ibid.

The mechanisms that the Commission recommended map closely with the three transitional justice institutions to be established in accordance with the August 2015 peace agreement. For post-harm assistance in particular, the peace agreement calls for the transitional government to create, “within six (6) months of the signing of this Agreement[,] a Compensation and Reparation Fund, CRF[,] and Compensation and Reparation Authority, CRA[,] to administer the CRF.”<sup>304</sup> As of this writing, the formation of the transitional government remained in limbo, making it highly unlikely that the six-month timeframe for the CRA and CRF will be met.

A delay may be for the best, however, as it is critical that the government establish the CRA and CRF in a way that will set it up for success. Many details need to be worked out, including the types of harm that it will address. The peace agreement suggests a focus primarily on the loss and destruction of property,<sup>305</sup> which, as noted above, will address some of the most pressing needs of affected populations, but also leave many other forms of harm—including killings, sexual violence, and torture—uncompensated. In addition, it is unclear how, exactly, the CRA will interact with the two other transitional justice mechanisms that the peace agreement envisages, including, in particular, the Commission for Truth, Reconciliation, and Healing (CTRH).<sup>306</sup> Finally, it is unclear if and how the CRA will undertake investigations to determine the validity of claims as well as what compensation will be provided for different types of harm.<sup>307</sup> Each of these questions, and many others, need careful consideration—including an examination of best practices from similar contexts, particularly in sub-Saharan Africa; as well as an understanding and respect for what is culturally appropriate and needed among the various affected populations in South Sudan.<sup>308</sup>

## Justice

***“These atrocities should not be repeated again. People must be punished so that they know that.”  
– 50-year-old woman from Unity<sup>309</sup>***

Civilians overwhelmingly expressed a strong desire to see justice for the harm they suffered during the conflict. There appeared to be some differences between groups, but a majority of respondents from each of the main ethnic groups interviewed by CIVIC believed justice is crucial. Indeed, many people made explicit the link between criminal accountability and the ability to move past the harm and toward reconciliation.

Across gender, age group, and the type of harm suffered, Nuer interviewees in Juba POC, Bentiu POC, and Malakal POC, as well as Shilluk interviewees in Malakal POC, near universally described justice as essential. Based on its quantitative survey of 1,178 people in Malakal POC, the South Sudan Law Society has published similar findings, noting that 95 percent of Nuer and Shilluk responded affirmatively “to a closed question on whether perpetrators of conflict-related abuses should be prosecuted in courts of law.”<sup>310</sup>

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304 Peace Agreement Chap. V, para. 4.1.

305 Ibid., Chap. V, para. 4.2.d (“The CRA shall provide material and financial support to citizens whose property was destroyed by the conflict and help them to rebuild their livelihoods in accordance with a well-established criteria by the [Transitional Government of National Unity].”)

306 For example, the CRA and CRF are to be established immediately, with the government establishing criteria for who can receive assistance, but the Agreement also mentions applications to the CRA coming from the CTRH. See Peace Agreement, Chap. V, para. 4.2.f.

307 At least one member of South Sudan’s parliament is already considering these questions, telling CIVIC: “There is really a need for compensation. But we need certain mechanisms to be [established] and used, to identify [what compensation is deserved] based on the destruction that has been done.... We need an independent commission that can go to the field.” CIVIC interview, Juba, October 2015.

308 The AU COI was right to note that there is much to draw from traditional justice mechanisms in South Sudan, as they often “combine retributive and restorative remedies which include payment of compensation in modes acceptable by litigants, often cattle. The notion of civil accountability i.e. compensation to an individual for loss suffered, is indeed one of the key features of South Sudan’s indigenous justice systems.” AU COI report, para. 1151.

309 CIVIC interview, Bentiu POC, September 2015.

310 South Sudan Law Society, *A War Within*, p. 29 (reporting also that “[d]eterrence (83%) and retribution (61%) (i.e. ‘they deserve to be punished’) are the most common rationales for supporting criminal prosecutions.”). In another study by the South Sudan Law Society, conducted across six states in South Sudan, “When asked whether the individuals responsible for abuses should be prosecuted in courts of law, 93 percent of respondents said ‘Yes.’” South Sudan Law Society, *Search for a New Beginning: Perceptions of Truth, Justice, Reconciliation and Healing in South Sudan*, June 2015, p. 37.

The feeling among many people who CIVIC interviewed was that the scale and nature of the crimes committed necessitated justice. A 71-year-old man from Fashoda County told CIVIC: “The law must punish those who made mistakes. Why do you kill the blind, the disabled, [people with mental illness], children, [and] women? Why do you rape women? This must be punished, otherwise we are saying it is acceptable.”<sup>311</sup> A 60-year-old female church leader from Panyijar County felt similarly, while also noting the consequences of failing to ensure justice: “The types of crimes committed [during this war] are very deep. If it is not handled properly, it can easily [lead people] to seek revenge.... If perpetrators are brought to justice according to the crimes they committed, people may feel vindicated, even if not 100 percent.”<sup>312</sup>

## Many people linked justice to their ability to move past the trauma of the recent conflict

Many people linked justice to their ability to move past the trauma of the recent conflict and begin the process of forgiveness. “I need to see that justice is done,” said a 70-year-old man from Mayendit County. “The perpetrators of this war have to pay, and then we can forgive and start a new chapter.”<sup>313</sup> A 33-year-old man from Juba likewise said, “I want to see justice [that matches] the level of crime committed. Once I have seen punishment taking place, I will be [satisfied] and also [have] room to forgive.”<sup>314</sup>

Other people focused on the importance of ensuring that a message was sent that such harm would no longer be tolerated. A 38-year-old student from Rubkona County explained: “Reconciliation will not be easy, because the wounds of the crisis are yet to be healed. I want to see justice. The criminals must be tried so that nothing like this can be repeated again.”<sup>315</sup>

Perceptions among the Dinka displaced populations in Malakal POC and Mingkaman IDP camp were more divided, as the South Sudan Law Society’s quantitative survey likewise demonstrated.<sup>316</sup> A majority of interviewees still expressed a preference for accountability, including a 28-year-old man from Baidit payam in Jonglei:

*It always pains you when you think again of what happened, so there is a possibility of war again if these people are not punished.... They should be taken to court to answer for killing people who have not done anything. If they accept the wrongdoing, then I will change my bitter heart.*<sup>317</sup>

A substantial minority of Dinka interviewees, however, indicated little interest in criminal justice, believing that, based on their faith, the only relevant judgment would occur later. A 35-year-old woman from Mathiang village told CIVIC, in words similar to several other interviewees: “I and my people are believers of God, so it is almighty Father who will do whatever to Riek, who has caused two wars [that have affected] us, one was when I was a small girl and [now as] I am a mother of children.”<sup>318</sup> A 30-year-old woman from Twic East County said more directly, “God will be the one to punish them.”<sup>319</sup>

311 CIVIC interview, Juba, October 2015.

312 CIVIC interview, Bentiu POC, September 2015. The South Sudan Law Society similarly found, “Increased demand for prosecutions can also be viewed as a response to the ways in which the current conflict has broken from widely recognized (if not essentialized) norms that guide inter-communal violence.” South Sudan Law Society, *A War Within*, p. 29.

313 CIVIC interview, Bentiu POC, September 2015.

314 CIVIC interview, Juba POC, September 2015.

315 CIVIC interview, Bentiu POC, September 2015.

316 South Sudan Law Society, *A War Within*, p. 29 (finding that “[j]ust 60 percent of Dinka respondents believe that people responsible for abuses should be prosecuted”).

317 CIVIC interview, Mingkaman IDP camp, September 2015.

318 CIVIC interview, Mingkaman IDP camp, September 2015.

319 CIVIC interview, Mingkaman IDP camp, September 2015.

Despite the strong desire for justice, many people felt pessimistic that it would ever happen. A 35-year-old woman from Pibor believed “it [would] be hard... because a lot of people are involved in this war.”<sup>320</sup> A 28-year-old woman from Twic East County, who noted the lack of justice after civilians were targeted during the SPLA split in 1991, told CIVIC: “People shouldn’t waste their time waiting for justice.”<sup>321</sup>

Several people, including a 40-year-old man from Guit County, expressed specific concern with relying primarily on domestic judicial institutions:

*If I receive true justice, I will not continue to complain, because after all, I cannot bring back loved ones who have been lost. I still have reservations on whether this country will come together again because things have not been going well since the signing of the CPA.... [W]ho will bring that justice we are talking about?”<sup>322</sup>*

In the South Sudan Law Society’s survey in Malakal POC, over 70 percent of respondents to “an open question about which court is best able to secure justice for abuses committed since December 2013” cited either an international or hybrid court, compared to 10 percent who mentioned statutory civilian courts, 8 percent who mentioned military tribunals, and 4 percent who mentioned customary courts.<sup>323</sup> In a previous South Sudan Law Society survey conducted across six states, the preference for an international or hybrid court was much lower—around 43 percent—but still significant.<sup>324</sup> Regardless of the type of judicial institution, the key, as a 57-year-old man from Leer County expressed to CIVIC, is that there is “a neutral body that can ensure justice [against] the people found guilty for the crimes... [committed] during the current war.”<sup>325</sup>

If accountability moves forward, one potential complicating factor is that, for a substantial minority of civilians who CIVIC interviewed, there is a desire to see the imposition of the death penalty. The lines between justice and vengeance are at times blurred, as seen in the sentiments of a 20-year-old student from Kolnyang payam in Jonglei: “I need them to be taken to court to answer for what they have done. I will feel relieved to see some of them who have killed my uncle’s family killed.”<sup>326</sup>

Chapter V of the August 2015 peace agreement outlined the creation of a Hybrid Court for South Sudan (HCSS), demonstrating a commitment from the parties to the conflict to respond to civilians’ need for accountability. In late September, the African Union Peace and Security Council issued a communiqué calling for the AU Commission to establish the HCSS, showing strong regional support as well.<sup>327</sup> The UN and key donors have likewise pledged assistance.<sup>328</sup> Progress in the coming months would go a long way toward addressing the almost unanimous desire of civilians affected by the conflict, and to helping ensure that similar harm does not happen in the future.

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320 CIVIC interview, Juba Mahad camp, September 2015.

321 CIVIC interview, Mingkaman IDP camp, September 2015.

322 CIVIC interview, Bentiu POC, September 2015.

323 South Sudan Law Society, *A War Within*, p. 30. The report concluded that the preference for a judicial institution that was not exclusively South Sudanese “reflects a lack of confidence in the ability of national and local mechanisms to handle complicated cases involving human rights abuses. It also shows how polarized South Sudanese society has become. As such, it would be very difficult for a wholly national process to be free from actual or perceived bias.” Ibid.

324 South Sudan Law Society, *Search for a New Beginning*, June 2015, p. 40. A majority did, however, express a preference for holding any trials in South Sudan. Ibid., p. 41.

325 CIVIC interview, Bentiu POC, September 2015.

326 CIVIC interview, Mingkaman IDP camp, September 2015. A 27-year-old man from Koch County felt similarly: “For me to forgive and forget the harm inflicted on me, I need to see the perpetrators get a life sentence or the death penalty.... Then I will relax.” CIVIC interview, Bentiu POC, September 2015.

327 AU Peace and Security Council, “Communiqué of 547th meeting of the PSC, at the level of Heads of State and Government, on the situation in South Sudan,” para. 22 (ii)(a), September 26, 2015, <http://www.peaceau.org/en/article/communique-of-547th-meeting-of-the-psc-at-the-level-of-heads-of-state-and-government-on-the-situation-in-south-sudan#sthash.APcO7QWo.dpuf>.

328 See UN Security Council Res. 2252, para. 27, December 15, 2015 (“Requests the Secretary-General to make available technical assistance for the implementation of Chapter V of the Agreement, including in the setting up of the Hybrid Court for South Sudan...”); “EU vows to support Hybrid Court on South Sudan,” *Sudan Tribune*, November 16, 2015, <http://www.sudantribune.com/spip.php?article57051>; and Stephanie Schwartz, “South Sudan’s leaders just signed a peace deal. Will it work?” *Washington Post*, August 27, 2015 (noting that the U.S. had pledged \$5 million to support the HCSS).



## Trauma Counseling

Given the level of violence that many civilians have experienced since December 2013—as well as the long legacy of conflicts through which the people in South Sudan have lived—there is an urgent need to address widespread post-traumatic stress (PTS) and other forms of mental health trauma.<sup>329</sup>

In a recent study published by the South Sudan Law Society, 41 percent of the 1,525 individuals interviewed across six states “endorsed symptoms consistent with a diagnosis of PTSD.”<sup>330</sup> In another study involving a sample of 1,178 individuals in Malakal POC, “[f]ifty-three percent of respondents exhibit[ed] symptoms consistent with a [PTSD] diagnosis.”<sup>331</sup> The report noted “[s]imilar rates were documented in the aftermath of the Rwandan and Cambodian genocides, as well as in previous studies in South Sudan.”<sup>332</sup>

Several civilians interviewed by CIVIC stressed the importance of psychosocial care to address the deep wounds that have been inflicted by the conflict. “If true peace comes, there are those who are both physically and emotionally [scarred],” said a 57-year-old man from Leer County. “They should be compensated and also given special attention... [through] psychosocial counseling and health clinics where they can get [treatment].”<sup>333</sup> A 50-year-old woman who witnessed an attack on her village in Mayendit County felt that there should be particular attention for children: “At the time of the attack on our village, many people were killed in front of children. [This] has traumatized the children, [especially] when they hear the sound of the bullet.”<sup>334</sup>

Psychosocial recovery was often associated directly with the prospects for reconciliation among communities. A 33-year-old man from Juba told CIVIC: “Some people talk of historic hatred. It can be solved... but the wounds are still fresh, so right now [an outbreak of violence] can happen at any time from both sides. [We need to] engage people with activities that will [help them recover], and slowly things will be alright.”<sup>335</sup>

While concerns about trauma understandably focus primarily on the civilian population, an official from South Sudan’s Office of the President told CIVIC that soldiers also need to be considered:

*There has been recurring trauma for civilians, which means that many people have PTSD. But even in the military, there is widespread PTSD, including from [past conflicts]. It is something that we, as a country, haven’t dealt with. Our situation is so unique because we have not even addressed the issues from the war with [Sudan]. The high criminality [by armed actors] is in part caused by the levels of trauma; people do not value human life.... We need the rehabilitation of soldiers, and yet there is no institution dealing with trauma or mindsets.*<sup>336</sup>

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329 CIVIC uses the term post-traumatic stress (PTS) to encompass both diagnosed and undiagnosed responses to traumatic events, rather than clinical term post-traumatic stress disorder (PTSD), which comes from the *Diagnostic and Statistical Manual of Mental Disorders*.

330 South Sudan Law Society, *Search for a New Beginning*, p. 23. The six states were Central Equatoria (including Juba POC), Eastern Equatoria, Western Equatoria, Jonglei (including Bor POC), Upper Nile, and Lakes. Unity state, where arguably the conflict’s most widespread atrocities against civilians have been committed, was not included, nor was Malakal POC; the responses therefore likely underestimate the prevalence of post-traumatic stress in South Sudan.

331 South Sudan Law Society, *A War Within*, p. 14. This included “70 percent of Nuer, 52 percent of Shilluk and 34 percent of Dinka” respondents in Malakal POC. *Ibid.*, p. 15.

332 *Ibid.*, p. 14.

333 CIVIC interview, Bentiu POC, September 2015.

334 CIVIC interview, Bentiu POC, September 2015.

335 CIVIC interview, Juba POC, August 2015.

336 CIVIC interview, Juba, August 2015.

In its report on Malakal POC, the South Sudan Law Society noted that “[d]espite the considerable prevalence of PTSD... relatively little is being done to address the mental health concerns of populations that have been directly exposed to large-scale violence.”<sup>337</sup> In February 2013, the Ministry of Health discussed mental health in its Policy Framework 2013–2016, and put forward a list of planned actions, including: “Draft a strategic plan for mental health. Train cadres in psychiatry and mental health counseling. Establish trauma-counseling centers. [And] [r]aise awareness of mental health issues among the leadership and ensure their political commitment.”<sup>338</sup>

After the most recent conflict, these actions are all the more critical. The country faces enormous challenges in terms of the human and financial resources available to tackle this scale of mental health trauma,<sup>339</sup> so assistance from humanitarian organizations and donors will be crucial, particularly to address the immediate needs.

**LITH**

### *56-year-old Dinka woman from Jonglei state<sup>340</sup>*

The conflict has affected my mind because I saw the killing of my neighbor. He was shot while we were running, so every time I feel like [the opposition forces] are chasing us. It is so worrying.... The Nuer armed group, who were shouting ‘kapke kapke,’ meaning ‘catch them,’ were responsible for the harm.... They killed the people they [caught].

I fled to a swampy area and hid for some days before I reached Mingkaman.... The national army protected me... when I fled to Mingkaman.... I need peace to come so that I can return home. The government and UN [should] provide security [going forward].

I [am not confident] there will be reconciliation, because this war has caused such hatred among the communities. Many have died in the hands of wrong people.

337 South Sudan Law Society, *A War Within*, p. 15.

338 Republic of South Sudan Ministry of Health, *Policy Framework 2013-2016*, February 2013, p. 16, <http://www.mohss.org/wp-content/uploads/2014/11/Ministry-of-Health-Policy-Framework-2012-2016-Final-8th-April.pdf>.

339 IRIN reported in 2012 that the “Juba Teaching Hospital [was] the only public medical facility in the country that treats mental illness. Its mental health ward has just 12 beds... [and] only a handful of nurses with the barest of training.” IRIN, “South Sudan: Urgent need for mental healthcare,” August 27, 2012, <http://www.irinnews.org/report/96181/south-sudan-urgent-need-for-mental-healthcare>. The Juba military hospital likewise “only ha[d] three staff members trained in psychology who carry out basic counseling,” despite the fact that, according to the director of the hospital, “The number of soldiers that have been traumatized—there’s so many.” Ibid.

340 CIVIC interview, Mingkaman IDP camp, September 2015. Lith is not her real name.





*Image by Adriane Ohanesian  
A boy plays with tanks made out of mud in the IDP camp inside of the UN base in Bentiu, South Sudan (June 2014).*

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## CONCLUSION

The conflict in South Sudan was often waged primarily through attacks on civilians, with both forces treating civilians perceived to be loyal to the other side as legitimate targets. The result is that at least tens of thousands of civilians have been killed, sexual violence has occurred on a massive scale, more than two million people have been displaced, and nearly one-third of the population faces severe food insecurity. The long-term socioeconomic consequences are equally devastating. Homes have been razed, crops and seeds have been destroyed, livestock have been stolen, and health facilities and schools have been damaged and ransacked.

The optimism that many South Sudanese felt as the country obtained its independence in July 2011 has now been replaced by mistrust and frustration. The SPLA, previously one of the country's most trusted national institutions,<sup>341</sup> is now seen as a divided and divisive force. Many people in Greater Upper Nile feel insecure returning to any environment in which the military is present. Moreover, both sides' instrumentalization of youth militia helped pit community against community. The resulting wounds and resentment could, if left unaddressed, fester into revenge killings and inter-communal violence.

There are, however, some encouraging signs. The long-awaited release in late October 2015 of the African Union Commission of Inquiry report, which documented the nature of civilian harm as well as underlying drivers of conflict, demonstrated regional seriousness about ending the violence and provided a roadmap for the way forward. Moreover, despite repeated ceasefire violations in the first months after the peace agreement's signing, there was minimal fighting by the end of the year, with progress toward implementation, albeit delayed, of certain provisions.

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341 IRI, "Survey of South Sudan Public Opinion: April 24 to May 22, 2013," p. 40.

If South Sudan is to avoid a spiral back into violence, the needs of civilians, who have borne the brunt of the conflict, should be at the heart of the peace process. After facing decades of conflict with resilience, expectations are clear, but measured. Civilians need to be protected during the course of military operations, with an end to targeting based on ethnicity or perceived political affiliation. In the short term, people hope that the military will go back to its barracks and militias will be disarmed, leaving patrolling and internal security to the police and the UN peacekeeping mission. Longer term, they want to see the government, with help from foreign partners, prioritize the professionalization and training of the SPLA and police. Those involved in disarmament and security sector reform will, before designing any programs, need to draw lessons from previous efforts.

In addition to having their immediate security needs met, civilians in South Sudan overwhelmingly stress the importance of transitional justice, including criminal accountability; truth and reconciliation that advances at both the national and community level; public recognition of civilian harm by those responsible; and compensation or assistance for victims. Chapter V of the peace agreement provides the foundation for addressing these expectations, through the establishment of the Hybrid Court for South Sudan; the Commission on Truth, Reconciliation, and Healing; and the Compensation and Reparation Authority and Fund. Progress in implementing these provisions would help mitigate the anger felt by those who have lost so much during the conflict and help rebuild confidence in the government and military.

Compensation in particular has a strong foundation in South Sudanese society, through the traditional practice of blood wealth, often paid in cattle head, to resolve disputes. Although the scale and nature of the recent conflict is starkly different from the traditional dispute resolution context, those mechanisms and ideals can provide guidance in thinking through how the country can best respond to the recent violence. Moreover, recognition and post-harm assistance, even if small—as most civilians expect that it would be—can provide real psychological and material help to those in need. By doing so, the government could help alleviate tensions that may lead to inter-communal violence—likely saving itself considerable human and financial cost in the long run.

Ultimately, minimizing civilian harm in South Sudan will require a commitment from the military and political leadership to rethink what constitutes a civilian as well as the ethical, legal, and strategic imperatives around civilian protection. Parties to the recent conflict perceived a strategic interest in targeting civilians—focusing on a potential military advantage from emptying an area of civilians sympathetic to the other side and on the economic windfall from raiding cattle and other property. In doing so, they ignored, or at least discounted, the short- and long-term costs associated with such harm, including the mistrust and resentment it engenders toward the government and military; the legal liability that accrues; the communal divisions it aggravates, often inflaming local conflicts; the ruin it causes for local economies; the generational impact that results from destroyed families, severe malnutrition, and the loss of years of children's education; and, most extreme, the possibility for unaddressed grievances to lead to the emergence of new armed opposition movements.

As South Sudan tries to emerge from its devastating civil war, the former parties to the conflict have the opportunity to make amends for the civilian harm they inflicted and to ensure such actions are not repeated in the future. Whether and how they respond to civilian needs and expectations in the coming year will play a critical role in determining whether the peace process succeeds in putting the country on a path that breaks free from decades of armed conflict.



RECOGNIZE. PREVENT. PROTECT. AMEND.

## ABOUT THE REPORT

*"Those Who Could Not Run, Died"* examines civilian perspectives on the armed conflict that erupted in South Sudan in December 2013, during which armed actors repeatedly targeted civilians and civilian property. The report is based on field research undertaken between August and December 2015, including more than 130 interviews with civilians affected by the conflict. As the implementation of the August 2015 peace agreement moves forward slowly, it is critical that civilians' views and needs are prioritized, particularly in terms of improving civilian protection and responding appropriately to the harm caused by all armed actors.

## ABOUT CENTER FOR CIVILIANS IN CONFLICT

Center for Civilians in Conflict (CIVIC) works to improve protection for civilians caught in conflicts around the world. We call on and advise international organizations, governments, militaries, and armed non-state actors to adopt and implement policies to prevent civilian harm. When civilians are harmed, we advocate the provision of amends and post-harm assistance. We bring the voices of civilians themselves to those making decisions affecting their lives.

The organization was founded as Campaign for Innocent Victims in Conflict in 2003 by Marla Ruzicka, a courageous humanitarian killed by a suicide bomber in 2005 while advocating for Iraqi families.

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